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SENATE—*Tuesday, May 5, 1970*

The Senate met at 11 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou infinite and eternal presence, be with the people of this land and their leaders in this solemn moment of history. Set our thoughts and our actions in the framework not of today or tomorrow but of eternity. Out of misunderstanding bring comprehension, out of division bring consensus, out of turbulence bring tranquillity. Reign as king in our own hearts and establish Thy kingdom of righteousness and peace among the peoples of the world. And unto Thee shall be the power and the glory forever. Amen.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 1, 1970, the following reports of committees were submitted:

On May 1, 1970:

By Mr. LONG, from the Committee on Commerce, with an amendment:

H.R. 15945. An act to authorize appropriations for certain maritime programs of the Department of Commerce (Rept. No. 91–837).

On May 4, 1970:

By Mr. SPONG, from the Committee on the District of Columbia, with amendments:

H.R. 9528. An act to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction (Rept. No. 91–838).

By Mr. EAGLETON, from the Committee on the District of Columbia, without amendment;

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes (Rept. No. 91–839).

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 3007. An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit; and

S. 3435. An act to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of May 1, 1970, the Secretary of the Senate on May 4, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 515. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions;

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes;

H.R. 1187. An act to amend the Act of August 7, 1961, providing for the establishment of Cape Cod National Seashore;

H.R. 1706. An act to provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.; and

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 1, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous unanimous-consent agreement, the distinguished Senator from Mississippi (Mr. STENNIS) is now recognized for 45 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield to me for a few moments, without losing his right to the floor?

Mr. STENNIS. I am happy to yield to the Senator from Montana.

ORDER FOR RECOGNITION OF SENATOR McGOVERN TODAY AFTER THE REMARKS OF SENATOR PROXMIRE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately upon the conclusion of the remarks of the Senator from Wisconsin (Mr. PROXMIRE), who is to be recognized after the Senator from Mississippi, the Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FORTHCOMING VISIT TO THE SENATE TODAY BY A DELEGATION OF MEXICAN PARLIAMENTARIANS

Mr. MANSFIELD. Mr. President, for the information of the Senate, at approximately 12:30 o'clock today we will be visited by a distinguished delegation of fellow parliamentarians from the Republic of Mexico.

I hope, at that time, that there will

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be a reasonable number of Senators in attendance in the Chamber, because the Mexican-United States Interparliamentary meeting now underway marks a decade of close and fruitful relationship between the Members of Congress of both countries.

We are looking forward with anticipation to the visit of our colleagues from south of the border to this Chamber later today.

SCHOOL DESEGREGATION: NATIONAL PATTERN

Mr. STENNIS. Mr. President, my comments today are further to remind Members of Congress and the people of the Nation of the two policies of the Federal Government regarding racial segregation in the public schools, one policy for the South and another and contradictory policy for the areas outside the South.

I first point out that I am not attacking the decision of the Supreme Court in Brown against Board of Education, the key decision by the Court in this broad field. I am not attacking the Civil Rights Act of 1964. Public schools are now integrated in my State and other States of the South on a very large scale. I introduced and fought for an amendment to the 1970 Education Act providing that:

> No person shall be refused admission into or be excluded from any public school in any state on account of race, creed, color, or national origin.

I also introduced and fought for an amendment to that act, which amendment passed the Senate on a rollcall vote by a wide margin, and which provided that the guidelines and criteria established pursuant to the Civil Rights Act of 1964, and the education amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

I mention these points in the beginning to make clear that I am not trying to overthrow the principles of Brown against Board of Education. In fact, my remarks will support the principles of that decision.

Mr. President, this legal situation existing in this Nation today is without parallel in all our history. The States in the South are being vigorously prosecuted and pursued by both the executive and judicial departments of the Federal Government, with drastic and effective demands for total integration of the races in our public school systems. At the same time, even though segregation in public schools exists on a very large scale in extensive areas outside the South—and in many instances on a much larger scale than in the South—these schools outside the South have a virtual immunity from demands for desegregation of the races. The U.S. Supreme Court declines to entertain a case from these areas that presents the question of the lgality of so-called de facto segregation. The legislative and executive branches of the Government decline to act on the ground that the judicial branch has not entered the field and passed on the legal questions involved. There are a few school districts outside the South which have been challenged, but only a negligible number.

In previous floor speeches, I have shown by indisputable figures that massive segregation still exists in the North, East, and Far West. These figures and statements are found in the CONGRESSIONAL RECORD under the following dates: November 25, 1969; December 1, 2, 3, 6, 9, and 11, 1969; January 27, 1970; February 3, 5, and 17, 1970. I respectfully insist that it is the duty of the U.S. Supreme Court to take up, pass upon, and decide the legality or illegality of the brand of segregation practiced in these areas. The Court should not shirk this duty because we will never solve the school desegregation question and the problems arising therefrom until we have a uniform national policy.

I do not rest my case today on the unsupported assertation that the Supreme Court has refused to consider cases arising from the North, East, and far West involving the legality or illegality of segregational practices. I will cite cases and give the book and page and date of each. The period about which I am talking is a time when the entire Nation has been greatly concerned about this subject. We have seen much litigation, great sums of money appropriated, funds withheld from some school districts, extensive debates on the floor of the Senate; but in all that period of time, the Supreme Court of the United States has not accepted for decision a single case coming up from Federal courts or the State courts involving the legality of segregation in the public schools in areas outside the South.

Deal v. *Cincinnati Board of Education*, 369 F. 2d 55 (6th Cir., 1966), *certiorari denied*, 389 U.S. 847 (1967), was a class action brought against the board of education of the city of Cincinnati on behalf of Negro pupils to enjoin the operation of allegedly racially segregated public schools and to enjoin the construction of new schools on sites which would increase and harden alleged existing patterns of racial segregation. This case was decided by the Sixth Circuit Court of Appeals in 1966 and was turned down by the Supreme Court without decision in 1967.

The lower court held there was no constitutional duty upon the board of education to balance the races in the public schools and that there was a failure of proof on the part of the plaintiffs to establish a policy of segregation or gerrymandering on the part of the board.

The Cincinnati schools were operated under a so-called neighborhood plan for the location of such schools. This was authorized by a statute of that State which required the school board to "provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be convenient for the attendance of the largest number thereof."

The appellants, who were plaintiffs in the court, below contended that the maintenance of a public school system in which racial imbalance existed was a violation of their constitutional right to equal protection of the law. They asserted that, because the Negro student population was not spread uniformly throughout the Cincinnati school district, even without a showing of deliberate discrimination or racial classification, there was a constitutional duty on the school officials to eliminate the imbalance.

That is exactly the hard core of the argument that has been made overall on the school desegregation issue in the South on the merits. This case was decided to the plaintiffs, the Negro children in the district court and by the circuit court of appeals. The Supreme Court of the United States declined even to entertain the case for a full review on its merits.

It was admitted that the imposition of the neighborhood school concept on existing residential patterns in Cincinnati "create some schools which are predominantly or wholly of one race or another."

The Circuit Court of Appeals affirmed the decision of the lower court and said:

> There is no constitutional duty on the part of the Board to bus Negro or white children out of their neighborhoods or to transfer classes for the sole purpose of alleviating racial imbalance that it did not cause, nor is there a like duty to select new school sites solely in furtherance of such a purpose.

The Court also said:

> The busing of pupils away from the neighborhoods of their residences may create many special problems for boards' of education. These include the providing of adequate transportation and proper facilities and personnel for the supervision, education, and well-being of *all* pupils.

Let me emphasize again the factual situation which existed. The district judge adopted as being accurate the following statement verbatim from the school board's brief:

> The Cincinnati Public School System includes a number of schools attended almost entirely by Negro pupils, a number of schools attended entirely by white pupils, and a number of schools attended by both Negro and white pupils in various percentages of each race; the racial composition of each school is simply a result of the racial composition of the neighborhoods which they serve.

Now if this situation had existed in a school district in the South from which was involved in court litigation, we can be sure that the Supreme Court would have promptly taken cognizance of the matter and ordered immediate and massive desegregation and busing of pupils for the purpose of bringing about racial balance.

In this case, on appeal the Supreme Court refused to even consider the case. It simply said: "certiorari denied," (389 U.S. 847, 1967). For my nonlawyer friends let me explain that when the Court says "certiorari denied," it means that they will not accept the case, consider it, or pass upon and decide the issues presented.

I know that many legal arguments and fine distinctions can be made about the

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meaning and effect of denying certiorari. But that is the gist of it. The Court considers the case to a degree, but declined to take it into their bosoms, hear full arguments, and decide the case with a full written opinion giving the legal basis and reasons for their decision.

One of the more significant cases is *Bell* v. *School Board of City of Gary, Indiana,* 213 F. Supp. 819 (1963), 324 F. 2d, 209 (7 Cir., 1963), certiorari denied, 377 U.S. 924 (1963). This was decided before the passage of the Civil Rights Act of 1964. But so far as I can find, the Supreme Court has never based its school decisions on the Civil Rights Act of 1964. It has relied on the constitutional principles involved, as it did in the original case of Brown against Board of Education. The Bell case was a declaratory judgment action brought by approximately 100 minor Negro children enrolled in public schools in Gary, Ind., and on behalf of the plaintiffs and all others who were similarly situated. The plaintiffs presented several questions which they asked the Court to determine. One of the more important was whether the defendant was discriminating against the plaintiffs and the class they represented by providing inferior facilities in all respects, including, but not limited to overcrowded and larger classes, and unequal recreational and extracurricular facilities in violation of their constitutional right. Another question was whether the plaintiffs and the other members of the class had a constitutional right to attend racially integrated schools and whether the defendant had a constitutional duty to provide and maintain a racially integrated school system.

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Prior to 1949, Gary operated segregated schools in accordance with a separate but equal policy then permitted by Indiana law.

Being based on a statute originally this is de jure segregation. As I said prior to 1949 the school districts in Indiana were permitted to have separate but equal schools. That is exactly the history that creates what is called de jure segregation in the South, which has been declared to be unlawful and ordered to be totally abolished in midterm and even, in some cases, within 60 days of the time the school term is to end. As I said, in Indiana segregation of the schools originated on a de jure rather than a de facto basis, but the separate-but-equal law was repealed in 1949 and replaced by an act expressly prohibiting segregated schools on the basis of race, color or creed. But the pattern, the background, the operation of the facilities are there. Most of the buildings were established.

In the 1961–62 school year there were 43,000 students in the public system and 23,000, or approximately 53 percent, were Negro. This year, 16,242 students attended 12 schools which were from 99 to 100 percent Negro; 6,981 students attended five schools which were 77 to 95 percent Negro; 4,066 attended four schools which had a range from 13 to 37 percent Negro; and 5,465 attended five schools which had a population of from 1 to 5 percent Negro; 10,710 students attended 14 schools in which the racial composition was 100 percent white.

This is the same pattern and similar circumstances as were involved in the school cases which came up from the South. In those cases the southern school districts have really been hit on the head with a meat ax and have been compelled to bring about total and immediate integration. The Gary school district, however, was given immunity. The Supreme Court did not even consider the case on the merits.

It was the contention of the plaintiffs in the Gary case that the defendant, by the manner in which it had drawn its school district boundaries, had purposely and intentionally maintained a segregated school system, thereby depriving a majority of the Negro students in Gary from attending schools with white students. This was denied by the school board.

I think the recitation of the foregoing facts is adequate to make it clear that had this case arisen from a southern school district, the result would have been the almost immediate issuance of an order directing complete and massive desegregation and the busing of schoolchildren to bring about racial balance. This was not the result in the Gary case, however.

I am not arguing with the district court as to how it decided the case. I am not arguing with the court of appeals as to how it decided the case. My point today is that they made out a case on the record on every single material fact—and I speak with due deference to the Supreme Court—that should have required that Court to examine the record, to examine the facts, hear arguments, consider the law, and give an opinion with their reasons therefor. However, they declined to do that.

The Court held that the evidence showed that the board had consistently followed the general policy of requiring the students to attend the schools designated to serve the district in which they live regardless of race. It pointed out that either by choice or design the Negro population of Gary was concentrated in the so-called central area and as a result the schools in that area were populated by Negro students. If, the Court said, the Negro population was proportionately scattered throughout the city, the racial percentage within the schools would be in relative proportion of Negroes to white. The Court stressed:

> The problem in Gary is not one of segregated schools, but rather one of segregated housing.

The lower court found no violation by the defendant of the plaintiffs' constitutional right and dismissed the complaint. On appeal, the Seventh Circuit Court of Appeals affirmed the action of the district court. It pointed out that the school board had consistently followed the policy requiring students to attend the school designated to serve the district in which they live, regardless of race. This was in accord with the Indiana statute, so the court said, which provides that all students in the public schools are to be admitted "in the public or common school in their districts in which they reside without regard to race, creed or color, class or national origin."

The court specifically rejected the argument that the right to be integrated in school is such an overriding purpose that little, if any, consideration needed to be given to the safety of the children, convenience of the pupils and their parents and cost of operation of the school system.

It further said that it agreed with the argument of the defendant that "there is no affirmative U.S. constitutional duty to change innocently arrived at school attendance districts by the mere fact that shifts in population either increase or decrease the percentage of either Negro or white pupils."

The circuit court expressly approved of and endorsed the statement in the district court's opinion, wherein it was said:

> Nothing in the many cases dealing with the segregation problem * * * leads me to believe that the law requires that a school system developed on the neighborhood school plan honestly and conscientiously constructed with no intention or purpose to segregate the races, must be destroyed or abandoned because the resulting effect is to have a racial imbalance in certain schools where the district is populated almost entirely by Negroes or whites.

Cases like this have come up from the South where there was a history of segregation statutes that were legal until 1954, and the Court still says that there is a presumption of guilt, a presumption of wrongdoing and, therefore, ordered desegregation. Here, the Supreme Court would not even consider the case.

Again, upon appeal the Supreme Court denied certiorari—377 U.S. 924—and declined to pass upon the legality or illegality of the brand of segregation practiced in the schools in the North. We can be sure, however, that had this case arisen from a southern city, regardless of the population concentration and pattern, and the fact that the school system was bottomed on a neighborhood school plan, the Court would have promptly heard the case—because that is what they did in many cases from the South; promptly reversed the lower court; and promptly ordered desegregation in order to upset the racial imbalance in the schools, even though the districts or the subdistricts were populated almost entirely by Negroes or whites.

These schools in the Gary, Ind., case, or at least some of them, were built and existed during the years when the laws of Indiana expressly permitted separate schools for the races and, hence, de jure segregation resulted. It seems to me that the Supreme Court should at least have had all the facts determined and taken jurisdiction and decided the case.

It should be pointed out that the Bell against the School Board of Gary, Ind., case was decided prior to the passage of the 1964 Civil Rights Act. However, as far as I can determine, the U.S. Supreme Court has never based its holdings in these school cases on the basis of any part of the Civil Rights Act of 1964 or amendments thereto.

The holdings have consistently been based upon the equal protection clause of the 14th amendment.

Down against Board of Education of Kansas City, Kansas, 336 F. 2d 988 (10 Cir., 1964), Cert. Den. 380 U.S. 914 (1964), was a class action brought by a group of Negro children through their parents and next friends to enjoin the appellee Board of Education from continuing certain alleged discriminatory practices in the administration of the school system.

The entire school system was operated on a segregated basis for many years prior to 1951. That is just 3 years before the Supreme Court decision in the case of Brown against the Board of Education in 1954. The pupils and faculty of each school were all of one race before 1951. In 1951 the board merged the two previously segregated junior colleges into one integrated junior college, but continued to operate four high schools, six junior high schools, and 38 elementary schools on a completely segregated basis. This was in Kansas City, Kans. Three of the high schools were white and one was Negro; five of the six junior high schools were white and one was Negro; and seven of the 38 elementary schools were Negro, and the remaining 31 were white. The faculties of all of the schools completely reflected the racial composition of the respective student bodies.

Subsequent to the decision in Brown against Board of Education, and on August 2, 1954, the board initiated a policy whereby the school system was to be integrated as rapidly as classroom space can be provided. By the opening of school in September 1956, the school district boundary lines were defined. All students were required to attend the school of the district in which they resided, unless granted a permit to attend elsewhere.

The school system was operated on what is known as a neighborhood school policy and the feeder school policy. Under the neighborhood school policy boundary lines for school attendance districts were established as nearly as possible in the area surrounding the school district, and it took into consideration such factors as school capacity, number of students, natural barriers such as rivers and railroad lines, and the possibility of increase or decrease in population. Any student living within the boundaries of that school district might attend the school as a matter of right and ordinarily was required to do so. This was in Kansas as late as 1964.

The appellants contended in the circuit court of appeals, as they did in the lower court, that the board's policy evidenced a clear pattern of the deliberate use of zone lines and assignment regulations to insure the continued operation of a segregated school system. That is what they had before the Brown decision; that is what they had when the case came up; and as far as I know that is what they still have. It should be emphasized that prior to 1954 in the Brown decision the segregated school system in Kansas City was de jure and not de facto. In this respect, the background and history was the same as it is alleged to be in the South.

The record disclosed that at the time of the trial in the court below the student bodies of seven elementary schools were all predominantly Negro. Two of the junior high schools at that time were virtually 100 percent Negro and all of these schools were staffed by Negro personnel. At the same time, 11 of the elementary schools had an all-white student body, and out of a total enrollment of 7,257 in the remaining 20 elementary schools there were 1,360 Negroes in attendance.

In affirming the lower court, the court of appeals pointed out that the neighborhood school system and other school systems, by which admission to the school is determined upon the basis of similar criteria, such as residence and aptitude, are in use in many parts of the country. They cited many cases recognizing the principle that in the absence of a showing that such school systems are being used to deprive a student of his constitutional rights, they are not objectional on constitutional grounds.

The appellate court admitted and recognized that there was "a racial imbalance in the public schools of Kansas City," but held that since the school attendance districts were laid out without regard to race and on the basis of geography, school capacity, and number of children residing in the district, there was "no basis in fact for the appellant's contention that the evidence establishes 'a clear pattern of deliberate use of zone lines and assignment regulations to insure the continued operation of a dual school system.' All of the evidence is to the contrary and the trial court so found saying that the boundary lines after 1954 'were set on the basis of building location and after population studies indicated the predictable pupil loads which the various buildings could accommodate.' "

The appellate court also stated that it was also true that the staffs of the various schools were either all white, as was the case in white and integrated schools, or all Negro, but pointed out that the appellants had not cited and that the court had not found any case holding that such a policy, in and of itself, was sufficient to establish a discriminatory intent on the part of the board.

Well, of course, they cannot find a case that establishes a rule of law applicable to nonsouthern schools when the Supreme Court refuses to pass on these cases unless they are from the South.

The appellate court found that in its opinion the Kansas City school system met the "minimal requirements for nonracial schools of geographic zoning, according to the capacity and facilities of the building and admission to a school according to residence, a matter of right."

It concluded by saying:

> The decision in Brown and in the many cases following it do not require School Boards to destroy or abandon a school system developed on the neighborhood school plan, even though it results in a racial imbalance in the school, where as here, that school system has been honestly and conscientiously constructed with no intention or purpose to maintain or perpetuate segregation.

It, therefore, affirmed the judgment of the Federal district court and, as previously pointed out, the Supreme Court denied certiorari.

I have already said that, although the boundaries were changed somewhat, most of the buildings were established before the case of Brown against Board of Education. All of these patterns for the school setup were established just the same as they were in the South, but in the North they are untouchable—that is, so far—by the Supreme Court.

I am not arguing here today how these cases should have been decided by the lower court. My feeling is that somewhere, some time, somebody must have reached a decision that "We are not going to hear any of these cases except those that originate in the South."

The Kansas City is a case which is peculiarly applicable since the segregated schools had a de jure origin and were not changed until after the 1954 Brown decision; there was a clear and admitted racial imbalance in the public schools; and the staffs of the various schools were either all white in the case of white and integrated schools, or all Negro. This seems to have been a case which was particularly suitable for decision by the Supreme Court on the legality of the band of segregation practiced in the North and other areas outside the South, but again the Supreme Court declined to take advantage of the opportunity to lay down the law applicable to such school districts.

Mr. President, in view of these holdings and this situation, it does not sound good for the Congress to say, "Oh, we cannot enter that field, because the Supreme Court has not declared it illegal." The executive rulings come down, and it is said, "We cannot enter the field generally because the Supreme Court has not declared segregation in those areas to be illegal."

Why has not the Court passed on those cases? I will have to leave that answer to them, but it is a sad day when the two other branches of Government consider themselves handcuffed just because the Supreme Court has not gone into it. I think they have not gone into it because they do not want to go into these cases. That is the only practical conclusion I can reach, based upon an observance of human nature and observing the application of these broad principles. It is altogether a horse of another color when these broad principles get to your own doorstep and you have to decide what you want for your own school rather than what you think they should have in schools a thousand miles from where you live.

Mr. President, the cases I have discussed show segregated schools, racial imbalance, and segregated faculties. In two of the cases the segregation traced back either to a statute or official policy, that is, de jure segregation. If these cases had arisen even in the larger cities of the South where population housing patterns are just as well defined as those in the North, they would surely have reresulted in a finding of discrimination and a requirement for immediate and massive desegregation, as well as the busing of children to bring about racial balance. In each of the cases herein discussed, and in others, the Supreme Court denied certiorari and failed to pass on the legality of the alleged discrimination. Nothing more should be necessary to make it manifest that there is one rule for the South and another and more lenient rule for the rest of the Nation.

Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has 17 minutes remaining.

Mr. STENNIS. I thank the Chair.

There is some slight ray of hope over the horizon. Chief Justice Burger has indicated that he believes the High Court should bring clarification to the legal "confusion"—and that word is his word, not mine—which now dominates the school desegregation question.

In a concurring opinion in Northcross against Board of Education of Memphis, decided March 9, 1970, the Chief Justice said:

> I would do this on the basis that the time has come to clear up what seems to be a confusion, genuine or simulated, concerning this Court's prior mandates.

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As I say, Mr. President, this is the Chief Justice of the Supreme Court of the United States speaking in all good faith. As he settles down in this august position and tries to perform his duty, he is compelled to use the word "confusion."

Well, he could tell that from the precedents and the record, but if he would just sit with school boards where these court mandates have been rapping them so hard, he would see what real confusion is. If he would sit with a school board outside the South, that is where he would find peace, harmony, and quiet.

In the same case I just cited, the Chief Justice also said that "as soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented including whether as a constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court. Other related issues may emerge."

It is a wholesome, refreshing thought to see that the Chief Justice is getting concerned by these precedents from all over the country, the great variances between the holdings of one court of appeals and another, and the very definite, unmistakable, positive policy of one rule to be applied in the South and another rule to be applied outside the South. There is a great resurgence of faith in performance of duty when this important official talks in this way.

I certainly trust that the Chief Justice intends to include in his reference to the points that need to be covered the dire need for the Court to pass on the legality of segregation outside the South, and I hope that the Court will proceed to take this step soon.

Mr. President, it will be noticed that I am not trying to tell the Court how to decide these cases. I am not trying to tell them how they should be decided or how I want them decided. That is not really relevant to this discussion. I am pointing out that the third arm of this Government so far has refused to take a stand on the question of segregation in the public schools outside the South, and that the legislative branch and the executive branch, to a large degree, are standing behind that inaction. So, as a practical matter, the score is 3 to 0 in favor of two policies on integration.

Now, if the Court moves into that field and makes a clear-cut decision one way or another, it is going to cause a good deal of reshuffling of positions, and bring on a lot of arguments. But I say that it will be helpful to all schools—all schools and the process of education—no matter how they decide.

Meanwhile, however, the South has been compelled in a series of cases by the Supreme Court to take affirmative action to root out all vestiges of segregation. In many instances the school trustees have been required to take drastic actions to bring about racial balance in the individual schools. In many cases this adjustment has been demanded by the Court at midterm and, in some cases, near the end of the school session. In one case, I think it was just 6 weeks before the session was over. In many cases the wholesale busing of children away from their neighborhood or community schools has been required, thus almost totally disrupting and interrupting and ruining the school year for countless thousands of children.

I want to say this to the Senate: I prepared this speech very carefully. I read every word of the cases I have cited, and many more. I had some help with preliminary work on the cases, but I went through them the very best I could, despite the many breaks and interruptions that go with service here.

I speak also from personal experience, when I speak of the ruinous effect of this total demand—which even they admit—of the Supreme Court of the United States that certain southern school districts integrate totally now. At the same time, I got back in these cases and found that all other areas of the country have been going on as they pleased, as far as the Supreme Court is concerned.

I tell you, Mr. President, it should not make any difference who the shoe is pinching and this is not a wholesome thing for the Government. I do not believe it can continue. I do not believe the Supreme Court, once they get into this thing and take another look at it, can continue to put up with this two-policy system.

During these same years the Supreme Court has repeatedly refused to entertain a single desegregation case for final decision from areas outside the South, even though the facts are almost the same as the facts in the cases from the South. In some non-Southern cases, which the Supreme Court refused to hear, the legal history of segregation laws was almost identical to those in the South.

Thus, I repeat, by conscious and deliberate inaction the Supreme Court has not only dodged its duty to pass on the question of the legality or illegality of segregated schools beyond the South, it has also afforded the legislative and executive departments of the Federal Government an excuse for taking the position they have taken that they will not act in an area until the Supreme Court has acted in that area.

That is the way it looks to me, clear as a bell; and I not believe this can be successfully denied on the facts.

The failure of the Supreme Court to act in these cases has been institutionalized into law. As I have stated, the President, in his recent statement, relied upon it. The circuit courts of appeals have come to rely on it. In a recent opinion involving the Cincinnati Board of Education (*Deal* v. *Cincinnati Board of Education*, 419 U.S. 1387 (6th Cir. 1969)), the Sixth Circuit, when asked to overrule its former decision, because of the recent imposition on southern schools a duty to desegregate, relied upon the denial of certiorari in the Deal, Bell, and Downs cases as precedents for the proposition that where there has been no dual school system, there is no duty to balance the races in schools. In some of them, though, the dual system has existed. The Supreme Court's failure to act is being relied by the lower courts as if it were what we lawyers call settled law. But it is not settled law by any means, because the Supreme Court has refused to take it to its bosom, and take the responsibility of making a decision. This recent case again makes clear the demand of the times is that the Supreme Court actually decide the question of the legality of segregation in public schools outside the South with reasons for its ruling clearly assigned. I believe they are going to do it.

Thus, the situation exists in the Federal Government concerning school integration, where the question of the education of all the children is considered of least importance rather than of the first importance.

Why do I say that, Mr. President? Because I know, as a matter of fact, of case after case where representatives of HEW, and some also from the Department of Justice, have been begged by the school superintendents, faculty members, and school trustees, "Let us make some adjustment here, and give us time."

They receive, sometimes in a sassy tone of voice, the answer:

> Education is not the prime purpose. You must integrate these schools on the basis of the percentage which represents the percentage of school population within your district according to race.

I say I know what I am talking about on that. I have too much evidence of it given to me by people that I have known all their lives. That would be denied officially, perhaps, but it is true, and I will cite the names of the parties involved if they want them.

I know, too, that in these hearings that have been held in some of the lower courts, the judges of those courts have felt as though they were tied and bound by these rulings of the Supreme Court with reference to total and immediate integration now in the South, regardless of its effect on the education of our children.

The courts and the legislative branch of the Government, in fact, have now discarded the previous high concern for the education of the black children, which was a major basis for the decision in the case of Brown against Board of Education decided in 1954.

I have raised that question here on the floor of the Senate in debate. I have asked, "Why do you not live up to the spirit and the real meaning of the decision in Brown against Board of Education? Why do you not come on and set a national policy?"

The answer has been:

> Oh, we cannot do that, because the Supreme Court has not ruled whether segregated schools are legal or illegal outside the South.

That is an answer without substance, Mr. President, I say with all deference.

The concern for equal educational opportunities and the education of black children was expressed in the Brown decision thus:

> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. *Brown v. Board of Education*, 347 U.S. 483, 74 S. Ct. 686, 98 L. Ed. 873.

Those are not my words. Those are the words of the Supreme Court of the United States, in that landmark decision of Brown against Board of Education.

I find it difficult to believe, as a legal question, that the foregoing statement is limited only to the South. If the black children of the South have a legal right to attend desegregated schools, then the black children of the North have the same right.

But I tell them now, they are being deserted. They are being deprived in the North of the application and benefit of the high principles of Brown against Board of Education. I am talking, now, about the black children outside the South. They are being deserted. Educational welfare is no longer the test.

I have heard it argued on this floor, "We cannot do that; it would take the National Guard to enforce it. We cannot do that; it would disturb our schools."

But to come back to the actual facts of life, I believe, Mr. President, the hard facts of the matter are these: When the question of desegregating the schools outside the South reached the point of decision for the people in nonsouthern States, they decided—or a great many of them decided—they were not willing to accept for themselves what they were imposing on the South. Thus, as of now, the political decision is to continue the desegregation pattern in and against the South, but leave the other areas of the country virtually immune. This is the pattern followed by the executive and the legislative departments of the Government now.

I am compelled to say that the inaction of the Supreme Court in this field makes possible, and I think even promotes, these political guidelines.

I have heard great concern expressed here, with respect to the education bill on which we voted, about the possibility of doing something that would slow down desegregation in the South. They did not say one word about beginning desegregation outside the South. In fact, when they had a chance to do something about it, they voted the other way, despite the fact that some of the States outside the South have passed laws calling for freedom of choice.

Mr. President, I close with the appeal that the Supreme Court of the United States entertain at the earliest possible moment a case that presents the question: Is segregation of children in the public schools in States outside the South legal or illegal? That is all I ask. This question must and should be decided as promptly as possible. The failure to reach a decision adds to the chaos and confusion already existing.

There have been many cases on related points in State courts in which certiorari was also denied. I did not intend to outline them today. I selected these Federal cases. On a later day, and soon, I hope, I shall cite specific cases which show the massive confusion and contradictions in the numerous cases on school desegregation as decided by our U.S. courts.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin (Mr. PROXMIRE) is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield 3 minutes to the Senator from Missouri (Mr. SYMINGTON), without losing my right to the floor, and that the 3 minutes not be taken out of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMINGTON. I thank the able senior Senator from Wisconsin.

SOUTHEAST ASIA

Mr. SYMINGTON. Mr. President, as is undoubtedly true of all Americans, I am worried about recent events in Southeast Asia; and the briefing received at the White House this morning does little to lessen that apprehension.

We know that in recent months we have been reducing our troop strength in South Vietnam; also that for years we have been secretly escalating the war in Laos; and now we have entered a third country—Cambodia.

Could this invasion be an admission that the policy of "Vietnamization" is failing? In any case, let us hope that the Secretary of State was correct when he said last Sunday evening, "It is a matter of limited duration. It is only going to last 6 or 8 weeks"; and that others are correct when they estimate the physical presence of our troops in Cambodia will end in even less time.

Let us hope that if Prince Sihanouk is successful in reestablishing his military control of Cambodia, that action will not entail additional military operations on our part in that country.

Let us hope also that this new development does not react negatively against the possibility of successful negotiations in Paris.

Although at first glance there may appear little connection, nevertheless there is a close relationship between the widening of this war and the growing danger to our economy resulting from these continuing heavy military expenditures. We now know that instead of the budgetary surplus previously estimated for this year, we are going to have a multibillion-dollar deficit; and any additional military operations abroad can only contribute further to the deterioration, through inflation, of the purchasing power of the dollar.

Most of all, I would hope that the decision to expand this war into a third country does not have a negative effect on the SALT talks, because those talks could be decisive as to the world's future.

It is for these reasons that I have grave reservations about the wisdom of this invasion of Cambodia at this time.

We must, of course, support those of our forces that have been committed to battle in that area. Let us earnestly hope, however, that the withdrawal timetables now being given the American people by this administration, Vietnam as well as Cambodia, will be met.

Finally, as the casualty list grows, the dangers resulting from our numerous foreign commitments become ever more clear. If these timetables are not met, then the Congress should consider how it might effectively and constructively carry out its various constitutional responsibilities, not the least of which is the power of the purse.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Military Doubts Efficacy of Single Cambodia Thrust," with a Saigon dateline of May 4, published in the Baltimore Sun of this morning.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILITARY DOUBTS EFFICACY OF SINGLE CAMBODIA THRUST

(By John E. Woodruff)

SAIGON, May 4.—Military officials here are becoming convinced that massive operations like those now in progress against the enemy's sanctuaries in Cambodia would have to be made routine parts of the war in order to have a lasting effect.

As evidence mounts that the vast enemy staging area now being cleared by allied troops is of far simpler construction and

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holds supplies in much more dispersed locations than was once expected, military officials are adopting the view that the enemy could rebuild and reoccupy the area in a shorter time than was at first believed.

"RAISE THE COST"

White House sources have said since President Nixon announced the plan to send American troops into Cambodia to "clean out" the enemy's sanctuaries that the purpose was to "raise the cost" of the war, in a single step, beyond a level Hanoi could maintain.

Military officials here, some of whom are serving their second and third tours in Vietnam, are aware of the close resemblance between this reasoning and that offered by President Johnson when he inaugurated the bombing of North Vietnam.

Some of them agree with the White House view, and even hope, as the White House sources say the President does, that the enemy has become so worn down in Vietnam and so stretched out in Laos and Cambodia that a major escalation now will force him to negotiate seriously in Paris.

PRIVATE HOPES

But they are holding these views as private hopes, and discussing the effects of the current campaigns in purely military terms.

In those terms, they say, the effect of even a massive, prolonged and through sweep of several months' duration can only deprive the enemy of his Cambodian bases for a matter of months.

If the war continues, they say, such sweeps would have to become at least annual events to have any continuing effect.

The White House sources have maintained from the first that the objective of the drives into Cambodia is primarily to collect and destroy the enemy's arms, supplies, ammunition and equipment.

This goal is more modest than those stated by some of the generals in charge of the joint American-Vietnamese drive against the base area believed to house the Communist central office for South Vietnam.

The generals have said they also believed the enemy still had large forces within the cordon established by the allied forces, and that they were hoping to smash those forces.

The goal of smashing enemy forces seemed remote today, as allied troops found only scattered, small enemy groups in the fourth day of fighting. But the drive apparently was beginning to pay off in the terms stated by the White House, as allied forces began to find enemy ammunition and supply dumps of increasingly substantial size.

EARLY HOPES FRUSTRATED

But the combination of the simplicity, the small scale and the vast number of the enemy bunkers continued to frustrate earlier allied hopes that it might be possible to demolish some fortifications in which the Communists had invested much time and effort.

Thus the chief benefit from the massive operation may be the denial of large quantities of supplies to the enemy, rather than destroying troop concentrations.

THE STOCK MARKET OF 1929 AND TODAY

Mr. SYMINGTON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Galbraith: 1929 Repeats Itself Today," published in the New York Times of May 3.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GALBRAITH: 1929 REPEATS ITSELF TODAY

(By Israel Shenker)

BOSTON—John Kenneth Galbraith, who usually needs no prompter to play Cassandra, warned last week that "the insanity" of 1929 was repeating itself.

Having earlier written "The Great Crash 1929"—that fundamental text on the market's inhumanity to man—he took his cues from the current problems of the market.

"One should be warned that those who do not learn from history are condemned to repeat it," he said in an interview, "but one shouldn't conclude that the process of repetition is precise. We might have the disciplining effect of reality—a somewhat lower price of disaster than we had in 1929."

This is about all the encouragement that Professor Galbraith managed to summon. He predicted that the collapse of the stock market would cause a decline "in consumer spending, in luxury spending, in higher income construction, in travel, and in gifts."

"I've seen this in the last few weeks," he said. "I've been helping to raise money for various Congressional candidates opposed to the war. People who would write out a check for $2,000 or $3,000 for Gene McCarthy develop an acute case of finger cramp when writing a check for $500 now."

GOOD BUYS IN JETS

Professor Galbraith added: "The manufacture and sale of corporate jets will have a slump. It'll be possible to get good ones second-hand. I'm not saying the collapse will translate itself into a depression, but the stock market had a strong effect on consumer and investment behavior in 1929, and will this time. The stock market is not a neutral phenomenon that mirrors so-called fundamental factors."

"I would make one prediction," he said. "As Walter Bagehot wrote in 'Lombard Street': 'Every great crisis reveals the excessive speculation of many houses which no one before suspected.'

"We're bound to have a certain number of great bankruptcies among these jerry-built structures constructed of debt and romance. There will be bankruptcies in the weaker conglomerates and possibly in some of the stock market houses, and massive liquidations in mutual fund securities. A number of men considered respectable will be found to have had their hand in the till or to have resorted to other illegal efforts to shore up their position."

Professor Galbraith was convinced that the market is an old dog that keeps learning old tricks. "The whole concept of glamour stocks is a perfect reproduction of 1929, and to an extraordinary extent the industries are the same," he said.

"In 1929 the glamour stock was an electronic concern—RCA—although the word electronics had not been invented. Investors felt there must be magic in any industrial process they did not understand, and they still feel that way.

"The explosion in the mutual funds is the counterpart of the old investment trusts. The public has shown extraordinary willingness to believe there are financial geniuses in the hundreds, each heading a mutual fund. Financial genius is a rising stock market. Financial chicanery is a falling stock market."

"What alarmed me were a couple of articles on James Ling [head of Ling-Temco-Vought] in Fortune, in which he talked about his theory of redeploying funds," said the professor.

"The madness is thinking that people who combine corn starch factories with sporting goods factories with aviation plants are geniuses. The madness is thinking that men who start a mutual fund and hire salesmen and then hire themselves to manage the fund are geniuses. The madness is having a hedge fund with one man who knows which stocks will go up and another man who knows which will go down."

Professor Galbraith recalled the late Fred Schwed's tale of the visitor to New York who was shown the harbor with its brokers' yachts and bankers' yachts. The visitor asked: "Where are the customers' yachts?"

Said Professor Galbraith: "I've had exactly the same reaction every time I've read of Bernie Cornfeld's moving from one mansion to another in one airplane or another with one set of girls or another. The question now to be asked is, 'Where are the customers' girls?'

LEVERAGE WORKS TWO WAYS

"I.O.S.'s Fund of Funds is an almost exact reproduction of an earlier piece of insanity—that you can multiply financial genius by investing in other geniuses. What wasn't noticed in 1929 and what is not noticed now is that leverage has a multiplying effect not only in a rising market but also in a declining market.

"One should now take the famous comment about the brokers being 'the men who took my fortune and ran it into a shoestring' and transpose it to the go-go funds."

"When I see road company operators billing themselves to the public as the greatest financial geniuses since the Rothschild family, I get a great satisfaction from realizing that circumstances will reduce them to normal," said the professor.

"As life closes in on someone who has borrowed far too much money on the strength of far too little income, there are no fire escapes. After 1929 it was remarkable how they drifted into obscurity—the Meehans and Hopsons and Cuttens and Durants."

HOOVER GAVE NO TIPS

Investors like these proliferated assurances—up to the end—about the soundness of stock investment. But even they were not able to persuade President Hoover to relay the tip, Professor Galbraith pointed out, noting that President Nixon had declared last week that if he had ready cash, he would buy common stocks.

"It shows a great lack of judgment on the President's part compared with Hoover," said Professor Galbraith. "Somebody should advise the President that Wall Street works not by first derivatives but by second derivatives. When the President says he'd buy common stocks, some people will say, 'This is encouraging and I should buy.' But very many others will say, 'If the situation is so bad that the President has to encourage the stock market, the time has come to sell.'

"President Kennedy asked my advice in 1962 when he wanted to make a speech reassuring people about the stock market, and I strongly urged him to say nothing."

Since an economist must recommend something, Professor Galbraith did: "Everybody keep silent. In the most un-American fashion, use action as a substitute for words. Put into effect a six-month freeze on wages and prices, as suggested by Bob Roosa, with provision for gross inequities. This would enable you to lower interest rates, ease up on bank lending, and use the six months to develop a permanent system of price-wage restraints."

He does not recommend the advice of his Chicago colleague, Milton Friedman, who sees salvation in monetarism. Said Professor Galbraith: "Milton had the greatest misfortunate which can befall anyone; he's a man with a major theory which doesn't work but has been tried."

SENATE RESOLUTION 401—SUBMISSION OF A RESOLUTION RELATING TO THE ASSIGNMENT TO DUTY IN SOUTH VIETNAM AND CAMBODIA OF MILITARY DRAFTEES

Mr. PROXMIRE. Mr. President, the time has come to end our sending draftees against their will to fight in Vietnam and Cambodia. The nightmare

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of a son drafted into the Army and sent to Vietnam, possibly to die, has haunted American mothers and their sons for at least 5 years. The time has come for that nightmare to end.

I have decided, therefore, to submit a Senate resolution calling for an all-volunteer armed force in South Vietnam and Cambodia and an immediate end to sending draftees to fight there. I believe our national interests will be better served by an all-volunteer Army in Cambodia and South Vietnam, made up of those men who volunteer for enlistment and those draftees who volunteer for duty in Vietnam, or Cambodia, than by our present mixed contingent of volunteers and draftees, some of whom are in Vietnam against their will. An all-volunteer force in South Vietnam or Cambodia would not endanger our national security, and I am confident that it would have a valuable effect on the military as well as the rest of the Nation.

I think that recent events, tragic events, we have had on our college campuses throughout this country are in very large part the result of the fact that young people are being drafted and sent to Vietnam against their will, and it could happen to any one of them, as they know.

Until recently, I did not believe an all-volunteer armed force in South Vietnam could be a viable alternative to our present system of supplying troops to that nation. Two speeches by President Nixon during the period of April 20–23, however, caused me to reassess my position on this matter. I am now fully convinced that we can meet our remaining obligations to those countries without sending men there against their will. Volunteers can supply the needed manpower in Vietnam or in Cambodia.

In his April 20 speech on our progress in Vietnam, President Nixon stated:

> Five years ago American combat troops were first sent to Vietnam. The war since that time has been the longest and one of the most costly and difficult in our history.
>
> The decision I have announced tonight means that we finally have in sight the just peace we are seeking. We can now say with confidence that the South Vietnamese can develop the capability for their own defense. We can say with confidence that all American combat forces can and will be withdrawn.

The announcement to which Mr. Nixon referred was the withdrawal of an additional 150,000 American troops to be completed during the spring of next year. This will bring a total reduction of 265,500 men in our Armed Forces in Vietnam below the level that existed when the President took office 15 months ago. By mid-1971, therefore, according to the Pentagon our troop strength will total 284,000, or approximately half of what it once was. I think it is reasonable to assume that volunteers can now take on the full burden of our obligation to that nation.

President Nixon's April 23 message to Congress on ending the draft lends further support to my contention that an all-volunteer force in South Vietnam and in Cambodia is now feasible. The President proposed that in order to increase voluntary enlistment in the Armed Forces, two major steps were necessary. First, the pay for servicemen, particularly in their first 2 years of service, should be increased. Second, programs designed to increase enlistments and to improve the conditions of military service should be initiated.

There can be little doubt that the starting salary of an enlisted man in our Armed Forces—presently less than $1,500 a year—is a disincentive to voluntary induction. Now that the President has approved a 6-percent across-the-board pay increase for Federal employees, the pay of servicemen will be raised by $1.2 billion a year. In addition, he has proposed an additional 20-percent increase for enlisted men with less than 2 years of service, to be effective January 1, 1971; and he has recommended that an additional $2 billion for added pay and other benefits—especially for those serving their first 2 years—be included in the fiscal 1972 budget. These acts will greatly help to solve the problem.

President Nixon has also directed the Secretary of Defense to give high priority to the expansion of programs designed to increase enlistments and retentions in the service and to review policies and practices of the military, to give new emphasis to recognition of the individual needs, aspirations, and capabilities of all service personnel.

If the Secretary of Defense decides to expand programs involved with recruiting volunteers, he should be pleasantly surprised. According to the President's Commission on an All-Volunteer Army, headed by former Secretary of Defense Thomas Gates:

> Studies indicate that a relatively small increase in recruiting expenditures would produce as much as a 10 to 20 percent rise in enlistment rates.

By increasing the pay and benefits of servicemen, improving conditions of service, and using other recruitment incentives and techniques, the President hopes to increase enlistment in the Armed Forces, thus paving the way for an all-volunteer army. I believe that the measures proposed by the President will make military service more desirable to young men. They will increase susbtantially the number of men that will be willing to volunteer for active military service. They will make an all-volunteer armed force in Vietnam or in Cambodia possible.

The question of whether or not there will be enough volunteers available for duty in Vietnam or in Cambodia is a legitimate one. I believe, however, that the facts point to the conclusion that there will be.

Last year 283,575 men were drafted. Of this total, 95 percent were inducted into the Army. Latest Army figures reveal that of the 384,000 Army personnel serving in Vietnam 139,500 are draftees. While this figure represents over a third of the Army servicemen there, it is nevertheless only 9 percent of the 1.4 million men now serving in the U.S. Army. The total of 265,000 men that the President has announced will be withdrawn by next spring is almost double the 139,000 Army draftees serving in Vietnam.

Our overall military strength today, including Army, Air Force, Navy, and Marine personnel, totals 3,171,382 men. Of these men, 427,200, or 13 percent, are presently serving in Vietnam or Cambodia. Surely the 139,500 Army draftees there can be replaced by volunteers. The President's announced withdrawal makes this even more feasible.

What many of us fail to realize is that of the 6 million men who have served in the military during the Vietnam war, 75 percent have been volunteers, only the remaining 25 percent have been draftees. The Gates Commission has stated:

> In recent years about 500,000 men a year have volunteered for military service. Although some of these volunteered only because of the threat of the draft, the best estimates are that at least half—250,000—are "true volunteers." Such men would have volunteered in spite of an entry pay that is roughly 60 percent of the amount that men of their age, education and training could earn in civilian life.
>
> The often ignored fact, therefore, is that our present armed forces are made up predominately of volunteers. All those men who have more than four years of service—38 percent of the total—are true volunteers; and so are at least a third of those with fewer than four years of service.

The Commission went on to say:

> The majority of men serving today are volunteers. And many who are now conscripted would volunteer once improvements were made in pay and other conditions of service.

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I am convinced that the small percentage of men now serving in Vietnam or in Cambodia involuntarily can be replaced by volunteers. The vacancy left by these men would not be difficult to fill. As President Nixon continues to reduce our troop strength in Vietnam, fewer men will be needed; as his pay increases and improvements of service conditions go into effect, more men will volunteer.

If an all-volunteer armed force in Vietnam is possible, as I believe it is, the question remains, is it desirable? In his message to the Congress on ending the draft, President Nixon stated:

> This nation has a right to expect that the responsibility for national defense will be shared equally and consistently by all segments of our society.

This "basic principle," as the President referred to it, is not now carried out by the draft. It is not carried into practice in Vietnam or in Cambodia. The simple fact is that the responsibility for our national defense within our Armed Forces is not shared equally. Some men must go while others stay at home.

When a nation is at war, whether it is declared or undeclared, there are two means of sharing the burden of danger: either all must go or only those who volunteer should go. Especially in a limited war, the former alternative is not a rational one; the latter choice is practical only in exceptional cases. Because of the gross inequities in the draft and the President's announcements on troop withdrawals, Vietnam and Cambodia can be such a case. Under the circumstances, an all-volunteer armed force in Vietnam and Cambodia is the most equitable means of deciding who should, and who should not, go to serve in those countries. The desirability of pursuing such a course is clear.

As I have already stated, I fully support President Nixon's proposal to end the draft in the future, and to make major reforms in the present system immediately. I believe, however, that with the withdrawal of troops, and until the draft can be eliminated, we should have an all-volunteer armed force to fulfill our remaining commitments to South Vietnam or Cambodia. I think that this proposal is both feasible and right. When not all our men are required to serve equally, and only a small minority are needed, a voluntary decision to serve is the best answer, morally and practically, to the question of who should serve.

To initiate immediately an all-volunteer armed force in Vietnam and in Cambodia would be to show the world that the United States does not need to rely on involuntary service to meet its commitments abroad, but on the willingness of its citizens to assume the responsibility of fulfilling its obligations.

I send to the desk the resolution and ask that it be referred to the appropriate committee.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, the resolution will be received and appropriately referred.

The resolution (S. Res. 401), which reads as follows, was referred to the Committee on Armed Services:

S. RES. 401

Whereas the President has announced that a total of 265,000 members of the Armed Forces of the United States are to be withdrawn from South Vietnam and Cambodia by April 1971, leaving a total of 284,000 United States troops in those countries, or approximately one half the number serving in South Vietnam at the time the President assumed office fifteen months ago; and

Whereas recent information released by the Department of the Army indicates that of the 384,000 Army personnel serving in South Vietnam and Cambodia, 139,500 of such total are draftees; and

Whereas the number of men to be withdrawn from South Vietnam and Cambodia by April 1971 is approximately double the 139,500 draftees serving in those countries; and

Whereas as soon as the President's recent message to the Congress regarding increased pay and other benefits for military personnel, improvement of conditions of military service, and the use of other recruitment incentives is implemented, the rate of voluntary enlistments should increase substantially; and

Whereas only a small minority of the Nation's total military personnel are required to serve in South Vietnam or Cambodia, it is preferable to assign voluntary personnel to perform that service than to require draftees to do so; and

Whereas because of the President's announcement regarding troop withdrawals from South Vietnam and Cambodia and because of the gross inequities of the draft system generally, it is not only practicable but extremely desirable for the general welfare of the Nation that draftees no longer be sent to South Vietnam or Cambodia.

Resolved, That it is hereby declared to be the sense of the Senate that there should be an immediate end to the sending of draftees to South Vietnam or Cambodia and that any remaining military commitment of the United States to those countries be fulfilled by sending only those members of the Armed Forces who have volunteered for military service or, in the case of persons involuntarily inducted into the Armed Forces, who have volunteered for duty in South Vietnam or Cambodia.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

MONTANA REGISTERED NURSE A NATIONAL WINNER

Mr. METCALF. Mr. President, the American Nurses Association has selected Miss Audra Pambrun, of East Glacier Park, Mont., as the national winner of the American Nurses' Association Be-Involved Nurse Search.

Miss Pambrun, a member of the Blackfeet Indian Tribe, is the director of the community health aides, Office of Economic Opportunity community action program in Browning. She was selected for her outstanding contribution in raising the level of social and health services in her community. Miss Pambrun was selected from finalists representing 39 States. All registered nurses, including more than 200,000 members of the American Nurses Association, were eligible for nomination in a nationwide search for the nurse with the most exceptional performance either on-the-job or after work.

Mr. President, my colleague Mr. MANSFIELD and I join in honoring this dedicated young woman. I ask unanimous consent that excerpts from the highlights of her life, as prepared by the American Nurses Association, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PROFILE OF AMERICA'S MOST INVOLVED NURSE: MISS AUDRA PAMBRUN, R.N.

Home Address: East Glacier Park, Montana 59434.

Occupation: Director of Community Health Aides, Office of Economic Opportunity Community Action Program, Browning, Montana 59417.

Miss Audra Pambrun is a native of Browning, Montana, a town of about 2,000, and a member of the Blackfeet Indian tribe. She was educated in the Browning Public Schools, and graduated from Columbus Hospital School of Nursing, Great Falls, in 1949.

Her varied nursing experiences have included: staff nursing with the Public Health Service, ambulance nurse, obstetrical nursing and school of nursing. Miss Pambrun's major contribution to her people began when she became the Director of Community Aides under the O.E.O. Community Action Program. During the first winter Miss Pambrun trained local people, mostly Indians, to work as community aides. Miss Pamburn and her aides visited practically every home on the reservation to help in whatever way was needed. Direct assistance was given with housing repair and families were transported to the reservation hospital for in-patient and out-patient services. Long term health and sanitation needs were brought to the attention of the Indian Health Service and much time was spent counseling with families about their lives.

Concern about the high suicide rate among the Blackfeet youth led Miss Pambrun to appear before community groups to solicit support for Montana's only crisis intervention center. The center officially opened May 8, 1969, manned by aides trained by Miss Pambrun and with her services available at all hours. She also arranged an accident prevention workshop for community aides in Browning.

During the past year Miss Pambrun participated in:

1. The Comprehensive Panel on Indian Education—Bozeman, Montana.
2. World Wide Indian Forum Workshop—Missoula, Montana.
3. Planning Committee for a Workshop on Educational Problems, State of Montana.
4. Browning Schools Teacher Orientation Program.
5. Interagency Workshop on Mental Health Problems of Indian Adolescents—Denver, Colorado.
6. The Governor's Conference on Aging—Great Falls, Montana.
7. The orientation of new personnel—Indian Health Service Hospital—Browning, Montana.

Miss Pambrun was speaker for:

1. Western Regional Society for Christian Service.
2. Montana Convention of Social Workers concerning Indian problems.

Miss Pambrun attended:

1. The National Institute of Rehabilitation—Denver, Colorado.
2. Comprehensive Health Planning Committee for all Counties—Fort Benton, Montana.
3. Nursing Continuing Education Seminar—U.C.L.A.

She is a member of:

1. The only all Indian chapter, Royal Neighbors of America.
2. Western Public Health Association.

In the absence of leadership for youth community projects she has recently volunteered as a Girl Scout leader.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. PROXMIRE). Under the previous order, the distinguished Senator from South Dakota (Mr. McGOVERN) is now recognized.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield to me for a few moments, without losing any of his time, for the purpose of calling up some unobjected-to items on the calendar?

Mr. McGOVERN. I am happy to yield to the Senator from Montana for that purpose.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures

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on the calendar to which there is no objection, beginning with Calendar No. 816 and that the rest of the calendar up to and including No. 841 be considered in sequence.

The PRESIDING OFFICER (Mr. Proxmire). Without objection, it is so ordered.

YAVAPAI-PRESCOTT COMMUNITY RESERVATION, ARIZ.

The Senate proceeded to consider the bill (H.R. 12878), to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 1, after line 7, insert a new section, as follows:

Sec. 2. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is further amended by adding the following new sentence at the end thereof: "Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-832), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 12878 is to authorize lands on the Yavapai-Prescott Community Reservation to be leased for periods up to 99 years if a long-term lease will be in the interest of the Indian owner. A similar bill, S. 3291, introduced by Senator Fannin, was also considered by the committee.

NEED

For most reservations, the general law restricts the lease term to 25 years with an option to renew for 25 years—which is in effect a 50-year lease. Experience has demonstrated that some types of development cannot be financed by a lessee on the basis of a 50-year lease. Lending agencies will not lend money for construction on leased land unless the lease extends for a term that will permit the loan to be amortized, with sufficient leeway to permit refinancing in the event of a default. In practice, this frequently means a lease for more than 50 years.

The Yavapai-Prescott Community Reservation adjoins the city of Prescott. The proposed construction of a multimillion-dollar junior college and a new high school near the reseratvion will create a pressing need for new apartments and single-family residences, and the reservation lands are ideally situated to capitalize on the growth of the city if adequate lease terms can be offered.

Long-term lease authority has been given to 18 other reservations where the need has been adequately demonstrated. Although leases up to 99 years are authorized, the Department of the Interior has been careful to limit the term to a shorter period—for example, 55, 65, or 75 years—when the shorter period will serve the need. The committee expects this practice to be continued.

The committee adopted one amendment to H.R. 12878:

After line 7, insert the following new section:

"Sec. 2. Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is further amended by adding the following new sentence at the end thereof: 'Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject'."

During the past few years Congress has adopted an ever-increasing number of exceptions to the short-term limitations on lease terms, authorizing in some instances long-term leases of up to 99 years. The rationale for this long-term leasing authority is based primarily upon financing requirements for construction of substantial improvements with a long expected life.

The concern of the committee stems from the fact that investments made on the basis of such long-term leases may include construction and development without regard to the environmental impact nor appropriate machinery for prevention of pollution.

The committee is also concerned because the peculiar immunity from State and local laws enjoyed by many reservations creates an hiatus in the usual controlling authority with respect to building and health and safety code enforcement.

In addition, the committee feels that depending upon the circumstances of location, type of development and need, consideration must be given to the availability of police and fire protection and other emergency services, and the availability of appropriate judicial forums for criminal and civil causes arising on the proposed leased lands.

While it is not the intention of the committee to unduly burden development plans for Indian lands, the committee and the Department of the Interior have an obligation to protect the public interest and safety. The purpose of the committee amendment is to require that the Secretary of the Interior satisfy himself that adequate consideration has been given to the provision of fire and police protection and enforcement of appropriate land use regulations, pollution control and health and safety standards. Access to the courts is also an important consideration for the occupants of the leased lands and cannot be excusably denied in this country.

PETER CHUNG REN HUANG

The bill (S. 793) for the relief of Peter Chung Ren Huang was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Peter Chung Ren Huang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 13, 1952.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-810), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

ROSA PINTABONA

The bill (S. 1703) for the relief of Rosa Pintabona was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Rosa Pintabona shall be held and considered to be the natural-born alien daughter of Rose and Edward Ingrassia, citizens of the United States: *Provided*, That the parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-811), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to qualify for first-preference status as the unmarried daughter of citizens of the United States.

CAL C. DAVIS AND LYNDON A. DEAN

The bill (S. 2427) for the relief of Cal C. Davis and Lyndon A. Dean was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Cal C. Davis and Lyndon A. Dean, of Salt Lake City, Utah, are relieved of all liability for payment to the United States of the sum of $12,441.87, representing cash and stamps in their custody as superintendent and clerk, respectively, of the Granger-Hunter Branch of the Salt Lake City Post Office, which were taken from such branch in a burglary occurring the night of March 17, 1966. In the audit and settlement of the accounts relative to such sum, credit shall be given for the amounts for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to said Cal C. Davis and Lyndon A. Dean the sum of any amounts received or withheld from them on account of the loss referred to in the first section of this Act.

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(b) No part of any amount appropriated by this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–812), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Cal C. Davis and Lyndon A. Dean of all liability for payment to the United States of the sum of $12,441.87, representing cash and stamps in their custody as superintendent and clerk, repsectively, of the Granger-Hunter Branch of the Salt Lake City Post Office, which were taken from the branch office in a burglary occurring the night of March 17, 1966.

STATEMENT

The Post Office Department has no objection to the enactment of this bill.

In its favorable report of the bill, the Post Office Department relates the facts of the case as follows:

On March 15, 1966, 2 days before the burglary, Superintendent Davis received a photostatic copy of a letter addressed to all postmasters by the Postal Inspector in Charge in Denver concerning the securing of safes and vaults. That letter instructed postmasters to turn the dials at least two complete rotations in each direction to insure that safes and vaults would be completely locked. Affidavits state that Superintendent Davis on that day discussed the letter with Clerks Dean and Gay B. Jowers and that they read those portions of the letter that outlined the procedure for locking vaults.

On the evening preceding the burglary, Clerks Dean and Jowers closed the office as had been their usual custom. Clerk Dean, who was officially assigned to close the branch office, locked the vault and the building and checked to see that they were secure.

However, subsequent investigation revealed that Clerk Dean had succeeded only in placing the vault on "day lock." This conclusion was reached by the foreman of maintenance, an expert on safes and vaults, after Clerk Dean demonstrated the operations actually performed by him on the evening preceding the burglary.

Clerk Dean, a veteran with limited wrist action caused by injuries suffered by him in World War II, turned the dial to the right as far as his wrist would allow, then spun the dial to the left. The maintenance foreman stated that on this particular vault, from the point on the dial where the bolt had fallen into the fence, the dial would have to be turned to the right farther than Clerk Dean was able to turn it in order to engage the second tumbler. If the second tumbler is not engaged, a turn of the dial to the left allows the bolt to drop into the fence since none of the tumblers have been engaged. Consequently, since Clerk Dean was unable to twist the dial enough to the right to engage the second tumbler, the subsequent spin to the left dropped the bolt once again into the fence, thus placing the vault on "day lock."

Neither Superintendent Davis nor Clerk Dean is an irresponsible person. Both are conscientious, loyal, constructive, and highly valued employees of the Post Office. Superintendent Davis has submitted more profitable suggestions for which he has received awards than has any other employee of the Salt Lake City Post Office. Clerk Dean has received one of the highest cash awards ever given in the Salt Lake City Post Office for a beneficial suggestion which resulted in a major savings at the Granger-Hunter branch. Superintendent Davis and Clerk Dean have never been guilty of placing any consideration above the welfare of the Post Office through the many years they have been in our employ.

Since the burglary, Superintendent Davis has suffered an acute heart attack and we are informed that any attempt at collecting the loss from him at this time would be most injurious to his health, especially since he appears to be blameless with respect to his duties concerning this matter.

Further, to attempt to satisfy this loss solely from Clerk Dean would be unjust.

In view of the foregoing this Department would have no objection to the enactment of this legislation.

In agreement with the equitable reasoning of the Post Office Department, the committee believes that the bill, S. 2427, is meritorious and recommends it favorably.

ANGELO DiSTEFANO

The bill (S. 2526) for the relief of Angelo DiStefano was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2526

Be it enacted by the Senate and House of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Angelo DiStefano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–813), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Angelo DiStefano. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

SAUL BLUESTONE

The bill (S. 2856) for the relief of Saul Bluestone was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Saul Bluestone shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 11, 1952, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–814), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

MARGARITA ANNE MARIE BADEN

The bill (S. 2976) for the relief of Margarita Anne Marie Baden—Nguyen Tan Nga—was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Margarita Anne Marie Baden (Nguyen Tan Nga) may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon the filing of a petition in her behalf by Barbara Baden, a citizen of the United States, pursuant to section 204 of such Act. No natural brothers or sisters of the said Margarita Anne Marie Baden (Nguyen Tan Nga) shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–815), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States.

GUY ANDRE BLANCHETTE

The bill (S. 3136) to confer U.S. citizenship posthumously upon Guy Andre Blanchette was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Guy Andre Blanchette, a native of Sainte Garard, Quebec, Canada, who served honorably in the United States Army from May 13, 1968, until his death on August 26, 1969, shall be held and considered to have been a citizen of the United States at the time of his death.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–816), explaining the purposes of the measure.

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There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

SP4C. AARON TAWIL

The bill (H.R. 1951) to confer U.S. citizenship posthumously upon Sp4c. Aaron Tawil was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–817), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to confer U.S. citizenship posthumously upon Sp4c. Aaron Tawil.

DELILAH AURORA GAMATERO

The bill (H.R. 2817) for the relief of Delilah Aurora Gamatero, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–818), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant to the adopted daughter of a citizen of the United States and his wife the status of a first-preference immigrant, which is the status normally enjoyed by the natural-born alien sons and daughters of U.S. citizens.

PLACIDO VITERBO

The bill (H.R. 3955) for the relief of Placido Viterbo, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–819), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the provision of section 212(a((9) of the Immigration and Nationality Act in behalf of the brother of a U.S. citizen.

KONG WAN NOR

The bill (H.R. 5936) for the relief of Kong Wan Nor, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–820), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant to the adopted child of lawful resident aliens of the United States the status of a second preference immigrant, which is the status normally enjoyed by the natural-born unmarried children of lawful resident aliens.

ANNE REALE PIETRANDREA

The bill (H.R. 6125) for the relief of Anne Reale Pietrandrea, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–821), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by citizens of the United States.

WILLIAM PATRICK MAGEE

The bill (H.R. 9001) for the relief of William Patrick Magee, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–822), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the son of a citizen of the United States.

PATRICIA HIRO WILLIAMS

The bill (H.R. 11578) for the relief of Patricia Hiro Williams, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–823), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien child adopted by a citizen of the United States and his wife.

ALI SOMAY

The bill (H.R. 12037) for the relief of Ali Somay, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–824), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the adopted son of a U.S. citizen and a lawful resident alien.

DR. MAX RUETGER HASCHE

The Senate proceeded to consider the bill (S. 1886) for the relief of Dr. Max Ruetger Hasche, which had been reported from the Committee on the Judiciary with an amendment, in line 6, after the word "of", strike out "February 2, 1963, and his residence and physical presence since that date", and insert "February 28, 1963, and the time he has resided and been physically present in the United States"; so as to make the bill read:

> That, for the purposes of the Immigration and Nationality Act, Doctor Max Ruetger Hasche shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 28, 1963, and the time he has resided and been physically present in the United States shall be deemed to meet the requirements of section 316 of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–825), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents and to reflect the proper date upon which his status was adjusted.

MIRIAM LAZAROWITZ

The Senate proceeded to consider the bill (S. 2490) for the relief of Miriam Lazarowitz, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

> That, for the purposes of the Immigration and Nationality Act, Miriam Lazarowitz shall be held and considered to be within the purview of section 203(a)(4) of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

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(No. 91-826), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiary to qualify for fourth-preference status. The bill has been amended in accordance with established precedents.

DR. SHU-SUM CHEUK

The Senate proceeded to consider the bill (S. 3037) for the relief of Dr. Shu-sum Cheuk, which had been reported from the Committee on the Judiciary with an amendment in line 6, after the word "of", strike out "November 1, 1966" and insert "January 31, 1964."; so as to make the bill read:

That, for the purposes of the Immigration and Nationality Act, Doctor Shu-sum Cheuk shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 31, 1964.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-827), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The purpose of the amendment is to reflect the proper date upon which he last entered the United States as a student.

ROGELIO TABHAN

The Senate proceeded to consider the bill (H.R. 5106) for the relief of Rogelio Tabhan, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, the minor child, Rogelio Tabhan, shall be held and considered to be the natural-born alien child of Mrs. Araceli T. Pixler, a lawful permanent resident of the United States: *Provided*, That the natural mother, brothers, or sisters of the said Rogelio Tabhan shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-828), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the alien child to be adopted by a lawful resident alien of the United States to qualify for second-preference status, which is the status normally enjoyed by the natural-born unmarried sons and daughters of lawful resident aliens. The bill has been amended to correct an error in drafting.

KWOK KUEN (KWEN) NG

The Senate proceeded to consider the bill (S. 850) for the relief of Kwok Kuen (Kwen) Ng, which had been reported from the Committee on the Judiciary with an amendment at the beginning of line 5, strike out "Kwok Kuen (Kwen) Ng" and insert "Kwok Kwen Ng"; so as to make the bill read:

That, notwithstanding the provisions of paragraph (19) of section 212(a) of the Immigration and Nationality Act, Kwok Kwen Ng may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to the grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of enactment of this Act.

Amend the title so as to read: "A bill for the relief of Kwok Kwen Ng."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Kwok Kwen Ng."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-829), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to waive the excluding provision of existing law relating to one who made misrepresentations in connection with a prior passport application in behalf of Kwok Kwen Ng. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to correct the beneficiary's name.

ANNETTE ROMNEY (MRS. CUMORAH KENNINGTON ROMNEY)

The Senate proceeded to consider the bill (S. 2863) for the relief of Annette Romney, which had been reported from the Committee on the Judiciary with an amendment, strike out all after the enacting clause and insert:

That, for the purposes of section 201(g) of the Nationality Act of 1940, Mrs. Cumorah Kennington Romney shall be held and considered to have been residing in the United States for a period of five years after attaining the age of sixteen years.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. Cumorah Kennington Romney."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-830), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiary to transmit U.S. citizenship to her daughter, Annette Romney. The bill has been amended in accordance with established precedents.

CONCURRENT RESOLUTION AND BILL PASSED OVER

The concurrent resolution (S. Con Res. 64) to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States was announced as next in order.

Mr. MANSFIELD. Mr. President, over. That matter will be considered when we go into the morning hour.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

THE DISTRICT OF COLUMBIA INDUSTRIAL SAFETY ACT AMENDMENTS OF 1970

The Senate proceeded to consider the bill (S. 2820) to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments, on page 2, at the beginning of line 3, insert "existing"; and in the same line after the word "other", insert "existing"; so as to make the bill read:

S. 2820

That title II of the Act of September 19, 1918 (D.C. Code, secs. 36-431—36-442) is amended as follows:

(1) Section 2 of such title (D.C. Code, sec. 36-432) is amended—

(A) by striking out in paragraph (a) "industrial employment, place of employment," and inserting in lieu thereof "place of employment", and

(B) by striking out in paragraph (d) "industrial". (2) Section 3 of such title (D.C. Code, sec. 36-433) is amended by adding at the end thereof the following new sentence: "To promote the safety of persons employed in existing building or other existing structures, such rules, regulations, and standards may require, without limitation, changes in the permanent or temporary features of such buildings or other structures.".

(3) Section 6 of such title (D.C. Code, sec. 36-436) is amended to read as follows: "The Board may, upon written application of any employer affected by such rule or regulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in un-

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necessary hardship or practical difficulty, and notwithstanding such variance that the protection afforded by such rule or regulation will be provided. The Board may grant a hearing open to the public on such application upon request of the applicant or other interested party or parties, or on its own initiative. The Board's decision thereon shall be subject to review by the District of Columbia Court of Appeals upon petition of the applicant or other affected party or parties. The Board shall keep a properly indexed record of all variations permitted from any rule or regulation which shall be open to public inspection.".

(4) Section 12 of such title (D.C. Code, sec. 36–442) is amended by striking out "more than $300, or by imprisonment of not exceeding ninety days. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the police court of the District of Columbia" and inserting in lieu thereof the following: "less than $100 or more than $1,000, or by imprisonment of not more than ninety days. No forfeiture of collateral shall be permitted in any case involving a death at a place of employment, or the loss of any member of the body, including loss of eyesight, or an injury which prevents an employee from pursuing his employment for a period of at least five days. Prosecutions for violations of this title shall be in the name of the District of Columbia on information filed in the District of Columbia Court of General Sessions by an assistant Corporation Counsel assigned to the Board.

Sec. 2. Section 11–742(a) of title 11 of the District of Columbia Code is amended—

(1) by striking out "and" at the end of paragraph (9),

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and", and

(3) by adding after paragraph (10) the following new paragraph:

"(11) decisions of the Minimum Wage and Industrial Safety Board pursuant to section 36–436."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–835), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of S. 2820 is to provide for a more general application of the rules and regulations of the safety code of the District of Columbia for the protection of employees in places of employment.

Industrial safety provisions of existing law were added to the minimum wage act by the act of October 14, 1941 (55 Stat. 738; D.C. Code 36–431, et seq.). Following this enactment, the law was construed to apply safety standards in places of employment in the District of Columbia except in the Federal and the District of Columbia Government establishments. The act was interpreted to give the Industrial Safety Board the power to establish reasonable standards of safety for the protection of life and health of employees, to conduct inspections and investigations, to enforce reasonable standards, and to cite employers for any violations of provisions of the act or for violation of rules and regulations.

From the date of enactment until 1964, the provisions of the act were interpreted as applying generally to places of private employment in the District of Columbia. However, in 1964 the Corporation Counsel of the District of Columbia rendered an opinion which limited the application of the provisions of the act to the regulation of safety conditions in "industrial" places of employment, such as manufacturing plants and building construction. In 1969 the District of Columbia Corporation Counsel reaffirmed the 1964 decision.

Because of the interpretation placed on existing law by the Corporation Counsel in 1964 many employees in the District are deprived, or are subject to being deprived, of the benefit of the reasonable rules and regulations relating to safety in their places of employment. It is estimated that only approximately 16 percent of all such privately employed persons would be covered by provisions of the Industrial Safety Act if the Corporation Counsel's interpretation was applied across the board. As the situation now stands, more than 10,000 employees engaged in employment in hotels, restaurants, retail establishments, and in offices are now excluded from any coverage or protection under the safety code and 260,000 other workers are in jeopardy of being exempted from coverage by the application of the Corporation Counsel's ruling.

The bill is designed to restore the general application of safety rules and regulations and the jurisdiction of the Industrial Safety Board to enforce the safety code generally in places of private employment in the District of Columbia.

PROVISIONS OF THE BILL AND COMMITTEE AMENDMENTS

1. S. 2820 amends the present law by striking out references to "industrial" in order to make the provisions of the act apply generally to all usual places of private employment.

This provision would extend the coverage of the protective features of the industrial safety law to virtually every place of employment in the District of Columbia with the exception of the premises of Federal or District of Columbia establishments.

2. To allow the Minimum Wage and Industrial Safety Board to order changes in permanent or temporary features of buildings.

The bill provides that safety standards, rules, and regulations apply without limitation to changes in the permanent or temporary features of places of employment. Buildings which may have been altered or may have had additions or which may have only temporary provisions made for use by employees should be covered by the act, but currently they are not due to an opinion of the Corporation Counsel which limits the Industrial Safety Board's authority to issue such orders in regard to the permanent features of a building.

The bill as originally introduced is amended by the addition of the word "existing" in two places in order to make clear the intended effect of this provision.

3. To provide that the Board *may* grant a public hearing on an application of an employer for a variance on the request of the employer, other interested parties, or on its own initiative.

The bill amends the provisions of existing law relating to applications filed by an employer for a variation from a provision of the safety code rules and regulations. In the application of the safety code, the Industrial Safety Board regulations may be such as to indicate a violation of the regulations in the strict sense of the safety code. Occasionally, such strict application actually accomplishes little or nothing insofar as employee safety is concerned and may work a substantial hardship upon the employer. In such situation, the Board, on application from the employer, may grant a variance relieving the employer from strict application of the rules and regulations.

When the Board receives such an application from an employer, the Board has the discretion to hold a hearing if it so desires. However, the employer is not entitled, as a matter of right, to any hearing before the Board for the purpose of presenting his case.

The bill permits the Board to grant variances when it finds that the protection of the rule or regulation involved will continue to be provided. The bill provides that when such an application for variance is filed the Board may grant a hearing open to the public upon the request of the applicant or other interested party, or on its own initiative. This provision is intended to afford not only employers, but employees, employee representatives, and others who may be affected by the requested variance an opportunity to be heard should the Board grant a hearing.

The committee understands that the number of variances applied for by employers is relatively limited and believes that such provision for a public hearing would not place any undue burden upon the Board.

4. To provide that decisions of the Board in regard to variances *shall* be subject to review by the District of Columbia Court of Appeals on petition of the applicant or other affected parties.

The bill provides that an appeal of a decision of the Industrial Safety Board in regard to an application for a variance shall be available as a matter of right to the applicant or other interested parties. The committee feels that it is only proper that an appeal be granted as a matter of right to interested parties as well as the applicant in variance cases. In view of the limited number of such appeals the committee does not feel that the extension of this right will be burdensome to the courts or the Industrial Safety Board.

5. To provide for increased penalties for violation of the Industrial Safety Act and rules and regulations established under the act.

Under present law, the penalties provided for a violation are a fine of not more than $300 or imprisonment not exceeding 90 days. Under the bill the penalties for a violation would be increased to a fine of not less than $100 nor more than $1,000 or by imprisonment of not more than 90 days.

The committee believes that the establishment of a minimum fine of $100 and an increase of the maximum fine to $1,000 will be helpful in encouraging compliance with safety standards and regulations. The present maximum fine of $300 was established in 1941 when the Industrial Safety Act was originally enacted and the deterrence value of this limit has obviously declined over the years. Also, the committee has been informed that the maximum fine in Maryland for similar violations is $5,000 and is $1,000 in several other States.

6. To provide that no forfeiture of collateral shall be permitted in any case involving death, loss of a member, including eyesight, or an injury which prevents an employee from pursuing his employment for at least 5 days.

The bill provides that in cases of death or serious injury the forfeiture of collateral shall be prohibited. The committee is informed that in many cases since the enactment of the Industrial Safety Act those cited for violations of the act have posted collateral of $300 and have then decided to forfeit this amount rather than appear in court. As a result, even though there has been a death or a serious injury, the facts surrounding the incident have not been developed or made public. The committee believes that prohibiting the forfeiture of collateral in cases of death or serious injury will be helpful in furthering the objectives of the Industrial Safety Act.

7. To provide that prosecutions for violations of the act would be brought by an Assistant Corporation Counsel assigned to the Board.

The bill would provide for the permanent assignment of an Assistant Corporation Counsel to prosecute violations of the act. This provision was strongly supported in testimony before the committee by representatives of the Minimum Wage and Industrial Safety Board and others as a measure for increasing the effectiveness of the prosecution of cases.

The committee believes that the Assistant Corporation Counsel permanently assigned to the Board will be able to develop an expertise in the accident prevention field and that as a result enforcement of the law will be fairer, more efficient and more effective.

8. To grant jurisdiction to the District of Columbia Court of Appeals to review final decisions of the Minimum Wage and Industrial Safety Board in regard to variances.

This gives the District of Columbia Court of Appeals exclusive jurisdiction to review the final decisions of the Minimum Wage and Industrial Safety Board in regard to variances.

LEGISLATIVE HISTORY

The Senate Subcommittee on Public Health, Education, Welfare, and Safety of the Senate District of Columbia Committee held hearings on the bill on December 10, 1969.

In the 90th Congress the Senate District Committee and the Senate passed legislation which was similar to S. 2820 except for the provision of S. 2820 which provides for the assignment of an Assistant Corporation Counsel to bring prosecutions under the act.

TRANSFER OF BLOOD COMPONENTS WITHIN THE DISTRICT OF COLUMBIA

The bill (H.R. 12673) to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-836), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 12673 is to authorize the Commissioner of the District of Columbia to determine that blood platelets and other blood components in general use in the States may be transferred from local licensed blood banks in which they are produced to licensed physicians, to District of Columbia hospitals, and to licensed private hospitals and other medical facilities within the District of Columbia. This authority will place the District of Columbia in the same position as the States, all of which permit the intrastate transfer of blood components within their borders.

NEED FOR LEGISLATION

Section 351 of the Public Health Service Act (58 Stat. 702), as amended (42 U.S.C. 262), prohibits the transfer in interstate or foreign commerce, or within the boundaries of the District of Columbia, of certain biological products including blood platelets and other blood components, unless both the establishment in which these components are prepared and the products themselves are licensed under standards prescribed by the Secretary of Health, Education, and Welfare. Transfer of such unlicensed products is permitted, however, within the boundaries of the various States, for use in those States, whereas these same products cannot be exchanged between medical facilities in the District of Columbia.

At present, there are no acceptable standards in existence for many of the components of human blood, and therefore the license required under section 351 of the Public Health Service Act is not available.

The basic problem involved, your committee is informed, is that no means has been developed for the preservation of certain blood components in such a condition that they may be used safely and effectively after an appreciable period of time following their preparation. Blood platelets, for example, will remain in a usable condition for not more than 6 to 8 hours. Until some solution to this problem is discovered, the transfer of these components in interstate or foreign commerce cannot safely be approved.

However, these components are effectively used in treatment in circumstances where they can be utilized soon after their production. Such local use is recognized by the American Association of Blood Banks in its brochure, "Technical Methods and Procedures of the Association of Blood Banks" (1966).

EFFECT OF LEGISLATION

The major blood components whose use will immediately be affected by the enactment of this proposed legislation are platelet concentrates, cryo-precipitates, and frozen red blood cells. It is known also that other blood components will become available from time to time. Also, it appears likely that in time some or all of these products will become licensed. However, the present legal barrier to such licensing prevents the proper treatment of patients in the District of Columbia with unlicensed blood components which are now in general use.

Many of these blood components are vital to proper patient care in a variety of blood disorders. For example, platelet concentrates are a valuable adjunct in the treatment of leukemia patients under chemotherapy, to prevent major bleeding. Also, cryo-precipitates are the accepted form of treatment for hemophilic patients, and frozen red blood cells are currently the best known method of storing blood for the rare blood types.

Your committee is informed that these blood products will probably be prepared locally by the American Red Cross or in bloodbanks which have been certified by the National Institutes of Health or the American Association of Blood Banks. At present, 59 Red Cross Blood Centers throughout the United States follow accepted procedures in the preparation of both licensed and unlicensed blood and blood components. These procedures are on file with the Division of Biologics Standards of the National Institutes of Health, which is the licensing agent for all blood banks under section 351 of the U.S. Public Health Service Act.

HISTORY OF LEGISLATION

A public hearing was held by the Subcommittee on Public Health, Education, Welfare, and Safety on December 10, 1969, and approval of the bill was expressed on behalf of the Commissioner of the District of Columbia, the District of Columbia Department of Public Health, the District of Columbia City Council, and the Committee on Blood of the Medical Society of the District of Columbia. No opposition to the bill was expressed.

Previously the District of Columbia Committee of the House of Representatives held hearings on the bill at which time no opposition to the bill was expressed. The House of Representatives passed the bill on October 27, 1969.

MODIFICATION OF THE PROPOSED AMENDMENT TO MILITARY PROCUREMENT AUTHORIZATION BILL

AMENDMENT NO. 609

Mr. McGOVERN. Mr. President, on last Thursday, the distinguished senior Senator from Oregon (Mr. HATFIELD) and I submitted a proposed amendment to H.R. 17123, the defense authorization bill, the military procurement bill, that would have had the effect of cutting off further funding for the war in Indochina in the absence of a declaration of war by Congress.

Since that time, and after consultation with the Senator from New York (Mr. GOODELL), the Senator from Iowa (Mr. HUGHES), and the Senator from California (Mr. CRANSTON), we have modified the language of the proposed amendment. I believe we have tightened it up and made it a more reasonable and effective proposal.

On behalf of these Senators and myself, I submit the revised amendment (No. 609) intended to be proposed as an amendment to H.R. 17123, the military procurement authorization bill now pending in the House of Representatives. I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

Mr. President, I ask unanimous consent that the names of four additional Senators be added as cosponsors of the amendment. Those four Senators are the Senator from Hawaii (Mr INOUYE), the Senator from Minnesota (Mr. MONDALE), the Senator from Montana (Mr. METCALF), and the the Senator from Ohio (Mr. YOUNG).

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 609) was referred to the Committee on Armed Services, as follows:

AMENDMENT No. 609

SEC.—. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict; provided that, funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces, and Further Provided, that the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish

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to Laos any military advisors, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after 30 days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisors, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

Mr. McGOVERN. Mr. President, it seems clear to me, and I believe it is becoming increasingly clear to all of us in the Congress of the United States that our country has reached one of the most dangerous and explosive crisis stages in the life of the United States.

The war in Southeast Asia which we were hopeful of ending a few months ago has now degenerated to the point where the issue is no longer a doubtful effort to pacify an alien society of 10,000 miles away. The central issue now for this Congress and for the people of the United States is whether our own society can, in fact, endure if this war continues.

We all have in our minds this afternoon the sad and tragic events on the campus of Kent State University on yesterday, a tragedy that the Vice President has described as inevitable. He blames it on the violence of the participants in that effort. It is quite clear, however, that it is an outgrowth of the larger violence in Southeast Asia against which these young people were attempting to raise their voices and against which they were protesting.

Without going into the merits of whether the techniques used there were the proper ones, it is obvious that this unrest and outcry and protest will not only continue but will also gather force unless some constructive and effective method can be arrived at to funnel the unease and the anguish of the citizens of the country behind an effort to bring this war to a close.

What our amendment seeks to do, and what it will do, is to put the Senate on record on a rollcall vote, yes or no, on the question of whether we want to continue funding this war in the coming fiscal year that begins on July 1. We are proposing that those funds be limited to the amount necessary to disengage and withdraw our troops from Vietnam beginning on December 31 and concluding with the end of the fiscal year when it is expected that under the terms of this amendment all forces will have been withdrawn.

In the case of Cambodia, the withdrawal language of the amendment becomes effective within 30 days.

In the case of Laos, the same time sequence is applied as was applied to South Vietnam.

This effort on the part of the Senator from New York, the Senator from Iowa, the Senator from California, the Senator from Oregon, and myself was described in the Washington Post this morning as a reckless move.

It is not a reckless move. What would be reckless would be if the Senate were to do nothing to face up to its constitutional responsibilities, or if we were to simply content ourselves with making speeches to the President on what his responibilities are and what course he ought to take.

We can no longer get by on that approach. The country, and especially the young people of this country, are looking to the U.S. Senate for a clear response on what many of us have said was, in effect, an action on the part of the executive branch to commit us in Cambodia a few days ago.

We cannot back away from our responsibilities under the Constitution to face up to this issue.

If Senators are thoughtful and careful, we would hope to have extended debate and to vote our convictions on whether it is in our national interest to continue this conflict.

In an effort to funnel support for this proposal in a constructive way, I have appealed, and I know that other Senators are appealing, to the students and to America as a whole to channel the efforts in a constructive way behind the amendment.

We are calling on them to contact their Representatives and Senators, to talk this matter up in their communities, to send in their petitions, communications, and phone calls, and to do everything they can to enlist public support for the amendment.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a telegram that I sent to the student body presidents of some 50 universities on yesterday.

There being no objection, the text of the telegram was ordered to be printed in the RECORD, as follows:

I keenly appreciate the sense of outrage which you and other Americans feel over the war in Southeast Asia.

The recent invasion of Cambodia and the resumption of bombing of North Vietnam are only the latest in a long series of actions that mean more slaughter and destruction on all sides. In seeking to halt this barbaric and senseless policy it is important that your efforts and those of others be as relevant and effective as possible.

May I urge you to direct at least a portion of your effort to supporting Congressional action to cut off further funds for Southeast Asia except for the purpose of withdrawing our troops. Senators Hatfield, Goodell, Hughes, Cranston and I, doubtless soon to be joined by other Senators, are offering an amendment to the Military Authorization Bill that will require a roll call vote in approximately 30 days limiting future American actions in Vietnam, Cambodia and Laos only to cover the withdrawal of our forces, the exchange of prisoners and asylum for Vietnamese who might feel threatened by our withdrawal. I pledge to you that there will be an official roll call on this amendment requiring every Senator to go on record for or against continued funding of the war. Similar efforts are underway in the House of Representatives.

Will you do all in your power to generate public support for a victorious roll call to end the war? Your letters, phone calls, petitions and personal visits to your Senators and Congressmen are urgently needed now and during the next three or four crucial weeks.

Sincerely yours,

GEORGE MCGOVERN,
U.S. Senator from South Dakota.

Mr. McGOVERN. Mr. President, at this time I would like to yield to the Senator from New York (Mr. GOODELL) who several months ago led the way on a similar proposal relating to the withdrawal of forces in Vietnam. I commend him on his earlier proposal and for having the courage and the leadership to move out on this principle many months ago.

We now seek to extend very much the same language to Cambodia and Laos as a way to provide for safe and systematic withdrawal of our forces, and to do it through this amendment route. In such a way we can flatly and unequivocally promise the people of this country there will be a rollcall vote on this issue, perhaps within 30 days.

Mr. GOODELL. Mr. President, I thank the Senator from South Dakota for yielding. As has been indicated, last September I introduced a bill—the Vietnam Disengagement Act (S. 3000)—that would implement the power of Congress to declare war, to provide or withhold funds for war—designed to undeclare the war in Vietnam. That bill provided as matter of law that no funds could be expended to maintain any American military personnel in Vietnam after December 1, 1970.

The amendment in which five of us have now joined—and we intend to have a vote on it in the Senate—would cut off funds for the war by a fixed date. The proposal embraces not only Vietnam but also Laos and Cambodia.

In the case of Vietnam, it would require that no funds be spent after December 31, 1970, for anything but withdrawal, and the safe and systematic termination of U.S. military operations. And it provides that this withdrawal would have to be completed by June 30, 1971, unless Congress specifically approves extending that termination date.

In the case of Laos, it would require the termination of all U.S. military operations by December 31, 1971.

In the case of Cambodia, it would provide that 30 days after the date of enactment all military operations and military aid by the United States would have to cease within Cambodia. That would include not only direct combat activities by American military personnel, but also it would prohibit furnishing to Cambodia any defense article, or military assistance, or military advisers.

Mr. President, as long as we have a major American military force in Vietnam, the option is with the enemy for extending that war into Laos and Cambodia and making it an Indochina war. That is what happened. We must face the fact that there is no painless way out of this war. The enactment of the amendment which is offered by the Senator from South Dakota (Mr. MCGOVERN), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), and myself would put the

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world on clear notice that we are going to terminate our activities in Indochina by a fixed date. It would tell the Thieu government in South Vietnam that they no longer can rely on American forces to stay there and prop them up and extend the war.

By giving such notice that we are going to get out I believe at the very least the South Vietnamese would become more pragmatic and that they would seek practical and realistic negotiations with the other powers in Indochina including the Vietcong and the North Vietnamese. I believe negotiations could settle that war not only for American military personnel but also for Vietnamese, Cambodians, and Laotians.

In any event I believe the time has come for us to make the painful decision that we here fought for 7 years, we have bled and died, and now South Vietnam must take over the burden of fighting, and take it over entirely.

I believe it is time for Congress to exercise its sole power over war and peace. I think it is a very dangerous thing for our country that in the last two decades, a President of the United States has assumed the power to embroil us in a war. That power is not written or implied anywhere in the Constitution of the United States. Only Congress has that power to decide the issue of war and peace—and yet we have been sitting by wringing our hands and pleading with the President to get us out for lo these last 7 years. It is time that we exercised our own constitutional responsibility and voted up or down on this war, and that is what this amendment would do.

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Mr. McGOVERN. Mr. President, before yielding to the Senator from Iowa, I would like to stress the bipartisan character of what we are trying to accomplish with this amendment. The amendment is sponsored by Senators on both sides of the aisle. We are hopeful of contacting every Member of the Senate for additional cosponsorship. The matter is being approached strictly on a nonpartisan basis. That is the only way Congress can act on an issue involving the lives of our people and the future of our country.

The Senator from New York (Mr. GOODELL) said we are trying to share that responsibility with the President. I think he indicated in his speech the other night the difficulty of making that decision alone and facing up to whatever humiliation may be involved.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized at the conclusion of that 3 minutes, to get on with morning business.

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of these 3 minutes, the distinguished acting minority leader may be recognized for 5 minutes, and that I may then be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I yield to the Senator from Iowa so that he may have the full 3 minutes.

Mr. HUGHES. Mr. President, I ask unanimous consent that the time which was just consumed not be charged to my 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, in rising to support the Senator from South Dakota and the Senator from New York, I should like to say that the crisis of the spreading war in Indochina is deepening at home as well as abroad.

There are casualties—unspeakably tragic casualties—at home as well as in Vietnam, Laos, and Cambodia.

Yesterday, four students—two boys and two girls—were killed by militia units at Kent State University.

At this point, there are confusing versions about just what happened.

But there is no confusion about the fact that this tragedy was a product of the war, just as surely as deaths in combat.

No responsible person condones violence. No responsible person should condone unwarranted counterviolence.

The President said that the shooting should "remind us once again that when dissent turns to violence it invites tragedy."

The corollary of this is that when you equate all dissent with violent insurrection—to the extent of shooting indiscriminately into a crowd of rock-throwing, otherwise unarmed students—you open wounds in the society that are almost beyond healing.

The frustration of the students is shared by millions of other peace-loving, patriotic Americans.

But the Government has given these people no recourse, not even a fair hearing.

The war is being continually escalated without the knowledge of the people, the knowledge of the Congress, or the consent of the Congress.

There is no course to be taken other than for the Congress to exercise its constitutional responsibility—to bring to a vote the proposition of ending this war and the continuing intervention in the countries of Southeast Asia by stopping the funds to maintain it.

It is not a question of whether or not this is the best way to end the war.

It is the only way.

It is not a question of simply exercising an option.

It is a question of doing our duty.

If the people of the United States, speaking through their duly elected Representatives in the Congress, want to perpetuate the ever-deepening involvement in Indochina, that is their choice to make.

If they want to terminate it, this is the way it can be done.

In any event, it is time for the people of the United States to be heard before this escalating conflict mushrooms into global war.

As the distinguished Senator from South Dakota has, I would encourage the people of this Nation to focus their attention on the vehicle before us. I encourage them to contact their own officials and to demonstrate peaceably by speaking out, remembering that silence is not golden in the great crisis we face today, that to remain silent today may be to condone American actions in Indochina, and that we would be neglectful if we did not speak out.

It would be my hope that, along with the cosponsors of the amendment, in a bipartisan way, we would focus on and lend support to this vehicle for bringing to an end this tragic conflict in Southeast Asia.

I thank the distinguished Senator from South Dakota for yielding.

Mr. GRIFFIN. Mr. President, unfortunately, it is all too seldom that I can agree with even a part of the editorials which appear in the Washington Post. But I certainly agree with the Post's assessment this morning of the resolution just introduced.

In the words of the Post editorial, the course advocated by those who sponsor this resolution "is too reckless for serious consideration."

Mr. President, with all due respect for my distinguished colleagues and their motives, which I know are sincere, I must say that it would not only be reckless, it would be irresponsible for the Senate to follow the course of this resolution, and I hope it will not be seriously considered.

Mr. McGOVERN. Mr. President, will the Senator yield on that?

Mr. GRIFFIN. I realize that I referred to the Senator, and I shall be glad to yield to him in a moment.

President Nixon did not initiate this war; it was a fact of life when he took office. He is in the process of bringing our participation in that war to an end on an orderly basis. Up to now we have not been losing the war in Southeast Asia. But, unfortunately, and to the delight of the enemy, there is some danger that we could lose, in the United States, a war that the enemy has been unable to win on the battlefield in Southeast Asia.

Surely, this is no time to pull the rug out from under the President of the United States. It would be unconscionable for the Senate to do so by following the course set forth by this resolution.

There are encouraging indications and reports that the limited military action against Communist sanctuaries on the border of Cambodia are successful; that the military objectives of those operations are being achieved; and that thereby, President Nixon's program of Vietnamization and his schedule for withdrawing our troops is being secured and assured.

Mr. President, this is a time of great trial for the Congress and for the people of the United States. I fervently hope and pray that we will stand the test; and that we will disappoint the enemy by supporting our troops and our President at this very critical hour in our history.

Mr. CRANSTON. Mr. President, I am pleased to join with Senators McGovern, Hatfield, Goodell, and Hughes in an amendment which will deny the President funds to continue the unwise American involvement in Cambodia within 30 days from enactment, in Laos by December 31, 1970, and in Vietnam by June 30, 1971.

This carefully worded amendment is vitally needed to give the representatives of the American people the opportunity to do more than speak out against our military operations in Southeast Asia.

This amendment which is a constitutional reassertion of congressional prerogatives in the area of foreign policy will not in any way hinder the role of the President as Commander in Chief.

The language of the amendment is explicit and clear as to the intent of the Congress to protect American lives.

We must place the issue of the safety of U.S. forces in perspective.

In the debate concerning what course of action we must follow in Southeast Asia, we should endeavor to deal with this highly emotional issue in a reasonable fashion.

By invoking the issue of the safety of U.S. forces as the principal rationale for escalation, the administration has turned a problem which should be our chief concern into a highly volatile issue which clouds reasonable debate and judgment.

I believe that the safety of our troops is the primary consideration of those supporting the amendment. We must insure the safety of those troops, but we must not permit a false use of the issue of the security of our troops to prevent us from searching for ways to halt the escalation and widening of the war.

Nor should we use this issue as an excuse to launch further offensive operations which lead us down the path of death and destruction.

The safety of our men will be secured should this amendment become law.

To use the issue of the safety of American forces to dismiss the amendment as dangerous and unwise is not to rationally consider its real implications.

If funds are constitutionally denied President Nixon, American troops will not be left on the battlefield without adequate materiel and logistic support.

They will have the tools to defend themselves at all times as they have had in the past.

No American will lack ammunition, nor vital supplies of any sort, if the amendment becomes law.

Air and naval support of the same magnitude as in previous months will be available.

No soldier will be in jeopardy as a result of the congressional action.

What will occur if the amendment becomes law, is that the President of the United States will be required to alter his strategy of escalation, disengage from Cambodia and Laos, and plan a phased, orderly and complete withdrawal of American forces from Vietnam.

These are goals which the President has announced as his.

However, they will never be implemented as long as military victory is the goal of the United States in Southeast Asia despite the President's statements to the contrary.

Mr. McGOVERN. Mr. President, I ask unanimous consent that a letter to me, a petition supporting the proposed amendment sponsored by the students of Hawthorne School, be printed at this point in the Record including the names of the signers.

There being no objection, the petition and list of signers were ordered to be printed in the Record, as follows:

The Hawthorne School,
Washington, D.C., May 4, 1970.

Dear Senator McGovern: The undersigned students and teachers, all members of The Hawthorne School, out of anger and frustration over the continuous and expanding United States involvement in the *undeclared* war in Southeast Asia, wish to express their whole hearted support for you in your efforts to halt this insanity.

We, the undersigned, stand 100% in support of the proposed amendment as announced at a press conference on Saturday, May 2nd, which we understand aims to call for a vote on the part of Congress (which is their Constitutional right and duty) either to declare war or to veto it and therefore end it. We understand from your press release the opinion that, "the only effective way to veto it is to cut off the funds for its continuation". We agree and therefore support your move to eliminate all military spending for Cambodia, Laos and Vietnam.

SIGNERS

Betsy Cason, Rosa Carbo, Blanche Gardner, Tina Kessinger, Debbie Daw, Chris Allen, Rachel Schneiderman, Brian Beatte, Debby Ralls, Richard Gardner, Taylor Alonso, Ron Richman, Brad Bentino, Jan J. Overstreet, John William Fish, Dante Donato Radios.

Kevin Battingham, Alexander Graham, Cherie Seglin, Karen Venable, Leon Fried, Brad Smith, Carol Weiser, Michele Pannard, Vicki Logan, M. L. Howison, Christy L. Nepple, Larry Lawrence, Jo Giubilato, Dale O. Maxwell, Jonathan Kopp, Edward Hamilton, Stewart Fraser, Cornelia Von Weskülll, Julia Smull, Austin Alley, Leslie Boone, Sally North.

Marsha Gordon, Alexandra Hand, Ingrid Jordan, Kathy Tull, Valerie Overdorff, Elizabeth Sudman, Katharine Snyder, Harvey Platig, Youssant bin Yias, Lucia Podrasky, Shannon Lewis, Rebecca Trumbull, Maurice Ringel, Steve Himelstein, Bonnie Taylor, Dana C. Smith, Lisa Laster, Philip Legg, John Robert Moore, Phil Andauy, James Broussard, Maida Richman.

Stephen Hoyt, Catherine Richardson, April Fish, John Cason, Eleanor Wilson Orr, Mark Bandak, Chere Jones, Eve Appelbaum, Kevin Doyle, Peter Bauman, S. Irving Picolo, Susan Cason, Ralph Stephens, Jan Rogers.

Thomas R. Slavic, Benjamin W. Harlan, A. Peter Shiros, Maceo Warren, James Everhart, Anne P. Lewis, Ken O'Dell, Duncan Overdorff, Elizabeth M. Lundell, Scott Cason, Bruce Chrmann, Austin Alley, Ede Fisk.

Daniel H. Kobe, Lloyd M. Bogis, Jesv Gelevis, Mayor and Representatives from Culebra, R.P.

D. Brooks, L. Cliotti, Tommy Pittman, Auteneeto Gradlee, Stephen R. McNeil, William H. Sufian, Morton Natchey, Emma Trenchi, Bill Morrow, Norma Parke, John T. McDermott.

Robert Richman J. Wright, Steve-Jerry Choote, Kathy Smith, Phil Printer, Jay Custer, Thomas Robinson, Columbus Boyle, S. Hall.

John M. Rowan, Mr. Thomas R. Montgomery E-4, Dominic John Royael, Daniel J. Donahue, Bob Murphy, Charles Runge, P. Shevel, Sue Stanger, Patricia C. George, Susan Cooper, Erik Preissler, Paul J. Trafter, George Zebrun, Tom Willelm, John Day, Betty Day.

Mike Matthew, David Desmond, Christopher I. Curtis, D. Mallonee, Oralen Scivert, Harriet Schwartz, Bob Vinllit, Dallas Perkins, Jr., Maery J. Mechanud, John A. Chilli, J. Peter Maloy, Lauare Sluy, C. J. Nigian, S. Sluldon, Debra Shileler.

Albert P. Clark, James Kirk, Garry Maccullh, Mike Scott, Joe D. Frank, Nick Hatfield, Rose Marie Jackson, Ann Wood, Linda Laloan, Kermit A. Schupt, Susan Kundin, Edward Stern, Sandra M. Pfeifer, S. Shapiro, Patricia Stugis, Blanchita P. Porter, Raymond Curtz.

Delores Franklin, David R. Levy, J. A. Trent, W. H. Perry, Dolores Hogan, Nancy Lesko, Caroline Henry, Thomas A. May, Arthur S. Armstrong III, Michael E. Gamby, Brian Milloy, Mrs. George Vance, Jr., Peter H. Cole, Bill Doyle, Dennis Doyle, Pat DiVeccehio.

Michael Crabtree, Kathleen I. Berechi, Timothy Claire, Frank Hairnell, John Beliveem, Jeff Smith, B. Cage, Ray Reynolds, Clinton Friday, Cathleen Bowen, Fay S. Wermen, Clarissa Nielsen, Tom Britton, Donald Hamilton, Richard Bentzenhf, Clinton Smith.

Michael Geoghegar, Jon Strandberge, N.Y.B., Judy Bieman, C. B. Stanell, Ronnie Thomas, Warren & Jeanne Boyce, Fran Becker, Jolera Woods, Thes Hide, Robert A. Harris, Alexa Janet.

Susan Mynot, Dini Stoddard, Jan Stoddard, Harriet M. Dertel, Cal Silbe Stuart, Mary Stuart, Gilbert R. Stuart, Rita Hackel, Sylvia M. Clark, Crum Clark.

Majorie M. Henry, Unda Henry, Carl R. Kobler, Eleanor Phelps Hunt, Irene Hamilton, Irene Hamilton, Virginia D. Howard, Katherine P. Biddle, Ann H. Skiff, Jeninger Cafritz, Gaston Cafritz, Charles Centile, Charles Gagy, Richard Myer.

Kevin L. Sullivan, "T" Tidwell II, Robert Feagley, Paul Giget, Stephen Howell, Ho Sen Amini, Henry C. Jones, Daniel Dolant, Wendy Williams, Greg Lagin, Betsy Mason, Brent Martin, Kevyn Lauritzen, William Battle, Eugenia E. Share.

Robert Alan Kovicz, Henesd, Kwina Vulinc, John Carlisle, Allen Johnston, Arthur Page, Orville E. Wilson, Jr., Alexander F. Worthing, Renee D. Bell, Helen M. Burgers, Therese Ann Humphrey, Dardra B. Baldwin, Steven Hill, Chris Perce, James Lain Roland, Tad Connors, John Geogler.

Scott Wigins, Richard T. Mahoney, Dianna Mahoney, Cohn Sober, Jamie Stevan, Ken Bradshaw, Luther Burbank McKeen, Daniel E. Mangum, Jean Hourihan, David O. Richards, Ljeboy Schlein, Linda Attman, Ellyn Greenberg, Bonnie Hasky, Karl A. Wolf, Jeanne M. Parker, Robert Levy, L. J. Wolf, Wilburt Stevens, Richard Toading.

Pinns, Beverly Taylor, Christopher Man, Katherine Doyle, Sandy, Ken Raty, Roberta Fortunatz, Candus Scwener, Arno Wasserman, Jim Wright, Ronnee Lawson, Mike Galloway, Susan Frather, L/Cpl. R. A. Christian, Tom Smith, Tiny, Ronald G. Rieks, Paul Johnson, Joslyn Trueblood.

Julie B. Anderson, Susan J. Drummond, Sue Blackmor (England), Kathleen Sylesster, Patrick J. Dittman, US, CSC, Judith Koch, Anne Marie, Rich Reavey, Anne Huts, Christopher Smallward, Page Gullurz, Barry Riley, Pat Harrison, Paul Schlegel, Marjorie Kites, Dr. and Mrs. Charles Kennedy, P. Murray, C. Saunders, C. Never, Pam Powell.

Mark C. Walsh, Jimmy Gudy, N. N. Nernberg, Nancy Gushy, Marvin Gatton, Kathleen Sullivan, Joseph J. Sagisia, Carol Meares, James Barathin, Pete Marshall, John B. Famihan (Youth International Party),

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Barney Kelly, Kent Greiger, Lenore Levine, Ed Berman, Mrs. Donald T. Devine, Doris Durkin, Michelle Ryka, Keni Connelly.

John Cahilb, Charles Hopkins, Frank Find, Contgld, Susan Polizzi, Seol Harper. Edwin F. Rissman, Margaret Lieu, Robert Mundy. Miles Nelson, Michael J. Hodyreth, PFC Kenneth A. Penciral, Cpl. Gregory E. Hood, Mr. and Mrs. Paul K. Walker, Jr., Doug Pidwing, Elliot U. Stein, Marcia Adams, J. Godsun.

Maury J. Mechanicz, Sheila Woods, Thomas E. Hudson Jr., J. Peter Maly, Bob Adams, Frank J. Sirinni, PFC Robert Burr, PFC Albert Huff, Celeste Sturse, N. Radoonso, Joe Harfel, Paul N. Nicfha, Robert Goldstein, William Patterson, Wm. Joy, Jr., Margaret Masslih, Chris Ru.

Donna Geddor, Pam Sullivan, Lucy Speed, Micky Pridman, Lynn Reifmore, Joshua Brooks, D. Watt, Douglas Linneman, King Rhinehart, Bill Howell, Marsha Route, Paul H. Fleming, Adelaide V. Williams, John Wroblewski.

Stephen Cockrell, Larry W. Sanders, Jerome Sarkis, W. N. Williams, Edward C. Smith, Chautal Leprence, Arnold Ward, Patricia Halvorron, Terese Minn, Jim Cassell, Sloan Hermansi, Steve Kebbler, Paul J. Kenney, William A. Russell, Lynn Pearson, Lee Crawford.

Lindsay Mathison, 2330 Great Falls, Falls Church, Va. 22046.

Bob Caplan, 6811 Riggs Manor Dr., Hyattsville, Md. 2078.

Jaime Medina, John Machl.

Thomas DeVening, Richard Eurich, Stuart Yesson, Duance S. Cooke, James W. O'Brien, Fred Cohe, Eva Isleman, Ruth Levy, Richard H. Capet.

Larry Gallagher, Richard Taylor, David E. Bailey, Ann Robert A. Lawrence, Jim Lunds, David Minah, R. Aguire, Arlene Edney, M. Siegel.

Rosemary Shiras, Billie Jean Goalty, Carol J. Jacob, M.D., Carol Moody Becker, Eleanor M. Carney, Natalie Shiras, Lee Valerian.

Jerry F. Delengowski, Peggy Blackman, Claudia Dunn, Karn Bauminger, Robert Kath, Judith M. Koenick, Stephen C. Daugherty, Eloise S. LaRue.

Ricki Mayer, Jacqueline Davis Metzner, Sally Bunting, Phyllis Pattor, Latie Starwish, Ellen Hurley, Ellen S. Masi, Doretta Williams, Kathleen M. Hudak, Demetra Smith, Ellen Levy, Donna Refenrath.

Lisa Applebann, Angela Fox, Lafayetta M. Whitte, Lydia Kayden, Clyde Gron, Laura Appelbaum, Michael J. Parker, David E. Mayoan, Willie Ludis, Donna R. Smith, Hope Appelbaum, Janne Appelbaum.

John M. White, Robert F. White, Elorunlit Borlick, Mourun Mullan, Patricia S. Fleming, Carol Conn, Nancy Conn, Elizabeth I. Conn, Amy Conn, Janet Dowling, Nancy Othmer, Judith G. Nelson, Fuffy K. H. Lark, George Moore.

Sylvia Eluhardt, Gorden George Ryan, Hars Boespard; Alice Evane, Janet Evans, Mike Odom, Moe Shulmai, Robert Hoffman, Fuevu S. Hoffman, David Olme, Gregory Anthon, Betsy Davis, Dulin Butobn.

Deborah Daw, Libby Mark, Kempy Miles, Matthew Selser, Chester Ives, Lurin Merriman, Helen Sumerwell, Leah Ahrens, Kay Kincir, Hillary Sanders, Michelle Daw, Buddy Dingman, Peter Schetter, Phyllis Daw.

Robert B. Wallace, Jane J. Wallace, Judith M. Roim, James C. Tison, William R. Bradley, Charles Taylor, Paul Brany, Nancy Ramsey, John J. Pajah, Elizabeth C. Pajak, Barbara Halpern.

Valerie Kozel, Mrs. Cora Hamilton, Sebacele Bigelero, Kathleen Noe, Gwen Mullen, Margaret Brosnan, Terry H. Aley, Mrs. Herbert Peress, Beau Roland, Cindy Sutton, Tami Peress, Mark Peress, Bobbo Brooks, Frances C. Flaupau, Tish Kendig, Melinda Alford, A. B. Early, Barbara Early, Mrs. Benjamin Achenbach, Mito R. Woods.

Theo Uthoreleyo, Jernan Heishell, Steve Foley, B. J. Popoulter, Brian Coleman, Aimee Segy, Robin Dienkey, Richard G. Deare, James Gibson, Jay Seidler, J. Dea Charmish, Cathy Conn, Maib Pickling, Evangeline G. Legg, Carolyn Worrall.

Charoltte Schneiderman, 3503 Northington St., NW., Washington, D.C.

Freeman R. Legg, 5700 Broad Branch Rd., N.W., Washington, D.C.

Penny Kohn, Mark E. Ste, C. Remert, Dick Mezy, Milt Peiffer, Philip N. Smith, Jr., Philip K. Maxwell, Jeannette S. Cason.

Robert Martin, Franklin Gleason, James O, Deborah M. Doolin, Judy Warrington, Tom Barskale, Steve Yudoulh, Elaine Conley, David E. Hopmann.

Mike Conroyd, John Reed, Bruce Elmer E–5 U.S.A., Jeff Stevens, Jeb W. Pendelton, Jr., Jimmy Kendall, Paula Palton, Darek Meisinger, Kathy Creekmore, Joyce Love, Donald J. Winn, Chas H. Davis.

Parry Leiffert, Gill Smith, Thomas M. Jarry, Scot Oeves, John Paul Shea, Timothy Louty, Ed Kaine, Marguerite Adams, Milton Shaw.

Bobby Stratton, Chuck Millieris, Pat Ellis, Darek Meisinger, Ken Lohnaugh, Mrs. R. I. Barnee, Margaret Austin, Mrs. Kathryn B. Rex, Noel A. Myers, Lee Black, Steven Yunker, Kathleen Sullivan, Carol Mears, Della R. Hasyney, Darlene Rush, Morton Namrow.

Ronald Lee Wilson, Van W. Carney, Paul K. Leather, Michael J. Bow, John Longton, Charles G. Renfro, Patricia E. Renfro, Penny Hill, Mary Roach, Shannon Fowler, Victor Thoen, Joseph Hare, Earl Holliman, Danny Wushard, Pete Graham.

Edward L. Smythe, Bob Z. McLaughlin, Nancy Diamond, Linda Smith, Nasty Bob, Linus Peppernickle, Lone Ranger, Guy Bar, Licorice, Suzy Rogers, Sally Adams, Christopher Barrett, Jo Anne Myers, Thomas E. Harper, Bobby C. Ferguson, James E. Ferguson, Donald Duck, Humphrey Bogart, Ed Berman.

Davy H. Widarel, Jr., Tiny, Toni Ormie, John Esperosa, Linda Altman, Elly Greenley, Bonnie Lasky, Stephanie L. Lewis, Jim Enyart, Christine Cuffer, Elizabeth Silva, William Jones, Vincent Jones, Jesse M. Baslett, Walter Debram, Carl Barnes, Mike Gee, Robert J. Miller, Lydia L. Harry, Mark Harrison, John J. Ekberg.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Montana (Mr. MANSFIELD), by previous consent, is now recognized.

Mr. MANSFIELD. Mr. President, I am sorry to interrupt this debate, which I think is highly significant and certainly is immediately of the greatest importance; but in view of the fact that we have a number of distinguished visitors in the Chamber, I am first going to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is anticipated that, at the conclusion of my remarks, and a brief recess, the distinguished senior Senator from Delaware (Mr. WILLIAMS) will make a motion which I think the Senate will find interesting, to say the least. So I would urge all Senators to stay on the floor for the purpose of hearing what the distinguished senior Senator from Delaware and other colleagues on the Committee on Foreign Relations, including the chairman, will have to say about the Gulf of Tonkin resolution.

VISIT TO THE SENATE BY DISTINGUISHED MEMBERS OF THE CONGRESS OF MEXICO

Mr. MANSFIELD. Mr. President, it is always an honor for the Senate to have in this Chamber our colleagues from the Mexican Senate and the House of Deputies. The Mexican-United States. Interparliamentary Group is now marking a decade of existence, 10 years in which we have had meetings to discuss mutual problems, mutual difficulties, and to try to arrive at mutual understandings.

We have learned a great deal from our colleagues in the Mexican Congress. They have taught us much. They have shown a dignity and an understanding which has made us a better people because of our knowledge of them, because of our friendship with them, and because of the unfailing courtesy and hospitality they have shown to us down through the years.

Mr. President, Mexico is a great country. Mexico is one of the few countries in the world with a hard currency. Mexico is one of the few countries in the world which is really trying to do something for its people and to do it under a democratic system.

There is a great deal of community of interest between our two countries. There have been times when we have acted hastily. There have been times when we have regretted what we did. But I would hope that the community of interest and the community of ideas would keep our countries close together; that we would consult with one another on the basis of equality on questions of mutual interest; and in that way be able to contribute not only to the welfare of our own nations, but to the welfare of the hemisphere and the world as well.

Mexico has made many, many contributions in the field of the arts and in the field of education, where I think somewhere on the order of 40 percent of the Mexican budget is spent. Almost 40 percent of the budget is put in the field of education. We could learn a great deal from what our neighbor to the south has done. The result is that the Mexican people have a stability in government. They have a continuity which has proved its worthiness. They have achieved a degree of success unparalleled in view of the scarce resources they have and their rapid increase in population.

Mr. President, it is my honor at this time to introduce the delegation from the United Mexican States. I shall not call off all their names, but I wish to mention the chairman of the Senate delegation, Senator Manuel Bernardo Aguirre, and the chairman of the delegation from the Chamber of Deputies, Deputy Joaquin Gamboa Pascoe.

I ask unanimous consent that the

names of the members of the Mexican delegation be printed in the Record.

There being no objection, the names were ordered to be printed in the Record, as follows:

MEXICAN DELEGATION

FROM THE SENATE

Sen. Manuel Bernardo Aguirre, *Chairman;* Sen. Manuel Tello, Sen. Mario C. Olivera Gómez Tagle, Sen. Cristóbal Guzmán Cárdenas, Sen. Arturo Moguel Esponda, Sen. Alicia Arellano Tapia, Sen. Mario Morua Johnson, Sen. Luis Gomez Zepeda, Sen. Manuel Sarmiento Sarmiento, Sen. Raul Llanos Lerma, and Sen. Raul Bolaños Cacho.

FROM THE CHAMBER OF DEPUTIES

Dip. Joaquin Gamboa Pascoe, Dip. Alfonso de Alba Martin, Dip. Hesiquio Aguilar Marañón, Dip. Raul Noriega Ondovilla, Dip. Maria Guadalupe Aguirre Soria, Dip. Adolfo Ruiz Sosa, Dip. Alfonso Meneses Gonzalez, Dip. Juan Manuel Berlanga, Dip. Ignacio González Rubio, Dip. Jose Arana Morán, Dip. Silverio R. Alvarado, Dip. José Angel Conchello Dávila, Dip. Hilario Galguera Torres, and Dip. Alfonso Argudín Alcaraz.

Mr. MANSFIELD. Ladies and gentlemen, we are delighted to have you with us.

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief recess subject to the call of the Chair, so that we may greet our distinguished visitors personally.

The PRESIDING OFFICER (Mr. Hughes). Without objection, the Senate will stand in recess subject to the call of the Chair.

Thereupon, at 12 o'clock and 40 minutes p.m., the Senate took a recess, subject to the call of the Chair. Senators greeted the distinguished visitors at the rear of the Senate Chamber.

Upon the expiration of the recess, at 12 o'clock and 48 minutes p.m., the Senate was called to order by the Presiding Officer (Mr. Hughes).

RECOMMITTAL OF SENATE CONCURRENT RESOLUTION 64, A CONCURRENT RESOLUTION TO TERMINATE CERTAIN JOINT RESOLUTIONS AUTHORIZING THE USE OF THE ARMED FORCES OF THE UNITED STATES IN CERTAIN AREAS OUTSIDE THE UNITED STATES

Mr. WILLIAMS of Delaware. Mr. President, I direct the attention of the Senate to Calendar Order No. 838, Senate Concurrent Resolution 64, offered by Senators Mathias, Mansfield, Javits, and Pell. This is the so-called Tonkin resolution.

This resolution was approved by the Committee on Foreign Relations on April 10 and ordered reported, and then on May 1 it was decided to make it a concurrent resolution rather than a joint resolution, and, purely as a pro forma procedure, it was reintroduced and reported out on the same basis without any further discussion.

Much to the surprise of the members of the committee, we found yesterday—or I found last night—that in writing the committee report the staff got a little overzealous and wrote their own views into the report, including their views on the events that have occurred in the last few days, particularly relating to the Cambodian incident. Although the resolution was reported on April 10 they refer to actions later in April, the President's speech of April 30, and the so-called Cambodian venture and express their opinions in rather clear terms. This is a serious departure from Senate procedures.

I respect the right of members of the staff to have their personal opinions, but I do question strongly the propriety of the staff trying to write those opinions into a committee report without the knowledge of the committee members and then releasing it over the name of the Committee on Foreign Relations. This report was released to the press and the country as though the Committee on Foreign Relations had approved the report. This is a serious matter involving not only the integrity of the Foreign Relations Committee but also the security of our country.

I have discussed this matter with the chairman and various other members of the committee, and they are all in complete agreement that this is an inexcusable procedure and that there is no choice except that this proposal go back to the committee, and the committee can then take its own action and prepare its own report.

As the result of this indefensible action of the committee staff the country and the world has been given the impression that the Senate Foreign Relations Committee has unanimously condemned the President for his recent decision when in fact the committee has neither taken nor considered such action.

I shall not go into detail as to the errors in the report other than to call attention to the fact that in one instance they refer to the President's speech of April 30. By no line of reasoning could the committee on April 10 have had any knowledge of that, nor could we have had any knowledge of the events of the past few days.

It was the desire of the sponsors of the resolution and the desire of the committee that the report be kept strictly to the events relating to this particular resolution so that it could be handled on its merits. It is for that reason that I am going to ask unanimous consent—because I understand there will be no objection to this procedure—that this resolution and this report be referred back to the committee. First, however, I should like to yield to the Senator from Kentucky, and then I think the Senator from Arkansas will want to speak.

Mr. COOPER. Mr. President, I join with the Senator from Delaware (Mr. Williams) in asking that the resolution together with the report be recommitted to the Committee on Foreign Relations. I do so for the reason that it is the report of the staff, and not of the committee.

On April 10, the committee agreed to report a resolution repealing the Tonkin Gulf resolution and the Middle East resolution, because repeal could be accomplished by action of Congress. Several times since April 10—the last time was last Saturday—I inquired of the staff whether a draft report had been completed. I did so, as I am sure other Members did, to have an opportunity to read the draft report, to determine if it was compatible with my views, the views of other members of the committee, and also to suggest changes to be considered by the committee. I did not see the draft. Yesterday morning, when we were meeting upon the question of what action the committee might take with respect to Cambodia, and the final printed report was before us. There was not time to read it in committee. Last evening, I studied it with care, and I had prepared remarks presenting my own views, which are not compatible with some of the positions and language expressed in the report.

I have previously expressed my views upon Cambodia, but I must say that I do not think it proper to use this report as a vehicle to attack the President of the United States, when it has not been considered by the committee.

There are serious questions about the respective constitutional powers of the executive and the legislative branches. It is a gray area. In fact, most of the authority—both the Supreme Court and the leading writers—provide great powers to the President as the Commander in Chief of the Armies, after a war has commenced.

I had hoped that before any action had been taken, Congress would have been consulted. But that is another question.

I join with the Senator from Delaware in urging that the resolution and report be recommitted, in order that we may have an opportunity to study the report and to make our own suggestions.

Mr. WILLIAMS of Delaware. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I think it is proper for this report to be recommitted, in order to delete the references to Cambodia, as the Senator from Delaware suggested.

I must say that I take some responsibility for not having noticed this. It is quite correct that the report should not have dealt with developments involving Cambodia. The only excuse I have is that Friday and yesterday were very strenuous days, with a great many meetings and other things going on, and I did not have an opportunity to reread the report before it was filed. I had read the original draft. But, as Senators will recall, we got into difficulty on the original report because of the recasting of the resolution in the form of a concurrent resolution in order to comply with the express repeal provisions in the Tonkin Gulf and the Middle East resolutions. Technically, the parliamentarian informed us, the proper way to handle the problem was to introduce another concurrent resolution. I say that by way of background.

Emotions that have risen with regard to Cambodia have been injected here and, I agree with the Senator, improperly.

I am aware of two items concerning Cambodia, and I invite the Senator's attention to them—if that is all he had in mind—for my own guidance.

On page 3, there are four or five lines reading as follows:

> By its action of April 1970 in intiating within the territory of Cambodia without the consent or even the prior knowledge of Congress or any of its committees, the Executive branch has shown disregard not only for the national commitments resolution but for the constitutional principles in which that resolution is rooted.

I agree with that. But I also agree that it should not be in this report. I did not notice yesterday that this language was in the report because I think we had agreed generally that in a report such as this extraneous matters should not be referred to.

I might say in defense of the staff, that the long discussion in this section of constitutional powers really relates to the Gulf of Tonkin resolution. Much has been said about that in the past. On a number of occasions I have admitted that I was less than diligent in considering that original resolution. The Senate adopted it with a minimum of attention. I think we spent only an hour and 40 minutes on it in committee. And there was only very brief debate on the floor.

So the issue relating to the President's authority, and especially the declaration of war powers in the Constitution, relates, I may say, not to the present President. It relates to the predecessor of the present President. It was never intended, and I did not intend this discussion to be related to the present difficulties of this administration.

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The other excerpt begins at the bottom of page 12, the word "the," going through that one paragraph.

I believe those are the only references to Cambodia in the report.

I agree with the Senator from Delaware that the proper procedure would be to refer it back, so that the committee can delete those references or change it in any other way it wishes.

Mr. WILLIAMS of Delaware. I appreciate the position of the Senator. The Senator has cited two references. I have not tried to go through the report to see whether there are more because a report cannot be written and amended on the floor.

Mr. FULBRIGHT. I agree with that. I am not trying to bind the Senator to that. In looking at it, there are only two references. It would not be a major operation to revise the report.

Mr. WILLIAMS of Delaware. The committee can write a report. There is no question about that. I did think it is ironic that the staff in expressing their views took strong exception to the administration for taking action, as they say, without prior consultation with Congress; yet the staff in this report writes their own views of what they think of the war without consulting the committee, and then releases the report in the full committee's name.

I do not want to be too harsh on the staff, but I am not quite as kindly inclined on it as perhaps the chairman is. I think they should be called to task and given to understand that they do not write their own views and editorialize in these reports; because, after all, the report is supposed to reflect the views of the committee.

I suggest that in the future if a member of the staff decides that he wants to become a foreign policy expert he should resign and either run for the U.S. Senate or try to become Secretary of State and not try to do it under the name of the Committee on Foreign Relations, because it may be very embarrassing to him before this is settled.

I heard last night over the radio, when this was first released, that the Foreign Relations Committee had unanimously condemned the President on the Cambodian war. Of course, as the Senator agrees, this was not even discussed. I hope we can correct the mistake and that it can be done in a spirit of harmony.

As I recall, this resolution came out of our committee unanimously with the support of the administration. There was no objection——

Mr. FULBRIGHT. That is right.

Mr. WILLIAMS of Delaware. I think we can bring it back in such form again but with the proper report.

Mr. FULBRIGHT. That is correct.

Mr. WILLIAMS of Delaware. I am not going to debate this further at this time, Mr. President, and I ask unanimous consent that the resolution and the report be referred back to the Committee on Foreign Relations.

The **PRESIDING OFFICER** (Mr. Hughes). Is there objection to the request of the Senator from Delaware? The Chair hears none, and it is so ordered.

RAIL PASSENGER SERVICE ACT OF 1970

The **PRESIDING OFFICER** (Mr. Hughes). The hour of 1 o'clock having arrived, the Chair lays before the Senate the pending business which the clerk will state.

The Assistant Legislative Clerk. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the rule of germaneness will not begin to apply until we have finished with the morning business.

The **PRESIDING OFFICER.** Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Now, Mr. President——

The **PRESIDING OFFICER.** Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **ACTING PRESIDENT** pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

Report on Judicial Proceedings Regarding American Indian Tribal Claims

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusions of judicial proceedings regarding certain American Indian tribal claims (with an accompanying report); to the Committee on Appropriations.

Report on Number of Army Commissioned Officers and Warrant Officers Assigned to Headquarters, Department of the Army

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on March 31, 1970 (with an accompanying report); to the Committee on Armed Services.

Report on Strategic and Critical Materials Stockpiling Program

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a report on the strategic and critical materials stockpiling program for the period of July 1 to December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

Report of Small Business Administration

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, on disbursements made by the Administration for the period March 25, through May 3, 1970; to the Committee an Banking and Currency.

Report on Status of the Northeast Corridor Transportation Project

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the status of the Northeast Corridor transportation project, dated April 1970 (with an accompanying report); to the Committee on Commerce.

Report of the American Legion

A letter from the director, the American Legion, transmitting, pursuant to law, a financial report of the American Legion as of December 31, 1969 (with an accompanying report); to the Committee on Finance.

Certification as to Adequacy of Soil Survey and Land Classification

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a certification that an adequate soil survey and land classification has been made of the lands in the Manson unit, Chelan division, Chief Joseph Dam project, Washington, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission Into the United States of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation Relating to Final and Conclusive Settlement of Certain Claims

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737 (with an accompanying paper); to the Committee on the Judiciary.

Report on Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications

A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report of the Director on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications for the year ended December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

Status of Permanent Residence for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence filed by certain aliens, together with a statement of the facts and pertinent provisions of law as to each alien, and the reasons for granting such applications (with accompanying papers); to the Committee on the Judiciary.

Permanent Adjustment of Status of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a list of certain aliens, with the request that their cases be reexamined with a view to the permanent adjustment of their status (with accompanying papers); to the Committee on the Judiciary.

Prospectus for Proposed Construction

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which revises the post office, courthouse, and Federal office building project authorized at Williamsport, Pa. (with an accompanying paper); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the **ACTING PRESIDENT** pro tempore (Mr. **Metcalf**):

Resolutions of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"The Commonwealth of Massachusetts

"Resolutions memorializing the President of the United States, the Congress of the United States, and the Secretary of State in support of the State of Israel

"Whereas, The United States of America was the first foreign power to recognize the new State of Israel in 1948 and since that time has maintained with the State of Israel common friendship, cooperation and an identity of interest in the aims of democratic government; and

"Whereas, Israel is the sole bastion of democracy in the Middle East and the staunch and tested friend of the United States and its presence in the Middle East; and

"Whereas, The identity of interests between the United States of America and Israel flourished and were secured under the bipartisan policy of all successive administrations since 1948; and

"Whereas, Israel, without the utilization of a single foreign soldier, is resisting the communist thrust into the Middle East; and

"Whereas, Recent policy statements of the State Department and of the present administration in Washington denote a reversal of that policy of mutual trust, cooperation and the pursuit of common goals in disregard of the realities of the historical perspectives, politics and physical necessities of Israel's present posture in the Middle East; and

"Whereas, Such reversal of policy by the State Department threatens a grave injustice to a friend and ally and the destruction of our self interest in the Middle East; now, therefore, be it

"*Resolved*, That the Massachusetts General Court calls upon the President of the United States, the Congress of the United States and the State Department of the United States to once again recognize and reaffirm its commitment to a peace between the Arab States and Israel arrived at only by direct negotiations between the two parties directly concerned, and by the recognition by the Arab States of the sovereignty of the State of Israel; to declare and affirm as basic policy that while the United States is desirous of being a friend to all nations of the Middle East that it will not purchase this friendship at the cost of a holocaust in the State of Israel; and to declare a restriction on the sale of arms to Israel cannot be imposed by the United States so long as the Soviet Union and other nations do not recognize a similar duty to restrict their contribution to the escalation of the arms race in the Middle East by wholesale commitment of offensive arms to the Arab States, in any event, to insure that Israel's capacity to defend herself without the requisite that foreign troops intervene be maintained in its complete integrity; and be it further

"*Resolved*, That copies of this joint resolution be forwarded by the Secretary of the Commonwealth to the President of the United States, the Massachusetts members of the Congress of the United States and to the Secretary of State of the United States."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Public Works:

"House Concurrent Resolution 104

"Concurrent resolution requesting Hawaii's congressional delegation to use its utmost efforts in obtaining Federal funds to aid the State in developing a deep water harbor at Barber's Point, Oahu

"Whereas, private and public studies indicate the great need of a new deep water harbor in a major industrial area outside of downtown Honolulu; and

"Whereas, the State and other public and private agencies have been proceeding for a number of years in planning for a deep water harbor at Barber's Point; and

"Whereas, the United States Senate had approved the sum of $1,000,000 to commence work on the Barber's Point project but a joint United States Senate-House Committee has recently failed to approve funds for this important project; and

"Whereas, a new harbor outside of Honolulu would have many benefits for the people of Hawaii, including relieving the congested facilities at Honolulu Harbor and reducing the traffic congestion on Oahu's highways; now, therefore,

"Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that Hawaii's Congressional Delegation be requested to use its utmost efforts in obtaining Federal funds to aid the State in developing a deep water harbor at Barber's Point, Oahu; and

"Be it further resolved that certified copies of this Concurrent Resolution be transmitted to members of Hawaii's Congressional Delegation, the President of the United States Senate, the Speaker of the United States House of Representatives, members of the Public Works and Appropriations Committee in both the United States House and Senate, the Secretary of the Army, the Director of the United States Bureau of the Budget, the Chief of Engineers of the United States Army Corps of Engineers and the Board of Engineers for United States Rivers and Harbors."

A concurrent resolution of the Legislature of the State of Hawaii; ordered to lie on the table:

"Senate Concurrent Resolution 59

"Concurrent resolution requesting that the U.S. Congress, in its consideration of H.R. 14465, assure the retention of the existing ticket tax exemption afforded State and local employees traveling on official business

"Whereas, H.R. 14465, as presently pending in the United States Congress, would repeal the existing exemption of State and local employees from the ticket tax when traveling on official business; and

"Whereas, the efficient administration of the State and local governments of Hawaii demands the attendance of numerous conferences, seminars, and special events throughout the mainland United States by its State and local employees, many of which are in connection with federal programs; and

"Whereas, the distance of approximately 2,500 miles from the State of Hawaii to the nearest point on the Continental United States necessitates travel over considerable spans to reach various mainland destinations; and

"Whereas, Hawaii's State and local employees possess no alternative expedient and less costly means of transportation to the Continental United States, such as is available to employees of other mainland State and local governments traveling shorter distances except by common carrier; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that the Congress of the United States be requested, in its consideration of H.R. 14465, to assure the retention of the existing ticket tax exemption afforded State and local employees when traveling on official business; and

"Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President and the Secretary of the Senate of the United States; and the Speaker and the Clerk of the House of Representatives of the United States; the Honorable Daniel K. Inouye, United States Senator; the Honorable Hiram L. Fong, United States Senator; the Honorable Spark M. Matsunaga, United States Representative; and the Honorable Patsy T. Mink, United States Representative."

A resolution adopted by the Board of County Commissioners of Sarasota County, Fla., praying for the enactment of legislation to designate Cape Kennedy as the operational base for the space shuttle system; to the Committee on Aeronautical and Space Sciences.

A resolution adopted by the City Commission of Miami, Fla., praying for the enactment of legislation to designate Cape Kennedy, Fla., as the site for the operational base of the space shuttle system; to the Committee on Aeronautical and Space Sciences.

A resolution adopted by the YMCA Youth Legislature of the State of Washington, praying for the enactment of legislation banning the transportation or storage of nerve gas and/or any products of biological warfare through the State of Washington; to the Committee on Armed Services.

A resolution adopted by the Oakland County, Calif., Board of Commissioners, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the Shriners of the Hadji Shrine Temple, meeting in Pensacola, Fla., condemning the repressive and cruel treatment of American and allied prisoners in Vietnam; to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, with amendments:

S. 1624. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes (Rept. No. 91-840); referred to the Committee on Finance.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HATFIELD:

S. 3789. A bill for the relief of Eldridge H. White, Jr.; to the Committee on the Judiciary.

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 3790. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JORDAN of Idaho when he introduced the bill appear later in the RECORD under an appropriate heading.)

By Mr. FONG:

S. 3791. A bill to amend the Social Security Act to provide that the Trust Territory of the Pacific Islands shall be regarded as a State for purposes of the program of maternal and child health and crippled children's services established by title V of such act; to the Committee on Finance.

S. 3792. A bill for the relief of Sofia M. Valdez; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 3793. A bill for the relief of Francisco Marpuri, D. M., and his wife, Angelita Marshall Marpuri; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3794. A bill for the relief of Sudha B. Bakare; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 3795. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under cetrain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Armed Services.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HOLLAND:

S. 3796. A bill for the relief of Reynaldo Canlas Baecher; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 3797. A bill to consolidate and improve certain programs for higher education, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MONTOYA:

S. 3798. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for title I through IV through fiscal year 1971, and for other purposes; to the Committee on Public Works.

By Mr. MOSS:

S. 3799. A bill to amend the Small Reclamation Projects Act of 1956, as amended; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. MOSS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DODD:

S. 3800. A bill for the relief of Valentino Coppola;

S. 3801. A bill for the relief of Antonio D'Anna, Graziata D'Anna, and Felice D'Anna; and

S. 3802. A bill for the relief of Gino Magliocco; to the Committee on the Judiciary.

S. 3790—INTRODUCTION OF A BILL TO AUTHORIZE CONSTRUCTION AND OPERATION OF THE SALMON FALLS DIVISION, UPPER SNAKE RIVER PROJECT, IDAHO

Mr. JORDAN of Idaho. Mr. President, I introduce on behalf of myself and my distinguished colleague (Mr. CHURCH) a bill to authorize the construction and operation of the Salmon Falls division, Upper Snake River project, Idaho, and refer it for appropriate reference.

This is a potential development proposed by the Bureau of Reclamation to supply additional water to some 50,000 acres of irrigated land in southern Idaho and to bring an additional 14,000 acres of dryland under irrigation.

Mr. President, the people in this area have been struggling for many years to make a living from these fertile lands with an inadequate water supply. The project acreage lies on the south side of the valley of the Snake River, above the prosperous Twin Falls South Side irrigation project, beyond the reach of gravity diversion from the river. Local water supplies, both surface and underground, have been developed to the maximum practicable extent, but the lands still suffer intolerable water shortages.

It is now proposed to build a pumping plant at the existing Milner Dam on the Snake River and a canal to convey the water to the lands. In years of above-normal runoff, Snake River flows surplus to existing water rights will serve the Salmon Falls division. In normal or dry years it will be necessary to pump water from wells in the abundant Snake River aquifer north of the river to augment the natural water supply. This can be accomplished economically by discharging the pumped groundwater into the existing distribution systems of irrigation developments north of the river, thereby reducing the Snake River diversion requirements of those developments and freeing that amount of water for use by the Salmon Falls division.

Our bill makes adequate provision for protecting the water supply and the water rights of the districts affected by this exchange arrangement.

This project has the enthusiastic support of the landowners and is accepted by the districts in the exchange water areas. It will not have any adverse effect upon the environment, but will provide new habitat for upland game birds.

The Governor and the congressional delegation from Idaho support this authorizing legislation. A companion bill is being introduced in the House today.

The Salmon Falls division is a worthy and sorely needed reclamation project. The Bureau's feasibility report demonstrates its economic justification and financial feasibility. Practically the entire $47.2 million in construction costs will be repaid to the Treasury, under reclamation law.

Mr. President, my colleague (Mr. CHURCH) and I urge early and favorable consideration of this legislation to develop a natural resource and to help these people to help themselves.

The PRESIDING OFFICER (Mr. PROXMIRE). The bill will be received and appropriately referred.

The bill (S. 3790) to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho, and for other purposes, introduced by Mr. JORDAN of Idaho, for himself and Mr. CHURCH, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I join my colleague from Idaho today in introducing a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division of the Upper Snake River reclamation project.

The proposed Salmon Falls division is located south of the Snake River in the vicinity of Twin Falls, Idaho.

Lands in the project have been farmed for many years. The Salmon tract area of the project was developed for irrigation under the Carey Act and first received irrigation water in 1910. Unfortunately, the project area has always suffered from an insufficient water supply. Records show that the existing Salmon River Canal Co., in spite of repeated and costly measures to conserve water and develop new supplies, has never had an adequate supply for its entire service area, and in a great many years less than half of the area can be adequately served.

The proposed Salmon Falls division offers the only hope of developing a full water supply. The present supplies of the Salmon River Canal Co. would be augmented under the project plan by additional surface supplies from the Snake River and a tributary and, in times of severe shortages, through exchange agreements involving the development of ground water sources. The existing irrigation supplies to 49,400 acres will be supplemented and full supplies will be provided to 14,700 new acres.

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The project will also offer an opportunity to enhance the habitat for upland game birds. The costs of fish and wildlife measures would be shared by the Idaho Fish and Game Department.

The Bureau of Reclamation's studies show that the plan is technically feasible and that the irrigation costs can be returned to the Treasury in full from water user payments and available hydroelectric power revenues, as required by law. The project has a ratio of total benefits to costs of 2.31 to 1.

The economy of the project area is basically agricultural. The important communities of the area are heavily dependent upon farm product processing plants. Irrigation is an essential factor in balanced operations, and the Salmon Falls division will help to stabilize and expand this rural area's economic base.

Mr. President, I hope that the Senate will recognize the benefits which accrue to the Nation from the ability of small cities and rural areas to absorb population growth. I urge support for sound development programs such as this.

S. 3797—INTRODUCTION OF A BILL RELATING TO IMPROVEMENT OF EDUCATION PROGRAMS ACT

Mr. JAVITS. Mr. President, I introduce for appropriate reference the Improvement of Education Programs Act.

The first title of this bill consolidates into one title a number of existing higher education programs which have been previously authorized by the Congress but not funded. These programs are interinstitutional networks for knowledge—title VIII of the Higher Education Act, education for the public service—title IX of the Higher Education Act, clinical experience for students of law—title XI of the Higher Education Act, and international affairs and foreign language education—the International Education Act and title VI of the National Defense Education Act.

By consolidating these provisions, new life can be breathed into them so that they might realize the promise envisioned when first enacted by the Congress. An authorization of $86.5 million for fiscal year 1972 is provided, which is the sum of the authorizations which were provided for the component programs; thus consolidation does not diminish the intent of the legislation.

The second title of the bill modifies the administration's proposal for a National Institute of Education by adding "innovation" to the research functions of the Institute. This is accomplished by providing that the Institute will administer the 15-percent set-aside recently enacted for title III of the Elementary and Secondary Education Act—innovation for elementary and secondary schools—and a new innovative program for higher education identical with that I proposed in my bill, S. 3369, the Higher Education Project Development Act of 1970, introduced on February 3.

By combining the research and innovation functions under the Institute, we will be increasing the effectiveness of each function, for they are clearly interrelated. The title III, ESEA, program has proven its effectiveness since its enactment in 1965. The proposed higher education innovative program has similar goals and is long overdue; it would provide colleges and universities with an opportunity for innovation and to improve their management and academic procedures.

The House of Representatives has asked $137,393,000 for title III, ESEA, for fiscal year 1971; 15 percent of this amount would be available to the Institute for elementary and secondary education innovation with the other 85 percent utilized under State supervision for that same purpose. There is authorized for fiscal year 1972 $30 million for higher education innovation, all through the Institute.

For its research functions, the Institute is provided the same open authorization as stipulated in the administration bill, of which I am a cosponsor, as originally introduced; as a matter of practice, the Congress in considering such a measure usually provides for a specific authorization amount.

The PRESIDING OFFICER (Mr. Dole). The bill will be received and appropriately referred.

The bill (S. 3797) to consolidate and improve certain programs for higher education, and for other purposes, introduced by Mr. Javits, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

S. 3799—INTRODUCTION OF A BILL RELATING TO AMENDMENTS TO SMALL RECLAMATION PROJECTS ACT

Mr. MOSS. Mr. President, when the Small Reclamation Projects Act was enacted in 1956, the maximum loan under the program was established at $5 million, while the maximum size of the project qualified under the program was fixed at $10 million.

In 1966, the Congress passed a measure, of which I was the principal sponsor, which, among other things, increased the loan limit from $5 million to $6½ million to compensate for the increase in unit costs over the 10-year period. However, no change was made in the $10 million limit on the size of the overall project.

Now, I am told that several projects which have been under consideration by local interests for a number of years, and which originally qualified, will become ineligible because rising costs will carry them over the $10 million limit. This limit must be adjusted to take into consideration the increase of costs since the original Small Reclamation Project Act was passed in 1956. If the current rate of increase in construction continues, the equivalent of the 1956 limit of $10 million will reach $15 million by October 1971. There is a need, therefore, to increase the $10 million limit if many worthy projects are not to fall by the wayside. There is also a need to increase the maximum loan limit from $6.5 million to $7.5 million to adjust for increased project costs since the original act was passed in 1956. The best way to do this, I believe, is to adjust the maximum loan limit and the maximum size of the project to relate to these limits to the index for the cost of similar projects. I am today introducing a bill to amend the 1956 act in these respects.

Both of these problems were discussed at the 39th annual meeting of the National Reclamation Association—now the National Water Resources Association—in Spokane, Wash., and the amendments I am introducing today were recommended by the small projects committee of that organization.

This fine organization has been of inestimable assistance in the past in supporting needed changes and adjustments in the Small Reclamation Projects Act, and I am looking forward to working with its members in again updating the act to keep in step with changing conditions and times.

I ask unanimous consent that the full text of the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Dole). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3699) to amend the Small Reclamation Projects Act of 1956, as amended, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 3799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Small Reclamation Projects Act of 1956 (70 Stat. 1044), as amended, is further amended as follows:

(1) Clause (i) of section 2(d) is amended to read as follows: "(i) any complete water development for irrigation or for irrigation and domestic, municipal, or industrial use, including incidental features thereof, or a dstinct unit of such an undertaking or a rehabilitation and betterment program for a similar existing project, authorized to be constructed pursuant to the Federal reclamation laws and".

(2) That part of the second sentence in section 2(d) which immediately precedes the proviso is amended to read as follows: "The term 'project' shall not include any such undertaking, unit, or program the costs of which exceeds the maximum allowable of $10,000,000 (January 1956 prices) plus or minus such amount, if any, as may be required by reason of changes in the cost of construction work of the type involved as shown by engineering costs indices. No loan, grant, or combination thereof for any project shall be in excess of 65 percent of the maximum allowable estimated project cost:".

(3) The first sentence of section 4(e) is amended by deleting ", whether the proposal involves furnishing supplemental irrigation water for an existing irrigation project, whether the proposal involves rehabilitation of existing irrigation project works, and whether the proposed project is primarily for irrigation".

(4) Paragraph (a) of section 5 is amended to read as follows:

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"(a) the maximum amount of any loan to be made to the organization and the time and method of making the same available to the organization. Said loan shall not exceed the lesser of (1) the loan value derived under section 2(d), or (2) the estimated total cost of the project minus the contribution of the local organization as provided in section 4(b), and the amount of the grant approved;".

ADDITIONAL COSPONSORS OF BILLS

S. 2265

Mr. METCALF. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Minnesota (Mr. Mondale) be added as a cosponsor of S. 2265, to extend to Indians of all tribes special additional Federal matching payments presently provided only for certain tribes.

The PRESIDING OFFICER (Mr. Proxmire). Without objection, it is so ordered.

S. 3151

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. Nelson), I ask unanimous consent, at its next printing, the name of the senior Senator from Wyoming (Mr. McGee) be added as a sponsor of the bill (S. 3151) to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance.

The PRESIDING OFFICER (Mr. Dole). Without objection, it is so ordered.

S. 3215

Mr. JAVITS. Mr. President, I ask unanimous consent that at the next printing the names of the Senator from Arizona (Mr. Goldwater), my colleague the Senator from New York (Mr. Goodell), and the Senator from Alaska (Mr. Stevens) be added as cosponsors of S. 3215, the National Foundation on the Arts and Humanities Amendments of 1970, which I cosponsored with the distinguished Senator from Rhode Island (Mr. Pell).

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

S. 3354

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), I ask unanimous consent that, at the next printing, the names of Mr. Church, Mr. Cranston, Mr. Curtis, Mr. Gravel, Mr. Hart, Mr. Hartke, Mr. Mansfield, Mr. Moss, Mr. Nelson, Mr. Packwood, Mr. Ribicoff, Mr. Stevens, Mr. Williams of New Jersey, and Mr. Young of Ohio be added as cosponsors of S. 3354, to amend the Water Resources Planning Act (79 Stat. 244) to establish a national land use policy.

The PRESIDING OFFICER (Mr. Dole). Without objection, it is so ordered.

S. 3388

Mr. JAVITS. Mr. President, on behalf of the Senator from Pennsylvania (Mr. Scott), I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. Hatfield) be added as a cosponsor of S. 3388, to establish an Environmental Quality Administration.

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

SENATE RESOLUTION 401—SUBMISSION OF A RESOLUTION RELATING TO THE ASSIGNMENT TO DUTY IN SOUTH VIETNAM AND CAMBODIA OF MILITARY DRAFTEES

Mr. PROXMIRE submitted a resolution (S. Res. 401) relating to the assignment to duty in South Vietnam and Cambodia of military draftees, which was referred to the Committee on Armed Services.

(The remarks of Mr. Proxmire when he submitted the resolution appear earlier in the Record under the appropriate heading.)

SENATE RESOLUTION 402—SUBMISSION OF A RESOLUTION TO PRINT THE ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION AS A SENATE DOCUMENT

Mr. HOLLAND (for Mr. Ellender) submitted the following resolution (S. Res. 402); which was referred to the Committee on Rules and Administration:

S. Res. 402

Resolved, That the Annual Report of National Forest Reservation Commission for the fiscal year ended June 30, 1969, be printed with an illustration as a Senate document.

SENATE RESOLUTION 403—SUBMISSION OF A RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE WILLIAM L. ST. ONGE, OF CONNECTICUT

Mr. DODD (for himself and Mr. Ribicoff) submitted a resolution (S. Res. 403) relative to the death of Representative William L. St. Onge, of Connecticut, which was considered and agreed to.

(See reference to the resolution when submitted by Mr. Dodd, which appears later in the Record.)

ADDITIONAL COSPONSOR OF A RESOLUTION

S. Res. 399

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. Church) and the Senator from Minnesota (Mr. Mondale) be added as cosponsors of Senate Resolution 399, relating to the creation of a World Environmental Institute to aid all the nations of the world in solving common environmental problems of both national and international scope.

The PRESIDING OFFICER (Mr. Hansen). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

S. Con. Res. 64

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Virginia (Mr. Spong) be added as a cosponsor of Senate Concurrent Resolution 64, to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATION—AMENDMENT

AMENDMENT NO. 609

Mr. McGOVERN (for himself, Mr. Hatfield, Mr. Goodell, Mr. Hughes and Mr. Cranston) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was referred to the Committee on Armed Services and ordered to be printed.

IMPROVEMENT OF FARM INCOME BY EXTENDING AND IMPROVING CERTAIN COMMODITY PROGRAMS—AMENDMENT

AMENDMENT NO. 610

Mr. BAYH (for himself and Mr. Goodell) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 3068) to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

(The remarks of Mr. Bayh when he submitted the amendment appear later in the Record under the appropriate heading.)

ESTABLISHMENT OF A NATIONAL RAIL PASSENGER SYSTEM—AMENDMENTS

AMENDMENT NO. 611

Mr. METCALF submitted amendments, intended to be proposed by him, to the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend sec. 13(a) of the Interstate Commerce Act, and for other purposes, which were ordered to lie on the table and to be printed.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION BILL—AMENDMENT

AMENDMENT NO. 612

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Min-

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nesota (Mr. Mondale) I submit an amendment, intended to be proposed by Mr. Mondale, to the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

Mr. President, on April 30, 1970, the Senator from Minnesota (Mr. Mondale) submitted an amendment to S. 3374, the NASA authorization bill introduced in the Senate. This amendment would eliminate the $110 million contained in that bill for design and definition of the space shuttle station.

The Senate Committee on Aeronautical and Space Sciences has now reported in amended form the House-passed version of the NASA authorization bill—H.R. 16516. I am, therefore, on behalf of the Senator from Minnesota, submitting Mr. Mondale's earlier amendment as an amendment to H.R. 16516.

The second amendment is exactly the same as the first, that is, it would reduce the line item "Space flight operations" from $515,200,000 to $405,200,000. I ask unanimous consent that the text of the amendment be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Dole). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 612) is as follows:

Amendment No. 612

On page 11, line 11, insert the following: Strike "$515,200,000" and insert in lieu thereof "$405,200,000."

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents, vice Edwin L. Reynolds, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, May 12, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INDEPENDENCE OF FEDERAL JUDGES

Mr. ERVIN. Mr. President, I wish to announce that the Judiciary Subcommittee on Separation of Powers will resume its hearings this week on the independence of Federal judges, the Judicial Conference of the United States, and the judicial councils of the circuits.

As you know, no fewer than 27 bills to discipline Federal judges are now before the Congress, many of which contain provisions that would strengthen either the Judicial Conference or the circuit councils. To one extent or another, each of these bills would erode the judicial independence in our Federal court system.

The purpose of the subcommittee's hearings is to consider whether a sacrifice of judicial independence is either warranted or wise at this time. We are examining the administrative performance of the Judicial Conference and circuit councils and trying to determine whether they have adhered to the intent of the Congress. If we find that they have misused their authority, then I think there would be serious question about the advisability of increasing their powers.

Our hearings resume this Thursday and Friday, May 7 and 8, at 10 a.m. each day in room 2228, New Senate Office Building. Both days of hearings will be open to the public.

On Thursday, the subcommittee will hear the Honorable David L. Bazelon, chief judge, District of Columbia Circuit, U.S. Court of Appeals, Washington, D.C., and the Honorable William F. Rehnquist, Assistant Attorney General, Department of Justice, Washington, D.C.

Friday's witnesses will be the Honorable Bailey Aldrich, chief judge, First Circuit, U.S. Court of Appeals, Boston, Mass., Peter Fish, assistant professor, Department of Political Science, Duke University, Durham, N.C., and Prof. Preble Stolz, school of law, University of California, Berkeley, Calif.

Any persons desiring further information about the hearings should contact the Subcommittee on Separation of Powers, 1418 New Senate Office Building, telephone 225-4434.

NOTICE OF HEARING ON S. 3505, A BILL TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Washington (Mr. Jackson) concerning hearings on S. 3505.

There being no objection, the statement by Mr. Jackson was ordered to be printed in the Record, as follows:

Mr. President, as Chairman of the Interior and Insular Affairs Committee, I would like to announce that open public hearings will be conducted May 18 on S. 3505, a bill to amend the Land and Water Conservation Fund Act of 1965.

This bill, which I introduced on behalf of myself and Senator Gordon Allott, the ranking minority member of the Committee, would provide a minimum annual appropriation authorization of $300 million for the purposes of the Fund.

The hearings will be conducted starting at 10 a.m. in Room 3110 of the New Senate Office Building by the Subcommittee on Parks and Recreation.

Anyone interested in testifying on S. 3505 should notify the Committee.

ADDITIONAL STATEMENTS OF SENATORS

CONTROL OF POLLUTION IN U.S. COASTAL ZONES

Mr. HOLLINGS. Mr. President, recently, a concurrent resolution was passed by the South Carolina General Assembly, requesting the Secretary of the Interior to make a statement of policy that his pronouncement on pollution made in reference to industries locating in Beaufort County, S.C., should be uniformly applied in all States.

On May 4, 1970, Secretary Hickel appeared as a witness before the Commerce Subcommittee on Oceanography, of which I am chairman, to discuss pending legislation regarding the management of coastal zones in the United States and its Territories. After Secretary Hickel presented his statement, I specifically inquired into the area referred to in the concurrent resolution. The following exchange took place between the Secretary and myself:

Senator Hollings. [I] will ask you an obvious question, but it has been raised, really, by the Governor and the General Assembly of South Carolina, that this new procedure is being enforced solely against South Carolina.

What is your comment?

Secretary Hickel. That is not true. We took this action in Ohio, in Toledo, in four major steel mills last September, one similar to this. But these were already in existence. There is somewhat a uniqueness here in the fact that in what we have done up until this time was move against those in operation. This is a new plant; it is one that is different in that category, in that we are pointing out the problem before it happens.

That is unique, but it isn't obviously just because it is South Carolina. It is in your State; it could have been in another State. We would take the same action.

* * * * *

Senator Hollings. Well, again getting right to the point, if that plant started moving and went up to North Carolina, the Department of Interior would hound-dog them there, too, as they have done in South Carolina?

Secretary Hickel. That is right. We would have to do the same thing. . . .

It seems quite clear, therefore, that the Secretary has categorically stated that his pronouncement regarding pollution shall be uniformly applied in all States.

I ask unanimous consent that the concurrent resolution be printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

A Concurrent Resolution Requesting the Secretary of the Interior To Make a Statement of Policy That His Pronouncement on Pollution Made in Reference to Industries Locating in Beaufort County Shall Be Uniformly Applied in All States

Whereas, a highly reputable industry had all but commenced construction in Beaufort County when the issue of pollution was raised; and

Whereas, the industry readily acknowledged the existence of pollution laws and attempted to reassure everyone in every way humanly possible that it knew the laws have to be obeyed and that it was prepared to

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measure up to such obligations; and

Whereas, all State and local officials, ever mindful of the interest and welfare of the people as well as that of the county and the State, were and remain convinced of the conscientious attitude and capability of this industry to comply with the laws of this State; and

Whereas, in an unprecedented action and flagrant abuse of authority the Secretary of the Interior has interfered with an aspect of the internal affairs of a State beyond his legal interest, ostensibly for purposes of protection against pollution; and

Whereas, this questionable course of action by the Secretary has not only damaged the reputation of this industry, but has caused other industries interested in locating in South Carolina to become hesitant and in some cases to eliminate this State from further consideration; and

Whereas, the revised attitude of the subject industry and other prospective new industries in this State results from South Carolina being singled out for special consideration by the Secretary in his new-found war on pollution; and

Whereas, the members of this body feel that the Secretary of the Interior should make a statement of policy that his pronouncement regarding pollution shall be uniformly applied in all States and not only in South Carolina; and

Whereas, such a statement is essential to mitigate irreparable damage already experienced by the economy and growth of this State. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Secretary of the Interior is hereby requested to make a statement of policy that his pronouncements on pollution made in reference to industries locating in Beaufort County shall be uniformly applied in all States.

Be it further resolved that a copy of this resolution be forwarded to the Secretary of the Interior and to each member of the Congressional Delegation from South Carolina.

MISS AUDRA PAMBRUN, EAST GLACIER PARK, MONT., WINNER OF AMERICAN NURSES ASSOCIATION CONTEST

Mr. MANSFIELD. Mr. President, I am pleased to inform the Senate that Miss Audra Pambrun, a registered nurse and resident of East Glacier Park, Mont., has been selected as the national winner of the American Nurses Association, Be-Involved Nurse Search. Miss Pambrun is a member of the Blackfeet Indian Tribe and the director of the community health aids with the Office of Economic Opportunity's community action program on the Blackfeet Reservaton.

I understand that Miss Pambrun was selected from more than 200,000 members of the American Nurses Association for her outstanding contribution in raising the level of social and health services in her community. The announcement is being made today at the ANA convention in Florida. Miss Pambrun will receive a $2,000 award, one-half of which will go to a community project in Browning.

Audra Pambrun is a graduate of Columbus Hospital School of Nursing, in Great Falls, and now works among her own people on the Blackfeet Reservation. Her territory covers 1,500,000 acres with a caseload of approximately 7,000 Blackfeet Indians. Her nursing experience includes staff nursing with the Public Health Service, ambulance work, obstetrics, and school nursing. As director of the community health aids under the OEO community action program, she implemented a complete survey of every home on the reservation to determine what was needed. This is the kind of aid which will make a direct and valuable contribution to the improvement of conditions on our Indian reservations. The selection of Miss Pambrun for this award was most appropriate, and I am delighted by this recognition of her outstanding leadership.

VIOLENCE ON KENT STATE UNIVERSITY CAMPUS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Tragedy At Kent," published in the Washington Evening Star of Tuesday, May 5, 1970.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Tragedy at Kent

Yesterday, four young people died on the campus of Kent State University in Ohio.

Now will come the charges, the countercharges, the questions. Did the National Guardsmen open fire for no adequate reason on a crowd of unarmed student protesters? Was the incident touched off by a sniper? Were the men ordered to fire? Or was the brief fusilade the product of a panic reaction by a few semi-trained soldiers to the advancing mob.

There will be official investigations. There will, in the course of time, be detailed answers. But the really important fact is already indelibly entered on the record: Two young men and two girls are dead.

The essential tragedy is compounded by the fact that their deaths were purposeless. The peace movement needs no martyrs. There will be no massive shift of opinion because of the blood spilled on the campus of Kent University. Support for the administration will neither be strengthened nor eroded. The policy will not be revised.

But it cannot be said that nothing has changed. The four deaths have measurably increased the likelihood that tensions now building on campuses across the country will explode into further violence and pointless bloodshed.

Student leaders who have called for a nationwide academic strike and organizers of the proposed weekend rally in Washington must know, at last, that the tactic of violent confrontation must be abandoned. Dissent, quite properly, will continue—in Congress, in the press, on the campuses and in the homes. But it is time for us all to recognize that dissent in the streets can produce nothing more than violence, that no shouted arguments or chanted slogans are going to alter the balance of public opinion that has crystalized around the subject of American involvement in Southeast Asia.

There is no need to rekindle the controversy, to increase the intensity of debate, to test the explosiveness of this society by striking sparks of provocation. There is, instead, a need for a brief pause to ponder the fact that four young lives have ended in the gentle Ohio spring, and to ask why this should be.

OPPOSITION TO ALL-VOLUNTEER ARMY

Mr. SAXBE. Mr. President, we all know that there are many arguments pro and con over abolishing America's military draft in favor of an all-volunteer Army. I think one of the most convincing arguments in opposition to such a move was made in an article published recently in New Republic magazine. It was written by Mr. Peter Barnes, the author of the book entitled, "The Army May Be Hazardous to Your Health." Mr. Barnes has capsuled in an excellent manner most of the reservations I have with regard to a military force composed exclusively of volunteers. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New Republic magazine, May 9, 1970]

All-Volunteer Army?

(By Peter Barnes)

Barry Goldwater is for it, so is George McGovern. William F. Buckley, Jr. supports it, so does John Kenneth Galbraith. Robert Taft, Jr. likes the idea, so does Allard K. Lowenstein. So, too, in principle, does Richard M. Nixon, as he reiterated in his draft message last week. They all favor an all-volunteer army. Now, backed by the unanimous support of a Presidential Commission headed by former Defense Secretary Thomas S. Gates, the end-the-draft advocates have succeeded in directing the nation's gaze towards the beguiling goal of what, it is claimed, would be a painless military. Alas, it is a prospect that under present conditions is neither attainable nor particularly desirable. Unless we turn our gaze from this alluring distraction, and look instead towards other reforms, we shall be left with a military system that is little better than the one we have.

Like Gaul, the coalition supporting an all-volunteer army is divided into three parts: the ideological conservatives, the ideological liberals, and those who, for want of a better term, might be called middle-class pragmatists. (Richard Nixon falls into this last-mentioned category.) The conservatives quite persuasively contend that conscription is a gross infringement upon individual liberty. The liberals, tormented by Vietnam, maintain with equal persuasiveness that no one should be compelled to fight in a war that is immoral, undeclared, and non-defensive. In addition, the liberals see an end to peacetime conscription as a way to limit the military's size, and thus its power. The middle-class pragmatists put forward a number of largely technocratic arguments for an all-volunteer army. Their underlying objective is not to control the military more firmly but to quell the restless students.

Like many of the Republican efforts that have come before it, the Gates Commission report is a fusion of the conservative and pragmatic viewpoints. It closely reflects the known positions of Commission members Milton Friedman, the conservative economist, and Stephen Herbits, a young law student who helped a group of moderate Republican congressmen write a book about ending the draft. The Commission's report also parallels the views of Martin Anderson, the 32-year-old White House staffer best known for *The Federal Bulldozer*, a stinging critique of urban renewal, and as the author of Nixon's statements on the draft.

What troubles me is not that these advocates are improperly motivated, or that a "professional" army, if established, would be a terribly dangerous or objectionable thing. The disturbing aspects of the pleas for an all-volunteer army is their lack of contact with social realities. We are asked to believe that, simply by paying the price, we can make the injustices surrounding military service vanish. Such is not the case.

In the lengthy report of the Gates Commission, for example, there are several statements such as the following: "A force made up of men freely choosing to serve should enhance the dignity and prestige of the military. Every man in uniform will be serving as a matter of choice rather than coercion." The magic word "all-volunteer" is used to conjure up visions of a highly motivated force of gung-ho professionals, unplagued by malcontents and ready to heed the call to action with nary a moment's hesitation. This kind of fighting force, we are told, is both desirable and feasible. By raising the basic pay levels for first-term enlisted men, beefing up the recruiting corps and buying more advertisements in the media, we could have such an army by as early as mid-1971. President Nixon in his message expressed doubts about the '71 date but asked Congress to give a 20 percent pay boost to enlisted men with less than two years service and pledged to move steadily if cautiously along the path to an all-volunteer army.

One senses that the Gates Commission (not to mention Nixon) forgot to talk to any GIs who did enlist during the past decade or two. The kind of army it envisions might well be worth thinking about if we were still in the 1930s. Then, the army was small—microscopic by current standards—and unemployment was high. Recruiters were literally turning people away. Today they're not so choosy. Even aided by pressure from the draft, recruiters are beating the bushes like hungry car salesmen, promising one thing or another to induce adolescents to sign up. Many a naive young man enlists with strange impressions of what awaits him. Others are accepted who shouldn't be in the military. The volunteer who signs up, or thinks he signs up, for airplane mechanics and then finds himself in an infantry platoon is not always a happy soldier. Nor is the youth who volunteers because a judge offered him a choice between the army and the county jail. Nor is the so-called New Standards man—accepted since 1966 under Project 100,000—with a fifth grade reading ability, who falls humiliatingly behind his buddies in training. Nor is the runaway, or the kid from a broken home.

Statistics bear out the fact that volunteers are not appreciably happier in the army than draftees. For example, despite bonuses for reenlisting that run as high as $10,000, the Army's reenlistment rate for first-term volunteers is only 14.6 percent. This compares with a reenlistment rate of 7.4 percent for draftees.* Sixty percent of the AWOLs now prisoners in military stockades are volunteers, as are about the same percentage of deserters known to be in Canada and Sweden. In short, the army is chock full of volunteers who would like to "unvolunteer," Regular Army men who are impatiently counting their days till separation and who resent their loss of liberty as much as any draftee. (Indeed, some volunteers are even more embittered than draftees because they were led to expect something other than they got.)

The conservatives and particularly the pragmatists would have us believe that by eliminating coercion, we would wipe out the indignities associated with military service. But an all-volunteer army would not eliminate the indignities of military service so much as it would remove them from the sight of those who prefer not to see and experience them—primarily the sons of the educated white middle class. The Gates Commission talks glowingly of upgrading financial compensation and other conditions of service so that participation in the military becomes "a rewarding opportunity, not . . . a burden." If military service could really be made a rewarding opportunity, there would be little reason to do away with the draft. The truth is that military service is, and for the foreseeable future will be, a burden, and the lot of the enlisted man will remain, to varying degrees only, unpleasant.

An all-volunteer army would put an end to peacetime *induction*, but in so doing would transfer the burden of military service to those who are most susceptible to being *induced*. These would primarily be the poorer, less educated and less sophisticated segments of our youth population. It is argued, in a somewhat elitist tone, that these young people would have the most to gain from military service, or at least have less to lose. (The truth of this statement is in itself a sad commentary on our society.) But is it proper that our nation should be defended by those who have been favored by it the least? Is not the burden of common defense something that all segments of society should share equally, or at least run an equal risk of sharing? And how much justice is obtained by ending conscription, but replacing it with a recruiting system that feeds on the poverty, ignorance and gullibility of our most disadvantaged youngsters?

There is no such thing as a large painless military. The more socially just course lies not in trying to hide the pain, or transfer it, but in sharing the pain and seeking, through reform of the army, to reduce it.

How can the military be reformed? This is the major question, and although no comprehensive answers can be offered here, some suggestions are possible on how we might begin.

The first and most timely target for alteration is the Selective Service Act, which is due to expire next year. Student deferments, as the President recommended to Congress, should be eliminated. Beyond that, there are two major areas where the law should be changed.

First, a numerical ceiling ought to be placed upon the number of men the President can induct each month. Our deepening involvement in Southeast Asia reveals the helplessness of Congress in the face of Presidential *faits accomplis*. The Constitutional authority of Congress to declare war has been brushed aside by Presidential spokesmen as "outdated." Defense appropriation bills are spirited through the Capitol in such a manner that few can be opposed to "supporting our fighting boys who are already over there." Never in the long and bloody history of escalation has there been a handle Congress could grab, a point where it could say, "Stop." As the Senate Foreign Relations Committee stated in its National Commitments report last year: "The concentration in the hands of the President of virtually unlimited authority over matters of war and peace has all but removed the limits to executive power in the most important single area of our national life. Until they are restored the American people will be threatened with tyranny or disaster."

Much of the blame lies with Congress itself. Six times it has approved or extended a Selective Service law which gives to the President the power to conscript men "whether or not a state of war exists," without any effective limitation on the number that can be drafted or the use to which they can be put. It is incongruous, but nonetheless true, that if the President wants 20,000 men in February to be trained for deployment to Asia, he merely snaps his fingers; if he wants $20,000 to combat poverty in West Virginia, he must fight like hell for the appropriation.

It is time that Congress remedied the situation by withdrawing the blank check on the nation's manpower it has given the President for nearly 25 years. This can be done by establishing a fixed monthly ceiling on the number of draftees, and providing that no additional men can be inducted without Congressional "appropriation." Thus, Congress might authorize the President to draft up to 10,000 men per month. If at any time the President wanted more than the authorized number of drafttes, he would have to come to Congress stating the size and purpose of his request. He might be required to do this monthly, or perhaps only quarterly. In either case, Congress would retain the power to review periodically the President's use of the draft.

The second area where the Selective Service law ought to be amended is in definition of concientious objection. Here again, the problem should be viewed in relation to the President's almost unchecked power to make war. Congressional safeguards are not the only ones that have become enfeebled. The people's ultimate safeguard—the electoral process—has also been shown to be virtually irrelevant. ("We are not about to send American boys nine or ten thousand miles away from home to do what Asian boys ought to be doing for themselves"—Lyndon B. Johnson, 1964.) If the old Constitutional checks and balances have been eroded, new ones must be created which can be enforced. At the same time, if conscription is to be continued, some protection must be afforded the individual against an over-eager invasion by the Executive of his fundamental liberties.

The present law defines a conscientious objector as one who "by reason of religious training and belief, is conscientiously opposed to participation in war in any form." Though the Supreme Court ruled in 1965 that it was not necessary to believe in a Supreme Being in order to be classified as a conscientious objector, the whole notion of conscientious objection in America (though not in England) is too narrowly associated with religious pacifism. Conscientious objection—at least to undeclared, non-defensive wars—should be a basic political right having nothing to do with how or whether a man worships God. This, in essence, may be what the Massachusetts legislature meant to say when it enacted the recent law prohibiting the use of Massachusetts soldiers in undeclared wars "outside the territorial limits of the United States." This is the perspective from which Congress ought to view the subject when the draft comes up for renewal.

Congress can, and should create by statute the right of an individual not to participate in undeclared, non-defensive wars. This right would obviously be broader in its application than the existing right of religious pacifists to be excluded from combat; yet it would not be a universal right. It would apply only to those who objected to a particular war *for reasons of conscience* (i.e., some test of sincerity would be required). It would not apply in peacetime; it would not apply to wars in which the nation was under direct attack. Moreover, if Congress saw the need to mobilize the country and to make a declaration of war, the right of conscientious objection could be suspended (or limited once again to religious pacifists).

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*The Gates Commission distinguishes between draft-induced and what it calls "true" volunteers—men for whom the draft is not a factor in enlisting. No reenlistment statistics are available that differentiate between the two types of volunteers, but obviously the reenlistment rate for "true" volunteers is somewhat higher than the rate for all volunteers. A good estimate is that it runs around 20 percent. This means that 80 percent of even the "true" volunteers—still the overwhelming majority—get out of the army at their first opportunity.

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A major difficulty in establishing a basic right of conscientious objection to the draft is that, for some subliminal reason, conscientious objection is widely considered to be a radical idea. Quite the contrary: nothing is more conservative and traditionally American than the right of the individual to be secure from unauthorized encroachments of Presidential power, as we have so often heard from William F. Buckley, Jr., Barry Goldwater and others. It is also said that a provision for conscientious objection to undeclared and non-defensive wars would "legalize draft-dodging." So it would—under certain conditions. But so, too, would an all-volunteer army, and on a far larger scale.

What is more astonishing than the fact that there is resistance to the idea of redefining conscientious objection is that so little consideration has been given to it. The Gates Commission, judging from its report, did not even blink in the direction of conscientious objection. Yet as an alternative to an all-volunteer army—an alternative that does not go nearly so far in excusing citizens from the burden of military service,—the idea of the draft *cum* conscientious objection to undeclared, non-defensive wars has much to commend it. (It is interesting to note that Great Britain provided for nonreligious and even non-pacifist conscientious objection during, of all things, World War II. Despite the dire threat to their survival as a free people, the British were able to recognize that honorable men could have reasons of conscience for not participating in that particular war, and that such men were not necessarily either cowards or traitors. The government's position, as stated in a 1944 Ministry of Information booklet, was forthrightly put: "We hold that a man whose deepest feelings are outraged by combatant military service should not be pressed into such service. Not only will he suffer, but also—a point frequently overlooked—the Service will suffer.")

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Beyond the initial goal of amending the Selective Service Act lies the larger problem of humanizing the army—of structuring and maintaining a competent, defensively-oriented military that causes minimum damage to individual integrity. Several smaller countries (Switzerland, Sweden, Israel, West Germany) have resolved this problem with varying degrees of success. In the United States the problem was briefly tackled after World War II, but never fully pursued. There is no better time to take up the task than now.

The two things that most degrade the enlisted man are his total lack of power over his own life, and the constant attack by the army on his personality. The former is to a large extent inevitable, the latter is not.

From the moment he is drafted or inducted into the military, the young enlisted man is stripped of the power to make decisions. This powerlessness extends from matters of the most vital concern to him, such as avoiding death, to the most trivial details of daily existence. He is told when to get up, what clothes to wear, how to walk and talk—and ultimately, whether he must carry a rifle in the rice paddies or sit behind a desk in North Carolina. Before the army he was relatively free; once in the army he is faceless government property, shaped, wrapped, and shipped to arbitrary destinations.

The GI is willing to accept much of this because he recognizes the necessities of a large military organization. He is less willing to accept the concerted assault upon his private being. In basic training, he is yelled at, denounced, humiliated and punished in a calculated effort to destroy his self-esteem and individuality. In place of his previous identity the army attempts to construct a new one—that of the obedient servant and perhaps killer.

When training is over, the war between the GI and the army over the GI's personality becomes quieter—a kind of war of attrition. The army ceases to attack. Still, a soldier need not call for violent overthrow of the United States government to trigger a repressive response. An unbuttoned uniform, a disrespectful word, sideburns a quarter of an inch too long, a letter to a Congressman—any of these is sufficient. The variety of tools available to the army for personality control would require a small catalog to list. They range from denial of weekend passes to assignment of miserable details, from orders to ship to Vietnam to fines, demotions, courts-martial, stockades and several different types of bad discharges. On occasion, too, there is resort to sheer, extra-legal brutality. If a youngster doesn't know what fear is, he quickly finds out.

There is no simple way to go about humanizing a military machine. The American army is an old and powerful institution, fixed in its ways and peculiarly resistant to change. Congress alone, even if it were willing, could not bring about the needed shifts in officer attitudes and company-level practices. The major pressures for change must come—and they are coming—from GIs themselves, aided by a concerned and alert public. One way *not* to begin, in my opinion, is to move to an all-volunteer system. There is nothing civilian society would like more to forget about than the army. The attentions of Congress, the press, the federal courts and anxious parents would drift far from the indignities of military life the moment that life was proclaimed to be voluntary. There would similarly be less popular concern about the uses to which volunteer soldiers were put. How many would care, and how deeply, about the Vietnam war if their sons and brothers were not being conscripted to fight it?

At the same time, an end to the draft would shield the army from the influx of citizen-soldiers who are the yeast of internal change. The army *needs* Yossarians, Ronald Ridenhours, independent-minded R.O.T.C. junior officers and J.A.G. lawyers—soldiers who do their jobs but who are not committed to the cover-your-ass system, whose loyalties are to civilian, not careerist values. Given the absence of countervailing powers within the military, it is the civilian-in-uniform who is most likely to point out, articulate and test the areas for change.

More truthful recruiting practices would of course diminish much subsequent bitterness. Also, training should concentrate on building up a soldier's military skills and not on destroying his sense of individual worth. Following training, the army's control over the individual should be limited to those aspects of conduct which are directly related to combat effectiveness or to foreign policy (when a soldier is stationed in a foreign country, there *is* a legitimate national interest in supervising his behavior). The GI's recourses against abuses of power must be strengthened. This can be done, perhaps, through the installation of congressionally-appointed civilian ombudsmen on major military bases. Soldiers' representatives, elected directly by the enlisted men, could speak for the GI before the commanding general and the ombudsman. (The West German *Bundeswehr* has a system similar to this.)

In addition, Representatives and Senators should keep a more watchful eye than they do on commanders who infringe upon soldiers' rights; such commissioned officers should not be perfunctorily approved when their promotions come through Congress.

In short, there are a number of philosophic reasons, as well as considerations of social equity, which argue against a large all-volunteer army under present conditions. But beyond these is the fact that the country faces a choice between further isolating the military or bringing it more closely under civilian scrutiny and control, between professionalizing the army and reforming it. If the draft can be modified so that limits are placed on the power of the President to conscript, then an army within which there is some freedom and ferment would be the safest, most humane, and most worthy kind of army for our young people and for a healthy democracy.

LUXURIES FOR MANY—NO TV FOR MULTIPLE AMPUTEE

Mr. PROXMIRE. Mr. President, the Pentagon, as we all know, has a penchant for spending millions on marginal luxuries. It has swimming pools at the BOQ's, PX's and commissary stores at almost every post, and accommodations for visiting VIP's which rival the $50-a-day rooms at most resort hotels.

But as James McCartney, veteran correspondent for the Knight Newspapers and the Chicago Daily News Service indicates, those who need simple aids most of all are often the last to receive them. He has filed a moving story contrasting these overwhelming luxuries for many in the military with the absence of a simple television set at a Vietnam hospital for Lt. Ted Bridis who is a multiple amputee.

Lieutenant Bridis lost both legs at the knee. His right arm is amputated at the elbow. As McCartney's article points out:

> He cannot turn himself over. He cannot read in bed for he cannot hold a book.

But neither the Army nor the Red Cross could provide Lieutenant Bridis with a TV set in the Third Field Hospital in Saigon. Yet, that was the only means he had of passing the lonely hours. Finally, after a saga of frustration and blunder, Lieutenant Bridis' buddies took up a personal collection to provide him with a TV set after the Army and the Red Cross failed.

This occurred at a time when, according to the article, all kinds of luxuries and facilities were available to almost everyone else in Saigon. As McCartney writes:

> The U.S. Army is able to find and pay for air conditioners for just about every colonel, major and captain at headquarters in Saigon.
>
> The United States is able to finance chauffers for even middle-level U.S. civilian personnel in Saigon so that they won't have to walk to work in the humid heat of the tropics.
>
> It is able to maintain lush officer's clubs. It has comfortable VIP accommodations for every defense secretary who cares to make an inspection trip.
>
> Almost every official in Saigon—military or civilian—is able to afford a Vietnamese maid.

Mr. President, I commend this moving article which so clearly contrasts the heroic sacrifices and suffering of some with the high-off-the-hog living of too many in Saigon.

We need a military which gets its own priorities straightened out as well as the priorities between it and the civilian economy.

I ask unanimous consent that Mr. McCartney's moving article from the Chicago Daily News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Daily News, Apr. 14, 1970]

AMID SAIGON LUXURIES, NO TV FOR HELPLESS YANK

(By James McCartney)

WASHINGTON.—Lt. Ted Bridis, 24, lost two legs and one arm for his country in Vietnam.

They were blown off by a Communist mortar shell Feb. 22.

But neither the U.S. Army nor the American Red Cross could find a TV set to make his life more comfortable as he lay on his back in the 3d Field Hospital in Saigon.

The U.S. Army is able to find, and pay for, air conditioners for just about every colonel, major and captain at headquarters in Saigon.

The United States is able to finance chauffeurs for even middle-level U.S. civilian personnel in Saigon so that they won't have to walk to work in the humid heat of the tropics.

It is able to maintain lush officer's clubs. It has comfortable VIP accommodations for every defense secretary who cares to make an inspection trip.

Almost every official in Saigon—military or civilian—is able to afford a Vietnamese maid.

But the U.S. government couldn't find a way to furnish Ted Bridis a TV set to help pass the hours as he lay on his back.

And neither could the American Red Cross.

Ted Bridis, of Miami, was a star on Miami High School's 1962 championship football team.

Both legs have now been severed at the knee. His right arm has been amputated at the elbow.

He cannot turn himself over.

He cannot read in bed, for he can't hold a book.

What he can do, his doctor says, is watch TV.

And that, the doctor said, might help him to pass the lonely hours.

American TV shows are available in Saigon on an armed forces network.

But the U.S. Army is stingy with TV sets for triple amputees.

When the Red Cross unit at the 3d Field Hospital was asked if a set could be obtained for the lieutenant, the director, a woman, said she'd look into it.

But two days later there was still no action.

So the Red Cross national headquarters in Washington was asked to make an inquiry.

A cable came back from the Red Cross office in Saigon.

In part it read:

"Hospital does not—repeat not—have TV sets available for individual patients."

The cable did not mention that the Army does—repeat does—have air conditioners available for thousands of fully ambulatory officers.

Well, Lt. Bridis now has a TV set.

The men in Lt. Bridis' unit—the 26th Engineering Company, attached to the Americal Division—took up a collection.

They are not in Saigon.

They don't have air conditioners.

They don't have maids.

They don't have chauffeurs.

They are in a combat zone in the toughest sector of the Vietnam War, some 200 miles north of Saigon in the jungle.

They took up a collection in a combat zone to buy their buddy a TV set.

GALLUP POLL ON PRESIDENT'S ACTION IN CAMBODIA

Mr. SCOTT. Mr. President, 4 days have now passed since President Nixon went to the people on Thursday night to explain to them his position regarding Cambodia.

Following that speech, I indicated publicly my wholehearted support of the President.

While criticism has been long and loud from congressional sources and from parts of the academic community, the public has responeded in support of our President.

The best information that has been available to me indicates that the operation in Cambodia is going extremely well and is proceeding according to timing and planning. As I said last Thursday night, I feel that this move was necessary and is temporary. Nothing that has happened to date indicates anything other than that.

Mr. President, this morning's Washington Post contains a Gallup poll on the President's action in Cambodia and shows that a majority approves of the President's handling of the Cambodian situation. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

51 PERCENT SUPPORT NIXON ON CAMBODIA VENTURE

PRINCETON, N.J.—Initial public reaction to President Nixon's handling of the Cambodian situation shows approval outweighing disapproval by about a 7-to-5 ratio. But the American people clearly prefer this support to be in the form of arms and material and not combat troops.

A key reason for opposing the sending of troops is the fear of a major involvement of our forces in Cambodia.

These findings are based on the work of 105 Gallup Poll interviewers who talked to 528 adults in person on Saturday and telephoned the results to Princeton that evening. Results of a full-scale survey on the Cambodia situation will be reported in the near future.

Following are the survey questions and the results, based on the 95 per cent of the sample who said they have heard or read about the fighting in Cambodia:

"Do you approve or disapprove of the way President Nixon is handling the Cambodian situation?"

Approve—51 per cent
Disapprove—35 per cent
No opinion—14 per cent

"Do you think the U.S. should send arms and material to help Cambodia, or not?"

Should—53 per cent
Should not—35 per cent
No opinion—12 per cent

"Do you think we should send U.S. troops to help Cambodia, or not?"

Should—28 per cent
Should not—58 per cent
No opinion—14 per cent

"As you see the situation at this time, do you think the U.S. will be able to avoid a major involvement of our troops in the Cambodia situation, or not?"

Yes—31 per cent
No—55 per cent
No opinion—14 per cent

DR. EDWARD L. R. ELSON

Mr. DOLE. Mr. President, it was indeed fitting that the Senate paused on April 27 to salute Dr. Edward Elson on the 40th anniversary of his ordination.

Dr. Elson's ministry has been unique in its dedication to those who serve this great Nation. To the battlefields of Europe, to the White House, and to the Senate, he has brought God's word and his own understanding, thoughtfulness, and warmth. Countless GI's, a President, the Senate, as well as his congregation at the National Presbyterian Church have gained strength, comfort, and inner peace through his ministrations.

We are fortunate to have him in our midst. I take great pleasure in saluting him and belatedly wish him many years of health and service to God's children.

Let me add that Dr. Elson gave the invocation at Constitution Hall on Friday, May 1, for "an appeal for international justice" on behalf of American servicemen missing in action or prisoners of war in Southeast Asia. His presence and blessing added a meaningful dimension to the tribute we sought to pay these gallant Americans.

DEATH OF THOMAS F. CORCORAN, STAFF CONSULTANT, SMALL BUSINESS COMMITTEE

Mr. BIBLE. Mr. President, it is with deepest regret that I inform the Senate of the passing of Mr. Thomas F. Corcoran, a consultant on the staff of the Select Committee on Small Business.

In his wide-ranging career, Mr. Corcoran was recognized as an expert in economic statistics and in governmental statistical administration. In the latter capacity, he was instrumental in developing statistical organizations and programs in many countries.

Mr. Corcoran received B.A. and M.A. degrees from Yale University, where he specialized in economics and languages. He studied also at the University of Toulouse, France, and University of California.

He began his Government service with the Bureau of Labor Statistics in 1935 and served there as field representative and assistant division chief. He was director general of statistics and census for the government of Panama from 1941 to 1944; subsequently, as a representative of the Office of Coordinator of Inter-American Statistical Institute, he undertook consultation assignments in Paraguay, Honduras, Guatemala, Panama, Costa Rica, Cuba, and Haiti.

As a member of the staff of the U.S. Bureau of the Census beginning in 1946, he played an important role in developing its program of international statistical training, serving as Chief, Consultation and Training Programs, for the Bureau's International Statistical Programs Office, and taking special assignments himself as statistical adviser to the governments of Pakistan, 1951–53, and Ethiopia, 1956.

Mr. Corcoran was a member of U.S. delegations to a number of international statistical conferences, and author of many reports on statistical activities of the United States and foreign countries. He was a member of the Inter-American Statistical Institute, the American Statistical Association, the National Planning Association, and the American Association for the Advancement of Science.

From 1956 to 1960 he was Special Assistant to the Assistant Director for Administration in the Bureau of the Census. From 1960 to 1965 he served as professional staff member for the Committee on Post Office and Civil Service, House of Representatives, where he directed staff work for the Subcommittee on Census and Statistics.

He retired from the Bureau of the Census in 1965, and returned to part-time work in 1968 for special assignment as consultant to the staff of the Senate Select Committee on Small Business. He was serving in this capacity at the time of his death.

Mr. Corcoran was instrumental in preparing an interim report of the committee on "The Growing Problems of Small Business in Meeting Federal Paperwork Requirements."

Upon assuming the chairmanship of the Small Business Committee, I was pleased to report to the Senate that the Census Bureau would simplify its data requirements in the business census forms for small firms. This enormous change which will have a great beneficial impact on small business in fulfilling Federal reporting requirements was the direct result of the very effective work of Mr. Corcoran. Mr. Corcoran was ever mindful of the problems experienced by small businesses in meeting the burden of Federal redtape. The small businessmen have lost a great champion in the passing of Mr. Corcoran. His effective advocacy on behalf of the small business community will not be forgotten.

As for his personal traits, Tom Corcoran was a kindly man, an individual whose personal warmth made his capability as a technician in his chosen field that much more effective. As a public servant dedicated to the cause of making government more efficient in serving the public's needs, Tom Corcoran represented the highest type of a Government career expert. His quiet, yet effective work for committees of the Congress on both sides of Capitol Hill represented the highest traditions of the Federal service. For Mrs. Corcoran and other surviving members of his family, we extend our deepest sympathies.

Mr. President, I ask unanimous consent that articles from two Washington newspapers providing accounts of Mr. Corcoran's death be printed in the Record.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **JAVITS.** Mr. President, I join with the senior Senator from Nevada (Mr. Bible) in expressing the deepest regrets of the Senate on the passing of Thomas F. Corcoran. In his capacity as consultant to the Select Committee on Small Business, Mr. Corcoran's excellent work in attempting to facilitate the dealings of the small businessman with the Federal Government was highly impressive. His approach to the problems of small business, as evidenced particularly in the report of the committee on the Federal paperwork burden, on which he worked so diligently, was that of a scholar, and the report has served as a basis for alleviating many of the impediments of Federal redtape.

Mr. Corcoran, as an expert in the field of statistics, represented the U.S. Government many times at international statistical conferences and, as consultant to a number of Latin American governments, assisted in the development of census programs for those countries.

Mr. Corcoran was a dedicated and conscientious member of the committee's staff and was indeed a most pleasant man with whom to work.

On behalf of the minority and as ranking member of the select committee, I wish to offer deepest sympathies to his wife and family.

EXHIBIT 1

[From the Washington Post, Apr. 26, 1970]

THOMAS CORCORAN, STATISTICIAN, DIES

Thomas F. Corcoran, 62, a retired government statistician and former consultant to two congressional committees, died Friday after a heart attack at Cafritz Memorial Hospital. He lived at 5700 Wheeler Road, Oxon Hill.

Mr. Corcoran was a native of Springfield, Mass., and received B.A. and M.A. degrees from Yale University. He did post-graduate study at the University of California and at the University of Toulouse in France on a Sterling Fellowship.

Mr. Corcoran joined the Bureau of Labor Statistics here in 1935 as a field representative and assistant division chief. From 1941 to 1946, he helped design census programs for the governments of seven Central American countries.

In 1946, Mr. Corcoran joined the Bureau of the Census, where he designed international statistical training programs. In 1956, he was promoted to special assistant to the assistant director for administration.

Mr. Corcoran joined the House Post Office and Civil Service Committee in 1960 as director of staff work for the Census and Statistics Subcommittees. He retired in 1965, but had worked part-time since 1968 as a consultant to the staff of the Senate Select Committee on Small Business.

Mr. Corcoran was a member of the Inter-American Statistical Institute, the American Statistical Association, the National Planning Association and the American Association for the Advancement of Science.

Mr. Corcoran is survived by his wife, Helen, and two sisters, Alice Corcoran, of Boston, and Mary Corcoran, of Springfield, Mass.

[From the Washington Star, Apr. 26, 1970]

THOMAS CORCORAN DIES; EX-STATISTICIAN FOR UNITED STATES

Thomas F. Corcoran, 62, a retired economist and government statistician died Friday at Cafritz Hospital after a heart attack. He lived at 5700 Wheeler Road, Oxon Hill.

Mr. Corcoran, who retired in 1965, recently had been a part-time consultant to the staff of the Senate Select Committee on Small Business.

Mr. Corcoran was a native of Springfield, Mass. He held BA and MA degrees from Yale University.

He joined the Bureau of Labor Statistics in 1935 and spent more than a decade in various countries in Central America as coordinator and consultant for census and general statistics.

In 1946, Mr. Corcoran joined the staff of the U.S. Census Bureau, where he developed a program of international statistical training. He also was chief of consultation and training programs for the International Statistical Programs office.

From 1960 to 1965 he directed the staff of the House subcommittee on census and statistics.

Mr. Corcoran was author of a number of statistical articles. He was a member of the Inter-American Statistical Institute, the American Statistical Association, the National Planning Association and the American Association for the Advancement of Science.

Besides his wife, Helen, he leaves two sisters, Alice, of Boston, and Mary, of Springfield, Mass.

Services will be at 2:30 Tuesday at the Robert E. Wilhelm Funeral Home, 4308 Suitland Road, Suitland, with burial in Resurrection Cemetery.

PRISONERS OF WAR

Mr. **HATFIELD.** Mr. President, one of the basic elements common to the elite of the Communist world is their utter contempt for human life. Nowhere has this contempt for humanity been more completely expressed than in the manner in which the Communists have treated prisoners of war.

At best, war is a dehumanizing experience for all participants. But over the centuries we have attempted to alleviate the burdens of war placed on those who are captured by the enemy. We have developed a certain code of conduct and standards of treatment to which all civilized nations subscribe.

But both in Korea and in Vietnam the Communists have refused steadfastly to recognize the existence of this code which was formally established by the Geneva Conventions on treatment of prisoners of war, and which Hanoi signed. The Communists have treated these Americans and others they have captured as hostages, rather than as prisoners. On the pretext that there has been no declaration of war, they have refused even to acknowledge the capture of many of our men. The exact fate of some 1,200 or so of the 1,400 men believed held prisoners is not known. We do not know whether they are alive or dead, whether they actually are prisoners or not, or whether, if prisoners, they are well or ill.

Their families have been ignored by the Communists except in their effort to use the fate of these prisoners for purely propaganda purposes. American women, wives and mothers of the prisoners, have made desperate efforts to find out what has happened to their husbands and sons. The Communists at every turn have rebuffed these women with callous indifference.

On those few occasions when the Communists have not rejected out of hand the pleas by American women for information, they have tried to use these grieving women for propaganda purposes. They have tried to use the prisoners they hold as a devisive tool to turn Americans against Americans.

Mr. President, while there are many and various shades of opinion on the conduct of the war in Vietnam, I do not believe there is this same variation in opinion on the subject of American war prisoners. I believe all Americans are united in their determination that these brave men shall be restored to freedom.

Meanwhile, I am equally certain that all Americans demand an end to the use of these men as hostages, pawns in the age-old game of power politics. Americans are determined that we will do everything in our power to bring the men and their families together again.

Americans are united in their desire that our Government use every means possible at Paris, at Warsaw, in our contacts with the Chinese Government, in Moscow, and at the United Nations to accomplish this purpose.

PHILOSOPHY OF THE WARREN COURT

Mr. HART. Mr. President, recently, I was privileged to attend an NAACP dinner in Detroit at which the speaker was Hon. Earl Warren, the retired Chief Justice of the United States.

Justice Warren's remarks, I think, will be of interest to Senators, and perhaps of even greater interest to historians.

In it, he outlines the philosophy that guided him and the court through the decade that saw a sudden acceleration of racial justice—an acceleration that we must all hope will be maintained.

I ask unanimous consent that his speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address Delivered by Hon. Earl Warren

This is a great gathering for a great cause. I am here to pay my profound respect to the National Association for the Advancement of Colored people because I believe it has done more to advance the protection of the Civil War Amendments—the 13th, 14th and 15th—than any organization in American history. For 61 years, it has fought the battle of the black people to eliminate the vestiges of slavery and to bring to those downtrodden people and to their children and children's children the full protection of the first Section of the 14th Amendment which came into our Constitution only after four years of bloody fratricidal war with the killing or wounding of a million Americans. This Section read as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

I know some of the difficulties under which your organization has labored. I have been acquainted with many of the great Americans who have given it leadership—Walter White, Arthur Spingarn, Kibie Kaplan, my colleague and friend, Justice Thurgood Marshall, and your distinguished present Director, Roy Wilkins. I watched them build, stone by stone, the incompleted highway to human rights to which they and so many other dedicated souls have structured their lives.

I have for many years felt with them the gross injustices they sought to eliminate from our society and have witnessed the forces of progress and reaction struggling against each other in this phase of American life. I am conscious of some of the dangers which lie ahead. From all of these experiences, I have come to have a profound respect for the National Association for the Advancement of Colored People and admiration for its accomplishments in the face of as great obstacles as have faced any voluntary organization pursuing a just cause in the history of the Nation.

All of this, it has done in the truest American sense; through peacefully petitioning of the Government and through the courts of the land. It has made great strides in the past few decades, and has brought us from a moral insensibility to a dynamic understanding of that part of our Constitution.

But we have not yet attained our ideal. I believe there is an American ideal, and that it is encompassed in the words, "All men are created equal, and are endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness." In our pursuit of that ideal, we have been struggling at times and relapsing at others until we find ourselves, 102 years after the 14th Amendment was adopted, with hundreds of thousands of black children still denied equal opportunities of education; with like numbers of adults denied the privilege of voting; and with litigants, witnesses and jurors deliberately humiliated in many court rooms. We still find people being denied the right to live wherever they choose, along with a myriad of other indignities imposed on millions merely because of their color. Yet, we have always taken pride in the Biblical words which are molded into the Liberty Bell which bespoke our independence and freedom with the words, "Proclaim liberty throughout all the land unto all the inhabitants thereof." Those words made their mark, not only on our own people, but on the people of the world. They presented the image we have wanted the world to have of us. We fortified them with the concluding words of the Declaration of Independence:

"And for the support of his Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

For almost two centuries, we have prided ourselves on having a Nation which achieves unity through diversity and accommodates diversity through unity. We have achieved much in that time, but we have fallen grievously short in according equal rights to more than 20 million Americans, principally black, solely because of their color. Every thoughtful American must be aware of the travail our country is going through at the present time because of divisivenes in our society. Crimes in the street; the mass use of narcotics; bombing of office buildings, court houses, minority group churches and homes; the turning over of school busses peopled with innocent little children, the lynching of civil rights workers in the custody of the law; the denial of equal opportunity for education and the right to vote—these and other evidences of turbulence have brought our Nation to the point of imminent peril.

Of course, all of these conditions were not wholly caused by our failure to accord equal rights under the law, but some of them are, and all of them can be attributed in part to it. Widespread and grievous injuries always feed upon themselves and produce widespread and grievous consequences.

I believe our Nation has arrived at a crossroad leading in one direction to freedom with equality for all and in the other toward the route of racial discrimination with resulting bitterness, disillusionment and discord for our children and their children into the indefinite future. We cannot travel both of those roads. It must be one or the other. If we are to have good will and good order, we must recognize that never again can we achieve our professed goal if any amount of freedom is withheld from any group of people who live under the protection of our flag. Only a little freedom for some people will no longer suffice.

I need not review with this company what all of our shortcomings in this area are. However, because I am a lawyer and have had the privilege of sitting on the highest Court of our land for many years, I do want to point out to you something that is largely a responsibility of my own profession, but which I believe is somewhat the problem of everyone interested in the administration of justice, which, of course, is one of the most vital phases of equality under the law. It is a responsibility that has been assumed through the years by the NAACP alone, but in spite of all its efforts it has not been able yet to remedy. The organized bar has done nothing nationally to remedy the condition I am to speak of, but it must be done by someone if we are to have respect and confidence in our judicial process.

There are still many anachronistic practices of another day in some of our courts which degrade people solely because of their color. In many jurisdictions, it is the common practice for white witnesses to be addressed by white lawyers as Mr., Mrs., or Miss, but black witnesses are addressed as boy, or Johnny, or Willie, or, in the case of women, as Mary, or Jane or whatever their names might be. Only a few years ago, there came to the Supreme Court, I believe through your Association, a case of this character where a white lawyer, who had been addressing white witnesses as Mr. and Mrs., commenced to examine a Negro woman. The following is the entire record in the case on an agreed statement of facts:

"Cross examination by Solicitor Rayburn:

Q. What is your name, please?

A. Miss Mary Hamilton.

Q. Mary, I believe—you were arrested—who were you arrested by?

A. My name is Miss Hamilton. Please address me correctly.

Q. Who were you arrested by, Mary?

A. I will not answer a question—

By Attorney Amaker: The witness's name is Miss Hamilton.

A.—your question until I am addressed correctly.

The Court. Answer the question.

The Witness. I will not answer them unless I am addressed correctly.

The Court. You are in contempt of court—

Attorney Conley. Your Honor—your Honor—

The Court. You are in contempt of this court, and you are sentenced to five days in jail and a fifty dollar fine."

The defendant served the five days in jail, but did not pay the fine. The judgment was affirmed by the Supreme Court of Alabama; and she sought review in the United States Supreme Court where the case was summarily reversed. (*Hamilton* v. *Alabama*, 376 U.S. 650)

Can you imagine what would happen in a court room if a Negro lawyer had the effrontery of addressing all white women witnesses as "Mary" or "Jane"? Now, if this were an isolated case, it would be bad enough, but it typifies a practice which is common in many jurisdictions in our country. Indeed, it was argued by the Attorney General of the State in the United States Supreme Court that the "federal question is not substantial, is not important, and is frivolous."

During our 1963 Term, a case was heard by the Supreme Court involving a Negro who entered a segregated court room and quietly sat down in a vacant seat on the white side of the aisle. The court called him to the bench and ordered him to sit on the Negro side. He quietly folded his arms and stood at the counsel table, for which the judge sent him to jail. There was no question of violence or abusive language or anything of a turbulent nature so far as the defendant was concerned. After affirmance by the State Supreme Court, it was reversed by the Supreme Court of the United States. (*Johnson* v. *Virginia*, 373 U.S. 61) It was conceded by the State in its brief in opposition that there was no disorder in the court room and that seating space "is assigned on the basis of racial discrimination, the seats on one side of the aisle being for use of Negro citizens and the seats on the other side being for the use of white citizens." And all of this happened in a State which adjoins the District of Columbia.

In the same Term, a similar case came to the Supreme Court from the State of Lou-

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isiana (*George, et al* v. *Clemmons,* 373 U.S. 241), and was likewise reversed.

Other cases of this kind show the pervasiveness of these practices in, of all places, the court rooms of this country. In 1966, three young Negroes who had been driving a white car were being tried for robbery. The judge, in his instructions to the jury, referred to them as "three black cats in a white car." They were, of course, convicted in such an atmosphere, but in that instance the Supreme Court of North Carolina reversed the lower court. (*State* v. *Belk,* 150 S.E. 2nd 481).

It should be remembered in connection with such judicial conduct that until the case of *Gideon* v. *Cochran* in 1962, in a number of southern states, no lawyer was appointed except in a capital case, and as a result thousands upon thousands of indigent Negroes were sent to prison without any legal advice—many of them for life under harsh recidivist laws.

Almost a century ago in the case of *Strouder* v. *West Virginia,* 100 U.S. at 303, the Supreme Court held that systematic exclusion of Negroes from juries is unlawful because it is "practically a brand upon them fixed by law; an assertion of their inferiority and a stimulant to that race prejudice which is an impediment to securing to individuals of that race that equal justice which the law aims to secure to all others."

Notwithstanding this landmark decision, scores of these cases have come to our Supreme Court even during my years there, some of which we reversed, and in others the petition was denied because the issue was not raised below or because the indigent petitioner did not have the means to prove the discrimination under the ingenious devices used to accomplish the discrimination.

In many of these cases, it was established that even where there were as many Negroes as whites in the county, no court official could remember a case, civil or criminal, where a Negro had been on a jury, or even on a jury panel.

A case of this kind came to the Fifth Circuit some years ago from the State of Mississippi (*U.S.* v. *Harpole,* 263 F. 2nd 71). It was from a county where a majority of the people were black. The defendant, charged with murder, was represented by two white lawyers. A completely white jury was selected, and the defendant was convicted and sentenced to death. The conviction was affirmed by the State Supreme Court. No. question was raised concerning systematic exclusion of Negroes from the jury.

When the case was concluded in the state courts, the white lawyers took no further proceedings, but an eminent Negro trial lawyer from Chicago raised the question in collateral proceedings. The Court of Appeals remanded the case to the United States District Court for a hearing of the evidence. The evidence showed that although Negroes were in the majority in the county no Negro, within the memory of the sheriff, or any other public official in the county, or any witnesses who testified, served on any jury panel within the past 20 years. The District Court decided against the defendant.

A distinguished panel of the United States Court of Appeals—the former Chief Judge, the present Chief Judge, and a third distinguished member of that Court—unanimously held, in accordance with the ancient *Strouder* case and its numerous progeny, that systematic exclusion of persons from the jury panel, because of race or color, was contrary to both the equal protection and the due process clauses of the 14th Amendment.

Chief Judge Rives in his opinion stated that where "courageous and unselfish lawyers find it essential for their clients' protection to fight against the systematic exclusion of Negroes from juries they sometimes do so at the risk of personal sacrifice which may extend to loss of practice and social ostracism." And in conclusion on this issue, Judge Rives stated: "As judges of a Circuit comprising six states of the Deep South, we think it is our duty to take judicial notice that lawyers residing in many southern jurisdictions rarely—almost to the point of never—raise the issue of systematic exclusion of Negroes from juries. The Supreme Court of Mississippi has said that 'We have the right to make use of the knowledge and the popular and general customs of the people of this State and public conditions therein'. A like authority and duty is vested in this Court." The Court of Appeals of the Fifth Circuit then proceeded to reverse the case, and remanded it with instructions.

The Court also pointed out that the conduct complained of was in direct violation of USCA, Section 243, which reads as follows:

> "Exclusion of jurors on account of race or color—No citizen possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States or of any state on account of race, color or previous condition of servitude; and whoever being an officer or other person charged with any duty in the selection or summoning of jurors excludes or fails to summon any citizen for such cause shall be fined not more than $5000."

To say that this statute has been honored more in its breach than in its observance would be an understatement.

I wish to point out to you that so long as these indignities are permitted in the courts of any state of the Union, there can be no "Equal Justice under Law;" and it can likewise be said that wherever these practices are permitted it is the direct responsibility of the presiding judge of that court. All of them could be changed any day the courts determine to do so and without any injury to any person.

I wonder if the time is not here for the NAACP, not only through the tedious procedures of the courtroom, but through its thousands of members manifesting their dissatisfaction in a manner that will bring it forcibly to the attention of the Nation. It would not be difficult to ascertain what courts follow these practices, and once done it would not be an impossible task for the NAACP to bring the facts to the attention of the public in a way that would not gain public recognition.

If the dignity of the individual is not to be respected in the courtrooms of the Nation and if the people who are summoned there or go there for justice are publicly demeaned, how can we expect "the butcher, the baker and the candlestick maker" to show greater respect for human dignity to others in their relations with the public? There are few things in life more demoralizing, more degrading, more resented and more likely ultimately to produce bitterness and lasting strife than the willful denial of human dignity to anyone because of his race or color or for any other condition that he is not responsible for and is powerless to change.

It is not enough merely to open the courthouse doors to everyone. The proceedings therein must also be open on equal terms to all who enter; otherwise the word, "justice" is a sterile one which cannot command the respect we claim for it.

I will say no more, but will leave to you whether there is not long overdue an awakening to our responsibility for making meaningful for all our people the Bill of Rights and the words, "due process" and "Equal protection of the laws" as they are mandated in the 14th Amendment to the Constitution of the United States.

THE QUALITY OF MOVIES ON TELEVISION

Mr. CURTIS. Mr. President, several months ago a group of citizens in the Scottsbluff, Nebr., area undertook a voluntary research project to analyze the quality of movies being shown on television, particularly for children.

The group counseled with me through the Reverend James F. Landrum, president of the Scotts Bluff County Juvenile Advisory Committee, under whose supervision the project was launched.

Housewives, parents, a college librarian, wives of attorneys, and businessmen, a State historian, and city library staff members were among those participating.

They had all been active in civic affairs and were dedicated to working for the betterment of national and community life.

I asked them to inform me of the results of their research.

In their first report to me, the group gave an analysis of some 30 films which were then being advertised nationally by Screen Gems for reruns on television.

Standards developed by two national publications, Green Sheets and Parent magazine, were applied in evaluating the movies.

The group concluded that more than half the films advertised should not be shown to children, and that most of the movies advertised for children should not be viewed by immature young people.

The Reverend Mr. Landrum has now made the group's second report to me and has advised me that it is the group's goal to evaluate 1,000 movies which are up for resale to television networks and local television stations.

The second report covers movies produced during 2 years, 1960 and 1966, of approximately a 10-year period in which the 1,000 films were made.

The Reverend Mr. Landrum has informed me that "of these movies produced in 1960 and 1966, 70 percent should not be shown to children" according to his researchers.

He said:

> The reasons are that these movies emphasize sex, low morals, prostitution, adultery, corrupt politics, slick crime and murder, and that it is the group's opinion that if these are again shown on television, they will be teaching our young people material that will be detrimental to the family, our national and political life, and will result in lowering the morals of our youth.

The Reverend Mr. Landrum also advised me that his researchers have found many of the advertised films are poor for adults to watch.

He explained:

> It was noted by researchers that in this 10-year period of movie production there were movies shown on television advocating sex perverts, homosexuality, and suggestive adultery scenes. It was also noted by our research group that many of these movies are shown prior to 9 p.m. when most families with children watch television.

In submitting the report to me, the Reverend Mr. Landrum concludes:

> We object to profit-making groups using our children and the family as a tool in "filth for profit" and we oppose those forces who use children as a vehicle to enlarge their ledger sheets and bank accounts. Any help the United States Congress may render in upgrading this part of our national life would be greatly appreciated.

The Scotts Bluff Juvenile Advisory Committee, under whose auspices this research project is being carried out, is an arm of the Scotts Bluff County Court, Mr. President. It is a very reputable group. It works not only with the court but also with schools and city officials. At the present time it has 17 programs underway in juvenile crime prevention. These include drug abuse prevention, recreation projects, and finding homes for wayward youngsters whose parents have abandoned them. The story of its work has been written up nationally in newspapers, magazines, and two books by Pulitzer Prize Winner Howard James.

Anyone desiring to see the text of the report analyzing films produced in 1960 and 1966, including the ratings given to each movie by the researchers, may do so by contacting my office.

AMERICAN POW'S

Mr. CHURCH. Mr. President one of the tragic consequences of the Vietnam war has been the anguish of the familes of men who have been taken prisoner or are declared missing with all the apprehension that entails. No waking hour passes but that wives and parents of these men anxiously ask themselves:

"Where is he? Is he being properly cared for? Is he getting my mail?"

Therefore, I have joined in cosponsoring Senate Concurrent Resolution 62, which appeals for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia. They number approximately 1,500, including several from my State of Idaho. Twenty-three of these men have been POW's for 5 years or more. Almost five hundred have been designated as missing for more than 3 years.

The treatment of American POW's in Southeast Asia has been a concern of mine for many years. As far back as 1966, I drafted a statement, joined in by many other Senators, which sternly warned the Hanoi government against treating captured American airmen as war criminals. Subsequently, Hanoi dropped its criminal charges against captured American pilots.

More recently, I cosponsored and helped move through the Committee on Foreign Relations a resolution calling on the United Nations to intervene on behalf of U.S. prisoners to insure that the Geneva Convention covering treatment of POW's is obeyed and that prisoners receive humane treatment.

I hope that this latest congressional resolution will focus additional attention upon the situation of American POW's and help to assure both humane treatment for them, and speed the day of their safe return home.

A BALANCE IS NEEDED

Mr. HANSEN. Mr. President, an interesting speech was recently delivered by one of the fine U.S. District Judges, Hon. Ewing T. Kerr, of Cheyenne, Wyo.

In his speech, Judge Kerr very appropriately points out the difference between legal, peaceful dissent, and dissent that extends beyond the boundaries of the law.

Judge Kerr takes issue with those who justify their unlawful actions by claiming that they are subject to some sort of legal immunity because their actions are under the veil of civil disobedience. As he points out:

> There is no such thing as "civil disobedience." Any willful violation of criminal laws is "criminal disobedience." It is a criminal act to assault, to trespass, and to destroy another person's property.

Mr. President, there are times when I think that we go too far in an effort to protect those who would stretch the law to its outermost limits. As Judge Kerr points out, those who respect the law have certain privileges, too. A balance must be achieved between individual rights and collective public security.

I believe that Judge Kerr's words are particularly appropriate in light of the occurrences during the past few days. I ask unanimous consent that they be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Law—Bridge to Justice

(By Ewing T. Kerr)

Perhaps more words have been spoken and written during the past five or ten years on the subject of law and order than during the entire history of our republic.

Calvin Coolidge said: "It is the duty of a citizen not only to observe the law but to let it be known that he is opposed to its violation."

An overwhelming majority of present-day Americans obey the law, but far too few indicate that they are seriously concerned with its violation. To some of us the issues are clear. Almost daily we witness the progressive revolutionary steps of anarchy, coercion, intimidation, violence, and unlawful takeover.

If we are to live as civilized men and women, then we must make the law a paramount issue in our daily lives. In short, we must live by the spirit as well as the letter of the law. We must oppose crime with all the means at our command.

It has been stated that only gods and beasts can live outside of civil society. Since we are neither, let us accept the premise without testing it.

The "3–R's" which the school child innocently chanted years ago have taken on a new significance today. "Reading and writing and 'rithmetic" seem to be supplanted by "Resistance, Riots and Revolt."

I think the latter problems, riots and revolt, are the obvious symptoms of the basic disorder, resistance. If we could diagnose the cause, perhaps the effect could be treated and cured, or at least curbed.

J. Edgar Hoover attributes today's organized resistance to law and authority to the Communist Party. He charges that the Communist Party is conducting a well organized campaign to recruit and agitate our youth by a campus speech program in which "skilled hucksters of atheism and treason appear at scores of colleges and universities from New York to California."

They attract the politically naive and uninformed youth, the liberals or extreme leftists, and the conservatives or extreme rightists. The self-serving, self-appointed leaders of the minority groups are particularly susceptible to Communist propaganda. The Communists capture the imagination and arouse the enthusiasm of the impressionable "agin-ers", and the "do-gooders" as well.

Regarding the demonstrations on the Berkeley campus, the California state superintendent of public instruction said that the demonstrations there "provided a vehicle for infiltration by rabble-rousers, red-hots and Communists." The results were assaults, kidnapings and imprisonment of police officers, and the general breakdown of law and order.

From the newspapers we learn that one of the leaders of the demonstrations at the University of Wisconsin openly espoused that "the students should band together to bring down the government by any means." It is said that many of the leaders there are alumni of the W.E.B. DuBois clubs of America, purportedly a Communist-oriented youth organization.

These rebellious youths are not a product of their 18 or 20 years, they are the product of 3,000 years of civilization. From the beginning of civilization, injustices have always existed and mankind has struggled to eradicate them. These few youths are attempting to attain the solution now.

Triumph over inequities comes slowly and painfully. This war of injustice is the kind of war society has always fought because man is what he is.

The present attitude of this minority is to win today or to burn down tomorrow.

We know we are in trouble with this younger generation, not because we have failed our country, not because of our stupidity, but because we have failed to keep this unruly element in its place. We have the powers, but I think we do not have the will.

Violence, armed or otherwise, the occupation of buildings on campuses, should be cause for expulsion, but seldom does it happen. And, so, it may well be that this Republic faces the gravest challenge it has had since the tragedy of the Civil War, more than a hundred years ago.

Disorder in America should not be tolerated. There are forums available for the manifestation of public opinion and the courts in which redress may be obtained. The new groups of "revolutionaries" have too long been allowed to disrupt the peace of the nation and to impair the safety of society. Our governments, both state and federal, have the power to deal sternly with those who damage public and private property and create a serious disturbance in the life of America.

This is not an easy task, nor can it be done by words alone. The young are skeptical about their heritage. They are too observant and too smart to believe anything they are told.

A graduating student at Brown University addressing his own classmates, as well as their parents, said: "We are the people in the position of power in society; we have all the marbles. We've got to start the trend towards solving the problems which, in the long run, are our problems because it's our society. You must reassess your positions, and yourselves become peaceful activists. The problems are ours because we represent society, and it is we who must reassert our idealism and our moral values in this country. We cannot expect the oppressed to do it. They have pointed out the problems, but again it's we who have to work toward the solution."

Disobedience of law is not confined to the younger generation. Only recently we witnessed tens and thousands of letter carriers striking against their government, to be followed by air traffic controllers. Since the statute concerning strikes against the federal government is brief, I will quote a portion of it: "Title 5, Section 7311 of the United States Criminal Code provides, "An individual may not accept or hold a position in the government of the United States or District of Columbia if he—(3) participates in a strike, or asserts the right to strike, against the government of the United States or the District of Columbia—."

Another section further provides: "Whoever violates the provision of Section 7311 of Title 5—shall be fined not more than $1,000 or imprisoned not more than one year and a day, or both."

What punishment was meted out to these government employes? They were not punished at all. They were compensated by having their wages increased.

Don't be misled. There is no such thing as "civil disobedience." Any willful violation of criminal laws is "criminal disobedience." It is a criminal act to assault, to trespass, and to destroy another person's property.

Let us scrutinize what is going on under the guise of freedom. Freedom of speech has been converted into a license to spread bigotry, immorality and disobedience. The traditional concept of civil rights, which kept our nation strong and wholesome, has been warped to encourage citizens to obey only those laws with which they agree. This disrespect for the law and defiance of legal restraint are forms of anarchy. For examples you have only to look at the shameful condutc of students burning their draft cards—citizens refusing to pay income taxes—and teachers balking at the loyalty oath.

We cannot condone the breaking of established laws if we are to be a society of free men. Complacency and apathy will destroy our orderly process of government under the law.

Just what is the situation concerning law and order today? Statistics show that crime is increasing at an alarming rate—both in numbers and in intensity. Since 1958 the national crime rate has raisen 50 per cent. In many cities the streets and parks are jungles of fear where nearly half the residents are afraid to walk alone at night. Last year, 2,600,000 serious offenses, the largest total on record, were reported to law enforcement agencies in the United States. Every hour 52 automobiles are stolen.

More than 40 years ago an eminent jurist warned against excessive leniency—saying:

"The demand of the hour in America, above all other countries, is for jurors with conscience, judges with courage, and prisons which are neither country clubs nor health resorts."

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These demands are still made by Americans today. They are losing patience with "conveyor belt" justice transporting criminals back and forth between the courtroom and the gutter. Americans must be more articulate than the communist sympathizers, and we must extol patriotism and morality. We must be more persuasive than our enemies and inspire respect for the law instead of revolt against it.

Our political and educational leaders can serve their nation immeasurably if they will just get the message across that equal rights must be earned, not handed out, and that equal rights must be shared with equal responsibilities. Civil rights are not guaranteed criminal offenders only. Those who respect the law have certain privileges too. A balance must be achieved between individual rights and collective public security. Our constitutional rights are not absolute; they are relative. They must be exercised in consonance with peace and good order.

The breakdown in law and order is the result, not the cause, of the degeneration of the morality of our society, and the ultimate result will be the destruction of our Republic. Historically, every civilization that has failed to enforce its laws properly has perished. Retired Associate Justice Charles E. Whitaker of the United States Supreme Court warned two years ago that "the first evidence of each society's decay appeared in the toleration of disobedience of its laws and the judgments of its courts."

A New York newspaper has coined the phrase—"Turnstile justice."—and complains about the slap on the wrist discipline. Lenient treatment through parole, probation and suspended sentences is weak justice; it gives the hoodlums another chance to perfect their criminal techniques and expand their corruption and vice. All this flagrant viciousness at the expense of decency and justice!

Every responsible citizen of the United States must prepare himself to withstand the relentless attack against the freedoms on which this nation is founded. We must be alert to what is happening on our campuses, on the street corners and in our homes. We must be prepared, morally and intelligently, to fight the tyranny that is filtering into our country. We must choose between law and anarchy, freedom and chaos.

It would be discouraging to think that sociologists, criminologists, and public apathy or fear are joining forces to hobble law enforcement and to strangle justice.

You and I are not participants in the mass demonstrations, disorder, and crime. We do, however, bear the responsibility for the survival of our government. Before demanding reason and restraint in others, we must discipline ourselves and deemphasize the material things of life and increase the respect of high moral values.

The annals of history contain no record more illustrious than our own. The accomplishments of our people are near a miracle of material abundance and plentiful endowments in the comforts of a full life. The ancient challenge—the vindication of freedom for mankind—is before us still. The world is gripped in bewilderment and fear. More than half the earth is engulfed by a new and strange philosophy predicated upon absolute authority and armed with new weapons of political warfare. A lost battle does not of itself ring the downfall of civilization. Forces generated from within must first nourish the seeds of decay.

The fate of freedom, as our fathers built it, as we have known it, and as we envision it for posterity, can be lost and can be lost by our generation.

PROBLEMS POSED BY WORLD POPULATION GROWTH

Mr. BIBLE. Mr. President, recently the distinguished and able Senator from Virginia (Mr. SPONG) spoke to an annual conference of the Junior Chamber of Commerce of Portsmouth, Va., concerning the problems posed by world population growth. Today's world population of some 3 billion is expected by some to double by the year 2000, and Senator SPONG made an eloquent statement of the problems this will pose unless ways are found to bring population into balance with available natural resources. I think his speech is a very valuable contribution to the continuing debate in this vitally important area. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR WILLIAM B. SPONG, JR.

I want to talk to you today about world population growth and the threat it poses to mankind.

It would be difficult to exaggerate the critical nature of this problem or the urgency of coming to grips with it. Unless ways are found to bring the number of people into balance with available natural resources, our efforts at economic and social development will founder. Worse, the world will face the prospect of widespread famine before the century is out.

In a recent speech at the University of Notre Dame, World Bank President Robert McNamara noted that the worlds population of more than three billion would double by the year 2000. To carry the projections beyond that year, he said, "becomes so demanding on the imagination as to make statistics almost incomprehensible.

One gets the sense in reading his speech of having heard echoes of it before, perhaps in the equally unimaginable projections of casualties in a nuclear attack. The population explosion may be no less threatening, and the casualties—in the form of the stunted and unhappy lives of unwanted children—no less real.

There is no one answer to this problem. The contraceptive pill and intra-uterine device offer great promise. But it must be recognized that they are expensive and difficult to apply on a mass scale. Moreover, unless thye are acceptable to the people who must use them, they will be of small value.

There are many other approaches to population control—both natural and artificial—and there are likely to be many more as research in the field progresses. What is important is that we begin now in systematic programs of family planning to educate and motivate people to make use of the knowledge which is available and acceptable to them.

Unrestricted population increases place heavy strains on all resources within a society—social and political as well as physical resources. They affect not only the quantities of what is available but also the quality of life. The most pressing and immediate consequence of excessive population growth, however, is the burden on available food supplies.

There are many modern day "Malthusians" who say it is already too late to prevent local famines from developing around the world in the late 1970's. Even the more optimistic experts say that worldwide food production will have to double in the next two or three decades simply to keep people as well fed as they are today.

Fortunately, improvements in the technology of agricultural production may give us that time. The development of high-yield grains is a particularly dramatic breakthrough, one which has helped the Philippines to become self-sufficient in rice production for the first time in its history.

Other countries have made equally encouraging progress. Mexico, for instance, has trebled food production during a period when population was doubling.

But in the face of continuing population growth, even these advances will not be sufficient to stave off world hunger. The progress being made in the Philippines could be wiped away if the projected increase in its population from 37 million today to more than 100 million in the year 2000 is realized.

It should be remembered also that production is only one factor in the food equation. To sustain a modern agricultural system, farm equipment, chemicals and fertilizer must be available in ever-increasing quantities, management skills have to be expanded, and systems of transportation, storage and distribution developed.

Most important, developing nations must establish their own capability for agricultural research to develop new crop varieties adapted to local conditions, and to meet the threat of new diseases and insects.

Many of these things are beyond the present resources of developing countries. Indeed, they are the products of development itself.

In the meantime, agriculture competes for scarce resources with other equally pressing needs of these societies. A former prime minister of Singapore expressed the dilemma of many of his fellow statesmen when he said:

"Every year as we draw up our budget we are faced with a terrifying increase on education and health services, the need for more jobs, the need for more homes, all because our rate of population expansion is about 4 percent per annum."

To give you some idea of what that rate of growth means in numbers, here is the shorthand used by the World Bank. A population which is growing at a rate of 1 percent per year will double in 70 years; at 2 percent per year it will double in 35 years and at 3½ percent it will double in 20 years.

With insufficient resources to meet the priority needs of agriculture, there is small likelihood that the developing countries will be able to provide the kind of education, health care, and other essential services which alone can break the cycle of poverty in which they are caught.

The problem is compounded by the fact that expanding populations tend also to be young populations. Half of the population of Latin America is under age 21. These are the age groups which require the greatest government expenditures but which contribute the least to the productive capacity of the economy.

Ironically, technical aid from developed countries played a major role in the postwar population boom in many of these emerging nations. The emphasis of these programs, at least in the initial stage, was almost always on the eradication of diseases such as malaria and typhoid which claimed so many millions of lives especially among the young.

What was not considered, however, was that declining death rates would create new problems of rapid population growth and make it all the more difficult for these countries to achieve economic independence.

About half of the increase in world population since 1900 has occurred in the period after 1940 and the most of that has been in the nations of Asia, Latin America, and Africa. This would have been substantially reduced had our public health programs included compensating efforts to teach family planning.

Although population pressures are most acute in the two-thirds of the world we call underdeveloped, developed countries are by no means immune. As an example, let's take the United States. Even with its declining growth rate, this country will double its population in the last half of this century—from about 150 million in 1950 to 300 million in the year 2000.

The aggregate increases in this country are less of a problem, however, than the way they are distributed—they are highest among the poor and they are concentrated within confined urban areas.

It is estimated that poor families have 55 percent more births than the non-poor. Thirty-eight percent of poor families have four or more children compared with 17 percent of the non-poor.

In surveying food problems in Virginia, I found it not uncommon for families to have as many as ten or twelve children. Yet, these people subsisted on diets inadequate to support good health, let alone an active and productive life.

Many of the children showed signs of permanent damage to their physical and mental development as the result of improper kinds and quantities of food. Just as important, they were often deprived of the attention and parental guidance they need to develop into socially and emotionally mature individuals.

It is tragic to think that the future of these children already may be determined in large measure, and perhaps, too, the future of their children. Unless steps are taken to relieve the situation—with food assistance and help in family planning—the cycle of poverty and despair will be repeated again and again through each new generation.

The concentration of 70 percent of our population in cities over 50,000 presents a different range of problems for poor and non-poor alike. All of the issues discussed under the rubric of the urban crisis—pollution, traffic congestion, inadequate schools, crime—trace to a basic condition—too many people in too small an area.

Less often discussed, but perhaps more important in the final analysis is the psychological impact of these conditions on the individual. We know that people become defensive in such surroundings—less open to neighbors, fearful of strangers. When we read reports of onlookers ignoring the pleas of a person in need of help, we may wonder if they do not also become less human.

There is evidence that in the absence of other means of family planning, people will turn in increasing numbers to dangerous illegal abortions. The World Bank reports that in five Western countries, there are as many illegal abortions each year as live births. The situation is as bad or worse in many of the developing countries.

In Latin America one of the major causes of death among women of child-bearing age is self-induced abortion! That is a tragic commentary on our failure to provide humane and responsible means to free women of the fear of unwanted pregnancy.

There is tragedy, too, in the birth each year of millions of unwanted children, who cannot be properly provided for by their parents. Surely, responsible family planning is a vital factor in preserving wholesome family life.

The time for talking about this problem is running out. Unless prompt and massive programs are undertaken to stabilize expanding populations, the problem will find its own solution in the famine, war, and pestilence foreseen by Malthus.

Neither population control nor economic development are ends in themselves, but means to the greater end of human development. Efforts to limit population serve the same goal as efforts to prolong and improve life on this earth for all mankind, and they should receive the same priority.

The next 20 to 30 years could be crucial in determining whether we meet this problem in humane and intelligent ways, or whether the balance is restored through some worldwide calamity. There are some who argue it is already too late.

But I am encouraged both by the actions of this government in taking the first steps toward implementing an effective population program, and by the growing public awareness of the need for such an effort to belive we can solve the problem.

If we fail to make our best effort, then we must answer for the consequences. The choice is ours.

ANALYSIS OF CAMBODIAN SITUATION

Mr. CURTIS. Mr. President, the Chicago Tribune of May 4 contains a splendid analysis of the Cambodian situation and President Nixon's actions in reference thereto, presented in an article entitled "Courage Displayed by President," written by Mr. Walter Trohan. I believe that the article merits the attention of Senators, so I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURAGE DISPLAYED BY PRESIDENT

(By Walter Trohan)

WASHINGTON.—President Nixon faced up to his most fateful crisis in Cambodia with disciplined rather than reckless courage. His order to American troops to clean out the major Communist enemy sanctuaries in Cambodia should still the epithet of "Tricky Dick" his opponents have overworked in order to smear him.

There was nothing tricky about the manner in which he placed his political future on the line for what he believes to be the best course for his country and the world. His determination and his deliberation in his address to the nation made it evident that by staking his chances for a second term on his decision, he is taking a calculated if daring risk.

"I would rather be a one-term President than to be a two-term President at the cost of seeing America become a second rate power and see this nation accept the first defeat in its proud 190 year history," he said in announcing the command decision to break the communist supply line in Cambodia in order to keep the nations of southeast Asia from collapsing like a line of dominoes and for the purpose of ending the war in Viet Nam sooner.

There were no recriminations in his speech such as a reasonable man might have employed and a trickster would certainly have cited. There was no reference to Harry S. Truman's insistence on a substitute for victory in Korea, nor to the tragic failures of John F. Kennedy and Lyndon B. Johnson to cut off the communist sea supply line by closing the port of Haiphong in North Viet Nam.

Whatever anyone may question in the Presidential processes, no one can fault Nixon's courage. His address to the nation was direct, strong, and temperate. This doesn't mean that he has silenced opposition or stilled debate. The fight has just begun. Americans must respect a fighter even though they may not like him or support him.

No doubt Mr. Nixon found courage in this hour of crisis because he displayed courage in the six crises he has weathered in his political life and about which he wrote a book, "Six Crises," in 1962. It would be a mistake, perhaps, to call Cambodia his seventh crisis or even his eighth, because they might be numbered as his defeat for the governorship of California in 1962 and his victory for the Presidency in 1968.

The numbers aren't important, or at least as important as the fact that Mr. Nixon gained instruction from his defeats and victories. One of the best things I know about him, and I must confess that it takes some study to like him, is that he now laughs at one of his saddest hours when he unwisely, altho not without justification, gave way to bitterness against the press after his 1962 defeat in California.

Cambodia is a crazy mixed-up land that makes Alice's Wonderland appear to be the epitome of logic and order. Norodom Sihanouk was its king before becoming its chief of state. The playboy politician was ousted by a unanimous vote of his own puppets. Now he is aspiring to be a dictator in the communist pattern.

But there was nothing mixed-up about the way Mr. Nixon attacked this Gordian knot. He drew his verbal sword and slashed it in two, just as Alexander solved the ancient Phrygian puzzle by a single stroke of his blade.

Who could be so cruel and so unfeeling as to pray that Mr. Nixon meets defeat in 1972 for his brilliant stroke. Only those who could sacrifice more American lives and give greater spheres of influence to communism. If we vote to defeat him in 1972, let it be for other reasons.

DISTRICT OF COLUMBIA CRIME BILL, H.R. 16196

Mr. HARRIS. Mr. President, H.R. 16196, called the District of Columbia omnibus crime bill, could be a prototype for similar legislation which will be designed for the entire Nation. It represents what has come to be known as the administration's "war on crime" efforts, and, if Congress finally passes this legis-

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lation, I believe we will establish a precedent we are sure to regret in later years.

The distinguished senior Senator from North Carolina (Mr. ERVIN) has been unrelenting in his efforts to delete or amend certain objectionable provisions of the bill. He has been joined by such diverse ideological and legal exponents as Time, Life, the Nation, New Republic, the American Bar Association, and the National Crime Commission.

To be sure, there are some useful features in the 439-page bill. I refer specifically to provisions concerning reorganization and consolidation of the District courts and additional Federal support for public safety programs.

Provisions of the bill to which I take great exception are "preventive detention," "no-knock," and revision of the juvenile codes to treat 15- to 18-year-old offenders as adults. As outlined in H.R. 16196, these provisions possibly violate the first, fourth, fifth, sixth, and eighth amendments.

The issue of preventive detention at best fragments current efforts for a bail reform. Under the existing law, preventive detention is already practiced in many instances by the establishment of extremely high bonds—the extraordinary overcrowding of the District jail provides ample testimony of this fact.

Since incarceration during a period when the defendant is presumed innocent simply means that no efforts will be made toward rehabilitation, it is a process which will hardly do anything to encourage respect for law and order.

This provision gives cause for serious constitutional questions when considered in light of the eighth amendment guaranteeing "reasonable bail," the fifth amendment providing for "due process," and the sixth amendment guaranteeing "access to counsel and the opportunity to participate in preparation of a defense." Clearly these guarantees cannot be protected if an individual charged with a crime is detained for a period of 60 days, as provided in H.R. 16196, or 30 days, as recommended in the compromise offered by the senior Senator from Maryland (Mr. TYDINGS).

Obviously, speedy court trials would be far more appropriate for resolving the kinds of problems preventive detention otherwise would be designed for, and additional use could be made of "third party" supervisors for persons on release.

I believe that the "no-knock" provision of H.R. 16196 is equally undesirable and unconstitutional. As Bernard Schwartz, noted constitutional authority, states in his book, "Commentary on the Constitution of the United States," the Constitution:

> Ensures to the person a privileged sanctuary within which he can live his own life, sheltered from public supervision and scrutiny . . . He can retreat therein from outsiders, secure in the knowledge that they cannot get at him without disobeying the Constitution.

The case against unlawful entry is further amplified by Prof. Herman Pritchett of the University of Chicago in his book, "The American Constitution." In the book Professor Pritchett writes:

> Whether armed with a warrant or not, officers cannot break down the door to effect a lawful arrest . . . unless they are refused admission after giving clear notice of their authority and purpose.

Proponents of the "no knock" provision argue that it is needed in order to effect an arrest before suspects have the opportunity to destroy or dispose of possible evidence. They use as an example cases which involve marihuana, narcotics or dangerous substances which might be destroyed or disposed of if officers knock before effecting the arrest. The fourth amendment to the constitution states the basic law very clearly:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, no warrants shall be issued, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

I am also greatly concerned by revisions in the juvenile code making trial as an adult mandatory for 15- to 18-year-olds. If a juvenile offender is once tried in an adult criminal court, he can never be tried again in a juvenile court under the provisions of the House bill, no matter what charge is brought against him. What then will be the effect if such an offender is found innocent? These are serious questions which should be given a thorough assessment as to the implications by fact and by law.

The administration has seen fit to promote and sponsor legislation which poses grave dangers to the American constitutional system of government. These seriously objectionable features of H.R. 16196 should be deleted by the conference because they represent an affront to the basic principles of American justice and equal protection under the law.

MR. GEORGE ALDRICH, DEPUTY LEGAL ADVISER OF THE DEPARTMENT OF STATE, OUTLINES THE "INTENT" AND "MENTAL HARM" ASPECTS OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, Mr. George Aldrich, the Deputy Legal Adviser of the State Department presented lucid and very informative testimony before the Special Subcommittee of the Committee on Foreign Relations in its hearings on the Genocide Convention.

Mr. Aldrich directed himself to the "types of acts the convention deals with and to the ways in which such acts would be tried and punished." He thoroughly covered the provisions of the treaty, and placed special emphasis on the complicated question of extradition under the treaty.

I shall review today the first portion of Mr. Aldrich's testimony, which deals with the first five articles of the Genocide Convention. In particular, I should like to dwell on two important points that Mr. Aldrich made in his presentation—the question of "intent," and the matter of "mental harm."

Mr. Aldrich clearly delineated the differences between genocide and murder, and effectively countered any objections to ratification on the ground that the definition of genocide is somehow too "loose." Mr. Aldrich stated:

> Let me emphasize that none of these acts (defined in Article II) can be genocide unless committed with an intent to destroy the group in whole or in part. For example, genocide is clearly distinguishable from murder.

In addition, Mr. Aldrich discussed the provisions of the Genocide Convention dealing with "mental harm." He outlined the understanding proposed by the President that—

> The United States Government understands and construes the words "mental harm" appearing in Article II(b) of this Convention to mean permanent impairment of mental faculties.

Mr. Aldrich continued:

> Thus, before a charge could be sustained, it must be proved that permanent impairment of mental faculties occurred and that the defendant brought about this injury with the intent to destroy, in whole or in part, one of the protected groups. This standard is rigid enough to discourage frivolous allegations of genocide through mental harm.

In my opinion, nothing could be clearer. I would hope that Senators will indeed pay close attention to this crucial point, as carefully explained by Mr. Aldrich.

Mr. President, I ask unanimous consent that a portion of Mr. Aldrich's testimony be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT BY GEORGE H. ALDRICH, DEPUTY LEGAL ADVISER, DEPARTMENT OF STATE, BEFORE THE AD HOC SUBCOMMITTEE OF THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE, IN SUPPORT OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, APRIL 24, 1970

Mr. Chairman and Members of the Committee: I appreciate this opportunity to testify on the Genocide Convention. I shall direct my comments to the types of acts the Convention deals with and to the ways in which such acts would be tried and punished. In particular, I want to ensure that there is no misunderstanding about the question of extradition.

The main thrust of the Convention is to require parties to outlaw genocide within the structure of their own legal systems. Under Article V, the United States would undertake to enact legislation, in accordance with our constitutional procedure, which would make genocide a crime.

The contours of what such legislation must contain are delimited in Articles II and III of the Convention. Article II defines genocides to be any one of five kinds of acts committed with the "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such."

The five kinds of acts are: killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group. Let me emphasize that none of these acts can be genocide unless committed with an intent to destroy the group in whole or in part. For example, murder is clearly distinguishable from genocide. Murder is the killing of a human being by another human being with

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malice aforethought. But, in addition to what is needed for murder, for the crime to be genocide the killing would have to be *aimed* at the individual in his capacity of a national, ethnical, racial or religious group; and the act would have to be done with the *specific intent* of destroying the group as such, in whole or in part.

Article II includes acts causing serious mental harm to members of the group. The President has proposed an understanding by the United States to make the meaning of "mental harm" clear. That understanding would read as follows:

"That the United States Government understands and construes the words 'mental harm' appearing in Article II(b) of this Convention to mean permanent impairment of mental faculties."

Thus, before a charge could be sustained, it must be proved that permanent impairment of mental faculties occurred and that the defendant brought about this injury with the intent to destroy, in whole or in part, one of the protected groups. This standard is rigid enough to discourage frivolous allegations of genocide through mental harm.

Article III of the Convention provides for the punishment of genocide itself, conspiracy to commit genocide, direct and public incitement to commit genocide, attempted genocide, and complicity—or aiding and abetting, in terms more common to our law—to commit genocide. None of these present any legal difficulties. Article IV of the Convention provides that all persons, whether they be constitutionally responsible rulers, public officials, or private individuals, shall be held responsible for genocidal acts.

UNDERSTANDING MR. NIXON'S PRESIDENCY

Mr. HRUSKA. Mr. President, the current issue of Look magazine contains a rare and penetrating profile of Mr. Nixon's philosophy and practice of the office of Chief Executive, by Pulitzer Prize winning columnist, Richard Wilson. With great insight, Mr. Wilson has sketched the true Nixon, a man who is comfortable and competent in the awesome job of national leadership.

Mr. Wilson's thesis is that President Nixon has achieved the almost unheard-of goal of being free from the clamorous demands of any single minority, and thus is able to attend the needs and wants of the majority. As Mr. Wilson has summed it up:

> In short, Mr. Nixon has taken a great gamble. He had done the things he regards as right by new political and national standards, however impolitic they might seem if judged by old standards.
>
> Nixon has confronted the war demonstrators and stared them down.
>
> He has braved the risk of becoming another Hoover by holding the economy in check to stop inflation.
>
> He has faced the facts of racial integration in this country and recognized what has failed in order to make integration work in a practical way.
>
> He has disregarded minority pressures on world policy—whether on Israel or the ABM.
>
> He has done this as if he had taken into account that he might be a one-term President.

Mr. President, I believe Mr. Wilson's article, entitled, "Nixon's Big Gamble", is "must" reading for all who are interested in understanding Mr. Nixon's Presidency. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Look magazine, May 5, 1970]

NO MORE RULE BY MINORITIES: NIXON'S BIG GAMBLE

(By Richard Wilson)

Seventeen years ago, I wrote an article for this magazine entitled: Is Nixon Fit To Be President?

Then Vice President Nixon said: "The article was all right. You didn't answer the question."

This article answers the question. Nixon is fit to be President. Don't go away. It is not all good.

Richard M. Nixon is fit to be President for many reasons, but the following is a sufficiency:

He has faced squarely the agonizing problem of minority domination and distortion of American policy.

He is executing a majority policy.

He does not wish to thwart minorities but to release them from their sole concern with their own interests.

He wishes to make them a part of the whole of American life.

Vietnam. Race. Inflation. Israel. Russia. Protest. In each case, he has denied minority positions to find the common policy for the greatest number.

This may mean his political ruin. He could be a one-term President. Or, he could create a new majority, proof against assault by any minority or combination thereof.

Saying this invites conclusions of racism, anti-Semitism, militarism and disregard for the legitimate demand for justice by the poor, the downtrodden, the sinned against. That is not so in the Nixon Administration. Nor is it so that the minorities, the protesters, the haters, the discontented shall prevail over the legitimate interests of the majority.

Those of us who vividly remember how Nixon was regarded 20 years ago can only reflect in astonishment at the change in his public posture after a year in the Presidency.

He has come to represent a majority point of view, an amalgam of prevailing opinion in an age of violent controversy. This is not a consensus, but the assertion of conventional, patriotic, devout American values, unshaken and in fact reinforced by the racing currents of revolt, anarchism, nihilism and just plain kookiness in this troubled society.

The silent majority. Forgotten Americans. Middle Americans. These sociopolitical tags seem meaningless compared to the fact that Nixon has become believable and convincing to people who once hated or doubted him, or who have been told he was once hated and doubted.

All the elaborate theories of the young Nixon ideologists on the new Republican majority take second place to one fact: Nixon's support, and every poll shows it, comes from every element—rich and poor, ignorant and learned, tolerant and intolerant; yes, and even a little black among all the white.

If they are united on one point, it must certainly be this:

An America typified by the youth culture, the hippie culture, the drug culture, black or white racism, rampant sex, permissiveness, crime, absurd styles of dress and conduct, far-out art and music and condoned racial and political violence simply does not exist in the everyday lives of the vast majority of Americans.

They are not a part of it. They resent the exploitation by the mass media of this conduct on the fringes of society because they do not think it represents the heart and soul of this country.

They are in rebellion against the commentators, reporters, editors and politicians who spend their days and nights weaving eccentric incidents into a shoddy and spurious fabric of what American life is supposed to be but is not.

Nixon represents a public reaction against this distortion of the American scene, and he knows it. In all ways, he consciously emphasizes the normality of conventionally accepted values in contrast to the exaggerated sociological freakiness affected by the rampaging minorities.

A hundred examples could be cited—his own style of dress and behavior, his enjoyment of the good things of life, the normality of Mrs. Nixon, the wholesome charm of Tricia, the blissful perfection of Julie and David as a young married couple, his interest in football, the church services in the White House.

Perhaps one incident tells it all. The Gridiron Club is an organization of Washington newspaper correspondents who, for 85 years, have annually invited to dinner about 500 leading men in Government, politics, business and other fields for an evening of fun, frolic and satire of public men and issues. Many Presidents have not relished their exposure to ridicule, even in its politer forms, and have tried to escape it when expedient. This event, the annual Gridiron Dinner, is strictly traditional, square and establishment. Nixon loves it for that reason and probably has been "roasted" on the Gridiron, as the saying goes, more than any man in all the 85 years of the club's history.

Last March, he got into the act himself, preempting the final scene in the Gridiron show with a joint appearance with Vice President Agnew, parodying the President-Vice President relationship and the so-called "Southern strategy" of his Administration.

They played a duet on two rickety pianos. Nixon played what he said were favorite songs of the Presidents, *Home on the Range* for Roosevelt, the *Missouri Waltz* for Truman, *California Here I Come* for himself. Agnew accompanied the President each time with his own rendition of *Dixie*.

When the President and Vice President had made sufficient fun of themselves and their policies, they turned serious and banged out *God Bless America*. An astounded, delighted crowd of Democrats and Republicans, diplomats and statesmen, business tycoons and labor leaders, liberals and conservatives, intellectuals and boobs, rose to join in a spontaneous singing of what is regarded by some as the corniest patriotic song of all time.

Sitting in the Oval Room at the White House where he had listened to six Presidents from Roosevelt through Nixon, a recent visitor reflected on the atmosphere of comfort and calm that had been created by Nixon in his White House offices. Roosevelt's clutter, Truman's front-parlor atmosphere, Eisenhower's official Army elegance. Kennedy's New England touch, Johnson's chattering news ticker had been replaced by the comfortable ambience of a rich suburban home, burning fireplace and all.

The President took his visitor across the street to see his office hideaway in the Executive Office Building, where he writes at night and holds more intimate conferences than in the White House. This is a more personal office, with photographs and cartoons related to his astonishing political career and comeback.

Both rooms where the President works reinforced one of his visitor's previous conclusions: Nixon has an inner need for simple, unobtrusive, very orderly, very high quality surroundings where calm may replace the tensions he guards against.

Nixon's nature dictates that he withdraw from time to time, particularly in advance of important decisions and stressful occasions, whenever possible.

His need for retreats in Maryland, in Florida, California, and in the White House is real. He understands himself. He understands the nature of the Presidency. And he

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does not intend that he shall ever again fail for lack of composure, premeditation or confidence.

This is what has given Nixon the fortitude to pursue policies that, by the standards that have long prevailed in this country, would invite his political ruin, and for all I know, may yet. Succeed or fail, these policies are consistently courageous, studiously moderate, and from some minority points of view, outrageously wrong.

He is confident and comfortable in his conviction that no minority representatives may stalk into his office and say: "We supported you, Mr. President. Now you must support what we want done."

It was in the nature of his election that this is so, and he is the first President in 37 years (I except Eisenhower from all generalities) wholly, freely and continuously independent of minority support.

No representatives of organized labor can command him, or of organized liberals or organized conservatives or organized racial or religious groups.

Youth cannot find a political ground on which to terrorize him; he is impervious to war demonstrators; he is safe from intellectual scorn. And he knows it.

It has been in this context that Nixon has been able to sustain a new policy on racial integration that is essentially a historical presidential challenge of judicialy adopted doctrine. Also, that policy makes more palatable in the South a continued desegregation of the public schools that many parts of the South would like to avoid, but now cannot.

The Nixon policy, supporting quality education and the neighborhood school as well as desegregation, is not satisfactory to everyone, either to those who demand forced racial mixing as a social and educational imperative or to those who would have no mixing at all.

But it is a real policy that recognizes the absence of true integration as conceived by the idealists and the hypocricy of the Northern liberals who have shut their eyes to the fact that school integration is more complete in Charlotte, N.C., than in Chicago, Ill.—or even in schools where Sen. Jacob Javits resides in New York City.

Nixon wrote a statement on racial integration that he hopes will instruct the Supreme Court when it considers the definition of what de facto desegregation is. This move to influence the Court's decision is amply supported by precedent going back almost 150 years to Andrew Jackson.

It is a classic example also of Nixon's method. An avalanche of memos and advice flowed in on him, from Daniel P. Moynihan's counsel for "benign neglect" to Presidential Assistant Harry Dent's balder political suggestions.

Nixon waited. He listened to everyone. He blamed no one for leaked memos. He granted to all staff members the right to novel or even irresponsible ideas. He encouraged debate and controversy inside his own Administration, well aware this might lead to personal conflicts.

He let Negro leaders tell him he was using familiar code words for racist policies. He listened in sorrow to the lament of Republican Sen. Edward Brooke of Massachusetts, and with satisfaction to the frankness of Democratic Sen. Abraham Ribicoff of Connecticut, exposing the sham of racial integration in the North.

He waited until a state court order in Los Angeles focused attention on how forced integration in the form of busing could threaten to destroy a vast school system.

Then he thought the time was right for him to define a moderate and realistic policy on racial integration that would serve as a guideline for his own Administration and a guidepost for the Supreme Court.

Nixon wrote that policy for the majority, not for any minority either North or South. He may be wrong. But he consciously and deliberately sought the middle ground of reason and moderation.

His 8,000-word brief on school integration was much more than an educational policy. It defined the duties of man in a multiracial society in terms of the real world now, not as it might idealistically be hoped to exist someday:

"We cannot be free, and . . . fit our lives into prescribed places on a racial grid. . . . An open society does not have to be homogeneous, or even fully integrated. . . . What matters is mobility: the right and the ability of each person to decide for himself where and how he wants to live. . . ."

This is a philosophic concept he presents to a Supreme Court that he is trying to remake on lines of strict constitutional constructionism. In the pending cases on obligatory racial balance in the schools, and other cases, Nixon, in his longheaded way, is trying to hammer out new racial policies acceptable to the greatest majority without sacrificing the constitutional ban on segregated public facilities.

Many are astonished by the degree of conflict Nixon permits and encourages inside his Administration. He comforted uneasy Presidential Counselor Moynihan, whose leaked memos on integration were embarrassing, by telling him that if Moynihan thought he was indiscreet, he should see some of the secret recommendations of some of the President's military advisers.

Nixon thinks both Presidents Johnson and Eisenhower had phobias on leaked information. Nixon wants open discussion, even if it leaks. He shuns the elaborate security precautions of his predecessors on destroying official papers after Cabinet and committee meetings. Let controversy out, is his motto, and then the President can find his way to the most commonly acceptable ground and the right answer.

This is the way that led him to the right answer, he thinks, on Vietnam. Vietnamization, he thinks, is working better than he originally expected. All ground-combat troops can be taken out of Vietnam probably well before the end of 1972. Combat troops will positively not be sent to Laos. Don't overlook the possibility for a negotiated settlement, not in Paris, but arising from actual military conditions in Vietnam and Laos.

So it must become evident now to everyone that Nixon is getting out of Vietnam, but the future is clouded. It is clouded because getting out of Vietnam means one thing to one man and another thing to another. It may be many years before we can become completely disengaged and adopt that lowered profile in Asia and other parts of the world that is the essence of the policy Nixon calls the Nixon doctrine.

The underlying principle of Nixon's policy in Vietnam is that the process of Vietnamization is, in fact, working. It will steadily create a worsening situation for the North Vietnamese, who will be placed under continuing pressure to make an American-dominated settlement that, inevitably, would be more favorable to them than a settlement in which the government of South Vietnam could call the turn.

On the soundness of this analysis rests the fate of Nixon's pledge to end the war in Vietnam, for which he will be directly answerable before 1972. Nixon does not reflect the doubts of others that he will succeed. He expects good marks not only in Vietnam but in improving relations with Russia, moving further toward nuclear disarmament and slowly opening up China.

These hopeful expectations are matched by Nixon's absolute confidence that the Government can and will control inflation and avoid a recession. This is now regarded as the most immediate critical problem facing Nixon.

Some background is needed here to explain Nixon's confidence in his ability to get the economy moving upward again before the fall and his determination to do so.

In 1954, 1958 and 1960, Nixon, as a campaigning Vice President or a candidate for President, got trapped in recessions or economic slowdowns. Twice it happened in the Eisenhower Administration. Again in October, before the 1960 presidential election, the economy dipped, with a 400,000 increase in the number of unemployed. Nixon seems convinced that this was the primary cause of his extremely narrow defeat by John F. Kennedy, and this is made more believable by the hairline margin of Kennedy's victory.

Again in 1968, when, a week or ten days before the election, Nixon expected to win by 5,000,000 votes, organized labor, sensitive as always to possible adversity with Republicans in the White House, nearly saved the day for Hubert H. Humphrey, and Nixon won by a scant 500,000.

Nixon is highly sensitive to economic conditions just prior to an election. He is also convinced that inflation is being brought under control and prices will go down. This leaves him in the happy circumstance of believing that he can justifiably induce action for an economic speedup without defeating his own anti-inflation policy in time to create favorable political conditions in the congressional elections this fall.

That, in my opinion, is what he intends to do, depending upon the full cooperation of the Federal Reserve Board, now headed by his former economic adviser, Arthur F. Burns, with whom he feels in complete agreement.

Nixon's faith in the Government's ability to manage and control the main factors of economic life is not wholly new for Republicans, but under Nixon, the new economic doctrines of John F. Kennedy's economic advisers have advanced far. Call it the new economics or Nixonomics, there is now a bipartisan national economy policy that would have shocked the Old Guard of the GOP.

The most fascinating, and the most controversial, exercise in the Nixon Administration goes by the name of Southern strategy, which is a term far off the mark and not half what Nixon is trying to do to create a permanent new majority favorable to if not part of the Republican party.

A great deal of shortsightedness is deemed to be responsible for the criticism of Nixon's longheadedness in his selections for the Supreme Court as part of the Southern strategy. The Senate already half regrets its rejection of Clement F. Haynsworth, Jr., an able Southern conservative whose personal integrity was never successfully impugned. The controversy over G. Harrold Carswell has reflected no great credit on Nixon's ability to choose outstanding men for the Court. But this is the short view. Before Nixon is finished, he will undoubtedly have appointed two or three more justices, and then it will be seen if he has succeeded in giving the Court the balance he thinks all the country, not merely the South, wants. Nixon's acts cannot be judged separately. They are usually part of a larger structure of policy, thought out in advance and weighed and timed for their total and ultimate effect. He is not concerned by temporary adverse public reactions.

The larger aspect of his attempt to create a sustained Nixon majority is controversial too. A 29-year-old Harvard law graduate who is Special Assistant to Attorney General John Mitchell, and describes himself as a liaison man with the White House, is the youthful apostle of what he calls the emerging Republican majority.

The apostle, Kevin P. Phillips, and Vice President Spiro T. Agnew can walk hand in hand through the jeers of "effete snobs" and Phillips will emerge one up on the Vice

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President. Phillips comes right out with it. In a recent unreported speech, he told the Yale Political Union, a kind of undergraduate debating society: "The nature of the new majority—or potential majority—seems clear. It is largely white and middle class. It is concentrated in the South, the West and suburbia. It is largely conservative, but it has a number of unconservative outlooks as well."

Phillips had a good deal more to say. The silent majority, Middle America and the forgotten American are the bulwark of Nixon's support, "rooted not in the fading big cities but in suburbia, the American heartland and the boom corridors of Florida, Texas, Arizona and California."

The old liberal New Deal era of American politics is finished. A "tired, affluent and arrogant liberal establishment" has taken its place, Phillips goes on.

That establishment is "the media, the knowledge industry, research and development, the universities and think tanks, the foundations and corporate conglomerates [and] it is to the left of prevailing American opinion. It is to the left," continues Phillips, "of dust-bowl Oklahoma; it is to the left of Levittown; it is to the left of Main Street.

"The average American is fed up with the excesses of the liberal establishment. He is fed up with change for change's sake, with calculated erosion of middle-class values and standards, with fashionable liberal bigotry toward Irish, Italians, Poles, farmers, suburbanites and blue-collar workers."

Much of this does not hang together, but Phillips races on to the conclusion that middle America is hell-bent on its own political revolution in a great cyclical political change. "The target is establishment liberalism, the phony revolution of the glossy magazines, which mocks Nixonism and Middle America as cottage cheese and Sears, Roebuck."

The Nixon Administration, Phillips continues, is trying to translate into action the hopes of the silent majority. "The test of this new politics will be positive achievement on behalf of the great, ordinary Lawrence Welkish mass of Americans from Maine to Hawaii," Phillips concludes.

Phillips has rather damaged his argument about the Southern-Western-suburban-blue-collar base of the Nixon Administration by reporting to his superiors his conclusion that the way things are going, Nixon will also probably carry all the Northeast in 1972, with the possible exceptions of Massachusetts, Rhode Island and the District of Columbia. This rather detracts from any idea that the Northeast should be sheared off the map and be left to drift out to sea.

Never mind. The idea is cherished by the younger men of the Nixon Administration that a vast change of political alignments is now upon us.

They have passed approvingly among them copies of Phillips' treatise and are pretty much convinced that Middle America is leading the revolutionary way in a historical political movement comparable to Jeffersonian Democracy, Jacksonian Democracy and the New Deal.

How much of this Nixon buys is debatable. Part of it. That part, for sure, that tells him that George C. Wallace cannot be permitted again to drain off Southern and Northern support that ought to find its natural home in the new Republican majority. Wallace is a menace to the Republican majority and to Nixon. Nixon would not have been elected if Wallace could have gotten a million more votes in the right places.

But Nixon is sophisticated politically. He may justify his San Clemente residence as a Western White House to symbolize the shift of political power to the West, but he is counting on the East too. Nixon is too smart to get trapped in Goldwaterism. The emerging Republican majority is supposed to be something different from that.

In short, Nixon has taken a great gamble. He has done the things he regards as right by new political and national standards, however impolitic they might seem if judged by old standards.

Nixon has confronted the war demonstrators and stared them down.

He has braved the risk of becoming another Hoover by holding the economy in check to stop inflation.

He has faced the facts of racial integration in this county and has recognized what has failed in order to make integration work in a practical way.

He has disregarded minority pressures on world policy—whether on Israel or the ABM.

He has done this as if he had taken into account that he might be a one-term President. "Yes," a presidential assistant said, "I think the President has had that possibility on his mind. But maybe because he is willing to run that risk regardless of conventional political judgments, he is more likely to be a two-term President."

By the standards of a few years ago, Nixon has been courting political disaster. The power base of his opposition, of the New Deal, the Fair Deal, the New Frontier, was a coalition of organized minorities—organized labor, organized liberals, organized urban racial and religious groups and, at times, organized farmers.

They prevailed on the American political scene not in small part because they seemed to represent the interests of the oppressed and the underprivileged and the common man—anyone who needed a better break in life.

Nixon is trying to create a majority considerate of minority opinion but shatterproof under the blows of dissent and opposition of any minority. This is not so different from President Eisenhower's aim when, early in his Presidency, he talked about a coalition of middle-of-the-roaders in the name of "New Republicanism." It didn't work. But, then, Ike was no politician. Nixon is.

RESOLUTION OF APPRECIATION OF SENATOR MILTON R. YOUNG BY CITY OF FARGO, N. DAK.

Mr. BURDICK. Mr. President, I have just received a resolution passed by the city commission of the city of Fargo, N. Dak., expressing the appreciation and thanks of the city for the work done by my colleague from North Dakota, Senator Milton R. Young. In order that all may be aware of the fine support and help which is given to the State by Senator Young, I ask that this resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senator Milton R. Young

Resolution of Appreciation Adopted:

Commissioner Schuster offered the following Resolution and moved its adoption:

Whereas, Design for the Overlay of Runway 17/35 at Hector Municipal Airport has been commenced by Ulteig Engineers, Inc.; and

Whereas, Senator Milton R. Young has been instrumental in making funds available for Hector Airport.

Now, Therefore, be it resolved, That the Board of City Commissioners of the City of Fargo does hereby express its appreciation to Senator Milton R. Young for his efforts in making funds available for Hector Municipal Airport in Fargo.

Be it further resolved, That this Resolution be inscribed upon the permanent records of the proceedings of the Board and certified copies forwarded to the Congressional Delegation with the request that they insert it in the Congressional Record.

Second by Oakey. On the vote being taken on the question of the adoption of the Resolution Commissioners Oakey, Schuster, See, Markey and Lashkowitz all voted aye.

No Commissioner being absent and none voting nay, the President declared the Resolution to have been duly passed and adopted.

CERTIFICATE OF CITY AUDITOR

State of North Dakota, County of Cass, ss.

I, F. R. Fahrlander, do hereby certify that I am the duly appointed, qualified and acting City Auditor of the City of Fargo, North Dakota; and

That the foregoing is a full, true and correct copy of a Resolution adopted by the Board of City Commissioners of the City of Fargo at a Regular Meeting of the Board held on Tuesday, April 14, 1970; and

That such Resolution is now a part of the permanent records of the City of Fargo, North Dakota, as such records are filed in the office of the City Auditor.

[SEAL] F. R. Fahrlander,
City Auditor, City of Fargo, N. Dak.

CAMBODIA

Mr. CHURCH. Mr. President, no more succinct rebuttal to the President's decision to widen the Vietnam war into Cambodia has been made than the following two columns by James Reston and Tom Wicker in Sunday's New York Times.

I ask unanimous consent that the articles be printed in the Record:

There being no objection, the articles were ordered to be printed in the Record, as follows:

Washington: The Heart of the Trouble

(By James Reston)

Washington, May 2.—In announcing his decision to expand the Indochina war, President Nixon said he was going "to the heart of the trouble," and if you accept this as true, it is easy to approve his decision. But is it true

"Our third choice," he said, "is to go to the heart of the trouble. And that means clearing out major North Vietnamese and Vietcong-occupied territories, these sanctuaries which serve as bases for attacks on both Cambodia and American and South Vietnamese forces in South Vietnam as well."

But the heart of the trouble is not in Cambodia, but in North Vietnam and beyond that, in the Soviet Union and Communist China. This is where the power comes from. This is what we have been up against from the beginning. The real sanctuaries, which Mr. Nixon wisely is not prepared to challenge, are Hanoi, Peking and Moscow, and that being so, it is a thunderingly silly argument to suggest that wiping out the enemy's bases in Cambodia will get to the "heart of the trouble."

There is a good case to be made for attacking the enemy's bases in Cambodia—always has been. Some of them are only 33 miles from Saigon. No general with the brains of a corporal would willingly give his opponent a safe haven from which Saigon could be attacked in the night or even destroyed by relatively short-range missiles which Moscow and Peking have the power to provide.

MAGICAL STROKE

But why can't this plain and sensible tactical battlefield case be made honestly? The President explained the move into Cambodia, not as a necessary tactical invasion—which it undoubtedy is—to reduce casualties and save the staggering Cambodian Government through the coming monsoon season; but he

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presented it as some kind of magical stroke that would stun the enemy, wipe out the sanctuaries, bring the boys back home quicker, prove our determination to the Russians and the Chinese, and help arrange a just and lasting peace.

He asked the American people if they wanted to cut casualties, bring the boys back home, be faithful to their promises, defend the integrity and commitments of their country, and support their fighting men; or whether they wanted to abandon their soldiers, their allies, their principles, and their promises. And all this, he insisted, depended on whether they supported his decision to invade the enemy's bases in Cambodia.

As a television show and a political exercise it may have been effective, but as a serious Presidential presentation of the brutal facts of a tragic and dangerous problem of world politics, it was ridiculous.

No doubt the enemy's Cambodian sanctuaries will be destroyed or abandoned, and without too many casualties on our side. But unless we keep our troops there, the enemy will come back or move to other sanctuaries. This has always been the "heart of the problem."

Geography, history and time are on the side of the enemy. It is a devilish problem. He can always retreat into other sanctuaries in Cambodia, Laos, North Vietnam or even China—and wait. The question is whether we are willing to fight and wait or whether we are merely determined to pretend.

WHAT NIXON DID

What President Nixon did in his speech on the Cambodian invasion was to pretend—pretend this would get the boys back home and get the enemy to negotiate a just peace, pretend he was getting "to the heart of the trouble."

This is what is really dividing Washington today—not that the President is expanding the war, but that he is pretending his invasion of Cambodia will end it by destroying the critical enemy sanctuaries which everybody knows really exist elsewhere.

IN THE NATION: FURTHER INTO THE QUAGMIRE

(By Tom Wicker)

WASHINGTON.—The invasion of Cambodia ordered by President Nixon makes it clear that he does not have and never has had a "plan to end the war." For this is another of those escalations of the Southeast Asian war that in every previous case had to be extended further than expected and still accomplished nothing.

Every such escalation by three Presidents has succeeded only in sucking the United States further into the quagmire, and all of them—notably the bombing of the North—have had to be abandoned; what, in fact, is the President's so-called Vietnamization policy, if it is taken at face value, but the slowest and most reluctant form of abandonment of Lyndon Johnson's military build-up?

CAMBODIAN SANCTUARIES

Since the Cambodian sanctuaries have existed for five years, for instance, it has to be asked why their strategic importance was not assessed before the Vietnamization policy was launched. These sanctuaries become the kind of wholesale threat to American lives upon which Mr. Nixon insisted—if they do at all—only as overwhelming American troop strength declines through piecemeal withdrawals. Vietnamization, therefore, so far from being "a plan to end the war," bore within itself, from the start, the seeds of this escalation.

Even Mr. Nixon's description of the escalation as a temporary and limited effort is refuted by his own testimony. He described North Vietnam as being now engaged in "invading" Cambodia and said that if the attack succeeded "Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier." If such an invasion is in fact taking place, and if its success would pose the stated threat, then a quick one-shot sweep through the border sanctuaries would hardly prove a sufficient defense.

Nothing, moreover, distinguishes these new search-and-destroy sweeps into Cambodia from all the other bloody, useless, innumerable search-and-destroy sweeps of this war—into the Ashau Valley, the Iron Triangle, the demilitarized zone, into all those other "strongholds" from which the Vietcong and the North Vietnamese have been so often swept, only to reappear still fighting when the "victorious" Americans have departed brandishing their inflated body counts. Such a bitter history gives scant assurance that even if the invaders sweep through the Cambodian sanctuaries in a few weeks the sanctuaries will stay swept, the Americans will be able to go away for good, and the troop withdrawals can proceed undisturbed.

It is implicit in Mr. Nixon's remarks therefore, and despite his references to Cambodia's alleged neutrality, that a great deal more may be involved than a quick, effective thrust—that, in fact, the tottering Cambodian regime of Lon Nol, like the South Vietnamese regime of Nguyen Van Thieu, is now being sustained on the battlefield by American troops, since neither could long sustain itself without them.

Why, then, did Mr. Nixon take such a fateful step and explain it with such cunning words and inverted logic (reminiscent of President Johnson) as, "We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Vietnam and winning the just peace we all desire"?

TACTICS AND AIMS

The answer can only be that he has no "plan to end the war," much less win the peace, that Vietnamization by itself is not and cannot be such a plan, and that in the end Mr. Nixon like Mr. Johnson before him is pursuing the bloody chimera of striking one final overpowering military blow that will drive the North Vietnamese to their knees and thence to the conference table. The one President sent a half-million troops and fleets of bombers; the other has invaded the sanctuaries; the tactics are different but the aim is the same.

White House propagandists also insist that Mr. Nixon needed to make a show of strength in the world, lest the United States be thought to have gone soft. This sounds like typical White House thinking. It was much the same reasoning that led President Kennedy in 1961, after the Berlin Wall had gone up and he had been bullied by Premier Khrushchev at Vienna, to increase the American commitment in Vietnam; and the same sort of considerations later contributed heavily to the decision of Lyndon Johnson, a new President elected in a peace campaign, to begin the bombing of the North.

But whatever his motives and his policy, Mr. Nixon relied heavily, in his appearance before the nation, on deception, demagoguery and chauvinism. It was misleading to fail even to mention that the Cambodian Government had recently been overthrown by a right-wing military regime, whose action led to the fighting and the atrocities in Cambodia; to speak of American respect for Cambodian neutrality as if Cambodia had not refused diplomatic relations with the United States for years; and to repeat the exaggeration first put forward in the Nov. 3 speech that "slaughter and savagery" followed the Communist takeover of North Vietnam in 1954.

It was cruel to play upon the hopes of American parents by saying that the war must be expanded to spare their younger sons not yet drafted and butchered in Vietnam. For how can that, or "a world of peace and freedom," be squared with fighting to avoid "humiliation," with making war in order not to be seen as a "pitiful, helpless giant," with the sheer jingoism of refusing absolutely "to see this nation accept the first defeat in its proud 190-year history?"

CREDIT CARDS AND INFLATION

Mr. PROXMIRE. Mr. President, by a vote of 79 to 1, the Senate recently passed a bill to prohibit the unsolicited distribution of credit cards. One argument advanced on behalf of this legislation is that credit cards promote inflation. A number of witnesses who testified before the Senate Banking and Currency Committee indicated that it was somewhat inconsistent for commercial banks to be cutting back loans in other areas while at the same time sending unordered credit cards to consumers urging them to make additional installment purchases at the rate of 18 percent per year interest.

Another aspect of the credit card revolution is that they frequently cause merchants to raise their prices. The merchant must pay the credit card company a discount, frequently as much as 4 or 5 percent of the cash price of the sale. The cost of this discount is then passed on to all buyers alike.

Recently an article prepared by the United Press analyzed the impact of credit cards on retail prices. The article provides additional evidence of the inflationary impact of credit cards. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CREDIT CARDS CITED FOR SOME INFLATION

NEW YORK.—The credit card business in the United States has soared to an estimated $5 billion a year, and much of it increases the prices of goods and services by 7 per cent. It's also probably the biggest bonanza in the history of banking.

National banks alone have almost $2 billion in credit card business. Diners Club and American Express have more than $1 billion between them. The oil companies sell hundreds of millions of dollars worth of gas, oil, batteries and tires on their own credit cards. And there are many small local bank credit card systems.

The statement that credit cards inflate prices generally should be qualified by a reminder that other credit systems also increase the cost of doing business and hence boost prices as compared with cash purchases. But the mushrooming growth of credit card sales in recent years has convinced most economists that they have become a potent inflationary influence.

The 7 per cent average increase in prices resulting from the use of credit cards stems from the simple fact that banks and credit card companies charge 6 to 10 per cent for collecting the bills.

PASSES ON COST

This is paid by the merchants. So the restaurant man must raise the price of a $10 dinner to $10.70 to offset the credit card collection cost. In general, restaurants doing a lot of credit card trade boost their general price level to take care of it. Some do not, but actually add on the 7 per cent as a separate charge.

The Senate tacitly recognized the inflationary threat of credit cards on April 15 by passing a bill to ban the issuance of unsolicited cards and to limit cardholders' liability to $50 when cards are lost or stolen and then used by unauthorized persons.

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Proponents of the bill said that in addition to encouraging frauds, the mailing of unsolicited credit cards encouraged many unsophisticated persons to spend far beyond their means.

You can easily prove for yourself that the general price level usually is increased to cover the credit card collection charge. Next time you dine in a fancy restaurant where most of the customers are dining on credit cards, ask if you are entitled to a discount if you pay cash instead. You won't get the discount for cash in all places but frequently you will, either in the United States or abroad.

CASH DISCOUNTS

There are several small companies that sell "cash cards" entitling you to cash discounts of 5 per cent or more in restauarants and other places that do a big credit card business. One called "Home Buying Power Club" has just been established in New York. Its cash discount card is good in 1,200 stores and restaurants.

This 7 per cent increase in the prices of goods and services bought by credit cards has to be financed ultimately by the banks whether they issue the cards themselves or simply lend money to the older established credit card firms like Diners Club or American Express.

Actually, the banks' share of the total credit card has grown dramatically. The two largest bank credit card systems, Master Charge and BankAmericard, had around 70 million card holders at the end of 1969.

The cards were good in more than half a million business establishments.

It has been a bonanza for banks. By financing the average 7 per cent cost of collecting credit card bills, the banks often earn a true annual interest rate of more than 70 per cent on their money. They earn a minimum of 25 per cent a year on the business.

COLLECTION CHARGES

The basic collection charge on the credit cards the banks distribute themselves is 6 per cent a month—72 per cent a year. That the merchants must pay the banks. If the bill is not paid by the card holder by the 25th of the month after he gets it the bank charges him interest at the rate of 1½ per cent a month on the first $500 and 1 per cent a month on the balance. That comes out to a true annual interest rate of somewhere between 12 and 18 per cent. The delinquency, of course, reduces the net annual return on the bank's money but the bank is pretty sure to get 25 to 50 per cent a year on its money even on delinquent credit card accounts. On those that are paid promptly, it makes a straight 70 per cent a year.

Banks earn considerably less by financing credit card operations of Diners Club and American Express, both of which can borrow at the prime rate and thus reap most of the profit from the collection charge themselves. Also American Express generates a lot of its own funds by the sale of travelers' checks.

The oil company credit card business is much older and does not contribute substantially to price inflation because the oil companies operate the system themselves. The oil companies may borrow some money from banks to finance retail credit operations.

Curiously, there is a way in which credit card holders can offset part of the higher prices they pay for goods and services by using their credit cards to earn extra interest on savings deposits.

You can take the money normally used to pay bills and deposit it in an interest drawing account. It will earn up to 6 per cent per annum while the bank or the credit company is collecting the charges from the merchants on the bills you owe. Then, just in time to avoid a penalty, you withdraw enough money to pay the bills.

PUBLIC WORKS PROJECT OF 1ST ARMY

Mr. BOGGS. Mr. President, the 1st Army, headquartered at Fort Meade, Md., chose Earth Week as the proper moment to embark on a public works project at a most valuable beach in southern Delaware.

That command, without consultation with local officials, with disregard for those who are concerned about preservation of the beach area, and with little apparent concern for the environment, chose that week to level the highest sand dune behind the beach on property retained by the Army at Cape Henlopen, Del.

That property and nearby property are owned by the Department of Defense, as an enclave between two State parks which provide fine recreational areas for all who wish to make use of them.

The residents of Delaware understandably are upset at this destruction and the lack of sensitivity the Army displayed. Since that time the entire Delaware congressional delegation, working with Gov. Russell W. Peterson and other State officials, have been exploring the possibility of conveying military land at Cape Henlopen to the State of Delaware for use as a park. We anticipate that in the very near future we will develop legislation to that effect.

I received today a copy of a petition from a group of interested citizens in the area advocating the conveyance of the land to the State. The Wilmington Morning News yesterday carried an editorial suggesting the land be given to the State.

Mr. President, I ask unanimous consent that the petition and the editorial be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PETITION REGARDING CAPE HENLOPEN LANDS

Whereas during World War II the United States acquired from the State of Delaware by condemnation certain lands in the Cape Henlopen area in order to establish a military reservation.

Whereas a portion of that land was returned to State ownership and has been used for public educational and recreational purposes as a part of the Cape Henlopen State Park.

Whereas considerable doubt has arisen regarding the wisdom and propriety of continued Federal control of the remaining United States lands at Cape Henlopen.

We, the undersigned, request that Governor Peterson initiate a thorough investigation to determine the current use, by the United States, of the remaining 820 acres under Federal control; and, in the event that Federal use of said lands proves no longer to be vital for the national defense, we further ask that Governor Peterson request the duly elected members of Congress representing the State of Delaware to introduce the necessary legislation in the Congress of the United States to provide for the return of the Cape Henlopen lands to the State of Delaware in order that said lands may be included with the surrounding lands of the Cape Henlopen State Park and be used for greater public benefit.

[From the Wilmington (Del.) Morning News, May 4, 1970]

FLY DELAWARE FLAGS AT CAPE

The next move with respect to Cape Henlopen dunes—or what's left of them—should be the one now headed by Gov. Peterson and supported by Delaware's senators and congressman. This is the effort to get control of military reservations not needed for defense back under the flag of the state of Delaware for title, or administration at least. U.S. Sen. J. Caleb Boggs' office is working on a bill to that effect.

Only last month this paper saluted the Navy for the welcome news that the Naval Radio Station was being deactivated. It occupied part of the top of the (Army's) Great Sand Hill. U.S. Sen. John J. Williams said he wanted to make sure that the big dune would become part of Cape Henlopen State Park.

Alas for the senator's hopes, the Army had other fish to fry. It bulldozed the Great Sand Hill to make a flat platform for vacation summer camping for Army personnel.

Granted, the uproar over the ignorant vandalism may result in some new liaison between the Pentagon and, say, the Governor's Office in Dover.

Wherever else this ball is bounced, in Washington, it should move around a bit at the office of the Council on Environmental Quality. That new agency at White House level has yet to show its muscle, but it could hardly ask for a clear case of the kind of horror it was created to prevent.

Meanwhile it seems unwise, however, to leave the ultimate fate of all the various Army, Navy, and Air Force "inholdings" at the Cape in the hands of the Defense Department. The measure being drawn up can require transfer of title to the state of Delaware for every acre not certified as needed for military defense or technological purposes.

And there need be no recreational enclaves set apart at Cape Henlopen for military personnel. Delaware's hospitality for summer military training can also be re-examined, with particular attention on any necessity claimed for seashore facilities for such training.

EQUAL JUSTICE UNDER LAW: IN THEORY—IN PRACTICE

Mr. MONTOYA. Mr. President, some 6 months ago in this Chamber, I described certain remarks officially recorded as having been made by Superior Court Judge Gerald S. Chargin of San Jose, Calif., at the sentencing of a 17-year-old juvenile defendant. I again quote in part Judge Chargin's statement:

> Mexican people, after thirteen years of age, think it is perfectly all right to go out and act like an animal. . . . We ought to send you out of the country—send you back to Mexico. You belong in prison for the rest of your life for doing things of this kind. You ought to commit suicide. That's what I think of people of this kind. You are lower than animals and haven't the right to live in organized society—just miserable, lousy, rotten people.
>
> * * * * *
>
> Maybe Hitler was right. The animals in our society probably ought to be destroyed because they have no right to live among human beings.

Mr. President, despite this clear evidence of Judge Chargin's personal attitude toward the Spanish-speaking community, he remains on the bench in California. This is an intolerable situa-

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tion. Do the words "equal justice under law" no longer have any meaning for those Americans who do not happen to conform to Judge Chargin's ideal? Are we to permit an officer of the judiciary to determine to whom the Bill of Rights shall apply?

The California Commission on Judicial Qualifications recently concluded that Judge Chargin's action "constituted conduct prejudicial to the administration of justice that brings the judicial office into disrepute." The commission recommended to the Supreme Court of California that Judge Chargin "be publicly censured."

The judicial qualifications commission is guilty of understatement, to say the least, in characterizing Judge Chargin's remarks as "conduct prejudicial to the administration of justice." I do not believe that Judge Chargin should be permitted to remain on the bench. My opposition to his continued presence on the bench results not from a desire to attack Judge Chargin personally, but from my conviction that the less-privileged members of our society must be given adequate reason for respecting the judicial system in this country. I do not think it is realistic to anticipate their respect for a system that tolerates obvious disdain on the part of a judicial officer for an entire ethnic group. Despite Judge Chargin's personal beliefs, the words "equal justice under law" are not followed by the phrase "except in cases involving Spanish-speaking Americans." I call upon the Governor of California and the Supreme Court of California to remove Judge Chargin from the bench. We must live up to the promise of American justice; we must not tolerate in our judiciary those who refuse to abide by that promise.

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REMARKS OF FATHER THEODORE HESBURGH UPON RECEIVING ALEXANDER MEIKLEJOHN AWARD

Mr. HARTKE. Mr. President, the tragic killings which occurred at Kent State University yesterday should be the source of the greatest concern for all sensitive Americans. Certainly these deaths cannot—and will not—be easily dismissed as the predictable result of student activities alleged as riotous. Until Americans come to a fuller appreciation of the reasons behind the gathering student movement, I am fearful that there will be even more bloodshed and even more killing. Clearly, most Americans today are too afraid of the young to hear what they are trying to tell us.

One distinguished American who has always stood ready to listen to, and act upon, the just grievances and demands of our young people is Father Theodore M. Hesburgh. As president of the University of Notre Dame, Father Hesburgh has combined a keen intellect with infinite tact when dealing with students and their problems. During his tenure as president, Father Hesburgh has made Notre Dame into what it is today, the world's finest Catholic university. More important, perhaps, it is also one of this country's finest institutions of higher learning, irrespective of religious affiliation.

In short, Father Hesburgh has not been afraid to listen to, and act upon, the often too vocal demands of the student. On April 25, 1970, the American Association of University Professors rightfully recognized the long-term role he has played in maintaining an aura of reflective rationality not only at Notre Dame but in the academic community as a whole, by awarding him the Alexander Meiklejohn Award for Academic Freedom.

In this time of acute academic crisis, I find the remarks of Father Hesburgh upon accepting this award peculiarly compelling. I ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by the Reverend Theodore M. Hesburgh

Mr. Chairman, I find it difficult to express adequately how very pleased, honored, and grateful I am to receive the Alexander Meiklejohn Award. May I also accept it in large measure as an award to the University of Notre Dame, and to all my academic associates there who cherish the implications of this award every bit as much as I do. My gratitude is to your whole association in general, and to our Notre Dame Chapter of the AAUP in particular, for they have ever been generous and staunch allies. There has never been any doubt about where they stood whenever there was the slightest doubt that academic freedom might be jeopardized on our campus or in our country. Theirs has been a strength that has always been strongly communicated to our total academic community.

This year I am completing twenty-five years at Notre Dame as a faculty member and administrator. These years have seen many and profound changes at Notre Dame and throughout American higher education. Most of us have been so busy looking forward that we have had all too few occasions to look backward, even to the fairly recent past. We hear often that our students think history began yesterday, and I fear we sometimes act as if they were right.

The Alexander Meiklejohn Award for Academic Freedom calls our attention to at least two things: First, that academic freedom is by no means a new concern in higher education. Safeguarding academic freedom has been a constant struggle in higher education since universities began and, in the broader sense, since men began to teach one another. In this connection, may I congratulate the American Association of University Professors on its eternal vigilance. I should like to say another word later on the special need for that vigilance today. Secondly, the award, by its very name, reminds us that American higher education has been blessed in its history with a number of educational giants, men of exceptional vision, energy, and talent to whom we are all greatly indebted. Alexander Meiklejohn is included among them. Lawrence Veysey in his brilliant book, *The Emergence of the American University*, writes, "In 1912 Meiklejohn was to become president of Amherst College and in that role mark out some of the fundamental directions for liberal education during succeeding decades". (p. 211)

I note from the list of previous winners of this award that I am the first representative of a Catholic university to be so honored. As a priest and theologian, I thought I might say just a word about the special meaning that academic freedom has for us in a Catholic university. (Incidentally, in 1967 we published at Notre Dame a book on this precise subject. Its title is *Academic Freedom and the Catholic University*.) Perhaps because of certain historical misunderstandings, we in the Catholic universities particularly are more sensitive to possible infringements on academic freedom than those who have not shared the same experiences and fought the same battles.

Academic freedom, like all freedom, is grounded ultimately in the nature of man and of society and of the development of knowledge and intelligence. Man's greatest genius and dignity, as well as his last best hope, are in his intellect and in his search for truth. In an imperfect and fallible world, man cannot, in fact, be man—he cannot be true to himself—unless he is free to follow any argument, any research, any point of inquiry, wherever it may lead. Those in the academy must be free to share their convictions and responsible conclusions with their colleagues and students, in their teaching and in their writing, without fear of reprisal.

Even if it should want to, which, of course, it does not, the Church could not impose its theological system on anyone. To accept the teaching of the Church is a free act or it is nothing at all. There is no conflict between the goals of the Church and those of the university. These goals and objectives, in fact, complement one another. As was pointed out by Vatican Council II: ". . . the Church recalls to the mind of all that culture must be made to bear on the integral perfection of the human person, and on the good of the community and the whole of society. Therefore, the human spirit must be cultivated in such a way that there results a growth in its ability to wonder, to understand, to contemplate, to make personal judgments, and to develop a religious, moral, and social sense." (The Documents of Vatican II. Walter M. Abbott, General Editor. The American Press, 1966, p. 265.)

At the close of Vatican Council II, it seemed important to me—in another capacity as President of the International Federation of Catholic Universities—to have Catholic universities worldwide clarify their commitment to academic freedom. We began by a meeting of North American representatives at Notre Dame's retreat in Northern Wisconsin. This resulted in what has come to be known as the 1967 Land O'Lakes Statement. May I quote three short passages from that statement:

"The Catholic university today must be a university in the full modern sense of the word, with a strong commitment to and concern for academic excellence. To perform its teaching and research functions effectively, the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say that is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities."

"In a Catholic university all recognized university areas of study are frankly and fully accepted and their internal autonomy affirmed and guaranteed. There must be no theological or philosophical imperialism; all scientific and disciplinary methods, and methodologies, must be given due honor and respect. However, there will necessarily result from the interdisciplinary discussions an awareness that there is a philosophical and theological dimension to most intellectual subjects when they are pursued far enough. Hence, in a Catholic university there will be a special interest in interdisciplinary problems and relationships."

"The student must come to a basic understanding of the actual world in which he lives today. This means that the intellectual campus of a Catholic university has no boundaries and no barriers. It draws knowledge and understanding from all the traditions of mankind; it explores the insights and achievements of the great men of every age; it looks to the current frontiers of advancing knowledge and brings all the results to bear relevantly on man's life today. The whole world of knowledge and ideas must be open to the student; there must be no outlawed books or subjects. Thus the student will be able to develop his own capabilities and to fulfill himself by using the intellectual resources presented to him."

Concurrently with our Wisconsin meeting, other regions of the Federation met in Paris, Bogota, and Manila, and the following Summer all together for the Eighth General Conference of the Federation at Lovanium University in Kinshasa, Congo. To give you a flavor of this meeting, I shall only cite one paragraph of my Presidential Address:

"The university, therefore, is the very quintessence of the pilgrim Church in the intellectual order, seeking answers to ultimate questions in concert with men of intelligence and good will, drawing on all knowledges and every way of knowing and, especially, bringing every philosophical and theological insight to bear upon the monumental task at hand, whatever the source of these insights. This is no task for amateurs or dilettantes, nor for second-rate scholars or institutions less than first class. It is not a task that can be done without that intellectual climate of freedom that is the essential atmosphere of a university's research program, especially in theology. It is not something that can be accomplished in the face of arbitrary controls from outside the university's professional community of researchers and scholars."

I would like to add to all these fine words that academic freedom does not live by rhetoric alone. Each year brings its new crisis. When the battle seems newly won, hostilities break out on another front. It is not so much that freedom is fragile as that it must be won daily, and exercised daily and responsibly, by each one of us. Ignazio Silone puts it well in his book, *Bread and Wine:*

"Freedom is not something you get as a present. . . . You can live in a dictatorship and be free—on one condition: that you fight the dictatorship. The man who thinks with his own mind and keeps it uncorrupted is free. The man who fights for what he thinks is right is free. But you can live in the most democratic country on earth, and if you're lazy, obtuse, or servile within yourself, you're not free. Even without any violent coercion, you're a slave. You can't beg your freedom from someone. You have to seize it—everyone as much as he can."

What Silone says of a person is also true of each institution. Which raises two most central questions for each of us and for each of our institutions today. I do not pretend to know the full answers, but I will pose the questions:

(1) Are we making the best use of our academic freedom today? and (2) Is the world around us developing a climate in which our freedom within will be increasingly disrespected, threatened, diminished, and, if possible, extinguished from without? I believe that the two questions are not unrelated. In fact, if we answer the first question badly, we almost guarantee a bad answer to the second question.

As to the first, we need often to be reminded that academic freedom is not so much freedom *from somebody or something,* as freedom to do something, which raises the whole question of what universities should be doing today with their freedom. Alexander Meiklejohn might come back to haunt me if I did not insist here that we use our freedom to do something really creative and imaginative to reform and revivify liberal education which should be at once the guarantee and the crowning achievement of academic freedom. But beyond this urgent and general task that faces us, what of the particular use of our freedom to view our society critically and to exercise our best moral judgment on a whole host of pressing modern topics: The sacredness of human life, the dignity of men, human rights and human equality, the uses of science and technology, war and peace, violence and nonviolence, human as well as physical pollution, the quality, meaning, condition, and effectiveness of academic life, academic commitment, academic protest or protestation or, at times, posturing as we confront these vital issues which sometimes seem more important to our students than they do to us. I am not suggesting the politization of the university, but as a professional class of university men and women, do we effectively bring to our times the wisdom, the insight, the courage, and the moral judgment that should characterize our profession?

As to the second question, I would remind you that as recently as last week a majority of Americans in a CBS News nationwide poll appeared willing to cancel five of the ten guarantees of our Bill of Rights. As James Reston has observed, "The uses of physical violence against the people, property, and institutions of the United States in defiance of the law have created a climate of fear in the country, and under the dominion of fear, a great many people now seem willing to choose order at the expense of their liberties, or at least at the expense of somebody else's liberties." (New York *Times,* April 19, 1970)

The times call for vision and leadership to an extraordinary degree, and hope as well. The French have a saying that "fear is a poor counselor". I suppose that the obverse of that is a call to each of us to use our freedom with courage and, hopefully, with wisdom.

KENT STATE UNIVERSITY TRAGEDY

Mr. MOSS. Mr. President, yesterday the Nation experienced the inevitable tragedy of campus violence when four students were killed in Kent, Ohio. I do not know the specifics of this horrifying incident, but the pattern is all too familiar.

Protest of sincere grievances has steadily degenerated into violence and counterviolence until we have now sadly witnessed the ultimate violence—killing of human beings.

The reasons for each of these campus disorders are numerous and complex. But whatever the issues and whatever the alleged provocations, it is the students and some nonstudents that create the confrontation. Those persons who refuse to keep their protests peaceful and lawful are usually responsible for the violence.

Our Constitution guarantees the right of peaceable assembly and the right to petition the Government. But violent protest is unlawful and should be treated as such.

Some seek to justify their violent protest against the war by pointing to the death and destruction this war has brought to Southeast Asia. But what hypocritical morality. Violence in Cambodia is no justification for violence in Kent. Those who claim it are sick and dangerous.

It is reported that the commanding officer of the National Guard detachment gave his men orders to use their individual judgment as to when each should "protect himself." It is chilling to contemplate youngsters with high-powered rifles and no order for restraint.

I expect that many students are now thoroughly enraged over the Cambodian invasion and these four killings. College and public authorities must react coolly and skillfully, otherwise we shall have more deaths. High Government officials who are trying to make political profit by taunting students with Southern speeches should lower their voices or, better yet, keep quiet. They have polarized us enough already.

Those students who are sincere in their opposition to the war must restrain themselves and their fellows, or else they will provoke a reaction that will bring further repressions and only delay the cause of peace.

THE ECONOMIC EFFECTS OF THE PRESIDENT'S CAMBODIA DECISION

Mr. JAVITS. Mr. President, the economic effects of the President's Cambodia decision are also most vital. For, there is a growing erosion of confidence of the business and financial community in the economic policies we are pursuing which is truly alarming. It is especially alarming that a credibility gap seemingly has been opened too with regard to the administration's economic policies. Today, I would like very briefly to explore one element in this credibility gap.

Following the meeting the President had with his economic advisers some days ago, a prominent economist closely identified with the administration and the Republican Party was widely reported in the press as saying that the President's action in regard to Cambodia would have little effect on the economy since the percentage of total defense expenditures to GNP would not change that much. This statement may be good politics but it has little to do with economic analysis.

Here are the facts. It is true that during the course of the Vietnamese conflict total defense expenditures as a percent of GNP did not rise noticeably. For example in the 10 years of peace immediately prior to the escalation of the Vietnamese conflict—1955–64—total defense expenditures as a percentage of GNP averaged 9.9 percent as compared with an 8.6 percent average during the 6 years since of the Vietnamese conflict. This contrasts markedly with the Korean war when total defense expenditures as a percentage of GNP reached the 14-percent range and defense expenditures during World War II which reached the 38-percent range.

Looking at these figures alone would then lead to the conclusion that expenditures in Vietnam really have not distorted the economy—but these figures alone are not enough. During the whole period of World War II—1941–46—when total defense expenditures as a percentage of GNP reached the peak of 38 percent, the Consumer Price Index rose only 19.5 points. During the Korean war—1951–54—the Consumer Price Index rose only 4 points. But, in the 10 years immediately preceding the Vietnamese conflict the Consumer Price Index rose 15.7 points. And thus far in the first 5 years of the Vietnam conflict—1965–69—the Consumer Price Index has climbed 17.8 points—a greater yearly increase than took place during World War II. This

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clearly indicates that something is wrong—even though defense expenditures as a percentage of GNP remain relatively constant.

What is wrong is clear—the United States has now been engaged in a war for well over 5 years, with the deployment of resources equivalent to a major war, and our Government has not taken the economic, financial, social, measures—and, yes, the controls—which war requires. It has been good politics to put the country in the mental condition of nonwar even though war and now expanded war is the true reality.

But the moment of truth is now upon us—we are facing the moment not only of political but also of economic truth—and as the conditions of the financial markets and the stock market has indicated—the old myths are no longer good enough. War is bad for business just as it is bad for the preservation of the species. And a war that is not adequately financed is particularly bad for business since it leads into spiraling deficits and spiraling deficits are a key element in the skyrocketing inflation which almost inevitably follows in an economy without controls.

As I stated last week, to contain the deficit will require some exceedingly hard choices both in the revenue and expenditures areas.

I ask unanimous consent that two editorials published recently in the New York Times, setting forth the guidelines of a responsible economic policy be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Economic Passivity

There is no limit to the number of theories about what ails the stock market—despair over persistent inflation, falling profits, rising unemployment; the skid of the Federal budget into deficit, and the likelihood that this might force the Federal Reserve to tighten money again; the weakness of the security industry itself; the worsening of the United States balance of payments; the danger of a widening war in Southeast Asia; waning confidence in the Administration's ability to manage the economy.

Although the market may have a tendency to exaggerate worrisome news, there can be little doubt that the pressures on profits and security values are real and not merely psychological. It will do the Administration no good to put out more optimistic bulletins to accompany every piece of disappointing economic news. There has been enough of that already. Indeed, the regular stream of cheerful interpretations, regularly contradicted by subsequent events, has helped to undermine investor, business, and consumer confidence and to build up fears that the economy is out of control.

What is needed now is a searching reappraisal of why the Administration's single-minded policies are failing to produce the advertised results and what needs to be done now to set the nation on a course with more promise of stopping inflation and preventing a continuous drift toward higher unemployment.

The optimistic presupposition with which the Administration arrived in office—that slow growth in the money supply was the magic elixir for steady and noninflationary economic growth—is turning out to be an illusion. Unemployment is running above expected levels; so is inflation.

One champion of the monetarist approach, the St. Louis Federal Reserve Bank, now foresees a continuous increase in unemployment up to nearly the 7 per cent level by the end of 1971, even if the money supply is kept growing at a 3 percent annual rate from now on. There is, in fact, widespread uncertainty among monetary economists over the time lags before changes in monetary policy affect output, employment and inflation.

The nation needs a broad-based program if it is simultaneously to achieve price stability and high employment. Higher tax revenues will be needed in the future to provide resources for essential public programs. Erosion of the tax base caused by the tax reform act of 1969 and the premature wiping out of the 10 per cent surtax should be repaired. A larger budget surplus would make it possible to shift resources to the depressed housing sector and to business investment.

The Administration has failed to provide effective leadership and guidance on the price and wage front. The excessive and restrictive market power of both large-scale industry and large unions must be curbed. A stronger program is needed to provide jobs for the unemployed. A multifaceted program along these lines is minimal if the American economy is to be restored to health and stable growth.

Rebuilding Confidence

Reaffirming his faith in the economy, President Nixon this week sought to rally the stock market, which has fallen to its lowest level since President Kennedy's assassination. "Frankly," said Mr. Nixon, "if I had any money, I would be buying stocks right now."

Whatever the short-run course of the stock market, lasting public confidence cannot be restored in the absence of evidence that the Administration is dealing forcefully and effectively with the basic economic problems facing the country.

The Administration has failed to act decisively on economic matters. The primary ailment facing the American economy has been inflation; initially a demand-pull inflation, inherited from the Johnson Administration, it has been converted into a cost-push inflation. Rising wages, record-high interest rates, and other climbing costs have had a damaging effect on business profits. In pushing interest rates to record levels, inflation has also inflicted heavy damage on housing, the demand for consumer durable goods, state and local borrowing, and the stock market.

The choice facing the Nixon Administration was either to attack inflation with stringent fiscal and monetary controls—forgetting about direct or indirect controls on wages, prices, or particular sectors of the economy—or to combine vigorous selective controls with a more moderately restrictive over-all fiscal and monetary policy.

In fact, the Administration has followed neither course. It did not want to risk the recession and major rise in unemployment that would have resulted from stringent fiscal and monetary policies. Nor did it want to desert its ideological opposition to selective controls or guideposts.

In addition, the President was unwilling to drop what he regarded as his campaign commitment to eliminate the 10 per cent income tax surcharge, although Vietnam was still going on and inflation was showing no signs of abating. As soon as monetary restraints began to chop into employment, the President pushed for easier money; during the past three months the money supply has been rising at an annual rate of 5 per cent.

At the same time, inadequate tax revenues have hampered vital public programs. The President wants to act like a leader capable of shifting national priorities; he has sought to boost social programs without providing the necessary funds. With pressure of social demand compounding those of continuing war and inflation, the budget has slipped into deficit.

A major review of what has gone wrong with the American economy in the past year must begin with a re-examination of fiscal policy. The country needs a stronger tax base to deal with the persistent problem of inflation and to provide resources needed for dealing with crucial national problems, both foreign and domestic.

THE OFFICE OF ECONOMIC OPPORTUNITY

Mr. HARRIS. Mr. President, on March 10, 1970, the Office of Economic Opportunity issued a press release which announced plans to provide a series of demonstration grants to a number of States to test new ways of increasing State involvement in programs operated under the Economic Opportunity Act.

The release stated that the first demonstration grant would be awarded the State of Oklahoma which would assume the responsibility for: First, interpretation of the Economic Opportunity Act and OEO guidelines; second, preparation of grant applications; third, monitoring grantees; fourth, initial determination of eligibility grants, and fifth, development of a plan for poverty programs within the State.

Upon first learning of the plan, I requested on March 12 that hearings on it be conducted by the Subcommittee on Employment, Manpower, and Poverty before final approval.

Recently, I received a copy of the Oklahoma plan. In addition to the previously mentioned responsibilities, the plan also proposes the following:

> If agreeable with the Southwest Regional Office of Economic Opportunity, we would propose that CAA's in Oklahoma be refunded only to the extent of 80% of their present level, if review suggests all programs be continued, with 20% reserved for new programs. This will have the effect of forcing the local communities to contribute additional resources each year to continue on-going programs and provide an incentive—the loss of 20% of present funding—to promote new programs.

If approved by OEO, this formula could have the net effect of reducing local CAA budgets to the extent that they would no longer be functional. Already our local communities are suffering from a lack of financial resources to deal with the problems of poverty and urban decay.

My concern for the future of OEO programs is heightened by rumors of possible cuts in Headstart funds, and by a recent announcement by the Southwest OEO regional office that it intends to curtail the VISTA training program this summer.

The proposed Oklahoma demonstration program seems to be very similar to the Quie-Green—Representative Albert Quie and Representative Edith Green—amendment which was defeated in the House in December 1969. Moreover, the Oklahoma plan seems inconsistent with the conference report of December 19, 1969, which stated:

> It should be noted that in at least two respects the agreement of the conferees underscores the overwhelming determination by the House of Representatives on Friday the twelfth of December that Title II and the

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programs authorized thereunder are and must remain Community Action Programs. The elimination of the Murphy amendment relating to the governor's veto power over legal services programs and the provision of a special reservation of funds for local initiative programs underscore the intention of the conferees that the community action program was, and is intended to be, a program locally designed and locally administered. The managers on the part of the House encourage the Director of OEO to explore, along the lines previously mentioned in the House committee report, the opportunities for incresed State involvement in poverty programs. It must be quite clear, however, that State domination over program planning, conception, or administration is not intended. Any changes in policy or regulation that would establish a preference for State rather than local determination and local control of community action programs will be inconsistent with the intention of the Congress.

Therefore, I believe that implementation of the Oklahoma plan should be postponed until hearings can be conducted by the Employment, Manpower, and Poverty Subcommittee, and I hope that the Office of Economic Opportunity will agree and help to expedite the holding of such hearings.

INTER-AMERICAN DEVELOPMENT BANK

Mr. JAVITS. Mr. President, the Board of Governors of the Inter-American Development Bank has now concluded its 10th anniversary meeting in Punta del Este, Uruguay. The importance of this meeting was signaled by the fact that Secretary of the Treasury David Kennedy headed the U.S. delegation.

Since the U.S. Government has made certain financial commitments at this meeting which will require congressional authorization, I ask unanimous consent that two recent articles on the Bank and published in the Washington Post and the London Economist, commenting on the work of the Bank, its Board of Governors, and its President, Felipe Herrera, be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 26, 1970]

Latin America Development Aid Boosted

(By Lewis Diuguid)

Punta del Este, Uruguay, April 25.—The board of governors of the Inter-American Development Bank ended its 10th anniversary meeting here Friday with an agreement to increase lending capacity by half.

As the principal supplier of funds for the bank, the United States is to provide $1.8 billion of the projected $3.5 billion addition to capital by 1973.

President Nixon had allowed for such an outlay in the present submitted budget. Secretary of the Treasury David M. Kennedy, who is the U.S. governor on the 23-member board, expressed confidence here that Congress would appropriate the funds he obligated today.

The five-day meeting at this sea resort, heavily-guarded against the possibility of an attack by the Tupamaro terrorists that beset the Punta area, featured the following developments:

Presentation of a two-year study by Argentine economist Raul Prebisch called "Transformation and Development, the Great Task of Latin America." The report calls for a radical speedup of economic growth to reverse what it calls disastrous unemployment trends. Initial reactions to the 226-page report indicated that is would become a major document in Latin development.

First firm suggestions that the bank be moved from Washington to Buenos Aires or some other Latin site. Kennedy said he thought that from both the U.S. and Latin points of view, there were strong arguments for keeping it in Washington. President Nixon sent a message to the meeting saying he was "proud of our membership in the bank and its presence in our city."

A growing debate on the desirability of associating capital-rich countries outside the hemisphere with the bank. The United States is pushing hard for the idea, but is opposed by most of the Latin countries.

This opposition is ironic since most Latins have long complained of excessive dependence on the United States. But as one Uruguayan international expert put it, "the Europeans are too tough. Basically it's easier to negotiate with the United States." A group was formed to study the issue.

The Prebisch report calls for an 8 per cent annual growth rate in Latin America, which Prebisch said would mean an income increase per capita of 42 per cent in this decade and 60 per cent in the next.

To do it, he calls for profound changes in agriculture, introduction of modern technology and encouragement of competition—a new emphasis for the well-known theoretician.

While Prebisch stresses the responsibilities of the Latin countries, he also calls for big injections of foreign capital—with the bank playing a key role.

The bank's capital is divided. Currently $3.2 billion is in ordinary resources, used for relatively low interest long-term loans repayable in dollars or other sound currencies. An additional $2 billion will be made available under this week's agreement, $823 million from the United States and the rest from the 22 Latin American member countries.

The rest of the bank's active capital $2.3 billion, is in the Fund for Special Operations. Loans from this fund are repayable in the currency of the borrower.

Usually these loans are for projects that give no immediate return, such as schools, and for which commercial banks would not lend. This fund is to be increased by $1.5 billion—$1 billion of it to come from the United States.

Accompanying each bank governor were numerous aides that in total included 150 people. The U.S. delegation listed 19 people, including five congressmen. In addition, Kennedy's plane brought along 11 wives, at their expense, plus ten staff people.

The annual bank meeting has come to be a hemispheric gathering for matters beyond the bank itself. In all, 1,660 persons attended, among them 157 from the bank staff and 660 invited guests. The latter are mostly bankers who pay their way, attend sessions, and conduct their own business in the scattered tourist hotels. About 100 of the guests were from the U.S.

Among the official delegations, the U.S. was easily the largest. By a system of voting weighted to financial contribution, the United States is also the most powerful member. But several staff people and Latin delegates said that from the appearance Thursday of Kennedy to make his speech, they saw little of the Americans.

Also accompanying Kennedy in the plane was a large Secret Service contingent. The embassy staff from Montevideo was here also. In all, the Americans filled a large apartment house at the tip of the narrow peninsula of Punta del Este.

On the seventh floor was a commissary selling Jack Daniel's whiskey for $4 a fifth; and even a money exchanger (at the official rate).

Punta del Este is out of season in the Southern Hemisphere autumn, and the town would have been deserted but for the bankers, police, troops and newsmen.

Uruguayan security at the meeting hall was tight, requiring name tags. Without one, said Kennedy, "a Secret Service fellow couldn't get in with me."

[From the London Economist, Apr. 18, 1970]

What Is the IADB?

The Inter-American Development Bank (IADB) recently sent a questionnaire to Latin America's top civil servants. "What is the IADB?" it asked, "An American commercial bank? A branch of the Agency for International Development? A United States Department of Commerce division? An arm of the Central Intelligence Agency?" No doubt the high proportion of wrong answers was a bit of a blow for the delegates celebrating the IADB's first ten years at Sunday's meeting of the board of governors in Punte del Este, Uruguay.

For the IADB has probably been the most successful invention of the Alliance for Progress. During its short life the bank has provided $3.4 billion in some 550 loans. The total value of projects financed with its help approaches $10 billion. Performance has been improving, too: 1969 has been a record year, with 67 loans for a total of $631 million. By contrast the Asian Development Bank, headquartered in Manila, is still lending under $100 million a year. The increase, almost a third over the previous peak 1967 loan figure, is obviously too large for mere anniversary window dressing.

Much of IADB's success is owed to the dynamic personality of its first and only president, the Chilean Sr Felipe Herrera, now in his third term of office. Sr Herrera, a Prebisch-like intellectual with a fine nose for political compromise, has injected the IADB staff with the sort of enthusiasm awakened by Mr Robert McNamara in the World Bank. And this is not the only parallel between the two institutions: with a quarter of its loans to agriculture, the IADB has anticipated the World Bank in its emphasis on rural development. It has also played a unique role as catalyst for developing expertise among Latin Americans themselves.

Most of the IADB's loans are provided at commercial rates for periods varying between 7 and 25 years, but an important proportion is granted in the form of soft loans from its Fund for Special Operations and, since 1961, from the American sponsored Social Progress Trust. The IADB also manages other special funds, including one from the Vatican. The bank's money comes partly from the United States, and partly from loans raised on the world's capital markets. It has had quite a success in Europe, which Sr. Herrera considers vital to counter excessive American influence. although his scheme for a European fund provided by the common market countries is still only a blueprint.

Inevitably the United States is the dominating power. This week's meeting will give Latin Americans the opportunity of testing the intentions of President Nixon's Administration. It is rumoured that the United States will pledge $1 billion to the IADB, to be delivered over a three-year period and, if true, this, together with Latin America's own contributions, will increase the resources of IADB by a third. But even then, the disappointment with American attitudes, experienced over the last year, will loom large over the assembly.

Mr. JAVITS. Mr. President, in the very near future, Congress will have before it the administration's proposals for restructuring the AID program in response to my amendment to the Foreign Assistance Act of 1968. The key foundation block of the administration's forthcoming proposals—which will soon be sent to the Congress following their March 31, 1970, due date—is the distinguished report prepared by the Task Force on International Development headed by Rudolph A. Peterson. This task force report states:

> The Task Force believes that more reliance on international organizations should be built into all U.S. policies relating to international development—whether they concern development assistance, debt rescheduling, tying, trade, investment or population. This is basic to the new approach to foreign assistance we recommend. A predominantly bilateral U.S. program is no longer politically tenable in our relations with many developing countries, nor is it advisable in view of what other countries are doing in international development.

This approach is highly responsive to the demands for change in the AID program voiced in many quarters of Congress in recent years. As we move toward increased reliance on international organizations—toward a greater multilateralization of development assistance—the Inter-American Development Bank must be evaluated and considered as an important element in such a policy.

EXPANSION OF INDOCHINA WAR

Mr. HARRIS. Mr. President, the decision of President Nixon to expand and widen the war in Indochina is a tragic mistake, as I said immediately following the President's address. I ask unanimous consent that my statement of April 30 be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FRED R. HARRIS ON PRESIDENT NIXON'S CAMBODIAN MESSAGE

I was saddened by the President's decision to expand the war; I believe this is a grave mistake. I am sorry that he, in listing the options open to him, completely left out two other alternatives which I believe represent the proper course. These two options, which should be pursued simultaneously are: we should accept the French suggestion for an Indochina-wide conference to seek true-neutralization of Laos, Cambodia and Vietnam, as I have advocated; and we should proceed with more rapid and systematic withdrawal of our troops from this whole area of the world.

I was deeply concerned by the President's warning which indicated he might hold up the additional troop withdrawals that he had previously announced and, indeed, might in some way escalate the war depending on Hanoi's actions.

I was puzzled by the extent to which the President intends that we will occupy the target areas in Cambodia or attack them again should the other side's forces return there after the initial attack by us—and whether we will attack additional Cambodian areas or assist in the defense of the Cambodian capital, if it is threatened further, since the Cambodian army numbers only 40,000 troops.

The President made no mention of the situation in Laos, which is also terribly unstable and dangerous now, and is very much connected with what happens in Cambodia and Vietnam.

Mr. HARRIS. Mr. President, after the President's initial announcement last week, we have seen the U.S. bombing of North Vietnam resumed and the announcement of additional thrusts into Cambodia.

I agree with a May 5, 1970, editorial in the New York Times, entitled, "Congress and the War", which states that if the President persists in his actions—

> It is the right—indeed, the duty—of Congress to exercise its constitutional powers of restraint.

The same issue of the New York Times calls attention to the dual nature of the crisis created by the President's actions—a crisis here at home, as well as abroad. The editorial refers to the awful deaths of four Kent State University students yesterday, stating:

> Whoever was responsible for the fatal shots must be brought to justice promptly and steps must be taken to make sure that the forces of "law and order" do not themselves become the instruments of further anarchy.

Then, it is rightly pointed out that—

> The violence instigated by some antiwar protesters is in no way justified by the violence practiced by their government overseas.

Once again, as the editorial ends, we in Congress are reminded of our duty to act. "At home, as in Indochina," it is stated, "responsible political action is the only sane solution to a dual crisis that is threatening to get out of hand."

Mr. President, I ask unanimous consent that the two-part Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONGRESS AND THE WAR

President Nixon's sudden extension of the Vietnam War into Cambodia, without consent of Congress and against the advice of many members including a majority of the Senate Foreign Relations Committee, brings sharply to the fore a constitutional crisis that has been long in the making.

Since the earliest days of the Republic there have been disagreements over the powers of the President as commander-in-chief and, as John Marshall put it in 1799, as "the sole organ of the nation" in initiation of military actions abroad to protect American lives and property and in defense of the national interest as he sees it. From the time of Washington, some authorities have argued that these presidential prerogatives are strictly circumscribed by the powers vested in Congress "to declare war" and "to raise and support armies."

The Constitution is ambiguous, conferring broad powers on both the Executive and the Legislative branches in foreign affairs. There is no question that the President enjoys wide discretionary powers, as noted by Justice Sutherland in the landmark case, U.S. v. Curtiss-Wright Export Corp., in 1936. At the same time, there is little doubt that the framers of the Constitution, remembering the war-making levies of European sovereigns in the 18th Century, deliberately gave the last word to Congress when they delegated to the legislative branch sole authority to raise and support armies.

As a result of this ambiguity, primacy in foreign affairs has tended to vacillate between Presidency and Congress throughout American history. For the past several decades, the trend has been strongly toward greater and greater assumption of responsibility by the Executive. Until very recently in the present era Congress has generally acquiesced in a secondary, rubber-stamp role on the theory that modern warfare demands prompt, decisive action by an informed leader, unfettered by parliamentary restraints.

This theory has been profoundly shaken by the nation's recent experience in Southeast Asia, where a series of rash actions in pursuit of dubious goals has demonstrated the fallibility of presidential judgments and of the "secret" intelligence on which they have been allegedly based. It has become clear that modern warfare, with its vast destructive power and threat of ultimate annihilation, requires more than ever the checks and balances against human error that the Founding Fathers prudently wrote into the United States Constitution.

It is far preferable, of course, that the President and Congress cooperate in the formulation of foreign policy in order to establish a united, and therefore stronger, United States position in a dangerous world. But if the President persists in his arbitrary escalations of the Indochina conflict, without regard for the strong misgivings expressed by large numbers of Americans, it is the right—indeed, the duty—of Congress to exercise its constitutional powers of restraint.

THE HOME FRONT

The tragic nature of the division of this country exacerbated by escalation of the war was underscored yesterday when four students were killed during a confrontation with National Guardsmen and police at Kent State University in Ohio.

Whoever was responsible for the fatal shots must be brought to justice promptly and steps must be taken to make sure that the forces of "law and order" do not themselves become the instruments of further anarchy.

Student provocation undoubtedly was great and was also unpardonable. The violence instigated by some antiwar protesters is in no way justified by the violence practiced by their Government overseas.

But more violent self-destruction at home will be the inescapable fate of this great nation unless an Administration elected to uphold the law at home and to bring peace abroad lives up to its commitments—or is held to its promises by the representatives of the people in Congress. At home, as in Indochina, responsible political action is the only sane solution to a dual crisis that is threatening to get out of hand.

GOODELL TESTIMONY ON CONSTITUTIONAL AMENDMENT ON EQUAL RIGHTS FOR WOMEN

Mr. GOODELL. Mr. President, for almost 50 years Congress has been studying a constitutional amendment which would assure equal rights to women.

Congress has not approved such an amendment.

This week, the Constitutional Amendments Subcommittee of the Judiciary Committee is holding hearings on Senate Joint Resolution 61, the "equal rights for women" amendment. As a cosponsor of the resolution, I testified this morning in favor of the measure and urged its immediate adoption by Congress.

Mr. President, I ask unanimous consent that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

EQUAL RIGHTS FOR WOMEN

(Testimony of Senator CHARLES E. GOODELL)

Mr. Chairman, other distinguished members of the Subcommittee:

A Constitutional amendment insuring equality of rights regardless of sex has been

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under consideration by the Congress for almost 50 years.

This Committee favorably reported resolutions proposing the amendment in the 80, 81, 83, 84, 86, 87 and 88th Congresses. In addition this Subcommittee favorably reported the proposed amendment in the 90th Congress.

Still the Congress has not approved the amendment.

As a co-sponsor of the proposed amendment (S.J. Res. 61), I urge the Subcommittee to once again exert its leadership and report this measure. I urge you to actively seek adoption by the Senate and House of a Constitutional guarantee of equal rights under the law for men and women.

THE STRUGGLE FOR WOMEN'S RIGHTS

That a Constitutional amendment is needed to guarantee women's rights indicates that we have failed. A Constitutional amendment—the 19th amendment—had to be passed to give women the right to vote. At the time this amendment passed, it was assumed that a general revision of laws and practices would follow, ending discrimination against women.

Unfortunately, reality has contradicted that optimistic assumption:

In 1930, 15.4% of all Ph.D. degrees were conferred upon women, but this percentage declined to 10.8% in 1965. The percentage for Master's degrees similarly declined from 40.4% to 32.1%.

Over 75% of working women are employed in non-professional clerical, secretarial, service or factory jobs.

About 20% of the non-professional force consists of women with 4 years of college, and 7% of women with 5 years of university study.

The median income of a woman was $4,150 in 1967. For comparable work, a man received nearly double that amount—$7,182.

Less than 3% of the women earned salaries of $10,000 or more in 1967. The proportion for men was 23%.

Although 34% of the Federal government work force is female, less than 2% are in executive jobs.

Numerous examples can be cited to confirm that working women mainly occupy low-level, low paying jobs.

And what of the housewife who does not work? What lifestyle is she required to accept? In our child-oriented society, the American mother in most cases—regardless of her educational level—gives up her life to her children. And because child-raising isolates her in the home, the mother is largely cut off from the outside stimulation and interests so necessary for individual growth. The housewife has nowhere to go, and is not part of anything.

THE NEW FEMINISM

The women's rights movement has been revolutionized by a new feminism—one that is concerned with the underlying social dynamics that have created sex discrimination, not merely with its economic symptoms.

The new feminism is a product of the civil rights movement of the early 60's. Young women, well-educated and well-motivated, volunteered their time and energies to the cause of freedom, equality and dignity for the black people. Too soon, they learned their place in the civil rights movement—doing menial tasks such as cooking, cleaning, typing, filing, but not participating in the decision-making. Their experience reflected the message of Susan B. Anthony when she said:

"Men like to see women pick up the drunken and fallen!—repair the damages of society!—that 'patching business' is a women's proper sphere'—but to the master of circumstances that is man's sphere!"

These young women witnessed the fruits of a century of resistance to equal rights for blacks, and they witnessed the humiliation and degradation of racial discrimination. And they saw that their enforced roles were also inferior. They could not fight for black equality without recognizing and fighting for their own.

They also soon saw that sex discrimination, like racial discrimination, could not be banished merely by passing laws. They saw that its root cause lay in a state of mind—in fundamental social attitudes concerning the role of women and their relationship to men.

And so they began a campaign to change that state of mind—to change the idea, fixed in the minds of so many men and women, that a woman can have no other role than as a girl friend, a wife or a mother. They began protesting against forms of advertising and merchandising that, in their view, dehumanize women—that portray women as mere sex objects or glorified housemaids.

Beyond even that, the new feminists perceived that the plight of women stems from still deeper defects in our society—from the dehumanizing, status-seeking and materialistic pressures that deprive so many Americans of both sexs of meaningful lives. And they are determined to change this.

These women are young, articulate and well-educated. They have become an integral part of the movement for social justice that exists today. Unlike the suffragettes, they are speaking to a more sophisticated and self-analyzing society. They understand their role as political beings. And because of their previous involvement in the civil rights struggle and the anti-war struggle, they well understand the power of organization.

How do we respond to this new force? Do we ignore the demand for equal rights? Do we ratify an amendment assuring equal rights and let it lie fallow for one hundred years as we did with the civil rights amendments?

Surely, the experience with the civil rights movement should have taught us the necessity of immediate action.

As I mentioned earlier, the ratification of the 19th amendment brought hopes that sex discrimination would end.

This has not happened.

The ratification of the amendment embodied in S.J. Res. 61 must be accompanied by implementing legislation which will create the opportunities for choice. Unless such legislation is passed, the new amendments will be devoid of spirit and lasting effect.

ABORTION REFORM

One of the most controversial issues before us is the legalization of abortion. Many women are now demanding legalization on such constitutional grounds as the right of privacy and equal protection of the laws.

Restrictive abortion laws, still in force in most states, are killers. They do not prevent abortions—they only increase their risks.

There are about 1 million illegal abortions performed each year. The rich can find doctors to perform these operations—at a cost of anywhere from $500 to $1,000. The poor cannot. They are forced to turn to inept quacks or abortion mills that kill.

Of the maternal deaths in New York City last year, 25% of the white, 49% of the blacks and 56% of the Puerto Ricans died from botched abortions. Restrictive abortion laws have become another scourge of the poor.

Restrictive abortion laws are a misguided attempt to legislate matters of private conscience.

Some people believe abortion is morally wrong. I fully respect their views—but their own consciences are sufficient protection. They need no laws to prevent them from obtaining abortions of which they disapprove.

Others have the opposite view about the morality of abortion. They, too, should have the right to follow their consciences. They should not be forced to undergo forced pregnancies, or break the law, because of the moral views of other groups.

This point has been aptly stated by Richard Cardinal Cushing when, speaking of abortion laws, he said:

"Catholics do not need the support of civil law to be faithful to their own moral convictions and they do not seek to impose by law their moral views on other members of society."

A number of states—New York, Hawaii, California, Alaska and the District of Columbia now have liberalized abortion laws either through legislative action or judicial interpretation.

I commend their foresight and courage. But leaving the question to be regulated on a state-by-state basis entails some serious problems.

It means that states that adopt liberal laws risk becoming abortion havens—attracting thousands of women from neighboring states and overburdening their hospitals and medical facilities.

It also discriminates against the poor that live in states that have restrictive laws and that cannot afford to travel to distant jurisdictions that have adopted more rational legislation.

I believe this problem is national in scope and can best be treated on a national level.

Our colleague, Senator Robert Packwood, has attempted to do this by proposing a bill (S. 3746) that would authorize a physician in any state to terminate a pregnancy upon request of the mother.

In his statement introducing the bill, Senator Packwood states that the constitutional basis of such legislation is the right of privacy. The Supreme Court recognized the existence of such a right in *Palko* v. *Connecticut*, when it struck down state legislation restricting the use of contraceptive devices by married couples. Recent lower court decisions have referred to the same right of privacy in striking down restrictive state abortion laws.

The Constitutional question bears further examination—but I believe a strong case can be made that national legislation of this nature would be supported by the Palko case, and by section 5 of the Fourteenth Amendment (see, *Katzenbach* v. *Morgan*, 384 U.S. 641).

Assuming the constitutional power exists, I support the concept of national legislation authorizing an adult mother to obtain on request a medical termination of pregnancy from a licensed physician. The details of such legislation should be studied and developed further.

Another important area is family planning.

Over five million women in this country want and need family planning instruction, while only 700,000 are being reached—half by government and half by private organizations.

Women deprived of family planning information—and these are usually poor women—are often trapped in a vicious cycle of unwanted children, deepening poverty, and, ultimately, welfare dependence.

As I have said elsewhere earlier, Congress should provide adequate funds for the establishment of family planning clinics for those women who desire such assistance.

DAY CARE CENTERS

Job discrimination still remains a serious problem for women.

The passage of Title VII of the 1964 Civil Rights Act included a ban on discrimination in employment based on sex.

In 1963, while a House member, I was the author of legislation passed in that year by the Congress providing equal pay for women.

Over half of the Equal Employment Opportunity Commission complaints received are from women.

Still, job equality remains a myth—much like the equality promised to black people after the Civil War.

Euripides said that "A woman should be good for everything at home, but abroad for nothing." Career experiences of women reflects this message. We tell a women she is entitled to advanced training and a challenging job. Then, however, we deny her this job because it is expected that she will marry and have children. She is effectively taken off the job market before she gets on.

For example, the U.S. Fifth Circuit Court of Appeals in the case of *Phillips* v. *Martin Marietta Corporation*, ruled that a corporation could refuse to employ a woman because she had pre-school children. In the minority opinion, Judge John R. Brown stated ". . . . the rankest sort of discrimination against women by employers . . . the average women working earns only 60% of the average wage for men . . . our economy depends on women in the labor force." This case is now on appeal to the Supreme Court.

A Labor Department survey reveals that 50% of the nations mothers are now employed and that the number is rising. Over 3 million working mothers have children younger than 6 years of age. These children must be left behind to the care of others.

Yet only about 200,000 working women have access to licensed day care facilities for their children. This lack of day care facilities remains a serious obstacle to job opportunities for women.

The Federal government must play a leading role in changing this pattern. It should encourage and fund the establishment of day care centers for all socio-economic levels so that all women can participate in the search for equal job opportunity. These day care centers should include an educational component so that the child will have an enriched environment. Day care centers should be open all day so that women can have their children well-tended while they pursue employment, education or participation in community affairs.

I do not believe we should allow inequality of women to perpetuated.

Doubtless many of the expressed inequalities require a fundamental change of basic attitudes in our culture.

Others, however, simply require an updating of antiquated law.

We have learned through the civil rights struggle that a piece-meal approach to equality—step by step—is too slow and insufficient.

This amendment, proposed in S.J. Res. 61, must be ratified. But with it must be passed legislation which gives the amendment meaning and strength—legislation which will make a difference.

The deprivation of the rights of women cannot be excused. As long as their creativity is stifled, our whole society suffers.

CONTINENT-WIDE WATER PLANNING

Mr. MOSS. Mr. President, I have spoken many times in the Senate on the importance of continent-wide water planning and on the desirability and feasibility of the so-called NAWAPA project. This is the concept, you will remember, which would move unneeded water surplus from the uncrowded North of the continent to the crowded, water-short areas of Canada, the United States, and Mexico.

I am glad to report that the present surge of interest in preserving and improving our environment seems to have given a fillip to NAWAPA, and to continent-wide water management generally. It now appears that some of the resistance in Canada to the exportation of water to the United States is disappearing, and that instead of being simply a "no no," as it once was, officials of the Canadian Government and of the Canadian Parliament—at the very least—think that more information should be developed on it.

An interesting debate occurred in the House of Commons in Ottawa in early March. Some of the Members inquired pointedly as to what their Government policy is with respect to the sale of surplus water to the United States, and also as to what studies are available on certain Canadian natural resources.

In response to such queries, the Honorable J. J. Greene, Minister of Energy, Mines and Resources, stated:

> In respect of water, we do not have that kind of assessment of the availability of resources needed by Canada and until we do there can be none for sale.

Prime Minister Pierre Trudeau did indicate, however, that the question of whether the Government would set up a commission to study Canada's domestic and industrial needs for water in the forseeable future was being "studied intensively now." Although no commission is in existence at this point, Trudeau made clear that the water question was one, "we are obviously trying to assess."

In a further statement, the Prime Minister said:

> A figure of 100 million gallons and more of water is pouring into the sea every day. Obviously this is fresh water that we have no way of selling today. Before we contract in the future for the selling of any kind of water, if we decide to do so, we would obviously have to know what our inventory is, and our needs and, if there is to be surplus water, how much would be surplus.

The debate in the Canadian Parliament on the water issue prompted an editorial in a Canadian newspaper advocating the sale of surplus water to the United States if studies show the water is indeed excess. The Telegram, an independent Toronto newspaper, stated:

> It's inconceivable that Canadians would expect to be able to sit indefinitely on the world's largest reserve of fresh water without sharing it with the remainder of the water-hungry continent.

The Telegram quite properly took the position that studies should be undertaken first to determine the existing and developing needs of the Provinces. Should such an inventory show that billions of gallons of surplus water are available, the Telegram editorializes—". . . why not sell it, instead of wasting it?"

These are sentiments I endorse wholeheartedly. I have made abundantly clear my belief that the people of Canada should not enter into any arrangements for continental water management unless such a plan is demonstrably and unquestionably in the country's long term best interest. I can only hope, however, that studies not only will be undertaken and completed as soon as possible, but also will show conclusively that surplus water is available for export. The fact that some Canadians are now giving thoughtful consideration to this problem is most gratifying and they are to be commended for their foresight.

Mr. President, I ask unanimous consent that the editorial from the Toronto Telegram of February 26, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT SELL WATER?

There is no reason Canada should not sell surplus fresh water to the United States provided studies show that we have sufficient quantities of this vital resource to meet our present and all future needs.

It's inconceivable that Canadians would expect to be able to sit indefinitely on the world's largest reserve of fresh water without sharing it with the remainder of the water-hungry continent.

The Government must be realistic about this. If we have excess water, why not sell it, instead of wasting it?

Water, in a sense, is really no different from oil or wheat. We have a surplus of both of these at present. Instead of trying to retain that which we don't need, we are endeavoring to sell these products to countries that do require them.

It should be that way, too, with water.

It's understandable, of course, that the United States with its dense population should be looking to Canada for some of this liquid wealth.

Resources Minister J. J. Greene has given assurance that Canada isn't contemplating giving approval for the sale of surplus water to the United States but may find that in time we won't be in a position to resist pressures for such sales. World opinion, if nothing else, may force Canada to stop wasting the billions of gallons of water which now pour uselessly into Hudson Bay and the Arctic seas.

What the Government should do without delay is complete studies with Ontario and Quebec to determine how much excess water there may be in these provinces. The existing and developing needs of these provinces must be taken into consideration.

Studies should also be undertaken with British Columbia and some of the other provinces.

Recently a plan to divert water from five northern Quebec rivers through the northern Ontario rivers system into the Great Lakes, for sale to the United States, was revived. This is a private-enterprise plan, but it has opened up the whole question of continental water resources and the need for a water policy in Canada.

Water is our last and largest natural resource. Its benefits are being dissipated by massive doses of pollution. It is required by industry and commerce. It is needed by our increasing population.

Still, if an inventory shows that billions of gallons of surplus water are being wasted, we shouldn't hesitate in entering into an agreement to dispose of some of it to the United States.

APPROPRIATIONS FOR EDUCATION

Mr. CRANSTON. Mr. President, on April 14 the House of Representatives passed H.R. 16916, the fiscal 1971 appropriation bill for the Office of Education. That bill provides $4,127,114,000 million for that agency. This compares with $3,813,777,650 approved by Congress for fiscal 1970.

Mr. President, all of us remember the fight over education funds which took place only months ago. The first appropriation bill for fiscal 1970 which Congress approved for the Office of Education provided $4,276,117,000 for that agency. Unfortunately, the President chose to veto that bill.

I believe that the President committed a grave error in vetoing that bill. In my judgment, the additional funds provided in that bill continue to be urgently

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needed by our schools. This is particularly true of the funds provided under Public Law 874, the Federal impact aid program. I have received numerous letters and calls from California educators who had to impose severe cutbacks in their school budgets as a result of the reduction in funds for this program in the fiscal 1970 appropriations bill which was eventually signed by the President.

Public Law 874 was funded at $585,000,000 by H.R. 13111, the bill vetoed by the President. The current appropriation provides only $505,400,000 for this program. This reduction of almost $80 million caused the percentage funding of Public Law 874 entitlements to drop from approximately 90 to 77 percent. Consequently, California's share of Public Law 874 dropped from $78,042,000 in fiscal 1969 to $74,700,000 in the current fiscal year.

H.R. 16916 provides only $425,000,000 for Public Law 874. Under this bill, section 6 entitlements would be fully funded as in the past. Preference would be given to section 3(a) which would be funded at 90 percent of entitlements. The remaining sections, including section 3(b), would be funded at approximately 45 percent of entitlements. This is the lowest percentage funding of the remaining sections in the history of Public Law 874 and is the direct result of a severely reduced appropriation.

Under H.R. 16916, my State's share of Public Law 874 funds would be $61,818,000. This compares with $74,700,000 in fiscal 1970 and $78,042,000 in fiscal 1969.

Mr. President, because of the severe financial hardships which H.R. 16916 would impose on schools dependent on Public Law 874 funds, I ask unanimous consent to have printed in the Record a set of tables which indicate by State and congressional district the amounts available under H.R. 16916 and under the additional funding levels of $585 million and $650 million. These figures were compiled by the Office of Education.

For each of the funding levels, the section 3(a) entitlements were set at 90 percent, and the section 3(b) entitlements were established at the prorated amounts necessary to bring them within the appropriate dollar ceiling, excluding the section 6 entitlements which have been included only in the final were set at 100 percent. Section 6 figures totals.

There being no objection, the tables were ordered to be printed in the Record, as follows:

IMPACTED AREA AID—1971 ESTIMATED PAYMENTS

[Payments expressed in thousands of dollars]

CD	A entitlement at 90 percent	B entitlement plus other at approximately 45 percent	Total payment of 425 million	B entitlement plus other at approximately 76 percent	Total payment of 585 million	B entitlement plus other at approximately 89 percent	Total payment of 650 million
	(1)	(2)	(1)+(2)	(4)	(1)+(4)	(6)	(1)+(6)
ALABAMA							
1—01	66	422	489	713	780	831	898
1—02	173	612	784	1,033	1,205	1,204	1,376
1—03	241	898	1,139	1,516	1,757	1,768	2,008
1—04	104	654	758	1,105	1,209	1,288	1,392
1—05	7	76	83	129	136	150	157
1—07		161	161	272	272	317	317
1—08	269	1,921	2,190	3,244	3,513	3,782	4,051
1—97 (4–6)		113	113	190	190	222	222
State total	860	4,857	5,717	8,202	9,062	9,562	10,421
ALASKA							
2—99 (at large)	15,326	2,100	17,426	3,546	18,872	4,134	19,460
ARIZONA							
3—01	288	406	694	686	974	800	1,087
3—02	2,054	1,599	3,653	2,700	4,754	3,148	5,201
3—03	3,945	340	4,286	574	4,520	670	4,615
3—78 (1 and 3)	560	296	856	500	1,061	583	1,143
State total	6,847	2,641	9,489	4,460	11,309	5,201	12,046
ARKANSAS							
4—01	349	65	415	110	460	129	478
4—02	610	595	1,206	1,005	1,061	1,172	1,782
4—03	13	305	318	516	528	601	614
4—04	13	341	354	577	589	672	685
State total	985	1,306	2,293	2,028	3,193	2,574	3,559
CALIFORNIA							
5—01	1,002	868	1,871	1,466	2,468	1,709	2,711
5—02	564	1,232	1,797	2,081	2,645	2,426	2,990
5—03	1,091	3,067	4,158	5,179	6,270	6,037	7,128
5—04	3,415	1,362	4,777	2,300	5,715	2,682	6,096
5—07		162	162	273	273	318	318
5—08	663	480	1,143	810	1,474	944	1,608
5—09	16	737	753	1,245	1,261	1,452	1,468
5—10	236	864	1,099	1,459	1,694	1,700	1,936
5—11	6	424	430	716	722	835	841
5—12	2,878	1,110	3,989	1,875	4,753	2,186	5,064
5—13	2,714	2,939	5,653	4,963	7,677	5,785	8,500
5—14	105	1,148	1,253	1,939	2,044	2,261	2,366
5—15	40	806	845	1,360	1,400	1,586	1,625
5—16	472	306	777	516	988	602	1,073
5—17		23	23	38	38	44	44
5—18	2,918	233	3,151	393	3,311	458	3,377
5—19		193	193	326	326	379	379
5—20		46	46	77	77	90	90
5—23		404	404	682	682	795	795
5—24		283	283	479	479	558	558
5—25	6	188	194	317	324	370	376
5—27	22	774	797	1,307	1,330	1,524	1,546
5—28	4	222	226	375	379	437	441
5—31	4	46	50	78	82	91	95
5—32	779	681	1,460	1,150	1,929	1,341	2,119
5—33	1,533	2,235	3,768	3,775	5,308	4,400	5,933
5—34	9	993	1,002	1,677	1,686	1,955	1,964
5—35	1,731	2,979	4,710	5,031	6,762	5,865	7,595
5—36	289	458	747	773	1,062	901	1,190
5—37	19	1,847	1,866	3,120	3,138	3,637	3,655
5—38	838	1,056	1,895	1,784	2,622	2,080	2,918
5—48 (1 and 6)	27	181	208	305	332	355	383
5—60 (35–37)	5	15	20	25	30	30	35
5—62 (Los Angeles City 13, 17, 20, 24, 26–31)	512	2,342	2,854	3,956	4,467	4,611	5,122
5—64 (7–9)		238	238	402	402	468	468
5—71 (15 and 16)		151	151	256	256	298	298
5—81 (5 and 6)	846	686	1,532	1,158	2,004	1,350	2,196
5—83 (9 and 10)		12	12	19	19	23	23
5—84 (36 and 37)	2,399	2,747	5,146	4,639	7,038	5,408	7,806
5—85 (34 and 35)	2	228	231	385	388	449	452
5—87 (19 and 20)	9	61	70	102	111	119	128
5—90 (17, 21, 23 and 32)		25	25	43	43	50	50
5—92 (17 and 31)		22	22	36	36	42	42
5—94 (17 and 28)		179	179	302	302	352	352
5—95 (8 and 9)	1	778	779	1,314	1,315	1,532	1,533
5—96 (7 and 8)	65	764	829	1,290	1,355	1,504	1,569
State total	25,220	36,595	61,818	61,796	87,017	72,039	97,256
COLORADO							
6—02	156	2,502	2,658	4,225	4,381	4,925	5,081
6—03	2,526	3,652	6,179	6,168	8,694	7,190	9,716
6—04	523	718	1,241	1,212	1,735	1,413	1,936
State total	3,205	6,872	10,078	11,605	14,810	13,528	16,733
CONNECTICUT							
7—01		110	110	185	185	216	216
7—02	1,430	597	2,027	1,008	2,438	1,175	2,605
7—03	16	350	367	592	608	690	706
7—04		110	110	185	185	216	216
7—05	7	139	146	235	242	273	281
7—06		115	115	194	194	226	226
State total	1,453	1,421	2,875	2,399	3,852	2,796	4,250
DELAWARE							
8—99 (at large)	10	475	485	802	812	935	945
DISTRICT OF COLUMBIA							
9—99 (at large)	303	3,402	3,705	5,745	6,048	6,697	6,999
FLORIDA							
10—01	1,471	2,335	3,806	3,944	5,414	4,597	6,068
10—02	104	378	482	639	743	745	849

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CD	A entitlement at 90 percent (1)	B entitlement plus other at approximately 45 percent (2)	Total payment of 425 million (1)+(2)	B entitlement plus other at approximately 76 percent (4)	Total payment of 585 million (1)+(4)	B entitlement plus other at approximately 89 percent (6)	Total payment of 650 million (1)+(6)
10—03	456	1,026	1,482	1,732	2,189	2,019	2,476
10—04		307	307	519	519	605	605
10—05	1,036	3,193	4,229	5,392	6,428	6,285	7,321
10—06	361	463	824	781	1,143	911	1,272
10—08	1	336	337	567	568	661	662
10—09	33	8	40	13	45	15	47
10—10	18	39	57	66	84	77	95
10—12	752	190	942	320	1,073	373	1,126
10—82 (11 and 12)	608	510	1,119	862	1,470	1,005	1,613
State total	4,840	8,785	13,625	14,835	19,676	17,293	22,134
GEORGIA							
11—01	258	450	708	760	1,018	886	1,144
11—02	416	313	728	528	943	615	1,031
11—03	250	2,064	2,314	3,485	3,735	4,062	4,313
11—04		333	333	563	563	656	656
11—06	59	731	790	1,235	1,294	1,440	1,499
11—07	10	1,343	1,353	2,267	2,277	2,643	2,653
11—08	168	336	504	567	735	661	829
11—09		111	111	187	187	218	218
11—10	146	932	1,079	1,574	1,720	1,835	1,981
11—75 (4 and 5)	37	763	800	1,288	1,325	1,501	1,539
State total	1,344	7,376	8,720	12,454	13,797	14,517	15,863
HAWAII							
12—99 (at large)	6,034	3,259	9,293	5,503	11,537	6,415	12,449
IDAHO							
13—01	753	643	1,396	1,085	1,839	1,265	2,018
13—02	285	617	902	1,042	1,327	1,215	1,500
State total	1,038	1,260	2,298	2,127	3,166	2,480	3,518
ILLINOIS							
14—04		57	57	96	96	112	112
14—10	4	114	118	192	196	224	228
14—12	1,790	731	2,521	1,234	3,024	1,438	3,229
14—13	219	2,061	2,280	3,480	3,699	4,056	4,276
14—14	14	353	367	597	610	696	709
14—15		90	90	153	153	178	178
14—16	13	77	90	130	143	151	164
14—17	17	488	505	825	841	961	978
14—18	7		7	1	7	1	7
14—19	8	325	333	549	557	640	648
14—20		35	35	60	60	69	69
14—21	14	143	157	242	256	282	296
14—22	1,252	462	1,715	781	2,033	910	2,162
14—23		114	114	193	193	225	225
14—24	946	890	1,837	1,504	2,450	1,753	2,699
14—58 (14 and 17)	9	362	370	611	619	712	721
State total	4,293	6,307	10,596	10,648	14,937	12,408	16,701
INDIANA							
15—05	705	211	916	356	1,061	415	1,120
15—06		184	184	311	311	362	362
15—07	58	211	269	357	414	416	474
15—08	4	191	195	322	326	375	379
15—09	36	873	909	1,475	1,511	1,719	1,755
15—11	139	585	725	988	1,128	1,152	1,291
State total	942	2,255	3,198	3,809	4,751	4,439	5,381
IOWA							
16—01	42	673	715	1,137	1,179	1,325	1,367
16—02		13	13	22	22	25	25
16—03	23	9	32	15	38	17	41
16—04	34	434	468	733	767	855	889
16—05		251	251	424	424	494	494
16—06	43	133	176	224	267	261	304
16—07		120	120	202	202	236	236
State total	142	1,633	1,775	2,757	2,899	3,213	3,356
KANSAS							
17—01	7	37	45	63	70	73	81
17—02	2,651	1,331	3,982	2,247	4,898	2,619	5,271
17—03	64	654	717	1,104	1,167	1,286	1,350
17—04		974	974	1,644	1,644	1,917	1,917
17—05	970	845	1,814	1,426	2,396	1,663	2,632
State total	3,692	3,841	7,532	6,484	10,175	7,558	11,251
KENTUCKY							
18—01	47	458	505	774	821	902	949
18—02	9	526	535	888	898	1,035	1,045
18—03	1	1,051	1,052	1,775	1,776	2,069	2,070
18—04		32	32	54	54	63	63
18—05	7	102	109	172	179	201	208
18—06	21	367	388	620	641	722	744
18—07	2	2	5	4	6	5	7
State total	87	2,538	2,626	4,287	4,375	4,997	5,086
LOUISIANA							
19—01	1	49	50	83	83	97	97
19—02		161	161	271	271	316	316
19—04	464	624	1,088	1,054	1,518	1,229	1,693
19—06	3	162	165	273	276	319	321
19—08	106	566	671	955	1,061	1,113	1,219
19—79 (1 and 2)	46	299	345	504	551	588	634
State total	620	1,861	2,480	3,140	3,760	3,662	4,280
MAINE							
20—01	452	551	1,003	930	1,383	1,085	1,537
20—02	1,211	328	1,539	553	1,764	645	1,856
State total	1,663	879	2,542	1,483	3,147	1,730	3,393
MARYLAND							
21—01	556	596	1,152	1,006	1,562	1,173	1,729
21—02	608	689	1,297	1,163	1,771	1,356	1,964
21—05	717	6,537	7,254	11,039	11,756	12,868	13,585
21—06	233	626	859	1,057	1,290	1,233	1,466
21—08	84	3,930	4,014	6,636	6,721	7,736	7,820
21—77 (6 & 8)		279	279	471	471	548	548
21—77 (3, 4 & 7)	50	1,516	1,567	2,561	2,611	2,985	3,035
21—78 (1 & 3)	1,050	1,112	2,162	1,878	2,928	2,189	3,239
State total	3,298	15,285	18,584	25,811	29,110	30,088	33,386
MASSACHUSETTS							
22—01	6	566	572	956	962	1,115	1,121
22—02	1,369	581	1,950	980	2,349	1,143	2,512
22—03	1,371	534	1,905	902	2,273	1,051	2,423
22—04	1	409	409	690	691	805	805
22—05	218	922	1,140	1,557	1,775	1,814	2,032
22—06	11	464	475	784	794	913	924
22—07	2	582	584	983	985	1,146	1,147
22—08	37	133	171	225	262	263	300
22—10	21	222	244	376	397	438	459
22—11	154	475	629	802	956	935	1,089
22—12	1,647	755	2,402	1,274	2,922	1,485	3,133
22—46 (5–7)		34	34	57	57	66	66
22—61 (8, 9 and 11)	6	382	388	646	652	753	759
22—73 (10 and 12)		3	3	5	5	6	6
22—75 (4 and 5)	2	18	20	30	32	34	37
22—79 (1 and 2)		3	3	5	5	6	6
State total	4,845	6,083	10,929	10,272	15,117	11,973	16,819
MICHIGAN							
23—02	11	7	18	12	23	14	25
23—03	141	247	389	418	559	487	628
23—08	5	20	25	34	39	39	44
23—09	5	39	44	66	71	77	82
23—10	710	110	820	186	895	216	926
23—11	1,582	295	1,877	498	2,080	581	2,163
23—12	577	307	884	518	1,095	604	1,181
23—16	15	5	20	8	23	9	24
23—52 (1, 12, 14, 16 and 17)		448	448	756	756	881	881
State total	3,046	1,478	4,525	2,496	5,541	2,908	5,954
MINNESOTA							
24—01		67	67	114	114	133	133
24—02	9	2	11	3	12	3	13
24—03		484	484	817	817	952	952
24—04		513	513	866	866	1,009	1,009
24—05	49	236	284	398	446	464	512
24—06	38	89	126	150	188	175	212
24—07	482	88	570	148	630	173	655
24—08	382	259	641	438	820	511	892
State total	960	1,738	2,696	2,934	3,893	3,420	4,378
MISSISSIPPI							
25—01	373	79	452	134	507	156	529
25—03	5	63	68	107	112	125	130
25—04	102	74	176	126	228	146	249
25—05	669	914	1,583	1,543	2,212	1,798	2,467
State total	1,149	1,130	2,279	1,910	3,059	2,225	3,375
MISSOURI							
26—01		67	67	113	113	131	131
26—02	36	548	584	926	962	1,079	1,115
26—04	907	2,017	2,924	3,407	4,313	3,971	4,878
26—05		241	241	407	407	474	474
26—06	1	248	249	419	420	488	489
26—07	9	212	220	357	366	416	425
26—08	1,110	357	1,467	602	1,712	702	1,812
26—09	4	136	140	229	233	267	271
26—10	10	33	43	56	66	65	75
26—45 (1,2,8,9)		88	88	148	148	172	172

IMPACTED AREA AID—1971 ESTIMATED PAYMENTS—Continued
[Payments expressed in thousands of dollars]

CD	A entitlement at 90 percent (1)	B entitlement plus other at approximately 45 percent (2)	Total payment of 425 million (1)+(2)	B entitlement plus other at approximately 76 percent (4)	Total payment of 585 million (1)+(4)	B entitlement plus other at approximately 89 percent (6)	Total payment of 650 million (1)+(6)
MISSOURI—Continued							
26—78 (1 & 3)	3	522	525	881	884	1,027	1,030
State total	2,080	4,469	6,548	7,545	9,624	8,792	10,872
MONTANA							
27—01	1,213	584	1,797	986	2,199	1,149	2,362
27—02	2,214	481	2,695	813	3,026	948	3,161
State total	3,427	1,065	4,492	1,799	5,225	2,097	5,523
NEBRASKA							
28—01	253	182	435	308	561	359	612
28—02	2,264	1,118	3,382	1,888	4,152	2,200	4,465
28—03	194	391	584	660	854	770	963
State total	2,711	1,691	4,401	2,856	5,567	3,329	6,040
NEVADA							
29—99 (at large)	1,465	1,603	3,069	2,707	4,173	3,156	4,621
NEW HAMPSHIRE							
30—01	855	777	1,632	1,312	2,168	1,530	2,385
30—02	3	151	154	256	259	298	301
State total	858	928	1,786	1,568	2,427	1,828	2,686
NEW JERSEY							
31—01	14	635	640	1,073	1,087	1,251	1,265
31—02	27	302	329	511	537	595	622
31—03	747	1,408	2,155	2,378	3,125	2,772	3,519
31—04		354	354	598	598	697	697
31—05	57	388	445	656	713	764	821
31—06	2,720	1,710	4,429	2,887	5,607	3,366	6,085
31—13	59	35	94	60	119	70	128
31—43		18	18	30	30	35	35
31—48 (1 and 6)	1	32	33	54	55	63	64
31—51 (10 and 11)		78	78	132	132	154	154
State total	3,625	4,960	8,585	8,379	12,003	9,767	13,390
NEW MEXICO							
32—01	1,825	1,797	3,622	3,034	4,859	3,537	5,362
32—02	4,036	1,501	5,537	2,535	6,571	2,955	6,991
32—99 (at large)	962	30	992	51	1,013	59	1,021
State total	6,823	3,328	10,151	5,620	12,443	6,551	13,374
NEW YORK							
33—01	449	1,121	1,570	1,893	2,342	2,207	2,656
33—02	14	272	286	460	473	536	550
33—04	353	39	392	66	419	77	430
33—05		43	43	73	73	85	85
33—25	6	27	34	46	52	54	60
33—27	619	496	1,115	837	1,456	976	1,595
33—28	2	33	35	56	58	66	67
33—29	60	658	718	1,111	1,171	1,295	1,355
33—30		320	320	541	541	631	631
33—31	1,111	208	1,319	351	1,462	409	1,520
33—32	704	749	1,453	1,265	1,969	1,474	2,179
33—33		283	283	477	477	556	556
33—34	119	103	222	174	293	203	322
33—35	103	171	274	289	392	336	440
33—38		72	72	122	122	142	142
33—40	294	54	348	91	385	106	400
33—42 (2,4 and 5)	141	23	164	39	179	45	186
33—49 (2 and 4)		17	17	29	29	34	34
33—54 (39 and 41)		93	93	157	157	183	183
33—69 (6–24)	1,118	2,569	3,687	4,339	5,457	5,058	6,176
33—79 (1 and 2)		440	440	742	742	866	866
State total	5,093	7,791	12,885	13,158	18,249	15,339	20,433
NORTH CAROLINA							
34—01	597	467	1,064	789	1,385	919	1,513
34—03	644	1,071	1,715	1,809	2,453	2,109	2,756
34—05	14	44	59	75	89	87	102
34—07	181	1,642	1,823	2,773	2,954	3,232	3,413
34—08		119	119	200	201	234	234
34—11	101	129	230	217	319	254	355
State total	1,537	3,472	5,010	5,863	7,401	6,835	8,373
NORTH DAKOTA							
35—01	1,639	142	1,781	240	1,879	279	1,918
35—02	1,358	125	1,483	211	1,569	246	1,604
State total	2,997	267	3,264	451	3,448	525	3,522
OHIO							
36—01		8	8	14	14	16	16
36—02		35	35	60	60	70	70
36—03	694	1,319	2,013	2,227	2,921	2,596	3,290
36—04		25	25	43	43	50	50
36—05	1	15	16	25	26	29	30
36—06	14	274	288	463	477	540	553
36—07	49	1,091	1,140	1,842	1,891	2,147	2,196
36—08	1	37	37	62	63	73	73
36—10	1	196	197	330	332	385	386
36—11	8	70	79	118	127	138	146
36—12	6	299	305	505	511	589	595
36—13		70	70	118	118	137	137
36—14		153	153	258	258	301	301
36—15		154	154	261	261	304	304
36—17	1	301	302	508	509	593	593
36—19		15	15	25	25	29	29
36—23		443	443	747	747	871	871
36—24	2	475	477	802	804	935	937
36—59 (20, 22, and 23)		175	175	296	296	345	345
36—68 (12 and 15)	491	1,155	1,645	1,950	2,441	2,273	2,764
36—79 (1 and 2)		74	74	125	125	145	145
State total	1,268	6,384	7,651	10,779	12,049	12,566	13,831
OKLAHOMA							
37—01	30	964	995	1,629	1,659	1,898	1,929
37—02	760	455	1,215	768	1,529	896	1,656
37—03	181	472	653	797	978	929	1,110
37—04	1,955	1,628	3,583	2,749	4,704	3,204	5,159
37—05	46	1,472	1,517	2,485	2,531	2,897	2,942
37—06	517	395	912	667	1,184	778	1,295
37—75 (4 and 5)	193	1,040	1,233	1,756	1,949	2,047	2,240
State total	3,682	6,426	10,108	10,851	14,534	12,649	16,331
OREGON							
38—01	272	129	401	217	489	253	525
38—02	717	697	1,414	1,177	1,893	1,372	2,088
38—03	30	321	351	542	571	631	661
38—04	121	421	542	711	832	829	950
State total	1,140	1,568	2,708	2,647	3,785	3,085	4,224
PENNSYLVANIA							
39—06		31	31	53	53	62	62
39—07		232	232	392	392	457	457
39—08	4	483	487	815	820	950	955
39—09		108	108	182	182	212	212
39—10		186	186	314	314	366	366
39—11		137	137	231	231	269	269
39—12		448	448	757	757	882	882
39—13		137	137	232	232	270	270
39—15	66	58	124	98	164	114	180
39—16	27	239	265	403	430	470	496
39—17		218	218	368	368	429	429
39—18	19	9	27	15	33	17	36
39—19	49	499	548	843	892	982	1,031
39—23		18	18	30	30	35	35
39—26		13	13	22	22	26	26
39—27	3	132	135	223	225	259	262
39—57 (14, 20, 27)		405	405	683	683	796	796
39—63 (8 and 13)		42	42	70	70	82	82
39—66 (1–5)	361	2,065	2,426	3,487	3,849	4,065	4,426
39—67 (16 and 17)		24	24	40	40	47	47
State total	529	5,484	6,011	9,258	9,787	10,790	11,319
RHODE ISLAND							
40—01	899	600	1,499	1,013	1,912	1,181	2,080
40—02	698	745	1,442	1,257	1,955	1,466	2,164
40—79 (1 and 2)		128	128	217	217	253	253
State total	1,597	1,473	3,069	2,487	4,084	2,900	4,497
SOUTH CAROLINA							
41—01	1,428	2,035	3,463	3,437	4,865	4,006	5,434
41—02	77	1,118	1,195	1,888	1,965	2,200	2,278
41—03	13	48	61	82	94	95	108
41—04		48	48	81	81	95	95
41—05	385	135	520	228	614	266	651
41—06	54	69	123	117	171	137	190
State total	1,957	3,453	5,410	5,833	7,790	6,799	8,756
SOUTH DAKOTA							
42—01	214	201	414	339	553	395	609
42—02	2,641	629	3,270	1,062	3,703	1,237	3,878
State total	2,855	830	3,684	1,401	4,256	1,632	4,487
TENNESSEE							
43—01	13	342	355	578	591	674	687
43—02	6	650	656	1,097	1,103	1,279	1,285
43—03	1	256	258	433	434	505	506
43—04	315	745	1,060	1,259	1,574	1,467	1,782

CD	A entitlement at 90 percent (1)	B entitlement plus other at approximately 45 percent (2)	Total payment of 425 million (1)+(2)	B entitlement plus other at approximately 76 percent (4)	Total payment of 585 million (1)+(4)	B entitlement plus other at approximately 89 percent (6)	Total payment of 650 million (1)+(6)
43—05		220	220	371	371	432	432
43—06		654	654	1,104	1,104	1,287	1,287
43—07	1	154	155	261	261	304	305
43—08	12	261	273	440	452	513	525
43—09	345	295	640	498	843	580	926
43—96 (7 and 8)		502	502	848	848	989	989
State total	693	4,079	4,773	6,889	7,581	8,030	8,724
TEXAS							
44—01	36	975	1,011	1,646	1,682	1,918	1,955
44—02	5	41	46	69	74	81	85
44—03	18	316	334	534	552	622	641
44—04	106	265	372	448	555	522	629
44—05	3	53	56	89	93	104	107
44—06		166	166	280	280	327	327
44—07		2	2	3	3	3	3
44—08		12	12	20	20	24	24
44—09		472	472	798	798	930	930
44—10	352	438	790	739	1,091	862	1,214
44—11	1,156	1,175	2,331	1,984	3,140	2,313	3,469
44—12	374	2,210	2,584	3,732	4,106	4,351	4,724
44—13	471	639	1,111	1,079	1,551	1,258	1,730
44—14	181	606	787	1,023	1,204	1,192	1,373
44—15	86	94	181	159	245	185	272
44—16	1,118	1,615	2,733	2,728	3,846	3,180	4,297
44—17	708	621	1,329	1,049	1,757	1,223	1,931
44—18	188	221	409	373	561	434	623
44—19	136	127	263	215	351	251	387
44—20	148	646	795	1,092	1,240	1,272	1,421
44—21	247	408	655	688	935	803	1,049
44—22	8	322	330	543	551	633	641
44—23	106	627	733	1,058	1,165	1,233	1,340
44—53 (3, 5, 6 and 13)	5	293	298	494	499	576	581
44—56 (7, 8 and 22)	1	265	266	448	449	523	523
44—86 (20, 21, and 23)	2,348	3,301	5,649	5,574	7,922	6,498	8,846
State total	7,801	15,910	23,715	26,865	34,670	31,318	39,122
UTAH							
45—01	1,011	2,878	3,889	4,860	5,871	5,665	6,677
45—02	264	1,116	1,379	1,884	2,148	2,196	2,460
State total	1,275	3,994	5,268	6,744	8,019	7,861	9,137
VERMONT							
46—99 (at large)	4	87	91	147	151	171	175
State total	4	87	91	147	151	171	175
VIRGINIA							
47—01	1,793	3,560	5,354	6,013	7,806	7,009	8,802
47—02	1,416	2,452	3,868	4,141	5,557	4,827	6,243
47—03	16	520	536	878	895	1,024	1,040
47—04	511	1,029	1,540	1,738	2,249	2,026	2,537
47—05		39	39	66	66	77	77
47—06	15	371	386	627	642	731	746
47—07	5	38	43	65	69	75	80
47—08	80	1,388	1,467	2,343	2,423	2,731	2,811
47—09		270	270	457	457	532	532
47—10	463	9,670	10,133	16,330	16,793	19,036	19,499
State total	4,299	19,337	23,636	32,658	36,957	38,068	42,367
WASHINGTON							
48—01	61	515	576	870	931	1,014	1,075
48—02	756	682	1,437	1,151	1,907	1,342	2,098
48—03	166	432	597	729	895	850	1,016
48—04	697	841	1,538	1,420	2,118	1,656	2,353
48—05	1,009	432	1,441	729	1,738	850	1,859
48—06	2,098	2,421	4,520	4,089	6,187	4,766	6,864
48—07	48	339	387	573	621	668	716
State total	4,835	5,662	10,496	9,561	14,397	11,146	15,981
WEST VIRGINIA							
49—02	21	192	213	325	345	378	399
49—03	1	45	45	75	76	88	89
49—04		93	93	156	157	182	183
State total	22	330	351	556	578	648	671
WISCONSIN							
50—02	240	225	466	381	621	444	684
50—03	39	472	511	798	836	930	968
50—07	51	47	98	80	131	93	144
50—08	12	63	75	107	119	125	137
50—10	178	58	236	98	276	114	292
50—55 (4, 5 and 9)	8	244	252	412	420	480	488
State total	528	1,109	1,638	1,876	2,403	2,186	2,713
WYOMING							
51—99 (at large)	1,323	459	1,782	775	2,098	903	2,227
State total	1,323	459	1,782	775	2,098	903	2,227
GUAM							
140—99	1,501	576	2,077	973	2,474	1,134	2,636
State total	1,501	576	2,077	973	2,474	1,134	2,636
PUERTO RICO							
170—99		197	197	333	333	389	389
State total		197	197	333	333	389	389
VIRGIN ISLANDS							
185—99		16	16	27	27	31	31
State total		16	16	27	27	31	31
National total	158,127	232,320	390,456	392,319	550,448	457,317	615,445
Federal schools (sec. 6 at 100 percent)			34,550		34,550		34,550
Total			425,006		584,998		649,995

JETS FOR ISRAEL

Mr. WILLIAMS of New Jersey. Mr. President, last week the Government of Israel announced that Soviet pilots were flying Soviet-built jets supplied to Egypt. This announcement has been confirmed by American sources since then. While the news is certainly a most depressing development, none of us has the right to be surprised. The administration invited this shocking development last month when it refused to sell jet aircraft to Israel, thus telling the world that our resolve to aid an ally in the Middle East crisis had weakened substantially.

There is neither the time nor the reason, at this moment, to rehash the details of certain well-established facts. Let us just recall the two basic premises in the Middle East conflict. Israel is fighting to survive as a nation. The Arab States, particularly Egypt, Syria, and Iraq are fighting to destroy Israel as a nation.

President Nixon, we have been told, has called for a reevaluation of his earlier decision against the sale of jets to Israel. I hope he will not make the same mistake twice. I hope his earlier mistake is reparable.

Mr. President, I would like to speak plainly for a moment. I would like to discard for a moment the embellished phrases and parliamentary verbiage which we too often find necessary.

What would it take for Israel to convince the United States to cease its denial of assistance?

Would we be more willing to aid Israel if she had an unstable government?

Would we be more willing to aid Israel if she were neutralist instead of pro-Western?

Would we be more willing to aid Israel if her ruling political parties condemned to imprisonment and death their political opponents?

Would we be more willing to aid Israel if she permitted most of that aid to find its way into the black market?

Would we be more willing to aid Israel if she were demanding a handout instead of merely seeking permission to buy American-made products?

Would we be more willing to aid Israel if she were asking us to sacrifice 42,000 American lives?

Mr. President, I believe the recent actions of our Government with reference to Israel are an outrageous betrayal of our own heritage. I believe the recent actions of our Government were tantamount to an open invitation to the Soviet Union to escalate its military involvement in support of Egypt.

Mr. President, Israel is one of the only countries in the world which is not trying to enlist American involvement. We can sell jets to Israel without committing one American citizen or one U.S. dollar to the Middle East conflict, and yet we hesitate.

Mr. President, Israel wants peace in the Middle East and so do we. Can the same be said for Egypt and the Soivet Union? Clearly not. President Nasser of Egypt has declared a war of attrition against Israel. The only way Israel can prevent Nasser from achieving success in that war of attrition is by maintaining overwhelming air superiority. To do that, Israel needs to buy American aircraft.

On the other hand, the only way for Nasser to achieve his goal is to neutralize Israel's air superiority. To do that, Nasser needs Soviet planes and pilots.

The Soviet Union has given Nasser the aid he needs even at the risk of Soviet lives. We cannot delay, for even one more day, agreeing to sell Israel the aircraft she desperately needs in order to survive.

RECESS UNTIL 2 O'CLOCK P.M. TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 o'clock p.m. today.

There being no objection, at 1 o'clock and 2 minutes p.m., the Senate took a recess until 2 o'clock p.m. today.

At 2 o'clock p.m., on the expiration of the recess, the Senate reconvened, when called to order by the Presiding Officer (Mr. ERVIN).

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ERVIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

Is there further morning business?

VIOLENCE AND TRAGEDY AT KENT STATE UNIVERSITY

Mr. DOLE. Mr. President, we are all aware of the terrible tragedy yesterday at Kent State University in Ohio in which four young people were killed.

Today is not the time and this is not the place to fix blame. Nor is this the place or time to judge the merits of the cause, or causes behind the riots.

I think, rather, it is time for Americans, young and old, to search their souls to determine if there are not better answers to our problems than violent dissent and to ask if the road to peace in America is not as essential as the road to peace in Vietnam.

Those who support the U.S. involvement in Vietnam do so in the name of freedom and justice. Those who support the President's strike at North Vietnamese sanctuaries in Cambodia do so in the belief that in the end it will save American lives, hasten the process of Vietnamization, and permit withdrawal of American troops more quickly.

There are those who oppose these beliefs and the President's actions for their own good reasons. But surely all can agree that we oppose war and violence.

Mr. President, I wish to make a point which has not been made and which should be made.

When students attack members of the National Guard, they are not attacking the establishment; they are attacking, for the most part, young men, men of their own generation, some of whom also go to college or work and have wives and babies, young men serving out their obligations to their country or who feel a duty to serve their country.

I urge the young people on our campuses to take a second look at those they vent their protests on. They are black; they are white or brown. They have every degree of intelligence and education. The only thing separating them from their counterparts on campus is a uniform and the fact that they are present, not to create violence but to prevent it if possible.

I trust my colleagues and men of good will everywhere will join now to seek an end to violence, an end to arson and to shooting and an end to turmoil.

Surely, unless we join together to bring peace to our country, we cannot really expect to bring peace to Vietnam or to preserve the peace anywhere else in the world.

Mr. SAXBE. Mr. President, we have all heard, with extreme regret, of the tragedy at Kent State University, where four students, or four people, not all students as I understand it, were killed.

While I think that such a confrontation was inevitable because of the progress of dissent and violence, I regret very much that it had to happen, especially that it had to happen at Kent State University in Ohio.

The background of this event is something that has been building up for a long time. Last week, at Ohio State, there was disruption and violence. The word was out, as early as 3 days before, that this was going to happen at Kent State.

There were people who obviously felt that this was organized and some were going to be present from out of town.

The Ohio National Guard had been on strike duty because of the teamsters' wildcat strikes in northern Ohio. Many of these young men in the National Guard—and I say young men because most of them, I would say, are in the group of 17- to 20-year-olds—have been on the road continuously since they have been called out. Some have reported that they had less than 3 hours of sleep in the 48 hours before the confrontation at Kent State.

They carried live ammunition. I do not believe that we are ever going to send our troops out to face violence without live ammunition, nor do I recommend it.

Of course, the discipline of handling live ammunition is something which is hard to train. I speak with some knowledge of this, because I commanded a battalion of the National Guard on strike duty with guardsmen who had as little experience as some of these men, no doubt, and I saw the great danger in permitting men with little or no training to face what they thought was imminent danger.

When the confrontation developed on the campus and the students resisted, instead of moving out, after it was announced on the loudspeaker to them that they should return to their quarters, the guardsmen advanced in a line, firing teargas. The tear gas was effective and the students fell back. Then, as a group of spectators and other demonstrators moved in behind the guardsmen, in such a way that they felt it endangered their position, the guardsmen reversed and started back against the other group. Then the ones who had given way in the face of the first movement, started filtering back behind the guardsmen again, hurling objects and giving abuse.

Then something happened, which usually happens in this kind of thing, unfortunately.

Someone thought he was fired upon, or someone thought he was in danger of his life, and the first shot was fired.

Some say it was a sniper. I have no proof of that, and I doubt it. But whatever it was, this man felt that his life was endangered, because here were 30 guardsmen surrounded by over a thousand rioters, or people who were adding to the crowd, and they felt endangered, and the first shot was fired. Then seven or eight men fired their pieces, and four people were dead and several wounded.

I say that such a confrontation is inevitable because when violence is unleashed, the only answer is more violence. Emotions unleased bring the same type of retribution.

As a result, we have a situation now that is gong to spread, I am afraid. We have made students recognize the fact that there is danger involved.

The students that I talked to in my office said, "Well if they had told us that we might get hurt, this would not have happened."

In other words, up until now, there have been two sets of rules. A guardsman or a policeman is fair game for insults, for being hit with rocks, for being attacked. But the forces of the Government, whether they be guardsmen or policemen, cannot strike back. It was not playing the game for them to do violence to those who attack them. And it came as a complete surprise.

I suppose that we will now see revolution recognized for what it is—revolution.

We are going to be forced to take sides, if we have not already done so. But at least this tragedy should bring home to all who are involved in these violent demonstrations that there is danger, that people will be hurt, and that people will be killed.

I suppose that these four people will go down in history as martyrs, and perhaps they should. But martyrs to what? Martyrs to the very force of ignorance or violence that we form governments to try to get away from.

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There is a place for disagreement, a place for dissent. There is a place for demonstrations. But there is no place for violence in organized government.

And the very thing that we banded together for, and that the first men of our known history banded together for, was to keep the peace in the community, because nothing else can prosper or develop if there is no freedom from fear. We are now right back at that point in our country. Fear does exist.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SAXBE. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I take this opportunity to commend the Senator from Ohio for his statement on a matter with which he has great familiarity.

I realize that this circumstance and situation is a difficult and important one for the Nation. I think that it requires objectivity and compassion to view it in the right perspective.

I commend the Senator for his report to us on the situation at Kent University.

I believe that the forces of unrest in this country are serious, indeed. But, I believe that the remarks of another of our distinguished colleagues this morning, the senior Senator from Oregon, on television, to the effect that violence always produces violence and is self-defeating, is relevant to our objective view of the situation.

I believe that as I watched the television programs this morning in their presentation of the situation at Kent University and around the country, that we could commend to them some of the same objectivity that I now commend to our colleagues in an appraisal of the situation in this country.

I specifically refer to the television programs which showed by zoom lens a view down the rifle sight of a guardsman pointing toward an oncoming group of students, and then another zoom shot from the crowd to the oncoming National Guard vehicle carrier, which showed gas being thrown into a group of students and then a student picking it up; zooming in so close that one could see the face of the student; then showing the student throwing it back at the guardsmen.

I believe that remarks such as those made by Hugh Downs on this morning's "Today" show, quoting the Vice President as saying that the fact that violence produces violence is predictable, is an indication of a police state mentality in the United States is not helpful toward the end of objective reporting of a serious issue.

Opinion formers in this country are not limited to governmental officials. News media personalities are opinion formers as well, and I believe it is fortunate that nongovernmental sources, such as Vanderbilt University, in Nashville, Tenn., is now, for the first time, taping all of the morning and evening network news programs so that commentators today and scholars in the future can examine them and determine for themselves whether or not they represent objective reporting or subjective interpretation.

My call at this time is for an objective consideration in this matter calmly and impassionately.

I commend the Senator from Ohio.

Mr. SAXBE. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I commend the Senator from Ohio for his remarks today concerning his conference this morning, in which I took part, with five young men from Kent University in his office. Two of these young men were witnesses to the tragic occurrence yesterday.

They were outstanding young men and bona fide students of Kent University. They were concerned, and rightfully so, over what may happen next.

This is neither the time nor the place to assess the scope of the problem or to fix the blame.

The Senator from Ohio (Mr. SAXBE) rendered a great service in meeting with these young men to determine what happened. We should determine what we might in the Senate, or what the universities or the students might do, to prevent tragedy from spreading to other campuses.

I was shocked this morning, not surprised, when Hugh Downs made the statement referred to by the junior Senator from Tennessee. I recognize the anti-Agnew bias of Mr. Downs, but was surprised that he would suggest on the "Today Show" that statements of the Vice President indicated a police state action or response.

Anyone in this Chamber or within hearing of my voice could predict that if one is taunted long enough—violence will beget violence; sooner or later it will occur. It does not take the hindsight of Mr. Hugh Downs to point this out nor should he infer criticism of the Vice President.

Primarily, I share the views expressed by the Senator from Tennessee and the Senator from Ohio.

I trust we recognize that the young men in the National Guard are much like the young men on the campus. They are distraught. They are concerned. They also have a breaking point.

Campus violence, campus disturbance, campus unrest, as I understand it, is caused because young men and young women are frustrated, and some explode in the process. I would hope college students would realize that the young men in uniform are much like themselves. They also have breaking points.

I do not know the facts concerning Kent University but hope what happened there never happens again on any other campus.

Mr. SAXBE. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, in relation to the remarks of the Senator from Ohio, the Senator from Tennessee, and the Senator from Kansas, this morning we conducted hearings on a constitutional amendment. An organization called the Women's Liberation Movement appeared before our committee.

They did not give their names to the members of the committee because they said they spoke for everyone. There were three of them, and after two of them spoke, they said that ended the testimony before the committee.

They then got up and moved in front with their backs to the committee. One of the young ladies grabbed the microphone and talked for 15 or 20 minutes. No one stopped her. She cussed the Senate of the United States. She cussed the Government. She spoke critically of the Constitution of the United States. She lambasted everybody she could lambaste. No one stopped her.

The only point I am trying to make is that there are many of us who want and can help. The Senator from New York made reference to this a short time ago at lunch. It becomes more and more of a problem to speak to students because they boo and hiss. It is difficult to get a message across. I have a daughter in college, another daughter who is going to college this fall, and another who is going the next fall.

When someone would say to the Senator from Ohio, "If only they had told us someone would get hurt," what did they think might happen when the day before they burned down a building on the campus? What did they think when the destruction is over $200 million for this past academic year? Do they not realize that we here also disagree; that there are many times when the votes in this Chamber reflect that disagreement; and that some days the people in the galleries agree with you and some days they disagree?

I must say that I wish they could understand, bcause we want to hear them. But, we also want to be heard.

I commend the Senator from Ohio for putting this matter into perspective. I also commend the Senator from New York who said at lunch today we should take our turn on college campuses even though we are going to be booed and hissed, and that we should subject ourselves to it, even though the Senator from Ohio said, "I do not get that much combat pay." Maybe that is what has to be done, because we, in fact, are trying our best to listen to them. I wish they would give us an opportunity to be heard.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SAXBE. I yield.

Mr. JAVITS. Mr. President, I thank the Senator from Kentucky for his observations, which have made it easier for me to speak in such a very tragic moment.

I think it would be almost fruitless to try to justify or condemn such a terrible tragedy. I thank the Senator from Ohio (Mr. SAXBE) for trying to put the matter in focus as he has.

Mr. President, we must learn from a terrible tragedy. This situation could now go either way. There are some 7 million college students in this country. One direction would be for an enormous section of the college community to get very angry. This would serve only to cause more tragedy and reduce the effectiveness, justice, and well-being of our country in which we commonly reside and the

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country we commonly seek to enjoy. The other way would be to pause at the abyss and say that this terrible tragedy will teach us now that we have to have a dialog and hear each other. We have to be civil.

For our part, as responsibly as we can, we must address ourselves to the deep currents of feeling which say there is much need for great and justifiable change in this country and our operations abroad, especially in the Vietnam war. We must be willing to listen, be unafraid of change, and if we feel it desirable, fight for it with vigor. It is also important that we give them the feeling that we are willing to fight for necessary changes with vigor. There are many measures pending in Congress which will go a long way toward making them feel we are responsive, including electoral reform, the 18-year-old vote, and congressional reform. Also, whatever one may have thought of the two Supreme Court nominations, most felt the Senate was trying to exercise its judgment, right or wrong, and that we were looking after the best interests of our Nation as best we could.

I do not advise Members to go to campuses where they will be shouted down or treated uncivilly, although a little of that we will have to take, but there are many campuses where one can get a reasonable hearing. The word goes out that we are sitting here in our ivory tower, in Washington; but the word should also go out that we are willing to listen and we would like to express what we think. If we make an attempt to explain ourselves, we will be listened to.

I would like to give Senators a brief example of what I mean. Not long ago I made a speech on a college campus. Someone asked me about the volunteer army. I knew the audience was for a volunteer army.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I said, "No, I am sorry. I do not agree with this, not on the ground of expense but because I am afraid and concerned as to what a professional military organization might do in the present climate of the world, including the United States." I explained my position in some detail. The roof did not fall in and the kids listened. Some did boo, but on the whole they did not hiss and run me off the platform because they knew I was telling the truth and that is the way I felt.

Mr. President, that is a very important case in point. I hope in this terrible hour, and it is a terrible hour for our children, too—almost all of us have kids in college—we understand the situation. This is a time when we have to go to them if we want them to come to us, and again, I repeat, there should not be uncivilly. There is no need for that. But there are campuses where a Senator can get a reasonably civil hearing and right now it would be of enormous help for us to express ourselves to them and for them to express themselves to us.

I ask unanimous consent that my speech last night at Brown University on the new politics and the motivation crisis be inserted in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE NEW POLITICS AND THE MOTIVATION CRISIS: CAN THE SILENT MAJORITY LIVE WITH THE NEW LEFT IN AMERICA?

Our democratic institutions are in graver danger today than in any period in our nation's history. We are faced with the danger of tyrannies both from the violent left and the reactionary right. The rhetoric is becoming increasingly simplistic and inflammatory.

What is bringing about this condition, I believe, more than or at least equal to, any other factor is the persistence of our involvement in Vietnam—with the danger now of permanent extension of the conflict into Cambodia—a matter of life and death for the young. The confrontations in our country have tended, therefore, to become more impassioned and more dangerous.

And, as the rhetoric has heated up, so have the related actions of both the violent left and the reactionary right.

Arson, vandalism and assault have become commonplace on some of our nation's campuses. Things have become so bad that it is often no longer possible to tell whether a campus incident in its ultimate violent manifestations results from a student riot or a police "bust." Surely, one provokes the other and even more dangerous, the overall impact is to cause a severe reaction in the surrounding communities—usually expressed in the form of hostility toward the campus as a whole.

Often, the original legitimate purpose of the protest—against our involvement in Vietnam, or to try to make our college and universities more responsive to the needs of their students or to the ills of the society around them—is lost to the public in the turmoil of the protest itself.

While campus unrest and the growing incidence of bombings, snipings and other outrages of the violent left pose a grave national problem, there is another, and at least equal, danger—the growing threat of repression, not only of "demonstrations," but of all forms of expression and dissent traditionally protected by the Bill of Rights.

There have been, of course, other periods in our history when war or domestic turmoil have resulted in restrictions or threatened restrictions on our basic constitutional liberties, dating back to the Alien and Sedition Acts of 1789, and including the suspension of the writ of habeas corpus during the Civil War, the repression of "anarchists" after World War I, the strong-arm tactics of the industrial barons during the major labor disputes of the early years of this century and the latter-day witch hunts of Senator Joseph McCarthy allegedly to unearth Communists in the mid 1950's.

But now there seems to be the threat of a more insidious form of repression in our land, touched off by the growing threat of violence on the radical left, but for the first time tolerated, if not actually condoned, at the highest level of our Federal government. The words and actions of some of our national leaders do not, as in the past, seek to calm the fears, heal the factions, restore our national morale or instill renewed confidence in our destiny and in our institutions. Instead, the rhetoric tends to foment and to divide. And there is, as yet, no visible leadership at the very top to restrain these short-sighted counsels of despair. The overall impression is that the national leadership is, at best, unclear as to what its rhetoric means and where it seeks to take us; and, at worst, an all-too-willing party to the rupture of relations between groups and generations.

Is it possible, for example, to fathom the Federal stop-go positions on school desegregation?

Who is the so-called "silent majority," which so much of this rhetoric is directed to? It may very well be an imaginary group of Americans conjured out of thin air to be the stalking horse of a radical trend to the right simply because, by its very definition, it cannot talk back between elections.

This repressive, intolerant trend in our nation is a mutation of traditional American conservatism under the stresses of the Vietnam war, domestic violence and fear. It is a trend that should be viewed with great alarm by our national leaders. Most regrettably, they have not yet reacted in this way.

Another example of unfortunate divisiveness is the much-discussed "Southern Strategy." It does not seem to be so much aimed at reuniting the South with the rest of the nation as at cutting off the cultural, economic and communications centers of the Northeast from the rest of the nation. Regardless of what it is called, it is a strategy to divide for political conquest, rather than to bring the American people together for the common destiny.

So too, the recent attacks on the mass media, the Supreme Court and even on the United States Senate—and I do not object, of course, to honest criticism—are couched in terms to turn people against one another, to sow suspicions among the people, to feed on their fears and, by clear implication, to lay claim to our national leaders as being the sole source of credibility, virtue and patriotism in the land! This is hardly the spirit in which our country was built and has prospered.

But still, what do we see increasingly each day? Vast computerized files maintained by the Army on those civilians considered politically radical and therefore potentially dangerous; the imposition of bizarre restrictions on the Constitutional right to demonstrate peaceably, even in front of the White House; a wide-ranging conspiracy law capable of prosecutions to stifle those who organize protests, the wider use of wiretaps, informers, undercover agents, and subpoenas to probe the sources of information of the press. And, in the name of keeping pace with modern problems of crime, we are asked to give power over the individual to the Federal government and those who operate it, like no-knock search and seizures and preventive detention, which in a climate of intolerance can be very dangerous to our precious freedoms.

Is this, then, the best way to deal with dissent among the young, the poor and the black? Is it the way toward an answer to the grave problems facing us today—of our ill-advised continued involvement in Vietnam, of our imbalance of national priorities tipped in favor of excessive military spending and against the agonizing needs of the poor, the blacks and the hard-pressed Middle Americans? Is it not rather a diversion from the problems of war and poverty?

Not only is all this dangerous, but it is bad politics as well. Americans are always grumbling about the courts, the press, the Congress and the intellectuals. But at the same time there is a singularly American love and respect for our institutions and our rights. Americans, I feel, want to see these institutions and rights upheld by leaders who are prepared to take the risks to lead and not the presumably safe political route of following the consensus of what is momentarily popular.

Yes, the American people are basically conservative in ideology—about 60 percent of them voted either for Nixon or Wallace in 1968—but they have proven themselves in the overwhelming majority time and time again ready to support a progressive who can cross party, sectional and economic lines to appeal to their better instincts.

If repression is not the answer, how then

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do you deal with the new left, even excluding those outrageous ones who seem to be beyond the reach of normal communication—who, as Kingman Brewster said, "seem to be slipping into private self-destruction?" How can the youthful energy of the new left, and the new politics it espouses, be harnessed to the work of reforming existing institutions with reason, with humanity and without violence?

There are student radicals today—I call them violent radicals—some with a great popular following on campus, who declare that our society is defunct, its establishment corrupt, its institutions stultifying and worthy only of being destroyed to make way for the utopian society of tomorrow. These violent radicals look on the progressive efforts of recent years—the civil rights acts, the voting rights acts, the education acts, medicare and medicaid, the war on poverty and hunger, the war on pollution, the establishment of a floor under welfare assistance—as a great collective sham that accomplished none of its goals and served instead as a conspiracy to keep the American people powerless in a relation to a government-corporate establishment.

Thus, in addition to the danger on the right, we must consider the dangerous refusal of the violent radicals on the left to participate in the maintenance and viability of the only society permissive enough to let them function—and of their dangerously naive assumption that this society will live and prosper notwithstanding the violent radical's every effort to destroy it. And what about the clear and open invitation to repression and tyranny these radicals are courting and which can engulf us all by its irresponsibility and its destructiveness?

The terrible fallacy in all this is that these would-be leaders are seeking to carve out yet another establishment—their own monopoly on radicalism. To be radical, they say, you have to be young, angry and violent. Violence—not evolution—is the only true radicalism, they insist, and all the past struggle to gain more responsive, more humane institutions and a broader-based society are seen by them only as a hoax on the people.

I submit that this is myopia aggravated by a bad case of depression. Who can lay complete claim to radicalism, for is not radicalism simply a commitment to rebuild society? Are we to ignore the radical—though far from complete—extension of job, housing and educational opportunities to black Americans, made possible by recent decisions of the Supreme Court and acts of Congress? Are we to ignore the radical—though far from complete—enfranchisement of black Americans and the resultant election of some hundreds of black officials by lawful nonviolent means? Are we to ignore the radical—though still far from complete—extension of basic health services to the aged and the poor. Are we to ignore the radical—though still far from complete—manpower training and welfare underpinning for the hard-core unemployed?

In two decades this nation's governmental and institutional structures *have* undergone sweeping, radical change—as they did before in the decade of the 30's. Admittedly these successes have been limited, and they have been fraught with frustrations, with inflation and bedeviled by war. But they should be viewed as a *start*—an example of what this nation is capable of accomplishing. They should not be viewed—as today's violent radicals who would have us do, as the *end*—the final and unsuccessful effort to reform a corrupt society incapable of reform.

I do not believe we are witnessing the fall of the USA, but I do see the grave danger of its decline if we fail to recognize the crisis we face and find the way to deal with it.

And that crisis is one of the erosion of motivation and the paralysis of decision. We have, I feel, begun to run out of time; our social fabric is being torn; our unity of purpose is being fragmented; our faith in our destiny as a nation to be just, beneficient and a force for peace and liberty is being badly shaken; we are bedeviled by social—as well as criminal—violence and even our national leaders too often speak in words of divisiveness. We may well be standing on the brink of social upheaval and constitutional disaster.

Violence as a catalyst for change and repression as a response to violence must end. If ever there was a need for national dialogue, for dispassionate consideration of the tough questions facing our nation, that time is now.

Then what are these tough questions—of national morality and governmental effectiveness—that we must face? How do we come up with the answers before it is too late?

If a white seeks to pass on his only possession of value, his craft, to his son within a closed union—and if a black power advocate seeks such a job without regard to training or ability but urging a racial quota, are they bigots?

How do you desegregate schools in areas that are becoming increasingly black, as whites flee to the non-black suburbs and their all-white public schools? How do you reconcile the integration of white schools with quality education? How do you pursue the fight to save our physical environment without diverting vitally needed efforts and funds to redeem our social environment?

How do you change the thinking of many Middle Americans who view high taxes as the result of misspent welfare, rather than ill-conceived war?

How do you reconcile the trial of the Chicago 7—or of the Black Panthers—with society's stake in a government of laws, not men?

How do you reconcile the hard process of learning at schools and colleges with student autonomy and community relations?

How do you reconcile our traditional civil liberties with the measures needed to abate an epidemic of crime?

Is the nation's stake in freedom everywhere worth fighting for in war anywhere?

These are tough questions and their resolution may require major changes in our government and society. Our challenge is how to bring Middle America and radical America together to effect these changes.

The key to resolving the issue between them is the legitimacy of government in the eyes of each, and the way to establish that legitimacy is to show each that he can do something about changing the government in any aspect.

I believe there are four ways to these objectives:

1. To end our involvement in the Vietnam war which has done more to divide this country and exacerbate its people than any other event—equally only perhaps by racial segregation—since the Civil War.

2. To encourage political action both by Middle Americans and Radical Americans. Electoral reform and the 18-year-old-vote are most important in this regard, as are also Congressional reforms.

3. To encourage much greater democracy in American business and in trade unions. Public participation in these vast leverage organizations can be a major factor in the reform of our society.

4. To evolve new machinery in government for establishing and keeping up-to-date national goals and priorities.

For the essence of our form of government is the fact that radical changes can be made within its framework. For example: Amendments to the Constitution can change our government from a representative democracy—the republican form—to a parliamentary—or any other—form; and astounding as it may seem, the basic rights of the individual under the first ten amendments to the Constitution—the Bill of Rights—can be taken away or changed.

Other major revolutionary changes can be made by law alone, or by treaty. For example: The U.S. could withdraw from membership in the United Nations, from all regional security organizations like NATO and OAS, and from mutual defense and security treaties of which we have a considerable network; indeed, we could literally lock ourselves into fortress USA. Similarly the U.S. could relinquish all atomic weapons, even unilaterally, as well as chemical, biological and radiological weapons.

I am sure you understand that I am not making recommendations that these things be done, but I offer them to you with the thought that there is no legal barrier to achieving the most radical changes in our government and society—unanimity is not required, only the necessity to persuade an adequate number of Americans.

I suggest these considerations also, because to restore motivation for national success to young Americans, there must be a complete review of our national goals and aspirations. All possible changes must be considered, no matter how radical. We cannot take anything for granted: that is what I define as the new politics and that is the broad outlook we must have if our nation is to survive with the same basic liberties, if not the same institutions.

The beauty of the American system is its ability to evolve; and there is room within it for young radicals to work. Pluralism is still alive and its life-giving force, perhaps, is the very powerlessness which many of our youth feel in relation to our all-powerful institutions. It is the same powerlessness that the Middle American feels when he confronts these same institutions. Out of his reaction of grudgingly accepting these institutions and out of the radical reaction of seeking drastic change in these institutions, there can evolve meaningful change—faster than suits the Middle American, slower than suits the new left—but meaningful change all the same.

I feel that much of the equilibrium of our pluralistic society will be restored as soon as the nation stops forcing its young men to fight in a war so many feel to be unjust. We are on the path—or we were until last Thursday—at too slow a pace to suit me, a tragically slow pace in terms of the depletion of our most precious national treasure—but on that path nevertheless. At the present troop withdrawal rate, it could take two to three years. It *could*, but it *won't* if the youth of this nation act effectively. The Moratorium Committee may be dead, but the issue is still very much alive, awaiting only a new way to be presented—for example, as a basic test of candidates in this fall's Congressional elections for whom you will work, rather than in the past form of mass demonstrations.

In the meantime, nothing I have said rules out dissent or debate—only the violence and repression that have fast become the unwelcome substitutes for the free exchange of ideas. I think there is a trend in the direction I have suggested—a classical trend—already on our campuses and elsewhere. Just as something of an unwritten code on the acceptable level of violence in labor disputes has been adopted by labor and management, so I feel that such an informal code may gradually be adopted by both sides in campus and other civil disorders. It is only by means of such accommodation that the rule of law, not of men, will prevail in this, our momentarily weary but always great nation.

Mr. HANSEN. Mr. President, first I wish to pay my respects and voice my real admiration for the distinguished Senator from New York. He is a courageous man; he is an honest man; and he is a very intelligent man. I do not always agree with him. Perhaps I am wrong and he is right. But in this instance I want to make this one observation: I think the advice he gives us is good. I hope it will be followed. I hope a growing number of university students would have the good judgment and the good taste and manners to accord any public official the sort of reception I should think would follow his being invited to speak and appear on a campus.

Just last week it was my distinct honor to introduce the junior Senator from Tennessee, my very able colleague, HOWARD BAKER, when he was awarded the Robert A. Taft Memorial Award. Just a year ago, I had the pleasure of introducing the distinguished Senator from New York (Mr. JAVITS) when he received that same award. I have been on a few college campuses, although not nearly as many as the distinguished Senator from New York or the distinguished junior Senator from Tennessee. But I have been on some campuses and I expect to go to more college campuses.

I think, however, the Senate and public officials generally would make a tragic mistake if they felt the problem which seems to engulf so many college campuses today can be resolved only if we yield to the demands being made by some college students.

In the first place, I accept the figures of the distinguished senior Senator from New York that there are in excess of 7 million students on college campuses today.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. HANSEN. Mr. President, I do not believe at all that a majority of those students on college campuses are exhibiting the violence, disrespect, and discourtesy that characterizes the action of some.

I think a part of the problem we are witnessing today results from the fact that this age of ours, this generation of ours, has been entirely too permissive in what it has done. We failed as parents to draw proper guidelines for our young people before they reached their teens. We failed to draw proper guidelines for our young people when they entered their teens. As a consequence, being typically human, a few are testing the reins to see how far they can go.

I really believe what they want older people to say is "Stop here." I deplore the loss of life that occurred on the campus of Kent State University. But I think it is important, and it is important now, that everyone in America realize that the laws of this land must be obeyed.

We are going to have to learn that if we are to have society at all, if those who wish to dissent want to be heard, if we are to bring about changes in order to make this society more responsive to the needs of this generation and still keep the kind of government we have, we must recognize that, after hearing everybody, the majority in this country still write the laws and what they believe must still be the law of the land.

So to those who dissent and employ violence as a means to express their dissent. I can only say that is a pretty tough way to try to make your point. Fewer lives will be lost and less misery will be brought about in this country if people can understand, once and for all, that this country must become an orderly society and that the best assurance that we can exercise our individual rights to the full is to recognize the importance of circumscribing our own actions in a way so as not to interfere with and not to lessen the rights of others.

If there is anything to be learned from the trouble on college campuses today, it is simply this: Guidelines must be drawn. They must be drawn now.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HANSEN. Mr. President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. These guidelines have to be drawn now or we are going to have more trouble. We need only look back to the pre-World War II days in Europe to see what becomes when a majority of people who are frustrated by the feeling that government fails to protect their rights.

Many Germans were deeply disturbed by campus violence. Initially, Hitler did not seize power. He was voted extraordinary powers. Today, campus radicals, constituting a minority of the student bodies, through their violence and destruction, do no service to those who want to dissent—want to be heard.

Our job is to help make representative government work. We need to hear dissenters. We can hear them best when we are listening. But they must listen, too. They must listen to the voice of the majority and conform to the laws passed by that majority. Valid ideas ultimately will be accepted. Violence, on the other hand, calls for suppression of rights.

Mr. JAVITS. Mr. President, if the Senator from Rhode Island (Mr. PELL) will yield me 1 minute, I would make a response as follows: I believe a lot of good can be gained by the dialog which I think we all agree should take place, if humanly possible, if they will understand, as we speak to the people on college campuses today, that, surely, they must persuade a majority, but, if they do, then they might be more successful than the ideas that we may have. It is possible, within the context of this Government, to make the most radical changes. There is nothing against it.

It should be something which should be encouraging to them that we can change the literal form of this Government without unanimity. There is no limit to what you can accomplish if you persuade enough people, if we can be catholic about our own situation. They may be anathema to Senator HANSEN and to me, but they must understand that our society is capable of change. Many of the students have lost confidence in the legitimacy of government. That is the real essence of the problem. I welcome the words of the Senator from Wyoming. There is a way to change, both for us and for those with whose ideas we may disagree.

Mr. HANSEN. Mr. President, I thank my colleague. The young people in Wyoming, those who are younger than 21 years of age, want to have the right to vote, but in my State they went about it in the proper fashion. On each of our junior college campuses, as well as the University of Wyoming campus, they organized themselves into groups, went first to individual legislators and then they went to the Governor and petitioned that he respond to their request to lower the voting age. As a result of this on the ballot in Wyoming in November will be the proposition to give the 19-year-olds the right to vote.

This, in my judgment, is the way to make a point. The improper way to make a point is to set fire to an ROTC building or to burn down the union building on a college campus. That is not the way to make a point at all.

I agree with my distinguished colleague that change can be accomplished whenever the majority of people agree with the point of view put forward. I will be right along side of my distinguished friend to see that this must be the way. When that way is decided upon, I will stand with him for it.

Mr. PELL. Mr. President, I must say, as I speak on the same subject, that I do not agree that live ammunition should ever be issued for use against students. When troops are sent in to confront students, water cannon, tear gas, and truncheons should be enough. This has been the experience of other governments. I would hope we had learned from that experience.

As we stand here and speak, representing the establishment, I do not think we realize how far out of touch we are with our younger generation, four of whom were killed yesterday. We talk, we make sense to each other, I agree with most of the words spoken here, but we are not, in my opinion, communicating with the young people. They ask the question, "Why is it necessary to get a permit to go to Lafayette Park, but need no permit to invade Cambodia?" Young people ask, "Why is it all right to do violence in Southeast Asia, but it is not all right here?" That may be comparing oranges with apples, but these are vital questions to our young people. These are the very young people who will be in this very Chamber, if they are not killed one way or another, in the next 30 years. There is a wall between us—we seem on a different wavelength.

What has turned off this group onto this dangerous route is the war in Vietnam. It is a wrong war. Some of us have opposed it for years. Usually we are calm and quiet, but my voice rises in anger and anguish because I feel this war is based on wrong moral premises.

It is the war in Vietnam that is contaminating the young generation, in fact, our whole way of life. It has resulted in increasing inflation, interest rates, unemployment, violence, crime, disturbances on the campuses, and everything else.

XUM

In the last few days, see what happened as a result of our involvement in Cambodia.

I saw a funny play last night, "Sheep on the Runway." At least, it was a funny play 2 weeks ago. Last night as we were coming out after seeing that play, one young woman said, "You know, Dad, I can't laugh—it is true." The play concerned a little country in the Himalayas that was being persuaded that it was under a Communist threat and we must give them our military weapons and help. Our generals came in. And there came coup after coup.

I invite members of the administration and all my colleagues in the Congress to see it. There was a couple of lines that particularly struck me, particularly the words of the American correspondent who said, "Our job is to keep neutral countries in the Western camp" and "we only object to military coups when they are from the left."

I can only hope that out of a dialog like this we will take action that will get us back into communication with the people who will be succeeding us in this body.

Mr. DOMINICK obtained the floor.

Mr. CASE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. CASE. Mr. President, this is a useful thing. This is an effort on our part to get a little closer to the heart of the problem that is disturbing not only the young people of our country, but almost all the thinking people in the country.

XUM

It has been said—I think truly—that much of our difficulty comes from the great advance in technology which has made our society so fragile.

Now just a handful of people can disrupt communications, can cut off water supplies, can interfere with police and fire protection, and with the supply of food—the list is endless. It does not take much to upset this terribly complex society in which we have come to live; and I think one result is that it is no longer tolerable for even small minorities to be treated with injustice, or what they think is injustice.

In the old days, a small minority could be treated that way, and society as a whole would not be in any danger, because that minority was too weak to do anything about it. That is not true any longer. Maybe they cannot do any more than pull society down, but they can do that.

So we have to listen to the consciences of these young people. They are a minority; yes, indeed, they are. But they are a minority which has something to contribute, just as all the other minorities have.

I am not talking about permissiveness. I am not talking about organized efforts to overthrow authority for the sake of causing revolution, or for any other completely unworthy or irrelevant objective.

What I am talking about is this: When there are people on these campuses, not by the handful, but in the great majority, who are opposed to our conduct of our foreign policy, who are opposed to corruption in government at the municipal level—and at other levels, too—who are opposed to racism, who are opposed to discrimination of all sorts, who believe we have not dealt adequately with questions of poverty and millions of other things, we had better listen to them and try to do something about those issues, and not just drag our feet or make token advances toward their solution, when we do not really want to do anything about them.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. CASE. I shall yield shortly.

I repeat, I am not talking about permissiveness; I am not talking about letting things get out of hand in an emergency. But I think that we really, as the Senator from New York and others have said, but as he particularly has brought out, had better give the young people of this country a sense that they will be heard, and that this is not an establishment completely closed from them. This has to be done on both sides, and I think we in this body have a special responsibility to be sensitive to the yearnings and the aspirations that, underneath a lot of things that seem strange and irrelevant to us, are really burning in the hearts of many fine American kids who are coming along.

I yield to the Senator from Ohio.

Mr. SAXBE. Mr. President, in reply—not really reply, because I agree wholeheartedly with most of what the Senator from New Jersey has said—I would like to point out that I, as well as he, object to the way our foreign policy is presently being conducted. I object to the war in Vietnam, and I object to many of the ways of our law enforcement in this country, and I am working on trying to improve them. I certainly am in accord with a great many of the young people who talk to me, and from what I read they say.

But I think that we have to have a rationale here, because there is no way we can correct these things except by putting one foot doggedly ahead of the other as we progress on these issues.

We cannot do it overnight. We cannot do it by simply saying that it is going to be done. It is not an easy job. We are all frustrated. We all feel that the Government is not responsive.

Many of us are sick at heart about the developments in Cambodia. But we must recognize that there is only our orderly process to change matters; they cannot be changed by violence, by mobs. They cannot be changed by giving aid and comfort to those who would be and are intent on overthrowing our system of government by violence.

I talk on campuses, and I am very much aware that the great majority agree with my attitude on approaching these issues in a rational manner. But when emotion takes over, reason flies out the window; and we reap the whirlwind that is being sown at all the campuses when we have incidents such as that at Kent State University yesterday.

I do not know whether this will have a leavening effect. Dr. Spock said today—it just came over the wire—that this incident shows that our Government would kill rather than allow dissent. That is exactly the way it came over: That this incident shows that our Government would kill rather than permit dissent.

If there is anything that is completely wrong, it is a statement like that, because here are National Guardsmen, scared to death, with no orders to shoot anybody—in fact, I know that they have been impressed at every step of the way, "This is never done except when you are in danger yourself."

But suppose, as the Senator from Rhode Island has suggested, that they are given no ammunition, and they are sent out there, and everyone knows they have no ammunition, and the next thing, their helmet is knocked off, their gun is taken away from them, they are publicly humiliated and defenseless.

I wish that we could send our policemen out without guns. I wish we could send all our peace officers out without any means of violence, even a club. But this cannot happen, and today we must be realistic. Unless this type of disorder is stopped, we are going to have to close our universities.

There is a reaction that is unusual in this country, that I have difficulty understanding. The students seem to feel that by striking against their university, by closing it down, they have accomplished something. Perhaps this is a holdover from the days when they were forced to go to grade school. The professors seem to agree with them on it.

Well, if the professors and the students do not want to have school, who does want to have it? Who are we running it for? This is a dangerous reaction, because the money from our legislatures, the money from all sources that goes to keeping these colleges open, is likely to be cut off. I can hear the legislators talking about it now:

> If the students want to strike and the professors want to put in with them, why should we spend the millions to keep these universities open, and why should we send troops to force them to go to college?

This is a mystery to me. Perhaps someone could explain it.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. WILLIAM L. ST. ONGE, late a Representative from the State of Connecticut, and transmitted the resolutions of the House thereon.

The message announced that the House had passed, without amendment, the joint resolution (S.J. Res. 193) to provide for the appointment of James Edwin Webb as citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate numbered 1 to the bill (H.R. 693) to amend title 38 of the

United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes; that the House concurred in the amendment of the Senate numbered 2 to the bill, with amendments, in which it requested the concurrence of the Senate; and that the House had disagreed to the amendment of the Senate to the title of the bill.

The message also announced that the House had agreed to the amendments of the Senate numbered 1, 3, and 4 to the bill (H.R. 9634) to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources; that the House concurred in the amendment of the Senate numbered 2 to the bill, with an amendment, in which it requested the concurrence of the Senate; and that the House concurred in the amendment of the Senate to the title of the bill, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House concurred in the amendments of the Senate numbered 1 and 2 to the bill (H.R. 10106) to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; that the House disagreed to the amendment of the Senate numbered 3 to the bill; that the House concurred in the amendment of the Senate numbered 4 to the bill, with an amendment, in which it requested the concurrence of the Senate; and that the House concurred in the Senate amendment to the title of the bill.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 350. An act to amend section 39-201 of the District of Columbia Code relating to the compensation of the commanding general of the militia of the District of Columbia, and for other purposes;

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law;

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress;

H.R. 12619. An act to amend section 11 of an Act approved August 4, 1950, entitled "An act relating to the policing of the buildings and grounds of the Library of Congress";

H.R. 16739. An act to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines; and

H.J. Res. 546. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, as indicated:

H.R. 350. An act to amend section 39-201 of the District of Columbia Code relating to the compensation of the commanding general of the militia of the District of Columbia, and for other purposes; to the Committee on Armed Services.

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law; and

H.J. Res. 546. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; to the Committee on the Judiciary.

H.R. 11628. An act to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress; and

H.R. 12619. An act to amend section 11 of an Act approved August 4, 1950 entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress"; to the Committee on Rules and Administration.

H.R. 16739. An act to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines; to the Committee on Finance.

Mr. DOMINICK and Mr. HOLLAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

S. 3795—INTRODUCTION OF A BILL TO EXTEND POWERS OF ATTORNEY FOR PRISONERS OF WAR

Mr. DOMINICK. Mr. President, on May 1, which was Law Day, under the guidance of my friend the junior Senator from Kansas (Mr. DOLE) we had a meeting of wives and relatives of the prisoners of war in Constitution Hall. That entire hall was filled. Person after person got up and spoke, including the Vice President of the United States.

Unfortunately, very little was heard about it around the country, as far as I have been able to find out. More attention seems to have been given to the few people who were out here urging that we boycott grapes, rather than try to do something about spreading the word about the anguish of the wives, children, fathers and mothers, and relatives of those who are held prisoners by the North Vietnamese.

On May 3, we had a prayer day for the prisoners of war and those who were missing in action. Again there was little publicity.

Mr. President, I have heretofore introduced two bills to try to alleviate some of the problems of the relatives of these people; and today I introduce, for appropriate reference, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, which extends, under certain circumstances, the expiration date specified in a power of attorney executed by a member of the Armed Forces who is listed as missing in action or held as a prisoner of war, as a result of the Vietnam conflict. Just as many other Members of Congress, I have met with the wives and families of many of our servicemen who are officially listed as missing in action and who are believed to be held as prisoners by the North Vietnamese or the Vietcong. We have tried time and time again, through every available diplomatic channel and through private means, to persuade the North Vietnamese Government to provide lists of the men that government is holding, who have been captured during the Vietnam conflict. The North Vietnamese Government has released the names or pictures of these men on very few occasions, and then only when it suited their own purposes of propaganda. The action of the North Vietnamese Government, in refusing to issue the names of these men, has caused anguish and hardship for their wives and families.

The legislation which I introduce today restates the position of the U.S. Government and the desire of all the people of this country to aid these men and their families in any way possible. This legislation recognizes, in particular, a problem which has arisen concerning the legal status of these men with regard to management of their private affairs.

Many of these men sign powers of attorney authorizing their wives to take such actions as are necessary to manage the real and personal property of the family and conduct such business affairs as are required during their absence. Many of these powers of attorney contained a 1-year expiration date. In many instances, that power of attorney has expired during the period of time these men have been listed as missing in action or as prisoners of war. Because of the expiration of these powers, many of the wives have been unable to make loans, sell houses or conduct other routine family business transactions. Many of these powers of attorney will also expire in the immediate future.

The legislation which I introduce today specifically provides that any power of attorney which was duly executed by a person in military service who is listed as missing in action or as a prisoner of war by the Secretary of the military service of which he is a member; and which power of attorney designates such person's wife as his attorney in fact for certain specified purposes or for any and all purposes; and which power of attorney contains an expiration date which occurs subsequent to such person being listed as missing in action or prisoner of war, and which occurred prior to the date of enactment of this law or which occurs subsequent to the date of enactment of this law, shall be automatically extended for the period of time that such person is listed as missing in action or prisoner of war. In other words, those powers of attorney that have expired or would expire while a serviceman is missing in action or a prisoner of war are extended during that period of time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I ask unanimous consent to proceed for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, the proposed legislation further provides the means for a serviceman, if he so chooses, to state clearly on the face of any power of attorney executed by him, and which contains an expiration date, that in the event he becomes listed as missing in action or a prisoner of war that power shall expire at the time so stated. In other

XUM

words, if he so desired, this act would not affect his power of attorney and it would expire by its own terms regardless of what happened to him. This provision allows the individuals involved to make up their own mind and make their decision to restrict their powers of attorney in any manner in which they see fit.

Mr. President, it is my intent in introducing this legislation, to provide the means to carry out the original intent of those servicemen who signed powers of attorney and have been unable to renew or extend them because their whereabouts are unknown as a result of action in Vietnam or they are believed to be held by the enemy as prisoners. These men certainly intended to inflict no greater hardships on their wives and families. This bill seeks to find a way to ease the hardship and the anguish and the burdens of these families. These seem small matters, but they become matters of great concern to these families because of the long period during which they have not known the fate of their husbands and fathers.

Mr. President, I fully recognize the difficult legal problems that must be resolved in enacting legislation of this nature. Many State jurisdictions will have conflicting laws. Many problems can arise at a later date when these men are, hopefully, returned to their wives and families. After talking with the wives and families of these men, however, I feel these difficulties will not be nearly so great as the hardship and anguish they are now suffering.

XUM

I ask unanimous consent that the text of this bill be printed in full at this point in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the text of the bill will be printed in the RECORD.

The bill (S. 3795) to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war, introduced by Mr. DOMINICK, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 3795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

Whereas it is declared to be a policy of the United States Government to assist those members of the military service, and their families, who are listed as missing in action or prisoners of war as a result of the Vietnam conflict, and,

Whereas the indeterminable status concerning the ultimate fate of those men so listed as missing in action or prisoners of war has created problems concerning their legal status in management of their personal affairs. Now therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 511), is amended by striking out "The term 'persons in military service' " and inserting in lieu thereof, "The term 'person in the military service', the term 'persons in military service',".

SEC. 2. The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is further amended by adding at the end thereof a new section as follows:

"SEC. 701. (a) Notwithstanding any other provision of the law, any power of attorney which—

"(1) was duly executed by a person in the military service who is listed as missing in action or as a prisoner of war by the Secretary of the military service of which such person is a member,

"(2) designates such person's wife as his attorney in fact for certain specified purposes or for any and all purposes, and

"(3) contains an expiration date which occurs subsequent to such person being listed as missing in action or a prisoner of war by the Secretary of the military service of which such person is a member, and which occurred prior to the date of enactment of this section or one which occurs subsequent to the date of enactment of this section,

shall be automatically extended for the entire period of time that such person is listed as missing in action or a prisoner of war by the Secretary of the military service of which such person is a member. Any power of attorney extended by the provisions of this section shall have the same validity and legality for all purposes in the same manner and to the same extent as if the expiration date specified therein had not occurred.

"(b) No power of attorney executed subsequent to the date of enactment of this section by any person in the military service shall be extended by virtue of the provisions of subsection (a) if the terms of such document, on its face, clearly indicate that the power granted by such document is to expire on the date specified therein regardless of whether such person, subsequent to the date of execution of such document, is reported missing in action or a prisoner of war.

"(c) The provisions of this section shall apply only in the case of persons in military service who executed powers of attorney during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(d) As used in this section the term 'prisoner of war' includes being forceably detained or interned by a foreign government or power."

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HOLLAND addressed the Chair.

Mr. DOMINICK. I yield to the Senator from Kansas.

Mr. DOLE. I commend the Senator from Colorado for his efforts on behalf of the wives, children, parents and other relatives of Americans missing in action or prisoners of war in Southeast Asia.

I share the thoughts expressed with reference to two specific pieces of legislation he is introducing today.

I also share the thoughts the Senator expressed earlier with reference to the meeting in Constitution Hall on Friday evening, May 1. Had the hall been filled with tear gas, there would have been press, radio, and television. The hall was filled with tears—tears of wives and children, mothers and fathers of brave Americans. As a result, the primary comment by the Washington Post was whether these wives and mothers may have come here at Government expense, whether they had flown on military aircraft. That was the thrust of the coverage in the Post, not the fact that their husbands or sons had been gone for 3, 4, or 5 years.

I applaud the Senator from Colorado for pointing out what I believe to be a complete lack of objectivity and a complete lack of understanding on the part of some of the media concerning the effort on behalf of nearly 800 Americans—wives, mothers, and children of some 1,529 brave Americans who have been imprisoned up to 6 years in some instances.

Mr. DOMINICK. I thank the Senator. I think he has expressed it extremely well.

Mr. HOLLAND obtained the floor.

Mr. CASE. Mr. President, will the Senator yield?

Mr. DOMINICK. Yes.

Mr. HOLLAND. I yield to the Senator from New Jersey if he has a question to ask the Senator from Colorado.

Mr. CASE. I want to address myself briefly to the matter raised by the Senator from Colorado and to express my agreement with him in the proposed legislation and in his concern for the prisoners of war who, with their families, suffer, it seems to me, the most bitter burden of this whole conflict.

His efforts and the efforts of the Senator from Kansas are something that this country and all of us must be grateful for, because we really can do nothing to be helpful here, except along the lines that both our colleagues have indicated.

Mr. DOMINICK. I thank the Senator.

ORDER OF BUSINESS

Mr. MANSFIELD addressed the Chair.

Mr. HOLLAND. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from Florida had the floor, and he yielded to the Senator from Montana.

Mr. MANSFIELD. I came into the Chamber, and I thought we were on the business at hand. I find that because of an error on my part, when I asked that the morning hour be extended with no limitation, we are still in the morning hour. Is that correct?

The PRESIDING OFFICER. We are still in the morning hour.

Mr. MANSFIELD. Mr. President, how many more Members wish to speak during the morning hour? I understood there is a 3-minute limitation.

The PRESIDING OFFICER. Yes, there is.

Mr. MANSFIELD. I ask unanimous consent that the morning business and the morning hour both be concluded within 15 minutes.

Mr. MILLER. Mr. President, reserving the right to object, I would appreciate it if the majority leader would ascertain whether or not we will even need 15 minutes. But, I think, in fairness to those who have been waiting to get in——

Mr. MANSFIELD. Not to exceed 15 minutes. This is a 3-minute limitation, and I think we had better get down to the business at hand, and then have another morning hour.

Mr. MILLER. Mr. President, I deeply regret that I must object.

Mr. MANSFIELD. Then, Mr. President, I will have to conclude the morning hour when the Senator from Florida gets through and put it to a vote of the membership. I hope the Senator would reconsider his position.

Mr. HOLLAND. I have been waiting for a half hour to get into this discussion. I cannot say what I propose to say in 3 minutes, but it will not take very long. I hope the Senator will not raise this point just when some of us who have been waiting courteously, listening to others, have been reached, in order to discuss this very difficult question which was first brought up by the distinguished Senator from Ohio. I think every one of us has deep sympathy with him and with what happened at Kent State. Certainly, I have nothing disruptive to say, but I would like to speak 5 or 6 minutes, if I may.

Mr. MANSFIELD. If the Senator will yield——

Mr. HOLLAND. I yield.

Mr. MANSFIELD. If I had known this was going to happen, we would not have had a recess for an hour, when we did have a chance to speak during the morning hour. All I am speaking for is the proper procedure of the Senate as an institution, and I should think all Senators would be in favor of that, so that we can get on with the business at hand.

Mr. HOLLAND. I certainly favor that, but I do think that when everybody who was on the floor has spoken except two of us who were here waiting—the Senator from New York has spoken several times.

Mr. MAGNUSON addressed the Chair.

Mr. MANSFIELD. Why not yield the time between the two Senators, for not to exceed 15 minutes?

Mr. JAVITS. Will the Senator give me 30 seconds?

Mr. MANSFIELD. Mr. President, I withdraw the request.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. COTTON. After everyone has had a chance to speak, the members of the Committee on Commerce——

The PRESIDING OFFICER. The 3 minutes of the Senator from Florida have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Florida may have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Florida has an additional 5 minutes, and the Senator may now yield to whomever he desires.

Mr. HOLLAND. I ask unanimous consent to yield to the Senator from New Hampshire for not to exceed a half minute, but the time not to be taken from my 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. All I have to say is that some consideration should be shown to the members of a committee who have been waiting here all this time, just as long as the rest, to take up the business that was set for this afternoon. I will try to get back when we get to that business. I thank the Senator.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for a half minute?

Mr. HOLLAND. I am glad to yield, with the same understanding.

Mr. MANSFIELD. It is my recollection that I made a unanimous-consent request that once the pending business would be laid down, the rule of germaneness would apply. Is that correct?

The PRESIDING OFFICER. The Chair will consult the clerk.

Mr. MANSFIELD. To avoid a technical dispute, I will withdraw that request.

Mr. HOLLAND. I appreciate the forebearance of the majority leader.

Mr. MAGNUSON. Mr. President, may I ask a half minute?

Mr. HOLLAND. I am glad to yield to the Senator from Washington, with the same understanding.

The PRESIDING OFFICER. The Senate will be in order.

The Journal shows that the rule of germaneness is to be laid aside——

Mr. MILLER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. I understood that the floor leader had withdrawn his request.

The PRESIDING OFFICER (Mr. GRAVEL). The Chair still wants to state what the situation is: The Journal shows that under a previous consent agreement the rule of germaneness would not apply until morning business had been concluded.

Mr. MAGNUSON. Mr. President——

Mr. MANSFIELD. Mr. President, on the basis of my having withdrawn that unanimous-consent request, which was granted, because I was right, I would have to take exception to what the Chair just said, based on the ruling made by the Parliamentarian; but that is neither here nor there, I recall it distinctly.

Mr. MAGNUSON. Mr. President, will the Senator yield for half a minute?

Mr. HOLLAND. I yield one-half minute to the distinguished Senator from Washington, with the understanding that that time not be taken from my 5 minutes which the Senator from Montana has so generously granted to me.

Mr. MAGNUSON. Mr. President, I agree that this is an important matter we are talking about here, but we have been sitting here for 2½ hours waiting to bring up a bill that is of importance. We have been in and out. We have sat here quietly. For instance, I thought the Senator from New York (Mr. JAVITS) was through, because he was up twice already, and now he apparently wants more time.

Mr. JAVITS. Just 30 seconds.

Mr. MAGNUSON. Why do Senators not let us get this bill passed and then they can stay here all evening if they wish?

Mr. MANSFIELD. Until midnight.

Mr. MAGNUSON. Yes, until midnight, if they wish. Let us get this business out of the way.

Mr. JAVITS. May I say that I have no business but one or two unanimous-consent requests.

Mr. MAGNUSON. I thank the Senator from Florida for yielding to me.

Mr. HOLLAND. Mr. President, this lack of patience that seems to have affected us here is one of the things that is running throughout the country. If we cannot be patient with each other in this Chamber, then I believe we are making a sorry exhibition of ourselves as to the way we feel on this most important matter.

VIOLENCE ON CAMPUSES

Mr. HOLLAND. Mr. President, I sympathize deeply with the distinguished Senator from Ohio over what happened yesterday in his State and with the families of the deceased students. I am sure that every other Senator does also.

I invite attention to the fact that I believe it is the leadership in the universities and the colleges—and I know nothing about this specific college which was involved—which has frequently been much too tolerant in its dealings with student leaders in this field.

A short time ago, the Students for a Democratic Society held its annual meeting at the University of Maryland. During that time a group from southern schools came to see me, in great tribulation, because they realized that the leaders of the SDS were nothing in the world but anarchists, nothing in the world but violent revolutionaries. They felt so keenly about it that they went home completely indisposed to continue with that organization, and they did discontinue their membership and activity in it.

All praise is due such men as Dr. S. I. Hayakawa in San Francisco, and many other presidents of universities and colleges like him, who have insisted that revolutionaries and anarchistic organization not be allowed on their campuses.

It is in stern control of leadership, the kind of leadership which is so badly wrong, that I think one answer to the problem will be found.

Mr. President, I support what the Senator from New York just had to say. I believe there is a chance for Members of the Senate to be heard on college and university campuses. I have twice been heard on campuses which I believe were not particularly friendly to my point of view. One of them, Howard University, its law school here, which had invited me to come out and speak to them, was very courteous to me. They had asked me to speak about the southern attitude on various civil rights questions. I told them that I could not represent any single southern attitude but that I could tell them what I personally felt about those matters. Of course, they did not agree with me very much as to what I had to say, and their questions so indicated. But, nevertheless, they were courteous and no ill came from the meeting.

Let me say, though, that although the press was there, there was no report of it in the Washington press. That does not concern me except that I believe it indicates it is difficult for those holding a moderate attitude to be heard even through the news media in this country.

Another appearance I made on campus was at Boston University in Boston, Mass., with the same result—a large attendance at that convocation, frequent and vociferous opposition to my points of view; but they had invited me, they had asked me to come there and speak to

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them, and they gave me a completely courteous hearing.

Mr. President (Mr. HANSEN), I thoroughly agree with the Senator from New York that it is up to all of us to do what we can to reach out and take full advantage of the opportunities to be heard, to see that all points of view are explored in good humor and without getting impatient, either among ourselves on the floor of the Senate, or with anyone else.

Once more, let me say that I have the greatest sympathy for those involved in the Kent State disaster of yesterday. I sincerely hope that out of this tragic event will come some good, and that there will be a realization that the leadership of those who preach anarchy and revolution must be removed from the college and university campuses of this Nation.

I thank the majority leader for yielding me this time.

Mr. MILLER. Mr. President, the tragedy that occurred on the campus at Kent State University in Ohio yesterday is a cause of great sorrow to all of us.

I extend my deep sympathy to the parents of those students and members of the Ohio National Guard who were injured. I am prayerfully thankful that this tragedy did not occur on one of our campuses in Iowa.

Out of the shock and grief that has arisen, I trust that no one will have the poor taste to seek to make political capital for his own selfish interest.

To suggest, for example, that a tragedy, which grew out of a violent demonstration that occurred on a campus—one participated in by a reported 600 to 1,000 students out of 16,000 students, was the product of one or more of the many sources of dissatisfaction in our society—racism, inflation, the draft, the war in Vietnam, crime, narcotics, pollution, and so forth, is sophistry. It is the twisted logic which begets violence and comforts those who shun their responsibilities. It excuses the misguided action of 600 to 1,000 and implies contempt toward the rest of the 16,000 who sought to pursue their studies and to treat a great university as a center for educational excellence rather than a forum for irresponsible radicalism and violence. And it will not do to try to twist the facts to clothe this incident with the respectability of peaceful dissent.

Mr. President, there is nothing "peace loving" or "patriotic" about the kind of violent demonstrations that are occurring on some of our campuses. Occupying a building by force, burning another one, sacking a library, shouting obscenities, throwing rocks and bottles at 30 National Guardsmen—these are not the acts of peace-loving individuals or patriots. To suggest that it is the only way the particular individuals can receive a "fair hearing" with respect to their alleged "grievances" is to encourage mob rule, foster negativism in minds that could be constructive, and, indeed, advocate a return to the jungle of anarchy.

We can take a measure of comfort from the fact that 600 to 1,000 out of 16,000 was the proportion involved. The great majority of the millions of students who are thankful for their opportunity for an education, who express their dissent—if they have any—in a thoughtful, peaceful manner, who do not burn their draft cards, but serve their country with patience and sacrifice—these are the true peacemakers and patriots.

PROPOSED RESOLUTION TO WITHHOLD MILITARY APPROPRIATIONS SUPPORT FROM THE PRESIDENT

Mr. MILLER. Mr. President, a proposed resolution has been sponsored by a handful of Senators to withdraw military appropriations support from the President to operate the Department of Defense.

I think the best answer to that misguided resolution is an article which was published in yesterday's Washington Evening Star, written by Pulitzer Prize winning Richard Wilson, entitled, "Curb On Nixon's Military Power Invites Chaos."

I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CURB ON NIXON'S MILITARY POWER INVITES CHAOS

(By Richard Wilson)

Nothing could be more disastrous at this moment in history than any congressional action limiting or circumscribing the authority of the President of the United States in his constitutional role as commander in chief of the armed forces and executor of foreign policy.

Such limitations or attempted limitations would create a constitutional crisis which could so vitiate presidential authority that the effectiveness of America's world leadership would be destroyed.

The President would not recognize such limitations. The only congressional response which amounted to anything would be cutting off appropriations and authorizations for the Vietnam war. That is impossible because the security of a million men in the Western Pacific is involved. Nothing but chaos would result and the exercise of American will in world affairs would be paralyzed.

How the men in the Senate can move in this direction escapes all rationality and reality and is but another sign of the frightful confusion affecting the thinking of politicians who cannot stand modern pressure and run for cover when the Vietnam war protest is carried into the streets by violence—prone activists.

Make no mistake about this, what bothers some of the men in the Senate is that they may lose their status, position and means of livelihood if they support a president in an unpopular cause.

Their hearts bleed for America; their minds the concerned less with America's defeat than their own.

In these circumstances Congress is not capable of limiting the President's constitutional freedom of action on a rational basis. In these times when only hair-trigger action may save a modern nation from extinction, the century old argument over the President's authority and responsibility has no relevancy. He must be free to act. Not only free to act, he must be required to act with or without congressional sanction.

The Foreign Relations Committee of the Senate wishes to substitute its judgment for that of the President. This ridiculous premise supposes that 8 or 10 senators comprising a majority of the committee would determine when the United States would fight, where it would fight and how it would fight.

Sen. J. W. Fulbright was right in 1961 when he said: "With their excessively parochial orientation, congressmen are acutely sensitive to the influence of private pressure and to the excesses and inadequacies of a public opinion that is all too often ignorant of the needs, the dangers, and the opportunities in our foreign relations."

Nothing could have described the present condition better. An opportunity has presented itself in Cambodia to set back the Communist side in a major way. President Nixon has grasped the opportunity that neither the Congress nor the public would touch if they had to make the decisions themselves.

It all boils down to a matter of success or failure in a major military operation. This is likely to be Nixon's Dienbienphu or his Battle of the Bulge. That is to say, it could be—conclusive either way in determining the success or failure of his policy in Southeast Asia, and his own political future and prestige.

The idea recognized by Nixon that he might be a one-term President is not confined to his way of bringing the Asian war to a constructive conclusion. He has taken that risk in his definition of a new and more practical policy on racial equality, in his policy on Israel, his facing down the war protestors and the campus revolutionaries, his attitudes on labor. He has gambled on there being a strong majority, silent or otherwise, which no longer will accept the derangement of national policies by minorities, or any political combination thereof.

Right or wrong, this has required immense courage on the President's part and never more than when he faced the nation, challenged his detractors and led the country where it was doubtful of going.

This is presidential leadership under conditions which have been rarely seen but it was not without precedent. Isolationist leaders, including the late Sen. William E. Borah, tried to intimidate presidents with their superior knowledge and judgment, with about the same prospective result as in the present instance.

DEATH OF THOMAS F. CORCORAN

Mr. JAVITS. Mr. President, I invite attention to the passing of Thomas F. Corcoran and join with the Senator from Nevada (Mr. BIBLE), the chairman of the Small Business Committee, of which I am the ranking member, in mourning the loss of Mr. Corcoran and call attention to his record of fine service.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HANSEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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(For nominations received today, see the end of Senate proceedings.)

RAIL PASSENGER SERVICE ACT OF 1970

The **PRESIDING OFFICER**. The Chair lays before the Senate the unfinished business which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

Mr. **MAGNUSON**. Mr. President, the bill now before the Senate, S. 3706, is, I am sure, the most comprehensive effort to deal with the perplexing rail passenger problem ever brought to the floor of the Senate. If enacted into law it would revolutionize passenger travel by railroad. The terms of the legislation were not agreed upon easily nor was support within the committee unanimous. The report resembled a recent Supreme Court decision with majority views, minority views, individual views by a member who voted with the majority, and individual views by a member who concurred with the minority. The report culminated nearly 5 months of frustrating time consuming on-again, off-again consideration by the committee, and much of the time of the members of the committee and particularly members of the subcommittee headed by the distinguished Senator from Indiana (Mr. HARTKE).

We had hoped to obtain administration views before reporting a bill, but despite our efforts and particularly those of the committee's ranking minority member, the Senator from New Hampshire (Mr. NORRIS COTTON), no such views were made known. The committee decided to act without those opinions, helpful as they might have been. And S. 3706 was ordered reported and subsequently the report was filed. A majority of us simply felt that we could wait no longer and, indeed, that perhaps we had already waited too long.

In all fairness, I want to point out that the proposals were before the Department of Transportation and other departments of the administration involved in this effort. They met and considered the complicated problems involved. And I imagine that they felt a little like the committee did in the first few months of its frustrated efforts.

Despite all the lengthy discussions and exhaustive consideration that resulted in the provisions that went into S. 3706, the committee chairman and the subcommittee chairman who supported the reporting of S. 3706 have joined with their counterparts from across the aisle to sponsor a substitute for the reported bill. This is not a course taken lightly. The subcommittee chairman in this instance, the Senator from Indiana (Mr. VANCE HARTKE), has expended substantial time and energy in developing a bill which the majority approved.

As was stated in the report on S. 3706, the majority felt that that bill with all its imperfections would have materially improved rail passenger service. We pointed out, however, that the committee was not convinced that that legislation (S. 3706) represented the only possible answer to the problem. We realized there would be floor amendments and we were ready to consider them.

A few days after the report was filed, the Secretary of Transportation, in meetings with Senators COTTON, HARTKE, PROUTY, and me, notified us that at long last he had been authorized to express administration support for a national corporation approach.

The bill before us includes substantially the pure subsidy approach. We had been waiting to hear officially from the administration for several months—so we were happy to get those views. While the committee had discussed such a proposal previously it had been decided that any such action should be deferred pending administration views—so the idea was not completely alien to us. Because we felt that administration support was vital if we were to gain Congressional passage in time to help and because we thought the basic concept had merit, we agreed to enter into discussions with the administration to see if agreement on the terms of a bill could be achieved. Surprisingly we learned after some early conferences that we probably could reach an accommodation. The result of such agreement is amendment 608. It is a compromise measure in the nature of a substitute that has as its most significant purpose the replacement of railroad management of rail passenger service with new quasi-public management. The bill as now written—and it surprised some of us that we could reach agreement in this very complex matter—enjoys the support of the National Association of Railroad Passengers, the Association of American Railroads, railway labor, the Department of Transportation, and the sponsors.

The committee report on the reported bill, S. 3706, outlined the four primary objectives of such legislation. I am satisfied that the substitute bill meets those primary objectives in every respect as well as S. 3706 and in some respects in a preferable way.

Unless positive Government action is taken soon, railroad passenger service in many parts of the country will be a thing of the past. Provision of modern passenger trains will be facilitated if existing service is retained on those routes over which improved service should be operated in the future. Once passenger service on any give route is discontinued, stations, terminals, signals, and necessary trackage are abolished shortly thereafter; sales and marketing organizations are disbanded; travel is wholly diverted to other modes and must be lured back to the trains from scratch. Moreover, not all existing service is obsolete; some of it can be significantly upgraded with very modest expenditures for capital improvements. Therefore, it is necessary for the Congress to enact a program to insure continued operation of essential passenger services; and to provide for their near-term upgrading and modernization.

In summary, let me assure the Senate, in my capacity as chairman of the Commerce Committee and as one who has long been desperately concerned about the future of the passenger train, that I have no hesitance in urging the Senate to accept this very unusual procedure. We are convinced—on a bipartisan basis—that the substitute proposal is in the best interests of this Nation. I know there will be amendments to the substitute offered and some will be adopted, but I would urge that amendment 608 be adopted without major structural alteration.

The very distinguished senior Senator from the State of Indiana (Mr. HARTKE), has been actively engaged in writing this amendment, as well as S. 3706 itself, and will floor manage the legislation.

The Senator from Indiana has spent many days and weeks listening to testimony from scores of witnesses on all sides of the question. As I said he was very actively engaged in writing the substitute amendment, as was the distinguished Senator from Vermont (Mr. PROUTY) and others.

I yield to my colleague from Indiana who will discuss this matter in greater detail.

Mr. **HARTKE**. Mr. President, today there are approximately 450 passenger trains in operation. In 1929, there were some 20,000 passenger trains in operation. Ever since 1930, with the exception of the World War II period where gasoline rationing forced large numbers of travelers off the highways, passenger service has to a greater or lesser degree been unprofitable for the railroads.

After World War II ended, resumption of automobile production, expansion of highway facilities, and the explosive growth of air travel all combined to take away large numbers of passengers from the railroads. Development of these other modes was materially assisted by generous Federal financial assistance.

In 1967, the Post Office initiated a large-scale conversion from en route sorting of mail in railway post office cars to stationary sorting in "sectional centers." RPO cars had provided vital revenue on many passenger trains; their demise caused a sharp increase in passenger train operating losses. This development coincided with a marked reduction in overall railroad profit levels. The inevitable result was an accelerated rate of discontinuance applications before the ICC, including applications for some of the Nation's most famous trains. By the end of 1969, the number of regularly scheduled intercity passenger trains in the United States had been reduced to about 450. At the same time, equipment on the remaining trains was progressively deteriorating to the detriment of attractive service for passengers and of efficient operations for the railroads.

Despite these adverse developments, a new market for rail passenger service exists. The modes of transportation which drained away the railroads' passenger market now face serious problems of their own. In some areas, airports and

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highways are being used to their maximum capacity, yet the number of intercity travelers continues to grow each year. Traffic congestion and tie-ups on expressways, and takeoff and landing delays at airports have become commonplace, especially in the densely populated urban corridors. While significant improvements will be and ought to be made in the highway and airway systems, it is clear that they cannot be relied upon exclusively for future travel needs. Moreover, unrestricted expansion of highways and airports is limited by considerations of land use, noise and air pollution, and other environmetal problems.

The country needs all modes of transportation operating at their maximum efficiency if in the 1970's Americans are to be able to travel from city to city safely, comfortably, and in a reasonable time. There are real advantages which would result from the efficient use of our existing network of railroad track as an important component of our intercity transportation system. Track location allows the train to bring passengers directly into the middle of cities. Changes in weather conditions generally have little effect on train operations. Train propulsion systems do not pollute the air and their impact on the environment generally is slight. A railroad track makes very efficient use of land—one railroad track can accommodate as many travelers as 20 lanes of highway. Proper control of train movements nearly eliminates the traffic snarls which have such a devastating effect on other modes. Passenger trains enjoy an extremely low marginal cost per passenger. Where service is good and equipment properly maintained, a train provides excellent comfort to the passenger.

Accordingly, it seems that Congress certainly ought not let this mode of transportation expire by default. A new look at railroads as intercity passenger carriers is clearly indicated.

The United States desperately needs, but does not have in operation the machinery required to insure systematic development of coordinated transportation based on sound planning. Legislation designed to achieve that end is currently under active consideration by the Senate Commerce Committee. But the committee strongly believes that it would be most unwise to delay action on rail passenger legislation pending the results of other efforts to improve transportation balance. Given the present transportation situation, the Committee is of the opinion that a properly run intercity passenger train service can make an important contribution to achieving that balance. Certainly if the passenger train is allowed to disappear entirely, it would be an expensive, time consuming, and probably impossible task to recreate it at some future date.

The Congress took its first step toward revival of railroad passenger service in 1965 with enactment of the High Speed Ground Transportation Act. This legislation provided for demonstration projects utilizing upgraded conventional railroad facilities, together with research and development into a variety of advanced sysems. High-speed train service was initiated because of this program between New York, Philadelphia, Baltimore, and Washington in early 1969. The enthusiastic public response is a strong indication that the public will gladly ride trains if high quality service is offered.

Good quality, appealing rail pasenger service can be provided to those traveling within densely-populated corridors and along major long-haul routes. Rail travel between Washington and New York in 1969 was up 46 percent over 1968, with more than half a million persons taking advantage of the greatly improved service provided by the Metroliner. In total, 1 million passengers have now ridden the Metroliner. Meanwhile, travel by air aboard the "shuttle" rose less than 1 percent compared with annual increases in prior years of up to 15 percent.

If fast, comfortable modern rail service is to be brought to the traveling public, on a well-organized and aggressively marketed basis, a new institution must be created to do the job that will not be inhibited by traditional attitudes about rail passenger service. Most railroad managements want to concentrate their attention on freight service. Only a new managerial approach, totally dedicated to passenger travel, can supply the requisite innovation and leadership.

Rail passenger service can play a valuable role in intercity transportation, but only if it is offered on a vastly improved basis. This will require new equipment, new marketing approaches, and a new organization to manage the program.

In September, 1969, the Surface Transportation Subcommittee of the Senate Committee on Commerce conducted 3 full days of hearings. Numerous witnesses testified regarding several bills then pending before the committee. Following these hearings the committee undertook what proved to be an exceedingly lengthy review process.

On April 9 the committee filed a report on S. 3706. First, as reported that bill would authorize the establishment of a national rail passenger system. Second, it would provide Federal financial assistance for operation of passenger trains and for upgrading of equipment. Third, the bill insured required trains to be operated in accordance with certain minimum standards of service. Fourth, it made extensive changes in the ICC discontinuance procedure.

Since the filing of the committee report some unusual developments have occurred. The result of these developments is the substitute bill—amendment No. 608—sponsored by the chairmen of the Commerce Committee and the Surface Transportation Subcommittee, and the respective ranking minority members.

The procedure is highly unusual but we are convinced it is a sound and wise procedure to follow because of the changes in circumstances since the committee took action on S. 3706, the "Rail Passenger Service Act of 1970."

The committee had labored diligently on the various complex proposals before it in an effort to determine the best way, from the standpoint of all parties, including the public, Government, industry and employees, to provide a sound legislative solution to the rail passenger dilemma.

In considering alternative solutions, the committee gave serious thought to a proposal initially made in the so-called Doyle report in 1961, and advanced in other quarters since then, that some form of Federal corporation or quasi-public corporation should have the responsibility of operating railroad passenger trains. As our report indicates, the committee did not reject this concept entirely, but felt that it had insufficient information at the time on which to go forward with that concept. The committee expressed the view that until the administration and the Congress could give more attention to some of the potential problems with such a concept, it would not be adopted. Finally, I should mention that the committee report also explicitly states the committee's reservation that it was not convinced that the reported bill represented the only possible answer to the passenger train problem.

It is no secret that the administration, through the Secretary of Transportation, has been devoting considerable effort to developing a possible solution along the lines of the corporation approach. Following the filing of the report, the Secretary met with Senators MAGNUSON, COTTON, PROUTY, and me and indicated that he was authorized to give administration endorsement to passenger service legislation embodying a national corporation approach. Our objective has always been to develop a bill which would receive the widespread support needed to create workable law. Certainly, agreement between the administration and Congress would facilitate passage of a rail passenger service bill—and early passage of such legislation is urgently needed. Since the first meetings with the Secretary our own professional staff has worked diligently in continued efforts to formulate a new legislative approach based generally upon the Doyle report's cooperation concept. In such efforts there has been complete cooperation with staff members of the Department of Transportation. A number of separate and joint meetings have been held by members of the staff as well as members of the committee and the Secretary. The substitute for S. 3706—amendment No. 608—is the result of those collective efforts. The administration is in complete support of this bill as expressed by the Secretary's letter.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HARTKE. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I note from the title and the other sections—most of them—that this bill limits itself to dealing with railroad passenger service. Is that correct?

Mr. HARTKE. That is correct.

Mr. HOLLAND. In view of that fact, what is the need for the language on page 13 of the substitute:

> (2) abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise;

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This language comes after the earlier provision that the enumerated exceptions, including this one, shall not be subject to the Interstate Commerce Act—meaning that the ICC would have no further control over the abandonment of lines of railroads, without any reference at all to the passenger service question.

I note that the next subsection, subsection (3), deals effectively with this same question insofar as passenger service transportation is concerned, but the section which I have read to the Senator, and which seems to cover all mileage, regardless of whether the question involved is passenger service or not, seems to say that this new Corporation shall have complete control over questions of abandonment of lines of railroads and the abandonment of operations over lines of railroads, whether by trackage rights or otherwise, without reference to the passenger service question.

Mr. HARTKE. Section 306, and subsection (2), to which the Senator referred, deals with the Corporation specifically, and the Corporation is limited only to passenger service. The subsection deals with the abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise. But the Corporation only has jurisdiction over passenger service. The subsection is restricted, therefore, to track over which passenger trains are operated by the Corporation.

Mr. HOLLAND. I am glad to hear that that is what was intended, but the next subsection, subsection (3), seems to deal effectively with the subject matter mentioned by my distinguished friend. That subsection (3) also exempts from ICC control:

> Regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

I understand why that would properly come under this act, but subsection (2), it seems to me, deals with abandonment of trackage of railroads without any reference at all to the passenger service feature.

Mr. HARTKE. I would like to make clear that this deals specifically with the Corporation, which has jurisdiction only over passenger train rights. If there is a discontinuance of the so-called last passenger train, which is a concept of the Interstate Commerce Commission, the Corporation does have authority to abandon those trackage rights.

Mr. HOLLAND. I call the attention of the distinguished Senator from Indiana to the applicable part of section 306 of the proposed substitute, which reads:

> Section 306. Applicability of the Interstate Commerce Act and Other Laws.
>
> (a) The Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

Then coming down to subsection (2):

> abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise.

It seems to me that goes a great deal further than simply applying to passenger service.

Mr. HARTKE. All I can say is that the corporation is given authority only over passenger service. In regard to that, the rules of the Interstate Commerce Commission and the provisions of the Interstate Commerce Act are exempted only in relation to the Corporation and its functions, not in relation to any other activities of any railroad.

Mr. HOLLAND. It seems to me if it is so intended, it would be very easy to add additional words making it clear that subsection (2) applies only to the transportation of passengers and passenger service. Otherwise, this provision transfers from the Interstate Commerce Commission to the new Corporation complete rights and jurisdiction in connection with abandonment of lines of railroads.

That, it seems to me, would be very unwise to give to an agency which is interested only in passenger service. We have sizable mileage in my State which does not have any passenger service at all.

Mr. HARTKE. Let me say to the Senator from Florida that if he cares to submit an amendment which in his opinion would make it more clear, though I am personally convinced that this language could in no way be construed to apply to anything other than practices relevant to passenger service, I would have no objection.

Mr. HOLLAND. I would much rather have the Senator's own staff prepare such an amendment, because I think my position is very clear.

I want it unmistakably clear that this new Corporation shall have no power to abandon railroad mileage, rather than to have the present power exercised, as it must be, by the ICC, in view of the entire business being conducted on that practice.

Mr. HARTKE. I will.

Mr. HOLLAND. Because there is much railroad mileage, at least in my State, particularly in the phosphate belt, where there is no service except the freight service for the carriage of phosphate rock.

I am sure that in the coal mining areas we would find the same sort of situation, and in other areas which I have not had the chance to check into at all, I am very sure we would find many miles of railroad, out of the total amount all over the Nation, where the profit comes entirely from the operation of other than passenger service.

Mr. HARTKE. I assure the Senator from Florida that we will try to work out some language to satisfy the Senator, and will discuss it with him, although, I repeat, in my own opinion the language in the amendment is restrictive. In order to make sure that the Senator from Florida is completely convinced, we will try to work out some language to satisfy him.

Mr. HOLLAND. I thank the Senator, because it seems to me very clear that this operates as a change in the ICC Act, and as written in the bill, it would transfer to the new Corporation entire jurisdiction to abandon railroad mileage. There is much mileage which is devoted solely to other than passenger transportation, and there is much mileage where there is no profit at all out of the passenger transportation, it is just a matter of convenience, but that mileage does operate very profitably because it happens to be serving some important producing area, such as the case I have suggested of the phosphate area in Florida.

Mr. HARTKE. I understand. We will be glad to work that out.

Mr. HOLLAND. Then I shall await the new wording, if the Senator cares to work it out.

One further question. I note that under the wording of this bill, apparently no State laws could provide at all for any mileage. I am sure it is true in other States—it is certainly true in our State—that we have some intrastate lines that do not extend beyond the State line at all. What is the purpose of this act with reference to its application to such mileage? We have one quite long and quite profitable railroad with which the Senator is familiar, the East Coast Line, extending from Jacksonville down to Homestead, past Miami, which is wholly within the State of Florida.

Mr. HARTKE. There is no question that any railroad, whether it is intrastate or interstate, can determine whether it wants to come within the provisions of the act or stay outside the provisions of the act. The penalty if they stay outside the provisions of the act is very simple: that they cannot discontinue any passenger service that they are presently performing until 1975, at the very earliest. If they come within the provisions——

Mr. HOLLAND. By what section of the substitute—because I have had no chance to examine it; the substitute was simply produced here on the floor—is it provided that any railroad that is completely intrastate can determine not to come under the provisions of this act?

Mr. HARTKE. This is in section 401. It does not specify just interstate. It says:

> On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, the Corporation is authorized to contract with a railroad to relieve the railroad of its entire responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971.

Then it provides for the conditions under which they must come within the provisions. It also provides, on page 18——

Mr. HOLLAND. I am trying to follow the Senator. What subsection on page 18?

Mr. HARTKE. I am sorry. On page 20 is section 404, which provides:

> Unless it has entered into a contract with the corporation pursuant to section 401(a)(1) of this Act, no railroad may discontinue any passenger service whatsoever prior to January 1, 1975, the provisions of any other law notwithstanding.

Mr. HOLLAND. May I ask the Senator, is that provision intended to make it clear that the proposed new corporation can assume no control over any railroad except under a contract entered into within the time limits mentioned?

Mr. HARTKE. That is exactly right. There is no mandatory provision that any railroad can be forced by legal action other than its voluntarily assuming a

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contractual obligation to come within the system.

Mr. HOLLAND. I am glad to hear that, and I think that removes one of the serious questions which I had.

I should like very much, now, to have the Senator and his staff work out the wording on proposed amendments to subsection (2) of section 306 of the proposed substitute.

Mr. HARTKE. We will be glad to do that.

As I said before, the administration is in complete support of this bill as is explained in the Secretary's letter dated May 1, 1970, addressed to the chairman of the Senate Commerce Committee, the Senator from Washington (Mr. MAGNUSON). I ask unanimous consent that the entire letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., May 1, 1970.
Hon. WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: One of the most urgent transportation problems that has concerned both your Committee and this Department in recent months has been railroad passenger service in the U.S. As reflected in our letters to you of November 5, 1969 and December 2, 1969 and in your Committee's report of April 9, 1970, it is clear that we fully agree that rail passenger service can and should play a major role in the nation's transportation system. It is also clear that that role can only be fulfilled if rail passenger service is completely modernized so that the traveling public is offered fast, comfortable, safe, and convenient rail transportation in all parts of the country. If the goal of improved intercity rail service is to be achieved, it is our common belief that basic changes must be made in the management, financing and operation of rail passenger service.

This year and last your Committee, and particularly the Subcommittee on Surface Transportation, has assessed many alternative approaches in an earnest effort to produce a legislative program that would satisfy public needs in an appropriate and timely fashion. This Department has been engaged in a similar intensive effort. As a result of discussions with you and Senator Cotton, as well as with Senator Hartke, Chairman of the Surface Transportation Subcommittee, and Senator Prouty, the ranking member of the Subcommittee, it became clear that our respective positions on the essential elements of a legislative solution were very close. Through the staff of your Committee and the staff of this Department, an effort was made to examine the strengths of the various approaches and develop a bill that this Department and you and members of your Committee could recommend to the Senate for passage. I am delighted that this extensive effort has now yielded proposed legislation which, on behalf of the Administration, I can strongly endorse and unequivocally recommend be enacted by the Congress.

The bill produced by this joint effort would establish a Basic System and create a National Railroad Passenger Corporation that will assume responsibility for bringing to the American public efficient intercity rail passenger service. With financial support from the railroads and the Federal Government, the Corporation would be sufficiently capitalized to permit it to purchase new equipment and to institute an efficient, integrated system of rail transportation throughout the country. I am convinced that this approach is the best means available to do the job. I strongly endorse your substitute amendment and urge its adoption.

Sincerely,
JOHN A. VOLPE.

Mr. HARTKE. I call attention to just one part of it. The Secretary says:

> I am delighted that this extensive effort has now yielded proposed legislation which, on behalf of the Administration, I can strongly endorse and unequivocally recommend be enacted by the Congress.

In his concluding paragraph, he repeats:

> I am convinced that this approach is the best means available to do the job. I strongly endorse your substitute amendment and urge its adoption.

The bill, in various draft forms, has been provided to representatives of the various groups primarily interested and it has their general support. The following groups have written letters of endorsement: The National Association of Railroad Passengers, the United Transportation Union, the Railway Labor Executives' Association, and the Association of American Railroads. Agreement among these diverse groups is rare.

I ask unanimous consent that all of these endorsements be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ASSOCIATION OF AMERICAN RAILROADS,
Washington, D.C., April 30, 1970.
Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It is our understanding that the substance of Committee Print No. 7 of April 27, 1970, will be offered on the floor of the Senate as a substitute for S. 3706 reported by the Committee on Commerce April 9, 1970.

Inasmuch as there will be no hearings on Committee Print No. 7, it seems appropriate that the members of the Committee be advised as to our reaction to this proposed substitute. Accordingly, we have prepared a brief statement giving our views which will be used as a public release and which you will find attached.

Sincerely yours,
GREGORY S. PRINCE.

STATEMENT OF POSITION OF ASSOCIATION OF AMERICAN RAILROADS ON SENATE COMMERCE COMMITTEE PRINT NO. 7 OF APRIL 27, 1970 (RAIL PASSENGER SERVICE ACT OF 1970)

APRIL 30, 1970.

The rail passenger proposal contained in Senate Commerce Committee Print No. 7 of April 27, 1970, seems to offer an acceptable approach for coping with a difficult and pressing problem.

The railroads lose vast sums—between $200 and $250 million of avoidable loss alone—on passenger service each year. It's extremely important that a means be found—and found soon—to plug this drain on an industry so important to the public interest.

In the years to come, as the population grows and the need for efficient, low-cost transportation of products doubles and triples, a financially healthy railroad industry will become even more important. And the time to prepare for the needs of tomorrow is today.

The railroads believe their own proposal (S. 2750), calling for reimbursement of losses incurred on passenger services required in the public interests, is still the simplest and best solution to the problem. But the current proposal, which we understand will be presented to the Senate as a substitute for S. 3706 reported by the Senate Commerce Committee, seems the most acceptable of all the other alternatives advanced so far.

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Washington, D.C., April 29, 1970.
Hon. VANCE HARTKE,
Chairman, Subcommittee on Surface Transportation, Committee on Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise that the fifteen organizations affiliated with the Railway Labor Executives' Asociation heartily support Committee Print No. 7—in the nature of a substitute for S. 3706—a bill "to designate a national rail passenger system, to establish a rail passenger corporation, to provide financial assistance therefor, and for other purposes."

It is our hope that this substitute will be promptly adopted by the Senate.

Sincerely yours,
J. TAYLOR SOOP,
Executive Secretary.

UNITED TRANSPORTATION UNION,
Washington, D.C., April 29, 1970.
Hon. VANCE HARTKE,
Chairman, Subcommittee on Surface Transportation, Committee on Commerce, Washington, D.C.

DEAR MR. CHAIRMAN: I take pleasure in stating that this organization warmly supports Committee Print No. 7 of the bill 'to designate a national rail passenger system, to establish a rail passenger corporation, to provide financial assistance therefor, and for other purposes.'

We hope this measure will be promptly adopted by the Senate.

Kindest personal regards.

Respectfully,
AL H. CHESSER,
National Legislative Director.

NATIONAL ASSOCIATION OF RAILROAD PASSENGERS,
Washington, D.C., May 1, 1970.
Hon. WARREN G. MAGNUSEN,
Chairman, Committee on Commerce,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: We are pleased to report that at its annual meeting on April 28, 1970 the membership of the National Association of Railroad Passengers voted to support the proposed legislation to establish a national corporation to market and operate intercity rail passenger service.

NARP believes that this approach is an imaginative and innovative solution to the passenger train problem. With unified management and a reasonable amount of Federal financial assistance, the corporation will be much more able than the individual railroad companies to provide passenger service that is both economically viable and responsive to contemporary need and demand. We commend you, Senator Cotton, Senator Hartke, Senator Prouty, the Department of Transportation, and others for the fine cooperative effort embodied in the legislation.

Sincerely,
ANTHONY HASWELL,
Chairman.

Mr. HARTKE. In the Friday, May 1, 1970 CONGRESSIONAL RECORD there was inserted an explanation of the substitute bill; let me reiterate briefly.

The substitute contains a findings and purpose section very similar to S. 3706. Section—sec. 101—will provide general guidelines to be utilized in applying con-

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gressional intent to the interpretation of the act.

The bill will apply only to intercity passenger trains and would not apply to service which is primarily commuter service.

In section 201 the bill provides for designation of a basic system. The intent of this section is identical to that of section 201 of the reported version of S. 3706. The major difference in procedure is that review by the ICC is made mandatory by section 202. Another change of note is that the Secretary would designate points to be served and identify routes over which service may be provided. In the reported bill the Secretary was required to specify routes.

The report on S. 3706 in describing a similar section in that bill has some particularly relevant and important language which I want to cite here:

> The system shall fulfill present and future needs for expeditious rail passenger service within and between all regions of the United States. It is contemplated that the Secretary would designate a number of short-to-medium distance "corridors" between and through major cities and densely populated megalopolitan areas, together with a basic long-distance network. Examples of what the committee foresees included in the long-distance network are as follows:
>
> 1. Overnight runs between major centers of population, such as New York-Chicago.
> 2. Heavily travelled vacation runs, such as New York-Florida.
> 3. The principal routes from midwestern points to the Pacific Coast, including those of unique scenic beauty.

Title III of the substitute bill would establish a National Rail Corporation. While the corporation is to be "for profit" care was taken to insure that Presidentially appointed directors would at all times have a majority on the board of directors. Of the 15 directors, eight would be appointed by the President, seven elected by stockholders. Railroads would become common stockholders—having power to elect three directors initially—if they entered into contracts with the corporation. But the railroad elected directors would not be allowed to vote "on any action relating to any contract or operating relationship between the corporation and a railroad."

The corporation will be provided with broad powers to provide for the operation of passenger trains. Federal sanctions are provided in the event the corporation fails to discharge any of its responsibilities under the act.

To insure that Congress is kept abreast of the situation, the corporation, the Secretary of Transportation, and the ICC are required to submit periodic reports, including legislative recommendations.

Title IV of the bill provides for the Corporation to relieve railroads of intercity rail passenger service responsibility if those railroads enter into a contract with the Corporation which will result in the payment by the railroads of a portion of their operating deficit for 1969—the amount would equal the avoidable loss on all passenger trains, twice the avoidable loss on system trains, or one-half the fully allocated deficit. The railroads would also receive common stock in the Corporation. The railroad would have to agree to turn over to the Corporation control of all its passenger trains. It might otherwise withhold the most lucrative trains for itself.

Service by the Corporation would be initiated by March 1, 1971, and could not be discontinued until January 1, 1975, and then only subject to ICC approval and provided the State, regional, or local governments involved were not willing to underwrite a portion of the losses—50 percent or more.

The Corporation would have power to initiate service outside the basic system and/or to expand the basic system. If a State, regional, or local agency requests, the corporation shall institute new service if the agency agrees to share losses.

Service performed by the nonjoining railroad would continue until at least January 1, 1975, on all passenger trains operated by the railroad at the time of the bill's enactment. Such service would be service with basic characteristics identical to those specified by the Secretary's report on the basic system regarding schedules, number of trains, connections, through-car service, and sleeping, parlor, dining, and lounge facilities. The nonjoining railroad would be expected to operate a joint through train in conjunction with the Corporation. If the railroad failed to do so, its own "service" under section 401(b) would not be sufficient to preclude the Corporation from running its trains between the points served by the nonjoining railroad.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. HOLLAND. I was interested to note that the Senator listed among the routes that could be covered under this bill the highly traveled tourist route, as he called it, from New York to Florida. Of course, there are a good many trains operating along that route, both on the east coast and the west coast of Florida, more of them in the tourist season than in the other parts of the year.

The Senator knows, of course, that those trains operate over three different lines. From Richmond to the various destination points in Florida, they are over the Seaboard Coast Line rails. From Washington to Richmond they are over the Richmond, Fredericksburg & Potomac Railroad. From Washington to New York they are over the new combined road—I forget the name of it—New York Central and Pennsylvania.

Mr. HARTKE. Penn Central.

Mr. HOLLAND. What would be the situation when these through trains, many of which are of very great importance to my State, as the Senator well knows, are operated over different roads of that kind?

Mr. HARTKE. The corporation has authority to do two things, which I think would be of interest to the Senator. One is with regard to a condition in which one of those operating railroad systems did not want to come within the contract arrangement. A nonjoining railroad would be expected to operate joint through service—if the nonjoiner failed to cooperate nothing would prevent the corporation from running its train between the points served by the nonjoiner.

Second, in regard to the service which would be performed within the system where a railroad had joined this service could utilize the present route or any other route it decided would be most advantageous in providing expeditious and satisfactory service.

Mr. HOLLAND. As the Senator well knows, there is no continuous line of railroad from Richmond down to the east coast or the west coast of Florida except the Seaboard Coast Line Railroad. The Senator from Florida has no information at all as to the attitude of that railroad or of the Richmond, Fredericksburg, and Potomac, or as to the combined New York Central-Pennsylvania Railroad.

Suppose the Seaboard Coast Line would elect not to come under this service. Did I correctly understand the Senator to say that this would give to the other two roads the chance to run competing trains to the east coast and west coast of Florida?

Mr. HARTKE. What would happen in such circumstance, if this system or this particular railroad did not decide to come within the purview of the corporation's control over passenger service is that it would give the authority to the corporation to provide the service, if the railroad did not wish to cooperate.

Let me point out, quite honestly, that one of the reasons why those of us who have worked so long on this bill are so enthusiastic about it is that we have not proceeded with any major obstruction from corporations which are operating railroad passenger service today. The American Association of Railroads has endorsed this bill, after consultation with its members.

Mr. HOLLAND. I thank the Senator. Of course, I completely accept his statement. I do know, however, that the three lines I have mentioned place some value upon the continuance of their passenger service from the highly populated areas of the Atlantic Seaboard, let us say all the way from Boston down to Florida, particularly in the winter season, because many people still prefer to ride the trains rather than to travel on the airlines or by automobile.

I would not want anything put in this bill that would deprive this system of these three roads of a complete right to either come under the system or not do so.

Do I correctly understand from my distinguished friend that they would have the complete right of election as to whether or not they would come under it?

Mr. HARTKE. There is no question that they have that right.

Mr. HOLLAND. And if they decided not to come under it, they would not be adversely affected in any way?

Mr. HARTKE. I do not know whether they would be adversely affected. That is a decision they would have to make. This would provide, so far as the corporation is concerned, that if some railroad decided not to participate, so far as that railroad is concerned, it is operating at its own peril. I do not think it is going to happen.

Let me read from the statement of the position of the Association of American Railroads on the Senate Commerce Committee print No. 7, which in effect is the

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same amendment we have before us, of April 27, 1970:

> But the current proposal, which we understand will be presented to the Senate as a substitute for S. 3706 reported by the Senate Commerce Committee, seems the most acceptable of all the other alternatives advanced so far.

This is under date of April 30, in which the Association of American Railroads, in effect, gave their agreement to this proposal.

Mr. HOLLAND. I understood the quoted parts of the letter to state that this seemed the most acceptable of the various proposals; but I did not understand them to say—perhaps they do—that they favor this program. The Senator, I am sure, has access to the entire text.

Mr. HARTKE. Yes.

Let me read the first part:

> The rail passenger proposal contained in Senate Commerce Committee Print No. 7 of April 27, 1970, seems to offer an acceptable approach for coping with a difficult and pressing problem.

Mr. HOLLAND. I thank the Senator for reading that.

Mr. HARTKE. That is in the record, by the way.

Mr. HOLLAND. One more question, and I shall be through. I certainly am not an obstructionist in this matter. I know that many of the rail lines, as to their passenger service, are in great difficulty. I want to help in that difficulty if I may.

The question is this: As to any lines that elected—if any should so elect—not to come under this system, do they remain entirely under ICC control, or do they come under the control of the new corporation in any way?

Mr. HARTKE. With respect to any railroad corporation which elects to stay outside the purview of this bill, it will be subject to all the jurisdiction that it is presently under with respect to the Interstate Commerce Act.

Mr. HOLLAND. And not at all to the jurisdiction of the new corporation?

Mr. HARTKE. No authority over the operation of passenger trains by nonparticipating railroads is extended to the new railroad corporation as proposed.

Mr. HOLLAND. I thank the Senator for his patience. He has allayed many of my feelings about this bill.

Mr. HARTKE. The amount of Federal participation would be limited to $40 million in direct grants, $60 million in guaranteed loans, and $75 million in loans or guaranties. The latter could be used only to help railroads meet their contractual obligations under the act.

The substitute differs considerably from the original "railpax" proposal which came to light earlier this year but the underlying concept is the same. The ICC, in a letter set forth in the report on S. 3706, raised several objections to the original legislation including the failure to provide for review of corporation actions and the Secretary's actions in designating a system. I believe these deficiences have now been corrected.

There were serious questions as to how the corporation could be assured access to and appropriate use of railroad tracks and facilities. Again, these problems have been overcome—see section 402(b).

The substitute also provides greater incentives to induce railroads to enter contracts and greater protection for the public if they fail to enter such contracts.

The corporation is given more of a public flavor, insuring that decisions of the corporation will not be dictated by private interests.

Those State, regional, or local agencies intent upon having intercity service not supported by the corporation are provided with the opportunity to obtain or retain such service.

Mr. HOLLAND. Mr. President, if the Senator will yield at that point, I understand that the able staff has worked out some words in subsection (2) that we were discussing awhile ago which seem completely to meet the question raised by me.

Mr. HARTKE. Mr. President, I ask unanimous consent, then, that section 306(a)(2) on page 13, in line 2, be amended by inserting the following: "utilized solely for passenger service comma" prior to the word "and" and in line 3, at the beginning of that sentence, the word "such" be included as an amendment.

The PRESIDING OFFICER (Mr. HANSEN). Will the Senator please send his amendment to the desk?

Mr. HARTKE. We will discuss it in a minute, let me say to the Senator from Florida, and then I will include this, when it is revised.

Mr. HOLLAND. I thank the Senator for his courtesy.

The PRESIDING OFFICER. The difficulty is that the Senator is trying to modify an amendment that is not pending.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. CURTIS. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. CURTIS. If the position of the Senator prevails and this is enacted, and we create a National Railroad Passenger Corporation, will it be subject to taxation?

Mr. HARTKE. Will it be subject to taxation?

Mr. CURTIS. Yes.

Mr. HARTKE. It will be subject to taxation in the same form as other quasi-corporations are, such as we have at the present time.

Mr. CURTIS. I am not sure that there is uniformity as to other quasi-corporations. I wondered whether the Senator——

Mr. HARTKE. This is not extensive without——

Mr. CURTIS. May I state it another way. Is it the intent to create a tax-exempt corporation?

Mr. HARTKE. No; there is not that intention.

Mr. CURTIS. It is the Senator's intent that the bill be treated as other taxpaying corporations are; is that correct?

Mr. HARTKE. That is right. Also, the corporation is not a nonprofit corporation. It is one for profit, to be organized in accordance with the rules of the District of Columbia.

Mr. CURTIS. I thank the Senator.

Mr. PEARSON. Mr. President, will the Senator from Indiana yield to me now, or would he prefer to finish his statement?

Mr. HARTKE. I just have a short time to go and then I will get the bill up.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. HANSEN). The Senator from Florida will state it.

Mr. HOLLAND. I believe that the amendment, which I understand has been agreed to by the distinguished Senator from Indiana, would have to be considered before the substitute is adopted; is that correct?

Mr. HARTKE. No. If I can explain. I intend to offer the substitute and before that time to incorporate the language of the Senator from Florida and the manager of the bill as agreed to at this time, after awhile.

Mr. HOLLAND. I thank the Senator.

Mr. HARTKE. Mr. President, I believe that the substitute bill set forth in amendment No. 608 would, if adopted, provide a long awaited answer to the disappearing passenger train dilemma. The broad support enjoyed by this proposal is an asset which should not be lightly put aside, but a number of Senators do have amendments, many of which may well improve the legislation.

Before moving to consideration of the bill I want to applaud my colleagues for the fine cooperative effort that has been made to achieve agreement on this bill. Senator WARREN MAGNUSON as chairman of the full Committee on Commerce has as usual deftly employed his outstanding legislative skills and leadership abilities. Senator NORRIS COTTON, with whom I do not always agree, but toward whom I always feel friendship, has throughout this long affair expressed his opinions positively and because of his statesmanlike stance has helped greatly to convince the administration that it ought to make its views known to the Senate. Senator WINSTON PROUTY has worked long and hard, as is his wont, to help hammer out the bipartisan agreement represented by this substitute. It was a pleasure, for me, to have had the opportunity to participate in this joint effort with such eminent colleagues.

Mr. SCOTT. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. SCOTT. Mr. President, I should like to join in what the distinguished Senator has just said in praise of the Senator from Vermont, as well as to praise the Senator from Indiana (Mr. HARTKE) for his important and successful role in bringing this bill to the Senate.

Mr. JAVITS. Mr. President, will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. JAVITS. Mr. President, I serve with the distinguished Senator from Vermont (Mr. PROUTY), who is next to me in rank on the Committee on Labor and Public Welfare, where he has rendered magnificent services to education, health, and many other of our responsibilities.

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I take especial pride in the way the Senator from Vermont has developed the plans for the bill on the intercity railroad passenger service, especially as we have tried in the committee to develop ways in which the private enterprise system and its financial techniques could be made to work. I think a very admirable plan has been evolved here and should like to congratulate the manager of the bill, the Senator from Indiana (Mr. HARTKE). Especially I take pride in the work that the Senator from Vermont (Mr. PROUTY) has done in putting this extremely important program together.

Mr. McGEE. Mr. President, I strongly endorse the Rail Passenger Service Act of 1970. The pending bill, as amended by the committee substitute amendment, is an important step to revitalize our entire national rail passenger service. It is not only imperative that we immediately begin to accomplish this objective in the urban corridors of this country, but also it is of vital importance to the less densely populated areas of the country like my State of Wyoming.

As a cosponsor of one of the three major bills considered by the Surface Transportation Subcommittee, I have followed this legislation very closely and now take this opportunity to congratulate the Committee on Commerce and its chairman (Mr. MAGNUSON) on the conscientious effort which they have made to produce a bill which will benefit all segments of the country and will start the country in a direction which will ultimately result in a modern, attractive, and efficient network of intercity rail transportation under new organization and management, including broad public involvement.

The people of my State of Wyoming have witnessed a steady decline in transportation services resulting from passenger train discontinuances, especially in areas where air transportation and other modes of surface transportation are not available. We have also suffered a loss of jobs and important payrolls in my State as an indirect result of these discontinuances. This, of course, is not only true in Wyoming; it affects many citizens across the land, as well.

Mr. President, I give my full support to and urge the passage of this important legislation.

RAILROAD PASSENGER SERVICE A NATIONAL DISGRACE

Mr. CHURCH. Mr. President, I speak as a reluctant supporter of the pending bill which, ostensibly, would help to solve the problem of the degeneration of our Nation's rail passenger service. I am a reluctant supporter, because I have no confidence that this legislation will really solve the problems of providing clean, comfortable, and salable railroad passenger service.

I recall that not even a year ago the railroads came to Congress asking for assistance to provide better service to the public. At that time, we were told that by granting certain tax incentives to the railroads they would be able to update their operations, relieve a perpetual boxcar shortage in the West, and provide better passenger service.

The railroads, as contrasted with the treatment of other businesses under the act, received tax incentives estimated to cost the taxpayers $105 million in 1970, $95 million in 1971, $140 million in 1972, and $165 million in 1974. These are not small sums compared with the aid to be granted under this bill.

When this tax legislation was before Congress last year, I received a letter from the general solicitor of the Union Pacific Railroad Co. which urged my support. The letter pointed out the hardships on the public if the building programs of the railroads were harmed by removing the tax incentives granted to the railroads. In my reply, I said I would support the legislation in the hope that the railroads would provide better services to shippers, farmers, and passengers as a result.

Recently I was informed that the Union Pacific has petitioned to discontinue passenger service on trains 35 and 36 which run from Salt Lake City, through Idaho, and on to Butte, Mont. The theory seems to be that the Union Pacific can improve its railroad passenger service by removing it altogether. Many passengers who have suffered the poor service, schedules, and abrasive treatment of the railroad may feel that way also.

Yet there are other people in rural areas who still must rely on train transportation. Sometimes hard winters make this necessary, sometimes they cannot drive or fly. Some of them have simply kept the habit of traveling by train. For whatever reason, they use the trains, and the railroads, as a public transportation system, have a responsibility to provide service to them.

As the committee report points out, only 450 passenger trains are in operation in the United States today, compared with some 20,000 in 1929. The report also calls attention to the fact that the railroads have deliberately downgraded standards and discouraged patronage.

Further, the committee points out the reluctance of the ICC to properly regulate passenger train conditions by contending they lack the authority to do so. In my view, sufficient authority exists if only the Interstate Commerce Commission would exercise it. The Commission never shows this kind of reluctance when it comes to granting rate increases. Since 1967, the ICC has allowed as much as 15 percent in across-the-board rate increases to the railroads. One is left to wonder if, even with this new grant of power to regulate passenger conditions, as contained in this bill, the ICC will muster the necessary fortitude to do so.

In the area of freight rate increases, the proposed rates are not even published in the Federal Register prior to implementation. If a shipper wants to know about planned changes, he must either come all the way to the lobby of the ICC in Washington, D.C., or pay $40 to subscribe to Traffic World, an industry publication carrying the information. Otherwise, the customer will not find out about the increase until he is billed by the railroad. It is shocking that no official government publication carries this information in a form which can be easily understood by the average consumer.

This is another reason why I am skeptical that the ICC will use this new grant of regulatory authority to effectively protect the public interest.

Nevertheless, Mr. President, as I stated earlier, I will support the legislation. I hope that if the bill is passed by the Senate and by the other body, it will result in some measure of assistance to the people of my State of Idaho. Hopefully, the ICC, given a specific mandate, will choose to enforce it and the railroads will be compelled to improve their service to the public. I look forward to a full investigation of the ICC at some future date, but perhaps, in the meantime, given the impetus of this legislation, the plight of the railroad passenger will be somewhat improved.

Mr. President, because it is especially relevant to railroad passenger service in my State of Idaho, I ask unanimous consent that an editorial published in the Blackfoot News, Blackfoot, Idaho, on April 24, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PASSENGER TRAINS' DECLINE

Shall the Union Pacific Railroad succeed, finally, in removing the curtailed and relegated-to-oblivion passenger service between Salt Lake City and Butte?

As of today, it looks as if the railroad will succeed. Profit margin on sugar beets, cattle, potatoes and potato products is much higher than the profit margin on moving people around.

Blame for the decline of passenger service can be laid partly on the citizenry, which prefers private automobiles, a social trend for which the railroad can't be held accountable.

But most of the blame for that decline must rest with railroad companies themselves. Anyone who rides a train nowadays is one of three things: one who has a phobia for air travel; a masochist; or, a damn fool.

The railroads have made rail travel particularly unpleasant. They discourage such travel at the ticket window, on board the train and anywhere else they see fit. Service is poor, the employes grumpy and uncooperative, the on-board seating or living quarters dingy and unattractive.

Scheduling is impossible and timeliness improbable. The railroads have denied a legacy in favor of a profit margin and seem to have forgotten the public and governmental sacrifices which allowed them to be established in the first place.

Sorrowing over the loss of trains 35 and 36 is likely a useless form of nostalgia. The railroads have done such a good job of discouraging passengers that no one wants to ride the trains anyway.

A few years back some local Chamber of Commerce leaders, in what they thought was a good cause, allowed themselves to be duped by sweet-sounding sonnets from railway higher-ups.

By not protesting the decline in passenger service, these men became convinced they would somehow obtain a break in freight rates for spuds, beets, cattle. Since then, freight rates have been increased several times while passenger service continues to plummet.

In all likelihood, it's a lost cause to plead the continuance of passenger service. The Union Pacific has given notice under the Interstate Commerce Act that it will discontinue operation of trains 35 and 36 effective 7 a.m. Wednesday, May 13.

Persons desiring to object to this discontinuance should notify the Interstate Commerce Commission at Washington, D.C., of such objection, with reasons, at least 15 days before May 13.

The railroad will, even if the discontinuance attempt for some reason fails this time, continue to try and take the trains off.

After that eventual success, off will go the Portland Rose. Later, lost will be such conveniences as freight service to Aberdeen and to Mackay.

On land donated by the government (the public) the railway has built tracks. Now, having conveniently forgotten that, the railroad proposes to deny public service in favor of increasing profit on freight.

The railroads which always boast of how public spirited they are will continue to bilk the public through skyrocketing freight rates and banishment of passenger service.

This is an especially obtuse program on the part of the railroads in light of a need now for replacement in some efficient way of air-polluting passenger cars. In the railways the public has no friend.

AMENDMENT NO. 608

Mr. HARTKE. Mr. President, I call up the amendment No. 608 and ask that it be stated. It is in the nature of a substitute for S. 3706.

The PRESIDING OFFICER (Mr. DOLE). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with, and the amendment will be printed in the RECORD at this point.

The text of the amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that to achieve these goals requires the designation of a basic national rail passenger system and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service; that Federal financial assistance as well as investment capital from the private sector of the economy is needed for this purpose; and that interim emergency Federal financial assistance to certain railroads may be necessary to permit the orderly transfer of railroad passenger service to a railroad passenger corporation.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic system" means the system of intercity rail passenger service designated by the Secretary under title II of this Act.

(e) "Intercity rail passenger service" means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets and by morning and evening peak period operations, and auto-ferry service characterized by transportation of automobiles and their occupants where contracts for such service have been consummated prior to enactment of this Act.

(f) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

(g) "Corporation" means the National Railroad Passenger Corporation created under title III of this Act.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his preliminary report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, numbers of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, with thirty days after receipt of the Secretary's preliminary report designating a basic system, review such report consistent with the purposes of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his final report designating the basic system to the Congress. Such final report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the final report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

§ 301. Creation of the Corporation

There is authorized to be created a National Railroad Passenger Corporation (hereinafter referred to as the "corporation"). The Corporation shall be a for profit corporation, whose purpose shall be to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail choice in meeting the nation's intercity passenger transportation requirements. The Corporation will not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not fewer than three incorporators, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) The Corporation shall have a board of fifteen directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Eight members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of two years, and the next three members for terms of three years. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary shall be one of the members of the board of directors appointed by the President. Three members of the board shall be elected annually by common stockholders, and four shall be elected annually by preferred stockholders of the corporation. The members of the board appointed by the President and those elected by stockholders shall take office on the one hundred and eighty-first day after the date of enactment of this Act. Election of the remaining members of the board shall take place as soon as practicable after the first issuance of preferred stock by the Corporation. Pending election of the remaining four members, seven members shall constitute a quorum for the purpose of conducting the business of the board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the Corporation and a railroad, but he may be

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present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the Corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) The articles of incorporation of the Corporation shall provide for cumulative voting for all stockholders and shall provide that, upon conversion of one-fourth of the outstanding shares of preferred stock, the common stockholders shall be entitled to four directors and the preferred stockholders shall be entitled to three; upon the conversion of one-half of the outstanding shares of preferred stock the common stockholders shall be entitled to elect five directors and the preferred stockholders shall be entitled to two; upon the conversion of three-fourths of the outstanding shares of preferred stock the common stockholders shall be entitled to elect six directors and the preferred stockholders shall be entitled to elect one; and upon conversion of all outstanding shares of preferred stock the common stockholders shall be entitled to seven directors. Any changes of directors resulting from such stock conversion shall take effect at the next annual meeting of the Corporation following such stock conversion.

(d) The Corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the Corporation.

§ 304. Financing of the Corporation

(a) The Corporation is authorized to issue and have outstanding, in such amounts as it shall determine, two issues of capital stock, a common and a preferred, each of which shall carry voting rights and be eligible for dividends. Common stock may be initially issued only to a railroad. Preferred stock may be issued to and held only by any person other than a railroad or any person controlling, as defined in section 1(3)(b) of the Interstate Commerce Act, one or more railroads. The articles of incorporation of the Corporation shall provide for the following respective rights of each issue of stock:

(1) Common stock.—Common stock shall have a par value of $10 per share and shall be designated fully paid and nonassessable. No dividends shall be paid on the common stock whenever dividends on the preferred stock are in arrears.

(2) Preferred stock.—Preferred stock shall have a par value of $100 per share and shall be designated fully paid and nonassessable. Dividends shall be fixed at a rate not less than 6 per centum, and shall be cumulative so that, if for any dividend period dividends at the rate fixed in the articles of incorporation shall not have been declared and paid or set aside for payment on the preferred shares, the deficiency shall be declared and paid or set apart for payment prior to the making of any dividend or other distribution on the common shares.

Preferred stock shall be entitled to a liquidation preference over common stock, which shall entitle preferred stockholders to a liquidating payment not less than par value plus all accrued unpaid dividends prior to any payment on liquidation to common stockholders.

Preferred stock shall be convertible into shares of common stock at such time and upon such terms as the articles of incorporation shall provide.

(b) At no time after the initial issue is completed shall the aggregate of the shares of common stock of the Corporation owned by a single railroad or any person controlling, as defined in section 1(3)(b) of the Interstate Commerce Act, one or more railroads, directly or indirectly through subsidiaries or affiliated companies, nominees, or any persons subject to its direction or control, exceed 33⅓ per centum of such shares issued and outstanding.

(c) At no time may any stockholder, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of preferred stock of the Corporation issued and outstanding.

(d) The articles of incorporation shall provide that no shares of any issue of stock may be redeemed or repurchased for five years, following the date of enactment of the Act.

(e) The Corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(f) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–920 (b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Corporation, and they may exercise such rights without regard to the percentage of stock they hold.

§ 305. General powers of the Corporation

The Corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with passenger service; to conduct research and development related to its mission; and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. The Corporation shall rely upon railroads to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, the Corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

§ 306. Applicability of the Interstate Commerce Act and other laws

(a) The Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads, utilized solely for passenger service, and the abandonment or extension of operations over such lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The Corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The Corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by the Corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with the Corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 307. Sanctions

(a) If the Corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the Corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this act.

§ 308. Reports to the Congress

(a) The Corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, the Corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of passenger service by the Corporation; commencement of operations

(a)(1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, the Corporation is authorized to contract with a railroad to relieve the railroad of its entire responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the Corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the provision of intercity passenger service: *Provided*, That any railroad discontinuing a train hereunder must give notice

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in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by the corporation, the railroad shall agree to pay to the corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. The payment to the Corporation may be made in cash or, at the option of the Corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the Corporation. The railroad shall receive common stock from the Corporation in an amount equivalent in par value to its payment.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating either of the following:

(A) 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad during the period January 1, 1969, through December 31, 1969; or

(B) 200 per centum of the avoidable loss of the intercity rail passenger service operated by the railroad between points within the basic system during the period January 1, 1969, through December 31, 1969.

If the amount owed the Corporation under either of these alternatives is agreed by the parties to be less than the amount paid pursuant to paragraph (2), the Corporation shall pay the difference to the railroad. If the railroad and the Corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to the Corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which the Corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, the Corporation shall begin the provision of intercity rail passenger service between points within the basic system unless such service is being provided by a railroad with which it has not entered into a contract under subsection (a) of this section.

(c) No railroad or any other person may, without the consent of the Corporation, conduct intercity rail passenger service over any route on which the Corporation is performing scheduled intercity rail passenger service pursuant to a contract under this section.

§ 402. Facility and service agreements

(a) The Corporation may contract with railroads for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, under the provision of services or the use of tracks or facilities of the railroad by the Corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad entitled thereto may bring an action against the Corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by the Corporation within the basic system the Commission shall, upon application by the Corporation, require a railroad to make immediately available tracks and other facilities. The Commission shall therefore promptly proceed to fix such terms and conditions as are just and reasonable.

§ 403. New service

(a) The Corporation may provide service in excess of that prescribed for the basic system, either within or outside, the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State, regional, or local agency may request of the Corporation rail passenger service beyond that included within the basic system. The Corporation shall institute such service if the State, regional, or local agency agrees to reimburse the Corporation for a reasonable portion of any losses associated with such services.

(c) For purposes of this section the reasonable portion of such losses to be assumed by the State, regional, or local agency, shall be no less than 50 per centum of, nor more than the solely related costs and associated capital costs less revenues attributable to such service. If the Corporation and the State, regional, or local agency are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act, and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 404. Discontinuance of service

(a) Unless it has entered into a contract with the corporation pursuant to section 401(a)(1) of this Act, no railroad may discontinue any passenger service whatsoever prior to January 1, 1975, the provisions of any other law notwithstanding. On and after January 1, 1975, passenger train service operated by such railroad may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon filing of a notice of discontinuance by such railroad, the Corporation may undertake to initiate passenger train operations between the points served.

(b)(1) The Corporation must provide the services included within the basic system until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a railroad pursuant to section 401 of this Act.

(2) Service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, the Corporation determines that any train or trains in the basic system in whole or in part are not required by public convenience and necessity, or will impair the ability of the Corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): *Provided, however,* That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the Corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The Corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local agencies request continuation of the service and within ninety days agree to reimburse the Corporation for a reasonable portion of any losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph (3) of this subsection the reasonable portion of such losses to be assumed by the State, regional, or local agency shall be no less than 50 per centum of, nor more than, the solely related costs and associated capital costs less revenues attributable to such service. If the Corporation and the State, regional, or local agencies are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 405. Protective arrangements for employees

(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with the corporation pursuant to section 401(a)(1) of this Act, and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 404(a) of this Act.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a)(1) of this Act between a railroad and the Corporation may not be made unless the Secretary of Labor has certified to the Corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in the basic system, the substantive requirements of subsection (b) of this section shall apply to the Corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the Corporation pursuant to section 404(b) of this Act.

(d) The Corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91-54 (40 U.S.C. 333) shall be applicable to all construction work performed under each contracts or agreements.

(e) The Corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such

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contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactment of this Act, the President shall appoint a seven-man financial advisory panel. The panel shall include representatives of investment banking, commercial banking, rail transportation, and the Secretary of the Treasury.

§ 502. Purpose of advisory panel

The advisory panel appointed by the President shall advise the directors of the Corporation on ways and means of increasing capitalization of the Corporation.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of the Corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 to remain available until expended, for payment to the Corporation for the purpose of assisting in—

(1) the initial organization and operation of the Corporation;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal or interest on securities, obligations, or loans issued to finance the purchase by the Corporation of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $60,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed $60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a)(1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eight of 1 per centum. No loan may be made, including renewals or extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guaranties made under this section may not exceed $75,000,000.

§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts not to exceed $75,000,000 as may be necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 802. Effect on pending proceedings

Any regular intercity passenger train in operation on the date of enactment of this Act may be discontinued only persuant to this Act, notwithstanding any provision of Federal or State law, or any regulation or order of any Federal or State court or regulatory agency issued before or subsequent to that date.

§ 803. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 804. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "National Railroad Passenger Corporation" at the end thereof.

Mr. HARTKE. Mr. President, for the RECORD, this amendment does include the identical amendment which was agreed to previously by the manager of the bill and the ranking minority Member, and also includes the amendment which has been discussed with the Senator from Florida.

Mr. President, I ask unanimous consent that a section-by-section analysis be printed in the RECORD at this point.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF A BILL TO DESIGNATE A NATIONAL RAIL PASSENGER SYSTEM, TO ESTABLISH A RAIL PASSENGER CORPORATION, TO PROVIDE FINANCIAL ASSISTANCE THEREFOR, AND FOR OTHER PURPOSES

Section 1. *Short Title*. This section states that the bill may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS AND PURPOSES

Section 101. *Congressional Findings*. This section contains findings of Congress respecting the continuing need for intercity railroad passenger service, the need for the designation of a basic national rail passenger system, and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service.

Section 102. *Definitions*. This section defines various terms used in the Act.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

Section 201. *Designation of System*. This section directs the Secretary of Transportation to prepare and submit to the Interstate Commerce Commission and the Congress within 30 days after the date of enactment of the bill a preliminary report designating a basic national rail passenger system. The report would specify those points between which intercity passenger trains should be operated, identify all routes over which service may be provided and the trains presently operated over such routes, and prescribe the service needed between the points to be served. The designation of a basic system is to be considered a neutral factor with respect to the merits of any question at issue in any proceedings to discontinue service being performed outside the basic system.

Section 202. *Review of the Basic System*. Within 30 days after receipt of the Secretary's report, the Interstate Commerce Commission is required to provide the Secretary of Transportation with its comments and recommendations. After considering the Commission's views, the Secretary is required, within 90 days after the date of enactment, to submit to the Congress his final report designating the basic system. The report shall include a statement of the recommendations of the Commission and the Secretary's reason for failing to adopt any such recommendations. The basic system designated by the Secretary is to become effective upon the date the final report is submitted to Congress and is not reviewable in any court.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

Section 301. *Creation of Corporation*. This section authorizes the creation of a corporation for profit whose purpose would be to provide intercity rail passenger service. The corporation would not be an agency of the United States Government.

Section 302. *Process of Organization*. This section directs the President of the United States to appoint incorporators, by and with the advice and consent of the Senate, who would take whatever actions are necessary to establish the corporation.

Section 303. *Directors and Officers*. Subsection (a) establishes a board of directors for the corporation and prescribes conditions for their appointment. Eight members of the board would be appointed by the President, by and with the advice and consent of the Senate, three members would be elected by common stockholders of the corporation, and four members would be elected by the other stockholders of the corporation.

Subsection (b) authorizes the board of directors to adopt and amend bylaws governing the operation of the corporation.

Subsection (c) provides for cumulative voting and for the conversion of preferred stock to common.

Subsection (d) provides for the appointment of a president and other officers of the corporation.

Section 304. *Financing of the Corporation*. This section authorizes the corporation to issue common and preferred stock, both of which would carry voting rights, and establishes certain conditions as to ownership. Common stock would be issued initially only to railroads and would have a par value of $10. Preferred stock, with a par value of $100, would be issued to and held by persons other than railroads. Stock could not be redeemed or repurchased for five years following enactment of the bill. The corporation also could issue nonvoting securities, debentures, and other certificates of indebtedness.

Section 305. *General Powers of the Corporation*. This section authorizes the corporation to own, manage, operate, or contract for the operation of intercity passenger

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trains, to carry mail and express in connection with passenger service, to conduct research and development related to its mission, and to acquire, or to contract for the use of, the facilities and equipment necessary to rail passenger operations. It requires the corporation to rely upon railroads to provide the crews necessary to the operation and maintenance of its passenger trains.

Section 306. *Applicability of the Interstate Commerce Act and Other Laws.* This section states that the corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act, and shall be subject to all provisions of the Interstate Commerce Act, other than those pertaining to the regulation of rates, fares, and charges, the abandonment or extension of lines, the regulation of routes and services and, except as otherwise provided in the Act, the discontinuance of or change of passenger service. The corporation would be subject to the same laws and regulations respecting rail safety and dealings with its employees as any other common carrier subject to Part I of the Interstate Commerce Act, but would not be subject to any State law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service. Persons contracting with the corporation for the joint use or operation of facilities and equipment would for that purpose be exempt from the antitrust laws.

Section 307. *Sanctions.* This section provides, among other things, that if the corporation engages in practices inconsistent with the purposes of the bill, or if the corporation or any other person violates any provision of the bill, or obstructs any activities authorized by the bill (except in the exercise of labor practices not otherwise proscribed by law), the United States district court for any district in which the corporation or other person resides or may be found shall have jurisdiction, upon petition of the Attorney General, or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate the conduct or violation.

Section 308. *Reports to Congress.* This section requires the corporation to make annual reports to the President and the Congress respecting its operations, and proposing any legislation it deems desirable, including the amount of financial assistance needed for its operations and capital improvements. It also requires the Secretary of Transportation and the Interstate Commerce Commission to make periodic reports to the President and the Congress on the state of rail passenger service and the effectiveness of the bill in meeting the requirement for a balanced transportation system.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

Section 401. *Assumption of Passenger Service by the Corporation; Commencement of Operations.* Subsection (a) authorizes the corporation on or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, to contract with a railroad to relieve the railroad of its responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. Any railroad discontinuing a train pursuant to such a contract must follow the notice procedures contained in section 13a (1) of the Interstate Commerce Act. In consideration of being relieved of its responsibility, the railroad would be required to pay to the corporation over a period of three years an amount equal to 50 percent of its fully distributed passenger service deficit for the calendar year 1969. The railroad is to receive common stock from the corporation in an amount equivalent to its payment. A railroad may reserve the right to pay a lesser sum by calculating either 100 percent of the avoidable loss of all its intercity passenger service for calendar year 1969 or 200 percent of the 1969 avoidable loss of its intercity rail passenger service operated between points within the basic system. Any dispute as to these alternative calculations is to be decided by the Interstate Commerce Commission.

Subsection (b) requires the corporation to begin providing on March 1, 1971, intercity rail passenger service between points within the basic system unless the requisite service is being provided by a nonjoining railroad.

Subsection (c) prohibits any person, without the consent of the corporation, to conduct intercity rail passenger service over any route on which the corporation is performing such service.

Section 402. *Facility and Service Agreements.* Subsection (a) authorizes the corporation to contract with railroads for the use of tracks and other facilities and the provision of services. It authorizes the Interstate Commerce Commission to order the provision of services or the use of tracks or facilities if necessary to carry out the purposes of the bill, and to fix the terms and compensation for such service and facilities.

Subsection (b) authorizes the Commission to require a railroad to make immediately available tracks and other facilities if necessary to facilitate the initiation of operations by the corporation, with terms and conditions to be fixed subsequently.

Section 403. *New Service.* Subsection (a) authorizes the corporation to provide service in excess of that originally prescribed for the basic system by adding service outside the system or by expanding the system if consistent with prudent management.

Subsection (b) authorizes state, regional, or local agencies to request the corporation to provide rail passenger service beyond that included on the basic system and requires the corporation to provide such service if the State, regional or local agencies agreed to reimburse the corporation for a reasonable portion of any loss associated with such service.

Subsection (c) provides that the reasonable portion of such loss to be assumed by the State or regional authority may not be less than 50 percent of, nor more than, the solely allocated costs and associated capital costs less revenues attributable to such service. If the corporation and the State or regional authority are unable to agree on a reasonable apportionment of the loss, the Secretary of Transportation shall decide the issue.

Section 404. *Discontinuance of Service.* Subsection (a) provides that no railroad may discontinue any passenger service prior to January 1, 1975, except by entering into a contract with the corporation pursuant to section 401(a). After January 1, 1975, such service may be discontinued under the provisions of section 13a of the Interstate Commerce Act, but the Corporation is authorized to provide such service if the railroad files a discontinuance proposal.

Subsection (b) requires the corporation to provide service it has assumed within the basic system until January 1, 1975. After January 1, 1975, the corporation may discontinue trains in the basic system which it determines are not required or the continuation of which will impair the ability of the corporation to adequately provide other service. Such discontinuances must follow the procedures of section 13a of the Interstate Commerce Act. If prior to the end of the 30-day notice period, State, regional, or local authorities request continuation of the service and within 90 days agree to reimburse the corporation for a reasonable portion of the service and within 90 days agree to reimburse the corporation for a reasonable portion of the losses associated with continuation, the corporation must continue service.

Section 405. *Protective Arrangements for Employees.* Subsections (a) and (b) require railroads to provide for the protection of the interests of employees who would be adversely affected by the discontinuance of passenger service arising out of a contract with the corporation and occurring prior to January 1, 1975, and for any discontinuance effected by the railroad under section 404(a).

Subsection (c) requires the corporation to provide for protective arrangements incidental to the discontinuance of any trains operated by it.

Subsection (d) requires the corporation to insure that all laborers employed in construction work by its contractors and subcontractors are paid prevailing wages in accordance with the Davis-Bacon Act.

Subsection (e) prohibits the corporation from contracting out work normally performed by employees in any bargaining unit covered by a contract between the corporation or any railroad and labor organization, if the contracting out would result in the layoff of any employee in the bargaining unit.

TITLE V—ESTABLISHMENT OF A SPECIAL FINANCIAL INVESTMENT ADVISORY PANEL

Section 501. *Appointment of Advisory Panel.* This section requires the President to appoint a seven-man financial advisory panel composed of representatives from banking, transportation and the Secretary of the Treasury.

Section 502. *Purpose of Special Advisory Panel.* This section provides that the purpose of the panel is to advise the corporation on ways and means of increasing the capitalization of the corporation.

Section 503. *Report to Congress.* This section requires the panel to submit its report to Congress by January 1, 1971.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

Section 601. *Federal Grants.* This section authorizes appropriations to the Secretary of Transportation in fiscal year 1971 of $40 million to assist the corporation in initial organization and operations; servicing, maintaining, and repairing equipment; conducting research in develop and demonstration programs; etc.

Section 602. *Guaranty of Loans.* This section authorizes the Secretary to guaranty loans made to the corporation for the purchase and rehabilitation of rolling stock and for other corporate purposes. The guaranteed loans outstanding at any time may not exceed $60 million.

TITLE VIII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

Section 701. *Interim Authority To Provide Emergency Financial Assistance for Railroads Operating Passenger Service.* This section authorizes the Secretary to make loans to railroads or to guaranty loans to railroads for the purpose of permitting a railroad to enter or carry out a contract under section 401(a) of the bill. The loans made or guaranteed may not exceed five years. The total amount of loans and guarantees may not exceed $75 million.

Section 702. *Authorization for Appropriations.* This section authorizes appropriations to carry out section 701.

TITLE VIII—MISCELLANEOUS PROVISIONS

Section 801. *Adequacy of Service.* This section authorizes the Interstate Commerce Commission to prescribe regulations applicable to the corporation as well as other railroads necessary for the comfort and health of intercity rail passengers.

Section 802. *Effect on Pending Proceedings.* This section provides that no train in operation on the date of enactment of the Act may be discontinued except pursuant to the Act.

Section 803. *Separability.* This section provides that, if any provision of the bill is held

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invalid, the remainder of the bill shall not be affected thereby.

Section 804. *Accountability*. This section subjects the corporation to the "mixed corporation" provision of the Government Corporation Control Act of 1945.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. CASE. Mr. President, I thank the Senator from Indiana for yielding. It is a most generous action on his part.

Mr. President, I am concerned that such useful railroad passenger projects as the Metroliner be included in the basic passenger rail system expected to be designated by the Secretary of Transportation.

I wonder if the Senator can give us any assurance that this will be done.

Mr. HARTKE. Mr. President, I will say to the Senator from New Jersey that the bill itself does not specify the routes to be served, and there is no guarantee any particular part of the system would be included at this time. Every indication is that most of the major routes would continue to have service, and service with increased frequency. It is inconceivable that the Metroliner service would not be included—the route it serves is certainly one of the most important in the United States.

Let me point out that the Secretary's decision must be submitted initially to the Congress and to the ICC, an arm of the Congress. Only after the ICC has completed consideration can the Secretary issue his final report on the system.

All of this is subject to the Penn Central entering a contract with the Corporation. If it does, and there is very little question that it would not, the Corporation is authorized to contract for the "entire" service of the railroad. That is, the Penn Central could not give up its less attractive routes and retain the most lucrative—it must give up all or must continue to provide all services it now provides.

Therefore, the present Metroliner system probably would be in the system.

Mr. CASE. The latter point is the one I was going to ask about next. I appreciate the Senator's response. In other words, it would not be possible for a railroad, the Penn Central or any other railroad, to keep the profitable parts of the system and dump the unprofitable parts of the system.

Mr. HARTKE. The Senator is correct. Once the corporation, the Rail Passenger Corp., enters into a contract with a carrier, that carrier thereby surrenders its entire intercity passenger service system to the Corporation, retaining no part whatever. In other words, that service would be under the jurisdiction of the Corporation.

Mr. CASE. I thank the Senator for his response.

Mr. PEARSON. Mr. President, the amendment now before us to S. 3706, represents an historic effort to save our national rail passenger system. I need not elaborate on the need for passenger trains; we all recognize their importance. At this particular point in time when our airports and airways are becoming more conjested and our highways and city streets are clogged with traffic, it is most important, in my opinion to, provide fast, efficient railway passenger service; and if we had a crystal ball, I rather imagine we would see that by the year 2000 high speed rail transportation within cities, along high density intercity corridors, and even connections between metropolitan centers and rural areas will be a fact of life.

The amendment now before us is a substitute to the bill reported out by the Commerce Committee and for which I voted. It was my feeling then that in the absence of any viable alternative that operating subsidies should be made available to our Nation's railroads. But now, Mr. President, we have a viable alternative to operating subsidies; and rather than merely enacting a shortsighted, stopgap measure simply because we had to do something to keep the passenger trains running, we now have, hopefully, a far-reaching proposal designed to really meet the needs of this country.

There is some reason to think that this bill offers the last hope for passenger trains. Over the last few years we have witnessed the increasing numbers of trains that have been discontinued and the steady deterioration in railway passeger service. This bill, Mr. President, offers the chance for passenger trains to become an attractive means of travel. It proceeds on the notion that if the trains are fast, clean, and on time, people will ride them again. I hope it works—for the good of the people in my region of the country and for the good of the Nation.

Mr. President, yesterday, four passenger trains which operate across the State of Kansas were ordered to be continued by the ICC, I might say, over the objections of the railroads and to the gratification of the people of my State who may have been served by those railroads.

I make reference, in that connection, to the statement in the declaration of purpose regarding the intercity railroad passenger service, and ask the distinguished Senator from Indiana, in view of all the provisions of the bill and its apparent intent and purpose, what effect it would have upon passenger service within a State, such as the State of Kansas, with reference to the orders of the ICC, and what effect would that have upon this type of rail transportation?

Mr. HARTKE. If the railroads, which at this time have petitioned for discontinuance, were included in the system as ultimately designated by the Department of Transportation—that is after it had been submitted to Congress and the Interstate Commerce Commission and final decision had been made by the Department of Transportation—if they are within that system, that passenger service would almost certainly be continued. If not included in the system, it would be gone.

Mr. PEARSON. So that the continuing passenger service under this provision would depend upon the declaration or definition under the bill made by the Secretary of Transportation?

Mr. HARTKE. That is exactly right.

Mr. PEARSON. I thank the Senator very much.

Mr. PROUTY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state it.

Mr. PROUTY. Has the substitute been called up?

The PRESIDING OFFICER. The substitute is now pending.

Mr. PROUTY. Mr. President, on April 9, the Commerce Committee reported S. 3706. This was not a unanimous vote and even some of us who voted to report the bill had serious reservations concerning its provisions which provided direct operating subsidies to railroads amounting to $465 million over a period of 4 years. Therefore, with the full support and cooperation of the distinguished chairman of the Committee, the Senator from Washington (Mr. MAGNUSON), the distinguished ranking minority member, the Senator from New Hampshire (Mr. COTTON), the able Senior Senator from Indiana (Mr. HARTKE), chairman of the Surface Transportation Subcommittee, and myself, we were able to work out a compromise version of S. 3706 on a completely bipartisan basis.

The substitute amendment has the support of the United Transportation Union, the Railroad Labor Executives Association, the Association of American Railroads, the National Association of Railroad Passengers, the Interstate Commerce Commission, and the Department of Transportation.

Mr. President, since 1950 intercity travel has more than doubled while rail passenger service has shrunk to far less than half its size. In its 1968 report, the Interstate Commerce Commission pointed out the following:

> In the last 10 years—
>
> The number of regular intercity trains has declined more than 60 percent from the 1,448 trains operated in 1958.
>
> Fourteen railroads have abandoned all intercity service, and six have only one pair of trains left.
>
> Intercity service over 36 percent of the 1958 routes has been completely eliminated.
>
> Noncommutation passengers have decreased 40 percent, and first-class passengers have dropped nearly 70 percent.
>
> Rail investment in new equipment for intercity service has nearly ground to a halt, and the quality of service has deteriorated in a number of instances.

Today there are less than 500 intercity trains in scheduled service. Nearly a quarter of those trains still in service have applied for discontinuance with the ICC.

Mr. President, some might argue that other modes of transportation could easily take the place of the vanishing passenger train. I personally am not convinced about that.

We on the Senate Commerce Committee have recently passed major airport and airways legislation. The reason this legislation was needed was that our national air transportation system is in serious trouble. Everywhere in the Nation there is congestion in our airways. At every major airport in the Nation operations nearly exceed capacity. In a nutshell, air transportation has almost reached the ultimate saturation point.

Two weeks ago, Congress approved amendments to the Motor Vehicle and

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Highway Safety Act of 1966. At that time, Mr. President, I reminded my colleagues of some of the problems that face automobile transportation.

We continue to have over 56,000 deaths on our highways each year.

We continue to have or 70,000 accidents a day.

We continue to cause an economic loss of over $16 billion a year to the Nation because of motor vehicle accidents.

Naturally, Mr. President, the reasons behind these accidents can be attributed to careless drivers, unsafe vehicles, or unsafe highways. However, realistically, we must face up to the fact that the prime reason for traffic accidents is the congestion caused by the tremendous number of automobiles which are clogging our Nation's highways. Therefore, Mr. President, I am convinced that the facts simply do not support those who suggest that other modes of passenger transportation can take the place of intercity rail passenger transportation. Those other modes, Mr. President, are already faced with problems which will continue to grow during the 1970's.

Mr. President, in addition to the almost unbearable congestion affecting aviation and highway travel, we are also faced with problems of pollution. Hearings before our committee have documented the fact that the automobile presents the major source of pollution to our environment. Recent actions by the State of New Jersey and other States suggest aviation also adds materially to air pollution. In this context, Mr. President, it is interesting to note that the rail passenger train offers perhaps the best way to solve the pollution problem associated with the transportation of individuals throughout our country.

Several weeks ago Ralph Nader and a group of his associates testified before our committee in favor of radically reversing the decline in rail passenger service. They concisely summarize their reasons for their conclusions in the following manner:

> Trains go right into the center of most cities.
>
> Train propulsion systems pollute less than alternative modes.
>
> Trains have a potential cost advantage at short to intermediate distances.
>
> Trains are not subject to weather or congestion impediments.
>
> Polls and recent train improvement experiments indicate tremendous demand for train travel.

Mr. President, with such inherent advantages to be offered from the rail passenger train, and in view of the problems affecting other modes of transportation, why is it that the intercity rail passenger train continues to vanish?

I am certain, Mr. President, that one could receive a variety of answers, all having a degree of credibility, to that particular question. However, I suspect that two factors are primarily responsible for the decline of intercity rail passenger service.

First of all, there has been a public attraction to the airplane and the automobile ever since the end of World War II. For example, Mr. President, in the last 5 years a number of enplanements of passengers for scheduled air carriers has more than tripled. In the next 5 years that number will triple again making daily airplane enplanements exceed 1 million.

Second, Mr. President, the decline of the intercity rail passenger service has created a vicious cycle. In 1958, we in Congress were presented with the problem of railroads losing tremendous sums of money simply because they were forced to continue unprofitable passenger trains because it was necessary to obtain prior approval of discontinuance by State public utility commissions. It was at that time, Mr. President, that Congress enacted section 13a of the Interstate Commerce Act which in effect preempted the States from holding a life or death grip over the future of intercity rail passenger service.

While section 13a may have resulted in some short term benefits, it also helped contribute to the vicious cycle creating a decline in intercity rail passenger service. As passenger trains were discontinued, it became more and more difficult for people to get a passenger train from one place to another. In my own State of Vermont, for example, all rail passenger service was discontinued 4 years ago.

As vital links in our national rail passenger transportation system were broken fewer and fewer people were able to ride the trains. Consequently, railroads found themselves losing more and more money.

The argument over how much money railroads were losing because of unprofitable rail passenger service often depended on the particular accounting system which was being used. Railroads generally used a "fully allocated" formula whereby a certain percentage of the built-in costs of running a railroad were attributed to passenger service. Such costs would include a percentage of the cost for keeping up the track and right-of-way.

Mr. President, using the "fully allocated" formula railroads in 1968 lost $485 million.

Many of us rightfully claimed that the "fully allocated" system of accounting was not really fair inasmuch as railroads had to keep up their tracks and right-of-way in order to maintain their freight service.

Therefore, Mr. President, 2 years ago we directed the ICC to conduct a study concerning losses accruing to the railroads caused from the operation of intercity rail passenger service. We also requested that the ICC develop a fair and reasonable formula for ascertaining such losses.

The ICC developed the so-called avoidable loss formula. Basically, the avoidable loss formula represents that sum of money which the railroad would actually save if it operated no passenger trains. It is an accurate means of determining the amount of money a railroad would not have to spend if it ceased passenger train service.

The ICC study which is printed in full in the committee report of S. 3706 involved the study of eight selected railroads constituting approximately 40 percent of all intercity rail passenger service. The avoidable loss for those railroads studied was set at $118 million a year. If that figure were projected to include all railroads one would find that railroads would have saved $267 million during 1968 had they not operated intercity rail passenger service.

Mr. President, for an industry that averages but a 2.1-percent return on investment a loss of this magnitude is intolerable. Who actually pays for such losses? Indirectly, Mr. President, you and I as consumers end up paying for unprofitable intercity rail passenger service because in order to stay in business the railroads must charge freight rates which are high enough to permit the operation of their unprofitable passenger service.

All of us on the Senate Commerce Committee recognized that we could not afford to wait another year for solving the problems associated with intercity rail passenger service. Therefore, we conducted extensive hearings in order to determine first if there was a need for rail passenger service and second the best means for meeting that need, if in fact, it existed.

Mr. President, I have previously pointed out the reasons I personally feel there is a great need for effective and efficient intercity rail passenger service. All of my colleagues on the Senate Commerce Committee shared my conviction.

In considering the means for solving problems associated with intercity rail passenger service, we examined a number of possibilities. First, the Federal Government itself could nationalize intercity rail passenger service. We rejected that alternative because there was absolutely no reason to believe that the Government had any great expertise which would insure success. As a matter of fact, when we examined rail operations in those countries where the railroad is owned and operated by the Government, we found some of the same problems as we have in the United States.

Second, we considered the possibility of the Government taking over railroad right-of-way and maintaining and improving it. My distinguished colleague from Tennessee, Senator BAKER, in his individual views contained in the committee report, points out that ultimately we may have to take such a step. However, as the committee considered the costs involved in such a venture we determined that this time such drastic action was not warranted.

Third, Mr. President, we considered the possibility of using direct operating subsidies. Many of us felt that direct operating subsidies had many disadvantages. For example, direct operating subsidies discouraged rather than encouraged efficiency and they opened the Federal Treasury to a drain which would inevitably become greater and greater year by year.

Actually, Mr. President, S. 3706 as reported by committee did provide for direct operating subsidies and represented an overall cost of $465 million to the Federal Government over a 4-year period.

I personally was convinced that there was a better solution to the problem then the bill originally reported by the committee. Within the committee I had fought for the adoption of a quasi-public corporation to take over intercity rail passenger service on a nationwide basis. Let me briefly describe what led me to this solution.

As you know, Mr. President, in the past we have often found that the best way to solve certain problems was to create institutions which could be responsive to those problems. Several years ago we created Comsat to effectively carry out the challenge of communication via earth satellites. We also created the Corporation for Public Broadcasting. In 1967 as I was conducting an extensive study on the war on poverty, I seriously considered incentives which could be used for the creation of community corporations. Earlier this Congress I investigated the possibilities of establishing a corporation to handle air traffic control operations.

Now sometimes the creation of a quasi-public corporation does not create the best instrumentality for problem solving. However, earlier in our consideration of this problem I was convinced that a quasi-public corporation could best solve the problems associated with intercity rail passenger service. My conviction was based on the fact that we needed a truly national intercity rail passenger system. In addition we needed a company whose only business was rail passenger service. Finally, we needed to create a instrumentality which had the money necessary for rehabilitating rail passenger equipment.

There was considerable interest within the Commerce Committee for my proposal. The only drawback was that 3 months ago we did not have all of the facts necessary for all Members to take such an important step. During the last month we have obtained complete and detailed facts from the administration which point to the conclusion that the creation of a National Rail Passenger Corporation is highly desirable. Therefore, Mr. President, Senator **Magnuson**, Senator **Cotton**, Senator **Hartke**, and I have proposed an amendment in the nature of a substitute to S. 3706 which would create a National Rail Passenger Corporation to assume the responsibility for operating intercity rail passenger service on a nationwide basis.

Our proposed substitute differs from S. 3706 in two principal respects. First, it provides for establishment of a corporation with a mixed board of directors—eight to be appointed by the President and seven elected by each of two classes of private stockholders—to operate intercity rail passenger service within a basic system to be designated by the Secretary of Transportation instead of subsidizing railroad operation of passenger service within the basic system. Second, Federal participation is limited to the following:

Forty million dollars contribution to initial capitalization of the corporation;

Sixty million dollars in guarantees of obligations of the corporation; and

Seventy-five million dollars in loans or guarantees of loans to railroads to enable them to participate in the corporation.

S. 3706 would have provided for $435 million in Federal expenditures over 4 years—$240 million in direct operating subsidies to the railroads and $195 million for the purchase and refurbishing of rail passenger service equipment.

Now, Mr. President, how would our substitute proposal work?

First, under title II of our amendment, the Secretary of Transportation would designate a basic national rail passenger system. He would submit a proposal to the ICC. The ICC would review this proposal and return it to him within 30 days with their comments and recommendations. The Secretary would then finalize the basic system and submit it to Congress. That action in and of itself would create our basic national rail passenger system.

I am told, Mr. President, that such a basic system would include approximately 80 percent of the intercity rail passenger trains now operating. The basic system would designate points between which intercity rail passenger service should be operated. It would include long distance trains as well as those in urban corridors.

Title III of our amendment, Mr. President, establishes a National Rail Passenger Corporation. The Corporation would have all the general powers of any corporation, but it would be limited to activities involving intercity rail passenger service. Such Corporation will be a "for profit" quasi public corporation. The board of directors shall have 15 members, eight of whom are selected by the President, three by the common stockholders—initially these will be railroads—and four by the preferred stockholders, persons other than railroads.

The Corporation will have broad powers to provide for the operation of passenger trains. Federal sanctions are provided in the event the corporation does not discharge its responsibilities.

Now, Mr. President, title IV of our amendment sets forth the mechanics by which railroads could buy into the Corporation and the Corporation would assume the responsibility for operating intercity rail passenger service on a nationwide basis. Specifically, on or before March 1, 1971, the Corporation would enter into contracts with those railroads who wanted to buy into the Corporation.

It is anticipated that all railroads now operating rail passenger service will want to join simply because by joining the Corporation they can be relieved of the responsibility for intercity rail passenger service thereby saving money. The amount that a railroad would have to pay to the Corporation in order to join is based on the amount they have been losing from the operation of passenger trains. Generally that amount would be the avoidable loss that the railroad incurred during calendar year 1969.

If all railroads join the Corporation, as I am sure they will, the Corporation would receive approximately $220 million over a 3-year period.

Railroads could make that payment over a 3-year period and it could be either in cash, equipment, or credits for future service. The railroads would receive common stock within the Corporation if they join.

I might note at this point, Mr. President, that the common stockholders could elect only three of the 15 directors of the Corporation.

This title also directs the corporation to initiate the operation of intercity rail passenger service on March 1, 1971, within the basic system established by the Secretary of Transportation if the railroad presently operating such service has joined the corporation.

In addition, Mr. President, any railroad that has not joined the Corporation must continue service within the basic system until at least January 1, 1975.

As I previously mentioned, in my home State of Vermont we have had no intercity rail passenger service since 1966. Therefore, I am particularly pleased with section 403 of this title, which encourages the Corporation to provide service in excess of that within the basic system. That new service can be service initiated by the Corporation, or if the Corporation does not initiate such new service, a State or region may force it to by offering to pay not less than 50 percent nor more than all losses associated with such service. This will enable many areas of the country now without intercity rail passenger service to get it restored. A similar guarantee for service which is wanted by regions or States is contained in section 404 relating to discontinuance of service procedures.

I might point out, Mr. President, that once a corporation began service within the basic system, it could not discontinue such service until after January 1, 1975. This provision insures that the future of intercity rail passenger service is given a fair test.

As a member of the Labor and Public Welfare Committee, I am keenly aware of the necessity of protecting employees who may be affected by legislative changes we in Congress generate. Therefore, I am pleased to note that section 405 of our amendment provides the most comprehensive protective labor arrangement of any legislation which has been considered by Congress to date.

Now, Mr. President, title V of our amendment establishes a financial investment advisory panel which shall be appointed by the President and shall include representatives of investment banking, commercial banking, rail transportation, and the Secretary of the Treasury.

That panel, Mr. President, shall report to Congress January 1, 1971, concerning the soundness of the financial arrangements we have made for the corporation.

Title VI of our amendment authorizes a direct appropriation of $40 million to the corporation. Unlike any direct operating subsidy, this is a one-shot Federal payment. In addition, the Federal Government is authorized to guarantee up to $60 million of loans to the Corporation.

Title VII provides that the Federal Government may guarantee to railroads that need cash in order to join the corporation loans totaling not more than $75 million. Any such loans would have to be paid back by the railroads within 5 years.

Finally, title VIII provides miscellaneous provisions giving the ICC authority

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over adequacy of service, giving GAO access to the Corporation's books, and creating a moratorium on pending train discontinuance cases between the date of enactment and assumption of service by the corporation.

Overall, Mr. President, I believe that our amendment, which has the full support of the administration, railroad management, railroad labor, and many other interested groups is the best possible bill for saving and improving intercity rail passenger service.

In conclusion, I would like to extend my deep appreciation to the distinguished chairman of the Subcommittee on Surface Transportation for his cooperation and assistance in working out certain refinements to a proposal which I had made, and during the committee hearings, which I have outlined in my individual views. He has been extremely helpful, and I appreciate it.

I would also like to express my appreciation to the staff members, Mr. A. Daniel O'Neal, Mr. Henri Rush, Jr., Mr. J. Paul Molloy, and others who have cooperated and have done such yeoman service in making this proposed legislation workable.

Mr. President, I ask unanimous consent that some questions and answers I have prepared concerning our amendment be printed in the RECORD at this point.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS CONCERNING NATIONAL INTER-CITY RAIL PASSENGER CORPORATION

A. NEED

Q. In the Committee Report on S. 3706, it is pointed out that there has been a very rapid decline in inter-city passenger service. For example, there were over 20,000 trains in 1929 and now there are fewer than 500 intercity passenger trains. Is the rail passenger train in fact obsolete?

A. Well, certainly there has been a decline in the number of passenger trains, but the rail passenger train is not obsolete. I think the Metroliner between Washington and New York clearly indicates that there is a need for fast and efficient inter-city rail passenger service. That particular train operates to near capacity and is competitive with even the air lines in providing transportation in the Northeast corridor.

Q. Now in 1958, we in Congress amended the Interstate Commerce Act to permit an easier process for passenger train discontinuances. Specifically, we added 13(a) to the Interstate Commerce Act which took discontinuance jurisdiction away from the states and gave it to the Interstate Commerce Commission. Since that has resulted in a number of discontinuances, including the discontinuance of all rail passenger service in your own State of Vermont, would you say that enactment of 13(a) was a mistake?

A. No, I believe enactment of 13(a) was absolutely necessary at that time. Inter-city rail passenger service is a national problem and was correctly placed as a responsibility of the national government in 1958.

Q. Since railroads are common carriers and enjoy the privileges of being a regulated industry, shouldn't they bear the cost of providing rail passenger service even if it does lose money?

A. No, I think that would be a disastrous policy. For one thing, the losses for rail passenger service have become extremely great. In calendar year 1969, fully allocated losses for the rail industry were over $450 million because of rail passenger trains that lost money. Now even using the avoidable loss formula, developed by the I.C.C., railroads lost over $200 million. The avoidable loss formula is one that simply says how much would a railroad save by taking off a particular train.

These losses are particularly important when one considers that the railroad industry has a return on investment of only 2.1%. Consequently, the losses mean that shippers who rely on railroads for freight service end up paying the cost. In many cases, even freight service begins to suffer because the losses for a particular railroad because of passenger service become so great.

Q. Well, since railroads are unable to bear the economic losses associated with passenger service, shouldn't the Federal Government give them direct operating subsidies?

A. Well that is one way to attempt to solve the problem. However, I personally feel that direct operating subsidies have several disadvantages. For one thing, they tend to create a dependency by those who receive them. If you or I are in a business and know that any money we lose will be made up by the government, we generally wouldn't care whether or not we lost money. To that extent, operating subsidies take away incentive to provide better service which will be profitable.

Of course another consideration is the fact that direct operating subsidies tend to grow by leaps and bounds. For example, the Mass Transit Authority in Boston, Mass., started out receiving a subsidy of less than $1 million a year. That subsidy has now grown to nearly $40 million a year.

Q. I think we can all agree that the Metroliner has been a success because it is in a densely populated area and ties together two major cities that are less than 300 miles apart. However, do you feel that there is any future for rail passenger service in rural areas?

A. Yes, I think a good example is my own State of Vermont. We now have a ski industry which brings over $100 million a year into the State. The only way skiers can get to Vermont is by private automobile or bus. This past winter we had several big snowstorms which made excellent skiing possible but made it extremely difficult for skiers to get into the State. I suspect that weekend trains between major cities and the State of Vermont would be most profitable during the winter months. In addition, I suspect that there are many other areas in the country where trains run on a special basis could be profitable.

Q. What exactly is the immediate problem facing inter-city rail passenger service?

A. Simply stated. inter-city rail passenger service is on the verge of complete collapse. I think one of the warning signs was the recent action by the Penn Central requesting the discontinuance of thirty-four of its passenger trains. Railroads themselves simply do not have extra money to enable them to continue to suffer the losses they have in the past. Therefore, if we are to have any inter-city rail passenger service, Congress must act during this session.

B. SOLUTION

Q. What do you believe is the solution to this problem?

A. Basically, I see a two-fold solution. First, we must designate a basic national inter-city rail passenger network in order to give a priority to that service which must be preserved. Second, we must establish a COMSAT type corporation to take over the operation of inter-city rail passenger service on a nationwide basis.

Q. You characterize this corporation as a "COMSAT-type" corporation. Does that mean that the NATIONAL RAIL PASSENGER CORPORATION would be faced with the same problems which are apparently now affecting COMSAT?

A. No. There are a number of important differences between the Corporation we are proposing and COMSAT. First, of all the majority of directors on the board of the proposed Rail Passenger Corporation would *always* be public members appointed by the President. COMSAT has a majority of directors elected by its stockholders and controlling communications companies.

Second, COMSAT's basic problem at this time is that it has over $100 million capital with no place to invest it. A rail passenger corporation would certainly not have any problem in that respect.

Third, COMSAT in international dealings acts partly as a corporation and partly as a quasi-diplomatic representative of the United States. Consequently its dealings in foreign countries are more political in nature than strictly business. This creates a lack of certainty in the projections for the corporation.

Finally COMSAT was assumed by many to have a monopoly over domestic statellites and now that matter is somewhat uncertain. While the Rail Passenger Corporation would run all intercity rail passenger service for those railroads who joined, it would not un all modes of intercity passenger service. In other words its scope of operations would be more clearly defined than COMSAT's.

Q. Why must we designate a basic national system?

A. At the present time, there are passenger trains operating which just happen to be survivors for which discontinuance was not approved. However, these trains do not necessarily represent the most important inter-city rail passenger service when viewed on a national basis with respect to achieving a balanced national transportation system. By designating a basic system, we will be giving top priority to certain inter-city passenger service which must be preserved in order to achieve a balanced national transportation system.

Q. How would you designate a national basic inter-city rail passenger system?

A. Specifically, we would have the Secretary of Transportation work closely with the Interstate Commerce Commission in order to designate the various points in the country between which inter-city rail passenger service should be operated.

Q. What would the basic system be?

A. First, it would designate cities between which rail passenger service should be operated. Second, it would indicate the type of minimum service to be provided between those cities.

Q. Would the designation by the Secretary of Transportation be reviewed?

A. The Secretary of Transportation would designate a basic system. The Interstate Commerce Commission would review his plan and make any comments it had for changing it. It would then be returned to the Secretary of Transportation who would give consideration to the I.C.C. comments and finalize his plan. Once finalized, the basic system would become law and would not be reviewed.

Q. Shouldn't Congress be given the opportunity to review any basic system?

A. Well, of course Congress at any time could by legislation change the basic system. However, I do not feel that the Secretary should submit his plan to Congress specifically for review. One of the problems we would have is that every Member would want to have inter-city rail passenger service which exists in his own State contained in the basic system. In short, I am convinced that affirmative review by Congress would result in unnecessary log rolling.

Q. Do you have any idea how many existing inter-city trains would be excluded from the basic system?

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A. I am told by the Department of Transportation that about 20% of the existing inter-city passeinger trains would not be included in the basic system.

Q. Would that mean that 20% of the inter-city rail passenger trains would be immediately discontinued whenever this law became effective?

A. Oh, no. Railroads operating service which was not in the basic system would still have to give 30 days notice under 13(a) in order to get discontinuance of such service approved.

Q. Now if this bill became law, would that mean that eventually only those trains in the designated system would be operating?

A. No, there is a provision for the operation of inter-city rail passenger service outside the basic system. That service could be provided at the option of the corporation or it could be requested by a State or regional authority which was willing to pay a reasonable portion of any avoidable loss incurred by the particular train.

Q. Could trains operating in the basic system be discontinued?

A. Trains in the basic system would have to operate until January 1, 1975. Now those trains would most likely be operated by the corporation. However, there is a possibility that some of those trains might be operated by a railroad which chose not to join the corporation. In either case, service would have to be provided until January 1, 1975.

Q. You mention railroads joining or not joining the corporation. How would a railroad join the corporation?

A. Any railroad operating inter-city rail passenger service between points in the basic system could join the corporation. To join the corporation, a railroad would have to buy common stock in the corporation. To buy common stock in the corporation, the railroad and the corporation would have to agree to a buy-in price. The buy-in price would be based on the 1969 avoidable losses incurred by the rail carrier for trains.

Q. How would the corporation be set up?

A. First, the law would require the President to nominate at least three incorporators with the advice and consent of the Senate. These incorporators would go through the process of setting up the corporation in accordance with the laws of the District of Columbia. The President would then appoint with the advice and consent of the Senate eight public directors. Railroads who had joined the corporation would elect three directors. The final four directors of the corporation would be elected by preferred stock holders after the corporation had sold stock to the public.

Q. How soon could the corporation be set up?

A. The first phase of setting up the corporation, namely the work which would be done by the incorporators, could be accomplished easily within three months. The corporation could be fully operational within six months.

Q. When do you envision the corporation taking over inter-city rail passenger service within the basic system?

A. The amendment which we have introduced sets March first, 1971, as the take-over date.

Q. Who would run the corporation?

A. There would be 15 directors. Eight would be appointed by the President with the advice and consent of the Senate. Three would be elected by the common stockholders, who initially would be railroads. Four would be elected by the preferred stock holders once the corporation had sold stock to the public.

Q. How much money would the corporation get and where would it get it from?

A. First, the corporation would get an initial grant of $40 million from the Federal Government. In addition, the Federal Government would guarantee loans for the corporation up to $60 million. Second, rail carriers who bought into the corporation would overall contribute around $200 million. Finally, the corporation would raise capital from the sale of preferred stock to the public. In addition, the corporation would have all powers of any corporation which would permit them to borrow money from lending institutions, sell debentures, etc. Once operating, the corporation would have a cash flow from the sale of tickets to rail passengers.

Q. Since many railroads are in dire financial straits, how could they afford to buy in to the corporation?

A. First, payments to the corporation would be determined by considering the inter-city rail passenger train losses from a joining railroad during 1969. The railroad could make its payment over a three year period and the payment could be made either in cash or equipment or in credits for future services to the corporation.

Second, title VII of our amendment, permits railroads which need money to cover the cash portion of their payment, to borrow the money from the Federal government. Such a loan would have to be repaid to the Federal government within five years.

It should be remembered that for each of the railroads which join the corporation, existing economic loss from the operation of intercity rail passenger service would be drastically reduced thereby improving the railroad's financial condition.

Q. Once the corporation took over, who would be running passenger trains?

A. Within the basic system, the corporation would be running passenger trains if a railroad had elected to join the corporation. If a railroad had not elected to join the corporation, the railroad itself would operate the passenger service. In practice, the corporation would have passenger cars sell tickets, market its products, set schedules, set fares, etc. and then contract with the railroad to have its train pulled on schedule over the tracks of the particular railroad.

If the corporation and the railroad could not agree on terms for the contract, operations would begin on the terms of the corporation and the I.C.C. would then arbitrate any differences if the railroad appealed to it.

Q. What protection against losses is afforded to public investors in the National Rail Passenger Corporation?

A. The bill provides that the stock to be issued to the public shall be preferred over the common stock issued to the railroads, by guaranteeing a minimum dividend of 6% before any dividends are paid on the common stock. Moreover, the voting preferred stock has a senior claim on liquidation, thus protecting investors from loss. At the same time, the preferred stock is convertible into common, thus insuring that the public stockholders will participate in the future growth of the company. In the parlance of investment analysts, the preferred stock is a "sweet" security, affording not only protection and income, but growth potential. As the brokers say, it has no "downside" risk, because of its preferences, and "upside" potential because of its convertibility.

Q. What is the likelihood for public investment in a National Corporation?

A. Of course, the vagaries of the market place preclude any accurate prediction about the short-range prospects. However, there is every reason to believe that over the long-range a good market exists for private participation in the ownership of The National Railroad Passenger Corporation. The preferred stock is safe; it has an attractive minimum dividend, and its convertibility makes it appealing. Moreover, an excellent market exists for the sale of the preferred stock to corporations, which can take advantage of the 85% dividend deduction provided in Section 243 of the Internal Revenue Code.

The Corporation will also have first-rate financial advisors to formulate a sound plan for marketing the preferred stock.

Investors will also be attracted to the sound management and operating structure of Railpax, inasmuch as the corporation will administer only passenger service trains over necessary routes on a sound financial basis. Management expertise is an important plus factor in investment analysis. Finally, government loan guarantees and seed-money appropriations will appeal to investors.

Q. Could the corporation initiate service outside the basic system?

A. Yes, at any time the corporation could decide to begin the operations of regular trains, special trains or extra trains in excess of the basic system.

Q. If the corporation did not institute service outside the basic system on its own, could it be made to do so?

A. Yes, any state or regional authority could make a request to the corporation to restore, continue or initiate rail passenger service. If the state or regional authority agreed to pay a reasonable portion of anticipated avoidable loss for such a train, the corporation would have to begin such service. Now a reasonable portion of avoidable loss would be not less than fifty percent nor more than the total avoidable loss and necessary capital expenditures. If the corporation and the state or regional authority were unable to agree on a specific price, the Secretary of Transportation would arbitrate and set a price.

Q. Since railroads presently lose money on most passenger service, what makes you think the corporation could succeed?

A. First, the corporation has a number of advantages over railroads. Its only business would be inter-city rail passenger service. Therefore, it would have to devote all its energies toward promoting the use of intercity rail passenger trains. Second, the corporation would be running passenger trains on a nationwide basis and could market its products in a more efficient way. Such things as advertising, ticket reservations, and large contracts for food services, etc. would be possible. Under the present system, no single railroad has enough passenger trains to benefit from the advantages of largeness. Moreover, the corporation would have capital in order to buy new equipment and try innovative ideas which presently does not exist in the railroad industry.

Q. Would labor be protected by the formation of this corporation?

A. Yes. Our proposal contains protective labor provisions which are far more liberal than anything provided in existing law. Where trains were discontinued, the Secretary of Labor would make certain that job placement, retraining, severance pay, and many other benefits were provided for affected employees. In addition, our proposal specifically provides that the corporation must give preference to existing crews in carrying out its operations. Moreover, the proposal provides that for the repair and maintenance of cars, the corporation must contract with existing railroads who have such work shops if the failure to do so would result in the lay-off of a single employee.

Q. Now as I understand it, the corporation would have to rely on railroads to pull its trains over particular railroad track. What guarantee is there that a railroad might not simply refuse to let the corporation use its right of way?

A. Well first, since railroads are stockholders in the corporation, I think they would be most unlikely to make such a refusal. However, our proposal provides for that contingency by authorizing the immediate operation of such trains by the corporation even if the railroad is unable to agree to contract terms. The railroad would then be given the right to appeal to the I.C.C. which in turn would arbitrate and decide any disputed is-

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sues. I want to emphasize that under no circumstances would the corporation be stymied because a railroad refused to let it use its right-of-way.

Q. What control would Congress have over the corporation?

A. It would have no direct control. However, the General Accounting Office is specifically given access to the corporation's records and at any time Congress could revoke the corporation's charter or modify its operation by law.

Q. Does Congress receive any reports regarding the corporation?

A. Yes, the corporation must make an annual report to Congress. In addition, the Secretary of Transportation and the I.C.C. must make reports to Congress concerning the overall national inter-city rail passenger service situation.

In addition, the financial investment advisory panel set up by Title V of our amendment would report to Congress on January 1, 1971 in order for us to get a prompt reading on the adequacy of financing for the Corporation.

Q. Just last week the ICC rejected requests for discontinuance of four passenger trains serving my state of Kansas. Can I be certain that under your amendment that those trains will continue to operate?

A. You can not be given an absolute assurance. However, the basic system to be set up by the Secretary of Transportation will include long distance intercity passenger trains. As I understand it his basic system will include about 80% of the presently existing intercity passenger trains.

Now some people have suggested limiting intercity passenger service to urban corridors. Our amendment does not. It contemplates a nationwide intercity passenger service.

Q. What if the basic system does not include those trains in Kansas?

A. Even if the particular trains you refer to in Kansas were not in the basic system they could be saved by the State or Region involved requesting that they be continued and offering to reimburse the Corporation at least 50% and not more than all of the losses incurred by the continued operation of the trains.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. ALLOTT. Mr. President, section 201 directs the Secretary of Transportation to designate a basic system, taking into account a number of factors relating to the public's need for intercity rail service. In itself this appears to be a sound approach, but I am concerned about its legal implications for existing passenger service that is not included in the basic system. If service on a route were not included in the basic system, would that mean that such service is not required by public convenience and necessity in a proceeding under section 13a of the Interstate Commerce Act?

Mr. PROUTY. No, it would not. The purpose of section 201 in requiring the specification of a basic network is to define and focus the corporation's responsibility. It is not intended to imply or indicate that service outside of the system may not still be required under the public convenience and necessity test of a section 13a proceeding.

Mr. ALLOTT. Mr. President, I appreciate the Senator's answer and his forthright statement as to the intended meaning of section 201. Nonetheless, and specifically in view of the possible legal questions that might otherwise be raised, I would like to offer an amendment to be inserted at the end of section 201. The amendment is as follows:

On page 5 after line 3 insert:

"The exclusion of a particular route, train, or service from the Basic System shall not be deemed to create a presumption that the route, train, or service is not required by public convenience and necessity in any proceeding under Section 13a of the Interstate Commerce Act (49 U.S.C. 13a)."

Would the Senator be willing to accept this amendment? I address this also to the manager of the bill, the Senator from Indiana.

Mr. HARTKE. Mr. President, I can say to the distinguished Senator from Colorado that if the amendment removes any ambiguity as far as the Senator is concerned, I have no objection.

Mr. PROUTY. Mr. President, I have no objection to this amendment and its adoption might help avoid any ambiguity.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, would it be in order to dispose of my amendment at this time?

The PRESIDING OFFICER. It would be.

Mr. ALLOTT. Mr. President, I send to the desk the amendment on behalf of myself and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5 after line 3 insert:

"The exclusion of a particular route, train, or service from the Basic System shall not be deemed to create a presumption that the route, train, or service is not required by public convenience and necessity in any proceeding under Section 13a of the Interstate Commerce Act (49 U.S.C. 13a)."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLOTT. Mr. President, I thank the manager of the bill, the Senator from Indiana, and I particularly thank the distinguished Senator from Vermont who is always extremely courteous in accommodating other Senators.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. COTTON. I want to express, in the most complimentary terms possible, my appreciation to the distinguished Senator from Vermont for the contribution he has made throughout the long and arduous process of consideration of this exceedingly difficult subject by the Commerce Committee. I also want to include within this expression the distinguished Senator from Indiana, who is chairman of the Subcommittee on Surface Transportation, for his leadership in this matter, and the chairman of the full committee, the Senator from Washington, who has given it his careful attention and contributed greatly to it, as have all the members of the committee.

It has been a long time, I think, since we have had a problem which is more perplexing than the matter of breathing life into the passenger service of this country without embarking on a program of subsidies that would open up a bottomless pit into which to throw money and result in the accumulation of rolling stock which might be left on the Government's hands.

Various bills relating to rail passenger service were introduced and considered by the committee. Quite evidently, the administration was as perplexed by the problems as was the committee, because it was some time before the submitted suggestions. Those suggestions when they did come up followed the line that had already been advocated and placed before the committee long before by the distinguished Senator from Vermont.

Working with the Department of Transportation, representatives of the administration, his colleagues, and the chairman of the Surface Transportation Subcommittee on which he is the ranking minority member, the Senator from Vermont has contributed more than any member of the committee to producing this proposal which is both safeguarded and at the same time holds promise for working out successfully.

We do not know what sections of the country will be able to produce enough traffic to justify extended passenger service. That knowledge will come with time.

The very able analysis that has just been given to the Senate by the Senator from Vermont covers all these points, and I shall not take any time to reiterate them. However, I do want to say that the committee has given long and careful consideration to this whole problem. I believe the substitute offered by the Senator from Vermont, together with the Senator from Indiana, and which the committee overwhelmingly favors is the best, the most careful, and most hopeful solution to the rail passenger problem.

Again I want to say to the Senator from Vermont that he deserves the gratitude of every member of the Committee on Commerce and of the Senate for the very constructive and able leadership and service that he has rendered in dealing with this matter.

The main reason why I am speaking of him perhaps more fully than I am of the Senator from Indiana is that the Senator from Vermont served as the liaison between the administration's consideration of this measure and the committee's consideration of the measure. Both the administration and the committee eventually followed the original suggestions and arguments that were put forth by the Senator from Vermont. I take great pride in the fact that my neighbor, the distinguished Senator from Vermont, played such a leading role in this legislation.

Mr. PROUTY. I thank the Senator from New Hampshire.

Mr. GOODELL. Mr. President, this is very important legislation. I congratulate both the Senator from Indiana and the Senator from Vermont for their effective leadership in bringing this bill to the Senate floor. It is critically important for New York as well as other areas of the country

I would like to ask one question of the

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managers of the bill for a clarification which is of the utmost importance not only to my own State of New York but to other States

Under section 201 of the bill the Secretary of Transportation has the authority to set up a basic national rail passenger system. Section 102(e) defines "intercity rail passenger service" to exclude commuter and other short-haul service. What effect would this definition have upon an intercity passenger train that also provides commuter service?

I have in mind the situation in New York City, where, for example, rail traffic between New Haven, Conn., and New York City run by the Penn Central also provides commuter service.

My question is, Would such a train be eligible for inclusion within the basic system?

Mr. HARTKE. Let me say to my distinguished friend from New York that this legislation, as the Senator has indicated, refers to intercity transportation of passengers by rail. It does not include commuter service. Of revelance here is the fact that the Senate has approved a bill specifically allocating $3 billion for commuter and other urban transportation.

In a situation of this kind, however, we cannot say that commuter service would or would not definitely benefit. There might be incidental benefits, but they would only be incidental. Basically, commuter service is excluded from the bill, and only to the extent that it would fall within the transportation system as designated for intercity transportation would it benefit, for example, where a particular service was both intercity and commuter.

Mr. GOODELL. In other words, if I understand correctly, the aid provided for service between New Haven and New York City, for example, would be covered, even though that route also covers commuter service.

Mr. HARTKE. That is basically correct, but this would be within the system designated by the Secretary of Transportation for an intercity transportation system. How are you going to tell whether a man is a commuter? He may commute all the way from Boston.

Mr. GOODELL. That is correct. Between New York, New Haven, and Boston, the lines are intercity and also provide commuter service for individuals coming into New York City and out again.

Mr. PROUTY. Mr. President, I think, in answer to the question of the Senator from New York, an intercity train which incidentally happens to pick up commuters nevertheless would be a part of the system. I do not think there is any doubt of that.

Mr. GOODELL. I thank the Senators for that very direct and unambiguous answer.

Mr. PELL. Mr. President, I have a substitute amendment that I should like to call up. However, I would hope that, in view of the fact that 14 other Senators and myself from the Committee on Foreign Relations are supposed to be at the White House, it could be taken up tomorrow morning.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, in view of the exigency which arises as a result of the meeting at the White House between the President and his advisers and the members of the Committee on Foreign Relations, I propound the following unanimous consent request:

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAIL PASSENGER SERVICE ACT OF 1970

The Senate continued with the consideration of the bill (S. 3706) to provide financial assistance for, and establishment of, a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. I further ask unanimous consent that, beginning at the conclusion of the prayer tomorrow, time on all amendments and amendments thereto, appeals, and motions, with the exception of a motion to lay on the table, be limited to 30 minutes on each amendment or motion, the time to be equally divided between the mover of the amendment and the manager of the bill, if he is opposed to the amendment; or, if he is not opposed to the amendment, the majority leader or whomever he may designate.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. HOLLAND. Reserving the right to object—and I do not intend to object—would this preclude the adoption of an amendment which the Senator has heard discussed between the Senator from Indiana and myself today without its being objected to, without any time limitation? I understand there is no objection to it.

Mr. BYRD of West Virginia. As I understand it, it would not preclude such action.

Mr. METCALF. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I yield.

Mr. METCALF. I have an amendment. I am informed by the Parliamentarian that I shall have to put my amendment in as an amendment to the Pell amendment, in the event that it is agreed to.

In the event that the Pell amendment is not agreed to, I still have an amendment to the Mansfield-Magnuson bill. All I want is an opportunity to present my amendment in the half hour that the Senator suggested. That is more than enough to present my case. I want to be sure that I have an opportunity to put my amendment in, either to the amendment of the Senator from Rhode Island or to the pending amendment in the nature of a substitute.

Mr. BYRD of West Virginia. The Senator from Montana would have that opportunity on tomorrow, I believe, under the unanimous-consent agreement, and would have 15 minutes, if he desired to take the allotted full time, in presenting his amendment.

The PRESIDING OFFICER. How much time does the Senator from West Virginia request on the bill itself?

Mr. BYRD of West Virginia. I was getting to that, Mr. President. On the bill, I suggest 10 minutes—5 minutes to the side—to be equally divided between the manager of the bill and the majority leader or his designee. I also ask that the unanimous-consent agreement take the usual form and that no amendment that is not germane shall be received.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Wednesday, May 6, 1970, during the further consideration of the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to ½ hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 10 minutes, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. BYRD of West Virginia. Then, Mr. President, it is understood that there will be no morning business tomorrow until after action on the pending bill has been taken.

The PRESIDING OFFICER. If that Senate were to meet after a recess, that would automatically be the case.

Mr. BYRD of West Virginia. Mr. President, there will be no rollcall votes today, and Senators may be on notice to that effect.

Mr. HOLLAND. Mr. President, if the Senator will permit me to ask one question, I think I understand the situation, but am I correct in understanding that the Senator from Indiana has now modified his substitute amendment so as to include it in the amendment agreed upon between himself and me?

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Mr. HARTKE. That is exactly correct. The substitute was never submitted until after the close of my entire statement. At that time, it included the agreed-upon language between the Senator from Florida and the manager of the bill.

Mr. HOLLAND. I thank the Senator. That means we will not have to call up the amendment which I suggested.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. BYRD of West Virginia. Mr. President, if no Senator at this time wishes to speak on the pending measure—and I see no show of hands—I ask unanimous consent that the pending business be temporarily laid aside, and that the junior Senator from South Dakota be recognized on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITION OF MEMBERS OF THE LEAGUE OF WOMEN VOTERS ASKING THAT NEW MILITARY ACTIVITIES IN SOUTHEAST ASIA CEASE

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a petition signed and circulated by individual members of the League of Women Voters—not as an association, but as private citizens acting as individuals—calling upon the Senate to face up to its responsibilities on a vote deciding whether the war in Southeast Asia should continue or be terminated.

The Senator from New York (Mr. GOODELL) and I had the privilege, earlier today, of addressing a group of these women on the steps of the U.S. Capitol, and at their request, I am asking that their petition, be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION

We urgently petition the President of the United States to cease the new military activities in South East Asia immediately, and we further urge the Congress to assert its constitutional responsibility to prevent the use of United States Armed Forces without its prior consent.

(Petition signed by approximately 900 members of the League of Women Voters.)

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be at this time a further period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE KENT STATE UNIVERSITY INCIDENT

Mr. MUSKIE. Mr. President, all of us are shocked by the senseless killing of four students at Kent State University.

It raises questions about our national sense of purpose—our regard for the dignity of man—our concern for the sanctity of life.

It raises questions about our responsibility as leaders to recognize and reflect the limits of restraint and support which we can expect from our people for public policy.

It is not enough to lament the ultimate consequences of dissent. It is not enough to plead for restraint.

All of us in public office must exercise restraint—from the President and the Vice President, to Members of Congress, to Governors and State legislators, to mayors, to National Guardsmen and police.

We cannot expect those who disagree with national policies to be restrained, if those in power do not set an example of self-control.

We cannot expect those who want change to work within our political system, if those who represent the system label all those seeking change as "traitors."

We cannot expect those who are disaffected to be nonviolent, if those charged with public safety rely on violence to keep order.

And those who want their rights respected and their views heard must respect the rights of others.

Nothing we do can restore the lives of the students slain at Kent State. But we can act, and act now, to prevent a similar occurrence.

First, we should carry out with dispatch the investigation by the Department of Justice and the Federal Bureau of Investigation to develop the facts and to determine whether any participants in the killing violated Federal law;

Second, we should initiate an immediate investigation by the Department of Defense to determine what rules of performance were being followed by the Ohio National Guard, whether those rules are inconsistent with Federal Armed Forces rules on performance of civil disorder duty, and—if they are inconsistent—to take the necessary steps to correct them;

Third, Federal and State officials should take steps to insure appropriate military and civil legal action against those who may have violated military codes or criminal statutes;

And, finally, we should take steps to review rules of performance for National Guardsmen, State and local police, and Federal officials, and to revise them where necessary, to insure against a repetition of the Kent State incident.

All of these actions are consistent with a broader requirement that those in positions of leadership assume their responsibility to lead the American people to plateaus of unity and mutual understanding.

The bonds of trust and confidence and believability which must exist between our Government and our people have been strained to the breaking point in recent years. Events of recent days threaten to destroy them.

We ignore them at our peril.

Let us grieve yesterday's tragedy with the parents of the four students.

Let us respond to the tragedy by focusing meaningfully, sensibly, and prayerfully upon the danger which it portends for us all.

INTRODUCTION OF AN AMENDMENT TO LIMIT FARM SUBSIDY PAYMENTS

Mr. BAYH. Mr. President, in 1968 and again in 1969, the House of Representatives passed payment limitation amendments. On both occasions, the House voted for a $20,000 ceiling on farm subsidies. Similar efforts in this body by the Senator from Delaware (Mr. WILLIAMS) and by the Senator from New York (Mr. GOODELL) last year, unfortunately, have been unsuccessful.

Despite these defeats, it is obvoius that farm payment limitation amendments have found increasing support. This support is based on a growing public awareness—and sense of outrage—that hundreds of millions of dollars, I repeat, hundreds of millions of dollars are wasted annually on large subsidies to a handful of wealthy landowners.

These subsidies do not represent increases in net farm income alone. In the case of large payments to corporate farms, the benefits are capitalized into increased land values. As a result, land values have become terribly inflated, so inflated that in many instances these values bear no relationship to the ability of modern-sized farms to provide the tillers of the soil with an adequate return for their labor and investment.

During last year's Senate debate on the agricultural appropriations bill, Mr. President, opponents of a payment limitation argued that it was bad precedent to legislate on an appropriations bill. It may have been had precedent from a parliamentary standpoint, but limiting farm subsidy payments certainly is sound public policy.

To those of us who supported the Senator from New York (Mr. GOODELL) when he attempted to suspend the rules in order to offer a payment limitation amendment, opponents pointed out that the basic farm authorizing legislation would expire in 1970 and thus the Senate soon would have a more appropriate forum for fully debating this question. The parliamentary argument against suspending the rules prevailed, Mr. President, but I want to point out that the

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vote against suspending the rules was not a vote against a payment limitation.

The time to begin the debate on a permanent payment limitation is now, Mr. President. I was pleased to see, therefore, that the distinguished Senator from Delaware (Mr. WILLIAMS) had inserted in the March 24 CONGRESSIONAL RECORD a partial list of those receiving exceptionally large payments in 1969. The Senator's list reveals that eight companies were paid more than $1 million; 14 companies received between $500,000 and $1 million; and 54 companies received between $250,000 and $500,000.

Many of these companies, it is interesting to note, are banks and corporate farms.

Even more to the point, Mr. President, in 1968 a total of 25,386 producers received more than $10,000 in Government payments. Last year the number of payees who received more than $10,000 rose to 31,905. I ask unanimous consent to have printed in the RECORD two complete listings, by State and by commodity program, of the number of payees who received more than $10,000 in 1968 and again in 1969.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

PRODUCERS RECEIVING $10,000 OR MORE FROM SPECIFIED PROGRAMS, 1968

State	3 programs	Cotton	Feed grain	Wheat
Alabama	744	723	21	
Arizona	846	802	38	6
Arkansas	1,576	1,571		5
California	1,670	1,564	31	75
Colorado	431		107	324
Delaware	4		4	
Florida	31	14	17	
Georgia	656	555	100	1
Idaho	310			310
Illinois	577	1	570	6
Indiana	371		369	2
Iowa	760		759	1
Kansas	837		222	615
Kentucky	49	6	42	1
Louisiana	687	682	4	1
Maryland	11		11	
Michigan	42		40	2
Minnesota	217		191	26
Mississippi	2,209	2,202	5	2
Missouri	588	231	352	5
Montana	799		3	796
Nebraska	587		509	78
Nevada	15	11		4
New Jersey	3		3	
New Mexico	521	224	221	76
New York	8		7	1
North Carolina	215	163	52	
North Dakota	334		4	330
Ohio	133		129	4
Oklahoma	381	144	18	219
Oregon	304		1	303
Pennsylvania	16		16	
South Carolina	539	519	20	
Tennessee	357	341	16	
Texas	7,315	5,342	1,411	562
Utah	39			39
Virginia	15	2	13	
Washington	967		3	964
Wisconsin	62		62	
Wyoming	19			19
South Dakota	141		57	84
U.S. total	25,386	15,097	5,428	4,861

PRODUCERS EARNING $10,000 OR MORE FROM SPECIFIED PROGRAMS, 1969

State	Cotton	Feed grain	Wheat
Alabama	777	32	
Alaska			
Arizona	847	78	13
Arkansas	1,680		5
California	1,652	242	136
Colorado		200	457
Delaware		5	
Florida	13	34	
Georgia	709	194	5
Hawaii			
Idaho		5	442
Illinois	2	822	10
Indiana	1	485	4
Iowa		1,016	2
Kansas		343	773
Kentucky	11	74	2
Louisiana	786	4	1
Maine			
Maryland		25	
Michigan		52	1
Minnesota		499	50
Mississippi	2,459	12	3
Missouri	309	468	12
Montana		6	1,117
Nebraska		806	99
Nevada	13		4
New Jersey		6	1
New Mexico	320	274	196
New York		11	8
North Carolina	150	88	1
North Dakota		46	490
Ohio		166	7
Oklahoma	170	50	371
Oregon		6	326
Pennsylvania		16	2
South Carolina	619	36	
South Dakota		81	210
Tennessee	413	24	
Texas	6,077	2,044	824
Utah		1	54
Virginia		21	
Washington		11	1,143
Wisconsin		94	
Wyoming		1	28
Total	17,008	8,378	6,797

Mr. BAYH. Mr. President, even the Department of Agriculture has seen the handwriting on the wall when it comes to limiting payments—or so it seemed last year. During the debate on the fiscal 1970 agriculture appropriations bill Secretary Hardin, sensing the mood of the Congress and the country for a reordering of our spending priorities, admitted that it was "possible to design a sound farm program that limits the number of dollars that can be paid to any one farmer for programs following the 1970 crop year."

The Secretary's statement was indeed a welcome sign to many of us who believe that the President and the Congress need to do more than merely talk about reordering priorities. I believe that if we are ever going to reorder our priorities and begin to address ourselves in a meaningful way to the critical problems confronting us here at home, we must start by trimming the "fat" from the President's $200 billion-plus budget.

Cutting nonessential wasteful spending is the most direct way to free funds for vitally needed human resource programs. These programs, always the victims of a budgetary squeeze—as in the recent case of the fiscal 1970 HEW appropriations bill—continue to be vastly underfunded. Actual spending on health, manpower development, housing, pollution control, and law enforcement programs last year, for example, was about $5 billion below congressionally authorized levels. Yet the Department of Agriculture will spend approximately $3.7 billion in fiscal 1970—and more next year and even more the following year if nothing is done—for price-support and subsidy payments.

According to the Department of Agriculture's own analysis, Mr. President, a full 35 percent of that $3.7 billion, or about $1.3 billion, is in no way related to production control needs but serve as income supplement payments. These payments supplement farm income only by the amount of the payment and only for the recipients of those payments. Payments that actually work to control supply by diverting acreage, in contrast, result in a higher price level for all producers who market. It is disturbing to note, therefore, that the bulk of the income supplement payments go to a small number of large corporate interests that have invaded American agriculture in recent years.

In the cotton program, where large payments are common, the top 5 percent of the producers receive about 40 percent of all payments. In the wheat and feed grains programs, where the benefits are less concentrated, the largest 20 percent of the producers receive 62 and 57 percent of the benefits respectively.

These figures, Mr. President, very clearly reveal what many critics of unlimited payments have long suspected; namely, that some of our present programs are not particularly efficient means for distributing benefits to the family-sized farmers. It is simply folly to argue, as opponents of a payment limitation have in the past, that by cutting off payments at, say, $10,000 we will be hurting the family farmer. I do not believe this doubletalk that says the way to help the small farmer is to pay out hundreds of millions of dollars to large farmers. The logic of this argument escapes me, Mr. President.

I was greatly disappointed, therefore, when I learned of Secretary Hardin's recent proposal to the House and Senate Agriculture Committees. The Secretary proposed a graduated payment limitation beginning at $20,000 and continuing up as high as $200,000. Under this formula, a farmer could receive as much as $110,000 for each of the major commodities—wheat, feed grains, and cotton. It is estimated that the administration's proposal would produce a saving of only $52 million annually.

In view of the House's action on two occasions of approving a flat $20,000 limit on all payments and because of what I sense to be growing support in the Senate for an effective ceiling on these outrageous payments—aptly described by former Under Secretary of Agriculture John Schnittker as "welfare payments to the wealthy"—I find the Hardin formula totally inadequate.

Mr. President, I am today introducing with the Senator from New York (Mr. GOODELL) an amendment that would limit payments to $10,000 under each of the commodity programs. A $10,000 ceiling per commodity, in effect, would serve about the same purpose as a $20,000 limitation per farm, but would be somewhat easier to administer and would not have the adverse consequences on supply adjustment as would the $20,000 overall limitation.

Our amendment, Mr. President, would affect approximately 30,000 producers—about 1.3 percent of all those receiving payments—and result in a sizable budgetary saving of nearly $340 million annually. That is more than six times the savings estimated for the administration's graduated limitation.

Mr. President, as a farmer myself, I think I am as acutely aware as anyone of the need to develop an effective mechanism that would permit the millions of independent agricultural producers to balance supply against the demands of the marketplace. Theoretically, present commodity programs are designed to aid the farmer in achieving that precarious balance by offering direct payments as incentives to withhold acres from planting. Opponents of a payment limitation have argued that a ceiling on payments would destroy these voluntary adjustment programs by removing the incentive for large farmers to participate. In the absence of these payments, it has been said, the large efficient corporate farms would expand production and drive out the smaller farmers.

At first glance, Mr. President, that sounds plausible enough, but upon closer examination it fails to hold up. As I pointed out earlier, using the Department of Agriculture's own figures it appears that more than one-third of all payments are really income supplements—payments that merely supplement the incomes of already wealthy landowners—and are not required to achieve desired supply adjustment goals. In short, we are now paying out a great deal more than we need to in order to divert the required number of acres from production.

There is, in addition, the question of whether present commodity programs, in the absence of a payment limitation, are the most efficient means for reducing acreage. If taking acres out of production is our sole concern, I believe there is a less costly and more equitable way. That is to expand the Cropland Adjustment Act so that land can be retired on a long-term basis. A recent study of the relative cost effectiveness of the Cropland Adjustment Act and the feed grains program, for example, indicate that it costs about 28 percent less to retire land on a long-term basis than it does to divert the same number of acres on a year-to-year basis under the feed grain programs.

A per program payment limitation would affect the producers of cotton, wheat, and feed grains differently, depending upon the need to control supply, the proportion of payments which are merely income supplements, and the concentration of production on large farms.

COTTON PROGRAM

Under existing legislation the Secretary of Agriculture, through direct payments, must assure producers a minimum of 65 percent of parity for all cotton produced on their permitted acreage. In order to avoid subsidizing exports, the payment is made on cotton produced on the domestic allotment. In 1969, these payments totaled $822 million—or about 76 percent of all cotton harvested. Does it make sense to pay out more than $800 million to produce a crop worth slightly more than $1 billion? I think not.

The national cotton allotment announced by Secretary Hardin for 1970 is approximately 17 million acres. The best estimates of planting intentions indicate that little more than 12 million acres will be harvested. Clearly, many cotton producers find it unprofitable to plant cotton. In fact, as former Under Secretary of Agriculture John Schnittker has pointed out:

> Large cotton payments . . . have been justified not to reduce output but to increase it. No one will argue that limiting payments will lead to a cotton surplus.

On the other hand, Department of Agriculture analyses indicate that adequate supplies of cotton would be produced even though payments were limited to $10,000 per producer, provided marketing quotas were lifted. Mr. President, the amendment offered by the Senator from New York (Mr. Goodell) and myself empowers the Secretary of Agriculture to permit cotton producers to overplant their outdated allotments based upon any reductions in their payment because of the $10,000 limitation.

In its earlier years, the cotton program functioned as a production control mechanism, paying farmers to divert a part of their acreage. Today, in contrast, a large portion of cotton payments are income supplements.

WHEAT AND FEED GRAINS PROGRAMS

The number of producers and the amount of production in both programs that would be affected by a $10,000 limitation is so negligible that the impact on acreage adjustments would be minimal. The number of wheat producers affected by the amendment, for example, would be 0.7 percent of all wheat producers with only 10 percent of the toal wheat acreage. On the average, wheat producers whose payments were limited would have their payments and their acreable diversion requirements reduced about 40 percent. A 40-percent reduction in acreage diversion, however, would only affect wheat acreage diversion some 4 percent—an amount easily compensated for by other adjustments in the program.

In the feed grains program, about 0.5 percent of all producers with about 6 percent of the total acreage would be affected by a $10,000 limitation. Feed grains producers so affected might have their payments and acreage diversion requirements reduced an average of 30 percent. A 30-percent reduction in acreage diversion on the large farms would only reduce overall feed grain diversion by 1.8 percent.

Mr. President, the Department of Agriculture itself has told us that in 1968 approximately $508 million in cotton payments, $148 million in feed grains payments, and $302 million in wheat payments—a total of more than $1 billion—were in the form of income supplements. That $1 billion in welfare payments to the wealthy was about the same amount of money the Federal Government appropriated for both the model cities and low-rent housing programs. I believe we need to turn around this pattern of spending and set our priorities straight.

We need a sound agricultural program designed to strengthen the family farmer and provide adequate food and fiber for our Nation. One ingredient for such a program, Mr. President, is the limiting of large subsidy payments.

Mr. President, I send the amendment to the desk and ask that it be printed and lie on the table.

The **PRESIDING OFFICER.** The amendment will be received, and will be printed and will lie on the table as requested.

Mr. **BAYH.** Mr. President, on behalf of the distinguished Senator from New York (Mr. Goodell) and myself, I ask unanimous consent that the following Senators be listed as cosponsors: Senator Case, Senator Hart, Senator Hartke, Senator Kennedy, Senator McIntyre, Senator Pell, Senator Proxmire, and Senator Williams of New Jersey.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **BAYH.** Mr. President, I would hope that this measure will be adopted when we consider permanent farm legislation.

Mr. **GOODELL.** Mr. President, I am pleased to coauthor with the Senator from Indiana (Mr. Bayh), an amendment to limit the amount of farm payments made to individual producers of cotton, wheat and feed grains to $10,000 per crop.

Uppermost in all of our minds today is the inflation eating away at the pocketbooks of every American. It is difficult enough under present budgetary limitations—aggravated by excessive military spending—to provide sufficient funds for welfare reform, revenue sharing, and adequate health, urban rehabilitation, education and job training programs.

We have not yet eradicated the scourge of hunger and malnourishment for 10 million Americans in our country. Why then, it must be asked, should we perpetuate an outrageous farm subsidy program which assists no one but a small handful of wealthy producers and corporations?

Let us look closely at the facts about this program. In 1969, 2.5 million producers in the United States received a total of $3,695,200,000 in subsidy payments for all programs. Less than 1 percent of these producers received subsidies over $25,000, but these large payments totaled $406 million—11 percent of the aggregate amount paid.

In testimony before the Senate Appropriations Committee on June 4, 1969, Secretary Hardin, on the basis of 1968 figures, estimated that 65 percent of the cotton payments, 49 percent of the wheat payments, and 11 percent of the feed grains payments were simply income supplements rather than payments for acreage diversion. In other words, a large part of the large payments are a net addition to producers' substantial incomes from farm products marketed rather than payment for leaving land out of production to balance supplies with market outlets available, as is commonly supposed.

A most distressing fact is that farm subsidy payments do not aid the hard-pressed small- and middle-size family farmer. Moreover, the list of "farmers" who receive large checks includes nonfarm corporations, banks, several State prisons, and even State governments. In the cotton program, for example, in 1968, 62 percent of the program payments, totaling $787 million, went to fewer than 35,000—7.6 percent—of the 449,000 producers and landlords who received cot-

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ton program payments. These 35,000 large producers received checks of $5,000 to $3 million while the other 414,000 producers received checks averaging about $700 each. Half the cotton producers received checks of less than $700. Subsidies to cotton and wheat growers, fully half of which go to the very large farmers, now exceed 50 percent of the value of the crops they produce.

As presently constituted, our farm subsidy program is a national scandal. The number of individuals and corporations receiving payments constantly increases, as does the total amount of subsidies paid out for these programs. This is an outrageous waste of the taxpayer's money, and its continuation in a time of budgetary restraint cannot be tolerated.

In order to end this waste and inequity, Senator BAYH and I are offering an amendment which provides that the total amount of payments an individual producer is entitled to receive under each of the cotton, wheat, and feed grains programs shall not exceed $10,000. It defines the term "payments" so as to include wheat marketing certificates, but does not include loans or purchases.

Department of Agriculture statistics reveal that 17,008 cotton producers, 8,378 fed grain producers, and 6,797 wheat producers received payments in 1969 in excess of $10,000. These 32,183 producers received payments totaling $660,034,000. Had our limitation been in effect and operated at 100 percent efficiency, their payments would have been reduced by approximately $338 million.

Contrary to popular notion, a payment limitation at this level would affect only 3.8 percent of the cotton producers, 0.5 percent of the feed grain producers, and 0.7 percent of the wheat producers, yet would have resulted in this substantial saving.

In order to compensate for the payments limitation, paragraph (b) of the amendment also provides that producers whose payments shall be permitted by the Secretary of Agriculture to reduce their acreage diversion requirements, or increase plantings, by fair and reasonable amounts in relation to the reduction in payments. It would be expected, for example, that under this provision a producer whose payment was reduced by 25 percent would have his acreage diversion requirement reduced by 25 percent. Rather than write a formula into the law, however, discretionary authority is vested in the Secretary who can make this determination in light of market conditions at the time. This will make the limitation simpler to administer.

In its earlier years the cotton program functioned as a production control mechanism, paying farmers to divert a part of their acreage. However, as I pointed out, today's payments are largely supplements to market income and are programed to assure the production of adequate supplies even though world cotton prices are relatively low. With this flexibility permitted the Secretary under our amendment, the desired acreage of cotton can be attained each year with a $10,000 limitation on individual payments, even though 50 percent of the production might be affected by the limitation.

The number of wheat and feed grain producers and the amount of feed grain and wheat production affected by a $10,000 limitation is so negligible that the effects on desired acreage adjustments would be minimal.

The number of wheat producers affected by the amendment would be 0.7 percent of all wheat producers planting 13 percent of the total wheat acreage. On the average, wheat producers whose payments were limited would have their payments and their acreage diversion requirements reduced about 40 percent. But a 40-percent reduction in their acreage diversion would reduce total diversion only 5 percent—a small amount easily compensated for by other adjustments in the program.

About 0.5 percent of the feed grain producers with about 8 percent of the total feed grain acreage would have their payments reduced by a $10,000 per program limitation. The payments and the acreage diversion requirements of these producers would be reduced 30 percent on the average. A 30-percent reduction in acreage diversion on the large feed grain farms result in a 2.4-percent reduction in total feed grain acreage diversion. This is easily within the range of variable response to other program provisions.

Paragraph (c) of the amendment directs the Secretary of Agriculture to issue the regulations necessary to prevent evasion of the $10,000 limitation on the three crops.

Paragraph (d) prevents the sale or lease of cotton acreage allotments to evade the limitation. It specifically states that the Secretary shall not permit the sale, lease, or transfer of any part of the cotton acreage allotment for any farm if he determines that such action is intended primarily for the purpose of evading the foregoing payment limitation.

Finally, the amendment repeals the so-called cotton snapback provision in the present law. Under this provision, if payment limitations are imposed on cotton producers, the cotton price would still have to be supported at no less than 65 percent of parity. It has been estimated that the snapback provision could cost about $165 million, thereby dissipating the savings received under the $10,000 limitation.

Basic farm legislation expires this year, and we have before us an excellent opportunity to enact long-range changes in the farm program which would limit the large subsidy programs.

Secretary Hardin has now presented a "consensus farm bill" to the Senate and House Agriculture Committees which contains a graduated payments limitation. It is extremely regrettable, however, that the Secretary's proposal would allow payments up to $110,000 to a single producer for each of the three crops of cotton, wheat, and feed grains—or as much as $330,000 for all three programs. In my view, this is unsatisfactory. The estimated savings if the program were 100 percent effective, using 1968 data, would be a mere $53 million. Our amendment would have saved approximately $250 million in 1968, and the estimated saving for 1969 under maximum efficiency would have been $338 million. It should also be pointed out that the Secretary's proposal would only limit 9,000 producers, whereas ours would limit 25,000—compared to a total of 2.5 million farmers.

I wish to note that the minority members of the Joint Economic Committee, Representatives WILLIAM B. WIDNALL, W. F. BROCK III, BARBER B. CONABLE, Jr., and CLARENCE J. BROWN, and Senators JACOB JAVITS, JACK MILLER, LEN B. JORDAN and CHARLES H. PERCY joined in a minority supplement to the 1970 Joint Economic Report, which included an endorsement of farm program payment limitations. After discussing several alternatives that have been proposed they concluded:

> We do not take a position on any particular proposal, but we do believe some limitation approach should be adopted—one which will not, at the same time, defeat the very purpose of the programs—avoiding surplus production.

On two occasions, the House has passed a $20,000 limit on the overall payment which a single producer could receive. While I have supported this proposal as a means of limiting these wasteful programs, it is my view—on the basis of expert testimony—that a limitation on payments per program would be much easier to administer than a limitation on all payments.

Secretary Hardin emphasized this point in his testimony on the administration's proposal before the Senate Committee on Agriculture and Forestry on March 23, 1970, when he said:

> In order to make the limitation administratively feasible, the limitation would be applied crop by crop, rather than producer by producer. Some farmers produce several supported crops; if the limitation were applied to the farmer instead of to each of his respective crops we would have very great difficulty in knowing how the wheat program and how the cotton program should be administered on a particular farm while staying within the total limitation.

Mr. President, we have drafted this proposal as an amendment to the coalition farm bill, S. 3068, simply because it is one of the major farm bills pending before the Senate Agriculture Committee. We have indicated to the committee our interest in having this level of payments limitation included in the new farm legislation to be enacted this year. I am pleased to note that Senators CASE, HART, HARTKE, KENNEDY, MCINTYRE, PELL, PROXMIRE, and WILLIAMS (New Jersey) have joined us as cosponsors in this effort at this time.

A meaningful limitation of large farm subsidies must be enacted this year. If we really mean to reorder our priorities, then we cannot allow this giveaway program to continue. If we really want to bring about constructive change in our system, then we must reform its blatant inequities, and I cannot think of a better place to start than with the elimination of programs to help privileged corporate giant farms.

Mr. President, when I offered a similar amendment to the Agriculture Appropriations Act last year, I placed in the Record a table provided by the Department of Agriculture which lists by State those producers who received $10,000 or more from cotton, wheat, and feed grains. It has come to my attention that a similar table with statistics for 1969 which I again inserted in the Record on April 23, 1970, did not contain final Department tabulations which have now become available. I, therefore, ask unanimous consent to place the updated version of this table in the Record. I also ask unanimous consent that the text of this amendment be printed at the conclusion of my remarks.

There being no objection, the table was ordered to be printed in the Record, as follows:

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE—NUMBER OF PRODUCERS EARNING $10,000 OR MORE DURING 1969 IN THE FOLLOWING ASCS PROGRAMS

State	Cotton	Feed grain	Wheat
Alabama	777	32	
Alaska			
Arizona	847	78	13
Arkansas	1,680		5
California	1,652	242	136
Colorado		200	457
Delaware		5	
Florida	13	34	
Georgia	709	194	5
Hawaii			
Idaho		5	442
Illinois	2	822	10
Indiana	1	485	4
Iowa		1,016	2
Kansas		343	773
Kentucky	11	74	2
Louisiana	786	4	1
Maine			
Maryland		25	
Michigan		52	1
Minnesota		499	50
Mississippi	2,459	12	3
Missouri	309	468	12
Montana		6	1,117
Nebraska		806	99
Nevada	13		4
New Jersey		6	1
New Mexico	320	274	196
New York		11	8
North Carolina	150	88	1
North Dakota		46	490
Ohio		166	7
Oklahoma	170	50	371
Oregon		6	326
Pennsylvania		16	2
South Carolina	619	36	
South Dakota		81	210
Tennessee	413	24	
Texas	6,077	2,044	824
Utah		1	54
Virginia		21	
Washington		11	1,143
Wisconsin		94	
Wyoming		1	28
Total	17,008	8,378	6,797

The text of the amendment is as follows:

Amendment No. 610

At the appropriate place in the bill insert a new section as follows:

"TITLE XI—PAYMENT LIMITATION

"Sec. 1101. (a) Notwithstanding any other provision of law, the total amount of payments which a person is entitled to receive under each of the following programs for any crop of the commodity, beginning with the 1971 crop, shall not exceed $10,000: (1) the wheat program in effect under sections 339 and 379(c) of the Agricultural Adjustment Act of 1938, as amended; (2) the feed grain program in effect under section 16(i) of the Soil Conservation and Domestic Allotment Act, as amended, and section 105(c) of the Agricultural Act of 1949, as amended; and (3) the cotton program in effect under sections 101(f) and 103(d) of the Agricultural Act of 1949, as amended. The term 'payments' as used in this subsection includes payments in cash or kind, and wheat marketing certificates but does not include loans or purchases.

"(b) If it is determined that the total amount of payments which will be earned by any person under the program for any crop of wheat, feed grains, or cotton will be reduced by this section, the acreage which may be devoted to the production of such crop on the farm or farms on which such person will be sharing in payments earned under such program shall be increased to such an extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

"(c) The regulations issued to carry out the wheat, feed grain, and cotton programs shall contain such provisions as the Secretary determines necessary to prevent evasion of the foregoing limitation.

"(d) The Secretary shall not permit the sale, lease, or transfer of any part of the cotton acreage allotment for any farm if he determines that such action is intended primarily for the purpose of evading the foregoing payment limitation."

2. Section 402 is amended by inserting the subsection designation (a) before the first sentence and adding a new subsection (b) as follows:

"(b) Paragraph (12) of subsection 103(d) of the Agricultural Act of 1949, as amended, is deleted."

TRIBUTE TO AMERICAN PRISONERS OF WAR

Mr. THURMOND. Mr. President, I should like to take this opportunity to congratulate my good friend, the distinguished Senator from Kansas (Mr. Dole), who now occupies the chair, on the fine job he did in organizing the tribute to Americans who are missing in action or prisoners of war in Southeast Asia.

I was privileged to attend the rally at Constitution Hall last Friday which was in support of these men and their families, and I was most pleased and gratified with the tremendous response it received.

Credit for the success of this rally is also shared by the bipartisan committee which Senator Dole appointed to help coordinate the activities. They include Senators Mansfield, Goldwater, Dominick, Stennis, Murphy, and Muskie, and Representatives Roudebush, Teague, May, Daniel, McKneally, and Sikes.

Mr. President, everybody connected with the rally at Constitution Hall worked hard to make it a success. Many hours of planning and preparation were devoted to this end. Scores of Congressmen, high Government officials, and notable citizens throughout the country participated, and thousands of concerned Americans were present.

Knowing this, Mr. President, I was amazed Saturday morning to find that the Washington Post did not consider the event newsworthy enough to run it on the front page. It did find space there for some dubious groups who decided that the President should be impeached; and it also gave generous publicity to the rioters at College Park. But the nonpartisan, nonpolitical tribute at Constitution Hall was relegated to a blurb on page 6.

Mr. President, we all know that the Post is irredeemably liberal—not only in its editorial policy but also in its treatment of the news. We may as well resign ourselves to that fact. However, it does seem that even the liberal Post would have no objection to according reasonable publicity to a cause such as this. Maybe it is so unalterably opposed to the war in Vietnam that it cannot do anything to support or encourage our boys who are connected with the war in any way; or maybe it was put off by the fact that the rally was organized by a conservative from Kansas. Perhaps if a man with impeccable, liberal credentials had spearheaded the program, and there had been a mob of anarchists present, the Post would have done better.

Whatever the situation, Mr. President, I think it is a shame that the objects of a fine tribute last Friday at Constitution Hall were let down by the Washington Post. Again, however, let me say that it was a great success, and a great deal of the credit goes to the gentleman from Kansas, Senator Bob Dole.

TRAGEDY AT KENT STATE UNIVERSITY

Mr. BYRD of West Virginia. Mr. President, I can understand why many students have misgivings about our action in Cambodia.

But there is no justification for riots, violence, destruction of property, and disruption of academic studies, such as took place at Kent State University.

Confrontations such as have occurred on campuses all over the country, in which police and National Guardsmen are attacked and overprovoked in a tension-filled atmosphere, can always lead to overreaction by the law-enforcement authorities.

I am appalled by what happened at Kent State, and I would hope that patience, calmness, and reason—on the part of students and everyone else—would prevail at this critical time. I believe that a majority of students are busily pursuing their studies and that those who have engaged in disruptive activities, rock throwing, and destruction of property constitute a minority. Outsiders may also be involved.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAIL PASSENGER SERVICE ACT OF 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that Calendar No. 769, S. 3706, again be laid before the Senate for consideration.

The **PRESIDING OFFICER**. The bill will be stated by title.

The **ASSISTANT LEGISLATIVE CLERK**. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend sec. 13(a) of the Interstate Commerce Act, and for other purposes.

The Senate resumed consideration of the bill.

Mr. **BYRD** of West Virginia. Mr. President, this will be the unfinished business when the Senate convenes tomorrow, immediately after the conclusion of the prayer.

ORDER OF BUSINESS

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it so ordered.

ORDER OF BUSINESS

Mr. **BYRD** of West Virginia. Mr. President, what is the pending business now before the Senate?

The **PRESIDING OFFICER**. S. 3706, the Rail Passenger Service Act of 1970.

Mr. **BYRD** of West Virginia. I thank the distinguished Presiding Officer.

PROGRAM OF BUSINESS

Mr. **BYRD** of West Virginia. Mr. President, as a reminder to Senators, the Senate will convene at 11 o'clock a.m., tomorrow, following a recess. At the conclusion of the prayer—and, if the majority leader sees fit, the approval of the Journal—the unfinished business will be laid before the Senate. Time on each amendment, and amendments thereto, each appeal and motion, with the exception of a motion to lay on the table, will be limited to 30 minutes with the time equally divided. Time on the bill will be limited to 10 minutes, equally divided. There will be a rollcall vote on final passage, the yeas and nays having previously been ordered. There will be no period for the transaction of routine morning business until the unfinished business has been disposed of.

DEATH OF REPRESENTATIVE WILLIAM ST. ONGE, OF CONNECTICUT

Mr. **DODD**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 966.

The **PRESIDING OFFICER** (Mr. DOLE) laid before the Senate a resolution (H. Res. 966) which was read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable William L. St. Onge, a Representative from the State of Connecticut.

Resolved, That a committee of fifteen Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. **DODD**. Mr. President, I submit a resolution and ask for its immediate consideration.

The **PRESIDING OFFICER**. The resolution offered by the Senator from Connecticut will be read.

The resolution (S. Res. 403) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. William L. St. Onge, late a Representative from the State of Connecticut.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

RECESS UNTIL 11 A.M. TOMORROW

Mr. **BYRD** of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order and pursuant to Senate Resolution 403, as a further mark of respect to the memory of the deceased Representative from Connecticut, that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 9 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, May 6, 1970, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate May 5, 1970:

FEDERAL MARITIME COMMISSION

Helen D. Bentley, of Maryland, to be a Federal Maritime Commissioner for the term expiring June 30, 1975; reappointment.

IN THE AIR FORCE

Maj. Gen. James T. Stewart, 486–14–3093FR, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general under the provisions of section 8066, title 10 of the United States Code.

IN THE NAVY

Vice Adm. Edwin B. Hooper, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. John L. Chew, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Having designated Rear Adm. Eli T. Reich, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The following Air Force officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be captain

Akridge, James A., 460663518.

To be first lieutenant

Ables, Charles D., 251645448.
Abraham, Quentin D., 359343476.
Adams, Harold Q., Jr., 308388394.
Adams, Louis J., 137341084.
Adamson, Daniel P., Jr., 456546023.
Addison, John M., 251627388.
Alau, Henry D. K., 576409292.
Aldrian, Frederic L., 569560139.
Alexander, Joseph R., 546526565.
Alexander, Rudolph, 263588123.
Alfred, Robert E. L., Jr., 232688165.
Allemand, Kenneth J., 437564047.
Allen, Paul B., 403521768.
Allen, Roy M., 555606802.
Alley, James B., 512408324.
Allyn, George S., Jr., 055361890.
Alverson, Don L., 422526425.
Ames, Laurence W., 079344748.
Amodeo, James M., 485463131.
Anderson, Arlan J., 501443898.
Anderson, David S. J., 149321664.
Anderson, Gary L., 518440276.
Anderson, Howard C., 541482606.
Andre, Jerome P., 541428655.
Angstadt, Howard J., Jr., 565620783.
Armistead, John H., Jr., 226581673.
Arndt, John B., 180321838.
Arnholt, Terry J., 350328887.
Arnold, Alfred F., 215420708.
Arnold, Larry K., 220403721.
Arrison, John R., 158329363.
Arzaga, Eulalio, Jr., 462708752.
Baasel, Richard W., 511448846.
Babbitt, George T., Jr., 539383032.
Bailey, William S., 528548849.
Baird, Richard L., 525928732.
Baker, Larry E., 408706318.
Baker, Steven M., 310423456.
Balzer, Erich H., 392342516.
Banks, Thomas W., 274382458.
Barclay, Lewis P., 288389189.
Barcus, Robert G., 395407184.
Bardal, Eugene A., 477488685.
Barger, Edward L., 388427330.
Barker, James N., Jr., 229481273.
Barnes, Charles R., 546561968.
Barr, Gene H., 369408689.
Barrow, Robert W., 566544179.
Barry, Edward G., 028321373.
Barsaloux, Robert E., 473440750.
Barton, Charles D., 248687628.
Bass, Paul J., 500407386.
Batt, William P., 261643508.
Baugh, Eric R., 543349709.
Beasley, John T., 083344255.
Beaudrie, Kenneth C., 383425466.
Beavers, William W., 560626324.
Becherer, Paul O., 361344748.
Becker, Lynn H., 387421731.
Beeler, Larry L., 541427132.
Beggs, Paul L., 420524440.
Bell, Jack D., 525982100.
Bennett, Carle E., 466622249.
Bennett, Robert K., 252648724.
Benson, David E., 517440639.
Benson, John D., 361347389.
Berentsen, Harold J., 333346915.
Berger, Kenneth E., 294383570.
Bergez, David J., 438609005.
Bernardi, Richard A., 356343125.
Bernardy, Robert L., 501444201.
Berrier, David L., Jr., 267565649.
Berry, Robert W., 184348466.
Betchel, Robert C., 478401702.
Beu, Norman J., 325346425.
Bever, Michael R., 500445742.
Biehle, Arlen L., 508427481.
Bifolchi, Charles L., 010340499.

XUM

Billones, Louis R., 565568197.
Binzer, Kenneth J., 284380414.
Bischoff, Kenneth D., 529509264.
Bishop, Arland H., 525685886.
Bishop, Donald W., 416483275.
Bishop, Gary V., 535400165.
Bitner, John B., 308445217.
Bivens, George W., 526625673.
Bjorn, Larry N., 538388712.
Bjornestad, Maurice M., 389381684.
Blachford, Wayne L., 504504948.
Black, William S., Jr., 069346999.
Blackhurst, David L., 247727216.
Bliemel, Jeffrey, J., 093340837.
Bloom, Leonard O., 235666930.
Boggan, William J., 428902561.
Bojack, Richard J., 547605200.
Boles, James D., 458706260.
Bolz, Larry F., 539368722.
Bongartz, Theodore R., 216401419.
Bonham, Frank A., 417568796.
Bonk, Allan B., 271400199.
Booth, James E., 498424581.
Borkholder, Dale, 313442883.
Borries, Jerry L., 265621917.
Bounds, Michael S., 576424339.
Bourque, George M., 006425980.
Bowen, James A., Jr., 439628585.
Bower, Robert C., 525987315.
Bowles, Joe A., III, 450722004.
Boyce, Joseph B., Jr., 239704812.
Boyde, Edward R., 106345288.
Boyle, Richard P., 024300265.
Bozeman, Jerald D., 250795056.
Bragg, James J., 220382563.
Brannan, Jack F., III, 268409667.
Bream, Joseph R., 139340783.
Brenneman, Richard C., 304441125.
Bristol, Charles E., 322389717.
Britton, Donald R. 360344865.
Britton, Richard D., 413626335.
Brooks, George W., Jr., 424526320.
Brown, Allan D., 507542068.
Brown, Edward F., 216383157.
Brown, James F., 543423561.
Brown, Marion L., Jr., 255625371.
Brown, Raymond G., 449640825.
Brown, Robert H., 239681920.
Brown, Wayne G., 533388693.
Brown, Wilbur N., Jr., 228501793.
Brown, William J., 258689284.
Bruckner, Robert A., 337344617.
Brunson, Roy E., 180349404.
Buchanan, Ross M., 325382638.
Buhl, Theodor W., 296382160.
Bullock, Joseph T., 430744353.
Bunch, Dennis V., 531366484.
Buntenbah, Jon M., 224586770.
Bunts, Jeffrey M., 291384497.
Burchfiel, Malcolm R., 408787940.
Burchfield, Edward L., 302360680.
Burke, Donald L., 259663266.
Burke, Stuart A., 272348269.
Burnett, Robert W., 263640143.
Burns, Nicholas J., 535483123.
Busboom, Richard J., 507548898.
Busek, Joseph R., Jr., 502442128.
Bussey, Robert M., Jr., 564581946.
Butler, Norman D., 440441155.
Bye, George E., 566560150.
Cagle, Donald R., 239645424.
Cahill, Richard W., 159348639.
Calamos, John P., 355326593.
Caldwell, Dennis H., 203329338.
Calfee, James R., 226500877.
Calver, Theodors R., 074340885.
Canorro, Michael A., 531402359.
Carroll, Robert G. H., III, 186329158.
Carver, Luther W., Jr., 242662827.
Cashman, Patrick J., 481480430.
Cashman, Patrick J., 481480187.
Castruccib, James F., 526458430.
Caswell, James G., 537327093.
Cathey, James L., 431782547.
Caviness, Jesse C., Jr., 411662331.
Ceffalo, George M., 531388308.
Cejka, George J., 508542208.
Cermele, Michael J., 154321025.
Cerrato, Francis M., 131328672.
Chambers, John F., Jr., 463688169.
Chaplin, Wallace H., Jr., 022325401.
Chapman, Jerry D., 465566486.
Chapman, John E., 335361263.
Charlton, Hugh J., 521568049.
Cherry, Charles E., 223561592.
Chisholm, Harold W., Jr., 185327747.
Choate, James W., 461625919.
Ciz, George C. Jr., 319343043.
Clair, William J., 465707091.
Clark, Walter B., 219387898.
Clark, William E., Jr., 228564629.
Clarke, Sidney H., 533407742.
Clawson, George D., 282385244.
Coder, John K., 483507961.
Colburn, Eugene J., III, 022322652.
Cole, Peter A., 047325788.
Cole Richard T., 365429813.
Cole, Rondell L., Jr., 539383927.
Collins, Edward L., 237546444.
Collins, Gerald E., 043345770.
Collins, James H., 235569545.
Collins, Sumner R., 224461695.
Condit, Douglas C., 543423572.
Conklin, David A., 036287097.
Conklin, Donald A., 105341245.
Conner, Lorenza, 257663222.
Conques, Duane L., 223569077.
Contreras, Raymond T., 262726895.
Cooke, John C., 114346094.
Cookson, Gerard D., 084348559.
Corbett, Elbert M., 242727991.
Corbett, James D., 520444350.
Corbin, Wayne W., 316466563.
Corley, William D., Jr., 524509513.
Corzine, Jack W., 464649789.
Cosnowski, Walter J., Jr., 373422050.
Cox, Jackie L., 306427534.
Cox, John R., 266629369.
Crane, Alfred C., Jr., 152347236.
Cranston, Robert W., 498461879.
Crawford, Daniel C., Jr., 257586468.
Crawford, Paul E., 407580126.
Crimmins, Francis T., 027324227.
Cronk, James T., 093341773.
Crosby, Paul S., 513444263.
Cross, Allan J., 106341940.
Cross, Jack P., 457665971.
Crossman, Gregory J., 367407355.
Crosson, Gerald J., Jr., 106345431.
Cummings, James A., 427867341.
Curlee, Loveta L., 279406121.
Dabbs, Terry O., 430788237.
Damiano, Michael R., 224541639.
Dampman, William A., 462642685.
Danner, Carl E., 317381748.
Dannerbeck, Peter G., 389409001.
Daschbach, Thomas M., 493481689.
Davidson, Wayne T., 147321833.
Davis, Curtis L., 430642893.
Davis, Earl E., Jr., 171343456.
Dayton, Douglas K., 151302649.
Decker, Austin J., II, 132224021.
Decker, Ronald C., 171348200.
Delahoussaye, Jean P., 435561340.
Delyser, Kenneth J., Jr.. 433624685.
Demeyer, Andrew F., 068341936.
Demmon, John L., 552567016.
Dempsey, Richard J., 050329984.
Dent, Harvey L., Jr., 229548959.
Denton, James C., 533403143.
Dettwiler, Ronald H., 346323452.
Deweese, Theodore R., 127349096.
Dielman, Terry L., 272382407.
Divingnzzo, Sam M., 530267891.
Doetzer, William E., 216388197.
Donohoe William F., 150326949.
Donovan, Thomas P., 013325107.
Dormer, Edward J., Jr., 261729165.
Dostaler, Dion J., 568523964.
Dotson, William P., Jr., 579564857.
Doubrava, Laudie J., 540483064.
Douglas, Kenneth W., 408728228.
Drage, Charles J., 523544212.
Drake, William C., 251669914.
Dreher, Richard E., 300369776.
Drolet, Normand E., 265565530.
Drum, Louis M., 505501376.
Dubis, William, 250684917.
Duers, James W., 106340942.
Duff, Eugene B., 037268004.
Dugan, Hugh, 527585487.
Duggan, David H., 255503037.
Dunn, Douglas M., 220403138.
Dunn, Richard R., 262547388.
Dwyer, John L., 013329250.
Eagle, Henry III, 141341124.
Earls, Allen R., 488444612.
Eastman, Herbert C., Jr., 264627115.
Ebbert, Ronald, 265524421.
Ebeling, Charles E., Jr., 210345786.
Eckert, Raymond A., 165347664.
Edgar, Robert J., 094340314.
Edmiston, Ronald L., 185304175.
Edwards, Michael R., 237601604.
Edwards, William W., 285382082.
Effinger, George W., III, 579525832.
Ehrlich, Ralph I., 355321931.
Elliott, William D., 362443155.
Ellis, Ronald W., 359342668.
Engles, Charles G., 570560567.
English, James T., 537381824.
Esther, James D., 257644060.
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Evans, Ronald G., 514420821.
Evatt, Garvin T., Jr., 419585308.
Ewing, Clyde W., 568526238.
Fairbourn, Lee, R., 529569572.
Fairchild, Gerald G., 410689640.
Faith, Larry E., 417581132.
Faletto, Richard J., 531367913.
Fardin, Robert W., 552487936.
Farley, Daniel P., 086343122.
Farmer, Vivian J., 247728863.
Farrell, William T., 039268040.
Feddes, Robert G., 516527287.
Feighny, James P., Jr., 524520982.
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Ferguson, John E., 412680423.
Fernandez, Manuel, Jr., 449581236.
Ferry, James D. G., 263640463.
Fesmire, Thomas A., 169342514.
Fichter, Kip R., 527449326.
Fierro, Charles D., 132322770.
Figel, Walter, Jr., 137320513.
Fillare, Joseph P., 140322844.
Fillion, Milton E., Jr., 025320684.
Findley, Keith G., 226564113.
Finses, James R., 390405502.
Fletcher, John E., 361344578.
Flournoy, Daniel B., Jr., 416545899.
Floyd, Howard G., Jr., 425826984.
Flynn, John D., 083347506.
Ford, Rodney D., 501504536.
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Forshey, Jack R., 290343243.
Foth, James R., 515408832.
Fox, Frank M., 437604392.
Fox, Paul M., 035287811.
Fradella, Francis J., 254644050.
Fraker, Paul J., 522540191.
Framberger, James F., 390385595.
Franc, Gary C., 522603610.
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French, Stephen F., 023327134.
Frerking, Stanley P., 489469060.
Frey, Kenneth A., 279382359.
Froeschner, Paul H., 495447969.
Frutchey, Irvin W., Jr., 263682787.
Fugate, Edward, 279386043.
Fulaytar, Gerald W., 303449386.
Fuller, Othel R., 525864032.
Gagnon, Donald J., 509427408.
Gaines, Robert S., 437568120.
Gallagher, Ingegerd H., 267641327.
Gallagher, William S., 164366604.
Gallardo, Edward, 527525506.
Galletta, Patrick M., 572621706.
Gardner, Dennis L., 567589164.
Garland, Hugh A., 261669687.
Garneau, Robert A., 018326936.
Garrison, Chester P., 145348498.
Garrison, David W., 155347682.
Garrity, Robert E., 021285632.
Gastineau, Jerry E., 540464466.
Geib, George E., 308483707.
Germann, Robert H., 516485473.
Gerndt, Gerald L., 392445684.
Gerry, Richard E., 560506678.
Gibney, Jimmy C., 441389224.

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Gilbreath, David M., 463624003.
Giles, James T., Jr., 257622246.
Gill, Luke J., 172323307.
Gillespie, William U., III, 209323807.
Giordano, Thomas J., 183341402.
Gitto, Thomas, 072288694.
Giusti, Peter C., 033325109.
Gnuse, James R., 200343820.
Gobelle, David R., 003309648.
Gobien, Jurgen O., 144342437.
Goddard, David M., 243644545.
Goddard, William W., 273383713.
Goodrich, Michael T., 534426018.
Gordon, John T., 325346952.
Gorr, Boehmer J., 200341993.
Gossett, David E., 214443649.
Gott, Fredrick L., 286360915.
Gould, Douglas R., 027329157.
Graham, John M., 572546034.
Granrud, Garth P., 494428225.
Gratton, John J., 132287153.
Gray, Jack E., II, 444466986.
Gregory, Richard E., Jr., 429763020.
Griffin, John B., Jr., 577565104.
Grindl, Anthony R., 547609345.
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Guillot, Fred A., 435589654.
Guinn, Jerry R., 257548092.
Gunderman, Ronald G., 276341351.
Guran, Claude P., 381387777.
Guwang, William C., Jr., 176360753.
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Hackard, Charles N., 354345323.
Haddad, Frederick F., Jr., 288389784.
Haigh, James D., 469460980.
Hall, Bruce, B., 529482566.
Hall, Eugene M., 483380719.
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Hall, Larry B., 467787697.
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Hallett, Jack P., Jr., 271404644.
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Halvorsen, Bruce D., 329364842.
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Hammond, Lawrence E., 508561800.
Hammons, Willard, 406460929.
Hampton, Michael S., 451626843.
Handy, Walter R., Jr., 229540602.
Hankee, Thomas J., 195305850.
Hannibal, Alexander R., 554560789.
Hanson, John R., 537361558.
Hardin, Jimmy O., 239667320.
Hardy, John K., Jr., 230545131.
Harms, Thomas E., 216423548.
Harper, Robert B., III, 531426705.
Harrington, Jeffrey M., 482506962.
Harrington, William P., 453667382.
Harris, Richard P., 040346087.
Harris, Tyree W., 262669692.
Harrison, John C., 368420476.
Hart, Thomas E., 515282525.
Hartman, John W., 171343630.
Hartwick, Peter J., 135349474.
Havener, William P., 061364731.
Hazard, Christoph W., 302364429.
Heath, Dale B., 062348458.
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Hefty, Raymond S., 575389764.
Heinze, Dieter H., 058343163.
Heisler, Roger, 075343353.
Heitz, John M., 316326037.
Helsel, Ronald W., 561509990.
Helt, Harold C., Jr., 159364549.
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Hendrickson, James L., 513423125.
Henning, Jerry A., 219406683.
Hensell, Ronald L., 546549212.
Hensley, William S., 230484982.
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Hierro, Henry L., 059343618.
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Hillhouse, Jon S., 259607293.
Hindman, Steven E., 414685658.
Hintz, Peter B., 542467070.
Hipps, Robert L., 410700309.
Hiraoka, Lloyd T., 576346993.
Hite, Jerry P., 578564896.
Hitztaler, William J., 147347909.
Hnetynka, Martin J., 348344138.
Hodge, Russell L., 340348041.
Hodges, Charles G., III, 264661334.
Hoffson, Arthur T., 462625269.
Hogwood, John C., 224544551.
Hoisington, Bennett K., 503347928.
Hoke, Eric O., 232581864.
Holladay, Cecil A., 263669475.
Hollis, Roger E., 131328864.
Holmes, William T., Jr., 262666802.
Hoover, Richard D., 442405716.
Hoover, Thomas R., Jr., 511421103.
Hopper, Harry J., Jr., 056368059.
Horiuchi, Gerald T., 562565930.
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Hruskocy, Thomas C., 310429914.
Hubbard, James W., 543526838.
Huckaby, George L., Jr., 162344636.
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Huey, James S., 520369186.
Huffman, Winston O., 224544871.
Hull, George D., 413640241.
Hulla, Gregory G., 516482842.
Humbert, Steven B., 240681939.
Hume, Jerome L., 448405838.
Huneycutt, Charles J., Jr., 239680639.
Hunsader, Thomas J., 394427783.
Hupp, Eric M., 212407905.
Hurd, Joseph E., 409725386.
Hurley, James M., 465701803.
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Hutchings, Michael W., 512405225.
Hutter, Raymond R., 183325649.
Ingalsbe, Gerald E., 528568149.
Irion, Dennis L. M., 517483933.
Irsch, Wayne C., 441441283.
Jackson, Andrew R., Jr., 245609999.
Jackson, Gary W., 515400618.
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James, Norman E., 302346475.
Jarvinen, Phillip L., 393423557.
Jeffus, Robert E., 092328251.
Jenkins, James B., 526608908.
Jenks, Peter M., 027325033.
Jennings, Neil H., 273405870.
Jensen, Laurence A., 529508239.
Jensen, Mark, 528564421.
Johnsen, Arthur J., 134346594.
Johnson, Harold R., 318368914.
Johnson, Lionel P., 501444851.
Johnson, Randall S., 230546695.
Jones, Clarence E., Jr., 269389984.
Jones, Dennis B., 531422780.
Jones, Gary L., 251728205.
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Jones, Richard W., 444443045.
Judge, Wallace A., 293386369.
Kahn, Jay J., 552626535.
Kalervo, Kaarlo A., 110344922.
Keegan, John J., Jr., 579563868.
Keezer, Daryl B., 382402683.
Kelley, Jack L., 446449728.
Kelling, John O., 468443474.
Kelly, James W., 519462815.
Kelly, Richard G., 479484638.
Kennard, Richard D., 518444277.
Kennedy, Francis E., Jr., 048323412.
Kersis, Alexander J., Jr., 140345002.
Ketterer, James A., 395409501.
Kiechlin, Kevin P., 149360223.
Kijek, Anthony F., 197303820.
Kimbrell, Roy E., III, 567608231.
Kinder, Jerome C., 388409872.
King, Edward S., 155325863.
King, Gerald W., Jr., 297367436.
King, Ira E., 526645565.
King, Wilburn, Jr., 329369582.
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Kirwan, Maurice J., 497462000.
Klinger, Robert S., 466627423.
Knauf, Kenneth L., 391482340.
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Koch, Richard A., 517442353.
Kolton, Adrian J., 045321010.
Komets, Arik K., 012322168.
Kondratowicz, Paul J., 013327505.
Koontz, Gerard F., 217407678.
Kopp, Robert A., 322365343.
Korson, Lawrence J., 385367709.
Kotzun, John J., 142340109.
Kozma, Ronald F., 077346285.
Kratt, Ronald A., 379408253.
Krausse, Daniel A., 445424226.
Krog, Donald E., 503489052.
Kruckeberg, Roger P., 524464913.
Kuhnell, Charles R., 436606384.
Kuiper, William H., 479500514.
Kurtti, Donald E., 502345332.
Lablanc, Ronald W., 391406252.
Lacelle, Gareth F., 518447018.
Lafoy, Joe C., Jr., 456688398.
Laing, Donald J., 524506117.
Lakin, Earle R., Jr., 003308269.
Lambert, Richard L., 039264581.
Lambert, Robert L., 039264580.
Landolt, John F., Jr., 497465540.
Landron, Thomas A., 581843435.
Lands, Richard T., 054363118.
Lane, John D., Jr., 019344640.
Lang, Kenneth J., 562506877.
Lange, Sammy D., 460583792.
Lantz, Carl E., Jr., 566580500.
Lappalainen, Hjalmer W., 099349432.
Larkin, John A., 166343810.
Larkin, Walter J., 012321762.
Larsen, Bruce J., 475442350.
Larsen, Richard H., 541482449.
Lasho, Peter I., 514401168.
Laster, William D., 522541819.
Latch, John L., 214422056.
Lathrop, Robert M., Jr., 402563091.
Laverne, John L., 409669619.
Lawrence, Gerald J. R., 047329455.
Lawson, William H., 287380736.
Leachman, Joe H., Jr., 401568046.
Leahy, James T., 067346930.
Leavenworth, William H., 384424450.
Lebed, Joel P., 173341877.
Lebert, Ronald M., 503466655.
Leblanc, Gerald A., 433662494.
Lee, John E., 248660903.
Lee, John L., 461582299.
Lees, Lawrence E., 150320212.
Lembo, Nicholas P., 016329624.
Lentz, James E., 431722854.
Lepage, David A., 315421944.
Lesavage, Frederick G., 474444303.
Lessly, Roy R., 444447594.
Lewis, Edward, III, 167349867.
Lewis, John F., 433562234.
Liebzeit, Edward W., 363444469.
Lillard Mark H., III, 285384756.
Lilly, Robert C., 100345443.
Lindstrom, John A., 474463413.
Linnemann, Hugh K., 356347742.
Lippencott, Georg E., 226564094.
Lisembee, William A., 317447627.
Litherland, David D., 314428097.
Little, Lawrence E., 426905014.
Livingston, Robert D., 230549301.
Lock, Eugene R., 489486002.
Lockwood, James F., 049306369.
Lodge, Charles H., 180344330.
Loeb, Anthony M., 549606920.
Long, Michael, 392382963.
Loos, James R., 450701596.
Lorch, Lance, 131320663.
Lortz, Kendal N., 556520501.
Lott, Stephen M., 550529556.
Lowenthal, Philip V., 578565144.
Lucas, Dennis M., 534407235.
Lucas, Donald, 444400635.
Lucas, James W., 317404411.

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Luckinbill, Thomas A., 443408007.
Luke, John H., Jr.,421582341.
Lundy, John, 5185030040.
Lunsford, George F., Jr., 265662492.
Luplow, David H., 273384981.
Luther, Charles R., 439624095.
Lux, John H., 547606012.
Lynch, Martin J., 502449547.
Lynch, William B., 315444375.
Lynn, Richard A., 159304856.
Lyon, Lawrence M., Jr., 263708634.
Macaluso, Donald L., 532386762.
MacDonald, William J., 014320939.
MacIboba, William G., 100344140.
MacPherson, William R., 402602299.
MacQuarrie, Ronald J., 571487704.
Magoon, Wayne A., 034320769.
Maland, Jon M., 473480751.
Malchow, Stephen B., 468502940.
Mallett, William F., Jr., 100348375.
Malone, Keith D., 368429585.
Mancarella, Owen, 044347681.
Marburger, Donald T., 466727028.
Marcinik, Roger L., 159305972.
Mark, Daniel B., 028329902.
Marsico, Leonard M., 278365770.
Martin, Charles D., 410668629.
Martin, Harold E., Jr., 314489305.
Martin, Kevin P., 535403622.
Maseda, Manuel R., 262561254.
Masek, Richard T., 353349969.
Masilko, Gary E., 506520765.
Massie, Jerry N., 347321502.
Matlock, John V., 410689456,
Maxey, Eugene B., 227564581.
Maxwell, Ernest R., Jr., 173345561.
Mayo, Billy C., 453628943.
Mayton, James E., Jr., 579542316.
McClanahan, Harry R., 511327278.
McCloskey, Michael J., 089342120.
McCluskey, Ronald W., 353360045.
McCollough, Austin E., III, 204340473.
McConnel, Thomas H., 237602086.
McConnel, Victor I., 219368985.
McCormick, George G., Jr., 569564055.
McCormick, Richard M., 227544771.
McCoy, Charles L., 257664192.
McCoy, John D., 355426793.
McCoy, Neil R., 473507244.
McCrea, Van A., 258748347.
McCubbin, Glenn D., 509425326.
McCulley, George G., II, 263685772.
McDonnel, Rhett M., 520445609.
McDonough, Larry G., 390408832.
McElhaney, John R., 183346745.
McGarvey, Anthony J., Jr., 461667626.
McGraw, Robert G., 456642159.
McKenzie, Terry M., 448422528.
McLean, Terrence M., 274381845.
McNamara, Wayne J., 470467427.
McReynolds, Robert B., 425803099.
Medlyn, Ralph W., Jr., 385429865.
Meehan, Robert P., 016304634.
Meiggs, Marvin G., Jr., 229544959.
Melton, Olan K., Jr., 409702276.
Merritt, Henry H., 431748281.
Merwin, John T., 547563706.
Meserole, David A., 203340582.
Messenger, James D., 442464667.
Messick, Kenneth E., 523543890.
Metzger, John K., 280366835.
Meyer, Andre B., 359286810.
Michnal, Walter R., 365421294.
Middagh, Jay W., 358327734.
Milam, James R., 456664696.
Milensky, Chester F., 031326808.
Milich, Predrag, 286363068.
Miller, Christopher G., 444446969.
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Miller, Jerrold A., 276381502.
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Miller, William T., 251665175.
Milstead, Jay D., 527562211.
Mims, Robert D., III, 259642949.
Minardi, Franklin J., 232663425.
Mitchell, McMorris, 439585817.
Mock, LeRoy, 201347869.
Moeller, George H., 479384579.
Molis, John E., 058341413.
Monlux, Harold D., 480445848.
Moody, Donald J., 438623983.
Moomjian, Vasken M., 043348354.
Moore, Evans W., Jr., 070341605.
Moore, Kenney E., 443427811.
Moore, Roland H., 281381253.
Moore, Thomas W., 271326111.
Morgan, Earl H., Jr., 269365099.
Morris, Maynard B., 553502469.
Morrison, Meredith A., 050343439.
Morrison, Richard F., 444428757.
Morton, Noble E., 426847628.
Moser, Robert L., Jr., 239667247.
Mostovoj, Vitali, 157329949.
Mott, David P., 474446096.
Mott, Garry E., 516486812.
Mullarkey, James D., 389389141.
Murphy, Clarence, Jr., 249667741.
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Murphy, Raymnod H., Jr., 043369430.
Murray, James T., 002323403.
Myers, Glenn L., 159321395.
Naehring, David L., 297380198.
Najaka, Robert S., 047322751.
Nall, George, Jr., 342342360.
Nardino, Joseph A., 157323870.
Nassick, Nick N., Jr., 170327500.
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Nebb, Peter J., 536389229.
Neel, Richard O., 243624755.
Neill, Robert M., 479447898.
Nelson, Charles M., 455649636.
Nelson, William H., II, 429809478.
Nepo, Meriem A., 520444843.
Nestlerude, Howard E., III, 574142640.
Newell, Donald L., 486463964.
Newton, Thomas J., 260646978.
Niedzwiecki, Richard, 065348300.
Niemann, Edward R., 450662604.
Nix, Paul W., 410668967.
Nocito, Kenneth S., 074349530.
Nolte, Laurence H., Jr., 203347676.
Nordquist, Leo P., 023323846.
Northington, James T., 419586348.
Nyary, Norman B., 262620960.
Nystrom, Ronald E., 520447391.
Nystrom, Thomas L., 424505514.
O'Connor, William F., 230543587.
ODle, Wilbur P., 415641406.
O'Donnell, Joseph G., 173342007.
Odum, Paul R., 260647619.
Olchvary, Paul S., 152349022.
Olivier, Laurence C., 002307803.
Olson, Bryce R., 468444130.
O'Malley, Paul E., 308405508.
O'Mara, David E., 408728134.
O'Neal. Jerry, Jr., 520464681.
O'Neal, Maston E., 258623677.
O'Neill, Joseph H., 193341473.
Oppel, Bernard F., 171345255.
Orsolino, John, 109340003.
Osborn, Allan C., 452602667.
Osborn, James R., 301382539.
Osborne, Louis L., Jr., 463624199.
Osborne, Vincent H., 523544542.
Ott, Jerry K., 431768472.
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Papp, Francis R., 157329443.
Parker, James R., 243722921.
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Paul, Robert M., 228504378.
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Pearce, Berthol S., Jr., 433608983.
Pearse, Robert R., 547528451.
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Perez, Atiland V., 467440850.
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Pilonetti, Dennis M., 453607253.
Pine, William S., 573545867.
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Pinkerton, James, Jr., 138364697.
Pitera, Richard, 110326362.
Plagman, Harold L., 482501360.
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Plummer, William W., Jr., 264688308.
Podworny, William T., 143342985.
Polek, Melvin F., Jr., 213449501.
Poll, MacGregor E., 384424019.
Post, Richard E., 181348840.
Potter, Larry S., 537400442.
Poulton, Marvin M., 518421533.
Powell, William E., 603176742.
Prahler, David C., 098340187.
Pratt, John R., Jr., 374409589.
Presley, Roger C., 210349821.
Proctor, Richard D., 529501106.
Provines, Robert W., 446367089.
Puffer, Joseph M., Jr., 002321217.
Pulis, Derrell R., 442422619.
Purcell, David E., 022329421.
Radican, Ronald R., 441441638.
Radloff, Robert W., 398327155.
Radochia, Robert T., 010322737.
Rajczi, Louis J., 378428882.
Ralston, Lynn B., 313449517.
Ramming, Frank F., 442464337.
Rand, James E., 376423620.
Rankin, Thomas S., 272404614.
Rapalski, Jan P., 165367412.
Rasch, Anthony A., 461705635.
Rasmussen, Robert B., 266662651.
Ratcliffe, Stephen J., 182383296.
Ratledge, John R., 245642143.
Ratliff, James G., Jr., 427905821.
Ray, Lawrence L., 560624098.
Raygor, Senator C., 390423663.
Reagin, Robert E., 257620042.
Reavey, Michael F., 036288314.
Rech, Joseph A., 197342067.
Reed, Charles K., 434541916.
Regal, Thomas E., Jr., 016327551.
Reid, Larry D., 513404134.
Reilly, James E., 323367274.
Reilly, James P., 174340321.
Reinholt, Jerome J., 309460789.
Reiss, Anthony W., 317447515.
Renzelman, Ronald L., 442427614.
Reser, Thomas G., 532389558.
Reynolds, Duane B., 019329611.
Reynolds, Thomas S., 511407521.
Rice, Donald F., 521565702.
Richardson, Burke D., 491442867.
Richardson, Ralph H., 369409435.
Richmond, George M., II, 026321278.
Rideout, Donald L., 5267226664.
Ridnouer, Dennis M., 485500454.
Riehl, Paul A., 437709449.
Riley, Michael J., 517480961.
Rinkel, Richard L., 337361218.
Rissmiller, Thomas J., 144344021.
Robb, Gerald A., 562509070.
Robbins, David L., 412683961.
Roberson, Paul R., 426869421.
Rockensies, John A., 134343020.
Rodenborn, James D., 545628250.
Rogers, Charles W., 099326905.
Rogers, Joe D., 454647678.
Rogers, Peter B., 265622226.
Rogers, William F., 476421186.
Rogowski, Kenneth G., 387421695.
Rohrer, Stephen K., 308401403.
Rose, John D., 232666422.
Rosenbach, Robert P., 488442827.
Ross, John W., 422565496.

Round, Clyde A., 585012290.
Routhier, Paul D., 035285542.
Rubin, John G., 353348787.
Ruby, Douglas F. H., 097341679.
Rusak, Alexander, 137265199.
Rush, William D., 469468962.
Rush, William E., 271362097.
Russell, Charles A., 230563357.
Russell, Frederick, E., 512444234.
Russell, Ronald R., 270383446.
Russo, Christopher F., 138349313.
Rust, Malcolm M., 423526496.
Rutyna, Aldis P., 195320531.
Ryckeley, Charles J., 254626594.
Sabo, William J., 383421787.
Sallee, Sherman K., 543405846.
Salmon, Roy F., 070322315.
Samuels, Lyle A., 059360273.
Santoki, Paul H., 575422802.
Sarkissian, John M., 370444778.
Saul, Warren J., 303429057.
Scalzo, Angelo, 567462022.
Scanlon, Joseph J., Jr., 136347947.
Scarborough, Otis F., Jr., 570405620.
Schafer, John D., 216422622.
Schantz, Bruce M., 134303201.
Schartz, Michael B., 542463089.
Schauss, Roger H., 285382420.
Schellhammer, Ric J., 077323674.
Schill, Peter L., 155342524.
Schlachter, David C., 270389312.
Schleede, Ronald L., 300368106.
Schlegel, Philip H., III, 100326270.
Schleher, Jeffrey S., 094342641.
Schneider, Joe G., 505584587.
Schneider, Lloyd F., 535401723.
Schoenhals, Larry M., 460623603.
Schor, Frederick D., 261605194.
Schreiber, Donald R., 534383673.
Scott, James D., 519447665.
Scott, Norman A., 543408286.
Scott, Rolland A., 053341552.
Sekimoto, Stanley S., 575388047.
Sellers, William B., Jr., 529626137.
Selzer, John M., Jr., 489460260.
Seniawski, Charle D., 067344036.
Setera, Richard A., 374369002.
Sewell, Gary W., 426789729.
Seymour, Gary L., 568580207.
Shapiro, Michael N., 025323155.
Shatto, Dwight A., 448406697.
Shaughnessy, John E., Jr., 433620812.
Shean, Robert P., 218449582.
Shehi, Phillip C., 510420314.
Shell, William R., 237681169.
Sheridan, James V., Jr., 221245725.
Sherman, Robert S., 500463361.
Sherman, Todd H., 014329053.
Shidal, Jerry G., 450726839.
Shimek, John J., 431887349.
Shoun, John W., 415689132.
Siau, Robert M., 248724041.
Siedlarz, John E., 145329916.
Siefert, Mark C., 193340442.
Sikes, Robert W., 171348426.
Simpson, Richard T., 250662660.
Simpson, Terry A., 462723120.
Singleton, Stephen N., 036261692.
Singleton, William P., 236666902.
Sipp, Robert L., 350344794.
Sisk, Donald E., 223408228.
Small, Dennis E., 007362162.
Smiley, David N., 421442073.
Smith, Carl J., 299385570.
Smith, Claude D., Jr., 184322268.
Smith, Douglas D. C., 228545455.
Smith, Elton L., 541483107.
Smith, James W., 439560017.
Smith, Lawrence E., 513409220.
Smith, Leslie L., 567481930.
Smith, Lewis P., II, 198326494.
Smith, Richard W., 519445777.
Smith, Robert E., 245609538.
Smith, Ross L., 458662892.
Smith, Stephen A., 562587944.
Smith, Steve R., 527569534.
Snedker, Harold C., 513408904.
Snyder, Harry W., 176349072.
Sonoda, Howard K., 575421389.
Souza, Manuel A., Jr., 526506358.
Sox, Sam P., Jr., 419560226.
Spalt, Allen E., 337360799.
Spear, Richard W., 520441648.
Spehar, Michael A., 295368689.
Spence, Gary W., 457687067.
Spencer, Clayton W., 431763211.
Spencer, David T., 572347721.
Spetch, Edward T., Jr., 539380623.
Spitzmesser, Richard L., 303440477.
Spory, Robert E., 204345455.
Sprunk, Charles, 253623463.
Stahl, Johnny M., 434587560.
Stallins, Floyd H., 432525728.
Stanfield, Charles R., 449728558.
Stark, Robert R., 407503284.
Stauder, Peter G., 080326855.
Stearns, Roger H., 008288007.
Steen, Waldo S., 492368696.
Steger, Clifford, 409589537.
Stehlik, Paul K., 434628627.
Steidl, Robert A., 291382590.
Stephenson, Bobby C., 412483001.
Sterling, William H., 147345214.
Stewart, Charles F., Jr., 064321206.
Stine, Harry A., 158282251.
Stojak, Anthony R., 197364458.
Stout, David W., 308426706.
Stovall, George W., Jr., 427842300.
Stowers, Aubrey E., Jr., 444400423.
Stringfellow, Michael F., 524485543.
Suban, David N., 077349262.
Suhy, Michael, III, 561589172.
Sullivan, James W., 486407763.
Sullivan, Joseph M. P., 128349369.
Sunderland, Neil C., 506569214.
Swanik, Michael, Jr., 178341398.
Swayze, Orris D., 504489493.
Swenson, Gary D., 511487851.
Szczesny, Lawrence L., 572547019.
Szimonisz, George P., 127340954.
Szwarc, Joseph R., 181349347.
Tallon, Thomas J., 291382131.
Tamashunas, William A., 162367058.
Tatom, John R., 429800807.
Taylor, Bruce C., 382403997.
Taylor, Byron D., 327320362.
Taylor, Jerry A., 241681236.
Tennant, Robert F., Jr., 462605602.
Terbush, Donald M., 042342475.
Thacker, James D., 525900096.
Theunissen, Julo C., 438627626.
Thomas, Charles F., 523549411.
Thompson, James E., 439640777.
Thompson, Scottie S., 422504876.
Thompson, William M., 430808096.
Thornburg, John W., 281361407.
Tilley, Robert T., Jr., 569608125.
Timmons, Gary R., 310425521.
Todd, Franklin D., 420541302.
Tool, Stephen C., 523525910.
Topping, Douglas C., 177362925.
Toumbacaris, G. B., Jr., 425927355.
Towle, Charles D., 041347565.
Towns, Oliver D., 437669392.
Trabitz, Eugene L., 292301026.
Traweek, Cornelius H., III, 437626502.
Traylor, Charles R., 410626315.
Trefry, David A., 527500012.
Tribble, Alford P., 410682934.
Trimble, Jerry E., 508401281.
Tripp, Alfred D., Jr., 579542253.
Troncoso, Frank M., 580806049.
Trossbach, John M., Jr., 222262727.
Trost, James E., 543487145.
Trull, Benjamin F., Jr., 015329795.
Trullinger, Park R., III, 199349373.
Tucker, Theo M., 429707546.
Tullos, George B., 427884149.
Tupacz, Eugene M., Jr., 123321811.
Turner, Melvin L., 537402580.
Turney, Herbert F., 067344323.
Tyson, John F., 204349222.
Upton, Kole M., 551662263.
Uzzle, James L., 285389001.
Valenzuela, Aaron, 463649414.
Vanblarcum, James C., 059346193.
Vandenbossche, James V., 383424003.
Vandrey, Roger W., 482507493.
Vanhook, Jeffrey, 003325576.
Vanidestine, Dennis W., 006342011.
Vanvalkenburgh, Nicholas, 546587156.
Ventura, Gregory G., 077326688.
Verdery, Donald A., 152320058.
Vernon, Carlus M., Jr., 416526139.
Vest, Michael S., 235642639.
Vining, Gordon G., 518509529.
Vogel, Glenn H., 498464044.
Vosika, Richard J., 470446967.
Waggle, Arthur W., 541423786.
Wagner, James C., 230528248.
Walker, Tommy L., 466661199.
Walker, Vandy A., Jr., 578566239.
Wallace, Ronald G., 520562625.
Wallrapp, Michael F., 113345906.
Walter, Dom B., 476385868.
Walters, Brian L., 379389880.
Walton, Robert L., 462709092.
Walton, William H., 426806046.
Ward, James B., 238660144.
Ward, John P., 238660157.
Ward, Sam T., Jr., 254588506.
Washburn, Richard S., Jr., 498441761.
Watkins, Thelma A., 257626644.
Watson, James E., 134342312.
Watson, Ronald R., 166363302.
Weathersby, Kent T., 226547622.
Webb, James T., 534404405.
Weber, Michael F., 327371520.
Weiss, Theodore J., 522501721.
Weissensee, Alfred A., 098365687.
Wenninger, Michael E., 265660466.
Wentworth, Paul C., 003300091.
West, Sherman E., 169388057.
Weyrauch, Arthur H., 474465972.
Whitaker, Robert C., 128308944.
White, David A., 018322641.
White, David B., Jr., 273363979.
White, James R., 544489333.
White, Larry C., 530189869.
White, Robert C., 226509437.
White, Robert L., 302381613.
White, Wayne A., 420445167.
Whitlaw, Benjamin R., 247689417.
Whitman, Philip E., 418547187.
Wick, Robert A., 517441144.
Wieckowicz, Allen W., 574141191.
Wiersma, James A., 363445761.
Wigness, Douglas A., 502429932.
Wike, David W., Jr., 261642895.
Wilde, Robert R., 360309647.
Wilder, Michael C., 217420412.
Wilder, Ward R., 509404785.
Wiley, Harold G., 578564082.
Wilk, Stanley A., 013308498.
Wilkerson, John H. L., 188322819.
Williams, Andrew, 252646221.
Williams, Brooks M., 238649294.
Williams, Gilbert L., 571600028.
Williams, John H., 395409165.
Williams, Richard M., 524584159.
Williams, Thomas M., 424500696.
Willmann, Robert L., 452660538.
Wilson, Calvin J., 471467931.
Wilson, Theron C., Jr., 255668245.
Wingate, Dennis H., 426541533.
Winsor, Richard J., 321344815.
Wisniewski, Martin N., 053340868.
Witte, Jerome M., 355300204.
Wolf, Jerry W., 351327234.
Wong, Clyde M. H., 576402790.
Wood, William A., 010345051.
Wood, William C., Jr., 424549041.
Woodworth, Donold A., Jr., 047342020.
Worthington, Fred L., 570628225.
Wortmann, John R., 049324257.
Wright, Jackson D., 433585232.
Wright, Philip M., 351323153.
Yadouga, Joseph R., 288388715.
Yatsko, Emil G., Jr., 233666535
Yeager, Rodney A., 488484808.
Yeaple, Stephen E., 110349409.
Yochem, Daniel R., 281386981.
Yurcak, Ronald N., 124343241.
Zalaznik, James E., 464605841.
Zavalney, Harold N., 517381246.
Zeitz, Stanley E., Jr., 156322054.

XUM

HOUSE OF REPRESENTATIVES—*Tuesday, May 5, 1970*

The House met at 12 o'clock noon.

Rabbi Isaac Neuman, Temple Judah, Cedar Rapids, Iowa, offered the following prayer:

God of our fathers, our God, humbly a survivor of Auschwitz stands in Thy presence amid the chosen servants of a great people, a generous people, who opened their gates to homeless victims of totalitarianism.

All of us here assembled thank Thee for this blessed land dressed in the garments of spring.

We raise our voices in gratitude to Thee that on this day 25 years ago, the prisoners were freed from Nazi concentration camps.

Grateful are we that this Nation has fought valiantly against the forces of tyranny and brought the torch of liberty to millions of slaves under the Nazi yoke.

O Sovereign of the World, may this our land remain the fortress of liberty forever.

Strengthen in Thy law the endeavors of these lawmakers and the hands of all those who labor for peace, for justice, and for freedom, at home and abroad.

Praised art Thou O Lord our God who freest the captives. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

XUM

CONFERENCE REPORT ON H.R. 14705, FEDERAL - STATE UNEMPLOY - MENT COMPENSATION PROGRAM

Mr. MILLS submitted the following conference report and statement on the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program:

CONFERENCE REPORT (H. REPT. No. 91–1037)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 5, 6, 7, 8, 9, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 10, 11, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with the following amendments:

Restore the matter proposed to be stricken out.

Page 2, line 5, of the House engrossed bill strike out "$800" and insert "$1,500".

Page 2, line 17, of the House engrossed bill strike out "$800" and insert "$1,500".

And the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"'(4) in a facility conducted for the purpose of carrying out a program of—

"'(A) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or

"'(B) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market,

by an individual receiving such rehabilitation or remunerative work;"

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 108. COVERAGE OF EMPLOYEES OF HOSPITALS AND INSTITUTIONS OF HIGHER EDUCATION OPERATED BY POLITICAL SUBDIVISIONS OF STATES

"(a) Section 3304(a) of the Internal Revenue Code of 1954 (as amended by sections 104, 121(a), and 206 of this Act) is further amended by adding after paragraph (11) (as added by section 206 of this Act) the following new paragraph:

"'(12) each political subdivision of the State shall have the right to elect to have compensation payable to employees thereof (whose services are not otherwise subject to such law) based on service performed by such employees in the hospitals and institutions of higher education (as defined in section 3309(d)) operated by such political subdivision; and, if any such political subdivision does elect to have compensation payable to such employees thereof (A) the political subdivision shall pay into the State unemployment fund, with respect to the service of such employees, payments (in lieu of contributions), and (B) such employees will be entitled to receive, on the basis of such service, compensation payable on the same basis, in the same amount, on the same terms, and subject to the same conditions as compensation which is payable on the basis of similar service for the State which is subject to such law;".

"(b) The amendment made by subsection (a) shall apply with respect to certification of State laws for 1972 and subsequent years; except that section 3304(a)(12) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not be a requirement for the State law of any State prior to July 1, 1972, if the legislature of such State does not meet in a regular session which closes during the calendar year 1971, or prior to January 1, 1975, if compliance with such requirement would necessitate a change in the constitution of such State."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: Strike out the matter proposed to be stricken out by the Senate amendment and insert the following: "with first attention to agricultural labor;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 401. EXEMPTION OF CERTAIN INDUSTRIAL DEVELOPMENT BONDS FROM REGISTRATION, ETC., REQUIREMENTS

"(a) Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c) (relating to exempted securities) is amended by adding at the end of paragraph (2) the following: 'or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;'.

"(b) Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c) (relating to exempted securities) is amended by inserting after 'any municipal corporate instrumentality of one or more States;' in paragraph (12) the following: 'or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103(c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security;'.

"(c) The amendments made by this section shall apply with respect to securities sold after January 1, 1970."

And the Senate agree to the same.

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JACKSON E. BETTS,
Managers on the Part of the House.

RUSSELL LONG,
ALBERT GORE,
HERMAN E. TALMADGE,
WALLACE F. BENNETT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments Nos. 1, 2, 4, 5, 6, 7, 8, 10, 13, 14, 15, 19, 26, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41: These amendments make technical, clerical, clarifying, or conforming changes. With respect to each of these amendments, either the House recedes or the Senate recedes in conformity with other action of the committee of conference.

Amendment No. 3: Under existing law the Federal Unemployment Tax Act applies to employers who employ 4 or more individuals on each of some 20 days during the taxable year or the preceding taxable year, each day being in a different calendar week. Under the bill as passed the House, the 4 or more employee requirement is reduced to at least one employee on each of some 20 days during the taxable year or the preceding taxable year, each day being in a different calendar week, and the Act would also apply if the employer paid wages of $800 or more during any calendar quarter in the taxable year or the preceding taxable year. The Senate amendment retains existing law. The conference agreement accepts the House provisions except that the $800 amount is increased to $1,500.

Amendment No. 9: Existing law excludes agricultural labor from coverage under the Federal Unemployment Tax Act. Under the Senate amendment, coverage would be extended to agricultural labor if performed by individuals (other than certain aliens) in the employ of a person who during the calendar year or preceding calendar year had 8 or more individuals in his employ to perform agricultural labor during each of at least 26 calendar weeks. The Senate recedes.

Amendment No. 11: The bill as passed the House and Senate provides coverage of certain services for nonprofit organizations and institutions of higher education. Under the bill as passed the House, the State law may provide the extent to which unemployment compensation based on service for an institution of higher education shall not be payable for the period from the end of the regular spring semester, quarter, or other term until the beginning of the next regular fall semester, quarter, or other term. The Senate amendment substitutes for this provision a requirement that with respect to service in an instructional, research, or principal administrative capacity for an institution of higher education, unemployment compensation shall not be payable based on such service for any week between successive academic years (or between two regular but not successive terms) if the individual has a contract to perform services in any such capacity for both of such years or terms. The House recedes.

Amendment No. 12: In extending coverage to service for an institution of higher education, the bill as passed the House excludes service performed by an individual employed in an instructional, research, or principal administrative capacity. Under the Senate amendment and the conference agreement, such service is covered.

In extending coverage to certain services for nonprofit organizations, the bill as passed the House excludes service performed in a facility ("sheltered workshop") conducted for the purpose of carrying out a program of providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market if the service is performed by an individual receiving such remunerative work. Under the Senate amendment, such service would be covered. The conference agreement restores the exclusion provided by the bill as passed the House.

Amendment Nos. 16, 20, and 29: In general, amendments made by the bill which relate to requirements for certification of State law apply for 1972 and subsequent years. Senate amendments numbered 16, 20, and 29 provide that the new provisions shall not be requirements for the State law of any State prior to July 1, 1972, if the legislature of such State does not meet in a regular session which closes during the calendar year 1971. The House recedes.

Amendment No. 17: The bill as passed the House and Senate would extend coverage to service performed outside the United States by a citizen of the United States for an American employer, other than service performed in a contiguous country with which the United States has an agreement relating to unemployment compensation. The Senate amendment also excludes from this extension of coverage service performed in the Virgin Islands. The House recedes.

Amendment No. 18: This amendment would require States to permit political subdivisions to elect coverage for employees in hospitals and institutions of higher education operated by them under an agreement to make payments in lieu of taxes. This provision would apply after 1971 except that it would not apply before January 1, 1975, if compliance with the requirement would necessitate a change in the constitution of the State. The House recedes with an amendment which makes clarifying and conforming changes.

Amendment No. 21: This amendment eliminates a requirement that the program of research, to be established by the Secretary of Labor to develop information as to the effect and impact of extending unemployment compensation coverage to excluded groups, give first attention to domestic workers in private households. Under the conference agreement, first attention under the research program is to be given to agricultural labor.

Amendments Nos. 22, 24, and 25: The bill as passed by the House and Senate provides for programs for research and personnel training and for a Federal Advisory Council to review the Federal State program of unemployment compensation. The bill as passed the House authorizes appropriations for these purposes beginning with the fiscal year ending June 30, 1970. The Senate amendments authorize appropriations for these purposes beginning with the fiscal year ending June 30, 1971. The House recedes.

Amendment No. 23: The bill as passed the House requires the Secretary of Labor to provide training programs and courses for persons occupying or preparing to occupy positions in the administration of the unemployment compensation program. Under the Senate amendment the Secretary is to provide programs and courses designed to train individuals to prepare them, or improve their qualifications, for service in the administration of the unemployment compensation program.

The House recedes. Under the conference agreement, the programs and courses may include programs and courses designed to train individuals who are not employees but who are preparing to occupy positions in the administration of the unemployment compensation program. However, this provision is not intended to cover programs and courses of a kind designed to raise the general educational level of individuals not employed in the unemployment compensation program.

Amendment No. 31: The bill as passed the House and Senate in effect increases the net Federal unemployment tax from 0.4 percent to 0.5 percent of wages effective with respect to wages paid after December 31, 1969. Senate amendment numbered 31 adds a new provision under which the 0.4 percent rate is to continue to apply for purposes of determining the amount payable under section 6157 of the Internal Revenue Code of 1954 (relating to payment of tax on quarterly or other time period basis) with respect to wages paid in any quarter in 1970 ending before the date of the enactment of the bill. The House recedes.

Amendment No. 42: This amendment relates to the maturity and investment yield of retirement and savings bonds issued under the Second Liberty Bond Act and the maximum in maturity value of such bonds issued in any one year which may be held by any one person at any one time. The Senate recedes.

Amendment No. 43: This amendment adds a new section to the bill amending section 3(a)(2) of the Securities Act of 1933 and section 3(a)(12) of the Securities Exchange Act of 1934 to provide, in effect, that industrial development bonds the interest on which is excluded from gross income under section 103 of the Internal Revenue Code of 1954 are to be exempted securities. Under the conference agreement, the House recedes with an amendment which makes technical and clarifying changes and excludes from the application of the amendment any industrial development bond issued as part of an issue substantially all of the proceeds of which are to be used to provide residential real property for family units or for the acquisition or development of land as the site for an industrial park, unless such bond would qualify under section 103(c)(6) of the Code (relating to exemption for certain small issues) if section 103(c) of such Code did not include paragraphs (4)(A), (5), and (7) thereof.

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JACKSON E. BETTS,
Managers on the Part of the House.

PERMISSION FOR SUBCOMMITTEE ON INDIAN AFFAIRS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE INCIDENT AT KENT

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, the entire Nation is shocked by the massacre at Kent. One of the kids, Jeffery Glenn Miller, who, from reports, was killed while watching the violence from a nearby hillside, lived near my district on Long Island.

Student violence cannot be condoned. It is inexcusable. However, have we, as Americans, fallen so low in our regard for human life that we lash out indiscriminately and shoot to kill unarmed kids as an answer to their quest for a redress of their grievances?

We were horrified at Mylai and callously pointed a finger at those who pulled the triggers.

The guilty, those who have created a climate of violence in our country, go unpunished.

Mylai and Kent are just products of that violence.

This incident at Kent must not go by without all who are responsible being brought to account for their crimes.

I have asked for a complete investigation, and I intend to follow closely the progress of that investigation.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I appreciate the gentleman's remarks. I wonder if we address ourselves, though, to the protests of the soldiers themselves. From the reports I have read, there were shots at the soldiers, there were rocks being thrown at the soldiers, and there were cannisters of tear gas being thrown back at the soldiers.

Mr. WOLFF. According to the report on the ticker right now the Ohio Patrol has stated there is no record of any sniper fire:

> Kent, Ohio.—An official of the Ohio Highway Patrol today disputed reports from the Ohio National Guard that a sniper was spotted by police helicopter before guardsmen shot four Kent State University students to death Monday during the antiwar demonstration.
>
> The university, ordered evacuated after the shooting, was virtually deserted this morning and under heavy police and military guard.
>
> Earlier, fire destroyed a barn and several farm tractors in one corner of the campus, and fire officials said they believed the blaze was deliberately set.
>
> Sgt. Michael Delaney of the Guard public relations staff said after the shootings that, "At the approximate time of the firing on the campus, the Ohio Highway Patrol—via a helicopter—spotted a sniper on a nearby building."
>
> Today, a Patrol official, Maj. D. E. Manly, said, "There is nothing on the log of the sighting." Manly said if patrolmen in the helicopter circling the campus had seen a gunman it would have been recorded.

THE INCIDENT AT KENT

(Mr. BOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, there is no question that we all are saddened by the tragedy at Kent State University, part of which campus is in my district, and the main campus of which is in the district of my colleague, the gentleman from Ohio (Mr. STANTON).

I would urge the Members of the House to refrain from charges of massacre and other charges against the situation until a complete investigation has been made.

I conferred today with the Attorney General, John Mitchell, and personnel of the Justice Department have gone to Kent State, including members of the FBI. Investigations will be made as to the possibility of a violation of the Cramer Act, the burning of the ROTC Armory which was Government property, and other possible violations of law.

It would seem to me in that it would be in the interests of everyone if we did not make snap judgments and if we awaited a full and complete investigation.

PRESIDENT NIXON TAKES RESPONSIBLE ACTION

(Mr. FOREMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOREMAN. Mr. Speaker, the action taken by President Nixon is assisting the South Vietnamese to clean out the Communist sanctuaries along the Cambodian border will allow the successful continuation of our Vietnamization program and continued withdrawal of U.S. troops from Southeast Asia. The destruction of the Communist encampments and confiscation of their supplies will be completed in 6 to 8 weeks, just ahead of the rainy season, and it will be at least 5 or 6 months before the Communists can start resupplying and rebuilding their efforts. This will give the South Vietnamese the additional time needed to continue the development of their capability to defend South Vietnam—the goal of our South Vietnamization program. This action is not to extend the war into Cambodia—it is to shorten the war in South Vietnam, and more particularly, to expedite an early honorable end to U.S. participation.

I have confidence in the ability of President Nixon to responsibly and decisively direct our operations to expedite an honorable end to the war . . . as compared to the previous administration's 8 years of indecision, vacillation, and misdirection that committed 550,000 Americans to a stalemated ground war in Southeast Asia.

I support President Nixon's assistance to the South Vietnamese raids into Cambodia to clear out the Communists from sanctuaries where they prepare assaults on American troops in South Vietnam. Destruction of these Communist camps should hasten the end of the war.

While I respect the sincerity of some of President Nixon's congressional critics, I am inclined to believe they know about as much about directing military operations to successfully conclude a war as they do about managing the domestic economy to achieve a balanced budget—most of these people have successfully demonstrated their total ineptitude at both.

TRIBUTE TO RABBI NEUMAN

(Mr. CULVER asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, it is a great honor and a personal privilege for me to be able to make a few remarks about Rabbi Isaac Neuman of Temple Judah in Cedar Rapids, Iowa. I am particularly pleased to do so on this the 25th anniversary of his liberation by the American troops from the concentration camp at Ebensee, Germany. At that time, he was 22 years old and suffering from typhoid fever, tuberculosis, two bullet wounds received in an escape attempt, and malnutrition after 4 years at Auschwitz and required almost 3 years of hospitalization for recovery.

Now, as a U.S. citizen, Rabbi Neuman today has expressed his gratitude before the U.S. House of Representatives both for the successful efforts of the American Armed Forces during World War II and for the subsequent attitude of the American people who opened the doors of their country to the homeless refugees of that war.

At a time when there is increasing and almost incessant criticism of both our country and its institutions, Rabbi Neuman reminds us that, as Americans, we, indeed, have much for which to be grateful and proud. But, at the same time, and perhaps more importantly, he reminds us that we have an important heritage of seeking to promote and preserve liberty, justice, freedom, and peace. Our greatness in the past has been based on our unequivocal dedication to these principles. Our future will only be a proud one if we strengthen our devotion to these ideals and strive to make our actions as consistent with our principles as they must be.

PRECEDENT EXISTS FOR PRESIDENT NIXON'S ACTION IN CAMBODIA

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I was somewhat interested in statements being made by Members of the other body that the President has no right to go into Cambodia. Now, personally I believe the President should have enlisted the support of our allies in SEATO and other organizations to make our venture in Cambodia a joint operation. I said here on the floor last week that the American people have a right to know why the United States must assume the major share of the risks. I would have preferred to have the President seek help from our SEATO allies or from the U.N. in Cambodia. I said I believe it is a mistake for us to go into Cambodia alone. But the die has been cast and the Commander in Chief has made his decision. Now that our troops are committed, we must stand together as Americans.

As President Johnson said in Chicago last Friday, there can be only one President making decisions and he deserves our support even though we may personally disagree, as I do. The Communists would make a serious mistake if they interpreted our present disagreement as a division of our total commitment to victory in Southeast Asia.

But as far as precedents are concerned, I believe the President has ample precedent for the action he has taken in Cambodia:

President Truman made the decision to go into Korea without the consent of the Congress. We have the precedent of President Kennedy threatening to send 50,000 troops into Cuba if the Soviet Union did not withdraw their missiles from Cuba.

President Johnson sent troops into the Dominican Republic without an act of Congress, and he sent troops to Elizabethville in the Congo without authorization by Congress.

It is folly to suggest that the President, as Commander in Chief, does not have the authority to use whatever means are necessary to protect our troops and our interests in whatever part of the world it may be. I believe President Nixon has all he needs to take the action he took. We can now only pray that his decision is right, and that it will indeed destroy the sanctuaries of the enemy in Cambodia and bring our boys home as quickly as possible.

PLEASED THAT THE PRESIDENT INVITES COMMITTEE ON FOREIGN AFFAIRS OF THE HOUSE TO DISCUSS SOUTHEAST ASIAN SITUATION AT THE WHITE HOUSE

(Mr. PEPPER asked and was given permission to address the House for 1 minute.)

Mr. PEPPER. Mr. Speaker, I was very

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much pleased to see the President extend an invitation to the Foreign Affairs Committee of the House to participate in the critical deliberations relative to the future role of the United States in Southeast Asia.

Mr. Speaker, I was on the Committee on Foreign Relations in the other body for 12 of my 14 years there, and I have great respect for that committee, but I also have profound admiration for the Committee on Foreign Affairs of the House.

When I was a Member of the other body, and a member of the Senate Committee on Foreign Relations, I introduced a resolution, which I have since introduced here in the House, that in modern times not the Senate alone, but the Congress as a whole should have the responsibility for agreeing to treaties and executive agreements binding the United States.

You cannot implement any agreement on the part of our country today without the concurrence of this House.

I invite support for my resolution.

I am sure our able Committee on Foreign Affairs will acquit itself well in conference on the critical matters to be discussed today at the White House.

SUPPORT FOR PRESIDENT'S ACTION IN CAMBODIA

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I was one of those privileged this morning to attend the breakfast at the White House where the President explained to us in some detail, as members of the House Committee on Armed Services and of the Senate Committee on Armed Services, action that had been taken recently in Cambodia.

A little over a year ago, I was also with a special subcommittee that went to Vietnam, the defense preparedness subcommittee. At that time we were very much concerned and alarmed, and as a result of our trip and investigation, we recommended at that time that sanctuaries not be allowed to exist along the periphery of Vietnam to go over into Cambodia and into Laos where incursions and raids could be conducted at will by the North Vietnamese who would cross the border, make their raids, kill American soldiers, and throw missiles and rocks into Saigon, which is only 33 miles away, and then go back to these sanctuaries.

It was the suggestion and the strong recommendation of this subcommittee at that time that sanctuaries not be allowed to exist.

The President this morning told us that in a very brief time some American troops, mostly South Vietnamese troops, will go in and clean out these nests and these honeycombs and sanctuaries which have been used for over 4 years by the North Vietnamese, and in doing so this will shorten the tenures and the stay of American servicemen in South Vietnam.

Mr. Speaker, I think this is a wise decision and a courageous decision. I certainly support the President in it.

VIETNAM AND CAMBODIA

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I join all of the others who have spoken on the floor this morning, indicating their belief that the meeting at the White House this morning between the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and Members of the House and the Senate was constructive and meaningful. The evidence presented there this morning indicates that we are already getting a payoff from the action taken by the President in combining U.S. troops with South Vietnamese forces to attack and destroy the enemy sanctuaries in Cambodia. The payoff thus far is in the discovery and destruction of military hardware of the enemy and the discovery and destruction of vast amounts of foodstuffs that the enemy has stockpiled for the purpose of supplying troops in the months ahead.

The payoff is that we have discovered some, not all, of the important communication centers and headquarters of the enemy just across the Cambodian line, the sanctuary from which the enemy has operated for a number of years.

These are meaningful payoffs, resulting from the affirmative action taken by the President. But the most important benefit that will result from this action is that we will be able to continue—I hope at an accelerated rate—the withdrawal of all U.S. ground combat forces from Vietnam.

The payoff will also be in instilling in the South Vietnamese forces the belief that they can protect their country. That responsibility will be solely theirs after we have withdrawn our forces as the President has promised.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day.

The Clerk will call the first individual bill on the Private Calendar.

FRANZ CHARLES FELDMEIER

The Clerk called the bill (S. 614) for the relief of Franz Charles Feldmeier.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MICHEL M. GOUTMANN

The Clerk called the bill (S. 1934) for the relief of Michel M. Goutmann.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JOSE LUIS CALLEJA-PEREZ

The Clerk called the bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

GLORIA JARA HAASE

The Clerk called the bill (H.R. 12959) for the relief of Gloria Jara Haase.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

KIMBALL BROS. LUMBER CO.

The Clerk called the bill (H.R. 13740) for the relief of Kimball Bros. Lumber Co.

There being no objection, the Clerk read the bill as follows:

H.R. 13740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Kimball Brothers Lumber Company, of Dexter, Oregon, a partnership composed of Clyde K. Kimball, Clayton Kimball, Kendall V. Kimball, Edgar Dowdy, and Arthur Lindley, the sum of $14,774.22. The payment of such sum shall be in full satisfaction of all claims of such partnership against the United States for certain expenses incurred by it under a timber sale contract numbered 18–997 entered into between such partnership and the Forest Service, Department of Agriculture, on November 23, 1965, one of the terms of which required such partnership to construct a permanent road through the lands to be timbered, the cost of such road to be offset against the price charged for the timber in accordance with a formula prescribed in the contract, such contract having been subsequently canceled by the mutual consent of both parties after fire destroyed most of the timber before it was removed, but after the road had been constructed by such partnership at its own expense.

Sec. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 8, strike "$14,774.22" and insert "$13,726.62".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, an a motion to reconsider was laid on the table.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 101]

Adair
Andrews, Ala.
Ashley
Ayres
Baring
Berry
Bevill
Biaggi
Boggs
Boland
Brademas
Brock
Brooks
Brown, Calif.
Byrne, Pa.
Caffery
Camp
Carey
Celler
Clark
Clay
Conable
Conyers
Daddario
Davis, Ga.
Dawson
Dennis
Dent
Diggs
Donohue
Dowdy
Dulski
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Esch
Eshleman
Feighan
Flowers
Foley
Ford, William D.
Fraser
Galifianakis
Gallagher
Garmatz
Gettys
Giaimo
Gibbons
Gubser
Harrington
Harsha
Hays
Hogan
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Kee
Kirwan
Koch
Kuykendall
Landgrebe
Landrum
Langen
Leggett
Lennon
Lowenstein
Lukens
McCarthy
McMillan
Madden
Mathias
Meskill
Miller, Calif.
Minshall
Mollohan
Monagan
Moorhead
Morton
Nichols
Nix
Ottinger
Passman
Poage
Powell
Pryor, Ark.
Purcell
Railsback
Rostenkowski
Roth
Roudebush
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Slack
Stokes
Taft
Teague, Calif.
Tiernan
Tunney
Vander Jagt
Vanik
Weicker
Wydler
Yates
Yatron

The SPEAKER. On this rollcall, 319 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

KENT STATE UNIVERSITY

(Mr. STANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANTON. Mr. Speaker, the tragic deaths of four students on the Kent State University campus yesterday has shocked America.

To the parents of these students I extend my deepest and prayerful sympathy. No words or actions that any person can make will bring them back. It is a grievous event that will remain in our minds and hearts for a long time to come.

Mr. Speaker, Kent State University is located in my congressional district in northeastern Ohio. That this nightmare should occur at Kent State University where its president, Robert I. White, has built a well-earned reputation as one of the State's more progressive college presidents, is almost unbelievable. It behooves all of us in public life to examine thoroughly, completely, and as quickly as possible the events that led to this horrible violence.

This morning I discussed at some length the situation at Kent State University with its distinguished president, Robert White. At Dr. White's suggestion and my full concurrence, I contacted President Nixon's office with the request that the highest possible level of investigation be undertaken as quickly as possible. It is Dr. White's suggestion and my hope that the President will immediately establish an investigating commission to examine the events at Kent State over the last 4 days.

The answers to our Nation's problems do not lie in blind force, but in tolerance, flexibility, patience, and courage.

If this tragedy passes without teaching us a great lesson and if we fail to learn from its mistakes, we then will not have accepted the full responsibility that our office demands.

CONFERENCE REPORT ON H.R. 10105, MOTOR VEHICLE SAFETY ACT

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire if copies of the conference report and statement of the managers on the part of this body are available? I have not been able to obtain them at any of the Clerk's desks.

Mr. STAGGERS. They are available. I will see that the gentleman gets a copy.

Mr. HALL. Under those circumstances, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 20, 1970.)

The SPEAKER. The gentleman from West Virginia is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, there were not many significant differences between H.R. 10105 as passed by the House and as passed by the Senate. We did have one item of disagreement which should be resolved after we have acted on the agreed conference report. You have heard the statement of managers. I believe that it fully explains the conference. I might mention the most difficult amendment for us to resolve was amendment No. 16. On the House side with the cooperation of the Committee on Public Works, we had provided for the planning, designing, and construction of facilities for research, development, compliance, and testing of traffic safety. This affects both the jurisdiction and responsibilities of the Committee on Public Works and the Committee on Interstate and Foreign Commerce. The Senate version did not recognize the distinction between motor vehicle legislation and highway legislation and the interests of the Committee on Public Works on this point. I am happy to report that we were able to sustain the House version. Thus, the Department of Transportation, before it gets any appropriation over $100,000 for research and test facilities must submit its plans to the Committees on Interstate and Foreign Commerce and Public Works of both the House and the Senate. I want to say to my friends that this was no easy task, but with the able support of Mr. SPRINGER and the subcommittee chairman, Mr. Moss, and the other House conferees, we were able to maintain our position on this point without changing even a comma, and thus completely carry out our agreement with the Committee on Public Works.

Mr. Speaker, you will note that the committee of conference was not able to agree on amendment numbered 2 which struck the authorization contained in the House bill of $35 million for fiscal year 1972. We insisted on a 3-year program rather than the 2-year program authorized by the Senate. We receded from our $35 million figure for the second year and agreed to the Senate's figure of $40 million. A $40 million figure for the third year would be beyond the scope of the conference.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Do I correctly understand that this bill is higher in spending than it was when it left the House?

Mr. STAGGERS. By $5 million, and the reason for that, I tell my colleagues from Iowa, is the fact that the House version of the bill contained an authorization for 3 years. We did not want to come back in 2 years with this bill. The Senate bill contained an authorization for only 2 years. They authorized $23 million for the first year and $40 million for the second year. We had $35 million for the second year and $35 million for the third year. I would say to the gentleman it is actually $10 million, $5 million for each year, over what it was when it left here.

Mr. GROSS. So this then is a 3-year bill?

Mr. STAGGERS. This is a 3-year bill, yes, sir; instead of coming back every year for 3 years and asking for an extension.

Mr. GROSS. And the total is what—three times $40 million?

Mr. STAGGERS. No, sir; it is $103 million.

Mr. GROSS. It is $123 million then?

Mr. STAGGERS. No, sir; $23 million for fiscal 1970, $40 million for 1971, and $40 million for 1972.

Mr. GROSS. That is for fiscal year 1970?

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Mr. STAGGERS. That is ending in July of this year.

Mr. GROSS. The gentleman must mean 1971.

Mr. STAGGERS. I am sorry. It is 1970. But that is the amount of money authorized.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

M. STAGGERS. I yield to the gentleman from Illinois.

(Mr. SPRINGER asked and was given permission to extend his remarks at this point in the Record.)

Mr. SPRINGER. Mr. Speaker, I believe the chairman has explained the differences between the House and the Senate and the compromises agreed on.

The National Traffic and Motor Vehicle Safety Act of 1966 having now been in operation for 3 years has produced safety standards on many components of the motor vehicle and on some items of safety equipment. Being a new program it understandably has not accomplished as much as we would all like. Now that organization of the traffic safety agency is complete and groundwork has been laid in the more important safety areas, I feel that the agency can influence motor vehicle safety to a far greater degree.

The purpose of the act which is here in the form of a conference report today is basically to renew and extend the authority of the traffic safety agency. The committees of both the House and the Senate made some changes which were felt to better the program. The House saw fit to authorize funds for 3 years starting with the present fiscal year in the sum of $23 million for 1970 and $35 million for each of the next 2 fiscal years. Senate action on the 1970 authorization was exactly the same as ours. For 1971, however, the other body authorized $40 million and included no authorization for 1972. The conference agreed on a $40 million authorization for the fiscal years 1971 and 1972. Since there was no 1972 Senate figure to compromise, it was necessary that that item be reported in disagreement, and an amendment will be offered to include funds for the fiscal year 1972 in the amount of $40 million.

When the bill was before the House it included provision for setting of standards for helmets to be used by motorcycle riders. The other body made provision for standards to be set for practically anything that might be thought of as motor vehicle equipment. Your conferees felt that the broadening of the authority to set standards in this area was proper and could well include more than helmets but that the Senate version went too far. To resolve this issue the conference agreed upon the very broad definitions of equipment but did limit it to devices for use exclusively to safeguard motor vehicle drivers, passengers, and other highway users.

The House bill dealt with the problem of notification of tire defects. It provided that tire manufacturers should keep records and notify the original purchaser of tires when a defect was discovered and a recall campaign was in order. This left completely open the question of the responsibility of distributors and dealers in this regard. The other version of the bill gave the Secretary of Transportation authority to require distributors and dealers to supply records to manufacturers. This seemed to the conferees to be the better approach. Only a dealer will know who the first purchaser is, and the manufacturer can only carry out his responsibilities if he obtains this information from this source. The Senate language was therefore agreed upon.

One issue revolved around a provision of the other bill which would require compulsory recall and repair without charge of defective cars and equipment. This would, of course, include tires.

Recall campaigns are already required under the act. Repairs have, as a matter of practice, been carried out without charge by automobile companies. The recall of tires is a more complicated and difficult problem, but recall campaigns are being carried out under terms which appear to be fair to tire purchasers. In order to avoid what appeared to be complications in perfecting such a provision and in view of the fact that the Secretary presently has broad authority in this area, the provision was deleted.

It was expected that the most difficult issue to resolve would be that concerning the design and construction of a research and test facility which would cover all of the activities of the Traffic Safety Bureau. Highway safety, as well as motor vehicle safety, would be involved. This meant that the Public Works Committee of the House and the Senate had a very direct interest in the facility. In order to assure that the final design and construction was satisfactory for all purposes, our version of the bill required the Department to report to all four of the committees mentioned when it contemplated proceeding with such a project in any amount over $100,000. I think it is sufficient to say that upon explanation of our reasons for this somewhat unusual arrangement, the Senate receded, and the issue was easily resolved.

These were the major points involved in the conference. We feel that the resulting bill is workable and probably somewhat better than either version in original form. We recommend the approval of the conference report by the House.

Mr. STAGGERS. Mr. Speaker, I yield now to the gentleman from Maryland, the chairman of the Public Works Committee (Mr. Fallon).

(Mr. FALLON asked and was given permission to extend his remarks at this point in the Record.)

Mr. FALLON. Mr. Speaker, I take this time to commend the distinguished Committee on Interstate and Foreign Commerce for the conference report now pending before us on H.R. 10105, to amend the National Traffic and Motor Vehicle Safety Act of 1966. I particularly wish to express my thanks and the thanks of the Committee on Public Works to the Committee on Interstate and Foreign Commerce and its most able chairman, Mr. Staggers; the subcommittee chairman, Mr. Moss; the ranking member, Mr. Springer; and the other conferees, for their insistence in conference that the House position be maintained in so far as research and development facilities are concerned. The conference report provides an unlimited authorization for the Secretary of Transportation to plan, design, and construct facilities suitable to conduct research, development, and compliance, and other testing in traffic safety. Under this proposal approval of these facilities must be granted by the Committees on Commerce of the Senate and House and the Committees on Public Works of the Senate and House, based on appropriate prospectus to be submitted by the Secretary of Transportation covering design and construction plans for these facilities.

This procedure insures that all four committees will have an opportunity to review these plans, to be certain that they will effectively contribute to achievement of legislative intent in the fields of highway and vehicular safety. It carries forward the very fine agreement that was worked out in 1966 between these committees when the landmark legislation in the field of highway safety and motor vehicle safety became law.

The original version of the bill as recommended by the administration and contained in H.R. 10105, as reported by the Senate Commerce Committee would have left the approval of these facilities exclusively to the Commerce Committees of both bodies. The expertise and background of the Senate and House Public Works Committees in the field of highway safety as it concerns these facilities would have been omitted. In my opinion, this would have been a substantial loss to development of the highway and vehicular safety program of our Nation. In addition, it would have had a serious effect on the jurisdiction of the Senate and House Public Works Committees in this particular field. The chairman of the House Interstate and Foreign Commerce Committee, by his insistence on the House position, has assured a continuing safety program which will provide for the American people the best qualified legislative approval from all of the four committees who are so vitally concerned with this essential effort.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 2:

Page 1, lines 9 and 10, strike out "1971, and $35,000,000 for the fiscal year 1972' " and insert: "1971. Of the sums appropriated for fiscal year 1970 pursuant to the proceeding sentence, $2,800,000 shall be available only for the employment of additional personnel for service in the National Highway Safety Bureau to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966.' "

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Staggers moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment as follows: In lieu of

the matter proposed to be inserted by the amendment insert the following: "1971, and $40,000,000 for the fiscal year 1972".

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the motion was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PUBLIC HEALTH SERVICE COMMISSIONED OFFICER RETIREMENT BENEFITS

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 943 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 943

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10138) to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 10138, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 2452, and it shall then be in order to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 943 provides an open rule with 1 hour of general debate for consideration of H.R. 10138 to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services. The resolution also provides that after passage of H.R. 10138, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 2452 and it shall be in order to consider the Senate bill in the House.

The purpose of H.R. 10138 is to amend the Public Health Service Act to permit, in the computation of retired pay the inclusion of all service performed before June 1, 1958, whether active or inactive, which was creditable on May 31, 1958, in the computation of basic pay, with an offset for years of active service in order to avoid dual crediting of the same period of service.

The bill would correct an inadvertent inequity by providing increased retirement benefits for approximately 101 Public Health Service officers out of the 834 officers presently on the retired list. Approximately 20 officers per year will retire in the immediate future who will benefit by the bill. And in view of the fact that the bill applies only to service rendered before June 1, 1958, the number of officers affected will steadily decline in the future. This would bring them in line with the computation of retired pay of commissioned officers of the Army, Navy, and Air Force.

The cost of the legislation is estimated at $181,809 annually for officers retired prior to the effective date, and this amount will decrease annually as officers leave the retired rolls. The estimated cost of future retirements, assuming a level of 20 officers per year, will be approximately $38,000 annually.

The estimated total cost for fiscal year 1971 would be $259,400; for 1972, $298,200; for 1973, $337,000; and for 1974, $375,800.

Mr. Speaker, I urge the adoption of House Resolution 943 in order that H.R. 10138 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of the bill is to permit officers of the commissioned Corps of the Public Health Service, like all other uniformed services of the U.S. Government, to include in the computations of retired pay any inactive service performed before June 1, 1958, which is credited to them in computing basic pay.

The bill would provide increased retirement benefits for about 101 Public Health Service officers out of 834 officers presently on the retired list. About 20 officers per year will retire in the immediate future who will benefit by this legislation. Because the bill only applies to service performed prior to June 1, 1958, the number of officers affected by its provisions will steadily decline in the future.

All other uniformed services now are covered by legislation similar to what is proposed by the bill.

The estimated cost of the bill is $259,400 for fiscal 1971; $298,200 for 1972; $337,000 for 1973, and, $375,800 for fiscal 1974.

The administration supports the bill.

There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10138) to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10138, with Mr. CULVER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, this bill is identical to a bill which passed the Senate unanimously last year, and the Committee on Interstate and Foreign Commerce was unanimous in ordering it reported to the House. It provides for a minor revision in the method of computation of retired pay of commissioned officers of the Public Health Service.

In computing retired pay, commissioned officers of the Army, Navy, and Air Force may count all service in the Reserves performed before June 1, 1958, but commissioned officers of the Public Health Service are not granted this benefit.

The Department of Health, Education, and Welfare, the Bureau of the Budget, and all other executive agencies have recommended elimination of this inequity, which has an adverse effect on morale of Public Health Service officers.

It is estimated that the bill will affect 101 commissioned officers presently on the retired rolls, and approximately 20 officers retiring per year hereafter with the number affected steadily diminishing, since the creditable service must have been performed before June 1, 1958.

The costs will begin at about one-quarter of a million dollars a year, and will increase to a level of about $400,000 a year, diminishing thereafter as officers affected by the bill die.

As I mentioned, the bill was unanimously reported from the committee, and we urge its passage.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am very happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished chairman of the Committee on Interstate and Foreign Commerce yielding to me. I know that he appreciates my interest in the commissioned corps of the U.S. Public Health Service.

Mr. STAGGERS. I do indeed.

Mr. HALL. We have engaged in colloquy on the floor here before about the importance of this commissioned corps. I for one do not want to see them fragmented or dispersed or their activities taken over by other than the professionals who now control the corps. I wonder if the gentleman could advise if this does allow "recomputation" on the part of the commissioned officers as well as the equity that he so well portrays in comparison with other uniformed services.

Mr. STAGGERS. Yes. All of those that are on the rolls will have a recomputation as well as those that will retire in the future.

Mr. HALL. I appreciate the gentleman's answer.

I also wonder if it involves or if the committee envisions any chance of establishing a commissioner officers reserve corps with rights, privileges, and attainments, including pay, that might go along as do the reserve corps of other commissioned corps such as the military.

Mr. STAGGERS. I might say to my colleague from Missouri that today there is already a reserve corps. There is no proposal at this time to make any change in that. There might be consideration of improving that program in the future, I might say to my colleague. This might come up.

Mr. HALL. I thank the gentleman. I hope he will keep this open in his mind and in the committee, because this is the oldest commissioned Corps in service in the Federal Government. There is the greatest opportunity for these officers of the Public Health Service, especially at times like this, to render a real service not only in the old-fashioned concept of quarantine, which may not be quite as out of date between a family of nations of the world as some think it is; but, in many other areas involving the better use of environment, ecology, and the effect man has on the world in which we live. There is no other more dedicated group since 1798 than this Corps of professional officers for aiding and abetting this. Indeed that is why past Congresses have made the Surgeon General of the United States by definition the head of this Corps and the Surgeon General of the United States, through an act of Congress. I certainly hope that the commissioned Corps and the principal civilian medical service which serves us all, including the armed military services, will not be integrated or allowed to deteriorate or be fragmented in its purpose and intent.

Again, Mr. Chairman, I compliment the gentleman for bringing this bill to the floor of the House in the interest of justice and equity to those who serve. I thank the gentleman for yielding.

Mr. STAGGERS. I thank my colleague from Missouri for his remarks.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, public health has been a concern of the Federal Government since the founding of the Republic. Somewhere in the Federal Establishment there has always been an organization responsible for promoting and protecting national health and fighting disease. For many years that organization has been known as the Public Health Service. Much of the work is necessarily what could be described as dirty work. By that I mean hard work in out-of-the-way places and things such as quarantines and work with communicable diseases. It requires dedication and assignment to the ends of the earth.

In order to have the kind of professional skills needed and to have the flexibility which such a service must have, the commissioned corps was organized in 1889. It was patterned along the lines of the commissioned corps of the armed services and became one of the country's uniformed services with grades and pay corresponding to those of the military. As might be expected the retirement system for these officers was also patterned after the military. In fact it was thought that the retirement systems were identical but as is often the case in Government, something funny happened on the way to the lawbook. A change was made in military retirement which affected the number of years of reserve duty which might be counted in figuring retirement pay. Everyone still thought that the two systems were identical but last year the Comptroller General said not so.

The purpose of this bill is to set the law straight again and make it do what we always thought was being done. Without the technicalities, this bill will bring the retirement system for Public Health officers into line with that of the military on this question of figuring what time counts. It will also, in all justice, allow a refiguring for those who have been done in by the decision.

In the case of already retired officers the bill is only partial justice in that it will begin payments under the refigured entitlements only from enactment of this legislation. But even this correction will presently cost an additional $182,000 annually. As those now on the retired rolls leave this amount will go down. New retirees will take up another $38,000. Altogether the change will cost $259,400 in fiscal year 1971, $298,200 in fiscal year 1972, $337,000 for fiscal year 1973, and $375,000 for fiscal year 1974.

There is no argument here as to what was meant to be done or what was thought to be the law. Either someone a long time ago slipped in the first place or there is merely a difference in interpretation which requires clarification and correction. It is in great part a matter of justice. I recommend the legislation to my colleagues.

Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (4) of section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)(4)) is amended by inserting the word "plus" after the semicolon at the end of clause (ii), and by adding after clause (ii) the following new clause:

"(iii) the number of years of service with which he was entitled to be credited for purposes of basic pay on May 31, 1958, or (if higher) on any date prior thereto, reduced by any such year included under clause (i) and further reduced by any such year with which he was entitled to be credited under paragraphs (7) and (8) of section 205(a) of title 37, United States Code, on any date before June 1, 1958;"

Sec. 2. The amendments made by this Act shall apply in the case of retired pay for any period after the month in which this Act is enacted.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Are there any amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Culver, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10138) to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services, pursuant to House Resolution 943, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 943, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill (S. 2452) to amend section 211 of the Public Health Service Act to equalize the retirement for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill as follows:

S. 2452

An act to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That paragraph (4) of section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)(4)) is amended by inserting the word "plus" after the semicolon at the end of clause (ii), and by adding after clause (ii) the following new clause:

"(iii) the number of years of service with which he was entitled to be credited for purposes of basic pay on May 31, 1958, or (if higher) on any date prior thereto, reduced by any such year included under clause (i) and further reduced by any such year with which he was entitled to be credited under paragraphs (7) and (8) of section 205(a) of title 37, United States Code, on any date before June 1, 1958;".

SEC. 2. The amendments made by this Act shall apply in the case of retired pay for any period after the month in which this Act is enacted.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10138) was laid on the table.

CAMBODIA

(Mr. MEEDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MEEDS. Mr. Speaker, while it is my intention to seek classified briefings from the Departments of State and Defense so that I may be acquainted with new factors about which I may not presently be aware, my immediate reaction to the President's statement of April 30 disclosing introduction of American ground combat troops into Cambodia is one of dismay and apprehension.

It is my belief that at a purely military consideration North Vietnam has been able for some years to conquer Cambodia. I feel that this could have been done within a very short space of time and at very little loss of men and material. Believing thusly, one must then ask himself why they have not done so. It appears to me that the reasons are at least threefold:

First, such an invasion and conquest would have been in clear violation of the Geneva Accords of July 20, 1954. Such action would clearly have placed North Vietnam at a diplomatic and political disadvantage and would have additionally place Russia in a tenuous position.

Second, while there is every reason to believe that the conquest of Cambodia would not have presented an insurmountable problem to the North Vietnamese, the logistics of retention of such a vast territory would have been substantial. This is particularly so in the past two years since the Tet offensive when it is clear that there have been substantial drains upon North Vietnam men and material.

Third, while Prince Sihanouk was the head of the Cambodian state he appears to have given tacit consent to the locating of North Vietnamese and Vietcong personnel and supplies in enclave sanctuaries within the Cambodian border fronting on Vietnam.

Thus it was unnecessary, and would have been undiplomatic and costly for the North Vietnamese to attempt to conquer Cambodia.

With the overthrow of Prince Sihanouk and the assertion of power by the Lon Lol group and their almost immediate pressure for withdrawal of North Vietnamese and Vietcong troops from these border sanctuaries, one of the above three deterrents was removed.

With our overt intrusion of American ground combat troops on April 30 the second, and what I believe to be the major, deterrent to conquest by North Vietnamese and Vietcong troops has been removed. While it is true that North Vietnamese and Vietcong troops have been violating the Geneva accords by their stationing of troops on Cambodian soil, this has been a sub rosa operation and has never drawn the world's attention that our intrusion is bound to draw. Thus, we are now overtly in violation of the Geneva accords and it seems to me, with little effort, the North Vietnamese can exploit this violation by further and more significant violations of their own. I feel such violations may now include conquest of all of Cambodia. And now such conquest does not have all of the bad diplomatic and political tones which it would have had in the absence of our intrusion.

Further, from a military standpoint it appears to me that our frontal attack on at least two of these border enclave sanctuaries will have the effect of pushing the Vietnamese and Vietcong in these enclaves eastward and dispersing them throughout all of Cambodia. Thus we have resolved for them, at least for the time, the difficult decision they might once have had to make with regard to logistic support of any sustained operation in Cambodia. Now they have no choice. It is either provide such support or perish.

The presence of Prince Norodim Sihanouk in his present posture provides for the North Vietnamese, Vietcong, and Chinese a golden opportunity to use this dispersion as a de facto conquest after which Sihanouk can be installed as the legitimate head of a Cambodian state which will then, for all intents and purposes, be a complete puppet of the North Vietnamese.

In short, it appears to me that our move could not have been better planned for the North Vietnamese if they had instigated it themselves.

APPEAL FOR INTERNATIONAL JUSTICE

(Mr. MIZE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZE. Mr. Speaker, on Friday, May 1, 1970, I had the honor to attend one of the most meaningful and deeply moving convocations ever held in the United States.

Summoned from across the Nation, the families of American servicemen held prisoner by the North Vietnamese assembled in Constitution Hall to call attention to the cruel and inhuman treatment their husbands, fathers, sons, and brothers have endured at the hands of the Communist enemy.

About 1,100 close relatives of prisoners or servicemen listed as "missing in action" attended to participate in an "Appeal for International Justice." They were there to arouse the National sense of outrage and to protest the gross violations of international law relating to POW treatment that have been perpetrated by the North Vietnamese behind their bamboo curtain.

Senators and Representatives in Congress joined Vice President SPIRO T. AGNEW, Astronaut James Lovell, Citizen H. Ross Perot, thousands of concerned Americans and the family members in reaffirming a truly national concern for those who have fallen into the hands of the enemy.

At Constitution Hall last Friday night, the families of these prisoners joined the leadership of this land in a common declaration: The POW's will not be forgotten. Their voices are stilled behind prison walls but our voices are not stilled. We as Americans must speak throughout the world in their behalf. America will not rest until our servicemen are accorded their rights under the Geneva conventions and other accepted standards of international law.

That was the message of this "Appeal for International Justice."

SENATOR BOB DOLE

Mr. Speaker, if this appeal is heard, if men of honor are moved to action in behalf of about 1,500 American prisoners of war—the families of these unfortunate servicemen and the entire American people will be forever in the debt of Senator BOB DOLE. He made the "Appeal for International Justice" possible.

Most of us know BOB personally. He served in this body for 8 years before becoming the junior Senator from Kansas. In less than 18 months, BOB has become an acknowledged leader in the Senate and a champion to those disadvantaged Americans without a high-powered lobby of their own.

While much has been said recently about the "silent majority," Senator DOLE has not forgotten the "voiceless minorities" that suffer anonymously in pockets of neglect throughout the land.

It was entirely characteristic of BOB to make his maiden Senate speech on the plight of physically and mentally handicapped Americans—citizens denied opportunities that a compassionate nation should have guaranteed to them long ago.

Senator DOLE's compassion for the American prisoners of war and for the agony of their families, is typical of his concern for those in need of moral and active support.

"I'LL FILL THIS HALL IN 90 DAYS"

On February 21 of this year, Senator DOLE met with some relatives of American POW's in Constitution Hall. Only about 300 persons attended that publicized meeting. Senator DOLE sensed the hopelessness of the wives and parents present and made a pledge,

> I'll fill this Hall with concerned Americans in 90 days.

On May 1, Bob Dole made good his commitment.

I am confident that his "Appeal for International justice" will become a "mandate" for international justice or perhaps even an "ultimatum" for international justice.

A nation that could ignore the plight of its prisoners of war, languishing in bamboo prisons half a world away, could ignore other violations of common decency in other places at other crucial times.

Perhaps we learned a little about the inherent strength of character of the American people last Friday night at Constitution Hall. Americans will not forget, they will not ignore, they will not rationalize injustice.

But they need leaders to give them a forum for expression of outrage at injustice.

By providing that forum on the prisoner-of-war issue, Senator Dole has performed a distinguished act of public service.

THE BASIC CAUSES AND EFFECTS OF DISCRIMINATION AS IT AFFECTS THE CHINESE CITIZENS

(Mr. TALCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, Mr. Sam Chinn, of Salinas, Calif., a very wise and able friend of mine, was invited to participate in the seminar on civil rights sponsored by the U.S. Department of Agriculture at Portland, Oreg., on May 5, 1970.

His dissertation on "The Basic Causes and Effects of Discrimination as It Affects the Chinese Citizens" is worth the reading and thoughtful reflection of every person who has been the object of discrimination or a discriminator.

All of us who live in California are well aware of discrimination, de jure and de facto, affecting the Chinese as well as other groups of persons. We are very proud of the contribution of the Chinese to our Nation, our business, our industry, our community—and to our understanding and relationships with each other.

Mr. Chinn pays eloquent tribute to the Chinese in their handling of the problems of discrimination. Their techniques and attitudes could be useful and satisfying examples for all of us.

I heartily urge each of my colleagues to read this beautiful story about how the Chinese met and solved the evil of discrimination for themselves and their discriminators.

I include Mr. Chinn's speech in the Record.

The Basic Causes and Effects of Discrimination as It Affects the Chinese Citizens

(By Sam Chinn, Portland, Oreg., May 5, 1970)

In order to better understand the Chinese and how they feel about discrimination, you must know and understand some of the strong characteristics of the oriental mind and their basic philosophy.

The Chinese have a fierce pride in their accomplishments. They will defend their honor with their life if necessary, but at the same time they are humble and respectful of their elders and fellow man. They practice the wisdom of the wise old man of China, Confucius, who says, "One must cherish the old in order to understand and appreciate the new".

The era of the Chinese in America began in the middle 1800's during the Gold Rush Days. The opportunity to get rich quickly in the gold fields depleted the manpower resources of the West. Recruitments and shanghaiing (in effect slave trading) turned to the Far East across the Pacific Ocean where there were plenty of laborers. The Chinese were small, but strong, wiry, dependable, clean, and quiet. They filled a definite need for domestics and workers in the gold fields.

A decade or so later, the race to build the Transcontinental Railroad began. Sante Fe and Union Pacific recruited big strong Irish, Swedes, and Germans and began building from the East. Leland Stanford and the Southern Pacific were to build from the West. The prize was that for every mile built, the U.S. Government would deed three miles right of way, so the incentive was very strong. Once again the West had a manpower shortage, and Leland Stanford recruited thousands of Chinese from across the Pacific to do the job.

At first, there was great apprehension that these people of small stature could match the strength and endurance of the Europeans, but they reasoned, if these people can build the Great Wall of China, they can build a railroad.

They were put to a crucial test immediately after work began in Sacramento heading East. They had to lay tracks through the high Sierra Nevada Mountains in the dead of winter. These mountains were high, steep, treacherous and snow covered and the task of building a railroad through seemed impossible.

It was here that the very often used phrase "There isn't a Chinaman's chance originated. The Chinese pride turned this into a challenge, and history has recorded that where machinery failed, human integrity, courage, and endurance prevailed and where snow was a constant problem, snow sheds and tunnels were built to conquer the elements. After passing through the mountains, the Chinese crews of Southern Pacific laid more miles of track per day than the crews from the East. This track laying record has never been broken even in these days of modern equipment. To this day, after over 100 years of the completion of the Transcontinental Railroad, recognition has always been credited to the Chinese for their contribution to help build the West.

Immediately after the Gold Rush and the completion of the railroad, the need for these thousands and thousands of orientals was over. Even though a great number returned to their native land, many stayed for a new life in the "Golden Hills of Opportunity" as the Chinese called America. The non-oriental people looked upon them as the "yellow peril" who infringed on their political and economical haven. Because of this fear, the Chinese were abused, threatened, beatened, and their homes often destroyed. With this background of misunderstanding, prejudice began against the Chinese. Bills were passed and laws adopted to discriminate and suppress them.

Some of the laws were: A person of Chinese descent could not vote, could not own property, could not get a license to do business, could not bring their wives into this country; Chinese testimony was not acceptable in court, and a very small quota could immigrate into the U.S. annually. This limited these pepole to hold jobs of a servitude nature, such as cooks, house boys, laundry workers, laborer of all types, and other lower classes of occupations.

In this turmoil and frustration, the wisdom of the wise old men of China prevailed. They fully realized and understood that racial discrimination is a social disease. It is created, festered, thrived, and spread in the minds of individuals. What is more important they realized in order to cure or eradicate this disease, the solution must take the same channel from which it was created and no threats, intimidations, or violence can be medicine.

With these thoughts, two organizations began for the purpose of improving the Chinese status in America.

The Chinese Six Company, as it translated in English, has as its members Chinese from the six different villages of Canton that were predominantly here. It was organized to self regulate its own people. It had its own rules and court hearings and law enforcements. Although Chinese punishment for breaking some of the American laws thus bringing disgrace to the Chinese race were very drastic by today's standards, it was very effective. Because of the watchdog tactics of this organization, the crime rate committed by Chinese is very small. Their social behavior is beyond reproach and no Chinese need be on welfare.

The Six Company organization provides a basis in which ancient and sound traditions still serve as an authoritative guide to good personal conduct. It is through this good personal conduct that the wise men hoped discrimination would be healed and their people slowly and firmly accepted.

The other organization is the Chinese American Citizens Alliance comprising as its members American Citizens of Chinese ancestry. It was organized 75 years ago and has the longest history and is the largest citizen's group in the country today. Its purpose and objective are: to form a more perfect body; to inculcate the principles of charity, justice, brotherly love and fidelity among its members; to promote the general welfare and happiness of its members; to quicken the spirit of American Patriotism; to secure the legal rights of its members; and to secure equal economical and political opportunities for all American citizens.

This organization, as its objectives imply, encouraged its members to be outstanding citizens and take the battle to repeal these discriminatory laws in the courts, to the legislature, and to the U.S. Congress. The achievements of this organization's taking this route is history and the results are very self evident. Both organizations have achieved their goals, one through the mind and heart of the people and the other through the democratic process.

Today after 40 years since all these discriminatory laws were repealed, there is no resentment nor do the Chinese hold any malice toward the people who tormented them. We have long ago understood and believed that discrimination works both ways. We remembered that our ancestors brought with them many different and unusual habits, traits, customs, and religion. Their unwillingness to immediately accept the customs of their adopted country could be construed as part of the reason for discrimination and their nonacceptance.

Confucius once said, "It is very easy to blame others for our troubles, but difficult to blame ourselves". There is a lot of wisdom in this proverb.

Today, there may be isolated and individual cases of non-acceptance. This is not regarded as racial discrimination. The Chinese feel there will always be discrimination, be it by class, by financial, by sex, by age, by religion, or others. We believe it is our American sovereign right to choose our own

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friends, associates, and neighbors, and no one should impose themselves where they are not welcome.

Today, the Chinese feel it is almost just as embarrassing to discriminate for, as it is against. We strongly wish to emphasize we do not ask for, nor expect, any special privileges than anyone else because of our race or ancestry.

We deplore the practice of employment based on race, ancestry or other reasons than ability. This unfair and dangerous practice has already caused rebellious reaction of some minority groups and much unrest in the well-qualified person regardless of race or color. Misguided government and industry will have to take the responsibility for starting and abetting of this reverse discrimination plus the lowering of the workmanship standards in the 19th century.

We feel that the unrest of the youth today is an excellent opportunity for the minority races to take a strong initiative for their sons and daughters to excel in higher education. In four or five years of a lifetime, they in turn could be the leading citizens of the country. It will take patience, courage, and perseverance to achieve this goal, but rewards are great because no one can begrudge these youths of their own achievement.

In conclusion, the Chinese feel they have been as great a victim of discrimination and suppression as any other people in America. We have proven to our own satisfaction and great pride, that from humble origin, by hard work and perseverance in schools, colleges, and universities, we have developed among us outstanding doctors, lawyers, judges, scientists, professional men of all types, as well as owners of all types of businesses.

We regard ourselves as the living proof of the reality of the American dream of opportunity for every man, regardless of race, color or creed. Anyone who is willing to recognize, to work, and to grasp the opportunities that are available to him in America can succeed.

We have proved to our own satisfaction that from the personal efforts of our parents and of ourselves, we have won the respect and esteem of our Caucasian neighbors and at no time, I repeat, at no time, have we ever had to resort to violence to achieve the status which we now enjoy.

KENT, OHIO, DISTURBANCE

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, I, like many other Members of this body, was saddened and shocked to read this morning in the newspapers about what took place yesterday at Kent State University in Ohio.

I think this House should not make a snap judgment on this sad incident. It deserves a full and complete investigation by the U.S. Department of Justice, by the Ohio State authorities, and by the local law-enforcement agencies.

We owe this to the students, to the Ohio National Guard, to the university administration, to ourselves, and the people we represent.

I know that some of the incidents of recent weeks have disturbed people very much. One incident was a speech made on the Kent campus by Jerry Rubin on April 11. I include in these remarks the text of an Associated Press report published by the Huntington, W. Va., Herald Dispatch and Advertiser of that date:

"KILL YOUR PARENTS," KENT CROWD ADVISED

KENT, OHIO.—"We have to disrupt every institution, break every law, we've got to all become criminals," Youth International Party (Yippie) leader Jerry Rubin told about 1,000 Kent State University students Friday.

Rubin, one of the defendants in the recent Chicago trial for inciting to riot during the 1968 Democratic National Convention, called on his audience that sat on the grass around him on the university's front campus oval, to "kill your parents."

He said America's youth is a persecuted class that is indoctrinated by parents, teachers, schools and the government.

"You work until you become 65 so you can retire," he said. "You're born retired. Work is a dirty word. I don't work. Work is doing something for money and that's why so many people out in American society are unhappy, because they don't do anything that they enjoy, they're just interested in money."

Rubin, who called for a revolution to overthrow the government and change the system, said that a baby is trained to join the system of working for money through "discipline, control . . . and by sending him to school."

As he spoke, four supporters passed through the audience, which included plainclothes police, and collected donations for court fines owed by four members of the Kent State Students For A Democratic Society.

The four were arrested last April for allegedly inciting to riot at the university and are presently in the Portage County jail in Ravenna.

Several members of the audience spoke following Rubin. All were applauded except one young man who asked everyone there to help a cleanup project in the city of Kent this weekend.

A number of people of my district took exception to this man coming onto the campus of a university dedicated to the education of our young people. And they wrote to me about it, letting me know in detail how they felt.

Upon receipt of such letters, I took the matter up with the Attorney General of the United States.

For the information of the Members of this House, I append herewith the detailed correspondence between my office and the Department of Justice:

APRIL 16, 1970.

Hon. JOHN MITCHELL,
Attorney General, U.S. Department of Justice, Washington, D.C.

DEAR GENERAL MITCHELL: Several residents of my area have sent me copies of an Associated Press dispatch from Kent State University in Ohio, reporting on the appearance of Mr. Jerry Rubin.

I thought you would be interested in their comments on this matter.

Best wishes always.

Sincerely,

CARL D. PERKINS,
Member of Congress.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., April 21, 1970.

Re Jerry Rubin.
Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PERKINS: This acknowledges your communication of April 16, 1970. It has been referred for appropriate action and a reply may be expected in the near future.

If you have any questions regarding your communication before receipt of a formal reply, please contact Mr. Harry Kulick, of my office on code 187, extension 3128.

Sincerely,

L. M. PELLERZI,
Assistant Attorney General for Administration.

DEPARTMENT OF JUSTICE,
Washington, April 30, 1970.

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: I have your letter of April 16, 1970 enclosing correspondence from several of your constituents regarding a recent talk given by Yippie leader, Jerry Rubin, at Kent State University in Ohio.

You may wish to advise your constituents that I share their indignation at the shocking speech made by Mr. Rubin at Kent State University. As you may know, Rubin has been convicted of crossing state lines to incite a riot in Chicago and has also been held in contempt of court by Judge Julius Hoffman. Rubin is presently appealing his conviction.

Furthermore, we are aware of the activities of Jerry Rubin and in the event sufficient evidence is developed to establish a violation of any additional Federal law, including the Smith Act (Title 18 U.S.C. Section 2385) prohibiting the advocacy of the violent overthrow of the Government, your constituents may be assured that this Department will take immediate and effective steps to enforce the applicable statutes.

I hope that we have been of assistance to you in this matter.

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

THE PRESIDENT'S BRAVE DECISION

(Mr. RIVERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. RIVERS. Mr. Speaker, on Thursday, April 30, 1970, during debate on the military procurement authorization bill, I attempted to explain to the membership the circumstances which required the President to make his eventful decision concerning Cambodia.

Since that time, there has been a great deal of discussion, some of it well informed, and, unfortunately, some of it distorted.

Reduced to its simplest element, the decision of the President to eliminate the sanctuaries used by Communist troops in Cambodia was designed to save American lives and bring an earlier conclusion to the unfortunate war in Vietnam.

Certainly no one in this body could dissent from this objective of the President. Yet, in the confusion of oratory and passion which surrounds a decision of this kind, we often find the objectives of the President so obfuscated that it is almost impossible to discuss intelligently the issues involved.

The President, as the Commander in Chief of our Armed Forces, is no less concerned with the lives of our men in uniform than any of us here today. The anguish and torture that he must have experienced in reaching his decision on Cambodia is something that few of us can comprehend, and probably none of us will ever be required to face.

It was a problem which demanded immediate resolution and, as politicians, each of us in our own hearts, must know how great the temptation must have been to attempt to sidestep the issue and avoid the decision. However, our President in the great tradition of his forebears, "elected to bite the bullet" and make a decision which was designed to save American lives at the risk of the President's political future.

I emphasize these circumstances since we cannot and should not attribute any other purpose to the President's action. His decision was forthright and courageous—make no mistake about that.

Let me review some of the basic facts which led to this presidential decision. As I explained to the Members of the House on April 30, the Communists have, in the past, used sanctuaries in Cambodia for their forays into South Vietnam. They have used these sanctuaries as a safe haven from pursuit by South Vietnamese and American forces, and in addition—and most importantly—they have used these sanctuaries as a source of supply to continue the war in South Vietnam with weapons and ammunition provided by the Hanoi government.

The Cambodia supply lines have therefore become, in truth, lifelines for the Vietcong operating out of Cambodia.

Prince Norodom Sihanouk, though loudly protesting a neutral attitude, accepted the presence of the Vietcong in his country and for years permitted this deadly use of these bases in Cambodia. This reality made it possible for the North Vietnamese elements in the III Corps area and the Delta to maintain, without disruption, their capability to inflict serious losses on our forces in South Vietnam.

The importance of this lifeline, and it can be called nothing else, to the North Vietnamese forces became all too apparent when with the overthrow of Prince Sihanouk, the Vietcong units located in the sanctuary base areas moved out to gain control of as much of Cambodia and the neighboring rice land as they could, while other forces of North Vietnam elements were sent forward to threaten Phnom Penh itself.

These events made it crystal clear that the North Vietnamese units were desperately attempting to insure the future availability of their sanctuaries in Cambodia and their utilization of Cambodia as a source of supply by attempting to bring the existing Cambodian Government to its knees.

Like Napoleon's foray into Russia, the North Vietnamese recognize full well that if their supply lines are destroyed, they are dead.

On the other hand, the North Vietnamese also know that if they can insure the availability of these supply lines and the use of Cambodia as a sanctuary, they can continue the war almost indefinitely.

These crucial events therefore demanded action by the President and he was not found wanting.

The President can not ignore the fact that Hanoi has largely sustained most of the war in South Vietnam with weapons and ammunition brought in through supply lines from Cambodia.

These are the weapons that are killing your sons as well as the people of South Vietnam whose only plea is to be given an opportunity to determine for themselves their own future as a nation.

I wholeheartedly endorse the action taken by the President and urge that in this time of crisis, and make no mistake about it—it is a time of crisis—we must forget our political differences, subdue our passions, and firm our determination to support our President who is no less dedicated to the principles which you and I espouse.

Mr. Speaker, I include in my remarks an excellent article by Joseph Alsop concerning the President's Cambodian decision. I hope each Member will have an opportunity to read Mr. Alsop's very fine comments on this crucial matter before the debate resumes tomorrow on the military procurement authorization bill.

[From the Washington Post, May 4, 1970]

NIXON'S CAMBODIAN DECISION IS BRAVE, AND MAY BE LUCKY

(By Joseph Alsop)

President Nixon has now proved that he is a very brave man. Even the opponents of his Cambodian decision have been forced to grant that much.

It remains to be seen whether he is also a lucky man—which is just as important for a successful political leader. But if he is even reasonably lucky, it should be noted that he has made a good gamble in Cambodia.

What makes it a good gamble is the simple fact that (which no U.S. senator ever seems to understand) that no troops can fight, or even continue to exist, without supply. For years, Hanoi has not only used sanctuary-bases area in Cambodia.

In addition, Hanoi has fed the troops in the sanctuary-base areas with Cambodian fish and rice; and Hanoi has nourished the war in two-thirds of South Vietnam with weapons and ammunition brought in through Cambodia. Thus the Cambodian supply lines have also been life-lines. And these life-lines have now been cut by the Cambodian Nationalist government.

The importance of those life-lines to Hanoi could be seen in the initial responses to the Nationalist triumph in Phnom Penh. On the one hand, the units in the sanctuary-base areas moved out, to gain control of as much of Cambodia's neighboring rice land as they could. On the other hand, and more important, North Vietnamese elements were sent far forward, to threaten Phnom Penh itself.

The threat to Phnom Penh was either intended to force the Nationalist government to make a deal with Hanoi, thus restoring the old supply arrangements. Or perhaps it was ultimately aimed to carry Prince Norodom Sihanouk, now an open stooge of Hanoi's, back to Phnom Penh on top of a tank. It was this threat to Phnom Penh, in any case, which finally forced President Nixon's hand.

The Cambodian army, alone and unassisted, was simply not strong enough to cope with the North Vietnamese. Some kind of collapse was ominously imminent when President Nixon acted.

The immediate aim of his action was to remove the threat to Phnom Penh by taking the enemy in the rear. In all but the northern corner of Cambodia, in fact, the North Vietnamese divisions should now be caught between the devil and deep blue sea—the deep blue sea being the Cambodian army and the hostile Cambodia population, and the devil being the South Vietnamese and American forces now attacking across the border.

The key to the situation, for the long pull, is again the problem of supply. For the long pull, obviously, most of the North Vietnamese units in Cambodia simply cannot survive there, without supply lines of any sort. Those in the northeast corner can do so, by getting their supply over the Laos trails. But with any luck, all the more important sanctuary-base areas should become untenable in the end.

Furthermore, if the President's gamble meets with this kind of success, there will be an extra dividend of inestimable importance. Here, once again, supply is the key, for remember that all the weapons and all the ammunition for all the enemy forces in nearly two-thirds of South Vietnam formerly came through Sihanoukville or over the Cambodian beaches.

This year Hanoi has made a great effort to expand the capacity of the Laos trails. Supplies brought through Laos may therefore replace supplies from Cambodia in lower II Corps, and even, perhaps, in the empty provinces of north III Corps. But in most of III Corps and all of the Delta, the enemy units, from guerilla platoon up to North Vietnamese regiment, must eventually lose the means to fight if their Cambodian life-line is not restored.

That means, in turn, that substantial redeployments to the more vulnerable northern areas will eventually become possible. Consider the Delta, for instance. Here North Vietnamese regiments had to be sent in, as a desperate measure to bolster the Viet Cong structure, which was in danger of collapse.

Now both the North Vietnamese regiments and the Viet Cong troops must probably look forward to a grim moment when their ammunition will begin to run out. When that moment comes three or four South Vietnamese brigades should be enough to hold the Delta, instead of three regiments, as at present.

If the same thing happens in most of III Corps, that will mean more troops set free. Thus the enemy will finally have to face forces in II Corps and I Corps that will be nearly double in strength the forces that now defend those areas. And that should be enough to break Hanoi's teeth.

In sum, President Nixon's gamble has its grave risks, as any wartime move always has. But if his luck holds, the pay-off will be huge.

THE "CHICAGO 7" SHOULD HAVE THEIR BONDS REVOKED

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, in view of the increasingly volatile situation on the Nation's college campuses and here in the Nation's Capital, it is little more than a mockery of the legal process that persons who stand convicted of crossing State lines to incite riots be permitted to continue to play active roles in organizing demonstrations which may result in riots and disorders.

In recent days members of the so-called "Chicago 7," who are free under bond following their trial and conviction and pending appeal have appeared at various crisis points around the country—at New Haven last weekend and here in Washington this week.

One of these, Rennie Davis, who spoke yesterday to an assembly at one local university and called for what he termed "a national liberation brigade" to come to Washington to "liberate this country." This is similar, of course, to the appeal made by Mr. Davis and other convicted members of the "Chicago 7" which led to the mob demonstrations in Chicago in 1968—the very acts which led to their trial and conviction.

I believe, therefore, that the time has arrived—if it is not long overdue—for judicial authorities in Chicago to take action to review the condition of bond granted the "Chicago 7" either to impose

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limitations on their movements as provided by law or if necessary, to revoke said bonds.

I am therefore writing Attorney General John Mitchell today asking that he instigate through the Justice Department appropriate measures to bring Rennie Davis and his fellow-convicted defendants back into court in Chicago, posthaste, for a hearing on this matter so important to the peace and security of this Nation's Capital and the country as a whole.

CAMBODIA

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, after long and careful consideration, and with great disquietude, I have come to the conclusion that I must publicly express my strong disagreement with the action of President Nixon in sending American troops into Cambodia.

For a number of years I have supported the policies of the Government of the United States with regard to Southeast Asia, in the belief that our national goal there was to assure the freedom, including their right to self-determination, of the people of South Vietnam and out of the view that this national goal was being served by the military endeavors of the United States in that area.

Further, I have given my full support to the policies and actions of both the Johnson administration and the Nixon administration which were aimed at securing an honorable negotiated settlement of the war in South Vietnam.

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The actions of President Johnson in deescalating the level of military activity in Vietnam and in commencing negotiations in Paris had my support, as did President Nixon's moves to reduce the size of the American contingent in South Vietnam while continuing negotiations.

As late as April 20, 1970, President Nixon addressed the American people on television and radio to assure them that the level of American involvement would continue to be reduced.

President Nixon's promise of a further phased withdrawal of some 150,000 men over the next 12 months gave the American people the hope that the President had taken effective steps to implement the yet unrevealed plan for conclusion of the Vietnam war to which he alluded during the presidential campaign of 1968.

The events of the last week—highlighted by President Nixon's announcement on April 30 that American troops were being deployed into Cambodia—lead me to the conclusion, sadly, that the President at no time had a firm plan to bring the Vietnam conflict to an honorable negotiated conclusion. If he did have such a plan, recent events make it clear that he has abandoned it out of stress, panic or plain folly.

Our military operations in Cambodia, as publicly defined by the President, offer the most minimal tactical or strategic military benefits.

The news reports indicate that the Vietcong and North Vietnamese forces generally have faded away from the base areas which President Nixon said were the objective of our forces and the forces of the Government of South Vietnam. Apparently only nominal amounts of supplies have come into the hands of our forces. Thus, the immediate tactical advantage is of small order—the enemy forces remain and will return the moment our troops are withdrawn.

Insofar as strategic advantage is concerned, it would appear that such can be gained only if we and the South Vietnamese are prepared to continue and expand activities within Cambodia for the indefinite future.

Despite his solemn promise to the American people that such would not be the case, it becomes clear that the actions of President Nixon with regard to Cambodia are calculated to bring a substantial escalation of the level of the conflict in Southeast Asia through a significant expansion of the geographical boundaries. Recent history indicates that we will not easily withdraw from Cambodia, particularly if it finally develops that our incursion has not led to the expected tactical gain. In fact, if logic demanded that our forces seek out the Vietcong and North Vietnamese in their sanctuaries in eastern Cambodia, cannot it be assumed that the same logic will demand our seeking out such forces in central Cambodia, in Laos, in Thailand, and perhaps in North Vietnam.

The actions in Cambodia, particularly when coupled with renewed bombing of North Vietnam, may well lead to the complete collapse of the negotiations in Paris. In such event, the pressure to maintain and expand our military endeavors in Southeast Asia would be heightened. Instead of the withdrawal of 150,000 American men over the next 12 months, the policy of the President could lead to the infusion of additional American troops. Instead of declining casualty totals, casualties would then rise. Instead of lessening demands for military funding, budgetary strictures would increase, with a totally unacceptable impact upon our vital domestic programs. Social unrest at home could become substantially more intense. These are costs we cannot afford and should not undertake.

SUPPORT FOR PRESIDENT'S ACTION IN CAMBODIA

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, today I have had the pleasure, along with a number of our congressional delegation, to be briefed by President Richard M. Nixon on the Cambodian situation. As a result of this meeting, which lasted over 2 hours, I am convinced that the President is attempting to win and also to get out of Vietnam as quickly as possible. While at first I had some apprehension as to the wisdom of the Cambodian venture, it now appears quite clear that this is not an invasion in any sense of the word. The President made it quite clear that all troops now in Cambodia are busily engaged in destroying the enemy sanctuaries and facilities that have for a number of years been a thorn in the side of the South Vietnamese and American troops.

The operation was designed to neutralize the enemy sanctuaries from which they emanated and mounted attacks on South Vietnamese cities and also American installations causing a number of casualties among our troops. I firmly believe that the action now underway will deprive the Vietcong and North Vietnamese of that capability and will be instrumental in the saving of many American and other lives. With the destruction of the sanctuary facilities, the supplies contained therein, the military equipment of Communist origin captured and destroyed, and with the coming of the monsoon season, it will be well into 1971 before the enemy can again maintain such an operation as they have been from their headquarters on the Cambodian border.

This operation will add impetus to the already announced orderly withdrawal of 150,000 more American troops from Vietnam during the coming year. I am likewise convinced that it will save many American lives in our armed services. It is estimated now that the operation will be completed within 5 weeks; in fact, many units will begin withdrawal after their completed mission the first part of next week. The President has emphasized that he does not seek to widen or extend the war but the enemy has never taken that stand.

It now becomes necessary for me to support President Nixon. I do so not in blind allegiance but rather because I am convinced that as the Commander in Chief he has carefully weighed the options and he has concluded that this limited Cambodian action will permit him to keep his promise of such withdrawal as is consistent with the protection of our troops.

We are all frustrated by the rage of this bitter conflict and all of us seek to contribute to its earliest possible termination. We must, however, be realists and support the Commander in Chief in his determination to end the war in Vietnam. I am convinced he is not seeking a total military victory at this time but rather to attain an objective whereby the South Vietnamese can take over their country totally and maintain their own independent form of government.

THE CAMBODIAN "PAYOFF"

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the action of the President in sending American ground troops into Cambodia is a most serious constitutional matter. I do not understand how any of the gentlemen who have spoken previously could contend that this military action is not an invasion, that it does not violate the territorial integrity of what has been regarded up to now as a neutral nation. The President neither sought nor received congressional approval for this unilateral action. He does not even pretend that Cambodia requested United States ground forces. He has repudiated his own campaign pledges and his own promises to the American people that he was going to bring this war to an end.

It is a curious twist of logic which makes it possible to rationalize extending the war into Cambodia and bombing North Vietnam with promised troop withdrawals.

The minority leader's approval of the President's actions with regard to Cambodia, which were taken without either consultation with, or the concurrence of, the Congress, is in sharp contrast to his views expressed at a news conference on January 9, 1968, when he reacted to reports that the Johnson administration was considering hot pursuit across the Cambodian border from Vietnam. At that time the gentleman from Michigan (Mr. Gerald R. Ford) said:

> It is important that they (the Administration) come to Congress, present the problem, and get our concurrence, before they adopt a new policy of hot pursuit. This would be a drastic change.

The minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) just spoke of a beneficial payoff from the President's decision.

The payoff is clear. The payoff is further polarization of our society, further alienation of our young people, a further deepening of our domestic crisis, further estrangement from our allies.

The administration is unwilling to accept the proposition that there is only one solution to the war in Vietnam, and that is a political solution.

As long the the President persists in believing that what is essentially a political issue can be settled by military means, we shall be bogged down in Southeast Asia for years and years to come. I believe it is essential that the Congress assert its authority and make clear to the President of the United States its disapproval of his action in Cambodia and make clear our determination to bring home from Vietnam as rapidly as possible all American forces.

THE NEED FOR REPRESENTATION FOR THE DISTRICT OF COLUMBIA IN THE CONGRESS

The SPEAKER pro tempore (Mr. Culver). Under a previous order of the House, the gentleman from Maryland (Mr. Gude) is recognized for 60 minutes.

Mr. GUDE. Mr. Speaker, as America approaches its 200th birthday, my colleague from Minnesota, Congressman MacGregor and I think the time is ripe to fulfill the Republican pledge to provide voting representation in Congress for the District of Columbia. The reason for this step was summed up in a sentence in President Nixon's message almost a year ago:

> It should offend the democratic senses of this Nation that the 850,000 citizens of its capital comprising a population larger than eleven of its states have no voice in Congress.

This year, the cause of voting representation in Congress for the District has a strong ally in the League of Women Voters of the United States. The league is celebrating half a century of service to better government and has made its 50th anniversary the "Year of the Voter." Taking as its slogan, "D.C.—Last Colony," the league has been gathering signatures from citizens of all 50 of our States on petitions urging voting representation for District residents. These petitions will be presented to Members of Congress during the league's national convention, now in progress. Because of the low political visibility of this injustice, the league is to be highly commended for their vigorous efforts to bring it to the attention of American citizens in all of our States.

I am confident that the great majority of Americans favor extending the right to vote for congressional representation to their compatriots in the District of Columbia. Their disenfranchisement is an accident of history, one of the few matters overlooked by the Founding Fathers who wrote our Constitution.

The Constitution provides that Members of Congress shall be chosen by the people of the several States—article I, section 2—and the District is not a State. That the effect of this provision disenfranchised the District by accident is clear from James Madison's statement in the Federalist, No. 43, that the residents of the new Federal City should "of course have their voice in the election of the government which is to exercise authority over them."

Madison's observation is no less true today, when Congress not only legislates for the District as part of the Nation but is directly responsible for the affairs of the city. There is no justification for our continued failure to remedy this situation. District citizens pay taxes and answer draft calls but they have no voice in the legislative decisions that require them to do so. They encounter problems with the Internal Revenue Service or the Veterans' Administration, but there is no representative in Congress to whom they can turn for help. All of us who serve on the District Committee know that District citizens have views to express and problems to discuss like everyone else, and we do what we can to give them a hearing. But as the League of Women Voters has put it—

> No U.S. Senator or U.S. Representative can or should have the interests of the District as his prime concern. The District needs its own voice and vote.

I believe that we Republicans have a special opportunity and responsibility to advance the President's program for the District of Columbia. The first resolution proposing a constitutional amendment giving District citizens the vote was introduced by a Republican in 1877, and I would like to see the last such resolution approved by this Congress and ratified by the States before another century slips by. Resolutions have been proposed and extensive hearings held in many Congresses, including the last. But time is fast running out on the 91st.

In a letter to our Republican colleagues, Congressman MacGregor and I asked support of voting representation measures for the District, and we have received strong backing from 30 of our colleagues. Most of the 30 are cosponsoring bills granting several types of voting representation and 11 more Republicans have already introduced legislation on voting representation. We ask the Judiciary Committee to expedite consideration of these measures so that the House can act within the year.

We also need simultaneous and prompt action on the President's proposal for a nonvoting delegate to represent the District pending final ratification of an amendment for voting representation. The nonvoting delegate bill passed the Senate last year, and only awaits a favorable report from the District Committee. It is up to us as Republicans to help the President deliver on this part of his program, too. As he reminded us:

> The District is a federal city, but it should not be a federal colony. Nearly 200 years ago, the people of America confronted the question of taxation without representation. It was not acceptable then; it hardly is justifiable today.

I am honored to join today with 30 of my Republican colleagues in support of a remedy for a historic injustice:

Mr. John Anderson, of Illinois.
Mr. Edward Biester, of Pennsylvania.
Mr. Donald Brotzman, of Colorado.
Mr. Daniel Button, of New York.
Mr. Don Clausen, of California.
Mr. Barber Conable, of New York.
Mr. John Dellenback, of Oregon.
Mr. Marvin Esch, of Michigan.
Mr. Edwin Eshleman, of Pennsylvania.
Mr. John Erlenborn, of Illinois.
Mr. Peter Frelinghuysen, of New Jersey.
Mr. Seymour Halpern, of New York.
Mr. James Hastings, of New York.
Mrs. Margaret Heckler, of Massachusetts.
Mr. Lawrence Hogan, of Maryland.
Mr. Robert McClory, of Illinois.
Mr. Paul McCloskey, of California.
Mr. Joseph McDade, of Pennsylvania.
Mr. Bradford Morse, of Massachusetts.
Mr. Charles Mosher, of Ohio.
Mr. Howard Pollock, of Alaska.
Mr. Albert Quie, of Minnesota.
Mr. Ogden Reid, of New York.
Mr. Donald Reigle, of Michigan.
Mr. Howard Robison, of New York.
Mr. Donald Riegle, of Michigan.
Mr. Fred Schwengel, of Iowa.
Mr. Robert Stafford, of Vermont.
Mr. William Steiger, of Wisconsin.
Mr. Guy Vander Jagt, of Michigan.

The following Republican Members have previously introduced bills to provide voting representation:

Mr. John Buchanan, of Alabama.
Mr. Joel Broyhill, of Virginia.
Mr. William Cowger, of Kentucky.
Mr. Gilbert Gude, of Maryland.
Mr. Frank Horton, of New York.
Mr. James McClure, of Idaho.
Mr. Ancher Nelsen, of Minnesota.
Mr. Alvin O'Konski, of Wisconsin.
Mr. Charles Wiggins, of California.
Mr. Larry Winn, of Kansas.
Mr. John Zwach, of Minnesota.

Mr. ZWACH. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. ZWACH. Mr. Speaker, I want to

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associate myself with the gentleman now in the well and with my colleague, CLARK MACGREGOR, of Minnesota, in this effort.

It is something that should have long since been accomplished. It seems that the objective has always been so close and yet so elusive.

This session of the Congress should not go by without the submission of this measure.

Also, I want to commend the League of Women Voters on their 50th anniversary, and I thank my colleague for yielding.

Mr. GUDE. I thank the gentleman. As has been said, this is an elusive resolution to have enacted in the Congress. However, I believe that we can take hope in the fact that the people of the District of Columbia did receive the right to vote in presidential elections, after years of effort.

Mr. Speaker, I feel that the spirit is here and with the good firm support of the League of Women Voters, I am looking forward to the reporting of this resolution from the Committee on the Judiciary.

Mr. ESCH. Mr. Speaker, it is ironic that it should be necessary for the House of Representatives, supposedly the embodiment of the democratic system, to set aside time to defend the right of democracy in the Nation's Capital. It is ironic that the city which is known throughout the world as the symbol of freedom for all citizens to participate in their Government should be the only city in the Nation whose citizens have no right to elect their government.

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Our democratic heritage is the birthright of every American citizen—except for the 850,000 residents of the Nation's Capital city. There are more American citizens in the District of Columbia than in 11 of the States, but these citizens have no representation in the House and in the Senate.

Citizens of the District bear all the responsibilities of citizenship in the United States—they serve in the Armed Forces, they pay taxes. We should not have to remind the United States that "taxation without representation is tyranny."

I am proud to join in this special order to indicate my continuing strong support for immediate passage of a constitutional amendment guaranteeing for once and for all the right of every American citizen to representation in the House and in the Senate of the United States. Over the past few years the Congress has taken broad action to assure that no American citizen shall be discriminated against on the basis of sex, color, race, or creed. It is time that we add "residence" to that list.

I want also to indicate my strong support for proposals which would provide self-government for the District of Columbia. As President Nixon said:

> Good government, in the case of a city, must be local government.

The Congress simply has neither the time nor the interest to manage this city effectively and efficiently. The result of our failures has been confusion and a breakdown in responsible government. The present city council-mayor system is certainly preferable to the previous administrations, but cannot in any way serve as an alternate to a city government elected by the people which it serves.

Each of these issues is important. It is imperative that this Congress act on each of them. It is essential, however, that they not be confused. While there is room for legitimate debate on the type of local governmental system which should be adopted for the District of Columbia, there should be no debate about the right of American citizens to be represented in the Congress. We can no longer tolerate this deprivation of American rights. We can no longer pretend to be a representative body when 850,000 of our citizens are brazenly denied representation.

Mr. HOGAN. Mr. Speaker, I would like to associate myself with the remarks of my distinguished colleague and friend from my neighboring district in Maryland (Mr. GUDE).

It is hard for me to believe, Mr. Speaker, that in 1800 our predecessors in the sixth Congress of the United States stood in this Chamber and debated national representation for District of Columbia residents—the very issue that we are discussing here today, 170 years later.

I am also amazed that, since 1789, nearly 100 resolutions have been introduced calling for some form of national representation for these citizens of the United States, and that this body, and the other body, have been unresponsive to these efforts. How can it take 170 years to decide so basic an issue as franchise for American citizens and taxpayers?

Tomorrow, coinciding with the presentation by the League of Women Voters of a nationwide petition calling for full representation, I will introduce a resolution to provide for a Constitutional amendment to give full representation to District of Columbia residents. This resolution offers no more and no less than what is accorded every other American citizen—the representation of two Senators and the number of Members of Congress to which District of Columbia residents would be entitled as a body of 850,000 citizens.

I have been advised, Mr. Speaker, that this resolution is going too far, too fast. The attitude seems to prevail that we should give District of Columbia residents token representation and see how that works before going all the way. But has anyone thought about the 170 years it may take before a followup amendment extending full rights and privileges is approved by the Congress and the State legislatures?

For the benefit of those who link national representation with home rule for the District of Columbia, I would emphasize that there is no causal relationship between these two proposals. I am as much concerned as any other American who views the Nation's Capital as his second home that a Federal enclave be maintained. But voting representation has no relation to the District's unique position as the seat of the Federal Government. We are the only nation in the world, Mr. Speaker, which does not bestow on the residents of its capital city this time-honored privilege and constitutionally guaranteed right of suffrage.

The people of the District must obey national laws, which they do not participate in making. They must pay national taxes without representation in the body which imposes and distributes these taxes. They send their sons to war without the voice of other Americans in deciding whether there shall be war. In short, they are governed without their consent and taxed without legislative representation.

As a member of the House District of Columbia Committee, I am daily made aware of the control which this committee, and its counterpart in the other body, have over the affairs of the Capital city. And this is as it should be if we adhere to the principle of a Federal enclave. But for specifically this reason the people of the District have even more of a right to be represented in Congress. The Congress is the real "city council" and "State legislature" of the District, yet the people of the District are denied any participation in the making of most of their local laws.

I think we have had ample proof of the necessity for maintaining a neutral, Federal enclave for conducting Government business. I would like to reiterate my strong feelings on the importance of this concept while taking this opportunity to discuss the bills which are pending before the District of Columbia Committee relating to local representation.

One of these bills, providing for a nonvoting delegate to sit in the House of Representatives, is an interim measure to compensate for the full representation which can only be achieved through ratification of the constitutional amendment which I am proposing.

Two other measures are also pending before the committee: First, to establish a Charter Commission to study the type and form of government that is best suited to the District of Columbia as a Federal City and yet is still responsive to the needs of local residents; and, second, a "little Hoover Commission" to study the operations and efficiency of the District of Columbia government and the problems of conflicting and overlapping agencies and departments within that government.

President Nixon himself has said:

> It should offend the democratic senses of this nation that the 850,000 citizens of its Capital, comprising a population larger than eleven of its states, have no voice in the Congress.

I urge the support of my colleagues to make it possible to negate that statement.

Mr. MORSE. Mr. Speaker, in a message to the Congress a year ago, President Nixon said:

> It should offend the democratic senses of this nation that the 850,000 citizens of its Capital, comprising a population larger than eleven of its states, have no voice in the Congress.

As a Member of the House whose democratic senses are indeed offended by this situation, I have joined with several of my colleagues today in sponsoring resolutions that would provide representation for the citizens of our National Capital in the Congress. It is long past time to take this action and to make the full "rights and privileges" of citizenship a reality for those Americans who live in the District of Columbia.

The Constitution itself made no provision regarding a government for the Nation's Capital, aside from assigning responsibility for it to the Congress. Little thought was given, however, to the people who might live in that Capital or to what their citizenship status would be. Thus, where the Constitution makes reference to representation in the Congress, it speaks of "the States." Since the District is not a State, it has been excluded.

The Constitution does, however, make guarantees of the rights of citizenship. The very roots of our national beginnings are found in a strong commitment to one principle—that governments shall derive their just powers from the consent of the governed. One of the major immediate circumstances which fostered the Revolutionary War was taxation without representation. And yet, almost 200 years later we permit the continuation of governmental structures which govern without consent and which tax without representation.

There is nothing in the Constitution itself which indicates that the Founding Fathers intended that the residents of the Nation's Capital should not be represented in the Nation's Legislature. As our distinguished colleague from New York, Chairman Celler of the Judiciary Committee, pointed out in a statement at the opening of hearings on the 23d amendment to the Constitution;

> The denial (of representation and electoral voting) stems, apparently, from an oversight or omission on their part, for nowhere in our fundamental instrument is there an express prohibition against voting by residents of the District; it is just that the Constitution simply does not provide for the right.

Chairman Celler further quoted James Madison who wrote in The Federalist, No. 43, that the residents of the new Federal city should "of course have their voice in the election of the Government which is to exercise authority over them."

But that, Mr. Speaker, as we all know, has not been the case. While residents of the District were at one time able to vote for officials in their city government, that right was taken away when, in 1871, a territorial government was created for the District. That right has never been restored. And, while the 23d amendment has extended the right to vote in presidential elections to District inhabitants, they have never, since Congress first made provision for local government in Washington, D.C., in 1801, been accorded representation in the National Legislature. Today, since the Congress has the constitutional responsibility to establish a government for the city, and to enact the laws which govern it, this means that District residents are denied participation in electing both those who represent them as national legislators, and those who represent them as local officials.

There is simply no argument which can satisfactorily justify or rationalize the continuation of this circumstance. There are many arguments—moral, constitutional, and otherwise—which justify, indeed which demand, action to rectify this circumstance.

Residents of the District have all the responsibilities of citizenship. They must obey national laws, pay national and local taxes, and serve in the Armed Forces. But, with the exception of the recently won right to vote in presidential elections, they do not have this most important privilege of American citizenship.

Mr. Speaker, I personally favor a constitutional amendment which would accord the District of Columbia the full representation in both Senate and House to which it would be entitled if it were a State. But I feel that, more important than any one of the several specific proposals which have been made over the last several years and introduced here today, is a commitment on the part of the Congress to provide some kind of representation to the District's residents. I urge the Judiciary Committee to hold hearings on these proposals at the earliest possible date. And I implore my colleagues to join in making a congressional commitment to action in this matter. At a time when all of our national institutions are being questioned and criticized throughout the country, the Congress could do more to ameliorate the legitimate concerns of citizens—especially those who live in the District. But we certainly cannot do less.

GENERAL LEAVE TO EXTEND REMARKS

Mr. GUDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the Record.

The SPEAKER pro tempore (Mr. Culver). Without objection, it is so ordered.

There was no objection.

THE THREAT TO WORLD PEACE IS IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. Culver). Under a previous order of the House, the gentleman from New York (Mr. Fish) is recognized for 20 minutes.

Mr. FISH. Mr. Speaker, a year ago in this Chamber I questioned our lack of response to terrorist actions and the guerrilla warfare waged against the State of Israel from bases in neighboring Arab States. I questioned a policy of training Arab military personnel at U.S. bases at the same time that we are selling jets to Israel and training Israel military personnel because of the obvious mounting Soviet threat in the Middle East.

A clear majority of the Congress, with which I joined 1 year ago on the occasion of Israel's 21st birthday, expressed traditional U.S. friendship for Israel. In a declaration in support of peace in the Middle East, the Congress reaffirmed its conviction that peace could come only through direct Arab-Israel negotiations. We said:

> The United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers.

Firmness in our friendship to Israel is thought by many of us to be basic to a resolution of the dispute between Israel and the Arab nations. A firmness which would encourage Islamic moderates, a firmness that would be a caution light to the Soviet Union. However, starting a few months ago, American diplomatic initiatives have raised doubts over the firmness of our friendship for Israel. These doubts were first felt by the Israeli themselves, and those of us who thought our objectives for Middle East peace were straight forward. Today it must be clear these doubts are shared by the Soviet Union.

Mr. Speaker, what has changed in the last year to warrant any deviation from the traditional American policy toward Israel? Arab intransigence and adherence to a myth that Israel does not exist is unchanged. Open support of terrorist bans by Arab States providing sanctuaries continues. As before, the Soviet Union stands to gain from the subjugation of Israel, the realization of a century-old dream of the czarist regimes of a sphere of influence in North Africa, the Middle East, and a gateway to the Indian Ocean.

The bipartisan majority of this body is unchanged in its support for the State of Israel. The declaration in support of peace in the Middle East" signed by 208 Members of the House of Representatives on January 19, 1970, clearly shows this. Reiterating that a lasting peace will come only by "direct, unhampered negotiations" between the parties of the conflict, the declaration continues:

> It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in the face of the continuing flow of sophisticated offensive armaments to the Arab Nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

Developments that have occurred in the Middle East, Mr. Speaker, have not been in the interest of Israel, the United States, or the cause of peace. Violations of the cease-fire have multiplied. Red China has attempted to exploit the conflict, and France to profit by it. We have turned over Wheelus Air Force Base to the leftist regime of Libya. The Middle East fighting is entering a new phase. Egyptian troops, armed with the latest Russian equipment and backed by Russian technicians, are now carrying on a major offensive. New SAM missile systems have been deployed in Egypt, manned by a reported 1,500 technicians.

I have, in every way open to me on the floor of this Chamber and by direct communication with the executive branch, attempted to make clear my conviction that if Washington did not act, the danger of aggression would grow. Most important of all, an apparent lack

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of firm support of Israel could lead to a Soviet Union miscalculation of American intentions in the Middle East. This would be a catastrophic error that could bring about a direct confrontation between the superpowers. For, despite a policy that lacks the firmness I advocate, I am confident the American people would not tolerate the extinction of the State of Israel.

A new—and in my opinion—a deeply disturbing event is taking place in the Middle East. There are persistent and apparently accurate reports of Soviet pilots flying Egyption fighter planes over Egypt. Although I term this action "new" it is new only in the sense of being one more step in the chain of events which have been building steadily over the years and months.

It has been, and continues to be, my conviction that in the shell game of international politics, America has been gulled into keeping its attention riveted upon the empty shell of Vietnam, while the shell with the pea under it is in the Middle East.

During the years while we have poured our blood and treasure into the steaming jungles of Vietnam, the Soviet Union has placed its bet on the Middle East. While we have concentrated on Hue and Saigon and debated the honesty or corruption of the Thieu regime, the Soviet Union has placed a major fleet in the Mediterranean for the first time in its history and has developed major bases in Egypt. We have seen aggressive Arab nations become increasingly mortgaged to the Soviet Union—increasingly under Soviet influence.

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The question of additional arms sales to Israel remains under active study. This is not good enough. Over the months it has remained my conviction that new contracts must be negotiated at once. The Phantom is a very complicated aircraft built to special Israel technical and electronic specifications. Time must elapse between placement of the order and the manufacturing of the planes. Instant armament does not exist. Advanced planning is essential in defense. It takes time, and time has not been on our side or on the side of Israel. While the Russians armed their allies, we have been evenhanded.

For while our policy seemed to be an attempt to placate the Arab nations—Russia was arming them. I have continually urged the backing of Israel as there has not been one single indication of Russia withholding arms from their radical Arab clients. On the contrary, while we vacillate there has been mounting evidence of a dangerous escalation in which the Soviet Union has deployed Russian missile battalions in Egypt to man new batteries of the latest SAM-3 ground-to-air missiles.

One thing was clearly obvious from the time of the announcement of the air lift of these new sophisticated SAM-3 missiles to Egypt. With these weapons, manned by Russian technicians, to guard Egyptian territory, Egyptian troops would be freed for attack on Israel forces and Israel cities. It also poses a dilemma for Israel. That, of course, is the prospect—the probability of confronting Russian military forces manning these latest Soviet weapons systems.

It was an obvious possibility then—it is a reality today. Now, to this reality a new dimension of danger has been added with reports of Russian pilots actually flying missions over Egypt.

Israel's call for arms sale squarely meets the test of the Nixon doctrine of supplying arms for a nation fighting for its survival against Soviet supported aggressors—a nation, the existence of which is in the vital interest of the United States.

I will continue to press for approval of additional arms sought by Israel and for suitable credit terms to cover defense purchases. But the hour is late. In this 11th hour action must occur. Our friends must be reassured. Our enemies cannot be permitted to miscalculate. The empty stance of evenhandedness which has only assisted our enemies and disconfronted our friends must have an end, and an end very soon.

I urge that we demonstrate our friendship in a linkage between the United States and Israel. First conceived within the Republican leadership of Congress and presently under consideration, the plan involves establishment of a telephone "hotline" between Washington and Jerusalem. This would enable Prime Minister Golda Meir and President Nixon to clarify any misunderstandings directly and promptly, as friends should. It would be vital when new factors suddenly intrude into the conflict. In an emergency, the President could act instantaneously. The existence of such a hotline would reassure Israel and deter those who would drive a wedge between Israel and the United States.

This month we plan to commemorate the 22d anniversary of Israel's birth as a nation. It would be very fitting if on that occasion we would move forward in cementing the friendly relations of the two countries by the authorization of the telephone hotline.

We should make no mistake: the Soviet Union is moving in a very determined manner to penetrate the Middle East and the Mediterranean. Israel is a vital barrier to Russian ambitions to turn the Mediterranean into a Red Sea. Israel has not asked for a single American soldier. But she has asked to purchase arms for her own defense. We must, as I see it, move at once to maintain continuity in our commitment.

The threatening Soviet presence revealed now in Egypt should be met with an early affirmative response for the sale of additional aircraft to Israel.

Mr. Speaker, in spite of the confusion caused by Vietnam, let us as a nation realize that firm adherence to our traditional friendship for Israel is the surest road to peace in the Middle East. Let us remain constant in our determination to work for direct negotiations between the parties to the conflict. Let us be fully aware that the Soviet Union is responsible for radicalizing the area, never losing a sense of history that tells us of the age-old Russian dream of expansion and domination of the Middle East.

America, as the free world's leader should be ever mindful that there is one truly democratic state in the Middle East. Israel is the bulwark preventing total Soviet and radical Arab domination of the area.

Israel is the target because Israel is an outpost of freedom. The prospect of defeat and subjugation of Israel, unconscionable as it is, must be faced. Defeat would undermine all American position in the Mediterrnean and open Africa to Soviet colonization.

THE CAMBODIAN TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN. Mr. Speaker, the President has widened the war in Southeast Asia. Instead of confining it to South Vietnam and seeking to disengage, he has extended it to Cambodia and has attempted to justify this action with the curious logic that the way to withdraw our troops is by ordering them to invade an area which until April 20 has been outside the ambit of U.S. combat.

The President, without congressional sanction, authorized the invasion of American ground troops in Cambodia. Prior to that he provided logistical support and advisors for South Vietnamese forces which have crossed the border into Cambodia.

The extension of the war to Cambodia shows that the administration seeks not a negotiated settlement, but a military victory. The violation of the neutrality of Cambodia is contrary to international law, and to the principles of the United Nations, which has been disregarded throughout the Vietnam war.

What is more, the President's actions signal a basic misunderstanding of what is happening in America. The internal fabric of our society is becoming increasingly strained as the war continues and expands to all of Indochina. There is abundant evidence that the American people are opposed to continuing the war. Even many of those who may have believed at one time that a military solution was the answer have by now forsworn their earlier views. This evolution has several bases.

The escalating number of young Americans killed in the war—now totaling more than 41,000 slain in combat—has made the war steadily more intolerable.

In addition, the public has become increasingly aware that a war which has been labeled as an effort to save South Vietnam has in actuality virtually destroyed the fabric of South Vietnamese society. The infusion of American money, materiel, and personnel has wrenched a peasant society into the 20th century with a vengeance, leaving no time for those war weary people to learn to assimilate into their society the values and technology of ours—assuming they would even want to do so, given the opportunity to make a choice.

In physical terms, the countryside of South Vietnam has been ravaged. Villages stand deserted and destroyed; fields lie fallow and scorched.

Furthermore, the gap between rhetoric and reality has grown so great that even the most fatuous have become troubled. We are, we are told, fighting for democracy. We are fighting for a chance for the South Vietnamese people to choose their own way of life and government. Yet, the repressive rule of the Thieu-Ky regime flies in the face of the ideals we are supposedly protecting.

Still another source of the public's evolution to disavowal of military adventurism in Southeast Asia lies in the now increasingly perceived correlation between the crisis in our domestic society and the war in Vietnam. The expenditure of the human, physical, and monetary resources necessary to fight a massive, unending war abroad prevents undertaking the needed action at home to deal with urban decay, declining air and water quality, unremitting poverty, inadequate health services, and second-rate educational facilities.

What is more, the war has traumatized the Nation psychologically. Violence seems to be becoming endemic, reflecting the violence which has been exalted to national policy. Distrust is the response to dissent, and dissent does not breed dialog, but only sullen rejection by the administration. A crisis of the spirit pervades this Nation, and the war and repression nurture the crisis.

These are the results, then, that the war in Vietnam has achieved. Not victory, but defeat: defeat of the mind, defeat of the spirit, defeat of the proper processes of government, and defeat of the hopes and ideals of those who have had a vision of a better world—a vision destroyed by an obsession with automatic military response to mythical dangers and misperceived realities.

And now the President of a nation torn and divided has launched us on further warfare. All the ironies and tragedies and duplicities thus far experienced can only be multiplied by this action.

Perhaps the most telling revelation of the gap between administration view and the vision of those who oppose this unending war in Indochina is this statement from the President's April 30 address announcing the invasion of Cambodia:

> I would rather be a one-term President and do what I think is right than to be a two-term President at the cost of seeing America become a second-rate power and see this nation accept the first defeat in its proud 190-year history.

Clearly the President is committed to military might and the exercise of that might as the gage of national greatness. Yet, have we not seen enough of killing; have we not sent enough young men off to fight a war created and directed, but not fought, by their elders, to realize that first rate and second rate are slogans of generals and that the real route to national greatness lies in peace? Have we not the humility, the greatness, and above all the wisdom to recognize and admit that we have made a mistake?

The President has justified his actions on the grounds that the incursion into Cambodia would protect American lives which had been endangered by "increased enemy activity" in Cambodia and that it would "guarantee the continued success of our withdrawal and Vietnamization programs."

For months now the White House and the Pentagon have touted Vietnamization as the solution to the war in Vietnam. The theory is that, as the South Vietnamese become capable of taking over the war themselves, American troop will be taken out of Vietnam. Supposedly, the American troops which have already been withdrawn have been replaced by equally able South Vietnamese, without any diminution in the strength of the South Vietnam Government to withstand attack.

Therefore, there should be no increased danger from the Cambodia sanctuaries, which have existed for at least 5 years without an American invasion.

Only two conclusions can be drawn. Either the South Vietnamese replacements are not as capable as the troops they have replaced, or any increase in North Vietnam forces in the future will require the reentry of U.S. troops. If the former conclusion is correct, then Vietnamization is a sham. If the latter conclusion is correct, then there will be an unending U.S. presence in Vietnam. So the Cambodian invasion illustrates that Vietnamization is no answer, and that only a political settlement can resolve the war.

I want also to address the role of the Congress. Thus far, at least it can be said to Congress credit that it had little to say about the President's latest moves. I say "credit" because up until now the Congress has not acquiesced in the Cambodian venture, and thus does not yet bear the onus of responsibility.

That the Congress has had very little part in this latest military venture redounds only very slightly to its credit, however. The real test will be what action the Congress now takes to disavow and halt the latest escalation of the war.

But, before fully turning to the responsibilities of Congress, I want to address the fact which now more than ever emphasizes what role it should play—that is that the President's unilateral, unsanctioned action constitutes a fundamental crisis for our system of government. The Executive has clearly demonstrated its unresponsiveness to, and disregard for, the Congress. It is clear that Congress was not consulted and its sanction not sought.

Although the Constitution charges the Congress with the responsibility of declaring war, the Executive has undertaken to send American troops into a neutral country—not in an emergency situation where there is no time for consultation—but in circumstances clearly of gradual evolution. The war has exposed the relationship between the executive and legislative branches to the most severe stresses, and yet, the President has exacerbated them, rather than alleviated them.

However, in truth, Congress must in part bear the responsibility for the war in Vietnam, and the circumstances which have allowed us to come to this harrowing time. No matter how much some may declaim against the President's failure to obtain a declaration of war from the Congress in regard to our involvement in Vietnam, the fact is that Congress has acquiesced and appropriated whatever funds Presidents have requested for the war despite the opposition of a few of us.

Congress bears a share of the blame. And it thereby has demonstrated an unresponsiveness to the public comparable in kind, if not in degree, to that demonstrated by the Executive. More than being unresponsive, Congress has abdicated its powers. Congress does not act. It reacts. Congress has not put the Executive to the test of explaining its ventures. Instead it has acquiesced to the cant that "the President has all the facts" and that "the President knows what he is doing and must be supported."

The time has come when Congress has to—it must—reassert its authority. If the American precept of democracy is to prevail, if the people are to choose their future, if we are to have a chance to seek a better world, the Congress must say: "Enough." The Congress has compromised and acquiesced enough. The obligation is ours to act now and to end the tragedy in Southeast Asia.

PROFESSOR BLACKWELL'S ADDRESS BEFORE THE SENATE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker I was not able to be present when my distinguished friend, Prof. Lloyd P. Blackwell, addressed the Senate Appropriations Committee's Subcommittee on Agriculture recently when it was considering the McIntire-Stennis program, but I have obtained a copy of his address and would like to share it with you. As you will see, he has presented a learned, but brief, case for adequate funding of this important program. I would hope that each of you will take a moment to read his address in full. It is well worth your attention.

The address follows:

STATEMENT OF LOUISIANA FORESTRY ASSOCIATION SUBMITTED BY PROF. LLOYD P. BLACKWELL, OF LOUISIANA POLYTECHNIC INSTITUTE

Gentlemen, although I am head of the forestry department at Louisiana Polytechnic Institute and serve as Chairman of the South Central Region of the Association of State College and University Forestry Research Organizations, this Association. I was fortunate in being a charter member of that 2,000 member organization and have served as parliamentarian and a member of its board since its inception twenty-three years ago.

In this brief statement, I shall try to convey to you the interest of the Louisiana Forestry Association in adequate funding of the McIntire-Stennis Program, and why this resource based organization feels this program is vital to the future welfare of our country.

In recent weeks a great deal has been said about a factual report that was made by the Southern Forest Resource Analysis Committee. This report includes not only a history of the forest industry in the South but precise projections of the demands that will be

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made on forestry by the year 2,000. The U.S. population is expected to exceed 310 million; the Gross National Product may well be more than $2 trillion dollars; and the estimated per capita Gross National Product then, $6450, implies a living standard which will demand more and better wood products.

National per capita consumption of paper and paper board is expected to reach 584 pounds per person by the end of this year. Although the U.S. presently uses more paper than any other nation, by the year 2000 it is estimated that our annual per capita consumption may approach 1000 pounds. Compared to our phenomenal consumption, Sweden and Canada have an annual per capita consumption of over 300 pounds. Russia uses about 45 pounds per person. As for China, where it all began with the discovery of the elementary papermaking process in the first century, the average consumption is estimated at no more than six pounds of paper per person each year.

Based on these estimates of per capita use and population growth, domestic requirements for pulpwood in the year 2000 may be as much as 172 million cords. Of this, it is estimated that 112 million cords will be produced in the South—three times as much as in 1968.

For the sake of brevity I shall not attempt to cite the parallel growth in demand for lumber, plywood and other wood products, but suffice it to say that the demand for homes cannot and will not be met without a tremendous increase in the availability of raw materials. Total timber cut in the South must be 2.3 times more than that harvested in 1968, and 5% less forest land area. And since the growth drain ratio in 1968 was dangerously close to balanced, it is obvious that the future resource supply depends largely on research developments and improved techniques. A continuation of existing practices, at the present pace, will be grossly insufficient.

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In order to provide the needs of the nation, the forest industry must have the best technical information possible. More information must be provided by research scientists on tree genetics, tree improvement, site preparation, greater utilization of each tree, fire, insects and disease. Not only growth, but production and harvesting must be maximized. And while giving proper consideration to these subjects, we must maintain our constant vigil over forest recreation, wildlife and natural beauty.

Without federal assistance it would be futile to even consider an undertaking of this magnitude. Many federal programs will be called upon to provide the leadership and funding necessary, if we are to meet the challenges of the future. One such program, that may well play a vital role, is the McIntire-Stennis Cooperative Federal-State Forestry Research Program.

This program, completing its sixth year of existence in 1969, is actively engaged in training our best young minds to conduct research. Through the first five years of this program, 442 graduate students were partially or entirely subsidized by the McIntire-Stennis fund. This number can be considered a significant contribution toward the number of future forest scientists needed to satisfy the demand of universities, public agencies and private industry.

An assessment made to estimate the number of students who have worked on McIntire-Stennis projects and who have graduated or otherwise reached the employment market, shows that almost 70 percent of these former students are involved in scientific endeavors. This, in itself, is evidence of the value of research to the graduate learning experience.

Universities and various Federal agencies are the largest employers of McIntire-Stennis students. The Departments of Agriculture and Interior are the largest employers among the federal agencies. An impressive number of these students continue their academic experience at a more advanced graduate level.

As head of the forestry school at one of the colleges participating in this program, I can tell you that many of our colleges would be unable to attract instructors holding PHD degrees, if it were not for the availability of McIntire-Stennis Funds. Simply stated, we would not be able to offer the calibre of instruction essential to training research scientists that will provide technological information necessary for the forest industry to meet the demands of the nation in the year 2000, without adequate funding of the McIntire-Stennis program.

A number of imaginative and fruitful projects, pertinent to the time and to the problems, have begun to emerge from this program. The sustaining nature of the funds has permitted the universities to take a "program approach" to forestry problems that coincides with the appearance of program-oriented national plans for agricultural and forestry research. Thus, many McIntire-Stennis research projects are materially contributing important portions of larger research programs.

The administration's budget contains $4,412,000 for McIntire-Stennis Cooperative Federal-State Forestry Research Program—an increase of $627,000 above the previous year's budget. Believing this proposal is in the best interest of the nation, as well as that of the forest industry, the Louisiana Forestry Association hereby expresses its support of the Administration's proposal, and urges favorable consideration of it.

Thank you for allowing us to submit this statement.

HONORING OUR OBLIGATION TO PHILIPPINE VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, the bill which we acted on yesterday, H.R. 16739, will extend for 10 more years the authority of the Veterans' Administration to maintain offices in the Philippines. I heartily supported this legislation, and I am pleased it had the overwhelming support of this House. Not too long ago, I had the opportunity to visit the Republic of the Philippines and to observe some of the activities carried on there by the Veterans' Administration. From what I could see, the VA facilities in the Philippines provide the same efficient service for those entitled to benefits under our veterans' laws as that agency provides for our veterans here. This legislation is essential if that efficient service is to continue.

It is somewhat out of the ordinary for a U.S. agency other than the military or the State Department to maintain offices in foreign nations, but the relationship between the United States and the Republic of the Philippines is also somewhat out of the ordinary. For nearly 50 years, from 1898 to 1946, the Philippines were under our control. Just a few years before they were to be given the independence they had so long desired, the bombing of Pearl Harbor brought us—and the Philippines along with us—into World War II.

The important role the Philippines played in that war is well known. Our inability to defend them from the onslaught of the enemy was the occasion of one of the briefest, most famous, and best honored promises of all time: Gen. Douglas MacArthur's "I shall return." And in that war, many brave Philippine soldiers fought and suffered along with us. Quite properly, then, we have brought them and their dependents under the coverage of many of our veterans' benefit laws. To administer these benefits in a sensible and efficient manner, it is necessary for the Veterans' Administration to have offices in the Philippines. They have such offices there now, and this bill will permit those offices to stay in operation.

H.R. 16739 is temporary legislation granting authority for only 10 years. This is so because the Philippines are now an independent nation, and it is very likely that someday the number of VA beneficiaries there will cease to be large enough to justify continued Veterans' Administration presence. At present, however, there are in the Philippines an estimated 314,000 veterans of service recognized by our benefit laws. There are some 53,000 veterans or dependents of veterans in the Philippines who are now getting compensation or pension from the Veterans' Administration. VA expenditures in the Philippines this year will total over $63 million which represents better than 60 percent of Veterans' Administration expenditures to all foreign countries. Clearly, it would be false economy to try to run an operation of this size without on-the-spot offices.

I am delighted with the enactment of H.R. 16739. It is merely a "housekeeping" bill—and a good one—but it is also a bill which is necessary for the proper fulfillment of a debt of honor to our Philippine veterans.

WESTERN STATES ANGUS FORUM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, today, I take great pleasure to present this speech to the CONGRESSIONAL RECORD. This speech is by Mr. J. C. Holbert, Bettendorf, Iowa. Mr. Holbert is a former educator from the Iowa State University and today is a very successful farmer and one of the largest beef producers in the country. He is presently vice president of the Angus Association, and has been on the executive committee of the Livestock Association for 15 years of this association. Mr. Holbert is a highly respectable citizen of my district, a very successful farmer, and has been one who has had a broad viewpoint and has had great faith in making America great. He is a citizen who never shuns his responsibility of making America what it is today.

His speech, given before the Western States Angus Forum, is worthy of thought and pondering and I, therefore, place it in the RECORD with the hope that everyone will take the time to read this superb speech:

WESTERN STATES ANGUS FORUM

The productivity of free men in the field of agriculture is a vivid example that agriculture cannot be harnessed. From U.S. News and World Report, April 20, 1970 I quote, "Russia's standard of living is one of the lowest among industrialized countries. The Soviet Union ranks 21st in per capita gross national product—the same position the country held 50 years ago. Collectivization of agriculture has resulted in one of the world's most inefficient farming systems—dramatized this past winter by acute shortages of meat and even flour." This same issue points out that 45% of the Russian people are on the farms. Compare this with the 5% who live on farms in the United States. To say that the Russians have not been successful in many scientific fields would be ridiculous. Their success in space programs and their military advances in jets and submarines perhaps equal ours or in some respects surpass us. Agriculture production has been and will continue to be the weakest spot in communism. Let's take a hard look at our own agriculture. What commodities are the most in trouble? Wheat, corn, cotton and tobacco. All are subsidized.

We Angus breeders like to devote our energy and time trying to raise a better calf, build a better herd, acquire more land, or build a finer home. We don't want to spend our time in politics or government. We'd rather let the other fellow do it. That day is over if we intend to maintain free agriculture. We will have to fight for what we believe and fight logically. The Special Studies Subcommittee of the House Committee on Government Operations has submitted a report to the full Committee recommending regulation of the beef cattle industry like a public utility and jeopardizing the Meat Import Act of 1964. The Subcommittee's report, entitled "Federal Responsibility For Retail Price Increases For Beef," is a result of the hearing conducted Oct. 7–9, 1969.

There are many people in government who would like to regulate the production and distribution of food in the United States. They would like to see a statutory step taken toward the complete regulation of the cattle and beef industry. Why does beef seem to come under the quickest and most severe criticism of any food product? First, it is the favorite food of Americans. It is almost a necessity for the pleasure and well-being of the American people. Over 60% of the meals ordered by people dining out are beef. Second, it is a free enterprise and consciously or unconsciously it is the envy of the bureaucratic system.

There are those in government and out of government who would destroy our beef industry by throwing wide open the door to beef imports. We have been very liberal with other countries while the American producers, processors and merchandizers have worked to increase beef consumption by building a better product. The consumption of beef in the United States has increased in the last twenty years from 63 lbs. to 113 lbs. per capita. We are sharing this increased consumption with our neighbors because their import quotas go up as our consumption goes up. Countries who export meat to the United States have not increased their per capita consumption as consistently as we have yet they continue to want more of our market. Is it not fair for us to say, "Feed your own first?" The wages paid for farm labor in the United States are four or five times those paid by the countries who export meat to us. Foreign countries I have visited have no tax on cattle while we have five or six dollars on every head over a year old in Iowa. The beef cattle industry under free enterprise has paid its bills and provided the American people with high quality product at reasonable prices.

The other subject which I would like to discuss with you is beef grading. Last fall the White House Conference panel on "Food Quality" made the following recommendations concerning grading:

1. "Meat grading standards should reflect the nutritional value of food."

2. Present USDA meat grades should be modified "to re-establish *finish as a quality factor*, and carcasses which are excessively fat should be down-graded."

3. Meat grading standards should be modified "to remove conformation as a quality grading factor, and the standards should allow leaner animals to qualify for higher grades."

If the number one recommendation was put into effect, in my opinion it would destroy the present federal grading system. Grading beef on its nutritional value is not practical or workable. Certainly we have not come to the position of trying to govern the eating habits or pleasure of our people. Are we to say that General Motors should manufacture only Chevrolets? Should Ford manufacture only Fords or Chrysler only Plymouths? The second recommendation I assume means to continue to down-grade U.S. Choice and to eliminate marbling. The third recommendation has two parts. One, to remove conformation and the other, to allow leaner animals to qualify for higher grades which is practically a duplication of number two.

At this point I think it is important to raise the question, "Who would like to see the present system of federal grading changed?"

First, the crusaders who find it advantageous from the standpoint of publicity to try to make changes on the basis of protecting the American consumer. This is one of the favorite present-day gimmicks of some politicians who join with the crusaders. I would like to ask this group, "Why not tell the American consumer when he is buying imported fresh meat?" The consumer knows when he buys French perfume, Scotch whiskey, Swiss watches and other commodities when it is advantageous to the country exporting the product. If fresh foreign meat was labeled as such, in my opinion the consumption of it would drop fifty percent because it comes from carcasses which under our system of grading would not grade over standard.

Second, the producers of a large, heavy-boned type of animal which will not grade U.S. Choice under the present system without excess finish, excess weight and a long period of feeding.

Third, people who produce young cattle and market them at light weights. Many times these animals will not grade U.S. Choice because of lack of marbling unless fed a concentrated ration from calf weight. Such a feeding method is not economical or practical in Iowa and I doubt if it is in Texas or California.

Fourth, foreign exporters of beef to the United States would like to bring our quality down to their standards.

Five years ago we had a change by which the standards were lowered and the grade widened for U.S. Choice. In my opinion that spread is too great but the change has been fairly well accepted. To change the qualifications of U.S. Choice again would be detrimental to the beef trade. The increase in consumption proves that the product is accepted and to down-grade it would be unfair to the consumer and unfair to the man who produces quality cattle. *We will never sell more of a product by producing an inferior product*. If we continue to down-grade our beef the doors will open wider for imports which are much inferior to our beef. By dropping our standards we will also open the door for meat substitutes. *If one does away with the flavor, the juiciness and the tenderness of beef much will be done to destroy its market*. These factors are found only in well-marbled, reasonably finished beef. We must face up to this fact. Beef is not a tender meat when it is not finished. The muscle of a beef is tougher than any other domestic animal unless it is finished. We are not advocating overly-finished cattle. We need a small percent of prime cattle to take care of hotel and restaurant trade for people demanding a superior product and this fact in itself points up that beef is the number one choice of those who demand the best and have the money to pay for it.

If USDA lowers marbling requirements and disregards conformation for U.S. Choice I would strongly favor discontinuing government grading of beef. Let the packer buy the kind of cattle he can sell. Let him put his own grade on them. Let the chain stores develop their own beef specialists and put their own house brand in the counter. The Angus Breed accepts this challenge. We are not afraid. Quality beef will be in greater demand because competition will be in the open. The people who want to produce extra large, heavy-boned, big type cattle or young-aged cattle will have an equal chance in the market place. What more should be asked of a free enterprise system? Some will holler, "Chaos". May I point out that there has never been any federal grading of pork. Who will say the pork producer does a poorer job of marketing his hogs than we do our finished cattle? Have you ever asked yourself why we have federal grading of beef? I've often wondered. Who benefits most from it?

I am proud of the beef industry because of its fiber and spirit. I am proud of our country where we can express different opinions and still be friends and still be free.

MAJOR IMMIGRATION REFORM LEGISLATION

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, there are four major problem areas in the Immigration and Nationality Act which demand immediate attention. On April 30, I introduced H.R. 17370, a bill to offer practical solutions to these problems and to bring the Immigration and Nationality Act into line with our avowed immigration policy objectives. These objectives—reuniting families and preference for aliens with skills—were set forth in the progressive 1965 amendments to the act.

The 1965 amendments were the product of an executive communication presented to the Congress in 1964 which contained safety features to insure a reasonable and fair transition from the old national origins system to the new system. However, some of these safety features were compromised out of existence and the result has frustrated our aim at a fair and equitable immigration policy.

My bill has four principal features: First, a worldwide quota on immigration excepting Mexico and Canada; two, flexible provisions for refugees; three, a realistic preference system; and four, elimination of the backlog in the fifth preference for brothers and sisters.

The present law sets a limit of 120,000 on the number of immigrants who may enter the United States from the independent countries of the Western Hemisphere. This ceiling is a naked ceiling with no provision for a preference system to reunite families or to welcome aliens with much needed skills and there is no distribution of numbers among the several countries. Furthermore, the lack of an orderly procedure for visa issuance tends to impair our relationship with contiguous countries—Canada and Mexico. In recognition of the command undefended borders we share with these countries, it is only logical that we, in the spirit of cooperation and understanding, accord Canada and Mexico a special status, in other words, a nonquota status.

My bill establishes an annual ceiling of 250,000 immigrants on a worldwide basis, excepting only our neighbors Canada and Mexico, and other defined special immigrants who have enjoyed a nonquota status. Each foreign country will be allowed to send up to 25,000 qualified immigrants to the United States annually rather than 20,000 as prescribed under present law.

The next problem area involves the admission of refugees. Since World War II, the Congress has enacted several major statutes authorizing the admission of refugees, but it was not until the 1965 amendments that a refugee provision became part of the permanent law. Although this provision was laudable, a few moments after it became effective it was obvious that this provision was inadequate. Present law provides for the annual admission of up to 10,200 refugees from Communist-controlled areas and refugees uprooted by natural calamity or military action. The position of the United States as a world leader demands that we, with other countries of the free world, be in a position to offer asylum to the oppressed. We must be able to take quick, effective, and affirmative action to permit the orderly entry into the United States of a fair share of refugees seeking freedom. We must uphold America's tradition as an asylum for the oppressed.

Before this current fiscal year was half over, the 10,200 numbers set forth in the law for refugees were exhausted mainly because of tragic happenings in Czechoslovakia and an expulsion policy in Poland. Many of us, members of the Committee on the Judiciary, joined with Chairman Emanuel Celler in imploring the Attorney General to exercise his parole authority in the Immigration and Nationality Act to keep the doors for asylum open to refugees. In agreeing with this request, the Attorney General advised the committee that legislation in the refugee field was urgently needed and that the general parole authority would be invoked for refugees only temporarily. The refugee provisions in H.R. 17370 are not new. They are similar to provisions contained in H.R. 9112, by Chairman Celler, which I and other Members cosponsored last year and also similar to provisions supported by previous administrations.

My bill amends section 212(d)(5) of the Immigration and Nationality Act by adding a new section which authorizes the Attorney General to parole into the United States refugees physically present in a country which is not Communist-dominated or Communist-occupied without geographical or numerical limitation. Provision is also made for the adjustment of status to that of permanent resident for such refugees. The definition of "refugee" covers persons fleeing from any Communist-controlled country or area or from any other country due to persecution or fear thereof and who are unwilling because of such persecution or fear to return to their country or area. Persons uprooted by natural calamity or military operations whether within their own country or otherwise are covered.

This global authority in the absence of restrictions as to the number of refugees who could be accepted would provide maximum flexibility in the pursuit of humanitarian and foreign policy objectives. The United States would be better able to cope with any arising emergency or other type of refugee problems in a manner consistent with broader objectives.

The parole of refugees, under this amendment, is conditioned upon a determination by the Attorney General after consultation with the Secretary of State, that such parole would promote U.S. interests. This is consistent with the terms of U.S. legislation governing the use of funds for assistance in behalf of various categories of refugees—Migration and Refugee Assistance Act of 1962 (Public Law 87-510).

The current preference system for immigrants presents the third major problem area. The percentage of numbers available under each preference is based upon the average number of immigrants admitted under each preference over the years preceding the 1965 amendments. But demand fluctuates and patterns of immigration frequently change. Consequently, the existing rigid system of percentage is not in focus with the need for visas to serve the best interests of the United States. The third preference category—members of the professions or persons of exceptional ability in the sciences and arts— is oversubscribed and only those beneficiaries of third preference petitions filed prior to July 8, 1968, are being considered for visa issuance. Likewise, the sixth preference—skilled or unskilled workers in short supply—is oversubscribed back to October 1969. The use of numbers for the higher preferences exhausts any possibility for nonpreference or new seed immigrants to get visas to this country.

H.R. 17370 revises the order of preferences and establishes four new preferences. The first preference provides 62,500 visas for the spouse, or unmarried son or daughter of an alien lawfully admitted to the United States for permanent residence or to any qualified immigrant who is the married son or daughter of a citizen of the United States, or the unmarried brother or sister of a citizen of the United States.

The second preference provides that up to 62,500 visas shall be available to members of the professions or persons of exceptional ability in the sciences and arts. To insure fair distribution, not more than 5,000 visas will be available to any one country under this preference.

The third preference provides up to 62,500 visas, plus unused visas from the first and second preference, for skilled workers whose skills are needed in the United States.

The fourth preference allocates 37,500 visas, plus any numbers left over from the first three preferences, for religious workers, aliens who will not seek employment in the United States or who do not have to earn a living, and investors.

Then, 25,000 visas, plus any unused visas from the first four preferences, are reserved for nonpreference immigrants. Of these available numbers, 25 percent are reserved for persons under 25 years of age—the new seed immigrants.

In order to give this new system a chance to work, I have also provided that any beneficiary of a current fifth preference petition, brothers and sisters of a U.S. citizen, which was filed prior to July 1, 1970, shall be considered as a special immigrant and thus not subject to any numerical limitation.

I must point out at this time that the transition from the national origins concept to the first-come, first-served concept was predicated upon a reasonable phaseout period which was intended to alleviate backlogs then existing in certain preferences. Unfortunately, this just did not happen and the fifth preference particularly has continued to be oversubscribed. The continuation of this oversubscription has unfavorably affected the sixth preference and in some countries, such as Italy, sixth preference numbers will never become available without remedial legislation.

This proposed preference system offers flexibility and is in concert with an equitable immigration policy.

Mr. Speaker, the Congress over the years has taken giant steps to advance fairness and reasonableness in our immigration policy. The 1965 repeal of the national origins concept for selecting immigrants was a magnificent advancement. However, we are obligated to seek ways to perfect the law so that the best interests of the United States in foreign policy and domestic policy can be served.

A section-by-section analysis of H.R. 17370 follows:

SECTION-BY-SECTION ANALYSIS OF H.R. 17370—AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT

Section 1. "Immediate Relatives" are reclassified as "special immigrants" and unmarried sons or daughters of United States citizens are included in this nonquota category.

Natives of countries contiguous to the United States and the spouse and child of such alien are accorded special immigrant classification.

Other subsections of 101(a)(27) are renumbered accordingly.

Section 2. A worldwide ceiling on immigration of 250,000 is established exclusive of natives of Mexico and Canada and other defined "special immigrants."

Section 3. The total number of immigrant visas available to any single foreign state shall not exceed 25,000 in any fiscal year (present limit is 20,000).

Section 4. The number of immigrant visas available to a dependent area of a foreign state shall not exceed two percent (500) of per-country limitation (present law is one percent or 200).

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Section 5. New preference system is created:

1st Preference: 25% of 250,000 visas shall be available to the spouse, unmarried son or daughter of an alien lawfully admitted for permanent residence or the married son or daughter of a United States citizen or the unmarried brother or sister of a United States citizen.

2nd Preference: 25% of the 250,000 visas shall be available to qualified members of the professions, or who have exceptional ability in the sciences or arts, provided that commencing July 1, 1970, the total number of immigrant visas available under this preference to natives of any single foreign state shall not exceed 5,000 in any fiscal year, and provides that no person qualified for admission under this preference shall be eligible for any other preference except by reason of relationship to a United States citizen or an alien lawfully admitted for permanent residence.

3rd Preference: 25% of the 250,000 visas plus any visas not required for preferences 1 and 2 shall be available to qualified immigrants who by training and experience are capable of performing skilled labor not of a temporary or seasonal nature for which there is a shortage in the United States.

4th Preference: 15% of the 250,000 plus any visas not required for the first three preferences are available to (a) aliens who have at least two years preceding application for a visa been employed principally by religious organizations and are seeking entry to the United States to continue such employment; (b) aliens who establish that they will not seek employment in the United States or will not have to earn a living; (c) aliens who seek to enter the United States to invest capital, services, or techniques.

Nonpreference: 10% of the 250,000 visas plus any unused numbers from the first four preference categories are reserved for any other applicants who are not able to qualify for a preference. In addition, 25% of whatever is available to this category is reserved for persons under 25 years of age who would be exempt from a labor certification.

Section 6. The petition procedure to accord preference status and special immigrant status is amended to conform with amendments in this bill.

Section 7. The Attorney General is given discretion to admit an alien to the United States who, through no fault on his part, arrives at a port of entry with an erroneous visa classification.

Section 8. Technical amendments to conform section 212(a)(14) to the new preference system.

Section 9. A new refugee system is created without a numerical limitation, but which can be discontinued by a resolution of either body of Congress. The Attorney General, after consultation with the Secretary of State and in order to promote United States interests, is authorized to parole certain defined refugees into the United States. After two years, the amendment provides for retroactive adjustment of status to that of a permanent resident. Applicability of the section is directed at refugees from Communism, refugees from persecution, and those victims of natural calamity or military operations. Furthermore, the Attorney General must report to the Congress semi-annually on the progress of this authority.

Section 10. Present law provides a waiver of exclusion for mental retardation if the alien is the spouse, unmarried son or daughter, minor unmarried adopted child of a United States citizen or lawfully admitted permanent resident. This amendment includes aliens who have a mental defect within the waiver possibility.

Section 11. Section 245 is amended to permit adjustment of status in the United States for all qualified aliens except aliens from countries contiguous to the United States and from adjacent islands.

Section 12. Obsolete sections of the Act of October 3, 1965 are repealed.

Section 13. Any alien eligible for fifth preference status on the basis of a petition filed prior to July 1, 1970, and who has retained the status accorded by the petition, and the spouse and children of such alien, shall be documented as special immigrants.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The availability of books in America is often taken for granted. In 1966 there were 27 new titles published per million people, compared with the world figure of 137 per million.

OPPOSITION TO ACTION IN CAMBODIA

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, earlier I advised the House of my strong disagreement with the action of President Nixon in sending American troops into Cambodia.

A reading of several news reports in the press has added to my conviction that the President is pursuing a grossly improper course. Not only has the President embarked on a course which is likely to lead to greatly increased American casualties and to the disruption of the negotiations in Paris, but he also has placed American forces in a situation which is leading to the commission of new outrages against civilians in many sections of Cambodia.

The President's action I am afraid will inevitably lead to the further disenchantment of the people of Southeast Asia with the Government of the United States. The outrages of warfare will drive the people of Cambodia into the hands of the Vietcong and the North Vietnamese Communists.

The news items to which I refer substantiate my concerns. In an Associated Press report it is stated:

> American ground troops who in Vietnam had trouble separating friend from foe among the civilian population now have a whole new set of problems in sorting out Cambodians. U.S. air strikes have partially destroyed the plantation town of Mimot. Villages are being burned. Thousands of civilians are fleeing for their lives.

Later in the same report it is stated:

> The pattern of Vietnam is being repeated. The American troops are putting the torch to homes because they may be useful to the Communists. Livestocks are shot for the same reason. Palls of smoke rose over the region yesterday. Clusters of homes smouldered.
>
> "I had orders to burn everything," said one young tank commander whose force had just driven through two hamlets and burned both of them.

Later in the same report it is stated:

> The scores of thousands of people in the operational area are caught between the Americans on one side and the Viet Cong and North Vietnamese on the other. Another factor is the Khmer Rouge, the Cambodian equivalent of the Viet Cong.
>
> "All this action could drive the Vietnamese population of the rubber plantations into the ranks of the Viet Cong and the Cambodian people into the arms of the Khmer Rouge, unless we take special care," commented one knowledgeable observer.

Mr. Speaker, there is little if any indication that the American forces or the South Vietnamese forces are taking "special care."

I submit the text of four news items from the Washington Star of May 4, 1970, for inclusion at this point in the CONGRESSIONAL RECORD:

RAIN AND CIVILIANS: TWO DILEMMAS FACE DRIVE INTO CAMBODIA

(By Peter Arnett)

WITH TASK FORCE SHOEMAKER, CAMBODIA.—After only five days in the new war theater of Cambodia, American troop commanders are faced with two major dilemmas.

One of them is military: Premature monsoon rains have washed out an important forward airstrip, and the hundreds of armored vehicles spearheading the American thrust are starting to bog down in some places.

The other is political: American ground troops who in Vietnam had trouble separating friend from foe among the civilian population now have a whole new set of problems in sorting out the Cambodians. U.S. air strikes have partially destroyed the plantation town of Mimot. Villages are being burned. Thousands of civilians are fleeing for their lives.

TWO INCHES OF RAIN FALL

The imminence of the monsoon rains is of great worry to the operational commanders. Tactical planners apparently hoped for another six weeks of cloudless skies, but 2 inches of ran fell yesterday just over the border in South Vietnam's War Zone C, turning the red clay to instant mud.

"The people who advised President Nixon to start something like this at this time of the year must be the same ones who advised him on candidates for the Supreme Court," said one U.S. divisional planning officer. "Our problems mount every time another drop falls."

A few minutes later the clouds burst, and the rain came down in sheets for four hours.

The armored force of more than 700 tanks and tracked vehicles constitutes most of the American effort inside Cambodia. Vietnam's mud has been a more formidable obstacle to American armor than the Viet Cong, and possibly because of the impending monsoon, American forces are dashing rapidly through the Cambodian countryside.

Too rapidly, some observers think. "Some of these tank commanders are still fighting World War II," complained a supply officer who has to get gasoline and spare parts up to them. "They are so busy reaching their objectives, they must be passing everything by."

This rapid movement is one reason why the civilian population has become involved. The Fishhook region, which the Americans entered because they thought it contained the headquarters for all Communist activities in South Vietnam, is only lightly populated. Then the Americans pushed north to Route 7 and beyond, and now they are among rubber plantation hamlets and farms.

The pattern of Vietnam is being repeated. The American troops are putting the torch to homes because they may be useful to the

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Communists. Livestock are shot for the same reason. Palls of smoke rose over the region yesterday. Clusters of houses smouldered.

"I had orders to burn everything," said one young tank commander whose force had just driven through two hamlets and burned both of them.

Less deliberate destruction is visible in the heavier populated area around the Mimot Plantation, up to a week ago the largest functioning rubber plantation in Indochina.

But the inevitable has happened to the sprawling town of Mimot. U.S. air strikes were ordered on the town because North Vietnamese troops were reported inside.

"The whole place is blown away," said a helicopter pilot as he flew over it.

American ground troops may be ordered to take the town, and this would mean more destruction.

American commanders have blocked Route 7 in two places. One is at Firebase North, which the Americans set up about 12 miles up the road from Mimot. American troops riding helicopters range 20 miles farther into the country on reconnaissance forays.

The scores of thousands of people in the operational area are caught between the Americans on one side and the Viet Cong and North Vietnamese on the other. Another factor is the Khmer Rouge, the Cambodian equivalent of the Viet Cong.

"All this action could drive the Vietnamese population of the rubber plantations into the ranks of the Viet Cong and the Cambodian people into the arms of the Khmer Rouge, unless we take special care," commented one knowledgeable observer.

Special teams of public affairs experts were formed to operate in Cambodia, but they were given low priority for transportation. One such team said yesterday it had been waiting on the helicopter strip at Quan Loi for two days; ammunition was going first.

Major problems of identifying and feeding refugees can be expected to shape up in the near future as U.S. forces push farther into Cambodia. More American forces are reported ready to go into other border areas, and they will encounter thousands more Cambodians.

More destruction can be expected particularly if the Viet Cong and North Vietnamese continue to occupy Cambodian towns on the major highways running near Vietnam. The American and Vietnamese troops intend to make full use of their vast firepower.

"When we move, we move with everything, and the artillery and air come along with us," said one armored officer proudly.

The Vietnamese troops are eager to push deeper into Cambodia. When Lt. Gen. Do Cao Tri, commander of the biggest Vietnamese task force, linked up with the Cambodian army at Svay Rieng, he offered to push on through to Phnom Penh 100 miles away. The offer was not accepted.

Tanks Leading Cambodian Drive

SAIGON.—Scores of American tanks and armored personnel carriers continued the U.S. drive into Cambodia today, uprooting trees on the biggest rubber plantation in Indochina and destroying villages to deny them to the Viet Cong and North Vietnamese.

U.S. planes bombed the town of Mimot yesterday after an American helicopter was fired on. An officer who flew over after the raid said the town was "pretty well blown away."

There was no way to tell how many civilian casualties there have been, but nearly 1,000 Cambodian refugees have fled into South Vietnam.

Associated Press photographer Charles Ryan reported that the area through which the U.S. 11th Armored Cavalry Regiment is driving, apparently was bombed months ago despite previous insistence by the U.S. Command in Saigon that American bombers have never made offensive attacks in Cambodia until last week.

"Many areas were either bombed or shelled and burned out long ago," Ryan said. "In some areas grass has started growing back over the scarred earth."

SOME 109 REDS KILLED

Spokesmen for the U.S. 1st Air Cavalry Division said today that 109 North Vietnamese troops were killed in Operation Fishhook during the past 24 hours, 104 of them by bombers and rocket-firing helicopter gunships.

Ten Americans were reported killed and 38 wounded. The American troops continued to uncover large caches. Spokesmen said air cavalrymen yesterday found 5,000 new SKS and AK47 rifles, 750 gallons of gasoline in drums, 121,000 pounds of rice, 23 supply trucks, 200 bicycle tires, 150 truck tires and 450 gallons of oil.

Operation Fishhook and the companion South Vietnamese drive into the Parrot's Beak area of Cambodia to the south have resulted in 1,897 North Vietnamese and Viet Cong killed and 347 captured, according to the U.S. and South Vietnamese commands. Allied casualties so far are 14 Americans and 151 South Vietnamese killed, and 47 Americans and 598 South Vietnamese wounded.

The U.S. Command added two battalions of air cavalrymen—about 800 men—to the sweep in the Fishhook region about 80 miles northwest of Saigon. This raised the total ground force to nearly 11,000 men, including 8,800 Americans, about 2,000 South Vietnamese and a company of Cambodian mercenaries recruited in South Vietnam and trained by the Americans.

The North Vietnamese and Viet Cong struck back in South Vietnam with a new "highpoint," a sharp increase in shelling and ground attacks. There were 90 reported Saturday night and 54 last night. One American was reported killed and 31 wounded.

One of the heaviest attacks hit Chu Lai, the headquarters of the Americal Division on the coast 50 miles south of Da Nang. Fifty-seven rockets slammed into the installation, the biggest rocket barrage against a major U.S. base in more than a year. The U.S. Command said several Americans were wounded and damage was light.

Thirty-five miles southwest of Da Nang, fighting around Hiep Duc slackened somewhat, but North Vietnamese troops still held a small section of the town of 6,000 which they partially overran April 30.

Cambodia Unsure of Effects of Allied Drive Against Reds

(By David Van Phaagh)

PHNOM PENH.—Confronted with what is described as a "human wave" of attacking Vietnamese Communist 37 miles away, this still calm eye in a spreading hurricane of war appeared unsure today whether the U.S.-South Vietnamese operation in Cambodia will help or hurt the new government.

A Cambodian military spokesman reported two "human waves" roughly estimated at 1,000 North Vietnamese regulars captured the village of Neuk Loeung on the east bank of the Mekong after a night of fighting yesterday against Cambodian troops.

Sporadic fighting was reported continuing. The government claimed the ferry across the broad river still was in its hands and there was no Communist attempt to cross the Mekong to route 1 southeast of the capital.

It was unclear whether the Communists are driving westward to Phnom Penh after leaving their supply bases in Svay Rieng the Parrot's Beak and regrouping, and if all three large modern ferry boats at the river key crossing were saved.

A few miles north of the ferry crossing, Banam was attacked and its bridge over a Mekong tributary was destroyed.

The regime of Gen. Lon Nol reiterated in the official press today its neutrality and need for aid.

Informed sources here believe, on the basis of reports they have received, that most of the Communist forces escaped from their traditional sanctuaries after giving up their established supply and rest areas on the border.

The question starting to bother the government, according to qualified sources, is whether the Communists are moving north toward Laos or west in a possible bid to endanger this quiet capital.

If the Communist forces succeed in crossing the Mekong, informed quarters here believe the whole military picture would change drastically and raise the possibility that the U.S.-South Vietnamese intervention will reach as far as Phnom Penh.

Attacks Called Retaliatory

The Nixon administration maintains that new air raids against North Vietnam, like the attack by U.S. ground forces into Cambodia, are not an escalation of the war in Southeast Asia.

Officials said the weekend sorties across the demilitarized zone were limited to retaliatory bombing of air defense sites that had fired on unarmed U.S. reconnaissance planes.

"Protective reaction" is the way Vice President Spiro T. Agnew called the action yesterday.

Secretary of State William P. Rogers, saying much the same thing, called the bombing "suppressive fire."

Although some nearby supply dumps may have been hit in the air raids, the officials said, there has been no major change in the policy set in 1968 when U.S. bombings north of the DMZ were halted.

"UNDERSTANDING" CITED

According to the administration, an "understanding" reached with Hanoi when the bombing was stopped provided that American reconnaissance flights would continue over North Vietnam without fear of ground fire.

Agnew denied the air attacks and the Cambodia incursion were efforts to increase war pressure on the North Vietnamese and Viet-Cong in an effort to force them to negotiate for peace.

Rather, Agnew said, the moves are designed to protect the security of American units in South Vietnam—the position set by President Nixon Thursday in disclosing the U.S. incursion into Cambodia.

But North Vietnam said today that U.S. air raids on North Vietnam during the weekend violated the American commitment to stop bombing North Vietnam which led to the Paris peace talks.

North Vietnamese spokesman Nguyen Thanh Lo, however, would not say at a news conference in Paris whether his government would break off the talks or whether his delegation would attend the session of the conference scheduled for Wednesday.

Thursday is the usual meeting day, but this Thursday is Ascension Day, a holiday in France.

"In escalating a further step by bombarding many populous areas of North Vietnam," he said, "the Nixon administration has violated the U.S. government's own commitment to stop completely the bombing of North Vietnam. The Nixon administration must shoulder the entire responsibility for the consequences deriving from its acts.

"These new acts of aggression seriously affect the Paris conference on Vietnam." But he would go no further than that.

Agnew maintained yesterday that the enemy was attempting to extend its supply

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and sanctuary areas used by its troops fighting in South Vietnam to the Gulf of Siam which seriously threatens the security of American forces and the President's policy of withdrawing U.S. troops from the war zone.

"We know we can't win a land war in Southeast Asia, that's perfectly obvious," he said in explaining the limited objectives of the Cambodian action.

"We also know that Vietnamization is the proper course to pursue to disinvolve American fighting men from this war while at the same time preventing the continuing incursions of the Communists into areas where the people don't want them," Agnew said on the CBS program "Face the Nation."

In a later statement, he said the Cambodian drive was not an effort to destroy the enemy elements. "I don't think it is a knockout blow at all, it's simply to provide for the orderly progress of the Vietnamization program."

O'BRIEN CRITICAL

The political ramifications of Nixon's policy change continue to mount.

Democratic National Chairman Lawrence F. O'Brien said yesterday the U.S. position "means, in effect, that the American policy of disengagement has ended."

Agnew made it clear, O'Brien said, "that the administration intends to consolidate its territorial gains. This means the establishment of a new front in Cambodia in the prolonged ground war which the vice president himself admitted we cannot win."

The Senate Foreign Relations Committee was called into session today "to determine the members'" wishes concerning Nixon's invitation for a White House meeting tomorrow on the situation.

The committee, headed by Arkansas Democrat J. William Fulbright, had asked for a rare face-to-face meeting with Nixon, who responded by inviting the panel to join with the House Foreign Affairs Committee in a session with him.

Some Senate committee members, including Democratic Leader Mike Mansfield and the panel's senior GOP member, indicated they wouldn't attend such a joint meeting.

GORE TO ATTEND

But as the committee session began, Sen. Albert Gore, D-Tenn., said he plans to attend the meeting.

"He's the only President we have. Our country is at war. I shall be there," Gore said. He noted, though, that the committee "had hoped for a quiet, consultative exchange with the President" rather than a larger gathering.

Gore asserted that the "invasion" of Cambodia indicated that the administration "realizes that Vietnamization has failed.

"If it had involved mutual withdrawal, it possibly could have succeeded," he said. But, Gore said, "a unilateral withdrawal" by the United States, while enemy forces were building up in and near South Vietnam, "could (only) mean an end to Vietnamization."

Sen. George D. Aiken, R-Vt., said, "You can hardly have a conference with 50 people, especially when 35 of them are not involved in the constitutional prerogatives."

Aiken, a backer of Nixon's previous Vietnam policies, set the tone for the administration's political problems arising from the Cambodian involvement when he said the Republicans will have hard going at the polls as a result.

CLEAN WATER RESTORATION ACT OF 1966

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, on March 12, 1970, I wrote to each of the Governors of the various States and to the chief executives of the District of Columbia, Guam, Puerto Rico, and the Virgin Islands to request information on the funding needs of their respective jurisdictions for their water pollution control and abatement programs under the coverage of the Clean Water Restoration Act of 1966. The text of my letter was as follows:

As you probably know, the construction grant program of the Clean Water Restoration Act of 1966 has one more year to run with $1.25 billion being authorized for fiscal year 1971.

For fiscal year 1970 the President requested $214 million, instead of the $1 billion authorized. Congress appropriated $800 million.

President Nixon has not requested an appropriation for the construction grant program. Instead he has proposed a new program involving $4 billion in Federal funds and $6 billion in State and local funds to be expended over a five-year period.

While I am sure that the Committee on Public Works of the House and Senate will proceed in the most expeditious manner possible to consider the President's proposal, there is a distinct possibility that the legislation will not be approved until late this year and it might be put over until the next Congress. Thus, if the momentum gained by reason of the 1970 appropriation of $800 million is to be sustained, it is imperative that Congress fully fund the program for fiscal year 1971.

I would appreciate your providing me with information on the funding needs of the water pollution control and abatement program of your State. If it is possible the information should be in such form and detail that it can be readily made available to other Members of the House.

I and several other Members of the House, both Democrats and Republicans, have again joined in an effort to secure full funding of the Act for fiscal year 1971. At this writing, 131 Members of the House (now 183) have committed themselves to full funding and I believe that the information I have requested will be helpful in securing additional support.

As of this morning, May 6, 1970, I have received some 30 responses to my inquiry. Almost without exception, the Governors and other chief executives indicate support for full funding of the Clean Water Restoration Act of 1966.

So that my colleagues and other interested persons may have an opportunity to know of the views of the Governors and other chief executives on the funding of water pollution control and abatement activities, I include the text of the responses to my letter following my remarks. I anticipate receiving additional responses and I shall place them in the CONGRESSIONAL RECORD when they are received.

The texts of the letters follow:

STATE OF ALASKA,
Juneau, April 8, 1970.

Re Sewage Treatment Plant.

Hon. JOHN D. DINGELL,
U.S. Representative, Rayburn House Office Building, Washington, D.C.

DEAR MR. DINGELL: In response to your recent inquiry, I am pleased to provide information on sewage treatment plant needs in Alaska.

On April 1, the Alaska State Senate passed a bill containing my proposal for 25 per cent State participation in treatment of municipal wastes. As you know, enactment of such a measure, which now appears probable, will increase the entitlement of Alaskan municipalities from 30 to 50 per cent funding by the Federal Water Pollution Control Administration.

Our Fiscal Year 71 needs for Federal funding, based on a 50 or 55 per cent Federal contribution, are approximately as follows for Alaska's major cities:

[In millions]

Anchorage	$4.5
Fairbanks	4.0
Juneau	6.0
Ketchikan	4.0

Inasmuch as Alaska's Federal allocation from the present $800 million appropriation is about $1.6 million annually, it is apparent that considerably increased Federal participation would be desirable. Not listed above are at least 100 smaller communities which would be eligible for Federal funding of from a few thousand dollars to a few hundred thousand dollars each.

Thank you for your interest. I appreciate your efforts at obtaining full funding of this important program.

Best personal regards.

Sincerely yours,

KEITH H. MILLER,
Governor.

ARKANSAS POLLUTION CONTROL COMMISSION,
Little Rock, Ark., March 24, 1970.

Hon. JOHN D. DINGELL,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In response to your letter to Governor Rockefeller, we are enclosing a listing of all Public Law 660 construction grant applications we now have on hand, or pending review in the Regional Office of FWPCA. As you will note, these requests total over $4.5 million. As of this time, Arkansas has received a PL660 grant allotment of $8,599,200, which has to be obligated prior to December 31, 1970; needless to say, this is an impossiblility since these are only 30% and it is now extremely difficult for the various municipalities to come up with the necessary matching funds.

In our opinion, there are four solutions to the current problem:

1. Extend the time limit for the Commission to obligate these funds.
2. Reallocate the amounts over $6 million to other States, or
3. Revise the existing laws to provide for at least 50% basic Federal participation in these projects.
4. Provide more funding to those agencies who handle the bulk of loan funds for public facilities, i.e. HUD, Farmers Home Administration, and EDA.

I hope that this data will provide you with the information you need, however, please feel free to contact us.

Yours very truly,

A. R. SACREY, Jr.,
Project Consultant.

Public Law 660 Grant applications on hand Mar. 19, 1970

	Grant request
Hot Springs	$1,962,180
Little Rock	1,075,800
Dardanelle	161,345
Ozark	155,550
Gurdon	28,500
Pine Bluff	25,148
Yellville	87,900
North Little Rock	256,134
Thornton	10,500
Portland	14,507
Austin	15,000

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Lavaca	$19,900
Perry	26,000
Grady	41,400
Emerson	24,378
Hickory Ridge	14,000
West Fork	39,200
Keiser	29,300
Cherry Valley	20,000
Girls Training School	14,931
Center Hill	41,430
Gosnell	22,500
White Hall	15,900
Mississippi County School District No. 57	14,000
Monticello	48,100
Mitchellville	23,190
Sherwood-Sylvan Hills	331,650
Amity	13,500
Bradley	23,000
Total	4,544,943

THE RESOURCES AGENCY OF CALIFORNIA,
Sacramento, Calif., April 10, 1970.

Hon. JOHN D. DINGELL,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. DINGELL: Governor Reagan has asked me to reply to your letter of March 12, 1970, requesting information on the funding needs of California water pollution control and abatement programs.

The State Water Resources Control Board has estimated that construction costs for wastewater treatment plants, interceptors, and outfalls for the next five years will total $888 million (1970 dollars). The yearly breakdown on this total is estimated at: 1970–71, $120 million; 1971–72, $160 million; 1972–73, $200 million; 1973–74, $200 million; and 1974–75, $208 million. Attached is a table which compares the anticipated costs to federal, state, and local entities, with and without state participation.

The State Board has received 255 applications requesting grants totaling over $100 million for projects costing in excess of $330 million for fiscal year 1970–71. Some of these projects may not be eligible and others may not be constructed this year. Nevertheless the actual construction costs may be in excess of $200 million, which is the level of construction we anticipate in fiscal year 1972–73.

Assembly Bill 1456, currently before the Legislature, provides for state grants for construction of sewerage facilities. The Administration favors this measure.

Based upon the estimates of the State Board, the stepped-up enforcement policies of the State Board and the California Regional Water Quality Control Boards, the proposed state grant program, and the current level of grant applications, we estimate that approximately $100 million will be needed in fiscal year 1970–71 by California for the federal share of construction grants.

Sincerely,

N. B. LIVERMORE, Jr.,
Secretary for Resources.

WATER POLLUTION CONTROL COMMISSION, COLORADO DEPARTMENT OF HEALTH,
Denver, Colo., March 27, 1970.

Hon. JOHN D. DINGELL,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of March 12, 1970, addressed to Governor John A. Love of Colorado, has been referred to this office for reply.

Colorado is in a unique position with regard to domestic waste treatment in that approximately 99% of the population of the State presently served by a sewer system is provided with secondary treatment. Although, in the past, Colorado has been able to utilize all of its construction grant moneys and has even taken advantage of some reallocated funds, there is some doubt in our mind as to whether or not Colorado will be able to utilize all of the additional funds authorized for this fiscal year.

However, in discussing this matter with my counterparts from states in the east, I find that, due to the high density of population and industry in the east, many of our states have over expended themselves with regard to state funds in the hopes that the Federal government would be able to reimburse them at a later date. This was done in order to keep the water pollution program in these states from becoming stalemated because of the lack of adequate Federal funding. Therefore, even though at the moment I do not see where such additional funds would materially assist Colorado, I feel that Congress should appropriate such funds to help the states that are in need of additional Federal financing.

On the other hand, we are finding that, due to the high interest rates being asked at present, many of our smaller communities are unable to provide their share of financing for the completion of sewage treatment facilities. We, therefore, wholeheartedly support the administration's proposal for an environmental financing authority to help cities and states finance their share of this program.

FRANK J. ROZICH, P. E.,
Technical Secretary, Water Pollution Control Commission.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, April 6, 1970.

Hon. JOHN DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for your recent letter concerning Connecticut's funding requirements for water pollution control. I welcome this opportunity to re-emphasize my concern over Federal Government action in contributing to the solution of this most serious national problem.

In an effort to pursue a comprehensive problem of the pollution of Connecticut's waters, this State, on my recommendation, authorized $250 million in bond authorizations to initiate construction of all waste treatment works projects by 1972.

This amount was required not only to meet our State's share of the cost of these projects, but to make up for a reduced Federal share due to limited Federal appropriations. To date, Connecticut has pre-financed in excess of $60 million of the Federal share of such projects, in accordance with the prefunding provisions of the 1966 Clean Water Restoration Act.

It was gratifying to hear President Nixon, in his speech to the recent National Governors' Conference, announce that efforts would be made to provide reimbursement to those states who had taken the initiative and had pre-financed water pollution projects. Appropriation by the Congress of the entire 1971 authorization included in the Clean Water Restoration Act, would be an appropriate extension of this effort to meet what we consider a Federal commitment to this problem. I join in this effort to secure full funding of this program.

Attached for your information is a schedule which sets forth the financial aspects of Connecticut's Water Pollution Control Program.

Sincerely,

JOHN DEMPSEY,
Governor.

CONNECTICUT ESTIMATED COSTS OF POLLUTION ABATEMENT FACILITIES, 1967–72

	Program based on full Federal funding 53 percent (average)	Program based on actual and/or estimated Federal allocations to Connecticut
Estimated cost of eligible projects	$350,000,000	$350,000,000
Federal share	185,500,000	[1] 36,400,000
State share:		
a. Regular State share 30 percent	105,000,000	105,000,000
b. To meet reduced Federal share		149,100,000
Total State contribution	105,000,000	254,100,000
Municipal share 17 percent (average)	59,500,000	59,500,000
Total	350,000,000	350,000,000
Additional State cost of retroactive obligations (no Federal reimbursement)	20,000,000	20,000,000

[1] Includes $17,400,000—estimated Connecticut's share if $1,250,000,000 1971 authorization is appropriated by the Congress.

STATE OF DELAWARE, WATER AND AIR RESOURCES COMMISSION,
Dover, Del., April 16, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Governor Peterson has asked me to reply to your letter requesting information on funding needs for water pollution control programs in Delaware. The State of Delaware is quite proud of the fact that almost no untreated wastes enter its streams. All municipal and industrial systems provide at least primary treatment.

When the Water Quality Standards were adopted by the State, we took a very serious attitude regarding the implementation plan. The Federal Water Pollution Control Administration had set a 5 year period as a goal for achieving the standards. We anticipate being the first state to comply by 1973. Our projected needs for the next six years are as follows:

Summary of statewide needs of capital outlay for municipal water pollution control facilities 1970–75

[In millions]

County:	
New Castle	$28
Kent	23
Sussex	31
Total	82

Systems under design take into consideration assimilative capacity available in the streams as well as regional needs. Instead of constructing a large number of secondary and tertiary treatment plants, we have attempted to consolidate treatment with a few large waste treatments units. Governor Peterson recently supported a comprehensive State Aid program under which the local governments will receive 25% of the eligible cost from the State. According to the amendments to the Federal Water Pollution Control Act, (PL 89–753), the local government will be eligible to receive 50%–55% of the eligible costs from the Federal Government (Department of Interior, Federal Water Pollution Control Administration). The attached table shows a summary of the funding needs. Also enclosed are some charts showing the progress already achieved in Delaware. Projections for 1973 are based on projects under design or construction now.

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Chart No. 5 shows the effect of anticipated regionalization of treatment plants. Since growth of population and industry introduce other unknown variables, treatment requirements must be re-examined periodically.

We certainly feel the Federal Government has not lived up to its financial commitment. As you can see, even a small state like Delaware will need substantial Federal assistance for the crash program mandated. Also enclosed are copies of our Annual Reports and I hope you will find them informative.

If we can be of further assistance, please feel free to contact us.

Sincerely,

JOHN C. BRYSON,
Acting Director Division of Environmental Control.

GRANTS-IN-AID AVAILABLE FOR MUNICIPAL WATER POLLUTION CONTROL FACILITIES, 1970-75

[In millions]

	1970	1971	1972	1973	1974	1975	Total
Total State needs	$8.0	$12.0	$21.0	$21.0	$12.0	$8.0	$82.0
Total eligible costs [1]	7.2	10.8	16.8	16.8	10.8	7.2	69.6
State aid for matching purposes	1.80	2.70	4.20	4.20	2.70	1.80	17.4
Federal share (according to Public Law 89-753	3.6	5.4	8.4	8.4	5.4	3.6	34.8
Federal appropriation [2]	2.5	2.7	2.8	2.9	3.0	3.1	17.0
Deficit in Federal funds	1.1	2.7	5.6	5.5	2.4	.5	17.8

[1] Approximate estimate.

[2] Based on premise that Federal appropriations will amount to $1,000,000,000 per year estimated share of Delaware based on 1970 allocation formula.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington, D.C., April 17, 1970.

Hon. JOHN D. DINGELL,
House fo Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in response to your letter of March 12, 1970, requesting information on the funding needs of the Water Pollution Control Program of the District of Columbia.

In April 1969, the Federal Water Pollution Control Administration held a conference under the enforcement provisions of P.L. 84-660. That conference approved our plan to upgrade our secondary treatment facilities and also recommended that tertiary treatment be provided. The total costs of such a program will be over $300 million. We have pointed out that in order for the District of Columbia to proceed with a program of this magnitude, it will be necessary for the Department of the Interior and the Congress to provide substantial special funding.

As you undoubtedly know, the District's program has recently been the subject of considerable discussion. The Senate Committee on the District of Columbia has recently held hearings on water pollution control in the Washington metropolitan area, and has set another hearing on or about June 25, 1970, to discuss planning for the District water pollution control facility, including financing. A prospectus of the District's plans will be presented at that time. Although new approaches in waste treatment methods may be made other than the above conference plan, nevertheless, the general magnitude of funds needed will be of the same order of $300 million mentioned above.

In spite of the fact that there are some major unresolved problems surrounding the waste treatment program in the District we are proceeding with grant applications to FWPCA on items basic to early plant expansion with a total grant eligibility of $49,870,196. In addition, $437,284 is eligible for reimbursement by FWPCA. This gives us a total grant eligibility of $50,304,480. We may have to revise these applications as our planning progresses. However, the need for money will not lessen.

The inadequacies of the present grant program are highlighted when it is realized that the District's allotment of the $800 million national appropriation in FY 1970 is $3.76 million. If the full $1.25 billion is appropriated in FY 1971 as authorized, the District's share will be $5.64 million.

I regret that a more detailed financial program is not now available because of the present uncertain situation. Suffice it to say that the magnitude of the District's problem is such that funds from every available source will be needed to cope with its solution. We shall be glad to furnish further details as our planning proceeds.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor.

STATE OF GEORGIA,
Atlanta, March 26, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for the opportunity to again express to you and other members of Congress the needs of the State of Georgia in the area of construction grants for water pollution control facilities. We are grateful to you for your diligent efforts related to the current appropriation of $800 million for fiscal year 1970.

As expressed to you last year, our needs for FY 1970 alone were over $35 million. This figure was reduced by $17.3 million as a result of the appropriation. We are still receiving applications for FY 1971 and will continue to do so until May 15, 1970, which is the established deadline. We anticipate by May 15, we will have applications totaling $25 to 30 million.

It will be extremely regrettable if Congress does not make an appropriation early in FY 1971 of the same magnitude as FY 1970. We have begun to move forward again and another delay would take a lot of steam of our program.

Again, let me thank you for your effort and the opportunity to comment and with best wishes, I am

Sincerely,

LESTER MADDOX,
Governor.

STATE OF HAWAII,
Honolulu, April 1, 1970.

Congressman JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for your letter in which you express concern for the funding needs of the nation's water pollution control construction programs.

As is probably true with many other states, we in Hawaii have scheduled projects for this fiscal year so that all of the federal monies appropriated to us will be used. Attached is a detailed breakdown of the project's status as well as their cost. Two of these are still estimates since plans for them have not been drawn as yet.

Insofar as construction grant funds for fiscal year 1971 are concerned, the allocations have not yet been finalized. However, my administration has recommended to the present session of our legislature that it continue to set aside State funds for the State contribution to water pollution control facilities in order to provide added impetus to our pollution control program. This will take full advantage of federal appropriations.

I am most happy to learn of your continuing concern for our water pollution control needs.

With warm personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN BURNS,
Governor.

STATE OF HAWAII PROJECT STATUS OF WATER POLLUTION CONTROL FACILITIES FOR 1969-70

Project	Status	Federal share	Total
Kaunakakai STP, Maui, Hawaii	Construction ready	$292,500	$585,000
Nanakuli interceptor sewer, Oahu, Hawaii	Construction started	1,340,000	2,680,000
Kailua-Kona STP, phase II, Hawaii, Hawaii	Plans drawn	820,000	1,640,000
Wailua resort STP, Kauai, Hawaii	do	161,000	322,000
Lanai City STP, Lanai, Hawaii [1]	No plans yet	200,000	400,000
Kealakehe STP, Hawaii, Hawaii [1]	do	150,000	300,000
Total		2,963,500	5,927,000

[1] Old estimates; new costs anticipated to be higher.

Note: Total construction grant funds appropriated for 1969-70 to Hawaii, $3,398,000.

STATE OF IDAHO,
Boise, March 23, 1970.

Hon. JOHN D. DINGELL,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I appreciate receiving your comments on funding for the Federal Water Pollution Control programs. I share your concern for this national problem and am pleased to report that the State of Idaho has established and funded a new system for Idaho that provides for State sub-grants to local units of government to match Federal funds available for water pollution control and abatement.

In your letter to me you asked for details about the State's water pollution control and abatement program. As I point out, the legislature just adopted and I've just signed a new program into law.

I am asking the State Department of Health, Environmental Division, to supply you with further details about this program.

Sincerely,

DON SAMUELSON,
Governor.

STATE OF ILLINOIS,
SANITARY WATER BOARD,
Springfield, March 23, 1970.

Hon. JOHN D. DINGELL,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of March 12, 1970 to Governor Richard B. Ogilvie has been referred to this office for reply. We are in full accord with the need for Congressional appropriation of the $1.25 billion for fiscal year 1971 as authorized by the Clean Water Restoration Act of 1966.

We are enclosing a copy of a recent news

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release which points up the needs in Illinois to meet the 1972 deadline for compliance with the Federal-State water quality standards, and a projection of the ten-year needs for expansion and construction of new sewage treatment works. Within the next two weeks, we expect to have a booklet listing all the communities and their construction needs as outlined in this news release.

During the current fiscal year, this office evaluated 217 grant applications exclusive of the metropolitan Chicago area. The total grant request was for $37 million, based on 30 percent of the projected cost. Even with the $800 million appropriated by Congress for this fiscal year, the Illinois allocation will be sufficient for only 25 to 30 downstate projects. This will result in a backlog of about 190 applications to carry over into fiscal year 1971. In addition, we anticipate at least 100 new applications will be received before June 1st of this year. The backlog of 190 applications on file currently will require $25 million, which we have projected to a minimum of $35 million when new applications are included.

A Congressional appropriation in fiscal year 1971 of $1.25 billion would result in an allocation to Illinois of $67 million. Half of this sum is allocated to the metropolitan Chicago area which has 50 percent of the State population and a large backlog of work to meet the water quality standards for the Illinois waterways. Thus, about $33.5 million would be available for downstate projects. As indicated above, it would take all of this to meet the requests for Federal grants based on the 190 applications on hand and the anticipated new applications which will be received before June 1, 1970.

We appreciate your personal interest in the pollution control program and for your communication to Governor Ogilvie.

Very truly yours,

C. W. KLASSEN,
Technical Secretary.

NEWS RELEASE

SPRINGFIELD, ILL., February 20.—Satisfying public demand for cleaner streams in Illinois could cost more than $5 billion by 1980, Clarence W. Klassen, technical secretary of the state Sanitary Water Board, estimated today.

Klassen said $350 million will be needed to upgrade present sewage treatment plants just to meet the 1972 deadline for compliance with federal-state stream standards. He said this involves 675 Illinois municipalities and sanitary districts.

During the next ten years, he said, $2.3 billion will be needed to enlarge and construct new treatment facilities to serve the increase in population and the property not now connected to sewer systems.

Construction of sewers to collect the waste from new growth areas and serve the population now depending upon septic tanks, cesspools and other private facilities will cost $1.8 billion during the next 10 years, Klassen said. The estimates for Cook County do not include projects for sewer separation or treatment for combined sewer overflows in the Metropolitan Sanitary District of Greater Chicago where, he said, estimates of up to $1.5 billion have been discussed.

The estimates for needed sewers and treatment facilities by 1980, totaling approximately $4.1 billion, do not include expenditures industry must make to solve industrial waste problems. Klassen said this could add more than another billion dollars to the cost of clean streams and bring the total to more than $5 billion by 1980.

He said the new cost estimates by the Sanitary Water Board do not include the separation of combined sewers but do include treatment capacity for flows from such sewers reaching the plant site.

Since previous estimates were made in 1967, Klassen said, there has been an annual increase of 10 per cent in construction costs and it is anticipated that the cost increases will continue. He said they result from increases in labor, materials and financing costs. The previous estimates through 1980 were $1.5 billion for treatment plants and $1.2 billion for sewers.

Klassen said a detailed report being prepared by the board's technical staff will include estimates of construction expenditures for the next ten years by counties and a listing of 675 municipalities and sanitary districts with immediate improvements necessary, the estimated cost and the deadline for the start of construction.

The money to pay for cleaner streams must come from the taxpayers through local, state and federal financing programs, Klassen said.

STATE OF INDIANA,
Indianapolis, March 24, 1970.

Re Construction Grant Needs, Indiana.

Hon. JOHN DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Your letter of March 12, 1970, to the Hon. Edgar D. Whitcomb, Governor, relative to subject matter has been referred to this office for reply.

In all the years of the Federal construction grant program under Public Law 84–660, as amended, the Federal grant funds allotted to Indiana have not been sufficient to provide funds for all applications filed by Indiana municipalities. Indiana was allotted $20,042,500 from the $800 million Federal appropriation for fiscal year 1970, whereas grant, applications, based on 50 percent Federal grants totaled over $44 million.

The final date for submission of applications for grant funds for fiscal year 1971 is April 15, 1970; therefore, we cannot provide a final figure on grant requests at this time. However, considering applications already received and applications that are expected to be filed, it appears that requests for fiscal 1971, based on 50 percent Federal grants, will be from 45 to 50 million dollars. We understand that Indiana's allocation would be $31.6 million from a $1.25 billion Federal appropriation.

It is agreed that efforts should be made to obtain an appropriation based on the existing authorization pending finalization of proposed new programs.

Very truly yours,

B. A. POOLE, *Technical Secretary.*

LOUISIANA STATE DEPARTMENT OF HEALTH
New Orleans, La., April 17, 1970.

Re: Clean Water Restoration Act Construction Grants Funding Needs.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR SIR: Your recent letter to Governor John J. McKeithen was referred to us for reply. You requested information on the municipal funding needs of the water pollution control and abatement program in our state.

In fiscal 1968 and 1969 our municipalities utilized about $4 million/year of these construction grants; our full allotments were utilized. Our estimate for 1970 however, is about $6.5 million (out of our $14.5 million allotment). On the other hand, if in 1971 our municipalities are able to claim as much as about $8.7 million in grants, our entire backlog (as listed under our State Plan with the Federal Water Pollution Control Administration) will be cleared up!

Under present law, our municipalities must put up 67–70% of a project cost, and this difficulty, together with presently high interest rates, is a major reason why a lack of projects in fiscal 70 will probably cause us to lose out on close to $8 million in Federal funds. Although some 21 states have been able to take advantage of the provision whereby the municipality's share is reduced to 20–22% if the state puts up 25% (with the Federal grant correspondingly increased), our state is not a wealthy one, and new sources of revenue are hard to find at the state level. If the 30–33% basic grant could be increased, pollution abatement programs would undoubtedly be accelerated, and more communities would be able to afford public sewerage.

The backlog we mentioned attempts to offer a realistic basis for estimating future grant fund needs. In a given town, house spacing is an important factor, insofar as it affects not only the seriousness of septic tank pollution in ditches, but also the feasibility of some sewer systems. Our list includes many towns of under 500 people. The F.W.P.C.A. offers no guidelines as to what communities are shown, but a subjective element in the evaluation appears inevitable.

There must be many states like ours, with a rural population in excess of a million. Perhaps the grant law should give more attention to the problems of such states, because if we can improve the quality of life in our smaller towns, there could be less pressure for migration to our overcrowded cities.

Your letter mentioned the momentum gained by Congress' past appropriations. This is important. Officials in some towns work for years to bring a project into being, and what is done in one town over a period of years affects what is done by its neighbors. Public Opinion in our state is making water pollution an increasingly high priority item and if Congress continues in its good work on this legislation we are optimistic about the future.

Very truly yours,

JOHN E. TRYGG,
Director, Bureau of Environmental Health.

STATE OF MAINE,
Augusta, Maine, April 22, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Governor Curtis has supplied this agency with a copy of your letter to him dated March 12, 1970, and has requested that we furnish information relative to funding needs for the State's pollution abatement and control program.

At the time of passage of the Clean Water Restoration Act of 1966, the State of Maine in its implementation plan proposed a nine year program for clean up. This program was based on the following assumptions:

1. The Federal Act would be fully funded through FY 71 and continued for an additional 5 years at the highest authorized level (1.25 billion dollars per year through 1976).

2. The Federal-State program was principally to aid municipal projects. The municipal costs were estimated at 130 million dollars of program eligible work at that time.

3. The Federal grant generally would not exceed 50% of project cost. This assumption was based upon the fact that strict interpretation of the bonus provisions, Section 8f Metropolitan planning, made only two areas in the State eligible.

4. The cost spiral would be moderate as it had been in the past. A simple 4% per year was used for the program period.

Contrary to the above assumptions, the following has taken place:

1. The Federal Act was 45% funded in FY 68, 30% in FY 69 and 80% in FY 70.

2. The Federal-State program has opened up to include a significant segment of industry. It appears that a good deal of the encouragement for industries to join with their municipalities and thus avail themselves to Federal grant-in-aid programs has come from the Congressional level.

This item together with an extraordinary cost spiral has now caused the State's program cost estimates to be revised upwards. The new estimates range from 170 to 320 million dollars depending upon the percentage of industry joining with their municipalities.

3. The work that can be accomplished with any given year's funds has been reduced due to the fact that nearly all projects now qualify for 55% funds instead of the 50% assumed in item 3 above.

4. The cost spiral instead of being 4% per year as assumed in item 4 above has consistently been quoted as 1% per month or 12% per year in this area.

With the above for background, the enclosed table of needs has been worked out. It is assumed that 1976 is the deadline as this has been established in State Statutes and in the Federal-State plan. A yearly cost increase of 10% has been used instead of the 12% above noted.

The 800 million appropriated for the program for Fiscal Year 1970 is the first encouraging note for some time. However, the enclosed tabulations certainly indicate that even this amount of funding is grossly inadequate to do the job. The 800 million produced a 5 million allocation to the State of Maine. Five million at 55% grants would support only 9 million dollars worth of work a year. Comparing this with the work to be done, it would take a minimum of 26 years and a maximum of 50 years to complete Maine's program as it is now envisioned. Funding in our estimation would have to be at least triple the Fiscal Year 71 level in order for the State to come close to meeting its schedules and obligations.

The State of Maine has utilized prefunding for the last several years to make up part of the deficits in Federal appropriations. The people of the State have expressed their concern for clean water by their favorable action on two bond issues in the amounts of 25 million and 50 million dollars. These bonds not only support a 30% State grant program, but also support paying an additional 30% grant as prefunding of part of the Federal share.

This agency wishes to express its appreciation to you and other members of the Congress who are taking the initiative and time to find out the magnitude of this problem which is of concern to so many. We sincerely hope the information provided will be of help to you and your committees. If we can be of further assistance in the future, please do not hesitate to call upon us.

Very truly yours,

Dr. DONALDSON KOONS,
Chairman,
Environmental Improvement Commission.

STATE OF MAINE POLLUTION ABATEMENT PROGRAM COSTS

Year	Estimated costs 1970 (millions)	Cost per year for completion 1976 (millions) [1]	Cost per year to offset 10 percent spiral (millions)	Cost per year including spiral (millions)	Federal grant 55 percent of cost (millions)	State grant 30 percent of cost (millions)	National program requirements (billions)
1970	170-320	24-46	17-32	41-78	23-43	12-23	4.4-8.4
1971	146-274	24-46	14-27	38-73	21-40	11-22	4.0-7.8
1972	122-228	24-46	12-23	36-69	20-38	11-21	3.8-7.4
1973	98-182	24-46	10-18	34-64	19-35	10-19	3.6-6.8
1974	74-136	24-46	7-14	31-60	17-33	9-18	3.2-6.4
1975	50-90	24-46	5-9	29-55	16-30	9-16	3.0-5.8
1976	26-44	24-46	3-4	27-50	15-27	8-15	2.8-5.2
Total				236-449			

[1] The range in all columns represents municipal projects as now envisioned (some industry included) to municipal projects including all industry.

[2] Using current formula Maine receives about 1/200 of national appropriation on all funds over and beyond the first 100,000,000.

THE COMMONWEALTH OF
MASSACHUSETTS,
Boston, April 21, 1970.

Hon. JOHN D. DINGELL,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am most appreciative of receiving your letter regarding financing needs for water pollution control facilities in Massachusetts in the next few years. We are, of course, encouraged by the Congressional appropriation of $800 million this year and the President's proposal for a new and expanded program for the next five years.

Massachusetts needs for the next five years are presently estimated in the $500–$550 million range of which approximately 50 per cent or $250–$262 should be from Federal sources. It is not anticipated that the President's programs will provide the necessary amounts on time to fund eight major projects in the State in conformance with implementation schedules adopted by the Massachusetts Water Resources Commission and approved by the Secretary of Interior in August of 1968. These projects and their expected costs are as follows:

[In millions]

	1970	1971	1972	1973	1974
Worcester	(1)	$29		$15	
Lowell	(1)		$20		$17
Lawrence	(1)		25		10
Fitchburg	(1)	23			
South Essex	(1)	12	25		21
Haverhill	(1)		10		10
Boston	(1)			46	
Springfield	(1)		20		28
Total		64	100	61	86

[1] From existing $150,000,000 bond issue.

NOTE: Cost figures are from approved Consulting Engineering Reports with projected engineering cost index increases of 7½% per year beyond the July 1969 base figures.

Presently the Commonwealth provides grants and pre-financing of the Federal share from a $150 million bond issue. Pending State legislation would provide an additional $250 million bond issue with continuation of the State's pre-financing authority to fund the major projects listed previously. This has been deemed necessary due to the consistently poor record of previous administrations in appropriations of the congressionally authorized amounts. In summary, I wish to make three major recommendations to you and your committees in improving the Federal position in the field of Water Pollution Control:

1. Authorization and appropriations of sufficient funds to meet the commitments of the States as required by the Federal Water Quality Act of 1965.

2. Establish a separate reimbursable funding authorization with adequate appropriations for reimbursement to States (Massachusetts) that pre-finance in anticipation of future Federal reimbursements.

3. Most importantly a viable Federal program must be undertaken with financial support to solve the most demanding, technical and financial problem of all; the combined sewer problem which plagues almost every old major metropolitan area in the country. The present problem for the City of Boston and surrounding communities is estimated at one-half to $1 billion to correct with no provisions for Federal aid under current policies and regulations.

Thank you for your interest in our Commonwealth's financial situation in regard to water pollution control and if additional information or support can be put to this cause, I will be most willing to participate.

Sincerely,

FRANCIS W. SARGENT,
Governor.

AIR & WATER POLLUTION CONTROL
COMMISSION,
Jackson, Mississippi, April 6, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE DINGELL: Thank you for your letter of March 12, 1970, to Governor Williams which requested information regarding funding requirements for water pollution in the State of Mississippi for fiscal year 1971.

Mississippi's share of the 1970 appropriation of $800 million is $10.3 million, and this amount is fully adequate for this fiscal year. We do not anticipate any greater need in construction grant funds for fiscal year 1971.

We trust this information is sufficient for your needs.

Yours very truly,

GLEN WOOD, Jr.,
Acting Executive Secretary.

MISSOURI WATER POLLUTION BOARD,
Jefferson City, Mo., March 20, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: Your letter to Governor Warren E. Hearnes dated March 12, 1970 has been forwarded to me for reply. We have surveyed the needs of Missouri Municipalities and we estimate that the total pollution abatement project needs eligible for state and federal grants will be in the range of $55–60 million per year for the next five years. In Fiscal Year 1969 and in Fiscal Year 1970 the Missouri Legislature has fully matched all federal funds available to Missouri Municipalities for the construction of pollution abatement works. If we are to move ahead in the pollution abatement, it is essential that state and federal funds be increased. In order to support a program of $55–60 million per year, federal funds in the amount of $29.3 million, and state funds in the amount of $13.3 million will be needed. Some of the larger projects in Missouri scheduled for the next five years are as follows: Kansas City, $110 million; Metropolitan St. Louis Sewer District, $66.25 million; St. Joseph, $18 million; Springfield, $20 million; Little Blue Sewer District, Jackson County, $100 million; North Kansas City, $3 million; Hannibal, $4 million; St. Charles, $2.2 million; Jefferson City, $1 million; Independence, $2 million; Cape Girardeau, $1 million; Joplin, $4 million and Columbia, $5 million. In addition to these projects there are several very large projects the cost of which has not yet been estimated in St. Charles, St. Louis, and Jefferson County.

Secondary treatment is required for the discharge of all municipal and industrial waste into the Missouri streams, including the Missouri and Mississippi Rivers. In some areas teritary treatment is required. In other areas no discharge is permitted regardless of the degree of treatment. This applies to some recreational streams in the state and in streams in urban areas that are too small to assimilate the waste from the large population living in the watershed, for example, Little Blue River in Jackson County.

Yours truly,

JACK K. SMITH,
Executive Secretary.

THE STATE OF NEVADA,
Carson City, Nev., April 10, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In reply to your request for information on the needs for funding of water pollution control facilities in the State of Nevada for fiscal year 1971, there are currently thirteen applications on file or being processed for submittal for funding for the remainder of fiscal year 1970 and fiscal year 1971.

The total costs of these projects eligible for participating funds under PL660 is estimated at $11,473,560. The grant amount that could be made available under PL660 is, of course, $3,824,520.

There is approximately $840,000 of unallocated funds remaining in Nevada's fiscal year allocation of $1,800,000. If funding is to be provided at the present level for fiscal year 1971, this would provide only $2,640,000 to meet these requests, or there will be a shortage of approximately $1,200,000.

It should be pointed out that the projects referred to are projects necessary only to meet the needs of population growth. Nevada is now on the threshold of advanced waste treatment facilities to maintain the high quality of the surface waters.

The first project providing advanced waste treatment is scheduled to be under construction in 1972. The first phase cost of this project is estimated at $18,616,000 and scheduled for completion in 1973. The second phase, to be completed by 1980, is estimated at $101,018,000.

While these are comparatively insignificant costs nationwide, they do represent a major tax burden to Nevada's small population.

If the efforts to maintain our vital water supplies are to be successful, certainly additional funding will have to be provided; the current funding would appear to be minimal.

If we can provide you with additional information, do not hesitate to call on us.

Sincerely,

PAUL LAXALT,
Governor of Nevada.

STATE OF NEW HAMPSHIRE,
Concord, March 25, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: In reply to your recent request for information on the funding needs for water pollution control projects in New Hampshire, we are very glad to present the following status report:

1. Federal funds available for allocation (includes New Hampshire's increase under the $800 million appropriation)—All available funds have either been allocated to projects, or are in the process of allocation.

2. Projects eligible for Federal 50% grants, now being *prefinanced on the state or local level*—Sixteen projects are being prefinanced in this manner, with estimated eligible costs of $34,000,000. To finance these projects with 50% Federal grants, New Hampshire will need an additional *$17,000,000.*

3. Projects scheduled for construction in accordance with New Hampshire Water Quality Standards, and others on intrastate streams now under orders. Total projects—49; Estimated total costs—$177 million; *Estimated eligible costs—$150 million; Estimated 50% Federal grants $75 million.*

To summarize New Hampshire's needs for water pollution control projects, our prefinanced programs and other scheduled work could use an additional $92 million of Federal aid in the next few years. Although the President's proposed new program would greatly assist the New Hampshire pollution control effort, it is obvious that even this additional funding will fall far short of our needs.

With best regards, I am,
Most sincerely,

WALTER PETERSON.

STATE OF NEW MEXICO,
Santa Fe, March 19, 1970.

Re Funding Levels for Construction Grants Program for Water Pollution Control (P.L. 660 Funds).

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I will take this opportunity to boast a bit about New Mexico's water pollution control program. One hundred percent of all sewered communities within the state have secondary sewage treatment. We do admit, however, that many of these facilities are improperly operated and poorly maintained. An additional problem in the State of New Mexico are communities that have no sewage collection system and the growth of many rural communities and subdivisions throughout the state.

The 1970 State Legislature of New Mexico passed a $1,000,000 bond issue to participate in the cost of municipal waste water treatment facilities. The Health and Social Services Department has advised that the construction schedule which is realistic for the State of New Mexico for water pollution control facilities will utilize approximately $1,000,000 ($2,000,000 Federal funds) between July 1, 1970 and June 30, 1971.

There is, of course, a possibility that communities will wish to upgrade their waste water treatment facilities in the immediate future as a result of the state-federal funding programs which will amount to 75 or 80 percent grant money to communities.

I would say that in all probability, the State of New Mexico will require approximately $2,000,000 of Federal funds between July 1, 1970 and June 30, 1971 and possibly twice this number or $4,000,000 between July 1, 1970 and June 30, 1972.

The funding level discussed above is somewhat less than the present Federal funding level for 1970.

I hope this information is what you require. If you need additional details, please contact Mr. John R. Wright, Executive Secretary of the New Mexico Water Quality Control Commission, P.O. Box 2348, Santa Fe, New Mexico 87501.

Sincerely,

DAVID F. CARGO,
Governor.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, April 21, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: This is in reply to your recent letter concerning the funding needs of New York's Pure Waters program.

During the next Federal fiscal year, sewage treatment projects having an estimated cost of $473,501,674 are expected to reach the grant application stage and be eligible for $260,425,920 in Federal funding. This does not include additional funds New York and its local municipalities have provided because of the failure of the Federal Government to provide its 55 per cent share.

Under the State's Pure Waters program, in order to limit the local municipal costs to 40 per cent of eligible project costs, the State may prefinance the Federal share up to 30 per cent, in addition to its own 30 per cent grant. Because Federal participation has averaged only 7 per cent, New York has prefinanced $555,973,631 of the Federal share.

Because of rising construction costs and the lag in Federal financing, New York State can no longer continue to prefinance the Federal share from its $1 billion Pure Waters Bond Issue, but must use it for providing its 30 per cent grants.

To meet this situation, the State Legislature at my request has just authorized a $750 million first instance appropriation so that we may continue to prefinance a portion of the Federal share and thus insure the uninterrupted continuation of New York's pacesetting program.

Sincerely,

NELSON A. ROCKEFELLER.

STATE OF NORTH DAKOTA,
Bismarck, March 23, 1970.

Hon. JOHN D. DINGELL,
House of Representatives, Rayburn Office Building, Washington, D.C.

DEAR CONGRESSMAN DINGELL: North Dakota has made full use of the Federal Water Pollution Control administration grant program since its inception in 1956. Our State is not a populous state with our largest city about 50,000. We receive and process a number of grant applications each year, even though the total grant moneys involved are not large. As a result, we have not been able to use all the Federal Water Pollution Control grant moneys allocated to the State over the past few years and the excess has been reallocated to other states with an unmet need.

Below is listed the grant moneys expended and the Federal moneys allotted to our State for the past five years:

Year	Grant funds used	Federal moneys allocated to North Dakota
1965	$121,222	$1,161,700
1966	626,553	1,267,870
1967	505,828	1,238,850
1968	194,307	1,482,400
1969	404,249	1,594,000

We are enclosing a pamphlet showing 15 years of progress in water pollution control in North Dakota.

North Dakota recognizes that we are one of the very few states that are not able to use all their federal fund allocation. We also recognize and are fully aware of the needs of the many states that do not receive adequate Federal funds to meet the yearly demands of their water pollution control programs. We realize that the rate of progress toward the control of pollution in other states does affect the Nation, including North Dakota. For this reason, we urge full funding of construction grant money as authorized under the provisions of the Clean Water Restoration Act of 1966.

Sincerely yours,

WILLIAM L. GUY,
Governor.

FIFTEEN YEARS OF PROGRESS IN WATER POLLUTION CONTROL IN NORTH DAKOTA—JANUARY 1, 1954, TO JANUARY 1, 1969

THE STATE PICTURE

Municipal sewage systems, Jan. 1, 1954

Secondary treatment plants	39
Imhoff tanks	50
Septic tanks	24
No treatment	19
Total	132

Municipal sewage systems, Jan. 1, 1969

Secondary treatment plants	204
Imhoff tanks	17
Septic tanks	6
No treatment	5
Total	232

THE RIVER BASINS

There are five drainage basins within the State, as shown on the cover map. A large portion of the State's population and industry lie in the Red River Basin. This river also forms the boundary between Minnesota and North Dakota. It flows northward into

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Canada and discharges into the Hudson Bay. The Missouri River flows through North Dakota, entering west of Williston and going into South Dakota below Ft. Yates. The James River originates in North Dakota west of New Rockford, flows south and enters South Dakota below Ludden. The Souris originates in Canada, enters North Dakota in Renville County, loops down into the State and returns to Canada near Westhope. The Devils Lake Basin is a closed basin. It is characterized by generally poor drainage.

RED RIVER BASIN

	Jan. 1, 1954	Jan. 1, 1969
Population served by municipal systems (by treatment):		
Secondary plants	73,832	159,415
Imhoff tanks	32,266	2,044
Septic tanks	9,970	1,817
No treatment	7,957	0
Total	125,025	163,276
Treatment facilities:		
Secondary plants	15	74
Imhoff tanks	7	3
Septic tanks	11	5
No treatment	6	0
Total	39	82

MISSOURI RIVER BASIN

	Jan. 1, 1954	Jan. 1, 1969
Population served by municipal systems (by treatment):		
Secondary plants	17,727	108,697
Imhoff tanks	27,151	5,006
Septic tanks	6,432	319
No treatment	37,000	1,402
Total	88,310	115,424
Treatment facilities:		
Secondary plants	13	70
Imhoff tanks	32	9
Septic tanks	5	1
No treatment	7	2
Total	57	82

SOURIS RIVER BASIN

	Jan. 1, 1954	Jan. 1, 1969
Population served by municipal systems (by treatment):		
Secondary plants	22,740	58,153
Imhoff tanks	5,050	1,697
Septic tanks	3,593	0
No treatment	4,412	3,974
Total	35,795	63,824
Treatment facilities:		
Secondary plants	3	29
Imhoff tanks	6	3
Septic tanks	3	0
No treatment	4	3
Total	16	35

JAMES RIVER BASIN

	Jan. 1, 1954	Jan. 1, 1969
Population served by municipal systems (by treatment):		
Secondary plants	16,215	30,366
Imhoff tanks	2,705	1,87
eptic tanks	3,944	0
No treatment	2,784	0
Total	25,648	31,553
Treatment facilities:		
Secondary plants	4	16
Imhoff tanks	4	2
Septic tanks	2	0
No treatment	2	0
Total	12	18

DEVILS LAKE BASIN

	Jan. 1, 1954	Jan. 1, 1969
Population served by municipcal systems (by treatment):		
Secondary plants	4,790	16,969
Imhoff tanks	778	0
Septic tanks	9,133	0
No treatment	0	0
Total	14,701	16,969
Treatment facilities:		
Secondary plants	4	15
Imhoff tanks	1	0
Septic tanks	3	0
No treatment	0	0
Total	8	15

During these 15 years:

1. Thirty-three cities have replaced inadequate Imhoff tanks with satisfactory facilities.
2. Eighteen cities have replaced inadequate septic tanks with satisfactory facilities.
3. Fourteen cities, previously discharging raw sewage to the streams, now have satisfactory treatment.
4. Fifteen cities, with secondary treatment, have added to or replaced their facilities to further improve the treatment of their wastes.
5. One hundred new cities installed sewage collection systems with adequate treatment facilities.
6. The total population of the State served by municipalities with modern sewerage facilities rose from 289,479 to 391,046—this represents a rise of 47% to 62% of the total State's population.
7. North Dakota cities have spent a total of approximately $11,500,000 of local moneys on sewage treatment facilities during this period.

THE CONTROL OF WATER POLLUTION

Two of the major sources of pollution entering the rivers and streams in North Dakota are domestic wastes from communities and the wastes from industries. This folder covers only progress made in these fields. However, other pollutants such as organic materials and chemicals used by agriculture which are carried into streams by runoff, salt, heated waste discharges, etc., are also important factors which are considered in the State's water pollution control program.

Certainly excellent progress has been made in the State toward providing satisfactory and approved waste treatment facilities by communities and industry. Much of the credit for this progress must go to the development of the waste stabilization lagoon method of waste treatment. North Dakota pioneered in the development of this type of treatment. Properly designed and operated waste stabilization lagoons provide treatment efficiencies equal or better than conventional secondary treatment.

Another factor which has aided the State's progress in water pollution control was the enactment of the Federal Grant Program in 1956 which provides grants to communities to help pay the cost of construction of sewage treatment facilities.

OHIO WATER DEVELOPMENT AUTHORITY,
Columbus, Ohio, March 23, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Bldg.,
Washington, D.C.

DEAR CONGRESSMAN: Your letter of March 12 to Governor James A. Rhodes concerning Ohio's needs for FWPCA funding has been referred to me for reply.

We are also concerned about federal funding during fiscal year 1971 since it is our understanding that the federal act proposed (S-3472) only provides for committing funds after June 30, 1971.

The Ohio Water Development Authority pre-finances the federal 30% grant on sewerage treatment plants and interceptors and also loans the remaining 70% of project cost to political sub-divisions. Ohio will have $172,874,000 in eligible projects under construction in fiscal year 1970 with a need of federal funds in the amount of $51,862,000.

In fiscal year 1971, an additional $134,126,000 of eligible projects will be placed under construction with a need of federal funding in the amount of $40,237,800. A total of $92,099,800 of federal funds will be needed in fiscal year 1970 and 1971. Ohio has been allocated $40.8 million in 1970 leaving an additional $51,299,800 necessary in federal funds for fiscal year 1971.

If more detail is needed on listing specific projects, please contact me.

Sincerely,

NED E. WILLIAMS,
Executive Director.

OFFICE OF THE GOVERNOR,
Salem, March 31, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: This is in reply to your request of March 12, 1970, for information on the funding needs for fiscal year 1971 of Oregon's Water Pollution Control Program.

I am enclosing a list of fifty-two projects for fiscal year 1971 representing total costs eligible for grant participation in excess of $60 million. Applications for federal funds under Public Law 84-660 have either already been filed for these projects or will be filed prior to June 1, 1970, with our Department of Environmental Quality. We anticipate a similar requirement for fiscal year 1972.

Under the present formula for distributing P.L. 660 funds to the various states, Oregon's allotment is approximately one percent of the federal appropriation. Even by limiting federal grants to 30% and covering additional projects with state funds, we have immediate needs for our full share of the $1.25 billion authorized for fiscal year 1971.

We will be following with great interest the activities of yourself and other members of Congress in support of funding the full $1.25 billion authorization.

Sincerely,

TOM MCCALL,
Governor.

STATE OF OREGON, DEPARTMENT OF ENVIRONMENTAL QUALITY—AN ESTIMATE OF PUBLIC LAW 660 GRANT REQUIREMENTS FOR FISCAL YEAR 1971

Project	Estimated eligible cost	Estimated grant 30 percent or 33 percent
Arlington	$200,000	$60,000
Astoria	4,908,000	1,619,600
Bay City	262,000	78,600
Bear Creek V.S.A	6,000,000	2,000,000
Brookings	300,000	99,000
Bunker Hill S.D	200,000	66,000
Cloverdale S.D	140,000	42,000
Coos Bay	500,000	165,000
Coos Bay-Empire	200,000	66,000
Coquille	400,000	132,000
Eastside	150,000	49,500
Echo	150,000	49,500
Florence	225,000	74,200
Gardiner S.D	252,000	75,000
Garibaldi	300,000	90,000
Gold Beach	142,000	42,600
Grants Pass	1,850,000	610,500
Gresham	750,000	247,500
Hammond	250,000	82,500
Hillsboro	1,140,000	342,000
Hood River (Indian Cr. Int.)	180,000	54,000

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Project	Estimated eligible cost	Estimated grant 30 percent or 33 percent
Hood River (S.T.P.)	$1,000,000	$330,000
Josephine County (Redwood)	914,000	301,600
Lexington	100,000	30,000
Madras	206,000	67,900
Mosier	50,000	15,000
Mount Vernon	180,000	54,000
Myrtle Point	350,000	105,000
Netarts-Oceanside	350,000	105,000
North Bend	750,000	247,500
Nyssa	250,000	82,500
Pendleton (Mt. Hebron)	75,000	24,700
Philomath	507,000	167,300
Portland S.T.P	13,523,000	4,462,600
Portland (S.T.P. outfall)	1,086,000	358,300
Rockaway	122,000	36,600
Sandy	350,000	115,500
Scappoose	784,000	235,200
Seaside	75,000	24,700
Siletz	90,000	27,000
Silverton	12,000	3,600
St. Helens	2,419,000	798,200
Stayton	180,000	59,400
Sublimity	110,000	36,300
The Dalles	910,000	300,300
Umatilla	200,000	66,000
Unified Sewerage Agency	17,900,000	5,900,000
Vernonia	160,000	48,000
Waldport	200,000	66,000
Wilsonville	400,000	132,000
Woodburn	147,000	48,500
Yachats	218,000	71,900
Total	62,117,000	18,566,000

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, April 6, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

MY DEAR MR. DINGELL: Your letter of March 12, 1970, to Governor Shafer has been referred to me for reply. I am pleased to learn that so many Congressmen have joined in an effort to secure full funding under the Clean Water Restoration Act of 1966 for the fiscal year 1971.

Seventy (70) municipalities have applied for financial assistance from fiscal year 1971 funds. Under our policies, we have ascertained that these are ready to proceed. Based on a total eligible construction cost of $90 million, Pennsylvania would need $49,500,000 in Federal funds for that period. Pennsylvania has also pre-financed the Federal share of grants in the last three years in the amount of $17,890,000, and local government pre-financed $6 million. The total need in Pennsylvania for fiscal year 1971 therefore is $73,390,000.

With the growing concern over the pollution of our environment, I cannot too strongly urge that adequate funding be made available to the states for accelerating the water pollution control program.

If there is any further information needed, please let me know.

Sincerely,
ELLSWORTH R. BROWNELLER, M.D..

STATE OF SOUTH DAKOTA,
Pierre, March 25, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Responding to your inquiry of March 12, there is attached a tabulation of the potential construction grant projects for South Dakota. The estimated grant funds requested are based on a 30 percent grant.

South Dakota is giving consideration to initiation of a State construction grant program and if this is successful the estimated Federal grant funds requested will be approximately double those figures tabulated.

Most sincerely,
FRANK L. FARRAR,
Governor.

POTENTIAL CONSTRUCTION GRANT PROJECTS FOR NEEDED IMPROVEMENTS

Community	Estimated total project cost	Estimated grant funds requested
Arlington	$74,000	$22,200
Alcester	25,000	7,500
Ashton	20,000	6,000
Astoria	44,119	13,235
Aurora	18,000	5,400
Bradley	50,000	15,000
Blunt	34,000	10,200
Carthage	27,000	8,100
Claire City	18,000	5,400
Chamberlain	100,000	30,000
Castlewood	20,000	6,000
Columbia	10,500	3,150
Corona	28,000	8,400
Corson	7,000	2,100
Custer	232,000	69,600
Crooks Sanitary District	21,750	6,525
Dell Rapids	37,000	11,100
DeSmet	69,000	20,700
Dupree	21,000	6,100
Eden	14,000	4,200
Elkton	51,000	15,300
Ethan	67,300	20,190
Egan	60,000	18,000
Gary	34,000	10,200
Garden City	30,000	9,000
Harrisburg	22,000	6,600
Hill City	100,000	30,000
Herreid	37,000	11,100
Hot Springs	674,400	218,400
Hoven	85,930	25,779
Hudson	61,000	18,300
Iroquois	42,000	12,600
Kenstone-Mount Rushmore Sanitary District	1,200,000	360,000
Lead-Deadwood Sanitary District	5,000,000	1,500,000
Lesterville	25,750	7,725
Lewis and Clark Sanitary District	116,000	34,800
Menno	41,000	12,300
Midland	16,000	4,800
Mitchell	139,000	41,700
Mobridge	120,000	36,000
Nisland	22,000	6,600
North Sioux City	124,515	41,090
Oacoma	41,000	12,300
Olivet	15,600	4,700
Pierre	300,000	90,000
Platte	82,600	24,780
Ramona	24,000	7,200
Raymond	30,000	9,000
Spearfish	210,000	63,000
Spearfish Valley Sanitary District	40,000	12,000
St. Lawrence	31,000	9,300
Sioux Falls	950,000	285,000
Timber Lake	31,000	9,300
Trent	25,000	7,500
Vivian	34,200	10,260
Volin	17,500	5,250
Wakonda	26,400	7,920
Waubay	60,000	18,000
Wentworth	30,000	9,000
Wolsey	41,000	12,300
Willow Lake	44,000	13,200
Wessington	58,000	17,400
White	21,000	6,300
Watertown	120,000	36,000
Yankton	400,000	120,000
Custer State Park Stockade Campground	25,000	7,500
Custer State Park Legion Lake	10,000	3,000
Total	11,606,564	3,501,604

TENNESSEE EXECUTIVE CHAMBER,
Nashville, April 9, 1970.

Hon. JOHN D. DINGELL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I appreciate your letter of March 12 in which you request information on the funding needs of the water pollution control and abatement program in Tennessee.

Our Stream Pollution Control Board received 23 applications for fiscal year 1970 grants under the Clean Water Restoration Act of 1966. The eligible cost of thes projects is $70,575,000 and since Tennessee will now provide 25 per cent matching grants for these projects, the 55 per cent Federal grant would be $38,820,000.

Tennessee was allocated $15,815,700 from the $800 million appropriated for fiscal year 1970. We will, therefore, carry forward to the fiscal year 1971 priority list projects with an eligible cost of $41,820,000 that are applying for 55 per cent grants of about $23,000,000.

We will receive the new applications for fiscal year 1971 by April 15, 1970, so the exact number of applications and their eligible cost will not be known until that date. Based on the number of requested forms, we anticipate new applications having an eligible cost exceeding $70,000,000.

A conservative estimate of fiscal year 1971 needs is:

	Eligible cost	55 percent Federal grants
Applications received	$41,820,000	$23,000,000
New applications expected	70,000,000	38,500,000
Total for 1971 fiscal year	111,820,000	61,500,000

We strongly urge full funding of this vital program if we are to have meaningful and orderly progress in our fight against water pollution.

Thank you for your efforts on behalf of this important legislation.

Sincerely,
BUFORD ELLINGTON.

STATE OF WASHINGTON,
Olympia, March 27, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: Thank you for your inquiry of March 12, 1970 concerning Washington state's anticipated construction grant program needs for Fiscal Year 1971.

Washington has established water quality standards for interstate, intrastate and coastal waters. In addition, the Water Pollution Control Commission has established a plan of implementation and enforcement which sets forth construction necessary to implement those water quality standards and construction schedules.

Exhibit A, attached, lists those projects which will be eligible for a construction grant during Fiscal Year 1971 and cost projections of those projects. Exhibit B specifically lists those projects which are necessary to be constructed in Fiscal Year 1971 to implement adopted water quality standards.

With a participation rate of 30% of eligible construction costs, it is projected that Washington State's construction grant program funding needs will be approximately $19,725,750. An appropriation of $800 million to the Construction Grants Program would find the State of Washington at a level of $12.5 million. The full appropriation of $1.25 billion would fund the state at a level of $19.5 million. The full appropriation is needed to continue to implement the adopted federal and state water quality standards. In any event I heartily support a continuing resolution for $800 million to be issued in June 1970 to preclude unanticipated delays in funding needed for eligible projects.

Should further information be requested, please contact this office at your convenience.

Sincerely,
DANIEL J. EVANS,
Governor.

EXHIBIT A
WASHINGTON STATE GRANT ELIGIBLE PROJECTS ANTICIPATED

Total cost for project—Fiscal year 1971, Public Law 84–660

Projects necessary to implement water quality standards [1]	$37,957,500
Metro	13,530,000
Vancouver	4,265,000
Other anticipated projects	10,000,000
Total	65,752,500

[1] Listed in Exhibit B.

Grant impact based on 30% participation: $19,725,750.

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EXHIBIT B

WASHINGTON STATE GRANT ELIGIBLE PROJECTS—FISCAL YEAR 1971

Total eligible costs for projects required for compliance with water quality standards—Public Law 84-660

City of Bellingham	$13,038,000
Blaine	55,000
Burlington	150,000
Anacortes	267,900
Annapolis S. D.	60,000
Coupeville	29,800
Edmonds	944,500
Kitsap County S. D. No. 6	295,000
Marysville	15,000
Mukilteo	51,300
Skagit County S. D. No. 1	80,000
Snohomish	75,600
Stanwood	25,000
Rainier Vista S. D.	1,000,000
Aberdeen	1,230,400
Cosmopolis	43,500
Hoquiam	50,000
Port of Vancouver	1,000,000
Okanogan	5,000
Palouse	5,000
Bremerton	1,410,800
Burlington	109,300
Concrete	414,000
Langley	18,750
Mt. Vernon	252,400
Sedro Woolley	160,000
Suquamish	340,000
Winslow	112,700
Seattle	1,000,000
Vashon Island, S.D.	47,000
Gig Harbor	1,700,000
Olympia	940,000
Tacoma No. 1	1,600,000
Raymond	69,600
South Bend	5,100
Toledo	5,000
Vader	2,000
Winlock	5,000
White Salmon	115,000
Asotin	69,000
Cashmere	5,000
Chelan	5,000
Deer Park	5,000
Ephrata	10,000
Lakeland Village	5,000
Oroville	165,000
Pullman	10,000
Tonasket	30,000
Sumas	69,000
Lynden	106,200
Poulsbo	86,500
Seattle City Light	74,000
Auburn	3,250,000
Montesano	974,000
Sumner	117,300
Battleground	5,000
Centralia	134,900
Morton	92,000
Pe Ell	270,000
Cle Elum	20,000
Goldendale	10,000
Grandview	153,000
Kennewick	575,000
Naches	23,250
Prosser (Dom.)	5,000
Roslyn	69,000
Selah	205,000
Sunnyside	250,000
Terrace Heights, S.D.	85,000
Small Suburbs	50,000
Spokane	4,146,700
Wilbur	155,000
Total	37,957,500

Grant impact based on 30% participation: $11,387,250.

STATE OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Charleston, April 21, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: We in the areas of State government share your concern with the possibility of a loss in momentum in the construction program for municipal waste water treatment facilities. Since the implementation programs provided to the Interior Department by the States is based on a Federally assisted construction program, it is of utmost importance that the funding be carried out at a rate that will expedite construction of waste water treatment plants.

The State of West Virginia has special concern in its program in that while West Virginia is the only State located totally within Appalachia, it is governed by the same criteria in the construction grants program as all other States in the Union. This fact, coupled with the fact that all of our larger towns have provided treatment facilities, leaves the State with the task of providing treatment for its smaller towns and villages ranging from 100 to 2,000 in population. For this reason I am seriously concerned with the funding capabilities of these areas and intend to request that West Virginia be allowed to increase its matching rate under Public Law 660 to 50 percent of the eligible costs. We request no additional funds, but would request the increase in the matching aspect so as to lower the local burden to these small communities.

The opportunity to comment on this most important matter is appreciated.

Sincerely,

ARCH A. MOORE, Jr.,
Governor.

THE STATE OF WISCONSIN,
EXECUTIVE OFFICE,
Madison, March 30, 1970.

Hon. JOHN D. DINGELL,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. DINGELL: I have frequently expressed my displeasure over the failure of the Congress to match the authorizations of the Clean Water Restoration Act of 1966 with the necessary appropriations.

While the $800 million construction grant program approved in Fiscal Year 1970 was extremely helpful, it may still be inadequate to meet Wisconsin's needs.

Officials of the Wisconsin Department of Natural Resources inform me that unless the $17,130,900 allocation to Wisconsin for 1970 is increased in 1971, as many as 50 pollution abatement projects which are now preparing to proceed to construction will lack federal funding.

This becomes especially critical since Wisconsin has undertaken a state bonding program to ensure that state commitments to the pollution abatement program will be met. While we have built a feature into our law which will permit state advances of federal funds, we are extremely hesitant about utilizing this method in the face of a possibility that the reimbursement provisions may be stricken from the federal program.

My office has not received sufficient explanation of the Administration's current financing proposal to evaluate its impact on the Wisconsin program. I would be extremely concerned, however, if the federal program were to be changed—or short-changed—in any way which would upset the momentum which has finally been achieved in this vital environmental protection effort.

WARREN P. KNOWLES,
Governor.

WYOMING EXECUTIVE DEPARTMENT,
CHEYENNE, *March 27, 1970.*

Hon. JOHN D. DINGELL,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: This is in followup to our letter of March 19 with the information that you requested relative to the Clean Water Restoration Act of 1966.

The construction grant funds provided to the State of Wyoming under P.L. 660 and amendments have been entirely adequate to meet the needs of the state. The annual amounts available to the state since the passage of P.L. 660 have varied from $440,375 in FY 1957 to $2,240,300 for FY 1970. Only in FY 1957 were all of the available funds utilized. In all other years we have had surplus funds returned to the federal agency.

Since the inception of this program in FY 1957, this department has processed 78 applications for construction grants. As of November 1969, 64 projects were completed or under construction, having a total eligible cost of $7,975,748 and involved federal participation to the amount of $2,389,710.

Best wishes.

Sincerely,

JACK SPEIGHT,
Administrative Assistant.

THE VIRGIN ISLANDS OF
THE UNITED STATES,
Charlotte Amalie, St. Thomas,
March 24, 1970.

Hon. JOHN D. DINGELL,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am writing in reply to your letter of March 12, 1970, concerning the funding needs of the water pollution control and abatement program of the Virgin Islands.

You may be interested to know that I have secured the services of Professor Morton S. Hilbert who is a resident of Dearborn, Michigan, and Chairman of the Department of Environmental and Industrial Health at the University of Michigan in Ann Arbor. For a period of six months, Professor Hilbert is devoting his efforts to assist me in securing widespread environmental improvements in the Virgin Islands. One of his major assignments is to expedite the program of pollution control which I feel is so vitally important to the health and economy of our people.

We have a current plan for eliminating harbor and beach pollution on the island of St. Thomas which should be ready to go on bid in June of 1970. The cost of this program is estimated at $3,517,000.

We also have a plan for the island of St. Croix which will provide a sewerage system and eliminate current pollution problems and should be ready for bid by September of 1970 at an estimated cost of $3,276,000.

In the past week, we have submitted an application to the Water Pollution Control Agency for planning the elimination of pollution in Cruz Bay, St. John. The estimated cost of this corrective program is in the neighborhood of $200,000.

We have developed plans for pollution control over a five-year period for the three U.S. Virgin Islands which have estimated costs as follows:

1971	$4,074,000
1972	3,123,000
1973	3,294,000
1974	2,934,000
1975	2,814,000

Although our islands are relatively small, we have a tremendously large tourist business attracting over a million tourists each year. The islands are growing at a rate which exceeds all other parts of the nation.

It is important that we take immediate action to correct existing pollution problems and that we provide adequate facilities to handle the rapidly expanding development so that we may prevent pollution problems of the future.

I wish to express my appreciation for your interest in the problems of pollution, and I will be happy to be of every possible assistance to you and your Committee in this important area of governmental concern.

Sincerely,

MELVIN H. EVANS,
Governor.

IT IS TIME FOR AMERICA TO ACT IN THE MIDDLE EAST

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, since March, the United States has silently watched the series of escalatory steps that have taken place in the Middle East. No sooner did President Nixon and Secretary of State William Rogers announce that the United States would not be selling the promised Phantoms and Hawks to Israel, then there was the public announcement of the movement of Soviet troops and Sam III missiles into Egypt.

Last week, the situation reached crisis proportion with the entrance of Soviet pilots into an active role against Israel. The ominous signs have then become reality. A new and dangerous level has been reached in the Middle East and immediate American reaction is required.

On April 2, 1970, there were reports that Russian pilots flying for Egypt had been shot down. It has taken the United States a full month to react to the new situation.

The outpouring of American foreign policy these days seems quite like the patient whose knee is hit to test his reflexes. It is said that the foreign policy of this Nation seems little more than a series of reflex actions with little, if any, thought involved. Also, in this case, the patient seems to be rather spastic; he is responding at the wrong time and with the wrong reaction.

Somewhere, a nerve of the Nixon administration was tapped, and it responded with thousands of troops and air support in Cambodia without even informing that government of its decision.

Our past mistakes in Southeast Asia have made curiously little impression on the patient. It is as if the events of past 5 years have made absolutely no impression. Rather, the United States seems intent upon making the same costly mistakes as it did in 1965.

Yet, when the series of Russian advances in the Middle East were learned about, the United States acted as if it had been anesthetized—there was no reaction at all.

Israel is not asking for American men. Rather, as a proven and loyal ally of the United States in the Middle East, she is asking only that the United States sell her the arms she was promised. America sells billions of dollars in arms each year to nations throughout the globe. Yet, she has refused Israel.

Israel's demonstrated strength and capability can again be built up and can be used as a proxy for American strength in that area. The Russians are supplying arms and men in an effort to engage Israel in a war of attrition; yet, all Israel asks is the right to defend herself and the right to exist as a free and democratic state.

Israel's supply of arms and men is growing smaller daily; many of the planes she flies are archaic and outdated. The promise of American planes brought new hope that she might effectively defend and protect her security. But, instead the United States has adopted the policy of watchful waiting; we have watched the other side become increasingly strong and capable, and we have waited with any decision. Time is fading quickly, and a decision is called for.

Israel cannot protect her hard-won independence if she is refused again. She is asking for equipment and nothing more. Russia has taken direct advantage of American indecisiveness in this area.

In 1968, Mr. Nixon said:

> We support Israel because it is threatened by Soviet Imperialism and we support Israel because it offers hope in the Middle East. . . . Israel cannot lose even once.

Mr. Speaker, these words ring truer today than they ever did before. It is therefore time for the United States to act and to sell Israel the promised jets.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Yatron (at the request of Mr. McCormack), on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Ruth) to revise and extend their remarks and include extraneous material:)

Mr. Halpern for 5 minutes, today.

Mr. Schwengel, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Meeds and to include extraneous matter.

(The following Members (at the request of Mr. Ruth) and to include extraneous material:)

Mr. Broyhill of Virginia in two instances.

Mr. Burton of Utah in five instances.

Mr. Bush in five instances.

Mr. Arends.

Mr. Miller of Ohio in three instances.

Mr. Wyman in two instances.

Mr. Ashbrook in two instances.

Mr. Duncan.

Mr. Gubser in two instances.

Mr. Michel in two instances.

Mr. Hosmer in two instances.

Mr. Derwinski in two instances.

Mr. Zwach.

Mr. Steiger of Wisconsin.

Mr. Hogan.

(The following Members (at the request of Mr. Burlison of Missouri) and to include extraneous material:)

Mr. Pucinski in six instances.

Mr. Jacobs.

Mr. Kyros.

Mr. Eilberg.

Mr. Moss in two instances.

Mr. Dingell in two instances.

Mr. Nix.

Mr. Bingham.

Mr. Moorhead in six instances.

Mr. Thompson of New Jersey in two instances.

Mr. Minish.

Mr. Hawkins in three instances.

Mr. Anderson of California.

Mr. Wolff in six instances.

Mr. Griffin in two instances.

Mr. Patten.

Mr. Rarick.

Mr. Downing.

ADJOURNMENT

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 6, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2018. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification has been made of the lands in the Manson unit, Chelan division, Chief Joseph Dam project, Wash., and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to the provisions of Public Law 172, 83d Congress; to the Committee on Appropriations.

2019. A letter from the Secretary of Transportation, transmitting a report on the status of the Northeast Corridor Transportation project; to the Committee on Interstate and Foreign Commerce.

2020. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on grants for basic scientific research made by the Department of Defense to nonprofit institutions during calendar year 1969, pursuant to the provisions of Public Law 85–934; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS: Committee of Conference. Conference report on H.R. 14705 (Rept. No. 91–1037). Ordered to be printed.

Mr. CELLER: Committee on the Judiciary. H.R. 5981. A bill to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida (Rept. No. 91–1038). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House resolution 969. Resolution for consideration of House Joint Resolution 746, to amend the joint resolution authorizing appropriations for the payments by the United States of its share of the expenses of the Pan American Institute of Geography and History. (Rept. No. 91–1051). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 970. Resolution for consideration of Senate Joint Resolution 88, to create a commission to study the bankruptcy laws of the United States. (Rept. No. 91–1052). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 971. Resolution for consideration of House Resolution 796, amending the Rules of the House of Representatives relating to financial disclosure. (Rept. No. 91–1053). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 972. Resolution for consideration of H.R. 17399, making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes. (Rept. No. 91–1054). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DONOHUE: Committee on the Judiciary. H.R. 8573. A bill for the relief of Mrs. Margaret M. McNellis; with amendments (Rept. No. 91–1039). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 10534. A bill for the relief of Atkinson, Haserick and Co., Inc. (Rept. No. 91–1040). Referred to the Committee of the Whole House.

Mr. MANN: Committee on Judiciary. H.R. 12128. A bill for the relief of William Heidman, Jr., with an amendment (Rept. No. 91–1041). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 12173. A bill for the relief of Mrs. Francine M. Welch; with amendments (Rept. No. 91–1042). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 12621. A bill for the relief of Lt. Robert L. Scanlon (Rept. No. 91–1043). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 13676. A bill for the relief of certain retired officers of the Army, Navy, and Air Force; with amendments (Rept. No. 91–1044). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 13807. A bill for the relief of Claude G. Hansen; with amendments (Rept. No. 91–1045). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 13810. A bill for the relief of Lt. Col. Robert L. Poehlein; with an amendment (Rept. No. 91–1046). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 14619. A bill for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired); with an amendment (Rept. No. 91–1047). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 16997. A bill for the relief of Colie Lance Johnson, Jr. (Rept. No. 91–1048). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior (Rept. No. 91–1049). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 1786. An act for the relief of James Harry Martin (Rept. No. 91–1050). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By **Mr. ADDABBO**:

H.R. 17432. A bill to assist small business and persons engaged in small business by allowing a deduction, for Federal income tax purposes, for additional investment in depreciable assets, inventory, and accounts receivable; to the Committee on Ways and Means.

By **Mr. ANDREWS** of North Dakota:

H.R. 17433. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By **Mr. ASPINALL**:

H.R. 17434. A bill to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes; to the Committee on Interior and Insular Affairs.

By **Mr. BLATNIK**:

H.R. 17435. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By **Mr. DINGELL** (for himself, Mr. Blatnik, Mr. Feighan, Mr. Karth, Mr. McCloskey, Mr. Moss, Mr. Nedzi, Mr. Pelly, Mr. Reuss, Mr. Rogers of Florida, Mr. Saylor, and Mr. Vanik):

H.R. 17436. A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data Bank; to the Committee on Merchant Marine and Fisheries.

By **Mr. FARBSTEIN** (for himself and Mr. Roe):

H.R. 17437. A bill to amend the National Emission Standards Act to provide for the elimination of automotive air pollution; to the Committee on Interstate and Foreign Commerce.

H.R. 17438. A bill to impose an excise tax on automobiles based on their horsepower and emission of pollutants, for the purpose of financing programs for research in, and Federal procurement of, low-emission vehicles; to the Committee on Ways and Means.

H.R. 17439. A bill to permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by such State in purchasing low-emission vehicles; to the Committee on Public Works.

By **Mr. GRAY**:

H.R. 17440. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and means.

By **Mr. HARRINGTON** (for himself, Mr. Burton of California, Mr. Button, Mr. Conyers, Mr. Eilberg, Mr. Hechler of West Virginia, Mr. Kastenmeier, Mr. Mikva, Mr. Moss, Mr. Ottinger, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Shipley, Mr. Stokes, Mr. Tunney, and Mr. Waldie):

H.R. 17441. A bill to amend the Foreign Military Sales Act; to the Committee on Foreign Affairs.

By **Mr. LOWENSTEIN** (for himself, Mr. Addabbo, Mr. Brown of California, Mrs. Chisholm, Mr. Culver, Mr. Diggs, Mr. Edwards of California, Mr. Farbstein, Mr. Halpern, Mr. Harrington, Mr. Leggett, Mr. Mikva, Mr. Moorhead, Mr. Pollock, Mr. Powell, Mr. Rees, Mr. Rosenthal, and Mr. Scheuer):

H.R. 17442. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to improve the judicial administration of State criminal courts, and for other purposes; to the Committee on the Judiciary.

By **Mr. MATSUNAGA**:

H.R. 17443. A bill to repeal section 5532 of title 5, United States Code, relating to reductions in the retired or retirement pay of retired officers of regular components of the uniformed services who are employed in civilian offices or positions in the Government of the United States; to the Committee on Post Office and Civil Service.

By **Mr. MELCHER**:

H.R. 17444. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture.

By **Mr. PODELL** (for himself, Mr. Aspinall, and Mr. McCarthy):

H.R. 17445. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By **Mr. RANDALL**:

H.R. 17446. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By **Mr. ROYBAL**:

H.R. 17447. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By **Mr. SCHEUER**:

H.R. 17448. A bill to amend the United States Housing Act of 1937 to provide for grants to local public housing agencies to assist in financing security arrangements designed to prevent crimes and otherwise insure the safety and well-being of low-rent housing tenants; to the Committee on Banking and Currency.

By **Mr. SHIPLEY**:

H.R. 17449. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By **Mr. SLACK**:

H.R. 17450. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By **Mr. WHALLEY**:

H.R. 17451. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By **Mr. WOLFF**:

H.R. 17452. A bill to authorize the emergency issuance of 2,000 special immigrant visas to nationals of Ireland; to the Committee on the Judiciary.

By **Mr. McCARTHY**:

H.J. Res. 1210. Joint resolution declaring that a state of war exists between the Democratic Republic of Vietnam (North Vietnam) and the United States; to the Committee on Foreign Affairs.

By **Mr. MacGREGOR**:

H.J. Res. 1211. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By **Mr. TAYLOR** (for himself and Mr. Melcher):

H.J. Res. 1212. Joint resolution proposing an amendment to the Constittuion of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By **Mr. TUNNEY** (for himself and Mr. Rees):

H.J. Res. 1213. Joint resolution rescinding and prohibiting appropriations and contract authorizations for military operations in Cambodia; to the Committee on Appropriations.

By **Mr. WHALLEY**:

H.J. Res. 1214. Joint resolution to provide for the designation of the second week of

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May of each year as "National School Safety Patrol Week"; to the Committee on the Judiciary.

By Mr. LOWENSTEIN (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. BINGHAM, Mrs. CHISHOLM, Mr. DIGGS, Mr. EDWARDS of California, Mr. FARBSTEIN, Mr. HALPERN, Mr. HARRINGTON, Mr. LEGGETT, Mr. MIKVA, Mr. MOORHEAD, Mr. POLLOCK, Mr. POWELL, Mr. REES, Mr. REID of New York, and Mr. ROSENTHAL):

H. Con. Res. 593. Concurrent resolution; State of the Federal Judiciary Address; to the Committee on the Judiciary.

By Mr. PEPPER:

H. Con. Res. 594. Concurrent resolution expressing the sense of the Congress in opposition to the high interest rate policy; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LOWENSTEIN introduced a bill (H.R. 17453) for the relief of Seikan Hasegawa also known as Katsumi Hasegawa, which was referred; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 or rule XXII,

377. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to retention of the existing ticket tax exemption afforded State and local employees traveling on official business, which was referred; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

472. The SPEAKER presented a petition of the 32d Convention of the International Good Neighbor Council, Monterey, N.L., Mexico, relative to the United States-Mexico border industrialization program, which was referred; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

AL DERR: HE DID IT HIS OWN WAY

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, May 5, 1970

Mr. CHURCH. Mr. President, on April 1, a remarkable individual—Alfred M. Derr—died in Boise. Mr. Derr, the Democratic candidate for Governor of Idaho in 1958, was an educator, farmer, and distinguished public servant throughout his long and varied career.

In this month's edition of the Idaho Democrat of Boise, Al's character was well summed up in these words:

> Whatever Al Derr did was motivated from a firm inner conviction of what he believed was right regardless of any pressures that might be put upon him from the outside.

Al Derr was a fine man, and my State is the poorer for his loss.

I ask unanimous consent that the editorial from the Idaho Democrat be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Idaho Democrat, Apr. 1970]

HE DID IT HIS WAY

When the song "I Did It My Way" was sung for Alfred M. Derr, who died in Boise on April 1, it gave the key note to the character of a man who came closest to winning the governorship of Idaho on the Democratic ticket in recent years.

What ever Al Derr did was motivated from a firm inner conviction of what he believed was right regardless of any pressures that might be put upon him from the outside.

Al was born in the classic background, of those of pioneer stock, in a log cabin in Clark's Fork 66 years ago. He was educated in public schools and received his bachelor's degree from the University of Idaho in 1925.

When he returned back to his home in Idaho's far north, he developed his farm and worked nights at a Clark's Fork mine as assayer and mill superintendent. Later he became science instructor at the former Farragut College. Later he became interested in the sawmill and logging business.

In all of these actiivties Derr showed striking individuality in his approach. This became more apparent when he entered politics in 1937 to be elected state senator from Bonner County. He served five terms.

After he lost the governorship in 1958 he returned to his greatest interest, that of teaching. In 1966 he retired from this profession because of ill health and moved to Boise with his devoted wife and friend Hattie, a distinguished Idaho Democrat, who served as State Senator and State Receptionist. She survives him as do his three sons, Navy Cmdr. John P. Derr, Norfolk, Va.; Allen R. Derr and James Derr, Boise attorneys, and two daughters, Mrs. Elmer Shields of Clark's Fork, and Mrs. Janie Betts, Weiser.

Al Derr did it his way and it was a good way.

ESCALATION IN SOUTHEAST ASIA

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. COHELAN. Mr. Speaker, as the Nation is subject to the startling disclosures of the resumption of the bombing above the DMZ, the actions of the Nixon administration form a painfully familiar pattern: Search and destroy, cut off supplies, and bomb in an attempt to force Hanoi to negotiate. A person does not have to believe in historical determinism to see the fallacious assumptions underlying these decisions. This latest escalation has driven the United States further into the Vietnam quagmire. It has confirmed my deepest fears: Behind all the talk about Vietnamization, the desire for an American victory will dictate the President's actions.

Two recent articles, "Further Into the Quagmire," by Tom Wicker, and "Cambodia a Trap Nixon Evaded in 1967" by Josiah Lee Auspitz illustrate some of my concerns on this latest turn of events in Southeast Asia. I insert these articles into the Record at this point. I recommend the reading of these articles to my colleagues and the readers of the Record:

[From the New York Times, May 3, 1970]

IN THE NATION: FURTHER INTO THE QUAGMIRE

(By Tom Wicker)

WASHINGTON.—The invasion of Cambodia ordered by President Nixon makes it clear that he does not have and never has had a "plan to end the war." For this is another of those escalations of the Southeast Asian war that in every previous case had to be extended further than expected and still accomplished nothing.

Every such escalation by three Presidents has succeeded only in sucking the United States further into the quagmire, and all of them notably the bombing of the North—have had to be abandoned; what, in fact, is the President's so-called Vietnamization policy, if it is taken at face value, but the slowest and most reluctant form of abandonment of Lyndon Johnson's military build-up?

CAMBODIAN SANCTUARIES

Since the Cambodian sanctuaries have existed for five years, for instance, it has to be asked why their strategic importance was not assessed before the Vietnamization policy was launched. These sanctuaries become the kind of wholesale, threat to American lives upon which Mr. Nixon insisted—if they do at all—only as overwhelming American troop strength declines through piecemeal withdrawals. Vietnamization, therefore, so far from being "a plan to end the war," bore within itself, from the start, the seeds of this escalation.

Even Mr. Nixon's description of the escalation as a temporary and limited effort is refuted by his own testimony. He described North Vietnam as being now engaged in "invading" Cambodia and said that if the attack succeeded "Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier." If such an invasion is in fact taking place, and if its success would pose the stated threat, then a quick one-shot sweep through the border sanctuaries would hardly prove a sufficient defense.

Nothing, moreover, distinguishes these new search-and-destroy sweeps into Cambodia from all the other bloody, useless, innumerable search-and-destroy sweeps of this war—into the Ashau Valley, the Iron Triangle, the demilitarized zone, into all those other "strongholds" from which the Vietcong and the North Vietnamese have been so often swept, only to reappear still fighting when the "victorious" Americans have departed brandishing their inflated body counts. Such a bitter history gives scant assurance that even if the invaders sweep through the Cambodian sanctuaries in a few weeks the sanctuaries will stay swept, the Americans will be able to go away for good, and the troop withdrawals can proceed undisturbed.

It is implicit in Mr. Nixon's remarks, therefore, and despite his references to Cambodia's alleged neutrality, that a great deal more may be involved than a quick, effective thrust—that, in fact, the tottering Cambodian regime of Lon Nol, like the South Vietnamese regime of Nguyen Van Thieu, is now being sustained on the battlefield by American troops, since neither could long sustain itself without them.

Why, then, did Mr. Nixon take such a fateful step and explain it with such cunning words and inverted logic (reminiscent of President Johnson) as, "We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Vietnam and winning the just peace we all desire"?

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TACTICS AND AIMS

The answer can only be that he has no "plan to end the war," much less win the peace, that Vietnamization by itself is not and cannot be such a plan, and that in the end Mr. Nixon like Mr. Johnson before him is pursuing the bloody chimera of striking one final overpowering military blow that will drive the North Vietnamese to their knees and thence to the conference table. The one President sent a half-million troops and fleets of bombers; the other has invaded the sanctuaries; the tactics are different but the aim is the same.

White House propagandists also insist that Mr. Nixon needed to make a show of strength in the world, lest the United States be thought to have gone soft. This sounds like typical White House thinking. It was much the same reasoning that led President Kennedy in 1961, after the Berlin Wall had gone up and he had been bullied by Premier Krushchev at Vienna, to increase the American commitment in Vietnam; and the same sort of considerations later contributed heavily to the decision of Lyndon Johnson, a new President elected in a peace campaign, to begin the bombing of the North.

But whatever his motives and his policy, Mr. Nixon relied heavily, in his appearance before the nation, on deception, demagoguery and chauvinism. It was misleading to fail even to mention that the Cambodian Government had recently been overthrown by a right-wing military regime, whose action led to the fighting and the atrocities in Cambodia; to speak of American respect for Cambodian neutrality as if Cambodia had not refused diplomatic relations with the United States for years; and to repeat the exaggeration first put forward in the Nov. 3 speech that "slaughter and savagery" followed the Communist takeover of North Vietnam in 1954.

It was cruel to play upon the hopes of American parents by saying that the war must be expanded to spare their younger sons not yet drafted and butchered in Vietnam. For how can that, or "a world of peace and freedom," be squared with fighting to avoid "humiliation," with making war in order not to be seen as a "pitiful, helpless giant," with the sheer jingoism of refusing absolutely "to see this nation accept the first defeat in its proud 190-year history"?

[From the Washington Post, May 3, 1970]

Cambodia a Trap Nixon Evaded in 1967

(By Joseph Lee Auspitz)

(Editor's note.—Auspitz is president of the Ripon Society, a Republican research and policy group with chapters in 11 cities.)

The contingency plan which President Nixon has now dusted off for a massive search-and-destroy mission into Cambodia is similar to those which he opposed courageously and publicly in November, 1967.

At that time, Gens. Dwight D. Eisenhower and Omar Bradley, on nationwide television, advised hot pursuit and an "end run" on Communist forces beyond the borders of South Vietnam. Within 24 hours, Mr. Nixon responded in careful but unmistakable language, dissociating himself from this suggestion.

An expansion of the war, he said, was not advisable at that time.

He was right in the fall of 1967, and the Ripon Society praised him for helping to prevent a possible escalation of the war, even at the price of differing with Ike. He is wrong to embrace this plan now, and the manner in which he has made his decision suggests that he is in danger of falling into the same kind of bureaucratic trap that caught President Kennedy in the Bay of Pigs and enmeshed Lyndon Johnson in Vietnam.

UNDERESTIMATED FACTORS

The decision to go into Cambodia was doubtless presented to the President as a low-risk venture, as a quick surgical operation. American troops would clean out North Vietnamese base camps and then use this victory to gain a quick and favorable negotiated settlement.

But such a view of the Cambodian operation gives scant attention to the nature of the terrain, the problems of information flow into the White House, the implications for the Vietnamization program, the likely responses of other actors in Indochina, the global implications for American foreign policy and the consequences for American political institutions.

Mr. Nixon appears not to have considered these factors adequately. As a result, he has for the first time put himself in a position—which he can still reverse—in which he is the victim rather than the commander of his foreign policy bureaucracy.

1. The nature of the terrain: On the simple maps Mr. Nixon used in his talk, the operation looks very easy, but in fact the terrain is heavily overgrown. The area north of the Parrot's Beak is forest on both sides of the border.

The Communist headquarters (COSVN) that U.S. troops are seeking to destroy has in the past been moved around on both sides of the border between Cambodia and South Vietnam. When COSVN was thought to be located on the Vietnamese side, it was subjected to B-52 raids and major ground sweeps, but it was not destroyed. If U.S. operations were not decisive on the South Vietnamese side of the border, there is no reason to assume they will be more successful in finding the camps on the equally overgrown Cambodian side.

Even if the sweeps do succeed in producing high "body counts," they probably will not achieve their basic goal of improving permanently the American negotiating position. Suppose, for example, that U.S. forces succeed in killing half the top 100 officers of the North Vietnamese army. Communist activities would no doubt be disrupted for a time, but a disruption of a few months will not change decisively the aims or capabilities of a 25-year-old Communist organization bent on unifying Indochina.

2. Information flow: It is doubtful whether the President can get an independent estimate even of the success of the military operation. There will be scant press reports. The military reports will inevitably be biased by the high political risk to the President in undertaking this operation.

If the operation "fails," those who planned it can expect demotion, dismissal or retirement. Their response, if it follows human nature, will be to report success wherever possible and to find pretexts to get more time and resources if the results are inconclusive.

Press reports suggest that the Cambodian operation will be given six to eight weeks to succeed. By eight weeks at the latest, therefore, the President should abandon this operation—either as a success or a failure. An inconclusive result should be judged a failure, and he should take steps to assure himself of the accuracy of the information on which to base such a judgment.

3. Vietnamization: The areas adjacent to Cambodia (the Mekong Delta and Saigon) which the President now wants to protect have already been turned over to the South Vietnamese for defense. Indeed, the defense of the delta and Saigon by ARVN (the South Vietnamese army) has been publicly hailed by the administration as a sign of success of the Vietnamization program.

It is a contradiction of these past claims to suggest, as the President has, that the lives of American troops are potentially in danger in these "Vietnamized" areas. If ARVN is strong enough to mount an attack across the border, it should be strong enough to defend the Mekong Delta and Saigon.

The U.S. public can only conclude either that it has been misled about the success of the Vietnamization program or that it is being misled now about the reasons for the Cambodian operation.

4. Possibilities of wider involvement: The risk of an all-Indochinese war is reduced by Mr. Nixon's unfortunate willingness to assume the far greater risk of nuclear confrontation. But should a wider land war develop, the roles played by Thailand, Red China and North Vietnam will be crucial.

The Thais: On April 21, the Thai premier announced that troops had been moved into position along the Thai-Cambodian border for "security" reasons. This suggests possible Thai occupation of the parts of Cambodia on which Thailand has a traditional claim, as well as Thai involvement in the lowlands of Laos, whose inhabitants are ethnically Thai.

The Chinese: They are building a road from Yunnan Province through northwestern Laos into Burma to give them an outlet to the sea for the export of raw materials. Should Thai or North Vietnamese armies move into this area, the Chinese might well occupy the territory needed to secure their road.

The North Vietnamese: Within the Nixon administration, two contradictory arguments seem to have been used to justify the Cambodian venture. On the one hand, it was argued that the North Vietnamese would be too weak to counterattack; on the other hand, it was asserted that Hanoi's forces were so strong that failure to move into Cambodia would lead to a rout of U.S. forces as they withdrew.

Both of these contradictory assumptions can be found in the President's address, and they give one an uneasy feeling of unclear purpose.

In fact, the North Vietnamese have a number of possible responses to the U.S. operation. They can take Phnom Penh; they can simply try to elude the Americans in the overgrown Cambodian terrain with which they are more familiar, or they can counterattack in areas of South Vietnam from which U.S. mobile units have been removed to free troops for the Cambodian operation.

The President's dark hints at the end of his speech about past crises in American military history suggest that he is planning to respond to North Vietnamese counterattacks by threatening a nuclear confrontation or a full-scale bombing of North Vietnamese cities, harbors and dikes. Should the Cambodian operation turn into a Bay of Pigs, Mr. Nixon may be drawn into a nuclear confrontation like that of the Cuban missile crisis ("Kennedy's . . . finest hour," the President called it).

5. Consequences for American democracy: Secretary of State Rogers had publicly assured the Senate Foreign Relations Committee that he would consult with it before any new commitment of American forces. He did, indeed, appear before that committee last Monday, but he gave it no clear notice of the ARVN invasion of Cambodia on Wednesday or the American search-and-destroy operation Thursday. He thus showed a serious disregard for the prerogatives of elected officials and for constitutional procedures.

Even if the Cambodian operation is "successful," it may subject Mr. Nixon to such bitterness that the Republican leadership will have to be extraordinarily resourceful to avert a permanent breach between the Executive and Legislative Branches.

6. The global perspective: The overriding defect in the President's three speeches on

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Vietnam was that they failed to put the war into clear perspective in the global context of U.S. foreign policy. The President has perpetuated the notion that the United States and Hanoi are engaged in a contest of will and bluff—in a poker game—and that if Washington appears to lose, its commitments everywhere in the world will be in jeopardy.

In fact, the United States is engaged not in a poker game, but a chess game. Its major adversary is not Hanoi, but Moscow; North Vietnam is but a corner of the board. And while American resources and attention are occupied there, Moscow is able to pick up pieces in the Middle East, Africa, Europe and Japan.

UNDERSTATED LIMITS

The only way President Nixon can regain control over this situation is to impose strict limits on the incursion into Cambodia. White House briefings have defended the operation as focused on a target within 20 miles of the border—one which can be captured or destroyed within six to eight weeks.

But these specific limitations were not in the President's speech, nor, to all appearances, have they been made operational in orders to the military. Nor have they been made credible to foreign powers capable of widening the war.

This gamble has got to be sharply defined and limited, and its results coldly evaluated over the next eight weeks. If the President doesn't do this, the Congress should.

A COMMENDABLE ANTITRUST OPINION

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 5, 1970

Mr. METCALF. Mr. President, national attention is finally focusing on major monopoly activities in which the electric utility industry engaged, unchecked, for decades. We see, for example, the Justice Department moving with an antitrust suit against Otter Tail Power Co.; Senate hearings on electric utility monopoly begin in May before Senator HART's Subcommittee on Antitrust and Monopoly.

There is action in the courts, too. One recent decision involving Washington Gas Light Co.'s suit against Virginia Electric & Power stands out as a landmark decision.

This case involved payoffs to builders by Vepco to monopolize the area market for heating, air conditioning, refrigeration, and other household utility services.

Many Senators will remember the hearings held during the 90th Congress by Representative DINGELL's Select Committee on Small Business on the promotional practices by public utilities. These hearings documented widespread "payola" expenditures by major electric utilities.

It is encouraging to see a court move to curb the abuse of monopoly privilege. I ask unanimous consent to have printed in the RECORD the memorandum opinion and final judgment of Judge Oren R. Lewis, of the U.S. district court for the eastern district of Virginia, handed down on January 30, 1970.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA DIVISION

Washington Gas Light Co., Plaintiff, *v.* Virginia Electric & Power Co., Defendant, Civil Action No. 4544.

MEMORANDUM OPINION

The Washington Gas Light Company, hereinafter called the Gas Company, brought this private antitrust suit against Virginia Electric and Power Company, hereinafter referred to as Vepco, for injunctive relief treble damages.

The issues were severed. This phase of the hearing was limited to the determination of damages.

The Gas Company claims Vepco's underground electric service plans, as first adopted August 7, 1963, violates both the Sherman and Clayton Anti-Trust Acts.

Both companies are public utilities engaged in interstate activities. The Gas Company is the sole supplier of natural gas and Vepco is the sole supplier of electricity in certain parts of Virginia. Their respective franchises overlap in much of Northern Virginia where they compete in the sale of energy for space and water heating, cooking, air conditioning, refrigeration and clothes drying.

All residential buildings must have electricity. Builders need it for operating their power tools and for interior lighting. It is the only practical source of energy available for operating many of the modern-day home appliances, such as thermostats, vacuum cleaners, clothes washers, radios, televisions, and so forth.

Prior to 1960 practically all of Vepco's service connections were by means of overhead distribution lines. This service was furnished and installed by Vepco, at no charge to the builder.

Beginning in early 1960 many builders of new subdivisions became interested in underground electric service. Vepco made it available to those willing to pay the additional installation costs over and above the cost of overhead. Theoretically, a customer could furnish, install and maintain his own underground service; however, it is not feasible for him to so do. (Out of some ten thousand installed in Northern Virginia, all but five were installed and maintained by Vepco.)

Mortgage bankers, local governments and the general public became interested in underground electric service because of its esthetic and safety appeal—FHA and VA and most of the mortgage bankers now require it where feasible. It is now, and has been since the middle of the '60s, a competitive necessity for the builders of residential subdivisions.

In November of 1962 Vepco reactivated its Residential Subdivision Underground Committee with instructions to develop a more liberal policy of furnshing underground electric service—One which is liberal enough to promote the use of electrical service—One that will make such projects either all electric or as fully electric as possible. The committee recommended a new plan expressly designed to accomplish that purpose.

Vepco adopted the recommendation and put the plan into effect August 7, 1963. Under its terms Vepco agreed to furnish underground electric service without charge to those builders who would go all electric—If the builders went all electric, except for space heating, he was required to furnish his own trenching and back-filling—If he would not agree to do either, he was required to pay $50.00 in addition to furnishing his own trenching and back-filling.

This plan remained in effect until 1964. Vepco then offered underground electric service without charge to builders agreeing to go all electric—For a builder who agreed to go all electric except for space heating, he could either furnish his own trenching and back-filling or pay Vepco $100.00. If he would not agree to do either, he had to pay $275.00 for his underground electric service even though he furnished his own trenching and back-filling.

The $275.00 charge was imposed to penalize builders if they used other forms of energy for water heating, cooking and so forth.

After these plans were put into effect Vepco substantially increased its total electric penetration in the new-house market in the overlap area.

Neither plan was ever approved by any regulatory agency. The Virginia State Corporation Commission disapproved the $275.00 plan October 17, 1966 because the waiver of the cost for underground electric service was tied generally to the total electric concept.

Vepco shortly thereafter—February 1, 1967—promulgated a new underground electric service plan, the installation charge being the average difference in cost between underground and overhead facilities, with a credit based on anticipated revenue. The cost differential was computed to be $280.00 per lot—A credit of $40.00 against this charge was allowed for each two thousand kilowatt hours above the first six thousand annual kilowatt hours of electricity used. The anticipated consumption was determined from a table listing the annual kilowatt hours' usage of various electrical appliances in homes of different sizes. Reduced to simplicity, a builder under this plan had to agree to go all electric to obtain underground electric service without charge. If he agreed to go all electric except for space heating, the charge was reduced to around $100.00. If he were to agree to neither his charge for underground service ranged from $280.00 to $200.00, depending on the size of the house and whether electricity was used for air conditioning or clothes drying.

This suit was filed July 28, 1967. In August of that year the North Carolina Utilities Commission held the $280.00 plan unlawful and any charge Vepco makes for underground electric service must be in the form of a surcharge to the existing rates without any credit based on electric usage. Instead of following this procedure in Virginia, Vepco, on December 15, 1967, reduced its underground charge from $280.00 to $150.00 per lot, retaining the same schedule of credits based upon the same consumption tables as used in the $280.00 plan.

Under the 1967 plan it is not necessary to use electric space heating in order to obtain underground electric service without charge. Absent agreeing to use an electric water heater, the builder still has to pay approximately $100.00 per lot for installation of underground service.

When space heating ceased to be a requirement for the installation of underground electric service without charge, Vepco's total electric penetration in the overlap market dropped from 21.4 per cent to 4.5 per cent.

With the beginning of the 1963 plan the estimated charge for underground electric service has been somewhat wide of the actual installation costs. A Vepco official, in one of his interoffice memoranda, admitted Vepco started with the answer ($270.00–$290.00 cost differential) and justified this with engineering estimates. Even now there is some question as to some items included in the estimated charge and some question as to the amount of credit that should be allowed for the differential in the cost of maintaining the underground system as compared to the cost of maintaining the overhead system.

Vepco has always required the estimated cost of underground installations for all the lots in the new subdivisions to be paid in advance.

Of the numerous builders who testified in this case, all felt underground electric service was a business necessity for the type of subdivisions they were then building—All said if given a free choice they would have used gas for space heating—Most said they would have used gas for water heating—Many said they would have given their customers a choice of using gas or electricity for cooking. All felt that they were induced—many thought they were coerced—into using electrical water heating in order to recoup a portion of Vepco's charge for installing its underground electrical system.

The statistical evidence in the case indicates that prior to 1963, 99 per cent of the builders used gas for space heating—95 per cent used gas for water heating—60 per cent used gas for cooking. After Vepco's '63 underground service plan and amended plans were put into effect, its share of space heating in the overlap area increased from one per cent to 21 per cent of the market— water heating, from five to 71 per cent—cooking: from 40 to 71 per cent—some 20.7 per cent of the homes using underground service went all electric compared with 3.2 per cent of the homes using overhead service. This percentage dropped to 4.5 in 1968 when the space heating requirement was eliminated.

Under the $275.00 and $280.00 plans the number of new homes using gas for space heating dropped to 79 per cent of the market. Those using gas for water heating dropped to 29.1 per cent. Those using gas for cooking dropped to 28.6 per cent of the market.

Section 1 of the Sherman Anti-Trust Act (Title 15 U.S.C.) declares:

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. . . ."

Although this section prohibits only unreasonable restraints, certain practices are unreasonable per se—that is, they "are conclusively presumed to be unreasonable and therefore illegal without elaborate inquiry as to the precise harm they have caused or the business excuse for their use." See Northern Pacific Railway Co. v. United States, 356 U.S. 1 (1958).

The stringency of the per se rule laid down in the Northern Pacific case was recognized by the Court of Appeals of this circuit in Osborn v. Sinclair Refining Company, 286 F.2d 832 (1960). The Fourth Circuit there said:

"The standard in Northern Pacific is a quantitative one. Just so the seller is of sufficient size to exert some power and the amount of commerce restrained is not insignificant, the standard is met. If all of the industry-wide economic data had to be shown for which (defendant) argues, it would convert tie-in cases to 'rule of reason' cases with the requirement of public injury. When facts, as here, reveal a per se restraint of trade, it is not necessary for the plaintiff to prove, by voluminous economic data, that the public generally has been injured."

In the Northern Pacific case, supra, the Supreme Court said:

"The vice of tying arrangements lies in the use of economic power in one market to restrict competition on the merits in another, regardless of the source from which the power is derived and whether the power takes the form of a monopoly or not.

* * * * *

"They (tying arrangements) deny competitors free access to the market for the tied product, not because the party imposing the tying requirements has a better product or a lower price but because of his power or leverage in another market. At the same time buyers are forced to forego their free choice between competing products. . . ."

The foregoing requirements for the finding of a per se tying agreement were reiterated by the Supreme Court in its most recent antitrust case. See Fortner Enterprises, Inc. v. United States Steel Corp., 394 U.S. 495 (1969).

Applying these teachings to Vepco's underground electric service plan, the Court finds Vepco had a monopoly in the installation of underground electric service, and was the sole seller of electricity in the overlap area.

From 1960 to 1963 Vepco made its underground electric service available to all builders on the same basis, without regard to the appliances used or the amount of electricity consumed—Builders were then only required to pay the additional cost of the underground installation. When the mortgage bankers, local governments, federal agencies and the general public all began to show great interest in underground electric service in the new subdivisions, Vepco used its monopoly in furnishing this service in order to promote the use of electricity. This was accomplished, first, by tying the cost of the underground installation to the use of certain electrical appliances; later, by giving credits based on the amount of electricity used over the first six thousand kilowatt hours. If the builder agreed to go all electric or all electrict except space heating, Vepco furnished the underground service without cost or at a substantially reduced price, otherwise the builder was required to pay a much larger fee for the same service.

Such a tie-in not only deprives the builder of a free choice in selecting what energy (gas or electricity) he and his customers want to use for space and water heating—it penalizes him if he elects to use gas. If he goes all electric his customer is prohibited from using gas for any purpose even though the record here discloses that gas is more economical for space and water heating than electricity.

The Maryland Public Service Commission, in refusing to allow the Potomac Electric Power Company to install a similar underground electric service plan in Maryland, said:

The practice does, in fact, create a discriminatory pattern in that it gives the builder an improper incentive to elect "all electric" so as to save the undergrounding charge, whereas the builder who does not or cannot make such an election receives exactly the same service and must pay what amounts to a penalty of $300 which is passed on to the purchaser in the cost of the house. The changing and waiving imposes unequal charges on the same types of customers for the same service. Suburban Maryland Home Builders Ass'n v. Potomac Electric Power Co., 72 PUR 3rd 282 (1968).

The outlawed IBM tying arrangement which required all lessees of its business machines, except the United States, to purchase the necessary cards from IBM (the United States could use other cards if it paid a higher rental), embodies the same tying concept as employed by Vepco in this case; that is, a differential in the cost of the same service unless the user agreed to take the tied product.

The fact that the builder can retain his freedom of choice by paying Vepco's estimated charge for underground service is beside the point. Such option does not validate an otherwise invalid tying arrangement.

In the International Salt case the lessee was not obligated to buy salt from International if any competitor offered salt of equal grade at a lower price. The Supreme Court in that case—International Salt Co. v. United States, 332 U.S. 392 (1947)—held such an option:

"Does not avoid the stifling effect of the agreement on competition. The appellant had at all times a priority on the business at equal prices. A competitor would have to undercut appellant's price to have any hope of capturing the market, while appellant could hold that market by merely meeting competition. . . ."

Here the tied product—electricity—cost more than gas for space and water heating.

The Gas Company should not be required to subsidize the builders' payment of Vepco's underground installation charge in order to have free access to the new houses' space and water heating market.

Having determined that Vepco's underground service plans since 1963 are in fact and in law tying arrangements, the Court must next determine whether Vepco has sufficient economic power with respect to the tying product and whether it has used that power to appreciably restrict free competition for the tied product. The answer to both of these questions is yes. Vepco has a monopoly in the installation of underground electric service. It furnishes, owns and maintains practically 100 per cent of the underground service installed in the overlap area—It fixes the cost thereof, originally somewhat inflated. This charge is high enough, if waived or substantially reduced, to induce the builder to take electricity for space and water heating, and the evidence discloses that many builders in the overlap area have so done.

Next the Court must determine whether a "not insubstantial amount" of interstate commerce is affected. Measured by the yardstick laid down in the International Salt case, supra, and in United States v. Loew's, Inc., 371 U.S. 36 (1962), the answer is yes. Vepco derives more than four million dollars per year in additional revenue from the new homes which have gone totally electric or totally electric except space heating under the underground service plan in question—more than seven hundred thousand dollars of which are derived from new homes located in the overlap area where the parties compete.

The necessary interstate aspect of the commerce affected by the challenged tying arrangement to bring this case within the Sherman and Clayton Acts is beyond question. The defendant so concedes.

In defending the charges brought against it, Vepco has produced considerable evidence enumerating the business and economic justification for its underground service plan—such as creating competition in the space and water heating market where none before existed; recovering its investment in the underground service; and to promoting safety and community beauty, and so forth—all of which is immaterial when the tying arrangement complained of is found to be a per se violation of the Sherman Act.

The United States Court of Appeals for the Fourth Circuit, in rejecting a similar contention made by Consolidated in the Pennsylvania Water Power Company v. Consolidated Gas, Electric Light & Power Company case, 184 F. 2d 552 (1950), said:

"The prohibitions of the statute apply even though the parties to a contract indulge the belief that the agreement may have beneficial results and actually show that in some respects the public is benefitted thereby. Congress has determined that the greater good is served by the maintenance of free competition and its decision in the field of interstate commerce must control."

Vepco further contends that this Court should not invalidate its underground service plan unless it finds that Vepco refuses to install underground service unless the builder makes certain uses of electricity—and that the tie-in carries with it the complete foreclosure of the Gas Company from the space

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and water heating market in the overlap area.

This Court does not read the cases cited by Vepco as so requiring. The legal test for determining whether a tie-in exists is whether customers are deprived of their free choice between competing products and whether competitors are denied free access to the market for the tied product—not because the party imposing the tying product has a better product or a lower price but because of his power or leverage in another market. In Northern Pacific, supra (at page 6, see also Loew's, Inc., supra, at page 45), it was held that the tying was illegal if the arrangement gives the defendant economic leverage sufficient to induce his customers to take the tied product along with the tying item.

Clearly, Vepco's underground service plan does not give the builder a free choice. Making him pay a substantial fee for the service unless he agrees to use certain appliances is not a free choice.

Although, technically speaking, the Gas Company may not be completely foreclosed from the heating market in the overlap area, it is effectively foreclosed from all or part of the heating market in those cases where the builders go all electric or all electric except for space heating.

Vepco next contends there can be no compulsion when a builder can recoup his cost by increasing the sale price of his house—that the undisputed testimony of the expert real estate appraiser expressed the opinion that a house served by underground electric wiring will bring at least $300.00 more than an identical home served overhead. Although Vepco cites no authority that such would validate an otherwise invalid tying arrangement, the Supreme Court, in Hanover Shoe, Inc. v. United Shoe Machinery Corp., 392 U.S. 481 (1968), rejected this so-called "passing on" defense in antitrust cases and held that a buyer who is overcharged by a monopolist is injured even though he can pass the overcharge along to the ultimate consumer.

This Court further finds that Vepco's underground installation contracts violate § 3 of the Clayton Act, 15 U.S.C. § 14. That section reads as follows:

"It shall be unlawful for any person engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of goods, wares, merchandise, machinery, supplies, or other commodities, whether patented or unpatented, for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor or competitors of the lessor or seller, where the effect of such lease, sale, or contract for sale or such condition, agreement, or understanding may be to substantially lessen competition or tend to crease a monopoly in any line of commerce."

Vepco's underground service agreement in part provides for the sale of electricity to the builder and his successor, the home buyer. The builder indicates when he wishes to start using electricity—He pays for the electricity used until the house is sold and occupied—No new contract is then entered into with the home buyer—The name on the service agreement is changed in Vepco's accounting department. The agreement further provides a fixed price for the installation of underground electric service; that full credit will be given if electricity is exclusively used for all purposes or for all purposes except space heating in all of the homes in the subdivision—The later agreements provide for a credit to the builder based upon the amount of electricity used over and above the first six thousand kilowatt hours. Unless he uses electricity for water heating he cannot recoup all of the charges for underground service.

Although this Court is not expressly ruling that these underground service agreements are binding on the builder's successors, the home buyers, it obviously is—for all practical purposes—because once a builder goes all electric the home buyer cannot use gas for any purpose; and in those cases where the builder goes all electric except space heating, the home buyer cannot use gas for water heating, cooking, air conditioning or clothes drying unless he rips out and disposes of all the electrical appliances that are in the house and replaces them with gas appliances at his own expense.

The credit allowances mentioned in the later underground service agreements are in fact discounts in the price of electricity; when used as here used—to induce exclusive dealing—they are prohibited by § 3 of the Clayton Act.

Agreements coming within the ambit of the Clayton Act are condemned without proof of an accomplished restraint of trade; it is sufficient that the agreements may substantially lessen competition or tend to create a monopoly in any line of commerce. The evidence in this case clearly establishes that Vepco's underground installation agreements have substantially restrained free competition in the sale of energy requirements to new-home builders, especially for heating purposes.

Finally, although Vepco does not now contend that the Gas Company's promotional programs are unlawful, or suggest that the defenses of unclean hands or a pari delicto are applicable, it has asked the Court to carefully review the voluminous amount of evidence introduced re the Gas Company's business practices before concluding that its underground service plans coerce builders and foreclose the Gas Company from competing.

Although this Court has so done, the Gas Company's business practices, even though illegal (and no findings as to illegality are here made), are not a defense to the antitrust violations charged to the defendant. See Kiefer-Stewart Company v. Joseph E. Seagram & Sons, 340 U.S. 211 (1951).

As hereinbefore stated in this memorandum opinion, complete foreclosure from the market or coercion by force is not a prerequisite to a finding of invalidity under the Sherman and Clayton Anti-Trust Acts. The vice of the tying arrangement here lies in Vepco's use of its monopoly power in the underground service installation market to restrict competition on the merits in the use of gas or electricity in the space and water heating requirements of the new-home building industry.

Upon these findings, the Court concludes that Vepco's underground electric service plans, beginning with the plan adopted August 7, 1963 up to and including the plan now in effect, and the agreements made in pursuance thereof, affect interstate commerce within the meaning of § 1 of the Sherman Act and § 3 of the Clayton Act; that said plans and agreements as administered are per se tying arrangements prohibited by § 1 of the Sherman Act and that said plans and agreements as administered constitute unlawful exclusive dealing arrangements prohibited by § 3 of the Clayton Act; and that the Gas Company is, therefore, entitled to damages and costs in an amount to be determined later.

Counsel for the plaintiff should prepare an appropriate order declaring Vepco's underground service plans and agreements to be unlawful, together with an injunction restraining Vepco from continuing its underground monopoly to coerce or induce builders to use electricity, submit the same to counsel for the defendant for approval as to form, and then to the Court for entry.

The Clerk will send a copy of this memorandum opinion to all counsel of record.

OREN R. LEWIS,
U.S. District Judge.

A True Copy, Teste:
W. FARLEY POWERS, Jr.,
Clerk.
BETTY MATTOS, *Deputy Clerk.*
JANUARY 30, 1970.

THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDER DIVISION

Washington Gas Light Co., a corporation, Plaintiff, *v.* Virginia Electric & Power Co., a corporation, Defendant, Civil Action No. 4544.

FINAL JUDGMENT

This action came on for trial before the Court, Honorable Oren R. Lewis, District Judge, presiding, and the issues having been duly tried, briefed, and argued, and the Court having rendered on January 30, 1970, an opinion containing its findings of fact and conclusions of law,

It is hereby ordered, adjudged, and decreed as follows:

I

The Court has jurisdiction of the subject matter hereof and of the parties hereto.

II

The defendant Virginia Electric and Power Company's residential underground electric service plans, beginning with the plan adopted August 7, 1963 up to and including the plan now in effect, and the agreements made in pursuance thereof, affect interstate commerce within the meaning of Section 1 of the Sherman Act and Section 3 of the Clayton Act, 15 U.S.C. §§ 1 and 14; said plans and agreements as administered are per se tying arrangements prohibited by Section 1 of the Sherman Act; and said plans and agreements as administered constitute unlawful exclusive dealing arrangements prohibited by Section 3 of the Clayton Act.

III

The plaintiff, Washington Gas Light Company, has been injured in its business and property by reason of the aforesaid violations of the antitrust laws, and is entitled to recover from the defendant the damages sustained by it, in accordance with Section 4 of the Clayton Act, 15 U.S.C. § 15.

IV

The defendant is hereby permanently enjoined and restrained from, directly or indirectly, in any manner:

A. Using its monopoly of residential underground electric service to coerce or induce any builder or developer or any other person to use or install electricity or any electric appliance or equipment for any purpose also capable of being served by natural gas.

B. Entering into any agreement relating to residential underground electric service upon condition that electricity or any electrical appliance or equipment would be used or installed on any premises for any purpose also capable of being served by natural gas; or refusing to enter into any agreement for residential underground electric service because of a refusal to accept such a condition.

C. Fixing or using any rate, charge, term, or condition for furnishing residential underground electric service, or offering any waiver thereof, or discount, rebate, or allowance therefrom, which is based in whole or in part upon the use or installation of, or the failure to use or install, electricity or any electric appliance or equipment on any premises for any purpose also capable of being served by natural gas.

D. Enforcing any provision of any existing residential underground electric service agreement which is or would be in violation of this judgment; provided, however, that the defendant shall not be relieved from the full and timely performance of its obligations under any such agreement, and provided further that this Paragraph IV D shall not apply to any such agreement insofar as it relates to any section of any project in which the installation of underground electric service facilities is partially or fully complete as of the date of this final judgment.

E. Nothing contained in this final judgment shall be construed as passing upon the legality or illegality of defendant's non-residential underground electric service plans.

V

The defendant is ordered and directed, upon the entry of this judgment, to advise promptly, in writing, all persons with whom the defendant has wholly or partly executory underground electric service agreements, of the terms of this judgment, and particularly of the provisions of Paragraph IV D hereof.

VI

Jurisdiction is retained for the purpose of enabling either party to this judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith and for the punishment of violations thereof, or for further relief.

VII

The amount of plaintiff's damages shall be determined at a separate trial restricted to that issue. The clerk is directed to enter final judgment on the Court's order, the Court having expressly determined that there is no reason for delay in entry of final judgment on this order.

VIII

The defendant herein is hereby ordered to pay all costs to be taxed in this case.

IX

The first sentence of Paragraph VII and Paragraph VIII of this final judgment are hereby stayed pending the final determination of any appeal herein.

X

This final judgment shall become effective March 24, 1970.

Dated: March 17, 1970

OREN R. LEWIS,
U.S. District Judge.

Seen:

HERBERT A. BERGSON,
JAMES H. SIMMONS,
SAMUEL H. SEYMOUR,
Attorneys for Plaintiff.
LEWIS T. BOOKER,
Attorney for Defendant.

A True Copy, Teste:

W. FARLEY POWER, JR.,
Clerk.
FARRIS R. COSIN,
Deputy Clerk.

AN ANALYSIS OF SERGEANT THOMS' TESTIMONY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. HAWKINS. Mr. Speaker, recently Sgt. Robert J. Thoms of the Los Angeles Police Department, in testimony before a subcommittee of the U.S. Senate on subversion of the "New Left," stated certain "facts" which he knew or should have known to be untrue or highly irrelevant, derogatory, and unsupportable.

Since this testimony and subsequent documents tend to influence Federal agencies in withholding much needed funds from many deserving organizations in sensitive low-income areas, the danger to our communities and Nation is incalculable, and makes essential a disclosure of the quality of such testimony.

Mr. Speaker, for this reason I hope my colleagues will carefully weigh such testimony as that of Sergeant Thoms as analyzed by Mr. Julian J. Keiser in a presentation before a task force of the Los Angeles Urban Coalition. The text of the analysis follows:

AN ANALYSIS OF SERGEANT THOMS' TESTIMONY

INTRODUCTION

I appreciate this opportunity to share with this Task Force on Law and Justice some concerns I have about Sergeant Thoms' testimony before Senator Dodd and his staff on January 20th.

I have been advised by several people that to do so would be a waste of time, that neither the Task Force nor its parent body would act on the matter, and that I would only subject myself and the Community Relations Conference to additional charges by Police Intelligence.

However, I would not be here if I did not have faith that citizens of your caliber would be as concerned as I over so serious an impropriety as Thoms' testimony reveals, when you have had the opportunity to study it and consider its implications.

I have no quarrel with the need for good Police Intelligence. I assume that to perform its difficult tasks the Police Department needs to be accurately informed concerning potential disorders. Thus, when asked to join others in a suit to be brought against the Police Department, challenging the right of the Police Department to prepare and maintain files on individuals who have no criminal record, I chose not to be a party to that suit.

After reading Thoms' Testimony I confess that I have little confidence in the quality, accuracy and relevance of much that is apparently in the police files. However, I am much more concerned about the Department's policies and procedures which determine the proper and improper use of whatever confidential material may be there.

I happen to be quite intimately acquainted with some of the persons and organizations Thoms' testimony tends to malign. In my chosen vocation, it is important that I be as well acquainted as I can be with such groups. With respect to these persons and organizations, I know that Thoms' testimony is loaded with errors of fact easily substantiated, and with derogatory, unsupported and unsupportable insinuations, innuendos and presumptions of guilt.

If you happen not to be well acquainted with specific persons, organizations and events cited by Thoms you will need to check out the accuracy of specific funding cited and gather your own documentation to be convinced of gross errors and distortions.

However, you do not need to know anything about the persons and groups named in the report to spot the insinuations, innuendos, unsupported assertions and allegations, sweeping generalizations and presumptions of guilt by association.

You already know the enormous prestige and credibility that the Los Angeles Police Department enjoys with most citizens and with most establishments in Los Angeles. Thus, if Thoms' testimony is in fact a web of errors, unjustified insinuations and malicious propaganda you will be compelled to do something about it or allow innocent persons and organizations to be unjustly slandered. You will also want to consider whether it would have been a proper function of a Police Department to give publicity to any material in its files, even if the information were accurate.

Let me share with you now a few samples of the errors, distortions, insinuations and innuendos I have found in Thoms' report through a cursory study of it. My purpose in doing so is not to attack or embarrass the Police Department, but rather to hope that you can quietly but effectively raise some issues of policy and procedure with the Department concerning what I consider to be the grievous harm and impropriety of making public such unsubstantiated material from confidential police files, and secure appropriate redress.

ERRORS AND DISTORTIONS

1. The testimony appears to go well beyond the mandate of the Senate Subcommittee and to be totally unrelated to the subject matter of that mandate. On page 2 the mandate is quoted as follows:

"To undertake immediately a full and complete investigation of the activities of the National Conference for New Politics and any organizations and individuals affiliated or associated therewith . . ."

Nowhere does the testimony of Thoms even attempt to link any individual or organization named to the National Conference on New Politics, nor does this National Conference for New Politics appear anywhere in the entire 59 pages of Thoms' testimony, in the 8 page tightly printed Index, or in any chart.

Accordingly, the entire testimony should be striken from the Senate record. But that is a problem for the U. S. Senate to deal with. I understand Alan Cranston intends to seek corrective action in the Senate.

2. On page 3, Thoms names 5 groups "considered to be violent or subversive in nature". No judicial, Congressional or other public body as made such a judgment after full hearings, nor do these groups appear on the U. S. Attorney General's list. The characterization by Thoms is utterly void of legal substantiation and completely beyond the mandate of the L. A. Police Department.

3. Also on page 3 Ron Karenga's US organization is branded because of the arrest record (not conviction record) of certain unnamed individuals purportedly members of US. That is the equivalent of branding the City Council corrupt because some of the Councilmen have been indicted (not convicted) of a crime, or the Mayor a criminal because some of his Commissioners have been indicted or even convicted of a crime.

4. On page 5 the Black Congress is declared to be responsible for the Manual Arts High School boycott. This has not been judicially proven, is simply an assertion, and to my knowledge is, in fact, untrue.

5. Also on page 5, Thoms further indicts the Black Congress for having sponsored a Rally at the L. A. Sport's Arena. He particularly objects to the speakers at the Rally as being violent or subversive. If the sponsors of that rally are guilty of anything, the City of Los Angeles is equally guilty since the rally was held in a city-owned and operated premise. The Sergeant could just as well have cited the Sports Arena Commissioners for fostering subversion and listed their names and that of the Mayor for complicity.

6. On page 9, TELACU is mentioned as an umbrella agency serving as a shield of respectibility for groups which may be violent and subversive. Chief Davis has already publically apologized for Thoms having so cited TELACU.

By implication the public may reasonably conclude that TELACU is the only group

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worthy of such an official apology, and assume that if other organizations, equally or much more maligned by the report, do not receive a public apology from the Chief, it is because they don't deserve it. Might the Chief now be forced in good conscience, into the embarrassing position of having to repudiate a dozen, or all 46 other similarly unjustified organizational inclusions, or all 95 individuals unjustly included?

Will each group implicated in the report need to attempt to secure an appointment with Chief Davis (not an easy thing to do) present its rebuttal making the Chief a judge of the merits of each case, as he was for TELACU?

The Editor of the Santa Monica Evening Outlook, Mr. C. D. Funk, is named in Thoms report along with an economic development corporation to help poverty persons with which he is associated. He has attempted to clear his good name and that of the development corporation through articles and an editorial in his publication. That may satisfy him for the moment, but he is still implicated in the testimony of a credible Police Department.

You can be certain that Thoms' testimony will soon be reprinted in hundreds of right wing publications all across the nation as "gospel truth" from an unimpeachable source, printed in an authorized Senate publication (at government expenses) reporting on Subversion in the New Left.

7. The testimony against the Brotherhood Crusade (page 13) is totally specious and Thoms inadvertently reveals his bias concerning that organization which is Thoms magic key to linking a host of other people and groups to "violence and subversion".

Thoms names two persons on the Crusade's Board of Directors as being "violent and subversive"—Ron Karenga and Walter Bremond. Asked by Chief Counsel Sourwine if in his judgment the organization is subversive and violent in nature, Thoms replies:

"It would be difficult to classify it as that because they have not involved themselves in anything militant or subversive as an organization as yet."

Note the "as yet". This "as yet" takes on further significance when you happen to know that Karenga has not been on the Crusade Board for the past several years and that Bremond, while employed by the Los Angeles Council of Churches was donating his time attempting to raise funds for the Crusade and provide it with administrative leadership because it had no funds to pay a director. Furthermore, Bremond is no longer on that Board either.

Now, interestingly, Thoms fails to report the fact that there are Black business and professional men on that Board. Among them is Norman B. Houston of the Golden State Mutual Life Insurance Co., who incidentally was Chairman of the Crusade Board from the beginning, although Herbert Carter, Executive Director of the L.A. County Commission on Human Relations is Chairman of the Board now. He also fails to mention that from the beginning down to the present a Los Angeles Police Commissioner has served on that Board and is on the Executive Committee.

Thoms also fails to mention that two years ago, when Martin Luther King, Jr., was assassinated, and riots broke out in major cities across the nation, it was Ron Karenga, Walter Bremond and United Church of Christ minister James H. Hargett who led Operation Unity which Police Chief Tom Reddin publicly praised and credited with keeping the ghetto cool and averting a riot in Los Angeles. Operation Unity was made up of the Black Congress—labeled violent and subversive by Thoms—and a few other older, more established groups.

Now, if you trace all the ways 'n which Karenga and Bremond, and through them, the Black Congress, are linked, directly or indirectly, or by simply attending or speaking at some conference sponsored or cosponsored or partially funded by some other group, you can, through guilt by association, indict about 50 other key persons and 40 other organizations concerned about overcoming poverty and racism. This is percisely what Sergeant Thoms has done in his testimony.

For example, this is how the United Church of Christ Conference and the United Methodist Churches in Southern California get involved in Thoms testimony. The only correct funding statement Thoms has in his report with respect to the United Church of Christ in Los Angeles involves a $2,500 contribution to the Brotherhood Crusade. The United Methodists contributed $105,000 from its Fund for Reconciliation. Both contributions were made when Karenga and Bremond, the two reputedly violent and subversive connections with the Brotherhood Crusade were no longer on its Board or connected with it. However, Norman Houston and the Police Commissioner were still on the board. Herb Carter was and is the Chairman. Yet Thoms says the Crusade has not involved itself in anything militant or subversive "*as yet.*"

8. Other groups are included in this testimony, apparently because they have criticized some police practices. Thoms inclusion of the CRCSC's Task Force hearings on police activities in Venice must have been one of the latest additions to his manuscript. In fact, he reported on our hearings in Venice while the Police Department was still investigating our transcript of the hearings and had not yet drawn its own conclusions about the matter.

However, to be fair, I must admit the CRCSC is listed for other reasons also. For example, the Executive Director of CRCSC is Julian Keiser; this same Julian Keiser was formerly employed by the United Church of Christ Conference, which funded the Brotherhood Crusade.

Perhaps it is fair to expect that Thoms would have known that the funding took place 7 months after I was no longer in the employ of the UCC. In fact, I had to call up the UCC to confirm the funding since I knew it did not happen while I was employed there although I had recommended that the funding be made. Thoms could have checked his facts as I did.

9. A number of other groups are included in Thoms testimony solely because it is apparently considered by Police Intelligence to be a very bad thing to support farm workers' efforts to organize. There are several examples.

One is the California Migrant Ministry which Thoms cited in this report. He also cited it last Spring as evidence of church funding of militants in Los Angeles. It should be noted that while the Migrant Ministry headquarters is located in Los Angeles, its program funded by IFCO is located in the rural areas of the San Joaquin Valley, not in Los Angeles. After listing the California Migrant Ministry's having received a grant of $54,000 from IFCO there appears the following description of this organization:

"This organization has involved themselves in the labor dispute between the migrant farm workers and the established farm owners in California. They exert pressure on the farmers in the grape industry, through boycotts, picketing and strikes. The NCC IFCO and the Council of Churches in Southern California have all endorsed the activities of the California Migrant Ministry" (page 19).

As a member of the California Migrant Ministry Commission, I want to say that the statement is absolutely true. But what has it to do with the New Left, or the National Conference on New Politics or with violence and subversion in Los Angeles or anywhere else? Why was it mentioned at all? Nevertheless, the $54,000 is added to the sum of funds aiding subversives. IFCO is cited as the umbrella agency diverting funds to subversives, the National Council of Churches, which also funds the regular CMM ministry program is indicted along with the Southern California Council of Churches which sponsors the program. In addition this accurate description of the activities of the CMM entitles it to have a special box on Thoms Chart on page 21, as an example of church funds being channeled through umbrella organizations (NCC, IFCO, So. Calif. Council) to violent and subversive groups (i.e. the California Migrant Ministry).

10. Another category of groups Thoms seems to indict are broad-based anti-poverty programs which seek to involve all elements in the poverty community, from the most militant to the most conservative. They are mostly funded by the Federal Government, but the Ford Foundation has often funded auxiliary projects which the government funds did not cover. UJIMA, sponsored by Congressman Gus Hawkins, is such a group which engages in economic development programs in the ghetto. The Congressman was rightfully disturbed when he read in the paper that Thoms had cited his group as being associated with violence and subversion. When he talked to me about it he had not yet seen a copy of the Testimony and didn't know that Thoms had cited UJIMA not only once but on at least 7 different pages of his report on subversion in the New Left.

11. Some groups seem to be included because they engage in indigenous art forms which Thoms considers related to the subversion of being anti-establishment in their views.

For example, consider the following exchange between Thoms and Chief Counsel Sourwine:

"THOMS. One of the latest presentations of the Inner City Cultural Center was Luis Valdez and Theatro Campesino.

"SOURWINE. Now, what is the significance of Luis Valdez and the Theatro Campesino?

"THOMS. It is a propaganda arm uniting the black and brown movement.

"SOURWINE. Is this a subversive organization, Theatro Campesino?

"THOMS. All the plays they offer are anti-establishment and some are racist.

"SOURWINE. Is Luis Valdez known for any connection with subversive organizations or violent organizations?

"THOMS. I don't know. The next person we will deal with is Esther Jackson" and so the testimony continues.

Now, Dr. Alfred Cannon, founder of the Inner City Cultural Center (which produces plays Thoms considers to be "anti-establishment"), is also a member of the Board of Directors of the Constitutional Rights Foundation which received a $50,000 grant from the Ford Foundation. Thus we link up another group in the subversive network and add another $50,000 to the funding of subversion by the Ford Foundation. Thoms, of course, finds other links with the Constitutional Rights Foundation, such as others on its Board of Directors, one of whom is a sister-in-law of someone else who was connected with the Black Congress and also UJIMA.

As you can see, I have cited only a few examples of what I consider to be errors and distortions in the first part of this voluminous testimony. If there were time I could document many other similar blatant errors and twisted assumptions in the Thoms report.

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SOME POLICY QUESTIONS

Now consider a few policy questions which I feel need to be given careful consideration by this Law and Justice Task Force.

1. Is it a proper function of Police Intelligence to release, leak, publish or allow to be released, leaked or published, propaganda which tends to incriminate citizens who are not known to be in violation of the law and who are not charged with violation of the law?

2. Is it proper for police officers to take neutral, openly published and publically circularized funding facts, and then to interweave into those neutral figures a web of inferences, innuendo, suspected motivations and assumed associations which are unsubstantiated, linking names of reputable persons and organizations with other groups the police happen to think are "anti-establishment", "pro-labor", or "violent", "militant" or "subversive"? Is it proper for them to then add injury to insult by giving publicity to such a mishmash of fact and conjecture?

It is one thing for a private individual to say or print whatever malicious falsehood, innuendo or biases he wishes. While I consider it reprehensible, I prefer freedom of speech to suppression of stupid, false or malicious speeches. However, is it not quite another matter when the speaker carries with his statements the enormous prestige and credibility of the Intelligence Division of the Los Angeles Police Department?

3. Is it proper for a Police Department or any of its officers, on the basis of their own personal, social, or political philosophy, to conclude or infer that a particular minority poverty worker, or director is "antipolice", "militant", or "subversive" and then on that presumption bring pressure on federal or private agencies to cut off the project's funds or otherwise interfere in its program?

My concern in raising these policy questions is not to punish individual officers who do such things, or to subject the Police Department to public censure if there is any other way to correct the injustice and impropriety of Sergeant Thoms' testimony.

Prior to my knowledge of Thoms' testimony I wrote Chief Davis concerning the use of alleged pressure by police officers against certain community groups. Chief Houghton replied to my letter saying:

"It is not accepted procedure by this Department for officers to interject themselves into the financial, administration, or politics of community groups."

I think all of us whose reputations have been clouded by Thoms' testimony, and this Task Force on Law and Justice, have a right to know if such a procedure as Chief Houghton mentions, is stated in writing, and if not, why not, and if so, what is being done to enforce it. It would seem that Sergeant Thoms has violated that accepted procedure. I have substantial evidence in my possession—other than Thoms testimony—that it is violated frequently by officers and even top officials of the LAPD.

While I believe this subject would make hot copy news for the news media, I have chosen not to begin with that route to secure redress for those aggrieved. I believe there is sufficient evidence of improper police conduct in Thoms' testimony to prod leaders like yourselves to make your own investigation and then to take appropriate action. I believe a group like this could do it quietly and without publicity. The primary reason groups resort to the news media against the police or other establishments is because they often have no other channels of access to power to secure redress of grievances.

I believe you have such access, and I trust you will act thoughtfully and reasonably, but also quickly and firmly to secure appropriate apologies for the character damage which has occurred, and to secure adequate Police Department policies to prevent such unfortunate happenings in the future.

BUSING—ANOTHER VIEW

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, May 5, 1970

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Busing Is Popular Way To Retain Segregation In South, Study Finds," published in the Wall Street Journal of May 1. The article would be ironic if it were not so sad.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 1, 1970]

BUSING IS POPULAR WAY TO RETAIN SEGREGATION IN SOUTH, STUDY FINDS; PRIVATE SCHOOLS ARE UTILIZING VEHICLES MORE THAN PUBLIC ONES, REGIONAL COUNCIL SAYS

ATLANTA.—A new study of busing in the South maintains that, despite an uproar over busing to achieve racial balance, it is a popular tool when used to maintain segregation.

That conclusion is drawn by South Today, a monthly tabloid newspaper published by the Southern Regional Council here, in an article that says "Southern 'segregation academies' are busing more of their students, and busing them further, than are public schools in the region."

The study found that eight Southern states bus 48% of the students attending public schools, and private schools in the same states bus 62% of their students. The public school pupils ride an average of 10 miles a day and the private school students ride 17, South Today says.

The range or students bused in 10 private segregated schools was from 40% at Wade Hampton Academy in Orangeburg, S.C., to 97% at Faith Christian School in Ramseur, N.C. Distances the students ride daily ranged from eight miles at the Autauga County Private School, Prattville, Ala., to 35 miles at Enfield Academy, Whitakers, N.C.

The article says, "Busing, like law and order, has become an emotionally charged code word. Yet the facts indicate that the mere act of busing is not the issue. Segregationists will continue to rail against the use of busing to achieve desegregation while quietly continuing, and oftentimes increasing, busing of students to maintain the racial status quo."

Several Southern leaders, the article notes, have taken strong stands against busing of late. In a recent speech backing a return to freedom of choice, Mississippi's Gov. Williams blasted a "merciless mandate" by the courts which "takes a little girl and sends her to the other side of town where she knows no one. . . ."

Louisiana's Gov. McKeithen said, "I won't allow my children to be bused . . . to be treated like cattle."

And Alabama's former Gov. Wallace said, "I say, and I've said all along, that it's against the law to bus children. The Civil Rights Act prohibits it."

THE CAUSE COLLECTORS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MICHEL. Mr. Speaker, an editorial appearing in the May 3, 1970, edition of the Peoria Journal Star points out with clarity the condition in which the country might find itself if it had consented to the demands of certain individuals and groups who have been loudly espousing this or that "cause" with little apparent concern for the consequences of their demands.

I include the editorial, "The Cause Collectors," in the RECORD at this point:

[From the Peoria Journal Star, May 3, 1970]

THE CAUSE COLLECTORS

As time goes on and they plunge into more and more "causes" (as fast as one cools off), some of the folks in this country begin to take on a strange appearance.

And we certainly aren't talking about anything as superficial and unimportant as hair.

Causes burn out rather rapidly when surrounded with the circus atmosphere, as seems to be the urge these days. It shows itself to be a very short-term technique. Too much whoop-de-do and not nearly enough resistance.

We breed a surplus of promoters and a shortage of performers it seems.

As the same people become collectors of these causes, it gets pretty revealing.

The Charles Goodells and Eugene McCarthy-types are beginning to find themselves, along with campus radicals they keep chasing after, trying to twist and turn every event, every discovery, and every argument into a campaign to stamp out colleges, farms, factories, and any capacity to defend ourselves militarily on the one hand, and the only things they seem eager to defend, preserve, and hold sacred from any such massive "stamping out" are pornography and marijuana!

It's a kind of odd choice.

We hear the "Mustn't touch! It's a sacred basic freedom!" coming from them, but it only seems to come when they are demanding amnesty for attacks against their fellow man, or the right to obscenity, or the sacred freedom for children to experiment with the destruction of their mental processes.

Anything else is fair game for the most ruthless, direct, and arbitrary application of the law, or even more direct mob action aimed at destruction.

These folks are beginning to give themselves away more and more clearly each day.

If we had bought all their causes, where would we now be?

All southeast Asia would be Communist, greatly enhancing the ability of China to get food and put more attention on developing her intercontinental H-bombs.

Soviet Russia would have matched us in missile power while also developing a defense system, and we would have no future plans, no defenses, a deteriorating system, and no conventional capabilities. We would be at their mercy.

Meanwhile, we would be destroying the food-producing, shelter-producing, and industrial economy here at least as fast as Russia and China are building theirs.

Is this what cause collectors are saying now?

Wipe out pesticides which kill off the birds and poison the landscape, and wipe out fertilizers which run off and pollute the rivers

Don't find alternate answers. Just wipe them out!

Then, feed 200,000,000 people on this land, "the natural way," (which fed about 100,000 Indians), and abandon, certainly, all foreign aid seeking to save starving people around the world. Leave all those places, abandoned, a vacuum for the Communist expansionists to fill.

Impose confiscatory demands on our factories or "bomb them"!

Dismantle our defense establishment.

Wipe out all higher education that involves discipline to facts and turn them, instead, into "do-your-own-thing" playgrounds.

Eliminate police departments. Open the prisons.

Goodness, if we acted on all the whipped up propaganda pitches these same people have drummed at us, there would be nothing left in the U.S. but one giant entertainment industry cranking out mostly pornography, one giant drug industry specializing in their use also as "entertainment," and a stripped, cold, starving and unarmed population with the physically strongest unrestrained in their "freedom" to prey on the children, the elderly, and the sick.

From this, of course, we would have a much better base to build a better world!

Oh, that's a brilliant set of causes!

EXPEL DELIBERATE CRIMINALS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WYMAN. Mr. Speaker, the longer the deliberately insubordinate, the rabble rousers, and the rock throwers are allowed to remain among the student body of our various educational institutions the surer there will continue to be trouble—some of it of the tragic kind that has developed in the great State of Ohio. It should be firm and unexceptional university policy that all who break university rules, deliberately and openly, will be asked to leave the same day. They should be expelled forthwith for cause.

As for those who go from campus to campus—who are not students—who deliberately inflame and encourage younger persons to violence and virtual insurrection—it is the continuing obligation of State and local authorities to prosecute these persons under State laws. If they cross State lines with this purpose Congress has passed a criminal law under which the "Chicago 7" were convicted and Federal authorities should act.

What can happen when university heads virtually capitulate to militants is vividly described by William F. Buckley in yesterday's Washington Star:

THE CAPITULATION OF YALE'S BREWSTER

(By William F. Buckley, Jr.)

Kingman Brewster, the president of Yale University, is a prime example of what the mob can do to the leader. There he was, president of a large university whose militants adopt the position that the impending trial of Bobby Seale and other Black Panthers for the murder of ex-Panther Alex Rackley is an act of political persecution.

One would think that every student at Yale was an expert on the circumstances that most indisputably led to the killing of Alex Rackley: but no, what comes out of Yale has been pure declamation, the height of which was Rev. William Sloane Coffin's dictum that the trial of Bobby Seale was "legally correct but morally incorrect;" and if, after he said that, he left the stage with an inscrutable look on his face, it was because neither he, nor anyone else, could understand what he was talking about.

But Brewster isn't supposed to talk like one of the confused divines who so often swamp our issues in confusion. He used to be a professor of law. Consider the statements he made beginning on the first day or two of the student turmoil, and that which he made at the culmination of the week's activities.

Brewster began the week by issuing a statement that included the words: "The essence of justice and goodwill is that people should give one another the benefit of a doubt . . . It would not be proper to assume that justice cannot be dispensed by the courts of this state."

That was a clear reproach to those student agitators who were demanding that we all accept the proposition that the prosecutors, the Grand Jury, and the presiding judge who have coordinated to indict Bobby Seale and the others, have done so in a spirit of genocidal vengeance. The reasonable alternative is that they believe that there is sufficient evidence pointing to Bobby Seale's guilt to present to a jury—that's all.

And on the second matter, Brewster was saying that by the same token it is improper to assume that a jury in Connecticut would hand down a verdict of guilty against Bobby Seale even if the evidence pointed to his innocence, or if it sustained reasonable doubts concerning his guilt.

Then, after much student pressure and presumably on account of it, a brand new Kingman Brewster emerges, sounding for all the world like the last days of Alexander Kerenski. He says, wooing the cheers of the mob, "I personally want to say that I am appalled and ashamed that things should have come to such a pass that I am skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States. In large part the atmosphere has been created by police action and prosecution against the Panthers in many parts of the country."

Now that is exactly what the kids wanted to hear: precisely the categorical prejudgment that only a few days earlier the same gentleman was denouncing.

As to the facts of the matter, the unintimidated Brewster was right, the intimidated Brewster wrong. The most conspicuous Panther trial thus far was the murder trial of Huey Newton of California two years ago. Such pressure as there was on the courtroom was not to hang Newton, but to free Newton. The jury turned in a second degree murder conviction, when in fact first degree was eminently justified. For all that Brewster makes it sound like a reign of terror, there hasn't been a single Federal conviction of a Black Panther.

And finally, ask yourself this: if you were called to serve on the jury of the forthcoming trial of Bobby Seale, where would you expect to feel pressures on you? From New Haven's Ku Klux Klan? Or—more likely—from the New Haven Establishment, which now makes common cause with the black revolutionaries in insisting that you, the juror, cannot act fairly because of the legacy of racial discrimination?

Add to that a few threats in the last few days against dissidents from the Seale-Coffin-Brewster line—and you get a surer feel of what might well stand in the way of the execution of justice in the Federal Courthouse.

J. CORDELL MOORE WARNS OF UNITED STATES-CANADIAN ENERGY CRISIS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. EDMONDSON. Mr. Speaker, a speech delivered recently by former Assistant Secretary of Interior, J. Cordell Moore to the Canadian Propane Gas Association is well worth reading by all Americans.

In his speech, Mr. Moore very accurately pointed out the tremendous improvements we must make in utilizing existing fuel resources and in exploration for new energy sources, if we are to meet the Nation's energy requirements in years to come. Mr. Moore's observations about the sizable expense involved in developing these methods in a manner which will preserve a healthy environment for future generations should be especially noted.

I want to commend Mr. Moore on his excellent speech, and for the very responsible and constructive suggestions he has set forth. Under unanimous consent I include his remarks in the RECORD, as follows:

THE ENERGY CRISIS

(Presented by J. Cordell Moore, Energy Consultant, Washington, D.C., before the Propane Gas Association of Canada)

Few days pass when oil, gas, coal, or nuclear energy are not in the news. There is usually an unfavorable connotation in this news—such as oil polluting the beaches and destroying waterfowl, or coal dust causing pneumoconiosis (black lung), or a natural gas explosion, or, perhaps, some possible escape of radioactive isotopes. The only form of energy recently to escape unfavourable mention is hydroelectric power which supplies only a minute part of our energy requirements.

And yet our nations, and at an alarmingly increasing rate other nations of the world, are demanding more and more energy to fuel the industrial complex, to heat the homes, to light the cities, and to supply the fuel for the insatiable transportation requirements of over 200 million people in the United States alone.

World energy requirements, expressed in terms of oil equivalent, currently amount to some 35 billion barrels per year. Thus annually, the world consumes more energy than that recoverable from the oil reserves recently discovered in Alaska at Prudhoe Bay. Of course, oil does not supply all the world's energy requirements, yet the total 1970 world oil demand alone, including the Iron Curtain countries, will be approximately 16 billion barrels and, by 1980, will be almost 27 billion barrels annually. And we should not forget that oil, natural gas and natural gas liquids supply over 75 percent of the total United States energy requirements.

By 1980, the total annual world requirements for energy will probably have risen to 58.8 billion barrels of oil equivalent, but the United States will be consuming only some 31.2 percent of this total compared to the 34.5 percent share today. This is due to the more rapid increase in consumption by the newly emerging nations of the world.

The 1970 figures will probably show the population-explosion has resulted in a world population total of over 3.6 billion people and, by 1980, that total will, if the current estimates are correct, reach almost 4.5 bil-

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lion—all wanting a living standard as high as ours. The remarkable increase in the standard of living desired by other nations of the world can only be attained by greater consumption of energy to fuel the new factories, to develop the electricity, to harvest the crops, and to fuel the automobiles and airplanes considered necessary by our civilization.

Demographers and others considering this problem are, to say the least, "alarmed" and this, indeed, is a massive understatement. How this multitude will be fed is a problem of monumental proportions to food experts throughout the world. To the energy experts, the problem is equally serious. How will the huge demands for energy be supplied and still meet all the demands being made for the protection of our environment?

In North America we have been spoiled by *low-cost energy* and, even now, there is a "hue and cry" from consumer groups for price reductions even though other prices and wages are advancing. Simultaneously, heavy pressures are being exerted on public officials and our legislative bodies with respect to taxes, safety regulations, and pollution control measures—all necessary—but costly to the energy producing industries.

The pollution problem is currently the "hot issue" in both the United States and Canada. It might be of interest to review some of the recent incidents. The Santa Barbara, California, oil-spill has resulted in demands that the billion-odd barrels of oil located beneath the waters of the channel not be produced. The reason for the spill stems from a leak through a fault in the ocean floor which occurred during drilling operations offshore.

Crude oil came to the surface, and shore, fouling the beaches of Santa Barbara, Carpenteria, and elsewhere along the California coast; many pleasure boats in the harbor were coated with oil; and many waterfowl were drowned when their feathers became oilsoaked. Everyone deplored this unfortunate incident, but some of the exaggerated claims of damage to fish, seals, and other sea life certainly did not help the public to make a cool, impartial appraisal of the situation. It is understood that the clean-up has now been completed at a total cost of about $5,000,000 but, apparently, the beach is now in better condition than before the "spill".

It might be mentioned in passing that oil on the beaches at Santa Barbara is not a new experience. For centuries—long before Colonel Drake's discovery at Titusville, Pennsylvania—oil has washed ashore there from oil-seeps located in the channel near Coal Oil Point, just west of Santa Barbara. The amounts involved are estimated between 70 and 120 b/d. The latest incident, however, due to the much larger quantities involved, has caused a public reaction so intense that the impact has reached the Halls of Congress and has resulted in the introduction of legislation which, if enacted, would bar all drilling in the Santa Barbara Channel.

A few weeks ago a drilling platform containing several oil wells caught fire in the Gulf of Mexico. The fire initially consumed all the oil but, when the flames were extinguished, large quantities spewed from the wells on the surface of the water—and this has added more fuel to the pollution controversy. The wells are now capped and, apparently, there has been little proven damage to the environment even though large quantities of oil were involved, but there have been many lawsuits filed and arguments—pro and con—will rage for months or, perhaps, years. No one knows, at this time, what further drilling restrictions will be imposed as the result of this accident, but, as a minimum, it will provide impetus to the Santa Barbara legislation and a demand for stricter drilling and producing regulations.

In Tampa Bay, a Greek tanker went aground breaking open the tanks and oil flowed ashore along the beaches. While far to the North, off Alaska, oil washed ashore from an unknown source but presumed to be from "tanker ballast" discharged at sea. Both situations described as creating an "unsightly mess" and, again, claims were made of damage to the environment. In Canada, too, a recent oil-spill off Nova Scotia caused furor in the Canadian press. As you all know, great concern has been expressed with respect to the dangers of crude-oil-delivery by tanker via the Northwest Passage. This is, to say the least, a "hot issue" in Canada.

There have been tankers sunk; there have been oil-spills from wells drilled or drilling in the ocean and there will be more. With the demand for oil growing by "leaps and bounds", it is a statistical certainty that there will be more oil-spills in the future because a high percentage of the oil consumed throughout the world moves by ship and the more tanker miles sailed the greater the exposure to the perils of the sea.

In addition, as more wells are drilled offshore, the chances of accidents multiply. We can, and should, take all the safety precautions science can devise but, too, we should be realistic. There will be future spills. If we recognize this fact of life, perhaps, we can better prepare to minimize the damage from these spills; to develop more effective preventive measures and more effective clean-up devices.

We have found *oil in the Arctic*. We need it in the "lower 48". To get it to market, it must either be transported by tanker, by pipeline, or both. The Humble Oil Company has and is continuing to explore the feasibility of delivery by tanker through the Northwest Passage, a difficult task at best, but there are those who say the risks of such tankers being sunk and the oil polluting the Arctic are too great to permit tanker transport of Alaskan oil. Some say a large oil-spill in the Arctic might even cause a melting of the ice of the Arctic Ice Cap, thus raising the sea level throughout the world and flooding cities like New York, London, Tokyo, New Orleans, Singapore, and others along the sea coasts.

In passing, I have to mention another school of thought which holds that the pollutants discharged into the atmosphere tend to filter the sun's heat and to cool the earth that vital two or three degrees which would start the next glacial age.

Any comment I might make on these conflicting views would be academic at best. But, for now, we can view the *Arctic* for what it is—a cold, forbidding land but containing a wealth of natural resources of great benefit to our civilization. We are faced with the problem of getting the oil located in the Arctic to the consuming public far to the South; if the tanker route fails, then all of it must move by pipeline or not at all.

Such a pipeline, or pipelines, have been proposed. One has been planned across Alaska south from Prudhoe Bay to Valdez on the South coast of Alaska and then by tanker to the United States and other world ports. But the pipeline construction could, in the opinion of some conservationists, disturb the ecology of the area. Disturbing the tundra of the Far North might ruin the environment, destroy the habitat of caribou, polar bears, millions of waterfowl and other wildlife; there are problems of rights-of-way, Indian claims, and many others. Secretary of the Interior Hickel even now is wrestling with the many problems presented by this massive pipeline construction project.

In the meantime, another pipeline has been proposed from Alaska through Canada to the U.S.-Midwest—the McKenzie Valley pipeline. This line also poses problems but it is probable that both the McKenzie and Trans-Alaska (or Tapline, as it is called) pipelines will be built if, for no other reason, than the fact that this oil must flow to market one way or another. With all the delay on Tapline, one may well wonder which will be built first, Tapline or the McKenzie Valley line. The Northwest Passage may eventually prove to be a practical way of delivering oil from the Arctic, but there are problems here of great magnitude. If the reserves prove to be as large as some believe, *both* pipelines *and* the Northwest Passage may be used.

Large discoveries in the Canadian North will unquestionably expedite the building of the line through Canada. In fact, there has already been one very significant discovery at the mouth of the McKenzie River and there will probably be others on the Canadian mainland, the Arctic Islands, and in the Beaufort Sea.

Coal—no discussion of energy would be complete without mentioning this—the fuel that started the Industrial Revolution. Our North American reserves of this vital resource are estimated at over 1 trillion tons. For years the consumer enjoyed low-cost energy from coal. For years it was the dominant source of energy in the United States and in the world. The consumers were not particularly concerned where it came from or how it was mined. The mining methods of prior centuries undoubtedly left much to be desired. The United States was such a huge country, it appeared that the coal supplies and the lands were inexhaustible. Coal was often mined without much thought of what might happen to the land after the coal had been extracted.

As the years passed, the coal companies not only became more proficient in their mining methods but were concerned with the damage to the environment as well. Many of the better companies and unions became aware of the after-effects of mining and began to take corrective action before the public, itself, became aware of the problems. There were cases of underground mine fires, subsidence of the surface—sometimes beneath cities and towns with destruction of homes and other buildings—burning slag piles from which sulphur fumes rose to "pollute the atmosphere", and water from many abandoned mines became so heavily acidic that the streams, into which the sulphuric-acid-mine-water discharged, could support no life at all.

Suddenly, with the awakening of the public interest in pollution, and health and safety, the mining industry has been thrust into the spotlight with demands that all the problems which, in a sense, have accumulated for generations, should be solved overnight. Old abandoned strip mines should be leveled; acid-mine-water coming from mines abandoned for many years and which are polluting the streams should be neutralized; old mine fires extinguished; subsidence corrected; in fact, all aspects of mining, which are deemed unsightly or repugnant to the public, should be corrected overnight. Not too much thought has been given to the cost or the method by which this is to be accomplished; the public merely wants action.

There are, undoubtedly, some of these problem areas which could and should be corrected immediately. There are others where nature has already made all the necessary corrections. Commonsense indicates that corrective action should be taken only where such action would be truly beneficial—all things considered—a so-called policy of *"comparative values"*.

Turning to *air pollution* attributable to coal and oil, we find another "hot-bed" of controversy. Much of the coal and oil, as it exists in nature, contains sulphur and, when burned, sulphur dioxide and trioxide are discharged into the atmosphere. This has been termed one of the principal and long-term sources of air pollution.

Another area of potential pollution of more recent vintage is exhaust from auto-

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mobiles and aircraft engines—carbon monoxide, carbon dioxide, the oxides of nitrogen, unburned hydrocarbons, lead, et cetera. In the words of the public, these are things "we must do something about". The latest push is to "get the lead out."

Virtually all our modern automobile engines use gasoline containing tetraethyl lead. The reason is that modern automobile engines have high-compression ratios requiring high-octane gasoline. These high-octane numbers are obtained primarily by adding lead to the gasoline. There is, however, a limited quantity of high-octane gas available which contains no lead. The rating is attained by a rather expensive refining process through the use of alkylates, aromatics, et cetera. Thus such lead free gasoline will command a premium price at the pump.

At the present time, there appears to be a difference of opinion among the experts as to the health-damage caused by leaded-gas, but there *is apparent agreement* that as long as the gas contains lead, after-burners cannot be successfully used as a device to minimize air pollution from automobile exhuast emission. We are not sure, even if we were able to obtain unleaded, high-octane gasoline through these means, that the aromatics, aklylates or what-not, might not produce pollution more serious than that from gasoline containing lead.

Suggestions have ben made that we should develop steam cars, electric cars, or cars run on natural gas or propane. Full conversion to electric cars would probably create such a demand for lead that we would have a shortage of that element, or any other metal substituted for it, in producing the large batteries which would be required for millions of new cars each year. One of these suggestions for substitute engines may, after a period of study, prove to have merit but practicable replacement will take many years and at a high cost in capital investment.

Nuclear energy and a full understanding of it is shrouded in secrecy; yet, we can say that even this very promising source of energy is far from being pollution-free.

Energy from the atom, a dream of scientists for generations, became a reality beneath the stands of a stadium in Chicago during World War II, when *Nuclear fission,* on a practical scale, was first achieved. The first application of this form of energy was generously applied at Hiroshima and Nagasaki, Japan in August of 1945. These two incidents stopped a hot war—cold—and the lives lost there were compensated by the thousands of lives undoubtedly which would have been lost, on both sides, in the invasion of Japan.

Typically and oversimplified, energy is obtained by the fission (or breaking apart) of atoms of uranium 235 or plutonium. But, as with coal and oil, you get your energy but you have something left over that you neither need nor want—radioactive isotopes which emit gamma or beta rays and/or alpha particles. These are beneficial to man in certain medical applications such as cancer—but dangerous—if turned loose on an unsuspecting public.

In the process of developing nuclear fuel for power plants, and in the use of that fuel, certain waste radioactive isotopes are produced which must be disposed of safely. So far, the Atomic Energy Agencies of both our countries have been able to do this but, unlike many polluting substances which become harmless after a short time, some of the radioactive waste will remain dangerous to mankind for centuries—on a cumulative basis. Thus, the more nuclear power we produce, the more waste we accumulate. Because of the dangerous nature of radiation, this form of pollution—potentially the most insidious of all—must always receive priority attention as it has under our Atomic Energy Agencies and, as the use of nuclear plants increase, so does the threat of pollution from this source increase and will have to be dealt with.

Everyone has heard the statements made of the huge reserves of hydrocarbons locked up in the *oil shales* of the Colorado Plateau; estimates have been made that these reserves could contain the equivalent of one trillion barrels of oil, or more. Lost in the headlines of the tremendous amounts of energy contained in the shales is the small print indicating the technical and economic problems which remain to be solved before the energy can be put to a practical use. It is true that there are tremendous reserves of oil shale and that they theoretically contain enough "kerogen" (the name given to the extracted product which is essentially an oil) to last the United States for several hundred years *if and when a means can be found to extract it economically.*

You, in Canada, know from your experience with the tar sands near Fort McMurray that, although the reserves are huge, the technical problems associated with the recovery of a fuel the consumer can use are many and that the cost of recovery is tremendous. The Greater Canadian Oil Sands Company has reputedly already expended over $250,000,000 to attain a production rate amounting to approximately 45,000 b/d but, apparently it is not yet "in the black". The costs of a plant to extract the oil from the oil shales will undoubtedly be much higher. Thus, although the oil shales and the tar sands must be considered a part of the energy inventory of the United States and Canada, enjoyment of *large quantities* of usable product from these sources is more than a decade and a few billion dollars away. And here, too, there are potential pollution problems to be solved.

Individually, the various problems of pollution can be solved, many by known processes. Some of the sulphur can be removed from coal, sulphur can be removed from oil and we can have lead-free gasoline if a decision is made to go that route. Pollution from automobile exhaust emissions can be minimized; in fact, the pollutants have already been substantially reduced by engine changes made by the automobile companies. Internal combustion engines of the reciprocating type now in use can be redesigned to use lower-octane, unleaded gasoline. They will be less efficient—but it can be done. Or some new design such as the "Wankel" engine could be substituted for the engines now in use and such an engine could run very well on kerosene, or low-octane gasoline. Whether our power-hungry consumers will be happy with the "substitute" engines is another question.

The electric utilities and other large consumers can install electrostatic precipitators to remove particulate matter and, if a determined effort is made, it is probably possible to devise a method for removing sulphur from the stack gasses of the plants—making it unnecessary to remove the sulphur from the coal or oil. This approach would be a splendid one since then our huge reserves of high-sulphur coal could be used without relying on overseas energy sources. Some companies have developed systems which they claim will do this.

Industrial plants, city sewage systems, incinerators, can all be designed to minimize or eliminate pollutants discharged into our lakes, rivers and the sea. Our entire industrial establishment can be reviewed in minute detail with the ultimate goal of eliminating pollution from each and every source. This goal will not be easily or quickly accomplished—and the public must understand that all this is going to cost huge sums of money. The cost of the space program is going to look small by comparison.

Why the title—"The Energy Crisis"? In the foregoing words, it has been illustrated that the energy needed by a rapidly expanding population can be supplied only by the superhuman efforts of those who have developed the technology to produce it.

The public apparently is not aware that an Energy Crisis exists or how serious it is. Utility plant construction has not kept pace with the demands for electricity. As a result, there is serious danger of a brownout in the Eastern United States before the summer is over. It is almost a certainty that consumers will be asked to curtail their use of air conditioners, lights, and other 20th Century conveniences. Hopefully, this curtailment will enable the power companies to meet a reduced-demand until plant construction can catch up with real demand.

Coal stocks at the utility plants are dangerously low and any extended interruption in coal shipments could complicate an already serious situation. The Eastern United States has become almost totally dependent on foreign sources for residual fuel oil. An interruption in the supplies of this vital fuel would force the consumers of residual fuel oil, particularly the electric utilities, to switch to an alternate fuel. Many of these facilities are no longer convertible to coal and the demand for large quantities of additional coal on short notice could not be met anyway; it simply is not available without opening new mines. Natural gas is in short supply and a switch to this energy source would only create shortages among regular gas consumers.

Fortunately, most of our residual fuel oil is imported from Venezuela, an old friend, but another Middle East crisis which denies oil from that area to the Western World would spread remaining supplies dangerously thin and the European residual fuel oil economy would undoubtedly be competing for the remaining supplies of residual in the free world, thus cutting into our supplies on this side of the Atlantic.

If everything runs smoothly, the anticipated electric shortage this summer will be handled with a minimum of inconvenience to the public. Certainly, the utilities are doing all in their power to anticipate where the shortages are likely to occur and have planned emergency measures designed to handle the problems.

We have had our warning. Now serious and intelligent planning is necessary to see that present sources of energy are wisely used. It is also necessary that we assure that there are sufficient incentives for the oil and natural gas companies to look for new reserves; that there are incentives for the coal companies to keep existing mines in the production and to open new mines.

There are adequate reserves of coal, natural gas and oil in our countries to last for many decades. Additional large reserves are located in the Western Hemisphere. All are relatively secure. But these reserves are not all *proven* reserves. In the case of oil and natural gas, we know where discoveries are probable but only with further *exploration* and *development* can these reserves be added to our *Usable Energy Inventory.*

With respect to coal, we have known reserves which could supply our nations for centuries. But it takes money and time to open a new coal mine. It cannot be done in six months or even a year. Furthermore, plants can consume this coal only if they have the proper equipment in place; grates, crushers, stokers, conveyers, et cetera. The installation of such equipment is quite costly and time consuming. You cannot switch from oil to coal by turning a switch unless a plant maintains true dual-fuel capability. There are some plants which have true convertibility from oil to coal or gas and vice versa but, unfortunately, they are all too few.

We are now on the threshold of a serious shortage of *natural gas.* Reserves in the United States have been depleted at an alarming rate. Because of its clean-burning properties, natural gas will be in increasingly

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greater demand. In fact, there is not enough now to supply the demand for all the consumers who would like to have it and, unless prompt action is taken to increase the exploration rate, demand will continue to outstrip supply.

In the U.S. consumption has been greater than additions to reserves. In 1968 there was a net loss of 5 trillion cu. ft.; in 1969 the net loss was 12 trillion cu. ft. Unless this trend is soon corrected curtailment in the use of this fuel is inevitable. It is absolutely necessary to increase our exploratory efforts immediately.

You, in Canada, are fortunate in having such large reserves of natural gas. But all things are relative. You will need to find much more gas to meet the needs of an ever increasing market in Canada as well as the present and anticipated exports to the U.S. If these reserves are to be found, there will have to be added incentives to provide the exploration thrust. I hope these incentives on both sides of the border will be forthcoming—and soon.

I am sure the U.S. consumers appreciate the fact that you are sharing your reserves with them. I hope, as we march into the future, that our joint energy policies will become more and more in harmony as they have in most other respects over the past 100 years.

It appears that the public is finally "getting the message" with respect to the impending shortage of natural gas but they apparently do not understand the interdependency existing between the two. Any action which tends to discourage exploration for one results in fewer discoveries of both.

You in the industry know that when you drill a well you can never be certain whether you will get oil, gas or nothing at all. The public and our public officials should be made aware of this fact.

The natural gas industry and the oil industry are energy "Siamese Twins"; one cannot be isolated from the other. If one is sick both are sick; and, conversely, if exploration and development incentives are provided for one, both will benefit.

No mention of natural gas would be complete without mentioning Natural Gas Liquids and LPGs. One of these—propane—is the reason for this association's existence.

Specifically, I believe the future for *propane* is as bright as for any part of the barrel. With declining reserves of natural gas in the United States and a declining percentage of propane in that gas, more and more demands will ultimately be placed on Canada to supply this important material. Mr. D. N. McClanahan, in his very excellent article presented to the American Chemical Society in Houston on February 27, indicates that the propane supply in the United States is expected to increase at a rate of 2.5 per cent per year against a demand-increase of 4.3 per cent per year.

In Canada, the demand for propane will also increase but, due to the large amount of natural gas processed and sent to U.S. markets, there will undoubtedly be a surplus to help supply the U.S. deficiency. This same situation applies to butane and to condensate. As more and more natural gas is processed for the U.S. market, more and more LPG's and condensate will be extracted. It is fortunate for both our countries that your supply excess will complement the U.S. supply deficit.

It is not news to you that the largest increase in demand for propane is for petrochemicals. Due, however, to the drive against pollution, it seems to me that there will be increased demands for propane in other areas. It is already being used for peak-shaving by utilities in areas of periodic natural gas shortages caused by extremely cold weather.

There has even been some discussion of the possible use of propane as a partial substitute for gasoline in automobiles. Just how serious these discussions become is still a matter of conjecture. Certainly, internal combustion engines can use propane and it has been broadly "hinted" that it is possible, with minor engine changes, to use propane or gasoline interchangeably. The proponents of such a system claim that the use of propane in the cities in "stop-and-go" driving would materially reduce pollution.

There are problems: the cost of installing propane tanks in automobiles; supply tanks at filling stations; engine modifications; to mention a few. But, it is well to remember that the pressures to reduce pollution are strong and they are not going to diminish soon. As unlikely as it now appears, you may be dealing with a new set of customers before this decade is over.

The public, despite the fact that the United States and Canada have for generations enjoyed the benefits derived from the lowest-cost gasoline, coal, and natural gas in the world, have been led to believe that we are paying too much for gasoline, oil, et cetera; that the price should be less even though it means opening the gates to insecure, lower-cost overseas oil produced with lower-cost labor with consequent damage to our domestic petroleum and coal industries which have maintained world-leadership for over a century.

The oil industry has been attacked and berated for damage to the environment—polluting the air and polluting the water. It is true that pollution is a very serious problem and should be minimized where it cannot be completely eliminated. But, as far as our countries are concerned, each person in the United States and Canada must share a part of the blame for the pollution we have today. There are many industries contributing to water and air pollution; there are many segments of the Government contributing through inadequate sewage disposal plants, inadequate incinerators, and garbage disposal plants; and the public—you and me—we all make our small direct contributions which, collectively, represent a higher percentage of the total than we like to admit.

It is high time that we tell it the way it is;—yes—there is a problem but it did not just suddenly appear in 1968 or 1969. The problems of pollution have been with us since the Indians burned the prairies; and impure water supplies caused many typhoid deaths early in the century. It has been a problem since man began to congregate in the cities—long before the birth of Christ—and it has been increasing ever since. With the birth of the industrial revolution, pollution began to increase at a fantastic rate. Suddenly, in the sixties, the public at last began to realize how serious the problem can become.

The initial public reaction has been highly emotional. When some of the emotion has dissipated, I would hope that the appropriate authorities will be able to approach the various pollution problems more objectively and that they will have the support of industry and, *hopefully*, the people. But industry should not wait to be prodded into action; it should start immediately. Each new plant should be designed to minimize or eliminate pollution. If new sources of pollution can be eliminated, it will make the job of cleaning-up old sources much easier.

But, there is something we must all remember and which the public has largely overlooked, cleaning up pollution is going to cost MONEY—a lot of MONEY—and the people are going to have to pay for it through higher prices for energy and other goods and/or through higher taxes. There is nothing to be gained, and much to be lost, by trying to saddle any single industry or group with the blame for pollution. The fact is—it is a problem *facing* all of us and all of industry and the damage can be corrected only by the united efforts of all industry, Governments, and the people.

Unfortunately, the oil industry is bearing the brunt of the pollution criticism largely because the industry is so large and the pollution visibility is so much greater than in other industries. A dramatic event like the Santa Barbara incident or the wreck of the Torrey Canyon is far more likely to attract the attention and invite criticism of the public than the rather obscure mention of raw sewage from a city, or polluted water from a steel plant, a paper mill, or other industrial plant being discharged into our rivers and lakes. Yet, to the experts in the field, all these forms of pollution are equally, if not more, serious and all must be corrected.

And, while we are working on the job of cleaning up our environment, we must never lose sight of the fact that the public wants pollution eliminated with minimum of inconvenience to him or her—personally. It is doubtful that many people will be willing to turn down the thermostat to 60 degrees, give up one of their cars, or turn off the air conditioning even though such measures would result in a reduction in energy consumption and, to some extent, a reduction in pollution. No, they will want to continue living exactly the way they have been. So, the status quo probably will be retained and the cleanup will have to be super-imposed on the demands of our society for more gasoline, more oil, more jet fuel, and all the other comforts to which our civilization has become accustomed.

The oil industry, on its part, must accept this challenge. Individually and collectively, it cannot afford to sulk and indulge in self-pity because everything seems to have gone wrong during the closing year of the past decade. Pollution is an issue and must be faced. The oil industry should, and I am certain it will, be a leader in seeking a *realistic* solution recognizing that, at the same time, it will have to supply ever-increasing amounts of oil to a *demanding* public. It should have the courage to challenge misstatements. And, if a presumed cure to a presumed problem would cause more problems in its wake than it would solve, the industry should say so. And, most of all, when the industry is wrong—it should admit it—take its lumps and forge ahead.

Ultimately, we will have to look for a renewable form of energy such as solar energy or, perhaps, nuclear fusion as a replacement for fossil fuels, but this is a subject for another paper at another time and the main impact will be on another generation. As far as we can see now, oil and natural gas combined will be the dominant energy source for many decades; but coal will not be far behind.

The oil industry which has met every fuel crisis of the past, has supplied the fuel for victory in two world wars and several smaller ones; and has survived several interruptions in supply from the Middle East, *will* meet the test of the current shortage, but a little sympathetic understanding on the part of the public certainly would be welcomed.

THE MARSTON-KOTZSCHMAR CLUB

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. KYROS. Mr. Speaker, in observance of this National Music Week I insert in the RECORD a brief description of the Marston-Kotzschmar Club, which is an important organization for many of the Maine residents who appreciate fine music. This historical material has been assembled by Mr. William J. Foley and Mr. James J. Kearns, members of the Marston-Kotzschmar Club, and provides an excellent tribute to the two outstanding musicians, both former residents of Portland, Maine, in whose memory the club continues to further a greater understanding of music among residents of my State.

THE MARSTON-KOTZSCHMAR CLUB

It would be impossible to speak of the Marston-Kotzschmar Club without briefly speaking of the two remarkable men in whose honor the club is named.

Although both men died in the early 1900's, their spirit of fellowship and the universal bond of music still unite the composer, the performer, and the listener.

The Marston Club was named after Portland's own music master and composer, George W. Marston. It was organized as a private musical club for women in 1887 by Mrs. Charles Bedlow who was also the club's first president.

Marston, was both teacher and composer. He began his study of piano at twelve years of age, and at sixteen he was organist at the First Congregational Church of Sandwich, Massachusetts. He taught piano in Waterville, Maine and after about a year there, he decided to move to Portland and advance his studies of piano and organ.

He began composing music while very young, and spent about five years in Europe where he worked and studied to perfect his art. Marston composed over sixty piano pieces, and about an equal number of songs. His deeply religious nature inspired him to write church music for which he is best known.

One early critic, commenting on Marston's songs and lyrics, said: "One of these days, when Mr. G. W. Marston's exquisite songs are collected, there will be formed in one charming volume the finest poems in the English language, set to music which shows in every phrase the most delicate appreciation of the well chosen words."

Marston was organist at St. Luke's Episcopal, Congress Square Universalist and State Street Congregational Churches, successively.

After Marston died, February 2, 1901, the Kotzschmar and Marston Clubs united in a memorial service held in the Baxter Building where they gave a musical program consisting entirely of Marston's works. This joint tribute of the two clubs was to foreshadow their eventual union over sixty years later.

The Kotzschmar Club was formed on January 11, 1900, by a ground of thirteen musicians. It became one of Maine's most noted men's musical associations. The club was named in honor of Herman Kotzschmar who was one of the original thirteen founders.

Kotzschmar came to this country in 1848 and settled in Boston. Before he was twenty years old he had become an excellent pianist and organist. While in Boston, Kotzschmar was discovered by Cyrus L. Curtis who was very impressed by the young musician's talent and ability. A lasting friendship developed between the two, and in honor of this friendship, the son of Curtis, Cyrus Hermann Kotzschmar Curtis, donated to the people of Maine the Kotzschmar Memorial organ which enhances the newly re-decorated Portland City Hall Auditorium to this day.

Before Kotzschmar settled in Portland, he found himself stranded in Boston in 1848 when the Saxonia Band, with whom he had come to America from Germany, broke up and scattered across the new country. The men in the band didn't understand the language and customs of their new country, and the demand for foreign musicians was almost nonexistent.

Once in Portland, Kotzschmar became leader of the Union Street Theater Orchestra. He must have found this terribly boring because of the uncultivated tastes of the theater patrons of this period. So he submitted to the drudgery of playing over and over the popular refrains that did not appeal to the true musician in him.

In 1850, Kotzschmar was engaged by the Portland Sacred Music Society as pianist for the sum of fifty dollars a year. A year later, he became organist for the First Parish Church of Portland, a position which he held for forty-seven years.

Kotzschmar became conductor of the reorganized Haydn Association in 1869 and under his direction they presented Haydn's *Creation* in Portland City Hall with the Germania Orchestra and a chorus of three hundred voices. Under the skillful direction of Kotzschmar the Association became one of the most noted in America for their oratorio performances.

Later he became conductor of the Weber Club, the Philharmonic Orchestra and the Orchestral Union in Portland, and he directed choral societies in Gardiner, Lewiston, and Brunswick.

His *Te Deum in F* has been sung in nearly every church of importance in this country.

The Marston Club and the Kotzschmar Club went their separate ways from their inception until 1965.

Actually they became "engaged" a year before when the membership of both clubs decided to participate in joint programs for a trial period of one year. This arrangement seemed to work out well and on April 26, 1965 the "marriage" of the Marston (women's club) and the Kotzschmar (men's club) Clubs was consummated officially.

The newly formed club has had four presidents since this time: Irma Fairbanks, Catherine O'Connor, Larry Berry, and William Eves.

In this thumbnail sketch of Marston and Kotzschmar and the Clubs that bear their names, it is significant that both Marston and Kotzschmar were teachers and that their heritage imparted to others lives on and gives them the immortality that all men hope for, but so seldom achieve. As many of the Marston-Kotzschmar Club members and officers are teachers, they too will be able to stretch their lives and influence into the future through the young people they inspire today.

The Marston-Kotzschmar Club has kept the fellowship of their founders alive to this day through the close knit relationship of its members. The active members not only provide talent by the performance of their art, but also open their homes and hearts to other members who share their love of music. This unique arrangement provides educational as well as social benefits to all its members.

The educational benefits for the performer is the doing, and the interaction with the audience. For the less sophisticated the learning experience is not less because it provides a varied program of music from all ages which enriches the listener and provides him with a better musical background and understanding.

MAN'S INHUMANITY TO MAN—HOW LONG

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

DO ARMS TALKS MEAN ABM IS NOT NEEDED?

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. ARENDS. Mr. Speaker, seldom has mankind had more at stake than what is involved in the issues now under discussion in Vienna. These talks with the Soviet Union could well decide whether we shall have peace in the world, or mounting tensions, or perhaps even a nuclear holocaust. Directly linked to SALT are decisions which the United States must make on development and deployment of MIRV and ABM, which are our major bargaining points in Vienna. These issues are made clear in the May 4 issue of the Republican Congressional Committee's Newsletter.

Mr. Speaker, I insert the Newsletter editorial in the RECORD as a part of my remarks.

Editorial follows:

DO ARMS TALKS MEAN ABM IS NOT NEEDED?

Secretary of Defense Melvin R. Laird, in a recent thought-provoking speech to an Associated Press luncheon in New York, sought public understanding on what is at stake in the Safeguard ABM plan, particularly Phase II which is about to come before Congress. Said Laird:

"The most crucial aspect of national security is the strategic balance between nations that have competing interests in the world. The strategic balance has a direct effect on relations between the superpowers. It has an indirect effect on other nations both in terms of their own relations with each other and in terms of their relations with the superpowers. As one example, a situation of clear superiority on the part of the Soviet Union would have profound implications for any future political or military confrontation between NATO and the Warsaw Pact. In fact, a clear strategic superiority on the part of the Soviet Union would affect our interests and our obligations throughout the world."

The Secretary, comparing 1965 with 1970, pointed out that the USSR in that period more than tripled its strategic nuclear-weapons launchers—from 500 to about 1,700—and "virtually quadrupled the total megatonnage" of its weapons. The U.S. in the same period held its missile launchers unchanged to 1,710, cut its bomber force by more than 200, and reduced weapon megatonnage more than 40 percent.

In this situation, what is the U.S. to do? Should it place total reliance on SALT—the strategic arms limitation talks now under way in Vienna?

Those who are recommending a unilateral and unconditional moratorium on American development and deploymet of MIRV and ABM would throw away the only major bargaining counter we have before negotiations begin—and so throw away the only chance of success for SALT.

Besides ABM and MIRV, what else does the United States have to trade with the Soviets to get them to cut back on their ICBM development? If we give our one trump away in advance of negotiations, we remove any incentive the Soviets have to talk in earnest.

In the last year alone, the Soviets deployed 122 additional ICBM's; the United States deployed none. Last year, the Soviets added eight nuclear missile-firing submarines to their Navy—the United States added none. At the current rate of deployment—by 1974

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or 1975 at the latest—the Soviet missile-firing submarine force will be superior to that of the United States.

Last year, the Soviet Union deployed 40 new ABM's around Moscow; under the current rate of development and deployment the United States will not have a single ABM on the ground operating until 1974 or 1975.

If present trends continue, the United States a very few years hence will find itself clearly in second position—with the Soviet Union indisputably the greatest military power on earth.

The minute the word goes out to Europe or Japan that the Soviet Union is the first power in the world, the eyes of Europe and Asia will no longer look to the United States—but to Moscow.

The United States is interested in arms control; that is why we are at Vienna.

But the success of the talks at Vienna hinges on the U.S. having something to trade to the Soviets in return for restraint in their ICBM program. If we declare a moratorium on MIRV and ABM before arriving at Vienna—and without any commensurate concession—we will have nothing to trade and the Soviets will have no reason to concede a thing.

Peace between the big powers has been maintained for the last 20 years by this country's deterrent. Those who would ask us to declare a unilateral moratorium on MIRV and ABM would concede to the Soviets the position of supremacy in military power on the globe. Our experience with the Soviet—in Europe, the Far East and the Middle East—gives cause for pause as to whether that would be in the interest of the United States, of free countries, or of peace.

We are for limiting ABM and for halting MIRV—but we are for limiting it and halting it both in Washington and in Moscow. For the United States to stop and for the Soviets to continue along their crash program would not bring peace nearer but could well undermine it for a decade to come.

INTERNATIONAL LABOR ORGANIZATION TASK FORCE HEARINGS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, on Monday, May 11 the Task Force on the International Labor Organization will conduct hearings on the work of the 53d session of the ILO Conference, held in Geneva, Switzerland in June of last year.

It was my pleasure to serve as chairman of the House of Representatives advisory group to the U.S. delegation to the conference, along with the gentleman from Michigan (Mr. O'Hara) and the gentlemen from Ohio (Mr. Ayres and Mr. Ashbrook).

Witnesses who served as U.S. participants in the conference have been invited to summarize the deliberations and recommendations adopted by the conference. They are:

Hon. George H. Hildebrand, Deputy Under Secretary for International Affairs, U.S. Department of Labor.

Mr. George P. Delaney, Special Assistant to Secretary and Coordinator of International Labor Affairs, U.S. Department of State.

Mr. Edwin P. Neilan, president and chairman of the board, Bank of Delaware, Wilmington.

Mr. Rudolph Faupl, international representative, International Association of Machinists & Aerospace Workers.

Hearings will commence at 10 a.m. on Monday, May 11, in room 2257, Rayburn House Office Building.

OUR BRAVE PRESIDENT MAKES A COURAGEOUS STATEMENT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DUNCAN. Mr. Speaker, President Nixon's bravery in taking the right, though difficult, course in his decision on Cambodia is being praised widely across our Nation. While it would have been easier, and perhaps more politically expedient, to take a weaker stand, the President showed the world that this country would stand by its troops in a time of danger.

In one of the most courageous statements made by any political leader in recent years, the President said:

> I would rather be a one-term President and do what I believe is right than to be a two-term President at the cost of seeing America become a second-rate power and to see this nation accept the first defeat in its proud 190-year history.

I commend an editorial from the Chicago Tribune, entitled, "The President Would Rather Be Right," to the attention of my colleagues:

[From the Chicago Tribune, May 2, 1970]

THE PRESIDENT WOULD RATHER BE RIGHT

"This is President Nixon's finest hour," said a Democratic congressman, Rep. G. Elliott Hagan of Georgia, Thursday night after the President had announced his decision to send American forces into Cambodia to attack the headqaurters of the entire communist military operation in South Viet Nam.

Rarely if ever has an American President displayed greater courage than Mr. Nixon did on this occasion. In the face of a Republican senator's protest that a move into Cambodia would cost his party the congressional elections next November and warnings by others that it would make him a one-term President, Mr. Nixon said:

"Whether my party gains in November is nothing compared to the lives of 400,000 brave Americans fighting for our country and for the cause of peace and freedom in Viet Nam. . . . I would rather be a one-term President and do what I believe is right than to be a two-term President at the cost of seeing America become a second-rate power and to see this nation accept the first defeat in its proud 190-year history."

The President frankly acknowledged that there are deep and honest differences of opinion in this country about the wisdom of his course, but he justified it in terms of imperative military necessity, and he was most persuasive. It was "not an invasion of Cambodia," he said, but an operation against areas which are "completely occupied and controlled by North Vietnamese forces."

For years North Vietnamese and Viet Cong forces have occupied sanctuaries in Cambodia, from which they have conducted hit-and-run operations in South Viet Nam, heretofore with impunity. The enemy's high command headquarters, called COSVN [Central Office, South Viet Nam] was moved across the border into Cambodia after repeated American and South Vietnamese operations made its position in Tay Ninh province untenable. The enemy has vast supply depots, training and staging facilities, and other installations in the sanctuaries. Once the enemy forces are driven out and their supplies are destroyed, Mr. Nixon said, the United States will withdraw.

"We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Viet Nam and winning the just peace we all desire," the President said. He reaffirmed his hope for a negotiated settlement, but he served notice on the enemy that "we will not be humiliated; we will not be defeated. We will not allow American men by the thousands to be killed by an enemy from privileged sanctuaries."

What American, what reasonable person of any nationality, could honestly quarrel with that sentiment?

The enemy, Mr. Nixon said, is testing not our military power but our will and character. "If when the chips are down the world's most powerful nation—the United States of America—acts like a pitiful, helpless giant," he said, "the forces of totalitarianism and anarchy will threaten free nations and free institutions thruout the world."

There are, of course, some men in Congress and some other Americans who seem passionately committed to the defeat and humiliation of the United States. We believe most Americans, however, have the will and character to support whatever has to be done to protect the lives of our men in Viet Nam until they can be withdrawn without the defeat and humiliation of the United States.

POLLUTION FOES, TOO, CAN BE POLLUTERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DERWINSKI. Mr. Speaker, a very intriguing part of Chicago Today's format is that it presents staff members the opportunity to express their views on current events independently of the paper's editorial policies.

On Monday, April 27, Chicago Today featured a very practical and timely observation by its assistant picture editor, Jack Pryde, which I insert into the Record at this point:

POLLUTION FOES, TOO, CAN BE POLLUTERS

(By Jack Pryde)

I never thought I'd write anything except a "gee whiz" piece about the pollution fight. I have been preaching [and practicing] conservation since I was 13—that year I moved to within a half block of the Chicago river. If anything will start you worrying about the condition of our waterways, that will.

But now, in just a short time, conservationists have gone from being a minority—one that ranked somewhere between bird-watchers and string-savers—to an overwhelming majority.

Everybody has joined the anti-pollution force. The job ahead has unified our country as closely as a total war. And therein rests its danger.

It's not going to take the tub-thumpers, opinion-makers, politicians, and power-seekers long to realize that the man who captures this group is the man who runs the nation. It's better than taking a strong stand for motherhood because it hasn't become a gag line.

Already there are signs of a scramble for identification with the conservation movement.

Stock prices went up for companies whose names alluded to computer holdings. Before

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computers, it was electronics. Remembering that, company boards, no doubt at this minute, are trying to figure ways to include "environment" or "ecology" in the names of conglomerate acquisitions.

It won't be long until we can buy stock in outfits like Environmental Data corporation. [It could be a grass-seed distributor.]

We Americans tend to look to technology for our answers. After all, it was technology that gave us our high standard of living. It is also being blamed for fouling our environment. [We tend to look for scapegoats, too.]

What we must not forget is that it is we—not industry, not government, not some insidious plot—who are souring our air and water. It's US as individuals.

Commonwealth Edison fouls the air because we wanted powered tooth-brushes, and we want the power cheap, too. Detroit turns out overpowered fume-belchers because we buy them.

As long as we can remember that it is we who have caused the pollution, and that it is therefore up to us to control it, we can keep some smooth-talking, cliche-blatting, benevolent-sounding despot from leading us to an equally hideous form of pollution: Polluted leadership followed by a nation of polluted minds.

A REAL CHALLENGE FOR TODAY'S YOUTH

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. ZWACH. Mr. Speaker, Earth Day, a time devoted to calling the attention of our people to the ills of our environment, has come and gone. Throughout America, demonstrations were held in classrooms, in auditoriums, and on the streets.

This involvement of our young people is very commendable, but as Editor Gordon Duenow of the Little Falls Daily Transcript points out in an excellent editorial on the subject, the battle against pollution is a long, hard, and costly undertaking.

Mr. Speaker, I would like, at this time, to insert in the RECORD, Mr. Duenow's editorial, "A Real Challenge for Today's Youth":

A REAL CHALLENGE FOR TODAY'S YOUTH

"Too much talk and 'hellraising' are polluting the anti-pollution movement in this country," Roseville Mayor A. Donald Moll told an assembly in Alexander Ramsey high school as part of "Earth Week" activities. He also charged that there was "not enough 'doing' in the effort to improve man's environment." He added that "my conscience would not permit me to identify myself with the hysteria which is sweeping the land."

While it is evident from news reports that there was "too much talk and hellraising" along with not enough "doing" in some parts of the country but in other areas the youngsters could point with considerable pride to what had been accomplished.

In Little Falls, for instance, we noticed a good-sized pile of debris in the vacant area just north of the Little Falls Wholesale building. An exceptionally good job of collecting the debris in this area can be credited to the youngsters. There possibly are other areas that we have not noticed.

Now that the emotionalism of "Earth Day" or "Environmental Action" is past, maybe we can sit down and reflect what can be done to keep our parks and other public areas as clean as possible. And the youngsters certainly can be involved in this effort although it possibly won't be as dramatic—and there won't be any headlines.

We wonder how many people realize what effort many of the European countries make to keep their parks and public areas spotlessly clean. It always amazes Americans to see what can be done but it is almost impossible for us to realize how this can be done at home. How has it been possible in these European countries to educate people to use refuse cans instead of littering up the area?

They don't need a drive in these European countries to clean up the debris as there just isn't any to pick up.

We always will remember attending an athletic event at Oslo, Norway, where there was absolutely no debris of any kind to be seen anywhere even though 60,000 people attended. A short time later we took in a football game at the University of Minnesota attended by 60,000 people and had to wade knee deep through debris on our way to the parking lot.

Take a look almost anywhere in Little Falls and you'll see debris all over the place—yes even along areas near our schools and playgrounds and in the schools, too.

Wouldn't it be wonderful if youthful enthusiasm could be turned into a life-long effort to keep our country clean? After all it doesn't take much effort. All it takes is a little initiative to throw our debris into the nearest rubbish can—and there'll be more of them if our youngsters demand that this be done. If it is impossible to change the ways of those of us who are older, we can continue to litter up the place but when we finally die the youngsters who have made an effort to keep our country clean, and their children, can easily eliminate the ugly scene of debris from our country.

This has been done in other countries and it seems to us there is no reason at all why this can't be done here, too.

HIS EXCELLENCY HECTOR GARCIA-GODAY

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DE LA GARZA. Mr. Speaker, our neighbor and sister country of the Dominican Republic has lost one of its ablest and most noble leaders in the person of His Excellency Hector Garcia-Goday. He was a friend of all who knew him and I was proud to be able to call him my friend.

He served his country during one of its most critical moments as President—provisional—in 1965. He later served as ambassador to our country. At the time of his death he was a candidate for the presidency of his country.

In these times of turmoil and upheaval throughout the world, Hector Garcia-Goday was a rare gem: Calm, soft spoken, always the perfect gentleman—the perfect diplomat. We of the Western Hemisphere mourn his loss.

Mr. Speaker, I respectfully ask you and my colleagues in the House of Representatives to join with me in extending our condolences and our sense of grief to Mrs. Matilde Pastoriza de Garcia-Goday and her family and to the people of the Dominican Republic assuring them that we, as a people and a country—a part of the community of nations of the Western Hemisphere—share in their loss.

VIRGINIA PASSES SENATE JOINT RESOLUTION NO. 48 CONDEMNING THE TREATMENT OF AMERICAN POW'S IN NORTH VIETNAM

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DOWNING. Mr. Speaker, every true American must be concerned about the inhumane treatment of American prisoners of war in Southeast Asia.

The fact that our enemy has refused to treat these men and their families with the common decency normally expected of civilized persons is unbelievable and reprehensible. I think it is incumbent upon everyone to do his part to show the world the uncivilized inhumanness of this country called North Vietnam.

Recently in the General Assembly of Virginia, the Senate of Virginia, the house of delegates concurring unanimously passed Senate Joint Resolution No. 48 condemning the treatment of American prisoners of war in North Vietnam.

I include this resolution in the RECORD, as follows:

SENATE JOINT RESOLUTION NO. 48—CONDEMNING THE TREATMENT OF AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

(Patrons: Messrs. Pearson, Turk, Aldhizer, Barnes, Warren, Howell, Dawbarn, Manns, Hopkins, Cambell, Echols, Fears, Bateman, Andrews, Thompson, Stone, Babalas, Michael, Bird, D. W., Burruss and Robinson.)

Whereas, the Government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao have consistently refused to release the names of prisoners of war, have declined to release immediately sick and wounded prisoners, have refused to permit impartial inspection of their prisoner of war camps, have not guaranteed the proper treatment of all prisoners and have not permitted a regular flow of mail between prisoners and their families; and

Whereas, all of such actions are in violation of the Geneva Convention and offend all sense of human decency; and

Whereas, several hundred American servicemen are believed to be prisoners of war in North Vietnam, Viet Cong and Pathet Lao prison camps and some of these men have wives and children in Virginia; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the General Assembly of Virginia, the oldest law making body in the Western Hemisphere, register its condemnation of the government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao for their failure to comply with the provisions of the Geneva Convention and for their inhumane treatment of American prisoners of war; that it express its grave concern for the health, safety and welfare of American servicemen imprisoned in North Vietnam, and that it urge such governments to be mindful of the nature of such conduct and to make the humane gesture of compliance with the provisions of the Geneva Convention.

Be it also resolved that a copy of this resolution be sent to the Secretary General of the United Nations, the Secretary of State of the United States; to Senators Harry F. Byrd, Jr. and William B. Spong, Jr., of Virginia; to the members of the United States House of Representatives from Virginia; to the Office of the President of the Democratic Re-

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public of Viet Nam, Hanoi; to Xuan Thuy, Viet Nam Delegation, Paris; to Madame Nguyen Thi Binh, Delegate from the National Liberation Front of South Vietnam, Paris; to H. S. Nguyen Van Hieu, Ambassador of the Provisional Revolutionary Government of the National Liberation Front, Phnom Penh, Cambodia; and to M. Sot Petras, Representative of the Pathet Lao, Vientienne, Laos.

Be it further resolved that other State Legislatures be urged to pass similar resolutions, and that civic clubs and other community organizations be urged to join with this effort.

CLEANER AIR THROUGH SOUND FORESTRY

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MEEDS. Mr. Speaker, during the month of April we have witnessed two major events, the flight of Apollo 13 and Earth Day. As the astronauts reentered the earth's atmosphere, they passed through a composition that has changed significantly over the last 100 years.

Not only did they travel through more filth and dangerous particles, but the atmosphere today has less oxygen than previously. Producing more carbon than oxygen is yet another factor in the decline of the environment. One method of increasing our oxygen supply is by growing trees.

To assess this process, Mr. J. H. Rediske recently wrote a fascinating article for his company's paper, "Weyerhaeuser World." I include the article in the RECORD at this point:

THE DILEMMA: INCREASING MAN, DECREASING FORESTS

(By J. H. Rediske)

Man in his relatively short time on this planet, just a few million years at most in the 2 or 3 billion year story of life, has turned out to be the most efficient predator yet produced. All living things are influenced by his presence. Those living things which enhance man's life are nurtured and cared for, those which interfere find it difficult to survive. The physical world is likewise being changed by man. If the changes became excessive in the past, one was admonished to wait awhile and nature would reclaim and renew its own. But man is finding that the tremendous pressure he exerts on his environment by his numbers makes it impossible for nature to reclaim and renew and thus is the dilemma of our times.

There have been other species of animals in the long chain of life which have completely dominated their time and seemed overwhelmingly powerful, only to disappear precipitously. True none has had the power of man, but all occupied a dominant role in context with their time, differing from man perhaps only in degree. All of these former dominants succumbed because they could not adjust to either a change in their environment or a change in their relationship to other species.

But man is different from his predecessors in that he can analyze his relationships and bring to bear a vast store of knowledge and technology, so that adjustment to change is not only within his means but even his pleasure. For the first time in the history of living things, this is so. But man requires one other very important ingredient to survive, the will. Man must be willing to consider survival in his changing environment not as a political catch-phrase which yields to emotion, but with an attempt to understand this tremendously complex problem with carefully developed facts.

Most men have little appreciation for the complex problems inherent in the rise of our environment and natural resources, let alone what can be done about them. But they can feel the sting and smell the foulness of air pollution or see a stream they once fished in as a youth now a running open sewer, and know that there is a problem. Without adequate knowledge the reaction of many men is to insist we stop developing and using the resources of our environment without regard to the demanding pressures of an increasing population. This might stop the adverse changes in our environment at the expense of making a preserve of our world.

Melville Bell Grosvenor has artfully defined the difference between preservation and conservation. Preservation is the retention undisturbed and in a natural condition much as a museum. Conservation is the wise use of our environmental resources for the best interests of man and of necessity involves a sense of stewardship and responsibility in the use of those resources. We undoubtedly need some preservation. But it cannot be the answer to the control of man's environment, for we are an ecological part of that environment, and to preserve it makes us a museum-piece as well.

Conservation requires a sense of stewardship on the part of all men which can only come about through education and understanding. Fortunately this is being rectified in our primary and secondary education systems. Conservation is being taught in its broadest spectrum, a sense of stewardship and responsibility of our environment.

Education can perhaps rectify many of the serious misconceptions which now exist and are perpetuated in print. Because they are printed, they gain a credence of truth and are repeated. As an example on January 25, 1970, in the Detroit Free Press appeared an article indicating General Motors scientists had found that a giant sequoia gave off as much carbon monoxide as a car and indicted the tree as a polluter of our air. I have no doubt that the information was at some point garbled and the article was really referring to carbon dioxide. I know of no reference to significant quantities of carbon monoxide, if any, being given off by sequoias. The biological systems are much too efficient to allow for partial oxidation of carbon as an end product. But if the implication is that trees pollute by giving off carbon dioxide, then again this is a misconception. It is true trees give off carbon dioxide as do all living things by respiration. But it is also true that a growing tree during periods of sunlight will absorb as a part of the photosynthetic process all of the carbon dioxide given off during periods of darkness, and more in addition. A growing forest is a net absorber of carbon dioxide.

The role of the photosynthetic process in the development and maintenance of life culminating in man is not generally understood. The photosynthetic process is the next most important biochemical process to the life processes themselves and has made possible the development of higher forms of plant and animal life present on our planet today.

Prior to the initiation of life, the earth was a very different place than it is now. The land was warm and moist and subject to the competing processes of erosion and uplift much as today. The air, however, was different, so much in fact that it would have been completely inhospitable to at least all higher animal life. Strange gases were present such as hydrogen and ammonia for the atmosphere was reducing, which means there was little free oxygen. Other gases with which we are familiar, such as carbon dioxide, were present but in much larger quantities than today. Certainly gases such as nitrogen, perhaps carbon monoxide, and sulfur dioxide were likewise present with large quantities of water vapor.

Over long periods of time these gases under the constant agitation of heat and ultraviolet light formed a tremendous array of compounds of all types including wonderfully complex compounds of carbon. There was no life to degrade these compounds then, so they continued to increase in numbers and complexity. This chemical evolution finally developed to the point where sufficient organic compounds of proper complexity were present in close proximity to initiate and maintain the process of life.

Life in this primitive form involved a process of reproducing itself and a process of growth. These living processes required building material and energy which the primitive organism perhaps obtained by oxidizing carbon from the photochemically produced organic compounds in the environment. But these organic compounds were relatively few and slowly formed by present standards. Thus life would undoubtedly have remained simple and unimpressive if it had not been for the evolution of a tremendously important process.

At some point very early in the evolution of living things some organisms developed the ability to make their own organic compounds, their own food. They did this by reducing carbon dioxide using water and the energy from the sun, producing reduced carbon compounds of a higher energy state. These compounds could be used by the organism as food for growth and energy to conduct its living processes. The byproduct of this reaction was oxygen which was released to the atmosphere. The key to this miraculous process was a catalytic green pigment called chlorophyll. It alone was able to take the energy of sunlight and reduce carbon in the living cell to produce the countless organic compounds we know today as a product of life and living systems, a product of photosynthesis.

The reaction often has been expressed as below, not because the reduced carbon product was a six carbon sugar but as a simple way to show the reactants:

$$\underset{6H_{20} + 6CO_2}{\text{Water} + \text{carbon dioxide}} \xrightarrow[\text{Sun energy}]{} \underset{C_6H_{12}O_6 + 6O_2}{\text{Reduced carbon} + \text{oxygen}}$$

with a common monomer of plant synthesis as a result. In today's higher plants the raw materials are absorbed from the soil as water by the roots, and carbon dioxide from the air. These are combined in the leaves of a plant by the green pigment chlorophyll with the energy of sunlight to produce organic compounds, above represented by sugar, and the release of free oxygen.

The photosynthetic reaction represents the storage of energy derived from the sun in reduced carbon compounds (organic compounds such as foods, wood, etc.). The release of energy from these reduced carbon compounds by all living organisms is called respiration and includes metabolism of higher animals and decay caused by the lower organisms. As seen by the following example it is the reverse of photosynthesis and is carried on by all organisms, plant and animal alike.

$$\text{Carbon dioxide} + \text{water} \underset{\text{respiration (energy released)}}{\overset{\text{photosynthesis (energy absorbed)}}{\rightleftarrows}} \text{food, wood} + \text{oxygen}$$

Respiration then is the oxidation of organic compounds (the combination of oxy-

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gen with reduced carbon compounds) to produce carbon dioxide and water, as well as the production of energy. Burning of organic materials is similar to respiration in that oxygen is combined with reduced carbon compounds at higher temperatures to produce carbon dioxide (the fully oxidized form of carbon) and water directly without being mediated in a biological system. Thus on a global scale if photosynthesis is predominate, reduced carbon compounds and oxygen accumulate at the expense of carbon dioxide and water. If respiration and burning predominate, carbon dioxide and water tend to accumulate at the expense of reduced carbon compounds and oxygen.

An understanding of this relationship is vital if one is to visualize the ultimate outcome of the trends set in motion on our planet today which are constantly being accelerated by our rapidly increasing population. With the evolution of the photosynthetic process in the production of reduced carbon, it not only made possible the proliferation of living forms in number and complexity but made possible a new world. The animal kingdom was able to evolve based on the photosynthetic process in the production of reduced carbon, it not only made possible the proliferation of living forms in the plants they ate as food. For the source of all reduced carbon compounds in all organisms is the photosynthetic reaction.

As the biomass of the earth slowly began to increase, likewise the concentration of oxygen in the atmosphere increased. For the building blocks of biomass produced by the photosynthetic reaction had a similar production of oxygen. The amount of oxygen produced is somewhat dependent on the types of organic compounds synthesized. If the reduced carbon was in the form of glucose or its polymer, cellulose, the production of oxygen is nearly equal ton for ton as in the idealized reaction:

$$\overset{1.47}{CO_2}+\overset{0.6}{H_2O} \longrightarrow \overset{1}{C_6H_{12}O_6}+\overset{1.07}{O_2}$$

Little by little some of the organic plant remains began to accumulate in small deposits covered by sediments free from oxidation. As each increment of plant material thus became removed from the normal photosynthesis-respiration cycle, its increment of oxygen was likewise added to the atmospheric pool.

The oxygen concentration in our atmosphere over geologic time continued to increase as the biomass on our planet increased and part of that biomass was stored away as fossil fuels free from oxidation. It was probably during the tremendously lush carboniferous period when vast deposits of fossil fuels were laid down that the oxygen concentration in our atmosphere reached the present level of 21 percent.

But modern man has now arrived with his rapidly increasing numbers and his vast appetite for power. The photosynthetic-oxidation cycle is being reversed. For perhaps the first time since the beginning of the era of photosynthesis, initiated at least a billion years ago, more carbon dioxide is being produced in the biological cycle than is being consumed, and it is projected that at least three times more carbon dioxide will be released thirty years from now than was in 1960. If carbon dioxide is increasing in the atmosphere due to combustion, oxygen must be decreasing. The quantities may be small and as yet difficult to measure, but it cannot be denied that the process has begun. If the sea-level oxygen concentration was reduced by one half it would be comparable to that found at 20,000 feet. How much oxygen can we afford to lose?

It is not only the combustion of our fossile fuels which is reducing our oxygen reserve, but it is also the reduction of the oxygen producing base itself. It is said that we are removing from photosynthetic production at least a million acres a year in this country alone by construction and paving. In addition we are seriously impairing the photosynthetic production on many millions of additional acres and much of our aquatic and marine enviornment by the release of manmade toxic materials. This at a time when we are becoming more dependent on current biomass for oxygen production.

Certainly the seas and our forests constitute a very significant portion of this current productive biomass. But how productive is this photosynthetic base? It is calculated that in the seas is fixed more than half of the total world's production of reduced carbon by the photosynthetic process. Thus by the relationships discussed previously, the seas presumably should produce more than half of the annual production of oxygen. But it is undoubtedly a fact that the organisms of the seas use more than half of the world's annual production of oxygen as well, so that the net annual production of oxygen from this biomass may be very small. These communities of organisms have evolved over tremendous periods of time to a relatively stable balance of respiration and decay with photosynthetic production. Thus the only net annual production of oxygen is represented by that portion of the current biomass which is removed from respiration and decay, free from oxidation as a rudimentary fossil fuel.

It is true that a significant increment of oxygen is represented in our atmosphere by the current biomass of the seas. But the annual production of oxygen, within the limitations of the ebb and flow of climate and the evolution of more or less productive organisms, will be very small in comparison. And the present impact of man knowingly or not is to reduce the current biomass and thus the increment of atmospheric oxygen attributed to it.

Thus, it is with the climax forest. These forests with time have developed into stable communities of plants where the annual photosynthetic production is closely balanced by respiration and decay. There is little net production of organic matter per acre per year, in the mature climax forest, perhaps none. If there is no net production of organic matter after equilibrium has been attained, there can be no net production of oxygen. The forest is no longer a producer for it uses as much as it contributes.

But if some of these forests were harvested, converted into long-lived products such as building materials, and replaced with vigorously growing young forests perhaps we can increase total productivity. The increment of oxygen represented by the usable biomass of the original forest would be preserved and an additional increment would be developed by the vigorously growing young forest. This increment of oxygen could be many times the productivity of the original forest especially by the use of intensive management and superior strains of trees developed for increased productivity. For as we have seen the more wood and other organic matter produced per acre per year the more oxygen is likewise produced. An intensively managed forest may easily produce three to four tons of wood for products per acre per year and at least three to four tons of oxygen as well during the same period.

Few opportunities exist for extending our photosynthetic base other than forestry in this generally destructive era of man. Agriculture is the only other photosynthetic based intensively managed renewable biomass. But the food shortage pressures of farm to mouth subsistence found in a large part of the world have returned most of the photosynthetic production to carbon dioxide and water in less than a year. The oxygen increment from this production is of course lost in this same cycle.

Man must understand the possible consequences of his overwhelming influence on this non-renewable planet. He must be able to weigh his need or spiritual renewal in an old growth climax forest which better helps him understand from whence he came. But he must balance this with his look to the future, for he is not yet a museum piece, in using the limited resources of this planet in the true sense of Grosvenor's conservation. For this we must all develop a sense of stewardsip over these resources and a sense of responsibility in their use. Man's alternatives are to squander them or tend them. Does man have the will to face his future now? If he does not, there may be no future.

POLISH CONSTITUTION DAY

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. DINGELL. Mr. Speaker, the people of Poland have a great history of which they are deservedly proud.

Not only have they a reputation for diligence and skill as workers, but they are equally well known as accomplished masters in the arts and sciences. They are also famous as brave and courageous warriors for human causes. Innumerable Poles have staked their lives for freedom and liberty in many parts of the world. And of course there were Pulaski and Kosciusko fighting in our Revolutionary War.

Toward the end of the 18th century when part of Poland was under alien rule, Poland's leaders tried to save the remainder from sharing such a fate. Mostly for that reason they remodeled and overhauled their governmental machinery, hoping thereby to increase their power of resistance against aggressors. The Constitution of May 1791 was drafted and adopted with that in mind. By this Constitution the old abuses of nonarchical government were eliminated, and a type of limited monarchy was introduced. Parliamentary representation was expanded and the peasantry was placed under the protection of the law. The powers of the nobility were curtailed, and religious toleration was guaranteed. With such liberal provisions the Polish Constitution of 1791 was regarded as a very significant document. Unfortunately the Poles did not have the chance to live under its liberal provisions, for soon the country was attacked by its foes and then partitioned. But the spirit of that Constitution lived in Poland, and still continues to live even under Communist totalitarianism. May 3d was Polish Constitution Day, and as an American of Polish descent I was pleased to join with millions of other Americans with the same heritage in commemorating this event.

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WHAT IS A STRICT CONSTRUCTIONIST?

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BURTON of Utah. Mr. Speaker, James Kilpatrick wrote a column recently entitled, "What Is a Strict Constructionist?" Because the phrase is so widely used these days, I bring Mr. Kilpatrick's observations to the attention of those who may have missed them:

[From the Deseret News, Apr. 28, 1970]

WHAT IS STRICT CONSTRUCTIONIST?

(By James J. Kilpatrick)

Almost a year ago, in his memorable press conference of May 22, President Nixon explicitly stated his intention to nominate "strict constructionists" to the Federal bench. He has used the phrase several times since then, most recently in reference to Judge Harry A. Blackmun, and the question arises anew: What do we mean by "strict construction" of the Constitution?

One workable definition might be derived from reading a recent speech by former Attorney General Ramsey Clark's position as due west on a compass; you could then locate "strict construction" as due east, or 180 degrees around to the right.

Clark is perhaps the most extreme exponent of the flexible school of constitutional theory. In his eyes, the Constitution is "an old piece of parchment," filled with "mere words" and "antique phrases." In truth, he contends, "there is no immutable words" in the Constitution; there are only general principles, to be broadly applied to the needs of each generation. The important thing in Clark's view is to divine the "spirit of the Constitution" and to move on from there.

The strict constructionist takes a very different view. In his talk with reporters last May, Mr. Nixon groped to explain his understanding of the phrase by recalling the late Felix Frankfurter. There was no question that in his social and economic philosophy, Justice Frankfurter was a liberal; but he regularly upheld State laws of a conservative character. He was unwilling to substitute his own notions of desirable social policy for the expressed will of a legislative body.

That is surely one hallmark of the strict constructionist—that he recognizes the dignity and authority of other branches of government. Judges are not the only ones, of course, who take oaths to uphold the Constitution. Congressmen, senators, presidents and state legislators take these oaths also. And while the nine members of the Supreme Court necessarily are the final arbiters in disputed cases, great weight ought to be given to the will and the intention of other public servants.

In the rulebook of the strict constructionist, "intention" counts heavily. What did the framers of, say, the Fourteenth Amendment intend to accomplish? What did the ratifying states understand they were accepting? If these things are to be changed, they ought to be changed, as the Constitution provides, by amendment only.

Alas, this old rule of navigation has been just about scuttled. The amendment process is too slow for the impatient innovators who ruled the Court in the years of Earl Warren. If the Ramsey Clarks of this world have their way (and they have had their way in the Senate lately), it no longer will be necessary to look for judges learned in the law. We will look instead for soothsayers, skilled in communicating with the "spirit" of the old piece of parchment.

Those of us who stand due east, on the side of strict construction, would prefer judges. We want men of self-restraint. We want Tenth Amendment men, who believe that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states or to the people.

The Supreme Court, as Justice Black remarked recently, never was intended to sit as a constitutional convention, constantly in session. The Court's role is to interpret, not to amend. Permit us a small prayer, as Judge Blackmun comes on for confirmation, that he, too, sits on the eastern rim.

LINK BETWEEN UNEMPLOYMENT AND CRIME

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. NIX. Mr. Speaker, last Thursday the chairman of the Select Committee on Crime of this House, the Honorable CLAUDE PEPPER, delivered a cogent presentation to the Select Subcommittee on Labor on the link between unemployment and crime.

It has been my pleasure to serve on the Crime Committee with Chairman PEPPER and know personally of his concern for the frustrations and plight of those out of work, underemployed and unemployable.

Mr. Speaker, I wish to incorporate and make a part of my remarks the statement made by the distinguished chairman of the Crime Committee, the Honorable CLAUDE PEPPER, when he discussed the link between crime and unemployment.

The statement follows:

TESTIMONY OF CHAIRMAN CLAUDE PEPPER

Mr. Chairman and members of the subcommittee, I welcome and appreciate this opportunity to testify today on the three manpower training bills before you. I am awed by the amount of work and the length of time you have spent considering this vitally important legislation. It is my hope today that I may convey to you the urgency which the Select Committee on Crime feels about these bills. My work as chairman of this Select Committee has given me a unique opportunity to observe the relationship of unemployment to costly crime.

The Administration must be commended for realizing that a more effective delivery system will result if the various manpower activities of the Federal government are centralized. A comprehensive approach, a gathering in of the various programs that spin around in the Federal bureaucracy, is an important step in making these programs work.

The problem which this legislation attacks—the problem of people without jobs or the means to acquire them—is one of our most pressing concerns. The unemployment rate in February reached 4.2 percent of the labor force. This 4.2 percent sounds small, a minor problem. But an unemployment rate of 4.2 percent means that 3.4 million persons who want jobs don't have them, that 3.4 million persons are without a means of supporting themselves or their families. Each of 27 of our States has populations smaller than 3.4 million—the number of people out of work in the whole country.

And, I might add, there is serious question that the official figure of 3.4 million even begins to approach the actual situation. Some persons have been unemployed so long that they despair and drop out of the pool of those actively seeking jobs. And, by the magic of statistics, these persons no longer are counted as "unemployed." Last year there were about 600,000 of these "discouraged workers," according to the Labor Department.

Add to this those poor and transient persons who were never counted in the 1960 census—which the Labor Department uses to calculate the size of the labor force—and who are not counted as unemployed today, and you have a picture of gloom and desperation for millions and millions of citizens of the world's richest and most productive nation. The situation is such that it can only be labelled a national shame.

As if these arguments themselves were not sufficiently persuasive to demand a solution now—and I think they are—there are other arguments, dollars-and-sense arguments. I would like to address myself to only one cost of unemployment with which I am all too familiar: crime.

It has been estimated that organized crime costs this country about 30 to 50 billion dollars a year. That is a staggering sum. And while the nation is finally responding to the need to spend more to fight crime, the outlay for police, courts, corrections and related activities nowhere begins to approach the multi-billion-dollar loss.

I say to you that one of the most effective deterrents to crime is work. A man with a meaningful, well-paying job, a man with a vision of a better life for himself and his family, is a man not likely to become a criminal. On the other hand, a man who has repeatedly sought work and failed, a man who sees the future in terms of his desperation of the present, is all too likely to engage in criminal activities. In many cases, it is really quite simple: a man with nothing, and with no prospect of acquiring anything, steals. And how do we calculate the further cost—in terms of loss of self-respect, in terms of loss of initiative—of a man without a decent job.

It is no accident that there is a direct correlation between those population groups with the highest unemployment rates and those population groups with the highest crime rates. In urban areas in 1969, the unemployment rate was 3.1 percent. In poverty neighborhoods, the rate was 5.5 percent.

Teenagers—who commit a frighteningly high percentage of crimes, had an unemployment rate nationally of 13.8 percent, but in poverty areas the rate jumped to 19.9 percent. Yet even that figure hides the fact that among Negro teenagers living in poverty neighborhoods, the unemployment rate was 27.9 percent.

So it is clear that there is a relation between the tragic statistics of crime and the appalling statistics of unemployment. I feel most strongly, Mr. Chairman, that a massive effort in manpower training—coupled with jobs for the graduates of these training programs—would be a major force in the fight against crime.

While the public is clamoring for more funds for police and courts, there is, unfortunately, little public outcry for support for the kinds of manpower training programs that help people stay out of a life of crime. We in the Congress must be courageous enough to spend the necessary funds and to tell the public why they are needed.

Mr. Steiger's bill, the only one before you that includes an appropriation figure, proposes $2 billion for fiscal 1970, rising to $3 billion for fiscal 1974. I do not intend to suggest to the subcommitte a specific dollar amount. But I think we must all acknowledge that the program will be expensive. We are dealing with a major problem, one that assumes even greater urgency daily. But I

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would point out that the expenditure for manpower training will reap large dividends, in both tangible and intangible ways.

And yet while it is patently obvious that we must not only improve, but also expand, these manpower training programs, a reverse philosophy seems to have taken hold.

In an excellent article on corrections in last Sunday's New York Times Magazine, I was distressed to read that an apparently successful manpower development training program has been closed because of fund cutbacks.

The center was in the prison complex on New York's Rikers Island. Permit me, if you will, to read a short excerpt from the article:

"Most depressing of all are the currently abandoned facilities of the Manpower Development Training program, established in 1965 to serve both adolescents and adults on the island. Six trades, from metal fabrication to furniture-refinishing and repair, were taught by a staff of 19 in the course of a six-hour day. About four months before his discharge, the inmate entered a related program of vocational and academic coursework. As soon as he was released, he was turned over to the M.D.T. in his own community and went on salary according to his family's needs until he had established himself in his own trade. Some 900 adolescents and adults went through M.D.T. with excellent results. Thanks to to an infectiously ebullient staff and a solid community follow-up, recidivism was cut at least in half; by some accounts it was down to 25 percent.

"This did not impress those in Washington whose budgetary priorities do not parallel those of slum dwellers and others who suffer from the antisocial behavior of delinquents. Three times now funds for M.D.T. have dried up. Since August, 1969, the rooms have stood empty—offset-printing equipment, $30,000 lathes, 15 new typewriters and comptometers, arc and electric welding equipment, woodworking tools—while a few hundred yards away thousands of the frustrated and embittered mill about, waiting to be released to the streets where nothing awaits them but more of the same and an eventual return to senseless confinement."

Mr. Chairman, this kind of "economy" is neither economical nor prudent. Surely the cost of confining a man for even a short period of time is greater than the cost of training him so that he gets a job and becomes a tax-paying citizen.

Here was a program that was successfully breaking the jail-release-back to jail cycle, and now it is dead because of "economy." Economies of this kind can cost America its future.

Lest the picture seem to bleak, let me now turn to the work of the Opportunities Industrialization Centers, private, community-based programs to train persons for jobs. In just six years, the original center in Philadelphia has been expanded to 79 other cities. This program has received some Federal support, and I mention it as the type of private program our manpower legislation should recognize as successful. Our legislation must permit the Secretary of Labor to contract for the services of this type of center, as well as help promote other innovative measures. The old approaches have been tried and found wanting; the cost of experimentation is slight compared to the cost of failure.

Now, Mr. Chairman, it is my hope that this Subcommittee and this Congress will provide sufficient funds so that all who want and need job skills can acquire them. But if we do this, and no more, we have solved nothing. A skilled person out of work is just as hungry as an unemployed unskilled laborer. If the private sector of the economy cannot offer jobs to all who want them, then the Federal Government must do all in its power to fill the gap. As you know, Congressman O'Hara's bill is the only proposal which meets this need, by permitting the Secretary of Labor to contract with public or private non-profit organizations to expand public service jobs for the unemployed. I submit that this is a useful plan because it looks beyond the training program.

It is fruitless to provide funds for job training, while taking no steps to ensure that there will be jobs for those who receive the training. Indeed, it is a cruel hoax perpetrated upon the poor and the disadvantaged of this country to challenge them to think in terms of a brighter future if, in fact, we do not make the necessary provisions for that future.

It is unacceptable that we should have chronic unemployment in this country when so much work needs to be done. Our hospitals and health facilities are under-manned, housing construction and urban renewal are only creeping forward, our schools need help, the environment needs cleaning up. Why can't the Federal Governmnt help get these jobs done? I think we can and we must. Yes, the cost will be great, but so will the dividends. And one of those dividends will be helping millions of Americans feel they are making a valuable and necessary contribution to American life. This dividend alone can compound enormously.

There are several ways in which the Federal Government can help provide these public services employment opportunities. The important thing to me, however, is that they are provided. For unless there are jobs for the graduates of manpower training programs, we are not tackling the problem at its root.

And, as I said before, one of the major benefits to be reaped from an effective manpower training and public service employment policy will be a reduction in the crime rate. To me, after chairings of the Crime Committee across the nation, it is clear that there is a profound correlation between unemployment and crime. I ask you, then, to report out a bill that will be humanitarian, practical and effective. We have here a chance to make our people happy, our ghettoes cleared, our streets safe. We owe America no less.

THE U.N. AND LENIN

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. GUBSER. Mr. Speaker, Mr. Julius Epstein, of the Hoover Institution on War, Revolution, and Peace, has requested that I submit for insertion in the CONGRESSIONAL RECORD his letter of April 20 to the editor of the San Francisco Examiner regarding the celebration of Lenin's 100th birthday on April 22 by the United Nations. The article follows:

THE U.N. AND LENIN

TO THE EXAMINER:

I want to call your readers' attention to the outrageous fact that the United Nations, largely paid for by the American taxpayer, will officially celebrate Lenin's hundredth birthday on April 22, 1970 and thereafter.

The United Nations' Commission On Human rights adopted on March 13, 1969 a resolution relating to the forthcoming centenary from which I quote the following paragraph:

"The Commission On Human Rights welcomes the decision of the General Conference of UNESCO (United Nations Educational, Scientific and Cultural Organization) to make arrangements on the occasion of the centenary of Lenin and notes the historical influence of his humanistic ideas and activity on the development and realization of economic, social and cultural rights."

In addition, the Human Rights Commission requested its chairman to consult the Director-General of UNESCO on the participation of a representative of the Commission in the symposium to be organized on the occasion of the centenary of V I. Lenin.

This resolution was sponsored by Finland, India, Mauritania, Poland, Senegal, Ugrainian SSR, USSR, United Arab Republic, United Republic of Tanzania and Yugoslavia.

The vote was as follows: In favor: Finland, France, India, Iran, Lebanon, Madagascar, Mauritania, Morocco, Nigeria, Poland, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tangania and Yugoslavia.

Against: United Kingdom and United States.

Abstentions: Austria, Chile, Congo (Democratic Republic of), Greece, Guatemala, Israel, Italy, Jamaica, New Zealand, Pakistan, Peru and Philippines.

If there was ever a farce in the performance of the United Nations, it is this resolution which provides for the celebration of Lenin's birthday, the birthday of the creator of the most totalitarian and tyrannical society in the history of mankind, a society which has been noteworthy for more than half a century for its blood purges, the murder of untold millions of peasants, the man-made famine, the Katyn Forest massacre (which, by the way, occurred exactly thirty years ago), the perennial suppression of every single human right as well as the Soviet alliance with Adolph Hitler which sparked World War II.

To the best of my knowledge, there was no audible voice of the American Congress, protesting this outrage, partly paid for by the American people.

JULIUS EPSTEIN,
Stanford University.

A SALUTE TO THE LEAGUE OF WOMEN VOTERS

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. PODELL. Mr. Speaker, this year marks the 50th anniversary of one of the most able and effective citizen organizations in the United States—the League of Women Voters. Over the years, their ranks have been filled with concerned and active women who have devoted their time and their effort to the education of the people in the ways of the democratic process. In the tradition of nonpartisanship, the league has done comprehensive studies of issues and candidates. They have been an important link between the citizen and his government.

We are living in a time when the knowledgeable citizen is a necessity—the issues are too important and the consequences too resounding for a poorly informed populace. The league has exemplified what it means to be concerned and knowledgeable, and they have helped others to be the same.

This week, the league is holding their 50th anniversary convention in Washington. I would like to take this opportunity to salute the women of the organization for their years of service. I hope that the next 50 years will see the league continuing in its successful endeavors.

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LEGAL ASPECTS OF ENVIRONMENTAL PROTECTION AS THEY AFFECT THE ELECTRIC POWER INDUSTRY

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MOSS. Mr. Speaker, the American Public Power Association held its 27th annual conference in Memphis, Tenn., on April 27–29, 1970. Hundreds of delegates of local public power systems reviewed the major issues facing the electric power industry in the 1970's. They devoted considerable attention to the increasing conflict between the need for expanding electric power generation and transmission, and the need to prevent environmental degradation which generating and transmission facilities often inflict on our water, air, land, esthetics, and quality of human life. Some of the legal issues facing the electric power industry as it tries to meet the skyrocketing demand for more electricity while endeavoring to minimize environmental damage, were explained in the speech at the APPA Convention by Phineas Indritz, who is Chief Counsel of the House Conservation and Natural Resources Subcommittee, of the Committee on Government Operations, on which I serve. I think his excellent speech has considerable information that will interest many Members of Congress and the public. I therefore insert it at this point in the CONGRESSIONAL RECORD:

SPEECH OF PHINEAS INDRITZ

The enormous increases in population, industry, technology, and living standards in this country create a voracious demand for electric energy. The consumer wants electricity instantly available whenever he flips a switch.

This demand requires the electric utility industry, already the Nation's largest, to double its capacity every 8 or 9 years. Indeed, there are some who estimate future doubling every 7 years. Meeting this demand in the next 20 years will require construction of many hundreds of new giant power plants, each 500 to 1,100 or more megawatts capacity, and hundreds of thousands of miles of high voltage transmission lines.

The power industry is striving desperately to build these facilities. Yet it seems pretty clear that this nation is on the verge of some critical power shortages for at least the next few years.

Reserve margins during peak load periods are frighteningly thin in many systems. Last year several systems reduced voltage, appealed for voluntary curtailment of air conditioning and other uses of electricity, and even shed some loads, in order to distribute available supply with least harm to the system and the community. We can expect to see more of the same in the years to come.

Until recently, the public generally welcomed construction of power facilities. They provided employment, increased the community tax base, improved standards of life, and brought the convenience and economy of electricity to home, farm and factory.

However, the very process of the electric power industry's geometric growth is now raising an even greater challenge, both for industry and for government. This challenge comes from the mounting concern about the harmful effects which proliferating bulk power facilities have on our air, water, land, scenic view and wildlife.

By 1990, power generating plants and transmission lines in this country will occupy over 11 million acres. Their visibility will intrude upon many more millions of acres, including areas used for recreation, parks, historic sites, residences, wildlife sanctuaries, and other non-industrial purposes.

Fossil fuel plants already spew vast tonnages of sulfur dioxide, nitrogen oxide, and particulates into the atmosphere.

There are widespread fears being expressed about the amount of radioactivity emitted from nuclear plants.

Both nuclear and fossil fuel generating plants dissipate enormous amounts of heat into both the air and the waters of America.

Even hydroelectric plants, which do not pollute air and water, require dams, and involve drawdown practices, which change river flow, topography and ecology, and affect fish and wildlife.

As the national concern about contamination of the environment continues to grow, more and more people are asking—what will the electric industry do, 20 years hence when it is 5 times larger, to our air, water, land use, esthetics, fish and wildlife, and the quality of human life?

This challenge to the electric industry is very real. Let me cite a few of its impacts:

Environmental concern killed the Nez Perce dam project on the Snake River because it would have blocked fish returning to spawn in the Salmon River;

It stopped the Marble Canyon dam project because it would have backed water into the Grand Canyon National Monument;

The Cornwall "Storm King" pumped storage peaking plant has been involved in years of litigation by citizens who oppose its scenic impact on the palisades of the Hudson River;

The City of Woodside, California blocked construction of a transmission line needed by the Atomic Energy Commission until Congress stepped in to work out a compromise leading to a less visually intrusive line;

Citizens opposing the Calvert Cliffs nuclear plant point fingers of concern about possible harm to the Chesapeake Bay from discharge of heated water and radioactivity;

The State of Minnesota insists that the Monticello nuclear plant must conform to much more rigid requirements on radioactive discharges than are specified by the Atomic Energy Commission; and

Even the Secretary of the Interior, who as head of a department with several power marketing agencies certainly knows the importance of expediting the construction of more power facilities, has decided that it is more important to stop the Florida Power and Light Company from discharging waste heat from its nuclear plant into Biscayne Bay.

The electric utility industry can no longer plan its construction of generating plants and transmission lines solely on the basis of engineering feasibility and economics. It must now consider the impact of every new facility on the environment. Will it pollute the air? Will it overheat the water? Will it intrude on historic and recreational sites? Will it uglify and scar the landscape? Will the public view the harm to the environment as more serious than the threat of brownouts?

As you might expect, this rising tide of environmental concern has sparked much activity for law-makers and for lawyers, in legislatures, in administrative agencies, and in the courts.

The new attitude toward environmental protection in relation to more bulk power facilities was sharply emphasized in the *Scenic Hudson* and *High Mountain Sheep* cases.[1]

In the first case, the U.S. Court of Appeals for the Second Circuit stressed "as a basic concern the preservation of natural beauty and of national historic shrines, keeping in mind that, in our affluent society, the cost of a project is only one of several factors to be considered." (at p. 624).

In the High Mountain Sheep case, the Supreme Court admonished the Federal Power Commission and the electric industry (at p. 450) that:

"The test is whether the project will be in the public interest. And that determination can be made only after an exploration of all issues relevant to the 'public interest,' including future power demand and supply, alternate sources of power, the public interest in preserving reaches of wild rivers and wilderness areas, the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife."

In both cases, the projects were sent back for restudy and reconsideration. Failure to consider environmental factors had, at the very least, caused additional delay for these two projects.

I do not mean to imply that the slippage in construction schedules for new power facilities is due solely, or even largely, to the opposition by environmentalists and other citizens groups. On the contrary, much of the delays in bringing major generating facilities on line are due to inadequate planning and forecasting by the electric industry, which has grossly underestimated electric load growth; unforeseen technical operational difficulties; and delays in the manufacture of equipment such as pressure vessels for nuclear power plants. However, the potential conflict between environmental values and the need for more generating and transmission facilities is becoming greater.

The *Scenic Hudson* case is also significant for its substantial expansion of the judicial doctrine of "standing" to sue. It ruled that citizens concerned about the environment—about aesthetic, conservational and recreational matters—have legal standing to file suits challenging the action of a governmental agency's ruling, such as the FPC's licensing of a hydropower project.

The *Scenic Hudson* precedent has been followed in many later court cases.[2] And less than two months ago, the Supreme Court, citing the Scenic Hudson decision, ruled that under the Administrative Procedure Act[3] any person who is "aggrieved by agency action within the meaning of a relevant statute" has standing to sue to change that action, and that his interest "may reflect 'aesthetic conservational, and recreational' as well as economic values."[4]

These decisions forecast that there will be much greater opportunity, and likelihood, of challenge in the courts against the approval and construction of power facilities on the ground that they unduly impair the environment.

But even more drastic complications in the life of the power executive will come from the wide variety of legislation now being enacted as a result of concern about the environment. Legislation of this sort is flowing not only from Congress, but also from many state and local legislative bodies. Furthermore, administrative agencies at both Federal and State levels are adopting numerous regulations and policy statements intended to increase environmental protection against possible adverse effects of constructing new power facilities, or of operating existing power facilities. We could not, in the limited time we have here today, discuss more than a few of these new laws and regulations, or pending bills.

Perhaps the most significant of these new laws is the National Environmental Policy Act of 1969[5] which commands Federal agencies to administer all their activities with a keener eye toward their environmental

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Footnotes at end of article.

effects. The Act established a statutory Council on Environmental Quality to give high level guidance to the Nation on dealing with environmental problems. In addition, the Act directed that "all agencies of the Federal Government shall" develop procedures which will "insure that presently unquantified environmental amenities and values" be given "appropriate consideration is decision-making along with economic and technical considerations."

The Act also requires "all agencies of the Federal Government" to prepare a "detailed statement" to be included in "every recommendation or report" concerning "Federal actions significantly affecting the quality of the human environment." That detailed statement must cover each of the following matters:

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The Act also requires the Federal official, before making the detailed statement, to first "consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved." Copies of such statement and comments "shall be made available to the President, the Council on Environmental Quality, and to the public . . . and shall accompany the proposal through the existing agency review processes." (Sec. 102)

In addition, the President issued Executive Order 11514 on March 5, 1970 (35 F.R. 4247) directing all Federal agencies to establish procedures for public hearings on their plans and programs which affect the quality of the environment, and to "provide the public with relevant information, including information on alternative courses of action."

Some of these requirements are already applicable to electric bulk power entities. For example, public hearings are held by the AEC on applications to construct nuclear power plants, and by the FPC on applications for hydropower licenses. Both the FPC and the AEC consult with other agencies concerned with environmental effects, such as the Interior Department with its Fish and Wildlife Service, Geological Survey and Federal Water Quality Administration, the Corps of Engineers, and others.

The National Environmental Policy Act of 1970 will undoubtedly result in revisions of agency procedures which will enable conservation and environmental groups to have a more substantial input into agency decisions. For example, on March 31, 1970, the AEC adopted a statement of general policy to implement the National Environmental Policy Act. That new AEC policy broadens the opportunities of Federal, State and local agencies to express their views on the environmental effects on licensing nuclear power plants and plants which reprocess fuel discharged by nuclear reactors. It also specifies that permits for constructing, and licenses for operating, such plants must require observance of all applicable Federal and State standards and requirements for protection of the environment, including control of thermal effects of release of heated waters from such plants. I can foresee conservation groups petitioning the AEC to enforce these new AEC requirements.

It is not easy to predict exactly what will be the impact of the National Environmental Policy Act on administrative and judicial decisions involving future electric power facilities. But it is certainly significant that the injunction issued only 2 weeks ago prohibiting the Secretary of the Interior from granting a permit to construct a 390 mile road in Alaska in connection with the trans-Alaska oil pipeline, was because he has not yet complied with this Act.[6] It thus seems evident that the viability of future electric bulk power facilities may depend on compliance with both the procedural and the substantive requirements of the Act.

Electric power generation requires tremendous quantities of cooling water to absorb the heat wasted in the conversion of energy from fossil or nuclear fuels to electricity. Experts tell us that within the next decade the electric power industry will require for cooling purposes more than one-sixth of all the available fresh water runoff in the Nation. Because warm water has less oxygen than cool water, fish suffocate, and waterborne organic wastes are less easily decomposed. This "thermal pollution" (some power companies call it "thermal enrichment" which "enhance" fish life) is now subject to at least two Federal Acts.

First, under the Water Quality Act of 1965 (33 U.S.C. 466–1, et seq.) all of the states are establishing water quality standards which include limitations on changes in temperature of interstate waters. About 15 states have not yet had their standards, for at least some of their interstate waters, approved by the Secretary of the Interior who is insisting on lower maximum temperatures than these states propose. When river temperature reaches the maximum allowed under the water quality standard, no more thermal power plants can be built on that river if they will further raise river temperature.

Second, the Water Quality Improvement Act of 1970[7] signed this month by the President requires (sec. 21(b)(1)) that any applicant for "a Federal license or permit to conduct any activity . . . which may result in any discharge into the navigable waters of the United States" must provide "the licensing or permitting agency a certification from the State . . . or interstate water pollution control agency . . . that there is reasonable assurance . . . that such activity will be conducted in a manner which will not violate applicable water quality standards," i.e., including the standards governing maximum temperature of the receiving waters. No Federal license or permit will issue, if the State or interstate agency denies such certification.

This requirement clearly applies to nuclear plants because they are licensed by the AEC.

It probably will also apply to most fossil fuel plants. Many will need permits from the Corps of Engineers to construct water intake or discharge facilities in navigable waters. Furthermore the Federal government's suit against Florida Power and Light Company to prevent it from discharging heated water into Biscayne Bay contends that heated waters (plus the dead bodies of micro-organisms and other simple plants and animals killed by the heated discharge) constitute "refuse" under the Refuse Act of 1899 (33 U.S. Code, sec. 407). That Act makes it unlawful to discharge any refuse into navigable water without a permit from the Corps of Engineers, and the Supreme Court has ruled that "refuse" means virtually all "pollutants"—only "sewage" and runoff from streets seem to be excepted.[8]

Another issue now being hotly debated is whether a state water pollution control agency can impose water quality controls applicable to radioactive discharges from nuclear plants that are more stringent than the controls imposed by the AEC. The question whether the Atomic Energy Act preempted state authority in this area and made it the exclusive province of the AEC is now being litigated in *Northern States Power Co.* v. *State of Minnesota*. In either case, the nuclear power industry and Government will have to satisfy the country on the question of how stringent should be the standards applicable to radioactive wastes.

Still another challenge to the electric power industry is the snowballing concern about air pollution. The Office of Science and Technology has estimated[9] that fossil power plants now discharge almost 50 percent of the sulfur oxides, 25 percent of the particulates, and approximately 25 percent of the nitrogen oxides emitted from all sources in this country. These fossil fuel plants will certainly be affected by the Air Quality Act of 1967 (42 U.S.C. 1857, et seq.) under which the Department of Health, Education, and Welfare is now defining the boundaries of air quality regions throughout the country and issuing air quality criteria and control technique documents for sulfur oxides and particulates.

Furthermore, numerous states and localities are adopting more stringent air quality control laws and ordinances. Some, as in New York City, limit the sulfur content of fossil fuels used by electric utilities.

Such controls create a major problem for the electric utilities in view of the increasing scarcity of low sulfur coal and natural gas for fossil fuel steam plants, and the expense of altering boilers to burn subbituminous low-sulfur coals and lignite.

This concern about the environment is also spelled out in several major bills not pending in Congress.

The Electric Power Reliability bill introduced by John Moss and more than 50 other Congressmen, and by Senator Edward Kennedy and several other Senators (H.R. 7016, H.R. 7052 and S. 1071, 91st Congress), would establish a five-member National Council on the Environment, independent of the Federal Power Commission. That Council would review, and make recommendations to the FPC, concerning the environmental impact of power coordination plans, and proposed generating plants with 200 or more megawatts capacity and transmission facilities capable of carrying over 200 kilovolts, and FPC licensed hydroplants.

The bill would empower the Council to suspend action on the proposal until there have been hearings and a decision by the FPC, and to seek judicial review of the FPC's decision. In addition, the Moss-Kennedy bill would provide wider opportunities for members of the public to present their environmental objections in public hearings before the FPC and in the courts.

Another pending electric reliability bill, prepared last year by the FPC while Lee White was still FPC Chairman and introduced by Cong. Macdonald (H.R. 12585, 91st Congress) would establish an Advisory Panel on the Environment whose function would be very much like that of the National Council on the Environment of the Moss bill. However, the Macdonald bill's Advisory Panel could not suspend action on the proposal or seek judicial review of the FPC's decision.

Another significant bill is Senator Muskie's "Intergovernmental Coordination of Power Development and Environmental Protection Act" (S. 2752, 91st Congress) on which hearings recently began before his subcommittee of the Senate Government Operations Committee. This bill would authorize establishment of regional districts with boards whose members would be appointed by the Governors of the states within each region.

Footnote at end of article.

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The boards would appoint intergovernmental advisory councils composed of representatives of regional, state, local and international government agencies, the public, and all segments of the electric industry.

The Federal Government would promulgate criteria for developing procedures for siting and construction of bulk power plants to comply with various requirements, including control of pollution, power needs, land use plans, preservation of environment, antitrust statutes, etc. The regional boards would prescribe the procedures for complying with the criteria and for issuance of licenses. The electric utilities would propose reliability and adequacy standards, to be approved by the Federal Government, for planning, constructing and operating bulk power supply facilities. Thereafter no such facility (defined as generating plants of 400 or more megawatts and transmission lines of over 200 kilovolts) could be constructed or modified unless the regional board certifies that it complies with the approved standards and procedures.

Even more far reaching is Senator Jackson's bill (S. 3354, 91st Congress) to develop national land use planning by states and interstate agencies under grants administered by a Land and Water Resources Planning Council. All Federal agencies would be barred from approving any projects inconsistent with the state land use plans (sec. 408(b)), and would be required to coordinate their major land use planning activities with the plans of other Federal, state and local agencies (sec. 409(b)).

Sen. Jackson's bill is not limited to the electric industry and its siting problems. It would establish a framework for national land use planning and management to preserve the environment while promoting ecologically sound development of land and water resources. Sen. Jackson's bill would encourage states to set aside some shorelines and other areas for public use and recreation, while reserving still other areas for industrial use, including sites for nuclear and fossil fuel power plants and corridors for transmission lines.

These and other legislative efforts reflect the national concern to develop better mechanisms for minimizing the environmental impact of future power facilities. They help stimulate both government and industry to give further attention to these problems. Several excellent reports are now available.[10] These studies should help the electric industry plan, site, construct and operate its bulk power facilities so as to provide this country with the electricity we need while preventing further degradation of our air, water, land, aesthetics, recreation, and other important elements of our environment.

Thank you for listening.

FOOTNOTES

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[1] *Scenic Hudson Preservation Conference* v. *Federal Power Commission*, 354 F. 2d 608 (CA 2, 1965), *cert. den.* 384 U.S. 941 (1966); *Udall* v. *Federal Power Commission*, 387 U.S. 428 (1967).

[2] *United Church of Christ* v. *Federal Communications Commission*, 123 U.S. App. D.C. 328, 259, F. 2d 994 (1966) permitted citizens having no "property" interest in the issue to challenge the Federal Communications Commission's renewal of a broadcast license, *Citizens to preserve Overton Park* v. *Volpe*, Civ. Action C–70–17 (U.S. Dist. Court, W. Dist., Tenn., W. Div. Feb. 26, 1970) allowed citizens to challenge the Department of Transportation's approval of a highway route through a park in Memphis, Tennessee. *Gandt* v. *Hardin, Secretary of Agriculture*, Civ. Action 1334 (U.S. Dist. Court. W. Dist. Mich., N. Div. Dec. 11, 1969) allowed citizens to challenge the Forest Service's decision to change the Sylvania portion of the Ottawa National Forest in Michigan from a primitive forest area into a managed recreation area.

[3] 5 United States Code 702.

[4] *Association of Data Processing Service Organizations* v. *Camp*, U.S. (No. 85, Oct. Term, 1969, March 3, 1970, slip copy, pp. 3–4).

[5] Act of January 1, 1970 (Public Law 91–190; 83 Stat. 852).

[6] *Wilderness Society* v. *Hickel*, C.A. 928–70 (D.C., District of Columbia, April 13, 1970). An injunction was issued for the same reason in *Texas Committee on Natural Resources* v. *United States*, Civ. A–69–CA–119 (D.C., W.D. Tex. Feb. 5, 1970).

[7] Act of April 3, 1970 (Public Law 91–224; 84 Stat. 91).

[8] United States v. Republic Steel Corp., 362 U.S. 482, 490 (1960); H. Rept. 91–917, p. 15.

[9] Report of Dec. 1968, entitled: "Considerations Affecting Steam Power Plant Site Selection", pp. 29–30.

[10] Some of these studies are:

(*a*) "Considerations Affecting Steam Power Plant Site Selection," by Office of Science and Technology, December, 1968.

(*b*) "The Electric Utility Industry and the Environment," Report to Citizens Advisory Committee on Recreation and Natural Beauty, by Electric Utility Industry Task Force on Environment (1968).

(*c*) "Working Committee on Utilities," report to Vice President and to President's Council on Recreation and Natural Beauty (Dec. 1968).

(*d*) Joint Committee Print, "Selected Materials on Environmental Effects of Producing Electric Power," Joint Committee on Atomic Energy, 91st Cong. (Aug. 1969).

(*e*) Hearings on "Environmental Effects of Producing Electric Power," Hearings before Joint Committee on Atomic Energy, Part I (Oct.–Nov. 1969); Part II (Jan.–Feb. 1970).

(*f*) "Major Electric Power Facilities and the Environment," by Plant Siting Task Force, Edison Electric Institute Committee on Environment (Feb. 1970).

(*g*) "Problems in Disposal of Waste Heat From Steam Electric Plants", Federal Power Commission, 1969.

ABILITY STILL COUNTS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BURTON of Utah. Mr. Speaker, occasionally there is an item or an editorial in the daily press that reassures us that all of our old-fashioned ideas and values are not misplaced. For example, I found the following editorial in today's Christian Science Monitor rather heartening:

[From the Christian Science Monitor, May 5, 1970]

ABLENESS STILL IN VOGUE

There is great encouragement in the Gallup Poll's latest survey. It showed that 86 percent of Americans polled felt that ability, not luck, was the key to success in life. This was a healthy 7 percent higher than 30 years ago.

These findings are significant. They show that people grasp that the course of success in their lives starts within them. Despite the circumstances of neighborhood, social ties, color (most blacks, the poll showed, also thought ability not luck the more important), or religion, the individual can better himself. Even young adults, whose discontent with older ways gets such notice presently, agree their fortunes will be measured by their ableness.

We of course believe all should be done that can be done to help the general lot of citizens. The government and all organized groups should press on to relieve poverty, improve schools, drop bars based on sex or age or color, even the lingering prejudices against certain nationality groups.

But it would be a mistake to think that the progress of individuals must wait on the advance of the group. Group-centered thinking usually is limiting. Intelligence to act and think rightly has nothing to do with a group. It wells up independently and spontaneously in the individual. And it can always lead him to better his own lot, and in so doing show the way for others.

MILITARY OPERATIONS IN CAMBODIA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WYMAN. Mr. Speaker, search and destroy operations to eliminate the facilities from which the North Vietnamese Communists direct military operations in South Vietnam from Cambodian sanctuaries are not invasions of Cambodia. The Government of Cambodia welcomes them. They help make the Vietnamization program of President Nixon possible, and they will protect Americans in their withdrawal from South Vietnam.

It is important that these basic facts be understood as the clamor against apparent further involvement in Southeast Asia rises in intensity. Actually what is being done is in the interest of getting us out of there faster.

In this connection the attached editorial in the Armed Forces Journal of May 11, 1970, is worthy of thoughtful consideration:

AT LONG LAST . . .

At this juncture in the muddled history of war in Southeast Asia, it seems that the President could win (or lose) a majority of the American people either by pulling out now—or by taking some decisive action to win, so we could pull out later.

What's divided America about this war is indecision.

What Americans won't tolerate is an indecisive war of infinite duration, incomprehensible, not understandable—a war that has neither a clear ending nor a clear objective.

What President Nixon has done in his speech Thursday night, it seems to us, is to make it clear to North Vietnam that the American people are more willing to back General Creighton Abrams' offensive spirit than they are willing to keep living in the chicken coop.

The President's goals *are* understandable: to save American lives, to enable Vietnamization to go on to a successful conclusion, to permit self-determination of the South Vietnamese to continue to fruition.

The Communist effort to broaden their bases in and actions from Cambodia could not go unanswered. As they come to realize that they won't be permitted to fight with impunity from a sanctuary in Cambodia, they'll realize they have to go somewhere else. Since the Gulf of Siam is to the South, perhaps now they'll get the word that they'd better go back North.

At long last, the President seems to be signaling a significant change in our military posture in Southeast Asia—perhaps even a change in our objectives: one that says we won't pull out while the Communists continue to dodge behind arbitrary, artificial lines of engagement, be they in Cambodia, Laos, or elsewhere.

We don't know if the President has constrained General Abrams with some arbitrary line—what will happen, for instance, if the North Vietnamese drift out of sight 20 miles or so inside the Cambodian border. But it's clear that some of the constraints are off. For the first time since 1961, it looks like American and South Vietnamese commanders on the ground are being given the courageous political backing they need to do the job they've been told to do.

We don't know what limits the President has set on the distance to which this new path leads. But we're willing to follow him for the sheer pride of accompanying him on the trip. The Nixon game plan beats the hell out of the scenario we've watched for the past nine years with men dying while their political leaders in Washington writhed in agonies of executive indecision.

The indecision has been expensive for this nation: 41,610 American dead, 274,727 wounded, 955 missing, 444 captured or interned. Plus 106,098 South Vietnamese dead (excluding civilians and paramilitary forces)—and 3,787 deaths among other free world forces.

More Americans are bound to give their lives before this war is over. But not because the President tied their hands, or listened to the diviners of grand strategy—and platoon tactics—who have had their heads buried for years in the Pentagon's 3½-inch-thick *Southeast Asia Statistical Digest*.

As the President put it, "The time has come for action"—not another statistical analysis, but a little maneuvering room for the guy who's under the gun: General Creighton Abrams and several hundred thousand other Americans whose necks are out in Southeast Asia.

The President laid *his* neck on the line for *them*.

He is now much more than a Commander-in-Chief. He is also a combat soldier in the truest sense. We could pay him no greater compliment.

We support the President in his decision. We think all Americans stand a little taller for it.

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DIZZY PACE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. GAYDOS. Mr. Speaker, I am aware we live in a pretty fast world today. Everything is going faster today, including money. However, I was not aware just how fast money was being spent until I noticed the following editorial which appeared in the Daily News of McKeesport, Pa., last week.

I believe the article, which follows, will be of interest to my colleagues and some members of the bureaucratic brotherhood here in Washington:

Dizzy Pace

We know for sure that the federal government is spending our money at an enormous rate, but we can't always comprehend just how fast.

But some people in Washington have taken the time to estimate that, based on the federal budget for fiscal 1970, our government is spending $22 million an hour, $367,000 a minute or $6,116 a second.

At the rate things are going, before you can buy an envelope and stamp to write a letter of protest, you may not be able to afford it.

VINCENT R. LOFTUS: AN OUTSTANDING POSTMASTER

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. PATTEN. Mr. Speaker, being the postmaster of a relatively large New Jersey city is not easy, for there are many challenges and problems. The public often takes its postmasters for granted, but I never have, for I know how difficult their jobs are.

I am proud of the postmasters of Middlesex County, but there is one of them who is truly outstanding—one of the best in the Nation—Vincent R. Loftus, postmaster of New Brunswick. A dynamic executive and a man of great dedication and leadership, he has compiled an outstanding record.

In the past few months, Postmaster Loftus was honored with a plaque from the National Safety Council in a nationwide National Fleet Safety Council Contest, and later, the U.S. Post Office Department's Academy Training Institute opened its first unit in New Brunswick. I am sure there were several reasons for selecting New Brunswick for that important program, but I believe that the fine record of Postmaster Loftus was also a factor. He also was presented with a Superior Accomplishment Award from the Philadelphia Regional Director, Jack B. Pentz. Vincent R. Loftus is a superior postmaster and also a superior man—often firm, but always fair.

I hereby insert two newspaper articles covering the National Safety Council plaque presentation, and the opening of the Post Office Department's Academy Training Institute—from the Home News, and the Spokesman, both of New Brunswick, N.J.:

Post Office Captures Top Award

Perth Amboy.—Postmaster Vincent R. Loftus and the New Brunswick Post Office were honored last night with a plaque from the National Safety Council.

The New Brunswick Post Office finished in a three-way tie for first place in a nationwide National Fleet Safety Council Contest.

The plaque was presented to Loftus by Jack B. Pentz, director of the Philadelphia Post Office Region. The occasion was a meeting of the New Jersey chapter of the National Association of Postmasters held at the Bel Air Manor Restaurant.

Among those who witnessed this first time honor for the New Brunswick Post Office were Rep. Edward J. Patten, D-N.J., Perth Amboy Mayor James J. Flynn Jr., Postal Service Officer Frank M. Comer and Gerald J. Buchanan, Parlin postmaster and president of the state chapter.

Postal Academy Opens Its Doors in New Brunswick

The U.S. Post Office Department's Academy Training Institute was formally opened yesterday at ceremonies in New Brunswick.

Located in the new plaza building, the operation will serve as the nerve center for field training programs in six cities throughout the nation. The venture is aimed at motivating, educating and training school dropouts in the 16 to 21 age bracket as well as postal employes who have been unable to qualify for advancement within the department.

In May, the pilot program will expand to Newark, Washington, D.C., Atlanta, Chicago, San Francisco and Detroit.

The New Brunswick facility will serve as the clearing house for recruiting, selecting, training and evaluating all program personnel. Local volunteer postal employes will staff the academies on a full-time basis.

SEVENTY TRAINEES

The program presently embraces some 70 trainees. Prior to field assignments, they will receive instruction in management training, social systems evaluation and "street-work" concepts—which entails exposure to ghetto areas.

Program officials predict that about 2,000 dropouts will have gone through the ranks of the program by 1972. In addition, they project some 700 postal employes in lower-level positions will receive training for job advancement.

The six-day effort was unveiled in early January by Postmaster General Winton M. Blount. The cost of the new academy is estimated at $1.1 million for fiscal year 1970, with the tab to be shared by the Post Office Department, Department of Labor and the Office of Economic Opportunity.

PRIME FORCE

Kenneth A. Housman, assistant postmaster general for personnel, was the prime force behind the effort. He enlisted the support of 1,660 volunteer postal counselors last summer to provide summer employment for over 8,000 inner-city youngsters.

After assessing the results of the fledgling program, the Postal Department will consider further expansion of the academies.

"The postal academy program in no way competes with established educational facilities," Blount said. "The thing to remember is that the youngsters we are going to train are those who have dropped out of the normal stream of education—they are living in the streets, largely unemployed, without the skills to satisfy their needs."

The quality for the program, a youth must be at least 16 years of age and not older than 21. He must also be recommended by a postal academy street worker.

PAN-AMERICAN COFFEE DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WOLFF. Mr. Speaker, as a member of the Committee on Foreign Affairs I would like to include the following statement regarding Pan-American Coffee Day in the Record at this point:

The economic and social significance of coffee—Latin America's most important export and our own country's most popular beverage—was highlighted in fiesta fashion on April 15, when Pan American Coffee Day was celebrated in Washington.

Pan American Coffee Day, a traditional observance of Pan American Week, was marked with a reception, sponsored by the Organization of American States (OAS) and the Pan-American Coffee Bureau, at the Pan American Union Building here in Washington.

A feature of the fiesta was the brewing and serving of coffee from every one of the countries of Latin America which produce and export coffee to the United States—18 in all. In addition, two coffees grown in our own country—from Hawaii and Puerto Rico—and a secret Latin American blend, prepared by the Pan-American Coffee Bureau's Coffee Brewing Center, were alsc available to the more than 500 distinguished guests.

Virtually every one of the 24 member countries of the OAS was represented by an ambassador or other high-ranking diplomat at the reception. Many Latin American envoys to the White House also attended with their wives. High Washington officials, including Henry A. Kissinger, Special Assistant to President Nixon for National Security Affairs, joined the fiesta celebration, together with members of Congress, representatives of the international institutions, and leading members of the press and other media.

On arrival, the guests were greeted by Mr. Galo Plaza of Ecuador, Secretary-General of the OAS; Dr. Bernardo Rueda, of Colombia, Pan-American Coffee Bureau Chairman; Ambassador Raúl A. Quijano, of Argentina, recently elected Chairman of the OAS Council; and Dr. René Montes (who flew directly from Guatemala to attend the affair), Council Chairman of the Pan-American Coffee Bureau.

During a brief interlude in the festivities, three short speeches were made to the audience and carried to all of Latin America through OAS and Voice of America radio and by the U.S. Information Agency television. All speakers called for continued support for the International Coffee Agreement.

Secretary General Galo Plaza said:

"Once again we celebrate Coffee Day in the House of the Americas, as a salute to a product that is of vital importance to the economies of fifteen Latin American nations and is the favorite beverage of the adult population of the United States.

"Important though coffee is to our economies, I feel that we will not be able to achieve our development goals and meet the challenges of unemployment and unstable foreign exchange earnings unless we diversify our production and establish new industries. Today coffee is the backbone of many of our economies, but we are working toward the day when Latin America will be identified not only with coffee and basic products, but with a dynamic manufacturing sector and a wide variety of advanced industries.

"At the same time, we hope that you'll still drink our coffee."

Dr. Rueda's remarks follow in part:

"On behalf of the executive board of the Pan-American Coffee Bureau, I am happy to welcome all of you to this celebration, marking Pan American Coffee Day. We have a special reason to be here today and to devote this day to coffee.

"For coffee is not only the favorite drink of America; it also represents the traditional link between the Americas.

"Coffee and coffee trade have brought our nations even closer together in recent years through a remarkable demonstration of international cooperation—the International Coffee Agreement.

"An unusual experiment in international trade relations, the Agreement has contributed greatly in bringing stability to the world market, thus allowing the coffee producing countries a successful long-range planning of their economies.

A response was made by Joseph John Jova, the U.S. Ambassador to the OAS:

"It is entirely appropriate that a salute to coffee should be an important part of Pan American Week because it is the United States' second major import, and the second largest export from the developing world, and also because coffee is a product whose earnings go to so many little pockets. Although it is second to petroleum it, unlike petrol, is primarily produced by thousands of small entrepreneurs and the agreement which protects those producers is of fundamental importance to the economic and political viability of the coffee producing nations.

"There are 41 producing countries and 21 consumers.

"The goals of the coffee agreement are: To assure adequate supplies and equitable prices.

"To avoid the hardships caused by excessive fluctuations.

"To contribute to the development of productive resources and promote employment in the member countries."

Earlier, Pan American Coffee Day was officially proclaimed by Ambassador Raúl A. Quijano of Argentina, Chairman of the Permanent Council of the OAS. He declared:

"Whereas the strong bonds which unite the republics of the Western Hemisphere are being reaffirmed during this 80th Anniversary of the Inter-American System and during this annual observance of Pan American Week; and

"Whereas the vitality and prosperity of the entire Hemisphere are dependent upon a broad and stable trade between all the nations of the Americas; and

"Whereas coffee is the predominant commodity in inter-American commerce, the largest single import of the United States and the greatest agricultural export of Latin America; and

"Whereas coffee is also the favorite beverage of the Americas and the long-accepted symbol of good will and friendship among all peoples;

"Now, therefore, I, Raúl A. Quijano, Chairman of the Permanent Council of the Organization of American States, do hereby proclaim Wednesday, April 15, as Coffee Day throughout the Americas."

A SPECIAL TRIBUTE—CINCO DE MAYO

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BUSH. Mr. Speaker, today is Cinco de Mayo, a national day of celebration for Mexico, our great and friendly neighbor to the South. As a Congressman from Texas, a State which has a large population of Mexican-Americans, I feel that this holiday, commemorating the Battle of Puebla, fought May 5, 1862, deserves special acknowledgement. The victory of that battle gave the people of Mexico new faith that they could defeat the French invaders and gain their independence.

Particularly appropriate is that the Mexico-United States Interparliamentary Conference is being held in Washington, D.C. today in the Capitol Building of the United States. The opening plenary session took place in the historic Old Supreme Court Room which served originally as the Senate Chamber.

As the ranking Republican House delegate participating in the conference, it was a priviledge for me to listen to the chairman of the Mexican delegation, the Honorable Senator Manuel Bernardo Aguirre, speak of the stirring gallantry of the Mexicans in their battle with the French.

The spirit of pride and independence which resulted from that event is even greater in the people of Mexico today. They remember, as we all should, the able Gen. Ignacio Zarogoza who led the Mexicans against the French at Puebla. General Zaragoza was born in Goliad, Tex., and south of that city a State park has been named in his memory.

Others took part in today's opening ceremonies as well, pledging strong and growing cooperation between Mexico and the United States, which I also favor. The Honorable William P. Rodgers, Secretary of State, Senator MIKE MANSFIELD, and U.S. Representatives ROBERT NIX, also extended their felicitations to the members of the conference.

Cinco de Mayo—the 5th of May—today we all give special honor to an occasion of great importance to the people of Mexico.

POLISH CONSTITUTION DAY

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. PHILBIN. Mr. Speaker, it is a great honor for me today when the House again commemorates the birthday of the Polish Constitution to join with my colleagues in our observance of that great day in world history.

The history of Poland is a glorious one beyond measure.

For centuries the Polish people have struggled against virtually every form of tyranny.

Time and time again they have thrown off their oppressors, only to have others take their place to deny freedom to the great Polish Nation and its gallant people.

The history of Poland is one of almost continuous bloodshed and sacrifice for the cause of God and country, the sacred right of conscience, the moral, religious convictions of its people in their determined struggle to enthrone and defend freedom and personal liberty in their country and to live under a government of their own choice.

It would be impossible to recount, because they are too numerous, the instances throughout history when the Polish people spilled their blood and lost their lives by the thousands in their struggle for free religious worship, for freedom of the human spirit, the right of personal liberty, and a government dictated and controlled not by tyrants, but by free men and women.

One of the great injustices of history was the unconscionable, diplomatic consignment of the great, free, Polish people to the domination and ruthless dictatorship of world communism in the so-called agreements following World War II.

If the American people had been given an opportunity to vote on this question at the time, the proposed plan to turn over the Polish nation and its brave, God-fearing people to brutal Communist rule, it would have been rejected by Americans in an overwhelming vote of protest that this Nation should ever acquiesce in the

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wholesale annexation of Poland and several other nations and people cherishing freedom to the ruthless rule of the Communist police state.

It is incredible that such an arrangement ever should have been made which resulted in turning over millions and millions of people in Central Europe and elsewhere to the control and ruthless exploitation of Communist governments.

Such a move was not sanctioned by any moral principle, nor could it be justified on any ground save that of the sheerest kind of expediency and defeatism.

This lamentable concession involved several aspiring nations yearning and struggling to be free and to enjoy the God-given rights and fruits of democratic representative government ordained and controlled by the people themselves and not the masters of a totalitarian regime.

Be that as it may, the day will never dawn in this country, or in many other parts of the world, when oppressed peoples, their sympathizers and allies will submit to the deplorable arrangements that force them against their will, and against their most sacred principles, to be arbitrarily shut out from the rest of the free world.

Their day of liberation will be assured by world public opinion and understanding.

The Polish people will never be resigned to tyranny, and people in this country who believe in freedom and democracy, and the rights of man, will never be content or satisfied until the Polish people and others like them who are behind the Iron Curtain will be released from the cruel bondage of political, economic, and religious slavery, wherever it may exist.

On this Polish Constitution Day, it is appropriate that this House representing the American people should express again its respect and admiration for Poland and its oppressed people.

It is an occasion when we must speak out boldly and send comforting and encouraging messages of hope and inspiration to these gallant people that here in this country they have friends who will stand by them and with them until they have regained the heritage of liberty, justice, and democratic ideals guaranteed to all men and women by their Creator.

So let this day be memorable in our history.

Let it again herald to the whole world, including the oppressors, that this House and the American people deplore and resent the iron chains that bind the people of Poland and that we will never be content or satisfied until these shackles are broken, and the Polish people can enjoy once again the blessing of freedom and justice that the Good Lord intended that they should enjoy.

It is curious, indeed, that Polish Constitution Day should coincide this year with the horrible Katyn Massacre which was one of the blackest instances of human debasement and treachery in the history of mankind when thousands of Polish leaders were bestially slaughtered in the Katyn Forest and buried in mass graves, and additional thousands of Polish officers in another Polish camp disappeared from sight and never were heard from again.

It was estimated by reliable leaders who studied the facts of these mass slaughters that over 14,000 Polish officers and intellectuals were the victims of an unspeakable genocide at the hands of their oppressors, and notwithstanding the efforts of this great House, which conducted an extended investigation of these outrages, they were covered up and never fully revealed to the world in the starkness of their perfidy, bestiality, and inhumanity to man.

Some day the true facts of these terrible blood baths will be revealed for all peoples to read and to know in their diabolical nakedness.

If the American people, and other free peoples, shall not learn from incidents like this the nature and tactics of those, who promise cooperation to the world, and yield up treachery, conspiracy, and tyranny instead, there will be little hope for others, in time, to escape the same fate that has been dealt out to the pitiable, martyred victims of Polish genocide.

As we struggle for freedom and a world organized on the rule of law and peace, let us be realistic enough to recognize what the real, hard facts of the present world situation are.

It is time for those who preach world cooperation and peaceful coexistence to show by their actions that they mean what they say. It is time for them and all nations and people to join together and the world for universal peace before the world is destroyed by fire.

The world has had too much of mass murder, sorrow, deceit, and treachery, and now the time has come to let all peoples know what this Nation expects other nations to treat us with the same candor, good faith, and desire for friendliness and peaceful relations that we exhibit toward them.

Cooperation is not one-sided. Peaceful coexistence is not just a pious hope, preached and then ignored, but a goal to be zealously reached by all peoples in good faith, if true, world peace based on human brotherhood and love is to be realized.

So today, as we hail the great Polish people—their courage, their personal bravery, ideals of self-determination, and high resolve for liberty and justice—let us reaffirm our own faith for the ideals for which the Polish people fought and have given so much of their blood, because they are the ideals of free men and women the world over.

Let it be known to all concerned that we have in mind our own origins—that we will defend with our lives and resources, if necessary, our rights as free men and women—that we will never surrender them, and we will never let anyone take them away from us either by treachery or force. And we will stand for freedom and justice for all those who would embrace them.

That is the message we must send to the Polish people today, and I repeat: To all those to whom these high and determined purposes may concern, let it be known that this Nation was born in freedom, has grown great and strong in freedom, and proposes to live under freedom, God willing, to the end of time.

Hail and salute to gallant Poland, and her brave people. May her people be soon freed from tyranny, and restored to their rights as free men and women pursuing their God-given destinies under free institutions of their own choice. And may the good Lord bless, guide, and keep them.

WHAT WIRETAPS ARE DOING FOR THE UNITED STATES TODAY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. HOGAN. Mr. Speaker, ever since the passage of the Omnibus Crime Control and Safe Streets Act of 1968, there has been criticism of the measure's wiretap provisions. The former U.S. Attorney General continues to say that wiretaps are neither necessary nor effective against crime. We now have had 2 years' experience with enforcement of that act. The results are quite different from the critical comments and prognostications. Assistant Attorney General Will Wilson, Department of Justice Criminal Division, now reports that "Wiretapping and immunity are the two best weapons against the illegal gambling syndicates whose cash-flow revenues are the life blood of organized crime." The May 4 Committee's Newsletter contains the full edition of the Republic Congressional story of the use of wiretaps and why they are necessary to law enforcement. I include the Newsletter excerpt at this point in the RECORD:

WHAT WIRETAPS ARE DOING FOR U.S. TODAY

(By Will Wilson)

The decision of Attorney General John J. Mitchell to use the wiretap provisions of the Omnibus Crime Control and Safe Streets Act of 1968 marked the turning point in mounting what will be a successful assault against organized crime. Wiretapping and immunity are the two best weapons against the illegal gambling syndicates whose cash-flow revenues is the life blood of organized crime.

In 1969, the Department of Justice requested authorization for electronic surveillance in 33 cases under investigation. The results: 173 arrests in 12 of the cases; continuing investigation in which indictments are anticipated in 11 of the cases; only seven cases in which results were non-productive. In all of the cases, indications are clear that the evidence secured from the wiretapping was essential to the investigation and could have been uncovered in no other way.

Since none of the cases has been completed, being presently at either the trial or appellate stage, no specific statements can be made about them or about the extent to which the retrieval of overheard conversations contributed to the success of the investigations.

Why is it necessary to resort to wiretapping? To answer this requires an understanding of the nature of the type of crime in which electronic eavesdropping is principally used—organized crime.

Today, the core of organized crime in the United States consists of 24 groups operating as criminal cartels across the nation. Estimated overall member strength of these core groups, called "families," is put at 5,000. Like any large corporation, but unlike the criminal gangs of the past, the organization functions regardless of individual personnel changes.

Each family is headed by a "boss," whose primary functions are the maintenance of order, through the family "enforcer," and the maximization of profit. Beneath each boss is an "underboss." He collects information, relaying messages to the "boss" and passing his instructions to his underlings. The lieutenants—"caporegime" or "capodecima"—are the chiefs of the operating units. Below them are the "soldati" or "button men" who actually operate the illicit enterprise, using as personnel the professional criminals who directly confront the public.

Rarely are the leaders touched by police investigation. They maintain insulation within the organization through the underboss and the "caporegime," avoiding direct communication with the "soldati."

Until recently, no information was available about the structure of organized crime. Senate investigations were the first to uncover credible evidence of the existence of syndicated crime. But the general reaction was disbelief that large, highly structured, criminal conspiracies could operate continuously without being directly observable. Even the testimony of Joseph Valachi, a soldier in the family of Vito Genovese, a New York Boss, was received skeptically.

Today, much more is known about organized crime. Much information has resulted from electronic surveillance of figures involved in organized criminal activity. For example, in 1967, the "Patriarca tapes" were released in Providence, R.I. Raymond Patriarca's involvement as head of a New England "family" was discovered when the FBI placed a microphone in his operating office located in a vending-machine company (the National Cigarette Service). At about the same time, another electronic surveillance of the office of a Kenilworth, N.J., plumbing company, established Simone Rizzo de Calvalcante as boss of the New Jersey family and linked him to "legitimate" businessmen, lawyers, and even police officials. These are only two examples of the utility and need for electronic surveillances.

But knowing of the existence of such organizations and of the identity of those who compromise membership is not sufficient. The organization must be destroyed and in order to destroy such an organization with criminal prosecutions it is necessary to attack it at all levels. Because the leaders are insulated, rarely can their criminal activity be proved by conventional processes. Instructions to the caporegime, and, in turn, to the soldati, flow through buffers. Rarely are there witnesses to any overt criminal act. Even more rarely are there any who are willing to talk about it.

Between 1961 and 1966, only 185 indictments were returned against members of La Cosa Nostra, as the criminal empire is known. Convictions were obtained against 102, only 2 percent of the hard core. And, without electronic surveillance techniques, prospects for improvement were not high. A significant proportion of the convictions were obtained through tax-evasion prosecutions. But because of the increased attention paid to tax returns of racketeers, they have been declaring larger incomes, listed as "miscellaneous income." Thus, the prime figures remain free of the law.

The result of all of this was summed up by the President's Commission on Law Enforcement and Administration of Justice in these terms:

"In many ways, organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hardworking businessmen, by collecting usury from those in financial plight, by maiming or murdering those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying upon a few.

"In a very real sense, it is dedicated by subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. . . ."

In 1963, Attorney General Robert F. Kennedy observed that, to make major inroads against organized crime, new weapons, including electronic surveillance techniques, would have to be obtained, and that, until then, the job would *not* get done..

In 1968, Congress passed into law the Omnibus Crime Control and Safe Streets Act of 1968, which gave the Government the needed new weapon, authorizing the use of electronic surveillance in cases involving racketeering. Philosophical opposition to this weapon, however, by LBJ's Attorney General, Ramsey Clark, prevented its use until the Administration of President Nixon when it was ordered to be used by Attorney General Mitchell.

Today, as the files of cases will eventually show, the use of electronic surveillance has changed the balance. An increasingly higher proportion of investigations are resulting in indictments and convictions of organized-crime figures.

THE CASE FOR DRAFT REPEAL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the need for a full and open debate on how this country is going to raise and maintain its Armed Forces in the decade of the 1970's is imperative. Congress shortly must decide whether to reform and extend the present Selective Service Act along the lines requested by President Nixon or move toward a volunteer Army.

The draft as presently conceived is unfair and unjust and even with reforms, will remain at heart inequitable. A recent study by the National Council to Repeal the Draft argues convincingly that the draft must be eliminated entirely, not merely reformed. The study, entitled "The Case for Draft Repeal in 1970," is timely and I commend it to your attention:

THE CASE FOR DRAFT REPEAL IN 1970

INTRODUCTION

The draft has again become onerous to the American people. The long tradition in this country of volunteers may soon be restored after more than twenty years of a costly, undemocratic, chaotic and unnecessary experiment in peacetime conscription. For the first time since 1948, a Louis Harris poll in January, 1970, showed a clear majority of Americans now favor the volunteer military. In addition, some 67% felt, "a volunteer army is good because only young men who want to serve will be in it." Clearly, the war in Vietnam has forced a confrontation with that very issue of individual freedom of choice. The draft has produced a crisis of the first degree in our society, with more than sixty thousand young men seeking political refuge in foreign countries, and with perhaps thirty thousand remaining here in open resistance to the draft law. Discontent with the draft, however, is more than Vietnam. Many who do not oppose American involvement in that war nevertheless oppose the draft. They point out that the draft is directly counter to the American tradition, that it is undemocratic, and that without a declaration of war it is unconstitutional.

Although America was proud not to have a draft in peacetime before 1948, little opposition materialized until recently. Aside from a few diehards on both sides of the political spectrum, most Congressmen as late as last year were unwilling to talk about ending the draft. By the fall of 1969, practically everyone was agreed that the existing system should be changed, but still the thrust was for reform. The lottery was one attempt in that direction. As late as early February, 1970, the Administrative Practice and Procedure Subcommittee of the Senate Judiciary Committee under its chairman, Senator Edward M. Kennedy (Mass.), recommended a host of reforms and stated in the preface to its report that it assumed we will "have to live with the draft for some time to come."

Yet more and more prominent Americans are coming to agree with General Hershey's statement, "No draft can be fair." President Nixon remarked during the election campaign of 1968, "It does not work fairly, and given the facts of American life, it just can't. The only way to stop the inequities is to stop using the system." Senator Barry Goldwater (Ariz.), co-sponsor with Senator Mark Hatfield (Ore.), Senator George McGovern (S. Dak.), and others of a bill to end the draft, said, "Conservatives want to end the draft—period." David Hawk, co-chairman of the Vietnam Moratorium Committee, called on political leaders to help restore the faith of youth in democracy by ending the draft entirely. Dr. Ralph Abernathy referred to the draft in any form as "the other slavery." Among dozens of national groups endorsing repeal of the draft are the Young Americans for Freedom, the Americans for Democratic Action, the Methodist Church, the Ripon Society, and the American Civil Liberties Union.

Perhaps of greatest importance is the exhaustive study of the volunteer force by the Commission on an All-Volunteer Armed Force appointed by President Nixon and headed by former Secretary of Defense, Thomas S. Gates. They are reported to assert that the volunteer force is economically feasible and militarily preferable, that it will not present political problems for a democratic society, that it could be instituted *within one year*, and that the draft could be ended with a minimal stand-by system which Congress would have to reactivate in case of emergency.

PROBLEMS WITH THE PRESENT SYSTEM

Those who favor reforming the draft have primarily emphasized that the exicting system is full of extreme injustices and abuses. As Daniel P. Moynihan put it, "If the Selective Service System did not exist, it would be impossible to invent it." Critical problem areas have been the lack of a national standard and the varying competence of local boards, inequities in deferments, particularly against the poor, and the conscientious objector provisions.

In the first place, the appointment of the local boards through State Directors with the approval of General Hershey has proved unsatisfactory. Primarily older men and often retired military serve on these voluntary boards, and they often know little about the youth they classify or the complex system under which they operate. The deference pattern has provided a haven for practically all those who were intelligent enough or rich enough to learn to use it as a dodge, and it

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proved to be a tool for insuring that the burden of the draft fell upon the poor. The blanket deferment of students, occupational deferments which primarily affected skilled jobs "in the national interest," and even hardship deferments which rescued *not* the poor, but the middle class who could prove that they were in fact supporting dependents—all conspired to create a force of men below officer rank chiefly from lower and lower middle income groups. As late as 1968, only 6% of the entire enlisted ranks were college graduates. The conscientious objector situation likewise provided glaring injustices, with local boards ruling in quite arbitrary fashion and with the anomaly of U.S. government agents obliged to rule on matters of religious faith despite the clear injunction in the Constitution against such activity.

These and other problems prompted nearly 100 Congressmen to propose legislative changes in the draft. The Burke Marshall Commission appointed by President Johnson proposed sweeping changes, as did other groups sponsored by the Congress and the Pentagon. Almost no changes came, however, with most bills bottled up in the Armed Services Committees. A Supreme Court decision in the Seeger case forced a change in the C.O. statute but the new wording proved no more satisfactory since religion remained a necessary test. Finally, in the fall of 1969, President Nixon suggested—as Senators Jacob Javits (N.Y.) and Edward Kennedy had previously—that the order of induction be changed to call nineteen-year-olds first and by lot in a random order of birthdates. The President asked for permission to do this himself by executive order, and a repeal of one sentence of the Selective Service Act was passed with only thirteen negative votes in the House and one in the Senate. There were no genuine hearings and debate was limited to the lottery despite attempts by many Congressmen, including some on the House Armed Services Committee, to open the whole draft law to discussion.

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The opposition pointed out that although taking nineteen-year-olds first was helpful to young men seeking to plan their futures, it created new injustices in taking primarily those who could not vote, and in taking non-college youth in the middle of their job training periods. It was also pointed out that the lottery could not be applied fairly or on a national level so long as no changes were made in the local board structure or in the deferment situation. These latter criticisms proved valid when the lottery was put into effect. Men who had been assured their numbers meant virtual safety from induction soon found there was great variance from one area to another. The fact that, despite a total draft pool of nearly thirteen million and a draft call of only 200,000, very high numbers would be called, made clear that deferments to college students (1.7 million) and to fathers (over 3 million) far outnumbered those technically 1A. The impossibility of choosing a very few men from a huge pool with fairness became increasingly apparent.

Major reforms were proposed in both Houses to take care of some of these problems. Most recent of these proposals is the panel report from Senator Kennedy's Subcommittee on Administrative Practice and Procedure. It proposes overhaul of the draft board pattern with firm national control over a few hundred regional and area offices, an end to virtually all deferments, and a very broad rule for conscientious objection no longer based on religious belief, but rather on a moral position, and allowing objection to specific wars as well. There seems to be wide agreement on the problem of deferments, with support for ending them coming from Southern Democrats, black community, Secretary of Defense Melvin Laird, from many liberal Congressmen, and from almost all student leaders. Although student deferments were once the basis of our draft system, many are arguing they are no longer necessary if connected with a national lottery. Some politicians assume that college protest would in fact be reduced, after an initial outburst from those whose deferments were terminated, because men would be taken before going to college rather than having to spend the whole college period in fear of future draft. End of most deferments seems quite likely in this Congressional session.

OBJECTIONS TO THE DRAFT WHICH LEAD TO REPEAL

All of the problems above have involved the form of the draft now used. At least a dozen books have been written to codify the abuses of that system, but most of the arguments lead to the conclusion that some reform is needed. There are, in fact, much deeper reasons for opposition to the whole idea of a peacetime draft. These objections lead to the conclusion that no draft can be tolerated in a democratic society. Most basic to such opposition is the compulsory nature of the institution. At a time when only some—not all by any means—of our youth must serve, a few are *forced* to do so. No one has argued that such compulsion allows for individual freedom, and the recent rise of conscientious objectors (115% increase from 1965 to 1968) and resistance (twice as many court cases in 1969 as in 1968), shows that this is a severe problem for many young people. The situation is particularly intolerable when a war requires young men to fight and die for a cause they may not favor, yet that war is not sufficient threat to the national interest to demand sacrifice from all alike.

Daniel Webster warned in 1803 that adoption of military conscription was a first step to tyranny. In World War I, Congressman Carl Hayden of Arizona remarked, "Let us not play Prussian militarism, which we are seeking to destroy, the compliment of adopting the most hateful and baneful of its institutions." Senator James Frazier of Tennessee declared just before World War II, "Pass this conscription bill, Mr. President, and we will have forged the first link in the chain which will drag down America to the same militaristic level of communistic Russia, fascist Italy, and nazi Germany." Senator Robert A. Taft said, "The theory behind it leads directly to totalitarianism. It is absolutely opposed to the principles of individual liberty. . . ." In 1967 and 1968 Dr. Benjamin Spock and other leading educators and religious people called for resistance to the draft as "illegitimate authority," thus providing the most serious challenge to our political system aside from racial injustice.

The volunteer principle has been central to the whole concept of our American political experiment. Every institution which denies freedom of conscience erodes faith in the government and frustrates the individual in his desire to participate freely in a free society. It is difficult to believe that involuntary servitude would be tolerated today in any other matter or for any other segment of the population, yet we go on enslaving young men in the military. It has been pointed out that this is an insult to those who would volunteer to serve their country, and an admission of deep division in our society. Prof. Jerome Davis of Yale has suggested that rather than tax the poor young men by exacting underpaid labor in their prime, we conscript needed materiel at cost from the armaments and other heavy industries. It is easy to imagine how quickly such a measure would be defeated. Finally, forced obedience to the state becomes a political burden as whole groups arise which define their loyalties in more or less than national terms. Such aggravated groups include blacks, Indians, and other ethnic groups; the now self-conscious student group; and religious and cultural communities.

A second basis for opposition to the draft is its effect on American foreign policy. When the Executive can escalate military manpower to any level without seeking Congressional approval, he has in fact received the war-making power reserved to Congress by the Constitution. The war in Vietnam is a case in point. Long before the Gulf of Tonkin, the almost infinitesimal draft calls (as low as 3,000 in some years) were systematically raised to more than 150,000. Undeclared wars can continue to be waged so long as the draft provides an "easy" military solution to political problems. The effect of this power in the Executive has been to upset the balance of power between the branches of the federal government, to tempt the military to increase manpower as the least difficult option open to it, and generally to increase the power and influence of the military in American life. It is no accident that the twenty years of peacetime draft have seen the rise to prominence of the military in public policy until more than half of every tax dollar is spent on military or military-related projects. The draft itself including compulsory registration and the classification of individuals by number into rigid types—leads to a non-democratic mentality which contributes to the assumption that military solutions are appropriate for our concerns abroad and for problems even in our city streets.

These very serious challenges to the draft, along with the conviction of many economists like Milton Friedman and Walter Oi that conscription is the most inefficient means of raising and maintaining an army, do not lead to reform. Obviously no system so basically unjust and erroneous can be improved—it must be abolished entirely.

OPPOSITION TO ENDING THE DRAFT CONTINUES

Until recently these basic challenges to the draft were seen by most as correct in theory, but impossible to implement within the real world of political and economic fact. Today the experts are unanimous and the public increasingly united in believing that draft repeal is both realistic and necessary. There is much evidence that a continuation of the draft will produce a domestic crisis more serious to our national security than any foreign threat. The very fact that the Vietnam war has required relatively few men seems indicative of our strong position internationally. One Senator asked, "If you do not have to call the reserves in Vietnam, when will you have to call them?" Nevertheless there are still many, especially among those now involved directly in military and defense leadership, who say we cannot end the draft. Their arguments fall primarily into these categories: (a) the volunteer system will cost too much; (b) we need the draft to carry on Vietnam and to defend America in future emergencies; and (c) the draft democratizes the military, whereas a volunteer force would isolate it from public opinion and create a professional military elite dangerous to our system of government. Related to this belief is a fear that a volunteer force would produce an army of the poor, including many blacks, to do our fighting for us.

Critics of repeal in the first group range from economic conservatives to liberals and radicals who seek to cut military expenditures in every area. Those in the second category are primarily those most worried about external threats, including those from Communism, to the United States. The final group is made up mostly of liberals who are genuinely worried about a military take-over in this country, or who seek to curb what they feel is already a dangerous trend toward militarism and military isolation.

THE COSTS OF THE DRAFT AND THE VOLUNTEER MILITARY

Critics of draft repeal often assert that a voluntary system based on an army of 2.7 million men could cost as much as $17 billion per year. This figure stems from a Pentagon report that was never completely made public, but which was reported by Assistant Secretary of Defense for Manpower, Thomas D. Morris, before the House Armed Services Committee in 1966. Morris said that payroll increases would require "from four to seventeen billion a year." Jean Carper in her book, *Bitter Greetings*, asked how the board of directors at Ford would have reacted if Mr. McNamara had given a report so uncertain in cost estimation. Professor Walter Oi of the University of Rochester testified before Congress in 1966 and has written widely on this problem. He was employed at one time by the Pentagon to figure manpower costs and has recently worked with the Gates Commission. In 1967 his estimate, based on a peacetime army of 2.65 million men, was that the total cost per year would not exceed $4 billion. Dr. Harry Gilman, who participated in research for the Pentagon in 1964 and 1965, and was also on the Gates Commission staff, suggested the real cost might be less than $1 billion per year. Reliable sources indicate that the Gates Commission, whose report will be made public in late February, now estimates a military of that size would mean added costs of about $2.75 billion in increased salaries and other incentives. Even these figures do not take into consideration tremendous savings to the military. According to Robert Lekachman, who has studied the problem of manpower efficiency in the military, the productivity of a draftee or "pseudo-volunteer" (one who volunteers to avoid the draft) is at least twenty per cent lower than that of the true volunteer. This means that an armed force with 30% draftees (as our present military) requires about 300,000 more men than necessary under a volunteer program. The Gates Commission is said to expect that the volunteer military will have only about ¾ the present turn-over rate in personnel. Savings in veterans' benefits based on such a turn-over reduction would amount to almost $250,000,000 per year, according to a study by the National Council to Repeal the Draft based on Veterans Administration figures. Savings in training and other personnel costs have been estimated in 1966 in the book, "How To End the Draft" by five Congressmen, at about $1.7 billion per year. Bringing these figures up to date, for a military of 2.65 million, the estimate would be closer to $2 billion. Total savings would thus approximately equal increased costs, even if the present war-time level of manpower were maintained. Add to these figures the cost of maintaining Selective Service and the increasing burden of expense to courts and law-enforcement agencies in connection with the draft, and the draft becomes an expense rather than a savings.

Senator Mark Hatfield and others have pointed out that the *real* costs of the draft are greater still. In the first place, we deprive the economy of the proper market value of a large segment of prime labor and deprive the government of taxes. He also points out that ". . . under a voluntary system all taxpayers would share the true cost of supporting our armed forces. Under the draft system the young men we force into the military subsidize their own service." Professor Oi indicated in 1964 that the average subsidy per soldier was over $1,000 per year in the form of loss of income. Furthermore, those who are concerned about increasing military spending should welcome fair salaries to enlisted men, since the free labor of draftees hides the actual cost of military manpower. In the book *Why the Draft*, James C. Miller III, ed. (Baltimore, Md.: Penguin Books Inc. 1968), the author asserts, "The volunteer army forces *taxpayers* to recognize the true cost of military activity. If they would be unwilling to pay this cost, it must be because the benefits from such activity are less than its cost. In such a case, the activity should be curtailed, and not, as under a draft system, merely have its cost concealed . . ." If the military budget must be increased to pay decent wages to those who do the fighting, then more pressure could be placed on effecting decreases elsewhere in that budget.

An argument related to cost is that not enough volunteers could be found. In a press release in February, 1969, Acting Assistant Secretary of Defense Vice-Admiral William Mack admitted that very little had been done to improve recruitment and that most recruiting methods have simply assumed the draft. Despite this, about one-third of the current military requirements are met by genuine volunteers, and more than one-third by draft-motivated volunteers. Recent Pentagon manpower studies, including one undertaken by the University of Michigan, have shown that nearly 80% of these latter "volunteers" and about 20% of the draftees, would have volunteered for an all-volunteer force if salaries and other incentives had been sufficient. The studies mentioned above which suggest a $2 to $4 billion yearly increase have included such incentives as a first-term enlistment salary of $5,000 or more, considered competitive on the open labor market. Remembering that a volunteer force requires fewer men for the same work, the Gates Commission studies and others indicate that a 2.65 to 3 million man military could be recruited under such increased incentives. No publicly revealed study undertaken to determine the feasibility of the volunteer military has proved that an army of this size cannot be recruited with the minimal costs mentioned above. Recently, Secretary of Defense Melvin Laird indicated his feelings that a force of 2.4 million would be the largest possible under voluntary recruitment. No figures have been made public to substantiate that claim. In fact, all evidence is to the contrary.

DO WE NEED THE DRAFT IN VIETNAM OR TO DEFEND AMERICA IN EMERGENCY?

The cost and recruitment figures above should indicate that even the present level of U.S. commitment in Vietnam and elsewhere could be maintained with volunteers if the public would allow the real costs. It is true that repeal of the draft would make necessary public and Congressional approval of such military involvement as Vietnam. Surely those who favor such involvement would not suggest that it be undertaken without thorough debate and ratification by the legislature. If the involvement in Vietnam is necessary, then its supporters have nothing to hide by concealing the costs of the war through the use of draftees.

More serious is the criticism that the volunteer military would not be flexible enough to meet the needs of sudden changes in international affairs. The report of the National Advisory Commission on Selective Service (*In Pursuit of Equity: Who Serves When Not All Serve?*) in 1967 used this fear as its chief and "uncontested" reason for not supporting the volunteer plan. There is now ample evidence from military and foreign policy experts to indicate that attacks and invasions on the scale and of the type of World War II, which need a sudden manpower increase, have ceased to be a realistic threat. Major General Leroy H. Anderson, an expert in military strategy, said in testimony before the Senate Judiciary Sub-Committee on Administrative Practice and Procedure:

"The military power of the United States is sufficient to make extremely unlikely a sudden or direct invasion. It is almost inconceivable that massive land warfare with a requirement for millions of soldiers will ever again develop. In modern warfare, including nuclear attack or guerrilla and counter-guerrilla engagements, sudden escalation of manpower is not a requirement at all. On the other hand, the kind of flexibility which allowed the Executive to steadily increase military commitment over a long period by using the draft is precisely that which should be avoided. Crises like those in the Lebanon, Berlin, the Congo and Suez do not involve a need for already trained troops like the Reserves. Even in a situation like World War II, the most immediate need is not a draft, but methods of procurement and training."

Even the need for a stand-by draft is questionable, since modern computers could provide for registration and classification more quickly than was done in World Wars I and II. If the country *were* clearly under attack, Congress could easily be persuaded in the spirit of national unity which would result, to reinstitute a draft. In the face of Hitler's sweep across the Low Countries in the spring of 1940, Congress in August passed a draft law effective for five years.[1] Immediately after Pearl Harbor Congress and the country united to implement speedily all measures necessary for the common defense.

DOES THE END OF THE DRAFT THREATEN OUR DEMOCRATIC SYSTEM?

There are many who argue that a volunteer force means a "professional" one, and thus a threat to our democracy Those who fear a "professional military" mistakenly connect that threat with the means of recruiting the common soldier rather than with the structure and power of the officer corps and with the relationship of the military to the rest of the society. There is no proof whatsoever that a draft, on the one hand, or a voluntary military, on the other, either produce such a military elite or keep it from developing. If there is danger of isolation, corruption or even misuse of military power, then it exists today within a military where well-paid officers retire early to go into defense industries. The matter is related, if at all, to the draft only insofar as the draftees provide forced labor for military designs and discipline.

Related arguments suggest that (a) the voluntary force will be made up of the poor and the black; (b) public opinion is stirred by the draft to oppose militarism and might be satisfied to let a "professional force" fight unjust wars; and (c) men in a voluntary military will be more likely blindly to follow their officers into militaristic adventures. The first suggestion belies the fact that a greatly disproportionate number of blacks are *now* dying in Vietnam under the draft, and that virtually *all* draftees and forced volunteers are from poor or lower middle class families. A volunteer force, by increasing pay and other incentives, would in fact attract more college graduates and men from other income groups, thus providing greater diversification of the force. Increased technology would also require higher quality for enlistees. Congresswoman Shirley Chisholm (N.Y.), Congressman John J. Conyers, Jr. (Mich.), and other black leaders are unanimous in condemning the draft itself as unfair to blacks, and in urging the voluntary military. Finally, Professor Thomas Schelling of Harvard, an economist and defense expert, says that even if black men found the military four times more attractive than whites, they could only represent 20 per cent of the armed forces. They now account for more than 13 per cent. Even this is extremely unlikely since black students and even working youth are becoming increasingly conscious of racial pride and correspondingly

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[1] The commonly held belief that in September 1941 the draft was extended by a one-vote margin is untrue. Actually, at that time only the period of required military service was extended (from 12 to 18 months).

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unwilling to "fight the white man's wars." Black recruitment and re-enlistment figures are dramatically down for 1969, a reduction for the first time in many years.

The second argument, that the draft aids public dissent against militarism, also does not hold up. A recent study at the University of Chicago indicated that student dissent was motivated by the draft in only 1% of the cases either as an issue or as a personal problem. Instead the draft directly involves more people in the military, and thus reduces the likelihood of objective criticism.

The third argument, concerning democratization of the military, also proves false. The slave mentality is hardly a proper environment for "democratization." Recent studies of anti-war groups, deserters in Canada, and men convicted of participating in war atrocities, have shown that the true volunteer and the second or third term enlistee are less involved in what might be considered violent and undisciplined acts (such as the My Lai massacre), but *more* involved in rational and peaceful dissent. Existing models for soldiers' rights in the volunteer militaries of Canada and England indicate that the first step toward some democratization is voluntary enlistment. Senator George McGovern (S. Dak.) has suggested that the volunteer can and should be trained to view himself as a citizen of a democracy first and a soldier second. The draftee has already abandoned involuntarily the privileges of a democracy.

In fact, the draft has led us into military adventures. Senator Hatfield has said it well in his article in *The New York Times Magazine*, on March 30, 1969:

"The Government's authority to draft young men into uniform shoud be ended and it should be possible to reinstate it *only* by an act of Congress upon the recommendation of the Commander in Chief. . . . The assured ability to put young men into uniform is vital to any major commitment to war. One man—the President—now has this ability and there exists no effective check on it. The Executive Branch of Government has declared that the President, as Commander in Chief, has the power to send American men, in any number he chooses, to any spot in the world without the approval or even consent of Congress. A volunteer military would force the President to rely on persuasion rather than conscription in committing us to long-term conflicts. Since the armed services would fill their ranks with volunteers rather than draftees, it would be difficult for the President to commit us to an unpopular war—such as the one in Vietnam—and still induce the necessary number of young men to volunteer. Before intervening in a conflict, the President would be forced to consider very carefully whether our involvement could be justified to the public.

". . . Peacetime conscription is essential to the President's self-proclaimed, singular ability to involve our country in war by administrative decree. The draft allows him to bypass and nullify the constitutionally defined role of Congress to declare war."

DRAFT REPEAL IN 1970

With major sections of the public, the Congress and the Administration moving rapidly toward a position favoring repeal, it is time to push for complete abolition of Selective Service.

With hearings promised in the Senate Armed Services Committee by the end of March (after postponement from February for procurement hearings) and with the Gates Commission and Kennedy Subcommittee proposals, action is practically guaranteed this year before election time. Danger of pre-emptive action exists on three levels: that certain pro-draft forces in the Congressional committees will prevent action as in the past; that such thorough reforms will be undertaken that an "improved" system will make less obvious the deeper faults and thus prolong the draft; that the President and others will support the volunteer concept, but insist on maintaining the President's power to draft when he sees fit. This might be coupled with an extension of the induction power beyond its present expiration in June, 1971. Americans opposed to the draft—conservatives, liberals, radicals, Congressmen, churchmen, students, labor leaders and businessmen—should now combine their efforts to block any of these three alternatives to outright repeal. The case for complete abolition must be made clearly—that nothing short of taking away from the Executive the power to draft now will correct the basic evils of this major threat both to our political stability and to our freedom.

Pressure is now at a high point, and the Vietnam War in fact increases that pressure. It is time to support draft repeal legislation. S503, sponsored by Hatfield (R.), Cook (R.), Dole (R.), Goldwater (R.), McGovern (D.), Nelson (D.), Packwood (R.), Prouty (R.), and Schweiker (R.), is the best legislation now before Congress. It demands complete repeal except for registration and allows the draft to be re-established only by act of Congress. In the House, a measure has been introduced by Lowenstein (D.), Steiger (R.), Lukens (R.), Chisholm (D.), and others, which is similar except for certain added elements which are unrelated and may divide support. These bills must be considered in the hearings and reported to the floor. Above all, any attempt to revamp the draft so that it will be continued beyond 1971 must be stopped. It is urgent that groups and individuals ask now to testify before both the Senate and the House Armed Services Committees, that every Congressman receive visits, telegrams and letters (copies of which should be sent to newspaper editors) from constituents supporting repeal, and that the public and Congress be informed of the need to end the draft and of the feasibility of a volunteer force.

A minimal goal for this session of Congress is to keep half-way measures from confusing the basic issues and to keep the draft from being extended. If the draft cannot be repealed in this session, the fight must be taken to the Congressional elections and bills reintroduced in early 1971. But all indications are that a majority of the American people and an amazingly wide spread of American leaders in every field support repeal now. The Hatfield bill—perhaps amended to abolish registration as well—is a realistic possibility for 1970. If the confusion is cleared away and if archaic Congressional machinery does not become an obstacle, the draft can be repealed this year.

THE HOLDOVER PROBLEM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. ASHBROOK. Mr. Speaker, in the employ of the Federal Government there are many, many sincere and impartial civil servants who do their best regardless of which of the two political parties occupies the White House. To them it does not matter that perhaps their own private political preferences do not coincide with the administration in power; it does matter to them that, as public servants, they owe their true employers, the American people, the best of their talents. However, as I have noted in the past, some Federal workers are not above using their positions to work for a change of administration in 1972, with their prime responsibility, the service of the tax-paying public, superseded by their political allegiance.

It is true that a certain number of Federal jobs are of the political-appointee type, policymaking jobs which are awarded to incoming administrations. These positions are usually filled by individuals who agree with the administration's policies and can be relied upon to carry them out. More numerous, of course, are those with civil service status whose jobs are protected by civil service regulations. Political subterfuge by employees in this class pose a problem for the orderly conductance of the Federal machinery. In both cases, important policymaking positions should be staffed by people who are in accord with the administration's overall policies.

Walter Trohan, the Chicago Tribune's experienced columnist of many years standing, cites one example of a "holdover" problem in the Chicago area, in his column of April 29. Mr. Trohan is not alone in his contention that President Nixon has not adequately cleaned house of those who owe allegiance to another party and should be counted on to "sandbag" the present administration with increasing intensity as we draw nearer to 1972.

I submit for the RECORD at this point the column, "Nixon Still Fails to Clean House," as it appeared in the Chicago Tribune of April 29:

NIXON STILL FAILS TO CLEAN HOUSE

(By Walter Trohan)

WASHINGTON, April 28.—President Nixon was elected in 1968 because many Americans devoutly desired a change. Now, after 18 months, these same Americans are generally saddened because he has failed to throw the rascals out.

It must be clearly understood by "rascals," these Americans don't necessarily mean Communists, fellow travelers, saboteurs, or traitors. They mean the socialist, welfare-state liberals who are still sitting behind the desks they occupied in the Kennedy and Johnson administrations.

These workers are constantly pushing for programs of socialist coloration. Furthermore, it is obvious that they are not working to elect Republicans next fall or for the reelection of Mr. Nixon in 1972.

One of the more flagrant examples of so-called liberal self-perpetuation is in the Chicago office of the department of housing and urban development. The incumbent is Francis D. Fisher, who occupies the $35,500 a year post of regional administrator. He has close personal and political ties with Adlai Stevenson III as he had with the Democratic senatorial candidate's father.

Covertly and overtly, Fisher is supporting young Adlai altho he is not primarily a Democrat and certainly not a Daley Democrat. Fisher launched his political career by opposing Mathias (Paddy) Bauler, the long-time Democratic leader of the 43d ward.

While a nominal Democrat, Fisher is primarily a new or welfare state Democrat. His political philosophy is at the left of his party. He is past chairman of the Committee on Illinois Government, the action unit of the left-wing Americans for Democratic Action. Two of his top assistants, Edward Levin and Robert Tucker, are both affiliated with the American Civil Liberties union, which rarely mobilizes to march for liberty except to the beat of distant drums on the left.

The retention of a man like Fisher in the

XUM

Chicago HUD office is a tremendous boost to the fortunes of Adlai III in November. Correspondingly, it is something of a millstone around the neck of Sen. Ralph Tyler Smith (R., Ill.) who is seeking his first elected term. Fisher's father was rewarded by the elder Stevenson with post of head of the Illinois Commerce commission.

The name of the game is politics and it should be played boldly and coldly to advance the party and its friends and supporters. Those who may not care whether Stevenson or Smith is elected might give a thought to the fact that the Chicago HUD office is giving the green light to projects calculated to advance socialism.

The so-called liberals, who are being maintained in offices around the country, are hamstringing the Nixon administration wherever they can. If one should be eased out or removed, his comrades, including bleeding hearts in the press, weep and wail that this or that operation or the nation is headed for disaster.

In the Chicago HUD office a substantial percentage of the staff has been recruited from the A. C. L. U., the A. D. A., and the city's Democratic machine. This situation is not unique but general around the country and in its capital.

There are some Republicans in government service and some conservative Democrats, even in Chicago. Now and then some speak up, but they generally have to hide if they do for fear of loss of promotion or even of their jobs.

After 18 months it is business as usual for the so-called liberals, even in the Nixon administration.

MIKE HUDOBA

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. SIKES. Mr. Speaker, Michael Hudoba is well known in the Congress. His friends here are very proud of his fine record as a conservationist, an author, and an editor of the outstanding sportsman's publication "Sports Afield." He has recently been elected president of the National Press Club, and this is a highly important achievement. A profile has been done on Mike by Felix Belair, treasurer of the National Press Club. I am confident the Members of the House will welcome a reprinting of Mr. Belair's statement in the CONGRESSIONAL RECORD:

MIKE HUDOBA—A PROFILE

(By Felix Belair)

The important thing to know about the new president of the National Press Club is that he has devoted half a lifetime to promoting the cause of conservation. Because if ever the Club needed to conserve, that time is now.

Conservation and conservatism are not entirely synonymous. But Mike also could be considered a conservative in the sense of the definition given off the cuff by Henry A. Wallace back in the 30's when he was Secretary of Agriculture. He said: "A conservative is a man who can change his mind soon enough to save what he has left." However you look at it, the Club is fortunate in having Michael Hudoba.

Mike is also an innovator. He can take credit without blushing, for such departures as Theatre Nights, State Nights, International Nights, Jazz Nights. He also achieved the present system of keeping detailed records and reporting monthly to the Board of Governors on the Club's financial situation—or predicament.

Although he has been a member of the Club only since 1947, when asked recently how long I had known Mike Hudoba, I almost said, "Why, all my life I guess." To me, Mike is the nice kid down the block with whom I walked to school on the other side of the tracks. He's the boy in the big house on the hill who was never quite accepted because of his Buster Brown collar until the day he pitched in and helped the class runt beat hell out of the neighborhood bully.

Courteous to a fault and a gentleman to the core, Mike Hudoba is many things but most of what he is can be covered by the phrase, "tough mind and soft heart." He's a cattleman and breeder of horses. He's an expert huntsman and an even better fisherman. But I couldn't recommend either sport in his company.

I've known him to stalk a deer for hours on end only to "shoot" his quarry with a camera. I've also been there when he landed a small mouth bass as long as your forearm and then toss it back in the river with the remark: "Think how much bigger he'll be next year." When I wanted to keep a couple not as big because his lovely wife, "Fran," told me to bring home some fish, Mike said, "She was kidding; she doesn't like fish."

From a dedicated conservationist—including 25 years as a regular columnist for Sports Afield—Mike branched off naturally into art collecting and working for the preservation of historic sites. Eventually, he bought "Leeds Manor" in Fauquier County, Va., which John Marshall gave to his son, James Keith Marshall, and where the Fourth Chief Justice of the United States arranged to spend his declining years following the death of his wife in 1831.

Mike likes to call his place near Hume, Va. "a working farm" and it is. But the old house is a veritable art gallery. The walls of every room abound with oils and water colors by famous artists. Even his den in the basement, where he keeps more fishing gear than most men own in a lifetime, is decorated with original Remington lithographs of the early West.

The art collection—including many busts and statuettes—is a story in itself. Mike says some of these came from an out-of-the way antique shop where he would go to pick up an occasional picture frame. The blackened oil painting, covered beyond recognition with dirt and grime, usually was thrown in with the price of the frame. Only after days of painstaking sponging and cleaning did the owner know what he had bought for a song.

A working farm it may be but when Mike and his wife, Frances, are in residence—usually with a couple of house guests—Leeds Manor is the epitome of gracious living. Two more devoted people would be hard to find than Mike and the girl from Waco, Texas, whom he married in November 1941 and who, before that, was known as Frances Ellen Dunken.

For a man who has devoted most of his adult life to the conservation movement, Mike can get more out of a financial statement than some auditors. That may be because he's looking for things most auditors know nothing about and may care even less. Mike looks at the figures not only for what they show but what they could and ought to show.

His first move usually is to reduce the monthly totals to per capita figures. He wants to know what they mean to each of the 3,000 resident members of all categories. From there he goes to the financial results of special events like speaker luncheons or state nights and from there to the profit or loss on individual covers. Thence, to whether losses on food were made up from bar sales.

Mike's agility with figures has surprised even his close friends on the Club's board. But then, they didn't know he was an examiner for the Reconstruction Finance Corporation from 1939–1946 and was awarded its meritorious service certificate when he quit to become an Associate Editor of Sports Afield.

Most people think of the new president as a Virginian because he's lived there so long. Actually, he hails from a town called Struthers, Ohio, where he was born August 1, 1913. He came to Washington in 1935 without a job. Except for a couple of flings at hometown politics, he has been here ever since.

Hudoba says without hesitation that he never went to college. He graduated from high school in 1930. That was at the depth of the nation's worst economic depression. And this writer should know because I graduated from college that same year. Instead, he read his way through two public libraries while working at menial odd jobs including one in a steel mill that closed down along with many other things.

But Mike always wanted to be a writer. He bought a portable Underwood typewriter in 1931 and paid for it in installments of 50 cents a week. It must have been a sturdy product. He still uses it for much of his writing—including his column when at the farm. His first job in Washington was with the Railroad Retirement Board and then the Bituminous Coal Commission. His decision to leave that agency was made for him when its basic law was declared unconstitutional by the U.S. Supreme Court.

Figuring he had nothing to lose, Mike went back to Ohio in 1938 to run for the State legislature. He lost by 483 votes of about 40,000 cast. Then came the job with the RFC. He had tried free-lance writing when the Coal Commission folded but without much success, until he hit on the subject he knew best, the great outdoors.

Invited to do an outdoors column for the Washington Daily News three times a week, his copy clicked this time and he continued it for two years. The same year he offered a series to Sports Afield. This time he hit his stride and was invited to do a regular column for that publication. It was in 1946 that he was named Associate and Washington Editor of the magazine.

Why Mike held on to the column in the face of more lucrative offers from various conservation societies has long puzzled his closest friends. A combination of factors is responsible. For one thing, he thought he could be a more effective force for conservation by staying put. Also, the column left him enough time for lectures and for running the farm. Another was the associations he had formed as an active member of the National Press Club.

His reputation as the best informed writer on conservation in the nation brought him twice under active consideration for Assistant Secretary of the Interior. But on each occasion he lost out to a less knowledgeable candidate with more political muscle. The dozen testimonials and awards scattered among the art objects that decorate the informal rooms of Leeds Manor testify to a reputation well earned.

Mike Hudoba's record of achievements in his chosen field with his column "Report from Washington" in Sports Afield reads like a progress report of the conservation movement in the past 25 years. Some of his editorial analyzing conservation bills have been incorporated in Congressional Committee reports on the legislation.

His editorial campaign for a national water and resources policy resulted in President Truman's creation of a National Water Policy Commission and a Material Resources Policy Commission. The ultimate upshot was the first Pollution Abatement law in 1948 and its expansion in the years following.

Another editorial crusade resulted in the first Congressional legislation of wilderness concept in 1948 establishing a roadless area for the Quetico-Superior country of Northern Minnesota.

During his first year with the outdoor magazine Mike warned in a feature article against the dangerous consequences that could flow from widespread use of DDT. This predated Rachel Carson's "Silent Spring" by a dozen years. And his predictions proved an accurate portrayal of what actually took place in the chain effect of DDT accumulation from watershed to water supplies and food chains of nature and humans.

It was ten years later that Mike received the supreme accolade of the conservation movement from the Campfire Association of America, the most distinguished of all groups devoted to that cause.

The blue ribbon club selected Mike Hudoba to be the guest of honor at its 50th Anniversary Dinner, a signal honor extended to such earlier conservationists and outdoorsmen as Theodore Roosevelt, "Buffalo Bill" Cody, Rex Beach, Zane Grey, Ernest Thompson Seton and Karl Rungius, the artist.

Even at the risk of guilding the lily, it is a matter of record that before becoming active in affairs of the National Press Club, Mike had been secretary and conservation director of the Outdoor Writers Association of America.

It was Club President Lu Warren who first spotted Mike Tudoba as a comer and named him to the membership committee in 1955. He served in that capacity until elected to the Board of Governors in 1962 for a one-year term. He was reelected for three year terms in 1963 and 1966 and was elected Chairman of the Board in each of the following three years. He was elected Vice President in 1969.

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Mike doesn't mention it but it's a fact that in his eight years' service on the Club's Board of Governors he has never missed a single regularly scheduled meeting of the group. It's also a fact that no other member of the board can make that claim—if only because none of the others have been there that long.

To make any predictions about the administration of any Press Club President, a man has to be a knave or a fool. But the writer is one member who feels a lot easier in his mind about Club finances and management under Mike Hudoba.

POLLUTION: A NATURAL APPROACH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. RARICK. Mr. Speaker, for many years sportsmen, farmers, naturalists, and conservationists have been concerned with the disregard for damage to nature resulting from the advancement of civilization.

All religious individuals who believe we are entrusted with a stewardship over God's creation have taught personal discipline and self-restraint against careless and irresponsible pollution of our environment; not only pollution of air and water, but also pollution of our peoples. But, like many, I am alarmed at the sudden emotional fanaticism—"a cause celebre"—to exploit the pollution crisis by recruiting youth and civic-minded people into "progress-retarding" ploys through the use of fright tactics, distorted facts and mass communications.

The great majority of Americans have long recognized the existence of pollution crisis in some areas—especially where it affects them. Most agree that something must be done to remedy and reverse the trend. Many feel that by honest discussion and fair use of statistics, the public can be made intelligently aware of the threat to our physical safety. This done, existing and presently unused vehicles of protection can be successfully employed, first to curtail the pollution causation, and second, to undertake compensatory relief to restore the natural purity.

The pollution problem is just as much a matter of maintenance of law and order today as any other crime against the individual or society. The appropriation of vast sums of money or the recruiting of masses of well-intentioned but misinformed people will not in themselves accomplish constructive solutions. The pollution problem did not occur overnight or in a matter of years—there can be no easy or immediate solution.

CIVIL RIGHTS

Civil rights of the individual should certainly extend to and include the right of all American people to have a clean and wholesome environment.

In school desegregation and labor disputes, the Justice Department of our Federal Government has obtained bureaucratically desired results by court action through the use of injunctions and threats of contempt.

The taxpayers have an entire army of Justice Department attorneys on call, awaiting objectives or offenders.

The Justice Department should play an important function in combating the pollutants' violations of man's basic civil rights.

Each State has an attorney general with a legal staff, as does every city and municipal government. These legal officers should join in preventative and compensatory action to curb and correct pollution violation.

LAW AND ORDER

If reckless driving, speeding, intoxication, or running a traffic light can subject an offender to liabilities for fine or imprisonment, including the threat of losing his driver's license, having the automobile impounded, all legal theorists must agree that pollution offenders are a greater threat to society—individually or collectively—than an irresponsible automobile operator.

As far as individual sources of pollution—that is, sewage, garbage, trash—every community has a sanitation code which again has not been rigidly enforced nor has the sanitation engineer had the support of the informed communities to enforce the various codes. With public opinion aroused, the sanitation officers can be encouraged to pinpoint the offenders, giving them written demands for corrective action and in lieu of compliance—initiate criminal proceedings. Or, the municipal authorities could perform the corrective action and assess the property just as we have seen them do with paving costs, the removal of noxious weeds, and other services.

The "Johnny come lately prophets of doom" could better serve humanity by converting their attacks to appeals directed to the various groups, businesses, and elected officials, outlining specific objections. Thus giving free enterprise and the existing antipollution machinery a chance before demanding more Federal centralized laws and calling for massive outlays of tax dollars for intellectual "think tank" dream solutions.

FAILURE OF ENFORCEMENT

Most State and local governments already have public nuisance, sanitation, and pollution control regulations in addition to established public health officers. The breakdown or failure of positive action from existing law enforcement and regulative agencies can be attributed to "populist politics"—giving the people what they want. The public has been saturated with political theme songs such as "If elected, I pledge to bring in more industry with more and more jobs for the people." Invitation to industrialization became a mania—a rage of the 1960's. Little or no effort was made to regulate or supervise these new industries. In some instances, the political fathers ignored existing regulations rather than run the risk of loosing a prospective industry. In other instances—because of the high cost of relocation or construction, taxpayers' funds were freely utilized for industrial inducement. Pollution problems or concern over environmental effects were popularly disregarded as being "against progress" and labeled the mutterings fright peddlers.

Overnight the pendulum has swung in a fervor to do war on pollution. Announced pollution goals have become so extensive they threaten to curtail, if not seriously impair production.

Should the war on pollution become militant, it will polarize and fail to gain mass public support. There would be no concerted unity into a mere war against any so-called decadent capitalistic society.

The mountains of Africa may abound with unpolluted air and water—but where are the jobs?

FEDERAL INDUCEMENT

One constructive means of relief is to encourage industry—free enterprise—to correct its own pollution problems by amending the existing internal revenue code to allow immediate and full tax write-offs to industry for approved pollution correction and remedial activities. This would induce industry to want to join in the expensive crusade for a better environment and would help free the cost burden from the taxpayers.

POPULATION EXPLOSION

Accompanying the current antipollution fad are the expressed fears of overpopulation. So great is the emotion generated by some that we are overpopulating our "living room" they would resort to a program of murder of unwanted children before birth.

Consider that 39 percent of the land in the United States is public land owned by Federal, State, or local government. Statistical abstract, U.S. Bureau of Census 1969, page 191.

Thirteen Western States contain public lands on the average of two-thirds of their total acreage, owned by the Federal Government; that is, 99.8 percent in Alaska, 29.4 percent in Washington, 52.2 percent in Oregon, 64.5 percent in Idaho, 29.6 percent in Montana, 48.2 percent in Wyoming, 67.3 percent in Utah, 36 percent in Colorado, 44.5 percent in California, 44.7 percent in Arizona, 34.3 percent in New Mexico.

Humanity would seem more appropriately served by a program of homesteading Government-owned lands than abortionization.

As our young people are penalized from a full enjoyment and challenge of living with talk of limited families, silence prevails on the number of immigrants who each year enter the United States. Immigrations admitted here total as follows:

	1951-60	1967	1968	1969
Immigrants	2,515,479	361,972	454,448	313,632
Nonimmigrants		2,608,193	3,200,336	1,759,608

Source: Justice Department Immigration and Naturalization Service; 1969 figures, State Department.

But no suggestion from the population control people that foreign immigration should be suspended to insure "living room" for our native born.

BIRTH CONTROL

The number of illegitimate births estimated for the entire United States has risen annually since 1940 with only one exception. During the 25-year period 1940–65, the estimated total more than tripled, from 89,500 in 1940 to 291,200 in 1965.

For example, although the illegitimacy rate has remained fairly stable during the 1960's, the number of unmarried women has been increasing and more illegitimate children are being born. Simultaneously, there has been a general decline in marital fertility associated with the delay of births by married women. Therefore, there has been a substantial rise in the illegitimacy ratio. From 1959 to 1965, the illegitimacy ratio increased by 49 percent. The corresponding percentage increases among white and nonwhite women were 79 and 21, respectively. From Trends in Illegitimacy, U.S. Department of Health, Education, and Welfare, February, 1968.

Thus, any intelligent consideration of the population explosion must acknowledge that the problem stems not from the family unit but instead from the increase of illegitimate births.

Are we to understand that the population control alarmists will now demand enforcement of the State illegitimacy laws which have been all but repealed by inaction by the tolerance of an undisciplined permissive society?

FOOD SUPPLY

Fear of a food shortage or starvation in our country is sheer idiocy. Our Government is and has been for years diligently planning methods to retard food production to prevent an overabundance. We have never utilized our full food production capability in the United States.

REASONED DISCIPLINE

Even those most vocal in their denunciation of pollution act in confusion. Rubbish is unsightly as well as unsanitary. Its immediate removal is demanded. When it is burned it pollutes the air; when it is dumped or even buried it pollutes the water. The purification of the air necessarily contaminates the land and water; the cleaning of the waters despoils the land or the air.

Civilization is the art of environmental improvement—to the benefit of man. Beyond all doubt, the undisciplined activities of modern man have brought about radical changes in his environment. We must be careful of our stewardship of nature as well as our goals. If the fumes from our automobiles are a total disaster, it is relatively simple to return to the horse and buggy. We can stop factory noises, smoke, and pollution by stopping the wheels of production, but unemployment would soar. We would sacrifice much in any retrogressive goal.

The answer is balance—intelligent limitations on the changes made in the environment, with due regard having been given to the priority of necessity and advantages of each activity which alters the natural state of our world.

Man's progress with civilization and his reckless disregard of nature are revealed. What man has done—man can undo and can correct—in time and with reason—but never by chaos.

MARINER-MARS 1969 MISSIONS AMAZING SUCCESS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, the American people should congratulate NASA and our U.S. scientists, engineers, researchers, technicians, business, and workers for the outstanding progress and success on unmanned space missions as well as the Apollo programs.

Hearty congratulations on Mariners flight VI and VII.

I include the following letter:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., May 5, 1970.

Hon. JAMES G. FULTON,
House of Representatives,
Washington, D.C.

DEAR MR. FULTON: It is my pleasure to send you this framed, five-picture mosaic of a portion of the planet Mars taken by the NASA spacecraft Mariner VII on August 5, 1969.

The view is a spectacular and scientifically important one of the south polar cap of Mars, including the pole itself. The edge of the cap is visible from longitude 290° E to 20° E. The five wide-angle pictures were taken 84 seconds apart, from left to right. Four narrow-angle frames (high-resolution) show small areas within the mosaic. Craters are visible both on and off the polar cap. In the small frame at the lower left, the cap edge is seen in very fine detail. The bright deposit is believed to be principally frozen carbon dioxide, or "dry ice."

As you know, the Mariner-Mars 1969 mission included two spacecraft, Mariners VI and VII, in what was the most ambitious and successful planetary reconnaissance yet attempted by NASA. The spacecrafts were launched from Cape Kennedy, Florida, on February 24 and March 27, respectively. As the mission investigators have reported in great detail, the flights proved highly rewarding. Both spacecraft transmitted a treasure of scientific data some 60 million miles back to earth.

In 1971 NASA will launch two Mariners to orbit around Mars, this time to send back detailed photos of the *entire* globe from which the first authoritative maps of that planet will be prepared. And in 1975 the Viking mission will send automated landers to Mars to transmit information on what their biological and other sensors perceive about surface conditions.

Sincerely yours,
JOHN E. NAUGLE,
Associate Administrator for Space Science and Applications.

CINCO DE MAYO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. ANDERSON of California. Mr. Speaker, today is "Cinco de Mayo," an important day in the history of our Mexican neighbors to the south.

One hundred and eight years ago today a small, courageous band of Mexican patriots victoriously repelled a superior, well-prepared force of French troops led by Napoleon III. We recall the Battle of Puebla and the heroism and valor of the Mexican people in repelling the French who had greedy designs on the homeland of the Mexican people.

To the 2 million Mexican Americans in California and some 20,000 in the 17th Congressional District, this is a day of national significance. It recalls the courage and spirit of that brave group of defenders and symbolizes a victory of the human spirit over all military odds.

Mexico's independence was not easily won, for the powers of Great Britan and Spain also were interested in Mexico. After gaining emancipation from Spanish control in 1822, the government was unstable, bringing bloody and violent changes of government. Foreign powers continued to look greedily upon the struggling nation.

The pretext for intervention came with the establishment of the liberal government of Benito Juarez in the early 1860's. The financial difficulties of his government, accentuated by inner disenchantment, led to a refusal to acknowledge foreign debts contracted by his predecessors.

The objective of Napoleon III of France was the development of an operation which would result in increasing French foreign influence. Although his motives were complex and somewhat confused, he wanted to establish French authority in Mexico and to placate Catholic opinion in France by favoring clerical interests in Mexico.

In October 1861, the powers of Britain, France, and Spain joined in the occupation of Vera Cruz. In 1862, Spain and Great Britain, having no such far-reaching designs as France, withdrew their forces and left the French to pursue their grandiose schemes alone.

About 6,000 French soldiers set out from Vera Cruz to what they thought was a sure victory in capturing Mexico City. Yet, on May 5, 1862, they encountered a courageous band of Mexican patriots at Puebla, a strategic city between Vera Cruz and Mexico City. When the French general reached Puebla, he sent his men into the center of the Mexican fortifications, over a ditch and a brick wall and up the steep slopes of the Cerro de Guadalupe.

The Mexicans, under their great leader, Ignacio Zaragosa, flung the French back to Orizaba and the coast. Their value and heroism in the face of superior odds led to the creation of Cinco de Mayo as a national holiday for Mexico.

The 5th of May commemorates a day upon which courage and love for their homeland enabled Mexicans to triumph over troops of a foreign power. I am sure my colleagues join me and our Mexican friends in paying tribute to the valor and patriotism of those men who fought so bravely on that day in Puebla 108 years ago. In doing this we also pay tribute to all the citizens of Mexico who have the same love of country. In memory of that great day, we extend greeting, and best wishes to our great neighbor—Mexico.

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THE POLISH PEOPLE REMAIN UNDAUNTED CELEBRATING THEIR INDEPENDENCE DAY

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WIDNALL. Mr. Speaker, today, the people of a great Slavic nation of north central Europe have reason to celebrate. For May 3, 1970, Poland commemorated the 179th anniversary of the signing of its Constitution; a Constitution which declared Poland a free and independent nation.

However, there is little joy in the hearts of these people. For as we know, they and their land are dominated by a foreign power, Soviet Russia, who saw fit to simply "annex" Poland when that country was at its knees following the Second World War.

From its very inception, in the mid-900's, Poland has been a country plagued by its more powerful and politically ambitious neighbors. Time and time again, Poland has thrown off the yoke of a foreign aggressor, only to fall victim to the selfish ambitions of another.

However, through it all, the Polish people have kept a strong sense of national loyalty. Though oppressed, they have remained undaunted, steadfastly maintaining their spirited and independent nature. Nor have they lost their taste for freedom, as evidenced by the confrontation at Poznan, 1956, and subsequent freedom demonstrations. Poznan. Where 50,000 workers struck, in the face of communist threats, demanding only an end to communist rule and Soviet occupation.

An end to foreign rule and occupation—demands not unlike those uttered by our patriots during the Revolutionary War; a war in which, incidentally, two Polish patriots played no small part in winning:

Thaddeus Kosciusko, brigadier general and builder of the Military Academy at West Point; Casimir Pulaski, brigadier general and founder of the U.S. cavalry—Pulaski was mortally wounded during the siege of Savannah, 1779.

Kosciusko, Pulaski, Madame Marie Curie, Nicolaus Copernicus, John Sobieski, Ignace Jan Paderewski, Stefan Cardinal Wyszynski, Frederic Chopin, Arthur Rubenstein—great Polish leaders, scientists and artists representative of a people ingrained with the idea of personal freedom.

In 1966 the people of Poland commemorated 1,000 years of Christianity and on May 3, they commemorate the signing of their constitution. But until they are granted the religious and civil freedoms inherent to a free society, these will remain hollow celebrations.

From an organization which represents part of the nearly 6 million Americans of Polish descent, I record the following resolution in observance of Polish Independence Day:

> Whereas we, the Bergen Ampols, an organization of Americans of Polish descent, shall on May 3rd mark the 179th anniversary of the constitution which at that time indicated Poland as an independent state, and
>
> Whereas since that time the country of Poland has been subjugated by an aggressive and overpowering neighbor, and
>
> Whereas we wish to let it be known that Red Russia has been defeated in battle only one time, and that in the battle of Warsaw in 1920 when the Polish forces drove the Russian invaders out of the countryside, and also recaptured lands correctly parts of their territory, the only defeat Communist Russia has suffered, and
>
> Whereas some world dictators, in World War II positively decided to apportion Poland and satisfy the greed of one of its neighbors, thus opening the door for the subjugation of eastern Europe in general, and now therefore
>
> Be it resolved that we of the Bergen Ampols together with upwards of ten million Ampols in this country shall continue to fully pray for and fight for the freedom of a betrayed Poland, now under the red heel of Russia,
>
> Be it further resolved that May 3, 1970, be marked in this country not only as Polish Constitution Day, but also that it be designated as the fiftieth anniversary of the defeat of the Communist forces by the gallant Poles in the battle of Warsaw, 1920, and
>
> Be it further resolved that copies of this resolution be sent to President Nixon, Governor Cahill, and our representatives on the State and National level.
>
> Approved March 15, 1970.
>
> PAUL BORUTA,
> *President, Bergen Ampols.*

STANDARDS FOR PLASTICS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, during the early 1950's, as a member of the House Committee on the District of Columbia, I heard testimony from our esteemed colleague, the Honorable CHARLES E. BENNETT, of Florida, and others, in behalf of his bill to restrict the use of thin plastic wrapping by drycleaners, dress manufacturers, and others, which posed a danger to young children. We learned that young children, always interested in new playthings, often became entangled in such wrappings and suffocated. Even infants had suffocated when the wrappings had been used by careless parents as makeshift mattress covers.

Also appearing as witnesses were representative of the plastic and drycleaning industry, who defended the use of the bags and said safety measures would be taken, including use of perforations and other devices to reduce the adhesive characteristics of the plastic.

After hearings our committee deferred further action because we were told that the House Committee on Interstate Commerce was considering nationwide legislation, also sponsored by the gentleman from Florida (Mr. BENNETT), which would require standards for transporting such plastic in interstate commerce.

Unfortunately, when the Interstate Committee heard witnesses, the same representatives of industry appeared, again with assurances of corrective measures, and no legislative action resulted.

Mr. Speaker, I do not deny that steps have been taken to make these wrappings less dangerous. In many instances, dry cleaners and other users have voluntarily, at some cost to themselves, converted either to use of heavier nonadhesive plastic or to a combination of plastic and paper which poses less of a danger. But the plastic is still in use by large numbers of dealers.

Another step which has been taken in some cases is the perforation of the bags, and in at least some cases this has resulted in less danger. But the major thrust of industry action has been the printing on the wrapping itself that it is dangerous and should be discarded immediately after use. Unfortunately, as we all know, small children, and especially infants, cannot read.

Mr. Speaker, even today no national standards exist which are applicable to the use of plastic wrappings by industry. No standards exist in the District of Columbia. At the beginning of the 91st Congress I introduced legislation which would authorize the District of Columbia City Council to act in this field. The report of the Commissioner of the District of Columbia to our committee indicated that he felt the Council already had such authority. But no action and no standards has resulted.

Likewise on November 24, 1969, I introduced H.R. 14939, to authorize the Secretary of Health, Education, and Welfare to prescribe standards governing the design of plastic bags and other commercial articles utilizing plastic sheeting with dangerous adhesive characteristics. This legislation is now before the House Committee on Interstate and Foreign Commerce.

Mr. Speaker, I believe there is still a need for this legislation. Since the gentleman from Florida (Mr. BENNETT) first brought this subject to the attention of the Congress, hundreds of children have suffocated because of these wrappings, either carelessly discarded or improperly used. I believe that the American consumer is entitled to a built-in guarantee of safety in any product he uses, not to warnings about steps he, himself should take to provide minimum safety. Mr. Speaker I intend to press for action on this legislation, and I urge my colleagues to join me in obtaining its enactment.

SOCIAL SECURITY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MINISH. Mr. Speaker, the announcement yesterday by the Ways and Means Committee that social security benefits should be increased by only 5 percent effective next January 1 is disappointing to me and, I am sure, to the 25 million social security beneficiaries across the country. Such a small increase is clearly inadequate at a time when the cost of living is rising annually by approximately 6 percent.

Certain of the committee's decisions are worthwhile and deserving of support. For example, the liberalization of the retirement test and the decision to alter requirements for disability insurance for the blind. However, taken as a whole the decisions hardly confront the basic problem of our senior citizens—existing on a low-fixed income while prices continue to rise.

Inflation exacts its harshest toll on our elderly citizens. It will surely wipe out the most recent benefit increase which merely permitted beneficiaries to catch up to the rest of the population. If a more meaningful increase is not provided for next January, the Country's retirees will find themselves worse off than they were 5 or 10 year's ago. Sadly, more than 40 percent of older Americans are at or below the poverty level—the most poverty stricken group in our country.

A solution to the dilemma of inflation for older persons is contained in legislation I introduced last year. Under my measure an automatic reappraisal of social security benefits would be required every 3 months. Whenever prices in such a period have risen above a certain point, there would be a parallel increase in social security benefits. Such a cost of living mechanism is necessary to prevent the erosion of benefits by rising prices which force the elderly to fall further and further behind in the race with living costs.

Mr. Speaker, social security is a misnomer—a cruel hoax—if it does not enable beneficiaries to keep pace at least with the cost of living. More than 25 million Americans who depend on social security must look to the Congress for an adequate increase in benefits.

LITTLE LEAGUE DEDICATES A FIELD

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WOLFF. Mr. Speaker, a week ago I participated in a most touching ceremony. This was the dedication of the Stuart Schechtman Memorial Baseball Field named for a young man who died 3 years ago at the age of 15 after being hit in the chest by a baseball.

I have the great privilege of knowing Stuart's parents, Mr. and Mrs. Albert Schechtman of Douglaston, N.Y., and know the great joy Stuart brought to them in his all too brief life.

It is appropriate that a little league baseball field was named for Stuart who loved the game so dearly. Many civic leaders, including my friend City Councilman Mike Lazar, who arranged for this dedication, turned out with Stuart's parents to honor his memory.

Under leave to extend my remarks, I would like to include in the RECORD a brief newspaper story written in anticipation of this auspicious event.

> LITTLE LEAGUE WILL DEDICATE A FIELD TODAY
>
> The Stuart Schechtman Memorial Baseball Field for Little Leaguers will be dedicated at 1:30 p.m. today at the field, Springfield Blvd. and 73d Ave., in the Alley Pond section of Queens.
>
> The field was named in honor of Stuart, 15, who died after being hit in the chest by a ball during a practice game in June 1967. He was playing as third baseman for the Marathon Little League All-Stars of Douglaston-Little Neck.
>
> He was the son of Mr. and Mrs. Albert Schechtman of 245–51 62d Ave., Douglaston.
>
> Among those expected to attend the ceremonies are Parks Commissioner August Heckscher; Assemblyman Martin Rodell; Councilmen Matthew Troy and Michael Lazar; Queens Borough President Sidney Leviss and Queens District Attorney Thomas Mackell.
>
> The field was built by the city's Parks Department after the Stuart Schechtman Memorial Ball Park project was started by Sy Seplowe, a neighbor and Little League commissioner in Queens, and Lazar.
>
> OFFICIATING CLERGY
>
> The invocation at the ceremony will be offered by Rabbi Henry Dicker of the Marathon Jewish Center of Douglaston, and the benediction pronounced by the Rev. William Smith of St. Anastasia Church, Douglaston.
>
> At 2:15 p.m., immediately after the dedication, the 18th annual season of the Marathon Little League of Douglaston-Little Neck will open with an exhibition game.

NEEDS FOR OUR VA HOSPITALS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, as Members are well aware, our committee has been conducting an intensive investigation of the critical situation in which the Veterans' Administration hospital system finds itself today. The system badly needs better funding and improved staffing ratios; much of the latter can be accomplished if the funding is adequate.

The Committee on Veterans' Affairs has received thousands of letters on the difficulties which veterans are experiencing in VA hospitals. I want to quote from a few to cite, on an individual basis, the needs which, in some instances, VA employees have reported and, in others, recently discharged patients. From a hospital in the South it is reported:

> The lack of necessary finances has been a problem for years, but recently it has reached *crippling* proportions.
>
> Wards of 41 patients, many of whom are quite ill, are staffed by one nurse on two of the three shifts daily.
>
> Vital signs are not recorded as often as ordered by the physicians;
>
> Call lights may go 15-20 minutes before they are answered;
>
> We have beds which are closed because there are no nurses available.

Much equipment stands idle today in VA hospitals because of a lack of money and a lack of personnel. At one station it is reported:

> There is at least $130,000 worth of recently acquired diagnostic and patient care equipment laying idle.
>
> There is an inadequate number of nurses and technicians.
>
> All plans for the general intensive care unit and a coronary intensive care unit were shelved in April of 1969.
>
> Ratio of clinically oriented physician to patient is so critically low.
>
> Not infrequently we have the potentially hazardous situation of one registered nurse and one nurse's aide working an 8-hour shift and caring for 43 to 45 acutely ill medical or surgical patients.

Members know, of course, that as the service hospitals, such as Walter Reed and others, fill up the Department of Defense transfers these patients as quickly as possible to the Veterans' Administration facilities. From an eastern station comes this report:

> Daily we turn down requests from Walter Reed, Valley Forge, Fitzsimons, and other army hospitals to take spinal cord wounded. Our doctor has asked Washington for more money, but we get the same answer—make do with what you have.

A considerable drop in the quality of patient care is indicated by the report of a registered nurse describing the situation and what it does to her personally when she cannot give the patients the care which they are entitled to:

> It is not pleasant to go home knowing that Patient X has laid in a wet bed for over an hour because four other patients were in the

> same condition and you had no one to help you change them.
>
> It is not pleasant to go home knowing that the doctor wanted Patient Y to have his IPPB treatment once each hour and you gave it to him only three times in an eight hour shift because you simply did not have time to give it more frequently.

A totally disabled, service-connected veteran, who has made a wonderful readjustment to life and who is earning his own way, reports:

> I will *not*, definitely not return to a VA facility as long as I have reason left in my head and money in the bank. VA rules and VA service is such that I cannot get the assistance I need and as a result my work, my life itself is jeopardized whenever I might turn in.
>
> The VA cannot do what must be done without ward-men, at least 3 and 4 ward *men* should be on a 30 patient spinal cord injury ward.

Mr. Speaker, these conditions are from letters in the files of the committee. Hundreds of similar complaints could be documented with just as much validity. The decision is ours; we must meet it, and we must meet it now in a liberal and responsible fashion.

PHILADELPHIA'S FORWARD-LOOKING FIRE DEPARTMENT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. EILBERG. Mr. Speaker, earlier this year the Philadelphia Fire Department was honored for the 13th time for making Philadelphia the Nation's most fire-safe city.

Philadelphia, thanks again to its outstanding Fire Department, also leads the Nation in reducing building fires with a rate of 3.3 per thousand population as compared to the national average of 4.1.

Fire Commissioner James J. McCarey and the Philadelphia Fire Department succeed because of a determined spirit to try new techniques. My fellow Philadelphians and I applaud that spirit. With the unanimous consent of my colleagues, I enter in the RECORD a press release from the city of Philadelphia which details another effort by our Fire Department to save lives and serve:

PHILADELPHIA FIRE DEPARTMENT

The Philadelphia Fire Department has added a new dimension to its rescue squad operations.

Fire Commissioner James J. McCarey announced that the Department has begun giving specialized training in closed heart compression and emergency breathing techniques at its Fire Training College, Ridge Ave. and Cinnaminon St.

He added that in addition a refresher course on first aid practices, which are utilized on rescue calls, is also being given to personnel taking the course.

Commissioner McCarey said, "The reason for the specialized training in closed heart compression and emergency breathing techniques is that the majority of 24,000 rescue calls the Department answered last year were directly related to breathing and heart failure problems."

This new training in rescue procedures, he stated, will enable firemen to better aid the people that they must treat on a call. It could very well be the difference between life and death, he noted.

The Fire Department hopes to train its full complement of 2,800 firemen in this new rescue operation over the next two years. The new rescue training program is a two-day course at Fire College.

The course has been certified by the American Heart Association. Doctors from the Philadelphia County Medical Society along with Dr. S. F. Brunetti, chief Police and Fire surgeon, taught the course to the instructors and staff at Fire Training College.

McCarey stated that the Fire Department is also training the Park Police and Bridge Police rescue squads in this new rescue operation. He added that all new recruits in the Fire Department will be taught this course during their nine-week training period.

MacARTHUR, GREAT SOLDIER—GREAT AMERICAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. MICHEL. Mr. Speaker, an editorial appearing in the Sunday, May 3, edition of the New York News recommends approval of a commemorative stamp to be issued in honor of the late Gen. Douglas MacArthur. My friend and colleague, Mr. COLLIER, has proposed that such a stamp be issued on or before September 2, 1970—the 25th anniversary of General MacArthur's acceptance of the Japanese surrender aboard the U.S. battleship, *Missouri*, in Tokyo Bay.

I commend Congressman COLLIER for this effort and offer my wholehearted support for his endeavor to honor this great soldier and, more importantly, a great American.

I include the editorial in the RECORD at this point:

GREAT SOLDIER—GREAT AMERICAN

Four months from now—on Sept. 2, 1970—many of us will be noting the date with gratitude as the 25th anniversary of Gen. Douglas MacArthur's taking of the Japanese surrender aboard the U.S. battleship Missouri in Tokyo Bay.

The MacArthur episode marked the end of the Pacific phase of World War II, in a complete victory for the Allied cause.

Gen. MacArthur and Adms. Chester Nimitz and William (Bull) Halsey were the principal architects of that triumph.

Gen. MacArthur went on to supervise the postwar U.S. occupation forces in Japan, and to turn that great nation from an enemy to a friend of ours. From that achievement, he went on to fight the Korean War for the United Nations—a war which he could have won if President Harry S. Truman had not been talked into firing the giant general.

All of which is leading up to the fact that Rep. Harold Collier (R-Ill.) proposes issuance of a commemorative stamp in honor of Gen. MacArthur, on or before next Sept. 2.

If any American soldier ever deserved this signal-and-then-some honor, we believe MacArthur does.

We second, in spades, Rep. Collier's motion.

CAMBODIAN DECISION FUELS NEW ECONOMIC UNCERTAINTY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. HAWKINS. Mr. Speaker, in the May 3, 1970, edition of the Washington Post, Mr. Hobart Rowen outlined his views of the impact of the war in Cambodia on the economics and financial conditions on our country.

It seems clear to me, as Mr. Rowen points out, that widening the Indochinese war means increasing the cost and that either more taxes or a less balanced budget must result.

Further, it seems equally true that this fact has not been clearly presented to the American people any better than the reasons for our involvement in Vietnam.

If Cambodia is essential to our position in Vietnam, why is the latter essential to our national security? And if it is, why then should we not be directly taxed to pay for the war without diminishing the amounts we spend on education, health, social security, and other domestic needs?

I seriously question if Americans are willing to be taxed any more for the war, and if asked, they would decide that Vietnam and Cambodia are not so essential after all.

The entire text of Mr. Rowen's article follows:

CAMBODIAN DECISIONS FUELS NEW ECONOMIC UNCERTAINTY

(By Hobart Rowen)

Now that President Nixon has widened the Indochinese war by invading Cambodia, all bets on economic conditions are off.

One need only recall the early days of the Vietnam war, and especially, the escalation of hostilities in 1965. Promises then were that expenditures wouldn't rise very much—promises that are likely to be repeated now.

On Oct. 5, 1965, Henry H. Fowler, then Secretary of Treasurer in Lyndon Johnson's cabinet said in a speech in Chicago: "If I thought defense was going to add $10 to $15 billion to our fiscal 1967 budget, I'd be back in my office now considering proposals for tax increases to pay for it."

On Sept. 9, Gardner Ackley, then Chairman of the Council of Economic Advisers, said in Philadelphia that such figures were "pure figments of someone's imagination. The estimates we at the council have put into our tentative projections do not even approach that order of magnitude."

But the "pure figments" turned out to be highly acccurate: defense spending skyrocketed $13 billion in fiscal 1967 and another $10 billion in fiscal 1968, creating the massive deficit responsible for today's inflation problem.

The simple fact about our new involvement in Cambodia is that it too is an escalation, however Mr. Nixon described it, and one escalation leads to another. The "surgical" strike of an American-aided South Vietnamese force at Parrot's Beak was quickly followed by sending U.S. troops into an area called the Fish Hook.

Therefore, when the administration goes to Congress in mid-May—as it must in connection with debt limit legislation—and lays out revised estimates for fiscal 1971 expenditures and receipts, it will have one of two choices:

It can bring in a realistic budget, which would allow for major changes in the Southeast Asia situation, and with it proposals for tax legislation to cover the contingency of greater spending.

Or, it can blithely assume that there are no changes necessary on the fiscal front to match the altered situation on the war front.

It's probably too much to hope that the administration will be candid enough to tell the American people where the new war policy can lead. Mr. Nixon himself doesn't know where his big gamble will take us.

More likely, there will be a papering-over of the potential costs, and whatever changes in the budget are announced will instead be a consequence of the declining economy which has reduced receipts, and pressures from Republicans on Capitol Hill to relax tight budget pressures which might cost G.O.P. seats in November.

The budget deficit figures Mr. Nixon announced on Feb. 1—$1.5 billion in fiscal 1970 and $1.3 billion in fiscal 1971—are already ancient history. Sen. Jacob Javits (R-N.Y.) estimates the fiscal 1970 deficit at $3 to $5 billion. In New York and on Capitol Hill, financial experts were estimating—pre-Cambodia—that the fiscal 1971 deficit would be $6 to $8 billion. (One expert guesses the *calendar* 1970 red ink total at $6.5 billion.)

The original fiscal 1971 budget shows a drop of $6 billion in projected defense spending. Thanks to Charles L. Schultze's fine analysis published by Brookings, we can see that the entire decline can be traced to the projected troop withdrawals.

But as Murrey Marder pointed out in this newspaper on Friday, the President's Cambodia action is a concession that the Vietnamization program on which the troop withdrawals are based is not succeeding.

If there is a delay in troop withdrawals, the real defense budget will go up in fiscal 1970. A bunching of withdrawals at the end of the fiscal year, for example, would cancel out perhaps half of the $6 billion saving. And if troop withdrawals were canceled, not merely postponed—which is certainly a possibility—not only would the whole defense budget for 1971 be in the ash can, but longer range considerations would not be pleasant to think about.

Whatever Mr. Nixon does about facing up to the fiscal problems that may stem from his gamble to take the war into Cambodia, it will still be true that the United States is suffering from a bad hangover in terms of inflation.

Against the hope that by this time the hangover would be gone and our heads clear of inflation, business and labor are still out to get all that the traffic will bear. Any reader of these financial pages knows that there has been a rash of price increases over the past many months, the latest offered by Bethlehem Steel Corp.—in the face of declining steel production.

On the labor side, tough negotiations are ahead in many industries; for example. Walter Reuther is reported to be readying a record wage package demand in this year's bargaining.

What we come down to is that Mr. Nixon's anti-inflation policy, relying exclusively on broad, classic monetary and fiscal tools has succeeded in cooling down the economy, but not in curbing inflation.

The beginnings of a small recession are at hand, and as the Chase Manhattan Bank observed crisply this week, "big recessions can, after all, grow out of small ones."

Since November, 1968—following Mr. Nixon's election—the Dow Jones industrial index has plummeted from 985 to 734 at the close on Friday, a drop of 251 points. Mr. Nixon's response to the rapid declines of last week was:

"Frankly, if I had any money, I'd be buying stocks right now."

That was an unhappy echo of meaningless similar assurances by John D. Rockefeller as the market crashed in 1929.

It takes action, not Presidential rhetoric so instill confidence in financial markets. Wall Street is in a bearish mood because of the recession in the economy, and especially because of the uncertainties about our policies in Southeast Asia.

Industrial production is down about 3 per cent so far, and 1,000,000 more persons are out of work than was the case in February 1969. Over-time hours—the source of much consumer spending for autos, TV sets, vacations, and other luxuries—are down sharply. So are corporate profits.

Now, this is not yet the picture of a serious recession. It's not the biggest downturn this country has ever experienced. But it is a recession of some dimension—not just the "painful adjustment" that the administration prefers to call it.

Moreover, all of the promises of easier money haven't brought interest rates down very much. Businessmen are more and more anxious to see the Federal Reserve System make good on its open commitment to a less restrictive money policy.

But the budget deficit that seems to be generating—and on top of that, the new Cambodian crisis—may make it impossible for Fed Chairman Arthur Burns to deliver everything he had planned to.

Let's face it: the budget has gotten out of hand since early this year, in part because of a shortfall in revenues and in part because of fears that the economy might be slipping downhill faster than anticipated. In Dallas last week, chief economic adviser Paul W. McCracken promised a better deal for those who could be patient: economic recovery—plus a reduction in inflationary pressures.

But now comes Cambodia, and while no one can be sure at this point of the extent of the economic impact, it seems clear that McCracken's Dallas assessment should be placed in the category of a pious hope, not a probable reality.

KENT STATE INCIDENT

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. COHELAN. Mr. Speaker, a terrible malaise has come over this country, a sickness that is spreading through the body politic as a cancer.

This is a strong country, strong in the sense of its institutions and in its capacity for rejuvenation. Now, however, the polity is being strained to the breaking point and I fear for the worst as our national leadership centered in the White House is not bringing us out of this wilderness, but rather, is throwing gasoline on the fires of our discontent.

The murder of four young students at Kent State University last night by units of the National Guard is in a way the direct responsibility of the President of the United States. I am physically sickened by this incident, and my sympathy goes out to their families and friends, but more than sympathy is needed. We must turn the country around. We must stop this slide to oblivion now.

Obviously investigations of the Kent State incident must be held. This must be quick and thorough investigation, as preliminary reports indicate that the Guard fired without the provocation of so-called sniper fire. I cannot fathom how officers of the Guard would order their men to fire blindly into a group of retreating students—volley after volley of shots into a crowd moving away in disarray. This was not a response to so-called snipers. It was an act of blind retribution, a striking out against those who would dare to protest, against those who would dare to confront an armed establishment. The President did not order this action directly, but the temper of administration statements, the tone of its attacks on dissent, the demeaning of the office of the Presidency by its present holder led to it. The characterization of dissenters as "bums" has polarized our people. The President has attempted to cut off the students from the country, to stifle their cry by ridicule and scorn. The illogical extension of this attempt to silence dissent is death, and that is what occurred at Kent State yesterday. Death of human beings, death of students, death to the opposition.

Congress must assume its role at once. We must act to bring the people together. The President voiced these words in his campaign. To say that he has not followed through is a cruel joke. It is up to us to act now—at once. Four young people have joined the permanently silenced majority. We must speak out for them.

IT'S UP TO YOU

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DERWINSKI. Mr. Speaker, the Lansing, Ill., Sun Journal is a community newspaper noted for its vigorous editorial policy on national events. Its editorial Saturday, April 25, directed to Earth Day observances, I believe, was most effective and objective in its commentary. It follows:

IT'S UP TO YOU

Now that the smoke has cleared from Thursday's "Earth Day" demonstrations it may be worthwhile to review just what happened.

Predictably, every political figure from the lowest elected official in our nation's smallest town to the President hopped on the now fast-rolling pollution bandwagon to satisfy their constituents. Never before has our already-polluted air been filled with so many slick phrases and pleas.

More importantly, people across the country, regardless of their position on the political spectrum, banded together to voice their concern over the sorry state of our environment. School children used "Earth Day" to study and discuss the gradual decay of our natural resources; businessmen left their offices to take part in environmental seminars; housewives joined neighborhood forces to clean up vacant lots and nearby parks.

Unfortunately, as in most severe problems, a villian was chosen. Big business, with its factories daily belching soot and smoke into the air and sewage into the water, was a logical "heavy" for Earth Day performers. Clearly, business is responsible for some of the pollution we suffer through every day. But to shift the blame solely on private enterprise is irresponsible.

XUM

All of us, unknowingly or not, make significant contributions to pollution every day of our lives. We litter, we burn leaves, we smoke cigarettes, we burn high-octane gasoline, we throw containers into lakes and rivers, we use enzyme detergents that foul our waters. And our governments are among the worst polluters around.

In the words of that immortal philosopher, Pogo: "We have met the enemy and they is us!" As much damage as industry has done to our atmosphere, they are at least trying to change. Millions of dollars have been spent on anti-pollution measures by business in an effort to curb their discharge of noxious fumes and slime. But what have you done about it? What have your local, state and national governments done to clean their own houses?

If we are to have clean air and pure water once again, each of us must make a conscious effort to do whatever we can to fight pollution on our own level. Massive marches and demonstrations are not needed. The public is now well aware of the disaster our country faces. The time has arrived to stop talking about doing something and to start rolling up our sleeves, and asking our government units to do the same. We are all on the same side, fighting a common enemy. If the work is done today, tomorrow we can sing "America The Beautiful" and really mean it.

MISS IDA CASTILLO—EXEMPLARY PRODUCT OF TODAY'S YOUTH AND NATION'S VOCATIONAL EDUCATION PROGRAM

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DE LA GARZA. Mr. Speaker, Mr. David Allex, manager of the Harlingen, Tex., Chamber of Commerce, sent me a note about a young lady who works part time in the Harlingen Chamber of Commerce under the vocational education program. I was so impressed by Miss Castillo's accomplishments that I wish to share Mr. Allex' note with my colleagues. I think it is an inspiring testimonial of what one young person can do given a proper opportunity.

DEAR CONGRESSMAN: As a point of interest, we have a young lady in our office who works part-time under the Vocational Office Education program. This young lady has been a tremendous asset to our organization. She is a Senior in high school, the oldest of nine children of a migrant family. and is determined to attend college to continue her education.

In area competition she won first place in shorthand, and upon competing in the state competition, she placed third, thereby qualifying her to go to national competition. Last week at the national competition in Fort Worth she carried away first place honors in shorthand in competition with 130 contestants from all over the United States. This is the first time that anyone from the Valley has won first place in national competition in the Vocational Office Education program. In fact, I believe this is the first time anyone has even placed on the national level.

This young lady was also awarded a $2,000 scholarship by the Baptist Convention in Dallas and will attend college at Hardin-Simmons in Abilene.

The performance by Ida Castillo in her everyday life and her determination to better herself makes her a prime example to others whose financial circumstances would tend to crush enthusiasm and discourage personal achievement. This girl deserves top recognition, for her example could be an inspiration to many.

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BROADENING THE SUPPLY BASE: A PROPOSAL TO ELIMINATE PRODUCER PRICE REGULATION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BUSH. Mr. Speaker, on April 28, 1970, the Honorable Carl E. Bagge, Commissioner, Federal Power Commission, spoke to the American Association of Oilwell Drilling Contractors on "Broadening the Supply Base: A Proposal To Eliminate Producer Price Regulation."

Commissioner Bagge's address was a thorough examination of the regulatory and market forces which control the natural gas industry in this country and their suitability for the future. The beginning of this new decade is a good time to stop and look at these forces. So that all might have the benefit of Commissioner Bagge's remarks, I would like to insert them in the CONGRESSIONAL RECORD at this point:

BROADENING THE SUPPLY BASE: A PROPOSAL TO ELIMINATE PRODUCER PRICE REGULATION

(An address by Carl E. Bagge, Commissioner Federal Power Commission)

There is something about the emergence of a new decade which generates introspection and concern about whether one's actions are relevant to one's goal. It is, indeed, a time when even one's goals are reappraised to determine whether they are relevant to the challenges of the new decade. This is as applicable to institutions as it is to individuals. John Gardner contends that this process of self renewal must be a continuing one if the individual or the society is to keep from becoming unhinged. But for those of us who cannot afford the luxury of continuing introspection, however, the appearance of the chronological milestone of a new decade affords us an opportunity to pause, catch our breath, and project ourselves into the decade ahead.

Government policy and those of us chosen to define and administer it should not be exempt from this process. Indeed, we have a greater burden to reexamine both our actions and our goals because of both the pervasive and irrevocable nature of our activities. And so it is in this context of reexamining our goals and appraising the relevancy of our actions toward the achievement of these reexamined goals that I offer these thoughts concerning what I believe to be the emerging goals of the decade of the 70's, in the regulation of business generally and in the regulation of the gas industry specifically.

When we step back and analyze the forces which led to the establishment of the independent regulatory agencies, it is fair to conclude that the purpose of governmental oversight of those sectors of the economy subject to federal regulation was to protect the citizen in his role as a consumer—as a purchaser of goods and services—as an economic man. The concept of the public interest as forged in the regulatory enabling statutes was directed toward an economic goal—prices, rates, and charges—for the protection of that economic man. Indeed, the body of law which evolved from these statutes confirm this. In the intervening decades since the establishment of this federal oversight of business enterprise, a new role for government regulation has now emerged. Economic man is still a consideration, but our concerns today extend more deeply and more pervasively. Today's environmental ethic sees the purpose of regulation in a far broader perspective—a perspective which extends beyond the economic man and encompasses man in relation to his total environment against the background of an increasingly complex, urbanized and interdependent society. Indeed, it may be said that our regulatory concerns now extend beyond economic man to ecologic man. President Nixon in his State of the Union address characterized this new national goal as a concern for the "quality of life". The goals, therefore, of regulation are now different both in kind and in scope from those which initiated the regulatory process. The sooner we define these new goals in each area of regulatory oversight, the sooner we can make our actions relevant to their attainment.

As part of this assessment, it must be recognized that we can no longer even think about our problems in the framework of the past. Contemporary regulatory problems call for responses within the context of a far broader perspective than that which has been employed in the past. Transportation policy for the Nation, for example, if it is to be relevant to contemporary needs, cannot be formulated with continuing conflicts between maritime policy, surface transport policy, highway construction programs and air transport policies. The transportation crisis cries for resolution in an integrated, comprehensive fashion to serve the new goals of a mobile and urban society. This policy must evolve by giving substance and meaning to the quality of life in contemporary society. And so it is in every other area of government regulation of business.

To deal with these problems in a broader context and in a more relevant manner we must devise new means for their resolution. The adversary hearing process based upon combative economic interests which has characterized the regulatory process will become increasingly anachronistic in the decade of the seventies. Even now, it can no longer cope with many of the vast policy issues which confront regulation today. Rational regulatory policy cannot be forged in bits and pieces, based only upon glimpses of reality as they may be chosen by the parties and the staff to be spread upon a record. New goals must be defined and implemented through the establishment of a formalized consultative process between government and business and through that, the achievement of increased joint planning and joint action, increased use of rulemaking in place of adjudication, the employment of investigatory proceedings and by joint action between government agencies both federal and state which share responsibility for the oversight and regulation of the same sectors of the economy. Regulation as we have known it in the past will be increasingly displaced by such joint efforts based upon a more mature relationship between government and industry and between federal and state governments. Evidence of this is apparent in many areas. Illustrations of this in our regulatory concerns exist in the National Power Survey, the proposed National Gas Survey, our present approach to the problem of electric power reliability and our approach to the need for a more rational construction of off-shore gas transmission facilities in South Louisiana. These illustrations of contemporary problems require regulatory oversight but do not lend themselves to traditional regulatory methodology.

What have these general observations to do with the gas industry? The gas industry provides a dramatic illustration of the need for reexamining our national goals and providing responses which are relevant to the achievement of those goals. An examination of the gas industry within the time frame of the next decade and through the prism of the new goal of a concern for the quality of life, reveals that this industry provides a potential contribution far greater than we may have realized.

The gas industry provides, through the technological development of the fuel cell, a potential alternative to central station power generation. The increasing difficulties confronting the electric utility industry in the siting of both nuclear and conventional generating plants and transmission facilities underscore the need for such an alternative. The gas industry also provides the Nation a unique weapon in our battle to combat air pollution. Indeed, entirely new markets employing gas as a means of propulsion constitute a revolutionary potential unknown only a few years ago. Our national ethos includes an unquestioning faith in the efficacy of competition as the ultimate means of assuring protection of the consumer and efficiency in our use of resources. The gas industry provides an effective competitive force which provides the power consumer with a truly competitive choice. If that choice is to be preserved for the American public, if gas is to be made available for the revolutionary new power technologies to alleviate the urgent problem of air pollution and to contribtue to several other environmental goals, and if we want to provide an alternative to central station power generation, then it is clear that the gas industry must, as a matter of national policy, be stimulated to serve not only as a viable but as an aggressive force in our energy economy. Our national goals have therefore changed since the enactment of the Natural Gas Act. Governmental responses must accordingly be made relevant to these goals. It cannot be circumscribed by more limited objectives. A blind adherence to the "exploitation of the gas consumer" mentality of the thirties and to the legal precedents which have been encrusted upon that limited objective may well be contrary to the achievement of contemporary goals.

It is when we compare the gas industry's potential contribution to the quality of life in the 70's with the effect of existing government policies that the basic inconsistencies become discernible. Today, we observe an industry experiencing, in varying degrees throughout the Nation, substantial difficulties with gas supply, an industry forced to turn to higher cost increments of gas from foreign sources to meet demand, an industry confronted with a new level of demand stimulated, in part, by regulation which at the same time has, in part, inhibited expansion of the base supply. There is no governmental commitment of federal funds for research and development in the gas industry such as exists with respect to electric power. Outdated legislative policies prevent the benefits of gas industry technology from accruing to consumers and producers in the non-contiguous states and prevent the economic transportation of gas in liquid form to domestic consumers. And a new LNG technology designed to serve unconventional markets is being shackled into the conventional utility mold by the extension of the Natural Gas Act.

This discrepancy between reality and existing government policy is precisely the problem to which the recently released Annual Report of the Council of Economic Advisors was addressed. In urging a greater reliance by regulatory agencies upon market mechanisms, the report states:

"The American experience with regulation, despite notable achievements, has had its disappointing aspects. Regulation has too often resulted in protection of the *status quo*. * * * Competition can sometimes develop outside the jurisdiction of a regulatory agency and make inroads on the regulated companies, threatening their profitability or even survival. In such cases, pressure is usually exerted to extend the regulatory umbrella to guard against this outside competition, so that the problems of regulation multiply and detract from the original purpose of preventing overpricing and unwanted side effects.

"* * * As quasi-judicial bodies, the regulatory commissions tend to give much weight to precedent. As a result, change of any kind becomes hard to justify and even harder to allow when some affected group can claim immediate harm, whereas the potential beneficiaries are widely diffused and usually not represented. Yet innovation and adaptation are the dynamics of economic progress.

"There is no clear safeguard against these dangers, but more reliance on economic incentives and market mechanisms in regulated industries would be a step forward. * * * Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition. When regulation has stifled competition, performance has deteriorated. The clearest lesson of all, however, is that regulation should be narrowed or halted when it has outlived its original purpose."

I submit that these observations are relevant to the discrepancies which now exist in several important areas between the potential of this industry in serving our new goals and existing government policies. All of them should be reexamined as we enter this new decade. I will attempt here to deal with only one—producer price regulations.

An examination of producer price regulation in the context of the next decade reveals problems of an entirely different character than those with which we have dealt in the past. Discernible cracks are evident in the regulatory dike which was constructed to protect the interstate gas market from the forces of the market. Indeed, several breaches in this regulatory dike are already clearly discernible.

My proposal in an address last spring at Oklahoma State University to base producer pricing upon indices and my colleague Commissioner O'Connor's proposal in an article in the *Public Utilities Fortnightly* to predicate price regulation upon a basing point method both reflect a growing body of thought that there is an urgent need to give weight to market realities in producer price regulation. These proposals both reflect an effort to make FPC price regulation effective in competing with the intrastate market and in responding to the supply and demand dynamics of the interstate market.

Each proposal was intended to initiate a public dialogue regarding the need for the Commission to extricate itself from the strictures of the existing cost based area rate methodology. Commissioner O'Connor's basing point concept is incorporated in the recenty rulemaking proposal concerning the establishment of area rates in the Appalachian-Illinois Basins. In that proceeding, it is proposed that the field price of gas be based on the adjacent pipeline gas rather than producer costs.

The adoption of indices giving weight to market forces has not been implemented by the Commission. I am grateful, however, to Mr. Stanley Learned for contributing to the public dialogue regarding this proposal by his response before the INGAA meeting here in Colorado Springs last fall. I believe there is an immediate need, based upon existing circumstances, to establish such indices for an effective and responsive method of producer regulation. This is essential now because existing market forces must be recognized and given weight in arriving at a just and reasonable rate.

The problem of producer regulation in a period of short-term gas surplus which was characteristic of the decades of the fifties and sixties is of an entirely different dimension than that of a period of tight supply. It is clear that the Commission must be appraised more fully and more quickly of the supply and demand dynamics of the interstate gas market. Functionally effective prices relate more directly to economic factors than accounting costs no matter how sophisticated the costing method. Broadening the rationale of producer regulation by reflecting market realities is a response to only part of the problem. The methodology of producer regulation must also be changed to permit an effective and timely response in order to avoid serious national consequences. The Commission cannot continue gathering multitudinous volumes of cost data during unduly time consuming rate proceedings. Alternatives must be adopted to the existing controversies regarding cost analysis and cost methodology—and they must be adopted quickly.

It is essential that we recognize, however, that the adoption of such alternatives would provide only a response to the problem in its present dimensions. The need for such alternatives is based upon the impact of existing market forces and their present effect upon the supply of interstate gas. We must recognize that the adoption of such alternatives merely provides a short-range solution to the problem. For as we look further into the decade of the 70's several even more substantial fissures in the regulatory dike become apparent.

The most immediate threat of a breach lies in the proposals for substantial imports of gas from Canadian sources to Midwestern markets at higher prices. Farther west another breach may be caused by long-range proposals for Canadian imports at still higher prices. In less than three years, further breaches are threatened by the proposed imports of base load LNG from Algeria at substantially higher prices. Evidence of additional breaches is also discernible as a result of proposed imports from Venezuela and several other sources. Should the existing available supply and demand imbalance require, in the public interest, the importation of these substantial quantities of gas in both vapor and liquid form at significantly higher prices than those which presently prevail, we must then acknowledge that the market will have effectively and irrevocably swept away the dike of producer regulation.

When this occurs, regulatory policy cannot continue to operate as it has in the past with or without more rational alternatives to cost based pricing. Regulation cannot then escape the unpleasant fact that it will have been deluged by the very market forces for which it was intended to substitute.

Can regulation effectively respond by acknowledging the existence of the higher priced alternative sources and basing the domestic producers' price upon those sources with an appropriate discount for the cost of transportation? Can regulation effectively respond by instituting a basing point form of regulation predicated upon the market price of the highest or the average price of the alternate increment of gas? Can regulation effectively respond by employing indices to reflect the impact of these intrusions of the market? Is there any rational way in which producer pricing may continue to be effectively regulated when, for reasons of continuity of service, the market not only is acknowledged but is affirmatively sanctioned by the Commission in the form of imports of substantial quantities of higher priced base load gas?

I submit that the process of producer price regulation would no longer be viable with a competing market-oriented gas supply introduced into the present fabric of the regulated interstate gas market. Any response which regulation would attempt to make

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within this context can no longer honestly be regarded as "price" regulation. We can continue the incantations and express the search for a price in the litany of regulation, but we delude only ourselves if we believe that the ritual has any meaning. Once we are required to acknowledge that the inexorable laws of supply and demand require our sanction of market prices in the public interest, we can no longer characterize the process as price "regulation". Although other public purposes may be served by the continued regulation of producer contracts, we must face up to the reality, in that event, that regulation cannot effectively encompass price.

What then is the alternative for national policy in the decade ahead as it seeks to provide continuing protection for the public and gas consumers. The Supreme Court held that regulation must substitute for the lack of competition in field sales of natural gas. But neither that decision nor regulation nullified the long-term forces of the market. The impact of the market may have been delayed, but it is the market that is controlling in the end.

Hence, unless an alternative policy is developed we are on the verge of entering into the worst of both worlds. We are confronted on the one hand by a demand stimulated in part by regulation which at the same time has inhibited in part expansion of the base supply. And we are confronted on the other hand by a market that is bringing forth alternatives into the supply vacuum at prices much higher than present regulated levels.

Since price regulation will be ineffectual in this context, the challenge is to harness the market so that it will work for the consumer. To meet the challenge would require a reversal of government policy—of the role originally ordained for regulation. When federal price control was imposed, the base supply was surplus to short-term demand. Even at unregulated prices, gas had been a devastating competitor, rapidly taking over markets long dominated by other space-heating and industrial fields. Regulation substituted for the lack of competition among sellers of gas at the wellhead. But that is academic if those sellers do not have an available supply with which to compete for incremental business. And the overriding fact today is that the available base supply, being inadequate to meet current potential demand, can no longer perform its competitive function.

It appears that gas is not presently available in sufficient quantities, for instance, to moderate the market price of new supply sources that are moving in to satisfy unmet demand. In this situation, therefore, the role facing government policy in the seventies is not so much to nurture the competitive vigor of base suppliers which was the goal of regulation in the fifties and sixties as it is to reinvigorate the base supply itself. Without a dynamic base supply of natural gas, the interstate market will not be able to compete for supplies with the unregulated intrastate market. Nor will there be any effective price competition for the unconventional higher-priced supplies that are knocking at the market door. But a base supply, reinvigorated, can be the key to the price levels at which these new sources enter and can place the consumers less at the mercy of the supplementary sources.

It is significant that even now the existing proposals for innovative government policy for producer regulation see a solution to the present dilemma in moving toward a situation where more freedom is allowed to competitive market forces—through indices or basing points—one in which government intervention is flexible and designed to stimulate a greater dependence on the market to provide an equitable balance between supply and demand. In the future, if the present trends continue, government policy should consciously seek out ways to strengthen the elements of a free market and reinvigorate the base supply by attempting to insure that there are many competing sources of gas supply, that the supply base is broadened, that entry into the supply phase of the industry is both unrestricted and affirmatively encouraged and that price levels are permitted to be responsive to demand. A government policy implemented along these lines would provide an effective alternative to producer price regulation in the long run, while holding forth the promise of relief for the present supply-demand imbalance at the lowest possible cost to the public.

Given a governmental policy of encouraging the greatest degree of market participation by the greatest number of suppliers of gas, where will new and supplemental sources of gas supply be found? The Potential Gas Committee in its 1969 report estimated the potential supply of natural gas in the United States at 1,227 trillion cubic feet. Areas of significant reserves include the continental shelf, where to date less than one percent of this area has been subpect to exploration activity. Moreover, geologic indications are that the offshore area could also hold major reserves and become a major source of future gas supply. Additionally, geographical factors such as the proximity of such reserves to major markets have favorable economic implications.

New sources of supply also exist in the deeper onshore formations. While present United States production of natural gas has been essentially limited to shallow wells of 5,000 feet or less, geologic information indicates that gas bearing formations in some areas of the country may lie up to 40,000 feet below the surface. These formations represent a virtually untapped reserve.

The Prudhoe Bay discovery on Alaska's North Slope has drawn attention to the potential of Alaska as a major new source of gas supply. The promise of this area is indeed staggering as evidenced by figures released by the Potential Gas Committee which place the potential gas supply of Alaska at over 400 trillion cubic feet; one third of the potential supply of the United States.

Projects Rulison and Gasbuggy are the first steps in a process that could unlock some 320 trillion cubic feet of natural gas held in tight formations. These potential reserves as estimated by the Bureau of Mines represent an amount greater than the present proved recoverable reserves of the United States.

The dramatic announcement by El Paso in July of last year that contracts had been negotiated to purchase one billion cubic feet per day of LNG for import to the U.S. from North Africa underscores the coming of age of the LNG industry. The worldwide reserves of natural gas now enter as a factor in the dynamics of the U.S. energy market.

Methods of converting coal to pipeline quality gas are in the R&D stage. The implications of successful development of such a process are staggering. Conversion of coal to synthetic gas has the potential of providing 12,000 trillion cubic feet of reserves. This is about 40 times the present proved recoverable reserves and compared to the present consumption level of around 20 trillion cubic feet per year represents a virtually inexhaustible supply.

The important fact underlying all of these potential sources of gas supply is their dependence on technological advancement for any significant exploitation of these reserves. The present level of technology allows the drilling of exploratory wells offshore at depths greater than 600 feet, but such depths exceed present production capability. Some underwater wells in deep water are capped and await technology advances that will make recovery from them profitable. Economic recovery of natural gas from deep formations onshore would be enhanced by the development of novel drilling methods now in the research stage. This area of drilling research is one in which minimal support for research and development has been evidenced.

The newly developing LNG industry that may provide the basis of bringing to U.S. markets natural gas from Alaska, North Africa and other countries is entirely dependent on advances in the technology of LNG transportation and storage if major projects are to become economically feasible.

The feasibility of producing pipeline quality gas from coal has been demonstrated in small scale plants. Pilot plant demonstrations of large scale feasibility of synthetic pipeline gas production are nearing the operating stage. All indications are that commercial utilization of coal conversion processes in the middle 70's could be realized if an adequate level of support to advance this technology were forthcoming. The critical period, it seems to me, in the developmental history of this process is near at hand when as in any developmental process the major jump from pilot plant operation to commercial scale demonstration is attempted. In the case of regulated industries, the realization of a project of this magnitude is particularly difficult. This is one area where the potential of this process should prompt a reappraisal of present policy toward support of gas related technology by government and industry.

The concept of total electrification is gaining public acceptance and many believe that the energy system of the future will be supplied by nuclear energy with breeder reactors and ultimately controlled thermonuclear fusion providing unlimited power. Why then this concern regarding gas supply for the future? I submit it is in the interest of the American public to maintain strong, competitive gas and electric industries. In a recent study of energy models, the Bureau of Mines concluded that the theoretically optimum energy system for the U.S. would be one based on natural gas with fuel cells used on site to provide electricity requirements. It costs about one-fifth as much on a B.T.U. basis to transport energy to the consumer in the form of gas than as electricity. The present investment of electric utilities per annual unit of energy delivered is ten times that of gas utilities. To capitalize upon the inherent favorable economics of gas transportation, energy conversion technology must be developed to allow gas to compete for the full spectrum of U.S. energy needs. What are these needs? The end uses of energy are heat, mechanical power, electricity and light. In the typical home, for example, 85 percent of purchased energy is used as heat and 15 percent in the form of electricity. Fuel cells now in the developmental stage could supply the electrical requirements providing a pollution-free source of power. Lighting devices utilizing gas directly providing high intensity lighting systems rivalling the electric bulb have been demonstrated. Environmental control giving year-round comfort control an entirely new concept when compared to present heating and cooling systems can be developed.

The question of adequate supply takes on added significance in the light of the new uses of gas made possible through liquefaction. The announced conversion of the state of California government fleet to LNG and present tests being carried out by the federal government underline the importance of this development. It is clear that instead of an industry slated to be supplanted by modern energy supply systems, the gas industry can be the wave of the future in the forefront of new and innovative uses of energy and providing standards of quality and service.

The federal government which supports

research and development activities to provide methods of developing our primary energy resources—petroleum, gas, water power, coal and atomic energy—has apparently failed to recognize the potential role that could be assured by natural gas in this decade and beyond. Recently, the Office of Science and Technology released a study prepared by the Energy Policy Staff which described the major civilian energy research and development programs funded by the federal government for fiscal year 1970. This study showed that $368 million will be spent on civilian energy research and development through programs supported by federal funds. The research and development effort for atomic energy received over 84 percent of all the federal funds for energy R&D. Indeed, the study concluded:

"It is also significant that virtually all of the federal R&D expenses (about 90 percent) are addressed to the problems and opportunities of the electric power industry."

Less than two percent of these expenditures are directed toward advancing the technology of the natural gas industry. The level of investment in research and development is highly significant as future energy utilization patterns will be determined by the level of technology in the respective industries. It is here where governmental policy must strike a balance between the lure of unlimited energy through atomic power and the continued development of our other primary energy sources which, because of their own unique characteristics, can with imagination make invaluable contributions to the quality of life in the decades ahead—contributions which even atomic energy cannot provide in the foreseeable future. The relative costs of developing technology is also an important factor in decisions on resource allocation. There are obviously greater costs involved in developing a new technology, such as nuclear fission or fusion, compared to improving existing systems based on our other primary energy resources. The effect of past governmental policy in writing off fossil fuel sources as major energy contributors in the decades ahead is short-sighted and falls short of an optimum allocation of our resources. Development of production, transportation and conversion technology for fossil fuel utilization will open up needed alternatives of energy sources necessary to our new goal of protecting the quality of the environment and in the continuing effort to ensure the availability of energy supplies at reasonable costs to meet the Nation's growing energy requirements.

The Commission is increasingly concerned by the level of investment in research and development by jurisdictional companies. Responses to Order No. 322, "Annual Reporting of Research and Development Activities," showed that for the three reporting years subsequent to the effective date of this order, 1966, 1967 and 1968, jurisdictional gas companies invested 0.1 percent of operating revenues in research and development. Of more significance, thirty-seven jurisdictional gas companies reported no research and development activity in 1968. The National Science Foundation compiles statistics on nationwide research and development activities. Comparable statistics for other industries in 1967, the most recent compilation by the National Science Foundation, showed a range of investment in research and development of 1.5 to 4.1 percent of net sales. Comparison of investment levels by industry showed the largest investment levels in those industries characterized by rapid technological obsolescence. The wide disparity between jurisdictional company investment and that of other industries indicates the heart of the problem lies in the fact that, unlike the non-regulated sectors, the impact of investment in R&D on the financial position of the utility in many cases is unknown at the time of such decisions, and the accounting options are distinctly limited.

The incentive needed for greater R&D activity by jurisdictional companies lies in providing a greater degree of certainty regarding the effect of R&D investment on the financial position of the company and in enlarging the area of managerial discretion with regard to the accounting treatment of such expenditures within the regulatory framework.

Consequently, just last month the Commission issued in Docket No. R-381 a proposed rulemaking dilineating proposed amendments to the Uniform System of Accounts intended to clarify Commission policy on accounting for R&D expenditures. These amendments recognized the need to establish a greater degree of certainty in the Commission's ratemaking and accounting policies, the need to allow a return on significant expenditures for special research and development projects amortized over a period of years and the recognition that so-called "unsuccessful" projects pave the way for "successful" projects and as such should be regarded as part of the total research and development effort. This policy should place jurisdictional companies on a more equal footing with the non-regulated sector in competition for capital investment in R&D, particularly where projects involving significant expenditures are concerned. At a time when the utilities are faced with major problems of gas supply, power generation and environmental concerns, the contributions of technology to the resolution of these problems should be fully explored and the Commission should not hesitate to adopt further measures to stimulate activity in a crucial area.

* * * * *

The fragmented nature of the industry's response to the technological challenges facing the industry and the need for a forum where the impact of changing technology on the industry as a whole can be assessed and an effective solution to these problems cannot be formulated solely by one segment of the industry, nor can the industry by itself respond effectively to this challenge. These questions indeed encompass the future role of the gas industry in a Nation committed by allocation of research dollars to other methods of energy supply for the future. A Gas Research Council embracing all segments of the industry with governmental participation could work toward formulating effective national solutions to these problems. The Council could establish as its highest priority the development of adequate support by industry and government for R&D programs needed to stimulate the domestic supply base and maintain the industry as a major supplier of the Nation's energy requirements.

* * * * *

A decade ago, after a period of similar introspection and reexamination of its goals, the Commission initiated an innovative proposal. It conceived it to be the solution to the monumental problem of producer price regulation. It rejected a pricing methodology based upon the costs of individual producers. It proposed instead that prices be derived from the financial requirements of the industry as a whole. Its characterized this process as area rates. This policy resulted from the realization that the traditional rate base method of utility regulation did not lend itself to the determination of the rates of independent producers.

Today, after a decade of industry-wide cost-based area rates, the regulatory process is equally as frustrated as it was in 1960. If we are candid, it must be acknowledged that we have failed the "practical test" which we established for ourselves in Permian. Individual company rate making having been determined to be unworkable and cost based area rate making having been demonstrated to be unworkable, the necessity for squaring producer prices with the market should now be clear. In the short term this overriding fact must be reflected in the adoption of indices which at least recognize market realities. In the long run, however, the market will inevitably prevail and regulation will be totally ineffectual to influence price.

We are obliged, therefore, to establish the policies now which will permit the inevitable ascendancy of market forces to operate in such a way as to work for the public just as they do in most other areas of our economic life. This, in the final analysis, can only be achieved if the market can operate unfettered by regulation and if, prior to that time, government policies are evolved which will affirmatively enlarge the supply base by broadening the base supply and increasing the supply sources. This, I submit, is the new goal of this new decade. It must be achieved by a national commitment which insures that the potential which this industry offers to the quality of life will be fully realized in this decade and in the decades to come.

NATIONAL COLLEGE OF ECOLOGICAL AND ENVIRONMENTAL STUDIES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BUSH. Mr. Speaker, on April 8, I introduced H.R. 16847, a bill which would create a National College of Ecological and Environmental Studies. This college would be supervised by the National Science Foundation and would provide an opportunity for students interested in our environment and ecology to participate in constructive, problem-solving planning in these areas.

Dr. Lee A. DuBridge, Director of the White House Office of Science and Technology on April 27 wrote of his support for the legislation. At this time, Mr. Speaker, I would include the letter in the RECORD:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., April 27, 1970.

Mr. CHARLES F. DUCANDER,
Executive Director and Chief Counsel, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

DEAR MR. DUCANDER: Thank you very much for sending me a copy of H.R. 16847.

I think the idea of establishing a National College of Ecological and Environmental Studies will be very worthwhile. The fact that you anticipate having this College function as a kind of summer school is an excellent way to provide the interdisciplinary contacts which are so vital in this area. The usual structure of colleges and universities tends to compartmentalize the students and isolate them from the breadth of contact with other fields of study. This "College" should provide an excellent mechanism with which to overcome a tendency toward isolation.

Sincerely,

LEE A. DUBRIDGE,
Director.

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THE VIETNAM WAR AS SEEN BY A TEACHER WHO HAS WAITED FOR HER LOVED ONES TO RETURN ON FOUR OCCASIONS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. GUBSER. Mr. Speaker, recently I received a very fine letter from Mrs. Mary Lou Lyon, who is a high school teacher at Homestead High School in my congressional district. I admired the tone in which it was written, its logic, and its lack of bitterness, coming from one who has suffered while her loved ones served in three different wars. I have requested permission of Mrs. Lyon to insert her letter in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues. The letter follows:

CUPERTINO, CALIF.,
March 20, 1970.

Congressman CHARLES GUBSER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN GUBSER: This is the fourth time that I have been called upon by our United States government to serve by sitting at home and waiting. It doesn't get any easier. As a bride during World War II, I could "wave the flag"—we all did. When my husband was recalled to serve in the Korean Conflict, from the Inactive Reserve, I could be annoyed at the injustice of those who were paid for playing "soldier" on weekends and summertime getting to stay home, while those who had severed relationships had to serve overseas again. But I accepted my responsibilities as a patriot and played both Mother and Father to my two sons.

Three years ago, my younger son entered the service upon graduation from high school. He volunteered for Vietnam and seemed to care about the "Papa-sans" who worked for him, for their families and the Vietnamese people. He said that we were needed and felt strongly about shouldering his responsibilities.

Last year, my older boy exhausted his college deferments after 5½ years and volunteered for the Army—with plans to return to finish his masters and credential as soon as his obligation was met. True, his attitude was different from that of his brother, but he did not burn his draft card, flee to Canada or take any of the other alternatives. I am enclosing a copy of his last letter. His brother was belligerent about the draft card burners and defended our position—this letter which seems to be a cry of pain at having to participate in something that he cannot believe in, knowing that by and large, his countrymen do not support his being there, that he is participating in a war that cannot be won—knowing that whoever does go out to die today, dies for no reason, but futility.

He is not the only one from whom I have heard like complaints. A friend's son who is a captain and flies a bomber in the Air Force (and whose father is retired Air Force) has also complained of the problems on his base between the Army and the Air Force. This pettiness and bickering are types of behavior one does not expect from adults who are supposed to be reasonably intelligent and educated.

Perhaps it grates even more on our educated young. But as a High School Teacher dedicated to helping students understand our nation's history, and political environment—selling them on the importance of involvement and participation in democracy—trying to teach them to think—to be able to make intelligent decisions based on the evidence which bombards us on all sides—viewed as realistically as possible, life becomes increasingly more difficult. I find it upsetting to see, feel and try to combat the apathy of the younger generation which is heavy on the air this year for the first time (and for other teachers I've talked to from other areas and other states.)

I don't know what the answer is—but something must be done about this political position which has poisoned our nation internally. We can't afford to lose the hopes of our society—our young. They are capable of a great deal—more than ony other era, but give us back our reason or change our course.

Sincerely,

MARY LOU LYON,
Homestead High School.

VAN BRODE BREAKTHROUGH

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. PHILBIN. Mr. Speaker, I was designated some time ago by the Massachusetts Division of Employment Security to present an award for high achievement in the field of rehabilitating emotionally handicapped persons to my friend of the Van Brode Milling Co., Inc., of Clinton, Mass., my home town.

I had the great pride and distinction of presenting this epoch-making award at a meeting held in Worcester, Mass., where every segment of the concerned area community dealing with rehabilitative problems was represented, and where the principal speaker was that outstanding young man known to us here in this House and in the country for his invaluable contributions to the Nation, to the cause of the veterans and the cause of handicapped persons throughout the Nation, our esteemed friend and great American veteran's leader, Hon. Harold Russell.

My valued friend, Hon. John F. Shea, then outstanding Mayor of the City of Worcester, and a host of dedicated leaders devoted to humanitarian causes were present, including representatives of labor, industry, city and State government detpartments, the social services, charitable and religious officials, who constituted a very impressive consortium of humanitarian, community leadership highly qualified by training, motivation, and experience admirably to serve the cause of the afflicted handicapped.

Our great friend, Harold Russell, as usual, delivered a brilliant, eloquent speech dealing with every facet of the problems involved in this field, evidencing once again the complete mastery, intense concern, interest, and activity which for many years he has demonstrated so effectively for so many people, who otherwise could not have been so miraculously helped.

The outstanding head of the Van Brode operations in Clinton, Mass., my dear friend, Mr. Eric Fritsch, was in attendance and very graciously and modestly received the award for the company. It was with great pride that I had the privilege of presenting him, to accept for his company, and for his faithful employees, this very much cherished award in an important field in which for the first time important ground has been broken.

Many of us firmly believe that this breakthrough will lead ultimately, and I hope in the not too distant future, to the further solution of the problems of this unfortunate, emotionally impacted group, which heretofore has had but limited advantages in the direction of rehabilitation.

I believe now, however, that we are on the right track, and that this Congress must move along the path we have mapped out for ourselves to broaden and deepen interest in the problems of the handicapped, the emotionally disturbed, and all those people in our society, who up to this time have not always been able to cope with the problems of life and provide some means of livelihood and happiness for themselves and their families.

I think this is a great mission and a great mandate for the Congress, and I propose that the hour is at hand to move across a broad front to try to provide encouragement, help, and assistance to the dedicated group which is working in my hometown of Clinton, in Worcester County, and in the State of Massachusetts, and also the great State of California, where the basic features of this program originated, to press forward with their great humanitarian work, so that we can increasingly help more and more people who are emotionally handicapped to take their place in our American society, to earn their livelihood, and to live fruitful, rewarding lives free of the compulsions, restraints and circumscribed environments of former times. This is indeed a liberation for many afflicted people in the Nation.

The techniques perfected by the Van Brode Co., implemented by the leaders and officials of the Massachusetts Division of Employment Security, and our State hospitals for the care and treatment of emotionally afflicted people, have broken new ground bringing fresh hope for those who are suffering untold illness and hardship.

Thanks to this new program, the day of their release from their darkness may soon be at hand.

The officials at Van Brode Co., under the leadership of the talented William E. Burgwinkle and his associates have done a masterful job in putting together a therapy package in the field of emotionalism that bids well to work near miracles.

They are already transporting patients from State hospitals to the Van Brode factory to do regular work, and also bringing materials to the hospitals, where some of the patients work on them, acquire fine skills, and achieve success in this work, and at the same time improve greatly in their emotional health.

I believe from reports I have at hand concerning these programs that they are doing a great deal of good for many unfortunate people who could not otherwise be helped so materially, and it is entirely possible that these modest experiments and this program have great promise, and

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many interested people throughout the Nation are watching it, because it may well be the answer to the use of extensive industrial therapy of this and other kinds in the treatment of emotional illness.

I am anxious to congratulate all of the principals involved in this outstanding project, whether they be members of the Van Brode Co., State, city, or other local officials, or other dedicated persons interested in this wonderful work.

The success to date indicates that this project may have completely broken through the barriers that heretofore have standardized, and sublimated the care of the emotionally disturbed people in very narrow compartments of confinement with the result that many fine techniques were either overlooked or not utilized.

I take pleasure once again in heartily congratulating all those who have had anything to do with this project.

This appears to be a great breakthrough, a new lease on life, a bright new star of promise and deliverance for the emotionally handicapped.

The town of Clinton, my great home town, with its flair for great things is pointing the way. It is for the Congress to follow up by providing more support and more funds for this great, new venture.

And it is for all of us to hail and salute the Van Brode Co., its farsighted leaders, and especially its inspired, innovative, talented personnel, like Mr. Burgwinkle, his associates, and the men and women of the State Employment Security Division and their civilian and industrial supporters for their great work for this most worthy humane and compassionate cause, so close to the hearts of all of us.

We seem to have arrived at a historic juncture in the struggle to relieve the helpless and the weak who are imprisoned by grave emotional illness.

The Van Brode experiment augurs their liberation, thank God.

RUMANIAN INDEPENDENCE DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WOLFF. Mr. Speaker, on May 10 we mark a most important date in world history—we mark the national holiday of the Rumanian people.

This day is the commemoration of the achievement of Rumania's independence. But as we know, these courageous people cannot celebrate this date for they remain under the shadow of the Iron Curtain.

It is therefore even more important that we pause and pay tribute to this tiny yet bold country which still struggles for the day when they will once again know freedom. For those behind the Iron Curtain, both in Rumania and elsewhere, the West must assure them that they will not be abandoned in their moral fight to remain spirited and ultimately taste the joys of freedom.

Each one of us here, I believe, has the obligation to reaffirm that Western support to Rumania and other captive nations will never end, until the day when all nations of this world are free.

AMENDING THE FOOD, DRUG, AND COSMETIC ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. DINGELL. Mr. Speaker, the members of the Federation of Homemakers are firm and continuing advocates on behalf of American consumers.

The federation recently adopted a resolution urging continued support for the so-called Delaney amendment to the Federal Food, Drug, and Cosmetic Act which the federation made available to me, along with copies of two editorials from the Washington Post and a letter to the editor of the Washington Star. I found the resolution and the items from the two papers to be of considerable interest, and I insert their text at this point in the CONGRESSIONAL RECORD:

RESOLUTION OF FEDERATION OF HOMEMAKERS

Whereas, the paramount objective of the Federal Food, Drug and Cosmetic Act is protection of the consuming public, and

Whereas, Congress has recognized that, since it is impossible to establish safe levels for carcinogens, that objective will be realized only if the Food and Drug Administration takes all action that is necessary to protect consumers from the ingestion of substances and additives that are established to be carcinogens in either humans or animals (the so-called Delaney Amendment), and

Whereas, from the recommendations of both the White House Conference on Food, Nutrition and Health, and the Mrak Commission on Pesticides and their Relationship to Environmental Health, and the recent public statements of Secretary Finch, it appears that the Administration is about to launch a concerted effort directed at watering-down that Congressional statement of national policy, Now Therefore

Be it resolved that the Board of Management of the Federation of Homemakers declares its unalterable opposition to any changes in policy which would sanction the ingestion by American consumers of carcinogens and urges the Congress to reject any such proposed changes.

In witness whereof, we, a quorum of the Board of Management, have hereunto set our hands at Alexandria, Virginia, this 20th Day of April, 1970.

RUTH GRAHAM DESMOND,
MAME V. GLASCOCK,
Treasurer.
VIRGINIA FAGG SINGER,
Secretary.
DOROTHY TUGGLE,
Board Member.
JANET DESMOND COBB,
Board Member.

[From The Washington Post, Oct. 25, 1969]

BANNING CANCER-PRODUCING CHEMICALS

The country seems to have taken in stride the sudden abolition of cyclamates from its food supply. Commercial users of these artificial sweeteners as well as consumers promptly recognized that a potential menace to health had been identified. With remarkably little fuss and friction, cyclamates have been consigned to outer darkness even without any indication that they have caused cancer in man. The finding that they had produced cancer in rats, when taken in large doses over a long period, was enough.

The experience suggests a new sensitivity in commercial as well as official circles to potential hazards to health. If this attitude prevails, the elimination of cyclamates may be only the first of many steps to safeguard the public from chemicals that have previously escaped suspicion. Secretary Finch has ordered a review of other food additives heretofore deemed to be safe. And what about the vast number of substances known to be harmful to health which do not fall into the category of food additives? HEW's action in this case has opened a wide field of inquiry which may lead to new legislation as well as tighter administrative actions.

One immediate question is whether the Food and Drug Administration will act against DDT. This widely used insecticide has a long residual life and is known to produce cancer in mice and rats. Some scientists who have probed deeply into the hazards of DDT insist that the case for banning its use is much stronger than the case against the cyclamates.

The Environmental Defense Fund and California Rural Legal Assistance, representing five pregnant or nursing women, have petitioned the FDA to lower the tolerance limits on DDT residues in human food to zero. Their case is based on the provision in the Federal Food, Drug and Cosmetics Act which led to the undoing of the cyclamates. It says that "no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal." Since the cause of cancer is not yet known, Congress decided not to take chances with substances known to contribute to it.

Most of the present tolerance levels for DDT on raw agricultural commodities were established on the basis of hearings in 1950. The certain recognition of DDT as a carcinogenic agent is of more recent origin. Scientists now know, not only that DDT causes cancer in some animals, but also that it accumulates in body tissues after being ingested. In part the petition now before the FDA in regard to DDT rests on the finding that reservoirs of DDT accumulated over months or years will appear in a woman's milk after she has borne a child. So, it is said, a breast-fed baby may ingest three times the quantity of DDT considered safe by the World Health Organization and five to seven times as much as is tolerated in cow's milk sold on the market.

As in the case of the cyclamates, DDT is not known to have caused cancer in any human being. But a study at the University of Miami School of Medcine showed that human victims who died of cancer had twice as much DDT in their fat as did the victims of accidental death. If the FDA is ready to apply its sound rule against cancer-producing chemicals—that they are "guilty until proved innocent"—a ban on the use of DDT in its present form may well be in the making.

[From the Washington Post, Nov. 13, 1969]

OFFICIAL WAR AGAINST DDT

The doom of DDT has long been overdue. For some years scientists and others concerned over the incrasing pollution of our environment have been demanding that use of this pesticide be abandoned. Their efforts have been resisted by some because of the effectiveness of DDT in controlling agricultural pests and various organisms that are deadly to man. As use of the stuff has increased, however, it has become clearly evident that the cure is worse than the pests it is used against.

The public should realize, however, that no government action can suddenly eliminate the DDT from our environment. Its use has become pervasive. More than 100 million pounds of DDT have been released into the environment each year. Even if its use could be suddenly cut off, residual amounts of the poison will remain in the soil, water and food supplies and indeed in human tissues over extended periods because of the extraordinary chemical stability of DDT.

What is now in the works is a governmental movement against DDT on a broad-front. Some weeks ago the Environmental Defense Fund asked the Food and Drug Administration to reduce the tolerance of DDT in raw agricultural projects to zero. The law seems to require such action. But if the Department of Health, Education and Welfare acted alone, it could well produce a crisis of another sort, since DDT residues are found in nearly all human foods. Environmental Defense also moved against the Department of Agriculture.

Agriculture is undoubtedly the key agency in the fight, for it has permitted the use of DDT as a pesticide. Presumably the announcement yesterday of a multiagency agreement to outlaw the use of DDT within two years, except for "essential uses" for which there is no suitable alternatives, means that Agriculture will withdraw the registration of DDT, at least for general use. HEW can then move progressively toward his elimination in our food supplies.

The necessity for action under the law seems clear enough. The Federal Food, Drug and Cosmetics Act provides that—

No additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal.

In recent years many scientists have produced unimpeachable evidence that large doses of DDT cause cancer in mice. That seems to give HEW a mandate to move against food containing DDT as promptly as is feasible. The danger to human life is said to be more than marginal because the reservoirs of DDT built up in the human body may release their poison in concentrated volume in the milk of women who have recently given birth.

We think the whole country will be relieved that a broad program to eliminate this new man-made menace in our environment has been launched. We hope that action will not be lost in interdepartmental bureaucracy. A new enemy recently supposed to be a friend to mankind has been amply identified. The country must devote extraordinary efforts to the elimination of this cancer-producing agent which was mistakenly supposed to be harmful only to insects.

[From the Washington Star, Nov. 16, 1969]

FDA and Testing

Sir: What is the purpose of our Food and Drug Administration? As a consumer I was under the impression it was to "assure" the purity and safety of our foods and drugs. But apparently it is not so. I was surprised to learn they have a "GRAS" list of 600 or more food additives that are "generally regarded as safe," any one of which can be added to our foods without testing. How nice!

Suppose an aircraft manufacturer put a brand new plane on the market that was "generally regarded as safe" without the usual exhaustive testing. Would you be willing to go up, up, and away? It certainly wouldn't be any way to run an airline, would it?

FDA has been getting bad press and publicity for many months from Judith Randall, James J. Kilpatrick, Ralph Nader, judges, housewives and consumer groups. Perhaps it is time for someone to step up and take FDA's pulse and temperature—and ask it to say "ahhhhhh." (They should be warned, however, to stand way back—it may have bad breath.)

Consumer.

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ANTI-INFLATION DRIVE TERMED A FAILURE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. EDMONDSON. Mr. Speaker, I wish to call my colleagues' attention to a very fine article written by Mr. Hobart Rowen which appeared in the Washington Post for April 26, 1970.

Mr. Rowen's analysis of the current lag in business productivity, coupled with the increasing rates of unemployment, demonstrates that President Nixon has failed in his task of slowing inflation. Since President Nixon took office, nearly a million workers have been added to the rolls of the unemployed, and in the words of Mr. Rowen, "economic growth has been slowed to a crawl." Yet despite these tactics which have been generated by the President and his advisers, the consumer price index has continued to rise, and stands today over 6 percent higher than when Mr. Nixon came into office.

The plain fact is the President's economic policies have been a general failure on nearly every front.

I commend Mr. Rowen on his very perceptive analysis of the worsening economic conditions in our country, and I include his article in the Record for the benefit of all my colleagues:

Nixon Policy Slows Down Economy, But Not Inflation

(By Hobart Rowen)

Presidential Press Secretary Ronald Ziegler told reporters the other day that the Council of Economic Advisers was "somewhat encouraged" by a slight decline in the pace of inflation in March.

Baloney.

The fact is that throughout the Administration, the whopping advance in the consumer price index was greeted with shock and dismay. The index rose 0.5 per cent (or 6 per cent at an annual rate), the same jump as in February.

The "slight decline" to which Ziegler alluded represents a so-called seasonal adjustment, which is probably meaningless. Even on that basis, the rise for the month was 0.4 per cent (4.8 per cent annually), or still far beyond the level of increase that anyone in the administration had expected at this stage of the game.

The consumer price index stands more than 6 per cent higher than it did when Mr. Nixon took office—and the peak hasn't yet been reached.

The plain fact of the matter is that after making all possible allowance for time "lags," prices should have yielded more than they have to the Administration's combined fiscal and monetary curbs. And so should have interest rates, which actually are starting up again after receding from peaks.

Although economic growth has been slowed to a crawl—the real Gross National Product rate in the first quarter of this year dropped back to the level of the second quarter, 1969—prices still storm upward. The best that can be said is that the pace in the last few months has been fractionally less hectic.

Meanwhile, the slow-down in GNP growth has resulted in a sharp increase in unemployment. The seasonally adjusted rate in March, 1969, was 3.4 per cent in March, 1970, it was up a full point to 4.4 per cent, representing a jump in the jobless total of 900,000 persons—from 2.7 million to 3.6 million.

The implication of all of this is painful for Mr. Ziegler and other Administration officials to acknowledge economic policy has slowed down the economy, but hasn't slowed down inflation. We are experiencing, simultaneously, higher unemployment and high prices—recession with inflation—and that sort of double economic jeopardy hasn't been suffered since 1957–58 during the Eisenhower years.

To Wall Street, it is all very clear: sharply lower first quarter profits, combined with continued inflation and revelation of war involvements in Laos and Cambodia have accelerated the tailspin in the stock market. Moreover, the President's dilution of his originally stated strong fiscal policy has led to fears that the Federal Reserve will not be able to ease tight money to any significant degree.

When the President released his fiscal 1971 Budget proposals February 2, it was evident that the $1.3 billion surplus was too skinny to be a certainty; there were too many debatable assumptions underlying the surplus—and that fact was pointed out here and elsewhere.

At least, though, Mr. Nixon's intention was firm: he wanted a credible surplus. But since then, in part due to questionable decisions, and in part due to circumstances beyond his control, the budget plan has disintegrated. The proposed postal and general federal pay raise; the unfreezing of state and local construction; and the dimming chance of significantly lower interest rates will more than wipe out the surplus—unless the President does the unexpected and takes a big new whack out of Pentagon spending. Moreover, some Washington experts think that the cooled-off economy makes 1971 revenue estimates suspect (the stock market drop does not help at all).

Since Wall Streeters now believe that there will be a deficit in the federal budget next year, instead of the planned surplus, they wouldn't be surprised by a turnaround in Fed policy, aborting the easier money trend.

There were rumors last week that the banks, which just lowered the prime rate, may decide that lending rates must be boosted again to keep pace with market developments. This was part of the reason for the slide in stocks.

Critics of Administration policy have been saying for many months that reliance on fiscal and monetary policy—and nothing else—wouldn't do the job; if the screws were turned tight enough to crack down on inflation and high interest rates, a serious recession and sagging business profits would result. But if the policy were tempered to prevent a disaster on the jobs and profits side of the equation, not much progress would be seen in the cost of goods and money.

The answer, as many observers have seen it, is to supplement a cautious fiscal-monetary policy with other measures to dampen excessive wage hikes, price rises and interest rates. This would require reliance on selective controls, and Congress has given the President authority to apply them.

But Mr. Nixon shrinks from this strategy, although it has been pressed on him by respected Republican politicians as well as Democrats.

Businessmen and the public, faced with the evidence of persistent inflation, appear willing to try some version of controls. Labor officials, of course, are not anxious but they would have no choice if controls restrained prices and interest rates as well as wages.

Valuable time has already been lost. In view of the widespread concern being heard in many Government departments, one wonders whether it is getting through Mr. Nixon's tight inner White House circle to the President himself.

Basic policy of exclusive reliance on broad monetary and fiscal policy should be reconsidered; for if we have many more consumer price boosts of the kind Mr. Ziegler says is "somewhat encouraging," we'll all be in the soup. That includes Republican congressmen running for reelection.

THE CONTINUING PROBLEM OF IMPORTS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. WYMAN. Mr. Speaker, of continuing interest to those of us concerned about the rising tide of cheaply produced foreign footwear and textile imports are the cogent remarks made by the president of Baxter Woolen Co. before a recent symposium of the New Hampshire Council on World Affairs dealing with the question of "Import Competition—Fair or Unfair?" This thought-provoking thesis deserves the attention of the membership of this House that will shortly consider legislation presently before the Ways and Means Committee.

IMPORT COMPETITION: FAIR OR UNFAIR?

My name is Charles Baxter—I am the President and Treasurer of Baxter Woolen Co., Inc., East Rochester, N.H. My son, Charles Baxter, Jr., is the President and Treasurer of our affiliated company, Strafford of Kezar Falls in Kezar Falls, Maine.

We presently employ close to 400 people. Our combined annual sales recently exceeded eight million dollars.

Our mills are modern, well-equipped; our company is progressive; our organization is comprised of talented people who have few peers in their respective positions.

We have experienced the effect of exports. In the early 1950's we specialized in the production of low-priced fabrics for the ladies sportswear market. For a period of seven years we ran our mill 3 shifts, 6 days, 52 weeks a year and made a profit in each and every year. During the last of those years, imports came into the market in unprecedented amounts; eighty percent of which were directed to our customers.

After two disastrous years of attempting to compete, we decided that if there was any future for us it was in the styling, merchandising and manufacture of better fabrics. By the time we were able to upgrade our people at the mill level and put together the kind of selling organization required, our annual sales declined from three million to one million seven hundred thousand dollars. We were virtually in bankruptcy. Fortunately, we managed to turn the company around and, for a while, even better the performance of our earlier years. During this period, several other companies, far more able than we, but not as fortunate, were forced out of business.

This experience made me painfully aware of the effect that imports can have. When we first encountered this problem, textile imports roughly equaled exports. Last year they exceeded exports by one billion three hundred million dollars. As a result, we again find ourselves confronted with this problem but in substantially greater dimension and as of right now with no acceptable solution subject of imports because all my energies in sight. I have not previously examined the were required to preserve, protect, and further the welfare of our company.

Since being accorded the honor and privilege of becoming a member of this panel, I have done such reading as time would permit and discussed this matter with some of my colleagues. The Northern Textile Association, at my request, graciously provided me with background material—I say graciously because I am not a member of this association. It is their figures that I will necessarily be referring to in the majority of instances.

I think you should know that I have never done anything of this sort before, although I am sure that this admonition will prove unnecessary as time passes—it may be helpful for you to bear in mind today's date.

I shall try to be objective and express my own views. When I knowingly express someone else's, I will attempt to give you the source.

I have a deep concern for the welfare of our industry, including that of our own mills, at a time when we are engaged in a "life and death" struggle for survival. I am also concerned not only about the fate of other industries, who are "enjoying" a similar experience, notably my many friends in the shoe business, but also about the effects that the present policy of our Government will have on too many of our industries should this policy be allowed to continue.

Most of the industries requesting assistance (contrary to what you may have read or heard) are not advocating anything even remotely resembling a return to the high tariff walls of yore. Nor are they seeking to ban all foreign goods from the United States market or put foreign competitors out of business. What they have requested is an agreement, fair and reasonable to all concerned, which would allow these items to continue to come in at a rate commensurate with quantities shipping for an appropriate period during recent high-level years. All this in keeping with this country's desire and ability to continue and expand World Trade—a concept which they understand and to which they subscribe. None of these proposals have been acceptable to the countries to which they were made. They all believe that our country should have a policy of unrestricted trade while they deny themselves the same "privilege"; each invokes protective measures in its own behalf.

If we continue to accept these premises and continue past policy, their technologies, low-wages, and ever expanding production will soon result in the creation of problems of the same magnitude for many of our industries: automobiles, computers, aircraft, steel—you name them—you tell me where it stops.

I have been told by some economic students and equally "well-informed" friends that there is "no business like show business"—show business being free trade—that it really doesn't matter if the textile apparel industry, or any industry unable to meet foreign competition, is forced out of business; that the substantial amount of money in consumer savings to be realized as a result of this will be spent on other products, which will create a sufficiency of new jobs to readily absorb the people displaced and revenues more than ample to duplicate their contribution to the local and national economy. I regard this as economic theory. Theory is great when you can afford it. I say neither our industries nor our country can afford it. They must concern themselves with practical economics—Facts—something our industries have been dealing in for years.

Getting back to my friends theory, the way things have been going, it appears that if the consumer really did realize any savings, they would quite likely go to purchase other imported products. If his philosophy is valid, maybe someone can tell me why, with apparel imports at their highest levels, consumer apparel prices are continually rising, and just where these alleged savings are.

The textile apparel complex employs two-and-a-half million people. It is the second largest employer in this country. Can you put an industry like this out of business without creating serious social and economic problems? I doubt it.

The vast majority of the workers would not respond to, or benefit from, job training. (There are approximately one million workers within a 50 mile perimeter of the Appalachian area.) Some of these companies constitute the sole support of many small communities, particularly in New England. If they went out of business, what would happen to these towns, their schools, merchants, municipal services, etc., etc.?

Another important item, which never seems to get mentioned, is the tremendous investment in plant and equipment—what would become of the assets of these industries, which today approximate thirty billion dollars—what would be the fate of their many stockholders?

Each person losing his job would be obliged to immediately go on relief—many will receive job training at the Government's expense. These "benefits" will also be passed on to the consumer. I hope our Government will learn to recognize them for what they are—additional costs of imports.

This modern, efficient industry, with its refined and sophisticated technology, the ultimate in manufacturing facilities and equipment, that so magnificently responded to the challenges of World War II, the Korean War, the Vietnam War, and the multifaceted desires of the American consumer; and important, proven, essential industry, better able to produce the proliferation of items required than anyone, will be forced out of existence simply because our standard of living, envied by all the world, has made it impossible to compete with other countries strictly on a price basis—some of whom pay their workers 10%, most less than 20%, and none of whom pay 33%, of this industries average hourly wage—all of whom have been recipients of this country's extreme generosity which enabled them to rebuild and reequip their factories in style; a style that, in most cases, is the equivalent of, and in some cases superior to, the best we have.

They have also been the recipient of the benefits of our enormous defense expenditures. This substantial measure of protection, though seemingly appreciated at the outset, ultimately resulted in a curtailment of their own defense organizations with subsequent substantial reductions in their expenditures.

It is no secret that Japan, perhaps the greatest beneficiary of our generosity, has been totally free of any such expenditures.

I know these countries do not enjoy some of our great "privileges"—they don't have to comply with our laws regarding fair competition, fair pricing, consumer protection, product liability, etc., etc.—they don't have to fill out the multitude of Government forms we do. They are not subject to the Wool Products Labeling Act. (They don't have to worry about substantial expenditures to enable them to meet pollution requirements.) They do have to "suffer" their Government's subsidizing many of their exports, particularly to this country. They are also frequently "obliged" to cope with tariffs and quotas imposed by their Government's to protect them.

Our Government's policy appears to have been formulated largely by people who, for some reason, seem unable to fully grasp the full significance of these matters—who, for some reason, seem to prefer accepting the biased, often distorted, presentations of representatives of foreign countries to the well-documented case histories presented them by members of Congress and industry—and who, for some reason, not unlike my friends, subscribe to economic theory as opposed to practical economics.

Our society, and many of its institutions, have recently experienced profound changes. This has resulted in a reshuffling of priorities accompanied by change in attitudes and perspectives. In short, it's a brand new "ball game". For this reason alone, I think this important matter should be properly examined in the light of the realities of today by a high-level committee, appointed by the President, with provisions for adequate representation for concerned industries and labor: One of these realities being the possible social as well as the economic consequences of any such policy at a time when the expanding labor market will require higher levels of employment, the communities increasing tax revenues, and the country has more social problems then it can presently cope with.

SENATE—*Wednesday, May 6, 1970*

(Legislative day of Tuesday, May 5, 1970)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, with aching heart and agony of soul we come to Thee this day. Not in any worthiness of our own, but in deepest need we plead for the higher wisdom which overrules our human frailties and our national sins. Draw us all closer to Thee that we may be closer to one another in understanding and in love.

O God, heal the brokenness, the disorder, and the dispeace of this Nation. Forgive the rancor, the hate, the vindictiveness, the violence, the selfishness, and the pride which poisons our common life and obstructs our doing Thy will.

Be with the youth of this land that their flowering idealism and dreams of a new world may not be crushed or displaced by disappointment, cynicism, and fear. Give us ears to hear their message and hearts to understand their yearnings. Be with all the young, on campuses, on missions of mercy throughout the world, and in the Armed Forces, guarding them in moments of temptation and strengthening them in hours of peril. Give comfort to those who mourn victims of violence.

To the President, to the Congress, and to all our leaders give that higher wisdom, that deeper insight, and that loftier courage which enable them to act not alone for today but for the coming day of Thy kingdom. Give us faith to see beyond the turbulence of today the working of Thy providence in the changing tides of time and eternity.

Make us worthy of Him who in the agony of His cross could commit His spirit to the care of the eternal.

Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 6, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BYRD of Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, May 5, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RAIL PASSENGER SERVICE ACT OF 1970

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. S. 3706, to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

The Senate resumed consideration of the bill.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, in view of the fact that the distinguished manager of the pending bill is necessarily and officially absent at this time, I ask unanimous consent that the distinguished Senator from Ohio (Mr. YOUNG) be allowed to proceed, apart from the consent agreement, for not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 404—SUBMISSION OF A RESOLUTION RELATING TO TRAGEDY AT KENT STATE UNIVERSITY

Mr. YOUNG of Ohio. Mr. President, the entire Nation was shocked over the recent mindless and tragic slaying of four students at Kent State University.

I report, Mr. President, that three other students are critically injured. One is paralyzed from the waist down, so there may be other deaths.

All this, on a peaceful campus just 30 minutes from where I live in Shaker Heights, where there had never been any violence before.

Students met to demonstrate. This was following the time the President of the United States referred to demonstrating students as "bums."

Unfortunately about 800 Ohio National Guardsmen were sent in. I hold the National Guard in admiration. Many years ago, I was a member of the Ohio National Guard. But, in recent years, the Ohio Guard outfit that was at Kent State University has accepted high school graduates and some high school dropouts 18 and 19 years of age.

There were approximately 100 guardsmen in the area of the shooting incident. Each guardsman had been supplied with 16 rounds of live ammunition. Those young men had not had adequate antiriot training. Suddenly, there were crowds of demonstrators and the National Guard hurled tear gas canisters at them. I have received reports that one youthful demonstrator hurled back a half filled canister of tear gas which struck a guardsman on his shoulder, or his rifle, and immediately that rifle was discharged accidentally. Instantly, his companions, trigger-happy National Guardsmen, shot down and killed four

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students—two girls and two boys—and others may die.

Mr. President, that should not have been permitted to happen. The adjutant general and the deputy adjutant general of Ohio should be dismissed from their political jobs. They say that the men fired in self-defense.

I report that the entire casualties suffered by the National Guard were one guardsman who had a heart attack and dropped down on the ground and another guardsman who, at that instant, fainted. Those were their casualties—no shots. They tried to claim that sniper shots were fired, but no shots were fired.

Mr. President, this is an outrageous occurrence on the part of these men who lacked adequate training in mob control and antiriot procedures.

Mr. President, I submit a resolution to establish a special committee on the Kent State University disorders. The resolution provides for the establishment of a special committee of the Senate to be known as the Special Committee on Kent State University Disorders. It is to consist of six Members of the Senate. Two Senators from Ohio, Mr. SAXBE and myself; two Senators who are members of the Armed Services Committee, to be appointed by the chairman of that committee; and two Senators who are members of the Committee on Labor and Public Welfare, to be appointed by the chairman of that committee. The committee will select its chairman from among its members.

Mr. President, because of the pending business, I do not wish to take further time now to discuss this matter. I shall speak further on this tragic affair which should not have been perpetrated anywhere in the Nation, especially on the rustic campus of Kent State University. The two girls who were killed were not even participating and had nothing to do with any riot. There was no riot there whatever, just trigger-happy National Guardsmen who should not have been in the National Guard in the first place, probably got in there to evade the draft, were not properly instructed, and went wild. This all happened in an instant, and then the firing ceased. But the dead and the critically wounded were lying there.

This matter must be looked into and investigated thoroughly. I shall later speak at length on this matter.

The ACTING PRESIDENT pro tempore. Is the Chair correct in assuming that the Senator from Ohio does not ask for the immediate consideration of his resolution at this time?

Mr. YOUNG of Ohio. That is correct. The resolution is very important. However, I do not ask for its immediate consideration. I know that my colleague, the junior Senator from Ohio (Mr. SAXBE) will wish to speak on this subject also.

The ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia). The resolution will be received and appropriately referred.

The resolution (S. Res. 404), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 404

Resolved, That (a) there is hereby established a temporary special committee of the Senate to be known as the Special Committee on the Kent State University Disorders (referred to hereinafter as the "Committee") consisting of the following six Members of the Senate:

(1) the two Senators from Ohio;

(2) two Senators who are members of the Armed Services Committee, to be appointed by the chairman of that committee; and

(3) two Senators who are members of the Committee on Labor and Public Welfare, to be appointed by the chairman of that committee.

The Committee shall select a chairman from among its members.

(b) Vacancies in the membership of the Committee shall not affect the authority of the remaining members to execute the functions of the Committee, and shall be filled in the same manner as original appointments thereto are made.

(c) A majority of the members of the Committee shall constitute a quorum thereof for the transaction of business, except that the Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The Committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

(d) No legislative measure shall be referred to the Committee, and it shall have no authority to report any such measure to the Senate.

SEC. 2. (a) The Committee shall conduct a comprehensive study and investigation of the recent disorders at Kent State University, Kent, Ohio, which culminated in the deaths of four students and the closing of that university for an indefinite period of time, including the cause and nature of such disorders, the methods, techniques, and personnel utilized to restore and preserve order on the campus of that university, and the circumstances relating to the tragic deaths of four students and injuries to other persons.

(b) The Committee shall submit an interim report to the Senate not later than July 15, 1970, and a final report not later than August 31, 1970, on the results of its study and investigation, with such recommendations as it considers appropriate. Thirty days after submission of its final report to the Senate, the Committee shall cease to exist.

SEC. 3. (a) For the purposes of this resolution, the Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable, except that the compensation so fixed shall not exceed the compensation prescribed by the General Schedule Pay Rates established by subchapter III of chapter 53 of title 5, United States Code, for comparable duties.

(b) Upon request made by the members of the Committee selected from the minority party, the Committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the Committee may receive compensation at an annual gross rate which exceeds by more than $2,800 the annual gross rate of compensation of any individual so designated by the minority members of the Committee.

(c) With the consent of the chairman of any other committee of the Senate, the Committee may utilize the facilities and the services of the staff of such other committee of the Senate, or any subcommittee thereof, whenever the chairman of the Committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the Committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the Committee under this resolution, which shall not exceed $———, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I ask unanimous consent that I be permitted to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HARTKE. Mr. President, reserving the right to object, I wish to proceed with the pending business. We started this matter on yesterday. I am not averse to having comments on this subject.

I do think that we can finish the pending business in a relatively short time after the short statement by the distinguished Senator from Michigan.

I hope that we can finish the pending bill and then have comments on the subject discussed by the Senator from Ohio.

CAMPUS DISORDERS

Mr. GRIFFIN. Mr. President, I had the privilege of being present last evening when President Nixon briefed the members of the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations.

Among the questions directed to the President—and he indicated that we were free to report on this very interesting meeting—was one that referred to his use of the word "bum" with reference to some who engage in violence on the campuses.

The President related that he had used that word in a discussion that took place very soon after he had received a letter from a professor at Stanford University, a very distinguished scholar, who had worked for some 20 years compiling notes and research material on a subject in which he was deeply interested and concerning which he had hoped to write an important paper. He had written to the President and related how a building at Stanford was broken into and one of the students involved in a violent demonstration had destroyed his 20 years of scholarly work.

Then the President said, "The guy who did that is a bum." And I agree. I would go further and say that on many campuses there is a hard core group of students—and some who are not students—who spend much of their time fomenting violence and who are much worse than bums. I refer to a group of

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radical revolutionaries who are dedicated and doing their best to overthrow the Government of the United States.

Mr. President, I feel the deepest sympathy for the families of students who were killed at Kent State University. That was a tragic incident.

Some are now pointing the finger of blame at the relatively untrained 18- and 19-year-old Ohio National Guardsmen who were given live ammunition and ordered into the Kent State situation only a few hours after they had performed duty in connection with a truck strike.

I do not know. Perhaps they should not have been issued live ammunition, but that was not their decision. It would appear that they panicked and overreacted.

But, Mr. President, I would point the finger of blame at the hard core of revolutionaries on some of our campuses who have been encouraged by a few radical professors and who have been allowed to run wild by namby-pamby college and university administrators who do not seem to have the backbone to expel those who foment and engage in violence.

Mr. President, going to a college or a university is a privilege and not a right, as driving a car is a privilege and not a right. One who violates and disregards the rules of the road loses his driver's license; his privilege to drive is taken away even though he may not be thrown in jail.

Those administrators who refuse to identify and expel the hard-core revolutionaries on their campuses who are fomenting violence and revolution are not doing their jobs as college administrators. Indeed, they are doing a great disservice to the United States of America as well as to their own institutions.

Mr. President, I have no doubt that the overwhelming majority of college students are not involved in these violent, illegal confrontations. Many may be sympathetic to some extent, but I am convinced that 90 percent, or more, of the students in our colleges and universities are interested in going to school to get an education before they start out trying to reform the world. And this is the way it should be.

Mr. President, I think it is about time that those who want to go to college for an education should be accorded some consideration. They have received very little up to now.

Mr. President, I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I thank the Senator. I commend the Senator from Michigan for his statement, particularly with reference to these hard-core revolutionaries.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. CURTIS. Mr. President, I ask unanimous consent that I be permitted to continue for 1 minute.

Mr. HARTKE. Mr. President, reserving the right to object, I think that under the circumstances we ought to consult with the majority and minority leaders. If the Senators want to proceed with the debate on this matter, I would be perfectly willing to step aside. But I think there ought to be some order as to how we shall proceed.

Mr. CURTIS. Mr. President, I withdraw my request.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

RAIL PASSENGER SERVICE ACT OF 1970

The Senate resumed the consideration of the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

The ACTING PRESIDENT pro tempore. The bill is before the Senate. An amendment is debatable for 30 minutes.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro temport. Without objection, it is so ordered.

Mr. PELL. Mr. President, as I understand the situation, each side has 15 minutes of time on an amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. PELL. I understand that the rule of germaneness does not apply. The time is under the direct control of the manager of the bill and the sponsor of the amendment.

The ACTING PRESIDENT pro tempore. The bill is before the Senate. The germaneness rule is applicable.

Mr. PELL. Mr. President, in other words, I cannot talk on any other subject but the pending business at this time.

The ACTING PRESIDENT pro tempore. Except by unanimous consent.

Mr. PELL. Mr. President, I ask unanimous consent that I may talk for 1 minute on a subject not concerned with the pending business.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not, a similar request was made by the Senator from Nebraska. I feel that the Senator from Nebraska should have the 1 minute that he asked for. He should be considered in this matter.

Mr. PELL. Mr. President, I would have no objection to the Senator from Nebraska having 1 minute also.

The ACTING PRESIDENT pro tempore. An amendment must be offered so that there will be something before the Senate so that the time may run.

CAMPUS VIOLENCE

Mr. PELL. Mr. President, I rise at this time because the Senator from Michigan mentioned the use of the term "bums" by the President to describe students.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. Mr. President, I yield myself as much time as necessary out of my time on the bill.

I have 15 minutes, have I not?

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island has 15 minutes on any amendment he offers.

Mr. PELL. Mr. President, I send to the desk a substitute amendment on behalf of myself and the Senator from Massachusetts (Mr. KENNEDY) for the substitute measure pending.

The ACTING PRESIDENT pro tempore. The substitute amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT No. 618

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS AND PURPOSES

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvements of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that the necessary improvement and restructuring of existing passenger service and the development of new modes of ground passenger service can best be achieved by nonprofit corporations operating in the Nation's urban corridors of less than five hundred miles where improved passenger service is most needed; that regional transportation agencies should have a vital role in providing such service in cooperation with such corporations; that Federal financial assistance as well as regional, State, and local funds is needed to achieve the purposes of this Act; that limited long-distance passenger service of more than five hundred miles should only be provided at a cost to the Federal Government on terms justified by the national interest, and therefore it is the purpose of this Act to designate a basic national rail passenger system within which an urban corridors passenger system will also be designated, to create nonprofit passenger corporations with the financial assistance of railroads and the Federal Government to provide passenger service in urban corridors, to authorize the Secretary of Transportation to contract for the provision of passenger service within the basic national system and outside of the urban corridors passenger system, to authorize the Interstate Commerce Commission to require adequate standards of passenger service in rail passenger operations; and to provide interim Federal assistance to certain railroads as necessary to permit the orderly transfer of railroad passenger service to nonprofit corporations.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of

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part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic national rail passenger system" means the system of long-distance intercity rail passenger service of more than five hundred miles and the system of urban corridor passenger service for distances of less than five hundred miles, designated by the Secretary under title II of this Act.

(e) "Urban corridors passenger system" means the system of intercity passenger service between cities not more than five hundred miles apart in densely populated areas, designated by the Secretary under title II of this Act.

(f) "Corporation" means a nonprofit passenger corporation created under title III of this Act to provide passenger service in the urban corridors passenger system.

(g) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service".

(h) "Intercity rail passenger service" means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets and by morning and evening peak period operations.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system.

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). The Secretary shall recommend as part of such system rail passenger routes of distances less than five hundred miles between cities in highly populated regions where present and potential demand for rail passenger transportation may make rail passenger service provided by corporations created under this Act economically viable. The Secretary shall also recommend as part of such system rail passenger routes of distances of more than five hundred miles where service may be required to meet seasonal passenger demand, to meet passenger transportation demands for which no alternative mode of transportation exists, or to meet other requirements of the national interest, and where the Secretary shall be willing to provide passenger service by contract with available carriers. Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; the need for service within defined regional areas; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service.

§ 202. Review of the basic system

The Commission shall, within thirty days after receipt of the Secretary's report designating a basic system, review such report consistent with the purposes of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act, submit his report designating the basic system to the Congress. Such report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF RAIL PASSENGER CORPORATIONS

§ 301. Creation of corporations

There are authorized to be created nonprofit corporations (hereinafter referred to as "corporations") to provide on routes within each urban corridor of the urban corridors passenger system, in a manner consistent with the overall transportation requirements of the regions where such corporations are in operation, intercity passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. Each corporation will not be an agency or establishment of the United States Government. Such corporations shall be subject to the provisions of this Act, and to the extent consistent with this Act, to the laws of of the District of Columbia relating to nonprofit corporations. The right to repeal, alter, or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not less than three incorporators for each urban corridor corporation, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) Each corporation shall have a board of directors of not more than twenty-one members who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. A majority of the members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary or his representative shall be one of the members of each board of directors appointed by the President and at least one of such members of each corporation shall be a resident of the region served by such corporation and shall be appointed to represent exclusively the interests of passengers in that region. The Governor of each State served by each corporation shall appoint a director to serve for a term not to exceed his elective term of office. At least two members of each board of directors shall be elected by the rail carriers who have for consideration been relieved of their rail passenger responsibilities within the jurisdiction of such corporation under the provisions of section 401 of this Act. Pending election of the complete board of directors of each corporation four members shall constitute a quorum for the purpose of conducting business of a board.

No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the corporation and a railroad, but he may be present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) Each board of directors is empowered to adopt and amend bylaws governing the operation of the corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) Each corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. No officer of the corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the corporation.

(d) Each corporation is authorized to issue nonvoting securities or obligations, or obtain loans, guaranteed pursuant to section 602 of this act.

§ 304. General powers of the corporations

Each corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with passenger service; to conduct research, and development related to its mission; to own, manage, operate, or contract for the operation of high-speed ground passenger transportation, to contract for the improvement or construction of roadbed and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. Each corporation shall rely upon rail carriers to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, each corporation shall have the usual powers conferred upon a nonprofit corporation by the laws of the District of Columbia.

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§ 305. Applicability of the Interstate Commerce Act and other laws

(a) Each corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads and the abandonment or extension of operations over lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) Each corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) Each corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by each corporation, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(e) Persons contracting with each corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 306. Sanctions

(a) If a corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States, or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

§ 308. Reports to the Congress

(a) Each corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, each corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of passenger service by the corporations; commencement of operations

(a)(1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, each corporation is authorized to contract with each railroad within its jurisdiction to relieve such railroad of responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail within the jurisdiction of the corporation in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the provision of intercity passenger service by rail: *Provided*, That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by a corporation, the railroad shall agree to pay to such corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad attributable to the operation of passenger service within the jurisdiction of the corporation as reported to the Commission for the year ending December 31, 1969. The payment to the corporation may be made in cash or, at the option of the corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the corporation.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating the following: 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad within the jurisdiction of the corporation during the period January 1, 1969, through December 31, 1969. If the amount owed a corporation under this alternative is agreed by the parties to be less than the amount paid pursuant to paragraph (2), the corporation shall pay the difference to the railroad. If the railroad and the corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to a corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which a corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, each corporation shall begin the provision of intercity rail passenger service between points within its jurisdiction unless such service is being provided by a railroad with which it has not entered into a contract under subsection (a) of this section.

(c) No railroad or any other person may, without the consent of a corporation, conduct intercity rail passenger service over any route on which such corporation is performing scheduled rail passenger service pursuant to a contract under this section.

§ 402. Provision of passenger service outside of the urban corridors passenger system

The Secretary is authorized to contract with railroads and the corporations for the provision of passenger service within the national basic passenger system for rail passenger service outside of the urban corridors passenger system if the Secretary finds that such service is required to meet seasonal passenger demand, to meet passenger transportation demand for which no alternative mode of transportation exists, or to meet other requirements in the national interest. Such service shall be coordinated with the services in the urban corridor passenger system. The Secretary may take into account in the determination of payments under this section the operating deficit which may be incurred by a carrier in the provision of long-distance passenger service. There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this section. Any sums appropriated shall be available until expended.

§ 403. Facility and service agreements

(a) Each corporation may contract with railroads for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or facilities of the rail carrier by a corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad entitled thereto may bring an action against the corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by each corporation within its jurisdiction the Commission shall, upon application by the corporation, require a railroad to make immediately available trains and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

§ 404. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 405. New service

(a) Each corporation may provide service within its jurisdiction in excess of that prescribed either within or service outside the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State or regional authority may request of a corporation rail passenger service beyond that included within the corporation's system. The corporation shall institute such service if the State or regional authority agrees to reimburse the corporation for a reasonable portion of the avoidable losses associated with the institution of such services.

(c) For purposes of this section the reasonable portion of the operating loss to be assumed by the State or regional authority, shall be no less than 50 per centum nor more

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than the avoidable loss and associated capital costs. If the corporation and the State or regional authority are unable to decide on a reasonable apportionment of the avoidable losses to be assumed by the State or regional authority the matter shall be referred to the Secretary for decision in accordance with the intent of this Act, taking into account the impact of requiring the corporation to bear such losses upon, its ability to provide improved service within its system.

§ 406. Discontinuance of service

(a) Unless it has entered into a contract with a corporation pursuant to section 401 (a)(1) of this Act, no railroad may discontinue any passenger service within the jurisdiction of such corporation in the Urban Corridors Passenger System designated by the Secretary prior to January 1, 1975, the provisions of any other law notwithstanding. On and after January 1, 1975, passenger train service operated by such carrier may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon the filing of an application for discontinuance for such a carrier, the corporation may undertake to initiate passenger train operations between the points served.

(b)(1) A corporation must provide minimum service on the routes designated by the Secretary as within its jurisdiction until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a rail carrier pursuant to section 401 of this Act.

(2) Service beyond that prescribed which is undertaken by the corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, a corporation determines that any train or trains in its jurisdiction in whole or in part are not required by public convenience and necessity, or will impair the ability of the corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): *Provided, however,* That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The corporation may not change or discontinue this service if, prior to the end of the thirty-day notice period, State, regional, or local authorities request continuation of the service and within ninety days agree to reimburse the corporation for a reasonable portion of the operating losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph 3 of this subsection a reasonable portion of the operating losses to be provided by the State, local, or regional authority shall be no less than 50 per centum of nor more than the avoidable loss and associated capital costs. If the corporation and the State, regional, or local authorities are unable to decide on the reasonable apportionment of operating loss between them, the manner shall be referred to the Secretary for decision in accordance with the intent of this Act. The Secretary shall take into account the intent of this Act and the impact of requiring the corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 407. Protective arrangements for employees

(a) A rail carrier shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with a corporation pursuant to section 401(a)(1) of this Act and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 406 of this Act.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a)(1) of this Act between a rail carrier and a corporation may not be made unless the Secretary of Labor has certified to the corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in a corporation's jurisdiction, the substantive requirements of subsection (b) of this section shall apply to the corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the corporation pursuant to section 406 of this Act.

(d) Each corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. A corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91–54 (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements.

(e) Each corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A SPECIAL FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactment of this Act, the president shall appoint a fifteen man financial advisory panel to be composed of members representing the investment banking, commercial banking, and rail transportation industry, State, and local transportation agencies, the Secretary of the Treasury and the public in the various regions of the country. No less than six members shall be appointed to represent the public of the regions.

§ 502. Purpose of special advisory panel

The special advisory panel appointed by the President shall advise the directors of the corporations on ways and means of increasing capitalization of the corporation.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of each corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 to remain available until expended, for payment to corporations for the purpose of assisting in—

(1) the initial organization and operation of such corporations;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guaranty any lender against loss of principal or interest on securities, obligations, or loans issued to finance the upgrading of roadbeds and the purchase by a corporation of new rolling stock, rehabilitation of existing rolling stock, and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $60,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed $60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a)(1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum. No loan may be made, including renewals or extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guarantees made under this section may not exceed $75,000,000.

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§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts as necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Effect on pending proceedings

Any intercity passenger train in operation on the date of enactment of this Act may be discontinued only pursuant to this Act, notwithstanding any provision of Federal or State law, or any regulation or order of any Federal or State court or regulatory agency issued before or subsequent to that date.

§ 802. Separability

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 803. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "a corporation established pursuant to the Rail Passenger Act of 1970."

Amend the title so as to read: "A bill to designate a national rail passenger system, to establish rail passenger corporations, to provide financial assistance therefor, and for other purposes."

CAMPUS VIOLENCE

Mr. PELL. Mr. President, the Senator from Michigan raised the question of the appellation "bums."

The ACTING PRESIDENT pro tempore. How much time does the Senator yield to himself?

Mr. PELL. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island may proceed for 5 minutes.

Mr. PELL. Mr. President, the Senator from Michigan raised a question of the appellation of "bums" to student leaders or student radicals. The subject had been brought up at the White House yesterday. Since I was the Senator who told the President I took exception to the calling of student radicals "bums," I would like to confirm completely the correctness of the reply the President gave and the tenor of the meeting as reported by the Senator from Michigan.

I do think, however, that in the remarks of the Senator from Michigan after describing the President's response, the Senator from Michigan underestimated the exacerbating effect that Cambodia and the enlargement of the war have had upon our younger people.

In my State of Rhode Island at this very time a mass meeting of students is taking place in the central square of our State capital. I understand Brown University in my State has "knocked off" for the rest of the term. There is talk that our Federal building will be evacuated. This is happening in my State capital, and presumably it is happening in many States around the country.

I think the reason for the enlargement of this student activity is directly related to the war in Cambodia, and not the events of a week ago or 2 weeks ago. These certainly were not causing the evacuation of Federal buildings.

Now I would like to get on with the amendment I have proposed to the pending bill unless the Senator from Nebraska wants to be recognized at this time for a minute.

Mr. CURTIS. I thank the Senator.

Mr. PELL. I yield to the Senator from Nebraska for 1 minute.

Mr. CURTIS. Mr. President, social ills do not happen in an instance; they come about over a long period of time.

Are we going to adopt the view that a President of the United States dare not act in the interest of this country, according to the dictates of his conscience, and in accordance with the information he has because someone might resort to violence somewhere in the country?

The causes of violence and of wrongdoing on our campuses and elsewhere did not come about as the result of any one act. It has been germinating over the past 10 to 15 years. It started with the idea that the way to determine an issue is to get manpower out on the street and to interfere with what is going on.

I hope the time soon comes when we can settle issues by debate, persuasion, and reason, and not by physical force in the street.

THE URBAN CORRIDORS CORPORATION SUBSTITUTE AMENDMENT

Mr. PELL. Mr. President, the substitute amendment which the Senator from Massachusetts (Mr. KENNEDY) and I offer today is exactly similar to the substitute amendment which was printed in the RECORD on April 30, 1970, with the exception of some minor technical and clarification changes and an amendment to the Advisory Board suggested by Senator METCALF.

I offer this substitute amendment neither from the viewpoint of regional concerns, nor from the viewpoint of political expediency. For the last 8 years, I have been continuously urging that the Congress take action to save rail passenger service in this country. The substitute amendment I offer today reflects the accumulated effort of my 8 years of work and the writing of my book on the rail passenger problem entitled "Megalopolis Unbound." Thus, I offer my substitute amendment not to impede passage of rail passenger legislation, but to secure for the Nation the best possible legislative remedy for the rail passenger crisis.

The amendment I propose today is basically similar to the substitute amendment to establish the national rail corporation offered by Senator MAGNUSON. However, my amendment differs in two key respects to the national rail corporation proposal.

First, it establishes a separation between passenger service in urban corridors for which there is great potential demand and long-distance passenger service for which there is very little passenger demand.

Second, it prevents profits from service in the more highly traveled urban corridors from being reduced by the requirements of long-distance passenger service which the national corporation would have to provide.

My amendment eliminates the cross subsidy between urban corridor service and long-distance passenger service which is inherent in the national corporation proposal.

All the basic sections of my substitute amendment are similar to the sections in the national corporation substitute as to money and the procedure with three major exceptions.

First, in my substitute amendment instead of a one-tier national system, the Secretary of Transportation would designate a two-tier passenger transportation system consisting of an urban corridors system and a long-distance system.

Second, my amendment would authorize the creation of nonprofit passenger corporations controlled by the Secretary of Transportation in each of our country's densely populated urban corridors of less than 500 miles.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PELL. Mr. President, I yield myself an additional 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, third, my amendment would authorize the Secretary to provide long-distance service by contract with rail carriers or urban corridor corporations if he finds that such passenger service is required to meet seasonal passenger demand or to meet passenger transportation demand for which no alternative mode of transportation exists.

The substitute I offer today has a number of very distinct advantages.

First, my urban corridors amendment puts the trains where the people are. According to the Corridor Task Force Report of the Office of the Assistant Secretary for Policy Development, Department of Transportation, June 12, 1968, 76.5 percent of the urbanized population and 11.3 percent of the land area of the United States is located in the set of 15 corridors identified by the Department of Transportation. Moreover according to that report, 67 percent of all passenger trips are made between distances of 50 and 499 miles.

Second, my urban corridors amendment puts the trains where they are the most economical mode of moving passengers; that is, in urban corridors of less than 500 miles.

Evidence supporting this statement can be seen by the fact that short-haul corridor airlines have been requiring subsidies to continue operation, and even Eastern Airlines, with its ground shuttle parallel to the Metroliner service, is facing difficulties.

Also, according to Dr. Robert Nelson, former Director of the Department of Transportation Office of High Speed Ground Transportation and the country's expert on the economics of rail passenger service:

> The least economic rail passenger service today is over the long interregional and transcontinental routes where air transport has a very great competitive advantage in trip time.

Furthermore, according to the Senate Commerce Committee's report, one railroad track can accommodate as many travelers as 20 lanes of highways.

The third advantage of my amend-

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ment is that it creates urban corridor corporations potentially more economically viable than the proposed national rail corporation.

This advantage is due to the fact that urban corridor corporations are not required to provide long-distance rail passenger service which is not economically feasible, but yet they would be established under the same basic financial arrangements as the national corporation, with the exception of stock offerings, and they would be eligible for State and local grants as nonprofit corporations.

If investors are not willing to put their money in present rail corporations providing long-distance passenger service, they are no more likely to put their money into a rail corporation providing long-distance passenger service. No matter where it is put, uneconomic long-distance passenger service does not produce dividends for investors.

The fourth advantage of my urban corridors proposal is that it provides for the establishment of a national rail policy without the need for a national bureaucracy unresponsive to overall regional transportation requirements in the following ways:

The Secretary of the Department of Transportation controls and coordinates national rail policy by his power to designate the basic national rail passenger system and by his majority representation on each urban corridor corporation.

I would note here that some persons have expressed concern that my proposal does not provide for a truly national rail passenger service with trains running from coast to coast. After citing the fact that the Secretary of Transportation has the authority under my proposal to establish a national rail policy, I would respond to the criticism in the following manner:

It is no more appropriate to run more trains coast to coast than it is to build sidewalks coast to coast.

My substitute is more publicly oriented.

With directors representing each Governor and a director representing exclusively the consumer, each nonprofit corporation is, by its nature, more responsive to the needs of the traveling public and the requirements of regional transportation than a national for-profit corporation consisting of Federal bureaucrats, rail carriers, and profit-oriented directors elected by stockholders.

The fifth advantage of my substitute proposal is that it allows for the development and future use by corridor corporations of new modes of high-speed ground transportation, such as tracked air cushioned vehicles.

Corridor corporations will not be limited to the simple provisions of the present archaic means of rail passenger transportation, but they will be given authority to develop new modern modes of high-speed ground transportation needed to serve our growing megalopolises in the coming century.

And, the sixth advantage of my urban corridor corporation proposal is that it provides a better deal for the railroads and labor.

Since railroads will have to buy into urban corridor corporations only on the basis of their avoidable losses within the urban corridor system where losses have been low, railroads will not be required to contribute as great a sum as they would to a national corporation which assumed all long-distance service.

Also, since the urban corridor corporations would not have to subsidize internally, costly, infrequently scheduled long-distance trains, they would be able to run an even greater number of corridor trains; thus, with more trains running, rail labor would have more jobs.

Mr. President, I ask unanimous consent that the comparison between my proposal and the national corporation proposal and excerpts from the 1968 Corridor Task Force Report of the Office of the Assistant Secretary for Policy Development, Department of Transportation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, May 1, 1970]

NEW TAKEOVER PLAN OFFERED FOR RAIL PASSENGER SERVICE

(By Stephen M. Aug)

Sen. Claiborne Pell, D–R.I., who conceived the idea that led to the Northeast Corridor highspeed rail project, has proposed setting up a group of regional nonprofit corporations to take over rail passenger service.

The measure is considerably different from anything now under consideration by either the House or Senate, both of which have measures designed to revitalize rail passenger service. It also differs from another proposal to set up a corporation to run the nation's passenger trains.

Pell's measure, cosponsored by Sen. Edward M. Kennedy, D–Mass., and introduced in the House by Rep. Robert O. Tiernan, D–R.I., would set up a two-tier national passenger transportation system.

On one tier, regional nonprofit corporations would operate frequently scheduled service in urban corridors of less than 500 miles.

METHOD OUTLINED

On the other tier the secretary of transportation would be authorized to contract for less frequent long-distance rail passenger service outside the corridors.

The measure most likely would cause some differences among organizations that have been lobbying strongly for continued rail passenger service, and probably would be opposed by senators from sparsely populated areas where the urban corridor concept would be impractical.

Pell, said, however, that this proposal "establishes a separation between passenger service in urban corridors for which there is great demand and long-distance passenger service for which there is very little demand."

His proposal, Pell said, "puts the trains where the people are. It puts the trains where they are the most economical mode of travel, that is, urban corridors of less than 500 miles. Even the airlines admit that it is uneconomical for them to provide passenger travel in our short-haul urban corridors."

Pell's proposal says the secretary of transportation will recommend as part of the long-distance tier, rail routes of distances of more than 500 miles, "where service may be required to meet seasonal passenger demands" or where no alternative transportation exists, or "to meet other requirements of the national interest."

$175 MILLION TO START

Pell would make the same $175 million available to get the basic system underway as would a measure which recently gained approval of not only the Nixon administration, but Senate Commerce Committee leaders, the Association of American Railroads and the National Association of Railroad Passengers.

That measure would set up a private corporation to run passenger trains on a basic system to be set up by the Department of Transportation.

The corporation would receive both initial federal financing, federally backed loans and would obtain money and equipment from the railroads and additional capital by sale of stock to the public.

This corporation measure would be a substitute for a bill already approved by the Commerce Committee to set up a national rail passenger system and have the government reimburse railroads for losses they incur operating trains over it.

All the measures are scheduled for Senate floor debate next Tuesday.

ADVANTAGES OF PELL/KENNEDY URBAN CORRIDORS CORPORATIONS SUBSTITUTE OVER THE NATIONAL RAIL CORPORATION SUBSTITUTE

1. Pell/Kennedy Urban Corridors Proposal puts the trains where the people are.

(a) 76.5% of the urbanized population and 11.3% of the land area of the United States is located in the set of 15 corridors identified by the Department of Transportation. (Corridor Task Force Report of the Office of the Assistant Secretary For Policy Development, Department of Transportation, June 12, 1968.)

(b) 67% of all passenger trips are made between distances of 50 and 499 miles. (Corridor Task Force Report.)

2. Pell/Kennedy Urban Corridors Proposal puts the trains where they are the most economical mode of moving passengers, that is, in urban corridors of less than 500 miles.

(a) Short haul corridor airlines have been requiring subsidies to continue operation.

(b) "The least economic rail passenger service today is over the long interregional and transcontinental routes where air transport has a very great competitive advantage in trip time." (Dr. Robert A. Nelson, former Director of DOT Office of High Speed Ground Transportation.)

(c) One railroad track can accommodate as many travelers as 20 lanes of highways. (Senate Commerce Committee Report 91–765.)

3. Pell/Kennedy Urban Corridors Proposal creates urban corridor corporations potentially more economically viable than the national rail corporation.

(a) Urban Corridor corporations are not required to provide long distance rail passenger service which is not economically feasible, but yet they would be established under the same basic financial arrangements as the national corporation, with the exception of stock offerings, and they would be eligible for state and local grants as non profit corporations.

4. Pell/Kennedy Urban Corridors Proposal provides for the establishment of a national rail policy without the need for a national bureaucracy unresponsive to overall regional transportation requirements.

(a) The Secretary of DOT controls and coordinates national rail policy by his power to designate the basic national rail passenger system and by his majority representation on each urban corridor corporation.

(b) With directors representing each governor and a director representing exclusively the consumer, each non profit corporation is by its nature more responsive to the needs of the traveling public and the requirements of regional transportation than a national for profit corporation consisting of federal bureaucrats, rail carriers, and profit oriented directors elected by stockholders.

5. Pell/Kennedy Urban Corridors Proposal allows for the development and future use by Corridor Corporations of new modes of high speed ground transportation, such as tracked air cushioned vehicles.

6. Pell/Kennedy Urban Corridors Proposal provides a better deal for the railroads and labor.

(a) Since railroads will have to buy into urban corridor corporations only on the basis of their avoidable losses within the urban corridor system where losses have been low, railroads will not be required to contribute as great a sum as they would to a national corporation which also assumed all long distance service.

(b) Since the urban corridor corporations would not have to subsidize internally, costly, infrequently scheduled long distance trains, they would be able to run an even greater number of corridor trains; thus, with more trains running rail labor would have more jobs.

COMPARISON OF HARTKE-PROUTY AND PELL-KENNEDY PROPOSALS

SECTIONS	HARTKE-PROUTY NATIONAL CORPORATION PROPOSAL	PELL-KENNEDY URBAN CORRIDORS CORPORATIONS LONG-DISTANCE CONTRACT PROPOSAL
Title I. Findings and declaration:	Calls for one national interlocking basic rail system run by national corporation.	Calls for two tier interlocking basic rail system within which nonprofit corporations will operate urban corridor service and within which Secretary will be able to contract for long distance service; emphasizes regional coordination and use of high speed ground transportation by corridor corporations.
Definitions:	Railroad Secretary, Commission, Basic System, Intercity rail passenger service, avoidable loss, corporation.	Same, except Basic System is defined to include urban corridor passenger system, nonprofit corporations named.
Title II. Basic National Rail Passenger System:	Secretary designates national interconnecting system to be submitted to Congress.	Secretary designates national interconnecting system consisting of an urban corridors passenger system based on intercity travel between population centers not more than 500 miles apart, and consisting of long distance routes for contract service to meet seasonal demands or to fill gap where no alternative transportation exists.
Review of the Basic System:	ICC reviews DOT plan and DOT then submits to Congress.	Same.
Title III. Creation of Corporation(s):	A National Railroad Passenger Corporation is created to run for profit all passenger service.	Nonprofit corporations are created to run intercity passenger service in corridors.
Process of organization:	President appoints three incorporators for National Corporation.	Same for each corridor corporation.
Directors and Officers:	President appoints Secretary and majority 15 member board, three members elected by carriers, and four members by preferred stockholders.	President appoints majority of board of each corridor corporation which includes representative of Secretary and consumer interests, each Governor within corridor appoints a director, and rail carriers buying in elect two directors.
Financing of Corporation:	Each rail carrier buying in receives common stock at $10 a share, and preferred stock of $100 offered on market.	Not applicable for stock offerings.
General Powers:	Own, operate, manage, contract for service, conduct r&d, acquire, purchase, contract for physical facilities.	Same, plus authority to run high speed transportation and improve road beds.
Applicability of the Interstate Commerce Act and other laws:	ICC has jurisdiction over Corporation with exception of rates, abandonment, and route regulation. Antitrust laws not applicable.	Same for each corporation.
Sanctions:	In Federal District Court by affected parties for violations of Act.	Same for each corporation.
Reports to Congress:	Corporation makes annual report, ICC and DOT make annual report.	Same for each corporation.
Title IV. Provision of Rail Passenger Services:		
Assumption of passenger service by corporation(s): Commencement of Operations:	Corporation before March 1, 1971 or after March 1, 1973, contracts with carriers for all passenger service. Rail carriers pay either ⅓ of 50% of fully distributed passenger deficit, or 100% of avoidable losses for all service, or 200% of avoidable losses for less than all service, in consideration of being relieved of passenger responsibilities.	Same except that loss formulas only apply within jurisdiction of each corridor, and 200% avoidable loss option not given for being relieved of less than all service within a corridor.
Provision of Passenger Service outside of urban corridors passenger system:	Not applicable.	Secretary may contract with corridor corporations or carriers for long distance service, corridor interconnection service, seasonal service. Sums as may be necessary authorized.
Facility and Service Agreements:	Corporation contracts with railroads for use of tracks and other facilities and services.	Same for each corporation.
Adequacy of Service:	ICC authorized to prescribe comfort and health regulations.	Same for each corporation.
New Service:	Can provide service outside system if consistent with prudent management, and states can request extra service if they are willing to pay 50% or more of avoidable loss and associated capital costs.	Same for each corporation.
Discontinuance of Service:	If rail carriers do not contract with corporation to be relieved of all service, they must continue service until 1975. Corporation must continue minimum service until 1975. After 1975 corporation may discontinue under ICC 13a provision unless states will pay losses.	Same, except that only applicable within urban corridors passenger system.

Comparison of Hartke-Prouty and Pell-Kennedy Proposals—Continued

SECTIONS	HARTKE-PROUTY NATIONAL CORPORATION PROPOSAL	PELL-KENNEDY URBAN CORRIDORS CORPORATIONS LONG-DISTANCE CONTRACT PROPOSAL
Protective arrangements for employees:	Equitable arrangements for employees if discontinuances or new contracts, no contracting out if it causes lay-offs, minimum wages to be paid.	Same for each corporation.
Title V. Establishment of a Special Financial Investment Advisory Panel:	To evaluate and recommend means of increasing capitalization; panel consists of bankers, rail carrers, Treasury Secretary.	Same, except representatives of public transportation agencies included.
Title VI. Federal Financial Assistance:	$40,000,000 for 1971 start-up costs and requirements.	Same, except to be allocated among corridor corporations.
Guaranty of Loans:	Lenders guaranteed up to $60 million for loans on new and rehabilitated rolling stock.	Same, except roadbed improvements, included under guaranty provision.
Title VII. Interim Financial Assistance for railroads operating passengers service:	5 year loans and guarantees not to exceed total of $75 million for railroads being relieved of service.	Same.
Title VIII. Miscellaneous Provisions:	Trains may be only discontinued pursuant to this Act. Invalid provisions separable. Accountable under Government Corporation Control Act.	Same.

Corridor Task Force Report for Office of the Assistant Secretary for Policy Development, Office of the Secretary, Department of Transportation, June 12, 1968

[Figure 1 not printed in Record]

1.0 INTRODUCTION

1.1 *Background*: The recognition for the need of public investments to improve regional mass transportation facilities began in 1962. The Administration became aware of the fact that the interaction of economic, social and cultural forces in the metropolitan and urbanized areas of one region, the Northeastern United States, required integrated transportation planning and implementation activities in order to offset:

A trend of congestion on highways;

A trend of congestion into, and at, airport terminals; and

A trend of diminishing use of existing surface transportation facilities (i.e., railroads) linking the metropolitan hubs of the region.

The "Northeast Corridor" was the descriptor used to identify this region because the major population centers, along with the predominant passenger flow of traffic, formed an axial-like pattern (longer than wide) of dense, urbanized and metropolitan activities from Washington to Boston.

Analytical, research and development activities were begun to produce economic alternatives for solving the problems noted. The studies to date have indicated, however, that any remedial action will be very costly. For instance, the right-of-way and land acquisition cost, apart from the implementation of advanced technology, is a very expensive item to procure[1] in metropolitan areas.

The Northeast Corridor is unique by virtue of its historical location, development and economic importance, etc., to the hinterland. Yet the attempt to identify other emerging "corridors" and to focus on action programs to offset their transportation ills, apparently characteristic of corridors, would be timely from an economic sense if begun now.

1.2 *Objective:* The objective of this report, therefore, is to propose, for implementation between the remainder of 1968 through 1973, an initial set of "corridor" action programs or, as appropriate, planning and legislative packages. The purpose of such programs or packages would be to provide, on a regional basis, a framework for demonstrating or developing the means to improve, augment etc. the transportation and flow of people and commodities in sectors designated as "corridors".

1.3 *Definition of a Corridor:* There have been many qualitative descriptions of corridors. Each seems to include a high intensity of traffic flow between at least two densely populated urbanized centers. They have not, however, provided any consistent, numerical means whereby corridors might be identified, compared, limited or ranked. Consequently, for this report a "corridor" shall be defined as a *region* comprised of market areas for *short haul-high volume interurban transportation.* The traffic flow for commodities and passengers shall be considered to be concentrated between at least two of the *major* population centers which are also, at least 50, and no more than 250, miles apart. Along a link of the transportation network joining the population centers, interstitial stops shall be considered to exist or possibly to exist as a result of future urban development taking advantage of the transportation system's presence. Such stops shall be considered able to generate additional traffic to augment and interact with the primary flow in the corridor.

The minimal distance of 50 miles was selected in order to exclude daily commuter traffic. The maximum distance of 250 miles was selected because, at about that distance, CAB indicated a dominant use of the air mode for intercity transportation. On the basis of "minimizing" time and "out of pocket" costs, modes of transportation other than air would probably be much less competitive to provide the same service.

Furthermore, Table 1—"Means of Transportation and Distance of Trip: Four Quarters 1963" provides BPR data which offers additional substance to the distance criteria used to define a corridor. The data shows that approximately 60% of the passenger trips made in that year lie in the interval of 50 to 300 miles.

Interpretation of this information is cautioned, however, because the data is "conditional" to some of the travelers remaining away from home overnight. BPR has other data which indicates that intercity auto trips peak seasonally and are a minor portion of auto trips. Intercity trips account for the majority of the distance traveled because of the mileage involved. Nevertheless, a conclusion can be made. It is that although auto intercity trips are seasonal, any substitute would have to be low-cost and probably high speed. In subsequent discussions, paragraph 3.0, it will be illustrated that this transportation capability does not exist.

1.4 *Definition Rationale:* The definition in 1.3 is primarily a conceptual technique/basis for distinguishing corridors, not only from intra urban or long-haul intercity transportation, but also from limiting the definition of "corridors" to regions displaying *only one* principal axial-like traffic flow. This rationale permits two things:

The development of regional transportation planning goals in the context of intercity systems of competitive modes of transportation instead of one dominant mode, and

The examination of the use of emerging technologies, such as VTOL, when the traffic flow in the region appears more surface-like than axial.

TABLE 1—MEANS OF TRANSPORTATION AND DISTANCE OF TRIP—4 QUARTERS CALENDAR YEAR 1963[1]
[Percent distribution of trips and travelers]

Distance of trip	Trips: All transportation	Trips: Auto	Trips: Bus	Trips: Air carrier	Trips: Railroad	Trips: Other	Travelers: All transportation	Travelers: Auto	Travelers: Bus	Travelers: Air carrier	Travelers: Railroad	Travelers: Other
	Percent distribution by means of transportation											
All trips	100	84	4	5	3	4	100	89	3	4	2	2
U.S. trips:												
Under 50 miles	100	90	6		1	3	100	94	3		1	2
50 to 99 miles	100	92	3		3	2	100	95	2		2	1
100 to 199 miles	100	90	4	2	2	2	100	93	2	1	2	2
200 to 499 miles	100	72	5	13	4	6	100	82	3	8	3	4
500 miles or more	100	47	4	33	8	8	100	61	3	23	7	6
Outside United States[1]	100	59	4	21	1	15	100	67	2	16	1	14
	Percent distribution by distance of trip											
All trips	100	100	100	100	100	100	100	100	100	100	100	100
U.S. trips:												
Under 50 miles	23	25	29		10	21	21	22	27	1	8	19
50 to 99 miles	23	26	18		24	10	25	26	19		21	9
100 to 199 miles	28	30	26	10	22	19	29	30	26	9	23	18
200 to 499 miles	16	14	18	37	24	25	16	15	18	35	25	25
500 miles or more	8	4	7	45	19	17	7	5	8	46	22	18
Outside United States[1]												

[1] Source: 1963 Census of Transportation trips of 100 miles or involving a night away from home.

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2.0 CORRIDOR CANDIDATES

2.1 *Geographical Location:* The geographical location of a corridor is a "relative" consequence. It appears to be derived from the existence of a region and its associated social-economic etc. activities being where they are. These activities in turn depend on the density of the population at, at least, two paired points (O&D) and the traffic flow between these two points. But the levels of population and traffic flow that seem to determine a corridor in one region (e.g., the east) are not the same level required to describe a corridor in another region (e.g., the midwest).

Furthermore, a "critical" condition appears to be present in a corridor, irrespective of its location, whenever one or more modes of transportation available in the corridor cannot provide for the effective movement of goods or people in a specific time frame.

In order to determine "if" this critical condition does exist or "when"[1] it might exist, traffic flow data between two distinct paired points is required. Intercity flow data, statistically consistent, which could show the burden levied on short haul regional transportation facilities is not readily available. This lack of well documented "regionalized" flow data forces the use of "logical" (as opposed to quantitative) procedures for determining both the location of corridors as well as their transport criticality. (In addition, this data gap prevents the validation and credible use of analytical methods that could generate alternatives for improving existing transportation systems.)

For this report, the logical procedures used to determine the geographical location of corridors consisted of applying available demographic statistics, namely populations, in well defined areas i.e., Standard Metropolitan Statistical Areas (SMSA).[2] Their application was as follows:

First, the continental U.S. was divided into 6 areas: Northeast-Middle Atlantic, South-East of the Mississippi, South-West of the Mississippi, Great Plains-Rockies, and Pacific Coast.

Secondly, within each area, the SMSA with the highest 1960 urban population was chosen. (These were called "initial SMSA's".) All SMSA's whose population was at least ¼ that of the largest SMSA and whose major city centers were not more than 250 miles from the city center of the largest SMSA, were included in the corridor. (These were called "basic SMSA's.") Counties and SMSA's lying between the basic SMSA's were also included in the corridor. In some cases, an SMSA adjacent to *a basic SMSA was also* included even though it did not lie between two basic SMSA's. This was done if the adjacent SMSA included an urbanized area of substantial size close enough to the urbanized portion of the basic SMSA to represent a feeder area for corridor transportation service.

Thirdly, the next largest SMSA in each area not located within an already defined corridor, as noted above, was treated as an "initial" SMSA. The process of developing appropriate "basic" SMSA's repeated and another corridor for the region was defined. This process was continued with other initial SMSA's as long as their 1960 populations were at least some minimum value. These minimum values were 300,000 in the Great Plains, 900,000 in the South East, and one million elsewhere.

2.2 *Corridors:* The following 15 corridors are rank ordered according to population in urbanized areas:

[Population]

1. Northeast	[3] 27,327
2. Southern Great Lakes	18,007
3. Texas	3,639
4. Ohio-Indiana	3,612
5. Northern California	3,486
6. Central Southeast	2,927
7. Missouri	2,589
8. Upstate New York	2,523
9. Florida	1,849
10. Northwest	1,731
11. Oklahoma	1,384
12. Southern California	1,325
13. Gulf	1,306
14. Arizona	779
15. New Mexico	518

The rank ordering changes if population density within urbanized areas is used as a ranking criteria, the order becomes the following:

[People per square mile within urbanized areas]

Corridor

1. Northeast	5,500
2. Upstate New York	4,520
3. Southern California	4,450
4. Missouri	4,280
5. Southern Great Lakes	4,170
6. Ohio-Indiana	4,160
7. Northern California	3,760
8. Northwest	3,380
9. Florida	3,150
10. Central Southeast	2,750
11. New Mexico	2,710
12. Gulf	2,630
13. Arizona	2,300
14. Oklahoma	2,070
15. Texas	2,000

The 15 corridors are plotted on a map of the SMSA's as of December 1965. (Figure 1). The corridors are numbered according to a rank ordering by people/sq. mile within urbanized areas. The plot also shows that SMSA's in some corridors align themselves into a linear arrangement, e.g., upstate New York (Mohawk Valley), Southern California, and the Northwest. Others, such as the Southern Great Lakes, Ohio-Indiana and the Southeast, have SMSA's which are spread out and have no distinct spatial pattern. The former group might be best suited to support line haul transportation systems but the latter, because of their spread-like distribution, might require a more versatile system other than the automobile—such as VTOL. This is discussed further in paragraph 3.0.

Other ranking criteria could be used to order the list of identified corridors. The aforementioned were used because they provided an indication of where most of the people in the United States are settled. Table 2 and 3 "Characteristics of Urbanized Areas Within Corridors" provides 1960 census summary of this information. Table 3 specifically points out that *11.3%* of the land area of the United States and *76.5%* of the urbanized population is located in the set of 15 corridors identified. (Appendix B).

3.0 TECHNOLOGY FOR SHORT HAUL INTERCITY TRANSPORTATION SYSTEMS

3.1 *Status:* A review was made of the technologies that might be suitable candidates for development into systems to combat corridor problems identified in paragraph 1.0. An "objective" selection of such a set of "suitable" technologies depends on Systems Analyses that can generate numerical measures of the interacting effect on demand for transportation by multimodal system schedules, system operating costs, user costs, system trip times and etc. Prototype analyses to provide this capability are in the process of being developed, primarily in the Northeast Corridor Transportation Project. Their initial results, however, are not expected much before the late fall. Some gross facts which lead to "thumb rules" are available. For instance, the given horsepower size of a surface propulsion system changes in proportion to the cube of the ratio of a new desired velocity to the original design velocity; i.e.:

$$\left(\frac{HP_2}{HP_1}=\left(\frac{V_2}{V_1}\right)^3\right)$$

TABLE 2.—CHARACTERISTICS OF URBANIZED AREAS WITHIN CORRIDORS

Corridor	Number of urbanized areas	Population in urbanized areas (thousands)	Area within urbanized areas (square miles)	Average population per urbanized area (thousands)	Population density within urbanized areas (people per square miles)
1. Northeast	25	27,327	4,969	1,094	5,500
2. Upstate New York	5	2,523	559	505	4,520
3. Central Southeast	13	2,927	1,066	225	2,750
4. Florida	5	1,849	586	370	3,150
5. Gulf	3	1,306	496	435	2,630
6. Texas	7	3,639	1,812	520	2,000
7. Oklahoma	7	1,384	669	197	2,070
8. Arizona	2	779	334	390	2,300
9. New Mexico	2	518	191	260	2,710
10. Southern Great Lakes	26	18,007	4,321	693	4,170
11. Ohio Indiana	8	3,612	866	450	4,160
12. Missouri	2	2,589	605	1,295	4,280
13. Northern California	3	3,486	929	1,160	3,760
14. Southern California	2	1,325	1,646	3,660	4,450
15. Northwest	3	1,731	513	578	3,380

TABLE 3.—CHARACTERISTICS OF URBANIZED AREAS WITHIN CORRIDORS

Corridor	Approximate percent of U.S. land area	1960 percent of U.S. urbanized area land area	1960 percent of U.S. urbanized area population	Weighted average median family income	Percent families with income >$10,000	Percent families with income <$3,000
1. Northeast	0.94	19.5	28.5	6,625	21.5	12.5
2. Upstate New York	.40	2.2	2.6	6,415	17.8	12.9
3. Central Southeast	2.49	4.2	3.5	5,170	12.7	25.1
4. Florida	.76	2.3	1.9	4,960	12.3	25.9
5. Gulf	.22	1.9	1.4	5,200	13.3	25.1
6. Texas	.93	7.1	3.8	5,580	15.0	21.3
7. Oklahoma	1.84	2.6	1.4	5,520	13.8	19.8
8. Arizona	.52	1.3	.8	5,840	12.5	15.0
9. New Mexico	.37	.7	.5	5,670	15.9	18.9
10. Southern Great Lakes	1.44	16.8	18.8	6,750	20.8	12.4
11. Ohio Indiana	.60	3.4	3.8	6,280	17.4	14.8
12. Missouri	.39	2.4	2.7	6,250	16.8	15.1
13. Northern California	.20	3.6	3.6	7,100	24.1	11.6
14. Southern California	.24	6.5	1.4	7,000	26.0	12.8
15. Northwest	.44	2.0	1.8	6,560	18.9	13.3
Total percent	11.3	76.5	76.5			

Footnotes at end of article.

APPENDIX B.—LIST OF CORRIDORS AND COMPONENT SMSA's[1] AS DETERMINED TO EXIST IN THE 6 SPECIFIC AREAS OF THE UNITED STATES

1. NORTHEAST-MIDDLE ATLANTIC AREA—SMSA's

	Urbanized area[2]		
	Population	Square mile area	Population per square mile
Northeast corridor:			
Atlantic City	125	60	2,082
Baltimore	1,419	220	6,441
Boston	2,413	516	4,679
Bridgeport	367	171	2,140
Brockton	111	41	2,728
Fall River	124	48	2,604
Fitchburg	72	58	1,254
Hartford	382	131	2,909
Jersey City		(3)	
Lawrence	166	70	2,356
Lowell	119	30	3,952
Meriden	52	24	2,206
Newark		(3)	
New Bedford	127	30	4,265
New Britain	100	23	4,420
New Haven	279	84	3,327
New London		(3)	
New York[1]	14,115	1,891	7,462
Norwalk	82	39	2,120
Paterson-Clifton		(3)	
Philadelphia	3,635	597	6,092
Providence	660	188	3,508
Springfield	111	33	3,417
Stamford	167	98	1,702
Trenton	242	75	3,219
Washington	1,808	341	5,308
Waterbury	142	50	2,810
Wilmington	284	90	3,152
Worcester	225	61	3,678
Total	27,327	4,969	5,500
Upstate New York (Mohawk Valley):			
Albany	455	106	4,281
Buffalo	1,054	160	6,582
Rochester	493	113	4,355
Syracuse	333	68	4,923
Utica-Rome	188	112	1,671
Total	2,523	559	4,520

2. SOUTH-EAST OF MISSISSIPPI

	Population	Square mile area	Population per square mile
Central Southeast:			
Asheville	69	32	2,124
Atlanta[1]	768	246	3,125
Augusta, Ga	124	43	2,870
Birmingham	521	157	3,325
Charlotte	210	74	2,836
Chattanooga	205	89	2,302
Columbia, S. C	162	52	3,109
Gadsden	69	47	1,467
Greenville	127	53	2,412
Huntsville	75	53	1,409
Knoxville	173	60	2,983
Nashville	347	129	2,682
Tuscaloosa, Ala	77	31	2,915
Total	2,927	1,066	2,740
Florida:			
Fort Lauderdale	320	124	2,582
Miami[1]	853	183	4,657
Orlando	201	77	2,617
Tampa	302	103	2,919
West Palm Beach	173	99	1,753
Total	1,849	586	3,150
Gulf:			
Baton Rouge	193	57	3,406
Mobile	268	172	1,563
New Orleans[1]	845	267	3,172
Total	1,306	496	2,630

3. SOUTH-WEST OF MISSISSIPPI

	Population	Square mile area	Population per square mile
Texas:			
Austin	187	51	3,691
Dallas	932	647	1,441
Fort Worth	503	273	1,844
Galveston	119	153	773
Houston[1]	1,140	431	2,647
San Antonio	642	192	3,337
Waco	116	65	1,790
Total	3,639	1,812	2,010
Oklahoma:			
Amarillo, Tex	138	55	2,518
Fort Smith, Ark	62	29	2,104
Lawton	62	13	4,693
Oklahoma City[1]	429	385	1,114
Tulsa	299	70	4,258
Wichita, Kans	292	80	3,665
Wichita Falls, Tex	102	37	2,730
Total	1,384	669	2,070
Arizona:			
Phoenix[1]	552	248	2,222
Tucson	227	86	2,632
Total	779	334	2,330
New Mexico:			
Albuquerque	241	76	3,174
El Paso, Tex	277	115	2,410
Total	518	191	2,610

4. MIDWEST-EAST OF MISSISSIPPI

	Population	Square mile area	Population per square mile
Southern Great Lakes:			
Akron	458	141	3,243
Ann Arbor	115	28	4,132
Bay City	73	23	3,164
Canton	214	51	4,213
Chicago[1]	5,959	960	6,209
Cleveland	1,785	587	3,042
Detroit	3,538	732	4,834
Flint	278	75	3,694
Fort Wayne	180	49	3,695
Gary		(3)	
Grand Rapids	294	91	3,226
Jackson, Mich	71	22	3,231
Kalamazoo	116	42	2,747
Kenosha	73	13	5,519
Lansing	169	47	3,587
Lima, Ohio	63	13	4,806
Lorain	143	81	1,755
Mansfield	92	35	2,650
Milwaukee	1,150	392	2,934
Muskegon	95	24	3,956
Pittsburgh	1,804	525	3,437
Racine	96	15	6,566
Saginaw	129	31	4,155
South Bend	219	64	3,421
Steubenville	82	37	2,218
Toledo	438	135	3,249
Youngstown	373	108	3,451
Total	18,007	4,321	4,180
Ohio-Indiana:			
Cincinnati[1]	994	242	4,101
Columbus, Ohio	617	145	4,259
Dayton	502	125	4,029
Hamilton, Ohio	50	34	2,633
Indianapolis	639	145	4,412
Louisville, Ky	607	136	4,474
Muncie	78	18	4,404
Springfield, Ohio	90	21	4,377
Total	3,617	886	4,080

5. GREAT PLAINS-ROCKIES

	Population	Square mile area	Population per square mile
Missouri:			
Kansas City	921	282	3,262
St. Louis[1]	1,668	323	5,160
Total	2,589	605	4,280

6. PACIFIC COAST

	Population	Square mile area	Population per square mile
Northern California:			
Sacramento	452	134	3,373
San Francisco[1]	2,431	572	4,253
San Jose	603	223	2,702
Vallejo		(3)	
Total	3,486	929	3,750
Southern California:			
Anaheim		(3)	
Los Angeles[1]	6,489	1,370	4,736
San Diego	836	276	3,033
Total	7,325	1,646	4,450
Northwest:			
Portland	652	192	3,387
Seattle*	864	238	3,626
Tacoma	215	83	2,596
Total	1,731	513	3,370

[1] The SMSA with a [1] is the 1 with the largest population in that corridor.

[2] The figures shown are for urbanized areas which correspond most closely with a given SMSA. In most cases there is a 1-to-1 correspondence.

[3] The symbol indicates that the statistics for the particular SMSA are included under another SMSA since the urbanized area covers both.

FOOTNOTES

[1] See Appendix A for discussion on right-of-way and site problems of Corridor Transportation Systems.

[2] SMSA's were used as the basic geographical element because an SMSA provides the location of distinct jurisdictional boundaries. However, urbanized areas, as defined in the 1960 census, having circles of specific and urban population density were used to point out the major population centers necessary to establish a corridor.

[3] The Northeast Corridor's boundaries were taken as previously defined by the Office of High Speed Ground Transportation, and the Southern Great Lakes Corridor was defined in a somewhat different way from the remaining corridors (the 250 mile radius was centered at Detroit rather than Chicago, the initial SMSA).

Mr. PELL. Mr. President, I ask unanimous consent that my substitute be printed as an amendment even though it may not be acted on today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, the substitute I propose contains the best provisions of the national corporation proposal, but it does not contain its handicaps. It includes the same protective labor provisions, basically the same financial provisions and the same basic format. To my knowledge, neither the rail carriers, nor rail labor have voiced any objections to my substitute amendment on its merits. It would not necessarily cost the Department of Transportation any more than the national corporation proposal.

I have testified many times before the Commerce Committee over recent years regarding my ideas about rail passenger service, and the committee knows that I have given much serious thought to possible viable solutions to the rail passenger problem. I believe my substitute amendment represents a realistic and lasting solution to the rail passenger problem.

Mr. President, I would hope that my substitute amendment would be favorably considered.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HARTKE. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized for 5 minutes.

Mr. HARTKE. Mr. President, as far as I am concerned personally, and I know as far as every member of the Senate Commerce Committee is concerned, the junior Senator from Rhode Island is deserving of the greatest admiration for his continuous support for some type of general rail transportation in the United States. He also is paid highly deserved tribute for the work he did in connection with enactment of the High Speed Ground Transportation Act of 1965.

The enactment of the High-Speed Ground Transportation Act of 1965 is a direct result of Senator PELL's vigorous efforts employing his unparalleled expertise. The success of the Metroliner is an outgrowth of that program and its success thus far has revitalized the interest of the general public in rail passenger travel.

I must, however, oppose the Senator's proposed amendment. First, the proposal assumes that there is no future for rail passenger service for distances greater than the arbitrary distance of 500 miles. It would have the railroads continue providing such service through the application of a direct operating subsidy which, unlike S. 3706, has no safeguards whatsoever.

I have been assured by Secretary Volpe that the situation with respect to long-haul service may not be as bleak as commonly assumed.

The regional passenger train service corridors authorized by title II of the amendment require special mention. I fully support the idea of a regional approach to transportation planning and development. Recently, the Committee on Commerce has had extensive hearings on S. 2425, the National Transportation Act, which authorizes the States to carry out just such a program on a regional basis. The thrust of this bill, which is amply supported in the hearings, is that most transportation planning and programs are now fragmented by modes and often uncoordinated and fragmented within each other and with other nontransportation activities. By limiting their scope to rail passenger service, the regional corporations contemplated in the amendment only serve to perpetuate and further aggravate an already serious problem.

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Moreover, there is no assurance that these regional corporations could be economically viable with each one fragmented and apart from the others. A possible exception might be the Washington-Boston Northeast Corridor but that, as is well known, is a special case. Each region would be expected to flourish or flounder on its own—neither the revenues nor the losses could be shared. This kind of sharing is basic, however, to the functioning of the whole country.

This fragmentation of organizations would create many problems to which, frankly, I am not so sure we have given consideration.

The proposed Pell amendment in the nature of a substitute for the bipartisan bill to create a national passenger train corporation would create a highly fragmented set of organizations to operate a service which has suffered over the years from fragmentation and now cries out for unification. Under the Pell amendment, some 18 separate corporations would be established, each with up to 21 directors, each with an executive director earning in the neighborhood of $25,000. It would be an incredibly complex and unwieldy structure, overlapping in jurisdictions and virtually impossible to coordinate at the national level.

Rail passenger service can most efficiently be provided by a unified authority. A single nationwide organization could:

Insure uniformity of service standards at a high level.

Achieve best utilization of equipment—shifting between winter and summer peaks in different parts of the country.

Minimize maintenance costs through consolidation of facilities.

Integrate ticketing and scheduling to serve a national network rather than isolated regional services.

Achieve a positive national image and minimize promotional costs through national advertising.

Avoid costly organizational overheads by streamlining and unifying rail passenger management.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HARTKE. Mr. President, I yield myself an additional 2 minutes.

In short, the advantages of regional initiative and control of passenger services advocated by the Pell amendment are not sufficient reason to incur the vastly greater operating costs associated with fragmentation of what should be a nationwide passenger system.

Finally, the use of a regional approach is fully contemplated and compatible with the committee's bill if, in a particular area, the local interests involved and the national corporation created by the committee's bill find this to be the best solution. Here, again, the committee's bill does not anticipate a single solution for all areas of the country which may not work in all areas.

In sum, Mr. President, I feel that the amendment is overly specific and narrow in an area where latitude and flexibility are in order. While the amendment raises many useful points, all of these are incorporated in the broader solution afforded by the committee's bill.

Let me repeat, perhaps more concisely, my objections:

First. Although it purports to meet rail service needs in many regions of the country, in fact it will provide service only in the Northeast. Without the advantages of an integrated national system, such as are provided by the committee substitute amendment, no region outside of the Northeast would be able, on its own, to survive financially for more than a short while. For travelers in the South, the Midwest, the Southwest, the Plains States, the Mountain region, the Far West, and the Northwest, the Pell amendment will not assure future rail passenger service.

Second. It would sound the death knell for long-haul rail passenger transportation in the United States. It provides no money for and creates no organization that would be responsible for a long-distance service. There would be no place for the California Zephyr, the Super Chief, the Broadway Limited, the Panama Limited, the Empire Builder, or any of the excellent trains operating between New York, Florida, and the South. The proposal thus would eliminate service that is now well patronized, deprive the public of a good transport alternative, and axe thousands of rail jobs.

Third. It is cumbersome and unworkable, from both an operational standpoint and in terms of the ability of railroads to affiliate with the various regional corporations it would spawn. Rail service is not confined to a single region or regions. Existing rail routes crisscross regions and run in between. Rail service in the Northeast, for example, is intrinsically intertwined with service to and from the West and to and from the South. It is simply impractical to separate intranortheast service from other regions and other parts of the country. Further, from a practical accounting standpoint, it would be impossible for any railroad to determine what it would owe to any particular corporation since its books would not be kept on a basis consistent with the implicit requirements of section 401(a)(2).

Fourth. It creates a budgetary puzzle. The sponsors speak of 18 separate regional corporations. Though it is not clear I assume that the amount for all 18 corporations would total the same as the amount contained in amendment 608. If this is true it is not unlikely that a major portion of the funds allocated would be eaten up by substantial administrative costs of the 18 corporations.

SUMMARY OF CASE FOR THE COMMITTEE CORPORATION APPROACH

A practical, financially feasible approach.

Involves no continuing government operating subsidy.

Offers real opportunity for improved rail passenger service.

Will afford modern service in a basic system serving all parts of the country. Major long-haul routes will be included along with extensive service in corridor regions.

Helps the railroads, but exacts a reasonable quid pro quo.

Provides vastly improved intercity transportation for the traveling public: Rail passenger service likely to be maintained in virtually all States and regions, but with the elimination of routes that are unlikely to be financially self-sustaining.

For rail labor: Creates chance of new jobs without diminishing protective features.

Allows States and local communities to maintain rail passenger service that would otherwise be discontinued by agreeing to meet operating deficits, in an amount not less than 50 percent.

Mr. President, I want to again repeat the great respect that all members of the committee have for the fine work that the Senator from Rhode Island (Mr. PELL) has done in this area. It has been an outstanding contribution. He has been on this matter a long time. But I would hope the Senate would reject the amendment.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, the bill we consider today is one of great importance to the Nation in terms of meeting the transportation needs of a growing and mobile population. I do not think there is any need to site the growing concern of the traveling population about the provision of efficient intercity rail passenger service. Response to this concern is demonstrated by the recognition that if such service is to be provided, the Federal Government is going to have to play a significant role in the maintenance and distribution of that service.

And so, I have no wish to impede the Senate in its attempt to take necessary action to guarantee the provision of a national rail passenger system. However, I do join with Senator PELL in questioning the approach and the emphasis of S. 3706.

If I may, I would like to outline the rationale behind the substitute amendment Senator PELL and I have offered.

It is my firm belief that the transportation problems faced by this Nation today cannot be resolved within the same framework that contributed to their development. We in the Congress can no longer afford to consider specific transportation problems in a vacuum. We must concentrate our efforts on the development of balanced, intermodel transportation systems for the future. And we must develop those systems to meet the needs of the traveling population in the most efficient and economically viable way.

Any review of the transportation situation as it exists today immediately brings to light some basic facts. The most obvious one is that the crisis in transportation today is in the highly developed, densely populated urban regions of our country. The plain truth is that the jet airplane has solved our long distance and transcontinental transportation needs. And the development of the SST will more than adequately meet our intercontinental transport needs for many years to come.

However, we do not have the capability to move people efficiently from Boston to New York; from Chicago to Cleveland; from Los Angeles to San Diego; from Miami to Jacksonville; from Portland to Seattle; from Dallas to Houston. Yet, these are the very regions of the country where the demands for fast, convenient, and dependable transportation service is greatest.

I believe that the Senate must recognize the inadequacy of our current approach to the resolution of these regional transportation problems. Senator MAGNUSON, the able chairman of the Commerce Committee, has sponsored legislation which I feel goes to the heart of the problem. His bill, the National Transportation Act, reflects the broad knowledge and creative foresight necessary to come to grips with our national transportation crisis. The National Transportation Act—with its provisions for the establishment of Regional Transportation Planning Authorities and its emphasis on comprehensive transportation planning and research and development—gives us the opportunity to do what we should have done 30 years ago. It gives us the opportunity to plan, develop, and execute rational regional transportation systems that are linked coherently to a comprehensive national transportation policy.

Senator MAGNUSON's bill recognizes the fact that transportation needs differ from region to region. His bill, if approved, would allow the responsibility for the resolution of transport problems to be placed where it belongs—at the regional or local level.

And so, in light of my support for S. 2425, the National Transportation Act, I questioned the use of a national approach to meet our need for a rail passenger system. The substitute amendment I have offered with Senator PELL, carries forth the regional concept as outlined by Senator MAGNUSON by placing responsibility for short distance rail passenger service at the corridor level. At the same time, the amendment recognizes that some long distange rail service may be necessary. It places the responsibility for the development of such necessary service with the Department of Transportation. The Secretary of Transportation will decide if the public interest is served by the continuance of long-haul and transcontinental rail passenger routes. If he decides that such service is necessary, he will have to be willing to commit public moneys to finance such service.

Thus, the substitute amendment eliminates the cross subsidy between urban corridor service and long-distance passenger service. The elimination of such a regressive provision means that all the revenues earned within a specific corridor or region can be plowed back into the improvement or extension of that region's passenger system.

Senator PELL has long been in the forefront of the transportation field. It was through his efforts that President Kennedy gave his approval and support to the Northeast Corridor transportation project. And it is because of this project that we can say with confidence today that the maintenance and improvement of rail passenger service to meet the short-distance travel needs of our urban populations is an economically sound concept.

At the same time, the Northeast Corridor project shows that to achieve such economic viability in the field of rail passenger service, some hard decisions must be made by those who determine transportation policy for the Nation. The first decision to be made is one that recognizes that you cannot hope to develop a break-even operation in the rail passenger field unless you are willing to admit that long-distance passenger service has to be discontinued or, at least, operated and funded separately from short-distance service. Second, to operate short-distance service at maximum efficiency you must be willing to make a significant investment in programs which assist in reducing intercity trip times. In the rail passenger field, time is money. Studies conducted by the Northeast Corridor project staff show that capital investments in short-distance rail service—which result in trip time reduction—produce an increase in patronage which more than pay for the initial investment.

Because Senator PELL and I have followed the Northeast Corridor project closely over the last several years, we realize that the value of the project far exceeds the geographical boundaries within which it was conducted. The transportation problems in the Northeast—although more serious than those in other urban corridors—are similar to the problems developing throughout the Nation in our urban centers. Therefore, we viewed S. 3706 in light of what we have learned as a result of the Northeast Corridor study. And we found the bill not responsive to that new knowledge. First because it fails to provide for the separate operation of short distance and long-haul passenger service. Thus our amendment calls for a program which meets the Nation's needs for rail passenger service on two levels—the first level provides for the establishment of corridor passenger systems to be managed by nonprofit corporations; the second level provides for the continuance of long-haul passenger service at the discretion of the Secretary and administered and financed apart from the corridor systems.

Second, S. 3706 failed to make provisions authorizing the investment of corporation funds in the improvement of existing roadbeds. Here again, the Northeast Corridor project showed that the most necessary and productive improvement that can be made in terms of trip time reduction is the improvement of roadbeds and the elimination of roadbed crossings. Our amendment includes roadbed improvements under the guarantee provisions of S. 3706. Without such a provision, one can well question the extent of the commitment we hope to make today to the maintenance of rail passenger service.

Mr. President, I urge my colleagues to give careful consideration to the amendment currently under consideration. I want to stress that although Senator PELL and I have referred often to the Northeast Corridor transportation project in our arguments in favor of this amendment, we do so because the study represents the Nation's first attempt to review and project the total transportation needs of an economically contiguous geographic region of the country. We do so because we believe that the study has relevance for similar regions across the breadth of our Nation. We do so because the study clearly directs that we place our emphasis in the transportation field on the development of balanced, intermodal transportation systems where they are most needed—in our developing corridor areas.

So I want to take this opportunity to commend Senators MAGNUSON, HARTKE, and PROUTY for their long and productive work in bringing S. 3706 to the Senate floor. I join with them in stressing the urgency of Senate action to guarantee the provisions of rail passenger service to meet the needs of our mobile population. And I hope that they will consider this amendment as an attempt to assist in the realization of that objective.

I want to commend once again the Senator from Rhode Island (Mr. PELL) for his long and continued efforts to represent the public interest in this most important area of national concern. His work has been both productive and farsighted, and it is a pleasure for me to have the opportunity to say it at this time.

Mr. PELL. I thank the Senator from Massachusetts.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. PELL. Mr. President, in digest, there are six advantages to this proposal.

First, this proposal puts the trains where the people are; 76 percent of our population are urbanized. That is where the trains would be used.

Second, my urban corridors amendment puts the trains where they are the most economical mode of moving passengers, that is, in urban corridors of less than 500 miles.

The third advantage of my amend-

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ment is that it creates urban corridor corporations potentially more economically viable than the proposed national rail corporation.

The fourth advantage of my urban corridors proposal is that it provides for the establishment of a national rail policy without the need for a national bureaucracy unresponsive to overall regional transportation requirements.

The fifth advantage of my substitute proposal is that it allows for the development and future use by corridor corporations of new modes of high speed ground transportation, such as tracked air cushioned vehicles, and turbotrains. Finally my urban corridors corporation proposal provides a better deal for the railroads and labor.

Since railroads will have to buy into urban corridor corporations only on the basis of their avoidable losses within the urban corridor system where losses have been low, railroads will not be required to contribute as great a sum as they would to a national corporation which assumed all long distance service.

Also, since the urban corridor corporations would not have to subsidize internally, costly, infrequently scheduled long distance trains, they would be able to run an even greater number of corridor trains thus, with more trains running, rail labor would have more jobs.

I reserve the remainder of my time.

I have two or three questions I hope the Senator from Indiana might answer, on his time.

Mr. HARTKE. I shall be happy to answer the Senator's questions on my time.

Mr. PELL. Mr. President, is it the intention of the sponsors of the national corporation proposal that there will be frequently scheduled train service in the urban corridors? There are many such corridors—more than 15 corridors—as shown by the documents I have inserted in the RECORD. Will there be sufficient scheduled train service to meet passenger demands? Is this the intention of the sponsors?

Mr. HARTKE. It certainly is. This is the intention of the bill, and it is definitely contemplated that greater frequency of service would be the result. The whole purpose of changing the management is simply that we expect the present system of railroad passenger scheduling to be improved upon in such measure as will make it attractive for people to use this type of service.

Mr. PELL. I thank the Senator from Indiana. Is it the intention of the sponsors of the national corporation proposal that the corporation would do its best to utilize new modes of high speed ground transportation, such as the turbotrain which we presently have going in New England, or tracked air cushion vehicles, and systems of that sort?

Mr. HARTKE. Yes, it certainly is. In the hearings on passenger service legislation, it was brought out with considerable emphasis that new techniques of transportation should not be restricted to those in existence today, but that there are other types of vehicles which should be utilized, some of which have already been demonstrated. There is for example, a demonstration vehicle outside Paris, France, which moves over a cushion of air on a small rail. It is completely noiseless and nonpolluting.

The operation of such vehicles by the Corporation could be considered under the act by the Corporation.

Mr. PELL. I thank the Senator. I once had the privilege of riding in that train in France; it is just as the Senator says.

Is it the intention of the sponsors of the proposal that the National Rail Corporation will make every effort to coordinate the overall policy with the needs of the burgeoning urban corridors, no matter where they are, in my part of the country in New England, or perhaps between Chicago and Indianapolis, or Seattle and Portland? Wherever these corridors are, will the thought be kept in mind that these are the areas where demands will probably be greatest?

Mr. HARTKE. Most certainly. It is the view of the sponsors of this legislation that the regional concept is not eliminated from consideration. We simply believe that regional areas should not be defined by the legislation itself. The regional concept is not only considered to be permissive under the concept of amendment No. 608, but the State, regional or local agencies can force the Corporation to institute rail passenger service under certain conditions. Those conditions do, however, include sharing in the financing of the service, which was not within the system as originally designated by the Secretary or subsequently expanded by the Corporation.

In other words, the regional concept is preserved under the bill before us, and I think that if the Senator could see his way clear, possibly we could, under the provisions of this legislation, provide for the adoption of many of the worthwhile ideas that the Senator from Rhode Island has advanced heretofore, not only in committee, but on the floor of the Senate.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. HARTKE. I am happy to yield.

Mr. KENNEDY. Does the Senator think the bill places sufficient emphasis on short-distance service? I know part of his response to the Senator from Rhode Island related to this, but I was interested in any further observations he could make on the subject.

Mr. HARTKE. I would say to the Senator from Massachusetts that, if anything, the whole thrust of our effort accepts the fact that short-distance service is apt to be the most profitable. The only reason I have specifically mentioned long-haul train service is the fact that we do not consider that picture to be nearly as bleak as some people do, and I do not think it is nearly as bleak as the Senator from Rhode Island believes.

In our opinion, there is no question that short-haul intercity transportation would be given priority consideration.

Mr. KENNEDY. I would gather from what the Senator has said, and from the report as well, that he can virtually guarantee improved rail passenger service within the Nation's corridors.

Mr. HARTKE. Let me say that if there is not improved rail transportation service, there are going to be an awful lot of disappointed people in the United States, and at least one Senator will be very much disappointed. I am certain that the passage of this bill will not only save what is evidently now a dying rail passenger service in America, but will revitalize it in a fashion which will make it not only a desirable mode of transportation from a traveler's standpoint, but economically viable as well.

Mr. KENNEDY. Do I correctly understand that this is really the intent and the trust of the legislation?

Mr. HARTKE. The Senator is absolutely correct. That is the intent of the bill.

The ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia). Who yields time?

Mr. HARTKE. Mr. President, I yield such time as he may require to the Senator from Vermont.

Mr. PROUTY. Mr. President, if there should be, and I believe there will be, a substantial restoration of passenger train service in this country, the distinguished Senator from Rhode Island is entitled to most of the credit, because over the years he has been steadfastly working toward this end, and I wish to commend him most highly.

I do, however, feel that I cannot in good conscience support his present amendment, and I associate myself with the remarks made by the distinguished chairman of the subcommittee (Mr. HARTKE). But I do wish to commend the Senator from Rhode Island for the great service he has rendered to the Nation.

Mr. PELL. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes.

Mr. PELL. I thank the Senator from Vermont and the Senator from Indiana, and again congratulate them on having moved ahead as they have.

The bill as it is is a great step forward. I am just trying to make it two steps forward. Moreover, as one who regularly takes, what I do not call the "sleeper" but what I call the "waker," from Rhode Island down here to Washington weekends; and as one who does not really like to fly too much, I would like to think I have a better choice than of being either a little uneasy in an airplane or a little shaken up in the train. I usually end up taking the plane and being a little uneasy.

But whatever the reason may be, I would hope we can get decent rail service in the corridors, and I believe that the pending bill, even without my amendment, is much better than no bill at all.

For that reason, and with the permission of my colleague from Massachusetts, and having assessed the votes that are available in the Senate, and well realizing that I do not have the majority support of this body, I ask unanimous consent, with the permission of the Senator from Indiana, to withdraw my substitute amendment.

The ACTING PRESIDENT pro tempore. The Senator may withdraw his own amendment.

Mr. PELL. Do I not require unanimous consent?

The ACTING PRESIDENT pro tem-

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pore. The Senator does not need unanimous consent.

Mr. PELL. In that case, I have a compromise amendment, which I offer now in behalf of myself and the Senator from Massachusetts (Mr. Kennedy) as an amendment to the Hartke substitute amendment, and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The Assistant Legislative Clerk. The Senator from Rhode Island (Mr. Pell) proposes an amendment for himself and the Senator from Massachusetts (Mr. Kennedy), as follows:

On page 3, line 20, insert the following: "(h) 'Regional transportation agency' means an authority, corporation, or other entity established for the purpose of providing passenger service within a region."

On page 18, line 5, insert after "provided" the following: "(i) either"

On page 18, line 7, insert after "section" the following: "or (ii) by a regional transportation agency, provided such agency gives satisfactory assurance to the Corporation of the agency's financial and operating capability to provide such service, and of its willingness to cooperate with the Corporation and with other regional transportation agencies on matters of through train service through car service, and connecting train service. The Corporation may at any time subsequent to March 1, 1971, contract with a regional transportation agency to provide intercity rail passenger service between points within the basic system included within the service of such agency."

On page 18, line 14, insert after "railroads" the following: "or with regional transportation agencies"

On page 18, line 24, insert after "railroad" the following: "or agency"

On page 26, line 9, insert after "corporation" the following: "or agency"

Mr. PELL. This amendment would——

The ACTING PRESIDENT pro tempore. How much time does the Senator yield himself?

Mr. PELL. I yield myself 5 minutes.

This amendment which the Senator from Massachusetts and I propose allows regional transportation agencies, whether they be a nonprofit corporation or a regional public authority, to contract for passenger service under the corporation's jurisdiction if they give satisfactory assurance to the corporation of their willingness to cooperate with the corporation on matters of through car service and connecting train service.

In other words, if there is a regional transportation agency which can provide passenger service within a region where the corporation is providing passenger service, the regional transportation agency may be allowed to assume that passenger service from the corporation.

My amendment further allows regional transportation agencies to be eligible for guarantees which the Secretary of Transportation may wish to provide under the authority of the substitute amendment establishing the National Rail Corporation.

While the amendment I suggest is not as desirable from my point of view as the substitute amendment I proposed to establish urban corridor corporations, the amendment I propose now does offer a number of distinct advantages.

First, it provides within the National Corporation a role for publicly oriented nonprofit corporations and regional authorities responsive to the overall transportation requirements of balanced transportation policy within a region.

It would be consistent with the excellent bill, S. 2425, introduced by Senators Magnuson, Hart, Hartke, Long, and Pearson to establish regional transportation agencies to undertake balanced transportation planning. I understand that the bill is due for later Senate action.

Second, my amendment would allow for initiatives by publicly minded businessmen and State governments in the improvement of passenger service. It would provide a channel for contributions from business sources and grants from State and local agencies.

Third, it would provide a mechanism for corridors within a region to obtain additional passenger train service. Corridor service provided by a regional agency operating under the provisions of my amendment would not be constrained by the need to funnel profits outside of a corridor to pay for unrelated long distance service. A regional agency operating under the provision I suggest would be able to reinvest its income into meaningful improvements in passenger services within its own corridor.

Mr. President, I think the amendment I suggest is a compromise that reflects everyone's concerns, and I would hope that it would be accepted.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. MAGNUSON. As I understand it, after the many conferences we have had on this matter, the amendment now proposed is purely permissive.

Mr. PELL. That is correct—"may," not "shall."

Mr. MAGNUSON. Second, as the national corporation works toward solving this complex transportation problem, it could allow a regional authority to provide service, either under the bill the Senator mentioned which we introduced for the national corporation or under this bill.

Mr. PELL. This is one bill.

Mr. MAGNUSON. Under the amendment, I mean.

Mr. PELL. Exactly.

Mr. MAGNUSON. Third, the Senator from Rhode Island has done yeoman service in attempting to solve the monumental transportation problems in the New England corridor. Your amendment to the substitute allows, if it seems economically feasible, a private corporation to provide service. Is that correct?

Mr. PELL. That is correct, because we have a group in New England that is moving in that direction.

Mr. MAGNUSON. And that would have to be passed upon by the corporation under the bill, and I suspect that we would want to have some tacit approval of the Department of Transportation on such a private operation. That is desirable.

Mr. PELL. That is not only desirable but also to be expected, since the Secretary of Transportation would have representation on the corporation's board.

Mr. MAGNUSON. I commend the Senator from Rhode Island—and I am sure the Senator from Indiana, the Senator from Vermont, and the Senator from New Hampshire, join me—for his dedicated effort to do something about a transportation problem which I think we are all aware is currently much more acute in the New England corridor than any place else.

Mr. PELL. I thank the Senator from Washington. Actually, while the problem is particularly acute from Boston down to Washington, 20 or 30 years from now, I believe it will be just as acute between Seattle and Portland and in the other corridors around the country.

Mr. MAGNUSON. I hope that will not be true. I hope this bill will start a reverse trend.

Mr. HARTKE. I yield myself such time as necessary.

Mr. President, the amendment submitted by the Senator from Rhode Island has been discussed with Senators Magnuson, Cotton, Prouty, and other members of the committee.

What it would do, in substance, is to preserve the basic organic provisions of the substitute provision which has been introduced and is before the Senate concerning the national corporation concept, and at the same time it would provide for recognition that the regional concept might have some validity within that national framework. For this reason, we have decided that this amendment can be accepted as an amendment to the substitute amendment before the Senate at this time.

The PRESIDING OFFICER. Does the Senator from Indiana yield back his time?

Mr. HARTKE. I yield back the remainder of my time on the amendment.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PELL. Mr. President, I offer an amendment for myself and Senator Kennedy to allow roadbed improvements to be included under the guaranty provisions of the National Corporation Act.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 26, line 9, insert the following: after "finance" "the upgrading of roadbeds and"

Mr. PELL. Mr. President, one of the major problems for the railroads for some time has been that they have had great difficulty in raising capital for roadbed improvements. This has largely been caused by their heavy, historic mortgage debt which has precluded new security issues.

By contrast, the railroads have been able to borrow for equipment purchases at favorable rates. In consequence, rail roadbeds over the country have steadily deteriorated to a considerable extent causing the rash of derailments which have occurred in the last several years. If rail passenger service is even to be maintained at its present levels, money must be spent on restoring roadbeds to levels for safe operation.

It is easy to raise capital for the vehicles that ride the rails, but not for the roadbeds today. The rails themselves are built under exactly the same system as they were built prior to the Civil War, with steel rails, wooden ties, and gravel.

Just 2 weeks ago, I achieved one of the ambitions of my life and rode the high-speed Japanese railroad. I walked down those rails a bit and saw how they were welded, with rubber pads between the rails and ties, and the ties were made of concrete. This is the kind of improvement we should have. It would make a great difference in riding in a railroad car, and would prevent us being shaken up like a martini cocktail.

Moreover, if improvements are to be made in rail passenger operation, particularly in running times which have the greatest payoff in patronage, roadbeds must be upgraded. Otherwise, trains cannot be operated safely at higher speeds.

It may be argued that roadbed improvements on all the passenger mileage of railroads in the United States would cost very large amounts of money. This is true. On the other hand, the Northeast Corridor Transportation Project Report, just released this week, points out that relatively small amounts of money can be invested in selected segments of roadbed with very probable dramatic results in terms of increased patronage.

I ask unanimous consent that the study report of the Department of Transportation on roadbed improvements be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NORTHEAST CORRIDOR REPORT—NEAR TERM COURSES OF ACTION, RAIL PASSENGER SERVICE IN THE NEC 1969

ROADBED IMPROVEMENTS

[Dollars in millions]

Expenditures (cumulative)	Running time reductions-minutes (cumulative)	Time to complete-months	Present value of added gross revenues over 10 years at 10 percent discount	Change in revenues less change in expenditures
New York–Boston:				
10.3 [1]	19.0	6	$30.0	$19.7
21.1	27.8	9	49.9	9.1
36.2	36.8	10	66.3	1.3
52.8	46.3	12	77.9	−5.0
78.2	53.4	12	86.1	−17.2
Washington–New York:				
16.0	9.9	9	37.5	21.5
33.3	17.8	10	67.3	12.5
78.7	28.5	12	107.9	−4.8

[1] Maximum available under Hsgt Act; no other statutory authorization exists.

Note: Reductions in running times are calculated from demonstration schedules in effect during June 1969.

Mr. PELL. According to the corridor report, these roadbed improvements would be paid for several times over by increased revenues. Without guarantees, the corporations will not have sufficient capital resources to make even small roadbed improvements.

Moreover, the corridor report indicates that the most effective improvements which can be made in corridor intercity transportation to reduce passenger trip times are roadbed improvements. This can be done at a lower cost than any improvements in other modes.

What is true in the Northeast Corridor is also almost certainly true of other corridors in the country. If we are to have improvements in rail passenger service, for reasons of safety and better service, improvements must be made to rail roadbeds.

Mr. President, this is a minor amendment and I would hope it would be accepted.

Mr. HARTKE. I yield myself such time as necessary.

Mr. President, the amendment offered by the Senator from Rhode Island certainly is not objectionable on my part as manager of the bill.

I believe that within the concept of section 602 there is authority to take this action at the present time. However, in order to eliminate any question of the authority to deal with the upgrading of roadbeds, I think it would be perfectly legitimate and proper to include the amendment of the Senator from Rhode Island.

I might say that I have personally been on some roadbeds quite often. We passed a railroad safety bill in the Senate, and it is pending in the House of Representatives. It is my opinion that if that bill is passed and signed into law, that, in and of itself, it will require the upgrading of the roadbeds of many of the railroads in the United States.

I have talked with railroad management about this, and they assured me that they are working on it as fast as they can.

I have frequently gone out and pulled spikes out with my fingers. I have picked up some of the ties which are like driftwood. I have observed that bolts were missing on connecting rails.

I have witnessed firsthand a situation where you can see your shoes under a rail as you stand on one side of the rail. In other words you could look underneath the rail supposedly fastened to a tie and see your shoes. The gap between the rail and the tie upon which it is supposed to be located can sometimes be quite large.

Incidentally, in regard to the roadbed in Japan, they use concrete ties. I am not saying that we should use the concrete ties or that there is any specific method for a roadbed which should be used. The Senator from Rhode Island should take care not to catch himself in a trap in assuming that it will be in every case mandatory to upgrade roadbeds. Roadbeds as we now know them, at least, might be out of date if there were utilization of a new method of transportation which did not use a roadbed as we commonly conceive of it today. But in any event we can accept the amendment.

Mr. President, I yield back the remainder of my time.

Mr. PELL. I thank the Senators from Indiana, Vermont, and Washington and, Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CANNON). The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment was agreed to.

Mr. PEARSON. Mr. President, are we under controlled time?

The PRESIDING OFFICER. Yes.

Mr. PEARSON. May I ask the manager of the bill to yield me 5 minutes, in order to propound certain questions either to the manager of the bill or the distinguished Senator from Vermont (Mr. PROUTY), in order to make legislative history.

Mr. HARTKE. Mr. President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. PEARSON. Mr. President, if I may have the attention of the Senator from Vermont, I would ask him, if a railroad enters into a contract with a corporation to be formed under the provisions of S. 3706, is it, then, relieved of its responsibility to furnish passenger service as an intercity passenger carrier?

Mr. PROUTY. Mr. President, in reply to the distinguished Senator from Kansas may I say that section 401(a)(1) provides that such railroad is relieved of its responsibility as a common carrier of passengers by rail, under part 1 of the Interstate Commerce Act, or any other law relating to the provisions of the intercity rail traffic, which provides only for giving notice in accordance with the provisions contained in the act.

Mr. PEARSON. May I ask the Senator further, if such carrier is under such contract with the corporation, is it relieved of its responsibilities to offer passenger service, or must it then go through procedures under section 13(a), or may it merely give notice under that section?

Mr. PROUTY. It would have to go through the usual section 13(a) procedure. All it would have to do is——

Mr. PEARSON. May I ask one further question? If the Senate accepts the amendment under section 201 as offered by the distinguished Senator from Colorado (Mr. ALLOTT), would the Senator's answers to the two prior questions which I put to him be any different in relation to the so-called Allott amendment?

Mr. PROUTY. No. It does not in any way alter the conflict with the procedure for discontinuance of a further contracting railroad as provided in section 401(a)(1). The Senator from Colorado's amendment was intended to deal essentially with railroads not entering into a contract with the corporation. Such railroad corporation which is not included within the basic system goes through the full regular section 13(a) procedure.

Mr. PEARSON. I thank the distinguished Senator from Vermont.

Mr. President, I yield back the remainder of my time yielded to me by the distinguished manager of the bill.

The PRESIDING OFFICER. The question is on agreeing to the substitute.

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Mr. HARTKE. Mr. President, I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2452) to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

The message also announced that the House had passed the bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10105) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes; and that the House receed from its disagreement to the amendment of the Senate numbered 2, to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 13740) for the relief of Kimball Bros. Lumber Co., in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution; and they were signed by the Acting President pro tempore (Mr. Byrd of Virginia):

S. 3007. An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit;

S. 3435. An act to provide for the striking of medals in commemoration in completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy.

H.R. 1951. An act to confer U.S. citizenship posthumously upon Sp4 Aaron Tawil;

H.R. 2817. An act for the relief of Delilah Aurora Gamatero;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 5936. An act for the relief of Kong Wan Nor;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R. 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of Ali Somay;

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia; and

S.J. Res. 193. Joint resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of Smithsonian Institution.

HOUSE BILL REFERRED

The bill (H.R. 13740) for the relief of Kimball Brothers Lumber Co., was read twice by its title and referred to the Committee on the Judiciary.

SUBMISSION OF AMENDMENT TO S. 3151—ENVIRONMENTAL QUALITY

AMENDMENT NO. 613

Mr. PELL. Mr. President, I submit an amendment to S. 3151 and ask that it be printed in full in the Record at this point.

There being no objection, the text of the amendment was ordered to be printed in the Record, as follows:

AMENDMENT NO. 613

On page 2, strike out all that appears on line 19 and all that follows down through line 23 on page 7 and insert in lieu thereof the following:

PROJECTS IN ENVIRONMENTAL EDUCATION

Sec. 3. (a) Sections 803, 805, 807, 808, and 809 of title VIII of the Elementary and Secondary Education Act of 1965, and all references thereto, are redesignated as sections 802, 803, 804, 805, and 806, respectively. Such title VIII is further amended by inserting after section 806 (as so redesignated) the following new section:

"ENVIRONMENTAL EDUCATION

"Sec. 807. (a) There is established, within the Office of Education an Office of Environmental Education (referred to in this section as the 'Office') which, under the supervision of the Commissioner, shall be responsible for the administration of the program authorized by subsection (b). The Office shall be headed by a Director who shall be compensated at the rate prescribed for grade GS–17 in section 5332 of title 5, United States Code.

"(b) (1) The Commissioner shall carry out a program of making grants to, and contracts with, institutions of higher education, State and local education agencies, and other public and private nonprofit educational and research agencies and organizations to support research, demonstration, and pilot projects designed to educate the public on the problems of environmental quality and ecological balance.

"(2) Funds appropriated pursuant to subsection (d) shall be available for such activities as—

"(A) the development of curricula in the preservation and enhancement of environmental quality and ecological balance;

"(B) projects designed to demonstrate and test the effectiveness of such curricula;

"(C) dissemination of information relating to such curricula and to environmental education, generally;

"(D) preservice and inservice training programs on environmental quality and ecology for teachers and other education personnel, public service personnel and government employees, and business and industrial leaders and employees; and

"(E) community education programs.

In addition to the activities specified in the first sentence of this paragraph, such funds may be used for evaluation of the effectiveness of any such activities.

"(3) Financial assistance under this subsection may be made available only upon application to the Commissioner. Applications under this subsection shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation and shall be approved if it—

"(A) provides that the activities for which assistance is sought will be administered by, or under the supervision of, the applicant;

"(B) describes a program for carrying out one or more of the purposes set forth in the first sentence of paragraph (2) which holds promise of making a substantial contribution toward attaining the purposes of this section; and

"(C) sets forth such policies and procedures as will insure adequate evaluation of the activities intended to be carried out under the application.

"(c) (1) There is hereby established an Advisory Council on Environmental Quality Education consisting of twenty-one members appointed by the secretary who shall be persons who are familiar with education, information media, and the problems of environment and ecological balance.

"(2) The Advisory Council shall—

"(A) advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operation of programs assisted under this section;

"(B) make recommendations to the Office with respect to the allocation of funds appropriated pursuant to subsection (d) among the purposes set forth in paragraph (2) of subsection (b) and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects through the nation;

"(C) review applications and make recommendations respecting their dispositions; and

"(D) evaluate programs and projects assisted under this section and disseminate the results thereof.

"(d) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971, and $10,000,000 for each of the succeeding fiscal years ending prior to July 1, 1973.

On page 7, redesignate section 6 as section 4.

On page 8, strike out all that appears on line 13 and all that follows down through line 5 on page 5.

Mr. PELL. Mr. President, the subject of environmental quality is one which has taken the attention of our Nation within the past year. Various ecological disasters have crystalized our thinking about the relationship and responsibilities man must have with and for his own environment. This awakened concern I speak of manifests itself in many ways. The recent April 27 teach-in on our environment is the most visable and perhaps most vocal.

The clearly delineated problems of the environment are one which can be spoken of with clarity; however, viable means to treat the symptoms and cure the problem are somewhat harder to come by. This type of need does not seem to be

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able to command the attention of the press and TV.

I believe that one of the most promising avenues of approach is through education. S. 3151, introduced by Senator GAYLORD NELSON, would establish a Federal program in the field of environmental education. This bill, if enacted, will provide a most needed tool for dealing with the problem of environment, the education of our young to their world and also the training of professionals to deal with the environment.

The bill as introduced is one which speaks most clearly on the problems, and after study I would like to propose amendments to S. 3151 which would establish a procedure for carrying out this proposal. In essence, we would be authorizing funds to be utilized by a new Office of Environmental Education within the Office of Education of the Department of Health, Education, and Welfare. This new office would be able to cut across the interdisciplinary lines presently within our educational system, and would be able to conduct a series of demonstration programs, for a term of 3 years, which would be aimed at finding the best method to achieve the objectives of the bill.

The Subcommittee on Education of the Senate Committee on Labor and Public Welfare will hold hearings on May 19 and 20 on S. 3151 and any proposed amendments.

The PRESIDING OFFICER (Mr. CANNON). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 613) was referred to the Committee on Labor and Public Welfare.

RAIL PASSENGER SERVICE ACT OF 1970

The Senate continued with the consideration of the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CANNON). Does the Senator from Indiana desire a call of the quorum on his own time?

Mr. HARTKE. That is all right, Mr. President. Charge it to me. How much time is left?

The PRESIDING OFFICER. The Senator has 12 minutes remaining on his amendment.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum and ask that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METCALF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 611

Mr. METCALF. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 24, line 20, strike out "seven" and insert in lieu thereof "fifteen".

On page 24, lines 21 through 23, strike the sentence beginning "The panel shall include" through to the end and insert in lieu thereof the following sentence:

"Six members of the panel shall represent the business of investment banking, commercial banking, and rail transportation. Two members shall be representatives of the Secretary of the Treasury and seven members shall represent the public in the various regions of the Nation."

Mr. METCALF. Mr. President, this is a very simple amendment and is very easy to explain.

Mr. COTTON. Mr. President, would the Senator please speak a little louder?

Mr. METCALF. Surely.

By this bill, we establish an advisory council for the financial report of the Corporation of seven members to be established. These seven members, in accordance with the bill, would represent the businesses of investment banking, commercial banking, and rail transportation. There would also be representatives of the Secretary of the Treasury. I believe that is appropriate.

My amendment would add additional public interest members to be appointed by the President. The public interest members would serve with the other members already provided for in the bill and would increase the size of the advisory council from seven to 15.

That means that we would have some leeway to appoint farmers, oilmen, businessmen, consumers, and representatives of other groups to sit with these experts.

There would be eight experts on the advisory council. They would be able to outvote the public interest members. But on the other hand, the general public, the passenger public, the investor public would be represented on this advisory council.

All I am trying to do—and I regret that we have to increase the size of the advisory council, but a committee of 15 is not an unwieldly committee—is to provide that we will have regional and national public interest representation on the adivsory council.

Mr. HARTKE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, I think the amendment of the Senator from Montana is meritorious. I think it does deserve the consideration of the Senate. The Senator suggests the utilization of people not specifically tied to any one type of industry, people who are not just financialy oriented.

I believe that this suggestion should be considered in the appointment of the Financial Advisory Panel.

Since it would be provided that this panel would be established within 30 days after the enactment of the law, I commend the Senator for making such a worthwhile recommendation.

Mr. President, in my capacity as manager of the bill, I am prepared to accept the amendment.

Mr. METCALF. Mr. President, I thank the Senator.

Mr. HARTKE. Mr. President, I yield back the remainder of my time.

Mr. METCALF. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HARTKE. Mr. President, I understand that the Senator from Michigan (Mr. HART) is on his way to the Chamber. He has an amendment to offer.

The PRESIDING OFFICER. Who yields time?

Mr. HARTKE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that a letter from the Interstate Commerce Commission on this legislation be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., May 4, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you very much for your letter of April 30, 1970, requesting an expression of the views of the Interstate Commerce Commission on a draft bill designed to establish a National Rail Passenger Corporation, as set forth in Committee Print No. 7, dated April 27, 1970. The Commission has considered the measure, and I am authorized to state that we favor the objectives of the bill.

The measure would provide for the designation of a basic national rail passenger system and the establishment of a quasi-public corporation to assume the operation of the trains within the system, no longer sought to be operated by the railroads. The railroads contracting with the corporation would be relieved of their responsibilities for rendering intercity rail passenger service, although they would be obliged to supply the crews and furnish the tracks and other facilities necessary for the corporation's operation of the trains, upon such terms and conditions as are agreed upon.

An earlier proposal to establish a quasi-public corporation to assume the operation of the railroads' passenger trains was the subject of a letter which I on February 3, 1970, sent to Mr. Wilfred Rommel of the Bureau of the Budget, a copy of which appears beginning at page 36 of S. Rep. 91–765,

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the Committee Report on S. 3706, a bill providing for direct financial assistance to railroads operating passenger trains. The present proposal is sufficiently dissimilar however that the reservations and misgivings that I then expressed are for the most part no longer pertinent.

That is not to say that the solution that the draft legislation offers to the railroad passenger service problem necessarily is the ideal one or that the form of the bill cannot stand revision and improvement. The proposal, however, does afford a means for preserving to the Nation at least a modicum of intercity rail passenger capacity and is a reasonable alternative to the loss of railroad passenger service altogether, as we fear may be the case if public assistance is not promptly infused. The establishment of a unified, national system of railroad passenger service that the bill contemplates offers a reasonable alternative, and its adoption should not long be delayed.

The Commission long has been concerned that the country's railroad passenger service is deteriorating and disappearing, but under the statutes which have been ours to administer there has been little we have been able to do to arrest these trends.

Attached is a sheet listing changes which we believe will improve the legislation. Other amendments may occur to us as we and our staff have further opportunity to study the proposed bill, and we reserve the right to bring these to the attention of the House Committee on Interstate and Foreign Commerce, if and when it takes up the proposal.

We appreciate greatly the opportunity afforded us to comment on the subject bill.

Sincerely yours,

GEORGE M. STAFFORD,
Chairman.

SUGGESTED AMENDMENTS

1. Section 403 of the bill should be amended to strike the reference to health regulations to be prescribed by the Commission. Jurisdiction in this area already is lodged in the Surgeon General and should continue to reside there.

2. Sections 404, New service and 405, Discontinuance of service, should be amended to vest jurisdiction for resolving disputes between the corporation and public authorities in the Commission rather than in the Secretary.

3. Section 406, Protective arrangements for employees, should be amended to provide that the railroad employees affected and the fair and equitable arrangements for them shall be as provided by section 5(2)(f) of the Interstate Commerce Act.

4. Section 601, Federal grants, should be amended to assure adequate funding to sustain the operating losses that may be incurred until such time as the corporation's operation of passenger trains becomes self-sufficient.

Mr. HART. Mr. President, I apologize to the able Senator from Indiana and other Senators. I did not realize we were on controlled time. I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 20, lines 10 and 11, strike out "law notwithstanding" and insert in lieu thereof "Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, a Federal or State court, agency, or authority to the contrary notwithstanding".

On page 28, beginning with line 10, strike out all through line 15 and insert in lieu thereof: "Upon enactment of this Act, no railroad may discontinue any passenger service whatsoever other than in accordance with the provisions of this Act, notwithstanding the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority."

Mr. HART. Mr. President, it is our intention that no passenger train can be discontinued other than through the provisions of this bill once the bill is enacted. The bill now provides that no railroad may discontinue trains prior to January 1, 1975, unless it enters into a contract with the Corporation. However, the possibility exists that a railroad or railroads will assert that present discontinuance procedures will still apply up till March 1, 1971, which is the last day on which a railroad can enter into such a contract. Moreover, there may be some question as to the effect of enactment of this bill on pending discontinuance proceedings before the ICC, the State commissions, and the courts. My amendment would set this matter to rest.

I fully recognize that this amendment will not by its terms reach those discontinuances which may be effected prior to enactment of the bill. A separate moratorium for this purpose such as I have already introduced would probably not help, as it appears that the Congress will complete action on this bill at least as quickly as it would on a separate moratorium. Nevertheless, I am certain that I am reflecting the earnest concern of many of my distinguished colleagues when I urge the Interstate Commerce Commission and the State regulatory agencies to give appropriate weight to this pending legislation in their deliberations in train discontinuance cases between now and the time of enactment of this bill.

Mr. President, I have discussed this matter with the able manager of the bill. He is familiar with it, and I hope it makes sense to him.

Mr. HARTKE. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, we have discussed this matter, and we are prepared to accept the amendment. It is the opinion of the committee that the provisions of section 802 at the present time do provide for practically the identical purposes which the Senator from Michigan is discussing. But if there is any question, this spells it out more definitely and we are prepared to accept the amendment.

I yield back the remainder of my time.

Mr. HART. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I have a second amendment to offer.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 7, line 9, insert the following, after the word President, strike the period and insert the following: "and at all times at least one such member shall be a consumer representative."

Mr. HART. Mr. President, the amendment that I now call up is a very simple and I hope noncontroversial one. It would merely provide that one of the directors of the corporation created under this legislation shall be a consumer representative. The amendment is so phrased that the consumer representative would be one of those appointed by the President and that there shall be at all times such a representative.

With the increased recognition of the necessity for consumer representation, I believe this amendment makes great good sense. The voice of the consumer should be heard in the deliberations and decisions of this corporation, and I urge acceptance of the amendment.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PROUTY. I understand the amendment would provide that one of the directors of the agency appointed by the President would be a representative of the consumers. Is that correct?

Mr. HART. The Senator's understanding is correct. That is the purpose of the amendment.

Mr. PROUTY. Mr. President, I have no objection.

Mr. HARTKE. Mr. President, the amendment is certainly meritorious. It reminds us once again of the Senator's continued interest in the consumers of this Nation. The Senator's service in this area is recognized throughout the Nation. I commend the Senator and I readily accept the amendment.

Mr. HART. I thank the Senator.

Mr. HARTKE. I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOLE. Mr. President, even those who do not regularly utilize railway passenger service recognize the compelling need to improve that service significantly. The reasons are manifold and much discussed. The problem affects the entire American public.

Many Senators have devoted considerable time and study to designing the best possible role the Federal Government can assume in this area. The Senator from Vermont (Mr. Prouty) has been foremost in these efforts, and I believe his substitute amendment to S. 3706 provides the surest, most effective response to the decline in rail passenger service.

I share the Senator's reservations to the provisions of S. 3706 which would furnish nearly one-half billion dollars in direct operating subsidies to the railroads over a 4-year period. Such a massive expenditure, with no assurances that any net change for the good in the situation would be encountered 4 years hence, seems a tenuous investment at best.

The substitute amendment's approach, calling for creation of a quasi-public corporation similar to COMSAT, and limitation of Federal expenditures to something near $175 million, offers hope for substantial improvements in service as well as responsible Federal expenditure to achieve these goals.

I commend the Senator from Vermont for his dedication to the cause of improving America's rail service and for his efforts in devising a viable and preferable alternative to the committee version of S. 3706.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment, as amended.

The substitute amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HARTKE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pastore), the Senator from Georgia (Mr. Russell), the Senator from Alabama (Mr. Sparkman), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Dodd), the Senator from Iowa (Mr. Hughes), the Senator from Rhode Island (Mr. Pastore), and the Senator from New Hampshire (Mr. McIntyre), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), and the Senator from Hawaii (Mr. Fong), are absent on official business.

The Senator from Utah (Mr. Bennett) and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The Senator from Alaska (Mr. Stevens) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New York (Mr. Goodell) is detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Goodell), and the Senator from South Dakota (Mr. Mundt) would each vote "yea."

The result was announced—yeas 78, nays 3, as follows:

[No. 140 Leg.]

YEAS—78

Aiken
Allott
Anderson
Baker
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Goldwater
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Magnuson
Mansfield
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—3

Allen
Ellender
McClellan

NOT VOTING—19

Bellmon
Bennett
Dodd
Fong
Fulbright
Goodell
Hughes
Inouye
Long
Mathias
McCarthy
McIntyre
Mundt
Pastore
Russell
Sparkman
Stevens
Tydings
Yarborough

So the bill (S. 3706) was passed, as follows:

S. 3706

An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rail Passenger Service Act of 1970".

TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS

§ 101. Congressional findings and declaration of purpose

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity require the continuance and improvement of such service to provide fast and comfortable transportation between crowded urban areas and in other areas of the country, that rail passenger service can help to end the congestion on our highways and the overcrowding of airways and airports; that the traveler in America should to the maximum extent feasible have freedom to choose the mode of travel most convenient to his needs; that to achieve these goals requires the designation of a basic national rail passenger system and the establishment of a rail passenger corporation for the purpose of providing modern, efficient, intercity rail passenger service; that Federal financial assistance as well as investment capital from the private sector of the economy is needed for this purpose; and that interim emergency Federal financial assistance to certain railroads may be necessary to permit the orderly transfer of railroad passenger service to a railroad passenger corporation.

§ 102. Definitions

For purposes of this Act—

(a) "Railroad" means a common carrier by railroad, as defined in section 1(3) of part I of the Interstate Commerce Act, as amended (49 U.S.C. 1(3)) other than the corporation created by title III of this Act.

(b) "Secretary" means the Secretary of Transportation or his delegate unless the context in which it appears indicates otherwise.

(c) "Commission" means the Interstate Commerce Commission.

(d) "Basic system" means the system of intercity rail passenger service designated by the Secretary under title II of this Act.

(e) "Intercity rail passenger service" means all rail passenger service other than commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets and by morning and evening peak period operations, and auto-ferry service characterized by transportation of automobiles and their occupants where contracts for such service have been consummated prior to enactment of this Act.

(f) "Avoidable loss" means the avoidable costs of providing passenger service, less revenues attributable thereto, using the methodology used in the report of the Commission of July 16, 1969, entitled "Investigation of Costs of Intercity Rail Passenger Service."

(g) "Corporation" means the National Railroad Passenger Corporation created under title III of this Act.

(h) "Regional transportation agency" means an authority corporation, or other entity established for the purpose of providing passenger service with a region.

TITLE II—BASIC NATIONAL RAIL PASSENGER SYSTEM

§ 201. Designation of system

In carrying out the congressional findings and declaration of purpose set forth in title I of this Act, the Secretary, acting in cooperation with other interested Federal agencies and departments, is authorized and directed to submit to the Commission and to the Congress within thirty days after the date of enactment of this Act his preliminary report and recommendations for a basic national rail passenger system (hereinafter referred to as the "basic system"). Such recommendations shall specify those points between which intercity passenger trains shall be operated, identify all routes over which service may be provided, and the trains presently operated over such routes, together with basic service characteristics of operations to be provided within the system, taking into account schedules, number of trains, connections, through car service, and sleeping, parlor, dining, and lounge facilities. In recommending said basic system the Secretary shall take into account the need for expeditious rail passenger service within and between all regions of the continental United States, and the Secretary shall consider the need for such service within the States of Alaska and Hawaii and the Commonwealth of Puerto Rico. In formulating such recommendations the Secretary shall consider opportunities for provision of faster service, more convenient service, service to more centers of population, and/or service at lower cost, by the joint operation, for passenger service, of facilities of two or more railroad companies; the importance of a given service to overall system viability; adequacy of other transportation facilities serving the same points; unique characteristics and advantages of rail service as compared to other modes; the relationship of public benefits of given services to the costs of providing them; and potential profitability of the service. The exclusion of a particular route, train, or service from the basic system shall not be deemed to be a presumption that the route, train, or service is not required by public convenience and necessity in any proceeding under section 13a of the Interstate Commerce Act (49 U.S.C. 13a).

§ 202. Review of the basic system

The Commission shall, within thirty days after receipt of the Secretary's preliminary report designating a basic system, review such report consistent with the purposes of this Act and provide the Secretary with its comments and recommendations. The Secretary shall give due consideration to such comments and recommendations. The Secretary shall, within ninety days after the date of enactment of this Act submit his final report designating the basic system to the Congress. Such final report shall include a statement of the recommendations of the Commission together with his reasons for failing to adopt any such recommendations. The basic system as designated by the Secretary shall become effective for the purposes of this Act upon the date that the final report of the Secretary is submitted to Congress and shall not be reviewable in any court.

TITLE III—CREATION OF A RAIL PASSENGER CORPORATION

§ 301. Creation of the Corporation

There is authorized to be created a National Railroad Passenger Corporation (hereinafter referred to as the "corporation"). The Corporation shall be a for profit corporation, whose purpose shall be to provide intercity rail passenger service, employing innovative operating and marketing concepts so as to fully develop the potential of modern rail service in meeting the Nation's intercity passenger transportation requirements. The Corporation will not be an agency or establishment of the United States Government. It shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

§ 302. Process of organization

The President of the United States shall appoint not fewer than three incorporators, by and with the advice and consent of the Senate, who shall also serve as the board of directors for one hundred and eighty days following the date of enactment of this Act. The incorporators shall take whatever actions are necessary to establish the Corporation, including the filing of articles of incorporation, as approved by the President.

§ 303. Directors and officers

(a) The Corporation shall have a board of fifteen directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Eight members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of four years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of two years, and the next three members for terms of three years. Any member appointed to fill a vacancy may be appointed only for the unexpired term of the director whom he succeeds. At all times the Secretary shall be one of the members of the board of directors appointed by the President and at all times at least one such member shall be a consumer representative. Three members of the board shall be elected annually by common stockholders, and four shall be elected annually by preferred stockholders of the corporation. The members of the board appointed by the President and those elected by stockholders shall take office on the one hundred and eighty-first day after the date of enactment of this Act. Election of the remaining members of the board shall take place as soon as practicable after the first issuance of preferred stock by the Corporation. Pending election of the remaining four members, seven members shall constitute a quorum for the purpose of conducting the business of the board. No director appointed by the President may have any direct or indirect financial or employment relationship with any railroad or railroads during the time that he serves on the board. Each of the directors not employed by the Federal Government shall receive compensation at the rate of $300 for each meeting of the board he attends. In addition, each director shall be reimbursed for necessary travel and subsistence expense incurred in attending the meetings of the board. No director elected by railroads shall vote on any action of the board of directors relating to any contract or operating relationship between the Corporation and a railroad, but he may be present at directors' meetings at which such matters are voted upon, and he may be included for purposes of determining a quorum and may participate in discussions at such meeting.

(b) The board of directors is empowered to adopt and amend bylaws governing the operation of the Corporation providing that such bylaws shall not be inconsistent with the provisions of this Act or of the articles of incorporation.

(c) The articles of incorporation of the Corporation shall provide for cumulative voting for all stockholders and shall provide that, upon conversion of one-fourth of the outstanding shares of preferred stock, the common stockholders shall be entitled to four directors and the preferred stockholders shall be entitled to three; upon the conversion of one-half of the outstanding shares of preferred stock the common stockholders shall be entitled to elect five directors and the preferred stockholders shall be entitled to two; upon the conversion of three-fourths of the outstanding shares of preferred stock the common stockholders shall be entitled to elect six directors and the preferred stockholders shall be entitled to elect one; and upon conversion of all outstanding shares of preferred stock the common stockholders shall be entitled to seven directors. Any changes of directors resulting from such stock conversion shall take effect at the next annnual meeting of the Corporation following such stock conversion.

(d) The Corporation shall have a president and such other officers as may be named and appointed by the board. The rates of compensation of all officers shall be fixed by the board. Officers shall serve at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation may have any direct or indirect employment or financial relationship with any railroad or railroads during the time of his employment by the Corporation.

§ 304. Financing of the Corporation

(a) The Corporation is authorized to issue and have outstanding, in such amounts as it shall carry voting rights and be eligible for a common and a preferred, each of which shall carry voting rights and be eligible for dividends. Common stock may be initially issued only to a railroad. Preferred stock may be issued to and held only by any person other than a railroad or any person controlling, as defined in section 1(3)(b) of the Interstate Commerce Act, one or more railroads. The articles of incorporation of the Corporation shall provide for the following respective rights of each issue of stock:

(1) COMMON STOCK.—Common stock shall have a par value of $10 per share and shall be designated fully paid and nonassessable. No dividends shall be paid on the common stock whenever dividends on the preferred stock are in arrears.

(2) PREFERRED STOCK.—Preferred stock shall have a par value of $100 per share and shall be designated fully paid and nonassessable. Dividends shall be fixed at a rate not less than 6 per centum, and shall be cumulative so that, if for any dividend period dividends at the rate fixed in the articles of incorporation shall not have been declared and paid or set aside for payment on the preferred shares, the deficiency shall be declared and paid or set apart for payment prior to the making of any dividend or other distribution on the common shares.

Preferred stock shall be entitled to a liquidation preference over common stock, which shall entitled preferred stockholders to a liquidating payment not less than par value plus all accrued unpaid dividends prior to any payment on liquidation to common stockholders.

Preferred stock shall be convertible into shares of common stock at such time and upon such terms as the articles of incorporation shall provide.

(b) At no time after the initial issue is completed shall the aggregate of the shares of common stock of the Corporation owned by a single railroad or any person controlling, as defined in section 1(3)(b) of the Interstate Commerce Act, one or more railroads, directly or indirectly through subsidiaries or affiliated companies, nominees, or any persons subject to its direction or control, exceed 33⅓ per centum of such shares issued and outstanding.

(c) At no time may any stockholder, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of preferred stock of the Corporation issued and outstanding.

(d) The articles of incorporation shall provide that no shares of any issue of stock may be redeemed or repurchased for five years, following the date of enactment of the Act.

(e) The Corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, non-voting securities, bonds, debentures, and other certificates of indebtedness as it may determine.

(f) The requirement of section 45 (b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–920 (b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the Corporation, and they may exercise such rights without regard to the percentage of stock they hold.

§ 305. General powers of the Corporation

The Corporation is authorized to own, manage, operate, or contract for the operation of intercity rail passenger trains; to carry mail and express in connection with passenger service; to conduct research and development related to its mission; and to acquire by construction, purchase, or gift, or to contract for the use of, physical facilities, equipment, and devices necessary to rail passenger operations. The Corporation shall rely upon railroads to provide the crews necessary to the operation of its passenger trains. To carry out its functions and purposes, the Corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

§ 306. Applicability of the Interstate Commerce Act and other laws

(a) The Corporation shall be deemed a common carrier by railroad within the meaning of section 1(3) of the Interstate Commerce Act and shall be subject to all provisions of the Interstate Commerce Act other than those pertaining to—

(1) regulation of rates, fares, and charges;

(2) abandonment or extension of lines of railroads utilized solely for passenger service, and the abandonment or extension of operations over such lines of railroads, whether by trackage rights or otherwise;

(3) regulation of routes and service and, except as otherwise provided in this Act, the discontinuance or change of passenger train service operations.

(b) The Corporation shall be subject to the same laws and regulations with respect to safety and with respect to dealings with its employees as any other common carrier subject to part I of the Interstate Commerce Act.

(c) The Corporation shall not be subject to any State or other law pertaining to the transportation of passengers by railroad as it relates to rates, routes, or service.

(d) Leases and contracts entered into by the Corporation, regardless of the place where the same may be executed shall be governed by the laws of the District of Columbia.

(e) Persons contracting with the Corporation for the joint use or operation of such facilities and equipment as may be necessary for the provision of efficient and expeditious passenger service shall be and are hereby relieved from all prohibitions of existing law, including the antitrust laws of the United States with respect to such contracts, agreements, or leases insofar as may be necessary to enable them to enter thereinto and to perform their obligations thereunder.

§ 307. Sanctions

(a) If the Corporation engages in or adheres to any action, practice, or policy inconsistent with the policies and purposes of this Act, obstructs or interferes with any activities authorized by this Act (except in the exercise of labor practices not otherwise proscribed by law), refuses, fails, or neglects to discharge its duties and responsibilities under this Act, or threatens any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which the Corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States or, in a case involving a labor agreement, upon petition of any individual affected thereby, to grant such equitable relief as may be necessary or appropriate to prevent or terminate any violation, conduct, or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

§ 308. Reports to the Congress

(a) The Corporation shall transmit to the President and the Congress, annually, commencing one year from the date of enactment of this Act, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the previous year. At the time of its annual report, the Corporation shall submit legislative recommendations for amendment of this Act as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

(b) The Secretary and the Commission shall transmit to the President and the Congress, one year following the date of enactment of this Act and biennially thereafter, reports on the state of rail passenger service and the effectiveness of this Act in meeting the requirement for a balanced national transportation system, together with any legislative recommendations for amendments to this Act.

TITLE IV—PROVISION OF RAIL PASSENGER SERVICES

§ 401. Assumption of passenger service by the Corporation; commencement of operations

(a)(1) On or before March 1, 1971, and on or after March 1, 1973, but before January 1, 1975, the Corporation is authorized to contract with a railroad to relieve the railroad of its entire responsibility for the provision of intercity rail passenger service commencing on or after March 1, 1971. The contract may be made upon such terms and conditions as necessary to permit the Corporation to undertake passenger service on a timely basis. Upon its entering into a valid contract (including protective arrangements for employees), the railroad shall be relieved of all its responsibilities as a common carrier of passengers by rail in intercity rail passenger service under part I of the Interstate Commerce Act or any other law relating to the provision of intercity passenger service: *Provided,* That any railroad discontinuing a train hereunder must give notice in accordance with the notice procedures contained in section 13a(1) of the Interstate Commerce Act.

(2) In consideration of being relieved of this responsibility by the corporation, the railroad shall agree to pay to the corporation each year for three years an amount equal to one-third of 50 per centum of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. The payment to the Corporation may be made in cash or, at the option of the Corporation, by the transfer of rail passenger equipment or the provision of future service as requested by the Corporation. The railroad shall receive common stock from the Corporation in an amount equivalent in par value to its payment.

(3) In agreeing to pay the amount specified in paragraph (2) of this subsection, a railroad may reserve the right to pay a lesser sum to be determined by calculating either of the following:

(A) 100 per centum of the avoidable loss of all intercity rail passenger service operated by the railroad during the period January 1, 1969, through December 31, 1969; or

(B) 200 per centum of the avoidable loss of the intercity rail passenger service operated by the railroad between points within the basic system during the period January 1, 1969, through December 31, 1969.

If the amount owed the Corporation under either of these alternatives is agreed by the parties to be less than the amount paid pursuant to paragraph (2), the Corporation shall pay the difference to the railroad. If the railroad and the Corporation are unable to agree as to the amount owed, the matter shall be referred to the Interstate Commerce Commission for decision. The Commission shall decide the issue within ninety days following the date of referral and its decision shall be binding on both parties.

(4) The payments to the Corporation shall be made in accordance with a schedule to be agreed upon between the parties. Unless the parties otherwise agree, the payments for each of the first twelve months following the date on which the Corporation assumes any of the operational responsibilities of the railroad shall be in cash and not less than one thirty-sixth of the amount owed.

(b) On March 1, 1971, the Corporation shall begin the provision of intercity rail passenger service between points within the basic system unless such service is being provided (i) either by a railroad with which it has not entered into a contract under subsection (a) of this section or (ii) by a regional transportation agency, provided such agency gives satisfactory assurance to the Corporation of the agency's financial and operating capability to provide such service, and of its willingness to cooperate with the Corporation and with other regional transportation agencies on matters of through train service, through car service, and connecting train service. The Corporation may at any time subsequent to March 1, 1971, contract with a regional transportation agency to provide intercity rail passenger service between points within the basic system included within the service of such agency.

(c) No railroad or any other person may, without the consent of the Corporation, conduct intercity rail passenger service over any route on which the Corporation is performing scheduled intercity rail passenger service pursuant to a contract under this section.

§ 402. Facility and service agreements

(a) The Corporation may contract with railroads or with regional transportation agencies for the use of tracks and other facilities and the provision of services on such terms and conditions as the parties may agree. In the event of a failure to agree, the Interstate Commerce Commission shall, if it finds that doing so is necessary to carry out the purposes of this Act, order the provision of services or the use of tracks or facilities of the railroad by the Corporation, on such terms and for such compensation as the Commission may fix as just and reasonable. If the amount of compensation fixed is not duly and promptly paid, the railroad or agency entitled thereto may bring an action against the Corporation to recover the amount properly owed.

(b) To facilitate the initiation of operations by the corporation within the basic system the Commission shall, upon application by the Corporation, require a railroad to make immediately available tracks and other facilities. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable.

§ 403. New service

(a) The Corporation may provide service in excess of that prescribed for the basic system, either within or outside, the basic system including the operation of special and extra passenger trains, if consistent with prudent management.

(b) Any State, regional, or local agency may request of the Corporation rail passenger service beyond that included within the basic system. The Corporation shall institute such service if the State, regional, or local agency agrees to reimburse the Corporation for a reasonable portion of any losses associated with such services.

(c) For purposes of this section the reasonable portion of such losses to be assumed by the State, regional, or local agency, shall be no less than 50 per centum of, nor more than the solely related costs and associated capital costs less revenues attributable to such service. If the Corporation and the State, regional, or local agency are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act, and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 404. Discontinuance of service

(a) Unless it has entered into a contract with the Corporation pursuant to section 401 (a)(1) of this Act, no railroad may discontinue any passenger service whatso ever prior to January 1, 1975, the provisions of any other Act, the laws or constitution of any State or the decision or order of, or the pendency of any proceeding before, a Federal or State court, agency, or authority to the contrary notwithstanding. On and after January 1, 1975, passenger train service operated by such railroad may be discontinued under the provisions of section 13a of the Interstate Commerce Act. Upon filing of a notice of discontinuance by such railroad, the Corporation may undertake to initiate passenger train operations between the points served.

(b) (1) The Corporation must provide the service included within the basic system until January 1, 1975, to the extent it has assumed responsibility for such service by contract with a railroad pursuant to section 401 of this Act.

(2) Service beyond that prescribed for the basic system undertaken by the Corporation upon its own initiative may be discontinued at any time.

(3) If at any time after January 1, 1975, the Corporation determines that any train or trains in the basic system in whole or in part are not required by public convenience and necessity, or will impair the ability of the Corporation to adequately provide other services, such train or trains may be discontinued under the procedures of section 13a of the Interstate Commerce Act (49 U.S.C. 13a): *Provided, however,* That at least thirty days prior to the change or discontinuance, in whole or in part, of any service under this subsection, the Corporation shall mail to the Governor of each State in which the train in question is operated, and post in every station, depot, or other facility served thereby notice of the proposed change or discontinuance. The Corporation may not change or discontinue this service if prior to the end of the thirty-day notice period, State, regional, or local agencies request continuation of the service and within ninety days agree to reimburse the Corporation for a reasonable portion of any losses associated with the continuation of service beyond the notice period.

(4) For purposes of paragraph (3) of this subsection the reasonable portion of such losses to be assumed by the State, regional, or local agency shall be no less than 50 per centum of, nor more than, the solely related costs and associated capital costs less revenues attributable to such service. If the Corporation and the State, regional, or local agencies are unable to agree upon a reasonable apportionment of such losses, the matter shall be referred to the Secretary for decision. In deciding this issue the Secretary shall take into account the intent of this Act and the impact of requiring the Corporation to bear such losses upon its ability to provide improved service within the basic system.

§ 405. Protective arrangements for employees

(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees adversely affected by the following discontinuances of passenger service:

(1) those arising out of a contract with the corporation pursuant to section 401(a) (1) of this Act, and occurring prior to January 1, 1975; and

(2) those undertaken pursuant to section 404(a) of this Act.

(b) Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective-bargaining agreements or otherwise; (2) the continuation of collective-bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (4) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2) (f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of this title shall specify the terms and conditions of such protective arrangements.

Final settlement of any contract under section 401(a) (1) of this Act between a railroad and the Corporation may not be made unless the Secretary of Labor has certified to the Corporation that adversely affected employees have received fair and equitable protection from the railroad.

(c) After commencement of operations in the basic system, the substantive requirements of subsection (b) of this section shall apply to the Corporation, and the certification by the Secretary of Labor shall be a condition to the discontinuance of any trains by the Corporation pursuant to section 404(b) of this Act.

(d) The Corporation shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Corporation shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. Health and safety standards promulgated by the Secretary of Labor pursuant to Public Law 91–54 (40 U.S.C. 333) shall be applicable to all construction work performed under such contracts or agreements.

(e) The Corporation shall not contract out any work normally performed by employees in any bargaining unit covered by a contract between the Corporation or any railroad providing intercity rail passenger service upon the date of enactment of this Act and any labor organization, if such contracting out shall result in the layoff of any employee or employees in such bargaining unit.

TITLE V—ESTABLISHMENT OF A FINANCIAL INVESTMENT ADVISORY PANEL

§ 501. Appointment of advisory panel

Within thirty days after enactment of this Act, the President shall appoint a fifteen-man financial advisory panel. Six members of the panel shall represent the business of investment banking, commercial banking, and rail transportation. Two members shall be representatives of the Secretary of the Treasury and seven members shall represent the public in the various regions of the Nation.

§ 502. Purpose of advisory panel

The advisory panel appointed by the President shall advise the directors of the Corporation on ways and means of increasing capitalization of the Corporation.

§ 503. Report to Congress

On or before January 1, 1971, the panel shall submit a report to Congress evaluating the initial capitalization of the Corporation and the prospects for increasing its capitalization.

TITLE VI—FEDERAL FINANCIAL ASSISTANCE

§ 601. Federal grants

There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 to remain available until expended, for payment to the Corporation for the purpose of assisting in—

(1) the initial organization and operation of the Corporation;

(2) the establishment of improved reservations systems and advertising;

(3) servicing, maintenance, and repair of railroad passenger equipment;

(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

(5) the development and demonstration of improved rolling stock; and

(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads.

§ 602. Guaranty of loans

The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal or interest on securities, obligations, or loans issued to finance the upgrading of roadbeds and the purchase by the Corporation or agency of new rolling stock, rehabilitation of existing rolling stock and for other corporate purposes. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance, and the amount of guaranteed loans outstanding at any time may not exceed $60,000,000. The Secretary shall prescribe and collect from the lending institution a reasonable annual guaranty fee. There are authorized to be appropriated such amounts as necessary to carry out this section not to exceed $60,000,000.

TITLE VII—INTERIM EMERGENCY FEDERAL FINANCIAL ASSISTANCE

§ 701. Interim authority to provide emergency financial assistance for railroads operating passenger service

For the purpose of permitting a railroad to enter into or carry out a contract under section 401(a) (1) of this Act, the Secretary is authorized, on such terms and conditions as he may prescribe, to (1) make loans to such railroads, or (2) to guarantee any lender against loss of principal or interest on any loan to such railroads. Interest on loans made under this section shall be at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum. No loan may be made, including renewals of extensions thereof, which has a maturity date in excess of five years. The maturity date on any loan guaranteed, including all renewals and extensions thereof, shall not be later than five years from the date of issuance. The total amount of loans and loan guaranties made under this section may not exceed $75,000,000.

§ 702. Authorization for appropriations

There are hereby authorized to be appropriated such amounts not to exceed $75,000,000 as may be necessary to carry out the purposes of this title. Any sums appropriated shall be available until expended.

TITLE VIII—MISCELLANEOUS PROVISIONS

§ 801. Adequacy of service

The Commission is authorized to prescribe such regulations as it considers necessary for the comfort and health of intercity rail passengers. Any person who violates a regulation issued under this section shall be subject to a civil penalty of not to exceed $500 for each violation. Each day a violation continues shall constitute a separate offense.

§ 802. Effect on pending proceedings

Upon enactment of this Act, no railroad

may discontinue any passenger service whatsoever other than in accordance with the provisions of this Act, notwithstanding the provisions of any other Act, the laws or constitution of any State, or the decision or order of, or the pendency of any proceeding before, any Federal or State court, agency, or authority.

§ 803. Separability

If any provisions of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 804. Accountability

Section 201 of the Government Corporation Control Act of 1945 (31 U.S.C. 856; 59 Stat. 600) is amended by striking "and (4)" and inserting in lieu thereof "(4) Federal Deposit Insurance Corporation and (5)" and adding "National Railroad Passenger Corporation" at the end thereof.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HARTKE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARTKE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make necessary technical and clerical changes in the engrossment of the bill just passed, S. 3706.

Mr. President, I want to take this opportunity to commend the many persons who have contributed to the passage of this very significent legislation. To Senator Warren Magnuson, Senator Norris Cotton, and Senator Winston Prouty I reiterate my earlier comments. The bipartisan effort associated with this bill has been incredible. I want to also express my personal gratitude to the fine staff members who have spent so many long hours trying to fashion legislation which would be workable and at the same time acceptable to a majority of the Senate. I especially wish to commend Mr. A. Daniel O'Neal, the Surface Transportation Counsel for the committee; Mr. Henri Rush and Mr. J. Paul Malloy, counsels for the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the Senate dealt with this extremely important measure swiftly and most thoroughly. It concerned nothing less vital than assistance for the national rail passenger system. Its efficient disposition was due in large measure to its expert handling by the distinguished Senator from Indiana (Mr. Hartke). Joining the able chairman of the Committee on Commerce, the Senator from Washington (Mr. Magnuson), Senator Hartke led the Senate discussion in a most exemplary manner. His leadership was greatly appreciated.

But the chairman as well is to be highly commended. Senator Magnuson has again performed an outstanding public service for lending his meaningful and most effective support to this proposal. The ranking minority member of the committee, the able Senator from New Hampshire (Mr. Cotton) deserves our commendation as well for the fine manner in which he added to the overall debate, and for his cooperation and understanding. He and the distinguished Senator from Vermont (Mr. Prouty) contributed immensely to this remarkable success.

The distinguished Senator from Rhode Island (Mr. Pell) played a vital role. His cooperation, I might say, permitted the ready acceptance of this bill by the Senate. We are indebted to him for his great contribution on this measure.

Others too added to the debate. Notable were the efforts of the distinguished Senator from Kansas (Mr. Pearson) and those of the distinguished Senator from Massachusetts (Mr. Kennedy).

The Senate has once again exhibited its willingness to respond effectively to its legislative chores. Today it did so on a highly important measure. I wish to commend each Senator for his participation and cooperation.

Mr. SCOTT. Mr. President, I welcome the Senate's action today in approving legislation to upgrade, continue, and improve vital rail passenger service in this country.

With this legislation, the "Railroad Passenger Service Act of 1970," I believe we have provided the necessary framework that will enable America's railroads to meet the challenge of a new era. As the Nation's highways and airways reach points of critical congestion, that challenge clearly demands that American railroads find new opportunities to regain lost patronage and to attract new riders.

That is the purpose of this bill. As a member of the Senate Commerce Committee and its Transportation Subcommittee, I am pleased especially by the role both have played in making the "Railroad Passenger Service Act of 1970" possible.

Basic to this bill, Mr. President, is its mandate to the Secretary of Transportation to develop a national rail passenger system to halt passenger discontinuances and to bring, for the first time, Federal coordination to the task of identifying cities between which passenger train service is to operate. It is worth noting that this plan would consider, as matters of equal importance, questions affecting the quality of passenger service, including accommodations to be provided, the number of trains to be operated, and scheduling convenience.

Once established, the national rail passenger system would be implemented through a new and innovative corporate structure which would be authorized to own, operate, manage, and contract with existing railroads for the maintenance and improvement of rail passenger service. Research and development in new and modern rail passenger techniques would be specifically authorized and encouraged.

The Federal commitment to this effort, provided by this bill, is substantial. Some $40 million for the improvement of existing railroad passenger service would be immediately available. In addition, the Federal Government would provide $60 million in loan guarantees for the purchase and rehabilitation of rolling stock, and $75 million in loans and guarantees over a 5-year period for Federal assistance to the railroads in the operation of rail passenger service.

In 1965, I cosponsored and worked actively for the enactment of the High Speed Ground Transportation Act, the legislation which already has made possible the New York-to-Washington "Metroliner" and its turbo-powered counterpart now operating between Boston and New York. Pennsylvanians, both through the Budd Co. at Philadelphia and General Electric's extensive facilities in the Commonwealth, are particularly proud of the major role they have played in the success of the "Metroliner" project. Proof is available that the concept of rail passenger service need not disappear in this country. Properly encouraged, especially in highly populated rail corridors, it can succeed.

Mr. President, I view today's passage of the "Rail Passenger Service Act of 1970" as a timely and logical extension of action already begun. I am hopeful that the House of Representatives will now move quickly on this bill so that the promise of a rail passenger transportation system capable of meeting the challenge of new decades can become a reality.

Finally, Mr. President, no comments that I have to make on this legislation would be complete if I did not pay the very highest tribute to the junior Senator from Vermont (Mr. Prouty).

As ranking member of the Surface Transportation Subcommittee, his efforts in working to effect a compromise acceptable to the administration, to the railroads, and to the unions cannot be overstated.

If there is one man to whom credit should go for the favorable action that this body has taken today, it is to the junior Senator from Vermont (Mr. Prouty).

This Senate, this Nation, and, above all, the people of Vermont, can take pride in knowing that a man, such as Senator Prouty, represents them and has their interests at heart.

As a member of the Senate Commerce Committee, I again applaud the efforts of Senator Prouty.

LEGISLATIVE PROGRAM

Mr. GRIFFIN. I should like to inquire of the distinguished majority leader, if he can advise us, concerning the schedule for the rest of the day and the rest of the week, if possible.

Mr. MANSFIELD. Mr. President, it is anticipated that following the disposal of the authorization for appropriations to the National Aeronautics and Space Administration, the next order of business will be Calendar No. 842, H.R. 15945, an act to authorize appropriations for certain maritime programs of the Department of Commerce; and following that, the coast guard authorization bill, which has been reported by the Committee on Commerce.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLOTT TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, at the conclusion of the prayer tomorrow, the distinguished senior Senator from Colorado (Mr. ALLOTT) be recognized for not to exceed 1 hour and 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING THE CONSIDERATION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. I ask unanimous consent that, at the conclusion of the remarks of the Senator from Colorado (Mr. ALLOTT) tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the further information of the Senate, it is anticipated, barring objections, that the nomination of Judge Blackmun to the Supreme Court will be taken up on Monday next.

That is about the extent of the program.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On May 1, 1970:

S. 3253. An act to provide that the Federal Office Building and United States Courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building."

On May 4, 1970:

S. 1968. An act to authorize the Secretary of the Interior to permit the removal of the Francis Asbury statue, and for other purposes.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. EAGLETON) laid before the Senate a message from the President of the United States the nomination of J. Richard Lucas, of Virginia, to be Director of the Bureau of Mines, which was referred to the Committee on Interior and Insular Affairs.

CHANGE IN CONFEREES

Mr. WILLIAMS of Delaware. Mr. President, the Senator from Utah (Mr. BENNETT) was appointed as a conferee on H.R. 14465, the airports bill. The conference committee is meeting this afternoon, and the Senator from Utah is out of town on official business.

With his consent, I ask unanimous consent that the name of the Senator from Nebraska (Mr. CURTIS) be substituted as a conferee on this bill in place of the Senator from Utah.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia) laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation To Authorize Reimbursement for Quarters for Certain Members of the Naval Service

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize reimbursement for expenses incurred in obtaining quarters by certain members of the naval service on sea duty who are deprived of their quarters aboard ship, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Proposed Legislation Providing for Promotion of Certain Officers in the Naval Reserve

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 5891 of title 10, United States Code, providing for the consideration for promotion and the promotion of certain officers in the Naval Reserve (with an accompanying paper); to the Committee on Armed Services.

Proposed Legislation Relating to Assignment of Lineal Position to Certain Officers of the Navy and Marine Corps

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 5504 of title 10, United States Code, relating to assignment of lineal position to certain officers of the Navy and Marine Corps (with an accompanying paper); to the Committee on Armed Services.

Proposed 4 Year Extension of Law Permitting Foreign Nationals of Countries Assisting United States in Vietnam To Attend the Three Service Academies

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend the existing provisions of law which permit persons from countries assisting the United States in Vietnam to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and to extend for a temporary period the existing provisions of that law, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

Report of Actual Procurement Receipts for Medical Stockpile of Civil Defense Emergency Supplies and Equipment Purposes

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, on actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ended March 31, 1970; to the Committee on Armed Services.

Proposed Donation by Navy of Locomotive to the Blackberry Creek Railway Historical Society

A letter from the Under Secretary of the Navy, transmitting, pursuant to law, the information of the intention of the Department to donate one locomotive, diesel-electric, to the Blackberry Creek Railway Historical Society, Inc., Jacksonville, Fla.; to the Committee on Armed Services.

Report of Board of Governors, Federal Reserve System

A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of the Board of Governors of the Federal Reserve System for calendar year 1969 (with an accompanying report); to the Committee on Banking and Currency.

Report of Grants for Basic Scientific Research, Department of Defense

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report showing grants for basic scientific research made by the Department to nonprofit institutions during calendar year 1969 (with an accompanying report); to the Committee on Government Operations.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the questionable justification and loose administration of the special cost-of-living allowance paid to certain civilian employees in the Republic of Vietnam, Department of State, dated May 5, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation Prohibiting Unauthorized Use of the Character "Johnny Horizon"

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to prevent unauthorized use of the character "Johnny Horizon," and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation To Clarify the Law Relating to Salary Protection in the Post Office Department

A letter from the Postmaster General, transmitting a draft of proposed legislation to clarify the law relating to salary protection (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS

The ACTING PRESIDENT pro tempore (Mr. BYRD of Virginia) laid before the Senate a Resolution of the Senate of the State of Maryland, which was referred to the Committee on Foreign Relations, as follows:

Senate Resolution No. 78

(By Senators Curran, Anderson, Azrael, Bailey, Bertier, Bertorelli, Bishop, Brubaker, Byron, Clark, Connelly, Conroy, Cook, Emanuel, Friedler, Hall, Hughes, Manning, McGuirk, Pine, Schweinhaut, and Steinberg)

Senate Resolution strongly protesting the treatment of American servicemen and civilians held prisoner by North Vietnam and by

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the National Liberation Front of South Vietnam and calling upon them to comply with the 1949 Geneva Convention.

Whereas, More than 1,400 members of the U.S. Armed Forces, plus 35 civilians are known or believed to be prisoners of North Vietnam and the National Liberation Front of South Vietnam as a result of the conflict in Southeast Asia; and

Whereas, The families of forty-nine of these servicemen are residents of the State of Maryland; and

Whereas, North Vietnam and the National Liberation Front of South Vietnam have repeatedly refused to release the names of the prisoners that they hold, to allow inspection of prison facilities by neutral parties, to permit a regular exchange of mail between prisoners and their families, to release seriously ill or injured prisoners, and to engage in negotiations for the release of all prisoners; and

Whereas, These actions on the part of the enemy are in direct and flagrant violation of the requirements of the 1949 Geneva Convention on prisoners which North Vietnam has ratified and by which it is bound; and

Whereas, The refusal of North Vietnam and the National Liberation Front of South Vietnam to identify members of the United States Armed Forces and civilians who are in their custody has caused immeasurable distress, agony and uncertainly in the hearts of their loved ones; and

Whereas, All evidence indicates inhumane treatment of United States servicemen and civilians by their captors, which violates fundamental standards of human decency and deviates from civilized concepts concerning the treatment of prisoners of war; and

Whereas, The twenty-first International Conference of the Red Cross, on 13 September, 1969, approved by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to prevent violations of the Geneva Convention on prisoners of war; and

Whereas, The House of Representatives, on 15 December, 1969, adopted by a roll call vote of 405 to 0 a resolution calling on North Vietnam and the National Liberation Front of South Vietnam to comply with the provisions of the 1949 Geneva Convention; and

Whereas, The United States of America has always abided by these provisions; now, therefore, be it

Resolved by the Senate of Maryland, On behalf of the residents of the State and United States citizens generally, strongly protests the treatment of American servicemen and civilians held prisoner by North Vietnam and the National Liberation Front of South Vietnam, and calls on them to comply with the requirements of the 1949 Geneva Convention relative to the Treatment of Prisoners of War, and endorses efforts by the United States Government, the United Nations, the International Red Cross, and leaders and peoples of the world toward attaining that objective; and be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives, the Department of State, the Department of Defense, all Maryland Senators, all Maryland Congressmen, and William Michael Tolley, 1206 Briggs-Chaney Road, Silver Spring, Maryland.

Read and adopted.

By the Senate, March 27, 1970.

By order, Oden Bowie, Secretary.

WILLIAM S. JAMES,
President of the Senate.
ODEN BOWIE,
Secretary of the Senate.

Mr. KENNEDY. Mr. President, I present for the consideration of the Senate a resolution passed by the House of Representatives of the Commonwealth of Massachusetts memorializing the President of the United States, the Congress of the United States and the Secretary of State in support of the State of Israel, and ask that it be printed in the RECORD and appropriately referred.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

The resolution was referred to the Committee on Foreign Relations, as follows:

RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES, AND THE SECRETARY OF STATE IN SUPPORT OF THE STATE OF ISRAEL

Whereas, The United States of America was the first foreign power to recognize the new State of Israel in 1948 and since that time has maintained with the State of Israel common friendship, cooperation and an identity of interest in the aims of democratic government; and

Whereas, Israel is the sole bastion of democracy in the Middle East and the staunch and tested friend of the United States and its presence in the Middle East; and

Whereas, The identity of interests between the United States of America and Israel flourished and were secured under the bipartisan policy of all successive administrations since 1948; and

Whereas, Israel, without the utilization of a single foreign soldier, is resisting the communist thrust into the Middle East; and

Whereas, Recent policy statements of the State Department and of the present administration in Washington denote a reversal of that policy of mutual trust, cooperation and the pursuit of common goals in disregard of the realities of the historical perspectives, politics and physical necessities of Israel's present posture in the Middle East; and

Whereas, Such reversal of policy by the State Department threatens a grave injustice to a friend and ally and the destruction of our self interest in the Middle East; now, therefore, be it

Resolved, That the Massachusetts General Court calls upon the President of the United States, the Congress of the United States and the State Department of the United States to once again recognize and reaffirm its commitment to a peace between the Arab States and Israel arrived at only by direct negotiations between the two parties directly concerned, and by the recognition by the Arab States of the sovereignty of the State of Israel; to declare and affirm as basic policy that while the United States is desirous of being a friend to all nations of the Middle East that it will not purchase this friendship at the cost of a holocaust in the State of Israel; and to declare a restriction on the sale of arms to Israel cannot be imposed by the United States so long as the Soviet Union and other nations do not recognize a similar duty to restrict their contribution to the escalation of the arms race in the Middle East by wholesale commitment of offensive arms to the Arab States, in any event, to insure that Israel's capacity to defend herself without the requisite that foreign troops intervene be maintained in its complete integrity; and be it further

Resolved, That copies of this joint resolution be forwarded by the Secretary of the Commonwealth to the President of the United States, the Massachusetts members of the Congress of the United States and to the Secretary of State of the United States.

Senate, adopted, April 13, 1970.

NORMAN L. PIDGEON, *Clerk.*

House of Representatives, adopted in concurrence, April 21, 1970.

WALLACE C. MILLS, *Clerk.*

A true copy.
Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 2991. A bill to extend the Act establishing Federal agricultural services in Guam (Rept. No. 91–844).

By Mr. AIKEN, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 5554. An act to provide a special milk program for children (Rept. No. 91–842).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with amendments:

H.R. 14810. An act to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs (Rept. No. 91–843).

By Mr. LONG, from the Committee on Commerce, without amendment:

H.R. 15694. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (Rept. No. 91–846).

By Mr. LONG, from the Committee on Commerce, with amendments:

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard (Rept. No. 91–847).

By Mr. GRAVEL, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 12858. An act to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States (Rept. No. 91–848).

POISON PREVENTION PACKAGING ACT OF 1970—REPORT OF A COMMITTEE (S. REPT. NO. 91–845)

Mr. MOSS. Mr. President, on behalf of the Committee on Commerce, I report favorably, with amendments, S. 2162, the Poison Prevention Packaging Act of 1970, as amended.

The purpose of S. 2162 is to reduce injuries to, and illnesses of, young children arising from ingestion of toxic or harmful substances customarily produced or distributed for sale for consumption, use, or storage by individuals in or about the household. The purpose of the bill is to be accomplished by requiring household substances, which are accessible to young children and which may cause injury or illness, to be contained in special packaging that is significantly difficult for children under 6 years of age to open or obtain a toxic or harmful amount of such substances within a reasonable time, but not difficult for normal adults to use properly. Special packaging is considered to be practicable because young children lack adult capabilities of strength, mastery of more complex operations and dexterity.

The scope of S. 2162 extends across all product lines and types to include all substances customarily produced or distributed for sale for consumption, use, or storage in or about the household. The bill authorizes the Secretary of Health, Education, and Welfare to determine whether a substance should be contained in special packaging on the basis of its degree or nature of hazard to children. It empowers the Secretary after consultation with a technical advisory committee to establish performance standards for special packaging designed to protect young children against obtaining harmful amounts of such substance. Failure to conform to special packaging standards will result in the substance being deemed misbranded under applicable provisions of the Federal Hazardous Substances Act, the Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act and subject to the penalties therein prescribed.

Although special packaging, by definition, is not to be difficult for normal adults to use, the committee recognized that elderly and handicapped persons—such as those with infirmities of the hand—may experience particular problems in opening special packaging. Accordingly, the committee has provided that substances for which special packaging standards have been established may, nonetheless, be marketed in one size of ordinary container not complying with special packaging standard, or if dispensed pursuant to prescription, may be sold in ordinary packaging at the purchasers request, for the use of the elderly and the handicapped. The single size container is to bear a label statement: "This package for households without young children."

The bill provides for creation of a technical advisory committee composed of members representative of industry, the public and the scientific and medical professions to advise the Secretary in making findings and establishing standards for substances.

Although the bill would become effective upon enactment, it provides that the effective date of regulations will be not sooner than 180 days after final promulgation of regulations. Moreover, the bill provides that States may not establish or continue in effect standards not identical with Federal standards.

The problem with which S. 2162 is concerned is doubtless familiar to you in its general outlines. Young children are curious and determined to investigate their new and expanding world. But they are not experienced and they are not cautious. Products that are safe for adults can be deadly for children who have not learned to handle them properly.

More specifically, children explore by sampling—and their mouths are their sampling devices. They do not restrict their intake to rocks and worms; they also sample medicines and cosmetics, drain cleaners and furniture polish, kerosene and paint thinner. Medicines and drugs account for about 50 percent of the cases. But examples of poisons are legion. Ingestion of potentially hazardous household substances is the most common medical emergency facing young children. There were 71,000 ingestions and 4,000 hospitalizations involving children under 5 years of age reported to the Poison Control Centers in 1968; 325 children died in 1967 from these causes. But the reported figures do not give an accurate picture of the actual number of emergencies, and the number of deaths does not reveal the true dimensions of the tragedy. Estimates place serious cases of ingestion between 500,000 and 2 million. Mortality alone fails to reveal the suffering during convalescence of children who recover and the toll paid by those who are maimed for life.

I cannot forget a case described in our hearings. Young Michael, 18 months, got into electric dishwashing compound one morning. His mother, who had training as a nurse, quickly washed out his mouth and throat, but to no avail. The highly corrosive product severely burned his throat. He was in surgery for 6 hours, several times close to death, and to the date of the hearings, 14 months later, was required to return to the hospital for 1 of every 7 days to have dilated the scar tissue that threatens to close off his throat. Other witnesses testified that this was not a typical case.

The committee believes that the proper purpose of S. 2162 should be not only prevention of deaths, but also prevention of accidents themselves. Immeasurable tragedy occurs in cases where the child does not die, but is forced to undergo medical treatment and, perhaps, to spend the remainder of his life with some accident-caused impairment of his facilities.

The efficacy of several forms of existing child-resistant containers in preventing access to their contents has been established. For example, laboratory tests conducted with small, but statistically sufficient, numbers of children show that some types of child-resistant containers baffle at least three-fourths of the youngsters confronted with them. A large-scale field test involving over 600,000 containers and extending over 2 years has shown that 90 percent of poisoning due to medicines can be prevented by dispensing medicines in child-resistant containers.

In light of this evidence, and mindful of the failure of prior efforts to secure widespread usage of child-resistant packaging, the committee feels that legislation is now necessary to bring the benefits of such packaging to the American public. We look forward to the day when accidental poisoning of young children will not be as common a tragedy as it is today.

The PRESIDING OFFICER (Mr. Schweiker). The report will be received and the bill will be placed on the calendar; and the report will be printed.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. COTTON:

S. 3803. A bill to amend part I of the Interstate Commerce Act, as amended, to authorize railroads to publish rates for use by common carriers; to the Committee on Commerce.

S. 3804. A bill for the relief of Constance W. Daniels; to the Committee on the Judiciary.

(The remarks of Mr. Cotton when he introduced S. 3803 appear later in the Record under the appropriate heading.)

By Mr. EASTLAND:

S. 3805. A bill for the relief of Richard W. Yantis; to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. Metcalf and Mr. Moss):

S. 3806. A bill to promote the economic development of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Illinois:

S. 3807. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Smith of Illinois when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. THURMOND (for himself and Mr. Ervin):

S. 3808. A bill to limit the jurisdiction of courts of the United States with respect to the assignment of students; to the Committee on the Judiciary.

By Mr. NELSON:

S. 3809. A bill to authorize the Commissioner of Education to award fellowships to persons preparing for environmental careers; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Nelson when he introduced the bill appears later in the Record under the appropriate heading.)

By Mr. TYDINGS:

S. 3810. A bill for the relief of Miss Leonida D. Lilan; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 3811. A bill for the relief of Vincenta Maria De Carazo; and

S. 3812. A bill for the relief of Catherine V. LaFayette; to the Committee on the Judiciary.

By Mr. TOWER:

S. 3813. A bill for the relief of Kim Julia and Park Tong Op; and

S. 3814. A bill for the relief of Bitten Stripp; to the Committee on the Judiciary.

S. 3815. A bill to amend the Land Acquisition Policy Act of 1960, so as to define the consideration to be paid for taking of property for public purposes along navigable waters of the United States; to the Committee on Public Works.

By Mr. THURMOND (for himself and Mr. Ervin):

S. J. Res. 198. Joint resolution proposing an amendment to the Constitution of the United States relating to the attendance of students at public elementary or secondary schools; to the Committee on the Judiciary.

(The remarks of Mr. Thurmond when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3803—INTRODUCTION OF A BILL TO AUTHORIZE RAILROADS TO PUBLISH RATES FOR USE BY COMMON CARRIERS

Mr. COTTON. Mr. President, I am introducing a bill to improve freight transportation service in this country. With all of our capacity for the movement of goods, there has developed in recent years a near-crisis in the transportation of small shipments in the United States. I am convinced that one of the reasons for this is the lack of coordination among

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the various types of carriers. The bill which I am introducing will authorize railroads to publish rates for use by other common carriers—motor, water, and freight forwarder. This should be particularly helpful in the case of freight forwarders, whose activities are basically limited to the small-shipment field but who have not been given the same flexibility as others carriers in dealing with the railroads.

I view this legislation as important to the achievement of two goals that are in the public interest: First, and most important, it will encourage the development of new, competitive common carrier services specifically geared to the needs of the small shipment transportation market, a market that has long been squeezed between the decreasing quality of service and increasing costs. Second, it will provide additional opportunities for railroads and freight forwarders, who have cooperated closely for more than a century, to render better services to small shippers.

The ACTING PRESIDENT pro tempore (Mr. Byrd of Virginia). The bill will be received and appropriately referred.

The bill (S. 3803) to amend part I of the Interstate Commerce Act, as amended, to authorize railroads to publish rates for use by common carriers, introduced by Mr. Cotton, was received, read twice by its title and referred to the Committee on Commerce.

S. 3807—INTRODUCTION OF THE ETHNIC HERITAGE STUDIES CENTERS ACT OF 1970

Mr. SMITH of Illinois. Mr. President, last Sunday, May 3, it was my honor to join with the many fine Americans of Polish descent in Illinois in celebrating the 179th anniversary of the adoption of the Polish Constitution. Unfortunately, Polish Constitutional Independence was short lived. Poland was partitioned by Russia, Austria, and Prussia in 1795, a mere 4 years later. She regained her independence but briefly between the two World Wars. The dream of freedom and liberty survives in the hearts of Poles around the world.

America has been indebted to Poland since the founding of our own Nation. From Kosciuszko, and Pulaski to the present the patriotism and contributions of the Polish people have helped to create the greatness that is the United States. Ten million Americans claim Polish ancestry. They are proud of their cultural heritage. They have reason to be proud.

Polish Americans form but one segment of the polyethnic nature of the American people. Across this country Americans whose families came from Poland, China, Estonia, and Greece, indeed from all corners of the world, still celebrate their native holidays, working to preserve their own cultural heritages and the contributions each has made to the fabric of American cultural life.

To recognize and preserve our national culture, I rise, today, Mr. President, to introduce the Ethnic Heritage Studies Centers Act of 1970. It is the purpose of this bill to provide the study centers for training teachers and developing curriculums to enable our elementary and secondary schools to give our young people a more balanced view of their total heritage.

Despite the impression created by many of our textbooks, this country was not created, settled, and tamed by the efforts of any one people or group of people. The building of this Nation required the mingled sweat from the brows of Asians, Africans, and Europeans alike. As the memories grow dim and the languages are lost a sense of identity with the American dream is lost.

The establishment of Ethnic Heritage Studies Centers would keep alive and disseminate what this country owes to the nations of the world. It will restore to the curriculums an understanding of the cooperative effort and spirit of competition which have made 13 colonies into the richest, strongest, and most diverse country in the history of the world.

Mr. President, I ask unanimous consent that the text of the Ethnic Heritage Studies Centers Act of 1970 be printed in the Record at this point.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3807) to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation, introduced by Mr. Smith, of Illinois, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Ethnic Heritage Studies Centers Act of 1970."

Sec. 2. The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IX—ETHNIC HERITAGE STUDIES CENTERS

"STATEMENT OF POLICY

"Sec. 901. This title is enacted in recognition of the heterogeneous composition of the Nation and of the fact that in a multi-ethnic society, a greater understanding of the contributions of one's own heritage and those of one's fellow citizens can contribute to a more harmonious, patriotic, and committed populace. It is further enacted in recognition of the principle that all students in elementary and secondary schools of the Nation should have an opportunity to learn about the differing and unique contributions to the national heritage made by each ethnic group. It is the purpose of this title to assist schools and school systems in affording each of their students an opportunity to learn about the nature of his own cultural heritage, and those in which he has an interest, and to study the contributions of these forebears to the Nation.

"ETHNIC HERITAGE STUDIES CENTERS

"Sec. 902. The Commissioner is authorized to arrange through grants and private nonprofit educational agencies and organizations for the establishment and operation of a number of Ethnic Heritage Studies Centers, reflecting the readily identifiable ethnic groups represented in the population of the United States. Each such Center shall carry on activities related to a single culture or regional group of cultures.

"ACTIVITIES OF ETHNIC HERITAGE STUDIES CENTERS

"Sec. 903. Each Center provided for under this title shall—

"(1) develop curriculum materials for use in elementary and secondary schools which deal with the history, geography, society, economy, literature, art, music, drama, language, and general culture of the group with which the Center is concerned, and the contributions of that ethnic group to the American heritage,

"(2) disseminate curriculum materials to permit their use in elementary and secondary schools throughout the Nation, and

"(3) provide training for persons utilizing or preparing to utilize the curriculum materials developed under this title.

"ADMINISTRATIVE PROVISIONS

"Sec. 904. (a) In carrying out this title, the Commissioner shall make arrangements which will utilize (1) the research facilities and personnel of colleges and universities, (2) the special knowledge of ethnic groups in local communities and of foreign students pursuing their education in this country, and (3) the expertise of elementary and secondary school teachers.

"(b) Funds appropriated to carry out this title may be used to cover all or part of the cost of establishing, equipping, and operating the Centers, including the cost of research materials and resources, academic consultants, and the cost of training of staff for the purpose of carrying out the purposes of this title. Such funds may also be used to provide stipends (in such amounts as may be determined in accordance with regulations of the Commissioner) to individuals receiving training in such Centers, including allowances for dependents.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 905. There is authorized to be appropriated to carry out this title for the fiscal year ending June 30, 1970, the sum of $10,000,000, and for the fiscal year ending June 30, 1971, the sum of $20,000,000."

S. 3809—INTRODUCTION OF ENVIRONMENTAL CAREER FELLOWSHIPS ACT

Mr. NELSON. Mr. President, I am today introducing a bill entitled the "Environmental Career Fellowship Act." This bill authorizes a program of fellowship grants to enable persons preparing for environmental careers to pursue graduate or professional courses of study in institutions of higher education in all regions of the Nation.

In attacking the problems of our environment, a substantially increased supply of professional skills will be needed in the coming years. We must promptly undertake to expand opportunities for persons to acquire these skills in the Nation's universities.

A survey printed in the May 1967 issue of Occupational Outlook Quarterly projected an increase in State and local requirements for sanitation engineers, hydrologists, chemists, and biologists from 172,000 persons in 1965 to 320,000 persons in 1975. Those estimates project a doubling in a 10-year period just for skilled personnel needed in efforts to clean up polluted streams and rivers. Those figures do not take into account many other professional fields which must expand rapidly in order to enable the Nation to maintain a livable environment.

The legislation I am introducing today provides not only for fellowships to enable persons to pursue graduate or professional studies in preparation for environmental careers, but also authorizes program development grants to assist universities in developing and strengthening high quality programs of professional and graduate study for persons devoting their live to environmental careers. These program development grants are designed to help create and expand programs in all regions of the United States—not merely a few centers at a handful of universities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3809) to authorize the Commissioner of Education to award fellowships to persons preparing for environmental careers, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Environmental Career Fellowships Act".

AWARD OF FELLOWSHIPS

SEC. 2. The Commissioner of Education is authorized to award fellowships in accordance with the provisions of this Act for graduate or professional study for persons who plan to pursue environmental careers, in such fields as ecology, hydrology, chemistry, biology, and engineering related to the control of environmental pollution.

ALLOCATION OF FELLOWSHIPS

SEC. 3. The Commissioner shall allocate fellowships under this Act among institutions of higher education with programs approved under the provisions of this Act for the use of individuals accepted for study in such programs, in such manner and according to such plan as will insofar as practicable provide for an equitable distribution of such fellowships throughout all regions of the Nation.

APPROVAL OF PROGRAMS

SEC. 4. The Commissioner may approve a program of study as eligible for fellowships under this Act only upon application by an institution of higher education and only upon his finding—

(1) that such program has as a principal or significant objective the education of persons for environmental careers, including professional or technical occupations for which there is a significant need in environmental fields;

(2) that such program will expand opportunities for persons to undertake graduate or professional study in preparation for environmental careers;

(3) that such program is in effect and of high quality, or can readily be put into effect and may reasonably be expected to be of high quality;

(4) that the institution provides satisfactory assurance that it will recommend to the Commissioner, for the award of fellowships under this Act, only persons who have demonstrated to the satisfaction of the institution a serious intent to pursue an environmental career upon completing the program;

(5) that such institution agrees to accept the cost-of-education allowance provided under section 6(b) of this Act in lieu of any tuition or fees which would otherwise be charged to fellowship recipients for their course of study.

PROGRAM DEVELOPMENT GRANTS

SEC. 5. In order to expand the number of opportunities for graduate and professional study for persons preparing to serve in environmental careers and to achieve an appropriate geographical distribution of high quality programs offering such opportunities, the Commissioner is authorized to make grants to or contracts with institutions of higher education to pay part of the cost of developing or strengthening programs of graduate or professional study which meet, or as a result of the assistance received under this section will be enabled to meet, the requirements for an approved fellowship program in accordance with section 4 of this Act.

STIPENDS AND COST-OF-EDUCATION ALLOWANCES

SEC. 6. (a) The Commissioner shall pay persons awarded fellowships under this Act such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study a cost-of-education allowance of such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. For the purpose of carrying out this Act, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $100,000,000 for the fiscal year ending June 30, 1972, $150,000,000 for the fiscal year ending June 30, 1973, and $200,000,000 for each succeeding fiscal year.

SENATE JOINT RESOLUTION 198—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION RELATING TO THE ATTENDANCE OF STUDENTS AT PUBLIC ELEMENTARY OR SECONDARY SCHOOLS

Mr. THURMOND. Mr. President, on behalf of myself and the Senator from North Carolina (Mr. ERVIN), I introduce, for appropriate reference, a joint resolution proposing an amendment to the Constitution of the United States relating to the attendance of students at public elementary or secondary schools. I ask unanimous consent that the joint resolution be printed in the RECORD.

The PRESIDING OFFICER (Mr. EAGLETON). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 198) proposing an amendment to the Constitution of the United States relating to the attendance of students at public elementary or secondary schools, introduced by Mr. THURMOND (for himself and Mr. ERVIN), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 198

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. No student shall be assigned or compelled to attend any public elementary or secondary school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any such school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this article shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

ADDITIONAL COSPONSORS OF BILLS

S. 2193

Mr. McGOVERN. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a sponsor of S. 2193, the Occupational Safety and Health Act.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3760

Mr. BAKER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 3760, to provide for a Commission on Transportation Regulatory Agencies.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

SENATE RESOLUTION 404—SUBMISSION OF A RESOLUTION TO ESTABLISH A SPECIAL COMMITTEE ON THE KENT STATE UNIVERSITY DISORDERS

Mr. YOUNG of Ohio submitted a resolution (S. Res. 404) to establish a Special Committee on the Kent State University Disorders, which was referred to the Committee on Labor and Public Welfare.

(The remarks of Mr. YOUNG of Ohio when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF A RESOLUTION

S. RES. 399

Mr. MAGNUSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Missouri (Mr. EAGLETON) and the Senator from New York (Mr. JAVITS) be added as cosponsors of Senate Resolution 399, relating to the creation of a World Environment Institute to aid all the nations of the world in solving their common environmental problems.

XUM

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 6, 1970, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 3007. An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit;

S. 3435. An act to provide for the striking of medals in commemoration in completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy; and

S.J. Res. 193. Joint Resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of Smithsonian Institution.

AUTHORIZATION OF THE ESTABLISHMENT OF CERTAIN EDUCATIONAL PROGRAMS — AMENDMENT

AMENDMENT NO. 613

Mr. PELL submitted an amendment, intended to be proposed by him, to the bill (S. 3151) to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance, which was referred to the Committee on Labor and Public Welfare and ordered to be printed.

(The remarks of Mr. PELL when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 614

Mr. CRANSTON submitted amendments, intended to be proposed by him, to Senate bill 3151, supra, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

ASSISTANCE TO PERSONS IN OVERCOMING OBSTACLES TO SUITABLE EMPLOYMENT—AMENDMENTS

AMENDMENTS NOS. 615 THROUGH 617

Mr. JAVITS. Mr. President, the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare has been conducting hearings on the administration's proposed new Manpower Training Act (S. 2838) which I introduced in the Senate. The act would establish the basis for a major decentralization of the administration of Federal manpower training programs as States and localities show an ability to provide the necessary services. It recognizes the need to let those on the local level determine the "mix" of manpower services that will best serve their areas; and as in the case of welfare reform, the administration has taken the lead in the effort to provide more services to benefit the poor.

However, there are areas for improvement which are being developed and I shall offer amendments to deal with these as the bill is considered by the subcommittee.

When I introduced the Manpower Training Act, I indicated that one of the matters that the committee would have to consider very carefully is the relationship between the programs thereunder and the programs under the Economic Opportunity Act.

I submit today three amendments to the Manpower Training Act, each designed to insure for the Office of Economic Opportunity, its offices, and most importantly, community action agencies and similiar organizations a role in an evolving comprehensive manpower program.

First, Mr. President, I introduce an amendment to insure that the Office of Economic Opportunity will have full authority to act as "advocate" for the poor in respect to manpower policy, as in other areas where the poor are vitally affected.

As the result of delegation and transfers by this and previous administrations a number of programs designed specifically for the poor and authorized under the Economic Opportunity Act are now conducted by the Departments of Labor and Health, Education, and Welfare. Through these "spinoff" programs—once regarded as controversial—have found an established place in the total Federal effort to help the poor.

Although the ultimate responsibility for these programs has been placed in established departments that have evidenced their concern for the poor, I think that it is appropriate that the Office of Economic Opportunity continue an oversight of such programs.

As the President has noted, the Office of Economic Opportunity is the only agency whose "special concern" is the poor.

With that in mind, the administration's Manpower Act provides that the Secretary of Labor is directed to consult with the Director of the Office of Economic Opportunity in respect to the formulation of rules, regulations, and standards and guidelines for the conduct of State and local programs financed by the act; the Department of Labor's experimental pilot and related programs; and the implementation of title V, dealing with manpower policy as an economic stabilizer.

Under the first amendment which I submit, the Office of Economic Opportunity would be authorized to pursue its role of advocate in a number of additional ways. The amendment would:

Authorize the Director of the Office of Economic Opportunity to conduct a continuing evaluation of all programs and activities carried out under the Manpower Training Act to determine their effectiveness in meeting the special needs of disadvantaged low-income persons for meaningful employment opportunities and supportive services. As the President noted on September 16, 1969, in response to a letter from Chairman NELSON of the Subcommittee on Employment, Manpower and Poverty and myself:

> The Office of Economic Opportunity must be an advocate for the poor within the Federal agency structure. To effectively perform this function, I have instructed the Director to establish a research and evaluation office capable of government-wide evaluation. . . .

The amendment would add such an authorization to section 304.

Authorize the Director of the Office of Economic Opportunity to evaluate the Job Corp program—which would be transferred to the Department of Labor under the act—and provide for consultation with the Director in respect thereto. Section 202 would be amended.

Provide that State manpower planning organizations and area comprehensive manpower planning bodies shall be empowered in their own discretion, or at the request of the Secretary, to convey their assessments or evaluations of the State and area programs to the Director of the Office of Economic Opportunity, as well as to the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Governor, and the general public. Section 104(a)(5) would be amended.

Second, Mr. President, I submit an amendment to insure greater participation of the poor and their representatives in the formulation of manpower programs on the local and national level. The amendment would:

Specify that members of community action agencies and other community based organizations are to be represented on State manpower planning organizations and provide that the Director of the Office of Economic Opportunity shall be consulted in prescribing standards for such organization. Section 104(a)(3), which now refers to the participation of "low-income groups" would be amended.

Would emphasize that representatives of persons, including low-income persons, who would be serviced by programs and activities under the act are to be included on the Manpower Advisory Committee which would be established under section 603 of the act: "to make recommendations concerning problems and policy relating to employment, manpower and to the carrying out of his duties under this Act."

My third amendment would:

Require that every State plan provide for the participation of low-income groups, including community action agencies and other community-based organizations wherever feasible in the conduct as well as the planning and evaluation of State and area programs established under this act. Section 104(a)(6) of the proposed act would be amended.

Include the extent of such participation as one of the factors considered in determining whether a state plan meets exemplary performance standards under section 102(b).

Mr. President, if our manpower programs are to continue to provide relevant services, then the poor must continue to have the opportunity to participate fully not only in the formulation of programs, but in their conduct, whenever they demonstrate a capacity to do the job.

Testifying before the Subcommittee on Employment, Manpower, and Poverty on February 27, 1970, Secretary of Labor George P. Shultz stated quite clearly that community action agencies and similar groups will be given a continuing role, depending upon their performance.

Mr. President, I think that this legislation should make this policy clear to the States and to the cities as they assume greater responsibility for manpower programs. It must be made clear, that, although community action agencies and similar organizations are not to be given a mandated role, they are to be given an equal chance to contribute to manpower programs on the local level. In short, this legislation must say to the States and the cities that the principle of local decision-making and participation embodied in the proposed act will not stop at the statehouse or at the mayor's office.

Mr. President, community action agencies and similar community-based organizations have shown a vitality in the manpower field. They can contribute what no established agency can contribute—a first hand experience in dealing with the problems of the poor. I think that it is of the utmost importance that this legislation make clear through these and any other necessary amendments that as the lines of authority for manpower programs change on the national level and greater authority is given to the States and cities, community action agencies will continue nonetheless to make their important contribution on the local level. And, that on the national level the Office of Economic Opportunity, as the advocate of the poor, will be given clear statutory authority to review and evaluate future manpower policy from the standpoint of the participation of the poor and the benefits derived for the poor.

Mr. President, I ask unanimous consent that these amendments be printed in the Record.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the Record.

The amendments (Nos. 615, 616, and 617) were referred to the Committee on Labor and Public Welfare, as follows:

Amendment No. 615

On page 17, line 13, insert before the word "Governor" the following: "the Director of the Office of Economic Opportunity".

On page 33, between lines 15 and 16, insert the following new paragraph:

"(7) Section 206 is amended by inserting after the word 'Secretary' in the first sentence thereof a comma and the following: 'after consultation with the Director of the Office of Economic Opportunity".

On page 33, line 16, strike out "(7)" and insert in lieu thereof "(8)".

On page 33, line 18, strike out "(8)" and insert in lieu thereof "(9)".

On page 33, line 22, strike out "(9)" and insert in lieu thereof "(10)".

On page 34, line 3, strike out "(10)" and insert in lieu thereof "(11)".

On page 34, line 12, strike out "(11)" and insert in lieu thereof "(12)".

On page 34, line 14, strike out "(12)" and insert in lieu thereof "(13)".

On page 34, line 18, strike out "(13)" and insert in lieu thereof "(14)".

On page 34, line 22, strike out "(14)" and insert in lieu thereof "(15)".

On page 34, between lines 24 and 25, insert the following new paragraph:

"(16) Section 215(a) is further amended by inserting at the end thereof a new sentence: 'The Director of the Office of Economic Opportunity shall provide for a similar evaluation of the Job Corps Program, which evaluation shall be published and summarized in the report required under section 608 of the Economic Opportunity Act of 1964.' "

On page 34, line 25, strike out "(15)" and insert in lieu thereof "(17)".

On page 35, line 4, strike out "(16)" and insert in lieu thereof "(18)".

On page 35, line 8, strike out "(18)" and insert in lieu thereof "(19)".

On page 35, line 8, strike out "(18)" and insert in lieu thereof "(20)".

On page 35, line 12, strike out "(19)" and insert in lieu thereof "(21)".

On page 40, line 16, insert "(a)" after the second period.

On page 40, after line 24, insert the following new subsection:

"(b) The Director of the Office of Economic Opportunity is authorized to conduct, either directly or by way of contract, grant, or other arrangement, a thorough evaluation of all programs and activities conducted pursuant to this Act to determine the effectiveness of such programs and activities in meeting the special needs of disadvantaged, chronically unemployed and low-income persons for meaningful employment opportunities and supportive services to continue or resume their education and employment and to become more responsible and productive citizens. The Director of the Office of Economic Opportunity shall report on the evaluation required by this subsection at least once in each calendar year to the Secretary."

Amendment No. 616

On page 14, line 13, strike out the word "and" and insert in lieu thereof a comma.

On page 14, line 14, before the period insert the following: "and the Director of the Office of Economic Opportunity".

On page 14, line 25, strike out the word "and".

On page 14, line 25, insert after the word "employment" a comma and the following: "and economic opportunity".

On page 15, line 1, strike out the word "and" and insert in lieu thereof a comma.

On page 15, line 2, before the semicolon insert the following: "and community action agencies and other community-based organizations".

On page 50, line 18, strike out the third comma and insert in lieu thereof the following: "and the Director of the Office of Economic Opportunity".

On page 50, line 22, before the word "and" insert a comma and the following: "representatives of persons who would be serviced by programs and activities under this Act, including low-income persons".

Amendment No. 617

On page 10, line 8, strike out the third comma and insert in lieu thereof the following: "and the Director of the Office of Economic Opportunity,".

On page 10, line 14, before the period insert a comma and the following: "and the extent of participation of low income persons, community action agencies, and other community based organizations in the planning, and conduct, and evaluation of such programs,".

On page 17, line 15, strike out "groups in the planning" and insert in lieu thereof "groups and representatives and organizations of such groups including but not limited to community action agencies and other community-based organizations, wherever feasible, in the planning, conduct".

RAIL PASSENGER SERVICE ACT OF 1970—AMENDMENT

AMENDMENT NO. 618

Mr. PELL (for himself and Mr. Kennedy) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 3706) to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. Pell when he offered the amendment appear earlier in the Record during the debate on S. 3706.)

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 609

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing the names of the Senator from Alaska (Mr. Gravel), the Senator from Wisconsin (Mr. Nelson), the Senator from Indiana (Mr. Bayh), and the Senator from Oklahoma (Mr. Harris), be added as cosponsors of amendment No. 609 to H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

THE NEED FOR A WORLD ENVIRONMENTAL INSTITUTE

Mr. MAGNUSON. Mr. President, on April 27 I introduced Senate Resolution 399, with the bipartisan support of 40 cosponsors. The Resolution would take the first steps toward creating a World Environmental Institute to serve as an international "clearinghouse" on environmental information and as a research center for global environmental problems. The Institute would be nonpolitical in nature, independent of existing international organizations, and open to all nations of the world.

There is a compelling need for creation of this Institute, a need that I outlined in my floor speech on April 27. Today, I want to share with the Senate the similar lines of thought developed on the same subject by two great Americans, Dr. George F. Kennan and Dr. Richard N. Gardner. Dr. Kennan is our former Ambassador to Moscow and one of our greatest experts in international affairs; Dr. Gardner has had a distinguished career both in the State Department and at Columbia University.

Both Dr. Kennan and Dr. Gardner have recently made statements about international environmental problems that reflect, quite independently of each other and of my proposal, the thinking that makes a World Environmental Institute imperative. I did not have the benefit of their writings until after I had prepared my Resolution and my accompanying speech, and although the writings of these two men differ from my proposal in important aspects, the underlying philosophy of all our statements is much the same. The fact that their ideas and mine have independently come to light at this time suggests that international action on environmental problems is an idea whose time has come. The differences in our respective approaches are less important than the common need we have recognized.

I hope all Members of the Senate will have an opportunity to read the articles by Dr. Kennan and Dr. Gardner as well as the materials I have sent out, and I earnestly hope that all Senators will join me and many of our colleagues in cosponsoring this resolution.

I ask unanimous consent to have printed in the RECORD Dr. Keenan's article, published in the April 1970 issue of Foreign Affairs, Dr. Gardner's article, published in the Washington Post on April 1, 1970, and two representative pieces of commentary on my proposal, one an article published in the April 12, 1970 issue of the Seattle Times and the other a radio editorial by Mr. Edward P. Morgan that was aired on April 16.

There being no objection the material was ordered to be printed in the RECORD, as follows:

XUM

[From Foreign Affairs, April 1970]

TO PREVENT A WORLD WASTELAND: A PROPOSAL

(By George F. Kennan)

Not even the most casual reader of the public prints of recent months and years could be unaware of the growing chorus of warnings from qualified scientists as to what industrial man is now doing—by overpopulation, by plundering of the earth's resources, and by a precipitate mechanization of many of life's processes—to the intactness of the natural environment on which his survival depends. "For the first time in the history of mankind," U.N. Secretary-General U Thant wrote, "there is arising a crisis of worldwide proportions involving developed and developing countries alike—the crisis of human environment. . . . It is becoming apparent that if current trends continue, the future of life on earth could be endangered."

Study and debate of these problems, and sometimes even governmental action, have been developing with cumulative intensity. This response has naturally concentrated largely on environmental deterioration as a national problem. It is normally within national boundaries that the first painful effects of deterioration are felt. It is at the national level that the main burden of legislation and administrative effort will admittedly have to be borne, if certain kinds of pollution and destruction are to be halted.

But it is also clear that the national perspective is not the only one from which this problem needs to be approached. Polluted air does not hang forever over the country in which the pollution occurs. The contamination of coastal waters does not long remain solely the problem of the nation in whose waters it has its origin. Wildlife—fish, fowl and animal—is no respecter of national boundaries, either in its movements or in the sources from which it draws its being. Indeed, the entire ecology of the planet is not arranged in national compartments; and whoever interferes seriously with it anywhere is doing something that is almost invariably of serious concern to the international community at large.

II

There is today in existence a considerable body of international arrangements, including several of great value, dealing with or affecting in one way or another the environmental problem. A formidable number of international organizations, some intergovernmental, some privately organized, some connected with the United Nations, some independently based, conduct programs in this field. As a rule, these programs are of a research nature. In most instances the relevance to problems of environmental conservation is incidental rather than central. While most of them are universal in focus, there are a few that approach the problem—and in some instances very usefully—at the regional level. Underlying a portion of these activities, and providing in some instances the legal basis for it, are a number of multilateral agreements that have environmental objectives of implications.

All this is useful and encouraging. But whether these activities are all that is needed is another question. Only a body fortified by extensive scientific expertise could accurately measure their adequacy to the needs at hand; and there is today, so far as the writer of these lines is aware, no body really charged with this purpose. In any case, it is evident that present activities have not halted or reversed environmental deterioration.

There is no reason to suppose, for example, that they will stop, or even reduce significantly at any early date, the massive spillage of oil into the high seas, now estimated at a million tons per annum and presumably steadily increasing. They will not assure the placing of reasonable limitations on the size of tankers or the enforcement of proper rules for the operation of these and other great vessels on the oceans. They will not, as they now stand, give humanity in general any protection against the misuse and plundering of the seabed for selfish national purposes. They will not put a stop to the proliferation of oil rigs in coastal and international waters, with all the dangers this presents for navigation and for the purity and ecological balance of the sea. They will not, except in a degree already recognized as quite unsatisfactory, protect the fish resources of the high seas from progressive destruction or depletion. They will not seriously reduce the volume of noxious effluence emerging from the River Rhine and being carried by the North Sea currents to other regions. They will not prevent the automobile gases and the sulphuric fumes from Central European industries from continuing to affect the fish life of both fresh and salt waters in the Baltic region. They will not stop the transoceanic jets from consuming—each of them—its reputed 35 tons of oxygen as it moves between Europe and America, and replacing them with its own particular brand of poisons. They will not ensure the observance of proper standards to govern radiological contamination, including disposal of radioactive wastes, in international media. They will not assure that all uses of outer space, as well as of the polar extremities of the planet, are properly controlled in the interests of humanity as a whole.

They may halt or alleviate one or another of these processes of deterioration in the course of time; but there is nothing today to give us the assurance that such efforts will be made promptly enough, or on a sufficient scale, to prevent a further general deterioration in man's environment, a deterioration of such seriousness as to be in many respects irreparable. Even to the nonscientific layman, the conclusion seems inescapable that if this objective is to be achieved, there will have to be an international effort much more urgent in its timing, bolder and more comprehensive in its conception and more vigorous in its execution that anything created or planned to date.

The General Assembly of the United Nations has not been indifferent to the gravity of this problem. Responding to the timely initiative and offer of hospitality of the Swedish government, it has authorized the Secretary-General to proceed at once with the preparation of a "United Nations Conference on the Human Environment," to be held at Stockholm in 1972. There is no question but that his undertaking, the initiation and pursuit of which does much credit to its authors, will be of major significance. But the conference will not be of an organizational nature; nor would it be suited to such a purpose. The critical study of existing vehicles for treating environmental questions internationally, as well as the creation of new organizational devices in this field, is a task that will have to be performed elsewhere. There is no reason why it should not be vigorously pursued even in advance of the Conference—indeed, it is desirable for a number of reasons that it should. As was stated in the Secretary-General's report, "the decision to convene the Conference, and the preparations for it, should in no way be used to postpone or to cancel already initiated or planned programs of research or cooperation, be they at the national, regional or international level. On the contrary, the problems involved are so numerous and so complicated that all efforts to deal with them immediately should be continued and intensified." It will be useful to attempt to picture the functions that need to be performed if this purpose is to be achieved.

III

The first of these would be to provide adequate facilities for the collection, storage, retrieval and dissemination of information on all aspects of the problem. This would involve not just assembling the results of scientific investigation but also keeping something in the nature of a register of all conservational activities at international, national, regional and even local levels across the globe. The task here is not one of conducting original research but rather of collecting and collating the results of research done elsewhere, and disposing of that information in a manner to make it readily available to people everywhere.

A second function would be to promote the coordination of research and operational activities which now deal with environmental problems at the international level. The number of these is already formidable. To take a parallel from the American experience, it was calculated, when the President's Cabinet Committee on Environmental Quality was recently established in the White House, that there were already over 80 programs related to environmental questions being pursued just within the executive branch of the Federal Government. If a similar census were to be taken in the international field, the number would scarcely be less. A recent listing of just those bodies concerned with the peaceful uses of outer space noted 17 entities.

These activities have grown up, for the most part, without central structure or concept. There is not today even any assurance, or any means of assuring, that they cover all the necessary fields. The disadvantages of such a situation—possibilities for confusion, duplication and omission—are obvious.

A third function would be to establish international standards in environmental matters and to extend advice and help to individual governments and to regional organizations in their efforts to meet these standards. It is not a question here of giving orders, exerting authority or telling governments what to do. The function is in part an advisory one and in part, no doubt, hortatory: a matter of establishing and explaining requirements, of pressing governments to accept and enforce standards, of helping them to overcome domestic opposition. The uses of an international authority, when it comes to supporting and stiffening the efforts of governments to prevail against commercial, industrial and military interests within their respective jurisdictions, have already been demonstrated in other instances, as, for example, in the European Iron and Steel Community. They should not be underestimated here.

The fourth function that cries out for performance is from the standpoint of the possibilities in international (as opposed to national or regional) action, the most important of all. In contrast to all the others, it relates only to what might be called the great international media of human activity: the high seas, the stratosphere, outer space, perhaps also the Arctic and Antarctic—media which are subject to the sovereign authority of no national government. It consists simply of the establishment and enforcement of suitable rules for all human activities conducted in these media. It is a question not just of conservational considerations in the narrow sense but also of providing protection against the unfair exploitation of these media, above all the plundering or fouling or damaging of them, by individual governments or their nationals for selfish parochial purposes. Someone, after all, must decide at some point what is tolerable and permissible here and what is not; and since this is an area in which no sovereign government can make these determinations, some international authority must ultimately do so.

No one should be under any illusions about the far-reaching nature, and the gravity, of the problems that will have to be faced if this fourth function is to be effectively performed. There will have to be a determined attack on the problem of the "flags of convenience" for merchant shipping, and possibly their replacement by a single international regime and set of insignia for vessels plying the high seas. One will have to tackle on a hitherto unprecedented scale the thorny task of regulating industrialized fishing in international waters. There may have to be international patrol vessels charged with powers of enforcement in each of these fields. Systems of registration and licensing will have to be set up for uses made of the seabed as well as outer space; and one will have to confront, undaunted, the formidable array of interests already vested in the planting of oil rigs across the ocean floor.

For all of these purposes, the first step must be, of course, the achievement of adequate international consensus and authorization in the form of a multilateral treaty or convention. But for this there will have to be some suitable center of initiation, not to mention the instrument of enforcement which at a later point will have to come into the picture.

IV

What sort of authority holds out the greatest promise of assuring the effective performance of these functions?

It must first be noted that most of them are now being performed in some respects and to some degree by international organizations of one sort or another. The United Nations Secretariat does register (albeit ex post facto and apparently only for routine purposes) such launchings of objects into outer space as the great powers see fit to bring to its attention. The International Maritime Consultative Organization is concerned with the construction and equipping of ships carrying oil or other hazardous or noxious cargoes. The United Nations Scientific Committee on the Effects of Atomic Radiation does assemble data on radiation and radioactivity in the environment and give advice to individual governments concerning standards and tolerances in this field. The Organization for Economic Development and Cooperation has recently announced its intention to work out international tolerance levels for pollutants and to tax those of its members which exceed these limits.

This list could go on for pages. Dozens of organizations collect information. Several make recommendations to governments. Some even exercised a limited coordinating role in individual fields. They cover a significant portion of needs; and they obviously cannot be ignored when it comes to the examination of the best organizational response to the problem in question. On the contrary, any approach that failed to take advantage of the work they are already accomplishing, any approach in particular that attempted to duplicate their present activity or to centralize it completely, would assuredly fail. But even in their entirety, they do not cover the whole spectrum of the functions that need to be performed, as listed above; and those that they do perform they perform, for the most part, inadequately.

The question therefore poses itself: How should these organizations be reinforced or expanded? Do they provide in themselves an adequate basis for the necessary expansion of function and activity? Or do they need to be supplemented by new organizational forms, and, if so, of what nature? Is there need for a central organization to bring all these activities under a single hat? Should there be several centers? Or none at all?

There is a view—and it is based on impressive experience and authority—which holds that there is no need for any unifying effort in these various forms of activity, at least not beyond such limited coordinating influence as United Nations bodies are able to exercise today; that any effort in this direction might only further confuse an already confused pattern; and that the most promising line of attack is for governments to intensify their support of activities already in progress, letting them develop separately according to function, letting one set of organizations continue to occupy itself with radiology, another with other forms of air pollution, another with the ecology of fresh water lakes and rivers, another with wildlife, another with oil pollution on the high seas, another with the ocean bed, etc. This is, of course, in many ways the easiest course. Existing efforts, under this procedure, are not disturbed. Existing arrangements for international control and support are not placed in question. Established competencies, sometimes conquered and defended in past years with much effort, are not jeopardized.

But there are weighty considerations that argue against such a course. A number of the existing organizations, including particularly ones connected with the United Nations, have primarily a developmental focus; yet developmental considerations are frequently in conflict with the needs of environmental conservation. Others are staffed, at least in considerable part, by persons whose professional enthusiasm runs to the exploitation of the very natural media or resources whose protection is here at stake. Others are closely connected with commercial interests engaged in just this sort of exploitation.

There is a considerable body of opinion, particularly in U.N. circles, to the effect that it is a mistake to separate the function of conservation and protection of natural resources from that of the development and exploitation of these resources for productive purposes. According to this view, there should not be separate organizations concerned with conservation. Considerations of an environmental nature should rather be built from the outset into all those activities that are concerned with the productive exploitation of natural resources, so that environment needs would be met, so to speak, at the source.

This writer must respectfully disagree. This is an area in which exploitative motives cannot usefully be mingled with conservational ones. What is needed here is a watchdog; and the conscience and sense of duty of the watchdog must not be confused by contrary duties and undertakings. It may be boldly asserted that of the two purposes in question, conservation should come first. The principle should be that one exploits what a careful regard for the needs of conservation leaves to be exploited, not that one conserves what a liberal indulgence of the impulse to development leaves to be conserved.

V

What is lacking in the present pattern of approaches would seem to be precisely an organizational personality—part conscience, part voice—which has at heart the interests of no nation, no group of nations, no armed force, no political movement and no commercial concern, but simply those of mankind generally, together—and this is important—with man's animal and vegetable companions, who have no other advocate. If determinations are to be made of what is desirable from the standpoint of environmental conservation and protection, then they are going to have to proceed from a source which, in addition to including scientific competence and having qualified access to all necessary scientific data, sees things from a perspective which no national body—and no international one whose function is to reconcile conflicting national interests—can provide.

The process of compromise of national interests will of course have to take place at some point in every struggle against environmental deterioration at the international level. But it should not occur in the initial determination of what is and is not desirable from the conservational standpoint. This determination should at first be made, so to speak, in its pure form, or as near as one can get to it. It should serve as the point of departure for the long, wearisome, often thorny and frustrating, road of accommodation that will have to be traversed before it can be transformed into reality. But it should not itself be compromised at the outset.

Nor is this the only reason why one cannot make do with just the reinforcement of what now exists. If the present process of deterioration is to be halted, things are going to have to be done which will encounter formidable resistance from individual governments and powerful interests within individual countries. Only an entity that has great prestige, great authority and active support from centers of influence within the world's most powerful industrial and maritime nations will be able to make headway against such recalcitrance. One can conceive of a single organization's possessing such prestige and authority. It is harder to conceive of the purpose being served by some fifty to a hundred organizations, each active in a different field, all of them together presenting a pattern too complicated even to be understood or borne in mind by the world public.

All of this would seem to speak for the establishment of a single entity which, while not duplicating the work of existing organizations, could review this work from the standpoint of man's environmental needs as a whole, could make it its task to spot the inadequacies and identify the unfilled needs, could help to keep governments and leaders of opinion informed as to what ought to be done to meet minimum needs, could endeavor to assure that proper rules and standards are established wherever they are needed, and could, where desired, take a hand, vigorously and impartially, in the work of enforcement of rules and standards. It would not have to perform all these various functions itself—except perhaps where there was no one else to do so. Its responsibility should be rather to define their desirable dimensions and to exert itself, and use its influence with governments, to the end that all of them were performed by *someone*, and in an adequate way.

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This entity, while naturally requiring the initiative of governments for its inception and their continued interest for its support, would have to be one in which the substantive decisions would be taken not on the basis of compromise among governmental representatives but on the basis of collaboration among scholars, scientists, experts, and perhaps also something in the nature of environmental statesmen and diplomats—but true international servants, bound by no national or political mandate, by nothing, in fact, other than dedication to the work at hand.

VI

It is impossible to picture an entity of this nature without considering, in the first instance, the possible source of its initiation and sponsorship in the international community. Who would take the lead in establishing it? From whom would it draw its financial resources? Who would constitute the ultimate sanction for its existence and its authority?

Obviously no single government could stand as the patron for such an agency. To seek, on the other hand, the sanction of the entire international community for its inception and activity would scarcely be a promising undertaking. Aside from the fact that this would then necessitate procedures practically indistinguishable from those of the United Nations itself, it would mean involving in the control and operation of the entity to be established a host of smaller and less developed countries which could contribute very little to the solution of the problems at hand. It would also involve formidable delays and heavy problems of decision making. Were this to be the course selected, one would do better to content one's self, throughout, with the existing facilities of the United Nations, which represent just about the limit of what can be accomplished on the basis of a universal, or near-universal, governmental consensus.

One is driven to the conclusion that if anything very constructive is going to be accomplished along this line, the interest and initiative will have to proceed from a relatively small group of governments; and logic suggests that these should be those of the leading industrial and maritime nations. It is they whose economies produce, in the main, the problem of pollution. It is they, again, who have the means to correct it. It is they, finally, who have the scientific and other resources to analyze the problem and to identify the most promising lines of solution. The devastation of the environment is primarily, though not exclusively, a function of advanced industrial and urban society. The correction of it is primarily a problem for the advanced nations.

One can conceive, then, by an act of the imagination, of a small group of advanced nations, consisting of roughly the ten leading industrial nations of the world, including communist and noncommunist ones alike, together (mainly for reasons of their maritime interests) with the Scandinavians and perhaps with the Benelux countries as a bloc, constituting themselves something in the nature of a club for the preservation of natural environment, and resolving, then, in that capacity, to bring into being an entity—let us call it initially an International Environmental Agency—charged with the performance, at least on their behalf, of the functions outlined above. It would not, however, be advisable that this agency should be staffed at the operating level with governmental representatives or that it should take its decisions on the basis of intergovernmental compromise. Its operating personnel should rather have to consist primarily of people of scientific or technical competence, and the less these were bound by disciplinary relationships to individual governments, the better.

One can imagine, therefore, that instead of staffing and controlling this agency themselves, the governments in question might well insert an intermediate layer of control by designating in each case a major scientific institution from within their jurisdiction—an Academy of Science or its equivalent—to act as a participating organization. These scientific bodies would then take over the responsibility for staffing the agency and supervising its operations.

It may be argued that under such an arrangement the participating institutions from communist countries would not be free agents, would enjoy no real independence, and would act only as stooges for their governments. As one who has had occasion both to see something of Russia and to disagree in public on a number of occasions with Soviet policies, the writer of this article is perhaps in a particularly favorable position to express his conviction that the Soviet Academy of Sciences, if called upon by its government to play a part in such an undertaking, would do so with an integrity and a seriousness of purpose worthy of its great scientific tradition, and would prove a rock of strength for the accomplishment of the objectives in question.

The agency would require, of course, financial support from the sponsoring governments. There would be no point in its establishment if one were not willing to support it generously and regularly; and one should not underestimate the amount of money that would be required. It might even run eventually to as much as the one-hundredth part of the military budgets of the respective governments for the same period of time, which would of course be a very substantial sum. Considering that the threat the agency would be designed to confront would be one by no means less menacing or less urgent than those to which the military appropriations are ostensibly devoted, this could hardly be called exorbitant.

The first task of such an agency should be to establish the outstanding needs for environmental conservation in the several fields, to review critically the work and the prospects of organizations now in existence, in relation to those needs, to identify the main lacunae, and to make recommendations as to how they should be filled. Such recommendations might envisage the concentration of one or another sort of activity in a single organization. They might envisage the strengthening of certain organizations, the merging of others. They might suggest the substance of new multilateral treaty provisions necessary to supply the foundation for this or that function of regulation and control. They might involve the re-allotment of existing responsibility for the development of standards, or the creation of new responsibilities of this nature. In short, a primary function of the Agency would be to advise governments, regional organizations and public opinion generally on what is needed to meet the environmental problem internationally, and to make recommendations as to how these needs can best be met. It would then of course be up to governments, the sponsoring ones and others as well, to implement these recommendations in whatever ways they might decide to agree on.

This, as will be seen, would be initially a process of study and advice. It would never be entirely completed; for situations would be constantly changing, new needs would be arising as old ones were met, the millennium would never be attained. But one could hope that eventually, as powers were accumulated and authority delegated under multilateral treaty arrangements, the Agency could gradually take over many of the functions of enforcement for such international arrangements as might require enforcement in the international media, and in this way expand its function and designation from that of an advisory agency to that of the single commanding International Environmental Authority which the international community is bound, at some point, to require.

All this, however, belongs to a later phase of development which it is idle to attempt to envisage in an enquiry so preliminary as this. In problems of international organizations, as in war, one does well to follow the Napoleonic principle: *"On s'engage et puis on voit."* To engage oneself means, in this instance, to bring into being the personality. The rest will follow.

VII

The above is intended only as a suggestion of certain lines along which international action in this field might usefully and hopefully proceed. In the mind of the writer, these considerations would have validity even if founded only on the strictest and narrowest view of the environmental factors alone. They need no extraneous arguments for their justification.

It would be wrong, however, to close this discussion without noting that no such undertaking could be without its political and psychological by-products. The energies and resources men have to devote to international activities are not unlimited. To the extent that a place can be found in their hopes and enthusiasms for constructive and hopeful efforts, these must proceed at least to some extent at the expense of the sterile, morbid and immensely dangerous preoccupations that are now pursued under the heading of national defense.

Not only the international scientific community but the world public at large has great need, at this dark hour, of a new and more promising focus of attention. The great communist and Western powers, particularly, have need to replace the waning fixations of the cold war with interests which they can pursue in common and to everyone's benefit. For young people the world over, some new opening of hope and creativity is becoming an urgent spiritual necessity. Could there, one wonders, be any undertaking better designed to meet these needs, to relieve the great convulsions of anxiety and ingrained hostility that now rack international society, than a major international effort to restore the hope, the beauty and the salubriousness of the natural environment in which man has his being?

[From the Washington (D.C.) Post, Apr. 1, 1970]

TOWARD A WORLD ECOLOGICAL SYSTEM

(By Richard N. Gardner)

Our new concern with the environment has focused so far on domestic problems. We have largely neglected the international dimension. But we are finally beginning a systematic look at our global environment in a new U.N. committee preparing for a world conference in Stockholm in 1972.

A U.N. response to the environmental challenge is long overdue. While some measures to deal with the environment can be taken by individual nations alone, there are resources that do not belong entirely to any nation—the sea, certain lakes and rivers, migratory animals—whose effective management requires international cooperation. Even management of the environment within the confines of a single nation may benefit from the sharing of national experience.

Moreover, we are finally beginning to recognize that how a nation deals with its national environment is no longer its own and nobody else's business. We are beginning to comprehend the unity of the world's ecological system, which means that all nations may be affected by how any one of them treats its air, water and land.

We are gradually awakening to the realization that all mankind depends on the same scarce and relatively shrinking resource pool, and therefore has an interest in the wise husbanding of resources wherever they may be located. And business firms around the world are beginning to argue that they cannot ac-

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cept the additional costs of antipollution unless their overseas competitors do the same.

For all these reasons, the international community will be increasingly involved in environmental issues—even those that have hitherto been regarded as "domestic." Indeed, the most powerful impetus to world order may no longer be the threat of nuclear war, but rather the urgent necessity of new trans-national measures to protect the global environment.

President Kennedy asked the General Assembly in 1963 for a U.N. effort to deal with environmental problems—but nobody was listening. Although President Nixon mentioned the environment in his address to the Assembly last fall, his only proposals for international action have been made in NATO. As an organization of limited membership whose principal function is military defense, NATO is not well suited to be the centerpiece of our effort in this field.

The global environment concerns all nations, regardless of national, ideological, or racial differences. Some work on the environment can be usefully undertaken in regional agencies like OECD, but a universal problem needs a universal system of organizations to deal with it. The U.N. system, including its regional commissions and specialized agencies, is the nearest thing to a universal system we have. The Stockholm Conference provides an additional reason to make it more universal by admitting mainland China and divided states. At the very least, the U.N. should invite the Peking regime, the two Germanies, the two Vietnamese and the two Koreas to participate in the Stockholm meeting.

What exactly can the U.N. do about environmental problems? To begin with, it could undertake a massive program to educate the world's people, particularly political leaders, on the problems of the environment; could sponsor joint research efforts and studies; and could finance the training of specialists to handle different environmental problems.

It could organize a world-wide observation network, using observation satellites and other new technology, to monitor the world's environment on a continuing basis, and it could operate a service for the evaluation and dissemination of this information for all nations.

It could encourage the negotiation of international agreements providing for firm anti-pollution and other environmental commitments so that nations and industries accepting their environmental responsibilities suffer no competitive disadvantage in international trade.

It could ensure that multilateral aid programs are carried forward with due regard for their environmental implications, and could encourage the application of environmental safeguards in bilateral aid. (Downstream erosion from the Aswan Dam, we now discover, may wash away as much productive farm land as is opened by the new irrigation systems around Lake Nasser.)

Finally it could establish a U.N. Program for the World Heritage, including scenic, historic and natural resources now in danger of destruction whose survival is a matter of concern to all mankind. Obviously, each nation would be free to decide whether or not to nominate a property within its territory for inclusion in such a U.N. program. At the same time, the community of nations would be free to decide whether or not to accept it.

Countries whose resources were included in the program would gain the advantage of international advice and financial aid in their development with consequent benefits to their economies as a whole. And the world community would be in a position to protect unique and irreplaceable properties—Venice, Angkor Vat, some of the great wildlife reserves of Africa—in whose survival all mankind has a common interest.

[From the Seattle (Wash.) Times, Apr. 12, 1970]

Magnuson Laying Groundwork: Global Effort To Save Environment Urged

(By William W. Prochnau)

Washington.—Senator Warren G. Magnuson will begin to lay the groundwork here this week for a cooperative international effort to lure the man-made ailments of the world's environment. Magnuson hopes to attract all the nations of the world—including such usually antisocial giants as Communist China—into the effort.

The senator believes that a world-wide approach is the only practical way to halt damage to the environment.

Soot from British factories falls on Swedish forests, he said, just as construction of a dam on the Nile can upset the ecology of the whole Mediterranean Sea.

Magnuson will propose the creation of a world environmental institute, a sort of nonpolitical clearinghouse of information that would be available to scientists throughout the world.

The senator is expected to make the proposal in a speech to geoscientists here this week. His next step will be to introduce a Senate resolution calling on the United States to lead the way in creating the institute.

Magnuson concedes that his plan still is in the dream stage. But he has seen similar dreams come true. He is the legislative founder of the National Cancer Institute and an early sponsor of the National Institute of Health.

Present-day attempts at international cooperation on environmental problems are too limited, Magnuson said. Even efforts by the United Nations exclude China, he observed.

The senator also pointed out that most world organizations are political in nature, whereas the environmental institute would be completely apolitical and would not attempt to arbitrate differences between nations.

Magnuson said that environmental problems are far from peculiar to the United States or even to the industrialized nations of the world.

India's Ganges River is more polluted than the Rhine, he said, and DDT is a greater threat in the tropics than it is in the United States. The Soviet Union, he added, has serious environmental problems.

"Pollutants from pulp mills are quickly destroying beautiful Lake Baikal and a recent accident in a chemical plant is known to have killed millions of fish in an important Soviet river," Magnuson said.

The senator suggested that perhaps the East and West could be stimulated to engage in an "environmental race"—if that is what it takes to move nations—as a replacement for the arms and space races.

One of the side benefits of the institute, he said, could be the beginning of a breakdown of political differences that so often hobble international cooperation.

Magnuson said it was important, perhaps even to man's survival, to begin to realize that pollution of the Yangtze River is as threatening as pollution of the Potomac.

Although Magnuson's hopes face obviously rugged obstacles, he will be in a key position to push his proposal. Magnuson is expected to be a senior member of the new joint committee on the environment which Congress will set up later this year.

His Washington colleague, Senator Henry M. Jackson, also will be on the committee and is a strong advocate of environmental protection.

Magnuson said he stands ready to meet personally with foreign leaders and scientists to promote creation of the institute.

The senator also said he would urge that the proposal be placed on the agenda of the World Environmental Conference scheduled by the United Nations in 1972. Nonmembers of the U.N., such as China, should be invited to the conference, he said.

American Information Reports

From Washington this is Edward P. Morgan again for American Information Reports with the shape of one man's opinion. A look at the polluted price of caviar in a moment.

In case you haven't checked your grocery bill lately, the price of caviar has gone up. Reason: the Russians have been polluting with industrial waste and careless oil drilling the waters of the Caspian Sea and the Volga river, where the roe of the sturgeon play, so to speak.

Which brings us to Washington's senior Senator Warren C. Magnuson, who is certainly a Puget Sound salmon man, whatever his taste for sturgeon and its byproduct, caviar.

One of the legislative leaders in the fight to preserve our environment, Magnuson told an international convention of scientists in the national capital tonight something they already know but which the public has given too little thought to, namely that pollution is an international matter which doesn't bother to go through customs as it crosses national boundaries.

Noting, for example, that pulp mill wastes are poisoning Russia's beautiful Lake Baikal, the senator warned that the cumulative pollution of the oceans may foreclose the survival of mankind. Magnuson suggests a positive approach to the problem. In a week or so he will introduce in the Senate a resolution urging creation of a World Environmental Institute, as a kind of living encyclopedia where all nations, including China, can get the latest correlated data on ecological problems and how to solve them—individually and collectively.

With a nod of recognition to the opening of the second round of U.S.-Soviet arms control talks in Vienna today, Senator Magnuson envisioned a new kind of contest to "replace the arms race and the space race: an 'environmental race' between East and West to see who will have the cleanest air and water and the quietest streets." He noted that while short-sighted bureaucrats may be needlessly compounding the Soviets' clean water problem, Moscow is ahead of us in battling noise pollution by banning traffic in the capital while most Muscovites are asleep.

If the Magnuson Environmental Institute becomes an alarm clock against international dangers of pollution, so much the better. . . .

This is Edward P. Morgan in Washington for American Information Reports with the shape of one man's opinion—a service of ABC News.

THE LAW WITH RESPECT TO LOWERING THE VOTING AGE

Mr. MAGNUSON. Mr. President, President Nixon recently sent a letter to House leaders explaining why he believes it is unconstitutional for Congress to lower the voting age by statute. Mr. Nixon believes that the Constitution generally leaves setting of voting qualifications to the States. While this statement is generally true, it has been strictly qualified by the Supreme Court.

Mr. Nixon does not mention that the Voting Rights Act as presently drafted also removes the literacy test and any durational residency requirement. These provisions certainly set voting qualifications, yet no one seriously doubts that

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this is appropriate legislation under section 5 of the 14th amendment.

The proposition that Congress can lower the voting age to 18 is also supported by *Katzenbach* v. *Morgan*, 338 U.S. 641 (1966). The Supreme Court held that the power of Congress under section 5 of the 14th amendment to enact legislation prohibiting enforcement of a State law is not limited to situations where the State law is unconstitutional. The test as to the power of Congress in such a case is whether the Federal statute is appropriate legislation, that is, legislation plainly adopted to the end of implementing the 14th amendment and consistent with the Constitution.

In the Morgan case, the Supreme Court explicitly recognized that Congress had the power to legislate beyond the initial dictates of the equal protection clause especially in the area of suffrage.

The Supreme Court held that Congress has broad power to weigh the facts and make its own determination under the equal protection clause and that where there was a reasonable basis for legislation by Congress in this area, then the legislation will be sustained as the court stated in Morgan:

> Thus our task in this case is not to determine whether the New York literacy requirement . . . violated the Equal Protection Clause . . . Without regard to whether the Judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement . . . could Congress prohibit the enforcement of the State law by legislating under Section 5 of the 14th amendment? In answering this question, our task is limited to determining whether such legislation is, as required by Section 5, appropriate legislation to enforce the Equal Protection Clause.
>
> By including Section 5, the founders sought to grant to Congress, by a specific provision applicable to the 14th amendment, the same broad powers expressed in the Necessary and Proper Clause, Article I, Section 8, Clause 18.

In *Ex parte Virginia*, 100 U.S. 339, 345, decided 12 years after the adoption of the 14th amendment, the Supreme Court held that congressional power under section 5 had the same scope as that under the necessary and proper clause. The Court stated with regard to the section 5 power:

> Whatever legislation is appropriate, that is, adopted to carry the objectives the amendments have in view, whatever intends to enforce submission to the prohibitions they contain, and to secure to all persons enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited is brought within the domain of Congressional power.

The issue, therefore, before the Supreme Court in the test of congressional power to lower the voting age to 18 by statute, will be the same as it was in Morgan, that is, whether the congressional action is appropriate legislation under section 5 of the 14th amendment. In Morgan the Court held that section 4(a) of the Voting Rights Act was appropriate legislation to enforce the equal protection clause. The Court said:

> Section 4(e) . . . enables the Puerto Rican minority better to obtain perfect equality of civil rights and the equal protection of the laws. It was well within Congressional authority to say that the need of the Puerto Rican minority for the vote warranted Federal intrusion upon any State interests served by the English literacy requirements. It was for Congress . . . to assess and weigh the various conflicting considerations . . . It is not for us to review the Congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

In other words, with respect to granting the vote to 18-year-olds, it is enough for Congress to weigh the justifications for and against extending the franchise to this age group. If Congress concludes that the justifications in favor of extending the franchise outweigh the justifications for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18-year-olds, even though, in the absence of action by Congress, the Supreme Court would have upheld State laws setting the voting age at 21.

The next issue raised by President Nixon is that thousands of elections will be in doubt if the constitutional question is not settled in time by the Supreme Court. Apparently the President questions the length of time necessary to have a Supreme Court test of the 18-year-old provision. I am convinced that a judicial test would be achieved quite quickly.

For instance, the Voting Rights Act was passed on August 6, 1965. The Supreme Court passed on the merits on March 7, 1966, only 7 months after the voting rights measure was passed. In that case, *South Carolina* v. *Katzenbach*, 338 U.S. 301 (1966), South Carolina invoked the Supreme Court's original jurisdiction under article III, section 2, of the Constitution, seeking a declaration of unconstitutionality as to certain provisions of the Voting Rights Act of 1965 and an injunction against their enforcement by defendant, the Attorney General. South Carolina wanted to obtain a ruling prior to its primary elections in June 1966. The basic problem was the registration of voters under the Federal provisions.

Obviously this situation will present itself again when 18-year-olds try to register for local elections after this bill is passed. Although the Court is not compelled to exercise its original jurisdiction, *George* v. *Pennsylvania R. Co.*, 324 U.S. 439, 464 (1944), it probably would do so because of the compelling reasons stated by President Nixon and because of the importance of resolving this question quickly.

The Voting Rights Act also includes a provision giving district courts of the United States jurisdiction of proceedings instituted pursuant to the Voting Rights Act. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall be to the Supreme Court. The provision also states:

> It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

It is obvious to me that these two judicial procedures provide the possibility for quick judicial review. The President is obviously trying to defeat the Voting Rights Act by raising this false issue. The President, not Congress, will be responsible for the continued disillusionment of our young people if this measure is defeated.

I am convinced that the Senate has passed a constitutional provision, and that a rapid judicial test of this provision can be obtained.

Let us also remember, that if for some reason the Court did strike down this provision, that we can still use the constitutional amendment technique. I also feel that because of the President's recent action, that Congress should continue in its consideration of the 18-year-old Constitutional amendment. In this way we do not put all our eggs in one basket. I believe we should move courageously and immediately to give younger Americans the right to vote.

The Senate overwhelmingly passed this provision and has laid down a very strong and persuasive legislative history. The Court in South Carolina against Katzenbach, relied heavily on the "finding of fact" as made by Congress. Our young people are waiting to see if their leaders are responsive to change, let us show them that we in Congress, at least, recognize that the times are changing and that younger Americans do deserve the right to vote.

ECOLOGY MUST NOT OBSCURE OTHER ISSUES

Mr. MAGNUSON. Mr. President, one of the most constructive efforts during the recent Earth Day observance was the publication, by the University of Washington Daily, of an 80-page special "Environment Edition". Although much of the edition centered around the ecological crisis of the Puget Sound region, many articles dealt with general questions of population growth, technology, and the nature of industrial society here in the United States.

I wish that it were possible for me to have this entire special edition reprinted in the RECORD for the benefit of the Senate, but its great length makes that prohibitive. I will ask that one editorial be reprinted, however, because it represents one of the most thoughtful and constructive pieces of journalism that I have seen on the subject of environmental action.

The author of this editorial is Mr. Steve Weiner, who was the editor of the special environmental edition of the Daily. Mr. Weiner's editorial is significant because of its assertion that the response to the environmental crisis cannot be the dismantling of civilization. Instead, Mr. Weiner points out, we must make hard choices about the tradeoffs between environmental quality and other social needs. Our past shortsightedness in ignoring environmental factors must be replaced with a balanced view of civilization, not with a new shortsightedness that treats environmental causes to the exclusion of other human needs.

Mr. Weiner's editorial and the fine environment edition that he and the Daily staff have put together are testimony to the dedication and sophistication of today's youth on the environmental issue. We should welcome that commitment, but we should not suppose—as much of the press has done—that this commitment to ecology will supplant earlier commitments to peace and social justice. Too many observers have mistakenly supposed that the environment issue will replace other issues; that the crusade for cleaner air and water will smother the many voices clamoring for peace in Vietnam, justice for the downtrodden, and food for the hungry.

The most fatal mistake that American society could make today would be to suppose that the environmental issue will co-opt the social conscience of America. For many millions of Americans, pollution does not override other criticisms of "the system": It merely adds one more damning indictment to an already long list. Rather than relieving us of the necessity for action on other social issues, the environment issue makes action on all fronts all the more imperative.

Perhaps the most dramatic evidence that pollution intensifies, rather than obscures the need for action on other social issues is another editorial about Earth Day. This one appeared in the May 1970 issue of Ramparts magazine. On the cover of the magazine is a picture of the Santa Barbara Bank of America in flames, with a caption taken from the editorial: "The students who burned the Bank of America in Santa Barbara may have done more toward saving the environment than all the teach-ins put together."

The point of the Ramparts editorial is simple and fallacious. Pollution is seen as an inevitable byproduct of a system that also produced the war in Vietnam, poverty, discrimination, hunger, and consumer exploitation. The solution to the environmental crisis, according to Ramparts, is revolution and the wholesale dismantling of contemporary civilization—the exact opposite of what Mr. Weiner advocates in his Daily editorial.

The fact that Ramparts describes a simplistic and incorrect view of our society does not answer the issue that produces such thinking. Some Americans simply will not overlook this country's other shortcomings while the environment battle rages. Instead of working to combat pollution, some will work to combat the system that produced it. The fact that technology and population, not capitalism, are the root causes of our environmental problems—and those of the Soviet Union—will not impress them.

The environmental issue, far from being a panacea for dissent, may be the straw that breaks the back of the social harmony remaining in this country if the type of thinking that produced the Ramparts editorial flourishes. The burden of salvaging and fostering social harmony, let us be clear, rests on the shoulders of all levels of government and "mainstream" America, not on the dissidents. That burden can be successfully borne only if there is action—not only on the environment issue, but on all sources of discontent in American society.

In summary, let me say that effective and immediate action on the environment issue is not a sufficient condition for renewed social harmony, but it is a necessary one. We cannot and must not delude ourselves by thinking that mere rhetoric will appease any person concerned with this issue. In a very real sense, the steps we take to restore the quality of the American environment may be the acid test of our political system.

At the same time, we must move with renewed determination to root out the other ills that plague this Nation. We must not become involved in a wider war in Asia; we must not retreat from, but must vigorously pursue, our efforts to achieve social justice; we must not enter a period of "benign neglect" for the poor, the black, and the hungry. We must prove that our Government is responsive to the needs of our whole society, not just the needs of those whose desire for stability outweighs their desire for justice.

If we can do this, if we can demonstrate the true responsiveness of our political system, we will emerge from this period of environmental awareness much stronger than we entered it. If we fail to do this, we will enter into a period of greater unrest and greater turmoil than the Nation has ever known.

I ask unanimous consent that the two editorials to which I have referred be printed in full at the conclusion of my remarks, and I urge the Senate to consider the alternatives that these editorials represent.

There being no objection the editorials were ordered to be printed in the Record, as follows:

Mankind's Dilemma

You've heard the phrase before—"we are in the midst of an environmental crisis."

What exactly does that statement mean? Strictly speaking, using dictionary definitions, the sentence means this: The collective mass of human beings in this state, nation or world (depending on where the mind focuses) have reached a crucial and critical turning point in history, where the conditions surrounding and affecting human development are changing, for better or worse.

Contemporary environmentalists represented in part by contributors to this special section, would say the factors contributing to the total environment unequivocably are changing for the worse. Few, if any, of the experts in the various aspects of the field would say the situation is changing for the better.

Obviously, man is the cause of the environmental problems we are facing today. The basic question, yet unresolved by environmentalists, is this: are the problems we face today the result of human goals and aspirations evil in nature, or are they merely a flaw in an otherwise good history of productivity and success? In other words, is man guilty of some unspeakable crime caused by factors inherent within himself, or is he guilty only of oversight and insufficient awareness of the consequences of his actions?

WARPED VALUES

Nearly every environmentalist of the "new breed" says the philosophical roots of the question lie in warped or perverted value systems. Man, they say, has adopted a technological society, and in doing so, has perpetrated great rapes of the environment while drifting away from "human values." Some groups go so far as to preach the doctrine of "original environmental sin." For instance, a group that calls itself Zero Population recently said in its publication that "the fact is that people are pollution." Hence, simply by being alive, many environmentalists would say that man has made his first, and most basic mistake.

Consider "Zero Population's" statement. By saying ". . . people are pollution," the group is saying that merely by existing, man is making his habitat impure and unclean; simply because he exercises free will, he is defiling his surroundings. Man, this human group is saying, is evil.

This line of thought is prevalent to a greater or lesser degree in much environmental philosophy. Though the assertion is made that man is "unnatural," and hence, somewhat environmentally obscene, the question of the *nature* of man rarely is resolved in experts' writings. Therefore, some basic questions need to be asked.

1. By what standards should men measure their ideal "quality environment?"

Environmentalists seem to indicate that a quality environment is one that insures maximum opportunity for the growth of all species of life, within ecological limitations, *except man*. The assumption underlying much environmental writing seems to be that man has no requirements for a good life outside of satisfaction of normal bodily needs (food, water, air), and that he should be happy living an idyllic life "close to nature." The optimum environment, many experts seem to be saying, is one untouched by human hands.

But this type of situation obviously is impossible and unsuitable for human needs. Man, with free will and a conceptualizing brain, has other requirements that must be satisfied; to meet those requirements, he must "touch" his surroundings and alter the landscape. How, then, do man's needs affect a concept of environmental quality?

2. Most environmental philosophy seems to indicate that man has strayed from his "human values." Does this mean, as the experts seem to imply, that because man is a unique organism—possessing the power to severely alter his surroundings to meet his needs—his civilized values are necessarily inhuman? Must man first satisfy the needs of "nature" before the environmentalists approve of his actions, or can he function to meet his own needs as his primary priority, leaving, his surroundings somewhat intact secondarily? In other words, are human values, as environmentalists speak of them, truly human, or are they something else entirely?

3. Are man-made objects inherently evil, simply because man has made them? Are man-made objects "unnatural?" What does "natural," particularly in human terms, actually mean?

4. Many experts point to our economic system as the culprit in the environmental question. They say that man is a greedy, thoughtless organism, who stops at nothing in seeking personal power and dominance over his surroundings. Is this necessarily true? Is it even close to the truth?

Which is worth more, the knowledge that there is untouched wilderness just around the corner, or the ability of an individual to take that wilderness and fashion from it the articles that make human life comfortable and possible? Can some kind of balance between the needs of civilization and aesthetic qualities be struck in an industrialized society. Or is it better for men to return to their agrarian background, excluding technology and all it means because of what that sophisticated knowledge eventually might mean to the surrounding area?

The future of our civilization in palatable form may depend on extremely large numbers of individuals arriving at their own conclusions with respect to these and similar questions. The conditions affecting and surrounding human development are extremely complex; nature has interwoven its ecological web to the nth degree, and has done so without the aid of man. Man's industrial appearance on the scene, coupled with the complexities of his social systems, is the additional factor to be taken into account in environmental considerations.

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The individual, the basic building block in our social system, is faced with the difficult task of establishing environmental priorities. To do so, he must reach down to the very foundations and nature of his existence. If the individual regards himself as inherently evil, and if that attitude spreads to or is mirrored by the society as a whole, mankind may already have committed a horrible form of ideological suicide. But if the individual is prepared to make the necessary differentiation between man and other forms of life, and is willing to provide for his needs (while remaining cognizant of environmental necessities and the effect of his actions on his surroundings), there may be a chance for survival.

To be sure, all "laws of nature" must be observed by humankind if it is to survive on earth. But, environmentally speaking, man has in many ways freed himself from natural limitations on his biological facts of life. For instance, men are not limited to areas of warm climates in seeking habitats; they roam about the earth where they please, scientifically able to sustain themselves in inhospitable areas. This is a fact that environmentalists should not forget in their considerations. Human beings control their surroundings; because the individual has free will and abstract mental ability, he is not subservient to nature as is, say, a timber wolf or a douglas fir.

CLASS BY THEMSELVES

Human beings, then, truly are in a class by themselves. Furthermore, man is the only type of organism that operates in a goal-directed manner with value systems—human value systems. Man for centuries has struggled to develop the technology and acquire the knowledge that has made him the master of his world.

Consequently the choice before him is not whether to reject his scientific and industrial gains in order to return to nature; that would appear to be completely out of character, as much in defiance of nature as it would be to try to create a rose that talked. Rather, our civilization and the individuals that comprise it must decide just how much they want to control some of the uglier and potentially harmful aspects of their society.

Rather than blindly rejecting human nature and declaring humanity intrinsically immoral, environmentalists would do well to remember that it is only because of human nature that most of us are alive and well at all. We have created a technological behemoth and material-hungry civilization that continues to grow and to support increasing numbers of persons; our crisis would appear to be one consisting not of rejection of the values that have gotten us this far, but one of realizing just how much of our output we should begin to manage carefully.

Human values, then, are peculiar to man, the environmental answers, when found, must be subservient to man as well.

EDITORIAL

The environment may well be the gut issue that can unify a polarized nation in the 1970's, writes Time magazine. The Hearst Press sees it as a movement "that could unite the generations." And the New York Times solemnly predicts that ecology "will replace Vietnam as the major issue with students."

The wishful thinking of a frightened Establishment? Perhaps. But the organizers of the officially-sanctioned April 22 Teach-In movement are doing their best to give life to the media's daydream about the co-optive potential of ecology. If they succeed, thousands of young people across the country will engage in a series of environmental extravaganzas, embellished to capture the excitement of the original Vietnam teach-ins, but structured to encourage the young to forsake the "less important issues" and enlist in a crusade to save the earth.

We think that any analogy between what is supposed to happen around April 22 and the organization of the Vietnam teach-ins is obscene. We think that the Environmental Teach-In appparatus is the first step in a con game that will do little more than abuse the environment even further. We do not think it will succeed.

The originators of the Vietnam teach-ins worked at great odds and against the lies and opposition of government, university administrations and the media. They raised their own money and had offices in student apartments or small storefronts. "Earth Day" came to life in the offices of Senator Gaylord Nelson, received blessings from Nixon's Department of Health, Education and Welfare, was funded by foundations, and has worked out of facilities lent by the Urban Coalition.

Vietnam protestors had to create their own reading lists, fact sheets and white papers; they had to work against the "expertise" of Southeast Asia scholars. The Environmental Teach-In comes pre-packaged; a well-paid and well-staffed national office sends local organizers an official brochure which avoids mentioning the social and economic environment with which Mother Nature has to cope. Friends of the Earth (FOE) provides, through Ballantine Books, a semiofficial "Environmental Handbook," which insists that saving the environment "transcends the other issues" and that we should in non-partisan fashion "support a man from any political party if he is a true Friend of the Earth."

Never mind if he's a racist. Don't worry about whether or not he supports American imperialism. This spring the Nixon Administrtaion is busy undoing 15 years of struggle for school integration; the police continue to murder black people in the streets; the American judicial system is disintegrating and, in the eyes of the State, every radical has become a conspirator; the war machine in Washington has made clear its intention to stay in Vietnam indefinitely and to spread its war to Laos. All this—and the Teach-In organizers want to banish everything but environment to the back pages of our minds. They must be blind, or perverse, or both.

How can anyone in this dark springtime believe kind words—about environment or anything else—from the men in power? Once we might have been able to believe that because a President had embraced the civil rights issue, apartheid in the Deep South was dead. But such illusions can hardly be sustained any longer. The Open Housing Act, the chief legislative victory of those years, finds use this season only for its "H. Rap Brown Amendment"—the interstate travel ban on which the Justice Department hung the Chicago 7.

Lyndon Johnson promised that We Shall Overcome. Now Richard Nixon promises to clean up America. Even TV's "Laugh-In" knows the punch-line: "If Nixon's War on Pollution is as successful as Johnson's War on Poverty, we're going to have an awful lot of dirty poor people around."

Haven't we learned after a decade of social struggle that major problems like Vietnam, Race, Poverty—now Environment—can't be packaged separately, each protected from contamination by "other issues"? Even the Kerner Commission realized that white racism was systematic, structural and linked to economic and social institutions. Even the most determined skeptic has now been shown by the Nixon Administration that the Vietnam war was no honest mistake, but the result of a long history of American expansion into Asia and a long-term policy of subjecting poor nations to the imperatives of American investors. To understand why Washington has persisted in its genocidal war in Indo-China, don't look at the politicians who come and go; look at the structures of power and interest that remain.

II

Threats to the environment are no different. At their source is the same division of society—those with power against those without: the corporations, which organize for their own benefit, against the people whom they organize destructively.

Look at the values which galvanize energies and allocate resources in the business system: pursuit of money, enrichment of self, the exploitation of man—and of nature—to generate still more money. Is it surprising that a system seeking to turn everything into gold ends up turning everything into garbage? The market is master. Business makes money meeting consumer demands; it makes even more money creating new demands. More money is spent on advertising and sales promotion in America, on planned obsolescence and consumer manipulation, than on all education—public and private, elementary school through the university. This is pollution of the mind, and it has its own costs. Some students estimate that socially useless, ecologically disastrous waste products make up nearly half of the Gross National Product. Nixon has already predicted a 50 per cent increase in the GNP by 1980, ostensibly to finance new priorities like environmental reform. It would be better if he had questioned how much waste the dynamic American economy will have to produce in the next decade simply to clean up the waste of past decades.

Others, like the organizers of the National Teach-In, tell us that it is in the interest even of the corporate rich to clean up the environment. If all their customers are asphyxiated by air pollution, explain these optimists, business (and businessmen) would expire as well. By this same logic, the military-industrial complex should bar the ABM from its cities, and the corporations, always eager to bring new consumers into the market, should make the war on poverty work. But no businessman, alone or with other businessmen, can change the tendencies of our ultimately ecocidal process unless he puts the system out of business. As long as society organizes production around the incentive to convert man's energies and nature's resources into profit, no planned equable, ecologically balanced system of production can ever exist. Teach-ins which fail to confront this fact of life do worse than teach nothing. They obstruct knowledge and stand in the way of a solution. They join the struggle on the side which permits them truly to say—not of mankind, but of themselves—"We have found the enemy and he is us."

Perhaps the Teach-Ins could teach better if, instead of their present brochure, they distributed a full-page ad from Fortune's special environment issue. Sponsored by the New York State Department of Commerce, the ad pictures Governor Nelson Rockefeller inviting businessmen to come grow with New York. The pitch is simple: "Personal property of manufacturers is completely exempt from taxation in New York . . . During the past eleven years, there has not been one single new business tax in New York." Nowhere does the ad mention New York's long series of new *non-business* taxes. In 11 years in office, Rocky has first imposed, then hiked a new state sales tax; quadrupled the cigarette tax; tripled the gasoline tax; and lowered the minimum income below which poor people are free of the state income tax. Businesses apparently aren't expected to care who subsidizes their growth. But the ad does want them to know that Governor Rockefeller, author of the "soak-the-poor program," considers "economic growth—a continuing expansion of the private economy—to be the indispensable ingredient of all progress."

Rockefeller doesn't say this only because he's a Rockefeller; he says it because he's Governor and every governor wants business to invest in his state. Private business accounts for 85 per cent of the GNP; it must be kept happy and expanding, or, short of revolution, there will be nothing for anyone at all. Regulation of business consequently can never be more than self-regulation, fed-

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eral intervention into the business sector never more than federal intervention on behalf of the business sector.

But regulation is not the question. We simply don't need any more gross national product, any more unnecessary goods and factories. What we do need is a *redistribution* of existing real wealth, and a *reallocation* of society's resources. Everyone knows what this redistribution and reallocation should do; the crises of the last ten years have made it all so obvious: The poor must have adequate income, the cities must be rebuilt to fit human requirements, the environment must be de-polluted, the educational system must be vastly expanded, and social energies now poured into meaningless pursuits (like advertising and sales promotion) must be rechanneled into humanly edifying and creative activities.

We must, in short, junk the business system and its way of life, and create revolutionary new institutions to embody new goals—human and environmental.

All this sounds utopian. Well, utopias are relative. More utopian by far than revolution is the idea that the present society, dominated by business, can create lasting, meaningful reforms sufficient, for example, to permit mankind to survive the century.

III

At a recent "survival faire" in San Jose, California, ecology organizers bought a new car and buried it as a symbol of the task which they saw confronting ecology action groups. This was an indication of dangerous political naivete that must be overcome. To buy the car in the first place was to pay the criminal and strengthen him. But this act also pointed the finger of guilt at the consumer, who has only the choice of traveling to work by auto or walking 30 miles to work on the freeway. In opposition to this misdirected gesture of revolt, San Jose's black students angrily demanded that the car be raffled to provide defense funds for their brothers on trial. The blacks made their point very clearly.

In contrast to this Survival Faire, the week after the Conspiracy defendants were sentenced in Chicago, angry students razed the local branch of the Bank of America in Santa Barbara, California. The only bank in the Isla Vita youth ghetto, B of A had long treated young people as a class apart. It had opposed the grape strikers centered in Delano. It had supported, with branches in Saigon and Bangkok and with its leadership of the investment build-up in the Pacific, the American occupation of Southeast Asia. Two of its directors sit on the board of Union Oil, which had for so many months desecrated the once-beautiful beaches of Santa Barbara and destroyed their wildlife. Most important, as the branch manager explained to the press, it had been the major local symbol of capitalism and the business system.

Burning a bank is not the same as putting the banks and their system out of business. To do that, millions of people in this country will first have to wake up to the real source of their misery. The action in Santa Barbara, a community which has seen its environment destroyed by corporate greed, might spark that awakening. If it does, the students who burned the Bank of America in Santa Barbara will have done more to save the environment than all the Survival Faires and "Earth Day Teach-Ins" put together.

FACULTY AND STUDENTS PROTEST VIETNAM WAR

Mr. JAVITS. Mr. President, yesterday, two students from the school of engineering and science of New York University presented to me off the floor of the Senate a petition containing approximately 350 signatures constituting one-half of the faculty and one-third of the student body of the school of engineering and science, protesting the expansion of the Vietnam war into Cambodia, and the bombing of North Vietnam.

For I am informed that the petition was signed by the dean, John K. Ragazzini; the associate dean, Emanuel A. Salma; the provost, Mr. W. F. Hyde; the two assistant deans and the heads of various departments, all signatures were obtained in a period of 5 hours when the petition was circulating. This was the first time that the school of engineering and science had ever circulated such a petition for presentation to their elected representatives. In addition, the dean arranged for the school to send two student representatives to Washington to present the petition to the Congress.

I would like to tell the students and faculty of the school of engineering and science of New York University how much their efforts in expressing themselves this way are appreciated and how meaningful is the method they have chosen.

This petition shows that students and faculties have not given up on our representative system and still feel it is worthwhile to petition their Government. This is most admirable. We in the Senate must not let that effort be in vain and must listen and give serious consideration to the views expressed in the petition.

I ask unanimous consent that a letter of transmittal and the text of the petition together with selected signatures of faculty members be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

NEW YORK UNIVERSITY,
Bronx, N.Y., May 5, 1970.

To whom it may concern:

This will introduce Messrs. Peter E. Lind, University Senator representing the School of Engineering and Science and Robert S. Schaps, President of the Undergraduate Engineering Council of the School of Engineering and Science.

They are carrying a petition signed by faculty and students of the School concerning the expansion of the conflict in South East Asia.

Sincerely,
JOHN R. RAGAZZINI,
Dean.

We, the faculty and students of the School of Engineering and Science of New York University, are appalled by the decision of the National administration to send troops to Cambodia and to reinstitute the bombing of North Vietnam.

We wish to express our strong disapproval and dissent to this action by peaceful means in the hope of impressing on the Administration our revulsion of this action.

To show our solidarity with students at New York University and other schools, we present this petition indicating our opposition and requesting immediate congressional action by our Senators and Representatives in Washington during the next few days.

John R. Ragazzini, Dean, School of Engineering and Science.

Emanuel A. Salma, Associate Dean, School of Engineering and Science.

Irwin Wlodan, Assistant Dean, School of Engineering and Science.

Benjamin Soldin, Electrical Engineering Department.

Ferdinand L. Singer, Professor of Mechanical Engineering.

Fred Landis, Professor of Mechanical Engineering.

L. A. Bernstein, Professor of Physics.

W. Tom Hyde, Provost.

Barry Wolf, Associate Professor, Mechanical Engineering.

Paul F. Hintermt, Sen. Res. Scientist.

Sylvan Ehrenfeld, Professor, Dept. of Industrial Engineer and Operation Research.

Leon H. Herbach, Professor of Operation Research.

ADDITIONAL STATEMENTS OF SENATORS

DEPARTMENT OF INTERIOR IGNORES CONGRESS AS WELL AS INDIANS

Mr. ERVIN. Mr. President, On April 11, 1968, over 2 years ago, the Indian bill of rights was signed into law. This legislation was the result of 7 years of painstaking investigation by the Constitutional Rights Subcommittee into one of the most difficult and neglected areas of American law. The reports from those years of hearings, research and field trips have documented the need for this law and indeed, for many other guarantees of the rights of the Indian where he deals with his tribal government, with the courts and with State and Federal Governments.

Consequently, the new law defined for Indians certain rights in their dealings with their tribes and placed limitations on the power of tribes over their people similar to the restrictions in the Bill of Rights to the United States Constitution. It also provided that States may assume criminal and civil jurisdiction in Indian country, but only with the consent of the Indian tribe concerned, and it imposed a 90-day time limit for the approval of contracts relating to the employment of legal counsel by Indians or Indian tribes.

The heart of the new law, however, may well rest in two provisions which together constitute a freedom-of-information law for the Indian. The first, title III, directs the Secretary of the Interior to recommend to the Congress a model code to govern the administration of justice by Courts of Indian Offenses on Indian reservations. The second, title VII, directs the Secretary of the Interior to compile, bring up to date, and publish certain materials relating to constitutional rights of Indians.

Mr. President, these sections of the act reflect a belief by Congress in the most basic tradition of Anglo-American jurisprudence, that due process of law in society depends on the foreknowledge by the citizen of what his rights and duties are under the law, and that whether that law flows from statute, rule, or court decision, he have access to the written word of the law. Congress recognized full well that the legal rights of Indians could not be protected unless the Indian and his counsel had knowledge of and access to the law that governs those rights. This truth was recognized and this basic right was secured in the 1968 law because subcommittee investigation had revealed the injustices suffered over many years in the name of secrecy,

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lethargy, and ignorance about the laws governing Indian rights.

On December 24, 1969, more than 20 months after the passage of the act and 18 months beyond the due date of the model code, I wrote Secretary Hickel asking him when the model code would be submitted to Congress and what progress had been made in the preparation and compilation of the materials referred to in title VII.

On December 29, 1969, my letter was acknowledged and a prompt reply promised. On January 19, 1970, a letter was sent to me from the Office of the Solicitor, Department of the Interior, stating they had asked the Bureau of Indian Affairs for a report and would reply in detail as soon as the necessary information was received.

Mr. President, it has now been more than 4 months since my letter of December 24, 1969, and I have just now received a reply. It has taken these 4 months for the Department to prepare an answer which says that in 2 years they have not complied with the mandate of Congress.

Many problems face the Indian in our Nation today. If the Interior Department and the Bureau of Indian Affairs function in all matters affecting Indians in the same manner as they have so far in matters affecting the most basic constitutional and legal rights of Indians, it is apparent that the Department is not contributing to the solution of those complex problems. On the contrary, the Department adds to those problems when it fails to carry out its obligations, even those obligations expressly imposed upon it by Congress.

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The things required of the Secretary of the Interior by the 1968 act are of fundamental importance because, if done they would make available in usable form information necessary for the Indians to know their rights and duties. It is disappointing to me that the Department has not even begun this important task. And it is distressing that it took more than 4 months for someone in the Department to tell the subcommittee that they have done nothing.

I note that a complaint has been filed in the U.S. District Court for the Northern District of California to enforce this congressional mandate. The complaint alleges that as a consequence of the failure of the Secretary of the Interior to comply with the act, the plaintiffs are less able to protect Indian rights, and that those plaintiffs who are law professors are unable to instruct others on how to protect Indian rights.

The fact that Congress directed the Department to do these things has apparently had little effect. The Department just does not seem to view the obligations of the 1968 act as particularly important. They tell us, that the delay in carrying out the obligations of titles III and VII has not significantly impaired the salutary effects of the substantive provisions of the act. They miss the point that titles III and VII lie at the heart of the matter. Congress did not pass this statute requiring the publication of Indian laws because it had nothing better to do with its time. It passed that law because congressional investigation had demonstrated that the Department had been inexcusably negligent in failing to carry out its responsibilities to the Indians. They seem to operate on the basis of business as usual, all things in good time. That is the spirit in which they applied themselves to my inquiry. And it took 4 months for a reply. At this rate, it will take years before the 1968 act is complied with, assuming the Department ever gets started.

In the answer to my December letter, we are told that the Department has no money and no personnel to do the job it was directed to do. The Department says it needs to find additional money for one attorney and one secretary. I cannot believe that these important projects have been stalled for 2 years because the Department cannot find $26,000 out of a total budget of $2,301,382,600.

Mr. President, we have heard much talk about a new day dawning for the first Americans. But those words are useless without action. In order for the constitutional rights of Indians to be more fully protected it is imperative that the Department of the Interior comply immediately with its constitutional duty to execute the law.

TRIBUTE TO HARRY S. TRUMAN BY SENATOR EDMUND MUSKIE IN INDEPENDENCE, MO.

Mr. SYMINGTON. Mr. President, on April 11, the 25th anniversary of President Truman's succession to the Presidency, the Senator from Maine (Mr. MUSKIE) delivered a truly magnificent speech in Mr. Truman's honor at the Harry S. Truman Library in Independence, Mo. Senator MUSKIE's speech vividly recalls the courage, decisiveness, and toughness which characterized Mr. Truman's entire Presidency during the difficult years immediately after World War II.

President Truman will be celebrating his birthday this coming Friday, May 8. It is a most appropriate time to recall the qualities that Senator MUSKIE described.

I ask unanimous consent that the text of his eloquent statement be inserted in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRESIDENT TRUMAN—25 YEARS AFTER

(Remarks by Senator EDMUND S. MUSKIE)

When Dean Heller invited me to speak, today, he asked that I "talk from the viewpoint . . . of a public figure active today." I accept the compliment, because I hope those who doubt my public existence and question my activity will experience the same sense of wonder which came to Mr. Kaltenborn in 1948.

It is always an honor to be invited to pay tribute to one's heroes. I confess to my admiration for President Truman, but I would not want you to think that I am wholly uncritical of his record. I think he set a bad precedent when he made Presidential piano playing respectable.

Years ago, an out-of-stater struck up a conversation with an elderly native—an octogenarian—in one of our lovely little Maine towns. "I suppose you have lived in this town all your life?" he inquired. The old man replied, "Not yet!"

In the same spirit this group gathers here in Independence each year.

To pay tribute;

To draw inspiration;

To give continuity to those values, and qualities, and principles which are the mark of greatness in a man, and his community, and his country.

I remember that one of my first political acts after becoming a Democratic National Committeeman from the state of Maine in 1952 was to defend President Truman. The President had just visited the state, and had been subjected to an unwarranted and inhospitable attack by a Portland newspaper. I wrote a letter to the editor. The newspaper featured the letter and conceded, in an editorial, that it had been intemperate. I was pleased; the newspaper editor felt virtuous and I am sure the President—if he was aware of the exchange—smiled with the knowledge that history would be the final judge. Incidentally, it was also timely reassurance that a Democratic point of view, vigorously asserted, could be influential in Republican Maine.

President Truman is one of those fortunate public men who has lived to hear the vindication of history. And if he takes some pleasure in the knowledge that he confounded the doubters, we can rejoice with him.

Each of us comes to this occasion with his or her own memories of April 12, 1945, and the years which have followed. And each of us, I suspect, must confess to a change in perspective toward Harry S. Truman and the Presidency since that date.

Today's observance affords a singular opportunity to use that perspective, as President Truman would, to learn more about ourselves, our country, and the qualities the times require of us.

The world of that dark Thursday afternoon in 1945 was one caught between hope and chaos. The President to whom the nation and the world had looked for twelve years for leadership, was dead. A terrible world war was approaching its end, and in its wake we could see a world order far different from that we had known before. No longer were there several major powers in Europe. Both the victors and the vanquished had been decimated by the war. In Asia, Japan was defeated and China splintered. In the world there were now only two major powers—the United States and the Soviet Union—about to confront each other in a new type of war—a cold war, generated by Soviet dreams of expansion.

What would this mean—for man—and his hopes and dreams—for a better world and a better life?

At home, a nation weary of war desired a speedy return to peace and the comforts war had denied us. A few saw the difficult problems of reconversion from a war economy to peace, but most were oblivious to the backlog of crisis the President would face at home.

What sort of man was this who would now preside over our effort to influence the shape of an uncertain and perilous future?

Much of his background was humble. He had been reared in a small town in middle America. He had no formal education beyond high school. He had worked as a timekeeper for a railroad, in the mail room of a newspaper, as a bank clerk, as a farmer. He had been a small businessman, a soldier and a county judge. He had experienced the rough and tumble of local and state politics, and risen through the ranks. At one phase of his development he might have been classed—if I may coin a phrase—as a member of the "Silent Majority."

And so there were questions about the quality of the new leadership in the White House.

Walter Lippman comforted himself by writing that "The genius of a good leader is to leave behind him a situation which common sense, without the grace of genius, can deal with successfully." He was wrong, both with respect to the situation and the quality of the new President.

Harry Truman did have an average American background, but he was not an ordinary man. He had zest, vitality and energy that were the marvel of those with whom he worked. He had a rare capacity for decision and administration. He had the judgment to realize what principles in American life were worth preserving and the courage to fight for those principles.

His capacity for decision may be the most fabled of his attributes.

He made it clear—in a way which was never fully understood before by grassroots Americans—that the White House was primarily a place where decisions are made—tough, potentially final decisions which cannot be avoided and which carry awesome implications for life in our country and on our planet.

And our people understood—more clearly than before—that such decisions should be made by men of capacity, understanding, and courage—who understand that a President must lead his people in the direction indicated by their best instincts and traditions.

And they came to the realization that Harry Truman was such a President—and they have given him his place in history.

There followed the many bold—often spectacularly successful decisions of the Truman Era. Dean Acheson has described them:

"The 1947 assumption of responsibility in the Eastern Mediterranean, the 1948 Grandeur of the Marshall Plan, the response to the Blockade of Berlin, the NATO defense of Europe in 1949, and the intervention in Korea in 1950—all those constituted expanded action in truly heroic mold. All of them were dangerous. All of them required rare capacity to decide and act."

This was the leadership of a man who saw the world as it was—the need for new and unprecedented action—ranging far beyond any earlier concept of American responsibility in the world.

This man of ordinary background stepped out into the unknown—leading his people—unhesitatingly—clear-eyed—and wisely.

There have been a number of analyses of the Truman decision-making process. Dean Acheson, for example, in his latest book, "Present at the Creation," credits much of the President's capacity for leadership and decision to two qualities. First of all, the President had, Mr. Acheson tells us, a magnificent vitality and energy that allowed him to assimilate and understand a prodigious amount of material. Secondly, he had a passion for orderly procedure and a superb administrative ability which had been nurtured by his experience in local government.

Acheson reports that the President employed a brand of the adversary process, adapted from the law, and that, in keeping with another venerable legal tradition, he reduced all major decisions to writing.

One of the most delightful accounts of Truman's decision-making process, however, came from Mr. Truman, himself, reportedly in a question and answer session at the University of Virginia in 1960.

The question from the floor was: "Mr. Truman, how did you go about making a decision?"

Mr. Truman's answer was reported as follows: "I asked the members of my staff concerned to submit their recommendations to me in writing. In the evening I read the staff proposals. Then I went to bed and slept on it. In the morning I made a decision."

The next question was: "What happened if you made a mistake?"

The answer: "I made another decision."

Decisiveness is a Truman characteristic. It is an important characteristic of leadership. As a quality, it can inspire confidence and trust in a people—impel them to risk change, to consider new values, to assume new responsibilities. But there must be more. The decisionmaker must also be guided by historic principles and dedicated to their implementation. If the Declaration of Independence and the Constitution mean anything, it is that the *goals* of a Democratic Society are important, that they should be remembered, and that our leaders should lead us toward them. Nowhere is this more important than in the case of Civil Rights.

From the vantage point of the Seventies, many of us tend to think of the 1954 decision in *Brown* v. *The Board of Education* as the watershed for civil rights in the nation. It was a tremendously important decision in the evolution of our country, but it followed by some years Harry Truman's drive to promote equality of opportunity. As President Truman put it in his characteristically blunt language: "The top dog in a world which is over half colored ought to clean his own house."

I doubt that this man from Missouri gave a moment's thought to a Southern strategy.

He saw the United States as a divided country—divided by barriers that were unhealthy, unwholesome, and unAmerican. It was his responsibility to try to make it whole.

He supported his sentiments by action. He insisted, over considerable objection, that the armed services be integrated. He established a committee on Civil Rights to investigate the need for Civil Rights legislation and upon the recommendation of the committee, he asked the Congress:

To establish a permanent commission on Civil Rights, Joint Congressional Committee on Civil Rights and a Civil Rights Division in the Department of Justice;

To strengthen existing Civil Rights laws and laws protecting the right to vote;

To provide for Federal protection against lynching;

To establish a Fair Employment Practices Commission;

To provide for Home Rule and sufferage in Presidential elections for the District of Columbia.

At his insistence—with a full appreciation of the political risks involved—these proposals were also contained in the Democratic Party's Platform in the 1948 elections. He preferred to take risks that could lead to a united country to the risk of an increasingly divided country.

The result is well known. The Dixiecrats left the Democratic Party. In the perilously close election that followed, their defection cost the President four states from the supposedly "Solid South" that otherwise would have been in his camp. Mr. Truman knew he could have avoided this result. But he refused to compromise on principle. As he wrote in his memoirs:

"I believed in the principles these platforms advanced . . . I was perfectly willing to risk defeat in 1948 by sticking to the Civil-Rights plank in my platform."

Devotion to principle means a willingness to risk such defeat. It is also the only way to appeal to the best in men. It is a quality we need now—at a time when the country is even more divided than it was in 1948. It is a quality we must produce in our leaders, if we are to produce it in our people.

There is another example of that Truman blend of decisiveness, judgment and dedication to principle which has relevance today.

A principle in which Mr. Truman believed deeply—that the civilian government must at all times exercise ultimate control over the military.

It was one thing to state the principle. It was another to relieve General MacArthur of his command. The General enjoyed immense popularity at home. It was clear that MacArthur's removal could precipitate the biggest fight of his administration. And it did.

But Mr. Truman believed he had no other choice. As he wrote in his memoirs:

"If there is one basic element in our Constitution, it is civilian control of the military. Policies are to be made by the elected political officials, not by Generals or Admirals."

This was a deep-seated instinct, rooted in the experience of mankind. If any society is to climb toward the goals which are humanity's highest aspirations, the military response must be subordinated to non-military values.

Whenever man feels insecure—whenever he feels beleaguered by the hostile manifestations of frustrated hopes and dreams—he seeks security.

What may constitute security at a given time—in given circumstances can be a terrible judgment to make—requiring a sensitive and balanced appreciation of the nature of the threat and of the consequences of the available courses of action.

The principle of civilian domination over the military must be regarded as something more than a transient response to the experience of the American revolution.

It is a fundamental principle—enshrined in our Constitution—related intimately to the survival of freedom and the kind of lives our children will live.

It is a principle in which Mr. Truman believed—and for which he fought at great political cost to himself and to other causes he would have liked to advance.

It is a principle which has application to several difficult national decisions with which we are confronted today:

Our policies in Southeast Asia:

The dangers of the Nuclear Arms Race and the initiatives we should take to avoid them;

Our budgetary priorities;

The "Voluntary" Army.

In each case, which course offers the real security?

What values—military or nonmilitary—should predominate in shaping our answer?

Mr. Truman was a man of his time—keenly aware that his was the responsibility for dealing with problems in the "here and now."

He was enabled to do so by the personal qualities which we all know so well—and because he knew the American experience—and the principles and values which must be projected into the future, if the American experience is to survive.

All who observed the Truman years in the White House were often frustrated by the political "mistakes" he made.

The man in the White House is always the "Master Politician"—shrewd in the use of maneuver and expediency to reduce the political cost of his policies and to stretch out his political bankroll.

The perspective of time tells us that President Truman believed his political bankroll to be a resource—to be spent without stint in the country's best interest.

Time also tells us that the judgment of history is more likely to vindicate such a view of the Presidency that any other. Political sagacity is not enough to make a wise President. Energy is not enough to give him a forceful Administration. Mastery of the arts of communication is not enough to win the hearts of his people. Knowledge of the principles of public Administration is not enough to command the loyalty of public servants.

Leadership consists in appealing to the best that is in a people, not in exploiting their differences and weaknesses. And that leadership can come only from a man who insists on the best from himself, by knowing what history has to tell us, by understanding what is in the hearts of his people, and by exercising judgment, courage and dedication to principle in the office of the Presidency.

Undoubtedly Dean Acheson had these qualities in mind in dedicating his book to President Truman, saluting him as "The Captain with the mighty heart."

And so he was and is.

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TRAGEDY AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, the entire Nation was shocked over the recent mindless and tragic slaying of four students at Kent State University, at Kent, Ohio, by members of the Ohio National Guard. Assessing blame for this tragedy cannot bring these two young men and two young women back to life, nor right the horrible wrong that was perpetrated at Kent on Monday. Those who were guilty must be found and tried. However, if these slayings are to have any meaning at all—if these young people are not to have died in vain—then it behooves all Americans to search their souls for the answer as to why it occurred and to how similar incidents can be avoided in the future.

Mr. President, no excuse can be given for the killing of these young men and women by National Guardsmen. Their taking of human life has no justification. National Guardsmen, with little training and lacking adequate riot control training, should not have been permitted to have rifles loaded with live ammunition and fixed bayonets on a university campus. Those who ordered this action must accept the responsibility for its consequences.

Mr. President, on a much broader scale, in recent months there has been taking place an ominous polarization of our society. The middle ground between those of opposing views is rapidly disappearing. In many cases it is no longer possible for Americans of different viewpoints on any issue to resolve their differences peacefully. Instead, fear has set in—a cancerous fear that threatens to destroy the very fabric of our society. With this fear comes mistrust of one another, a questioning of honest motives and unfortunately in some cases, deep hatred.

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The stage was set for the recent violence at Kent State and other colleges throughout the land by President Nixon's decision to invade Cambodia without a formal declaration of war by the Congress, and thereby to widen our involvement in that immoral, undeclared war in Indochina. This, despite his repeated promises to end the war in Vietnam.

Is it any wonder that the disillusioned young people of the Nation, after receiving promise after promise for the last year and a half that we would withdraw from Vietnam, reacted violently to the President's expansion of the war into Cambodia. Then, to compound that tragic error President Nixon publicly referred to student protesters as "bums" and contrasted them with young men fighting in Vietnam. The President made it clear last November that he would not be moved by massive, nonviolent protest. When hundreds of thousands of Americans marched peacefully in Washington to demonstrate their opposition to the war, President Nixon commented only that it was a nice day to watch a football game.

Mr. President, the four young men and women who were killed at Kent State Monday were not themselves engaging in any violent or unlawful demonstrations. They were not radicals. They were not bums. If similar tragedies are to be avoided in the future, the cause for this tragedy must be looked into.

President Nixon's response through an intermediary revealed the deplorable lack of insight on his part of the conditions that gave rise to the massacre. The President showed no compassion or understanding over what happened. His statement that the deaths "should remind us all once again that when dissent turns to violence it invites tragedy" was coldly unfeeling. The context in which it was made would lead Americans to place the blame on the dead students instead of those who murdered them. The President's response only added to the alienation deeply felt by millions of young Americans. It drove many moderate students to take the side of those who advocate violence.

What happened at Kent State and is now happening on campuses throughout the land has grave portent for the future of the Nation. It is tragic that the President does not realize this. The bonds of trust and confidence which must exist between the people and their Government have been strained to the breaking point in recent years. Events of recent days threaten to destroy them. Nothing we can do will restore the lives of the students slain at Kent State. However, action must be taken from the very highest level of government on down to prevent a similar occurrence in the future.

Mr. President, I am today introducing in the Senate a resolution calling for the establishment of a select Senate committee to investigate the Kent State killings. This committee would be composed of the two Senators from Ohio, two members of the Armed Services Committee to be selected by the chairman, and two members of the Labor and Public Welfare Committees to be selected by the chairman.

Many important questions remain to be answered by this committee. Who gave the guardsmen the order to carry live ammunition in their guns? Who, if anyone, gave guardsmen the right to fire at individual demonstrators? What kind of training did these young men have in controlling civil disorders? Could local and State policemen have done the job without help from the National Guard?

More important perhaps are broader questions. May students on a university engage in nonviolent protest without being repressed by police or injured by tear gas hurled at them in canisters? Must damage to property be stopped by the use of loaded rifles in the possession of untrained trigger happy National Guardsmen? Can any action be taken on a national level that would make violent protest unnecessary?

Mr. President, it is imperative that these questions be considered without delay. They must be given a thorough and impartial study that cannot be achieved through self-investigation by the National Guard or State police.

HELP FROM MICHIGAN FOR VIETNAM ORPHANS

Mr. GRIFFIN. Mr. President, in all wars the innocent, the women, the children, and the aged invariably suffer. The war in Vietnam is no exception.

But a Michigan soldier who served a tour of duty in the war decided to do something about the plight of scores of children orphaned by the war. And through a Detroit newspaper, the Free Press, he got plenty of help from back home.

Mr. President, I submit that the kind of compassionate concern demonstrated by former Sgt. Jack Hanley, of Birmingham, Mich., is more the hallmark of the vast majority of our American fighting men than is the ugly picture painted by allegations growing out of the incident at Mylai.

The Free Press published a followup article on Sergeant Hanley's efforts on Thursday, April 23, 1970.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW ONE DETROITER'S PLEA BROUGHT MIRACLES IN VIETNAM

(By Jean Sprain Wilson)

You have undoubtedly heard of My Lai and as an American you are ashamed. But have you heard of the hamlet of An Khe and Sgt. Jack Hanley of Birmingham, Mich.? As a Detroiter, it might make you proud.

It will especially if you are one of the hundreds of Free Press readers who helped him perform his miracles in Vietnam.

This story began last fall when the sergeant broke it gently to his parents, the John Hanleys, Sr., 835 Westwood Dr., that he was postponing his Army discharge because 63 hungry, ragged orphans in that village needed him.

Before returning to Vietnam he talked a great deal to everyone about his sickly, toyless, bookless urchins, so much so that the Pontiac Jaycee Woman's Auxiliary in Pontiac and 12 other Detroit area chapters decided to collect and send him the articles which he said they needed.

Then the Free Press wrote about Jack and his kids. As a result the Jaycettes, as the auxiliaries are called, were inundated by gifts from readers in Detroit area and the whole Midwest. Seven tons of useful goods were shipped out of the Pontiac post office, a record mailing, according to the Postmaster General.

What happened half-way across the world when Sgt. Jack's "mail" caught up with him was not fully known until he came home recently. This is what he says:

"The director of the high school at An Khe and those orphans were so delighted at having books at last that they built a library and a school where English is now being taught. I taught English there myself for a while.

"We didn't have enough vehicles, so the New Zealand Red Cross distributed two tons of food and clothing for us to the primitive Vietnamese in the outlying districts. They are the Aborigines of the country who still hunt with crossbow and spears and who have suffered terribly during the war.

"Just before I came home 69 Viet Cong were smoked out of where they had been hiding since 1967. These were frightened children and old people. They were so starved their rib cages showed and their stomachs protruded. We gave them eight boxes of clothing, food, and toys.

"You should have seen the change in them. They were running around and hollering with joy. Even the old ones were down on the ground winding the toys and pushing them around.

"Then we made up propaganda leaflets and dropped them and 600 more came out."

So it was that, instead of bringing joy and better health to 63 orphans, the whole village of An Khe, another orphanage at Phoc Thien, and thousands of Vietnamese in the hinterlands benefited from Detroit's generosity.

Sgt. Hanley, in calling to thank the Free Press for its part the other day, estimated that some 30,000 Vietnamese have had a better life—indeed life itself in some cases—because Detroiters had a heart.

The good-looking 24-year-old suburbanite who used to spend his days off working with inner city youths, lost his heart to the people of An Khe when he was transferred there on civil pacification duties after suffering a partial hearing loss while in the combat lines. Sgt. Hanley's "family" was later expanded to include another orphanage, 12 schools, a leprosarium, and "a lot of Viet Cong."

But the Army, deciding that Sgt. Jack's stint in Vietnam had been long enough, has transferred him to Fort Meade, Md. until his discharge in July. Now on leave in Birmingham, this is the last time he can call it "home." His parents are moving this week to Boca Raton, Fla.

"I was kind of sorry to leave my kids," he says, referring to the An Khe orphanage where he has become Santa Claus. "I'll keep in touch by writing some of them."

That will keep the mailman busy over there, but not nearly as busy as the great day he received 278 cartons from you . . . and you . . . and you.

VIOLENCE AND COUNTERVIOLENCE DESTROY FREEDOM

Mr. RANDOLPH. Mr. President, the right of dissent and protest must not be denied any American—including students. The same is true of the right of peaceful assembly.

But mob rule, arson, or other types of destruction of property—whether on a college or university campus or off it—must not be permitted and cannot be tolerated.

The tragic deaths of four youths at Kent State University emphasize the growing division among our young people, law enforcement officials, college administrators, and our Government. It appears as though troops and other law enforcement officials could have dispersed that on-campus overcrowding by other methods than resorting to automatic weapons.

Confrontations between students and police and/or National Guard troops must not only be discouraged; they must be avoided. Reason and reform must replace revolt if academic freedom is to be preserved. There must come understanding as well as necessary discipline. We must have less name-calling.

Cooler heads must prevail on the campuses, from the office of the president to the freshman classroom or dormitory—in the cities, from the mayor to the police recruit—in the State house, from the Governor to the National Guard private—in the Nation, from the White House to the guard at the gates.

These admonitions are difficult to bring to fruition unless and until there are many changes in attitudes of many, many people throughout the country.

We must determine areas of agreement. We must stop being so quick in disagreeing in so many areas of national concern. If there is to be consensus on any one major aspect, I hope it would be that no responsible person condones violence and no responsible person should condone unwarranted counterviolence.

Too much blood is being spilled in too many conflicts—and too many human lives are being lost—both abroad and at home.

As we criticize the mistakes of youth, we of the so-called establishment must admit also our errors in having for too long placed too much stress on materialism.

Human compassion, human dignity, and respect for human life can, I believe, be strengthened even now in this era of malice, polarization of viewpoints, and terror.

MAYOR DALEY, FORMER PRESIDENT JOHNSON RALLY BEHIND PRESIDENT NIXON

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent that two newspaper articles be printed in the RECORD at the close of my remarks. The first is a Chicago Tribune report on a statement by the leader of the Democratic Party in Illinois, Mayor Richard Daley, in which the mayor expressed his support for the action taken by our President last Thursday evening. The other article, published in the Chicago Sun Times, reports on the support given our President in his hour of crisis by former President Lyndon B. Johnson at a Democratic fundraising dinner in Chicago Friday evening.

As U.S. Senator from the State of Illinois, I want to express my personal appreciation to these leaders of the opposition party for their recognition that our Nation must remain united if we are to succeed in Vietnam or anywhere else.

I can also report that the sentiments so eloquently expressed by Mayor Daley and Former President Johnson have found broad acceptance among most other leaders of the Democratic Party in Illinois.

It is most unfortunate that a few Illinois Democrats have seen fit to issue statements over the weekend which tend to divide our people, rather than unite them—all for the sake of partisan advantage.

These pseudo-experts, whose knowledge of foreign affairs is confined to reading certain liberal columnists, would have made the same choice our President made in Vietnam, if they had had the responsibility—and they know it.

Instead of doing the truly responsible thing—supporting our President in what they must know was the only acceptable alternative he had—they have chosen to take the low road of partisan politics.

I only wish there were more Democrats like Mayor Daley, willing to put aside partisanship when the safety of our boys in Vietnam is at stake.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Illinois?

There being no objections, the articles were ordered to be printed in the RECORD, as follows:

DALEY URGES PUBLIC: BACK NIXON ON WAR

Mayor Daley called yesterday for public support of President Nixon on his decision to send troops into Cambodia, and said the President made his decision "on the best advice he could get."

"I am not familiar and you are not familiar with all the information available to the President," Daley told reporters. "We can't be Monday morning quarterbacks.

"I may be old-fashioned, but I'm still one who feels we should support our President and he is the President of all the people. We should give him support and hope and pray his decisions are right."

NOT A POLITICAL ISSUE

Asked if he thought the decision would be an issue in the November elections, Daley said:

"I said it under (former President) Johnson, and I repeat it. I don't think our foreign policy should become an issue in an election. Issues should end at the waterline of our country. I feel strongly that we need unity, cohesiveness, and togetherness of our people as it affects our foreign policy."

A reporter noted that some members of Nixon's own party disagree with his decision, and said these people "have access to information we don't have here."

DECISION TOOK COURAGE

"I'm just a local fellow," replied the mayor. "I'm not a senator or a congressman."

Asked if he thought Nixon's decision required political courage, Daley said: "I think it did. He did what he thought was right."

Daley was asked if he agreed with the President that this move would be a short term action.

"From what he said, I think it is about like President Johnson on withdrawal of troops," said Daley. "To analyze it, you couldn't withdraw them with guns and weapons at their backs. Only a few miles from Saigon (across the border in Cambodia) was this great concentration of Viet Cong troops and supplies. This has been going on for many years."

[From the Chicago Sun-Times, May 2, 1970]

BACK NIXON, LBJ URGES THE NATION AT DINNER HERE

(By John Dreiske)

Former President Lyndon B. Johnson Friday night asked that "all who love freedom" give President Nixon support in the Southeast Asia crisis.

Speaking of Mr. Nixon's ordering of U.S. troops into Cambodia, Mr. Johnson told 7,000 Democrats attending a $100-a-plate dinner in the Conrad Hilton Hotel:

"I hope our President's voice is not drowned out by those other voices who are without knowledge and the responsibility to make the agonizing decision."

It was Mr. Johnson's first major policy speech since he announced on March 31, 1968 near the end of his first full term that he would not run again.

Mr. Johnson told his audience that "our problem is getting Hanoi to listen."

Mr. Johnson called repeatedly, in his address for a united America. He asked for the nation to unite behind President Nixon.

"I hope that he (Mr. Nixon) and all others under his command have the support of all who love freedom," Mr. Johnson said.

"He does have my support. Because I understand. I have been there."

Mr. Johnson went on to say that "we cannot draw into a shell," and what is happening in Asian cities and countries "happens to us."

In contrast with what the President said, one prominent Democrat, Ald. Ralph H. Metcalfe (3d), nominee for the 3d District

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seat in Congress, said, "Nixon seems hellbent on escalating the war in Cambodia."

Earlier in the day, Mayor Daley sounded a keynote, which he evidently meant for all Democrats, by announcing that he is supporting Mr. Nixon on Cambodia.

Mr. Johnson warned that tendencies in political parties toward either the extreme left or extreme right threaten to make the Democratic Party a minority party—"or worse, several minority parties."

"This nation," Mr. Johnson said, "is strong enough to stand a certain degree of contention." But when contention turns to violence and divisiveness, he said, beware.

"Without tolerance and understanding, a political party cannot function properly," Mr. Johnson said. "We must constantly try to heal wounds and to build to fend off strife and violent dissent."

"We must continue to reflect the common hope and aspirations of all Americans," the former President added.

He also called for a "Democratic agenda for the future, including the elimination of poverty, the right of everyone to good homes, full educational privileges for all—regardless of color or economic standing—freedom from hunger and the right of all to drink clean water and breathe pure air."

Mr. Johnson mentioned the Nixon announcement on Cambodia in the course of appealing for peace in the world.

"A keystone of this aspiration," he said, "is that this nation, which can have only one President at a time, cannot present to the world a divided land without one man speaking for it."

Greeted by his old friend, the mayor, at O'Hare Airport, Mr. Johnson then attended a reception at the Conrad Hilton Hotel before the banquet fund-raiser.

Mr. Johnson's reception at the airport was free of unfriendly pickets. A group of members of the Leyden Twp. regular Democratic organization carried signs bearing the word, "Welcome LBJ."

When he left his chartered jet, the former President first shook hands with the mayor and then an accompanying squad of lesser Democratic Party officials and officeholders.

While a small, professional band that performs at Bear football games lustily rendered, "Hail to the Chief," the visitor smiled happily and was escorted past a 100-man police honor guard.

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NATIONAL ENVIRONMENTAL TEACH-IN

Mr. NELSON. Mr. President, the national environmental teach-in last April 22 was certainly a significant success, if for no other reason than that it evoked the attention and concern of millions and millions of Americans over the crisis of our environment.

Many speeches were made and many words said about this crisis, but I would like to call special attention to the words of the Senator from Minnesota (Mr. MONDALE), delivered in a series of teach-in addresses throughout the State of Minnesota.

He called attention to the broad social and cultural basis for the neglect of our total environment, urging "fundamental changes in these economic habits, social values, and national priorities" if we are to save ourselves.

His speech also deserves attention for pointing to the magnitude of the commitment needed, and to the regulations and enforcement which we must abide by to save our land, air, and water.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ENVIRONMENT: THE COMMITMENT FOR SURVIVAL

(By Senator WALTER F. MONDALE)

Every five to twenty years, an extraordinary phenomenon takes place in Scandinavia. The lemmings, for reasons unknown, begin their suicidal march to the sea.

We are not unlike this little creature—seemingly bent on the marches, and we seem determined to take every other creature along with us.

I wonder what would happen if we sent out a questionnaire—which, incidentally, is one of the things we do best in this country—to all the other animals in the kingdom asking whether or not they would be upset if their brother, homo sapien, were to disappear from the earth. My guess is that we would get back a nearly unanimous answer that not one of them would shed a tear for our passing, since we have created such an unlivable environment for them . . . Except, maybe, the dog who is sort of the Uncle Tom of the animal kingdom.

I am extremely proud to be sharing this day with you. "Earth Day" is *your* day—4,000 campuses and community groups, and 10,000 high schools around the country—the greatest expression ever of concern for mankind and his planet.

But it's *our* day too—as a nation—because it is we who are being awakened to the profound crisis of our environment. We are awakening to:

Lakes and rivers, fouled by sewage, poisoned by industrial wastes, and suffocating in algae.

Air turned black by 173 million tons a year of smoke and fumes;

A countryside violated with concrete, asphalt, and neon; and strewn with the yearly remnants of 48 billion cans, 28 billion bottles, 30 million tons of waste paper, and 7 million junked cars;

22 species of wildlife gone forever and another 80 awaiting the end of their species . . . "Not with a bang but with a whimper;"

The oceans, so seriously polluted that scientists predict the end of their productivity in 10–20 years;

And a generation of young people who carry "strontium 90 in their bones, asbestos in their lungs, iodine-131 in their thyroid, and DDT in their fat."

Once again, the young people of America are stabbing at our social conscience: What kind of a society are we to have let this happen? And the vastly more important question: What kind of a society will we be if we allow it to go on?

There are some who hope your concern for the environment, shown here today, means that you will forget about the other symptoms of our discontent.

"The environment," to them, is a "healthy" diversion—a new trick—to occupy restless minds and bodies during spring. "Let the amateurs clean up America and leave the professionals alone to clean up Southeast Asia."

But they are wrong.

The crisis of environmental decay is clearly bound to the crises of poverty, blight, racism, war, and economic injustice.

Our "environment" includes:

The mangrove fields of South Vietnam, made barren for a generation by 50,000 tons of herbicides.

"The environment" is a deprived child, stunted in mind and body from disease, hunger, and a world without hope.

"The environment" is people—well over 200 million now, with 5,500 born each day, jamming into the cities, neglecting the towns and rural areas.

"The environment," in the words of the Kerner Commission, is "two societies, one black, one white—separate and unequal."

"The environment" is violence . . . as the Eisenhower Commission told us: "making fortresses of portions of our cities and dividing our people into armed camps."

"The environment" is a mood of retreat—encouraged by some in high office—which would replace urgency and idealism with self-interest and "benign neglect."

"The environment" is a federal budget which allocates:

$106 million for air pollution and $3.4 billion for space programs;

$200 million to feed hungry children and $290 million for the SST;

$800 million for the preservation of our water, and $1.5 billion for the second stage of ABM.

Most of all, "the environment" is a culture which seems to value:

Quantity above quality;

Self-interest, convenience and expediency above the beauty and mystery of nature;

And the preservation of institutions above the well-being and full opportunity of men they were born to serve.

Twelve years ago, John Kenneth Galbraith described this culture in his brilliant book, *The Affluent Society*. He wrote:

"The family which takes its mauve and cerise, air conditioned, power-steered, and power-braked automobile out for a tour passes through cities that are badly paved, made hideous by litter, blighted buildings, billboards, and posts for wires that should long since have been put underground. They pass on into a countryside that has been rendered largely invisible by commercial art. They picnic on exquisitely packaged food from a portable icebox by a polluted stream and go on to spend the night at a park which is a menace to public health and morals. Just before dozing off on an air mattress, beneath a nylon tent, amid the stench of decaying refuse, they may reflect vaguely on the curious unevenness of their blessings. Is this, indeed, the American genius?"

This, then, is the nature of the task before us . . . It is more than raking up our backyards . . . More than getting the phosphates out of detergents, developing bio-degradable containers, or cracking down on indsutrial polluters.

The task is not simply an "add-on" in which we direct a small amount of our staggering productivity over to the task of our own survival.

The task calls for some fundamental changes in these economic habits, social values, and national priorities.

WATER: THE CRISIS

Consider, for example, the magnitude of the crisis in water.

Probably no single resource is as precious to the people of Minnesota as their lakes and waterways.

Yet, everyday, we pour 25 billion pounds of human, chemical, and industrial wastes into our nation's lakes and rivers. Two million pounds of pesticides, and over 104 million pounds of fertilizer are added to the land each day, to find their way into the nearest waterway and feed the growth of green algae.

Lake Erie is already dead, killed by the steady discharge of poison at the rate of one ton per minute.

The Mississippi, south of St. Louis, is so toxic that signs warn against eating food *near* the banks.

Ohio's Cuyahoga River flowed so thick with oil scum that it caught fire.

According to Gaylord Nelson: "We have in the last forty years polluted every major watershed in America east of the Mississippi to a serious degree, and every major watershed west of the Mississippi to some degree."

Here in Minnesota:

The magnificent Lake Superior, the third greatest body of fresh water in the world, is threatened with 60,000 tons a day of taconite tailings—only a single example of our abuse of that lake.

The Boundary Waters Canoe area—with some of the purest water and most unspoiled land in the nation—is threatened by mining interest which would cash in this irreplaceable wilderness for a possible profit in metal.

The Mississippi, where it is not yet spoiled by chemical and organic discharge, is threatened at Monticello by thermal heat and radioactive discharge.

Hundreds of our 14,000 lakes are threatened by eutrophication. We have already seen our precious fresh water community lakes fill up with slime and algae which feed upon the nitrates and phosphates washed in from fertilizers, detergents, and sewage.

WATER: THE NEEDED COMMITMENT

This list of environmental horror stories is known to all of you. The cure—the means by which we might reverse our past sins is equally familiar.

First of all, we must as a nation stand ready *now* to commit the vast resources needed to undo a history of abuse and neglect.

Not the vague token commitment of $4 billion spread over the next 10 years as promised by the Administration.

This kind of non-commitment, in fact, would allocate *less* to water pollution control in each of the next four years than Congress appropriated *this year*.

How much then?

The New York Times estimated the cost of cleaning all the nation's waterways at $100 billion. Out of sight? We have already spent that much in Vietnam.

Gaylord Nelson of Wisconsin has called for a commitment of $20–$25 billion a year. Impossible? Studies by the Brookings Institution and by the Joint Economic Committee suggest that our defense budget could be cut by $10–$20 billion with no real loss in defense capability. In fact, if we had simply been able to prevent the monstrous cost overruns on 38 weapons systems now in progress, we would have saved $21 billion dollars. That much alone would have met the 5 year goal set in 1968 by the Federal Water Pollution Control Agency. And that sum would represent less than the $24 billion we spent getting a man to the moon . . . which we found so far to be much cleaner but far less hospitable than the earth.

Two weeks ago I introduced the *Clean Lakes Act of 1970*, a new bill designed to provide federal funds for the restoration and preservation of our fresh water, community lakes.

I have asked in this bill for $1.5 billion over a four-year period. Too much? It's just about what we've been asked to spend next year for the second step in the ABM system.

ENFORCEMENT AND REGULATION

But beyond the commitment of resources, we need far, far stronger *regulation* and *enforcement*.

We hear so much today about rising crime and disrespect for the law.

It's time to apply a little "law and order" to the industries, municipalities, and individuals who are fouling our environment.

The laws are on the books. But the regulations are inadequate, the penalties often insufficient, and the enforcement tragically lacking.

Radioactice pollution, for example, is a growing threat with 80 million gallons of radioactive wastes already buried in our country—there to remain for an active life of up to 20 thousand years.

But disposal and regulation is carried out by the AEC—which is also the chief *promoter* of atomic power. Their priorities may be revealed in the one-fifth of one percent of their budget spent on disposal research, and the one-half of one percent spent on regulation. They have jealously resisted Minnesota's efforts to set her own stricter standards for radioactive safety.

Another example of inadequate regulation and enforcement is *automobile pollution*.

The auto is the greatest air polluter of them all, causing about 60 percent of all air pollution, and adding some ninety million tons of pollutants a year to our atmosphere, filling the air with lead, carbon monoxide, hydrocarbons, and 200 other chemicals.

But for the past 17 years, according to Justice officials, the major auto companies had engaged in a conspiracy to prevent the development and installation of effective pollution-control devices.

Evidently, the auto makers have promised to be good in the future, because the charges were dropped and settled out of court. Now we are relying on law that sets emission standards only on the newest cars, and monitors only the prototypes sent by the manufacturers for testing.

Eight years ago, Rachel Carson wrote *The Silent Spring*, and the world awakened to the terrifying danger of DDT—a persistent poison accumulating in the fat of virtually all creatures on earth.

We know that DDT causes abnormalities of egg shells, birth defects in fish, cancer in mice, and disastrous damage to insect ecology.

Denmark, Sweden, Finland, Great Britain, Hungary, Germany, and the Soviet Union have already banned the use of DDT and other chlorinated hydrocarbons. The United States has allegedly banned the use of DDT, but it is allowing the continued production, marketing, and release of over 25 million pounds of this poison while challenges and appeals are going on.

Even more shocking for their direct effect on human beings are the organo-phosphates. These poisons take an estimated annual toll of 800 deaths and 80,000 injuries to farmworkers bought into contact with them.

While farmworkers are struck down by chemicals structurally similar to nerve gases used in chemical warfare, the state and Federal Departments of Agriculture argue about "legal tolerance limits."

A CAUSE FOR HOPE

I don't want to belabor the specific examples any further.

We have committed great crimes against man and nature.

But our "environmental conscience" has been awakened . . . an awakening which is due very largely—perhaps primarily—to the efforts of all of you and the thousands of other students, faculty, and citizens who have brought us "Earth Day."

I think that this awakening is cause for tremendous hope.

We are finally learning what a terribly fragible and finite planet we live on.

But we are also learning the power of an aroused public. Especially a young public, and especially a young public who may soon become voters at age 18.

In his final speech to the United Nations, Adlai Stevenson said:

"We travel together, passengers on a little spaceship, dependent on its vulnerable reserves of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and the love we give our fragile craft."

Keep up the care, the work, and the love which you are showing today, and I will keep up the hope I feel for a cleaner and better Earth.

CHIEF JUDGE ROSZEL C. THOMSEN, OF MARYLAND, HONORED

Mr. TYDINGS. Mr. President, recently I had the privilege of attending an affair honoring the chief judge of the U.S. District Court for the District of Maryland, Roszel C. Thomsen.

The principal speech that evening was delivered by Stephen H. Sachs, U.S. attorney for the District of Maryland. I commend that speech to the attention of Senators for its wit and for its insight into a man who has graced the Federal bench with wisdom and distinction.

Like Mr. Sachs, I was privileged to try cases before Chief Judge Thomsen both as a private practitioner and as U.S. attorney for Maryland.

I can attest to his uncanny ability to pierce the complexities of a case and to bring good sense to bear on its central issues. I can also attest to the esteem in which he is held by his colleagues and by those who have practiced before him.

Men such as Roszel Thomsen bring honor to the bench. We are in his debt.

I ask unanimous consent that Mr. Sachs' speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech Delivered by Stephen H. Sachs

Mr. President, Mr. Toastmaster, Judge and Mrs. Thomsen, Mr. Justice Clark, Senator Tydings, Mayor D'Alesandro, members of the federal and state judiciary and their wives, friends of Chief Judge Thomsen:

When I was asked to speak at this tribute to Chief Judge Thomsen and in his presence—his very formidable presence—I was quick to appreciate the challenge but not so quick to accept it. I did not, it must be recorded, leap at once to the task. I am and hope to remain a very active practitioner in his very active court. To speak of him with too much reverence is to run the risk of being thought a toady, or worse. But to speak of him with too little reverence—well, I am a young man with growing children and a mortgage, the outer limits of the contempt power are not well defined and then, too, there is Mrs. Thomsen. But worst of all is to be, or to be thought to be, a coward. It was the immortal Justice Holmes, after all, who said "the place for a man . . . . is in the fight".

In any case, I am sure we can all agree that my assignment is delicate.

A biographical sketch of Roszel Cathcart Thomsen which appeared in THE SUN over twenty-five years ago tells us that the first Thomsen came to the United States from Denmark in 1815. Curiously, the author felt obliged to note that the decision to depart the old country was Thomsen's, not Denmark's. The author assures us that members of the Judge's family have been "responsible citizens for generations" and, as if to put the point beyond dispute, quickly adds that they "have also been staunch members of the Republican Party."

We are told that one of his ancestors, Robert Cathcart, was "killed in defense of his hearthstone at the Battle of North Point." Another Robert Cathcart was provost marshal of Baltimore during her occupation by federal troops in the course of the Civil War. State court judges present this evening may well reflect on the role of this Thomsen ancestor as a kind of federal super-cop, and detect an echo in the Judge's exercise of his habeas corpus jurisdiction over state prisoners.

The Judge was born to William Edward and Georgia A. C. Thomsen at 1620 Linden Avenue on August 17, 1900. McKinley was in the White House; Victoria on the Throne. Neither survived much beyond the Judge's first year.

The *Sunpapers* chronicle points out that he "learned his letters" from his grandmother before kindergarten and was drilled daily by his father in "mental arithmetic," an "odd rite" performed while his father was shaving. He was, from all accounts, a "bright lad," "ahead of his years in aptitude." He was not yet ten years of age when his first published work, four pages in length, entitled "The Conversion of Joe," appeared in print, a striking accomplishment, even if his father was in the printing business. The little book had a lively sale at ten cents a copy but, unfortunately, the Judge's career as a best-selling author blossomed no further. To my knowledge none of his written opinions had ever fetched such a price.

He graduated Boys' Latin School at 14 and entered the Johns Hopkins University, where he excelled. He was editor of the News-Letter, manager of a championship lacrosse team, editor-in-chief of The Hullabaloo, winner of a gold "H" for prowess on the debating team, and was elected to ODK and Phi Beta Kappa. There is a rumor to the effect that he finished second in his class but President Goodnow forgot to read the honors list at graduation and we shall probably never know.

Young Thomsen was a mere sophomore when the Lusitania went under but, in that more openly patriotic day, the descendant of the Cathcart who fell in defense of his country at North Point promptly enlisted in the Student Army Training Corps. The Armistice, however, cut short a brilliant military career. He was mustered out an "acting sergeant."

And then, guided by the wise counsel of his mother's cousin, Judge Morris A. Soper, young Thomsen entered the law. During his years at Maryland Law School, where he consistently led his class, he also served as bailiff to Judge Soper, then Chief Judge of the Supreme Bench of Baltimore City, and after graduation, an event marked by Thomsen's capture of the thesis prize, went to work for the law firm of Soper, Bowie & Clark. After five years the Judge formed what became a renowned partnership with Walter L. Clark of the old firm and Clater Smith, a partnership from which Judge Thomsen engaged in an active and successful trial practice until named to the federal bench in 1954.

XUM

But I am ahead of my story and must discuss two events central to an understanding of the man and his work. The first, and of surpassing importance, was his marriage. The *Sunpapers* historian tells it best. "At that time (young Roszel's Boys' Latin days) the Thomsens were living at 4 Midvale Road and their closest friends, the Wolfs, were across the street. The Wolfs had a little girl named Carol and in accordance with an old Baltimore custom the two families hatched a benevolent plot which had for its object the ultimate marriage of their offspring. This the offspring stubbornly resisted in accordance with another custom equally sanctified by time." By his senior year at Hopkins, both offspring were reported still holding out, but by 1929, only after both families had long since given up, and about two decades after the match was made on Midvale Road, Roszel Thomsen married the girl across the street. To that union three children were born—George Edward, Grace Griffing (Gay) and Margaret Lucille (Peggy) who produced, in turn, nine grandchildren.

The second event, though less romantic, was of high public importance. On March 21, 1944 Mayor McKeldin named lawyer Thomsen President of the Board of School Commissioners, thus honoring a compaign pledge to keep the schools free from politics. That Mr. Thomsen had served as chairman of the Lawyers for McKeldin League, and had made two campaign speeches for the new mayor, had nothing whatever to do with the appointment. Mr. Thomsen expressed "complete surprise" at his selection.

The finest accolade, however, came from that doughty defender of the public interest, Marie Bauernschmidt. Careful to note that she was speaking personally, and not in her capacity as Executive Secretary of the Public School Association, she called the appointment "a splendid thing" and said it "look[ed] like there are better times ahead." The modest appointee said only that he had much to learn about his new job and, apparently mindful of the crisis that had made the School Board an election issue, proceeded at once to establish a public relations committee.

By today's standards the ten-year Thomsen school administration was mild. That it lasted ten years is probably proof enough. By most accounts it was progressive and constructive, marred only slightly by a quibble or two from Hyman Pressman and a mini-squabble over the use of public funds to publicize a school loan appearing on the ballot. Board President Thomsen diplomatically acknowledged that the propriety of the funds' use "was a close and troublesome" question, and the voters approved the loan. The Judge's tenure as school board head ended on May 17, 1954, the day he was sworn in as a District Judge, and the same day, those of you with a sense of history will have noted, on which a unanimous Supreme Court decided *Brown v. Board of Education*.

And so we come to his practice of what Learned Hand has called the "art and craft" of judging—his fifteen years as a District Judge for the District of Maryland, most of it as the court's Chief. What strikes one at once is the sheer bulk and range of it all. According to his secretary, Miss Erma Leonard, a splendid lady and the ultimate authority, his published opinions alone approach 700 in number and cover thousands of pages in West's Reports. He has logged over 2000 court days in this decade and a half, most of it presiding at the trial of hard fought issues, a good part in that most awful of responsibilities, the imposition of sentence in criminal cases. Incidentally, Judge Thomsen, I'm sure it's appropriate to bring you greetings from the long list of defendants you have sentenced to prison, many of whom were unable to be here with us this evening.

Listen to only a short litany of some of the major causes which have engaged the Judge's time and attention over the years. And bear in mind that each represents weeks of trial and an extended written opinion.

The habeas corpus petition of John David Provoo, charged with treason, the ultimate crime, detained without trial for five years under circumstances in which the United States of America was shown to have stooped to conquer.

The elaborate pre-trial proceedings and two-months trial of two Congressmen of the United States on charges of conspiracy and conflict of interest.

The mail fraud trial of Stewart B. Hopps, confidence man, par excellence.

The nine-weeks trial—held in the Richmond courtroom in which John Marshall presided at Aaron Burr's trial for treason—of the promoters of Security Financial Insurance Corporation, the centerpiece of Maryland's savings and loan scandals in the early sixties.

The celebrated kidnap-murder trial of Melvin David Rees.

The Colgate-Palmolive trade secrets case which probed the mysteries of Rapid Shave and Rise.

The Electrical Workers case which tested the legality of a revocation by the International of a local union charter.

The Agricultural Adjustment Act cases in which the Judge instructed the Department of Agriculture that it must follow its own regulations if it was going to force entry onto the wheat fields of embattled Maryland farmers.

The celebrated affair of *Heine* v. *Raus* in which the Judge jousted with the double-agentry of the C.I.A. in order to decide a slander suit.

One of the things I like best in the Judge's opinions is the way he cheerfully wrestles with great and cataclysmic events from the Fifth Floor of the Post Office Building. How far his writ doth run!

In 1957, for example, he decided that the defection to the Chinese Communist Regime of the crews of seven Nationalist Chinese ships—they "ran up the red flag," the Judge observed—constituted barratry as that term is used in the marine insurance field and therefore a ground for recovery on an insurance claim by the Chinese Republic. Simply put, the insurance company loses after an exhaustive opinion by the Judge which interweaves the details of preferred ship mortgages, hypothecations and the fine print of insurance clauses, with a learned discussion of the history of China from the Manchurian war lords to Chou En Lai and a perfectly hair raising description of the seizure of the vessels on the high seas. If you liked the Caine Mutiny you will love *Republic of China* v. *National Union Fire Insurance Co.* at 151 F. Supp. 211. The careful reader will detect a note of displeasure in the opinion at the unseemly haste with which the British Government recognized the new regime in Peking.

In another admiralty case the Judge met and mastered the tortured politics of the Middle East. The Ulysses II, a Panamanian vessel flying the Liberian flag, was under a time charter with a United States Steel subsidiary when hostilities broke out in the Middle East following Egypt's nationalization of the Suez Canal in 1956. As the opinion puts it, in a masterpiece of understatement: "On July 26, 1956, Gamal Abdul Nasser, President of Egypt, nationalized the Suez Canal. The United Kingdom and France protested vigorously and it was generally recognized that a serious crisis had been created." The owners of Ulysses II, invoking a contract clause permitting cancellation if war was declared, terminated the time charter. The U.S. Steel subsidiary sued. The question here on Calvert Street was whether Abdul Nasser had declared war on France and England.

The evidence included a stem winding speech by Nasser which concluded ". . . we shall fight and never surrender. We shall fight; we shall fight and we shall never surrender", words which, as the Judge observed, showed that Nasser "was not proceeding cautiously." The question was close. Distinguished experts in the laws of war testified for both sides. Judge Thomsen was dismayed at the difficulty in translating Nasser's speech, difficulties which arose, he felt, "because Arabic is not rich in words to express the fine distinctions argued by counsel in this case."

Despite the difficulties, however, the Judge was sure he knew a declaration of war when he saw one and that Nasser had declared himself a war. Held: the termination of the time charter was justified. The opinion is replete with references to the great and near great of the period, including President Eisenhower, Prime Minister Eden and King Farouk, and contains a gripping account of the diplomatic demarches which led up to the hostilities. I recommend it for those who enjoyed *Casablanca, The Desert Fox* or *The Bagdad Express*.

Another rich vein in the collected opinions of Roszel C. Thomsen is his body of work on the legal dimension of the world of sport. They reflect the lively interest in sporting events which one would expect from the championship lacrosse manager who himself played for an amateur lacrosse team known as the "Druids," an assemblage which I have been told is very famous but of which I must confess I've never heard.

Time permits mention of only a few of the Judge's sporting opinions but certainly the celebrated anti-trust suit brought by the American Football League against the National Football League must take first place. That contest—in a very real sense, the first super-bowl game—was played to an empty courtroom in Baltimore in 1962. The National

League won but the loser's share of the gate, so-to-speak, was the acknowledgement by the Judge that the AFL had been "notably successful in its operations" and his prediction that the AFL "gives promise of increasing success." The prescience of that statement was soon brought home in spades to all NFL fans via the strong right arms of Joe Namath and Len Dawson.

Two other of the Judge's excursions into the world of sport deserve brief mention. In one, *Simmons* v. *United States,* the Judge denied the claim of a taxpayer who insisted that his $25,000 prize from a local brewery for catching Diamond Jim III—a fish—was not taxable income. Taxpayer's argument that his efforts constituted a "civic achievement" and his money, therefore, non-taxable, "merits the smile," said the Judge, "it was no doubt intended to evoke."

Finally, in *Klasmer* v. *Baltimore Football Inc.* the Judge rejected a suit for copyright infringement by the composers of the Baltimore Colts official marching song. He held that the song had been dedicated to the public within the meaning of the copyright laws. In the course of his opinion, and in defense of his decision, the Judge pointed out what every Baltimorean, especially during football season, knows only too well: "The song is played, usually from memory without any sheet music or score, by bands and orchestras at civic functions, club functions, Bar Mitzvahs, dances, at night clubs and elsewhere."

Of course, there have been disappointments in the Judge's career. Some minor ones—like an occasional reversal by a shortsighted court of appeals, even a reversal in the Supreme Court which once instructed the Judge on when a car was stolen within the meaning of the Dyer Act. Mr. Justice Frankfurter, with whom Justices Black and Douglas concurred, thought Judge Thomsen was right and dissented. Mr. Justice Clark, who is with Judge Thomsen tonight, was against him on that occasion. Further comment, if any, I shall leave to Mr. Justice Clark.

And, sadly, one disappointment must be recorded as major. For who can doubt that late in the day, at his window in the privacy of his chambers, as he watches the shadows lengthen over Fayette Street, the Judge secretly bears the pain and the regret of knowing in his heart, that despite fifteen years of dedicated service as Chief Judge of his court, he will never achieve his impossible dream—he will never be elevated to that most coveted and lofty pinnacle—of United States Attorney for the District of Maryland.

It is time to be serious—not solemn, but serious in sharing with you a few brief reflections about Judge Thomsen's fifteen years on the Court.

Facts not law, decide most lawsuits and the capacity to marshal facts is central to a judge's function. Judge Thomsen not only marshals facts; he absorbs, digests and devours facts. He is the most factual man I know. It is not uncommon, by the end of a trial, for the Judge to have a better command of the operative facts than the lawyers who have lived the case for months. Litigants respect the talent whether they win or lose. If they lose, it is not because the Judge did not understand; more likely, it is because he did.

He is a most contemporary man. He likes young people, young lawyers in particular. He talks to them as parents are supposed to talk to children—with respect, as if they were grown. And, best of all, he listens. He teaches his law clerks; I think he would agree that he learns from them at the same time.

He distrusts extremes. He suspects, usually, correctly, that no cause is as just as its advocates claim. A skepticism, a distrust of absolutes, informs his work as a judge, ironic perhaps in a man of deep religious faith, but essential to the art of judging in a time when moral passion confronts the rule of law. As one who watched the trial before him of the Catonsville Nine, I suspect that he does indeed believe that there is a City of God and a City of Man and that in the American democracy, designed as it is to accommodate the conflicting faiths and beliefs of a diverse people, "the spirit of liberty," as Hand put it, is "the spirit which is not so sure it's right."

He loves his court. He is proud of the relationship among its judges and its capacity to act as a unit in order to bring certainty to the administration of justice. And he is proud—as are we all—of its honored place in the state and in the nation. And I suppose if there is one abiding point of my remarks this evening in commemoration of Judge Thomsen's fifteen years on the Court it is that like Rose, like Soper, like Chestnut before him, Roszel Thomsen, in Holmes' phrase "lives greatly in the law."

FOR LAW AND ORDER ON OUR CAMPUSES

Mr. THURMOND. Mr. President, Sunday's edition of the Greenville News carried a fine editorial stressing the need for law and order on our college campuses. Since a few of the liberal newspapers in this country are encouraging rebellion and disruption of our society, it is comforting to see editorials from outstanding newspapers like the Greenville News, which advocate a return to the principles on which this great Nation was founded.

Disorders, use of narcotics, and discourteous conduct on the part of a few students have posed serious problems to our educational institutions. Unless students are taught sound principles of government during their formative years, Mr. President, they will enter today's world with little or no ability to become productive citizens.

I have always advocated the protection of individual rights for all of our citizens, and fair and equal justice under the law. However, all citizens in this country, including our students, have the responsibility to obey the law, and violations of the law should not be overlooked simply because they are committed by one attending an educational institution.

Mr. President, I ask unanimous consent that the editorial entitled "Law Has a Place on Campus," published in the Greenville News of April 26, 1970, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Law Has a Place on Campus

It is difficult to follow the reasoning of a small group of University of South Carolina students who have demanded that university officials ban narcotics agents from the campus. As a "demand" the request is on pretty weak ground.

If it was not such a serious matter, it would be humorous to even consider that law enforcement should stop at campus boundaries—any campus. To follow through on the "demand" of the USC students would turn the university into a sort of no man's land for lawlessness.

A crime is a crime no matter whether it takes place on a city street or in a college dormitory. And a lack of law enforcement and prosecution of crime in either place will have the same result—chaos and an eventual breakdown of society.

The protesting USC students, and it was, thank goodness, only a very small percentage of the total enrollment, were actually asking the university to place a protective wing over illegal drug activity. They were saying "Protect us harmless and fun loving narcotics fanatics from the big, mean cops."

Law enforcement officers not only have a right, but a duty to pursue illegal drugs onto the campus, and to use every means at their disposal to stop the campus drug traffic. If some of the students regard the police activities as unsporting, that's just too bad. Many adult criminals now serving jail time probably have the same opinion.

The students charged that the police have planted evidence to make drug cases on the campus. This is a serious charge, and if the students can produce evidence of its validity, a thorough investigation is in order.

The students do have rights—the same rights that all other citizens have to fair treatment and justice under the law. But any claim that inhabitants of a campus are exempt from the law is ridiculous and irresponsible on the face of it.

THE EXTRADITION PROVISIONS OF THE GENOCIDE CONVENTION ARE THOROUGHLY COVERED BY MR. GEORGE ALDRICH: DEPUTY LEGAL ADVISER FOR THE STATE DEPARTMENT

Mr. PROXMIRE. Mr. President, today I shall continue my review of the excellent testimony of Mr. George Aldrich, Deputy Legal Adviser of the State Department, before thte Special Subcommittee of the Committee on Foreign Relations considering the Genocide Convention.

The question of extradition is one of the most confusing aspects of this treaty. One of the most frequent points of opposition to the Genocide Convention is that U.S. accession will "allow our citizens to be spirited out of the country and tried before an international court." First, there just is no international penal tribunal in existence at this time. Second, as Mr. Aldrich explains in his comprehensive testimony, the above view of the extradition procedures is oversimplified and distorted.

I should like to emphasize two particularly important points brought out in Mr. Aldrich's testimony. First, article VII of the Genocide Convention does not compel the United States to negotiate extradition treaties with every foreign country that is a signatory to the treaty. Mr. Aldrich points out:

> The Convention does not propose to be an extradition treaty in force. It would require only that the United States provide for extradition for genocide in new extradition treaties which we might negotiate or in revisions of existing extradition treaties.

Second, Mr. Aldrich repeatedly noted that legal safeguards protecting the rights of American citizens to a fair trial on the charge of genocide can be built into the extradition treaties governing extradition for this crime. He stressed that an important consideration in the negotiation of these, or any extradition treaties, is "whether the judicial process of the other country affords persons who may be extradited a fair trial."

Mr. President, I ask unanimous consent that a portion of Mr. Aldrich's testimony be printed in the Record.

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There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Article VII of the Convention provides that parties pledge to grant extradition of persons charged with genocide "in accordance with their laws and treaties in force" and that there shall be no defense to extradition on the grounds that the crime was a "political" one. United States law provides for extradition only where there is an extradition treaty in force. The Convention does not purport to be an extradition treaty. It would require only that the United States provide for extradition for genocide in new extradition treaties which we might negotiate or in revisions of existing extradition treaties.

Thus, no person could be extradited from the United States for trial in a foreign country on a genocide charge unless we have an extradition treaty with that country making genocide an extraditable offense. There are no such treaties now in existence with any country.

We would not negotiate such treaties until the Congress has passed legislation making genocide a crime in the United States, because it is our policy, shared with most countries, not to make an offense extraditable unless it is a crime in both the State requesting extradition and the State receiving the request. Another factor in any decision to negotiate an extradition treaty is whether the judicial process of the other country affords persons who may be extradited a fair trial. In addition, since extradition treaties often remain in force for a long time, during which judicial systems can charge, basic procedural protections have to be built into the treaty at the beginning.

While the Senate would have an opportunity to review these aspects of each extradition treaty actually concluded when asked for advice and consent to ratification, it may be helpful for me to outline now the basic safeguards we have in mind. First, any extradition treaty will require the State requesting extradition to produce sufficient evidence to persuade both a United States Court and the Executive that the person sought would be held for trial under United States law if the offense had been committed here. Second, any extradition treaty will assure the person sought the right to the remedies and recourses provided by the law of the requested State. In the United States, for example, habeas corpus would be available. Next, any extradition treaty will preclude extradition when the person sought is undergoing or has undergone trial in the United States for the same act.

XUM

CRIMINAL JUSTICE DECISIONS OF SUPREME COURT

Mr. TYDINGS. Mr. President, 2 years ago at the time of debate on title II of the Omnibus Crime Control and Safe Streets Act of 1968, some claimed that the rise in crime had a direct and significant relationship to the Supreme Court's Miranda decision and other decisions that limited the admissibility of illegally obtained evidence. At that time, I argued that blaming the High Court for the spiralling crime rate was simple and popular, but it simply was not factual.

Attacking the Supreme Court for our social woes remains, unfortunately, as politically popular as ever. The problem with these continuing attacks is that not only are they not factually justified, but also that they serve to obscure the real bedrock problems in our system of criminal justice—the neglected and deficient condition of our police, our courts, and our correctional facilities.

Fred P. Graham, in the New York Times of April 6, has written a fine article on the changing views of law enforcement officers toward the Supreme Court's criminal justice decisions. Mr. Graham reports that more and more prosecutors and police officials "are becoming less disturbed by the Supreme Court's rein on their conduct toward suspects." He noted that even the most ardent of the critics of the Court's Miranda decision do not now press for reversal of this ruling. Mr. Graham also points out that our law enforcement personnel are becoming increasingly aware that one of the most significant barriers to fair and efficient law enforcement is the problem of long and unjustifiable delays in bringing a criminal case to trial.

I ask unanimous consent that Mr. Graham's fine article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAW ENFORCEMENT OFFICERS LESS UPSET AT COURT CURBS

(By Fred P. Graham)

WASHINGTON, April 5.—Big-city law enforcement officers are becoming less disturbed by the Supreme Court's rein on their conduct toward suspects despite new evidence that crime has been steadily outstripping their capacity to control it.

The atmosphere now is a far cry from that of two years ago, when prosecutors and police officials throughout the land were cheering on the Senate as it added anti-Supreme Court provisions to the Omnibus Crime Control Act.

Today, many of these authorities seem either to have mellowed after more experience under the Warren Court's restrictions or to have been succeeded by men who place the primary blame for rising crime elsewhere.

MANPOWER INSUFFICIENT

In interviews with law enforcement officials in a dozen major cities, the prevailing feeling was that the most serious problems lay in delays, faulty administration and insufficient manpower in the local courts rather than in the law as laid down by the Supreme Court.

At the same time, the annual national crime report by the Federal Bureau of Investigation shows again, as it has for several years, that the chances are declining that a person who commits serious crime will be punished for it.

In some cities, the decline in law enforcement effectiveness seems due to the simple fact that crime is increasing in volume faster than policemen, prosecutors, judges and courtrooms are being added.

In others, the apparatus of justice seems to have been jammed by the glut of cases. New York City's criminal justice system has become so overwhelmed that at last count it was producing fewer felony convictions than in 1960 although the number of reported crimes has more than doubled.

Police officials are more likely than prosecutors to lay some of the blame on the Supreme Court for the decline of law enforcement effectiveness. But they also tend increasingly to see the problem in terms of criminal justice machinery.

This sentiment emerged in a talk with New York's Police Commissioner, Howard J. Leary. Normally a cool, controlled man, when Mr. Leary was asked his opinion of current proposals for preventive detention he snapped: "What we need is detention, period!"

"If a man has been arrested again and again for felonious assault and he's found guilty he should be locked up," Mr. Leary said. "When you see the same man committing 15 burglaries over a period of two years and nothing happens, we know something's wrong. We should not only examine what's happened to the police, we should examine the total system of justice and decide if we're willing to pay the price to make it work."

The latest calculations by the F.B.I. bear out Mr. Leary's impression that the administration of justice is losing ground all along the line.

In the years between 1961 and 1968, the number of reported serious crimes rose by 115 per cent, while arrests increased by only 53 per cent. The total number of policemen rose by even less—30 per cent—and the ratio of police then to the population remained the same.

The rate of offenses "cleared by arrest" or solved to the satisfaction of the police declined by 30 per cent, and the rate of convictions per criminal charge dropped by six per cent.

As a result, there were the following changes in the average disposition of 100 serious crimes reported to the police:

Crimes cleared (solved):	
1961	26
1968	21
Persons arrested:	
1961	23
1968	20
Persons charged:	
1961	22
1968	18
Adults guilty:	
1961	9
1968	6
Acquittals:	
1961	3
1968	2
Sent to juvenile court:	
1961	8
1968	7

(In the table, there are more crimes cleared than persons arrested because one man was arrested for more than one crime.)

Last year, however, the rate of increase in reported crime declined for the first time in several years. In 1967, the rate rose by 16 per cent; in 1968, by 17 per cent, and in 1969 by 11 per cent.

FEW CITIES DATA COMPLETE

Very few cities maintain complete enough data to show long-term trends in arrests, indictments and convictions, material that is necessary to determine how well the community is contending with crime.

An examination of criminal justice problems in 12 major cities turned up only three—New York, Chicago and Los Angeles—with adequate statistics. It showed New York was faring worst.

According to figures gathered by the New York State Legislative Commission on Crime, the number of felony arrests in New York rose from 29,257 in 1960 to 49,803 in 1967. Felony indictments increased only slightly, from 11,086 to 11,528. But convictions for felonies actually declined—from 3,361 to 3,296.

The figures for robbery, the offense often used by experts to gauge violent crime trends, are even more striking. From 1960 to 1967, the number of reported robberies (muggings, stickups, and other thefts by the use of threat or force) more than doubled, from 15,500 to 35,934. The number of convictions for robbery declined—from 837 to 803.

There was some slippage at all stages. The number of arrests for robbery did not quite double, rising from 2,845 to 5,540. The number of robbery indictments barely increased, from 1,936 to 2,152.

LOS ANGELES AND CHICAGO

In Los Angeles, robberies also doubled in roughly the same period. Convictions were up, too, but only by 60 per cent. By contrast in Chicago, which has been stereotyped as a crime capital, the police reported almost no increase in robberies and a slight decline in convictions.

Law enforcement officials point out that criminal statistics are treacherous, particularly because of the lag between offenses and convictions. They also note that many of those arrested for robbery plead guilty to and are punished for lesser offenses, such as assault, petty theft or other misdemeanors.

This appears to be the source of the most serious lag in bringing criminals to justice in most communities. Court backlogs have grown so huge and trial delays so long that prosecutors are under intense pressure to reduce charges in order to persuade suspects to plead guilty and avoil time-consuming trials.

This process gives the police and the public the impression that people who are repeatedly caught committing serious crimes are receiving little if any punishment. Often a defendant will remain free on bond for months and then on the eve of his scheduled trial will plead guilty to a misdemeanor.

DELAYS LAID TO RULINGS

When big city prosecutors criticize the Supreme Court's rulings these days, it is frequently because the rulings have contributed to these delays. The usual complaint is that the additional procedural safeguards for defendants have lengthened the time required to try the average case.

Burton B. Roberts, the district attorney in the Bronx, complains that the state's laws do not permit speedy detention of narcotics addicts, but his only criticism of the Supreme Court's rulings is that they have added procedural glue to the machinery of justice.

In the four years since the Supreme Court ruled in Miranda v. Arizona that the police must warn suspects of their rights before questioning them, Mr. Roberts says, "if anything I find that our rate of conventions has gone up."

Mr. Roberts has found no drop in the number of confessions. People who are willing to talk will do so after having been warned. He says, but the public have eased under the Miranda rule because policemen do not feel pressures to obtain confessions.

The pinch has come from an increase in pretrial motions to suppress evidence and post-conviction appeals and petitions for habeas corpus, which Mr. Roberts attributes to new defenses announced by the Warren Court.

CHICAGOAN PRAISES RULINGS

He points out that the number of indictments in the Bronx has doubled since 1960, and even though the number of judges has increased from one to five and sometimes six, the case backlog has doubled.

James Murray, a former member of Congress from Chicago who is now first assistant district attorney for Cook County, also praises the Warren Court's rulings on criminal suspects' rights. He hopes that the Court will "maintain the same philosophy and explain it further" under Chief Justice Warren E. Burger.

His criticism is that the Warren Court's new procedures have stretched the time from arrest to punishment. "We're in the 'now' generation," Mr. Murray said. "Two years between a crime and punishment doesn't impress the tough kids we see these days."

The most outspoken critic of the Miranda decision among big-city prosecutors is Arlen Spector of Philadelphia, who quotes copiously from statistics that he says show a decline in * * * from suspects accused of serious offenses in Philadelphia.

But even he only stresses the need to eliminate the Miranda decision's retroactive aspect, which invalidates some confessions given years ago. He does not strenuously press for a reversal of the ruling itself.

Lawyers disagree as to the significance of the change in law enforcement officials public attitudes toward the Supreme Court's decisions. Some feel that some police officials were responding to adverse public reaction to their anti-Court statements, which some people took as an indication that they wanted a green light to violate citizen's rights.

Jack S. Hoffinger, Manhattan defense lawyer, feels that the police are sanguine about the Miranda ruling because they have learned to get around it.

"The police ignore the Miranda rule more often than they follow it," Mr. Hoffinger says. Each confession case degenerates into a "swearing contest" between the police and the defendant as to whether the warnings were given, he said—with the judge almost believing the police.

The official line from most top-level police officials is that stated by Attorney General Robert H. Quinn of Massachusetts:

"The police are adapting very well to recent Supreme Court decisions, not because they have learned how to circumvent the decisions but because they have learned to work within its strictures. Today, they are sure to heed the Miranda warnings and to be more careful in obtaining warrants."

Outsiders find it hard to tell how much of this is "stiff-upper-lipmanship" and how much reflects the true feeling of policemen. But occasionally older police officers down in the ranks hint that the rulings still have an adverse bite.

Recently a visitor to the police chief's office in San Francisco found that the chief was away, but was assured by a subordinate that the chief would have no complaints against the Supreme Court and would say that the police were doing very well. A lower-level officer then added matter-of-factly that that was the official line, but that in fact "it's hurt us a hell of a lot."

When such officers are questioned, it usually develops that very few cases have been lost because of constitutional rules.

In the Bronx, for instance, about four out of five arrests for such serious crimes as robbery and burglary are currently made by uniformed patrolmen—not detectives. The patrolmen's arrests were almost all made because they were at or near the scene of the crimes and collared the suspects. Few involve questioning or other sophisticated evidence-gathering.

But almost every policeman can tell a story of a crime that probably could have been solved if the police were permitted to ask the prime suspect to explain his actions.

They cannot believe that the Supreme Court is right in saying that suspects cannot be asked to explain such circumstances, and that if they refuse their refusal cannot be used as evidence against them.

BILL TO LIMIT CROP SUBSIDY PAYMENTS TO $20,000

Mr. SMITH of Illinois. Mr. President, last Thursday, April 30, I introduced a bill—S. 3782—that would limit the total Federal farm subsidy payments to $20,000 per producer per year. This measure would amend title I of the Agricultural Act of 1949 to terminate, once and for all, the shocking and excessive sums paid to the very few, but very rich, corporate farms and agribusinessmen who annually collect up to as much as $4 million each for not planting crops.

When the Agriculture Committee reports the farm bill it is at present studying, I will offer an amendment to that measure identical to the bill I have already introduced.

The idea of limiting crop subsidy payments is not new, but I believe I am among the first Members of this body from a prominent agricultural State to initiate legislation calling for a dollar ceiling on farm subsidies. I have taken this step because I believe it is time the Federal government stopped contributing to the trend towards bigness in agriculture. As far as I am concerned, there are already too many independent forces at work encouraging heavy concentration in large farm corporations or agribusinesses: The high price of land and equipment requires immense capital outlay. Intense mechanization requires far greater acreage for full machinery utilization, consistently lower per-unit prices for farm products necessitate bigger volume to support the producer.

All these forces by their nature are the consequence of the technological revolution in agriculture and are virtually beyond effective Government direction. The ceiling the Federal Government chooses to pay individual farming units for not planting is directly within its control, and I propose we do something about it—now.

Numerically, very few farming units will be affected by a subsidy ceiling. Less than 13,000 agribusinessmen out of the 2½ million subsidy recipients in 1969 received more than $20,000 in subsidies. Broken down by crop, the growers of approximately 2 percent of all feed grains, 3 to 4 percent of all wheat, and about 28 percent of all cotton would be affected by my proposal.

Who are these 13,000 producers? We know this: In 1969 eight subsidy payments were in excess of $1 million. A high percentage went to corporations. Among those receiving more than $20,000 are many large, nonfarm corporations like Standard Oil, Reynolds Aluminum, and others. A substantial number of banks, several State prison farms, and even State governments share in the Federal largess under a program designed and intended to strengthen the rural family farm. The startling truth is that, altogether, a mere 0.51 percent of subsidy recipients collected 13.77 percent of all payments—for a total of $508,622,613. Compare that statistic with these: More than a third of all subsidy payees—approximately 1.1 million farmers out of 2,525,800 payees in 1969—received less than $500 in payments. In all, in 1969, the average participating farmer was paid $1,463.57.

We are already paying $3.7 billion in annual farm subsidies. 14 percent of that amount is going to half of one percent of participating farmers. Thus, the giant corporate farms continue to multiply, feeding on the small farm and the taxpayers dollar. The number of payees receiving in excess of $20,000 has gone up 30 percent in 1 year alone, and the trend is expected to continue unless it is checked by strong congressional action now.

Mr. President, my bill will do more than equitably apportion farm subsidies: It will save taxpayers money—approximately $200 to $300 million annually. This money could be reserved, or expended on other, more worthy, projects like farm pollution control, conservation, and wildlife management. It is clear to me that whatever constructive use of the money saved we make, it will be a better use than swelling corporate and agribusiness bank accounts.

Subsidy ceilings are not new. They have been suggested before and debated before. Let us look at some of the objections that have been raised to crop subsidy limitation per producer.

One argument often heard is that if big producers cannot receive full payment for all diverted acres, they will simply drop out of the program completely, pour on the fertilizer and multiply production. The result, the Department of Agriculture has argued, would be a glut on the market—followed by a sharp drop in commodity prices and the squeezing out of the small producer our farm program was designed to protect.

That future projection of an imaginary horrible was flatly contradicted by the last administration's Under Secretary of Agriculture, John A. Schnittker. In a report dated November 27, 1968, the closing days of Secretary Freeman's term, Dr. Schnittker stated unequivocally:

> Payments to producers under existing price support and acreage control programs. . . . Could be limited to around $20,000 per farm, for all payments . . . without serious adverse effects on production or in effectiveness of production adjustment programs.

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The then Under Secretary went on, examining supporting data in some detail, documenting fully the reasons that a subsidy limitation could not ruin the farm payments program. The Johnson administration, however, did not permit the report to see daylight.

Some of Dr. Schnittker's reasons will be more obvious when we recall the history of recent agricultural legislation: The original purpose of subsidy payment was to stabilize production—and thereby markets—through orderly crop reduction—diverting acreage from the raising of commodities. The Congress had once resolved to pay the farmer high price supports for his produce. That policy failed when it stimulated even greater production and brought a gigantic surplus. At one time those surplus commodities were worth $8 billion and cost as much as $1 billion per year simply to store. Thus U.S. farm policy was redirected to provide subsidy payments to farmers who limited production by diverting their land to nonproduction. Payments were awarded to compensate them for not using their most valuable capital asset—the land.

From some commodities, like feed grains and wheat, the purpose of limiting output was achieved. Fully 89 percent of all feed grain payments in 1968 were devoted to limiting output. For wheat, the figure was 51 percent and will increase in 1970.

For cotton, the story was different. In 1969, only 35 percent of subsidy payments went to limit production. In 1970, virtually all cotton payments will be for income supplements and not payment for production limitation.

Let me make clear at this point that I have nothing against cotton farmers. Raising cotton in the United States has been an essential part of our economic growth since the birth of the Republic, and I would not, under any circumstances favor compromising that portion of our agricultural output. I am flatly against the outrageously excessive payments to rich agribusinessmen and corporations who receive more than $20,000 in any year. It is necessary, however, to examine somewhat more closely the cotton program, since the brunt of my legislation will fall on the cotton agribusinesses who compose about two-thirds of the farm units whose payments would be affected by my bill.

Cotton acreage is not severely limited at present. In fact, the national cotton acreage allotment has been increased. As a consequence, Federal cotton subsidies go to enhance income, and not to limit production. Right now, the taxpayer is paying about $900 million a year to generate a cotton crop worth only slightly more than $1 billion. These "superpayments" of more than $20,000 to cotton agribusinesses only add insult to his injury.

Admittedly, farmers who produce only 2 percent of all feed grains and 3 to 4 percent of wheat would be affected by my bill. Some will suggest that this measure would discriminate against cotton since 28 percent of that crop would feel the impact of ceiling limitations. But the important point to remember is that these programs can be distinguished because wheat and feed grain payments are working: They limit production, cotton subsidies do not work. Instead they simply supplement income and most of these are incomes which do not need supplementing.

Some have objected that, if a subsidy limitation is enacted, cotton producers will simply shift to other crops like soybeans or corn and glut those markets. A Louisiana State University study, however, has recently demonstrated that even without subsidy payments, cotton is a more profitable crop than, for instance, soybeans.

Others have argued that the congressional purpose in payment cellings would be evaded by means of farm splitting. My bill meets that problem headon. It provides the Secretary with authority to counter any attempt at avoidance of this limitation.

In conclusion, Mr. President, S. 3782 is intended primarily to cure a major flaw in the farm subsidy program—excessive payments to individual producers. But this long overdue legislation will do more: it will build a bridge of understanding between rural and urban America.

In our country, three out of four citizens are city dwellers, while only one of every 20 is a farmer. Because of the flagrant abuse of a program designed to assist the family farm, many city people picture the farmer as a wealthy property holder receiving vast subsidies from the Federal Government for doing nothing. The recent attention given by the national media to the 13,000 producers receiving more than $20,000 per year has presented the average citizen with an image of the farmer. To them he appears a bloated caricature; a rural Daddy Warbucks.

These 13,000 constitute a total of 0.51 percent of all subsidy payees. Any farmer, or anyone with family or close friends who farm, knows this caricature is a vicious libel to millions of honest hard working, frugal family farmers caught in the squeeze of rising costs and diminishing prices. The average farmer gets about $100 per month for deliberately leaving idle his most valuable asset and better than a third get no more than a dollar a day. In the meantime, far from sitting on the porch in his rocking chair, any farmer who is going to keep farming is out in the hot sun working with his hands on the hundreds of laborious, backbreaking, physically demanding jobs which must be done to keep a family operation going. His wife helps out, and so do his sons and daughters, and no group, no occupation, and no profession exceeds the contribution they make to our society. This is the true picture of the American farmer. I believe that my bill will go a long way toward dispelling the biased, distorted image many of our uninformed urban citizens have.

Mr. President, I urge the Committee on Agriculture and Forestry to consider this measure as early as possible and to report it favorably to the Senate.

Mr. President, I ask unanimous consent that the text of S. 3782 be printed in the RECORD.

There being no objection, the bill (S. 3782) was ordered to be printed in the RECORD, as follows:

S. 3782

A bill to limit the amount which may be paid to any producer in any year under programs administered by the Department of Agriculture for wheat, feed grains, and upland cotton to $20,000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section as follows:

"SEC. 108. (a) Notwithstanding any other provision of law, beginning with the 1971 crop years, payments aggregating more than $20,000 for any year may not be made to any producer under any program administered by the Department of Agriculture for wheat, feed grains, or upland cotton.

"(b) Notwithstanding any other provision of law, where the Secretary determines that payments to any producer under programs administered by the Department of Agriculture for wheat, feed grains, and upland cotton will be reduced in any year as the result of the limitation prescribed by subsection (a) of this section, he shall increase the acreage on the farm which may be devoted to the production of the commodity or commodities concerned to such an extent and in such manner as he determines fair and equitable in relation to the amount of the payment reduction. Any producer who plants any acreage on the farm in excess of his base acreage allotment, as the case may be, under authority of this Act shall be deemed, for purposes of acreage history and marketing penalties not to have planted in excess of his base acreage or acreage allotment.

"(c) The Secretary shall not permit the sale, lease, or transfer of any part of the cotton acreage allotment for any farm if he determines that such action is intended primarily for the purpose of evading the limitation prescribed by subsection (a) of this section.

"(d) As used in this section, (1) the term 'payment' includes payments in cash or kind and wheat marketing certificates but does not include loans or purchases, and (2) the term 'feed grains' means corn, grain sorghum, and barley."

SEC. 2. (12) of section 103(D) of the Agricultural Act of 1949, as amended, is repealed.

DEATH OF WILLIAM T. EVJUE, MADISON, WIS.

Mr. NELSON. William T. Evjue, one of the most respected and widely known names in Wisconsin journalism is dead at 87, and his death, while a personal loss to his family and friends, is a historic loss to the journalistic profession.

Bill Evjue belonged to a different period of American journalism. His had been an era of personal journalism and he was part of that time in history when the giant legends of newspapering were men of strong convictions and the unwavering courage to express them in their newspapers, no matter how dangerous the consequences of their actions might be.

From the time he founded the Madison, Wis., Capital Times in 1917 until his death early on the morning of April 23, Evjue directed his afternoon paper to voice progressive and liberal causes.

During the long years the Capital Times fought against prejudice, hate, and hysteria, Evjue ignored the threats and the economic boycotts and proclaimed that he and his paper stood for the tradition of old Senator Robert LaFollette's progressivism.

The Capital Times under Evjue came through one of the most turbulent periods in this Nation's history. Evjue fought against the persecution of German-Americans during World War I; vigorously stood against the Ku Klux Klanism of the 1920's; opposed the anti-Catholic campaign attacking presidential candidate Alfred E. Smith, of New York; supported the New Deal; attacked Hitlerism and Stalinism, and fought hardest against the hysteria of McCarthyism.

Unfortunately, there are too few newspapermen of the stature of Evjue, and it must have been his type of man and his kind of newspaper that Thomas Jefferson was thinking about when he wrote in 1787:

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.

I ask unanimous consent that editorials from the Capital Times and the Milwaukee Journal saluting the memory of William T. Evjue be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Madison (Wis.) Capital Times]

WILLIAM T. EVJUE: 1882–1970

"He held his place—
Held the long purpose like a growing tree
Held on through blame and faltered not at at praise.
And when he fell—
He went down as when a Lordly cedar, green with bows
Goes down with a great shout upon the hills,
And leaves a lonesome place against the sky."

—EDWIN MARKHAM.

William T. Evjue, the man who founded this newspaper, who nursed it through its most difficult years and built it into one of the most influential crusading dailies in the nation, has come to the end of a long, fruitful and stormy life.

No one knows better than those of us who were privileged to work for and with him what a remarkable personality he was.

He was a person in whom the warm juices of humanitarianism coursed vigorously causing him to dedicate a long life and his newspaper to the fight for social justice.

He was a superb editor who gave his paper a tone and tint like no other paper in the country and an influence far out of proportion to its circulation.

He was a businessman who understood that tough, realistic business principles were more vital to the survival of a crusading newspaper than to any other business.

But most of all he was a fighter—and it was this quality about him that made him the remarkable personality he was, whether as a citizen, an editor, or a businessman.

Only a fighter of his prodigious dimensions would have dared to establish The Capital Times when he did.

It was at the height of the hysteria of World War I when the super-patriots of the day were persecuting German-Americans and burning Old Bob LaFollette in effigy, that he founded The Capital Times and dedicated it to LaFollette's fight for social justice.

There were already two dailies in Madison, which reflected the war fever of the community. Any merchant who dared to advertise in the new paper was immediately subjected to boycotts. It would have been hard to imagine a more inauspicious time to found a newspaper.

But "Billy" Evjue, as LaFollette called him, had given up a promising newspaper career as business manager of the Wisconsin State Journal in protest against its unfair treatment of LaFollette. The State Journal editor, Richard Lloyd Jones, was one of the first to taste the fighting qualities which came to characterize his career.

He had been attracted by LaFollette's fight for political and economic reforms—the fight that was to give Wisconsin its Golden Era when it came to be known around the world as the "Ideal Commonwealth."

LaFollette had been inspired by the words of Chief Justice Edward George Ryan of the Wisconsin Supreme Court who raised this question to the graduating law class of 1873:

"Which shall lead—money or intellect; who shall fill public stations—educated and patriotic free men or the feudal serfs of corporate capital?"

As LaFollette was inspired to his historic fight by those words, Evjue was inspired to his by LaFollette. And he kept the words of Ryan before him and before the public in the 52 years that he made The Capital Times the unique voice it has become in the affairs of this state and nation.

The fighting qualities that dared to start The Capital Times were the essential vehicle to carry it through the floundering foundling years. Those qualities carried the paper through the cruel advertising and circulation boycotts and through the personal vilifications into the calmer financial waters that finally came.

They carried it through the succeeding waves of hysteria that swept over the nation.

In the 1920s, Ku Klux Klanism, with its squalid bigotry and hooded hooligans, swept into Wisconsin and Madison from the South. Battle was joined immediately, even though the militant, young editor knew that prominent Madisonians with power and influence were in the Klan, as were even some of his colleagues from the ranks of the Progressives.

Though the Progressives operated within the Republican party, Evjue broke ranks in 1928 to support a Democrat for president—Gov. Alfred E. Smith of New York whose progressive record had attracted national attention. A vicious anti-Catholic campaign was conducted against Smith and the fighting editor was called on to fight his way through that.

He carried the fight to the enemies of the New Deal and to Hitlerism and Stalinism. It was natural that the phenomenon of McCarthyism should have been reflected in this state in mortal combat between him and Joe McCarthy, against whom The Capital Times declared war long before he became the symbol of demagogy in our time. It was clear that this was to be a fight to the death, for two such opposites could not exist in the same political domain. He always regretted that death took McCarthy before decision came in the political arena.

In many respects his fight against McCarthy gave him more satisfaction than any of the turbulent battles of his career.

His campaigns against McCarthy's tax-dodging, debauchery of his judgeship, his bullying of innocent little people, his demagogy and his exploitation of his service record, established The Capital Times as the authority on McCarthy across the nation.

His hatreds ran deep. As a boy in the lumbering town of Merrill he hated the injustice that made virtual slaves of men working in the lumbering industry.

As a student he hated what he saw being done to LaFollette who wanted to reform an unjust society and a corrupt political system.

He hated corruption, waste, special privilege, poverty, bigotry and people who pushed others around and his paper reflected those hates.

He hated conformity. It was natural that he should have found himself aligned in this state with two such towering individualists as LaFollette and Frank Lloyd Wright, without doubt the two most famous men Wisconsin has produced.

He often mused at the irony of the conformists paying devout lip service to individualism but, who, when confronted with real individualism, hung false labels like "Communist" on it, as they did with LaFollette and Wright—and with him.

In his thundering editorials and his Sunday radio addresses he called on his readers and listeners to resist "dumb conformity." And he lashed at his fellow editors over the state for allowing their papers to become part of the Establishment.

He hated secrecy in government because he knew it was the screen behind which graft, corruption and special privilege flourish. He challenged it wherever he found it. His reporters and photographers were thrown bodily from meetings, were beaten and vilified.

He used open inspection of income tax returns to expose tax dodgers, grafters, the privileged and the racketeers. His campaigns sent public figures to jail for betrayal of their public trust and brought countless reforms to state and local government.

His exposure of the huge windfalls going to the wealthy of the state forced the repeal of the tax exemption on dividends from Wisconsin corporations. It cost him thousands but he paid it cheerfully as the price to end a special privilege he hated.

Open income tax inspection was the weapon he used to expose the huge profits the banks of Wisconsin made from a privileged tax loophole. His campaign so infuriated the bankers they demanded and got from a meek Republican legislature a law imposing income tax secrecy. But he continued to hammer away at the exemption and finally forced reform of the tax loophole.

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He believed that newspapers had a special responsibility imposed by the special privilege granted under the constitutional guarantee of a free press. He was Jeffersonian in his belief that free government could not exist without a free press.

A genuine free press, he said, dedicated itself to providing the information necessary to the public decision making required in a democracy. All doubts at The Capital Times were resolved in favor of providing the fullest and freest discussion possible.

Newspapermen, he believed, were the natural enemies of politicians and public officials who must control information if they are to perpetuate themselves. It was the job of the press, he said, to see that they didn't get away with it.

He never hestitated to excoriate his colleagues among the editors and publishers for failure to live up to their responsibilities. He insisted that the best way to improve the press was hard-hitting mutual criticism and his feuds with editors across the state became famous.

He had a special concern for the young and encouraged them to challenge their elders and the rules of the Establishment. University students always found him an eager champion. His battles with University administrators, regents and public officials in defense of freedom for the Daily Cardinal and free student activity would fill a book.

This state has never had a more resolute champion of the University's famed "fearless sifting and winnowing" slogan.

He leaves a commonwealth much better for his having lived. And he leaves a legacy to inspire those of us on The Capital Times who survive him.

On the occasion of the 50th anniversary of The Capital Times, Dec. 13, 1967, he wrote these words to sum up that legacy:

"The road for mankind leading to the 100th Anniversary of The Capital Times will be long and difficult. That is the message I get from the brilliant articles in this 50th Anniversary Edition.

"I conclude this happy day with this promise for the stormy days ahead: The Capital Times will always fight for justice and for peace. That is my wish."

We on The Capital Times who have been privileged to work with a great editor and a fighter for social justice can find no better response than the words of Oliver Wendell Holmes on a similar occasion:

"We gather at the side of the fallen leader, not in sorrow at the inevitable loss, but with the contagion of his courage we go back to the fight."

[From the Milwaukee (Wis.) Journal, Apr. 28, 1970]

WILLIAM T. EVJUE

The "Wild Bill" of Wisconsin journalism, now dead at 87, William E. Evjue was a "fighting editor" by design as well as by instinct. He chose that label for himself in the title of his autobiography. It was both his delight and his studied journalistic policy to lay about him with a cudgel.

To have this freedom he had to found his own newspaper, Madison's Capital Times, in 1917. His personality and views and prejudices dominated it. This made him a throwback to the great days of "personal journalism" in the 19th century.

Despite many vagaries, wrong scents and wild goose chasers stemming from a deliberate policy of belligerence and suspicion, it has been good for Wisconsin to have a representative of this kind of journalism. Every society, every government, every political party is the better for being under the searchlight of a severe critic—even one not always just and fair—a prod, a gadfly. And this was Bill Evjue.

Evjue's political loyalty was to Wisconsin Progressivism with a capital P. He was managing editor of the old Wisconsin State Journal when it broke with Sen. Robert La Follette Sr. over the latter's opposition to World War I. Evjue founded a paper that would support La Follette. It was a fierce struggle against the hostility of superpatriots and an advertising boycott, but Evjue won an audience and the paper survived. It was his finest hour.

When the Progressive Party as such dropped out from under him in 1946, Evjue's paper became Democratic but not with the same unquestioning loyalty. He never ceased to keep track of the "old Progressives" and keep them in the news, so identified. He scolded Democrats as mercilessly as anybody when they defaulted, in his eyes, on what he regarded as their Progressive heritage.

Evjue was a bundle of prejudices. That's human enough, but he wore his on his sleeve and had a showcase for them. One was always handy as a mold to fashion his editorial view of any subject. So everything came out black or white, great or terrible, simon pure or vicious and evil. He thus oversimplified many complex issues of government and politics, but that is what made him, as he liked to think, the Public Conscience.

He was a crusader against alcohol, especially at cocktail parties by lobbying interests—"orgies" in the Capital Times. He was prolabor editorially but was reputedly tightfisted among his employes. He published daily reminders to "feed the birds!" or "save the trees!" He gloried in all things Norwegian and kept his readers posted on them. He loved his native city of Merrill and his boyhood friends there, and kept Madison posted on them, too. He was an intimate of, and publicist for, Wisconsin's other great iconoclast, the late Frank Lloyd Wright.

A strange, mixed wonderful, outrageous man was Bill Evjue. He put spice into the flavor of Wisconsin, and his passing is a sadness.

EMERGENCY HOME FINANCE ACT OF 1970

Mr. PACKWOOD. Mr. President, last week I sent a letter to Chairman WRIGHT PATMAN, of the House Committee on Banking and Currency, requesting action on the Emergency Home Finance Act of 1970. This act already has passed the Senate. I was informed this morning that the committee, under the able direction of Representative PATMAN, will consider the proposal immediately. I am delighted by the action.

The act, supported by the Nixon administration, would have the effect of channeling additional money into the tight home mortgage market and could have the additional effect of contributing to a lowering of home interest loans. Admittedly, it is not a cure-all to the Nation's housing woes, but it could represent a significant breakthrough at a time when the Nation's housing program is in desperate need of a tonic.

We can all agree that the need for more and better housing is one of the most critical needs facing this Nation. It is a fundamental need.

My State is heavily dependent on the sale of timber and wood products for economic survival. One has only to glance at the unemployment rate in this country to know that Oregon is one of the hardest hit of the 50 States.

The people in my State want to work. They are a strong-willed people, eager to make a contribution to their State and to their Nation. They believe this contribution can be made by working, by paying taxes, by providing the ingredients necessary to meet one of the Nation's most critical needs—adequate housing. I want something done so that my people can go back to work.

I ask unanimous consent that a report prepared by the State of Oregon Employment Division dated May 1, 1970, and the excerpt I mentioned, from the April 27 issue of Time magazine, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SUMMARY OF WOOD PRODUCTS INDUSTRY, MARCH 1970

(Prepared by Garrett B. VanHorn, State Labor Analyst, May 1, 1970)

STATEWIDE SUMMARY

There are 357 *sawmills* in Oregon. Seventeen were closed either temporarily or permanently during March. Of 133 *plywood and veneer* plants 19 are now inoperative. There are 315 *other wood products* firms of which 15 are currently down. *Logging* firms number 1,229 but no accurate count of closure is readily available. Certainly there are a number down but to ascribe economic reasons to their closure would be unwise at this time of year.

Employment in lumber and wood products fell by 6,800 jobs between March 1969 and March 1970. The split was about even with logging and sawmills dropping 2,900 and plywood and veneer off by 2,800.

The total number of mill closures is relatively small compared with the 1966–67 period. At that time large numbers of marginal firms were eliminated and have not come back. The major source of employment reductions have come from production cutbacks. Employers are trying to retain their skilled work forces. Most current closures are from smaller and less well financed operations who do not have large supplies of timber.

Total unemployment in Oregon was a seasonally adjusted 5.3 percent of the labor force in March. During March 1969 the level was 3.7 percent. Industries other than wood products have suffered substantial work force reductions in recent months.

District 1 (Tillamook and Clatsop Counties)

Logging and Sawmills: During the year employment in *logging and sawmills* has declined 2.3 percent. From 1,415 in February 1969 to 1,383 for February 1970. One mill closed down during the period because of a fire. It is presently using part of the original crew for reconstruction.

Plywood plant employment has dropped by 14 percent in this two-county area. During February 1969 there were 800 employed in this industry segment. There were an estimated 688 employed in plywood production for February 1970. There have been some temporary closures but all mills are currently in production though well below capacity.

Other wood products firms consist primarily of shingle mills. Employment remains at approximately the same level as last year, 167. During the past year there have been three permanent mill closures and two facilities have opened up.

Unemployment in the district is above last February by 90 persons. The February 1969 level was 1,250 unemployed representing 7.2 percent of the labor force compared with 1,340 and 7.7 percent this February.

District 2 (Multnomah, Clackamas, Columbia and Washington Counties)

The lumber industry in the Portland area is being affected by the nationwide slowdown. While there have been no facility closures, retrenchments have definitely taken place. There were 400 fewer employed in

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the industry during March 1970 than there were one year ago. This is a decline of 4.3 percent. The major reductions have occurred in plywood with sawmills and other wood products also down slightly. Total unemployment for March 1970 was 23,800, a rate of 5.2 percent. This compares with March 1969's 14,300 and 3.2 percent rate. The bulk of the increase in unemployment has come from manufacturing other than wood products.

District 3 (*Marion, Polk and Yamhill Counties*)

Yamhill County has been only slightly effected by lumber industry cutbacks. Total lumber employment in March 1970 was estimated at 810 compared with 820 one year earlier. There are two fewer sawmills operating since last year (one of these was a family operation the other employed 80 workers). There is one veneer mill closed temporarily. Its operation has been spotty all year long. The mill employs about 55 workers.

Unemployment in Yamhill County numbered 1,480, or 10.7 percent of the labor force in March. This compares with 870 and 6.6 percent one year ago. March of the increase in unemployment for the area has resulted from the commuters who work in Portland and live in this county. Manufacturing other than wood products has also contributed.

Marion and Polk Counties are short two very small sawmills compared with last March. One was a family operation; the other employed one person. Total employment in the Salem SMSA's lumber industry is down by 200 or 7.4 percent compared with last March. The pattern of production curtailment is evident here as in the rest of the state plywood employment has taken the brunt of the downturn.

Total unemployment in the two-county area was 5,500 in March, 7.9 percent. March 1969 unemployment numbered 4,000 and 5.8 percent for an increase of 37.5 percent over the year. Other durable goods manufacturing and construction have shown substantial yearly declines.

District 4 (*Benton, Lincoln and Linn Counties*)

Benton County wood products employment is down from last year by approximately 350 workers. There is one plywood temporarily closed and the rest are operating on a curtailed basis. Sawmill employment is 175 below last year's level. One mill is currently closed and the balance are operating on reduced schedules.

Linn County wood products firms are operating on a day to day basis. Few workers are currently laid off, but hiring is also severely curtailed. The spring upturn has not yet begun.

In Lincoln County there are approximately 150 fewer wood products workers employed than were one year ago. Some returns are expected during the next two weeks. Additional layoffs are also expected, however. No plants are completely closed but reduced production schedules are the rule.

For the three county district the number of unemployment claims against the wood products industry during March is 299.5 percent above the March 1969 level.

District 5 (*Lane County*)

The Eugene area is perhaps the hardest hit in the state by the wood products slowdown. Unemployment is up by 2,250 or 53.6 percent compared with March 1969. Employment in lumber and wood products at 12,800 for March is down 2,000 or 13.6 precent. The 6,450 unemployed in March totaled 7.7 percent of the labor force. March 1969 total unemployment was 4,200; a rate of 5.0 percent.

There are 48 sawmills, 37 plywood and veneer mills and 218 other wood products firms (including 180 logging) in the county. Currently there are 28 firms closed. Eight sawmills, thirteen plywood mills and seven other wood products firms. One year ago four sawmills and eight plywood mills were down.

Most other operations in the area are working on reduced schedules. The smaller operations are predominant in the shutdowns.

District 6 (*Douglas County*)

Douglas County has felt the effects of our lumber slowdown in its smaller communities. One year ago there were two temporarily closed plywood firms and currently one veneer and one plywood mill are temporarily closed. In between times there was one permanent closure of a plywood mill employing 350 workers (7–1–69). One large lumber mill was closed during July 1969, and during February 1970 one plywood mill and one veneer mill were closed. In other words operations are spotty. All mills have eliminated overtime and pared crews to some extent.

Total lumber and wood products employment was 7,180 in March, down 8.3 percent from March 1969's 7,830. Total unemployment in March was 2,530 and 8.9 percent compared with 1,560 and 5.6 percent last March. This is an increase of 62.2 percent in the country's unemployment compared with one year ago.

District 7 (*Coos and Curry Counties*)

There are no wood products firms presently closed in Coos County. None were down one year ago. During late fall 1969 one plywood mill employing 150 was down for two months in Coos County. In Curry County one plywood mill with 210 workers was closed from September 1969 to March 1970. One plywood mill with about 65 employees closed July 1969 and is not expected to reopen until June.

Total lumber employment in the two-county area was 7,070 for March 1970, down 3.5 percent from one year ago. Unemployment, totaling 2,230 (8.1%) is 18 percent higher than one year ago. March 1969 unemployment was 1,890, 7.0 percent of the labor force.

District 8 (*Jackson and Josephine Counties*)

The combined lumber and wood products work force is 6.0 percent below normal operating levels for this time of year. Some mills are experiencing difficulty obtaining logs and stumpage prices are affecting others.

While there are no current or year ago closures to report several plywood and a few lumber mills have drastically reduced operations others have trimmed back and there is virtually no overtime work at any mill.

Josephine County had 2,290 unemployed in February, a 16.5 percent rate. February 1969 unemployment was 1,970 and 15.1 percent. Jackson County unemployment numbered 3,810 in March for a 9.7 percent rate. The year ago comparison shows 2,650 unemployed and 7.1 percent.

District 9 (*Hood River-Wasco and Sherman Counties*)

Employment in the lumber and wood products industry is about even with last year. There has been one small sawmill closure since last March.

District 10 (*Jefferson, Crook, and Deschutes Counties*)

Basically there is a slower seasonal pickup occurring in the tri-county area. One small sawmill is temporarily closed and there is one new operation. One plywood mill was closed in July 1969 and remains down. In other wood products mouldings plants are running with reduced crews and one box company is down.

District 11 (*Klamath and Lake Counties*)

Klamath County mills are all operating as they were one year ago. Substantial reductions in plywood employment have occurred and most overtime has been eliminated.

Three box manufacturing firms in Lake County are closed as is one veneer plant. The veneer plant is down because of cold temperatures and frozen logs.

Wood products employment in the two county area was estimated at 3,610 for March, down 320 from last year.

Total unemployment in the two counties was 1,750 (7.4 percent) in March compared with 1,340 (6.0%) one year ago.

Districts 12, 13, 14 (*Gilliam, Wheeler, Morrow, Grant, Umatilla, Union, Wallowa, Baker, Harney, and Malheur Counties*)

Wood products employed in this large eastern portion of the state is operating at below par levels like the rest of the state. The severity of the cutbacks is not as pronounced as in other areas, however. Unemployment is also somewhat higher but largely because of construction completions. One other wood products firm closed permanently last month. It employed 35 workers.

[From Time magazine, Apr. 27, 1970]

THE ECONOMY: A GUIDE TO THE SLUMP

Economic news out of Washington took an encouraging twist last week as the Government reported upticks in three key indicators. From February to March, housing starts rose 6%, personal income climbed, and industrial production increased by (0.2%) for the first time in eight months. On the other and, the annual rate of price increases in the year's first quarter speeded up to 5%, slightly more than in the previous quarter, meaning that inflation was as bad as ever. At the same time, a preliminary estimate showed that the first quarter's real gross national product, after discounting price increases, slid by 1½% to an annual rate of $727 billion. Since that was the second straight quarter of decline, economic purists could declare that the U.S. is—or was—officially suffering from recession. Yet the dropoffs have been so small, compared with the severe slumps of the 1950s, that most economists refuse to classify the current period as more than a mini-recession.

Besides, the declines are spotty. Today's economy is a mosaic of sharply clashing regional patterns. Some areas of the U.S. are enjoying an all-out boom; others are in an alarming slump.

The whole nation shares certain economic headaches. Despite last month's rise, housing construction almost everywhere in the U.S. is still down substantially from a year ago. Jobs are difficult to locate even in areas where unemployment rates are below the national average of 4.4%. Students in particular will have to fight one another for summer work. In prosperous as well as troubled areas, corporate profits are taking a beating. This reduces the tax take of state and local governments, which are also hurt by hold-downs in federal aid and the extreme difficulty of selling their bonds in a depressed financial market.

The regional pattern, ranging from the worst hurt to the least affected:

THE PACIFIC NORTHWEST

For gloom, this region is in a class by itself. March unemployment in the Seattle area jumped to 7.4%, up more than two points in a month and well over double the 3.2% rate of a year earlier. Reason: severe layoffs by Boeing (Time, March 9). The electric utility Seattle City Light reports that its annual rate of cancellations and shutoffs has been double the usual 5%, indicating that many peopel are fleeing the area to scout for work elsewhere. For the jobless who remain, the Washington state legislature has voted to raise unemployment compensation from a maximum of $40 a week to $70.

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Oregon's economy, heavily dependent on lumber, has been shaken to the roots by the fall in home building. Unemployment has scaled an eight-year high of 5.3%. Department-store sales are off 9% from last year, and a significant decline in tax collections has forced the state government to freeze all construction projects.

A species of economic black humor has developed. Bankers who invite businessmen to lunch tell them that the free meal is all the help that their bank can give in 1970. One banker cheerily explains the meaning of the recent prime-rate cut: the money that business once could not borrow at 8½ is now unavailable at 8%. Portland brokers have started a betting pool on which firm will go bankrupt first—and when.

CALIFORNIA

The most populous state is, as usual, a world of its own—or rather two worlds. In Southern California, aerospace cutbacks have been slashing payrolls for more than two years. The situation is better in the state's central and northern areas, which are less dependent than Southern California upon the whims of the Pentagon and NASA. In the San Francisco area, where the unemployment rate exactly matches the national average, few people are losing jobs, but even fewer are finding new ones. One employment agency is vainly trying to place 32 computer programmers who probably could have written their own ticket a short time ago.

NEW ENGLAND

Since last June, says University of Connecticut Labor Economist David Pinsky, the six New England states have lost 53,000 factory jobs. They stand to lose another 150,000 in the next twelve months—50,000 in Connecticut alone. The jobless rate in that state, a leading producer of military supplies since the Civil War, has already risen to 4.5%. In Massachusetts, partly because of lower profits and smaller tax payments by some companies, Boston is running out of the cash necessary to finish three almost-completed projects—the Government Center and two public housing complexes—and four half-done projects.

THE MIDWEST

The slump in auto sales (*see following story*) has pushed Michigan's unemployment rate to 6.3%. Layoffs outside the auto industry are also starting to hurt. Three TV-set makers—RCA, Zenith, and Motorola—recently idled 15,000 workers in Illinois and Indiana. Overall employment is still going up in the Midwest, but not nearly fast enough to match the increase in the number of people—largely women and returning servicemen—searching for employment. Factory overtime, partime work and moonlighting jobs are fast disappearing.

THE SOUTHEAST

Auto and defense-plant layoffs are swelling the Southeast's unemployment, though it is still below the national average; the jobless rate in Georgia, for example, rose to 3.8% in February, up from 2.5% a year earlier. Home building in some parts of Kentucky has stopped entirely; in March, the city of Louisville (pop. 392,000) issued a grand total of one building permit. Company personnel men notice less job-switching, indicating that employees feel that this is not the time to take chances by moving to new positions. For this summer, employers in Nashville expect to offer only about 1,000 jobs to 10,000 student applications.

THE MIDDLE ATLANTIC

The armies of office and service workers are in no danger of idleness, but manufacturing payrolls are starting to shrink. A general nervousness is in the air. In Delaware, a prosperous white-collar state, a decline in Du Pont profits that began last year is expected to force reductions in state spending—most likely for educational television and enforcement of antidiscrimination laws. The Pennsylvania government had to extend an extra $15 million in aid to Philadelphia to avert a shutdown of the city's schools at the end of May.

THE SOUTHWEST AND ROCKY MOUNTAINS

Many parts of these Western regions are still growing strongly, because fresh money continues to pour into their relatively new industries. Unemployment in Houston is a modest 2% of the labor force; the few employees let go by the Manned Spacecraft Center have been quickly hired by other industries. Though sections of the Rocky Mountain region face unemployment problems, a surge of commercial construction is remaking Denver's skyline and creating new jobs. Projects abuilding range from a $5.2 million United Air Lines reservation system center to a $300 million commercial, industrial and residential complex called Front-Range Denver.

ALASKA

The North Slope oil strike has produced the sort of rip-roaring boom that is just a memory in most of the "South 48" states. While unemployment still runs high among the Eskimos and the Aleuts, the oil workers' only problem is getting time off. North Slope truck drivers earn $76 a day, Monday through Friday, and $100 a day on Saturday and Sunday—but they work six weeks straight before knocking off two weeks to rest.

These extreme variations in regional business point up a major problem for Washington's economic planners. Even if they properly gauge the nation's overall economic needs—a rather gigantic if—the U.S. is so diverse that their policies are bound to have an unequal impact across the country. That underscores the urgency of adverting a real recession. Nationally, the suffering caused by a sharp recession would be bad enough; in the hardest-hit regions, it would be intolerable.

THE ECONOMY UNDER NIXON

Though Administration officials figured that last week's statistics showed that the worst of the slowdown may be over, nobody was trumpeting that inflation has been beaten. The President's policy of controlling inflation by deflating business has been only half successful. It has stunted economic growth for many months but not yet significantly slowed price increases. A listing of some economic barometers since Nixon's first full month in office:

	February 1969	Latest	Percent change
Industrial production	170.1	170.2	+0.001
Unemployment.....percent	3.3	4.4	+33.3
Prime interest rate.....do	7	8	+14
Dow-Jones industrial average	905	776	−14
Consumer Price Index	124.6	132.5	+603

18-YEAR-OLD VOTERS

Mr. TYDINGS. Mr. President, last month the American Jewish Committee, the Nation's oldest human relations agency, endorsed the 18-year-old voting provisions of the 1965 Voting Rights Act extension. This endorsement was part of a larger recommendation of the committee urging a greater degree of political participation by all members of our society. The report also suggested that the Bicentennial Commission set a goal of 100 million votes in the 1976 presidential elections. I think this is a brilliant idea: a target that can be reached in 6 years and one that reflects a renewed and continuing dedication to our democratic system.

The entire proposal and recommendations of the American Jewish Committee reflect a sensitive awareness of the difficulties we face as a democracy—especially amongst our young—and a sensible program to help combat these troubles with increased participation and vigor for our political processes.

I ask unanimous consent that the recommendations of the American Jewish Committee be printed in the RECORD so that other Senators may read this insightful report and consider its well-advised recommendations.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A PROGRAM PROPOSAL FOR THE BICENTENNIAL COMMISSION: 100 MILLION VOTERS BY 1976

The American Jewish Committee agrees with President Nixon that the 200th anniversary of the birth of our nation should be taken as an opportunity to make a dedicated effort to fulfill those national aspirations yet unattained. Recognizing the importance of the electoral process as the cornerstone of American democracy, we urge that one central goal of the Bicentennial be greater participation in the political process, with special emphasis on the fullest possible exercise of the right to vote.

The AJC urges the Bicentennial Commission to initiate at once a program involving both public and private efforts to best realize the objective of full electoral participation. As a symbol of this goal, we propose that we seek to involve at least 100 million voters in the Presidential election of 1976.

In 1968, seventy-three million citizens voted their choice for President and Vice President, but there were an additional 47 million Americans old enough to vote who did not vote. This voting participation rate of 61 percent is substantially below that of most democratic nations.

We seek to increase the number of American voters, but we must seek more than an increase in numbers. There must be also an increased involvement in every phase of the political process if we desire an increased confidence in our political system.

One of the great guiding themes of our democracy is that government "derives its just powers from the consent of the governed." There is no greater single manifestation of that consent than the vote. Yet, the tragic fact is that in the 1968 Presidenial election only 3 out of 5 eligible Americans registered their consent, or lack thereof, to the programs enunciated by candidates for the highest office in the land. More than one-half of the nonvoters in the 1968 Presidential election, moreover, reported that they were simply not interested in voting. At a time when the decisions of our government vitally affect all our people, the sense of alienation, disaffection or apathy that such non-participation conveys is a tragic commentary on our times. Quite simply, people who vote feel that they have a stake in and a sense of connection to the government. People who don't vote are saying that they as individuals do not count or, what is worse, that the democratic institutions do not count. Much greater efforts must be made, therefore, to persuade these nonparticipants that an individual's vote does count, and, at the same time, that it can be made more effective and meaningful.

The national participation rate of 61 percent is bad enough; the rate for state and local, including Congressional, elections is even worse. In most local elections less than half of the potential votes is cast. Every town, county, and city must be brought into this national effort to increase and deepen voter participation.

Not all of the voting gap is due to indifference, of course. Obstacles to voting, whether due to racial discrimination, residency requirements, or other factors, must finally be completely eliminated.

THE 100 MILLION GOAL

As a dramatic symbol of our concerns, and as an ambitious yet realistic undertaking, we recommended that at least 100,000,000 voters in the election of 1976 be declared as a Bicenntenial goal. The goal is clearly attainable:

If the present participation rate of 61 percent continues until 1976, about 8 or 9 million additional voters would participate that year as a result of population growth alone; if the 18-year-old vote is operative that year (a goal which AJC enthusiastically supports), this would add about another 5 or 6 million voters.

These two developments alone would increase the total vote to about 87 or 88 million.

Increasing the participation rate to about 70 percent from the present 61 percent would add another 13 or 14 million voters in 1976—thus reaching the 100 million goal. As the following will indicate, this should be possible if a concerted drive is conducted over the next six years.

Of the 47 million Americans who failed to vote in 1968:

About 8 million were actually registered but failed to vote;

About 8 million more were unable to register under state eligibility requirements, of whom 5 million were eliminated because of state residency rules; and

About 31 million either did not even try to register to vote or were prevented from so doing, for one reason or another.

If 11 million of these 47 million had voted in 1968, the participation rate that year would have been 70%. Surely, this should have been possible.

RECOMMENDATIONS

We recommend that a broad array of programs, involving all the major groups in American society—government at every level, the educational system, the political parties, business, labor, the wide range of civic and social organizations, the media—be developed to:

1. Increase the number of people involved in the electoral process;

2. Encourage participation by a greater number of people in the larger political process, i.e., party primaries, caucuses and convention; campaigning; voter-registration drives.

3. Enhance the quality of voter participation through a program of education in the essential processes of democracy and the great documents on which they are founded.

CLOSING THE MINORITY VOTING GAP

Due primarily to the 1965 Voting Rights Act—but due also to greater voter consciousness and confidence in the electoral process—the Sixties saw an increase of over 1½ million Negro voters in the South. The significance of this trend is clearly evident in the fact that the number of black elected officials in the 11 Southern states rose from 70 in 1965 to more than 500 in 1968. In turn, this pattern has further increased interest in the electoral process and even higher registrations can be expected in the years ahead.

But the voting participation rate for Negroes, for Puerto Ricans, for Indians, for Spanish-speaking Americans remains substantially below that of the general populace. Renewal of the Voting Rights Act for another five years (and with the addition of a national ban on literacy tests) should provide the basis for continued gains in minority voting patterns. But rigorous enforcement by the Federal government must be pursued if the full effect of the law is to be realized.

Federal law alone, however, will not produce the level of black and other minority voting needed to close the gap. Every ruse to disenfranchise the minority citizen (de jure or de facto) must be eliminated: redistricting, use of at-large elections, obstacles to becoming candidates or delegates, rigged nominating and related procedures, lack of adequate polling facilities—to say nothing of continued use of harassment and intimidation to discourage registration or voting.

YOUTH—A SPECIAL CHALLENGE

The American Jewish Committee is pleased to note that the likelihood of lowering the voting age to 18 has been greatly increased as a result of the Senate's action in adding this provision to the Voting Rights Act. If the House should refuse to go along—and it is our hope that it will go along—then the Congress should proceed immediately to initiate the Constitutional amendment process toward the same end.

Whatever else might be said about today's youth, it is more informed and more involved in the major issues of our times than any preceding generation. But it is not sufficiently involved politically. It therefore too often looks for and adopts extra-political and extra-legal ways to correct the social ills which it perceives. The very preservation of our democratic way of life may depend on the success we have in bringing our young people into the political process—not only in that final act of voting, but in the full range of political action.

While we work toward a lowering of the voting age, it is important to cite the fact that the youngest group of those now eligible to vote actually have the *lowest* participation rate. In 1968, the 21–24 age group had only half the participation rate as those in their middle-age. This regrettable fact, instead of being used as an argument *against* lowering the voting age, reminds us rather that making the vote possible is only one-half the job facing us; we must make the vote seem relevant and significant.

RESIDENCY OBSTACLES

In the 1968 Presidential election, about 5 million otherwise eligible voters were barred from voting because of state residency requirements. In this mobile society of ours, over 20 percent of all Americans move every year. It is therefore only right that new state residents be allowed to vote in a Presidential election, regardless of the length of time they have resided in the new state.

Similarly, in state and local elections there should be the least possible restrictions on the right to vote because of residency.

FACILITATING VOTER PARTICIPATION

More important even than elimination of literacy tests is the elimination of illiteracy itself if full and meaningful participation is to be achieved. While there are of course other vital reasons for the total eradication of illiteracy in America—and this might well be a major Bicentennial program itself—greater political sophistication and discrimination requires the ability to read, to understand, to communicate.

Both government and the private sector should develop improved programs to foster better understanding of the rights and duties of citizenship and the significance of voting. Better use should be made of programs of adult education, literacy and community action which are administered, at the Federal level, by HEW, the Departments of Labor and Agriculture, and the Office of Economic Opportunity. At the State and local levels, there are innumerable activities that could appropriately add or extend citizenship education. There is almost no limit to what more could be done by the hundreds of national private organizations—religious, women's, veterans', student and youth, fraternal, etc.

The proposal for a National Election Holiday should be given careful consideration and, if found feasible, enacted in time for the election of 1976. Further study should be encouraged on most appropriate hours for registration and/or voting, location of voting facilities, greater use of absentee ballots, and every other aspect of the electoral process which could affect the level of participation. Both the business and the labor communities should examine what more they could do to increase participation.

CHALLENGE TO STATE AND LOCAL GOVERNMENTS

The Bicentennial Commission should urge every state and local jurisdiction to become part of this program. If the 100,000,000 goal is to succeed, every county in the nation should set a goal for itself—not only one for 1976, but interim goals for every year till then. Governors should charge each state Bicentennial Commission with particular responsibility for this program. As indicated above, political participation rates in many states and localities is shockingly low.

CHALLENGE TO EDUCATIONAL INSTITUTIONS

The role of education in expanding and improving the electoral process is self-evident. From the grade schools through graduate work, there is an urgent need for improved curricula, for better materials, for easier access to people and information. Efforts should be made to involve the students actively in some aspect of the political process, as well as in the classroom.

THE POLITICAL PARTIES HAVE MAJOR RESPONSIBILITY

After all is said and done, of course, the prime responsibility in a free society must be that of the political instrument itself. Government can and should eliminate barriers. But it cannot force participation. We do not seek to achieve the 99% participation rates of totalitarian regimes—at the cost of our freedom. The parties in a democratic society, moreover, must not be authoritarian or totalitarian themselves.

Each of our parties should be encouraged, during this Bicentennial period, to make an active effort to encourage young people, new voters, Blacks and other minorities, and all other groups that have hitherto remained pretty much outside of the political process, to participate in party activities, from the precinct level to the national commitee level.

If each potential voter is to take that crucial step of voting on Election Day, he must not be permitted to feel that the final choices available to him were decreed by a handful of individuals, that his views and preferences had not been solicited, that the real issues of the day had not been truly involved in the selection of candidates.

Each party must examine its entire structure and its operations—to make sure that they are fully responsive to the needs and the desires of the citizens who support that party.

CONCLUSION

As the nation's oldest human relations agency, the American Jewish Committee is deeply committed to the democratic system. We are disturbed by evidences of alarming numbers of people who have abandoned faith in the ability of that system to provide justice and progress and security. Their disaffection, their alienation, their apathy is too frequently reflected in their failure to participate in the political process, especially in exercising their right to vote.

We urge the Bicentennial Commission to set as one of the goals in its general plan "to fulfill those national aspirations yet unattained" the fullest possible participation by all Americans in the political process which our Founding Fathers so carefully designed, including the power to effect changes in that process itself.

As a symbol of that greater participation, we have proposed the goal of 100,000,000 voters in the Presidential election of 1976. With such increase in numbers, moreover, we hope that at every step in the political process there will be greater and deeper involvement by more Americans. These goals will be achieved only if government at all levels, our private institutions, the media, and our edu-

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cational institutions all play an active role. We are confident that, in such an effort, all of these institutions will indeed do their part. They should be challenged to do so.

OIL AND SHOE IMPORTS

Mr. HANSEN. Mr. President, the mandatory oil import program, which has stirred such a controversy, apparently is not very well understood by some of its critics.

When first established in 1959 by President Eisenhower, the program was intended to set some reasonable levels for foreign oil to supplement U.S. domestic production. The program was implemented, in the first place, because of the breakdown of a voluntary plan, under which foreign oil had reached such proportions, that the President issued a proclamation making the program mandatory.

Mr. President, the circumstances today are little different from those of 1959 which convinced the President of the necessity of imposing mandatory quotas. In fact, the words of the Director of the Office of Civil and Defense Mobilization that "imports of crude oil and its products and derivatives were threatening to impair the national security," are even more valid today as we assess the shaky balance of power and peace in the world.

At that time, the Director of the Office of Civil and Defense Mobilization—now the Office of Emergency Preparedness—told the President that:

> It is my considered opinion that the present rate of imports of crude oil and its derivitives and products is a major contributing factor to the *decline in drilling operations* both for exploration and development in the search for new oil reserves. Continuation of this trend will inevitably result in a lowering of our *available reserves*.

In the same report, the Director said:

> The consequences would continue to upset a reasonable balance between imports and domestic *production*, with deleterious effect upon *adequate exploration* and the *development of additional reserves* which can only be generated by a healthy domestic *production* industry.

It has been said that those who cannot remember the past are condemned to repeat it.

From 1959 until late in 1965, the administration of the program was concerned primarily with various means of dividing the total amount of imports among oil companies which were participants in the control plan. Late in 1965, however, and in subsequent years, there has been injected into the program a profusion of special treatment provisions which threatened to undermine the program by destroying confidence in its administration and by creating special situations both within and without the controlled levels.

Because of those and other pending applications for other exceptions and exemptions for purposes entirely unrelated to the preservation of national security, the President established the Cabinet Task Force on Oil Import Controls to conduct a comprehensive study and to recommend revisions.

The crux of the current controversy is, of course, the recommendations made by a majority of that task force for a plan which would substantially increase imports and force the price of domestic crude down in time to lower foreign prices.

As I have repeatedly pointed out, such a plan ignores the past and the national security provisions of the Trade Agreements Extension Act, under which the program was authorized, and would soon result in U.S. dependence on foreign sources for its principal source of energy for the foreseeable future.

Like my good friend and colleague, the distinguished Senator from New Hampshire, Tom McIntyre, critics of the program want more cheap imported oil and oil products for their constituents. Few realize, however, that, while the basic 12.2-percent relationship that controlled imports bear to domestic production has been adhered to as far as controlled imports are concerned, the exceptions permitted outside the 12.2-percent limit have increased to such an extent that total imports of oil into the United States is now running at a rate 38 percent of domestic production.

The average for all of 1969 was, in fact, at a rate of more than one-third of domestic production and is steadily increasing as further exceptions are granted.

In a recent exchange of correspondence with Senator McIntyre, I agreed with the objective of his bill to limit imports of a product to an equitable share of the U.S. market without driving the domestic producers out of business. I am not sure what that share should be for any particular industry, but Senator McIntyre's bill would limit foreign imports of footwear to approximately 25 percent of domestic production, a figure he feels is fair to both the foreign and domestic producer.

He agreed in the exchange to consider cosponsoring a similar oil import quota bill which "would raise the imports of crude oil to this level." Inasmuch as oil imports are now considerably in excess of that figure, as I advised Senator McIntyre, I am hopeful that he will favorably consider supporting the oil import quota bill that Senator Russell Long, I, and others plan to introduce.

Mr. President, having advised my good friend and colleague, the distinguished Senator from New Hampshire (Mr. McIntyre) of my intentions, I ask unanimous consent that our exchange of letters on shoe and oil imports be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., April 23, 1970.

Hon. Clifford P. Hansen,
U.S. Senate,
Washington, D.C.

Dear Senator: Last week I introduced S. 3723 which is designed to provide for the orderly trade in textile articles and leather footwear. The basic purpose of this bill is to protect our domestic shoe and textile industries without placing an unfair limitation on foreign imports.

The bill would, beginning this year, limit imports of these products to the average annual imports for the years 1967–68. Beginning with 1971, the total imports allowed for each product will be increased by an amount proportionate to the increase in the domestic consumption of that product. In other words, in 1971 the rise in imports will be based on the rise in domestic consumption in 1970 as compared with the average consumption in 1968–69. As each year ends new calculations will be made for the imports to be allowed for the next year.

I feel that this is a system which will allow the imports equitable share of the market without driving the domestic producers out of business.

I am enclosing a copy of the statement I presented when I introduced the bill.

If you are interested in co-sponsoring this bill or have any questions, please call me or Tedy Leary (x2841) in my office.

Sincerely,

Thomas J. McIntyre,
U.S. Senator.

April 24, 1970.

Hon. Thomas J. McIntyre,
U.S. Senate,
Washington, D.C.

Dear Tom: Many thanks for your letter and copy of your introductory remarks on S. 3723.

I fully agree with the objective of your bill to establish a system which will allow imports an equitable share of the U.S. market without driving the domestic producers out of business.

Senator Russell Long is soliciting cosponsors for a similar bill that would apply to foreign produced oil. I have joined him, along with a number of other Senators, and I am sure he would welcome your support in similar protection of American oil producers and their workers who are also threatened by cheaply produced foreign oil.

Kind regards.

Sincerely,

Clifford P. Hansen,
U.S. Senator.

U.S. Senate,
Washington, D.C., April 29, 1970.

Hon. Clifford P. Hansen,
U.S. Senate,
Washington, D.C.

Dear Cliff: Thanks for your prompt reply to my request for co-sponsors on S. 3723.

I am in full agreement with you that there is a need to protect our domestic industries from damaging foreign competition. At the same time, however, we must be careful not to turn this protection into a donation or subsidy. Unfortunately, this is what the oil import quota program has become. While my bill is designed to insure the health of a long suffering industry, the oil import program insures only higher profits for this nation's richest industry.

As you may know, my bill would limit foreign imports of footwear to approximately 25% of domestic production—a figure which I feel is fair to both the foreign and domestic producers. You can be sure that if you introduce a bill which would raise the imports of crude oil to this level, I will be more than happy to consider co-sponsoring it.

Sincerely,

Thomas J. McIntyre,
U.S. Senator.

U.S. Senate,
Committee on Finance,
Washington, D.C., May 4, 1970.

Hon. Thomas J. McIntyre,
U.S. Senate,
Washington, D.C.

Dear Tom: Basically, I believe we agree that American industry and American workers cannot be expected to compete with uncontrolled imports.

Your bill, S. 3723, would limit foreign imports of footwear to approximately 25 percent of domestic production. But I am not sure I understand your agreement to consider cosponsoring a bill "which would raise the imports of crude oil to this level."

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According to the statistics I am furnished, oil imports, crude and oil products both controlled and uncontrolled, for the first quarter of 1970 averaged 38 percent of domestic production. Imports were 3,794,000 barrels daily while production was 9,526,000 barrels.

For all of 1969, imports were 34 percent of domestic production. At the present, more than 50 percent of all oil products marketed in the East Coast area are either imported or derived from imported crude. About 85 percent of all residual fuel used for generation of electricity and industrial use in the Northeast is imported and more and more of it from the Eastern Hemisphere.

The main reason the oil import program needed revision in the first place was because of exceptions, exemptions and special cases that had riddled it and lost sight of the original purpose and intent of protecting the national security and insuring a healthy and viable industry. Rather than a cure for a sick program, the recommendations of the majority of the Cabinet Task Force on Oil Import Controls would certainly have added more woes to an industry already suffering from excessive imports by your standards for the shoe industry.

Annual and stock market reports certainly do not reflect any excessive profits for what you term the "nation's richest industry."

It seems rather obvious that both the shoe and domestic oil industries need some incentive for producing the nation's needs and I would hope that you could agree that your 25 percent figure would be as fair for oil as for shoes in limiting foregin imports and insuring the health of both.

But the most compelling argument for retention of import controls must be national security.

Recent events in the Middle East underscore the dilemma our country would face if we became overly dependent on Arab oil.

Again I seek your co-sponsorship of legislation to give the same protection to oil that you seek for hsoes.

Sincerely,

CLIFFORD P. HANSEN,
U.S. Senator.

WEEKLY RADIO REPORT BY SENATOR ALLEN

Mr. ALLEN. Mr. President, I ask unanimous consent that the script of my weekly radio report, recorded on May 4, 1970, for distribution to Alabama radio stations, and to be made the basis of my weekly newspaper column in Alabama weekly newspapers, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PRAY THAT NEW POLICY SHORTENS WAR

For my report this week I want to discuss the Vietnam War and the escalation of the war by the President. He has sent American troops into Cambodia to wipe out the sanctuaries maintained by North Vietnam and the Viet Cong in Cambodia near the South Vietnamese border.

Just a few days ago the President announced that during the next 12 months 150,000 American troops would be withdrawn from Vietnam. This was indeed encouraging to all those who want to see a de-escalation of the War.

I have opposed sending arms and supplies to Cambodia and still do not favor this action on our part. It must be kept in mind that the President's action was not sending aid to the Cambodian government but doing what he thought best to protect the lives of American servicemen in Vietnam. It was looking out after American self-interest rather than giving support to the new government of Cambodia which took over several weeks ago by overthrowing the government of Prince Sihanouk.

Cambodia has not been our friend or ally. It has through the years allowed North Vietnam and Viet Cong forces to attack from and retreat to Cambodia following attacks on American bases in South Vietnam.

So, I am hoping that the welfare and safety of American troops will be our first consideration and not the welfare and maintenance in office of a non-representative government in Cambodia. We must think of the American boys who will have to back up with their lives any involvement by the United States in the Cambodian War.

The President says that the war will not be widened beyond cleaning out enemy staging areas and sanctuaries and that this will take only a few weeks. However, we have the example of Vietnam to show us that limited participation in foreign conflicts gradually leads to all out participation.

I realize that my knowledge of the facts is limited but I hate to see the scope of the war widened. The President has more information on the subject than any other person and we need to rally around him.

The President of the United States, acting as Commander-in-Chief of our Armed Forces, has had and will continue to have my support in his conduct of the war in Southeast Asia.

Certainly, I will oppose any moves in the Senate to tie his hands, to snipe at him, or to criticize his actions before the world.

I will oppose any action that will deprive American boys in Southeast Asia of support, or that will cut the ground from under them, or indicate in any way that they have less than my enthusiastic support.

The President has acted. This is now the official policy of our Country in the conduct of the war. As a loyal, patriotic American, as well as a United States Senator from Alabama, I shall support it.

I must say, however, that I am heartsick that it was deemed necessary to expand the scope of the war, and I question the wisdom of the action. The President assures that it will shorten the war and bring our boys home sooner. I pray that it will.

KENT STATE UNIVERSITY INCIDENT

Mr. ALLOTT. Mr. President, all Americans were shocked and saddened Monday by the violent deaths of four students at Kent State University in Ohio.

I understand that State authorities are beginning a thorough investigation of the entire incident. In addition, they have asked for and are receiving Federal help.

Pending this investigation, there is little that can be said with certainty. However, there are vital questions which need asking.

Most important is the question of whether or not our various National Guard units are properly trained and properly equipped for the arduous, disagreeable, nerve-racking duty of riot control.

Mr. President, in recent years there have been several studies and reports—the Kerner Commission report is one example—concerning the role of the National Guard in restoring order in areas experiencing disturbances. These studies and reports have stressed how difficult it is to train soldiers for riot duty.

Without wanting to draw any conclusions from the events at Kent State University, I think it is appropriate to ask whether adequate steps have been taken to guarantee that all National Guard units receive the most advanced and thorough training in riot control.

Clearly the importance of the National Guard is increasing not diminishing. Clearly the vital importance of the National Guard makes it proper that the Guard be treated with the utmost respect, and that it be given the best possible training. Therefore, there is a clear need for effective and uniform training to equip all soldiers, but especially National Guard soldiers, for the delicate task of subduing a mob with the minimum amount of force. It is unfair and it is dangerous to take young men from their civilian jobs and send them quickly into a situation where they are surrounded by a mob hurling rocks and insults, and expect them to cope with the situation, unless those men have been given the very best training that money can buy.

National Guard units have served the Nation with valor and distinction in combat overseas and in various emergencies at home. But the task of containing an enraged mob makes very unique demands on soldiers, and their training should reflect this fact.

Mr. President, the tragic events at Kent State University suggest one more comment.

It is clear that a major share of responsibility for the deaths of students rests on those weak university administrators around the Nation who have allowed campuses to fall into conditions not far removed from lawless jungles.

In recent years it has become possible for a student to get the impression that riot, assault, arson, and sundry other crimes are not only tolerable, but even respectable forms of "dissent," and that they will go unpunished if committed within the confines of a university. The use of campuses as sancutaries for violence must end. We must hope that campus violence can be ended without a quantum jump in the level of violence on the part of those whose duty it is to restore law to campuses.

LEGISLATIVE OBJECTIVES: NRTA–AARP

Mr. WILLIAMS of New Jersey. Mr. President, a statement of "Legislative Objectives" was adopted on January 27–29, 1970, by the Legislative Council of the National Retired Teachers Association and the American Association of Retired Persons. The Legislative Council represents the more than 2 million members of these sister organizations, and the council statement serves as a guide to those who are authorized to speak for these organizations on legislative issues, including their executive director, Bernard E. Nash; their legislative counsel, Cyril F. Brickfield; and their legislative representatives, Peter W. Hughes, Robert F. Sykes, and Ernest Giddings.

This statement of "Legislative Objectives" is significant not only as a declaration of the aspirations of these more than 2 million members of NRTA–AARP, but of many other older Americans.

Included among these legislative objectives are recommendations to increase and improve social security and medi-

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care benefits, to protect fixed incomes against the ravages of inflation, to provide adequate health care at reasonable cost, to provide equitable tax treatment, to improve employment and service opportunities for the elderly, to protect consumers, to provide adequate housing and transportation, and to attack the critical problems of water, air and noise pollution and the destruction of our natural surroundings.

The statement also requests the President to insure that older persons and their representatives participate fully in all phases of the 1971 White House Conference on Aging.

Time does not permit me to discuss these recommendations in detail nor mention the many other important points contained in this statement of legislative objectives. In order that the full text may be available to Senators and others who are interested, I ask unanimous consent that the text be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

HERE IS THE 45-POINT LEGISLATIVE PROGRAM ADOPTED FOR THIS YEAR BY THE NRTA-AARP LEGISLATIVE COUNCIL

IMPROVED SOCIAL SECURITY, MEDICARE BENEFITS

1. We support legislation to increase the minimum Social Security benefit to at least $120 a month and provide corresponding increases at all Social Security benefit levels.

2. We recommend that the Social Security earnings limitation be amended to permit annual earned income of $3,000 a year without reduction in Social Security benefits.

3. We urge that the widow's Social Security benefit be increased to 100 per cent of the worker's benefit.

4. We favor legislation to establish minimum Social Security benefits for all persons age 70 or older who are not otherwise eligible for cash benefits under the Social Security program, and to permit benefits up to $150 per month from other public and private pensions without loss in their Social Security benefits.

5. We urge the Congress to assure that all persons will be eligible for Medicare upon attaining age 65.

6. We urge the Congress to include prescription drug costs in Medicare.

7. We support the bipartisan study of the whole Social Security system in relation to today's economy.

8. We urge that Social Security benefits for men be computed on the same basis as that now used to determine benefits for women.

9. We encourage deferment of retirement beyond age 65 and we urge Congress to provide increased benefits to persons who continue to work past age 65.

10. We urge that the Federal Government investigate the causes of increasing hospital charges and physicians' fees in an effort to halt the rising costs of Medicare and out-of-pocket Medicare payments.

11. We suggest the inclusion of chiropractic services under Part B of Medicare.

ADEQUATE RETIREMENT INCOME

12. We urge the states to increase pension benefits of all retired teachers to at least $2,400 a year minimum based on 25 years of service, with proportional benefits for all service of shorter duration.

13. We urge adoption of a national policy of (a) the transferability of public and private retirement credits, (b) five-year or earlier vesting or retirement benefits, and (c) adequate funding.

14. We urge the Congress to provide partial Federal funding to encourage the states to accept the transfer of out-of-state teaching credit.

15. We urge the Congress to provide adequate pension increases for railroad retirees and Civil Service retirees.

16. We urge the Congress to continue to protect veterans, their dependents, and all other older Americans in their benefits when increases are voted in Social Security or public pensions.

17. Private pension programs be revised to provide annual automatic benefit increases tied to a rise in the cost of living.

18. We urge more effective enforcement of the Age Discrimination Act passed by the 90th Congress, and expansion of its provisions to assure those over age 65 who want to work, the opportunity to do so.

EQUITABLE TAX TREATMENT

19. We urge that the entire economic community of the nation contribute to the financial improvement of needy older Americans.

20. We urge the Congress to permit persons age 65 and over to deduct all unreimbursed expenses for drugs and other medical expenditures from their Federal income taxes.

21. We believe that single persons over age 65 with incomes up to $3,500 a year, and married couples over age 65 with incomes up to $6,000 a year, should be exempt from paying a Federal personal income tax.

22. We urge that Congress adjust the retirement income credit base to correspond with the current Social Security maximum payment.

23. We urge the states to provide a homestead exemption for persons over 65 in order to lessen the burden of steadily rising property taxes and enable retirees to maintain their own homes.

24. We urge that under the Federal Estate Tax, the present 50 per cent limitation be replaced by an unlimited marital deduction which would make transfers of all property between spouses tax free.

HEALTH AND ENVIRONMENT

25. We support the principle of preventive care to promote the physical and mental health of older persons.

26. We urge the immediate development by the Department of Health, Education and Welfare of a national program which will guarantee all older persons the right to quality medical and health care at a reasonable cost.

27. We urge that the Administration effectively implement its commitment to alleviate the problem of inadequate nutrition which exists, to varying degrees, in all strata of our society, but particularly among the elderly.

28. We urge a coordinated national attack on the critical problems of water, air, and noise pollution and the wasteful destruction of our natural surroundings.

29. We urge that all Federal functions having to do with the environment be combined into a single department.

30. We urge effective implementation and strict enforcement of criminal laws, and enactment of new ones where necessary, in order to reverse the rising tide of criminal activity, including that which particularly affects the person and property of older Americans.

31. We urge that all Federal, state and local agencies give special attention to the needs of older persons with respect to the cost, availability, suitability, and proximity of public transportation.

32. We urge that the announced national housing goal include appropriate emphasis on the provision of adequate, reasonably priced housing for all older Americans.

33. We urge that administrators of the Model Cities Program continue their efforts to identify and meet the needs of the older citizens living within or affected by Model Cities projects.

ADMINISTRATION ON AGING

34. We urge that a thorough study of the policies, procedures, programs and resources of the Administration on Aging be conducted to determine its effectiveness in carrying out the intent of Congress as defined in the Older Americans Act, as amended.

35. We respectfully request the Commissioner on Aging to include representatives of the major national organizations of older persons and qualified individual older persons in the initial and all subsequent planning and policymaking for the 1971 White House Conference on Aging.

36. We urge the Congress to appropriate sufficient funds to carry out the purposes and programs of the Older Americans Act, including those set forth in the 1969 Amendments.

37. We urge the immediate development of a national philosophy on aging and the older American.

CONSUMER PROTECTION

38. We support legislation to expose and restrict all categories of misrepresentation and fraud to consumers.

39. We oppose the adoption, by any state, of the Uniform Consumer Credit Code in its present form.

40. We urge immediate state and Federal action to identify and expose those consumer frauds and deceptions whose primary victims are older Americans.

41. We urge the Congress to establish an Office of Consumer Affairs at the Federal level with a director having the status equivalent to that of a cabinet officer.

NATIONAL POLICY

42. We urge the President and the Congress to intensify their efforts to stabilize the purchasing power of the dollar.

43. We urge adoption by the states of a model Uniform Probate Code to simplify and expedite estate administration.

44. We urge that the method of choosing the President of the United States be reformed.

45. We support the right of persons lawfully assembled in schools and other public places to participate in nondenominational prayers, and we also support continuance of their right to pledge allegiance to the flag of the United States.

A PRACTICAL VIEW OF DIRECT ELECTION OF THE PRESIDENT

Mr. ERVIN. Mr. President, unfortunately, much of the debate on electoral college reform has been of a theoretical nature. Those who advocate direct popular election of the President have relied very strongly on sloganeering to convince the American people that direct election should be adopted. This simplistic approach to the serious matter of changing the manner in which we elect our President has obscured many practical considerations to which Congress must address itself. The effect of direct election on our two-party tradition, on our federal system, on the manner in which campaigns and elections are conducted are only a few of these practical considerations. An editorial published in the Wall Street Journal of April 29, 1970, underscored several of the practical difficulties involved with the proposal for direct popular election.

The editorial cautioned:

> What would have been the effect of direct election in 1968, when the difference between two candidates was seven-tenths of a per cent of the popular vote, or in 1960, when the difference was two-tenths of a percent, or less than 120,000 votes nationwide? It is

> scarcely difficult to imagine the need for a national recount, or an election where the final decision came down to the late-reporting precincts of Cook County. This is nothing but a recipe for strife, uncertainty and bitterness, for results at least as perverse as those conceivable under the present system.

In conclusion the editorial said:

> Direct election has its own considerable potential for mischief, and if the nation is given an all-or-nothing choice between direct election and no change, it will be far wiser to stick to the devil it knows.

I hope the Senate follows this wise advice.

Mr. President, I ask unanimous consent that this editorial, entitled "Lost in Theorizing" be printed in the RECORD.

There being no objection, the editorial entitled "Lost in Theorizing," was ordered to be printed in the RECORD.

[From the Wall Street Journal, Apr. 29, 1970]

LOST IN THEORIZING

Direct election of the President is one of those cozy ideas, warm and soft and virtuous, beloved by civics teachers and all the best people. What with an amendment already passed by the House and approved last week by the Senate Judiciary Committee, it very well may be written into the Constitution of the United States. Unless, that is, the full Senate wakes up enough to recognize how it would operate in the real world.

The current fervor over electoral reform has produced a field-day for the armchair theorists. Direct election was obviously bound to win any armchair theorizing contest, but some of the other entries were instructive. Our favorite, from the standpoint of amusement, was the Dole-Eagleton plan. Its workings are too complicated to describe, but its backers argued it would guarantee that a candidate with a solid popular majority would always win but that in close elections widespread geographical backing would also count. Not a bad idea, indeed an excellent one, but also a precise description of the effect the Electoral College already has.

What got lost in all this theorizing was the reason the fervor over electoral reform came up in the first place. This, perhaps you may recall, was the possibility of a deadlocked election, which was prominent in the 1968 campaign because of the third-party effort. If no candidate receives a majority of the electoral vote, the Constitution presently calls for the House to elect the President, choosing among the top three candidates, voting one vote per state, and with a majority of states required for election. Thus an indefinite deadlock is conceivable, and unquestionably it would put a severe strain on both public trust in American institutions and the legitimacy of any eventual winner.

So it somehow seems to us, if to hardly anyone else, that the purpose of electoral reform ought to be to correct this defect. Or at least, that whatever else a reform plan may do, it certainly ought to eliminate the possibility of uncertainty and deadlock that damage institutions and destroy legitimacy. And it is on precisely this count that the country is begging for trouble if it opts for direct popular election.

What would have been the effect of direct election in 1968, when the difference between the two candidates was seven-tenths of a per cent of the popular vote, or in 1960, when the difference was two-tenths of a percent, or less than 120,000 votes nationwide? It is scarcely difficult to imagine the need for a national recount, or an election where the final national decision came down to the late-reporting precincts of Cook County. This is nothing but a recipe for strife, uncertainty and bitterness, for results at least as perverse as those conceivable under the present system.

Beyond that, we simply do not know the secondary and tertiary effects that might come from such a fundamental change in our institutions. Direct elections might promote third-party campaigns like George Wallace's, for under the proposed plan a third party could force a runoff election without carrying a single state. It would have unpredictable and perhaps controversial effects on the balance of political power among various voting groups and on the methods of political campaigning. All in all, there are a lot of unknowns to risk merely to satisfy the theorists.

We absolutely do know, by contrast, that the present Electoral College got us through the 1968 and 1960 elections without a Constitutional crisis. It has the obvious advantage of isolating any need for a recount to states both close and crucial to the outcome. We know that its decisions even in the closest elections have been accepted by the electorate without cavil. Even though the opportunity for a breakdown is obvious, for that matter, the system has in fact weathered that danger time and again.

It would be perfectly possible and eminently desirable, of course, to eliminate the risk of a deadlocked election without junking the present system. One proposal, for example, is to have a joint session of Congress, with one vote per Senator or Representative, decide any election where no candidate receives a majority of the electoral vote. A straightforward amendment to correct the obvious problems, though, runs into opposition from backers of direct election, who are intent that the defects in the present system must go uncorrected until their own cozy idea is enacted.

So be it, but direct election has its own considerable potential for mischief, and if the nation is given an all-or-nothing choice between direct election and no change, it will be far wiser to stick to the devil it knows.

MINNESOTA'S KETTLE RIVER

Mr. MONDALE. Mr. President, I recently introduced a bill designating the Kettle River in Minnesota as a component of the wild and scenic rivers system. Representative BLATNIK has introduced a companion bill in the House.

I am pleased that this action has received the endorsement of two of the largest newspapers in Minnesota.

The St. Paul Dispatch says:

> Congress should act favorably on a move by two Minnesotans to include the Kettle River in the National Wild and Scenic Rivers System.

The Minneapolis Tribune says:

> Sen. Mondale and Rep. Blatnik are sponsoring bills in Congress to keep the Kettle unspoiled by including it in a national system of wild and scenic rivers . . . The Mondale-Blatnik proposal seems to us an attractive one.

Mr. President, I ask unanimous consent that the editorials be printed in the RECORD:

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

PRESERVING THE KETTLE

Congress should act favorably on a move by two Minnesotans to include the Kettle River in the National Wild and Scenic Rivers System. Companion bills seeking to preserve the river have been introduced by Sen. Walter Mondale and Rep. John Blatnik.

The Kettle, located approximately midway between the Twin Cities and Duluth, is one of the most picturesque in the state and its waters have been virtually untarnished by human and industrial wastes. In addition, the Kettle flows into the upper St. Croix, which already has been designated as a wild river by Congress.

If the Kettle were designated likewise, it would mean that its waters and shoreline would be used almost exclusively by canoeists, fishermen and hikers. No new roadways could be constructed in the area and a strip of land—approximately 400 feet in from either shoreline—would be protected by easement or acquired by the federal government. Any large campsite, for instance, would have to be built behind the 400-foot zone. Moreover, under the Wild Rivers Act, construction of any kind within 1,300 feet of the river is severely restricted.

Upon completion of the interstate highway between the Twin Cities and Duluth, over two million Minnesotans would be within a 90-minute drive of the Kettle. The nature lovers among them deserve its protection.

ANOTHER WILD RIVER FOR MINNESOTA

For years, the Kettle River in northern Minnesota has been regarded by canoeists as challenging and by outdoor enthusiasts as enjoyable. It is underdeveloped and picturesque; it has exciting rapids, lazy sections, good fishing; there are interesting geological formations along the banks.

Sen. Mondale and Rep. Blatnik are sponsoring bills in Congress to keep the Kettle unspoiled by including it in a national system of wild and scenic rivers.

This makes good sense from the Minnesota viewpoint. The state has designated the Kettle as a canoe route. The Kettle would complement the St. Croix, already part of the national wild and scenic system, which so far includes only eight rivers. The Kettle, which flows into the St. Croix near Pine City, could help relieve possible future crowding on that river. Also, the Kettle is largely undeveloped—only 17 homes are located on its banks—and half the shoreline already is publicly held.

From the national vantage point, though, the proposal might be viewed differently. Money has yet to be appropriated to buy land along six of the eight rivers already designated as part of the national system. And, at least technically, another 16 streams marked in 1969 for Interior Department study as wild and scenic rivers would take precedence over the Kettle.

The Mondale-Blatnik proposal seems to us an attractive one. If Congress doesn't act on it, why can't Minnesota take the initiative and—beyond designating canoe routes—begin forming its own system of wild and scenic rivers? There is no reason why the state must await federal action to protect Minnesota streams such as the Kettle from development.

BETTER SECRETARIES MEAN BETTER BUSINESS

Mr. TYDINGS. Mr. President, "Better Secretaries Mean Better Business" was the theme of the 19th consecutive annual Secretaries Week, April 19–25, 1970.

Governors and mayors throughout the United States officially proclaimed Secretaries Week, and their counterparts in Canada did the same. For the seventh straight year, the Outdoor Advertising Association undertook Secretaries Week as a public service project, and billboards were made available throughout the country. Many chambers of commerce also observed Secretaries Week, and service clubs such as Rotary, Lions, and Kiwanis invited secretaries to participate in special programs.

The purpose of Secretaries Week is to bring recognition to secretaries for the vital role they play in business, industry, education, government, and the professions. Secretaries Week was originated in 1952 by the National Secretaries Association—International—in cooperation with the U.S. Department of Commerce to draw attention to the secretary's contribution to the educational, professional, and civic growth of the community. It also serves to remind secretaries of their responsibilities to their employers and to their profession. Many secretaries also participate in secretarial seminars.

Miss Bertha J. Stronach, CPS, NSA's international president, who is secretary and senior staff assistant to L. M. Collins, manager of educational marketing programs, IBM, New York, said that NSA would be devoting some soul searching to the present and future respect from superiors, colleagues, and subordinates that secretaries can only command through performance.

NSA's own research indicates that about 1,300,000 office employees have advanced beyond shorthand and transcription duties to the "think" demands of secretarial responsibility. Of these, about 11 percent have a work environment described in the association's own definition of a secretary:

> A secretary shall be defined as an executive assistant who possesses a mastery of office skills, who demonstrates the ability to assume responsibility without direct supervision, who exercises initiative and judgment, and who makes decisions within the scope of assigned authority.

According to Miss Stronach, the responsibility, initiative, judgment, and decisionmaking factors will be increasingly what management seeks in the support function of a secretary.

The NSA president states:

> Secretaries will accompany the faster growth trend in service industries over production industries. The trend as well toward a four-day working week seems inevitable and it would appear that by 1980, secretaries, as well as workers in all fields of endeavor in the United States, will be clocking a 28–32 hour week as compared with the present 35–40 hours. We predict, however, that this will be a paper arrangement and when a job needs to be done beyond the four days, the secretary as always will be there to do it, just as the executive is.

I am hopeful that the Senate will see fit to act on the joint resolution (S.J. Res. 101), which I introduced last year, in time for the 20th annual Secretaries Week in 1971. An annual observance of National Secretaries Week draws to the profession well-deserved attention. We have a shortage of secretarial talent in this country, and we need to encourage young people to enter the profession.

Many activities are conducted by the National Secretaries Association now and are available to members and nonmembers alike. I think it is important that they be continued, and expanded. Many young people facing a career choice do not have a clear idea of the wide variety of experience and responsibility that can be open to them in a secretarial career. In this regard, I would like to see the Senate note the value of this most worthwhile career and its own indebtedness to those serving them in a secretarial capacity.

THE PRESIDENT'S LEADERSHIP—ADDRESS BY SENATOR GOLDWATER

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD an address I made before the Nashua, N.H., Chamber of Commerce on May 5, 1970.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR BARRY GOLDWATER

As we might have expected, President Nixon's courageous action in Cambodia has been met with weeping and wailing from spokesmen for the political left. These are the same ones who wring their hands every time this nation shows that it will not roll over and play dead in the face of bold power moves by International Communism.

This mixed bag of liberals and leftists just can't get over the fact that their theories and policies were soundly rejected by the American people in 1968 and they throw a temper tantrum every time they don't get their way.

They think they can bully the President, and the solid majority that supports his efforts to disengage with honor, by making threats to shut down our great institutions of learning.

In the Congress, their adherents rush forward with all sorts of resolutions. Resolutions to repeal resolutions are before us, as well as resolutions that would substitute the judgment of the Senate for that of the President.

What this all boils down to is a direct challenge to the fundamental role of the President in planning and conducting the military and foreign affairs of the United States.

What the new isolationists are telling us is that they should have the pre-eminent role under the Constitution for the determination of our military and foreign policies. Of course, this would mean that the United States would steer a course of closing its eyes whenever and wherever the forces of Communism intervened in a new country or area of the world.

For example, no howls of regret poured out when Hanoi moved 40,000 men into Cambodia in progressively more violent attacks against a neutral people.

Yet when President Nixon takes the honorable and sensible step of trying to protect the 435,000 American troops remaining in South Vietnam by disrupting the Communist staging ground and supply bases in that same country, the full fury of the liberal forces was unleashed.

No matter that the President's action will likely set back Hanoi's schemes of conquest in a major way. No matter that the drive against Communist supply areas will stand an excellent chance of making good the Administration's announced goal of withdrawing 150,000 American men during the next 12 months since it will enable the South Vietnamese to be in a better position to defend themselves.

No, the President's detractors would have us substitute their judgment for his. They would take over the reins of determining where and when each new military action by the United States should take place.

Under *their* concept of the Constitution, the conduct of American military operations would be turned over to them for decision. When they decide that too many American troops are engaged, or that the geography is not to their liking, or that our action might offend Red China, or of all things, Russia, then their determination is supposed to prevail.

Well, it is high time someone let them know that this is simply not the way our republic is set up. For if there is one thing that has become clear in Constitutional law, it is that the Constitution does not deposit with Congress the primary powers over the conduct of American military actions.

While it is true that Congress possesses enumerated powers which include authority to raise and support armies, to provide for the common defense, and to declare war, these powers have never been construed to curb or cripple the powers of the President in the field of military and international affairs.

First, the critics who undermine the President's right to leadership would do well to take a lesson from Chief Justice Marshall. on March 7, 1800, when he was still a member of the House of Representatives, this great architect and interpreter of American Constitutional doctrines said that "the President is the sole organ of the Nation in its external relations and its sole representative with foreign powers."

The primacy of the President as the representative of the nation in conducting foreign relations was reaffirmed by the Supreme Court in 1936. In the famous *Curtiss-Wright* decision, the nation's highest tribunal declared that the power of the President as the sole organ of the Federal Government in the field of international relations is "a power which does not require as a basis for this exercise an act of Congress . . ."

Second, the President's decision to send American forces into Cambodia is unquestionably backed by his authority to act as Commander-in-Chief of the Armed Forces of the United States. This function is spelled out very clearly in Article II, Section 2, of the Constitution.

Third, the President is supported in his action by the broad authority which has been granted to him under the first sentence of Article II of the Constitution. This provision declares that "the executive Power shall be vested in a President of the United States of America."

The meaning of this clause is that the Constitution has vested in the President all the executive powers of a sovereign nation, including the capacity to form important policy independent of direction by Congress.

This holds true even though his action, in its consequences, might limit the power of Congress to change things around. In the words of Alexander Hamilton, "the Executive in the exercise of its Constitutional powers, may establish an antecedent state of things . . ."

Fourth, it is pertinent to consider another provision of Article II of the Constitution. This is section 3, which places upon the President, and the President alone, the duty to "take care that the laws be faithfully executed."

Now, as we all know, the laws of the land include treaty law and international law. And there is strong authority for the proposition that it is the President himself who may make his own reading of international law.

Both the Supreme Court, in *Cunningham* v. *Neagle*, and Professor Corwin, who is often noted as the nation's top Constitutional scholar, indicate that the President may determine and enforce the rights, duties, and obligations growing out of our international relations without awaiting action either by Congress or by the Courts.

But it is the verdict of history which stands as the best proof that the principles I have set forth really mean what I have said they do. It may surprise some of you, but it is an unchallenged fact that since the Constitution was adopted there have been nearly 140 armed incidents in which the President, without any prior Congressional authorization, and without any declaration of war, has ordered the Armed Forces of the United States to take action or maintain a military stance abroad.

While many of these actions involved the protection of American property or American citizens in foreign lands, a great many of these incidents have been concerned with the general defense of the United States or the protection of some national security interest.

The practical reasons for the development of this situation are easy to recognize. It was John Jay, the first Chief Justice of the Supreme Court, who observed in the *Federalist* that the executive possesses great inherent strengths in his direction of matters affecting our international affairs. These include the unity of the office, the capacity for secrecy and speed, and superior sources of information. If these words were true in the Eighteenth Century, how much more are they relevant to the breath-taking tempo of history in this Twentieth Century?

The only alternative that is offered is chaos—chaos accompanied by the paralysis of America's ability to act in world affairs. If the isolationist theories of those who would undermine the authority of the President should ever prevail, we can kiss this country's role of world leadership good-by. And with it, maybe the whole world will go, too.

EDUCATION APPROPRIATIONS

Mr. MONDALE. Mr. President, the Subcommittee on Appropriations for Labor-HEW recently completed hearings on H.R. 16916, the 1971 education appropriation bill, and is now undertaking the difficult task of developing its recommendations.

This subcommittee, under the able guidance of its chairman, the Senator from Washington (Mr. MAGNUSON), is taking early action on education appropriations this year, and in so doing is rendering a great service to American education.

I recently submitted a statment to the subcommittee in support of increased appropriations for education. While urging the subcommittee to work toward full funding of all education programs, I emphasized several activities for which I believe added funds simply must be provided in fiscal 1971 if we are to even begin to meet our commitment to the children of the Nation.

I ask unanimous consent that my statement to the Labor-HEW Appropriations Subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY WALTER F. MONDALE TO THE LABOR-H.E.W. APPROPRIATONS COMMITTEE, APRIL 27, 1970

Mr. Chairman and Members of the Committee: I am honored to have this opportunity to present my views on the fiscal 1971 education appropriations bill. The Committee is to be commended for its expeditious action on the 1971 education appropriations bill and for its imaginative response to the dilemma faced during the 1970 fiscal year by school districts uncertain of the Federal support upon which they could depend. Your early action on education appropriations will minimize the most serious shortcoming of Federal education programs—uncertain and late funding. Educators will now be able to plan for the 1970–1971 school year with the assurance and foresight which comes with knowing the level of Federal support which will be available in the year to come. The real beneficiaries of this improved planning will be, of course, the millions of children served by Federally supported education programs.

While I will make some recommendations concerning five programs which I consider seriously under-funded in the House bill, I would like to place primary emphasis upon my general conviction that education programs are sound investments in the quality of American life. I believe, as I stated before this Committee when I testified last year on the 1970 appropriations bill, that the Congress has a responsibility to invest heavily in the children of this country. Full funding for vital education programs is the place to begin.

My plea is for a major Federal response to the financial crisis facing American education at all levels and a realization that quality education is truly an investment—and not an expense or a drain on the economy. I know that some say that we cannot afford to make this effort—that this would be inflationary. I disagree, I am fully aware of the fiscal constraints we are facing as a nation, but I believe that we are in danger of reacting to these constraints inappropriately—in a manner which fails to reflect the over-riding human needs of a nation in social turmoil.

In my earlier statement on the 1970 bill, I emphasized two major concerns. One was late funding, and your Committee has taken admirable action to relieve this problem. My second concern was the authorization-appropriation gap in education programs. I ask that the Committee do everything possible to close this authorization-appropriation gap in the fiscal 1971 budget.

Despite some concerted efforts on behalf of America's educators to persuade us to provide funds for quality education, we in the Congress—and the leadership in the Administration—perpetuate a major gap between authorization and appropriation . . . between recognized need and actual dollar support . . . between promise and delivery. I believe that we must remove this major shortcoming of the Federal government's effort in support of education. We must not continue our practice of funding education at less than forty percent of authorization while we fund space exploration and military procurement at levels very close to full authorization. By doing so, we reveal to the nation—and particularly to our young people—a terribly distorted sense of national priorities.

I would like to call the Committee's attention to five programs which I consider particularly in need of more funds than the House bill provides:

TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

The $1.5 billion provided in the House bill falls far short of the Title I maximum entitlement of $4.2 billion for fiscal 1971. While the House figure represents a 12 percent increase over the fiscal 1970 appropriation, a substantial portion of the added funds will be consumed by increased salaries and instructional materials costs. Little new funding will be available for new or improved program initiatives for the disadvantaged children who need this help so desperately.

I urge the Committee to do everything possible to provide a major increase in the ESEA Title I program.

TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

The $8 million provided by the House for the Dropout Prevention program falls $7 million short of the Administration's budget request. This figure will provide only for a continuation of existing programs and will again this year prevent a concerted attack on our nation's tragic neglect of the school dropout—a neglect which holds frightening social implications which we simply cannot ignore indefinitely.

Many excellent dropout prevention proposals, including one designed to meet the needs of Indian students in my State of Minnesota, have gone un-funded—and will continue to do so—unless the Senate increases the House figure.

I urge the Committee to fund the Dropout Prevention program at its full 1971 authorization level of $30 million.

BILINGUAL EDUCATION

The Congress recently established the 1971 authorization for bilingual education at $80 million. This estimate of need stands in sharp contrast to the Administration's 1971 request for $21,250,000 and the House figure of $25 million.

Title VII of ESEA, providing special bilingual education programs for school children with limited English-speaking ability, resulted in large part from the tireless efforts of the distinguished Senator from Texas, The Honorable Ralph Yarborough. It has been my privilege to join him as a strong supporter of this approach to education—an approach which is sensitive to the special needs and to the culture of millions of Americans for whom traditional approaches have been inappropriate.

Bilingual education, based upon an approach to education in which the indigenous native tongue is used as a teaching medium to assure acquisition and mastery of the content while English is still being mastered as a vehicle of instruction, has demonstrated its effectiveness. Yet, it has never been adequately funded. In fact, appropriations to date have enabled the Office of Education to fund only a fraction of the program applications submitted. The needs of more than three million children have yet to be met by appropriate bilingual education approaches.

In view of the millions of dollars the Government spends annually to teach languages in the foreign service, the Department of Defense, the Agency for International Development, the United States Information Agency, and other agencies and departments, I do not believe it is unrealistic to provide sufficient funds to help American children who speak the same languages natively—and suffer severe educational handicaps as a result.

Two higher education programs have been terribly underfunded in the House bill:

EDUCATIONAL OPPORTUNITY GRANTS

I am particularly distressed at the House's action in reducing what I consider an already inadequate Administration request for EOG funds of $185.6 million by $17.9 million. The resultant appropriation of $16.7 million will provide for the same number of first year grants as were provided for in the 1970 budget. I believe that we must fulfill our commitment to the growing number of talented but financially needy young people dependent upon this grant program. I urge the Committee to fully fund the $278 million authorization ($170 million in new authority, $108 million needed for continuation grants) for the EOG program in fiscal 1971.

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Between 600,000 and one million educationally qualified high school graduates are denied the opportunity to start college each year simply because they lack the ability to keep pace with rapidly rising costs of higher education. Our nation cannot tolerate this tragic waste of human potential. Educational Opportunity Grants help meet this need, and I urge full funding of their necessary, yet, modest, authorization.

COLLEGE WORK STUDY AND COOPERATIVE EDUCATION PROGRAMS

The House bill merely meets the Administration's inadequate $160 million budget request for these programs so vital to the low income student. I believe that the Congress should meet its obligation to this group of students, and to the nation's future, by fully funding these programs at their 1971 combined authorization level of $330,750,000.

OTHER PROGRAM NEEDS

While I have focused upon a few areas which I consider particularly critical in the 1971 budget, by no means do I believe that we are meeting our funding commitments to other vital programs.

During the recent consideration of the Elementary and Secondary Education Amendments of 1969, I proposed authorization increases for several key programs. These included Titles I, II, III, V, VI, VII and VIII of the Elementary and Secondary Education Act, along with several Titles of the Vocational Education Act.

I did not propose these authorization increases lightly. I did so with the intention of working toward full funding of each and every one of these important programs.

We still face unmet needs in the extent and quality of library and audio-visual materials, in support of innovative programs and guidance services, in educational research and development, in strengthening State Departments of Education, in services for the handicapped, in vocational education, and in assistance to our institutions of higher education.

I urge the Committee to work toward full funding of all education programs as a necessary investment in the future of our nation and its young people. We can afford to do no less.

PROPOSAL FOR INDOCHINA CONFERENCE

Mr. HARRIS. Mr. President, on April 2, 1970, the distinguished senior Senator from Kansas (Mr. PEARSON) and I submitted Senate Resolution 383, a resolution to express the sense of the Senate for an Indochina conference. Since the submission of the resolution, 12 other Senators have joined us as cosponsors.

When the resolution was submitted, I said:

> The clear choice in Indochina is between area political settlement and area military conflict. An independent settlement for one part of the area alone will ultimately disintegrate, just as has begun to occur with the fragile Laotian neutrality established in 1962.
>
> Area political settlement must be negotiated, rather than sought by military means.

Yesterday, the Secretary General of the United Nations, Mr. Thant, also called for an international conference to seek peace in Indochina. In making this request he considered it "an indispensable step of the utmost urgency." He further stated that "all who seek peace and justice should support such a move."

I believe that Secretary Thant is correct in this suggestion, and I again express my support for seeking a political settlement of the conflict in Indochina rather than widening the war through military operations.

An article entitled "Thant Makes Appeal for Urgent International Conference to Seek Peaceful Settlement of Indochina War," published in today's New York Times sets forth in more detail the thinking and reasoning of Secretary General Thant. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THANT MAKES APPEAL FOR URGENT INTERNATIONAL CONFERENCE TO SEEK PEACEFUL SETTLEMENT OF INDOCHINA WAR

(By Sam Pope Brewer)

UNITED NATIONS, N.Y., May 5.—Secretary General Thant made a worldwide appeal today for an international meeting to seek peace in Indochina.

He called such a conference "an indispensable step of the utmost urgency," and concluded, "all who seek peace and justice should support such a move."

The Secretary General recalled that he had consistently said for several years that no peace could come to Vietnam and its neighbors in Indochina through military action.

As the text of Mr. Thant's statement was distributed here, he delivered it orally over the United Nations television and radio hookup. At least 18 countries took it through satellite transmission for live television showing, the secretariat reported. Those did not include the Soviet Union.

NO DECISIVE U.N. ROLE

Mr. Thant noted that the United Nations had "not been in a position so far to play a decisive role in bringing an end to the conflict." He said this was partly because several of the parties involved—he apparently meant North Vietnam, South Vietnam, the Vietcong and Communist China—were not member states. Another reason, he said, is that many members "including some permanent members of the Security Council, were not in favor of United Nations involvement."

The principal opponent of such discussion in the Council has been the Soviet Union.

"I fear that, if the parties envolved do not take urgent, decisive and courageous measures toward peace, it will become increasingly difficult to end a war which constitutes a threat not only for the peoples of Indochina but for the whole of mankind," Mr. Thant said.

Coincidentally with Mr. Thant's statement, the United States made public the text of a letter to the Security Council reporting the United States action in Cambodia and the reasons for it. The United States representative, Charles W. Yost, who presented the letter today to Jack Kosciusko-Morizet of France, president of the Council, asked for its circulation to all Council members.

Similar letters were presented on Feb. 7 and 27, 1965, to explain American armed action in South Vietnam. They required no Council action.

THANT BRIEFED ON LETTER

Mr. Yost called on Mr. Thant yesterday and advised him of the gist of the letter.

It started by accusing North Vietnam of aggression and described the sending of United States and South Vietnamese troops into Cambodia as "appropriate measures of collective self-defense by the armed forces of the Republic of Vietnam and the United States of America."

It was basically a summary of the reasons given by President Nixon on Tuesday, with quotes from Mr. Nixon on preventing the use of Cambodia as a "springboard for attacks" by North Vietnam and on "ending the war in Vietnam and winning the just peace we all desire."

Mr. Yost assured the Council: "The United States wishes to reiterate its continued respect for the sovereignty, independence, neutrality and territorial integrity of Cambodia."

Mr. Thant's statement began: "For many years I have expressed my belief that military methods would not bring about a peaceful solution to the Vietnam problem and I have always stated that the only sensible objective was to return to the provisions of the 1954 Geneva agreement."

Those agreements ended eight years of fighting between France and her former colonies in Indochina. They provided for the independence and neutrality of Cambodia and Laos and partitioned Vietnam into two zones with provisions for general elections on their future to be held in two years. The agreements were signed by France, Britain, the Soviet Union, Communist China, Cambodia, Laos and the Vietminh regime, the predecessor to the North Vietnamese Government. The United States and the Vietnamese Government—later the South Vietnamese Government—took part in the talks but did not sign the agreements.

PEACE EFFORTS "VITAL"

"Since the inception of the Paris talks," Mr. Thant said, "I have refrained from public statements in order to avoid any risk of creating unnecessary difficulties for those talks."

He said he had broken his silence not because he thought the Paris talks had failed but because he felt every possible effort toward peaceful solution of the Vietnam war had become "more imperative and more vital now than ever before."

This is because, he said, it has become "alarmingly clear," that "a new and critical stage in the development of that war is being reached."

Mr. Thant expressed concern over the spread of the war into Cambodia and over "the intensification of the fighting in Laos."

GREAT LAKES TEST PROGRAM A FAILURE

Mr. TYDINGS. Mr. President, last summer at the behest of the Great Lakes maritime interests, the Department of Defense undertook a test program of shipping military cargo through Great Lakes ports during the 1969 shipping season of the St. Lawrence Seaway. The lake interests chronically complained that military cargoes were shipped via east coast ports, that lake ports were thus discriminated against, and that the taxpayers' money would be saved by using the lake facilities instead of the tidewater ports. The program was designed to test the validity of these assertions and to see whether DOD should in fact be making greater use of Great Lakes ports.

The test program has been completed. A joint evaluation report by GAO and DOD found that "excess costs of $415,218 were incurred in shipping the test cargo through the Great Lakes compared with east or gulf coast ports." It concluded that "DOD, because of the mix of its cargo and its lack of retrograde traffic, cannot operate controlled vessels economically in Great Lakes ports."

On April 15, the chairman of the Great Lakes Conference of Senators addressed the Senate on this test program. His statement made a number of points

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upon which I would like to comment briefly.

The first is its finding that the GAO–DOD report by no means implies that the test program was a failure. With this I agree. The test program was not a failure. The purpose of the test was to determine whether money could be saved by shipping military cargo on DOD-controlled vessels via Great Lakes ports instead of shipping the cargo via Atlantic rail and port facilities. The answer provided by the test is clear. Money cannot be saved. The average cost per measurement ton of cargo was $6.05 less for Atlantic and gulf coast ports than for the Great Lake facilities.

The breakdown of this difference is significant. While the line haul average was lower for the Great Lakes ports reflecting the shorter distance from manufacture to marine terminal, the average port handling and ocean costs were substantially lower for the Atlantic and gulf ports. These lower costs reflect the more advanced port facilities and lower operational costs enjoyed by ships using ports like Baltimore, New Orleans, Norfolk, Boston, and New York, and others.

Moreover, the difference is likely to increase rather than decrease because the lakes do not have the container capacity of the Atlantic ports. Containerization, of course, is playing an ever increasing role in maritime activity. If ports are to remain competitive they must provide up-to-date container operations. The lake ports have not. The breakdown of cover costs is as follows:

[Average cost per measurement ton]

	Great Lakes	East/gulf coast
Line haul	$5.13	$7.30
Port handling	7.08	4.77
Ocean costs	28.89	22.98
Total	41.10	35.05

The test was thus clearly successful in determining which route for military cargo is most desirable. I do not agree, however, with the statement's conclusion that the test program was thus "a first step" in routing additional military cargo via the seaway for overseas shipment. Indeed, the results of the test indicate the opposite, assuming as I do that we are interested in saving our taxpayers' money.

The statement then asks four questions, all of which can be answered relatively easily. "How could a more efficient mix of cargo be achieved?" By carrying fewer military vehicles and more general cargo, as the report itself indicates. Yet the problem is that military vehicles constitute a large proportion of the cargo that requires shipment overseas. Another problem is that, more and more, general cargo is carried in container vessels which are not found in the lakes and seaway. "Could not ship schedules have been arranged to provide for this?" Perhaps, but it is well to remember that these ships were DOD-controlled vessels and thus their schedules were flexible and programed into the test. Civilian shipping lines have been unable to operate regularly scheduled service into the lakes. "And what explains the fact that the level of retrograde was only half that usually carried by military vessels?" GAO is now in the process of consulting with the Defense Department to determine the causes of the retrograde cargo levels and an answer to this question should be forthcoming relatively shortly.

Finally, "Was every effort made to provide the maximum amount of retrograde for the test, so that test results would be meaningful?" Of course the phrase "every effort" is subject to varying interpretations. I would prefer "every reasonable effort." As the Military Traffic Management and Terminal Service—MTMTS—operators of the test for DOD, is interested primarily in costs and is not predisposed toward any particular ports per se and as the question itself involves the manner in which the test was carried out, I would answer that a reasonable effort was made and that MTMTS made an honest and competent effort to conduct the test fairly. Of course, you can always and forever question the manner in which something is done if the results are disagreeable. In any case the question has been directed to GAO which is now checking with MTMTS about the whole question of retrograde. It may well be that some rather simple reasons explain the low level of retrograde cargo.

The statement notes that:

> When cargo is transported overland by rail to tidewater ports, as it has in the past this results—

And here the statement goes on to quote the GAO–DOD report:

> in additional transportation expenses being incurred because of the additional Line Haul cost necessary to move the cargo to those ports.

This is not an accurate reading of what the report in fact says. It says that the use of Atlantic and gulf coast ports "in some cases results in additional transportation expenses being incurred because of the additional line haul cost necessary to move the cargo to those ports." The additional expenses are not always incurred. In some cases they are, but not always. It would be helpful to know the degree to which the use of tidewater ports significantly increases the overall transportation expenses. It could not be too often for then the test program itself would not have shown these tidewater ports to be rate favorable. Indeed the overall results of the test indicate that "additional transportation expenses" result from use of the lake ports, by $6.05 per average measurement ton to be precise.

Moreover, it is well to remember that line haul costs are but a part of the overall transportation expense in shipping cargo overseas. We must not forget that equally important are port handling and ocean costs. These must be included in any analysis of shipping expenses. They have in this test. The tidewater ports were found to be $2.31 to $5.91 cheaper respectively per average measurement ton.

The statement also notes "a huge discrepancy" between the military cargo produced in the Midwest and the amount shipped via Lake Ports. I find nothing alarming per se about this. Just because cargo is produced in an area doesn't mean it should be shipped out of that area's ports. All of the military cargo made in Texas need not be shipped via Galveston. Nor should all the cargo manufactured in Washington State necessarily be shipped from Seattle. Not even the military cargo produced in Maryland must be sent overseas via Baltimore. The basis for determining the port of debarkation for military cargo is not the distance from point of production but the actual overall shipping cost to final destination. This is the key, the expense incurred not part of the distance involved.

The GAO–DOD report stated that better results might be obtained by commercial U.S. flag carriers. But as the April 15 statement of the Great Lakes Conference of Senators' Chairman itself admits "historically U.S. flag carriers have not brought their ships into the Great Lakes." A few years ago two U.S. lines attempted to do so on a scheduled basis, but were unable to operate the service economically. I certainly have no objection to U.S. flag vessels fairly competing for military cargo by using the Great Lakes ports.

Yet the means to achieve this as proposed in the statement of the chairman is highly disturbing. He would offer an amendment to the cargo preference laws that would permit foreign-flag vessels to carry military cargo, providing no U.S.-flag ships were available "at a U.S. port, or range ports" and providing further that no additional expense results in using foreign ships nor any impairment of national security takes place. On the surface this sounds most reasonable. Yet I do not in fact find it so.

No doubt contrary to the stated intent that this proposal is not directed against our merchant fleet, I believe acceptance of an amendment of this sort would strike a direct blow at the American merchant marine, would be potentially disastrous for Baltimore and her sister tidewater ports, and would constitute blatant regional favoritism. By limiting the availability of U.S.-flag ships to "a U.S. port," presumably the port through which the cargo's origin is closest or to "range ports," presumably ports within a region, like, for example, the Great Lakes, all the U.S.-flag ships not within that area would be precluded from the protection of the Cargo Preference Act. This runs directly counter to the purpose of the act itself, which is to guarantee U.S.-flag ships Government generated cargo. It would thus result in less cargo for U.S. ships, something which our beleaguered merchant marine can do without right now. As U.S.-flag vessels, for reasons of simple economics, cannot be found in only one of the Nation's maritime areas, that is, the Great Lakes area, the proposed amendment can only benefit the range of Great Lakes ports. It is thus clearly and unfairly regionally biased.

It is also of course directed principally against the Atlantic and gulf coast ports

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like Baltimore, which, because of their location and superior maritime facilities, serve as the points of debarkation for much of our overseas military cargo.

As Maryland's senior Senator and a member of the Subcommittee on the Merchant Marine, I am unalterably opposed to an amendment of this type.

In discussing this amendment, the chairman of the conference states that:

> There is no reason why the government should continue to pay the higher line haul costs to the tidewater ports when cheaper and more efficient service is available at nearby Great Lakes ports.

Once again, I want to say that any consideration of shipping costs must include the port handling and ocean costs, both of which were found to be lower at tidewater port than at lake ports. To consider only one element of the overall cost structure makes no sense and leads to distorted conclusions.

Like the chairman of the conference, I too am for more efficient service. I am also for the least expensive service. The GAO-DOD evaluation report clearly shows that this is achieved by shipping military cargos via Atlantic and gulf ports. In light of this, military cargo must continue to be shipped through the tidewater ports. Certainly, continuing the test program into the 1970 St. Lawrence shipping season makes no sense.

POLYGAMY NOT PRACTICED BY MORMON CHURCH

Mr. MOSS. Mr. President, unfortunately, the instructions to those carrying out the recent census contained a mistake which would indicate that the Church of Jesus Christ of Latter-day Saints, commonly known as the Mormon Church, still practices polygamy.

The first presidency of the Mormon Church has called this to my attention in a letter received today.

Page 8 of the census instructions contains a section defining "Wife of the Head of the Household." In that section it says:

> Among American Indians, Mormons, etc., there may be more than one wife of the Head.

It is true that the Mormon Church did at one time practice polygamy, but Mr. President, that practice was terminated by the church more than 80 years ago.

The first presidency, in their letter to me, asks, on behalf of the members of the church, that steps be taken to correct this error, that an appropriate retraction be made, and that an apology be extended to the church.

I certainly believe that these requests are justified, and I have today written to Secretary of Commerce Stans, demanding that an investigation be made, and that the retraction and apology be made immediately.

The first presidency, in their letter, point out that it is difficult to believe that any reasonably well informed person in a responsible government position would not know that the teaching and practice of polygamy have been banned by the church. Such a person should also know that polygamy is a felony. This raises the possibility of a deliberate attempt to embarrass the church.

If such a deliberate move is uncovered, I would expect proper disciplinary action be taken.

The Government has taken necessary and proper steps to avoid governmental insults or embarrassments of a racial nature. Equal steps are justified in the religious area.

As a member of the Committee on Commerce, I want to go on record that if I do not receive satisfaction from the Commerce Department, I will ask the Committee on Commerce to look into the situation.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS,
SALT LAKE CITY, UTAH,
April 30, 1970.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: There has been called to our attention the enclosed instruction sheet which has accompanied many of the census forms now in circulation. You will see that the underlined portion implies that the Church still teaches and practices polygamy, an implication which, as you know, is false.

In behalf of the Church and its membership, we express objection to this error and ask that steps be taken to correct it, that an appropriate retraction be made, and that an apology be extended to the Church.

We would also appreciate an explanation of how such an error would have occurred. We find it difficult to believe that any reasonably well informed person in a responsible government position would not know that the teaching and practice of polygamy have been banned in the Church for about eighty years, or that polygamous cohabitation constitutes a felony under our laws. This leads us to wonder whether the error represents a deliberate attempt by someone to embarrass the Church or to arouse antagonism or opposition toward it. Should inquiry disclose this to be the fact, then we think appropriate disciplinary action should be taken against those responsible.

Your attention to this matter will be appreciated.

Sincerely yours,
JOSEPH FIELDING SMITH,
HAROLD G. LEE,
N. ELDON TANNER,
The First Presidency.

DEATH OF JOHN J. McMULLEN

Mr. TYDINGS. Mr. President, it is with great sadness that I note the death of John J. McMullen, chairman of the board of the Times & Alleganian Co. John McMullen was a great newspaper publisher and his papers were a tremendous asset to western Maryland and the entire State. Mr. McMullen did more than publish an outstanding newspaper, however.

In his quiet way, he was instrumental in advancing the improvement and development of western Maryland. His key role in the establishment of the Allegany Community College, in the building of highways in that part of the State, and in the control and purification of the upper Potomac River are only a few notable examples of his work.

We will miss John McMullen. No one will be able to replace him. It is proper now to honor him for the wonderful things that he did for our State.

I ask unanimous consent that an editorial about John McMullen, published in the Evening and Sunday Times, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN J. MCMULLEN

John J. McMullen, chairman of the board of the Times and Alleganian Company, shied away from personal publicity even though he was the publisher of Cumberland's newspapers for many years. Mr. McMullen, who died Monday, enjoyed being the first to know what was going on in the community and he wanted other people to know about it, but he often requested that his name be kept out of a story when in fact he was the most important participant in the event being related.

No one, except his most intimate associates, had any conception of the many area betterment projects in which he played a major and decisive role.

One of his behind the scene activities was his interest in the establishment of Allegany Community College. He was an important figure in helping make possible the new campus and was instrumental through his state connections in having Route 40 and Williams Road joined with a modern link so that the college could be reached in easy fashion from two directions.

Mr. McMullen was a "born Democrat" but he never became too immersed in Democratic politics to realize that his party did not always have the best candidates.

If there was any one thing which dominated Mr. McMullen's life in recent years, it was his desire to improve Western Maryland's highway connections with all the major cities.

Both as a member of the Maryland State Roads Commission and as an individual, Mr. McMullen worked hard to reach these goals. He accomplished much of this during his lifetime and was looking forward to the bidding on the phase of the National Freeway contract which would take the road to the Garrett County line. The highways of this area will always furnish a monument to his attainments.

He was chairman of the Upper Potomac River Commission, a group which constructed the Savage River Dam. This led to a cleaner and controlled supply of water in the Potomac River and the project was instrumental in the refurbishing of the Luke Mill of Westvaco, Inc. He was also looking forward to construction of the Bloomington Dam.

Mr. McMullen always looked at the "big picture" and never allowed little things to blur the scene. He felt that if something was worth doing and would improve Western Maryland, a way could be found to accomplish the task.

Not the least of Mr. McMullen's traits was his friendliness and his willingness to help people. This was demonstrated by the many times he went out of his way to be of service to someone who needed assistance and to his keen interest in the Allegany County League for Crippled Children.

Mr. McMullen served his community well and will be missed.

EXTENSION OF EQUAL PAY FOR EQUAL WORK TO PROFESSIONAL, EXECUTIVE, AND ADMINISTRATIVE POSITIONS

Mr. HART. Mr. President, on March 19, 1970, I introduced a bill—S. 3612—which would amend section 13(a) of the

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Fair Labor Standards Act of 1938 in order to require equal pay for equal work to individuals of both sexes who are employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman.

S. 3612 would require, among others, that persons in the following jobs or positions receive equal pay for equal work where the equal pay provisions otherwise apply:

Professors, teachers at all educational levels, academic administrative personnel, school principals, assistant principals, student counselors, personnel counselors, lawyers, physicians, engineers, pharmacists, chemists, accountants, office managers, department managers, assistant managers, buyers, executive assistants, administrative assistants, credit managers, loan officers, adjusters, actuaries, underwriters, personnel managers or directors, purchasing agents, outside sales people, programers-systems analysts, technicians, technologists, therapists, registered nurses, account executives, traffic managers, editors, creative writers, TV and radio announcers, and so forth.

Title VII of the Civil Rights Act of 1964, which is administered by the Equal Employment Opportunity Commission, prohibits discrimination on the basis of sex. Title VII provides protection in the case of certain executive, administrative and professional employees, but does not apply "to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution"—that is, no protection for teachers, professors, and so forth.

Because the enforcement provisions of title VII of the Civil Rights Act are complex and cumbersome, and require that the name and identity of an aggrieved individual be revealed by a written complaint, the Equal Employment Opportunity Commission has received very few complaints from executive, administrative and professional employees. The chief thrust of title VII was designed to permit the Equal Employment Opportunity Commission to attempt to conciliate employment discrimination disputes and no lawsuits may be brought under the act until various waiting periods have expired. If an alleged unfair employment practice is potentially subject to redress under State or local law, the Equal Employment Opportunity Commission must first refer the complaint to the State concerned. Generally speaking, the aggrieved individual, if conciliation efforts do not succeed, has only a choice of hiring a private lawyer and filing a private suit, or of dropping the complaint. Such a system clearly places a complainant in considerable personal jeopardy, with the likelihood of losing her job in the future and consequent difficulty in finding other employment.

On the other hand, the Equal Pay Act of 1963, as an amendment to the Fair Labor Standards Act, enjoys the great advantage of that act's strong enforcement remedies—all of which are applicable to the equal pay provisions.

The Wage and Hour Division of the U.S. Department of Labor, which enforces the Equal Pay Act, is generally able to obtain compliance through educational methods and the voluntary correction of violations but, if there is a refusal to comply or deliberate violation of the law, severe penalties are provided in the statute. The Secretary of Labor may obtain a court injunction to restrain not only continued violation but withholding of back wages legally due. The Secretary of Labor may also bring suit for the back wages upon written request of an aggrieved employee, or the employee may bring suit through his or her own attorney for the back wages owed, plus an additional amount as liquidated damages as well as attorney's fees and court costs. Complaints under the Equal Pay Act are treated in strict confidence by the Division and, unless court action ultimately becomes necessary, the name of the complainant need not be revealed.

It is my hope that the Committee on Labor and Public Welfare will give early attention to this measure. And I wish to note for the RECORD that there is a misprint in line 5 of S. 3612. The parenthesis beginning "(except Section 8(d) . . ." should read "(except Section 6(d) . . ."

AWARD BY ASSOCIATED COLLEGIATE PRESS TO NAVAL ACADEMY'S LOG MAGAZINE

Mr. METCALF. Mr. President, Midshipman Daniel A. Ellison, editor of the Naval Academy's Log magazine, and a resident of my hometown, Stevensville, Mont., announced that the Log has been given a second place award by the Associated Collegiate Press. This grade represents an overall evaluation of "very good" and places the magazine above the level of the average college publication. Ellison said that this is the first time in the past 4 years that such an award had been given to the Log and that it represents and exemplifies the excellence, progressiveness, and objectivity shown in that magazine this year.

Ellison is a foreign affairs minor who was appointed by me 4 years ago for one of my vacancies at the Academy. He explained that his magazine has been quite controversial this year and the reason for this is because of creativity and the desire for progressive changes, traits which are abundant among his staff. He also stated that the criticism his staff has received has been their biggest compliment in that it shows that subscribers are reading the Log and reacting to what is printed in it. By doing so they are expressing and communicating individual ideas. Although graduation in June is eagerly looked forward to by Midshipman Ellison, he said he will be sorry to leave undone many other improvements which he had hoped to initiate. He also hoped the Log would continue along its present trend of providing a means for midshipmen to express their ideas and voice their opinions.

ENVIRONMENT AND PRODUCTION: ADDRESS BY ASSISTANT SECRETARY OF THE INTERIOR DOLE

Mr. MOSS. Mr. President, most Americans are becoming increasingly concerned about the quality of our environment. This is a most healthful, hopeful, and necessary development.

But in their intense concern over environmental quality, many Americans, and some officials, tend to overlook the fact that our economy and way of life also is requiring ever greater supplies of energy. Meeting these energy requirements, present and future, inescapably means that new sources of energy will have to be found and developed, and new facilities to produce it built.

This dilemma was faced squarely by the Assistant Secretary of the Interior for Mineral Resources Development, Hollis Dole, in a highly articulate talk before the gas men's roundtable at the University Club on May 5.

Because of the pertinency of Secretary Dole's thoughts to present and future problems before the Congress, I ask unanimous consent that the text of his talk be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

PEOPLE AND ENERGY

However else we may elect to describe our activities in the remaining years of this century, the chief operative term is a dirty, four-letter word called work. Even a casual look at our national agenda reads like a catalogue of the Labors of Hercules: re-building the cities; restoring the quality of our lakes and streams and beaches; cleaning up our airsheds; replacing the green mantle of vegetation stripped away from millions of acres; preserving wildlife and wildrivers; and building a public transportation system that obviates the need for 1½ private vehicles per household. In thirty years we shall have to do more building than has been done on this Continent since the Spanish erected the stone gates at St. Augustine, Florida four hundred years ago. I have seen estimates upward of a trillion dollars placed on this undertaking alone. Hundreds of billions more will need to be spent to rescue our environment. I cannot even guess what will be required for a truly adequate transportation system. And on top of all this, we must provide for the needs of at least 75 million more Americans who will be with us by the turn of the next century.

We are prone to state the costs of these vast undertakings in terms of dollars because they have been our conventional standards of value. But we ought to understand that what we are really talking about is energy. The support of life and the accumulation of material wealth which forms the basis of civilized activity are pure functions of energy production and use. Every material object we own or use had to be extracted or grown, handled, fabricated, and moved from point of origin to point of use—all of which demands the expenditure of energy in direct proportion to the work required to perform these tasks. It is energy which is the basic form of capital for any organism, be it biological or social. The life or death of an individual, of any species, depends on its ability to produce a surplus of available energy over and above its needs for survival. And so it is with the family, the group, the tribe, and the nation: an energy surplus means expansion in numbers and power and range of activity; an energy deficit means death and extinction.

For a thousand generations men sweated and starved within the limitations of the muscle power of human and animal effort until a point so recent that it can be described as three lifetimes ago. The energy surplus produced was low and it showed in every human undertaking: at the time of Christ, world population was less than 300 million, and 1800 years later it still had not

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reached the billion mark. George Washington rode from Boston to New York at no faster pace than did Alexander from Corinth to Athens. The prevailing economic condition was poverty so abject and so pervasive that only a handful of people in any society commanded any measurable surplus of energy at all, and the average life span was less than 30 years.

All this changed with the advent of fossil fuel power ushered in by the reciprocating steam engine, followed by the steam turbine, the internal combustion engine, the electric motor, the gas turbine, and finally the nuclear reactor. The result has been an expansion of energy surplus so enormous as to make the eighteenth century one of the two or three major benchmarks in human history. It is this vast power at our disposal that creates both the opportunity and the threat which confronts us today.

The reality is that we are securely locked in to a high-energy, high-production, high-consumption society with a momentum all its own. We are going to go on chewing up ever-increasing quantities of minerals, fuels, fibers, and products of all descriptions because only by doing so can we reach the goals we have set for ourselves, and which we must achieve if we are to survive.

However much we would like to go back to the more leisurely pace of bygone years we cannot do it. We are committed to economic growth, to the production and use of steadily increasing amounts of energy which can be turned into goods and services to meet the rising needs of the next three decades. We are stuck with the necessity for a Gross National Product that grows, in real terms, at somewhere around three or four percent per year compounded, and with the vast demand for raw materials that such a condition implies.

By the year 2000, the United States can expect to be using twelve billion barrels of oil and two billion tons of coal annually. Assuming that supplies are available, gas demand could be as high as 45 trillion cubic feet in that year. Our needs for copper will increase by 300 percent; for aluminum, by 600 percent; for iron ore, not less than 200 percent; overall, our gross mineral production will have to expand by two to three times its current rate.

Yet it is the extraction, fabrication, use, and disposal of this steadily rising volume of goods that has created most of our problems with the environment. Thus the dilemma: to advance our purpose to make our country a better place for its people to live in, we must depend on the processes which in the past have contributed heavily toward making it a worse place to live in. We are strangling on polluted water and suffocating in polluted air, and in danger of being engulfed by a tidal wave of garbage and junk cars—all directly the product of our so-called affluence made possible by stupendous expenditures of energy. Yet the altogether decent and humane goals we have set for ourselves in the closing years of this Century will require even greater amounts of energy than we have expended thus far.

Plainly, these operations in the future will have to be different from what they have been in the past; otherwise the problem cannot be solved on any terms. The responsibility for change extends through the whole cycle of production and use to final disposal, and involves producers and consumers alike. It means redesigning both processes and products. It requires a fundamental reorientation in the way we have traditionally regarded materials which we have inappropriately labeled "waste," but which may truly be our mines of the future. It will mean new rules and regulations, and above all, a new philosophy in accounting which takes note of all the costs of bringing a product to market—not just those which have found their way onto the books of the producing company. We are just now beginning to see the full scope of these costs, and to recognize that for centuries we have been cheating on the prices we paid for the use of our land, water, and air resources. Almost no attention was paid to waste disposal and restoration, because the scale of operations was small enough that no one was burdened with the consequences of their neglect. But the rapid rise in population, with its steadily increasing demands for goods and services long ago reached and exceeded the capacity of our limited land, water, and air resources to repair the damage being done to them. Now we see these costs in their full and ugly detail: poisoned streams and lakes; decimated wildlife; eroded hillsides; gutted farms; foul air; the ugliness of spoil banks, dumps, and automobile graveyards—all of it now presented as a staggering unpaid bill from past generations of abuse and neglect.

For many years we shall have to pay double. We shall not only have to begin charging the full costs of current operations so that the future is not burdened by the neglect of the present, but we shall also have to amortize this huge debt from the past. This means, of course, that the price of everything we pay, including taxes, will be greater in the future than it has been in the past, because for the first time we shall be paying the true money cost of the goods and services we are using. I will go on to say that many of these cost increases are deceptive. We are not accustomed to paying for air, for example, which we have traditionally thought of as free. Clean air, we now find, costs money, and this is going to show up in our utility bills, among other places. But dirty air costs money, too, and probably more than clean air, for it shows up in laundry bills, painting bills, hospital bills, and even funeral bills. The point is that the cost of using the air resource has been there all the time. We just haven't been allocating it to the proper accounts.

When this principle of Full Cost Accounting is fully adopted and enforced—as it eventually will be—it will then be a great deal easier to get producers to do the right things in the first place because it will be in their interest to do so. I remember a sign in a Pentagon office that said it very well: "We don't have time to do it right; we just have time to do it over." Much of our present grief proceeds out of having to "do over" what we could and should have done correctly many years ago.

This means standards, set by the Federal Government, to insure that all participants play by the same set of rules. Our competitive economy rewards the producer who supplies the best article at the lowest price. This is perfectly compatible with environmental protection provided *all* the resource costs are included. The function of government in these circumstances is to require that this be done, fairly and uniformly. President Nixon described the problem and its solution this way in his message on the Environment:

"Increasingly, industry itself has been adopting ambitious pollution control programs, and state and local authorities have been setting and enforcing stricter anti-pollution standards. But they have not gone far enough, or fast enough, nor to be realistic about it, will they be able to without the strongest possible Federal backing. Without effective government standards, industrial firms that spend the necessary money for pollution control may find themselves at a serious disadvantage as against their less conscious competitors. And without effective Federal standards, states and communities that require such controls find themselves at a similar disadvantage in attracting industry against more permissive rivals."

These requirements have particular relevance to the extractive mineral industries, which by nature are transient users of the land. Their interest in it, begins to decline with the first unit of production, and continues inexhorably until the last. The land offered other uses to other tenants before they came, and succeeding tenants will value it in their own way after they go. Therefore, every mine operator—every oil or gas well operator—ought to know that the costs of cleanup and restoration are a proper charge to their operations, to be recovered from each unit of the resource produced through the life of the property. If the purity of water resources is endangered by their activities, remedial action must be taken. If the air must be protected from gaseous or particulate emissions, that must be taken care of, too. And the total of these costs of protecting the environment can be expected to show in the costs, and prices, of the minerals extracted.

To an encouraging extent technology can be developed to reduce the costs of environmental protection. There is a vast challenge to be met in the field of product design; detergents, fertilizers, and pesticides are needed that degrade quickly to neutral compounds after their initial job is completed. Throw-away containers, mostly of petrochemical materials, are increasingly less compatible with the fact that there are fewer and fewer acceptable places to throw them away. What we really need is a fade-away container—one that will quietly disintegrate after use—hopefully not on the housewife's shelf.

As we know, great effort is being made to get lead out of gasoline, leaving us with the challenge of how to deal with the added pollution implicit in the greater fuel consumption per vehicle mile that will result from lowered engine efficiency. Forward-looking oil companies might well ask themselves "is this just a responsibility of the engine-builders, or is there some change we can make to our gasoline that will reduce pollution and give us an advantage over our competitors?"

Reclaiming used materials—particularly metals—has the double advantage of relieving pressure on supply while contributing to clean-up of the environment. The solution lies partly in the field of technology and partly in providing economic inducements which will make the gathering of scrap metals worthwhile for people who otherwise would not bother to do so. A housewife who will meticulously save green stamps worth one-tenth of a mil each will throw several hundred dollars' worth of salvageable materials into the trash can in the course of a year's time, where it has to be hauled away by workers paid $2.50 an hour or more to a dump which is both an eyesore and a health hazard and a source of air and water pollution as well. I submit that if municipal authorities would offer green stamps to housewives for tin cans and aluminum foils, wrappers and containers of various types, it might be well worth the investment. Each year we throw away 25,000 tons of tin in the coating of tin cans. This is equal to all the tin we get from all other secondary sources and of course, we produce virtually no tin in this country. In 1968 nearly 300,000 tons of aluminum were used in the manufacture of cans, lids, and caps, and virtually none of it will be reclaimed if present disposal practices are continued.

Who knows? If we could persuade the housewife to separate the cans and bottles from the rest of the refuse, we might even find a new source of oil to supplement our conventional supply. Our scientists in the Bureau of Mines have shown that a ton of wet urban refuse can be made to yield just over one barrel of crude oil by treating it in the presence of carbon monoxide and steam under 1500 psi at 480° F. This is a better yield than we can expect to get from oil shale, after all, and its sulfur content is about

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one-tenth of one percent. The process also works on sewage sludge, I'm told, which opens up another possibility.

It's obviously not economic as yet to obtain oil in this way, but neither is it economic to spend money to haul away garbage to increasingly distant locations. At some point in time it might become worthwhile for cities to bear part of the cost of turning a disposal problem into an ecomonic asset.

The point of all this is that there is a large area of overlap between the responsibilities of producers and the responsibilities of consumer-citizens. They possess the capacity to help each other solve our common problems—or to make their solution difficult or impossible. Success depends upon their cooperative efforts. The pollution-control devices on automobiles are good and getting better, but their effective operation depends finally upon the care and attention given them by the user. Industrial plants and municipalities can spend millions of dollars aimed at restoring the quality and beauty of a river only to have their efforts vitiated by the carelessness of campers and boaters who continue to use the river as a dump. Each year hundreds of millions of dollars are spent to pick up bottles, cans and paper in our parks and along our roads and streets—the legacy of persons too lazy and inconsiderate to put them in the nearest trash receptacle. Cleaning up America is a responsibility shared by every man, woman and child capable of rational thought. Individuals—because there are now so many of them—have enormous power for good or ill in the campaign for cleanliness and beauty in America.

So my plea here is that we understand the given imperatives of our situation as we move into the last third of this century. It is energy, produced and expended in prodigious quantities, that is the source of all our wealth and power and capacity to act. The enormous tasks that we have set for ourselves will require an even greater expenditure of energy in the future than in the past, and hence a greater outpouring of goods and services. We are back again to the basic economics of work performance: to foot-pounds and ton-miles, to kilowatt-hours and horsepower hours, to kilogram calories and Btu's. Our objectives can be satisfied only by the given number of work units required to attain them, and no flight is possible back to a simpler, more primitive state.

If we as a nation are to go anyplace except down hill, power plants will have to be built, coal mines must be opened, wells must be drilled wherever there is a prospect of finding oil or gas. Oil must continue to move in pipelines and ships, to be burned in engines and furnaces and boilers. Farms must continue to use pesticides and fertilizers, mines must continue to wrench out the minerals needed to feed the growing demands of factories. The essential processes which sustain us all must go on.

What we can do, what we must do, is to manage our production and consumption of these increasing amounts of energy, goods and services so that damage to the environment remains within the capacity of natural processes to restore—and quickly. This will require the concerted action, the cooperative action, of government at all levels and the private sector; of producers and consumers; of Americans of all ages in all parts of the Nation who have a love of their country and a concern for making it once again deserving of the title America the Beautiful.

TENNESSEE WALKING HORSE: THE HOUSE MUST ACT

Mr. TYDINGS. Mr. President, on December 18, 1969, with bipartisan support the Senate passed my bill to outlaw the soring of Tennessee walking horses. Soring—the practice of deliberately making the front feet of the Tennessee walking horse sore to induce a long striding step forward—is a cruel and unnecessary shortcut too often substituted for the longer training period usually required to produce the magnificent prance of the Tennessee walker.

Overwhelming evidence presented at hearings held by the Subcommitte on Energy, Natural Resources, and the Environment indicates that Federal prohibition alone can terminate this inhumane practice. It is, therefore, necessary for the House to act to insure the enactment of S. 2543. I urge the other body to do so quickly in order that soring at long last is stopped.

Soring is done by use of chains or tacks on the feet, or by applying a burning agent to the pastern, the area just above the hoof. These burning agents vary, but the most common are an oxide of mercury salve known as "creeping cream," and an oil of mustard mixture called "scooting juice." Other techniques recently developed involve driving nails into the feet, or injecting irritants into the sole area near the heel. These are more difficult to detect, especially as the trainers often then cover the wound with a pad and place an artificial foot over that. The horse moves in extreme agony, crouching on his hind feet with his head drawn back and his ears back.

S. 2543 makes unlawful the shipping in commerce of any sored horse for the purpose of exhibition. It prohibits the showing of a sored horse in any horse show if that horse or any other horse was transported in interstate commerce. It declares unlawful the conducting of a horse show in which a sored horse is shown if any horse in the show moved in commerce, unless all reasonable precautions were taken.

The bill provides a civil penalty of $1,000 assessed by the Secretary of Agriculture for violations of its provisions. Hearings are provided for, and the penalty may be compromised by the Secretary. For willful violations the bill provides a fine of not more than $2,000 or imprisonment of up to 6 months, or both. It is a tough bill, but only a tough bill will terminate soring.

Although the necessity for Federal legislation to outlaw soring is incontestable, it is the stated intent of the legislation to establish concurrent jurisdiction with the States, providing flexibility and possible State action, yet keeping Federal jurisdiction if the States do not do the job.

Senate passage of S. 2543 is personally gratifying to me since it is the third version of the bill that I first introduced on May 11, 1967. Particularly pleasing was the wide bipartisan support that helped secure Senate passage, including the junior Senator from Tennessee, Senator HOWARD H. BAKER, JR.

The broad support for this bill to outlaw the practice of soring is evidence by an article from Life magazine, October 3, 1969; and editorials from St. Louis, Mo., January 17, 1970; Charlotte, N.C., February 9, 1970; Johnson City, Tenn., February 11, 1970; San Diego, Calif., January 10, 1970; and Bloomington, Ill., December 25, 1969. These articles emphasized that termination of the malicious practice of soring is long overdue, and that this termination can only be successful through Federal legislation.

There is a clear imperative for favorable consideration by the House.

I ask unanimous consent that the bill and the editorials be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 2543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1969".

SEC. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait—

(1) a blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted on the horse;

(3) a chemical agent, or tacks, nails, or wedges have been used on the horse; or

(4) any other method or device has been used on the horse, including, but not limited to, chains or boots; which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme fear or distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

SEC. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhumane treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens such commerce; and (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

SEC. 4. (a) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he took all reasonable precautions to prevent the showing or exhibiting of such sored horse.

SEC. 5. (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary

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for the effective enforcement of this Act, and the owner or other person having custody of any such horse shall afford such representative access to and opportunity to so inspect such horse.

(b) The person or persons in charge of any horse show or exhibition within the United States, or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. The person or persons in charge of any horse show or exhibition, or such other person or persons as the Secretary may by regulation designate, shall afford the representatives of the Secretary access to and opportunity to inspect and copy such records at all reasonable times.

SEC. 6. (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than $2,000 or imprisoned not more than six months, or both.

SEC. 7. Whenever the Secretary believes that a willful violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

SEC. 8. The Secretary, in carrying out the provisions of this Act, shall utilize, to the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The Secretary is further authorized to utilize the officers and employees of any State, with its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act.

SEC. 9. The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provision of this Act within any State, whether or not such State has enacted legislation on the same subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

SEC. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four-calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other action as he deems appropriate.

SEC. 12. There are hereby authorized to be appropriated such sums, not to exceed $100,000 annually, as may be necessary to carry out the provisions of this Act.

AGONY OF THE WALKING HORSE

Prancing delicately, stepping high, the Tennessee walking horse is all grace and nowhere in horsedom does the eye encounter elegance to match it. For the rider, the pleasure is greater still. The stride is upholstered, without jog, and floating. Yet precisely because of his distinctive gait, the walking horse is now the center of a raucous, bitter controversy. Traditionally, the gait is the result of breeding and years of careful training. But there are shortcuts, and today almost half of the country's 60,000 walkers are tortured into performing spectacularly. An accepted—and not basically cruel—technique involves rubber pads and weights placed on the horse's forelegs during training (*right*). Trainers have found it more effective, however, to use chains without pads, first raising blisters on the forelegs with chemicals. The result is a handsome, high step—and a horse in agony.

THE PROS AND CONS OF "SCOOTING JUICE"

"Soring," the quick manufacture of a Tennessee walking horse is called. A mustard compound known in the trade as "scooting juice" is applied to a horse's forelegs. The chemical burns, and a trainer wraps a chain around the forelegs to heighten the pain. Tacks or nails driven into the quick of the hoof increase the irritation, making the horse want to lift his tormented forefeet quickly and high—exactly as a walking horse is supposed to do. Congressman William Whitehurst of Virginia has introduced a bill into the House which would stop such torture. Washington's most determined friend of the walker, however, may be Maryland's Joseph D. Tydings, equestrian and senator, who has introduced a similar bill into the Senate. "Trainers are altering the natural gait just to win blue ribbons," says Tydings. "The really responsible breeders deplore the brutality of this but they ignore it." Nevertheless, other respected horsemen maintain that walking horse trainers at least do no worse by their animals than Thoroughbred trainers do by theirs—by forcing their horses to run full-tilt for long distances. Vic Thompson, who has been a professional trainer of walkers since 1946 and has employed mustard oil and chains himself, pleads simply for "additional time in which to continue efforts to improve conditions."

[From the St. Louis (Mo.) Post-Dispatch, Jan. 17, 1970]

HALFWAY TO A HUMANE ACT

It is now up to the House of Representatives to complete a measure to protect Tennessee walking horses from the unconscionable practice of mutilating their feet to produce a distinctive gait. The Senate has passed legislation making it unlawful to ship a "sored" horse in interstate commerce, show a sored horse in a horse show, or conduct a horse show in which a sored horse participates; and establishing penalties up to $2000 and six months' imprisonment. The Secretary of Agriculture would administer the law.

For this action the Senate deserves credit for eventual response if not for celerity, having taken two years to legislate against a barbarous practice which has been going on upward of 20 years. It is a victory for Senator Tydings of Maryland, chief sponsor in the upper chamber. In the House several bills to the same effect have been introduced, with Representative Whitehurst of Virginia as chief sponsor.

Hearings already held in the Senate should make it unnecessary for extensive hearings to be held in the House as should the fact that there is nothing to be said in extenuation of the practice. Soring is a resort of lazy, avaricious and unscrupulous owners to produce a gait which properly comes about through patient training. It results in a form of fraud when champions so produced earn stud fees in excess of $100,000 although sore feet could scarcely be transmitted from sire to colt. The only remaining question is that of penalties, and considering the cruelty of the practice and the scale of the monetary returns those decided upon by the Senate appear appropriate enough.

[From The Charlotte (N.C.) Observer, Feb. 9, 1970]

BILL CAN HOBBLE HORSE "SORERS"

Horse lovers who would stop the inhumane practice of "soring" Tennessee walking horses have reached the half-way point of their goal.

The United States Senate has passed legislation making it unlawful to ship a "sored" horse in interstate commerce, use in a horse show, or conduct a horse show in which a sored horse participates.

The Senate measure establishes penalties up to $2,000 fines and six months imprisonment. The Secretary of Agriculture would administer the law. It is now up to the House to complete the measure for the presidential signature.

The practice of soring the walkers has been around for more than 20 years.

The walking horses are sored to achieve a gait which used to come from fine breeding and patient and skillful training. Since well-trained horses can earn top stud fees, owners after hefty profits irritate the front pasterns of the animals, using chains, acids and other devices to make walking naturally such torture the horses change their gait.

Fast action is needed in the House. Many of the poor beasts are no doubt being "sored" at this moment.

[From the Johnson City (Tenn.) Press Chronicle, Feb. 11, 1970]

STOPPING THE "SORING"

"Soring" of Tennessee walking horses would be stopped under a bill passed by the U.S. Senate and awaiting action in the House.

Many horse lovers have long deplored "soring," a process by which owners irritate the feet of their animals to achieve a certain style of walking.

The desired gait used to come from fine breeding and meticulous training. "Soring" is a short-cut enabling owners to make profits by sacrificing the comfort of the horse.

Under provisions of the Senate bill, it would be unlawful to ship a "sored" horse in interstate commerce, use him in a show, or conduct a show in which such a horse participated.

Penalties up to six months imprisonment and fines up to $2,000 are provided. The law would be administered by the Secretary of Agriculture.

We feel this legislation should be passed—and enforced.

[From the San Diego (Calif.) Evening Tribune, Jan. 10, 1970]

SENATE TAKES HUMANE ACTION

The Senate, before recessing for the holidays, took time from its concern with war, taxes, foreign aid and other weighty matters to pass a bill certain to win the applause of animal lovers.

In a voice vote, the senators forwarded to the House a measure that would outlaw the practice of "soring" show horses.

Trainers have been successful in inducing the distinctive high-stepping gait in the Tennessee walking horse by causing the horse's leg to blister. As a result, the horse lifts his feet quickly, achieving the gait that could be induced naturally only through a lengthy training process.

If approved by the House and signed by the President, the law would prohibit interstate shipment of a sored horse, the show in which a sored horse participates. Violations would carry penalties of up to $2,000 fine and six months imprisonment.

The painful soring process has been condemned by reputable trainers and concerned horse fanciers as a cruel shortcut in the training process.

The painful soring process has been condemned by reputable trainers and concerned horse fanciers as a cruel shortcut in the training process.

The sympathetic concern of the Senate should be quickly endorsed by the House. State legislatures might also be encouraged to enact similar laws covering situations not subject to interstate commerce regulations.

[From the Bloomington (Ill.) Pantagraph, Dec. 25, 1969]

A VOTE FOR THE HORSES

With man's inhumanity to man seemingly beyond repair, progress against man's cruelty to animals may seem unimportant.

Just the same, the Senate has passed a bill aimed at ending the vicious practice of "soring" the forefeet of Tennessee walking horses to produce the desired gait.

The bill was the result, at least in part, of investigatory work done by a reporter-photographer team at the Nashville Tennessean. Newsmen showed the painful results of applying blistering chemicals such as oil of mustard to the horses' pasterns and attaching chains which beat on the sore area.

The Senate Commerce Committee learned through hearings that the rewards from soring—measured in terms of stud fees for a champion—could easily exceed $100,000.

The Tennessee walker's gait may be achieved through patient, careful training by a skilled person with a good animal. Chemical soring is one of those practices which makes one wonder just what the word "sportsman" really means—if anything.

Senator Tydings of Maryland pushed the bill, assisted by senators from the Middle Atlantic and Southeast states where the Tennessee walker is frequently raised.

It is the best news for horses—and genuine horse lovers—since the banning of the practice of running western wild range horses to death by airplane.

EXCELLENT ANALYSIS OF STATE OF ECONOMY BY SENATOR KENNEDY

Mr. PROXMIRE. Mr. President, for many months, all of us have been deeply concerned over the serious problem of continuing inflation in our economy. Last night in Boston, the distinguished Senator from Massachusetts (Mr. KENNEDY) delivered an important address on the state of the Nation's economy. In the course of his remarks, the Senator criticized the administration's economic record for relying too heavily on fiscal and monetary policy alone to control inflation, and he urged the President to make a major new effort to bring restraint to price and wage increases. In addition, he recommended a number of other steps the administration should take in its effort to control inflation, especially in the areas of high interest rates, unemployment, and Federal programs that feed inflation.

Mr. President, I commend the Senator from Massachusetts for his perceptive analysis and thoughtful recommendations. I believe that his address will be of interest to all of us who are concerned with the problems of our economy. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE ANNUAL MEETING OF THE MASSACHUSETTS DENTAL SOCIETY, MAY 5, 1970

I am delighted to join you this evening and to have the privilege of addressing this annual meeting of the Massachusetts Dental Society.

I am especially pleased to be here tonight, because it gives me the opportunity to say how proud I am of the continuing broad accomplishments of this Society. Through new and innovative approaches to dental care, you have brought a higher quality of health to millions of citizens of Massachusetts. Your programs have served as a model for similar approaches in all parts of America.

I had intended to come here this evening to discuss the increasingly critical state of health care in America. I had intended to discuss some of the great contemporary issues in health policy—issues like health manpower, the health budget crisis, and, above all, the need for an effective program of comprehensive national health insurance.

But today in America, events in our society are overruning us. American soldiers invade Cambodia, pursuing the phantom of military victory. Our President tells us it is not an invasion, since our cause, he says, is just and the campaign will be short.

The strange and tragic fascination of military victory in Vietnam has now cast its mad spell over two successive presidents, and thousands of young Americans have gone to their death.

The end to this madness depends on you and me, and countless other Americans in public and private life. We who are appalled by the new turn of events must raise our voice even more clearly in protest, and demand that it end.

At home, four American students lie dead in Ohio on the playing fields of their university, slain in the heart of middle America by the violent temper of our society—slain as surely as if we ourselves had pulled the triggers of the rifles of the National Guard. Who of us, seeing American troops in Ohio fire wildly into a crowd of students, does not also see My Lai, with its defenseless Vietnamese civilians cut down by American troops? Can any of us fail to realize now what Vietnam has done to our spirit, our nation, and our sons? Has it come to this in America today, that we have begun to shoot our students? I call on all Americans—public leaders, private citizens, and law enforcement officers alike—to pull back from the brink of violent chaos at which we stand.

Last Friday in Boston, I had the opportunity to speak out on what I believe is the single overriding issue of our time—the war in Indo-China. Tonight, I would like to share with you my deep concern over one of the most critical domestic issues of our day—the serious state of the nation's economy. I know that each of you tonight is as concerned as I am over the ominous reports from Wall Street and the serious plight of the economy. We know that the stock market average has fallen nearly 30% from its peak in December, 1968. The long decline has now sent the average to its lowest level since 1963.

Years ago, you and millions of other investors, small and large, placed their confidence and their resources in the stock market as a hedge against inflation. Today, your dreams of financial security have been cruelly shaken. You who entered the market in 1963 now find your stock at almost precisely the same level at which you bought it seven years ago. The value of your investment dollar has stood still, but your daily cost of living has not.

In the last seven years, consumer prices have soared by the astronomical rate of 25%. In terms all too real, therefore, you are only 75% as well off with your investments today as you were seven years ago.

The outlook is also bleak for those who have relied on dividends. Even if the stock market was not an adequate hedge against inflation, it was said, at least it could be trusted to generate a fixed and reliable income. Now in the wake of the latest wave of reduced corporate earnings reports, we are learning that there is no reliable hedge against financial instability, that the only valid hedge is a sound economy.

This is not the occasion to mince words. For the first time in more than a decade, our national economy is in crisis, and the crisis is deepening. We are poised today on the brink of the worst of all possible economic worlds, a simultaneous seige of uncontrollable inflation and unfolding recession.

A huge troubled concern has swept into corporate board rooms, union halls, across the broad belt of middle-class America, and into the homes of the elderly and the retired. Our people are anxious and uncertain. There is a growing climate of fear.

As in so many other crises we have faced—both domestic and international—it helps to see where we have been in order to see our way out.

The key element of American economic history since the end of the Second World War is the contrast between the economy of the Fifties and the economy of the Sixties. Periodically, throughout the Fifties, America was a sick economy. We were plagued by repeated bouts of economic turmoil. As a nation, we struggled through three successive recessions—first in 1954, then in 1957, then in 1960.

At the beginning of the Sixties, however, we changed all that. Together, President Kennedy and his advisers abandoned the laissez-faire economic policy of the Eisenhower era, and embarked on what came to be called the "new economics."

The foundation of the new economics was the basic belief—novel at the time Walter Heller proposed it, but widely accepted today—that sound economic policy is not just crisis management, but that continuing attention to the economy can avoid the costly crises we previously accepted as the inexorable consequence of our free market system.

For the first time in our history, we accepted the principle that the health of the American economy thrives best on a system of preventive medicine. Too often in the past, our only treatment had been drastic surgery performed after the economy had already been stricken by inflation or recession.

The new economics compiled a remarkably successful track record in the early Sixties. We can all remember that extraordinary period of unprecedented prosperity, which brought uninterrupted growth and stability to our economy and a better standard of living for tens of millions of Americans.

Yet, in the mid-Sixties, at the beginning of our national build-up over Vietnam, we ignored the lesson we had learned. Politics triumphed over economic theory, and we failed to take the simple steps so clearly called for to ease the strain on our economy by the war in Vietnam.

Inflation took hold. By the time the surtax was enacted in 1968—three years after LBJ's Council of Economic Advisers first called for it—the economy was already far off the track. Our record of stable economic growth was broken, replaced by the spectre of uncontrolled spending in Vietnam and rising inflation at home.

I find it fair, therefore, to agree with President Nixon's statement that he didn't make the inflation he found, that he only inherited it when he took office. What I do not agree with, however, is the President's insistence that he is doing the best he can, that he has assembled the best available policies, that he is gradually bringing inflation under control.

If it is fair to say that President Nixon did not cause our current inflation, it is equally fair to say that he has made it worse. The 4% inflation he inherited has turned into 6%. The 3.3% unemployment he inherited has turned into 4.4%, and the end is not in sight. Nearly a million more Americans are out of work today compared to the end of 1969.

Unemployment is climbing, and so are prices. Indeed, the two indicators in the whole economy that are going up—prices and unemployment—are the only two indicators that should *not* be going up.

For fifteen months, we have heard a constant stream of optimistic promises from the Administration that the end of inflation is in sight, if only the American people will have confidence in the Administration. We hear endlessly repeated promises that inflation can be brought under control without recession and without a substantial increase in unemployment. The train is just around the bend, they say, if only we will have the patience to wait. The train may be late, they say, but it is coming.

I am concerned, and millions of other Americans are concerned, that there may not be any bend, that the train isn't coming, that there may not be any train.

For too long, the Administration policies have not achieved results. Month after month, we have been confronted with a dismal and disappointing price record in our struggle against inflation. Again and again and again, the Administration has had to look for good news with a microscope. Time and again, it has pointed to a minor wiggle—a deceleration of one tenth of one percent or so in the Consumer Price Index or the Wholesale Price Index—as a sign that inflation is being defeated, and that stability is being restored.

All we really see, however, is the increasingly heavy toll we are paying in unemployment, high interest rates, low productivity, and our declining standard of living, with no success whatever in our struggle for price restraint. All we have achieved so far is the pyrrhic victory of slowing down the economy without defeating inflation.

Never before in American economic history has a slowdown this pervasive in our economy failed to achieve a slowdown in price activity. Today, we are compiling one of the worst economic records we have ever had—three years of continuing substantial inflation, five years of excessive price increases, and a rapid diminution of public confidence in the credibility of the Administration and in our own ability to bring the situation under control.

The fear is abroad in the nation that policies which haven't succeeded can't succeed, that our efforts simply are not good enough, that unless we make a strong new effort, the situation can and will get worse.

In troubled times like these, Americans have traditionally looked to their government and their President. Roosevelt instilled confidence in the Thirties and turned the nation upward to recovery. The sustained prosperity of the Kennedy-Johnson years gave people confidence for a time that recessions were not inevitable, and that price stability could be maintained.

Today, the atmosphere is different. Many fear that we are turning back the clock of economic policy. The active policies of the Sixties seem to be giving way to the passive policies of the Fifties, and our protests go unheard.

In large part, the current economic crisis, especially its manifestation earlier this week on Wall Street, is in reality a crisis of confidence in America and its leadership. Wall Street has always been a sensitive barometer of America and its people. Over the past year, the Dow-Jones industrial average has dropped 240 points. The stock market has suffered more than $200 billion in losses. Some of the losses are paper losses. But for tens of thousands of little investors forced to sell depressed stocks to pay their living expenses, the losses are very real. Fed by our deepening involvement in Asia and by violent disruptions at home, the current crisis is a clear reflection of the fact that large and small investors alike are demonstrating their concern over the course of the economy and the very stability of our society. More and more of our citizens everywhere are having serious doubts that the Administration can ever deliver on its promises of the last fifteen months.

In part, of course, the stock market crisis also reflects the disorder in Wall Street's own house—the failure to update its management and administrative methods to meet the demands and needs of the Sixties, let alone the Seventies. Already, in the hard times brought on by the year-long stock slide, three brokerage houses have failed, and more may be in danger.

Another factor in the current difficulty is the tremendous recent hemorrhage of European investors trying to get out of the American equity market.

Obviously, there are problems on Wall Street that must be set straight. There is room for improvement and greater regulation—both public and private. Already in Congress, for example, we have begun a constructive discussion of Federally sponsored broker-dealer insurance schemes, capable of protecting individual Americans from serious financial disaster when brokerage houses fail.

At the same time, however, we must be careful to distinguish the symptoms from the disease. Wall Street is only the symptom. It is not the disease. I believe that Wall Street is basically healthy. The improvements we need there are the sort that responsible private leaders and public officials, working together, can perfect and implement at the earliest possible opportunity.

The real disease in our economy lies deep in our overall national policy. The stock market crisis is simply a reflection of the fact that the Administration's whole game plan for the economy is now in question. The primary focus of our concern must be on each of the basic aspects of our economy—prices, jobs, production, housing starts, the standard of living, meeting the needs of the country, and allocating scarce resources in ways that maximize the ability to achieve our goals of political equality and social justice for our people. Only by dealing firmly with these factors can we restore the confidence of our citizens in the basic strength of America.

There were many faults in the President's original game plan. They have been catalogued exhaustively in recent weeks and months, and no useful purpose would be served by more than a brief enumeration here. Nevertheless, I think it helps to chart the plan for the future if we outline some pitfalls of the past.

At the outset, on January 20, 1969, the Administration underestimated the strength of the inflation it inherited. It made the fight against inflation look too easy. Time and again, the most famous quotation of the President's 1968 campaign has come back to haunt him. The only extra unemployment necessary to curb inflation, he said, was the unemployment of President Johnson's economic advisers.

Early in his Administration, the President made what I think has been his most serious and far-reaching error of economic policy—the decision not to invoke any form of the wage-price guideposts used so effectively by President Kennedy and President Johnson in the Sixties to generate a spirit of voluntary private restraint against inflationary price and wage increases. As a result, as economists of every philosophical persuasion have pointed out, the President was left to fight inflation with a two-legged stool—fiscal policy and monetary policy. The crucial third leg of voluntary price and wage restraint was missing.

Next, the President made a double error on the 10% income tax surcharge. First at a time when the need to extend the surtax was obvious, he delayed three months after taking office before making any recommendation whatever to Congress. Then, when at last he acted, he proposed to cut the surtax in half for half the year. Thereby, he introduced the number one political football of the 91st Congress. The invitation was clear and ominous. If the President could cut taxes for political advantage, so could Congress. Overnight, the drive for tax reform was transformed into a drive for tax reduction, to the lasting detriment of the war against inflation and the struggle for adequate funding of urgently needed social programs.

I believe that President Nixon now has a deeper sense of urgency over the deteriorating economy. I am hopeful, especially in light of recent days, that he may already be moving to implement a better-rounded policy. He has called new economists to the White House from outside the Administration. His advisors have met with Wall Street leaders. He has promised a statement on the economy in the near future, perhaps next week.

We know that more can be done. I urge the President to take additional steps in the fight against inflation.

Most important, the Administration, and especially the Secretary of Labor, must paint themselves out of their ideological corner on the issue of voluntary price and wage restraints. Although voluntary restraints are not the only answer, I believe that there may well be no more effective step the President can take at this time to demonstrate his intent to solve the riddle of our "inflation-ridden recession-ready" economy. The time is ripe. The nation is in a mood of growing distress, and therefore of growing responsiveness to new initiatives. The President should seize this opportunity to enlist the effort of business and labor in an effective new program to bring restraint into the arena of price and wage decisions.

Surely, there must be a better policy in this crucial area than our present policy of no action at all. There are many things the President can do. He can communicate with business and labor leaders, talk to the American people, ask us all to exert the utmost restraint. He can appoint a group of distinguished Americans in private life, with experience in public service, to act as an advisory council on prices and wages.

More particularly, because prices are our source of most immediate concern, I urge the President to contact the nation's largest manufacturers—the ones who have real market power in our economy, who really have control over their prices. I urge the President to seek their participation in a pledge of price restraint, a pledge that they will not raise their prices for a reasonable period—say, six months—except in the direct circumstances of irreparable economic injury.

Similarly, in the case of unions with significant power in the economy, the President can urge real restraint in the upcoming rounds of major wage negotiations. He can make clear to union leaders and rank and file alike that excessive wage increases are inevitably followed by price increases, which vitiate any chance of an increase in real income for the worker.

I emphasize my strong belief that the President can and must apply this pressure with an even hand to both business and labor. The crucial ingredient in any program of price and wage restraint is broad acceptance by management and union leaders. And in order to avoid any of the problems associated with direct personal intervention of the President, each of the steps I have recommended could be taken by an advisory council, rather than by the President himself. All that is essential is that the President begin to act now to take some of the steps that are open to him, and thereby impart a new sense of urgency over the economy.

I am confident that we as a people, as Americans, will respond to the appeal of the national interest. We are willing to pull together, to achieve price stability without the necessity of putting the economy through the wringer. We know that we all will lose far more if we do not bring inflation under control, if the present economic slowdown disintegrates into serious recession.

We don't need mandatory guideposts or other rigid rules to achieve the restraint we need. We don't need a freeze on wages or prices. What we do need is the utmost restraint by management and labor. Only the President has the resources and the prestige to implement a realistic policy of restraint. Only the President can demonstrate the viability of the voluntary way.

Already, there are signs that the Administration is testing the air, even if its motives have not been all we might desire. In recent weeks, the Secretary of the Treasury has been persuading pension funds to buy mortgages, in an obvious attempt to ward off Federal legislation. Last week, the Secretary of Labor urged business leaders to stiffen their resistance in impending wage negotiations. The breath of changing policy is already in the wind, and I urge the President to go forward faster. If the Secretary of Labor can talk to business leaders about resisting wage demands, then surely the President can talk to them about forgoing price increases.

Apart from greater efforts toward voluntary price and wage restraint, there are a number of other steps the Administration can take to relieve the pressure of inflation and the burden of unemployment.

The Federal Reserve Board must take more positive action to increase the supply of money. Over the past year, we have seen interest rates in the nation rise to their highest level since the Civil War. For too long, state and local governments, the home buyer and home builder, the farmer, the small saver, the small businessman, and many other citizens have been squeezed by exorbitant interest rates, the innocent victims of our excessively tight money policy.

What we require today is not selective credit controls, designed to ration scarce credit resources or allocate them to areas of need. What we do require is a modest but general easing of tight credit throughout the economy, so that all areas of economic activity are freed from their monetary shackles. Once the money starts to flow, we will see the real bottlenecks in the economy and direct our attention accordingly.

For months, the President has neglected a progressive program on his desk to deal with the problem of oil imports, a program recommended by a lopsided majority of his own presidential task force. The program should be implemented, so that all of us can enjoy its promise of greater industrial efficency and increased consumer saving.

We need much more far-reaching proposals by the Administration to control the skyrocketing costs of medical care. For too long, we have allowed Federal payments for health care—especially Medicare and Medicaid—to be part of the problem of our health crisis, rather than part of its solution.

Our fair trade laws impose a heavy additional price burden on the consumer. In the 19 states where they exist, they add a total of $2 billion a year to consumer costs, and the burden is especially heavy in drug costs for the elderly.

All our farm programs need a drastic overhaul, especially the programs that now contribute so directly to our inflation. Obsolete allotments encourage thousands of cotton farmers to plant their fields solely to qualify for windfall Federal subsidies. Recent studies show that at least $5 billion a year in Federal farm payments are funneled directly into higher consumer prices.

In the Senate, we have already begun to renew our attack on the ABM, and all the other major areas of defense spending. It is here that the need for new priorities is most obvious, where the mistakes of today reproduce themselves tomorrow and in generations of future budgets. Because we appropriated $100 million this year for a nuclear reactor for an aircraft carrier, we committed ourselves to future spending of $400 million for the carrier itself, another $400 million for the planes on its decks, $800 million for escort vessels, and $100 million a year for operating costs. At last, however, we in Congress are challenging these expenditures. For the first time, we have begun to give the same intense examination to Pentagon programs that we regularly give to all our domestic social programs.

Taken separately, none of these proposals may seem very significant for domestic economic policy. Obviously they are a supplement, not a substitute for a strong fiscal and monetary policy. Yet, taken together, I believe they could shave a total of two or more percentage points off the consumer price index. We know that the spending policy of the Federal Government makes a difference. America is now a trillion dollar economy. One out of every five dollars the nation earns is spent by the Federal Government. Unless we develop more effective ways of setting national priorities, Federal spending will simply continue to feed inflation, without achieving any real progress in all the crucial areas of domestic need.

Finally, we must develop far more successful policies to help the unemployed. So far, we have paid much too little attention to the social consequences of the war against inflation. The most likely victims of the war are the ones least able to help themselves—the poor, the black, the semi-skilled—but they are not the only victims. The largest relative increase in unemployment in recent months has been in well-paid blue collar workers—the $4 an hour, highly-skilled workers in industries like automobiles, computers, and television. Already, unemployment is moving up the economic ladder to even higher income jobs.

This is an important phenomenon, with vast political implications. Today, a real feeling of job insecurity is beginning to permeate the nation—insecurity of a sort that hasn't been felt by skilled blue collar American workers for more than a decade. Recent experience in Detroit, Seattle, and Cleveland has shown what happens. When one worker is laid off, others on his block are put in fear. The effect begins to snowball in the neighborhood, with a devastating impact on consumer sales in the community, far out of proportion to the actual layoffs.

In uncertain and unstable times like these, our Federal, State and local governments have a special obligation to find new ways to strengthen the labor market. When the market is weak, private programs like JOBS don't work. We can't expect Chrysler and General Motors to take on unskilled workers when they have already begun to lay off their own skilled personnel. Only by improving our governmental programs can we relieve this unfair strain on our people.

In closing, let me emphasize my firm belief that I do see the way out of our deepening economic crisis. Let us end our months of confusion and uncertainty. Let us pledge to work together to launch a new period of stable economic growth with full employment. Let us pledge to work together to lay the foundation on which all our other social goals depend. For unless we escape the twin disasters of inflation and recession, all our aspirations for a better America will be denied. A sound economy is the greatest poverty program America ever had. Only by solving the problems of the economy can we buy the time to meet the great domestic issues of our day—to build our cities, to educate our children, to bring equal justice to our people, to guarantee the same high quality medical care for all, to heal the environment, to accomplish all the other goals of our society. We have the tools to meet the problems. All we need is the will.

CONTROL AND ABATEMENT OF POLLUTION

Mr. HARRIS. Mr. President, we are all becoming more and more aware of the importance of conserving our environment and controlling pollutants that are deteriorating the quality of our air and water and other natural resources. As a part of our effort to focus attention on the need to control and abate pollution of all types, we observed on Earth Day on April 22, a day devoted to the problems of pollution and their solutions. As a result of that observance, a noted Oklahoman, Mr. Herb Karner, farm editor for the Tulsa World, wrote a column entitled "'Earth Day' Observed by Farmers for Years." Mr. Karner's article is very timely and thought provoking, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

In his column, "Fence Talks," Mr. Karner points out that under such programs as the Soil Conservation Service, agricultural conservation program, upstream flood control, and other similar measures, the farmers of America have for years been working toward conservation of our precious soil and water resources. Farmers know, perhaps better than any of us, the results which come about when we neglect our environment. They know the disastrous effects of pollution and erosion.

Most of our pollution problems now are urban oriented, and we must devote our attention to meeting them. However, Mr. Karner's article vividly points out that, had we observed in our cities the same conservation practices that we have been observing for over 30 years in rural areas, we might have averted the crisis we now face.

Mr. Karner also reminds us that we must continue conservation practices such as the agricultural conservation program, which the President has recommended be discontinued, if we are to conserve our productive soil and water resources, and if we are to be able to continue to produce sufficient food and fiber to meet the needs of our ever-increasing population.

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There being no objection, the article was ordered to be printed in the Record, as follows:

“EARTH DAY” OBSERVED BY FARMERS FOR YEARS

(By Herb Karner)

Across the nation students on high school and college campuses observed “Earth Day” last Wednesday. They heard a small army of so-called experts talk about environment, ecology, pollution and resource conservation. Hopefully, these speakers put the problem in proper persective, because the position this country finds itself today is bitterly ironic.

It's ironic because suddenly there's a whole new army of people alarmed about our countryside; about our land and yet for more than 30 years farmers and ranchers have been trying desperately to conserve our soil and water and improve our timberlands. At the same time farmers and ranchers, working with the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, have been trying to tell the general public “look, you've got a bigger stake in this than we have, please help us try to save this land for future generations.” All they got for their efforts was a kick in the pants.

It's ironic the turn pollution control has taken. While farmers battle for matching federal funds to carry on conservation, huge new bureaus are springing up with estimates of the cost of controlling pollution and saving the environment which make farmer's requests pale by comparison.

An excellent example: C. A. Tidwell, head of SCS for Oklahoma, says “locally-led, federally-aided conservation programs have dramatically reduced some forms of pollutions and improved our environment. Reforestation, establishing grass and legumes, terracing and other practices installed by Oklahoma landowners have had a measured effect on pollution abatement. Sediment is the largest pollutant of water. Sediment washes from unprotected land into streams and lakes. Soil particles carry disease and wastes, ruin fishing and increase the cost of purifying water,” he said.

He continues: “Windblown dust from the Great Plains once polluted the air, but most of this has been eliminated. New ways are being found to use or dispose of waste, and animal byproducts. SCS specialists are spending a larger amount of time each year helping towns, industries, feedlot operators and others install sewage lagoons, catch basins, or sanitary land fills to handle wastes, he said.

It's ironic because at the same time the Senate Agricultural Appropriations Subcommittee was considering budget requests for 1971 and one of the items they are mulling over is President Nixon's proposal to eliminate the ASCS program. Sen. Fred Harris reported that last year in Oklahoma alone 21,000 farmers participated in this cost-sharing program, building terraces and ponds, clearing timberland, seeding and sodding to protect our valuable land.

It's ironic that in one breath government officials say it's going to cost upwards of $100 billion the next few years to save our environment, and at the same time they want to cut out a measly $220 million a year that farmers match dollar for dollar. It's a cinch the way pollution control is going now, the federal government will bear the burden, meaning the taxpayers. Spend a dollar to save a nickel.

But the one thing that concerns us most is that all this ballyhoo about pollution and saving our environment will be treated as a fad; that federal planners interested in creating new bureaus and saving old jobs will obscure the real issue. And that issue is simple. What citizens are doing to this planet is wrong. It's ironic that at the same time “Earth Day” is trying to inspire the young to become evangelistic about saving this Creation; farmers and ranchers have for years observed what they call “Stewardship Sunday” all across the land. They invite preachers and businessmen to a breakfast and they talk about our heritage; they talk stewardship of our resources; they try to get across the message of saving our earth for coming generations; they appeal for support. They point out that we are really not owners of this globe, but are supposed to take care of it. They are emphatic that when we don't, we are guilty of plunder, pillage and wanton destruction. All this is wrong—morally wrong.

It's ironic that at the same time we have government projects working feverishly to convert solid waste—garbage—into usable products, industry is working overtime contributing to the solid waste problem. It's ironic that at the same time we're spending $4.5 billion a year to get rid of 350 million tons of waste, consumers are clamoring for greater amounts of discardable containers and products. It's ironic that this is supposed to be a nation based upon moral laws. But until we can get it through our thick heads that the issues we talked about on “Earth Day” are really moral issues; that federal planning or city ordinances won't solve our problems; until we are convinced the solution to the problem lies within the heart of each person—young and old—we won't get very far cleaning up the nest we've so miserably fouled.

INTERMODAL TRANSPORT—A NEEDED STUDY

Mr. TYDINGS. Mr. President, one of the more important problems facing transportation today is the adjustment of our Government institutions by technicological advances created by private industry. In commercial matters, particularly in matters of foreign trade, governmental institutions must be responsive to the needs of our business community, especially shippers and carriers.

Each day foreign trade looms more and more important as a factor in protecting our economic well-being. It thus is to our benefit to remove any impediments, legal or otherwise, to the flow of such trade.

As Maryland's senior Senator and a member of the Subcommittees on Surface Transportation and Merchant Marine, I am pleased and proud to note that a constituent of mine from Baltimore County, H. Bernard Mutter, Deputy Solicitor of the Federal Maritime Commission, was selected by the Maritime Transportation Research Board of the National Academy of Sciences to head up a study on the legal aspects of intermodal transport, a vital and increasingly important phase of transportation.

I note that this study is being conducted in the best tradition of the prestigious National Academy. Many experts both laymen and lawyers are donating their time and energy to the project. I also note that it is a bipartisan effort. The Senate is represented from both sides by able staff members from the Committee on Commerce—Arthur Pankopf, Jr., minority staff director, and A. Daniel O'Neal, counsel, Surface Transportation Subcommittee.

The Department of Defense and the Maritime Administration of the Department of Commerce, who have funded the study, are obviously involved in great transport problems that raise significant legal questions. These questions must be resolved if our transportation system is to be both flexible and fair.

The full story of the Study of the Legal Aspects of Intermodal Transportation—SLAIT—was recently published in Traffic World of April 4, 1970. It outlines some of the problems to which Mr. Mutter will direct the study. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE WEEK IN TRANSPORTATION: GOVERNMENT BACKS UNPRECEDENTED STUDY OF LEGAL ASPECTS OF INTERMODAL TRANSPORT

(By Carlo J. Salzano)

(Note.—Funded by Department of Defense and the Maritime Administration, study under the auspices of the National Academy of Sciences will delve into national transportation policy, through rates, liability.)

Unlike the building contractor, who, through the efforts of architects and engineers, knows even before a footing is poured that his structure will accommodate its intended purpose, the shipping community, attempting to flush out the concept of intermodal transportion in foreign commerce, has had no such comforting blueprint.

Although the concept of practical intermodal transportation has been with carriers and shippers for at least a decade, there appears to have been no single comprehensive effort by government or industry to determine whether this country's legal institutions impede or accommodate that concept. There has not been, that is, until now.

Only a short time ago, the Department of Defense and Maritime Administration, recognizing that intermodal transportation may demand new legal requirements in order to operate successfully in the national interest, started the ball rolling toward what may be the nation's first full-scale effort to evaluate a myriad of federal and state laws and international agreements to determine their roles in the expeditious movement of freight between inland points in the U.S. and inland foreign points (T.W., Feb. 14, p. 38).

If the shipping community has been putting the cart before the horse, it might be said that these two government agencies have taken steps to unhitch the rig just long enough to place in perspective some of the ingredients of intermodal transportation that the government feels are basic to a coordinated and prosperous system. The U.S. government, after all, is probably the world's biggest shipper.

Determined to identify any legal impediments to the full enjoyment by carriers and shippers of the intermodal transportation concept, the DOD and MA have joined in sponsoring and funding a study designed to unravel any legal complexities affecting three problem areas—through rates, shipper-carrier liability for cargoes, and burdensome trade documentation.

The project titled “Study of Legal Aspects of Intermodal Transportation” and dubbed “SLAIT” has been assigned to a group of high-level lawyers and laymen by the National Research Council's Maritime Transportation Research Board. The study is being directed by H. B. Mutter, deputy solicitor of the Federal Maritime Commission and adjunct professor of law at The American University. Working directly under Mr. Mutter as project manager is S. Lynn Walton, a staff member of the MTRB. The group has been given 11 months, until January, 1971, to submit its report. The study is being done with the cooperation of the Council on Transportation Law of the Federal Bar Association.

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Explaining the key purpose of the study, Mr. Mutter said that, in most cases, the regulatory agencies have reacted to changes on a case-by-case basis, making studies only after the fact. Probably this approach stems from legal precedent that only cases and controversies, not hypothetical situations, can be adjudicated in our legal system.

"To prepare for the challenge of intermodal transportation, concerned government agencies must anticipate new legal requirements," he said. "SLAIT will try to project major legal impediments, discovered by research, to transportation innovation and then recommend ways in which our legal/regulatory system can be made more responsive to transportation needs."

To discover and define any such legal impediments, Mr. Mutter said his study team will have to come up with answers in these three broad areas:

1. Is there a national transportation policy that guides the transportation regulatory agencies or other government entities in the solution of intermodal problems. If there is none, should there be one and what should it be? This question, Mr. Mutter said, is particularly vital in connection with any effort to accommodate America's export commerce.

2. Is the current structure for regulating transportation by the federal government accommodating intermodal concepts?

3. Are prevailing anti-trust prohibitions against multi-mode ownership still valid today, or should they be relaxed to facilitate intermodal systems?

Elaborating on the second area, Mr. Mutter said that an effort would be made to review the adjudicatory function of transportation regulatory agencies with a view toward determining whether it can be improved to better accommodate intermodality. In this connection, Prof. Kenneth Culp Davis, of the University of Chicago Law School, has joined the research group to lend his expertise.

Mr. Mutter said that the group, working under the auspices of the National Academy of Sciences, parent of the National Research Council, has been and will be looking at some of the same suggestions made by Consumer Advocate Ralph Nader. The idea of abolishing the ICC as suggested by "Nader's Raiders," and creating a single regulatory agency combining the functions of the ICC, the FMC and the Civil Aeronautics Board, he said, "is being looked at, but it's an oversimplification merely to say that it should be done."

"In principle, it looks good but such a consolidation would present many problems," Mr. Mutter said. "One of those problems, for example, would be the possibility, under such a single agency, of one transportation mode dominating another, when in fact they should be in healthy competition."

In any event, Mr. Mutter admitted that the concept of a single transportation regulatory agency is intriguing and merits SLAIT's attention.

He noted, however, that before specific problems in the regulation of transportation can be dealt with, the legal philosophy that underlies the regulation of transportation first must be investigated. Many of the laws now affecting intermodal transportation are over half a century old and it makes good sense to study their current validity in light of operating innovations and requirements.

An example of the massive collating job ahead for the study team is the recent trip Mr. Mutter and Mr. Walton took to a U.S. Air Force installation in Denver, Colo. There, with the help of the Air Force's LITE system (Legal Information Through Electronics) they began the job of indentifying with the use of a computer sections of the United States Code, international agreements and decisions of the U.S. Comptroller General that may be related to international transportation. This computerized legal information retrieval system could be invaluable. In addition, this data is being supplemented by the work of four law students hired by SLAIT as research assistants. If time permits, the study group hopes to do a compilation of state codes.

But, this systematic study of the law is only one general area of the research project. The study is probably more dependent on its collective wisdom. More than five dozen experts are working with SLAIT and will ultimately have to rely on their own expertise to creat a report.

THREE REGIONAL COUNCILS

The study group is made up of a main body which meets regularly in Washington, D.C. and three regional councils located in New York, Chicago and San Francisco. The main group is scheduled to draft a report on the study for distribution around September 1 to the three regional councils for their review and substantive comments with emphasis on any regional slant.

To bring the main study group up-to-date on various issues, five working committees have been established. The chief responsibilities of these committees are to arrange briefings for the study group by experts who will contribute knowledge, thoughts and experience in open and frank discussion of particular areas of study and to develop their assigned subject areas for the group's final report. The National Academy of Science's rules for the conduct of such studies insure confidentiality for the group's deliberations.

The next scheduled study meeting is to be held in Washington April 7. The morning session will deal with the problem of through rates. The regulatory approach to intermodal transportation will be discussed in the afternoon.

The meetings in May and June will be given over to discussion of the anti-trust aspects of intermodal ownership, the aspects of through liability, and the national transportation policy.

Additionally, in what appears to be a novel research technique for lawyers, the study group is making an effort to elicit the needs of shippers and carriers. Along with all the formal collection of data will be the distribution, to a sampling of industry personnel, of a questionnaire in which commercial traffic managers will be asked to identify legal impediments to intermodal transportation of goods. A percentage of those sampled will be asked to give a narrative response and a smaller sample will be personally interviewed. Shippers, especially, will be given a chance to give their views on regulatory agencies. All the returned information will be computerized and then analyzed by the study group.

Mr. Mutter said that the entire study is one of unprecedented legal research *pro bono publico* (in the public interest). The project director kept that basic premise in mind when he suggested members for appointment by the Academy to the study group and its three regional councils. As a matter of Academy policy, he said, they were selected, not as representatives of their particular organizations or of specific transportation modes, but for their experience and their ability to rise above any parochial interests and to contribute, as individuals, to the deliberations of the study group. He also noted that he himself and all members of the study group and councils are serving without compensation. The funds provided for the project are allocated entirely to such items as project administration, staff and study group travel expenses, computer services, and publication costs.

In addition to the substantive work in the field of transportation law, Mr. Mutter emphasized that the group also hopes to develop new concepts for legal research.

Selected to contribute their services and experience in this massive study, besides Mr. Mutter, were: Thomas R. Asher, partner, Asher & Schneiderman; John C. Ashton, vice-president of the Burlington Northern; Joseph Borkin, attorney, Washington, D.C.; Don A. Boyd, commerce counsel for E. I. Du Pont de Nemours & Co.; Maj.-Gen. John P. Doyle, (U.S. Air Force, retired), MacDonald Professor of Transportation, Texas A&M University; H. Neil Garson, secretary of the ICC; Roger W. Gerling, executive vice-president of Spector Freight System, Inc.; Stanley Hoffman, transportation counsel, Union Carbide Corp.; Robert N. Kharasch, partner, Galland, Kharasch, Calkins & Brown; Richardo Littell, associate general counsel, Civil Aeronautics Board; Jeremiah M. Mahoney, American Export Freight, Inc.; Edward Margolin, director, Bureau of Economics, ICC; A. J. Mayor, vice-president—government relations, Sea-Land Service, Inc.; Robert W. Minor, senior vice-president of the Penn Central Co.; Arthur Pankopf, Jr., minority staff director of the Senate commerce committee; Cary J. Pearce, assistant chief—public counsel and legislative section of the Department of Justice; Cecil J. River, senior vice-president of Acme Fast Freight; David M. Schwartz, director of the Office of Policy Review in the Department of Transportation; Norman P. Seagrave; assistant general counsel for Pan American World Airways; Irving R. Segal, partner, Schnader, Harrison, Segal & Lewis; Stanton P. Sender, transportation counsel for Sears, Roebuck & Co.; Dean B. J. Tennery of the Washington College of Law of American University; Gerald H. Ullman, Attorney, New York City; Dean James A. Washington, Jr., general counsel of the Department of Transportation.

Liaison members to the study group are James E. Armstrong, trial attorney, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army; James A. Rossi, attorney advisor, Office of the General Counsel, in the MA; Milton J. Stickles, assistant counsel, for the Military Sea Transportation Service; and John Tebeau, director—division of carriers, drawback and bonds for the Bureau of Customs in the Treasury Department.

Making up the New York Regional Council of the study group are Arthur Arsham, partner in the law firm of Arsham & Keenan; Robert S. Bollinger, assistant vice-president of the Irving Trust Co.; William P. S. Breese, associate general counsel, Johns-Manville Corp.; Robert D. Brooks, general solicitor for the Penn-Central Transportation Co.; Herbert Burstein, partner in the law firm of Zelby & Burstein; Dudley J. Clapp, Jr., counsel for MSTS—Atlantic; Robert Dausend, director of industrial and regulatory affairs for Sea-Land Service, Inc.; Stanley Drexler, manager—distribution controls for IBM World Trade Corp.; William L. Grossman, professor of business administration of New York University School of Commerce; Max A. King, vice-president—regulatory and industrial affairs of Emery Freight Corp.; Carl E. McDowell, executive vice-president of the American Institute of Marine Underwriters; Leonard M. Shayne of Leading Forwarders, Inc.; Elkan Turk, attorney with Burlingham, Underwood, Wright, White & Lord; John W. R. Zisgin, attorney with Bighan, Englar, Jones & Houston.

The San Francisco Regional Council includes Daniel W. Baker, partner in the law firm of Handler, Baker & Greene; James J. Broz, deputy director—freight traffic, Western Area, MTMTS; Thomas DeLaney, director of research for the Bank of America; Willis R. Deming, vice-president and general counsel of the Matson Navigation Co.; Frederick E. Fuhrman, assistant general attorney of the Southern Pacific Transportation Co.; W. Harwood Huffcut, counsel for MSTS, Pacific Area; Robert Katz, Editor of the *California Management Review* and professor in the School of Business of the University of California, Berkeley; Robert H. Langner, executive secretary of the Marine Exchange of San Francisco Bay Region; Frederick G. Pfrommer, general attorney for the Atchison, Topeka & Santa Fe Railway Co.; Gayton E. Germane, 1907 Foundation Professor of Logistics in the Graduate School of Business at Stanford University; Clarence Morse, attorney, San Francisco; Paul A. O'Leary, vice-president of the Connell Brothers Co.; Edward D. Ransom, of Lillick, McHose, Wheat, Adams & Charles; John H. Robinson of the Harper Group; Miss Miriam Wolff, director of the Port of San Francisco; J. Richard Townsend, attorney, Martinez, Calif.; Karl M. Rupenthal, director of the Transportation Management Program at Stanford University.

The Chicago Regional Council is in the process of formation.

WICHITA MOUNTAINS WILDLIFE REFUGE, OKLA.

Mr. HARRIS. Mr. President, the Senate, on April 27, passed S. 3222, my bill to designate certain lands in the Wichita Mountains Wildlife Refuge in Oklahoma as wilderness.

The Department of the Interior, more than 2 years ago, conducted hearings in Lawton, Okla., concerning a proposal to designate certain lands within the Wichita Mountains Wildlife Refuge as wilderness in order to assure the retention of these lands in their natural state. On the basis of recommendations made at the hearings, the Department of the Interior decided that some 8,900 acres within the boundaries of the refuge meet the criteria to be designated a wilderness area.

There are abundant reasons for preserving this area as it has always been. Certainly the study of such subjects as geology and ecology in the area will be enriched. And, perhaps more importantly, this act would further protect what is rapidly becoming a unique experience for Americans, camping in a true wilderness. And, finally, this refuge will preserve for the people of southwestern Oklahoma and surrounding States the privilege, should they so desire, of simply viewing nature unmarred by that which is manmade.

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Mr. President, the Wichita Mountains Wildlife Refuge is one of the most outstanding recreational areas in the Southwest. Located just a few miles from Lawton, Oklahoma's third largest city, the refuge is visited by nearly 2 million visitors each year. Many of these come just to drive through the refuge on its scenic highway, viewing the herds of buffalo, deer, elk, and longhorn cattle in their natural habitat. Many come with their families to picnic at one of the campgrounds and enjoy the mountain scenery. Others come to swim in one of the numerous fresh water lakes within the refuge. Still others come for the purpose of viewing the natural, unchanged beauty of the area, and to commune with nature unobstructed and undisturbed by man's works. It is for these growing numbers that I proposed this legislation to set aside a portion of this vast refuge to be protected from any form of development and to guarantee the preservation of that which nature provides for the benefit and enjoyment of future generations, and I am, of course, glad that the Senate concurred in the need for such a wilderness area by passing the bill unanimously.

Mr. President, it is fitting that the Senate has acted on this legislation, because just last week, Newsweek magazine, in an article entitled "Where Are They Now? The Buffalo's Comeback," very clearly demonstrated the benefits which the Wichita Mountains Wildlife Refuge has played in conserving an animal which played a significant role in our Nation's history. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Where Are They Now?: The Buffalo's Comeback

The earth is having its day this week as conservationists strive to turn America's attention to the smog above and the exhaust below. But long before industries dumped and automobiles fumed, one of America's most celebrated natural resources was imperiled—and saved—in a dramatic example of ecological rescue. The American buffalo, symbol of the nation's prairie past, is no longer just a shaggy relic of the Old West. Once dangerously close to extinction, the buffalo is now very much back on the scene.

The buffalo, or bison to the biologist, probably came to this continent over the land bridge that once connected Asia and North America. Ranging from the Rockies to the Mississippi River, U.S. buffalo numbered some 60 million by the beginning of the nineteenth century. But shortly thereafter, the systematic destruction of the buffalo became official policy. The U.S. Army, to subdue the Plains Indians, decided it had to subdue their entire culture—including the animal upon whose flesh and hide they depended for sustenance, clothing and for shelter. Special trains were run to the plains for tourists, who gunned down the creature for "fun" and left the carcasses to rot. In 1848, the American Fur Co. sent 25,000 buffalo tongues (considered a delicacy) to St. Louis. By that time the buffalo was not worth the nickel it later came to be stamped on.

Conservation of the animal was gradually brought about by the American Bison Society, founded in 1905, and the New York Zoological Society. Congress set aside money for four national buffalo refuges, the largest of them being the Wichita Mountains Refuge in southwestern Oklahoma, where an original seven bulls and eight cows have been bred into a herd now numbering about 1,000. The recently formed National Buffalo Association estimates the total buffalo population in America to be 15,000. In fact, the animal has come into an ecological surplus in the last few decades. Accordingly, 230 head were slaughtered last season at the Wichita refuge, and a drive-in at Cache, Okla., 5 miles from the refuge, now features buffalo burgers—at 75 cents apiece.

For all that, the Oglala Sioux Indians still believe that the buffalo will once more thunder across the vast prairies in its old numbers. In its "ghost dance," the tribe celebrates a messiah who will come to bring a new earth to replace the old one polluted by the white man. The Indians' ancestors will then rise to join the new world, there to hunt on a prairie teeming with buffalo. The Sioux's messiah has not yet come, of course, nor have the giant buffalo herds returned—and at least one Interior Department official voices relief. "We couldn't have them roaming the West again," he explains. "There's nothing but six-lane highways out there. They'd be traffic hazards."

MRS. VIRGINIA FORWOOD PATE—OUTSTANDING CONTRIBUTION TO COMMUNICATIONS

Mr. TYDINGS. Mr. President, I invite the attention of Senators to the outstanding contribution of an individual in the field of communications. Mrs. Virginia Forwood Pate, of Havre de Grace, Md., was installed as president of American Women in Radio and Television, Inc., on April 26 during a 3-day convention in London.

A close personal and family friend, Mrs. Pate has just retired after serving as president of the Harford County Board of Education and as chairman of the Harford Junior College board of trustees. In addition, she has been president of the Maryland Association of Boards of Education as well as the first woman to be elected to the board of directors of the Maryland-District of Columbia-Delaware Broadcasters' Association.

I congratulate Mrs. Pate on her most recent achievement.

I ask unanimous consent that an article outlining Mrs. Pate's outstanding career, published in the Baltimore Evening Sun of April 17, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Baltimore Evening Sun, Apr. 17 1970]

Media Organization To Install Mrs. Pate, of Havre de Grace

Virginia Forwood Pate, of Havre de Grace, will be installed as president of American Women in Radio and Television, Inc., April 26, in London during a three-day convention to be attended by 600 people including relatives of members.

Mrs. Pate will be among 12 women to be received privately by Princess Margaret at a reception, at Lancaster House.

Virginia Pate owns and operates radio station WASA in Havre de Grace, an AM and FM station built in 1948 by her late husband, Jason T. Pate, and operated by him until his death in 1960.

She has just retired after 10 years service as president of the Harford County Board of Education and as chairman of the Harford Junior College board of trustees.

She has been president of the Maryland Association of Boards of Education; also, president and former education chairman of the Maryland-District of Columbia-Delaware Broadcasters' Association and the first woman to be elected to its board of directors.

"EL CINCO DE MAYO"

Mr. WILLIAMS of New Jersey. Mr. President, on May 5, our neighbor to the south, Mexico, and her Spanish-speaking descendants in the United States, will join in celebrating the 108th anniversary of a significant Mexican victory over the French. "El Cinco de Mayo" is a great festivity for the Mexican people for it was on that day in 1862 that a small band of poorly equipped but highly motivated patriots withstood superior forces of the French Army.

Prior to Cinco de Mayo, the people of Mexico were subjected to a perpetual inner struggle for governmental power. From 1822 to 1862, approximately 70 governments existed there, including monarchs, dictators, executives, and presidents. In 1861, a joint interest shared by France, Spain, and Great Britain prevailed; however, the latter two, as a result of internal policy changes, withdrew from Mexico and returned to their homelands. Napoleon III ordered his French soldiers to remain, as he hoped to eventually control all of Mexico, himself. Although this was a direct violation of the Monroe Doctrine, the United States could take no action against France, as we were deeply involved in our own Civil War.

In 1862, Napoleon III and 6,000 French soldiers began their march of destruction, intending to ultimately reach and capture Mexico City. But on May 5, 1862, "El Cinco de Mayo," the French were dealt their first major setback of the Mexican campaign in the village of Puebla. A small band of Mexican guerrillas, utilizing a surprise attack, successfully drove back the powerful French forces.

Infuriated by this embarrassing defeat, Napoleon again confronted the Mexicans at Puebla, this time with an additional 30,000 soldiers. And the defeat of the determined, courageous Mexicans became inevitable. Consequently, for the next 5 years, Mexico suffered under the tyranny of dictatorial rule.

But the loyalists, unwilling to accept the monarchy, continued to secretly disrupt the government using guerrilla tactics. A successful revolt in 1867 resulted in the final capture and execution of the emperor, thus forcing the French to leave Mexico.

Mr. President, the day the courageous Mexican patriots first defeated the overpowering forces of the French, May 5, is still remembered with great joy and pride. "El Cinco de Mayo" is a day for all Americans to pay tribute to the courage of those men who defended the cause of freedom and self-determination at the risk of everything.

It is a personal privilege to join my fellow 95,000 Spanish-speaking New Jersey residents in celebrating "El Cinco de Mayo" and reflect upon a truly significant moment in the history of man's struggle for liberty.

NORTHEAST CORRIDOR TRANSPORTATION SYSTEMS ANALYSIS RELEASED

Mr. PELL. Mr. President, I wish to take note of the final release by the Department of Transportation of the Northeast Corridor Transportation Project Report.

While I am delighted that the report has finally been made public, I would note with much regret that the Department of Transportation did not see fit to provide this information to the Senate when we were in the process of preparing legislation to aid the railroads.

I think this excellent systems study would have provided us with a more enlightened perspective on the rail passenger problem.

I also wish to commend Dr. Robert A. Nelson, the former Director of the Office of High Speed Ground Transportation, who worked long and hard in the preparation of the report.

I ask unanimous consent that the executive summary of the Northeast Corridor Transportation Project Report consisting of pages S1 through S30 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NORTHEAST CORRIDOR TRANSPORTATION PROJECT STUDY

EXECUTIVE SUMMARY

Conclusions

The Northeast Corridor Transportation Project, through a comprehensive systems analysis approach, is engaged in analyzing and evaluating the transportation needs of the Northeast Corridor through 1980. This report presents some conclusions about the prospects of intercity passenger transportation in the Corridor and suggests ways in which transportation developments can be made more responsive to the Corridor's needs.

The following general conclusions about the future of intercity passenger transportation in the Corridor have resulted from analyses and evaluations conducted to date:

Auto transportation will continue as the strongly dominant mode of intercity Corridor transportation, at least through 1980, regardless of the improvements which can feasibly be made to other modes.

The effectiveness of intercity line-haul common carriers in improving door-to-door passenger service will be seriously limited in the Corridor's larger metropolitan areas by delays and relative slowness of local access to and egress from transportation terminals.

Without substantial action by the government agencies responsible for intercity passenger transportation in the Corridor area, the following results are probable in the Northeast Corridor:

(1) Major capabilities for the provision of rail passenger service will not be used;

(2) The potential for short and intermediate haul air transportation may not be exploited;

(3) Downtown-to-downtown intercity passenger transportation will, in large metropolitan areas, contribute to congestion on urban transportation facilities.

(4) Transportation facilities which present to travelers high personal accident hazard, which contribute heavily to air pollution, and which have heavy requirements for land will continue to expand;

(5) Less populated areas of the Corridor—rural and suburban—will lose common carrier intercity transportation service;

(6) The several modes of passenger transportation in the Corridor—auto, bus, air, and rail—will not be coordinated in ways which will improve service and raise efficiency.

The Northeast Corridor Transportation Project has depicted and evaluated several ways by which the Corridor transportation system could be made more responsive to the economic, political and social development of the region. Nine possible and widely different transportation systems which might be made operational in the Northeast Corridor in the 1975–80 period were analyzed and simulated, with the following salient conclusions: [1]

Boston to Washington rail passenger service approximating the level of performance of the Metroliners would achieve more efficient utilization of present rail capacity for mainline passenger service and would realize additional revenue in excess of additional costs. For several reasons, including the high cost of capital to the railroads in the Corridor, it is unlikely that the privately owned railroads in the Corridor will choose to provide such service without public support;

Improvements to the existing Boston-Washington mainline of the Penn Central Railroad costing up to $1.3 billion would result in substantially better transportation service to the centers of major metropolitan areas of the Corridor and would yield additional revenues sufficient to cover additional costs, including capital costs of 10 percent per year. These improvements can be made on an incremental basis thus permitting at each step a testing of the attractiveness of better service. Since it appears that the difference between incremental revenue and costs would be greatest at a level of improvement far short of $1.3 billion it seems even less likely that railroads would provide such a level of service without public support;

Short take-off and landing (STOL) and vertical take-off and landing (VTOL) aircraft modes would provide intercity transportation services throughout the Northeast Corridor yielding before-tax revenues sufficient to cover all non-government costs including capital charges at 10 percent per year. STOL and VTOL operation would require some improvement in air navigational technology and in environmental impact planning but only small technological improvements for aircraft;

Two new high-speed ground modes—one, a completely new rail system, and the second, a tracked air cushion vehicle system—would greatly improve intercity transportation along the spine of the Corridor. At the present stage in the analysis, it appears that neither of these two ground modes would be commercially viable within the next decade if a capital cost rate of 10 percent is required;

A combination of vertical take-off and landing (VTOL) air transportation and a high-speed ground mode would provide the widest choice of improved intercity passenger transportation in the Corridor, would generate the largest patronage, and would require the largest operating costs and capital outlays.

The analysis in the Northeast Corridor Transportation Project, to date, has been most useful when applied to the evaluation of the potential commercial viability of the nine alternative systems. An effort was made however, as will be shown in the body of the report, to appraise each mode in terms of its environmental impact, dependence on improved terminal access-egress, dependability under all-weather conditions, improved safety, and flexibility to service occasional demand peaks. Depending upon the weighting of these considerations by public agencies, relative evaluations of the different systems may change.

The use of comprehensive systems analysis, such as carried on by the Northeast Corridor Transportation Project, can significantly reduce the probability of making capital outlays for transportation which are not responsive to public need or which may constitute inefficient ways of responding to public need.

Background of the corridor transportation problem

The Northeast Corridor is faced with growing demands for transportation which have been created by an expanding, ever more interdependent economy and an increasingly mobile society. Those who live, work and travel in the Corridor would probably regard such a conclusion as obvious. What is not so clear is how best to deal with the challenge that this pattern of growth presents. The problem is not in knowing that trans-

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[1] Such conclusions could, of course, change as further data and research results become available.

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portation facilities in the region need to be expanded and improved, but in deciding what improvements should consist of; where they should be located; when they should be introduced; and how they should be managed, financed, and operated.

Past Approaches

Traditionally, decisions of this nature have largely been made either by the private sector or, where private enterprise has not been practical or has not functioned in the public interest, by independently exercised local and state initiative, with some modicum of Federal involvement. This approach has worked fairly well in the past. After World War II the explosion in automobile production and ownership, accompanied by a shift of population to the suburbs, quite clearly pointed to the need for an expanded highway construction program. The opportunity to exploit, for civil purposes, the great advances in aviation technology gained during the war stimulated public support of airport and air navigation development.

As a result of emphasis and encouragement through public policy, both air and highway transportation have in the past two decades enjoyed consistent and substantial rates of growth and have unquestionably satisfied great public needs. Strong trends in the growth and distribution of population and economic activity in the Corridor have, however, tended to change the region's needs for transportation. These two trends are (1) the increasing concentration of population and employment in Standard Metropolitan Statistical Areas (SMSA's) defined as communities having populations of 50,000 persons or more, and (2) dispersal of population and employment away from urban cores into the suburbs.

Population and Employment Trends

By 1980, over 46 million people will live in SMSA's in the Corridor and about 8.3 million in rural areas. The distribution of population and employment between suburban and core areas through 1980 is more difficult to predict. While there have been pronounced population shifts into the suburbs in the last decade, there have also been large migrations into the Corridor's urban cores from regions outside the Corridor. Nevertheless, between 1950 and 1960 the major urban cores in the Corridor lost about five percent in both population and employment while the suburbs gained over 40 percent. The effects of these changes, even if their pace were slowed, will have important impacts on the Corridor's life patterns for years to come.

CHANGING NEEDS FOR TRANSPORTATION

The trends of population and employment toward metropolitan areas and from the metropolitan cores to their suburbs are undoubtedly responsible for many of the complaints of congestion and delay persistently leveled against the transportation system of the Corridor. Neither highway nor air transportation in their present forms are well suited to the increasingly tight constraints of space in the Corridor; both modes require for efficient operation relatively large amounts of space per unit of traffic. Air transportation's primary advantage, namely speed, is being seriously diminished for short and intermediate trips within the region by congestion in the air and on the ground. In the Corridor, gate-to-gate times between major airports have remained essentially unchanged over the past dozen years—and have risen in some instances—despite a 30 to 40 percent increase in aircraft cruising speeds.

A comparable situation is emerging in highway transportation. The toll roads built in the early 1950's and the facilities constructed under the Interstate highway program have expanded the flow of intercity highway traffic in the Corridor considerably, especially in suburban and rural areas. But congestion in and around metropolitan centers, particularly during peak periods, has tended to reduce the advantages of freeway travel. New roads and highways, constructed to relieve congestion, have often encouraged new traffic to the point that delays in related parts of the highway network have been increased rather than reduced. Public frustration, a sense of crowding, and concern over wasted resources are all natural responses to this cycle of temporary relief and chronic congestion. Thus, the approaches to transportation problems which seemed to be so obvious 20 years ago do not seem so clearly to meet the Corridor's needs today.

THE IMPACT OF URBAN CONGESTION

A major reason for the present inadequacy of short and intermediate intercity passenger transportation is that we have not yet managed to cope effectively with the problems of transportation within large urban areas. Since the Northeast Corridor is preeminently a region of large cities, a very high proportion of all intercity travel in the Corridor involves one or more large metropolitan areas. Hence, the quality of intercity transportation in this region depends in large measure on the relative ease of circulation within metropolitan areas.

The nature and extent of improvements in urban transportation are highly uncertain, and this uncertainty must inevitably impinge upon decisions which might be made about the intercity system. For example, a policy of enhancing, through continued development of urban beltways, the accessibility of suburban (as contrasted to inner-city) portions of metropolitan areas would tend to predispose intercity transport development toward modes such as V/STOL which would be oriented to the metropolitan periphery. If, on the other hand, greater emphasis were placed on enhancing accessibility to the city core through improving and developing radial urban rapid transit, then building intercity high speed ground modes which would penetrate to city centers would be more appropriate.

PROBLEMS OF COORDINATION

Uncertainties about the directions which should be followed to make intercity transportation more effective in meeting the Corridor's needs are heightened by the region's loose and largely uncoordinated decision-making structure for transportation. Ten States plus the District of Columbia and well over a dozen major regional agencies have responsibility and authority for transportation planning and investment in the Corridor. To the authority and responsibilities which these agencies have, must be added the interests of the Federal Government and a myriad of private firms. Few statutory procedures exist which could bring coordination to the planning of transportation improvements in the Corridor. The result is that decisions are often made in one jurisdiction without adequate consideration of their effects on other jurisdictions. It is reasonable to assume that the bottlenecks and discontinuities in the Corridor transportation system today will not be dealt with satisfactorily without increased attention devoted to coordination between agencies in the Corridor involved in transportation.

All things considered there are no obvious solutions to the problems of intercity transportation in the Northeast Corridor. Additions to highway and air facilities have come to contribute less and less to the effectiveness of transportation systems in heavily urbanized regions. Railroads, once the mainstay of the Corridor's intercity passenger transportation, have had declining passenger patronage since World War II. The decision-making structure is fractionated and does not focus on transportation as a system, and even if it were to, neither tools nor data have been available for comprehensive approaches to transportation planning.

Adoption of a systems approach

Recognition of the growing ailments of the transportation system of the Northeast Corridor and of the shortcomings of existing policies as remedies led in 1964 to establishment of the Northeast Corridor Transportation Project. In a deliberately experimental way, the Corridor project was to be a systematic attempt at determining the intercity transportation facility requirements of a major region of the Nation. In making this attempt, the project was charged (1) to analyze the complex interactions between transportation and structure of economic and demographic development of the Corridor, (2) to forecast the demand for intercity transportation services by mode in the Corridor, (3) to describe the characteristics of transportation services that might be supplied, and (4) in doing all this to give full consideration to the potential of dynamic, innovative transport technology.[2]

Development of a model system

In five years, starting at a very inchoate level of knowledge and methodology, the Northeast Corridor project has fulfilled many, although clearly not all, of these assignments. Using systems analysis techniques and newly developed computer capabilities, progress has been made in developing and applying a comprehensive, general approach to regional transportation analysis. The most important achievement of the Corridor project up to now has been to develop, link together, and operate several models in an interactive process which simulates the forces of transportation supply and demand in the Corridor. The resulting system of models permits examination of the effects of changes upon the competitive interrelationships among modes, and also of interactions between transportation and other sectors of the Corridor economy. A dynamic model process of this nature has not been applied before to regional transportation in the U.S. The basic elements of the model system are as follows:

An econometric model which forecasts population, income, employment, and land use for each of 131 analysis districts (mostly counties) of the Northeast Corridor.

A demand model which predicts intercity passenger travel in the Corridor by city pairs and by modes of travel.

Supply models for air and high speed ground modes which are sensitive to changes in output levels.

Cost models which, based on parametric relationships, predict elements of mode and system cost.

Impact models which predict the effect of transportation changes on population, employment, income and land use in county-size analysis areas.

Supply-demand balancing techniques which make possible simulation of supply-demand equilibrium.

Usefulness of the Model System

The individual models suffer from many shortcomings and hence the results of the model/simulation process should be treated with caution. Nevertheless the performance of the models in evaluating the transportation system alternatives discussed in this report is satisfying both to intuition and to experience. With few exceptions the models produce results which are credible when related to real world situations and their use almost certainly can enhance our ability to make better decisions. Moreover, the process of modeling the Corridor transportation system has substantially raised the level of insights into the workings of the transportation system particularly in application to subareas of the Corridor such as states and counties. It would on the other hand, be a mistake to accept too literally the results of the model simulation process.

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[2] This approach was recommended in an executive agency task force report in late 1962.

The models for forecasting transportation demand have proved their capability to predict the "split" of demand among several competing modes. This allocation of demand among the modes is based not on each mode *per se* but on three basic characteristics of transportation service; namely, trip time, user cost and frequency of service. By approaching the modal split in this way it becomes possible to predict the response of the travel market to totally new modes such as tracked air cushion vehicles (TACV). Reliance by the model on three characteristics of transportation to determine modal split undoubtedly omits some of the factors which influence travel behavior. In the analysis of transportation alternatives in this report other considerations such as comfort, safety, and fashion have been assumed to be equal among the modes. When these attributes differ to a degree which significantly effects modal split, the Corridor demand model becomes less useful.

The development of techniques to forecast impacts of transportation on population, employment, and other economic variables by area has been the major thrust in the attempt to measure the interaction between transportation and its social, political and economic environment. The Corridor impact models show only small effects resulting from the intercity passenger travel changes evaluated in this report. This was to be expected. Indications are that the impact of changes in freight transportation would be much greater. At this time, however, data on freight movements do not exist in the Corridor or elsewhere upon which to test the predictive capability of the impact models. Reliance for model formulation and calibration on patched and stitched-together data must raise an element of uncertainty about results and suggests strongly the need for continued emphasis on a transportation data program.

The development of the Corridor models and procedures is continuing with the goal of producing a set of tools generally useful for the comparison and evaluation of transportation system improvements. The Corridor models can be applied to Corridor transportation in a longer time frame than has been done in this report; they can, with further development, also be applied to the evaluation of freight transportation systems. It should be pointed out, however, that while the models can, with relatively small but necessary recalibration, be applied to intercity passenger movement in other Corridor-type regions of the U.S., they cannot be used in their present form to predict intra-urban passenger traffic. Intra-urban travel and the behavior patterns of commuters are subject to many other influences than those used in determining intercity transportation.

Application of the Models to Alternative Transportation Systems

It was understood at the outset of the Corridor project that transportation system changes tend to have wide implications for regional development and for many other aspects of public policy beyond the sphere of transportation. It was clearly not appropriate for the Northeast Corridor project staff to decide which of these public policies should be pursued. Therefore, a basic premise of the Corridor project has been that the project would evaluate and report on a number of alternative transportation systems which would be responsive to a wide range of policy options. This strategy was intended to permit responsible officials at the Federal level and in the Corridor to relate transportation to fundamental policy objectives. For purposes of the evaluations reported on here the following public policy options were emphasized:

(1) *Degree of technological innovation*—ranging from continued evolutionary development of the present set of modes and services to a quite radical departure involving the introduction of a combination of advanced ground and air modes;

(2) *Emphasis on suburban or central city service*—ranging from ground modes penetrating the city core via tunnels to air systems largely serving the periphery of metropolitan areas;

(3) *Magnitude of capital cost*—ranging from minimal investment in new equipment to multi-billion dollar new investment in fixed facilities and equipment;

(4) *Service characteristics*—ranging from high capacity modes operating on fixed rights-of-way to more flexible systems capable of providing service over a wide area;

(5) *Degree of private vs. public investment*—ranging from systems which could be sustained by private investment and ownership to systems which would require Government support for their construction and operation;

(6) *Requirements for institutional change*—ranging from alternatives which would require only nominal intergovernmental coordination under existing statutory authorization to those which would require new legislation and extensive coordination at Federal, State, and local levels.[3]

Alternative passenger transportation systems for the northeast corridor, 1975-80

The nine alternative systems start with the existing transportation system of the Northeast Corridor projected to 1975–80, and add five new modes in varying combinations with the existing system and with each other—as shown in Table S–1. The designed service pattern of each alternative is generally north-south between Washington and Boston. Each of the high speed ground modes—demonstration rail, high speed rail A, high speed rail C and tracked air cushion vehicles—was designed to serve terminals at Washington and Boston and seven intermediate points in Providence, western Connecticut, New York City, northern New Jersey, Trenton, Philadelphia and Baltimore. The air and highway modes serve more dispersed patterns based on existing networks.

Alternatives I and II

Alternatives I and II would require capital expenditures by 1975 of about $70 million for equipment and grade crossing elimination.

Both alternatives would expand the present fleet of Metroliners and Turbo trains in accordance with increases in demand. Relatively small improvements in roadbed would focus primarily on eliminating highway-rail grade crossings. The annualized equipment cost and roadbed improvements costs would be less than half the additional revenues realized from the DEMO level of operation. (See Summary Table S–4) Although patronage of rail passenger service to Boston-Washington and intermediate points would increase between 1968 and 1975, rail passenger patronage as a whole in the Corridor would decline. The breakdown of the Corridor intercity travel market by modal shares in 1968 and 1975 is shown in the following:

SHARES OF CORRIDOR INTERCITY TRAVEL MARKET BY MODE, PERCENT PASSENGER-MILES—ALTERNATIVE I

Year	Auto	Bus	Rail	Air
1968	68	8	13	11
1975	73	9	9	9

Although alternatives I and II do no more for the ground modes than add demonstration rail, even this minimal action would probably require Federal legislative action of some kind. It is not certain that without such legislation the present Metroliner and Turbo train services inaugurated for two years in response to Federally supported high speed ground transportation demonstrations would continue and, in response to demand, expand through 1975.

TABLE S–1. Nine Passenger Transportation System Alternatives for the Northeast Corridor—Alternative and Modal Composition

I. Auto, Bus Conventional Air (CTOL) Demonstration Rail (DEMO)—Demonstration rail assumes that the present Metroliner and Turbo train services will be expanded and extended through 1975—125 mph.

II. Auto, Bus, CTOL, DEMO; Short Take-Off and Landing Air (STOL)—370 mph.

III. Auto, Bus, CTOL, STOL; High Speed Rail "A" (HSRA)—150 mph.

IV. Auto, Bus, CTOL, STOL; High Speed Rail "C" (HSRC)—200 mph.

V. Auto, Bus, CTOL, STOL; Tracked Air Cushion Vehicle (TACV)—300 mph.

VI. Auto, Bus, CTOL, STOL, DEMO; Vertical Take-Off and Landing Air (VTOL)—265 mph.

VII. Auto, Bus, CTOL, STOL; VTOL & HSRA.

VIII. Auto, Bus, CTOL, STOL; VTOL & HSRC.

IX. Auto, Bus, CTOL, STOL, VTOL & TACV.

TABLE S–2.—RELATIONSHIP BETWEEN TRANSPORTATION SYSTEM ALTERNATIVES AND PUBLIC POLICY OPTIONS

		Policy options					
Alternatives	New modes[1]	Degree of technological innovation	Orientation to metropolitan area	Capital cost	Service characteristics	Public support required	Institutional change required
I	Demo	None	Center city	Low	Fixed linear	No	Little.
II	Demo and STOL	do	Center city and suburbs.	do	Mixed	No	Do.
III	HSRA	Some	Center city	Medium	Fixed linear	Yes	Large.
IV	HSRC	do	do	High	do	Yes	Do.
V	TACV	Much	do	do	do	Yes	Do.
VI	VTOL	Some	Suburbs	Low	Flexible dispersed.	No	Little.
VII	VTOL and HSRA	do	Center city and suburbs.	Medium	Mixed	Yes	Large.
VIII	VTOL and HSRC	do	do	High	do	Yes	Do.
IX	VTOL and TACV	Much	do	do	do	Yes	Do.

[1] Auto, bus, and conventional air are included in all alternatives; STOL is included in alternatives II through IX.

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[3] See Table S–2 for the relationship between these six policy options and the nine alternative transportation systems analyzed by the project.

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Under alternative I total new public capital expenditures between 1968 and 1975 for intercity passenger transportation in the Northeast Corridor would be $3 billion. Most of this outlay would be for expansion of the existing highway and air modes.[4]

Across the board, alternative I would make only small improvements in the quality of transportation service in the Corridor. Alternative II, as well, would offer only limited improvement in the quality of intercity passenger service in the Northeast Corridor although it would emphasize the provision of STOL service to the periphery of metropolitan areas. Traffic attracted to STOL would tend to reduce the share of CTOL below its share in alternative I. The share of Corridor traffic going to air, auto, rail and bus would change between alternative I and alternative II as follows:

SHARES OF CORRIDOR INTERCITY TRAVEL MARKET BY MODE IN 1975 PERCENT PASSENGER-MILES

Alternatives	CTOL	STOL	Auto	Rail	Bus
I	9		73	9	9
II	3	12	68	8	9

Since STOL service in alternative II (as well as in alternatives III through IX) would be commercially viable, new Federal Government expenditures would be required only to provide supplemental air navigation facilities.

Alternatives III, IV, and V

Alternatives III, IV, and V would introduce major improvements in city-center-to-city-center high-speed ground transportation. The high-speed ground mode in alternative II would rely on existing railroad rights-of-way; the high-speed ground modes in alternative IV and V would require completely new rights-of-way. Alternative III would require capital expenditure for all new modes of $1.8 billion; alternative IV, $2.8 billion; and alternative V, $3.5 billion.

HSRA would require only moderate technological advance; HSRC would require substantial R & D expenditure to bring rail operating speeds up to 200 mph; TACV would require an extensive program of R & D to achieve 300 mph operating capability.

Alternatives III, IV, and V would utilize centrally generated electric power and would operate underground in urban areas. Therefore, their effect on land use, noise, and air pollution would be minimal.

The share of total intercity passenger traffic in 1975 which would be captured by the high-speed ground modes is shown in the following:

SHARES OF CORRIDOR INTERCITY TRAVEL MARKET BY HSGT MODE PERCENT PASSENGER-MILES

Alternative II (DEMO)	8
Alternative III (HSRA)	12
Alternative IV (HSRC)	15
Alternative V (TACV)	18

Forecasts for the three new ground modes indicate that they would not be commercially viable in the year 1975, assuming a capital cost of 10 percent, and would probably not be commercially viable for the 10 to 15 years beyond 1975. In the year 1975, largely as a result of interest charges on the initial investment in right-of-way and track, HSRA in alternative III would incur a deficit of $27 million; HSRC in alternative IV, a deficit of $67 million; and TACV in alternative V, a deficit of $103 million. Thus, at least at the outset, the high-speed ground modes would presumably require substantial public support. This could be achieved through subsidy to a private corporation, establishment of an authority, charter of a public corporation, or through outright Federal ownership.

It should be emphasized that the high speed modes, because of their high capital costs, are highly sensitive to the interest rate chosen and passenger demand actually realized. For example, if the cost of capital were lowered to six percent, the ground modes could be commercially viable in 1975; on the other hand, a rise in the cost of capital above ten percent would intensify the magnitude of the potential deficit. Similarly, if the actual demand were in error by 12 to 25 percent, the deficit would disappear or intensify.

Alternative VI

Alternative VI would add VTOL to alternative II. The performance characteristics of VTOL would be responsive to the migration of Corridor population and employment from center city to suburbs. The resulting combination of the existing modes and VTOL would emphasize service to suburban areas. Heliports and flight paths could be located so as to minimize the adverse impact of noise. Where practical, VTOL would be designed to provide service to downtown as well as to the suburbs; however, emphasis in alternative VI would be frequent service to heliports located on the periphery of metropolitan areas.

Revenues from VTOL service would be sufficient to cover research and development and terminal costs. This analysis did not include some additional expenditure, presumably public, which would have to be made on VTOL for the development and implementation of air navigation facilities and air traffic control techniques. Also, although it was not included as a cost of VTOL operation in alternative VI, research and development to reduce aircraft noise appears necessary. In comparison with the total cost of the VTOL mode, these additional costs do not appear to be large.

Since VTOL in alternative VI could be self-sufficient, presumably service would be provided by one or more privately financed, certificated carriers.

The shares of the traffic which would result from alternative VI as compared to alternative II are shown in the following:

SHARES OF CORRIDOR INTERCITY TRAVEL MARKET BY MODE PERCENT PASSENGER-MILES

Alternative	CTOL	STOL	VTOL	Auto	Rail	Bus
VI	2	10	14	60	7	7
II	3	12		68	8	9

Alternatives VII, VIII, IX

These three alternatives would combine VTOL with HSRA, HSRC, and TACV respectively. The resulting systems would greatly improve transportation service to the downtown areas of the cities "on line" between Boston and Washington and, like alternative VI, would provide better service to the suburbs of metropolitan regions in the Corridor.

VTOL would continue to be self-sufficient in all three alternatives. Capital cost for the ground modes would be slightly less than in alternatives III, IV, and V. Annual deficits, however, would increase as shown in Summary Table S-4. Thus, public support would have to be provided for construction and operation of the ground modes.

Total transportation service in the Corridor would be increased substantially in its quality and probably in its use. Projected shares of intercity Corridor passenger traffic under alternatives VII, VIII, and IX are shown in the following:

SHARES OF CORRIDOR INTERCITY TRAVEL MARKET BY MODE PERCENT PASSENGER-MILES

Alternative	C/STOL	Auto	Bus	VTOL	HSRA	HSRC	TACV
VII	11	58	7	14	10		
VIII	11	56	7	13		13	
IX	10	55	7	13			15

Second Order Rail Alternatives

The ground modes in alternatives II and III represent the minimum and probably the maximum improved conditions applicable to the existing Penn Central Railroad route between Washington and Boston. Almost a continuum of possible improvement options exists, however, between these extremes. In order to obtain an indication of the economic feasibility of these improvements, the Corridor model system was applied to nine intermediate levels of improvement between alternatives II and III.

The analysis was conducted by delineating a number of separate projects such as laying welded rail, easing curves, rebuilding bridges, and building new tunnels and bypasses, and determining the costs and running time savings attributable to each project. By using the passenger loadings for each link of the DEMO mode in alternative II, the passenger-minutes saved per dollar of expenditure for each project were calculated and the projects were ranked according to this ratio.

For the analysis, nine levels covering the range of improvements were selected. For each of these levels calculations were made using the NECTP model system to determine additional patronage, gross additional revenues, additional operating costs, annual charges for new investment, and additional net revenues.

The conclusions to be drawn from this analysis are as follows:

1. The maximum benefits to the operator would occur at a level of improvement representing a capital expenditure of $186.5 million (including $78.2 million for vehicles). Annual gross revenues at this level of improvement for 1975 would be $25.9 million more than rail (DEMO) in alternative II, while annual systems costs would be $18.3 million higher than the DEMO costs. The total surplus of additional revenues in 1975 over additional costs annualized for 1975 would be $83 million. This level of improvement results in a 25 percent patronage increase over rail in alternative II.

2. Up to a capital expenditure of $1.3 billion, 1975 annual gross revenues (additional) would exceed annual systems costs (additional). At this investment level, representing a 50 percent increase in patronage over DEMO, annualized additional costs and gross 1975 revenues would be equal.

3. From the level of improvement representing maximum net revenues to the operator to the level of improvements represented by HSRA in alternative III, net revenues would drop. At the upper levels of improvement, costs of capital would become a very significant element of total cost.

Intermodal and Intergovernmental Coordination

Each of the nine transportation system alternatives would require some degree of intergovernmental cooperation for effective planning and implementation. In a broad sense, the efforts represented in this report reflect the need for a coordinated "system" approach to transportation planning. Thus, each alternative should be regarded in a real sense as a system, requiring coordination among the modes if maximum benefits are to be achieved. The degree of coordination needed would vary with the mode in question. Both STOL and VTOL would require coordinated action on the part of the Federal agencies involved (presumably the Department of Transportation and the Civil Aeronautics Board) and the private carrier or carriers, and with the local jurisdictions in which STOL ports or heliports would be located. DEMO and HSRA would require extended cooperation between the Penn Central Railroad and the Federal Government for funding and, perhaps, operation of services. HSRC and TACV both require extensive intergovernmental coordination for acquisition of new rights-of-way and for construction and operation.

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[4] All the alternatives assume that current plans for highways and CTOL will be implemented.

All systems would benefit from continuous central coordination by the Federal Government or by a regional agency to assure effective and efficient matching of facilities and services of the modes with each other and with demand as a whole.

Following in Tables S-3 and S-4 are summaries of performance and operating characteristics of the nine alternative systems.

TABLE S-3.—SUMMARY OF MAJOR CHARACTERISTICS OF NECTP TRANSPORTATION SYSTEM ALTERNATIVES

Alternatives	New modes	Sustainable top speed, m.p.h.	Average speed[1] Terminal to terminal, m.p.h.	Average speed[1] Door to door, m.p.h.	Total corridor intercity travel,[2] billion passenger miles
I	DEMO	125	72	46	19.4
II	DEMO	125	72	46	20.3
	STOL[3]	370	141	63	
III	HSRA	150	109	58	21.1
IV	HSRC	200	152	71	21.7
V	TACV	300	198	79	22.3
VI	VTOL	265	147	74	20.3
VII	VTOL	265	151	70	20.8
	HSRA	150	109	57	
VIII	VTOL	265	152	70	21.5
	HSRC	200	157	70	
IX	VTOL	265	144	70	22.1
	TACV	300	205	78	

[1] Statistical averages computed for each mode by dividing total passenger hours into total passenger miles. Note the controlling influence of access-egress time on door-to-door speeds.

[2] Includes auto.

[3] STOL is included in alternatives II through IX.

TABLE S-4.—SUMMARY OF FINANCIAL CHARACTERISTICS OF NECTP TRANSPORTATION SYSTEM ALTERNATIVES

Alternatives	New modes	Total capital cost[1]	Incremental annualized costs[1]	Annual revenues[1]	Annualized surplus or (deficit) in 1975[1,2]
I	DEMO	$70	$61	$144	$83
II	DEMO	69	60	141	81
	STOL[3]	195	244	244	0
III	HSRA	1,590	240	213	(27)
IV	HSRC	2,600	355	288	(67)
V	TACV	3,340	452	349	(103)
VI	VTOL	1,060	318	318	0
VII	VTOL	$966	$310	$310	$0
	HSRA	1,580	230	175	(55)
VIII	VTOL	971	292	292	0
	HSRC	2,590	340	240	(100)
IX	VTOL	966	291	291	0
	TACV	3,330	440	292	(148)

[1] Dollars multiplied by 10^6.

[2] STOL and VTOL service and fare levels were set to achieve break-even operation at a 10 percent return on investment; HSRA, HSRC and TACV service levels were set to maximize profits (reveuues less costs); DEMO figure represents the difference between incremental revenues and incremental costs to provide DEMO service. It does not reflect any allocation to DEMO service of costs currently borne by the railroad.

[3] STOL is included in alternatives II through IX.

CURRENT APPLICATIONS AND FUTURE DIRECTIONS

The creation and successful application of the Northeast Corridor Transportation Project model system constitute a significant step forward in multi-model transportation investment evaluation. A model structure capable of depicting the interactions of the major elements of a transportation system has now been applied to a set of real-world problems in a highly industrialized region.

In addition to the applications and results presented in this report, the model system already is being used to provide inputs to Department of Transportation policy planning and decision-making in a number of related areas. For example, NEC models have supported work on (1) future utilization of STOL and VTOL aircraft; (2) initial planning for TACV demonstration; (3) identification of HSGT research and development priorities; and (4) the rail passenger network problems. In these applications, the model/simulation system has demonstrated a capability for projecting patronage, as well as demographic effects of major transportation system changes, at levels of detail and precision useful for planners.

A complete description of potential applications of the models and methodology would encompass support to almost all regional freight and passenger transportation policy responsibilities of the Department of Transportation itself. Figures S-2, S-3, and S-4 present specific examples of applications of Project capabilities. These are tabulated by time period to portray (1) current applications; (2) new uses after interim improvements in the model are completed by 1971; and (3) longer term developments and applications for 1972 and beyond.

The "Current" columns of the figures show a wide range of current uses of Corridor work, and emphasize the contribution to planning studies now underway.[5] The following questions taken from the broader more detailed list in the Figures illustrate current project capabilities:

What effect would introduction of high speed rail service have on the economic viability of STOL in the Corridor?

What city-pairs would benefit most from STOL service?

Can the declining rail patronage trend in the NEC be reversed through application of new technology and/or service improvements?

In future developments, Corridor work will be focused on near term efforts to extend the work at hand and strengthen utilization of Corridor models and data base within the Department. Evaluation methodology will be improved to integrate more fully the external costs and benefits over the life-cycle of the systems. The "1971" columns of the Figures show the progression of Corridor work through time, and show how the applications listed quickly lead to increased use of the model system outputs for decision-making. For example, extended work will contribute significantly to resolution of the following questions:

Which modal research and development efforts will have largest potential payoffs for short-haul passenger service?

What are the benefits and costs of improving urban access to intercity transport services?

What mix of CTOL-VTOL-STOL services should Government investment policy encourage?

Under what conditions would TACV be commercially successful in the Northeast Corridor?

In the more distant future, as the work is expanded to include examination of other corridors and other modes using improved techniques, many important decisions facing the Department will be affected by the improved ability to predict the impact of alternative courses of action available. Policy issues which would be addressed with expanded methodology are illustrated by the following questions:

How should investments be phased to balance line-haul improvements with better urban access?

Can application of new rail technology and/or service improvements reverse rail patronage trends in less congested corridors?

Should new freight modes be developed and implemented?

What impact would changes in passenger and freight transportation facilities have on employment, income, land use and population at local and regional levels?

Examples of additional decisions which could be supported by long-term expansion of capabilities are shown as underlined items in the "1972 and Beyond" columns of the tables.

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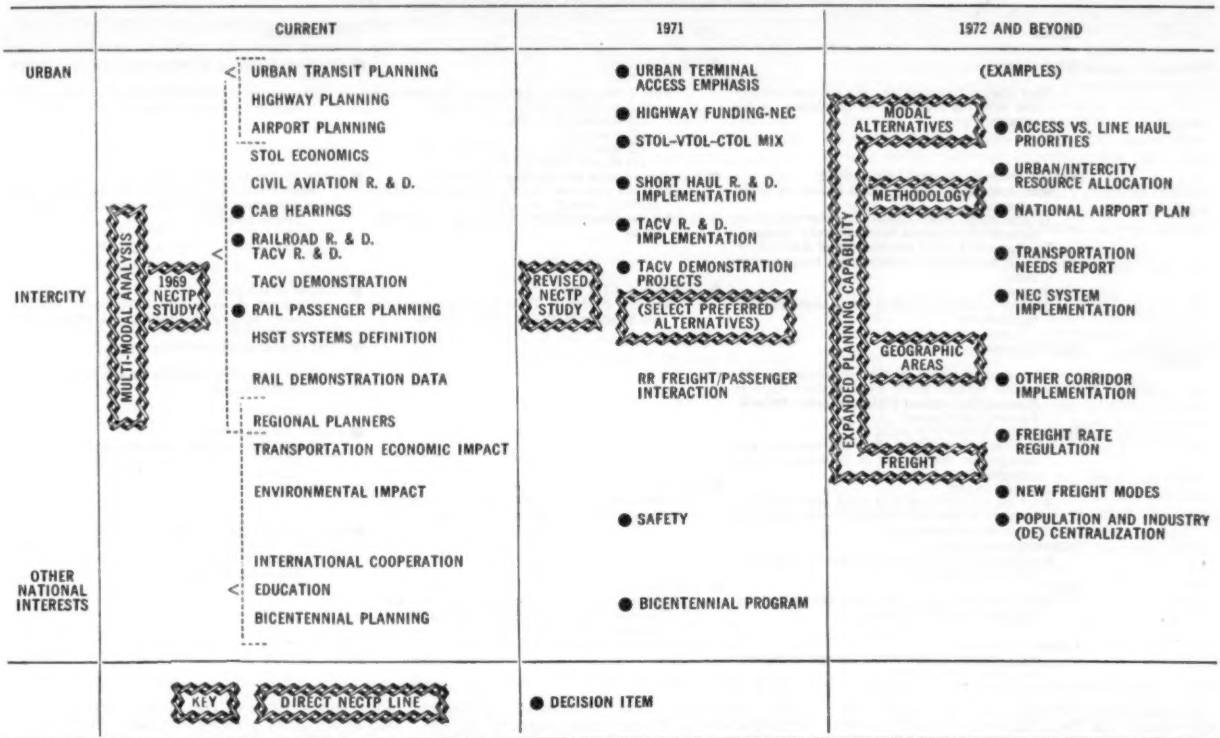
[5] Black dots and underlining in the Figures highlight decision points; lack of underlining points out general study work; and boxes delineate present and planned project outputs and methodological developments of the Corridor group.

CURRENT APPLICATIONS AND FUTURE DIRECTIONS


CURRENT
1971
1972 AND BEYOND
URBAN
INTERCITY
OTHER NATIONAL INTERESTS
MULTI-MODAL ANALYSIS
1969 NECTP STUDY
URBAN TRANSIT PLANNING
HIGHWAY PLANNING
AIRPORT PLANNING
STOL ECONOMICS
CIVIL AVIATION R. & D.
● CAB HEARINGS
● RAILROAD R. & D.
TACV R. & D.
TACV DEMONSTRATION
● RAIL PASSENGER PLANNING
HSGT SYSTEMS DEFINITION
RAIL DEMONSTRATION DATA
REGIONAL PLANNERS
TRANSPORTATION ECONOMIC IMPACT
ENVIRONMENTAL IMPACT
INTERNATIONAL COOPERATION
EDUCATION
BICENTENNIAL PLANNING
● URBAN TERMINAL ACCESS EMPHASIS
● HIGHWAY FUNDING-NEC
● STOL-VTOL-CTOL MIX
● SHORT HAUL R. & D. IMPLEMENTATION
● TACV R. & D. IMPLEMENTATION
● TACV DEMONSTRATION PROJECTS
REVISED NECTP STUDY
(SELECT PREFERRED ALTERNATIVES)
RR FREIGHT/PASSENGER INTERACTION
● SAFETY
● BICENTENNIAL PROGRAM
(EXAMPLES)
EXPANDED PLANNING CAPABILITY
MODAL ALTERNATIVES
METHODOLOGY
GEOGRAPHIC AREAS
FREIGHT
● ACCESS VS. LINE HAUL PRIORITIES
● URBAN/INTERCITY RESOURCE ALLOCATION
● NATIONAL AIRPORT PLAN
● TRANSPORTATION NEEDS REPORT
● NEC SYSTEM IMPLEMENTATION
● OTHER CORRIDOR IMPLEMENTATION
● FREIGHT RATE REGULATION
● NEW FREIGHT MODES
● POPULATION AND INDUSTRY (DE) CENTRALIZATION
KEY
DIRECT NECTP LINE
● DECISION ITEM

MULTIMODAL ANALYSIS APPLICATIONS—INTERCITY

	Current	1971	1972 and beyond
Intercity............	Passenger: New technologies: Which new technologies are economically viable?	● HSG—V/STOL: What mixes of transportation are most appropriate for different requirements?	● R. & D. requirements: Which R. & D. tasks have biggest net payoffs? How is intermodal integration best achieved?
	Highway planning: To what extent can intercity highway traffic be diverted to common carriers?	● Highway funding: What would the effect of diversion be on highway requirements?	How is the utilization of surface rights-of-way best designed to serve multiple modes?
	Airport planning: Identify CTOL airports in NEC whose air traffic might be reduced by the introduction of alternate modes.	● CTOL-VTOL-STOL mix: Which mix of these services should Government investment policy encourage? Specifically, location and utilization of such service.	
	STOL economic task force: What effect would the introduction of high-speed rail have on the economic viability of STOL in the NEC?		
	Civil Aviation R. & D.: What would be the benefits from alternative R. & D. expenditures?	● Short haul R. & D. implementation: What R. & D. expenditures have the largest potential payoffs for passenger service?	
	● CAB STOL hearings: What city pairs would benefit most from STOL service?		
	● Railroad R. & D.: What specific areas of R. & D. have most payoffs for railroad passenger investments (speed, frequency, comfort, terminals to ease access)?		
	HSGT R. & D.: What specific areas of R. & D. have most payoffs for passenger investments?		● Rail passenger planning: Can the application of new technology and/or service improvements reverse the rail patronage in less congested corridors?
	TACV demonstration: What kinds of information should the TACV demonstration be designed to produce?	● TACV projects: What conditions are required for an economically successful TACV mode in the NEC?	
	● Rail passenger planning: Can the declining rail patronage trend in the NEC be reversed through application of new technology?		● R. & D. planning and priorites: What priorities should be assigned to research and development in freight transport?
	HSG system definition: What configurations and operational characteristics should HSG systems have?		● Investment planning: Should new modes of freight transport be developed and implemented?
	Rail demo data: What kind of information should be produced and what experiments should be performed?		● Commodity rate and allocation decisions: Is rate regulation necessary? If regulation, should there be marginal cost pricing of freight rates?
	Freight.	Railroad freight/passenger interaction: Is high speed, high frequency passenger service compatible with Penn-Central freight operation?	● Regional impact: What impact would improved freight transport have on employment, income, land-use, and population trends at local and regional levels?

MULTI-MODAL ANALYSIS APPLICATIONS—URBAN AND OTHER NATIONAL INTEREST

	Current	1971	1972 and beyond
Urban	Urban planning: What intercity transportation service is most compatible with the movement of populations to the suburbs?	● Urban planning: What is the impact on metropolitan development attributable to intercity transportation? (1) Center city to suburbs (2) New cities (3) Retain green belts and rural areas (4) Outside cities and towns	● Coordinated phasing of access and line haul investment: How should investments be phased to balance line haul improvements with better urban access?
	Highway and mass transportation planning: What loads does intercity travel impose on urban systems? To what extent would capital investments in urban transportation systems benefit intercity travelers? To what extent would consideration of door-to-door travel requirements modify urban transportation plans?	● Highway and mass transportation funding: What are costs and benefits of improving urban access to intercity services? Are special-use terminal access facilities worthwhile?	● Urban/interurban resource allocation: What division of investment between urban and interurban transportation provides maximum overall benefits?
	Airport planning: Can high speed ground modes reduce airport building requirements?	● STOL, VTOL, CTOL mix: What mix of STOL or VTOL with conventional air will minimize loading of urban facilities?	● National airport plan: What set of airports best coordinates intercity needs with urban facilities, and ground mode capabilities?
Other nationa interests.	Regional planners: What transportation networks are compatible with specific regional plans? (New England Regional Planning Commission) (Delaware Valley Regional Planning Commission)?		● Other corridor implementation: What investment decisions are applicable to other corridor regions?
	Transportation economic impacts: How does transportation affect the economic and demographic development of northeast corridor subregions?		● Freight rate regulation: Can revision of freight rates provide better overall utilization of facilities and enhance regional growth?
	Environmental impact: What are the short and long range effects of transportation in the environment? (Noise, pollution, watershed alteration, etc.)	● Safety: What are the trade-offs between "costly-safe" modes and "less costly-unsafe" ones?	● Population and industry (DE) centralization: What transportation network configurations enhance desirable regional growth patterns for population and industry?
	International cooperation: What new and useful information can be exchanged with foreign planners?		
	Education: What new techniques might form a dot textbook on transport multimodal planning?	● Bicentennial program: What mix of modes will comprise a system to best represent U.S. progress, provide service to visitors and retain later utility?	
	Bicentennial plans: What are the feasible modes for use in the U.S. bicentennial celebration?		

In summary, through the Northeast Corridor work, the Department has taken a step forward in its attempts to resolve a number of the complex problems involved in allocating transportation resources. The new analytical tools and experience gained from the Corridor work will be one of the major building blocks around which a significantly strengthened Departmental multi-modal analysis and planning capability can be constructed.

Further development and application of the model system and methodology will offer major opportunities to improve transportation investment decision-making and the planning and management of the implementation of those decisions. Considering the magnitude of the resources involved, improvements in decisions growing out of the generation of improved information could well lead to significant savings.

EXCERPTS FROM TECHNICAL REPORT STANDARD TITLE PAGE

1. Report No.: NECTP-209.

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4. Title and Subtitle: Northeast Corridor Transportation Project Report; by Robert A. Nelson, Paul W. Shuldiner, Myron Miller, Robert L. Winestone, and others—other members of OHSGT who contributed were Philip J. Barbato, Wilbert E. Cantey, Melvyn Cheslow, Steven R. Ditmeyer, Nancy T. Ebersole, John Gerba, Harold Handerson, Eric H. Hanson, Donald J. Igo, Sung J. Kim, Frank J. Macklin and John C. Nelson.

5. Report Date: April 1970.

6. Performing Organization Code: OHSGT.

8. Performing Organization Report No.: 209.

9. Performing Organization Name and Address: Office of High Speed Ground Transportation, United States Department of Transportation, 400-6th Street SW., Washington, D.C.

12. Sponsoring Agency Name and Address: United States Department of Transportation, 800 Independence Avenue, Washington, D.C. 20591.

13. Type of Report and Period Covered: Status and results of project to date.

* * * * *

16. Abstract: The Northeast Corridor Transportation Project was charged to determine the intercity transportation facility requirements of the Northeast Corridor through 1980. The December 1969 report contains the following:

Executive Summary—Contains conclusions, background to the Corridor transportation problem, and study approach.

Chapter 1—A comparative analysis of the transportation alternatives as to their technical feasibility, economic costs and benefits and other impacts in the year 1975.

Chapter 2—A discussion of the actions required to implement the transportation alternatives.

Chapter 3—An examination of possible financing and management of new modes included in the alternatives.

Technical Appendices—Include advantages and disadvantages of various organizational alternatives, population growth patterns and the Corridor transportation system, methodology, description of the alternative systems, and exploratory studies and sensitivity tests.

The Corridor Report is supplemented by a set of 17 supporting documents which develop in greater detail the analysis and findings.

17. Key Words: Northeast Corridor, transportation planning, system analysis, system alternatives, systems engineering, facility requirements, impact analysis, model simulation, congestion, transport innovation, transportation coordination, regional transportation NECTP, high speed ground transportation, high speed rail, STOL, VTOL, TACV.

As a set, the following listed 17 reports provide detailed information on Northeast Corridor transportation and cover descriptions of the Corridor, its problems and prospects, project methodology, descriptions of alternative systems, and the cost analysis techniques upon which the findings of the main report are based. Included in the document set are:

NECTP* report number	Report titles	Contractor
	DESCRIPTION OF THE NORTHEAST CORRIDOR (NEC): TRANSPORTATION PROBLEMS AND PROSPECTS	
210	NEC Transportation: Problems and Prospects	Peat, Marwick Livingston and Co.
211	Status of the Transportation System and Plans for Improving Intercity Transportation in the NEC.	Do.
212	NEC Transportation Facts and Statistics	Do.
	PROJECT METHODOLOGY	
213	National Bureau of Standards Modeling for the NECTP	NBS.
214	HSGT Mode Service Analysis in NEC	TRW, Inc.
215	Air Mode Service Analysis in NEC	MITRE Corp.
216	TRANSOP Model Methodology	TRW, Inc.
217	Access and Demand Data Used in the Development and Calibration of NEC Transportation Models.	Peat, Marwick Livingston and Co.
218	Impact Studies: NECTP	CONSAD Research Corp.
230	Passenger Demand and Modal Split Models	Arthur Young & Co.
	MODAL DESCRIPTIONS	
219	HSGT Systems Engineering Study, Tracked Air Cushion Vehicles	TRW, Inc.
220	V/STOL Mode Descriptions	MITRE Corp.
	COSTING PROJECTIONS AND TECHNIQUES	
221	Prospective Costs of Capital in the NEC	Lionel D. Edie, Inc.
222	Cost Analyses for NECTP, vol. I, High Speed Ground Modes	Resource Management Corp.
223	Cost Analyses for NECTP, vol. II, Air and Highway Modes	MITRE Corp.
224	External Costs and Benefits Analyses, NECTP	Resource Management Corp.
225	Theory and Implementation of Cost and Benefit Analysis of Transportation Systems: The NECTP.	Resource Management and Mathematica.

*Reference to these reports is made by use of the NECTP number.

XUM

NARCOTICS

Mr. FANNIN. Mr. President, the illegal sale and use of narcotics has reached epidmic proportions in America. Drug use is escalating at an alarming rate among our youth. Narcotics are easily obtainable by teenagers and even youngsters in the elementary grades.

On April 25 I was privileged, along with Gov. Jack Williams, Congressman JOHN RHODES, Congressman SAM STEIGER, and Mayor John Driggs, to participate in a program in Phoenix, Ariz., which is unique in its approach to stopping the drug habit before it starts.

The program is called Dope Stop and it is operated almost entirely by high school students who are devoting many hours of their time to working among youngsters from the fifth, sixth, seventh, and eighth grades.

Art Linkletter said of Dope Stop:

> Of all the programs to curb narcotics use which I have investigated, Dope Stop looks to me to be the best.

Mr. Linkletter was the main speaker at the Dope Stop Teen Counselors meeting, which was attended by 2,500 youngsters.

The 90-minute program was broadcast live in KPHO–TV of Phoenix. Disc jockey Pat McMahon, of radio station KRIZ emceed the show with backup support from fellow disc jockeys Don Pietro and Phil Motta.

So you see, Mr. President, the community is not only aware of the dangers of the illegal drug traffic on the health and morals of our young people, but it is actively aware of the leading preventive educational roll of Dope Stop.

The idea of Dope Stop is simple. It is natural for grade school youngsters to wish to emulate those older than they are. That is where the Dope Stop teen counselors come into the picture. By setting a good example, the teen counselors alert the younger children to the folly of drug experimentation. Teams of high school students regularly visit the grade schools and talk about dope problems and the consequences. Nearly all the elementary school administrators are cooperating with the program. At first, some were skeptical until the high school students convinced them that they were indeed experts on the narcotics problem.

The idea for Dope Stop was conceived by Mr. John French while he was president of the Maricopa Mental Health Association.

Mr. French coined the name Dope Stop and developed the format. He assumed the directorship of the program upon expiration of his term as president. Mr. French is a Phoenix businessman, but he now devotes nearly 90 percent of his time to this volunteer work.

An outstanding job is also being turned in by Mr. Norman Hovda, who is the teen coordinator of Dope Stop.

Mr. Hovda is a young man 22 years old who has excellent credentials for his job of fighting drug abuse. He has told many times the story of his own experimentation with dangerous drugs during the first 3½ years of his college career. I have just been advised that he will be on the Art Linkletter program within the next couple of weeks.

How he came to kick the habit and his dedication to prevent others from going through the tortures he suffered is an inspiring story.

Mr. President, the Dope Stop program in Phoenix and its neighboring towns, I feel, will do more to halt narcotics abuse than all of the laws and jails in the country.

Other communities across this Nation would do well to look into a program of their own patterned after Dope Stop.

Mr. President, I ask unanimous consent that a related article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ART LINKLETTER DEBUNKS TOUGHER DOPE PENALTIES

(By Connie Cobb)

Tougher penalties for pushers won't solve the drug problem, television personality Art Linkletter told about 2,500 teen-agers yesterday at the TraveLodge Convention and Theater Center.

"Who would we arrest?" he asked as he explained a proposal to eliminate drug abuse by identifying and punishing all pushers.

"The pushers are the kids," he said. "They're the ones who say, 'Come on, try a reefer.' They're just like the grownups who say, 'It's 5 o'clock. Have a cocktail.' They're pushers, too, and they're pushing the worst drug of all.

"How about all the television stations, the magazines, the newspapers? We'd have to arrest them. They're pushers. They advertise pills to make you feel better. They push you into trying pills as if they're peanuts you pop into your mouth."

Each drug addict turns on one other person every nine months, he noted, "either through example or by pushing."

Linkletter told the teen-age counselors for Dope Stop of the suicide of his daughter, Diane, 20.

He said she jumped from a window of a six-floor apartment last October as the result of taking LSD.

"It's frightening," he said, "to think that kids are so anxious they'll risk their lives on something they know nothing about."

Taking LSD is like playing Russian roulette, he said: "The odds will catch up with you. You're safe until it kills you . . . How stupid it is to start the downward trail because you think you can handle it."

Linkletter criticized the Woodstock rock festival and rock music that advocates drug use. He received strong applause for his criticism of the festival.

"Something's wrong," he contended, "when the best you can say about 350,000 kids getting together is that there was no violence because they were all stoned out of their minds."

Emphasizing that not all rock groups are bad, he noted that "music is one of the most powerful ways of persuasion there is. So I take my cracks at groups like Jefferson Airplane and Grateful Dead that urge people to turn on.

"Theirs is the kind of music that should be banned from all airways, from all music stores. They do nothing but extol the delights of drugs."

Youths in the audience gave Linkletter a standing ovation and filled the stage to talk to him after his speech.

Later, at a dinner to benefit the Arizona Association for Mental Health and CODAC, Linkletter warned parents to expect their children to be tempted by drugs.

"You can be sure," he told about 1,500 adults in the TraveLodge center, "that your child is going to try drugs or be offered drugs—just as sure as you're sitting here.

"They have only to look around them to see drug use. They see it in their friends and in their parents. Probably every one of you here uses at least one drug. You all either smoke or drink coffee or liquor or take pills. Better living through chemistry is the way our kids have been brought up."

Linkletter asked how many parents would be willing to give up cigarettes, pills and alcohol if their children promised never to use drugs.

But that still might not be enough, he added.

"You can live a life of example," he explained. "You can love and cherish your children, but you cannot live their lives for them or be with them when peer group pressure is exerted.

"The only thing you can do is keep the lines of communication open, let them know you love them and that if they do experiment they can come and talk to you about it."

He urged persons in the audience to learn what drug abuse involves and not to get uptight, overdramatize or turn their children away if they experiment with drugs.

"This is your responsibility," he reminded, "just as much as teaching your child to drive the family car . . . And then you can hope you will never wake up to find that your child is an addict or that he has a needle in his arm."

KENT STATE UNIVERSITY

Mr. PERCY. Mr. President, on April 30 I addressed the Senate on the destruction of university buildings at Stanford University by students. I criticized this destruction and stated that such actions cannot be condoned.

Today I reiterate that statement. Violence by students cannot be condoned but must be dealt with properly under the law but with necessary restraint.

On Monday of this week, innocent students engaging in their constitutional right of assembly were shot to death at Kent State University by National Guard troops. This was a tragic mistake of national significance bringing grief and sorrow to the families involved as well as to all Americans. Never again should American troops fire upon American civilians peacefully assembled endangering no one else's lives by their actions.

We are at an important turning point in our Nation's history. We can continue the path of inflammatory actions and inflammatory statements, or we can seek to pour oil upon our troubled waters and follow the course of reason and restraint. We must seek to avoid further inflammation and avoid further polarizing our Nation.

All Americans must stop their provocations of each other, and must practice toleration.

Let us all realize that we can have deep and differing opinions yet we can still all be citizens of the same Nation that we love and want to preserve. We have listened too long to those who inflame our passions rather than to those who inspire our ideals and counsel the path of moderation.

Kent State should serve as a grim reminder that violence breeds violence and leads to loss of life. It should warn us that

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if we continue polarization of this Nation, that more tragedies such as Kent State can occur.

It would be easy to dismiss all campus protest and violence as the work of leftwing fanatics. Too much destruction on college campuses has indeed been the product of radicals causing violence for violence sake. But it would be wrong to let this violence obscure the fact that many of those taking part in campus protests are students deeply troubled by recent events—they are sincere young Americans committed to nonviolent dissent.

We must all of us reappraise our position—agree that student violence must be dealt with properly by the law and also agree that the firing on of students by U.S. troops is also a dreadful mistake. That must never be repeated.

The only way this Nation can survive is to learn toleration and learn to live with one another. Otherwise, nothing but further violence can result.

Congressional and citizen protest can be very effective—if it is peaceful. No administration can fail to be impressed by large meetings being held all over the country, accompanied by public and private appeals by and to large numbers of Senators and Representatives. However, nothing turns off those to whom the protests are directed more than violent and intemperate protests. In fact, the "silent majority" is built on distaste for violence.

GENE MCCARTHY's campaign prospered in New Hampshire when his student campaigners were "neat and clean for GENE" and worked diligently within the system to win the primary election. Had they burned down a building or called "pigs" at law enforcement officials, Senator MCCARTHY would have been defeated in New Hampshire, Senator Robert Kennedy might not have entered the race, and President Lyndon Johnson might have run for reelection.

I appeal for moderation and tolerance, both on the part of students and of government. To "bring us together" must not just be a slogan. It must be a motto that guides our every action every day.

NASA, MOON ROCKS, AND THE UNIVERSITY OF OREGON

Mr. HATFIELD. Mr. President, on April 24, the Committee on Aeronautical and Space Sciences, on which I have the honor to serve, held what was indeed a remarkable hearing with two of the three Apollo 13 astronauts, Jim Lovell and Jack Swigert, as well as Dr. Thomas Paine, Administrator of NASA, and other NASA officials.

I wish to say again what a superb job the astronauts and all of the people at NASA did in handling what was without question the most serious emergency yet in our manned space flight.

In spite of our admiration for a job well done and our relief over the astronauts safe return, it is important that we constantly scrutinize the costs of these programs and diligently seek to discover what benefits we are getting in return. This is a difficult job because it may be years before any total assessment can be made. Nevertheless, we must continue to try.

Certainly one of the benefits from the space program has to be the inspiration to many of our young people from the cool, efficient manner in which all concerned faced this recent and most serious threat.

The Space Committee held another important hearing on April 6—not as dramatic as the one with the astronauts, but important nevertheless. That hearing was concerned with the benefits that have accrued to the Nation from the space program. While, as I said a moment ago, a total assessment of the worth of the space program may be many years in coming, I think my colleagues will be impressed with the sizable amount of "fallout" or "spinoff" that has already occurred. That hearing will be printed soon and I urge each Senator to study it carefully just as soon as it is available.

I should also like to point out to Senators that there has been a vast amount of scientific data coming out of our Apollo program. The entire issue of Science magazine for January 30, 1970—more than 300 pages—was devoted to the preliminary results from Apollo 11 alone, as presented at the Lunar Science Conference in Houston, Tex. I am proud to say that several scientists from the University of Oregon Center for Volcanology participated in that historic conference.

Two of those scientists, Drs. Gordon Goles and Daniel Weill, were recently interviewed by Stan Bettis, associate editor of Old Oregon magazine. One of the things that comes through most clearly in this interview is the tremendous feeling of excitement that has been generated in these dedicated scientists by the opportunity to work with actual material from the moon.

But what good is this lunar exploration? What difference does it make, for example, that we can now measure the distance from the moon to the earth with an accuracy of 1 foot instead of the previous accuracy of one-quarter mile?

Dr. Goles answers this by saying that we should now be able to measure accurately the amount of continental drift. He says:

> Such direct observational confirmation of the theory would give us a great deal of confidence in some other things that the theory suggests about the structure of the Earth. We might, for one thing, gain a better understanding of some of the mechanics behind earthquakes and volcanic activity, and I think anyone would agree that a better understanding of just those two things would be of very direct importance to humanity.

He also goes on to say:

> We have to live on this planet. On Earth. It's very unlikely that any appreciable fraction of us will ever get off it. The possibilities of our living well on this planet will be greatest if we have a good understanding of how this planet works internally, as well as externally. That understanding is as yet very limited and very poor. This is true, in part at least, because science is a comparative activity. We learn by comparing one thing with another. And although we've compared one type of rock with another and one continent with another, and so on, they're really only different parts of the same entity: Earth. So in a very fundamental, philosophical sense, we've had only the one thing to look at. We haven't had a variety of different objects to study.
>
> Now, for the first time, we can study *directly* material that has evolved on a different, known planet. And that will be very valuable because that will help us to understand our own planet in very profound ways. I'm sure of that. To the extent that it does, that's one of the best rationales for going to the Moon.

When asked about the costs of the program, it was pointed out that the money spent on TV advertising alone would exceed NASA's expenditures in 1970, and Dr. Weill said:

> We would be the laughing stock of the history books a hundred years from now if it were written that we had a chance to explore and explain a bit of outer space, and passed it up to watch television commercials.

He goes on to say:

> Too many people seem to think that in order to become concerned about terrestrial environmental problems we have to cut off all other endeavors, including the space programs.
>
> I have little patience with people who can't investigate and work to correct these environmental problems without feeling that what they're doing is somehow incompatible with other endeavors. Environmental problems should get top priority attention. Agreed. No question. But exploration of the Moon doesn't automatically detract from that attention. We certainly have enough talent and enough resources to do both. I think it will turn out in the long run that the two are not unrelated.

But perhaps the most important aspect of our lunar exploration will not, in the end, be the direct information we are getting back, but the change in attitude of people about the earth itself.

Dr. Goles puts it this way:

> I would like to suggest that in future years, possibly many decades from now, historians looking back will say that far and away *the most useful result* of the Moon program is not this information we've discussed—a better understanding of our Earth in a direct sense—but rather a change in the psychology of many millions of people who have realized for the first time, in a way that could not be denied, that they were all on one small planet, a planet that's unique in the solar system, and that they depended on it for their lives . . . [The Earth is the] only planet in the solar system, as far as we know, where liquid water is present. The only planet on which we can survive unprotected for any appreciable length of time . . . [The psychological impact is] to make people aware that they're living on a big spaceship, and that it's the only home—be it ever so small—they'll ever have.

Mr. President, I ask unanimous consent that this illuminating interview from the Old Oregon issue of March 1970 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEANING BEYOND THE MOON ROCKS?—TWO UNIVERSITY OF OREGON SCIENTISTS DISCUSS THEIR STUDIES OF ROCK SAMPLES FROM THE MOON, AND OFFER THOUGHT-PROVOKING VIEWS ON WHY WE'RE EXPLORING THE HOSTILE REGIONS BEYOND EARTH'S ATMOSPHERE

Gordon Goles and Daniel Weill, associate professors in the University of Oregon Center for Volcanology, are two of the 142 principal investigators from around the world who are involved in studying rock samples from the Moon. In early January, the two men attended a Lunar Science Conference in Houston, Texas, where they and other researchers reported on their studies of sam-

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ples gathered by Apollo 11 astronauts. Shortly after their return to the University, Old Oregon's associate editor, Stan Bettis, interviewed the pair.

Bettis. Reports of talks delivered at the Houston conference made it clear that several theories of how the Moon was formed are still regarded as possibly correct. But have any of the popular theories been proven wrong as a result of research thus far?

Weill. No. On the other hand, I think some have been shown to be more likely than others.

Bettis. Which ones seem most likely at the present time?

Weill. Well . . . it's actually very difficult to say. Everything is still speculative at this point.

I would say that although the chemistry, the composition of the rocks we're finding on the Moon is different in many respects from what we find on Earth, by and large there are more similarities between the two than there are differences. The Moon isn't composed of something completely exotic as far as we're concerned. To me, this is much more compatible with the theories that suggest the creation of the Moon from a common Earth-Moon system, rather than the capture of the Moon from somewhere else.

Goles. I slightly favor the idea that the Moon is older than the Earth; that it may perhaps be representative of the objects that fell together to form the Earth, but it was captured by the Earth as a satellite instead. But it's kind of silly for us to speculate on the complete history of the Moon at a time when we're only a few years away from getting better answers. Sooner or later, we must start looking at what our results tell us about that history. But it's much too early—for reasons of incompleteness of data and of interpretation built upon the data—for us to deal with the history in detail.

Bettis. Could you outline, then, what problems current research is concerned with?

Goles. Well, basically, there is a hierarchy of problems having to do with the Moon.

First, there are problems having to do with how the Moon interacts with its environment. The environment is, of course, very different from that of Earth, but if you took a poll of all solid matter in the universe, you'd find much more of it like the Moon than the Earth, in terms of interaction with environment. The Earth has a rather special sort of environment. It has an atmosphere and liquid water, and so there are chemical and physical reactions that go on here that don't occur on the Moon. And vice-versa. In a sense, we're looking at an entirely different sort of thing on the Moon, and by so doing we're getting a real contrast to what we look at on Earth.

The second set of problems deal with paragenesis. This is a fancy word for what happens when silicate magmas cool and crystallize. Magma is molten silicate material. When it rises to the surface in volcanic eruptions, it's called lava. In this category of problems we say, OK, let's assume the materials are present at depth as silicate magmas and they are erupted onto the surface—what happens to them, how do they behave, and what forms do they take?

In the third category, we have a set of problems dealing with petrogenesis. This simply means the origin of rocks, but it's been given a more specific meaning whereby we talk about petrogenetic relationships as those which define the composition and nature of rock. In this category we're asking questions such as, how did the magma originate, and where did the parental composition itself come from?

The fourth category deals with the history of the Moon. This is qualitatively different from the other categories. You can attack each of the preceding problems by studying the materials we have now, even with our present, rather primitive, understanding of our data. But you can't even begin to touch the history of the Moon until you have some considerable understanding of each of the others.

Bettis. Without going into too much detail, could one of you explain the aims and techniques of your research?

Weill. We're both concerned first with analyzing and describing in detail the nature of the rock samples we've received. We're attempting to determine the composition of the rocks and the abundance of the various elements within the minerals that make up the rocks.

Dr. Goles and his group employ a technique in which a small fraction of the elements in a sample is made radioactive. By examining these radioactivities, he can identify the elements and estimate their amounts quite precisely.

My colleagues and I, on the other hand, utilize an electron microprobe as our main tool. This device aims a small beam of electrons at the sample—by small I mean on the order of a millionth of a meter in diameter. The electron beam excites X-radiation from the sample. By measuring the kind and quantity of X-radiation, we're able to say how much of any given element is concentrated in the small portion of the sample we zapped with the beam.

In essence, what we're both getting is a quantitative chemical analysis, without doing any test tube chemistry.

Goles. As geochemists, an important part of our job is to go beyond the numbers we're getting, and come up with interpretations of the numbers; explain what they may mean.

Bettis. In line with that, Dr. Goles, I understand that the research carried out by you and your colleagues has offered some insights into the likelihood of our finding water on the Moon?

Goles. Yes, in a speculative way. The amounts of rare earth elements in the samples, and of zirconium and hafnium, suggest that the Moon has always been dry, quite dry. If that's true, then there's no use looking for any permafrost layers near the surface of the Moon that could provide a source of water. And if we're not going to find any permafrost layers, then this poses some real problems when it comes to building a permanent base on the Moon.

Bettis. Dr. Weill, your research team has come up with data bearing on the question of the sinuous rills, the depressions on the surface of the Moon that look very much like the beds of meandering streams. I believe some scientists have suggested that the rills might actually have been formed by flowing water. In view of Dr. Goles' findings. . . .

Weill. The sinuous rills were extremely difficult to explain unless you accepted the idea of flowing water existing on the Moon.

Our thoughts on an alternate explanation of the rills go back to some theoretical calculations we did, which suggest that the lunar lavas were about 10 times more fluid than terrestrial lavas at the same temperature. We know that on Earth, lavas can flow out over many square miles, even over relatively flat terrain. The Columbia River lavas in Eastern Oregon are an example of this. Extremely fluid lavas on the Moon could easily have flowed out even more extensively, in spite of the reduced pull of gravity. The possibility of a single lava flow spreading out on the Moon and, in fact, spreading out over most of one of the *maria* basins—the lunar "seas"—is quite real.

Now, it follows that if these extremely fluid lavas behaved like some of the lavas on Earth, rapid cooling would have formed top and bottom crusts, with fluid lava flowing between them. On Earth, this process causes the development of lava tubes—there are many examples of these in Eastern Oregon. The lava eventually flows out, leaving a tube between the upper and lower crusts.

On the Moon, these tubes might be wider than on Earth, and almost certainly longer. When the thin upper crust is broken through by meteor impact or moon quake or some other mechanism, what you might have revealed is a topographic feature that would look very much like the sinuous rills.

Bettis. You've both been speaking as if it's a foregone conclusion that the Moon lavas you're studying were formed from molten materials erupted from within the Moon. I thought there was still some question as to whether or not the lavas actually came from the interior of the Moon.

Coles. Yes, we've been talking as if it were well-established. To be quite honest, what is well-established is that many of the rocks we've studied from Apollo 11 are indeed igneous rocks—that is, they're made of material that was once molten. However, it's not known for sure whether the magmas themselves—the silicate melts—were made inside the Moon as a result of internal heating——

Bettis. As on Earth, you mean?

Goles. Exactly, as on Earth. Or whether they were made when large objects—meteoroids—impacted on Moon's surface, heating the existing rock so strongly that melting occurred, causing lava to flow.

Bettis. You would end up with the same characteristics in the present rocks regardless of the method by which they were heated?

Goles. Yes, at least as far as the second of our problems—paragenesis—goes. Once you make a magma, by whatever process, and it starts to cool down, you have, in effect, mostly removed its memory of what it once was. I think there are ways of testing these two hypotheses. We're working now on ways of doing this.

Bettis. Are there any indications that the Moon, like the Earth, is hot internally?

Weill. Well, of course, the lavas themselves suggest internal heat. Then, too, some observers on Earth have detected infrared radiation—heat radiation—in certain craters on the Moon. This suggests that there may still be active sources of heat on the Moon.

Also, the samples collected at Tranquillity Base seem to contain fairly high concentrations of some of the naturally radioactive, and therefore heat-producing, elements like potassium, thorium, and uranium. If these elements were distributed homogeneously throughout the Moon, then the Moon may very well have been quite hot internally.

During Apollo 13, the astronauts will drill a 10-foot-deep hole and measure the heat flux coming out to the surface. This will help out a great deal on the question of internal heat.

Goles. Right now, I'd say it's very unlikely that the second hypothesis—impact-generated lavas—is going to be right, but maybe we're all jumping on the bandwagon a little too fast. There's a tendency once you see these things, and are convinced they are lavas, to say, well, they're made in the same way terrestrial lavas are made. This is very dangerous, because the Moon is a different place, and these are very old rocks, older than any rocks we know of on the surface of the Earth. They were made at a time when there was a lot more junk floating around in the solar system than there is now, and large objects certainly impacted on the Moon.

Betts. A good deal of attention has been given to the great age of the lunar rocks. What is it, they're supposed to be 4.5 billion years old?

Goles. Well, no, that's a very tricky point. Understand, first, that neither Dr. Weill nor I are involved in dating the samples. All I can tell you is what we learned at the Houston conference.

The only thing we know for sure is that the igneous rocks were formed approximately 3.6 billion years ago. There are fairly straightforward, dependable methods of dating igneous rocks of the sort we've had to look at. But dating the mixture of dust and fine material that constitutes the lunar soil is a tougher proposition. There's a certain amount of theoretical guesswork involved.

The average age of the lunar soil appears to be 4.5 or 4.6 billion years. You could fudge things around, however, in such a way that you could argue that the oldest components in the soil are no older than 4.2 or 4.3 billion years. On the other hand, there are other interpretations that suggest that some of the soil is older than the 4.5-4.6 billion year figure.

Bettis. The possibility exists, then, that the Moon may be older than the Earth, which is—what?—about 4.5 billion years old?

Goles. I believe 4.55 billion is the accepted figure now, but remember that this figure is theoretical—it is not a result of direct dating of terrestrial samples. Anyway, yes, it's possible that the Moon is older than the Earth. In fact, in some ways that's the easiest and most straightforward way of interpreting the numbers. But nature plays tricks, you know. The age of the Moon is still very much an open question.

Bettis. What you've been discussing so far all sounds quite theoretical. I hate to introduce the word, but what about "practicality"? Many people are asking what difference all this information about the Moon really makes. Is the Moon program, in fact, simply another case of science counting and cataloging things, adding knowledge that is of little value other than as knowledge? What difference does it make, for instance, that we can now measure the distance to the Moon with an accuracy of one foot rather than the previous accuracy of a quarter-mile, thanks to the emplacement of a laser beam reflector on the Moon?

Goles. It makes a great deal of difference! It has been suggested that the continents on Earth are drifting apart—or together, depending on where you're standing. In particular, it has been suggested that the distance between Europe and North America is increasing about two or three centimeter per year—a little over an inch a year, maybe.

As you pointed out, we can now measure the distance from any point on the Earth to a given point on the Moon with an accuracy of about one foot. If we measure the distance to the Moon from other points in both Europe and North America, and then repeat those measurements in 10 years, we'll know for sure whether or not the continents are drifting apart. Such direct observational confirmation of the theory would give us a great deal of confidence in some other things that the theory suggests about the structure of the Earth. We might, for one thing, gain a better understanding of some of the mechanics behind earthquakes and volcanic activity, and I think anyone would agree that a better understanding of just those two things would be of very direct importance to humanity.

Bettis. What about in a general sense? What is the value of the knowledge we're gaining from the Moon?

Goles. Let me work my way into that question from left field.

We have to live on this planet. On Earth. It's very unlikely that any appreciable fraction of us will ever get off it. The possibilities of our living well on this planet will be greatest if we have a good understanding of how this planet works internally, as well as externally. That understanding is as yet very limited and very poor. This is true, in part at least, because science is a comparative activity. We learn by comparing one thing with another. And although we've compared one type of rock with another and one continent with another, and so, they're really only different parts of the same entity: Earth. So, in a very fundamental, philosophical sense, we've had only the one thing to look at. We haven't had a variety of different objects to study.

Now, for the first time, we can study directly material that has evolved on a different, known planet. And that will be very valuable because that will help us to understand our own planet in very profound ways. I'm sure of that. To the extent that it does, that's one of the best rationales for going to the Moon.

I don't think we're ever going to find diamond mines up there, or new sources of power, or titanium ores—we're never going to find anything up there that's worth the expense of bringing back, except the information that some people consider so valueless. And that is indeed worth the expense of bringing back, to the extent that it helps us to live better, and more wisely, and with less disruption of our natural environment.

Weill. I think it's very dangerous in science, or anything else for that matter, to try to predict which pieces of information are going to turn out to be useful. Anybody who looks at the history of science realizes right away that its impossible to predict which inventions, which discoveries, which pieces of data are going to be the important ones. The thing to do is to keep pursuing knowledge with intellectual honesty, and try to come up with some answers. History will sort out which things are significant.

I think that what's behind such a question—What is the value of the Moon program?—is concern about the cost of the program.

Bettis. Well, it is a fairly costly program, isn't it?

Weill. Maybe. But consider that the average annual budget of NASA, which finances the whole space exploration program, has been between three and five billion dollars a year over the past several years. When you compare that within the 70 or 80 billion dollars that's sunk into defense every year—much of it into the Viet Nam disaster—it doesn't look all that big.

Whenever I'm asked about the cost by a TV reporter—and they almost always ask that question—I always answer with another question: What was the total advertising budget for television last year? They never answer that question for me, but if they did——

Bettis. I think it's projected that national television advertising sales and programming costs will total about four billion dollars in 1970.

Weill. Really? Well, I'd like to ask which is a waste of money—the Moon program or television advertising and programming?

There is another approach to the question of the value of the space exploration program—perhaps a more philosophical and valid one than a mere discussion of budgets and priorities. All animals are concerned with feeding themselves and reproducing. Man is the only animal who spends most of his time at superfluous tasks. Great works of art, as well as all attempts to explain things around us are superfluous. But where would civilization be, and how desirable would it be to belong to the human species, without such superfluous activities?

Studying electrical phenomena a few years back was no less superfluous than the space program is today. Yet there are few social reformers today who don't take electric power for granted in their schemes. We would be the laughing stock of the history books a hundred years from now if it were written that we had a chance to explore and explain a bit of outer space, and passed it up to watch television commercials.

You know, one of the really unfortunate aspects of our approach as a nation to things in general and to things scientific in particular is that we do things by fads. Ten years ago or so, it became the big fad to push all out to put a man on the Moon. Now, during the past year, we've seen the beginning of a new fad. The public has suddenly become aware of our environmental situation. That's good, very good. But what's bad—and its typical of our faddish approach to things—is that too many people seem to think that in order to become concerned about terrestrial environmental problems we have to cut off all other endeavors, including the space program.

I have little patience with people who can't investigate and work to correct these environmental problems without feeling that what they're doing is somehow incompatible with other endeavors. Environmental problems should get top priority attention. Agreed. No question. But exploration of the Moon doesn't automatically detract from that attention. We certainly have enough talent and enough resources to do both. I think it will turn out in the long run that the two are not unrelated.

Bettis. You mean there is—or will be—some sort of direct relationship between the Moon exploration program and efforts to correct our environmental problems?

Goles. I'd like to answer that if I may. I would like to suggest—this suggestion was also made by Fred Hoyle at the Houston banquet, but I'd been turning it over in my mind before that, so I'll lay claim to it independently—I would like to suggest that it is no accident that many people are suddenly becoming very interested in problems related to the environment and ecology at just precisely this time.

Ecologists and biologists and geochemists have been screaming their bloody heads off for decades about what we're doing to our environment and nobody gave a damn. Nobody even listened. And I know, because I've been one of those screaming. And it makes me feel sometimes as if I'm talking to the wall.

Now, all of a sudden, in the same year when there is televised to millions of people a view of our planet from outside—from far enough outside that you can see, and you can feel it in the pit of your stomach, that here is one entity, one closed system on which we all must live—in that same year, we get this sudden concern.

I do not think these two things have occurred in the same time span by accident.

In fact, I would like to suggest that in future years, possibly many decades from now, historians looking back will say that far and away the most useful result of the Moon program is not this information we've discussed—a better understanding of our Earth in a direct sense—but rather a change in the psychology of many millions of people who have realized for the first time, in a way that could not be denied, that they were all on one small planet, a planet that's unique in the solar system, and that they depended on it for their lives.

Think about the image that the television showed us. Right there in your living room, you were looking out across the surface of the Moon—a horribly bleak environment. It takes the finest technology for man to survive there for even 10 seconds. It's a terribly hostile environment. I don't think any of us who have not helped to design the space suits worn by the astronauts can even begin to realize how hostile that environment is.

So you look across that desolate landscape and out through the even more hostile environment of interplanetary space, and out there is the blue-green Earth, wreathed in clouds. The only planet in the solar system, as far as we know, where liquid water is present. The only planet on which we can survive unprotected for any appreciable length of time.

That view—and remember, it's been seen by hundreds of millions of people around the world—I think that view has had a psychological impact that will be very hard to assess until decades later we see whether or not it has done what I hope it's done. Namely, to make people aware that they're living on a big spaceship, and that it's the only home—be it ever so small—they'll ever have.

If it has done that, and I think it may have, then without question that will be the most important result of this whole business. And, without any question, it will have been worth it.

SENATOR BROOKE APPLAUDS ADMINISTRATION ACTION ON EAST-WEST TRADE

Mr. BROOKE. Mr. President, I was very much pleased to note that on Wednesday of last week, the Department of Commerce initiated actions to improve East-West trade relations. More specifically, the Department decontrolled 222 commodities which were formerly on a restricted list for shipment to the Soviet and other Communist-bloc countries.

I believe this is a significant move toward fulfilling Congress' expectations when it passed the new Export Administration Act late last year. This act embodies congressional sentiment that the United States should foster trade with Communist countries where our national security or foreign policy interests are not jeopardized.

During Senate hearings on this subject, it was pointed out by a number of American companies that Western Europe was able to trade with Russia and other Communist-bloc countries, whereas American companies were prevented from doing so because of restrictive export control policies. In many instances, American companies negotiated transactions; however, they were not able to fulfill their commitments because of delays in obtaining export licenses through the American Government. Because of these delays foreign companies were outselling American companies abroad.

As a result of these developments, Congress turned away from the restrictive policies contained in the Export Control Act of 1949 and enacted a new, liberalized trade act: the Export Administration Act.

I have been informed that the Commerce Department will be taking further steps to carry out the will of Congress, and I look forward to these developments. It is this kind of constructive leadership which can give substance to the President's quest for an era of productive negotiations and fruitful exchange between East and West.

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NEW TASKS FOR THE UNITED NATIONS

Mr. PERCY. Mr. President, on March 4, 1970, before the Subcommittee on International Organizations and Movements of the House of Representatives Committee on Foreign Affairs, Richard N. Gardner, of Columbia University, testified on new tasks the United Nations should undertake as it enters its second quarter century.

Professor Gardner, who has long played an important role in developing programs of international cooperation, is a former Deputy Assistant Secretary of State for International Organization Affairs. I commend excerpts of his testimony to the attention of Senators and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE STATEMENT OF RICHARD N. GARDNER, HENRY L. MOSES PROFESSOR OF LAW AND INTERNATIONAL ORGANIZATION, COLUMBIA UNIVERSITY

Your invitation to testify on "New Tasks for the United Nations" is gratifying and challenging. I believe that in its second quarter century the U.N. should devote increasing attention to a cluster of interrelated problems and opportunities that it hardly noticed for most of its first 25 years. These are areas which the accelerating advances of science and technology have made vitally important and where cooperative action through the U.N. can serve the interests of all men regardless of national, ideological, or racial differences. I have selected four of these areas today—the environment, population, outer space, and natural resources (with particular attention to the seabed). There are others that could be mentioned, of course, but these are four of the "new tasks" which were a particular preoccupation of mine during my service as Deputy Assistant Secretary of State for International Organization Affairs from 1961 to 1965 and which continue to engage my attention now that I have returned to private life.

Before I get to this subject, however, permit me to sound one note of caution. In our preoccupation with these glamorous "new tasks," let us not forget the U.N.'s "old tasks"—those absolutely fundamental responsibilities given the U.N. in its Charter—the promotion of peace, economic development, and human rights. It is on these questions that the U.N.'s performance will be judged by the people of the world—and rightly so. "Involving the U.N. in new tasks," I fear, is for some people a euphemism or an excuse for downgrading its role as a peacekeeping agency.

THE ENVIRONMENT

Our new concern with the environment has focussed so far on domestic problems. We have largely neglected the international dimension. But now we are finally beginning systematic look at our global environment in a new U.N. committee preparing for a world conference in Stockholm in 1972.

A U.N. response to the environmental challenge is long overdue. While some measures to deal with the environment can be taken by individual nations alone, there are resources that do not belong entirely to any nation—the sea, certain lakes and rivers, migratory animals—whose effective management requires international cooperation. Even management of the environment within the confines of a single nation may benefit from the sharing of national experience.

Moreover, we are finally beginning to recognize that how a nation deals with its national environment is no longer its own and nobody else's business. We are beginning to comprehend the unity of the world's ecological system, which means that all nations may be affected by how any one of them treats its air, water and land.

We are gradually awakening to the realization that all mankind depends on the same scarce and relatively shrinking resource pool, and therefore has an interest in the wise husbanding of resources wherever they may be located. And business firms around the world are beginning to argue that they cannot accept the additional costs of anti-pollution measures unless their overseas competitors do the same.

For all these reasons, the international community will be increasingly involved in environmental issues—even those that have hitherto been regarded as "domestic." Indeed, the most powerful impetus to world order may no longer be the threat of nuclear war, but rather the urgent necessity of new trans-national measures to protect the global environment.

The global environment concerns all nations, regardless of national, ideological, or racial differences. Some work on the environment can be usefully undertaken in regional agencies like OECD, but a universal problem needs a universal system of organizations to deal with it. The U.N. system, including its regional commissions and Specialized Agencies, is the nearest thing to a universal system we have. The Stockholm Conference provides an additional reason to make it more universal by admitting mainland China and divided states. At the very least, the U.N. should invite the Peking regime, the two Germanies, the two Viet Nams, and the two Koreas to participate in the Stockholm meeting.

The U.N. system, of course, is already involved in environmental programs. Important work has been done in the International Maritime Consultative Organization, for example, on oil pollution in the seas. UNESCO, the World Health Organization, the Food and Agriculture Organization, the International Atomic Energy Agency, and the Intergovernmental Oceanographic Commission, to give only a few examples, have all had a piece of the environmental "action."

What more can the U.N. system do about environmental problems?

To begin with, it could undertake a massive program to educate the world's people, particularly political leaders, on the problems of the environment; could sponsor joint research efforts and studies; and could finance the training of specialists to handle different environmental problems.

It could organize a world-wide observation network, using observation satellites and other new technology, to monitor the world's environment on a continuing basis, and it could operate a service for the evaluation and dissemination of this information for all nations.

It could encourage the negotiation of international agreements providing for firm anti-pollution and other environmental commitments so that nations and industries accepting their environmental responsibilities suffer no competitive disadvantage in international trade.

It could insure that multilateral aid programs are carried forward with due regard for their environmental implications, and could encourage the application of environmental safeguards in bilateral aid. (Downstream erosion from the Aswan Dam, we now discover, may wash away as much productive farm land as is opened by the new irrigation systems around Lake Nasser.)

Finally, it could establish a U.N. Program for the World Heritage, including scenic, historic and natural resources now in danger of destruction whose survival is a matter of concern to all mankind.

Obviously, each nation should be free to decide whether or not to nominate a property within its territory for inclusion in the Program. At the same time, the community of nations should be free to decide whether or not to accept it.

Countries whose resources were included in the Program would gain the advantage of international advice and financial aid in their development with consequent benefits to their economies as a whole. And the world community would be in a position to safeguard unique and irreplaceable resources—Venice, Angkor Vat, some of the great wildlife reserves of Africa—in which all mankind has a common interest.

If the U.N. is to act effectively on environmental problems, a central group of distinguished scientists should be established under the Economic and Social Council to evaluate and coordinate the work of the different U.N. agencies active in this area. The historic pattern of functional specialization contains the danger that ecological interrelationships may not be adequately considered. For example, FAO may vote, as it recently did, to continue use of DDT; but this question needs to be looked at by a group whose thinking is not mainly centered on agricultural productivity. An "overview" committee of experts could take a broader view in evaluating the implications for the environment of new as well as existing scientific discoveries.

POPULATION

We have all heard a great deal during the last few years about the world population problem. Instead of repeating it, let me just state in one paragraph what I take to be the essential point:

Present rates of population growth in most developing countries of the world—and some developed countries as well—will, if continued, destroy all our hopes for meaningful increases in individual living standards. Worse still, world population trends are dangerously overloading the natural environment, threatening political stability, and breeding tensions that increasingly erupt into violence. The rate of world population growth is now so great—its consequences are so grave—that this may be the last generation that has the opportunity to limit population growth on the basis of free choice. If we do not make voluntary family planning possible in this generation, we will make compulsory family planning inevitable in future generations.

For the first 17 years of its existence the U.N. did nothing about the population problem except for statistical and demographic activity. It was only in December 1962 that the General Assembly, at the initiative of the Swedish government, passed its first resolution on the subject. In a speech approved by President Kennedy, I told the Assembly on that occasion that the United States favored U.N. action to deal with the population problem and that we were prepared to "help other countries, upon request, to find potential sources of information and assistance on ways and means of dealing with population problems." It is a measure of how backward we were on population in those days that this statement was regarded as revolutionary.

Since 1962, both the United States and the United Nations have come a long way. We have begun a major effort to make family planning services available at home and we have made increasing funds for family planning available in our foreign aid program. The General Assembly, the Economic and Social Council, the Economic Commission for Asia and the Far East, the United Nations Children's Fund, the World Health Organization and UNESCO have all established legislative mandates for action by their executive leadership. The World Bank under Robert McNamara has also moved swiftly into the population field.

The Secretary-General has established a Trust Fund for Population under the U.N. Development Program which is available to support the population activities of the U.N. and the Specialized Agencies. The Administrator of that Program has appointed a senior official to be in charge of the Fund. The U.N.'s own Population Division has been strengthened. The U.N. has sent missions to India, Pakistan, Colombia and various parts of Africa, and has recruited Population Program officers who are now in the field in Asia, Africa, and Latin America.

All this represents progress, and our country played a leading role in it. Yet the ratio of talk to action on population remains distressingly high. The world still lacks a wholly satisfactory, economical contraceptive well adapted to the needs of the developing countries. Few developing countries yet have effective nation-wide family planning programs. Only a small fraction of the U.N.'s funds are yet earmarked for population programs.

In May 1969 a citizens' panel of the United Nations Association chaired by John D. Rockefeller 3rd, on which I had the privilege of serving, issued a report entitled "World Population—A Challenge to the United Nations and Its System of Agencies." Its most important recommendations were as follows:

1. The present Trust Fund for Population should be increased to at least $100 million in voluntary contributions per year (an increase of more than ten-fold over present levels).

2. A Commissioner for Population should be established to administer the Fund, implement population projects financed from the Fund, and represent the U.N. in dealings with governments and in intergovernmental forums concerned with population.

3. The Commissioner for Population should be prepared to sponsor or support projects extending across the whole spectrum of population and family planning programs, such as the training of medical and paramedical personnel; family planning components of health facilities; the use of mass-communication techniques; the manufacture of contraceptive materials; the establishment of special population study centers as well as ongoing statistical census and demographic work.

4. The Commissioner for Population should devote substantial resources from the Population Trust Fund to the support of research into better methods of fertility control, into the operation of family planning programs and into the relationship between population policy and development policy. (I believe the World Bank should also be encouraged to devote substantial sums to this purpose.)

OUTER SPACE

The case for using the United Nations system as a framework for space cooperation is a powerful one.

It is in the interest of all countries, whatever their ideology, that space and celestial bodies should not be subjected to competing national claims, that cooperative experiments be undertaken and information exchanged, that world-wide weather services be developed and that communications among nations be improved. U.N. meetings have served to emphasize this common interest to Soviet scientists and technical experts and, through them, to the Soviet Government. While the United Nations and its Specialized Agencies are not the only institutions to promote cooperation, they do help to put cooperation between the United States and the Soviet Union into a broader framework that recognizes the interests of other countries. And, since the success of the U.N. programs is enhanced by U.S.-Soviet cooperation, the interest of other countries in such cooperation that is manifested in U.N. meetings has helped to stimulate affirmative Soviet actions.

For the United States, cooperative efforts are an absolute necessity if certain space activities are to be successful. In weather and communications, for example, the technology of the United States can yield maximum dividends to its own people and to others only if many nations join in allocating radio frequencies, in tracking and communicating with space vehicles, and in placing necessary ground installations on their territories. For certain activities, bilateral arrangements are most suitable; for others, cooperative projects may be easier to achieve if they are multilateral and bear United Nations endorsement.

These are some of the considerations that led the United States to propose a comprehensive program of space cooperation under U.N. auspices in 1961. The result of this initiative was the Space Treaty, the Treaty on Rescue and Return of Astronauts, the World Weather Watch, and certain modest U.N. activities of technical assistance, and information exchange in the space field.

With the brilliantly successful landing of our astronauts on the moon in July of last year, the race to the moon ended. It is too late to convert this race into a cooperative venture in space exploration on behalf of all mankind. But it is not too late to try a new approach in the next phase of space exploration.

A first step in this direction could be the creation of a United Nations Space Institute. The Institute, which might be located in Geneva or Vienna, would be a center for the cooperative planning of space exploration in which all U.N. members could be invited to take part.

Scientists from the United States and the Soviet Union and other countries could work together on such subjects as the medical problems of manned space flight. They could recommend a set of common priorities for mankind in space and a specific timetable of space missions.

Instead of both the United States and the Soviet Union undertaking landing on Mars and Venus, for example, each could divide responsibility for instrumented landings on different planets. Such activities would be considered part of a total U.N. program and every opportunity would be found to let other countries participate in their preparation and in the sharing of the information.

We could also establish a United Nations Space Station, a true joint venture of mankind in what most authorities now agree is the most important space task of the next decade.

Joint ventures in space between ourselves and the Russians have hitherto been regarded as impractical. It has been said that the presence of Soviet astronauts and Soviet scientists at American launching sites would give them access to our rocket technology and thus prejudice our national security—and vice versa.

But technology now offers a way around this problem. Both we and the Soviets have developed the art of rendezvous and docking in space. We and they could launch elements of a space station that could be assembled in outer space. The equipment could be agreed on in advance to assure compatibility. The astronauts—drawn not only from the United States and the Soviet Union but from other U.N. members—could be trained together at the U.N. Space Institute.

A U.N. Space Station could be an orbiting astronomical laboratory, gathering information about our solar system and the universe beyond. It could also be used for practical earth applications—for weather forecasting, observing ice and snow accumulations, mapping ocean currents, monitoring the environment, and locating mineral deposits. One day it might help patrol troubled borders and verify arms control agreements.

Such a cooperative space program could serve the enlightened self-interest of all. The sharing of the costs of space exploration and the adopting of a space timetable geared to scientific cooperation rather than political competition could save billions of dollars the U.S. and the Soviet Union could devote to pressing domestic needs.

The non-space powers, including the less developed countries, could participate more fully in space exploration. Every country would have access to information gained from space activities—for example, the discovery of mineral deposits made possible by observation from a space station. Finally—and by no means least important—significant political benefits could be realized in close U.S.-Soviet cooperation and a stronger United Nations.

The other aspects of space cooperation that should be mentioned here is cooperation in the use of new technology in space commu-

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nications. In the 1970s, the International Telecommunication Satellite Consortium (Intelsat) will be further developing its global network of space communications, making use of huge Intelsat satellites with 5,000 voice channels, enough for 12 TV broadcasts.

As this committee knows, the present technology makes use of *point-to-point satellites,* in which messages are sent from one ground station through the satellite to another station on the ground. But the 1970s will usher in the use of *broadcast satellites,* which can transmit radio or TV to thousands of community or village receivers simultaneously and eventually into home radio or TV sets over an area of a million square miles.

The difference between broadcast satellites and point-to-point satellites is both economic and political. Because they bypass the need for expensive ground relay systems, broadcast satellites may be cheaper and more effective than alternative means of communication for reaching large areas, particularly in less developed countries like India, Pakistan, Indonesia and Brazil.

Broadcast satellites also raise the possibility of broadcasting to the citizens of a country without the consent and perhaps even over the opposition of its government. The prospect of bypassing national broadcasting networks has alarmed some people. In the corridors of the United Nations, one delegate from a less developed country has remarked: "The heads of foreign states will soon be able to address my people, but our own president will not be able to do so. What is the U.N. going to do to help us?"

Of course, it can be argued that space broadcasting is merely an extension of the broadcasting on shortwave now carried on by such agencies as the Voice of America, the British Broadcasting Corporation, and Radio Moscow. It is, however, a significant extension. Unlike shortwave broadcasting, radio programs broadcast from space will be indistinguishable, so far as quality of reception is concerned, from radio programs broadcast locally. And television programs sent from space will have a substantially greater psychological impact than shortwave radio broadcasts.

The heart of the political problem can be summed up thus: Countries with no immediate prospect of carrying on space broadcasting fear that the United States, the Soviet Union or possibly a joint European satellite authority may use this technology to send their people political or commercial messages that the governments do not like. Unless it is possible to allay the fears of such countries about uncontrolled communication with their populations and give them at interest in the use of this technology for their own benefit, the enormous potential of broadcast satellites may never be realized.

Extensive hearings were held on satellite broadcasting last May before the Foreign Affairs Subcommittee on National Security Policy and Scientific Developments. Without wishing to repeat here my testimony before that Subcommittee, let me simply repeat two of the main points:

The first point is that we should greatly accelerate our efforts to make satellite broadcasting available to the less developed countries to help speed their efforts at national integration and economic development. A network of community TV receivers in India, for example, could be an enormous aid in the eradication of illiteracy, the introduction of new agriculture techniques, and the encouragement of family planning. In adapting the new technology to the needs of the developing countries maximum use should be made of the research, technical assistance, and financial resources of the U.N. system. This will mean new roles and responsibilities for agencies like UNESCO, the UNDP, the International Telecommunication Union, and the World Bank.

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The second point is that Intelsat should grant the U.N.'s modest request submitted to the Intelsat Conference last year for free use of its facilities to handle the U.N.'s internal communication needs and to carry radio and TV programs produced at the U.N. The U.N. needs could be met with one percent of the channel capacity available on the Intelsat IV satellites that will soon be available. This would be a good "public relations" investment for Intelsat and would have no adverse effect on the profitability of the system.

The U.N.'s request to meet its internal communication needs is extremely modest—two telephone links from New York to Geneva, one telephone line each with its five major regional centers, and one link each with its peacekeeping operations in Cyprus, the Middle East and Kashmir.

Free use of satellites would help meet the U.N.'s urgent need for better communications to manage its world-wide operations. During the Middle East crisis of June, 1967 the U.N. was seriously handicapped by its inadequate communications arrangements—the Secretary-General and his staff did not know what was going on in the area until many hours later. The U.N. will never be an adequate peacekeeping agency until it has better communications facilities at its disposal.

Looking beyond the specific questions of free use of Intelsat facilities, there are many things that could be done to use satellite communication as an instrument for the building of a better world order. The U.N.'s Radio and Visual Services Department, now budgeted at the totally inadequate figure of $2 million, could greatly expand its work. The General Assembly could adopt a resolution:

1. Providing for an annual "State of the World" TV and radio address by the Secretary-General which U.N. members would be asked to carry on their TV and radio networks, and

2. Urging U.N. members to devote at least one hour a week of prime TV time (or radio time where TV does not exist) to programs produced at U.N. headquarters.

Many U.N. members provide no radio or TV reporting to their populations on U.N. activities. Many allow their people to hear only those parts of U.N. debates that represent their national point of view. One hour a week of U.N.-produced programs, including highlights of debates, could be a useful corrective. It would surely be a great step toward peace if the people of Egypt and Israel, for example, could have even a few minutes exposure per week to another view of the Middle East problem.

We should have no illusions that those U.N. members with tightly closed national societies would immediately implement such a resolution. But a resolution of this kind might well mobilize international and domestic opinion upon them to implement it after a number of years. At the very least, it would reveal very clearly which countries are really prepared to take practical steps toward international understanding and a more effective United Nations—and which are not prepared to do so.

The United States should take the lead in demonstrating the possibilities of promoting international understanding through communication satellites. We should give the Soviet leaders the opportunity to talk directly to the American people at regular intervals on TV in return for the same privilege for our leaders in the Soviet Union.

NATURAL RESOURCES—THE SEABED

The discovery and wise development of natural resources is a key element in efforts to raise living standards in the less developed areas of the world. The United Nations system has already done much valuable work in this field. Recently, for example, U.N. experts executing a project for the UNDP found uranium in Somalia, and the government of Somalia is already making arrangements with foreign industry for the extraction of this rich resource on a mutually beneficial basis.

Yet the potentiality of the U.N. in the field of natural resources is even greater than has been realized so far. Much more could be done through the U.N. system to help the developing countries discover new resources, train resource technicians and managers, and integrate national resource planning with manpower development programs, capital requirements, and national and regional planning generally.

A few million dollars in U.N. activity can yield to resource discoveries worth tens of millions in revenues to the governments of the less developed countries as well as our own government.

Moreover, the potentiality for self-financing of the U.N.'s work in the resource field has not been sufficiently recognized. Why should not the U.N. receive a "finder's fee" when it discovers resources in a developing country? The funds paid by the developing country out of the new revenues resulting from the resource find could finance U.N. resource surveys in other developing countries.

Let me focus, however, on the major resource issue before the U.N. today—the resources of the seabed.

There are two key questions for the seabed, as we all recognize: First, what should be the width of the continental shelf in which a coastal state has exclusive mineral rights? Second, what kind of regime should apply to areas beyond the jurisdiction of coastal states? The failure of the United States Government to develop clear answers to these two questions has, I fear, contributed to an unfortunate polarization of views.

At one extreme, there are some U.N. members who want national jurisdiction in the seabed narrowly limited and who want the U.N. itself to carry on exploitation in the seabed beyond national jurisdiction, with most of the profits from this activity going to the less developed countries.

At the other extreme, there are some segments of our petroleum industry who want to extend national jurisdiction out to the seaward edge of the continental rise, and who oppose any kind of international regime over a part of the seabed which contains valuable resources.

The first view is clearly unrealistic. There is little in the experience of the U.N. that suggests that it could effectively discharge this kind of operating responsibility. The know how and the technology for exploitation of the seabed is in the hands of private companies and governments, mainly our own. If the riches of the seabed are ever to get above water, adequate incentives and security of investment will have to be given those who have the ability to do the job.

The second view is no less shortsighted. The United States has only 10% of the world's geological continental shelf. As the world's principal resource consumer, we should not be seeking a solution that puts 90% of the continental shelf of the world (and a similar portion of the seabed up to the continental rise) under the exclusive jurisdiction of other countries. It is by no means clear, as some spokesmen for the petroleum industry assume, that individual coastal states will be easier to deal with than an international authority.

The United States, as the country furtherest advanced in seabed technology, is in a strong position to negotiate an international regime acceptable to it as well as other nations. A U.N. agency could be established to license operations by private companies, public corporations or governments, in return for an appropriate royalty. The royalties could be channeled for world development through the World Bank and its soft-loan affiliate, the International Development Association.

The U.N. agency could be established with voting arrangements assuring an appropriate voice for all the different interests involved—the United States and other leaders in seabed technology, developed countries, less developed countries, coastal and non-coastal states and so on. The amount of the royalty could be fixed at a level that would provide adequate incentives for seabed production and a generous amount of new financial resources for the developing countries.

Such an international regime would be far superior in terms of our enlightened self-interest to the scramble for resources inherent in the extension of national jurisdiction to the seaward edge of the continental rise. An international regime, for one thing, would provide safeguards against wildcatting and a system for the orderly registering of claims and settling disputes. Most important of all, it would provide for international anti-pollution and conservation measures in a vast area of the seas that might otherwise be subject to unregulated or inadequately regulated national and private activity.

If an international regime can be worked out along these lines—and with U.S. leadership I believe it can—we could then accept a relatively narrow boundary for the continental shelf under national jurisdiction. To be specific, the limits of national jurisdiction could be set at 200 meters or a lateral distance of 50 miles from the shoreline, whichever is greater.

It is obvious that the width of the boundary is inseparably bound up with the nature of the international regime. What is less obvious, but also true as a matter of practical politics, is that these questions are linked to the questions of the breadth of territorial waters and fishery rights. For example, certain Latin American countries are less well endowed with seabed resources off their coasts but are concerned with rich off-coast fishery resources and are not likely to make agreements in the one area without satisfaction in the other. To put it more broadly, these and other states will want to trade off acceptance of the relatively narrow territorial sea boundary we are seeking in return for some special recognition of their fishery interests beyond and some reasonable sharing of the benefits of seabed resource development.

For these reasons, I come to the reluctant conclusion that there will have to be one international conference to deal with all these complex law of the sea questions, rather than the separate conference on the territorial sea and fisheries that our government has been seeking. The trade-offs are now too well and widely recognized to compartmentalize these questions.

President Nixon put the matter clearly in his Report to the Congress on Foreign Policy:

"In addition, as man's uses of the oceans grow, international law must keep pace. The most pressing issue regarding the law of the sea is the need to achieve agreement on the breadth of the territorial sea, to head off the threat of escalating national claims over the ocean. We also believe it important to make parallel progress toward establishing an internationally agreed boundary between the continental shelf and the deep seabeds and on a regime for exploitation of deep seabed resources."

I very much hope that this statement will soon be translated into official U.S. willingness to participate in a single conference and, equally important, into a U.S. negotiating position on the questions of continental shelf boundary and international regime along the general lines suggested above.

IMPLICATIONS FOR U.S. POLICY

I have tried to sketch some of the "new tasks" that could make the United Nations a much more significant force in world affairs than it has been in the past. Yet, to be completely honest, I must add that the U.N. presently suffers from serious weaknesses that restrict its capacity to undertake these tasks effectively.

One problem is that the U.N. Secretariat does not have a sufficient number of highly qualified experts to support expanded cooperation in areas like the environment, population, space, and natural resources. Another is that the U.N. is not yet organized effectively to deal with these subjects.

To cope with the organizational problem, we need to press for reforms along the lines of the "capacity study" of Sir Robert Jackson in order to achieve a more unified effort by the UNDP, the Department of Economic and Social Affairs, the semi-autonomous bodies and the Specialized Agencies. We also need to draw together the interrelated technological areas presently parceled out among different sections of the Secretariat.

These points have a number of implications for U.S. policy. In recent years the United States has fought hard against increases in the U.N. budget, and has gone so far as to join in joint representations on this subject with the Soviet Union. Due to this attitude on the budget, our delegates are in the anomalous position of saying that we favor U.N. initiatives in environment, population, outer space and other areas—provided they don't cost money. Obviously, as long as this financial attitude persists, the U.N. will not be able to attract the top-flight talent it needs, upgrade its central Secretariat, and respond as it should to the new challenges confronting it. Moreover, and this is a point frequently overlooked in Washington, the United States will be in a poor position to press for needed reforms in the U.N.—for strengthening the central U.N. machinery in relation to the agencies and for more reasonable methods of taking decisions—if it is disengaging itself from its financial responsibilities and narrowly circumscribing the conditions of its participation.

Candor compels me to note that the Congress bears some responsibility for the difficult position in which our U.N. delegation presently finds itself. Congress has cut the U.S. contributions to the U.N. Development Program to the point where the U.S. can no longer put up its traditional 40% of the total. Congress has required that $2.5 million of our assessed share of the regular budgets of U.N. agencies must be paid in non-convertible foreign currencies—a requirement inconsistent with the U.N. financial regulations.

Our total contributions to the U.N. system in 1969, including the Specialized Agencies and voluntary programs, amounts to about $250 million—less than the cost of the New York City Fire Department, less than one week's cost of the Viet Nam war. How can we talk of having the U.N. perform bold "new tasks" if we are determined to limit our effort to this amount?

The "Nixon doctrine" in foreign policy states a commendable objective—that we should do less by ourselves and more in partnership with others.

I hope we will give concrete manifestation to both of these propositions, not only to the first of them.

STATEMENTS BY JERRY RUBIN AT KENT STATE UNIVERSITY

Mr. THURMOND. Mr. President, the recent events at Kent State University have been well publicized in the press and on the news media. I believe that everyone is deeply disturbed, not only by the deaths which resulted there, but also by the deep sense of rebellion and violence which preceded the tragedy. There is much talk about alienation among our Nation's youth, but little discussion of what incites alienation. Here we are discussing what is essentially a psychological state, a decision by the emotions to reject the values of society. This rejection is caused not by events or by the action of our older generation, but by a poisoning of the mood of our youth by constant neurotic attacks on their emotions.

It is not any one individual who can be made responsible in a specific situation, but rather it is the constant barrage by such attacks that have their evil effect. For example, the burning of the Bank of America at Isla Vista was preceded by a harangue given by William Kunstler, the attorney for the seven rioters who were convicted of crossing State lines to incite the riot at the Chicago Democratic Convention. Mr. Kunstler himself was in contempt of court at the time he was making the speech.

In the Kent State situation, I learned last night that the days of rioting there were preceded, only the week before, by a harangue by Jerry Rubin. This is the same Jerry Rubin who was convicted in Chicago in Judge Julius Hoffman's court in crossing State lines to incite a riot. I am interested in this conviction and the activities of those convicted because I had the honor of introducing the antiriot amendment on the Senate floor.

Last night on the program of Fulton Lewis on Mutual network, Mr. Lewis played tape recordings from Rubin's speech at Kent State University. Mr. Lewis has performed an outstanding service in presenting material which has apparently been ignored by all on the other media. I believe that it is of great importance in understanding the mood of students, not only at Kent State, but at universities throughout the Nation where Rubin and his colleagues are inciting our young people.

Let me quote just one example which Mr. Lewis cited in Rubin's speech at Kent State University.

> Mr. LEWIS. Jerry Rubin, of course, is the head of an organization called Yippies, the Youth International Party. What is its program for revolution in America?
>
> RUBIN. The first part of the Yippie program, you know, is kill your parents. And I mean that quite seriously because until you're prepared to kill your parents you're not really prepared to change the country because our parents are our first oppressors.

Mr. President, this is but a single example of the kind of incitement which is appearing on our campuses in increasing tempo. It is because of such incitement that students are going further and further toward violence and rebellion. The question might well be asked whether Rubin is again guilty of crossing State lines. Mr. Lewis' tape recording of Rubin's speech also reveals another statement.

> We have all got to become riot inciters. A riot is a Party. A riot is four or more people having fun that's what a riot is. There's gonna be riots everywhere.

Within a few days, after this statement, Kent State University was plunged into turmoil and tragedy. I do not say that Rubin is totally responsible for the

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situation at Kent State, but it is clear that his presence on the campus was to incite rebellion.

Mr. President, I ask unanimous consent that the excerpts from the broadcast of Fulton Lewis on Tuesday, May 5, 1970, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

Good evening, ladies and gentlemen, this is Fulton Lewis speaking from the Mutual Studios in Washington, D.C. I'll have my commentary for you in just a moment.

The most vocal protests against President Nixon's Cambodian move have come from the campuses of the nation . . . as you might expect. At Kent State University in Ohio, yesterday, four students were killed in a clash between anti-war protestors and Ohio National Guardsmen. More campus violence at American University here in the Nation's Capital today, at the University of Maryland in nearby College Park, at the University of Virginia in Charlottesville, at Rutgers University in New Jersey, at Washington University in St. Louis, to mention just a few. And today hundreds of colleges and universities have closed down completely as part of a national student strike called by leaders of the vigorously anti-war National Students Association in protest to the Administration's broadening of U.S. involvement in Southeast Asia.

There is some confusion about what actually did take place at Kent State. Some eye witnesses contend the four students were killed when National Guardsmen, for no apparent reason, opened fire on a crowd of demonstrators and bystanders. Others say the servicemen were trapped by violent protestors who were hurling rocks and pieces of concrete and that the guardsmen simply fired back out of self defense.

The tragedy there, and it was a tragedy, did come after several days of student violence. President Nixon, while expressing his sorrow over the death of the four Kent State students, today said the incident should stand as a warning against the consequences of violent dissent.

It may just be by coincidence but Kent State University, less than two weeks ago, was the host to visiting lecturer Jerry Rubin, who has been touring the nation's campuses since he was freed from jail by a Court of Appeals ruling in connection with the Chicago "7" conspiracy trial convictions. Rubin, of course, had been found guilty by the jury in Chicago of having incited riots during the 1968 Democrat National Convention.

I have a tape of his speech at Kent State and although the quality isn't very good you may be interested in the approach which this young militant takes when he speaks to student audiences.

How did Rubin get freed from prison?

RUBIN. "You know how we were freed, the seven of us. We were locked up, we turned on the radio and we heard what was going on around the country: 20,000 people marching in Boston; fires being started in Ann Arbor; the Bank of America being burned in Santa Barbara (applause). There were a thousand riots in this country when we were in jail—a thousand riots. And if they had kept us in jail there would have been a thousand more riots and if they had continued keeping us in jail there would have been two thousand more riots. That's why we were freed. We were freed because young people went into the streets to free us because they knew that they were in jail if we were in jail."

Is Jerry Rubin openly suggesting that students get out into the streets and riot?

RUBIN. "We've all got to become riot inciters. A riot is a party. A riot is four or more people having fun—that's what a riot is. There's gonna be riots everywhere."

Isn't that kind of conduct criminal? Is that what Rubin wants students to be?

Rubin: "Disrupting the court system is 'right on.' We have to disrupt every institution and break every law. We've all got to become criminals."

In his speech, Jerry Rubin gave the Kent State students his views of America as the "oppressed" society:

Rubin: "The most oppressed people in this country are not the blacks. The most oppressed people in this country are not the poor. The most oppressed people in this country are the white middle class. They're the most oppressed because they have nothing to fight for. They have nothing to live for. They can't become heroes. They want to become bureaucrats. The only time we can become heroes is when we overthrow the government. That's the only time we can become heroes."

Jerry Rubin, of course, is the head of an organization called "Yippies," the Youth International Party. What is its program for revolution in America?

Rubin: "The first part of the Yippie program, you know, is kill your parents. And I mean that quite seriously because until you're prepared to kill your parents you're not really prepared to change the country because our parents are our first oppressors."

Was the relationship between Jerry Rubin and the student riots, the tragic student riots, at Kent State University just a casual affair or is there some direct connection between his appearance on campus and the riots there of the past few days? I just don't know. All I know is that his utterances completely disgust me and I hope that disgust is shared by every other American citizen, young or old.

PRISONERS OF WAR—A VITAL CONCERN TO ALL

Mr. BROOKE. Mr. President, in all of the concern over American policy in Southeast Asia, let me remind Senators of a grave concern that all Americans must keep foremost in their consciousness—the concern for the 1,400 men who are being held prisoner by the North Vietnamese.

We must never allow these men to feel that they are helpless pawns in a larger game. As a Nation and as individuals, we must keep constantly before us their plight and their needs.

Prisoners of war can survive brutality, bad food, bad living conditions, and the flood of enemy propaganda that pours over them. The one thing they find most difficult to overcome is the feeling of uncertainty and the feeling that nobody cares. This alone can sap their morale and turn an extremely difficult experience into a living hell.

We cannot let that happen to those Americans who have served their Nation in battle and now serve us still as prisoners of the enemy. We must do all in our capability to insure that these men know we Americans care, and that we do not sit idly by while they suffer whatever abuse—physical and mental—the enemy can heap upon them.

The great problem we must overcome is the lack of communication, the fact that most of these men have not heard from their families and their families have not heard from them. We simply do not know the fate of 80 percent of these men. We know they are missing. We assume many of them are prisoners, but we do not know for sure.

It is this lack of knowledge, this uncertainty, that has caused many of the wives and mothers of these prisoners to attempt, on their own, to find out what has happened to their men. These ladies have traveled to Europe and to Asia in a vain attempt to discover the truth. At every point they have been treated with callous indifference by the Communist leaders whom they have met.

The Communists have attempted to use their concern for propaganda purposes. They have attempted to induce the women to take an active antiwar role with the implied promise that only through this can they learn the fate of their men.

These American women have shown the same fortitude and calm courage as that displayed by their husbands during these trying months and years.

They deserve our support as people and as a Nation. Our Government is doing what it can to determine the fate of these prisoners. It must do more. It must make every effort, use every means at its disposal to bring an end to this agony of uncertainty that so grimly besets both the men and their families.

VENICE TRIBUTE

Mr. PERCY. Mr. President, I should like to commend the city of Venice, Ill., for having taken the national lead in adopting an appropriate tribute to its war dead.

More than a year ago, the City Council of Venice passed an ordinance directing that the American flag be flown at half-staff for its fallen servicemen. Venice was the first municipality to pass such a law, and I am happy to report that Venice's example has been followed by many cities across the country. Amvets organizations in many areas deserve much of the credit for bringing the idea to the attention of their local governments.

President Nixon heads a list of prominent public officials who have commended the city of Venice for its patriotic efforts. Recently the national Amvets commander, Robert B. Gomulinski, presented the mayor of Venice, Dr. John E. Lee, with the National Amvets Award, recognizing the city's position of leadership.

Venice, Ill., is a modest-sized city, with a population of only 5,000, but it has forged a national reputation for itself by creating the Venice Tribute for its fallen fighting men. I am proud to represent this fine city.

A CONSTRUCTIVE ALTERNATIVE

Mr. HATFIELD. Mr. President, I invite attention to a telegram that was sent to more than 500 student-body editors and student leaders across the country. Students as well as the general citizenry have reacted very strongly to President Nixon's announcement that our troops had entered Cambodia and that North Vietnam was being bombed once again.

The telegram is an effort to help curb violence and promote constructive alternatives to merely protesting.

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I ask unanimous consent that the communication be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,
Washington, D.C.

DEAR FRIENDS: We share the sense of outrage which you and other Americans feel over the war in Southeast Asia. The recent invasion of Cambodia and the resumption of bombing of North Vietnam are only the latest in a long series of actions that mean more anguish and destruction on all sides.

We also share your sense of frustration in seeking to halt this endless war and senseless policy. We believe it is time Congress played the role assigned it by the Constitution in determining our involvement in military adventures abroad. This leadership role is admittedly overdue.

This absence of leadership has had tragic results. We are shocked and grieved by the tragedy that occurred at Kent State on May 4, 1970. We share a sense of guilt because of the lack of alternatives provided by the Congress of the United States thus far. We hope our present effort will provide a meaningful alternative.

We urge you to direct your efforts to supporting Congressional action to cut off further funds for Southeast Asia except for the purpose of withdrawing troops, the exchange of prisoners, and asylum for Vietnamese who might feel threatened by our withdrawal.

This will come to a vote, probably within 30 days, when there will be an official roll call on this amendment requiring every Senator to go on record for or against continued funding of the war. Similar efforts are underway in the House of Representatives.

Will you do all in your power to generate public support for a victorious roll call to end the war? Your letters, phone calls, petitions and personal visits to your Senators and Congressmen are urgently needed now and during the next three or four crucial weeks.

Above all, please make it known that acts of violence will be manipulated to the detriment of our cause, and will sabotage this initiative for peace.

Sincerely,
Senator MARK O. HATFIELD,
Senator GEORGE MCGOVERN,
Senator CHARLES E. GOODELL,
Senator HAROLD E. HUGHES,
Senator ALAN CRANSTON.

SENATOR RANDOLPH STRESSES DANGERS OF U.S. ACTION IN CAMBODIA

Mr. RANDOLPH. Mr. President, in the interest of our country and world peace, I hope future events and results of the President's orders approving the military venture into Cambodia will prove me wrong. It is my view, however, that the sending of U.S. troops into Cambodia presents a real danger of our active involvement in a conflict expanded beyond Vietnam into an Indochina war with severe human and economic consequences.

There are many different aspects to the very critical situation in Southeast Asia. But the basic question is whether the entry of American forces into Cambodia to clear sanctuaries will enhance our ability to scale down the conflict in Vietnam and effect our disengagement. I do not believe that it will.

Nor, do I believe that the current military action will hasten the Vietnamization program or materially enhance the security of American Forces during the period of withdrawals.

Even if we were to assume that there would not be further adverse international or domestic repercussions—and I pray there will not be—and assuming that our troops will be out of Cambodia on the timetable promised by the President—and I believe the President will withdraw the troops from there as he has outlined—I fear that the main results of the Cambodian action will in actuality be many more lost lives and casualties, and destruction of indigenous property. While there may be destruction in Cambodia of some enemy resources on the short term, we must remember that our foe is patient and persevering and is well supplied by the Communist world—and will continue to be. We seem not to have learned the concept of guerrilla warfare in which our foe engages, including the fluidity of his logistical and tactical movements.

Furthermore, taking into account the grave international implications and the rumbling reactions at home and abroad, I believe that the risks of the negative in our Cambodian entry outweigh the gains which are the objectives to which the President committed our forces to the surprise of the Congress and the country as a whole.

What are these risks? The Cambodian action could eliminate a negotiated settlement of the Vietnam war through the Paris peace talks, but we hope this will not happen.

It could lead to substantially higher levels of conflict on all fronts in Vietnam and elsewhere in Indochina. And it could stimulate increased aid from Russia and Communist China to Vietnamese and Cambodian Communists, but we hope this will not occur.

It could adversely affect the prospects for substantive progress in the arms limitation negotiations with Russia. We hope not, however.

At home, the escalation of the war into a third country could precipitate—and to me this is not an exaggeration—a constitutional crisis. There has been furious debate over the powers of the Congress to declare war and the scope of the foreign relations responsibility of the President. And yet the Chief Executive did not consult the Congress before ordering the Cambodian thrust. I genuinely regret the failure to do this.

In the face of strong opposition from many segments of our society to increased military activity in Cambodia and in view of the tense situation at home, the United States is engaged in battle in another Indochinese country besides Vietnam. This aggravates the potentially explosive atmosphere which exists on our college campuses and renews the critical division of the people of our Nation.

Moreover, there is mounting evidence of the close relationship between the widening of the war and the deterioration of our economy, a deterioration which is adversely affecting all citizens—rich and poor, young and old.

I respect the office of the Presidency and the present occupant for that office. I fully recognize the tremendous burden the President carries. He has made a difficult decision. But as an individual Senator also charged with a responsibility, I must give expression to the grave reservations I have with respect to the ordering of U.S. forces into Cambodia.

NASA AUTHORIZATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 839, H.R. 16516.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Aeronautical and Space Sciences, with an amendment to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $956,500,000;
(2) Space flight operations, $515,200,000;
(3) Advanced missions, $2,500,000;
(4) Physics and astronomy, $116,000,000;
(5) Lunar and planetary exploration, $144,900,000;
(6) Bioscience, $12,900,000;
(7) Space applications, $167,000,000;
(8) Launch vehicle procurement, $124,900,000;
(9) Space vehicle systems, $30,000,000;
(10) Electronics systems, $22,400,000;
(11) Human factor systems, $17,900,000;
(12) Basic research, $17,600,000;
(13) Space power and electric propulsion systems, $30,900,000;
(14) Nuclear rockets, $38,000,000;
(15) Chemical propulsion, $20,300,000;
(16) Aeronautical vehicles, $87,100,000;
(17) Tracking and data acquisition, $298,000,000;
(18) Technology utilization, $4,000,000;

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Ames Research Center, Moffett Field, California, $1,525,000;
(2) Jet Propulsion Laboratory, Pasadena, California, $1,950,000;
(3) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $575,000;
(4) Manned Spacecraft Center, Houston, Texas, $900,000;
(5) Marshall Space Flight Center, Huntsville, Alabama, $525,000;
(6) Nuclear Rocket Development Station, Nevada, $3,500,000;
(7) Various locations, $18,575,000;
(8) Facility planning and design not otherwise provided for, $5,000,000.

(c) For "Research and program management," $677,300,000, of which not to exceed $500,108,000 shall be available for personnel and related costs.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

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(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the areonautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premise or property of any such institution.

(i) No funds appropriated pursuant to this section in excess of $500,000 shall be used for the payment of services, per diem, travel, and other expenses of experts and consultants.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragrapns shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (8) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering development, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate or, install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof, including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. (a) Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each of such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. Section 6 of the NASA Authorization Act, 1970 (83 Stat. 196), is amended to read as follows:

"SEC. 6. (a) As used in this section—

"(1) The term 'former employee' means any former officer or employee of the National Aeronautics and Space Administration, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the National Aeronautics and Space Administration was equal to or greater than the minimum salary rate at such time for positions in grade GS–13.

"(2) The term 'aerospace contractor' means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the National Aeronautics and Space Administration in connection with any aerospace system under a contract directly with the National Aeronautics and Space Administration.

"(3) The term 'services and materials' means either services or materials or services and materials which are provided as a part of or in connection with any aerospace system.

"(4) The term 'aerospace system' includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

"(5) The term 'contracts awarded' means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than $10,000 each.

"(6) The term 'fiscal year' means a year beginning on 1 July and ending on 30 June of the next succeeding year.

"(b) Under regulations to be prescribed by the Administrator:

"(1) Any former employee who during any fiscal year,

"(A) was employed by or served as a consultant or otherwise to an aerospace contractor for any period of time,

"(B) represented any aerospace contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the National Aeronautics and Space Administration by such contractor, or

"(C) represented any such contractor in any transaction with the National Aeronautics and Space Administration involving services or materials provided or to be provided by such contractor to the National Aeronautics and Space Administration,

shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than November 15 of the next succeeding fiscal year, a report containing the following information:

"(1) His name and address.

"(2) The name and address of the aerospace contractor by whom he was employed or whom he served as a consultant or otherwise.

"(3) The title of the position held by him with the aerospace contractor.

"(4) A brief description of his duties and the work performed by him for the areospace contractor.

"(5) His gross salary rate while employed by the National Aeronautics and Space Administration.

"(6) A brief description of his duties and the work performed by him while employed by the National Aeronautics and Space Administration during the threeyear period immediately preceding his termination of employment.

"(7) The date of the termination of his employment with the National Aeronautics and Space Administration, and the date on which his employment, as an employee, consultant or otherwise, with the areospace contractor began, and if no longer employed by such aerospace contractor, the date on which his employment with such aerospace contractor terminated.

"(8) Such other pertinent information as the Administrator may require.

"(2) Any employee of the National Aeronautics and Space Administration, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to an aerospace contractor in any fiscal year, and whose salary rate in the National Aeronautics and Space Administration is equal to or greater than the minimum salary rate for positions in grade GS–13 shall file with the Administrator, in such form and manner and at such times as the Administrator may prescribe, a report containing the following information:

"(A) His name and address.

"(B) The title of his position with the National Aeronautics and Space Administration.

"(C) A brief description of his duties with the National Aeronautics and Space Administration.

"(D) The name and address of the aerospace contractor by whom he was employed or whom he served as a consultant or otherwise.

"(E) The title of his position with such aerospace contractor.

"(F) A brief description of his duties and the work performed by him for the aerospace contractor.

"(G) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the National Aeronautics and Space Administration began thereafter.

"(H) Such other pertinent information as the Administrator may require.

"(c)(1) No former employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded by the National Aeronautics and Space Administration to such contractor during such year was less than $10,000,000; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded to such contractor by the National Aeronautics and Space Administration during such year was less than $10,000,000.

"(2) No former National Aeronautics and Space Administration employee shall be required to file a report under this section for any fiscal year on account of employment with the National Aeronautics and Space Administration if such employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such fiscal year.

"(3) No former employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than $15,000 per year; and no employee of the National Aeronautics and Space Administration, including consultants or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than $15,000 per year.

"(d) The Administrator shall, not later than December 31 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding fiscal year pursuant to subsection (b)(1) and (b)(2) of this section. The Administrator shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the aerospace contractor for whom they worked or for whom they performed services.

"(e) Any former employee of the National Aeronautics and Space Administration whose employment with or services for an aerospace contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the National Aeronautics and Space Administration terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(2) of this section for such year if he would otherwise be required to file under such subsection.

"(f) The Administrator shall maintain a file containing the information filed with him pursuant to subsections (b)(1) and (b)(2) of this section and such file shall be open for public inspection at all times during the regular workday.

"(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

"(h) No person shall be required to file a report pursuant to this section for any year prior to the fiscal year 1971.

"Sec. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1971".

PRIVILEGE OF THE FLOOR

Mr. CANNON. Mr. President, I ask unanimous consent that all staff members of the Committee on Aeronautical and Space Sciences be allowed the privilege of the floor during the debate on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CANNON. Mr. President, we have before us H.R. 16516, to authorize appropriations to the National Aeronautics and Space Administration for fiscal year 1971 for research and development, construction of facilities, research and program management, and for other purposes.

Mr. President, I wish to state that I am delivering this opening statement on behalf of our distinguished chairman of the committee, Senator ANDERSON, who performed an admirable job in getting this bill through the committee and to the floor of the Senate. Mr. President, at this time I would like to commend also the senior Senator from Maine (Mrs. SMITH) for her diligent work during the consideration of this authorization request.

This is the 13th annual budget for the National Aeronautics and Space Administration. The authorization request for fiscal year 1971 was $3,333,000,000—

almost $400 million less than the amount authorized for fiscal year 1970. I think this is a significant point. We have seen the NASA authorization peak at $5.2 billion in fiscal year 1965 and then gradually reduce as the design, development, and hardware phases of the manned space program were successively completed. In fact, the principal reductions in NASA funding in recent years have been in manned space flight. The level for fiscal year 1971 results from the fact that we are operating essentially with hardware designed, developed, and produced in prior years. This budget does not support continued production of the Saturn V vehicle or the active maintenance of essential production and test facilities beyond the end of this calendar year. These are being shut down as the last vehicle stage is processed out. The impact of these actions will be felt not today, or not tomorrow, but some 4 years from now when the Nation will not have equipment available to launch heavy payloads that it may desire to launch at that time.

However, concurrent with the termination of production of the Saturn vehicle family, NASA is confidently proceeding with studies defining a space shuttle system which holds great promise in reducing significantly the cost per pound of payload into orbit by virtue of the fact that all items of flight hardware would be reusable as opposed to the present system of throwaway stages. I emphasize that the space shuttle system is in the study phase. No commitments to develop this system have been made and will not be made until the system has been adequately studied and appropriate recommendations made to Congress. Yet with the great promise that this system holds, I believe the Nation should not forgo the opportunity to examine its potential. However, present estimates are that such a system could not be developed and available for operational use until about 1977 or 1978. It, therefore, is clear that there will be a pause of some 3 years in the Nation's capability to launch large payloads, either manned or unmanned. This is the most significant fact in this budget before the Senate today. The committee has not recommended continuation of the production of the Saturn V launch vehicle because as yet, quite frankly, we do not have payloads defined beyond 1974 which makes it extremely difficult to make a persuasive case that such production should be continued as provided for in the House-passed bill. Moreover, the promise of the space shuttle system does not make it practical to continue the Saturn V at this time.

The situation that I have described is not a good one, and I want the Senate to be aware of it. However, these are very difficult times with respect to fiscal requirements; and based upon the foregoing factors, the committee recommends acceptance of the administration's program for this year with the hope that as the months progress, our fiscal situation and our hardware requirements will become clearer so that the most intelligent decision may be made with respect to national launch vehicle capability for the mid-1970's and beyond. Mr. President, I have discussed our launch capability at some length because without this capability, we are just not in the space business; and all our programs, most of which have enjoyed success and which are the forerunner of programs offering more immediate benefits to earth applications, will suffer.

The bill contains $2,606,100,000 for research and development, an amount identical to the administration request; $32,550,000 for the construction of facilities, a reduction of $2,050,000 in the President's request; and $677,300,000 for research and program management, a reduction of $15,000,000 in the request.

In research and development, the committee recommends acceptance of the program levels requested by the administration, a level which is more than $400,000,000 below the amount authorized last year.

For the construction of facilities, your committee is recommending only those facility additions which are essential to support approved ongoing national space programs. In fact, some $14 million, the largest single item in the facilities request is for the rehabilitation and modification of existing facilities to keep those in a reasonable state of repair and readiness to support the functions for which they were built. The committee did, however, recommend deletion of the earth resources technology laboratory proposed for the Goddard Space Flight Center at an estimated cost of $2,050,000. This project was designed to accommodate the control center and ground handling equipment for the earth resources technology satellite. However, the committee was unable to determine that there was not some potential duplication of facilities, that effective facilities utilization in connection with this program was being proposed, and that adequate consideration had been given to the maximum efficiencies in organizing this program—efficiencies which might be realized through a better integration and consolidation of both experimental and operational short-range and long-range planning for the earth resources technology satellite program.

The research and program management request was about $50 million above that authorized for fiscal year 1970. However, some $40 million of this increase is directly attributable to the 1969 Federal employees pay increase. The committee believes, however, that since the space program has matured and the number of new programs initiated is reduced with the workload emanating from ongoing programs, further economies can and should be expected from the National Aeronautics and Space Administration management. Accordingly, the committee is recommending a reduction of $15 million in the request for personnel and related costs.

REVIEW OF PAST YEAR

When the committee presented the NASA fiscal year 1970 authorization bill to the Senate, the Apollo 11 accomplishment had recently been very dramatically recorded in history. Subsequent to that time, on November 14, 1969, Apollo 12 was launched on an equally successful mission to the moon. Based upon the experience gained during the Apollo 11 mission, Apollo 12 was able to devote a great deal more concentration and effort to increasing the scientific knowledge of this earth's satellite. On April 11, 1970, Apollo 13 was launched on the third lunar landing mission. However, due to an as yet unexplained failure in an oxygen tank in the service module, it was necessary to abort the mission and return the astronauts to earth. This return was successfully accomplished and in doing so aptly demonstrated the capabilities of the equipment and the space flight team which has been assembled to make this Nation first in space. The failure is under review by a formal accident review board and I am confident that the cause will be identified, corrective action devised, and the necessary testing accomplished at an early date to assure that we may go forward with Apollo 14 later this year as presently scheduled.

Recent months have been quite successful in the area of space applications. On January 23, Tiros M, the improved Tiros weather satellite, was launched. This satellite is the forerunner of the second generation Environmental Science Services Administration operational weather satellites. As soon as the necessary experimentation is completed it is proposed that ESSA will gradually replace its present ESSA weather satellites with the improved version. NASA launched the Nimbus 4, a developmental weather satellite, on April 8. This satellite carries advanced instrumentation to test new concepts which then can be placed into operational use to contribute to the various data banks desired by ESSA to enhance our long-range weather forecasting capability.

In support of international cooperation, NASA, on October 1, 1969, launched ESRO 1-B, a scientific satellite of the European space community, designed to make studies of the polar ionosphere. This was followed on November 8 by the launch of a German research satellite to study energetic particles. On March 20, 1970, NASA launched Skynet A, a communications satellite, for the British Ministry of Defense.

In fulfillment of its statutory obligations, NASA launched an Intelsat 3 communications satellite on January 14 for the Communications Satellite Corporation which was followed by the launch of a similar satellite for Comsat a few days ago.

Mr. President, at this point, I ask unanimous consent to have printed in the Record a table showing the NASA authorization request, the action of the House in passing H.R. 16516, and the actions of your committee as set forth in H.R. 16516, as amended.

There being no objection, the table was ordered to be printed in the Record, as follows:

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CONGRESSIONAL ADJUSTMENTS TO NASA FISCAL YEAR 1971 REQUEST

	Summary		
	Budget request	House action	Senate committee action
Research and development:			
Apollo	$956,500,000	$1,087,000,000	$956,500,000
Space flight operations	515,200,000	654,700,000	515,200,000
Advanced missions	2,500,000	1,000,000	2,500,000
Physics and astronomy	116,000,000	110,400,000	116,000,000
Lunar and planetary exploration	144,900,000	144,900,000	144,900,000
Bioscience	12,900,000	12,900,000	12,900,000
Space applications	167,000,000	172,600,000	167,000,000
Launch vehicle procurement	124,900,000	124,900,000	124,900,000
Space vehicle systems	30,000,000	30,000,000	30,000,000
Electronics systems	22,400,000	23,900,000	22,400,000
Human factor systems	17,900,000	18,300,000	17,900,000
Basic research	17,600,000	18,000,000	17,600,000
Space power and electric propulsion systems	30,900,000	30,900,000	30,900,000
Nuclear rockets	38,000,000	38,000,000	38,000,000
Chemical propulsion	20,300,000	20,300,000	20,300,000
Aeronautical vehicles	87,100,000	87,100,000	87,100,000
Tracking and data acquisition	298,000,000	293,080,000	298,000,000
Technology utilization	4,000,000	4,500,000	4,000,000
Total	2,606,100,000	2,873,200,000	2,606,100,000
Construction of facilities:			
Ames Research Center	$1,525,000	$1,525,000	$1,525,000
Goddard Space Flight Center	2,050,000	2,050,000	0
Jet Propulsion Laboratory	1,950,000	1,950,000	1,950,000
John F. Kennedy Space Center	575,000	575,000	575,000
Manned Spacecraft Center	900,000	900,000	900,000
Marshall Space Flight Center	525,000	525,000	525,000
Nuclear Rocket Development Station	3,500,000	3,500,000	3,500,000
Various locations	18,575,000	17,950,000	18,575,000
Facility planning and design	5,000,000	5,000,000	5,000,000
Total	34,600,000	33,975,000	32,550,000
Research and program management	692,300,000	693,700,000	677,300,000
Grand total	3,333,000,000	3,600,875,000	3,315,950,000

Mr. CANNON. Mr. President (Mr. EAGLETON), the committee is recommending $2,606,100,000 for research and development, $32,550,000 for the construction of facilities, and $677,300,000 for research and program management. The bill total of $3,315,950,000 represents an amount of $284,925,000 below the House action on H.R. 16516 and an amount $17,050,000 below the NASA request.

The recommended amount of $2,606,100,000 for research and development is identical with the administration budget request and $267,100,000 below the amount approved by the House. Of the total amount recommended for research and development, $956,500,000 is for the Apollo program, a program which has demonstrated this Nation's capability in manned space flight through its two very successful lunar landings and its outstanding recovery from an equipment failure on Apollo 13 in space just a few days ago. The record shows that these accomplishments have earned worldwide acclaim and greatly enhanced the prestige of this Nation in the eyes of the world. The Apollo funding for fiscal year 1971, a reduction of over $700 million from the previous year, will be used to complete the original complement of Apollo hardware, to deactivate and mothball many of the Apollo production and test facilities, and to provide operational support to launch the ongoing lunar mission presently scheduled as follows: one in the fourth quarter, 1970, subject to successful identification and correction of the malfunction which occurred on Apollo 13, two in 1971, one in 1972, and two in 1974.

These missions designed for an extensive scientific investigation of the moon are scheduled as a balance between fiscal austerity, operational efficiency, and the timespan necessary to maximize the evaluation of one mission prior to launching the succeeding flight. I would again call the attention of my colleagues to the fact that there is no provision for further production of the Saturn V launch vehicle, beyond completing the remaining activities by the end of this calendar year, which has given this Nation its outstanding posture in manned space flight. The committee's recommendation is $130,500,000 less than that approved by the House for Apollo. The committee did not agree with the House additions, believing that the funding requested by NASA was adequate to accomplish the program presented.

The space flight operations program recommended at $515,200,000 represents the Nation's program for undertaking new manned space flight endeavors utilizing but extending the capabilities of the equipment designed and developed for the Apollo program. The Apollo applications project, recently redesignated Skylab, is the one approved flight project in this program. It consists of placing a Saturn V third stage converted into an experimental workshop into earth orbit. The workshop is designed to operate for an extended period of time supporting experiments in long duration manned flight evaluating the usefulness of man in living and working in space, and experiments in earth applications technology and solar astronomy. The workshop will be completely outfitted on the ground and launched by the first and second stage of a Saturn V—a change from the previous plan in that originally the launch would have been accomplished by the smaller Saturn 1–B launch vehicle. The revised plan simplifies the orbital activity by eliminating the erection of many internal structures in the workshop by the astronauts to make it habitable and the necessity for docking maneuvers for the Apollo telescope mount. The workshop will be launched in late 1972 and will be followed by three visits by astronauts launched in an Apollo spacecraft by the Saturn 1–B vehicle. Partial provision will be made for a backup workshop in the event circumstances indicate that this may be beneficial or necessary.

The second major element in the space flight operations program is the design and definition studies for the space shuttle orbital transportation system and for the space station which is being examined as a potential program for very late in this decade. The principal funding, however, some $80 million, is to be devoted to determining within the next year whether we ought to undertake the space shuttle development which offers great promise for substantial reductions in the cost of future space operations. The space shuttle system, being examined as reusable for as many as 100 flights, would offer great flexibility as well as economy in transporting spacecraft, men, and supplies to earth orbit. It would be able to support a space station and place in orbit many of the satellites which now require individual throwaway launch vehicles. The House has approved the addition of $139.5 million in the space flight operations program, divided about equally between the Apollo applications project and space shuttle system studies. The committee has examined both of these projects very carefully and it does not believe that such an increase above the NASA request is warranted.

Mr. President, in recent years I recall that a question has always been raised or a statement made that we are undertaking a manned mission for Mars. I want to dispel that. There is no money in this budget for such an undertaking, and there is not now any hardware in existence, in design, or in production which is to be used for such a purpose. In addition, I have personally stated for the record that we should not now undertake such a mission.

The committee is recommending $2.5 million for advanced mission studies in the Office of Manned Space Flight. It is the judgment of your committee that these activities are well worthwhile in order to better define and thereby focus the much more expensive efforts which may follow in the future. Accordingly the committee recommends the restoration of the $1.5 million cut which the House made in this program.

H.R. 16516 contains a recommended amount of $565,700,000 for the programs managed by NASA's Office of Space Science and Applications. This amount is identical with the administration request and with the House approved amount although the House has approved certain offsetting adjustments between two programs within this group. This

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program area manages and supports the unmanned scientific investigations of space and the planets and also conducts a broad effort in space applications directly related to improving our ways of doing business through space technology. There are no new projects in the physics and astronomy program, and the recommended amount of $116 million essentially involves support for investigations approved and initiated in prior years. The lunar and planetary exploration program recommended at $144.9 million will continue our unmanned Mars exploration program by supporting two Mariner-type spacecraft being built for launch in 1971 to orbit the planet. This is a follow-on to our highly successful Mariner-Mars 1969 fly-by program which is now concluded. This program also provides for a Venus-Mercury 1973 swing-by mission, initiated last year to take advantage of the planetary positions and obtain information on both planets with one spacecraft. In addition, the program also supports the ongoing and very successful Pioneer deep space investigation project. Last year I advised the Senate that the committee recommended support for the unmanned 1973 two-spacecraft Mars project called Viking. This project would provide orbital surveillance of the planet in conjunction with sending survivable instrument packages to the surface. The launch date for Viking was slipped to the 1975 opportunity in the final NASA budget discussions in order to reduce the funding requirements for fiscal year 1971. The committee regrets that this launch date was postponed because the action does in fact increase the overall cost of Viking, a project which the committee believes that the Nation should undertake; however, in recognition of the need for fiscal austerity the committee supports this adjustment inasmuch as it believes that the orderly, progressive, unmanned investigation of this planet laid out over 2 years ago should be continued.

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The committee recommends $12.9 million for the bioscience program, a reduction of over $7 million from the previous year's authorization level. The biosatellite spacecraft project has been discontinued as I reported last year and the direction of this program is still under review in NASA utilizing recommendations made by a special study group established by the National Academy of Sciences. The committee recommends supporting the lower level of research in bioscience until a clearer objective can be established for this program.

The bill contains $167 million, an increase of $38.6 million above fiscal year 1970, for the space applications program. This program supports the development of weather satellites, geodetic satellites, earth resources survey satellites, and the development of advanced spacecraft technology looking toward applications in navigation and traffic control and advanced communications areas. The program for fiscal year 1971 will continue at about the same annual level on work in support of meteorological satellites with one major exception, and that is proceeding to hardware development with the synchronous meteorological satellite—SMS—which will eventually become an integral part of the ESSA weather satellite network. The SMS accounts for about $13 million of the fiscal year 1971 increase in the space applications program. The largest individual project increase, however, is for the earth resources survey satellite, with an increase of $26.5 million above the fiscal year 1970 operating level. This project is strongly endorsed by the committee and by the various agencies with functional responsibilities in the natural resources area, such as the Department of the Interior and the Department of Agriculture, inasmuch as large potential rewards are predicted from natural resource, crop, hydrologic, and other surveys of the U.S. continental land mass and adjacent oceanographic areas. The large increase in this project this year is directly attributable to going forward with the actual hardware production for the two spacecraft in the initial program. The committee is concerned, as expressed in its report, about the absence of a formal agreement to cover both the short-range and long-range interests and responsibilities of the several agencies interested in this project and it urges that early attention be given to committing these matters to writing. The committee is convinced that working out such agreement or agreements will promote greater efficiency and eliminate duplication in the prosecution of this very important project.

The space applications program also includes $31.1 million for the applications technology satellite. This project supports the design and testing of new concepts in unmanned spacecraft technology such as stabilization and advanced instrumentation and experiments for eventual use on other applications satellites supporting operational activities. In the formulation of the fiscal year 1971 budget request the two current satellites in this project, ATS–F and G, were rescheduled to reduce the financial impact in this fiscal year. The House approved a reduction of $5.6 million in the Explorer project in the physics and astronomy program and the addition of that money to the ATS project to return it to the earlier launch schedule. The committee, as explained in the report, does not concur with a reduction in the physics and astronomy program and noted the testimony from NASA witnesses does not indicate that such an amount would be adequate to retrieve the schedule for the ATS launches. Accordingly the committee did not concur with the House action in this regard.

The final program in OSSA is that of launch vehicle procurement, for which $124.9 million is recommended. This program supports the development, procurement and launch of vehicles to support the unmanned spacecraft programs which I have been discussing. The amounts requested are directly relatable to approved unmanned spacecraft flight projects, and the committee recommends support of this program at the requested level.

The bill before the Senate today includes a total of $264.2 million for those programs managed by the Office of Advanced Research and Technology. This level is approximately $8.1 million below the fiscal year 1970 NASA operating plan which in turn is $18.6 million—for a total of $26.7 million—below the fiscal year 1970 authorization. A large part of the reduction in the fiscal year 1970 operating level is due to the NASA decision not to proceed with the nuclear rocket engine development at the level recommended by the Congress. Work on this important development, fully endorsed by the President's space task group, will continue in fiscal year 1971. A large reduction has been made in the electronics systems program in fiscal year 1971 with lesser reductions in other programs—all of which have been offset to some extent by a $10 million increase in the aeronautics program. These programs are directed toward accomplishing the advanced research for and laying the technological foundation for undertaking the space flight projects envisioned for the future and for maintaining a strong aeronautical research capability.

These programs range from basic research per se to advanced research in electronics, human factors, space power, and space propulsion with a heavy and necessary effort in the area of structures and materials. I would characterize these programs as doing your homework for the future. The programs in this group are conducted primarily on a level of effort basis and, with a very few exceptions, represent scientific and technical manpower efforts as opposed to hardware expenditures which are found in the manned and unmanned spacecraft development programs. All of these programs, to a greater or lesser degree, contribute to NASA's aeronautical responsibilities as well as to space; and, in fact, we see a drawing together of the space and aeronautical know-how.

In addition to the efforts devoted to aeronautics in other program areas, this bill contains $87.1 million for research in the aeronautics program line item. This amount is an increase of about $10 million above that recommended and authorized last year. Although it is often forgotten when one thinks of the National Aeronautics and Space Administration, NASA does have a statutory responsibility to lead the Nation in aeronautical research and it does that. In addition to this aeronautical research and development budget, NASA maintains and operates basic research facilities in aeronautics and maintains a staff of 3,197 personnel in support of its aeronautical programs. The aeronautics program covers the spectrum from general aviation through V/STOL, subsonic aircraft and hypersonic aircraft technology, including propulsion, structures, aerodynamics and stability and control.

The House added a total of $2.3 million to selected programs in advanced research and technology to be used to emphasize certain aeronautical efforts. This addition was made by an equivalent reduction in the tracking and data acquisition program. The committee appreciates the contribution that aviation technology has made to the gross national product of the Nation and the record of the committee is very clear in its attention to assuring that our aeronautical efforts are not slighted; however, the committee is not persuaded that the rather nominal amounts added to these programs will have a significant impact, and when measured against the contribution of the tracking and data acquisition program, the committee did not believe that the adjustment should be concurred with.

The tracking and data acquisition program is recommended to the Senate at the NASA level of $298 million, an increase of $20 million above the amount authorized and actually programed for use in fiscal year 1970. This is a vital program. All of the investment that the Nation makes in launch vehicles, spacecraft, and experiments—not to mention the concern with the safety of our astronauts on manned missions—would be lost without an adequate and reliable command and control and data transfer capability which is provided through this program. In the past year reductions have been made in the number of instrumentation ships and aircraft utilized in this program and other adjustments have been made as operating experience enabled NASA to introduce economies without jeopardizing the function served. Each year the number and complexity of space missions to be supported continues to increase. The increase of $20 million that I referred to is to provide for an upgrading of the equipment so that an up-to-date and reliable network is available to support the flight projects at all times. This upgrading has been deferred to some extent in previous years because of financial cutbacks; however, the committee does not believe this deferral should be continued and recommends acceptance of the amount in the bill. For the foregoing reasons the committee did not agree with the $4.2 million reduction in this program approved by the House, $2.3 million of which I have already stated was reallocated to other programs. The remaining $1.9 million was reallocated to increase technology utilization efforts and to the research and program management category which I will discuss later.

The committee is recommending $4 million for the technology utilization program which supports mechanisms for identifying and transferring new ideas developed in the space program to the nonaerospace industrial community and the general public. There is an established and ongoing network for carrying out this important activity. Also, provision is made in the program for exploring new ideas for enhancing the transfer process. The committee believes that the NASA request of $4 million is adequate and did not concur with the $500,000 House approved addition.

CONSTRUCTION OF FACILITIES

The administration requested $34.6 million for the construction of facilities for NASA for fiscal year 1971. The committee is recommending a construction of facilities budget of $32,550,000, an amount $2,050,000 less than the administration request and an amount $1,425,000 less than that approved by the House. Approximately 60 percent of the request for facilities for the various NASA installations is to replace obsolete, deteriorated and/or inadequate facilities that have either outlived their usefulness or their effectiveness, and for the rehabilitation of existing facilities to maintain their usefulness and capability to perform the function for which they were built. Three facilities were requested—one at the Goddard Space Flight Center for $2,050,000, one at the Jet Propulsion Laboratory for $1,250,000, and one at the Nuclear Rocket Development Station for $3,500,000—which in my judgment I consider as wholly new projects that would provide a major new capability. The remainder of the construction of facilities request consists of those smaller additions and modifications required by NASA to conduct its programs effectively.

For the reasons I have indicated, in conjunction with my discussion of the Earth resources technology satellite project, the committee has recommended disapproval of the request for the Earth Resources Technology Laboratory estimated to cost $2,050,000 and proposed to be located at the Goddard Space Flight Center. The committee, as stated in the report, recommends that the executive branch survey the appropriate location for such a facility in the light of the overall earth resources program and the provision of facilities which will most efficiently serve that need.

The committee is recommending $1,250,000 to construct a radioisotope thermoelectric systems application laboratory at the Jet Propulsion Laboratory which will support the application to unmanned spacecraft of the long-lived nuclear power sources required for upcoming longer duration, more complex, higher power requirement missions. The lower power requirements of the present day spacecraft have generally been satisfied by the use of solar cells which have severe limitations for future missions. The third major new facility request is for $3.5 million to provide for the initial increment of construction for engine test stand No. 2 at the Nuclear Rocket Development Station. This funding will provide for the addition of steam generation capacity at the existing nuclear engine test stand site which will also provide similar altitude simulation capability for the engine stage test stand to be constructed for development testing of the nuclear rocket stage. This project is required to support the nuclear rocket stage development established by the President's space task group as an integral part of the Nation's future space propulsion capability. It is necessary to provide for the initiation of construction of the developmental test facilities in fiscal year 1971 in order to maintain the schedule established for the engine itself.

The House deleted two rehabilitation and modification projects from the construction of facilities request. The committee did not concur with these deletions at the Michoud assembly facility and the Mississippi test facility inasmuch as they are important to maintaining the basic capability of these facilities for future use.

RESEARCH AND PROGRAM MANAGEMENT

H.R. 16516 contains $677,300,000 for the research and program management appropriation category. The recommended amount is $15 million below the NASA request of $692,300,000 and $16.4 million below the amount approved by the House. This funding supports research in the Government-owned laboratories of the National Aeronautics and Space Administration, provides for the management of the agency and its programs, and supports the maintenance and operation of the NASA facilities. The research and program management level requested for fiscal year 1971 is $54.9 million above that authorized in fiscal year 1970; however, during the review, recognition was given to the fact that $41.7 million of the increase is attributable to the 1969 Federal employees pay increase. Nevertheless, the committee has been increasingly concerned about the continuing increase in this appropriation category and the tendency on the part of the agency to reprogram funds seemingly without regard for the program levels established by the Congress and the need for more effective manpower management and utilization, particularly in view of the maturity of the agency and the programmatic trends which have existed for some 3 years. Accordingly the committee is recommending a $15 million cut in that portion of this category identified in the budget as personnel and related costs. This would establish a level of $500,108,000 for personnel and related costs, with the remaining $177,192,000 of the total recommendation of $677,300,000 to be used for other expenses associated with this appropriation category. In addition, the committee is recommending appropriate wording in section 1(c) of the bill and an addition to section 4 of the bill, section 4(b), which would make the $500,108,000 a firm ceiling which may not be exceeded by the agency.

LEGISLATIVE CHANGES

The committee is recommending to the Senate four legislative amendments to the NASA fiscal year 1971 authorization request. The first amendment would establish in section 1(c) a ceiling of $500,108,000, which would be available within the research and program management appropriation category for personnel and related costs. The second amendment would amend section 4 which deals with the agency's reprograming authority. Briefly, this amendment to this section would specify that nothing in the section should be construed to authorize expenditures of amounts for personnel and related costs to exceed the ceiling established. I have already discussed the basis for these recommendations.

In the past year inquiry has developed that the NASA policy on the employment of experts and consultants has left something to be desired and raises a question as to whether a proper return has been received for the money spent for these services. Accordingly, the committee, through an amendment to section 1, has established a ceiling of $500,000 on funds which may be used for the payment of services, per diem, travel, and other ex-

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penses of experts and consultants. Also, in connection with the administration of its consulting services NASA is being requested to review its procedures and take such action as necessary to assure that all possible conflicts of interest are eliminated prior to the employment of a consultant.

The fourth amendment would add a new section 7 to the fiscal year 1971 act amending section 6 of the NASA Authorization Act of fiscal year 1970. This section relates to certain reporting requirements required of certain former employees of NASA employed by the aerospace contractors or vice versa. A similar requirement was established in the Department of Defense Authorization Act of 1970 and during the ensuing year it was noted that several differences existed between the two acts although they were intended to be identical. Inasmuch as both agencies deal frequently with the same contractors and since both agencies engage in cross-servicing arrangements in contract administration, and so forth, an increasing burden is created by these small differences in the act. The committee amendment would remedy this condition without any substantive change in the intent of the basic provisions.

OTHER MATTERS

Mr. President, in conclusion, I would like to comment briefly on the international space cooperation activities of the National Aeronautics and Space Administration. This subject has been the subject of discussion in this Chamber from time to time. The committee has always followed NASA's international activities very closely, encouraged continuing overtures by NASA to other nations interested in space endeavors, and from time to time published committee reviews of the status of international activities. This year the committee continued these efforts with a hearing devoted solely to a review of the current status of NASA's international activities. The hearing followed by just a short time a series of international visits by Dr. Paine, the Administrator of NASA, to other nations to discuss space cooperation. The hearing record has been published as part III of the fiscal year 1971 authorization hearings, and this document is available on the desks of each Senator today. I commend this to your reading.

Also, the committee, as it did last year, devoted one complete hearing to a review of the practical benefits or so-called "spinoff" from the space program which is or may be applicable to the average individual in his everyday life. These benefits are frequently obscured by the more dramatic activities of manned space flight, but they nonetheless are present and are very real. Admittedly we are in the infant stage in realizing the benefits of space technology, but it is clear that we have established a great bank of knowledge which we may draw on to better serve our society in the years ahead. The record of this hearing on space benefits will be published very soon, and it will be available from the committee at an early date. Again I urge my colleagues to review this material.

Mr. President, this concludes my statement. I believe that the fiscal year 1971 authorization recommendation I have presented is a very austere one. Certainly it is lower than what I personally believe the Nation should have; however, one must be realistic and recognize the many demands upon our fiscal resources. In doing so, however, I trust that my colleagues will agree that the Nation should maintain, preserve, and establish a sound base to continue to maintain our hard-earned space leadership in the years ahead. This bill will do this; and although some rather major adjustments have had to be made on future programs to meet budget constraints, I do think it will enable us to move forward with the basic essentials of a national space program. I urge the support of my colleagues for this bill.

Mrs. SMITH of Maine. Mr. President, I thank the distinguished Senator from Nevada for his kind words about me and also for the effort he has made in making this bill what it is as it comes to the Senate for our consideration.

I also wish to thank the distinguished Chairman of our Space Committee, the senior Senator from New Mexico (Mr. ANDERSON), who has guided our committee through extensive hearings and also the markup, and who has given our committee a chance to bring to the Senate for consideration what we think is a very fine bill.

I also commend the staff of our Space Committee under the direction of Mr. James Gehrig for the fine job they performed on this bill.

The bill has been explained very carefully and most completely by the distinguished Senator from Nevada, so I will not take any time of the Senate to go into it in more detail.

I do want to add, However, that programs contained in the bill contribute to virtually every segment of our society—science, education, medicine, and industrial technology. I believe the space program has greatly enhanced international goodwill and respect for the United States throughout the world.

Mr. President, the committees have worked long and hard on the bill. I both recommend and urge that the Senate approve the bill as it is.

Mr. GOLDWATER. Mr. President, I wish to join in the comments of the distinguished Senator from Maine (Mrs. SMITH) relative to the chairman of the Space Committee and the very competent staff.

I wish to address a few remarks in support of the bill.

When Apollo 13 Astronaut James Lovell appeared before the Aeronautical and Space Sciences Committee after his harrowing trip around the moon, he was commenting on the benefits that flow from the space program. He said:

> We believe the space program, if nothing else, is a stimulus to education.

I think that merits repeating, Mr. President, because we hear so much talk these days that would indicate that all the money spent in space is wasted—a gigantic fraud on the American people. It is as if some people expect a pound of goods for each dollar spent; that an effort is not worthwhile unless they can show some fiscal return, some tangible goods, a new product. So it is significant that Captain Lovell believes the real value of the space program is something as intangible as an educational stimulant; a spur to the people of this country to learn.

Consider for a minute what an achievement that is. In this day of "tune-in, turn-on, and drop-out," how would you, Mr. President, or any of my distinguished colleagues—how would you go about stimulating our young people to continue their education? What subject would you pick? God; country; personal security? What rhetoric would you use to exhort your audience to pursue education to their limits? I think most of you will agree that it is a difficult task.

Yet the space program seems to be achieving that task.

I am sure it is not necessary to justify the value of education. Since this country was founded, education has been one of our driving forces. We were the first country in the world to seek to educate the mass of its population. It is in large measure responsible for making this Nation as great as it is.

And so, Mr. President, I want to say, especially to those here who are so concerned with the dignity of the human being in this country, with social values and personal freedom, that the stimulus to education provided by the space program is a valuable asset to all those goals.

Education is the means by which we are raised above the animals. Through education we learn how to meet our problems and ultimately to solve them. Education is the means whereby we remain free.

What greater return can we ask from our investment in space than that it lift our eyes from the ground and lead us in the pursuit of all these things?

Mr. President, I might comment from personal experience in the education field of the tremendous interest that has been aroused in our young people. I am not talking about teenagers; I am talking about those I call the "space age generation." I refer to those who are 8, 9, 10, 11, 12 years old. I have stayed very close to education at all levels throughout my life. It is an education to me to visit grammar schools and listen to the interest generated among these youngsters in becoming better educated.

I was shocked recently when I was home and my eldest granddaughter came up and said, "Pop-Pop, show us how you did arithmetic." While there were times in the past when I could not make 2 and 2 come out to 4 every time, I took a piece of paper and showed her how we did arithmetic. She said, "Let me show you how we do it." She lectured me on binary arithmetic, which is the arithmetic of computers.

In talking about the space program and the great achievements, I have felt that we might have the first real long bootstrap we have had since our frontiers were closed when our forefathers reached the Pacific coast. The new frontier is in space.

I do not want to comment on the value

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of the program to education alone. I think that the most important fallout from this program is the satellites we have in the process of being perfected that will provide accurate pinpoint navigation for aircraft and ships all over the world. Think of the tremendous advantage the whole world will have when we have a proper use of communication satellites that will, to a large measure, stamp out the lack of communication between people of this earth.

There are also the television satellites. It is now proposed that over 5,000 television sets be placed in India alone so that the underprivileged can receive an education through television.

One of the most important fallouts or spinoffs of the space program is in the earth survey program we have going on in this country. Through a new process of color photography we can tell from either highflying aircraft or lowflying satellites the condition of the earth: whether it is too dry, whether it is too moist, what it needs in the way of fertilizer, and how the crops are growing. We need not spend valuable days and money any more going into the field to determine these things because they can be determined in moments by photographs from the air.

I have heard in this Chamber and around the country many times the question, "What have we gotten for the $42 billion we have spent on space?" As indicated earlier, I do not think I could stand here and count out $42 billion worth of return; but I am willing to hazard a good guess that within 5 years we will determine that this investment has probably been the wisest investment ever made by the Federal Government because already we have produced thousands of items of a fallout or spinoff nature.

I ask Senators who are trying to make up their minds whether or not to support the bill and the authorization to evaluate for themselves whether or not this has been productive and I shall get into only a couple of fields. For example, Mr. President, if I told you that the absolutely fireproof house is now with us, would that be worth $42 billion to think we would never lose another life through fire in a home or building? I think it is worth it. If I were to tell you it is now possible to coat the inside of a fuselage and the wings of an aircraft so that the aircraft could not be set on fire, no matter how much gasoline was poured into it, is that worth $42 billion to save the lives of people? We lose over 500 people a year in aircraft accidents, many by fire.

Another important fallout from the space program is that we are now in the process of perfecting a device that will tell the pilot of one airplane that there is another airplane in the proximity and warn him of it and what to do about it. That is a fallout from the space program. Is that worth $42 billion? I think it is, to avoid any future midair collisions in this country or any other part of the world.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. CURTIS. I am interested in what my distinguished friend has to say about the benefits of the space program. Would the Senator subscribe to the statement that, in order to accomplish what has been accomplished in space, it meant that this country had to accumulate, acquire, and apply vast amounts of knowledge, science, and technology? All this was necessary in order to do what has been done in the space program. Is that correct?

Mr. GOLDWATER. I could not agree more. In fact, I was just looking at my desk to see if I had brought a list of documents, films, books, and other presentations that have been made to the educational world by the NASA experimentation and investigation and by the moneys we have invested in it.

Mr. CURTIS. I would like to offer the suggestion that it is entirely possible that out of the advances in knowledge, science, and technology that came about because of the space effort, there might well flow more benefits to man on earth than the direct benefits of the actual landing on the moon.

Mr. GOLDWATER. I could not agree with the Senator more. The actual landing on the moon was, of course, a tremendous achievement. By the way, we have learned from that already. We have achieved more than a few vials of moon dust. We are getting a better insight of what our world consists. We are learning about some elements which we suspected but did not know about until our landing on the moon.

Mr. CURTIS. I might mention that we learned much in X-ray technique.

Mr. GOLDWATER. The Senator is absolutely correct. I might take that a step further and say that at the optical laboratory at the University of Arizona, applying techniques that have been advanced by the NASA program, we now have an electronic microscope that can read out a cancer cell in 1 minute and type out the characteristics of that cell—a process that my doctor son-in-law tells me would otherwise take about a month to do.

By the way, we have made some real first steps in the investigation of cancer under the NASA program.

If the Senator would allow me to do so at this point, so we do not get too far away for the reader, I ask unanimous consent to have printed at this point in my remarks a statement made by Dr. Thomas Paine before the committee, listing the scientific and technical publications.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NASA SCIENTIFIC AND TECHNICAL PUBLICATIONS

The National Aeronautics and Space Administration makes the results of worldwide research and development activities in aeronautics, space, and supporting disciplines promptly available to all interested parties. NASA's scientific and technical information system now contains nearly one million documents, which are abstracted, indexed, and obtainable through retrieval and dissemination services.

The dissemination services make use of four NASA announcement journals: Scientific and Technical Aerospace Reports, International Aerospace Abstracts, Reliability Abstracts and Technical Reviews, and Computer Program Abstracts. These journals cover the following areas:

Scientific and Technical Aerospace Reports is a comprehensive abstracting and indexing journal covering current worldwide report literature on the science and technology of space and aeronautics. *STAR* is published semimonthly.

By arrangement between NASA and the American Institute of Aeronautics and Astronautics, the AIAA publication *International Aerospace Abstracts* provides parallel coverage of scientific and trade journals, books, and conference papers in the same subject areas as the reports abstracted in *STAR*. *IAA* is published semimonthly.

Reliability Abstracts and Technical Reviews is an abstract and critical analysis service covering published and report literature on reliability. The service is designed to provide information on theory and practice of reliability as applied to aerospace and an objective appraisal of the quality, significance, and applicability of the literature abstracted.

Computer Program Abstracts is an indexed abstract journal listing documented computer programs developed by or for the National Aeronautics and Space Administration, the Department of Defense, and the U.S. Atomic Energy Commission which are offered for sale through the Computer Software Management and Information Center (COSMIC).

NASA also publishes a series of technical journals, reports and special publications. They are:

Technical Reports: Scientific and technical information considered important, complete, and a lasting contribution to existing knowledge.

Technical Notes: Information less broad in scope but nevertheless of importance as a contribution to existing knowledge.

Technical Memorandums: Information receiving limited distribution usually because of the preliminary nature of the data.

Contractor Reports: Scientific and technical information generated under a NASA contract or grant and considered an important contribution to existing knowledge.

Technical Translations: Information published in a foreign language, and needed in the aerospace program.

Special Publications: Information derived from or of value to NASA activities. Publications include conference proceedings, monographs, data compilations, handbooks, sourcebooks, and special bibliographies.

Technology Utilization Publications: This category of Special Publications includes information on technology used by NASA that may be of particular interest in commercial and other non-aerospace applications. Publications include Technology Utilization Reports, Notes, and Technology Surveys.

Listed below are representative titles of recent NASA publications in the various series.

TECHNICAL NOTES

Fortran Program for Machine Computation of Group Tables of Finite Groups. By G. Allen, D. D. Evans, and P. Swigert (NASA TN D–5402).

Experimental Measurements of Expanding Storable-Propellant Products Simulated by Combustion of Gaseous Reactants. By R. Friedman, R. Gangler, and E. Lazberg (NASA TN D–5404).

The Visual Acuity in Viewing Scaled Objects on Television Compared With That in Direct Viewing. By E. Long, Jr., and S. Long (NASA TN D–5534).

Some Factors Affecting the Stress-Corrosion Cracking of Ti–6A1–4V Alloy in Methanol. By W. B. Lisagor (NASA TN D–5557).

A Study of the Application of Heat or Force Fields to the Sonic-Boom Minimization Problem. By D. S. Miller and H. W. Carlson (NASA TN D–5582).

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TECHNICAL MEMORANDUMS

A Review of Liquid Propellants By R. O. Miller (NASA TM X-1789).

Synoptic Analysis of the Southern Hemisphere Stratosphere. By A. J. Miller and F. G. Finger (NASA TM X-1814).

A Procedure for Furnace Brazing Butt Joints in Tungsten-Uranium Dioxide Cermet Cylinders at 3000° C By T. J. Moore and D. W. Adams. (NASA TM X-1815).

Toxicity Problems in Plastic Hardware Designed for Biological Space-Flight Experiments By R. Willoughby (NASA TM X-1818).

Design and Performance of a Heart Assist or Artificial Heart Control System Using Industrial Pneumatic Components. By J. A. Webb, Jr., and Vernon D. Gebben. (NASA TM X-1953).

TECHNICAL REPORTS

The Effects of Molecular Structure on the Thermochemical Properties of Phenolics and Related Polymers. By J. A. Parker and E. L. Winkler (NASA TR R-276).

Self-Synchronizing Fi-Orthogonal Coded PCM Telemetry System. By W. Miller, R. Muller, T. Taylor, and J. Yagelowich (NASA TR R-292).

Principles of Optical Data Processing for Engineers. By A. R. Shulman (NASA TR R-327).

Techniques for Eliminating Baseband Voice Interference with Telemetry for the Apollo Communication System. By G. D. Arndt, S. W. Novosad, and R. J. Panneton (NASA TR R-337).

CONTRACTOR REPORTS

Testing of High-Emittance Coatings. By R. E. Cleary and C. Ammann (NASA CR-1413).

General-Aviation Pilot Reactions to and Opinions on Groove Runways. By G. E. Cranston (NASA CR-1428).

Research on Metallurgical Characteristics and Performance of Materials Used for Sliding Electrical Contacts. By W. H. Abbott and E. S. Bartlett (NASA CR-1447).

Stress Corrosion Cracking of Titanium Alloys at Ambient Temperature in Aqueous Solutions. By T. L. Mackay (NASA CR-1464).

Effects of Sonic Booms and Subsonic Jet Flyover Noise on Skeletal Muscle Tension and a Paced Tracing Task. By J. S. Lukas, D. J. Peeler, and K. D. Dryter (NASA CR-1522).

Compatibility of Columbium Base Alloys with Lithium Fluoride. By R. W. Harrison and W. H. Hendrixson (NASA CR-1526).

TECHNICAL TRANSLATIONS

Titanium Alloys for Modern Technology. By N. P. Sazhin (NASA TT F-596).

Satellite Meteorology. By K. S. Shifrin and V. L. Gayevskiy (Eds.) (NASA TT F-589).

Perception of Space and Time in Outer Space. By A. A. Leonov and V. I. Lebedev (NASA TT F-545).

Radiophysics. 1965-1966: Radiophysical Investigations of Venus. By A. D. Kuzmin (NASA TT F-536).

SPECIAL PUBLICATIONS

Apollo 11: Preliminary Science Report (NASA SP-214).

Exploring Space With A Camera. Compiled and Edited by E. M. Cortright (NASA SP-168).

Weather Satellite Picture Receiving Stations.—Inexpensive Construction of Automatic Picture Transmission Ground Equipment. By C. H. Vermillion (NASA SP-5080).

Mariner-Mars 1969: A Preliminary Report (NASA SP-225).

Surveyor Program Results (NASA SP-184).

Earth Photographs from Gemini VI through XII (NASA SP-171).

In Fiscal Year 1969, more than 1.6 million copies of NASA publications were distributed. In addition, more than 3 million microfilm copies—microfilm carrying images for 60 pages each—were also sent out. The attached table gives a breakdown of our report distribution statistics:

NASA REPORT DISTRIBUTION STATISTICS FOR FISCAL YEAR 1969

Formal series (printed)	Titles	Copies	Recipient organizations
Special publications	69	241, 500	2, 573
Technical notes, technical reports, contractor reports, technical translations	945	1, 417, 500	2, 573
Technical memorandums	202	30, 300	150

Microfiche copies [1]	Titles	Microfiche cards	Copies	Average number of recipients
Not-printed NASA documents	10, 216	17, 360	3, 211, 500	230

[1] 4 by 6 sheet microfilm; each sheet carries images for 60 pages.

Mr. CURTIS. Is it also true that if the United States had not made this space effort and if we fail to carry on with it, no country in the free world could take over that effort? There is no other country in the free world which can do it. Is that not true?

Mr. GOLDWATER. It is true if we put in the word "soon."

Mr. CURTIS. Or alone.

Mr. GOLDWATER. I think the Russians could, if they directed all of their talents toward this one project, possibly in time take over where we would leave off, but it would require them to do their space work in a different way than they are doing today, and I do not think they could change.

Mr. CURTIS. I concur in the observation about Soviet Russia, but my question was that our efforts could not be duplicated by any other nation in the free world.

Mr. GOLDWATER. Not as of today.

Mr. CURTIS. No other free country could have made such progress in space if it were not for the United States of America. Is that correct?

Mr. GOLDWATER. The Senator is correct.

Mr. CURTIS. I thank the Senator.

Mr. GOLDWATER. We have accomplished our first major goal in space. The question now is whether we will exploit this capability and gain a return on our investment or we will allow this new resource to lie dormant and eventually waste away.

It is unthinkable to me that we should ever consider a course of action that would deny our country the continued leadership in space that we now enjoy. This leadership was not easily come by. It took over 10 years of hard work by more than 300,000 people in government, in industry, and in the academic community who worked together as part of the Nation's investment in man's most ambitious engineering and scientific project. These thousands of people were trained, solved innumerable problems, built the facilities, invented the tools, developed the hardware and the operational capability to fly space missions. This overall capability, developed at such a cost of dollars and human energies, is now available to continue the important tasks that lie ahead in space. It is illogical not to proceed and obtain the dividends from this great national resource.

The NASA legislation before us today details a responsible and intelligent approach to the future of this Nation's space efforts, and I strongly urge that it be passed. This bill lays the basic groundwork for a balanced program of the 1970's without crash deadlines to meet and contains provisions for change of directions if national priorities dictate that changes should be made.

To my way of thinking, one of the most important aspects of this authorization request is the sensible approach that NASA has taken in an attempt to lower the cost of space flight operations that involve new transportation systems, payloads, and facilities. The first elements of such a system that would ultimately provide substantially increased benefits from activity in earth orbit per dollar invested are the space shuttle and space station. The expanded, more economical flight activities made possible by the revolutionary and advanced systems will in a very concrete way open the arena of space to increased activity at delivery costs considerably less than presently required.

Since the shuttle is essentially a transporter and cargo vehicle, its utility would not be restricted to a single program or a single agency. Rather, it is expected that at the very earliest opportunity both NASA and the Department of Defense space programs would benefit from this new system. The development of the space shuttle would also have a tremendous impact on the aeronautic community since the shuttle basically weds the rocket and the airplane. There would be a very high level of technology transfer stimulated by the research that went into the development.

But perhaps more important than any of the many reasons for moving ahead with the space shuttle and space station studies is the awesome fact that the United States cannot hope to maintain its leadership in the realm of space unless we establish the feasibility of these advanced systems.

We have heard arguments that the shuttle and station are the first steps in a commitment to land men on Mars. This is not so. These systems are intended for use in earth orbit. It is true that the shuttle and station, because of their long-range commonality, might be used at a much later time as parts of systems extending farther out into space. But a decision on the Mars landing need not be made prior to the mid-1970's.

In fact, if I remember correctly, I think Dr. von Braun said it would be 1982 before Mars came close enough to the earth to think of putting man up there.

Let us not deny the future to generations that will follow because of our limited vision of today. This Nation's space accomplishments to date have provided the world with a new and refreshing outlook. It has nurtured and developed leaders of outstanding quality and ability—the astronauts who have become the world symbol of courage and true grit; the managers who have mounted and made work the most ambitious undertaking ever attempted; and the engineers and technicians whose skills and dedication have forced technology to an unprecedented level. Only by authorizing the funds necessary for new and advanced space systems can we ever hope to continue and strengthen this established base of excellence.

The bill before us today will make it possible to take the first steps toward this goal. It is legislation that is sound and future-oriented and legislation that I most wholeheartedly support.

Mr. President, in conclusion, because I have mentioned the importance of education, I ask unanimous consent to have printed in the RECORD comments before the committee by Dr. Thomas Paine on the impact of the space program on education.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

IMPACT OF SPACE PROGRAM ON EDUCATION

The exploration of space has profound and continuing effects on U.S. education.

The shock of the first Sputnik prompted a dramatic re-evaluation of our scientific educational practices. Curricula changed. New maths and physics appeared. Instruction in other sciences was radically altered and updated, not only in expected evolutionary patterns, but also as a direct result of the flow of new knowledge. The results of this country's space programs and the needs of scientific and technological education now converge in a continuing dialogue that infuses new knowledge into the Nation's classrooms.

In the early days of space exploration Dr. Lee DuBridge said, "one hundred years from now the new kind of knowledge attained in space research will surely have paid untold, unforeseen, and unexpected dividends. Already, the dawning of the space age had impelled Americans to seek to improve their schools. That alone may be worth the cost of all our space rockets."

NASA employs a literal interpretation of the Space Act's directive to increase the scientific and technical capability of the Nation. We regard our undertakings as incomplete until their results have been made available to the country's elementary and secondary schools. Programs have been developed to facilitate the transfer of this new knowledge.

Working with universities, for example, NASA compiles the relevant information its programs produce into curriculum supplements (not textbooks) which are made available to teachers. This program helps fill the gap between the appearance of new knowledge and the use of that knowledge in textbooks which are a long time in preparation and acceptance. The agency also works with current state school curricula.

The general approach of the agency's primary and secondary school programs is to offer teachers relevant information in useful formats. It is the teacher who makes the judgment on how and when to employ this new knowledge in the classroom. Central to this approach is an active program of NASA assistance to institutions of higher learning, state and local school authorities and professional associations in the conduct of courses, institutes and workshops for pre- and in-service teachers.

There is one major exception to the teacher-oriented NASA educational program: the Spacemobile offers lecture demonstrations directly to students. Nearly all Spacemobile schedules are established by state boards of education. The program reaches about 3 million students annually.

Descriptions and results of educational programs follow:

CURRICULUM RESOURCES PROGRAM

Provides teachers with publications which relate aerospace results to the several subjects, grades K–12. Useful also to curriculum and textbook writers who wish to update content with recent and relevant aerospace developments. Basic is its purpose of providing a stimulus and a model for similar non-NASA aerospace curriculum projects. The supplements are published both as books covering several topics and as leaflets dealing with a single topic; appropriate film loops are being prepared.

Examples are:

Teaching to meet the challenges of the space age.—For elementary teachers. Project cost $1,000. Published 120,000 copies. Being updated by Center for Urban Education, New York City, a USOE Title IV project.

Introducing children to space, the Lincoln plan.—For elementary teachers. Project cost $8,950. Published 52,500 copies. Well regarded nationally. Served as starting point for USOE Title III aerospace curriculum projects in the schools of Eastern Nebraska.

The planetarium, and elementary school teaching resource.—Project cost $7776. Published 60,000 copies. For elementary teachers and planetarium directors to relate aerospace to intermediate grade science.

Aerospace curriculum resource guide.—Project cost $23,000. Published 13,000 copies. For teachers of all subjects, Grades K–12. Developed for Massachusetts Schools by Massachusetts State Department of Education. Used nationally. Distributed by Headquarters ROTC to its high school units as guide for developing cross-disciplinary aerospace teaching. Distributed by the Foreign Policies Association to leaders in elementary school social studies teaching.

Space resources for the high school: Industrial arts resource units.—For the secondary school industrial teachers. Project cost $18,700. Published 40,500 copies. Widely used nationally. Stimulated curriculum enriching project of the American Industrial Arts Association. Used in course-of-study updating by States of Georgia and Florida, and Commonwealth of Puerto Rico.

Space resources for teachers: Biology.—Project cost $24,950. For secondary school biology teachers. Published 5,000 copies. Professional interest in it is high with seven regional and national conventions of the National Science Teachers Association devoting concurrent sessions to discussing it.

Space resources for teachers: Space science.—Project cost $11,615. Published 5,000 copies. For secondary school science teachers. Covers space implications for biology, physics, chemistry, and mathematics. Has had concurrent sessions of five regional and national conventions of the National Science Teachers Association devoted to it.

EVALUATION

The *Bulletin* for January 1970 of the National Association of Secondary School Principals, under "Editor Comments," in calling attention to NASA secondary school curriculum bulletins, writes: "To help close the gap between what is happening on the frontiers of science and technology and what is being taught in classrooms, the National Aeronautics and Space Administration has recently published four books that will be valuable additions to the professional libraries of secondary school teachers."

The January 1970 number of *Social Education*, the periodical of the National Council for the Social Studies, in an article "Space Age Curriculum" states ". . . the curriculum publications of the National Aeronautics and Space Administration (NASA) are far ahead of anything educational publishers have produced."

TEACHER EDUCATIONAL SERVICES

Includes assisting institutions of higher learning, professional associations, and regional, state and local school authorities to provide pre-service and in-service teachers with sufficient understanding of America's aerospace activities to adapt what is appropriate to their teaching. The services include providing NASA's publications, curriculum supplements, films, speakers, spacemobile lectures, and tours of installations, and also organizing and conducting courses, conferences, institutes and workshops.

The NASA Teacher Educational Services reach annually, 25,000 teachers in 600–700 courses, institutes and workshops.

The reason for high teacher interest in aerospace is twofold: America's program in aerospace is (1) generating new knowledge; and (2) motivating student learning in science and all subjects.

Evaluation

In evaluating NASA's teacher educational services, the Council of State Science Supervisors recently reported that (1) 85 percent of the teachers who attended aerospace workshops stated that they introduced aerospace into their teaching in subsequent semesters; (2) that 76 percent of the students stated they understood better science principles taught in class because they had been introduced by teachers through an aerospace frame of reference.

NASA provides no funding for either students attending or institutions sponsoring teacher educational projects in aerospace.

YOUTH SERVICES

1. Youth science congresses:

Organize and conduct, through the National Science Teachers Association, the Youth Science Congress Program. In 1969, twelve Congresses were conducted at nine NASA Centers plus St. Louis, Minneapolis, and Denver. To each are invited 20 youngsters who are selected on the basis of their science research papers.

At each Congress the students present their papers to an audience of peers and *scientists* from NASA, universities and industry. Give and take discussion follows.

The program is in its seventh year. A total of 1,000 students have participated.

2. Science fairs:

NASA also participates in the annual International Science Fairs sponsored by Science Services, Inc. We provide honorary awards such as certificates, NASA publications, and field trips to NASA Centers.

3. Other:

NASA provides publications, films, speakers and tours to such organizations as Boy Scouts, National Association of Rocketry, Junior Engineering Technical Society, etc.

Evaluation

A preliminary report of a survey of participants in the Science Congresses and Science Fairs indicates that about 90 percent of them were influenced in their choices of careers in scientific and technical fields.

CAREER GUIDANCE

NASA has developed special publications on aerospace jobs and careers at the elementary, junior high, and high schools levels. These are used in responding to an average of about *600 such inquiries a month from students and teachers.*

SPACEMOBILE PROGRAM

The Space Science Education Project, also called "Spacemobile," provides lecturers and consultants for school assemblies, class-

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rooms, curriculum committees, and teacher workshops in aerospace education.

In Calendar year 1969:

Total live audience	3,306,410
Total live lecture/demonstrations	14,870
Estimated TV audience	20,391,500

Evaluation

The Council of State Science Supervisors reports that this program affected the career choices of 20 percent of college students polled; and that 45 percent of high school and 42 percent of college students polled reported an increased use of libraries and their needs for space-related reference materials.

Scheduled by the States, the Spacemobile units are in great demand, being booked into schools a year in advance. The programs have been reported by school administrators as being highly motivational and stimulating to students.

PUBLICATIONS

NASA produces and distributes informational/educational publications for the general public and for responses to teacher-student requests. They provide orientation, background and knowledge about NASA projects such as *Apollo, Report from Mars, Putting Satellites to Work, Space Physics and Astronomy,* and several others.

NASA Facts, 4- to 8-page pamphlets or wall charts for classroom use and libraries. A special "Science Series" is directed at the secondary school teachers and students. Others are being prepared for use in the lower grades. Examples are: *The Countdown, Weightlessness, Solar Cells, Orbits and Revolutions of Spacecraft.*

Evaluation

Many letters from teachers and students indicate that these publications serve to stimulate interest and motivate teachers to keep abreast of developments in space science and technology.

AUDIO-VISUAL MATERIAL

NASA develops and distributes 16mm sound films on NASA research programs, such as *Living in Space, Electric Propulsion, A Look at an Old Planet, Men Encounter Mars, Seeds of Discovery,* and others.

Film strips and slides on a variety of subjects such as *Geology from Space, Space Food, Men to the Moon,* etc.

Eight millimeter film "loops" on single concepts for science classroom use.

Audio and video tapes and short film clips for educational television and classroom use.

Evaluation

These audio-visual materials are in continuous demand by schools, colleges, and educational TV. Report cards indicate they are of great interest and educational value.

Mr. GURNEY. Mr. President, I support H.R. 16516, the fiscal year 1971 NASA authorization bill.

The single target of the last decade in space was the manned lunar landing. We went into space because a Nation on whom world leadership had developed could not afford to mount a second rate, second best effort. Our achievements have been spectacular and the payoffs, many of them unpredictable a decade ago, have been enormous.

Now we must chart a new course for the next decade in space.

In the seventies, we will have a new approach to our space program. We have no specific and fixed goal in this decade as we had in the last; the moon landing has been made—the overall goal of the sixties has been realized; the achievements of the seventies will be no less real, but certainly they will be less glamorous, and less spectacular.

Our country entering the seventies is certainly a different country from the America that entered the sixties. We hear a lot of talk about a new set of national priorities. We certainly cannot properly afford to neglect our domestic priorities. I certainly do not suggest that we can or that we should. At the same time, I wish to defend the space program. I suggest that we can meet our domestic priorities and go ahead with a bold and ambitious space program simultaneously. In our haste to reorder priorities and to put our domestic house in order, I do not think we should neglect the space program. Frankly, I never thought that we would have to defend the space program; I never thought there would be detractors of the space program. Almost alone among Federal programs in the past, space was an area that received almost unanimous, bipartisan support. That happy day has gone. I should say that I understand and appreciate the position of the distinguished Senator from Minnesota and his desire to reduce expenditures for the space program. While I disagree with him, I respect the sincerity of his position and I do not wish to detract from my colleague in any way.

At the same time, I must point out that any cut in the already austere NASA authorization at this time would be, in my judgment, a terrible mistake.

Mr. President, I was greatly encouraged when the report of the President's Space Task Group was released last fall. Let me quote from the introduction to that report:

> The Space Task Group in its study of future directions in space, with recognition of the many achievements culminating in the successful flight of Apollo 11, views these achievements as only a beginning to the long-term exploration and use of space by man. We see a major role for this Nation in proceeding from the initial opening of this frontier to its exploitation for the benefit of mankind, and ultimately to the opening of new regions of space to access by man.

I further quote from the conclusions:

> The landing on the moon has captured the imagination of the world. It is now abundantly clear to the man in the street, as well as to the political leaders of the world, that mankind now has at his service a new technological capability, an important characteristic of which is that its applicability transcends national boundaries. If we retain the identification of the world with our space program, we have an opportunity for significant political effects on nations and peoples and on their relationships to each other, which in the long run may be quite profound.

The Space Task Group Report contained options I, II, and III, which could be conducted under varying degrees of funding restraints.

NASA's original recommendation to the Bureau of the Budget provided for implementation of Program Option II. The budget authority for fiscal year 1971 requested for this purpose was about $4.5 billion. This was not what NASA wanted, but in their words was "an optimum balance" a compromise between technical progress possible and the Governmentwide fiscal constraints.

The Bureau of the Budget approved only $3.3 billion, which is now in the bill before us for consideration. The bill before us is over $1.6 billion less than the amount considered necessary by NASA to meet the Space Task Groups recommendations and to maintain a viable forward-looking space program. I would have preferred the $4.5 billion figure; I think we can only reduce that figure at the risk of killing the program.

I am particularly concerned about the heavy reductions that have already been made in the Manned Space Fight program. To support option II contained in the President's Space Task Group study, a requirement for $2.1 billion for Manned Space Flight activities in fiscal year 1971 was submitted by NASA to the Bureau of the Budget. During the budget review process, the Manned Space Flight level of effort was reduced to $1.4 billion, a reduction of $635 million. At this reduced level, huge gaps in the manned space flight level of operations will occur. The Apollo 20 mission will be cancelled; the Apollo Applications program—Skylab—will be delayed by 6 months to late 1972; the Apollo 18 and 19 lunar missions will be delayed until 1974. The limited budget has caused the launch schedule to be stretched out to a maximum of two per year with only one flight in 1972, and none in 1973.

We are already witnessing the dismantling of one of the greatest technological capabilities ever drawn together in the history of man. Austerity measures levied against the space program these past two years are forcing the disbanding of the tremendous aerospace team built up during the sixties and the closing of some of our finest laboratories and contractor-operated facilities.

Already our aerospace team—industry, civil service, and universities—has dwindled from 420,000 people 3 years ago, to 190,000 today. By the end of fiscal year 1971 the number of people engaged in space activities will drop to an estimated 144,000. The Electronics Research Center at Cambridge, Mass., is in the process of being closed; the Mississippi Test Facility will be placed in a mothball status in December of this year; the Michoud Assembly Facility in New Orleans will revert to a standby status early next year; the White Sands Test Facility will be closed in June of next year.

Many of our other contractor operated plants are rapidly phasing down. We recognize that these slow downs are causing serious economic problems in those regions of the Nation affected—that that is not the most important consideration—vital as it is to the people and the State involved: more important in my opinion is the long run loss to the Nation.

The NASA authorization before us today is the lowest it has been since 1962. NASA is the only Federal agency which has had a continually decreasing budget in recent years.

We tend to overlook that in the last 10 years, while defense spending has gone up by about 73 percent, domestic social program spending has increased 222 percent, that the space program has declined by about 40 percent overall.

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As Dr. Thomas Paine, NASA Administrator said in his testimony before the Senate Aeronautical and Space Sciences Committee:

> Without repeating the obvious fact that indeed all NASA's dollars are spent on earth, my reply to these questions is that we are getting more than our money's worth. "We must press forward in both the space program and here on earth. *These are not mutually exclusive, but mutually supporting enterprises.* We have been spending more and more tax dollars to effect *social* change—in schools, in welfare, in health, and in poverty programs. These involve a *redistribution* of existing *resources*. We have also spent tax dollars in NASA effecting *technological* changes. This contributes to the creation of new resources. Some have complained that we are doing too much in space, with so many unsolved problems here on earth. The positive approach is not to do less in space but to do more on earth and do it *better*. We must continue space progress while at the same time applying the lessons we have learned from our space achievements to other U.S. needs. If this nation can go to the moon it can meet and must do better in meeting our other challenges. America's space achievements surely increase, not decrease, our hope, our ability, and our national resolve to face and overcome new and chronic earth problems.

Our space effort over the decade past has cost this Nation less than one-half of 1 percent of our gross national product. In return, it has made a major contribution to the growth of our gross national product—I think that point is self evident but let me amplify on it: one way to measure this contribution is to compare the growth in national wealth and productivity since 1959—when we launched our space effort.

The total of the annual gross national product over the past 12 years was about $8 trillion dollars. Of this amount, $2.4 trillion was real growth over the 1959 level. Responsible economists estimate that approximately 50 percent of this growth can be attributed to the stimulus of new technological knowledge from research and development investments. Twenty-five percent of the Nation's total expenditures on research and development was carried out under our space program. That knowledge comes from research.

The current high level of U.S. technology would be substantially lower without the technological transfer and growth throughout the major U.S. industries which in no small measure resulted from advances required; in every technical discipline in order to get to the moon. An excellent example is the rapid growth in the U.S. computer industry which does about $8 billion worth of business a year, and pays the highest average wages of any U.S. industry.

Let me point to the aero-space industry itself: although it did not exist as such 15 years ago it is now America's largest manufacturing industry. It was one of the greatest producers of national wealth. It employs over a million people and pays them more than $14 billion in annual wages. This growth, this development, this wealth would not have been possible without substantial national investment in the past. It cannot continue unless we are prepared to keep that investment up at a realistic level into the future.

Mr. President, I am not going to catalog the byproducts of our space program—we know them: weather predictions, medicine, oceanography, pollution control, transportation, communications, education, and pure science. As I say, we know them. Let us not forget the debt we owe to space.

As I said before, the space program means more than simply hardware, space vehicles, and lunar landings. We cannot accurately estimate the advantages it has brought to our country in esteem, in respect and for our abilities, our institutions, our determination, and our technological precision.

I do not know how to express in dollars the human value of new horizons that have resulted from the space program's demonstration that free men of competence and good will can work together within our institutions to achieve almost impossible goals.

I believe space programs will continue to act as a spur to other parts of our society. NASA has shown how to create a uniquely American blend of governmental, industrial, and academic research competence and achievement.

I know that many people who are now urging cuts in our national space program say that funds formerly devoted to the space program can better be used to meet our social needs. I suggest that our space program does much more than launch space vehicles. It aids the solution of many of our pressing problems. We need improved communications at a lower cost. The space program helps in that.

We need to improve our ability to manage our natural resources, to train and reward our talented scientists and technicians to develop procedures for complex governmental programs. Our space program contributes every day.

I suggest that if we are to continue to progress as a nation, we must remain in the forefront of technological development. Since the beginning of the industrial revolution, our Nation has devoted its competitive advantage through technology to maintain its world position in the marketplace. Both in aeronautics and space flight development, NASA is contributing to this advance of technology. Consequently, this imposes one of the most important reasons for continuing to support an aggressive national space program.

Mr. CURTIS. Mr. President, all of us frequently hear the allegation that the public is not interested in the space program. This charge carries the implication that this so-called lack of interest translates itself into a lack of support.

The facts are quite otherwise. The general public's interest in the U.S. space program is very high—almost incalculable. Measurements cannot be precise, of course. But there are some measurements of public interest which leave little doubt that the interest is as great as there has been in any single effort in American history.

Last summer more Americans—and, indeed, more people throughout the world—followed the manned lunar landing than any event in history. The worldwide figure reaches almost 1 billion who heard or saw the event itself through a worldwide satellite communication network. A large percentage read something about it, or heard a speaker, or saw an exhibit, or purchased something—a stamp, a book, a recording—about it.

Interest today is at its highest peak in the 11-year history of the space program. At my request, NASA supplied me with the following information. The figures are for calendar year 1969, but the trend in January, February, and March is higher than the highest months of last year.

It is an interesting fact that while the Apollo program has created the greatest amount of interest, the total public reaction appears almost equally divided between the Apollo program and a combination of all other programs—an almost even 50/50 split.

Public mail	
a. In calendar 1969, general inquiries, numbered	485, 300
b. Mail directed to the Astronauts numbered an additional	483, 530
Total public inquiry mail	968, 830
c. In (a) above, mail from the educational community (students and teachers) was	205, 100
d. In (a) above, mail from foreign sources was	68, 000
Publications	
In response to requests during CY 1969, NASA distributed free publications totalling about	5, 000, 000
Incomplete reports on 53 titles of NASA publications (42 non-Apollo) show that the Superintendent of Documents, GPO, has sold copies totalling over	500, 000
In little more than six months since NASA picture sets have become available, Sup Docs has sold more than	500, 000
And has now printed for sale more than	1, 000, 000
Exhibits	
In Washington alone during CY 1969, exhibit requests totalled	619
Requests during the first two months of CY 1970 totalled	120
During 1969, NASA was able to fill exhibit requests numbering	683
Exhibits were viewed by million	37.6
In May 1969, the NASA exhibit at the Paris Air Salon drew an audience of approximately	500, 000
For Expo '70 at Osaka, the U.S. Pavilion which features a Space and Lunar Rock exhibit is expected to be seen by at least million	15
Request for displays of Lunar Samples exceed	1, 000
Motion pictures	
In CY 1969, NASA titles in circulation for general public use was	76
The number of separate prints loaned was	84, 231
Audience for these, excluding TV, was estimated at million	9.8
Apollo films sold through the National Archives have exceeded	1, 600
Television stations requested and were furnished prints totalling	7, 711
Which were viewed by an audience of million	248. 5
Educational audience totalled million	5. 5
In showings of NASA films numbering	51, 622

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Speakers

In calendar year 1969, the number of speeches delivered by NASA personnel to non-technical groups was	2,049
The audience for these was	265,000
Speech requests received in Washington numbered	529
In 1969, Astronaut appearances requests exceeded	5,000
The number of Astronaut appearances was	513

Two crews have made round-the-world visits, covering a total of 42 different countries, Guam and the Canary Islands (some twice).

Visitors

Visitors to NASA facilities in CY 1969 numbered over	2,600,000
Of this number, foreigners accounted for about	12,000

Because of public demand, NASA is setting up visitor facilities and programed tours where they have not existed until now, such as Langley Research Center, and to improve or enlarge facilities at other Centers, such as Goddard.

And what about the news media? Do the press, radio, and television have an interest in the space program? The facts are overwhelming. Few stories in our Nation's history have been so thoroughly, accurately and well covered. Here again, I have some NASA statistics that indicate the scope of interest by the news media:

NASA received by mail or telephone in CY 69, 112,643 inquiries for story information, interviews, etc., not including queries during the launch activities.

Bona fide news accreditation for Apollo launches:

Apollo	Total	Foreign	Foreign countries
7	646	26	11
8	1,500	200	24
9	1,403	63	13
10	1,519	230	25
11	3,497	812	56
12	2,262	388	53

U.S. space program and the mass media

*News film—the television networks and local stations received the following footage on these major launches:

	Average
Previous manned launches	15,000 ft.
Apollo 7	18,000 ft.
Apollo 8	21,238 ft.
Apollo 9	18,198 ft.
Apollo 10	22,186 ft.
Apollo 11	34,081 ft.
Apollo 12	28,117 ft.

*Still photos:

Print distribution agencywide

1969:

News photos released	7,575
Prints distributed	1,167,559

NASA also provides four major feature services. These services were developed as the result of requests from media asking for feature material as opposed to news material—and are clearly labeled as such. The requestor receives a service and is periodically taken off the list unless he tells NASA he desires to continue.

In calendar year 1969, approximately 55 percent of the feature material related to Apollo, and the rest reported on other aspects of the space program.

It is important to note that the subscriber is told that these materials are not news, but comprise a selection of subjects NASA feels important to disseminate.

*Television:

Total U.S. stations on-the-air	840
Total subscribers to NASA's Aeronautics and Space report (monthly, 4½ minutes)	734

This monthly report, a TV newsreel, is seen in one or more of the top 50 U.S.-TV markets (by number of TV households) covering all 50 states.

Television stations showed (in CY 69) a total of 7,710 28-minute NASA films covering all aspects of the program. Audience report estimates, 347 million.

*Radio:

Total U.S. stations on-the-air	6,600
Total subscribers to one or more NASA periodic programs	3,200

"The Space Story"—Weekly, 4½ min.

"NASA Special Reports"—Monthly, 14½ min.

"NASA Space Notes"—Qtr. 10 one-min. spots.

"Audio News Features"—Pre-manned launch interviews.

NASA subscribers include at least one station in each of the top 50 radio markets, all 50-states, Puerto Rico, Virgin Islands, Armed Forces Network, Voice of America and Radio Free Europe.

*Newspapers:

Total U.S. English Language dailies	1,972
Combined circulation (million)	61
"Space Sheet" subscribers	954
"Space Sheet" circulation (million)	41.6

"Space Sheet" is a feature page published every other week.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, I ask unanimous consent that I be permitted to observe the absence of a quorum without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, will the Senator yield?

Mr. MONDALE. I am happy to yield to the Senator from Michigan.

Mr. HART. Mr. President, in the event that we are still under the Pastore rule, I ask unanimous consent to proceed for 3 minutes on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING ANTITRUST AND MONOPOLY SUBCOMMITTEE ACTIVITIES REPORT FOR 1969—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–841)

Mr. HART. Mr. President, pursuant to Senate Resolution 40, 91st Congress, first session, from the Committee on the Judiciary, I submit a report entitled "Antitrust and Monopoly Activities, 1969," made by the Subcommittee on Antitrust and Monopoly. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER (Mr. EAGLETON). The report will be received and printed, as requested by the Senator from Michigan.

THE GAMBLE HAS FAILED

Mr. HART. Mr. President, the Cambodian gamble, which I have opposed, has failed to this most important extent:

Our Nation is more divided than before.

Four Kent State students are dead.

The first was certainly predictable, and while we could not have guessed the place, we might have predicted the second.

Any possible military gains from the invasion of Cambodia, tentative at best when considered in isolation, are meaningless when measured against these clear, predictable and present losses.

Congress should act to make certain the President winds down our involvement in Southeast Asia. The first step is to get out of Cambodia now, and then speed up withdrawal of troops from Vietnam.

At stake is not the success or failure of a military plan, but the success or failure of the experiment called the United States.

Regardless of its military might, a free nation cannot long exist so deeply divided.

Regardless of its military might, a free government cannot govern without the consent of the governed.

That was the basis for the start of the experiment, and to alter that basis would be to drastically alter the nature of the experiment.

I thank the Senator from Minnesota very much.

Mr. MONDALE. I thank the Senator from Michigan, and wish to express my support for the views he has just so eloquently stated.

NASA AUTHORIZATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

AMENDMENT NO. 612

Mr. MONDALE. Mr. President, I call up my amendment No. 612, and ask unanimous consent that its reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE's amendment is as follows:

On page 11, line 11, insert the following: "Strike '$515,200,000' and insert in lieu thereof '$405,200,000'."

Mr. MONDALE. This amendment would strike $110 million of authority from the pending authorization bill for

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the space program, deleting such funds from the amount designated for the design and definition of the space shuttle station. It would reduce the line item described as "Space Flight Operations" from $515,200,000 to $405,200,000.

Mr. President, this item appears to be a fairly innocent one, but it really involves a fundamental and profound decision about the future direction of the manned space flight program in the post-Apollo era. This is, in fact, the next moon-type program. It could cost the same as the flights to the moon. It could cost more; it might cost less. No one knows. The Space Agency estimates that it would cost $14 billion to complete the planned shuttle and space station program, which will be begun by this innocent $110 million authorization.

There is no question but that this is a fundamental, basic decision which is now being made by Congress and the administration. It is so fundamental that, for the first time in the history of the House of Representatives Space Committee, there was a basic fight within the committee—led by my distinguished colleague from Minnesota, Representative KARTH—to strike $190 million for this program out of the House authorization on this same proposal.

That amendment to strike those funds was rejected by a tie vote of 53 to 53. I think this vote expresses the deep concern found in the House of Representatives and in the House Space Committee—and which I hope is also present in the Senate—and expressed widely throughout this country about the future of the space program and the relevance of these gigantic spending programs to the health of the American economy.

If the Space Agency is able to proceed as planned with this space shuttle system, they will spend at least $14 billion, and I expect far more; and they would expect, by the year 1979, to build the space program from an annual spending level of about $3.5 billion to a spending level of $6.8 billion, thus nearly doubling the size of this Nation's space program.

Furthermore, instead of increasing the proportion of the space budget in the area of unmanned instrumented flight, which is safer and less expensive and which many scientists believe to have the highest scientific yield, the ratio of space budget applied to manned flight as distinguished from unmanned instrument flight would shift dramatically; and some believe that by 1979, 75 percent of the space budget would be in the manned space program—the very area where the scientists of this country feel the biggest waste and the greatest risks exist.

There are two basic aspects of this space shuttle/station project. The first is to develop a chemically fueled two-stage reusable shuttle, which will operate between the surface of the earth and low earth orbit. The second is to develop a space station module as a permanent structure in orbit designed initially for the support of six to 12 occupants; ultimately, NASA hopes to erect a space base by joining together these space station modules, and this base will be capable of supporting between 50 and 100 men in earth orbit.

The $110 million proposed for this project in the Senate bill—and the $190 million already approved by the House—is for preliminary design of both the shuttle and the station. This hardware development phase thus constitutes the first major step toward the development of the shuttle and station. Indeed, the fiscal year 1971 NASA authorization marks the emergence of the space shuttle/station as a clearly defined project for congressional approval.

In leading the fight against the space shuttle/station in the House, Congressman JOSEPH KARTH of Minnesota—chairman of the Subcommittee on Space Science and Applications and a strong supporter of our space program—pointed out that the decision to approve or disapprove this project constitutes a crucial turning point in the U.S. space program. For the space shuttle/station is the beginning of a new phase of the manned space program, a phase much larger in scope than the Apollo moon-landing program.

The significance of this project for the future of the space program is best described by the House committee report which states:

> During the last half of this decade, this country will commence a new epoch in manned space flight.

The report makes other statements along the same line.

The basic issue before us, then, is whether or not we are ready and willing to fund a new epoch in manned space flight. I do not believe that a majority of our citizens are willing to support a massive new effort in space at this time. Furthermore, I do not believe that there is sufficient justification for proceeding with the development of the space shuttle station in fiscal year 1971.

Such justification is imperative in light of the high cost of this project. The $110 million recommended by the Senate committee—and the $190 million approved by the House—may not seem to be a great deal of money to a nation long accustomed to multi-billion-dollar military and space programs. But this money is only a small part of the project's ultimate cost.

NASA's preliminary cost estimates for development of the space shuttle/station total almost $14 billion. However, NASA officials readily concede that these preliminary estimates are unreliable. Indeed, as Congressman KARTH notes, preliminary cost estimates in the space field are uniformly low, often only a fraction of ultimate cost. It is quite likely, therefore, that the ultimate cost of this project will greatly exceed $14 billion.

For this reason alone, I believe it would be unconscionable to embark on a project of such staggering cost when many of our citizens are malnourished, when our rivers and lakes are polluted, and when our cities and rural areas are decaying.

Mr. President, what does $110 million mean? Some say it does not mean much, not enough to stop inflation or to balance the budget or to reduce taxes. But what else could we do with $110 million?

Congress has been rapidly increasing funds for cleaning up our polluted waters, but it is generally agreed that air pollution is a real threat to the health and survival of our citizenry. Yet, the administration has budgeted only $104 million in fiscal 1971 to clean up the air on which our lives depend.

Can it really be argued that it is worth more to spend $110 million to start a $14 billion minimum cost program for a space shuttle than to try to do something about the air that is choking us in this Nation? But that is what the two budget allocations involve.

In fiscal year 1970, we appropriated $84 million for the special milk program. That is to provide nutritious half-pints of milk to the schoolchildren of this country to contribute to their health and their nutrition. The President has proposed that we terminate this program, eliminate it, in order to save the $84 million. On the other hand, he supports $110 million for a space shuttle station.

What are our values? What do we think is more important? The administration tells us that we can afford only $380 million for the Nation's Headstart program. This figure will not provide us in 1971 with the same program that was provided in 1970.

One of the most effective programs in our country is the OEO legal services program, for which we can only spend $55 million—half of what we propose to spend for designing the space shuttle station program.

We have had to turn hundreds of thousands of our brightest young people away from college and away from vocational schools because we cannot afford the student assistance programs, the educational opportunity grants, and the rest. We have had to slow down on Headstart programs. We have had to say "no" to early childhood programs. We have had to say "no" to health programs, health research, and the National Science Foundation.

Running all through these human programs, we have been saving $50 million here and $100 million here because we say we cannot afford it. Yet, we come up with a program for $110 million which, in my opinion, does not approach the importance to the health and quality of American society of the other efforts that many are opposing.

NASA attempts to minimize this enormous cost by arguing that the space shuttle could reduce the cost per pound of payload in orbit by a factor of 10. According to a House supporter of this project:

> Instead of paying between $500 and $1,500 a pound to get an object in space, we will hopefully be paying less than $50 a pound by use of this Space Shuttle.

But this reasoning overlooks the facts that it will cost billions of dollars to develop the space shuttle. Once developed, it has been estimated that the shuttle will cost hundreds of millions to procure, whereas the launch vehicles to be replaced by the space shuttle—Delta Titan—cost from $3.5 million to $20 million for each vehicle. Given these extremely high development and procurement costs, the alleged "savings" by the use of this shuttle will occur only if the scope of U.S. space activities is greatly expanded in future years.

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Thus, NASA officials have testified that they anticipate a minimum of 30 flights per year by NASA and an equivalent number in support of DOD programs.

Representative Karth, in the House debate, set forth very clearly the misleading characteristics of the argument that there are savings built into the construction of the space shuttle program, and I ask unanimous consent that his remarks be printed at this point in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

> During the entire decade of the sixties, NASA exceeded 30 launches per year only once—36 in 1966—including Scouts and Saturn V's which are not to be replaced by the space shuttle. Assuming the space shuttle's payload capacity (of placing 50,000 pounds in orbit) would be fully utilized on each of the projected 60 yearly flights, this adds up to 3 million pounds of payload launched into orbit each year.
>
> How do 3 million pounds of payload in orbit compare with the space program of the past? In terms of cumulative payload launched, 1969 was NASA's biggest year with 442,358 pounds, over 97 percent of which was attributed to the four Apollo flights.

Mr. MONDALE. Like Representative Karth, I question whether the United States can afford such an ambitious program and whether the American taxpayer would be willing to support it. Rather than testing the taxpayer's endurance, we should follow the course recommended by seven members of the House Committee on Science and Astronautics—that is, cost effectiveness—studies should be conducted comparing the operation of the space shuttle with the continued use of existing expendable launch vehicles before sizable amounts of money are applied to the shuttle development project.

Aside from the potential cost of both the shuttle and station, there are other reasons for opposing this project.

To begin with, the feasibility of a space shuttle/station has not been demonstrated. NASA acknowledges that design and development of the space shuttle represents a new and formidable technical challenge, which will require maximum innovation on the part of the aerospace industry. Congressman Karth pointed out that before the space shuttle can become a reality, many difficult technological advances must occur in such areas as configuration and aerodynamics, heat protection, guidance and control, and propulsion. As a result of these technical complexities, a recent issue of Aviation Week and Space Technology notes that—

> There has developed within NASA a schism in approach to design—in size, configuration and operational requirements.

The argument that these technological problems should be resolved prior to design and development of the space shuttle/station is a persuasive one.

There is another reason for questioning the development of this project in fiscal year 1971. At this point, we simply do not know the feasibility of long-termed manned operations in a space environment. Yet, the development of the space station is based on the assumption that man will be able to function effectively in such an environment for long periods of time.

The Apollo applications missions, which will begin in 1972, constitute an effort to determine man's effectiveness in space. Under this program, a Saturn workshop—or "Sky Lab"—will be placed into earth orbit, and each of three manned missions will rendezvous and dock with the workshop. The first of these missions will last for 28 days, and the second and third will each last for 56 days. According to the report of the House committee, these missions "are a prelude to the operation of a space station and space shuttle" and their "greatest importance will be to demonstrate during long duration manned flights the interassociation of man and his experiments."

I wish to emphasize at this point that we do not yet know whether man can safely stay in space for long, extended periods of time. We know that there have been serious problems. For example, the Biosatellite 3 mission is instructive as to the effect of weightlessness on the cardiovascular system. That mission resulted in the death of a primate after 8½ days of a scheduled 30-day flight, and the monkey died as a result of weightlessness and a condition known as the Gower-Henry reflex.

Mr. President, at this time I ask unanimous consent to have the statement on this subject printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

> To date, astronauts have flown for periods up to 14 days with no irreversible deleterious effects. Medical authorities have testified, however, that they do not yet understand the biological or physiological effects of extended manned space flight.
>
> There are many unknowns regarding the possible effects of prolonged weightlessness on major physiological systems of the human body, e.g., gastrointestinal, nervous, urinary, inner ear (balance), biological clock, etc.
>
> But the most severe effect of weightlessness appears to be on the cardiovascular system. Prolonged weightlessness results in what is called the Gauer Henry reflex. Briefly, this is described as follows: In a state of weightlessness a person's blood tends to concentrate around the heart, in the area of the chest cavity, and away from the body's extremities. Nervous sensors in the vicinity of the heart respond to the pooling of this excessive volume of blood around the heart by actuating a reflex mechanism which, in order to reestablish an appropriate level of fluid in that area causes large-scale losses of body fluid, primarily through perspiration. A new equilibrium is thereby established in which the total blood supply of the individual is substantially reduced.
>
> A potentially dangerous situation occurs when the individual is brought back to Earth and subjected to one or more "g"s. The reason it is dangerous is that the reduced blood supply tends to be drawn away from the heart and to the lower extremities when the body is subjected to "g" forces. The heart may be so starved for blood at this point that it may cease to function.
>
> It is not known whether or how the body will adjust to these changes from weightlessness to a "g" environment, or what procedures or techniques may be needed to overcome the problem, and the Skylab project is designed to resolve this and similar questions. Skylab is specifically designed to test man's ability to survive and work in space first for 28 days and then 56 days. Essentially, Skylab will produce sufficient physiological data to determine whether extended manned space flight is feasible.
>
> The Biosatellite III mission is instructive on the effects of weightlessness on the cardiovascular system. That mission resulted in the death of a highly instrumented primate after eight-and-one-half days of a scheduled 30-day flight. Medical experts associated with Biosatellite III believe that the monkey died as a result of weightlessness and the Gauer Henry reflex.

Mr. MONDALE. Mr. President, thus, there is a severe and serious question existing as to whether, even if the technology existed, man would be capable of surviving long duration flights as contemplated by the space station shuttle program.

Mr. President, we have what is known as the Sky Lab experiment coming up next year—where a Saturn workshop will be launched in space—an experiment to see how long man can safetly stay in space.

If that is true, why do we not wait and find out whether the objectives we have in mind are physiologically possible, before we start to spend this kind of money for a project that may prove to be unfeasible in terms of the health of our astronauts?

In short, until this experiment with a small orbiting station is completed in 1973, we will not know whether or not man will be able to use the shuttle/station. If the Sky Lab missions demonstrate that man cannot operate effectively in space for long periods of time, then the enormous funds allocated for development of the space shuttle/station will have been wasted. As one Congressman noted, it is strange, indeed, to authorize development of a giant space station before we have even flown the small one which is supposed to test the concept of space station flight.

It should be emphasized at this point that the decision to delete funds for development of a space shuttle/station will not kill the project. NASA officials have testified that approximately $80 million will be spent during fiscal year 1971 in direct support of this project by NASA's Office of Advance Research and Technology. This research is aimed at solving the difficult technical problems presented by the space shuttle/station.

Before undertaking the development of this project, we should first determine whether OART can resolve some of these technical difficulties. In addition, we should also know the results of the Sky Lab missions.

Because of these problems of feasibility and because of the ultimate cost of this project, there is little justification for proceeding with the development of the space shuttle/station in this fiscal year. But there is a more basic reason for opposing this authorization.

As Congressman Karth argued during the House debate on this issue, there is every reason to believe that NASA proposes to embark this year upon a new space program based upon new hardware almost entirely in support of manned missions, with a manned Mars landing as the ultimate objective. The space shuttle/station is the first step toward this objective.

Mr. President, the proponents of this authority in the House argued very strenuously that it was not being built with the Mars flight in mind. But, according to Congressman KARTH, without the space shuttle and without the 100-man space station to assemble the various spacecraft and other paraphernalia to get men to Mars, no Mars program is possible. NASA has testified that as soon as the space shuttle and space station have been developed, it plans to spend for a manned Mars exploration program $100 million in fiscal 1977, $300 million in fiscal year 1978, and $1 billion in fiscal year 1979.

We take notice of the fact that the Vice President of the United States, a few months ago, spoke approvingly of a national commitment to send a man to Mars.

Thus, approval of a space shuttle/station will be the initial phase of a program with an estimated cost of $50 to $100 billion over the next 15 years. Thus, while we have yet to establish a national policy calling for a manned landing on Mars, we may well be backing into such a policy by authorizing funds for a space shuttle/station.

Proponents of this project strongly deny that this is the case. But they do concede that the space shuttle/station is the basis of a "new epoch in manned space flight."

Even if this project is not intimately related to manned exploration of Mars it is clearly the beginning of a new and expanded manned space program. Thus, the decision to develop a space shuttle/station must be considered as congressional approval of this "new epoch in manned space flight."

If we grant such approval without careful and deliberate debate, we will have missed a golden opportunity to reassess the entire space program. For there are many persons, both defenders and critics of the space program, who argue that this program must achieve a better balance between manned and unmanned flights.

For example, in remarks before the House Committee on Science and Astronautics, the eminent space scientist, Dr. James A. Van Allen, stated:

> If, on a purely pragmatic basis, one or more men in the spacecraft is the cost effective technique for conducting any one of these missions, let it be done in that mode.
>
> But if, as I anticipate, this is not the case, let us *not* grieve nor devote ourselves to the invention of specious and inane reasons to the contrary. Rather let us get on with our . . . objectives in the most sensible and rational framework that we can devise.

Brian O'Leary, a former scientist-astronaut and now an astronomy professor at Cornell, recently wrote that:

> We should encourage science looking for a mission rather than a mission looking for science; we should ask how we can best perform a mission manned or unmanned, not what we can do with the man.
>
> In these times of conflicting, uncertain goals both inside and outside NASA, I think the unmanned planetary program provides a good example of what can be done. The Mariner 6 and 7 flyby missions gave us remarkable pictures and valuable scientific information, yet each cost less than 15 percent of the price of sending two test pilots to the moon.

Mr. President, Dr. Van Allen spoke of Explorer 35, an unmanned vehicle, as:

> a heroic little fellow, which has been orbiting the moon since 22 July 1967. . . . It does not sleep, it requires no oxygen, no food, no toothpaste and no sanitary facilities.

This is Dr. Van Allen's way of pointing out the importance of looking to the possibility of unmanned instrumental flights.

Finally, Max Born, a distinguished physicist and Nobel Prize winner, has commented that the manned space program was a "triumph of intellect but a failure of reason." To him, the manned missions are senseless, because their cost so far outweighs their scientific value and the money is so badly needed elsewhere.

Mr. President, I ask unanimous consent at this time that an article entitled "Topics: Science—or Stunts—On the Moon?" written by Brian O'Leary and published in the New York Times and Saturday, April 25, 1970, and an article entitled "Scientists Cite Social Needs—Cut in Space Program Urged," written by Victor Cohn and published in the Washington Post of December 28, be printed at this point in the RECORD.

There being no objections the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 25, 1970]

TOPIC: SCIENCE—OR STUNTS—ON THE MOON?

(By Brian O'Leary)

The near-disaster of Apollo 13 has shown that lunar landings are risky as well as expensive. Still I think it can be argued that carefully planned scientific exploration of the moon justifies the outlay. Unfortunately, this is not happening.

Two years ago, I resigned from the scientist-astronaut program primarily because of NASA's indifference to science in its manned space efforts. Since then an impressive array of scientists associated with the Apollo program have also resigned for similar reasons. They include the chief scientist, the director of the Lunar Receiving Laboratory, the principal investigator of Apollo lunar surface geology, the curator of the lunar samples, and another scientist-astronaut.

INCREDIBLE TIMING

It seems utterly incredible that so many well-respected scientists could resign at a time one would suppose to be their finest hour—the return of the first rocks and detailed pictures from the lunar surface.

Eugene Shoemaker, now the chairman of Caltech's Division of Geological Sciences, quit his Apollo work "out of deep concern for the direction of the nation's space goal." He described Apollo as a "poor system for exploring the moon. . . . The same job could have been done with unmanned systems at one-fifth the cost three or four years ago."

While the scientist-astronauts are waiting a decade or more for a space flight, only test pilots are being flown. For example, Apollo 14 includes test-pilot astronauts who joined the program more recently than several of the scientist-astronauts. Seniority used to be the main criterion for crew selection.

SCIENTISTS IN THE SKY

The official reason for leaving the scientists out of the picture is that the Apollo mission will continue to be "operational" rather than "scientific"—yet the scientist-astronauts are also high-performance jet pilots with years of astronaut training. I am certain that a scientist-astronaut aboard Apollo 13 would have performed as well during the crisis.

If given the chance, the scientist-astronauts would add a new dimension to space exploration. Though the professional test pilot is better qualified to *command* an Apollo spacecraft on its treacherous journey to the moon, he cannot be expected to be a skilled, meticulous observer in space. There have been numerous examples of astronaut error in Apollo experiments.

Certainly the public would like optimal return from the half-billion dollars spent on each lunar landing effort. As Ralph Lapp puts it, "That's more money than Congress grudingly bestows on the National Science Foundation each year for the support of all basic research in the United States." Yet it appears that the lunar landings have become one technical stunt after another, with only minor increments in scientific return.

The reason behind NASA's "operational overkill" goes back to 1961, when a crash program was launched to fulfill John F. Kennedy's goal of a manned lunar landing by 1970. After the magnificent achievement of Apollo 11, it is pretty hard to deflate the balloon overnight.

Yet, I feel deflation must be done, and done soon. The space agency is now under Congressional and public scrutiny and the lunar landings are lacking both the luster and scientific return to justify the cost and risk. In my opinion, if NASA wants to continue a viable space program, it must for once listen to the scientists—for example, to space out the lunar landings to one per year.

We should encourage science looking for a mission rather than a mission looking for science, we should ask how we can best perform a mission, manned or unmanned, not what we can do with the man. And we should start thinking of collaboration with the Soviet Union now that the big race is over.

UNMANNED MISSIONS

In these times of conflicting, uncertain goals both inside and outside NASA, I think the unmanned planetary program provides a good example of what *can* be done. The Mariner 6 and 7 flyby missions gave us remarkable pictures and valuable scientific information, yet each cost less than 15 per cent of the price of sending two test pilots to the moon.

In the future, probes will be sent to the Martian surface and to the outer planets, these relatively inexpensive projects should go far in satisfying our most fundamental reason for going into space: to understand nature and ourselves better by exploring the universe.

[From the Washington Post, Dec. 28, 1969]

CUT IN SPACE PROGRAM URGED

(By Victor Cohn)

BOSTON, December 28.—Some of the country's leading scientists are calling here for a thorough re-examination and downgrading of the multi-billion-dollar U.S. space program.

They are pointing to money-starved research in science and medicine—the victim of recent federal budget cuts—as well as the nation's social needs and the need for research into pollution.

They are looking in particular at costly manned space proposals like space stations, Mars landings and lunar bases beyond the present Apollo program. Some are even talking about "phasing out" manned flight after the present Apollo program in favor of less

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expensive—but scientifically fruitful—exploration of space and the planets by robots.

These suggestions are by no means unanimous among leading speakers at the 136th meeting of the large American Association for the Advancement of Science. But the theme has been running through major speeches.

Today they were stated in blunt words at a space flight symposium by Dr. Walter Orr Roberts, noted geophysicist and the association's president, and by two scientific advisers to President Nixon and the National Aeronautics and Space Administration itself.

These were Drs. Lewis M. Branscomb, new director of the National Bureau of Standards, and Gordon J. F. MacDonald, vice chancellor of the University of California at Santa Barbara. Branscomb is chairman of the space panel of the President's Science Advisory Committee. MacDonald also is on the committee, as well as being a member of the National Academy of Science's Space Science Board and other high-level space agency advisory groups.

They not only called for a hard, new look at most spending on manned flights, but also urged a moratorium on pressure now for any early man-on-mars program. MacDonald called it "the utmost folly" and a program that might cost $100 billion. (NASA officials estimate of the cost of a Mars program range from $25 billion to $40 billion.)

Branscomb and MacDonald ran into disagreement from Dr. S. Fred Singer, a physicist and deputy assistant secretary of the Interior, and Dr. Carl Sagan, director of Cornell University's Laboratory for Planetary Studies.

Singer said "if we downgrade the manned space program"—the part the public is most interested in—"we may find we don't have any space program." Sagan argued that the $3.7 billion space budget is "not the appropriate target" because it is "only a few per cent of the military budget."

The argument also prompted Dr. John Naugle, NASA associate administrator, to report that after the next trip to the moon—Apollo 13 in March—Apollo landings will "very probably" be made only every six months.

This has been a prime goal of lunar scientists, who have been asking for more time to study lunar samples and plan new explorations.

But the current argument goes far beyond the recent demands of lunar scientists for more attention to scientific goals.

In a much broader way, said MacDonald, "Congress is now asking the scientific community to establish its priorities."

For example, he said, the annual budget of the National Science Foundation—a federal basic research and training agency—is less than $500 million. Unmanned planetary probes now authorized will cost $300 million to $400 million a year. The manned space program costs $2 billion each year.

"I strongly believe the needs of total science have to be more widely discussed," MacDonald continued, "and discussed outside the NASA-industrial-science complex."

A greater sense of priority, he argued, is needed to solve social and environmental problems and "this sense of priority has not been reflected in NASA's plans. Indeed, I've been surprised at its lack of emphasis on applications."

A Mars landing, MacDonald maintained, "would completely dominate the space program" and—by merely using extended Apollo technology, in his view—"would not strengthen the country's technological base" as much as unmanned planetary probes. These, he said, would require "important advances in equipment lifetimes, reliability and compactness."

Association President Roberts, who is head of the University Corporation for Atmospheric Research at Boulder, Colo., agreed.

"I feel we should not make it an objective to put a man on Mars now or ever," he said. "We should send men to Mars only in the improbable event that it someday proves more economical than sending instruments."

Mr. MONDALE. Mr. President, there are deep and sharp feelings in the scientific community about the present directions of the manned space flight program. In the space program itself, not only did Mr. O'Leary resign but the chief scientist resigned, the director of the lunar receiving laboratory resigned, the principal investigator of Apollo lunar surface geology resigned, the curator of the lunar samples resigned, and another scientist-astronaut resigned.

Mr. Shoemaker, now the chairman of Cal Tech's Division of Geological Sciences, quit his Apollo work out of deep concern for the direction of the Nation's space program. He described Apollo as a poor system for exploring the moon. He said the same job could have been done with unmanned systems at one-fifth the cost 3 or 4 years ago.

My point in quoting that material is not to challenge the moon program. I served on the Space Committee and supported the moon program. I think it is an achievement of which we are all proud.

The question now is whether we want to undertake another effort of that same magnitude in the manned space flight field or whether we do not want to take cognizance of the scientists with respect to unmanned instrument efforts.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PROXMIRE. Mr. President, I congratulate the Senator from Minnesota on his amendment and on a superlative presentation. I think it is the most comprehensive and convincing presentation we have had in the years we have been considering the space program amendments.

The Senator from Minnesota is specially qualified because he did serve on the Space Committee and, as he said, he has supported the space program throughout the years. He understands the value of the space program and is proud of the Apollo achievements and manned lunar landings.

As I understand it, his amendment is similar to the amendment offered in the House of Representatives by Representative KARTH, of Minnesota.

Mr. MONDALE. The Senator is correct, except that the House would authorize $180 million, whereas the Senate authorizes $110 million for the design of the space shuttle station.

Mr. PROXMIRE. Mr. President, as I understand it, Representative KARTH in the debate in the House pointed out that even if his amendment—now the Mondale amendment—should prevail, there would still be sufficient funds remaining in the bill to permit the research to go on in the program.

Representative KARTH in the debate pointed to the hearings, at page 324 of the House hearings, where the question was raised as to how much money is in other parts of the budget for the program that the Mondale amendment would strike in the space shuttle station.

The answer was:

> ANSWER. In addition to the $110 million identified in Space Flight Operations in the FY 1971 budget for Space Station and Shuttle, a significant portion of the Office of Advanced Research and Technology effort is applicable to these same two programs. In each program between $30 to $40 million will be applied.

This means that there is already $60 million or $80 million in the bill for research in the program.

Mr. MONDALE. The Senator is correct. There are two key ways in which this program will receive——

Mr. ANDERSON. Mr. President, will the Senator point out where that $60 million is?

Mr. MONDALE. The Office of Advanced Research and Technology.

Mr. President, I should like to respond to the question of the chairman of the committee after I have responded to the question of the Senator from Wisconsin.

There are two ways in which the research on this project is going forward.

I think the Skylab project almost settles the argument about whether we need to spend another $110 million this year.

The key question about the whole space station and shuttle program is largely whether man can sustain himself for 40 or 50 or 60 days or longer in space. We do not know the answer to that question.

There is good scientific reason to be very concerned about whether man can last that long in space. The Biosatellite experiment was designed to see what would happen in long duration flight. The first effort was abandoned after 8½ days when the monkey died because of long duration flight. I have had printed in the RECORD the kinds of problems which concern doctors and others, the kinds of deep concern which has led the space program to undertake this Skylab experiment.

Early next year, they will launch the skylab, and men will stay there for up to 56 days. This will be a relatively inexpensive experiment. But that is designed as a prelude to the space shuttle program. It does not seem to make any sense to me to spend $110 million on this kind of project, when next year may demonstrate that it is not even feasible. Why do we not find out first?

In answer to the question propounded by the distinguished Senator from Wisconsin and the chairman of the committee, the Senator from New Mexico, on page 12852 of the CONGRESSIONAL RECORD, NASA was asked the following question:

> Aside from the requested $110 million identified specifically for the Space Shuttle Station in FY 71 Space Flight Operations line item, how much is included elsewhere in the FY 71 request for the Space Shuttle Station, and what is the tentatively planned use of these funds?

The answer was:

> In addition to the $110 million identified in Space Fight Operations in the FY 1971 budget for Space Station and Shuttle, a significant portion of the Office of Advanced Re-

search and Technology effort is applicable to these same two programs. In each program between $30 to $40 million will be applied.

That is the basis on which I made my statement.

Mr. PROXMIRE. Mr. President, the Senator discussed not only the immediate, but also the ultimate, cost of the program. As I understand it, the Senator argued that the space shuttle station could ultimately, according to present estimates, exceed $14 billion. On the basis of past experience, the $14 billion is probably an underestimate. It probably will be much more than that.

Mr. MONDALE. Mr. President, this is NASA's own budget estimate. They say they cannot tell. However, I think in view of the past experience in this uncertain technological field, I would not be surprised if it would cost $40 billion. I do not know.

Mr. PROXMIRE. Mr. President, is this not a part and a very important part of the program? Should some view it as a commitment toward our exploring Mars with a manned exploration?

Mr. MONDALE. The proponents of this proposal on the floor of the House argued vigorously that it was not.

The point I make is, first, if you want to go to Mars, this space shuttle program is an essential ingredient.

Mr. PROXMIRE. The Senator is correct.

Mr. MONDALE. It is the first step, whether or not the later steps come.

Second, NASA, in its future budget, allocates $100 million, then $300 million the following year, and then $1 billion after that for the manned Mars flight. We know the Vice President has said, "On to Mars." Whether they say it is for Mars or not, I am somewhat inclined to believe they have this in the back of their minds.

Mr. PROXMIRE. Does it not seem logical to the Senator that this would seem to be the point at which the Senate is making a serious decision that could involve a commitment to go ahead and spend billions of dollars in the future? Does it not seem to the Senator that we should have an extensive debate and that the people of this country should have an opportunity to know what is at stake? If we do go to Mars it could cost $50 to $100 billion and it would mean there would be many things we could not do on earth. We are all aware of the priorities involved. We cannot do everything and, therefore, we could not meet urgent priorities here if we go ahead with the space program.

Mr. MONDALE. I would like to respond to the Senator from Wisconsin by saying whether we go to Mars or not in a manned flight, it is entirely possible that the policy judgment on this $110 million could lead to space stations around the earth which would equal the cost of the trip to the moon. This is the next major manned flight effort to bring us through the next decade, which is planned for NASA. It is, by the terminology of House proponents, introducing a new epoch in manned space flight. We are not talking about just one phase but the fundamental manned flight commitment for the next decade, which will cost at least $14 billion. I suspect it will be far more. It is a decision which will increasingly shift the ratio of the space budget in favor of manned flights.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. ANDERSON. This is the purpose of the $110 million. We must proceed cautiously. I do hope that the Senator recognizes that this money is not for a first step in development, but only for studies to determine whether we should proceed further.

Mr. MONDALE. I thank the Senator from New Mexico. I well recall when I served as a member of the committee with him that he was the most alert man on the committee. NASA would try to sneak money in the budget for post-Apollo efforts without sufficient justification. One year they wanted $50 million for Apollo without explanation. The distinguished Senator said:

> No, we are not going to go into post-Apollo efforts until we know what we are doing and have a clear explanation.

I know the position of the chairman.

The thing that concerns me is that there are expenditures now that, in my opinion, would adequately do the research we now need done. First of all, the Skylab that is going to be completed in a year or two will cost us, I suppose, $50 million or $100 million to find out if it is physiologically possible to have extended manned space flight. The other is the $80 million which would remain in the budget, even if my amendment succeeded, for research on this project. It seems to me there would be considerable funds for research. It seems to me this proposal talks about design definition. That is the next stage beyond research. This is where you harden the design and configuration and other elements preparatory to buying the equipment and hardware. At least, that is my understanding.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. ANDERSON. I want to make sure the Senator is not talking about a manned landing. There is no support for a manned landing.

Mr. MONDALE. On Mars.

Mr. ANDERSON. Yes.

Mr. MONDALE. I was careful not to say that.

Mr. ANDERSON. I appreciate that, because it does have a bearing on the situation.

Mr. MONDALE. I thank the distinguished chairman of the committee.

One of the reasons I was reluctant to call up the amendment was that I know how hard the Senator has tried to keep the space program in some kind of reasonable proportion. The space program has dropped about $1.5 billion in annual authorizations over the past 3 or 4 years. There are few programs which go down.

Mr. ANDERSON. It is down over $2.5 billion.

Mr. MONDALE. I know the chairman has been instrumental in that achievement, and I do not wish in any way, by what I have said, to diminish the profound respect I have for the chairman.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. ANDERSON. Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the estimates for the cost of the Apollo program made in the years 1961, 1964, 1966, and 1968, and the actual cost through July 31, 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COST OF APOLLO PROGRAM, ESTIMATES AND ACTUAL

[In millions of dollars]

	April 1961, estimate	March 1964, estimate [1]	March 1966, estimate [2]	April 1969, estimate [2]	Actual cost, through July 31,1969
Apollo spacecraft		5,053	6,642	7,945	6,939
Saturn launch vehicles		7,702	8,941	8,770	7,940
Engine development		1,190	1,053	854	854
Operations support		863	1,077	1,393	1,137
Total, MSF R. & D.		14,808	17,713	18,962	16,870
Tracking and data acquisition		776	730	664	541
Facilities		1,664	1,773	1,830	1,810
MSF center operations		2,253	2,502	2,421	2,128
Total	20,000-40,000	19,501	22,718	23,877	21,349
Flight hardware available					−2,000
Net total					19,349

[1] Based on assumption of timely initiation of follow-on program.

[2] Based on assumption that there would not be timely initiation of a follow-on program; also reflects the effects of program stretchout.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. PROXMIRE. For this enormous amount of $14 billion what are the benefits? Has any cost-benefit analysis been made? We usually present details or studies for $2 million or $3 million in any project which affects people on earth. A cost-benefit analysis is made. If benefits do not exceed the costs, and usually they have to exceed the cost by a fair amount, we do not go ahead. Has there been a benefit-cost study in any of these space investments? If there has been it escaped me. I have tried to find one. I notice in the committee report it is stated on page 16:

> The station will primarily serve as the supporting platform for a very diversified group of scientific applications, and technology experiments encompassing nearly all scientific discipline.

That is the kind of bland generalized rhetoric that is used when they do not have a reason to proceed and because

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they want to keep a bureaucracy operating. Why should we spend $14 billion and end up with that kind of description? We should know just how science can benefit. What is the most we can expect for the $14 billion?

Mr. MONDALE. I thank the Senator. I could not agree more. I think those who pushed hard for this cost-effectiveness study are exactly on target. The argument made by NASA is that they can reduce the cost of lifting 1 pound of something into space from between $500 a pound and $1,500 a pound down to $50 a pound.

Mr. PROXMIRE. If they can find a purpose to lift something into space.

Mr. MONDALE. The Senator is correct. Their projections are based on lifting 3 million pounds of something into space annually. Most of that was attributable to the Apollo program. It would just take weight into space for some reason. If things continue in air and water pollution, we may all want to leave. I do not know.

However, that is the basis on which their cost analysis is predicated and I think it is entirely without justification.

Mr. PROXMIRE. Mr. President, will the Senator yield for another point?

Mr. MONDALE. I yield.

Mr. PROXMIRE. Last year I wrote to the head of the Space Agency, Dr. Paine, and I asked him to give me the benefits of manned space exploration. This was in connection with the lunar flight. All he could come up with were two reasons: First, that it would provide human fulfillment; we could enjoy it on television, and we knew Americans were up there in space. The other reason was that we would get a better understanding of the origin of the earth, the moon, and the sun. How about that for $1.7 billion a year?

Those who support this program cannot come up with even that justification. It could be argued we received a great lift because we landed men on the moon, but no one could argue because we put this platform in orbit we will receive commensurate prestige.

We are not going to find out anything about the origin of the planets? What will we discover? They cannot give us the concrete benefits that any man, woman, or child, taxpayer, sick person, or hungry person would get from this kind of investment.

Mr. MONDALE. May I say it is not only a cost-benefit study into the scientific yield from this kind of investment that we should have; we know that many scientists, like Dr. Van Allen, and many others, are getting concerned because we seem to be increasingly preoccupied more with manned shows and less with scientifically oriented, unmanned space projects which would yield far greater benefits and returns in scientific knowledge.

Second. I think the Senator from Wisconsin is dead right when he says he thinks it is time that we have cost-benefit studies for this program and other programs in this country. We are in a period of inflation. The amount of money involved here could almost double the school milk program. It could double the 235 to 236 housing programs at a time when people cannot afford housing. It could double the Nation's air pollution money, and all other manner of programs. With $14 billion, we could fundamentally affect our economy over the next few years.

Mr. PROXMIRE. The Senator from Minnesota and the Senator from Wisconsin have been critical of the Defense Departemnt for some of the waste it has been responsible for. I think it has done a better job this year in cutting down waste, but I think there are still areas where it could make some cuts.

Is it not a fact that the Defense Department felt that the manned orbiting laboratory was of such secondary or marginal benefit that it decided it would not go ahead with it?

Mr. MONDALE. I thank the Senator for making that observation, because the space shuttle and station program was a program on which the Defense Department spent $3 billion and then rejected it. It had spent half of that on the manned orbital laboratory and turned down that program last year. Before that, it had spent $1.5 billion on Dynasoar. That was a total of $3 billion for a kind of space station, and Defense turned it down.

This year, while the Defense Department says it is interested in this program, and we have given the Department $75 billion, it will not spend a plugged nickel of its own money on it. Of course, anybody is interested in something that is free, but the Defense Department is not sufficiently interested in it to allocate any of its own money to it, and, in fact, has rejected the initial project costing $3 billion.

Mr. PROXMIRE. With more than $70 billion to spend, the Defense Department still cannot justify a very similar program.

Mr. MONDALE. Other than moral support, there is no other support at all.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. GOLDWATER. The question of cost effectiveness interests me, because I have never heard it raised with respect to appropriations for the National Institutes of Health. I do not know how we can make a cost-benefit analysis on a purely scientific project. What is it worth at NIH to arrive at a cure for cancer? What is it worth, as I asked earlier on the floor today, to prevent midair collisions? What is it worth now to have a liquid, that will soon be available to any housewife or any painter or to anyone who wants to do it himself, to make that person's clothing fireproof or to have complete house fireproofing? What is that worth? What is the cost effectiveness of that?

These benefits were fall-outs. I am trying to answer the question raised by the Senator from Wisconsin. I do not think we can get into cost effectiveness or cost analysis on a purely scientific project, because, in the first place, what are we going to find when we do it? I do not think any scientist could give us a complete list. I maintain what I have maintained all along, that this will be—and I think in 5 years we can categorically prove it—the best investment of the public's money that the Congress has ever made.

Getting back to cost analysis, how effective has it been when it is applied to housing? We still do not have adequate housing. How effective has the money that we have applied to the cities been? We still have not gotten rid of the mess in our cities. We have spent billions of dollars, and we are appropriating more and more billions of dollars, in the whole field of health, education, and welfare. How effective has the money that has been spent on education been?

I do not question the value of a cost effectiveness study when we get into hardware—something we know something about—but I do not think we can talk about cost effectiveness when we are talking about explorations into space from which we hope to gain basic knowledge.

Mr. PROXMIRE. The committee has asked the Federal agencies whether they use cost effectiveness studies to plan their budgeting and to what extent. We found that the two agencies that completely disregarded it were the space agency and the highway agency. Of course, there is a trust fund for highways, so they do not have to worry whether the money they spend is spent in worthwhile ways. This is something we should study, and we can later on, but certainly if we are going to invest money in the space agency, we ought to at least have as much information as that provided by NIH. There are very effective cost analyses in the very field the Senator mentioned, in the cancer research field. They have found some fields of study which are far more lucrative, with more results at lower cost, and they have saved more lives at lower cost. That is not done with funds that go into NASA.

I think the Senator from Arizona makes a good point when he says that we cannot make a final decision based on statistics and that one has to make a value judgment. That is true. Nevertheless, we should have some evidence from the space agency to tell us as specifically as it can what is the benefit. What are we going to get out of this? If they cannot do so, then it seems to me they should not have the money.

Mr. MONDALE. First of all, the space agency argues cost effectiveness on the grounds of a calculation that it will cost less per pound to lift weight into space with this space truck than it does now. The calculation, however, disregards—at least in the view of many people—the cost of producing and developing it, which could go into billions of dollars; and, secondly, it assumes a space manned flight involvement by this country in the next few years far exceeding anything that we have ever had, including 1969, the peak space year, so that by projecting it the argument is made that the unit cost will be reduced.

Before we accept the argument that the unit cost is going to drop, we ought to have a cost analysis to see whether that makes sense or not. I have looked at the figures. I am no expert, but they do not appeal to me.

The second point is this: The key question—and if there is an answer to this I

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would like to have it—is that we do not know if man can physiologically stand long-duration flights. We do not know. We know that in the biosatellite, which was supposed to last some time, the monkey in the satellite died in eight and a half days because of the well-known syndrome called the Gower Henry reflex.

This is a case where, in a state of weightlessness, a person's blood tends to concentrate around the heart, in the area of the chest cavity, and away from the body's extremities. Nervous sensors in the vicinity of the heart respond to the pooling of this excessive volume of blood around the heart by actuating a reflex mechanism which, in order to reestablish an appropriate level of fluid in that area causes large-scale losses of body fluid, primarily through perspiration. A new equilibrium is thereby established in which the total blood supply of the individual is substantially reduced.

This develops a potentially very dangerous situation, which deeply concerns the scientists and doctors looking at the feasibility of this program.

We have already programed a Skylab experiment next year, which we can undertake fairly inexpensively by permitting the astronauts to float in space, and watching them carefully to see whether it is going to work or not.

But if we find that it is not going to work this hundred million dollars for design and the rest will be based on a project that will not work. Surely we ought to have this kind of experiment conducted before we go further.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MONDALE. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Getting back to cost effectiveness, I remember when we sat over in the House of Representatives and listened, in joint session, to President Kennedy talk about putting a man on the moon during the decade just finished. We did not talk about cost effectiveness then, because we did not know what we were going to find. We did not even have an idea of the tremendous fallout or spinoff we would get from this exploration.

I think personally the spinoff is the way we are going to have to judge future explorations in space, and we can only go by what we have found in the past.

I put in the RECORD, I think it was last week, a list of several thousand patents that had been issued because of discoveries made in the space program. As I say, I do not think I could get their value to total $42 billion to date, but I think within 5 years we will find a real profit has been made on this program, without having had a cost effectiveness study.

I should like to put something else to rest, if I can. Dr. von Braun appeared before the Space Committee one day last year, and I remember his opening statement was something like this:

> Now, the next question you are going to be asked is, can we put a man on Mars? I am not here advocating that we put a man on Mars, but if you are asked that question, the answer is yes, and here is how we could do it, but we cannot do it until 1981 or 1982, when Mars gets closer to the earth.

So we are really talking about the possibility of a giant expenditure so far in the future that we have ample time to control anything that might develop.

Personally, with my limited scientific knowledge, I see no value in putting a man on Mars. I think we can do a better job with the money. I think most of the men in NASA feel the same way. But Dr. Von Braun was illustrating to us how we could write to our constituents or appear on a platform and seem rather brilliant by saying, "Yes, we can put a man on Mars, and here is how we can do it." I do not think he cared whether we put one there or not. So I think this is something we do not have to worry about in this particular debate.

I wish there were a way we could make a cost effectiveness study on everything we get into. My friend from Wisconsin is a distinguished economist, and I think he would be first to agree that when we get into the field of sophisticated weaponry, we can only make an educated guess about cost effectiveness; we can never really know until the weapon is tested in a war.

If we could get a weapon tomorrow that would end the war in Vietnam, would people object to the expenditure of $14 billion? I do not think so.

But this is like asking a man going down a dark hall for a report, before he starts down the hall, on what he is going to run into. About all you can say is that you are going to run into the end of the hall.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. GOLDWATER. I do not have the floor.

Mr. MONDALE. I shall yield in a moment, if I may make one comment.

I think one of the greatest criticisms of the space program, which I happen to share, is in the area of which the Senator speaks. There is an increasing feeling in this country that scientists and scientific values are taking a secondary role in the manned flight program. We have had criticism by Dr. James Van Allen and many of the top scientists in this field. Many of the top scientists have quit the Apollo program because they feel there is no regard, or not enough regard, being shown for the scientific aspects of the space program. One of their key complaints has been that we are pursuing the far more expensive, far more dangerous, and far lower scientific yield process of manned space flight, rather than the much less expensive, perfectly safe, and higher scientific yield unmanned instrumented flight series. Increasingly we hear this criticism.

But if the space station shuttle system goes through at the budgeted level NASA wants, that distorted approach will be even more distorted, and the amount, by 1979, applied to manned flights—the area where the scientists are making their most severe criticism, and where the biggest cost in dollars and the lowest scientific yield are involved—will have been increased to 68 percent, or possibly 75 percent, of the space budget, compared to 60 percent of the space budget today.

So increasingly the recommendations of NASA are pushing the space program in the very area where the scientists have been most critical.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield to the Senator from Nebraska.

Mr. CURTIS. I thank my distinguished friend.

Is it the contention of the Senator from Minnesota that if the Senate rejects his amendment, it would commit us to an expenditure of $14 billion?

Mr. MONDALE. It is my opinion that the program should not be started, probably, at all; but if it is started, not until we know whether it is worthwhile, based on a cost study and based on this Skylab, whereby we decide whether it is even feasible. The idea of spending $110 million for the hard design of something that may be a complete waste seems to me to be without justification.

Mr. CURTIS. I understand that is the Senator's contention, but is it also his contention that if we fail to adopt his amendment, the Senate has made a commitment for a $14 billion expenditure?

Mr. MONDALE. No, but we have seen this happen many times, how we back into programs such as this.

My point is that we spend $110 million or $200 million on some kind of program, then we come back and say we do not like the program, but one of the arguments raised against us is, "We have already spent all this money."

So I see no reason to begin spending the money. There are plenty of things we need to know before we proceed, and I think we are going to find, when we have analyzed it thoroughly, that there are better ways of spending the money.

Mr. CURTIS. I should like to point out, in that connection, that we did spend money on preliminary efforts in connection with the Voyager. Later on, the committee and the Senate concurred in abandoning the whole project; and it is because of actions like this, under the leadership of our distinguished chairman (Mr. ANDERSON), that NASA has been enabled continually to reduce its expenditures.

The contention that if we spend this money, which is limited to studies and definitions, we will back into something, is not supported by the previous record of NASA.

Mr. MONDALE. Let me say that there is still probably more than $80 million in the bill for study of the space shuttle station program, even if my amendment passes. So there is plenty of money—I would guess more money than is necessary—now. To go into the hard design phase, which is what this $110 million is about, until we even know whether it is feasible, is a waste of money.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MONDALE. I yield to the Senator from Washington.

Mr. MAGNUSON. I have been listening with great interest to this debate. I am sure that the Senator from Minnesota has made as strong a case as could be made. But one thing we should remember is this: We are talking about an authorization bill, not an appropriation. As the Senator from Minnesota knows, I have for many years handled the space appropriation in the Senate. I also am a member of the committee of the distinguished Senator from New Mexico, the Committee on Aeronautical and Space Sciences.

We have had no hesitancy, in that space appropriation subcommittee that I chaired until last year, to probe a program to examine it very closely, and then if it did not hold promise, to cut it or slow it up or say, "You use some other funds." I do not think Mr. Webb liked it too well, but we have frequently sent him back downtown and said, "You come back here with your priorities better arranged," so that we could make some overall cuts that were necessary for economy. As the Senator from Arizona has said so eloquently, we review this space program very thoroughly every year.

The space station is the next logical step in outer space, and the space shuttle is the only logical step in cutting space costs. I think it was the opinion of the authorizing committee that this program holds promise of reducing space exploration costs in the future.

The Senator from Minnesota, the Senator from Wisconsin, and I have some doubts about what this Nation's space program should be in the future. I have been greatly involved in this matter. I have just come, incidentally, from a luncheon downtown at which the Collier Trophy was presented to the three Apollo astronauts. The Apollo program, despite the Apollo 13 mishap, has been a great success. That program is not in question. But on other programs, we have appropriated some money for research—such as the Voyager program— and later cut that program out when it looked dubious.

I think this country has to look around the world in considering future programs. I hope that in the next space effort, after we reach what we consider a logical conclusion of our present programs, we will join with every nation in the world, so that what scientific value we obtained from further exploring of the universe would belong to everybody. It would save us money, and promote international cooperation.

I do not know what the political situation would be with respect to Russia, which is one of the two major countries in the world involved in the space effort. I know that the space scientists in Russia would like to cooperate with us, but I do not know what happens to them when they go to the Kremlin to discuss the idea.

We could do in this field what we have been doing in the field of oceanography. We have not done as much as we should, as the Senator from Minnesota knows. But it has become a joint effort to a limited extent.

We could do what we did in the International Geophysical Year, when all nations of the world joined to produce a vast array of scientific knowledge.

I am looking forward to the slowing up of the U.S. space program to that extent. But this current program, the space station concept, seems to me to belong in the current era, and I think the committee felt that way when it made the present recommendation. I think the Senator from New Mexico will agree with me on that. My impression is that this program may help us cut space costs, and that is why I am supporting it.

Mr. MONDALE. If I might respond to the Senator from Washington, permit me to say that I enthusiastically endorse his statement about international space cooperation.

Mr. MAGNUSON. It would be one great factor in bringing the world together.

Mr. MONDALE. I deeply regret, however, that although we have done something, in my opinion we have not done as much as we could have. With the interest there is, I would hope that we could see far more progress in this area than we have seen.

Mr. MAGNUSON. I have attended a few international space meetings, as chairman of the appropriations subcommittee handling NASA. At the proper time—I do not know now what time will be proper—I intend to introduce a resolution, and I hope the Senator from Arkansas will entertain it, recommending that we try to cooperate with all nations of the world, after the Apollo program, to have a joint space effort. I have long advocated this. There may be some arguments against it, but I think it is time now that we began to consider it.

But let me turn now to the question of the space station/space shuttle.

Mr. President, the terrifying adventure of Apollo 13 last month forced us to think about outer space and man's place in it with an intensity reminiscent of the launch of sputnik, the first manned flight, or the first landing on the lunar surface. The Apollo 13 mission also emphasized how oriented we are in our thinking to particular missions, particular successes and crises, and how little public discussion we have devoted to the long-term questions of our space program and its purposes. That the space program has a future beyond the moon—and that man will benefit from that future—has largely been obscured or forgotten.

The pending committee amendment provides us with an opportunity and a responsibility to consider man's future in outer space. For many years we have heard cries for economy in outer space, cries that have been answered by a continual reduction in the budget of NASA, and cries that have been answered in the reduction in number of planned space missions. As the immediate past chairman of the appropriations subcommittee responsible for NASA's budget, I know that these calls for economy have also been answered by intense scrutiny of NASA's programs.

The current controversy over the space station/space shuttle programs comes at a time when many millions of Americans are questioning our role in space, the cost of that role, and the importance of that role relative to other pressing domestic needs. Unfortunately, too, the controversy arises during the aftermath of the Apollo 13 mission—a major failure that has added immensely to the number of critics of the space program. It would be tragic, however, if the Apollo 13 mission were used by critics of the space program to transform reasonable calls for economy into unreasonable demands for a fundamental retrenchment in outer space.

I think it is healthy and important to consider and to discuss fully the issues of priorities and of man's role in outer space. But I think it would be most harmful to the quality of that discussion to permit ourselves to be swayed by the emotion that the Apollo 13 mission has created. The space station/space shuttle issue can and should be looked at in the light of hard facts, not emotion, and I would like to present some of those facts today in connection with the pending committee amendment.

First, we must realize that the funds we appropriate this year for the space station/space shuttle project do not constitute a commitment to a multibillion-dollar new program. Rather, they are simply funds for advanced research and development of the space station/space shuttle concept—research and development that must be undertaken before we can make an intelligent and rational decision on whether to go ahead with production of these vehicles and outer space facilities. We are not, with these funds, abdicating responsibility for that production decision—indeed, we cannot avoid having to make that decision in future years. Congressional control over spending lies in continual review, annual decisions, and the retention of control over ultimate production decisions. Such control does not lie in giving a "green light" to such an expensive program, once and for all, at such an early stage in the program's development.

The funds we provide this year should bring the space station/space shuttle program to the point where we can make an intelligent decision in the future. By providing these funds, let me emphasize again, we are not making a final production decision. By not providing these funds, however, we would be making a premature decision not to go ahead with this program. Let us permit the research and development to continue until we reach that production decision point; let us not cancel this program in our haste to come to a premature decision about the program's merits.

Second, to cancel the space station/space shuttle program at this point would not be economical—rather, it would be false economy in the purest sense of the phrase. The program—particularly the space shuttle aspect—is an economy effort, an effort to lower the cost of space exploration by developing reusable space vehicles. Today it costs us almost $1,000 per pound for every object we loft into space; tomorrow, with the aid of the reusable space shuttle, we may cut these costs by 90 percent. In other words, for the same dollar expenditure the space shuttle will allow us to put almost 10 times as many mis-

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sions into space; the scientific benefits of more missions, explorations, and manned flights will be achieved with dramatically lower costs. Imagine how much more we would know about the moon and the origins of our own planet, for example, if for the price of our past four Apollo missions we could have provided dozens or even scores of such missions.

I would emphasize, additionally, that the Senate has already taken a major economy step by reducing the House authorization for these programs by nearly $140 million. The $110 million remaining for the space station/space shuttle is, in the judgment of the Aeronautical and Space Sciences Committee, a sufficient amount to proceed with the research and development of this program.

Finally, in our justified haste to divert funds to meet our growing domestic needs, we should not lose sight of where Federal money is really being spent. The NASA budget is conspicuous, but it amounts to roughly 5 percent of the amount we devote to military spending. The real "domestic surplus" will come from making needed cuts in our military budget, and through the elimination of costly and unnecessary new weapons systems. The $110 million for the space station/space shuttle program this year is less than 1 percent of what we will have to pay for an unproven and potentially obsolete ABM, for example. It represents a small fraction of the money we have wasted in our unsuccessful attempt to develop a new main battle tank. It is less than 20 percent of what we have been spending every year to develop murderous and unnecessary chemical and biological warfare agents.

My point is simply this. Just because the military budget has proven difficult to cut does not mean we should diminish our efforts to cut it; just because NASA is vulnerable and its budget easy to cut does not mean we should eliminate vital NASA programs whose cost is almost insignificant in comparison to the billions that go annually to the Defense Department.

Let us realize that man is in space to stay. The benefits of space exploration are largely unknown, but they may prove to be incalcuable. The space program not only provides peaceful employment, peaceful applications of scientific knowledge, and peaceful commercial spinoffs to the entire Nation—it also represents, in further contract to our military spending, a peaceful and healthy form of competition and national mission in the United States and in the world as a whole. Someday, we all hope, it will provide the basis for peaceful cooperation between this Nation and the Soviet Union, and undoubtedly it will aid us in our efforts to save the ecology of this planet.

The space station is the next logical step in outer space and the space shuttle is the only logical step in cutting space costs. These programs may never be completed, if the research and development prove them to be unwarranted. But we can and we must give the space station/space shuttle concept a chance. It holds the promise, not only of cutting the cost of space exploration, but of dramatically increasing our knowledge of our planet, our solar system, and our universe. We cannot and we must not ignore the opportunity to obtain that knowledge.

I ask unanimous consent to have printed in the RECORD an excerpt from Report No. 91–833, "NASA Authorization for Fiscal Year 1971," a report of the Committee on Aeronautical and Space Sciences on H.R. 16516, and an excellent commentary on the space shuttle by Mr. Bob Considine.

There being no objection the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM REPORT NO. 91–833

Space shuttle and station

The space shuttle is a reusable space vehicle system which will provide an economical method for meeting a variety of launch and orbital requirements, and represents the basic space transportation system for the remainder of this century. It will be designed to meet the President's Space Task Group criteria of economy, reusability, and commonality. As currently conceived, the shuttle will be able to carry at least 12 passengers to and from a space station or space base with a cabin environment similar to that found in today's commercial airliners, and with gravitational forces of no more than 3 G's being exerted during the launch and reentry phases. Passengers without special training could be carried to and from space safely and efficiently.

The space shuttle is expected to have a payload capability of up to 50,000 pounds in low-earth orbit with a payload compartment 15 feet in diameter and 60 feet long and having a volume of 10,000 cubic feet. As presently conceived, the space shuttle is composed of two stages—the booster and the orbiter, both utilizing the same engine but in varying numbers, to satisfy the different thrust requirements. Both are reusable, and will be designed to perform 100 missions with a minimum of maintenance. It is expected that both stages will be manned, although the booster may have the capability of making an automated return and landing. It has been assigned a preliminary design weight ceiling of 3.5 million pounds including propellant, and the projected height of the system is between 200 and 250 feet. Both booster and orbiter will use high-pressure liquid oxygen/liquid hydrogen fueled rocket engines for propulsion. Each engine will have a design thrust of 400,000 pounds, will be throttleable and capable of continued reuse and multiple restarts. In addition, both orbiter and booster will use a set of jet engines which will be fueled by hydrogen and will provide power during the cruise return to the landing area.

In operation the space shuttle mission payload, contained in modularized cargo containers, would be loaded into the payload compartment of the orbiter at the launch area. After a vertical launch the booster stage would propel the shuttle to a suborbital altitude of 40 to 50 miles before separating for a return to earth. The orbiter engines would ignite and burn until the stage gains the velocity needed for insertion into a low elliptical orbit. The engines could later be restarted to circularize the orbiter at 100 miles and restarts could be made to execute transfers to other desired orbits. At the conclusion of its mission the engines would be refired to brake the orbiter back into the atmosphere. Upon reaching a speed where it can perform a transition to the cruise configuration of an airplane, it would use its jet engines for power and return to the launch area for another mission. Both booster and orbiter stages would be designed to land on runways approximately 10,000 feet in length. Having landed, the booster and orbiter could be checked out, refueled, and provided with new payloads for another launch 2 or 3 weeks later. This ability to achieve short turnaround time between flights will reduce the number of vehicles required for the planned missions.

Initially the shuttle will be used in transporting flight crews, scientists, experiments, and supplies to space stations and space bases in earth orbit. Later it can be used for transporting supplies and equipment into an earth parking orbit for transfer by a nuclear stage to such distant destinations as lunar and planetary bases. Other projected uses include flying missions in a polar orbit, carrying from one to several automated satellites and positioning them in their selected earth orbits, serving as an orbiter staging platform for automated planetary probes and spacecraft, and transporting liquid hydrogen to earth orbit for use by nuclear propulsion stages capable of traveling to neighboring planets. The shuttle will be designed so that it can be maintained in a state of launch readiness for lengthy periods and yet capable of being launched within several hours notice. It is believed that the space shuttle through reuse, minimum postmission maintenance and refurbishment and aircraft-type checkout operations, could reduce the cost per pound of payload in orbit by a factor of 10.

An essential element in the continuing exploration and utilization of space in future decades is the space station. Such a station and the base which will develop from it will be the central carrier through which man can increasingly progress toward a fuller understanding of his world and the universe. The space station will have an initial crew complement of six to 12 people. A subsequent base could be a multipurpose facility in earth orbit housing a crew of 50 to 100 men. The station will primarily serve as the supporting platform for a very diversified group of scientific applications, and technology experiments encompassing nearly all scientific disciplines. The space station is being designed as a long-life, maintainable system for men working and living in space. Initially it is expected to operate in a zero gravity condition. The station and base will be quite autonomous, having on-board command and control centers and life support systems that are capable of regenerating the environment, and operating for extended periods. Flight crews using the station and base will be ferried to and from orbit by the space shuttle which will also provide the logistics support of the station and base and will be able to carry many of the experiment modules. Conceptual studies on these modules emphasize commonality so that four or five basic module types will be able to support the wide variety of experiments to be conducted at the space base.

Experiment Definition.—The early and accurate definition of the experiments and supporting systems in the space shuttle/station program is vital to eventual mission success and the achievement of program objectives. The major portion of the space station operation will be the conduct of manned observations and experimentation. These will impose major requirements on the space station and experiment module design and operation, and dictate an early definition effort. Experimentation definition funding provides the early impetus for acquiring the technical and scientific effort needed in identifying and verifying, through ground experimentation and analyses, those worthwhile experiments for conduct by man in space to assure an effective use of the space

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station and the space environment. Fiscal year 1970 and 1971 funding will be used primarily to clarify and define candidate experiments and to determine the experiment groupings and the equipment that will most effectively use the space station.

Shuttle Engine Definition and Design.—Fiscal years 1970 and 1971 funding will provide for competitive engine definition contracts which will be of 11 months' duration. The studies will provide preliminary engine designs and specifications, define detail engine requirements, and provide program plans for future development. Fiscal year 1971 funding will also provide for the start of detailed design of the most promising engine candidates resulting from the engine definition studies. Design of the engines will begin in the last quarter of fiscal year 1971.

Shuttle Air Frame Definition.—As with the shuttle engine activities, the definition effort will be conducted through competitive contracts and will be of 11 months' duration. Definition studies are scheduled to begin in the latter part of fiscal year 1970. Fiscal year 1971 funding supports continuation of the studies initiated in fiscal year 1970 and will focus on specific point designs and supporting technology.

Station Definition.—The objective of this effort is to obtain the technical and program information needed for selecting a single design approach of a space station from alternate approaches available. The first phase of the two parallel definition studies is scheduled for completion at the beginning of fiscal year 1971. Funds are requested in fiscal year 1971 to exercise up to six 1-month extensions of definition studies with each contractor. In fiscal year 1971, definition studies of candidate experiment modules which have long leadtime requirements and those whose operations will impact the station design and operating mode will be undertaken.

Shuttle/Station Preliminary Design Verification.—While the definition studies of shuttle air frame and space station will identify systems, concepts, and techniques critical to their final design, additional trade-off analyses are required to verify contractor system selection before the final design criteria are established. In addition preliminary engineering designs will be initiated and advanced prototype testing conducted on selected long-lead systems to assure their timely availability. Fiscal year 1971 funding supports these activities and as the studies progress, those other areas that will be identified as requiring additional verification prior to initiation of detailed design. Systems common to both the shuttle and station that are potential candidates for this effort are: integration of the electronics systems, attitude control systems, and thermal protection systems. Proof-of-concept testing of the thermal protection systems will be conducted on subsections to provide verification of materials selection, fabrication and installation techniques, characteristic weight, and inspection and refurbishment needs. These tests and studies will greatly increase the assurance that the later detailed designing effort will be successful, and result in a more efficient and economical development program for the shuttle and station.

COMMITTEE COMMENT

Your committee recommends that the Administration request of $515,200,000 for the Space Flight Operations Program be approved. The House approval a total of $654,700,000, which is $139,500,000 more than the budget request. Some of these additional funds would be applied to the Apollo Applications project to augment the development and qualification effort on spacecraft, to provide increased assurance of mission success, to initiate experiments that were excluded due to previous funding limitations, and to initiate the design for a second mission. Your committee believes that the budget request for this project is adequate and that additional funding is not necessary at this time.

Additional funds provided by the House would also be applied to the space shuttle and space station project to provide for more extensive and inclusive anaylsis and to support the technological development of this project. Neither the space shuttle nor the space station are approved for development, and your committee believes the budget request contains sufficient funds for NASA to carry out phase B studies which will provide the technical information needed to determine whether or not to proceed. Therefore, the committee does not agree with the additional funds provided for this project by the House.

ON THE LINE

(By Bob Considine)

NEW YORK, April 27.—The hambone Congressional nonsense about cutting back on the Apollo program and its even more adventurous spinoffs should be dismissed before the public is led to suspect that the investment in Space is prohibitively high. It isn't. It just sounds high.

We reach positively for the moon and the planets at an annual cost of what we pay to fight inconclusively in Vietnam for two months. In the Space quest we have hardly dunked a toe in the cold and endless reaches of the cosmos. But some would say that's enough. The parochial cop-out is: "Well, we beat the Russians to the moon, didn't we? Isn't that enough?" The answer, of course, is no—we've barely begun. A resident of the next nearest heavenly body beyond the moon, looking down or up on the earth and its lunar satellite, would marvel at how we could live with a pimple like that attached to our nose. In other words, we would appear to be one. What's a quarter of a million miles in Space?

We're going to send men and probably women to planets millions of miles away, once we perfect nuclear propulsion to replace the lethargic pull of gravity and devise ways of surviving en route. And we're going to do it at what amounts to bargain rates.

At the end of last month, Lockheed and Boeing, working together, submitted to NASA their formal proposal for a Space shuttle vehicle. This would be the reusable space vehicle, the dream of every inventor since the Chinese who ignited the first sky rocket.

Briefly, this Lockheed-Boeing combine, joined by TWA, would produce a manned vehicle about the size of a 747 which would take off from Cape Kennedy or elsewhere with a smaller manned spacecraft riding piggy-back. When the first vehicle ran out of juice, it would break itself loose from its hitch-hiker and return to the nearest available airfield, landing like any large conventional plane. The parasite would have gone on into earth orbit on its own power, tending to a variety of jobs.

For example, it could deliver a new scientific crew and life-supporting supplies to an earth orbiting station, put up there to locate unprobed earthly ore deposits, agricultural opportunities, fishing treasures, gestating hurricanes and blizzards. Indeed, it could retrieve multi-million-dollar satellites that have exhausted their energies and return them to earth for a recharge, for use again. It could be the mailman, tending to his appointed rounds in Space, or the cosmic grocery store.

Most of all, it could come back and land like a 707 or DC–8 or something even smaller, and soon fly again. It is inevitable that this kind of shuttle will be developed. Not to do so would, in the long run, be like junking each $22,000,000 Boeing 747 at the conclusion of a routine flight across the ocean or the continent.

We have hardly scratched the surface of Space. Our cutting edge must be the shuttle. It will mean as much to Space as Henry Ford's Model T meant to the automobile industry.

It costs about $1,000 to put a pound of payload into earth orbit with the Saturn 5 booster. The reusable Space shuttle should cut that to less than $100 per pound. And increase the safety of the passengers. The best estimates in the aerospace business are that within 15 years normally healthy men and women will fly into earth orbit and back again with greater ease and frequency than do today's highly trained and superbly conditioned astronauts.

The shuttle isn't a new idea. It's as old as, say, Flash Gordon. Boeing has spent $24,000,000 of its funds, with no government assistance, on research and development of a use-it-again Space transportation system, Lockheed, builder of the C–5A, the supersonic all-titanium SR–71 jet, hundreds of Agenas and Polaris and Poseidon sea-based missiles, has been around for a time, too. The top men involved in the unusual cooperative effort, Lockheed's Dr. F. C. E. Oder and Boeing's George H. Hage, have a combined experience of half a century in flight research. As for TWA, it has a bit of experience, let's say, in matters concerning ground equipment, maintenance, manpower, and turnaround.

Turnaround is the name of this new game, and, in short, its salvation.

Mr. MONDALE. I yield to the Senator from Mississippi, and then I yield to the Senator from Arkansas.

Mr. STENNIS. Mr. President, I direct the Senator's attention to the figures here, because I believe there is error somewhere. The Senator's amendment applies only to the $110 million that is in the bill for this space shuttle and space station. Is that correct?

Mr. MONDALE. The Senator is correct.

Mr. STENNIS. And that has to do with definitions and studies of these particular items, just as in the case of a weapons system, when we get down to the definition of studies regarding a particular plane. So the Senator's amendment would take out the $110 million. Is that correct? And that is all it would take out.

Mr. MONDALE. It is my understanding that this $110 million is for what they call definition and design. This is where they take the research, and so forth, and sort of harden it into a configuration, and the other details preparatory to buying the hardware. I do not know whether I have stated it correctly.

Mr. STENNIS. I think that is correct. I want to distinguish it from the $80 million.

But back to the $110 million for a moment: That amount does not include any money for the development of the system.

Mr. MONDALE. Research and development. I think that is correct.

Mr. STENNIS. It does not reach that stage of development.

Mr. MONDALE. I think that is correct.

Mr. STENNIS. The $80 million that the Senator has mentioned—which his amendment does not touch—as I understand, is for basic advance research and technology in the broad field, and that will be undertaken whether or not we have this space shuttle and space station in the bill.

Mr. MONDALE. Might I respond to

that on the basis of a question which was put to NASA by the House committee. This was the question they asked:

> Aside from the requested $110 million identified specifically for the space shuttle station in FY 1971 in the Space Flight Operations line item—

That is what we are talking about—

> How much is included elsewhere in FY 1971 request for the space shuttle station and what is the tentatively planned use of these funds?

In other words, where else will money be spent on this program? This is the answer:

> In addition to the $110 million identified in the Space Flight Operations in FY 1971 budget for space station and shuttle, a significant proportion of the Office of Advanced Research and Technology effort is applicable to these same two programs. In each program, between 30 and 40 million dollars will be applied.

That is the answer from NASA.

In addition to that, of course, this Skylab is part of the same research effort. But this will be an actual flight experiment in space.

Mr. STENNIS. As I understand, and as it was explained to us by our staff, this $80 million for the basic advanced research and technology—even though the special program we are debating would benefit from it somewhat, as many other programs would—is for basic research across the board, so to speak, and does not specifically relate to the design of the space shuttle or space station. Is that correct?

Mr. MONDALE. I would have trouble, for this reason. All I know about is their answer. They said that there will be $30 to $40 million for each of two programs, or over $60 to $80 million, which will be applied in space station and shuttle program and spent through the Office of Research and Technology. In other words, that money, even with the adoption of my amendment, must be spent on research in the program. But that may be different from the hard design program. I think it is, but my argument is that until we have been satisfied in the research field, until we have seen whether it is feasible as a system which assumes man's capacity to survive long duration flights, we should withhold this kind of starter costs which we may not have to make if we find it to be infeasible.

Mr. STENNIS. Mr. President, the Senator has made my point. The basic research will go on anyway, but it cannot be applied to the space shuttle, which cannot get the benefit of it, unless we have this program for the $110 million. We will not get the benefit or the fruits of it. If we are to have this space system, we will have to move first into the field of definition studies.

Mr. MONDALE. I thank the Senator.

Mr. STENNIS. I would say, is that not correct?

Mr. MONDALE. I would look at it somewhat differently. First, I do not see any point in spending $110 million for starting up costs on a system which a year from now we may find is completely unfeasible; in other words, that could prove to be a waste.

Second, I do not see any point in entering into a program which NASA estimates will cost $14 billion. We know how estimates tend to be below the mark.

I think that my amendment goes beyond that to the whole question of the ratio of unmanned instrumented flight, with the emphasis on scientific oriented research as against the tremendously expensive and dangerous and, I think, most unscientific and impractical manned-flight program.

Mr. STENNIS. Let me make this one comment. With all due deference to the Senator, I believe that we are talking about two different things, in that the $80 million is for basic research generally, and the $110 million is the first money that goes toward preliminary design and planning for the vehicle. To that extent, it kills the vehicle for the time being.

Several Senators addressed the Chair.

Mr. MONDALE. Mr. President, the Senator from Arkansas has been waiting. I am glad to yield to him now, and then to the Senator from Florida (Mr. GURNEY).

Mr. FULBRIGHT. Mr. President, let me say to the Senator from Minnesota that, listening to the debate today, and contrasting it to what I have been hearing and reading in the past few days, beginning with the war and the expansion of the war into Cambodia, the renewal of the bombing of North Vietnam, and now the shooting of our own students—unarmed, I may say—at Kent State University, and then last night 2 hours at the White House listening to the President and General Vogt and the Secretary of State describing in more detail how we are conducting the war in Vietnam and Cambodia, and now all morning spending 3 hours listening to the Secretary of the Treasury, and especially to the Senator from Delaware (Mr. WILLIAMS), who was, among others, closely examining and questioning the Secretary of the Treasury, I must confess that I feel very much as though I were Alice in Wonderland. There seems to be absolutely no relationship whatever to the world they were discussing and the real world in which I think we live.

I suppose, perhaps, that is one of the great virtues of the space program. It certainly is one real virtue. The only thing in cost effectiveness that is real is that it diverts our attention from the insane policies and activities the human race is conducting in this country and the world at the present time.

Mr. President (Mr. SCHWEIKER), the real value of these spectacular flights is to divert our attention from the real questions here at home. Of course, it also generates support for the program here at the Capitol.

The Senator from Minnesota stated that some scientists deplore the diversion of the program from real science to spectaculars.

Of course, the obvious application is that this all gets votes in both Houses. It gets the support of the people who watch television and so we provide a television show for them.

Had it not been for the failure of the last space flight, I think it would have gone off with little notice, and probably there would not have been nearly so much attention to it as there is now. As a matter of fact, the only application I can see, as to why the House insisted on increasing the budget, was that the last one failed. It aroused great sympathy. The President was greatly upset about it. There was even the threat of the death of three valiant and brave young men. That upset him and the country so much that we increased the budget. The killing of four young students did not seem to affect him. He remarked that—after all, violence breeds trouble, not appearing to be particularly concerned about those who were shot.

But, in any case, this program has nothing to do with the real life we live. The cost effectiveness we have been talking about, apparently, is only a cost effectiveness within the program. It has nothing to do with the cost effectiveness of this versus a program of decent education, or of any other of our domestic programs.

Whether this is worth more than the other kind of flight seems to be of very little importance.

Mr. MONDALE. I could not agree more with the Senator. As a part of my remarks, I included examples of what we could do with the $110 million. We could double the school milk program. We could double the clean air program and all sorts of other things.

Mr. FULBRIGHT. It is hard for me to think of anything that would not be more useful, as a matter of fact, in all the activities with which we are concerned.

The last time I heard cost effectiveness really harped upon was when Mr. McNamara referred to cost effectiveness for the TFX, and he demonstrated beyond a peradventure of a doubt that that was the most useful and most profitable waste of our money. I am not sure whether the Senator from Arizona supported that program, but my colleague from Arkansas did not. I never heard of cost effectiveness until Mr. McNamara came on the scene with his computers and his whiz kids. Then we were confronted with cost effectiveness in the Department of Defense. Every time he made a cost effectiveness study, the budget went up $10 billion. That was the way we saved money.

When he came in, it was around $50 billion, and when he went out, I believe it was $80 billion or $81 billion. That was because his cost effectiveness was so effective. It completely blinded and confused the Senate and the country.

That is what this is doing, of course.

But this morning it was impressive when we heard the Secretary of the Treasury. After all, he is a very able man and knows his field. He does not want to accept directly, at least, the responsibility for making these decisions on priorities which the Senate is specifically charged to do. It is all right for Mr. Spaceman to be cost effective within his department. But what is involved here is whether we can afford these wildly extravagant programs of over $3.3 billion.

They were talking this morning about the relatively small amounts that the Secretary was requesting and the Senator from Delaware, who we all know

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cannot be charged with being a waster of the public's money, was raising most serious—as did others, of course—questions as to whether we could afford the small amounts. In one case, $25 million this year, $35 million next year, and $45 million the next for the International Bank. This sort of money is chickenfeed compared to this bill. The Secretary is seriously concerned over whether we can afford it.

These are the old programs. They do not have to speculate about whether it is profitable. The International Bank has made money. They have made well over $1 billion in profit. It does not involve guesswork.

I ask the Senator, Is not this debate about cost effectiveness utterly without real relationship to the other obligations of the Government? This program was started, was it not, at a time when we had no war? We certainly had no war going on of any consequence. The war did not break out seriously until 1965 under the administration of President Johnson. It was of minimal requirements before that.

A moment ago reference was made to the time when President Kennedy recommended this. I am surprised to hear some people recommending President Kennedy as a good authority for the space program. I was a little surprised that some would use him as an authority for their support of it.

Was that not before we engaged in the war in Vietnam?

Mr. MONDALE. The Senator is correct.

Mr. FULBRIGHT. Was it not shortly before the debacle of the Bay of Pigs? Was he not looking for an opportunity to draw attention away from his own mistake at the same time that he put troops in Germany and in South Vietnam?

I am not casting aspersions upon his judgment.

The point is that these decisions were made under circumstances which have long since passed. I do not think that today President Kennedy or anyone else would put two divisions in Berlin. However, under those circumstances he thought that he should. After he had met with Khrushchev, he was spoken of very harshly. I sympathized with him. I was not critical of him. I do not think he would do it today.

There were less than 800 or 900 troops in Vietnam when Kennedy came into office at the end of the Eisenhower regime. However, he did put approximately 15,000 troops there.

We come now to the space program. It seems to me to be absolutely absurd in view of the other demands made upon us. Does not the Senator agree that we ought to be concerned with these other matters?

This morning we discussed inflation. There is no real assurance whatever inflation can be controlled. It is not being controlled.

We asked the Secretary about the stock market. He agreed that the stock market reflected a collective judgment of leading economists and financial corporation executives in this country. That reflects their collective judgment.

We asked a witness before our committee why he did not get up and say that the war affected the economy in his judgment. He said:

> We are not accustomed to make political speeches. We speak through the market.

That is the way they express their confidence in the economy of the country. That does not mean that the economy will collapse. But in their judgment until the war in Vietnam is over, we are in for some very bad times.

We had the chairman of the largest private bank in the country, the Bank of America, appear before our committee. He said that without any question the war in Vietnam is a prime contributor to inflation, which in turn distorts the whole economy. This testimony was very thorough and was without any reservation.

Unfortunately, since the media has been so cowed by the President of the Senate, they did not report this since they thought they would be charged with casting reflection upon the administration.

I did not see anything about it in the papers. Perhaps it was carried in the papers in his hometown. But it was not carried in any prominent place that I saw because they thought that it might disturb matters, I suppose.

The Senator is so modest in his request. He ought to be providing that we cut the budget amount by $3 billion and provide $500 million.

I will support the amendment. Perhaps I will offer an amendment to give the Senate an opportunity to cut the amount further. I would not do it without his approval because he has done so much work on this subject.

I have observed in the last few days enough to indicate that there is a deepening lack of confidence in the economic community of this Nation in the soundness of our economy in the immediate future.

I do not say that some of our economic policymakers feel that way in the long run. The war will be over someday. In the meantime, however, we may have gone through a political and economic revolution. It is a big country and a rich country.

I do not know what they think other than that they think the economy for the immediate future is in for an extremely dangerous period and everything indicates that to be true.

I ask the Senator if he does not believe that the argument about cost effectiveness here, as related only to items within the budget of NASA, is beside the point. That is not really what we are arguing for.

The Senator would like to slow down the program.

Mr. MONDALE. The Senator is correct.

Mr. FULBRIGHT. The Senator would like to slow down the overall size of the budget for the program. This is one that bids fair to enlarge in size with respect to both of these programs.

Mr. MONDALE. The Senator is correct. I think that the Senator was not present in the Chamber when I made the first point that the Senator is now making, that I did not think cost effectiveness within an agency is the sole basis upon which we should make our judgment.

We have to ask whether the same dollars spent here could not be far more wisely spent in meeting human needs elsewhere or in reducing the pressure on the budget.

The reason I decided on $110 million is that it is not just an innocent $110 million. This item has the same potentially disastrous impact in terms of cost as the moon program.

NASA itself estimates $14 billion. This is the proposal made by NASA and by the industries that work with NASA for the program of manned space flight following the moon shots.

If NASA has its way, by the end of this decade, this will build up to a space budget of $7 billion a year compared to $3.5 billion today.

This is the project that I think we are starting to back into by the design commitment to be authorized in this bill.

This is now the time to make the decision. As the Senator from Arkansas knows, time and time again, we get into a program by appropriating $150 million 1 year and $150 million the next year, and then we find out what we are getting into and they say, "Wait a minute. You have spent this money now."

I think we ought to do it before it gets off the ground.

Mr. FULBRIGHT. Mr. President, I agree with the Senator. We have seen it happen time and time again.

I think this would be a good way to do it. Has the Senator already placed in the RECORD how much overall has been spent for the NASA program as well as the Apollo program?

Mr. MONDALE. I have not.

Mr. FULBRIGHT. Does the Senator's aide have the figure for the total space program? I am told now by the distinguished Senator from New Mexico (Mr. ANDERSON) that it is $42 billion.

Mr. MONDALE. Does that include the Defense part?

Mr. FULBRIGHT. That is just NASA. It does not include anything else. Does the Senator have an estimate of how much the Defense Department has spent?

I have been told by an aide that the Defense Department has spent $20 billion. So we have an amount of about $62 billion that has been spent.

But even if there are unknown benefits from the space effort, I think there are a lot of other things that could rank above them. I do not wish to delay the Senator. I may have a rew remarks of my own later.

However, does not the Senator think this kind of extravagance has something to do with the attitude of the very perceptive young people of this country who observe how their country is being run? They have this perception in a way we never did when I was that young.

I think it is not the war alone. The war is the primary reason for their dis-

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illusion. But when they look about themselves and see the unmet needs in their communities, and then observe the massive spending for outer space, does not the Senator think this contributes to their disillusionment and they do not know what to do?

Mr. MONDALE. There is no doubt that that is true. I spend a great deal of time among young people. I believe they think we have lost all sense of proportion.

In the space program, we spend 3 times as much as we spend on title I to give schoolchildren a chance to catch up in elementary and secondary schools throughout the country. In this program, we are spending more to design a space shuttle than we are spending nationally to deal with air pollution.

The Senator knows how the young people feel about dealing with the environmental crisis. They think, and with good justification, that our priorities are completely out of focus in terms of the needs of the American people.

Mr. FULBRIGHT. It is because of this continued misjudgment with respect to what is needed in this country that causes them to question the establishment. They feel it is incapable of making decisions responsive to the real needs of the country.

Mr. MONDALE. I assume the Cambodian invasion is costing the country far more than the President saved with his veto of the HEW bill, far more. That money was for health, air pollution, and hospital construction. This money went to uncover some yet unfounded military headquarters in Cambodia.

I think many young people and others wonder about our sanity.

Mr. FULBRIGHT. I think they do, too. As have other Senators, I have received a great many letters about this matter and I have met with several groups who visited here. This afternoon I am due to meet one group visiting here from a Midwestern city. All they want is reassurance that there is still hope to preserve this system.

Mr. MONDALE. The Senator is absolutely correct.

Mr. FULBRIGHT. I have been making some speeches. I made one at the University of Massachusetts the other day, and I have made speeches to a number of smaller groups. I base all of my remarks on the fact that they must not give up hope for our institutions. They are the best we have. I cannot defend the policies of this Government, and I am not speaking about just this administration. I am trying not to be partisan. I did not feel any more friendly to the preceding administration, the Democratic administration.

My complaint is that the administration is following too closely the preceding administration when we thought there would be change. We are entitled to change, and we even thought there would be a change, especially in the war. There has not been enough change to justify their hopes. I think it is important to reconcile people to the hope that we can make the system work, that it can be made responsive to the needs of the people, but we have to change some of the programs, such as this program.

This program arose at a time when we could afford it. Then there were the dollar programs in the 1950's, which I supported, designed to siphon off dollars. I voted against the foreign aid bill last year, and I will vote against it again this year. But the dollar gap is no longer in existence.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MONDALE. I spoke at about six of these Earth Day events all over my State. I was surprised at the number of young people who showed up. There were 1,000, 2,000, 3,000 at small schools. When we could come to questions and answers, almost inevitably the key question was not, "What shall we do about air and water?" but the key question was, "Is there any chance we will do anything?"

Mr. FULBRIGHT. The Senator is correct.

Mr. MONDALE. Does this Nation and its institutions possess the capacity and the will to deal with real problems as perceived by decent Americans?

Mr. FULBRIGHT. The Senator is correct.

Mr. MONDALE. That is what bothers the young people. It goes to a questioning of the processes of democracy.

Mr. FULBRIGHT. The Senator is correct. I have done my best to point out to them that violence is counterproductive and defeats their own ends. I said, "If you engage in violence and unlawful acts, you are helping those who are inimical to your interests." I tell them, "If you destroy this system you will not get what you want, but rather an authoritarian system." I have an understanding of the reasons why they are disillusioned. I see the reasons all around. We cannot change the old programs that got started under different conditions when we could afford it in the early days. When this started, I cannot remember anyone talking about pollution. It was there, but it had not gotten to the critical point of our being aware of it or trying to do anything about it.

It is not only the young people who are concerned. Many adults are sensitive to this situation. They feel we are off the track and that we have to get back on the track and that we have to deal with things that are important, things we can afford, and that we will have to put off these luxuries until a later date.

There may be a time when we can afford this program, but in the meantime, if we do not start to change this program and a few others, the situation will not get better. The same thing could be said of the SST and the ABM. That is a mindless continuation of an arms race for which we have no need. The SALT talks may have been placed in grave jeopardy by developments in Cambodia. I hope they have not been placed in jeopardy. The President said "no," but the statements by Kosygin were not encouraging. He raised a doubt at his press conference that they may be compromised by this expansion of the war. Nobody knows, but there is a possibility.

If we cannot turn this around and begin to cut off programs of this size which are spending our efforts and money in this area, I do not see anything I can say to young people. I do not wish to leave it as only the young people. The only difference between the young and the old is that the young are more unrestrained in the way they are feeling. In the many letters and thousands of telegrams that I received after Cambodia, they were not just from young people, but from all kinds of people of all ages and from all parts of the country.

The whole country senses this. The Secretary of the Treasury sensed it this morning, I think. Being a member of the administration he is a little restrained but he is not very happy about his problem of trying to finance this war, trying to finance this economy. Here we started out with a very optimistic projection of a surplus of $1.3 billion in the budget. Now, he is getting ready to come up and ask for an increase in the debt limit. The Senator from Delaware pushed him hard on this.

The Senator from Delaware said that would be $10 billion. The interest rate being paid by the Federal Government is 8 percent. If we borrow $10 billion, it means an interest cost of $800 million every year. That is the kind of cumulative costs being piled up.

Unless the war can be brought to a close and we can get back on the track, I think we are headed for a serious kind of depression. I do not like to use the word "bankruptcy," because this overstates it. Big countries like this nation do not go bankrupt. We just cancel the outstanding currency and start over again. That is not bankruptcy. That is called revaluation. We have new words for an old-fashioned concept. That is what we would be faced with. In fact, we are revaluating right now at the rate of 6 percent a year. We are revaluating everybody's pension, retirement payment, savings, and other securities at the rate of 6 percent a year as a result of the inflation we have.

So to come in and talk about this program as if it were the most important matter makes me think I am Alice in Wonderland and makes me think I am in a different world than I was in when I heard the President last night and the Secretary of the Treasury today.

Mr. MONDALE. I thank the Senator.

I yield now to the Senator from Florida.

Mr. GURNEY. I thank the Senator for yielding.

I must say, after the general prophecy of doom by the Senator from Arkansas that it is hard to come back, to use the words of the Senator from Arkansas, to the mundane aspects of space, but I would like to return to the colloquy that the Senator from Minnesota had with the Senator from Mississippi. I understand from the Senator from Minnesota that he wants to strike out $110 million, but there was a statement by the Senator from Minnesota during the colloquy with the Senator from Mississippi, that there are other funds in the bill for the space shuttle and station. I wanted to add something to that. There are additional funds in the Office of Advanced Research and Technology. That is true. In the House hearings, on pages 1238 and 1239, there is a colloquy and there is some evidence of this money and how much actually goes into the new shuttle

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effort. I am reading from the House hearings, on page 1239:

> The major portion of the effort—

And that refers to the additional moneys that the Senator from Minnesota said were in the bill that might apply to the space shuttle program—

> The major portion of the effort represents work which was already under way in OART before the space shuttle technology program was formulated. Although many program elements have been accelerated or amplified in support of the shuttle.

And here is the key testimony—

> Only about $8 million of the $40 million is associated with the new shuttle effort.

That is the point I wanted to make in buttressing the colloquy with the Senator from Mississippi.

Any other money in this bill pertaining to the space shuttle—that is, the new effort—involves only $8 million. So if $110 million is stricken out of the bill, the space shuttle program goes down the drain.

Mr. MONDALE. Mr. President, if I may interrupt, I have to disagree with the Senator from Florida on a matter of fact. I do not think that is the situation. Once again I refer the Senator to the question put to NASA and the answer received from them on this very issue, appearing on page 12852 of the CONGRESSIONAL RECORD.

The question was:

> Aside from the requested $110 million identified specifically for the Space Shuttle/Station in the FY 1971 Space Flight Operations line item, how much is included elsewhere in the FY 1971 request for the Space Shuttle/Station, and what is the tentatively planned use of these funds?

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In other words, NASA was asked how much would be spent by NASA for this space shuttle station if the $110 million were deleted. This is the answer:

> In addition to the $110 million identified in space Flight Operations in the FY 1971 budget for Space Station and Shuttle, a significant portion of the Office of Advanced Research and Technology effort is applicable to these same two programs. In each program between $30 to $40 million will be applied.

That refers to the space station and shuttle program.

That was the figure used in the House debate, and it was not challenged by NASA or in the debate. In addition, NASA will be testing the physiological possibilities or feasibilities of long-duration flights.

So there will be $80 million in research and another undetermined number of millions of dollars spent on this program which, in my opinion, is more than enough—because we do not even know it is going to work.

Mr. GURNEY. Mr. President, if the Senator will yield further, his observation and my observation are not in conflict at all, and the portion of the House hearings I referred to pertained to the $30 million to $40 million they were talking about. As the evidence shows, these were programs that were going on before the space shuttle. True, it can be utilized in the space shuttle work, but as far as a new shuttle program is concerned, only $8 million of that $40 million is associated with that work.

I think that is a very important point that must be understood; otherwise the Senate will get the impression that there is a whole lot of money in the space shuttle work, and that is not true.

Mr. MONDALE. I think that the misunderstanding arises from the fact that $80 million is being spent on research on the space shuttle program under the present project, even if my amendment passes. The difference is that the committee says that $8 million of that will be for new shuttle research. In other words, the greater portion of that research money will be used to continue ongoing shuttle research work, but it is still spent on the space shuttle program and a smaller proportion of the work will be applied to new kinds of research on the same program.

I yield now to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I hope we will always agree as we have during this debate. It is unfortunate that there was a difference in wording, but the Senate hearings show the wording was a little different. A question was asked by the Senator from Arizona (Mr. GOLDWATER):

> What portion of the 1971 budget for OART do you estimate will be used to support technology directly related to the space shuttle and space station?

Mr. Nicks answered:

> About $30 to $40 million in each area is related.

Mr. MONDALE. Does the Senator have the page reference?

Mr. ANDERSON. That is at the bottom of page 365 and the top of page 366 of the Senate hearings. All the research in these areas is applicable. Of course, it is all related.

We agree that it is different wording, which was not very fortunate.

Mr. MONDALE. I cannot go beyond this language, because I do not know what was meant, but in some way it is being spent on the program either directly or in a related way. I thank the Senator for pointing that out.

Mr. PROXMIRE. Mr. President, will the Senator yield? This will be the last interruption.

Mr. MONDALE. I yield.

Mr. PROXMIRE. In the first place, I would like to ask the Senator from Minnesota, What is the hurry? What is the hurry? What is the difference whether we fund this space station this year or next year? The important thing is that when we do it, we know whether it can work, whether the money will be well invested. So the worst effect of adopting the Mondale amendment will be perhaps a postponement of a year, and perhaps not even that.

We are not in any competition, as I understand it. This is not a military weapon. This is not a matter of our getting a weapon before the Russians get a weapon. It is not a matter of our funding school programs because children going to school next year have to have these funds.

So what is the reason we have to rush? I ask the Senator from Minnesota, is it not true that if we do not go ahead, whatever we lose will be only the matter of a year, and that year has no apparent value with regard to the space program?

Mr. MONDALE. May I say I think there is every reason not to go ahead, because—and I have heard no answer to this—there are many scientists and doctors close to this program who are concerned that long duration human space flight is not physiologically possible. We do not know the answer to that.

The $110 million is intended to develop a hard design—this is not for pure research; it is hard design, as the first step toward buying hardware for a space shuttle station—to achieve an objective that we may find out a year from now is physiologically impossible.

So, as the Senator points out, why not wait until we find out whether it is possible, and then pass on the broader question of whether we should do it? Frankly, I do not think we should be doing it, period. We have other areas in which money is much more needed. For example, unmanned instrument flight has prospects of much greater return at far less risk.

Mr. PROXMIRE. It is argued that if we decide later we do not want to go all the way to a space station, or all the way to Mars, we can stop.

Well, if we stop, what happens? We lose the money. We will be losing the $110 million we are putting into it. It will be gone, wasted. So the time to stop is now. If the Mondale amendment is defeated and we stop the space shuttle next year, we lose $110 million.

Mr. MONDALE. I do not think it will end there, because time and time again, we have backed into programs——

Mr. PROXMIRE. That is right; I accept that argument.

Mr. MONDALE. By buying long-lead items, and then suddenly the contractors involved become a pressure group.

For example, in Space Daily, which goes to all the space industries, they have an article critical of Representative KARTH and me. One of the points they make is that perhaps the space program has been unwise in not distributing its benefits more carefully to our State, because we do not have enough political resources to deliver the goodies to our own State.

They say "The record must also note that the ranking congressional opponents of the space program"—I am not an opponent of the space program, but I am an opponent of this program—"come from States whose economy gains very little from the space program." We in Minnesota got only 1.5 percent from NASA's budget in 1969, and Senator PROXMIRE's State got only 1.1 percent. That is their explanation for our motivation. Senator FULBRIGHT's State did not even get one-half of 1 percent, and Representative GROSS' State did not get one-half of 1 percent, either.

They did say this about Minnesotans:

> These people are a hardy individualist stock, which perhaps indicates they have greater than average initiative and instinct for survival.

Mr. President, we are grateful to Space Daily for those observations about Minnesotans, but I think this underscores the fact that if we back into these programs, we get interests involved, investments involved, jobs involved, and corporate expectations involved, and it is 10 times as hard to stop them.

Mr. PROXMIRE. I remind the Senator from Minnesota that we have heard a lot of talk, in the 13 years I have been in the Senate, about wasteful spending. I think the term "squandermania" was coined, many years ago, for those who throw money away. This space shuttle is squandermania in its purest sense.

It seems to me that the vote on the Mondale amendment will be a clear test for the spenders. Those who vote for the Mondale amendment, on the basis of the arguments we have heard so far—though it is true others may speak further against the Mondale amendment—will be voting for a spending program for which they concede there is no benefit they can demonstrate. They want us to take it on faith. The best they can say is: "If we go ahead with this program, you cannot tell what is going to happen."

It seems to me that if there was ever an argument against spending, it is the argument that "We do not know what the benefits are." We may get none.

So the fundamental reason why I support the amendment of the Senator from Minnesota is that I will not vote for any spending program for any purpose, whether it is for space, health, education, welfare, or defense, until they can show me where the country is going to benefit from it. I have not heard a single argument to demonstrate any benefit. They simply say, "We cannot tell you that. Let us spend $14 billion, and we are sure something good is going to happen."

Mr. MONDALE. As Professor Brian O'Leary, professor of astronomy at Cornell University and a former astronaut, said—and many share his objection to the present orientation of the space program:

> We should encourage science looking for a mission, rather than a mission looking for a science.

I think that is what we have here, a manned flight industry which has pretty much completed its work on the manned moon program, and is now looking for another program. It becomes a case, then, of coming up with a mission, which they call the space station shuttle program, which will cost $14 billion to $24 billion—no one knows—and it is a mission now looking for scientific justification.

I think it should be the other way around. Dr. Van Allen and many others who are so able in this field are increasingly objecting to the nonscientific nature of the commitments and the expenditures which we make. In a recent article in the New York Times, it was pointed out that a host of scientists have quit the space program, objecting to this nonscientific oriented nature of the spending. Dr. O'Leary quit, the chief scientist of the whole program quit, the director of the lunar observing laboratory resigned, the principal investigator of the Apollo lunar geology department resigned, the curator of lunar samples resigned—over just this very reason of the failure to place science first in the planning of the programs. And particularly, as Dr. Van Allen and others have strongly objected to this preoccupation with manned space flight, which has the highest cost, the lowest scientific yield, and the highest risk to life, over and above the things which the scientists wish to do most.

They were trying to push this program into a series of rapid moon flights, over the objections of the scientists. The scientists said they did not have time to prepare the analysis from the previous flight, they did not have time to design scientific objectives for the next flight and how to achieve them, and yet the manned space flight program wanted to push on.

Each flight costs about a half million dollars—more than the total annual appropriation for the National Science Foundation. But yet they pushed on. I think there has been some slowdown recently, but this shows the tremendous influence of the nonscientists in the space program.

I think it is costing us an awful lot of money, and I do not want us to get into another program which has strong support from the space industries—industries which are now running out of business, or some of their business, because of the end of the moon flights—simply to have a new way of spending money in the name of manned flight, and thinking about something we can gain from it later.

I think the time has come to restrict that kind of effort.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MONDALE. I am happy to yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I commend the distinguished Senator from Minnesota for the very timely fight which he is waging here.

Yesterday, the Federal Reserve Board lowered the margin requirements for the purchase of stock on the stock exchanges in an effort to shore up the stock market, which, as Senators know, dropped by some 19 points yesterday.

The ticker reports now that, while this move by the Federal Reserve Board caused the market to rally somewhat this morning, it seems to be dropping back down, indicating probably a realization on the part of investors in the stock market that there are serious problems with the economy which a little bit of cosmetics will not correct.

As a matter of fact, I think the Federal Reserve Board made a mistake in the action it took yesterday, because that action would tend to cause money, which is in such short supply for such essential needs in our country as homebuilding, to flow into investment in the stock market, a decision about the use of scarce credit which cannot really be justified, overall.

The point is that our economy is in very serious trouble. The budget which President Nixon sent to Congress reflected some decisions which have not really been borne out by subsequent facts. That budget overestimated expected revenue, particularly in regard to corporate taxes, and, of course, it also involved unjustified judgments about delaying personnel pay increases and enacting postal rate increases, and was based in part on a one-time sale of stockpile materials. There never was a surplus in that budget, and there certainly will not be a surplus in it unless the President of the United States and the Congress, wherever they can, agree to cut out nonessential expenditures. That is what is involved in this amendment.

Our economy is in desperate trouble. I believe we cannot continue the kind of confused and halfhearted measures we have seen on the part of this administration, wherein, as one columnist recently put it, we seem to be fighting recession in the morning and inflation in the afternoon, with no clear plan for combatting rising unemployment and the increase, simultaneously, in prices or for bringing down these outrageously high interest rates.

Unless there is a change on the part of the administration in its handling of the economy, I do not think we are going to see unemployment go down, but we are going to see it go up. It is already up now to the degree that more than 1 million people are out of work who were working when this administration took office; and I think we can expect to see it go to 5 percent or more, which is a tragic thing for the men and women and families that are affected by unemployment.

I think we are not going to see inflation brought under control through present administration policies; but, rather, while the rate may not be at 6 percent, as this year closes the indications are that inflation will be continuing at a rate of about 5 percent, which is intolerable.

Second, I think we are not going to see the Federal Reserve Board bring down interest rates, as from time to time they seem to have promised. I believe that we will see these interest rates continue at this level—at least, that is the indication we have seen up to now from the Federal Reserve Board—and I think that, too, is intolerable. Interest rates are at the highest level since the Civil War, and bank profits are the fattest in the history of this Nation, at a time when the demands for credit for pressing social ends are tremendously high and continue to be unsatisfied.

Congress must be responsible in fiscal matters, and I think that is the principal question before the Senate today with respect to the amendment offered by the distinguished Senator from Minnesota. The amount initially here is rather small, but the principal is rather large. The amount of money that ultimately could be involved unless this amendment is adopted is large, indeed.

So, I commend the Senator from Minnesota. I hope that Senators will support this amendment, so that, as the economy continues to worsen—as I am afraid it will, without some very strong and determined action by this administration—we will at least be able to say that we have done our part for the people of this country to try to reverse the aw-

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ful inflationary recession in which the country now finds itself.

Mr. MONDALE. This $110 million, of course, does not affect the economy. Yet, what it stands for does.

First, if the project embodied in this $110 million is carried to completion, it will take a large chunk out of the hoped for economic growth in the future—from health, education, housing, dealing with environment problems, and social security. All the things we need most will be starved in part because we will have more than doubled the space budget because of the program we are now trying to start or could start on the basis of this $110 million. Thus, it is terribly important.

Second, let us look at our value systems here. This is $110 million for what they call a hard design for a space system which next year we might prove to be physiologically impossible. But we say we must go ahead. I do not know who wants space shuttles. I have been all over my State, and I have heard people ask about housing and about farm price support and sewer and water lines and student assistance and clean water and clean air, but I have never heard anybody demand a space shuttle—not once. But the space agency says we need $14 billion so that the people of this country can have available to them, through their Government, a space shuttle.

At the same time that the administration demands $110 million for this program, they are trying to cut out $80 million for school milk for 19 million children in this country. They are spending $5 million less than that for the entire national program for air pollution. What has happened to our sense of values?

Mr. HARRIS. The Senator is correct, because values are involved in this amendment, in addition to the state of the economy itself.

I alluded earlier to the fact that the budget proposed by this administration, unless there is drastic action by Congress or a fundamental change in the administration's position, will, as the first budget over which Mr. Nixon had control, be a deficit budget and not a surplus budget. One reason why that will be so, as I have said, is the shortfall in revenue as compared with the original estimates by the administration in its proposed budget. But if the economy continues to fall, if we continue to see an increase in unemployment, if we continue to see an increase in the idling of plant capacity and in production generally, that itself will produce less revenue than even could have been rightly estimated at the beginning of this year.

Then, what will be the response of the administration, if we have less to spend?

Mr. ALLOTT. I ask for the regular order, Mr. President.

Mr. HARRIS. May I close by asking this question, Mr. President?

Mr. MONDALE. I would be glad to yield for a question.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. HARRIS. Does the Senator feel that if there is going to be less money to spend by Congress, this is the way we ought to spend it—approving these millions in the space field, as opposed to the great social needs that exist in this country?

The PRESIDING OFFICER. Does the Senator from Minnesota yield for a question?

Mr. MONDALE. Yes, I have.

I appreciate the question propounded to me by the Senator from Oklahoma. I agree with him entirely, and I am very grateful to him for his support of my amendment.

I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I served for 2 years as a member of the Committee on Aeronautical and Space Sciences. I commend the committee and those members with whom I worked closely on the Republican side—the distinguished Senator from Maine, the distinguished Senator from Nebraska, and others—for the commendable job that was done over a period of several years in reducing the level of expenditures, which was at the on-going rate of approximately $6 billion annually, down to a level today of $3.3 billion. The committee, under the distinguished leadership of the Senator from New Mexico (Mr. ANDERSON) should be commended for this. The distinguished Senator from Minnesota (Mr. MONDALE) played a very important role in selectively paring down this level of expense. I commend him today for pointing out a program that could be considered for reduction.

I feel that the Senate, in addition, should be commended for opposing the increase passed by the House, of $268 million. The Senate committee has even cut the President's budget by $17 million.

I am concerned about many other needs that are not being met in the scientific community for basic research as well as in the fields which have been mentioned in the area of human needs. But, Mr. President, I feel that elimination of this particular program would endanger another program which I believe most of us in the Senate wish to move forward. That is the program of international cooperation in space. I feel that the resolution which I introduced in this area, cosponsored by the majority and minority leaders, and cosponsored by the distinguished Senator from Minnesota (Mr. MONDALE), indicates the desire to see this country move forward in cooperation with all the nations of the world who wish this cooperation in space programs. We should seek to find ways to reduce the duplication and expense of personnel and money, and see whether we cannot find a basis for cooperation in the exploration of outer space to share with all mankind the knowledge we have gained.

The recent hearings of the Senate Committee on Aeronautical and Space Sciences on the subject of international cooperation in space provided a wealth of data in our efforts on international cooperation in space to date and highlighted some of the new opportunities we have at this time. One of the most promising opportunities is for international participation in the development of the space shuttle and the space station. I am convinced that it would be harmful to the future of international cooperation in space if the design studies and other preliminary work on the space shuttle and space station were to be cut off.

After the successful Apollo 11 mission, which clearly demonstrated to all nations the ability of the United States in the development and operation of large space systems, the President instructed the Administrator of NASA, Dr. Thomas O. Paine, to meet with the space authorities of all the principal nations which might be interested in entering into expanded cooperation arrangements with the United States on future major space programs. Dr. Paine has now visited the principal nations of Western Europe, Canada, Australia, and Japan.

The representatives of other nations have recognized the logic and importance of the integrated long-range plan developed by the President's Space Task Group and endorsed in his statement of March 7, 1970. They recognize the key role in this plan of the reusable space systems based on the space shuttle and the space station. My understanding is that the factor of saving would be a factor of 10 to 1 in shots using reusable rockets. They see in the development of these systems an unparalleled opportunity to share in the benefits as well as the costs of exploiting space for the benefit of peoples everywhere.

Many nations have sent representatives to key NASA meetings on the space shuttle and space station. Cabinet ministers in Germany, France, and the United Kingdom, responsible for science and technology, have begun a series of meetings on the prospects and have expressed positive interest in substantial financial and technical contributions through participation in the development of these key space facilities of the future. The two regional space organizations in Europe, the European Space Research Organization and the European Launcher Development Organization, have now taken early concrete steps at their own expense toward establishing a basis for substantial future participation. Both have already authorized funding for studies of important elements of the shuttle system and station which might then be developed in Europe.

Thus, prospects appear to be good that one or more other nations or groups of nations will be willing to participate in these programs to the extent they can. But they must look to the United States, however, for leadership and for providing for detailed studies of alternatives and for assuming a major role and responsibility for carrying them out. If the United States should decide at this point not to proceed with the next steps in the study and design of the space shuttle and space station, we will stand to lose the finest opportunity we are likely to have for many years to pull the talents, resources, and support of many nations together in a truly international effort.

I believe, Mr. President, that this consideration should weigh heavily in the decision the Senate makes today on the funds recommended by the committee for study, design, and experimentation

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related to the space shuttle and space station programs. Taken together with the other strong reasons for moving ahead with these projects, the possibilities of meaningful international cooperation are a convincing reason for rejecting the proposed amendment.

This does not mean that I give unqualified support to the space shuttle-space station program in the future. My support will be contingent on actual budget sharing by other countries, not just scientific cooperation.

International cooperation must mean international sharing of costs.

Mr. President, I would be remiss at this time if I did not express my great admiration for the Administrator of NASA, Dr. Thomas O. Paine. He is a dedicated and competent executive, highly respected throughout the governmental, scientific and business communities. He has performed brilliantly in the face of great difficulties, not the least of which is the problem of maintaining high morale in an organization whose budget has been reduced from a peak annual expenditure of $6 billion to $3.3 billion and whose total personnel has been reduced from a peak of 440,000 to 190,000 now and a projected 144,000 as of June 30, 1971.

It was essential that we make these reductions and I worked as a member of the committee to bring some of this about. But it is also essential that we maintain a space program that can be leveled off and sustained over a period of years. We are fortunate to have Dr. Paine administer this program. I hope that he will continue to look for ways to eliminate programs on his own initiative within NASA that should not have as high a priority as other urgent national needs.

Mr. President, I should like to conclude, if I may have an additional moment to indicate that by opposing the amendment of the Senator from Minnesota, I do not mean to say that I would give unqualified support to the space shuttle station program in the future. My support will be contingent on actual budget sharing by other countries, not just scientific cooperation by them.

They have evidenced their interest in this. It is therefore time for them to say what portion of the cost they will be willing to share, inasmuch as they will be sharing the glory and the honor as well as the information that would be developed.

International cooperation must mean the international sharing of costs as well.

I thank my distinguished colleague for yielding to me.

Mr. FULBRIGHT. Mr. President, in that connection, I wonder whether the Senator from Minnesota or the Senator from Illinois could give me any assurance that any of the countries have pledged any tangible amounts of money to pay the bill. I am quite sure that they would be glad to share in whatever publicity arises from this, but I have not heard any of them putting down any money of any consequence whatever.

I also believe that the Russians, having tried this out, have decided to deemphasize it. I have not noticed any of their men landing on the moon lately. In fact, I have not heard that Russia wants to send a man to the moon lately.

Mr. MONDALE. As a matter of fact, we would wish to cooperate in space, it is they are the major power with whom fair to say there has been virtually none of it from the beginning. There is none now. There have been some preliminary talks from time to time, but there has been virtually no cooperation.

Mr. FULBRIGHT. Have they not downgraded their own program? They have not tried to go to the moon recently that I have heard of, have they?

Mr. MONDALE. I am not in a position to know——

Mr. FULBRIGHT. Has the Senator heard of it lately?

Mr. MONDALE. No, I have not heard.

Mr. FULBRIGHT. That is all I mean. They did put up sputnik, of course. The original sputnik shocked this country. We had such a view of our apparent inferiority when we saw sputnik go up. It was just a small ball, was quite primitive, but still it shocked the country. That period was called the missile gap, I believe, which proved to be unfounded; but, anyway, it gave the impetus to this and we have never gotten over it.

The Russians, in the meantime, have discovered that this is a poor investment. Therefore, and in fact, they have downgraded their efforts. They do not seem to want to go to the moon. So far as the Senator knows, that is a fact, is it not?

Mr. MONDALE. I believe that to be true.

Mr. FULBRIGHT. If they had put a man on the moon, we would have heard about it. They would not want to keep that a secret, would they? I have not heard of any Russian program to send a man to Mars. I do not know where we can pick up any substantial amounts of money for this kind of extravagance.

Mr. MONDALE. Mr. President, it seems to me that if we want space cooperation, we should begin with projects that would attract cooperation, that would be meaningful to them in their lives, as well as ours. I do not know why they would want to put up any substantial proportion of what could be a $20 billion or $25 billion expenditure for space shuttle station.

Mr. FULBRIGHT. Has the Senator heard of any of them coming forward offering even $1 million, or $1 billion?

Mr. MONDALE. There is a requirement in the International Space Cooperation Program that we cooperate with other countries. I do not think that amounts have been——

Mr. FULBRIGHT. Who pays most of the bills on this?

Mr. MONDALE. We undoubtedly do.

Mr. FULBRIGHT. This talk about cooperation, if we are talking about cooperation, what portion of the money is involved there? If this did not cost anything, I would not be disturbed about it, but we cannot afford it. That is the plain fact of the matter, because of the state of the economy and the state of our budget.

Mr. MONDALE. Mr. President, the Senator from Illinois (Mr. PERCY) points out, I think with some justification, that the Space Committee, under the chairman's leadership, has actually clipped the space budget by $2½ billion; but we know how it builds up, and the fact is that the space agency wants to build, so that by 1979 we will be back up to the $7 billion—nearly double what we are doing today.

Mr. FULBRIGHT. We have already spent $55 to $60 billion on the program. I do not see it. I believe that cooperation is fine. I believe in cooperation, if it is real, but I do not think we are interested in paying the cost of this bill entirely, while they enjoy all the publicity.

Mr. MONDALE. Mr. President, I would be delighted to yield the floor now. I have been on my feet for over 2 hours.

Mr. GOLDWATER. Mr. President, if the Senator from Minnesota will yield, although if the Senator feels like that, perhaps I had better not ask my question, under the circumstances; however, has he had a chance to see Newsweek magazine's Periscope, under the short article, "Soviet Space: Down to Earth"? Let me read it:

> The Soviet Union is pushing hard to orbit the first manned earth-resources satellite within the next two years. The vehicle would carry infra-red cameras, microwave radar and high-resolution film to collect data on crops, mineral deposits, ocean currents and fishing grounds. The Russians also have a long-range project for orbiting an "institute in space" that would dwarf the three-man U.S. skylab planned for 1973: their "institue" would be manned by 24 pilots, scientists and technicians at a time. They would shuttle back and forth on six-month tours of duty.

Has the Senator from Minnesota seen that?

Mr. MONDALE. I have not seen that.

Mr. President, I yield the floor.

Mr. HOLLAND. Mr. President, I am very sorry that some of my distinguished friends are so pessimistic about this Nation and the world, and about everything else they have discussed this afternoon. I hope they will get a little more optimistic before we get through with this debate.

In case they do not desire to do so, I suggest then that our good friend Dr. Pearson downstairs might have a little pill that might be helpful to their feelings in this matter.

The fact is, Mr. President, that there has been nothing that has happened that has raised the spirits of this whole country and the prestige of this country in the world more in recent decades than the Apollo 11 landing and the Apollo 12 landing. And that was followed by the rescue from what looked like a loss in outer space, at a distance of nearly a quarter of a million miles, of three fine men who, intrepidly, had undertaken something that they knew was terribly dangerous. They were brought back safe and unhurt to earth.

If anything, that prestige was raised because it showed that not only were we able to succeed, but we were also able to build a great degree of success out of what looked like an abject failure.

I hope our friends will not be so pessimistic as they look at the space pro-

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gram. Only a few days ago Dr. Paine, the head of the space program, appeared before our committee to give—it took about 2 hours to read, and he did not read it all—a résumé of the contributions made by the space program to our Nation and to the earth's totality of knowledge.

He mentioned, of course, the communications program which is such a tremendous success. He mentioned the weather program. And anyone living in those areas that have been threatened and have soon been overcome by hurricanes, who had a chance because of the early warning given through the satellite and the Weather Bureau to save themselves and their children and some of their most precious possessions; those people would be hard put to say that the space program had not given us great values.

He mentioned, but did not elaborate upon it, the planes which used to look down upon all of the earth, including that part occupied by a nation that is not friendly to us. We have not had to have any U-2's in recent years. Everyone who knows about the situation knows why that is true.

It is because we are now constantly receiving information from any part of the globe where anything of any consequence that might be harmful to us might be developing.

He told us about the matter mentioned by the Senator from Arizona, about the making of completely fireproof clothing, furniture, and homes which will mean, of course, a great deal to the life and the health and the continued existence of men, women, and children.

Mr. President, anyone who tries to evaluate the space program without reading that treatise by Dr. Paine would make a grave mistake.

I want to tell my distinguished friends who are so pessimistic this afternoon that this volume is expected to be published soon and made available through the Space Committee.

I have had so many requests already for information along this line that I have placed a sizable request for copies of the hearing which will soon be published. I will send them out to citizens of my State or to others who may request such information, as long as my allotted supply lasts.

The blessings that have been brought to humanity through the American space program have been practically innumerable and have been of immense value.

And now to another point, Mr. President. The next thing I would like to mention is the economy of the pending bill. I appreciate the fact that the distinguished Senator from Illinois made some reference to that a while ago. While the other House in its wisdom—and sometimes it may be wiser than we—reported and passed a bill that authorized $284,925,000 more than the amount reported in the Senate bill, and while the Senate bill not only is that far below the House bill, but also is $17,050,000 below the budget reported by the President, which was stated by him to be a sparse budget and reflected a great reduction in the size of the program as originally requested by NASA, I think it is appropriate to mention with some pride the economies effected by this committee.

Our distinguished friends, the Senators from Wisconsin, Minnesota, Arkansas, and perhaps others, seem to reflect an opinion that this bill, as they say, is an expensive bill, when to the contrary it is, as I have just stated, more than a quarter of a billion dollars below the House measure already passed and $17 million below the President's budget.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CANNON. Mr. President, is it not also fair to point out that the NASA budget is also $1.164 billion below NASA's request in the budget request? Is it not $1.164 billion less than the amount they thought they ought to have to carry out the program?

Mr. HOLLAND. The Senator is not only correct in his statement, but that also reflects some credit on the budget and on the President. Also it shows that the NASA people have cheerfully accepted this action. They are willing to recognize the state of the economy of the country and to go along as best they can.

My distinguished friend, the Senator from Minnesota, mentioned several of the scientists in the NASA department who had resigned because of their disagreement with the scientific objectives.

I want to say for the record that the small number who have done that is exceeded by the hundreds and perhaps thousands of people who have lost their means of livelihood because of the reductions in the space programs.

Only this morning, my distinguished colleague, the junior Senator from Florida (Mr. GURNEY) and I in a conference with a Representative from the State of Florida, who represents directly the space center area, were told by him that after a survey he was able to say that there had already been 32,000 people adversely affected by the fact that they had lost their jobs in that area.

We do not come here with hat in hand asking those people be reemployed. We will try to help them in every way that we can. But we know something about the state of the economy of the Nation. And we realize that there has to be a reduction every place possible.

I see that my distinguished friend, the Senator from Mississippi (Mr. STENNIS), is present in the Chamber. He not only voted for this program, but he also contributed greatly to the bill worked out in the committee.

I think the Senator from Mississippi would not object to my saying on the floor that he did so although he knew and was told—and this was discussed by the committee with regret—that the great facility in his own State which has contributed so much to this program, particularly to the Saturn V part of the program, will have to be put on a mothball basis late this year because its function will have been completed as of that date.

The Senator from Mississippi is not complaining and he is not getting sour because his own State is badly affected. But he is going ahead to try to support and is doing much to support this worthwhile effort which is contributing so much to the knowledge of this Nation and to the service of our people and to the giving of greater prestige to our Nation throughout the earth. It is giving the people of the Nation a sense of the attainment and accomplishment which we have enjoyed and which has made us very expansive about the success of our astronauts.

The third point that I make is the fact that right in our own State we have grave needs which, incidentally, were so well shown before our committee by my distinguished colleague, the junior Senator from Florida (Mr. GURNEY). The visitor's center at Kennedy Space Center was visited by 1.1 million visitors last year, and the number is increasing every month.

They need added facilities. They do not have enough facilities to take care of the people going down there now.

In committee, and other members of the committee can bear me out on this, when the markup was made we did not attempt to put in anything to help meet that need so ably shown by my distinguished colleague, because we realize this is a time when we must practice economy. My distinguished colleague showed a need for an additional $2 million, as I recall, for the increase in size and capacity of that great visitor's center, and undoubtedly it will have to be increased at some time.

We know something about the state of the economy of the Nation and we are not asking for things which are not absolutely necessary; but we are asking for things which, in our judgment, are extremely necessary. One of the things is the very matter covered by the amendment proposed by the distinguished Senator from Minnesota, who would strike from the bill something that at least the Senator from Florida thinks would be very hurtful to the program, although it will not affect him or his State at all because the work would be done elsewhere and not in his State.

Mr. President, I think our good friend from Minnesota made real contributions to this program when he was a member of the committee. I am only sorry he did not remain on the committee. My seat at committee hearings was next to him and I frequently profited by that proximity. If he had been there he would be on the floor fighting for the very thing he is trying to strike from the bill by his amendment. I regret he is not still on the committee.

What is he trying to strike out? He is trying to strike the whole program of planning for the program of the space station and the space shuttle, which has so much to do with determining whether we are going to operate more economically in space.

One of the things that has distressed this committee and the NASA people in general, has been the fact that these expensive missiles are not recoverable and cannot be used again; that there is no

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possibility of shuttle service under which they can be recovered and reused.

The entire program has to do with the question of whether or not such boosters can be developed which would be much cheaper in the beginning and would then be recoverable and reusable. That program is of importance to this Nation and to the world because we are not through with the space program.

No one suggests that Columbus would have been satisfied if, when he reached Santa Domingo he had gone back to Spain and just told them about it. That would have been the end of the whole thing. We are certainly not through with space—we are going to continue this program through many different fields of endeavor. One of those fields of enormous importance is the question of whether we can operate much more economically than has been possible up to this time.

The $110 million would be to plan, experiment, and to look carefully to see whether a shuttle service and a space platform in low earth orbit is possible of development.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I shall yield to the Senator from Louisiana but first I wish to add one thought.

The question of trying to get much cheaper programs that will give us the same or improved capability is very vital and it does not seem to have been touched on at all by the Senator from Minnesota. That is the essence of the space shuttle and the space platform program.

I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, as I understand it, each time we go into space it costs us about $300 million. Most of the expenditure is spent on the craft that is going to go out there and hopefully come back. As I understand it, when the space shuttle is developed, it would mean that after the first trip, which might cost $300 million, subsequent trips would cost less than 10 percent of that figure. So on every subsequent trip there would be a savings of at least $270 million. Therefore, if we are going to make, let us say, maybe 40 or 50 trips in the future, it would be a savings of many billions of dollars because we would spend $110 million to find out a way to develop something which would save us more than twice the expense of the development in the first year. Then, on the third, fourth, fifth, sixth, seventh, eighth, and ninth trips and on down the line, there would be a savings each time a trip was made.

Mr. HOLLAND. The President's task force thinks it may be possible to recover and reuse these vehicles 100 times. That is very much in the future.

The point is that unless we get started on it we will never attain that degree of economy which we think should be attained. We agree with our friend that the program has been expensive up to now and we do not want it to continue to be so expensive and we are supporting an effort which we think will make it more economical and less fragmented.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. LONG. To put it another way, one might say that the potential savings might be about 100 to 1 and now, looking at what the potential savings are and the chances of success, any solid person looking at that program would conclude that there should be developed a space vehicle capable of returning and being used again.

Mr. HOLLAND. That is the objective. We do not know how great the savings would be. We do not know whether it would be a savings of 90 percent of the cost as some have suggested or a greater percentage as the Senator has suggested. Those are some of the facts we want to obtain. We want to know how to do this and how much we can save.

The President's task force thinks it is possible to do and they recommended we start. That is what the $110 million is for. I do not believe anyone stated here today that the inception of this matter comes from the President's task force which embraced some of the leading scientists of the country.

Mr. LONG. It seems to me if this Nation had no more confidence in its ability to develop something than the Senator from Minnesota does, we would not be in space to begin with. We would not have developed atomic energy. There are a great many things we would not have done. There are other feats we have achieved such as finding a cure for polio which virtually eliminated that disease; conquering space to the extent we have; and harnessing atomic power.

Would the Senator think the capability to develop a vehicle to go into space and come back, would be an impossible feat, compared with other things our scientists have done?

Mr. HOLLAND. To my finite mind—and it is a very finite mind in this field—it would seem to me to be not as extravagant a hope and ambition as some of the other things which we have developed and which have meant so much to this Nation and to the world.

Mr. STENNIS. Mr. President——

Mr. HOLLAND. I shall be glad to yield to the Senator temporarily.

Mr. STENNIS. I thought that the Senator had finished.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HOLLAND. I am glad to yield.

Mr. FULBRIGHT. The remarks of the Senator intrigued me very much when he suggested that those of us who looked at the world as we do ought to go see Dr. Pearson. Did he imply that we ought to get some LSD?

Mr. HOLLAND. No; I was thinking of the old-fashioned days of calomel, or perhaps something else that would have equally beneficial results.

Mr. FULBRIGHT. I think LSD might do the work. The only other thing that might reconcile me would be if I had Cape Kennedy in my State. That might reconcile me a little to it. I am not sure.

Mr. HOLLAND. I am glad the Senator said that, because some of us felt that might be one of the reasons for his obdurate position on this particular subject.

Mr. FULBRIGHT. If the Senator will allow me——

Mr. HOLLAND. I am glad to yield to the Senator.

Mr. FULBRIGHT. It is true I do not have Cape Kennedy. I think that is exactly the reason why I have no undue influences upon my judgment. I can look at it objectively. I recognize that we are all elected by our constituents, and if $1 or $2 billion were being spent in my State, I would be embarrassed by the fact that as a result of my action there would be thousands of voters on the payroll. This is a fact of life that affects every one of us. It is why it is almost impossible to cut out Defense Department projects and why the space program has such strong advocates and defenders. This is a fact of life. It is no reflection on those who are from those States. It is a different question from whether they had anything to do with getting it there. There are many people with high salaries who vote in their States, and if it were in my State, I might be embarrassed. I am not so sure, in times like these I would be willing to jeopardize the safety of the country for a cause like that.

Mr. HOLLAND. I thank the Senator. I want to remind him that we have no water power projects in Florida, but both in the Public Works Committee and the Appropriations Committee I have voted, not just for millions of dollars, but for billions of dollars, for development of water power projects in his State. It never occurred to me to put it on a local basis.

I am sure the Senator is indulging in a pleasantry in what he says. After all, we are thinking about the development of our Nation. It has not hurt my feelings at all to have voted for great dams that created beautiful and scenic lakes in the Ozarks and in the State of Arkansas. I have been there, and long to go there to catch the finny tribe that are found therein.

I have not had to explain to my people why I voted for them, because my people think nationally, and I think the Senator from Arkansas thinks nationally. I am not going to be uncharitable to him, but I hope he will get a more optimistic view about this program, which has meant so vastly much to our Nation and to science and to every living man, woman, and child in this Nation, including those fine people in Arkansas, which he so ably represents.

Mr. FULBRIGHT. May I say that my pessimism was not just to this program. My pessimism is about programs such as this one which create conditions which this Nation cannot afford. If we had no other use for our money, I would not object.

My pessimism does not relate just to this program, but to the state of the country. I had the authority of the Secretary of the Treasury this morning, which I hope the Senator will read, as well as Mr. Lundborg, chairman of the board of the largest bank in the world, and a lot of other people. I am not alone in this pessimism. I do not think the Secretary of the Treasury or Mr. Lundborg is in need of calomel. What they need are the resources and the money with which to pay the bills of this country.

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Mr. HOLLAND. I shall, of course, read the hearings, but I would rather the Senator tell it, with his mellifluous words heard by my ears, because it is more interesting than to read it in black and white. So, as far I am concerned, I appreciate very much what the Senator has said.

Mr. FULBRIGHT. I thank the Senator.

Mr. HOLLAND. To conclude rather quickly, where are we now? Well, we have seven Saturn V's bought and paid for and ready to use. Most of them are going to be used for missions that have already been cataloged and that will be completed, as I recall, in the early 1970's. The record will show how they will be completed.

We have seven Saturn 1–B's, also completed and ready to be used, and scheduled to be used in particular ways. And that is the end; there are no more Saturn launch vehicles being produced.

But I want to make it clear that Congress is not approving a space shuttle program now, and the committee said so very clearly in its report. I refer every Senator to page 18 of the report:

> Additional funds provided by the House would also be applied to the space shuttle and space station project to provide for more extensive and inclusive analysis and to support the technological development of this project. Neither the space shuttle nor the space station are approved for development . . .

We are simply approving the research and the effort to find ways to do the job. We are not going as far as the House has gone. Apparently our distinguished friends do not seem to realize that. We have cut the bill more than a quarter of a billion dollars below the one passed by the House a few days ago. I repeat that language from the report:

> Neither the space shuttle nor the space station are approved for development . . .

It is only research and study that this bill takes care of. I want to make that completely clear.

My distinguished friend from Minnesota seems to think that we are commiting ourselves to a course that we would have to follow. We are not doing any more than providing for the exploratory work.

To the credit of the Senator from New Mexico (Mr. ANDERSON) and every other member of our committee, when the distinguished Vice President—and I am sorry he is not here—in his optimism after the landing of Apollo 11 said, "Let us go to Mars tomorrow," or next week, or some time in the early future, every member of our committee turned thumbs down on that program and then refused to recommend to the Senate that it be committed to any manned interplanetary space program at this time.

Our committee has been a conservative committee and an economical committee, and this is a conservative bill and an economical bill. I just hope my distinguished friend from Minnesota, whose absence on our committee I have regretted these last few years, will realize that it is an economical bill. It is not committing us to anything more than to find an economical way of doing what has been costing too much and what the President's task force thinks will reduce the cost very much.

The reduction I have heard most about is to 10 percent of the cost. My distinguished friend from Louisiana suggested a greater reduction. I hope he is right, but if we can get a reduction to even 10 percent of the cost, what a vast saving that will be in the whole program. I believe it is worth examination by our engineers and scientists. Many of them are still with the program, ready to work on this particular problem which is challenging us now. I hope we let them do it.

One more point and I shall be through: That has to do with the interlocking nature between this program and the defense program. I am sorry that I cannot disclose some of the answers made to us at the hearing. I refer Senators to pages 880 and 881 of the printed record of the hearings, in which our distinguished ranking minority member of the committee, the Senator from Maine (Mrs. SMITH), who is also a ranking member of the Committee on Armed Services, and knew much more about the MOL effort, abandoned some months ago, as Senators will recall, was doing the questioning.

I refer to the questions that she asked our witness, Dr. Foster, who, as I recall it, is the head of research—let us see how he is described. He is described as the Director of Defense Research and Engineering for the Department of Defense. He was before our committee to tell us of the interlocking nature of this program with the defense program.

I ask that Senators look at both of those pages, 880 and 881, and they will see how closely related this is to the defense program in its original effort to have a manned orbiting laboratory, which was abandoned just a few months ago, and was costing $500 million a year. Dr. Foster tells us here how he feels this program is related to space exploration, space investigation and experimental work, and that he particularly supports this part of the program.

Senators will see the quotation. I am not going to read it all. Let us read the opening suggestion of Senator SMITH. I hope she has no objection:

> Senator SMITH of Maine. Perhaps for the record, Dr. Foster, you might give us in a little more detail, keeping the security aspects of the subject in mind, as to just how the Defense Department can see a possible future military use, for the space shuttle.

Now, I could not quote everything that was said, because Senators will note how much was deleted in printing this record. I see five deletions on the next page, which would show the interlocking character of the MOL, which was supposed to have our observers going across territory that might be hostile to us periodically, and peering down to see what they could see, using both their good eyes and the various glasses that they would also be furnished with, of things that might be of interest to us.

Dr. Foster replied in a good many ways, but I am going to read just one of them, which is what comes immediately after that suggestion by Senator SMITH.

> Dr. FOSTER. I would be very pleased to put that in the record.

Here is what he put in the record:

> Once an economical and operationally effective STS—

That is a space transportation system, I am told by my distinguished friend from Nevada, who knows the military terminology.

> Once an economical and operationally effective STS is developed, we would expect to use it to launch essentially all DOD payloads into earth orbit. We hope thereby to reduce DOD launch costs by an order of magnitude.

He does not say how much. I am sorry he does not give us the percentage, but perhaps that was a military secret also.

> Not only will we economize from the point of view of reusable launch vehicle, but significant savings can accrue because repair and reuse of payloads will be possible and payload design criteria could become less stringent. In addition to all of this, we would expect to benefit from the STS technology resulting from NASA's development efforts.

That is how close this is to a very important strategic matter, affecting our national security, and of great interest to the Department of Defense.

I shall not read much more of it, but on page 881, I note this question by Senator SMITH:

> Senator SMITH of Maine. The study is not aimed, as I understand it, so much as to facilities as it is to people—that NASA do for the Defense Department and the Defense Department do for NASA. Is that correct?
>
> Dr. FOSTER. Yes, that is certainly true. It is a question of whether or not a management change would affect the funding. This, of course, is not simply a matter of NASA and the Department of Defense. It also deeply involves the contractors—whether there should be one prime contractor that handles the whole thing, as compared to the several contractors now involved.

Mr. President, I hope Senators will read that full exchange, insofar as they can—much of it is deleted, as I have already stated—because it shows this effort is not just related to greater economy in the space effort, in the event we want to adopt further programs in the future, but also is tied in with the effort of the Defense Department to have greater security. They had hoped to gain this through the launching of the MOL, but since it was canceled, they are now turning to NASA to do the necessary experimentation.

Mr. President, I just do not see how the Senate could think about killing this particular part of this authorization, particularly in a bill which is not only more than a quarter of a billion dollars under the House bill just passed a few days ago, but $17 million under the President's budget, and more than a billion dollars under the original request of the NASA people.

Mr. President, unless there are questions, I shall be happy to yield, but it seems to me that for us to strike this out of the bill would be, in effect, to say, "We do not want to look toward any hope of economy to the future. We are

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perfectly willing to continue to pay the very heavy cost we have been paying in the past. We do not hope for any economy, do not want it, and are not going to study anything that will help us to attain it."

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. CANNON. Mr. President, will the Senator yield so that I may ask for the yeas and nays?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the Senator from Nevada, the manager of the bill, so that he may request the yeas and nays without my losing the floor.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. CANNON. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I shall be quite brief. I have just a few points.

I am afraid the Senate has been left in some confusion here, through no fault of the Senator from Minnesota, about the $80 million that will be left in the bill, even if the Senator's amendment should pass.

Mr. President, I talked with Mr. Paine directly this morning, and with one of his chief assistants at the same time, on that very point, and asked them the specific question.

They said the $80 million that would be left in the bill was for a broad general research program in general laboratory work that would be going on anyway, regardless of whether this item in the Mondale amendment was in the bill.

They said further that this space shuttle would benefit somewhat from that general research, as any item is likely to benefit somewhat from general basic research.

But the real heart of this matter, if this program is going to start, is not in development, but in the research that is directed to this particular vehicle or this particular shuttle capsule, or whatever you call it. That is what is affected by the Mondale amendment—funds for the specific design and the specific fundamental research on it, as we have research for a weapons system, to be directed toward the ship that they are trying to conceive. That is what this $110 million is for.

This was the only item of this kind that survived these terrific reductions. And why did it survive, when all the rest were lost? Because it had a special potential, as I see it.

This involves a reusable rocket, as has already been stated, with the possibility of reducing the very heavy cost load. In orbit, this cost load is likely to be reduced to 10 percent of what it is now. That would mean a 90-percent reduction, but no one can be certain about that. The concept, though, of a reusable rocket—as the Senator from Florida has already pointed out, possibly they can use it 100 times—we think is fairly well proved, and will be developed along that very line.

With respect to the estimated benefits in terms of dollars or any other terms, I recall that with then Senator Lyndon Johnson, I held some of the first hearings as to the outline of the entire space program, including some of the preliminary parts of the moon shot. There was no way to estimate value. There was no accurate way to estimate cost. It took a great deal of failure, and that has always been true in any program, and it is still true. I do not think there is any doubt about the great possibilities of this item.

Furthermore, there is no way to estimate what has already been done in the space program. Who can estimate the value of the advance information received by those living in the area struck by Hurricane Camille? I know that one report was that people would not leave. That was a mistake. Countless thousands of people, as the helicopter photographs show, left that area and found safety. Automobiles were bumper to bumper on highways leading out of that area for hours and hours before the fury of that storm struck, because they had this information through the satellite system, which proved to be accurate.

There is no way to determine the value, in untold billions of dollars, that we have received in military programs because of the information we gained. I will not elaborate on that. It is generally known. Let us remember those things when we talk about trying to put a dollar price on these programs.

There is another phase: This vehicle is a very definite forward step in providing rescue capability for astronauts in the future.

It will make it possible to leave the earth and to go to a vehicle orbiting the earth and take off men and bring them back safely.

As an example, in the case of Apollo 13, damage to the support section of the command capsule made it necessary for the astronauts to go to the vehicle which would land on the moon but which could not reenter the earth. If this damage had been to the command capsule, the astronauts could have been directed toward the earth in the lunar lander, and put in orbit around the earth. If a space shuttle had been available, it could have gone to the orbiting astronauts in the lunar lander and brought them down safely.

These are the possibilities for the future with respect to this item, and the amount is relatively small.

Mr. President, the amendment offered by the Senator from Minnesota (Mr. MONDALE) would eliminate the $110 million carried in the committee bill for design studies and other preliminary work on the space shuttle and space station.

First, the Senate should understand clearly that the funds authorized in the committee bill do not commit this country to the development of the space shuttle or the space station, let alone a manned mission to Mars. A strong case has been made in the work of the President's Space Task Group and in detailed testimony before the Committee on Aeronautical and Space Sciences that the space shuttle and space station are two key elements of an integrated plan for the Nation's long-term future space capabilities. However, the administration has not requested, and the committee is not now recommending, a commitment to proceed with the development of these projects. What the administration has requested, and what the committee is recommending, is that NASA be given the funds required in fiscal year 1971 to study in depth the configurations, designs, and costs of the space shuttle and the space station. The question of a commitment to a multibillion-dollar project is not before us today. When the question of proceeding with development of the space shuttle, the space station, or any other major space project is presented to the Congress, the Committee on Aeronautical and Space Sciences will carefully review all the details and their estimated costs. The Senate can be sure that this committee will not recommend any multibillion-dollar commitment without a full presentation to the Senate of the facts and cost implications.

Concern has been expressed that the preliminary cost estimates for developing the space shuttle and space station will be exceeded. Statements have been made to the effect that this always happens. Let me remind the Senate that in the case of the Apollo program, our most ambitious space program to date, the final costs came very close to the original estimates and the Congress was well informed in advance of such changes as occurred. The Committee on Aeronautical and Space Sciences is deeply concerned that the same practice be followed on major new space programs and that the Congress have before it realistic cost estimates at the time commitments to such projects are made. It is precisely for this reason that the committee is so strongly in favor of including the $110 million, which the proposed amendment would delete. These funds are needed for the studies, design work, and experiments required to provide the technical design information on which firm estimates of costs can be made. Without this work, both NASA and the Congress will be in the dark on the technical feasibility and the best design of these projects and we will all be in the dark on the ultimate cost of the programs.

Therefore, I urge the Senate to reject the proposed amendment and to permit initial work on these projects to proceed so that at the appropriate times in the future the Congress will be able to make a proper decision on the question of whether and how fast to proceed with the development of the space shuttle and the space station.

Mr. President, the debate on this amendment should not be confused by statements that the space shuttle and space station projects commit us to sending men to Mars or other planets. The space shuttle is not a vehicle to fly men to Mars. It is a vehicle to operate in earth orbit. Its purpose is to bring to the Nation's space operations an economical mode of operation similar to today's airlines. If the space shuttle is successfully developed, it can replace all our current launch vehicles—launch vehicles that

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are expensive to build and totally consumed on each launch—except for the very smallest and very largest, the Scout at one extreme and the Saturn V at the other. The space shuttle will be a manned vehicle but in the years to come it will be the most economical way of taking our unmanned as well as manned payloads to orbit.

The space shuttle and the space station projects are a part of a carefully thought out and integrated plan for the Nation's long term future in space. They are two of the principal "building block" systems to give us space capabilities we need. These systems are not tailored or limited to particular types of missions, like the Apollo system which was designed for the special purpose of landing men on the moon and bringing them back to earth. The vehicles in the integrated plan, taken together, will give this Nation the capability to do whatever it decides to do in space. It is true that sending men to Mars could be one of the possible future uses to which the vehicles in the integrated plan might be adapted at some future date. But it is not true that the reason for the space shuttle and space station is to send men to Mars. Even if we decide now never to send men to Mars, the space shuttle and the space station are two of the basic systems we need in the 1970's and beyond for effective and economical operations in space nearer to the earth.

The space shuttle and space station projects will indeed require some major new advances in technology. This fact is one of the strong considerations in favor of proceeding with these projects. It means that the space program can continue to provide the stimulus and drive to our industry and our total economy that can only come from advanced technological development. The whole Nation will benefit from the work that is necessary to bring into being the space shuttle and space station.

Mr. President, the successful development and operation of systems to take men and instruments out into space, to expand mankind's domain, and to unravel the secrets of the universe is a vast and complicated task. As we have seen in the Apollo program, it takes the efforts of a strong, dedicated team over many years. For the first time this year the committee has received from NASA and carefully reviewed a long-range plan for the 1970's and beyond. This plan does not commit the Nation to specific goals by specific dates. It does not commit the Nation in advance to an annual rate of expenditure beyond what the Congress may decide to provide each year. But it does lay out a clear direction: It identifies the types of systems we should develop and the types of missions we should prepare ourselves to undertake. The space shuttle and space station projects are essential elements of this plan. I believe that the Senate should approve the first steps of this plan by providing the full amount included in the committee bill for study, design, and experimentation to provide NASA, the administration, and Congress the basis for sound decisions in future years on when and how to proceed with the development of the tools the Nation needs in space in the decades ahead.

These first steps are provided in a recommended authorization for NASA for fiscal year 1971 of $3.315 billion—with estimated expenditures one-half billion dollars below fiscal year 1970, and more than $2.5 billion below the peak in 1966. Under this budget, employment on NASA work will be down from a peak of 420,000 to 145,000 by 1971. Yet in spite of these reductions we can—we must—provide a sound basis for our future in space—in exploration, in providing new scientific knowledge, and in providing us practical results here on earth.

For these reasons I oppose the amendment and think it should be rejected by a substantial vote.

Mr. CURTIS. Mr. President, I oppose the amendment offered by the Senator from Minnesota (Mr. MONDALE).

The authorization for NASA for fiscal year 1971 recommended by the Committee on Aeronautical and Space Sciences totals $3.315 billion, a decrease of $17 million from the administration's budget request. The estimated expenditures under this recommendation are roughly one-half billion dollars below the estimate for the current year—and more than $2.5 billion below the peak in 1966.

Under this budget total nationwide employment on NASA work—once 420,000—will decline to 145,000 by the end of fiscal year 1971.

In presenting this budget request, the administration faced the hard fact that a major reduction in the Nation's space program had to be made to achieve a fiscally responsible budget in this time of inflation and escalating costs in other parts of the Government.

In its actions in reducing the budget request by $17 million, the committee concurred in this view and in the overriding need for austerity.

And yet, even within these constraints, the administration has presented a forward-looking program based on a total plan for America's future in space—a plan that will make the use of space more economical, will bring us practical applications here on earth, and at the same time, keep us first among nations in the exploration of space.

The amendment under consideration would eliminate the key elements of the Nation's plan for our future in space—the shuttle and the station.

The Senator from Minnesota states, in support of his amendment, that "there is little justification for proceeding with the development of the space shuttle station in this fiscal year."

But the funds requested—$110 million—are not for development. They are for design and definition studies. They will not commit us to proceed with the development. The administration is not asking for such a commitment this year.

The work that will be done with the funds requested will answer all of the questions the Senator from Minnesota raises in his amendment; they will provide solutions to the technical problems that are not yet fully understood; and they will provide accurate cost estimates for the development of the station shuttle.

When the issue of proceeding with the development of the space shuttle station is presented to Congress—perhaps next year—the results of these studies will be available. The Committee on Aeronautical and Space Sciences will then thoroughly assess and present to the Senate what is involved, the extent of the commitment, and a firm range of cost estimates. It is precisely for these reasons that it is so important to proceed with the design and definition work before a commitment to proceed with the development is made. With this kind of an effort NASA has demonstrated that it can and will meet its commitments in terms of costs, schedule, and technical performance.

I do not know of any other agency that has established the same record of performance.

The amendment is also supported on the contention that approval of the $110 million for studies somehow commits the Nation to sending men to Mars or other planets. This is simply not the case.

The space shuttle is not a vehicle to fly men to Mars; it will operate in Earth orbit. Its purpose is to reduce significantly the cost of Earth operations for all kinds of spacecraft—manned and unmanned. Similarly, the space station, although intentionally designed to serve a variety of purposes, is the next step in the effective use of space for science and practical applications near the Earth.

Mr. President, I urge the Senate to reject the proposed amendment and to approve the recommendation of the Committee on Aeronautical and Space Sciences.

The program presented to Congress by the President and approved by the committee is a balanced program, one which, in the words of the President, "builds on the success of the past," but at the same time reaches out "for new achievements."

Mr. GURNEY. Mr. President, I strongly oppose the amendment of the distinguished Senator from Minnesota to eliminate the $110 million proposal for the design and definition of a space shuttle station system, the sum which was voted by the Senate Committee, and a part of the Senate version of the NASA authorization bill now before us.

The Senator from Minnesota has given reasons for his opposition to the space shuttle station which we ought to explore. I respect my distinguished colleague, of course, but on this score I think we have a fundamental disagreement.

The Senator has suggested that the decision to approve this project constitutes a crucial turning point in the U.S. space program. He urges that the space shuttle station is the beginning of a manned space program which will commit us to a major manned Mars exploration mission.

Mr. President, it is certainly true that without the space shuttle and station, a manned Mars exploration program in the long range would be impossible. But, the authorization for the $110 million for research and design before us today is in no way intended by NASA or the administration to be a forerunner to such a program. Nor does it commit us to a

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Mars mission. It is intended solely for research and design of a shuttle station. This is not even hardware money: It is to be used solely to see if and how we can build a shuttle economically. Phase B, the item before us today, is the sequence to the now completed phase A feasibility study, and it does not even commit us to building a shuttle. NASA officials before the Senate Space Committee have testified that such a commitment would not or could not be made until phase B is completed. Phase B cannot be completed unless we authorize it today.

Concerning the ultimate cost of a shuttle station, I would like to point out that the prime purpose of the shuttle is precisely, to reduce, not increase, the cost of space exploration. It is the first element in the future integrated space program that will slash the cost of putting payloads into earth orbit.

With successful shuttle operations, our inventory of rocket and spacecraft models would be significantly reduced. That is to say, the need for most existing launch vehicles would be eliminated. According to Dr. George Mueller, former Administrator of the Office of Manned Space Flight—NASA—NASA studies already show that the shuttle could reduce total costs of space exploration extensively right at the outset, and with the maturity of the space shuttle, even more, perhaps as much as twice that amount.

Designed for 100 or more missions, the shuttle will be an integral part of other space programs. It is being designed to provide, and hopefully will provide, economies in every aspect of space operations.

The ability of the shuttle to return men, cargo, and equipment back to earth will significantly reduce the cost of all equipment. It will provide both logistic support for the space station and a viable space rescue system. It will be available on short notice for Department of Defense use, should the need ever arise. With the shuttle for support, technicians will be able to reach automated satellites and probes, to repair, maintain, refuel and refurbish them, or to reposition or retrieve them for return to earth. The shuttle will effectively bring together manned and unmanned programs on a rational basis.

My distinguished colleague, the Senator from Minnesota, has also suggested that a decision to delete funds for research on the shuttle station will not kill the project. He has indicated that there is $80 million included in the NASA authorization for the Office of Advanced Research and Technology which could carry out the purposes of this program. I would like to point out that this OART money is designed for use in the area of very broad and basic technological research. This $80 million will complement individual NASA contract studies including those for the shuttle, but will in no way substitute for these studies. Questions concerning payloads, cost efficiencies, overall cost estimates and design verification will not be answered by the Office of Advanced Research and Technology work alone. Moreover, NASA officials have testified that only a small portion of this $80 million fund, only 10 percent or $8 million, is specifically and directly applicable to research on the space shuttle.

I agree with the Senator from Minnesota when he says the decision to delete the research funds for a space shuttle station would constitute a crucial turning point for the U.S. space program. I suggest that it would constitute a decision to end our manned space flight capability after 1974. We must candidly admit this, and if we vote this amendment today that is exactly what we will be doing.

Based on our present manned space flight program, we face a gap from 1975 to 1977. If the shuttle money is taken out of this budget now, the gap will be stretched to 3 and to possibly 5 years.

NASA's original budget request for the space station shuttle was $268 million. The House Science and Aeronautics Committee lowered that amount to $190 million. The authorization now before us has cut this amount to $110 million. This lowered amount itself will cost the program valuable time.

When the $110 million is compared to the amount we stand to lose in plain operating costs for storage and mothballing of our present facilities—together with, and the inestimable loss in, human resources, teamwork, and technological know-how caused by the delay—there is no question in my mind which is more economical; this amendment, if adopted, would not save money—it would increase costs. It would be false economy in the extreme.

Right now, at Cape Kennedy we have already made severe cuts in manpower. We have $4.5 billion in facilities there. If we were to tread water for 5 years, it would mean that we would have only a skeleton crew at the space center. How can we calculate the loss of expertise, the loss of a skilled industry-Government team which it has taken years to build, and would take years to build again?

Mr. President, we Americans are prone to react rather than act. Sputnik jolted us into the space age and we scrambled to get the first man to the moon. But now is the time for advance planning if we are to insure that our space endeavors do not stagnate—and to make sure that we do not waste the investments already made.

The leadtime for carrying out the development and putting into operation a space shuttle program is 7 to 10 years. We know that the concept of a shuttle station has been under study in many countries for at least a decade. In my opinion, we cannot now afford to cut this program, to throw away our options by losing the leadtime necessary for launch capability. We cannot risk being confronted by an alien space shuttle which will give its developer effective control of space.

Now that the technology is available to build such a shuttle, we must take the initiative and carry out an orderly program. A stop-start operation would incur the risk at some future time, we would have to produce another crash program, at a much greater expense.

The present authorization offers us the opportunity for a viable balanced, moderate continuation of our space program. It permits us to keep intact our pool of technological talent and facilities, and gives us maximum returns on our past space investment.

Frankly, I favored a substantial increase for this program. I do not think that is in the cards because of budgetary pressures and other pressing domestic needs. I recognize those needs; I understand why some of my distinguished colleagues favor cutting NASA at this time. This is a meaningful economical compromise. If we cut it further, we will be shelving the manned space program and no amount of rhetoric can obscure that point. I strongly urge my colleagues to vote against this amendment.

One final point, Mr. President, and I think this is extremely important. Regardless of the pros and cons of the space program, or the fallout there is from it and what specifics there are as to the return on our investment—and there is a great deal of difference of opinion on that—there is no question about one thing; namely, that our competition, the Russians, are deeply involved in the space program and have been for many years. They devote a good deal more of their national budget to space proportionately than we do. They place much greater emphasis on it.

I think it is extremely interesting that in the last issue of Newsweek magazine, under the item called Periscope, there is this observation about the Soviet Union:

> The Soviet Union is pushing hard to orbit the first manned earth-resources satellite within the next two years. The vehicle would carry infra-red cameras, microwave radar and high-resolution film to collect data on crops, mineral deposits, ocean currents and fishing grounds. The Russians also have a long-range project for orbiting an "institute in space" that would dwarf the three-man U.S. skylab planned for 1973: their "institute" would be manned by 24 pilots, scientists and technicians at a time. They would shuttle back and forth on six-month tours of duty.

Mr. President, there is no question where the competition is going. I remind this body that when the original sputnik went up years ago, and Russia beat us first in space, it was the greatest propaganda defeat in the eyes of the world that this Nation ever suffered. It took us years to come back from the defeat which we suffered at that time. We regained our position, I think, in world opinion, only when we landed a man on the moon.

Mr. President, if the Russians orbit a space laboratory with some 24 men in it before we do, and they are up there taking observations of the earth and doing all the other things they planned to do in the space station, it seems to me that the esteem of the United States of America as a first-rate industrial Nation, as leader of the free world, will plumment right down to the cellar in the competition for world opinion and who is the foremost nation, because the free world countries will benefit and gain from what this Nation has done in the space program.

The most crucial part of the bill before us is the pending amendment. If we adopt it, we will put the manned space flight out of business. That is exactly what we will be doing.

Mr. President, I hope, therefore, that the Senate will realize that and vote down the amendment.

Mr. CANNON. Mr. President, I believe it is absolutely essential to identify precisely what we are discussing with respect to the space shuttle activity recommended in this bill. The $110 million recommended is for preliminary definition and planning studies only. I emphasize studies—there is no money in this bill for the development of the space shuttle. In fact, no decision has been made to proceed with such development. Such a commitment will be based upon thorough studies that such a system can be developed and that its potential will be what the initial feasibility studies indicate it offers. But before such a commitment can be made, the program will have to be presented to and approved by the Congress. Mr. President, I believe the Nation should thoroughly study and fully consider these advancements in technology. It is only through such actions that the agency can develop the information necessary to make informed decisions on future commitments and that we can find out, in this technologically competitive age, the most efficient means of accomplishing objectives.

Being more specific on the status of the space shuttle project, NASA uses a Phase A, B, C, and D project approach—Phase A being the determination of feasibility of an undertaking and the identification of the most promising concepts for accomplishment and Phase D being final hardware design, development, and production. These are the extremes. NASA has just completed Phase A studies and is about to award 11-month contracts for Phase B studies involving detailed study, comparative analysis and preliminary design, all directed toward identifying the technical problems and the solutions which will facilitate a choice among the several Phase A concepts. These studies will be complete about May next year after which NASA must undertake an evaluation of the results. Obviously this is a complex undertaking which is why the committee is insistent that it be examined thoroughly before proceeding further.

Therefore, I believe it is abundantly clear that the issue today is not buying hardware for a space shuttle system but only that of supporting the necessary examination upon which to make an informed decision at a later date.

Mr. President, the committee has proceeded cautiously on this matter. It did so last year if one examines the record. It is still proceeding cautiously requiring that we know as best we can just what we would be getting into and what the benefits would be.

I repeat—the issue is for supporting studies of an extremely promising concept to reduce the cost of all space operations — manned and unmanned — no more, no less. The funding in this bill is not a commitment to build such a system—and as some have suggested—is not to support a manned mission to mars.

Now, Mr. President, the supporters of the pending amendment have made several representations that I think I should address myself to for the record, because they are incorrect.

One suggestion was made that no decision could be made at this time because it had not been completely studied to determine how long a man could live in the space environment such as is envisioned, and pointed out that in one experiment, the case of a monkey, that the monkey died after 8 days in space.

I would simply point out for the record that Captain Lovell has spent a total of 30 days in space—14 days in Gemini 7, 4 days in Gemini 12, 6 days in Apollo 8, and 6 days in Apollo 13.

This demonstrates, I think, quite conclusively, that man can live there.

The suggestion was made that there would be $80 million spent in space shuttle system study effort, even if the $110 million were denied.

That is simply not the fact. I think the record has been made abundantly clear in that regard.

The suggestion or the statement was made, in the form of a question, Why go into hard design at this point in time?

There is no money, no part of the $110 million for hard design. It is simply not contemplated, nor is there money in there for long leadtime items as was suggested.

The Senator from Wisconsin raised the question of cost effectiveness. He said, Why do we not check this out as we would a dam, for the purpose of determining cost effectiveness? One way to determine the cost effectiveness of a dam is to plan and study and determine how much it will cost and see what the benefits will be.

Mr. President, that is exactly what we are trying to do as a part of this program; namely, to find out what is the feasible approach, what type of development program we can undertake, and what the cost will be. Only at that time could those matters be related to a project so as to determine its cost effectiveness.

Thus, I submit, the Senator from Wisconsin is arguing against his own position by raising that question.

Now the suggestion was also made in the statement that a number of scientists had left the program and, for various reasons, did not support it.

I would say that there have been a number of scientists leaving the program, as well as many other people who are not scientists. The employment level in 1966, the high point, was 420,000 in the NASA program. By June 30, 1971, it will be down to 144,000. It is rapidly nearing that point at the present time. It is down within less than 50,000 of that point. So that is a reduction of 276,000 from the high point to the low point of the program.

Certainly, then, there would have been scientists, as well as many other people, leaving the program, going elsewhere to seek work, either on their own volition or because their work had been completed.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet which I have prepared regarding NASA's fiscal 1971 budget request.

There being no objection, the factsheet was ordered to be printed in the RECORD, as follows:

SOME FACTS REGARDING THE FISCAL YEAR 1971 NASA BUDGET REQUEST

The bill reported by the Committee recomments an FY 1971 authorization for NASA of $3,315,950,000. This is $17,050,000 less than the Administration's request. Moreover, the bill places a limitation on the funds that can be used for personnel and related costs of $500,108,000, thereby encouraging NASA to further reduce the size of the Agency and certainly to prevent it from growing during the next fiscal year.

The amount of $3,315,950,000 reported out by the Committee is the lowest amount recommended by the Committee since FY 1962.

It is $284,925,000 less than the amount provided in the NASA authorization bill already passed by the House.

It is $399,577,000 below the Committee's recommendation for FY 1970.

It is $399,577,000 less than the amount authorized for FY 1970.

It is $380,683,000 less than the amount appropriated to NASA for FY 1970.

It is $539,923,000 less than NASA's budget plan for FY 1970.

NASA's authorization has been reduced every year beginning with FY 1965 so that the amount of $3,315,950,000 recommended by the Committee for FY 1971 is $2.034 billion less than the amount of $5.35 billion authorized for NASA for FY 1965. This is a reduction, every year for six years, amounting to 36%. I know of no other major program in the federal budget which has been reduced so much for so many years in a row.

Expenditures in NASA during the past five fiscal years have been reduced from about $5.9 billion in FY 1966 to $3.4 billion estimated for FY 1971, a reduction of over $2.5 billion or 42% during a period of five years.

Mr. CANNON. Mr. President, our national security, our commerce, employment, the health of the Nation, the country's prestige, and indeed our standard of living are all dependent here in the United States on the quality of our science and technology. Yet the scientific and engineering community is in dire financial straits these days because scientific and technical programs all over the Federal Government are being cut back and nowhere have they been cut back more heavily than in NASA.

No one denies the importance of our aeronautical and space programs to the national security, but what about these other areas?

Let us take a look at commerce.

The importance of aeronautics and space to our commerce is evident when we note that the aerospace industry is our largest manufacturing industry doing an annual business of $27 billion. Our leadership in aeronautics and space is apparent at airports around the world where U.S. produced aircraft are seen bearing the insignia of almost every major national airline. All of these aircraft reflect the scientific and technical work of NASA. Even more dramatic—but perhaps less well known—is that virtually every online direct access commercial computer systems in the world today was made in the United States and reflects the space guidance and checkout requirements of some years ago.

What does this mean for United States exports?

Export sales of aircraft and parts in

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1969 amounted to $2.9 billion; the sale of U.S. computers reached $728 million—a total of almost $3.7 billion for these two items alone. Total export sales of aerospace equipment have increased steadily, and the impact on the balance of trade has been substantial. While the balance of trade has been declining, total sales of aerospace products have been increasing. Aside from this kind of impact on our commerce, our aeronautical and space programs have been responsible for creating entire new industries. In every respect the aerospace industry is one of our great producers of our national wealth.

What about employment?

The aerospace industry is the nation's largest employer, employing 1.3 million people with a $14 billion annual payroll, and pays one of the highest average wages of any U.S. industry. A few years ago there were some 420,000 people employed in the space program. That employment has been reduced by 240,000, and by the end of 1971 it is expected that no more than 144,000 people will be working on the space program—only about one-third of the people that worked on the program at its peak.

Is the space program important to the Nation's health?

Yes, it is.

The applications of space science and technology to medicine are numerous. There is probably no area to which more space benefits have accrued. Let me cite only a single case. A few weeks ago, it was announced that a scientist, Mr. C. D. Cone, Jr., working at the Langley Research Center, in Virginia, made a major discovery which may lead to a far better understanding of cancer. Mr. Cone, in the course of studying radiation effects on cells in order to understand the effects of space radiation on astronauts, discovered that the electrical voltage across the surface membrane of a normal cell acts to exert precise control over cell division. In his research, he noticed that cells having large negative surface membrane voltage seldom, if ever, divide while cells with small negative electrical voltage divide at maximum rate. Mr. Cone's new theory proposes that the division of body cells is controlled precisely by the pattern of ion concentration on the surface tissue of the cell. This theory has provided for the first time an explanation of the functional connection between the two major pathological features of cancer—uncontrolled growth of the cells and the spread of the disease in the body. If Mr. Cone's theory proves to be generally valid and his experiments show that it is, this theory will provide a powerful new basis for research on cancer and many other biomedical problems such as human conception, birth defects, growth, and aging.

What about national prestige?

I know of no program that has done more for the prestige of this country during the past few years than NASA's space program. I think it is fair to say that without it, the Nation's prestige would be near an all-time low. With it, despite the many other problems we have, the prestige of our country remains high. As a single example, let me read what the Department of State has to say about the success of a single NASA mission—the manned landing on the moon. This is in response to a question asked by Senator SMITH of Maine during the hearings on the bill before the Senate. It can be found on page 1010 in the Hearings on the Senator's desks, and reads as follows:

> There is no question that the success of the Apollo 11 mission did more to bolster American prestige abroad than any single event since the termination of the Pacific War in 1945. Communications satellites made it possible for many hundreds of millions of people in nearly all parts of the world to watch, and to feel personal involvement in the moon walk. The chiefs of our missions throughout the world were nearly unanimous in reporting a massive and emotional response during that memorable July day.

Let me skip a part now and read another paragraph:

> No one could hope or expect that the euphoric burst of enthusiasm felt by most of the world toward our country last July could be long maintained—nor has it been. We are left, however, with a very substantial residue of admiration and prestige. While the benefits are impossible to measure in quantitative terms, these gains should be of very real value with respect to our posture in the world and our relations abroad for many years to come.

Finally, what can we say about NASA's aeronautical and space programs and our standard of living?

No people in the history of the world have enjoyed a standard of living as high as we enjoy today in the United States. The wealth of this country is unparalleled in the history of the world. And because of this wealth, which was created by the hopes and aspirations of our people, we have become deeply concerned with the welfare of those on the lower rungs of the economic ladder. The Congress has enacted enormous programs to meet the needs of these people. We have been able to do that because our people have been able to pay the necessary taxes. They are able to pay taxes because we have programs like the aeronautics and space programs which create wealth. If the Federal Government does not support programs which create new wealth, this country soon will not have the funds to establish programs for those without the economic means to enjoy the good life in this country.

Mr. President, if we asked the average man on the street to name that function of the Government on which the greatest amount of money is spent, he would probably tell you it was for national defense. For fiscal year 1971 this is $73.6 billion, or 37 percent of the total, and is, indeed, a large amount. But the answer would be wrong.

The correct answer is that the Federal Government will spend more for human resources programs than anything else. This amount is $81.9 billion, or 41 percent of the total budget. This is $8.3 billion more than for national defense. In sharp contrast is the outlay for space research and technology which is only $3.4 billion, or a scant 1.7 percent of the total.

Even more interesting is the direction in which these outlays are moving. The average annual rate of change, in percent, for the years 1969–71 shows that outlays for national defense have declined by 4.8 percent. Outlays for human resources have increased a whopping 13.5 percent, by far the largest increase of any of the major categories.

On the other hand, the space program has suffered an average annual decrease of 10.5 percent, the greatest decrease of any item in the entire Federal budget. I refer you to pages 74 to 78 of the President's fiscal year 1971 budget book as the source of the figures I have just quoted.

The point I wish to make is this: the amount that we are spending on space is really quite small when compared with other items in the budget. In terms of the returns to our society that we are getting, and will continue to get in the future, I think these small outlays for space may be the most cost-effective dollars that we spend.

To those who say we should cut back on our space program, the answer is: We already have. Sharply. More than any other program in the Federal budget.

To those who say we should spend less for space and more for other selected programs, the answer is: There is absolutely no assurance that a single dime would be added to any other program even if all of the space funds were deleted. Also, if you did delete all the space funds, and if you then spread them proportionally among the various human resources programs, as defined in the President's budget book, the additional amount for any single program would barely make a ripple.

And so, Mr. President, when we talk about the amount of money we are spending on space, let us be sure that we put it into the right perspective as compared with the rest of the Federal budget, both as to relative amounts of expenditures and to the direction that these outlays have been moving over the past few years.

Mr. President, the NASA program has been reduced substantially every year for a period of 6 years. The Committee on Aeronautical and Space Sciences has reviewed the NASA budget thoroughly and has reported a reduced authorization that will provide only for an austere NASA program.

Mr. President, I urge that the amendment be defeated and that the bill be passed as reported.

Mr. ALLOTT. Mr. President, after this very long discussion—and I have been here in the Chamber for 3½ hours waiting for an opportunity to speak—I shall not speak very long now, but I would like to cover at least two or three subjects raised this afternoon.

I think that the statements recently made by the distinguished Senators from Mississippi, Nevada, and Nebraska have adequately answered the statements made in support of the pending amendment.

Mr. President, I can remember very well, having been on the Independent Offices Subcommittee since the beginning of 1959, all of the thoughts that crossed our minds with respect to the space program.

If we accept the arguments advanced

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in behalf of the pending amendment, there would have been no space program at all, because it took people with vision, faith, and confidence, plus the complete scientific and technical know-how that is part of the American arsenal of democracy, to accomplish what we have.

I recall when President Kennedy made his rather sudden—at least to me, and I think to most people—announcement that we would land a man on the moon within the decade—at that time I had a great many misgivings about such a proposal. They were not misgivings about whether we could do it or not, but misgivings as to whether that was the right emphasis on the way this country should spend this money.

I am very much interested this afternoon to see many Senators who embraced that program with wide open arms at that time, gladly voting billions and billions of dollars for the space program when it was announced by their own President, now suddenly become wary and fearful about what is going to happen in this world.

At the time that President Kennedy made his announcement, he declared that there were 25 percent of the people in America who were going to bed hungry every night.

This did not bother these people who are speaking in behalf of this amendment at that time. It did not bother them in the least to commit $24 billion to the Apollo project, not the entire space program but to the Apollo program alone. It did not bother them a bit. They ran in and voted "aye" at that time.

Suddenly they become wary and fearful and frustrated. In that respect, I feel sorry for them because I feel they have lost their faith in this country.

What has been missed by the gentlemen I have mentioned, and a few others, is that this $110 million is for a study of the space shuttle. It is not for design. It is not for the development of a space shuttle. This is something that everyone ought to understand.

The $110 million is for engineering and scientific studies, a conceptualization study, if you will, or, as the Senator from Nevada described it, a preliminary plan and definition.

The distinguished Senator from Florida a few minutes ago hit the nail right on the head. Are we so fearful and so afraid of the future that we are going to say now that we are going to shut off our manned space programs?

Is there anyone in the Senate Chamber who is so sure of what the future holds that he can say we do not need a manned space program?

Is there anyone in the Senate Chamber so sure in his own mind that the Russians are not developing military technical capability in this area that we may not have to cope with that capability in the next few years?

If they are saying such things, they are not paying attention to what is being said around them and in the scientific community. And they are not reading what is being said in the scientific papers.

As the Senator from Florida said, Apollo 19, scheduled for 1974, is the last manned space flight scheduled at this time.

After making a superhuman effort to catch up to where the Russians were in 1957 and finally surpassing them with three great space exploits, are we going to be so wary and fearful now that we will shut the program off? I do not think so.

After 1974, what are we going to do? Are we going to continue with what most scientists believe, and certainly I believe—is now becoming an outmoded method of vehicle recovery from outer space? Or are we going to meet the challenge of the future to recover men from space and deliver men and supplies to space vehicles orbiting the earth?

I want to make my own position very clear at this time. I would not support and I do not support a manned flight to Mars or to any other planet, outside of those scheduled for the moon.

At another time in the future, 4 years, 5 years, or 6 years from now, it may be that the fiscal situation of this country would allow us to look further than that. But there is no such plan here.

I want to read a portion of the committee's report from page 15:

> Initially the shuttle will be used in transporting flight crews, scientists, experiments, and supplies to space stations and space bases in earth orbit.

Then they go on to say:

> Other projected uses include flying missions in a polar orbit, carrying from one to several automated satellites and positioning them in their selected earth orbits, serving as an orbiter staging platform for automated planetary probes and spacecraft, and transporting liquid hydrogen to earth orbit for use by nuclear propulsion stages capable of traveling to neighborhood planets. The shuttle will be designed so that it can be maintained in a state of launch readiness for lengthy periods and yet capable of being launched within several hours notice.

I suggest that everyone read that paragraph starting at the bottom of page 15 of the committee report. It very adequately sets forth what we plan for this shuttle program.

I would like to turn for a moment to the implications that have been made that the space program is nothing. I hate to think, Mr. President, that Congress under the two former Presidents before President Nixon was so unwise that we did this for a great public relations program or as a stunt to put men on the moon. Nothing could be more foolhardy.

Apparently some of our colleagues do not read the RECORD. They do not pay any attention to what anyone else says unless they are on the floor themselves.

I have in my hand the volume of hearings on the independent office appropriations for the present fiscal year. It is for the 91st Congress, first session. I am not going to read all of this into the RECORD. I think it was in the RECORD last year.

Starting on page 661 of the independent office appropriations hearings for this present fiscal year, it goes on in very fine print and covers space radiation, the fallouts, and benefits from space.

It covers achievements in space geophysics, space biosciences, environmental biology, communications, and long-range weather broadcasting. The distinguished Senator from Mississippi covered that particularly. It covers oceanography.

Here is an interesting item. It states that a Gemini crew photographed 80 percent of Peru in 3 minutes. I have the pictures in my office that they made of a portion of the United States which have fantastic implications so far as mapping is concerned.

It states here that the resulting photographic mosiac is better than any available map of the region.

This is just one of the possibilities of the space program.

It mentions navigation and transportation, earth resources—actually identifying the resources and minerals from space.

It mentions that high-speed ground and ocean transportation is benefited from the use of materials and construction methods that stem from aerospace advances. It mentions geodesy mapping. It goes on to mention electric and electronic systems.

If anyone says that there has not been great benefit received from the space program, he has not read the periodicals that have come to everyone else's attention.

From our investments in the space program, we will receive benefits a thousand times over. Recognition of this fact is not confined only to members of the committee and Members of the Senate. I have before me the February 1970, issue of Air Force and Space Digest. At page 30 is an article entitled "The Giant Harvest From Space—Today and Tomorrow," written by James J. Hagerty, one of the country's leading authors and writers on aerospace. I shall not take time to read the applications that Mr. Hagerty enumerates in his article that have "fallen out" from the space program. However, he points out something that ought to be remembered. He says:

> Space benefits are grouped in two categories. "Derived" benefits are those, like new products and processes, derived from the general fund of technological knowledge. "Direct" benefits are those provided by orbiting spacecraft, or "applications" satellites, which do earth jobs better or perform tasks that cannot be accomplished by earth-based systems.

Mr. Hagerty writes in some detail concerning the communications satellite.

I think that very few people have realized the significance of the benefits that the space program has bought in that respect. For example, in 1963 only 500 circuits could be used for interocean communication. Today, the Intelsat system alone provides more than 3,000 simultaneously usable circuits. Because time will not permit discussing this subject in detail, I ask unanimous consent that the entire article by Mr. Hagerty be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, the argument has been used about the monkey who died on a flight of 8 days to the moon, because of some syndrome that a doctor thought he discovered.

Mr. CANNON. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I am glad to yield to the Senator from Nevada.

Mr. CANNON. Is there any way that a

monkey could have brought Apollo 13 back after what happened in this instance?

Mr. ALLOTT. I know of no way in which that could have been done. I was about to make perhaps a somewhat facetious remark: That maybe some people do not think, when they look around today, that there is much difference between a man and a monkey. At least in orbit or in space man has the ability to focus his mental efforts so that he can exercise or get rid of a syndrome, whatever its name is. The Senator from Nevada is exactly correct: A monkey could never have done what the crew of Apollo 13 did.

I am not concerned about the difference of opinion in NASA; but it seems to me that what the proponents of the amendment are saying, in effect, is that the Apollo shots were just great big public relations stunts to prove to the world that we could do them.

Mr. President, nothing could be a bigger fallacy. If anyone has that thought, he should vote for the amendment. But if Senators see the space program in its entire concept, what it has accomplished in direct and indirect benefits to mankind, and the future things it will accomplish in the way of scientific data and the actual processes that will be developed by man, they should vote against the amendment.

There are so many of these developments. I have just had called to my attention in the last few days that the newest and probably the most advanced heart replacement valve for medical science is a direct fallout from the space program. Maybe some people do not think it is important, but we save people's lives by putting valves in their hearts. I believe it is important, and I believe most people in this country also believe it is important.

It is true it can be said that we do not know whether this will work or not. I recall at the time of the pronouncement by President Kennedy that we were going to land a man on the moon in this decade, that we had many discussions, and I tried to point out whether this was really the goal the space program should make. I felt more emphasis should be placed, perhaps, on the development of our orbital laboratories and our orbital system.

Mr. President, this is what the space shuttle will make possible and perhaps later when the country is in a better fiscal condition we will talk about sending man on interplanetary explorations. In the meantime we have to use the scientific knowledge and expertise we now have. We have to have the courage and faith to take the next step beyond what now, despite our great scientific capability, is rapidly becoming a rather antique method of reentering the earth's atmosphere and coupling up with other vehicles of space. The concept of the shuttle is the vehicle to do this.

For these reasons I oppose the amendment of the Senator from Minnesota. If Senators believe our space program is a stunt, let them vote for the proposal; but if they believe in the space program and the great benefits we receive from it and the fact that we have advanced ourselves in the eyes of the world through the space program, Senators should vote against the amendment. I think the amendment should be rejected.

EXHIBIT 1

THE GIANT HARVEST FROM SPACE—TODAY AND TOMORROW

(By James J. Haggerty)

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"What is space research doing for me?" John Jones, average American citizen, shrugs. "I was awed and thrilled by the moon landings. I had a great feeling of national pride that we, and not the Russians, had done it. But as for benefits, all I can think of offhand is international television. Maybe the moon rocks are important, but I don't understand that part of it."

John Jones's attitude typifies that of many people, but it is a myopic viewpoint. The US space investment is already paying handsome dividends, "hard" benefits of practical value as well as the little-understood gains in scientific knowledge and national prestige. The benefits include new techniques, new processes, new services, new products, even new companies formed to exploit the wealth of technological know-how accumulated in twelve years of concentrated space effort. Collectively, these innovations contribute to an improved standard of living and produce a concrete boost to the general economy running to tens of millions of dollars.

Substantial as it is, the current flow from the wellspring of space technology is only a trickle compared with the flood to come. And it is coming not in some nebulous, distant future, but *now*—within the decade just starting.

The transfer of technology from the realm of space science to the civil economy is not an overnight process; it takes years, sometimes a decade or more. Because the primary space-research thrust came with Apollo, which reached its technological peak in 1965 and 1966, a rapid acceleration of technology transfer is expected in the next few years. Space systems that promise enormous practical benefit to mankind have progressed from the theoretical to the "feasible" stage, and the National Aeronautics and Space Administration has initiated their development for near-future civil use. That these programs will get the requisite backing is clear from stated Administration policy, supported by congressional leaders, that aims to "increase utilization of space capabilities for services to man through an expanded space applications program."

Thus, the real payoff is about to begin. The evident benefits are tremendous in potential. They span a broad spectrum ranging from new levels of convenience to direct applications in the most pressing areas of global concern—food shortages in an overpopulated world, public health, air and water pollution, education, transportation safety, law enforcement, and urban development. They promise new levels of business efficiency, improved resources management, accelerated discovery of oil and minerals, and reduction of life and property losses from natural disasters.

And they offer economic returns of a very significant order, Existing estimates, admittedly conservative, warrant the prediction that, by the end of the decade, the direct economic benefits stemming from space-originated technology will far exceed the anticipated annual funding for space research.

APPLICATIONS SATELLITES

Space benefits are grouped in two categories. "Derived" benefits are those like new products and processes, derived from the general fund of technological knowledge. "Direct" benefits are those provided by orbiting spacecraft, or "applications" satellites, which do earth jobs better or perform tasks that cannot be accomplished by earth-based systems.

A type of spacecraft that has special utility in practical applications is the "synchronous" satellite, whose movement in space is synchronized with the earth's rotation. The satellite is directed into an orbit 22,300 miles high; at that altitude, its requisite speed is such that it remains stationary with respect to a point on the earth surface. From its lofty perch, a single satellite can "see" approximately forty percent of the earth; three of them can cover the globe with considerable overlap.

The synchronous satellite is already in regular operational service in the global communication network operated by the sixty-nine-member International Telecommunications Satellite Consortium (Intelsat). It serves as a relay tower in the sky, picking up signals beamed from an earth station and transmitting them to another point on earth or to another satellite. Synchronous capability is now being extended to other applications satellites whose primary payloads will be a variety of earth-watching "remote sensors."

Sensor development was pioneered by the Air Force, as early as 1958, for use in surveillance and early-warning spacecraft. The technological foundation thus provided led to recent development of several types of highly sophisticated civil-use sensors, which can be used to monitor various conditions of the atmosphere, the surface, or the subsurface. Some sensors are detectors—for instance, instruments that take temperature readings of the atmosphere. Others are picture-taking devices, though not cameras in the ordinary sense; called "multispectral imagers," they photograph in both the visible and nonvisible bands of the light spectrum and show many features of the earth that the human eye cannot see. The combination of synchronous satellite and remote sensors opens up a fascinating new range of earth-surveillance capabilities, which promises concrete benefits of staggering dimensions.

THE COMMUNICATIONS SATELLITE

The communications satellite, or "comsat," owes its exceptional utility in long-distance message relay to the fact that, generally speaking, radio waves must travel in a straight "line-of-sight" path; they cannot bend with the curvature of the earth and, therefore, the distance that a radio signal can be transmitted through the atmosphere is sharply limited. Before the comsat came along, it was necessary to route long-distance radio signals either by cable or by means of tall relay towers, each in line-of-sight, or within about thirty miles of its neighbor. Either alternative is expensive, but the yearly cost of a satellite channel runs about one-sixth that of a circuit on a submarine cable.

The major benefit accruing from the comsat, of course, is international television. It is generally agreed that, without the comsat, overseas TV would still be a "someday" thing, because a single TV channel is equivalent to about 1,000 voice channels, and that imposes prohibitive cost and capacity considerations.

Television, however, constitutes only two percent of the Intelsat system's current workload. The broader benefit of the comsat has

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been in direct economic gain to world commerce, due to increased business efficiency by virtue of cheaper and more reliable long-distance communications. The comsat has also greatly increased the availability of circuits for transoceanic phone conversations. In 1963, there were only 500 such circuits and once could count on a lengthy wait for a connection. Today, the Intelsat system alone provides more than 3,000 simultaneously usable circuits; a single satellite already operational—Intelsat III—has roughly ten times the channel capacity of an in-service submarine cable.

The comsat paid an extra dividend to the US economy in stimulating the formation of Communications Satellite Corp., Intelsat's American member, which develops the space hardware and manages the global network for the consortium. Comsat Corp., a privately owned company that did not exist six years ago, now has 132,000 shareholders, total assets approaching $300 million, and annual operating revenues of about $45 million.

Impressive as are the benefits to date, the comsat has barely scraped the surface of the lode. Already in hardware development are new types of satellites that offer exciting potential for the near future.

Channel capacity is the major key to further growth of the comsat network because higher capacity is directly translatable into lower costs, hence wider usage. The comsat is inherently a high-capacity system and advancing technology is widening the capacity gap between satellites and terrestrial cables. The most advanced cable, in development but not yet in service, has 720 channels. A new satellite called Intelsat IV initially will have some 6,000 two-way channels—a greater capacity than all currently operating satellites combined—and later versions may have as many as 10,000. Intelsat IV is a *now* advancement; it is already being fabricated and it is slated for regular service starting next year. Behind it, inevitably, will come even larger comsats.

Capacity of the order offered by Intelsat IV will spark a number of innovations. A probability, already proposed, is a domestic satellite system for the US, a singe satellite hanging stationary over Los Angeles and linking the United States from Hawaii to the Virgin Islands. The system would supplement, not replace, the existing terrestrial system, and it would offer particular advantages to Alaska, where cities are widely dispersed and landline connections are inadequate.

Greater capacity will also stimulate increases in international TV programming, and direct-dialing phone calls to London, Hong Kong, or Tokyo may become as commonplace as the holiday long-distance call to the folks back home. And that long-awaited Buck Rogers device, the videophone, bids fair to become an everyday reality. Channel capacity has slowed its arrival, because it takes the equivalent of 100 telephone circuits to carry on a single two-way photophone conversation. But the new breed of high-capacity, low-cost comsats will bring the videophone into wide usage as a tool of international commerce. Since the videotube can carry charts, graphs, and other information presentations, as well as face-to-face longdistance conversation, it offers vast potential as a teleconference system for businessmen, capable of more than paying its way in travel expenses saved.

Some experts feel that the biggest impact of the comsat may lie neither in TV nor telephony, but in the rapid transmission of data from source to user, by linking together widely separated computers and other data-processing equipment. Such system might have video channels, but in most cases video is not needed; the information can be sent in computer-language and teleprinted in readable form at the other end of the circuit.

A major example is transmission of management information—inventory and production-control data, for example—from a number of plants to a central headquarters. Another is transfer of the latest medical knowledge from research centers and great library complexes to outlying precincts where such information is not available. Services like these are not particularly new. Computer interconnection was pioneered by the military services in the 1950s, and it is now making inroads in commercial applications. But existing systems employ landline interconnections that, in most instances, are more costly. The coming generation of comsats can bring about a big boom in data transmission.

THE BROADCAST SATELLITE

From the standpoint of general benefit to the world, rather than direct economic benefit to the US, the most important project in the space communications field is a completely new type of comsat called the broadcast satellite. This is a system that can send its signal directly to the home TV set or to a community antenna, bypassing the intervening complex of ground facilities needed by the point-to-point comsat.

Existing comsats, designed with size and weight considerations in mind, operate at extremely low power levels; their small antennas can pick up only a very strong signal from a ground station, and their transmitting equipment sends only a very weak signal back to earth. This is no handicap in point-to-point communications, such as are being relayed around the world by Intelsat. Intelsat's ground complex has forty stations, which generate great power and have giant antennas, ranging in diameter from thirty to almost 100 feet, and capable of picking up the weakest transmission from space. The ground equipment amplifies the signals and directs them via landlines or microwave towers to local TV stations, whose own powerful transmitters beam the image to home TV sets.

In the broadcast satellite, a reverse technique is employed: the satellite, rather than the ground station, has the primary power source. This is accomplished by equipping the spacecraft with nuclear power, huge batteries, fuel cells such as those that supply electricity to Apollo, or with enormous "solar arrays"—banks of thousands of cells that draw energy directly from the sun. The broadcast satellite also has a very large antenna, as big as some of those on earth, and it can be sharply focused to increase signal strength.

This means that a space communications signal can be acquired by a simple, inexpensive ground station with a relatively small antenna, which can receive broadcasts directly, eliminating the necessity for the elaborate ground complex. If the satellite has enough power, the home TV can qualify as a ground station with slight modification, costing an estimated $125. An interim alternative for underdeveloped nations that have no TV is the community receiver, capable of displaying a large-screen picture in the local school, town hall, or the village elder's backyard.

Direct broadcast to the home tube can be available within the decade if demand is demonstrated. Community TV is much closer. The National Aeronautics and Space Administration is already developing the first spacecraft capable of such transmission. Called Applications Technology Satellite F (ATS F), it is a large, sun-powered craft with the biggest antenna ever designed for in-space use, a thirty-foot dish that is folded during launch and deployed automatically in orbit. In 1972, the governments of the United States and India will use ATS F in a joint space-benefit demonstration of extraordinary significance, a far-reaching experiment in satellite-relayed mass-instructional TV.

Soon after its launch in mid-1972, ATS F will be jockeyed into a stationary position over India where it can "see" the primary ground station at Ahmedabad in the west coastal state of Gujarat, several auxiliary transmitting stations, and low-cost receivers to be set up by the Indian government in some 5,000 villages. TV programs—focused initially on population control and improvement in agricultural practices—will be beamed from the ground stations to ATS F and retransmitted to hundreds of thousands of people in the receiver-equipped villages.

If the year-long experiment is successful, and there is every reason to expect that it will be, India can move on to the next step, an operational, direct-broadcast system of its own. A study by one aerospace firm working on direct-broadcast satellites indicates that it is both technically and economically feasible to provide India, as early as 1974, with a single satellite capable of linking all of the nation's 560,000 villages. The potential is enormous. With a dearth of teachers and educational facilities, no interconnecting system of TV landlines and insufficient funds to build one, India can use the space satellite as an immediate instructional tool for the uplift of its 500,000,000 people.

The project has excited wide discussion in the United Nations, in other international forums, and in the executive chambers of developing nations all over the world. The low-cost aspects of direct broadcasting by satellite have implications of enormous dimensions. At a fraction of the cost and about one-tenth the time it would take to build a conventional communications network, a developing nation can acquire a nationwide communications network. The broadcast comsat can help knit a burgeoning country more closely together, speed the growth of commerce and technology, and bring entertainment to people who have known little. More importantly, it affords a direct attack on some of the world's most pressing ills through its use as an educational medium. India's planned targets, for instance—overpopulation and low yield per acre of tillable land—are examples of major problem areas susceptible to improvement by mass instruction.

THE WEATHER SATELLITE

Last September, shortly after the launch of Nimbus III, NASA's most advanced meteorological satellite, there occurred an incident that received scant attention from the news media but had space scientists turning cartwheels. Orbiting 600 miles above Kingston, Jamaica, Nimbus III relayed to earth a complete "profile" of the temperatures at every altitude from the ground up to the top of the atmosphere. Later comparison showed the readings to be completely accurate; the profile coincided almost identically with one taken by a balloon launched from Kingston at the same time.

The achievement may not sound like much to the laymen, who might think that temperature-reading equipment is standard on all weather satellites. It is not; until Nimbus III, the informational capability of the weather satellite, or "metsat," was confined to photographic coverage of the earth's cloud cover.

Nimbus III's accomplishment represented a very important breakthrough in metsat development. Made possible by a new instrument called SIRS (for Satellite Infrared Spectrometer), it pioneered a technique known as "vertical sounding," in which highly sophisticated sensors in the satellite measure the various conditions in the atmosphere that contribute to changes in the weather. These sensors, coupled with other metsat technological advances and concomitant improvement in the ground-based weather-analysis system, hold the key to accurate weather predictions two weeks or more in advance. Obviously, long-range weather forecasting is potentially one of the most

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productive areas for harvesting benefits from space technology.

The weather satellite system that the Environmental Science Services Administration (ESSA) has been operating for the past four years has proved the value of the metsat. The thousands of cloud-cover photographs being transmitted daily by ESSA's eight satellites have contributed substantially to upgrading the professional dignity of the weatherman, long the butt of the jokester. When the weatherman says "zero probability of rain tomorrow," it's pretty safe to get out the golf clubs; the metsat has made possible an accurate increase in predictions for up to forty-eight hours.

The satellite's most important utility has been in provision of storm warnings. From its vantage point in space, it can detect the buildup of a destructive storm, track it, estimate its force, and predict when and where it will strike inhabited areas. Metsat warnings have cheated many a hurricane or typhoon of its anticipated toll of casualties.

But the capability of the existing metsat system is limited. The satellites operate in relatively low-altitude orbits, circling the earth every two hours or so. In that way, they can photograph most of the earth in a twenty-four-hour period, but they observe no given area continually, as would be possible with a stationary satellite. Although cloud-cover photos are a valuable addition to the meteorologist's data file, they are just that—a supplement to conventional methods of gathering atmospheric data, rather than a primary system.

Reliable forecasts need more than cloud-cover input. The source of the earth's weather is energy radiated from the sun, which penetrates the atmosphere and triggers a variety of changing conditions. The primary clues to the distribution of solar energy, hence the type of weather that can be expected, are temperature, pressure, the movement of air masses, and the moisture content of the air. Such information is currently obtained from aircraft, ships, rockets, balloons, ocean buoys, radars, and visual observations from the ground. There are some 7,000 stations reporting the data, but even so they cover only one-fifth of the earth's surface and reports are periodic rather than continuous.

What is needed for a global, long-range weather-forecasting system? First, atmospheric measurements over the *entire* earth, by means of satellites equipped with vertical sounding sensors capable of providing all the data now acquired by other means. The space system will probably include low-altitude satellites for certain applications, but the main workload will fall to a network of synchronous, stationary metsats that can relay simultaneous and continuous information.

But the satellite segment of the system is "only one leg of the stool," as one space scientist puts it. The satellite simply acquires information; the information must be put to work by people. It must be collected from the satellites, transmitted to regional rceiving stations, analyzed, translated into usable form, and delivered to weathermen all over the globe. This demands a system of interconnected, computerized data-transmission facilities far beyond anything in existence today.

An even more important requirement is what scientists call a mathematical model. This is a computerized numerical representation of the composition of the atmosphere, a basic reference point for determining what the weather will be like under a given set of conditions. One might think that in an explosive scientific era that has witnessed landings on the moon such a model already exists. But weather is a complex subject, and there are still major knowledge gaps to be filled.

Important steps are being taken toward realization of both the mathematical model and the worldwide data-relay system. More than 100 members of the World Meteorological Organization are pooling their resources in two massive projects called the World Weather Watch and the Global Atmospheric Research Program (GARP). The Weather Watch is an operational surveillance system, the major aim of which is the establishment of a worldwide, computerized telecommunications network for transmitting and processing meteorological data. GARP is an extremely broad research program from which scientists hope to attain a level of understanding of the dynamic processes of the atmosphere sufficient to develop the long-sought model.

The pacing factor in two-week-plus weather forecasting is development of the requisite sensory devices. The outlook is promising. A variety of atmospheric sensors, based on photographic, infrared, microwave, radar, and laser principles, is already in or approaching flight status, and NASA will space-test them over the next few years with its Nimbus and Applications Technology Satellites. In addition, ESSA expects to have a degree of vertical sounding capability in its new generation of operational satellites, and the Agency plans to have stationary metsats in orbit by 1972. It seems very likely that the mid-1970s will bring forth the synchronous metsat with a full range of sensors and that at least a prototype of the global, long-range forecasting system—satellites and earth components—will become a reality by the end of the decade.

When such a system becomes fully operational, it can provide staggering benefits. Since everybody is a weather expert, one can conjure up his own vision of a world in which the weather is known two weeks, three weeks, even a month in advance. Some major examples of the advantages include better planning for all forms of transportation, particularly aviation; reduced loss of crops from weather changes; reduction of flood and storm damage; optimum scheduling of work force, machinery, and materials delivery at construction sites; and better management of public utilities through advance knowledge of load requirements and efficient scheduling of maintenance operations.

Among the broadest benefits, aside from general public convenience, are savings of life and property, a substantial gain in worldwide crop yield at a time when population expansion threatens the world food supply, and hard economic returns of tremendous scope.

Because of the myriad factors involved in a subject so broad, it is very difficult to make precise dollar-benefit estimates. There is, however, a generally accepted yardstick, an estimate made by a study panel of the National Academy of Sciences' National Research Council, which rated economic benefits of a long-range forecasting system at $2.5 billion a year. The figure, the Academy admits, is conservative, and it is for the United States alone. Further, it covers only the four broadest and most visible areas of benefit—agriculture, construction, transportation, and flood/storm control. There are hundreds of others—on-location motion-picture filming and programming outdoor sports events, to mention only a couple—whose individual dollar savings are less impressive but whose aggregate might run to additional billions. Applying even the most conservative estimates, the yearly economic return of the global system is potentially several times the amount of all the money expended on metsat research and operation since the first such "working" satellite went aloft in April 1960.

And, once the system is fully operational, man will be able to realize one of his oldest and fondest dreams—to "do something about the weather." With current and foreseeable advances in the art of weather modification, abetted by the vast encyclopedia of atmospheric knowledge provided by the mathematical model and the metstat reporting system, it appears not only possible but probable that weather conditions can be altered. Scientists feel that it will be possible to change the timing, amount, and distribution of rainfall; to take the sting out destructive storms by reducing their intensity or directing them into harmless paths; to suppress hail and lightning; to clear fog; to prevent frost; even—though it is farther down the road—to effect large-scale changes of climate.

Fantastic? Today it seems so. But what was more fantastic, only a decade ago, than the wild talk about landing men on the moon?

NAVIGATION/TRAFFIC CONTROL SATELLITE

Another area in which the satellite offers great promise is in precision navigation and traffic control for aircraft and surface vessels.

Since 1964, the Navy has been demonstrating the utility of the navsat with an operational system used to pinpoint the location of fleet ballistic-missile (FBM) submarines. Before the advent of the navsat, the Navy frequently experienced navigational errors of two to three miles in good weather, and as much as fifty miles in bad weather. The network of navigational satellites makes possible position "fixes" with errors as small as the length of a submarine.

The Navy navsat, however, is oriented toward position determination for the individual boat rather than surveillance of a large number of craft, so it cannot be readily adapted to civil use. Using the Navy's experience as a departure point, civil agencies are working toward development of a combined navigation/traffic control system for both marine and aviation employment. It has sweeping potential for benefits in safety and in economic return.

The proposed system envisions a pair of stationary satellites over each of the oceans. Each satellite, its location in space known precisely, becomes in effect an artifical star, a reference point for fixing aircraft and ship positions. In operation, each of the two satellites sends a continuous radio beam which is picked up by a receiver in a "mobile"—the term used to embrace both planes and ships—and triggered back to the satellites. Computer translation of the time it takes the signal to travel from mobile to satellite gives the exact distance between them, hence a line of position. The point at which position lines from the two satellites intersect is an exact fix available simultaneously to the mobile's navigator and to the land-based traffic control center to which the information is relayed by the satellite.

Although it may someday be applicable, the navsat is not now a panacea for the problem of air traffic control in high-density areas. It can, however, be of significant value in overwater air movement, where there are no watchful radars along the flight path and where existing earth-based, long-range radio navigation aids do not provide the degree of precision needed for efficient air traffic control. The situation over the North Atlantic, the most heavily traveled overwater route, serves as an illustration of navsat benefits.

Because of navigational shortcomings, traffic control regulations demand a 120-mile lateral separation of aircraft as an anticollision measure. This means that, when a number of planes depart a terminal within minutes of each other, only one of them can take the direct, shortest-distance-between-two-points route. The second must move out 120 miles to one side of the direct course; the third, 120 miles to the other. The fourth and fifth airplanes must fly 240 miles off course, and so on.

Aside from longer travel time for the passenger, such directional inefficiency costs the airlines in increased fuel expenditure. It is estimated that extra costs run from $30,000 to $50,000 per year per airplane, which amounts to a very substantial figure or airlines operating large fleets. The satellite system can reduce required lateral separation to thirty miles at a dollar savings for the North Atlantic alone estimated at close to $20 million a year.

The new breed of airliners, like the Boeing 747, will have very accurate onboard navigational equipment, an inertial navigation system that is a direct spinoff from Apollo. This is not, however, a substitute for the navsat; effective traffic control demands an independent ground-monitored system to confirm the onboard position determination.

The navsat may find even greater utility in the field of surface shipping. There are some 3,000 ships of more than sixty countries reporting to the existing traffic control system and probably a greater number of nonreporting smaller craft, such as deep-water yachts and fishing boats. Ship traffic control is relatively new; it is subject to the vagaries of long-range radio transmission; position reports are not mandatory and those that are made frequently are suspect because only the largest and most modern ships have adequate all-weather navigational equipment.

Collision avoidance is, of course, the primary advantage of the navsat system, but there are other benefits, due to the fact that the navsat also doubles as a communications satellite, permitting voice linkage between ship and shore. This allows the transmission of up-to-the-minute regional-weather advisories so that ships can steer clear of storms. It also offers more reliable, lower-cost direct contact between company offices and ships anywhere in the world.

There are no concrete estimates as to the economic potential of the navsat as regards surface shipping, but it is clear that they are of a substantial order. Precision navigation is, in itself, a money-saver in fuel costs and reduced time at sea. Direct home-office-to-ship contact offers wider flexibility in scheduling and routing, an important factor in merchant shipping. And the prevention of even a minor collision offers corollary savings far beyond the cost of damages. Take, for example, the oil-shipping industry, where efficient operation entails tight coordination of ship dockings and oil flow. The removal of a single ship from service can cause a temporary shutdown of an oil field with losses running to a million dollars a day.

The real benefit of the navsat system, for both ships and aircraft, is in human safety, not only in collision avoidance but in post-accident rescue. All too frequently search-and-rescue craft experience delays—or complete failure—in their efforts to find a downed aircraft or a distressed ship, because the last known position reported was miles from the real location. Through continuous monitoring, the traffic control centers will know the precise position of any troubled craft, eliminating the search period of a rescue mission wherein time is literally a life-or-death factor.

A major part of the effort needed to bring this important system into being, involves development of onboard equipment cheap enough to be available to the smallest ocean-going craft. Fortunately, the mobile will not need elaborate and costly computers, since the computing function will be handled by the satellites and the land stations. Ships and planes need only a new-type receiver and antenna and a signal booster capable of reaching the satellite, orbiting 22,000 miles high. It appears quite feasible to produce such equipment at relatively low cost.

Technology for the civil-use navsat is well advanced. With the Applications Technology Satellites I and III, NASA and a number of airlines have been conducting satellite-to-aircraft tests for several years, and the results have demonstrated the workability of the system. NASA and the Federal Aviation Administration are developing plans for the prototype one-ocean air-traffic-control system, and the European Space Research Organization has expressed interest in joining the experiment. No major breakthroughs are required, and it is generally accepted that an operational system, for ships as well as aircraft, can be put in service by 1975.

EARTH-RESOURCES SATELLITES

Perhaps the greatest potential for realizing hard economic returns from applications spacecraft lies in earth-resources surveys, or keeping satellite watch on the globe's natural resources with the aim of better managing nature's bounty. This program can alleviate many of the world's paramount ailments, in that it can help to produce more arable land, more water, food, clothing, shelter, and fuel to meet the needs of a population that is growing at an alarming rate.

Like the advanced weather satellite, a close relative, the earth-resources survey spacecraft reaps its harvest of benefits by means of remote sensing devices. Generally, earth-resources sensors focus on the earth's surface and subsurface rather than on its atmosphere. An example is a crop-imaging sensor, designed to take advantage of the fact that various types of vegetation reflect light in different bands of the spectrum and in different degrees. This makes it possible to program an imager to "see" one particular kind of vegetation—wheat, for instance. From either a stationary or a "moving" orbit, the sensor can take a picture of a large region in which the total wheat crop is imaged in a given color. This provides the basis for predicting crop yield and planning its distribution, important factors in agricultural management.

The sensors provides an extra bonus in reducing crop losses, because the image would also pinpoint areas where the wheat crop is threatened. A slightly different coloration would indicate plant disease, and it would show up sooner because of constant surveillance. As is the case in human physiology, disease detected early can most readily be treated.

The information provided by the satellite's battery of sensors will be relayed to an earth-based, computerized data-handling and analysis network like that being developed for the global metsat system, perhaps the same one expanded to accommodate the additional input. Thus, regional data banks all over the world will receive daily volumes of information that can be put to work for man's benefit in three basic directions: The information will provide more of everything through far better management of the world's resources; it will uncover new resources; and it will identify trouble zones for earliest remedial action.

Here are some examples of what this information would mean to the world:

In agriculture, besides controlling losses, it would facilitate national land-use planning—what to plant and when, where to build roads for movement of harvests, where to locate irrigation works, and a variety of other management considerations. Good land management is vital to agricultural output, as is evident in the high-yield nations of North America and Europe, each of which already has some sort of information-reporting system. Even for these countries, the earth-resources system offers a vast improvement in efficiency because of the rapidity with which the information can be obtained as contrasted with existing methods. But the real potential of the system lies in upgrading the management capability of the underdeveloped nations of Africa, Asia, and South America, many of which have never surveyed their land resources.

In hydrology, the earth-resource system would detect water-pollution trends, provide a complete inventory of lake and reservoir levels, show rainfall and snow levels, allow quicker prediction of potential floods, and locate freshwater reserves in underground springs and streams, which collectively are believed to hold thousands of times more water than all the rivers.

In oceanography, it would benefit the fishing industry by accurate location of fish schools, aid maritime commerce by better charting of sea conditions and wave profiles, and spot ice fields for iceberg warning.

In geology, it would allow continuous monitoring of glaciers and volcanoes, improve earthquake prediction and warning, and, most importantly, identify terrain features associated with oil and mineral deposits, particularly in those remote areas not explored by aircraft.

In geography, it would produce a constantly updated "living" map, showing population densities and spread trends for use in urban development and transportation planning.

These are but a few of the more visible potential benefits. Experts have identified a great many more, and experience with the system undoubtedly will open up broad new ranges of application not yet considered. One space scientist sums it up with the statement that the earth-resources satellite system is applicable to "all the conditions of the earth's surface that are of economic or cultural interest to humanity."

What is such a system worth? Clearly, a subject so broad does not readily lend itself to accurate appraisal, and many of the benefits are humanitarian rather than economic. There is one study that serves as an indicator of the enormous scope of the potential benefits. NASA investigated agricultural losses in the United States and calculated that an earth-resources survey could reduce them by ten percent, an extremely modest gain. The resulting estimates showed savings approaching $400 million a year in reduced crop losses; increased meat output valued at $350 million annually due to early detection and correction of nutrient-deficient rangeland; and $100 million a year in agricultural land saved from floods.

From these guidelines, which embrace only a single area of benefit in a single country, even the most conservative assessor must assign to a global system an economic value running to billions of dollars a year.

Experience with the worldwide communications and weather satellite networks shows that the nations of the world are ready to band together to reap the advantages of space technology, but conclusion of the necessary international agreements leaves open the question of when the global system can become an operational reality.

The technology is now or soon to be available. NASA has already signaled the go-ahead for the first Earth Resources Technology Satellites (ERTS), experimental models whose assignment will be the evaluation of certain types of resources-monitoring sensors and other data-collection equipment. Design contracts for the ERTS were awarded last October, hardware fabrication will begin this year, and the first ERTS will be sent into orbit in 1972.

Although ERTS is purely a developmental program, it will have a limited operational capability. It will produce a land-use map of the United States, classify surface geological features as an aid to mineral exploration, identify soil features for agricultural purposes, and collect information from unmanned earth-based devices, such as river gauges. The ERTS spacecraft will provide the developmental base for an operational earth-resources survey system, which, technically speaking, is a "within the decade" probability.

DERIVED BENEFITS

Less dramatic, less sweeping, not as easily understood, and in some cases practically unknown are space benefits of the "derived" category, those that stem from general technological advances rather than from the application of satellites to earth uses. The primary source of this class of benefits is the

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Apollo program, the broadest and most rapidly progressive technological undertaking ever attempted by man.

So extraordinary were the demands for performance and reliability needed to land men on the moon that the Apollo team had to create an entirely new order of technology and to compress several decades of normal technological gain into less than one. Advances in aerospace technology were not, by themselves, sufficient for the task; it became necessary to force progress in virtually every scientific and technological discipline.

The results of this monumental effort reach far beyond the ability to build better aerospace vehicles. The knowledge acquired affects many channels of man's way of life; its yield embraces thousands of new ideas, inventions, materials, and processes for the betterment of human existence.

On an ever-accelerating scale, the vast library of know-how is being put to work. Through its Technology Utilization Program, NASA is working hard to achieve maximum return on the space investment by transferring the know-how to nonaerospace applications.

The space agency is not simply waiting and hoping for technology transfers. It is actively pushing them by means of a well-managed program operated on a minimal budget. Specialists at field installations and in the plants of contractors scrutinize every research and development project, trying to find new applications, and report their "possibles" to the space agency's headquarters. Working with independent research institutes, the technology utilization staff sorts out the "possibles" and the "probables" and disseminates information on the latter to almost 7,000,000 potential users. So far NASA has identified some 2,800 probables, and about a third of those have already found their way into the civil economy.

Most familiar are the new products coming into the market. The list is far too lengthy to recount more than a random sampling: A hand-size, battery-operated TV camera, used to photograph rocket-stage separation, is being used to monitor industrial processes; spacecraft-coating research produced an ultra-long-wearing paint for home use; a device employed to find space capsules in the oceans, the "underseas pinger" has new employment in the plotting of ocean currents and in tracing the movements of fish schools.

The medical profession has been a particular beneficiary of technology transfer. For example, a lunar-gravity training device has become a tool for teaching crippled persons to walk again; a tiny space-sensor, so small it can be inserted into an artery without discomfort, has been adapted to medical use; a plastic-metalic spray for attaching heart electrodes to pilots makes it possible to radio ahead to a hospital an electrocardiogram of an ambulance patient.

Among the larger direct economic benefits of technology transfer are a great variety of new tools and processes that are bringing new efficiency to American industry. Examples: An electromagnetic hammer, invented for launch-vehicle construction, causes metal to flow like soft plastic, so that it can be smoothed and shaped without weakening; an electron beam devised for spacecraft construction can accomplish on one welding pass what might take fifty to 100 passes by earlier methods.

Still another area of transfer is new materials. An extremely thin, high-strength aluminum foil, a requirement for an unmanned satellite, is employed in packaging sensitive pharmaceuticals; pyroceram, developed for radar tracking domes, has brought increased durability for kitchen utensils; Apollo's spray-on foam heat-shielding has application as a home insulator.

For each of these examples, there are multiscore others. Some of them amount to little more than a small increment of added convenience, but others represent economic benefits of a very substantial order, and in many instances new companies have been formed solely for their exploitation.

DATA BANKS

Taking the process of technology transfer a step further, NASA has set up six Regional Dissemination Centers, operated by universities and research institutes, to serve fee-paying industrial clients. NASA calls the Centers "knowledge brokers." Their stock in trade is a vast warehouse of some 750,000 technical documents whose contents have been abstracted, categorized, and computerized for ready access; NASA's own input is backed by reports from the Department of Defense and the Atomic Energy Commission.

Updated every two weeks, these great data banks contain the latest scientific lore in all of the many disciplines that space research encompasses. They are information gold mines to businessmen exploring new markets, looking for answers to operating problems, or simply seeking to keep their technical personnel abreast of developments in their fields. The system works this way:

A client is provided a librarian, to whom he spells out his needs. The librarian, an engineer or scientist skilled in the client's field of interest, prepares a computer query, narrowing as closely as possible the area the machine must search. The electronic search produces the titles of perhaps 150 technical reports that seem applicable. The librarian discards most of them, selects a score or more that seem most pertinent, and asks for brief summaries of the reports. The automated system provides printed briefs, or single-page abstracts, which the librarian digests and weeds out. The remainder are given the client, who may then order the complete reports.

A single search may cost $150 and bring a hundredfold return to the client. For example, a textile manufacturer in North Carolina, skeptical of any relationship between his own business and the exotic research being conducted in space, was persuaded to give the system a try. He went to the Center in his area and presented the librarian a quality-control problem. The old equipment he was using could not maintain desired yarn consistency—output varied from too thick to too thin. Was there a solution short of replacing the equipment? The computer search turned up details of an infrared scanner that could be adopted to keep an electronic eye on yarn thickness and warning when it slipped out of tolerance. It is now in service.

The proper information usually gives a client's own technologists a line of approach toward solving the problem but, where information is not enough, the Center goes a step further and locates, in its computerized file, the most authoritative consultant for a given task. Example: A California company specializing in products for the oil-drilling industry came up with a design for a tool long sought by drillers, a device that could monitor the direction of the bore and warn of deviation from the desired path. Key to the design was an accelerometer, or motion-sensor. However, prototype construction was snagged because the company's engineers could not find on the regular market an accelerometer capable of withstanding the broad temperature range and sharp jolts it would have to take in its drillhead mounting. The company's president went to the application Center where a computer search turned up a specialist in small, superdurable acceleromters. He solved the problem, and the monitoring device is now in pilot production.

Many firms subscribe to the service on a yearly basis, seeking a competitive edge by keeping their technical personnel up to the minute. For one large company, a Center screened 63,000 abstracts in a six-month period, submitting 4,500 as "possibly pertinent" to the company's interests. The company's own technologists selected 153 of them for follow-up investigation. Impressed by the results, the firm has appointed its own technology utilization manager to provide liaison between the data bank and its research engineers.

NASA can't afford the machinery needed to trace every transfer and estimate direct economic benefits, but reports filtering in from beneficiaries indicate it is of a very substantial order. One major research and development organization credits data-bank service with savings of $1 million a year. Few reports are that impressive, but a thumbnail poll of fourteen companies during one quarter of 1969 showed that, as a direct result of Center services, five companies had sales increases totaling $1 million, five effected production-cost savings amounting to $20,000, and four had labor savings totaling 1,000 man-hours.

By themselves, such gains don't seem very significant, but the Centers are now serving some 700 customers, and the list of regular clients is growing at the rate of twenty to twenty-five percent annually. The oldest Center, with fees of almost $300,000 in 1969, has virtually reached the self-sufficient stage, and others are approaching that level. When fees exceed the costs of maintaining the service, client charges will be reduced, increasing the attractiveness of the service and expanding its breadth. The biggest problem is spreading the word of the tremendous national resources stored in the data banks; many potential beneficiaries either are unaware that the service exists or believe, like the textile manufacturer, that space research is too remote from their operations to produce any concrete gains.

SOFTWARE FOR BUSINESS

In this age of the computer, more and more business firms are automating their operations for increased efficiency in everything from complex machining to simple accounting. Time-sharing plans make the computer itself available even to very small companies at modest costs, but a larger cost factor is developing a computer program for a specific application. Space spinoff is helping industry to reach new levels of efficiency at low cost, by making available programs that can be adapted to a wide variety of business uses. In the course of twelve years of space research, NASA has developed thousands of programs, which are simply taped sequences of instructions telling a computer how to solve a problem or produce desired information from its stored input. Usually, a program can be converted from one computer "language" to another, or from one machine to another. Many of NASA's programs are too esoteric for general use, but a surprising number can be adapted to everyday business purposes.

At the University of Georgia, NASA has established the Computer Software and Management Information Center (COSMIC) for the benefit of the business community. From field installations, NASA contractors, DoD, AEC, and university research laboratories, COSMIC gets a continual flow of computer programs which are reviewed for their adaptability to uses other than those for which they were designed. The Center now has an inventory of about 1,000 such programs, and NASA issues a quarterly bulletin stating the types available.

The broad utility of space-developed software is illustrated by the example of a program used in the design phase of the rocket engine that powers the upper stages of the Saturn V launch vehicle. Engineers at Bonneville Dam employed the same basic program in their design of control circuitry. General Foods used it for food-preparation research. The University of North Carolina adapted it to public health studies. With modifications for their specific needs, more than 300 American businesses found a use for this one program.

So far COSMIC has disseminated some 20,000 software items, a munificent benefit to industry since NASA deliberately keeps the costs low to attract broadest interest. Prices run from $125 to about $1,200 per program and NASA estimates that a COSMIC customer can get a software package for from one-half to one-tenth what it would cost him to develop a similar program from scratch. COSMIC is still in its infancy—it was started in 1966—but early results indicate it may become one of the really big areas of return on the space investment.

BIOMEDICAL APPLICATION TEAMS

NASA's manned space programs, particularly Apollo, demanded a great deal of research in the biosciences. This, together with other areas of intense developmental effort—such as microminiaturization, instrumentation, and telemetry—made the world of medicine a natural prime beneficiary of space spinoff. Noting that medical systems constituted an exceptionally high percentage of the new products and techniques being transferred to the public economy, NASA concluded that medical research offered a particularly fruitful field for a more sharply focused thrust. As an adjunct to the continuing business of promoting product transfer, the space agency launched an assault on specific problems of medical research, on the premise that space knowledge and expertise might offer lines of solution where none existed otherwise.

At independent research institutes, NASA organized three Biomedical Application Teams (BATs). Each team is composed of a mix of space technologists and medical men, and it is "multidisciplinary" in nature, meaning that a BAT is composed of a number of skilled specialists—physicians, surgeons, biologists, physicists, mechanical engineers, electronics engineers, information scientists, and so forth. Working with university medical centers and other medical research groups, the BATmen seek first to identify problems that appear susceptible to space-technology application. They prepare "medical problems abstracts," which are used to search NASA's data banks for relevant technology and for existing expertise in the problem area. The experts thus located are then invited to join the attack on the problem.

As an example, a medical researcher at Duke University Medical Center developed a technique for more precise monitoring of human heart action by measuring electrical signals simultaneously at fifteen points of the heart wall. The problem was how to ensure good electrical contract at so many points without damaging the heart wall in the process of insertion. The BAT in the researcher's zone, operated by Research Triangle Institute in Durham, N.C., prepared the abstract, searched the data bank, and turned up an instrumentation engineer exceptionally qualified for the task. He designed a safe, fifteen-electrode probe that could be inserted by an ordinary hypodermic needle; it was thoroughly tested, found to be the answer, and it is now in use.

The BAT operation is a form of technology utilization activity to which no economic value can be assigned but which is nonetheless a "hard" benefit to mankind. It also exemplifies the "nonvisible" type of benefit; the heart probe may help prolong the life of many a person who may be completely unaware that he is a beneficiary of space technology.

In three years of operation, the Biomedical Application Teams have chalked up a strikingly successful record. They have identified some 500 problems and found a solution for one out of every five. A .200 batting average does little for a baseball player's image, but in medical research it represents a high order of success. It has excited wide interest among the medical community and NASA anticipates snowballing growth in this vital area of space benefit.

Encouraged by the success of the BATs, NASA recently broadened the focus of the application team concept with the organization of its Technology Applications Teams (TATs). "Technology," in this sense, means technology applicable to "people problems"—broad areas of national concern such as air and water pollution, highway safety, law enforcement, urban construction, and a good many others. Like the BATs, the TATs are multidisciplinary groups, except that the nonaerospace input usually comes from other government agencies.

One of TAT's first problems, brought to NASA's attention by a metropolitan fire chief, involved the high number of casualties among firemen due to inhalation of smoke or toxic gases. It was established that existing protective breathing devices left something to be desired from the standpoint of efficiency, and the TAT at IIT Research Institute of Chicago was assigned the job of suggesting a new design approach. Interviews with a great many fire experts produced some tough requirements: The system had to be low-cost for widest acceptance; it had to operate for at least thirty minutes yet should weigh no more than ten pounds; for visibility, the face-mask visor should be fog-proof; and the backpack harness should not restrict the wearer's movement.

A technology search disclosed several areas in which NASA had done a lot of research. A space agency contractor had developed, for astronaut use, a "chlorate candle," which generated oxygen by the chemical decomposition of sodium chlorate, with high reliability and at considerable backpack weight-saving. Another contractor had developed a completely fog-free face-piece for full-pressure suits. Also available was a lightweight nonrestrictive harness assembly originally designed for astronaut use. A bonus innovation was found in a liquid-crystal device incorporated in an astronaut's helmet to indicate the temperatuures he is encountering. The Technology Application Team put them all together in a compact design, now being evaluated, that seems to be the answer to a fire fighter's prayer.

The TAT program, only nine months old, is moving into broader areas of problem-solving, in cooperation with such agencies as the Department of Transportation; the Law Enforcement Assistance Administration; the Department of Justice; the Bureau of Reclamation and the Federal Water Pollution Control Administration, both in the Department of the Interior; and the National Air Pollution Control Administration of the Department of Health, Education and Welfare. One current program, being jointly conducted with the US Bureau of Mines, aims at reducing the death toll in mining disasters. Here TAT personnel hope to be able to apply NASA's considerable expertise in rescue and survival technology, communications, sensors. and life-support devices. Under consideration is the use of such space-developed equipment as radar and sonic systems for locating trapped miners, chlorate candles for underground life support, sensors to identify mine sectors poisoned by carbon dioxide, and devices for restoring ventilation knocked out by explosions.

TATmen have identified a number of other areas in which space technology appears to have direct application to public problems. For instance, experiments in how much deceleration force an astronaut can sustain are applicable to minimizing injuries in auto accidents; sensor technology may prevent railroad train deraflments; detection systems can measure the components of air pollution and existing mechanical devices can be applied to controlling pollution at the source; materials technology promises lower-cost housing construction; and a great variety of advanced communications systems are available for improved law enforcement. and space science techniques can be used to advantage by criminology agencies.

Space enthusiasts are fond of asserting that the people of the twenty-first century will look back upon the United States' venture into space and declare it to be the best investment in the future ever made by any nation. That seems very likely. But, from the evidence at hand, even those of us who cannot expect to see the next century may be able to say as much—within this new decade.

Mrs. SMITH of Maine. Mr. President, I rise in opposition to amendment No. 612, offered by our able colleague from Minnesota (Mr. MONDALE).

I have listened to this interesting discussion this afternoon and in reviewing it I would like to refer to several important points in a very brief way.

I would like to emphasize that in this $110 million would be the study of the space shuttle program. There is no commitment made.

I would call to the attention of Senators, pages 39 and 69 of the hearings, at which time Mr. Gehrig, the staff director, asked Dr. Paine questions and received very specific answers. On page 69 I asked similar questions and received very specific answers from Mr. Myers and Mr. George Low.

There is a great deal of discussion about the Mars project every time we discuss the space program. There is no commitment whatever in this bill for a trip to Mars in any way, shape, or manner. If I may repeat, the only money is for the study of the shuttle system. Those who have to do with this program are trying to find economical space transportation systems and out of this study they hope something may be developed.

I must oppose this amendment because I think there is no question but that it will kill the manned program.

It has been stated already there is no large payload system following 1974. Nonetheless, we cannot wait 1 year or 2 years if we expect to go forward as this country must do.

Also there has been a good deal of discussion on the needs of our domestic programs, the welfare and the poverty programs. I have great sympathy for these programs. I think my record is as good as the record of anyone in the Senate on our welfare programs. The 1971 budget for human resources is 25 times greater than the space budget. Therefore, I think we have no apologies to make on our neglect of welfare programs.

Mr. President, this shuttle item is very important. I hope very much the Senate will reject the amendment. The shuttle program, if it is studied and if it comes into being, would save a great deal of money on the system of reusing the shuttle and space stations.

Therefore, I urge and recommend that the amendment be rejected.

Mr. GOLDWATER. Mr. President, I oppose the pending amendment to cut

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$110,000,000 from the NASA budget request which would delete the funds for further study of the space shuttle/station project.

Mr. President, the NASA budget is one of the few department and agency budgets of the Government which over the past few years has been consistently reduced, so that the bill pending before the Senate represents the smallest request for the National Aeronautics and Space Administration since 1962. While I am aware of the necessity to allocate funds in accordance with priorities I believe that the constant demands to cut one of our Government's most successful programs has now approached the ridiculous.

Mr. President, I have sat here year after year and listened to the same arguments that the funds allocated for our national space program should be cut in order to allocate the funds for education, urban improvement, pollution, and so forth. The truth is, Mr. President, that this year the Congress is appropriating billions upon billions of dollars for education, urban improvement, pollution, and so forth, and the entire space budget is but a drop in the bucket compared to the funds being appropriated for domestic programs.

Do not misunderstand me, Mr. President, I am not against aid to education, or urban development, I am in full sympathy with those who seek to decrease the pollution of our atmosphere. I am however, becoming weary of having these programs used as the means to construct a collossal strawman in an attempt to scuttle our national space program.

Today the sponsors of the pending amendment would have you believe that the money allocated to the space shuttle/station project is for development. Mr. President, nothing is further from the truth. Not one dollar of this authorization will be used for hardware development of the space shuttle project. The money will be used to complete phase B studies which will provide the technical information needed to determine whether or not to proceed. The sponsor of the amendment says we should not embark on such a project until the feasibility of a space shuttle/station has been demonstrated. Mr. President, this is exactly what would be done with these funds. This is the purpose of the authorization. The Space Committee has emphatically stated that the authorization of these funds does not contain a commitment to proceed to the development of this project.

Mr. President, there are those who tend to have short memories; 1957 was not very long ago. Who cannot remember the cries of indignation which arose when the U.S.S.R. orbited a payload of significant weight while we struggled mightily to launch a payload the size of a grapefruit. We have indeed come a long way. Men have landed on the moon and we are all proud that they were Americans.

The crew of the Apollo 13 survived a major failure in their equipment 200,000 miles from the earth. People around the world watched in awe as Americans accomplished what surely must be the most dramatic rescue in the history of the world.

Who can forget the beautiful sight on television when first we saw that brilliant red and white canopy as it gently deposited its precious cargo in the blue waters of the Pacific? We sat with lumps in our throats as three tired but happy men strode down the ramp and stood with heads bowed as they listened to a prayer of thanksgiving for their rescue. Their safe return was a combination of outstanding American technology, American intuition, and a lot of old-fashioned American guts.

It was heartwarming a short time later to hear these men speak with confidence of the space program and express their willingness to fly the next missile to the moon.

Mr. President, our Nation cannot stand on dead center. It must move either forward or backward. Our national space program is but a very small percentage of our gross national product. It is not a crash program. The research which we are carrying forward today is thinking in terms of possible programs in the 1977–80 timetable. I feel that the budget recommended by your committee is a sound and realistic one. I urge my colleagues to defeat the pending amendment.

I ask unanimous consent to have printed in the RECORD a statement by James Lovell and a list of research facilities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUR SPACE PROGRAM DESERVES A FUTURE

It is still beyond our ability to recognize the full significance of scientific data brought back to earth by Apollo flights 11 and 12, but the world's scientists have been both pleased and surprised with their preliminary findings. We have learned just enough to prick our curiosity, which is why I believe individuals who urge a reduction in space expenditures so that funds might be spent for other purposes—such as improved housing and the war against poverty and crime—are limiting their vision. In my view, space activities generate both technology and funds to help solve these problems.

It is easy to understand how the dramatic apects of the moon landings have blinded many to the deeper purposes and far-reaching benefits of the nation's overall space program. The moon landing, besides being worthwhile on its own merits, is also the instrument by which we are developing the knowledge, technology and systems for continued space efforts of direct benefit to everyone.

Space research has created new industries and many thousands of jobs—jobs not just for engineers and scientists, but jobs for people of every skill in many different industries. Some of the industries that have been greatly affected by the space program are: electronics, heating and air conditioning, insulation, power, metals, fuels, ceramics, machinery, plastics, instruments and textiles. Immediate benefit can be seen in the form of new products.

The space program has also improved many scientific services, such as transoceanic communications and global weather forecasting. An accurate forecast of weather conditions over the United States alone could provide an estimated annual savings of billions of dollars in agriculture, the lumber business, surface transportation, retail marketing and water resources management. Just these savings would be enough to pay for the entire cost of the space program! Satellites are also providing a more reliable navigation system—useful by day or night in any weather—for air and surface craft.

To me, one of the most important benefits of the space program is its stimulus to education in the science and engineering fields, while at the same time increasing greatly our supply of basic knowledge.

Our program affects about 84 nations, and is an important asset in the promotion of friendliness and international cooperation The U.S. space program's influence can be felt in almost every part of the earth, and reaches into almost every corner of American life. And much more than just the exploration of space and benefits we are receiving now, the great potential of the space program lies in future benefits—some foreseeable, some not.

One phase of the future manned space program is a large earth-orbiting space station. NASA designers envision a modular space station that would grow in evolutionary fashion over a decade, with the first launches to take place about 1975. Such stations will provide a two-way window for scientific observations—the earth below and the stars above—and benefits will be derived from both directions.

The word "environment" is one key to the practical importance of a space station. Understanding the lower atmosphere is especially significant at this time when we are wrestling with the possibility of actually modifying weather to serve practical needs such as decreasing lightning hazards, protecting crops from storm damage, reducing atmospheric pollution and, perhaps in the distant future, even taming the hurricane and tornado.

Earth photography, such as that done on the various Gemini and Apollo missions, adds a new perspective to the study of geography, geology, water resources, glaciers, the oceans, forestry an agriculture. The potential in these areas for practical returns is enormous.

The other direction for space station observers lies outward, across the universe. Here the economic benefits are less tangible, although at the heart of this capability may be the answers to man's basic questions concerning his own existence and the laws of the universe. We will be able to study the stars without interference from the earth's turbulent atmosphere.

From space we will better observe and thus learn to understand the physical processes which occur on the sun. The sun influences our weather and evolution and suggests the possibility of other life in our solar system.

Our national space program has been and will continue to be one of the catalysts of a scientific and technological revolution that is changing our whole way of living. Our lunar landings are only the beginning, and men with vision will look ahead to the future.

RESEARCH FACILITIES

[Institution and title]

Rensselaer Polytechnic Institute, Materials Research Center.

Stanford University, Exobiology Laboratories.

University of Chicago, Astrophysics and Space Research Laboratory.

University of Iowa, Physics and Mathematics Building.

University of California at Berkeley, Space Sciences Laboratory.

Harvard University, Biomedical Laboratories.

University of Minnesota, Space Physics Laboratories.

Massachusetts Institute of Technology, Center for Space Research.

University of Colorado, Laboratory for Space Physics.

University of California at Los Angeles, Slichter Space Sciences Laboratory.

University of Wisconsin, Theoretical Chemistry Institute.

University of Michigan, Space Research Laboratory.

University of Pittsburgh, Space Research and Coordination Center.

Princeton University, Propulsion Research Laboratories.

Lowell Observatory, Planetary Research Center.

Texas A&M University, Teague Space Research Center.

University of Maryland, Space Sciences Center.

University of Southern California, Human Centrifuge.

Cornell University, Radiophysics and Space Research Center.

Rice University, Space Science and Technology Laboratory.

Purdue University, Rocket Test Firing Facilities.

Washington University of St. Louis, Compton Research Laboratory of Physics.

New York University, Aerospace Sciences Building.

Georgia Institute of Technology, Science and Technology Center.

University of Arizona, Space Sciences Building.

University of Illinois, Aerospace Research Center.

Polytechnic Institute of Brooklyn, Bassett Aerospace Research Laboratory.

Case Western Reserve University, Space Engineering Building.

University of Rochester, Space Sciences Center.

University of Florida, Space Sciences Research Laboratory.

University of Minnesota, Space Science Laboratory.

University of Denver, Space Sciences Laboratories.

Stanford University, Space Engineering Building.

University of Wisconsin, Space Science and Engineering Center.

University of Washington, Aerospace Research Laboratory.

University of Kansas, Space Research and Technology Laboratory.

National Academy of Sciences, Lunar Science Institute.

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Mr. KENNEDY. Mr. President, I think there are two crucial and related points which must be raised here. The first is the question of national priorities. Given our pressing domestic problems—poverty, crime, pollution—should this country embark on a new epoch and manned space flights? More particularly, given the budgetary belt-tightening we have seen this year, how can we justify spending $110 million for a space shuttle. I remind my colleagues that $110 million is four times more than the President has requested for air pollution research. I remind my colleagues that Federal support for basic scientific research, the source of the discoveries that will enable us to fight disease, fight pollution, fight ignorance in the future—is down by at least $60 million dollars this year.

This simply is not the year to spend $110 million on a space shuttle.

But there is another point. The space shuttle is part of a much broader commitment to manned space flights—a commitment which may lead to manned flights to Mars. And I do not believe we should start spending $110 million on a space shuttle until we have fully and intelligently debated the whole question of the future of manned space flights. Congress must live up to its responsibilities in the space area, just as it is now beginning to live up to its responsibilities in the military area. Let us have a full debate on the future of the space program just as we are having a debate on the ABM and on the war in Southeast Asia.

I think the American public and the American taxpayer have the right to expect that the Congress will closely analyze the manned space program before committing millions and billions of dollars to this program. The American public has the right to expect that millions will not be spent before we have determined whether or not man can survive long space flights, before we have determined the scientific benefits of manned as opposed to unmanned space flights.

Until this debate on the future of the space program has taken place—in Congress—in the scientific community—in the country at large—I cannot support spending $110 million on a space shuttle. Let the basic research go on, as the Senator from Minnesota (Mr. MONDALE) has assured us it will, but let us not commit ourselves to a space shuttle now.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, if no other Senator wishes to speak on the amendment, I think we are ready for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota (Mr. MONDALE). The yeas and nays have been ordered, and the clerk will please call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the senior Senator from Mississippi (Mr. EASTLAND). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from Wyoming (Mr. MCGEE).

If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from Wyoming would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is absent to attend the funeral of a friend.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The result was announced—yeas 29, nays 56, as follows:

[No. 141 Leg.]

YEAS—29

Bayh
Burdick
Byrd, W. Va.
Case
Church
Cooper
Eagleton
Fulbright
Goodell
Gore
Harris
Hart
Hartke
Hollings
Hughes
Javits
Kennedy
McCarthy
McGovern
Mondale
Moss
Muskie
Nelson
Pell
Proxmire
Randolph
Ribicoff
Tydings
Young, Ohio

NAYS—56

Aiken
Allen
Allott
Anderson
Baker
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Cook
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Hatfield
Holland
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
Miller
Montoya
Murphy
Packwood
Pearson
Percy
Prouty
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—14

Bellmon
Dodd
Eastland
McClellan
McGee
McIntyre
Metcalf
Mundt
Pastore
Russell
Sparkman
Stevens
Williams, N.J.
Yarborough

So Mr. MONDALE's amendment was rejected.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the Mondale amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to amendment.

Mr. CANNON. Mr. President, I move that the committee amendment in the nature of a substitute be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. CANNON. Mr. President, I ask for a third reading.

Mr. FULBRIGHT. Mr. President, I should like to say a few words before final passage.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, if the vote had not been so one-sided, I had intended to offer an amendment to cut this appropriation more. I do not intend to delay the Senate, but I am bound to say just a few words.

We have had hearings with the chairman of the board of the largest bank in the country, the Bank of America. This morning we had the Secretary of the Treasury before our committee. To me, this vote, of passing this large bill, involving over $3.3 billion, for a purpose which is not, in my view, related to the fundamental problems of this country, is very improvident under these circumstances.

I am not going to offer this amendment, for the sole reason that it would obviously be a waste of time. The sentiment of the Senate is already made up for this program, for whatever reasons they may have. I can only say that I think the evidence is that this body is not conscious of conditions which exist in this country today across the land—and not just in the schools. The situation in the schools is bad enough.

We are all aware of what has happened within the last few days in the State of Ohio. Similar things, not quite as tragic, have been happening in other States. I have been informed today that one of the greatest universities in this country—Princeton—has disbanded for the year. It looks as though our higher education system is deteriorating.

The evidence of the deterioration and undermining of our private enterprise economic system is clear to anybody who is willing to look. The judgment of the leaders of our economy, the great corporations, the financial men, the economists, is being reflected in what is happening in New York City, which is the center of what might be called our private enterprise system.

I think that this kind of heedless disregard of the conditions that have swept this country is going to have a serious repercussion on the country, as it already has.

I shall vote against this bill. I should like to have voted for a reduction in it of a substantial amount, and then to have voted for it. I am not opposed to any kind of space program. I think this is out of all proportion to its usefulness to a country in great distress.

We are all aware of the widening of the war in Vietnam—the widening of the war in Southeast Asia. We know that this will bring much greater expenditures of both life and property there.

I do not think this is going to help the situation at home. In fact, I think it will show that, as some of the more articulate leaders of the dissidents say, this Government is not responsive to the needs of the country. That is how they are going to interpret it—that we are not responsive; that apparently we do not even recognize what is going on in this country.

For those reasons, I am bound to vote against the passage of the bill, although I would like to have voted for a reduced bill.

I think it is a great tragedy that the Senate is not taking notice, as our business people are taking notice, of the conditions of the country. I implore my colleagues to take greater notice. And I hope that in the future, when the appropriation time arrives, we will have enough sensitivity to respond to the needs of our people and to give some assurance not only to the young people but all of our people. It is not the young people who are influencing the market which reflects the sentiment of the country. It is the grown people. It is the best brains we have in the business world. They are just as disillusioned with conditions as are the young people. They have a different way of expressing it.

In recent weeks I have urged students and others not to lose faith in our system of government—that it can be made responsive to the needs of our country.

I hope the Senate will take notice of what is going on in the country and reflect it in some of our votes on future appropriations.

Mr. BYRD of West Virginia. Mr. President, as the Senate proceeds to vote on H.R. 16516, the authorization bill for the National Aeronautics and Space Administration for fiscal year 1971, I am greatly concerned as to the economic and humanitarian value of any additional space commitments which the Senate may now be funding. To date nearly $40 billion of taxpayers' money has been committed to the exploration of outer space. During this same period, the United States has invested no more than a little over $3 billion in the exploration of our oceans.

It is true that space flight is thrilling and dramatic. But, there is some strange misplacement of priorities that leads us to send men to explore a sterile Sea of Tranquillity, while leaving unexplored the treasure-rich seas around us on earth.

I believe that now is the time to reexamine the undue emphasis that the space program has been given other national endeavors. There is no doubt that we have gained great worldwide prestige from our moon missions, and that the economic spin-off has been beneficial for our economy; but, more tangible, economic, and humanitarian benefits can be derived from our oceans.

Now is the time for the Senate to take a hard look into the decades ahead, before further congressional commitments to new space voyages are made.

We have conquered space to reach the moon above us, but we still know little about the oceans around us.

There is no food on the moon to help feed the earth's increasing millions who go hungry every day; yet, our neglected seas teem with protein food. The moon has no source of energy to harness for power; yet, the ocean tides offer us a source of electrical power for new cities and industries. The moon has no water that can be used; yet, scientists predict that the oceans will be our main source of fresh water in the decades ahead.

The moon may be rich in minerals; yet, the oceans have untapped reserves of minerals in quantities almost difficult to comprehend. Only a few men in our history will ever be able to travel to the moon; yet, the floors of our oceans offer a major area for rest and recreation for millions of people. The oceans offer us fish, marine minerals, ocean shipping, weather forecasting, disposal for sewage, a means of defense, and a common border with many countries.

It is perhaps the nature of man to look up instead of down. The fiery descent of a vehicle from outer space is admittedly more spectacular than the less dramatic emergency of a bathysphere from the seas. But what we can learn from the pervasive waters which cover three-fourths of the earth—beneath which so much that is unknown to mankind lies hidden—is far more important to the future of the human race than anything which could conceivably come now from the void of outer space. The riches of the oceans may be the key to the very life, welfare, and happiness for which all men throughout history have been searching.

True, it is far more exciting to race to the moon, than to delve to the bottom of the oceans. Going to the moon gave us great national prestige, and I am pleased that American astronauts were the first to set foot on the moon. But this national commitment has now, in a large sense, been concluded, and we have reached the point of diminishing returns for the continued investment of large sums of monies into space exploration. I strongly feel that unlocking the secrets of the seas and cultivating the food that abounds within are far more beneficial activities for all mankind than spending hundreds of millions of dollars on the development of nuclear rockets to carry us to the stars.

More people should realize that our earth is somewhat like a spaceship—an enclosed environment with a limited supply of consumables. We can all learn from the lessons of Apollo 13, the value of the effective use of all available resources for a safe voyage.

In this time period in our history we have no choice but to turn our efforts to the largest of our natural resources—the oceans—and to learn to exploit and appropriate their riches.

Mr. President, I call for a new national commitment, for this country to turn its immense scientific and industrial capability to the exploration of the oceans. This effort can only be to our benefit. Scientific exploration of our seas will provide, food, jobs, national security, minerals, water, and hope for millions of people throughout our country. There is little more that can be learned from a trip to the moon that will better the life of man. Instead of looking away from this earth, I urge that we now look around us, and spend our money wisely in doing so.

Mr. President, every American rightly can be proud of the engineering, managerial, and technical accomplishments of NASA. But, can we allow the serious imbalance which now exists between

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space research and our other scientific research and development programs to continue?

In recent years, I have supported floor amendments which would reduce spending for space programs, and I shall vote against this bill on final passage—not to indicate that I am against spending any money whatever for space programs, but simply because I believe that we should stretch out our program of space exploration for the time being, and that we should shift our greater funding to other more pressing priorities.

Instead of overemphasis on space research, let us increase our funding of oceanography, cancer, and medical research, coal research, and ways to combat pollution. These are but a few areas which can be very beneficial to mankind.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 16516) was read the third time.

Mr. CANNON. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Mississippi (Mr. EASTLAND). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PASTORE), the Senator from Georgia (Mr. RUSSELL) the Senator from Alabama (Mr. SPARKMAN), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Ohio (Mr. YOUNG) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Alaska (Mr. STEVENS) is absent to attend the funeral of a friend.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 69, nays 15, as follows:

[No. 142 Leg.]

YEAS—69

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
Miller
Montoya
Moss
Murphy
Packwood
Pearson
Percy
Prouty
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Symington
Thurmond
Tower
Williams, N.J.
Williams, Del.
Young, N. Dak.

NAYS—15

Burdick
Byrd, W. Va.
Church
Eagleton
Fulbright
Hughes
McGovern
Mondale
Muskie
Nelson
Pell
Proxmire
Randolph
Talmadge
Tydings

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—15

Bellmon
Dodd
Eastland
McCarthy
McClellan
McGee
McIntyre
Metcalf
Mundt
Pastore
Russell
Sparkman
Stevens
Yarborough
Young, Ohio

So the bill (H.R. 16516) was passed.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Senate appointed Mr. ANDERSON, Mr. STENNIS, Mr. CANNON, Mrs. SMITH of Maine, and Mr. CURTIS conferees on the part of the Senate.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO MAKE NECESSARY TECHNICAL AND CLERICAL CHANGES IN H.R. 16516

Mr. CANNON. Mr. President, I ask unanimous consent that the Secretary of the Senate be permitted to make any necessary technical and clerical changes in H.R. 16516 as amended and passed by the Senate and that it be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the able and distinguished chairman of the Aeronautical and Space Sciences Committee, the Senator from New Mexico (Mr. ANDERSON) once again has demonstrated his expertise and leadership in the Senate. Joined so capably by the distinguished Senator from Nevada (Mr. CANNON) this measure was presented with the greatest consideration. Both Senator ANDERSON and Senator CANNON yield to no others in their knowledge and understanding regarding this Nation's space efforts. We stand in their deep debt.

The outstanding ranking minority member of this commitee, the distinguished Senator from Maine (Mrs. SMITH), joined also in guiding this measure through to swift adoption by the Senate. Her thoughtful views on the matters involved contributed a great deal to the high caliber of the entire debate. We commend her for her always unstinting cooperative efforts.

The Senate appreciates also the contributions of the Senators from Arizona (Mr. GOLDWATER), Mississippi (Mr. STENNIS), Florida (Mr. HOLLAND and Mr. GURNEY) and the many others who joined the discussion.

Particularly notable were the efforts of the distinguished Senator from Minnesota (Mr. MONDALE). He is to be commended for his splendid cooperation and for expressing so articulately his strong and sincere views. Such commendation goes as well to the distinguished Senators from Wisconsin (Mr. PROXMIRE) and Arkansas (Mr. FULBRIGHT) who joined in similar fashion.

The Senate may be proud of the manner in which this particular measure was disposed of.

VINH LONG—BOOK BY MR. HARVEY MEYERSON

Mr. FULBRIGHT. Mr. President, Vinh Long, a newly published book written by Mr. Harvey Meyerson, an American journalist, is probably the best work of its kind yet written about Vietnam. Certainly it is one of the most readable books I have seen on Vietnam. Taking the example of the American experience in one province of Vietnam—Vinh Long—between 1967 and 1969, Mr. Meyerson presents a graphic and depressing picture of the war. Although it is basically anecdotal in its approach, Mr. Meyerson's book provides profound insights on the reasons for our inability to accomplish a task which has never been clearly defined or understood.

The thoughtful nature of Mr. Meyerson's approach is perhaps best illustrated by the following passage:

> The route to understanding in Vietnam leads from this proposition: The facts of any given situation are not always consistent with its reality.
>
> Why?
>
> Because in Vietnam, facts are like symbols in dreams. They mask certain fears and desires, the most frequent being fear of failure and desire for success.

Mr. Meyerson's book was reviewed for the Washington Post by Mr. Lee Lescaze. In his review, Mr. Lescaze, himself an experienced Vietnam observer, contributes several excellent points of his own regarding the war. One of these proceeds from a quotation in the book taken by Mr. Meyerson from a letter written by a dedicated, young—now dead—American advisor:

> If only I could bring myself to believe that the faction we are supporting cares. To me, if they don't care and we accept that, then it means we don't care ourselves what alternative the people get, just so long as it doesn't subscribe to [communist] ideology.

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Mr. Lescaze follows this quotation with a question, which is the one we must constantly ask ourselves, particularly as the dictatorial nature of the Thieu regime becomes more apparent. Lescaze writes:

> Do we care? Meyerson's answer is, no. And if we don't care about the way the government treats the people, should we be surprised if the people don't seem to care who governs them?
>
> There is a hypothesis that some people, in Washington at least, frequently discuss. It goes like this:
>
> The United States continues to withdraw from Vietnam, but because of domestic pressure, the troops are pulled out quickly and a stable, non-communist South Vietnam does not result. Instead, the Saigon government crumbles in the wake of our departure and the communists achieve their objectives.
>
> Then, it is argued, many Americans would rise in anger and seek scapegoats for the 'loss' of South Vietnam. They would believe that we were forced to cut-n-run when victory was closer than ever before, and among those they would seek to blame would be the journalists, academics and politicians, who will be accused of having 'undermined' the war effort.

Mr. President, I ask unanimous consent that this article be inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bringing Vietnam Home: Vinh Long

The first time I got to Vinh Long province, in the spring of 1967, two of the American civilian advisers, Fred Abramson and Hugh Lobit, offered me a place to sleep and asked me jokingly if I was going to stay as long as Harvey Meyerson. They called him their writer-in-residence. "He's going to put us all in a book," Lobit said, giving the impression that was a little crazy but a fine thing to do, nevertheless.

Well, Meyerson did and it's a fine book that tells a lot about Vietnam, about Vinh Long and about how Fred and Hugh got killed there.

Consider: "To the Americans, the object of the game is victory. Our error begins with the assumption that ARVN (the South Vietnamese army) shares our objectives."

If Meyerson is right, and I think he is, there isn't much more to say about why pacification hasn't worked and why we haven't crushed the Vietcong and broken the will of the North Vietnamese. If one side is happy with the status quo, which provides a fine income and plenty of perqs for the officers in charge, and the other side is not strong enough to root them out of their bases and cities because they get clobbered by American planes, then there is stalemate. There can be lots of activity, as Meyerson points out, and there can be lots of comforting indicators, but they don't necessarily add up to progress.

Many of the "facts" of the war are bubbled through an American military reporting system in which the efficiency report is an effective bar to criticism of command decisions. A lot of the others come from the Vietnamese government, which, it has been learned very slowly, doesn't want to see the war end and the Americans go home.

Anyone who spent much time in Vietnam came across American advisers who had just been lied to again and were muttering: "Don't ever trust any of them." But then, of course, they went back to trusting. What else could they do? Anyway, after 12 months, the American could go home.

Meyerson's short book conveys the frustrations of the American experience in Vietnam. It is an extremely depressing book, but well worth reading. Vinh Long contained no American troops. There the war was Vietnamized from the start, with Americans providing advice, materials and firepower. The book covers the major events in the province from early 1967 to early 1969, and those experiences contain much that will be pertinent in the months to come.

It is not, despite its seriousness, a book that dwells on the origins of the war, the theories of people's warfare or counterinsurgency. It makes its points with examples and anecdotes and with a long section that is one of the best, most compelling depictions of a battle to come out of Vietnam.

Consider Fred Abramson in a letter from Vinh Long: "If only I could bring myself to believe that the faction we are supporting cares. To me, if they don't care and we accept that, then it means we don't care ourselves what alternative the people get, just so long as it doesn't subscribe to [communist] ideology."

Do we care? Meyerson's answer is, no. And if we don't care about the way the government treats the people, should we be surprised if the people don't seem to care who governs them?

There is a hypothesis that some people, in Washington at least, frequently discuss. It goes like this:

The United States continues to withdraw from Vietnam, but because of domestic pressure, the troops are pulled out quickly and a stable, non-communist South Vietnam does not result. Instead, the Saigon government crumbles in the wake of our departure and the communists achieve their objectives.

Then, it is argued, many Americans would rise in anger and seek scapegoats for the "loss" of South Vietnam. They would believe that we were forced to cut-n-run when victory was closer than ever before, and among those they would seek to blame would be the journalists, academics and politicians, who will be accused of having "undermined" the war effort.

Meyerson will be counted in that crowd if the hypothesis becomes reality, but should the war end that badly, we can hope for a saner reaction—one in which Meyerson's book would be read for information why the Saigon government couldn't win the war and we couldn't advise them to victory. It can also help answer anyone who suggests that we try any other similar effort.

REPORTED TORTURE OF SAIGON UNIVERSITY STUDENTS BY THE THIEU REGIME

Mr. FULBRIGHT. Mr. President, I have written today to Secretary of State Rogers to express my deep shock and outrage over the reported torture of Saigon University students by the Thieu regime. In a story appearing in the Baltimore Sun, April 24, Mr. John E. Woodruff reports his interview with 10 of the tortured students. According to Mr. Woodruff, the bodies of the young men and women students ". . . bear marks—swollen knees and feet, bruises on their chests, burns on their genitals, pin pricks under their fingernails and tiny black and blue marks next to the tips of their elbows."

The students' description of the torture which they underwent during 6 weeks of imprisonment can only be described as sickening. Given Mr. Woodruff's reputation as an experienced and careful reporter his account of these atrocities cannot be ignored. His story provides graphic and persuasive evidence of the tyrannical nature of the Thieu regime.

I have asked the Secretary of State for a report and comments by the American Embassy in Saigon on Mr. Woodruff's story. In this connection I have also called the Secretary of State's attention to chapter II, article 7, section (4) of the Vietnamese constitution which states in part:

> No citizen can be tortured, threatened or forced to confess.

Even in the absence of this farsighted constitutional provision one might expect that basic human decency would prevent the perpetration of bestial atrocities such as those described by Mr. Woodruff. It is increasingly apparent, however, that none of the usual norms of civilized behavior can be expected of the Thieu regime.

FREE WORLD ASSISTANCE TO VIETNAM

Mr. FULBRIGHT. Mr. President, I feel it incumbent upon me to bring to the attention of the Senate and of the public one of the most disgraceful incidents which has come to my attention in more than 25 years of public life.

The story, which up until now has been classified, is best told in straightforward, chronological order.

In 1967, in response to an inquiry from me, the Department of State furnished detailed information concerning free world assistance to Vietnam. The information supplied by the State Department appears in the Congressional Record, volume 113, part 22, pages 30677–30681. There is no need here to burden the Record with a repetition of the entire State Department submission. We need concern ourselves only with a single statement by the Department:

> Honduras has contributed drugs and dry goods for refugees in Vietnam, flown there on a Honduras Air Force plane.

That apparently innocent statement went largely unnoticed until March 1970, when my attention was called to a draft report by the General Accounting Office entitled, "Administration and Effectiveness of United States Economic and Military Assistance to Honduras." In discussing the Honduran response to a U.S. request to Latin American countries for assistance to Vietnam, the GAO draft report says:

> Due to the limited range of Honduran Air Force cargo aircraft it was determined by United States authorities to use a USAF plane to transport the supplies from Tegucigalpa, Honduras, to Saigon, South Vietnam. The plane was flown from the Panama Canal Zone to Tegucigalpa, repainted with Honduran Air Force colors and with a United States navigator aboard made the trip to Saigon.

I at once inquired of the Comptroller General whether his investigation had determined the source of financing for the planeload of supplies which were presumably given to South Vietnam by Honduras and whether or not U.S. funds were involved. I also wrote to the Secretary of State calling his attention to the discrepancy between what the State Department had told Congress in 1967 and what the General Accounting Office had reported in 1970. I ask unanimous consent that the entire letter be printed in the RECORD at the conclusion of my remarks, but I want to read three paragraphs at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. The letter says in part:

> If the GAO report is correct, then the Congress was clearly misled by the Department of State in 1967. Indeed, the whole operation smacks of a particularly offensive kind of fraud.
>
> The statement in the Comptroller General's report is classified *confidential*. I strongly feel, however, that the incident should be publicized, and I would appreciate your comments on that point.
>
> I would also appreciate your checking with respect to other Free World countries on the Department's 1967 list to determine if there were any other instances of deception.

On April 9, I received a reply from the Comptroller General which I ask unanimous consent to have inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. FULBRIGHT. This letter is so astonishing that it is worth summarizing.

The relief supplies consisted of approximately 3,100 pounds of dry goods—mostly clothing—and pharmaceuticals, which were collected by the Honduran National Red Cross in a campaign in October 1966. State and Defense Department records, which—not surprisingly—are incomplete, indicate that no U.S. funds were involved.

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The U.S. Air Force paid all the operating expenses of a C-54 aircraft which it provided on loan to the Government of Honduras to transport the supplies to Vietnam. The Comptroller General's letter confirms that the plane was repainted with Honduran Air Force colors.

The plane carried 26—I repeat, 26—crew members and passengers from Honduras to Vietnam and return. These included 10 Honduran military observers, three members of the Honduran press, one representative of the Honduran Red Cross, nine Honduran Air Force crew members, and three officers of the U.S. Armed Services—presumably the navigators.

The itinerary of this airborne wayward bus is even more fascinating than the passenger list. It took 13 days—from January 31 to February 12, 1967—to go from Tegucigalpa to Saigon, via Kelly Air Force Base, Tex.; Kirkland Air Force Base, N. Mex.; Travis Air Force Base, Calif.; Hickam Air Force Base, Hawaii—where there was a 1-day stop and briefing on the Pacific situation—Wake Island; Agana Naval Air Station, Guam; and Clark Air Force Base, Philippines.

After a stop of 5 days in Vietnam, the philanthropic party returned in even more leisurely fashion, taking 16 days from February 17 to March 5. For reasons which do not appear on the record, but which I think we can all guess, it was found desirable to return via a different route—one which naturally included Hong Kong. Stops on the way home were also made in Taiwan, Japan, and Midway, as well as Hawaii, California, New Mexico, and Texas.

The record does not disclose the cost of this pilgrimage, but I think we can take judicial notice that it undoubtedly exceeded the cost of supplies delivered to the Vietnamese.

When I received the Comptroller General's letter, I wrote to the Secretary of State again, and I ask unanimous consent that this letter of April 17 also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. FULBRIGHT. I read two paragraphs from this second letter to the Secretary:

> The Comptroller General's letter, as well as his draft report, is classified, but I see nothing in it which affects the national security. The whole episode is so outrageous that I am forced to conclude the classification is simply to avoid embarrassment. This is not an acceptable reason.
>
> The purpose of this letter is to inform you that I intend to make public the Comptroller General's letter and the relevant portions of his draft report within ten days unless the Department of State provides a good reason for not doing so.

In the meantime, I had another letter from the Department which by coincidence was dated the same day as my letter to the Department—April 17.

I ask unanimous consent that the Department's letter of April 17 also be printed in the RECORD at the conclusion of my remarks. It adds nothing to the story, but attempts to explain the original deception on the grounds that the USAF plane involved "was, in effect, a Honduran aircraft for the duration of the loan." This is a pretty thin cover.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. FULBRIGHT. The Department also pleaded that publicizing the incident "could only be misinterpreted by and harm our relations with the Honduran Government." This is a pretty weak plea. The Honduran Government has been aware of what happened from the beginning. There is no cause for the Honduran Government, or anybody else, to misinterpret the incident.

Upon receipt of my letter of April 17, stating my intention to make the incident public unless I was shown cause to the contrary, the Department wrote to me again—with unaccustomed alacrity—on April 23. I ask unanimous consent that this letter also be inserted at the end of my remarks. It made a plea for further delay so that the Department could consult with the Government of Honduras. I agreed, somewhat reluctantly.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. FULBRIGHT. Now, Mr. President, I have received a final letter from the Department, dated April 29, and stating that the Department has no objection to declassification of the documents pertinent to this incident. To make the record complete, I ask that this letter also be inserted at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. FULBRIGHT. Thus, we come to the close of a shoddy story. It is a story of calculated, deliberate deception of the Congress—and through the Congress, of the American people—by the previous administration in an unworthy effort to create an impression of wide free world support for its bankrupt policies in Vietnam.

I commend the General Accounting Office for its diligence in bringing the facts to our attention. I commend the State Department for abandoning its absurd attempt to preserve the secrecy which surrounded the matter, but I would be more impressed if it had done so sooner and less reluctantly.

EXHIBIT 1

MARCH 26, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: In 1967 in response to an inquiry from me, the Department of State furnished me with detailed information concerning Free World assistance to Vietnam. This was in a letter, with enclosures, addressed to me from Mr. Macomber who was then Assistant Secretary for Congressional Relations. The information appears in the CONGRESSIONAL RECORD, vol. 113, pt. 22, pp. 30677–30681.

In the list of countries which have contributed assistance to Vietnam, the statement is made: "Honduras has contributed drugs and dry goods for refugees in Vietnam, flown there on a Honduras Air Force plane."

A recent draft report by the General Accounting Office "Administration and Effectiveness of United States Economic and Military Assistance to Honduras", makes the following statement: "Due to the limited range of Honduran Air Force cargo aircraft it was determined by United States authorities to use a USAF plane to transport the supplies from Tegucigalpa, Honduras, to Saigon, South Vietnam. The plane was flown from the Panama Canal Zone to Tegucigalpa, repainted with Honduran Air Force colors and with a United States navigator aboard made the trip to Saigon." If the GAO report is correct, then the Congress was clearly misled by the Department of State in 1967. Indeed, the whole operation smacks of a particularly offensive kind of fraud.

The statement in the Comptroller General's report is classified *confidential*. I strongly feel, however, that the incident should be publicized, and I would appreciate your comments on that point.

I would also appreciate your checking with respect to other Free World countries on the Department's 1967 list to determine if there were any other incidences of deception.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

EXHIBIT 2

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., April 9, 1970.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: In response to your inquiry of March 26, 1970, concerning the possible use of United States funds in connection with the donation of medical supplies by the Government of Honduras to the Government of the Republic of Vietnam, we examined into Department of State and Department of Defense records. These records, however, were not complete since some were retired files and one set of these had been screened previously in order, apparently, to eliminate extraneous material and to reduce the file size for storage purposes. (Secret)

The available records show that:

1. The relief supplies, consisting of approximately 3,100 pounds of dry goods—mostly clothing—and pharmaceuticals, were collected by the Honduran National Red Cross in a campaign in October 1966. The records indicate that no United States funds were involved. (Unclassified)

2. The United States Air Force paid all operating expenses of the C–54 aircraft—on loan to the Government of Honduras from the United States Air Force and painted Honduran Air Force colors—used to transport the dry goods and pharmaceuticals from Honduras to Vietnam. We were unable to readily determine the total expenses involved. (Confidential)

3. United States Government accommodations, at various United States installations visited on the trip to and from South Vietnam, were utilized by members of the Honduran delegation and by United States military officials accompanying these relief supplies. Some members of the delegation also used United States accommodations during their stay in Vietnam. Available documentation indicates that the delegation included: (Confidential)

10 Honduran military observers.

3 Members of the Honduran press.

1 Representative of the Honduran Red Cross.

9 Honduran Air Force crew members.

3 Officers of the United States Armed Services. (Confidential)

The itinerary of the delegation according to available records was:

FLIGHT TO SOUTH VIETNAM

Tegucigalpa, Honduras (departed January 31, 1967).

Kelly AFB, Texas.

Kirkland AFB, New Mexico.

Travis AFB, California.

Hickam AFB, Hawaii (one day stop and briefing on Pacific situation).

Wake Island.

Agana NAS, Guam.

Clark AFB, Philippines.

Tan Son Nhut AB, Vietnam (arrived on or about February 12, 1967) (confidential.)

RETURN FLIGHT

Tan Son Nhut AB, Vietnam (departed on or about February 17, 1967).

Hong Kong.

Taipei, Taiwan.

Tachikawa AB.

Midway Island.

Hickam AFB, Hawaii.

Travis AFB, California.

Kirkland AFB, New Mexico.

Kelly AFB, Texas.

Tegucigalpa, Honduras (arrived March 5, 1967) (unclassified).

4. United States facilities were used to transfer funds of the Government of Honduras to its delegation in South Vietnam. (Unclassified).

I hope the above adequately answers your questions regarding this matter. If you desire any additional information please let me know.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

EXHIBIT 3

APRIL 17, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I refer to my letter of March 26 concerning the fraudulent and deceitful information furnished Congress by the Department of State in 1967 respecting Honduran assistance to Vietnam.

I enclose a copy of a further letter on this subject which I have received from the Comptroller General.

The Comptroller General's letter, as well as his draft report, is classified, but I see nothing in it which affects the national security. The whole episode is so outrageous that I am forced to conclude the classification is simply to avoid embarrassment. This is not an acceptable reason.

The purpose of this letter is to inform you that I intend to make public the Comptroller General's letter and the relevant portions of his draft report within ten days unless the Department of State provides a good reason for not doing so.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

EXHIBIT 4

APRIL 17, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of March 26 regarding the transportation in 1967 of Honduran refugee supplies to Viet-Nam.

The Government of Honduras planned to send refugee supplies, a representative of the Honduran national Red Cross which had collected the supplies, three Honduran journalists, and a military observer team to Viet-Nam in January 1967 in an Honduran Air Force C–54. As plans for the trip developed, it became apparent that the aircraft was not equipped for a trans-Pacific flight, it being of such an early model that conversion equipment was not available in stock but would have to be hand-crafted. The cost of such equipment would have been prohibitive.

Under the circumstances, the Chief of Staff, U.S. Air Force authorized the loan of a USAF C–54 properly equipped for such a flight to the Honduran Air Force. This aircraft bore Honduran markings and was, in effect, an Honduran aircraft for the duration of the loan. The aircraft commander was the deputy commander of the Honduran Air Force and the crew was also Honduran. Three USAF personnel were aboard to assist the crew, particularly with navigating on an unfamiliar trans-Pacific route, and for liaison purposes to effect landings in the war zone.

I hope you will find the above information responsive to your inquiry. The relief supplies and medicines were contributed by the Honduran people through a collection taken up by the Honduran Red Cross as a gesture of sympathy for the Vietnamese people and the manner of delivery was evidently intended to dramatize this feeling.

With regard to your request that the loan and repainting of the aircraft be publicized, I feel this could only be misinterpreted by and harm our relations with the Honduran Government. That Government had in good faith decided to send its own aircraft on this mission and required the loan of a U.S. aircraft only when, at an advanced stage in planning, it was ascertained that the original Honduran aircraft could not readily be adapted for a trans-Pacific flight. The Department thus prefers that the GAO report retain its present classification.

We will continue to check the 1967 list your letter referred to and inform you if we discover any other instances such as that of Honduras.

Sincerely,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

EXHIBIT 5

DEPARTMENT OF STATE,
Washington, D.C., April 23, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of April 17, 1970 on Honduran assistance to Viet-Nam.

By now you have no doubt received Mr. Torbert's communication of the same date responding to your earlier inquiry. As Mr. Torbert indicated, the Department's concern was the possible damage to United States-Honduras relations which could result from release of this information. In light of your latest letter, the Department has instructed our Ambassador in Tegucigalpa to consult with the Government of Honduras on making public the Comptroller General's letter and relevant portions of his draft report.

I would greatly appreciate your withholding release of this information until we have had an opportunity to receive a reply which we shall then make available to you.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

EXHIBIT 6

DEPARTMENT OF STATE,
Washington, D.C., April 29, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Further to my letter of April 23 on the declassification of the Comptroller General's letter and relevant portions of his draft report on Honduran assistance to Viet-Nam, our Ambassador in Tegucigalpa has discussed this matter with the Government of Honduras. While indicating they would prefer that the information not be released, the Hondurans did not object to this course of action.

In view of the Honduran Government's response, the Department has no objection to the declassification of the above mentioned documents.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

TRIBUTE TO CARL MARCY

Mr. FULBRIGHT. Mr. President, I want to say a few words about an incident which occurred yesterday with regard to a report on repeal of the Gulf of Tonkin resolution. The record was not really quite complete. I had another matter at the time that I had to attend to and did not say all that I wanted to about the subject.

I wish to say that the staff of the Foreign Relations Committee, of which Mr. Carl Marcy is the chief of staff is a nonpartisan staff. Mr. Marcy is not, in any way, a political appointee. He has been a staff member of that committee for 20 years. He is strictly a professional in the finest sense of that word. We need far more men like him in public service. But, they are few and far between and the Committee on Foreign Relations is very fortunate to have been able to hold on to him. Unfortunately, some persons seem to interpret what was said yesterday as a reflection on his integrity as an objective and nonpartisan, professional employee of that committee. I myself did not view the matter that way at all.

I have the greatest confidence in him.

And I believe that every member of the committee feels the same way. He serves all members of the committee, and the Senate regardless of party, with the utmost impartiality. He is the finest example of the way the professional committee staff system should work.

I do not think for a moment that what happened was intended in the way that the Senator from Delaware interpreted it. I may say, by way of explanation, that Mr. Marcy was put under great pressure to bring out that report quickly because of the schedule on the Senate floor.

The majority leader, as we know, has not had bills reported from the committees to bring before the Senate. We have been recessing from time to time because there was nothing on the calendar to take up.

The measure that the report was on was originally part of an earlier Mathias resolution. The committee excerpted from that broad resolution the parts repealing the Mideast and the Tonkin Gulf resolutions.

There was no controversy about the matter on either side and there was a unanimous vote for it in the committee. The President and the administration had stated they had no objection to repeal. There was no incentive for anyone, regardless of party or otherwise, to have tried in any way to distort that report.

What happened was that on the day before he was asked to report it as quickly as possible, the Cambodian crisis had broken. There was considerable discussion in the committee concerning the constitutional questions involved, particularly those relating to the relative powers of the Congress and the executive with regard to this matter.

I am quite certain that the language objected to was used without the slightest intent on the part of Mr. Marcy or anyone else on the staff to try to insert in the report anything prejudicial to the present administration.

I am certain that anything of this nature was not in his mind. It was simply that as a true professional he undoubtedly regarded the matter of the constitutional relationship between the executive and the legislative solely in an objective and scholarly manner.

He had no desire or incentive to do otherwise. For many years he has had the responsibility for the final clearance of committee reports. And never once in all of these years has a question ever been raised that he has, in any way whatever, tried to use his position as the chief of staff to distort the intent of the committee.

Mr. President, I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I find myself the only Republican member of the Foreign Relations Committee on the floor at the moment.

I think it is fair to make the statement in response to the statement of the Senator from Arkansas, the chairman of the Foreign Relations Committee, that I have great confidence in Carl Marcy. I believe that my colleagues on the committee do also.

I am sure that there is nothing calculated or deceitful or intentionally designed to be bitterly critical of the administration.

It is unfortunate that in this particular case the pressure of work and other problems brought about a result which, when the press caught it—and they have a perfect right to make what comment they choose—it looked like the kind of major critical appraisal which certain committee members and myself should feel we ought to have a look in advance.

I think that the Senator from Delaware (Mr. WILLIAMS) picked it up for that reason. He is very alert and on the ball in that respect.

It is one of the strange cases where they were both right in the sense that I do not think there is a dishonest bone in the body of Carl Marcy and, on the other hand, the Senator from Delaware was also right to say that there may be an implication in this act.

I hope that this will result in the repair of whatever damage was done by the committee issuing whatever report finally eventuates for the mature consideration and that there will be no derogation of Carl Marcy.

I think that would be very much undeserved.

Mr. FULBRIGHT. Mr. President, I appreciate the confidence of the Senator from New York.

I gave no notice that I would speak about the matter. However, after I had thought about it overnight and after considering what another staff member told me, I realized that members of the staff take these things perhaps more seriously than I. I did not attribute the same significance to the matter. Perhaps I should have said yesterday what I have said today.

I was so sure in my own mind that he had no intention of distorting the matter that I did not think it would be considered to be so important. That is the only reason why I did not say yesterday what I am saying today.

Mr. President, I believe I speak for the entire committee when I say that they have the greatest confidence in Mr. Marcy and that they do not believe that this development was intentional. He was requested to finalize, within a very brief time, the report on the resolution which had been approved earlier by unanimous vote. The necessity for the second vote was the change in the form of the original Mathias resolution. The original Mathias resolution was not a concurrent resolution, although the Gulf of Tonkin resolution and the Middle East resolution by their terms were to be repealed by concurrent resolution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent that we may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, therefore, the Senator from Maryland (Mr. MATHIAS) was required to introduce a new concurrent resolution. The delay from the vote to the filing of the report was caused by that. Then, because there was nothing before the Senate, I told Mr. Marcy that the majority leader would like to bring the resolution out and asked him if he could get the report ready right away. He tried to do it. And because of the haste there was one paragraph plus a few lines that were objected to. That material did relate very directly to the subject matter, but it involved events that had occurred since we voted on the resolution.

The Senator from Delaware was quite correct in his statement. When I heard his statement yesterday, I told him I would be willing to ask unanimous consent myself. I told him I would do it, because I thought he was quite correct, but he said he would do it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I brought about the necessity for a new resolution because the committee recognized that the Senator from Rhode Island (Mr. PELL) and I introduced the resolution even before the Senator from Maryland (Mr. MATHIAS). We understood the situation well.

Mr. FULBRIGHT. Mr. President, as usual, the Senator from New York is correct. I forgot that circumstance. But I do not believe Mr. Marcy should be criticized.

TRANSPORTATION REGULATION

Mr. BAKER. Mr. President, on April 27 I introduced a bill to establish a Commission on Transportation Regulatory Agencies to study and make recommendations with respect to the regulation of transportation by the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission.

At that time I spoke of the fragmentation of transportation regulation that exists today and the need for coordinating transportation policy into an integrated whole: I said that this objective could be fulfilled only by the establishment of a new transportation regulatory agency performing the functions that the existing three transportation agencies are presently designed to perform.

In an article entitled "The Changing Federal Role in Regulating Intermodal Transport," which appears in the February, March and April issues of Container News magazine, Lawrence M. Lesser sets forth arguments in favor of a single regulatory agency and calls for a study of the need for a revamping of our transport regulatory machinery.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHANGING FEDERAL ROLE IN REGULATING INTERMODAL TRANSPORT

(By Lawrence M. Lesser)

The new Federal role of promoting intermodal and integrated competition brought in its wake a complex of problems, among

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them the question of regulatory jurisdiction over carriers participating in international through movements under joint rates.

On July 23, 1969, the Interstate Commerce Commission announced that henceforth, it would accept "the filing of tariffs naming joint rates for the transportation of property between points in the United States and points in a foreign country over through routes which embrace an ocean common carrier by water and common carriers subject to the Interstate Commerce Act." The order covers coordination between United States domestic surface carriers and ocean carriers, but makes no mention of pickup and delivery carriers in other countries. By contrast, the Federal Maritime Commission's decision in the Container Marine Lines case permits the filing of single factor through rates between United States ports and inland points in foreign countries, but does not include inland transportation in the United States.

(In this case, the Federal Maritime Commission approved Container Marine Lines traffics on tractor parts moving eastbound, and on wines and spirits moving westbound, thereby providing for through transportation service consisting of port-to-port transportation between the United States and the United Kingdom and inland transportation in the United Kingdom.)

Both the Container Marine Lines case and the ICC order raise threshold questions as to how the regulatory agencies are going to treat tariffs containing joint rates for international movements:

Will all segments of a through movement incorporated in a through rate have to be broken out in the tariffs?

Will the tariffs have to be filed with more than one regulatory agency?

Can more than one regulatory agency exert jurisdiction over the traffic in question?

To what degree will the ICC attempt to regulate the ocean carriers participating in a through service?

To what degree will the FMC attempt to regulate United States domestic carriers participating in a through service?

In an attempt to answer these questions and others, the ICC stayed its order on July 29, 1969, and both the ICC and the FMC started investigations.

On October 16, 1969, the Department of Transportation entered the muddled picture by sending to Congress a revised version of the Trade Simplification Bill, which deals with the problem of joint rates for international movements. The Bill was originally submitted to Congress by former Secretary of Transportation Alan Boyd in March, 1968. According to its sponsors, the Bill would permit carriers engaged in the domestic, international, and foreign segments of international transportation to establish joint rates, issue single bills of lading for through movements, and interchange or pool equipment. At best, the Bill represents only a stopgap measure that does not fully answer the questions posed above.

The rule-making proceedings instituted by the ICC and the FMC actually go way beyond the scope of the Container Marine Lines case, the ICC order, and the Trade Simplification Bill. They raise the fundamental question of how this nation is going to regulate most effectively its transportation system in the light of new patterns of competition emerging today in the regulated transportation industry.

Two alternatives are now offered for Congressional consideration.

One solution might be the creation of joint boards which would sit as a tribunal in cases involving through rates for international movements. Each board would be composed of three members of each regulatory body plus a chairman. The chairmanship could be rotated annually among the chairmen of the respective agencies.

For example, the chairman of the ICC might act as chairman each time a joint ICC-FMC board convened the first year. The next year the FMC chairman might serve as head of the tribunal. Likewise, in a joint Civil Aeronautics Board-Interstate Commerce Commission proceeding, the CAB chairman might act as chairman during the first year, with the ICC chairman assuming the duty the second year. This setup would enable jurisdictional entanglements to be brought out into the open, debated, and resolved in a public forum with all parties having the opportunity to air their views to members of each agency involved. And, most importantly, it would provide carriers with new opportunities to offer integrated transportation service.

Another solution might be the creation of a single transport regulatory commission for all modes. This solution, offered many times, was first proposed in 1934. The advantages of a single commission are that it could more capably deal with both national and international transport problems, that it would carry out a National Transportation Policy encompassing all modes and that such a super regulatory body would be more likely to maintain its independence from interests it must regulate.

After all, why do we need three agencies to regulate transportation when we only need one agency to regulate electricity and gas (Federal Power Commission), one agency to regulate communications (Federal Communications Commission), and one agency to regulate trade and antitrust matters (Federal Trade Commission)? To be sure, the reasons for the existence of three transportation regulatory agencies are historical—each agency parallels the development of the several modes of transportation—and political. Today, however, there is no sound reason for denying to the traveling public, to shippers, to carriers and to the economy as a whole the benefits that a single transport commission would produce.

The Department of Transportation should initiate a study of the need for a revamping of our transport regulatory machinery to cope with the rapidly changing patterns of competition in the regulated transportation industry. Such a study should also include the formulation of a new National Transportation Policy with a view to administering it through a single transport regulatory commission.

Integrated transportation is on the move. Domestic and foreign carriers are developing capabilities to provide integrated service while governments throughout the world are taking steps to eliminate regulatory restraints to the free flow of foreign trade.

The container revolution has arrived. But the integrated transportation revolution in the United States is just beginning. However, if industry and government continue to work together toward common goals, it will not be very long before the various modes of transportation come closer to achieving their proper place in the interest of the best utilization of the economic resources of this country.

PART II

Basic to the cost of every product that the consumer purchases is the cost of transportation. To a large degree, promotion and regulation determine what this cost will be. How many consumers really appreciate the role the Government plays in regulating the cost of transportation, which in turn affects the cost of consumer goods? By improving the transport system, promotion and regulation can be made to reduce transport costs and provide savings that will affect everyone's pocket.

In terms of technology and service, the transport system of the United States is among the most advanced in the world. Our airlines, motor carriers, and railroads probably carry more passengers and more freight over more miles than any other transport system in the world. A substantial portion of this development can be credited to the activities of the Federal Government in providing transportation facilities and services.

During the early 1900's, Federal land grants to the railroads permitted the population and industry to expand into the midlands of the United States, into territory which was previously accessible only by canal boat or horse-drawn wagon. Several decades later, Federally-sponsored highway development increased the mobility of people, promoted interstate commerce, and expanded the postal service. In recent years, Federal promotion of air transportation has produced spectacular accomplishments domestically, by enabling us to travel in safety from city to city more rapidly and more often than we formerly were able to, as well as in the international field through the fostering of friendship and cooperation with our neighbors throughout the world.

The Federal Government fulfills two statutory requirements with respect to transportation: it promotes and it regulates. It promotes the development of domestic and international transportation by extending public aid. It regulates all modes by controlling the supply of available service, the rates to be charged, and combinations among carriers.

The two fundamental types of promotional activity through which the Federal Government fosters the development of transportation are direct and indirect subsidies. The former takes the form of direct grants or payments. Indirect subsidies, however, are widespread in the transportation field, and may take many different forms. They may involve construction of way facilities; or they may involve the granting of operating rights along choice routes. A subsidy can take the form simply of not charging the transportation user or beneficiary enough to cover the cost of facilities or services; or it may involve tax credits of various kinds.

Federal involvement to meet and cope with today's transportation problems stems from three sources: (1) the regulatory agencies that regulate transportation; (2) the promotional agencies that provide leadership in the identification and solution of transportation problems; and (3) the Congress, which sets the direction and scope that promotion and regulation will take.

Today, motor carriers, railroads, domestic water carriers, and pipelines are regulated by the Interstate Commerce Commission (ICC) under the Interstate Commerce Act of 1887, as amended; the first two modes are promoted by the Federal Highway Administration and the Federal Railroad Administration of the Department of Transportation. Air transportation is promoted and regulated by the Civil Aeronautics Board (CAB) under the Civil Aeronautics Act of 1938 and the Federal Aviation Act of 1958, and promoted by the Federal Aviation Administration of the Department of Transportation under the Federal Aviation Act of 1958. The merchant marine is regulated by the Federal Maritime Commission (FMC) under the Shipping Act of 1916 and the Intercoastal Shipping Act of 1933, and promoted by the Maritime Administration, an agency of the Department of Commerce, under the Merchant Marine Act of 1936.

Many standing committees of the Congress provide the theatre for the formulation of overall transport policy. In the House of Representatives, most transportation matters come under the scope of one or more of the following committees: (1) the Committee on Interstate and Foreign Commerce; (2) the Committee on Public Works; (3) the Committee on Ways and Means; (4) the Committee on Appropriations; and (5) the

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Committee on Merchant Marine and Fisheries.

On the Senate side, the Committee on Commerce, the Committee on Public Works, the Committee on Banking and Currency, the Committee on Finance, and the Committee on Appropriations deal with transportation matters on a regular basis. In fact, nearly every standing committee of both Houses, as well as certain select committees, have dealt with some aspect of transportation at one time or another.

During the past several years we have seen an expansion and new direction in the Federal role from simply promoting competition between the several modes to the promotion of competition among coordinated and integrated transport systems. This new emphasis can be attributed to the revolution in cargo handling, i.e. containerization, coupled with the construction of a modern, safe, high speed system of interstate and defense highways.

Each of the transport regulatory commissions have taken positive actions in order to promote intermodal and integrated competitive systems—the ICC in regard to rail-truck systems, the CAB in regard to air-truck coordination, and the FMC in regard to ocean-surface systems coordination.

Coordination, as it is used here, refers to the movement of passengers or freight from origin to destination by more than one mode of transportation, either with or without through routes and joint rates. Integration, however, is a more precise term and applies in this context to the common use of equipment and service by carriers of different modes in providing intermodal service.

COORDINATED MOVES

Coordination of transport service is not a new concept; it dates back to 1843, when sectionalized canal boats were carried on flat cars in a water service between Philadelphia and Pittsburgh, Pennsylvania. The New York Central Railroad pioneered container service in 1921 with a movement between Cleveland and Chicago. And in 1926, the Chicago North Shore & Milwaukee Railroad experimented with moving highway semitrailers on flatcars in order to improve its less-than-carload service.

Trailer-On-Flat-Car (TOFC) service, commonly known as piggyback, grew in popularity and in volume of tonnage until an ICC decision in 1931 disapproved of the railroads' method of charging for container service by holding the rates to "be unjustly discriminatory or unduly prejudicial," and therefore, unlawful. As a result of this decision, shipper interest in piggyback service declined. The 1961 Senate study on National Transportation Policy pointed out:

"This resulted in the end of the container service for that era . . . It is interesting to note that economy was denied in favor of compliance with rate tradition. Cost-related ratemaking, had it been our policy, would have fostered this progressive step in 1931."

The report continued by saying: ". . . the 1931 decision because of a ritualistic interpretation of the Interstate Commerce Act denied the benefits of innovation to carrier and shipper to our national detriment."

For over two decades following this decision, piggyback operations lay dormant. Then, in a 1954 decision arising out of a petition presented by the New York, New Haven & Hartford Railroad Company asking for a declaratory order concerning legal regulations, limitations, and obligations incident to the transportation of highway trailers on railroad flatcars, the ICC promulgated the first comprehensive guidelines for piggyback operations. These guidelines "provided the basic legal framework upon which the development of TOFC traffic has been based."

Following the Commission's decision in *Substituted Service-Piggyback, 322 ICC 301, (1964)*, and upheld by the Supreme Court in *American Trucking Ass'ns, Inc. v. Atchison, T. & S.F. Ry. Co. 387 U.S. 397 (1967)*, "open tariff" piggyback service became available to motor carriers. The basic principle at issue in this case, which arose out of a general investigation by the ICC into TOFC service, involved the lawfulness of two of the rules prescribed by the Commission.

The Supreme Court decision upheld the authority of the ICC to promulgate rules providing: "(1) that railroads which offer TOFC service to the public under open-tariff publications must make such service available on the same terms to motor and water common and contract carriers; and (2) that motor and water carriers may, subject to certain conditions, utilize TOFC facilities in the performance of their authorized service."

The tremendous impact of these two landmark decisions can be seen in the phenomenal rate of growth of piggyback and container traffic in the last decade. According to the Association of American Railroads, carloadings increased from 250,000 in 1957 to 1,207,000 cars in 1967, an increase of 383 percent. The latter case set a precedent for the further development of integrated transportation service in domestic commerce.

This decision was closely followed by a CAB opinion that paved the way for the development of a new type of competitive transportation system, one involving integration of motor carriers acting as freight forwarders with domestic and international air carriers.

(An air-truck integrated system provides an alternative to surface transportation domestically and to ocean transportation internationally.)

In this proceeding, the Board authorized two motor carrier applicants to engage in air transportation as domestic and international air freight forwarders, and a third motor carrier applicant to engage in domestic air freight forwarding for an experimental period of five years.

The decision in this case represented a departure from past Board policy, which heretofore prohibited entry of surface carriers into the air freight forwarding field "where it appeared that such conflicts of interest would arise between air and surface operations as to result in material diversion of traffic from air to surface transportation and deprive the applicants of sufficient incentive to conscientiously promote and develop air freight forwarding."

This new CAB philosophy can best be summarized from the examiners findings in the case:

". . . air cargo's growth is substantially dependent upon the extent to which it is promoted. The record shows that increased promotional efforts, such as the applicants can and will provide, can produce new air cargo traffic. The participation in air freight forwarding of motor carriers like the applicants may well be necessary to achieve the full promise of air cargo. For all these reasons, we are convinced that a new policy towards motor carriers like the applicants deserves a trial."

In April of 1969, Consolidated Freightways, a transcontinental motor carrier, and the major beneficiary of the CAB order, signed a contract to purchase 51 percent of the common stock of Pacific Far East Line, Inc., a U.S. flag steamship operator heavily committed to containerization in the Pacific/Far East trade area. Coupled with its newly authorized freight forwarding authority, Consolidated was given the opportunity to become a truly integrated transportation company providing shippers with a complete through service under single company management and responsibility.

The next significant decision to affect integrated transportation was an opinion handed down by the FMC that extended the concept of integrated transportation to international commerce. In this case, the FMC approved Container Marine Lines tariffs on tractor parts moving eastbound, and on wines and spirits moving westbound, thereby providing for through transportation service consisting of port-to-port transportation between the United States and the United Kingdom and inland transportation in the United Kingdom.

The single-factor intermodal container rates, however, did not include any inland transportation in the United States. Inland transportation in the United States was subject to two alternative rates, one called "door-to-pier," which would apply "when cargo is received by the carrier at the United States port terminal and the carrier loads the cargo into or unloads the cargo from its containers;" and the other called "door-to-door," which would apply "when cargo is tendered to the carrier at its United States port terminal in carrier's containers or made available to consignee at the carrier's port terminal for unloading by consignee at inland point of destination." Through use of the "door-to-door" option, shippers and consignees would be entitled to receive a five percent discount on the ocean portion of the through rates.

The underlying philosophy of the Commission in this case, as well as in others, was to "facilitate, wherever possible, the implementation of improved shipping systems, and to enable shippers to avail themselves of competing modern container services. In their progressive opinion, the Commission stated:

"Enlighted regulation is the key to effective regulation; no regulatory agency can permit regulation to be outstripped by new techniques in the industry. Progressive regulation is required in the interest of encouraging the modernization of shipping services. Outmoded principles and rules will surely stifle advancements in all fields, and especially transportation where developments have followed so quickly upon each other.

". . . It is undisputable, therefore, that the FMC must assume a flexible posture and must view broadly, when necessary, its regulatory purposes and governing laws and rules."

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. McGOVERN. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the Senator from Colorado (Mr. ALLOTT) the senior Senator from New York (Mr. JAVITS) be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD OF TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. McGOVERN. Mr. President, I ask unanimous consent that tomorrow there be a period for the transaction of routine morning business with a time limitation of 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARITIME AUTHORIZATIONS, 1971

Mr. McGOVERN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 842, H.R. 15945. I do this so that the bill will be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The **Bill Clerk**. A bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce, which had been reported from the Committee on Commerce with an amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

There being no objection, the Senate proceeded to consider the bill.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. McGOVERN. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 7, 1970, at 11 a.m.

NOMINATION

Executive nominations received by the Senate May 6, 1970:

Bureau of Mines

J. Richard Lucas, of Virginia, to be Director of the Bureau of Mines.

HOUSE OF REPRESENTATIVES—*Wednesday, May 6, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou shalt do that which is right and good in the sight of the Lord.—Deuteronomy 6:18.

Almighty God, who knowest our needs before we ask and who art endeavoring to lead us in right and good paths, we turn to Thee in this fellowship of prayer seeking light for our lives, hope for our hearts, and strength for our spirits.

We come to Thee in the midst of the problems and perplexities of daily living praying for greater faith, for higher wisdom, for broader sympathies, and for deeper good will. We are tempted to doubt, to yield to moods of depression, and to become cynical. By the might of Thy spirit restore our souls and lead us into the green paths of righteousness, peace, and love for Thy name's sake and for the good of all mankind.

Guide our Nation in these troubled times. Bless our President, our Speaker, Members of Congress, and all who work under the dome of this glorious Capitol. Increase our influence for good in the world by our genuine reliance upon Thee and by our generous response to the needs of our fellow men. In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolution:

S. Res. 403

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. William L. St. Onge, late a Representative from the State of Connecticut.

Resolved. That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now recess.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1951. An act to confer U.S. citizenship posthumously upon Sp4c. Aaron Tawil;

H.R. 2817. An act for the relief of Delilah Aurora Gamatero;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 5936. An act for the relief of Kong Wan Nor;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of Ali Somay; and

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5106. An act for the relief of Rogelio Tabhan; and

H.R. 12878. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 793. An act for the relief of Peter Chung Ren Huang;

S. 850. An act for the relief of Kwok Kwen Ng;

S. 1703. An act for the relief of Rosa Pintabona;

S. 1886. An act for the relief of Dr. Max Ruetger Hasche;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2490. An act for the relief of Miriam Lazarowitz;

S. 2526. An act for the relief of Angelo DiStefano;

S. 2820. An act to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia;

S. 2856. An act for the relief of Saul Bluestone;

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney;

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga);

S. 3037. An act for the relief of Dr. Shusum Cheuk; and

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Bianchette.

CONGRATULATIONS TO HON. EMANUEL CELLER

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARBSTEIN. Mr. Speaker, I would like to join my colleagues on both sides of the aisle in extending best wishes to my good friend and colleague from New York, the dean of the New York delegation and the dean of the House, the Honorable **Emanuel Celler**, on the occasion of his 82d birthday.

Few men, in Congress or out of it, have made contributions to the national welfare that equal his accomplishments. He is responsible for three amendments to our Constitution—and what amendments. He was instrumental in securing for the people of the District of Columbia the vote in presidential and vice-presidential elections. In an effort to insure the full exercise of franchise on the part of all our citizens, he labored to abolish and saw abolished poll tax in presidential elections throughout the land. Finally, to remove the possibility of our Nation's plunging into chaos during a period of disablement on the part of the Chief Executive, **Emanuel Celler** worked hard to embody into our present laws provisions for such emergencies.

His uncompromising stand on antitrust legislation is well known, and none of us who had anything to do with the spate of civil rights and immigration legislation that has come before Congress in the last decade will or can forget his unstinting and tireless work in the cause of justice and equality for all.

But I would fail my purpose were I to pay tribute only to his keen legal mind. **Emanuel Celler** is the great human being that he is because he possesses the qualities of understanding, compassion, courtesy, and humor to an extraordinary degree. All of us who know him know that we can call on him and be sure of a generous response—of sound counsel. His years with us have enriched us all. His presence in the Congress has helped us all to grow.

I again have the privilege of wishing you a very happy birthday, **Manny**.

BIRTHDAY GREETINGS TO THE HONORABLE EMANUEL CELLER, DEAN OF THE HOUSE OF REPRESENTATIVES

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I am sure the Members of the House observed, as I did, the entry into the Chamber just a minute ago of the distinguished dean of the House, the gentleman from New York (Mr. **Celler**) who has been a Member of this body for 48 years. He is still one of the most active and progressive

Members of the House. He still looks to the future. In his long and illustrious career no man has ever done more for his fellow man. He has authored and managed through this Chamber more constitutional amendments than any man in the history of the House. His fingerprints are on every important measure adopted by the Congress during the past five decades.

We love our dean, and we all wish him "happy birthday."

[Applause, Members rising.]

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, speaking for the Members on our side of the aisle, we join the Members on the other side of the aisle in unanimously extending to the dean of the House our very best wishes for many, many more years of health, happiness, and success.

I have always been amazed by his energy, his ability, and his leadership. It has been a great privilege and a pleasure to work with him on many occasions—and on some occasions to differ with him. He is a worthy foe in the give and take in the House of Representatives. On the other hand it is always a great benefit to have him on your side. He is a masterful debater and a skilled parliamentarian.

I can say in all honesty and sincerity that his long record, his accomplishments, will be indelibly written on the pages of history of the House of Representatives. I extend to him my very best wishes for continued health, happiness, and success.

Mr. ALBERT. Mr. Speaker, I thank the distinguished minority leader for his beautiful and sincere tribute.

I now yield to the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. Mr. Speaker, I want to congratulate the distinguished gentleman from New York for another milestone in his illustrious career. I have noticed him countless times coming in here with 4 or 5 days of debate on very controversial bills, and he never showed the slightest sign of fatigue. I have read in the papers where some people want to get rid of me as chairman of the Committee on Armed Services because they say I have been here a long time, but I never read of anybody wanting to get rid of the distinguished gentleman from New York.

Mr. Speaker, speaking for the other young men of this House, I want to wish our distinguished chairman many more days of happiness, peace, and contentment, and I am sure that the House joins me in this wish.

Mr. ROONEY of New York. Mr. Speaker, I am proud to be able to join with my colleagues in wishing the distinguished gentlemen from Brooklyn, the Honorable EMANUEL CELLER, the happiest of days on his 82d birthday. There is not a Member of this body more respected, honored, or loved than our own MANNIE CELLER. MANNIE is, to be sure, the dean of the New York delegation as well as the dean of the House of Representatives, having devoted 47 years of his life to service here in this body. But, oh, how much more he means to all of us than a mere compilation of years. We could all salute his tremendous accomplishments as chairman of the great House Committee on the Judiciary; or we could praise him for his splendid representation of his congressional district. But this would not suffice, Mr. Speaker, because MANNIE CELLER is so much more than that to all of us. He has been leader, confidant, counsel, supporter, and above all, friend, to so many of us over the years. How much he has meant and continues to mean to us. There are few words that can fully express my feelings toward my colleague and dear friend of many years, MANNIE CELLER, so let me just say a sincere happy birthday and add the wish that we celebrate many more here together.

GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have the privilege to revise and extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

(Mr. ALBERT asked and was given permission to revise and extend his remarks.)

EIGHTY-SECOND BIRTHDAY OF EMANUEL CELLER

(Mr. CELLER asked and was given permission to address the House for 1 minute.)

Mr. CELLER. Mr. Speaker, and Members of the House, I am indeed grateful for the warm feelings expressed on my behalf this day.

I wish to state during the 48 years I have been in this House I have been very happy and I have been content. As Ben Franklin said in his Poor Richard's Almanac, "Content makes a poor man rich; discontent makes a rich man poor." And thus it is with me, and that contentment is enhanced by the many wonderful friendships I have made among the Members of the House.

I think it was Oliver Goldsmith in the famous "She Stoops to Conquer" who said, "I love everything that is old: Old times, old manners, old books, old wine, and especially old friends."

Mr. Speaker, I have many friends, not only old but young, too, and I treasure those friendships. To have a true friend you must be a friend, and I have tried to be a friend to so many of my friends.

I am very, very happy and grateful for the expressions you have heard here this morning.

Ofttimes those of us who have gone beyond, say, 50 are berated for our age, and some would like to toss us out like broken tools. Well, as far as I am concerned, I may be chronologically old, 82 in fact this day, but I feel that I am spiritually young and young in spirit.

There is an old adage, you know: the older the fiddle the sweeter the tune.

PROPOSAL TO SEND SPECIAL COMMITTEE TO SOUTHEAST ASIA

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, in view of the heated debate which has developed in Congress over the recent action of the President in sending American troops into Cambodia, as well as other aspects of the war in Southeast Asia, I have joined a number of my colleagues in cosponsoring today a bill calling for the Speaker of the House to appoint a special committee composed of 11 members—two from the Armed Services Committee, two from the Foreign Affairs Committee, and seven from the House at large.

This committee would proceed immediately to Southeast Asia and proceed to investigate all aspects of U.S. military activity there and report back to Congress within 30 days of the date of adoption of the resolution.

It is not our purpose in offering this resolution to indicate any lack of confidence in the President or the manner in which he is conducting the war. Instead, we hope to be able to acquire and submit to the Congress factual information acquired by its own Members on the scene of action which can help to dispell doubt as to what is actually going on and to enable us to discharge our constitutional responsibilities more effectively.

CAMPUS DISORDERS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, avoidance of campus disorders is more important than control, and control is essential. Campus disorders are widespread and they have shaken the entire Nation. They have gone far beyond the bounds of peaceable protest. In a number of instances where they have erupted into violence, they have been met with firmness, and death and injury have resulted. This is inevitable when campus protests get out of hand. There are no campuses which require violence for solutions to student problems, and the unrest is often promoted by nonstudent outsiders who are professional agitators—some of them convicted law violators—and, in most cases, pro-Communists. Those who are not seeking an education should be required to get out of the way and leave room for others more dedicated.

Strict controls are necessary when these unfortunate incidents occur, even if someone gets hurt. The preferred course is to avoid them. It is inconceivable to me that this cannot be done. There can be little doubt but that attempts to provide campus discipline are too often nonexistent. College presidents have in many instances made a sorry show of providing leadership out of these problems in their formative periods. Some professors actually have encouraged what is taking place. The campus is now a haven for troublemakers and

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college heads must face up to the fact that strong preemptive measures are necessary to head off more serious trouble. We are seeing the effects of failure to prepare for these problems. This is a year-round problem and it is part of a new phase of American life which cannot be ignored.

INTRODUCTION OF RESOLUTION CALLING FOR APPOINTMENT OF SELECT COMMITTEE TO CONDUCT FACTFINDING MISSION ON RECENT EVENTS IN SOUTHEAST ASIA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include pertinent material.)

Mr. MONTGOMERY. Mr. Speaker, on Monday I made known my intentions to introduce a resolution calling for the appointment of a select committee to conduct a factual and unbiased fact-finding mission of recent events and future aspects in Southeast Asia. Today, I am proud to announce there is a total of 56 sponsors of this resolution. The list of names includes Members from both parties and all political philosophies.

The only further comment I have at this time is a most humble request that this resolution be acted upon as soon as possible by the appropriate committee in order that the Members of this body may have the opportunity to work their will on the resolution. Time is of the essence.

I include the text of the resolution following my remarks:

RESOLUTION

Whereas, the use of United States troops in Cambodia and increased air activity over North Vietnam have added a new dimension to the war in Southest Asia, and

Whereas, such use of the military forces of the United States has become the subject of intense debate in the Congress, and

Whereas, the Congress to fulfill its Constitutional responsibilities should have accurate and detailed information regarding the extent of the United States involvement in Southeast Asia.

Resolved, That—

(1) The Speaker of the House shall appoint a select committee of eleven Members of the House, two from the Armed Services Committee, two from the Foreign Affairs Committee, and seven from the House at large and shall designate one member to serve as Chairman, which select committee shall immediately proceed to Southeast Asia to investigate all aspects of the United States' military involvement in Southeast Asia. The select committee shall within 30 days of the adoption of this resolution report to the House the results of its investigation.

(2) For the purpose of carrying out this resolution the committee is authorized to sit and act during the present Congress at such times and places whether the House is sitting, has recessed, or has adjourned.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

I wish to congratulate the gentleman on his resolution. I believe it is a very necessary thing for so many of the Members who have such agonizing decisions to make. I am happy to support the resolution. I agree that time is of the essence. I certainly hope there will be very early consideration of this very fine resolution. I commend the gentleman from Mississippi for introducing it.

TRAGEDY AT KENT STATE UNIVERSITY

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, all of America mourns the unbelievable tragedy which occurred at Kent State. Thousands of my constituents are students at this institution and our community is particularly hard hit.

Mr. Speaker, we find it impossible to believe that it was necessary to have young Ohioans fire on young students in Ohio. This kind of thing in other places is called civil war. Instead of sending guardsmen to the campuses of America, we in Congress have the responsibility of going to the campuses to listen and to hear the protests on our current national policies. These policies must withstand free and open discussion and debate in every segment of our society.

Mr. Speaker, the young people of America want to be included in the policy decisions which so critically affect their lives and the country.

GILBERT NATIONAL HEALTH INSURANCE BILL

(Mr. GILBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILBERT. Mr. Speaker, I introduce today a bill to establish a national health insurance program designed to extend to all Americans the medical protection so desperately needed.

Recent statistics have indicated that nine out of every 10 Americans are medically indigent and cannot afford to pay the high cost of care without severe economic sacrifice.

Our affluent citizens can afford the protection of medical care. Our poor are covered, as are the aged, by existing legislation passed by this Congress. Only the hard-working middle American is left to struggle by as best he can. It is somewhat ironic, Mr. Speaker, that the bulwark of our Nation—the worker—is the least protected today in terms of medical attention.

This bill is designed to end that inequity. It would provide comprehensive health benefits, including preventive care and physical examinations, full hospitalization, medical services including treatment by doctors, dentists, and other specialists.

Cost of the program would be financed by a 3-percent payroll tax for employers, a 1-percent payroll tax for employees and a 3-percent contribution from general revenues.

Medical experts tell us that if illness could only be treated during the early stages, the chances for cure would be much higher in almost every circumstance. But the realities as they are today preclude that from happening for most American citizens.

We have a way before us now to improve the health of our people as our grandfathers never dreamed possible. I urge my colleagues to study the bill carefully and with due deliberation. For millions of Americans, his bill could be the most revolutionary, most important bill ever brought before Congress. It is, literally, a matter of life and death we have before us.

A MOMENT TO LISTEN AND UNDERSTAND

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, it is apparent that there will be thousands of young Americans concerned about the recent events in Cambodia and elsewhere coming to Washington. Those of us who participated in the campus task force last year under the leadership of the gentleman from Tennessee (Mr. BROCK) have served notice that we are more than willing to meet with those who come to this city. The members of the task force are: BILL BROCK, EDWARD BIESTER, GEORGE BUSH, LOU FREY, DONALD RIEGLE, BILL STEIGER, JOHN BUCHANAN, LAWRENCE COUGHLIN, MARVIN ESCH, JAMES HASTINGS, LARRY HOGAN, MANUEL LUJAN, DONALD LUKENS, PETE MCCLOSKEY, JACK MCDONALD, JERRY PETTIS, ALBERT QUIE, TOM RAILSBACK, PHIL RUPPE, GUY VANDER JAGT, LOWELL WEICKER, and WILLIAM WHITEHURST.

I believe that it is important that those Members who will be here this weekend, and who are available, will take a moment to listen and help bring about better understanding with the young Americans who are concerned about what happens around them. It seems to me the Members of Congress can serve a very real function in being available and in being willing to listen and in being willing to help guide those who come.

Mr. Speaker, we should not underestimate the depth of feeling being expressed by so many. I would hope those who come to Washington will be given an opportunity to peacefully express their feelings. Violence will be counterproductive and will not contribute to understanding or changes in policy.

WILL THE REAL HATEMONGERS IN AMERICA PLEASE STAND UP

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, Vice President AGNEW continues to perform a tremendous public service by speaking forthrightly to the issues in America, expressing the basic sentiments of tens of millions of concerned citizens as the flames of violence and anarchy lick at our precepts and institutions. Recently Mr.

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AGNEW gave the Washington Post near apoplexy by pointing out that Mayor Lindsay speaking at Berkeley, Calif., on April 2 saying that men now in power "are ready to support repression as long as it is done with a quiet voice and a business suit," really meant that "the people of America are ready to support revolution as long as it is done with a cultured voice and a handsome profile."

Lindsay's latest demagogy is doubly disturbing to any thoughtful citizen: First, because it is calculated misinformation designed to set the stage for more hatred and increased violence, and second, because there is no valid basis for revolution by violence in the United States, and Lindsay and company well know this.

Those political extremists who deliberately take advantage of what they conceive as being the public mood of the hour, to project themselves into temporary public favor at the expense of the security of our society, do incalculable harm to this Nation. No better example of genuine hatemongering can be found than the Herblock cartoon published this morning in the Washington Post showing the boots of a military man standing outside a college surrounded by rocks and broken bottles with a box of ammunition labeled "Politics of Hate" and containing assorted bullets tagged "impudent snobs," college "bums," and so forth.

The real hatemongers of our time should stand up. In the front row will be the political extremists and those elements of the media that persist in grossly distorting the truth about America in her hour of need.

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LET US BUILD THE STRENGTH OF OUR TWO-PARTY SYSTEM

(Mr. MORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORTON. Mr. Speaker, the following letter, written on the stationery of the Democratic National Committee and signed by Chairman Larry O'Brien, was received by a friend of mine:

DEMOCRATIC CONTROL COMMITTEE,
Washington, D.C.

DEAR FRIEND: If ever there was a time to help the Democratic Party, it is now.

I could give you many reasons why you should, but I have answered the Party's call because of mainly two:

One is President Nixon.

The other is Vice President Agnew.

Whichever reason you choose, please send us your membership contribution today and help Democrats win this year's all important elections.

The future of Richard Nixon depends on it!

Sincerely,

LAWRENCE F. O'BRIEN,
National Chairman.

No one is more aware than I that politics is a hard game, and that part of the strength of the American political system is the competitive nature of the two-party system. On the other hand, it seems to me that a letter like this does not serve a constructive purpose.

We cannot escape the fact that the problems facing us in Southeast Asia, in our own economy, and in the society had their origin in the decade of the 1960's. Presidents Kennedy and Johnson, though not of my political choice, were my Presidents as well as the Democrats. The record will show that on occasions we disagreed with their policies, but in a constructive way. In the main, you will find that Republicans did not downgrade them in a personal sense, nor did we tend to belittle the Presidency, on which rests so much responsibility.

I feel that Mr. O'Brien's letter, which I assume was sent to thousands of people because it is a plea for funds, is not in the best interest of the country, or for that matter, not in the best interest of the Democratic Party. Let us look more constructively than this in our attempt to build the strength of our two-party system.

UNREST ON COLLEGE CAMPUSES

(Mr. ESCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ESCH. Mr. Speaker, I rise to call attention to a letter which I have today sent to the President.

MAY 5, 1970.

DEAR MR. PRESIDENT: We share the mounting concern over recent events on our college campuses and the dangerous polarization between young people and the rest of society.

Irrespective of our views on international decisions or the probable causes of the unrest; we cannot allow our campuses to be torn asunder either by the militant few from within nor by some who would demagogue from without. As President, I realize you cannot and should not react to the demands of a dissident minority which speaks through violence. It is imperative, however, that this group not be allowed to speak for the vast majority of young people who are deeply concerned and highly responsible in their thoughts and their actions. Our real danger is that the moderate students are questioning society's ability to deal with their legitimate concerns.

As you so eloquently said in your Inaugural Address, it is now time for us to "lower our voices" and open channels of communication between the institutions of government, the campus, the young people and society as a whole. The dialogue is now weak, limited, and excessively emotional.

I therefore strongly urge you to call together in a nonpublic meeting the leaders of the academic community including administrators, faculty and students to discuss the mutual problems we face.

I recognize that such a meeting cannot address itself to the major international decisions which have aroused such great concern among our young people, except insofar as you wish it to do so. However, there is a major internal threat to the stability and control of our universities, and I believe that such a meeting could be a significant first step in the lessening of the tensions and a depolarization of the issues facing the campus and the nation.

With all respect,

MARVIN L. ESCH,
Member of Congress.

WHO STARTED IT ALL?

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, some of us on this side of the aisle have been trying to support the President and help him get this war in Vietnam over.

But, it does not help very much to have the Republican national chairman constantly blaming it on the decade of the 1960's, and on the Democrats who preceded him.

Now, after all, it seems to me it ought to be about time pretty soon for the President to assume this responsibility on his own. If you want to go back and lay the blame for the beginning, it seems to me what we have been fighting about over there is a policy of containment—and that was not originated by any Democrat. I have been on the Committee on Foreign Affairs too long to be hornswoggled by that argument.

The policy of containment is the creation exclusively of a Republican Secretary of State by the name of John Foster Dulles.

WHO STARTED OUR TROUBLES?

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I remind the Members that the gentleman from Ohio who just spoke is one of the most profound scholars in this body. I think he is absolutely correct when he points out that our colleague from Maryland, the Republican National Committee chairman, was in error when he made the reference to the 1960's as the period when many of our troubles in this country commenced. History discloses that our basic problems stem from mistakes in the 1930's and the 1940's under the Roosevelt and Truman administrations.

CALL OF THE HOUSE

Mr. LEGGETT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 102]

Andrews, Ala.
Baring
Beall, Md.
Berry
Bevill
Blatnik
Brown, Calif.
Camp
Clark
Clay
Conyers
Cramer
Dawson
de la Garza
Dowdy
Feighan
Flowers
Foley
Galifianakis
Giaimo
Gray
Hanna
Johnson, Calif.
Kee
Kirwan
Langen
Long, La.
Lukens
McMillan
Madden
Miller, Calif.
Mollohan
Moorhead
Passman
Patman
Pepper
Pettis
Poage
Pollock
Powell
Roudebush
Scheuer
Schneebeli
Staggers
Taft
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Widnall
Wilson, Bob
Yates
Yatron

The SPEAKER. On this rollcall 376 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORT

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND RESERVE STRENGTH, AUTHORIZATION, 1971

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17123, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Thursday, April 30, 1970, there was pending the amendment of the gentleman from New York (Mr. Reid), a substitute therefor offered by the gentleman from Illinois (Mr. Findley), and the amendment to the Findley substitute offered by the gentleman from California (Mr. Leggett).

Without objection, the Clerk will again report the amendment, the substitute, and the amendment to the substitute.

The Clerk read as follows:

Amendment offered by Mr. Reid of New York:

On page 6, following line 8, add the following new section:

"Sec. 403. In line with the expressed intention of the President of the United States, no part of the funds authorized to be appropriated pursuant to this Act shall be used to finance the introduction of American ground combat troops into Laos, Thailand or Cambodia."

Amendment offered by Mr. Findley in the nature of a substitute for the amendment offered by Mr. Reid of New York:

In place of the amendment, substitute the following language:

"Sec. 403. In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

Amendment offered by Mr. Leggett to the amendment in the nature of a substitute offered by Mr. Findley for the amendment offered by Mr. Reid of New York:

After the word "Congress" strike out the proviso exception.

Mr. FRASER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from California (Mr. Leggett).

Mr. FRASER. Mr. Chairman, what the committee is now confronted with since we put over consideration of this bill last Thursday, is what to do in the light of the President's speech on April 30, announcing that U.S. combat forces had entered Cambodia.

I think it is worth taking a moment or two to analyze what the President is doing when he directs U.S. forces into the country of Cambodia.

In the first instance, the President said that the action would give the South Vietnamese time to proceed with the process of Vietnamization, to equip, train, and upgrade the South Vietnamese forces so that when the 150,000 U.S. troops are withdrawn at the end of a year's period, next spring, the South Vietnamese forces will have a better prospect of being able to handle the situation that exists at that time.

I challenge that rationale, largely on the grounds that there is no evidence that insulating the South Vietnamese forces from pressures, from attacks by North Vietnamese forces over the next year would enhance their capabilities as fighting personnel. I believe it is a fairly incredible proposition that you have a better army by insulating it from pressures, from battle experience, and from attacks, than if that army were subjected over a period of a year to those kinds of stresses.

What, then, was the purpose of the President in sending troops into Cambodia? I think there are three factors that emerge from statements that have been made by the President, both to the public and in the briefings we received yesterday at the White House. One of the reasons is that for 5 years the military has wanted to go in and attack the North Vietnamese and Vietcong forces on the eastern edge of Cambodia. Suddenly, the opportunity presented itself to do what the military had wanted for a long time to do because there was a Cambodian Government in Phnompenh which would be friendly and receptive to such action.

Second, by our invasion of Cambodia, we might take some pressure off the Government of Cambodia, which found itself under increasing threat from the North Vietnamese.

Third, and perhaps most important of all, I think the President wanted to show that he is tough. Each time he has announced a withdrawal he promised that under certain circumstances he may retaliate against the North Vietnamese. The President seems to be trying to prove that he is prepared to back up those words with action. Here was an opportunity to demonstrate the fact that he could be and would be tough under appropriate circumstances.

This is the conclusion that I think one reasonably reaches from having listened to the President and considered the circumstances.

Now, what will happen? It is abundantly clear, even from what the President himself says, that once the U.S. forces are out—and I hope they will be out as the President has promised—in due course the North Vietnamese can reposition themselves, restock the sanctuaries, and present, at the end of an 8-, 10-, or 12-month period essentially the same threat that they present today.

Moreover, by the fact that the United States went into Cambodia without the express and open consent of the Cambodian Government, it raises serious international issues, the very least of which is that it presents a rare opportunity for the North Vietnamese now to have the excuse to march further onto Phnompenh, which, of course, they may very well have done in the absence of American combat troops.

But, finally, where are we a year from now? The ARVN will be presented with essentially the same threat which they have today.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent, Mr. Fraser was allowed to proceed for 1 additional minute.)

Mr. FRASER. The North Vietnamese will present essentially the same threat as they present today.

There is no reason to think they will be stronger by reason of having been less subjected to stress or attack by the North Vietnamese, and we are still left with uncertain prospects.

The President cannot tell us now what will happen if, in fact, as many of us feel, his Vietnamization program does not succeed.

It is for these reasons, Mr. Chairman, that I support the Leggett amendment. The Leggett amendment would not be effective until July 1, because the bill we are debating is for defense expenditures in fiscal year 1971. By that time, July 1, the President has promised to have the troops out of Cambodia. The Leggett amendment will be appropriate, and I hope it is adopted.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me take you on a quick flight with me away from Indochina to an entirely different part of the world—the Middle East. There, Israel—yes, I said Israel—is in a fight for existence, but not really against Arab forces. Arab forces alone pose no problem for Israel. That plucky little nation's fight is against Communist aggression, which is taking over direction of the military objectives of the Arab States, and against modern Communist weapons.

It should be an inescapable conclusion that the fight against communism is a world fight. What is happening in Vietnam and Cambodia and Laos are separate chapters of the same struggle by people everywhere who are seeking to escape or to avoid Communist control.

The adoption of the Reid amendment would be extremely shortsighted. It would place the House in the position of prejudging American policy and would, in

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fact, put a limitation on American policy. The Leggett amendment would, as I interpret it, require a declaration of war before U.S. forces could be used in Cambodia. Let us be frank and admit that declarations of war were part of another world. Limitations of any kind at this stage can do much more harm than good.

If an amendment is to be adopted, it should be the Findley amendment. It does no particular harm. In fact, it reiterates substantially what the President has said he has had to do in Cambodia. If it makes the Congress feel better to keep a hand in the formation of policy matters, this probably is a good way to do it, and certainly it is preferable to the alternatives that have been offered. Either of the other amendments would be making a case which the Communists trumpet to the world as representing a defeat for American efforts in Southeast Asia.

The administration has shown it is seeking by every legitimate means to reduce U.S. involvement in Southeast Asia. Now let us not tie the President's hands even partially. I am willing to trust him. He is my President, too.

It should be very clear that we could quickly have been outflanked by Communist penetration in Cambodia. This would have delayed the process of Vietnamization, would have provided a direct threat to American forces in South Vietnam, would have delayed our withdrawal, and could have caused the fighting there to drag on endlessly. The problems of Laos would have been intensified.

We must accept the fact that the independence of Cambodia also is at stake, and possibly that of all Southeast Asia. If we in America turn our backs on Cambodia, we will doom that nation to Communist control and we will be opening wide the port of Sihanoukville to a flood of weapons and supplies for Communist forces who will be operating at will from the south of Cambodia into Vietnam.

The rest of the world is watching. If it sees the Congress tie the hands of the President, people will know the beginning of the end of American leadership in world affairs is at hand. However unpleasant the task, there are certain responsibilities which go with leadership which must be faced up to and must be accepted. We will be out of Vietnam much more quickly as a result of the President's action in Cambodia, and that, after all, is what is most important to the American people.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman who just preceded me in the well made, I thought, a very interesting observation indeed when he suggested if it made us in the Congress feel any better to adopt some language or amendment, we ought to proceed to adopt the Findley amendment.

I happen to be opposed to the Leggett amendment, not because I want a wider war in Southeast Asia, for as I said when I spoke to an audience in my district a week ago Sunday night, I was opposed to introducing ground combat forces in Laos and Thailand and Cambodia, and I am still today opposed to that, but I think we have to accept the situation in the light of what it is today, not last Wednesday or last Thursday when the amendments by the gentleman from New York (Mr. Reid), the gentleman from California (Mr. Leggett), and the gentleman from Illinois (Mr. Findley) were offered.

I would suggest that since the President has told us—I was not privileged to attend the briefings of yesterday, but I am informed on good authority that the President did say that by July 1 all of these troops would be withdrawn from Cambodia—I believe the President of the United States when he makes a statement of that kind. I was certainly impressed with the analysis of the gentleman from Florida (Mr. Fascell) who said in a bill which contains no operating and maintenance money at all, it does not even deal with personnel, so therefore, we are not selecting a very appropriate vehicle by which to express congressional intent. All we are doing is to, in an ad hoc random fashion tack on some kind of limitation to a procurement bill without any real understanding of what we will thereby accomplish.

I am as interested as anyone in this chamber in reasserting the congressional prerogatives in the field of foreign policy.

As I interpret recent polls, there has been a very perceptible decline in public esteem so far as the Congress is concerned. Why has that taken place? I believe it is largely because of the attrition which has occurred as far as our influence in the field of foreign policy is concerned. It has been our relative impotence and our inability to deal with the great questions of peace and war that have brought us to the apparently powerless state we are in today.

This attrition has not happened under the Nixon administration alone. It happened under the Lyndon Johnson administration. It started, I believe, indeed, under that of Franklin Delano Roosevelt.

I want as much as anyone in this House to restructure and to recapture, if you will, what I believe are the legitimate constitutional prerogatives of this House.

If we are going to avoid a constitutional crisis, and if we are going to avoid a clash of Presidential power with what we in the Congress insist is our right and our prerogative, we ought to begin now.

I am equally convinced that we are not going to do it—and indeed, we demean ourselves—if we in this Chamber today adopt meaningless legislative language and think, "Well, we have shown them this time; we have shown them that the people's Representatives have really spoken up."

I am going to introduce—indeed, I have already introduced—a concurrent resolution, and I am going to solicit the active support of the Members of the House for this resolution, in which I say that it is now clearly national policy by virtue of a resolution of the Congress that we do continue the program of disengagement and withdrawal to which the President has committed himself; and we say it is our national policy not to enlarge the present conflict into the neighboring States of Cambodia, Laos, and Thailand.

For all too long, I believe—for all too long we have rested on the purely Presidential initiative. We have been unwilling in this House to share the burden that is ours under the Constitution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. Anderson of Illinois was allowed to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. Mr. Chairman, we have neglected and ignored all too long the constitutional responsibility to share in the making of that policy.

But it is going to take more than a week or a month or even a single session of Congress to do it. We are going to have to begin systematically, I believe, with the proper building blocks to recreate the kind of role the Congress under the Constitution was intended to have.

I am going to offer this resolution in that spirit, in the hope that rather than adopt amendments which I believe will prove in time to be meaningless and therefore only increase the disillusionment in the country as to our ability and as to the efficacy of our actions, that we be well advised to consider this kind of resolution, rather than simply trying to tack on in a meaningless fashion amendments to this particular procurement bill.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some time when we can terminate debate on this amendment and all amendments thereto.

Mr. GERALD R. FORD. Mr. Chairman, I regret I did not hear the request of the distinguished chairman of the Committee on Armed Services. Would the gentleman repeat it?

Mr. RIVERS. I am trying to arrive at some kind of agreement, Mr. Chairman, whereby we can agree to terminate debate on this amendment and all amendments thereto and vote.

The CHAIRMAN. The gentleman from South Carolina is now discussing the Reid of New York amendment.

Mr. RIVERS. Mr. Chairman, I wonder if we could agree to vote at, say, 2 o'clock?

Mr. GIBBONS. Mr. Chairman, I object.

Mr. RIVERS. What about 2:30, Mr. Chairman?

Mr. GIBBONS. I object, Mr. Chairman.

Mr. CAREY. I object, Mr. Chairman.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I yield to the gentleman from California.

Mr. LEGGETT. I appreciate the chairman's yielding.

I notice there are at least 50 Members on their feet at the present time. If we were to go for an hour on this very important subject matter, I am sure we would have all of a minute apiece to express ourselves, really for the first time, on American foreign policy in the Indochina Peninsula for the past 5 years. I would suggest that——

Mr. RIVERS. I have already yielded as long as I am going to yield, Mr. Chairman.

Mr. Chairman, we do not make foreign policy in the House, anyway.

Mr. Chairman, I have already asked for 2:30. That is 70 minutes. What about a quarter to 3?

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The CHAIRMAN. The Chair will state, as he understands it, the gentleman from South Carolina is asking that debate be limited to the Members standing on their feet on the Reid of New York amendment and all amendments thereto——

Mr. RIVERS. To close at a quarter to 3. I ask unanimous consent to that, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. LEGGETT. Mr. Chairman, I object.

Mr. RIVERS. What about 3 o'clock?

Mr. LEGGETT. Mr. Chairman, I object.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 3:20.

Mr. LEGGETT. Mr. Chairman, I object.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 3:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was rejected.

Mr. REUSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Findley substitute.

We should be extricating ourselves from South Vietnam, not implicating ourselves in Laos, Thailand, or Cambodia. Yet the Findley substitute would not only endorse the actions taken by the President last Thursday; it would also give him license to take similar action in Laos and Thailand. The hand is the hand of Mr. FINDLEY, but the voice is the voice of Mr. Nixon.

All that the Findley substitute requires for the use of American ground combat troops in these countries, without any consent of Congress, is for the President—I repeat the President—to "determine" that this is needed "to protect the lives of American troops remaining within South Vietnam."

I am not going to see this war enlarged by any such tortuous determinations by the President. Mr. Nixon has publicly justified his sending U.S. ground combat forces into Cambodia by saying that this is necessary to protect the lives of American troops in South Vietnam. Yet he told members of the Armed Services Committee, assembled at the White House yesterday, that another reason for sending in American troops was to prevent the present rightwing government of Cambodia from being toppled. And from background briefings reported in the press, we learn that the real reason for the U.S. invasion of Cambodia is the need to flex our muscles toward the Soviet Union and to reinforce our credibility as a great power.

World peace should not be allowed to hang on such slippery determinations. Whatever the "real" reasons for our invasion of Cambodia, they are the hallmark of policies that have been awry for years.

Under the Findley substitute, the President, without consulting the Congress, can order American ground combat troops into Thailand, hundreds of miles from South Vietnam, by simply "determining" that this is necessary to protect the lives of American troops in South Vietnam. You might as well argue that the President, all by his lonesome, can drop paratroopers into Peking or Moscow in an effort to wipe out those centers of communism—after all, if he succeeds in wiping them out, it will certainly protect the lives of American troops in South Vietnam, since Moscow and Peking are the start of the pipeline.

I oppose enlarging the war. I oppose the renewed bombing of North Vietnam. I deplore the lack of candor which has shrouded the events of the last week. This endangers the safety of the American people, the fabric of American society, and the credibility of the United States far more than do the Communist sanctuaries in Cambodia.

If we are for President Nixon's Cambodian adventure, we should vote for the Findley substitute. If we oppose the adventure, we should oppose the substitute.

Unless we are so many sheep on the runway, we should welcome the chance to be recorded on this historic vote.

Mr. WIGGINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the next several hours this House will be called upon to vote on various amendments which relate to the nature and extent of our military involvement around the world.

Since the pending bill pertains only to the payments authorized in fiscal 1971, largely for equipment, the amendments have no immediate application to the current situation in Cambodia and little limiting effect upon the options available to the President thereafter. These amendments are truly in the nature of expressing the sense of the Congress with respect to America's policy abroad.

I shall most probably vote against each of the likely amendments unless parliamentary tactics dictate otherwise.

Too much of the debate following the actions of the President with respect to Cambodia misses the central issue. Even the President's public justification avoids a discussion of fundamental objectives and how his actions relate to the attainment of the objectives.

Surely, the saving of American lives in Vietnam, however desirable, is not our ultimate objective. If it were, we could proceed more directly toward that objective by their prompt removal from the zone of danger.

Vietnamization is not our ultimate objective, either. It is merely a tactic, rather than a fundamental goal, and our presence in Cambodia cannot be credably defended as necessary to guarantee the success of such a tactic.

In truth, we moved into Cambodia because our national interests are served by doing so, and the recent change of governments made it politically possible to do so.

America's fundamental national interests are directly and intimately related to peace in the world. The ultimate question—lost in the violence and heat of the Cambodian debate—is what consistent policies should America pursue around the world to achieve and maintain the peace we seek.

Since World War II, successive administrations have recognized that there are forces in the world which are not motivated by a live-and-let-live policy. There are national States which threaten their neighbors. No better current example can be found than in the Middle East. These aggressive powers can provoke a war we seek to avoid and there is no evidence that they shall cease and desist from molesting their neighbors if we follow a policy of indifference to them.

Indeed, history suggests the reverse to be true. If the big powers refuse to react to the transgressions of the small powers—not because they want to, but because they have to—the record of history leads me to the conclusion that we are moving toward war, rather than peace.

America has no desire to shed her blood in Vietnam. But the consequences of successful aggression are unacceptable to America's fundamental national interests.

We have no desire to occupy, even temporarily, any portion of Cambodia. But the consequences of a forcible overthrow of the Cambodian Government by a foreign power is equally unacceptable.

The ultimate stakes are as fundamental as peace in the world and we need apologize to no one for pursuing policies reasonably calculated to that end.

Surely the honorable and patriotic Members of this House cannot believe that America's national interests are enhanced if the troops of North Vietnam impose by force and terror Communist governments throughout Indochina. Yet are not some of our Members urging a policy which will lead to that result?

If our Government, in the interests of peace seeks to avoid the likely consequence of sudden disengagement and withdrawal, the question is: What are we prepared to do about it?

Unless someone has a better plan for peace, I urge support of the President and I urge defeat of amendments which limit his options to react against forces threatening the peace.

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. Yes, I am glad to yield to the gentleman from Illinois.

Mr. ARENDS. Since the gentleman has already been allowed time, I trust that none of the Members will ask for more than 5 minutes time and, therefore, I would feel obliged to object since so many Members desire to speak on this amendment. I feel the time should be limited to the 5 minutes in each case. If the gentleman from Indiana asks unanimous consent to proceed for more than 5 minutes, I shall not object in this particular instance since he had already been recognized.

Mr. HALL. Mr. Chairman, will the gentleman yield?

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Mr. ADAIR. I yield to the gentleman from Missouri.

Mr. HALL. I do not want to take words from the mouth of the gentleman, because I know too that he was at the White House conference yesterday. But would the gentleman agree with me that at no time did the Commander in Chief and the President of these United States say that he would defend any branch of the Cambodian Government, past, present, or future?

Mr. ADAIR. The gentleman is correct. Any benefits that might accrue to the Government of Cambodia would be incidental to the main purposes of our being in Cambodia.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, that is almost exactly paraphrasing what the President said and, in my opinion, it is a disservice to the Nation and, certainly, to the Commander in Chief to claim, as the last gentleman in the well just did, that it was to preserve a "rightwing government" in Cambodia.

Furthermore, it is geographically true that it is less than 55 miles across the panhandle of Laos from South Vietnam to the border of Thailand, not "hundreds of miles" from South Vietnam to Thailand.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. ADAIR. I yield to the gentleman from Florida.

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Mr. FASCELL. I believe the President said, and we were both present at the conference, I believe the President said with respect to that issue that it was not this Government's primary objective to sustain the present Government of Cambodia.

Mr. ADAIR. That is correct.

Mr. Chairman, when any branch of the Government, whether it be executive or legislative, begins to tell our enemies publicly what we will or will not do, we are to a degree endangering our Nation and its best interests.

There are people in this Chamber who will recall that in January 1950 the then Secretary of State in a speech before the National Press Club, if my memory serves me correctly, drew a line in Asia and indicated countries that we, the United States, would defend. Omitted from the countries to be protected, among others, was Korea.

There is a responsible body of opinion in this country that held and still holds that the exclusion by omission encouraged the Communists to invade South Korea. So, I repeat that when any responsible element of Government says publicly and firmly that we will or will not defend certain areas or enter into certain areas, we are endangering our national well being.

Therefore, Mr. Chairman, although in light of recent developments my own choice would be that we said nothing at this time upon the matter of troops in Cambodia, Laos, and Thailand, if we do so, I strongly support the amendment which has been offered by the gentleman from Illinois (Mr. FINDLEY).

It seems to me that to adopt the amendment offered by the gentleman from California (Mr. LEGGETT) or to adopt the amendment as originally offered by the gentleman from New York (Mr. REID) is tying the hands of our President, is telegraphing our punches, and is putting ourselves in an almost impossible position especially, I repeat, in the light of developments in the last few days.

Let us give our President the right to take such action as he deems necessary to protect our national interests, and protect the lives of our fighting men.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it was a wise idea for this Committee to rise on last Thursday. It has given the members of this Committee an opportunity to judge the facts as they are now in the light of the President's speech and in the light of what has happened to our Nation over the past few days.

Someone said a moment ago that we do not make foreign policy in this body. Perhaps, but we certainly implement it.

Somebody also made the statement that we are not exercising our congressional prerogatives in a meaningful way in what we might do today, but the fact of the matter is we are exercising a prerogative here that perhaps is stronger and more formidable than any other power that this Congress has, and that of course is the power of the purse.

Mr. Chairman, I come to the well of the House here as one who recognizes the anguish that this problem gives to all of us. I am conscious of what this great Committee on Armed Services has done over the years in keeping our defense strong and in maintaining the security of this Nation around the world. I am conscious also of the fact that those of us who serve here have a particular responsibility also, to our own people, to our own Nation. I am conscious of the fact that over the years we have done what we think we should have done in South Vietnam to stop aggression. But I think we have gone far enough.

So, Mr. Chairman, I come here to express my own opinion with regard to our problems in Southeast Asia, and with regard to our problems here in this Nation that all of us love so much.

So, Mr. Chairman, in my judgment, the military forays into Cambodia are roughly akin to a flirtation with disaster. They threaten to spread the war throughout Indochina, engulfing the United States in a conflict that may take decades to resolve.

The assault across the Cambodian border has yet to yield anything of genuine tactical significance—are a few huts, a few caches of arms, a few storehouses of rice worth risking a dramatically widened war? I think not, Mr. Chairman.

Our military leaders have been entertaining an illusion for the past decade—an illusion that our vastly superior firepower can conquer the guerrilla forces in Southeast Asia.

The bombing of North Vietnam, for example, failed abysmally in its strategic goal of ending infiltration into the South.

The incursions into Cambodia, as just one further example, failed to provoke, the kind of decisive pitched battle, that the Army's General Staff has been wistfully musing about since the early 1960's.

The enemy in Southeast Asia, scrupulously avoids military confrontations that might rout their forces. They are lightly armed bands of guerrilla fighters, moving with lightning speed and striking with devastating suddenness. They can melt away into the jungles and rice paddies almost instantly.

This country's forbidding array of tanks, airplanes, and artillery is far from decisive against such an enemy. The very concept of military victory is the most futile kind of wishful thinking.

I was alarmed to hear President Nixon speaking in vague terms of victory and loss in his television address last week.

It seems plain—indeed, conspicuous—that the only way to achieve a meaningful peace in Southeast Asia is through a negotiated political settlement.

For too long, Mr. Chairman, we have seen temporary operations turn into permanent ones.

For too long, we have seen bold new escalations of the war yield nothing even remotely comparable to the military's pledges.

For too long, we have seen our blood spilled and our resources squandered in a fruitless cause.

The results of 10 years of warfare can be summed up neatly—almost 50,000 Americans killed, 275,000 wounded, billions of dollars wasted, and peace still a distant prospect.

President Nixon, of course, is acting with honesty and with good faith in his efforts to end the war.

We in the Congress—we who disagree with his policies—must act with equal honesty and good faith.

Further debating and dithering about the war will achieve next to nothing. We must exercise virtually the only power available to us in shaping U.S. policy in Southeast Asia—the power of the purse.

I will support Congressman LEGGETT's amendment. I strongly urge its passage.

As I suggested in a resolution introduced here a few weeks ago, all U.S. combat forces should be withdrawn from Southeast Asia within a year.

If the South Vietnamese are not yet ready to defend themselves, they will never be ready.

And if our allies around the world are not yet convinced that we are prepared to shed our blood in defense of liberty, freedom, and the Nation's security, they will never be convinced.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, an earlier speaker this afternoon indicated that he challenged one of the rationales of the President for the action that was taken last week. He challenged the rationale, that this operation would help the military capability of the South Vietnamese.

I think his challenging of that rationale indicates his lack of knowldege as to what is going to happen to the capability of the South Vietnamese Army in the months ahead. We know that they are being better equipped and better trained, and operations such as this against the sanctuaries will inevitably lead to better leadership and greater morale on the South Vietnamese military forces.

Mr. Speaker, I am convinced that their role in this tragic war will be increased, and be increasingly successful. Their military success will accelerate the withdrawal of American forces from South Vietnam.

Another speaker a few moments ago made the statement, and I believe I am accurately repeating his words—that the President of the United States had made slippery determinations in justifying his decision to do what was done last week.

I was quite surprised that the individual would so characterize the decision of the President of the United States.

"Slippery determinations"—you can disagree with what the President has decided, but I do not believe it appropriate to label them as "slippery determinations."

The overall purpose of the sanctuary operation is to shorten the war. The purpose of the operation is to lead to greater and greater withdrawals of American participation.

A year ago at this time there were 540 and some-odd thousand U.S. military personnel in South Vietnam. Today, there are 450,000. The President has promised to have 150,000 less military personnel in South Vietnam a year from now.

The purpose, as I said, was to shorten the war and to decrease our responsibilities in it.

This operation, I believe, is producing results. Let me give you the results that were given to me as of this morning.

In less than a week of this operation, as of this morning, approximately 3,000 of the enemy have been killed.

Approximately 650 of the enemy in the Fish Hook and Parrot's Beak area have been captured.

This means that roughly one-third of the enemy personnel in those two areas have either been killed or captured. This is a very high ratio of success against the enemy.

Furthermore, in this 1 week or less of ARVIN and U.S. military operations over 4,000 enemy weapons have been captured—weapons which if they were in the hands of the enemy, would be used against American soldiers, sailors, marines, and air force.

In addition our forces have captured over 1 million pounds of enemy rice. The destruction of enemy food supplies will help our forces and hurt the enemy.

This means that 10,000 North Vietnamese soldiers will have difficulty for a 3-month period in sustaining themselves in a military operation just because the enemy will have fewer weapons and less food supplies.

It means 24,000 man-days will be lost by the enemy in food supplies, enough food stocks for 2½ enemy divisions for an extended period.

But let me point this out. Within the last 4 or 5 days over 725,000 rounds of small arms ammunition have been captured. What does that mean?

It means that over 725,000 rounds of enemy ammunition cannot and will not be used against American military personnel.

Mr. Chairman, this in my judgment is indicative of the results of an operation that had to be done if our basic objective is to withdraw American forces and to increase the capability of the South Vietnamese to defend themselves.

I think this operation will be successful. The President has promised that all American forces in the Cambodian area will be withdrawn by July 1 and probably more quickly than that. The President should be applauded for his strong action and appropriate action in the best interest of the United States. This was a military operation that was essential and vital in the national interest of the United States of America, and I think we ought to support it.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very much interested in the impressive statistics just given us by the distinguished minority leader. There are other statistics that have developed during the course of the almost 1 week since this operation was commenced. Those statistics would reflect the deep division which has become greater and deeper in this Nation, the polarization of positions of the American public, the demands of the American people that the Congress of the United States act in response to its constitutional responsibilities.

I heard it said on this floor earlier today that the day of the declared war is over, and perhaps it is. But the day of prior consultation with the Congress should not be over. If that is to be the pattern of the future, let us face it frontally and propose to amend the Constitution to vest in the President, and the President alone, the power to determine whether or not this Nation engages in military operations in any part of the globe.

The decline of the power and the prestige of the Congress has been going on for a great many years. One Member, the gentleman from Illinois, said that it goes back to the days of Franklin Roosevelt. I think it started before then. It started as the Executive has grown and grown until today the Executive controls virtually all of the information upon which we here in the Congress rely.

Yesterday there were briefings at the White House for four committees. There are 435 Members of this House and 100 Members of the other body. The responsibility of each and every one of them is identically the same when they go back to their congressional districts. There are ways and means to bring these issues into discussion in this House if they are so sensitive that they cannot be made public. We have rules which permit executive sessions for the discussion of matters of such transcendent importance. But their use has not been proposed.

I think that we have here to recognize that the division at home can inevitably lead to the destruction of this Nation and of the institutions which we value or we should value very greatly. Our freedoms are being denied us. We see the shocking spectacle of war between generations. I know of no instance in which a civilized nation has endured this type of warfare in the past—one generation against another—and remember that the generation against which all the criticism is directed today is the generation which in just a very few years will govern this country, whether or not we like it. Time is on their side and not on ours. They are entitled to be heard on their problems, and have them considered, and I do not think they have been given either the hearings or the consideration of the manner in which a continuing war—or a war which has now waged far too long—disrupts their lives and makes it impossible for them to plan.

I think it adds to the sense of unrest on the campuses and the uncertainties which we here in the Congress by our inaction have materially contributed to. I do not criticize the President for doing what we let him get by with. I think it is time we speak our piece, and assume our responsibilities to our Nation.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a poor time, place, and way, I submit, to lay down American foreign policy on a vital issue of this kind. What are we considering here today? We are considering a military procurement bill. In a few minutes here this afternoon, in the consideration of a procurement bill, it is being suggested that we tie the hands of the President of the United States and of the executive branch and lay down a course of foreign policy.

We have some troops in Cambodia right now. I assume if the Leggett amendment were adopted, and an emergency involving those troops arose, we could not send some tanks paid for under this bill in to help them out without first coming here and getting the approval of Congress.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. No; I have not time to yield. I will let the gentleman take his own time, please.

Mr. Chairman, it helps to have some little knowledge of history. There was a Member of this House called Abraham Lincoln who opposed the Mexican war, and he voted here in opposition to an amendment which tended to approve the Mexican war. Afterward he had to explain to his law partner Bill Herndon back in Illinois why he had taken that action. He wrote Herndon a letter in February of 1848, which I suggest is good reading for some gentlemen here, in which Lincoln explained that he voted against the amendment which commended the war, but that did not mean that he was not going to vote supplies for the troops. He believed in supplies for the troops, and he would not, according to what he said to Mr. Herndon in 1848, have voted for an amendment of the Leggett type in that war; because the thrust of the Leggett amendment is to perhaps deny needed supplies to the troops.

Lincoln knew how to oppose the war

in a way that some people today apparently do not recall.

There is one thing I would like to say. There is a sound legal basis for what we are doing. The powers of the President as Commander in Chief under article II of the Constitution are broad and sweeping. They do not always, and they have not historically always, required a declaration of war by this body. We fought an undeclared war with France in our early days, we fought an undeclared war with the Barbary pirates in the early days, we have landed the Marines hundreds of times without a congressional resolution of war; and we cannot forget what President Truman did in Korea and what President Eisenhower did in Lebanon, all without declarations of war or prior congressional resolutions. So there is a legal basis for the President as the Commander in Chief to take such action.

As a matter of international law, when we have a neutral country like Cambodia which cannot maintain its neutrality—because the North Vietnamese are in there holding the country and using it as a base of offensive operations—international law, if I remember correctly, recognizes that a belligerent party has a limited right of self-defense to go in and do something about that situation—which is exactly what we are doing today.

Militarily it seems to me it makes sense to buy the Vietnamese Army about a year's time to get to be a better army—and that is what we are doing here. It helps the program of Vietnamization to do that. That is what we are doing here.

So we have a military basis for what we are doing, we have a historical basis for what we are doing, we have a legal basis for what we are doing, and we have a sound policy basis for what we are doing.

In this country we give even an accused criminal the benefit of the doubt. I say when we have this kind of basis for what we are doing and when we have these very difficult problems, as American citizens, in these very perilous times at home and abroad, we ought to give the President of the United States and our Government the benefit of any doubt that may exist instead of embarrassing and harassing the President and the administration by ill-considered amendments on the floor of this body. We ought to give the President and our Government our support.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York (Mr. Reid).

The Clerk read as follows:

Amendment offered by Mr. Bingham to the amendment offered by Mr. Reid of New York: Insert after the word "Cambodia" the following: ", or to finance attacks on the territory of North Vietnam."

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINDLEY. Is the amendment in order? An amendment to an amendment to an amendment is now pending.

The CHAIRMAN. The gentleman from New York is offering an amendment to the amendment offered by the gentleman from New York (Mr. Reid) which was the original amendment. That is in order.

The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. BINGHAM. Mr. Chairman, this amendment is offered to the Reid of New York amendment, to extend it to the territory of North Vietnam.

It is my intention, at the appropriate time, after the Leggett amendment to the Findley substitute amendment has been disposed of, to offer the same amendment to the Findley substitute amendment. My amendment would not be in order now to the Leggett amendment.

Mr. Chairman, I support the Reid of New York and Leggett amendments. The success of one or another of these amendments is vital.

I have been dismayed by the Cambodian incursions. I believe that they have had their worst effect right here in this country.

President Nixon in his 1968 campaign talked about bringing the country together. I believe by this action he has taken a catastrophic step to break it apart.

Why do I offer this amendment now, which some of my good friends have said might confuse the situation? I offer it now because I believe North Vietnam is a part of this total situation. All three amendments before us refer not only to Cambodia but also to Laos and Thailand. I believe it is important that the restraint contemplated be extended to cover the territory of North Vietnam, so as to make it perfectly clear that the President has no authority to go in with ground troops into North Vietnam.

Every single rationale used to justify the incursions into Cambodia could be used to justify a limited incursion into the southern end of North Vietnam.

The second reason for my amendment is that I believe we should at this time preclude the possibility of large-scale bombing attacks in North Vietnam. These attacks have recently been stepped up. Coming at the same time as the Cambodian incursion, this is having a dreadful effect on the young people of this country. It is returning us to a policy that failed before, and it is presenting a danger to the slim chance we still have for the possibility of negotiations of this dreadful conflict.

I believe that the debate here today should include the subject of the bombing attacks on North Vietnam and their impact on the possibility of a peaceful settlement.

I believe the Nixon administration, at least since last November 3, has not shown any real interest in negotiation. It appears the President has virtually given up hope of a compromise political settlement. Yet, in the minds of many of us, this is the only way this conflict eventually is going to be ended, whether American forces stay on in Vietnam indefinitely or whether they are promptly withdrawn, as I believe they should be. In no case can the conflict be ended by victory for our side.

So, Mr. Chairman, we must do nothing that might close the door on the possibility of a political settlement by humiliating the North Vietnamese and making it impossible to continue to sit across the table and talk to us.

Certainly the Paris negotiations have not accomplished very much in the last year or more, but at least the two sides are in contact. Let us not take the chance, by returning to a reckless policy that is discredited, of destroying the thin, frail reed on which we have to rely for the possibility of a political settlement that could bring this miserable war to an end.

The Nixon policy of Vietnamizing the war is a false policy, raising false hopes. Its failure has been demonstrated by what the President did this last week. His actions represented a kind of desperate effort to find a way to serve the policy of Vietnamization, which cannot succeed. It cannot succeed because it depends for its success on cooperation by the other side, and there is no reason to suppose the other side will oblige. I hope my amendment will be supported.

Mr. HOWARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Leggett amendment; the amendment that will assure that this country and this Congress has no intention of widening or prolonging this frustrating war.

The Leggett amendment will in no way endanger the ground combat troops that have already, unfortunately, been deployed into neutral Cambodia. Its effective date is July 1, 1970—a date by which the President himself asserted yesterday that all of our troops will be out of that country.

But the Leggett amendment in many ways goes beyond its stated purpose. It gives this Congress the opportunity to fulfill its constitutional responsibility to the American people. It gives us the opportunity to go on record against continuing senseless killing of other human beings, both ours and our enemies. It especially will show to the young people of America that there is, indeed, an "other way" to be heard.

Mr. Chairman, during periods of social upheaval, when people are faced with horrendous challenges, they either rise to the occasion, face what must be faced, and do what must be done, or else they collapse, and go looking for scapegoats.

In my opinion, a large percentage of our older generation has failed to rise to the occasion, cannot bear to face what must be faced, or do what must be done, and has wholly collapsed, seeking only the necessary scapegoat, to satisfy its wounded pride. And the scapegoat it wants to tear apart, most especially, is the politically active element in the younger generation.

Let me explain, so there will not be any confusion about it. I am not speaking in favor of the ones who burn down

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college buildings, intimidate school officials, break the laws, and interrupt the operations of society, just for the sake of causing a sensation. In every generation there are people like this—fragile, anguished, in psychological pain—who can only express their feelings by adopting the worst of the world around them. The wounded-in-soul are always with us, but I am not talking about them.

Rather, I am talking about those who have seen us as we are, and are taking us to task. They may enrage us by asking us just the questions we want least to hear, or disturb us with the depth of the perception of our failure. But they are right, and there is no getting around it.

I am speaking of the young people who question the moral justification of a terrible war, who want to know how we can travel to the moon but so pollute our water and our atmosphere that life becomes endangered—young people who wonder aloud at our turning this Nation into one huge traffic-jam—young people who question why we insisted on teaching them about the Constitution when, as a nation, we have absolutely refused to abide by its requirements in regard to men of different color. They call attention to the hypocrisies by which we live—our talk about national ideals, shrouded as it is by the shadow of materialism; our pretensions about religion, coupled with the practice of dog-eat-dog, 5 days a week.

And what can we say, in response? What do we say, in response? We say they are ungrateful. We gave them everything money could buy. They were the first generation raised in affluence, receiving all the material things their parents and grandparents worked so hard to get for them. And here they are, telling us it is the wrong kind of everything.

Perhaps it was the affluence. These kids, raised without the need to go grubbing for pennies in the street, had the time and opportunity to think; and some of their thinking, apparently, concerned that wonderful abstraction: the meaning of life. We gave them so much education, so many opportunities to travel; we were so candid with them about our frailties; we encouraged them to explore, and what have they become? Wiser and kinder and more deeply committed to our own ideals than we ever were.

There is an interesting parallel here, between the days of the Kennedy administration, which captured the imagination of American youth and the present era, which infuriates American youth. In one case, we had a country full of hope, determined the problems would be solved. Under the current regime, we have a hopeless policy, dedicated to retreat from reform and retreat from reality.

It is time to summon the courage to face the facts. Those bright, passionate, clear-eyed young people should not be ignored, or locked up, or betrayed or shot by a nation that needs them as no nation ever needed anybody. We parents have never brought up a generation of children so well before. They have turned out wise and strong, with a passion for life and a quality of humanity blinding in its sheer magnificence. Somehow, we have raised an extraordinary generation of good people.

Now they are in peril. They are under attack as revolutionaries, and most of them are nothing of the kind. They are denounced as wreckers of the world because they speak against the wrecking of the world. It is entirely possible that they have, in fact, become the guardians of the "impossible dream", of Democratic triumph, and to attack and destroy them and their hopes now, under such circumstances, could well be the greatest catastrophe of American political history.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PIKE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

Mr. ARENDS. Mr. Chairman, reserving the right to object, I hope the gentleman heard my remarks earlier during the day to the effect that due to the fact so many Members wish to speak on this, it is only fair that everyone have an opportunity to speak; and therefore, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Leggett amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

PARLIAMENTARY INQUIRIES

Mr. FINDLEY. Mr. Chairman, I pose a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Can the Chair state what amendment will be first considered?

The CHAIRMAN. The first amendment to be voted on will be the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment offered by the gentleman from New York (Mr. REID).

Mr. FINDLEY. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Then, I further suggest that the Bingham amendment be defeated, and as I understand the parliamentary situation, assuming that the Bingham amendment is defeated, the next vote will be on the Leggett amendment. Am I correct on that?

The CHAIRMAN. The gentleman is correct; to the substitute offered by the gentleman from Illinois.

Mr. FINDLEY. And then next will be the substitute which I offered?

The CHAIRMAN. The gentleman is correct.

Mr. FINDLEY. Mr. Chairman, just as the President has certain implied powers as Commander in Chief, among them the duty to protect American lives, the Congress equally has the implied legislative power of oversight and review of such Presidential action. The President has deemed it necessary to introduce ground combat troops into Cambodia to protect American lives in Vietnam, and Congress now has the right and the duty to legislate concerning the presence of our troops in Cambodia.

Congress, and only the Congress, can properly authorize military operations on foreign territory.

The Congress has not authorized such operations in Cambodia. In my opinion it should not do so now. Indeed, I strongly urge that the Congress clearly express its opposition to such operations, and its requirement that ground combat operations now underway must be strictly confined to the short-term, emergency need to protect the lives of U.S. military personnel remaining in South Vietnam.

This can be accomplished by the acceptance of the amendment in the nature of a substitute. I have offered to the amendment of the gentleman from New York (Mr. REID).

To the policy question—Should U.S. ground combat troops be introduced into Cambodia?—my substitute clearly says "No," except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

To the factual question—Does the Congress have the constitutional duty to decide whether U.S. troops shall be introduced into Cambodia for purpose other than the protection of U.S. lives in South Vietnam?—my substitute clearly says that Congress has that right and must exercise it before troops can properly be introduced for such purpose.

To the factual question—Does the President have the right and duty to send troops in order to protect U.S. military personnel remaining in South Vietnam?—my substitute clearly says "Yes," but it requires that the President, in invoking this right and duty, make a determination that U.S. lives are threatened and report such promptly to Congress.

The requirement that the President report promptly to the Congress would entail a detailed discussion of why he felt it necessary to act without prior congressional authorization. This report would then be received by the Congress, examined by the appropriate committee, and if deemed necessary, passed upon by Congress. Thus, Congress would be able to decide whether in its judgment the President had acted within or beyond his constitutional authority.

This amendment would do something which no other amendment under consideration today would do—it would assist the Congress in the exercise of its implied powers of legislative oversight and review of the use of the Armed Forces of the United States.

Where the President has an implied duty to act to protect American lives, the Congress has an equal implied duty to judge that act and to determine whether the President acted within permissible constitutional bounds.

We all recognize that the President's implied powers as Commander in Chief are not unlimited. For example, he cannot properly use implied powers as a guise. He cannot undertake a new long-term commitment on foreign territory

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without the prior approval of Congress, arguing this was to protect American lives. His control over the Armed Forces of the United States empowers the President to order troop movements without the approval of Congress, but the Congress has the right and responsibility to decide whether, in its judgment, the President acted only to protect American lives. In addition, the Congress must judge whether conditions were so critical and urgent as to have made prior consultation with Congress unwise or impossible.

President Nixon told me yesterday at the White House that he believes this reporting procedure is proper.

Therefore, I urge you to reject the amendment of our distinguished colleague from California (Mr. Leggett). It will strike out the requirements in my amendment that the President report promptly to the Congress any exercise of his implied powers in Laos, Thailand, or Cambodia. The Leggett amendment omits any reference to the President's implied powers. It ignores the implied powers. But by doing so it does not diminish them. It merely strikes out a phrase which will assist the Congress in the exercise of its own powers of oversight and review.

Our President has declared the combat actions constitute neither a widening of the war nor a reversal of our program of withdrawal of all U.S. combat troops from South Vietnam.

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Acceptance of the substitute will help establish worldwide credibility for the President's declaration. This is vitally important. There would be grave danger to our Nation if his announcement and actions are misinterpreted as encompassing more than the short-term, limited objective of protecting American lives remaining in South Vietnam during Vietnamization and withdrawal. No one should mistakenly believe that the United States is once again seeking a military solution or a military victory.

This misreading would be especially unfortunate on the part of foreign powers capable of widening the war; that is, the Soviet Union and China. We must also reassure our allies in Asia as well as in Western Europe, some of whom have already reacted harshly. Most importantly, we must speak to the American people and for them, many of whom are deeply troubled and confused by this turn of events and have reacted with intemperance and even violence. As we withdraw from Vietnam we must not let our country be torn apart by divisiveness in the same manner that it was torn apart when we were going in.

The Congress has both the opportunity and the responsibility to clear up any doubts about American policy in friendly and unfriendly foreign capitals as well as here at home. By supporting my amendment to the Reid amendment, Congress can act to clarify U.S. policy and accomplish these results:

First, as the representative branch of Government, inform the President that we as a body expect the scope and duration of present operations in Cambodia to be limited exclusively to protecting lives of American troops in Vietnam;

Second, require the President to seek prior congressional approval of any further commitment of troops to foreign territory; or if conditions are critical and urgent as to make prior consultation unwise or impossible, require that the President promptly report those conditions and his action to the Congress so that it can make its own judgment of the facts;

Third, reassure the American people, our allies, and hostile powers that this incursion into Cambodia does not represent a widening of the war. Basic U.S. policy of withdrawal and Vietnamization has not changed; and

Fourth, show to all the world, friend and foe alike, that, where the safety of our men is concerned, the Congress expects the President to use his implied powers, as Commander in Chief, to protect their safety.

Mr. FARBSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I favor the amendment offered by the gentleman from California (Mr. Leggett) because I truly believe that this is the only means of having some restraint on the President.

Mr. Chairman, the President in widening the war in Southeast Asia is pursuing an illusionary dream of military victory. His decision can only delay the withdrawal of American troops from the war. His decision can only mean that our domestic needs will continue to go unmet. His decision can only mean that he has broken faith with those to whom he promised a speedy end to the war.

We have heard the "we can win the war if only we expand it" logic before, and each time it has turned out to have cruel and predictable consequences. The Pentagon told us in 1965 if only we committed American forces to Vietnam for a short period we could drive Ho Chi Minh out. When that did not succeed, we were told, if only we bombed the northern ports, it would destroy the spirit of the North Vietnamese and bring military victory.

When we sent massive numbers of young Americans to Vietnam, it did not deter Ho Chi Minh, and when we began massive bombing of the North, it did not break the spirit of the North. It did, however, cost the lives of almost 50,000 American young men and injuries to over a quarter of a million.

Now the President has decided to accept the advice of the military who say an expansion of the war to Cambodia can bring military victory to Vietnam.

Symbolic of the illusionary character of this goal is the pursuit of COSVN—Central Office South Vietnam—the command center for enemy operations over most of South Vietnam. The President in his Thursday message indicated that destruction of this center was the major goal of the probe. After almost a week in Cambodia, COSVN appears to be nonexistent.

All we have succeeded in doing is pushing the enemy temporarily farther back into the Cambodian interior, and destroying some of his supplies. As a member of the House Foreign Affairs Committee, I heard the President yesterday offer the capturing of supplies as his justification for the invasion and the escalation of the war. He admitted, however, that the losses would only temporarily weaken the enemy and that he would return after the monsoon season. I hope we are not inaugurating a "revolving door military policy," which will require us to repeat this kind of maneuver periodically and remain in Southeast Asia on a permanent basis. This is the impression I took away with me from yesterday's meeting.

As important as the implications of the President's decisions are for the future conduct of the war, they have grave implications for the future fabric of our domestic society as well. The brutalization that wrought massacres like Mylai is being carried over to the domestic scene. The four deaths at Kent State University are symbolic of this fact—National Guardsmen firing into an unarmed group of students.

Kent State is symbolic for another reason as well. The President based his 1968 candidacy on the promise of a speedy end to the war, a promise he has reiterated several times subsequently. Those dissatisfied with our policy were told to just wait a while longer, for by working through the government system, they would soon see the war ended. By invading Cambodian territory and deepening our involvement, the President has broken faith with many of our young and driven them further from the system. It was this breaking of faith that the Kent students were protesting when four were killed Monday. It is this breaking of faith which is tearing the fabric of our society apart.

Ironically, while the young of this Nation are being driven further from faith in the governmental system as a means for bringing change, the President's Cambodian action represents a break with the system on his part; for from the legal standpoint, the President has overstepped his authority. The Constitution requires the consent of the Congress to declare war. The President has not gotten, nor even asked for this.

To go into any nation requires an invitation from the government of that nation. As far as I know, we have received no request from the Cambodian Government to invade its territory.

We have no moral or legal justification for being in Cambodia. Its impact is not being felt by North Vietnamese, but by Americans at home. We must get out of Cambodia right now, and out of Vietnam by the end of the year.

The only way the President's reckless new adventure is going to be checked is through congressional action, denying him the use of funds in Cambodia. To achieve this objective, I fully support the amendment by the gentleman from California (Mr. Leggett), which would require the President to obtain the consent of Congress under any circumstances before committing U.S. ground combat forces in Laos, Thailand, or Cambodia. It would have the effect of reasserting Congress's long ignored constitutional responsibility regarding involvement of the United States in foreign wars.

By the same token, I strongly oppose the amendment offered by the gentleman from Illinois (Mr. FINDLEY) which would give the President the discretion to send troops without congressional approval if the President determines such an action is needed "to protect the lives of American troops remaining within South Vietnam."

Under this provision it would be very easy for the President to rationalize almost any possible action by tying it to the Vietnam war. It has the character of a blank check and the tone of a second Gulf of Tonkin resolution. It would give the President a free hand to continue his pursuit of his reckless policies.

If the President refuses to muzzle the generals and admirals, the Congress must. I urge my colleagues to join with me in achieving this objective here today.

Mr. HÉBERT. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HÉBERT asked and was given permission to revise and extend his remarks.)

Mr. HÉBERT. Mr. Chairman, I rise at this time following the gentleman from Illinois (Mr. FINDLEY) to make a statement of fact that I think the House should be very much interested in.

I preface what I am about to say by making the declaration that my position has always been consistent on military affairs, particularly in following our Commander in Chief, no matter what his name may be, whether it be Nixon, Johnson, Kennedy, Truman, Eisenhower, or Roosevelt, he is Commander in Chief, and he must make the command decision in all military matters.

So let there be no misunderstanding that while I may disagree with the way the situation in Vietnam has been handled, and I also may not agree wholly on the policy relating to Cambodia, but as to the overall military policy I still believe I should aways stand with my Commander in Chief, and I stand with him today.

And I say to the gentleman who has just preceded me in the well of the House, and to clarify the situation, on yesterday morning I was one of those privileged to be briefed at the White House as a member of the Committee on Armed Services. And I asked the President of the United States, acting as Commander in Chief, his position on amendments now pending before this body as related to this bill—and this is not hearsay, this is exactly what the President said, and I give you the benefit of it, and particularly those of you who object to the President not informing you, and so I inform you of what he did say as related to the matter now before this body.

I asked him what was his position on the amendments now pending before this body. His reply to me was as usual clear, concise, direct and straightforward, and he said:

> I favor the Findley amendment.

He named the Findley amendment by name, and he unequivocally said:

> I favor adoption of the Findley amendment as it is related to the policy which I now pursue.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. No, Mr. Chairman, I cannot yield at this moment.

I asked the President further would he prefer that no amendment he adopted to this bill? His reply again was:

> I favor the adoption of the Findley amendment in preference to no amendment at all.

I think that is quite clear. That is what the Commander in Chief has said. And that is the message that I would bring back to you today as a direct quote of the President of the United States, who stands solidly behind the Findley amendment. And I accept the guidance of my Commander in Chief. If it is a weapon that he wants, if it is a weapon he thinks he can use to save the lives of our men, one life, even, in Vietnam, that life is worth saving.

Now, as to the procedure, I understand the parliamentary situation this way: The first vote will come on the Bingham amendment to the amendment offered by the gentleman from New York (Mr. REID). That vote having been taken, then those who believe in going ahead with the Commander in Chief and the President of the United States shall vote in the negative and vote against the Bingham amendment.

The next vote shall come on the amendment offered by the gentleman from California (Mr. LEGGETT). Those who believe in standing with the President of the United States in his effort to save the lives of American troops shall vote down the Leggett amendment.

Then the vote shall occur on the Findley amendment as a substitute to the Reid amendment. And those, again, who stand with the President of the United States in his courageous effort to save the lives of American troops and get those men back home as quickly as possible shall vote in the affirmative. And the Congress of the United States then shall have told the world that there is solidarity to the fullest extent in this body in at least that it does stand by the President and the Commander in Chief.

Mr. FOREMAN. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman.

Mr. FOREMAN. Mr. Chairman, I support the Findley amendment:

> In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

I believe it is responsible legislation in line with the action that the American people expect of the Congress. This amendment grants no power whatever. Rather, it recognizes the President's unquestioned duty as Commander in Chief to act with dispatch in emergencies to protect the lines of American troops.

Instead of enhancing executive power, it enhances our position as the Legislature by requiring the President to report promptly to the Congress if he exercises this emergency authority.

The Commander in Chief has implied authority to make this decision, and the Congress has the implied right to be informed promptly so it can—through the legislative process—examine the bases for the decision and where deemed advisable pass judgment.

This amendment may be the first time this right has ever been spelled out in legislation.

Through this means the Congress can help establish its proper role consequent to the provisions of article I of the Constitution, by passing upon the question of whether a President's emergency use of troops was within the narrow limits of his implied powers as Commander in Chief, and whether conditions were so critical and urgent as to make prior consultation with Congress unwise or impossible.

As to the President's personal attitude, he advised me yesterday that he supported the amendment. He also said he felt the reporting requirement was proper.

Further, this is exactly the type of action that has just been taken by the President in Cambodia—this action was taken, first, to protect the lives of the Americans who are still in Vietnam; second, to shorten the war in South Vietnam; and third, to expedite the extrication of U.S. troops from Southeast Asia.

For about 5 years the Communists have been building up command posts, supply and storage depots, communication centers and munitions stocks, and so forth, along the border of "neutralist" Cambodia. Some of these war centers are less than 33 miles from Saigon, the capital of South Vietnam. The Communists have repeatedly carried on their deadly, devastating attacks against the South Vietnamese and Americans, and then returned to their privileged "neutral" sanctuaries inside the Cambodian border—like a bank robber or murderer running across the street from the scene of his crime, yelling "King's X," and preventing the police from pursuing or accosting him.

For 3 days, U.S. B-52 bombers pounded these Communist encampments to "soften" them up for final destruction by 20,000 South Vietnamese and 10,000 U.S. troops. The combined forces have encountered only minimum resistance and casualties during their "cleanup" operation. During the first 5 days, over 1,000 Communist bunkers have been obliterated, various communication centers, command posts, supply depots, and munitions and storage centers have been destroyed. Over 619,000 man-days of enemy food supplies have been confiscated. Some 250-plus mobile military machines of the Communists have been captured or destroyed. Numerous enemy missiles, rockets, weaponry, and caches of munitions have been confiscated. Our bulldozers are now filling in and leveling the underground Communist posts and sanctuaries—some of them very elaborate office complexes four stories deep underground.

This total operation will be completed in 6 to 8 weeks—just ahead of the rainy monsoon season. Then, for approximately 6 months this area will be wet, muddy and soggy, making it most difficult for the Communists to start rebuilding and resupplying. This should allow the South Vietnamese the additional time needed to continue the Vietnamization program, the buildup and strengthening of their forces to be able to defend their own country. We can also continue the scheduled withdrawal of U.S. troops without endangering the lives of those Americans who will still be in South Vietnam.

This action is not to expand the war in Indo-China—it is to shorten the war in South Vietnam, protect American lives and expedite an early honorable end to U.S. participation in this war.

I have trust and confidence in the ability of President Nixon to responsibly and decisively direct our operations to expedite an honorable end to the war—as compared to the previous administrations' 8 years of indecision, vacillation, and misdirection that committed 550,000 Americans to a stalemated ground war in Southeast Asia. Through a positive Vietnamization program initiated by the Nixon administration, our troop level has now been reduced to below 426,000 and is reducing every day. U.S. combat casualty rates last quarter were below any in the last 5 years, and the South Vietnamese are rapidly taking over the responsibility of defending their own country. Nixon's record thus far has been good—certainly, he should be given the support and opportunity to improve upon his commendable record.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, and my friends of the Committee, this is the most incredible experience I have ever had in my little over 7 years in this body. Here we are trying to decide military strategy on the floor of the House. How ridiculous can this be when we have neither the authority, responsibility nor expertise to do so.

I agree with my friend, the gentleman from Louisiana, when he said a moment ago, "let us stand behind our Commander in Chief." I do so, proudly and unwaveringly.

But in addition to the importance of supporting President Nixon there is another consideration, my colleagues—are we going to stand behind our men in Vietnam?

Let me tell you about a little experience—it probably will not influence anyone clamoring to tie the President's hands—but it influenced me. Not too long ago we had a Lieutenant Frishman, the naval pilot who was shot down just south of Hanoi, as I remember, and was one of the three Americans recently released by the Communists.

As he testified before our committee, and he was a prisoner of the North Vietnamese for 2 years, I recall him as he was sitting there laboring to light a cigarette with an immobile right hand. He could not do it because his elbow had been shattered when he was shot down. This young man who had lost 65 pounds while he was a prisoner of war—and we have some 1,500 Americans who are prisoners of war or missing in action over there at this very moment—they will get the message of what is being said here by many people today.

I remember this lieutenant as he said, "You know, Mr. Congressman, the worst part about my whole experience was not when I was shot down and they picked me up and put me on display around the various villages. It was not when they taunted me and stuck me with sticks or as they threw rocks at me and all that—or as they put me in solitary confinement or as they did not give me the proper medical treatment which resulted in the loss of use of my right arm now." He said, "The worst part of my experience was the broadcast each morning and each evening." I asked him, "What broadcast?" He responded, "That is the time when the Communists broadcast the actual voices of American leaders—even U.S. Senators—who are condemning our position in Vietnam."

Let us remember this, my colleagues. We have over 400,000 young men over there now. They did not ask to go over there. They went over there because their country asked them to go. We had better be a little concerned about them and in protecting their interests and not further demoralize them.

Of course, the gentleman from California is interested in the loss of lives and in trying to deescalate the war. Who is not interested in that in this body? Certainly no one hopes and prays for peace any more than I.

But let us remember this, that the No. 1 man who is to receive the onus of all of this operation now, which I think is long overdue, in knocking out these sanctuaries, the No. 1 man who receives the onus is the Commander in Chief. God knows, aside from the loved ones of our boys over there, no one is more interested in saving the lives of the Americans in Vietnam than the President himself. He has the ultimate responsibility, which is indeed an awesome one.

Now let us get this thing in the proper perspective. We have not pulled the rug out from under our other Commanders in Chief. Then too, let us think about the over 400,000 young Americans fighting over there right now. Let us not demoralize them.

It has been said the President would accept the amendment of the gentleman from Illinois (Mr. FINDLEY). Frankly I should like to see no restrictions on him but that amendment is certainly the least objectionable. As I close let me say again it is not only a matter of supporting the Commander in Chief, who desperately needs and deserves our support at this critical time, but also our action would encourage those courageous young men in Southeast Asia.

Let us think about them and let us get on with the business of passing this bill.

Mr. LEGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I include in my remarks a petition from the National Cathedral School deploring the actions of President Nixon in Southeast Asia and condemning his flagrant abuse of Presidential authority extending the war in Vietnam to Cambodia.

MAY 5, 1970.

DEAR CONGRESSMEN: We the students of National Cathedral School deplore the actions of President Nixon in Southeast Asia. We condemn his flagrant abuse of Presidential authority in extending the war in Viet Nam to Cambodia.

We hereby urge the Members of Congress to support the Reid Amendment to the Military Procurement Bill, as a statement of protest against the Nixon Policy.

Stand up for peace. Now,

Sincerely,

Nill György, Lisa Capell, Wendy Mint, Deborah Van Dyke, Mae Wells, Jenny Glenduring, Susan Garcia Wolf, Sue Lentz, Lynn Sloan, Margaret Key (librarian).

Mary D. McReynolds, Kim Moss, Swan Conway, Zan Sloan, Ann Harmon, Sharon Stafford, Mary Clare Mekall, Gina Thompson, Patricia Row, Carol McMaron. Karen Lindstrom.

Sara Evans, Judy Karasik, Mircusa Warburton, Deffy Fowler, Dale Logsdon, Betsy Kelley, Frances Ticklen, Grace Bullen, Sydney Jaffe, Sarah Zimmerman, Cyni Craig.

Gail Pabarue, Can Moss, Gigi Farnham, Lisa Ross, Pamela Barthen, Alice Armstrong, Nancy Ouverson, Nancy Nelson, Valerie Dawn Ruebrish, Kathi Aibogast, Carol Thomson, Diana Vaterner.

Michelle L. Butler, Christine Sweet, Carolyn Peace, Katy Straus, Lisa Kodeen, Laurie Huntsman, Elspeth Farmer, Sue Lawrence, Elizabeth Fry (teacher of history), Winifred J. Mew.

Christian Fraly, Peggy Millen, Bebecca Baxter, Jeanne D. Meeker (teacher of French), Michael Grant, Devon Miller, Corey Nikobric, Sarah Hardison, Vicki Rand, Sally Hechinger.

Alida Metcalf, Yolanda Hontealegre, Even Tierman, Randy Aufather, Ginger Carton, Alfonso Lima, Mickey Rathbun, Dorothy Gove (teacher of English), Stephanie T. Farrior, Weston Mewhite,

Linda Pollak, Henen Estill, Dean Richards, Alison Rea, Sage Cater, Lynn Burwell (brother over in Vietnam), Nancy Dudley (brother to go in June),

Ann Butler (uncle in Vietnam), Amy Ignatius, Linda Terrell, Marina Shultz, Verity Comonte, Elison Mayfield, Jennifer Knauer, Eugene Maechling, Pamela Hackes, Nancy Martz.

Deborah Washington, Elizabeth Barber, Patricia Jones, Lisa Gunter, Annett J. Holloway, Vicki-Ann E. Assedero, Myrnian Lundbergh, Roberto Piglour, Antonio Feigo.

Claire Ferguson, Laura Hardison, Cynthia Luessenhop, Shain Evans, Diana Barco, D. Sherry, Cornelia Ravenal, Michele Tanaka, Harriet Granet, Janet Mize.

Rose Cooper, Dolwen Mauzon, Diana Ridgley, Louana M. Lackey (Mrs. Melvin W.), Suzie Powell, Julia Albert, Diane Doyle, Anne McGehon, Jessica Herzstein, Ana Ellicott.

Sarah Lang, Andrea Loring, Gail Her, Daphne LeFeaver, H. Ferguson, J. Barker (teacher), Betsy Mott, Casey ———, Becky Frailey, Anne Kenney.

Patrice Yager, Priscilla Blakeslee, Patsy F. Davis, Gigi Rinkin, S. Ketcham, A. Baxter, C. Shelton, R. Dorburton, Lisa Gladstone, Amity Janou.

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Lorraine White, Suzanne Fogel, Molly Carroll, Ruth Nortz, Cathy Bushnell, Joslin DePuy, Daphne De Ruy, Catherine Stirling, Kiki Lundberg, Lyn ———.

Cecily Rock, Nancy Beal, Terry McDowell, Crawford (hall porter), Mary Kimm, Diana Myers, Marjorie Batchelor, E. ——— (teacher), Michele Spittler, Gale Lawrence, Elizabeth Epstein.

I would reply to the gentleman from Louisiana, who attempted to paraphrase the parliamentary procedure that is going to be pursued here this afternoon. The vote will come first on the Bingham amendment to restrict the President from authorizing further attacks in North Vietnam. I think if we want the SALT talks to proceed, if we think that the peace talks in Paris have any meaning whatsoever, if we think that we are getting any place at all with the Chinese in Warsaw, and if it is reasonable to talk to them at all, certainly we should not risk the aborting of those talks by 100-plane bombing raids attempting to take out a few antiaircraft emplacements in North Vietnam. Certainly that is not going to protect American reconnaissance planes. We have plenty of ways to protect those planes without reinstigating the bombing activities in that area.

I would say the next vote that is going to occur—and if we favor peace talks, I say support the Bingham amendment—the next vote will occur on my amendment to the Findley amendment, and I would say that if we are interested in maintaining the prerogatives of Congress, and for the first time in 5 years asserting ourselves in a meaningful way with respect to American foreign policy, this will be the first opportunity we shall have to do so. We have carried on meaningless debate or collateral discussion on many, many issues. We have had special orders on the floor of this Congress. We have had 1-minute speeches. We have had colloquies. But this is the first opportunity that we have had even to come before this body admittedly by way of a back-door authorization bill to bring out the points that need to be brought out with respect to overall American policy in Southeast Asia.

I would like to cite at this time another quotation. A few minutes ago I heard the distinguished minority leader talk about giving authority to the President to move into Cambodia, and, of course, my distinguished colleague on the committee from Louisiana said, "Follow the leader. Follow the chief."

I would say this: I have not followed the leader, either when he has been of my party or of the opposition party, when I thought he was wrong. I believe the reason we are in Vietnam today is that too many Members here have all followed the leader. We have all assumed that the Pentagon has some magic information and some magic ability to make these great decisions. But I find that 2 years ago, according to the records of the Library of Congress, the distinguished minority leader being quoted by the United Press International as follows:

[From the Washington Post, Jan. 10, 1968]

CONSULT HILL ON "HOT PURSUIT," FORD ASKS

House Republican Leader Gerald R. Ford called on President Johnson yesterday to clear with Congress before committing U.S. troops to any "hot pursuit" of Communist troops across the Cambodian border from Vietnam.

"Personally I feel they have not made a case for hot pursuit," he told a news conference in commenting on current Administration efforts to bar use of Cambodia as a Communist sanctuary in the war.

"It is important that they [the Administration] come to Congress, present the problem, and get our concurrence before they adopt a new policy of hot pursuit. This would be a drastic change," he said.

Ford said he believes North Vietnam is displaying a "change of attitude" that could lead to negotiations and an end to the war, but he warned against any cessation of U.S. bombing until Hanoi also scales down the conflict. At a minimum, he said, North Vietnam should halve the flow of manpower and supplies across its border into South Vietnam.

Ford generally supported Mr. Johnson's conduct of the war. He said the recent intensification of air raids over North Vietnam represented a change of policy which he, as well as others, pressed on the President for months before it was ordered.

While denying any inside knowledge, Ford said current "feelers" from Hanoi on the possibility of starting negotiations may have resulted from the new pressure from the air. He said these Communist approaches appear "at least superficially" to reflect a change in attitude.

He commended Mr. Johnson's cautious response to Hanoi's reported willingness to talk if the bombing is halted.

On another point Ford said that he still does not think President Johnson has made a case for his proposed tax increase, and he does not believe Congress will approve it. Mr. Johnson's proposed curbs on overseas travel impress most members as an "expedient" rather than a solution but likely will be approved in some form.

Of course, the policy we are pursuing today is not "hot pursuit." It is a calculated operation. You do not get 50,000 troops together on the spur of the moment or in an afternoon.

This took at least 2 or 3 weeks or a month of activity. Did they come to the Congress or did they consult with us? The Secretary of State said they were going to consult with the appropriate people in the Congress.

Now, what is the difference between the situation then and the present situation? The only difference I can see is that then we were talking about hot pursuit, and now we are talking about a carefully planned major operation, which is a far more serious matter. So the prior concurrence Mr. Ford felt was essential to hot pursuit is even more essential to a planned offensive.

The purpose of the amendment now before us is to require exactly what Mr. Ford said he wanted, and I hope I shall have the pleasure of his support for it.

What we have here is a singlehanded redefining of the Constitution on the part of the President. Not only was the Congress not asked for its advice and consent; we were not even notified. The North Vietnamese apparently knew about this operation 3 days in advance, the Veterans of Foreign Wars got a few hours' advance notice, but we had to read about it in the papers.

We cannot let this go on. If the only way the Congress can make its will felt is to place explicit restrictions on authorization and appropriations bills, then let us do it.

As far as the Cambodian operation itself is concerned, I say for God's sake let us stop confusing Vietnam with World War II. You cannot win a guerrilla war by going after strong points, road crossings, supply centers, and things like that; the other side is too dispersed. Any guerrilla force knows it cannot allow itself to depend on any single point, or any 20 points, because these are liable to be knocked out. The idea of attacking central points attracts us because it lets us use our firepower, but let us not kid ourselves into thinking it has any lasting effect. What we have here is just another search-and-destroy operation: the kind of thing we abandoned 2 years ago because it was not doing us any good.

You just cannot hope to deny supplies to a guerrilla army of this type. The amount of supplies they need to keep going is a tiny fraction of what they can bring in.

We were led to believe the COSVN headquarters was sitting right out in the open, smug and inviting; all we had to do was decide to take it out. Now we find our generals saying they are not sure where it is, and they are not even sure what it looks like. Maybe it does not exist at all.

It is bad enough that we further alienate our allies and divide our people at home with this move that has almost no hope of improving our position in Southeast Asia. But the fact is that every time we have escalated the other side has escalated in return. If anybody can suggest why he does not expect the pattern to hold true in this case, I would like to hear it.

The administration does not even seem to have a clear idea of what its motivation is. Half the administration spokesmen say we have to wipe out the tremendous North Vietnamese force in Cambodia before it overruns all of Southeast Asia. The other half say the North Vietnamese Army is depleted and decimated, Vietnamization is a brilliant success, and the Cambodian action is merely useful in clinching our victory.

I do not like this operation, and I wish the President had not listened to the wrong advisers. But it is underway, and I do not suppose we can cut it off in the middle.

The amendment we are considering would not do that. I think it is as moderate and restrained as we can get and still protect the national interest.

The amendment will not go into effect until July 1—8 weeks from now. By that time, the current operation will be over. Yesterday the President told us he absolutely expects to be out of Cambodia within 6 weeks. He said if he is still in there by the beginning of fiscal 1971, he is going to get some ensign and make him Chairman of the Joint Chiefs of

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Staff. So the amendment will not affect the present operation.

It also will not affect the use of advisers and air support.

What it will do is confine our part of the ground war to Vietnam. We have to do this. We are not going to make the war smaller by making it bigger.

I am sure that enlarging the war is the last thing our colleague from Illinois PAUL FINDLEY wants to see, but in fact his amendment will give the President carte blanche to enlarge the war any time he feels like it.

The clause that permits operations in Laos, Thailand, or Cambodia only "to protect the lives of American troops remaining in South Vietnam" is so broad it could be interpreted as justifying almost any conceivable military operation in Southeast Asia. This is the new Tonkin Gulf resolution. Remember all the Tonkin Gulf resolution did was to authorize the President to "take all necessary measures to repel any armed attack against the forces of the United States."

The clause in the Findley substitute that requires the President to report to Congress after he sends in the troops is not going to do us much good either. The President could commit us to a simultaneous invasion of Norway, France, and Canada, and he could appear before this body, wrap himself in the flag, and get a standing ovation. Once American boys are committed, critical analysis becomes almost impossible.

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The time to consult with Congress is before the commitment of troops, not afterward. Consultation after the fact is not consultation at all; the President might as well just let us read about it in the papers.

So what we have in the Findley substitute is the Tonkin Gulf resolution of Cambodia. We have seen where the first Tonkin Gulf resolution got us; now for God's sake let us not have another one.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that I may proceed for 1 additional minute.

Mr. ARENDS. Mr. Chairman, I reserve the right to object. I hesitate to do this. I hope the gentleman from California will withdraw his request.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number or words.

Mr. Chairman, I agree wholeheartedly with the statement made by one of the previous speakers. This issue probably has caused a greater division among the American people than any other I have experienced in my lifetime.

There is no question about the emotion of the moment. I think we as responsible legislators ought to inquire within our consciences and ask ourselves if we are not attempting to legislate out of emotion. Are we trying to write a law in a few minutes this afternoon because a certain segment of our society has seen fit to influence change by rioting and burning and killing?

If that is the case, then let us disband the Congress of the United States and go back to the old Boston Tea Party technique. Mob violence and anarchistic practices may be acceptable as a force for change in totalitarian nations but not in this Republic.

We are here to reason.

I sympathize with everyone who is disgusted with this war, and I share their view. I state to you very frankly that if the Gulf of Tonkin resolution were under consideration today, and I had reason to believe it would be used as it has been used in Southeast Asia, I would vote against it. I do not believe we should ever again back our way into a war as we did in Vietnam.

Furthermore, once we committed American troops to moral combat, they deserved the chance to win. But we refused that chance and followed a policy which featured the greatest misuse of air power in the history of warfare. So I have grown disgusted and disillusioned with this war. So much so that, last Thursday, in the well of this House, I rose and spoke against any involvement in Cambodia, even including military advisers.

I did so in good conscience, because I believed wholeheartedly that this could be another means of backing ourselves into a full-scale war in Cambodia with a commitment of advisers today and more support tomorrow, and full-scale support the day after tomorrow.

On the following day I went to the White House and heard the President of the United States forthrightly explain what he did and why. He explained the alternatives which he was forced to choose between. One was immediate withdrawal of our forces—which most people would like if they could have the ideal. The other alternative was to continue the Vietnamization program and a gradual programed withdrawal of forces so that by next year we would have practically every one of our ground combat forces out of Vietnam.

Our President, as Commander in Chief, saw fit to reject immediate withdrawal as a policy, and his only alternative then was to protect his Vietnamization program to give the South Vietnamese time and the training and the wherewithal to defend themselves.

It was the President's point of view that his withdrawal program was dependent on destroying caches of supplies and the underground bunkers across the border. He reasoned that as long as these supplies and facilities existed American lives were in danger and withdrawal of U.S. forces would be delayed. He convinced me of his absolute unqualified sincerity in accomplishing that objective only and then withdrawing from Cambodia.

Therefore, since these are the alternatives, and since the President has accepted Vietnamization and the continued withdrawal of U.S. forces as his policy and he chose to move to insure the success of that policy, the only question left is what can we in Congress do to speed up that withdrawal to the fastest practical rate. Speedy withdrawal is what I want and what everybody wants—just as fast as we can get it.

So I raise the question: Is this the vehicle to accomplish that purpose? If we pass this Reid amendment, what do we have? We would be simply stating that after July 1 we cannot commit a single U.S. ground combat force to Cambodia unless it uses ships, missiles, aircraft, tracked vehicles, or rifles which were bought prior to July 1, 1970. This bill does not authorize a cent for personnel, for nontracked vehicles, or for operation and maintenance. It applies only to procurement which will take place in years to come. Taken in context with the fact that the President has promised a withdrawal from Cambodia long before July 1 it is obvious that the Reid amendment will have no effect on the withdrawal rate from Cambodia and Vietnam.

The proper vehicle is to amend the appropriation bill which deals with the entire military budget including manpower. Last year's appropriations bill forbids the use of ground combat forces in Laos and Thailand. That language can be repeated in this years bill and Cambodia can be added. I will support such a limitation.

I believe we should vote the Reid amendment down, and support the Findley amendent. Then we should take the rational and unemotional next step of limiting the commitment of ground combat forces to Laos, Thailand, and Cambodia in the appropriation bill.

Mr. PIKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I found much to agree with in what was said by the previous speaker, but I cannot accept the proposition which I have heard year after year after year, that this is not the right time and this is not the right vehicle to do anything or say anything about Southeast Asia. We always hear this. It is never the right time and it is never the right vehicle. It never has been the right time and it never has been the right vehicle.

As I said, I agree with much of what the previous speaker said. I simply do not know whether the President's moves, so far as Cambodia is concerned, were right or wrong. I believe that the military advantages to be gained from them are going to be less than the political disadvantages which are obvious from his having taken them, but I cannot prove it.

But there were things we heard at the White House yesterday of which I do approve. We heard, for example, that we had been requested to provide 400,000 troops in Cambodia, and the President said "No." We heard that we had been requested to provide, after that, for a lesser number, 200,000 troops, and the President said "No." And we were requested to provide advisers, and he said "No."

However, to say that by passing the Leggett amendment or the Reid of New York amendment we are tying the President's hands is pure "hogwash." This is a bill to authorize the procurement of aircraft, missiles, ships, and tracked combat vehicles with fiscal year 1971 funds. The least length of time that we are going to get tanks in the hands of our troops with fiscal year 1971 funds is 2 years from now, and planes will take longer than that, and missiles will take longer than that.

The only way we are tying the President's hands by adopting the Leggett amendment or the Reid of New York amendment would be if our troops are going to be in Cambodia 2 years from now.

I hope that the Leggett amendment is adopted. I hope that the Reid of New York amendment is adopted.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the preceding speaker has made a point very clearly today which I raised in the colloquy last week, about the immediate effect and impact of any of the amendments which we are now considering.

We need to get down to the practical aspects, as the gentleman from New York has just done. We are not hurting the Commander in Chief when we state here a principle which is to take effect July 1, and which expresses a deep national conviction that Congress as representatives of the people should assert itself on this vital issue.

What we are doing, if we adopt one of the pending amendments is expressing the sense of the Congress. We have the opportunity on a bill which is certainly relevant to the whole issue; a military procurement authorization bill, to state what the sense of Congress is. I believe we ought to do that, even though it may have a limited legal effect.

Frankly, I said so last week, and I do not believe it is going to tie the administration's hands one bit, but it will tell the President and the American people clearly that the Congress insists on being consulted prior to the commitment of American military forces in foreign countries.

This is why I support the Leggett amendment as against the Findley amendment. The Findley amendment whitewashes the whole constitutional question of the President's action of April 30 of committing U.S. forces in Cambodia. I don't believe the Congress should do that at this time. We ought to have, I think, sometime, somewhere, in a proper committee of this House, a full review of the entire Constitutional question.

In the present instance the President resolved the issue in his own mind as the Commander in Chief. He cites the rationale of pursuit in self-defense and need to protect lives of Americans in South Vietnam. He has also used the rationale that the territory which was entered is not Cambodian territory; that it is under the total control of the Communists and therefore there was no invasion and therefore we did not cross the border of a neutral country which, by the way, objected to our entry.

That is fine if you can accept it; if it is legally sustainable under our constitution; if the Congress wants to go along with it and the American people will accept it. But I do not think we ought to back into this kind of involvement by way of the Findley amendment, which endorses what the President has done, and grant him the approval of Congress in the future on powers which the President alleges he has under the Constitution, but which are widely disputed. I know the Findley amendment is offered in perfectly good faith. It supports fully the President's incursions into Cambodia. It whitewashes the whole question of the constitutional issue, which I believe, gentlemen, is fundamental. Accordingly I submit we should not support it.

Mr. Chairman, why did we announce the incursion? Why did we announce the number of U.S. personnel involved? Why did we announce the composition of the forces? Why did we announce our objective? Why did we announce that the United States was coming out on July 1? If the United States has told all that to everybody, then what is the big surprise? Why not have consulted the Congress in advance?

This announcement by the President was of very major international and domestic importance. It was not a mere military stratagem previously endorsed.

Why should not the representatives of the people, the U.S. Congress, at least the Foreign Affairs and Armed Services Committees have been advised before the fact?

Mr. Chairman, I enter this debate on the pending amendment not only as a Member of the U.S. Congress with nearly 16 years' tenure but also as a member of the House Foreign Affairs Committee, as chairman of the Inter-American Affairs Subcommittee; as a former chairman and now ranking majority member of the International Organizations and Movements Subcommittee; as a member of the State Department's Organizations and Foreign Operations; and the Special Subcommittee for the Review of Foreign Aid Programs. By appointment of Richard Nixon I represented the U.S. Government as a delegate to the 24th General Assembly of the United Nations. I have supported the foreign policies of our Government under Presidents Eisenhower, Kennedy, Johnson and Nixon.

Foreign policy is not and should never be a partisan issue, but now I am most concerned. The question before us today is simply—should U.S. ground combat forces be committed in yet another country in Southeast Asia with no prior consultation with the Congress? Unfortunately, this issue must be debated in the past tense since that commitment has already been made.

When the President announced on the evening of April 30 that American ground combat forces were that evening preparing to enter the Communist held sanctuaries in Cambodia, I immediately made my reactions and my analysis of this action known to the news media.

I stated that I was shocked and dismayed at this additional commitment of American ground forces in another country in Indochina when we had recently been assured that such a commitment would not be made. Is this Cambodian thrust a signal to the world—that the United States is committed to the entire struggle in Indochina?

I made it clear that I am not for a major commitment of our ground forces in Cambodia or any other place at this time.

I also questioned whether the President's action would bring Hanoi to the bargaining table. In my judgment, I felt that it would not. Hanoi has never demonstrated any intention of seriously considering the substantive issues in negotiations—whether facing greater military pressures as in the past or whether facing the withdrawal policy of the present. Therefore, I felt it was unrealistic to expect that our planned action in Cambodia would bring about a greater willingness on the part of Hanoi to negotiate—but rather an escalation in Hanoi's military response could almost definitely be expected.

I said that if our military assessment at the time of the President's decision was that the enemy was so weak and battered that this assault could be directed and completed in a relatively short time, and our objectives accomplished, the President's gamble would have been a successful one. Unfortunately, we have no evidence whatsoever that this is the state of the enemy forces.

I added that the danger lies in the alternative—if our ground troops are not reasonably successful, it would necessitate an increased American commitment for the very same reasons that were urged as a basis for the President's initial decision.

It was also clear to me that the President had completely reversed his policy in several respects. First, the commitment in Cambodia was made by the President despite assurances that no such commitment would be made. Second, the commitment was made without the prior approval or consultation with the Congress despite the President's assurance that such consultation would take place. Third, the President has given assurances that we were seeking a political solution to the war through continued peace negotiations, U.S. troop withdrawal and Vietnamization. By expanding our commitment into Cambodia, it would appear that he has now not only reverted to the previous policy of military escalation but has elected to expand the war into new frontiers.

To further confound the issue, Secretary of State William Rogers, appeared before the House Foreign Affairs Committee on March 26. I interrogated him specifically on the question of whether U.S. ground forces were to be committed in any other area. He assured me that there were no plans for such action.

Mr. Chairman, subsequent events have begun to corroborate my immediate reactions. U.S. forces have met little resistance in the three sanctuary areas entered last week. Some ammunition and supplies have been seized—some food has been obtained and some buildings razed. Today, three more sanctuaries were invaded by United States and South Vietnamese ground forces. It would appear that immediate results at least did not justify the tremendous military, political and foreign policy decisions of the President.

The President has assured us that

troops will be quickly withdrawn—and that no U.S. troops will advance further than 21 miles inside the border of Cambodia. I hope this is in fact the situation. The news first advised us that U.S. troops would be in Cambodia only a few weeks—3 or 4. Then the estimate was reported as 6 or 8 certainly prior to the start of the rainy season. Now the report is that they will certainly be out by July 1—will U.S. troops be there longer? Only the President knows but we must guess.

Mr. Chairman, I call to the attention of our colleagues recent editorials from the Miami Herald and the Miami News which express similar disappointments and reservations regarding the President's decision:

[From the Miami Herald, Apr. 28, 1970]

Indochina Is No Place for the United States To Fight

President Nixon has come to the hard rock of decision.

Should the United States respond to appeals for aid from the beleaguered Cambodian government, supplying arms at least and later men, as in Vietnam, at most?

Or should this country recognize the fact that there is an Asian, or Indochina, war involving Vietnam, Laos and Cambodia, which outsiders cannot reconcile?

The first question, if answered affirmatively, would reverse the de-escalation of the Vietnam phase of what has been all along an Asian conflict at the very time that Mr. Nixon was making good on his pledges of troop withdrawals. It would also risk headlong U.S. involvement on the premise that the government of Premier Lon Nol in Phnom Penh otherwise would collapse.

Reports from Saigon that recently ousted Premier Sihanouk, a "neutral" in the same sense that anyone can be a neutral in Ireland, may be spirited into Cambodia raise the odds against Lon Nol. His government has been vigorously anti-Communist.

Secondly, and on the other hand, the war is a political hybrid. The temptation is strong to let these peoples of ancient cultures stew in their own mortal juices.

In recent weeks there have been wholesale killings of Vietnamese in Cambodia without distinction as to their politics. As long as five years ago, Prince Sihanouk was charging before the United Nations that the Vietnamese are "eternal imperialists" intent on gobbling up Cambodia.

The quarrel goes even farther back in the history of Southeast Asia.

The Khmers, or Cambodians, once had an empire which extended over large parts of Vietnam, Laos and Thailand. In the 14th Century, the Vietnamese began encroaching on the Khmers and in 300 years had wrestled away the Mekong Delta region of Cambodia. Thailand, or Siam, joined the match over the next three centuries. The whole area of Indochina was glued together under the French, only to come unstuck in recent times. Hatred of the French was perhaps no more intense that hatred of one another.

There is no role here that the United States can play without further loss of life, treasure and prestige. It is time to get shed not only of the war in Vietnam but the larger war of which it is a part. In one fashion or another it has gone on for centuries, and probably is fated to go on for centuries more.

[From the Miami Herald, Apr. 30, 1970]

Deeper Into Asian War: Who Asked Congress?

In "a necessary and effective measure to save American and other free world lives" the United States is sending advisers, tactical air strikes and other support for South Vietnamese operations in Cambodia.

This is the Pentagon's confirmation of an announcement from Saigon of an operation already launched. Thus in a matter of a few days the United States has gone from shipping limited arms supplies to Cambodia to active participation in a war on the soil of that country.

The move is shocking all the more for its cynicism. South Vietnamese units, says Saigon, have been ordered "to return to the territory of the Republic of Vietnam right after the completion of the operation in the spirit of the respect of the independence, neutrality and the territory of neighboring Cambodia."

It is true that Cambodia has been used as a refuge and a supply area by the Viet Cong and the North Vietnamese. It is true also that the independence of Cambodia has been threatened by both elements, plus its own dissidents.

The fact remains, however, that the United States is fighting on the territory of another nation without a declaration of war by Congress and apparently without candid consultation with leaders of that body.

The Constitution delegates to Congress the authority to declare war. That power evidently has been passed to the Pentagon without constitutional amendment.

The commitment to Cambodia, with even more than the earmarks of the involvement in Vietnam, comes at a time of trouble not only at home but in other parts of the world.

A widening of the war in Asia, where ancient quarrels have repeatedly ensnared Westerners to their woe, is bound to be costly in blood and treasure. Cambodia is a country about the size of the State of Washington with a frail army and an abiding hostility for the Vietnamese—all Vietnamese. Forays across the border can only lead to deeper and deeper involvement in what is now acknowledged to be the "Indochina war."

While the head of this country is turned the Soviet Union has sent pilots to man Egyptian aircraft in a manner reminiscent of the Spanish Civil War a generation ago. This is a grave development in an area of the world where the national interest of the United States is plainly visible. In a few days this open and documented Russian intervention in the Middle East conflict could swing the balance of power against Israel, the only friend of this country in that embattled area.

Neither development bodes any good for the American people, who must pay the price of a faltering leadership.

[From the Miami News, May 1, 1970]

Nixon Has Put Us in a New War

In the strange semantics of our war in Southeast Asia, dispatching troops into a foreign country is not an invasion, fighting in a new country is not an expansion, increased military activity is not an escalation.

If only President Nixon could make it so by saying it's so. But taking the administration's own advice, we must heed what the President is doing and not what he is saying.

What he is clearly doing, despite his rationalizations to the contrary last night, is putting us into a new war, enlarging the risk of Chinese intervention, endangering more American troops in a corner of the world where our involvement is questionable and our future obscure.

Sen. George McGovern, who happened to be in Miami at the time of the President's address, summed it up in one word: "Appalling."

Senator McGovern is a Democrat and a long-time dove on Vietnam whose assessment might have been predicted. Yet the comments of several members of Mr. Nixon's own party during hearings earlier this week before the Senate Foreign Relations Committee indicate that even the Vietnam hawks will be apprehensive over this new development.

It would be comforting to believe that Mr. Nixon can make good on his promise that this incursion will last only long enough to wipe out a North Vietnamese sanctuary. Then our troops will be withdrawn and we can proceed with the "Vietnamization" of the original war, the President said.

Nothing in the history of the Vietnam war, however, suggests that the North Vietnamese or their Cambodian allies will fight according to our Western ideas of victory and defeat.

Time and again we have raided "sanctuaries" in South Vietnam, proclaimed the area secure and gone on to new battlefronts, only to see enemy guerrillas melt back into the area and continue their operations. What encourages Mr. Nixon to believe that he can wipe out a headquarters enclave in Cambodia, fallback across the border and proclaim a victory?

Mr. Nixon's address last night was alarmingly reminiscent of countless other addresses on Southeast Asia in which President Johnson issued similar proclamations about our determination to avoid "defeat" in Southeast Asia.

Events proved that Mr. Johnson had no clear notion of what a "victory" would consist of in a conflict that had so many ingredients of a civil war.

Now we have widened that conflict into a new country which is undergoing a civil war of its own, and the war in Vietnam is another step closer to becoming a war for all of Southeast Asia.

[From the Miami Herald, May 2, 1970]

Rerun of a Bad Dream, This Time in Cambodia

First the arms . . . next the military advisers . . . then the troops.

The script in Cambodia shockingly is the same as the story in Vietnam in the days of Kennedy and Johnson. We can hear Lyndon Johnson asking Congress for $700 million in 1965 (this year the war will cost $17 billion) when there were 30,000 Americans in the jungles and paddy fields and saying: "We have no desire to expand the conflict."

Reading yesterday of the loss of the first GI on official duty in Cambodia we can recall the days of 1963 when the death of a single American was a news event and the toll mounted alarmingly to eighty.

Then as now the host government opposed American involvement at first. The Vietnam government urged the withdrawal of American advisers. Cambodia, never consulted before 8,000 U.S. ground troops crossed its borders, "will protest."

So a nation that cannot realize its mistakes is condemned to repeat them. This, we regret to say, is what President Nixon has done in escalating the war in Southeast Asia.

The intrusion of Cambodia, alongside Vietnamese troops only lately regarded as shaky, is described as temporary—to clean out North Vietnamese and Viet Cong command posts before the monsoon season begins later in May.

But large bases are under construction. This makes a mockery of the national policy of withdrawal from the Vietnam war.

The credibility of Nixon policy also must fall in question. Cambodia has been a neutral. It wishes to remain a neutral. The North Vietnamese and the Viet Cong have violated that neutrality. So, over the border, to help Cambodia "defend its neutrality."

To give Mr. Nixon his due, he is taking a military gamble which has enormous risks. If he fails he may indeed become "a one-term President." If it succeeds (whatever success in this instance really means) he will have spent more blood and treasure in the Asian morass.

XUM

For most of Congress, and, we believe, most Americans are opposed to any more military ventures in Asia. Neither Congress nor the people were consulted. American troops are engaged in yet another foreign country without a declaration of war against anybody.

"I promised to end the war," said President Nixon Thursday night. "I shall keep that promise. I promised to win a just peace. I shall keep that promise. We shall avoid a wider war. But we are also determined to put an end to this war."

We have heard it all before—endless times. Sadly, it is not just a bad dream; it is reality in all its folly.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Bingham and Leggett amendments to the Reid amendment and in opposition to the Reid amendment and in favor of the Findley amendment.

I find this talk about the Findley amendment whitewashing the constitutional question to be most interesting. Actually what this House has been doing and what this Congress has been doing has been whitewashing the constitutional question ever since the Gulf of Tonkin resolution was passed in the 89th Congress. Also during the 90th Congress, under the previous administration, we had an opportunity to see almost 540,000 U.S. troops sent to South Vietnam. We saw this war escalated in every possible way, and on many occasions I took to the well of this House to denounce the escalation of this war by President Johnson and his "no win" policies. We kept bombing North Vietnam until, coincidentally, just a few days before the 1968 presidential election.

Now I am quite surprised to see some of the people who supported the policies of the previous administration rushing to attack President Nixon. It is a very curious about face.

Let us make no mistake about it. This administration inherited a mess in South Vietnam.

It is going to take more than just a year or two to straighten out this mess and to get ourselves out of Vietnam in a proper manner.

I have already publicly stated last week that I do not agree with the President's move in sending troops into Cambodia. I further stated that if Thailand, Laos and Cambodia as well as South Vietnam, all of whom are threatened by Communist aggression, really wanted to get the Communist forces out of Cambodia, they could have done so. The combined population of the countries I have just mentioned is approximately 63 million. The population of North Vietnam is approximately 19 million. So, if they had wanted to do the job, they could have done the job.

I also want to take some very strong exception to some of the statements I have heard here this afternoon to the effect that Vietnamizing the war in South Vietnam will not work. Let us face the facts. It is working and it will work.

Mr. Chairman, right now, today, there are more than 110,000 less U.S. troops in South Vietnam than there were on the day that President Nixon was inaugurated. Further, he has already announced on April 20, 1970, that in the next year he is going to withdraw another 150,000 U.S. troops from South Vietnam.

Even though I have stated that I disagree with the action of sending U.S. troops into Cambodia, I do want to make it quite clear that we should take no action—and I am totally opposed to taking any action—that might in any way, whether it be this year, next year or the year after—endanger our forces in South Vietnam and in Cambodia.

So, Mr. Chairman, I urge the adoption of the Findley amendment and the defeat of the other amendments.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. Yes. I am glad to yield to the gentleman.

Mr. ROBISON. Mr. Chairman, whether or not any war is a "right" war is something generally for historians to settle. Be that as it may, I have long since concluded that, for us, the war in Vietnam is quite clearly the wrong war, at the wrong place, and at the wrong time.

For the people of these United States, this whole episode has become a foreign policy mistake of historic proportions, the true costs of which—in terms other than those of lives and treasure—have still to be determined.

Whatever the original justification may have been—in fact or theory—for our becoming so deeply involved in an effort to solve the internal problems of South Vietnam, that justification has long since disappeared. It seems to me that our greatest failure, among the many faulty judgments made in the past concerning Vietnam, has been our failure to keep our role in Southeast Asia in proper global perspective. While there may have been reason, a good many years back now, to try to help the people of South Vietnam preserve their chance at "self-determination," there were equally compelling reasons why that effort, on our part, needed to be kept strictly limited in nature.

For, as I said back in May of 1968—and there were advance echoes of the so-called "Nixon Doctrine" in my remarks—while we may "have a responsibility—because of our strength—to do what we can to help 'organize a durable peace' in this troubled world—to borrow the phrase from Dean Rusk, who uses it often—we, alone, cannot and should not try to insure and maintain peace anywhere and everywhere in such a world."

In those same remarks, I questioned whether Vietnam was, therefore, the proper place to take a stand for "freedom" in the abstract sense, or the wisest choice of strategic spots, if such were our true purpose, to have drawn an indelible line of containment against Communist aggression, of either the North Vietnamese or the Red Chinese variety.

Finally, on that same occasion, in commenting upon the then-developing public attitude toward Vietnam's mounting costs, I said:

> People have an instinctive feeling, the correctness of which is hard to deny, that even worthwhile objectives can have a price beyond which it is foolhardy to pay—and that—as, in battle, not every bill is of equal value in lives so, in a long struggle, not every battlefield is worth the same cost to a nation's resources.

Besides this, Mr. Chairman, I have also long since concluded that the war in Vietnam—a war we mistakenly and regrettably made "our" war—is not "winnable," at least in any practical sense that could be related in some fashion to the limited purposes that led us into it; and it would be my judgment that a vast majority of the American people have come to the same conclusion.

In at least an indirect manner, then, it was the force of public opinion so redirecting itself toward our problem in Vietnam that brought about, first, the retirement of Lyndon Johnson to private life and, then, the election of Richard Nixon as his successor.

Whether or not actually possessed of a "plan" to bring the war, insofar as we were concerned, to some recognizably successful conclusion—an exceedingly complex and difficult task under the circumstances—most of us thereupon took heart from Mr. Nixon's subsequently announced policy of "de-Americanizing" the conflict by withdrawing so gradually therefrom as to leave behind a South Vietnam with a chance of surviving on its own. Admittedly, such a policy was a risky one, offering no guarantee of success. While, in many ways, not constituting a good solution—and perhaps there was none such—I have supported this policy as seemingly the only "solution" available to us, and I have done so against the urging of those who, seeing no better or worse way out, have tried to tell me we should just quit without trying to make the best out of the worst.

I have also said repeatedly—the most recent occasion for doing so following the President's announcement of his plan to bring still another 150,000 of our combat troops out of South Vietnam during the next 12 months—that I believed this policy of withdrawal to be an "irreversible" one, paced to but not dependent upon the success of the collateral effort as also directed by the President to "Vietnamize" what might remain of the conflict.

I would, however, be less than honest, Mr. Chairman, both with myself and those of my constituents who may depend, in a limited way, upon my judgment in matters such as this, if I did not now admit that the President's surprising move—in force—into Cambodia has caused me to reexamine this latter question.

On the one hand, I listened intently last Thursday as Mr. Nixon declared:

> The action I have taken tonight is indispensable for the continuing success of the withdrawal program.

And as he then added:

> A majority of the American people want to end this war rather than to have it drag on interminably, (and) the action I have taken tonight will serve that purpose.

XUM

While I hope and pray such will prove to be the case, there is, on the other hand, so many ambiguities about our new situation, and so many parallels between this most recent decision and certain other military decisions as made by former President Johnson respecting Vietnam, as to lead me to share, evidently, with many of my constituents that sinking feeling of "here we go again."

On the basis of immediate military considerations alone, a fairly compelling case can, I suppose, be made for the President's difficult—and, in some ways, courageous—decision, though I would have preferred to see the incursion into Cambodia, if there was to be one, made by South Vietnamese forces alone. That would have been one further way of testing whatever progress has actually been made under the Vietnamization program—and a dramatic test, as well, of what most of us had understood to be the thrust of the so-called Nixon doctrine in such a situation.

However, the die has already been cast for us in the other direction.

Perhaps our troops in Vietnam can be brought home faster through Cambodia; I have my reservations about that, but time alone, will tell.

President Nixon has gambled much on such a hope.

He has also apparently gambled much on the hope that this show of strength—of new resolution—in Indochina will be noted by other powers, and in other parts of the world, where it is altogether possible that the credibility of these United States in a crisis situation has come under some question.

XUM

I am well aware of the necessity for concern in this connection.

And I am equally well aware of the fact—as George Kennan, an outspoken critic of the whole Vietnam operation has warned us—that:

> Withdrawal from Vietnam is a delicate operation, and the only person who can arrange and direct it is the President.

But, Mr. Chairman, the events both of the past few days and the shadows cast by events yet to come out of all this demand that we, in Congress, be equally aware of our collateral responsibility with the President for the direction of foreign policy.

A penetrating editorial in this Monday's edition of the Wall Street Journal" has reminded us that:

> Though doubts and ambiguities are the price of a free society, the purpose of any foreign policy strategy is to preserve our free society, not to destroy it.

The editorialist then goes on to declare that:

> The Vietnam war has taken such a cruel toll in destruction of the bonds of consensus and authority that allow a society to operate both at home and abroad that, by now, the danger of disintegration here is far more serious than any military threat in Indochina.

Mr. Chairman, it is with a heavy heart that I conclude such to, indeed, be the case; and that any further escalation of our involvement in the conflict in Indochina—or any further widening thereof—can only hasten that process of disintegration.

On last Thursday night, the President rightly said:

> It is not our power, but our will and character that is being tested.

But not even the greatest power on earth can fight with troubled conscience, in a war without seeming end, for purposes so largely undefined—obtainable at only an unreasonable price, however desirable they may be in coldblooded terms.

I am therefore voting, today, for the Leggett amendment language to be added to this bill—inadequate vehicle though it may be—expressing the sense of Congress against the use of American ground combat troops in Cambodia, Laos, or Thailand. This is an inadequate vehicle for such purposes, as we all know, because funds for such purposes can only be provided through other legislative channels than this—and this bill, if enacted with such an amendment, would not even take effect until July 1, since it applies only to the forthcoming fiscal year; all of which helps point up the truly limited nature of congressional powers over the making of day-by-day foreign policy.

If such language does not become, by way of amendment, a part of this bill, I shall vote against it—something I might well have done in any event since, absent whatever the recommittal motion may change, the bill presently contains moneys for both phases I and II of the anti-ballistic-missile program that I oppose this year as in past years, as well as moneys for other items of military procurement that I do not believe necessary to our national security.

I know that, in some quarters, this action on my part will be taken as a break with the President whom I have, otherwise, so strongly supported.

That may not, so much, be the case if Mr. Nixon and his advisers mean what they seem to be saying about this incursion into Cambodia, in concert with South Vietnamese troops, being a "one-shot" affair, aimed at a specific, limited, military target or targets, with all of our troops being withdrawn from Cambodian soil within a matter of weeks, and thus well before the July 1 effective date of this bill.

But, if events should prove otherwise, I am hopeful that both the President and those of my constituents who are interested will understand that, even as Mr. Nixon has indicated that he took the action he has as a matter of conscience, my action in this regard has been similarly dictated.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, I support the Leggett amendment and I do so because I believe that it is incumbent upon the Congress to take a strong stand in opposition to further broadening of the war in Southeast Asia. I know of no better way for the Congress to meet its obligations and to press for deescalation of the war than to insist that none of the funds authorized for military procurement be used to finance the introduction of American surface combat troops in Laos, Thailand, and Cambodia without prior consent of the Congress.

The decision to enter Cambodia without warning to the country or prior consultation with the Congress has shocked our people and while the President and the administration have taken great pains in recent days to stress the restricted nature of this operation, nevertheless the fact of apparent escalation and the movement across another frontier have raised doubts in the minds of the people of the country that will not be laid at rest and will further tear our already tattered social fabric.

The operative portion of the Findley substitute is substantially the same as the Leggett amendment except that coming after the move into Cambodia his substitute might at a later date be construed to be a ratification of the President's move. In addition, the language of the exception which authorizes the President to act, in essence adds nothing to the Leggett amendment since in my judgment it states a legal position which the President is authorized to take and which in fact President Nixon now claims is his right under the Constitution.

I believe that we must concern ourselves not only with the purely military situation on the ground in Southeast Asia but also with the state of public opinion, dissent and violence in our own country, and at the same time have a reasonable regard for public opinion through the world.

For these reasons I believe that the Leggett amendment should pass since it will give the Congress some opportunity to express its views on the subject of the expansion of military activity in Southeast Asia.

Mr. O'HARA. Mr. Chairman, I am one of those referred to by the last speaker who supported or at least refrained from public criticism of the policies of the last administration in Vietnam. When I first discussed the introduction of U.S. troops into Vietnam with high officials of the last administration, I questioned whether we could salvage the situation there at a reasonable cost. I thought that if we could not—and I said so—then we ought to stay out of South Vietnam, draw the line elsewhere and take other steps to safeguard our essential interests.

I was assured that we could salvage a free South Vietnam with a limited commitment of troops for a limited period of time. Not being a military expert, I accepted that assurance. Events since that time have clearly demonstrated that those assurances were mistaken—given in good faith, but mistaken.

It is, then, with some reluctance and with regret that I now rise to express my disagreement with the President's most recent actions in Southeast Asia.

My reluctance stems from the fact that I do believe that the conduct of our foreign policy is primarily, though not entirely, a Presidential responsibility.

I rise with regret because I have hoped for the past 6 months that we were heading in the right direction, and that, without approving of the details of the President's policies, or without endorsing everything that he said in his several speeches to the American people, I could take comfort from the fact that the President seemed to be trying to extricate us from our mistaken military involvement in Southeast Asia.

Mr. Chairman, it has long seemed clear to me—and I have thought to most of us—that what little we have achieved, or indeed, could achieve, in Vietnam has not been worth the cost, and cannot now be made worth the cost. It has long seemed to me that we should cut our losses and disengage ourselves from this seemingly endless war. Disengagement, I admit, is not the perfect ending to the sacrifices we have made out there, but it is the best of a set of bad alternatives, and is most assuredly preferable to the loss of more and more lives in a cause the cost of which already exceeds its value.

Mr. Chairman, it has seemed to me from my mail and from my conversations with my colleagues, with my constituents, and with others that this view was rather widely shared. Most Americans, it seems to me, have come to the same conclusion about the continuation of this war.

And it had seemed to me, as I listened to the President's speech last November, and his speech of a very few weeks ago, that the President, too, shared the view that getting American soldiers out of Vietnam and handing the destiny of that unhappy land over to its own war-weary people was in our best interest.

The President has spoken persuasively about Vietnamization, and narrowing the conflict, and taking every step open to us to end the war by negotiating.

Because the President has been so insistent along these lines and because I believed that his course was at least headed in the general direction that I wanted to go, I have not publicly criticized him on this issue.

But now, Mr. Chairman, the situation has changed. Now, it seems obvious, we have turned away from the policies which the President had expounded. The President's decision to invade Cambodia and undertake a limited bombing resumption involves an intensification of the war, and no amount of doubletalk or Pentagonese phrases can alter that fact.

How many times, Mr. Chairman, have we been told that one more offensive, one more operation, one more sacrifice would finally finish the enemy's ability to carry on the fight? Is there anyone who still can hear that well-worn phrase and believe it?

Too many lives have been lost, too much money spent, and too much damage done to our national character for this war to continue. And the idea of serving our national interest by actually expanding the war seems to defy reason!

Mr. Chairman, I support the objectives which the President has repeatedly announced as his objectives in Vietnam—Vietnamization of the war, and getting American men home. Those objectives are not served by a new war in Cambodia.

The way out of this war, Mr. Chairman, is out, not deeper in. The way to serve our national interest is to disengage, deescalate, and cut our losses.

In announcing his decision, Mr. Chairman, the President spoke of avoiding "the first defeat in our proud 190-year history." But defeat is not the question. The question is whether or not victory is worth the lives that would have to be paid to achieve it.

In Indochina, we must face up to the fact that the cost of victory is too high to justify its continued pursuit. The use of emotional oratory about an American defeat will not alter that fact.

It is time, Mr. Chairman, for all of us to stop demonstrating our own courage at the cost of other men's lives.

I intend, therefore, to support the Leggett amendment, and to support the Findley amendment only if the Leggett proposal is adopted.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to join the gentleman in the well in his remarks, and state that I too am going to support the Leggett amendment.

I would like to discuss the legislative procedure here that may come up. If the Leggett amendment is not adopted and the so-called Findley amendment is adopted, and there is a motion to recommit offered—and then the previous question will be moved, the previous question must be voted down so that the motion to recommit can be amended so that we can then tack on the Leggett amendment onto the motion to recommit.

Mr. O'HARA. That would be my understanding of it. However, perhaps you should direct your inquiry to the Chair.

Mr. CONTE. That is the gentleman's understanding, if that situation should occur. I thank the gentleman.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I thank the gentleman for yielding, and I also wish to join in the remarks of the gentleman in the well. I too supported the former administration until it reached the point where I felt that we were simply getting deeper, and this is a policy question. I thank the gentleman for yielding.

To me the issue today on these amendments is whether we support the President in expanding and reescalating this war without congressional authorization. I will vote for the Reid and Leggett amendments and against the Findley amendment. This puts me on record in this debate against expanding and escalating this war into Cambodia.

I deplore the fact that we have not been able to debate this war in Congress. A debate followed by a record vote would allow the Nation to reflect its opinion in the fall congressional elections. Instead the Republican leadership has joined with a segment of the Democratic Party to prevent a continuing series of indicative votes on this issue. This has prevented the issue from being directly discussed and decided in the political and governmental arena, and has driven the issue into the streets and onto the campuses. This is a great tragedy. The great strength of our democracy is that it rests on the consent of the governed, which is registered by voting for officials who are judged by the votes they cast on the fundamental issues of the day. The policy of the Government thus changes with and reflects the position of the people. We must restore this system or the people will continue to lose confidence in this institution and it will be nothing but a debating society, and the people will look only to the executive department or, even worse, will completely lose confidence in government.

We must end this war and the best way to protect our troops is to take them out of Indochina. For too long we have been told that we can protect our troops by putting in more troops or by expanding the war into some new phase. I refuse to accept that argument. The President said his policy was to end the war and withdraw the troops. This invasion of Cambodia has changed that policy and I oppose this new policy of escalation by the present administration.

Mr. KARTH. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Chairman, I thank the gentleman for yielding, and I want to associate myself with the remarks of the gentleman in the well, and commend the gentleman for making them.

Mr. Chairman, on April 30, the President of the United States ordered an attack by American troops, operating with the South Vietnamese, to "clean out" enemy sanctuaries in Cambodia. On that day and again on May 1, I sharply protested that action.

Today, I am joining several of my colleagues in the House of Representatives in further protesting the President's decision. My strong objection to the administration's new policy rests in several areas of disagreement, some of these historical, some military, others political and moral.

Before my colleagues here I wish to mention but three of these objections. In addition, I would call to their attention a roughly drawn policy alternative of my own which may well encourage debate in this body toward the end of setting a new national policy of winding down the present build-up of armed hostilities.

I remain astonished by and steadfastly opposed to our President's new policy for the following major reasons:

First, the President's calculated invasion of Cambodia dangerously escalates the risks the United States is willing to take in Southeast Asia, while proferring seemingly marginal and illusive military and/or negotiating leverage in exchange.

Second, the President's justification for his policy of widening the war is to provide protection for American troops so that a scheduled withdrawal of 150,-

000 U.S. combatants may be accomplished over the next year.

This is, of course, a thinly differentiated version of the rationale provided by the former administration and its military policy advisers. Each time that President sent in an additional 100,000 or 150,000 troops, it was to protect those sent before, until we had a half-million men involved with proportionately greater casualties and deaths following each step-by-step escalation.

Today, this President is asking the American people literally to accept "defense by invasion" in order to save lives. I do not believe our citizens understand this strange explanation their President is asking them to believe.

My third and final point—I believe it is quite clear that the President's new policy openly violates his earlier articulated policy for Southeast Asia.

The Nixon doctrine pledged that the United States upon request would aid those nations in Asia and around the world with whom we have military treaties. We have no treaty with Cambodia.

Cambodia is a neutral nation. We had no request for troops there at the time of the U.S. invasion. The Government of that nation cannot even officially approve the aid we give, because of their desired neutrality. And so this administration abuses its own doctrine.

These are obviously days of great peril for our Nation. Our citizens of every rank are aroused, great numbers of them deeply impassioned. Hastily planned protests this weekend here in the Nation's Capital, as well as all across the country, raise the very real potential of new disorders.

Under these conditions, it is imperative that the Congress undertake new initiatives to shape national policy in response to the will of the people. I, therefore, offer the following policy alternatives and to stimulate a new, great debate on winding down the war. I recommend our Government shrink the base of the war by the following actions:

First. Withdrawing American combat troops and personnel from Cambodia.

Second. Naming immediately a top-level negotiator to the Paris peace talks to replace Henry Cabot Lodge, thereby demonstrating this Nation's good faith in those negotiations.

Third. Debating in Congress immediately a national policy of timely withdrawal from Vietnam.

Fourth. The Administration calling upon the United Nations to establish a permanent peacekeeping force in a neutralized zone between the nations of North and South Vietnam.

Fifth. Asking the United Nations to guarantee the protection and integrity of neutral nations (Cambodia) against the invasion of North Vietnam, or other hostile powers.

Sixth. Requesting support from Member Nations of the U.N. in the establishment of a program of economic development to sustain the volatile, inflation-ridden economies of those nations who are now at war on the Indochina peninsula.

I trust that these directives may be carefully considered as potential steps to the peace we seek.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Massachusetts (Mr. CONTE) said:

> We will introduce a motion to recommit if the minority does not.

Who is this "we" he is talking about?

Mr. O'HARA. On that I think I would have to defer to the gentleman from Massachusetts (Mr. CONTE).

Mr. GROSS. Is that the Democrat Study Group?

Mr. CONTE. Mr. Chairman, if the gentleman will yield, I would state that we have plenty right over here on the Republican side that will be joining in on that. We have plenty of support for that on our side.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I thank the gentleman for yielding. I support the Leggett and Reid amendments, and I also strongly support the Bingham amendment which would proscribe the funding of any attacks—by air or ground—on North Vietnam.

Mr. Chairman, we have heard many reasons today as to why this is not the appropriate time or the appropriate way for the House of Representatives to reclaim its constitutional authority over the warmaking power. One might as well ask what is the appropriate time to visit Paris? The right time is now—any day, any week, any month. During my first term in the House, during the great 89th Congress, I sponsored a resolution creating a joint congressional committee to investigate what happened to Congress' warmaking power. We can start reclaiming that power and exercising that muscle today by passage of these amendments. Let us get on with it.

We are told that passage of these amendments would destroy the single voice with which America speaks around the world. Yet today, the press informs us that Secretaries Laird and Rogers have been ill-informed of many important military decisions, were only given hours notice of the invasion of Cambodia. The highly respected and authoritative Max Frankel reports on the front page of today's New York Times on the increasing evidence that Secretaries Laird and Rogers had serious misgivings about the use of American troops in Cambodia and that President Nixon's war decisions of the last 2 weeks have been reached in an atmosphere of "confusion as well as dissension"—that their "thinly disgused" opposition to Nixon's decision to move into Cambodia was based on "distrust of military and intelligence estimates adopted by the White House", as well as by their fears of the "domestic political consequences of further division of American society and defensive escalation of the President's rhetoric as well as policies." Within the last 10 days—indeed the day after the National Security Council reportedly started to consider further activity into Cambodia and less than 100 hours before Nixon made his fatal decision, Secretary Rogers was assuring the House Appropriations Commitee that the administration had no incentive to escalate, that the intent was to deescalate, and that "we recognize that if we escalate and get involved in Cambodia with our ground troops that our whole program—of Vietnamization—is defeated." Mr. Rogers assured the Appropriations Committee that if the administration ever contemplated "sizable use" of American troops in Cambodia that it would consult fully with the Congress because of the recognized need for public support.

Mr. Chairman, what a pathetic parody of national unity, and what a pathetic parody of straight talking and honest dealing with Congress, and what a pathetic parody of thoughtful interagency decisionmaking is represented by this disastrous Cambodian misadventure.

Perhaps it remains for the House to give long-needed, in-depth, thoughtful scrutiny of the whole complex of problems and events triggered by the unhappy decision to invade Cambodia—and to provide some steady, long-range leadership to boot.

Next, we are told that the safety of our troops in Vietnam depends on eliminating the Cambodian sanctuaries. We commenced almost a decade ago defending a handful of American advisers. Today, almost a decade later—a hundred billion dollars poorer and at a sacrifice of almost 50,000 American lives—we still have not established a credible reason for presence in Southeast Asia in the eyes of world public opinion and to leading spokesmen of the press, and civic and business organizations, to a wonderful, infinitely promising generation of university students, and to a sizable portion of this body. The best thing we can do to preserve the lives and safety of our troops is not to get more of them embedded further in that appalling Southeast Asian morass, but to get them out of there and back home as fast as is consistent with their safety and that of Vietnamese nationals whose lives would be imperiled by the withdrawal. No program for insuring their well-being and safety could possibly match bringing them back home alive and well and fast.

Lastly, we are told we should not politicize this decision. But it is in many ways a basic political decision, Mr. Chairman, involving a variety of political and economic tradeoffs. Of course, we cannot make national security decisions based solely on domestic political and economic factors—but they cannot be ignored either; and the political and economic fallout of the Cambodian decision is appalling and will grow more appalling as time goes on if we do not mend our folly. The Cambodian invasion has horrified and alienated our university students by the millions, our intelligentsia—the civic, business, religious, and labor leaders of America—by the hundreds of thousands. It has fed the fires of polarization and alienation of this country and has increased the gap between the establishment on the one hand and the young, the poor, the black, and the highly educated on the other.

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In addition, the Cambodian invasion will inevitably make more difficult our fight against inflation; it will increase the pressures for tax increases, and will further erode and diminish the already pathetic level of funding we are making available for rebuilding our cities and for creating viable systems of public health, education, welfare, skills training, and public service employment for the poor.

The course which the administration has charted, albeit with uneven, muted, still and clashing voices, is leading us down a road that can only lead to national disaster. The Congress must exercise its constitutional prerogative and take charge of the warmaking power. We have not done it in the 5 years I have served in this body—let tonight be the night.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. REID) and in opposition to the Findley amendment.

As one who, in 1967, proposed a plan for graduated, reciprocal identifiable de-escalation which led to the eventual cessation of the bombing of the north and the Paris talks, and as one who in January 1968, called for de-Americanization of the Vietnam war, and as one who has supported Mr. Nixon's plan to withdraw U.S. troops, I was chagrined at the decision of the President, without consent of Congress, to send thousands of American ground combat troops into Cambodia, and by doing so, to extend U.S. combat efforts into a nation that heretofore had not been part of the Vietnam battleground.

It is of course desirable and necessary to protect American forces. In the narrow context of the military situation in western South Vietnam, this could be a prudent and possibly successful tactical move. But in a larger context, the context of the American system of government and of our national and international priorities, this Presidential decision raises serious legal and human questions. The best way to protect American troops is to bring American troops home from Southeast Asia.

Last Thursday, before the President spoke, I supported the Reid amendment to the pending fiscal 1971 military procurement bill that would prohibit funds for the introduction of U.S. ground combat troops in Cambodia, Laos, or Thailand. I continue to support this position. I indicated at that time my strong belief that an invasion would render meaningless the most crucial plank of the Nixon doctrine, which was supposed to end the role of America as a world policeman. I stated, as I state now, that the people of the United States have no interest in Cambodia that would override the President's earlier announced intentions to place the burden for the defense of these countries on their own peoples and on other free nations in the East Asian area.

I have heartily supported the President's efforts to withdraw American troops, but I think the process must be speeded up, not slowed down or stopped by a widening of this war. Even if this Cambodian strategy were to succeed militarily, even if all U.S. troops were to be out of Cambodia in a week or a day, even if the success of these attacks would enable the United States to withdraw its forces in Vietnam at a faster rate, I think the risks involved in this decision are far too great to justify the President in ordering the invasion without consulting the Congress.

Mr. Chairman, I believe that we face at this time a constitutional crisis as well as a priority and a military crisis. I want to support and adopt the statements that were made by my colleague, the gentleman from Florida (Mr. FASCELL) in pointing out that this is a constitutional crisis that we face here.

I think it is very important for us to understand, as sometimes we are not wont to do, that this is a constitutional form of government that we have. There are three branches of that Government: there is the executive branch, of course, the legislative branch, and the judicial branch. We have a responsibility as legislators, as Members of the House of Representatives, to assert our prerogatives under the Constitution, as the President has as the Commander in Chief, and as the Chief Executive Officer. I think that one of the problems that we face today has been the definition as to what the Commander in Chief can do under the Constitution. This, I think, is what the gentleman from Florida (Mr. FASCELL) was trying to point out during the course of his remarks, and they are the same points that I would like to make at this particular time; namely, that we have come to the time when we are not just necessarily endorsing the position taken by the Commander in Chief as though we were members of the military, but that we have to look at it as Members of the House of Representatives, as to what our position is representing the legislative branch of the Government. In 1964 we were asked to support the Commander in Chief on a seemingly very simple resolution, the so-called Gulf of Tonkin resolution. I voted for that resolution, as did many other Members of the House of Representatives and Members of the Senate. I am certain that if that language were to come up again that many of us would not vote for that Gulf of Tonkin resolution.

I point out to you that the Findley amendment has the same connotations as the Gulf of Tonkin resolution because it provides a discretion, a congressionally-sanctioned authority, for the President to proceed to take certain action. We, by the Findley amendment, it seems to me, would be saying to the President that under our constitutional powers we are supporting the action you are taking in Cambodia.

Six years later, in 1970, I think we can look back and see what the Gulf of Tonkin resolution meant. I hope that in the next 6 years we will not have to look back to see what the Findley resolution meant.

I subscribe to the thought that it is desirable for us to support the President as Commander in Chief within the limits of his constitutional powers, and I wish I could support the President in exactly everything that he has done with regard to Cambodia. But regrettably I feel the amendment offered by the gentleman from Illinois (Mr. FINDLEY) does have the connotation of the Gulf of Tonkin resolution.

I urge my colleagues not to give this authority to the President.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman.

Mr. FINDLEY. Can the gentleman tell me in what respect my amendment would convey one ounce of additional authority to the President? Actually, to the contrary, it enhances the role of the legislative branch, of the Congress, in requiring a reporting procedure where the President under his implied powers does order action by military forces.

Mr. HORTON. In reply to the gentleman, I would say that the Findley substitute amendment has language which says that none of these funds shall be used to finance the introduction of American ground combat troops into these three areas, including Cambodia, without the prior consent of the Congress, except to the extent that such is required as determined by the President. It is not a question of whether the amendment affords the President any additional powers. Crucial here is the fact that this amendment simply endorses presidential action and discretion after the fact. This is an erosion and not an enhancement of the legislative powers of Congress.

I would urge my colleagues not to support this amendment.

Mr. CAREY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the Reid and Leggett amendments and in opposition to the Findley amendment.

I do so fully conscious of the wise cautions expressed here by distinguished Members of this body with regard to the fact that we are in what can be called a constitutionally gray area.

No less a scholar than Henry Steele Commager said in his book "Presidential Power":

> The Issue Analyzed . . . It must be admitted at once that the constitutional document itself says very little about the matter of the conduct of foreign relations and the exercise of war powers, and what it does say is couched in general terms.

But I strongly urge that we have in this country a check and balance system in the gray area, and when one branch, the executive branch, goes too far or goes in a direction we feel it should not take consistent with our right and our responsibility under the Constitution to make war and raise armies, we are bound to speak up and we are bound to advise that branch we are going to exercise our power of restraint on such operations. That, I think, is what we are saying here today.

I agree very thoroughly with the gentleman from Illinois (Mr. ANDERSON) that the time has come either by way of a joint resolution or in some fashion, for the Congress to be explicit and to come

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out of that gray area and say in black and white that we intend to assume with greater certainty and cogency our function in determining who can say where our boys are going to go and how long they are going to be there and how many we are going to commit.

I think the country wants us to say this. I think the country is divided now because the Congress has not assumed its proper role and responsibility in ending this war by denying to anyone the power to send our troops into areas where they should not go.

I am not here speaking on a partisan basis. I am not speaking to discredit the Nixon policy. I like what I heard the President say in his Guam doctrine, when he said that we would no longer go to aid developing nations willey nilley. Rather, we were going to help them to assist themselves gain and sustain their freedom.

Then, President Nixon violated his own doctrine because he has unilaterally gone into Cambodia. So I am not speaking to discredit the Nixon doctrine or the Nixon policy. In fact, what I am doing is criticizing the continuation of the past administration's policy which has now become this administration's policy.

I call the attention of my colleagues on the committee that that policy was discredited by the voters in 1968 and it is incumbent upon us who were elected to end this war and not to extend it to Cambodia with an additional loss of lives.

Further, I believe in the constitutional powers of the President—but one of those powers is not infallibility. President Nixon has made a miscalculation on this Cambodian expedition and in opposing that miscalculation I have been joined at least by Secretary of State Rogers and Secretary of Defense Laird. It turns out today that they do not approve of his policy and they opposed to some degree of going into Cambodia.

So I am traveling in pretty good company. I think there are many here who have grave reservations about the extensions into Cambodia and the miscalculation it involves. It is not a policy. It is a theory. It is a theory that we can stop the war by hitting the enemy in its viscera. The trouble is it turns out that we cannot even find phantom, elusive, visceral headquarters, which is the objective of our so-called campaign. It is a discredited policy because the people themselves, after hearing the President make his plea for support, on the very next day, to the extent of only 51 percent, were willing to give him the kind of support such a policy requires.

I say it is now our job to correct the miscalculation. It is a miscalculation and it is a costly one, because he has indicated he felt the enemy—and the Vice President said this—did not have the power to retaliate. The enemy is retaliating, and this is the grave and unfortunate truth. Yesterday we had 41 fatalities, the highest in number of killed in any one day of combat since the conflict began to phase out under the wise provisions of the President when he began bringing the troops out of Vietnam.

I say this is not policy; it is theory. We now speak out against that theory. It is already, I believe, a discredited theory because the exploit, if we can call it that, is not working, and I think we will save the President by getting out of Cambodia.

For the benefit of this record, I have traced in history the question of division of powers in defense of our country and I append it to my statement for the information of Members.

The Constitution of the United States of America, article II, section 2, clause 1, reads:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into actual service of the United States.

Although the history of the past 180 years have tested the meaning of this clause, there is still wide disagreement among the many authorities as to the exact nature and extent of the powers of the Chief Executive as Commander in Chief in the American system of government.

During the past 35 years this question has been considered principally with President Roosevelt's use of the powers of Commander in Chief in the years before declared warfare began late in 1941; President Truman's use of the powers in connection with sending American troops to Europe; and Korea; with the steel seizure case; and President Eisenhower's use of the powers in the Quemoy-Matsu Islands situation and in the civil-defense operation of June 1955.

Actions taken by the President in his capacity as Commander in Chief cannot be understood within the framework of the constitutional grant of such power. Such actions must be also considered from the standpoint of his other Executive powers such as his constitutional powers in the field of foreign relations; his constitutional power to recommend measures to the Congress; the numerous statutory powers granted to him by Congress—particularly those in which he is authorized to act in an "emergency"—and to his powers under the obligations entered into by the United States as a member of such international organizations as NATO and the U.N.

During the Continental Congress the question of the exercise of such powers did not exist since Washington was not President at that time.

Washington's involvement with the Congress concerning military matters dealt solely with establishing the militia and creating the Military Establishment. There were no serious questions in regard to the exercising of his powers as Commander in Chief. In 1798 President Adams, when trouble with France arose, divested himself of Commander in Chief powers and bestowed them upon Washington. This action was confirmed by both House and Senate.

In 1801 President Jefferson dispatched a small squadron of naval vessels into the Mediterranean to protect U.S. commerce against threatened attack by Tripoli. He announced the action in his first annual message to Congress.

In 1811, President Madison announced in his third annual message to Congress that he had employed a naval force to guard the U.S. coast in the interest of national security.

President Madison requested a declaration of war in 1812 which the Congress passed. Under legislation authority delegating to the President the power to call out the militia under conditions of actual or imminent invasion, he called out the militia for service in the war. Three New England Governors refused. The President's authority to decide when an emergency has arisen and to take action was tested and confirmed by the Supreme Court in *Martin* v. *Mott*—12 Wheat. 19 (1827).

President Monroe concluded an executive agreement on the limitation of naval armaments with Great Britain. The agreement was submitted to the Senate for approval.

In 1844, during negotiations for annexation of Texas, President Tyler ordered land and naval forces to the area to protect Texas against a Mexican invasion. In his first annual message to Congress, President Polk announced that he had sent military and naval forces to the coasts of Mexico and western frontier of Texas to prevent any trouble resulting from the annexation of Texas.

On May 11, 1846, President Polk asked the Congress to recognize the existence of war with Mexico. Congress complied but not until it had debated whether a war did exist and whether it was a defensive war.

President James Buchanan viewed Presidential authority in a somewhat limited way. In refusing to join Britain and France in the war against China, President Buchanan stated:

> It was impossible for me to proceed further than this (maintenance of a neutral position while seeking a settlement by peaceful measures) on my own authority, without usurping the warmaking power, which, under the Constitution, belongs exclusively to Congress.

When the Civil War broke, President Lincoln issued a proclamation for 75,000 troops and called a special session of Congress. In his message to Congress on July 4, 1861, he stated—

> The Executive found the duty of employing the war power in defense of the Government forced upon him.

The blockade of the Confederacy was effected by proclamations made by President Lincoln. His authority to institute a blockade was tested and upheld by the Supreme Court, 5 to 4, in a Prize Cases—2 Black 635 (1863).

On May 3, 1861, President Lincoln by proclamation ordered the Army increased by 22,000 and the Navy by 18,000. The action was legalized subsequently by the Congress on August 6, 1861, which "approved and in all respects made valid" the President's prior actions.

In May 1862, President Lincoln assumed actual military and naval command of successful operations against Norfolk.

September 22, 1862, President Lincoln issued a preliminary proclamation of emancipation.

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December 8, 1963, President Lincoln issued a proclamation of amnesty and reconstruction.

President Andrew Johnson proclaimed end of insurrection except in Texas on April 2, 1866.

During Reconstruction in March 1867, the State of Mississippi tried to restrain President Johnson from carrying into effect the Reconstruction Acts on the grounds they were unconstitutional. The Court held that as Commander in Chief the President was performing purely Executive and political duties in enforcing the law, whether constitutionally valid or not.

During the same month, the Congress passed the Army Appropriation Act to the effect that the General of the Army should not be removed without the consent of the Senate which deprived President Johnson of his full constitutional authority as Commander in Chief.

President Hayes intervened in the railroad strikes of 1877 by calling out troops and furnishing arms to preserve order even though the statutes under which he acted required express application of the legislature or Governor which was satisfied only very informally.

President Arthur by an exchange of notes arranged an agreement with Mexico regarding the pursuit of hostile Indians. The action was done without seeking congressional approval.

President McKinley without statutory authority declared a blockade of Cuba by proclamation. Three days later Congress declared war on Spain and authorized the President to take necessary action.

In 1900, President McKinley sent an expedition to China during the Boxer Rebellion.

On September 7, 1901, a protocol was concluded ending the Boxer uprising. It was signed for the United States by a special commissioner to China whose appointment by President McKinley had not been submitted to the Senate.

President Theodore Roosevelt ordered the U.S. Navy to prevent Colombian troops from being landed in Panama in order to suppress the insurrection at the time the U.S. Government was negotiating for rights to build the canal.

President Roosevelt dismissed three companies of soldiers in Brownsville, Tex., "in pursuance of what, after full consideration I found to be my constitutional duty as Commander in Chief of the U.S. Army." This touched off heated debate in the Senate as to the President's authority and whether it contravened the Articles of War enacted by Congress.

President Roosevelt sent the U.S. fleet around the world even though the Congress had appropriated insufficient funds. The Congress was forced to make supplemental appropriations so the fleet could complete the trip.

President Woodrow Wilson ordered sailors and marines to capture Vera Cruz because of an insult to the U.S. flag. They occupied the city for 7 months. This action was taken without congressional authorization.

President Wilson requested congressional authority to arm merchant ships. This was defeated by filibuster but Wilson subsequently ordered an armed guard for merchant vessels.

President Franklin D. Roosevelt proclaimed a limited national emergency on September 8, 1939.

In June 1940, the Congress granted President Roosevelt the power to grant arms aid to American Republics.

September 3, 1940, lend-lease agreement—President Roosevelt entered in agreement with Great Britain for 50 overage destroyers. The action was defended as "resting on the President's power as Commander in Chief to dispose the Armed Forces of the United States."

The Lend-Lease Act of March 11, 1941, empowered the President to turn over war materials to the Allies if he deemed such action to be in the national defense interest.

President Roosevelt proclaimed the Red Sea to be no longer a combat area and permitted American ships to carry supplies to the British forces in that area.

President Roosevelt directed the U.S. Navy to patrol shipping lanes in the Atlantic and report movement of German vessels in American defensive waters.

May 27, 1941, President Roosevelt proclaimed "unlimited national emergency" ordering American vessels to sink on sight foreign submarines found in American "defensive waters."

On July 7, 1941, in a message to Congress, President Roosevelt announced U.S. forces would occupy Iceland to relieve the British forces.

July 7, 1941, President Roosevelt announced he had ordered the U.S. Navy to perform convoy duty for supplies sent to Britain under lend-lease.

August 14, 1941, President Roosevelt entered into the Atlantic Charter agreement.

September 11, 1941, President Roosevelt in a radio address announced order to U.S. Navy and Army to strike first at any German or Italian vessel in American "defensive water."

June 27, 1950, President Truman ordered the U.S. air and sea forces to give the Korean Government troops cover and support. He also ordered the Seventh Fleet to guard Formosa.

On June 30, President Truman announced he had authorized the use of troops in Korea.

"The Great Debate," January–April 1951, the Senate bitterly debated President's right to send troops to Europe. The Congress finally endorsed his program on April 4. Two resolutions, neither with the force of law were passed by the Senate. The President maintained repeatedly that he had the power as Commander in Chief to send troops to Europe but that his administration always consulted the Congress before making foreign policy decisions.

The use by any President of his powers as Commander in Chief is determined largely by his own predilection for any of the several theories on how the interests of the United States might best be protected.

Congress seldom has objected to the action of the President, as Commander in Chief in sending abroad and maintaining the Armed Forces without its prior concurrence.

Henry Steele Commager said in "Presidential Power: The Issue Analyzed":

> It must be admitted at once that the constitutional document itself says very little about the matter of the conduct of foreign relations and the exercise of war powers, and what it does say is couched in general terms.

Mr. BROCK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise because I think the argument today is getting somewhat out of reason. It seems to me that the action in Cambodia was taken, not to create a constitutional crisis, not to challenge the prerogatives of the House, not even to play domestic politics, but merely to protect American lives.

I have heard a great deal of criticism here today from those who have opposed the war in the past, saying that the policies of the past administration were wrong. I agree. But were they rising up on the floor of the House and defending the prerogatives of the House when it became known that we had lost American lives because our men were fired at from sanctuaries in Cambodia and the permission to fire back was refused? Were they standing up for American youth at that time? Where were those who criticized this war when we found out that, under the previous regime in Cambodia, a major amount of war material coming into South Vietnam was not coming down the Ho Chi Minh Trail but coming through the seaport of Cambodia called Sihanoukville? Where were they then?

I resent the fact that this argument is becoming a political argument, because I think there is something beyond politics involved in the question that we have today. There are 450,000 young Americans over there. You can debate the Constitution all you want to, and we can agree or disagree on its words. I do know one constitutional responsibility the President of these United States has—he has the fundamental responsibility to take such action as necessary to protect the lives of the American young people in the Armed Forces of this country who are acting in the defense of this Nation. I, for one, am glad that the thousands of young people from my State have a President with the courage to do just that. And I for one am grateful they have a President who has the courage to begin to bring them home, instead of continuing a policy of escalation by inches.

You may talk about your statistics all you want to. As far as I am concerned, the life of one young American man in the rice paddies of South Vietnam is more important to me by far than the possibility of opposition to any political candidate or even the "prerogatives of the House."

I think the essence of the situation lies in the fact that whether or not any of us agree with our presence in Vietnam from the outset, we have no right to take any action that would jeopardize those men. Yet, that action was taken in the previous administration when our men were denied the fundamental and basic right of

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self defense by the granting of sanctuaries to the enemy. Do not talk about the action in Cambodia as being an invasion, an escalation, an expansion, or anything of this sort. The President's decision simply gave the right of self-defense to men who have been asked to place their lives in jeopardy to defend this nation. Let us keep it in that perspective. We need a deescalation of rhetoric and a renewed commitment to the speediest possible phasing out of American troops, so this tragic conflict can be brought to an early conclusion.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Leggett amendment and also in favor of the Reid of New York amendment, because, Mr. Chairman, each day's news brings us fresh evidence of a deeper American involvement in Southeast Asia.

First, American advisers accompanied South Vietnamese troops when they invaded the Parrot's Beak area of Cambodia. Shortly thereafter, the President took to national television, and caught the entire Nation by surprise when he told us that American ground forces were going into Cambodia to find the main Communist command headquarters and make a single decisive sweep of the area, an action, he claimed, would allow his Vietnamization plans to proceed minus the harassment from Cambodian-based Communist troops.

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Then in rapid fire order, the United States dropped bombs in North Vietnam again and a third American force invades Cambodia in the northern end of the country, 250 miles away from the Vietnamese capital of Saigon. Now we have a fourth and a fifth American incursion.

I cannot believe that the President is so naive, or so blind to the fate of his predecessor, that he could be convinced by his generals that a temporary and limited effort, which is what he calls our newest adventures, can really turn the tide of war in Southeast Asia.

The President, and his Vice President, and his Secretary of State, and his Secretary of Defense, have offered several conflicting reasons for our forays into Cambodia. Among them are: We have invaded Cambodia, first, to avoid a military defeat in South Vietnam; second, to save Cambodia from Communist takeover; third, to ease the pressure on our Vietnamization program; fourth, to find and disrupt the Communist supply lines in Cambodia; and fifth, to find and destroy the Vietcong command headquarters in Cambodia that controls the fighting in South Vietnam.

Whatever his true reasons; I will not believe that the Indochina situation has deteriorated so much that less than 2 weeks ago, the President announced plans for a massive troop withdrawal; now he has to recommit these same troops in an entirely new theater of action.

I predicted last week that the Nixon action would bring new and frightening consequences here at home. The tragedy at Kent State University speaks for itself. And it is not only the students who are confused and angry at the President's actions.

In Monday's New York Times, the usually unflappable James Reston said:

> Powerful men in Congress and even in President Nixon's own official family feel that the Cambodian decision was reached with undue haste and carried out by deception.

Mr. Reston went on to say:

> To defend his position, Mr. Nixon appears to be falling back on the old anti-Communist, anti-intellectual, antiuniversity, antinewspaper and antitelevision line to prove his point, and this is dividing the capitol of the United States as it has not been divided since the days of the late Senator Joseph R. McCarthy.

The issue over the constitutionality of the Vietnam war and now the Cambodian war has long festered.

I contend that it is the role of the Congress, not the President, to authorize action such as that taken by U.S. troops in Cambodia in the past few days. More important than the Commander in Chief of the United States is the Constitution of the United States to which the Commander in Chief, the Congress, and the judiciary are all subject.

The so-called war powers of the Constitution are clauses 11, 12, 13, and 14 of section 8 of article I.

These clauses provide that Congress, and not the Executive, has the power:

> To declare War . . .
> To raise and support Armies . . .
> To provide and equip a Navy.
> To make Rules for the Government and Regulation of the land and Naval Forces.

During his campaign for the Presidency, Mr. Nixon said that he had a "plan to end the war." The invasion of Cambodia proves that he did not then, and does not now, have such a "plan."

As Tom Wicker in the Sunday New York Times said:

> The answer can only be that he has no "plan to end the war," much less win the peace, that Vietnamization by itself is not and cannot be such a plan, and that in the end Mr. Nixon like Mr. Johnson before him is pursuing the bloody chimera of striking one final overpowering military blow that will drive the North Vietnamese to their knees and thence to the conference table.

Mr. Chairman, the time has come for the Congress to reassert its constitutional rights and duties. Mr. Chairman, that is why I hope the House will sustain the amendment of the gentleman from New York (Mr. REID) or of the gentleman from California (Mr. LEGGETT) and make it clear to the President that Congress will not support his plan to put the United States deeper and ever deeper into the Southeast Asian morass.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is true that when the President ran he said he had a plan for ending the war in Vietnam. He has put that plan in operation.

For 8 solid years we saw a continued escalation in American troop presence in Vietnam—a continued escalation.

What was the plan? The plan was the third alternative that we have in Vietnam.

Let me give briefly the alternatives.

One is an all-out military victory. I happen to be one who believes we could achieve an all-out military victory if we chose to do so. It would mean such barbaric acts as we performed in World War II, when we burned entire villages in Japan and when in Germany we flattened entire cities and killed hundreds of thousands of innocent civilians. But that is the way wars are won militarily. Militarily wars are won by making the war so costly to the enemy that either he cannot or is unwilling to continue.

Yes, we could pursue that course in Vietnam. The President ruled that course out.

Then another course we could pursue in Vietnam is that which the Communists and many of their sympathizers here in the United States would like, which is an immediate American withdrawal, unilaterally, without any forewarning or plans that would allow the South Vietnamese to consolidate their position. This truly would enable the Communists, in effect, to massacre all their political enemies in South Vietnam and to take over South Vietnam with little or no resistance.

Bear in mind that during the Johnson administration the villages in South Vietnam were not armed. We did not give weapons to the villagers because we did not know who were Vietcong and who were loyal South Vietnamese. We knew the loyal South Vietnamese were in the majority, but we were afraid that some of the weapons would fall into Vietcong hands.

By providing weapons to the local military and providing weapons and support and training to the ARVN troops, we now see Vietnamization working—Vietnamization the third alternative in Vietnam President Nixon's plan to end the war with honor. It is precisely because Vietnamization is working that the people in Cambodia threw out Prince Sihanouk and told the Communists to get out of their country. They were seeing the success that was taking place in South Vietnam which gave them the courage to act.

But along the border areas are the sanctuaries, the nerve centers and supply centers from which all the Vietcong efforts in South Vietnam originate. Those arc the areas American troops are striking at.

Let me make one point very clear. This is not an effort of the United States to come to the aid of Cambodia so far as support against Communist troops in the inland portion is concerned. The President has made this very clear. It is simply an effort to obliterate or to eradicate the areas from which the Communists are able to launch attacks against our troops in South Vietnam as they are becoming weaker because we are withdrawing them.

This is precisely the same type of tactic the Israelis used in regard to some of the Arab areas. We should not overlook this comparison.

For a long time we heard of the Golan Heights area where the Arabs were able to launch shells into Israel. The Israelis found it necessary to go in and seize that territory to protect their own inner territory. The same is true of the Sinai, which gave them a buffer zone against the hostile Egyptians, who said they were going to drive the Israelis into the sea.

I say this to the Members: Cambodia is only 33 miles away from Saigon. What is 33 miles? That is about the same distance as it is from here to Friendship Airport, or a little bit beyond Dulles Airport. When Cambodia is only 33 miles away from Saigon, as a sanctuary where they are able to cache their supplies and where they are able to have command centers, then it is a dangerous and disastrous situation for American troops in South Vietnam.

Militarily, if we are going to assure the South Vietnamese that they will have the time to protect themselves, this was a necessary military step.

One further thing, Mr. Chairman, and it is simply this: By destroying these areas it will take the Communists 6 to 9 months to recoup. During this time the South Vietnamese will have time to further Vietnamization in their area.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is quite natural in these supercharged times that there be a tremendous lot of rhetoric, some of a very high content and quality and some rather dubious. There is no one here who does not want to support the Commander in Chief, and I am one of those who do want to support him. I would also like the support of the Commander in Chief for the Congress from time to time. I think that is not an inappropriate suggestion. Nor would consultation with the Congress be inappropriate either.

I might suggest it would be well for us, all of us, to stop calling this "Johnson's war" or "Nixon's war," because it is in fact the war of the American people, including those who are over there fighting it. Many of those fighting were drafted involuntarily and are wondering while they are over there why we continue a system of selective service in which many of the privileged are exempt. This is the people's war. President Nixon alone cannot stop it.

Nor can he continue to escalate it without the consent of this body and the other body, which, under the often-cited constitutional powers, has the right to raise and support armies. We must exercise our powers and responsibilities.

I am certain that President Nixon wants to stop this war, and I want to help him stop it. I want to help him stop it by voting for the Leggett amendment, the Reid amendment, and in the other body for the amendment sponsored by the Senator from South Dakota, Mr. McGovern, and others which would in fact end it. I cannot support the Findley amendment, for it gives the President cart blanche. I do not believe that the other body will support Findley either.

We seem to forget in the course of all of the terrible turmoil throughout the United States things have gotten out of focus. The ultimate fact is—and I think the students and other dissenters realize it—they are not 100,000 bums, but they are citizens of the United States—that the representatives of the people are the ones who have the ultimate responsibility. We must exercise that responsibility.

Mr. Chairman, I believe in this Government. I believe it should be responsive, and if its response is going to be a continuation of what I consider to be this misadventure, I do not intend to opt out of this system, but instead I intend to stay and fight for what I think is right. And I respect anyone else who has an opposite view. However, I do not intend to sit here and abdicate what I consider to be my responsibility to a person who is simply called the Commander in Chief with all of the powers. He, too, is responsible to the people, as we are. He, too, has to respond to the will of the American people. For the moment his mail might be running exactly the opposite of mine, but I consider myself to be a representative and not a delegate. So I am not going to weigh the mail on this issue. I am going to weigh my conscience.

And, I am going to go to the people in November and they will either reelect me or choose someone with whom they agree. My reelection is no more relevant to this issue than is a second term of a Commander in Chief who has not yet finished his first term and in the judgment of some, perhaps, ought to resign.

Mr. Chairman, a second term is like playing Monopoly. It is phony money. The politics of the situation are totally irrelevant. The responsiveness to the people, the obligation of our conscience, is what counts in this matter.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate this afternoon with a great deal of interest. As a member of the Foreign Affairs Committee I welcome such real interest on the part of many Members in matters of this kind.

I am convinced as a result of the discussion, however, that it is impossible to define, in specific language on the floor, in this bill, or to describe adequately, the role of Congress in the field of foreign relations.

Mr. Chairman, in my opinion, it would be virtually impossible to translate under present circumstances the way Members feel generally about foreign policy. As I say, in particular, it would be difficult to put their feeling into proper language.

Certainly, Mr. Chairman, none of the amendments that have been offered begins to approach the problem adequately, in my opinion. In other words, the amendments that have been offered should, in my opinion, not be approved. None of them actually gets at the root of the problem, which is our concern about the nature of the conflict that is still going on in Vietnam. We are concerned also that its character may be changed without consultation or advice by Congress, indeed, or even without much knowledge about the nature of our mission in Cambodia.

In my opinion, therefore, the best course would be to reject all amendments.

A week ago a good case could have been made for the so-called Findley amendment. This would give leeway to the President with respect to the operations of combat forces, American combat forces, in Cambodia, but only if he felt there was a need to protect the lives of American servicemen. But to advocate that discretion should be given to the President, when he already has exercised his authority and the men are there, is accomplishing nothing, except possibly one might argue that by approving the Findley amendment now, we are giving flat endorsement as to what has occurred.

Mr. Chairman, as member of the House Foreign Affairs Committee I attended one of the briefings at the White House yesterday. I was grateful for it. But I, for one, still have serious misgivings about the wisdom of what we are doing in Cambodia. I would be reluctant either to vote for or against the Findley amendment under those circumstances.

What we should be doing—and let me be brief—if we feel we must insert language in this particular bill—and let me say parenthetically that I think the best course is to proceed as the gentleman from Illinois (Mr. Anderson) has suggested with a concurrent resolution—but if we must develop language that should be incorporated in this bill, it seems to me it should be language which would intend to take a form that would express our general view about the nature of the conflict most of us, I feel sure, would like that conflict in Southeast Asia ended as soon as possible.

With a few others I drafted, of necessity very roughly, some language that might be considered if the Leggett amendment should be defeated. Until that time, of course, the parliamentary situation prevents any further amendments.

Let me read the language:

> None of the funds authorized to be appropriated by the Act shall be used in a manner inconsistent with the following purposes:
>
> American troop withdrawals from Viet Nam shall continue expeditiously, in line with the expressed intent of the President, and every effort shall be made to achieve an early end to the conflict in Viet Nam negotiations.
>
> Consistent with the national interest, the President shall avoid enlarging the present conflict into the neighboring states of Cambodia, Laos and Thailand.

That language or something like it seems to me to represent what a great many Members feel about the present predicament that we face. It does not describe in any great detail what the role of the Congress is. It would, however, define how we feel about the conflict, and the way we would like to see that conflict ended.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot arrive at some time limitation on this amendment and all amendments thereto?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I wonder

if we could not agree to close debate at 4:45?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:45.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MEEDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. LEGGETT) and in opposition to the substitute offered by the gentleman from Illinois (Mr. FINDLEY).

I think that if we were to adopt the substitute we could very well rue the day because I envision a time when it would become known as the Gulf of Thailand resolution. It contains the same germ, the same authority which is in the Gulf of Tonkin resolution.

Mr. Chairman, I do not take this podium lightly. I have never in my service in this Congress stood on this spot and spoken against our foreign policy as enunciated by the President, neither President Johnson nor President Nixon. In fact, in every instance I supported them, and I would like to continue to do so. But I have to speak out today because I think that this escalation and this wandering into this morass in Cambodia can do nothing—nothing but harm us.

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I do not impugn the motives of the President, but I do seriously question his judgment in bringing us to this point. I think that our adventure in Thailand is going to result in nothing more than a spreading and a dispersion of the Vietcong and the North Vietnamese throughout the whole of Cambodia. They will consolidate, later control, and bring Sihanouk back from Red China. He is there today. And I am sure he is very happy at what is going on. They will then install him and have de facto control, not only over North Vietnam, and parts of South Vietnam, but also over Cambodia. I think that this is a most serious misadventure. By following it we are destined to get further into the quagmire which is now all of French Indochina.

So I think by the adoption of the Findley amendment, we would give ex post facto approval to what the President has done. I do not think we ought to give that. It will result in further escalation to other countries. There is just no stopping.

Mr. Chairman, I have long been silent. I did not want to speak out against this because I did not want to tie the hands of the President. But after this latest mistake, I think it is time for us in the House and the Members of the other body to assert some restraint on the President.

Mr. RAILSBACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I requested recognition to ask the gentleman from Illinois, my colleague, some questions. I see that he is off the floor.

I yield to the gentleman from Connecticut (Mr. WEICKER) who wants recognition.

Mr. WEICKER. Mr. Chairman, as one who has consistently called for disengagement of our forces in South Vietnam long before this became administration policy, I have a few questions I think have gone unanswered in the debate.

In the period from 1960 to 1968 how many times did the Government of the United States withdraw troops from Vietnam?

In the period from 1960 to 1968 how many times was the defense budget pared?

In the period from 1960 to 1968 how many times were draft calls reduced?

In the period from 1960 to 1968 how many times was the military procurement authorization bill used to give direction to the Executive?

I think, and I suggest to my colleagues here today, that the suspicions of President Nixon that exist both on this floor and in our Nation are so because the Nation still remembers the track record of escalation and deception practiced by the previous administration rather than being based on the actions of the present administration.

The fact remains that the policy of this administration is a policy of withdrawal.

The fact remains that the policy of this administration is one of changing our priorities and reducing our dependence on the military.

The fact remains that we are in disarmament talks and the fact is we have had draft reform.

The policies have changed. What is left now are the numbers and the tactics.

I have heard comments made out on the floor this afternoon that President Nixon's policy of Vietnamization is no good and I suggest to you, it is far better than President Johnson's policy of Americanization.

No, I thank God there that we are at a point now where we are debating the numbers and the tactics because it shows that someone had the courage to change U.S. policies that 8 years of silence created.

Yes, I have reservations about risky steps taken for peace. But the fact remains they have been taken when withdrawals occurred. They were taken when the defense budget was pared.

Now another step for peace takes place. It is not quite in the same mold as we would like to see, that those who were silent can comprehend it. But is a risk for peace not for war.

As long as this administration continues its policy of withdrawal and disengagement and reorientation of priorities, it will have my support and it should have the support of every Member of this House.

Changes have taken place in policy. Nit-pick if you will at the tactics and figures. But, I am proud to have as a President a man who has the courage of change in his blood. Change from war to peace. Change from negative to positive. Change from public relations to accomplishment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RAILSBACK) has expired.

Mr. RAILSBACK. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. HALL. Mr. Chairman, I object.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Reid amendment and the Leggett amendment to the Reid amendment, and in opposition to the Findley amendment, which would, in effect, give approval to President Nixon's recent action in ordering U.S. troops into Cambodia.

I do not believe that in this very tense and turbulent moment in the history of this country there is a great deal to be served by a succession of Members following each other into this well trying to label our problems in Southeast Asia as "Johnson's Vietnam war" or "Nixon's Indochinese war." There will be plenty of time for that between now and the November elections.

But there are a couple of things that have been said here this afternoon that seem to me indicate a basis for the kind of frustration that we see finding expression across this country with the young people. I would remind you that the young people, to whom some are referring as "bums and bomb throwers," are the age group that is being asked to answer for what we do here, not merely with support through their taxes, but rather with their lives, their bodies, and with their future.

I have heard many people say here today that nothing is more important to them than the safety of the young people who are called upon to fight the war for us. I do not think there is anybody in either part, on either side of the aisle in this Congress, who would disagree with that.

But it seems to me to be some kind of fantastically complicated exercise in "double think" to be able to rationalize committing even more human bodies to the blood bath of Southeast Asia under the guise of protecting American lives. We have heard that same kind of rationale for years, ever since we got into this mess in the first place. With all due respect to the gentleman from my side of the aisle, the ranking member of the Armed Services Committee, who made the impassioned plea here today for us to support whatever the President does because, after all, he is the Commander in Chief, I say to him that is precisely what the young people of this country are asking us not to do. They are asking us to examine and question what the Commander in Chief and his military leaders are recommending to us.

I would remind him that when I took my oath as a member of the U.S. Navy in 1944 I agreed, as I should have, to follow every order that came from the Commander in Chief. Again, in 1950, when I took the oath in the U.S. Air Force, I agreed to follow the orders of the Commander in Chief. But when I came to this Congress, I took another oath. Taking that oath I said that I would support the Constitution of the United States and perform the constitutional duties imposed upon me as an elected Representative of the people who sent me here. As I read the Constitution, in exercising my duties, nowhere does it say that I must follow or take orders from the President or anybody else in the executive branch. The Commander in Chief is not in charge of me and is not capable of giving me orders. He is in the executive branch of the Government, and during the time I wore a military uniform, so was I and under the direction of his predecessor as Commander in Chief.

But now, gentlemen, we are in the legislative branch of the Government. We cannot duck our responsibility by trying to say that we are being patriotic; that we are following the orders of our Commander in Chief; and even gloss it over, if you will, by saying we have done so under two adminstrations. "We followed the Democrat, and now we are following a Republican," some say, thereby violating their constitutional oath on a bipartisan basis.

I would like to direct one comment to my friend from Michigan, the distinguished minority leader who I see now on the floor. Michigan has representation in the Republican leadership of both Houses of Congress; first, a man who is now our colleague, the distinguished Congressman Gerald R. Ford from Grand Rapids, who is minority leader in the House, and, our former colleague, the junior Senator from Michigan, who is the minority whip in the Senate.

The minority leader said today that we can rely on the figures that he is now giving us as evidence of the fact that the action taken by the President has been a success and we will, in fact, be out of Cambodia in a short time. I know the minority leader and I know the distinguished junior Senator from Michigan on the other side and know them both to be honorable men.

However, on the Sunday before the President told us and the American public that he had ordered thousands of American troops to invade Cambodia, the Senator speaking as a leader of the Republican Party assured the country that President Nixon had no intention of ordering ground forces into Cambodia.

I know of no instance in the years I have known both of them when they have used either falsehood or misleading statements. But about 4 o'clock in the afternoon last Thursday, just 4 hours before the Nixon TV show, the minority leader, Mr. Gerald R. Ford of Michigan, assured us on this floor that the President of the United States had no intention of putting American combat forces into Cambodia. If both Mr. Gerald R. Ford of Michigan, who is the House minority leader, and the Senate minority whip were both that badly misled by the President as to what was going on in Cambodia, in their positions of power how can I as representative of my people believe what the President was or is now telling us?

Mr. Chairman, the shoulders of the American people are weary from the burden of Vietnam. Their backs are bent from the weight of the longest war in our Nation's history. Their hearts ache from the loss of over 40,000 of our country's finest young men. And their souls are tormented by the unprecedented divisiveness and turmoil within our country—a direct product of that involvement.

Look anywhere in America today and you will see problems which have reached crisis proportions because attention and funds have been devoted to the war in Vietnam. Our urban areas cry out for lack of adequate housing, and for lack of funds to effectively deal with the rising crime problem. Our schools and universities suffer from lack of facilities and equipment. Lifesaving medical research programs are ended for lack of funds. And we are forced to live with our own filth as pollution increasingly menaces the health of our Nation.

Never before in our history has this Nation witnessed such unrest and violence among its young. But never before has the perseverance and faith of the people been stretched to such a breaking point.

We have been asked to make one sacrifice after another, in spite of serious questions regarding the Saigon regime we are defending. And now we are asked to sit back silently and watch the spread of bloodshed into Laos and Cambodia as we become the violators of the neutrality of these nations.

President Nixon was elected largely on the promise of ending the war in Vietnam. Instead, he has widened the conflict across the borders of neighboring neutral countries. Our expressed purpose in Vietnam has been to protect that country from invasions across its borders. Now, we have become guilty of this same practice with our intrusion across the borders of Cambodia and Laos.

With every American death, our presence in Vietnam becomes increasingly difficult to justify. Our presence in Cambodia and Laos contains neither justification nor logic. The President rationalized his action in Cambodia on the grounds of protecting the American troops in Vietnam. A far better protection would be to end this madness and bring the troops home. From within and without, our involvement in Vietnam is destroying us as a nation.

The people of the United States have repeatedly expressed their desire to terminate our role in the Southeast Asian conflict. How can we so flagrantly ignore the will of the people and still expect them to have faith in our democratic process?

President Nixon's expansion of the war in Southeast Asia has confronted Congress with a challenge of serious proportions.

When Mr. Nixon took his oath of office as President, he made a solemn vow to uphold the Constitution of the United States. In ordering American troops into Cambodia, a sovereign, neutral state, he is, in effect, waging war against another nation. He has done this in flagrant violation of the constitutional provision that only the Congress can declare war.

When we accepted our oaths of office, we also swore to uphold the Constitution. I contend, Mr. Speaker, that we are not fulfilling our oaths and obligation if we permit the executive branch of our Government to usurp a constitutional right which is vested in the legislative branch.

Our entire ill-fated venture into Southeast Asia has rested on extremely flimsy constitutional grounds. President Johnson used the SEATO treaty and the Tonkin Gulf resolution as legal authority for intervention in Vietnam. In theory, at least, we sent arms, advisers and finally troops into Vietnam at the express invitation of the South Vietnamese Government. We have no such invitation from the Government of Cambodia, although I realize that the Cambodian Government has given its tacit assent to our "invasion."

President Nixon went on national television to tell the American people that this expansion was necessary to protect our troops already in Vietnam, and to enable him to carry out his Vietnamization of the war. We were told that our invasion of Cambodia would smash the entire Communist headquarters for the war in Vietnam. At the end of the second day of the invasion, the U.S. command in Saigon reported that 634 "enemy troops" had been killed, and seven weapons captured. If we were killing enemy troops, where were their guns? If we were killing unarmed civilians, how did we rationalize that they posed a threat to our troops in Vietnam? Now we hear that our troops have killed several thousand of the enemy. But a picture and story in today's Washington Star tells of dead women and children, and of American troops looting a town from which the civilians had been driven. How do we rationalize this?

During the 1968 presidential election campaign, Mr. Nixon hinted at a "secret plan" to end the war in Vietnam and withdraw our troops. Was his plan to withdraw them from Vietnam only to send them into Cambodia? Will he next want to invade Laos and Thailand to protect the troops we have now sent into Cambodia? Are we on the verge of a full-fledged war in Indochina—a war on the Asian mainland which military experts for years have warned against?

There are many questions to be asked, Mr. Chairman, and I think it is time that Congress exercised its constitutional rights to ask them—and to demand answers.

The tragedy that occurred this week on the Kent State University campus is only another indication of how the war in Southeast Asia is tearing our society apart. My mail since the Cambodian invasion has been overwhelmingly critical of this Nation's role.

This Nation faces a host of domestic problems in a volume that is unprecedented in American history—polluted water and air, soaring crime rates, inadequate housing, widespread poverty, racial unrest, unbearable taxes, mounting inflation, lowered standards of health and education, congested highways—the list is virtually endless.

With these problems waiting to be solved, are we to sink even deeper into the quagmire of a war that has already cost us 41,000 dead, 275,000 wounded, and more than $100 billion, not to mention the lives that have been disrupted, the education and training that has been

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lost, and immense gap that has been created between the American Government and its people?

Mr. Chairman, on the grounds of constitutionality, on the grounds of humanitarianism, and on the grounds of plain commonsense, this Congress must act to halt the executive branch in its mad plunge toward complete disaster.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to state very emphatically myself—and this is partly in response to what the gentleman from Michigan (Mr. WILLIAM FORD) from the Democratic side of the aisle, said—I never have supported the deployment of American ground combat troops in Vietnam or in that area at all, and I fully support the President's decision to withdraw all American combat troops from Vietnam.

The reason why I am supporting the President in his present action—and I was surprised, just as our minority leader was surprised—and as I suppose every Member of the House was surprised—when American combat troops were used in this operation—is because I am convinced the President is determined to withdraw all our ground forces, and in order to protect and to expedite that withdrawal, this action has become necessary. I believe the President—and I support him. For that reason I am supporting the Findley substitute amendment.

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I think it is entirely appropriate and long past due that the Congress should consider its constitutional role in this whole area. We have had a war in Korea, and we have landed 12,000 troops in Lebanon by Presidential action without support by the Congress. The entire Vietnam operation has been carried on without the support of or any declaration of war or other congressional action except in the Gulf of Tonkin resolution.

It is entirely appropriate that we should consider what our proper role is. But the constitutional issue is one which requires extended debate. It should be debated in an atmosphere of calm, and not at a time when we are in a critical situation such as we are now.

I would like to point out that the Presidential authority under the Constitution appears to authorize emergency actions, which is the role the President is undertaking to perform at this time. The present emergency involves the withdrawal of our troops and the protection of American lives. It is in that kind of emergency when we expect the President to act.

The framers of the Constitution considered using the words "to make war," in the grant of congressional authority. However, it was considered that these would be the wrong words to use, because that would indicate that the Congress would handle the conduct of the war. We do not handle the conduct of the war, this is handled by the Commander in Chief, and frequently the action he takes precedes the action by the Congress in declaring war.

So it seems to me our appropriate role should be studied and debated, and carefully identified and that the limited role of the President of the United States also should be spelled out. At the present time we have a situation where the conduct of the war in Vietnam is being handled by the President and the present conduct of the war involves the withdrawal of American troops. I am confident that what the President is doing is supported by the American people and by those who are the leaders of the nations involved. The Nixon doctrine of disengagement and of giving more responsibility to those who are involved is supported by the American people. I should think that should be encouraging to us. I do not see that this is any time for us to let the President down or to try to create a constitutional confrontation.

The only ones who can gain support and comfort from any action against the President's action at this time would be the enemy, and I do not propose to support any action here which would give comfort or support to Hanoi, Moscow, or Peiping, or which would in any way let down our own men or defeat our goal of withdrawing completely our ground combat forces from this area and disengaging our forces from operations such as this in the future.

Mr. Chairman, in my opinion the Findley amendment recognizes our congressional prerogatives without frustrating the courageous and noble efforts of the President to restore peace at the earliest possible date.

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, four students died this week because we continue to believe that we can solve our problems with guns and bullets.

I do not support President Nixon's Vietnamization policy because it is obviously based upon a military plan still wedded to the belief that we can solve Vietnam's problems with guns and tanks and bombs.

Serious efforts at negotiations have been abandoned. Ambassador Lodge has not even been replaced since his resignation last fall.

We resumed the bombing last week without any announcement as to the reasons for this so-called retaliatory action. President Nixon on April 30 neglected to mention this important escalation which had at that time already been ordered to take place the following day.

It is almost forgotten that the talks began in Paris because we stopped the bombing of North Vietnam 18 months ago.

The bombing of North Vietnam together with the invasion of Cambodia can be no less than an escalation of the war designed to pursue more vigorously the military plan for total victory. There cannot be any other explanation or justification for this coordinated stepup of military activity.

The five sanctuaries which purportedly constituted the emergency which threatened our men in Vietnam have proven so far to be only rice-filled small weapon storage bunkers which would have remained no less through the monsoons while Congress could have exercised its constitutional duty to determine whether an invasion of Cambodia was consistent with our national interest.

The issue we must face today is whether we believe in the Constitution of the United States. Can we surrender our responsibility to exercise our judgment in these matters which affect the lives of our men overseas?

We can no longer rely upon the Tonkin Bay resolution to justify our failure to assume our constitutional duty.

We are faced with a new military adventure across the borders into another country. We must decide today whether we sanction this escalation. There can be no shirking of this responsibility. The Constitution states that the Congress alone has the power to declare war. We have the opportunity today to reinstitute this rightful responsibility in the House of Representatives.

Do we seek to wage more war or do we insist upon a negotiated settlement of this conflict?

I urge this House to support the Leggett amendment which firmly establishes the right of Congress to determine the issue of whether this war is to be extended into Laos, Thailand, or Cambodia.

Until April 30 it was the hope of all Americans that the announced withdrawal of American troops from Vietnam meant that the end was in sight. The only debate was on whether it was being done soon enough and for the right reasons.

On April 20 we were told that 150,000 more men would be withdrawn by May of 1971.

But 10 days later this announcement was shattered when the President told the Nation that in order for this withdrawal to be effectuated, it was necessary to invade Cambodia.

The President told us on April 30 that:

> The American policy has been to scrupulously respect the neutrality of the Cambodian people—and that for the past 5 years we have provided no military assistance whatever and no economic assistance to Cambodia.

He went on to further state that—

> for the past 5 years North Vietnam has occupied military sanctuaries along the Cambodian frontier.

He told us—

> that for 5 years neither the United States nor South Vietnam has moved against those enemy sanctuaries because we did not wish to violate the territory of a neutral nation.

It is my firm view that what has been the policy of our Nation for the past 5 years regarding Cambodia was a sound policy and that any change in such a long-standing policy should be the responsibility of the Congress of the United States.

Therefore, I urge the adoption of the Leggett amendment.

Mr. WHALEN. Mr. Chairman, I rise in support of the Leggett amendment and move to strike the requisite number of words.

Mr. WEICKER. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Connecticut.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I want to thank the gentleman for yielding.

I would like to direct some questions at my good friend and colleague from Illinois (Mr. FINDLEY). I want to say at the beginning that I am one of the Members who has consistently supported President Nixon's Vietnamization program as well as his phased-withdrawal program. Up until now I have never hesitated to come out strongly, even during those rough days of the moratorium.

I do have some questions about the Findley substitute amendment, though. I am wondering whether, if this amendment had been enacted into law at the time that the President ordered combined operations involving U.S. troops in Cambodia, the President would have complied with the provisions of your substitute amendment.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the gentleman.

Mr. FINDLEY. I am very glad to comment on that.

In my opinion, this would have had no effect upon the military action that the President took. I feel that his responsibilities as Commander in Chief are such that the Congress can neither add to them nor take them away. The effect of my amendment is not to add to the powers of the President as Commander in Chief but, rather, to clarify the role of the Congress subsequent to any such action.

A good many Members are under the impression that the Leggett amendment, if it is adopted, would have some effect upon the reserve powers of the President as Commander in Chief. I do not believe it for a moment. We could pass Leggett amendments all night, and it is my conviction that President Nixon as Commander in Chief would retain every bit of responsibility that he had prior to that time to protect the lives of American citizens whether they be in uniform or not.

Mr. RAILSBACK. Will the gentleman yield further?

Mr. WHALEN. I yield to the gentleman from Illinois.

Mr. RAILSBACK. What troubles me about this is that, as I understand the gentleman's remarks, then the President would have been permitted to do exactly what he did and we are in no way limiting him as far as any kind of future recurrences of the Cambodian situation that we have been debating today are concerned. Is that correct?

Mr. FINDLEY. That is exactly true, so long as he interprets his action as being required to protect the lives of American citizens. I do not know of any sensible American citizen who would seek to diminish that responsibility on his part. Certainly I do not intend it by this amendment.

I might say that the Leggett amendment would have two effects, however. The first effect of the Leggett amendment would be——

Mr. RAILSBACK. Will the gentleman yield further?

Mr. WHALEN. Yes. I yield to the gentleman.

Mr. RAILSBACK. Let me say that I am not interested now in and I am not directing my remarks at the Leggett amendment, but I am more concerned about your amendment.

The gentleman from New Jersey (Mr. FRELINGHUYSEN), I understand, is now drafting an amendment which I may be willing to support.

What really troubles me about this is this: It seems to me those of us who heard the gentleman explain his amendment last week were of the opinion that it would somehow restrict or constrain the President as far as taking this kind of an action into a so-called neutral country without obtaining some kind of congressional approval.

Mr. FINDLEY. That is true.

Mr. RAILSBACK. It sounds to me, though, that there is no approval required and it is simply a report. I am not even certain when that report has to be made. Does the President have to report to the Congress before or can he report after the action is taken?

Mr. FINDLEY. He could elect to do either, but under the circumstances, as he explained them to the various Members of this body in the briefing yesterday, the circumstances required secrecy. I would assume if he would do it all over again, he would do it as he did without advance notice of the details given to any Member of Congress. I defend him in exercising that right.

Now, you ask about whether or not the amendment would have any restraint upon the use of ground combat forces beyond the territory of South Vietnam. It would, provided the action was not justified in terms of protecting U.S. lives. The protection of U.S. lives is a fundamental responsibility of the President of the United States.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Leggett amendment to the Findley amendment and I will support, if I get a chance, the Bingham amendment to the Reid amendment. I think that without the Leggett amendment, the Findley amendment would be disastrous.

The Findley amendment in effect asks us once more to place our reliance on the President's good judgment and discretion in deciding where, when and how to employ U.S. military forces in Laos, Thailand, and Cambodia in order to protect the lives of American servicemen in South Vietnam.

As I understood the remarks of the gentleman from Illinois (Mr. FINDLEY), he contends that the President's power is absolute and that the Congress of the United States has no power at all. I respectfully disagree with the gentleman.

Mr. FINDLEY. Mr. Chairman, would the gentleman yield?

Mr. MIKVA. I shall yield to the gentleman in a moment. I think what we are being asked to do with the Findley amendment is to confirm the actions of the President over which Congress does have some control and those actions I think are a tragic backward step in our policy in Southeast Asia.

Mr. Chairman, I would have hoped we would never again hear our military commanders quoted to the effect that they had to destroy an Indochinese village in order to save it. Yet, daily we see reports of the burning and razing of Cambodian villages in the path of the advance of our forces toward an increasingly ephemeral "general headquarters" of the North Vietnamese Army.

Mr. Chairman, rather than reducing our commitment to Southeast Asia, the President unilaterally, and without prior congressional consultation, without even a nod to Cambodian sovereignty, and apparently with only a last-minute tip to his own Secretary of State, has chosen to expand the Vietnam war across new national boundaries. The Findley amendment, if adopted, would place our stamp of approval and our ratification upon those actions. I say the line of responsibility lies with us to turn that policy around.

Mr. Chairman, during the past 2 days I have reread some of the debate that took place in the House and in the other body in August of 1964 at the time of the Tonkin Gulf crisis. Those who have been speaking in behalf of the Findley amendment could virtually have lifted their speeches from that debate as to what they said then and are saying now. Yet only two out of 435 specifically voted against it. The virtual unanimous surrender of the legislative body at that time is being asked for again in the Findley amendment, only this one is more dangerous.

Mr. Chairman, Senator Morse said in 1964 something which I think is equally applicable to the President's policy today; Senator Morse stated as follows:

> It is a policy that asserts that if we merely use enough force, and make clear by enough threats that it will be pretty bad and hard on them (the Communists), that if they do not yield to our threats—if we follow that course, we shall avert the danger of war. Under that policy we greatly increase the risk of a full-scale war in Asia.

So said Senator Morse in 1964 and I think those words are very apt and appropriate today.

Mr. Chairman, I submit that the virtually unlimited power accorded the President by the Tonkin Gulf resolution to wage war in Southeast Asia in the name of protection of our men and interests, has been systematically abused.

Mr. Chairman, I submit that the virtually unlimited power afforded the President by the Tonkin Gulf resolution would be reconfirmed if the Findley amendment is adopted. We would by that action support a proneness to repeat the most tragic errors and mistakes in our history.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. Yes; I yield briefly to the gentleman from Illinois.

Mr. FINDLEY. Is the gentleman seriously suggesting that the Congress should attempt to limit the authority, right, and duty of the President as Commander in Chief to take military action to protect U.S. lives in the field?

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Mr. MIKVA. No; I am suggesting that the Congress exercise its constitutional power and on which I presumed your amendment was based.

Mr. FINDLEY. It is, indeed.

Mr. MIKVA. If it is not based on that constitutional power, then I do not know why we are wasting time here by arguing about it.

Mr. FINDLEY. It would provide a proper role for the Congress to review and pass upon the President's action should he see fit to take such action.

Mr. MIKVA. It would not have that effect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TIERNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague from California. As you know, I have been joined by 17 cosponsors on a resolution stating "the sense of the Congress that the President consult with and abide by the decision of the Congress before any further steps are taken concerning Cambodia."

Mr. Speaker, due to our own neglect, Congress has been reduced to virtual impotence in the making of foreign policy. With crisis following upon crisis in the last few decades, we have tended to think only of the crisis that was upon us and of the assumed need for speedy action.

It is time for us now to think of a constitutional crisis which may soon be upon us. The language of the Constitution is clear; the war power is vested almost entirely in the Congress, with the only important exception being the necessary authority of the President to repel a sudden attack on this country. In addition, the intent of the framers of the Constitution is clear. In a letter to James Madison in 1789, Thomas Jefferson wrote:

> We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

The practice of impoundment of congressional authority was also condemned by one Senator during World War II:

> Then how does the Congress express itself or announce a Congressional policy? After all, we represent the people.

Certainly even the wisest and most competent of Presidents is still a human being, susceptible to human flaws and human failures of judgment. Prof. Ruhl Bartlett has stated that "there are no experts in wisdom concerning human affairs or in determining the national interest." The greatest insight of our Founding Fathers was their recognition of the dangers of unlimited power exercised by a single man or institution.

The amendment which my colleague from California has introduced is a step in the direction of Congress reclaiming their constitutional rights. The President's Cambodian decision was, I believe, reached with undue haste. The escalation of our efforts is moving at a near panicky pace.

The movement of American ground forces into Cambodia is a tragic repetition of the mistakes of the past. The history of previous escalation in this area has been that it stiffens the Communist will to resist, pushes up the death toll, and brings no serious move toward the peace table.

This country has spent more than $120 billion in Southeast Asia. We have lost the lives of 50,000 Americans. We have dropped more bombs than were dropped during all of World War II and Korea combined.

Now we are told that the war is being expanded further, having been told just a week ago that peace was in sight.

I cannot accept this and I urge my colleagues to join me in supporting the Leggett amendment.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot arrive at a time limitation on the Reid of New York amendment and all amendments thereto?

Mr. Chairman, I ask unanimous consent that all debate on the Reid of New York amendment and all amendments thereto close at 4:50 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BURTON of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on the Reid of New York amendment and all amendments thereto close at 5 o'clock.

The question was taken.

Mr. RIVERS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. RIVERS and Mr. BURTON of California.

The Committee divided, and the tellers reported that there were—ayes 147, noes 82.

So the motion was agreed to.

The CHAIRMAN. The Chair has noted the names of Members standing and seeking recognition under the limitation of time.

The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I was impressed by the suggested amendment of the gentleman from New Jersey (Mr. FRELINGHUYSEN), but I believe that the Reid amendment, as written, accomplishes the purpose which he suggests to be desirable.

The gentleman from New Jersey correctly states that the relation between the Presidency and the Congress respecting war and the control of the military forces is a delicate one and any resolution relating to it should be drawn with precision.

But I think the amendment as introduced by the gentleman from New York, (Mr. REID) uses appropriate language to obtain the desired purpose. Substantially the same language would result from the Leggett amendment to the Findley substitute, because it really only adds the proviso that "prior consent of the Congress" would be the sole exception under which it would be permissive "to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia."

Let me point out to you that both the Leggett amendment and the Reid amendment are qualified by the phrase, "in line with the expressed intention of the President of the United States," and this it seems to me, places the question in the context of contemporary facts.

Of course, as Alexander Hamilton wrote in the Federalist Paper No. 69, the President has "the supreme command and direction of the military and naval forces." This authority, to direct in general military operations, would encompass all determinations for the safety of the forces ancillary to the accomplishment of a legitimate purpose. For instance, hot pursuit across a national boundary could be encompassed in this authority, and even the flushing out of certain enemy strongholds in the general vicinity of a border necessary or expeditious in pursuing a legitimate military goal would, it seems to me, be encompassed within the President's authority as Commander in Chief.

Even with the stated restriction against the "introduction of American ground combat troops into Laos, Thailand, or Cambodia," I think the qualifying language, that such limitation is intended to be "in line with the expressed intention of the President of the United States," gives a certain leeway, so that the President may act within his scope of authority as supreme commander and director of the military and naval forces.

It does not, though, extend to him the authority that Alexander Hamilton described as that of the British King, an authority which "extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution—appertain to the legislature."

Thus, if we should pass the Reid amendment, or if we should pass the Leggett amendment to the Findley substitute, certain necessary defensive action on the borders of South Vietnam over a temporary period would, I think, be permissible. This is entirely aside from the point of whether or not the activities now engaged in are improvident, as I think they are.

But the grave danger that many of us feel to be present in the Cambodian adventure is the danger that this Nation will become embroiled in continued conflict in Cambodia. The lack of candor which has characterized the whole series of events associated with the Cambodian invasion makes the nature of that intrusion ambiguous. We cannot be quite certain as to the extent or purpose of the intrusion.

It may be, as the administration claims merely for the purpose of interdicting certain supply lines by means of a limited military action, or it may have far broader implications involving direct American intervention in the tenuous military and political situation in Cambodia.

If it is only the former, the Reid or Leggett amendments would not really come into play. Indeed, the operative date of such legislation would occur long after the events.

On the other hand, if the intrusion is

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for a much broader purpose, then it is quite clear that it would be, or would become, in direct violation of a limitation which prohibits the funds authorized to be used to finance the introduction of American ground combat troops into Cambodia, for at that point the activity in Cambodia would be in the nature of declaring of war or regulating of armies. The matter would become one which Congress alone should authorize, a matter of international policy relating to war and the regulating of armies, rather than a question of command and direction of military forces in an existing war situation.

The Findley amendment has quite the opposite effect. If it only permitted the command and direction of the military forces in an existing war, without instituting policy changes, it would add nothing and be quite unnecessary.

But the Findley amendment does much more. It would give constitutional sanction to the President to engage in a new war in Cambodia or establish new broad national policy regarding regulating armies in that nation. It is a Gulf of Tonkin-type resolution for Cambodia.

Whereas without the resolution the President can at most only command forces in activities ancillary to an existing war in South Vietnam, with the resolution he can introduce American ground combat troops into Laos, Thailand, or Cambodia without further prior consent of Congress when he determines that the same has the effect of protecting the lives of American troops remaining within South Vietnam provided he reports promptly to Congress.

The condition that the new involvement must be found by him to have the effect of protecting the lives of American troops is really little restriction at all. Suppose, for instance, the People's Republic of China were involved in such a resolution. It could quite readily be argued that paratroops could be dropped in China to attack munitions plants in order to "protect the lives of American troops remaining within South Vietnam." Yet such action would obviously be an act of war vastly enlarging the present area of combat and would necessitate prior approval by Congress.

Mr. Chairman, the Findey amendment does not limit Presidential power; it extends it. It gives full discretion to the President to determine what action has the effect of protecting lives of American troops in South Vietnam. Any action in any area in the Southeast Asian theater which seems to further our military objective can be justified on this ground.

In this respect, the Findley amendment is extremely imprecise, and Mr. Frelinghuysen's criticism is well taken. It should be rejected or, if not rejected, amended. If it should be susbtituted for the Reid amendment, it should be defeated because it is worse than no restriction at all. The President is presently restricted within constitutional bounds unless Congress gives him a blank check as in the Gulf of Tonkin resolution.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, I come before you today in support of both the Reid and the Leggett amendments. Somewhat ironically, we find ourselves almost on the eve of 25 years that have elapsed since the end of World War II. Most of the argument I heard this afternoon would support the President's course taken in the last war and would have been relevant 25 years ago, but it has little relevance to the events that have occurred in this country over the last few years.

We, the Members of Congress and our body as a whole, we are on test. It is our relevance which we debate here today. Will we squander this opportunity? Will we sit back with indifference? Will we allow a direction to be taken which is reminiscent of the congressional history of the past decade? Will we sit by impotent in the face of unilateral action by President Nixon in broadening the conflict in Southeast Asia?

The attention of this body and of the Nation has at last been focused on the abdication of congressional responsibility. I add my voice to those who are disturbed by Congress' inability in a meaningful way to deal effectively with contemporary events, with war in distant lands, with commitment of national resources in such a way as to polarize discordant segments of our people. I ask Congress to reassert once again the prerogatives given to it under the Constitution.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Chairman, I support the Reid amendment to the military procurement authorization, prohibiting the introduction of U.S. ground combat forces in Laos, Thailand or Cambodia. And I rise in support of the Leggett amendment to the Findley substitute. The Leggett amendment requires the President to obtain the consent of Congress under any circumstances before committing U.S. ground combat forces in Laos, Thailand, and Cambodia. I think it important that Congress reassert its constitutional responsibility regarding involvement of the United States in foreign wars.

Mr. Chairman, the lingering war in Vietnam and the more recent resumption of the bombing of North Vietnam, all point out just how desperate our situation is in Southeast Asia. We cannot negotiate our way out, it seems; we cannot win a military victory; we cannot trust the Government of South Vietnam to protect itself; the new Cambodian Government cannot stand alone. We are simply trapped in quicksand in Indochina. And the more we struggle, the deeper in we go.

There would be no value in repeating here again all the reasons we should—and must—leave Indochina. All of us here in this Chamber understand where we are and why we are in such an indefensible position. But, I would urge all of my colleagues to consider this Nation's future as well as the recent and present developments, here in the United States as well as abroad, before voting today on the Military Authorization Act.

Mr. Chairman, I voted against the motion to limit debate. I believe we should thoroughly and carefully debate this important issue.

If this Congress is truly representative of the American people, I would say we have no other choice but to make our intentions in Congress crystal clear to the administration.

We learned in previous years the folly Congress commits when it submits blindly to the demands of an administration which follows the dictates of the military.

Unless we stop this new escalation of fighting in Indochina immediately, we face the very real possibility of being part of a government which has lost complete touch with the people it is supposed to lead.

Mr. Chairman, our first duty is to save our Nation. To do that, I believe that we must stop not only this new escalation, but the fighting in Vietnam as well. We must bring our troops home as quickly as possible and we must devote ourselves to resolving the many domestic issues that plague our Nation today. This Nation has endured many crises, but never before has an American administration become so out of touch with the people it represents.

I urge the Congress to do everything in its power to end this new madness as soon as possible.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, I, too, rise in support of the Leggett and the Reid amendments. Everybody wants to protect our boys and everybody wants to save lives. I think there is a serious question of judgment as to how this should be done. If we follow the reasoning that was pointed out to us on Thursday evening last, then the next step would be to say, "Why not bomb the living daylights out of Hanoi and Haiphong? Why not hit the arms and munition factories in Russia and in China?" Because, certainly those actions would help save our boys. The alternative is not to expose them further, not to extend the war into another country, but to bring them home as soon as possible. That is the only one, true effective way we can save our boys.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I oppose the procedure of trying to write foreign policy by writing amendments to an authorization bill.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I rise in support of the Leggett amendment and in opposition to the Findley amendment, and I also support the Bingham and Reid amendments.

Adoption of the Findley substitute would be nothing less than Congress writing its own signature to its own impotence and irrelevance in foreign affairs.

The Findley substitute constitutes congressional approval of the unilateral ac-

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tion undertaken by the President, violating the territorial integrity of a neutral nation and escalating the war in Vietnam into a conflict which may encompass all of Indochina. Moreover, it is not approval following careful prior consultation by the Executive with the Congress, but rather it represents the most abject acquiescence to the dictate of the Executive.

Therefore, the Findley amendment raises two of the most significant issues this House can be confronted with—the responsibility of the Congress and the escalation of the war in Southeast Asia. It does so by authorizing the use of funds for American troops in Laos, Thailand, and Cambodia without the prior consent of Congress whenever the President determines it is necessary.

In the past the House has appropriated whatever funds Presidents have requested for the Vietnam war over the insistent and vocal opposition of a few of us. Five years ago I voted against the first supplemental appropriation for military operations in Vietnam, and I have consistently opposed all appropriation requests for this tragic war. I have repeatedly pointed out that Congress should exercise its power of the purse and cease financing this war. However, Congress has acquiesced in the war. Congress may not have officially declared war, but it has certainly financed it

But the escalation of the war by entering into Cambodia is a new act, unauthorized and as yet unsanctioned by the Congress. This is a new step, distinct, and apart from the conflict which until now has been confined to the ambit of North and South Vietnam. The Congress should finally assert the constitutional powers which it has abdicated in the past.

Approval of the Findley substitute would constitute ratification of a fait accompli, setting a perilous precedent by assuring the President that he may unilaterally embark upon the invasion of neutral nations, not in emergency situations where there simply is no time to consult Congress or obtain congressional concurrence, but whenever he deems it desirable to do so.

Apart from the matter of precedents and of congressional default, there is the stark fact that the escalation into Cambodia is a clear repudiation of a political solution for the war, and a clear endorsement of a military solution. If the past years have provided no other lesson—and certainly they should have taught us much more than just one truth—it is that a military solution to this war is a bankrupt policy. And yet, despite the campaign promises, despite the assurances that we are on the road to peace, we see the exercise of a logic which expands the war even more.

We have heard the old refrain too many times to believe it— "just one more escalation, and we'll have a military victory." Cambodia is now the "one more escalation." It has as little likelihood of producing a military victory as any past illusions. But, whether it is successful or not is not the real point here. The point is that the President has clearly revealed that his is a war of generals, not of diplomats. More American lives are to be sacrificed; more Asian people are to be killed; more villages are to be destroyed; and more fields scorched.

The Findley substitute is complete endorsement of the justification offered by the President last Thursday evening, April 30, for the invasion of Cambodia: The protection of Americans remaining in Vietnam and the success of the Vietnamization program. Yet, this justification is really just subterfuge for an escalation of the war.

If Vietnamization cannot succeed in the face of the North Vietnamese threat, then it is indeed a barren policy, because it is clear that the North Vietnamese are not going to disappear, while the South Vietnamese take over the war. The consequence is that American troops will never be completely withdrawn from Southeast Asia, unless there is a change in policy.

All of us want to protect American lives, but it is tortuous reasoning to argue that the way to achieve this is by expansion of the war. Disengagement and withdrawal of American troops are the most effective means to save American lives. Serious negotiations at Paris and a willingness to recognize the political realities in South Vietnam are necessary steps toward peace. From the beginning, diplomatic negotiations and the neutralization of Southeast Asia should have been the objectives of our policy. But that course has been rejected.

The Findley substitute plainly endorses without qualification the military course the President has embarked upon. Let there be no question that it will be construed in any other way. The language of the Findley substitute allows for no interpretation except full endorsement of the President's action. It was fashioned on the floor of the House last Thursday before the President's speech as advance approval of his rationale. If there is any question about it being a blanket endorsement, President Nixon, we have been told this afternoon by the gentleman from Louisiana (Mr. HÉBERT) said he favored the Findley amendment because it was in line with his policy. According to Mr. FINDLEY, the President told him his amendment was "splendid."

We need only recall passage by this House of H.R. 613 last fall. H.R. 613, which spoke of President Nixon's efforts to negotiate a "just peace" in Vietnam, was interpreted by the President as "supporting his plan for peace." The Findley substitute will likewise be embraced by the President and paraded by him as Congress' imprimatur of the action he has undertaken.

If Congress is to assert its proper constitutional role in foreign policy, the Leggett amendment should be adopted. On the other hand, the Findley substitute would be another act of congressional abdication. For me the choice is clear.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of the Findley amendment.

Mr. Chairman, I rise in support of the Findley amendment and urge its adoption.

I said here on the floor of the House last week that I was disappointed when President Nixon committed American aid to Cambodia without, apparently, consulting with our other allies in the SEATO treaty or in the United Nations, or with Congress itself.

I said then that I would have preferred if the President had avoided unilateral commitment of American troops and if, indeed, the aid to Cambodia was necessary, it ought to be a collective effort of all the powers involved. Cambodia has been a member of the United Nations since 1955, and, surely, some effort should have been made to present the case to the Security Council.

Cambodia is also a member of SEATO, and surely, we should have obtained commitments from our allies in this treaty before moving in the troops.

But as disappointed as I am with this unilateral action, the fact remains that the President has committed American troops; the die has been cast. Even though this action may or may not be successful, the fact remains that we cannot abandon the Commander in Chief when he has made such a decision.

I said on the floor yesterday that to question the constitutionality of the President's authority to commit troops is naive. American Presidents have been committing American troops to foreign lands since the Spanish-American War.

President Truman sent troops into Korea; President Eisenhower sent them to Lebanon; Jack Kennedy almost triggered off a nuclear holocaust in his eye-to-eye missile confrontation over Cuba; President Johnson sent troops into the Dominican Republic and into Elizabethville. In each instance, the action was taken by the Chief Executive without prior consultation with the Congress. That is why I believe that the Findley amendment does, indeed, put into proper perspective the intent of Congress, and serves notice to the President that any future involvement in Cambodia, or Laos, or Thailand, must first be approved by the Congress.

So far as I know, this is the first time that the Congress is being asked to take this sort of action, and this is the first time that Congress is officially serving notice to the President that it intends to be consulted, and it must approve any commitment of American troops in those two theaters.

Previous actions have been taken by Presidents without consultation of Congress because Congress has never spoken out in such precise terms as in the Findley amendment.

It occurs to me that by adopting the Findley amendment we are now serving notice on the President that we definitely must be consulted and given an opportunity to vote on any recommendation that we may have to involve troops in these three theaters.

The Findley amendment quite properly gives the President authority to move swiftly when the immediate safety of our soldiers is involved and to promptly inform Congress of his action.

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Actually, the heart of the debate today between the Findley amendment and the Leggett substitute is that the Leggett substitute does not give the President power to act on his own initiative when the safety of our soldiers is directly involved.

I appreciate the efforts by our colleague, Mr. LEGGETT, to vest in the Congress the final authority for committing troops.

Surely, this is as it should be, but I am troubled by the possibility, if we want to accept the Leggett amendment, that we might be seriously endangering our troops before the President could get approval from Congress for necessary action.

This is a most difficult problem, and one that I am not sure that we can resolve in the heat of the floor debate. I believe that the Findley amendment offers the Members of Congress the greatest hope of a voice in these affairs without endangering the lives of our soldiers in combat.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I rise in support of the Findley amendment. I think there is an understanding that in this Chamber and throughout the country there is reason and opportunity for Members as well as the country to disagree upon the conduct of the war and where we should be today. There should not be any disagreement about saving the lives and the means by which this Government may go about saving the lives of our combat troops in Southeast Asia. I am concerned this afternoon when I hear the arguments used against the war or the fact we are now eliminating the sanctuaries the Communists have been using for years to kill our young men. Almost all of the reasons given have been not antiwar, anti-Vietnam, nor anti-Cambodia—they have been anti-Nixon. Have we not played politics for too long now with such a serious matter?

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, we are a nation in distress. The President has contributed immeasurably to that distress by adding another country to the list of our unauthorized, undeclared, interminable, inexcusable wars. Now the House is contributing to it by making a mockery of representative government once again—45 seconds to discuss the war. And, of course, there is to be no record of how Members vote on critical questions, so that will be no way that voters can judge how they have been represented. Is it not strange under these circumstances that millions of ordinary citizens despair for representative government, and that some of them commit their own violations of constitutional and democratic process? Abraham Lincoln warned that a house divided against itself cannot stand. We are doing a superb job of dividing ourselves against ourselves. It does not profit a country very much to conquer far-off swamplands and lose its own future by losing its own children. That is what we are doing. That is why these are days that will come to be numbered among the saddest in our history if we continue on our present course.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, when the present President came into office, he found over 500,000 Americans involved in a war in Asia with no plan in progress either to win it or to withdraw from it. Immediately he made clear his plans to the Asian leaders and the American people to avoid such involvement in the future. He instituted in Vietnam a Vietnamization and phased withdrawal policy—which is working. This action in Cambodia was in furtherance of that policy—not to help escalate the war, but to end the war, and not to get us in deeper, but to get us out. I therefore give him my firm and prayerful support.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I did not get a chance to say earlier that I intend to vote against the Findley amendment. It seems to me it is a clear endorsement of the rationale of the President in involving us in another country in Southeast Asia. I regret the action of the President. I think he clearly committed himself to consulting Congress before he put our troops in Cambodia. I hope this House will make clear our desire to have the United States limit the war, then disengage, and bring our troops back.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I must take my stand with those who oppose America's trespass into Cambodia.

I am in hearty support of the Leggett-Reid amendment to prohibit the use of funds authorized to be appropriated to finance the introduction of American ground combat troops in Laos, Thailand, or Cambodia without prior consent of Congress.

The action of the President in bipassing the Congress in moving American troops into Cambodia defies the constitution as it ignores the lessons of history.

If the President has the authority without consent of Congress to commit the ground forces to Cambodia if he decides it necessary to protect the lives of American troops in South Vietnam, he must also have the authority to commit ground troops to combat in Red China or the Soviet Union for the same reason. There are no outward limits of the Presidential authority to extend the war under this interpretation.

American lives can be better protected by preventing their commitment into new areas of conflict.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, we have been told by the gentleman from Louisiana and others we have to abrogate our powers as Member of Congress to support the President as the Commander in Chief in his unauthorized invasion of Cambodia. The Congress of the United States as such does not have a Commander in Chief. We are supposed to be an independent body, a coequal branch of Government.

The Constitution gives to us, the Congress, the power to determine whether to commit this Nation to war. We have an opportunity today to reassert that prerogative. I believe we must take it. If we do not take it I fear for the future of this country, because this decision of the President to unilaterally, without the consent of Congress, go into Cambodia is doing more to polarize and divide this country than any other act in our past history.

The Congress has been blindly supporting Presidents in the conduct of unauthorized wars for far too long. In so doing, we abrogate our constitutional responsibilities. In the case of the Vietnam war, President Johnson at least went to Congress for authorization with the Gulf of Tonkin resolution. President Nixon, a self-proclaimed strict constructionist, did not even seek a pretext of congressional authority for his Cambodian invasion.

The President claims as authority his powers as Commander in Chief. Those powers quite clearly extend only to conduct of declared wars, however—the power to commit the country to war was left indisputably and wisely by our Founding Fathers to Congress.

Once again, we hear the false justifications for these actions we have heard for so long under President Johnson. We will end the war by escalating it. We will preserve Cambodian neutrality to violating it. We will save lives by committing more men to battle. Time and again the result we have seen is more men killed and an ever deeper involvement in a land war on the continent of Asia which virtually every military expert has advised against. Even the most conservative of generals, Gen. Douglas MacArthur, claimed that to get involved in such a war would be "the height of folly."

Furthermore, the internal consequences of expanding the war are horrendous. Our already alienated youth, those who are being asked to risk their lives, may well give up altogether on the responsiveness of our democratic system.

The President came to office on two worthy pledges—to end the war and to bring this country together. Can you blame youth for being disillusioned and cynical when they see these pledges violated so blatantly?

Congress is now the court of last resort for our youth. If we fail to redeem the pledges of the President, if we fail to restore the balance of powers contemplated by the Constitution, they will have no place else to turn but to the streets.

I plead with you, therefore, for the sake of the future of this country, to act today to limit our involvement in the war and restore the war control powers of the Congress given in the Constitution.

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I urge support of the Leggett, Bingham, and Reid amendments and defeat of the Findley amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, first, this is not a question of confrontation between the Congress and the President, but between the constitutional responsibility of the Congress and that of the Presidency, the Presidency as an institution.

We know we have but one President. For that reason we must reassure ourselves he has not in some way been isolated from the straight facts or the most authoritative interpretation of them.

If the Secretary of Defense does not know what we are doing and the Secretary of State does not approve of it, we lack that reassurance. The Secretary of State may console himself with the knowledge he has no constitutional right to be consulted on foreign policy. But we have not only a right, but a responsibility to participate in decisions to go to war.

Second, the argument made that this Cambodian adventure is to save American lives raises three immediate questions.

One. How does it?

Two. If this fresh surprise itself is justified in the name of such a worthy cause——

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The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. There is nothing to object to. The gentleman from Wisconsin has been recognized, and the gentleman is yielding to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, if this fresh surprise is justified in the name of that worthy cause, what further unannounced steps would not be justified for the same purpose? Today Cambodia, tomorrow the world.

Third. Are not the U.S. lives in jeopardy placed there by policies essentially in question themselves? These policies undoubtedly rest on an interpretation of the requirements of our own national security, but that security itself is based on the credibility and the utility of all our worldwide commitments.

Many nations, relying on our support for survival, far from viewing——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I am opposed to these amendments as being a wholly unnecessary restriction upon the President of the United States who, after all, is responsible for the conduct of the war.

While I differ with President Nixon on the conduct of the war in Vietnam in that I believe we should have long ago eliminated the sanctuary of North Vietnam or gotten out of Vietnam altogether, I am not at this day and hour going to lend my support to legislation that will tie his hands.

The President has assured the Nation that he intends to bring U.S. participation in the conflict to an end in the next 8 to 9 months and I do not intend to handcuff him as the military has been handcuffed for years in the fighting of this war.

The CHAIRMAN. The Chair recognizes the gentlemen from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I thank the gentleman.

The nations relying on us for survival, far from viewing our immersion in Vietnam as a gage of the strength of our commitments, see it as reducing our capability to meet other such commitments which they deem and believe we should deem more vital to our national interests. They cannot be expected to see this strain on our resources operating to their advantage, any more than the proponents of our domestic priorities find any hope in it.

Finally, what precisely is the "victory" which the President has in mind? Surely there will be no Arc de Triomphe to march through. The "Arc," humble but triumphant, which I foresee for this area, is the bent back of a rice worker unafraid of war. To participate in a negotiated compromise which would make such an "Arc," possible is the greatest victory I can conceive.

I say this out of no lack of concern or respect for our troops or their gallantry and sacrifices. That very gallantry and sacrifice merits their return home in the wake of a settlement that incorporates the splendid victories they have already won.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, what a travesty this is.

I am sure that those in the gallery—have never witnessed such a sad sight in their lives as this teller vote to cut off debate.

Mr. HALL. Point of order, Mr. Chairman.

Mr. RIEGLE. Mr. Chairman, I have not witnessed a sadder sight in my life.

I am glad that my Congressman did not go through that line to prevent Members from speaking and to cut off this urgent debate.

Here we are 8 years into an undeclared war, and we are not even willing to take the time to debate the issue.

Where are the Members who walked through that line? Many are gone now—they have left the floor. They have gone to do any number of things—and I am sure some are doing things far less important than this floor debate. What I resent is having Members come in here and vote to cut off my chance to speak, and then leave. If they are not going to bother to stay here for the debate—they ought to at least have the courtesy to let those of us who wish to speak—have the chance to do so.

That is a sorry tribute to the operation of this Chamber and a sad and discouraging tribute to the 50,000 young Americans that have given their lives in this undeclared war.

I believe it is wrong, and we ought to be ashamed of this effort to duck out on this burning issue.

In light of the fact that debate has been choked off—and in light of the fact that funds in this bill are apt to be used to expand the war in South Vietnam, without specific congressional authorization, I cannot give blanket approval to this bill. We are prevented from having rollcall votes which would enable us to specify the particular areas of the bill we disagree with. Therefore, until the President seeks, and is given formal congressional approval to expand the war in Southeast Asia—I will vote present on all defense bills. I do this reluctantly—but find it the only way to exercise my constitutional responsibility on the question of war.

Mr. HALL. Mr. Chairman, point of order.

I ask that those in the galleries be cautioned.

The CHAIRMAN. The Chair will state that the guests in the galleries are exactly that, guests of the House of Representatives. There shall be no manifestations either for or opposed to debate which takes place on the floor of the House of Representatives.

The Chair recognizes the gentleman from New Jersey (Mr. PATTEN).

Mr. PATTEN. Mr. Chairman, I join in support of the Leggett amendment to the Reid of New York amendment. I believe this is exactly what the President said he wanted.

The provision would not take effect until June 30, 1970. The President said we would withdraw from Cambodia by that date.

The people in my district do not want to escalate the war in Cambodia, Laos, and Thailand. I believe I am doing the best I can to represent their viewpoint, in supporting the Leggett amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BURTON).

Mr. BURTON of California. Mr. Chairman, I opposed the war under President Johnson; I oppose the war under President Nixon. But that is not the issue here.

To those who say the issue is that we owe a loyalty to our Commander in Chief, then I say as Members of the U.S. Congress we owe a higher loyalty to the U.S. Constitution.

The fact of the matter is this: Our most solemn duty under the Constitution is our responsibility to decide whether or not we choose to declare war. We are currently, and we have been for a number of years, engaged in an undeclared war. The passage of the Findley amendment, which I vigorously oppose, would be little more than delegating, as we did in the Tonkin Gulf resolution, our power and authority to make this determination.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in support of the Bingham amendment and in support of the Leggett amendment and in support of the Reid amendment. I think these amendments reflect the feeling of a vast majority of the American people.

We in this House are supposed to be closest to the American people. We represent the people of this great Nation.

Well, the people do not want this war. There is an ever-changing, ever-growing attitude turning against our involvement in Southeast Asia. The so-called silent majority is not keeping silent much longer and we will be hearing more and more from them.

We speak for the American people. And it is high time we exercise our prerogatives and speak out loud and clear that we want this madness ended—not expanded.

For the sake of humanity, let us speak out by our votes here today in favor of the Bingham and the Leggett amendments, followed by the passage of the Reid amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I think I understand the frustrations and logic by which the President and the military made the decision to invade Cambodia, a neutral nation. I believe that decision was grievously wrong, and that the country is now paying and will continue to pay a heavy price for this mistake.

What was even more wrong than what was done was the way in which it was done. Much of the bitterness and the divisiveness which tore this country apart in the last 2 years of the Presidency of Lyndon Johnson was a result of the somewhat stealthy way in which a very small American operation of 16,000 advisers was turned into a huge expeditionary force bogged down in the longest war in our history. The Congress should have been taken into the President's confidence then, and Congress should have made this decision either to extend or not to extend the war into another country.

But the deed has been done. The invasion of Cambodia is a fact, and I deeply regret it. However, never again will our Armed Forces cross an international border without action by the Congress—if I have anything to say about it. If in the future an action of this kind is justified, the President ought to come to the Congress and get a majority vote in both Houses to authorize it. If he cannot get a majority to vote for it, then our country has no business undertaking this kind of action.

The plain words of the Findley amendment, considered in a vacuum, are good, and I could support them. The fact is that I intended to support the amendment when I first heard it offered, because it is a move backward to constitutional procedures. It is, by its plain terms, a restriction on the power of the President to expand or enlarge this war. However, I am going to vote against it because I find it has now been embraced by the President, and all of those who support this invasion.

It is clear to me from the debate and the press reports that the President intends to interpret approval of this provision and any votes for it as approval of the policy he has undertaken in these last few tragic days. For this reason alone, and despite the regard I have for the author of this amendment, I shall vote against it. I shall vote for the Leggett, Bingham, and Reid amendments and urge my colleagues to do likewise. I have regretted many, many times my vote for the Gulf of Tonkin resolution, and I shall knowingly make no similar mistake ever again.

Mr. Chairman, I was seduced in the Gulf of Tonkin, but I shall not be "fishhooked" or "parrot-beaked" into giving this or any other President another blank check.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MCCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I do not criticize the President at this juncture for his decision to go into Cambodia, but it is important that we declare we do not want to see a further escalation of the war after June 30, when this resolution will apply. I think it is essential that Congress take leadership at this point and perhaps restore the faith of our people in this Nation; that under our responsibility, which is essentially not to fund an army for a period to exceed 2 years, that we indicate in the only way we can, a cutoff of the expenditure of money for this war within the reasonably foreseeable future. This declaration today will be the first step to indicate that Congress will not continue to fund this war indefinitely.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, today you see the Congress in full retreat. Last December we marched up the Hill and enacted this law in line with the expressed intentions of the President of the United States, and he signed it:

> None of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

The Findley amendment, Mr. Chairman, is going to repeal this. I do not care what you call it, but it is a retreat of the Congress. Either in December we did not know what we were doing or today we do not know what we are doing. If you vote for the Findley amendment, this will be an admission of that.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I feel about our situation in Cambodia much as W. C. Field's epitaph on his tombstone which reads:

> On the whole I would rather be in Philadelphia.

But perhaps we cannot help being in Cambodia any more than W. C. Fields can help being where he is today.

Mr. Chairman, I did not vote for the Gulf of Tonkin resolution. I was not here and did not support it. I was among the 59 who voted against the Wright resolution. I do not believe in blank checks.

The President and his Pentagon advisers say that by July 1 this year we can bring some sort of order out of this chaos and they can bring our boys home faster. I am for that. If they find they cannot do this, they should recognize that fact by July 1 and return all our troops by November 1, 1970, under either contingency we should be able to return our troops by November 1, 1970.

If the Pentagon advisers are mistaken about the prompt success they now promise, then let us return all our troops by November 1 and clean out the Pentagon high command. If we must endure old mistakes, let us at least have new faces. I urge approval of the Leggett amendment—which would have no effect until after the July 1, 1970 deadline the President set for himself.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. OLSEN).

Mr. OLSEN. Mr. Chairman, I rise in support of the Leggett-Reid amendments. I think that the whole Cambodian venture was a terrible mistake and represents an extension of many mistakes.

Mr. Chairman, the President has taken what can only be termed a tremendous gamble by spreading the military action in Southeast Asia to Cambodia. I fully understand the rationale he is using to justify sending American forces across the Vietnam-Cambodian border. There is no question that should this course of action be successful it will facilitate the withdrawal of the American troops during the next year. Many commodities and arms upon which the Vietcong are so dependent may be captured or destroyed thus causing a terrific setback to those forces.

However, on the other hand, we must also consider the risks involved by such precipitate action. There might be further outbreaks in such places as Laos, Thailand or Korea. Will it be this administration's policy to involve the United States in those areas without first consulting Congress?

I am greatly opposed to any expansion or escalation of the hostilities in Indochina. President Nixon had given the impression that he felt that same opposition. Two days before he announced to the world that American forces were crossing the border Secretary of State Rogers came before a subcommittee of the Appropriations Committee and said that to escalate the war, to cross over into Cambodia would defeat the purpose of the Nixon pacification program. Either Mr. Nixon was misleading the Congress or he failed to keep his own Secretary of State informed.

The President also made a serious mistake in not informing the people of this country that the troops would be leaving Cambodia by July 1. The nebulous term of 6 to 8 weeks was met with much skepticism among those of us who oppose the continued presence of American forces in Vietnam. As a result there was a great outpouring of public dissent, especially on the college campus. The dreadful tragedy that occurred at Kent State might

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have been avoided had the specific date for withdrawing from Cambodia been announced last Thursday night.

Mr. Chairman, in weighing all these matters I find myself opposed to the President's action. As I stated earlier it is a tremendous gamble but a gamble where the possible good is overshadowed by the grave dangers it presents. I regret that President Nixon chose to follow this course.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

PREFERENTIAL MOTION OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'NEILL of Massachusetts. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. O'NEILL of Massachusetts moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. How much time is allocated to the gentleman from Massachusetts and do I have any time during which to discuss the motion?

The CHAIRMAN. Under the preferential motion the gentleman from Massachusetts is recognized for 5 minutes.

Mr. RIVERS. Do I get 5 minutes to speak in opposition to the motion?

The CHAIRMAN. The gentleman from South Carolina will be recognized for 5 minutes to speak in opposition to the motion.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I do this in protest to cutting off the debate. Under this procedure we are allocated only 45 seconds. It takes more time than 45 seconds to say "Hello."

It is true, Mr. Chairman, that many Members have talked here this afternoon and, perhaps, we have repeated everything over and over and over again. But I think the people I represent at home are entitled to have my views expressed here, and to have my voice heard in this Congress. I think it is the wrong thing to do. I think we should stay here until 11 or 12 o'clock, if necessary, in order to fully debate this issue.

I have been in Congress 18 years. I have had student group after student group after student group visiting in my office today. They are all frustrated and are in a state of despair. They are, perhaps, no more frustrated than I, and I must admit that I have the same feeling of despair.

Mr. Chairman, this is the most serious problem with which I have been faced in my 18 years in office. It is not the issue of Cambodia, that is in itself so serious, but what it represents—government by Executive order and alienation of government from the people. I represent an area in which there are 200,000 students; 19 colleges, 13 junior colleges, and four other schools of higher learning.

What is happening is that school after school after school is closing. The students are frustrated. Why? They were born in an era, born in the time of the Korean war right after their fathers had gotten back from World War II; they have lived in a period of cold war and through 8 years of this war in Vietnam. Of course they are frustrated. They say, "Congressman, can't you do anything?" They have tried the acceptable channels, yet not only does the policy not change, it gets worse. They see a majority of the country wanting an end to the war, yet the war goes on. They wonder, and rightfully so, "who decides?" It does not appear to be the people and it does not appear to be the Congress.

Mr. Chairman, I have spoken out against this war since 1967. If I feel frustrated, imagine how the poor students must feel, for their arena is even larger.

I say to you, "What good does it do if we are the most powerful and the strongest nation in the world if we are being torn apart from within?" I say to our senior Members of this House of Representatives, "Look at the situation as it exists, not as you would like it to be, and not as it used to be, but as it is now." No nation in the world can destroy us, but it is possible that we can destroy ourselves from within. This will not be done by subversives, but by growing disaffection and alienation, and by the erosion of constitutional rights and guarantees.

Mr. Chairman, what we should do is bring the boys home from Cambodia immediately and bring the boys home from Vietnam immediately.

If we were to win this war in 30 days, believe me the people in Vietnam would be fighting again. They have been fighting for 5,000 years, 4,500 years before this country was born or ever discovered. We cannot win for them something they do not want and would not accept.

The students of America are frustrated. I have my own children. My daughter will lose this year of school—she will not get her degree until a year from now—because she believes so strongly in the importance of demonstrating national concern on this issue. I am proud of her principles and convictions that led her to this decision.

I have five children between the ages of 18 and 26, and they all believe—as the students of America and as I believe—that we are obliged to do all we can to change the perilous course of this Nation. Truly, my children awakened me 3 years ago to the realization of how great this concern is, how deep the love of country and the desire to protect it. I know that those Members who are in the same age bracket and who have children as I do, appreciate the problem.

But I say to you, Mr. Chairman, America is in serious trouble. Believe me, America is in serious trouble. And the solution is that only by change and improvement in our society can we truly protect ourselves. We must provide the various things this Nation needs so badly. I immediately think of the senior citizens to whom we gave an increase earlier in the year, and to whom that increase means almost nothing because they are now getting a 93-cent dollar. I think of the students who cannot afford to continue schooling because of inflation, who will be unable to go back to school next year. The list of priorities—ending poverty, housing, education—I do not know where to begin because there are so many priorities that this Nation needs, but we will never get to even the first priority while we are fighting a war in Vietnam that we cannot morally justify, and cannot justify politically.

I shall extend my remarks and put them in the RECORD. I intend to support the amendment as offered by the gentleman from California (Mr. LEGGETT).

Mr. Chairman, I will vote and give my wholehearted support to the Leggett amendment. I do so because, as a citizen of this Nation, I am obliged to do that which serves the best interest of the United States within constitutional and moral boundaries. And as a Member of the U.S. Congress I wish to reaffirm the fact that the Congress has not abdicated its responsibility for foreign affairs and the conduct of the military.

The Leggett amendment prohibits the use of funds under the Military Procurement Act for the introduction of troops into Laos, Cambodia, or Thailand without the prior consent of the Congress.

The act takes effect on June 30. President Nixon has said that he will have all the troops out of Cambodia by that date. Therefore, no one could possibly contend that this amendment would in any way deny to our troops in the field the means for their defense and protection.

I am sure my colleagues know of my long-standing opposition to our policy in Vietnam. I have supported measures to withdraw immediately all our troops from that morass. You also know that I have sponsored resolutions prohibiting the President from committing troops to Cambodia, Laos, and Thailand without the prior consent of Congress. However, I have not voted against authorization measures. I am voting for this amendment today that would prohibit the President from using these funds to enmesh us in another tragic and costly war in Asia.

In the past I have resisted these measures for a simple and practical reason. As we all know, the President has sufficient funds in the pipeline to carry on this war for another 3 years at least. He also has great discretionary power to transfer funds from one source to another. I have felt that these measures did not then mean that the war would truly end.

The President has promised that our troops will be out of Cambodia by June 30. By this action today, I mean to hold him to that, and I want it in the form of law, of statute and not a sense of the Congress.

By this vote I am saying to the President: You did not consult us. You have, on your own authority committed our boys to Cambodia. You have as much time—because you have seized it—as you said you wanted and you needed. You did this without our approval, but you cannot continue. You cannot commit American boys to foreign adventures and death without our consent.

I am saying to the President in my vote: There is no danger to American troops in this amendment. Not one soldier will be deprived of a rifle or a bullet because of this. But those soldiers must be brought back by the 30th of June if not before. If this Nation is to commit suicide, then you shall not bring it about.

If there is justification in the President's case, let him come to Congress and show it. If there is really a need for this action, let him come to the Representatives of the people and we will decide. If we agree then we too are responsible, but we cannot allow decisions of this importance to be made by one man.

We, in this body, more than any other branch of Government, represent the people. If we fail to take responsibility for our actions, and fail to attempt to control the actions of the Government, then we must be held accountable. We cannot abdicate our responsibility. That is what we are doing if we fail to pass this amendment or if we accept the Findley amendment, which is just another repeat of the Gulf of Tonkin resolution.

The President cannot be allowed to assume these powers. They are awesome and overwhelming and we must share in their direction and use. This is a Nation of representative government; we are more than an executive, and that is what this amendment reasserts.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman for yielding, and I subscribe to a great number of the remarks that the gentleman has made, particularly when he refers to the time limitation on debate. I know the gentleman who has the responsibility of managing the bill before the House at the present time has the responsibility, as he sees it, to get the bill through, but I see it from another view.

To me it is a serious mistake to limit debate on these amendments that have such great and grave national interest.

Mr. Chairman, I thank the gentleman for yielding.

PARLIAMENTARY INQUIRY

Mr. GIBBONS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GIBBONS. Mr. Chairman, I just want to find out what my rights are in this matter. The gentleman from Massachusetts (Mr. O'NEILL) has submitted a preferential motion, and has received 5 minutes' time to discuss it. Now, do all the opponents and proponents on that motion have 5 minutes?

The CHAIRMAN. The Chair will state that the opponents to the motion are entitled to 5 minutes.

Mr. GIBBONS. They are entitled to 5 minutes each?

The CHAIRMAN. The Chair will state that the opponents are entitled to only one 5 minutes of rebuttal.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I would like to have the preferential motion read over again by the Clerk.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. GERALD R. FORD. I object, Mr. Chairman.

Mr. VANIK. I object, Mr. Chairman.

Mr. OTTINGER. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that the Clerk reread the preferential motion offered by the gentleman from Massachusetts, (Mr. O'NEILL).

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. OTTINGER. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. RIVERS. Mr. Chairman, does anyone seriously think we could stop the war and bring the boys back immediately? Just say that President Nixon were to come out now and say, "All right, bring the boys home." Take out all the airplanes we have, it would take a great length of time, and it would expose every flank. There would be untold slaughter.

The talk now by Members of the other body, and even by the President, about bringing the boys home, has caused the enemy to go into these sanctuaries that we are now trying to clean out. There has been too much talk about bringing the boys home.

We have been begging to have these sanctuaries cleaned out. Anybody who knows anything at all knows that there have been countless hundreds of Americans killed because of these sanctuaries. Do not get me wrong. I am not for one of these amendments, none of them. I will take the Findley amendment as a last resort, but the President of the United States is doing exactly right, with or without the Findley amendment.

Get it straight. He is now trying to save American boys and he has said time and time and time again that he is not interested in numbers—he is interested in people.

The order he gave after the military brought him component information, the uncontroverted intelligence that these people had these sanctuaries there.

How many hundreds of times has Saigon been raided by rockets? It is only 30 miles away from the Cambodian border. Almost every day—30 miles away—and nobody did a thing about it until Richard Nixon ordered the troops in there to clean them out.

We do not need the Findley amendment. We do not need any amendment. Nixon is saving American boys and you are committed to the same objective. It is as simple as that.

If you try to get out of there seriously and deescalate this war now, in fact, in view of what is being done, it would be the greatest blood bath since Hitler exterminated people in those extermination chambers in Europe.

It is as simple as that; in fact it is doubly simple.

The young people are not serious about pulling out of this war now. I agree that the young people are frustrated. I know one person who is 64 years old who is very frustrated and he is not far from this microphone.

I think a lot of this frustration is because families have not taken enough time with their children to talk about a thing called patriotism—patriotism.

We make things too easy for certain people. I want to get this war over. It should have been won. I am for the Vietnamization program because there is no alternative, but Nixon says he is going to get out of these sanctuaries as soon as they are cleaned out—and they are being cleared out.

Today they have reported over 700,000 rounds of small ammunition and tons and tons of other kinds of materiel—everything that you could conceive of. He knew what he was talking about. He did the right thing.

If you want to report this bill back—go ahead and get it over with. This bill has nothing to do with personnel. This puts the guns in American's hands to try to defend themselves in the cause of freedom. Now go ahead and do what you want to do. It is no skin off my back. I am carrying out my responsibility. I am not equivocating either. We should have won this war. We did not want it, but there is not any alternative to Vietnamization and cleaning out these areas—and it is a step further with this Vietnamization.

Anybody with any brains at all knows that you could not have done anything as long as Sihanouk was there. Sihanouk got out and now there are only a few weeks left of fair weather.

We had to do it if we want to get those boys home. That is all there is involved. Now let us vote.

PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEGGETT. Mr. Chairman, considering the fact that a time limitation has now been set in relation to today at 5 o'clock, does the time of the debate on the motion that we have already heard, come out of the time on the amendments?

The CHAIRMAN. The time will come out of the time of those who are participating in debate.

Mr. LEGGETT. Mr. Chairman, a further parliamentary inquiry. If we chose to rise right now and come back tomorrow, then would there be any time limitation on debate?

The CHAIRMAN. There would be no further debate.

The time was set at 5 o'clock.

The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The motion was rejected.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

The preferential motion was rejected.

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The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. McCarthy).

Mr. McCARTHY. Mr. Chairman, the dubious constitutionality of this, the longest war in American history, impelled me yesterday to introduce a resolution. I will vote against—a declaration of war on North Vietnam. I call on the gentleman from South Carolina and the Speaker of the House of Representatives to bring this to the floor, 12 years late, and let us vote it up or down.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Reid).

Mr. REID of New York. Mr. Chairman, this is a critical moment for young and old, at home and abroad. Events of recent days pose a constitutional crisis for America and have heightened international tensions throughout the world. This House has in the past been derelict in living up to its responsibilities in the conduct of foreign affairs; the debate today is the first real debate on Vietnam that has taken place in my 8 years in the Congress.

I would say first that the Reid amendment, as amended by the Findley substitute and the Leggett amendment would not take effect until July 1, 1970, the start of the new fiscal year.

The President yesterday gave firm assurances that U.S. troops would be withdrawn from Cambodia in 3 to 7 weeks which is prior to the effective date of this amendment.

The question, therefore, is not on the policy presently in effect but rather on the repetition or extension of that policy without prior consultation with the Congress.

The Findley substitute, while my colleague intends it to be narrowly construed, would provide too broad a grant of power that should properly be reserved to the Congress. Specifically, my colleague's interpretation is open to three arguments:

First, it would require reporting to the Congress only after the fact, not before.

Second, this amendment could permit the use of American troops virtually without geographic limit.

Third, my colleague bases his amendment on the President's constitutional powers as Commander in Chief. I believe this House has a coequal constitutional responsibility under the powers granted to it to declare war, to raise and support armies, and to make rules for the Government and regulation of the land and naval forces.

My amendment is not intended to deprive American fighting men of the protection they require. On the contrary, the President's powers in this regard are clear and will be upheld. My amendment is intended only to preclude the President from taking unilateral action without congressional consultation which could widen a war which has already torn America apart.

Our concern here today must not be merely tactical but must be with the serious diplomatic repercussions which could be felt in Paris, Moscow, Warsaw, and Vienna. Premier Kosygin has said that "these actions by the U.S.A. do not strengthen mutual trust." It is on such mutual trust that the world lays its hope for progress at the SALT talks in Vienna.

The Soviet Premier also commented last week that:

> The result of the invasion of Cambodia by American troops may well be the further complication of the general international situation as well.

And in Paris, the Hanoi and Vietcong delegations did not appear at the peace talk session scheduled for today. Further, Hanoi could well exercise other military options in Laos and Cambodia including an attack on Phnom Penh.

Here at home, the tragic consequences of our actions in Cambodia are plain to see. The tragedy at Kent State reflects the widening concern—indeed bitterness—on our campuses that Government is no longer responsive to the views of the people that we must end the war promptly and get on with priorities at home. I have received hundreds of messages and expressions of support from students across the Nation, and this morning a delegation from the University of Maryland presented me with a petition containing the signatures of 5,000 members of the university community who support the Reid amendment and strongly oppose our involvement in Cambodia.

In 1954, President Eisenhower said that:

> There is going to be no involvement of America in war unless it is a result of the constitutional process that is placed upon Congress to declare it. Now let us have that clear.

For 16 years we have not heeded that advice from a President who loved peace. Today, let the Congress exercise its constitutional powers of restraint and of consultation. The day of prior consultation on major changes in foreign policy must not be over.

I urge support of the Leggett amendment and the Reid amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. Hathaway).

Mr. HATHAWAY. Mr. Chairman and members of the committee, I reiterate the remarks of my colleague from Massachusetts (Mr. O'Neill). I regret that a matter so important as this to the American people should be cut short in debate. Needless to say, it is very difficult to squeeze a 5-minute speech into 30 seconds. Let me say simply that I support the Reid, Leggett, and Bingham amendments and I am opposed to the Findley amendment.

It may be that the decision of the President to commit U.S. troops to Cambodia is in the best interest of this Nation; it may be that this decision will facilitate Vietnamization and hasten American troop withdrawals in the long run. These are not the points at issue, however. What is at issue is unchecked executive discretion to order our military forces into action in foreign lands whenever and wherever the President chooses. What is at issue is the right of the Executive to alter constitutional processes at his option.

The constitutional basis for congressional involvement in any decision to commit American troops to combat in a foreign land is found in article I, section 8 of the Constitution. Therein Congress is given the stated power to declare war; to raise and support armies; to provide and maintain a navy; to make rules for the Government and regulation of the Armed Forces; to provide—for calling forth of the milita and for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for executing the foregoing powers. In contrast, article II, section 2 of the Constitution states that the President shall be Commander in Chief of the Army and Navy. In addition, the President may, with the advice and consent of the Senate, make treaties and appoint ambassadors.

The language of the Constitution makes it clear that the war power is vested almost entirely in the Congress. That this was the intent of the framers is quite clear from reading the proceedings of the Constitutional Convention and the subsequent writings of the Founding Fathers. In a letter to James Madison in 1789, Thomas Jefferson wrote:

> We have already given in example one effectual check to the Dog of War by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

Presumably the Constitution permits the President to repel an attack on the United States or to take other military action in a genuine national emergency. But in recent years Presidents have claimed the right to commit the country to foreign wars under a sweeping interpretation of their power as Commander in Chief. While they have seen fit to get congressional sanction for their actions through resolutions, there is considerable doubt surrounding the question whether such resolutions grant sufficient authority for any military action the President might see fit to take.

Moreover, there is considerable doubt that Congress can circumvent the procedures set up in the Constitution for declaring war by passing simple resolutions. If such resolutions are utilized, I believe they should state as explicitly as possible the nature and purpose of any military action to be taken, and it should make absolutely clear that the resolution is an act of authorization, granting the President specific powers which he would not otherwise possess. This would at least restore some of the constitutional balance in our Government.

There are many issues which we as representatives should discuss. Some of them are:

First. Some limitation must be put on the President's discretion to take any action for the safety and protection of American troops. This is a gimmick that may be used to justify any action.

Second. Some decision must be made as to the limits of the Gulf of Tonkin resolution. Does it extent to the present situation in Cambodia?

Third. Is the strategy which prompted our expanded involvement into Cambodia a good strategy in the long run?

Fourth. Congress should be fully ap-

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praised of the details which prompted our expanded involvement and the long run plans of the administration with regard to Southeast Asia. Did the Cambodian Government request our aid? It is ambiguous whether our involvement there was prompted by a desire to aid Cambodia, or to aid our efforts in Vietnam.

Fifth. It must be resolved whether or not the President can, through the treatymaking power, commit troops to fight a war and thereby bypass the constitutional provision for a congressional declaration of war. Only one House of Congress consents to treaties such as the SEATO pact.

It is time that we reassert our constitutional authority and show the President he cannot be chief of police, district attorney, judge and jury in foreign affairs. There should be consultation with the Congress as to whether the Congress and the people they represent will support an extension of military activity in a new theater of war. The American people deserve at least that; our Constitution requires it.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Koch).

Mr. KOCH. Mr. Chairman, I support the Reid, Leggett, and Bingham amendments and if they are not adopted, I intend to vote against the entire authorization bill on final passage. The President is engaged in an unconstitutional action by having engaged in a war against Cambodia without a declaration of war by Congress. I intend to stand up and be counted in opposition to his illegal action and in support of the Constitution by my vote.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Chairman, I appeal again for support of my amendment, which would extend the Reid amendment to North Vietnam as well as to Laos, Cambodia, and Thailand. I think the same prohibition should apply.

If the Leggett amendment to the Findley substitute should prevail, I will then offer my amendment to the Findley substitute as amended by the Leggett amendment, and there will be no debate on that.

I solicit your support to extend the restraints of the Reid amendment on the Leggett amendment to attacks on North Vietnam.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. Evans).

Mr. EVANS of Colorado. Mr. Chairman, not being able to speak 300 words a minute, I yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. O'Neal).

Mr. O'NEAL of Georgia. Mr. Chairman, I ask unanimous consent that I may yield my time to the gentleman from Florida (Mr. Sikes).

The CHAIRMAN. Is there objection to the request of the gentleman from Geogia?

Mr. HALL. I object.

Mr. O'NEAL of Georgia. Mr. Chairman, I yield to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Chairman, I oppose the Reid and the Leggett amendments. When all the noise has abated and the demonstrations are ended, it will be found that the quiet, solid, dependable American public support the action of the President in Cambodia. They know that America's fighting men cannot afford to have Cambodia and its ports under the control of Communist forces. They know the lives and safety of American fighting men are at stake. They know we cannot afford to have our forces helpless against Communist build-ups and Communist thrusts directed at will from Cambodia into Vietnam. Here is an opportunity for a true exercise in responsibility by the House.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, I oppose the President's action and support the Leggett amendment. I yield to the gentleman from New York (Mr. Lowenstein).

Mr. LOWENSTEIN. Mr. Chairman, I thank my friend from Illinois for yielding his time. It is ugly to discover that we are willing to sacrifice everything except our dinner hour in our zeal to commit—or rather to let the President commit—thousands of men to go off to very dubious battle. So here we are, after a series of 30-second non-talks that no one listens to if they can help it, about to vote on proposals that affect the lives of countless men and women all over the world.

It is hard not to conclude that we are suffering from a kind of national schizophrenia. Surely we cannot all be talking about the same country—anyone who heard the oratory today can see that. For many of us, a majority of the speeches have reflected not the slightest awareness of what is going on around the country. But this national schizophrenia has done more than make it difficult to discuss things usefully. It has now brought us to the egregious tragedy of some of our young people in uniform shooting and killing others of our young people on a pleasant campus in the Middle West.

In this situation, do we not have to find a way to revive faith in the democratic process, to give people an example of integrity and lawfulness at the top level of government? Do not we have to find some framework that would make it possible for men of good sense who love this country to discuss disagreements and work out solutions that would ease divisions and not exacerbate them? In this connection I include in the Record at this point an editorial from the Detroit Free Press of Wednesday, May 6, 1970:

NIXON PLEDGED TO UNITE US, BUT HE TEARS NATION APART

As each day of the Cambodian war passes, it becomes more obvious that, in launching it, Mr. Nixon started or escalated three confrontations at home which may be harder to win than anything in Indochina.

He has also, of course, compounded his problems abroad. The Paris peace talks are apparently dead. The SALT talks in Vienna are sorely endangered and the optimistically proposed Jakarta conference of Asian powers seems doomed. But the ones at home will have to be coped with before he can accomplish much in other areas.

His three confrontations are with Congress, where many feel that his decision was unwise but also unconstitutional; with millions of "middle Americans" who cannot see how expanding the war can contract it, or how increasing casualties can decrease them, or how killing students protects the right of dissent; and with the students across the land, newly reactivated and more determined than ever that Mr. Nixon's course must be altered.

Because of these three new crises of confrontation, which the President can add to his growing lists, we cannot help feeling a sense of deep despair. The country is as close to being torn apart as at any time we can remember, and the blame goes to the President who promised to bring us together. Americans are told to polarize themselves by Vice President Agnew, who was not moved from his careering course of half-truths and diatribes even by the death of four Kent State students. And the President asked us to lower our voices.

It is possible that each of these crises will disappear if the Cambodian invasion is swift and cheap and the people can be told it was a great success. But the roots are too deep for them to go away entirely. Mr. Nixon has started something.

On Capitol Hill, movement is always slow, but now it seems to be coalescing. The Senate Foreign Relations Committee, which is more than just Sen. Fulbright, is unanimous in calling the invasion unconstitutional. A bipartisan group of senators is proposing an end to all funds for the Indochinese war. There is even an occasional murmur of impeachment, stilled immediately by the realization that Mr. Agnew is No. 2.

In the nation at large, Mr. Nixon's middle Americans cannot dismiss the Kent State tragedy with the casualness of Mr. Agnew who blamed the students and the "smug purveyors of mockery and scorn." The four were average college kids from average backgrounds, gunned down for some reason by members of the National Guard.

They cannot accept the cavalier statement of the President that "when dissent turns to violence it invites tragedy." The violence was inexcusable, but the riot-trained guardsmen fired at random like the British troops at Boston.

The middle Americans must also be aware that the current wave of student strikes is not *against* universities, as they have been, but *with* universities. Thirty-seven prestigious college presidents are not under seige on their campuses, but are laying seige to the White House.

Finally, and in the long run possibly most important, Mr. Nixon has lost any remote chance of winning support from the young. The militant radicals have their martyrs, for which the nation will pay dearly. The less radical, the vast majority, are newly pledged to become more militant, not in the streets but in the headquarters of peace candidates, not in campus libraries but in congressional offices. While Mr. Agnew calls them "violent revolutionaries," Mr. Nixon calls them "bums."

The worst, and most damaging aspect of all this is that the President seems to have cut himself off from the outside world.

At a news conference at the White House, when press secretary Ronald Ziegler handed out Mr. Nixon's statement on Kent State, a reporter remarked that one reason young people are upset is that they feel the administration is not listening to them, but only calling them names. The reporter went

> to say that Mr. Nixon had asked for a lowering of voices, and asked whether the time had come.
>
> Mr. Ziegler replied that the President's position was clear and there was no more to be said on this point.
>
> This, we sorely fear, is the truth.

The distinguished gentleman from California (Mr. McCLOSKEY) and I want to propose an amendment that would stop the expansion of American military operations in Indochina, an amendment that reads as follows:

> "SEC. 403. No part of the funds authorized to be appropriated pursuant to the Act shall be used to finance American military operations in Laos, Thailand, or Cambodia."

I believe that is the minimum position we must arrive at if we are to avoid the devastation of a worsening national schizophrenia. But whatever position we finally arrive at on these matters of war and peace—matters quite literally of life and death—the way we get there has become terribly important. The Findley amendment would add to the difficulties of that process and should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I rise in support of the Reid and Leggett amendments. This is a sad commentary on the democratic process when more than 60 Members of the House of Representatives have somewhat less than 30 seconds to discuss the most important issue facing the American public today, the question of peace and war.

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One only needs to observe the deliberations in the Chamber today to understand clearly and unequivocally why Americans, young and old, are losing faith in the American political institutions.

In the life of every man and indeed in the life of this body there comes a moment of truth, a moment when one must face the issues before us forthrightly without any deceptions.

I have been a critic of the war in Vietnam and I certainly disapprove of this administration's misadventure in Cambodia. However, I submit that the real issue before us is not our presence in the Far East but the fact that the Congress has been deprived of its constitutional obligation to pass on the issue of peace or war and the complete lack of candor with which the President manipulated American troops into Cambodia.

Weeks before the Cambodian operation the President, the Secretary of State, and the Secretary of Defense, said it would not happen; certainly not without the approval of Congress.

We believed, and the American public believed, when it was obvious to all concerned that when this administration was saying one thing, it was preparing to do another there was a tremendous uprising of voices from all quarters.

In response to this the administration has promised an 8-week operation and again attack all who question this policy as being unpatriotic.

What then should be our response? I for one do not think it part of my job to help this administration perfect a fraud on the people I represent.

In light of this the Reid-Leggett are only designed to assist the President keep faith with the American public.

These amendments will not impede an 8-week Cambodian operation or even one for more than 1 year; for we are talking about fiscal 1971 funds.

If this administration means what it says about a July 1 withdrawal from Cambodia and if we mean what we say about the need to restore constitutional integrity to this body, then all of us ought to support these amendments.

Gentlemen, the moment of truth is here.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I think it may help all of us if we make reference to the exact wording of the Findley amendment.

A careful examination will show that while the Reid amendment provides that no part of the funds authorized by this bill are to be used to finance introduction of ground troops into Laos, Thailand, or Cambodia, the Findley substitute modifies the Reid amendment and adds the words "without the prior consent of the Congress" and then proceeds with the proviso in the nature of an exception which negates the Reid amendment and allows funds to be used "to the extent such is required, if determined by the President and if reported promptly to the Congress, to protect the lives of American troops remaining in South Vietnam."

Reflecting upon the meaning of the words of the substitute offered by the gentleman from Illinois it is clear and apparent that it modifies in several particulars the Reid amendment which completely bars the use of any funds for the use of ground troops in the three neighboring countries as follows: First, there must be prior consent of the Congress. This, I presume, would require a resolution or some type of affirmative action by the Congress. Who could ask for a greater safeguard than that? Second, funds authorized by this act can be used in the three countries that are neighbors to South Vietnam only to the extent that they are required which shall be solely at the determination for the President. Third, that the use of any funds in those three countries shall be reported promptly to the Congress. This proviso adds yet another safeguard in that not only is prior consent of the Congress necessary but there must be a prompt report by the President to the Congress of the amount of funds used as well as the extent of our involvement in these three countries, and fourth and finally, the most important proviso which is that even after consent and determination of what is required along with prompt reporting, none of the funds may be used except to protect the lives of American troops who remain in South Vietnam.

The most important content of the Findley substitute is the proviso that if any authorized funds are used in Laos, Cambodia, or Thailand their use must be predicated upon the protection of our American troops who are in South Vietnam. There is no other grant of authority. This provision is very restrictive. We have listened this afternoon to a lot of talk about the prerogatives of the Chief Executive as Commander in Chief of the Armed Forces and how far he can go under the Constitution and what restraints can and should be imposed by Congress. In my view, this is not a bothersome constitutional question because we have ample precedents going back to the days of Thomas Jefferson when the Congress approved after the fact the use of military force to protect our American seamen on the high seas. There are numerous other instances in which the Congress has approved over the years, after the fact, the use of military might by the President without prior consent if the force was used to protect the lives of the members of the Armed Forces. Approval has even been granted after the fact to protect the lives and property of our citizens in foreign lands.

Thus the issue is not entirely a constitutional issue. It is certainly not a partisan issue. In reality the issue is not even whether we support the President in his efforts to deescalate the war and to continue withdrawals. For my part, I shall reserve the right to oppose the President on a variety of domestic issues perhaps even regularly and frequently, but I cannot subscribe to a course which will give the enemy aid and comfort from a country divided over its foreign military policy. Repeating, support of the President is only one of the purposes. The very gist of this amendment is first to prevent our unlimited involvement in the three countries named but without tying the President's hands to act if necessary to protect the lives of our American men "remaining" in Vietnam.

Remember, the Cambodian sanctuaries are 33 miles from our military headquarters and the site of our huge logistical stockpiles surrounding Saigon. I believe the President is sincere when he says that withdrawal of American troops will continue and that Vietnamization of the war is a hope which will materialize. But as the President said at the briefing Tuesday morning at the White House, in the last analysis South Vietnam must be defended by the South Vietnamese. If they fail it will be their failure.

Someone has said every Member can rationalize his own vote on these several amendments which would restrict the use of funds in Cambodia. For my part, I like to believe my stand is not based on a process of rationalization. I don't know exactly whether there are 5,000, 10,000, or 15,000 Missouri boys remaining in South Vietnam but as the troop withdrawals continue I want to be sure when most of the combat troops leave the remaining support element consisting of supply units, the ground installations for the Air Force, and the Navy logistical installations will not be swooped down upon and overrun from the heavy concentration of enemy forces moving from sanctuaries only 30 miles away from the place of embarkation whether by air or by sea.

Finally, as I read the wording of the amendment of the gentleman from Illinois it is entirely and completely consistent with the hope of Vietnamization. It is not only consistent with the policy of regular withdrawal of American troops but it is even a necessary adjunct to that policy in that those American military forces who remain the longest and which are the last to withdraw will be protected from action by the enemy originating from the nearby sanctuary just over the line in Cambodia. Protection of the lives of American servicemen is not rationalization. It is the most important objective any of us can support.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I rise in support of the Findley substitute which gives to the President of the United States no authority to do anything unless and until he makes a determination that whatever action he takes is in behalf of saving American lives of the troops remaining in South Vietnam. This he should do and this he says he has done. You may disagree with his action and that is every man's privilege, but can you really find it in your heart to impugn his motive; I cannot.

There is not an individual in this Chamber who knows anything about this matter except what he has read in the newspapers or that the President has said or has allowed him to be told. Nobody in this Chamber has the information the President of the United States has, nor we do not have the responsibility he has. For the sake of this country, I hope he has made the right decision. This I believe was the basis of his decision.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I have no hesitancy in opposing the various amendments that would restrict the President in the conduct of the war, except the Findley amendment. Even this substitute restricts the President except when he finds American lives are involved.

Frankly, I do not believe the country benefits from telling the enemy how far our troops can go. Circumstances change from day to day in ways we cannot anticipate in advance. Therefore, I intend to oppose all the amendments. This seems to be the best way we can show confidence in the efforts of the President to terminate this war.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, this is an old story. For 12 years I have listened to the alibis for Vietnam. In 1962 and in Vietnam I was told by General Harkins we would be out of there in 2 years. Admiral Felt told me the same thing. What we are now hearing today is a broken record. What is happening is a tragedy.

It seems to me this Congress really has to come to grips with the problem and get us out of Indochina. The Congressman from Massachusetts, "TIP" O'NEILL, most eloquently said it all. Anybody who represents a great university can bear witness to what he has said.

Mr. Chairman, on Wednesday, April 29, it was reported that the Nixon administration had committed approximately 100 U.S. advisers and several divisions of South Vietnamese—ARVN—troops across the South Vietnamese border into Cambodia. Late Thursday evening, it was reported that the Nixon administration had committed 2,000 U.S. ground combat troops to this mission. On Saturday, May 2, it was disclosed that the United States had resumed bombing of North Vietnam. None of these actions had the approval of Congress. According to my best information, the Congress was not even informed of these ill-advised and far-reaching decisions until they were undertaken.

As soon as I was informed of the initial commitment of U.S. advisers in Cambodia, I immediately perceived the folly in this course of action. On Thursday, I introduced a resolution forbidding the President to send ground troops into Cambodia. It was after this action, that I learned that the President announced he had already committed U.S. ground troops to this effort.

The President, through his power as Commander in Chief, has taken upon himself the responsibility for engaging in a most dangerous course of action. He did so without consulting or even informing the Congress. He did not even bother to inform those committees charged with the responsibility for foreign policy. As a member of the Foreign Operations Subcommittee of the House Appropriations Committee, I was certainly not informed that such preparations were being considered, much less implemented. As a matter of fact, Secretary Rogers led us to believe it would not happen.

It was just within the last 2 weeks, that I had the opportunity of questioning, in subcommittee, the Secretary of State about our present and future commitment in Southeast Asia. Although much of that dialog has not been released, I did conclude that the administration's policy was to liquidate our military commitment. Instead we are now faced with a new escalation of this war.

I was nonplussed by the news of this incredible new venture. Now, since learning of the President's decision to commit more U.S. ground troops to this effort, I cannot hide my revulsion and express my opposition in the strongest terms possible.

On Friday, President Nixon gave his ex post facto rationale for this new escalation. First, the move was justified as an effort to "protect" American soldiers in South Vietnam. The President neglected to mention that the goal of his plan for withdrawal, "Vietnamization," rests on the assumption that the South Vietnamese army—ARVN—is able to assume the role of protector. Now we are told that ARVN is not capable of this responsibility and needs U.S. advisers, air power, and when you get down to the "nitty gritty," U.S. combat troops. This is the same quagmire President Johnson walked into. I do not intend to support President Nixon's revival of this basically unrealistic and unattainable commitment.

There are other factors about this decision that must be kept in a clear perspective. The initial justification for our large scale manpower commitment was the infiltration of North Vietnam regulars into South Vietnam. Our position has been justified by the sanctity of borders principle. Now President Nixon violated the Cambodia border—yes, his actions can constitute nothing less than an intrusion constituting an invasion of Cambodia. This flies in the face of logic. This action cannot be justified by the simple expedient of saying, as the President in essence has said: "The North Vietnamese did, so why can't we." This Nation is now on the brink of precipitating an Indochina war. I will not lend legislative support to this action. As a matter of national conscience this action should not be tolerated by the Legislature.

It is important to analyze the underlying assumptions in the President's unconvincing rationale. Hidden within the President's message is the assumption that this new version of a search and destroy mission will perform the following functions: It will sever supply lines; it will destroy the North Vietnamese command post—COSVN; it will destroy the North Vietnamese forces in Cambodia; and all of these actions will force the North Vietnamese to negotiate. Past experience with search and destroy efforts, and the limited information available at the time, suggest they are in error. First, supply lines can be disrupted by such a foray, but given the terrain and the primitive nature of North Vietnamese supply lines, it is impossible to cut off supplies.

Second, the assumption of "headquarters" in terms of a hardened installation is patently not applicable to this type of guerrilla war. Indeed the difficulty of the U.S. lead assault to uncover these headquarters confirms this analyses. Third, all indications of contact with the enemy suggest that the North Vietnamese had evacuated the area many days before the assault. Thus the conclusion that this action will force Hanoi to negotiate is incredibly naive.

Given the untenable nature of these assumptions, it is all too painfully apparent that the President has acted recklessly—

He has acted without the advice and consent of Congress.

He has acted in a manner that threatens to engage the United States in an Indochina war.

He has acted without the support of the American people.

The dangers of this military adventure can and will culminate in a general Indochina war. This spectre is given increased credence when some of our commanders in the field are reportedly asking for authority to go into eastern Laos.

After analyzing these developments, I am publicly calling for removal of U.S. troops from Cambodia, immediately.

In addition, the unilateral action of the President has reaffirmed the validity of my position on Southeast Asia—we

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must liquidate our direct military personnel commitment in Southeast Asia. We must end our participation in this war.

These actions by the President have reinforced my objections to the Nixon plan for ending our participation in the war. I feel that our troops—all of our troops—must be withdrawn from Southeast Asia on a fixed and orderly schedule. The Nixon plan—if one can be said to exist—assumes a future commitment of 200,000 "advisers and support personnel," after our ground combat troops are withdrawn in 1971. The action of the last few days shows the inherent danger of keeping a large U.S. personnel commitment in Southeast Asia. There will always be pressure for "one last blow," "the crucial military action," "the surgical thrust." Without our troops, the Government of South Vietnam will be forced to attempt to secure a just peace.

We must remember that this conflict is essentially a civil war. Those that suffer the horrors and privation of this conflict are peasants, women, and children, not to speak of the American families and friends of slain and maimed American soldiers. For what reason? I believe the havoc that we have wrought both in South Vietnam and in our own country is not worth the continuation of this effort.

By the orderly and systematic withdrawal of all our troops, we will force Saigon to seek its own peace. On numerous occasions I have called for Saigon to broaden its base, to provide the leadership necessary for the South Vietnamese army to bear the burden of this conflict, and to take the leadership in negotiations. They must assume their burden in their conflict.

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I continue to believe that the United States has a moral responsibility to provide economic assistance to the nations that we have ravaged, but I do not think we have the right or the obligation to dictate to other nations the sort of political or governmental system they should have.

By withdrawing our troops we can turn our energies to help Vietnam rebuild, and more importantly, concentrate our efforts on the problems that are fracturing our society.

President Nixon has repeatedly refused sole blame for the Vietnam conflict—and rightly so. This is a conflict of many years—transgressing politics and political administrations. However, this recent military operation in Cambodia is now Mr. Nixon's responsibility—it is now Mr. Nixon's war and it must be ended. By our actions today we can persuade him to reverse his course and really liquidate the war that has to be among the greatest tragedies in our short national history.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I previously stated I was in favor of the Leggett amendment. I say now weighing in the balance, the polarization, the division of our young people and our college students, our people altogether—against any possible benefits from the invasion of Cambodia. I say our Nation is a loser. The destruction of our unity as a people is taking place. Let us stop it by getting out of Cambodia first and Vietnam second.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I rise in support of the Findley amendment.

Mr. Chairman, as with all Americans who listened to the President last Thursday when he spoke on television, I experienced qualms. Who was not fearful that this action of sending American forces to clean up enemy sanctuaries across the Cambodian border to save our troops in South Vietnam from Vietcong attack?

Since that television talk I have been briefed by the State Department and the military. My qualms have not disappeared. However, I have become convinced that this action will not expand the war. I am convinced this action may not only increase the security of our forces but also may indeed assist in Vietnamizing South Vietnam. It may well shorten the war.

It seems to me the Findley amendment, if adopted, will satisfy many of us who oppose sending troops into Cambodia without approval of Congress; and yet it will not prevent our Commander in Chief from taking steps, such as search and destroy, to protect U.S. lives.

I do not want to tie the hands of the Commander in Chief. I have confidence in President Nixon. He is phasing out the war. He is reducing the number of Americans in Southeast Asia. On Monday I wrote the President and told Mr. Nixon he had made a difficult decision and a courageous one, on information best available to him. I told him of my support.

So, Mr. Chairman, while, as I said, I had qualms, and still have, while there are risks involved, including risks of violence and protest at home, I believe we should stand with our leader, President Nixon, today; and therefore I support the Findley amendment. This will authorize protecting the lives of American troops within South Vietnam, but limit use of combat troops without consent of Congress in Laos, Thailand, or Cambodia.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in an attempt to clarify some of the ambiguities in the debate on the Findley amendment.

Mr. Chairman, contrary to the view others have expressed today, the term "prior consent of the Congress," qualifying the use of ground troops according to the gentleman from Illinois, is not restricted to a declaration of war, but means formal approval by the Congress.

The proviso in the Findley amendment allowing Presidential action to protect American lives requires prompt reporting by the President to the Congress. This is legislating an implied power of Congress—an exercise of its power of oversight. The review contemplated is a formal, critical review of the judgment arrived at by the President of what constitutes protection of the lives of American troops.

Like the Leggett amendment, the Findley amendment clearly says no to U.S. ground combat troops in Cambodia after July 1, 1970, without prior congressional consent.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York (Mr. REID).

When the President went to Guam last year and put forth what became known as the Nixon doctrine regarding American military involvement in Asia, I believed he had profited from the experience of our past errors in Vietnam. I thought he had realized that our national security interests did not lie in prosecuting a major ground war in Indochina. I was mistaken, the President has not learned from history and has failed to properly define our national security interests in Southeast Asia.

For the incredulous invasion of Cambodia is a direct repudiation of the Nixon doctrine. The invasion of Cambodia by American forces has created a wider war which we now speak of as the Indochina war, and is hauntingly familiar to the scenario of past escalation in Vietnam.

What is remarkable is that the President has chosen to follow a path that he himself previously disavowed. In the fall of 1967 he openly opposed the very action he has now ordered. He was elected to office after promising the American people to achieve peace and to bring American men home. As recently as two weeks ago members of the Cabinet assured congressional committees that we would not send American men into Cambodia.

And then, in one grave, tragic error, the President dealt a major blow to the hope for peace that is shared by all Americans. In one step he undid what had been accomplished by limited, but welcome, withdrawals of American forces from Vietnam.

At the same time, the President has opened a "credibility gap" that gives him the undisputed championship in this area and makes any previous "gap" seem small.

The folly of the President's action is written into the designations given to the attacks upon Cambodia: Operation Total Victory Nos. 42 and 43. Whatever happened, Mr. Chairman, to Operation Total Victory No. 41? And is not the claim of total victory a contradiction of the President's own declaration that we do not seek military victory in Indochina?

What we have, then, is a grossly misguided policy based upon the following invalid and unacceptable assumptions:

That we seek to win a military victory against a massive guerrilla force, a policy already disavowed by the President.

That the corrupt, self-serving Vietnam Government is worth supporting at the expense of thousands of American lives.

That Vietnamization is working; obviously, these new strikes would not have been necessary had Vietnamization been a viable policy.

I reject all of these assumptions and the dangerous policy that follows from them. I reject the notion that the American people want more escalation to achieve an elusive peace, when we have found out time and again, with great losses of our men, that this simply does not work. I reject the premise that wider war equals peace in Indochina.

What, then, we must ask ourselves, can the Congress do to end this madness?

By all rights, we should direct the President to immediately end our military involvement in Cambodia and to bring all American forces home from Indochina. Such a course is, unfortunately, not available to us in this bill.

But we can deny the funds for the extension of the war. This is the purpose of the amendment offered by the gentleman from New York (Mr. REID) and I am proud to stand and vote in support of this concept.

The Congress has the unquestioned authority and the clear responsibility to exercise our constitutional prerogative to deny the funds for an expansion of this war. At a time when we are confronted with great divisions among our fellow Americans, and at a time when vital domestic needs requiring a foremost priority are ignored, we must act to cut off the funds to wage more and bigger war in Indochina.

There is something else we can do at the earliest possible moment. We can, as I first proposed in March of 1968, repeal the Tonkin Gulf resolution. In that way Congress can reclaim our rightful role in the decisionmaking process. The Tonkin resolution gave away our constitutional prerogative regarding questions of war and peace in Southeast Asia and the time is long past due for us to reassert our proper role. The "imbalance of power" between the executive and legislative branches is, in large measure, a dereliction on the part of the Congress. By repealing the Tonkin Gulf resolution we can begin to put our House back in order.

Finally, I would like to quote, for the edification of our colleagues, the following news item I have just taken from the news ticker in the cloakroom:

> VATICAN CITY.—Pope Paul VI today deplored the extension of the Southeast Asia conflict into Cambodia, saying this multiplied the number of victims and the suffering of people.
>
> Pope Paul referred to Southeast Asia in an extemporaneous talk to a group of South Vietnamese attending the weekly public audience in St. Peter's Basilica.
>
> "On seeing you here," the pontiff said, "how can one avoid thinking of the conflict which your beloved country has been suffering—a conflict whose extension which has taken place in the last few days threatens once again to multiply the burden of sufferings which it causes and at the same time multiply the number of victims."

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER.)

Mr. SCHEUER. Mr. Chairman, I rise in support of the Reid of New York amendment, the Leggett amendment, and the important Bingham amendment that would extend the Reid-Leggett prohibition to attack by air or by land in North Vietnam.

I find it very anomalous that this House could spend hours only a few weeks ago discussing legislation prohibiting the poisoning of young minds by unsolicited pornographic mail delivered into the home—legislation that may be unconstitutional and surely is redundant of existing Federal legislation and therefore unnecessary—yet when we talk about the poisoning of the minds and the hearts of all America, the poisoning of our reputation around the world, the poisoning of our ability to fight inflation and to build livable cities and create effective health, education, welfare, and job training and employment programs at home, we are each relegated to a 30-second discourse. We create an image of the House of Representatives at its most irrelevant, insensitive, and unresponsive. It does us no justice. I yield the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, in the name of protecting freedom, the freedom of debate has been cut off this afternoon. Therefore, we have cast a 5 o'clock shadow on the history of this Republic. If we succeed in bringing freedom to Asia, will they be allowed to speak longer than 30 seconds?

The gentleman from South Carolina says this involves no skin off his back. I believe that is right. It is true of everyone in this House. So far as I know no one has resigned from Congress to volunteer to back up an undying devotion to serve our country in someone else's country such as Vietnam or Cambodia. This being the case, I suggest that Members of Congress avoid being heroes on somebody else's time.

If I were a young kid in Vietnam today, I would hate to have someone save my life by sending me to a next-door war in Cambodia.

In 1970, Richard Nixon said, "We shall avoid a wider war."

In 1965 Lyndon Johnson said, "The United States seeks no wider war."

Truly, then, the "only thing we learn from history is that we do not learn from history."

There are too many people making history who have never read it.

And there are too many people making war who have never been in one.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, I rise in support of the Leggett amendment. I concur with the views which have been set forth by my colleagues from New York and Florida (Mr. PIKE and Mr. FASCELL).

None of these amendments will have any practical effect. However, if we adopt the Findley amendment unamended the obvious conclusion is going to be that we are in support of the President's actions in Cambodia, and I cannot accept the view that the short term tactical military benefits which we will gain are worth the enormous political price which is being paid and will be paid, not to speak of the serious escalation of the conflict.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the Leggett amendment knowing that it does not deal with the realities of the present Cambodian situation as fully as it should. But I feel that it is the strongest objection to the extension of the war in Vietnam into Cambodia that this House is considering today. And for that reason I will vote for it.

I have many concerns with the latest extension of the war. I will list some of them briefly because I have so little time. I might add that I am appalled that the House has voted to cut off further discussion of the crisis.

First, despite the President's declaration that the move in Cambodia was being taken to shorten the war, past escalations to shortcut the war have only immersed this Nation deeper in it. The President seems tied, despite his protestations to the contrary, to the mistakes of the past.

Second, I object to the administration's failure to consult Congress before embarking on a new phase of the war involving another country in Southeast Asia—particularly after administration spokesmen left the impression that a Cambodian operation was not even being contemplated.

I feel strongly that the risks involved in Cambodia go beyond those taken on the battlefield. We are further dividing the American people and diverting our attention from our most serious problems, the poverty and social isolation which exist in our society.

I do not believe that Americans can long withstand a national policy which permits the democratic process to be violated time and again with the easy rationale that only the President has all the facts.

He may have all the facts, but I question his interpretation.

I believe we here in Congress have the facts, enough of them to recognize a bad situation when we see one.

I intend to support all measures in this Congress designed to terminate our military involvement in Cambodia.

I also intend to support any and all measures which will restore to our Government the constitutional process of checks and balances so that Congress will be heard, in the name of the people, when our national interests are so deeply at stake.

I hope that my colleagues in this body will do the same.

And I hope that the President will see the wisdom of this course and lead our country to a better future.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, the kids of this country may not be always right, but they are sure as heck not always wrong. I believe that much of their

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advice on American foreign policy we should have taken some years ago.

There has been some question as to whether the Findley amendment is like the Tonkin Gulf resolution. I should like to read the operative language of the Tonkin Gulf resolution: "the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

I innocently voted for that, as did the whole membership of this House. We made a mistake.

The Findley amendment very innocently is unfortunately just like that. If we support it—it is a new Tonkin Gulf resolution.

I believe the President should be saved from himself. He said here just a few nights ago, as he moved into Cambodia:

> Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam.

The President was wrong 2 or 3 days ago, and we are wrong to let him continue to do what he is doing.

He says he wants to get out of Cambodia by the 1st of July. By accepting my amendment and by accepting the Reid of New York amendment we will help the President do what he wants to do.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. FRIEDEL).

Mr. FRIEDEL. Mr. Chairman, I am in favor of the Leggett amendment and I am opposed to the Findley amendment.

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Mr. Chairman, last week I spoke out on the bill before us today in specific reference to amendments offered to reduce or cut the fat out of the bill. Today, I rise again to endorse the amendment offered by the gentleman from California. As I said last week this bill is a proper vehicle to use in reevaluating or reorienting our national goals or priorities. The amendment of the gentleman will sharply bring this into focus. This body must act with resolution at this time. The predicament that we find ourselves in Southeast Asia must be stopped somewhere. Vietnamization that we have heard so much about over recent months is a public relations catch phrase in the face of the President's recent decision. This widening of the war further erodes any credibility the administration's stated plans may have had.

I have repeatedly advised representatives of the administration of my position against any further involvement in Southeast Asia and have asked weeks ago to be provided with the figures as to just how many men were committed.

Mr. Chairman, we have already wasted far too many of our precious sons in this war and have spent billions of dollars that could have been better spent at home and in our cities rather than to tear up jungle landscape with bombs and tanks.

As a Member of this House and a citizen, I would like to believe that the course that the President has embarked on could be valid. In my judgment it is not. Our brave fighting forces who have been committed to this further extension of the war should be returned to South Vietnam and the administration must begin immediately to renew every effort to extricate our forces from this area of the world. The amendment I favor will give the President 9 weeks to get out of Cambodia. The amendment merely requires the President to consult with Congress and obtain its consent before conducting such operations after June 30, 1970. It would also have the effect of reasserting Congress constitutional responsibility regarding involvement of the United States in foreign wars.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. FREIDEL. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, it has always been my belief that in matters pertaining to our foreign military involvements we should stand foursquare behind our President. I believe that we are obligated to give him every possible support that good conscience can allow.

We must assume that the President has access to all the facts which are available. We must assume that he has received the most expert advice that can be had. We must assume that the President is doing what he thinks best for our country based on those facts. In this topsy-turvy world you have to place your faith in something and someone. For me the "something" is my country and—under these circumstances—the "someone" is my President.

The President has made a difficult decision and one which is probably not popular when it had to be timed coincident with a period of unrest in our country as many others. I do not wish this country to become any further involved in Southeast Asia. In fact, I want to bring our boys safely home as quickly as possible. The action which the President has taken might just help in accomplishing this goal. I think too that if he had not take this action, he could be jeopardizing the lives of those boys who must remain after the promised return of 150,000 troops by the end of this year.

If it is true that the enemy is holed up in Cambodia awaiting their chance to pounce on our troops at the opportune time; if it is true that the headquarters of enemy operations in South Vietnam are located there, then the President would be remiss in his responsibility not to eliminate those sanctuaries prior to any further troop withdrawals.

We have been told this is a short term operation and our troops will return in 6 to 8 weeks. We have been promised that this is no permanent involvement. Under these circumstances we should support the President in this crucial hour.

Mr. HANLEY. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from New York.

Mr. HANLEY. Mr. Chairman, the House of Representatives is about to conclude a lengthy debate on legislation to authorize the Department of Defense to spend more than $20 billion for the purchase of new weapons and research and development for even newer ones.

I intend to vote for the final passage of the bill. I am not pleased with the bill, and I am greatly disappointed in the House's performance in considering the merits of the many items contained in the bill.

I supported the great majority, but not all, of the amendments designed to reduce the total amount of funds authorized in the legislation. For example, I supported the various amendments designed to slow down the Defense Department's headlong rush to deploy antiballistic missiles.

I am shocked by the incredible cost overruns which have taken place on so many military programs. Waste and mismanagement are not taken as seriously as they should be. The House ought to provide for a 5 to 10 percent across-the-board reduction in the defense budget as a means of urging upon the Defense Department and its suppliers a sense of the concern which Congress has over the growing expenditures for national security. It is interesting to note that our colleagues who are defending this budget even against the most moderate of suggested reductions are the ones who constantly propose across-the-board reductions for needed domestic programs.

This is really the heart of the matter, the question of reordering national priorities. Nearly all Americans understand the need to be prepared to defend ourselves against other countries whose intentions toward the United States and other areas of the free world are ominous. I do not think that it is necessary for the United States to commit such a high percentage of its national wealth to build up armaments and weapons to accomplish our defense.

This is the point that really has to be understood, that there are needs in this country that must be attended to with the same urgency and the same sense of dedication as some have been applying in recent days to this defense procurement bill. Total and nearly blind commitment to each and every spending item requested by the Department of Defense is neither responsible nor prudent.

Consideration of this legislation is under the cloud of the enlargement of the Indochinese war.

The House today is thus, also conscientiously debating the issue of current involvement in Cambodia. The President has said that this military action which he initiated will assure the continuation of his announced disengagement and withdrawal in Cambodia would not extend beyond June 30. It appears to me that the Reid amendment would not interfere with the President's intent, yet it would assure against our trading a war in Vietnam for the same in Cambodia. The 6-week period prior to the contemplated monsoon period could thereby be utilized for the purpose of the military flushing action which we are advised is necessary to implement the Vietnam disengagement program. I will support such an amendment.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, the history of our involvement in Southeast Asia and the nature of the military and political conflict there has brought many Americans to the conclusion that the objectives we set out to achieve are not possible by military means. The President himself has stated this on many occasions. I cannot believe that extension of the ground war in that area will result in either military victory or negotiated settlement.

It is self-destructive for us to continue to drain our Nation of young lives, economic strength, and national will in a futile effort to control the outcome of conflicts in politically unstable areas. We are rapidly diminishing our capacity to demonstrate to the world that democracy, a free economy, and free institutions are the best answer to the aspirations of mankind.

The conflict in Vietnam alone is already the second most expensive in our history in terms of dollars, and the fourth most costly in terms of lives lost. Yet, there has not been a declaration of war under the terms of the Constitution. The President's precipitate action in Cambodia and the covert operations in Laos were also initiated without the advice or consultation of the Congress. The Congress and the American people have a constitutional right to know exactly what commitment the President is making and the possible consequences of dramatic and dangerous shifts in strategic policy.

There is growing sentiment in Congress and elsewhere that the only effective way to resolve the question posed by our widening involvement in Southeast Asia is through a resolution for declaration of war. Because of the history of this conflict and the tragedy it has inflicted upon the people of Southeast Asia and our own Nation, I would vote against such a declaration. But the central issue is whether our Nation's destiny in a matter of such grave importance rests solely with the President, or whether the Congress shall exercise its constitutional prerogatives.

I am hopeful that this issue will be resolved soon. In the meantime, I intend to stand against all military authorizations and appropriations for expansion of the war and take whatever further actions I believe are necessary to bring this conflict to a proper conclusion through the orderly but irreversible withdrawal of U.S. forces from all of Southeast Asia. I support the Leggett and Reid amendments.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, this has been a sad week in American history. The invasion of Cambodia was carried out with an unnecessary amount of deception—not in deceiving the enemy, but in deceiving the American people. The President announced that last Thursday night American troops were attacking the main Communist headquarters, but it has been a long night since last Thursday and the headquarters have not been found. Neither Congress nor the Cambodian Government were consulted, but this is not nearly as important as the fact that the war has been widened with the excuse that lives of Americans in Vietnam are being saved. The only way that lives can be saved is to get out of Vietnam and get on with the job of building America.

It has been a sad week on our college campuses. Frustrations, deception, lack of communication, and the incendiary and inflammatory language of high Government leaders have fueled massive discontent and uprisings. The shocking events at Kent State University are another manifestation of the sickness which has been produced by war, fear, falsehood, lack of communication, and lack of mutual understanding.

It has been a sad week in the Congress of the United States. This coordinate branch of Government, the representatives of people, the great communication link between millions of Americans and their Government, was brutally brushed aside for reasons known only to the Commander in Chief when he suddenly decided to invade Cambodia. Consultation proceeded after the fact. The late Senator Vandenberg used to say he wanted to be in on the takeoffs as well as the crash landings. It is not only pride in the legislative branch which prompts my remarks; it is a deep concern for the future of our representative system of government, and the failure of millions of disenchanted people to have a voice in their Government. I fear for the United States of America under these circumstances. And here on the floor of this House, we must resort to a hurried and contrived effort on the pending bill even to have an opportunity to debate the situation in Vietnam and Cambodia.

Symbolic of the sickness in the House of Representatives is the manner in which we are handling the most important motion of the day—the motion to recommit. Cleverly contrived parliamentary tactics are utilized to insure that the Cambodian issue is not allowed to come to a record vote. A Member who has consistently supported the military authorization bill throughout the committee deliberations suddenly appears to prempt the sponsorship of the recommital motion, solemnly declaring that he is opposed to the bill. The minority whip under questioning avers that he has seen the details of the recommital motion but cannot set them forth or explain them. The amounts and significance of the various cuts in the recommital motion will be hastily read in the House of Representatives, understood by few, debated or explained by none, and voted on in comparative ignorance. Then the bill will be voted on, without amendment, without substantantial debate on what is centrally worrying the American people—Cambodia and the leadership of the House of Representatives will congratulate itself on having survived another assault by those who wanted only to have freedom to debate a great issue.

Yes, Mr. Chairman, it has been a sad week in American history.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Chairman, regardless of the subject matter involved in the amendments pending before us at this time, most of the speeches we have heard on the floor today have been concerned with the recent action taken by our President in sending troops into Cambodia.

We have argued all aspects of this matter; whether he had the constitutional authority; whether the action would involve an expansion of the war; whether the action would cause misunderstanding throughout the world; whether it involved needless risk of the lives of American soldiers; whether it would delay bringing American boys home from Vietnam.

There is no question, Mr. Chairman, that debate and discussion is healthy and, in fact, necessary when we seek to reach our best collective judgment on a matter. We are confronted with a very difficult problem in this particular instance, however, and that is the fact that the President has already acted, as Commander in Chief of all the Armed Forces, in doing what he thought was in the best interest of our Nation and more particularly in the best interest of saving the lives of American soldiers. That he has acted is already an established fact. He has committed our troops to action. So our debate today, which normally would be considered healthy, is being followed word by word by our enemy in their attempt to determine whether or not the President has the backing and support of the American people.

There is little doubt that the debate raging today will encourage the enemy to put forth even greater resistance, Mr. Chairman. And the end result can only be loss of additional American lives. We all know this is not the intention of those of us who are engaging in this debate, but, by the same token, it was certainly not the intention of the President of the United States in taking the action he did to cause needless additional loss of American lives.

There is no question in my mind, and there should be no question in the minds of any Members of this House that the President did what he felt was necessary and essential, based on the information he had, to bring this war to the quickest conclusion possible with the least amount of loss of life. To reduce our support of his action would mean to reduce our support for American troops at the front who must carry out the orders of their Commander in Chief.

As I said before, the enemy is listening, Mr. Chairman. They are looking for encouragement for further resistance and aggression. We must make certain that they do not obtain it as a result of our discussion in areas of understandable disagreement.

We are all in accord that we want to

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bring our boys home as quickly as possible.

We are all in accord that we want to bring about a lasting peace as quickly as possible.

We are all in accord that we want to stop the greedy and ruthless Communist aggression.

Since we are all in agreement, let us stand together as a nation and as a people at this hour while our boys are fighting in the frontlines under orders attempting to obtain this objective for us.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I yield to my distinguished colleague from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, it seems to me that really no amendment would be better than any amendment here, but of the three it seems to me that the Findley amendment is the better of the three.

The reason why I feel that way about it is that the President does have a plan of going in there and wiping out materiel, weapons, and ammunition. This has so far been very successful. It has not been reported in the press as having been very successful, but it has in fact been very successful.

If the President feels that American lives would be saved by doing this, then I think this is the thing we ought to do. I do not believe that we in the Congress can be the Commander in Chief. Our forefathers decided in the Constitution that responsibility and authority should rest in the hands of the President. I do not believe you can have a lot full of generals. We here in Congress are not equipped to direct tactical matters. You can make serious errors by going in various directions at the same time.

It would be wisdom for us to reject all of these amendments or take the Findley amendment, which is the one that seems to be more consistent with what the President has in mind of saving American lives in that area.

In approaching questions like this we should not bend to public opinion and to hysteria and to excitement but we should do our duty. It is not important whether we come back to Congress next time, but it is important whether our country will do what we should do in the field of international affairs. When we are called on by a small nation to assist them under a treaty which we set up with the idea of bringing about world peace, we should assist them. It is important that we do that, but it is not important that we come back here next time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I just want to say that for about 9 years I have made no statements on this floor concerning the Vietnam war. I felt, like all of you, a great many distressing moments. However, I belong neither to the far left nor the righteous right nor the muddled middle. I only belong to the people of this country, insofar as I am capable of serving them. I went along with the Gulf of Tonkin resolution. I made a mistake because I was told it was only to support the hand of this Government and the SEATO nations. That was not the case. However, having been stuck with that decision, I stayed with it. My father told me when I was a boy that when you are fooled once it is the other man's fault, if fooled the second time, it is your fault. I will not be fooled again.

I am opposed to sending American troops into Cambodia and will vote against any Defense Department request for funds that would be diverted for use in Cambodia. We Members adopted a seldom-used strategy, in that those opposed to the Cambodian invasion moved to stop further action on the Defense Department appropriation bill until the President explains his action in moving troops into Cambodia.

I remember my father's advice many years ago when he said, "when you start to explain it's bad already."

Many questions must be answered by the President, how can he justify what can be termed an invasion into Cambodia because it is a sanctuary for the Vietcong and North Vietnam when we did not invade North Vietnam, when it is the principal sanctuary of all enemy action. There is some question as to whether or not Cambodia can publicly approve American troops on its neutral soil.

It might be a good idea for the President and his advisers to reread Napoleon's march into Moscow, and his disastrous retreat. By moving into Cambodia we have opened ourselves up for future similar decisions as related to Laos, Thailand, and Burma—each of the areas have enemy action.

What is most dangerous is the President's view and belief that we must recommit ourselves to being the police action for the world and attempt to put out every brush fire, especially so in the unstable political and military situations in Southeast Asia and the Orient in general.

I personally do not intend to vote any money over and above what we need to extricate ourselves from a slow strangulation in Vietnam.

This vote will be taken after the authorization, when the appropriation bill is before us.

Mr. HELSTOSKI. Mr. Chairman, will the gentleman yield?

Mr. DENT. I am happy to yield to the gentleman.

Mr. HELSTOSKI. Mr. Chairman, I rise in support of the Leggett and Reid amendments.

Mr. Chairman, the major disturbing and dissent-inspiring issue now before the American public is the extension of the undeclared war in the Far East to Cambodia.

It well appears that President Nixon may have jumped the United States into a raging fire that could bring undeclared foes of our Nation into a declared and warlike status to end the hopes of achieving peace in all areas of the world.

In my opinion it is a gamble that should not have been taken.

I do not want to appear unduly critical of President Nixon's action and decision on Cambodia because I realize that he knows far more about the situation than any Member of Congress because of his own choosing—keeping us in the dark and not letting us know fully what is going on.

But I must question his decision and action into moving into Cambodia because of some recent events.

A key one was President Nixon's recent appearance before the American public over the airwaves when he lulled us into a hope that our involvement in Vietnam was nearing an end through his announced plans for withdrawing of 150,000 more American troops. Americans breathed somewhat easier after that announcement. They were shocked by what followed a few days later—an expansion of the war.

This exhibition on the part of the President might well be called cruel and inhumane. What prompted him to order an expansion of the war? Only the President can answer, and he is being far too vague for Members of Congress and the public at large.

President Nixon's Cambodian action has brought to me more public dissent than at any time in my 5 years in Congress. At this moment I have received more than 900 telegrams and letters critical of the President's action and just 15 messages supporting it. I have received many telephone calls at my office and home expressing dissent. There has been a steady flow of visitors to my office to place before me their opposition. These people of all ages have been orderly dissenters. It would seem that the silent majority is making itself heard, and I do hope that the President and his advisers are getting the message.

Another recent event that is disturbing to many is the overturn of the government in Cambodia. The head of state took a trip and during it was deposed and sent into involuntary exile at least for the moment. A regime, supposedly friendly to us, took over and now we are embarked on a new excursion into war. Did the Central Intelligence Agency direct or participate in the action.

The question is pertinent for it was more than rumored that a few years ago, the same CIA was an active participant in the overthrow of a South Vietnamese government that led us into great difficulties.

As some of President Nixon's predecessors might advise him the CIA is far from totally reliable in international situations. From the leaks that do come from this super-security agency it appears its failures outweigh its successes.

Thus, the President must be asked did he rely on the CIA in arriving at his decision? Or, did he rely on the advice of the military, some of which believe only in the bloody conquest of a foe? Or, was it a combination of the two—the many times faulty CIA and the military? The public is entitled to the answer.

In seeking a full explanation from President Nixon, we must also ask why he apparently ignored advice from key members of his Cabinet and others in the inner-circle of his administration who recommended against the invasion of Cambodia. Who, it must be asked, is Mr. Nixon's alter ego who shares the Presidential decisionmaking to the exclusion of other officers and confidantes, and Members of Congress? We should know. The public should know.

Then, I have reason to believe that the President and his staff knew of the advice given by the minority leader of this body back on January 10, 1968. In a public declaration on that date the minority leader raised the point on the possible invasion of Cambodia by the United States and stated that no such step should be taken before consultation with Congress.

The minority leader's advice obviously went unheeded. Can any Member of this body or the Senate say they were consulted by President Nixon before he plunged us into Cambodia? I expect not.

We must provide President Nixon with a public forum to answer these and other questions regarding the situation in the Far East. We should not allow him to hide behind a canned address delivered to a nationwide television and radio audience such as took place when he announced hostilities were underway in Cambodia.

Thus, as I did on December 2, 1969, in this body, I again ask the leadership of the Congress to invite the President to appear before a joint session of Congress to discuss—not address—with us the situation in the Far East. In making that request last year, I stated:

> It is my humble opinion that the President should place all of the facts in the Vietnam situation before us. He could appear before a joint session of Congress to set forth all of the facts and problems. If necessary it could be an executive or closed session. He could permit a stated number of questions to be asked of him. He might keep us apprised of developments by appearing before a joint session every 30 days. Through such a procedure, he would be helpful to us and we might be helpful to him.

For the President to decline such an invitation from the leadership would be unthinkable unless he wants to declare to the world that we are lesser of a democracy than Great Britain or more of a monarchy than Great Britain. As we all know, the Prime Minister of Britain appears frequently before his nation's House of Commons to answer questions—many of them—in regard to the actions and policies of his government.

As an example of other questions that might be asked of President Nixon, I hereby place in the RECORD the following newspaper column written by Mr. Josiah Lee Auspitz, president of the Ripon Society, a Republican research and policy group:

MR. NIXON'S WAR BRIEF LEFT OUT SOME DATA

(By Josiah Lee Auspitz)

The decision to go into Cambodia was doubtless presented to President Nixon as a low-risk venture, as a quick surgical operation.

American troops would clean out North Vietnamese base camps and then use this victory to gain a quick and favorable negotiated settlement.

Mr. Nixon appears not to have adequately considered these factors:

1. The nature of the terrain. On the simple maps Mr. Nixon used in his talk, the operation looks very easy, but, in fact, the terrain is heavily overgrown.

The area north of the Parrot's Beak is forest on both sides of the border. The Communist headquarters that U.S. troops are seeking to destroy has in the past been moved around on both sides of the border between Cambodia and South Vietnam.

Even if the sweeps do succeed in producing high body counts, they probably will not achieve their basic goal of improving permanently the American negotiating position.

2. Information flow. It is doubtful whether the President can get an independent estimate even of the success of the military operation.

The President in his speech made no mention of having independent means for evaluating this operation, nor has he taken public steps to punish dishonest reporting to the White House in the recent past.

Before preparing his white paper on Laos, for example, the President sent out special instructions to all U.S. military and civilian agencies involved to report on their past activities, public and private.

They returned to him misleading information and concealed from him American deaths in combat. On March 6, the President read to the public a misleading report on combat deaths.

When its falsity became apparent, Mr. Nixon had a credibility gap, but no disciplinary action was taken against the career officials whose secretiveness and insubordination undermined the institution of the Presidency.

3. Vietnamization. The areas adjacent to Cambodia (the Mekong Delta and Saigon), which the President now wants to protect, have already been turned over to the South Vietnamese for defense.

Indeed, the defense of the delta and Saigon by ARVN has been publicly hailed by the Administration as a sign of the success of the Vietnamization program.

It is a contradiction of these past claims to suggest, as the President has, that the lives of American troops are potentially in danger in these areas.

4. Within the Nixon administration two contradictory arguments seem to have been used to justify the Cambodian venture.

THE ARGUMENTS DON'T FIT

On the one hand, it was argued that the North Vietnamese would be too weak to counterattack (hence a golden opportunity to clean out their base camps).

On the other hand, it was asserted that Hanoi's forces were so strong that a failure to move into Cambodia would lead to a rout of U.S. forces as they withdrew, and to a Communist takeover of all of the former French Indochina.

Both of these contradictory assumptions can be found in the President's television address, and they give one an uneasy feeling of unclear purpose.

5. Consequences for American democracy. Secretary of State Rogers had publicly assured the Senate Foreign Relations Committee on Monday, April 27, but gave it no making any new commitment of American forces.

He did, indeed, appear before that committee on Monday, April 27, but gave it no clear notice of the ARVN invasion of Cambodia on the following Wednesday, or the American search and destroy operation on Thursday.

One could, of course, conclude that the Cambodian operation was decided on after his meeting with the Foreign Relations Committee, but the logistical preparation for the operation appears to have begun at least 10 days in advance.

This means that it was planned at the time Mr. Nixon delivered his Vietnam troop withdrawal speech of April 20.

The American public and Congress can deduce what they will—either the Administration was precipitous in its planning of the operation, or it was a case of duplicity.

6. The economy. In March 1968, before President Johnson's withdrawal, European investors lost confidence in the dollar as a result of rumors of Vietnam escalation. An international financial crisis ensued.

It was ended when the United States negotiated a two-tier price system for gold and gave assurances to European central bankers on the future course of the American economy. A prolonged American presence in Cambodia could produce a new crisis of confidence.

7. The global perspective. The overriding defect in the President's three speeches on Vietnam was that they failed to put the war into clear perspective in the global context of U.S. foreign policy.

The President has perpetuated the notion that the United States and Hanoi are engaged in a contest of will and bluff—in a poker game—and that if Washington appears to lose, its commitments everywhere in the world will be in jeopardy.

The great danger is rather that like other search and destroy operations for this very same target, this one will prove to be inconclusive: that other countries will enter the fray, and that the President will be drawn in still deeper.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I am sorry that today there have been many political overtones. This is truly regrettable. As a Member of the Congress privileged over a period of many years in the past to attend leadership meetings at the White House, I want to say that when I went to the White House and heard President Jack Kennedy say that he was in trouble, I looked upon him as my President, not a Republican or a Democrat. He simply was my President. He was the President of all of the people of the United States. When I heard Lyndon B. Johnson say before the combined leadership of the Senate and the House, "I am in trouble and so is the country," I did not look at him as a Democrat President. He, too, was the President of all of the people of the United States.

Today, the situation has repeated itself. Today, we have a President of the United States, Mr. Nixon, who faces difficulty, and it seems to me that as loyal Americans we should help him out of the difficult situation he finds himself in at this particular time. I am a little amazed and surprised that more Members of this House have not stood up on the floor in an earnest and sincere effort and say "let us help get out of this difficulty for the benefit of the youngsters of America today who are confronted with the realities of the war in Vietnam."

We can and will get out of Vietnam. The President has said we will do so. This is an absolutely essential action the President has taken in Cambodia.

It is an action he has been forced to take in order to continue the orderly withdrawal of troops from Vietnam.

Let us assist him in this purpose and objective—it is our President's solution to the dilemma he has inherited.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. REES).

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Mr. REES. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I support President Nixon's move to destroy the base supply dumps of the enemy in the sanctuaries of Cambodia. It is now known that the Cambodia action was in no sense an escalation. It was for one purpose only—to destroy large quantities of rice and warmaking equipment.

The mission has been a great success. Storehouses of guns and ammunition have been captured or destroyed. Enough rice was destroyed to feed a sizable army.

This all means many American lives have been saved.

All U.S. forces in Cambodia will be withdrawn within about 6 weeks.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, we have under consideration today three basic amendments which have, as their express purpose, a limitation on the commitment of Federal appropriations to finance U.S. ground combat troops into Laos, Cambodia, or Thailand.

The differences between these amendments is, in my judgment, minimal; however, it is my intent to support the so-called Findley amendment because it contains the kind of flexibility that would be required to protect the lives of American fighting men. The language in the Findley amendment is clear and it speaks for itself. However, to focus the attention of the House on that language, I believe it is worth repeating in its full content.

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The Findley amendment reads as follows:

> In line with the expressed intention of the President of the United States, none of the funds authorized by this Act shall be used to finance the introduction of American ground troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

Some have held that the language of this amendment is "too broad a grant of power that should properly be reserved to the Congress." But, as the gentleman from Illinois (Mr. FINDLEY) has pointed out—it grants no power whatever. Instead, it establishes the kind of guidelines that are required for both the President and the Congress.

I frankly believe these guidelines are consistent with the Vietnamization program that, from all reliable reports, is on schedule and succeeding. In addition, the Findley amendment recognizes the President's unquestioned duty as Commander in Chief to act responsibly and with dispatch in emergencies adversely affecting the lives and safety of American troops when threatened.

It is incumbent on every Member of Congress to carefully consider and then act constructively on the measures advanced here today which, we earnestly hope and pray, will contribute to a just and honorable peace in Vietnam.

A united America will succeed, but a divided America will fail both at home and abroad. Therefore, I ask support for the policies and guidelines expressed in the Findley amendment.

Mr. COHELAN. Mr. Chairman, I am unalterably opposed to the Findley amendment. This amendment is nothing less than the abnegation of the role of the Congress as a coequal hand in constructing our foreign policy.

Elsewhere, Mr. Chairman, I have stated my rejection of the Nixon expansion of the war into Cambodia. The assumptions and far-reaching implications of this unilateral decision has led me to conclude that the President has erred in his judgment. Elsewhere I have given my analysis of the situation.

We, as representatives of the people, have the duty and the obligation to make our own independent analysis of this Presidential decision. I have done this and I have concluded that the President has greviously erred. The New York Times indicates there was confusion within the administration. Can it be true that this is "General" Mitchell's policy and not that of the Secretaries of State and Defense?

Given this state of affairs, how can this Chamber act responsibly merely accepting the President's limp rationale that our troops were threatened. Were they not threatened last year or the year before? Why was no action taken then? Where is the highly lauded Vietnamization fighting force? Why must we commit U.S. ground troops? What can be accomplished? All of these questions have a familiar ring, their response is predictable: we will be bombarded with statistics, disclosures of weapon seizures, perhaps even with news of the destruction of a central headquarters. The real result is more tangible: many died and many wounded, claims of successes followed by the discovery that the North Vietnamese have returned and, more frighteningly, that the United States has acquired a new commitment.

Mr. Chairman, we must stop this madness now. The President has erred, the American people do not want an expanded war. The American people want this conflict terminated. Support for the Findley amendment is a new Gulf of Tonkin. It provides a new legislative basis for the President to chase that illusive victory that has so ravaged Southeast Asia and threatens to disembrace our own society. This insanity must end.

We must vote down the Findley amendment. The President cannot delay his pledge to end the war with the old refrain "just one more try." This Nation is sick over this conflict, it must not be expanded. The President is in serious error, the Congress must rectify this error. We must act now to defeat this amendment.

Mr. HOLIFIELD. Mr. Chairman, I rise in support of H.R. 17123. I do so because I am deeply concerned about the growing military capability of the Soviet Union coupled with their unrenounced purpose of world domination. More than 50 years have passed since communism was established in Russia. They have not lifted the Iron Curtain. They have not joined the family of nations.

The Soviet Union is on the verge of passing the United States in military power. I do not intend to repeat comparative figures already given showing land, sea, and air powers.

Today I wish to direct my remarks to nuclear-propelled naval vessels of several types. The information contained in my remarks is contained in various hearings and reports of the Joint Committee on Atomic Energy.

The Joint Committee in hearings earlier this year reviewed the status of the naval nuclear propulsion program with particular regard to the advancements made by the Soviets in their nuclear submarine program. On the basis of this review, the committee believes that the U.S. naval reactors program, considered in its entirety, has achieved remarkable results in the field of submarines and surface warships. It continues to provide effective and reliable power reactors for both defense and peaceful uses of atomic energy all of which directly benefit our national well-being.

The classified testimony received by this committee confirms that tremendous resources continue to be applied by the Soviet Union to submarine design, construction, and operation. According to unclassified data, the Soviets now have a force of about 350 submarines, all of which were built since World War II. More than 70 of these are nuclear powered.

The United States has 146 operational submarines, 87 of which are nuclear powered and the remainder diesel powered. Most of the diesel units are of pre-World War II vintage. In total numbers the Soviets have an advantage of 350 to 146. What is even more disturbing is that the numerical lead in nuclear submarines, so long enjoyed by the United States is rapidly vanishing. We could lose it within 2 years, considering the large-scale construction program underway in the Soviet Union.

In the case of ballistic missile submarines, the Soviets have assigned top priority to surpassing our U.S. Polaris fleet. They are building nuclear-powered submarines similar to our Polaris types at a rate which will equal our fleet of 41 by 1973 or 1974. We can assume that already these submarines are patrolling the ocean—each with its 16 ballistic missiles targeted on U.S. cities.

The Soviets have also introduced a number of new design nuclear submarines having a wide variety of capabilities. They have made large-scale commitments to submarine design, development, and construction that far surpass our efforts in the United States. Unless we continue to move ahead in submarine propulsion plant development, the United States may well find that in future years it will be as far behind in quality of submarines as it is today in numbers.

In light of these considerations, the Joint Committee strongly supports a continuing nuclear submarine construction program which should include as a minimum this fiscal year, authorization of funds necessary to complete three high-speed SSN 688 class nuclear attack submarines and advance funding for two more. In this regard the committee wishes to express its deep concern over the continued delay by the Department of Defense in assigning to the SSN 688 class the highest industrial priority.

The Congress has consistently supported a vigorous submarine construction program because of the vital part it plays in countering the Soviet submarine threat. The urgency of this program has not diminished and the Department of Defense should take prompt action to assign to the SSN 688 class the high priority it clearly deserves.

The Joint Committee, in addition to urging the support of a vigorous nuclear submarine development and construction program, wishes to commend to the Congress a strong nuclear surface warship development and construction program. As the United States continues to reduce its overseas bases and to lay up overage ships, and as the Soviet capabilities at sea continue to accelerate, the need for nuclear-powered warships in our fleet is of increasing importance.

The nuclear-powered attack carrier and nuclear frigate programs are of vital importance to provide the mobility and tactical flexibility needed in our naval striking forces. Secretary of Defense Laird summarized the importance of nuclear-powered surface striking forces at the keel laying of the nuclear frigate *California* on January 23, 1970, as follows:

> What we are doing here today is to begin a vitally needed and continuing program of ship construction to improve the Navy of the United States. We are building nuclear-powered frigates for the Navy of the 1970's, the 1980's and the 1990's. . . .
>
> The *California* will be equipped with antisubmarine (and anti-air and anti-surface weapons. These will enable her to operate, either independently or in concert with other units, and in any or all of these important roles.
>
> As an escort to nuclear aircraft carriers of the present and future, the *California* and her successors which have been authorized by the Congress will greatly extend the range of attack carrier striking forces throughout the world.
>
> The additional radius of action which the *California* and her successors will provide to meet naval forces will be of great value to the defense of our country and the defense of our allies. This is particularly important as we face the inescapable reality of what the Soviet Navy is doing in expanding seapower throughout the world. The Soviet Navy is now second in power only to our own.

Mr. DONOHUE. Mr. Chairman, I intend to support and I urge the adoption, without any weakening substitute, of this pending amendment proposing to withhold, in line with the expressed intention of the President, any use of funds being authorized under this procurement act, to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia, without the prior consent of Congress. I most earnestly hope, Mr. Chairman, that this amendment can and will be adopted and approvingly decided without recourse to political partisanship, or question of the motives of any Member of the Congress or the President of the United States.

We all know that the President of the United States has many and great agonizing burdens in his office with which we sympathize, but we must also be mindful of our own legislative responsibilities. Because of that high legislative responsibility and duty I am impelled to hold very grave doubts about the wisdom and judgment of the President's very recent action in ordering the participation of American ground combat troops in the invasion of Cambodia which, thereby, widens our military involvement in southeast Asia. Many authorities believe this military order of the President, as the Commander in Chief, of our Armed Forces, to be contrary to the wishes of the great majority of American citizens and an unwarranted projection of the power of the President, as our military Commander in Chief, without the prior consent of the Congress.

Mr. Chairman, some 5 years ago we entered Vietnam to engage in a "limited war." More recently it was understood that we were unalterably committed to the actual carrying out of such limitation by a scheduled and orderly withdrawal of American military forces in Vietnam. This sudden and unexpected entry of American ground troops into Cambodia can hardly be conceived as consistent with our limited engagement and troop withdrawal objective.

Unfortunately, little, if any, reason has been revealed to indicate that the Vietnam war can be ended by these current military actions in Cambodia, which cannot affect infiltration by the sea, through Laos, or across the demilitarized zone. Unfortunately there is little or no evidence, from past experience, that would tend to indicate that the Cambodian sanctuary can be effectively destroyed. On the contrary it is quite clear, from the record, that similar bases have been repeatedly cleaned out within South Vietnam only to have the enemy resume their military activities as soon as American and South Vietnamese troops had withdrawn.

If reasonable prediction of the future can be made by reviewing our unfortunate experience in the past we are forced to conclude that, however well meaning, the objective of eliminating Cambodia as an enemy sanctuary cannot be lastingly accomplished and most likely will involve us in an indefinitely prolonged military entrapment as dangerous and as tragic as that which has already been encountered in South Vietnam.

Any objective evaluation of the circumstance surrounding this Cambodia invasion by American ground troops appears to emphatically indicate that it is unwarranted, untimely, and unwise; it does not tend to advance the best interest of this Nation and our people either abroad or at home.

Mr. Chairman, I very deeply believe that the sincere desire of the President, the Congress, and the people of the United States is to bring about the complete withdrawal of our troops and the end of the Vietnam war as quickly as possible. The President and the Congress share the obligation to respond to the American people in this tragic hour. The President cannot and ought not attempt to conduct a military venture of this nature and magnitude alone without reference to, consultation with, and approval by the Congress.

I think our basic challenge here is whether or not, under our system of government, the President and the Congress can now work together to achieve the priority objective of our country today which is, to end the war, restore peace, and regain our unity as a people. This amendment, and I again urge its approval without any diluting language, is designed to demonstrate that the Congress will accept its separate responsibility in the commitment and involvement of American armed services in any substantial military operation. I hope that the Chief Executive will accept our legislative gesture in the wholesome spirit in which it is intended and that this congressional action will bring us together for our common purpose of restoring peace in the world and unity in our land.

Mr. KEITH. Mr. Chairman, I am voting today in favor of the amendment of the gentleman from California (Mr. LEGGETT) which would prohibit funds authorized by this act from being used to commit ground combat troops in Cambodia, Thailand, or Laos without the express consent of Congress. This vote would not bring to a halt the current operation in Cambodia which the President has promised to terminate in a few weeks. Rather, it would assert the right of Congress to define the limits of intervention and the extent of national commitments.

By this vote I am not attempting to register dissatisfaction with the pace of the President's Vietnamization policy. In my view, he is correct in insisting on a gradual withdrawal. Our presence over the years in South Vietnam has created certain conditions and obligations which preclude any immediate disengagement. The least we owe those South Vietnamese who have staked their lives and livelihoods on our promises is a fighting chance to organize for their own defense.

However, Mr. Chairman, by supporting this amendment, I hope to indicate that the Congress insists that the announced plan for withdrawal must be pursued. We must make it clear to the Nation and the President that expansion of the war to neighboring countries at least under the circumstances as we believe them to be, is not an acceptable means of ending the war. No matter how many search-and-destroy missions we undertake, I doubt that the losses inflicted on the enemy will outweigh the grave risks inherent in escalation. Indeed, an expansion of the conflict could precipitate the collapse of the Lon Nol regime. Such a development could be infinitely more serious than the continued existence of Vietcong staging areas in eastern Cambodia or elsewhere in Indochina. In any case no steps of such a serious nature should be undertaken without the advice and consent of Congress.

Mr. Chairman, our Nation is once more deeply divided and the efficacy and responsiveness of our democratic institutions are beginning to be brought into question. At such a time of domestic crisis and at such a crucial point in the

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conduct of our foreign affairs, we have a responsibility to insist on our constitutional right to provide broad guidelines for our policy abroad. Congress should make it clear that we will allow no expansion of this conflict without our consent. Let us get on with the process of Vietnamization and withdrawal and, hopefully, with the establishment of a lasting peace.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, the hour of decision is about to come upon us. The first amendment to be voted on, as I understand it, will be the Leggett amendment. The Bingham amendment may, initially, but the first amendment of significance I understand involving the debate we have had here is the Leggett amendment.

Mr. Chairman, the Leggett amendment, there is no doubt whatsoever, if adopted, will hamstring the efforts of the President of the United States to achieve success in our program to withdraw American forces from Vietnam.

Now, each one of us can rationalize our vote as we see fit. But I think we have a deeper responsibility and that is not to hamstring a program of the President of the United States to withdraw American forces. The Leggett amendment, if adopted, would do that. The Reid amendment, if adopted, would do that. The best of the alternatives is the Findley amendment, and I hope it is approved.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Rivers).

Mr. RIVERS. Mr. Chairman, the gentleman from Michigan (Mr. Gerald R. Ford) has stated the manner in which the votes on the various amendments will come. First, will be the vote on the Bingham amendment, then the Leggett amendment, and then will come the Findley amendment. After the Findley amendment passes there will be no remaining amendment on this particular subject.

Now, Mr. Chairman, the President of the United States has accepted the Findley amendment. He says he will accept it. Personally, I do not want it. I do not think his hands should be tied. I do not think he is doing the right thing. He said, however, he is not interested in numbers; he is interested in installations to protect the flanks of our troops.

Someone has said that we have not had enough debate on this subject and that we should not limit debate. Now, Mr. Chairman, all I can say is that I have tried to be patient and have been patient. I have asked for unanimous consent all afternoon to close the debate on these amendments. Yet, we have had over 5 hours of debate on this one amendment and the amendments thereto. We could stay here until kingdom come and some people still would not want to vote. The House, by a vote of 147 to 82, limited the time of debate. How more democratic can you get? So, I have no apologies about the limitation of debate.

Now let us vote and get this thing over with one way or the other.

The CHAIRMAN. The hour of 5 o'clock having arrived, the question is on the amendment offered by the gentleman from New York (Mr. Bingham) to the amendment offered by the gentleman from New York (Mr. Reid).

Mr. BINGHAM. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Bingham and Mr. Rivers.

The Committee divided; and the tellers reported that there were—ayes 70, noes 232.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Leggett) to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Findley).

Mr. LEGGETT. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Leggett and Mr. Rivers.

The committee divided, and the tellers reported that there were—ayes 132, noes 215.

So the amendment to the substitute amendment was rejected.

AMENDMENT OFFERED BY MR. FRELINGHUYSEN TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. FINDLEY FOR THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Findley) for the amendment offered by the gentleman from New York (Mr. Reid).

The Clerk read as follows:

Amendment offered by Mr. Frelinghuysen to the amendment offered by Mr. Findley in the nature of a substitute for the amendment offered by Mr. Reid of New York:

After section 403, strike out all the language of the Finley amendment and insert the following:

"None of the funds authorized to be appropriated by the Act shall be used in a manner inconsistent with the following purposes:

"American troop withdrawals from Vietnam shall continue expeditiously, in line with the expressed intent of the President, and every effort shall be made to achieve an early end to the conflict in Vietnam through negotiations.

"Consistent with the national interest, the President shall avoid enlarging the present conflict into the neighboring states of Cambodia, Laos and Thailand."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Frelinghuysen) to the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Findley) for the amendment offered by the gentleman from New York (Mr. Reid).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. Frelinghuysen and Mr. Rivers.

The Committee divided, and the tellers reported that there were—ayes 140, noes 172.

So the amendment to the substitute amendment was rejected.

The CHAIRMAN. The question now occurs on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Findley), to the amendment of the gentleman from New York (Mr. Reid).

Mr. LEGGETT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Leggett and Mr. Rivers.

The Committee divided, and the tellers reported that there were—ayes 171, noes 144.

So the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Reid), as amended by the substitute amendment offered by the gentleman from Illinois (Mr. Findley).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FINDLEY. Mr. Chairman, I demand tellers.

PARLIAMENTARY INQUIRY

Mr. BURTON of California. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BURTON of California. Mr. Chairman, will the Chair clarify for the Members the question before the House?

The CHAIRMAN. The Chair will state that the question is on the amendment offered by the gentleman from New York (Mr. Reid) as amended by the substitute amendment offered by the gentleman from Illinois (Mr. Findley).

Tellers were ordered, and the Chairman appointed as tellers Mr. Findley and Mr. Leggett.

PARLIAMENTARY INQUIRY

Mr. THOMPSON of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. THOMPSON of Georgia. Mr. Chairman, if this amendment is defeated, is there then no restriction whatsoever on the President with regard to the bill?

The CHAIRMAN. The Chair will state that if this amendment is defeated, all amendments relating to that subject matter will have been rejected.

The Committee divided, and the tellers reported that there were—ayes 32, noes 221.

So the amendment was rejected.

Mr. RIVERS. Mr. Chairman, I wonder if we can agree on a time for a final vote on the bill and all amendments thereto. I ask unanimous consent that all debate on the bill and all amendments thereto close at 7 o'clock.

Mr. EVANS of Colorado. Mr. Chairman, I object.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on the bill and all amendments to the bill close at 7 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON OF CALIFORNIA

Mr. ANDERSON of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of California:

On page 2, preceding line 20, insert the following: Change the period to a semicolon and add the following: "and *Provided further*, that the funds authorized herein for the construction and conversion of naval vessels shall be equally distributed between the Atlantic, Pacific, and Gulf Coast shipyards unless the President determines that another distribution will maintain shipyards in each of the areas adequate to meet the requirements of national defense."

The CHAIRMAN. The gentleman from California is recognized for 5 minutes in support of the amendment.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me for a parliamentary inquiry?

Mr. ANDERSON of California. Yes; if it is a parliamentary inquiry.

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. STRATTON. Under the limitation of debate imposed by the House, a moment ago, is there any restriction on those Members who will be permitted to speak on amendments, either for or against, between now and 7 o'clock?

The CHAIRMAN. The Chair will endeavor to divide the time equally among the proponents and the opponents of those who have amendments.

Mr. STRATTON. I thank the Chair.

The CHAIRMAN. The gentleman from California is recognized.

Mr. ANDERSON of California. Mr. Chairman, I have an amendment at the desk.

The amendment I offer incorporates the spreading of our shipbuilding program, a position which was adopted by the House last year in the military procurement authorization. However, this extends it to the entire shipbuilding program.

Last week we adopted the amendment offered by the gentleman from New Hampshire that relates specifically to the construction of the DD 963-class destroyer.

The intent of these provisions is to give an added boost to our sagging shipbuilding industry. To quote the committee report of last year:

> Putting all of the ships into one yard leaves other yards without orders, and with a difficult task of making up the uncompensated costs of their proposals out of clear profits on other work.

In addition, by spreading the contracts to various shipyards, we would avoid two hazards which could halt production; first, a strike could block construction for periods of time, and, secondly, mismanagement by a single firm could halt production of a category of ship.

Mr. Chairman, my proposal extends the "three yard provision" to all of the shipbuilding program.

However, let me hasten to assure you that this is not entirely a new idea. Already there is in the law, section 7302 of title 10 of the United States Code, which presently states:

> The Department of the Navy shall have constructed on the Pacific Coast of the United States such vessels as the President determines necessary to maintain shipyard facilities there adequate to meet the requirements of national defense.

Mr. Chairman, I have taken language which permits the President to allocate, and I have altered it to require the equal distribution of this shipbuilding work unless the President finds that another distribution will maintain an adequate shipbuilding capacity on all three coasts.

I feel that this amendment will help revitalize our shipbuilding industry in more areas, and I feel that the national interest can best be served by spreading our shipbuilding to various yards—for our shipbuilding capabilities on the east, west, and gulf coasts must all be able to build modern naval vessels.

Mr. Chairman, I would ask the chairman of the Armed Services Committee what his position would be to this amendment.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I will answer the gentleman in this way. We have a differential in price between the east coast and the west coast. It will have to be worked out in conference due to the limitations on the amount of money for construction.

I cannot answer the gentleman unequivocally, but I will say to the gentleman I will try to work something out in conference, as best I can, due to this price limitation. It is something we have no control over, and I cannot say I am in favor of the gentleman's amendment. I will say we want a shipbuilding capability on the west coast. We have one, and we are building up the industry all the time, both in private and Federal shipyards. So I will accept it under those conditions. That is all I can say to the gentleman.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, of the $3 billion roughly which is being authorized, $600 million is to be appropriated only for expenditures in naval shipyards. There are some on the east and on the west coast but none on the gulf coast. Would the gentleman's amendment cause one-third or $200 million of the $600 million for naval shipyards therefore not to be spent at all, because there are no naval shipyards on the gulf coast?

Mr. ANDERSON of California. No. My proposal simply establishes a policy that it would be the intent of Congress that we spread this shipbuilding and conversion over all three coasts, rather than in one particular area. We would leave it to the President to determine how these funds should be spread.

Mr. HOSMER. Within the total sum? The entire $600 million could be spent on the east and west coasts?

Mr. ANDERSON of California. Yes.

Mr. HOSMER. Mr. Chairman, I thank the gentleman from California.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of California. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, does this apply to new shipbuilding only, or to repairs coming out of the same fund?

Mr. ANDERSON of California. The amendment I am offering provides for new construction and conversion. Therefore, it applies to both.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ANDERSON).

The question was taken; and on a division (demanded by Mr. ANDERSON of California) there were—ayes 29, noes 44.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN:

On page 2, line 12, after the word "Navy" strike "$3,013,900,000" and insert "$2,578,900,000".

Mr. WHALEN. Mr. Chairman, in the time allotted me I would like to cover three points.

First, I shall explain what the amendment proposes.

Second, I shall explain the reasons for the amendment.

Third, I should like to touch upon the question raised by the chairman of the Armed Services Committee last Wednesday relative to the need for additional ship procurement.

First, what does the amendment propose to do? It merely seeks to reduce by $435 million the item of ship procurement in the authorization bill. This would simply restore the original figure asked by the Department of Defense. So what we would be doing, if this amendment is adopted, would be to grant the entire request for funds for naval ship procurement as submitted by the Department of Defense, but no more.

Second, as to the reason for this amendment: I believe we have to recognize as we analyze the budget that ship procurement has grown faster than any other major element of the budget, including the defense as well as all other budgets submitted by the Chief Executive. As an example, between fiscal years 1969 and 1970 the appropriations for ship procurement more than tripled. If this authorization is approved and the amount of money in this authorization is funded, then quite obviously funds will be diverted from other needed areas, particularly in the domestic field. I believe we have to recognize that the committee in reporting this bill has applied two standards, one for the Army and one for the Navy. If Members will read the committee report, they will note on page 17 the comments regarding research and development funding. I quote the following:

XUM

The reductions applied to the Army Research and Development budget results in a total amount recommended for authorization which is approximately the same dollar level as authorized by the Congress last year.

What we did to the Army, particularly in the research and development field, was to cut their request and bring it back to the level which was approved and authorized by the Congress last year. This was not done in the case of the Navy. As noted previously, the committee saw fit to increase ship procurement over and above the President's request, by an amount of $435 million.

For these reasons, I would certainly hope that the Members of this committee would support this amendment.

Third, I should like to touch on the question proposed by the chairman of the Armed Services Committee last Wednesday in our brief colloquy; that is, the question of the need for additional ships. Mr. Chairman, I do not believe that need, per se, is the issue here. Certainly I would agree that the Navy needs additional ships. I believe we would all agree that the Air Force probably needs additional aircraft. Certainly we need additional funds for public housing. We need additional funds for education. We need additional funds for urban renewal. I believe we would all agree that the taxpayer needs additional relief.

Therefore I am suggesting that need as such is not the issue. Rather, it is the question of relative need. I submit to you that the need for additional ships represents a low priority. Had the need been greater, relative to other defense and nondefense items, the President, I am sure, would have incorporated the additional $435 million in his budget request.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Under the limitation of debate, is it permissible for a Member to speak twice within his allotted time either for or against two specific amendments?

The CHAIRMAN. The Chair will recognize the gentleman for one time in support of or in opposition to an amendment.

Mr. STRATTON. But not more than once?

The CHAIRMAN. No; not more than once.

The Chair recognizes the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio. It relates to naval shipbuilding.

I believe the gentleman from Ohio has made a number of very astute observations. I usually share a lot of his philosophy with respect to military expenditures. However, I think when it comes to naval shipbuilding certainly we have divergent views. I tend to believe that if we are sincere in wanting to drop $1 billion out of this bill, the place to do it is in the ABM field. Those amendments, of course, have been offered and rejected. Now to move to strike out an additional $435 million for naval shipbuilding I do not think is in the interests of the United States.

Mr. Chairman, I will say this: If you are for conservation in defense spending, I think you can still support a first-class Navy whether you are for cutting or not. At the present time we have a considerable number of our aircraft carriers that are obsolete and which survive on oil. Even if the National Security Council comes up with recommendations in a few years that maybe only 10 carriers would be in our American national interest, still I believe it is advantageous for us to convert our existing carriers to a nuclear capability.

Mr. RIVERS. Mr. Chairman, will the gentleman yield to me?

Mr. LEGGETT. I yield to the chairman of the committee.

Mr. RIVERS. Mr. Chairman, this is a committee amendment they are trying to strike out. It had only two or maybe three votes against it in committee. It is vital to the retention of an adequate Navy. The gentleman from California is absolutely right. We are laying up 180 ships this year. At this rate we will have no Navy. This amendment of $435 million for new ships and conversion is the identical number which was set by the Secretary of Defense and which he said he needed and wanted and which has first priority. The gentleman from California (Mr. LEGGETT) is absolutely right. The entire committee favors the addition of these ships. They will not add one dime to the budget that came up here from the Pentagon.

Mr. LEGGETT. I say on this one matter the chairman is exactly right; 80 percent of our existing Navy is over 20 years of age. All you have to do is go out on some of these old tubs, and you are certainly embarrassed by it.

Mr. Chairman, I urge rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

The question was taken; and on a division (demanded by Mr. WHALEN) there were—ayes 22, noes 55.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. OLSEN

Mr. OLSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLSEN:

On page 2, line 5, strike out "$2,452,200,000" and insert "$2,350,500,000".

On page 2, line 6, insert immediately before the period the following: ": *Provided*, That none of the funds authorized to be appropriated by this Act may be used for the procurement of S-3A aircraft".

On page 3, strike out lines 14 and 15 and insert the following:

"For the Navy (including the Marine Corps), $1,989,500,000: *Provided*, That none of the funds authorized to be appropriated by this Act may be expended for the research, development, test, and evaluation of the S-3A aircraft;"

Mr. BUTTON. Mr. Chairman, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from New York.

Mr. BUTTON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Montana. Adoption of the amendment would save the taxpayers more than $300 million in the next fiscal year and more than $3 billion in the next decade.

What is proposed amounts to a $3 billion duplication of programs. The unproven S-3A, a carrier-based antisubmarine warfare aircraft of limited range, serves substantially the same purpose as the Navy's P-3 series of land-based antisubmarine aircraft. The P-3 with its ongoing improvements is adequate for our antisubmarine aircraft needs. It is a larger plane with a greater range, constantly being improved as to range and equipment.

The S-3A is superfluous and repetitive. The land-based aircraft—P-3—has a greater range than the S-3A, and its function—to seek out and destroy enemy submarines in time of war—is the same.

Authorization of funds for the S-3A is certainly not in the best interest of the taxpayers. We would be committed to an overall expenditure of more than $3 billion merely to procure the planes at a cost of some $16 million per copy. In addition, to maintain the program once it is fully operational would require $1 billion annually, at a rate of $200 million per carrier each year.

The Navy is apparently phasing out the aircraft carriers employed to base the S-3A. In 1965 there were nine of these carriers in use; yet, in this budget, only four are included. At least five such carriers are needed if we are to employ all 193 S-3A's the Navy hopes to procure.

If the sea-based S-3A is so important as to justify a $3 billion investment, why have we phased out five carriers since 1965?

I would also ask these questions: What vital sealanes does the S-3A cover which cannot be covered by the P-3C? What essential goods would flow over these sealanes during a naval war? What war can be foreseen which would not quickly escalate to the point where seapower would be overridden? Would not all the CVS's, because they operate in sub-infested waters, be exceedingly vunerable to attack?

Mr. Chairman, the gentleman from Montana has referred to an article in a recent issue of the Washington Post concerning what is described as a secret Pentagon study on the need for aircraft carriers. Although this report limits the discussion to the merit—or rather lack of merit—of conventional aircraft carriers, it is quoted as stating that—

> It is cheaper and more effective to use land bases for tactical air operations in areas of the world in which adequate overseas bases and available.

Since we have an effective and new series of land-based antisubmarine aircraft—the P-3—I contend the same argument applies to the Navy's hope of procuring 193 aircraft of the S-3A type. The assumptions made in this report, if accurate, bear out my contention that our land-based P-3 is adequate as an antisubmarine force for purposes of maintaining national security in the 1970's.

XUM

Mr. OLSEN. Mr. Chairman, I am offering an amendment to H.R. 17123 to delete both the funds and the authorization for the S–3A antisubmarine aircraft. It is my opinion that this program is a needless waste of the taxpayers' money.

Essentially the S–3A is a carrier-based ASW aircraft whose function is to keep tabs on potential enemy submarines during peace time and to track down and destroy enemy subs during war time. Its mission is the same as the land-based aircraft in the P–3 series.

At a glance it might appear that a carrier-based program would be a welcome adjunct to the land-based aircraft. However deeper inspection raises some very real questions about the cost effectiveness of the S–3A and the overall merits of the carrier-based ASW program.

As a former Navy man I am quite familiar with the vulnerable position of the aircraft carrier during wartime. Quite frankly the carrier is often a sitting duck and with the rapid technological gains made in the development of aircraft and missiles during the last several years the carrier will be far more vulnerable in future wars. The CVS on which the ASW aircraft are based are old ships, in operation for 20 to 25 years. One cannot realistically expect an adequate performance by these ships in a modern war.

Another consideration is that the Navy appears to be phasing out aircraft carrier for sub warfare. In 1965, there were nine of these ships in operation. In fiscal year 1971, only four are planned operational. At least five CVS would be needed to handle the 193 S–3A's that the Navy intends to procure by the end of the decade. The Defense Department, according to an unclassified version of a classified Pentagon report, which I have in my possession at this time, has concluded that the Nation does not need any additional aircraft carriers and could safely cut its present force of 15 to fewer than 12.

The cost-effectiveness of the S–3A has been a matter of concern to just about everyone but the Navy. Secretary Laird, in the fiscal year 1971 defense program and budget report, February 20, 1970, said:

> The present ASW carrier (CVS) force, as has been pointed out in past years, is costly to operate in relation to its current overall effectiveness.

Both Secretaries McNamara and Clifford expressed similar misgivings and recommended against proceeding with the S–3A program. The Senate cut $25 million from the 1970 S–3A appropriation and the House Appropriations Committee cut that same budget by another $19 million.

The cost to procure the 193 S–3A's the Navy plans call for will amount to over $3 billion. The cost in fiscal year 1971 alone will be $309.5 million. The estimated annual cost of operating one CVS fully complemented with S–3A's is $1 billion. As we all know by experience these estimates are generally too low and the actual price is more often far greater.

Earlier I mentioned the land-based series, the P–3. The latest, the P–C3, currently covers 80 percent of the earth's ocean area and those areas covered by this aircraft are the only ones from which submarine-launched missiles can reach the United States. All vital shipping lanes are protected by the P–3C and the P–3C has a far greater assurance of finding a place to land once its mission is completed. The P–3 series is constantly being updated and improved and the range of these planes increase continually. To my mind it is a much better investment than the dubious S–3A and other carrier-based ASW aircraft.

What we have in the S–3A is a redundant and expensive program. Clearly we are not justified in spending billions of dollars on something from which we will get little or no return.

An aircraft carrier-based airplane is an absurdity.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Montana and those who have spoken in support of his amendment and the gentleman from New York (Mr. BUTTON), who extended his remarks in the RECORD without taking the floor to speak are somewhat confused about the nature of this particular plane that they are seeking to strike out. This is an antisubmarine warfare plane. This is the plane that we are presently developing to try to respond to the threat, and it is the most dangerous and significant threat that the Soviet Union has posed against us in the past few years, the Soviet submarine-launched missile threat.

In 1965 the Soviet Union had just 25 launchers of missiles from submarines, and those were mostly the cruise type, and had to be fired from the surface. By 1974 they will have from 400 to 500 submarine missile launchers available and these will be of the *Polaris* type, capable of firing while submerged. In fact, the Soviets are building these *Polaris* type submarines at a rate of six to eight per year, and by 1974 they will have more *Polaris* submarines than our present 41. The missiles these submarines can fire can travel from 1,500 to 2,000 miles, and can destroy most American cities.

The only kind of protection we have against this kind of submarine-launched missile threat is through our antisubmarine warfare force.

Now, if you have been noticing the papers, you have noticed the reductions that have gone on in the Navy Department in the past few years. They have been largely at the expense of our defensive naval forces, the antisubmarine force. The Soviet nuclear missile submarine threat is the greatest challenge that we have facing our control of the seas, today, as well as our ability to maintain our economy, and our ability to project American power in other parts of the world without putting soldiers ashore, in line with the provisions of the Nixon doctrine.

So the defense against this submarine threat is the one area where we especially need to modernize our forces. If we do not have a modern antisubmarine warfare plane, we are going to be vulnerable. Our cities are going to be open to attack from thousands of miles out to sea. The gentleman from Montana says, "Well, we have got the P–3." But that is a land-based plane. That is a wonderful plane, but only if you have the bases available. What if we do not have any bases available? Take a look at the Mediterranean. All of our bases on the southern shore of the Mediterranean have already been denied to us because of the Soviet Union's expansion in North African Arab states.

So what do we do if we do not have bases? Are we going to just leave ourselves vulnerable to the Soviet submarine threat in those areas? Of course not. We must maintain our antisubmarine carrier forces, even though they have been already too severely cut back by budget reductions. And if those forces are to be effective, they need a modern antisubmarine airplane, equipped with the latest in electronic equipment, to fly from those antisubmarine carriers to seek out and defend the American homeland against the menace of a superior Soviet Polaris nuclear missile threat.

If the amendment of the gentleman from Montana (Mr. OLSEN) and the gentleman from New York (Mr. BUTTON) is adopted we would leave American cities with a woefully inadequate defense against the Soviets' fastest growing threat. And we would be undermining the great work done to combat the Soviet submarine threat by Vice Adm. Hyman G. Rickover. Much of Admiral Rickover's work is carried on in my old home of Schenectady, by the way, by the great General Electric Co., at its Knolls Atomic Power Laboratory in Niskayuna.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana (Mr. OLSEN).

The amendment was rejected.

Mr. GOLDWATER. Mr. Chairman, to provide for the national defense is one of our constitutional responsibilities. In order to carry this out we in Congress must provide the armed services with the necessary tools and means. The S–3A is one of these essential tools. The S–3A will replace the Navy's aging carrier-based ASW plane. It will provide a modern computerized system to expand the Navy's ASW capability dramatically to meet the growing Soviet submarine threat of the 1970's.

The S–3A is an advanced carrier-based ASW air weapon system providing search, detection, classification, localization, and kill capability against a projected submarine threat for the mid-1970's and beyond.

Formal definition studies began in 1966 and culminated in the issuance of the request for proposal for contract definition study in December 1967. Firm proposals for development and production were submitted in December 1968. Following Navy evaluation, the contract was awarded in August 1969. It included requirements to meet specified technical milestones to be accomplished prior to a production go-ahead decision. All phases of this contract to date are on target. There are no problems with the project. And it not only meets Navy specifications but will surpass them in a few areas. This will be a good airplane and a good addition to our national defense. I urge that the amendment be defeated.

XUM

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER:

On page 5, between lines 3 and 4, insert the following:

"SEC. 303. (a) No funds authorized herein shall be used to support the assignment of any National Guard unit to duty in connection with any civil disturbance within the United States unless—

"(1) the Governor of the State concerned first applies to the judge of the Federal district court for the district in which such disturbance is occurring or will occur, or for the District of Columbia, and such judge finds (A) that the disturbance is, or will likely be, beyond the capacity of the local authorities to control; and (B) that there is probable reason to believe that individuals involved, or who will likely be involved, in such disturbance are armed with firearms or explosive weapons; and

"(2) such National Guard unit has had special training in riot control.

"(b) Any officer of the National Guard who authorizes the assignment of any National Guard unit in violation of subsection (a) shall be fined not more than $10,000, or imprisoned not more than ten years, or both."

Mr. OTTINGER. Mr. Chairman, we have just witnessed a terrible national tragedy that occurred on the campus of Kent State College in Ohio. The Governor called in the National Guard units to quell a student demonstration against the war, and those guard units apparently panicked and killed four students.

At least one of the students killed apparently was not even involved in the demonstration. She was just passing by. So far as we can ascertain, all four of the students were not bomb throwers, and they were not radicals of any kind, but were good, upstanding American youth who merely disagreed with the administration war policies.

We have to do something to prevent this kind of tragedy in the future and exercise more control over the assignment of inexperienced and, I think in this case, ill-trained National Guard units in this kind of situation.

I do not think the National Guard soldiers involved had any intent to kill young students. I certainly hope that they did not. But what appears to have happened is that they panicked and in the course of the fray, they turned and shot at students indiscriminately. The tragedy that followed is distinctly avoidable and should be avoided in the future.

The amendment would insure that the National Guard could be used in a civil disturbance only upon the permission of a Federal district judge. The judge would first have to determine if the disorder was "beyond the capacity of the local authorities" to control, and that those involved in the disturbance were, in fact, armed with firearms or explosives. Also the National Guard, prior to assignment to a civil disturbance, would have to be specially trained in riot control.

Some impartial authority must check the indiscriminate use of the National Guard against those who wish to dissent in our society. What happened at Kent, Ohio, on Monday is a national disgrace and the trigger tactics of the National Guard must never again be allowed to occur.

President Nixon's unconstitutional war policy in Indochina and his labeling of college students as "bums" were deliberate actions which have polarized this country. President Nixon tells us that violence invites tragedy, but the ultimate violence in Ohio came not from the protesting students who burned the ROTC headquarters at Kent State but from the rifle barrels of the National Guard, who killed four unarmed students.

The major responsibility for the violent divisions in this country must rest with President Nixon. The President and his echo, Mr. AGNEW, tell us that more violence will occur and then act to encourage this violence both at home and abroad. Such self-fulfilling prophesies serve no constructive purpose in time of national crisis.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I commend the gentleman for bringing this matter before the committee and I am happy to support his amendment.

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, actually what this amendment does is to say that the Governor of the State goes to a Federal judge in that district court where the disturbance is or he comes to Washington to the district court here and gets the judge's permission to call the Guard. The judge decides whether there is a real disturbance and then gives the Governor permission to order the Guard.

Mr. Chairman, this is a very dangerous amendment.

What you would be doing is taking the complete authority away from the Governor of the State to control the National Guard.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. RIVERS. Mr. Chairman, there is no question but that this amendment is subject to a point of order because it is not germane.

We are dealing with something else and this amendment is not germane. The bill has nothing to do with the subject of this amendment.

Furthermore, this amendment would call for interfering with the powers of the Governor.

Furthermore, there is some question about the constitutionality of it, but positively it is not germane and I would stake my life on that.

Mr. MONTGOMERY. I think the chairman is absolutely right.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. BRAY. Mr. Chairman, there is no question that this amendment is not germane, but that point was not raised in sufficient time.

At the present time with the great violence, to try to prevent law and order, is to me the kindest words that you can say about it.

It is absurd.

At this time everyone regrets what happened at Kent University. I am not certain what happened.

I do not know that anyone in this room is. But we do know that such a restraint imposed upon the Government and the President also in the matter of calling out the National Guard and federalizing them would be catastrophic. It would encourage more and more violence.

While we are talking on this subject, I point out that in relation to the conduct of guardsmen, when students come out and throw rocks at policemen and guardsmen, throw firebombs, and attempt to bring anarchy, we ought to do a little something about it. The action that the amendment would authorize would be most disastrous, the most disastrous thing we could do to encourage violence.

Mr. MONTGOMERY. Certainly what happened at Kent College is sad. However, since the 4th of May 1969, the National Guard has been called out 67 times in 26 separate States on civil disturbances, and this is the first time we have had any tragedies. There was complete violence on this campus or the Governor would not have called out the Guard in the first place. Let us not judge too quickly what happened at Kent College.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. I think the sin of this amendment is that we are judging the presence of guilt before there has been any evidence in the form of proof. The salvation of this Nation has been our law that one is innocent until proven guilty. So far as I know, there has been no proof that the bullets involved in this disaster came from National Guard rifles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD:

On page 2, strike out lines 12 through 19, inclusive, and insert the following:

"For naval vessels: for the Navy, $2,861,900,000, of which $600,000,000 is authorized to be appropriated only for expenditure in naval shipyards: *Provided*, That none of the funds authorized to be appropriated by this Act may be used for the procurement of the nuclear attack aircraft carrier designated as CVAN-70; *Provided further*, That no funds authorized to be appropriated by this Act for the use of the Armed Forces of the United States shall be expended for the contract procurement of DD 963 class destroyers unless the procurement planned for such vessels makes provision that the vessels in that plan shall be constructed at the facilities of at least two different United States shipbuilders."

Mr. MOORHEAD (during the reading). Mr. Chairman, I ask unanimous

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consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized in support of his amendment.

Mr. MOORHEAD. Mr. Chairman, the purpose of this amendment is to eliminate the long leadtime funds in the amount of $152 million for the new nuclear attack carrier designed as CVAN-70.

Mr. Chairman, the present superiority of the United States in attack aircraft carriers over the Communist nations is 15 to 0. The Communist nations do not now have a single attack carrier in their entire fleet.

Mr. Chairman, a secret Pentagon study reported in The Washington Post of April 30, 1970, included an exhaustive analysis of cost effectiveness of aircraft carriers. This report demonstrated that attack carriers are a very expensive means of providing tactical air support, and the study finally concludes that a superiority of 12 to 0, not 15 to 0, but 12 to 0 over the Communist nations can adequately provide a balanced, adequate force in the foreseeable future.

Mr. STRATTON. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORHEAD. I am delighted to yield to the gentleman from New York.

Mr. STRATTON. The study to which the gentleman referred in the Washington Post I read also. Did not the study say that the tactical ground-based air power was more cost-effective when bases were available. But what does the gentleman propose we do when those bases are not available?

Mr. MOORHEAD. It stated that it was more cost-effective either when the bases were available or when using the bare base procedure with which the Air Force can establish a base very promptly. It concluded that with 12 aircraft carriers to 0, this was a sufficient number of aircraft carriers when, as, and if an air base was not available.

DECISION ON A NEW CARRIER CAN BE DEFERRED TO 1975

By 1976 the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the *Midway*—until 1980. Given the 5-year leadtime required to build an attack carrier, it will therefore not be necessary to fund the *Midway's* replacement until fiscal year 1975.

ATTACK CARRIERS ARE BECOMING OBSOLETE EXCEPT IN LIMITED SITUATIONS

Surface vessels are becoming increasingly vulnerable to attacks by submarines and the various missiles that already have been developed. The Soviet built Styx missile already has proved its effectiveness in the Arab-Israeli conflict in the sinking of the *Elath*. However, the Styx is obsolete compared to the coming generation of Soviet missiles. According to the Chicago Daily News on April 2 of this year, the Soviet Union is developing a new missile that has a range in excess of the Styx and which can more successfully evade our own surface to air missiles. Carriers will undoubtedly be even more vulnerable when these new weapons are deployed.

With more and more nations becoming advanced to the point of having similar missiles within their defensive capabilities, there are fewer and fewer nations against which the carrier becomes part of an effective tactical weapon system.

The carrier's role, then, is rapidly being limited to provide tactical air support in wars against nations with unsophisticated defenses; tactical air support in wars of counterinsurgency when the insurgents are not adequately armed; and a deterrent "presence" in times of near war.

ATTACK CARRIERS ARE AN EXPENSIVE WAY TO PROVIDE TACTICAL AIR SUPPORT EVEN IN LIMITED SITUATIONS

Considering the limited role to which the carrier is being relegated by advances in weaponry, it is a fantastically expensive weapon. Each carrier travels with an escort of four destroyers. Together, these ships cost $2 billion—not including airplane costs and operating costs. Operating costs amount to another $400 to $500 million per year for each attack carrier task force.

In addition to the air support provided from the existing 15 carriers, tactical air support can be provided, and more economically, by land-based aircraft. There are 685 airfields outside the United States with runways longer than 8,000 feet. There are an additional 1,036 airfields whose runways are between 5,000 and 8,000 feet. If none of these 1,700 land air bases are adequate, the Air Force can quickly build one at a cost of $50 to $60 million, instead of shipping in a $2 billion, mobile air base.

JOINT SUBCOMMITTEE REPORT ON CVAN-70 AIRCRAFT CARRIER

A special joint subcommittee of the Armed Services Committees was established by the 1970 military procurement authorization bill. The subcommittee was to study the relative cost-effectiveness of sea-based tactical air. They concluded there is "as yet no acceptable formula" for such a determination. The law also called for a review of the present carrier force level. Again they concluded that they were "unable to resolve the question of the number of carriers" needed by the end of the decade. Yet, the subcommittee's inability to resolve these basic and crucial questions did not prevent it from "strongly recommending" the funding of CVAN-70 in fiscal year 1971. The subcommittee can provide the Congress no rational reasons why we should fund an additional carrier at this time. At the same time there are many cogent reasons why we should defer approval of the CVAN-70.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BENNETT. Mr. Chairman, I had the privilege of being on a committee which was set up in the last Congress, by law, with membership from the Senate and the House, to study the CVAN-70. We spent weeks and weeks and weeks of study. As a result, we came to the conclusion which was practically unanimous—there was one dissenting vote and it was not on the fact that we ought to have modern carriers—but the committee recommended vigorously that this carrier be started and pointed out that it would cost more money if we did not do it now and that even if we reduced the number of carriers, we ought to have a more modern carrier. They evaluated the factor of cost effectiveness, and the Joint Chiefs of Staff said there was no firm showing that there was any saving whatsoever in the land based approach.

This report referred to by the previous speaker which was in the Washington Post, is highly inaccurate.

Mr. RIVERS. Mr. Chairman, this would about destroy the military and we would be gone tomorrow, and so is the fellow who wrote this—which has been discredited.

The study mentioned by the preceding speaker and described in the Washington Post last Thursday morning appears only to be another surfacing of this totally discredited study. There has been nothing secret about the existence of this study, nor of its conclusion suggesting a 12 carrier force.

The joint House-Senate subcommittee tried to find its author, Mr. Rosenzweig, to talk to him and have him testify. Was he at the Department of Defense where the original study was made? No; he had left there. Was he at Brookings Institute where he again tried to publish the study? No; he had been let go from there. We tried to reach him at his home but found he was at some unlocatable place on the west coast and unavailable.

This study was so full of holes that it was shot down and completely rejected by the Department of Defense. It was so flawed that Brookings refused to publish it. The Washington Post published it as a mysterious new discovery at a time when it could not be replied to before the issue is settled in the House.

What are some of the flaws? The study assumes that air-based power and sea-based power are used identically, whereas, there is a unique capability in sea-based power.

The study assumes that there will be plenty of C-5A's available to bring in the so-called bare-based kit. But only last week the same opponents rose to attempt to knock out funds for the C-5A's and in effect kill that line.

The report assumes that the fuel for these land-based planes will come in over the seas yet it does not include any cost for the maintenance of our superiority at sea.

The situation is summed up best by General Wheeler when he said:

> Now, this is an extremely complex problem and the reason it is complex is that you first have to calculate what you are going to charge off against the cost of land-based tactical air versus what you charge off against sea-based tactical air. And depending upon what you charge off, you come up with these varying figures.
>
> I must say that I don't regard any of these studies myself as being definitive and they certainly are now convincing to me as a basis for making a judgment as to the need for sea-based tactical air.

XUM

The study paper, which the Washington Post referred to, is not an official Department of Defense document or even an approved systems analysis paper. It was rejected by the Department for its errors. Neither has it ever been issued nor approved by Brookings Institute. Its concept was rejected by the special joint House-Senate subcommittee and by the House Armed Services Committee.

Mr. BENNETT. Mr. Chairman, I talked to a number of people the other day, who are highly credible people in the military, about the ships we ought to have in this bill. They said that above all things we should retain this carrier, because this is a large item and it takes years and years to build. Some of the smaller craft can be built over a short period of time, and we might make do with whatever facilities we have available, but we cannot make do without this carrier in the long-range picture.

It costs more money, the more years we take to start constructing it. This can be done now relatively economically since we have just built a similar carrier and are in the process of building a similar carrier. But if we wait a year or two, the cost will accelerate greatly. It would be a very unwise item to turn down, this item. Of all items in this bill, this is probably the most vital to our national defense.

Mr. Chairman, I include at this point testimony of Congressman MOORHEAD before our committee and the responses from the Navy on points raised:

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TESTIMONY OF CONGRESSMAN WILLIAM S. MOORHEAD BEFORE THE JOINT COMMITTEE OF THE HOUSE AND SENATE ARMED SERVICES COMMITTEES STUDYING THE FUTURE ROLE OF ATTACK CARRIERS, APRIL 8, 1970

Mr. Chairman, as a former officer in an attack carrier task force in the Pacific during World War II, I appreciate this opportunity to appear before this Special Joint Committee to raise some questions about the future role of attack carriers.

The issue to be determined by this Committee, it would seem to me, is *not* whether we need any carriers now for I know of few people who would challenge the need for *some* carriers. Instead, it would appear that what needs to be brought out, discussed and, hopefully, answered is:

1. How many attack carriers do we need *now*, in *five* years or in *ten* years to supply the defensive needs of the country?

2. Can part of the tactical air support mission of the attack carriers be provided more economically by land based aircraft?

3. And finally, is the mission of the carrier in the long term being eroded by increasing technology causing increased vulnerability to the point where the Navy ought to give serious consideration to placing its primary emphasis on up-grading its capability in areas other than attack carriers?

As you are aware, an answer to the first question is imperative if we in Congress are to fulfill our constitutional role of providing for the common defense. Since none of the Communist nations have any attack aircraft carriers, nor apparently have any intention of building any attack carriers the question is whether the present superiority of 15 to 0 in aircraft carriers should be maintained or increased or whether that absolute superiority of 15 to 0 might be reduced to, say, 12 to 0.

Although we should not necessarily size our carrier forces to correspond to Soviet forces, it may be useful to look at what the Soviet Union is doing—especially since so many of our military plans in other categories of defense are based on parity with the Russians. The Soviets are building missile cruisers, missile destroyers, high-speed missile boats, nuclear subs and attack subs—but no attack carriers.

Comment

This emphasis in Soviet shipbuilding does not support a thesis limiting the value of attack carriers. The principal reason that the Soviets do not have attack carriers in their fleet is a matter of relative priorities within their national strategy. The USSR, centered in the Eurasion land mass, is surrounded by her allies. In fact, Russia has military treaties with only two nations not sharing a common border with her. Russia considers the United States her primary adversary and NATO the primary threat to the USSR as the principal impediment to her domination of Europe. The Soviets recognize that the national strategy of the United States is overseas oriented. We have only two international borders. Our military strategy depends upon overseas alliances. 43 of the 45 nations with which we have treaties are overseas. The bulk of material support of these allies must still be carrier by sea. Despite the spectacular advances in air travel in recent years, 97% of all of the support for Vietnam has gone by ship. It is clearly evident that our security depends upon the continued free use of the seas.

The attack carrier force of the U.S. Navy is the principal component through which we assure ourselves the continued free use of the seas in the pursuit of our national objectives. This is because the attack carrier represents air power at sea, and history has conclusively demonstrated that naval surface forces cannot survive in the face of a determined air threat without local air superiority. Russia's naval strategy therefore is primarily designed to interdict the vital overseas lifelines of the western powers, the links between the United States and the rest of NATO. Although previous Soviet Navy commanders-in-chief have stated that the Soviet Union intended to construct a carrier fleet, the first priority has gone to the construction of a massive force of submarines and guided missile ships, the stated mission of which is to oppose the U.S. Navy's attack carrier fleet.

The Russians are building carriers, relatively small but very modern, and are learning the technology of carriers. Large attack carriers are extremely complex. There is only one shipyard in the world today which can construct a nuclear powered attack carrier. The Russians are becoming knowledgeable in carrier operations and are developing their industrial capacity for carrier construction.

In summary, a combination of the strategic implications of geography and the proximity of her satellites has thus far dictated a Russian naval strategy of interdiction vice control of the seas. Under these circumstances, the capability for modern attack carrier construction and operation has not been developed.

Statement

However, the Navy has estimated that 40 percent of its budget goes to maintaining the carrier fleet.

Comment

The most recent analysis of the percentage of the total Navy budget consumed by the attack carrier force has been conducted in connection with the joint Navy-Air Force ad hoc study group convened by the Secretary of Defense to determine the relative cost of land based and sea based air. The Navy Staff study on relative costs, which is based on the cost data developed by the Joint Study Group shows:

"From 1962 to 1969 the average cost of sea based tactical air, which includes the procurement, direct and indirect operating costs of attack carriers, their air wings and all supporting facilities amounted to $3.8 billion per year or 21.3% of the average Navy budget over that period."

Statement

In terms of national priorities it is instructive to point out that we spend more than twice as much (over $400 million) on operating costs of the 15th carrier task force for one year than we spent for water pollution control programs last year.

THE STATE OF OUR PRESENT CARRIER FORCE

The answer to the question of whether we should build additional aircraft carriers at this time depends on:

1. The number of CVAs we want to operate in the late 1970's; and

2. The number of CVAs we currently have which will be both seaworthy and capable of operating the modern tactical aircraft in the late 1970's.

At present we have nine modern aircraft carriers; eight *Forrestal* class ships which have been commissioned since 1955 and the nuclear-powered *Enterprise* which was commissioned in 1961. In addition, two new nuclear-powered carriers have been funded by the Congress. The *Nimitz*, which was funded in FY 67, will enter the fleet in 1972 and the *Eisenhower*, which was funded in FY 68–70, will enter the fleet in 1974.

In addition to these 11 ships, there are 3 *Midway* class carriers. These ships, which were commissioned in 1945–1947, have received extensive modernization since that time. The *Midway*, which is currently undergoing a $200 million modernization program, will be recommissioned this year. After modernization it will be able to operate all of the modern aircraft envisioned for the Navy for at least the next decade.

Comment

When the *CVAN–70 joins the fleet in 1977, the Midway will then be 32 years old. We have never operated a carrier past an age of 27 years.* The *Midway's* equipment and installations were renewed during modernization to permit the more effective operation of modern aircraft, *but* the hull, main machinery, and basic design will be 32 years old. *Midway* will be approaching the end of her useful life. On the other hand, the CVAN–70 will represent the most modern ship design and will be able to operate the most advanced models of tactical aircraft at their most effective capabilities.

Statement

Thus it should be serviceable for at least 10 more years. The *Coral Sea* received an extensive modernization from 1956–1960 and the *Roosevelt* was modernized from 1953–1956. These ships can operate all of the current aircraft except the RA–5C. They will be able to operate all of the Navy aircraft currently under development; including the F–14 fighter.

Finally, there are 5 modified *Essex* class carriers. These are smaller ships which, with the exception of the *Oriskany*, were commissioned during World War II. They cannot operate the modern F–4 fighters or the RA–5 reconnaissance aircraft.

It is difficult to determine the age at which we should replace CVAs. The answer depends on the cost to keep the ships seaworthy and the extent to which they can operate the modern aircraft. While the Navy has indicated that the carriers have a nominal life of 30 years, there are many ships now in service which are substantially older than this. Without going into this issue any further, however, we can draw the following conclusions regarding the need for additional CVA construction:

1. There are 11 ships that will be serviceable well into the 1980's and at least one other (the *Midway*) that will be satisfactory

until at least 1980. Since it takes about 5 years to build a CVA, we do not have to fund additional carriers until at least 1975 unless we want to operate more than 12 CVAs in the late 1970's.

2. If we want to operate more than 12 CVAs in the late 1970's, we must decide now on a replacement schedule for the *Midway* and *Essex* class carriers.

Comment

CVAN–70 is required to maintain the modernity and capability of the carrier force regardless of any attack carrier force level decision. In fact, the *Nimitz* class carriers become even more vital if the Navy is required to operate a smaller carrier force. If a reduction in force level is made, it should be done by retiring older carriers in the fleet; six of the Navy's fifteen attack carriers were launched during or shortly after World War II.

With a twelve attack carrier force level, when the CVAN–70 joins the fleet in 1977 it will replace the aging, World War II designed *Midway*. Although extensively modernized, the limitations of size, age and aviation facilities available in the then 32-year-old *Midway* will make that ship less than one-third as capable as the *Nimitz* class even without taking into account the advantages of nuclear propulsion.

To keep the attack carrier force modern a continuing infusion of new ships is required. Within a fifteen attack carrier force level, for example, the construction of a new carrier every other year means that attack carriers will reach an age of 30 years before they are replaced—the nominal maximum useful life of a carrier. Even with a force level as low as 12, it would be necessary to build a new carrier every 2½ years to replace the carriers when they become 30 years old.

The three *Nimitz* class carriers, CVAN–68, CVAN–69, and CVAN–70, are the only carriers authorized or planned from fiscal year 1964 through 1974, a period of 11 years; this will average out to but one new carrier every 3⅔ years.

Statement

With this basic equation involving total size of the fleet and age as background, I would like to explore certain factors which ought to be considered in determining the size of the carrier fleet.

THE ROLE OF ATTACK CARRIERS

The role of the carrier can be roughly separated into three parts which I present in order of ease of justification: 1) providing "presence" in time of crisis but when no overt hostile action has occurred; 2) providing tactical air support in major but limited engagements such as Vietnam and Korea; and 3) some potential role in the event of an all-out conflict with the Soviet Union.

Comment

The role of the carrier as envisioned in the above paragraph as being comprised of ". . . three parts . . . in order of ease of justification" places undue emphasis on the *collateral* rather than the *primary* function and mission of the carrier and of the Navy. At the outset, it should be made clear that "providing presence", listed first in describing the role of the carrier, is part of the collateral (not the primary) mission of the carrier. Providing tactical air support, listed second, likewise is part of the carrier's collateral mission. Department of Defense Directive 5100.1 clearly lists the primary and collateral functions of the Navy, and the carrier is the principal instrument through which these functions are discharged.

The primary function of the United States Navy and thus the primary mission of the carrier is to gain and maintain general naval supremacy, to control vital sea areas, to protect vital sea lines of communication, to establish and maintain local superiority (including air) in an area of naval operations, to seize and defend advanced naval bases, and to conduct such land and air operations as may be essential to the prosecution of a naval campaign; in short, to gain, maintain, and exploit control of the seas and the air over the seas, in support of our national objectives. Control of the sea is vital to our national security. This nation's military strategy is predicated on a forward posture, with critical reliance placed upon our overseas allies and our own forward deployed forces. Of the 43 countries involved in treaties with the United States, 41 are overseas nations. There is no current plan for overseas military operations of tactical ground or air forces which does not depend upon our free use of the seas. In Vietnam to date 97% of the supplies have gone by sea. Unless we can assure ourselves continued free use of the seas against the most determined and capable potential opposition, our entire politico-military posture loses its credibility.

The *collateral* function of the Navy, and hence the collateral mission of the carrier is to interdict enemy land airpower and communications through operations at sea, and to conduct close air and naval support for land operations. The carrier carries out this role by operating within tactical air radius of the objective area on a sustained basis, and projecting its striking power over land by means of its aircraft. Local sea and air supremacy are required to permit the carrier to devote a high percentage of sorties to the tactical air mission. The carrier must first gain control of the sea and airspace operating area with its aircraft, and then use this operating sector to project its striking power inland.

Statement

Additionally, the Navy has indicated that attack carriers are necessary to ensure continuing freedom of the seas in the face of a growing Soviet naval threat. Each of these roles or missions is somewhat different and ought to be explored separately.

TO PROVIDE A PRESENCE

The first mission, that is, providing presence in time of crisis but when no hostile action takes place, is perhaps the most difficult to assess. In this situation the carrier is presumed to act as a deterrent. Yet as in any case where hostile action is prevented by presence, no one—probably even the potential enemy—can say what factor tips the balance in favor of deterring aggression. Carriers undoubtedly assist. But so do our strategic bombers and our potential for rapidly deploying land forces and land based aircraft.

Comment

For presence or show of force to be effective, it must be credible. That is, the opponent must realize that if he does not back down, the threatening force will defeat him. Then, too, the deterrent force must be capable of carrying out its threat because the enemy may call the bluff. Therefore, *a deterrent force must have the clear capability to prevail in the specific situation.* The attack carrier with its demonstrated ability to project its striking power for more than 600 miles, and its nuclear potential, represents the most versatile and powerful single weapon systems in our arsenal. When attack carriers make a show of force, there is no mistaking their presence nor the national resolve that put them in position.

The precise control which can be exercised at the highest level of national command allows the carrier to be *inserted into the military or politico-military situation to the degree desired.* It can be a visible presence if required, yet not actually intrude into the sovereign territory of other nations. On the other hand, troops or land-based air power must be *committed,* possibly to later represent an irrevocable and sometimes embarrassing U.S. obligation to remain on foreign soil. Likewise, withdrawal of U.S. land based units often requires, as a political prerequisite, the accord of the country in which the units were based. Carriers can be withdrawn at the will of the United States.

While bombers or airborne troops on strip alert at home may, with proper enroute logistical support and prepositioned stocks of fuel and other war material, be effective fighting forces to respond in emergencies overseas, their value in deterring aggression is questionable. Troops and aircraft at home are not visible deterrents; the carrier can be, when the situation so demands.

The Polaris submarine is our principal seagoing nuclear deterrent, but like the strategic bomber, it is strictly a strategic deterrent to retaliate in the event of a nuclear attack. A nuclear deterrent is not necessarily effective against limited war threats. The conventional power of the carrier provides the flexible response which can serve as a deterrent in situations below the threshold of general war.

Statement

Last year during the Congressional debate it was cited that since 1945 our carrier forces had been engaged in more than 50 of these incidents throughout the world. Assuming an average level of 15 carrier task forces during this period, this averages out to a cost of about $2 billion per incident. I think that even the Navy would agree that $2 billion per incident is a pretty steep price tag. The fact of the matter is that "providing presence" is an imponderable. It is doubtful if so many of our carriers could be justified if all they did was to provide presence. Furthermore, "presence" could have been provided with a reduced total carrier force.

Comment

Justification of carriers for "providing presence" is indeed an imponderable; equally imponderable is the role of the carrier in preventing small incidents from growing to war-sized proportions. We will never know, of course, how much the carrier has influenced the main course of history, but we do know that after appearance of the carriers in threatening situations such as that in the Taiwan Straits in the 1950's, a potential enemy changed his tactics in apparent response to the presence of attack carriers.

Since World War II, we have had war or threats of war, and during 9 of the past 25 years we have been engaged in actual fighting in overseas areas. We have used our carriers effectively in these wars as well as to provide presence to prevent other wars. The cost of the carrier in relation to the cost of the war it may have prevented cannot be calculated realistically, but the statement above, that the carrier's presence "averages out to a cost of about $2 billion per incident," is also an unrealistic calculation.

COST OF LAND BASED VERSUS SEA BASED TACTICAL AIR SUPPORT

Statement

The main mission of the carrier fleet in the past 25 years has been to provide tactical air support first during the Korean conflict and of late in the Southeast Asian war.

Comment

The fact that in the last two wars, Vietnam and Korea, there was no Naval opposition has permitted the Navy to devote its entire tactical air effort to its *collateral* mission, participation in the land battle. In recent years this has resulted in primary attention being focused on this single part of the broad capability of sea based air.

It should be noted that the primary misson of sea based air is to contribute to the control of the sea and the air over the sea. There is no valid strategy involving the employment of our army or air forces overseas that does not assume that this control is going to be established and maintained. This mission cannot be performed by land based air.

XUM

Statement

The carrier has augmented our land-based aircraft. The questions raised in this regard deal with the relative cost of land based tactical air support vis-a-vis carrier based tactical air power.

Much of what follows is gleaned from a well documented paper entitled "Aircraft Carriers—Should We Build More?" prepared by Mr. Herbert Rosenzweig formerly of the OSD office of Systems Analysis and from notes taken in a seminar conducted by Mr. Rosenzweig at the Brookings Institution and attended by a member of my staff.

Comment

The 1968, '69 and '70 versions of the Herbert Rosenzweig study on the relative cost and effectiveness of land and sea based tactical air were never accepted as official positions, either by OSD(SA), his former employer, or by the Brookings Institution, his present employer.

Mr. Rosenzweig first produced his TACAIR cost and requirements study in 1968, when he was with OSD(SA), under Dr. Alain Enthoven. This draft, provided unofficially to the Navy and Air Force for review and comment, contended that sea-based air was 2.5 to 3.6 times as expensive as land-based air. Navy reviewers pointed out invalid assumptions and basic errors in logic, concept, facts, and costing. In the critique of the study attended by the Secretary of the Navy and Dr. Enthoven's principal deputy, it was agreed that the draft was inadequate and it was withdrawn without having received the status of an OSD approved document. The draft paper had recommended a CVA force level of 12; the Secretary of Defense decided to maintain the CVA level at 15.

OSD(SA) circulated essentially the same basic study in the spring of 1969 for comment. This study reflected a reduced ratio of 1.4 to 1 for costs of sea versus land based TACAIR, but Navy's critique again pointed out gross and detailed errors. Again OSD did not approve the study. The CVA force level remained at 15.

Under Brookings Institution sponsorship, he has prepared a 1970 study which is once more essentially a repeat of previous studies, with the same basic faults. He has presented a briefing of the study to a seminar at Brookings, however Brookings has not endorsed the work to date.

Statement

From these and other sources I would conclude:

1. A land based air wing costs $165 million less per year to operate than a carrier based wing provided no air-lift support is required.

Comment

A Navy staff analysis of the Relative Cost of sea-based and land-based tactical air has been conducted using cost analyses from a joint ad hoc committee formed by request of the Deputy Secretary of Defense in May 1969 to derive a common methodology for costing land-based and sea-based systems.

The relative cost of sea-based/land-based tactical air forces (TACAIR) was determined by comparison of historical direct mission dedicated and allocated costs attributed to each system on the basis of cost per air wing, squadron and Authorized Aircraft Inventory (AAI) aircraft.

Navy Total Obligational Authority (TOA) for mission categories from 1962 to 1969 were determined by study of line item by line item of all direct and supporting costs from the entire Navy budget that could be attributed to the Navy missions including TACAIR. 100% of the Navy budget dollars were identified with various mission categories.

Air Force TACAIR costs were not available in detail comparable to the Navy cost analysis. The Air Force provided a breakdown of the Air Force budgets which allocated only 75% of Air Force budget dollars by mission categories, including TACAIR.

The average ratios of cost for the period 1962 to 1969 were determined to be as follows:

	AF/Navy
Per air wing	1.2
Per squadron	1.5
Per aircraft (AAI)	1.3

Statement

In such a case the land based wings can be deployed almost as quickly as carrier based wings.

Comment

Mr. Rosenzweig's analysis of the average deployment time for the *n*th, or incremental CVA, is misleading and ignores the following:

a. CVA force levels are based on a worldwide scenario which means that even though they may be deployed in response to a contingency in one ocean, the CVAs in the other ocean are generally held in reserve for emergencies in their own ocean.

b. Our national strategy assumes, and we may normally expect, strategic warning for any contingency of such a magnitude that major forces should be alerted and deployed. One of the major advantages of the CVA is that it can be deployed at the first hint of strategic warning and does not have to wait out the diplomatic maneuvering. This will usually reduce CVA reaction/response time to near zero.

c. Quick response time loses its significance after a few days. We have seen historically the importance of countering an aggressive thrust within the first five days. Since we maximize the inherent utility of the CVA by maintaining one-third of the force forward deployed in "peacetime," the response time impact of the incremental carrier is that one-third more CVA could be in position to react within the critical early days of a contingency.

The mobility of the carriers permits concentration of sea-based airpower to the degree required by the task at hand. They can be moved any place on 70% of the earth's surface covered by international waters, without any international agreements or basing rights, at a rate of more than 600 miles a day and at speeds up to 30 knots.

All carriers in deployed status are maintained in a high state of material and personnel readiness as a quick-reaction, combat capable force available in an objective area of potential crisis. This includes those carriers forward deployed with the Sixth and Seventh Fleets and those assigned to the First and Second Fleets where they are available to reinforce the forward deployed forces or respond to contingencies in areas not covered by the forward deployed forces.

The number of carriers which can be deployed out of the total force depends upon the national military posture. Under mobilization conditions corresponding to an all-out declared war, up to 99% of the carrier force can be maintained in a deployed status. At the height of the Pacific operations in WW II, approximately 85% of the carrier force was maintained at sea. Without mobilization and with peacetime personnel policies and funding, about 50% of the fleet can be kept deployed in a surge effort when required in case of a minor war such as Southeast Asia. From March 1965 to July 1969, seven attack carriers were maintained in a forward deployed status (two in the Sixth Fleet and five in the Seventh Fleet). Currently six attack carriers are maintained in forward deployed status. From a peacetime operating posture, the reaction response potential of the carrier force is substantial. About 75% of all our carriers are either at sea or immediately ready to go to sea and most of the remainder can be deployed on short notice.

Statement

2. If airlift is provided to support the land-based wing and bare base kits are prepositioned in Europe, Southeast Asia and Korea, the land-based wing is still $120 million per year less than the carrier equivalent. In such a case the land based wing could be deployed as fast as the fastest possible carrier deployment.

Comment

The Air Force does not identify a kit method of quick construction of land bases. However, they are placing great emphasis on the capability to respond rapidly and economically to a variety of situations worldwide. This capability is outlined in a plan which provides for an Air Force package. This package includes five fighter squadrons of aircraft which would be deployed to an overseas complex of three bases. To support this overseas tactical fighter package requires an initial lift of 6,747 personnel, a cargo of 7,232 short tons, and 1,572 vehicles. The daily resupply requirements are specified as being a total of 3,222 tons. That is over 3,000 tons per day of combat consumables.

With this great requirement for logistic support, the Navy is required to provide transportation for ordnance and fuel. Any consideration of attempting to supply 3,000 tons per day of combat consumables by air would require large numbers of expensive logistics aircraft. 109 C–5s would be required to supply this level from the United States to Southeast Asia. From the United States to the Middle East, with en route stops permitted by foreign governments, would require 76 C–5s, and in case we were moving to the Middle East and were denied either overflight or landing rights, the number would double. 152 C–5s would be required. This points out the necessity for moving such great bulks of combat consumables by sea and the requirement to protect these sea lines of communication. Notwithstanding the formidable logistic problems involved in such a plan, the Air Force is developing the capability for rapid deployment to "bare bases" and they are looking forward to using it where air strips exist and if there is a potable water supply available. However, even assuming the existence of adequately sized airfields, the "bare base kit" concept requires the establishment of the logistic support necessary for modern aircraft—not only the combat consumables but also all of the test equipment, tools, and the living facilities for the personnel.

Permission to establish the base must be secured from the sovereign nation where the strip is located. The only bases we have specific permission to use are those in which we already have a certain number of personnel situated. Lastly, one other most important factor is protection of the base. In establishing a base in a combat environment, one must be assured that it is not going to be taken under fire or captured soon after it is established.

Statement

3. In short term conflicts, carrier based and land based aircraft experience approximately equal sortie rates. As the term of the operation lengthens, the overall sortie rate and hence the effectiveness of land based aircraft is from 30% to 100% greater than carrier based aircraft.

Comment

A land-based wing and a carrier based wing, using recent data experience in Vietnam, have been shown to generate sorties at about the same rate.

Statement

4. Carrier based aircraft would be more vulnerable to enemy action in a Central European war than land based aircraft. In Southeast Asia, Korea and other areas of the world, the vulnerability is significantly lower than in the Mediterranean and North Sea and, therefore, in these areas vulnerability should not be as serious a factor in the choice between land based and sea based aircraft.

XUM

Comment

Vulnerability to enemy attack should indeed be a major factor in choosing between the two modes of operations.

First, it is clear at the outset that the vulnerability of sea-based tactical air can be as great as that of land-based tactical air if and only if direct conflict with Soviet forces is involved. Other nations such as North Korea, the UAR, and Communist China have forces capable of inflicting damage on a single carrier and its escorts, but only the Soviet Union maintains forces which might be able to seriously threaten a concentration of carrier strength.

Second, the mobility and defense in depth characteristics of a carrier task force increases its survivability over that of fixed installations. For example, the attack carrier's aircraft greatly outrange even the most advanced Soviet cruise missile. And against ICBM attack, the attack carrier, in contrast to cities, industrial complexes, and other fixed installations is virtually immune to pre-targeting.

Statement

5. There are more than enough land bases in Europe to meet our needs. In the North Asian theater, we can operate 1,200 fighter/attack aircraft from bases in Korea, Japan and Okinawa. Differing assessments of the needs of another Korean-type conflict range from 500–1200 aircraft for tactical support. In southeast Asia, we have more than enough land bases to meet all of our tactical air needs.

Comment

There are not enough bases today in Vietnam to provide full tactical air support for that war even after the extensive base building program. The carriers are still there.

Statement

In other areas of the world such as Africa or South America our needs are likely to be quite small—probably no more than a few wings of tactical aircraft. The Middle East and the southern flank of Europe presents a difficult problem.

Comment

Although there are a few bases in these areas, the reliability of these bases, and their useability when we need them may be questionable. On at least one occasion, the denial of even emergency use of a base in a supposedly friendly country for the protection of U.S. nationals in a third country severely constrained our actions. Similarly, suspension of landing and overflight rights by a country which has been our staunch ally severely complicated deployment of land-based tactical air forces.

The only threat of significance to U.S. Naval forces in the Mediterranean is that posed by the Soviets. It is true that our forces could encounter Soviet arms in the hands of bloc forces, however, their capability is very limited. Since the anti-ship missile threat is considered by some to be of prime concern, it may be useful to analyze the orders of battle of potential limited war enemies in the Mediterranean:

(1) Nuclear powered attack submarines, cruise missile equipped: None

(2) Diesel powered attack submarines, cruise missile equipped: None

(3) Diesel powered attack submarines for torpedo attack (no cruise missile capability): (from Jane's Fighting Ships, 1969–70)

UAR[1]	16
Albania[1]	4

[1] Training and material readiness to execute the torpedo attack mission is doubtful.

(4) Long range aircraft (Badgers) capable of anti-ship missile delivery:

UAR (approx)	20
Iraq (approx)	9

No missiles have ever been observed on any of these aircraft.

(5) Surface ships (and craft) equipped to deliver anti-ship missiles: (From Jane's Fighting Ships 1969–70)

Patrol boats (OSA and KOMAR)

East Germany	12
Poland	12
Rumania	4
Yugoslavia	0
UAR	20
Algeria	9
Syria	10

It is evident from the foregoing that the principal threat to carriers in limited war is the anti-ship missile delivered from a patrol boat.

(1) The *technology* of the anti-ship missile is the newest and most formidable weapon for future use against the carrier. However, under the environment of less than general war, the threat of the anti-ship missile is substantially diminished. There is small chance in the immediate future that the lesser potential enemies will have significant capability to deliver anti-ship missiles except in one-shot, isolated surprise attacks.

(a) Although the Soviets are providing satellites with some modern weapons, they have not provided them with a submarine missile launching capability. Any significant surface launched missile capability requires control of the sea, which is not attainable by the lesser powers alone. The Soviet STYX missiles with which the Egyptians sank the *Elath* were launched from patrol boats. Significantly, the Egyptians have not duplicated this feat on the high seas.

(b) It is possible that surface-to-surface missiles similar to the STYX missile could be provided to the North Vietnamese. However, the carriers in the Gulf of Tonkin can and have operated beyond the range of land-based STYX missiles, and no potential North Vietnamese anti-ship missile launching platform such as a patrol boat or jet aircraft has ever penetrated the U.S. Naval defenses to within the effectiveness missile range of our carriers.

(c) An air launched missile capability requires control of the air to penetrate to within launching range of carriers. The carrier provides its own air supremacy in the vicinity of its task force and out beyond air-to-surface missile range.

Statement

6. In the past, General Purpose Forces were planned to support 2½ wars. The present Administration appears to be heading towards a 1½ war policy. It was difficult to justify 15 CVA's under the previous policy. Under the present policy it seems clear that there ought to be a reduction.

Comment

Although one and one half war policy can be termed a lesser national strategy in terms of funding and military capability, it does not necessarily follow that naval force levels will be correspondingly lower, nor that they should be. Policy guidance, coupled with growing enemy capabilities, actually drive naval force level requirements upward.

The new strategy of one and one-half wars places a premium on mobility of combat forces and their support, and relies on the manpower of our allies. It reflects a growing reluctance on the part of the United States to insert land based units onto the soil of other sovereign nations, placing on them the responsibility for furnishing home-based units for their own defense. The qualitative requirements generated by this new strategy coincide closely with the capabilities inherent in naval forces in general, and in CVA striking groups in particular.

THE NEED FOR ANALYSIS

Statement

As a complete layman in the field of Systems Analysis, I found the arguments presented in Mr. Rosenzweig's paper very persuasive. In all of the debates over this issue, I have never seen any real analysis of the issues involved. This paper is the rare exception and I highly recommend that the Committee obtain a copy for study in order to get a balanced view of the issue that will mean billions of dollars in expenditures over the next few years.

I understand that the Committee has requested the paper from the Brookings Institution and has been turned down because Brookings hopes to publish the paper shortly.

However, the Pentagon has a copy of both Mr. Rosenzweig's Brookings paper as well as the classified OSD Systems Analysis version of the paper. The Committee should demand that the paper be made available on both a classified and non-classified basis. The issue of the relative cost-effectiveness of land based versus sea based tactical air is skillfully analyzed and is crucial to any determination of the future role of attack carriers.

QUESTIONS ON THE JOINT STUDY

On this same subject I have the following questions about this Joint Committee study:

Has the Committee been provided access to last year's highly touted study by the National Security Council on the future role of attack carriers? Has the Committee been briefed on this study and will it be made available to Congress?

Due to the enormous sums involved in the decision of whether to buy any more attack carriers—has the Committee commissioned any studies on the issues in the seven months it has been in existence?

Who is studying the foreign policy implications of the carrier issues?—Is there any liaison with the Foreign Affairs and Foreign Relations Committees?

What is the impact of the President's Guam statement and the new Nixon low profile in foreign policy on the future of attack carriers?

Have any of the analytical people who are carrier critics been invited to testify before the Committee, such as Herbert Rosenzweig, formerly of OSD Systems Analysis; William Kaufman of Brookings, M.I.T., and former Special Assistant to Secretary McNamara; Alain Enthoven, former Assistant Secretary of Defense; Arthur Herrington, currently in the Office of the Secretary of Defense; Arnold Kuzmack, formerly of Systems Analysis; and Ivan Selin, former Assistant Secretary of Defense for Systems Analysis. And I am sure there are other qualified people outside of the Pentagon who could address these issues and substantially increase the level of debate.

Now I would like to make some observations on what I view as a critical issue—the vulnerability of the attack carriers.

CARRIER VULNERABILITY

The question of carrier vulnerability has been debated for some time. There are a number of scenarios that must be considered—some of them reasonable and some that are really far less than reasonable. The first is an all-out war with the Soviet Union. In such a situation, the war would most likely be fought with both tactical and strategic nuclear weapons. In this case, I am quite sure that even the Navy would admit that carriers would be extremely vulnerable. Only through a quirk of fate would any survive.

Comment

A direct hit from a nuclear warhead will destroy any ship, and any other military installation as well. But there is little or no chance that nuclear weapons would be employed against the U.S. carrier force except under circumstances of a general nuclear war with the Soviet Union or with China. Under these conditions, everything is vulnerable and great losses will be sustained by both sides, but even under these circumstances the carrier is less vulnerable because it cannot be pre-targeted. However, because the most probable future wars will be below the threshold of general nuclear war, limited conflicts of the type experienced in Korea and Vietnam can be expected.

Statement

The remaining potential enemies do not constitute a significant threat to our carriers. The Chinese do have about 30 conventional submarines of medium endurance. However, their tactical missilery could not be considered a major threat, although in any engagement we probably would not get off scott free. The North Vietnamese present no real threat to the carriers. The Egyptians do present a modicum of trouble for carriers in a first strike since they do possess the Soviet-built Styx missiles. However, it is unlikely that any sustained attack could be mounted since the Egyptian patrol boats would be quickly destroyed. The remainder of the nations of the world present no significant threat to our carriers.

Conventional War at Sea with the Soviets?

These then are the reasonable scenarios. Let us consider an unreasonable one, but one which many people continue to dwell upon with analytical fascination: a conventional war with the Soviet Union. Carriers do not fare too well when considering their vulnerability in this situation.

The vulnerability of aircraft carriers in a conventional United States/Soviet War is an issue that has not been sufficiently studied; or if it has, the results have not been made available to the Congressional membership. The Navy has not stated in a clear-cut manner what the survivability of aircraft carriers would be against a potent enemy such as the Soviet Union under conventional war time conditions. Rear Admiral Johnston has stated that carriers are not completely vulnerable and they are not completely invulnerable. This is less than marginal help. Last year during Congressional debate, Admiral Moorer made the statement, purporting to demonstrate the invulnerability of carriers, that during World War II not a single carrier had been sunk by Kamikaze attack. This statement is technically correct. However, it is misleading for two reasons. First, the comparison is not good because the Kamikaze is a vintage 1945 weapon. The weaponry of this country cannot be predicated upon defending against an enemy armed with obsolete weapons. For example, if the Army were to propose an antiaircraft weapon capable of destroying Sopwith Camels, I hardly think the Congress would swallow such a rationale. Modern defenses must be capable of countering an enemy equipped with equally modern weapons. Another reason the Kamikaze statement is misleading is that while no carriers were sunk by these human guided missiles, a number were seriously damaged and put out of action for extended periods or permanently. I have been informed that 13 carriers were seriously damaged by Kamikaze attacks, but the following list is the most comprehensive we could put together on short notice:

CARRIERS BADLY DAMAGED BY KAMIKAZE ATTACKS

Ship [1]	Date	Number of hits	Notes
Saratoga (CV-3)	Feb. 21, 1945	4	Serious damage, went out of commission.
Ticonderoga (CV-14) [3]	Jan. 21, 1945	2	Returned to base.
Bunker Hill (CV-17) [3]	May 11, 1945	2	Returned to base, went out of commission.
Intrepid (CV-11) [2]	Nov. 25, 1944	2	Returned to base.
Enterprise (CV-6)	May 13, 1945	1 plus	Returned to base, went out of commission.
Others listed as badly damaged by Morison: [2]			
Franklin (CV-13) [3]	Mar. 18, 1945		
Wasp (CV-18) [3]	Mar. 19, 1945		
Hancock (CV-19) [3]	Apr. 7, 1945		
Intrepid (CV-11) [3]	Apr. 16, 1945		

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[1] I. M. Korotkin, "Battle Damage to Surface Ships During World War II," translation 310, David Taylor Model Basin, February 1964.

[2] Vol. 14, pp. 389-392.

[3] Essex class or later.

Comment: The Navy has in the past contrasted the Kamikaze attacks of World War II to the cruise missiles of today to emphasize the ineffectiveness of the Kamikaze, even with the most sophisticated and reliable guidance system yet conceived—the human brain. The predominance of the human brain is again illustrated by the flight of Apollo 13; the most complex product of our technology is ultimately dependent upon the mental acuity of the astronauts.

Additional information on the carriers referred to is submitted as substantial support for the Navy's thesis on carrier survivability:

Saratoga—Completed in 1927 on the hull of a 1920's battle cruiser—participated in 4 major campaigns in the Pacific. In February 1945 she was 18 years old. Hit between 1700–1846, she was ready to land aircraft at 2015. She was under repair for 10 weeks and undoubtedly would have seen further action had the war continued. One might also recall that she was a target ship in the Bikini atom bomb tests of 1946—and survived the air burst of a 20KT bomb with superficial damage.

Enterprise—In May 1945—under repair for 14 weeks and could have returned to service had the war been prolonged.

Franklin—War ended 5 months later before she returned to service. Sailed from the Sea of Japan to Boston under her own power—12,000 miles.

Bunker Hill—War ended 3 months later before she returned to service. Was later converted to a CVS and then an AVT before being stricken in 1966. She is now used as a moored electronics ship in San Diego.

Ticonderoga—25 years later still in active service. Over 43,000 combat sorties flown during 4 tours in Vietnam. Returned to U.S. in September 1969 and is now being converted to a CVS and will be in the force in the Seventies.

Intrepid—25 years later and still in active service. Nearly 25,000 combat sorties flown during the Vietnam War. Reverted to her role as a CVS in 1969 and scheduled to be in the force in the Seventies.

Hancock—5 tours and over 38,000 combat sorties in Vietnam. She left the Tonkin Gulf on 30 March and she arrived home 13 April 1970—25 years and a week after the damage cited by Mr. Moorhead.

Statement

So instead of dwelling on an enemy armed with historical relics, let us dwell for a moment on modern weapons that carriers might face if we were at war with the Soviets.

Soviet attacks on our carriers might be expected from one or a combination of three sources: manned aircraft armed with air to surface missiles or bombs; surface-to-surface missiles launched by surface ships; and submarines launching either torpedoes or underwater launched guided missiles.

AIRCRAFT AND ASM THREAT

Considering the first source, that is, armed manned aircraft, we know that the Soviet Union has a considerable force of Badger, Blinder, and Bear aircraft. These are capable of carrying up to 10 missiles per plane.

Statement

From 6 to 10 of these aircraft can be launched simultaneously which means that they can direct bursts of from 10 to 20 missiles at the carrier. Since we cannot expect over 90% reliability of our defense systems, the carrier probably would not survive. Admittedly the utility of these planes is limited by their range. However, areas of vulnerability include the Mediterranean, the North Sea and the area around Japan, Korea, and off the East Coast of the Soviet Union.

MISSILE AND TORPEDO THREAT

The other sources of potential threat to our carriers stem from missiles and torpedoes fired from submarines or surface ships. Surface-to-surface missiles launched either from surface ships or submarines present a real threat to our carriers. The enemy objective is to try to hit aviation fuel supplies causing extensive damage. Experts estimate that two to four missile hits are sufficient to knock out a carrier for an extended period of time.

Comment

The experience of the USS *Enterprise* would belie this statement.

The hardness of the modern attack carrier is illustrated by the accident in the *Enterprise* early last year when nine major caliber bombs detonated on her flight deck. This is the explosive equivalent of more than a half dozen cruise missiles. Yet the ship could have resumed her scheduled air operations within hours, as soon as the debris was cleared from the after end of the flight deck.

Statement

This particular threat may be increasing considerably. According to an article in the Chicago Daily News on April 2, the Soviet Union is developing a new missile that has a range far in excess of the Styx. It can be fired from a submerged submarine and speeds to its target in the air just above the waves. The potential danger of such a missile is increased not just by its extended range or the fact that it can be stealthily fired, but also because of its altitude. A low altitude missile is quite difficult to defend against with our own surface to air missiles.

Comment

The Navy cannot vouch for the accuracy of the article in the Chicago Daily News. However, the implications of the anti-ship missile threat have been under continuing review.

Design improvements for protection have been incorporated in all new carriers built since World War II subsequent to the *Essex* class. The new *Nimitz* class nuclear carriers are the best protected and least vulnerable carriers ever designed.

The available defenses against anti-ship missiles for a carrier task force now consist of:

Inherent mobility (indefinite endurance at high speed for nuclear ships).

Air attacks by carrier aircraft against: Surveillance platforms, Launching Platforms, Missiles in flight.

Anti-submarine force attacks against hostile submarines.

Surface-to-air missile (SAM) defenses in ships of the task force against anti-ship missiles.

Close-in gun and missile defense from carriers against anti-ship missiles.

Both active and passive electronic warfare countermeasures from aircraft and all ships in the task force.

In the event that anti-ship missiles penetrate the above defense in depth and close-defenses, the carrier is well equipped to survive hits with its built-in protective systems as follows:

Extensive armor protection for the flight deck, sides, and underwater body designed with high probability to defeat high order contact and penetrating explosives comparable to that of an anti-ship missile warhead.

Watertight compartmentation throughout the hull which divides the ship into more than 2,000 watertight and shock resistant compartments to confine damage to small areas.

Redundancy of essential systems for command and control, aircraft operations, ship control, ship propulsion, and damage control to provide means for continuing effective offensive and defensive action while limiting damage, defeating fires, and restoring casualties from hits.

The statements above do not mean that U.S. Navy concern for the potential threat of the Soviet submarine force or the anti-ship missile is downgraded. It is recognized that in a confrontation or in a war with Russia, Soviet submarines constitute a formidable force threatening our use of the seas. Therefore, continuing development of Navy anti-submarine warfare capabilities is in progress in conjunction with development of defenses against the anti-ship missile.

The Soviets, in turn, have always been concerned with the threat posed them by our Attack Carrier Task Forces. In the 1968's they commenced allocating an increased share of their national resources on a priority basis to their anti-ship missile program as a counter to the carrier threat.

Responding to this increased Soviet threat, the Navy embarked on a broad scale improvement of existing defensive weapons. Recognizing the need for central coordina-the ASMD (Anti-Ship Missile Defense) Office was established in February 1968 with a Rear Admiral, USN as ASMD Program Coordinator. As the first priority, the ASMD office in 1969 published new tactics and doctrine for countering the anti-ship missile for fleet use. In that same year, an ASMD Program Plan was promulgated encompassing all previous missile defense plans and setting forth schedules for near term and future improvements to weapons and electronic warfare equipments.

The general provisions of the ASMD Program Plan provide a defense-in-depth concept utilizing all weapons available to a balanced fleet. The plan addresses immediate improvements to existing systems as well as installation of new systems, and integration of these systems into a reliable anti-missile capability in both area and self-defense.

The near term effort includes installation of improvements to surveillance and reconnaissance platforms, air interceptors, surface-to-air missiles, guns, point defense systems, threat recognizers, decoy systems, radar detection systems, and counter-electronic warfare systems. New systems in the ASMD plan include an advanced surface-to-air missile system, an air and surface launched anti-ship missile, a manned shipboard multi-purpose helicopter, and a new radar controlled rapid fire machine gun.

The ASMD shipboard installations are time-phased in accordance with scheduled ship overhauls and availability of new or modified equipment.

The first step of the ASMD program, to equip 20 destroyers on an emergency basis for duty in Southeast Asia, is nearing completion. The second step, commencing July 1970, is to provide aircraft carriers, cruisers, and frigates with all available equipments necessary to provide a threat reactive anti-ship missile defensive suit.

Statement

Torpedoes also constitute a threat to carriers. There are two types of torpedoes: straight running and homing. The damage potential of straight running torpedoes is low. A carrier could probably sustain 20 hits with low effect. However, according to experts the damage potential of homing torpedoes is relatively high despite the fact that counter-measures exist. Homing torpedoes are generally designed to home on the ship's screws. A carrier most frequently has 4 screws. If two are hit and rendered inoperable the carrier would most likely be incapable of fulfilling its mission of launching aircraft. While the carrier might not be sunk it would have to withdraw for some period of time.

Comment

Of the major weapons which constitute threats to the carrier, torpedos are by far the least effective. The submarine must reach a point within several miles of the carrier to fire torpedoes. Furthermore, the torpedo protective system of modern attack carriers is extremely effective. Recent technical analyses at the Naval Ship Research and Development Center show that a significant number of torpedoes are required to put a modern *Forrestal* or subsequent class carrier out of action.

Statement

The torpedoes mentioned thus far are conventional in their mission. Experts now believe that there is a possibility that the Soviets could develop a new type of torpedo capable of actually sinking a carrier. Such a torpedo would be designed to explode under the hull, in effect breaking the back of the carrier.

These conventional weapons exist and they can incapacitate or destroy carriers. This country does possess carrier defenses in the form of missiles and aircraft. However, no one, not even the most optimistic, could expect these defensive systems to operate in excess of 90% reliability.

Comment

Similarly, we cannot expect offensive systems to operate with perfect reliability.

Statement

Therefore, we must assume that even under conventional wartime conditions with the Soviet Union, in the face of determined opposition attack carriers are quite vulnerable.

Comment

The Navy agrees that in a war between the United States and the Soviet Union there would be enormous casualties to *both* sides. Soviet submarines and missiles would indeed be serious threats to the carrier as they would be to all ships, particularly those with limited defensive capability such as tankers and other supply ships. These logistic ships which would transport the vast majority of supplies to sustain any land effort over seas would have to depend upon the carrier for protection against antiship missiles. Our own surface warships, outranged by Soviet anti-ship missiles, would likewise perform their missions under the protective umbrella of carrier aircraft which greatly outrange Soviet missiles.

Today, carriers constitute the margin of superiority of the U.S. Navy over the Soviet Navy. In other areas such as members of attack and missile submarines, surface-to-surface missile ships, missile patrol boats, as well as general modernity of equipment, the Soviet Navy is ahead of us, but in carriers, we have a clear advantage. Our attack carriers are the most effective counter to the anti-ship missile threat. The carrier's aircraft, with a tactical range of about 600 miles, can search for, keep surveillance over, and if necessary, attack and sink the hostile missile launcher.

If we were without carriers entirely or if there were not sufficient numbers of carriers available, enemy missile-launching ships and aircraft could operate unopposed in any conflict with the U.S. Our Navy's operations would be severely curtailed. Tactical air superiority is a necessary prerequisite for success in any naval operation, be it amphibious assault, ASW, or protecting our sea lines of communications with our allies and our land forces overseas, and the attack carrier provides this tactical air advantage.

CONCLUSION

Statement

Mr. Chairman, there are any number of questions that this committee should answer. Detailed analyses exist that show that carriers are *not* cost-effective when compared to land based aircraft. The committee should study this report. It should request the navy to provide similar studies justifying its position. Unless the Navy can provide additional insight and information, additional carriers seem not to be warranted at this time. Beyond the question of cost-effectiveness there are very real indications that carriers are becoming increasingly vulnerable to sophisticated weaponry such that in the event of a major conflict with the Soviets, they would not survive.

For these reasons I believe that a balanced force should not exceed 12 carriers and that under these circumstances the Congress need not make a decision on the procurement of additional attack carriers until 1975.

Number	Class	Name	Date commissioned
CVA-14	Essex	Ticonderoga [1]	1944
CVA-19	do	Hancock	1944
CVA-31	do	Bon Homme Richard	1944
CVA-34	do	Oriskany	1950
CVA-41	Midway	Midway [2]	[3] 1945
CVA-42	do	Roosevelt	[4] 1945
CVA-43	do	Coral Sea	[5] 1947
CVA-59	Forrestal	Forrestal	1955
CVA-60	do	Saratoga	1956
CVA-61	Forrestal	Ranger	1957
CVA-62	do	Independence	1959
CVA-63	do	Kitty Hawk	1961
CVA-64	do	Constellation	1961
CVAN-65	Enterprise	Enterprise	1961
CVA-66	Forrestal	America	1965
CVA-67	do	Kennedy	1968
CVAN-68	Nimitz	Nimitz	(6)
CVAN-69	do	Eisenhower	(6)

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[1] To become a CVN (ASW carrier) when Midway rejoins the fleet in 1970.

[2] To rejoin the fleet in 1970.

[3] Undergoing modernization.

[4] Modernized 1953–56.

[5] Modernized 1956–60.

[6] Under construction.

Note: Total 18; in addition, there are presently 8 ASW carriers.

Comment

The *Ticonderoga* (CVA-14) was designated an antisubmarine warfare support carrier (CVS) in October 1969. The modernization date for *Roosevelt* (CVA-42) should read 1954-1956, and for *Coral Sea* (CVA-43) should read 1957-1960. There are presently only 4 ASW carriers (CVSs) vice the 8 indicated.

Mr. Chairman, I would also like to include at this point a letter from the Chairman of the Joint Chiefs of Staff:

THE JOINT CHIEFS OF STAFF,
Washington, D.C. April 29, 1970.

Hon. CHARLES E. BENNETT,
Cochairman, House-Senate Subcommittee on CVAN-70, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of April 28th which asks that I comment on a document which was recently presented at the hearings held by the Joint House-Senate Subcommittee on CVAN-70. In particular, you requested my views on that part of the document which says:

"There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas."

I am pleased to write you concerning this matter, especially since the statement to which you refer tends to convey an erroneous impression that the Joint Chiefs of Staff entertain the view that all of the United States military tactical fighter aircraft requirements for a Southeast Asian or European major contingency could be met by the use of land-based tactical fighter aircraft. This is not so.

While existing airfields in Southeast Asia and Europe could physically accommodate the number of tactical aircraft required to meet a major contingency in either of the mentioned geographical areas, this could be done only at the unacceptable cost of reduced flexibility and military effectiveness. Airfield space accommodations are only one factor to be considered in determining whether or not to land-base or sea-base tactical aircraft. Each mode of basing, either land or sea, offers unique strategic and tactical advantages not possessed by the other mode. In weighing these advantages, the factors considered must not only include the demands on the use of airfield facilities, they must also consider the geographical areas of operations, threat projections, the availability of the land bases within operating range of expected contingency areas, problem requirements for forces to defend land bases or carriers, the relative vulnerability of land bases or carriers to attack, the existence or absence of logistic prestockage, projected sustained sortie requirements, and the rapidity with which forces may have to be disengaged and reengaged in distant geographical areas.

When all of the operational and planning factors are considered, including those listed above, it is clear that land-based tactical fighter aircraft alone would not be sufficient to meet the United States operational needs for a major contingency in either Southeast Asia or Europe. Rather, these needs require a proper mix of both sea-based and land-based aircraft.

The testimony referred to in your letter also would imply that fighter and attack aircraft constitute the only demands on the use of the airfield facilities located in Southeast Asia or Europe. This also conveys an erroneous impression. The very high traffic loads which could be expected in the event of a major contingency in either of these areas would not allow adequate tactical aircraft support to come only from the land bases located there. To simply state that bases in Europe can accommodate all the fighter forces required is an unfortunate oversimplification of a vastly complex problem. Such a proposal could not be feasibly implemented without extenisve planning and major additional expenditures of United States and allied funds.

The statement referred to in your letter only addresses Southeast Asia and Europe. However, a far more serious basing problem exists with respect to South Korea than in either Europe or Southeast Asia. [Deleted.]

If bases in Japan or Okinawa were available, some fighter and attack support could be obtained by flying extended duration missions using in-flight refueling. However, base overcrowding would still greatly constrain sortie generation and create other major problems. The use of sea-based tactical air forces in support of South Korea would greatly relieve the vulnerability and base density problems. Without support from sea-based tactical air forces, it appears doubtful that air superiority, essential to successful ground operations, could be maintained in Korea.

In summary, while existing airfields in Southeast Asia and Europe could physically accommodate the required number of tactical aircraft, this would be only attained at the price of reduced flexibility and effectiveness afforded by sea-based tactical air forces. Significantly, with respect to Northeast Asia the airfield structure, unsupported by sea-based tactical air, would be inadequate to accommodate the expected level of operations.

I hope that my above comments will assist the House-Senate Subcommittee on CVAN-70 in evaluating the document which you enclosed in your above-mentioned letter. If I can be of any further assistance in this or in any other matter, I shall be pleased to hear from you.

Sincerely,

EARLE G. WHEELER,
Chairman, Joint Chiefs of Staff.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MOORHEAD).

The amendment was rejected.

Mr. RYAN. Mr. Chairman, I have three amendments and I ask that my time may be apportioned between all three. Can the Chairman apportion the time between the three?

Th CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair therefore will apportion the time and the Clerk will report the three amendments en gros.

Mr. RYAN. Mr. Chairman, my request was not that they be considered en bloc, but that my time be apportioned. I do not believe it is feasible to consider them en bloc.

Mr. RIVERS. Mr. Chairman, just exactly what is going on?

The CHAIRMAN. The Clerk is reporting an amendment offered by the gentleman from New York (Mr. RYAN).

Mr. RIVERS. Mr. Chairman, I thought I heard someone say "en bloc"?

The CHAIRMAN. The gentleman from New York did not care to have the amendments considered en bloc.

The Clerk will report the first amendment.

AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. RYAN:

Page 6, following line 8, insert the following new section:

"SEC. 403. No part of the funds authorized to be appropriated pursuant to the Act shall be used to finance the use of American military forces in Cambodia."

Mr. RIVERS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. RIVERS. Mr. Chairman, has the matter not already been disposed of? That is why I asked the gentleman to let me know what was going on. Has not the Cambodian issue been disposed of?

The CHAIRMAN. This is a different amendment.

Mr. RIVERS. That is what I would like to find out.

Mr. Chairman, I ask unanimous consent that the amendment be re-read.

The CHAIRMAN. Is there objection to the unanimous-consent request to have the amendment re-read?

There was no objection.

The CHAIRMAN. The Clerk will re-read the amendment.

The Clerk re-read the amendment.

Mr. RIVERS. Mr. Chairman, I make a point of order. This bill does not deal with the paying of the salaries of military personnel. That comes under housekeeping and does not require authorization. This bill has nothing to do with that subject matter, and the amendment is subject to a point of order. That would come under the appropriation bill for housekeeping, for operation and maintenance.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. RYAN. I do not wish to take my time to answer a point of order, Mr. Chairman. I believe the amendment clearly is in order. It is a provision which prohibits the use of funds in this bill to finance the use or the deployment of American military forces in Cambodia. It is very clear what it does. Funds in this bill cannot be used to support U.S. military operations in Cambodia. If the Reid amendment was in order, then this is in order. Unfortunately, the House was deprived of an opportunity to have a vote on the Reid amendment, because of the adoption of the Findley substitute, and I believe this issue should be squarely before the House.

Mr. RIVERS. Mr. Chairman, this bill does not have any money in it for that purpose. This is a procurement bill and a research and development bill. It has no funds whatever to pay personnel for doing anything.

The amendment is subject to a point of order, and I do make the point of order that it is not germane to the title or to the bill.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair feels that this amendment attempts to bring into the legislation something that is not germane, and therefore the Chair sustains the point of order against the amendment.

The Clerk will report the second amendment offered by the gentleman from New York (Mr. RYAN).

AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. RYAN:

On page 5, strike out lines 5 through 15, inclusive.

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Mr. RYAN. Mr. Chairman, this amendment would strike from the bill section 401. Section 401 is an open ended authorization for the funding under this act or any other act of the so-called local forces in Laos and Thailand and of Vietnamese and other free world forces in Vietnam. It is the widest authority possible for the executive branch to continue doing what it has already done in Cambodia; that is, to arm and supply South Vietnamese troops to undertake to spread the entire conflict throughout Southeast Asia. It is an invitation to the Executive to arm and supply Thai forces and Laotian forces and to use them as mercenaries throughout Indochina.

Passage of the military procurement bill as it now stands—with section 401 intact—will be an implicit endorsement of the unauthorized, unilateral action taken by the President last week. And it will constitute carte blanche for him to continue on his course of attempted military solution to problems which can only be resolved by political settlement.

Moreover, the open-ended language of section 401 contrasts with Public Law 89–367, which section 401 amends, and which at least—although this is small solace—imposed a ceiling on expenditures. In the light of the events of recent days, we should be restricting the President's ability to engage the United States—directly or indirectly—in military conflict. And yet, section 401 by its open-ended funding, expands it.

More wars must be avoided. Conducting foreign and military affairs by trampling over the public's and the Congress' right to know must end. How many more Vietnams must be experienced before there is a change in the public and the Congress be damned policy? Over 41,000 dead American soldiers in Vietnam bear witness to the folly which follows when Congress fails to exercise its responsibilities and when Congress is barred from information as to the military ventures the Executive decides to undertake.

It is not possible to discern from the language of section 401, or from the committee hearings, just what the "support" authorized by that provision entails. The House is being asked to vote for an open-ended commitment the nature of which, the extent of which and the consequences of which are obscure and dangerous.

The obscurity is pointed out in the committee hearings. I would point to page 6922 of the hearings—House Armed Services Committee 91–53—at which juncture the chairman of the committee, in his colloquy with Secretary of Defense Laird, referred to a letter received by the Secretary from 10 Members of the House requesting cost information with respect to our operations in Vietnam, Thailand, and Laos.

This letter was sent in December 1969, by myself and nine of my colleagues: Mr. Brown of California, Mr. Burton of California, Mr. Conyers, Mr. Eckhardt, Mr. Edwards of California, Mr. Fraser, Mr. Kastenmeier, Mr. Mikva, and Mr. Rosenthal. It asked, specifically, for information regarding the cost of supporting Thai troops in Vietnam; the cost of supporting a Filipino construction battalion in Vietnam; the cost of supporting South Korean troops in Vietnam; the cost of conducting U.S. military operations in Laos; and the cost of operating U.S. military bases in Thailand.

The committee hearings give no answer to these questions. In fact, on page 6923, the figures we requested are deleted. What is more, the Secretary of Defense, under the signature of Mr. Richard G. Capen, Jr., Assistant to the Secretary of Legislative Affairs, refused in his letters of February 20, and March 31, 1970, to give us this information, saying that it had been furnished to the House Armed Services Committee.

I do not accept the Secretary of Defense's view that, as Congressmen, we are not to be given information about the cost—and thereby the extent of our involvement—in military ventures. I do not accept the implicit assumption made by the Secretary of Defense that we, as Congressmen charged with the responsibility to represent our constituencies, are to be denied information of the most basic and important concern to every American.

I do not accept the view that a bill should be reported out of committee, and voted on, which authorizes open-ended "support" for operations, the present, future, and past costs of which we are not allowed to know.

This type of conduct of our foreign and military affairs led us to Vietnam. It accounts for our involvement in a secret war in Laos. It accounts for widening the war into Cambodia. It makes the threat of an all-Indochina war very real.

I want to make clear that my amendment is not meant as an attack on the administration's Vietnamization policy, although I have expressed serious reservations about this policy. Deletion of section 401 in no way will impede the Vietnamization program. It will merely require the administration to request specific authorization for support of South Vietnamese forces—authority it should request specifically, so that the Congress may assess the premises of this policy, its successes, and its failures.

In addition, I would hope that, even if this amendment is defeated, the debate on it will mark the beginning of serious congressional scrutiny into the military policies which the executive branch is pursuing and contemplating, and an assertion of congressional control. I believe that we can do no greater service to our country than to exercise the responsibilities so wisely given us by the Constitution.

The CHAIRMAN. The time of the gentleman from New York has expired on this amendment.

The question is on the amendment offered by the gentleman from New York (Mr. Ryan).

The amendment was rejected.

The CHAIRMAN. The Clerk will report the third amendment offered by the gentleman from New York (Mr. Ryan).

AMENDMENT OFFERED BY MR. RYAN

The Clerk read as follows:

Amendment offered by Mr. Ryan:

One page 6, after line 8, and a new section as follows:

"Sec. 403. Prior to the award of any contract for goods or services by the Department of Defense, the Army, the Air Force, the Navy, the Marine Corps, or any other Department or agency contracting for goods or services under this Act, approval shall be required from the United States Commission on Civil Rights that the contract to be awarded is in comformance with Executive Orders 11246 and 11375."

Mr. RYAN. Mr. Chairman, this amendment requires, simply, that prior to the awarding of any contract under this act, the U.S. Commission on Civil Rights must approve it as being in conformity with Executive Order No. 11246, which prohibits discrimination on the part of all Federal contractors and requires that they take affirmative action to hire, employ, and promote employees without regard to race, color, or national origin. It also provides that there be conformity with Executive Order No. 11375 which expands coverage to discrimination on account of sex.

The Defense Department has demonstrated that it is either unable or unwilling to enforce vigorously the equal opportunity program. My amendment is necessary to place in the hands of a committed agency the power to review all Defense Department contracts prior to their award, to assure that the contractor is in compliance with the provisions of the President's executive orders.

The Department of Defense has jurisdiction over the largest number of companies doing business with the Federal Government. It has been estimated that as many as three-fourths of all Federal supply and service contracts are with the Defense Department, which has some 20,000 prime contractors and 100,000 subcontractors. Assistant Secretary of Defense Barry J. Shillito has pointed out that "some 5,300 cities and towns have at least one plant or company doing business with the armed services."

The bill before us today authorizes over $20 billion for procurement by the military establishment. Almost all of this money will be funneled to contractors, and through them, subcontractors, for the acquisition of goods and services. Consequently, H.R. 17123 marks perhaps the most significant piece of legislation in terms of its effect on the economy and on employment that this House considers. Its significance for minority group members seeking employment opportunity is immeasurable, for it is they who have been most victimized in the past—and in the present—and it is they who must look to the Federal Government to require the equality of opportunity that so many employers deny them.

To pass H.R. 17123 without making clear its importance in this regard is unwise. To not assure that its significance is backed up by implementation of Executive Order 11246 is unwarranted. To not particularly emphasize the chances for a breakthrough in employment opportunity which this $20 billion authorization bill affords is unacceptable—especially in light of the Defense Department's great potential for effecting equal opportunity in employment and its dismal record doing so thus far.

I call particular attention to last year's dealings between the Defense Department and three textile firms—Dan River Mills, Burlington Industries, and J. P. Stevens & Co. Despite the fact that investigations by the Defense Supply Agency, the contracting component of the Defense Department, revealed that all three companies discriminated in hiring, promotion, and other practices, these companies were awarded defense contracts totaling $14 million.

In each case, the requirement established by regulations issued by the Office of Federal Contract Compliance that there be specific, written commitments to correct compliance deficiencies was ignored. Deputy Defense Secretary Packard accepted, in their stead, oral assurances. Not only did this violate the OFCC regulations; the Office of Federal Contract Compliance was not even consulted regarding the awarding of these contracts. In accepting these oral assurances, Deputy Secretary of Defense Packard overruled his own Deputy Assistant Secretary of Defense of Civil Rights, Jack Moscowitz, who had recommended that the contracts be withheld on the ground that the three companies had failed to bar discrimination. What is more, Mr. Moscowitz had advised Deputy Secretary Packard of the necessity for written assurances beforehand.

This action by the Department of Defense clearly was in violation of Federal regulations, yet this fact did not deter the Department from proceeding.

Again the Defense Department erred when, last year, the Department of the Navy awarded contracts totaling $128 million to the Ingalls Shipbuilding Co. of Pascagoula, Miss., even though equal employment opportunity deficiencies had been documented, and no affirmative action plan existed.

L. Howard Bennett, Acting Deputy Assistant Secretary of Defense, Civil Rights and Industrial Relations, acknowledged that the Navy had violated Defense Department's own requirements. Mr. Bennett stated:

> (T)his contract was awarded by the Navy without completing our required pre-award compliance check on equal employment opportunity matters.

Once again, equal employment opportunity deficiencies by a Defense Department contractor—Newport News Shipbuilding and Dry Dock Co.—were discovered just last month. This time, the Navy was the division of Defense contracting with a noncomplying company. While $700 million worth of new contracts were held up until Newport News adpoted an adequate affirmative action plan, the fact is that the Navy had more than $2 billion worth of contracts ongoing at the time the Maritime Administration uncovered the noncompliance, of which $500 million worth of work was not yet completed. So not only has the Defense Department shown itself inept in the preaward stages, it similarly has failed to enforce compliance during the course of contracts already awarded.

Still another instance of disregard for effectively and properly implementing Executive Order 11246 involves McDonnell-Douglas Aircraft Corp., which has been awarded a contract to build the F-15 jet fighter, for which $370 million is included in H.R. 17123. The committee report, on page 32, describes the F-15 aircraft as the "highest priority program in the Air Force today." The eventual cost of this program could run as high as $7.7 billion. And yet, Air Force Secretary Robert C. Seamans, Jr. acknowledged that preaward contract procedures were not followed to insure full compliance with equal opportunity standards.

What is more, not only were the correct procedures not followed, but if they had been, they would have disclosed serious question that McDonnell-Douglas meets fair employment standards in hiring, promotion, and placement of personnel on a nondiscriminatory basis. Only 41 of the company's 4,898 officials and managers were black, and only 60 of its 6,700 professionals were black.

Subsequently, an equal employment opportunity agreement was reached between the Defense Department and McDonnell-Douglas. However, on February 11, Stuart C. Broad, a defense manpower official, asserted that the details of this agreement would not be disclosed, claiming they represented a "trade secret." Thus, not only does the Defense Department enter into a multimillion-dollar contract with a company seriously suspect for noncompliance with Executive Order 11246, it further refuses to disclose to the public the measures to be taken to come into conformance. This secrecy is unjustifiable. It represents arbitrary action which clearly is not consonant with the Freedom of Information Act and which clearly ignores the rights and proper concerns of the very people discriminated against by the company.

It is the height of hypocrisy to provide $20 billion to buy missiles and aircraft and tanks for our armed services, when the hundreds of thousands of blacks, Puerto Ricans, Mexican Americans, and American Indians who serve in the Army, Navy, Marine Corps, and Air Force, and who will man this equipment, do not adequately receive the Federal Government's protection in assuring equal employment opportunity in those plants and facilities manufacturing this materiel.

It is obvious that the Department of Defense cannot continue to be charged with responsibility for implementation of the equal employment opportunity program, and that the Office of Federal Contract Compliance cannot alone monitor the Defense Department's contracting activities. The optimum solution would be the creation of a new independent agency charged with the responsibility for contract compliance and Federal employment, as well. Until such time as such an agency is created and to deal with the problem today, we can authorize the U.S. Commission on Civil Rights to monitor and approve all contracts of the Defense Department. It is essential that minority groups in this country no longer be ignored, shortchanged, and denied their rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Ryan).

The amendment was rejected.

AMENDMENT OFFERED BY MR. MORSE

Mr. MORSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Morse:
>
> Page 6, line 9, add the following new section:
>
> "Sec. 403. Each defense contract or grant entered into by the Department of Defense or any military department thereof pursuant to this bill in excess of $1,000,000 shall contain provisions effective to require the contractor to define his capability for converting manpower, facilities, and any other resources now used for specific military products or purposes to civilian uses."

Mr. MORSE. Mr. Chairman, I offer this amendment on behalf of the gentleman from New York (Mr. Bingham), and myself. but in a very real sense I offer it in behalf of every Member of this House who has within his constituency any defense-related activity. We have seen the extent of the new trend in the last few years, initiated in part by this House last year under the distinguished leadership of the chairman of the House Armed Services Committee and that of the chairman of the Appropriations Committee, in reducing defense spending. The White House and the Department of Defense have done a great deal in this regard, also. We have seen space spending going on a downward curve for the last 5 years. In time this will mean that every single one of our districts will be adversely affected by the economic adjustments that are going to occur as a result of this reduced defense and NASA spending.

The Department of Defense recognizes the importance of the problem and has established within the Office of the Secretary of Defense an Office of Economic Adjustment. My amendment will merely require defense contractors to devote their talent and ingenuity to the problems. I recognize that this is an exceedingly complicated subject and that it is unfair to ask this committee at this time to accept such a far-reaching proposal, but I already have had the privilege of discussing it with the chairman of the Armed Services Committee and the ranking minority member of the committee as well as with the general counsel of the committee, and I would hope we might have the assurance of that leadership that the Committee on Armed Services will consider at some later date in an orderly fashion what I deem to be a very vital subject.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I am happy to yield to the chairman of the committee.

Mr. RIVERS. We could not accept this amendment at this time because it would not be a proper part of this bill. It will require some study, and the gentleman does have my assurance that we will look into it, because it may have something that we ought to consider, if the gentleman will withdraw his amendment. Even if he does not, we will still look into it.

Mr. MORSE. I thank the gentleman for that assurance.

I now yield to the gentleman from New York (Mr. Bingham).

Mr. BINGHAM. Mr. Chairman, I am

happy to be associated with the gentleman from Massachusetts on this amendment. It is a matter of tremendous importance to industries today in consideration of how they will convert. It will not be too long, we hope, before this ghastly war is over. There are many industries that are faced with this problem. It requires planning ahead, and this is a constructive approach to it. I hope the chairman of the Committee on Armed Service will see to it that we get real consideration of this proposal.

Mr. RYAN. Mr. Chairman, I welcome and support the amendment offered by the gentleman from Massachusetts (Mr. Morse). This amendment, adding a new section to title IV of the military procurement bill, H.R. 17123, provides that any contract in excess of $1 million awarded pursuant to this bill must contain provisions which would require the contractor to define his capability to convert his manpower and facilities from military to civilian uses.

All too tragically, events of recent days make the time when defense plants will be able to convert to civilian production all the more remote. However, if Congress will exercise its authority and cease its abdication to the executive, we may well hasten the day when production of bombers and missiles and tanks ceases.

This amendment serves the worthy end of assuring that peace will not produce economic dislocation. It is derived from H.R. 8043, which I cosponsored, and which creates a National Economic Conversion Commission. At the time of introduction of that bill, I noted on the floor my support for it, and my particular pleasure in the bipartisan support for it, inasmuch as it virtually duplicated H.R. 647, which I had introduced on the first day of the 91st session of Congress.

The need for such a Commission, and such planning as this amendment requires, has been apparent for a long time. I first introduced legislation to create an Economic Conversion Commission during the 88th Congress. At that time, I and Senator George McGovern, who sponsored the bill in the Senate, hoped that military spending would be decreased sharply, and we recognized the need for conversion planning. Unfortunately, our hope was dashed by the Vietnam war. However, I have reintroduced identical legislation in every Congress since then.

I urge that the House support this amendment, and, thereby, in part, at least, affirm its comitment to assure a prompt end to the tragic conflict in Vietnam and conversion of the military industrial complex to peaceful uses.

Mr. MORSE. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Lowenstein).

AMENDMENT OFFERED BY MR. LOWENSTEIN

Mr. LOWENSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lowenstein: Page 6, following line 8 the following new section:

"Sec. 403. No part of the funds authorized to be appropriated pursuant to the Act shall be used to finance American military operations in Laos, Thailand, or Cambodia."

Mr. BRAY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. BRAY. This is the same as the Ryan amendment.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. LOWENSTEIN. Yes.

If this amendment is out of order, so is the Reid amendment. This is simply the Reid amendment expanded a bit on the use of ground combat troops for operations. Mr. Ryan did not include Laos and Thailand, which are in fact covered in this bill, but Cambodia is not. So I cannot see how this is out of order unless the whole debate we have had today has been out of order.

Mr. RIVERS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman is recognized.

Mr. RIVERS. Supplementing what the distinguished minority member of the committee has said, the gentleman's amendment bears on matters that come under the jurisdiction of the Committee on Appropriations. This bill is primarily a procurement bill and a research and development bill. It has nothing to do with the subject matter that the gentleman from New York seeks to insert.

Mr. BRAY. Mr. Chairman, I have before me the Ryan amendment. It is exactly the same as the Ryan amendment, which has already been ruled out, except that it adds Laos and Cambodia.

Mr. LOWENSTEIN. No. It also makes a change in American military operations and substitutes the word "forces," which comports with the Reid amendment. I do not see how the Reid amendment could be in order and this out of order.

The CHAIRMAN. The Chair is ready to rule.

Based upon the ruling previously made by the Chair on the Ryan amendment, the Chair finds that this is procurement legislation and holds the amendment not germane and sustains the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have not spoken on this bill but I have heard a lot of emotional speeches this afternoon one way or the other with several saying the same thing two or three times. It seems to me that in the background a lot of Members were thinking about the young people on the college campuses who are vocal against any action in Asia. We have an obligation to represent those young people on the college campuses who do not want to go to Vietnam, but we also have an obligation to represent the boys who are now in Vietnam. They are not so visible because they could not crawl out of those foxholes and come over here and sit in the gallery and watch the proceeding.

What about the boys in Vietnam? What do they want? If one goes to Walter Reed Hospital and talk to some of those injured soldiers who have returned and they will tell you in a minute that they do not want any sanctuaries. If a member is representing the desire of the boys in Vietnam, he cannot be for sanctuaries from which they can shell our men.

The President has declared that 150,000 combat troops will be withdrawn from Vietnam within 1 year and this would largely leave supply personnel. If it is true that the North Vietnamese have responded by increasing their military offensive ability in the sanctuaries near where our last troops to leave would be located, then it would, of course, be pure suicide to withdraw the combat troops while the ability to destroy our remaining troops had been increased. If the President's claim of large military activity and capacity in the nearby sanctuaries proves to be true, then the only way to pull out the combat troops faster without the risk of losing tens of thousands of Americans in another Dunkirk would be to capture and eliminate the large supply of military hardware the North Vietnamese would be using. Whether the President is right or wrong depends on the quality of his intelligence reports and is not known now by anyone and will not be for several days or a few weeks. If it turns out that there really is no large military capability which is being increased, then it will prove to be a mistake to have gone after the sanctuaries. On the other hand, if large caches of military equipment are captured and great military capability is eliminated, there is no way to estimate how many American lives will have been protected and saved as a result. Those of us in Congress are responsible for representing the boys that are exposed in Vietnam as well as those who do not want to go or to support our Southeast Asian alliances.

As I have stated on several occasions during the past 5 years, when American boys are left in a vulnerable position near a sanctuary where the people they are fighting have the complete discretion as to when to strike and pull back, it is bound to result in loss of life for American boys. In this respect, I still think we should either take such action as will reduce our losses pending Vietnamization or else get out faster—one of the two.

The men in Vietnam have wanted the sanctuaries taken care of for the past 4 or 5 years. They want something done about it.

But, to come back to the boys who do not want to go to Vietnam—and that is almost all except the 2 million who have not been there, with them there is a different situation.

But what about them? At the root of their problem is the draft law. In 1967, the President wanted to do something about the draft law to make it more fair. What did the Congress do? This House and the Congress prohibited him from remodeling the draft law so that it would be more fair.

I think that if you want to do something that goes to the root of the problem on our college campuses, then remodel the draft law.

So I say there are two things that are needed more or more quickly than this hardware bill. One of them is to increase the benefits of those boys in those foxholes. Too many people don't really appreciate their contribution to our country and I think they deserve more attention. That will treat them more fairly and encourage some additional volunteering.

The other high priority bill that I think we should do something about is amendments to the draft law. And this military hardware bill is of a much lower priority than either one of those.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield, what is the change that the gentleman is suggesting that should be made to the draft law?

Mr. SMITH of Iowa. I would largely agree with the President in his proposals on amending the draft law to do away with having second-class citizens so far as deferment is concerned. We have provided deferments to young men who are in college with no obligation to go to service and those who do not go to college are not deferred. Even more important is delaying the decision as to which one out of three or four will be called. Those who are on the college campuses do not know which one of them will have to go and cannot make plans for the next 2 or 3 years.

Mr. RIVERS. The complaint of the gentleman, then, is that there should be no college deferments? That is the only thing the President cannot do.

Mr. SMITH of Iowa. That is the core of the problem, because you have college deferments that are not related to the convenience or benefit of the services.

Mr. RIVERS. I have already introduced a bill—I am not committing myself to it—I am not committing myself—but I have already introduced a bill, just like the gentleman from Louisiana (Mr. Hébert), introduced a lottery bill, to remedy the draft law, but it did not do what some people said it would do.

Mr. SMITH of Iowa. The thing that I am disappointed in is that a partial draft remodeling bill was passed last year with an indication that there would be further consideration of amendments and yet we have not remodeled the draft law yet I think it is time that we get something done so far as remodeling the draft law is concerned and that is more important than an authorization bill for hardware.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Fraser).

Mr. FRASER. Mr. Chairman, I understand that there will be a motion to recommit made, as is customary with bills of this kind and, as is customary with this bill it is likely that we are to be faced with what can only be called a shell game. That is, we are not going to be sure what the motion to recommit will be until we actually hear it.

I want to indicate to the committee that it will be the intention of some of us to vote down the previous question on the motion to recommit. The purpose of voting down the previous question will be to permit a rollcall vote on an amendment of real importance. I understand that the proposed amendment will be to insert the Leggett version of the restraints on the use of funds to support combat forces in Cambodia, and in other countries.

So that a vote against the previous question will indicate a willingness by House Members to be recorded on the Leggett amendment. A vote against the previous question is in effect a vote for the Leggett amendment. Only by voting down the previous question can the House have a rollcall vote on the Leggett amendment.

I would hope that the Members would be willing to vote down the previous question because it is time, I think, that the House have a chance to go on record with respect to the expansion of the war in Indo-China and Congress responsibility for this war. In order that Members may know the provisions of the amendment to the recommital that will be offered if the previous question is voted down, I include here the text of the Leggett amendment:

In line with the expressed intention of the President of the United States, none of the funds authorized by this act, shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress.

Mr. ARENDS. Mr. Chairman, if the gentleman will yield, I might say to the gentleman—and I am not the one who is going to offer the motion to recommit—but I understand it calls for a rather substantial cut in the authorization, and for that purpose I do not believe it is kind or proper that any of us should question the author of the motion to recommit—that it might be something other than what he thinks it is, because this will be a rather substantial amendment in the reduction of the authorization.

Mr. FRASER. Could the gentleman tell us what the motion to recommit will be?

Mr. ARENDS. No. I have seen the motion to recommit, but I cannot actually quote it. I think it is at the desk.

Mr. FRASER. I would just point out that this unavailability of the text of the motion to recommit illustrates the problem we are faced with.

Mr. ARENDS. The gentleman can hear it as it is read.

Mr. FRASER. We will all hear it as it is read, without having it explained, and with no debate on the motion as is customary.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. PIKE. My understanding is that a motion to recommit will be offered by a member of the committee minority who voted for the bill in the committee and who has other wise indicated that he supports the bill and who will now, in order to qualify himself for a token recommital, state that he is opposed to the bill.

Mr. FRASER. That will parallel the situation last year faced by those desiring a clear vote on an issue of real importance, as I recall.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. LEGGETT. I wonder if I could propound a question to the distinguished minority whip who indicates that he has familiarized himself with the motion to recommit, but apparently does not recall the exact text.

Does the gentleman recall whether or not mentioned in the motion to recommit was the ABM or the B–1 or naval shipbuilding or things like that?

Mr. ARENDS. Mr. Chairman, will the gentleman yield so that I may answer the gentleman.

Mr. FRASER. I yield to the gentleman.

Mr. ARENDS. In a hurried reading of the motion to recommit, I think it has to do with research and development entirely, and has to do with the overall reduction in research and development.

AMENDMENT OFFERED BY MR. COLLIER

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Collier).

Mr. COLLIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Collier:

On page 6, after line 8, insert the following:

"Sec. 403. The Comptroller General of the United States is authorized and directed to report to Congress as soon as practicable with respect to the economic feasibility of the deactivation of the facilities of the Forest Park Naval Ordnance Station, Illinois; and until such time as such report is made and the Congress takes action thereon, none of the funds authorized to be appropriated under this Act may be used for the procurement of those weapons or related goods or services which, but for a decision by the Secretary of Defense to deactivate the Forest Park Naval Ordnance Station, would have been procured at such Station during the fiscal year 1971."

Mr. RIVERS. Mr. Chairman, this amendment is subject to a point of order. I think the gentleman will agree with me on that. This is not a construction bill.

Mr. Chairman, I reserve the point of order so that the gentleman can speak to his amendment.

Mr. COLLIER. Mr. Chairman, I thank the gentleman from South Carolina. I shall be very brief in explaining the reason for my introduction of this amendment.

When the Department of Defense ordered a series of cutbacks in various defense facilities in March, one of them was a transfer of the activities of the Forest Park Naval Ordnance Plant which is in my district.

Mr. Chairman, in announcing the proposed disestablishment of that facility, the Department indicated that the savings involved would be approximately $4,200 a year and the cost of moving would be in the neighborhood of $10.1 million.

However, an in-depth study of what was really involved there indicated the Department of Defense was completely inaccurate in its figures. In fact, I contend the figures are pathetically incorrect. After a series of hearings changes were made by the Department of Defense in their original figures.

The fact of the matter is that this move will not—and I will stand on this and on a study by the General Accounting Office—that instead of saving money, the proposed action will cost several million dollars. I want the House to know that a subcommittee on which the distinguished gentleman from California (Mr. Charles H. Wilson) serves made a trip out there. I feel sure the committee and staff members were favorably impressed with the case we made.

I think this amendment should be adopted. All we are saying is this—let us have a study of the figures. Let the General Accounting Office decide if we are right or the Department of Defense is right. We will abide by the GAO decision.

If I am wrong, or if the General Accounting Office says we are wrong, then there will be no further argument. Could anything be fairer?

Let me now yield to the gentleman from California (Mr. Charles H. Wilson), member of the subcommittee that visited the plant at Forest Park and had occasion to study this matter.

Mr. CHARLES H. WILSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I was in Forest Park and I want to tell you I was extremely impressed with the case that was made concerning this. I think many errors were made by the department in connection with the closing of Forest Park station. I think we have an extremely sound case here and it is a just case, whether it is in this bill or wherever it is.

I can assure the gentleman that during the course of our hearings on the military construction bill, we intend to go completely into this matter and find out about all the duplications that are apparently in evidence, and find out just why this is.

Mr. COLLIER. I thank the gentleman. I say the Department of Defense is 100 percent wrong in its estimate, and I will stand on that.

Mr. RIVERS. Mr. Chairman, the amendment is subject to a point of order. While it would be in order on a military construction bill, it has nothing to do with the bill now under consideration.

The CHAIRMAN. The Chair is ready to rule. The Chair feels that the amendment deals with procurement of weapons, that the amendment is germane to the legislation, and therefore overrules the point of order.

The question is on the amendment offered by the gentleman from Illinois (Mr. Collier).

The question was taken; and on a division (demanded by Mr. Collier) there were—ayes 26, noes 46.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WRIGHT. Are there amendments pending at the Clerk's desk?

The CHAIRMAN. There is one pending amendment.

Mr. WRIGHT. May I inquire further as to who will offer that amendment?

The CHAIRMAN. The gentleman from Ohio (Mr. Whalen) has an amendment pending, but he has already used his time.

The Chair recognizes the gentleman from Georgia (Mr. Thompson).

Mr. THOMPSON of Georgia. Mr. Chairman, I yield to the gentleman from Illinois (Mr. Anderson).

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. Whalen). This amendment is identical to the one I offered last year to the military procurement bill, and as you will recall, it narrowly lost on a teller vote of 100 to 97. A similar amendment, the so-called Schweiker amendment, did pass in the other body last year.

Let me again point out that there is little that is new in this amendment. The quarterly status reports on major acquisition programs and the complementary GAO audits have been operational for about a year now. On page 10 of the Armed Services Committee report on this bill, the statement is made, and I quote:

> The Committee on Armed Services has long been concerned with getting more adequate information on military programs and on bringing Congress more fully into the defense decision-making process.

The report goes on to say, and again I quote:

> A principal tool available to the Committee in striving for a better fix on weapons programs is the Selected Acquisition Report, or SAR. The SAR is a summary, recurring report, designed to retain consistent cost, schedule, and performance data for comparison with subsequent estimates.

I want to take this opportunity to commend the Committee on Armed Services for fully utilizing the Selected Acquisition Report and for apprising us of its value in their committee report on this bill. I also want to commend the committee on its candor in spelling out the difficulties it has had in obtaining a full SAR report from the Department of Defense and obtaining it on time. Quoting from page 10 of the Committee report:

> The manner in which these SAR's are presented to the Committee, however, leaves much to be desired. The Department of Defense has sometimes arbitrarily eliminated statistical information or otherwise altered the material submitted to the Committee. The Committee has had examples of items blocked out of SAR's although the careless censor has not bothered to renumber following pages.

And again on page 11 of the committee report:

> This kind of statistical footwork serves no purpose other than to confuse the issue and can only lead to the suspicion that attempts are being made to cover up the facts.

At the bottom of page 11 we find another very telling statement:

> The Committee is likewise disturbed by the timeliness with which these SAR's are submitted to the Committee by the Department of Defense. In many cases the Committee has not received the SAR's of Program Status Reports based on the SAR's until as much as three months after the close of the reporting period. This greatly lessens their effectiveness to the Committee, particularly during the period when the annual authorization is being considered.

Mr. Chairman, it seems to me that the committee report makes an excellent case for the adoption of this amendment which would require by law that these quarterly status reports be submitted in full and on time for the benefit of the entire Congress. As it now stands, there is no such pressure on the Department of Defense to fully comply with both the letter and spirit of the reporting system. And as the committee report amply demonstrates, the Department of Defense has been lax in fully cooperating with the Congress on this score.

I do not think there is any longer any question as to the need for these quarterly status reports or their value. We recognize that if we are to prevent the recurrence of huge cost overruns which have plagued past programs, we must have an ongoing review of these programs, we must have an ongoing review of these programs and comparative estimates of changing costs, performance, and schedule slippages. We must be equipped with an early warning device which will alert us to any deviations from the original plans and estimates so that we can nip them in the bud.

The only objection which might be raised against making this reporting system a matter of law is that it will not allow for sufficient flexibility in making changes in the reporting system. Let me point out that such a fear is unwarranted because this amendment both encourages and requires an ongoing review of the reporting system with a view to improving it. This amendment in no way prescribes in detail the form and content of the reporting system other than to require the inclusion of current information on cost, performance, and schedule. It gives authority to the Secretary of Defense in cooperation with the Comptroller General to develop the reporting system; and furthermore, it requires that the Comptroller General to report to the Congress at least once a year on the adequacy of the reporting system along with recommendations for its improvement.

Another flexible feature of this amendment is that it does not prescribe criteria for which major acquisition programs shall be reported on. This is left once again to the Secretary of Defense in consultation with the Comptroller General and the chairmen of the committees concerned. And so, Mr. Chairman, this law has a great deal of built-in flexibility while at the same time insuring that we do receive full and accurate status reports on time.

As I said last year, I think this amendment offers the only fiscally sound approach to dealing with the problems of procurement which we have encountered. We owe this both to ourselves and

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the American taxpayer who deserves a dollar's worth of defense for every tax dollar allocated for defense. I strongly urge the adoption of this amendment.

PARLIAMENTARY INQUIRY

Mr. WHALEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHALEN. What is the status of the one pending amendment? Will there be a vote on that?

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Ohio.

AMENDMENT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHALEN: On page 6, immediately after line 8 add the following:

"TITLE V—DEFENSE INFORMATION AND AUDITING OF DEFENSE CONTRACTS

"SEC. 501. The Department of Defense shall keep Congress fully and currently informed with respect to all of the Department's activities. Any Government agency shall furnish any information requested by Congress with respect to the activities or responsibilities of that agency in the field of national security."

"SEC. 502. (a) After January 1, 1971, the Secretary of Defense (hereafter referred to in this section as the 'Secretary'), in cooperation with the Comptroller General of the United States (hereafter referred to in this section as the 'Comptroller General'), shall develop a reporting system for major acquisition programs managed by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

"(b) The Secretary shall cause a review to be made of each major acquisition program as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

"(1) the estimates at the time of the original plan as to the total cost of the program, with separate estimates for (A) research, development, testing, and engineering, and (B) production;

"(2) the estimates of cost for completion of the program up to the time of the review;

"(3) the reasons for any significant rise or decline from prior cost estimates;

"(4) the options available for additional procurement, whether the department or agency concerned intends to exercise such options, and the expected cost of exercising such options;

"(5) significant milestone events associated with the acquisition and operational deployment of the weapon system or item as contained in the plan initially approved, actual or estimated dates for accomplishment of such milestones, and the reasons for any significant variances therein;

"(6) the estimates as to performance capabilities of the subject matter of the program, and the reasons for any significant actual or estimated variances therein compared to the performance capabilities called for under the original plan and as currently approved; and

"(7) such other information as the Secretary shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the program.

"(c) The Secretary after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major acquisition programs under subsection (a).

"(d) The Secretary shall transmit quarterly to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each program review.

"(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

"(f) The Comptroller General shall make independent audits of major acquisition programs and related contracts where, in his opinion, the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

"(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

"(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(i) There are hereby authorized to be appropriated such sums as may be required to carry out this section."

Mr. WHALEN (during the reading). Mr. Chairman, inasmuch as this is a lengthy amendment, the so-called auditing amendment adopted by the Senate last year and which lost by three votes in our committee, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. HUNT. I object.

The Clerk proceeded to read the amendment.

Mr. HUNT (during the reading). Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Chairman, I intend to support the Leggett amendment but I do so, in all honesty, with some degree of reservation and reluctance.

I say this because I have long been of the view that the President, as Commander in Chief of our Armed Forces, must have flexibility in the conduct of military operations and that, in many instances, this might preclude prior congressional approval for specific strategic moves.

Today, I am persuaded to support an amendment which would limit presidential flexibility by requiring the prior consent of Congress before commiting American group combat troops into Laos, Thailand, or Cambodia. I am persuaded for two overriding reasons. First, our political objectives in South Vietnam, from the very beginning, have centered on securing that country from outside aggression. It was never contemplated, to the best of my knowledge, that American combat forces would be employed outside of South Vietnam in order to achieve security within its borders.

What we have witnessed in recent days has been an overt escalation of the Vietnam conflict by the President, pursuant to his authority as Commander in Chief. We know that the Cambodian adventure was decided upon without consultation of the Congress and we learn that the decision represented a rejection of the caution urged by Secretary of State Rogers and Defense Secretary Laird in favor of the greater latitude which the military has sought since our involvement began.

As I have stated before, in my view it is imprudent and dangerous in the extreme to mortgage our political aims and objectives—which go far beyond troop withdrawals—to the risks and miscalculations which of necessity attend further military operations. It is the worst of poor judgment to do so when the entire chapter in Vietnam has been punctuated by military estimates and actions which have proved disastrously inaccurate, costly, and unproductive.

My second reason for supporting the pending amendment is my strong conviction that the Nation needs and merits some degree of positive assurance that the ill-advised adventure into Cambodia does not represent permanent abandonment of the policy of deescalation to which the Nation previously had been committed. Under the circumstances, unhappily, the Congress is now the only branch of Government which can act promptly and decisively to provide this assurance. Unless it does so, we can only expect exacerbation of the forces that are dividing the people and result in the kind of tragedy that took place at Kent State University earlier this week.

So the Congress really has no alternative, it seems to me, Mr. Chairman, but

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to assume responsibility—responsibility which in large measure has been forfeited by the White House.

Mr. WYDLER. Mr. Chairman, this House has to act as a voice of the people and to act responsibly in the face of the situation that now exists.

I was surprised and concerned by the news that American combat forces were involved in operations in Cambodia. I regret that the President found it necessary to take this step to protect American forces.

I do not want the war widened. I do want the withdrawal of American troops to continue.

Now that the action against the sanctuaries has been taken, I hope it will succeed and obtain its objectives. Nothing should be done to endanger American forces and risk our fighting men's lives. Congress should make clear it wants such operations to be limited in time and scope, and I will speak and vote accordingly. Our efforts should be renewed to open an international conference to get a negotiated agreement on Southeast Asia.

We need unity, Mr. Chairman, if we are to achieve peace, not only now in Southeast Asia, but in the years to come all over the world.

Mr. OTTINGER. Mr. Chairman, I have decided not to offer an amendment I intended to introduce today calling for termination of military aid to Arab countries and requesting the President to negotiate the sale of jet aircraft to Israel. The military procurement authorization bill, I am advised, is not the appropriate legislative vehicle for such an amendment since it does not authorize such military aid and the amendment would be subject to a point of order.

To those of my colleagues who intended to support my amendment today, I would like to point out that I have introduced a bill, House Concurrent Resolution 556, with 23 cosponsors, that is essentially identical to my amendment, and I welcome additional cosponsors in the hope that further action on this important subject may be taken.

I want to thank all of those who offered to support my amendment and particularly my friend and colleague, JACK BRINKLEY, Democrat, of Georgia, who worked hard to obtain support for it.

Mr. ADDABBO. Mr. Chairman, in listening to the debate on the Reid-Leggett amendment it would appear that some feel that this type of limitation is wrong, and is something new. I wish to point out that this Congress in the last session passed limitation on military action and that action was fully indorsed by the President. In the Defense appropriation bill of last year we wrote into that law that no ground forces could be used in Laos and Thailand and this country had previous commitments to both these countries.

Mr. EILBERG. Mr. Chairman, I supported the amendments of our distinguished colleagues from California and New York, because the administration's decision last week to widen the war was disappointing and ominous. This is hardly the appropriate time in history to discuss how we got involved in Southeast Asia. We are there and the time is past for us to come home, to sail east, not march west.

There is a mistaken view in some quarters that the war protestors are all young, hairy, wildeyed, self-publicists interested in using the war as the club to fell the giant America. I submit that this is not the case. As a Congressman, I read my mail very closely and my view is that all America, including middle America and the silent majority finally is exhausted with this year.

Let me read one of those letters:

> I am one of the Silent Majority. But it is with a sickened heart that I want to scream my outraged protest at President Nixon's high-handed commitment of American troops to Cambodia.
>
> We are a government of the people, with Congress to act out our wishes, yet this one man has seen fit to override Congressional feelings by escalating this senseless, futile, murderous war into Cambodia.
>
> Please stop this tragedy—stop killing our boys. End this nightmare.

I think the decision to march into Cambodia was mistaken because of the presumptions which went into the making of that decision. It was obviously presumed that if American forces cleaned out these Communist sanctuaries, South Vietnam, particularly the Saigon area, would be safe from new attacks. Well we seem not to learn. Guerrillas do not wait for their larger, better equipped foe to confront them. They flee as have the Vietcong and North Vietnamese from Parrot's Beak and Fishhook. And they wait.

When we leave, they will filter back into these sanctuaries and the American deaths incurred there will be futile. Or else, we can chase the enemy to the Gulf of Siam only to find ourselves bogged down in Cambodia and Laos as badly as we have been in Vietnam.

How many times have we occupied a valley or a ridge in Vietnam, cleared it of the enemy, and then withdrawn, only to find that in a matter of weeks or months, the enemy had returned?

It has been reported in some quarters that the Cambodian action was prompted by this administration's desire to make Hanoi talk sense at the peace table in Paris. I answer that the Vietcong and the North Vietnamese will never come to terms in Paris until they realize that it is not the American presence in Indochina that keeps them from their goals, but the strength of the local governments in Saigon and Phnom Penh.

There will never be peace in Indochina until we leave. And there only will be meaningful negotiations when Hanoi realizes that Saigon can defend itself without American help. Widening the war does not serve that purpose.

The President's decision also raises a serious question about the balance of powers invested in the three branches of our Government.

Article I, section 8, of our Constitution declares:

> The Congress shall have the power to declare war . . . to raise and support armies . . . to provide and maintain a Navy.

These are the so-called war powers of the Constitution. The President's action has raised this serious constitutional question. His failure to consult the Congress, the people's branch of our Government, before taking such a fateful step, compounds the risk to our constitutional form of government.

It has been written that there is no such thing as a good war or a bad peace. As with many aphorisms, this is hard to argue with even though history demonstrates that it has not always been true. But in the case of Southeast Asia, I think it is true. We cannot help those who cannot or will not help themselves. We can not find peace by pursuing war. We keep seeing light at the end of the Vietnamese tunnel, only to discover the tunnel is longer than we thought. We cannot end the bloodshed and the cost, by spilling more blood and spending more dollars. Finally, we can not get on with the job at home, while we are mired down in an endless war overseas.

We must conclude that America's essential interests and security are not at all at stake in Southeast Asia. Even if a military victory were possible—and it is probably not—what would we have gained. A weak government in Saigon or an unpopular government in Cambodia would, after we departed, not stand long even if, as some have urged, we bombed North Vietnam back into the stone age. We are spending an estimated $30 billion a year in Southeast Asia and the public schools of Philadelphia may not open this fall because of a deficit, variously estimated at between $30 and $50 million. We are spending fewer than $4 billion in Federal dollars on education this year.

Let us not deceive ourselves. The schoolchildren of America are becoming casualties of that war right here at home. We speak bravely of new priorities, education, the environment, but that is all there will be—talk and more talk—until we get out of Vietnam and Indochina and redirect some of those resources here at home.

Ultimately it is this war without end that is tearing America apart. We must end this war for America's sake. Perhaps we could achieve military victory in Indochina, but I shudder at the thought of the cost here at home. Not only the hamlets and villages of Indochina are burning, but so are our cities and our universities.

It is time to withdraw from Southeast Asia. And it is time to pull together. In that patriotic act, we shall save the America we know and love and prevent the grim prospect of a Pyrrhic victory nobody sought and everyone has come to dread.

Mr. BETTS. Mr. Chairman, like everyone else, I am disturbed, distressed, and very much concerned about developments in Southeast Asia. In order to come to some decision I must look to sources that reflect more knowledge of the facts than I have.

For a long time I have claimed that we have allowed the Vietnam situation to build up over a long period of years. In my opinion our foreign aid program of global billion dollar spending has contributed greatly to the present situation. I have never supported it because I always felt that it would lead from one

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commitment to greater commitments and eventually result in military involvements. Strangely enough, many of those who shouted loudest for these aid programs are now blaming others for the trouble in Southeast Asia.

I am old fashioned enough to believe that Congress should be asked to commit us to war through a declaration. But going back to 1945, this approach has changed. Under treaties such as the United Nations Treaty and Southeast Asia Treaty we authorize the President to commit troops without congressional approval—only at the request of another country which is party to the treaty. The Constitution specifically states that treaties are the supreme law of the land—supreme over congressional acts.

Therefore, I conclude that our presence in places like Korea and Vietnam is perfectly legal even though not by congressional declaration of war. We are there by treaty which is the supreme law of the land and strangely enough many of the loudest supporters of peace through our United Nations and other treaties are now the loudest objectors to the results they have brought us.

For 25 years we have sat idly by and allowed foreign aid programs and treaties to get us into trouble. Many of those who have said nothing until now expect 25 years to be undone at once.

I believe the President is dedicated to seeing the war in Vietnam end. I believe him when he says that the Cambodian incident is a part of the Vietnam withdrawal plan. I believe him because he has around him people who know more about the situation than I do and can advise him on the best way to end this unnecessary and needless conflict. I feel safer in relying on his judgment than on the inflamatory reactions of rioters and demonstrators.

The President did not send our boys to Southeast Asia. He promised to get them out and every step he has taken seems to me to be directed to that end.

It is easy to say he is wrong and that his plan of withdrawal will not work. But, until I have more proof of this from sources other than campus rebellions, it is my present intention to stick with the President. I hope and pray that in spite of the criticism and abuse that is being heaped upon him, he will succeed.

Mr. CLANCY. Mr. Chairman, I wholeheartedly support H.R. 17123 now under consideration by this body and urge its immediate passage. In my opinion, this bill is one of the most important pieces of legislation to come before Congress each year, if not the most important.

This legislation authorizes appropriations totaling $20,237,489,000, the bulk of which is for the procurement of urgently needed aircraft, missiles, naval vessels, tracked combat vehicles and other military hardware to keep our defenses at the high level needed at this time. I would like to point out that the total authorization recommended by the committee in this bill is $34,000,000 less than the amount requested by the Department of Defense. The original request for authorization for procurement and for research, development, test, and evaluation by the Department of Defense amounted to $20,271,489,000. In procurement the committee made reductions of $333,000,000 and $136,000,000 in research and development. This brought the total reduction to $469,000,000. The committee did make one major addition which was $435,000,000 for additional ship construction for the Navy.

By passage of this legislation we make a determination of the defense posture necessary to be maintained by the United States in order to insure our national security. It is very difficult to calculate or assign a dollar value to this proposition. So, too, it is impossible to repair the damage that may be caused by either a lapse of time or lack of effort applied in keeping our defenses secure and strong. If we are to maintain America's role of world leadership in the pursuit of peace, we must not only recognize new forces at work, but we must also help to shape an ever-changing world.

This measure is one which attempts to deal realistically with the responsibilities the United States faces in an uncertain and complex international setting. It endorses a posture of constant readiness of our defenses and it underwrites a policy of diversification of those defenses permitting a flexible response in any contest. It provides for the supplementation and modernization of our defense system in accordance with the contemporary developments of those who challenge our security. Looking to the future, we must define our national interests with careful concern for the lawful interests of other nations. We must recognize that before problems can be solved, they must be better defined and better understood.

The legislation before us takes action in several areas that merit particular note and commendation.

Last year phase I of Safeguard was authorized and funded. The purpose was to give a limited defense system to part of our deterrent force. In addition it would provide operational experience for checking out the system. Modified phase II of the Safeguard anti-ballistic-missile system has been designed to receive appropriations totaling $1,026 million, the amount of the budget request. Tremendous progress in the technology of mass destruction has been made by the adversaries of freedom. More than ever before in our Nation's history, it is necessary for us to have sufficient weapons and force in our military inventory to survive a massive nuclear attack and to deliver a decisive counterblow. The present rate of building of the Soviet threat and the long leadtime necessary to develop and deploy operational systems make it essential that we continue with the Safeguard ABM.

It is important to note that the Nixon administration has not during its tenure accelerated the previously planned deployment of offensive systems. It has, in fact, been slowed down. The only major change has been the modification of the previously approved Sentinel ABM deployment. This change was not a speedup, but was a slowdown. The administration has chosen to defer major new weapons decisions as long as possible pending developments in the strategic arms limitations talks. By continuing with this program we are merely going ahead with programs on which our deterrent policy was formulated by previous administrations.

I realize full well that anti-ballistic-missile defense is not a magical cure-all for the security of the United States nor is it the ultimate defense system. It is evident that technology knows no limits and each decade produces fresh, new challenges and an even greater need for response on the part of the free nations of the world. An essential component in our network of military systems is antimissile defense. It is designed to give America a seamless garment of security in an age of acute danger.

To insure that a technological breakthrough by the enemy against any one element of our strategic force—bombers, land-based missiles, and sea-based missiles—would negate only a part of these forces, $100 million in authorization for appropriations for research and development for the B–1 aircraft has been requested for fiscal year 1971. I firmly believe that all three elements of our strategic force must be maintained in order to provide an effective deterrent force and a broad ranged war-fighting capability.

The events of the past few years have strengthened the necessity for maintaining a well balanced strategic force. I fully support the B–1 program as it will have a higher penetration speed, quicker reaction time for launch, better electronic countermeasures, larger payload capacity, and greater accuracy with its weapons delivery systems than the B–52 bomber. The B–1's ability to penetrate at lower altitudes and reduced radar cross section are just two of the many technical advances incorporated in this aircraft.

At this time I would also like to state that I firmly support the action in Cambodia recently taken by President Nixon. This decision was truly a courageous act, and the President is to be applauded.

The enemy has occupied sanctuaries on the Cambodian border since 1965. They have made excursions into South Vietnam killing Americans and our allies only to escape across the border to regroup and rearm in safety. For years these elaborate bases have been used by the enemy in full knowledge that they would not be pursued. Increased enemy activity within the past few weeks has made it necessary for the President to take decisive action. The enemy left us no other choice. They have been offered every concession at the bargaining table in Paris and elsewhere—all to no avail. I firmly believe that the action now underway will deprive the Vietcong and the North Vietnamese of their hit-and-run capability and will be instrumental in the saving of many lives.

It is important to note that the destruction of these encampments and confiscation of their supplies just prior to the rainy season will prevent the enemy from resupplying and rebuilding their efforts for at least 5 to 6 months.

The President is entitled to a much fairer consideration of his courageous

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action than he is receiving as he has put his country and the safety of his men in Vietnam ahead of the possibility of being rejected at the polls for a second term. He has risen above mere politics—as the lives of Americans are at stake. He would not have taken this step unless he was convinced that it was an absolute necessity and in the national interest. I have confidence in the ability of the President to decisively and responsibily direct our operations to bring our boys home sooner.

I was privileged to attend the briefing at the White House where the President explained in detail the Cambodian situation. This meeting was both constructive and meaningful. I firmly believe that the action now underway will not only be instrumental in saving many American lives, but will add impetus to our policy of gradual withdrawal of troops from Vietnam. Evidence presented at the White House and here today indicates that favorable results from this activity are already being realized. The President's action is not aimed at enlarging the war but is a temporary and limited military operation designed to keep American casualties to an absolute minimum and dedicated to bringing the conflict to a speedy conclusion.

I join with others in praying that this operation will accomplish these goals and provide for a just and lasting peace.

In conclusion, the legislation before us today is consistent with the maintenance of a military posture sufficient to deter aggression on the part of those who strive for world domination. In the best interest of this Nation and to insure that America remains militarily strong, this legislation is necessary and highly desirable.

Mr. SYMINGTON. Mr. Chairman, granting there is nothing in the bill before us which warrants the expenditure of funds in Cambodia, are these amendments and the discussions they occasion untimely or academic? I think not since they permit each of us to voice his views on a matter of life and death, not just to a platoon a day of brave Americans, but conceivably to the Republic itself. There may be better days and better ways to discuss these questions but we must seize the way and the day we have.

I passed a group of visitors this morning. Were they Missourians? I asked. No, but Americans nonetheless, they answered. They asked a question which all America could have on its mind, namely, if the Congress were to shut down and go home tomorrow would there be any discernible change in national policies or any less congressional control over them?

Some of us may be persuaded that this is no time to debate foreign policy or Presidential war prerogatives, but tell it to the country. So we do discuss it. And in discussing it we should bear in mind:

First. This is not a question of confrontation between the Congress and the President. It is rather a question of the constitutional responsibility of this Congress in concert with that of the Presidency—the Presidency as an institution. We know the President is only as effective as his advice and information.

We know, too, that we have but one President, but for that very reason we must reassure ourselves that he has not in some way been isolated from the pertinent facts or the most authoritative interpretation of them. If, as we learn, the Secretary of Defense does not know what we are doing and the Secretary of State does not approve it, we lack that reassurance and we worry about it. The President may indeed have no constitutional obligation to consult his Secretary of State, but he does, in fact, have one to consult us in matters of war. This is the nub of the matter of procedure involved. Substantively, we are presented with the argument that the Cambodian adventure has been instituted to save American lives. This raises three immediate questions:

First. How?

Second. If this Cambodian surprise effort is justified in the name of such a worthy cause, what further unannounced steps would this not justify for the same purpose? Today, Cambodia—tomorrow, what part of the world?

Third. Moreover, are not the U.S. lives in jeopardy placed there by policies essentially in question themselves?

If these are important questions, only prior consultation would have enabled the Congress to explore them.

Our Vietnam policy itself if indeed it can be defined at this moment, undoubtedly rests on an interpretation of the requirements of our own national security. Such security depends:

On the credibility and utility of our worldwide commitments, and on the domestic support for them.

With respect to our worldwide commitments, many nations which rely on our support for survival, far from viewing our immersion in Vietnam as proof of the strength of our commitments, see it as reducing our capability to meet them. They cannot be expected to see this strain on our resources as operating to their advantage any more than spokesmen for our urgent domestic priorities.

Indeed, only those American policies which enjoy a strong measure of public confidence can be pursued indefinitely. It is clear that after a decade of inconclusive involvement in Indochina there is a great division in our adult society concerning its usefulness and an almost unanimous opposition to it among young Americans who must fight to sustain it and live with its results.

In the meantime, Congress is called upon to support what many of us believe to be a disorderly policy abroad while preaching order and acceptance of that policy at home. The task would be difficult enough were not the one essential prop removed: prior consultation.

Caught in the tug of solemn Presidential promises and public incredulousness, we have a Hobson's choice between countenancing and perhaps unintentionally encouraging dangerous, fragmentary forces in our society, or supporting increasingly repressive measures to contain them.

The President has given us this responsibility in the name of victory. What precisely is the victory which the President has in mind? Surely there will be no Arc de Triomphe to march through. The arc, humble yet triumphant, which I foresee for Indochina is the bent back of a rice worker unafraid of war.

To participate in a negotiated compromise which would make this even briefly possible would be a victory. No American initiatives can guarantee permanent peace in the area. Indeed, it would be difficult to believe that the seas of ancient Asian tribal, national, and religious hostility will not close over our historically brief interruption the day after we leave, win, lose or draw. This would make the justification for persisting as referee for 1 more year equally persuasive for 10 more years or longer.

If it is our unshakable purpose to monitor contending factions in Indochina it is more purpose than we have the power to fulfill. Whatever our purpose is, I know it cannot justify another decade of American blood and treasure. If we must proceed in some fashion for another 12 months, let us use that time to achieve an admittedly interim negotiated settlement of these primeval feuds. This will involve considerable compromise between opposition factions within the South Vietnamese political system—Vietnamization as it were of the peace.

At present no defense is made of the extension of our operations into Cambodia with such a rationale. Until I see a clarification of the rationale in line with more reasonable objectives than "victory" I will support amendments like those of Mr. REID and Mr. LEGGETT. I do so out of no lack of concern or respect for our troops or their gallant sacrifices; precisely the contrary, their gallantry and sacrifices fully justify and merit their return to this country in the wake of a judicious settlement that incorporates the splendid victories they have already won.

Mr. PRICE of Illinois. Mr. Chairman, I urge my colleagues to oppose the motion to recommit. As I said last Wednesday, April 20, 1970, the R.D.T. & E. portion of this authorization bill was reviewed in depth this year by a subcommittee of nine members of the Armed Services Committee.

Upon completion of our review, the subcommittee agreed unanimously to recommend authorizations totaling $136 million less than the amount requested by the Defense Department. The amount recommended in the bill for R.D.T. & E., $7,265,600,000, is $30.4 million less than the Congress authorized last year and is $103.2 million less than was appropriated. The amount recommended is also $528.1 million less than was authorized for fiscal year 1969 and $956.8 million less than was requested last year.

In terms of actual buying power, this is the smallest R.D.T. & E. program request that has been submitted in the last decade. In terms of actual effort that can be supported by all of the military departments, considering the increased cost of research and development, the fiscal year 1971 authorization represents about a 7 percent decrease from the fiscal year 1970 level of effort.

I believe this budget is rock-bottom for three basic reasons:

First. We have examined the need for

every major project, and believe that only the minimum funds necessary in fiscal year 1971 to assure adequate strength for our future are being provided.

Second. All of the supporting projects, managerial functions and facilities are at a bare minimum. There is no slack; and funds have not even been included to meet the increased costs which result from inflation. As requested, this program results in a civilian reduction of nearly 3,000 in the DOD in-house laboratories together with a reduction of 2,000 military personnel. The impact on civilian employment in the industrial sector will undoubtedly be several times greater. Support of universities has been further decreased at the expense of our technology base.

Third. Finally, in consideration of the technological and military challenges which the Nation faces, the subcommittee concluded that a lesser program would not be prudent.

Speaking as one who has been closely associated with Government research and development programs for the past decade, I am concerned about the trend of financial support for our efforts in this vital area at a time when our valuable technological superiority is being challenged strongly from abroad.

The most serious challenge comes from the Soviet Union, whose annual defense-related research and development investment caught up with ours a year or so ago and now substantially exceeds it. During the past few years, Soviet research and development effort has been growing by roughly 10 percent per year while U.S. R. & D. effort has essentially leveled off.

For the entire decade of the 1960's, Soviet R. & D. devoted to military, atomic energy, and space applications grew by about 13 percent per year, and this vigorous growth rate appears to be continuing. Obviously the Soviets continue to emphasize R. & D. for military, space and atomic energy applications.

Looking at the military component alone, during the 1960's the Soviet military R. & D. increased by about 60 percent while the U.S. military R. & D. increased by roughly 30 percent. Overall, Soviet funding for military, space and atomic energy R. & D. is now about $16 to $17 billion while comparable U.S. funding is about $13 to $14 billion yearly. In the last 2 years the Soviets have also shown considerable concern over the lagging technological level of its civil industrial base and appear to be adding resources to this sector, but not at the expense of continued growth in their defense, space, and atomic energy efforts.

Our past national position of technological leadership is being eroded and today is being challenged seriously by both our friends and our potential enemies.

Some critics of military spending have argued that, because other national needs should be assigned a higher priority in the future, Defense R. & D. is less important than the R. & D. related to these other national needs. Other critics add that the Defense Department has dominated university research far too long and that this situation should be changed.

The Research and Development Subcommittee of the Armed Services Committee received some interesting facts on these areas during our recent hearings. For instance, over the last 30 years the Defense Department's share of the national research and development activity has declined significantly. In the late 1940's, most of the Federal support of the Nation's research and development was provided through the Defense Department. Today, the situation is quite different:

First. More than half of the total Federal expenditures for research and development—about $8.2 billion out of $16 billion—is provided by civilian agencies.

Second. Almost 75 percent of the total national expenditures for research and development—about $20 billion out of $27 billion—is provided by civilian Federal agencies and independent—that is, industrial—organizations.

Third. More than 85 percent of the Federal support for academic R. & D.—about $1.3 billion out of about $1.5 billion—is provided by civilian agencies.

These facts should dispel the popular assertion of Defense Department dominance. It should make it clear that the Nation's many growing needs for civilian technology are reflected in the changing national pattern of research and development.

I strongly believe that any further reduction to the authorization bill as proposed by the subcommittee will have a very serious affect on the technology base that is so necessary to our future national security. That vital base of research and technology has been declining for the past 5 years.

I agree with Dr. John S. Foster, Jr., Director of Defense Research and Engineering, who recently testified that—

> Further erosion of that base will expose the nation to the technologically based threats of the seventies and eighties, protected only by the technology of the sixties.

As a nation, we cannot afford not to adequately support a national program for the social benefit and security of our citizens, and neither can we afford to overendorse one to the detriment of the other. The Defense research and development appropriation authorized in this bill is the minimum required to maintain an adequate defense posture during the decade of the seventies.

Mr. CULVER. Mr. Chairman, I have consistently supported the President's efforts to disengage our forces from the war in Vietnam. I believe the President has made a sincere attempt to deescalate the conflict and to withdraw our troops.

However, in my judgment, the President's decision to extend the war into Cambodia is not consistent with that policy, but on the contrary represents a new and dangerous escalation of the conflict. The President's briefing at the White House last night did not serve to alleviate those fears, but tragically to confirm them.

This violation of the borders of a neutral nation raises the gravest constitutional and international legal questions. In addition, it was done without prior congressional consultation which we had received every assurance would be forthcoming.

This step is of the most questionable military value and the alleged targets, the illusory sanctuaries, will again be operational in a short time within those areas or others, as they have been for many years.

The seriously adverse international consequences of the President's decision to our greater national security interests have to be acknowledged. This action has propelled us, not into negotiation which would reduce tensions, but into confrontation which only heightens them. The effect has been the increased determination of the Communist Chinese and Soviet Governments to assist even more vigorously throughout Indochina, and unwillingness to participate in recent suggested international forums such as were proposed by Indonesia and France to settle problems throughout Indochina. Moreover, it places in serious jeopardy the strategic arms limitation talks between the United States and the Soviet Union to seek a mutually acceptable agreement to reduce the ever-increasing costs and danger to mankind of the insane armaments race.

Finally and perhaps most important, the extent of this tactical military action has to be carefully weighed in its consequences to the stability and tranquility of our own Nation at this most difficult time in our history.

It is painfully clear that no conceivable objective or rationale for our initial involvement and continued war in Vietnam is worth the cost of the increasingly apparent threat to our survival as a free and prosperous nation.

It makes little sense to profess a determination on behalf of our national honor to be sacrificing on this scale—however noble the purpose—to allegedly enable a small and divided people 10,000 miles from America the opportunity to determine its own future, if in the process we only manage to lose our own Nation's future and repudiate our inspirational past.

Mrs. HECKLER of Massachusetts. Mr. Chairman, a foreign policy which results in a savage disruption and polarization of American society is not a viable policy regardless of its strategic or tactical value unless it is absolutely necessary to the well-being of this Nation. There is no gain to be expected from the move into Cambodia which can possibly make up for the disillusionment and sense of frustration that vast numbers of our citizens feel over their total lack of opportunity to influence our policies.

Nor can any gain come from the Cambodian operation which will make up for the upheaval in our educational system. An upheaval that has already taken four lives and disrupted the academic activities of hundreds of thousands of our youth.

I cannot believe the Cambodian operation was absolutely essential to the success of the President's program of withdrawal. Yet, the President undertook a calculated risk. We must not permit it to broaden the scope of the war nor must

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it be permitted to extend the stay of our forces in Southeast Asia. The operation must be concluded immediately and our troops must be withdrawn from Southeast Asia at the earliest possible date.

With this in mind I have, after careful study, decided to cast my vote in favor of the amendments offered by the gentleman from New York (Mr. REID) and the gentleman from California (Mr. LEGGETT). I do so to express my concern over the growing, secret U.S. military presence on foreign soil.

I am concerned that we may be moving in the direction of believing we can substitute military might for diplomacy. I am further concerned the policy decisions and commitments are being made in such a manner as to prevent the Congress from exercising its constitutional right to debate or discuss them. In my judgment, unnecessary secrecy has no place in our form of government and to condone such secrecy to subvert the historical tradition which has brought us our leadership position among the nations of the world.

No administration can be granted a blank check. To convey my concern and to make certain that the Congress, as the voice of the people, be consulted in the formulation of foreign policy, I strongly advocate the Reid and Leggett amendments.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the military procurement authorization bill—H.R. 17123—which as reported by the Armed Services Committee is a disturbing reflection of our failure as a nation—and specifically our collective failure in this body with constitutional responsibility to control Government spending—to carry out a thorough review of our national priorities and put our men and money into areas of critical national need. Not only does this bill prove that we have failed, I see no evidence that we really have tried.

Those of us who find fault with this bill do so, I realize, at the risk of being accused of unwillingness to support our men in uniform or of ignorance of the true threat to our security. Yet, I trust that honest men still may differ on this floor, with the clear understanding that each supports the goal of maintaining our national security.

Mr. Chairman, I believe that we and the American public all must understand that we are discussing only the visible top of the military procurement iceberg. For example, included in this bill are authorizations for major new weapons systems covering only fiscal year 1971 which amount to over $5.6 billion. Yet current estimates of the total ultimate costs of these systems run as high as $59 billion, and we all are aware that defense procurement costs have a habit of outrunning even the most extravagant initial estimates. Once we have taken the first step into a new program, the next step becomes more defensible, and the next—until we find ourselves in the position of being asked to spend more of the taxpayers' money to protect our initial investment.

I specifically oppose inclusion in this bill of nearly $1 billion for fiscal year 1971 procurement related to the Safeguard ABM system. This is a monumentally expensive commitment to a weapons system that even our best technical minds—including, I believe, at least three of the past Science Advisers to the President—agree has fundamental technical and strategic shortcomings. Not only is the Safeguard system so vulnerable to enemy attack that it will never be able to do the job intended—whenever the administration decides what that job should be—but I am categorically opposed to any new escalation of the strategic arms race at the time when U.S. negotiators finally have begun talking to their Soviet counterparts in the SALT talks in Vienna. I have no objection, let me add, to the projected spending in this bill of over $500 million for research on anti-ballistic-missile development, as insurance against the eventuality of a tragic breakdown in SALT.

The same comment extends to the expenditures contemplated in this bill for the procurement of Minuteman III missiles with MIRV warheads. It is increasingly evident by the administration's own testimony that our fixed ICBM missile installations are vulnerable to enemy attack, and that a far greater degree of security would be afforded by new development of underwater systems—if a higher degree of security were required. I fully agree with the position taken by an overwhelming majority of the Members of the other body, which recently voted 72 to 6 in favor of our proposing in Vienna an immediate interim freeze on the development and deployment of both ABM systems and MIRV warheads, to increase the chances for success in SALT.

In addition, the Armed Services Committee has included in this bill an additional $435 million for new ship construction, above and beyond the Defense Department request. Mr. Chairman, it is not my experience that the budget requests of our military planners are overly modest. I trust the Joint Chiefs of Staff to make at least adequate provision for funds they consider necessary to our national defense. At a time when we are supposedly fighting inflation, and when the Navy already has asked the requisite sums for its ongoing $30 billion modernization program, I find this additional authorization by the Armed Services Committee incredible.

Furthermore, I am opposed to the inclusion in this bill of authorizations for military procurement which in effect are circumventions of the annual authorizations for military and economic aid. If we are to vote on funds for the military assistance of Laos and Thailand, let us do so openly, not under the guise of our own U.S. defense procurement.

Finally, Mr. Chairman, I think we all should keep in mind as we vote that this is the bill which pays for the equipment to continue the war in Vietnam, indeed in all of Indochina. Our armies move only through a vast mechanism of procurement and supply, and voting "no" on this bill is one means we have to tell the people and the President that we are prepared to finance the reduction of the numbers of U.S. troops in Indochina and their gradual withdrawal, but not an escalation or even a status quo continuation of the war.

I shall vote against this bill, Mr. Chairman, but not—as some of its more zealous proponents might say—because I am unpatriotic, or uninformed of the true threat, or unsympathetic to the needs of our Armed Forces. I shall vote against it because it perpetuates all the dangerous misconceptions of the past as a guide to present policies—policies which I fear are rapidly serving to tear apart the fabric of our society.

Mr. COHELAN. Mr. Chairman, I am voting against the military procurement authorization bill. The amount of this bill, and the various weapons systems it includes, commits the United States to current and future weapons commitments that are subject to the most serious strategic and political considerations and leave many questions which have not been adequately answered in my judgment.

From my perspective, the decision to go ahead with the deployment of the land-based multiple-warhead missile carries with it serious strategic consequences, not only for the SALT talks, but also for an uncontrollable nuclear arms race. It was for these reasons that I offered the amendment to delete the MIRV authorization at this time. Unfortunately, my amendment was not accepted by the Committee of the Whole House where there is no record vote.

The unanticipated and unilateral decision of President Nixon to widen the Vietnam war by committing American ground forces into Cambodia and the resumption of the bombing of North Vietnam has strongly contributed to my decision to vote against this bill. I have strongly supported the amendments designed to assert congressional control of our foreign policy. Unfortunately, these amendments were also defeated.

There are other aspects of this bill that are disconcerting. I have talked about the ABM system. I have for years opposed the construction of this untested system and now a further deployment compounds the initial error.

Many of my colleagues may recall how I fought to have this House accept vitally needed education funds. The total of these funds was $1.2 billion over the President's education budget for fiscal year 1969, and now the administration blithely announces that the Safeguard ABM system will cost $1.6 billion more than originally estimated. The future of America—its children—are traded off against the ABM system that does not work. We know what the objective is in education—the elimination of ignorance. Unfortunately, the same cannot be said for the ABM. Is it the Chinese threat, the Soviet threat, the accidental launch threat? No. I feel the real threat in this bill is mistaken priorities.

There are other items in this bill which reflect these inverted priorities. The line item for a nuclear carrier is an example.

I have noted my objections to the weapon systems—objections based on what I feel are future consequences. While this is a supply bill, my added reasons for voting against it include my protest of the President's action in

Cambodia. The damage to our country—our people—is not speculative. It is apparent throughout the Nation at this moment. Congress must assume its responsibilities. It must exercise some control and oversight.

Mr. Chairman, there are other items but the problem still remains one basically of mistaken priorities. I am hopeful that when the conference report on this bill comes back to the House I will be able to support it. I yield to no man in my desire for an adequate defense system, but I feel this bill goes far beyond our needs. Moreover, it siphons off needed funds required for our pressing domestic problems in order to fund questionable military weapon systems.

Mr. VAN DEERLIN. Mr. Chairman, although the Record will not show it, I supported the Leggett amendment to require the President to obtain the consent of Congress before committing U.S. ground forces in Laos, Thailand, or Cambodia.

Many of our citizens are deeply concerned about the widening of the war in Southeast Asia. My own mail has been running more than 3 to 1 against the decision of the President to assign U.S. troops to an invasion of Cambodia. As of late this afternoon, I had received 182 letters, telegrams, and phone calls opposing this action and 56 communications favoring it.

I am deeply disappointed that the House has been unable to express any view at all on this very divisive issue in the legislation now before us. I think we owed it to our constituents to let them, as well as the White House, know where we as an elective body stand.

This afternoon's exercise has not been entirely fruitless, however. Those who question the President's action have gone as far as they could under our House rules to express individual doubts. And perhaps the President will be moved in some way by the fact that 132 Members, nearly 40 percent of those voting, were counted in favor of Mr. Leggett's amendment.

Mr. STOKES. Mr. Chairman, once again the Congress is being asked to ratify a military authorization bill which reflects little rational relationship to our country's realistic strategic needs. This observation is in part borne out by the simple fact that at least a dozen amendments are being offered to delete various authorizations, a majority of which will come from members of the Armed Services Committee.

The immensity of programs and projects covered by the bill virtually defy indepth analysis. This is obviously one of the great advantages the Pentagon brings to the political arena. Fortunately, those Congressmen and private citizens interested in restraining exorbitant military spending and recycling some of these funds into solving our immense domestic problems have finally recognized this advantage and have begun a systematic survey of our entire defense posture.

The early results of this work shows more clearly than ever the folly we have pursued in the past, and will continue to pursue today should these amendments continue to fail.

While I support all of the amendments which will be offered, two seem so essential that their passage can only be termed vital to our national interests.

The first was offered by the gentleman from California (Mr. Leggett) last Thursday which would have eliminated funds for the Safeguard ABM system. By authorizing $665 million for the ABM, the House has given its endorsement to erection of an immensely costly missile defense system that promises the American people absolutely no protection from the dangers, both real and imaginary, it purports to deter. As I stated during consideration of the fiscal year 1970 authorization bill last fall, all evidence indicated that the system will not properly function; that even if it did function it would be easily overwhelmed in a Soviet attack; and, that ABM deployment constitutes a continuing threat to the strategic arms limitations talks. I would add that it also unjustifiably raises false hopes of security for our citizens, and has become an appropriate symbol of military overspending. Its passage was a tragedy which we can only hope the Senate will rectify.

However, a second and even more important amendment is still before us. This substitute, again offered by the gentleman from California (Mr. Leggett), would place a complete prohibition against spending any money authorized by this act to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without prior congressional assent.

I would first emphasize to my colleagues who are supporting the current madness the President is pursuing in Cambodia that passage of the Leggett amendment will in no way restrict him. The law will not take effect until July 1, and by the President's own definitive statement our troops will have been removed by that date.

Second, I would remind you that this would not prevent future use of troops outside of South Vietnam. It would merely place the President on statutory notice that any further such actions must have the expressed consent of the elected representatives of the American people. Do the proponents of escalation fear such a test? The opponents do not.

Mr. Chairman, the lessons of history are often subtle and subject to legitimate controversy. I would have thought, however, that the lessons of our involvement in the Vietnam war were not. Yet, the President's rhetoric last Thursday night was framed in the same tired, Pentagon logic which has already cost our country over $100 billion and almost 50,000 lives thus far in Vietnam. It has now also cost four more lives on a campus near my district, and has greatly accelerated the disenchantment of our entire generation with our system of government. We must stop this horror and stop it now. The best beginning is by passing this modest, reasonable amendment.

Mr. MINISH. Mr. Chairman, the oriental story of Roshomon is a classic, for it successfully demonstrated the elusive quality of truth; in this story each participant perceived a different and contradictory truth about the same event.

We have a similar perception problem with respect to U.S. involvement in Southeast Asia. But now we have sent American arms and troops to Cambodia. However different our perception of that event, one fact is clear. We have carried the conflict over Vietnamese borders into the sovereign nation of Cambodia. Such widened warfare is not a peaceful overture.

Mr. Chairman, neither I nor anyone else in Congress has accepted the need to fight throughout the Southeast Asian continent. Congress must act now, in an effort to preclude further widening of this Nation's involvement in Indochina.

I have in earlier debates in the House requested that Congress demonstrate its obdurate wish for peaceful withdrawal from Vietnam at the earliest opportunity. Today, I make that request again. Let us demonstrate to the administration, and to the Nation, that the Congress desires an orderly and swift withdrawal from Southeast Asia.

The Congress can place restrictions on the Southeast Asian involvement by amending the military procurement authorization bill. The Reid and Leggett amendments to this legislation under consideration would preclude the use of funds authorized by this measure for American ground combat troops into Laos, Thailand or Cambodia without the prior consent of the Congress. This limitation would prevent any sudden and unexpected increase of our involvement in Indochina.

Although the administration has said that crossing Cambodian territory will more swiftly conclude our involvement in Southeast Asia, I must observe that I have heard this before—and with the unfortunate consequences of further involvement.

Let us not forget our young men, who have to fight this war. These are the Nation's future fathers and husbands and leaders. They should not be exposed to needless jeopardy.

I believe the time has come to rely on ambassadors, rather than warriors, to obtain the peace we all want.

Mr. BURLISON of Missouri. Mr. Chairman, reluctantly I am voting for this bill on final passage. I am voting against the previous question. The reason for my position is that there is much in the bill which I feel is unwarranted and wasteful. At the same time, I do not feel justified in voting against funds for military operation when our Nation is at war, though undeclared it may be.

In my judgment, the most glaring example of wastefulness in this bill is the provision which I vigorously opposed last year, that is, deployment of the Safeguard antiballistic missile system. On previous occasions I have gone into great detail as to my reasoning on this issue. Suffice it here to say, the best evidence indicates that the system will not work and it is not needed.

Mr. BURKE of Florida. Mr. Chairman, the decision of President Nixon to move American troops into Cambodia will

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either bring us closer to an end of the war in Vietnam or it will result in not only a bigger involvement for us in Asia but will thereby widen the division in our country. The latter will, of couse, bring fresh outbursts of rebellion and perhaps what could result in civil war here at home.

In any event, our Nation today is faced with extreme uncertainty. The war in Vietnam is not popular. In Asia we are drifting in limbo and still do not appear to have either the desire or the will to win in Vietnam.

Our young people certainly have the right to be concerned, but it is unfortunate that this great country of ours, which became the greatest nation in the world because of peaceful dialog, namely through our political processes and by way of debate, must now turn to violence in the streets and on college campuses.

A few days ago I attended a briefing at the White House held by the President and others. After talking to the President, I am truly concerned that he not only had an awesome decision to make but that he did so with the best interests of our Nation in mind and to preserve the security of the thousands of American soldiers and other American citizens in Vietnam, Thailand, and elsewhere in Asia.

The purpose of committing troops to Cambodia was essentially to smash one of the Communists' primary sanctuaries from which thousands of enemy troops have in the past attacked our forces in Vietnam. For the President to allow Cambodia to fall and to be completely taken over by the enemy would, I am sure, have jeopardized not only our position in Vietnam but resulted in a heavy casualty rate of dead and wounded Americans. Only time will tell if the President's decision was right or wrong, but he did state to us that we are not going to be involved in a deeper involvement in Asia either in Vietnam or Cambodia.

I have always been committed to the protection of our American troops fighting in Vietnam or elsewhere, and I intend to vote to give the American soldier all that he needs to defend himself. I would like to bring all of them home but, unfortunately, this cannot be done overnight, even though some would like us to believe it can be done.

Abraham Lincoln had his detractors, too, even those who advocated that he surrender.

In the briefing, the President categorically stated:

(a) the 150,000 men he promised to withdraw in his televised speech last month would be withdrawn;

(b) we will not extend ourselves in Cambodia beyond cleaning out the Communist pockets but that speed is essential since we are in a race with monsoon rains;

(c) his decision would be termed wrong by those who demand we get out of Vietnam now, even if we surrender, but that those who accept the premise that we end the war by a just peace for South Vietnam will accept the responsibility required;

(d) the failure to move troops in Cambodia would have resulted in heavy losses of American lives and would have endangered not only our status in Asia but would have posed a very dangerous military problem;

(e) that his action in committing troops in Cambodia did not constitute an invasion of a neutral country since the territory was wrongfully occupied by the Communists and not Cambodians;

(f) that there will be no further undeclared war anywhere during his Administration.

The President's action in Cambodia resulted in the capture of large food and other supplies, such as 167,000 man-days of rice, 150,000 rounds of ammunition, and other weapons including rockets, rocket launchers, and landmines. The action further halted a number of radio communication centers.

It is unfortunate that there are some that were able to arouse the emotions of many around the country to a militant pitch even without first hearing the true reasons. It is difficult for me to understand why there are so many that forget that, whether we agree or disagree with the war, our American boys are fighting and dying in Vietnam. To wave the Vietcong flag and to burn our own flag, as some think is fashionable to do in the face of this, is to me criminal.

Our young people are smart and to participate in demonstrations is treated by some as exciting. But why are there so many that are so easily led by those who proclaim their desire for revolution and the destruction of our American system of government? What inspires these young people to forget that the Communists are our enemies who have instigated and fomented destruction throughout the world? What inspires our young people to follow the anarchistic leadership of those who prefer a totalitarian government to freedom such as we have in this country? What rights do they presume they would have in a Communist-dominated country to protest and speak out against the country's leaders as is allowed in our country? Are they so blind that they have forgotten Czechoslovakia? Have they become so "brainwashed" by the teachings of the revolutionaries that they have been muted against the good things and the good Americans who worked hard to build this Nation into greatness? Have they become so blinded that they cannot recognize that there is a distinction between peaceful dialog and open rebellion in the streets which leads to destruction and even death? What manner of Americans are these youth who proclaim love and peace but promise revolution, destruction, and bloodshed without offering to those that follow an alternative for a better America?

I recognize that we may be at the cross roads of our Nation's destiny, but I implore our young people not to heed those whose actions for revolution will more than likely be the doublecross of their hopes, their dreams, and their future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WHALEN).

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 30, noes 72.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes, to close the debate, the gentleman from South Carolina (Mr. RIVERS).

PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEGGETT. Mr. Chairman, what time is it?

The CHAIRMAN. One minute before 7.

Mr. RIVERS. Mr. Chairman, how much time do I have?

The CHAIRMAN. The time has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, pursuant to House Resolution 952, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. O'KONSKI

Mr. O'KONSKI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. O'KONSKI. I am, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. CONTE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONTE. Mr. Speaker, is a motion to recommit amendable?

The SPEAKER. Not unless the previous question is voted down.

Mr. CONTE. Mr. Speaker, I thank the Chair.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'KONSKI moves to recommit the bill (H.R. 17123) to the Committee on Armed Services with instructions to report the bill back to the House forthwith with the following amendments:

On page 3, make the following changes:

On line 13 delete the figure "1,647,900,000" and substitute "1,447,900,000",

On lines 14 and 15 delete the figure "2,197,300,000" and substitute "2,097,000,000",

On line 16 delete the figure "2,909,700,000" and substitute "2,709,700,000", and

On line 17 delete the figure "460,700,000" and substitute "410,700,000".

XUM

Mr. RIVERS. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 248, nays 146, not voting 35, as follows:

[Roll No. 103]

YEAS—248

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Biaggi
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins
Colmer
Conable
Corbett
Cowger
Crane
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Devine
Dickinson
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, La.
Erlenborn
Eshleman
Evins, Tenn.
Fallon
Findley
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Fuqua
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hogan
Holifield
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lloyd
Long, La.
Lujan
McClory
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
McKneally
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
May
Mayne
Michel
Miller, Calif.
Mills
Minshall
Mize
Mizell
Montgomery
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Passman
Patman
Pelly
Perkins
Pettis
Philbin
Pickle
Pirnie
Poff
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roth
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wold
Wright
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—146

Adams
Addabbo
Anderson, Calif.
Ashley
Barrett
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Carey
Celler
Chisholm
Cleveland
Cohelan
Conte
Conyers
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
Dent
Derwinski
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Farbstein
Fascell
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Gaydos
Gibbons
Gilbert
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Hungate
Jacobs
Karth
Kastenmeier
Keith
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCarthy
McDade
Macdonald, Mass.
Matsunaga
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Monagan
Moorhead
Morse
Mosher
Moss
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Pike
Podell
Powell
Preyer, N.C.
Pryor, Ark.
Railsback
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
St Germain
Scheuer
Shipley
Sisk
Stafford
Stanton
Stokes
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Widnall
Wilson, Charles H.
Wolff
Wyatt
Wydler
Yates

NOT VOTING—35

Andrews, Ala.
Berry
Bevill
Blatnik
Broomfield
Brown, Calif.
Clay
Cramer
Dawson
Edwards, Ala.
Feighan
Flowers
Foley
Giaimo
Hawkins
Johnson, Calif.
Kee
Kirwan
Langen
Lukens
McCloskey
McMillan
Madden
Meskill
Mollohan
Poage
Pollock
Purcell
Roudebush
Schneebeli
Staggers
Taft
Teague, Calif.
Tunney
Yatron

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Andrews of Alabama for, with Mr. Foley against.

Mr. McMillan for, with Mr. Brown of California against.

Mr. Johnson of California for, with Mr. Feighan against.

Mr. Meskill for, with Mr. Foley against.

Mr. Staggers for, with Mr. Hawkins against.

Mr. Kirwan for, with Mr. McCloskey against.

Mr Broomfield for, with Mr. Clay against.

Mr. Roudebush for, with Mr. Blatnik against.

Until further notice:

Mr. Mollohan with Mr. Berry.

Mr. Madden with Mr. Cramer.

Mr. Purcell with Mr. Edwards of Alabama.

Mr. Kee with Mr. Langen.

Mr. Bevill with Mr. Lukens.

Mr. Giaimo with Mr. Pollock.

Mr. Flowers with Mr. Schneebeli.

Mr. Yatron with Mr. Taft.

Mr. Tunney with Mr. Teague of California.

Mr. FRELINGHUYSEN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 326, nays 69, answered "present" 1, not voting 33, as follows:

[Roll No. 104]

YEAS—326

Abbitt
Abernethy
Adair
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Boggs
Boland
Bow
Bray
Brinkley
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Corman
Coughlin
Cowger
Crane
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Findley
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lloyd
Long, La.
Lujan
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Moorhead
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen

XUM

Nichols
Obey
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—69

Adams
Ashley
Bingham
Bolling
Brademas
Brasco
Burton, Calif.
Button
Carey
Chisholm
Cohelan
Conte
Conyers
Culver
Diggs
Eckhardt
Edwards, Calif.
Farbstein
Ford, William D.
Fraser
Friedel
Gilbert
Green, Pa.
Gude
Halpern
Harrington
Hechler, W. Va.
Helstoski
Horton
Karth
Kastenmeier
Koch
Long, Md.
Lowenstein
McCarthy
McCloskey
Macdonald, Mass.
Mikva
Morse
Mosher
Moss
Nedzi
Nix
O'Hara
O'Konski
Olsen
Ottinger
Pike
Podell
Powell
Rees
Reid, N.Y.
Reuss
Robison
Roe
Rosenthal
Roybal
Ryan
Scheuer
Stanton
Stokes
Thompson, N.J.
Ullman
Vander Jagt
Vanik
Waldie
Whalen
Wolff
Yates

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—33

Andrews, Ala.
Berry
Blatnik
Broomfield
Brown, Calif.
Clay
Cramer
Dawson
Edwards, Ala.
Feighan
Flowers
Foley
Giaimo
Hawkins
Johnson, Calif.
Kee
Kirwan
Langen
Lukens
McMillan
Madden
Meskill
Mollohan
Poage
Pollock
Purcell
Roudebush
Schneebeli
Staggers
Taft
Teague, Calif.
Tunney
Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Staggers for, with Mr. Hawkins against.

Mr. Johnson of California for, with Mr. Clay against.

Mr. Blatnik for, with Mr. Brown of California against.

Until further notice:

Mr. Foley with Mr. Berry.

Mr. Yatron with Mr. Cramer.

Mr. Madden with Mr. Meskill.

Mr. Feighan with Mr. Broomfield.

Mr. Kee with Mr. Langen.

Mr. Andrews of Alabama with Mr. Edwards of Alabama.

Mr. McMillan with Mr. Lukens.

Mr. Giaimo with Mr. Pollock.

Mr. Mollohan with Mr. Roudebush.

Mr. Purcell with Mr. Schneebeli.

Mr. Flowers with Mr. Teague of California.

Mr. Kirwan with Mr. Taft.

Mr. Tunney with Mr. Dawson.

Mr. ADAMS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks.

The SPEAKER pro tempore (Mr. ALBERT). Without objection, it is so ordered.

There was no objection.

MAY 8, NATIONAL DAY OF MOURNING

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am introducing a resolution providing that it be the sense of the House of Representatives that Friday, May 8, 1970, be designated and observed as a national day of mourning for the Kent State University students who have died and for all those who have died in the war in Southeast Asia. On that day, I hope that not a wheel will turn, not a classroom door will open in the width and breadth of our land. For on that day, we will reflect on the death of the four students shot down at Kent State University by the Ohio National Guard. On that day, I hope the President, who has escalated the harsh rhetoric in this country, pauses and reflects on the causal relationship existing between his labeling students "bums" and the Vice President referring to other students as "paranoids" and the death of those four Kent State University students.

By their intemperate speeches, the administration has encouraged the forces that would repress all dissent in our country. By turning a deaf ear to the legitimate grievances of the poor, the blacks, and the young, the President has consciously aggravated their frustrations and increased the violence. This is a terrible abuse of the awesome power of the Presidency. Mr. Nixon was elected to be President of all the American people and not merely those who would further his career and the fortunes of his party. The disrespect not only for dissent, but for human life as well, which the Nixon administration foments by word and action must not continue.

It must be more than can be borne for the parents of those deceased students and distressing to the country at large to have the President in effect place the blame for those deaths on the students themselves. Nothing could be further from the truth. They were needlessly killed. And we must cease this destructive folly of having the National Guard respond to the stones and curses of protesting students with live bullets. We can not permit the National Guard, a conglomeration of callow youths, poorly trained, to carry rifles armed with live ammunition when brought on our college campuses. That must be stopped immediately. And let us not have an investigation of this tragedy at Kent State by any arm of an administration whose credibility has no currency with our college students. Any investigation of Monday's unpardonable events should be conducted by a group which puts truth above politics and that is independent of any governmental agency.

The only possible saving grace that might flow from the cutting short of the lives of these four young men and women would be our taking appropriate action at home and abroad which would end the brutalities now inflicted upon our own people, our fighting men and those poor citizens of Vietnam, Cambodia, and Laos. Perhaps as a result of the deaths of Allison Krause, Sandy Scheuer, William Schroeder, and Jeffrey Miller, the Congress will soon enact legislation terminating our military involvement in Southeast Asia and bring all of our troops home.

In recent years, we have had other days of national mourning. Let us not pretend that 1 more day of such mourning can relieve us of the guilt and responsibility which we must continue to bear in the weeks and months ahead if this Nation is to regain its self-respect and the respect of peoples everywhere.

THE RIGHT OF PRIVACY AGAINST JUNK MAIL

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, grim developments in Cambodia and on our college campuses have overshadowed a truly wonderful development which occurred day before yesterday. On Monday, the U.S. Supreme Court handed down a landmark decision which affirms the right of every citizen to bar junk mail and other offensive mail from his home.

This decision underscores the citizen's right of privacy, and his right under the Constitution to reject all types of unwanted and offensive mail. The decision is directed at pornographic mail, and the right of every householder to get off pornographic mailing lists, and I am also pleased that the Court quite properly interpreted the intent of Congress that the average person has a right to decide for himself what he considers to be offensive.

I commend Chief Justice Burger for this outstanding decision, in the course of which the Chief Justice stated:

> Today's merchandising methods, the plethora of mass mailings subsidized by low postal rates and the growth of the sale of large mailing lists as an industry in itself have changed the mailman from a carrier of primarily private communications, as he was in a more lesiurely day, and has made him an adjunct of the mass mailer who sends unsolicited and often unwanted mail into every home.

Chief Justice Burger continues:

> It places no strain on the doctrine of judicial notice to observe that whether meas-

> ured by the pieces or pounds. Everyman's mail is made up overwhelmingly of material he did not seek from persons he does not know. And all too often it is matter he finds offensive.

Finally, the Court concludes:

> In effect, Congress has erected a wall—or more accurately permits a citizen to erect a wall—that no advertiser may penetrate without his acquiescence.

This great decision upholds the constitutionality of an amendment to the Postal Revenue and Federal Salary Act of 1967. This amendment, sponsored by the gentleman from California (Mr. WALDIE) empowers any person who finds mail offensive by his own standards to get a Post Office Department order, enforceable in the courts, to have his name taken off the mailing list.

This is a Magna Carta for the individual human being in a computerized society. This gives a great boost to the individual, who up to now has been frustrated and unable to stem the flow of unwanted and offensive junk which pours into his mailbox every day.

Now I trust when the Congress considers the postal rate bill, the biggest burden of the increase will go on to the second and third class mailers, and not on Mr. Average Man who mails first-class letters and pays the taxes.

TRAGEDY ON THE KENT STATE UNIVERSITY CAMPUS

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, all of us in Congress are brokenhearted over the tragedy that struck on the Kent State University Campus on Monday.

Four young lives were lost—wasted.

Mr. Speaker, we must ask ourselves, Why? The immediate reason is that the Defense Department's special instructions for the Army National Guard riot control were disregarded. The instructions included the following:

> Do not load ammunition in any weapons without specific instruction of an officer.
>
> Do not fire any weapon without specific instruction from an officer to do so.

Did any officer order the loading of ammunition? And if so, why?

If those troops were not carrying loaded rifles, there would not be four dead students and 11 others wounded in that small Ohio town.

I should acknowledge here that the people firing those guns were no older, or less prone to panicking, than the unfortunate young men and women who were the victims of the fusilade. But somehow I expect more from National Guard troops who supposedly were trained in riot control.

This House voted $42 million for riot training for National Guard in the last three budgets. At the same time, police forces and other security groups around the country have forged ahead with tactics and techniques to handle disorderly crowds and rock and bottle throwing mobs. The police agencies and the military share their information on this subject.

Why then, with this information in hand, and with hours of riot training behind them, did these troops have to resort to wholesale shooting, that took four lives, to quell the Kent State disorder?

In addition to the immediate reasons for the tragedy there are deeper seated reasons for the tragedy at Kent State University. The students at Kent were protesting the action of the President in expanding the war in Southeast Asia without any shred of constitutional or congressional authority to do so.

Last week in a speech before the House I predicted that President Nixon's action with regard to Cambodia would bring new and far-reaching antagonism in our Nation. Students across the Nation want to participate, they want their elected Representatives to participate, in decisions which so vitally affect their lives. They object violently and understandably to what Scotty Reston in the New York Times called the undue haste and deception of the Cambodia decision.

Today, we, their elected Representatives, can show that we are listening to them and acting for them when we vote for the so-called Reid amendment.

STUDENT UNREST

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, as I address my colleagues today, I do so with a sense of foreboding—a sense of fear that our higher educational system will be destroyed by a tyrannical minority whose idealism has extended to guns, fire bombs, riots, vicious arrogance, and instant gratification.

Our newspapers are filled with reports of wave upon wave of violence across the Nation—some of our outstanding colleges and universities are being torn down to their very foundations by students bent only on destruction of anything that represents authority.

The tension building across the country has been heightened by the tragic deaths of four students at a university in Ohio. Four deaths which need not have happened, but which were the tragic result of dissent which turned into violence.

The tactic of violent confrontation must be abandoned. Dissent in the streets can only produce more violence; chanted slogans only serve to further incite, to strike sparks of provocation.

The overwhelmingly majority of our students are responsible citizens of the United States, preparing to take their place in society. Why should they be denied an education because a virtual handful of students force a confrontation with the school administration? Why should they be forced to relinquish their place in society because a handful of misfits and radicals want a revolution?

We have abdicated our responsibility by letting these radicals destroy our universities. We have sat back while they made our parks untenable, made a shambles of our streets and insulted our flag. We have covered our ears while they chanted the praises of the enemies of this country. We have watched mob psychology take over the campuses of this country. We have permitted this handful of miscontents to bring this country to the brink of revolution. We have been led to the edge of disaster by activists and revolutionaries.

The most practical and effective place to start accepting our authority as the adult citizens of this country is on the college and university campuses. I do not mean that we should force school administrators to issue a flood of angry edicts. But I do mean that we should stand behind school faculties and urge them to meet demonstrators, not with police, but with expulsion.

Instead of retreating from violent student radicals and agreeing to unlawfully extracted concessions, college administrators should remove student agitators from university life, the most effective way to nullify their non-negotiable demands and the bullying tactics which accompany them. This would restore to the university the atmosphere essential to the higher education of our young people.

A university cannot function without order. Those who disrupt order must leave. Students cannot be permitted to determine when, what and where they shall be taught. Students cannot be permitted to burn down buildings simply because they do not like the courses taught in that building.

Many student radicals revel in violent confrontation for its own sake. The alleged causes and objectives of the movement take second place to the rebellion itself. For the leaders who provide the major impetus to the vanguard of these movements, any cause will do. However worthy it is, it is not important in itself. Its real value to the revolutionary is as a wedge to drive into society's vulnerable cracks and eventually to engineer its downfall. Ask a revolutionary to provide an alternative—he has no constructive answer to give.

There is room in every college and university in the country for student participation, for open dialog and genuine discussion. There is no room for disruption and violence.

Dissent should and will continue in Congress, in the press, on the campuses, and in the homes. But there is no place for violent dissent. The President has called upon all Americans, including the Nation's school administrators, faculty and students, to strengthen their determination to stand firmly for the right which exists in this country of peaceful dissent, and to stand just as strongly against resorting to violence as a means of expression.

THE AMERICAN FLAG

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, a question has been raised about the meaning of Members who today have worn vest pocket handkerchiefs resembling the American flag.

For clarification, I point out that this is a patriotic gesture and in no way should be construed as an endorsement

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of the unfortunate desecration of our flag which occurred a few days ago when a person publicly blew his nose on the American flag.

MATSUNAGA: TO SOFTEN CAMBODIA BLOW APPOINT SUCCESSOR TO LODGE IN PARIS

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, President Nixon's action in ordering U.S. combat troops into the neutral nation of Cambodia, coupled with his failure to appoint a successor to Ambassador Henry Cabot Lodge, our former chief negotiator at the Paris peace conference, has been interpreted by the Government of North Vietnam and the Vietcong as a cynical relegation of the peace conference to meaningless palaver.

The President's failure to appoint a new chief for the American delegation at the peace conference has also convinced many Americans that the United States has given up its efforts to end the war in Vietnam and is bent on extending the war in order to achieve a military victory.

Mr. Speaker, during his campaign for the Presidency, Mr. Nixon pledged that he would end the war in Vietnam. If it is indeed his intention to end the war, I strongly urge him to appoint a person of national and international stature as a replacement for Ambassador Lodge at the Paris peace conference. Such action would reassure the North Vietnamese, the Vietcong, our allies, and our own citizens that the United States does indeed seek peace in Vietnam by way of peaceful negotiations.

PLANES FOR ISRAEL

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRINKLEY. Mr. Speaker, many of us had planned to support an amendment today to the 1971 military procurement authorization, relating to a sale of aircraft to Israel.

The author of the amendment which was circulated, after various consultations, withheld offering it because of strategic considerations.

I think this was a wise decision under the circumstances but wish to record my position in favor of the immediate sale to Israel of 25 Phantom jets and 90 Skyhawk airplanes.

Aircraft possessed by the Arab bloc outnumber Israeli aircraft by a margin of 8 to 1, with Egyptian planes accounting for half of that number. And now the startling disclosure has been made that Russia has sent three squadrons of fighter pilots to Egypt.

An ironic sequel to today's debate was just called to my attention on the AP news ticker in the Speaker's lobby, the story being that Egypt today expressed deep concern over the "extension of Indochina fighting into Cambodia" and strongly condemning what Egypt termed the invasion of a sovereign state.

Not one red penny of American money should go for any military or foreign aid in any shape, form, or fashion, to Egypt, who has vowed to drive Israel into the sea.

NOT CHARITY BUT A CHANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 10 minutes.

Mr. SAYLOR, Mr. Speaker, this is "National Goodwill Week" and I want to add my congratulations and best wishes to the nationwide organization which has done so much for so many. No other organization can boast of such a record of service to the handicapped as can Goodwill Industries. We are indeed fortunate there is such an organization but more important, we are fortunate that there are people who. on a volunteer basis, make this program the success it has been for 68 years.

Each Goodwill Industries is an autonomous, nonprofit community enterprise administered by a volunteer board of directors. In that one sentence, Mr. Speaker, the uniqueness and success of the organization is totally summarized.

Local units are affiliated with the national organization, Goodwill Industries of America, Inc. Every 5 years local units undergo rigid tests for accreditation by the national organization. Presently 140 autonomous units and 44 branch workshops in 184 cities serve our Nation's handicapped. Internationally, 22 countries are served by the Goodwill program.

In my congressional district, Goodwill Industries of the Conemaugh Valley of Pennsylvania was incorporated in 1962 and operated under the Pittsburgh office until 1965 when it became an autonomous unit. A measure of the effectiveness of our unit is shown in the service to 187 people last year with a payroll of $204,000.

The wages paid by Goodwill Industries is partial indication of the value of the organization in any community, but I submit that the most important aspect of Goodwill is it provides hope.

In 1969, the "Worker-of-the-Year" award went to Mr. Walter Miller, a former coal miner who had lost an arm in the mines. Mr. Miller, a first-rate carpenter and cabinetmaker, does with one arm what most of us would find impossible to do with two arms. This year's "Worker-of-the-Year," voted this honor by her coworkers, was Mrs. Evelyn Grove of Johnstown. Mrs. Grove, a mute, was honored primarily for her efforts in helping to train other handicapped in the local office. Both award winners exemplify the courage and versatility of Goodwill people, moreover, in their moving stories, the effectiveness of Goodwill training and employment policies is manifest.

I am honored to be associated with the local Goodwill Industries as a member of the advisory board. I am fortunate to be able to extend public thanks to the directors of our local unit, but more specifically, to the citizens who contribute their used goods to the work of Goodwill. After everything else is said, it is the individual citizen who provides the basis for Goodwill's ability to provide "a chance, not charity."

LOWERING VOTE TO 18 BY STATUTE RAISES SERIOUS CONSTITUTIONAL QUESTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK), is recognized for 10 minutes.

Mr. ASHBROOK. Mr. Speaker, a serious constitutional question has been raised about the procedure to be used in efforts to lower the voting age to 18. An issue of this magnitude deserves—and indeed requires—thoughtful and careful study.

I have supported the 18-year-old vote since my first days in the Ohio Legislature in 1957. There is growing public support for lowering the voting age, and I believe we are on the threshold of granting our young people a full voice in the political processes which govern their lives.

However, I have strong reservations about taking the statutory route which is adopted in the amendment to the Voting Rights Act of 1965. Some of these reservations are based on the sound arguments made by numerous eminent constitutional lawyers and as well, on the carefully reasoned points made by the President in his letter to Minority Leader GERALD FORD.

I am inserting the President's letter and the correspondence he has received on this subject from constitutional scholars across the country. These statements reflect the grave doubts which exist regarding the constitutionality of extending the rights to vote to 18-year-olds by a simple statute rather than by a constitutional amendment:

THE WHITE HOUSE,
Washington, D.C., April 27, 1970.

Hon. GERALD R. FORD,
Minority Leader,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: A constitutional issue of great importance is currently before the House. As you know, the Senate has attached to the bill modifying and extending the Voting Rights Act of 1965 a rider that purports to enable Americans between the ages 18 and 21 to vote in Federal, State and local elections.

I say "purports" because I believe it would not in fact confer the vote. I believe that it represents an unconstitutional assertion of Congressional authority in an area specifically reserved to the States, and that it therefore would not stand the test of challenge in the courts. This belief is shared by many of the Nation's leading constitutional scholars.

I strongly favor the 18-year-old vote. I strongly favor enactment of the Voting Rights Bill. But these are entirely separate issues, each of which deserves consideration on its own merits. More important, each needs to be dealt with in a way that is constitutionally permissible—and therefore, in a way that will work.

Because the issue is now before the House, I wish to invite the urgent attention of the

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Members to the grave constitutional questions involved in the 18-year-old vote rider, and to the possible consequences of ignoring those questions.

STATUTE AGAINST CONSTITUTIONAL AMENDMENT

The matter immediately at issue is not whether 18-year-olds should be given the vote, but how: by simple statute, or by constitutional amendment.

The argument for attempting it by statute is one of expediency. It appears easier and quicker.

The constitutional amendment route is admittedly more cumbersome, but it does appear that such an amendment could be readily approved. A resolution proposing such an amendment already has been introduced in the Senate, sponsored by two-thirds of the members, the same number required for passage. Sentiment in the House seems strongly in favor. Some contend that ratification would be a long and uncertain process. However, public support for the 18-year-old vote has been growing, and certainly the submission to the States of a constitutional amendment, passed by two-thirds of both Houses and endorsed by the President, would provide powerful additional momentum. An historical footnote is pertinent: When the women's suffrage amendment was proposed in 1919, many said the States would never go along—but ratification was completed in less than 15 months.

If the Senate provision is passed by the Congress, and if it is later declared unconstitutional by the courts, it will have immense and possibly disastrous effects.

At the very least, it will have raised false hopes among millions of young people—led by the Congress to believe they had been given the vote, only to discover later that what the Congress had purported to confer was not in its power to give.

It will have cost valuable time, during which a constitutional amendment could have been submitted to the States and the process of ratification gone forward. It would almost certainly mean that the 18-year-old vote could not be achieved before the 1972 election.

Beyond this, there looms the very real possibility that the outcome of thousands of State and local elections, and possibly even the next national election, could be thrown in doubt: because if those elections took place before the process of judicial review had been completed, no one could know for sure whether the votes of those under 21 had been legally cast. It takes little imagination to realize what this could mean. The Nation could be confronted with a crisis of the first magnitude. The possibility that a Presidential election, under our present system, could be thrown into the House of Representatives is widely regarded as dangerous; but suppose that a probably unconstitutional grant of the 18-year-old vote left the membership of the House unsettled as well?

The Senate measure contains a provision seeking an early test of its constitutionality, but there can be no guarantee that such a test would actually be completed before elections took place. And the risk of chaos, if it were not completed, is real.

THE CONSTITUTIONAL QUESTIONS

On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise: within certain specified limits this power belongs to the States. Three separate provisions vest this power with the States: Article I, Section 2 (election of members of the House of Representatives), the Tenth Amendment (reserved powers) and the Seventeenth Amendment (direct election of Senators) all lodge this power with the States. There are four provisions placing limitations on this power: the vote cannot be limited on grounds of race (the Fifteenth Amendment), sex (the Nineteenth Amendment), or failure to pay a poll tax (the Twenty-Fourth Amendment) nor can States impose voting qualifications so arbitrary, invidious or irrational as to constitute a denial of equal protection of the laws (the Fourteenth Amendment).

Advocates of the proposal that passed the Senate rely on the power given Congress under the Fourteenth Amendment to enforce equal protection of the laws, and particularly on the Supreme Court's 1966 decision in the case of *Katzenbach v. Morgan*. This case upheld Federal legislation enfranchising residents of New York who had attended school in Puerto Rico, and who were literate in Spanish but not in English. However, I do not believe that the Court's decision in *Katzenbach v. Morgan* authorizes the power now asserted by the Senate to enfranchise young people. Neither do I believe it follows that because Congress has power to suspend literacy tests for voting throughout the Nation, as the new Voting Rights Act would do, it has power also to decide for the entire Nation what the proper age qualification should be.

Where Puerto Ricans were denied the right to vote, the Court could readily conclude that there had been discriminatory treatment of an ethnic minority. This was especially so because of the particular circumstances of those whose rights were at issue: U.S. citizens by birth, literate in Spanish, but not literate in English because their schools, though under the American flag, had used Spanish as the language of instruction.

Similarly with literacy tests: the Court already has upheld the right of Congress to bar their use where there is presumptive evidence that they have been used in a discriminatory fashion. If Congress now finds that literacy tests everywhere impose a special burden on the poor and on large numbers of black Americans, and for this reason abolishes literacy tests everywhere, it is using the same power which was upheld when the Court sustained the Voting Rights Act of 1965.

To go on, however, and maintain that the 21-year voting age is discriminatory *in a constitutional sense* is a giant leap. This limitation—as I believe—may be no longer justified, but it certainly is neither capricious nor irrational. Even to set the limit at 18 is to recognize that it has to be set somewhere. A 21-year voting age treats all alike, working no invidious distinction among groups or classes. It has been the tradition in this country since the Constitution was adopted, and it was the standard even before; it still is maintained by 46 of the 50 states; and, indeed, it is explicitly recognized by Section 2 of the Fourteenth Amendment itself as the voting age.

If it is unconstitutional for a State to deny the vote to an 18-year-old, it would seem equally unconstitutional to deny it to a 17-year-old or a 16-year-old. As long as the question is simply one of judgment, the Constitution gives Congress no power to substitute its judgment for that of the states in a matter such as age qualification to vote which the Supreme Court has recognized is one which the States may properly take into consideration.

ONE CONSTITUTION

A basic principle of constitutional law is that there are no trivial or less important provisions of the Constitution. There are no constitutional corners that may safely be cut in the service of a good cause. The Constitution is indivisible. It must be read as a whole. No provision of it, none of the great guarantees of the Bill of Rights is secure if we are willing to say that any provision can be dealt with lightly in order to achieve one or another immediate end. Neither high purpose nor expediency is a good excuse. We damage respect for law, we feed cynical attitudes toward law, whenever we ride roughshod over any law, let alone any constitutional provision, because we are impatient to achieve our purposes.

To pass a popular measure despite the Constitutional prohibition, and then to throw on the Court the burden of declaring it unconstitutional, is to place a greater strain and burden on the Court than the Founding Fathers intended, or than the Court should have to sustain. To enact the Senate proposal would be to challenge the Court to accept, or to reject, a fateful step in the redistribution of powers and functions, not only between the Federal Government and the States but also between itself and the Congress.

Historically, under the Fourteenth Amendment as well as under many other provisions of the Constitution, it has been the duty of the Court to define and enforce the division of powers between the Federal Government and the States. Section 5 of the Fourteenth Amendment gives Congress power to "enforce" Constitutionally-protected rights against intrusion by the States; but the primary role in defining what those rights are belongs to the Court.

For the most part, the Court has acted with due deference and respect for the views of Congress, and for Congress' assessment of facts and conditions and the needs to which they give rise. But the Court has had the last word.

However, it is difficult to see how the Court could uphold the Senate proposal on the 18-year-vote without conceding that Congress now has the last word.

To present this challenge to the Court would thus raise equal and opposite dangers: on the one hand, if the Court acquiesced, its own power as the protector of our rights could be irreparably diminished; and on the other, if the Court rebuffed the challenge, the often valuable latitude Congress now has under broad readings of its Fourteenth Amendment power might in consequence be severely limited. Neither outcome, in my view, would be desirable.

THE PATH OF REASON

I have recently canvassed many of the Nation's leading constitutional scholars for their views on the Senate proposal. Some feel that, by a broad reading of *Katzenbach v. Morgan*, the proposal's constitutionality could be sustained. The great majority, however, regard it as unconstitutional—and they voice serious concern not only for the integrity of the Constitution but also for the authority of the Court, if it should be sustained.

At best, then, it would be enacted under a heavy constitutional cloud, with its validity in serious doubt. Even those who support the legislation most vigorously must concede the existence of a serious constitutional question.

At worst, it would throw the electoral process into turmoil during a protracted period of legal uncertainty, and finally leave our young people frustrated, embittered and voteless.

I therefore urge:

That the 18-year-old vote rider be separated from the bill extending the Voting Rights Act.

That the Voting Rights Bill be approved.

That Congress proceed expeditiously to secure the vote for the Nation's 18-, 19-, and 20-year-olds in the one way that is plainly provided for in the Constitution, and the one way that will leave no doubt as to its validity: Constitutional amendment.

Sincerely,

RICHARD NIXON.

YALE UNIVERSITY,
LAW SCHOOL,
New Haven, Conn., April 25, 1970.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A number of the signers of this letter were among the signers of a letter (a copy of which is enclosed) pub-

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lished in *The New York Times* on Sunday, April 5, which expressed the view that Congress has no power to lower the voting age in national and state elections by statute. The April 5 letter argues that submission to the states of a constitutional amendment is the appropriate way for Congress, if persuaded on the merits, to proceed.[1]

Since it seems not unlikely that the House of Representatives will shortly pass the Voting Rights Bill in the form in which it passed the Senate, and including the Senate rider lowering the voting age, we take the liberty of reiterating to you our view that the rider is unconstitutional. The letters to *The New York Times* from Senator Kennedy (April 7) and Professors Cox and Freund (April 12) have not altered our conclusion.

We wish to add a further consideration: If the Voting Rights Bill comes to you for signature, with the rider, and if you conclude that the rider is probably unconstitutional, we think it is an appropriate exercise of your discretion to veto the bill for that reason. We say this because we think it singularly inadvisable to pass on to the courts issues as to the constitutionality of the hundreds of elections, national and state, which would be affected by the rider within months after its adoption into law. There are serious questions whether these issues will be litigable at all, or promptly so. If the Supreme Court finds these issues non-litigable for any extended period of time, the nation's entire election process will be under a cloud. If, on the other hand, the Supreme Court finds an appropriate "case" or "controversy" within which the constitutional issues can be dealt with, the Court will expectably be faced with agonizing pressures not to frustrate the understandable expectations of millions of young Americans, and not to cast in further doubt the validity of large numbers of elections which have taken place in the interim—pressures which must almost inevitably skew the process of constitutional adjudication. To put dilemmas of this sort to the Supreme Court, especially at this time, seems to us likely to put profound strains on our most sensitive and critically important institutional arrangements. And all this could be obviated by the direct and appropriate mechanism of constitutional amendment.

Respectfully,

Alexander M. Bickel,
Robert H. Bork,
Jan G. Deutsch,
Louis H. Pollak,
Eugene V. Rostow.

[From the New York Times, Apr. 5, 1970]

AMENDMENT FAVORED FOR LOWERING VOTING AGE

To the Editor: As the Times has reported, the Justice Department opposes, as unconstitutional, the pending proposal to lower the voting age in national and state elections to 18 by statute.

As constitution lawyers—some of whom favor and some of whom oppose lowering the voting age, and none of whom counts himself a knee-jerk partisan of all Justice Department positions—we believe the Department is right on this very important constitutional issue. Our reasons are these:

1. Within broad limits, the Constitution leaves states free to set qualifications for participation in national and state elections. The limits are these: Those qualified to vote for the most numerous branch of the state legislature must be permitted to vote for Representatives and Senators.

No would-be voter can be excluded from any election on grounds of race (the 15th Amendment) or sex (the 19th Amendment). And no state can impose a poll tax in any national election (the 24th Amendment) or, in any election, prescribe a voting qualification so invidious or irrational as to be a denial of the equal protection of the laws (Section 1 of the 14th Amendment).

2. Those who believe Congress can lower the voting age by statute argue in substance that Congress can declare that the 46 states with a minimum voting age of 21 are denying younger would-be voters the equal protection of the laws.

Reliance is placed on Katzenbach v. Morgan, where the Supreme Court sustained a Federal statute barring states from denying the vote to Americans of Puerto Rican origin literate in Spanish but not in English. Katzenbach v. Morgan makes sense as part of the mainstream of 14th Amendment litigation, policing state restrictions on ethnic minorities. But it has little apparent application to a restriction affecting all young Americans in 46 states.

3. There is a further, and to us conclusive, reason why Katzenbach v. Morgan is unavailing: The long-ignored Section 2 of the 14th Amendment explicitly recognizes the age of 21 as a presumptive bench mark for entry into the franchise. It surpasses belief that the Constitution authorizes Congress to define the 14th Amendment's equal-protection clause so as to outlaw what the Amendment's next section approves.

A statute lowering the voting age would raise the expectations of ten million young Americans—expectations likely to be dashed by a judicial determination that the statute is unconstitutional. This lends point to the fact that when heretofore the nation decided upon a fundamental change in the composition of the electorate, the consensus was embodied, in permanent and unchallengeable form, in a constitutional amendment: One hundred years ago the 15th Amendment, enfranchising blacks, was added to the Constitution.

Fifty years ago the 19th Amendment, enfranchising women, was added to the Constitution. If, in 1970, the nation is ready to welcome into the political process Americans who have reached the age of 18, Congress should, in fidelity to our constitutional traditions, submit to the states for ratification a new constitutional amendment embodying that new consensus.

Alexander M. Bickel.
Charles L. Black, Jr.
Robert H. Bork.
John Hart Ely.
Louis H. Pollak.
Eugene V. Rostow.

The University of Michigan,
Law School,
Ann Arbor, Mich., April 20, 1970.

Hon. Richard M. Nixon,
President of the United States,
The White House,
Washington, D.C.

Attention: Mr. Leonard Garment.

Dear Mr. President: This letter is in response to Mr. Garment's inquiry respecting my views on the constitutionality of proposed federal legislation which would establish a universal age limitation on voting in the United States and fix the age at 18 years.

This proposal has momentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial constitutional questions.

Under the Constitution it is clear that the basic power to prescribe qualifications for voting is reserved to the states. Art. I, Sec. 2, respecting the election of Representatives to the Congress and the Seventeenth Amendmend respecting the election of Senators recognize that the qualifications for voting are governed by state law. Moreover, the Constitution gives Congress no power, express or implied, over the general subject of voting qualifications. Congress is given the power under Art. I, Sec. 4, to regulate the times, places and manner of holding election of Senators and Representatives. But this power, construed in conjunction with Art. I, Sec. 2, gives no authority to prescribe qualifications. If then the question raised by the proposed federal legislation to reduce the voting age to eighteen were governed solely by the body of the Constitution, the proposed legislation would clearly be beyond Congressional power and this regardless of whether it was universal in its scope or limited to voting for Congressmen, Senators and Presidential electors.

Amendments to the Constitution while not abridging the basic power of the states to fix qualifications have curtailed the freedom of the state to classify in fixing qualifications and thereby to limit the voting right. The Fifteenth Amendment prohibits a denial of the right to vote on the ground of race, color or previous condition of servitude. The Seventeenth Amendment similarly prohibits denial of voting rights on the basis of sex. The Twenty-fourth Amendment prohibits the denial of the right to vote for President, Vice President, Senators and Congressmen because of failure to pay a poll tax. Apart from these specific restrictions on the power of the state to prescribe classifications in defining voters' qualifications, the equal protection clause of the Fourteenth Amendment operates to prohibit other arbitrary limitations on the right to vote. Thus in *Harper v. Virginia Board of Elections,* 383 U.S. 663 (1966), the Supreme Court held that a state requirement of paying the poll tax as a condition of voting resulted in an arbitrary discrimination which violated this clause.

Admittedly the fixing of an age limit falls within the basic power of the states to prescribe qualifications for voting and none of the restrictions on the power to classify for voting purposes achieved by constitutional amendment as mentioned above affect the voting age requirement. Nor is it conceivable that the Supreme Court would declare an age requirement fixed by state law whether at age 21, 20, 19 or 18 as an arbitrary requirement violating the equal protection clause. This leaves for consideration then the question whether Congress has a legislative power to intrude into the states' power to fix an age limit qualification.

The only possible source claimed for such power is the authority granted to Congress under the 5th section of the Fourteenth Amendment to enforce this Amendment's restrictions and more particularly to enforce the equal protection clause. May Congress by legislative act fixing the voting age limit at 18 thereby in effect declare that a higher age limit prescribed by state law is an arbitrary classification which violates the equal protection clause?

In examining this question we may first consider the Supreme Court's decision in *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), where the Court upheld the provisions of the 1965 Voting Rights Act which prohibited the use of literacy tests in states where their use was found to achieve racial discrimination in voting in violation of the Fifteenth Amendment. Congress has the power to enforce the Fifteenth Amendment and Congress here was using its power to deal with practices which it found violated this Amendment. Since the Congress here was using its power to enforce a specific constitutional restriction and since the Supreme Court had already recognized that state use of literacy tests as a means of racial discrimination in voting was invalid, the case has no real bearing on the power of Congress to define permissible voting qualifications under its power to enforce the equal protection clause of the Fourteenth Amendment.

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[1] Professor Jan G. Deutsch, a signer of this letter, did not sign the April 5 letter because he was not in New Haven when that letter was prepared, but he is in substantial agreement with that letter. Two signers of the April 5 letter are not signers of this one: Professor John H. Ely disagrees with this letter; Professor Charles L. Black, Jr., has not had an adequate opportunity (due to the press of other commitments) to think through fully the matters dealt with in this letter.

The companion case of *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), does go to the question under consideration. Here the Court upheld the feature of the 1965 Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school or in a private school accredited by the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. This provision was designed to invalidate New York's English literacy test in so far as it resulted in the denial of the voting right to the very substantial body of New York City residents who had migrated there from Puerto Rico. The Court upheld this Congressional intrusion into the state's power to prescribe voting qualifications on the basis of the power to enforce the equal protection clause of the Fourteenth Amendment.

This case for the first time recognized that the Congressional power to enforce the equal protection clause includes a power to define the substance of equal protection by declaring a particular classification established by state law to be invalid and substituting in its place a classification fixed by Congress. The Supreme Court has made it abundantly clear that the equal protection clause forbids arbitrary or unreasonable classifications and that whether a state classification constitutes an unlawful discrimination is appropriately a matter for judicial determination. On its face *Morgan* appears to say that Congress has an independent substantial power to pass on classifications and to condemn a state classification which Congress finds unreasonable or arbitrary even though the Court itself would not have found a violation of the equal protection clause.

Given this literal interpretation *Morgan* opens up a wide power in Congress to review and to invalidate classifications established by state laws by finding that such intrusions into state power are necessary to assure the equal protection of the laws. The wide implications of such an interpretation are noted in the dissenting opinion of Mr. Justice Harlan, joined by Mr. Justice Stewart. Applied to the problem at hand, *Morgan* as so construed would be authority for Congress to fix a universal age limit for voting in the United States on the theory that any higher age limit than that fixed by Congress is a denial of equal protection.

The question then is whether *Morgan* established such a broad principle and whether it is subject to any limitations which would be relevant to the question of Congressional power to establish a universal voting age requirement at the expense of the historically established state power to prescribe voting qualifications. The majority opinion in *Morgan* said that the power given by Congress to enforce by appropriate legislation the Fourteenth Amendment's provision paralleled the power given to Congress in the body of the Constitution to pass all laws necessary and proper to carry into execution the powers delegated under the Constitution. Borrowing language from Chief Justice Marshall's opinion in *McCullough* v. *Maryland*, 4 Wheat. 316, in explicating the necessary and proper clause, the Court said that the question then was whether the legislation enacted by Congress banning the use of the New York literacy test to disqualify Puerto Ricans from voting was plainly adapted to the end of enforcing the equal protection clause and whether it was not prohibited but was consistent with "the letter and spirit of the constitution." Applying these standards, the Court said that the Congressional enactment could readily be seen as "plainly adapted" to further the aim of the equal protection clause to secure for the Puerto Rican community residing in New York non-discriminatory treatment by the government—both in the imposition of voting qualifications and the provisions or administration of governmental service, thereby enabling the Puerto Rican minority better to obtain "perfect equality of civil rights and the equal protection of the laws." The Court said that it was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement, that it was not for the Court to review the congressional resolution of the various conflicting interests entering into the question and that it was enough that the Court was able to perceive a basis upon which Congress might resolve the conflict as it did.

The Court further said that the legislation could be justified as legislation aimed at the elimination of an invidious discrimination in establishing voter qualifications. On this question the Court said that Congress might well have questioned whether the New York literacy requirement actually served the state interest claimed for it and could also have concluded that as a means of furthering the goal of an intelligent exercise of the franchise, an ability to read or understand Spanish was as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radios and television programs are available to inform them of election issues and governmental affairs.

It remains to determine whether the Court's holding in *Morgan* and the reasoning employed by the Court apply equally well to uphold Congressional intrusion into the states' power to prescribe voting qualifications by fixing an age limit. It should be noted at the outset that Congress determined that an English literacy requirement constituted an improper voting qualification for Puerto Ricans living in New York City since it had the effect of disenfranchising a substantial body of citizens and since in the judgment of Congress the requirement of having completed six grades of school in Puerto Rico, although in another language, was adequate to establish the literacy required for intelligent voting in New York City. This in itself suggests an important difference between outlawing an English literacy requirement as a qualification for voting and outlawing state voting age requirements by fixing a uniform federal standard. Indeed, in *Cardona v. Power*, 384 U.S. 672 (1966), although the majority did not find it necessary to pass on the question, two justices expressed the view that the New York literacy requirement as applied to Puerto Ricans in New York City was an arbitrary limitation on the voting right apart from any federal legislation on the subject. But in fixing a federal age requirement at age eighteen Congress recognizes that an age requirement is in itself a proper qualification for voting. The real question then is whether Congress while recognizing that an age requirement is valid may choose to say that any voting age requirement above the age of eighteen years constitutes an invidious discrimination against the class of persons between the age of 18 and a higher age which may be fixed by a state's law.

The purpose of an age limit is to assure sufficient maturity in exercising the voting right. May Congress say that a state has no rational basis for fixing a 21 year age limit as the standard for voting maturity? Obviously, there is room for choice in this matter. Most states continue to adhere to the twenty-one year limit. A few have reduced the limit to a lower age. It may be assumed that fixing the age limit anywhere from 18 to 21 is reasonable so far as any judicial interpretation of the equal protection clause is concerned. Since the basic power to fix voting qualifications is in the states and not in Congress the question raised by the proposed Congressional legislation is not whether it is reasonable and appropriate for Congress to fix the voting age limit at 18 but whether it is appropriate for Congress to declare that any age limit higher than 18 is an invidious discrimination, i.e., whether it results in an arbitrary classification. Or to put the matter in another way, does Congress have a basis for saying that a 19, 20 or 21 year age limit as may be imposed by state law does not have a rational relation to the question of whether a person is sufficiently mature to take part in the voting process?

In answering this question two considerations may be noted. The fixing of a voting age limit involves a legislative choice within a limited range, and it remains to be demonstrated that Congress because of studies it has made and investigations it has conducted has a better informed basis than the states for determining when citizens are old enough to vote. This is not a matter of determination by objective criteria. Secondly, and much more important, states have been fixing age limits for voting ever since the Constitution was adopted and even before, and until recently twenty-one years of age has been the general standard. This has never been questioned. It is fantastic to suggest that when the States ratified the Fourteenth Amendment in 1968, they thereby understood that they were thereby giving Congress the authority, in the name of equal protection enforcement, to displace their own power to fix voting age limits or to declare that any voting age limit above 18 constituted an unconstitutional discrimination. Indeed, the Fourteenth Amendment itself affirms the validity of the twenty-one year age limit as a qualification for voting. Section 2 of this Amendment, dealing with Congressional apportionment and designed to reduce the representation in Congress of states which deny voting rights to blacks speaks of denial of the right to vote "to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States . . ." It is not to be supposed that the Fourteenth Amendment suffers from an inner contradiction and that the equal protection clause was intended as a source of power in Congress to outlaw a state voting age qualification explicitly sanctioned by this Amendment. It requires an extraordinary latitude in the construction of Congressional power to contend that Congress may brand as arbitrary and invidious a voting age standard acknowledged as legitimate by the text of the Constitution. Indeed, to use Chief Justice Marshall's language, quoted in the *Morgan* case, a federal statute, denying to states the power to prescribe a twenty-one year age limit is not consistent with the letter of the Constitution.

In summary, there are very substantial differences between the English literacy test problem presented in *Morgan* and the voting age problem. In its legislation at issue in *Morgan*, Congress was directing its attention to a voting qualification, namely, the English literacy test, which has had a limited history in this country, which Congress found to be an unwarranted discrimination against a discrete ethnic group, and which for all practical purposes was limited in its operation to one state in the country. Moreover, Congress has a special federal concern with protection of Puerto Ricans

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against discrimination in view of the historic relationship between the United States and Puerto Rico, and the Congressional policies which have encouraged migration from Puerto Rico to the United States. Also it is not clear that the Supreme Court would not have invalidated the New York literacy test required as to Puerto Ricans even without the federal statute as an invidious discrimination violating the equal voting clause had it proceeded to face this question in the *Cardona* case. The voting age question, on the other hand, presents no factor of this kind. On the contrary, state voting age limits have a long unbroken history, they deal with a qualification which does not enter into the sensitive area of race, nationality, ethnic affiliations or economic status, they present no distinctive aspects related to matters of federal authority and concern and, indeed, the authority of the state to fix an age limit is confirmed in the very language of Section 2 of the Fourteenth Amendment. Here the factors are so heavily weighted in favor of the state power and the basis for Congressional intrusion into this area is so tenuous, that I cannot regard *Morgan* as determinative of the constitutional issue raised by this proposed legislation.

Morgan as literally construed opens up vast potentials of expanded Congressional power in the name of enforcement of the equal protection clause to intrude upon state legislative power and to substitute for it legislation which Congress deems more desirable. Virtually every state statute embodies a series of classifications. Take, for instance, a state income tax law. Such a law is full of classifications relating to such matters as rates, exemptions, etc. If Congress may at will invalidate classifications it finds unsatisfactory or undesirable by stamping them as arbitrary, and in turn to substitute its own notion of suitable policy, the way is open for Congress to assume the role of super-legislature for the states. It could then prescribe the permissible classifications in a state income tax and thereby in effect rewrite the state's law.

Morgan requires further critical study and examination by the Court before its implications can be fully determined. The fact that two justices dissented and the intervening change in Court personnel indicate the likelihood of such a critical reexamination. But apart from this, the question of the power of Congress to prescribe a universal voting age limit involves consideration totally different from the question presented in *Morgan*. For the Court to uphold this proposed legislation would require a considerable stretch of the judicial tolerance of Congressional legislation manifest in *Morgan*.

In summary then it is my opinion that substantial grounds support the conclusion that the proposed Congressional legislation fixing a universal voting age limit of 18 years is unconstitutional on its face as an intrusion by Congress into an area of admitted state authority. The holding and the opinion in *Morgan* do not furnish either compelling or even persuasive support for this legislation. Indeed, the legislation flies in the very face of the constitutional text. Certainly, at the very least the proposed legislation raises very serious and substantial constitutional questions not foreclosed by the *Morgan* decision.

If Congress is satisfied that it is desirable national policy to establish a universal voting age limit of eighteen years, the way is open to achieve this result through the process of constitutional amendment. It seems to me far preferable for Congress to deal with the matter in this way rather than enact legislation which raises serious constitutional issues and would endanger all the uncertainty and confusion arising from constitutionally suspect legislation.

I remain,

Respectfully yours,

Paul G. Kauper.

The George Washington University,
Washington, D.C., April 23, 1970.

Hon. Richard Nixon,
President of the United States,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

Dear Mr. President: Whatever be the merits of lowering the voting to 18 or some other figure, the proposal to do so by congressional statute rather than by constitutional amendment is a startling proposition with broad constitutional implications going beyond the current issue. It would have been unthinkable a mere half dozen years ago. It remains startling despite the Supreme Court's 1965 ruling in Katzenbach v. Morgan sustaining congressional power to substantially modify New York's policy of not allowing non-English-speaking people to vote.

I

We all know that under our federal division of powers the states are expressly authorized to fix voting qualifications for both state and national elections. The grant is limited only by a reserve congressional power regarding the "manner" of holding national elections, and the restrictions derived from the 14th, 15th, and 19th amendments regarding classifications which are based on race or sex or are otherwise invidiously discriminatory or arbitrary.

The fact that the new proposal should be seriously discussed indicates how far we have embraced the idea that constitutional law is simply a legislative process, by legislative votes or judicial votes, of ascertaining and implementing current popular desires or the current judicial understanding of sound policy—with no need to make more than a casual reference to any higher law principle of authorization or limitation. There are dangers in discarding a constitutional system for a fluctuating pressure politics system, because who can know what tomorrow's majority will do?

It is of course trite to observe that constitutional law is not a static system and that the process of judicial review gives us much new constitutional law. But there is one sharp difference. Virtually all of our recent famous cases could be rationalized by elaborating basic principles concededly imbedded in the Constitution—for example the racial integration cases, and the freedom of expression cases. The 18-year-old voting by congressional statute idea, however, runs contrary to an express constitutional provision. It has only the most tenuous support, if any, in a supposed "discrimination" principle.

II

Proponents of congressional power to change the voting age rest their argument essentially on one case, *Katzenbach* v. *Morgan*, sustaining the Kennedy amendment to the Voting Rights Act of 1965. It was designed to enfranchise Puerto Ricans in New York City who were illiterate in English but literate in Spanish. Although the provision was upheld, a divided Supreme Court had difficulty articulating a satisfactory rationale. The Court referred to supposed congressional findings that with more political clout non-English speaking Puerto Ricans would get a better break in public services in New York City. But there was little evidence. The opinion has a strong "might be" quality on the crucial question of whether or not there was any significant discrimination which voting power might ameliorate. The Court added therefore a distinctly novel theory that Congress has a broad power to interpret the concept of "equal protection" in the Fourteenth Amendment, and that a presumption of constitutionality attaches to a law which Congress asserts is needed to "implement" the Fourteenth.

A ruling which seems to give Congress power by statute to expand or contract the Fourteenth Amendment obviously must be handled with care, lest we woefully confuse the line between constitutional law and ordinary law. Read more narrowly, and that is all that is needed to sustain the Puerto Rican voting provision, the *Morgan* case rests on a theory of particularized ethnic discrimination by state action which Congress corrected.

III

There are major difficulties in moving from the Puerto Rican voting law to 18-year-old voting, whether *Morgan* be read narrowly or broadly. Regarding voting age there is no discrimination, only a legislative preference for one figure instead of another, in a field where a *choice* concededly must be made. Realistically, what is the "equality" interest in 18-year-old voting? What are the two groups which arguably must be treated equally? In the racial discrimination field, we totally abolish race as a permissible classification. And when differential wealth creates differential access to benefits, we simply abolish charges; hence the rule that *all* indigent prisoners can get free trial transcripts for appeal. But there is no distinctive, *identifiable group* discrimination flowing from a 21-year-old voting rule. Every age from 20 down to 1 is "discriminated" against in the loose sense now being used.

The point is that any age fixed is necessarily arbitrary, and hence poses no constitutional question needing "corrective" Congressional action. It is a matter of open legislative choice, and the Constitution expressly commits that choice to the states, short of a constitutional amendment.

IV

The constitutionally forthright way to resolve the 18-year-old voting proposal is by federal constitutional amendment. Alterations in the basic nature of our body politic should be made on the basis of a national consensus, rather than a legislative logrolling process supported by a novel constitutional dictum. The proposal is precisely the kind of question for which the amendment process exists.

Sincerely yours,

Robert G. Dixon, Jr.,
Professor of Law.

The Law School,
Columbia University,
New York, N.Y., April 23, 1970.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I am writing at the suggestion of Mr. Currier to provide a written statement of my views on four specific questions that he asked concerning the proposal to reduce the voting age to eighteen years by Act of Congress.

First. As a matter of policy, I favor the reduction. While any line drawn in terms of age involves an element of arbitrary judgment, I see objective merit in adopting for the franchise the same standard as for military service.

Second. Prior to the decision of the Supreme Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), I should have stated unreservedly that the determination of the voting age in federal as well as State elections is a matter for the States. Article 1, Sec. 2 and the Seventeenth Amendment explicitly adopt for Congressional elections the "qualifications requisite for electors of the most numerous branch of the State legislature" and Article 2 commits to the State legislatures the appointment of presidential electors. State power is, to be sure, limited by the Amendments, including most relevantly the equal protection clause of the Fourteenth. But the conventional standards of qualification, such as age, residence, literacy and the like have never been considered to involve unreasonable or invidious classifications vulnerable on equal protection grounds. The Virginia poll-tax case did hold, with three dissenting votes, that to "introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor" (383 U.S. 663, 668 [1966]). But, whatever may be thought of that decision, age is obviously not irrelevant to qualifications; and since any age criterion involves the drawing of an arbitrary line, fixing the age at twenty-one most certainly is not "capricious".

Under the *Morgan* decision, however, the issue of Congressional authority is not concluded by the fact that State prescription of an age as high as twenty-one satisfies judicial standards of equal protection. For that decision, in sustaining the Congressional abrogation of New York's requirement of literacy in English as applied to citizens educated in Spanish in American-flag schools, gave an entirely new dimension to the power of Congress under Section 5 of the Fourteenth Amendment to "enforce" the provisions of the Amendment by "appropriate legislation." It held that the enforcement power is not limited to striking at State action that the Court would hold forbidden by the Amendment; that it endows the Congress with authority to determine for itself whether a State created discrimination or disability "constitutes an invidious discrimination in violation of the Equal Protection Clause" or is conducive to such deprivation; and finally, that such a congressional determination will be sustained by the Court if it is able to "perceive a basis" on which Congress "might predicate" that judgment (384 U.S. at 656).

If the *Morgan* opinion, in which five of the present members of the Supreme Court joined, is accepted at face value, its logic would sustain Congressional authority to reduce the voting age by statute or, indeed, to supersede any other disability effected by State law that Congress has some basis for appraising as "invidious." But whether the opinion will or should be so accepted is, I think, more doubtful. The facts of *Morgan* did not require such a sweeping theory, since Congress might have considered the New York requirement to have had its roots and been maintained in hostility to certain ethnic groups, their identity varying from time to time. Apart from this, a more stringent standard may evolve for the judicial appraisal of the "basis" of Congressional determinations, especially in situations where no ethnic implicaton is involved and Congress merely would be substituting its opinion for the State's as to the way to draw a line that must be drawn. Some such development seems probable to me, as it becomes apparent how far *Morgan* in the total implications of the Court's opinion would transcend the purpose of the Fourteenth Amendment, broad as one may grant its purpose was.

I do not think, therefore, one can be certain that an Act of Congress that reduced the voting age would be sustained. It would draw strength from the *Morgan* opinion but in doing so would put it to a test, the net result of which might be its limitation or, indeed, repudiation.

Third. To confront the Supreme Court now with the problem of determining the scope and limits of the *Morgan* doctrine in the testing context of a statutory reduction of the voting age is, in my opinion, a mistake. For any judgment that the Court might render would inevitably threaten its prestige and exacerbate the tensions in the Nation.

The division of the Court in *Morgan* coupled with the new appointments make it almost certain that the Court's decision would entail a sharp division, whichever view prevails. A sustaining judgment resting on the votes of the five surviving members of the *Morgan* majority (including two Justices whose age renders long tenure improbable) hardly would provide a healthy basis for judicial action many would consider the equivalent of constitutional amendment. A judgment of invalidity would emphasize the instability of constitutional interpretation, while adding to the bitterness of disaffected youth who would resent the deprivation. Believing as I do that the Court is now embattled on too many fronts for the welfare of the institution, I should regard it as a grave misfortune to insist that it take on another major battle at this time.

For the foregoing reason, I consider it to be highly undesirable to attempt to reduce the voting age by Act of Congress. The wise course, in my opinion, is to deal with age as race, color and sex were dealt with in the past and to proceed by resolution of amendment.

Fourth. The constitutional problem with respect to voting age is no different, in my view, in the election of the Congress and the President than in State elections. Article I, Sec. 2, Article II and the Seventeenth Amendment all refer, as I have said above, to State action for the delineation of voters' qualifications. If Congress has a legislative competence within this area, it must be found in the enforcement clauses of the Amendments, whose prohibitions apply generally to the action of the State and would encompass all elections. This was, of course, the theory of the *Morgan* case and is the theory of the Senate's action on the pending measure.

Respectfully,

HERBERT WECHSLER.

THE UNIVERSITY OF TEXAS AT AUSTIN,
SCHOOL OF LAW,
Austin, Tex., April 20, 1970.
Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I do not think that the Congress has power by statute to lower the voting age to 18. If one takes literally all of the language in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966) then the power to do so exists. I think that the *Katzenbach* case was incorrectly decided and therefore I have no desire to see it pushed as far as might be logically possible. Even accepting for the sake of argument the holding in the *Katzenbach* case, I think it would require a considerable extension of that holding to find the present proposed legislation valid. An argument can be made that to bar persons from voting because they are not literate in English is an irrational distinction within the traditional equal protection doctrine. I do not think that argument can be convincingly made with regard to age. Age limit on voting necessarily must be arbitrary. There is no single specific day in the life of all citizens in which it can rationally be said that they suddenly are informed members of the electorate though they were not so one day before. It is a problem in drawing lines and I think the clear meaning of article 1, Section 2 of the Constitution is that these lines are for the states to draw.

It is my understanding, though I do not have the materials in front of me, that several of the states that have recently lowered their voting age have chosen some age other than 18. This tends to support the view that there is no mystic quality about the age 18 that makes it irrational for a state to refuse to allow a person 18 years old to vote.

The Constitution has carefully formulated provisions for the method of its amendments. I cannot believe that Section 2 of the Fourteenth Amendment upsets those and allows the Congress to make drastic changes in our constitutional scheme simply by legislation.

Sincerely,

CHARLES ALAN WRIGHT,
CHARLES T. MCCORMICK,
Professors of Law.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., April 20, 1970.
President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I should like to respectfully express my strong opposition to lowering the voting age by means of congressional legislation.

The Constitution, quite ambiguous in some instances, is rather clear on this matter. Article I, Section 2 and the Seventeenth Amendment leave no doubt that the states have the authority to determine who is eligible to vote even as regards federal elections.

The Fourteenth Amendment prohibits invidious discrimination by the states. It is my opinion, based on reading the congressional debates, that there is a one-to-one relationship between Sections 1 and 5 of the Fourteenth Amendment. In short, Congress can only implement Section 1 of the Amendment, not go beyond it. However this may be, even the case of *Katzenbach* v. *Morgan*, relied upon by supporters of the Senate bill, links the exercise of congressional power to some finding of invidious discrimination. In view of historical evidence, it cannot be argued that denial of the vote to 18-year olds was thought of as constituting invidious discrimination by those who drafted the Fourteenth Amendment. Nor, do I think, can it be said that this denial constitutes invidious discrimination under any contemporary standards.

There are only two ways of lowering the voting age to 18 (which as a matter of policy I strongly support): either by state legislation or by constitutional amendment. It would be sad, and indeed inconsistent with your pronouncements on the subject of constitutional construction, if your administration should support a bill which shows disregard for the Constitution.

Sincerely yours,

GERHARD CASPER,
Professor of Law.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., April 20, 1970.
The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A short time ago I responded to a request from Senator Kennedy for an opinion on the constitutionality of the bill providing a vote for persons who reach the age of eighteen years. My letter, a copy of which is enclosed, indicated my opinion that such legislation, however desirable, is unconstitutional.

It has occurred to me that the Senate may no longer be in a position to withdraw its approval. I therefore respectfully request of you that, should the legislation be passed by both houses, you exercise the veto power on constitutional grounds. Unconstitutionality of legislation has been the classic ground for the exercise of the Presidential veto. I think it most appropriate in this case.

The States are clearly empowered by the Constitution to set the qualifications for voters at both State and federal elections. The Fourteenth Amendment authorizes Congress to inhibit the exercise of that power if States create improper classifications in specifying electoral qualifications. The present age qualification can hardly be considered such an invalid classification. As a matter of judgment one might choose an age higher or lower than twenty-one. My own judgment would be that eighteen is not inappropriate. But the exercise of that judgment has been clearly delegated by the Constitution to the legislatures of the States.

To treat the Constitutional allocation of power so cavalierly as the pending bill threat-

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ens to do is, indeed, an exorbitant price to pay even for a desirable result. I hope that you see it to be your duty to assure that the Constitution is not treated so lightly.

Respectfully yours,
PHILIP B. KURLAND.

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., April 13, 1970.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for the reprint of your testimony on the age requirements in the Voting Rights Bill. I am happy to respond to your request for an opinion, but I regret that the opinion does not accord with your own.

It seems clear to me that the power to determine the qualifications for voters in both state and federal elections is, under the specific terms of the Constitution, vested in the States. Certainly this power is limited by the Equal Protection Clause ban on improper classification and invidious distinctions. And clearly Congress has the right to eliminate such discrimination, as stated in *Katzenbach* v. *Morgan*. But I find it impossible to concur in the view that a line drawn on the basis of age between those who have attained twenty-one years and those younger is such an invalid discrimination. Certainly, if it is, the line between those who reach the age of eighteen and those who are younger is equally invidious.

I agree that the vote could and should be given to eighteen-year olds by the States. But I think that the perversion of the Constitution to accomplish this end is too high a price. One of the major problems from which this nation suffers is a spreading disdain for law, spreading from both the right and the left toward the center. Abuse of the Constitution to attain even desirable ends can only succor those who would replace law and constitutionalism with fiat and force.

I would hope that those who have taken the road of expediency in this matter by seeking to avoid constitutional requirements will recognize what they are doing soon enough to prevent the passage of the statute.

With all good wishes,
Sincerely yours,
PHILIP B. KURLAND.

CENTER FOR ADVANCED STUDY IN THE
BEHAVIORAL SCIENCES,
Stanford, Calif., April 20, 1970.
The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I am a professor of constitutional law and the author of a casebook on constitutional law widely used in American law schools. I am glad to submit a brief statement of my views regarding the proposed legislation to extend the vote to 18-year-olds in all elections, national and state.

I support that extension of the suffrage as a matter of policy. I believe, however, that constitutional amendment, not congressional legislation, is the proper route to attain that desirable objective under our constitutional scheme.

I appreciate that arguments in support of the constitutionality of such legislation can be fashioned on the basis of Section 5 of the 14th Amendment as interpreted in Katzenbach v. Morgan, and I recognize that the Supreme Court might well sustain the constitutionality if the bill were enacted. That is not the end of the matter, of course: under our system, Congress and the President have an obligation to exercise a conscientious independent judgment on constitutional questions, especially on questions such as this that are not foreclosed by repeated and firm Supreme Court rulings. [See, for example, the careful discussion of the proper role of the political departments on constitutional issues in D. G. Morgan, "Congress and the Constitution" (1966).]

My main reasons for doubting the constitutional propriety of the proposal stem from my understanding of the appropriate role of Court and Congress in defining the scope of 14th Amendment rights. Section 5 gives Congress the power to "enforce" rights "by appropriate legislation," to be sure; but the primary role in articulating the content of the "rights" to be enforced belongs to the Court, not Congress, I believe. Congress may make fact findings and express its views to help inform the Court's ultimate constitutional judgment, of course. But to give to Congress a far-reaching autonomous authority to redefine the content of equal protection and due process (binding on the Court so long as a minimal rationality test is satisfied) would mark a radical and undesirable departure from our constitutional traditions.

The Court's result in the Morgan case is understandable in view of the context of that case. But to press all of the language of that case to its maximum extent as a basis for legislation would be unsound for a number of reasons. To me, the most important objection is that it would open the door to congressional overturning of Court decisions in a number of areas—criminal procedure is an example that comes readily to mind. Most scholars would agree, I believe, that the unpersuasive footnote in the Morgan opinion is not a tenable, principled safeguard against the invocation of the Section 5 power to curtail constitutional safeguards. (Some of the implications of a broad, nearly autonomous congressional power to control the scope of 14th Amendment rights via Section 5 are explored in R. A. Burt, "Miranda and Title II: A Morganatic Marriage," 1969 Supreme Court Review 81, as well as in Mr. Justice Harlan's thoughtful dissenting opinion in the Morgan case itself.)

Reliance on legislation would be especially inappropriate with respect to age qualifications on voting in state elections—an area traditionally reserved to state control, an area not subject to charges of discrimination against discrete minorities that would justify national intervention. In an area such as this, constitutional amendment is surely the route which would prove least damaging to our constitutional structure. I must add that many of my constitutional doubts regarding legislation regarding age qualifications are also applicable to a provision in the Administration's own voting proposals: the elimination of literacy tests in all elections (quite independent of the background of racial discrimination that provided a legitimate basis for the literacy test provisions in the 1965 Voting Rights Act sustained in South Carolina v. Katzenbach). I accordingly hope that the political branches of our government will exercise their judgment to assure that the proper constitutional methods are followed in achieving the desirable goal of extending the vote.

Respectfully yours,
GERALD GUNTHER,
Professor of Law, Stanford University School of Law (on leave).

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, Pa., April 24, 1970.
President RICHARD M. NIXON,
The White House,
Washington, D.C.
Attention: Mr. Leonard Garment.

DEAR MR. PRESIDENT: The pending Voting Rights bill, as passed by the Senate, contains a provision that will lower the voting age to 18 in all elections, federal, state and local. Representatives of the Department of Justice, as I am informed, have expressed doubt whether the Constitution authorizes Congress so to provide by legislation, and have pointed to the shadow of unconstitutionality and invalidity that may be cast upon elections conducted under such a statute. They have suggested that if the voting age is to be changed by federal action, amendment of the Constitution is the appropriate procedure. I am informed that you are interested in receiving an expression of opinion on the matter.

In my opinion, the Constitution does not authorize Congress by statute to provide or require that the minimum age for voting shall be not more than 18 years, or any other stated age. This is a matter that is left to the several States by the Constitution.

Article I, Section 2, of the Constitution provides that the electors in each State for Members of the House of Representatives shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. The Seventeenth Amendment makes identical provisions with respect to electors for Senators. Article I, Section 4, authorizes Congress to "make or alter . . . regulations" as to the "times, places and manner of holding elections for Senators and Representatives . . .". Proponents of the pending legislation do not contend that this authorizes Congress to establish qualifications for voting for Senators and Representatives, and obviously it contains no authorization for Congress to establish qualifications for voting in State and local elections. The Fifteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Nineteenth Amendment provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. The Twenty-fourth Amendment provides that the right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress shall not be abridged by the United States or any State by reason of failure to pay any poll tax or other tax. The Fifteenth, Nineteenth and Twenty-fourth Amendments also authorize the Congress to enforce their provisions by appropriate legislation. However, it has not yet been suggested that constitutional authorization of Congress to implement by legislation the prohibitions on denial of the right to vote by reason of race, sex, or failure to pay a poll or other tax can be taken to authorize Congress to establish or control voting qualifications on the basis of age.

I have set forth above the Constitution's provisions with respect to voting. I think it clear that none of them authorizes Congress to establish or control qualifications for voting in terms of age. The proponents of the pending legislation do not purport to find authority in any of these provisions explicitly dealing with voting. They turn instead to the more general provisions of the Fourteenth Amendment providing, among other things, "nor shall any State . . . deny to any person within its jurisdiction the equal protection of the laws", and providing also, in Section 5, "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The proponents of the pending legislation point particularly to the recent decision of the Supreme Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966) upholding a federal statute providing that no person who had successfully completed the sixth grade in a Puerto Rican school in which the language was other than English should be denied the right to vote in any election because of his inability to read or write English. The election laws of New York required an ability to read and write English as a condition of voting, and it was held that the New York law was rendered inoperative by the federal statute. Though Judge McGowan in the District Court had argued that the federal statute might be upheld as an exercise of Congressional power with respect to the Territories under Article IV, Section 3 (247 F. Supp. 196, 204 (dissenting opinion)), the Supreme Court clearly and explicitly based its decision upon Section 5 of the Fourteenth Amendment and the Equal Protection Clause, pointing out that the Equal Protection Clause itself had in several recent decisions (*Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Carrington* v. *Rash*, 380 U.S. 89 (1965)) been held to forbid some state laws restricting the right to vote. The opinion went on to hold that Congressional authority to enforce by appropriate legislation, the provisions of the Fourteenth Amendment, gave Congress a large degree of authority to determine that specific classifications, for voting or other purposes, amounted to a denial of equal protection of the laws.

On parallel reasoning, proponents of the pending legislation assert that Congress may by the same authority determine that voting laws that deny the right to vote to persons 18 years old, or older, constitute a denial of equal protection of the laws.

If I could agree that the Fourteenth Amendment, by virtue of the Equal Protection Clause or otherwise, imposed limits upon the States with respect to qualifications for voting, then I would agree with the proponents of the pending legislation. Within the area in which the Fourteenth Amendment operates, I agree that Section 5 gives Congress a large—even though infrequently exercised—degree of authority to codify, i.e., to give meaning and content to such abstract and undefined terms as Due Process of Law and Equal Protection of the Laws. Soon after the adoption of the Amendment, Congress exercised this authority in limited areas clearly covered by the amendment, and these statutes were upheld in historic decisions of the Supreme Court. *Ex parte Virginia*, 100 U.S. 339 (1880); *Virginia* v. *Rives*, 100 U.S. 313 (1880); *Neal* v. *Delaware*, 103 U.S. 370 (1881). More recently, there may be scattered examples of the exercise of this codifying authority (cf., e.g., *State Board of Insurance* v. *Todd Shipyards Corp.*, 370 U.S. 451 (1962)). A number of legislative proposals for congressional action of general applicability in the field of criminal procedure would turn upon congressional authority to specify, at least in part, the content of the concept of "due process". As Chief Justice Marshall remarked (*Gibbons* v. *Ogden*, 9 Wheat. 1, 189 (1824)), the Constitution is "one of enumeration, and not of definition". Congressional action attributing specific content to constitutional concepts carries the same weighty presumption of constitutionality that other federal legislation bears.

But both the language of the Fourteenth Amendment and the history of its adoption make it clear beyond doubt, as I believe, that it did not limit, either by the Equal Protection Clause or otherwise, the power of the States to establish and maintain the qualifications for voting. And unless it did limit such power of the States, it gave no other or independent authority to Congress in that area. That the terms and the history of the amendment did not limit the power of the States with respect to qualifications for voting has been demonstrated in the dissenting opinion of Mr. Justice Harlan in *Reynolds* v. *Sims*, 377 U.S. 533, 589 (1964). The majority of the Court may have ignored this demonstration. It has not answered it. The principal items are as follows:

1. *Language of the Constitution*. As Justice Harlan points out, Section 2 is an integral part of the Fourteenth Amendment, as authoritative as Sections 1 or 5. Section 2 provides:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

The Amendment thus explicitly contemplates and indicates the continuing authority of the States to establish the qualifications for voters applicable in State and federal elections. If a State restricts voting in any one or more of the elections specified, the State may have diminished representation in Congress, but its authority to establish qualifications is confirmed by the very terms of the Amendment. And, with reference to specific qualifications, one may note that since Section 2 so explicitly contemplates twenty-one years as the norm for age in voting, it is particularly difficult to believe that Section 1, or action pursuant to it, could require a State to reduce that norm to eighteen or any other figures below twenty-one.

2. *History of Adoption*. The legislative record of approval of the Fourteenth Amendment in the Congress shows abundant explicit statements by the principal supporters and sponsors of the Amendment that it did not impinge upon the power of the States to establish and maintain qualifications for voting. Of these, the statement of Representative Bingham, the author of Section 1, is representative:

"The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States . . . the exercise of the elective franchise, though it is one of the privileges of a citizen of the Republic, is exclusively under the control of the States" (Congressional Globe, 39th Cong., 1st Sess. 2542).

3. *Post-ratification History*. The Fourteenth Amendment was proposed by the Congress on June 13, 1866, and on July 28, 1868, the Secretary of State certified that it had been ratified and was part of the Constitution. On February 26, 1869, less than one year after the ratification of the Fourteenth Amendment, the Congress proposed the Fifteenth Amendment. If the Equal Protection Clause of the Fourteenth Amendment had covered qualifications for voting there would have been no need for the Fifteenth Amendment. Congress by simple statute could have enacted the substance of the Fifteenth Amendment. Yet almost contemporaneously with the ratification of the Fourteenth Amendment, the Congress regarded a constitutional amendment as necessary to prevent disqualification from voting on the basis of race, color, or previous condition of servitude. This belief, of course, was wholly consistent with the limited scope of the Fourteenth Amendment to be derived from the terms of Section 2 and the legislative record of its approval by Congress.

Fifty years later the 66th Congress was obviously of the same mind with regard to the scope of the Fourteenth Amendment when it proposed the Nineteenth Amendment to the States for ratification rather than providing by simple statute that the right to vote should not be denied or abridged by the United States or by any State on account of sex.

It has been within the power of the recent majority of the Supreme Court to ignore the language and the history of the Fourteenth Amendment. But it cannot erase the language, or unmake the history. Therefore it is my opinion that the decisions in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966) and *Carrington* v. *Rash*, 380 U.S. 89 (1965) are congenitally flawed, and provide no sound basis for Congressional authority to require the lowering of the voting age to 18. In my opinion, the Constitution does not give the Congress that authority.

Respectfully submitted,

ERNEST J. BROWN.

GLUE-ADDICTION PROTECTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, today I have introduced a bill that would amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and cement products containing toxic solvents, unless manufactured with a substance having an obnoxious odor, such as a mustard oil.

The purpose for introducing this legislation is to protect our children from sniffing its strangely attractive fumes, and in many instances becoming "glue addicts."

Glue sniffing by children has been a problem in San Antonio—so much so that in 1965 a city ordinance was passed that would ban the sale of glue to minors under 17 years of age. Unfortunately, the ordinance has been labeled by law enforcement officials as unenforceable because "sniffers are not about to file charges against the seller." In other cities there have been attempts to label glue sniffing a "misdemeanor." But as Congresswoman MINK testified before the Interstate and Foreign Commerce Committee recently:

> This seems to be directly the opposite to the approach we are making in other areas of drug abuse, namely to prosecute the source and not the victim.

Mrs. MINK went on to testify that in Hawaii inhalation of these toxic fumes from glue, paints and other solvent-containing substances—is a bigger problem than marihuana.

In my own city of San Antonio, the chief juvenile probation officer, Mr. Richard Moreno, recently stated that in January of this year there were 28 glue sniffing referrals with the possibility that two of these were repeat cases. And statistics indicate that in 1969 there was a 70-percent increase in glue sniffing referrals as compared to 1968.

The president of the Mexican American Betterment Organization, Remigio Valdez, Jr., who spearheaded the 1965 ordinance, recently contacted me in reference to recent attempts not only to curtail but to eliminate the source of the problem—legislation to require glue to have a substance having an obnoxious odor. Mustard oil is one such substance which the Testor Corp.—the largest manufacturer of hobby cements—has researched and used for the past 2 years. Testor even offers its research data and the formula for the additive free of

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charge or royalty free to any manufacturer of products containing inhalable solvents.

Several States are currently considering legislation such as the one I am proposing, including New York and New Jersey. And California has recently enacted such a statute. The magnitude of the problem has been realized by these progressive States and I would suggest the Congress do also. I would urge that since the health of children all over the Nation is in danger because of our negligence in not eliminating the source of the problem—we should act soon to enact Federal legislation.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS—V

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein), is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, last November I introduced H.R. 14816, legislation to require the last date a food can safely be kept on a grocer's shelfs to appear on the label of all perishable and semiperishable foods.

Early in April, I released the results of two surveys of District of Columbia supermarket dating practices, which uncovered large amounts of out-of-date food being sold. Such practices are unfortunately not limited to the District of Columbia, but exist throughout the country.

A number of excellent feature articles documenting food coding practices in various cities have appeared in newspapers throughout the country. One of the best was the investigation undertaken by Douglas Bloomfield of the Cleveland Plain Dealer. The results of the investigation prompted the Cleveland Plain Dealer to editorially endorse my legislation in its April 4 and 7, 1970, editions.

I insert the text of the article and the subsequent editorial at this point in the Record.

The text of the article and editorial follow:

Dates Masked on Perishable Stock—Grocery Code Is Fresh Food for Thought

(By Douglas Bloomfield)

Cryptographers could earn their bread and butter at the neighborhood supermarket—breaking codes.

These codes do not conceal life-or-death secrets. They do conceal information about the freshness of perishable foods from consumers.

These are codes manufacturers put on most of their products, especially perishables. They indicate when the item was packaged (put up date) or when it should be removed from sale (pull date).

Primary purpose of the codes is to allow manufacturers, middle-men and grocers to communicate privately.

Industry sources say there is no need for the consumer to know what the codes mean. The codes are only to help the grocer keep the freshest products on his shelves and remove old ones, the sources said.

Several grocers and middle-men interviewed by The Plain Dealer admitted they did not understand half the codes. The average supermarket stocks about 4,000 to 8,000 items and there is no uniformity of coding.

A bill in Congress would require perishable foods be marked in plain English with the last date they are safe to sell. The industry calls it needless and too costly.

"The code doesn't mean a thing," said one manufacturer. "You have to sell them quality. If they have confidence, they'll pick it off the shelf."

Not all of his colleagues agree.

"If a lady walks into my store, it's not how much money I make on her in one trip but in how many times she comes back," said one independent grocer. "I can't afford not to have fresh merchandise.

"I've been in the retail food business 30 years and I still don't know most of the codes," he added. "Clear marking would help the grocer in controlling stock."

The freshest stock is generally put at the back of the shelf and older products at the front to sell faster. But consumers are becoming familiar with this practice and reach to the back of the shelf. As a result some grocers are reversing that stocking process.

"Use of code dates is a protection for consumers," said an official of the nation's largest supermarket chain, A&P. "But you've got to remember the consumer is a very difficult person. What are you going to do when you have three or four dates on a shelf?"

A spokesman for Consumers Union, a consumer advisory organization, said, "The consumer is entitled to ask what the code means. He is entitled to take the freshest product on the shelf."

"If everyone knows what the code is they start tearing the display apart to look for what they want," complained Sam Martone, distribution manager here for Continental Baking Co. Open dating "isn't practical because what you're doing is actually confusing the customer," he said.

The confusion could be avoided by using an open or consistent date code. Continental's Wonder Bread, like most other breads, is coded by colored tabs holding the wrapper closed.

Union bakeries here are closed on Wednesday. Bread is delivered every day except Wednesday and Sunday. On Monday the salesman is to remove all old stock and replace it with new. Tuesday there are only additions. Nothing Wednesday. Everything is to be replaced Thursday. No replacements Friday, just additions Saturday, all Thursday merchandise is to be replaced, Friday's remains.

Handling is more important than dating, said industry sources, because food packaging and preservation methods are better than ever.

"Some perishable foods, through proper handling and refrigeration, have longer shelf life in one store than in another," said Dr. David Hill, chief of the foods, dairies and drugs division of the Ohio Department of Agriculture.

"The (openly marked) pull date on perishable foods could mean removing good products from the shelf. If you pull food that's good to make up for the built-in loss you have to raise prices," Dr. Hill said.

"A few people in New York and Washington are interested in this (uniform, open dating), but I wish they'd consider how this would raise food costs," he added. "Manufacturers are basically respectable people. Their business is built on repeat sales. They do everything they can to keep track."

The department has no authority over code dating of food packages.

The U.S. Department of Agriculture has no control. But it does keep track of canning dates for meats. Canners must notify USDA of their codes so it can know what is in the can, when it was produced and where.

The department also requires egg packages be dated, but it is up to the packager whether the date is open or coded and whether it represents packaging or expiration of the product, according to Dr. William J. Minor, chief of the labels, standards and packaging branch of USDA's consumer and marketing service.

Dr. Minor said the department plans to issue a regulation soon requiring egg packagers to stamp the date of packaging on the carton with the consecutive day of the year. He admits this will be difficult for most consumers—they may know 23 is Jan. 23 but it takes some computation to know that 195 is July 14.

Open dating of food packaging "could be misleading," Dr. Minor said, because of the importance of handling. The color and appearance of meat and poultry tell more about its quality than the date on the package, he added.

An A&P official said, "In virtually every product the merchandise will still be 100% satisfactory to the customer within the time limit you use (expiration or pull date). You're only setting those time limits as insurance. Most products are good for about twice as long as the manufacturer sets for his target date."

Consumer advocates contend frozen foods are easily adulterated by careless handling that allows thawing and refreezing.

It has been proposed frozen foods not only be dated openly but also have attached a treated strip of paper that turns color if the package thaws to a certain temperature.

In a recent marketing survey. Consumers Union found frozen fish sticks packaged by a company that has not put up that product for more than two years.

Open dating "on most items would be beneficial to the consumer and helpful to the retailer as well," said Frank Heiser, executive director of the Ohio Retail Food Dealers Association. "The retailer could make sure the fresh stocks is in the back so the older is in the front and could move better. He would know which stock should be moving first. Most retailers try to do this anyway."

In many stores, rotation is often the function of the salesman for a particular item, rather than store employe.

Problems arise when a salesman does not want to take back outdated merchandise because he will lose credit for the sale. The manager and his employes cannot possibly read every package in stock, retailers say.

"The salesman who doesn't bring in all the stuff on code (expired) is subject to dismissal," said Martone of Continental Baking.

Another trouble source, industry sources point out, is the store manager working on a percentage of the gross who may be tempted to try to sell stale products in violation of store policy.

Wonder Bread codes "are only for our salesman so they are absolutely certain not to leave anything old. Bread is only in the store 48 hours and taken out," Martone said.

William H. Howard, president of Top Hat Foods Distributing, Inc., said manufacturers codes packages "to keep people confused." Reading the codes "is rough," he said, "I'm even at a loss myself when I go in a store and buy things I'm not familiar with."

Some products are packaged each day but shipped only once a week, and all with the same date—the last day of packaging that shipment, he said.

"We distributors have been fighting coding for some time," Howard said. "We would like uniform codes. I can't read half of them. They're just to confuse customers, that's all. They say it's to aid the grocer with rotation, but you need close watch on stuff like that."

Some products are marked plainly on the

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case the retailer receives them in but not on packages inside. A case of Kraft dressing was marked 2-20-70C on the outside (bottled Feb. 20 this year) but the bottle inside were marked 07 052C.

"If you had all the same codes, the competition would know," said Paul T. Abbott, president of Cleveland Food Brokers Association and head of a brokerage firm bearing his name. Open dating, however, "would be all right," he added. "I don't see anything to be ashamed of."

The assistant manager of a Pick-n-Pay meat department, asked by a shopper the meaning of black letters on a meat price sticker, replied: "That's confidential. To tell you that would be like showing you my cost list."

Pick-n-Pay uses a two-letter code on fresh red meats, poultry and fish. The first letter represents the week in which the product was packaged, the second is the day of the week. The code is likely to vary from store to store and week to week, but there is a way for the consumer to tell the freshest packages.

The chain, like most, has a policy of not keeping ground beef overnight. Check the code on the ground red meat—it probably was packaged that day. Freshest meats on display will have the same code.

Allan A. Lumb, director of meats for Pick-n-Pay, refused to discuss the matter other than to say, "We use codes so we can maintain a fresh display of products and offer products for sale we know are fresh for the customer. Everything that is sold in a store, from a can of peas to a galvanized garbage can, has a code on it."

The supermarket chain's chief of dairy operations, James Newell, explained milk is marked with the expiration date on the foil tab on cartons of the store brand. Fairview. A carton marked 010 FRI should be removed from the shelf at the close of business Friday, April 10.

The expiration date is the fifth day after production, Newel said, and the milk is good for another week to 10 days at home with proper refrigeration.

Eggs are coded with the production day of the year. A carton of Cottage eggs at one Pick-n-Pay store marked 0054 were packaged Feb. 23, the 54th day of the year. (The first zero stands for 1970) Eggs put on sale for special promotions are not coded.

Eggs graded A and better, Newell said, are generally removed from the shelf after about two weeks, although some stay there up to 30 days. The package dated Feb. 23 was still there March 24, 29 days after packing, obviously at the end of its shelf life. Others were dated 0077 (March 18) and 0079 (March 20).

Processed and natural cheeses, when vacuum packed, have a shelf life of 90 to 120 days, depending on the type and manufacturer, he said. The code is the production day of the year, as with eggs.

Sometimes competing products will exhibit differing views on dating. An example can be found on cans of formula for infants. Similac, made by Ross Laboratories, is stamped on the top: "Use by Jul 70." Enfamil, made by Mead Laboratories, is coded: CJ 592-B 041—the last three numerals are the coded expiration date, April 1971.

Open dating is found most frequently on eggs and cans of refrigerated dough products.

Heritage House eggs at a Fisher Foods store Mar. 24 were marked Exp. Mar. 29, meaning they were relatively fresh. The date represents the time the eggs are no longer of the grade quality designated. At one Fisher's store checked by The Plain Dealer, all large and medium eggs were dated but none of the jumbos.

Millbrook bread prints its pull date clearly on wrapper tabs. Number stamped on the tab is the day of the month the loaf should be taken off sale.

There are hundreds of codes. There is no way of telling whether the code represents the put up date or the pull date. A rule of thumb, to be applied cautiously, is the higher the number the fresher the product.

Here are some common codes:

Calendar—This is a four-or-five-digit number telling the year (usually 0 at the front or end of the code means 1970, (1 is 1971, etc.), the month and the day. A&P bread marked 0407 means it should be taken off the shelf at the close of business April 7.

Day of the year—Numbers 1 through 365 represent the consecutive days of the year starting Jan. 1. This method commonly indicates production date. Swiss cheese at a Pick-n-Pay store marked 0058 meant it was packaged Feb. 27, 1970 (The first digit is the last one of the current year).

Calendar subtraction—This is the reverse of the above method. It starts with 365 on Jan. 1 and works down to 1 for Dec. 31.

Supermarket institute code—This is a four-digit code in which the sum of the first and last numbers is the month and the middle two digits are the day of the month. The code 1302 on a package of Bob Evans Sausage meant it should be off the shelf by Mar. 30.

Further confusing the issue, packagers use a variety of letters and numbers representing quality control, plant location, vat or batch or crop, the individual packer, contents and even letters or numbers with no meaning.

Milk codes are among the most difficult to read because they usually are pressed into the top of the waxed carton and barely visible.

It used to be Cleveland and Ohio law that milk must be openly marked with the last day on which it could be legally sold—the fifth day after pasteurization.

The legislature repealed the Ohio statute in 1961 and City Council repealed its open dating ordinance three years later—at the urging of the dairies which argued protection was no longer needed because modern methods of preparation and refrigeration put spoilage at a minimum.

A editorial in The Plain Dealer calling for retention of the system at the time termed open dating "a badge of good will" and "the producers' mark of integrity."

A&P uses calendar dates on its baked goods to tell when they should be removed from shelves. Nearly everything packaged by the chain under its own brand, Ann Page, bears expiration or pull dates, except fresh meats and vegetables, said a spokesman.

Like most stores, A&P finds it impractical to date and mark high turnover vegetables such as tomatoes, lettuce and the like. Other produce, such as lemons, cabbage and slower moving items are dated.

For the fresh meats and vegetables there is a small black numeral in the top left corner of the price sticker, telling the date of packaging. A 1 means it was packaged Monday, 2 means Tuesday and so on.

Other A&P codes are generally easy to read. On a jar of salad dressing marked 5A16, the letter represents the year (A is 1970, B is 1971, etc.). To the left is the month and to the right the day of the month. Hence 5A16 is May 16, 1970.

Kroger uses a single numeral followed by a single letter to tell when fresh meats and vegetables were packaged. The year is divided into 13 four-week periods, and the number tells the week in which the food was packed. The letters M T W T F S tell the day.

A check at a Kroger store on a Tuesday showed all meats and poultry had been packaged that day or the day before. Their codes were 4M and 4T because it was the fourth week of the period.

Fisher foods uses a code similar to Kroger's on fresh vegetables. The numeral indicates the week the produce was packaged and the letter signifies the day.

Meat codes at Fisher's are two letters. The first represents the week and changes. The second represents the day and is constant (although it, like other codes described in this article, may be changed after this): O P S T V X stand for Monday through Saturday.

Heritage House milk, Fisher's brand, was marked 25 and 29 in the wax atop the carton. That meant those cartons should be removed March 25 and March 29, respectively.

Hillside-Old Meadow milk has a four-digit code but only the first and last digits are the date. Thus, 2316 on a carton meant it should be removed by the 26th.

Breakstone sour dressing was marked 0325, meaning it should be removed by March 25. Since that particular carton was on a store shelf March 24 and the product has a 30-day shelf life, it was near the end of its freshness.

In some stores, an extra letter, often an X, is added to the usual two-letter code on meat, to indicate the contents have been repacked. This may be Saturday's meat repacked on Monday.

Rep. Leonard Farbstein, D-N.Y., has introduced a bill in Congress to require perishable foods be openly marked in plain English with the last day it is safe to sell them.

The bill, an amendment to the 1966 Fair Packagaing and Labeling Law, is in the commerce and finance subcommittee of the House Interstate and Foreign Commerce Committee. Subcommittee chairman John E. Moss, D-Calif., is one of the bill's 47 sponsors. Hearings will be held this spring. Supporters are optimistic.

Farbstein's office is surveying food dating and freshness in the Washington, D.C., area. Among the findings is that milk in ghetto stores is frequently about six days older than in better neighborhoods.

In at least one grocery store in a low-income area where families of some congressmen also shop, staff members found beef, which the more affluent tend to buy, was only a day or two old, while pork, commonly purchased by the poor, was five and six days old. Farbstein's bill has been endorsed by the National Consumers Federation and other consumer groups.

"The food industry opposes this," said a Farbstein aide. "They think they're not going to be able to make as much profit."

Open dating could be misleading, argues the food industry, because a poorly handled product may be unfit to eat although it has not reached its expiration date, while a properly handled perishable may be perfectly good at the end of its shelf life.

Industry sources contend the code helps in rotation of merchandise on the shelves, thus helps the consumer. Competition in the market place, they add, insures freshness because anyone selling consistently stale products would not stay in business long.

Besides, they continue, if dates were marked openly many perfectly good items would be left on the shelf by shoppers grabbing for the latest dates. This would raise costs and the consumer would suffer in the end, they warn, through higher prices.

Moreover, industry sources indicated open dating is meaningless because the consumer does not care.

[From the Cleveland Plain Dealer,
Apr. 17, 1970]

CONSUMER HAS RIGHT TO KNOW

Consumer reporter Douglas Bloomfield's very revealing study of the use of codes to conceal from shoppers the freshness of the food they buy points up the need for Congress to pass a bill proposed by U.S. Rep.

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Leonard Farbstein, D-N.Y., to require perishable foods be clearly marked with the last day they are safe to sell.

Retailers and middlemen admitted that even they often have trouble reading the codes put on by manufacturers and would like to see open dating. Those who argue that the consumer does not care know very well that most consumers were not even aware the freshness of their food was stamped on the package. Once aware this information is available but being concealed, consumers should awaken and demand their rights.

A few items already have an open date, such as refrigerated dough products and some eggs. And everyone is familiar with the expiration date on film. The example of the two competing brands of formula for infants, one with a coded date and the other marked clearly, prove how simple it would be to print the expiration date of a product on the package.

The consumer is entitled to know how fresh his food is. The only purpose in keeping this information from him would be to try to pass off stale merchandise.

Conscientious food producers can demonstrate the sincerity of their desire to serve their customers and give them the freshest food possible by acting now and not waiting until Congress orders them to mark the expiration date in plain language. The consumer is entitled to nothing less.

Those who argue that how a product was handled and refrigerated is more important than the date on the package are trying to duck the issue. That is no excuse for refusing to let the consumer know the shelf life set by the manufacturer for his products.

Open dating is, as we have said in the past, a badge of good will and a producer's mark of integrity.

SST: WHY WON'T THEY BAN THE BOOM?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, the April 30 Wall Street Journal carried an excellent by Albert Karr on the SST and sonic booms. Mr. Karr points out that the FAA's proposed ban on SST flights over populated areas is nowhere near as firm as the Administration would like us to believe. The FAA prefers banning boom-producing SST flights by regulation rather than by law, Mr. Karr reports, because, in the words of one pro-SST FAA official, "It's much easier to change a regulation."

I commend the article to my colleagues:

SST: WHY WON'T THEY BAN THE BOOM?

(By Albert R. Karr)

WASHINGTON.—It sounds comforting:

"Even if the Department of Transportation desired to approve the SSTs for supersonic flights over populated areas, it is inconceivable that in a nation in which the Chief Executive and the Congress are elected by the people, the department or any agency could be successful in establishing such a position. It is the Government, not any organization within the Government, which controls such decisions and as long as the people continue to control the Government, sonic booms over populated areas will not be permitted."

The House Appropriations Committee, in approving development money for the civilian supersonic transport planes last fall, thus added its assurances to those of the Nixon Administration that the American populace needn't fear being subjected to shattering sonic booms by the Government-supported SST, that its use at supersonic speeds would be confined to over-water international flights.

Since then, repeat assurances have come from the White House, Transportation Secretary John Volpe and those who work for him, including officials of the Federal Aviation Administration, which helped design the 300-passenger, 1,800-mph plane. The FAA recently proposed a regulation to prohibit boom-producing SST flights over the U.S.

And yet, doomsayers persist in fearing that a fleet of SSTs will someday be laying their sonic booms all across the land. Perhaps it's an anxiety neurosis that can't be dispelled, no matter how emphatic the Government's promises. But there are just enough nagging hints from SST proponents to suggest that a decision could be made some time to start supersonic flights across the U.S. after all, maybe even without having found the wished-for scientific magic that would substantially lessen or eliminate the boom.

AN "ACCEPTABLE" BOOM?

Supersonic flights over the U.S. could be allowed, it's argued, if the boom can be reduced to "acceptable" limits. A new kind of boom that doesn't surprise people so much might be created. Perhaps, some say, the populace will learn to stop worrying and tolerate, if not love, the boom. Meanwhile, backers rejoice at the prospect that future Administrations won't be inhibited by any Federal boom-ban law, which would be difficult to revoke should rising demand for domestic SST service make revocation desirable.

When the Administration's green light for SST prototype development was given last September, no promise of outright prohibition of boom-causing U.S. flights was made. Instead, Mr. Volpe said the SST "will not be allowed to fly over populated areas unless and until the noise factor comes within acceptable limits." (Only prime contractor Boeing Co.—having the most to gain from domestic SST operation and the most to lose if critics scuttle the craft altogether—has unequivocally said "the American people are never going to be subjected to the SST's sonic boom.")

The "acceptability" clause continued for a while to show up in Government no-boom assurances, though what's acceptable was never defined. "We are not certain that (the SST) could fly over populated areas with a noise factor level below that which we feel is acceptable" in the present state of the art, Mr. Volpe said. More confidently, a recent "SST fact sheet" from the FAA insists the boom will be "relatively small." Many SST opponents, however, insist it's certain the boom will be undesirable. One says the SST's boom will be 10 to 30 times tolerable levels. Another says the civilian craft's boom will be twice that caused by military supersonic flights over several U.S. cities in recent years.

The question of whether the SST would ever fly supersonically over the U.S. and under what conditions became further muddled in an exchange involving Rep. Sidney Yates of Illinois, an SST opponent; Transportation Undersecretary James M. Beggs and FAA Administrator John H. Shaffer, during House appropriations hearings last fall. Three excerpts:

Mr. Yates: FAA will try to fly this plane whether or not there is a sonic boom, won't it?

Mr. Shaffer: No, sir. I think the language is clear. We say we will not fly supersonically over the United States as long as the sonic boom is unacceptable. . . .

Mr. Yates: You are saying one thing, Mr. Beggs; you are saying you will not fly supersonically over the United States. Mr. Shaffer is saying as long as the boom is unacceptable.

Mr. Beggs: No, I said we will not fly supersonically over populated areas. . . .

Mr. Yates: Are you telling us now there will be no supersonic operations over any populated areas?

Mr. Shaffer: That is correct.

Mr. Beggs: At this time that is exactly right.

Mr. Yates: What do you mean by "at this time?" There you go qualifying it again.

Mr. Shaffer: I do not think so.

Mr. Beggs: I hardly ever say forever on anything.

Mr. Yates: That is what concerns me.

Lately, Transportation Department officials have mostly (but not entirely) stopped using the acceptability qualifier. But their interest in lowering unacceptability continues. A number of research projects seek ways to change the boom itself.

One goal: Reduce or remove the "startle" effect. New, as yet unrealized aircraft designs might someday produce a boom that builds up slowly to a peak, rather than smacking the ear with a sudden crack the way the boom from a military jet does.

There's plenty of time to soften or eliminate the boom, Mr. Volpe contends. SST's won't be rolling off Boeing lines until 1978, and Boeing would be busy selling them for over-ocean use until 1982 or 1983. "If we can't lick the sonic boom problem in 10 years, I don't know the United States of America," Mr. Volpe says.

Others aren't so sure. An American delegate to an intergovernmental conference on the sonic boom in Paris two months ago said the noise level could be cut 15% at most by design changes. The spare-time head of the militant Citizens League Against the Sonic Boom, William Shurcliff, a nuclear research scientist at Harvard University, insists there will never be a feasible way to get rid of the boom, certainly not without reducing the plane's payload beyond economic value. And he maintains that while a boom that builds slowly to a peak would reduce the "startle" effect outdoors, it would be worse inside buildings, where the jolt is reinforced as it bounces between the walls.

Yesterday, at a press conference here intended to rebut the anti-SSI campaign, H. W. Withington, manager of Boeing's Supersonic Transport Division, said, "As of today, we don't know of any way to get at it (the sonic boom problem) that will make any significant difference." Boeing insists, however, that from the SST's expected cruising altitude of 65,000 feet the result at ground level "will be comparable to the impact of a spinning lure cast by fishermen on calm, inland waters."

GETTING USED TO IT

Some SST backers have indicated that acceptability depends more on an ebbing of people's dislike for the boom than on reducing the boom itself. Probably reflecting a longheld view among FAA planners that the public can learn toleration, Col. Robert L. Stephens, an Air Force test pilot lent to the FAA as technical adviser to Boeing, said at a press conference two days after the President's go-ahead announcement:

"People will get used to sonic booms. It will be just like a train passing their homes."

Col. Stephens now says, "I got kind of a hard time from my boss for saying that. He said if I wanted to express personal opinions, don't do it to the press." Yet one of his bosses at the time, Bernard J. Vierling, then acting SST director (now deputy director), expressed somewhat similar thoughts. Mr. Vierling recalls that his mother endured sonic booms from military planes to Bakersfield, Calif., for many years until her death at 78, and paid them little heed.

The problem is not lightly dismissed. In the Government's six-month test of public reactions to warplanes' sonic booms in Oklahoma City in 1964, "serious annoyancy" was reported by 37% of respondents in the first interview rising to 56% by the end of the siege. By then, 27% said they couldn't learn to live with the sledgehammer booms.

About 2,000 military test flights were made between 1964 and 1967 over Oklahoma City, Chicago, St. Louis, Milwaukee, Pittsburgh and Edwards Air Force Base, Calif. The Citizens League, summarizing response reports, tallied 12,000 claims for shattered windows, cracked plaster and other damage, and more than $350,000 in damage claims paid by the Government. The responses came from people along the boom swath 60 miles wide that trails a supersonic flight.

In light of such evidence, what could possibly prompt any Administration to reverse the current stance that shields the populace from the sonic boom? Economic pressures might do it, warns a Presidential panel drawn from the Interior Department, the Department of Health, Education, and Welfare, and the Office of Science and Technology

The panelists' concern: An FAA estimate that 1,200 of the Government-supported planes could be sold for both domestic and international use by 1990, compared to 500 planes for overseas flights only. Some even think the 500-plane figure is overoptimistic; the Instiute for Defense Analysis, a private economic study group, concluded in a study for the FAA that only 350 SSTs could be sold by 1990 if domestic supersonic flight is banned. (At subsonic speed, domestic flights by the SST wouldn't be economical, it's agreed.)

REGULATION VERSUS LAW

The FAA doesn't rule out the possibility that the SST, whose speed the agency says will make it 4½ times as "productive" as the 185-seat, 600-mph Boeing 707, will be too enticing to keep off cross-U.S. routes, Administrator Shaffer, explaining why he wanted the overland-boom-ban to be a regulation instead of a law, told a Senate subcommittee last November:

"I believe that this airplane may be dragged into the (domestic) market by the beneficial economic performance sometime after initial introduction. . . . The people who want to use this airplane for the profit that it will generate . . . may drag it into that market which one might identify as east to west or west to east over populated areas."

Undersecretary Beggs quickly said he didn't think there would be an irresistible demand" for flying the SST over populated territory. But the Transportation Department prefers the proposed FAA rule to a law banning supersonic flights over the U.S., because, in the words of one pro-SST official in the department, "It's much easier to change a regulation." A number of unsuccessful attempts have been made by Congressmen to have boom-prohibiting legislation enacted.

It may well be that the regulation will never be relaxed unless new technology can drastically reduce the effect of the sonic boom. It may be that Americans need never fear that a supersonic transport will jar their domestic tranquility. But those who may be anxious about the prospect don't lack fuel for their neurosis to feed on.

HAWAII COUNTY DEMOCRATS DENOUNCE NIXON-AGNEWISM AND URGE IMMEDIATE END TO THE VIETNAM WAR

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the convention of the Democratic Party of Hawaii Island, Hawaii, adopted seven resolutions which I would like to recommend to the attention of my colleagues.

The resolutions support party unity, voting rights for 18-year-olds, environmental protection, repeal of the oil import quota system, an end to inflation, protection of constitutional freedoms which have been under assault by the Nixon-Agnew administration, and an immediate end to the Vietnam war.

I support all of the objectives of these resolutions, particularly the endorsement of Senator DANIEL INOUYE's call for an immediate end to U.S. offensive operations in Vietnam. These resolutions demonstrate the concerns of the people of my State and I urge their consideration by my colleagues.

The resolutions follow:

RESOLUTION NO. 1: DEMOCRATIC PARTY UNITY

Whereas, differences of opinion regarding tactics or policies often arise between Democratic Party members and officeholders;

Whereas, in the upcoming primary elections two or more Democrats may file for the same office, thereby requiring that they state their views to the public in seeking votes;

Whereas, personality clashes may sometime occur between Democratic Party members;

Therefore, be it resolved, that the Democratic Party of the County of Hawaii urges that all candidates seeking office on the Democratic Party ballot stick to the issues and refrain from mud-slinging and character assassination;

Be it further resolved, that unresolved personal differences between prominent Democrats be settled within the ranks of the Party and not in the public press or on radio or television.

RESOLUTION NO. 2: VOTING RIGHTS FOR 18-YEAR-OLDS

Whereas, today 18-year-old youths are mature, educated and responsible; more than 80% are high school graduates; many are pursuing higher education while others have jobs in farming, business and industry; all are taxed the same as adults;

Whereas, more than a million young men of age 18–21 are serving in the armed forces, and some 30,000 have given their lives for their country in the futile Vietnam war;

Whereas, there is overwhelming nationwide sentiment for granting the voting franchise to 18-year-olds, not only as a matter of justice but also to enhance the democratic process;

Whereas, the minority opposed to this movement is now trying to delay achievement of the 18-year-old vote by proposing enactment of a constitutional amendment for this purpose;

Whereas, enactment of a constitutional amendment would take many years, but we should give the vote to 18-year-olds NOW;

Therefore, be it resolved, that the Democratic Party of the County of Hawaii, in convention assembled, support enactment of a voting rights bill by the United States Congress as the fastest and most equitable means of giving voting rights to our youth of 18 years and over who are now denied this right.

RESOLUTION NO. 3: END POLLUTION—SAVE THE ENVIRONMENT

Whereas, our state and nation in the past 100 years have undergone dramatic economic development resulting the most affluent and technologically advanced nation in the world, but with rapid industrialization and growth our air, water and soil have been degraded and polluted to the point where public health is now endangered, the landscape scarred and littered, the quality of life lowered and the continued existence of human life on our planet jeopardized;

Whereas, in the past, individuals and industries have considered it their natural right to use the earth's supply of air, water and soil as a dumping ground for their wastes; and

Whereas, industry and business considered it a natural right that they be permitted to manufacture and sell materials and devices which pollute and poison the environment;

Whereas, the assurance of a clean and attractive environment for living, working and recreation is a right that should be enjoyed by everyone:

Therefore, be it resolved, that the Democratic Party of the County of Hawaii, in convention assembled, pledge our efforts toward this goal, by

a. supporting programs which would accelerate ending pollution of the nation's lakes, rivers, streams, harbors and bays by improving the quality of water with special attention on public water supplies, recreation, fish and wildlife;

b. supporting legislation for eliminating as fast as possible all sources of air pollution, including internal combustion engines;

c. to work for strong measures to conserve our soils and reclaim presently useless, polluted or depleted land;

d. to support efforts to save species of flora and fauna threatened with extinction and to preserve historic sites and artifacts of our heritage; and

e. to encourage appropriate measures for reducing the rate of population growth so as ultimately to achieve a stable population in harmony with available resources.

f. urge Congress and the State Legislature to designate April 22 each year as "Earth Day."

g. to support legislation to abate noise and visual pollution.

RESOLUTION NO. 4: REPEAL THE OIL IMPORT PROGRAM

Whereas, the 10-year-old oil import program, decreed by Presidential proclamation, enables oil companies to maintain excessively high prices for gasoline and fuel oil, costing the people of Hawaii more than $20,000,000 annually in excessive payments, and resulting in more than $5 billion additional profits to the major oil companies nationwide;

Whereas, our state legislators and congressional delegation have proposed many plans to overcome the unfair impact of the oil import program, such as exemption of Hawaii from its provisions, anti-trust suits against the oil companies; testing the legality of the program; and setting up foreign trade zones where imported crude oil could be refined; none of these projects have been pursued to a successful conclusion;

Whereas, President Nixon's cabinet-level task force charged with studying the oil import program recommended that it be abolished in favor of a tariff on imported crude oil;

Whereas, the President has decided to ignore the recommendation of his own task force and to continue the oil import program without modification;

Therefore, be it resolved by the Democratic Party of the County of Hawaii in convention assembled, that the widest possible publicity be given the report of the task force and that we urge our Congressional delegation to continue the fight to repeal the oil import program and pending repeal to secure other measures, such as a foreign trade zone, which will give the people of Hawaii relief from high gasoline and fuel oil prices.

RESOLUTION NO. 5: INFLATION

Whereas, inflation is most harmful to those who depend on salaries, wages or pensions for their living expenses and is rapidly wiping out the social gains made in the past;

Whereas, the main cause of inflation is the Vietnam war and the exorbitant government expenditures for military hardware and services;

Whereas, high interest rates by means of which the Nixon Administration is fighting inflation actually adds to it since the high cost of money is passed on to the consumer in the form of higher prices;

Whereas, giant monopolies in steel, auto and food arbitrarily raise prices thereby adding to the inflationary spiral, with no rebuke from the Administration;

Whereas, inflationary policies lead to greater unemployment, idle plant facilities and recession or depression of the economy;

Therefore, be it resolved, that the Democratic Party of the County of Hawaii affirm its commitment to national policies of price stability and full employment which will be accomplished by:

a. Ending the war in Vietnam, reducing military expenditures and spending more federal revenue on schools, hospitals, housing, eradication of pollution, and other activities of benefit to the people;

b. Reverse the policy of high interest rates at all levels, starting with immediate roll back of the prime interest rate by the Federal Reserve Board to a point that will cause lower prices;

c. Cooperation between government, labor and industry to formulate wage and price policies sound for consumers as well as for working people and investors;

d. Strict enforcement of anti-trust and trade practice laws to combat unfair price fixing, supply limitation and other restrictive practices.

RESOLUTION NO. 6: PROTECT OUR CONSTITUTIONAL FREEDOMS

Whereas, Vice President Spiro Agnew and other members of the Nixon Administration, on numerous occasions, have threatened the news media in order to suppress criticism of Administration policies and to make the media conform to the Administration's standard of what news should reach the people;

Whereas, in the name of "law and order" the Administration supports passage of legislation which would give federal agents the right to make "no knock" entries and exploratory searches of homes without warrants; which would authorize judges to jail individuals charged with so-called violent crimes prior to their trial without the right to release on bail or personal recognizance; and in complete disregard of the 4th Amendment would enlarge the area of authorized wiretapping and eavesdropping so there would be practically no limit to this nefarious practice;

Whereas, the increasing use of police spies and undercover agents to infiltrate political groups puts our nation well on the way toward becoming a police state;

Whereas, Congress enacted as a rider to a civil rights bill a clearly unconstitutional conspiracy statute which would suspend the First Amendment in interstate travel and set traps of repression;

Whereas, legislation to repeal the detention camp provisions of the Internal Security Act of 1950 (introduced by Senator Inouye and Representatives Mink and Matsunaga) though passed by the Senate now is stalled in the House of Representatives with no attempt by the Administration to expedite passage thereby adding to the fear among blacks and other minorities that the camps might be meant for them;

Whereas, many people are losing faith in the possibility of peaceful and nonviolent change as they confront the immobility of the establishment and its resort to repression;

Therefore, be it resolved by the Democratic Party of the County of Hawaii reaffirm our faith in the Bill of Rights which assures complete freedom of speech, press, assembly and association, together with free exercise of the franchise, as necessary means to achieve nonviolent change in a democratic society and that we actively and vigorously oppose all legislation and activities which would limit or abrogate such freedoms.

RESOLUTION NO. 7: END THE VIETNAM WAR IMMEDIATELY

Whereas, the Vietnam War is still the nation's number one issue, which because of its fantastic cost in money, manpower and morale, prevents the solution of many other problems with which we are faced:

Whereas, instead of ending the war, as promised in campaign speeches and a major policy statement last November, President Nixon's policies have caused the spreading of the war to Laos and Cambodia and possibly to all Southeast Asia.;

Whereas, the Administration proposal to Vietnamize the war is not a plan for peace, or even for American withdrawal, but merely a scheme to substitute Vietnamese corpses for American, fighting the war by proxy while U.S. taxpayers foot the bill;

Whereas, our support of the present corrupt Saigon government under General Thieu and Ky negates any claim that we are fighting the war for the sake of democracy;

Whereas, if we base our withdrawal on the takeover of the fighting by the Thieu-Ky forces we will never end our military involvement there nor be master of our destiny in Southeast Asia;

Whereas, we have not only been unable to win the war in Vietnam but we have adopted tactics that lowered our international prestige and which brutalized our troops, such as the use of napalm and other war materials deemed too horrible to be used against white Europeans; employment of mercenaries to torture prisoners and to assassinate alleged Viet Cong leaders; use of chemical agents and tear gas to drive people into the open to be shot down; and the use of defoliants to destroy the productivity of forests and fields for many years;

Whereas, the war has increasingly become racist: our soldiers now call nearly all Vietnamese "gooks" whether they are enemies or friends, and view them with suspicion and contempt; if we acknowledge the accidental killing of a civilian, we pay his family $33, but we pay a French plantation owner $100 if we damage a rubber tree;

Therefore, be it resolved, that the Democratic Party of Hawaii County, in convention assembled, endorse and support recent proposals of Senator Daniel Inouye in regard to ending the Vietnam War; they are:

1. that there be an immediate cease fire and halt to all offensive operations, our actions being limited to defense;

2. that we initiate a conference of Asian nations to resolve the problems of Indochina and not impose a European solution on the people, making it clear that we will abide by the outcome of these negotiations even if Hanoi should be given hegemony over the whole of Indochina.

Therefore, be it also resolved, that since most people now admit the Vietnam War was a tragic mistake, the government should grant amnesty to all those persons who refused to participate in the war and who are now in prison or have sought refuge in foreign nations.

THE AGONY AROUND US

(Mr. GILBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GILBERT. Mr. Speaker, the death of four students at Kent State on Monday only proves again the tragedy of the United States as it is today.

But those senseless deaths are only part of the many symptoms of agony we see around us. We have rampant unemployment, inflation, chaos on our campuses, and a lack of trust in the stock market.

I do not suppose it will occur to the administration to relate these and many other telltale signs to the fighting in Vietnam and Cambodia. Certainly the remarks of the Vice President on Monday night only serve to demonstrate again that the administration has a form of eye sickness known as "tunnel vision." It sees only along a narrow strip while the rest of the Nation remains outside those boundaries.

I have no visionary powers. I do not know how long it will take, how much suffering must yet come before the message is understood by the administration. I do know, however, that our people are tired, sick-to-the-bone tired, of a war they never wanted.

I am afraid the new hostilities, just like those in Vietnam, are doomed to failure, and I fear dissent will get more violent as the frustrations mount, no matter how repressive countermeasures become.

I see no other alternative than to let time run its course as it must. Eventually, this Nation will cleanse itself just as great rivers do. But we must prevent pollution of our national heritage on behalf of war. Only Congress has the legal right to exercise that veto. I implore it to do so before the fabric of our Constitution is torn asunder.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the largest producer of automobile tires in the world. In 1966 the United States produced 177,169,000 tires. This represented over four times more than produced by France, the second ranking nation.

SUPPORT FOR PRESIDENT'S ACTION IN CAMBODIA

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALL. Mr. Speaker, yesterday morning I had the privilege of attending the White House briefing on our latest military defensive attacks into Cambodian territory. I was there along with my colleagues from the House Armed Services Committee, the Senate Armed

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Services Committee, the Department of Defense, and White House staff.

At yesterday morning's breakfast, President Nixon once again restated his motivation and the options or choices leading to his action as Commander in Chief, in ordering our latest military action. He repeated, that upon completion of the operation, which is expected to last no longer than 6 to 7 weeks, there are no plans to occupy any territory belonging to the nation of Cambodia. He reiterated that we were there only for the purpose of protecting American and South Vietnamese lives, and that goal would be accomplished by destroying the Communist sanctuaries, command posts, and equipment.

For years the Vietnamese of Hanoi and the Vietcong have been permitted to operate at will from areas that have been off limits, as far as countermilitary action or even hot pursuit was concerned. By his latest actions, the President has no longer permitted them the luxury of freedom from fear of retaliation. He has bought time for further Vietnamization, and simultaneously protected the flanks of support troops. This will save lives—of our troops.

President Nixon said that when this operation has been concluded and the harassing bases destroyed, the process of Vietnamization will have the opportunity to accelerate at a much faster pace. That means the withdrawal of American ground combat forces, will be able to continue unencumbered. I remind you that the President continues to make good on his pledge to "bring the men home."

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Following the President's encouraging words, Secretary of Defense Mel Laird, and the Chairman of the Joint Chiefs of Staff, Gen. Earle Wheeler, took over for a free wheeling period of questions and answers. All who were there were asked to participate, and everyone was given the opportunity to use his vocal cords as well as his intellect, while feeding the inner man.

Mr. Speaker, much has been made of this latest search and destroy operation. Many different interpretations have evolved, some based on less than fact, and obviously politically motivated. I, for one would like to say that I support the President, and place myself at his side. He has told the Communists that we will not be driven out, and now he proves it. He has told them that we will protect our troops. He has told them everything is negotiable except the freedom of South Vietnam. He may well be forced to react further to contingencies. The cards are on the table. It is time they picked up their hand.

JAMES J. KILPATRICK: A DECISION ON BOTH THE SHORT AND LONG WARS

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HALL. Mr. Speaker, James J. Kilpatrick has the knack of digging into most any subject and instantly striking "pay dirt."

In last night's Washington Star he scored again. His succinct analysis of the events surrounding the Cambodian situation should certainly be read by all.

Mr. Kilpatrick's editorial follows:

A Decision on Both the Short and Long Wars

(By James J. Kilpatrick)

Fresno, Calif.—It was 6 o'clock on a sunny afternoon, out here on the Coast, when President Nixon made his speech on the Cambodian operation. I listened to it in a motel room—listened in pride and sadness and elation—and after a while I went down to Fresno's handsome municipal auditorium to speak to a town forum on current events.

The decision was right, I said; but when a series of hostile questions came floating up from the floor, I sensed anew the bitter truth of Santayana's famous maxim. Those who fail to learn from history must take their lessons again. How can one teach history in an hour?

What have the President's critics learned from the history of Communist aggression over the past 30 years? More deeply, what have they learned from the history of Western civilization? Surely they should have learned at least this much—that the enemy retreats from a positive show of force, and advances at every sign of softness. And we should have learned this, too, that there is no finite point in the fight to preserve men's freedoms; this fight goes on forever.

It is therefore an exercise in definitions to ask, when will the war end? Which war? The historical impudence known as Vietnam? Or the vastly more difficult war, the war that has no end? If the Cambodian operation is to be understood at all, it has to be understood in both contexts; and in both contexts the President's decision is courageous, necessary and wise.

On Nov. 3, the President gave warning: "Hanoi could make no greater mistake," he said, "than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

The question in Hanoi, in Moscow, in Peking, was: Did Nixon mean it? Or was he bluffing? Little by little, for the next five months, the enemy increased its pressure in Vietnam. Nixon made no response. Two weeks ago, in a speech announcing his commitment to further troop withdrawals, he repeated his warning. But these were words. Were they empty words? The enemy resumed its developing pattern with the classic inevitability of a Bach fugue: New provocations in Laos, new pressures in Cambodia.

This was, all over again, point counterpoint, the closing of access to Berlin; it was the deployment of missiles in Cuba. It was a short move and a long move, a test of Nixon and a test of America. It was a raise in the pot, chips down, and let the ribbon clerks get out of the game. Nixon had to call. Two warnings were enough.

Most of these considerations go to the long war, the war that has no end. Nixon's decision was sound for the short run also. For at least four years, our most experienced military leaders have been pleading for action against the Cambodian sanctuaries. Their appeals dropped out of sight in the down pillow of a no-win policy.

In fairness, the Sihanouk government presented obstacles also. But every reporter who ever got briefed by a general, in Saigon or Honolulu or Washington, heard the same off-the-record frustration expressed. How could the city of Washington be defended, to borrow Nixon's analogy, if an enemy command at Baltimore could never be attacked?

Well, Senator Aiken says the decision is tragic, and Senator Hatfield finds it unbelievable, and Senator Goodell is aghast. But it may be that their reaction of Friday morning, like the hostile questions here Thursday night, fails to reflect the instinctive understanding of wiser but less articulate Americans. My guess is that the people know, better than the politicians, when a risk ought to be taken. And they will not love—they will rather despise—the timid leader who fails his people when the hour comes.

POLISH CONSTITUTION DAY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. RYAN. Mr. Speaker, May 3 marked the anniversary of Polish Constitution Day. Adopted by the Polish Diet on that day in 1791, the Polish Constitution marked a landmark in the development and spread of the democratic ideals of the 18th century. And it stands today as object example of the dedication to the liberty and freedom which the Polish people so greatly cherish.

In the 179 years since the Polish Constitution was adopted, the Polish people have tragically known all too little liberty. Even before the Constitution was put into full force, the second partition of Poland, instituted by her grasping neighbors, reduced that country to one-third of her original size. And in 1795, even that remnant was divided among Austria, Prussia, and Russia.

Not until October 6, 1918, did an independent, united Poland once again rise. But the golden years of independence were soon ended by the invasion of Poland in September 1939, by Hitler's forces. With equal duplicity, Stalin's armies moved into Poland on September 17.

Since the end of World War II, the Polish people have endured a Communist government. A Soviet satellite, Poland faces the omnipresent threat of Soviet intervention such as suffered by Czechoslovakia in 1968.

The deep affection of the American people for the people of Poland abides. This affection is of long standing. As long ago as our Revolutionary War, the friendship of our two peoples was a strong one, cemented by the valiant efforts of Gens. Thaddeus Kosciusko and Casimir Pulaski, who came to this land and helped us in our fight for independence. And hundreds of thousands of Polish people have since immigrated to our shores to help build and fight for the Nation which those two famous men so bravely helped in her infancy.

In marking the celebration of Polish Constitution Day, we honor the liberty-loving Polish people, and we honor as well their brethren in this country who have contributed so much to her greatness.

TRAGEDY AT KENT STATE UNIVERSITY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, in the past week, the voice of the Nixon administration in the persons of the President and the Vice President has led a constant chorus condemning American college students who have demonstrated on campuses throughout the Nation in opposition to the President's expansion of the Vietnam war.

In his speech of April 30, informing the American people of his decision to send American troops into Cambodia, the President spoke of our age as one of anarchy at home and abroad. He said:

> Here in the United States, great universities are being systematically destroyed.

On May 1, the President went to the Pentagon for a briefing by military advisers. During his visit there, President Nixon spoke impromptu to Pentagon employees about the young Americans fighting in Vietnam and compared them with "these bums, you know, blowing up the campuses." He said:

> Listen, the boys on the college campuses today are luckiest people in the world—going to the greatest universities—and here they are burning up the books, storming around about this issue. I mean—you name it. Get rid of the war, and there'll be another one.

On Sunday's "Face the Nation" program, the Vice President discussed the motives of demonstrators, whom he called "disrupters":

> I don't think many of them are really honestly sincere about the cause. I think they are simply utilizing this as a vehicle to continue their antisocial outrageous conduct. And I think if the war were over, for example, they would find something else—to use as an excuse for throwing firebombs.

The Vice President, on the same program, called himself a spokesman for the frustrated. He equated the problems in this country with a fire—

> When a fire takes place, a man doesn't run into the room and whisper, "Would someone please get the water?" he yells "Fire!" and I am yelling "Fire!" because I think "Fire" needs to be called here.

And so, the voices of the administration have been talking about anarchists, and bums, and the need for the fire to be put out.

And Monday members of the Ohio National Guard answered the Vice President's call of "fire" against the President's "anarchists" and "bums" by raising their rifles and shooting into a crowd of student demonstrators at Kent State University in Ohio. When the smoke had cleared, two young men and two young women lay dead: six other students had been injured and hospitalized—three of them critically. One of these is paralyzed from the waist down.

The festering sore of frustration which has been subjected to administration invective burst open in Ohio yesterday, creating an American tragedy which will scar this generation of young Americans, and damage the rest of us.

We were told as far back as in October, when Americans were planning to demonstrate their disapproval of the war in Vietnam during the moratorium, that the President would not be affected by dissent. This has caused severe frustrations to those who oppose the war and its expansion. At the same time, the President has told his "great silent majority" that they should not allow their voices to be drowned out by unruly dissenters.

And so, four young Americans are dead. The calls of the administration accusing demonstrators of being anarchists and bums has resulted in the "forces of law and order" taking the law into their own hands and becoming the anarchists.

Monday night the President issued a statement saying that this "should remind us that when dissent turns to violence it invites tragedy." He also called for support of "the right which exists in the country for peaceful dissent and just as strongly against the resort to violence, as a means of expression."

This right of peaceful protest was the watchword of the people who participated in the October and November moratoriums, but their efforts were summarily ignored by the President and his administration.

While Americans were still shaking their heads in disbelief over events at Kent State, our Vice President continued already too inflamatory rhetoric regarding dissents and college demonstrations. Refusing to depart from his text, prepared before the Kent State tragedy, the Vice President said that some people might consider his remarks as showing "a certain insensitivity," but that they were addressed at a "general malaise that argues for violent confrontation instead of debate."

He then proceeded to attack "elitists" for "undermining American optimism," calling them opinionmakers who commit "philosophical violence" which he called more dangerous than the actions of the "paranoids" who demonstrate on our college campuses.

And so, not even the tragic deaths that occurred on the Ohio campus could still the voice of the administration.

Instead of putting out the fire, the administration has lit one. It has caused distrust, hate, and fear of college students and war demonstrators in the hearts and minds of many Americans.

The Vice President may be right that Mondays killings were "a tragedy that was predictable," but not for the reasons he may state. The tragedy was predictable because the Nixon administration has been creating fear and distrust among the American people.

Some of these people were the National Guardsmen who, whether out of distrust, hate, fear, or panic fired the M-1 rifles that killed Allison Krause, Jeffrey Glenn Miller, Sandra Lee Scheuer, and William Schroeder, and injured the other students.

Recently, we have witnessed several trials dealing with words and their role in inciting action. The evidence in these trials have been speeches, the tone and context of which, have allegedly caused later violent action. The speeches that have emanated from the Nixon administration on the right of dissent and college demonstrators have had much of an agitating tone and context. And the actions which have resulted are inexcusable and unforgiveable.

I include in the RECORD an editorial from the New York Times of May 5 regarding this issue, "And on the Home Front."

[From the New York Times, May 5, 1970]

AND THE HOME FRONT

The tragic nature of the division of this country exacerbated by escalation of the war was underscored yesterday when four students were killed during a confrontation with National Guardsmen and police at Kent State University in Ohio.

Whoever was responsible for the fatal shots must be brought to justice promptly and steps must be taken to make sure that the forces of "law and order" do not themselves become the instruments of further anarchy.

Student provocation undoubtedly was great and was also unpardonable. The violence instigated by some antiwar protesters is in no way justified by the violence practiced by their Government overseas.

But more violent self-destruction at home will be the inescapable fate of this great nation unless an Administration elected to uphold the law at home and to bring peace abroad lives up to its commitments—or is held to its promises by the representatives of the people in Congress. At home, as in Indochina, responsible political action is the only sane solution to a dual crisis that is threatening to get out of hand.

SOVIET PILOTS OVER EGYPT

(Mr. RYAN asked and was given permission to revise and extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. RYAN. Mr. Speaker, the peril to Israel increases. Last week it was confirmed that Soviet pilots are flying jets over Egypt.

It has long been known that the Soviet Union has been pouring armaments of every kind into Egypt, while Israel can look only to the superior skill and motivation of her pilots to offset her numerical inferiority in planes and manpower. Despite the Soviet Union's arming of a nation sworn to conduct a war of attrition against Israel, this administration has refused Israel's recent request to purchase jets for her self-defense. In light of the latest revelation of Soviet involvement in the Middle East, the administration's misguided policy is even more dangerous, and it must be changed.

The survival in safety and peace of Israel is in our national interest.

First, traditional U.S. policy—as articulated by actions as well as words of four successive Presidents: Truman, Eisenhower, Kennedy, and Johnson—has been one of firm support for Israel.

Second, our interests compel support for Israel because we support the principles of democracy and Israel embodies in its best aspects the democratic institutions in which we believe.

Third, our interests coincide with a secure Israel because she, in her turn, has offered us firm and steadfast friendship. To rebuff her now is to declare as hypocritical our conduct of foreign affairs among nations.

Fourth, our interests compel support of Israel because she is the great example of the benefits which dedication, idealism, and modern technology can bring to the poverty-stricken peoples of the third world. What is more, Israel herself has undertaken, not only by example, but by deed as well, to spread these benefits to other nations, sending Israeli citizens to 70 nations to teach farming and industrial techniques, and the lessons she has learned in bringing life to a barren land.

Yet, despite the fact that our national interests—and morality as well—call for the strongest actions on our part to insure the security of Israel, the administration has failed to give Israel the kind of support she needs.

While direct negotiations between the parties are essential for achieving a lasting and meaningful peace in the Middle East, the administration has undermined Israel's position by proposing to the Soviet Union guidelines for a settlement. The refusal of the Soviets and Egyptians even seriously to consider these recommendations is only added fillip demonstrating the error of the administration.

Moreover, while the Egyptians have been glutted with Soviet armaments and advisers, the administration has turned down Israel's request to be allowed to purchase additional jet planes. Yet, clearly Israel's miniscule manpower in comparison to that of the Arab states requires that she have sufficient air power to maintain a balance in the Mideast.

Now, Soviet pilots are flying these planes and Soviet antiaircraft missiles are emplaced on Egyptian soil. Part of the responsibility of this development can and should be ascribed to the administration. Stephen S. Rosenfeld, in a column which appeared in the Washington Post on May 1, 1970, analyzes the default by this administration which has led to the present state of events:

> The Arab-Israeli war of 1967 seems to have created for the Soviet Union a political opening so large and—for a hungry Kremlin—so tempting that it could not be turned down. The Arabs' cause was there for the plucking. By its ineffectiveness in dealing with Israel's apparent peril in the days immediately before the war, the West had shown that opposition to an expanded Soviet presence in the Arab states would probably not be strong. Moreover, the United States was conspicuously distracted by the foreign and domestic implications of Vietnam.

Mr. Rosenfeld's discussion of subsequest events involving the U.S. failure to act firmly in support of Israel is also particularly noteworthy:

> [The Russians] found that, first, [President Nixon] . . . put off Israel's request for more warplanes and that, secondly, he and his administration reacted mildly to the installation of Soviet-manned SAM–3 antiaircraft missiles in the Egyptian interior. In this view (of some close American students of Soviet policy), this encouraged the Russians to think that they could get away with providing direct air cover too.

Clearly, error has guided the administration thus far. This error must be overturned, and I call upon the President to authorize the sale of the planes Israel needs, and to take the action which I called for in joining Congressman CELLER in House Concurrent Resolution 480 and in my cosponsorship of House Concurrent Resolution 511.

House Concurrent Resolution 480 states:

> It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

And House Concurrent Resolution 511 calls for the sale to Israel of aircraft necessary for her defense.

By its failure to authorize sale of the jets which Israel has requested, and by its failure to make clear that the United States firmly supports Israel, the administration has helped create the point of peril at which Israel now stands. We cannot continue to delay or to obfuscate.

I include at this point in the RECORD Stephen Rosenfeld's column from the Washington Post of May 1. It is a trenchant and informed analysis of the Middle East situation. In particular, I call attention to the last pargaraph, in which Mr. Rosenfeld states what I believe must be made abundantly clear to this administration:

> If the difficulties and costs of their (the Russians') current Mideast course are brought home to them, then they may change it.

The article follows:

[From the Washington Post, May 1, 1970]

MOSCOW'S FLIER IN EGYPTIAN SKIES

(By Stephen S. Rosenfeld)

Just a month ago, Nasser's confidante, Cairo editor Hassein Haikal, wrote—with a prescience not then evident—that the Mideast conflict was being pushed from the local level involving Israel and the Arabs, to the international level involving the United States and the Soviet Union. For one thing, he said, violence on the local level meant that both parties would always be exhausting their stocks of arms and in turn demanding more from their respective international suppliers. Meanwhile, the international parties faced "two forbidden risks" in respect to each other: "the risk of surrendering or retreating and the risk of becoming involved and clashing."

Perhaps sooner than even the perceptive Egyptian anticipated, his analysis has been borne out by events. For this was the week in which the Mideast conflict reached its highest level of Soviet and American tension since the two great powers decided—Moscow by fairly recent choice, and Washington by an earlier natural slide—to commit to the region their common prestige. Such is the effect of the Soviet decision to move from a supporting background role to a direct and possible frontline role, with its own personnel manning SAM–3 missiles and its own pilots flying Mig–21s.

The first question about Moscow's performance is why they're doing it. One can argue that assumption of a combat role follows inevitably enough from the Soviet Union's arbitrary and casual entry into the Mideast in the mid-1950s. Really, the only reason Moscow got in then was to engage in the great power game with the West: It had no "interest" in any accepted sense beyond flexing its self-regard and bumping the other players. As the British, French and Americans have amply proven in their different days, the true mark of world stature is to assert national power far from home, preferably in parlous circumstances where the assertion of power becomes more important than any purpose for which it might conceivably be asserted.

It remains, however, to wonder why the Russians chose this particular time and place to undertake the extreme sequence of egging on Egypt to get into a fight larger than it could handle itself, and then of picking up its client's military burden—rather than encouraging Cairo to deflate the scale of the fighting to its own size.

One theory—that the recent under-the-sheet Kremlin political struggle ended in victory for a heavy-handed risk-taker—can be quickly dismissed. The chain of decisions which put Soviet pilots in Egyptian skies this week began a number of months ago. That a high-risk group or tendency rides high in the Kremlin is plain, but it has been there for some time.

More likely, and more disturbing, is the possibility that Moscow's Mideast policy arises from its own peculiar view of the balance of power. Everyone remembers—and more or less agrees—how Khrushchev provoked several Berlin crises and then slipped missiles secretly into Cuba in order to overcome what he felt were the painful disadvantages of Soviet strategic inferiority. The Cuban missile crisis was followed by the massive strategic buildup whose results are of such concern to the United States now.

Once that buildup had occurred, there took place—or so one can assume—a continuing discussion about how to use the power newly accumulated. The process of acquiring strength and then looking about for a place to apply it is not, to be sure, unique to Moscow.

The Arab-Israeli war of 1967 seems to have created for the Soviet Union a political opening so large and—for a hungry Kremlin—so tempting that it could not be turned down. The Arabs' cause was there for the plucking. By its ineffectiveness in dealing with Israel's apparent peril in the days immediately before the war, the West had shown that opposition to an expanded Soviet presence in the Arab states would probably not be strong. Moreover, the United States was conspicuously distracted by the foreign and domestic implications of Vietnam.

Some close American students of Soviet policy believe that Moscow was given pause in its pursuit of Mideast influence by President Nixon's reply to Premier Kosygin and by his State of the World message, both in February. In those pronouncements Mr. Nixon declared in effect that he would meet the Soviet competition in the region and not permit Moscow to gain "predominance." Then, however, the Russians looked to see how the President would apply his pronouncements. They found that, first, he put off Israel's request for more warplanes and that, secondly, he and his administration reacted mildly to the installation of Soviet-manned SAM–3 antiaircraft missiles in the Egyptian interior. In this view, this encouraged the Russians to think that they could get away with providing direct air cover too.

Accurate or not, this analysis may offer a certain value to American policymakers deciding how to meet the new Russian initiative. The analysis suggests that Soviet policy, far from being the product of a cast-iron ideology or an immutable political freeze, flows rather from a continually updated assessment of political facts. Soviet policy is, in a word, opportunistic or, if you choose, pragmatic: it responds to American policy.

In short, the Russians are no more anxious to be blown to smithereens—certainly not for the sake of the Arabs—than are we Americans. If the difficulties and costs of their current Mideast course are brought home to them, then they may change it. The United States has a number of alternatives: it can provide more planes to Israel, it can urge its NATO allies to suspend troop cuts, it can put a friendly word in Peking's ear at the next Warsaw session May 20, and so on. Adventurist, the Kremlin

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leaders have shown themselves to be; unresponsive, they have not.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Aspinall of Colorado from 2 p.m., May 8 until 12 o'clock noon, May 12, 1970, on account of official business.

Mr. Blatnik of Minnesota (at the request of Mr. Albert), for today through May 14, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Ruth) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Price of Texas, for 15 minutes, today.

Mr. Saylor, for 10 minutes, today.

Mr. Ashbrook, for 10 minutes, today.

(The following Members (at the request of Mr. Brinkley) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Farbstein, for 20 minutes, today.

Mr. Conyers, for 60 minutes, today.

Mr. Reuss, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Cohelan to revise and extend his remarks made today during debate on the Findley substitute amendment, on H.R. 17123.

Mr. Holifield prior to the vote on the Whalen amendment.

Mr. Erlenborn, to extend his remarks immediately following those of Mr. Collier.

Mr. Goldwater, to extend his remarks immediately after the remarks of Mr. Stratton.

Mr. Leggett, and to include extraneous material in the Committee of the Whole today.

Mr. Hechler of West Virginia, and to include extraneous material, during the debate on the bill H.R. 17123.

Mr. Ryan to revise and extend his remarks prior to House action on the Morse amendment in the Committee of the Whole.

Mr. Bennett to revise and extend his remarks during debate on the bill today and to include extraneous matter.

Mr. Fascell to revise and extend his remarks during debate on the bill today in Committee of the Whole and to include extraneous matter.

Mr. Donohue to revise and extend his remarks prior to the vote on the Leggett amendment.

Mrs. Heckler of Massachusetts to revise and extend her remarks prior to the passage of the bill.

(The following Members (at the request of Mr. Ruth) and to include extraneous matter:)

Mr. Broomfield in two instances.

Mr. Duncan.

Mr. Wiggins.

Mr. Springer.

Mr. Lujan.

Mr. Ashbrook.

Mr. Bray in two instances.

Mr. Foreman.

Mr. Collier in four instances.

Mr. Fulton of Pennsylvania in five instances.

Mr. Nelsen.

Mr. Anderson of Illinois.

Mr. Price of Texas in two instances.

Mr. Scott.

Mr. Conte in four instances.

Mr. Zwach.

Mr. Winn.

Mr. Brock.

Mrs. Heckler of Massachusetts in three instances.

Mr. Wold.

Mr. Robison in two instances.

Mr. Hogan.

Mr. Bush.

Mr. Goodling.

Mr. Whalen in two instances.

Mr. Whitehurst in three instances.

Mr. Keith.

Mr. Morse.

Mr. Wyman.

(The following Members (at the request of Mr. Brinkley), and to include extraneous matter:)

Mr. Jacobs.

Mr. Roe in three instances.

Mr. Ullman in 10 instances.

Mr. Donohue in two instances.

Mr. Celler.

Mr. Hawkins in two instances.

Mr. Helstoski.

Mr. Gonzalez.

Mr. Rosenthal in five instances.

Mr. Dorn in three instances.

Mr. Green of Pennsylvania in three instances.

Mr. Fraser in three instances.

Mr. Fulton of Tennessee.

Mr. Rarick in two instances.

Mr. Long of Maryland in 10 instances.

Mr. Long of Louisiana in two instances.

Mr. Holifield.

Mr. Waldie.

Mr. Ryan in four instances.

Mr. Clark in two instances.

Mr. Fountain in two instances.

Mr. Rogers of Florida in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 793. An act for the relief of Peter Chung Ren Huang; to the Committee on the Judiciary.

S. 850. An act for the relief of Kwok Kwen Ng; to the Committee on the Judiciary.

S. 1703. An act for the relief of Rosa Pintabona; to the Committee of the Judiciary.

S. 1886. An act for the relief of Dr. Max Ruetger Hasche; to the Committee of the Judiciary.

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean; to the Committee on the Judiciary.

S. 2490. An act for the relief of Miriam Lazarowitz; to the Committee on the Judiciary.

S. 2526. An act for the relief of Angelo DiStefano; to the Committee on the Judiciary.

S. 2820. An act to amend title II of the Act of September 19, 1918, relating to industrial safety in the District of Columiba; to the Committee on the District of Columbia.

S. 2856. An act for the relief of Saul Bluestone; to the Committee on the Judiciary.

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney; to the Committee on the Judiciary.

S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga); to the Committee on the Judiciary.

S. 3037. An act for the relief of Dr. Shusum Cheuk; to the Committee on the Judiciary.

S. 3136. An act to confer United States citizenship posthumously upon Guy Andre Blanchette; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1951. An act to confer U.S. citizenship posthumously upon Sp. 4C Aaron Tawil;

H.R. 2817. An act for the relief of Delilah Aurora Gamatero;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 5936. An act for the relief of Kong Wan Nor;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R. 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of Ali Somay; and

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 2452. An act to amend section 211 of the Public Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services;

S. 3007. An act to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit;

S. 3435. An act to provide for the striking of medals in commemoration in completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy; and

S.J. Res. 193. Joint resolution to provide for the appointment of James Edwin Webb as Citizen Regent of the Board of Regents of Smithsonian Institution.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On May 5, 1970:

H.R. 515. To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and pre-

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venting discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in school and service institutions.

H.R. 1049. To amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes.

H.R. 1187. To amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore;

H.R. 1706. To provide for the conveyance of certain mineral rights in and under lands in Pike County, Ga.; and

H.R. 12605. To amend section 613 of the Merchant Marine Act, 1936, as amended.

On May 6, 1970:

H.R. 1951. To confer U.S. citizenship posthumously upon Sp 4c. Aaron Tawil;

H.R. 2817. For the relief of Delilah Aurora Gamatero;

H.R. 3955. For the relief of Placido Viterbo;

H.R. 5936. For the relief of Kong Wan Nor;

H.R. 6125. For the relief of Anne Reale Pietrandrea;

H.R. 9001. For the relief of William Patrick Magee;

H.R. 11578. For the relief of Patricia Hiro Williams;

H.R. 12037. For the relief of Ali Somay; and

H.R. 12673. To authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, May 7, 1970, at 12 o'clock noon.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2021. A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for the fiscal year 1971 for the Department of Transportation (H. Doc. No. 91-333); to the Committee on Appropriations and ordered to be printed.

2022. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend the existing provisions of law which permits persons from countries assisting the United States in Vietnam to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and to extend for a temporary period the existing provisions of that law, and for other purposes; to the Committee on Armed Services.

2023. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize reimbursement for expenses incurred in obtaining quarters by certain members of the naval service on sea duty who are deprived of their quarters aboard ship, and for other purposes; to the Committee on Armed Services.

2024. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 5504 of title 10, United States Code, relating to assignment of lineal position to certain officers of the Navy and Marine Corps; to the Committee on Armed Services.

2025. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 5891 of title 10, United States Code, providing for the consideration for promotion of certain officers in the Naval Reserve; to the Committee on Armed Services.

2026. A letter from the Under Secretary of the Navy, transmitting notice of the proposed donation of a locomotive, diesel-electric, to the Blackberry Creek Railway Historical Society, Inc., Jacksonville, Fla., pursuant to the provisions of 10 U.S.C. 7545; to the Committee on Armed Services.

2027. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of a landing craft vehicle, personnel, to Gravity Drainage District No. 4 of the Parish of Calcasieu, La., pursuant to the provisions of 10 U.S.C. 7308(c); to the Committee on Armed Services.

2028. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment, for the quarter ended March 31, 1970, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2029. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting 56th annual report of the Board of Governors, for the calendar year 1969, pursuant to the provisions of section 10 of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

2030. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes; to the Committee on the Judiciary.

2031. A letter from the Postmaster General, transmitting a draft of proposed legislation to clarify the law relating to salary protection; to the Committee on Post Office and Civil Service.

2032. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved by his office which are financed wholly with Federal funds, during the quarter ended March 31, 1970, pursuant to the provisions of section 1120b of the Social Security Act; to the Committee on Ways and Means.

2033. A letter from the Comptroller General of the United States, transmitting a report on the questionable justification and loose administration of the special cost-of-living allowance paid to certain civilian employees in the Republic of Vietnam, Department of State; to the Committee on Government Operations.

2034. A letter from the Comptroller General of the United States, transmitting a report that rental rates for barges used in the Republic of Vietnam included costs recovered by the contractor, Department of the Army; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG: Committee on Rules. House Resolution 973. Resolution for consideration of H.R. 17405, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 91-1056). Referred to the House Calendar.

Mr. PATMAN: Committee on Banking and Currency. H.R. 16891. A bill to authorize U.S. participation in increases in the resources of certain international financial institutions, to provide for an annual audit of the Exchange Stabilization Fund by the General Accounting Office, and for other purposes, with amendments (Rept. No. 91-1057). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAILSBACK: Committee on the Judiciary. H.R. 9497. A bill for the relief of Mrs. Eleanor D. Morgan; with an amendment (Rept. No. 91-1055). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 17454. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 17455. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the Administrator of General Services to enter into contracts for janitorial services, trash removal, and similar services in federally owned and leased properties for periods not to exceed 3 years, and for other purposes; to the Committee on Government Operations.

By Mr. CAREY:

H.R. 17456. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 17457. A bill to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; to the Committee on Agriculture.

H.R. 17458. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 17459. A bill to amend the Federal Hazardous Substances Act to authorize the Secretary of Health, Education, and Welfare to ban glue and cement products containing toxic solvents; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.R. 17460. A bill to provide for the establishment of a national cemetery in each State of the Union, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 17461. A bill to amend chapter 23 of title 38, United States Code, in order to authorize the Administrator of Veterans' Affairs to provide, under certain circumstances, a casket or urn for the burial of certain eligible veterans; to the Committee on Veterans' Affairs.

By Mr. KUYKENDALL:

H.R. 17462. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 17463. A bill to provide general revenue to the U.S. Treasury, to regulate and establish fees for the importation and exportation of controlled dangerous substances, to amend the narcotic and drug laws, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 17464. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mrs. Chisholm, and Mr. Ashley):

H.R. 17465. A bill to amend the Clean Air Act so as to extend its duration, provide for inspection and enforcement procedures, establish national emission control standards, authorize classification of air contaminant sources, designate penalties for violations of this act, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 17466. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. PRICE of Illinois:

H.R. 17467. A bill to authorize the National Aeronautics and Space Administration to make grants for the construction and operation of a World Resources Simulation Center to make available to Federal, State, and local agencies and to private persons, organizations, and institutions information useful in planning and decisionmaking; to the Committee on Science and Astronautics.

By Mr. RIVERS:

H.R. 17468. A bill to amend title 10, United States Code, to provide for the appointment of female officers in the Judge Advocate General's Corps, Regular Army; to the Committee on Armed Services.

By Mr. ROE:

H.R. 17469. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

H.R. 17470. A bill to amend title II of the Social Security Act to increase from $1,680 to $2,400 the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ROSENTHAL:

H.R. 17471. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 17472. A bill to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNES of Wisconsin:

H.R. 17473. A bill to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 17474. A bill to revise and reform the program of Federal assistance for local educational agencies in areas affected by Federal activities; to the Committee on Education and Labor.

By Mr. BURTON of Utah:

H.R. 17475. A bill to revise the boundaries of the Canyonlands National Park in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. COHELAN:

H.R. 17476. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

By Mr. COUGHLIN (for himself, Mr. Anderson of Illinois, Mr. Camp, Mr. Dent, Mr. Eilberg, Mr. Fish, Mr. Halpern, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Kleppe, Mr. Morse, Mr. Sebelius, and Mr. Williams):

H.R. 17477. A bill to provide appropriations for sharing of Federal revenues with States and their local governments; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 17478. A bill to amend the District of Columbia Cooperative Association Act; to the Committee on the District of Columbia.

By Mr. FULTON of Tennessee:

H.R. 17479. A bill to amend the Railroad Retirement Act of 1937 to provide a 5 percent increase in annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. GILBERT:

H.R. 17480. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

H.R. 17481. A bill to provide for orderly trade in certain articles of leather (handbags, luggage, and personal leather goods); to the Committee on Ways and Means.

H.R. 17482. A bill to provide for orderly trade in toys, dolls, playthings, and novelties; to the Committee on Ways and Means.

By Mr. GREEN of Pennsylvania:

H.R. 17483. A bill to amend title VII of the Housing and Urban Development Act of 1965 to authorize financial assistance for the development and improvement of street lighting facilities; to the Committee on Banking and Currency.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 17484. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Salmon Falls division, Upper Snake project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HATHAWAY:

H.R. 17485. A bill to make available to certain organized tribes, bands, or groups of Indians residing on Indian reservations established under State law, certain benefits, care, or assistance for which federally recognized Indian tribes qualify as recipients; to the Committee on Interior and Insular Affairs.

By Mr. HAWKINS:

H.R. 17486. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 17487. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. HELSTOSKI:

H.R. 17488. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 17489. A bill to provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes; to the Committee on Public Works.

By Mr. MOORHEAD:

H.R. 17490. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. NELSEN:

H.R. 17491. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 17492. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 17493. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. O'NEAL of Georgia:

H.R. 17494. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mr. Barrett, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Annunzio, Mr. Rees, Mr. Hanley, and Mr. Brasco):

H.R. 17495. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROSTENKOWSKI:

H.R. 17496. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 17497. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 17498. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 17499. A bill for the relief of certain air taxi mail transportation operators; to the Committee on the Judiciary.

By Mr. STUBBLEFIELD:

H.R. 17500. A bill to amend the act requiring evidence of certain financial responsibility and establishing minimum standards for certain passenger vessels in order to exempt certain vessels operating on inland rivers; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMINGTON:

H.R. 17501. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. VANDER JAGT:

H.R. 17502. A bill to provide for construction of contained dredged spoil disposal facilities for the Great Lakes and connecting channels, and for other purposes; to the Committee on Public Works.

By Mr. WALDIE:

H.R. 17503. A bill to provide equitable access to the U.S. market for imported textiles; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 17504. A bill for the establishment of a Civilian Aviation Academy; to the Committee on Interstate and Foreign Commerce.

By Mr. WRIGHT:

H.R. 17505. A bill to amend the Land Acquisition Policy Act of 1960, so as to define the consideration to be paid for taking of property for public purposes along navigable waters of the United States; to the Committee on Public Works.

By Mr. HARSHA:

H.R. 17506. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ICHORD:

H.R. 17507. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Illinois (for himself, Mr. Biester, Mr. Button, Mr. Don H. Clausen, Mr. Erlenborn, Mr. Frelinghuysen, Mr. Halpern, Mr. McDade, Mr. Morse, Mr. Quie, Mr. Stafford, Mr. Steiger of Wisconsin, and Mr. Vander Jagt):

H.J. Res. 1215. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Brown of Ohio, Mr. Coughlin, Mr. Harsha, and Mr. Tiernan):

H.J. Res. 1216. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.J. Res. 1217. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; to the Committee on the Judiciary.

By Mr. CONABLE (for himself, Mr. Gude, Mrs. Heckler of Massachusetts, Mr. McClory, Mr. Reid of New York, and Mr. Morse):

H.J. Res. 1218. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself, Mr. Hastings, Mr. McCloskey, Mr. Riegle, and Mr. Ruppe):

H.J. Res. 1219. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the House of Representatives; to the Committee on the Judiciary.

By Mr. ESCH (for himself and Mr. Robison):

H.J. Res. 1220. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. ESHLEMAN (for himself and Mr. Pollock):

H.J. Res. 1221. Joint resolution proposing an amendment to the Constitution of the United States providing for representation in the Congress for the District constituting the seat of Government of the United States; to the Committee on the Judiciary.

By Mr. HOGAN:

H.J. Res. 1222. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. PODELL:

H.J. Res. 1223. Joint resolution to authorize the President to designate June 1, 1970, as Medical Library Association Day; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself and Mr. Fish):

H. Con. Res. 595. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. DELLENBACK (for himself, Mr. Biester, and Mr. McClory):

H. Con. Res. 596. Concurrent resolution; the Congress declares national policy relative to Vietnam, Cambodia, Laos, and Thailand, and reaffirms its constitutional responsibility of consultation with the President; to the Committee on Foreign Affairs.

By Mr. LLOYD:

H. Con. Res. 597. Concurrent resolution; the Congress reaffirms its Constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. QUIE:

H. Con. Res. 598. Concurrent resolution; the Congress reaffirms its Constitutional responsibility of consultation with the President on all matters affecting national decisions of war and peace; to the Committee on Foreign Affairs.

By Mr. RAILSBACK:

H. Con. Res. 599. Concurrent resolution; the Congress reaffirms its Constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. ROBISON:

H. Con. Res. 600. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on all matters affecting national decisions of war and peace; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 601. Concurrent resolution expressing the sense of the Congress regarding further steps of the President concerning Cambodia; to the Committee on Foreign Affairs.

By Mr. TIERNAN (for himself, Mr. Conte, Mr. Moss, Mr. Farbstein, Mr. O'Neill of Massachusetts, Mr. Byrne of Pennsylvania, Mr. Addabbo, Mr. Kyros, Mr. Powell, Mr. Burke of Massachusetts, Mr. Dent, Mr Friedel, Mr. Rees, Mr. Ottinger, Mr Scheuer, Mr. Ryan, Mr. Koch, and Mr. Hathaway):

H. Con. Res. 602. Concurrent resolution expressing the sense of the Congress regarding further steps of the President concerning Cambodia; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Con. Res. 603. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. KOCH (for himself, Mr. Ottinger, Mr. Rosenthal, Mr. Mikva, Mr. Lowenstein, Mrs. Chisholm, Mr. Diggs, Mr. Bingham, Mr. Ryan, Mr. McCarthy, Mr. Farbstein, Mr. Scheuer, Mr. Harrington, Mr. Podell, Mr. Halpern, Mrs. Mink, Mr. Edwards of California, Mr. Brown of California, Mr. Clay, Mr. Fraser, Mr. Rees, Mr. Carey, Mr. Helstoski, Mr. Hechler of West Virginia, and Mr. Gilbert):

H. Res. 974. Resolution to designate May 8, 1970, as a National Day of Mourning for the Kent State University Students, etc.; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mr. Cohelan, Mr. Karth, Mr. Kastenmeier, Mr. Addabbo, and Mr. Burton of California):

H. Res. 975. Resolution to designate May 8, 1970, as a National Day of Mourning; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. Howard, Mr. Pettis, Mr. Grover, Mr. Waggonner, Mr. McCloskey, Mr. Ichord, Mr. Hosmer, Mr. Flowers, Mr. Rarick, Mr. Sebelius, Mr. Tiernan, Mr. Preyer of North Carolina, Mr. Udall, Mr. Myers, Mr. Abernethy, Mr. Haley, Mr. Hanna, Mr. Rodino, Mr. Gibbons, Mr. Galifianakis, Mr. Cowger, Mr. Griffin, Mr. Fuqua, and Mr. Gray):

H. Res. 976. Resolution to authorize a select committee of the House to study first hand the recent developments in Southeast Asia and then report its findings to the House of Representatives within 30 days of its adoption; to the Committee on Rules.

By Mr. MONTGOMERY (for himself, Mr. Cleveland, Mr. Cederberg, Mr. McDonald of Michigan, Mr. Frey, Mr. Minish, Mr. Price of Texas, Mr. McKneally, Mr. Pryor of Arkansas, Mr. Brown of Michigan, Mr. Chappell, Mr. Winn, Mr. Dorn, Mr. Edwards of Louisiana, Mr. Bush, Mr. Henderson, Mr. Eilberg, Mr. Williams, Mr. Dent, Mr. Roe, Mr. Carter, Mr. Quie, Mr. Vander Jagt, Mr. Hungate, and Mr. Smith of New York):

H. Res. 977. Resolution to authorize a Select committee of the House to study first hand the recent development in Southeast Asia and then report its findings to the House of Representatives within 30 days of its adoption; to the Committee on Rules.

By Mr. MONTGOMERY (for himself, Mr. Hastings, Mr. Hogan, Mr. Matsunaga, Mr. Burke of Florida, Mr. Downing, Mr. Hechler of West Virginia, Mr. Wydler, Mr. Wright, Mr. Weicker, Mr. McDade, Mr. Robison, Mr. Don H. Clausen, Mr. Steiger of Arizona, and Mr. Brasco):

H.R. 978. Resolution to authorize a select committee of the House to study first hand the recent developments in Southeast Asia and then report its findings to the House of Representatives within 30 days of its adoption; to the Committee on Rules.

By Mr. DERWINSKI (for himself, Mr. Flood, Mr. Stratton, Mr. Minshall, Mr. Dulski, and Mr. Schadeberg):

H. Res. 979. Resolution designating January 22d of each year as Ukranian Independence Day; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRELINGHUYSEN:

H.R. 17508. A bill for the relief of Jung Yung Mi and Jung Ae Ri; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 17509. A bill for the relief of Capt. Willie Paul Sims; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 17510. A bill for the relief of Bruce I. Gilbert; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 17511. A bill for the relief of Mario Castellano; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 17512. A bill for the relief of Edward M. Fleming Construction Co., Inc., a corporation in the process of liquidation represented by its surviving board of directors; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 17513. A bill for the relief of Maria Leann Iley; to the Committee on the Judiciary.

H.R. 17514. A bill for the relief of Kim Julia and Park Tong Op; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

473. The SPEAKER presented a petition of the Whittier (Calf.) Area Chapter, Coalition on National Priorities and Military Policy, relative to Vietnam; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

BREA HIGH SCHOOL STUDENTS SAVE LIFE

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. WIGGINS. Mr. Speaker, it is an honor for me today to bring to the attention of my colleagues the heroic actions of four high school students who reside in my district. Jim Fullerton, Ron Clouse, Stan Pegram and Fred Morris, according to firemen, risked their lives to save a young lady from her burning apartment.

The four young men attend Brea-Olinda High School, Brea, Calif. They stepped forward to enter her smoke-filled apartment, while others ignored her pleas for help.

I know that you join me in commending these young men for their swift and heroic action.

At this time I would like to insert in the Record a news report from the Brea Daily Star-Progress of April 28, 1970, which gives an account of the rescue:

Boys Enter Fire: Save Life

Brea.—Four Brea-Olinda High School students are standing pretty tall today. And well they should. A 22-year-old woman is alive today because of the quick action of the four.

The students, Jim Fullerton, 267 S. Randolph Ave.; Ron Clouse, 270 S. Redwood; Stan Pegram, 679 Cliffwood, and Fred Morris, 600 E. Imperial, pulled Pamela D. Barnett from a burning apartment shortly before noon Monday.

City fire officials said the four boys were sitting on a retaining wall at the rear of the high school during lunch break at 11:27 a.m. when they spotted smoke coming from the rear of the apartment building across Birch Street.

Firemen reported the boys ran around to the front of the building where they heard moans from inside Apartment D.

They tried several times to enter the front door of the apartment but each time was forced back by the extreme heat, firemen said.

Undaunted they went to the rear of the apartment and after several tries were able to enter. There they found the Barnett woman lying on the floor. The boys had assisted the woman to the rear yard by the time firemen arrived.

One fire official said the heroic efforts of the boys should be commended.

The apartment, occupied by Mrs. Florence Reid, received $2,500 fire and smoke damage and $2,000 damage to the contents.

Fire officials said the blaze apparently started by a lighted cigarette on a sofa.

The victim was taken to St. Jude Hospital, Fullerton, for emergency treatment and later transferred to Orange County General Hospital.

Firemen said she suffered a burned hand and smoke inhalation.

"The boys are certainly to be commended. They undoubtedly saved the woman's life. She would be dead now if they had not pulled her from the building," Fire Chief Ken Staggs said.

Fullerton told the Star-Progress, "There were people just standing around watching while the apartment burned. They could hear the woman moaning inside, but no one would go in and help her."

Pegram added, "The people told us that we shouldn't go inside because it was dangerous."

The boys said they found the woman on the floor in the doorway between the kitchen and the living room.

AMERICANS HELD PRISONERS BY HANOI

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 6, 1970

Mr. THURMOND. Mr. President, Mr. Charles H. Wickenberg, Jr., executive news editor of the State and the Columbia Record newspapers in Columbia, S.C., accompanied Mr. H. Ross Perot, Texas humanitarian, on a 26,000-mile journey to South Vietnam, Laos, and Paris to pressure the North Vietnamese into releasing information about U.S. servicemen held captive. Mr. Wickenberg, an eminent journalist, made a major contribution to this objective by his outstanding newspaper coverage of this trip.

Mr. Wickenberg's on-the-spot reports to the State provided South Carolinians with a perception of the Communist intransigence not previously equalled in journalism. His excellent series of features unfolded another tragic chapter of the callousness of the Communists and the anxiety of the American wives who are appealing to the world for humane treatment of their husbands. Mrs. George I. Mims of Summerton, S.C., whose husband has been a prisoner since 1965, and four other wives of prisoners accompanied Mr. Perot.

Mr. President, I commend these excellently written newspaper reports to the Senate. This factual coverage reveals to the world once again that Hanoi has no concern for human decency. On the other hand, Mr. Wickenberg makes it clear from on-the-spot inspection that the North Vietnamese, who are held prisoners in the South, are treated with human decency by the United States and South Vietnam in accordance with the Geneva Convention. Mr. Wickenberg is commended for his efforts, his dedication, and his 14 feature stories covering this humanitarian journey.

Mr. President, I ask unanimous consent that the features written by Mr. Charles Wickenberg and published in the State newspaper during April be printed in the Extension of Remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

South Carolina Woman Hopes for News of Husband

(By Charles Wickenberg)

Saigon.—Beverly Mims chaperoned teenage high school parties in Summerton, S.C., last Wednesday and Thursday night and missed two telephone calls at home.

The telephone awakened her early Friday. It was "United We Stand" in Dallas, inviting her to travel to Saigon on Ross Perot's prisoner of war mission.

"I was so excited I just ran around in circles and couldn't get myself together," the pretty blonde smiled. But she did. It took a quick trip to Shaw AFB for shots, fast packing, a trip to New Orleans for her passport and a breathless arrival in Dallas on time.

Mrs. Mims is one of five women on the mission whose husbands are missing in action in North Vietnam.

She talks quietly about it.

She and Lt. George Ivison Mims Jr., son of Mr. & Mrs. George I. Mims Sr., formerly of St. George, S.C., were married Sept. 18, 1965.

They were childhood sweethearts.

The Phantom jet-bomber in which he was flying over North Vietnam was shot down by anti-aircraft fire three months and two days later. Mims was a radar observer and sat directly behind the pilot in the two-seater jet.

"I'm still on my honeymoon," she smiled.

But she has had no word from her husband. He disappeared Dec. 20, 1965 on his second mission. Her hopes now hinge on information about her husband's fate.

The pilot's wife, Mrs. Joy Jefferey, met Mrs. Mims at the Dallas airport for a brief and joyful reunion.

The couples had been friends in California where the men trained before leaving for Vietnam. Mrs. Jefferey received word last week that she would soon get a letter from her husband. Mrs. Mims hopes this will give her a clue about her husband.

"I have been hoping," Mrs. Mims said, "until I know one way or the other." (It has been four years and three months.)

She is secretary to the superintendent of schools in Summerton and stays active playing golf, in three bridge clubs, in the Presbyterian church and by spending most weekends visiting her twin sister in Columbia, Mrs. Silas Permana, Jr.

"I babysit for them," she said.

"The longer I stay busy, the less time I have to think about it," she said. "It's worse at night when you have time to think about it."

She said the first year was the worst. Her widowed mother died three months after her husband was shot down.

"I decided I had to get busy, so I went to work," she said.

Schooled in business at Coker College, she'd worked before marriage at the State Welfare Department for two years and for the U.S. Internal Revenue Service in Columbia for three years.

Her husband was graduated in June 1963, from Clemson in Electrical Engineering. He was an Air Force ROTC cadet officer, a member of Kappa Delta Chi social fraternity.

"We dated all through school in Summerton," Mrs. Mims said.

She received two letters from him after he arrived at a base in Thailand. The first was written the day he arrived, December 18, 1965. He had left her at the Columbia Airport on Dec. 1. The second and last letter was written December 19, 1965.

"He said he'd flown his first mission and it was 'uneventful,' she said.

His plane was reported shot down the next day. Observers saw it hit but saw no one bail out, nor was there any radio contact.

Mrs. Mims has kept close touch with the Air Force wives around Sumter and it was through them that she went to Atlanta last January to talk with Perot.

"We met and talked. I never heard from him or his staff people again until last Friday. I just find it hard to believe that I'm here," she said. "I don't know why I was selected, but I'm thankful."

She said she does not feel the "publicity" would hurt her husband's chance and felt "the more pressure we can put on Hanoi, the better chance the men will have."

"I'd be willing to go to Hanoi," she said, "but none of the wives really have any such hope of that."

A Visit to POW Camp in Pleiku

(By Charles Wickenberg)

Pleiku, South Vietnam.—April 2 (delayed)—The prisoner of war camp spread over a red hillside two miles south of this province capital in the cool central highlands. It is just off highway 14 and about 300 miles north of Saigon.

It looks like any other prison stockade, wrapped with barbed wire, high fences and the inevitable guard towers at each corner. But here are held 1,031 prisoners of war, 940 Viet Cong (VC) and 91 North Vietnamese Army (NVA) regulars.

This was H. Ross Perot's first stop in a flying inspection of four of the six prisoner of war camps run by the South Vietnamese. The other two camps, one for women, are in remote areas and difficult to get to.

The inspection was a strictly formal affair for Perot and the nearly two dozen newsmen with him. They filed into a small briefing room at the administration building outside the compounds.

Photographers spotting a working detail, began snapping and the South Vietnamese Army (SVA) information officers quickly warned them to stop. It is against the Geneva agreement to take pictures except in a "controlled" situation.

Col. Tam from the Saigon government, welcomed the group and said Perot's representatives had been there recently. Speaking haltingly in English, he said, "I am very glad to receive Mr. Perot in person and you will see for yourself everything reported by his representatives."

Maj. Phan is the commander of Pleiku camp and spoke through an interpreter, whose English pronounciation made note-taking difficult. He explained the processing of prisoners and the operations of the camp. And he emphasized a training program to teach such trades as tailoring, medicine, carpentry and mechanics. Each prisoner is paid the equivalent of 25-cents a day.

There is a camp dispensary, he said, but seriously ill prisoners are taken to the Pleiku military hospital. The NVA prisoners are permitted to send one postcard a month and the VC a letter a month.

For the NVA, it is a formality extended but not used. Hanoi does not acknowledge it has any troops in the South, therefore, there is no place to send the letters because the North will not accept them.

Perot, however, has picked up about 250 pieces of mail from the POWs although most say they are under orders not to write if taken prisoner. The letters, if delivered, will have to go in a circuitous route for fear of retribution, Perot said.

The briefing was ended, again via agreement prohibiting the interview of individuals or taking pictures of the individuals. Any questions to be asked must be known by the camp authority in advance, he said.

That problem was resolved quickly because questions were given verbally to an interpreter in the presence of camp officers.

The group filed out of the building and walked across the red clay road, packed hard with dampness and studded with rocks that made walking difficult.

The main gate to the compound was a tangle of barbed wire with several turns in the path. Inside the area a colorful garden plot contrasted with the harsh red expanse of ground. There was little grass anywhere.

Barracks housing more than 50 men in double decker bunks were of corrugated steel, open between the walls and the eave of the pitched roof. There were no hanging doors and no windows. None is needed in the moderate climate.

The bunks were typical of the country. A dozen wooden slats, about 2 inches wide and an inch apart ran the length of the bed. There were no mats or mattresses, but army blankets were laid neatly over the frames.

An occasional Pepsi Cola can was tacked to the head of the bunk and held a toothbrush. A single light bulb hung from the ceiling in the first barracks.

A half-dozen POWs stood at relaxed attention as the group walked through. They wore one of the two sets of pajama-like beige-colored uniforms. Most wore caps of the same material. All appeared healthy.

The inspection group wound its way into an adjacent building called a recreation room. In the center was a ping pong table. A guitar leaned against the wall and there were some pictures.

Six POWs stood at attention and Perot stopped to question them.

He asked how long they had been prisoners and the interpreter asked them to hold up their hands to indicate one, two or three years.

"Is it clean like this all the time?" Perot asked.

"Yes," was the answer.

"Ask him what he had for breakfast," a newsman called out.

There was an exchange of conversation and the interpreter explained that it is the custom to eat only two meals a day in this country so there is not the same thing as breakfast.

"We have rice, fresh fish and cabbage," he said.

"Are you better fed here or with the VC?" Perot asked.

"It is much better here," the prisoner replied, "We have much rice here. We get fish and meat."

In answer to another question he said he had gained weight.

"Are there any sick or wounded here?" a newsman asked.

The camp officers replied that wounded are taken to the Bien Phien camp, east of Saigon.

One prisoner standing to one side appeared to be glassy-eyed and Perot stopped in front of him and asked if he were sick.

"He says he has been sick, but is feeling pretty good now," the interpreter relayed.

The POW added something else.

"He says he was forced by the Viet Cong to fight."

Outside the building rice was spread on a mat and drying in the sun.

"We are putting them in new red-colored uniforms as their clothes wear out," the camp commander said as the group filed along the paths into the camp kitchen.

The POWs were cooking large quantities of rice in six great pots, stirring with shovels. Tables on one side of the long room held stacks of squash and cabbage. Outside the door a small group of POWs was cutting up a large tub of fish. They popped to attention as the group stopped to look.

By far the best building in the compound was the arts and crafts shop which had a concrete floor and a matted ceiling. Young POWs sat at a table embroidering kerchiefs in familiar Oriental designs.

Next stop was the officers quarters, almost identical to the other buildings. The Geneva agreement required them to be segregated. One stood at attention and had one slipper off his left foot. A pair of crutches lay neatly under his bunk.

He was identified as an NVA officer.

As the group walked across the compound yard, some of the newsmen grumbled at the rapid pace and the difficulty of asking questions.

An American Army sergeant interrupted to say, "They were telling you what was said. They translated it right." He identified himself as an interpreter.

Perot took a moment before leaving for Da Nang to talk with the newsmen.

"The International Red Cross indicates that these camps here are some of the best run. I would say that if I were a POW, I'd rather be here than in the North."

It had taken a little more than one hour.

South Viet Program Working

(By Charles Wickenberg)

Pleiku, South Vietnam.—April 2 (Delayed).—Col. Ja Ba is the province and sector chief for this central area flanked to the west by Cambodia. He is the highest ranking Montagnard in the South Vietnamese Army.

He is unique among his people, the second largest minority in the country. By and large the Montagnards are primitive mountain people who live as slash-and-burn farmers, hunters and gatherers.

FALLEN OFF

Col. Ja Ba is both civilian and military authority in the province where enemy activity has fallen off. There have been only 114 contacts since Jan. 1, the South Vietnamese Army claiming 273 killed.

The Viet Cong have commandeered the Montagnards as workers and porters and have continuously intimidated them.

It fell Col. Ja Ba's lot to move an entire tribe, the Bahnars, from the mountain jungle north of here to a resettlement camp about 15 kilometers from the city.

WELCOMED

The grinning Montagnards welcomed visiting newsmen with music, beaten out on heavy cymbals of different tones. Slight, and thin, they wore few clothes. Many of the men wore breech clothes, others wore the top half of GI field clothes, and strange to the scene, sport shirts.

Older tribesmen crowded the sides of the new "open" building to listen to their leaders talk. In the distance from the mountains from which they came, rain began to fall and a thunder-storm began. They didn't notice.

There are 1,969 of them here, half of them adults. They represent 408 "families," the strong and basic unit of their culture.

In December of 1968 they were brought out of the mountains to this new home. The government supplied the timber and the nails and corrugated metal for roofing and the Montagnards built their homes, a three classroom school, a dispensary and dug seven wells.

But they weren't happy at first. A hundred died from disease. And many became discouraged and filtered back to the mountains.

Those who remained were reluctant to cultivate the ground. Few could read. They knew nothing of personal sanitation. And they were consumed with a yearning for their hamlets.

It has been a compassionate program here to teach even rudimentary thoughts of civilization to them, but it is beginning to work.

They have elected their village chief and a council.

They have learned the necessity of providing a perimeter defense for their village. Foxholes dot the whole area, an expanse of fields with few trees. There have been some rocket attacks, but no ground assaults.

The government is also trying to teach them to make cloth. In an adjacent building are seven looms, five of them broken. A young woman goes to work frantically as the Americans enter, the bobbin creaking from one side of the loom to the other.

A partially used cone of orange, two ply thread on the floor came from the David Sanders Co., Belmont, N.C.

The sound of singing came clear across the yard from the school where 29 Montagnard children crowded on wooden benches behind rough cut tables. When they finished singing they giggled at the Americans who spontaneously applauded. And the kids applauded back.

The one room dispensary had only first aid equipment but there were large cartoons pasted to the front of the building which demonstrated how to use soap to wash hands and how to brush teeth.

The village chief walked to the gate with the newsmen.

One reporter noted that all the men wore copper or bronze bracelets and asked why. The interpreter replied that it was a tribal tradition.

Before he finished talking, the chief took off his bracelet and clamped it on the newsman with a grin and handshake.

It was the easy way to become an "honorary" Montagnard.

The customary way, tradition says, is drink a quart of their rice wine which is laced with goats blood—through a foot long straw.

MORALE RUNS HIGH AFTER VICTORY

(By Charles Wickenberg)

BAN ME THOUT, SOUTH VIETNAM.—Morale of the South Vietnamese 23rd Division headquartered here is running high after beating back and routing three North Vietnamese battalions in a two day battle April 1–2.

The action at Song Mao, far to the southeast on the coast of this tactical zone command of the U Corps central highlands, was handled by the government forces. Americans provided only the close air support.

The Communists lost 141 killed, six captured—including a company commander—and 13 crew served weapons were taken. It was one of 582 operations fought by the 23rd since January 1.

The victory is quietly pointed up by American Army advisors as evidence that the South Vietnamese have developed the capability to defeat the North Vietnamese.

It is based on that "Vietnamization" of the war that American troops are being withdrawn steadily, and in this area it appears to be working.

In a two month battle running from October to December last year, the 23rd defeated a 7,000 man North Vietnamese force that infiltrated across the 190 kilometers or border with Cambodia into the Quang Duc province.

The Communists have been targeting on the South Vietnamese since January 1.

The Communists have been targeting on the South Vietnamese armed forces in the II Corps and there are an estimated 15,000 NVA and VC in the division's area of responsibility which includes seven provinces spread from the coast to the Cambodian border.

But the success of the South Vietnamese is not alone in the military victories. There is obvious progress in the pacification of the seven province areas dominated by the 23rd Division.

From the general mobilization after the Tet offensive of 1968, most of the villages and hamlets now have their own government and military defenses and if the activity in this city is an indication, there is a strange normality in living.

Streets in the business district are jammed with shoppers and the availability of consumer goods, including American canned goods and liquor, is apparent at every turn. Many of the small frame houses are topped with television antenna and school children romp in play yards.

Outside the city, dirt roads are passable and the government has large signs designating experimental coffee and rubber plantations.

Vietnamese line up in tree shaded yards of the bigger residences converted to offices handling labor, refugees and reconstruction problems.

Big banners stretch across the entrance proclaiming the newly enacted "Tiller of the Soil" law of the Thieu regime which will transfer the land from the big property holders to the peasants.

While military traffic gets the right of way through the partially paved city streets, one could count nearly 200 motor bikes and bicycles in a one-block stretch of the business district.

The scene substantiated an observation which U.S. Ambassador Ellsworth Bunker had given newsmen in Saigon.

"There is little doubt that the pacification program has developed momentum and produced a totally new atmosphere in much of the country side . . . A substantially greater portion of the population now lives within reasonably secure areas," he said.

"While the real situation cannot be measured precisely, the bustle on the country roads toward the markets, the refugees returned to their villages to plow their fallow fields, the traffic on roads and canals certainly confirm the trend," he said.

The key, of course, is security of the area.

After Tet, military and paramilitary forces swelled with volunteers numbering millions. Regional Forces (provinces and district forces) and Popular Forces (village and hamlets), nicknamed "Ruff Puffs," were increased by 73,000 and equipped with M–16 rifles and M–79 grenade launchers. Over 3,000,000 are in the People's Self Defense Force.

The North Vietnamese regular forces and the Viet Cong, however, remain a sinister threat with their guerrilla hits and stand-off mortar and rocket attacks which now seem aimed mostly at the South Vietnamese forces.

And while there has been a big improvement in fighting capability, there are serious deficiencies in air, artillery and communications.

The First U.S. Air Cavalry Division has more helicopters than the entire Vietnamese Air Force; a single U.S. carrier has almost as many jets as the VAF; an American division has twice the artillery pieces and mortars of an ARVN division.

But as the U.S. forces are withdrawn, they are handing over their equipment to the ARVN units remaining in the field and spend months in training the ARVN troops in the use of artillery, trucks, radios, and repair equipment.

Capt. Kevin Sepp, an advisor to the 23rd ARVN Division, weighed his answer to the question of the South Vietnamese capability to fight the war.

"At first, you are skeptical when you get here, it takes time to know these people, I'm convinced now. I strongly believe in their capability," he said.

NOT EVEN HOSPITAL IMMUNE FROM WAR

(By Charles Wickenberg)

BAN ME THUOT, SOUTH VIETNAM.—Not even a hospital for lepers is a sanctuary from the relentless war of death and destruction waged by the North Vietnamese and the Viet Cong.

But they have not stilled the healing hope of some American missionaries who have returned again and again to rebuild a leprosarium here although six of them have been killed and others captured.

In 1951 the leprosarium was organized nine miles southwest of this provincial capital to help the ulcerated and deformed Montagnard tribesmen who have the highest leprosy rate in the world.

The tribal tradition made outcasts of the lepers who were forced to the jungles from their families and villages.

From 40 patients in 1951, the missionaries of the New York based Christian and Missionary Alliance reached out to serve 1.400 in four of the highland provinces by 1961.

The hospital near here was the only medical center, but three villages were organized where families could get therapeutic and preventive treatment. It takes a long time to overcome the deep cultural taboos.

By 1962 a 35-bed permanent hospital unit was completed. The staff numbered eight resident missionaries, one medical doctor, four registered nurses. There were 1,300 children receiving care.

On May 20 of that year, the Viet Cong entered the compound, captured Dr. Ardel Vietti, The Rev. Archie Mitchell and Dan Gerber. They have not been seen since. There are unsubstantiated reports they were prisoners. It has been eight years.

Hospital records and the remaining missionaries were returned to the safety of this city and treatment was continued in the villages.

It took four years to build a new compound, and it became the administrative center for the leprosy program.

Then came 1968 and the Tet offensive. The center was attacked and overrun. It was held for several days as the battle for the city was fought.

When the enemy troops were driven out, they had left only one building at the leprosarium. The medical unit, machine shop and other structures were burned. The wall of the remaining buildings were torn down. Furniture, equipment and supplies were looted by the Communists.

Six missionaries were killed. Two were taken prisoner by the VC.

Only Olive Kingsbury, a nurse, survived. She was out of the city when the attack came. She returned after the battle with emergency supplies and set out again to rebuild.

American doctors assigned in the area to military and civilian medical units are helping and additional staff is anticipated to continue the work begun 19 years ago.

"We feel that God has brought us here," said Nurse Kingsbury.

POWS: WIVES MEET IN FUTILE SEARCH

(By Charles Wickenberg)

VIENTIANE, LAOS, April 5 (Delayed).—The lonely paths of two groups of American women crossed in a hotel lobby here today. They were searching this isolated capital city for word of their men who are missing in the Vietnam War.

One group of five is traveling with the H. Ross Perot group. The other, two mothers of missing flyers and three wives, are traveling on their own independent search.

They shared a common bond of hope and a growing sense of hopelessness with the polite turn down of their questions for any information by the North Vietnamese Embassy here and by the communist Pathet Lao.

Mrs. Gordon S. Perisho of 3 Old Orchard Road, Quincy, Ill., sat by herself in the Lane Xang Hotel lobby. She was ill with what she called "the Bangkok Crud" and waited on the others to come back from an appointment with Col. Soth Pethrassy, the Pathet Lao's representative here.

Her 31-year-old son, Lt. Gordon Samuel Perisho, USN, has been missing in action over North Vietnam since Dec. 31, 1967. He has a two-year-old son he has never seen.

She talked easily although she appeared tired.

"I have faith in human beings," she said. "They have hearts and somehow we will reach them and they will understand that we want the names of the men who are missing."

She said her daughter-in-law had gone to

Paris last December to ask information from the North Vietnamese delegation to the peace talks. She received no word.

An hour later, Mrs. Perisho's four companions returned to the lobby.

Mrs. Irene Davis of Burlington, N.J., said the group was received cordially and politely by Pethrassy and he had expressed sympathy.

"He repeated many times in Lao that the only condition under which information on prisoners would come out would be with a cessation of all bombing," she said.

The reference is to the U.S. harassment of the Ho Chi Minh supply trail that runs from North Vietnam along the Laotian border and feeds into South Vietnam.

She said the Communist leader had displayed a booklet showing alleged victims of U.S. bombings and had talked as long as 20 minutes at a stretch.

"It was difficult to ask our questions," she said.

She said that the Pathet Lao official believed that prisoners are held in caves near villages where they were shot down and did not identify any prisoner of war camps.

"He said he had no information on any men and that none would be given until the bombing stopped," she said. His only information was that 1,000 planes have been downed and there are 100 prisoners.

But even that is uncertain because the Pathet Lao have no agency to deal with prisoners and have given no priority to the problem.

Mrs. Davis said the Pathet Lao had accepted letters addressed to prisoners but made it clear there was no guarantee of delivery. He turned down packages that were offered.

"He made us feel more boxed in than ever," she said. "It is a maze. I don't know where to turn."

Laotians Faced With Refugee Problem

(By Charles Wickenberg)

PAKSANE, LAOS, April 5 (Delayed).—Nearly 10,500 refugees from the Plain of Jars invasion by the North Vietnamese Army have filtered through the mountains and jungles to six government-run villages near here.

They are part of the estimated 200,000 who have fled the Communists since January, creating a massive refugee problem for Prince Souvanna Phouma's already hard-pressed government.

The refugees here, a province capital 90 miles north and east of the capital of Vientiane, are from the Meo mountain tribes and they moved in family units of as many as seven with only their clothes on their backs, scavenging food on the month long trek to the South.

U.S. relief workers are on the scene providing clothing, food and other essentials, but it is the Laotian government which has the problem of resettling the nomadic families on new land.

Paksane is reachable only by air from Vientiane. There are three battalions of North Vietnamese within 15 miles supported by an estimated 500 Pathet Lao. There are four battalions of Royal Laotian Army forces, armed with M-16s, and quite proud of four artillery pieces supplied by the U.S.

One of the two World War Two transport aircraft that brought H. Ross Perot and American newsmen here was fired on by small arms and hit in a wing before landing at a dirt air strip.

But military activity has been quiet since mid-February and the main attention is on taking care of the bedraggled refugees.

At one refugee village, newly built bamboo and thatched shacks dotted a burned-off hill side that only weeks ago was wild jungle.

Life was quiet as men and women and children lounged on shaded porches out of the blazing 90 degree noon sun that beat down. They appeared healthy and were friendly, greeting visitors politely with the traditional bow and hands clasped together.

There were very few young men.

Most of the young have been taken by the NVA or Pathet Lao as coolies or have been killed.

The Laotian government is trying to teach the primitive tribesmen how to cultivate the land, to break them out of ancient patterns. For centuries they have moved from mountain top to mountain top, using up the land, leaving it for new ground.

Now that the Communists control 90-per cent of the land area, the tribes people are being locked in. Without land control and crop rotation there will be no place for them in the future.

"We are running out of 'mountain tops,'" said Tom Xerry, a 28-year old U.S. Aid for International Development worker who has lived in Laos for two years.

Perot Gives POWs Gifts

(By Charles Wickenberg)

VIENTIANE, LAOS, April 6 (Delayed).—H. Ross Perot, the Texas billionaire, brought gifts with him for prisoners of war and their guards at the San Khe prison near here.

"When we were here last Christmas," Perot said standing outside the 20-foot concrete yellow walls of the enclosure, "The prisoners complained that their volley balls were 'broken.' They also said they didn't like the way the Lao cooked rice."

Since then, the North Vietnamese prisoners cook their own rice, and Perot brought new volley balls with him.

Perot, who wears a crew cut, also brought along a couple of sets of hair clippers—one for the prisoners and one for the guards.

"We want to be careful and not raise any feeling of partiality," he said about the separate sets of gifts for guards and prisoners.

San Khe doubles as both a prison for the captured soldiers and Laotian convicts. It is the only POW compound operated by the Royal Laotian government and houses 88 North Vietnamese and Pathet Lao.

Inside the compound, a second high wall surrounded neatly arranged barracks which flanked a wide courtyard where both POWs and the civil prisoners lounged and played games.

Although a recent tornado had ripped some of the corregated steel roofing on two buildings, the structures were neat and clean.

There has been no rush to fix the roof because the Monsoon season doesn't begin until late May and the Laotian houses are usually "open" to the hot tropical climate.

The senior prisoner is an NVA captain. The longest resident is a soldier taken in 1964. The youngest is 18. There have been no escapes since the prison was built in 1968.

The inspection of the camp by Perot and American newsmen was conducted by Gen. Etam, chief of Army intelligence, and Col. Kamphoun, the prison commander.

It was almost without incident, the visitors were free to wander about while the POWs remained in ragged ranks in the courtyard and watched the Americans.

There was a mild flap as the inspection neared its conclusion.

A local reporter, an American, for Dispatch News Service, had acted as interpreter for a group of newsmen interviewing POWs and quoted one prisoner as saying that there were two men held in solitary who were never let out when visitors came.

Newsmen immediately demanded an investigation and Perot joined in and the camp commander promptly agreed. A pool of newsmen and photographers went to the building indicated by the talkative prisoner and found two amputees.

"There was nothing to it," one newsmen said later. "Both of them said they had trouble finding a place to sit down outside and that it was easier for them to stay inside. Both had crutches and said they were not mistreated."

A Frenchman, held prisoner for peddling narcotics, also told them that prison conditions were good and that there was no mistreatment of the POWs.

The incident made Perot late for an appointment at the North Vietnamese embassy here.

"I don't care. It is important that we get at the truth and the facts. The willingness of the camp commander to let us go right after the facts speaks for itself," he said.

"I'd give anything if in two days we were standing in Hanoi arguing about the same thing," he said.

North Viet POW Interviewed

(By Charles Wickenberg)

VIETIANE, LAOS, April 6 (Delayed).—North Vietnam has steadfastly refused to admit it has soldiers in Laos or South Vietnam but American newsmen have seen and talked with them.

Only a few miles from here in a high-walled prison compound, 88 officers and men of the North Vietnamese Army are held along with civil offenders. It is the only Laos government prisoner of war camp.

American newsmen inspecting the prison camp selected at random one POW to talk with. The wives of 5 American POWS were present.

Sgt. Hguyen Thanh Long, 19, was captured February 12, 1970 at the Plain of Jars. His left arm was in a cast, from wrist to elbow. He sat in a small open pavilion and talked through two interpreters.

Q. Where is your home?

A. Hung Cha village.

Q. How was your arm injured?

A. It was wounded by artillery shrapnel.

Q. Why were you fighting in Laos?

A. My troops had the mission to go to South Vietnam but the Lao troops barred us.

(The Plain of Jars is a great distance from the Ho Chi Minh trail followed by the NVA along the Lao border into South Vietnam).

Q. Why were you so far off your course?

(The prisoner blinks his eyes and cuts them toward the Lao officer doing the interpreting. He crossed his legs and waggled his foot nervously).

A. I came to the Plain of Jars but the real mission was to go to the South. We came to protect the Plain of Jars and also to help the Patho La (Lao communist forces).

Q. Why did you join the army?

A. I joined because my country was aggressed by American troops. I am a man and I must serve my country.

Q. How do you know the Americans are the aggressors?

A. I know because I have seen some American aircraft bomb the country and have seen some prisoners who were American.

At those words Mrs. Lynn Glenn of Jacksonville, Fla., whose husband Danny was shot down over Vinh Binh, North Vietnam, in June 1966, leaned forward and asked, "Where, where did he see any?"

The military interpreter turned to her momentarily, paused, then asked the question.

A. I didn't see any prisoner of war camps but some pilot who was shot down over North Vietnam and was arrested by the army and was taken and shown to the town.

Q. Were there any beatings? Did the people beat him?

(The prisoner answers vigorously, gesturing with his good arm).

A. When he was arrested and shown through the town, I didn't see anybody beat him but some would like to beat him but the guard protected him. My government knows Americans like to eat bread . . . to smoke cigarettes and they give him anything he likes to eat if they have it but I don't get enough to eat here.

XUM

Q. What town did you see the American flyer?

A. I saw a pilot in 1967 and 1968 when they bombed the bridge at Hanoi, in Hanoi, I saw him but I think the Americans are more than 2,000 because the aircraft that have been shot down are more than 3,000 (U.S. figures on missing men is 1,500).

The officer signaled that the interview was over and as he did so, the prisoner talked to him and pointed to his cast which he carried in a sling made of camouflage parachute cloth.

"He asked about treatment," the officer explained. "We will take him to the hospital."

Q. Are you getting good treatment for your arm?

A. When I was arrested and sent to a hospital in Vientiane it was good treatment but when I came to the camp it hasn't had medicine since.

Q. Do you have any complaints?

A. I would like to have my arm treated. Some of us don't have enough food and clothes.

Q. Do you think you get better treatment here than Americans do in North Vietnam?

A. (He shakes his head indicating "no.")

Q. Have you written a letter home?

A. I don't want to write home. I don't like to write. They know I am a prisoner here and that I must stay here until I am liberated.

Q. Did the military instruct you not to write if you were taken prisoner?

A. There were no instructions. It is my own opinion.

Q. How does your family know you are a prisoner?

A. The family of the North Vietnam soldier doesn't try to know what happened to the son or the husband. Only my unit knows who is missing or who died. That information is kept in the unit until all the country is liberated. Then the family will know.

Q. Have you been beaten since you were captured?

A. I was handcuffed and kicked some but not since I have been here although there are some who look like they want to beat me.

Rebuffed Perot Heads for Paris

(By Charles Wickenberg)

Anchorage, Alaska.—Texas billionaire H. Ross Perot, rebuffed three times at the North Vietnamese Embassy in Laos in efforts to provide information on North Vietnamese prisoners held in the south, headed for Paris Wednesday in his bid for world support on the prisoner of war issue.

The persistant one-time computer salesman who eventually amassed a fortune, used hard-sell American business tactics with the North Vietnamese. But it failed to impress the Communists after seven hours in the embassy gatehouse brought him only constant refusals of appointments.

Perot finally broke the drawn-out psychological war by brazenly knocking on the front door of the embassy to "ask them if they wanted the films and letters about their prisoners." He was hurriedly escorted away by minor embassy officials.

Perot said the action obviously meant that Hanoi doesn't care about the prisoners and their families and after two other tries he left Vientiane for Paris, via Saigon, Tokyo and Anchorage.

He repeatedly said he was complying with the Christmas demand by the North Vietnamese that he show the same concern for North Vietnamese prisoners as for Americans. He had inspected four of the six South Vietnamese POW camps and had with him films and letters from North Vietnamese prisoners.

After being turned down on his final try Tuesday, the North Vietnamese issued a press statement branding him a "servant of the aggression policy of Nixon," saying "such a man with his rude and incorrect attitude" does not deserve welcome.

Three wives of missing servicemen, including Mrs. Beverly Mims of Summerton, S.C., tried privately to break through the icy reception Tuesday morning in a private visit to the embassy to ask whether their husbands are dead or alive.

A North Vietnamese official suggested they leave the Perot party and hinted that they might be given an appointment in several days. Mrs. Mims explained the cost involved in remaining there alone, and the official suggested that the wives go on to Europe and try there.

Faced with the agonizing decision of whether to stay in Laos or go with Perot, the wives resolved to remain with the Perot group in view of the lack of information another group of wives experienced from both the North Vietnamese and the Patet Lao.

Mrs. Mims is hopeful that something big concerning the POW issue is about to break. However, she is obviously suffering from emotional and physical strain.

Perot is also optimistic, despite his setbacks in Laos which he thinks he will ultimately succeed because of international concern for humanity.

But so far there is no more sign of success in his businesslike hard-sell approach than there has been in the equally unsuccessful dignified, sensitive approach of international diplomacy.

North Viets, Viet Cong Walk Out on Newsmen

(By Charles Wickenberg)

Paris.—North Vietnamese and Viet Cong spokesmen walked out on American newsmen who tried to question them at press briefings after the 62nd session of the stalemated Peace Talks here.

The cold shoulder treatment followed a race around the city to three separate legations by H. Ross Perot in futile efforts to hand over films of North Vietnamese prisoners held by Saigon.

The spokesman for the Viet Cong delegation replied to one question through a French interpreter saying, "We are here to find a solution to the conflict in South Vietnam and for this reason we will not receive Mr. Perot."

"Why don't you allow American journalists to visit American prisoners in Hanoi?" one newsman called out.

The delegates folded their papers at the rostrum, rose and began to walk out of the press briefing room in the Majestic Hotel, a block from the famed Arc de Triomphe.

"Aren't you interested in your prisoners in the South?" asked another newsman.

The Viet Cong representatives walked silently off the brightly lighted stage without looking back.

The scene was repeated a half-hour later with the North Vietnamese peace delegation spokesman who ignored the efforts to get his attention after answering the press corps assigned to the talks.

Perot hit the French soil running after a 30 hour flight from Saigon across the top of the world to the French capital. Newsmen with him were still wearing tropical clothes from the 90 degree Saigon weather and shivered in the damp 35 degree Paris drizzle.

Gendarmes guarded the sidewalk outside the North Vietnam Delegation compound on Choisy-le-Roi and forced the newsmen with Perot behind barricades across the street lined with trees just beginning to bud.

The small Texan was allowed momentarily inside a gate, told that he would not be received, and came out to watch the delegation drive away leaving him standing on the sidewalk.

A fast ride to the other side of the city brought him to the Viet Cong mission, a third floor suite on the Avenue Cambaceres.

His arrival apparently took the VC by surprise. He was admitted to a waiting room, where trophy cases lined the walls with bits and parts of American planes and weapons and uniforms.

There was also an Identification Card of a purported American flyer. The name on it was "Charles Franco." A subsequent check showed his name is not among the missing.

The VC official told Perot he would telephone an answer about an appointment later in the afternoon, but the answer came at the press briefing at the Majestic.

A third try came at the North Vietnamese embassy where 50 French police blocked the street and refused to let newsmen off buses that followed the Texas billionaire on his calls.

It was apparent his route was anticipated and after a quarter hour the newsmen were allowed to stand in the street and watch from a distance as Perot was told again that he would not be met by the Communists.

Perot left, still carrying the bag of films and letters.

Several hours later, three of the five wives of American pilots who are missing in action, paid a private call at the North Vietnamese embassy.

They weren't even allowed in the gate, Mrs. Beverley Mims of Summerton, S.C., reported.

Late in the day, Perot announced that he would not go to Stockholm as planned because his contact there was out of the country and that he would head home to Dallas by way of New York.

The end of the long trek around the world was in sight.

But Perot's failure to talk with any North Vietnamese here or in Vientiane, Laos, didn't dim his enthusiasm for the cause, nor did it discourage the five American wives.

If anything, he had dramatically demonstrated the rigid policy of the Communists who refused to acknowledge their troops were in South Vietnam, or that their men are captives.

Ten days before in the Dallas airport, Perot said the same thing: "Hopefully, out of this trip world opinion will result in the return of our men."

Perot Journey Ends: Wives Head Home Tired, Empty Handed

(By Charles Wickenberg)

Paris.—Mrs. Beverley Mims of Summerton, S.C., and wives of two other American flyers downed over North Vietnam, headed home Friday, tired and empty handed, after an around the world search with H. Ross Perot for information on their men.

"We have no information," the pretty, 31-year-old school secretary said. She was one of five wives accompanying the Texas humanitarian on his 26,000 mile, 11-day journey to pressure the North Vietnamese into releasing word on some 1,400 Americans presumed held prisoners of war by Hanoi.

Two of the other women have heard from their men and know they are wives, not widows.

Although Perot made the well-publicized calls on the North Vietnamese Embassy, its peace delegation here, and on the Viet Cong mission, Mrs. Mims and two others called privately on the embassy.

They were turned away here as they were three days ago, half-way around the world, in Vientiane, Laos.

"When we rang the door bell on the North Vietnamese Embassy here, a Frenchman came to the door (French Communists help staff the Embassy). Our interpreters talked to him in French and he said that they couldn't see us today or any other day. We stood there about five minutes telling him why we had come around the world but it didn't do any good. We didn't even get inside the door," Mrs. Mims said.

They had made a similar call in Vientiane on the North Vietnamese.

"The man who came to the locked gate there did speak English. He was polite but he made the point several times that they

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wouldn't receive us because we were traveling with Mr. Perot," she said.

In Vientiane, the North Vietnamese spokesman sought to encourage the women to separate from the Perot group with a subtle suggestion that they might be received at a later date.

"There was another group of wives and mothers there who were traveling privately. They got in but they didn't get any information," Mrs. Mims said. "We thought about staying in Vientiane. But we had the feeling that we didn't know if they would tell us anything or not. They didn't exactly answer us but they wanted us to separate from the Perot group."

Mrs. Mims said she felt a little "uncomfortable" that they were holding information "when we came all the way to get it, but they wouldn't even let us in the gate."

"Just knowing we were within 30 minutes flying time to Hanoi from Vientiane was something," she said wistfully. Hanoi has been tagged as the Communist main POW camp location.

Did she feel she might have had more success if she traveled alone rather than with the Perot group?

"If I thought it would do any good, I'd go again," Mrs. Mims said. "One of the wives with us has been here twice and to Sweden once without any luck, so I feel that I had more of a chance with Mr. Perot's efforts."

She said she felt the publicity resulting from the trip would put pressure on Hanoi to change its attitude on POWs.

"I think it is because of what Mr. Perot has been doing that the peace groups are getting the names," she said. She had met the Rev. Richard Fernandez, a United Church of Christ minister and leader of the Committee for Liaison with American Prisoners while in Vientiane but didn't talk to him at length.

Fernandez and two others were en route to Hanoi and hopeful, like other anti-war groups allowed in, that they would bring out more names. Fernandez was in Columbia, S.C., two years ago to support Fort Jackson soldiers in an anti-war movement aimed at a prayer service at the military base and was interested in the UFO. He was also a defense witness at the recent trial of the "Chicago Eight."

The outstanding point of her trip, Mrs. Mims said, was a visit to a South Vietnamese POW camp at Bien Hoa, east of Saigon, where young Viet Cong and North Vietnamese are held along with amputees and 26 women.

"It was interesting to see how well they were treated and cared for compared with what we know of our prisoners held in the North," she said. "I saw two young women who had babies since they were at Bien Hoa and we were told they would be released in 90 days," she said.

She said she talked with six Vietnamese soldiers who had escaped from North Vietnamese captors but none of them had seen any Americans. The refugee center was in Saigon.

How does she feel about the American involvement in Vietnam now?

"I guess I have had some apprehension in the past but after being with the South Vietnamese people and seeing it myself, I believe it is necessary for us to be there. They really appreciate what America is doing. They were all concerned and expressed sympathy for the American wives and families.

"I visited two prisoner camps, at Da Nang and Bien Hoa. I went to Bien Hoa twice, and I have seen for myself that the prisoners are well treated," she said.

The two other wives of missing flyers are Mrs. Sandy McElhanon of Ft. Worth, Tex., and Mrs. Paula Hartness of Dallas. Two that have heard their husbands are captives are Mrs. Carlotta A. Peterson of Ft. Walton Beach, Fla., and Mrs. Lynn Glenn of Jacksonville, Fla.

War Prisoners: A "Weapon" Hanoi Wields

(By Charles Wickenberg)

Swift and violent death, the agony of wounded bodies and shattered limbs, the bone and soul-deep exhaustion are as much the elements of combat as the military textbook tactics of firepower and mobility.

But out of the long, frontless war in Vietnam has emerged a more vicious, sinister onslaught on human sensibilities—the inhumane treatment of American prisoners of war by the North Vietnamese.

It is almost without precedent in modern warfare.

The humanitarian concern for captives, men who do not represent any military threat, is spelled and in the Geneva Convention agreed to by 123 nations, including North Vietnam.

The agreement specifically provides for inspection of prisoners of war by a third party, for the exchange of the wounded and sick, for the flow of mail between prisoners of war and their families, and for humane treatment.

Yet, the Hanoi government has refused to even identify the Americans it holds; refuses inspection by the International Committee of the Red Cross; and the stories told by prisoners who have been released are incredible—months in solitary cells, sparse diets, crude medical care, and no mail from their families. There are accounts of torture.

The price is paid not only by the estimated 1,500 Americans who are missing in action or known to be prisoners, but by their wives, children and mothers who endure the anxiety of not knowing whether their men are dead or alive. Many have lived with it for more than four years.

The United States has made direct appeals to Hanoi, has worked quietly through neutral governments, has confronted the North Vietnamese and the Viet Cong at the Paris Peace talks, but the situation changes little.

Last year, H. Ross Perot, the 39-year-old Dallas computer service wizard who has amassed a $1.4-billion fortune, was approached by the wife of an American pilot who was missing over North Vietnam. Her four-year-old son had never met his father.

"She asked if I would finance a trip for her to Paris to talk with the North Vietnamese and try to get some word about her husband," Perot said.

He did, but she came home empty-handed and from that moment Perot, who had engaged in wide-spread philanthropy in Texas, took up the cause using his foundation, United We Stand, as the base.

That was the root of the Christmas flight around the world to take letters, food, medicine, and gifts to Hanoi. It failed.

But in a face to face meeting with a North Vietnamese official in the embassy at Vientiane, Laos, Perot said he was told that if he would show as much "concern" for the North Vietnamese held in South Vietnam they would consider him "humanitarian." The hope of reaching Americans in the North was raised.

"We waited for three months on purpose before making this trip," Perot said during the recent 11-day, 26,000 mile mission to Southeast Asia and to Paris. "We thought it would give Hanoi time to build a show case prison camp and fatten up our guys so the American newsmen could go in there and see them.

"You would, of course, ask to see the other prisoners," he said.

To show his "concern," Perot chartered the Braniff 707 jet and took nearly 80 American newsmen to inspect four South Vietnamese prisoner of war camps and made films of what they saw. He also took along with him wives of five American pilots who are prisoners, or missing in action.

The prison camps conditions were good, periodically inspected and approved by the International Red Cross. There was no sign of mistreatment of prisoners. They were healthy and had free range and recreation—only disciplinary cases were jailed by themselves for as long as five days.

The American flyers' wives were openly moved by the sight of Viet Cong prisoners' families visiting with them. Some of the women wept.

Again, Perot approached the North Vietnamese embassy in Vientiane—and later in Paris—to show them the films and hand over 250 letters from North Vietnamese prisoners.

But this time he was branded a tool of President Nixon's policy of "aggression," and was refused admittance to the embassies. They would not accept the films or the letters or even talk about allowing inspection of their prison camps.

"What kind of a country is it that doesn't care about its own soldiers and their families?" Perot asked repeatedly.

"I am convinced that when the world realizes how the South Vietnamese are treating prisoners of war and abiding by the Geneva convention, and how the North Vietnamese treat our men and refuse information on their own troops, then world opinion will force Hanoi to change," Perot said.

Perot is encouraged that Hanoi does pay attention to world opinion. The North Vietnamese threat to try American flyers as "war criminals" two years ago was not carried out after world-wide protest.

"They will not react out of sympathy," he said.

It is a painful realization that the Communists look upon the human being as a political instrument.

Hanoi has never admitted that it has troops in South Vietnam, or in Laos or Cambodia. Thus it refuses information which Perot tried to give them about their men who are captives.

Nor has Hanoi released the names of all Americans held in the North. To identify them would be to accept the responsibility for their welfare.

Instead, the American prisoners become instruments of Hanoi's effort to underline the U.S. commitment to South Vietnam. The names of more than 150 American POWs have been dribbled out through the anti-war Committee on Liaison with American Prisoners based in New York.

Through the same anti-war group have come the six line letters to the wives and families over the U.S. and through the committee, some mail is being sent to POWs.

Grateful for any word, the American POW families swallow the bitter pill dispensed by Hanoi and accept the service of those who oppose the cause their men were willing to sacrifice for.

The increased mail through the anti-war group may well be an indirect result of the pressure which Perot has brought by his "personal diplomacy." He believes it and so do the American wives.

"It can't hurt," said one. "Nothing hurts any more."

THE NIXON ADMINISTRATION AND ITS "INFLATION-RECESSION ECONOMIC POLICY" IS COURTING ECONOMIC DISASTER FOR THE PEOPLE OF OUR NATION

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. ROE. Mr. Speaker, upon assuming office 14 months ago the Nixon administration made it clear to the American people that it fully intended to give top priority to the battle against inflation. It was assumed that government at all levels, the American consumer, and the business community all would have to go through a period of belt-tightening if we were to make any meaningful strides toward winning the war on inflation, which had become progressively worse and more damaging to our economy since 1965.

This critical national problem, as we well know, was largely an outgrowth of the Nation's inability to keep total spending for goods and services by Government, business, and consumers from exceeding the productive capacity of our economy. Consequently, we have had to cope with the classical problem where prices are forced to rise to a level necessary to compensate for this serious imbalance between aggregate demand and supply—commonly referred to as the inflationary gap.

Hence, the Nixon administration reasoned that if we were to make any real headway toward reducing the magnitude of inflationary pressures in our economy, clearly defined steps would have to be taken to slow the pace of the economy, which at that time was operating at an overheated rate. To accomplish this, the administration enunciated a two-pronged policy—commonly referred to as a policy of gradualism—which consisted of maintaining a tight reign on Federal spending on the one hand and strict adherence to a tight money on the other, this administered primarily by the Federal Reserve Board.

The consequences of this policy of deliberate monetary and fiscal restraint have unquestionably had a major impact upon the level of Federal spending and the growth of the money supply. In the case of Federal spending, we find that the Federal budget shifted from a deficit of $25 billion in fiscal 1968—the largest such deficit recorded since World War II—to the administration's announced estimate of a surplus of $3.2 billion in fiscal 1969. This estimated surplus further shrunk to $1.3 billion as announced by the administration in January 1970.

Only last week the prestigious Joint House-Senate Committee on Taxation at the order of the committee chairman, WILBUR D. MILLS, revealed that, under the unified budget, the administration is likely to incur a deficit "of at least $3 billion to $4 billion and possibly twice that much." Under the former method of figuring the budget without counting trust funds, the analysis showed a general fund deficit that could soar over $15 billion. Likewise the tight money policies of the Federal Reserve Board throughout 1969 caused a virtual halt in growth of the money supply, causing interest rates across-the-board to rise to highs unprecedented since the Civil War.

Today, we have every reason to believe that these policies of economic restraint are indeed putting the brakes on the economy. Current economic indicators clearly portend, however, that the archaic monetary economic policies being followed by the administration are not working, are not effective, and in fact, are courting economic disaster for the people of our Nation.

A marked slowdown has occurred, characterized by: an absolute pause in the growth rate in real output during the last quarter of 1969 and the first quarter of this year; an eighth consecutive monthly decline in industrial production; a marked fall-off in consumer confidence and buying activity; a drop in durable goods orders; heavier unsold inventories; a steady fall-off in retail sales; falling profit margins, and a persistent and serious rise in the level of unemployment.

Yet despite this slowdown, inflationary pressures continue to mount. Consumer prices over the past 14 months have risen by an excessive rate, and, despite continuing reassurances from the administration that its anti-inflation policies are working, one at the moment can foresee little improvement in the price picture in the coming months.

Hence, the situation we face today is markedly different from that which faced the Nation when the Nixon administration took office. In January of 1969 the assumption was that national economic policy should direct all of its attention to halting inflation. Today, inflation of about the same magnitude continues to persist and we face for the first time in a decade a real threat of recession as well.

In light of these conditions, it is clear that the administration's economic policy has not had the results that had been proclaimed, and that it must be subject to immediate reevaluation. The current economic outlook calls for a broader and more flexible course of action on the economic front by the administration. Our patience is wearing thin, particularly in light of the fact that we are now in the middle of an inflationary recession. Let me indicate specific steps that need to be taken.

First, immediate steps must be taken to ease the depressing impact of restrictive monetary policy on our national economy. The credit squeeze of the past year has had a devastating impact on those sectors of the economy which are crucial to the basic social and economic needs of the American people.

Tight money has forced the housing sector into virtual collapse, a persisting shortage of housing, and spiraling prices for new and old housing. Furthermore, it has had a most undesirable impact upon many essential forms of small business and the finances of State and local government.

Although the Federal Reserve has recently indicated that we may be moving in the direction of ease, it does not appear that the Fed at the moment is willing to make any significant break with its restrictive policy of the past year. As noted by the First National City Bank of New York in its March Economic Letter:

> The restrictive monetary policy followed since the late spring of 1969 can be expected to continue to slow the economy for several months . . .

No one at the moment knows the exact degree of monetary ease that will be needed to avoid the prospect of a serious economic recession, but I submit that the Fed, without any further delay, ought to signal a clear shift from a policy of extreme restraint to one of moderate ease. In the same Economic Letter just referred to, the First National City Bank of New York placed the question in clear focus, I believe, by saying that:

> A moderate shift in policy taken too soon may prove less inflationary in the long run than a massive shift in policy taken too late. The present is always the proper time to adopt a monetary policy consistent with stable long-term growth.

In sum, monetary policy can no longer be relied upon as the prime means of combating inflation. Yes, excessive inflationary pressures must be brought to a halt, but we must not at the same time lose sight of the long-term growth needs of our national economy—particularly in those essential and basic economic areas which have been severely impacted by the credit squeeze of the past year.

Admittedly, greater monetary ease could raise the risk of increasing the supply of money to certain sectors of the economy which could refuel the fires of inflation.

However, the Congress last December awarded the President sweeping authority to control the flow and direction of credit if the need should arise. As provided for in S. 2577 (Public Law 91-151):

> The President may authorize the (Federal Reserve) Board to regulate and control any or all extensions of credit.

Unfortunately, the President, in signing this measure into law, made it clear that he did not seek such authority and was opposed to the idea of such controls. Specifically he stated that—

> S. 2577 contains a number of provisions that the Administration did not request and does not desire. However, despite my serious reservations and objections about these provisions, one provision of the bill (that is, the provision regulating interest paid on accounts at banks and savings and loan associations) is of such overwhelming urgency that I must reluctantly give the total legislation my approval.

In my view, and I believe in the view of most Members of the Congress, this position is not only unfortunate but shortsighted. Currently our Nation's credit markets are operating in a highly distorted and counterproductive manner. If we wish to achieve a more sensible and noninflationary monetary climate we must, as I have already noted, give top priority to efforts designed to direct badly needed loan capital to housing, essential small business activities, and the support of badly needed new or expanded State and local governmental services.

A few weeks ago the Federal Government reported the results of a survey which I think most close students of the economy would agree is highly disturbing. It reported that businessmen now plan to increase their capital spending by some $8 billion, or 10.4 percent over the past year. Under normal economic conditions when most sectors of the economy are more or less working in tandem with one another, this would be a welcome projection.

However, this outlook clearly does not fit into the Nixon's administration's picture of an economy that should be cooling off. Such a projected expenditure also seems hard to justify in light of the fact that industry in general has been operating at well below full capacity for well over a year and industrial production has been in a state of steady decline since July of last year.

Furthermore, I think we must be deeply concerned over the rising trend in consumer credit outstanding. According to latest estimates, such credit is some $8.5 billion above what it was a year ago. Here again because consumer credit, like large-scale business investment, commands a higher return than credit normally extended to the homeowner, the small businessmen, and State and local governments, both consumer credit and business investment need to be monitored very closely in the months ahead.

These two markets for loanable funds can no longer be allowed to compete unfairly with the markets just cited which face great pent-up demands which must be met if we are to avoid any further serious deterioration in our Nation's social and economic climate.

Hence, if we are to move in the direction of greater monetary ease, as I believe we must, our monetary authorities must stand prepared to take appropriate action if such ease should result primarily in more money flowing into those sectors of the economy which, given our current economic outlook, rank substantially below others in terms of real need. Appropriate action in such a situation would call for the immediate institution of appropriate temporary credit controls which are already provided for in the congressional mandate given to the President.

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Therefore, I urge the President to reconsider his position, and make it clear that he will stand ready to resort to such controls as the need arises. Such a shift in position would make a major contribution in altering the expectations of those economic interests who currently plan investment or consumption activities which prove both inflationary and disruptive to the money markets, if carried out in the midst of easing monetary conditions.

In taking this position, I am fully aware of the fact that such action on the part of the President would involve a degree of intrusion upon the free-market mechanism. I fully support the view that the execution of monetary policy and the flow of funds in credit markets under normal conditions can be best governed by the forces of supply and demand in our free-market economy. But our economy over the past year and a half has not been operating under normal conditions.

We must recognize this fact: Due to the effects of abrupt changes in the directions of monetary policy, from excessive stimulation to harsh restraint, and the highly disstabilizing fiscal impact of the Vietnam war during the second half of the 1960's, the economy today is operating in a state of precarious disequilibrium.

Hence, to bring a halt to excessive rises in our cost of living, avoid recession and get our economy back onto an even keel, the Nixon administration at this time must not rule out the need for temporary direct controls in the monetary field.

Second, if a policy shift to moderate monetary ease is to provide the necessary antirecessionary effect, it follows that the Federal Government must take every precaution to insure that it does not become a heavy net borrower in our Nation's money markets. Despite the administration's claim that it plans massive cuts in defense spending, and despite projected surpluses of more than $1 billion in this and in the coming fiscal year, it appears most likely that changing economic conditions will force the budget into deficit during the coming year.

Thus, if the private sector of the economy is to avoid serious recession and gain the full benefits of a moderate easing of the monetary situation, every effort must be made by the Government to keep the deficit to an absolute minimum. If the deficit should become too large, this would undoubtedly have a very damaging impact upon those sectors of the economy which are in most urgent need of capital funds.

Finally, if we are to bring an effective halt to the broad-based wage-price spiral which infects our Nation's economic climate today, it is imperative that the Nixon administration reevaluate its policy relating to wages and prices. As I noted at the outset of my remarks, the administration has adhered firmly to the view that inflationary pressures and hence the level of wages and prices can best be brought under control by a policy of active monetary restraint. Since January of last year it has remained steadfast in its objection to all recommendations calling for a renewed program of voluntary restraint on the wage and price front.

Recently, Walter Heller, former Chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson, took firm issue with this position of the Nixon administration. He said:

> This is the point at which we should move to improve the terms of trade-off between jobs and prices by an explicit set of voluntary price-wage groundrules worked out cooperatively by government, labor, and business under the leadership of the White House. Simply to lecture business and labor and to send out a flood of letters calling for restraint will obviously not do the job. Merely inveighing against sin without defining it—i.e., without indicating what kinds of wage and price decisions *are* and what kinds *are not* in the national interest—amounts to no more than what the late Gerhard Colm called "an open mouth policy without teeth in it."
>
> We need to re-establish general standards for noninflationary (or at least less inflationary) wage and price decisions. As long as a large segment of business and labor can exercise undue market power, we should not give up our efforts to capitalize on the potent force of public opinion to bring price and wage decisions into harmony with the public interest.

Given our current economic outlook, there should be very little quarrel with Dr. Heller's sensible appraisal of the administration's anti-inflation policies. Evidence abounds that inflationary pressures are increasingly being generated by psychological forces. Much of this is attributable to the fact that some 4 million workers will be involved in major contract negotiations this year, which is about three times as many as in 1969.

Unlike the United States, our neighbor to the north, Canada, which faces much the same economic dilemma, is fully committed to a prices and incomes policy similar to that recommended by Dr. Heller and many of our Nation's other leading economists. Ten months ago the Canadian Government appointed a prices and incomes commission which was instructed to seek a voluntary agreement with business interests on the matter of price increases.

In February of this year the commission, following a 2-day meeting with the nation's business leaders, won an agreement which committed these interests to an agreed-upon price-restraint program through 1970.

In short, the agreement commits business to make fewer and smaller price increases than otherwise would have been made this year. The agreement also specifies that increases must be less than any actual cost increases—that is, business must absorb at least part of the cost increases in their profit margins.

In its report on the President's Economic Report issued on March 25 of this year, the Joint Economic Committee recommends a similar voluntary restraint program. I quote:

> A consciously enunciated price and incomes policy must become a standard part of the policy mix. . . . Only by supplementing fiscal and monetary policy with incomes policy, manpower policy, vigorous anti-trust policy, and a wide range of other structural policies can we fully and effectively employ all our resources and produce in sufficient quantities the goods and services our people require.
>
> Unless specific standards for appropriate price and income changes are developed, we fear that the economy faces a difficult period marked by labor disputes, work stoppages, and unnecessarily prolonged continuation of inflation.

Accordingly the committee has recommended:

> The Council of Economic Advisers should at once initiate consultations with labor and business regarding appropriate price and income behavior. Following such consultations, the Council should publish promptly a set of specific quantitative standards for price and income changes. The standards should be such that voluntary compliance by business and labor will contribute to the restoration of greater price stability.

This, in my view, is a sensible recommendation. The Nixon administration must alter its policy of gradualism and incorporate such a program of voluntary restraint designed to dampen the inflationary expectations of all active participants in our economy. I am convinced that if the administration rejects this proposal and continues to rely solely on its current policies, inflation will continue unabated, but at the same time recession will become the No. 1 topic of public discussion.

In sum, I think it is clear that inflationary pressures have not yielded to the policy prescription applied by the administration to date. Inflation during the past 15 months has shown little signs of letup, and recession is rearing its ugly head again for the first time since the late 1950's and early 1960's.

If we are to succeed in diverting our economy from this treacherous course, our Government must without further ado reevaluate its policy position and give serious attention to the policies that I have outlined here today and which are being advocated by so many of the Nation's leading students of our economy.

It should now be a foregone conclusion that national economic policy must immediately shift from a position of active monetary restraint to one of moderate ease. Such a policy shift, however, must be clearly oriented toward fulfilling the essential needs of the under-financed sectors of the Nation's economy; namely, housing, small business, and government at the State and local level.

The Federal Government must conduct its fiscal policy in a manner which will not offset the desired antirecessionary effects of a policy shift to monetary ease. This in essence means that our Government for the foreseeable future should refrain from being a heavy net borrower in our Nation's credit markets. If allowed to occur such borrowing would result in the diversion of badly needed capital from other credit-starved sectors of the economy.

Finally, these policy considerations must be supplemented by enlightened and influential Government policy relating to prices and incomes. Monetary and fiscal policy can no longer go it alone in combating inflationary pressures.

Our policymakers must work in concert with labor and management to effect an immediate policy of voluntary restraint concerning wages and prices, which will signal once and for all that inflation can and will no longer be tolerated. Five years of sustained inflationary pressure should be enough for all concerned.

We must now meet the problem squarely and be uncompromising in our drive to eliminate the cruelest and most discriminatory tax of all—inflation. Such a policy should also give top priority to a program designed to provide landing nets for victims of the Nation's battle against inflation.

The administration's drive to slow the pace of the economy has in 1 year added 1 million workers to the Nation's pool of unemployed workers. Our Government's manpower policies in conjunction with other economic policies must insure an immediate reversal of this trend.

Faced with the continuing burden of inflation and the rising threat of major recession, we must not lose sight of the fact that our economy in the decade ahead will face a wide range of huge pent-up demands in such vital economic areas as housing, urban and rural development, transportation, environmental pollution control, health, education, and recreation. Our success in meeting these economic demands will be largely contingent upon our ability to provide the necessary manpower and capital resources.

Thus it is essential that the Nixon administration in its conduct of national economic policy now give top priority to restoring an effective balance between the objective of relative full employment on the one hand and relative price stability on the other. These should never be looked upon as conflicting objectives. The task will be difficult, but far from impossible. The real threat of an inflationary recession, I hope, will be a sobering influence upon administration policy in the months ahead.

THE PROPOSED ALL-VOLUNTEER ARMY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 6, 1970

Mr. BYRD of Virginia. Mr. President, the Staunton, Va., Leader of April 30 contains an excellent editorial raising serious questions about the proposal for an all-volunteer Army. It points out, too, the advantages of keeping the Armed Forces in touch with civilian influences through the selective service process.

The publisher and editor of the Staunton Leader is Maj. Gen. E. Walton Opie.

I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Staunton (Va.) Leader, Apr. 30, 1970]

No Perfection for Either

Curtis B. Tarr, who succeeded Lt. Gen. Lewis B. Hershey as Selective Service director, is in the news this week with an exclusive interview with the Associated Press. He revealed that he is about to review the accumulation of orders promulgated during the 30-year tenure of his predecessor.

No doubt many of these orders are outdated, if for no other reason than the recent revision of the Selective Service Law. The objective of the review, says Mr. Tarr, will be uniformity of application by all draft boards.

Differing interpretations of the law and the regulations have caused criticism over the years. It is not likely to be dissipated by winnowing the Hershey orders and writing new ones. Unfortunately, there are few persons who can use the English language with such skill that what is written is not subject to differing interpretations.

Uniformity in application of Selective Service requirements is of such importance that its attainment is a highly desirable goal. Its attainment will continue to be elusive, but the strengthening of appeal procedures should serve to correct errors by local boards.

Mr. Tarr made some observations on the effects of substituting voluntary service for the draft which underlined something of perhaps greater importance than uniformity in the present system. When asked about the Nixon proposal for a $3.5 billion per year program for pay and benefits to attract enlistments for military careers, the Director of SS said the Administration really doesn't know how it would work.

He made it clear that the Administration does not want an all-career service. He commented:

"I think this point needs to be emphasized because in the kind of armed forces we want, we need some people for long periods of time but we need other pople, and perhaps even more, who are on a rotating basis. . . . The Army would be hurt, would be crippled, if all of their enlistments stayed for 20 years."

With pay and benefits high enough to attract the needed number of enlistments, would there be sufficient turn-over of men to assure the mix of careerists and short-termers so necessary to avoid the creation of all-powerful armed forces of dyed-in-the-wool militarists? That our country certainly does not want.

One of the pluses of the draft is its effect in keeping the armed forces, and particularly their careerists, in touch with civilian influences. If it were possible to provide the volunteer manpower for armed forces of from three million to 3.5 million which the nation's responsibilities in the existing global conflict necessitate, which we seriously doubt, there would still be grave objections to professional forces of such magnitude.

"RARE, MEDIUM, OR WELL-DONE"

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. ZWACH. Mr. Speaker, a couple of years ago the people of the United States were worked up to a fever pitch because of a reputed lack of inspection facilities in our meat inspection plants.

Margery Burns, a farm housewife, who writes a newspaper column in our Minnesota Sixth Congressional District, pointed out in a recent column that while we have 7,050 Federal inspectors on the job in the United States checking every single carcass in our meat packing plants, we have only 15 inspectors for the 1,600,000 pounds of meat coming into our country from plants around the world.

Mr. Speaker, for the information of my colleagues and the many other readers of the Congressional Record, I hereby insert Mrs. Burns' column, "Rare, Medium, or Well-Done" in the Congressional Record:

Rare, Medium, or Well-Done

(By Margery Burns)

You'll probably want to know even the name of the cow itself if you like your hamburger on the rare side—after you read this! And if you are still in favor of more meat imports, you are a true vegetarian.

This information comes from Congressman Melcher who is a Veterinarian.

In this country, we have 7,050 Federal meat inspectors plus hundreds more state inspectors who are constantly checking every carcass in every meat plant to see that you get clean meat from our producers and processors. Remember, this is the kind of meat inspection you get here.

It's a different picture when it comes to imported meat. We still insist that it should be inspected, but how can we police the whole world to see that foreign plants are as good as ours?

For instance, we import at least 1,600,000,000 pounds of meat per year from foreign plants around the world, and we have only 15 people who travel around to inspect these plants, hopefully, once a year.

In addition, we have 75 inspectors at our ports to check on all the millions and millions of pounds of meat as it enters our country. These inspectors can take only spot checks of random samples from each shipment, and because of the vast amount of meat, they must allow "some minor, major and critical defects to get by." Do you know that less than 1% of all the imported meat is actually inspected? There are standards

XUM

which are set to tolerate one minor defect in each 30 pounds of meat, one major defect per 400 pounds, and one critical defect gets by per 3000 pounds—and that is only the samples of meat actually inspected.

Are you interested in what defects are allowed? They are blood clots, stomach contents, and manure. About 1¼% of the meat samples which are inspected fails to pass, and nobody knows where it goes after it gets shipped back out of our country. But can you imagine how many defects get by and into your hamburger when only 1% of all the meat is inspected?

It would be funny if it weren't so unfair when our government forbids the cutting and packaging of meat in small community lockers even though they are watched all the time by the local people who buy that meat. And contrast that rule with the inspection of billions of pounds of imported meat by 75 over-worked inspectors.

On top of that, all this checking on imported meat must be done at great speed because it is sitting there in trucks at the docks, and it will spoil if it isn't moved fast.

You understand that most of this imported meat goes into hamburger and other processed meat since it is the tough, stringy stuff which you can't chew even if you barbecue it for a couple of weeks steady. And please understand too, you can be thankful, that most of the hamburger you eat is made from our own clean beef. But if the pressure groups insist on more and more unsavory meat imports, you will be eating more and more of this random inspected meat.

So, the question now is whether it is better to let in more meat imports to push down the price of our own meat and not know what you are eating, or to keep our own meat industry going by limiting meat imports and paying a little more for clean, healthy meat?

How do you want your hamburger?

DEATH ON THE CAMPUS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. SCOTT. Mr. Speaker, the Richmond Times-Dispatch, a daily newspaper serving my congressional district, had a very thoughtful editorial in yesterday's issue regarding campus disorders which may be of interest to the membership.

My concern is that student unrest and lack of self-discipline will result in damage to the very institutions that prepare them to take their place in the adult society. They need these institutions. Society needs well-educated citizens to operate the Government as sovereign citizens of the future.

The entire editorial is set forth herein:

DEATH ON THE CAMPUS

Reasonable persons of all credos will lament the tragic deaths at Kent State University in Ohio yesterday. The fact that lives of young college students on an American campus have been snuffed out before reaching the full bloom of productive adulthood can be cause for nothing less than national commiseration and soul-searching.

Undoubtedly, an investigation will be undertaken to ascertain whether the National Guardsmen who fired the fatal shots were legally justified in doing so. Were the law enforcers acting to protect other lives and property, or did they lose their "cool" and act rashly?

In a broader perspective, however, the important question raised by the militant demonstrations that currently threaten to destroy some of America's finest universities is not one of excessive police reaction. Police and National Guardsmen did not foment the cancerous discord; the "confrontation tactics" of revolutionaries did. At Kent State, the shootings came after three nights of violence had wreaked havoc on the community. On Saturday night, militants burned down the university's ROTC building. Arson and mob actions are not justified simply because they are practiced by youthful idealists or dissidents with a "cause"—in this case, U.S. military operations in Cambodia. When trying to protect civilized society from mob mania, the policeman may be prodded to retaliate, but he did not provoke the crisis in the first place.

Now Kent State has been closed indefinitely. Meanwhile, the educational process at Yale University in New Haven, Conn., has been effectively halted, too, although under less dramatic circumstances than at Kent State. At Yale, most classes have been discontinued since April 22 by a student strike in sympathy with Black Panthers who are being tried for murder. President Kingman Brewster and a majority of the Yale faculty jumped on the bandwagon of the student "cause," thus adding fuel to the radical fires that endanger the process of courtroom justice.

After a mass rally in New Haven last weekend produced a tense situation but only sporadic violence, many Yale faculty members reportedly were hopeful that things would return to normal for this, the last week of the Yale academic session. Not so, it appears, for students now have new "causes," including Yale's treatment of nonacademic employees and, possibly, a demand that Yale keep some of its facilities open this summer as a haven for student radicals.

The forgotten persons in all of this backwash are the students who cherish a Yale or Kent State education more than being a part of mob action. Their rights have been grievously and irreparably trampled upon.

If American universities are to be preserved as educational institutions from those who would turn them into breeding grounds for revolutions, an attack on the root causes of student rebellion is essential. Excessive permissiveness, we believe, is one of the major causes. The Yale case indicates that when an administration and faculty follow like sheep behind a ridiculous student movement of the moment, the likely result is still more ludicrous student demands. Too often, students who violate college regulations or community laws are granted amnesty by the college, only to break still more laws. Colleges should make reasonable rules of conduct, announce them, and then enforce them strictly.

To be sure, the problem is more complicated than that, as Ludwell H. Johnson, III, Chairman of William and Mary's history department, reminds us in a letter on this page today. Students are increasingly defying regulation, he writes, because decreasing discipline is being applied by parents and public schools. We might add that young persons are also encouraged to break laws by such "adult" examples as postal workers and teachers engaging in illegal strikes with impunity; and the Chicago Seven mocking the entire judicial process from campus and television platforms.

Yes, teaching respect for authority is the first task of the home. But it is also a responsibility of schools and colleges, and educational administrators must not use the permissiveness of many parents as an excuse for turning the academy over to spoiled brats.

PROBLEMS OF OBTAINING ADEQUATE SUPPLIES OF ELECTRICAL ENERGY

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. HOLIFIELD. Mr. Speaker, the Office of Emergency Planning—OEP—release made yesterday, concerning the problems of obtaining adequate supplies of electrical energy, is certainly in order. With no intention of being impertinent, I cannot help but add: "Better late than never."

Those of us who have watched the approaching shortage of electrical power have seen the problem developing over the past several years. We on the Joint Committee on Atomic Energy did what we could to get attention focused on this important problem. We have continually called attention to the need to build modern electric powerplants of all types. Over and over again I have called for a cooperative effort among those responsible for providing electrical power to add both fossil fueled and nuclear generating plants since it is obvious that all available sources of power will be needed to meet our requirements for energy. Some segments of the public, out of single-minded concern for the quality of the environment, have been significantly delaying the construction of all types of power plants—hydro, fossil, and nuclear. I have pleaded for recognition of the dual need for safeguarding the environment and at the same time providing a sufficient amount of energy to meet the public need. Unreasoning fear and confusion are being stimulated by a relatively few well-meaning but misguided zealots.

Unfortunately, while we gyrate ineffectually around a welter of unwarranted assumptions, scientifically unsupported extremist views, and often sincerely held but infirmly supported fears, it appears certain that we will have to experience more electrical "brownouts" and "blackouts" before a rational, balanced and appropriately responsive attitude is attained to solve the power problem and achieve the companion need of safeguarding our environment.

The troublesome aspect of this solution, as I have said many times, is that this route may seriously affect the welfare and well-being of a number of our communities. Another factor which I have warned about concerning the brownout route which we appear destined to follow is that once a shortage of electrical energy is permitted to occur, corrective action to eliminate the shortage and accommodate the normal growth in electrical demand would in all likelihood take the major portion of a decade. This could be a serious blow to our Nation. We are already beginning to pay a toll because of the shortsightedness of those citizen groups who have obstructed the building of both conventional and nuclear plants.

Another detrimental factor in this overall picture, which may soon surface as the cause of actual delay in bringing scheduled powerplants on the line, is the recent intervention by the Department of Interior in various projects such as the Turkey Point and Hutchinson Island stations. This type of intervention, carried out in the name of the public welfare, appears totally inappropriate in view of the clear avenues available to the Interior Department by which it can impart its views early in the planning and regulatory review phases of these projects.

I note that one of the actions the Government would take concerns the curtailment of some of the power to the AEC's uranium enrichment plants. We should be very careful to assure that curtailment of power to these plants is limited to those cutbacks which are absolutely necessary. Also power reductions should not be so great as to interfere with the balanced operation of these plants, nor should they interfere with the preproduction of enriched uranium any more than is absolutely necessary. Enriched uranium is vital to our future energy needs. It appears that cutbacks of 10 percent to 20 percent—200 to 400 MW—could be undertaken on a short term basis, but the problem of adequate transmission in the area must be looked into if the cutbacks are to bring about relief beyond the specific local area in which the actual generation takes place. As a minimum, reductions of a given amount of power to the diffusion plants would make available that equivalent in coal supplies for use in other areas.

An aspect of the expected power shortage which is often overlooked is the fact it very probably will not end this summer. The general outlook remains on the dark side, at least for next winter and the following summer. Cutbacks in power for the diffusion plants for long periods can create serious problems concerning the supply of enriched uranium, a material much needed as fuel for civilian nuclear powerplants.

Fortunately the Joint Committee took some positive steps in its May 4 action to provide for increased uranium enrichment capacity. The Committee added money to the AEC authorization bill reported out on May 4 to permit actual "hardware" additions to the diffusion plants in order to increase their capacity. The AEC has been asking administration for an approval to start this work for the past 2 years. We see no reasonable alternative except to take steps to start the addition of enrichment capacity without any further delay.

I believe the Office of Emergency Planning should be commended for its efforts to call public attention to the serious problem which confronts our Nation. With cooperation among representatives of government, industry, and the public the stopgap measures may offer a temporary solution.

PROTECTING AMERICAN TEXTILES

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. WALDIE. Mr. Speaker, I would like to make a few short comments in support of a bill I am introducing today which would provide some measure of protection to the American textile market.

Continuing efforts by the last three administrations have failed to reach satisfactory agreements with textile exporting nations.

There is apparently no room for further negotiations with these nations and, in the meantime, imports continue to grow and thousands of jobs are imperiled in this Nation.

Textile import relief is now essential and can no longer be delayed. I would hope that the Congress sees the urgency of this situation and acts accordingly.

ANCHER NELSEN RENEWS EFFORTS TO CURB MINK IMPORTS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. NELSEN. Mr. Speaker, in 1968, the imports of mink furskins were at record levels, and I introduced a proposal which would have put restrictions on the percentage of the domestic mink market that could be supplied by imports.

No action was taken on that proposal, and as a result many of the dire consequences we feared have occurred. I recently received a letter from a mink rancher from the Second Congressional District of Minnesota who graphically outlines the problem he and the few remaining mink ranchers face. His letter reads as follows:

GLENCO, MINN.,
April 7, 1970.

Hon. ANCHER NELSEN,
House Office Building,
Washington, D.C.

SIR: Three years ago at almost this same date, I wrote to you in regard to the fur industry. During this time six of the area's fourteen fur farmers have gone out of business. By the end of this year, unless some miracle happens, only those with other sources of income will survive. Most of us have used all the credit we can get and with money as scarce as it is, it will be impossible to refinance for another year.

Most fur farmers are selling furs this year at from seven to nine dollars depending somewhat on color. This doesn't come near the cost of production. Feed cost alone is from six to eight dollars per pelt produced.

President Johnson said he would veto any protectionist bill that crossed his desk and made Republicans out of a lot of Democratic mink farmers.

President Nixon has been in office a little over a year. He has a lot of problems. Ours are relatively few but to us immense. We don't want a subsidy. We want the President and Congress to either limit the number of pelts and fur (mink) garments brought into our country, or have some import tax on them.

You no doubt are aware of other industries which are being treated as we are. Every store has almost as much foreign goods for sale as American. I find this true mostly in tools and clothing.

We want you and every Congressman to make our plight known. Nobody on the U.S. Tariff Commission must have been in private enterprise. Either they were born rich or have lived at us taxpayers expense.

We're looking to you as our key to the White House for every bit of help we can get. I myself have spent twenty-five years in this business and have reinvested most of the profits back into the business. I had faith, now only hope!

Sincerely yours,

RAY STREU.

Ray Streu's eloquent statement represents hundreds of other small businessmen like him who have been hit hard by low-cost and low-quality mink imports. Most recently, the chairman of the House Ways and Means Committee, WILBUR MILLS, announced that he intends to schedule hearings on general trade matters late this month. I am introducing a bill today which will be referred to the Ways and Means Committee, and I am in hopes they will give it every consideration in the course of their deliberations.

The mink industry in America is in the midst of a great contraction. Foreign imports have declined by a sizable percentage in recent years in the face of the shrunken domestic market. At the same time, however, domestic ranch production has declined 30.8 percent in the past 2 years. Imports still control 47 percent of the domestic market, and the cheap prices and concomitant quality have reduced demand to its lowest in 7 years.

I urge my colleagues on the Ways and Means Committee to give their consideration to this matter, and I urge all Members of this body to support this effort to bring relief to American mink ranchers.

MEXICO-UNITED STATES INTER-PARLIAMENTARY CONFERENCE

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. LUJAN. Mr. Speaker, whether by design or accident, the 10th Mexico-United States Interparliamentary Conference opened today, May 5, which is one of the great national holidays of the Republic of Mexico.

El Cinco de Mayo commemorates for the Mexican people the defeat of French invasion forces at the Battle of Puebla in 1862. As a participant in the interparliamentary conference, I ask my colleagues to join me on this occasion in a salute to our distinguished counterparts from Mexico, and to the great nation they represent.

More than 6,000 heavily armed French troops, bent on conquest and confident of victory, were confronted by a band of 4,000 poorly equipped Mexican irregulars on May 5, 108 years ago. One of the ironies of the situation was that the Mexican defenders were armed with old guns they had obtained from the British, who had captured the weapons from Napoleon at Waterloo. The French were to be hoisted, as it were, on their own petard.

Led by Gen. Ignacio Zaragoza, the Mexican defenders were victorious on that day, routing the French Army and driving its surviving remnants back to the sea. El Cinco de Mayo remains for the Mexican people a revered symbol of Mexican valor in the face of superior odds, of the profound love of the people for their homelands, and of the indomitable Mexican spirit.

It is most fitting that this conference between our two proud Republics should open on this day. I join my colleagues in hope that the spirit of el Cinco de Mayo will set the tone of our meetings as we discuss and seek solutions to the problems of international relations facing us in the 1970's.

THE DEVELOPMENT OF FORT POLK

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. LONG of Louisiana. Mr. Speaker, with the debate now underway as to the form the "New Army" will take in the years ahead, I think it is necessary for Members of Congress to acquaint themselves with the roles played by our various military installations in the past. Consequently, I am offering for the RECORD an account of the development of the Army's Fort Polk in my congressional district, a post which is known today as "The Best Kept Secret in the Army." This news story was published in the Alexandria, La., Daily Town Talk on Sunday, April 26, 1970, and reviews the Army maneuvers which helped prepare our forces for battle during the Second World War. The article follows:

MANEUVERS WERE DEPARTURE FROM HISTORY

(NOTE.—Ft. Polk, 1970, is a far cry from "Camp Polk 1940." Today the post boasts the most modern ranges in the defense inventory, more than a hundred miles of wide, paved roads, no smog, air or water pollution, and outstanding troop recreational facilities. Nearly 800,000 "new generation" Army men have trained at the infantry training center since the post's reactivation in 1962. Known today as "The Best Kept Secret In The Army," Ft. Polk provides year-round training conditions and unlimited maneuver resources. Its value is in excess of $335 million and offers the most modern medical and training facilities known. Air conditioned classrooms and closed-circuit T.V. at Ft. Polk today make the Louisiana maneuvers of yesteryear look like a page out of the dark ages.)

(By Lt. Col. Ralph E. Ropp and Sgt. 1.C. Craig S. Hopkins (Ret'd.))

(Ft. Polk Information Office)

When Gen. George C. Marshall, then Chief of Staff, ordered several large-scale maneuvers in the early 40's, he initiated the first field training for the Army in years.

In fact training was at such a low ebb, that not a single shot had been fired during the entire year of 1932 in the entire Army, not even for target practice. Thus General Marshall's order, involving 70,000 troops in May, 1940, put to the field the first large-scale action of the Army since Siberian occupation duty in 1921.

Consequently, the "Louisiana Maneuvers" of May 1940 serve historically as a point of departure for the U.S. Army for several valid reasons:

It was the first maneuver in history to pit opposing armies against each other in simulated battle action.

It was the first field test of the new "triangular division" concept which reduced division strength by one third and integrated armor and artillery with infantry to provide a self-contained striking force.

Armored strength was put into the field in its entirety for the first time—450 tanks. (Many "tank" columns consisted of a few light tanks interspersed with automobiles bearing signs proclaiming them to be tanks.)

It was the first test in history to use mass air power. During the second week of the maneuvers an armada of more than 400 planes was assembled at Barksdale Field, La., with actual raids utilizing up to 250 planes. Aircraft varied from the 350 m.p.h. deSeversky P–36A pursuit plane to the Boeing B–17 bomber.

AUTOGIRO USED

It was the first maneuver to see use of rotary wing aircraft, with one autogiro used for observation.

The Maneuver marked the debut of the Mobile Army Surgical Hospital (MASH). The 1st Evacuation Hospital set up 15 trailers connected by tents to permit patents to move between wards without exposure.

And last, but certainly not least, the forerunner of the world-famous "C" ration came into being when the "K" ration was used en masse. Individual field rations consisted of a 12-ounce rectangular pack containing two cans of meat and vegetables, a can with four cakes of hard bread, two cakes of chocolate and a small cake of soluble coffee—one day's ration for one soldier. Hard tack and bacon passed out of the Army jargon.

Battle plans for the maneuvers were published in the Lake Charles American Press and the Alexandria Daily Town Talk. Both newspapers published daily communiques, often to the embarrassment of maneuver officials who complained their positions were being given to the enemy by local news items.

THE TACTICAL PLAN

The Sabine River represented the boundary between two small nations, Red on the west, Blue on the east. As a result of numerous "border incidents" the Blue Army held extensive maneuvers in April, then the Red Army announced it would hold large-scale maneuvers on the "border" areas at Camp Beauregard, Louisiana, near Alexandria.

Taking their cue from German tactics in Europe, battle action was initiated on May 7th, 1940, with a sneak bombing raid by Red Air Forces on the Mississippi River bridges at Vicksburg and New Orleans. (They actually dropped flour sacks).

Umpires ruled the defending Blue Army out of the action for ten days, but because of the estimated million-dollar-a-day cost of the maneuvers, troops continued to move into position. At one time, Blue Army convoys were continuous from the Mississippi River to the Alabama line.

The Blue Army moving up for the defense included the 1st Infantry Div., 5th Infantry Div., 6th Infantry Div., 7th Cavalry Brigade, and supporting 9th Corps troops from as far as Ft. Ethan Allen, Vermont.

The invading Red Army was made up of the 1st Cavalry Div., which came from Mexican border stations at Ft. D. A. Russell and Ft. Clark, and the 2d Infantry "Indianhead" Div., from Ft. Sam Houston, Tex.

The 2d Infantry Division, under the command of Maj. Gen. John LeJeune, USMC, was the new "triangular" division, still untested in large-scale action. During the field test, however, the division was commanded by Maj. Gen. Walter Krueger, a native of Prussia who enlisted during the Spanish-American War as a private and rose to command Sixth U.S. Army under Gen. MacArthur in the Pacific. By May 1940 he already had 42 years of continuous active duty in the Army.

On May 9th, Krueger's troops moved out under cover of darkness, with 25,000 men crossing the Sabine River on a wide front. One unit of 4,700 men, 3,200 horses, and 200 vehicles was reported to have made the river crossing in the unbelievably short time of 25 minutes. Within three hours, Leesville and DeRidder had been occupied and the Red advance was complete on a line with present-day U.S. Hwy. 171. The defending Blue Army had lost a 20-mile-deep section of their entire front before realizing the Red Army had launched its invasion.

Further north, an even more remarkable event took place the following morning when a special 5,000-man unit of the 2d Infantry Division under Brig. Gen. Joseph "Vinegar Joe" Stilwell crossed the Sabine at daybreak and by mid-afternoon had advanced 70 miles into Natchitoches.

This was indeed a remarkable change of pace for an army accustomed to the 15-mile-a-day pace of soldiers on foot.

Blue forces were not standing idly by as the Red Army continued its advance. On the night of May 10th citizens of Alexandria, La., stood in the streets all night, watching the arrival of heavy equipment by rail. The 66th, 67th and 68th Infantry Regiments, with a total of 214 tanks, were unloaded as the 36th Field Artillery from Ft. Sill arrived with 20 of the new 155 mm guns and four of the Army's heaviest artillery pieces, the 240-mm Howitzer.

The Blue counterattack, however, was destined not to take place immediately. Thirty years ago almost any recognizable holiday was excuse enough to halt the action, and on May 11th a two-day truce was declared to celebrate Mother's Day.

May 13 marked the opening of the second phase and reporters were told that "tomorrow will see more than 450 light and medium tanks in action." But, on May 14 news stories were in a lighter vein, since it was determined that the local cows enjoyed the salty taste of insulation on the communication lines and were licking the insulation from the wires, shorting out the Blue Army's telephone facilities.

Action reports for the next week were similar every day—Blue forces were gradually repulsing the Red invaders and recovering lost territory. Actual "fighting" seemed to be see-saw battles of armor and cavalry with the larger force invariably winning the upper hand.

EYE WITNESS ACCOUNTS

James Ashfield, Private, 8th Infantry, now a civilian employe at Ft. Polk, remembers the maneuvers well. "My best memories of the maneuvers are of the fried chicken," he said. "It seemed that everywhere we camped, the local people were feeding us. They sure were friendly. Even though we always offered to pay for the chicken, no one ever asked for anything and many refused to accept payment. They just liked the soldiers."

Infantry must learn trucks are not fighting vehicles and cannot fight in trucks—travel on trucks is going to be suicidal when truck columns come under observation and within range of artillery fire.

Complaints were also voiced by some high officials that motorized equipment did not get a fair test since the weather had been so perfect. This situation was reversed during the August maneuvers, however, as a hurricane passed through the area on the first day of the August war games, dumping up to nine inches of rain a day and leaving bridges washed out and most roads impassable.

Some of the lessons learned were immediately put into action with resulting changes in organization and tactics evident, such as the immediate buildup in air power.

Some are still actively practiced in training today. Ft. Polk's Advanced Individual Training (AIT) includes defense of motor convoys against ambush, and the teaching of soldiers to instantly dismount and attack the enemy.

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WHAT DO WE DO WITH OUR LIVES?

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. HAWKINS. Mr. Speaker, in light of recent and current happenings on our college campuses and elsewhere, to read the following reprint of a letter which appeared in Time magazine of May 11, 1970, is to enlarge our understanding of the intense and overmastering feelings of some of the youthful participants in these demonstrations.

One cannot read Miss Linda Eldredge's impassioned statement without realizing the depth of the anguish these young people are experiencing. The tragedy is that idealistic, bright, and articulate youth, of which Miss Eldredge is an example, are driven to the ultimate in protest, that of violence, against their every instinct of decency and justice.

I have no doubt that my colleagues deplore violence as a tool to achieve an end, as I do, but there is no justification for our not knowing why it occurs. Miss Eldredge tells it "like it is" for the youthful protestors who seek both a meaningful education and a better world despite being called "college bum":

WHAT DO WE DO WITH OUR LIVES?

After the angry Moratorium last month, Time Contributing Editor Mayo Mohs wrote in disenchantment about the evident shift away from pacifism among antiwar dissenters toward a "fresh new hate." He received a rejoinder from Linda Eldredge, 19, a student at California's Monterey Peninsula College. Many will disagree with her and consider some of her points exaggerated and unfair, but her letter well conveys the passion and anguish of the youthful protesters in America and helps explain their actions:

It was not the march of five years ago, it was frightening. Is it because things have changed since the days of the first Washington march? No. The hatred and bitterness you saw are there because things are essentially the same. God, they are worse. What happens to a human being who is once full of hope and confidence that he can make his presence felt in the world in a useful and healthy way? What happens when he is scorned and criticized and laughed at? We marched. O God, how we marched and sang and tried to turn from death to life.

We made mistakes. Sometimes we were rash and arrogant, but it was to push away the overwhelmingly helpless and insignificant feelings. We felt horror and grief and rage. We wanted to shake President Johnson and tell him to stop! stop! And the more we spoke out and marched and felt horror, the more the killing grew. Finally, a few more people joined in the protests and we were no longer cowards or traitors. But we were still helpless. We were drafted and trained to kill and sent to a very far away place to die. And our parents watched their children go to this insanity and did not seem to mind. Even when we came back in boxes.

We watched our cities crumbling and dying. We saw people of black and brown and red being denied their humanity. We went to the South and cried out to the Government for help and got nothing. A little here and there, but mostly it amounted to nothing. And we died there too.

We watched men whom we loved and had hope in (though they were not saints and were tainted with inhumanity as we all are) shot and buried.

An election approached and we once again had hope. He was no saint, but we worked our hearts out for him and had them broken. And hardened. At Chicago we grew up and felt our youth withering. Whom to turn to? Most of the people in the nation approved of the beating we received.

Nixon had a chance and he did not act. The Viet Nam War is not being ended. The cities are still dying; much of the countryside is dead. The "defense" budgets for the major countries of this earth are staggering, criminal.

"The System"—does it work? To some extent, yes. But not enough, not quickly enough. What are we supposed to do with our lives? How do we go about solving the complex problems of our world? "Work with the System," we hear. "You're young and strong, and besides, the problems aren't really as bad as you think."

There comes a time when pure frustration builds and breaks out and is ugly. You throw a bottle and it feels good. You say "F—!" and it feels good. If you can't change it, blow it up. It becomes a very personal and illogical thing. Cops hate the damn Commie kids and the kids hate the damn pigs. We feel horror at death and find ourselves planning it in Weatherman basements. You say America is better than other places in the world. It is better than most, but brother, it's nothing to be proud of, and it's getting worse each day.

Violence? I abhor it. Somehow throughout all the broken promises and worthless agreements and "reforms," I still abhor it and condemn it. We cannot change this world through violence—we can only end it. But I wonder if people will work in any other way. The young people—my brothers—I see them growing ugly and irrational and I hear them saying things that are not different from Johnson's words and justifications about Viet Nam. Our parents hate us, our politicians desert us, our hopes simply grew old and died.

I sound as though I am wallowing in self-pity because the world is too harsh. I'm not. I am only very tired.

TRIBUTE TO THOMAS P. KENNEDY

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. FULTON of Tennessee. Mr. Speaker, recently, the Nashville Area Chamber of Commerce paid special tribute to an outstanding citizen in my home district of Nashville-Davidson County.

Mr. Thomas P. Kennedy, a close, personal friend for many years, has well earned the tribute paid him for his more than 30 years of active participation in community life.

As a member, and a former chairman of the metropolitan planning commission, Mr. Kennedy helped shape the growth of our rapidly changing city.

As a former president of our local chamber of commerce, he helped coordinate our business community with its new concept in consolidated city-county government.

As a past president of the United Givers Fund, the Rotary Club, and membership on many civic boards, he has led the way in making our city a better place for all its citizens.

These have been his contributions over the past 30 years.

We expect just as much of him in future years.

Mr. Dick Battle, reporter for the Nashville Banner, gave this report of the special ceremonies held for Mr. Kennedy, and I hope every community in our Nation has a Mr. Kennedy back home:

"TOM KENNEDY THE SQUARE" RECEIVES PRAISE

(By Dick Battle)

Thomas P. Kennedy Jr., industrialist, civic leader, and for 30 years a major participant in planning phases of local government, was honored Wednesday by the Nashville Area Chamber of Commerce for his long service to the community.

The long-time former chairman of the Metropolitan Planning Commission, past president of the Chamber of Commerce, and president of O'Bryan Bros., was presented with a silver tray by Chamber officials, a Distinguished Citizenship Award by Mayor Beverly Briley, and a resolution of appreciation by the planning commission and the planning staff.

Judson G. Collins, chairman of the Chamber's fellowship forum committee, presided at the luncheon in Kennedy's honor at the Sheraton Nashville Motor Inn. Gayle Gupton, vice-president of the Third National Bank, was the principal speaker.

BECOME INVOLVED

Gupton praised Kennedy for his willingness to become involved in the work and progress of the community and for his dedication to "old fashioned" ideas of individual dignity, patriotism, responsibility and hard work. He characterized him as "Tom Kennedy, the Square."

"Only in the past quarter of a century it seems to me has non-involvement become an accepted way of life. When we were poor, we had to sweat it out. We couldn't afford detachment from the life and fate of our country. One of the great dangers of affluence is that it permits such detachment," Gupton said.

Summarizing his appraisal of "conditions existing today," he added, "I'm glad to have Tom Kennedy around. If I had a subject for my remarks today it would be "Tom Kennedy, the Square' . . . everyone knows what a 'square' is. He is a man who never learned to get away with it. A Joe who volunteers when he doesn't have to. A guy who gets his kicks from trying to do something better than any one else can do it. A boob who gets so lost in his work he has to be reminded when to go home. A guy doesn't have to stop in a bar on his way home because he's fired up already."

A "square" Gupton added, "is a slob who still gets all choked up when the band plays 'America'."

IS NOT THRIVING

"His tribe," he said, isn't thriving too well in the current climate. He doesn't fit neatly into the current group of angle players, corner cutters, and goof-offs. He doesn't believe in opening all the packages before Christmas. He doesn't want to fly now and pay later. He's burdened down with old fashioned ideas of honesty, loyalty, integrity, courage and thrift, and he may already be on his way to extinction."

In adidtion to tributes from Mayor Briley, Gov. Buford Ellington, and many others, William P. Hoffman Jr., present chairman of the planning commission and Chamber president Nelson Andrews praised Kennedy for leadership in the development of Metropolitan Government, his aid in establishing the Senior Citizens Center and other contributions to the progress of Metropolitan Nashville.

Kennedy, briefly addressing the 300 luncheon guests gathered in his honor, accepted the gifts and tributes "on behalf of

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all the people who have worked so hard . . . the staff of the planning commission, its director, for many people over the years who have been involved with me in whatever we have accomplished."

WARSAW GHETTO UPRISING, 1943

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. HELSTOSKI. Mr. Speaker, during the last war when Poland lay prostrate under the heels of its conquerors, and its capital city Warsaw was almost literally razed to the ground, there lived more than 300,000 Jews. They were sealed off from the outside world and were persecuted by the Nazis. At first the Jews were compelled to live in the worst slum area of the city. Then a high wall was built around the slum area until the entire ghetto was surrounded by a 10-foot wall, and the Jews were forbidden to pass through the gates, except the one open to them by special permits. Tens of thousands had business outside the ghetto, but they were forbidden to continue their work.

To make the lot of the Jews even worse in this Nazi-built ghetto, another 150,000 Jews from other Polish cities were driven out of their homes and crowded into this ghetto in Warsaw. Soon the Nazis resorted to their cruel tactics; they first intended to starve the people in the ghetto to death. Then batches of these unfortunate souls were taken away and shipped to other camps where they were to suffer and die under indescribable tortures. This process of starving the inmates in the Warsaw ghetto and shipping many to death camps continued until the spring of 1943. All along the Nazis were clever in creating the impression that those taken out of the ghetto were sent to labor camps while those left behind were to have more living space for themselves. Some 50,000 were still in the ghetto in early 1943, and they hoped that they would be allowed to survive.

Meanwhile, word reached the Jews in the ghetto of the fate of those taken away; they learned that all of them were put to death in gas chambers. Realizing that they were to share a similar fate, yet knowing that they could not possibly win their freedom, they resolved to make the supreme sacrifice while fighting for their freedom with dignity and honor.

On April 19 when a fair-sized Nazi force came to the ghetto with the intent of shipping more Jews away to certain death, the inmates braced themselves and fought their Nazi foes with all the means they could lay their hands on. This uneven struggle continued for many hours and through the night, and thousands of Jews lost their lives. But the survivors were not subdued, for these dauntless and daring souls carried on their fight through the night. Then the Nazis began burning down the buildings of the ghetto block by block. Soon the whole ghetto area was a heap of rubble, and nearly all Jews met their death in this holocaust, a veritable inferno. By some miracle a few survived by hiding in underground bunkers, and again by a miracle some of these eventually found their way to today's State of Israel.

Today's Warsaw has no Jewish ghetto, for there are only a few Jews, and they are praying for their delivery from the Communist regime there. The old Warsaw ghetto is gone, but the heroism, valor, and fortitude which the Jews showed in the Warsaw ghetto uprising in April of 1943 lives as a memorial to those who sacrificed their lives and died while fighting for freedom and liberty. On the 27th anniversary of the Warsaw ghetto uprising by the Jews, we pay due tribute to them for their valor and fortitude.

The story of the Warsaw ghetto remains as a reminder of the valor and self-sacrifice of lovers of freedom. It is an episode in world history which few races or nationalities can share and one which must never be repeated. From it we should reap the confidence and courage to rise up against the forces of evil.

WHY THE CAMBODIA ACTION?

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. FOREMAN. Mr. Speaker, why the attacks on Communist camps along the Cambodia-Vietnam border? First, to protect the lives of the Americans who are still in Vietnam; second, to shorten the war in South Vietnam; third, to expedite the extrication of U.S. troops from Southeast Asia.

For about 5 years the Communists have been building up command posts, supply and storage depots, communication centers and munitions stocks, and so forth, along the border of "neutralist" Cambodia. Some of these war centers are less than 33 miles from Saigon, the capitol of South Vietnam. The Communists have repeatedly carried on their deadly, devastating attacks against the South Vietnamese and Americans and then returned to their privileged "neutral" sanctuaries inside the Cambodian border, like a bank robber or murderer running across the street from the scene of his crime, yelling "Kings X," and preventing the police from pursuing or accosting him.

For 3 days, U.S. B-52 bombers pounded these Communist encampments to "soften" them up for final destruction by 20,000 South Vietnamese and 10,000 U.S. troops. The combined forces have encountered only minimum resistance and casualties during their "cleanup" operation. During the first 5 days, over 1,000 Communist bunkers have been obliterated, various communication centers, command posts, supply depots, and munitions and storage centers have been destroyed. Over 619,000 man-days of enemy food supplies have been confiscated. Some 250-plus mobile military machines of the Communists have been captured or destroyed. Numerous enemy missiles, rockets, weaponry, and caches of munitions have been confiscated. Our bulldozers are now filling in and leveling the underground Communist posts and sanctuaries, some of them very elaborate office complexes four stories deep underground.

This total operation will be completed in 6 to 8 weeks—just ahead of the rainy monsoon season. Then, for approximately 6 months this area will be wet, muddy, and soggy, making it most difficult for the Communists to start rebuilding and resupplying. This should allow the South Vietnamese the additional time needed to continue the Vietnamization program, the buildup and strengthening of their forces to be able to defend their own country. We can also continue the scheduled withdrawal of U.S. troops without endangering the lives of those Americans who will still be in South Vietnam.

This action is not to expand the war in Indochina, it is to shorten the war in South Vietnam, protect American lives, and expedite an early honorable end to U.S. participation in this war.

I have trust and confidence in the ability of President Nixon to responsibly and decisively direct our operations to expedite an honorable end to the war, as compared to the previous administration's 8 years of indecision, vacillation, and misdirection that committed 550,000 Americans to a stalemated ground war in Southeast Asia. Through a positive Vietnamization program initiated by the Nixon administration, our troop level has now been reduced to below 426,000 and is reducing every day. U.S. combat casualty rates last quarter were below any in the last 5 years, and the South Vietnamese are rapidly taking over the responsibility of defending their own country. Nixon's record thus far has been good. Certainly, he should be given the support and opportunity to improve upon his commendable record.

PRAYER TALK BY SENATOR TALMADGE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 6, 1970

Mr. THURMOND. Mr. President, at the weekly meeting of the Senate Prayer Breakfast Group on May 6, 1970, the membership was privileged to hear an outstanding talk by the distinguished junior Senator from Georgia, HERMAN TALMADGE.

This talk was so timely and so well expressed that I feel the membership of Congress and the people of the country should have an opportunity to read it.

I ask unanimous consent that the talk be printed in the Extensions of Remarks.

There being no objection, the talk was ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS OF U.S. SENATOR HERMAN E. TALMADGE AT THE SENATE PRAYER BREAKFAST, WEDNESDAY, MAY 6, 1970

My friends, I want to begin this morning with the opening lines of Charles Dickens' famous book, "A Tale of Two Cities," written at the time of the revolution in France:

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"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair."

I find an interesting parallel between these words of Dickens and what we see taking place in our nation today, in these extremely troubled times.

In many respects, we have today the best of all times:

Unparalleled prosperity.

National wealth, in both human and economic resources, that is beyond measure.

Advances in science and technology that have virtually opened to us all the world, and indeed even outer space.

All this and more, we have now. Who can tell what wonders the future will bring? Given American inventiveness and ingenuity, great wealth and American resourcefulness, I see no boundaries to the good that can be brought to the people of this nation and to others throughout the world.

Dickens wrote about a nation and a people at war with themselves, in fact, in the midst of a revolution.

This is why his thoughts are so appropriate today.

This nation—whether we like it or not—is itself in the midst of a revolution. Call it what you will, social upheaval or anything else, this nation and its government is nonetheless undergoing a revolution.

For the most part, it is a great social revolution. To a tragic extent it is not altogether a bloodless revolution. To the contrary, violence becomes more commonplace everyday.

As with most revolutions, it has attracted widespread support from among the nation's young people. Although perhaps it did not start out that way, I believe it has now been taken over by the young.

Young men and women, many of them radical, militant, and even violent, run rampant through the country.

Last Thursday night, on national television, the President of the United States made a forthright and I believe very accurate statement. He said we live in an age of anarchy.

He said mindless attacks are being made on all the great institutions that have been created by free civilizations in the past 500 years. He said great universities are being systematically destroyed before our very eyes.

This part of his message was naturally almost totally eclipsed by the import of his statement on Cambodia. But these are nonetheless strong words from a President of the United States.

This is a terrible comment on the worst of times and the season of darkness that have now befallen this nation.

The revolution taking place today purports to be a crusade for a reordering of national priorities, for restructuring our society, for new values and a new morality.

I do not intend a denunciation of young people in general. But I would not shirk from condemning many of them in particular.

Youth has a right to question. Youth should carefully question the dogmas and the values and the institutions of their elders. They are totally justified in examining the gap that exists between what their seniors say and what they do.

They have better minds and clearer consciences than we did at their age. They have a deeper concern for all their fellowmen. I salute them for their impatient idealism.

Young people find trouble at home and in the world, and they are all ready to leap on white chargers and set off to do something about it. Sometimes they are not sure what, but they are bent on action in some way.

I am reminded of a remark made by Justice Oliver Wendell Holmes to a young man of his own time, when there was economic depression, threats of world war, and an overriding lack of security. Justice Holmes said:

"You young people, you think you have discovered trouble. If you want to live without trouble, you will have to die young. For if one thing is sure, it is that trouble has always been with us and always will be. . . . Accept it, have faith, and do the needful."

Admittedly, this generation and past ones have made mistakes, some of them serious ones. Being fallible, we are still making them. But it cannot be said that we are not trying to correct our errors, past and present.

I have no quarrel with young people who have taken up the cause for a better society. That is doing the needful. This is not only their right, it is their duty. It is how I would like to think they have been taught.

We find this message in a Psalm of David

"That our sons may be as plants grown up in their youth; that our daughters may be as cornerstones polished after those in a palace." (Ps. 144:12).

Great comfort can be derived in knowing that a morally strong and determined generation follows up behind.

So there are many areas for improvement in the American society. We all concede this fact. But in setting out to bring about a better world, many of our young men and women miss the mark. So many, I fear, that they have become a dangerous threat.

The right to reform does not mean the right to revolt—not in our lawful society and not in any community that is based firmly on the foundations of law and order.

America's young people today are smart enough and resourceful enough to work for social and economic progress with the skill and finesse of a surgeon.

But all across the land, they are going about it like butchers with a meat axe.

And this is where they and I part company.

One cannot secure peace through violence by rioting and wanton destruction of public and private property.

One cannot attain morality through immorality through the establishment of communes and pseudo-religious cults, wherein promiscuous sex and drug abuse are the principal elements.

One does not ensure security by creating chaos or anarchy by undermining our government of laws, or by aiding our Communist enemies.

"Whatsoever a man soweth, that shall he also reap." And in Matthew, the 7th chapter, Jesus tells us:

"Judge not, that ye not be judged. For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again."

Violence and disorder beget more violence. Immorality begets a society that is sick to the core. A society without government and law is a jungle in which only the strong feel secure.

The young today are not prone to excuse our mistakes. There is no good reason for them to do so. Neither should we supinely overlook the mistakes of young people.

Nor should we totally capitulate to the young, simply because they are young and bursting with idealism—not if we know they are wrong in what they are doing, and where they are going.

Alexander Pope said "a little learning is a dangerous thing." Drink deep, he said, or taste not the spring.

"There, shallow draughts intoxicate the brain,
And drinking largely sobers us again."

Thus have youthful elements succumbed to their own zeal. Thus do many of them give weight to the proverb:

Proverbs 12:13: "The way of a fool is right in his own eyes."

For such people . . . the foul-mouthed rebels, those with the incendiary bombs and brickbats, and who pay homage to destruction . . . I find these words of the great Prophet in the 59th chapter of Isaiah especially meaningful:

"None calleth for justice; nor any pleadeth for truth; they trust in vanity and speak lies; they conceive mischief and bring forth iniquity . . .

"Neither shall they cover themselves with their works: their works are working iniquity, and the act of violence is in their hands.

"Their feet run to evil, and they make haste to shed innocent blood . . . Wasting and destruction are in their paths . . . the way of peace they know not."

It was Hawthorne who wrote:

"Zealots have an idol, to which they consecrate themselves high priests, and they deem it holy work to offer sacrifice of what is most precious."

So would the youthful high priests of today sacrifice our system of government. Thus, they would destroy education. Thus, they would tear down respect for law and order. Thus, they scorn the God of our fathers.

Thus, they lay these time-honored treasures at the feet of the graven image of social revolution built upon lawlessness and destruction.

The time has come for us to ask ourselves some serious questions about what is happening to young America.

What has happened to the home? Where have parents been while all this has been going on? Are they no longer concerned that their children would run amok in the streets, creating disorder and even burning and destroying?

What of the schools and the college? Have they so lost touch with reality that they believe academic freedom means freedom to do as one pleases?

And what of the church? Is it no longer able to distinguish for its followers the difference between morality as defined for all ages in the Scriptures, and the "new morality" as preached by some disciple of discord?

These are questions that trouble us today. These are questions that must be answered—not in the abstract but with positive, meaningful action.

A story goes that in 1780 there was a solar eclipse at noon on a day that the Connecticut State Legislature was in session. This, too, was a dark and anxious day of revolution. The State House of Representatives broke up in a panic. In the State Senate a motion of adjournment was made so that Senators could go out and face the day of judgment they believed to be upon them.

It was opposed by Abraham Davenport, friend and adviser of George Washington. Senator Davenport said to the Senate:

"The day of judgment is either approaching or it is not. If it is not, there is no cause for adjournment. If it is, I choose to be found doing my duty. I wish therefore that candles may be brought."

At a time when we are likewise haunted by doubts and fears—of chaotic society, of nuclear holocaust, of crime and poverty and pollution—let us be found doing our duty, in government, the home, the school, and the church.

I pray that God may grant us the strength, wisdom, and common sense to show our young people the right way to duty and responsibility as well.

Then we can bend our strength and will, in unison, in the common pursuit of the goal we all desire—a better society for all of us.

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IZAAK WALTON LEAGUE QUESTIONS THE SST

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. REUSS. Mr. Speaker, the October 1969, issue of the Izaak Walton League magazine "Outdoor America" carried a fine editorial on the SST. It calls into question the system of priorities which attaches great importance to a high-cost, low-benefit program like the SST, but recoils at the prospect of spending what is truly needed to deal with environmental problems.

I commend this editorial to my colleagues:

A Matter of Priorities

Announcement by the Administration that funds totalling $761 million will be allocated for the production of two prototype SST aircraft unavoidably raises the question of how we decide on national priorities. The decision to proceed with the 300 passenger, 1800 supersonic transport appears to have been made for one principal reason—we "want to continue to lead the world in air transport," the Administration said.

The British-French "Concorde," a smaller and somewhat slower SST, has already flown as has a Soviet version. The American prototype is scheduled to fly late in 1972. It is felt, however, that airlines will hold off purchases and wait for America's SST because of its greater carrying capacity, longer range and higher speed, and to preserve a favorable balance of payments in the international scene.

The form letter response of the Bureau of the Budget to any inquiry about expenditures for America's crucial environmental problems stresses inflation and the need for belt-tightening. The SST, and its more than three quarters of a billion cost, apparently would have no such influence on the inflationary economy.

It is pointed out that the SST will permit us to fly to Europe and to Tokyo in 2½ to 3 hrs. Wonderful! That's hardly more time than it takes millions of workers to commute to and from their jobs in the city. The problem of the sonic boom is dismissed with assurance that the SST will fly mostly across oceans and when over land will throttle down to subsonic speeds. Thus, the SST will mean little to the great mass of citizens who travel by air. It will, however, chip a few hours off the travel time of the jetset on their junkets of the Spas of Europe, the ski slopes of New Zealand, their safaris in Africa, and shopping trips to Hong Kong. Meanwhile, the same Administration has told us that there will be no new badly needed park and recreation areas for us stay-at-home clods. And, the major park and recreation development essential to environmental improvement in our crowded cities must wait until the Vietnam War is ended.

SST expenditures will protect the jobs of 25,000 employees of Boeing Aircraft, General Electric and numberless sub-contractors. We have no quarrel with that. However, it must be pointed out that construction of sewage treatment facilities, air pollution control devices, and a host of other production and service activities valued in environmental quality projects also protect and expand jobs.

Congress, in expanding and earmarking the Land and Water Conservation Fund and the programs it finances, established some national priorities, which is its constitutional prerogative. The Bureau of the Budget—that "super-Congress", as a ranking Republican representative called it—sets its own priorities, like the SST.

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HANOI'S DEAR AMERICAN FRIENDS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. RARICK. Mr. Speaker, according to recent reports presented by some outstanding American friends of Hanoi, no enemy sanctuaries exist in Cambodia. They could only find evidence of American barbarianism against children.

That some materiel has been captured by United States-South Vietnamese troops in Cambodia is significant in confirming the existence of the Communist sanctuaries.

Perhaps more striking and shocking than mere liberation of this materiel was that the 400 cases of medical supplies had been furnished by a group calling itself the American Friends Service Committee.

Any explanation of what these supplies were doing in the hands of the enemy can only pose additional questions. That one of the friends of Hanoi who recently assured the nonexistence of Communists in Cambodia—is also "peace education secretary of the American Friends Service Committee" should create a credibility gap in many pro-Hanoi operations in the name of peace.

Mr. Speaker, an editorial from the Chicago Times of May 6, 1970, follows my remarks:

Hanoi's American Friends

Combat, a National Review publication which reports on subversive activities, recalls that American leftists in the "peace movement" maintained for years that there were no communist sanctuaries, no base camps, no Sihanouk or Ho Chi Minh trails in Cambodia. A group called Americans Want to Know, organized in the summer of 1966, appointed a team of "prominent and respected Americans" to visit Cambodia and certify that it was not being used as a base for operations by North Vietnamese and Viet Cong forces.

The original team consisted of Kay Boyle, leftist author and San Francisco State college professor; Donald Duncan, a renegade former Green Beret sergeant; Russell Johnson, peace education secretary of the American Friends Service committee [Quaker] in New England; Floyd McKissick, then national chairman of the Congress of Racial Equality; and William Kunstler, who has become notorious for his conduct as defense counsel in the recent Chicago riot-conspiracy trial, for which he is under contempt of court sentences totaling four years.

Kunstler did not make the trip but three others signed on: Rabbi Israel S. Dresner of Springfield, N.J.; Norman Eisner, Great Neck, N.Y.; business man; and Marc Stone, public relations director of the revolutionary Ramparts magazine. After an "on the spot" inspection, the team dutifully reported that it found no sanctuaries, no base camps, no communist troops, etc. All it found, the team said, was evidence of American border raids and napalm strikes, mainly against children.

There is a sequel to this little service performed for Hanoi by its American friends. Among large stores of rice, ammunition, and other war materials found in enemy bunkers by American troops in the Fishhook area of Cambodia Sunday there were 400 cases of medical supplies. Some of them bore stickers that read: "The American Friends Service committee gives medical aid to Viet Nam war sufferers in Quang Ngai [South Viet Nam]."

It was not clear how the medical supplies reached underground bunkers in Cambodia. Some, however, were packed in cartons bearing Air France labels that read: "Destination: Phnom Penh."

WHAT CAN I DO?

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. DORN. Mr. Speaker, annually, the Westminster, S.C., Rotary Club sponsors a speech contest at Westminster High School. Participants can select a speech to deliver or can write their own address.

The speech below was written and delivered by Miss Carolyn Cobb, the daughter of Mr. and Mrs. Roosevelt Cobb of Mountain Rest, S.C. Miss Cobb, a student at Westminster High, presented the only original speech in the contest this year. I commend her remarks to you as an honest and thought-provoking expression of one young person's feelings about her Nation and its problems today:

What Can I Do?

(By Carolyn Cobb)

America once stood like a palace above a deserted valley; she gave hope and incentive to all who were courageous enough to explore her roots. The roots were strong and filled with minerals enough to supply the whole world for more than a hundred years. From her own body she gave life to a population of struggling men to maintain a day for her and loyalty in her own defense. Upon her head she proudly wore a crown which symbolized the dream of all those to whom she had given life. The dream of freedom . . . such that no people had ever experienced upon this earth. A freedom from which men could build hope, achieve goals and develop their potentialities . . . whether they be great or small.

Her crown shone with such brilliance that all who looked upon it retained a sense of pride, honor, and patriotism.

But now, a strange event has come about . . . this country no longer glows with such brightness . . . darkness covers this land! I know this, for the land I speak of represents, not merely a city, but a nation in which I grew up. It's America!

What has happened to her is beyond my understanding! It's hard to believe that in such a short time many events have changed her so drastically. MY AMERICA was once so strong, not altogether in power, but something more binding . . . patriotism.

Today, instead of pride, I see rebellious mobs marching against this great land. What can I do to make them see that other powers are taking over without the use of machines, but . . . a more effective weapon . . . a weapon stronger than any missile and much more powerful? The minds of our young Americans are being used too successfully! The surrender of our beautiful America will not be by force . . . but willingly. For all that's necessary for this surrender is confusion . . . that seems to be at hand.

I alone cannot stop this tragedy from coming, but WHAT CAN I DO? I need someone or something more powerful than myself or man!

Oh! God, our country's city lights have grown dim; her walls have begun to crumble;

she is deteriorating from within her own surroundings. Give her a new hope and a light that will once again brighten the world.

WILLIAM P. CHESHIRE'S MIDEAST REPORT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 6, 1970

Mr. THURMOND. Mr. President, the situation in the Mideast has escalated to a new high with the announcement that Soviet personnel are flying combat missions over Egypt. It remains urgent for the United States to seek out and counsel with the Arab nations and with the Israelis in order to avoid the danger of an East-West conflagration.

Mr. William P. Cheshire, the distinguished associate editor of the State newspaper in Columbia, S.C., has recently returned from an extensive tour of the troubled area. While he was there, he wrote an illuminating series of on-the-spot articles. These articles show many positive factors still working for the cause of peace, if we can only take advantage of them in time.

Mr. Cheshire's acute observations show that there is an immense reservoir of good will toward the United States in all of the Arab countries, as well as Israel. Mr. Cheshire has some fascinating insights since he concentrated less upon the surface politics as upon the actual feelings of the people. I want to congratulate Mr. Cheshire for this fine series and to share his insights with my colleagues.

Mr. President, I ask unanimous consent that the series of articles entitled "Mideast Report," by William P. Cheshire, associate editor of the Columbia State newspaper, be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Columbia (S.C.) State, Feb. 27, 1970]

Egyptians Remain Friendly But Attitude Could Change

Cairo.—The first thing the visitor notices upon arriving here at night is the widespread disregard of the government-imposed blackout. Heavy fines were mentioned in the Interior Ministry's order of February 14, but Cairo blazes on, unconcerned.

As we drove in from Cairo's International Airport (where posters advertise the Arab guerrilla organization, Al Fatah) I asked my cab driver about the blackout violations.

"Oh," he shrugged, "some of the streets have no lights."

Those streets I did not see that night, or the next night, or the night after that. The only concessions to the blackout I found were a few windows and car headlights painted blue. In some mysterious manner not fully comprehended, certainly not by me, blue glass is supposed to ward off Phantom jets, which are blamed (with some reason) for the bombings outside Cairo.

But if the city goes about its night life as usual, other signs of war are present in abundance. Buildings—all government buildings and some others like the huge Mobil Gas building on Sharia Kornish al Nil—are heavily sandbagged. So are the bridges across the Nile, where Egyptian soldiers stand lazy watch with submachine guns.

I lingered overly long near the At-tahrir Bridge and was warned away in sign language by a soldier who spoke no English. Another soldier stopped me abruptly when, by mistake, I tried to enter what I took for the side entrance to Shephard's Hotel.

Greeting visitors to the Government Press Office, where such precautions are explained is a machine gun emplacement at the head of the stairs.

"We are ready for war," a friendly Egyptian official told me emphatically over a cup of strong Turkish coffee. "The people know there is the war to fight."

And since the country is at war, there must be spies afoot. Having been warned that any visiting foreigner would be suspect. I checked with officials at the U.S. State Department's 15-man mission here before taking pictures.

Absolutely do not, they advised. An Italian tourist-photographer was seized only a short time ago and given 10 years for espionage, though our officials say he was entirely innocent. His experience, though drastic, has common parallels.

An English lady at the Anglican Church here—the sign out front reads "Episcopal" in memory of the anti-British riots of 1956, she explained—told me of a parishioner who was arrested the day before for taking pictures. He was released.

Despite this perhaps paranoid fear of photographers, Cairo seems generally relaxed. Egyptians are unusually friendly, even to Americans, whose government is viewed as Israel's chief ally. I have encountered in a short stay only one exhibition of anti-American sentiment, and that was minor. A group of young boys, recognizing my nationality, began shouting, "America, leave us alone!" as I passed them on the street.

Informed officials here say, however, that anti-American feelings are on the rise since Israel began air raids near the city on January 7. If these continue, and especially if the White House agrees to supply the already-dominant Israel Air Force with 50 more Phantom jets, it is possible that the shout of a few boys could become the dominant Egyptian sentiment.

[From the Columbia (S.C.) State, Mar. 2, 1970]

Nasser Leads High Egypt Into Conflict And Famine

Cairo.—Nasser's Egypt, preoccupied by the war with Israel, is losing the war against hunger at home.

That is the appraisal of observers here who, though friendly to the Arab cause, find Nasser's socialism and distrust driving this overcrowded nation of 33 million persons toward famine and economic collapse.

"When I first began studying Egyptian Arabic about 12 years ago," an American resident told me, "Egypt's population was 23 million. That means there are now 10 million children 12 years old or under, or nearly a third of the total. In a few more years, these children will be having children of their own."

Birth control, the obvious answer, has made little progress in Egypt. Unlike India, where the government is eager to defuse the population bomb, Egypt regards it as a formidable weapon against Israel.

"Nasser feels the same way as some of the black nationalists in the United States," I was told. "He sees birth control as 'clean' genocide"—another move in a U.S.-Zionist "conspiracy" against the Arabs.

With population control all but prohibited, outside efforts have been directed toward the only other alternative to widespread starvation: providing more food. But even here, Nasser's paranoic mistrust intrudes.

The Ford Foundation, which maintains an office here and agricultural experiment stations in the Nile delta, hopes to introduce high-yield varieties of rice and maize that, tests show, would double or triple Egypt's production of these staples in two or three years. Cairo initially approved Ford's plan. Final approval, however, has been withheld.

There is the feeling that Nasser's prejudice toward foreign technical advisers (excluding Russians, who number in the thousands) may have been misjudged at lower levels. Nasser's wish to minimize foreign involvement, therefore, may have been applied as a total ban, thus sabotaging the Ford project, which would have supplied the technical staff to teach Egyptian farmers how to grow the new crops.

Whatever the reason, Egypt's historic enemy—famine—seems likely to return.

One result of the increasing demand for food is inflation. Food prices, longtime residents estimate, have climbed as much as 25 per cent in the last three years. Other prices have increased accordingly.

Not only is there inflation; there is widespread unemployment as well. Cairo teems with the jobless of all ages. The government tries to correct the situation by forcing hard-pressed employers to hire arbitrarily fixed quotas of frequently unqualified workers. This "solution," as might be imagined, has not worked.

Nasser's brand of socialism generally has not worked. One of the President's critics told me that a few years ago Nasser decided that prosperity could be achieved by eliminating imports. Marble, for example, was being imported from Italy. The government banned Italian marble and opened a marble quarry in Egypt's desert region. The result: Egypt now produces marble at far greater cost in both money and precious water (which is essential to quarrying and desperately needed by agriculture).

Egypt obviously is caught between socialism and the economic requirement of a free market to allocate scarce resources efficiently. The question arises: How can the government, responsible for mismanaging Egypt's "managed" economy, survive?

The answer seems to be the war, in the interest of which all criticism is suppressed.

Nasser's photograph holds the place of honor in every corner of this city—from the post office in the Nile Hilton to the most humble stall in the Khan Khalil bazaar. Even hunger and food are put out of mind.

Over at Cairo's famous Egyptian Museum, display cases are criss-crossed with tape, and sandbags are piled high beside mummy cases against the day when Israel may bomb the city itself. On many of these sandbags, which once contained flour or wheat, are these words, in English: "A Gift of the People of the United States."

Thus does Nasser march Egypt, "the gift of the Nile," to war and famine.

[From the Columbia (S.C.) State, Mar. 18, 1970]

Jordan's King Shares Throne With Guerrillas

Amman.—Whatever the details of the agreement between King Hussein and the Fedayeen guerrilla command here, the evident results do not suggest long life for the Hashemite Kingdom of Jordan. Evidence of guerrilla supremacy—one is tempted to say sovereignty—is met with on every hand.

I arrived here early the same afternoon the settlement was announced. The week before, 70 guerrillas had been killed in clashes with government troops. Despite their losses, the commandos obviously were in charge.

Al Fatah soldiers in camouflage attire sauntered freely through the streets of this city, submachine guns slung over their shoulders. Carrying of arms by the guerrillas was one of the challenges to his authority that King Hussein hoped to stop. It is clear that he failed.

At the ultra-modern Intercontinental Hotel in the center of the city, Fatah guerillas and other commandos openly solicit money from sheepish hotel guests and restaurant patrons. Particularly active during my stay were panhandlers from the Popular Front for the Liberation of Palestine, one of the larger and least responsible of the commando splinter groups. It is headed by George Habash, a professed Christian and a Maoist.

The PFLP advertises its virtues here and elsewhere in the Middle East by slapping up wall posters showing a hand about to hurl a Molotov cocktail. Among the targets Habash has in mind is Israel's El Al Airlines.

Once, I was approached by one of Habash's collectors as I read the day's paper in the Intercontinental lobby. By coincidence, the guerrilla interrupted me just as I was reading this statesmanlike comment from Habash on the terrorist bombing of commercial airliners:

"This is within our strategy," Habash said, "since El Al planes are part of Israel's military air force." His guerrilla group, Habash said, would continue attacking El Al planes all over the world.

Weighing one thing with another, I decided against investing in Habash's organization.

But it would be unfair to judge all the commandos by the Popular Front. Al Fatah, the guerrilla group of greatest competence and size, is widely respected by a good many Arabs and non-Arabs who hold no brief for lawlessness. Yasser Arafat, its leader, was educated at the University of Cairo and is no Eldridge Cleaver by any means. Possibly no one is more put out than Arafat by the excesses and stupidities of Fatah's hare-brained rivals.

The fact remains that Jordan, headquarters for the Fedayeen, already has a constituted government, and the question has to be asked: How long can King Hussein, humiliated in his showdown with the guerrillas, survive? It is a question for which no one here has the answer. Some in Amman believe the king may be failing. Others say Fatah will allow Hussein to stay in power so long as he behaves, because the guerrillas fear the chaos that might come were the king deposed. Syria quickly might invade Jordan. So might Israel.

Since the king's evident capitulation, however, the possibility arises that the guerrillas may have grown more bold and confident of their own ability to rule. Already, Fatah is calling for reorganization of Jordan's government and the army, now headed by the king's uncle, Maj. Gen. Sherif Nasser bin-Jamil, who is not loved by the guerrillas.

As for the king, he is precisely where capitulation put him. "I must say," he confided to an interviewer recently, "that I am very near to total despair."

Why, many here wonder, did the king challenge the Fedayeen, bigger-than-life heroes throughout the Middle East and especially so in Jordan? No one is sure. Some suspect the king listened to his advisers and got bad advice. Others fear the king, tired and shaken from being too long on the tightrope, has lost the sense of timing that has seen him through so many troubles before.

Whatever the reason, he has been forced to negotiate away some of the vital authority of a sovereign. He has kept the throne; but, worried Arabs and Westerners agree, it is a seat he holds at the pleasure of those former subjects who today carry submachine guns unmolested through his streets.

Bare Needs of Gaza People Provided by Relief Agency

(By William P. Cheshire)

Gaza.—The tour buses bearing Jews and Christians on pilgrimages to the Holy Land skirt this tinderbox city of some 30,000 Arabs, once a southern outpost in the land of the Philistines.

The reason is not hard to find. The day before I left for Gaza, a young Arab waited behind a road sign off the main road, then heaved a grenade into the cab of a passing army truck, killing an Israeli sergeant.

For such anonymous acts of terrorism, the Israelis exact grim punishment. Heaps of rubble mark where they have dynamited Arab homes. When two masked men murdered a Jewish merchant here last October 29, Israeli security forces blew up eight shops in the immediate vicinity.

"We do not advise going there," said the desk clerk at Jerusalem's princely King David Hotel. "If you were in the United States, would you drive to Harlem?"

On the way in, I gave a lift to one of the many Israeli soldiers who were thumbing rides back to their bases. He nervously unholstered his pistol when we reached the city proper and sat with the gun bouncing in his lap. He spoke no English, but the meaning of his gesture was clear. So was the reason for the eucalyptus stumps that edged the roadway: trees make good hiding places.

But it was not to dodge hand grenades that I came to Gaza. Just north of the city is the Jabalia refugee camp, where the United Nations Relief and Works Agency (UNRWA) provides free the bare-minimum needs of 40,000 men, women and children at a daily cost of about 10 cents each.

It is not much. But it means a little food, a roof, medicine and, for the children, school and a chance someday to escape the terror and repression of life in the Gaza Strip. Escape and a chance to work.

Of the 275,000 refugees now living in the Strip, fewer than 10 per cent are classified as able to support themselves. UNRWA estimates that the Strip could support at best no more than a fifth of its present population. Thus, since the Six-Day War, about 50,000 refugees have left. Some have been deported. Most have gone in search of work in one of the other occupied areas or in Israel itself.

Those who remain at the camps draw meagre rations at UNRWA distribution centers once a fortnight: 11 pounds of flour, a little sugar, 9 ounces of rice, a little oil or fat, a bar of soap and, in the wintertime, 1¾ pints of kerosene a month. The food ration provides about 1,500 calories a day, far below the recommended minimum for adults.

In addition to the U.N. effort, a trickle of aid also comes from the Egyptian government, CARE and the Near East Christian Council for Refugee Work. The Israeli government is content to let others tend these chores.

Yet conditions at the Jabalia camp are far better than those to be found in some of the newer camps in Jordan, swamped with some 200,000 refugees from the Six-Day War.

The "homes" I saw here—little more than boxes, three meters square—were neatly cared for and the roofs did not leak. Up to five persons are crammed into each of these huts, where they cook, eat and sleep, all in one room.

Yet the most vivid memory I carried away was not of squalor, but of an old woman, the lower half of her face modestly covered, fussing proudly over a grandson a year and a half old.

Child care is one of the urgent needs UNRWA meets. Dehydration among small children suffering from gastro-enteritis is endemic in the camps, and I was shown a room in the Jabalia clinic where refugee children are treated for the illness a dozen at a time. In a ward nearby, two Arab women nestled new-born babies in their arms and beamed.

"Some of the women do not come to the clinic," said Mr. Subhi Hashwa, a refugee who now works at UNRWA headquarters. "When they can't come here, we send midwives and medical attendants to their homes."

On their children, I began to see, is where the refugees pin their hopes. I had heard whispers of dire malnutrition in the Strip, of pitiful little sad-faced children with bloated bellies. These exist, I know, in Jordan, but I found none here. At schools and wherever they turned up (which was nearly everywhere), the children of Jabalia were plump, well-groomed, laughing and chattering like children anywhere.

But while the children offer hope, they are also a tremendous burden, requiring special health care and educational attention. The Jabalia camp alone has 13 elementary and preparatory schools, and UNRWA's deficit for the Gaza program this year is expected to reach $5 million.

"After 19 years," an UNRWA publication reported two months before the June 1967 war, "the Gaza Strip is still very evidently a disaster area."

What was then a disaster area now erupts in terrorism almost daily, as long-nurtured hatreds and frustrations reach the flash point. Gaza's youngsters may in time escape. But until the political stalemate is broken and the refugee problem resolved, life in the Gaza Strip will continue to be largely one of hopelessness, terror, reprisals and want.

Middle East Report: A Palestinian Views the Ruins of His Past

(By William P. Cheshire)

Jerash, Jordan.—"It would have been better for me to have died than to have left Jerusalem."

The speaker, now a guide at the Roman ruins here, had been drawn into a discussion of the Palestinian problem as we made a slow tour through this unique city of the Decapolis. He was a Palestinian himself, had been a guide for many years in the Old City of Jerusalem. Then, in 1967, he and his family fled in the face of what the Israeli guide-books speak of as "unification" of the Holy City.

While we poked among the ruins, he recalled with pride those happier days before the June War. He once had guided Dr. Billy Graham on a tour of Jerusalem.

"See here," he said, pointing to the American evangelist's autograph in a well-thumbed notebook. Dr. Graham, we agreed, was an admirable man.

"He drinks no wine," said my guide, with a nod of the head for emphasis.

"Like the Moslems," I said.

He smiled.

As our tour progressed, the conversation became more pointed. The Palestinian began to reflect unhappily on the circumstances that had forced him to leave the city that had been home for his family for countless generations. I was an American, and that fact was leitmotiv to what was said. Did I and my nation not share the blame for this man's flight from Jerusalem to Jerash in the rocky Jordanian hills?

"Israel, the other nations of the world, the United States—no one cares," he said. "No one sees that Israel deals fairly, mercifully with the refugees."

But it is not true, I offered, that no one cares. Many people, many Americans, regard the refugee issue as central to a Middle East solution. Many regard Israel's seeming indifference to the problems of the Palestinian outcasts as a repudiation in fact of much of Israel's moral posturing.

"You say you care," said my guide, more in a spirit of resignation than criticism. "But you will go home again in a few weeks, and you will no longer remember a poor old man, uprooted from his land and made to live in a new country where he has no family, no ties."

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I did not speak, I knew that I would remember. But I also knew that nothing I could do would in any way relieve the misery that this man felt. He was a Palestinian, an Arab. It was not possible for me to understand in any but a superficial way the importance that he and thousands of fellow refugees attach to family and home, as important as the Prophet to most Moslems.

To be sure, one could detect more than a little self-pity in my guide's rendition of his troubles. Self-pity and blaming others for one's misfortunes these, Arabists agree, are characteristics of the race.

But when all that is taken out, there remains the hard core of irreducible human tragedy: families dispersed, homes and property appropriated, jobs and friends left behind. Between here and Amman stands one of the many refugee camps that have sprung up across Jordan since the 1967 war. Thousands of families exist in these camps, huddled against the cold in hovels three meters square, hopeless, destitute, forgotten.

That camp was my first direct exposure to the refugee problem. I could scarcely believe my eyes: row upon row of huts, a monotonous city of galvanized tin roofs and littered streets perhaps a yard wide, with small children at play in the hard-packed mud. I leaned forward and pointed toward the sprawling slum. "Palestinians," said my driver, hardened to the sight.

As I left Jerash, the sun was setting. In the village below, the muezzin was just beginning the call to prayer, and my guide and I stopped to listen. It sounded to my Western ears like plainsong.

Finally, the chant complete, the guide and I shook hands. "Some day," said he, quietly, "perhaps we shall meet again—here or in Jerusalem."

If we ever meet again, I thought glumly, it will be here in Jerash.

"Let us say Jerusalem," I said.

[From the Columbia (S.C.) State, Mar. 29, 1970]

LEBANON SHAKY: THE NATION MAY NOT SURVIVE THE BITTER ARAB-ISRAELI CONFLICT

(By William P. Cheshire)

BEIRUT.—Nowhere does the terrible cost of the Middle East war come home more starkly than here in Lebanon, the most Western-oriented Arab nation and possibly the most vulnerable to the ravages of rising militancy in this inflammable corner of the world.

The visitor fresh from Cairo and Amman finds here a vitality, economic and intellectual, almost wholly missing in those other Arab capitals. And all this, he is told by those who ponder the subject seriously, is destined to be smashed unless the Mideast crisis can be calmed—and quickly.

As in embattled Jordan, Fedayeen guerrilla operations contribute to the sense of crisis by inviting Israeli occupation of southern Lebanon, where the commandos have concentrated their forces. Lebanon's token army of about 12,000—scarcely more than a domestic police force—has little chance of disciplining the guerrillas, who enjoy immense popular support, especially among the Moslem half of this half-Moslem, half-Christian nation.

"We are the only neighbor of Israel's," one Lebanese told me by way of making a prediction, "that has not lost territory to Israel or had a change of government." He would not rule out either here, he added.

Politically sensitive Lebanese are especially of the nation's poor military posture. "We want an army that fights," says Fuad W. Itayim, editor of the Beirut-based Middle East Economic Survey, "not one that tries to fight and run the country at the same time. No army can do both."

Lebanon's need for an effective defense force seems clear enough. Persons close to the guerrilla movement say privately that the Fedayeen anticipate—in fact, hope to provoke—new Israeli conquests. The farther Israel extends her borders and the more Arabs she reaches out to encompass, the reasoning goes, the more vulnerable Israel becomes. Most likely to be sacrificed: that part of Lebanon south of the Litani River, on whose waters Israel has long been thought to have designs.

That Lebanon, already hurt economically by the political uncertainties of the Near East, could withstand such a loss of territory seems doubtful. But here, as in the rest of the Arab world, domestic concerns are quickly submerged in the greater concern over Israel's expansionist ambitions. And the only effective counterforce to these ambitions, many moderate Lebanese will insist, is the Arab commando.

"One tries rational argument and peaceful solutions," explains Soraya Antonics, an attractive young Palestinian active in the Fifth of June Society, an association of Palestinian intellectuals. "When that doesn't work, what's left?"

Miss Antonios sees disillusionment with peace-seeking as the primary cause of the Fedayeen's mushrooming growth. Refugees of the 1948 war refused to believe that repatriation would not come in time. "It never sank in, really," says Miss Antonios, a refugee herself. United Nations resolutions promising repatriation helped keep the hope alive.

Then, when the 1967 war drove some 200,000 new refugees from Jordan's West Bank, younger members of the 1948 exodus saw the hopelessness of their position. "They realized," says Miss Antonios, "that they had been deceived all those years." Out of the resulting bitterness and determination to redress the wrongs of the refugees, Miss Antonios believes, the guerrilla movement was born.

Though not as conspicuous here as in Jordan, the guerrillas are nonetheless present. The major guerrilla newspaper, "Fateh," which circulates throughout the Arab world, is published here, and posters soliciting support for the guerrillas are a common sight in downtown Beirut.

Equally common is the near certainty among informed Lebanese that a major confrontation between the government and the guerrillas—and between the guerrillas and Israel—is only a matter of time. Makram Atiyah, a journalist educated at the American University of Beirut, points up the danger in such a showdown when he concedes that Lebanon, with its Western heritage and firm grasp on freedom and enlightenment, may not survive the Arab-Israeli wars intact.

"But in the meantime," he adds, with a good-natured detachment uncommon elsewhere in the Arab East, "we enjoy Lebanon's vitality while it lasts."

IN GREECE, OPPRESSION TOUCHES LIGHTLY

(By William P. Cheshire)

ATHENS.—Here in Greece, "where democracy was born," life goes on pretty much as it did before the colonels smothered democracy "to avert the danger of a Communist threat."

"I would say," an American diplomatic representative calculated, "that 85 to 90 percent of the people just go about their business." Opposition to the government is centered almost entirely among a few intellectuals and the Athens press, which feels threatened by the government's economic and other restraints.

Among the weapons used against the newspapers is a tax on all publications moving outside the capital city. The purpose: to keep criticism of the regime, not uncommon in the papers here, from reaching Greeks in outlying rural areas, where support for the government is strongest.

"The government denies it is doing this," my informant said, "but I visit the outlying areas, and I know they don't get the Athens papers."

Another tactic is to suppress particular editions of the Athens papers when the criticism becomes too "provocative." Rather than prosecuting the editors (allowed under the new constitution), the government prefers to order kiosk operators not to sell the papers, I was told.

"It works just as well, and it avoids the outcry that would result, particularly in the United States, from messy trials."

Aside from suppressing criticism in the press, the colonels are likewise quick to resent political opposition. But their methods are a far cry from the brutality commonly charged against them in America, well-informed non-Greeks say.

"I would call it a benevolent dictatorship," one American official said. "Political enemies are put under house arrest and kept for long periods—maybe months—in hotel rooms. But they are not brutalized."

The number of political prisoners is put at around 2000. Some are Communists and Communist sympathizers. Others are royalists and right-wingers, including some ex-military officers.

Among many Greeks and foreigners alike, the major criticism of the colonels has to do with their clumsy methods and inefficiency. "They are military men and, most of them, from rural backgrounds," an American resident generally friendly to the regime told me. "They just aren't accustomed to thinking in terms of public relations, and they aren't used to running a government either."

What worries many American officials here is the chance that political opposition in the United States—aggravated by the Greek regime's inattention to its "image" overseas—may disrupt U.S.-Greek relations at a time when Greece is one of the few Mediterranean outposts on which the United States can depend. U.S. military aid to Greece, they recall, was almost stopped this year in the Senate. One bad blunder by the colonels, their friends here know, could quickly wreck the military assistance program.

But while it may be true that the colonels are not adept at public relations, it is clear that they recognize propaganda's importance. Out in the countryside, away from urbane Athens, among the commonest sights to be seen are huge posters and baked-enamel signboards emblazoned with the legend, in Greek, "Long Live the 21st of April," the day the colonels seized power in 1967.

I asked a guide to translate the inscription, and her dark eyes blazed. "It is the date of our last military revolution," she answered with asperity. But the signs remain and give no sign of being mutilated by an angry population. Once I saw the same inscription spelled out in rocks on a hillside, presumably by peasant hands.

Even among educated Athenians one finds support for the 1967 coup, for memories of the Communist incursions following World War II are fresh in many minds.

"We have a military government," said an Athens businessman educated at the prestigious American-run Robert College in Istanbul. "Nobody likes a military government, but it was a necessity." Nobody likes a Communist government either, he might have said.

It is a common assessment and one that works in the government's behalf, as does time. The opposition, harried and disorganized, is said to be weary. Even those who have the least love for the regime are said to be more and more resigned to a government whose "oppressions" touch very few—and then lightly.

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ISRAEL'S NEW HARVEST: ARABS WARN OF "LAND-LUST"

(By William P. Cheshire)

JERUSALEM.—This ancient city, holy to Moslem and Jew alike, stands as a visible testament to the mistrust that separates Israel from her Arab neighbors. Part of the city is officially "occupied territory." Yet here sits the Israeli parliament, and the major parties doing business there are pledged never to surrender "one inch" of Jerusalem, spiritual capital of the Jewish people for 3,000 years and capital of Israel since 1950.

"Israel insists she wants merely a buffer zone in the occupied areas," snorted an Arab with whom I talked at length in Beirut. "Buffer zone? She is moving settlers into the occupied areas as fast as she can. Soon these newly settled areas will need their own buffer zones. Where does it all end?"

Such suspicions of a growing land-lust on the part of Israel are scarcely calmed by official pronouncements issuing from this city. Israel's dominant Labor Alignment, headed by Golda Meir's socialist Mapai party, is firmly committed against giving up any of the spoils of the 1967 war. The only opposition the major parties have is voiced, and then cautiously, by such intellectual groupings as the Ihud party and, not so cautiously, by Uri Avnery, Israel's maverick MP and girlie-magazine publisher.

"It is vital to us from the standpoint of security," says Defense Minister and June War hero Moshe Dayan (whose poster-size picture can be bought at newsstands here for $2.25), "that we maintain military bases there (in the occupied West Bank) and freedom of action for Israeli defense forces."

But it is not airfields or truck depots that the visitor finds most of in the Jordan valley. He sees mostly pipes for proposed irrigation projects, newly planted crops, preparations for road-widening—signs of a people settling down on the land to stay. Israeli people, whose presence in the West Bank is proof to the Arab that talk of negotiations is a cruel joke.

"This was not unoccupied area," an Arab professor had said to me a few days before I arrived in Israel. "People lived on it. They may not have made the land as productive as have the Israelis, with their Western technology, but it was theirs. How can the Arabs love the Israelis? We have been raped!"

So, while the new settlers plant the seeds of a new harvest, they must also snatch frequent looks over the shoulder. All along the roadside running up the Jordan valley, signs warn of sudden death beyond: "Warning! Frontier Ahead!" It is along this frontier that guerrilla groups conduct sporadic raids on the Israeli "nesters," hoping to make of the Arab's former possession a no-man's-land.

For their part, the Israelis are equally determined to make the occupied lands safe for settlers. Their tactics are not always humane.

Reports are hard to verify, but it is widely believed (and not just by Arabs) that persons suspected of belonging to guerrilla organizations or of aiding the guerrillas are tortured routinely at security compounds in Jerusalem, Ashkelon and Sarafand. Beyond question, whole villages have been demolished for "security reasons" (8,000 homes, by one count) and property requisitioned, including a hospital in east Jerusalem that has been turned into a police station.

In areas of intense guerrilla activity, curfews are common. I heard of entire villages being kept on total curfew for as long as a week, with residents not even being allowed to use the latrines or water the cattle. Such examples are extreme, but they do occur. And being searched at military roadblocks is so much a part of life in the occupied areas that visitors, who are passed through, grow accustomed to seeing fiercely proud Arabs thus humiliated.

"The wrongs of the Jews cry out to heaven," The Times of London remarked editorially not long ago, "but they do not cry out so loud that the wrongs of the Arabs need not be heard."

Heard they may be, but not northeast of here in the Jordan Valley. There the new settlers are settling in, and the dominant sounds are those made by water sluicing through new pipe and the plow cutting furrows through former Arab lands.

MIDDLE EAST REPORT: NEW TROUBLES BREW IN FAIRYLAND

(By William P. Cheshire)

KYRENIA, CYPRUS.—Twice a day—early in the morning and late in the afternoon—the Greek bus makes the "sort trip" between here and Nicosia, winding through the heart of the largest Turkish enclave on this seemingly placid but seething island republic.

Along the way, road signs cry out against "the Murderers of Turks"—that is to say, the Greek majority on Cyprus—and it is only with a United Nations escort front and back that the busload of Greeks is permitted to take the most direct route from here to the capital and back.

Bus service is fairly regular, despite the restriction. At other times of the day, great lumbering buses like the one that brought me to Kyrenia swing wide to the west, adding three-quarters of an hour to the schedule but avoiding Turks.

Kyrenia, outwardly so calm, was alive with terror during the late 1950s, a period in the history of Cyprus that British residents here speak of simply as "The Troubles," During "The Troubles," the proprietor of the Red Lion confided to me when his pub had emptied of other customers, to be British was to risk being shot in the back.

"I had an armed guard on the pub around the clock since the clientele consisted mostly of British army troops. And the Americans here used to wear undershirts with 'U.S.' painted across the back in big letters."

One American resident, he recalled, left his T-shirt off during the hot Cypriot midday. "They shot and killed him from the street while he washed his car in the yard."

Those times are past, I was assured, and things are settling down to "normal" on Cyprus. But even in the relative calm of the week before an attempt was made to assassinate President Makarios, things were not entirely "normal." Discussions of Cyprus politics were discouraged in the Red Lion and other establishments, and at the impressive Crusader ruins, a stone's throw from the harbor, submachine guns stared out from Medieval parapets against the day when new troubles might erupt.

The sizeable British community here, perhaps for self-protection, appears to keep aloof from the island's affairs. Here in Kyrenia, the Queen's subjects dine out at the "veddy British" Harbor Club, take their toddies at the Red Lion or (more commonly) at home and, on Sundays, worship at the lovely stucco-and-red-tile St. Andrew's Anglican Church.

"My God," I heard a British resident of some 20 years exclaim over the telephone in conversation with a Greek-speaking native, "doesn't anyone over there speak English!"

"It's like a little colonial outpost," explained a British journalist who found this aspect of life in Kyrenia as enjoyable as I did. "They bring England out here with them, and most of the year it's like back home in the spring."

It isn't really, of course. The new troubles between the island's 490,000 Greeks and 110,000 Turks are real enough. Small acts of terrorism are commonplace, and many fear members of the National Front, fanatical Greek Cypriots, are girding for a new offensive as early as this spring.

The great risk is that Turkey, stopped just short of an invasion of Cyprus through the 1967 intercession of U.S. mediator Cyrus Vance, might jump the traces. If this happens, an American diplomat told me, there is no chance that mediation would work again. "The United States used up its credit with the Vance mission," he said. Nor would Turkey listen to any other power, he thought, including the United Nations, which keeps an uneasy watch on Cypriot affairs.

Yet, at the small rooming house here where I stayed, two Londoners had set up headquarters while they scouted the island for a house to buy. They were tired of all the violence and crime of city life, they explained, and had decided to withdraw to peaceful Cyprus, where they could enjoy the seabreeze and wander among the island's still unexcavated antiquities.

I could easily understand their yearning. After two weeks with the Arabs, Cyprus did indeed seem wonderfully idyllic. Not until a week after, when terrorists machine-gunned Makarios' helicopter, did I begin to understand how completely Cyprus' fairy-tale surroundings could obscure the inferno underneath.

THE NEED FOR A SELECT HOUSE COMMITTEE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. PRICE of Texas. Mr. Speaker, I rise to join the distinguished gentleman from Mississippi (Mr. MONTGOMERY) in introducing a bipartisan resolution designed to throw a greater degree of light on the present situation in Southeast Asia.

This resolution, if approved by the House, establishes the mechanism by which a quick, objective, and effective review and report of U.S. activities in Southeast Asia can be provided to the Congress. The Speaker of the House would be empowered to select an 11-member committee whose task it would be to, within 30 days of its impaneling, travel to Southeast Asia, assess our national position, and report its findings to the Congress.

Fundamental objective in assessing and reporting would be insured by the composition of the committee. Two committee members would be selected from the House Armed Services Committee, two from the House Foreign Affairs Committee, and seven from the general membership of the House.

In my judgment, the value of such a committee is threefold. It would provide the House with a one-shot internal fact-finding instrument which is clearly lacking and desperately needed at the present time. It would facilitate the formulation and expression of more objective and informed congressional responses to Presidential policy decisions with regard to Southeast Asia. Finally, it would provide the American people with a needed balance in the present reporting mix on

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the status and level of our current involvement.

Mr. Speaker, the Congress and the American people need to be as fully informed about the situation in Southeast Asia as soon as possible. The resolution I am coauthoring today provides a speedy and reasonable means to facilitate this information-gathering task; it also facilitates the decisionmaking prerogatives of Congress. I urge my colleagues to lend their support to this proposal.

LEGISLATIVE OBJECTIVES OF THE NATIONAL RETIRED TEACHERS ASSOCIATION AND THE AMERICAN ASSOCIATION OF RETIRED PERSONS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. BRADEMAS. Mr. Speaker, on January 27-29, 1970, the legislative council of the National Retired Teachers Association and the National American Association of Retired Persons adopted a statement of legislative objectives, which consisted of recommendations for improved social security and medicare benefits, for equitable tax treatment, for adequate housing and transportation, and a series of other suggestions.

These two organizations represent over 2 million members, all of whom are interested in a better life for our older citizens.

Because I believe that my colleagues should know the views expressed by NRTA and AARP, I include the full text of the recommendations in the RECORD:

THE 45-POINT LEGISLATIVE PROGRAM ADOPTED FOR THIS YEAR BY THE NRTA–AARP LEGISLATIVE COUNCIL

IMPROVED SOCIAL SECURITY, MEDICARE BENEFITS

1. We support legislation to increase the minimum Social Security benefit to at least $120 a month and provide corresponding increases at all Social Security benefit levels.

2. We recommend that the Social Security earnings limitation be amended to permit annual earned income of $3,000 a year without reduction in Social Security benefits.

3. We urge that the widow's Social Security benefit be increased to 100 per cent of the worker's benefit.

4. We favor legislation to establish minimum Social Security benefits for all persons age 70 or older who are not otherwise eligible for cash benefits under the Social Security program, and to permit benefits up to $150 per month from other public and private pensions without loss in their Social Security benefits.

5. We urge the Congress to assure that all persons will be eligible for Medicare upon attaining age 65.

6. We urge the Congress to include prescription drug costs in Medicare.

7. We support the bipartisan study of the whole Social Security system in relation to today's economy.

8. We urge that Social Security benefits for men be computed on the same basis as that now used to determine benefits for women.

9. We encourage deferment of retirement beyond age 65 and we urge Congress to provide increased benefits to persons who continue to work past age 65.

10. We urge that the Federal Government investigate the causes of increasing hospital charges and physicians' fees in an effort to halt the rising costs of Medicare and out-of-pocket Medicare payments.

11. We suggest the inclusion of chiropractic services under Part B of Medicare.

ADEQUATE RETIREMENT INCOME

12. We urge the states to increase pension benefits of all retired teachers to at least $2,400 a year minimum based on 25 years of service, with proportional benefits for all service of shorter duration.

13. We urge adoption of a national policy of (a) the transferability of public and private retirement credits, (b) five-year or earlier vesting of retirement benefits, and (c) adequate funding.

14. We urge the Congress to provide partial Federal funding to encourage the States to accept the transfer of out-of-state teaching credit.

15. We urge the Congress to provide adequate pension increases for railroad retirees and Civil Service retirees.

16. We urge the Congress to continue to protect veterans, their dependents, and all other older Americans in their benefits when increases are voted in Social Security or public pensions.

17. We urge that all public and private pension programs be revised to provide annual automatic benefit increases tied to a rise in the cost of living.

18. We urge more effective enforcement of the Age Discrimination Act passed by the 90th Congress, and expansion of its provisions to assure those over age 65 who want to work, the opportunity to do so.

EQUITABLE TAX TREATMENT

19. We urge that the entire economic community of the nation contribute to the financial improvement of needy older Americans.

20. We urge the Congress to permit persons age 65 and over to deduct all unreimbursed expenses for drugs and other medical expenditures from their Federal income taxes.

21. We believe that single persons over age 65 with incomes up to $3,500 a year, and married couples over age 65 with incomes up to $6,000 a year, should be exempt from paying a Federal personal income tax.

22. We urge that Congress adjust the retirement income credit base to correspond with the current Social Security maximum payment.

23. We urge the states to provide a homestead exemption for persons over 65 in order to lessen the burden of steadily rising property taxes and enable retirees to maintain their own homes.

24. We urge that under the Federal Estate Tax, the present 50 percent limitation be replaced by an unlimited marital deduction which would make transfers of all property between spouses tax free.

HEALTH AND ENVIRONMENT

25. We support the principle of preventive care to promote the physical and mental health of older persons.

26. We urge the immediate development by the Department of Health, Education, and Welfare of a national program which will guarantee all older persons the right to qualify medical and health care at a reasonable cost.

27. We urge that the Administration effectively implement its commitment to alleviate the problem of inadequate nutrition which exists, to varying degrees, in all strata of our society, but particularly among the elderly.

28. We urge a coordinated national attack on the critical problems of water, air, and noise pollution and the wasteful destruction of our natural surroundings.

29. We urge that all Federal functions having to do with the environment be combined into a single department.

30. We urge effective implementation and strict enforcement of criminal laws, and enactment of new ones where necessary, in order to reverse the rising tide of criminal activity, including that which particularly affects the person and property of older Americans.

31. We urge that all Federal, state and local agencies give special attention to the needs of older persons with respect to the cost, availability, suitability, and proximity of public transportation.

32. We urge that the announced national housing goal include appropriate emphasis on the provision of adequate, reasonably priced housing for all older Americans.

33. We urge that administrators of the Model Cities Program continue their efforts to identify and meet the needs of the older citizens living within or affected by Model Cities projects.

ADMINISTRATION ON AGING

34. We urge that a thorough study of the policies, procedures, programs and resources of the Administration on Aging be conducted to determine its effectiveness in carrying out the intent of Congress as defined in the Older Americans Act, as amended.

35. We respectfully request the President to direct the Commissioner on Aging to include representatives of the major national organizations of older persons and qualified individual older persons in the initial and all subsequent planning and policymaking for the 1971 White House Conference on Aging.

36. We urge the Congress to appropriate sufficient funds to carry out the purposes and programs of the Older Americans Act, including those set forth in the 1969 Amendments.

37. We urge the immediate development of a national philosophy on aging and the older American.

CONSUMER PROTECTION

38. We support legislation to expose and restrict all categories of misrepresentation and fraud to consumers.

39. We oppose the adoption, by any state, of the Uniform Consumer Credit Code in its present form.

40. We urge immediate state and Federal action to identify and expose those consumer frauds and deceptions whose primary victims are older Americans.

41. We urge the Congress to establish an Office of Consumer Affairs at the Federal level with a director having the status equivalent to that of a cabinet officer.

NATIONAL POLICY

42. We urge the President and the Congress to intensify their efforts to stabilize the purchasing power of the dollar.

43. We urge adoption by the states of a model Uniform Probate Code to simplify and expedite estate administration.

44. We urge that the method of choosing the President of the United States be reformed.

45. We support the right of persons lawfully assembled in schools and other public places to participate in nondenominational prayers, and we also support continuance of their right to pledge allegiance to the flag of the United States.

SOVIET NAVAL MANEUVERS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 6, 1970

Mr. THURMOND. Mr. President, as the Senate approaches the consideration of the 1971 fiscal year military procurement bill, considerable attention will be given the force requirements of the Navy.

This subject is directly related to the naval strength of the Soviet Union. An interesting and informative article on this subject titled "Russ Strategy: Show the Flag on Seven Seas," written by George Weller, of the Daily News Foreign Service, was published in the Chicago Daily News of April 23, 1970.

Mr. President I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Daily News, April 23, 1970]

RUSS STRATEGY: "SHOW THE FLAG" ON SEVEN SEAS

(By George Weller)

MADRID.—The massive Soviet naval "maneuvers" to celebrate the 100th anniversary of Lenin's birth range over thousands of square miles. But control of narrow straits—Baltic, Dardanelles, Suez, Singapore and Gibraltar—are its aims.

Gibraltar, the massive mountain lookout, disputed between Spain and Britain, is the strategic fulcrum of the so-called "exercise." Whoever holds Gibraltar's warning system, plus Spanish and Moroccan airfields, controls the interaction of Russia's two main fleets.

"Okean," as the Soviets call their demonstration, has the propaganda purpose of serving notice on the world that Russia is now a power in seven seas.

It is doing what Britain's once proud navy used to call "showing the flag."

For Russia to exert worldwide naval power it is necessary that she be able to combine her Baltic fleet of 90 ships operating in mid-Atlantic with 25 submarines, and the Mediterranean fleet with its 13 submarines, operating mostly in the area of the Israeli-Arab conflict. Gibraltar's straits are the key.

The Soviets have progressed a step toward "neutralizing" the Straits of Gibraltar in their new merchant marine agreement with Gen. Francisco Franco. They already have established bunkering and provisioning rights in the Canary Islands.

Fleet supply ships with Western naval forces are clearly painted battle gray. But the supply train of the Soviet navy has no distinctive markings. A fleet tanker looks like any other oiler. Deck guns can be absent.

What this means is that such a "commercial" arrangement as Spain has with Russia can be gradually and imperceptibly shifted over into a supply service. The Soviets already have carried out this adroit shift with the Egyptians and the Syrians, taking over use of their ports.

Franco, who in World War II sheltered Italian miniature ships near Gibraltar to attack allied convoys, while keeping an official neutrality, is no newcomer to these naval subterfuges.

But at 77 he is unlikely to be around to supervise the eventual showdown in the Mediterranean. His deputy and likeliest successor is Adm. Luis Carrero Albanco.

Franco made an agreement with Hitler to allow the German army to cross Spain and take Gilbraltar, in return for German aircraft and arms. But he stalled on fulfillment, and Gilbraltar was saved for the allies by Italian defeats that forced Hitler to cancel the move to bottle up the Mediterranean.

The worldwide demonstration by the Soviet navy bears the authentic mark of Party Chief Leonid Brezhnev, who became navy-minded, something like Franklin D. Roosevelt, at the beginning of his career. He was the party's liaison man with the navy when it was a poor stepsister to the army and air force.

Under Brezhnev's expert guidance, and with Nasser's help, the Soviets are gradually moving westward toward Gibraltar along the Arab coast of North Africa. Their take-off point is the blocked Suez Canal, which they are anxious to get reopened.

Opening Suez would bring their Vladivostok-based fleet units operating in the Indian Ocean and the Persian Gulf into liaison with the Mediterranean fleet.

The Soviets already are using Indian ports as "training" bases for the submarines they are providing for the Indian Navy. They also have a secret base on the Red Sea coast of the United Arab Republic.

The Soviet naval interaction in three Arab seaports, Port Said, Alexandria and Tobruk, is emblematic of the strategy.

The Israeli air force has pounded Port Said into rubble and sent its 250,000 inhabitants into refugee camps. The Soviets have not attempted to defend the canal's door.

Where they have concentrated their warships and their SAM-3 low-level missiles is around Alexandria, the next port West. Through Alexandria, from the Black Sea, come the tanks, aircraft, artillery and radar equipment for the 10,000 Soviet and 200,000 Egyptians.

Russia has converted Alexandria into an Arab equivalent of Haiphong. The Israelis do not dare bomb it for fear of bringing the Soviets into the conflict, like the United States in the Vietnam War.

The Soviets, according to London's Daily Telegraph, are now working on U.A.R. President Nasser to persuade Libya's politically inexperienced junta of rebel officers to give them two evacuated British bases: the excellent port of Tobruk and the military airfield of El Adem.

When the Soviets get Tobruk, their westward march toward Gibraltar is likely to reach for America's Wheelus Field in Tripoli, Libya. Next, inching west to the ex-French bases in Bizerta in Tunisia and Mers-Mel-Kebir in Algeria and beyond brings the Soviets to Gibraltar.

The worldwide Soviet naval demonstration is a relatively discreet exercise compared to what the Soviet could do in the air if they chose. Their curtain of air power now stretches from the Black Sea to Uganda, with only Turkey, Cyprus and Israel as Western holding points.

JUDICIARY COMMITTEE EXPRESSES ITS SORROW AT THE PASSING OF WILLIAM L. ST. ONGE

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. CELLER. Mr. Speaker, at its meeting on May 5, 1970, the Committee on the Judiciary adopted the following resolution. It bespeaks the respect and affection all the members of the committee had for Bill St. Onge:

RESOLUTION

Whereas William L. St. Onge having passed away on Friday, May 1, 1970; and

Whereas William L. St. Onge has been a member of this committee beginning with the 88th Congress; and

Whereas William L. St. Onge earned the affection and respect of the members of the committee by his humility, his dedication to the work of this committee, his service to the highest principles of the House of Representatives; and

Whereas his integrity, his civility, and warmth contributed greatly to the harmony and spirit of this committee; and Now, therefore, be it

Resolved, That the Committee on the Judiciary, House of Representatives, expresses its great sorrow at the passing of its beloved member, William L. St. Onge; and be it further

Resolved, That this Resolution be spread upon the minutes of this Committee; and be it further

Resolved, That a copy of this Resolution be sent to his wife; and be it further

Resolved, That a copy of this Resolution be inserted in the Congressional Record.

Adopted May 5, 1970.

DOES EDUCATION REALLY PAY?

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. GRAY. Mr. Speaker, our country will be no better off than its educational institutions. I have always been amazed as to why most professions in this country pay more than our school teachers receive. I have a very good friend in Mt. Vernon, Mr. Jere T. Shaw, who has propounded a very important question. Does education really pay? Mr. Shaw draws a comparison between a beginning teacher and a family on public aid. It may sound like a joke, but when you analyze the following figures given by Mr. Shaw, you will see that some persons receiving public aid are actually better off financially than the starting schoolteachers—primarily because the schoolteacher is required to pay local, State, and Federal taxes while the welfare recipient does not.

Mr. Speaker, I am not belittling the plight of the welfare recipient. Many of them are desperately trying to find work. Others are ill and due to lack of education cannot find suitable employment. We all have compassion for this group of people. The analogy I want to draw here is that many of our welfare problems result from lack of education and if we are not willing to pay our teachers adequately, we are merely in a vicious circle.

Under previous order granted me, I enclose herewith a statement by Mr. Shaw relating to this subject:

DOES EDUCATION REALLY PAY?

(By Jere T. Shaw)

Have you ever stopped to consider that a beginning teacher and his family are worse off financially than a family on public aid? Let us consider a beginning teacher in our community with a wife and two children, ages six and seven, and compare this family

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with a husband and wife and two children on A.D.C.U.

The gross salary for beginning teachers in Mt. Vernon is $6400 Based on a budget provided by the Jefferson County Department of Public Aid, the A.D.C.U. family receives $2,544 from the state. At first glance it appears that the teacher making $6,400 is much better off. However, let us examine the additional expenses that the teacher is likely to incur and which the public aid family will not incur.

Federal Income tax $511

Based on $6,400 income with standard 10% deduction and four dependents. A.D.C.U. family does not have this expense.

Surtax 44

Based on federal income tax paid. A.D.C.U. family does not pay this.

State income tax 60

Based on $6,400 income with four dependents at 2½%. A.D.C.U. family does not pay this.

Payment to Illinois teacher's retirement program 480

Based on 7½% of $6,400. A.D.C.U. family does not pay into a retirement program. One is not needed. The government will continue to provide relief under one program or another.

Medical expenses 544

This figure is an estimate. It includes hospitalization, insurance and other medical expenses not covered such as doctor's, dentist's, optometrists, and pharmaceutical bills. Public Aid family has the best insurance policy available. All medical expenses are provided free of charge by the government.

Professional expenses 53

Normal profession expenses include NEA, IEA, and MEA dues, Flower Fund, and registration of teaching certificate. Persons on A.D.C.U. will not have this expense.

Transportation to and from work 270

Based on cab fare at $1.50 per day by 180 days. Father on A.D.C.U. will not have this expense. This is a conservative estimate considering the annual operational expense of owning a car.

Rent 1,116

A 3-bedroom home will cost the teacher $1,620 a year at $135 per month. The A.D.C.U. family qualifies to live in the housing project. The cost to rent a 3-bedroom apartment is $42 per month or $504 per year. The difference between $504 and $1,620 is $1,116. This amount is an additional expense for the teacher because he does not qualify to live in the housing project.

Water bill 180

Based on $15 per month. This is an estimated average by the water department for a family of 4. Water is furnished by the housing project.

Additional clothing requirement for a working person 300

This is an estimate. Additional clothing for A.D.C.U. father is not necessary. He does not work.

School lunches for teacher's children 126

Based on 2 lunches per day at 35 cents per lunch by 180 days. School lunches are provided free for the children on public aid.

Educational expense 200

A teacher is usually expected to continue his education. The $200 additional expense for the teacher is a very conservative estimate. The Manpower Training and Development Act provides free educational opportunities for public aid recipients such as vocational and technical training, etc.

Food $526

The cost to feed a family of 4 is approximately $106 per month. The teacher must pay this full amount for a total of $1,272 per year. The family on public aid can buy food at a discount through the food stamp program. Based on the formula for the food stamp program the public aid family receives $106 worth of food stamps every month for $62. Based on 12 months the food for the recipient is $744. The additional cost of food to the teacher is $528 ($1,272–$744).

Total additional expenses that the teacher will incur 4,412

After subtracting the additional expenses of $4412 from the teacher's gross salary of $6400, the adjusted teacher's salary is found to be $1988. In comparing the $1988 adjusted income earned by the teacher to $2544 received by the public aid family, one can only conclude that the beginning teacher and his family is worse off financially than a similar family on public aid, $556 worse off.

These figures tell only part of the story. In addition to A.D.C.U. family's basic budget of $2544, other allowances are provided for unforeseen expenses. Extra allowances are made for such things as larger fuel bills for cold winters, the repair or replacement of appliances etc. These items will increase the $2544 a considerable amount by making the difference even greater than the $556.

Does education really pay?

CONGRESSMAN BROCK BACKS NIXON ON CAMBODIA

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. BROCK. Mr. Speaker, last week President Nixon decided to take military action in Southeast Asia which will allow the United States to continue to withdraw troops from South Vietnam. With the limited information at my disposal, I believe his decision to move against Vietcong sanctuaries in Cambodia to be the only logical decision under the circumstances.

I support President Nixon in this action.

What bothers me today is not President Nixon's decision, but the events since his speech last Thursday. In a period of crisis—when America needs its strength and will fastened on success, when an American President and 400,000 American soldiers engaged in ending a war need support, there is a damaging lack of responsibility on the part of many political figures.

We have all heard the talk of everything from a constitutional crisis to impeachment of the President. Members of both parties have cried disaster and talked of political consequences of the President's action. Let us put this whole thing in perspective.

President Nixon made a decision to take every step necessary to protect American soldiers in the field. That, as Commander in Chief, is his responsibility. Are political considerations more important than lives? If they can become so, this Nation will have forfeited its claim to a moral foundation for our freedom.

President Nixon did not get us into Vietnam, he has been getting us out. Two Presidents before him committed more than 500,000 troops to a no-win war—a war that has cost us thousands and thousands of our young men. During the 5 years prior to the Nixon administration, billions of dollars were spent in Vietnam with no purpose other than maintaining combat year after year.

President Nixon made a hard decision upon taking office—a decision based on information available to only one man, the President of the United States. His decision was to end our involvement in Vietnam. Without equivocation the Nixon administration policy in Vietnam was to turn the war over to the South Vietnamese and withdraw our troops without turning South Vietnam over to the Vietcong.

This marked the first time in 6 years that our policy was one of withdrawal rather than a continued involvement.

President Nixon has moved forward boldly in removing our forces. One hundred fifteen thousand American troops were brought home during his first 16 months in office, and he has announced further withdrawal of 150,000 troops in the coming 12 months. If he is allowed to carry out this program, the President will have ended our military involvement in South Vietnam while preserving their freedom.

In order to insure this goal and to protect our men, President Nixon has determined that a limited military action is necessary in certain Vietcong sanctuaries in Cambodia. This is not an escalation, expansion, or anything else, other than a necessary action to insure the safety of thousands of Americans who are leaving Vietnam and millions of Vietnamese who hope to live under a government they control rather than the Communists. Without such an effort, every American man in Vietnam would be placed in great danger.

Mr. Speaker, the President has said this action might take 6 to 8 weeks. We will have adequate time to study the progress of what he is trying to do. Let us start out by trying to understand, not by crying "wolf" without knowing what the problems or prospects are.

It has been pointed out many times by lots of people that the moratoriums and speeches against U.S. policy in Vietnam have encouraged Hanoi at the peace table in Paris and have probably slowed an end to the war. I would like to ask my fellow Members of Congress, both in this body and in the Senate, to impose on themselves a moratorium on politically self-serving statements regarding this war.

While we wait and pray for an early end to this conflict, let us not give ammunition to the other side, either at the battle field or the peace table. Each of us has a responsibility to end the involvement in Vietnam. Partisan political extremism during this time will serve no useful purpose.

THE NEW DEAL—25 YEARS AFTER

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. ULLMAN. Mr. Speaker, a thoughtful and thought-provoking editorial recently published in a newspaper in my home district reminds us of the remarkable accomplishments of Franklin Roosevelt's New Deal that ended a quarter of a century ago. As the editorial points out, these 12 vigorous years of American history were marked by the strong sense of purpose and direction that the New Deal brought to American government.

Social reform and economic growth were integrated. As the writer, Byron Brinton, editor and publisher of the Baker Record-Courier, astutely observes:

> Each program was designed to move the free sector of the economy in a constructive direction and to free it from the frustration of a chaotic laissez-faire system.

I sympathize with Mr. Brinton when he concludes that the country should "return to some of its basic and good sense" as reflected in the programs and political philosophy of the New Deal. Too often today, it seems we are attacking our national problems piecemeal, without any sense of relationship to the needs of our people or the aims of our national purpose. The results are often unsatisfactory and the crisis of national identity that we are suffering today tends to deepen.

The lessons of a more cohesive period of American government should be recalled and, indeed, applied. I recommend this editorial to the attention of my colleagues:

NEW DEAL NEEDED

Twenty-five years after the passing of President Roosevelt finds the country going in strange directions economically and socially. Perhaps the reason is that very few people understood the New Deal in the first place and the entire nation has been inconsistent in applying its philosophy in the second.

Those who were "the younger generation" attempting to go to college when the nation's economy was stagnated by Hooverism remember quite well the philosophy, as do those now quite old who had life savings absorbed by months and months of unemployment and economic adversity from the farm clear on through the economic system.

The reactionaries said government, though it managed the money for their speculative purposes, should do nothing for the purposes of the average American—namely his welfare. He had surely repeatedly since the country was founded been squeezed through the boom and bust wringer, the panics, the recessions. Even the thrifty, the energetic were subjected to fear and poverty, the lot that in all human experience usually was assigned to the shiftless. Roosevelt said that a free government can concern itself with the things that were destroying a free economy. He insured bank savings to permit a free society to reward rather than penalize thrift.

He inaugurated the great plains and water environmental programs. He had a farm program so that productivity should not destroy the producer. He had a relief program—tied to work. Public Works and Work Progress administrations. He had programs to minimize the concentration of wealth. He had unemployment insurance, to insure the community and not the possible shiftless.

He had labor relations to equalize and not overbalance power. There were others, but in each case each program was designed to move the free sector of the economy in a constructive direction and to free it from the frustration of a chaotic laissez-faire system.

The measures worked. As we recall the faith of the older generation in the American system was fortified, the hope of the younger generation was well founded. Social and economic stratification and racial differences began to recede. Radicalism was frustrated and defeated. Socialism didn't get to first base. The unchallenged authority of Wall Street, the grain and commodity speculators and the utility trusts fled the American scene. There were good and growing years for America. It knew how to harness a free society and a free economy and human welfare to the same wagon.

Then came the war and the Truman postwar era, triumph and world leadership, and reconstruction, even prosperity. Somewhere at the latter end of the era and throughout the Eisenhower years and even with Kennedy and Johnson and now Nixon, the nation has forgotten what the new deal was all about.

We were told that environmental programs integrated into the economy were creeping socialism and we lost them in the shuffle. We basked in the luxury of prosperity and forgot the restraints upon monopoly, the evils of speculative money, social stratification and racism. We forgot that the new deal welfare programs were integrated into the free economic system and were designed to reward and take the fear out of personal responsibility, thrift and ambition. So we find even Nixon talking of minimum income entitlement, welfare keyed to the living standards of the industrious, nationalized education, socialized health, crash programs in environmental control, unlimited unemployment insurance appalling fringe benefits which abandon personal responsibility. Etc. Etc.

Twenty-five years later the New Deal would be the best New Deal we can imagine. We wish the country would return to some of its basic and good sense.

Nixon and Rep. Packwood have a bill in to subsidize small business. Even if the legislation would work it's not as good as the real thing—letting small business keep the money it already has. New and pending tax increases and inflationary costs are the highest in memory of old-timers in small business. Neither of these gentlemen have been in small business or in agriculture so they don't realize you can't meet impossible costs by borrowing money to meet them.

POSTAL COMPULSION

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 5, 1970

Mr. BUSH. Mr. Speaker, I support the proposed postal reform bill and the postal corporation concept. In fact, I introduced the bill that would have accomplished this on May 28, 1969. I feel that from a standpoint of efficiency, this legislation is a giant step in the right direction.

However, there is one portion of H.R. 17070 over which I have some concern. I do not want to see anything written into postal reform which would deprive postal workers of the right to make a voluntary decision about union membership. I am a supporter of Texas' right to work law and I do not want to see this law jeopardized by section 222 of H.R. 17070.

Thus, Mr. Speaker, I intend to support amendment of this section so that each employee of the postal service might have the right, freely and without the fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from such activity.

The Wall Street Journal of this date contained an interesting editorial on this subject that I would like to insert in the CONGRESSIONAL RECORD at this time:

POSTAL COMPULSION

Everyone favors an efficient postal service, and the reform plan negotiated by postal unions and the Government does appear to offer hope for progress. The plan, however, includes one feature of doubtful utility.

In collective bargaining the unions would be allowed to press for a union shop, which would of course compel postal workers to join a union or lose their jobs. The Post Office would not have to grant the demand but, if it didn't, an arbitrator could rule for compulsion.

It's hard to see how this would square with the Civil Service protection that postal employes are supposed to retain under the new setup. And it obviously conflicts directly with President Nixon's declaration, less than a year ago, that Federal workers should not be forced to join unions to hold their jobs.

The possibility of a union shop could be expected to intensify the power struggles among the several unions that represent postal workers, sometimes with conflicting jurisdiction. A union that won compulsory membership would gain financially, while a union that lost could be expected to stir future trouble.

Stronger postal unions, as organizations, thus might gain. The benefits for postal workers and the public, though, are difficult to discern.

CAMBODIA

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. GREEN of Pennsylvania. Mr. Speaker, President Nixon's announcement of the extension of the perimeter of the war to Cambodia caught most of the Nation, including the Congress, by surprise.

For many of us the criticism of the White House goes beyond the implications of the administration's action. It includes the President's failure to consult the Congress before committing an act of war in another nation.

Most Americans want an end to the war in Vietnam. Many of us, however, find it difficult to believe that expansion of the war will bring it to a quick conclusion.

Because I believe they place the question of Cambodia in particularly sharp focus, I am placing in the RECORD two editorials from the Philadelphia Inquirer.

The first, entitled "A Giant Step Backward," appeared in the Saturday, May 2, issue; the second, entitled "A Lack of Candor," appeared May 4.

The editorials follow:

A Giant Step Backward

Less than two weeks ago, President Nixon expressed confidence that a just peace was in sight in Southeast Asia, that the U.S. would not suffer defeat, and that 150,000 U.S. troops could be withdrawn within a year.

Yet now, in a sharp departure from previously announced policies of getting out of Southeast Asia quickly, we have been plunged more deeply and more dangerously into the morass by an invasion of Cambodia by thousands of American combat troops.

The President in his Thursday night television address declared that his decision to attack Communist sanctuaries in Cambodia is intended to shorten the war, protect our American forces in Southeast Asia, and hasten their withdrawal.

His assurances are not convincing. What he is doing is taking a giant step toward an expanded war, entailing the sacrifice of American lives for an objective not in sight.

It may be said that Mr. Nixon has displayed political courage in suddenly stepping up a war which many Americans earnestly oppose and want ended as quickly as possible. But he is gambling not only with his own future in politics, but with the lives of thousands of American soldiers and airmen.

If he could appear so elated about conditions in Vietnam two weeks ago, and find now that the situation is so critical that a massive offensive in Cambodia is essential, he was either wrong then or wrong now.

It is hard to believe that he was not aware of the Communist sanctuaries in Cambodia two weeks ago, and the threat they constituted to American and Allied forces.

He could not just wish that threat would disappear; he must have known that the North Vietnamese had as objectives not just the conquest of South Vietnam but the overrunning of Cambodia and Laos as well.

The excuse that more American lives must be sacrificed in fighting in Cambodia "to protect the lives" of other American troops is difficult to accept. We have already lost more than 40,000 killed; why send more to their deaths where we have no reason to be in the first place?

A Lack of Candor

It's like being swept along by the current in the middle of a wide river—helpless, out of touch, destination unknown.

The American people—all of us—have been put in such a position with respect to the flow of events in Southeast Asia.

We—as a nation—have no idea where we are going, or why, or what new danger may lie around the next bend.

Our mission impossible is to keep on groping blindly through the murky waters of a preposterous journey.

The credibility gap in Washington may be on the way to becoming an unbridgeable gulf.

Officials of our own government not only refuse to tell us what is going on in Southeast Asia, which would be bad enough, but they mislead and deceive us.

Consider, for example, the following tangle of statements and developments over the weekend and during the past week or two.

Defense Secretary Laird, at a Saturday news conference, indicated that he would recommend in certain circumstances a resumption of bombing in North Vietnam, officially suspended a year and a half ago but he failed to mention that the bombings were, in fact, in process of being resumed as he spoke.

An on-the-ground eye-witness account of the bombing was published in Sunday's Inquirer, in a dispatch from North Vietnam by the chief of our Washington Bureau, Robert S. Boyd.

The Defense Department finally confirmed that U.S. planes had raided North Vietnam but the bombing was described by a Pentagon spokesman as "an instance of protective reaction."

In an unguarded moment of frankness, the spokesman added: "That would not be unusual."

Apparently what is unusual is the Defense Department being forced to admit that such air raids have taken place.

President Nixon, in his televised address to the American people Thursday night, summarized U.S. efforts to end the war in Vietnam. The first item he listed was: "We have stopped the bombing of North Vietnam."

Meanwhile, in Cambodia, U.S. air and ground forces are engaged in combat against the Communists. In describing the purpose of these engagements, President Nixon said in his Thursday night address:

"This is not an invasion of Cambodia . . . We take this action not for the purpose of expanding the war into Cambodia but for the purpose of ending the war in Vietnam . . . We shall avoid a wider war."

If it is not an invasion, what is it? If it is not an expanding of the war and a widening of the war, then our dictionary definitions of those terms must be out of date.

Less than two weeks ago, announcing plans to continue withdrawal of American troops from South Vietnam, President Nixon proclaimed this was possible because of outstanding success of the Vietnamization program.

If the training of South Vietnamese troops has been so successful, why is it necessary for Americans to bear the burden of battle in Cambodia supposedly for the purpose of defending South Vietnam?

How is the United States ever going to protest a Communist invasion of a country when our government blandly labels our own invasion as non-invasion?

Why are the American people always the last to know about American involvement in wars—in Vietnam, in Laos, and now in Cambodia?

Why is it that such involvement is finally disclosed to the American people only as an accomplished fact, after the shooting and the bombing are already under way?

When government fails to take the people into its confidence, it is not reasonable to expect that government will have the confidence of the people.

RUMANIAN INDEPENDENCE DAY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. BROOMFIELD. Mr. Speaker, on May 10, Rumania marks the anniversary of its independence as a nation. In the year 1877, the Rumanian Government declared its independence from the Ottoman Empire.

It was in 1881 that the people of Rumania crowned King Charles I who reigned over this prosperous country for over 60 years, more than 20 of which Rumania enjoyed unity within her historical boundaries. Rumania now lies behind the Iron Curtain, and May 10 can no longer be openly celebrated within the country.

In March 1945 the Russians destroyed the free government of that old and honored nation and imposed upon the Rumanian people a form of government which is completely alien to their rich culture, traditions and love for human freedom.

The years of subjugation by the Russians have not reduced the yearning of the people to be independent of communism.

Even though no public observance of this day will be allowed in Rumania, the people will find ways to honor this historic day despite the efforts to prevent them from doing so.

Rumanians in the free world will properly celebrate this day. They will carry high hopes of the captive people of Rumania.

We all fervently hope that in the future, the Rumanian people may freely celebrate May 10 as the day of their independence from the Ottoman Empire and from domination of the Soviets today.

THE DAYTON JOURNAL HERALD EDITORIALIZES ON THE COMMITMENT OF AMERICAN COMBAT TROOPS TO CAMBODIA

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. WHALEN. Mr. Speaker, the subject of President Nixon's decision to dispatch U.S. combat troops into Cambodia was discussed extensively on the editorial pages of one of the distinguished newspapers in my district, the Journal Herald, of Dayton, Ohio.

One of the two pieces reviewing this controversial Presidential order was a signed article, written by Charles T. Alexander, the editor of the Journal Herald.

Both editorials were very thoughtfully prepared, in the tradition established long ago by this newspaper. For the information of my colleagues, Mr. Speaker, I insert herewith the two articles from the Journal Herald of Saturday, May 2, 1970.

The Ivory Tower

(By Charles T. Alexander)

One could feel for President Nixon Thursday night as he attempted to explain his latest moves in Cambodia. It was obvious he was thoroughly aware that the consequences of the action he was taking are unfathomable. And he was no less apprehensive about the support he would get.

The Cambodian venture may well reflect a tradeoff with his commanders in Vietnam, who were known to be cool to his plan to withdraw 150,000 men during the next year. The so-called strikes into Cambodia may have placated their anxiety about the consequences of our continued withdrawals at the projected rate.

The President surely must envy his critics over in the Capitol. They can talk right from the top of their heads, and the world, at its option, can little note nor long remember what they say. On the other hand, it cannot forget what President Nixon does here. Every word is weighed by friend and foe for its direct as well as its implied meaning. The world does not ignore the words of a President of the United States, and President Nixon spoke as one who realized this.

XUM

His manner was somewhere between fatalistic and courageous. It's a little hard to distinguish between fatalism and courage. Fatalism may be nothing more than the psychological mechanism that permits us to be courageous, to ignore the fear of the unknown. The President, as noted above, spoke in the context of unknown consequences, and that is why the whole situation is so dangerous.

As long as the President must speak of a just and honorable peace—and the majority of American people probably still demand that our leaders do so—he is operating under a handicap that may make his alternatives irreconcilable.

The first alternative, immediate and total military victory, was partially tried by President Johnson and found wanting. If we are to pursue peace based on military victory in Vietnam—and that is the most obviously honorable from our standpoint—we may well have to adjust our definition of victory to one which is nothing more than continued overwhelming military superiority.

The Indo-Chinese have fought too long to stop. It is a way of life with them. While wars in Indo-China are seldom won, they are seemingly never completely lost.

It follows, therefore, that the real risk in the Cambodian venture is that while we may drive the Communists out, we cannot keep them out without continuing to occupy the territory. Talk of a withdrawal after the job is done is open to question, since the Communists may be able to use what strength they have to see that the mission is never finally completed.

The second alternative—a peace negotiated during a period of declining American involvement—was the first tried by President Nixon, and it remains the one for which he seems to have greatest hope. Vietnamization is considered the key, but Vietnamization to an effective degree is acknowledged to be a long way off, and the internal political situation in South Vietnam doesn't help its prospects.

So a negotiated peace depends more on the Communists' will than it does on ours, and there are strong indications, both present and past, that they are willing to negotiate only a total victory for themselves in Paris. The President obviously feels this type of settlement would not be accepted by a majority of those in this country, and he is right.

The President's most obviously effective alternative is to pack everyone up and come home within a few weeks. This is the only alternative in which we have complete control of all the factors involved in our getting out.

The hangups are political and—although there are those who would argue vehemently against me on this point—moral. Having created a national dependency on us among South Vietnamese, I am dubious that we could live with ourselves if we were abruptly to scuttle South Vietnam and let the jackals devour the carcass.

Then again, there's the hangup about the just and honorable peace. This to me is less important, but in terms of domestic politics it may be more important. An abrupt withdrawal would have all the trappings of admitted defeat. The President recognizes, quite correctly in my opinion, that the temper of the nation is that we get out of Vietnam, but under conditions that do not smack unmistakably of defeat.

The President has in reality, therefore, no alternatives. No alternative open to him is feasible in terms of the temper of the nation. Until the Silent Majority or whatever asserts itself adjusts to the realities of the Vietnam dilemma, it will be impossible for the President to do so.

UNACCEPTABLE RISK—CAMBODIAN MOVE OFFERS DISCREDITED RATIONALE

We appreciate the anguish that gripped President Nixon Thursday night when he explained to the nation his decision to order U.S. troops into Cambodia. He described an awesome risk.

We happen to believe it was the wrong decision, an unacceptable risk that is predicated on familiar military logic that has been discredited so frequently in this terrible, interminable struggle. It was nevertheless a courageous, forthright decision, involving hazards for the nation and possible political disaster for the President.

With all due respect to Mr. Nixon's arguments, we question whether the invasion of Cambodia can be a quick exercise. The guerrillas will doubtless return unless we remain and the job of clearing them out may need to be repeated. We ask how American lives will be spared in what has become a wider war? We ask how this particular military answer to Vietnam's political problems will bring the peace that has eluded the United States in five years of brutal, fruitless war?

The President took office with a commitment to extricate the United States from Vietnam. He, himself, noted his commitment in his statement Thursday night. There is no rational alternative to pulling free of the morass in Southeast Asia "as quickly and as honorably as can be done," as The Journal Herald advocated in October of 1958, when we changed our view of the U.S. role.

We must accommodate ourselves to the reality that however sincere our motives for involvement, however dedicated our military leadership, however desirous our people of victory, the United States cannot "win" in South Vietnam at an acceptable price—either for this nation or for the valiant people we have sought to help.

MINNESOTA PETITION ON CAMBODIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. FRASER. Mr. Speaker, opposition to the war in Southeast Asia has been criticized as a viewpoint held by only a small minority of vocal Americans, mostly college students.

On the contrary, in Minnesota the administration actions have been solidly denounced by people of all ages and from all social, economic, religious, and ethnic backgrounds.

Letters and telegrams from those opposed to the war are merely one indication of this broadly based opposition.

The following petition now circulating throughout Minnesota is gaining widespread popular support.

I feel it is vital that we adopt the spirit of this petition and take all available constitutional action to reverse the escalation of the war in Southeast Asia.

I include this petition in the RECORD at this point:

To all U.S. Senators and Representatives:

I, a voter of the State of Minnesota have read and endorse a statement by the students of the University of Minnesota Law School quoted below:

"We the undersigned voters of the State of Minnesota, Professors-students of the University of Minnesota Law School express our alarm and disgust with the United States policy as evidenced by the invasion of neutral Cambodia. It is our purpose to convince you that you must act to:

1. Immediately disengage all U.S. forces from neutral Cambodia.

2. Re-affirm by action as well as words the United States commitment to a prompt and complete withdrawal of all U.S. forces from the Southeast Asian peninsula. We want you to assume fullest responsibility for counteracting by whatever constitutional means available the present United States policy in Southeast Asia. We have concluded that only by firm and forthright congressional action can this policy be reverted. For this reason we have sent a delegation to Washington to engage a direct political action by contacting each of you personally to persuade you that congressional action at this point is mandatory."

I actively support these views for responsible political action and I hereby authorize them to present this petition to you on my behalf.

CONGRESSMAN WHALEN CONGRATULATES ARCHBISHOP PAUL F. LEIBOLD ON HIS 30TH ANNIVERSARY AS A PRIEST

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. WHALEN. Mr. Speaker, I rise on this occasion to congratulate the Most Reverend Paul F. Leibold, archbishop of the Archdiocese of Cincinnati, on the 30th observance this month of his ordination to the priesthood.

Archbishop Leibold will mark the anniversary by celebrating mass in his old home parish church, Holy Trinity, on May 21, which is located in Dayton, Ohio, within my congressional district. I might add, Mr. Speaker, that we in the Dayton area are particularly proud of the archbishop in that he is the first native of Dayton to have become the archbishop of the Cincinnati Archdiocese, within which our city is situated.

Archbishop Leibold was the youngest of three sons of the late Mr. and Mrs. Frank H. Leibold of Dayton. He graduated from Chaminade High School in 1932 and was a 4-year honor student there. Four years later he received his bachelor of arts degree from the University of Dayton. He subsequently attended St. Mary and St. Gregory Seminaries in Cincinnati and was ordained on May 18, 1940, in St. Monica's Cathedral in Cincinnati.

Archbishop Leibold pursued graduate studies in canon law both here and in Rome and is the holder of doctor of divinity and doctor of canon law degrees. His rise in the hierarchy was rapid. He was appointed chancellor of the archdiocese in 1948, a papal chamberlain the same year, a domestic prelate in 1950, auxiliary bishop of the diocese in 1958, bishop of Evansville, Ind., diocese, 1966, and archbishop of the Archdiocese of Cincinnati on October 2, 1969.

The archbishop is the seventh head of the archdiocese which includes 19 counties in southwestern Ohio, an area of 8,543 square miles. The diocese was first established almost 150 years ago, on June 19, 1821. It was elevated to an archdiocese on July 19, 1850. The archdiocese today includes more than 500,000 communicants and is active in many areas of Christian concern.

Archbishop Leibold brings a broad background, much expertise, and very high regard to his position of great responsibility.

Mr. Speaker, I commend the most reverend archbishop upon the happy occasion of his 30th anniversary as a priest and extend my best wishes to him in his important office.

ATTACK ON POLLUTION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. WHITEHURST. Mr. Speaker, in the pamphlet entitled "Community Action for Environmental Quality," published by the Citizens Advisory Committee on Environmental Quality, a program is proposed for citizens who want to participate in practical action to make their communities better places in which to live. The guide proposes five areas of action, and lists in the appendix Federal and State agencies and private organizations that can help in getting the most from efforts to clean up the environment.

One of the kickoff campaigns recommended is a community antilitter drive. I am pleased to report that Norfolk has already started action in this field, and the results of the drive have been so successful it is being expanded to include the entire city.

The effort was organized by the Norfolk Citizens Advisory Committee, and was called Operation Shapeup. It centered on the Ocean View area of Norfolk, and involved not only private citizens but the Navy as well. Naval assistance in providing trucks and volunteer personnel was crucial to the drive's success, and demonstrates once again the close cooperation and relationship the Navy maintains with Norfolk.

Mr. Irvine Hill, chairman of the Norfolk Citizens Advisory Committee, has presented an award of appreciation for naval participation in the campaign to Rear Adm. James Dempsey, commandant of the 5th Naval District. The NCAC also gave a luncheon honoring the leadership efforts of Mr. Curtis Brooks of the Norfolk Chamber of Commerce, Mr. John Gee of the Ocean View Beach Association, and Mr. Richard Miller of the Ocean View Amusement Park.

It is positively amazing what can be accomplished when citizens are involved in the spirit of such a cleanup drive—120 tons of debris was cleared out of the Ocean View area in the monthlong effort. Each Saturday volunteer workers picked up the trash and loaded it onto trucks. A survey conducted by the NCAC revealed that residents of Ocean View have continued the action by painting their houses and working on their property.

The drive has created 120 tons of success, and the benefits will be far reaching and lasting. Not only is Ocean View undergoing a sprucing-up and face lifting, but the entire city is benefiting from the intangible byproducts of citizen involvement and cooperation between the Federal Government and the residents of Norfolk. It is an effort that could be profitably copied throughout the Nation. On May 16 the cleanup campaign is being expanded to a 1-day citywide drive to be known as Operation Total Shapeup.

Mr. Speaker, I commend the efforts of the Norfolk Citizens Advisory Committee and all the estimated 5,000 volunteers who gave their time to make the drive a success.

Mr. Speaker, I also think this action demonstrates the positive results of centralized management. The spark that made the campaign come alive was citizen concern. The action resulting from that spark needed to be directed. That direction was provided by the Citizens Advisory Committee.

Management direction is essentially the theme of the pamphlet "Community Action for Environmental Quality." Pollution abatement on the national level is also in need of centralized management. Presently the responsibility for pollution control programs is scattered across several Federal Government departments and agencies. It is too easy for the left hand to not know what the right hand is doing. Inefficient dual programs of study, or worse yet no action at all, is the result of such scattered leadership.

In this time of inflation, high taxes and tight spending, every dollar must accomplish the absolute maximum. This calls for leadership, planning, and coordination. But more than an eye on expenditures is needed. The need is for a central agency to oversee the development of the war on pollution and to maintain efficiency in field operations. I have noticed with pleasure that some Members of the Senate are beginning to see the advantages such an organization would possess.

We all know the end result we want: clean air, clean water, clean landscape, control of our wastes, and a substantial reduction of all pollutants. But where is the machinery to direct the attack?

Several of my colleagues have joined with me in sponsoring a bill to create the National Environment Control Commission. The Commission will have full powers to establish pollution standards, approve and inspect pollution abatement equipment, and fund research in the form of grants, loans, and pilot projects. It will also have full enforcement powers to coordinate and promulgate all actions involved in the attack on pollution, and incorporate all future programs dealing with pollution. The Pollution Abatement Act of 1970, H.R. 16414, has been referred to the House Committee on Government Operations, Representative WILLIAM DAWSON, chairman. I urge quick committee consideration of the bill.

Just as the Norfolk Citizens Advisory Committee provided the organization and management to lead Operation Shapeup, the Nation needs the National Environment Control Commission to head the pollution attack across the country.

HAVERFORD COLLEGE TO CONGRESS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. ROSENTHAL. Mr. Speaker, college students across the country are once again taking the lead in opposing the war in Vietnam and the President's decision to widen those military operations into Cambodia.

Haverford College, a distinguished Quaker institution near Philadelphia, Pa., will bring most of its student body and faculty to Washington on Thursday, May 7, 1970, to attempt, in the words of the organizers, "a rational and creative" response to the crisis which is sweeping college campuses this week.

I welcome this group to Washington and hope their goal of responsible and reasoned criticism of our Government's policies will be a national example. I include below the statement of the student organizers of Haverford College and their program for today:

HAVERFORD COLLEGE TO CONGRESS

The vast majority of Haverford College's students, faculty staff, and administrators is going to Washington on Thursday, May 7. Our purposes in doing so are to express to our representatives the full depth of our concern for what the Cambodian crisis is doing to American life, and to learn from them what we can do about that crisis.

We take this unusual step of moving almost the entire College to Washington because we see no other way to respond rationally and creatively to this crisis. We have already seen the frightening consequences from the enlargement of the war in Southeast Asia. We have seen much of the educational process undermined in this past week as doubts, fear, and bitterness take over on campus after campus. We reject the thought that it is "bums" who fail to see the logic in widening a war in order to narrow it. We assert that it is thoughtful men everywhere that are troubled by the path now being pursued in Vietnam and Cambodia.

We come to Washington, as members of an educational community, to speak out and to learn. We do not pretend to have any easy answers on which we unite. But we are united in our determination to act with courage, sense, and taste in expressing fear about what is now going on and hope about what Congress can do to save us from further calamity in Asia and further division at home.

From 3:30 to 5:00 PM on Thursday, the entire College community will hold a Meeting at the Church of the Redeemer, 222 East Capitol Street in the Quaker tradition of open dialogue. Senators, Congressmen and members of their staffs are invited and urged to attend the session at any time, to express their views and join the college in its concern. The traditional Haverford meeting provides an opportunity for a variety of views to be heard. These views will be welcomed and heard respectfully and frequently will be responded to with equal respect. The object is not to harange but to speak and hear concerns. We will leave a maximum amount of time to our guests.

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Also the college will hold the following seminars throughout the day—Senators, Congressmen and the members of their staffs are invited to participate in the seminars at their convenience.

THE TOPICS

Congressional Policy—112 Cannon, 10:00-12:00, 1:30-3:00.

The Place of the University in American Society—135 Cannon, 10:00-12:00; 5300 New Senate Office Building, 1:30-3:00.

Alternative Avenues of Political Action—421 Cannon, 10:00-12:00, 1:30-3:00.

Politics of Southeast Asia—2247 Rayburn, 1:30-3:00.

The Military and U.S. Politics—2257 Rayburn, 10:00-12:00, 1:30-3:00.

Economics and the War—5110 New Senate Office Building, 1:30-3:00.

The War and Morality—135 Cannon, 1:30-3:00.

A PARENTS' MANUAL ON DRUG ABUSE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. CONTE. Mr. Speaker, we are all aware of the extremely difficult drug problem facing our Nation today. My experiences in this field, through my work on the Appropriation Subcommittee overseeing the Bureau of Narcotics and the Bureau of Customs, have led me to believe that one of the critical elements in dealing with this tragic situation is the educational process.

I am extremely pleased, therefore, to have this opportunity to bring to the attention of my colleagues, and of the Nation, the following excellent and highly instructive presentation entitled "A Parent's Manual on Drug Abuse."

This manual was brought to my attention by my dear friend, Rev. John H. McDonnell of Pittsfield, Mass. Father McDonnell, the Rosary Sodality of St. Joseph's Parish in Pittsfield, the Association for International Drug Education, and all others associated with this valuable document deserve our highest praise for their important contribution to the fight against drugs.

The manual referred to, follows:

A PARENT'S MANUAL ON DRUG ABUSE

FOREWORD

This manual has been printed to alert parents and teachers to the problem of drug abuse.

It is a serious problem, more serious and more widespread than we had feared. It has come upon us rapidly within the last three years.

Parents and teachers can do the greatest good by preventive education. Most youths are good and intelligent. They do not want to get hooked on Speed or Heroin or wrecked biologically by LSD. With faith in their basic common sense and a thorough home and school preventive education the future can be a lot brighter.

If there is a real complication in our day it is the cloak of secrecy and fear that families put on the subject of drugs. Somehow they consider drugs as a stigma on the family name. This hurts. The youth is terrified to confide his problem to his parents and his problem gets worse. Secrecy and fear will solve nothing. Courage and information can nip the problem in the bud for most of our youth.

Drugs call for prompt parental action because amounts of LSD may leave a youth in danger of producing malformed children and a dose of Speed can lead to physical addiction. It is much like training a child to avoid high tension wires or poison. Their first experience could be a fatal tragedy. Years of mental and physical anguish are the unfortunate result of initiation into drugs by the uninformed youth.

Moreover, some drugs colorless and liquid can be administered to your child without knowledge or consent and leave her helpless in compromising situations.

The worst result of fear and secrecy is blackmail. A youth who is terrified of exposure may be forced to take more drugs and even to sell the junk to others.

We urge you to read and keep this manual for study. Perhaps you may never need the information. If you do, don't panic! Your children need you calm and courageous at that moment more than ever before.

The information in this book is from the World Health Organization of the United Nations, The American Medical Association Women's Auxiliary, Hillsborough County Medical Association, the California Department of Education and the New York State Narcotics Control Commission.

Former users of these drugs have gone over the information and even added parts to our manual. They must remain anonymous but we commend their desire to help others.

The section on marijuana was by far the most difficult to assemble and interpret. It may remain so for years to come for reasons mentioned in that section.

FR. JOHN MCDONNELL.

PITTSFIELD, MASS., *March 26, 1970.*

I. THE PROBLEM

1. What does the term "drug abuse" mean?

Drug abuse refers to the self-administration of drugs, either for non-medical reasons or in quantities and frequencies beyond those specified for proper medication. The practice may lead to drug dependence and abnormal behavior.

2. What is the definition of the term "drug dependence"?

It is a state of phychological habituation to the effects of a drug and, in some cases, physical addiction as well.

3. What are the risks involved in experimentation with drugs?

(a) Dependence. Abuse of any stimulant or depressant drug can cause psychological dependence. Abuse of depressant drugs also cause physical dependence.

(b) Malnutrition. Preferring drugs to food may cause the drug abuser to become poorly nourished.

(c) Infection. Illegally procured drugs often are contaminated by unsanitary handling. Ulceration, abscesses and tetanus may result from puncturing the skin with unsterilized needles. Hepatitis, VD and other diseases may be transmitted due to interchange of needles between abusers.

(d) Heart failure and respiratory changes due to drugs which speed up or lower vital physiological processes. Overdose can result in death.

(e) Sensory distortion. Normal sensory perception can be disrupted by drugs. Judgment is dulled or distorted and normal inhibitions are removed.

(f) Criminal entanglements. Since unprescribed drugs often are obtained only through illegitimate sources, the cost becomes so high that the abuser may turn to crime to support his habit.

4. What are the most commonly abused substances?

(a) The narcotics (heroin, morphine, codeine).

(b) The sedatives (barbiturates, certain transquilizers and alcohol).

(c) The stimulants (amphetamines, cocaine, metamphetamines).

(d) The hallucinogens (LSD, DMT, mescaline, peyote).

(e) Glues and solvents (cements used for model airplanes, gasoline, paint, paint thinner, lacquer, varnish, kerosene and lighter fluid).

(f) Marijuana.

5. What are the dangers in sniffing glue and solvents?

(a) Death can result from inhallation of a high concentration of hydrocarbon vapors.

(b) Irregular heart rhythm is not uncommon.

(c) Delirium, coma, confusion, excitement, disorientation, unsteadiness, incoordination are frequently noted.

(d) Highly concentrated fumes can result in asphyxiation as the person becomes unconscious.

(e) Permanent nerve, kidney and lung damage can result from inhaling vapors.

6. Why is the use of LSD hazardous?

(a) It cannot be obtained legally. Since it is produced on the black market, it is of unknown strength and purity.

(b) When taken, the user may feel he is going insane. Some have committed acts of violence to stop the experience.

(c) Some users have homicidal impulses.

(d) There is some evidence that LSD can damage chromosomes. This may have implications for serious birth defects in children of users.

(e) Reactions include: hallucinations, panic, violent impulses, suicidal acts and psychoses.

(f) Taking as little as ¼ millionth of an ounce can cause hallucinations that last for hours.

(g) There are indications that the effects may return suddenly once or many times up to years after the first experience.

7. Does the use of marijuana cause any ill effects?

(a) The inhaled smoke of a marijuana cigarette is irritating, and long, continued exposure to it induces chronic respiratory disorders such as bronchitis and asthma.

(b) Marijuana use impairs judgment and reduces inhibitions. The user loses his coordination and yet feels over-confident. He is as dangerous behind the wheel of an auto as a person under the influence of alcohol, but is not as easily recognized.

(c) Continued use may cause psychological dependence on the substance.

(d) Users tend to associate with other users, often leading to experimentation with other drugs.

Whether less danger exists with regard to marijuana is for doctors and our lawmakers to decide. Parents should teach their children to obey the law as it exists or they may suffer the penalties of the law as it exists.

8. What are some of the causes of death among persons dependent on drugs?

(a) Because the drugs are produced illegally, their strength is not always uniform. Therefore, there is danger of an overdose.

(b) The person using the drug without medical supervision is not capable of evaluating his condition and is likely to overabuse.

(c) Abrupt discontinuance may precipitate an acute depressive reaction, at times leading to suicide.

(d) As tolerance to a drug develops, an abuser may need an increasingly large dose to produce the desired effect. This may lead to death.

(e) The inability of addicts to feel pain may lead to acts resulting in death.

(f) With his judgment impaired, a user tends to forget how much has been taken, is unaware of the passage of time and, not getting the desired effect, may continue to take the drug until he is unconscious. In so doing he may take a lethal dose. This depends on what drug is taken.

(g) Some users of hallucinogenic drugs have met their death by walking into the ocean, jumping out of a window, walking into heavy traffic or attempting to fly from a roof or window.

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9. What observable symptoms might alert a parent or teacher to the possibility of a young person being involved in drug abuse?

(a) Sudden and dramatic changes in attendance, discipline and academic performance.

(b) Unusual degrees of activity or inactivity, as well as sudden emotional flare-ups.

(c) Furtive behavior possibly indicating fear of discovery.

(d) Sunglasses worn at inappropriate times and places (perhaps an attempt to hide dilated or constricted pupils).

(e) Long-sleeved garments worn constantly even on hot days (this may be done to hide needle marks).

(f) Association with known drug abusers.

(g) Because of the expense of supporting a drug habit, the abuser may be observed to borrow money from a number of individuals. Or he may begin stealing items easily converted into cash, such as cameras, watches, or radios.

(h) If the habit is severe enough, the abuser may be found at odd times during the school day in closets, storage rooms or parked cars.

(i) Other specific manifestations of possible drug abuse: lethargy, yawning, reddened, watery eyes, fingers showing burns from smoking, staggering and lack of balance without alcoholic breath, thickened and slurred speech, enlarged pupils—and, of course, possession of devices such as hypodermic syringe, a needle or a blackened spoon.

II. SYMPTOMS TO LOOK FOR

It is important that teachers and parents recognize the common symptoms and signs of drug abuse, since many potential "hard-core" addicts can be rehabilitated if their involvement in drug abuse is detected in its early stages.

Manifestations of specific drugs

The Glue Sniffer:

(1) Odor of substance inhaled on breath and clothes.

(2) Excess nasal secretions, watering of the eyes.

(3) Poor muscular control, drowsiness and unconsciousness.

(4) Presence of plastic or paper bags or rags containing dry plastic cement.

The Depressant Abuser . . . (Barbiturates—"Goofballs"):

(1) Symptoms of alcohol intoxication with one important exception—no odor of alcohol on the breath.

(2) Staggering or stumbling in classrooms or halls.

(3) Is drowsy and may appear disoriented.

The Stimulant Abuser . . . (Amphetamines—"Speed") (Weight Reducing Pills—"Bennies"):

(1) Cause excess activity—student is irritable, friendly, talkative, argumentative, nervous and has difficulty sitting still in classrooms.

(2) Pupils are dilated.

(3) Mouth and nose are dry with bad breath, causing user to lick his lips frequently and rub and scratch his nose.

(4) Chain smoking.

(5) Goes long periods without eating or sleeping.

The Narcotic Abuser . . . (Heroin—Demerol—Morphine, etc.):

These individuals usually begin by drinking paregoric or cough medicines containing codeine.

(1) Inhaling heroin in powder form leaves traces of white powder around the nostrils, causing redness and rawness.

(2) Injecting heroin leaves scars on the inner surface of the arms and elbows. ("Mainlining.") This causes the student to wear long-sleeved shirts most of the time.

(3) Users often leave syringes, bent spoons, cotton and needles in lockers—this is a telltale sign of an addict.

(4) In the classroom the pupil is lethargic. His pupils are constricted and fail to respond to light.

The Marijuana Abuser:

They are difficult to recognize unless under the influence of the drug at the time they are being observed.

(1) In the early stages student may appear animated and hysterical with rapid, loud talking and bursts of laughter.

(2) In the later stages the student is sleepy or stuporous.

(3) Depth perception is distorted, making driving dangerous.

NOTE.—Marijuana cigarettes are rolled in a double-thickness of brown or off-white cigarette paper. These cigarettes are smaller than a regular cigarette with the paper twisted or tucked in at both ends, and with tobacco that is greener in color than regular tobacco. The odor of burning marijuana resembles that of burning weeds or rope. The cigarettes are referred to as "reefers, sticks, Texas tea, pot, rope, Mary Jane, loco weed, jive, grass, hemp, hay."

The Hallucinogen Abuser:

It is unlikely that students who use LSD will do so in a school-setting since these drugs are usually used in a group situation under special conditions. They require a "ground crew" for safety on a "trip".

(1) Users sit or recline quietly in a dream or trance-like state.

(2) Users may become fearful and experience a degree of terror which makes them attempt to escape from the group.

(3) The drug primarily affects the central nervous system, producing changes in mood and behavior.

(4) Perceptual changes involve senses of sight, hearing, touch, body-image and time.

NOTE.—The drug is odorless, tasteless and colorless and may be found in the form of impregnated sugar cubes, cookies or crackers. LSD is usually taken orally but may be injected. It is imported into Florida in ampules of clear blue liquid.

III. SLANG WORDS TO ALERT YOU

Those who abuse drugs develop a vocabulary of their own. This vocabulary commonly varies from locale to locale and changes frequently. The following list contains formal terms and the equivalent jargon that is spoken by persons who are using drugs or associating with drug users.

Expressions used with dangerous drugs

Formal usage	Jargon
Amphetamines.	
Methamphetamine.	Crystals (powder form).
Benzedrine.	Bennies.
Dexedrine.	Dexies.
Barbiturates.	
Nembutal.	Yellowjacket.
Seconal.	Reds, red devils, redbirds
Sodium amytal.	Blue heaven, blue velvet.
Tuinal.	Rainbow.
Barbiturates mixed with amphetamines and the like.	Goof balls.
Dangerous drug user.	Pill freak, pill head, pilly.
Under the influence of barbiturates.	Goofed up.
Intoxication after using benzedrine.	Benny jag, high.
Subcutaneous use.	Joy-pop.

Expressions associated with volatile chemicals

Formal usage	Jargon
Glue sniffer.	Glad rag, wad.
Sniffing gasoline fumes.	Gluey.
Cloth material or handkerchief saturated with the chemical.	Gassing.

Expressions associated with marijuana

Formal usage	Jargon
Marijuana.	Charge, grass, hay, jive, muggles, pot, tea, T.
Marijuana cigarette.	Jive stick, joint, Mary, pot, reefer, stick, twist, weed.
A quantity of marijuana cigarettes.	Stack.
Marijuana container.	Can, match box.
Light a marijuana cigarette.	Toke up, torch up, turn on.
Smoke a marijuana cigarette.	Blast, blast a joint, blow, blow a stick, blow hay, blow jive, blow tea, blow pot, do up, get high.
Young person starting to use marijuana.	Youngblood.
Marijuana smoker or user.	Grasshopper, hay head, head, mugglehead, pothead, teahead, weed head.
Marijuana smoking party.	Blasting party, tea party
Under the influence of marijuana.	Flying high, high on the beam, out of this world, way out.

Expressions associated with LSD

Formal usage	Jargon
LSD.	Acid.
One who takes LSD.	Acid head.
Under the influence of LSD.	Bent out of shape, on a "trip."
An unpleasant experience with LSD.	Bummer (bum trip, bad trip).
Emerging from an LSD experience or "trip."	Coming down.
Vicarious experience that occurs by being with someone who is on a "trip."	Contact high.
Sugar cube or wafer impregnated with LSD.	Cube or wafer.
A deprecative term applied by LSD users to social conformity and to the normal activi-	Ego games.

Expressions associated with LSD

Formal usage	Jargon
ties, occupations and responsibilities of the majority of people.	
An LSD "trip."	Experience.
To have unpleasant reactions while on a "trip."	Freak out.
A pseudo experience obtained through the use of lights and sound; to have the same type of experience that one has with a drug.	Happening.
Parties or sessions where LSD is used.	Kick parties.
The feelings a person experiences while he is under the influence of LSD.	Out of the body, outside of myself.
An experienced LSD user who helps or guides a new user.	Sitter, tour guide, travel agent, guru.
The experience one has when under the influence of LSD.	Trip or voyage.
Feeling the effects of LSD.	Tuning in.
The act of taking LSD; initiating an LSD "trip."	Turning on.

Expressions associated with narcotics

Formal usage	Jargon
Morphine.	Dope, junk, M, stuff, white stuff.
Heroin.	Dope, H, hard stuff, horse, junk, smack, sugar, white stuff.
Morphine or heroin mixed with cocaine.	Speedball.
Dose of a narcotic.	Fix, jolt, shot.
Various amounts of a narcotic.	Bag, birds-eye (extremely small amount), cap, paper, piece (1 ounce, a large amount, usually heroin), taste, things.
Small packet of narcotics.	Bag, balloon, bindle, deck, foil, paper.
To adulterate narcotics.	To cut, to sugar down.
Paraphernalia for injecting narcotics.	Biz, business, dripper, dropper, factory, fit, gun, joint, kit, layout, machinery, outfit, point, spike, works.
Any main vein used for injecting narcotics.	Mainline.
One who injects narcotics into veins.	Hype, junkie, mainliner.
An injection of narcotics.	Bang, fix, hit, jolt, pop, shot.
To sniff powdered narcotics into nostrils.	Horn, smack, sniff, snort.
In possession of narcotics.	Dirty, holding, straight.
Occasional user of narcotics.	Chippy, joy-popper, skin-popper.
Regular user or addict.	Hooked, on the stuff, strung out.
Under the influence of narcotics.	Goofed up, high, lit up, knocked out, on the nod, stoned, wired.
Narcotic habit.	Habit.
Attempt to break the habit.	Kick, kick the habit, sneeze it out.
Method of curing addiction without tapering off.	Cold, cold turkey.
Desire for narcotics.	Yen.
Nervous or jittery because of need or desire for narcotic injection.	Frantic, sick.

Various expressions

Formal usage	Jargon
Dealer in drugs.	Connection, peddler, pusher, the man.
To have drugs.	To be dirty, to be holding.
To try to buy drugs.	To buzz, to hit on, to make it.
To buy drugs.	To connect, to make a meet, to score.
Money.	Bread (from "dough"), lace, long green.
To have money.	To be flush, heeled.
To understand.	To be hep, to be hip, so have savvy.
Police officer (the law).	Fuzz, heat, man, narco.
Uniformed officers.	Harness bulls.
Juvenile officers.	Juvies.
Marked patrol cars.	Black and whites.
Arrested.	Been had, busted.
Effect of a drug.	Bang, boot, buzz, coasting, jolt, kick.
Party.	Ball, blast.
Non user of drugs.	Cube, square.

IV. A SPECIAL PROBLEM—LSD

The nature of LSD

LSD, although odorless, colorless, and tasteless, is one of the most potent drugs known. According to Stanley F. Yolles, M.D., Director, National Institute of Mental Health, "the usual dose is about 100–200 micrograms or one-fifteenth to one-thirtieth millionth of an ounce." Lysergic acid, the precursor of LSD, is a constituent of ergot, a fungus that grows on rye.

Although LSD is widely described as hallucinogenic, this description is not entirely accurate. Persons who see and hear things after an LSD ingestion usually perceive actual objects or sounds as accentuated or distorted, or both; that is, faces melt away, bodies merge with walls, solid items pulsate, and so forth. These are illusions rather than true hallucinations, although sometimes the latter do occur. An illusion is a perceptual distortion of something that is seen; a true hallucination is seeing a nonexistent image. The term "psychedelic," or "mind manifesting," was coined by Osmond in 1957. It is applied to LSD and similar drugs in an effort to describe certain drugs in terms of perceptual changes.

The mechanism by which LSD affects the human mind is still unknown. Nevertheless, there are many theories concerning this. Sidney Cohen, M.D., Director of Narcotic Addiction Treatment of the National Institute of Mental Health, has provided the following hypothesis: "It appears that LSD interferes with the sorting and coding of incoming information, permitting an overflow of sensation and a lessening of intactness of the self."

PSYCHOLOGICAL EFFECTS

Psychological effects include distortion of perception, intensification of sensations, illusions, distortion of time sense, true hallucinations, and delusions. Following are some examples of these effects:

A girl in high school who had ingested LSD cut all the flexor tendons in her wrist when she looked in the mirror and saw her face begin to dissolve. A man who had been restrained from diving off a cliff explained that he thought the ocean waves breaking on the rocks were a huge silk scarf and he wanted to dive into it. A young man, after ingesting LSD for the first time, became convinced that he had to offer human sacrifice and was prevented from throwing his girl friend off the roof of a Hollywood hotel. One young person appeared at a hospital requesting surgery for a brain tumor; when questioned about his self-diagnosis, he said he had crawled into the left side of his brain and had seen the tumor on the right side. A young man who thinks he is an orange sits in his apartment, afraid that if anyone touches him he will "turn to orange juice"; friends bring him LSD and food.

LSD is an idiosyncratic drug in that every individual has a different reaction to it. It is an error to call LSD a "consciousness-expanding" drug inasmuch as it actually diminishes consciousness; if anything, it is an "unconsciousness-expanding" drug because it allows things inside a person to flood the sensory awareness.

An unusual effect of LSD is that a person can have a recurrence of symptoms, in all their original intensity, many months after taking LSD without having taken any more of it during that period of time. Professional observation of LSD users has thus far covered the span of one year, and symptoms are still recurring. Observation will continue in order to determine the length of time during which symptoms recur.

Acute Side Effects

Four types of acute symptoms have been identified after LSD ingestion. These are (1) illusions and hallucinations; (2) anxiety, often to the point of panic; (3) severe depression with suicidal thoughts and attempts; and (4) confusion, often to the point of not knowing where one's self is. The occurrence of these symptoms is totally unpredictable; some users experience them the first time they take LSD, others the twentieth, fortieth, or sixtieth time. Symptoms are frequently severe enough to indicate the need for psychiatric hospitalization. A number of suicides committed by persons who were under the influence of LSD have been reported; in several instances the individuals had jumped from second and third story windows.

Examples of some acute side effects follow:

A young man under the influence of LSD left a party and took a walk along a busy street. Suddenly he stepped into the path of an oncoming car, an arm upraised, and shouted, "Halt!" Death was instantaneous. A married college student took LSD and enjoyed the effects of the drug. A few weeks later he took another "dose" and for three weeks had recurrent visual hallucinations of animals crawling around the room. Time would stop completely, then start again. He was unable to sleep, afraid to close his eyes because the condition would intensify. During the first week he walked the streets with his wife. "I would have killed myself if I didn't have her," he stated. The fourth week he was treated by a physician, and the temporol and visual distortions gradually subsided over a two-week period. Another man, who had taken LSD for the first time, became intensely suspicious of the two people who were with him and of everything they did. Convinced they were plotting an attack upon him, he proceeded to defend himself by assaulting them. One of them, who had not taken LSD, fled; the other, who had taken the drug, was severely beaten. "The rest of the story is unclear, but the battered victim fled or was thrown out of a fourth story window."

V. ADVICE TO PARENTS

Man has used chemicals known as drugs for centuries to his great benefit. When man abuses their use, he destroys himself.

Americans did not grow alarmed over drugs when these opiates were abused by entertainers because this was not considered a national problem. When the juvenile delinquent experimented with drugs, adult society was apathetic. However, when the boy down the street or the girl with the excellent moral and scholastic record suddenly joins the supposed "in" group seeking thrills with marijuana, speed, and the harder drugs, America is both amazed and terrified. Something has gone awry with what we considered our superior culture when the star quarterback, the president of his class, the great personality, the supposedly well-adjusted young star goes to amphetamines to satisfy his need for that something extra!

Every culture of men, in every era, has experienced some estrangement between the young and the old. So, adult society has looked upon the violence of youth in the last decade as a passing phase. However, the preoccupation of some of our youth with drug experimentation and addiction is a vitally serious problem calling for prompt action. We have learned painfully that a youth's first experience with illegal consumption of drugs could be a fatal tragedy. Often, years of mental and physical anguish are the unfortunate result of initiation into drugs by the uninformed youth.

In some instances, drugs have been administered to a young person without his knowledge or consent, leaving him helpless,—oftentimes, in compromising situations. Sometimes, it is sheer curiosity that propels his drug involvement. All too frequently in modern life vital decisions are made in terms of emotional and social pressures rather than in the light of knowledge and wisdom. For the young, the decision to consume drugs may be forced on him by his need to be acceptable to his peers who might be trying to escape life's difficulties via the drug method. The pressure for him to conform may be too great to withstand. Therefore, our major efforts must be directed against this pressure, if the epidemic of drug abuse by young people is to be curtailed.

This widespread serious problem has exploded in our faces within the last few years. Preventive education by the clergy, parents, teachers, and a concerned populace is the answer. Most young people are sensible and concerned with their own well-being and they don't want to get "hooked" on speed or heroin or wrecked mentally and physically by LSD. Warnings against this cancerous growth are useless unless they are accompanied with guidance that helps young people assume responsibilities leading toward substantial citizenship. The young person must be motivated by his parents and teachers to develop his own resources, especially during his leisure hours, to shield him against various temptations, including drug abuse. He who has been trained to make independent and responsible decisions is armed against the seduction of others. He who feels that he plays some significant role already, at play, at home, in school, or at church, has little need to accept drug consumption as the price he must pay for acceptance by his gang. We must talk to our children! We must listen to them! We must have their confidence! Development of young people who can withstand the pressures toward drug abuse, and other unworthy influences, must be the primary goal of the parent, teacher, and religious adviser!

An obstacle in the path of a speedy recovery to normalcy for the drug abuser is the stigma society attaches to drug addiction. If, unhappily, a youth is found to be using drugs, his family physician should be consulted immediately. This is no time for secrecy and fear, which could lead to blackmail. A youth, terrified to confide his problem to his family, and frightened of exposure, may be forced to take more and stronger drugs and even forced to sell the junk to others. Courage and information can nip this problem in the bud for most of our young people. The family doctor knows the allergies and previous illnesses of the young person, and, if the case warrants it, he can make referral to more specialized care.

During this epidemic of drug abuse, it is the responsibility of every citizen to insist upon an increase in the number of drug clinics manned by an excellent, competent staff. Concerned lay people could and should effectively assist the medical authorities in this field.

VI. THE FUTURE

Marijuana is today the subject of a great debate. For those who say that it is no worse than liquor we could say that liquor has not done that much for highway safety that we could now legalize marijuana.

We know too little on the subject to permit legalization. However, most people feel that the laws of punishment for marijuana use could be updated both for the benefit of the law-enforcement officials and the saving of the youth. It would seem that our people while hesitant to change laws at this time of epidemic in drug abuse still want to punish the major supplier more than the casual user. I am sure that the laws will be updated.

The main thrust of our efforts during this time of crisis should be to educate and warn the country on the dangers both to youth and adults who toy with dangerous drugs and to save those who have fallen into habitual mis-usage. Strong measures are called for but we should not lose faith in America or our people. Properly educated and warned our people will rise to the occasion as always. Without fear and with faith in God we can stop the drug epidemic and save our youth.

COVETED NATIONAL AWARD TO MRS. HARRY L. KAPLAN

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. MORSE. Mr. Speaker, it is truly a unique and special privilege for me to be able to share with my colleagues the achievements of residents of my congressional district. I am particularly honored today to be able to bring to their attention the following story which appeared in the Lowell Sun describing the presentation of the Eleanor Roosevelt Humanities Award to Mrs. Harry L. Kaplan of Lowell, Mass., "for outstanding service to humanity and devoted friendship and support to Israel in the spirit of Eleanor Roosevelt." I am pleased, indeed, to join in honoring Mrs. Kaplan for her outstanding spirit and dedication to the principles for which another fine lady, Mrs. Eleanor Roosevelt, devoted her life:

[From the Lowell (Mass.) Sun, Apr. 24, 1970]

COVETED NATIONAL AWARD TO MRS. HARRY L. KAPLAN

LOWELL.—Mrs. Harry L. Kaplan, prominent community and civic leader, was the recipient of the Eleanor Roosevelt Humanities Award at a celebration of Israel's 22nd anniversary held at the Lowell Hebrew Community Center.

At the event, sponsored by the Lowell Committee, State of Israel Bonds, a capacity audience witnessed the presentation of the coveted national award to Mrs. Kaplan, honorary chairman of the Lowell Committee, State of Israel Bonds, "for outstanding service to humanity and devoted friendship and support to Israel in the spirit of Eleanor Roosevelt."

Created by the Israel Bond Organization in co-operation with the Roosevelt family, both of whom selected Mrs. Kaplan as an honoree, the award is a bronze medallion bearing a likeness of Mrs. Roosevelt, suspended on a blue ribbon.

Rev. Victor F. Scalise, spiritual leader of Calvary Baptist Church of Lowell, made the presentation.

He said that Mrs. Kaplan was "one of the finest and most beloved friends I have in this land of ours" and described her as a "woman of tremendous personal drive."

"Her motto is: Whatever your hands find to do—do it with all your might," Rev. Scalise said. "And whatever Mrs. Kaplan has done, in Israel Bonds, in Hadassah, mental health and the many other humanitarian endeavors, she has done with all her might."

He forcefully pointed out that Mrs. Kaplan has a quality of character that is "indestructible" and that she is a "woman of tremendous human compassion."

"The great hope of Israel is in people like her," Rev. Scalise asserted. "She is a person who has become a whole human being who exemplified brotherhood, goodwill and compassion for her fellowman."

In accepting the award, Mrs. Kaplan, visibly moved by Rev. Scalise's words, praised him for his brotherhood and goodwill and said that she could not give the words to express what he has meant to her and her family.

"I accept this award with great humility," she said, and pointed that she worked for Israel "not only as a Jew but as an American and a human being."

"Israel is a shining example of what a nation can do for people who yearn to live in peace," Mrs. Kaplan said. And she completed her acceptance speech by quoting from Mrs. Roosevelt's poem—a poem of hope for peace for all mankind.

Also at the celebration, which marked the high point of the 1970 Israel Bond campaign in the Greater-Lowell area, Atty. Calvin Robinson received the Tower of David Award of the Israel Bond Organization for outstanding leadership as general chairman of the record-breaking Israel Bond effort in 1969. Mr. Robinson is co-chairman this year.

Dr. William Wolf, campaign general chairman and chairman of the evening, made the presentation.

The inscription on the plaque reads: "In acknowledgment of notable participation in the campaign to provide a sound economic foundation for the rebirth of Israel as a tower of spiritual renewal and strength for the Jewish people."

Dr. Wolf, in his welcoming remarks, told the audience that "your presence here reflects your concern for our kinsmen who are fighting for survival. Israel must maintain its economic strength at a time when its very existence is threatened by the crushing burden of defense."

He said that bond funds are needed more than ever before to provide Israel's margin of safety.

"Your bond purchases," he continued, "will be a meaningful expression, not only of material support, but also of moral inspiration to the heroic pioneers of Israel as they labor to build and preserve a strong and secure Jewish Homeland."

In acknowledging those who had played an important part in the campaign, Dr. Wolf expressed the committee's gratitude "to The Lowell Sun for extending most helpful publicity to the leading personalities and events for our campaign."

Also participating in the program were Emil Cohen, popular humorist and entertainer, and Rabbi Benjamin H. Tumim, spiritual leader of Temple Beth El, Lowell, who offered the invocation.

Distinguished guests, in addition to those mentioned above, included Mrs. Eugene Polebaum, chairman of the Lowell Women's Division, State of Israel Bonds; Allen H. Solomon, a co-chairman of the campaign; Dr. Zelman Kamien, Chelmsford chairman; and James Cantor, honorary chairman of the local effort since 1967.

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GOODWILL WORKER OF THE YEAR

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. GOODLING. Mr. Speaker, I am proud to announce to the House of Representatives that Nancy Louise Witherow has received the high distinction and honor of being named the national "Goodwill Worker of the Year" for 1970.

I take particular pleasure in making this announcement because Miss Witherow is my constituent, a resident of New Cumberland, Pa.

On Tuesday, I had the privilege of being in company with Miss Witherow and her mother and doing a radio program over Voice of America. On Wednesday, I will have the opportunity of visiting the White House with Miss Witherow, and I will enjoy entertaining her as my guest at a luncheon in the Capitol dining room.

Mr. Speaker, I would like to say that we have a lot to learn from a person like Nancy Louise Witherow. Confronted with an adversity early in her life as a result of being struck by an automobile, she did not allow herself to become overwhelmed by this adversity; instead, she rose above it through the unique exercise of helping others who were visited by adversities. She worked with the Goodwill Industries.

The Goodwill Industries of America, Inc., has issued a news release that provides background information on Nancy Louise Witherow and how she was chosen to receive the national Goodwill Worker Award. Because of the great significance of this award, and because this release conveys an interesting and moving account of a very special type of person, I insert it into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

Nancy Louise Witherow has been named national "Goodwill Worker of the Year" for 1970. A Varitypist at Michael Baker, Jr., Inc., Consulting Engineers, Harrisburg, Pennsylvania, Miss Witherow was selected for the honor by a panel of four judges: Mr. James C. Hagerty, Vice President, American Broadcasting Companies, Inc.; Miss Joan Crawford, Chairman of the Board of Pepsi Cola Company, Inc.; The Honorable Harold E. Hughes, Senator from the State of Iowa; and Miss Constance McKenna, Vice President of Compton Advertising Agency, New York City.

Miss Witherow, who is 27 and single, was injured in 1950 as she stood outside a hospital after visiting a playmate. Two cars collided on the street in front of her; one careened over the curb pinning Nancy against a tree. Thus began a dual battle—the struggle for survival and her effort to overcome a serious physical disability. She is paralyzed from the waist down and confined to a wheelchair.

Nancy spent 32 months in the Harrisburg, Pennsylvania, Goodwill Industries where her rehabilitation qualified her for a position in private industry. As "Goodwill Worker of the Year," Michael Baker, Jr., Inc., has arranged for her to travel throughout the nation on behalf of Goodwill Industries of America, hopefully inspiring other handicapped persons to work toward the maximum development of their capabilities.

Nancy's confidence was greatly restored while employed in the Goodwill program where she worked in the Public Relations Department. As her work skills improved, her self-sufficiency grew. She developed her typing speed, improved her public speaking ability, learned to compose letters and became proficient in organizing and maintaining complex filing systems. She has been hospitalized fourteen times during the past twenty years. With the aid of a special wheelchair Nancy has enjoyed exceptional success in private industry as a result of her training at Goodwill.

All through her adversity Nancy has maintained a cheerful spirit. In recognition of her courage and determination, many honors have been bestowed through the years.

Miss Witherow will be given nationwide recognition with a trip to Washington, D.C., May 5 and 6. She will meet Mrs. Spiro T. Agney at the Vice President's Washington home on Tuesday afternoon. Nancy will also see her legislative representatives on Capitol Hill, receive a special tour of the White House, a worldwide broadcast over the Voice of America and a special tour of memorial sights in the nation's capital. Nancy will be accompanied on her trip to Washington by the Executive Director of the Harrisburg, Pennsylvania, Goodwill Industries, Mr. Lowell W. Carter.

DISTRICT OF COLUMBIA REPRESENTATION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. HORTON. Mr. Speaker, I am pleased to join in the special order today calling for voting representation in Congress for the District of Columbia.

Symbols of democracy abound throughout our Nation's Capital, but in one glaring aspect, the traditional heritage of our Nation breaks down.

The right to vote is the cornerstone of the American political system, but the 850,000 residents of Washington, D.C., have no Representatives or Senators in Congress, nor can they vote for their local city officials.

One of the ironies of the District's lack of representation, is that American soldiers are fighting to bring freedom to people thousands of miles from the United States, yet right here in the Nation's Capital, our own citizens are denied such freedoms.

As a former member of the District Committee, I have long sought to bring home rule and congressional representation to the people of Washington.

I have introduced legislation to provide full representation for the people of Washington in Congress—two Senators and the number of Congressmen the District's population would entitle it to have if it were a State.

It is very encouraging that the League of Women Voters is conducting a nationwide campaign to gather signatures from citizens on petitions urging voting representation for District residents.

The Rochester League of Women Voters has joined in this campaign and are right now working to bring full citizenship to the second-class citizens of the District.

I am joining in the National League of Women Voters rally May 6 when petitions from across the Nation will be presented to Congress. I am hopeful that this will prompt immediate action on the President's proposal for District of Columbia representation.

As President Nixon has said:

> The government of the District of Columbia cannot be truly responsive until it is selected by the people it governs. The District's citizens can no longer be expected to pay taxes for a government which they have no part in choosing or to bear the full burdens of citizenship without the rights of citizenship.

Washington is the eighth largest city in the country and more populous than a dozen States. It is certainly a city with problems. These are the same problems which face other cities and suburbs. Washington needs better housing, more effective services for its poor, and massive improvements in transportation.

These are problems of any local government but in Washington there is no really local government. In fact there has been no local government for almost 100 years.

As a legislator who has served on the elected city council in Rochester for 6 years, I know that good government for a city must be local government—chosen by the people.

The Federal role is to help local government be more effective and to attempt to supplement local resources for programs the local officials judge most urgent.

As it now stands, the administration of government in the District of Columbia lies in the hands of the Members of Congress. While Congressmen are conscientious about their work, it is impossible for them to administer the daily problems which face a growing metropolis.

Only local government can be responsive to local needs. And the test of responsiveness is the ballot box.

The District of Columbia was carved out of a swamp in the infant days of our

Nation. It has become one of the most beautiful cities in the world but there are forces confronting each other which will present a growing crisis unless the needs of the people are met.

The Federal Government has a special interest in Washington. It owns much of the land and employs many of its citizens.

But that special interest can be served within the structure of home rule. There is no reason why a workable plan cannot be developed to serve the needs of the people as well as the Federal Government.

It is long past the time when the people of Washington should control their own local affairs. They are the only group of people in the country—including overseas possessions—who do not elect their local officials.

Mr. Speaker, it is time dignity was restored to the people of our Nation's Capital, giving them a strong incentive to make it a showcase of our great Nation.

IMPORTANCE OF CIVILITY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. ROBISON. Mr. Speaker, the Evening Press of Binghamton, N.Y., in my congressional district, published an editorial recently presenting some thoughtful comments about the aftermath of "Earth Day." The thrust of these remarks has significance beyond the ecology issue. In fact, given the present tension and unrest throughout the Nation which has been one of the results of the President's decision to strike into Cambodia with American men, the editorial assumes widespread relevance and importance to all of us.

Some commentators are warning us that chaos will soon break loose as a result of the new unrest. I do not know whether it actually will or not—only time will tell. But I do know that it does not have to break loose, if we but practice a bit of "civility" in our deliberations about the country's current and complicated crises.

As the Evening Press editorial states:

> Civilization is built on restraints, ranging from civility to intellectual, artistic and legal disciplines. Those who ignore legitimate restraints imperil us all.

This dictum applies not only to those who dissent from our present push into Cambodia, but it also applies to all sectors of our society—including the President and the Congress. It is a time for restraint on the part of all of us. Outraged rhetoric, either against the President and his advisers or against the deeply concerned youth of this Nation, simply is not a viable alternative to rational deliberation. Those of us in public life must move to bind some wounds—not open them. Those of us in Congress must again scrutinize the Executive action just taken in Cambodia and calmly decide whether it is—or is not—in the overall public interest. Those of us elected to protect the public trust must attempt to bring our people together once again; and to that end, I commend the aforementioned editorial—the full text of which follows:

> IMPORTANCE OF CIVILITY
>
> In all of the hullaballoo about ecology the other day, no one seemed to have a good word, or even a bad one, to say about the relationship among the members of the human family.
>
> Because we think that is where a lot of the environmental action is, or should be, these paragraphs will be by way of a remedy.
>
> The first part of the word ecology stems from the Greek oikos, meaning house or home. Logos means words or discourse, or by tradition, a field of study.
>
> So ecology, in our bad Greek, is the study of households, and, by an extension of our own choosing, a study of the human family the world over.
>
> So improving the environment also takes in the big broad issues of war and peace and race relations.
>
> It also takes in small issues like bettering the relationship between individuals, one to one, and groups, 10 to 10, and however many.
>
> It was the latter that we missed on Earth Day, and have missed, for that matter for several years.
>
> Whatever else has happened in the era of the Politics of Protest, tolerance, individual freedom and the capacity to deal with each other in a civil fashion have taken a beating.
>
> On Earth Day, to our dismay, we saw militants trying to practice "up against the wall" tactics of insult for reasons that could have nothing to do with the environment, unless they happened to be interested in further polluting it.
>
> In an age plagued by violence, it may seem trivial to complain about the decline of manners, but, we submit, the relationship among peoples certainly is not a great deal less important part of the environment than the air we breathe.
>
> The growth of boorishness, we are afraid, is a highly visible part of our surroundings, possibly because until the last half decade most of us had rather thought our society was becoming more, not less civilized.
>
> The decline of manners, the way in which we act toward each other, is a matter of some real significance. Often it has been remarked that manners are the glue that holds society together, men having a fair amount of innate savagery lurking about.
>
> Both as a demonstration of tolerance and of respect for a civilized way of doing things, manners are important in a political society.
>
> More than any other nation, the United States was founded, and has been preserved to date, within a framework of tolerance for the individual and his point of view.
>
> In a vast nation of conflicting interests, our particular political system would not otherwise work very well. Reasonableness and compromise are not luxuries at all. They are essential.
>
> Civilization is built on restraints, ranging from civility to intellectual, artistic and legal disciplines. Those who ignore legitimate restraints imperil us all.
>
> We can hope that the existing disorderliness is only a passing phase. In closing, we would like to remind those who espouse the politics of physical confrontation of John F. Kennedy's Inaugural plea:
>
> "So let us begin anew, remembering on both sides that civility is not a sign of weakness."

HOUSE OF REPRESENTATIVES—*Thursday, May 7, 1970*

The House met at 12 o'clock noon.

Rev. Murden Appling, pastor, Southern Baptist Church, Washington, D.C., offered the following prayer:

Almighty God, look down upon this great Nation in these troubled times.

Father, remember our legislators and officials who have gone home to be with Thee, and Your people from all walks of life who need Thee every hour.

We pray for our President and Representatives in both Houses of Congress; bless each one according to his needs.

Direct their decisions King Jesus, prosper their planning, and guide their efforts to establish peace amongst men of good will.

Lord we beg You to be our guiding light to help us lift the fallen, strengthen the weak, and sustain the weary. Bind us by Thy power.

These blessings we ask in the name of the Father and the Son and the Holy Spirit. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 16516. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 16516) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDERSON, Mr. STENNIS, Mr. CANNON, Mrs. SMITH of Maine, and Mr. CURTIS to be the conferees on the part of the Senate.

XUM

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3706. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes.

The message also announced that Mr. Curtis was appointed a conferee on the bill (H.R. 14465) entitled "An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes" in lieu of Mr. Bennett, excused.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the independent offices and Department of Housing and Urban Development appropriation bill for 1971.

Mr. JONAS reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

HOPI INDIAN TRIBE, ARIZONA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4869) to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 2 over to and including line 8 on page 2 and insert:

"That, for the purpose of assisting in the economic advancement and contributing to the general welfare of the Hopi Indian Tribe of Arizona, the Congress hereby finds it to be fitting and appropriate to provide the Hopi Tribal Council with certain powers of self-determination that are necessary to enable the Hopi people to carry out the effective development and operation of the Hopi Industrial Park, which is located in the counties of Navajo and Coconino in the State of Arizona."

Page 2, lines 11 and 12, strike out "within, adjacent to, or in close proxmity to said" and insert; "within the".

Page 2, lines 14 and 15, strike out "or adjacent thereto, or in close proximity therewith."

Page 3, line 1, strike out "said".

Page 3, line 2, strike out "or adjacent or in close proximity to".

Page 3, line 5, strike out "tribe" and insert: "Hopi Tribe".

Page 4, line 13, strike out "or without".

Page 4, line 15, strike out "lands acquired by the tribe pursuant to this Act,".

Page 4, line 17, strike out "of any Federal laws then in effect." and insert: "of Federal laws.".

Page 5, line 2, strike out "tribal council." and insert: "Hopi Tribal Council.".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. ASPINALL. Mr. Speaker, the principal amendment which the Senate made to the House bill is the deletion of authority for the Secretary, on request of the tribe, to acquire land in trust within or in close proximity to the Hopi Industrial Park, which is located some 40 miles from the reservation. The other amendments are conforming ones.

The reason for the deletion is stated to be the Senate committee's policy not to approve the acquisition of trust titles outside of reservation boundaries. This policy has not been written into law, and it has been the subject of disagreement between the Senate and the House on various occasions in the past.

In this case, however, the deletion will have little practical effect because lands outside the reservation can be acquired in trust for the Hopi Tribe under the provisions of the Indian Reorganization Act. The Interior and Insular Affairs Committee relied on this fact when reporting a land bill for the Tulalip Tribes last December—H.R. 11372—in which case we ourselves deleted the land acquisition provision in order to avoid duplication and in order to avoid raising an issue that did not need to be raised.

As the Senate amendments to H.R. 4869 will have no appreciable effect on the tribe's land acquisition authority, I recommend that the House concur in the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SELECTION OF 1976 OLYMPICS SITE

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, I was dismayed to learn that the International Olympic Committee, meeting this weekend in Amsterdam, is giving serious consideration to the selection of Moscow as the site for the 1976 Summer Olympics.

It seems to me that such a decision would be a terrible mistake, since it would come at a time when the Soviet Union has just escalated its intervention in the Middle East, when the Soviet Union is denying fundamental rights to its citizens, including particularly the right to leave the country which is guaranteed by the Universal Declaration of Human Rights.

We recall with shame that the Olympic games were held in Berlin in 1936. Let us not have a repetition of this type of travesty.

I will be circulating today for the signatures of such Members as may care to join a telegram to the Secretary of State urging that the State Department take up with the governments represented on the International Olympic Committee the undesirability of the selection of Moscow as the Olympic site for 1976. I ask those who would like to join in such a telegram to let me know today or tomorrow.

The U.S. Olympic Committee will be pressing for Los Angeles, which is the other main contender. However, the unpopularity of the Vietnam war may militate against the selection of a city in the United States.

Accordingly, the State Department and the U.S. committee should take the position that, if Los Angeles is not acceptable, a third city should be selected in place of Moscow. If necessary, the final decision as to the choice of a site should be delayed to allow full consideration of new alternatives.

SECRETARY HICKEL'S LETTER CONCERNING THE YOUNG PEOPLE OF AMERICA

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, today I am tempted to praise Secretary Walter Hickel for his letter of warning to the President that the administration is in danger of alienating the young people of America.

However, I am restrained, because I do not know what is for real. The thought occurs to me that the Secretary's private letter, incredibly made public, could be a part of a well-planned public relations effort to put a high administration representative on the youth side of the polarization.

If the administration must face opposition to its Cambodia decision, why not develop opposition within the family and usurp both sides of the issue. Thus the administration could both move the pendulum and strike a bell at each end of the transit between Vice President Agnew and Secretary of the Interior Hickel. If Secretary Hickel believes as strongly in this critical issue as his letter suggests, he may have to withdraw from the administration if it fails to alter its course.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT ON HOUSE RESOLUTION 960, UNTIL 5 P.M. FRIDAY

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the House Committee on Government Operations have until 5 p.m. Friday to file a report to accompany House Resolution 960.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

STUDENT LAWLESSNESS MUST BE STOPPED

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute.)

Mr. HOLIFIELD. Mr. Speaker, yesterday afternoon some 200 students entered a building at New York University that houses a $5 million IBM computer. They locked the doors and demanded $100,000 or else they would smash this very delicate and very costly instrument. This morning the 200 students had dwindled to 65. Finally the police were able to make an entrance. They found a bomb planted there that could have blown up this machine.

This is the type of sabotage, lawlessness, and violence which the American people are being faced with. In California yesterday Governor Reagan, in order to preserve the universities and State colleges from damage, closed nine universities and 18 State colleges because of the fear of property and human damage. Something has to be done about this. It is time for the college students who are in college to obtain an education to stand up and be counted in opposition to these criminals. They are criminals because they damaged Federal property and attempted by rigging an alcohol and gasoline type firebomb for the purpose of ruining a $5 million computer.

It is time also for those professors and assistant postgraduate teachers to place their identities on the record against sabotage by fire and explosives in illegal and criminal activities.

OBSERVANCE OF THE BIRTHDAY OF FORMER PRESIDENT HARRY S. TRUMAN

(Mr. RANDALL asked and was given permission to address the House for 1 minute.)

Mr. RANDALL. Mr. Speaker, this afternoon at the conclusion of all other business I have reserved a 1-hour special order. I take the floor at this time to announce that this is the eve of the birthday of the 32d President of the United States on tomorrow, former President Harry S. Truman.

Mr. Speaker, it is my privilege to represent in the Congress the district in which the former President now resides. I make this announcement at this time in the event that other Members from either side of the aisle may wish to participate or insert in the Record birthday greetings to our former President.

WILD TALK OF IMPEACHMENT

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, there has been some wild talk of impeachment by those who hope to translate this disgraceful proposal into peacenik votes.

I am sure, however, that voters will reject this stab in the back of American servicemen just as emphatically as will the House of Representatives.

Mr. Speaker, the American people do not like war, but they like those who seek to make political profit from the agonies of our fighting men even less.

The times, if we are to maintain our Nation as a nation of liberty under the law, and if we are to preserve any semblance of freedom and justice in the world, call for support of the President and support of American troops.

The President has acted to destroy the sanctuaries of those who would kill Americans in Vietnam. Those who would deny Americans the chance to fight back, those who would deny the President his constitutional duty to give them that chance, they are the ones who deserve impeachment, if not by their peers then certainly at the polls.

PERMISSION FOR THE COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE CERTAIN REPORTS UNTIL MIDNIGHT FRIDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday, May 8, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REPORTS OF COMMISSIONS, UNDER WATER RESOURCES PLANNING ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-334)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interior and Insular Affairs and ordered to be printed with illustrations:

To the Congress of the United States:

In the last few years we have become more aware than ever that the quality of American life depends largely upon how we use—and conserve—our natural resources. It was this growing awareness that prompted the enactment of the Water Resources Planning Act of 1965.

That act provides for the establishment of river basin commissions—if requested by the States in the appropriate area—to plan for the best use and development of rivers, their adjoining land, and their resources. The river basin commissions assure that the people within each area will have a voice in deciding how these resources are used. This approach to planning promises more efficient use of America's great natural and manmade wealth, and more attention to preserving the beauty and vitality of our environment.

Today I transmit the annual reports of the four commissions that have been established under the act. They are the Pacific Northwest River Basins Commission, the Souris-Red-Rainy River Basins Commission, the Great Lakes Basin Commission, and the New England River Basins Commission—covering areas in 21 States.

These annual reports reflect the accomplishments of each commission during fiscal year 1969. They describe existing and emerging problems in the use of our river basins, and help in evaluating opportunities for their sound development.

RICHARD NIXON.

The WHITE HOUSE, *May 7, 1970.*

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1970

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 972 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 972

Resolved, That during the consideration of the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, all points of order against titles III, IV, and V of said bills are hereby waived.

Mr. MATSUNAGA. Mr. Speaker, I yield to the gentleman from California (Mr. SMITH) 30 minutes, pending which I yield myself such time as I may consume.

Mr. Speaker, this is a very simple resolution. It merely provides that during the consideration of the bill, H.R. 17399, a bill making supplemental appropriations for the fiscal year ending June 30, 1970, all points of order shall be waived against titles III, IV, and V of the bill.

Points of order are waived against title III because of the transfer of funds authorized therein.

Points of order against titles IV and V are waived because they contain limitations on budget outlays, which would amount to legislation in an appropriation measure.

Mr. Speaker, I urge the adoption of House Resolution 972 in order that the bill, H.R. 17399, may be considered.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. YATES. Mr. Speaker, I note that this is described as an open rule. It certainly was not the intention of the Committee on Rules that a rule be granted on this bill that would restrict appropriate amendments being offered to titles IV or V?

Mr. MATSUNAGA. The waiver of points of order is merely to provide that titles III, IV, or V, which contain legislative matter beyond the scope of an appropriation measure, may not be stricken on a point of order.

Mr. YATES. So that with respect to titles IV and V which propose to control expenditures, amendments that are germane may be offered under this rule?

Mr. MATSUNAGA. Yes, I would think so.

Mr. YATES. I thank the gentleman. In other words, it is not the intention of the Committee on Rules to make this a closed rule?

Mr. MATSUNAGA. No, there is no intention to make this a closed rule. It is merely to authorize consideration of titles III, IV, and V, without subjecting such consideration to a point of order.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, may I say to the gentleman from Illinois (Mr. YATES) that there is no intention of the Committee on Rules to waive any amendment that is germane to title III, IV, or V. We are only waiving a motion to strike them out because in title III there is a transfer of Federal funds in sections 302, 303, and 304. Titles IV and V are not germane because of the ceilings set on spending.

My opinion is, and I will not be in the chair, but my opinion is I would certainly think that if amendments are germane to the titles, we are not waiving points of order.

Mr. YATES. I thank the gentleman for his statement. There is a question as to whether or not certain amendments which are going to be offered are proper, and there is a question of interpretation of what the Committee on Rules has done, as to whether it intended a closed rule. I am glad to have the gentleman's statement that it is an open rule and that appropriate amendments will be in order.

Mr. SMITH of California. If the amendments are germane, they would be.

I would simply like to comment that this is the position we find ourselves in when we authorize and appropriate spending over the ceiling which we set. We are misleading our constituents and ourselves to some extent. I remember last year we placed a ceiling in the House of $192.9 billion on the amount the administration could spend. That did not control the Congress. But we should cooperate to the best of our ability.

The other body reduced the amount to $191.9 billion. Then Congress passed the 6-percent salary raise. We have lost some revenue in connection with the Outer Shelf oil leases. We have had other expenditures, including the farm subsidy.

Since February 2 of this year I would like you to know that the interest has increased by $400 million between February 2 and June 30, 1970. That is about $80 million a month. So now as we act, this ceiling will go up to about $197.9 billion. Actually, the amount will probably be $199.1 billion for the fiscal year 1970, which ends on June 30. It would set the ceiling for the next year at $203.8 billion, and permits certain cushions which could raise the maximum to $208 billion. I mention that because once again it will depend on how much Congress increases spending over the budget. We may have to have another supplemental bill. There is nothing else to do except pay the expenses of programs that have been authorized and appropriated by Congress. Soon a request will probably be made to increase the debt ceiling.

Mr. DENNEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Nebraska.

Mr. DENNEY. I am concerned about this rule, as far as the bill is concerned; I am concerned about a Hill-Burton hospital that is three-quarters completed. I want to get money into the supplemental to complete that hospital. Is there anything in the rule that would prohibit that?

Mr. SMITH of California. As far as this gentleman is concerned, there is nothing that would prohibit anything in amounts that are germane to titles III, IV, and V.

XUM

Mr. Speaker, I urge adoption of the rule.

I do have a request for time. I yield 4 minutes to the gentleman from New Mexico (Mr. Foreman).

AMERICAN YOUTH

(By unanimous consent Mr. Foreman was allowed to speak out of order and to revise and extend his remarks.)

Mr. FOREMAN. Mr. Speaker, during the past 16 months, I have spoken before, and visited with, students at 33 grade schools, high schools, colleges, universities, and related activities throughout the State of New Mexico. Never before have I been as optimistic and enthusiastic about the future leadership of our great country than I am now as I see, visit, and listen to the intelligent, alert, and capable young people who make up the great majority of our younger generation today. The young people of today know and understand as much, or more, about our history, Constitution, laws, heritage, principles and country as any young group of any other generation. I find that the overwhelming majority of our students are well-mannered, respectful, honest, decent, responsible, studious, patriotic young Americans who really do love our flag, our Constitution, and country, and who sincerely want to work to help improve on it and build an even stronger, better America. I am encouraged and thankful when I read the hometown newspapers of New Mexico about the work, projects and constructive activities of the Girl Scouts, Boy Scouts, Future Teachers of America, student council groups, Future Farmers of America, fraternities, sororities, various college and university clubs and organizations. I am grateful and appreciative of the concern and positive attitude of the SOS youngsters who are working to help others understand the tragic dangers of drug abuse and the pitfalls and heartaches of narcotics experimentation. We all have reason to be proud of those thousands of young men and women so honorably serving our country here, and in far-off lands, that freedom may be preserved and that America may continue to offer the same blessings of liberty and opportunity to our posterity as it gave to our immigrant forefathers. As a citizen, parent, and Congressman, I am thankful and proud of the character and moral fiber of the fine young Americans of today.

On the other hand, however, I can not help but be saddened and disheartened at the disservice that is being done to the reputation of the overwhelming majority of these fine young people today by the nationwide publicity given to a very small minority of impolite, disrespectful, rabble-rousing, rioting anarchists who knowingly, or perhaps blindly and unknowingly, are marching, demonstrating, burning and bombing, and who are attempting to destroy the very precepts and principles upon which this country was founded. All America has reason to be sickened when they witness this dissident minority as they tear down, spit on and trample the American flag, and at the same demonstration, ridicule and condemn our President, our Government, and our churches, and then raise and praise the red flag of communism. However, perhaps we may take some consolation in the fact that, according to responsible research on the situation, almost 100 percent of the disruption and destruction is being committed by less than 5 percent of the young people—even though the national news media continues to picture, promote, and publicize them almost 100 percent of the time.

Yes, Americans have reason to be concerned—but they also have reason to be thankful and grateful—not only for our outstanding young people, but for a great, free democratic Republic that preserves liberty, freedom, and opportunity—even for those who do not earn or respect it.

Mr. MATSUNAGA. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Speaker, I thank the gentleman for yielding.

I take this time, Mr. Speaker, merely to announce to the House that when we reach the proper point in the bill I will offer an amendment on page 53, line 25, after the amount "$200,771,000,000," carried as a limitation on expenditures for fiscal year 1971. My amendment will indicate that of these expenditures "none shall be available for use for American ground combat forces in Cambodia."

Mr. MATSUNAGA. Having no further requests for time, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate may be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Bow) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MAHON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 105]

Adams
Andrews, Ala.
Ashley
Baring
Bell, Calif.
Berry
Blatnik
Brown, Calif.
Buchanan
Carter
Clark
Clay
Coughlin
Cramer
Dawson
de la Garza
Dickinson
Dulski
Erlenborn
Feighan
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Gilbert

Goldwater
Gray
Hagan
Hébert
Holifield
Jarman
Johnson, Calif.
Kazen
Kee
Keith
Kirwan
Koch
Langen
Leggett
Lloyd
Lujan
McCarthy
McClory
McClure
McFall
McMillan
Madden
Melcher
Meskill
Mills
Mollohan
Moorhead
Murphy, Ill.
Ottinger
Pike
Poage
Pollock
Powell
Price, Tex.
Pryor, Ark.
Rosenthal
Roudebush
Scheuer
Schneebeli
Sikes
Sisk
Steiger, Wis.
Taft
Teague, Calif.
Tunney
Wiggins
Wold
Yatron

The SPEAKER. On this rollcall 355 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SECOND SUPPLEMENTAL APPROPRIATION BILL, 1970

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17399, with Mr. O'HARA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1 hour and the gentleman from Ohio (Mr. BOW) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

SERIOUS FISCAL SITUATION

Mr. MAHON. As I sat here awaiting the opportunity to present this bill, I was aware of the discussions which we have had on the floor today in regard to disorder and the disarray on campuses and in the streets of the country.

This bill, on page 6, contains an appropriation of $75 million for disaster relief from tornadoes and storms and floods. In addition to these disturbing elements in the present picture, we are also confronted in the fiscal area with elements of disorder and disarray and possible disaster.

Since the fiscal 1970 budget was submitted in April of 1969, estimated budget spending has escalated by at least $6 billion. It seems evident that we will be lucky if Federal budget spending during the current fiscal year is held below $200 billion. We are knocking at the door of a $200 billion expenditure for the current fiscal year.

There is no hope that for the forthcoming fiscal year budget spending will be held below $200 billion.

As Members know, we are currently borrowing about $8 billion a year from the Social Security, Highway, and other trust funds. We are borrowing those funds, paying interest on them, and utilizing them for the regular operations of the Government. Members know that those funds will eventually have to be replaced and except for the fact that we are borrowing those trust funds, the Federal funds portion of the pending budget would be in the red in the sum of at least $8 billion.

SUMMARY OF THE BILL

Mr. Chairman, this bill provides appropriations in the sum of $5,760,115,791. Nearly 90 percent of the money in this bill is, at this stage, more or less uncontrollable insofar as the appropriations process is concerned.

The great bulk of the funds in this bill are for pay raises in the military and civilian areas of Government. Members will recall that only a few weeks ago we passed a pay increase bill making pay increases of 6 percent retroactive to about last December 27. There is in this bill the sum of about $1.3 billion, for the current fiscal year 1970, to take care of the 6 percent pay increase which was enacted a short time ago.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, did the gentleman say there is funding in this bill for the recently approved pay increase bill that was retroactive to December 27, or does this cover only the pay increases of last year?

Mr. MAHON. The gentleman raises a question about the pay increases that were set in operation as the result of existing law, last July.

Mr. GROSS. Yes.

Mr. MAHON. In this bill there is $3 billion to take care of those pay increases. In other words, the pay increase money in this bill is considerably above $4 billion—about $4.4 billion.

Mr. GROSS. Does this or does it not take care of the pay increase which was recently voted, of 6 percent?

Mr. MAHON. It takes care of that in the sum of about $1.3 billion.

I would point out, of course it does not take care of the cost of the 6 percent pay increase for the forthcoming fiscal year 1971 which will begin on July 1.

In addition to the funds necessary for pay increases, there are funds provided for the following purposes: compensation payments and education and training for veterans, public assistance grants, payments to retired military personnel, unemployment compensation for the Federal employees and ex-servicemen, and annual contributions for low-rent public housing. This covers about $800 million more, which is included in the bill. The sum for disaster relief, heretofore referred to, is $75 million.

Mr. Chairman, under leave granted, I include excerpts from the committee report containing a summary of the major appropriation features of the bill.

SUMMARY OF BILL

The bill funds various general program supplementals; pay increase costs due to comparability adjustments of last July; pay increase costs resulting from the recently enacted Federal Employees Salary Act of 1970 (the 6% retroactive pay bill); includes a revised ceiling on budget outlays for fiscal 1970; includes a proposed budget outlay ceiling for fiscal 1971; and includes a title involving the usual general provisions.

The estimates on which it is based are included in House Documents 91–272; 273; 288; 293; 306; 311; 315; and 322.

A brief discussion of the over-all bill totals follows. Details concerning the committee recommendations are covered in the various chapters and titles of this report, which are arranged in the order of the bill itself.

GRAND TOTAL OF BILL

The grand total of new budget (obligational) authority recommended in the bill is $5,760,115,791, a reduction of $157,957,340 from the $5,918,073,131 requested.

In addition, title I includes proposed increases of $75,000,000 in limitations on annual contract authorizations involving interest subsidies for homeownership and rental housing assistance and college housing.

The committee has also recommended transfers between appropriations amounting to $49,384,900 and increases in limitations on administrative and nonadministrative expenses of trust funds amounting to $45,334,700. Authorization to transfer between appropriation accounts has the effect of reducing the need for new budget (obligational) authority.

Excluding the $1,350,000,000 for the recently enacted 6% retroactive pay increase, the total supplemental estimates considered by the Committee amount to less than the comparable aggregate figure encompassed in the overall total in the President's February budget for 1970 supplemental items, and the committee recommendation is still less than the amounts requested.

Nearly 90% of the new budget obligational authority total in the bill is for items that are virtually uncontrollable at this point. It includes $1,350,000,000 for the Federal Employees Salary Act of 1970, which was generally effective as of December 27, 1969, and $2,909,729,830 under title II for costs of comparability pay increases pursuant for the most part to PL 90–206 and PL 90–207 which were generally effective as of the beginning of the fiscal year last July 1st.

Just under $800,000,000 is also included for mandatory payments under the following programs:

Compensation payments and education and training for veterans,

Public assistance grants,

Payments to retired military personnel,

Unemployment compensation for Federal employees and ex-servicemen, and

Annual contributions for low-rent public housing.

In addition, $75,000,000 is included for disaster relief assistance requirements, and $6,591,406 for claims and judgments.

APPROXIMATE REDUCTION EFFECT ON 1970 BUDGETED OUTLAYS

The committee estimates that the reduction of $157,957,340 in new budget (obligational) authority and its actions on requested transfers will have the effect of reducing budgeted outlays for 1970 by approximately $123,300,000 from the amounts projected in the President's February budget.

TITLE II AND III—INCREASED PAY COSTS

Following is a summary of new budget (obligational) authority for pay cost increases in the bill:

	Budget authority estimates	Bill	Difference
Title I	$96,781,000	$96,781,000	
Title II	3,023,804,670	2,909,729,830	−114,074,840
Title III (indefinite)	1,350,000,000	1,350,000,000	
Total	4,470,585,670	4,356,510,830	−114,074,840

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TITLE II

Title II of the bill includes the bulk of supplemental funds required to meet the unabsorbed portion of increased pay and related costs for fiscal 1970. Title I of the bill includes the remainder of the funds for this purpose. The regular 1970 appropriations did not allow for these costs, and agencies have been spending on a deficiency basis as the law permits in such cases. (Section 3679 of the Revised Statutes, as amended (31 U.S.C. 665)).

The greatest share of increased pay costs in this title result from the Federal comparability pay raises made effective July 1, 1969. These increases result from Public laws 90-206 and 90-207, which cover postal and other civilian employees, military personnel, legislative, and judicial employees. Increases for employees of the District of Columbia as well as for wage-board employees in line with prevailing rates are also covered by this title.

The total cost of these pay increases was estimated in the February, 1970 budget to be $3,737,613,212. To cover the cost the President requested $3,125,051,786 in new budget (obligational) authority in House Document 91-272 and proposed to absorb the difference from previously appropriated funds. The absorption amounts to $612,561,426 or about 16% of the total.

The Committee has examined the individual requests, making reductions wherever they seemed reasonably possible. The largest single reduction is $102,271,000 in the Department of Defense. It should be said that the Executive has also combed these estimates, and that they are for mandatory costs in effect during the entire fiscal year.

The committee also considered under title II a separate pay item for $250,000 included in H. Doc. 91-306, but as usual deferred action on Senate items amounting to $4,716,116, making the effective request considered $3,120,585,670. The comparable committee recommendation is $3,006,510,830, a reduction of $114,074,840, distributed in the bill as follows: $96,781,000 recommended under title I, the amount of the request; $2,909,729,830 recommended under title II, a reduction of $114,074,840 from the $3,023,804,670 requested. Transfers between appropriations throughout title II amounting to $42,181,900 have been approved and also contribute to limiting the amount of new budget (obligational) authority that would otherwise be necessary.

TITLE III

(Federal Employees Salary Act of 1970)

This title of the bill relates to additional funds for increased pay costs arising during the current fiscal year 1970 from enactment of Public Law 91-231, approved April 15, 1970, the Federal Employees Salary Act of 1970—the so-called 6% retroactive pay bill, effective generally back to December 27, 1969. (Title II of the bill, explained above, relates to additional funds for civilian and military personnel pay increases that were generally effective from the beginning of the fiscal year 1970 last July 1st.)

The Committee recommends a single, lump-sum, indefinite appropriation for the purposes of Public Law 91-231. The best estimate available to the Committee of additional cost during the 6 months the law will be in effect in fiscal 1970 is $1,350,000,000. That may or may not be the final additional total of appropriations actually put on the books under the indefinite provision in the bill. Some portion—now indeterminable—of the costs may eventually be absorbed by transfers between existing appropriations, or otherwise.

Moreover, in terms of aggregate budgetary spending totals for fiscal 1970 reflected in the February budget, the net add-on effect would be about $1,175,000,000. This net budgetary add-on results from the offset effect of a lump-sum allowance of $175,000,000 in the 1970 totals related to a postal pay raise proposal which was superseded by the version enacted as Public Law 91-231.

The appropriation—as does the law itself—covers additional costs of the pay increase in fiscal 1970 for military personnel; for postal employees; and, generally, those other civilian employees except where rates of pay are fixed periodically on a prevailing wage basis (so-called wage-board employees).

It covers all three branches of the Government. It includes the District of Columbia Government.

Except for technical conforming changes, the lump-sum, indefinite appropriation approach corresponds exactly with that used in similar retroactive pay situations in 1958 and 1955. (The President, in H. Doc. 91-322, has also recommended this approach.)

As explained in connection with title II pay cost supplementals, the Executive Branch—operating, as it has been, under an overall expenditure ceiling in fiscal 1970—screened those pay supplemental requests, looking for opportunities to absorb portions of the added costs by way of transfers of funds or otherwise. The Committee has similarly examined the supplemental requests and made reductions wherever it reasonably could. Under the circumstances, it did not seem to offer any productive results to go through yet another detailed, item-by-item calculation, submission, review, and recommendation, covering essentially the same ground this late in the fiscal year.

Thus the recommendation for a single, indefinite appropriation, which procedurally would work this way:

1. *Section 301* makes the appropriation of "such amounts as may be necessary", but carries the safeguard that no appropriation may be increased beyond the costs attributable to the basic law.
2. *Section 302* gives authority to transfer unobligated balances from funds otherwise expiring for obligation on June 30, 1970 (to assist in meeting the increased costs and thus diminishing the added appropriation otherwise required).
3. *Section 303* provides the procedure for certifying the amounts of added appropriations required, but as to both this and any transfers under section 302 relating to the Executive Branch, requires the approval of the Director of the Budget.
4. *Sections 304–306* are also facilitating, are self-explanatory, and, among other things, require the Budget Director to submit a complete report to Congress not later than October 15, 1970 on the actual transfers made and the actual appropriations put on the books under the provisions of this title.

EXPENDITURE CEILING REVISION, FISCAL YEAR 1970

As Members will remember, last year, for fiscal year 1970, we enacted an overall expenditure ceiling of $191.9 billion for the Government. It was a flexible ceiling, adjustable on the basis of congressional actions or inactions on budget and spending authority. We provided, also, that in addition to this ceiling the executive would have a cushion of $2 billion because of the likelihood of the cost of so-called designated uncontrollables rising above the estimates, such as interest on the public debt, social security, and so on.

The situation has worsened to a greater extent than had been anticipated in the Congress or in the executive branch, so now we are having to revise the expenditure limitation for the current fiscal year, which ends on June 30 of this year. We are in this bill revising the ceiling upward to $197.9 billion, as a beginning figure—that is, without any of the adjustments which may be made, up or down, as a result of congressional actions or inactions and overruns on so-called uncontrollables. In other words, we have updated the expenditure ceiling. We also allow some cushion for unavoidable overruns. Current year expenditures, as I said, are probably going very near $200 billion.

Some may say that this is more or less an exercise in futility. Of course, it is not productive of vast savings, but it does keep constantly before the Congress, the country and the executive the enormous and growing cost of the Federal Government. In my judgment, this ceiling procedure is worth continuing. We propose to continue the practice in 1971.

Mr. Chairman, I include excerpts from the committee report explaining the proposed revision of the 1970 outlay ceiling.

TITLE IV—LIMITATION (REVISED) ON FISCAL YEAR 1970 BUDGET OUTLAYS

Title IV of the bill would update and reset the overall ceiling on government spending for the current fiscal year 1970.

The basic need for resetting the ceiling stems from underestimates of requirements in the original budget revision (of April 15, 1969) with respect to a handful of so-called designated uncontrollable items for which the ceiling law allowed a $2 billion "cushion". In all instances, these involve objects and programs for which the budget outlays arise out of appropriations or other authority, or relate to receipts that operate to offset budget outlays, that *do not require annual action by the Congress*—in other words, *permanent* appropriations or other spending authority contained in basic law, or actions or inactions that operate otherwise to determine budget outlays under the unified budget concept.

Other than for the overrun from miscalculations of requirements for the designated uncontrollables, spending in fiscal 1970 has been kept within the statutory ceiling. As of the date of the revised figures in the new budget (Feb. 2), the overrun for these designated uncontrollables was $4.3 billion in relation to the April, 1969 estimates (in other words, $2.3 billion above the $2 billion "cushion" provided for them in the original ceiling law), as follows:

Outlay overruns to April 1969 estimates for designated uncontrollables

[In billions of dollars]

Social insurance trust funds	+1.7
Interest	+1.4
Sales of financial assets (offsets to outlays)	+.9
Leases of lands, Outer Continental Shelf (offsets to outlays)	+.3
National service life insurance fund	(1)
Farm price supports	(1)
Total	+4.3

[1] Less than $50 million.

Note.—The $1.7 billion increase for social insurance trust funds *is in addition* to the $1.7 billion increase in social security benefits voted by the Congress in the last session, which has also been reflected in the revised spending ceiling.

The Budget Director told the Committee that further changes in some of these items are already apparent. Interest on the debt for 1970, for example, is now estimated to go $400 million above the February estimate. Others have increased, offset by some decreases. The current *net* change outlook

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in this limited area of items is $300 million above the February estimate for 1970.

Other changes of course affect the current expenditure outlook for fiscal 1970 and enter into an accounting for the variation from the original overall $192.9 billion administration spending *estimate* and the original overall $191.9 billion spending *ceiling*. Congress made an initial cut of $1 billion from the estimate in setting the ceiling; the administration itself submitted supplements and amendments to its original budget; Congress acted on the portions of the budget subject to annual action, making changes in both directions; Congress failed to act on several other budgetary proposals, likewise affecting the figures; normal reestimating of 1970 outlays in connection with formulating the 1971 budget also introduced some differences; and anticipated second session actions are in the picture.

The revised fiscal 1970 spending estimate in the 1971 budget (of February 2) is $197.9 billion—$5 billion above the original administration $192.9 billion spending estimate and $6 billion above the original $191.9 billion congressional ceiling amount. Here is a capsule accounting for the differences to February 2, the date of the new budget—based on Executive Branch figures and thus ignoring classification and estimating differences of the Joint Committee on Reduction of Federal Expenditures:

[Billions]

	In relation to—	
	Original estimate	Original ceiling
Original estimate and original ceiling	$192.9	$191.9
Changes—		
1. Original blanket cut by Congress	−1.0	
2. Administration underestimates on designated uncontrollables (on which annual action is not required)	+4.3	+4.3
3. Actions and inactions on original April 1969 estimates (includes about $1,200,000,000 for administration additions):		
Appropriation acts	−1.9	−1.9
Other acts (social security, etc.)	+1.5	+1.5
Inactions (postal rates, sales of financial assets, etc.)	+1.3	+1.3
Subtotal, actions and inactions	+.9	+.9
4. Anticipated 2d session actions affecting fiscal 1970 (pay raises, veterans, public assistance, etc.)	+.9	+.9
5. Nominal margin n revised estimate for other spending	−.1	−.1
Net change, all factors	+5.0	+6.0
6. Revised 1970 spending estimate (in 1971 budget)	197.9	197.9

THE REVISED CEILING PROPOSED IN THE BILL

For purposes of more complete disclosure and for simplicity as well as for technical reasons, the Committee has restated the full ceiling language in the bill rather than attempt to variously amend the existing ceiling law. The Executive Branch communication of March 12 had recommended essentially the latter procedure, embodying two substantive changes:

1. Removing altogether the ceiling on the "cushion" for designated uncontrollables—in view of the lack of effective controllability and the difficulties of estimating precisely.

2. Providing a $1 billion "cushion" within the basic ceiling to provide a margin sufficient to permit prudent management in the few ramaining week so fthe current fiscal year if the mark is missed on expenditure estimates for essential programs. (The proposition was to raise the existing "base" ceiling of $191.9 billion to $192.9 billion.)

The Committee prefers to supersede the old ceiling with a new provision, setting the "base" or beginning ceiling at $197,885,000,000 (i.e., $197.9 billion), the revised fiscal 1970 estimate of budget outlays shown in the 1971 budget of February 2. Coupled with this would be language, like in the existing ceiling law, that would operate continuously to adjust the ceiling, as appropriate, to comport with estimated expenditure effect of specific congressional actions or inactions having an impact on the February "base" or beginning ceiling of $197,885,000,000. Certain completed actions and inactions already occurring in the present session would constitute a basis for adjusting this base figure. They are noted on page 760 of the printed hearings, and include the $1.2 billion relating to the 6% retroactive pay bill.

The Budget Director, on April 13, told the Committee that the administration may be able to hold total 1970 budget outlays to $199.1 billion but could not be certain that would result. Because of the inherent uncertainties in estimating the exact timing of budget outlays and with the possibility that a miscalculation could cause undue disruption to prudent management in the closing weeks of the fiscal year, the Committee has included a ½ of 1 percent "cushion" providing—

"That in the event the President shall estimate and determine that total budget outlays cannot be held within the overall limitation provided herein, he may, after notification in writing to the Congress stating his reasons therefor, adjust the amount by not more than ½ of 1 percent thereof."

The administration has pledged that it will continue its vigorous efforts to control Federal spending. Thus the primary burden will be on the President to avoid use of this latitude altogether if reasonably possible, and in any event to call upon it sparingly unless absolutely essential to do otherwise.

Rather than remove altogether—as the Executive proposes—the ceiling on the "cushion" for designated uncontrollables (i.e., a handful of items on which Congress does not annually act), the Committee has inserted a $1,000,000,000 "cushion" for any further overruns in such items. As noted above, the Budget Director very recently advised the Committee that there is already an apparent net overrun (beyond the February 2 estimates) of about $300,000,000, but if the administration is able to hold aggregate 1970 outlays to $199.1 billion as they have indicated, that $300 million would be offset by decreases elsewhere and thus not mortgage any of the $1 billion "cushion". Based on present information, the $1 billion "cushion" seems quite adequate as a standby authority for these designated uncontrollables.

PROPOSED OVERALL EXPENDITURE CEILING, FISCAL YEAR 1971

We have set in this bill another expenditure limitation for the fiscal year 1971 which begins on July 1 of this year. On that the initial expenditure limitation as proposed would be $200.8 billion, which is the estimated expenditure of the Administration shown in the February 2 budget. In other words, we have accepted the best estimate of the administration. Admittedly, no administration and no Congress is able to estimate precisely what may develop in fiscal affairs.

As our hearings disclose, and as we know, there are already indications that the initial figure for fiscal 1971 may go upward unless greater restraint is exercised.

One of the handicaps which the administration has at the moment is that it is not able to ascertain just what the revenue collections will be as a result of the April 15 income tax date, and so forth.

We provide for an initial expenditure limitation for next year of $200.8 billion, but we take into account the fact that there may be unexpected expenditures. Congressional actions and inactions will also influence the situation. There are events which may bring about additional expenditures in certain so-called uncontrollables. So we provide a cushion for fiscal year 1971 of $3 billion, making the real ceiling, unless the Congress changes it—and the Executive cannot change it without the concurrence of Congress—making the initial expenditure ceiling for fiscal year 1971, $203.8 billion.

This is one of the major proposals in the bill. It is not unduly restrictive. But it will give us a target. We have had to go above the expenditure limitation this year by about $6 billion. We hope that such will not be the case in the forthcoming fiscal year, but at least we have set the target, which will be the target, we hope, of the Congress and of the administration. If we are able to make reductions below that, that will be all to the good.

Mr. Chairman, I include excerpts from the committee report explaining the proposed 1971 ceiling.

TITLE V. LIMITATION ON FISCAL YEAR 1971 BUDGET OUTLAYS

Title V of the bill would place an overall ceiling on budget outlays of the Federal Government during the fiscal year 1971 that begins on July 1, 1970. The precise terminology is "Expenditures and net lending" which, taken together, constitute "budget outlays".

CONCEPT OF THE CEILING

The proposed ceiling for fiscal 1971 is quite similar in concept and structure to the ceiling currently applicable to the fiscal year 1970. There is, however, one major difference: Congress, in enacting the 1970 ceiling last July, imposed a blanket $1 billion cut from the budget spending total at the outset. The proposal for 1971 in the accompanying bill makes no such cut. The Committee did not recommend any initial cut last year and does not think it appropriate to do so this year.

The Committee, in initiating an all-encompassing ceiling last year, was not seeking to advance a vehicle for arbitrary broad-axe type cutbacks that would leave to the Executive the allocation of any spending reduction to specific agencies and programs. The whole idea was to focus on the totality of Federal spending by putting the control of *total* spending in the hands of Congress, adjustable *only* by the Congress.

It is not too widely recognized that in the various annual bills affecting the budget, Congress, in respect to the $200.8 billion fiscal 1971 spending budget, would normally deal with requests involving less than half of that spending total—about 47 percent, to be more exact. (The other 53 percent springs from unexpended carryover balances from previous years and from so-called permanent appropriations that arise automatically under earlier laws.)

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By covering the annual expenditures from all sources, the ceiling focuses on the total and tends to keep it in focus. And such a ceiling affords the opportunity to force attention on possible alternatives and substitutes when upward pressures are exerted on the ceiling.

An overall ceiling, adjustable to the independent decisions of the Congress in the various bills during the year, not only provides a useful disciplinary target to guide individual actions by Congress and the Executive, but can also have some usefulness as a short-run regulating device, especially when economic and fiscal pressures are great.

THE CEILING FOR 1971

The amount specifically stated in the provision in the bill, $200,771,000,000, is a beginning figure, not an ending figure. It is the President's initial projection of 1971 budget outlays in the Budget for 1971, submitted February 2.

Coupled with the $200.8 billion, figure is language, identical to what is in the current ceiling, providing—

"* * * That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the Budget for 1971 (H. Doc. 91-240, part 1), the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on budget outlays, and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on budget outlays of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted * * *"

In other words, Congress would work from the President's proposed total spending estimate. It would do so through its actions, or its inactions, on requests for appropriations and other budget obligational authority and outlay proposals in the various appropriation bills and other bills affecting budget proposals, including amendments and supplements to the February budget.

The language would operate continuously to adjust the ceiling, as appropriate, to comfort with the estimated expenditure effect of specific congressional actions or inactions having budgetary impact.

It is a flexible provision—but in terms of aggregate spending, flexible only on the action of the Congress, not the Executive.

It does not seek to declare something of the end from the beginning; it sets a beginning point against which Congress would work in deciding, through its various spending actions, what the ultimate total should be, and supplies a mechanism for resetting the ceiling accordingly.

It would be the second ceiling ever to place directly in the hands of Congress the specific decision as to the maximum amounts to be taken out of the Treasury for payment of the Government's bills in a given 12-month period.

The ceiling proposed in this bill would afford opportunity for maximum flexibility within the overall total to meet, as fully as reasonably possible, changed and changing expenditure requirements in certain specific programs that cannot be foreseen with great precision. The administration is committed to continue vigorous efforts to control Federal spending. An aggregate ceiling should be facilitating in this regard.

Of course, the President can seek supplemental relief to meet necessary but unforeseen and unavoidable outlay increases which he finds cannot be accommodated within the overall total.

Setting a beginning ceiling in this fashion should in no way discourage the Executive Branch from its continuing commitment—and responsibility—for seeking to conduct the day-to-day management of government programs at the very minimum cost consistent with the public necessities, refraining from spending every dollar that can reasonably be saved. Constructive economy in public spending is not alone a matter of legislative decision. It is also a matter of administration. The administration has attached high priority to quality of performance in administering the government. Wasteful and needless expenditures often do not become so until funds are poorly managed. The primary burden of getting a dollar's value for every dollar justifiably appropriated to the purposes of government lies mainly with those who administer, not with those who legislate.

CUSHION FOR DESIGNATED UNCONTROLLABLES

Experience in the current fiscal year 1970 clearly suggests the advisability of providing some limited "cushion" for underestimates of budget outlays in fiscal 1971 for certain so-called uncontrollable objects and programs, i.e., in a handful of cases, *where Congress does not annually act on the budgetary estimates involved*. These are mainly so-called permanent authorizations that each year *automatically* stem from various basic laws.

A "cushion" for such items, of $2,000,000,000, was carried in the 1970 ceiling law, but already, as explained earlier in this report in connection with title IV of the bill, the overruns arising from administration miscalculations of outlay requirements approximate $4,300,000,000, and will probably go even higher before fiscal 1970 ends.

Accordingly, the bill proposes a similar cushion for 1971—covering the same items as did the 1970 ceiling law—but puts a dollar limit of $3,000,000,000 on how far the President can go in so adjusting the ceiling on this account. This is higher than the current year cushion but considerably less than the current year overrun. It amounts to about 1½ percent of the overall budget total and about 4½ percent of the estimates for the items involved.

The items encompassed are listed on page 49 of the Budget for 1971. They generally involve very large sums and items where it is difficult to make accurate projections. The items are:

Social security, medicare, and other social insurance trust funds;

National service life insurance (trust fund);

Interest; and

Farm price supports (Commodity Credit Corporation).

Decline of receipts (credited in the budget against expenditures and net lending) derived from—

Sales of financial assets of programs administered by the Farmers Home Administration, Export-Import Bank, agencies of the Department of Housing and Urban Development, and Veterans' Administration, and

Leases of lands on the Outer Continental Shelf.

In contrast to the situation as to these designated uncontrollables on which Congress does not annually act, since the bill sets a comprehensive ceiling which would be continuously adjustable based on congressional actions or inactions on budgetary proposals whether initiated by the President or by the Congress and whether or not inside or outside the February 2 budget totals, there is no necessity to exempt any area of the budget that Congress normally acts upon each year. Approval of supplemental appropriations to meet existing *unbudgeted* requirements would also be the basis for a corresponding adjustment in the ceiling on budget outlays.

UNEXPENDED CARRYOVER BALANCES AND THE DIMENSIONS OF ANNUAL ACTIONS

The proposed ceiling provision, being all-inclusive, covers outlays in fiscal 1971 from budget authority to be newly granted in this session; outlays from so-called permanent appropriations that flow automatically from earlier laws; and outlays from unexpended carryover balances of prior years. Very substantial portions of the $200.8 billion beginning ceiling figure spring from each of these three general sources of expenditure availability.

For example, total unexpended carryover balances at the beginning of fiscal 1971 will approximate $234 billion—about $108 billion in social security and other trust funds and $126 billion in Federal funds. But some $77 billion of the $126 billion of Federal funds will have been obligated for programs across the government but not yet actually paid out. The remaining $49 billion, not obligated and not expended, is in many accounts across the government.

But of the $234 billion total beginning carryover, trust and federal funds combined, roughly $96 billion is projected for expenditure (disbursement, that is) in fiscal 1971, and roughly that amount is thus counted in the $200.8 billion ceiling figure. The remainder of the carryovers—some $138 billion—becomes part of the total unexpended carryover projected into the following year, fiscal 1972.

Roughly then, it can be seen that only about $105 billion of the newly projected outlay total for 1971 ($200.8 billion, less the $96 billion from carryovers) is estimated to come from the $218 billion *net* new budget authority requested or estimated for that same year of 1971. In other words, the 1971 outlay total involves *less than half* of the new budget authority requested for 1971. Funds appropriated in a given year are expended partly in that year and partly in subsequent years because of long lead-times, construction time, and other factors.

Dimensions of annual actions on budget

Budget obligational authority (appropriations, essentially) is the traditional basis on which appropriation and authorization bills are stated and voted on regardless of the year or years in which the funds are to be actually disbursed in the form of budget outlays.

Thus the $200.8 billion "outlay" budget for 1971 is *not* the "action" budget before the Congress. The Congress will *not* vote on that figure in the various appropriation and other spending and authorization bills relating to fiscal 1971. Congress, in these bills, will be voting on an entirely different basis—the appropriations or new budget (obligational) authority basis.

The gross total new budget (obligational) authority proposed or estimated in the February budget for 1971—and this is not as widely known as the more familiar $200.8 billion outlay estimate—is $234,819,000,000, *gross*.

Of that, about $86,706,000,000 is estimated to become available automatically without action by the Congress this session for such so-called permanent items as interest on the debt and various social insurance trust funds. That leaves roughly $148,113,000,000 subject to congressional action this year. That is the total in the February budget for 1971, and, like all budgets, is subject to amendments and supplements from time to time (already, for example, the President's messages of April 3 and 16, relating to pay increases and postage rates and reform, have substantially modified the budget aggregates in some particulars).

The February budget for 1971 in respect to budget authority totals; budget outlay totals and what is subject to annual action and what is not is capsuled in the following table using budget figures:

(In millions)

	New budget authority, 1971 budget requests (est.)	Budget outlays, 1971 (est.)
1. Proposed to be available through current actions by the Congress	148, 113	92, 798
2. Portion estimated to become available without current actions by the Congress (so-called permanent authorizations under laws of earlier years, such as interest on the debt, social security and other trust funds, etc.)	86, 706	28, 826
Subtotal	234, 819	121, 624
3. Outlays from unexpended carryover balances of all kinds (from prior years)		95, 935
Gross total	234, 819	217, 559
4. Deduct offsetting receipts (intrabudgetary transactions to avoid double counting, and "proprietary receipts from the public")	−16, 788	−16, 788
Net totals in the 1971 budget	218, 031	200, 771

THE $200.8 BILLION OUTLAY ESTIMATE FOR 1971

There have been a number of developments since submission of the February 2 budget that either constitute a basis for adjusting the $200.8 billion outlay total upward under the flexible ceiling provision proposed in the bill or point to upward pressures on it. A number of major specifics are mentioned in the printed hearings, at pages 788–790.

Other developments of many kinds, and for many reasons, will of course take place as the session and the year progress, that will bear on both the outgo and income sides of the fiscal 1971 budget. The Committee merely thought it appropriate to call attention to these major specifics mentioned in the hearings since the $200.8 billion figure is used in the ceiling language of the accompanying bill notwithstanding the fact that things have already happened, some of which lay the basis for changes in that figure; some do not.

ADMINISTRATION OF PUBLIC DEBT

Mr. GROSS. Mr. Chairman, will the gentleman again yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

We cannot be very optimistic at this time with respect to Federal revenue, can we?

Mr. MAHON. I do not think so.

Mr. GROSS. With corporations and other businesses reporting declining business conditions.

Mr. MAHON. This is true. We are confronted with a very serious situation, if not the possibility of a disastrous situation. If we are to avoid disaster, it seems to me we have to try to hold the line as well as we possibly can do so.

We reported out of the Committee on Appropriations today, under the subcommittee chairmanship of the gentleman from Tennessee (Mr. EVINS), the independent offices and HUD appropriation bill, the biggest ever, amounting to $17 billion plus. I have been told that perhaps a half a billion dollar increase above the budget will be offered and campaigned for by way of an increase. If we throw away all fiscal restraints, this country will have had it, and while we may not pay in taxes for what we are spending, we will pay in run-away inflation, which is worse than taxes.

Mr. GROSS. I note with this bill the cost of administration of the Bureau of the Public Debt will be more than $63 million on an annual basis. I can remember when I first came to the Congress the appropriation for the Bureau of the Public Debt was about $20 million and perhaps even less. Now $63 million is being expended simply to administer the office. This does not include a single dollar for the carrying charges of $20 billion a year on the public debt. It is simply to administer it. This is almost unconscionable.

Mr. MAHON. Well, of course, the administering of the public debt at this time of economic disturbance is very difficult. Many operations are necessary now that were not necessary at an earlier date.

I see the gentleman from Oklahoma (Mr. STEED), the chairman of the subcommittee that handles that appropriation, is here, and I will yield to him for a comment.

Mr. STEED. In regard to the form of administering the public debt, the largest item in the $63 million is nearly $31 million which goes for postage. Then the next largest item is the fees that we pay the Federal Reserve banks and the commercial banks of the country for cashing savings bonds and doing other functions for the Treasury Department.

Mr. GROSS. I note that there is contained in this supplemental appropriation bill an increase of $250,000 with which to print Treasury certificates. Is this just to purchase oil for the printing presses or is it to buy new printing presses in order to expedite the printing? What is the story?

Mr. STEED. Mr. Chairman, if the gentleman from Texas would yield further, the bonds, notes and the paper money that they have to purchase in this country I believe last year according to the Treasury they had to issue about 174 million pieces of paper called bonds, notes or bills. This is just an increase in the cost of the material which they have to use. There has been an unprecedented increase, as the gentleman from Iowa understands, in the cashing of savings bonds. This is to pay a 15-percent fee for each bond cashed. This is an uncontrollable item. So, it just reflects the volume of selling and buying which is going on in this field these days.

PAY INCREASE APPROPRIATIONS

Mr. GROSS. Mr. Chairman, if the gentleman will yield for one further question——

Mr. MAHON. I yield further to the gentleman.

Mr. GROSS. Did the committee in setting up this figure of $1,350 million to fund the recent pay increases, pull together any figures as to the number and cost of pay increases for, say, the last 10 years?

Mr. MAHON. The various subcommittees screened the various pay requests that were made. We insisted that the departments absorb as much of the pay increase as possible. Large sums will be absorbed. This bill contains certain transfer authority which will help enable the agencies to meet these requirements; otherwise, the bill would be greater than it is.

It is a matter of great concern, of course, to the committee and to the gentleman from Iowa as well as to the people generally as to the great cost which is involved.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Has the chairman been able to make an estimate as to what this supplemental appropriation, plus the regular appropriation, will do in terms of increasing the national debt? What will be the net increase in the national debt?

Mr. MAHON. Well, I assume that we will have a rather spirited debate in the near future on the issue of increasing the public debt. There will be an increase in the public debt. What effect this will have I could not predict at this time.

Mr. PUCINSKI. I have seen various estimates, one as high as $15 billion deficit, for fiscal 1970.

Obviously, if we had some indication as to what the figures are, it would certainly affect our action on this legislation.

The gentleman suggests that much of these expenditures are uncontrollable. I do not quite understand that.

Mr. MAHON. Nearly 90 percent of the bill is for legislated pay increases and other mandatory-type payments, as page 2 of the committee report clearly indicates. Congress raised the pay and after we raised the pay, unless we rescind that action, it is more or less uncontrollable, unless there is a vast reduction in personnel otherwise. Certain other items—public assistance, veterans, and so forth—fall somewhat in the same category.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, we, for instance, authorize a certain amount of money for education and then we only fund one-half of it. We have a lot of programs around here where we authorize substantially more than we appropriate. It is not uncommon, as a matter of fact, for the Appropriations Committee to hold the line on almost every single authorization.

As the gentleman said, we did raise the salaries, but has any effort been made to reduce the number of Government employees to pick up some of that slack?

Mr. MAHON. An effort certainly has been made, but after Congress screens the requests, appropriates for the various programs, and the people are on the payroll you have to pay them for their services at the authorized rates. That is essentially what is involved here.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I would ask the gentleman if it is not true and fair to say that when Congress votes a pay increase that is not the same as authorizing a ceiling on a new program? That is a legislative enactment of a pay increase, and I do not see how the Committee on Appropriations could possibly fail to approve the money that Congress has voted in pay for Government workers and servicemen.

Mr. MAHON. The gentleman is correct. There is no comparability, as I see it, between authorizations and uncontrollable items such as we have in the bill.

CIVILIAN PERSONNEL

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield further, if my memory serves me correctly, when President Johnson was faced with a similar situation he put a freeze on all new jobs in the Federal Government. There were no new jobs created, and no new jobs filled for at least 6 months or a year.

I was wondering if there was any agreement like that, perhaps, to help meet some of the additional costs if indeed we are going to be faced with a $15 billion deficit?

Mr. MAHON. I will undertake to place into the RECORD what has been done with regard to the personnel. In some areas it has gone down, and in other areas it has gone up. I will put some facts on the subject in the extension of my remarks.

Mr. Chairman, may I add for the record that there are various statistical data published regularly on Federal employment. Executive branch employment has been trending downward in the current fiscal year.

The monthly report of the Joint Committee on Reduction of Federal Expenditures for March 1970—a summary of which I placed in the RECORD on May 4 at page 14045—shows a reduction in overall executive branch civilian employment from last June through this past March of about 65,000. In 7 months there were reductions; in 2 months there were increases, reflecting seasonal and other temporary factors. But the aggregate is down by some 65,000.

Limiting the figures to full-time employment, last June there were 2,633,000 employees in the executive branch. In March 1970, there were 2,572,000, a reduction of about 61,000. The March figure is considerably under the budget planned figure for June 1970.

Some detail by agencies and departments of the changes is given in my remarks in the May 4 RECORD.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished gentleman from Texas, the chairman of the Committee on Appropriations (Mr. MAHON) has reported on this bill and has given us a very fine explanation of the details. There is little left for me to add.

But I do say to the gentleman from Illinois, who is concerned about the reduction in the number of personnel, that I do not have the figures before me. However, I am sure that the gentleman from Texas, who puts out these lists each month, could recall that there were many suggestions made about how the previous administration was going to reduce employment. But employment still continued to grow.

Now, I do not believe we are going to have a $15 billion deficit. That is certainly not anticipated. There has been some indication that we may expect a slight surplus under the unified budget, and this is a different situation than we have had in the past.

The gentleman from Texas has also made a point with respect to the use of the unified budget. However, if you examine the unified budget, the same budget we are using now, in the last year of the Johnson administration, you find we had a deficit of $25 billion. Therefore the problem is not the unified budget, and when you talk about the increase in the public debt, and the increase in interest, you must also go back and look at the deficits of the previous administration. Past deficits are the reason we are faced with this public debt situation today. It isn't the use of a unified budget.

Now, the gentleman from Texas has also referred to the limitation on designated uncontrollables. I am concerned about this limitation, although I will support it. Any ceiling on uncontrollables is almost a contradiction in terms. Let us look at our experience in 1970—and I might say that I supported this kind of limitation for that year. Our experience with that ceiling on uncontrollables should have certainly taught us the lesson that we cannot do much with these items. By the time President Nixon took office and submitted his revised budget last April the amounts for these items had been increased by at least $1.6 billion over the original Johnson budget submitted 3 months earlier.

By this February, when the 1971 budget was submitted, the estimate for 1970 uncontrollables had been revised again by adding at least another $4.3 billion.

Further increases are now apparent. No ceiling is going to prevent these costs from increasing. Only a responsible fiscal policy that is adhered to for a number of years will ultimately correct this problem.

However, a ceiling may help to focus attention on what is going on. It does mean that every time a further adjustment is made we are reminded of what is happening.

As the budget director told us on April 13, the interest on the public debt was estimated at $16.8 billion in January 1969. By February 1970, it had risen to $18.8 billion and it now looks like as if that estimate must be further increased by $400 million.

No one has any real control over these designated items in the budget. I think it is almost futile to put a ceiling on these uncontrollables.

May I also comment on the latest estimate I have received of the cost of interest on the national debt. Take your watch and look at the sweep-second hand. Every time it goes around—each minute—you will have paid $35,769 for interest on this debt. Those who are interested in cities and in other spending issues, should consider that $35,769 that you are now paying every minute for interest. Think of what you could do with those moneys.

So this deficit spending must come to an end. We have to do something to try to and reduce this debt. The amount is now some $374 billion. Do you realize how much that is? The gentleman from North Carolina (Mr. JONAS) has an example which he has used in the past and which I have used that illustrates the sharp difference between a million dollars and a billion dollars. If you were to give your wife a million dollars and tell her to go and spend $1,000 a day she would be back in 3 years for more money. But, if you gave here a billion dollars and told her to go and spend $1,000 a day—$1 billion—you would not see her again for 3,000 years.

This is how much of a difference there is between a million dollars and a billion dollars. Our debt is $374 billion.

We must begin to reduce this debt so that instead of using these moneys for interest on the debt, we can begin to use them for the benefit of the American people.

Again I say I support this bill, and I hope the bill will pass without amendment. We have now been notified that there is going to be an amendment offered which was never considered in the committee. We knew nothing about this amendment until we came to the floor today, and I hope the Members will defeat it when it is offered.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. I am looking at the appropriation provision on page 5 of the bill, "Commission on Population Growth and the American Future."

How long has this Commission been in operation, without having produced a program?

Mr. BOW. I would ask the gentleman from North Carolina (Mr. JONAS) to respond to that. It is in his bill.

Mr. GROSS. I am asking about this Commission on Population Growth and the American Future, and why $700,000 should be carried over or transferred without a program having been provided to the committee—which apparently is the reason. Why not just cut it out until they come up with a program rather than continue the $700,000 for it?

Mr. JONAS. I did not hear the gentleman's original question.

Mr. GROSS. Why is the $700,000 being carried over, apparently protected by a waiver of a point of order? Why not just withhold the $700,000 until they come up with a program? How long have they been in operation without providing a program?

Mr. JONAS. This is a brand new organization. It is a subject about which a considerable amount of current discussion is going on. They had originally requested funding for the entire 3 years and we reduced that. We did not wish to unduly delay this program because of the extent of current concern, but believed further planning was necessary. This title in the bill is not protected by a waiver of points of order.

Mr. GROSS. My question is, Why not cut out the $700,000 until they provide a program? Why should it be continued? That is the point I am trying to make.

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I note there is $200 million-plus for the Inter-American Development Bank. It seems to me that the time is coming when we are going to have to stop appropriating to these international financial institutions. It seems to me a savings could have been made there without a bit of trouble. I do not understand $2 million more for the National Foundation on the Arts and Humanities. Did they not receive $20 million last year?

Mr. BOW. Yes.

Mr. GROSS. Why another $2 million for that?

Mr. BOW. I believe this is for the pay increase.

Mr. GROSS. It seems to me this is one place where they could certainly have chopped off some employment to take care of the $2 million.

Mr. BOW. I would like to correct the statement I made. The $2 million is not for the pay increase.

Mr. GROSS. What did you say?

Mr. BOW. I had said to the gentleman that this amount was to take care of a pay increase, and I was in error. It is not a pay increase. It is an additional appropriation.

Mr. GROSS. So it is another handout of $2 million?

Mr. BOW. The funds are to match gifts made from private corporations.

Mr. GROSS. Is that not nice? How helpful is it? It just causes us to put up another $2 million. We are talking about controlling the outflow of money from the Federal Treasury, trying to stop inflation, and it is not going to be stopped this way, Mr. Chairman.

Mr. BOW. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I am informed that there will be an amendment offered by my good friend from Massachusetts which will have approximately the same effect as the various amendments might have had to the military authorization bill which we passed on yesterday had those amendments been adopted. I am sorry the gentleman intends to offer the amendment, but I recognize his sincerity and his right to do as he pleases. I am sure that he feels strongly, and as a Member of Congress doing his duty, he feels constrained to do this.

There were no such amendments offered at the time the American forces in Vietnam were increased from the 653 in Vietnam when President Eisenhower left office, over 16,000 by the late President Kennedy.

There were no such limitations offered when President Lyndon B. Johnson decided to bomb North Vietnam. In so doing he extended the war to North Vietnam a real escalation, but there were no such limitations offered which would have had the effect of inhibiting the freedom of the Commander in Chief of the Armed Forces of the United States, in conducting the war which he felt was authorized by the Gulf of Tonkin resolution adopted by the Congress of the United States. There were no such limitations offered when this same President raised our troop level in Vietnam from time to time until it reached 546,000, as it was when President Nixon was inaugurated.

In my opinion this limiting amendment, if adopted, would have the effect of inhibiting this President of the United States in conducting the operations in Southeast Asia which were authorized by the Congress under the Gulf of Tonkin resolution.

Let me say first that I am no hawk. As a matter of fact, I do not think anybody wants to end this war in Vietnam any more quickly or urgently than I do. I have one very personal reason for wanting to end the war, in the shape of my son, who is now serving as a captain in military intelligence in Vietnam. I have other, and perhaps even better, though less personal, reasons for wanting to end it. I feel very strongly that the world will little note nor long remember who controls Southeast Asia, but I think the world may long remember what was done in this particular period in history to keep the United States of America strong in all areas of defense, so that no enemy with more sophisticated weapons than those possessed by the North Vietnamese or any other such country might, by miscalculation, think it could earn a cheap victory over us and thereby find its way to world domination.

To me that type of preparation is the most urgent duty which faces the President of the United States of America today. That is the main reason why I yield to no one in my desire to get out of the Vietnamese involvement just as rapidly as we can, because the effort and treasure spent there could and should be spent in deterring and preventing a conflict much more deadly to our Nation and to the entire world than the one in Vietnam.

Let us look at the situation as we find it, because we cannot change it. Whether we like it or not, we are in Vietnam. If we decided today to get out of Vietnam, we could not possibly do it for weeks and months, because the physical facilities for moving that many troops and their equipment are not available. So we might as well look at the situation as it is.

I was in Vietnam about a month ago. I started with the IV Corps in the Mekong Delta, and I went to the III Corps, to the II Corps, to the I Corps along the DMZ. I also went into Laos and spent 2 days in that country. I intend to report to the House at greater length, when it becomes possible for me to have the time free from Appropriations Committee hearings to prepare it properly.

I am pleased to report to the House now, however, that I have never seen and I do not think anybody else has ever seen finer troops or a better equipped Army, Navy, and Air Force than I saw in Vietnam. I never have seen better morale among fighting men than I saw among the American men in South Vietnam. I never have seen people more dedicated to the task they were performing or better able to perform that task than I saw among the troops wearing the uniform of the United States of America in South Vietnam.

I can also report that a very definite part of their everyday life, their routine and objective, is Vietnamization. Major General Wright, the distinguished commanding general of the 101st Airborne Division, a division well known for its fighting qualities, but not so well known for its peaceful pursuits, was most emphatic in telling me that his main mission today is Vietnamization, that he is responsible for training the popular forces and the regional forces in South Vietnam so that they may take over and keep the country free once the Americans have gone.

I saw this all. Vietnamization is working. The 1st South Vietnamese Infantry Division, is an outfit which can stay on anybody's battlefield, and any American officer will tell you this is so.

There are several other Vietnamese divisions which are almost up to that stage of training. So we are seeing the plans of President Nixon to get the United States out of Vietnam, by Vietnamization, working. They are working. Vietnamization is working. But it does take time.

It has been well said by many of us here on this floor and many people who are not Members of this body that the proof of the pudding on Vietnamization will come in some few months when the second 150,000 troop increment has been removed from that country. Remaining in the country will be American troops—mainly communications, maintenance, and supply troops. This is when the danger may come. This is when the North Vietnamese may decide they can strike quickly at our diminished force, humiliate the United States of America, and earn a cheap victory. The real metal of the South Vietnamese will be tested, when they try to defeat this attack, which I predict will come from the North Vietnamese, at the time when the balance of American troops in South Vietnam is such that the people who are the rulers of North Vietnam will deem the time proper and right for the success of such a mission.

The President of the United States knows this. The Secretary of Defense knows it. Practically everybody who is in the defense business in the Congress knows it. We have been worried about this fateful day when we might be faced with that type of situation. We all want to do everything possible to insure that this attack, when it comes, will be unsuccessful.

The neighboring nation of Cambodia for many months has been an unwilling sanctuary for troops of North Vietnam. At the end of the Ho Chi Minh Trail and the Sihanouk Trail supplies were cached, in South Vietnam at first but later also in Cambodia, in a sanctuary which our troops and allies did not hit. They did not hit it because Cambodia was a neutral nation. So as a result the supplies were built up in these areas, and as a result those areas of South Vietnam to Cambodia, particularly in the IV Corps Mekong Delta, became strongholds of the Vietcong and the North Vietnamese.

Not too many months ago the situation changed, because Prince Sihanouk, then the ruler of Cambodia, was able to see that his people did not like the idea

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of so many Vietnamese being on their territory. He could see there were so many of them and they were so well equipped that they were a danger to his own regime. So he started to cut off the supplies which came through the port of Sihanoukville. He asked Russia and China to order the North Vietnamese to leave.

Later on, as we know, when he left the country, he was overthrown and another government came in, which not only continued to cut off the supplies at Sihanoukville but also cut off the Sihanouk Trail. They let it be known they expected the North Vietnamese and the Vietcong to quit using Cambodia as a sanctuary.

This put the North Vietnamese to the test, because they had some pretty agonizing decisions to make. One alternative, of course, was to withdraw troops before they used up their supplies and get them out of danger. A second alternative was to stay in place and try to supply their people as they now are. A third alternative was to attack, widen their area of domination, and increase their supply systems capability. Soon, movements of North Vietnamese into the interior of Cambodia, and toward Sihanoukville, made it apparent that Hanoi had chosen the third alternative, and were trying to turn Cambodia into a real supply and operations bastion of communism.

Such a bastion would outflank the Mekong Delta and the Saigon area. The delta situation had so improved that American troops had been pulled out. The improvement had accelerated after the closing of Sihanoukville.

The **CHAIRMAN**. The time of the gentleman from Arizona has expired.

Mr. **BOW**. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. **RHODES**. Sihanoukville supplied the IV Corps, which is the Mekong Delta of Vietnam, and the III Corps, which is the area in which Saigon is located, with many goods and supplies. In fact, we are told that the IV Corps got 75 percent—of its supplies and equipment through Sihanoukville, and the III Corps got 50 percent of its supplies and equipment through Sihanoukville. Thus, this was a very important port. No wonder the North Vietnamese would be most anxious to reopen it.

So the thing which they did, after they were faced with this decision, was to widen the area which they occupied in Cambodia to start a drive in the general direction of Sihanoukville.

It was at this time and this time only that the President of the United States and, I am sure, the President of South Vietnam went through a rather agonizing reappraisal. As long as the troops who occupied these sanctuaries were in relatively small pockets, there was not an overwhelming danger that could not be contained, even by our diminished forces after the 150,000 troop withdrawal, and the South Vietnamese. Now, when you start connecting those pockets, and building it up into a continuous chain of supply depots, increasing the capacity of the Ho Chi Minh Trail, then it becomes apparent that Cambodia is about to become a real arsenal for attack against the South Vietnamese and the remaining Americans. It was at this time and at this time only that the President of the United States and the President of South Vietnam came to the conclusion that this was a risk to the lives of our men which they could not and would not take. So, as a result, the operation which is now in progress was decided upon, and begun.

Now let us look at the North Vietnamese. Many people are saying that the United States is an invader and an aggressor in Cambodia. Let us deny that right now, because the North Vietnamese are the aggressors. They are the ones who are there illegally. Nobody asked the United States and South Vietnam to get out of Cambodia. They have asked the North Vietnamese to do so. So, if there is any law involved, it is on our side.

It is also being said that we made this move because we want military victory. I say this is not true. They are there because they want military victory. They are now talking in Paris because they want military victory, not a negotiated settlement. The Nixon administration has not changed its previous pronouncements that what we are doing in South Vietnam is trying to create a climate whereby the South Vietnamese themselves can choose and keep the type of government which they, the South Vietnamese, want. I recognize the fact that the gentleman from Massachusetts' amendment will apply only to fiscal year 1971, which begins after July 1. However, it has been well said—and the President of the United States said it himself—that these American troops will be out of Cambodia before June 30. What assurance do we have that if we give an open invitation like this for the North Vietnamese to return to those areas, they will not do it? What you are doing here, then, is to say, "All right, Mr. Nixon, you go ahead and blow up the privileged sanctuaries and the bunkers and confiscate the supplies and all that, but only in fiscal year 1970. After that you will get out and you cannot go back. You cannot go back under any conditions." But you say to the North Vietnamese that they can come back and use this again as a privileged sanctuary, from which to attack and kill our diminished forces.

I submit to you that this makes no sense. If we are going to put up with that kind of thinking, which caused the situation which occurred on the floor yesterday—and I am afraid which will occur here today—then maybe the Congress of the United States ought to look at its hole card and realize that we are actually giving encouragement to the enemies of this country which they do not deserve. We are prolonging the war, not helping to end it.

The **CHAIRMAN**. The time of the gentleman has expired.

Mr. **BOW**. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. **RHODES**. We are making it possible for them actually to increase the number of American casualties in South Vietnam instead of decreasing them.

Mr. Chairman, I will close by saying what I said when I started out. There is nobody who wants to get out of South Vietnam any faster than I do, but I want to get out after accomplishing the national objective by taking the process of Vietnamization through to its culmination, which will be when the South Vietnamese really can defend themselves against North Vietnamese aggression. I am satisfied that we will be able to do it, and we are all working toward that end. The morale of the South Vietnamese is magnificent.

When I was there in 1964, every South Vietnamese I met gave me the impression that he thought every North Vietnamese was 9 feet tall and there was not any possibility that they could be defeated by the South Vietnamese on the battlefield or any other way. But, now it is different. They have confidence. They know they can do the job because we have helped them get the arms and equipment with which to get the job done.

Mr. **McCLOSKEY**. Mr. Chairman, will the gentleman yield?

Mr. **RHODES**. I yield to the gentleman.

Mr. **McCLOSKEY**. I am disturbed about the question as to the estimate as to how long it will take Vietnamization to work.

Mr. **RHODES**. I only yield to the gentleman for a question.

Mr. **McCLOSKEY**. Let me give the gentleman the question.

The present strength of the South Vietnamese under arms is 1.2 million men. The strength of the North Vietnamese and Vietcong has never exceeded 270,000. We have about a 4-to-1 or 5-to-1 strength advantage today and we have at least a 4-to-1 superiority in numbers along the Vietnam and Cambodian border.

How long does the gentleman feel it will take for the Vietnamese in the III and IV Corps areas to be successful so that the South Vietnamese can hold off this smaller number of North Vietnamese?

Mr. **RHODES**. I do not wish to play the numbers game. All I can say to the gentleman from California is that the South Vietnamese have made great strides in their training and in their equipment. They are much better now than they were in 1964 when they had 700,000 men under arms. They are making a great effort and they are united in their purpose. I believe they will succeed, and do so in a reasonable time.

Mr. **MAHON**. Mr. Chairman, I yield myself such time as I may consume.

TROOPS IN CAMBODIA

Mr. Chairman, I understand that an amendment will be offered relating to the utilization of American troops in Cambodia. I further understand that certain substitute amendments may be offered.

My feeling is that we ought to have a sharp up or down vote on the issues involved.

It has been suggested by some that we might have a limitation offered to the title V expenditure limitation reading about like this:

> Of which expenditures none shall be available for use by American combat forces in Cambodia, unless the President shall report

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to the Congress that such ground forces are necessary to protect the lives of the American troops remaining within South Vietnam.

I believe the House ought to vote down all amendments of this type. We should not undertake to fix war strategy on this appropriation bill.

The President as Commander in Chief of the Armed Forces is committed to take all appropriate steps to save American lives and bring the war to an honorable conclusion at the earliest possible date.

I would think that a vote for an amendment of the character which is being proposed would represent a vote of no confidence in the President. I do not believe that such an amendment would be meaningful or helpful. I think it would tend to worsen our already complex and difficult situation.

Mr. Chairman, I appeal for the support of the House.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. BOW. I quite agree with the gentleman. I would hope that we could face this one issue, the amendment that is going to be offered, as it is and without watering it down. Let us face right up to this question. I hope that no additional amendments or substitutes will be offered, so that we can vote this question up or down.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. ARENDS. Let me state to the gentleman from Texas that I appreciate what he has just said and agree completely. I believe that the ranking member of the committee feels likewise. Those of us who have firm convictions on this matter should stand fast and not in any way do differently than we did on yesterday.

Mr. MAHON. I thank the gentleman.

Mr. COHELAN. Mr. Chairman, I rise to speak to the portion of this bill that provides a supplemental appropriation of $7.1 million for Point Reyes National Seashore.

As you know this has been a long-term project with me and I am delighted that we have finally come so close to realizing the completion of this project.

I would like to commend my colleague and good friend, the gentlewoman from Washington (Mrs. HANSEN), chairwoman of the Interior Appropriations Subcommittee, for her good efforts on behalf of this project. I appreciate her farsightedness and wisdom in recognizing the importance of this project by approving the allocation of these funds. Her assistance has been of inestimable value and of the utmost importance in getting adequate moneys for Point Reyes. I applaud her committee's realization of the need for this money for "the emergency acquisition of properties that otherwise might slip into subdivision."

Reference here is made to two prime properties, the Lake Ranch and the Pierce Ranch, encompassing a total of almost 5,000 choice acres of Point Reyes. Without these funds, purchases of these properties will be impossible and these lands will fall victim to subdivision. This would certainly be a tragedy in the truest sense, most especially since the Administration has already approved the appropriation of funds needed for this purchase. In addition, these funds will be used to begin acquisition of several other properties vital to the Point Reyes picture.

I respectfully request the approval of these moneys and again extend my sincere thanks to the gentlewoman from Washington (Mrs. HANSEN) and her capable subcommittee for their good efforts for this project.

Mr. RYAN. Mr. Chairman, I should like to comment upon three programs which are funded under the second supplemental appropriation bill—H.R. 17399—housing, contract compliance, and civil rights education.

HOUSING: SECTIONS 235 AND 236

Title I of H.R. 17399, the second supplemental appropriation bill for fiscal year 1970, contains urgently needed funds for the section 235 low-income homeownership program and the section 236 rental housing assistance program. An additional $35 million is appropriated for each.

This action by the Appropriations Committee in recommending these moneys is to be commended. The administration requested supplemental appropriations of only $25 million for each program—clearly far too little. The committee has recommended funding in excess of these requests.

I am particularly gratified at this action because of the urgent need of New York City for section 236 funds. As I testified on April 8 before the Subcommittee on Independent Offices and Department of Housing and Urban Development in regard to supplemental appropriations:

> The problem of lack of sufficient housing (in New York City) cannot even be generously described as a clear and present danger. The problem is with us today, and it is a fullblown, very real crisis.

I would also note with special interest that the committee's action is a welcome response to my testimony before the subcommittee in support of H.R. 15643—companion bills H.R. 15729 and 15844—which I introduced with a total of 26 cosponsors joining me, and which provided full funding for the section 235 and 236 programs. In addition, I introduced H.R. 15644, which provides full funding for section 236 alone.

The committee's recommendations fall short of the full authorization for section 236 by $10 million and are short for section 235 by $5 million; $40 million for section 235 and $45 million for section 236 would have brought the moneys appropriated for the two programs up to their fully authorized levels.

The backlog of feasible section 236 projects totals $75 million—that is, there are projects requiring $75 million of section 236 funds which have been analyzed and determined to be feasible, the only lack being money. The backlog of feasible projects for the New York City area alone—the city and surrounding counties—amounts to $20 million.

I believe that the Committee on Appropriations, by its support of the supplemental appropriations bills which I introduced, has shown a recognition of the dire crisis in housing which exists in the Nation, and I hope that the committee's future actions will work toward the alleviation of that crisis.

At this point, I include in the RECORD the testimony which I gave on April 8 before the Subcommittee on Independent Offices and Department of Housing and Urban Development of the Committee on Appropriations. The testimony follows:

STATEMENT OF HON. WILLIAM F. RYAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK—APRIL 8, 1970

Mr. Chairman, I am appearing today before this subcommittee to testify in regard to the supplemental appropriations requests submitted by the President on March 12, 1970, for the sections 235 and 236 programs, and to urge that supplemental appropriations for the urban renewal and rent supplement programs also be favorably considered.

Twenty-six members joined me in three bills—H.R. 15643, 15729, and 15844—which would provide for increasing the fiscal year 1970 section 235 appropriation by $40 million, the section 236 appropriation by $45 million, the urban renewal programs appropriation by $400 million, and the rent supplement program appropriation by $68 million. These supplemental appropriations would fund these programs to their full authorized levels. I also introduced H.R. 15644, which provides for full funding of the section 236 program alone.

The administration's actions in responding to the needs which these bills meet is inadequate. The request submitted by the President was limited only to section 235 and 236, and asked only for an additional $25 million for each program. The fact that the administration's requests for fiscal year 1971 provide for full funding of these two programs does not alter, or ameliorate, the urgent need for these funds now, as well as for the funds for the urban renewal and rent supplement programs.

Urban renewal is at the very core of the governmental effort to clear our Nation's slums and halt urban blight. Decay of our cities is not going to stand still awaiting adequate Federal funds to combat it; it continues, it persists, and it grows in severity. It is no exaggeration to say that every day of delay creates that much more which must be done tomorrow. The onus will not be lifted by ignoring it; it will only grow. Money is essential, and must be appropriated. Currently, there is a backlog of applications submitted to the Department of Housing and Urban Development for urban renewal projects amounting to $3 billion.

The rent supplement program is designed to make it possible for non-Government sponsors to house, with Federal assistance, low-income families, who pay a maximum of 25 percent of their monthly income for rent. The program, if effectively and fully implemented, can achieve multiple beneficial results. The program encourages the construction of needed housing for low-income families. It brings private enterprise into the low income housing field. And it achieves a measure of economic integration within individual projects—families of different incomes and ages can live together.

Currently, the backlog of requests for rent supplement funds totals $18,543,520. At a per unit annual cost of $640—the figure estimated by the Department of Housing and Urban Development—this means 28,974 units. What is more, were the money available, requests totalling millions of additional dollars would immediately be forthcoming, once the availability of the funds became known.

Consequently, I would strongly urge that the subcommittee favorably consider supplemental funding for the urban renewal and rent supplement programs. Both fill urgent needs, and response to these needs cannot continue to be foresworn or delayed.

Similarly, the need for funds for sections 235 and 236 is a very real and a very urgent one. The full amounts that could be appropriated for fiscal year 1970—$40 million for section 235 and $45 million for section 236—are required today. If appropriated, they could be immediately employed; $40 million would fund 43,956 units under section 235; $45 million would fund 45,000 units under section 236.

The Department of Housing and Urban Development has reported to me that there is, right now, a $37 million backlog of section 235 requests. This backlog is for short-term requests—that is, requests which are ready now for funding and which could be funded now if money were available.

The same massive need for funds exists for the section 236 program. So far, this fiscal year, section 236 reservations for New York City alone have been made by FHA for only 6,556 dwelling units, at a total cost of $9,425,932. Of these 6,556 units, 3,341 are New York City Mitchell-Lama projects. The other 3,215 are straight FHA projects, for which the FHA reservations amount to $5,197,884 of the total of $9 million plus.

Twelve additional projects are ready to be started; these represent the New York City Housing Development Administration's top priority requirements. The total amount necessary for them from FHA is $5,400,000. In addition, the housing development administration estimates that, if there were funds available for commitment from FHA, approximately 3,000 more units could be started in fiscal year 1970 alone.

These figures only portray the need for section 236 funds in New York City. The backlog of feasible projects for the New York City area alone—the city and surrounding counties—amounts to $20 million. And the nationwide demand multiplies this need enormously. The Department of Housing and Urban Development reports a backlog for section 236 programs amounting to $167 million. Of this amount, $75 million is needed for projects which are ready to go right now—they have already been analyzed, sites have been found, the projects have been determined to be feasible.

I want to briefly describe the section 235 and 236 programs. I am sure you all have familiarity with them, but perhaps a brief recapitulation will help illustrate their importance even further.

Under the section 235 homeownership for lower income families program, which was enacted by passage of the 1968 Housing and Urban Development Act, the homeowner pays 20 percent of his income toward payment of his mortgage. But in no case can the payment exceed the difference between the required payment under the mortgage for principal, interest, and the mortgage insurance premium, and the payment that would be required for principal and interest if the mortgage bore an annual interest rate of 1 percent.

The following chart gives a picture of the average family for whom mortgages were written during the last quarter of 1969.

Average age of family head	32
Average size of family	5
Number of female heads	1 out of 4
Average gross annual income (not including income of minors)	$5, 647
Average total assets	$290
Average unit sales price	$15, 029
Average mortgage amount	$14, 850
Average sales price—new home	$15, 582
Average sales price—existing house	$13, 879

The typical payment by the mortgagor in the last quarter of 1969 was $79, with a subsidy from the Department of Housing and Urban Development of $54, making an average total mortgage payment of $133.

Last session, the appropriation for contract authority under section 235 was increased by Congress by $900 million. This still leaves a gap of $40 million below the full authorized level. Since the estimated annual cost per unit is $910, according to the Department of Housing and Urban Development, a supplemental appropriation of this $40 million would enable an additional 43,956 units to be funded. The administration's request for only $25 million reduces this number of units to 27,472—a decrease of some 16,500.

While it is commendable and proper that the administration requested in its fiscal year 1971 budget full funding for section 235, there is no need, and no justification, for delaying. The full amount that could be appropriated for fiscal year 1970—$40 million—is needed right now. The thousands of people who account for the current backlog of $37 million should not be told that they must wait until next year's appropriation makes its way through committee hearings, the House and the Senate, and then the President's desk. Therefore, while I urge that, at the least, this subcommittee act favorably on the administration's $25 million supplemental appropriation request, I would even more strongly urge that it act to recommend the full possible—$40 million—proposed in the three bills which I have introduced.

Of special importance to New York City is the section 236 program. For this reason, I not only introduced the three bills to which I have alluded requesting full funding for several housing programs, but I also introduced, on January 29, H.R. 15644, which seeks full funding for section 236 alone. Since section 235 does not really help New York City's apartment-dwelling population, it is the section 236 rental housing assistance program which offers the chief subsidy to moderate-income families seeking adequate housing.

Section 236, enacted by passage of the 1968 Housing and Urban Development Act, provides for assistance to families for rental or cooperative housing in the form of periodic payments to the mortgagee on behalf of the mortgagor. These payments serve to reduce interest costs on a market-rate project down to that which have to be paid if the mortgage bore an interest rate of 1 percent. The tenant pays no more than 25 percent of his income per month for rent.

Last session, Congress increased the section 236 contract authority by $85 million. This was $45 million less than the amount by which the contract authority could have been increased if the full authorization level were to be reached.

The full possible appropriation of $45 million would enable subsidizing 45,000 more units this fiscal year, the estimated annual per unit cost being $1,000 according to the Department of Housing and Urban Development. Consequently, the administration's failure to request full funding means that only 25,000 units could be funded—a full 20,000 less than the maximum.

As an example of the uses to which section 236 funds are put in New York City, I would point to Linden Plaza, a 1,557-unit cooperative housing project underway in Brooklyn for individuals and families with annual incomes between $4,000 and $8,500. Linden Plaza utilizes section 236 funds, and funds available under New York State's Mitchell-Lama law, which provides that the State or a city can make low-interest, long-term loans to limited-profit sponsors of moderate-income housing.

Linden Plaza's 703,560-square-foot site, located in the East New York section of Brooklyn, uses vacant land and air rights over city-owned storage yards. Four 17-story apartment buildings and 32 single-family two-story townhouses will be erected. One 20-story building containing commercial, professional, and residential space also is a part of the project, which, in all, will have 163 efficiency apartments, 587 one-bedroom units, 556 two-bedroom units, and 251 three-bedroom units.

The development, which will cost an estimated $42 million, will receive a 50-year, $40,350,000 mortgage loan under the Mitchell-Lama program. FHA will pay the city the difference between 1 percent and the total interest charged on the permanent mortgage, for which FHA has reserved $1,523,052 of section 236 funds to pay the first year's subsidy.

This combined local and Federal assistance will enable families and individuals to purchase cooperative shares in Linden Plaza for down-payments averaging between $275 and $300 per room and monthly carrying charges of approximately $29 per room. Without the section 236 assistance, per room monthly carrying charges would run about $45.

On December 11, 1968, the President's Committee on Urban Housing recommended a 10-year goal of 26 million more new and rehabilitated housing units. The Housing and Urban Development Act of 1968 embraced this goal, and stated:

"The Congress affirms the national goal as set forth in section 2 of the Housing Act of 1949, of a 'decent home and a suitable living environment for every American family.' "

"The Congress finds that this goal has not been fully realized for many of the Nation's lower income families; that this is a matter of grave national concern; and that there exist in the public and private sectors of the economy the resources and capabilities necessary to full realization of this goal."

The second annual report of the President on housing tells us:

"Housing production in the past year, and over the last 4 years has been more than 1 million units short of the volume needed to keep pace with the Nation's growing population and replace inevitable losses of dwellings. Insufficient progress has been made in replacing or rehabilitating some 6 million substandard units. Too many other units continue to be allowed to slip into disrepair."

Let me just outline the situation in New York City, which is especially dire, but which reflects the problems throughout the country and particularly in our major urban centers.

Only 3,000 new apartments were built without Government assistance in New York City last year, and there are no prospects for an increase in 1970. Only seven new apartment buildings opened in Manhattan, and only three are projected for 1970. Three building completions, with 662 units, would be the second lowest figure since World War II.

Not a single permit for private apartment construction in Brooklyn was issued in the first 6 months of 1969. In the Bronx, Queens, and Staten Island permit requests ranged between 200 and 300 units, and in Manhattan the total was 1,250.

Dr. Frank S. Kristof, who was New York City's chief housing economist for 6 years and who now holds a similar position in the State's Urban Development Corp., has estimated that family formations in the early 1970's will run at 20,000 a year. Demolitions of apartment units is currently running at 10,000 a year, and abandonments at 30,000 a year. Thus, with current production at 3,000 a year in the private sector and 17,000 in the public—a total of 20,000—the current annual deficit is an astounding 20,000 units.

For the first time in the 300-odd years of the city's history, New York's available housing is shrinking. Twenty thousand families a year will either have to double up in already occupied apartments or have to leave the city to face the suburban housing shortage

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and suburban costs. The problem of lack of sufficient housing cannot even be generously described as a clear and present danger. The problem is with us today, and it is a full-blown, very real crisis.

The statistics which I have cited can leave no question that the funds being sought by the administration are inadequate. Full funding of the section 235 and 236 programs cannot wait; there must be action now. Thus, while the subcommittee will be taking a commendable step in the right direction by supporting the administration's supplemental appropriations requests, it will be taking an even more important step if it goes on to recommend an additional $15 million over and above the administration's $25 million request for section 235, and an additional $20 million over the administration's $25 million request for section 236.

Equally important, the subcommittee, despite the administration's failure to act responsibly and request additional funds, should recommend maximum supplemental appropriations for the other programs funded by H.R. 15643, 14729, and 15844—including the urban renewal program and the rent supplement program.

OFFICE OF FEDERAL CONTRACT COMPLIANCE

The second supplemental appropriation bill for fiscal year 1970, H.R. 17399, severely short changes the equal employment opportunity program mandated by Executive Order 11246, issued by President Johnson on September 24, 1965.

While the request for the Office of Federal Contract Compliance, the central office which governs the Federal equal employment program, was for $160,000. The Appropriations Committee has reported out in H.R. 17399 a recommended appropriation of only $107,000. The consequence of this reduction is that the Office of Federal Contract Compliance—OFCC—will only be able to hire an additional 17 employees, rather than the intended 26. Thereby, the OFCC's capability effectively to implement and monitor the Government-wide contract compliance program, which is intended to ensure equal employment opportunity, will be seriously hindered.

Executive Order 11246, which establishes as the administering agency for this program the Department of Labor, of which OFCC is a part, does two things. It prohibits discrimination on the part of all employers with Federal contracts; and it requires that Federal contractors undertake affirmative action "to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." Executive Order 11375 expands this coverage to discrimination on the basis of sex.

Both the nondiscrimination and affirmative action requirements apply to all of the contractor's operations, not just those for the contracted item, and they are specifically incorporated in the terms of the contract between the Government and the contractor. The contractor is also required under the Executive order to first state in all job advertising that he is an equal employment opportunity employer; second, give appropriate notice to the unions with whom he has contracts; third, comply with all orders of the Secretary of Labor, including requirements for information and records and the inspection of books; and fourth, make reference to these commitments in all subcontracts and purchase orders "so that such provisions shall be binding on each subcontractor or vendor."

Under the Executive order, each contracting agency is primarily responsible for obtaining compliance. Since several agencies might be doing business with the same company, the contract compliance program was originally set up on the basis of assigning compliance responsibility to that agency which did the largeest dollar volume of business with a given company.

This system has been changed under the present administration, and assignment of responsibility is now on the basis of industrial categories. The administration has also reduced the number of contracting agencies responsible for contract compliance from 26 to 13.

The role of the Office of Federal Contract Compliance, created in January 1966 in the Department of Labor, follows from the section of Executive Order 11246 making the Secretary of Labor responsible for the administration of the order and empowering him to "adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes thereof."

The OFCC has yet effectively to perform its mandated functions. It has moved with unwarranted slowness. Not until 2½ years after its creation did it issue rules and regulations.

Some of the half-hearted efforts of the Office may be laid to political pressures. Last year, the Office attempted to issue a fairly well detailed regulation outlining what constituted affirmative action. However, pressures from a Member of the other body, to which the administration promptly acceded, caused the withdrawal of order No. 4, and the revised order No. 4, which was subsequently issued this past February, is far less explicit and helpful.

But without question one of the major reasons for the Office of Contract Compliance's inability to be more effective and aggressive in injecting vitality and commitment into the languishing equal employment opportunity program is its lack of sufficient staff. The OFCC estimated in 1968 that there were 225,000 contractor facilities subject to the Executive order. The miniscule manpower of the OFCC makes impossible review and supervision of the compliance operations of the various contracting agencies concerning all the contracting companies. But even on a level of less detail, the OFCC is grossly understaffed: it cannot undertake spot checks, review of particularly suspect companies, review of questionable practices, and issuance of adequate rules and regulations.

Certainly, to just increase the staff of the OFCC is not the answer to the Government's failure to effectively and firmly enforce the equal employment opportunity program—a failure glaringly highlighted by the fact that there has never yet been a contract cancellation for noncompliance. The compliance staffs of every contracting agency must be enormously enlarged. But to not sufficiently increase the staff of the OFCC adds that much more of a barrier to beefing up this program and enabling it to realize the potential for momentous change it embodies.

One of the consistent themes running throughout the ad hoc hearings on equal employment opportunity which I conducted in December of 1968 was the absolutely essential need for sufficiently staffing the Office of Federal Contract Compliance. That action has not yet been taken. And it is needed now more than ever, as dramatized by the actions of the Defense Department in conducting its equal employment opportunity program. Last year, Deputy Defense Secretary Packard accepted oral assurances of compliance from three textile companies in the South which were in noncompliance. The OFCC was not consulted.

Subsequently, the Navy entered into contracts with the Ingalls Shipbuilding Co. in Pascagoula, Miss., totaling $128 million, even though Ingalls was not in compliance.

On January 1 of this year, the Air Force entered into a contract with McDonnell-Douglas Aircraft Co., and only following hearings held by the U.S. Commission on Civil Rights was McDonnell forced to adopt a new affirmative action plan, which still may be unacceptable, although we do not know because the Defense Department refuses to make that plan public.

In March of this year, the Maritime Administration found that the Newport News Shipbuilding and Drydock Co. was in noncompliance, and yet the company had $2 billion worth of on-going Defense Department contracts at the time, of which half a billion dollars' worth of performance was still remaining.

It is ineptness and obfuscation and nonenforcement such as that demonstrated by the Department of Defense which requires that the Office of Federal Contract Compliance be fully equipped to supervise effectively the equal employment opportunity program throughout the Government.

Of course, I am not totally satisfied with the uses to which the $160,000 requested would be put. This money is to be used for staff to develop a program of "identifying problems that need attention, planning programs, evaluating accomplishments, and setting uniform standards for agencies and contractors." This is according to the statement of Assistant Secretary of Labor Arthur A. Fletcher before the Subcommittee on Departments of Labor and Health, Education, and Welfare and related agencies of the Committee on Appropriations. It is already more than 4 years since the OFCC was established. The time is long past for firm action, let alone planning and evaluation. Even so, the full appropriation of $160,000 would be money appropriated for a program sorely undermanned and under-implemented.

Furthermore, the optimum solution would be creation of a new, independent agency, charged not only with contract compliance responsibility for the entire Government, but also for fair employment in the civil service. Until the day such an agency is created, however, the OFCC is the best hope. And it must be

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staffed, in order that that hope can be better realized.

Therefore, while I am encouraged that at least $107,000 of additional funding is being appropriated to the Office of Federal Contract Compliance, I would much rather see full funding of the request for $160,000.

CIVIL RIGHTS EDUCATION PROGRAM

I deeply regret that the Appropriations Committee has reduced by half the supplemental appropriation for the civil rights education program—from the $10 million requested to $5 million. Because this program plays a vital role in the process of desegregation, it should receive full and adequate funding.

The civil rights education program is one of the most valuable, productive, and necessary programs conducted by the Office of Education. One of its purposes is to aid school boards in planning and executing desegregation orders. Another purpose, essential to the quality of our school system, is to give special training to teachers who will be assigned to desegregated schools for the first time in their careers. Many of today's teachers will be ineffective and almost incapable of instructing in biracial, multileveled classrooms. There is an obvious need to give additional training to teachers so they may better cope with the problems that may arise.

Of the $10,000,000 requested, $6.8 million would have been set aside to provide short-term training at university centers for approximately 10,000 school personnel. Another $1,850,000 would have been used for grants to be made directly to school boards for such efforts as special training for teachers, modernizing old curriculums, and introducing new programs.

Unfortunately, as the budget request was halved, so will the ultimate effect of this program be halved. Although it has not been determined which segments of the program will be affected by this cut, it is evident that the program will have to be curtailed to a great extent.

It is expected that 1,350 school districts will desegregate in the next school year. Thousands of teachers will be confronted with new experiences in educating children. Education is a delicate process, and teachers need all the possible training and advice in order to meet the challenge. It is regrettable that the Appropriations Committee has not been more responsive to the need for the civil rights education program.

Mr. FRASER. Mr. Chairman, I am happy to note that the appropriations bill before us today, H.R. 17399, contains supplemental funds for the section 235 homeownership program.

Under section 235, low-income families are able to obtain federally subsidized home mortgages. The subsidies cover the difference between 20 percent of the family's income and total monthly mortgage costs. As the family's income rises, the subsidy is gradually phased out.

Unfortunately, this program is not making the impact that it should in my State, Minnesota, because of funding limitations. Since the inception of the program, Minnesota has only received enough 235 funds to aid 1,300 families. Thousands more could benefit if Federal subsidies were available.

The following letter from a constituent, Mrs. Raymond Schneider, effectively expresses the importance of section 235 for moderate income families with unmet housing needs:

> MINNEAPOLIS, MINN.
>
> DEAR MR. FRASER: My husband is a postal carrier, who takes home $95.00 a week. We only have 1 child, but even then its hard to get along. Rent is so high, and about the time you find a place you can afford, the highway takes the land, and you have to find another cheap dump to live in. Then, a dream happens, we're told that, because we were relocated, and because my husband's salary is below $6,700.00 a year, we can buy a house on FHA 235. Well, we found OUR house!!! We signed the purchase agreement, and put earnest money down. We spend a sleepless night, over the excitement of it all. Our child won't be changing schools every few years. We plan what to do with this, and that. Tell our folks the wonderful news. Its all a dream!!! Well, that's what it was, 235 ran out of money. Now comes the tears, and driving by to see if OUR house is sold yet. We tried to get a regular GI or FHA mortgage but that's impossible on my husband's income. I'm unable to work to help out because of illness.
>
> I don't know why I'm really writing to you, except, the system needs changing, and men like you *can* change them. I don't expect you to get our house for us, but I want you to understand what we, the *poor* working men go thru!! Help Us!!!
>
> Sincerely,
>
> MRS. RAYMOND SCHNEIDER.

Mr. BOW. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

Mr. BOW. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

101 Members are present, a quorum.

The Clerk will read.

The Clerk read as follows:

COMMISSION ON POPULATION GROWTH AND THE AMERICAN FUTURE

SALARIES AND EXPENSES

> For expenses necessary for the Commission on Population Growth and the American Future, including services as authorized by 5 U.S. 3109, and hire of passenger motor vehicles, $965,000, to remain available until expended: *Provided*, That $700,000 of the foregoing amount shall not become available without submission of a program and financial plan by the Commission and approval thereof by the Committees on Appropriations of the Senate and House of Representatives.

Mr. BUSH. Mr. Chairman, I make a point of order against the pending legislation.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BUSH. Mr. Chairman, I make a point of order against the language contained in lines 8 through 12 on page 5 of the pending legislation on the ground that it fails to comply with the provisions of clause 2, rule XXI of the Rules of the House of Representatives, wherein paragraph 2 states:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order. . . .

I realize, Mr. Chairman, that substantive legislation can in practice be added to an appropriation bill if it fits within the applicable framework of the Holman Rule but does not impose any additional or affirmative duties. The language—submission of a program and financial plan by the Commission—does in fact impose additional duties on the Commission.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. MAHON. Mr. Chairman, the gentleman from Tennessee (Mr. EVINS) will speak to the point of order.

Mr. EVINS of Tennessee. Mr. Chairman, this is a most unusual request, in which the budget estimate requested money in a supplemental for the present year and also for 1971 and 1972. In effect, funding is requested for 3 years for a study on population growth and the American future in connection with the census which has been taken this year.

We think this study is important and have recommended a supplemental for the balance of the current year, plus funding for 1971. The Commission should develop its plans, and then come back to the committee and provide us with plans of what they propose to do.

There are two members appointed by the House, two by the Vice President, and the President has appointed John D. Rockefeller as Chairman of the Commission to study population growth and the American future.

They asked for money for 3 years and we recommend funds for the current year and 1971.

Mr. GROSS. Mr. Chairman, I respectfully submit to the gentleman from Tennessee that the question is whether or not this language is subject to a point of order.

Mr. EVINS of Tennessee. This is a limitation on expenditures and we think it is acceptable.

The CHAIRMAN (Mr. O'HARA). The Chair is ready to rule.

The Chair finds that the language cited on page 5, lines 8 through 12, in the opinion of the Chair constitutes legislation in an appropriation bill and the point of order is therefore sustained and the proviso is stricken from the bill.

Mr. VANIK. Mr. Chairman, at the time we were on page 4, I was in the Chamber and on my feet endeavoring to seek recognition. I have an amendment to offer at page 4, line 17.

Mr. Chairman, I ask unanimous consent to offer my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Chairman, reserving the right to object——

Mr. VANIK. Will you hear my amendment?

Mr. GROSS. Mr. Chairman, I reserve the right to object to hear the amendment read.

Mr. VANIK. I have an amendment,

Mr. Chairman, which would insert the following language after the period on page 4, line 17, which would add the following language:

> *Provided, however,* that none of the funds herein appropriated shall be used directly or indirectly as grants or loans to officers or members of the staff of the Inter-American Bank.

I understand that there are over 200 such loans that have been made.

Mr. GROSS. Mr. Chairman, further reserving the right to object, I cannot think of a better amendment to this particular bill, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. Vanik)?

Mr. MAHON. Mr. Chairman, in order to protect the bill, I have to object.

The CHAIRMAN. Objection is heard.

Mr. VANIK. Mr. Chairman, I do not know who is being protected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL CARE

For an additional amount for "Medical care", $109,500,000.

AMENDMENT OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mahon: On page 5, line 25, strike out "$109,500,000" and insert "$113,500,000".

VETERANS MEDICAL CARE

Mr. MAHON. Mr. Chairman, this amendment proposes $4 million for medical care under the Veterans' Administration.

The Committee on Appropriations had gone above the budget in the sum of $3 million. But it has been indicated that an amendment would be offered to increase the bill by $4 million. After conferring with members of the legislative committee on veterans' affairs and others I determined that I would offer an amendment to increase the total still another $4 million.

I hope my amendment will be reasonably satisfactory to all concerned. The desire of Members is, of course, that adequate hospital facilities be provided for our veterans.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. HALEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. Mahon), the distinguished chairman of the Committee on Appropriations. I have the honor of serving as chairman of the Hospital Subcommittee which has a deep concern, as I am sure all of my colleagues do, that America's veterans receive proper care in our VA hospitals.

Mr. Chairman, our subcommittee has been holding hearings on this issue of funding and staffing VA hospitals. Last December the chairman, Mr. Teague, directed that a comprehensive questionnaire be sent to each of the 166 VA hospital directors because we had received widespread complaints that VA hospitals were understaffed and that there were many other deficiencies in the system. The results of this questionnaire revealed many funding and staffing problems at VA hospitals. Some of the deficiencies have been corrected by subsequent funding, however, it is quite evident that there is a long road ahead before the VA medical program catches up. Two weeks ago my subcommittee held hearings in Florida. We had all the hospital directors from Florida in to testify as well as representatives from the major veterans organizations and State and county veteran officials. It was evident from the testimony that despite these latest funding allocations and what has been promised for fiscal year 1971 there are still problems of major proportions regarding funding and staffing which must be dealt with.

Mr. Chairman, because of inadequate staffing and funding many veterans in Florida are having to wait from 4 to 6 months after they apply to get prosthetic arms and legs and other prosthetic devices. The hospital directors admit that they are in need of additional staffing and some new construction which has been completed has not been activated because of lack of funds. There is a universal need in practically all of the VA hospitals to catch up on the purchase of new patient care equipment which is needed to give modern up-to-date care to our veterans. In Florida the four VA hospitals need $1.2 million immediately for equipment and maintenance projects.

At the Bay Pines hospital, the subcommittee found that the hospital had a 99-percent occupancy rate and about the lowest staffing ratio of any hospital in the system. The hospital is badly in need of air conditioning and needs to be modernized.

The new 480-bed Gainesville hospital, which was dedicated in 1967, still has not been fully activated largely because of a shortage of funds. This hospital is currently operating about 60 beds short of its capacity and is also short staffed.

The Miami hospital was originally constructed as a thousand-bed hospital. However, there are only 688 beds in operation. This hospital is also underfunded and understaffed.

At the Lake City hospital they are operating 80 fewer beds than authorized. Because of a shortage of funds the orthopedic section of this hospital has been closed since November 1969 and they are over $353,000 short of funds to operate at a minimal staffing ratio of 1.3 employees to each patient.

Mr. Chairman, Florida hospitals have a capacity to operate almost 500 more beds than they are being allowed to operate. Yet, the State service officer presented testimony indicating that over 1,000 veterans are on various kinds of waiting lists for treatment. The needs are clear but the funds are short.

Mr. Chairman, I urge support of Chairman Mahon's amendment—he is only asking for $4 million for the remainder of fiscal year 1970 to help our VA hospitals. This is a modest request but it will help with some of the most pressing equipment problems, and I think our Nation's hospitalized veterans deserve this consideration.

Mr. MAHON. Mr. Chairman, I thank the gentleman.

Mr. Chairman, we have conferred with the gentleman from Texas (Mr. Teague), chairman of the Committee on Veterans' Affairs and others, and we feel that this is the best that can be done under the circumstances.

Mr. Chairman, I ask that the amendment be agreed to.

GENERAL LEAVE

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all Members may revise and extend their remarks at this point in regard to this amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DORN. Mr. Chairman, I support the very able and distinguished chairman of the Committee on Veterans' Affairs to add $4 million to the second supplemental appropriation bill of 1970. I too am a member of the Hospital Subcommittee of which the distinguished and able gentleman from Florida (Mr. Haley) is chairman. There is justification for grave concern about our VA hospitals throughout the country because they have not been receiving sufficient funds for proper staffing and other operating costs.

Mr. Chairman, even with the additional funding that has been allocated to the South Carolina hospitals they are still $1.3 million short of the funds they needed for operations this year. Most of these shortages have been made by deferring the employment of personnel and not purchasing much needed modern medical equipment. Another device which the hospital directors have been forced to use is to defer maintenance and repair projects which make a material contribution to providing proper patient care to our hospitalized veterans. Earlier this year, Vietnam veterans in South Carolina were having to wait from 5 to 9 months to have their teeth fixed because the Veterans' Administration lacked over $200,000 in dental care funds to issue the fee basis dental authorizations. Staffing ratios at both hospitals are below acceptable levels. The Columbia hospital is badly in need of air conditioning and modernization and in response to the chairman's recent inquiry concerning equipment and maintenance and repair funds needed for the remaining months of 1970, they reported they needed over $135,000. At the Charleston VA hospital, the intensive care unit has not ever been opened because they lacked the funds to staff it. It was constructed and equipped when the new hospital was built at a cost of over $200,000. Yet it has not had a patient in it. This stands as a prime example of what Chairman Teague indicated in his earlier remarks that over $20 million of modern medical equipment had been standing idle in the VA hospital system because of lack of personnel. The situation at Charleston as of this day, Mr. Chairman, has not been corrected.

Mr. Chairman, I stand four-square behind Chairman Teague's amendment to raise the appropriation for medical care by $4 million in the second supplemental appropriation bill for 1970.

Mr. TEAGUE of Texas. Mr. Chairman, I appreciate the graciousness and courtesy of my colleage, the chairman of the committee, the gentleman from Texas (Mr. Mahon) in offering and sponsoring this $4 million addition to the badly needed funds for the operation of the VA medical system. It carries out what my own Committee on Veterans' Affairs had ascertained as the minimum needed based on field surveys, and I am happy to have this matter come to this successful conclusion. Again my appreciation, not only to the chairman of the committee, but also to the large majority of Members of the House who had indicated to me their support in this matter.

Mr. MONTGOMERY. Mr. Chairman, I wholeheartedly support Chairman Teague's amendment to increase medical care in the Veterans' Administration in the second supplemental appropriation bill of 1970. I am a member of the Subcommittee on Hospitals and had the pleasure of accompanying its chairman, the gentleman from Florida (Mr. Haley), on recent hearings which the committee held in Tampa. Hearing directly from the hospital directors about their needs and hearing from the State and county veteran officials was most revealing to me.

Mr. Chairman, in my home State of Mississippi it took Hurricane Camille to get one of our hospitals somewhat updated. This devastating hurricane severely damaged the Gulfport division of the Biloxi hospital, and it was necessary to evacuate the patients to some of the Florida hospitals. I want to again congratulate the Veterans' Administration and the Department of Defense for the magnificent cooperative performance which they turned in. All of these hospitalized veterans were psychiatric cases and therefore they needed special care—but not one patient suffered any injury while they were being evacuated to other hospitals.

As a result of the hurricane's damage to the hospital emergency funds were allocated to repair the damage and many modernization projects and new equipment items are or will be taken care of in the process.

Mr. Chairman, it is evident from our committee hearings that the Veterans' Administration medical program has not been properly funded for many years and it has not kept pace with rapidly advancing medical technology because they have been deferring the purchase of new equipment and the modernization of space to introduce these new treatment procedures into many VA hospitals. I realize that we cannot get the entire system updated over night, but Chairman Teague has contacted each of the 166 hospital directors within the past few weeks to determine what they require right now in the way of emergency needs. I think the Congress ought to go ahead now and vote the modest request which Chairman Teague is recommending in his amendment.

Mr. ROBERTS. Mr. Chairman, I wholeheartedly support the amendment which my colleagues, the gentleman from Texas (Mr. Mahon) and the outstanding chairman of the Veterans' Affairs Committee (Mr. Teague), have offered to the 1970 supplemental appropriations bill. I also serve as a member of the Hospital Subcommittee and I am deeply concerned about the plight of many of our VA hospitals. Despite recent additional funding allocations to many VA hospitals and promises of higher funding next year, there are serious shortages of equipment and personnel today to give proper care to hospitalized veterans. Maintenance and repairs and modernization of many hospitals has been deferred or delayed and funds diverted to other uses because the VA medical budget was not keeping pace with rising medical costs. Just a few weeks ago, the Veterans' Affairs Committee asked each hospital director to furnish a list of urgent and critical items of equipment or maintenance and repair still unfunded the absence of which seriously affects a proper level of patient care which could be acquired in this fiscal year. The VA hospital directors in Texas reported that over $400,000 fell in this emergent category. Detailed lists of these needs are a matter of record in the committee offices and I think we should act now on the modest increase which Chairman Teague is recommending.

Mr. Chairman, I also want to point out that the VA hospital in Waco had been scheduled for modernization and air conditioning earlier in this fiscal year but this project has also been on the deferred list for some time even though plans have been ready for bid advertising for some time. I hope that this project will proceed without further delay as last year during the summer months Waco had many days where the temperature was 100 degrees or over. The Bonham VA hospital reported to the committee a few weeks ago that they needed over $25,000 for much needed equipment which ought to be provided.

The plans have also been completed on the new 750-bed San Antonio hospital but these plans have also been shelved for some time. I hope we can proceed with awarding a construction contract on this project without further delay.

Mr. Chairman, I feel very strongly that we should act favorably on Chairman Teague's proposed amendment as the need is urgent now. There is no need to wait any longer, and I urge every Member to vote this $4 million to help America's hospitalized veterans get better medical care.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Texas (Mr. Mahon) to increase by $4 million the item for Veterans' Administration medical care in the second supplemental appropriations bill of 1970. The total supplemental appropriation for medical care would be increased to $113,500,000 providing an additional $4 million for outpatient dental care, treatment to additional veterans, and additional equipment for patient care, after civilian pay increases are subtracted.

The Veterans' Administration hospitals have been operating on inadequate budgets and as a result, the quality of medical care delivered has generally deteriorated. Demands for more hospital space continue to soar as many patients who should be receiving care from VA hospitals, are turned away because of lack of space and put on long waiting lists. Additional funds for operating expenses and for hiring more trained personnel are urgently needed to make it possible for more patients to be admitted and to be taken care of.

I think that it is most important that we provide VA hospitals these additional funds to enable them to supply adequate medical care most necessary to restore the health of our wounded and ill veterans who return from Vietnam and other war zones. It is unforgiveable to send men into war zones to fight for our country and then not pay the price of adequate medical care and rehabilitation of the wounded. Furthermore, I believe that it is our duty to continue to provide quality medical care to our older veterans who fought bravely in the Korean conflict and World Wars I and II.

I have received countless letters from my constituents emphasizing the shortage of hospital facilities and staff at the Veterans' Administration hospital in Miami. The hospital director urgently needs funding for additional equipment, staffing, and operational expenses to meet the rapidly growing medical demands of south Florida. The Miami VA hospital has postponed all maintenance and repair of equipment and facilities which can safely be deferred without danger or additional damage, but this equipment must be functional and in full operation if the hospital is going to meet the needs of the area. There should be at least a minimum of 3 hours of actual nursing time available per patient during a 24-hour period, but at Miami there is less than 2 hours of available nursing time per patient and approximately 50 percent of this is utilized in nonnursing activities because of the lack of an adequate supporting staff.

I urge my colleagues to join with me in supporting this important amendment to increase the funds necessary to assist in providing adequate medical care for the veterans of our wars. With increased casualties resulting from the Vietnam war, more manpower, equipment, and space in VA hospitals continues to be needed at an ever-increasing rate—and it is our obligation to fill this need.

Mr. ANNUNZIO. Mr. Chairman, I rise today to commend the distinguished chairman of the House Veterans' Affairs Committee, Hon. Olin E. Teague of Texas, who has labored for almost 25 years in the forefront of the struggle to achieve adequate benefits and recognition for our Nation's veterans.

As a veteran of World War II, who himself was wounded in combat, and as a recipient of the Silver Star, the Bronze Star, the Purple Heart, and countless other decorations, Congressman Teague has not only a profound insight into our veterans' problems but also a compassionate and humanitarian understanding of the needs and wants of our Nation's veterans.

Chairman Teague and his committee have done a thorough job in investigating the problem of shortage of funds for Veterans' Administration hospitals. After an extensive study conducted over a period of 4 months, Chairman Teague reported that the Veterans' Administration has been forced to absorb over $27 million in increased costs in the medical program during fiscal year 1970. In an effort to alleviate this situation, the chairman requested the House Committee on Appropriations to increase the funds for operating the Veterans' Administration medical program by $7 million to cover the last month of fiscal year 1970 which expires on June 30.

The second supplemental appropriation bill has now been reported by the Appropriations Committee, but, unfortunately, only an additional $3 million has been included to cover the shortage of funds in the Veterans' Administration medical program. Consequently, Chairman TEAGUE is today offering an amendment to add $4 million more to the bill in order to provide a total of $7 million to cover the Veterans' Administration medical program deficit.

I support this timely amendment and I want to urge my colleagues in the House of Representatives to give their bipartisan support to it. The Veterans' Administration medical program is in serious trouble and is in desperate need of the additional bare-minimum funding which the chairman is seeking in order to insure modern and up-to-date medical care for our veterans.

Our Nation's veterans have made a tremendous sacrifice for our country, and, consequently, nothing but the best is good enough for them. They deserve up-to-date medical care, and right now, our commitment to provide this up-to-date care is being thwarted by budgetary limitations.

As the Veterans' Affairs Committee has pointed out, only last October, $20 million worth of specialized medical facilities were standing idle as a result of cutbacks in much needed funds and personnel to operate them. Construction of vitally needed Veterans' Administration hospitals is being curtailed; supporting services are being reduced; and purchase of replacement equipment is being deferred—all in the Nation's effort to curb inflation.

However, these cuts are being made just at a time when our Veterans' Administration hospital system is being challenged by the growing numbers of disabled Vietnam veterans. The largest hospital program in the world is being forced to operate with only half the personnel-patient ratio of other modern hospitals. The Veterans' Administration average staff ratio is only 1.5 staff members per patient, compared to the community's ratio of 2.65 and the university's 3.5 to 4 per patient. Although the net population gain for the veterans has increased by 6 million since 1965, employment of full-time nurses and doctors remains at the 1966 level. We have 1,000 fewer beds available this year—yet our Vietnam veterans are increasing at a rate of 75,000 a month. Close to 250,000 veterans have received nonfatal wounds; over 12,000 of these men are totally disabled. Due to modern evacuation techniques on the battlefield, an increasing number of soldiers are experiencing and surviving more severe and permanently disabling wounds than ever before. Only 4.4 percent of disabled World War II veterans were rated 100 percent disabled, compared to the Vietnam rate of 12.4 percent. To meet this growing demand, it is imperative that we provide sufficient funds to increase the number of hospital beds in our Veterans' Administration hospitals and to hire the medical staff necessary to treat their wounds.

Our all-important rehabilitation programs—both physical and vocational—also demand a financial commitment. Readjustment to American life is difficult for the Vietnam veteran. Studies indicate that his residual disability is far greater than that experienced by his counterpart in World War II and the Korean conflict. Today he needs a completely new system of rehabilitation to return him more rapidly to civilian status. Good will and hard work are not enough—money and staff are necessary to implement our well-meaning intentions.

A study of the six Veterans' Administration hospitals in my own State of Illinois was recently conducted under the very able leadership of our distinguished chairman. The results reveal the unhappy state of our Veterans' Administration hospital system today. The gentleman from Texas (Mr. TEAGUE) has done an outstanding job in spearheading the movement to see that our veterans receive the first-rate medical care they so earnestly deserve. His recommendation that the Veterans' Administration general medical hospitals should have a minimum staffing proportion of two employees for each patient and psychiatric hospitals a ratio of at least one-to-one can be regarded as the first step toward assuring the serviceman that we have not forgotten him—that he will continue to receive the finest medical treatment we offer him in gratitude for the sacrifices he has made for our country. The improvements that we hope to make in our hospital program must be credited to our chairman's fine efforts.

Let me briefly describe some of the current difficulties revealed by the committee study that our six Illinois Veterans' Administration hospitals are encountering:

First. Hospital Director Charles M. Turner at Veterans' Administration's Chicago research 500-bed hospital reported a funding deficiency of approximately $266,000 for fiscal year 1970.

Second. At Chicago's 500-bed West Side Hospital, located in my own Seventh Illinois Congressional District, Director Joseph J. Frankel reported funding deficiencies of more than one and a half million dollars for fiscal year 1970.

Third. Director Marvin A. Chapman of the 1,500-bed Veterans' Administration hospital at Danville reported a deficiency of about $1 million for fiscal year 1970.

Fourth. Dr. William W. Bourke, Director of the Veterans' Administration's largest psychiatric hospital, the 2,487-bed facility at Downey, Ill., reported a funding deficiency of more than $217,000 for fiscal year 1970.

Fifth. Dr. Lee H. Schlesinger, Director of the Hines Veterans Administration Hospital, reported a funding deficiency in excess of $900,000 to operate his 1,500-bed hospital.

Sixth. L. M. Frazier, Jr., Director of the Veterans' Administration's 176-bed hospital at Marion, Ill., reported a funding deficiency in fiscal year 1970 of more than $370,000.

All these figures add up to the staggering fact that the six Veterans' Administration hospitals serving the Illinois veterans face funding deficiencies in fiscal year 1970 of more than $4 million to operate about 6,700 hospital beds serving one and a half million Illinois veterans.

I for one do not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely essential for America's veterans. A veteran returning home from a shooting war, suffering from wounds and service-connected disabilities, should not be expected to fight another war against inflation and resulting budgetary limitations, at the expense of his health. The Veterans' Administration hospital modernization program has been deferred, apparently because of inflation and the resulting budgetary limitations which I have discussed.

The gross understaffing and lack of funds which plague the Veterans' Administration hospitals in Illinois are indicative of the serious plight of the program throughout the country. We cannot permit shortsighted policies to destroy what has long been recognized as a first-rate hospital system. The comprehensive system of medical benefits we provide our serviceman has been traditionally recognized as the measure of our gratitude—and a small tribute at that—for the sacrifices he has made to maintain the freedom of this country we all enjoy. We must remember that it is not only our option but our obligation to make sure the hospital program receives the adequate funds to meet the rising costs and personnel deficiencies which are eroding its previous high standards of care. We cannot achieve a first-rate job with a second-rate budget allocation. Once again, I urge bipartisan support for Chairman TEAGUE's amendment to restore $4 million for the Veterans' Administration medical program.

Mr. DONOHUE. Mr. Chairman, I most heartily support the amendment offered by the distinguished gentleman from Texas (Mr. TEAGUE), which would add $4 million to the item for Veterans' Administration medical care in the second supplemental appropriations bill of 1970.

Clearly, Mr. Chairman, this is not a partisan matter. We in Congress, on both sides of the aisle, have long been committed to the principle that those serving their country in uniform deserve the finest medical care available. This is particularly applicable to those who have returned home suffering wounds and service-connected disabilities.

Now, Mr. Chairman, there is serious cause to believe that this tradition of the highest quality medical care has been substantially endangered by insufficient funding.

Just a few weeks ago officials of our Massachusetts Veterans' Administration Hospital said that they had funding deficiencies in December of 1969 in their op-

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eration of some 4,000 hospital beds serving approximately 300,000 Massachusetts veterans. Although these hospitals and others received some supplemental funding for fiscal 1970 the hospital officials unanimously agreed that substantially increased funding will be necessary to adequately provide complete hospital treatment and medical services to Massachusetts veterans particularly those disabled veterans returning from the Vietnam war.

The distinguished chairman of the Veterans' Affairs Committee, in offering this amendment, has informed the House that the VA hospital program is in serious trouble throughout the country and desperately needs this additional funding. It is my understanding that the increased appropriation will be used to make purchases of vitally needed equipment for VA hospitals.

In my judgment, Mr. Chairman, to permit any reduction or deterioration in the medical care provided to our veterans would be a major disaster in this country. It would represent an incredible and intolerable neglect of our veterans—particularly our Vietnam veterans who are, tragically, recognized as the most "unwept, unhonored, and unsung" war heroes in all our history. We cannot allow the tragedy of their courageous war service to be compounded by any betrayal, on our part, of the clear national moral commitment to provide them with adequate medical care.

If there ever was an amendment, Mr. Chairman, that embodied simple justice, I submit that Mr. Teague's amendment is it, and I urge its swift and unanimous adoption.

Mr. ANDERSON of California. Mr. Chairman, I support the measure which will increase the total appropriation in this bill to $113.5 million for medical and hospital care programs.

Our veterans' hospitals are underfunded and thus, they are shortchanging our ex-servicemen. A lack of funds results in a lack of trained personnel, a lack of facilities, and a lack of adequate treatment due to the overcrowded conditions.

The war in Vietnam has produced over 13,000 veterans whose wounds have been severe enough to merit a military discharge. In Vietnam 12.4 percent of the wounded have received 100-percent disability ratings—this is compared to 4.4 during World War II and 6.7 percent during the Korean war.

Our veterans' hospitals have not kept pace with the rise in admissions. The Veterans' Administration, with 7,000 fewer beds available this year than last because of a shortage of funds, has fallen back on nursing homes to pick up the caseload spillover. In 1965, 168 nursing homes were used; in 1970, nearly 7,500 nursing homes will be used.

Because of budget restrictions, the veterans' hospitals remain staffed at 1966 levels. As a result, $20 million worth of facilities are not in use because there is no one to staff them.

California veterans' hospitals illustrate the severity of the situation. They have a funding deficiency of $5.6 million in this fiscal year. In December 1969, the Los Angeles VA medical complex was approximately $1 million short of fiscal year 1970 funds for operating expenses, $244,000 short in salary funds, and $154,000 short of funds to place veterans in community nursing homes.

The VA hospital at Long Beach is not fully utilizing its facilities due to a lack of funds to properly staff its operation.

Mr. Chairman, our veterans deserve medical care of the finest quality. We must do all that can be done to properly serve America's ex-servicemen.

Mr. HECHLER of West Virginia. Mr. Chairman, I strongly support the addition of $4 million to the bill reported by the House Appropriations Committee for the purpose of providing additional funds for the veterans' hospitals. This will mean a total of $7 million above the budgeted amount for this fiscal year. We have experienced severe shortages at the hospitals in Huntington, Beckley, Clarksburg, and Martinsburg, and I am pleased that this action is being taken to help during the current fiscal year. I plan to support efforts to obtain additional funds when the fiscal year 1971 appropriation is considered.

Mr. HOSMER. Mr. Chairman, I am happy to support my colleagues in the House in their efforts to obtain additional funds requested by the Veterans' Administration in the second supplemental appropriation bill, to purchase new medical equipment.

It is evident after studying the reports of field surveys made by the Veterans' Affairs Committee these funds are needed for the operation of the VA medical system. The VA medical program has not been properly funded for many years, and it has not kept pace with rapidly advancing medical technology because they have been deferring the purchase of new equipment and the modernization of space to introduce new treatment procedures into many VA hospitals. I realize we cannot get the entire system updated overnight, but I am happy we are now beginning to realize the plight of many of our VA hospitals. Maintenance and repairs and modernization of many hospitals has been deferred or delayed and funds diverted to other uses because the VA medical budget was not keeping pace with rising medical costs.

I believe it is important that we provide VA hospitals with sufficient funds to enable them to supply adequate medical care most necessary to restore the health of our wounded and ill veterans who return from Vietnam and other war zones. It is unforgiveable to send men into war zones to fight for our country and then not pay the price of adequate medical care and rehabilitation of the wounded. Furthermore, I believe it is our duty to continue to provide quality medical care to our older veterans who fought in the Korean conflict and World Wars I and II.

The Long Beach VA hospital is not fully utilizing its facilities, due to lack of funds to properly staff its operation. Dr. James S. Glotfelty reported last December he had a total estimated deficiency of about $1.3 million. He reported $654,000 was needed for personnel, and $320,000 was needed for day-to-day operating costs. I would like to see my colleagues in the House support the chairman of the Veterans' Affairs Committee in his efforts to provide the best of up-to-date medical care for our veterans. Our efforts here will be a first step toward reassuring the serviceman that we have not forgotten him—that he will continue to receive the finest medical treatment we can offer in return for the sacrifices he has made for his country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

FEDERAL CONTRACT COMPLIANCE AND CIVIL RIGHTS PROGRAM

For an additional amount for "Federal contract compliance and civil rights program, salaries and expenses", $107,000.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MICHEL. Mr. Chairman, I rise first to answer a question raised earlier in general debate by the gentleman from Illinois (Mr. PUCINSKI) relative to the number of Federal civilian employees. The gentleman from Illinois made some comment that during the Johnson administration there was some restraints on Federal employment but the record shows that civilian employment in the Federal Government as of December 1963 was 2,650,000, which had grown to 3,062,000 by December 1967 and I am happy to report that by December 1969 there was a reduction of 60,000 to a total of 3,002,000.

There are some other figures, however, of which we cannot be very proud and they have to do with the ever-increasing burden for public welfare. Shortly we will come to the point in this bill under grants to the States for public assistance and we have in this supplemental bill $146,753,000. This figure added to the already appropriated $7,351,551,000 brings this total figure for fiscal year 1970 to $7,498,304,000.

And this, Mr. Chairman, is only the partial story for in the 1971 budget we are now considering an item for grants to the States for public assistance totaling $8,588,870,000. My good friend, LES ARENDS, the senior member of our Republican side from my neighboring district just advised me a few minutes ago that when he first came to the Congress the entire budget for the whole Government was less than this last figure.

This public assistance item is one of the big "uncontrollables" which the chairman of our committee made reference to during general debate and I might add that the $50 million item in here for unemployment compensation for Federal employees and ex-servicemen is also an uncontrollable item. This additional amount requested in this supplemental bill is caused by the fact that there have been 158,000 more separations from the service during this fiscal year than was originally planned.

There was another uncontrollable

item here in this bill of $10 million for increased administrative costs for processing unemployment insurance work loads resulting from recent increases in the number of unemployment claims.

Finally, Mr. Chairman, may I say a word about the Howard University construction item here of $7,700,000. We have already appropriated $23,430,000 and the General Services Administration cannot issue bids until the total amount required to fund the project is authorized.

The original appropriation was not sufficient due to some miscalculations made in determining the amount of dollars per square foot at the time the project was set up.

Funds were first appropriated for the hospital in 1961—it is projected to be completed near the end of 1973, 12 years later, if we appropriate this money today.

Each review of the accrediting agency, and the U.S. Office of Education through its periodic inspections, has emphasized that replacement of the existing Freedmen's Hospital structure is an essential step in maintaining accreditation of Howard's college of medicine and an acceptable quality of instruction for students in medicine and other health fields.

Construction cost have been increasing at about a rate of 1 percent a month.

AMENDMENT OFFERED BY MR. SCHADEBERG

Mr. SCHADEBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHADEBERG: On page 11, between lines 2 and 3, insert the following:

"HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION HOSPITAL CONSTRUCTION

"For an additional amount for 'Hospital Construction', $8,703,078, for thirty-five hospitals in Kansas, Nebraska, Oklahoma Ar.-kansas, New Hampshire, Maryland, North Carolina, Wisconsin, and Indiana under title III of the Public Health Service Act as follows:

"The State of Kansas, $1,130,245:

"(1) the Saint Francis Hospital in Topeka, $288,496.

"(2) the Saint John's Hospital in Salina, $68,328.

"(3) the Mount Carmel Hospital in Pittsburg, $273,312.

"(4) the Saint Luke's Hospital in Wellington, $129,064.

"(5) the McPherson Health Center in McPherson, $219,349.

"(6) the Wyandotte Health Center in Kansas City, $146,233.

"(7) the Northwest Medical Center in Goodland, $5,463.

"The State of Nebraska, $292,000;

"(1) the Mary Lanning Hospital in Hastings, $140,000.

"(2) the Saint Elizabeth's Hospital in Lincoln, $100,000.

"(3) the Madonna Nursing Home in Lincoln, $52,000.

"The State of Oklahoma, $3,929,275;

"(1) the Alva General Hospital in Alva, $55,000.

"(2) the Norman Municipal Hospital in Norman, $500,000.

"(3) the Oklahoma City-County Health Department, $650,000.

"(4) the Hillcrest Medical Center in Tulsa, $1,250,000.

"(5) the Newman Memorial Hospital in Shattuck, $20,000.

"(6) the Purcell Municipal Hospital in Purcell, $5,000.

"(7) the Okfuskee Memorial Hospital in Okema, $30,000.

"(8) the Southwestern Memorial Hospital in Weatherford, $255,000.

"(9) the Deaconess Hospital in Oklahoma City, $324,275.

"(10) the Central State Hospital, Children's Unit in Norman, $225,000.

"(11) the Arkview Memorial Hospital in El Reno, $600,000.

"(12) the Cimarron Memorial Hospital in Boise City, $15,000.

"The State of Arkansas, $1,200,000:

"(1) the Saint Vincent's Hospital in Little Rock, $200,000.

"(2) the Baptist Medical Center in Little Rock, $1,000,000.

"The State of New Hampshire, $2,524:

"(1) the Grafton County Nursing Home in Haverhill.

"The State of Maryland, $59,949:

"(1) the Baltimore City Hospital, 'A' Building, in Baltimore, $43,218.

"(2) the Dorchester County Public Health Center in Cambridge, $16,731.

"The State of North Carolina, $386,356:

"(1) the North Carolina Baptist Hospital in Winston-Salem.

"The State of Wisconsin, $1,452,286:

"(1) the Saint Mary's Hospital in Wausau, $50,000.

"(2) the Vernon Memorial Hospital in Viroqua, $17,214.

"(3) the Saint Michael's Hospital in Stevens Point, $33,100.

"(4) the Victory Memorial Hospital in Stanley, $34,397.

"(5) the Beloit Memorial Hospital in Beloit, $1,020,575.

"The State of Indiana, $250,443:

"(1) the Saint Mary Mercy Hospital in Gary and the Union Hospital in Terre Haute."

Mr. FLOOD. Mr. Chairman, I make a point of order against the amendment on the ground that there is no authorization in law for the appropriations earmarked for these specific hospitals.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. SCHADEBERG. Only, Mr. Chairman, to suggest that the hospitals that are mentioned have had priority under the Hill-Burton Act and are under construction.

The CHAIRMAN. The gentleman from Wisconsin, as the Chair understands it, takes the position that these funds are authorized by the Hill-Burton Act. Is that correct?

Mr. SCHADEBERG. They have had construction started under the Hill-Burton Act, yes.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to respond to that?

Mr. FLOOD. Yes, of course, Mr. Chairman. The Hill-Burton Hospital Construction Act authorizes appropriations only to States and to territories under a very, very specific mathematical formula. There is nothing in that law at any place which authorizes appropriations for individual hospitals. As a matter of fact, the law provides that eligibility for individual hospitals shall be determined only by the States. There is no authorization either for appropriations to specific hospitals or for the U.S. Public Health Service to designate by hospital where appropriated funds are to be used.

The CHAIRMAN (Mr. O'HARA). The Chair is prepared to rule on the point of order. The Chair holds that the provisions of title VI of the Public Health Service Act are as described by the gentleman from Pennsylvania. The authorizing legislation provides for appropriations on an allotment formula to the States and does not authorize appropriations in any way for the construction of individual hospitals or permit the selection of individual hospitals for appropriation. The Chair, therefore, is constrained to sustain the point of order on the ground that the proposed amendment constitutes legislation on an appropriation bill.

AMENDMENT OFFERED BY MR. SCHADEBERG

Mr. SCHADEBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHADEBERG: On page 11 immediately following line 2 insert the following:

"HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION HOSPITAL CONSTRUCTION

"For an additional amount for 'Hospital Construction', $8,703,078,

for hospitals which began construction under the Hill-Burton Act modernization category and which are under construction or have been completed before 1 January 1970.

Mr. FLOOD. Mr. Chairman, I make a point of order against this proposed amendment. This is patently and clearly a case of the gentleman trying to do indirectly what he could not do directly. He is trying to evade the ruling of the Chair on the point of order just sustained by the Chair against the first amendment offered by the gentleman.

I ask that the point of order be sustained.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. SCHADEBERG. Mr. Chairman, my amendment does not specify specific hospitals, but only refers to hospitals that have already started construction under the Modernization Act.

Mr. MAHON. Mr. Chairman, a further point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAHON. The amendment calls for additional actions and determinations and decisions as to hospitals which may or may not be under construction. I make that further point of order.

The CHAIRMAN (Mr. O'HARA). The Chair is prepared to rule on the points of order.

The Chair finds that the amendment offered by the gentleman from Wisconsin seeks to appropriate funds under the existing Hill-Burton law and formula therein without changing that law or formula, and that the additional language confining the appropriation to hospitals which are under construction or have been completed prior to January 1, 1970, would constitute a valid appropriation. The Chair therefore overrules the points of order.

The gentleman from Wisconsin is recognized for 5 minutes in support of his amendment.

Mr. SCHADEBERG. Mr. Chairman, we are all aware of the necessity in today's inflationary economy for intelligent and realistic reductions in Federal expenditures. In committees on which I serve and

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at times on this floor, I have spoken against excessive Federal spending when I felt the adverse effects of the spending far outweighed the assistance which the proposed program promised to provide.

I am not known as a big spender of taxpayers' money. On principle I do not encourage citizens to run to Washington for funds until every source of private, municipal, and State funds have been exhausted.

But the amendment I am now offering is not inconsistent with my past actions. The funds I seek by this amendment to be included in this supplemental appropriation are urgently needed by those people of nine States who have dug deep into their own pockets for money to construct needed hospitals.

Their pledges and contributions were based on the assumption that Federal funds through the Hill-Burton program would be forthcoming. Now they find that with Hill-Burton funds reduced, their hospitals in various stages of completion—and in the case of a hospital in Beloit, Wis., completed and in operation—because the contractors were willing to go along at great personal sacrifice—face serious financial consequences.

Mr. Chairman, there are 35 hospitals in nine States which started construction and which are being, or have been built, upon the promise that the funds would be forthcoming. These 35 hospitals did not receive the total amount of the Federal commitment. Last year, as a result of the reductions in funds for hospital modernization in the fiscal 1970 Health, Education, and Welfare budget, there is a deficiency of $8.7 million which these hospitals expected to receive.

One of the hospitals is in my district. If the Beloit hospital does not receive its promised Federal commitment, the entire community will be seriously and adversely affected. Multiply the effect on this hospital by 35 and you have an indication of the importance of my amendment.

These are the facts: In 1966, in order to replace a woefully inadequate facility which could not meet the needs of 75,000 residents, the hospital board approached the State Hill-Burton agency and was granted a pledge for 40 percent of the total cost for construction. On the basis of this pledge, the community raised $3.5 million in private donations, and sold $5.4 million in municipal bonds. Hospital construction began in November of 1967. During the 2½ years of construction, 76 contractors and 200 workers were engaged in building a very practical and functional structure.

In October of last year the hospital board of Beloit assessed me of their problems. As a result of inadequate funding for hospital construction, they owed over $1.5 million for construction costs. If the funds were not forthcoming from the Federal Government, liens were to be placed on the building. Expensive refinancing is the only alternative, but this approach will put the hospital in a noncompetitive position, since the increased cost would have to be borne by the patients, the very people the hospital was designed to assist.

After checking into the problem, I found that there were other hospitals in the same situation, a situation which I believe, if not corrected, would diminish their faith in the integrity of the Federal Government; make a mockery of our efforts to be of assistance to the people of the Nation who look to us for leadership, and force the closing of a number of these 35 needed hospitals.

I do not want the people to lose faith in the integrity of their Federal Government. We must not contribute to it by reneging on our moral commitment.

Mr. Chairman, health care is one of the most important concerns of our people. It is definitely not an area in which we should retreat.

One final word—my amendment seeks funds not to add new construction on the planning boards for the future. It is for funds to meet the commitment made to communities whose hospitals had started construction and are near completion, but which have not received the amounts under previous commitments to finish what was started in good faith.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. SCHADEBERG. I am happy to yield to the gentleman.

Mr. DENNEY. Mr. Chairman, I call the attention of my colleagues to the fact that what this amendment is doing is honoring a commitment that has been made throughout the United States. I have a hospital in my district which is 75 percent completed. Contractors cannot be paid, materials men cannot be paid. This is no way to run a railroad, and I think we ought to pass this amendment.

Mr. Chairman, I rise to support the amendment offered by Congressman SCHADEBERG adding funds to the Hill-Burton program.

I believe that the Federal Government has an obligation to these hospitals.

At the present time there are 35 hospitals under various phases of construction, spread throughout the Nation, which will not receive their total pledge. These are hospitals which have started construction based on financial assistance from the Federal Government. Because the Federal Government is unable to meet this need, contractors who have worked on the buildings may not be paid, and expensive means of alternative financing must be obtained.

In Nebraska's First Congressional District, an additional $125,000 is needed by St. Elizabeth's Hospital and the Madonna Nursing Home.

At issue is the Federal obligation to finish specific programs, the dire need for which has already been determined, and upon which the building plans of the local hospital authorities have been based.

It is our hope that adequate funds will be made available for the completion of projects underway.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is unfortunate that the gentleman proposing the amendment would even suggest that, first of all the Subcommittee on Health, Education, and Welfare, then the full Committee on Appropriations, and this House at any time did not support in principle and with dollars this whole concept of hospital construction since the first Hill-Burton days up until the Labor-HEW bill for 1970.

May I add this: Mr. Chairman, the existing law for fiscal year 1970 is $22.2 million above the President's budget for this very item; $22.2 million. We went over the President's budget for these hospitals. What hospitals? For the hospitals in 50 States. It is not preferential and not parochial. Indeed not.

In addition to that, this amendment is rank discrimination against the other hospitals throughout the Nation.

May I add this: I refer you to the report and the record of this committee and of the House on this very appropriation. Hearings are now being conducted by the Appropriations Subcommittee for Health, Education, and Welfare, and if this supplemental bill were not on the floor, we would be taking testimony right now. These very items that the gentleman discusses today in this amendment are being considered and will be further considered in connection with the regular appropriations bill for 1971, in due course, by this subcommittee for presentation to the full committee and the House.

Mr. Chairman, this gentleman has no reason to believe that this committee will not increase these funds, none whatsoever. But if and when this is done, it should be done according to the proper procedure. There is no aspersion against the purpose. There never was. There is not now. We are already $22.2 million above the budget for hospital construction. No preferential treatment by hospital, by district, or State has been indulged in. I cannot be for that.

Mr. Chairman, I suggest that this is an amendment to do indirectly what cannot properly be done directly in the face of the ruling of the Chair. I submit with these hearings before the committee, with a sympathetic subcommittee, and a sympathetic House there is considerable reason to believe, Mr. Chairman, that any real, legitimate hardships will be taken care of in the 1971 bill that we will have before this House within a matter of weeks.

Mr. Chairman, I urge that the amendment be defeated.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise very briefly in opposition to the amendment.

Mr. Chairman, I hate to have to oppose my good friends from Wisconsin and Nebraska who are cosponsors of this particular amendment. Mr. SHADEBERG has been contacting all our committee members on the subject apprising us of his particular problem in Beloit. He has been very persuasive in his arguments.

However, I think it ought to be made crystal clear that there is absolutely no legal commitment or obligation on the part of the Federal Government under the Hill-Burton Act to forward fund to the extent that these gentlemen would like to have done in their amendment.

As the chairman so well pointed out, no hearings were held on this item nor was there a budget request for this sup-

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plemental. We are currently in the process of holding extensive hearings on the entire health and welfare aspects of the regular 1971 bill. This matter will be discussed in full at that time. Of course, then having heard all of the testimony, I am sure our subcommittee will, as the chairman suggests, do the right thing and make the right kind of decision when we bring the regular bill to you.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. In addition, if and when, with lack of wisdom in the opinion of the gentleman who presented the amendment, the subcommittee did not act, then, certainly this amendment would be properly before this committee when that bill does come up.

Mr. MICHEL. Yes, and the gentleman's amendment would be perfectly in order and we would have a complete hearing record on which to base our decision.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SCHADEBERG).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses, Immigration and Naturalization Service", $892,000.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the bleeding hearts in the editorial department of the Washington Star are sad because the Justice Department has won in a fight with the State Department and refused a visa to the widow of W. E. B. DuBois to visit this country.

The DuBoises were citizens of the United States. They became members of the Communist Party. In 1963, they threw up their U.S. citizenship, became citizens and residents of Ghana and bosom friends of dictator Kwame Nkrumah, who, although a Communist, was liberally suplied by the softheads in the State Department with millions of dollars of foreign aid. Nkrumah later fled Ghana to escape a firing squad or the gallows, but when he left he stripped the Ghanaian treasury, including all the foreign aid he could reach with his slimy fingers.

Evidently Mrs. DuBois has not been welcomed by the Ghanaian regime that succeeded the Communist thief, Nkrumah, because she picked up her luggage and moved to Cairo, Egypt.

Now, like others who have renounced their U.S. citizenship to cuddle up to the Communist comrades, the widow DuBois says she would like to see her native land once more. It is only coincidental, of course, that while having a look she was scheduled to speak to a group of college students.

Says the Washington Star, in concluding its puerile editorial:

> She might be disappointed in the spreading urban blight and the multiplication of beer cans on the landscape, but the country is strong enough to spare her a look.

Yes; this country is strong enough, but if given the chance she would probably be glad to take up residence among the beer cans, and why should this Government expend the slightest energy and expense on throwing this ingrate out of the country and returning her to Egypt?

Our compliments to Attorney General Mitchell and the Justice Department for rejecting this visa application, and a Bronx cheer for the jellyfish in the State Department who would creep and crawl to any adult American, man or woman, who willfully and willingly renounces his or her citizenship to carry the torch of communism.

Mr. HALL. Mr. Chairman will the gentleman yield?

Mr. GROSS. I am glad to yield to my friend, the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, generally I would like to associate myself with the remarks of my colleague, the gentleman from Iowa, but I wonder if the gentleman could define a little more clearly what he means by a Bronx cheer? (Pause.)

I will relieve the gentleman of that definition inasmuch as the gentleman is in the well of the House. But in all seriousness, I would like to know what the gentleman means when he said Madam DuBois "threw up" her citizenship and fled to Ghana. Does the gentleman mean threw up in the sense that one eructates, spews, or vomits forth?

Mr. GROSS. Yes, she renounced her citizenship, she threw it up.

Mr. HALL. Oh, I understand.

Does the gentleman recall numerous private bills that have come before us on the House Calendar either to cause us to allow people without citizenship to remain in the United States, or a long list of names in a bill which, if not acted on, allow the Department of Justice and/or the Attorney General to bar deportation? And does the gentleman not feel that if Madam DuBois or this "puerile" person who may be attempting to come back, and who did vomit forth and voluntarily renounce her citizenship, might become one of these "private bills" edited by some "bleeding heart" or social do-gooder, so that we would have to work our will on this House floor and keep her in the United States among the beer cans?

Mr. GROSS. I have no doubt that had she been permitted to come to this country, the Congress would have been faced, sooner or later, with a private bill to restore her citizenship.

Mr. HALL. We need another "kook" like this back in this country like we need an extra hole in the head. Let us "throw-up" a bar against her return.

Mr. GROSS. The bar is already up and I hope it stays up. I thank the gentleman for his comments.

I would point out that in this bill there is $892,000 in additional money to the Immigration and Naturalization Service to provide for unanticipated costs of transporting, detaining, and expelling illegal aliens.

The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

OFFICE OF EDUCATION

CIVIL RIGHTS EDUCATION

For an additional amount for "Civil Rights Education", including not to exceed $250,000 for salaries and expenses, $5,000,000.

Mr. ROONEY of New York. Mr. Chairman, I would like to explain this item with regard to the Office of Education.

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROONEY of New York. Mr. Chairman, I merely wish to state that I personally was in favor of the full amount requested for the item "Civil rights education, Office of Education."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1970, for increased pay costs authorized by or pursuant to law, as follows:

Mr. MAHON. Mr. Chairman, in view of the fact that title II relates only to increased pay costs which have been explained in previous debate, I ask unanimous consent that title II be considered as read—title II goes from line 11 on page 17 through line 11 on page 47—and I also ask unanimous consent that the title be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any points of order to this particular title?

Mr. BOW. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN.The Chair will count. Eighty-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 106]

Addabbo
Andrews, Ala.
Ashley
Baring
Bell, Calif.
Berry
Blatnik
Bray
Brown, Calif.
Carter
Celler
Chisholm
Clark
Clawson, Del
Clay
Corbett
Cramer
Dawson
de la Garza
Dent
Dickinson
Diggs
Dowdy
Fallon
Flowers
Foley
Ford, Gerald R.
Fraser
Gilbert
Hagan
Harsha
Jarman
Johnson, Calif.
Jones, Ala.
Kazen
Kee
Kirwan
Langen
Lloyd
Lujan
McCarthy
McClory
McMillan
Madden
Melcher
Meskill
Mollohan
Moorhead
Murphy, Ill.
Murphy, N.Y.
Ottinger
Poage
Pollock
Price, Tex.
Pryor, Ark.
Robison
Roudebush
Schneebeli
Sikes
Stubblefield
Taft
Teague, Calif.
Teague, Tex.
Tunney
Whitten
Wiggins
Wilson, Charles H.
Wold
Wright
Yatron
Zablocki

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17399, and finding itself without a quorum, he had directed the roll to be called, when 358 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V

LIMITATION ON FISCAL YEAR 1971 BUDGET OUTLAYS

Sec. 501. (a) Expenditures and net lending (budget outlays) of the Federal Government during the fiscal year ending June 30, 1971, shall not exceed $200,771,000,000: *Provided*, That whenever action, or inaction, by the Congress on requests for appropriations and other budgetary proposals varies from the President's recommendations reflected in the Budget for 1971 (H. Doc. 91-240, part 1), the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect of such action or inaction on budget outlays, and the limitation set forth herein shall be correspondingly adjusted: *Provided further*, That the Director of the Bureau of the Budget shall report to the President and to the Congress his estimate of the effect on budget outlays of other actions by the Congress (whether initiated by the President or the Congress) and the limitation set forth herein shall be correspondingly adjusted, and reports, so far as practicable, shall indicate whether such other actions were initiated by the President or by the Congress.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Boland: On page 53 on line 25 after the amount, insert the following: ", of which expenditures none shall be available for use for American ground combat forces in Cambodia."

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Mr. BOLAND. Mr. Chairman, I know that most of the Members now in the Committee will feel that we have been here before on this amendment—and so we have, almost. But there is, I think, a difference.

If the members of this Committee will glance at the bill, they will know that the amendment I have offered pertains to title V of the bill, and that refers to expenditures for the fiscal year 1971.

I made no effort, and none of the Members on this or on the other side of the aisle have made any efforts to limit expenditures in the fiscal year 1970.

So, Mr. Chairman, this is a very clear-cut issue. All the histrionics on this matter were wrung out yesterday. I think the suggestion made by the chairman of the full Committee on Appropriations, the gentleman from Texas (Mr. Mahon) that we ought to meet this issue head on now, and not freight it down with amendments to my amendment, but just vote up or down on the amendment I have offered.

What I have offered here is precisely what the President of the United States says he wants to happen. He indicated that it was his desire, his hope and actually his command, when he met with the members of the Committee on Foreign Affairs of both Houses, and the Senate and House Armed Services Committees, that American combat ground troops would be out of Cambodia in 6 to 8 weeks.

So he still has that opportunity to fulfill that promise to the American people, to the Congress, and to the committees of Congress. This amendment does not restrict that desire.

The amendment that I have offered deals solely and only with expenditures in fiscal 1971. Someone asked me, when I offered this amendment a moment ago, "Why offer this amendment now?" Because I believe that this is one vehicle and one way in which the Congress itself can assert its own prerogatives and its own power in a matter that directly concerns this Nation in a very vital way. This is an appropriation bill. This is a proper place for this kind of an amendment; this amendment pending the expenditure of funds in fiscal year 1971. It prohibits expenditures in fiscal year 1971 for American combat proposed troops in Cambodia.

As a matter of fact, in the Defense Department appropriation bill of 1970 there was a similar amendment which was offered in the other body which ask accepted in conference and by this House. It related to the countries of Laos and Thailand.

This amendment relates solely to the country of Cambodia, the area that is now giving this Nation so much frustration, so much anxiety, and so much pain. This is one way to help alleviate, in my judgment, some of the pain, some of the frustration, and some of the anxiety that is now developing all over this land.

We are not touching the funds for 1970, only 1971. Over the past year, over the past couple of years, not alone in this administration, but the past administration, we have been told that we can build up the forces in South Vietnam and that ARVN with its own troops and the great amount of equipment the United States has supplied to them could take care of the situation in South Vietnam.

Let me say that with the standing army the South Vietnamese now have, and with immense amount of equipment and materiel that we now have sent them, if they are not now able to defend their own areas in Saigon from some of the sanctuaries that were in Cambodia, they never will be able to do it. We have gone in, I believe the present campaign has met with some degree of success, in cleaning out the sanctuaries of some hospital supplies, food supplies, munitions and huts. But before long the North Vietnamese will be back in the sanctuaries.

It would seem to me that the obligation now is upon the ARVN, the South Vietnamese Army, to defend its own positions if they are attacked from the sanctuaries. Let the ARVN troops go in and clean out the sanctuaries. We have done our part, as we are now doing, and which the President thinks will be a success. All of us pray it will be a success.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Illinois.

Mr. YATES. In fact, the President himself said that the incursion into Cambodia was for the purpose of advancing his policy of Vietnamization. I do not know that it will, but that is his judgment and this amendment will give him the time he has said he will need.

Mr. BOLAND. Let me tell the Members of the Committee that this is the proper vehicle for this kind of amendment. I think all of us should join—Republicans ought to join with Democrats—in adopting this amendment and let the country know that the Congress does have a voice and does have a power in these matters. It most assuredly has an obligation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto conclude at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL DEBATE

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all Members may revise and extend their remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GAYDOS. Mr. Chairman, I am gravely concerned about the President's decision to send American troops into Cambodia, a nation which heretofore has been adamant in her declarations of international neutrality.

I am not privileged to know what information led the President to order this action. I must, of necessity, therefore assume the President is doing what he believes is best for the Nation. However, I am unequivocally opposed to any future expansion of this conflict, or this Nation's participation in any conflict, until such time as the Congress is given all the whys and wherefores.

I question the reasoning for using our troops in Cambodia on the grounds that that country is a sanctuary for the Vietcong and North Vietnamese forces. This has been common knowledge for years. What I cannot understand is why the President will use American soldiers to invade this sanctuary when our forces are prevented from invading the principal stronghold of the enemy—North Vietnam.

Nonetheless, our troops are in Cambodia and there are predictions they will be out in 6 weeks or so. I wonder. I can recall a prediction made during the Korean conflict that American troops would be home before Christmas of a particular year. However, Red China entered the fray and Christmas was a long time coming.

I want no more Koreas, Vietnams, Cambodias or any other undeclared war started at the discretion of any President. I believe the authority to plunge this Nation into bloody battle should rest where it was placed by the Constitution—in the hands of the Congress.

I hope and pray this latest maneuver ordered by our Chief Executive does not lead to similar involvement in Laos, Thailand, Burma, or anywhere else in Southeast Asia where the threat of enemy activity is part of the everyday life.

Mr. DADDARIO. Mr. Chairman, I support the amendment of the gentleman from Massachusetts (Mr. BOLAND). The House of Representatives finds itself today in a position where it can by its action lower the level of tension which has been built up and which has reflected itself so tragically throughout our country as a result of the invasion of Cambodia by U.S. troops. The Congress does have a constitutional responsibility which it can assert by supporting the Boland amendment—but it can also show that it is sensitive to the emotion that is engulfing our young people because they did believe that President Nixon meant to withdraw from Vietnam—and are dismayed by his actions which now includes Cambodia in that tragic course.

The decision of the President to permit hot pursuit, or what he justifies as hot pursuit, into the nation of Cambodia, is to be deplored and condemned. It is based on military intelligence indicating that geographically this nation harbored threats to the American troops in Vietnam and that the elimination of these threats would somehow speed American troop withdrawal. No one could have greater awareness than I of the potential and the uncertainties of combat intelligence. At any rate the results of the Cambodian invasion as they have been reported do not appear to have warranted any enlargement of our combat activities into Cambodia. They certainly do not support the tragic domestic consequences which have followed in the wake of our expansion of the war in Southeast Asia.

An administration which came into power on the slogan of "Bring Us Together," seems to be trying to drive us apart. The lamentable confrontation—and the tragic deaths—at Kent State University reflect rising national tension as the administration reacts unwisely to increasing dissent to its policies. I find that nothing can be said to defend the policies of an Ohio State administration which authorizes live ammunition and deadly force to control student demonstrations. A full-scale investigation of this tragedy must now be held.

We in the Congress can be most helpful in this greater effort if we support Representative BOLAND's amendment for it does not interfere with the President's present actions in Cambodia, but it will prevent further involvement in that area after July 1 without the approval and consent of the Congress.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The recent decision of the President to extend the war in Vietnam to the neighboring nation of Cambodia constitutes, in spite of what the President has stated, a grave escalation of the war as well as a constitutional crisis.

The President failed to consult with either the Senate which has direct constitutional authority to "advise and consent" in matters of major foreign policy, or the House which holds the powers of the purse in all matters concerning Federal spending, including foreign and military assistance. The failure to formally consult with either House or, informally with any Members of the Congress, constitutes a grave slap at the only branch of Government most responsive to the changing attitudes of the people.

This failure of the President is not only an insult to Members of Congress and their constituents, but evinces an intention on the part of the President to assume greater powers than given him by the Constitution. Never before has a President invaded another country without first consulting with Congress.

Furthermore, the President indicated that the reason for sending troops to Cambodia, an independent sovereign country, was that it was necessary to destroy the North Vietnamese headquarters operation as well as other enemy installations and materiel.

At this time the Cambodian operation has been a military failure as I shall point out.

In the past few days since the invasion, I have received hundreds of letters from constituents in Hudson County deploring the President's action. When I left my office, letters, telegrams, and phone calls were still coming in. Some were from people who had never before written to me. Some constituents were so enraged they called for the impeachment of the President.

The President has created a situation bordering on hysteria among many people who believed that he meant to deescalate and end the war, not create a new and larger one.

I am appalled by this unilateral decision to substantially enlarge and materially change the scope of what I always believed has been limited to a war in Vietnam. The President's decision runs the risk of a major conflagration involving all of Southeast Asia and China.

The President previously stated in his campaign that he advocated the deescalation of the war at an early date. It was largely upon that promise that he was elected. However, this new military adventure into Cambodia is not in fact a deescalation of the war in Vietnam, nor can it lead to its termination. Together with other recent acknowledgments of our unauthorized activity in Laos and Thailand, it is an ill-considered escalation and the possible beginning of a new war in Southeast Asia which could involve over a million men in a guerrilla war. I am opposed to this escalation in Southeast Asia.

On April 20, President Nixon promised to deescalate by withdrawing 150,000 men from Vietnam by the end of 1970.

On April 23, Secretary of State Rogers told a House Appropriations Subcommittee that the administration had "no incentive to escalate. Our whole incentive is to deescalate," said the Secretary.

He continued:

> We realize that if we escalate and get involved in Cambodia with our ground troops that our whole (Vietnamization) program is defeated.

Moreover, the Secretary specifically stated that the administration would want to consult fully with the Congress because the administration recognized the need for public support.

It would seem obvious that in order to support our men in Cambodia, we would require the continued presence of at least the 150,000 men the President indicated would be withdrawn. Thus, this administration has created the greatest credibility gap of all.

The President indicated that the purpose of this invasion was to destroy enemy headquarters, military materiel and communications. As of this date no such headquarters have been found to exist, no major documents have been turned up, no important officers captured—the military materiel seized can be quickly and easily replaced.

The definition of success of this invasion has, therefore, intentionally been revised downward by the President. I understand that the "new definition of success" will involve military supplies and pounds of rice captured and installations destroyed. All can be quickly replaced or rebuilt within a short time.

Moreover, the military invasion ordered by the President, as recognized by the Secretary of State, so changed the character of our involvement in Southeast Asia that he was constitutionally bound to consult with and obtain the approval of the Congress before taking military action in Cambodia.

The Constitution specifically provides that the power to declare war and determine its strategic course rests with Congress.

The Founding Fathers were explicit in this regard. They were unwilling to bestow upon one man both the power to declare and the power to conduct a war.

I do not wish to obstruct the President in his duty as commander in chief, but neither will I, as a representative of the people who elected me, accede to the President powers conferred upon me by the Constitution and which the people of Hudson County expect me to exercise in their behalf.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

AMENDMENT OFFERED BY MR. FINDLEY TO THE AMENDMENT OFFERED BY MR. BOLAND

Mr. FINDLEY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The Clerk read as follows:

> Amendment offered by Mr. FINDLEY to the amendment offered by Mr. BOLAND: In front of the period insert the following: "except those which protect the lives of American troops remaining within South Vietnam."

Mr. MAHON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MAHON. I make a point of order on the ground that the amendment requires particular and special duties.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. FINDLEY. Mr. Chairman, I feel that it does not impose any specific duties. No report is required. No determination is required. It applies simply to troops that are there for a specific purpose.

Mr. YATES. Mr. Chairman, I make the further point of order that it is legislation on an appropriation bill.

The CHAIRMAN (Mr. O'Hara). The Chair has examined the proposed amendment to the amendment. In the opinion of the Chair the proposed amendment to the amendment constitutes an exception to the limitation that was offered by the gentleman from Massachusetts, does not constitute additional legislation, and is germane. Therefore the Chair overrules the point of order.

Mr. FINDLEY. Mr. Chairman, I ask unanimous consent that the Clerk read the Boland amendment as it would be amended by my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Boland amendment as it would be amended by the Findley amendment as follows:

Amendment offered by Mr. Boland of Massachusetts as amended by the Findley amendment: On page 53 on line 25 after the amount, insert the following: ", of which expenditures none shall be available for use for American ground combat forces in Cambodia except those which protect the lives of American troops remaining within South Vietnam."

Mr. FINDLEY. Mr. Chairman, I would hope that no Member of this body would wish to leave the impression, by supporting any amendment today, that subsequent to July 1 he would wish the President of the United States as Commander in Chief to fail to do what he feels is necessary to protect the lives of American troops remaining in South Vietnam.

That is why I propose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Findley) to the amendment offered by the gentleman from Massachusetts (Mr. Boland).

The question was taken; and on a division (demanded by Mr. Findley) there were—ayes 50, noes 87.

So the amendment to the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Riegle).

Mr. RIEGLE. Mr. Chairman, as I understand the Boland amendment it would give the President some 7 weeks to conclude American military operations in Cambodia. I believe this is reasonable, and hence I support the Boland amendment. I believe that beyond that time, if the President feels the strategic interests of this country are really on the line, he should then do exactly what the Constitution requires; that is, come before this body and seek formal congressional authorization to proceed beyond that point.

The other day in our subcommittee of the Appropriations Committee we had as a witness the AID Director from Vietnam. He made the comment to me that his wife had been with him in Saigon for the past 10 months, and had just come back to Washington, D.C., and he said she actually feels safer on the streets of Saigon than she does on the streets of Washington, D.C., our Nation's Capital.

What a sad admission this is, that we should devote so much effort and attention to Southeast Asia that we should actually make the streets of Saigon safer than those of our Nation's Capital, or Detroit, or Los Angeles, or of any other major city in this country.

I believe that in supporting the Boland amendment we have an opportunity to regain our proper constitutional authority in the formulation of national policy.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Obey).

Mr. OBEY. Mr. Chairman I rise in support of the amendment by the gentleman from Massachusetts (Mr. Boland) to prevent the expenditure of the funds under this act after July 1, 1970, for ground combat operations in Cambodia. The President has said that our Cambodian adventure is no open-ended arrangement. All this amendment seeks to do is to guarantee that fact.

The President has said that we will be out in 6 weeks. This amendment takes him at his word. It gives him the time he asks for and no more. I believe that is a reasonable compromise and it deserves the support of this House.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Chairman, let there be no doubt about this. The North Vietnamese troops who are in Cambodia, are just as much a part of the war in South Vietnam as if they were stationed there permanently. They fight in South Vietnam and kill Americans there. They should be hit.

If these bases are not hit they will become the nucleus of a Communist supply and operations bastion which will seriously threaten the diminished American forces remaining behind after the next 150,000 increment is withdrawn.

There are many fine young Americans in Washington today protesting the action in Cambodia. I defend their right to do this, though I disagree with them thoroughly.

I sincerely hope that none of them will ever have to serve in Vietnam. If they do, I hope they will not be among those left after the next 150,000 Americans are pulled out. If they are a part of that diminished force, I hope they will not be threatened and perhaps overrun by troops operating from privileged sanctuaries in Cambodia. If this should occur, I am sure that each such person would regret the success of the effort in which he, and Members of this body, are engaged today.

The facts are that any American soldier who is in that diminished force, if these privileged sanctuaries are allowed to remain, will be in very grave danger. That is the precise reason the President made this difficult decision—to protect American lives—American soldiers who may, in the future, serve in Vietnam.

I say we should defeat this amendment, because if we keep saying to the North Vietnamese that you should come on back after we blow up these sanctuaries and make more sanctuaries and say to the American Government that you cannot go in and destroy them, it is no way to protect American lives.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Yates).

Mr. YATES. The gentleman from Arizona, my very food friend, premises his argument on the fact that there should be a permanent force of North Vietnamese in Cambodia and says therefore we ought to allow a permanent force of American troops in Cambodia or else permit them to come back at some time in the future if they are needed.

Mr. RHODES. Will the gentleman yield?

Mr. YATES. I will not yield.

Mr. RHODES. The gentleman is putting words in my mouth that I did not say.

Mr. YATES. I decline to yield. Let me finish my statement.

The President of the United States himself has said that he is going to stay in Cambodia for 6 to 8 weeks. We have taken him at his word by this amendment. The gentleman from Massachusetts proposes a limitation of funds for the appropriations beginning July 1, 1970, and to continue through the next fiscal year. The President would be permitted to have American troops in Cambodia to carry on their duties until June 30, 1970.

Mr. Chairman, I rise in support of the Boland amendment. I am opposed to President Nixon's decision to send American troops into Cambodia. The gentleman's amendment would limit the Cambodian expedition to June 30, 1970; it would permit the President the 6 to 8 weeks he said he would need for his purposes there.

Mr. Chairman, together with the country, I was shocked by President Nixon's decision to invade Cambodia. I thought it was an unfortunate reversal of the winding-down policy that we had been led to believe that the President was promulgating and that we were on our way to bring our troops out of Vietnam. His announcement that he had ordered the withdrawal of 150,000 American troops was accepted as being in line with this policy and then suddenly without consulting the Congress, instead of winding down the war, the President escalated it by sending American boys into Cambodia.

I consider the President's action to be ill considered, an action that will factionalize the country to an even greater degree than it is now and will loose explosive forces. It will exacerbate tensions that were quiescent. One has only to look at the press to see that every university campus in the country has been stirred into reaction against his decision.

Mr. Chairman, earlier today, I was visited by a young man who lives in my district, Peter Temple, who attends Haverford College. I was impressed by the young man. He said that the students at Haverford College were determined not to resort to violence, but they had to have some vehicle or path to follow to indicate their profound opposition to the President's decision. The whole college, all the students and the faculty, have decided to

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come to Washington today to speak to their Congressmen quietly, earnestly, to let them know their views in opposition to what the President has done. Peter gave me a statement of purpose issued by John R. Coleman, president of Haverford College; Thomas L. Gowen, president of the student council, and Stanley J. Murphy, past president of the student council. They announced their purpose as being "to express to our representatives the full depth of our concern for what the Cambodian crisis is doing to American life, and to learn from them what we can about that crisis."

They added:

> We take this unusual step of moving almost the entire College to Washington because we see no other way to respond rationally and creatively to this crisis. We have already seen the frightening consequences from the enlargement of the war in Southeast Asia. We have seen much of the educational process undermined in this past week as doubts, fear, and bitterness take over on campus after campus. We reject the thought that it is "bums" who fail to see the logic in widening a war in order to narrow it. We assert that it is thoughtful men everywhere that are troubled by the path now being pursued in Vietnam and Cambodia.
>
> We come to Washington, as members of an educational community, to speak out and to learn. We do not pretend to have any easy answers on which we unite. But we are united in our determination to act with courage, sense, and taste in expressing fear about what is now going on and hope about what Congress can do to save us from further calamity in Asia and further division at home.

Mr. Chairman, we must give the young men and women of this country the opportunity to express themselves and to know that their duly elected representatives are listening to them. This resolution offers that opportunity.

The day will come, Mr. Chairman, when the Executive will consult the Congress before taking the country into war, when Congress will insist upon it as we seek to do today in measure by the Boland amendment. The President should have done so in this instance before he ordered American boys to Cambodia. The constitutional provisions are clear. We cannot abide unilateral action of this kind by any President.

The gentleman from Arizona (Mr. RHODES) has stated that North Vietnam has stationed a permanent force in Cambodia. He argues, therefore, that the President should be able to move into Cambodia at will to battle that force as frequently as he wishes to do so. Such an argument gives substance to the fear that many Americans have that Cambodia has become a permanent battleground of the widened war, that if the President feels justified in moving our Armed Forces across boundaries of nations without the approval of Congress, he can do so if he deems it advantageous to advance our position in the war. Such an argument assumes the rightness of invading Cambodia not once, but as often as he desires to carry the war into Thailand or into such other countries as he deems necessary to support our goals in that war, all this without congressional approval. Such a thesis violates the Constitution and places too much power in the hands of the President. I am opposed to the doctrine of "the moving sanctuary," of attacking sanctuaries no matter where they may be.

I believe we ought to end the Cambodian invasion as quickly as possible and bring an end to this new Nixon doctrine. I will support the amendment of the gentleman from Massachusetts to limit our intervention.

Mr. Chairman, I discussed the situation in my recent newsletter to my constituents in which I said:

> President Abraham Lincoln told the story of his friend from Illinois who was a member of a group of visitors to the state penitentiary. After the group had viewed the entire institution and was preparing to leave, Lincoln's friend became separated and suddenly found himself alone and lost. Finally, after wandering through the corridors for a while, in desperation he turned to a convict who was looking out from between the bars of his cell door and cried: "Say, how do you get out of this place?"
>
> We have been trying for a long time to get out of the war in Vietnam but without success. In 1965 when large contingents of American troops were sent to Vietnam, briefings were initiated by the President for members of Congress at which "experts" from the Department of State and the Department of Defense would advise us on what was happening in the war. When we inquired, as we invariably did, how long they thought the war would last and whether there was any possibility of reaching an agreement with the other side of a ceasefire, the answer given was that there was no telling how long the war would last, that it would end not by any agreement but by the enemy "just fading away" after having encountered the massive power of our armed forces.
>
> The war, of course, has not faded away and it does not appear likely to do so in the near future. Rather than disappearing, it has suddenly taken new force and shape with major fighting in Laos and Cambodia.
>
> It was against this background that President Nixon made his statement on Vietnam last week, a statement that left many questions unanswered. Although he said nothing in so many words about the United States moving into Cambodia, his subsequent approval of sending captured communist weapons to the Cambodians, followed by Secretary of State Rogers' condemnation of the outbreak of fighting as "an invasion" would seem to indicate the President is flirting with intervention, an act which I believe would be disastrous and would escalate the war. I have written to President Nixon voicing my strong objection to any such participation on our part.
>
> In his statement President Nixon reaffirmed his policy of Vietnamization which is supposed eventually to shift the entire burden of carrying on the war to the forces of South Vietnam without the continued assistance of American troops. But it is such a long process. Even with the withdrawal of 150,000 Americans under the President's order over the next 13 months, at this time next year there will still be 250,000 American boys in service in Vietnam, many of whom will lose their lives as the war goes on. If peace is to come, it must come through agreement rather than Vietnamization.
>
> Although the Paris conference is presently at an impasse and although the President's statement discounted the chances for any fruitful discussions in this forum, I found some hope in the passage from his statement which read:
>
> "A fair political solution should reflect the existing relationship of political forces within South Vietnam. We recognize the complexity of shaping machinery that would fairly apportion political power in South Vietnam. We're flexible. We have offered nothing on a take it or leave it basis."
>
> If this passage means what it seems to say, it opens a whole new negotiating front because it indicates the President is not firmly and inexorably tied to the Thieu-Ky government. In my letter I urged him to reactivate the Paris negotiations with the appointment of a new ambassador of highest rank to represent us. I liked his use of the word "flexible." Flexibility on both sides can point the road to peace.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, every day that we are in Cambodia violates our Constitution. I support the Boland amendment as the best that can come through this House, but I think we ought to be out today.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, the sacred sanctuaries in Cambodia have cost the lives of unknown thousands of our finest young men. I was within 4 miles of that border last year myself. The commander of our post in this small town that I was in had lost his life because of the shelling from the safety behind the borders. These men are there and they are our finest young men. They are willing to die to protect the freedom of the South Vietnamese, the freedom of America, and the free world. Those sanctuaries should have been destroyed years ago. I do not think that Congress in this bill should be placing limitations on the actions of our President in his effort to not only protect the lives of our boys who are in South Vietnam nor this country's efforts to win military victory over the Communists in Southeast Asia.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, the purpose of this amendment is to keep our soldiers out of Cambodia after June 30, and I am all for it. We continue to divide our people and permit the fomenting of a condition that can only injure our Nation. The President said we shall only go 21 miles into Cambodia. This explodes the sanctuary theory, because beyond that area there will remain a permanent sanctuary. Hence what is the point to be gained? Let us get them out. Let us get them out as soon as we can, and if we can get them out by June 30, we will save so many more lives. Let us give the President the opportunity to carry out his pledge and pass the amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I am glad to yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the Boland amendment because I believe we never should have gone into Vietnam or Cambodia, and should withdraw from both areas as quickly as possible. I have sent the following telegram to the Secretary of the Interior, the Honorable Walter Hickel, which I would like to read. I emphasize that I am categorically opposed to violence, whether on the campuses, on the streets, or in Southeast Asia. Those misguided students and radicals who resort to rock-throwing, bottle-throwing, bomb-throwing and other forms of violence, including the burning of buildings, are inviting counterviolence and I deplore and denounce these tactics. By the adoption of the Boland amendment and a quick exit from both Cambodia and Vietnam, we can take positive steps toward peace in the world and tranquillity at home. Now I would like to read the telegram which I sent today to the Secretary of the Interior:

May 7, 1970.

Hon. Walter Hickel,
Secretary of Interior,
Washington, D.C.:

Heartiest congratulations to you on your courageous letter to the President. It has been a sad week in American history, and developments in Cambodia and on the college campuses have left millions of Americans confused, frustrated and disillusioned. The fact that a member of the President's cabinet has the courage to speak out in the frank terms lends new faith to those who are deeply concerned about the future of our nation. I trust that statements like yours can be accompanied by a spirit of cooperation, communication and better understanding between high Government leaders and all the people of this nation. Words alone cannot unit this nation, yet words have been misused to accentuate divisions among our people. Millions of determined Americans are anxious to reverse this war madness and once again place the priority where it belongs—on the life and dignity of human beings, and their ability to live and breathe in a healthy environment. As one whose official responsibilities extend to our environment, I once again congratulate you for your leadership and urge you not to retreat in your determination to hold to the views expressed in your letter to the President.

Congressman Ken Hechler.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, what will be absolutely essential and necessary to our interest and our safety months from now, no one here today knows, or can know. Yet here on this floor this afternoon, acting under political pressure, and some of us seeking to make political headlines, we are asked, as to this particular President, to circumscribe the powers of the President of the United States, powers which he has exercised as Commander in Chief of the Armed Forces since the very earliest days of the Republic. It is an ill-considered thing, Mr. Chairman, which we ought not to do.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. William D. Ford).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the Boland amendment because it is the only opportunity we will have to express ourselves on the question of whether or not we approve of sending American troops into Cambodia. We tried to get a clear expression on this issue yesterday and failed. We were not consulted by the President before the fact was accomplished. We now are doing the very best we can with this amendment to express our appeal to the President not to further broaden the war and our involvement in Indochina.

I suggest to the gentleman from Arizona and others who are so deeply concerned about what our actions here may say to the North Vietnamese that they pay a little bit more attention to what our actions here today are saying to the young people of this country. They are looking to us with the question on their lips, "Can the political system of this country deal within the framework of our Constitution with the most serious question dividing this country today?"

Mr. Chairman, if we leave here today as we did yesterday demonstrating the fact that we are incapable of even taking the President at his word and preventing further expansion of the war we will be saying to every young person in the country that the Government of this country and its institutions are impotent and incapable of dealing with this serious and direct threat to the very foundations of our Nation.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from California.

Mr. COHELAN. Mr. Chairman, I would like to compliment the gentleman from Michigan and to associate myself with his remarks.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman.

Mr. BRASCO. Mr. Chairman, I rise in support of the Boland amendment and suggest that the way to cure the dilemma that this House faces is to take positive action on the Boland amendment today.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. Giaimo).

Mr. GIAIMO. Mr. Chairman, I rise in support of the amendment which has been offered by the gentleman from Massachusetts (Mr. Boland).

Our policy in Southeast Asia is bankrupt and very clearly is flying in the face of the realities which exist in that area of the world.

We have spent billions and billions of dollars; we have sent hundreds of thousands of troops; we have assisted the South Vietnamese in their efforts to Vietnamize the war and still the war drags on and on and on interminably.

Mr. Chairman, I am convinced, as I am certain are many of the American people, that we must act favorably on this amendment to demonstrate Congress' determination to deescalate the war and to reduce the American position in that struggle. Our entry into Cambodia flies in the face of that policy.

Mr. Chairman, in my opinion this is a very positive manner in which the Congress can assert its prerogative and show its leadership in trying to reduce the American effort in Southeast Asia.

Mr. Chairman, I support the amendment which has been offered by the gentleman from Massachusetts (Mr. Boland).

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Waldie).

Mr. WALDIE. Mr. Chairman, the invasion of Cambodia seems to me to be an incredible admission by the administration of the failure of the President's highly touted Vietnamization policy. If 1.2 million South Vietnamese under arms cannot defend the leisurely withdrawal over a period of several years of 200,000 American troops from that country, unless the enemy is entirely destroyed by American troops, then Vietnamization means the South Vietnamese will be able to stand alone in South Vietnam only when the American Armed Forces have destroyed the enemy. That was the policy of the prior administration.

Mr. Chairman, I cannot think of a worse policy for this country to engage in and of a worse action than that which the President engaged in last week.

The President should take his eyes off the jungles of Cambodia for a moment and look at his own country. His concentration with the glamor of military strategy has prevented him from noting that his policies are causing convulsions of violence and dissent in this country. Whatever temporary military advantage might be gained by expanding this war will seem of no consequence if American society erupts into violence and chaos as a result. That tragedy is not remote but is real and present.

Lyddell-Hart, the great western military strategist, laid down a basic limitation on all military tactics. No matter how wise and effective a proposed military tactic might seem its effectiveness is limited by the adage, "He who pays the piper, calls the tune."

Mr. President, the youth of this Nation, the mothers and fathers, the wives and sweethearts, those who "pay the piper" of your dangerous attachment to military solutions in Vietnam, are sick, disillusioned, angry and lack confidence in you and this administration. They are now "calling the tune," Mr. President, and the lyrics of that tune are simple and strong—"end that war and do it now and not by expanding it."

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. WALDIE. I yield to the gentleman from New York (Mr. Lowenstein).

Mr. LOWENSTEIN. Mr. Chairman, I want to associate myself with the remarks that were made by the gentleman from California, and to ask how we are going to Vietnamize the war in Vietnam by Americanizing the war in Cambodia?

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, I do not intend to take much time because we discussed this at great length yesterday. The issue now is the same as it was when we debated the Leggett amendment—it is whether this body is going to assert itself on the question of Cambodia.

As the gentleman from Massachusetts (Mr. Boland) has said, his amendment is substantially similar to the amendment adopted by the House last year. It was then known as the Church amendment, and it provided that no expenditures shall be available for American ground combat forces in Laos and Thailand. The amendment offered now by Mr. BOLAND would merely add Cambodia to that list.

This is a very mild amendment. It does not hinder what President Nixon proposes to do because it does not go into effect until July 1. It does not endanger any of our troops. Therefore, I think the House should assert its authority and approve this amendment.

I supported the Leggett amendment and I now support the Boland amendment because I think we in this body must speak up—and speak up loudly and clearly—to the people of this great Nation. They are looking to the Congress for guidance at this critical period, and I think we must respond—now.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, we are in the debt of our distinguished colleague, the gentleman from Massachusetts (Mr. BOLAND) for offering this absolutely reasonable and sensible amendment. The time has come, notwithstanding all the rhetoric to the contrary, for this body to exercise our responsibility in this regard. It is a reasonable, thoughtful, and constructive amendment, and I associate myself with the statements of those who support the amendment. Actually it is, in essence, one more opportunity for us to express our opposition to the war in Vietnam and Cambodia. We shall continue such efforts until we have the victory which Mr. BOLAND's amendment deserves.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MOSS.)

Mr. MOSS. Mr. Chairman, the gentleman from Massachusetts has afforded us an appropriate opportunity to speak out responsibly here in Congress—and if you need evidence that we need to speak out, then read the ticker tapes out in the Speaker's lobby, and you will find that the Nation has a great number of its colleges and universities closed at this moment.

We find that the Commanding Officer of the National Guard Bureau has authorized the use of National Guard personnel as night watchmen around this Nation. It reads almost like a war communique here in this Nation, and that has been brought about primarily because of the very unwise action taken by the President in acting without the sanction of the Congress.

Mr. Chairman, I think the very least we can do is to take him at his word and give him his 8 weeks, and cut off the funds for fiscal 1971.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, we covered this ground at great length on yesterday. Now we are preparing to do it over again. May I simply say that I for one do not intend to tie the hands of the President in any way in this matter, none whatsoever, because he is my President as well as yours, and what we should do is support the President of the United States in this case whether you agree with him politically or not.

I have here two news releases which have just come out which indicate in very clear fashion that progress is being made, in Cambodia. At the moment it appears we are on the road toward doing what the President and the country had hoped we would be able to do.

As of this very moment we have captured almost—almost—1 million total rounds of ammunition. This means 1 million less rounds of ammunition that are going to be shot at our American boys just across the Cambodian border in South Vietnam.

Likewise I have a Reuters dispatch which has just come in over the wire, and it says:

> An Allied force today claimed it captured the Viet Cong headquarters, which was the target of the invasion of Cambodia.

Mr. Chairman, this proves that we are moving in the direction we had hoped to move, and I would trust that Congress would do nothing at this particular time to slow down what appears to be real progress in our efforts to destroy the sanctuaries in Cambodia.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM.)

Mr. BINGHAM. Mr. Chairman, at the meeting Tuesday President Nixon told the members of the Committee on Foreign Relations and the Committee on Foreign Affairs, and I quote:

> We expect the Soviets to protest our action (in Cambodia) just as we protested their invasion of Czechoslovakia.

That is quite an equation. I am not suggesting that Mr. Nixon regards the two actions as comparable, but I am suggesting that when he made his decision on Cambodia, President Nixon seems to have forgotten the precept of our Founding Fathers that we should show a decent respect for the opinions of mankind—and the opinions of mankind include the opinions of young Americans as well as the opinions of people around the world.

Mr. Chairman, I believe the adoption of the Boland amendment would go some way to repair the damage that has been done.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I am sure we are all very happy to hear the report a few minutes ago from the distinguished minority whip, who stated, as the President had indicated, that the objectives are being met and that we are destroying the enemy's capability of killing American men in South Vietnam.

I think that since the President said we would be out of there by July 1, and since this amendment of the gentleman from Massachusetts does not take effect until after July 1, that we should all give the President a vote of confidence by supporting this amendment, and then we can all go home very happy this afternoon.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I was alarmed on reading the newspapers just a few minutes ago, one of the late releases that came out, that I understand really violates the President's pledge to the members of the House Committee on Armed Services and the Senate committee that American ground forces would penetrate no more than 20 miles or 30 miles into Cambodia. I understand now the U.S. Navy is now floating up the Mekong River all the way to Phnom Penh.

I say that we ought to save the President from some of the wild desires of some of the military leaders.

He said in response to my questions down at the White House the other day—I said, "Do you need American ground forces in Cambodia in the next fiscal year?" He said, "Congressman, I want to assure you that I will have the 'head' (that is a paraphrase)—of the Chairman of my Joint Chiefs of Staff if we have them there after July 1."

So I say the amendment of Mr. BOLAND is directly in point and should be supported.

As to the arguments that have been made that this is a partisan effort, I remind again the distinguished minority whip that GERRY FORD, 2 years ago said the following to President Johnson on hot pursuit in Cambodia.

> [From the Washington Post, Jan. 10, 1968]
>
> CONSULT HILL ON "HOT PURSUIT," FORD ASKS
>
> House Republican Leader Gerald R. Ford called on President Johnson yesterday to clear with Congress before committing U.S. troops to any "hot pursuit" of Communist troops across the Cambodian border from Vietnam.
>
> "Personally I feel they have not made a case for hot pursuit," he told a news conference in commenting on current Administration efforts to bar use of Cambodia as a Communist sanctuary in the war.
>
> "It is important that they [the Administration] come to Congress, present the problem, and get our concurrence before they adopt a new policy of hot pursuit. This would be a drastic change," he said.
>
> Ford said he believes North Vietnam is displaying a "change of attitude" that could lead to negotiations and an end to the war, but he warned against any cessation of U.S. bombing until Hanoi also scales down the conflict. At a minimum, he said, North Vietnam should halve the flow of manpower and supplies across its border into South Vietnam.

XUM

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, one element of this discussion that disturbs me is the repeated suggestion that somehow those of us who are concerned about the effect on young people in this country of the unauthorized extension of the war are less interested in the effect of the extension of the war on the young men who are in Vietnam. That suggestion is insulting to the intelligence of those who make it. It implies that they do not understand that bringing home soldiers involved in pointless wars is in fact the best way to diminish the risks borne by those soldiers.

The point of course is that passing

this amendment will help all the young people of this country, the young people here and the young people in Vietnam as well—and the not so young people too. It will help the United States, because it can help to spare us further bitterness, and to save lots of money. It can increase faith in the constitutional processes of this country at a time when that would add measurably to our national security. Above all, it will save a great many lives that need not be lost.

It may even help to save us from ever undergoing again the horror of young Americans in uniform shooting other young Americans on a sunny field on a pleasant campus near the heart of this country.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman.

Mr. RYAN. Mr. Chairman, today the House has an opportunity to rectify the errors of yesterday, when debate on the issue of Cambodia was cut off, and when the House failed to pass any amendments to the military procurement bill, H.R. 17123, expressing opposition to the President's unilateral, unauthorized action in sending American ground combat troops into Cambodia. It is 1 week since President Nixon's announcement that American troops had been ordered into Cambodia, and today, the press reports that 20,000 American troops are in that country.

The gentleman from Massachusetts (Mr. BOLAND) has offered an amendment to H.R. 17399, the second supplemental appropriation bill for fiscal year 1970, barring any utilization of fiscal year 1970 funds for American troops in Cambodia.

It is essential that Congress exercise the power of the purse to curb the administration's appetite for military answers to the political problem of Vietnam.

The amendment is entirely in line with the similar provision adopted last December 15 by the Senate, and agreed to by the House accepting the conference report on December 18, 1969, which is section 643 of the Department of Defense Appropriation Act, Public Law 91-171, for fiscal year 1970. It reads:

> SEC. 643. In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground troops in Laos or Thailand.

Today we seek to expand the import of this provision to include coverage of Cambodia. It is really not even an expansion of the previously enacted legislation embodied in the Defense Department appropriation bill, but the filling in of a gap unintentionally left by the Senate and House last December. At that time, details of the secret war in Laos and the administration's commitments in Thailand were beginning to come to light. The language then passed was an expression of congressional determination that American ground combat troops would not be used outside of Vietnam. At that time, no one even considered that the President might take the unthought-of action of invading the neutral nation of Cambodia. Had the thought occurred, clearly section 643 would have covered this possibility also. The Senate debate makes this conclusion clear, for the concern of the Senate—a concern which the House must be presumed to have shared in accepting the Senate-passed amendment—was expansion of the war in Southeast Asia.

But, the past aside, the matter of major concern now is that American ground combat troops are in Cambodia. No semantic doubletalk is available to the Pentagon, which has chosen in the past to define "ground combat troops" as excluding "advisers." Here the situation is starkly clear, and clearly extreme.

This amendment would deprive the President of the funds to conduct his new war in Camboda. It offers the House an opportunity to assert its constitutional responsibility on the question of war and peace. There was a sound reason why the Constitution states that no appropriation of money for raising and supporting an army shall be for a longer term than 2 years. It was so that the people through their elected representatives would be able to exercise control over the military. Let us do so now.

TROOPS IN CAMBODIA

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Chairman, I am opposed to the Boland amendment. I believe this would tie the hands of the President of the United States.

This war in Cambodia started 4 years ago when the Communists from North Vietnam invaded Cambodia and built their sanctuaries along the Cambodian boundary line. These sanctuaries are what we are going to destroy.

Now let us face the fact that we are being successful. But what you say is that we can be successful only once. You are saying the North Vietnamese can come back and build their sanctuaries, but we cannot go in and destroy them a second time. You are denying the President of the United States, as Commander in Chief of the Armed Forces, the right to protect American lives if the Communists return and rebuild their sanctuaries.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Texas (Mr. MAHON) to close the debate.

Mr. MAHON. Mr. Chairman, we cannot write war strategy from the floor. A vote on this amendment does not indicate whether one is for or against involvement in Cambodia. A vote against the amendment would support the President, the Commander in Chief of the Armed Forces—and affirm that we do not propose to tie his hands, and that we hold him to his commitment to bring the war to a successful conclusion and at the earliest possible time.

Mr. Chairman, it is not possible to reconstruct or rehash the arguments of yesterday on amendments similar to the one facing us today. But on yesterday the House voted such amendments down by substantial margin.

I think it would be unfortunate, in the eyes of the country and the world, if the House should reverse itself without any substantial reason within a 24-hour period. We must undertake to act responsibly. All Members want to see the war ended on honorable terms at the earliest possible date.

I urge the defeat of the Boland amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND and Mr. MAHON.

The Committee divided, and the tellers reported that there were—ayes 94, noes 163.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI

GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided therein.

SEC. 602. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1970, limiting the amounts which may be expended for personal services, or for purposes involving personal services, ar amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. VANIK: On page 46, after line 23, insert the following:
>
> "SEC. 603. None of the funds contained in this act available to the Inter-American Bank shall be used directly or indirectly as grants or loans to officers or members, of the staff, of the Inter-American Bank."

Mr. VANIK. Mr. Chairman, some time ago I was shocked to learn that the Inter-American Bank has been making extensive loans to its officers and to its staff.

Mr. Chairman, I have discussed this amendment with the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, the distinguished gentleman from Louisiana (Mr. PASSMAN), and I should like to ask at this time if the gentleman from Louisiana could tell me whether I am correct in understanding that over 200 loans have been made to members of the staff and officers of the Inter-American Bank?

Mr. PASSMAN. Mr. Chairman, in response I should like to say to the distinguished gentleman, that is correct. There have been over 200 loans made to members and the staff of the Inter-American Development Bank. It is also true that the Asian Development Bank makes the same sort of loans.

Mr. VANIK. I should like to inquire what kinds of loans these are. Are these personal loans, property purchase loans, or home modernization loans? What type are they?

Mr. PASSMAN. It is a combination of many. In some instances they make home purchase loans. In other instances it is merely a loan over a signature.

Mr. VANIK. Will the distinguished gentleman advise me and advise the members of this Committee as to whether or not the American representative on either the Inter-American Bank or the Asian Development Bank has had access to the information concerning the beneficiaries of these loans or the extent of these loans?

Mr. PASSMAN. I do not quite understand the gentleman's question.

Mr. VANIK. I should like to inquire whether or not the American representative on either the Inter-American Bank or the Asian Development Bank has any information concerning the extent of the loans or the beneficiaries of the loans. Is he advised of this practice?

Mr. PASSMAN. I can only speak with respect to the Asian Development Bank. During our hearings we asked our Director on the Board of the Asian Development Bank if he could furnish us with the names of the individuals borrowing the money, the terms and the amounts, and he said that information was restricted by the President of the Bank. Our own Board member was not privileged to have access as to the amounts of the loans to the employees of the Asian Development Bank.

Mr. VANIK. Last year, as the gentleman will recall, he made an extensive inquiry concerning whether or not American employees of either of these banks resident in the United States paid Federal income taxes. Can the gentleman advise the Committee whether or not these employees at the present time pay income taxes to the United States?

Mr. PASSMAN. This being an international organization, of course the emloyees do not pay any income taxes on their salaries. They pay no income taxes on their salaries notwithstanding the fact that they are domiciled here in the United States.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I commend the gentleman for his amendment, and I urge the Committee to accept it. The time is long past due for the placing of restraints on the use of International Bank funds to which Americans have contributed billions of dollars.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield further?

Mr. VANIK. I yield further to the gentleman from Louisiana.

Mr. PASSMAN. Of course, I do not have the right to accept the amendment, but I am going to support the gentleman's amendment.

The gentleman may recall that I discussed with him earlier the fact that I intended to write this into the legislation this year, providing certain restrictions. As he knows, there will be a request for an additional $900 million for the Special Fund for the Inter-American Development Bank. We are going to have an additional request for the Asian Development Bank. I thought at that time we would place a limitation on this type of practice, so as to stop the policy of making loans to employees.

It is rather unusual, of course, to have employees living in the District of Columbia and borrowing money from one of these international organizations. They pay no income taxes. Some of these loans are made at interest rates as low as 2 percent. It is time to stop this. That was not the purpose of our country making contributions to these international organizations.

I should say to the gentleman, when we move this money into international organizations we lose the right of an audit and we lose the right to make an investigation or interrogation on the individual projects. It is time that the membership understands fully what we are actually doing.

I commend the gentleman for offering this amendment. If he had not offered the amendment I intended, if the Committee would support me, to write a provision into the regular bill, which would have prohibited this kind of practice.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. PATMAN, and by unanimous consent, Mr. VANIK was allowed to proceed for 3 additional minutes.)

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am glad to yield to the chairman of the Committee on Banking and Currency.

Mr. PATMAN. I commend the gentleman for his statement. His statement is shocking to me. I am grateful to him for bringing this information to the attention of the House. Do you have the information that you could submit in the record about the number of these loans?

Mr. VANIK. I do not, but I will be happy to yield to the chairman of the Foreign Aid Subcommittee for that information.

Mr. PATMAN. If the gentleman from Louisiana, the distinguished chairman of that committee, will insert the information, I think it would be a very wholesome and helpful thing. Something should be done about it. It is unthinkable that employees in a tax-exempt status really are allowed to borrow from their own organization, their master and their employer, public funds that are tax exempt.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman.

Mr. PASSMAN. This is a sad state of affairs. I have been inclined to point out to the membership of this body for many years as to just what would happen when you move assistance into these international organizations. I am requested by the Secretary of the Treasury not to reveal the list of these people who borrow these moneys, or the amounts, or the interest that they pay. I have the Secretary's letter, and I am going to ask the distinguished chairman of the Committee on Banking and Currency to see if he cannot get the Secretary of the Treasury to permit me to place in the record the names of the individuals, the amounts of the loans, and the rate of interest that they pay. They give varied reasons why the information should not be made public.

Mr. PATMAN. Will the gentleman yield?

Mr. PASSMAN. If the gentleman will permit me to finish. As far as the Asian Development Bank is concerned, which is another international organization, our board member on that Bank is not privileged to know about these loans, either the amounts or the interest rates. The President will not even let our board member have this information. If you want any additional information on that, I suggest you read my hearings and you will find out for yourself that he is not privileged to receive that information.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman.

Mr. CASEY. I wonder if this is not a better rate of interest than they get on other loans.

Mr. VANIK. I do not know. We are not privy to the rate of interest, and I hope that the chairman of the Subcommittee on Foreign Aid will accept my amendment.

Mr. PASSMAN. I do not have the right to accept it, but I will certainly vote for it.

Mr. BLACKBURN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment because I do not think most understand what we are doing. The Asian Development Bank and the Inter-American Development Bank both come under the jurisdiction of the Committee on Banking and Currency. As a member of that committee, I did not know that these loans were being made until recently. I would certainly cooperate with the chairman of my committee fully in investigating and finding out what is going on.

When it came to my attention I called the institutions involved to find out what these loans represented. They are small loans that are made to employees. Many of these employees have moved to this country from other parts of the world. Their credit is no good and therefore they cannot borrow from an established banking institution in this country. Therefore, it is necessary that they borrow money to set up housekeeping and be able to maintain themselves while they are getting established here. I do not think we want to legislate matters of that substance on this floor without knowing what we are doing. If these employees are not paying the full rates of interest, then I will cooperate fully with the committee chairman to see to it that if they borrow money, they pay the full rate of interest. But they are paying back the loans. You will create a considerable amount of hardship on these employees and it will not do our country any benefit.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

XUM

Mr. BLACKBURN. I yield to the gentleman from Iowa.

Mr. GROSS. What is wrong with foreign governments of those countries providing the credit necessary to finance their own employees in this or any other country? Why should we do it?

Mr. BLACKBURN. They are not employees of government. They are employees of international banking institutions.

Let us first examine what we are doing and then let us legislate. Let us not work a hardship upon these people who come here under these circumstances.

Mr. GROSS. I am absolutely opposed to American taxpayers making money available to an international bank to build a golf course for its employees.

Mr. BLACKBURN. I agree.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Louisiana.

Mr. PASSMAN. It is just this simple. These international organizations provide good jobs for these Americans and some other foreign nationals. They have good salaries. They can borrow money at the commercial banks just like we can.

Mr. BLACKBURN. I am sorry, but I must interrupt the gentleman because I wish to complete my statement. I cannot yield further to the gentleman at this time.

Mr. PASSMAN. Well, I will get my own time later.

Mr. BLACKBURN. I do not want to see us do anything which would greatly adversely affect these people, until we have conducted adequate hearings, which are scheduled this summer. I will fully cooperate in legislation to prevent abuses but we should have all the facts before us.

Mr. GROSS. Why do their own governments not provide the credit for them?

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

RESTRICTION AGAINST LOANS TO OFFICERS AND STAFF OF INTER-AMERICAN BANK

Mr. Chairman, the members of the Banking and Currency Committee no doubt are more familiar with this situation than most of the rest of us. You have heard briefly from the gentleman from Louisiana, and he is going to seek additional time on his own.

From what I know of the matter as a result of this recent discussion, I can see no obvious reason why the amendment should be opposed. I expect to vote for the amendment—and I would assume that the amendment would be approved by the House—as it seems to be meritorious.

However, I must agree that we do not have the full facts in regard to the situation. I am sure the Subcommittee on Foreign Operations of the Committee on Appropriations and the Banking and Currency Committee will go thoroughly into this whole matter. But as of this time, it seems to me that the amendment should be adopted. The gentleman from Ohio had intended to offer the amendment earlier, but at that time the pertinent paragraph of the bill had been passed, and I was not aware of the import of the amendment.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, the members of the Subcommittee on Foreign Operations of the Committee on Appropriations seem to favor this amendment. Therefore, in an effort to save time and inasmuch as we know it is going to be adopted, I would suggest we accept it and get on with the business.

Mr. MAHON. Insofar as I am concerned, I accept it.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Is it not a common practice in banking operations in America that an officer and very often employees of a bank are not granted loans from that particular bank? In other words, if they desire to borrow money, they must go to another institution with which they are not affiliated in order to borrow money?

Mr. MAHON. I am not fully familiar with banking practices, but no doubt certain safeguards are provided.

Mr. THOMPSON of Georgia. So, it would seem to me we would be placing no undue hardship upon these individuals if we should say to them that they would have to go to another banking commercial source in order to obtain their money.

Mr. PASSMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it was my purpose to stay out of this debate on this occasion and discuss the matter with the distinguished minority member from Kansas (Mr. SHRIVER) in the hopes that we could come up with some type of limitation which the committee could support on the regular bill. But it is just this simple. With reference to the two international organizations which we have examined this year—and we may limit our discussion at this particular moment to that of the Inter-American Development Bank—most of these employees draw good salaries and many of course are domiciled right here in the city of Washington because the Inter-American Development Bank is domiciled here.

I am not quarreling with the fact that they do not have to pay any income tax on their salaries because they work for an international organization and we extend to these U.S. employees the same consideration that we extend to foreign nationals who would be working with the bank, even though that is quite a concession. But many of these employees draw their salaries here, and they can borrow money locally.

But, Mr. Chairman, when you build up to where there are over 200 loans made by the banks to their employees, and at a concessionary interest rate, then to me it is wrong because it aggregates several hundreds of thousands of dollars.

This is also true in the case of the Asian Development Bank, but in the case of the Asian Development Bank the President there is so arrogant that he will not disclose to our own board members the amount of these loans.

Mr. Chairman, I hope that this amendment will be adopted, and I hope at some subsequent date that the subcommittee, which I have the honor to chair, working with the distinguished Member from Kansas (Mr. SHRIVER), and the other Members will write legislation completely prohibiting this practice, because it will continue to grow and grow.

Finally, Mr. Chairman, let me say, if I may, that the Asian Development Bank, for the first year of its operation, made a lot of money. In fact, we borrowed some of our own money back.

Mr. SHRIVER. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the distinguished gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I appreciate the gentleman yielding to me.

I have just now had the opportunity of reading the amendment, and I see no objection to it, and the ranking member on our subcommittee, the gentleman from Louisiana (Mr. PASSMAN) agrees.

Mr. Chairman, I urge the adoption of the amendment.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, I would ask the gentleman from Louisiana: Is there any doubt but what we have the authority to act here to bind an organization, made up of several countries, by an amendment?

Mr. PASSMAN. Mr. Chairman, I would say to the gentleman first of all that in this particular organization we put in about 40 percent of the last request for capital, and I do not know why we should not write a limitation into it. If we did not, it would make a mockery of the legislative process to even write such legislation in the beginning.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. PASSMAN. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I have looked at this loan list, which I have seen for the first time, and I notice that almost all of the borrowers have Spanish names.

The first page contains the names of 44 borrowers. Most of the loans are in the area of $1,000. None is over $2,000. I notice that is typical throughout this list. They are apparently small loans.

However, on succeeding pages I find one loan relating to home improvement for $10,000, and another one for $14,000. These are the biggest ones that I see on this list. There are a total of 239 loans.

I am not so sure we have discussed this problem in the context of reality too well, but I still support the amendment offered by the gentleman. I would hope, however, that there have been no improprieties.

Mr. PASSMAN. Mr. Chairman, I would only add further that from little acorns big trees grow. If we do not stop this now it will not be too long before all of the employees will utilize this method of securing loans, and do not forget, at concessionary interest rates.

XUM

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that we have reached practically a consensus with respect to this amendment. I shall join in support of the amendment, but I thought that this was an appropriate and important time to discuss some ramifications of this problem.

We are acting with regard to a restriction of limitation to deal with a specific problem. That is fine, but the problem is far broader than that, as the distinguished chairman of the Subcommittee on Foreign Operations has alluded. We have struggled with this question from time to time.

Suffice it to say that in the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs, we are examining the foreign policy implications of U.S. participation in the Inter-American Development Bank, particularly of the recent pledges relating to additional capitalization—which pledges involve a huge sum of money on the part of the United States.

The Committee on Banking and Currency will shortly take up the question of the administration's request with respect to that additional capitalization.

But the problem with which we are struggling in the Inter-American Affairs Subcommittee is a problem that is going to be increasingly troublesome as we attempt to multilateralize our foreign policy undertakings affairs in that it is extremely difficult for us, at the policy level, except in the Department of the Treasury, to obtain information that we need upon which to make our evaluations and our judgments both from a foreign policy standpoint and from a financial standpoint.

We passed an amendment in this House a couple of years ago, pertaining to this very same inter-American institution, in an attempt to get the kind of information that would be produced in any comprehensive audit. We found that they did not have any such audit. All that was being done was a financial audit.

Finally, as the result of an amendment adopted in this body upon the initiation of the Inter-American Affairs Subcommittee, an agreement was reached between the General Accounting Office and the Secretary of the Treasury with respect to the guidelines for comprehensive audits that should be instituted by the affected institution. But that audit will still be primarily internal. There remains the question and the problem, therefore, for the Committee on Banking and Currency and the Committee on Appropriations and the Committee on Foreign Affairs and the Congress to get all of the detailed information to make sound judgments with respect to putting funds into multilateral institutions and the foreign policy implication of such decisions.

It is that problem that is going to have to be resolved at the very highest levels in this Government, if we are going to have some kind of coordinated foreign policy and some kind of intelligent handling of funds which we are putting into the Inter-American Development Bank and other multilateral institutions.

Mr. REES. Mr. Chairman, I move to strike out the last word.

I am very much opposed to this amendment because it adversely affects the International Development Bank and indirectly the Asian Development Bank.

These are important multinational banks, not American banks. The people who work for these banks are international civil servants. They do not work in the United States or Argentina or Colombia or in any specific country. They are international civil servants working for this multinational bank.

When they come to this country they do not have a credit rating. I do not care if they are making $2,000 a month, they do not have a credit rating. They have to live here for a while before they can go to a commercial bank and borrow on their signature and against their pay the $1,000 or $2,000 they need to settle their family here.

It is a problem that we definitely have with the Asian Development Bank now moving to Manila, Philippine Islands. They do not have credit ratings so they have to borrow from the institution they work for.

We should not be so shocked. We have a very good bank here in the House that has a very good interest rate. Quite a few of us, I suspect, have used that bank for borrowing. And with the IDB we are talking about people who do not have a local credit rating who have extra money needs as international civil servants when they move to a new country.

This is the type of loan fund that we are going to cut out. I really do not think this type of amendment is legal because the funds are funds of the bank and not the funds of the United States.

I do not think this amendment has any effect because we are talking of an international bank and not a United States bank or a Treasury bank.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. The gentleman from California is making a point that troubled me as soon as I found out what the amendment is about.

It is an intriguing amendment, but I just wonder what kind of policy we will be pursuing if we dictate to an international organization composed, I think, of some 22 member nations. It seems to me it might not only be a bad way to legislate, but bad diplomacy in dealing with all the other member nations.

Mr. REES. I agree it is bad diplomacy. I think we will hurt a lot of small people who serve this bank as international civil servants who, when they come here do not have funds available.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I join the gentleman in his remarks in opposition to this particular amendment.

At this particular time, I say to the members of the committee, that we will have before the next 6 weeks supplemental funding hearings asking for funds both for the Inter-American Development Bank and the Asian Development Bank.

I say to the gentleman that once again I agree with the majority leader that this is an international member civil organization, and I say to the House once again and the majority leader that we can no more, in my opinion, do to the Inter-American Development Bank what this amendment would do at this particular time than, for example, we could do to the United Nations. This committee could control, perhaps, funds to Cuba, but we do not go to the individual employees of the United Nations and tell them where they can or cannot borrow money. I think we have a direct parallel to that particular situation. I join the gentleman from Ohio in asking the chairman of our committee, the gentleman from Texas, to thoroughly go into the subject of this amendment, and where legally we have the right, we should act.

I want the gentleman to know I agree in principle with him. We should let our Banking and Currency Committee thoroughly check this out.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Ohio.

Mr. VANIK. Is the gentleman able to tell us what the rate on those loans is? I will tell the gentleman I have every reason to believe it is a most favorable rate, not available to anyone else in the United States.

Mr. REES. Like the rate that we have in the House Bank.

Mr. VANIK. No; this is a preferential, low-interest loan, a rate that is not available to anyone else in this community.

Mr. REES. I suspect that when the Banking and Currency Committee looks at this, they will go into the subject of interest rates.

Mr. GROSS. Mr. Chairman, I move to strike the next to the last word.

Mr. Chairman, apparently about all some people think the taxpayers of this country should do is provide these international banks with money. Just give them the money and let them do whatever they please with it.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Louisiana who has had long experience with this subject.

Mr. PASSMAN. A Member came to me earlier and said, "As chairman, why did you not reduce the supplemental request?"

The reason was the executive branch said no, this is a commitment. We made the commitment to other member countries to furnish all the money that we are requesting. However, if we turn all the operations over to the internationalists, we will not be able to control the funds provided by the United States. I think we have a perfect right to prevent these people from taking our money and making these loans at a concessionary interest rate to employees of the bank, and I certainly hope that this amendment is adopted. It will demonstrate that we have a little courage in this Congress, not yielding every time to some internationalists who are spending our money.

Mr. GROSS. I thank the gentleman.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. CASEY. The gentleman will recall that about 3 years ago I called attention to the fact that one of the international organizations is building a country club out here on River Road.

Mr. GROSS. The gentleman is correct.

Mr. CASEY. If the gentleman has been in that area, he has observed that it has developed really well. I do not know how many millions of dollars they have in that country club. Again, this is a situation about which we are told we have nothing to say since it is an international organization.

Mr. GROSS. It is my recollection that the cost of the land alone for that country club was about $2 million.

Mr. CASEY. No; only about $1.5 million. They have since built a golf course and put in a club. You and I do not have anything to say about it; we merely furnish money for it.

Mr. GROSS. If foreign governments cannot lend a hand to settle their employees in this country or anywhere else, then they had better get out of these international banks because they are bankrupt anyway.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. VANIK and Mr. REES.

The Committee divided, and the tellers reported that there were—ayes 69, noes 63.

So the amendment was agreed to.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time for the purpose of informing the Committee that if the previous question on the motion to recommit is voted down—and I trust it will be—I intend to offer an amendment to the motion to recommit embodying the amendment which I offered in the Committee of the Whole; a straight vote on whether or not we ought to permit any American ground combat forces in Cambodia in fiscal year 1971. This House should face this issue squarely and on a roll call vote.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'HARA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CEDERBERG

Mr. CEDERBERG. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CEDERBERG. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. CEDERBERG moves to recommit the bill H.R. 17399 to the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOLAND. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 222, nays 134, not voting 73, as follows:

[Roll No. 107]

YEAS—222

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bennett
Betts
Bevill
Blackburn
Blanton
Boggs
Bow
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Collins
Colmer
Conable
Corbett
Cowger
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Devine
Diggs
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Feighan
Findley
Fisher
Flood
Flynt
Foreman
Fountain
Frey
Fulton, Tenn.
Fuqua
Garmatz
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Gubser
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harvey
Hastings
Hébert
Henderson
Hogan
Holifield
Hosmer
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Long, La.
Lukens
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
McKneally
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
May
Mayne
Michel
Miller, Calif.
Mills
Minshall
Mize
Mizell
Montgomery
Morgan
Morton
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Passman
Patman
Pelly
Perkins
Pettis
Pickle
Pirnie
Poff
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Sebelius
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitehurst
Whitten
Williams
Winn
Wright
Wyatt
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—134

Adams
Addabbo
Anderson, Calif.
Ashley
Barrett
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Carey
Cleveland
Cohelan
Conte
Conyers
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
Derwinski
Donohue
Dulski
Dwyer
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Farbstein
Fascell
Fish
Ford, William D.
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Gaydos
Giaimo
Gibbons
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCloskey
McDade
Macdonald, Mass.
Matsunaga
Meeds
Mikva
Miller, Ohio
Minish
Mink
Monagan
Morse
Mosher
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Pepper
Philbin
Pike
Podell
Powell
Preyer, N.C.
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
St Germain
Scheuer
Shipley
Stafford
Staggers
Stokes
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waldie
Whalen
Widnall
Wolff
Wydler
Yates

NOT VOTING—73

Andrews, Ala.
Bell, Calif.
Berry
Blatnik
Bray
Brock
Brown, Calif.
Brown, Mich.
Burton, Utah
Carter
Celler
Chisholm
Clay
Cramer
Cunningham

Dawson
de la Garza
Delaney
Dent
Dickinson
Dingell
Evins, Tenn.
Fallon
Flowers
Foley
Ford, Gerald R.
Gettys
Gilbert
Hagan
Harsha
Hays
Hull
Hunt
Jarman
Johnson, Calif.
Jones, Tenn.
Kazen
Kee
Keith
Kirwan
Langen
Lloyd
Lujan
McCarthy
McClory
McMillan
Madden
Melcher
Meskill
Mollohan
Moorhead
Moss
Murphy, Ill.
Ottinger
Patten
Poage
Pollock
Pryor, Ark.
Purcell
Roudebush
Ruth
Schneebeli
Sikes
Taft
Teague, Calif.
Tunney
Van Deerlin
Weicker
Wiggins
Wilson, Bob
Wilson, Charles H.
Wold
Yatron

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Johnson of California for, with Mr. Gilbert against.

Mr. Hays for, with Mr. Foley against.

Mr. McMillan for, with Mr. Moorhead against.

Mr. Andrews of Alabama for, with Mr. Celler against.

Mr. Evins of Tennessee for, with Mr. Dent against.

Mr. Fallon for, with Mr. Schneebeli against.

Mr. Delaney for, with Mr. Moss against.

Mr. Gettys for, with Mr. Pyror of Arkansas against.

Mr. Hagan of Georgia for, with Mr. Brown of California against.

Mr. Hull for, with Mr. Dingell against.

Mr. Jarman for, with Mr. Madden against.

Mr. Jones of Tennessee for, with Mr. McCarthy against.

Mr. Kazen for, with Mr. Clay against.

Mr. Hunt for, with Mr. Melcher against.

Mr. Murphy of Illinois for, with Mrs. Chisholm against.

Mr. Sikes for, with Mr. Ottinger against.

Mr. Bob Wilson for, with Mr. Patten against.

Mr. Cunningham for, with Mr. Van Deerlin against.

Mr. Bray for, with Mr. Charles H. Wilson against.

Mr. Meskill for, with Mr. Yatron against.

Mr. Weicker for, with Mr. Dawson against.

Until further notice:

Mr. de la Garza with Mr. Bell of California.

Mr. Flowers with Mr. Brock.

Mr. Kee with Mr. Berry.

Mr. Kirwan with Mr. Carter.

Mr. Madden with Mr. Brown of Michigan.

Mr. Tunney with Mr. Cramer.

Mr. Purcell with Mr. Burton of Utah.

Mr. Mollohan with Mr. Dickinson.

Mr. Roudebush with Mr. Teague of California.

Mr. Keith with Mr. McClory.

Mr. Ruth with Mr. Langen.

Mr. Lloyd with Mr. Taft.

Mr. Pollock with Mr. Harsha.

Mr. Wiggins with Mr. Wold.

Mr. **BROOKS** changed his vote from "nay" to "yea."

Mr. **FISH** changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The **SPEAKER.** The question is on the motion to recommit.

The motion to recommit was rejected.

The **SPEAKER.** The question is on the passage of the bill.

Mr. **MAHON.** Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 337, nays 6, not voting 86, as follows:

[Roll No. 108]

YEAS—337

Abbitt
Abernethy
Adair
Adams
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Crane
Culver
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinsky
Devine
Diggs
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Esch
Eshleman
Evans, Colo.
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flynt
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hutchinson
Jacobs
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
King
Kleppe
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Long, La.
Long, Md.
Lowenstein
Lukens
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruppe
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—6

Cederberg
Gross
Hall
O'Konski
Powell
Rarick

NOT VOTING—86

Addabbo
Andrews, Ala.
Bell, Calif.
Berry
Blatnik
Bray
Brock
Brown, Calif.
Brown, Mich.
Burton, Utah
Carey
Carter
Celler
Chisholm
Clay
Cramer
Cunningham
Dawson
de la Garza
Delaney
Dent
Dickinson
Dingell
Erlenborn
Evins, Tenn.
Fallon
Flowers
Foley
Ford, Gerald R.
Foreman
Gettys
Gilbert
Griffiths
Hagan
Hays
Hull
Hunt
Ichord
Jarman
Johnson, Calif.
Jones, Tenn.
Kazen
Kee
Keith
Kirwan
Kluczynski
Langen
Lennon
Lloyd
Lujan
McCarthy
McClory
McMillan
Madden
Melcher
Meskill
Mizell
Mollohan
Moorhead
Moss
Murphy, Ill.
Ottinger
Patten
Philbin
Poage
Pollock
Pryor, Ark.
Purcell
Riegle
Rosenthal
Roudebush
Ruth
Schneebeli
Sikes
Stuckey
Symington
Taft
Teague, Calif.
Tunney
Van Deerlin
Wiggins
Wilson, Bob
Wilson, Charles H.
Wold
Wright
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Gerald R. Ford.

Mr. Gilbert with Mr. Pollock.

Mr. Addabbo with Mr. Lloyd.

Mr. Celler with Mr. Hunt.

Mr. Blatnik with Mr. Langen.

Mr. Moorhead with Mr. Brown of Michigan.

Mr. Patten with Mr. Keith.

Mr. Evins with Mr. Berry.

Mr. Delaney with Mr. Cunningham.

Mr. Carey with Mr. Teague of California.

Mr. Fallon with Mr. Bray.

Mr. Sikes with Mr. Lujan.

Mr. Rosenthal with Mr. Bell of California.

Mr. Hagan of Georgia with Mr. Brock.

Mr. Charles H. Wilson with Mr. Bob Wilson.

Mr. Johnson of California with Mr. Roudebush.

Mr. Hull with Mr. McClory.

Mr. Andrews of Alabama with Mr. Carter.

Mr. Dent with Mr. Schneebeli.

Mr. Dingell with Mr. Ruth.

Mr. Philbin with Mr. Burton of Utah.

Mr. Purcell with Mr. Cramer.

Mr. Gettys with Mr. Dickinson.

Mr. Yatron with Mr. Riegel.

Mr. Jones of Tennessee with Mr. Taft.

Mr. Kluczynski with Mr. Erlenborn.

Mr. Flowers with Mr. Mize.

Mrs. Griffiths with Mr. Wiggins.

Mr. Mollohan with Mr. Wold.

Mr. Moss with Mr. Kirwan.

Mr. Van Deerlin with Mr. Clay.

Mr. Casey with Mr. Murphy of Illinois.

Mr. Ottinger with Mrs. Chisholm.

Mr. Pryor of Arkansas with Mr. Stuckey.

Mr. Wright with Mr. Tunney.

Mr. Ichord with Mr. Brown of California.

Mr. Jarman with Mr. Kee.

Mr. Lennon with Mr. McCarthy.

Mr. McMillan with Mr. Symington.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

XUM

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and that all Members speaking on the bill may extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORT

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow night to file a privileged report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I would ask the majority leader to please advise us as to the program for the balance of this week, if any, and the program for next week.

Mr. ALBERT. We did have one other bill programed, but it is so late that we decided to put it over until Monday.

ADJOURNMENT OVER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, the program for next week is as follows:

Monday is District day. There are six bills:

H.R. 670: To amend the District of Columbia Public Assistance Act of 1962;

H.R. 9017: To amend the Alcoholic Beverage Control Act;

H.R. 15033: To authorize the gift of decedent's body;

H.R. 16476: To legalize kite flying in the District of Columbia;

S. 1458: To prohibit the business of debt adjusting; and

H.R. 17138: District of Columbia police, firemen, and teachers salary increases.

Also on Monday, we have scheduled:

H.R. 16595: Authorizing appropriations to the National Science Foundation (open rule, 1 hour of debate); and

H.J. Res. 1117: To establish a Joint Committee on Environment and Technology (1 hour of debate).

On Tuesday:

Independent offices and Department of Housing and Urban Development appropriation bill, fiscal year 1971; and

H. Res. 796: Amending the Rules of the House of Representatives relating to financial disclosure (open rule, 1 hour of debate).

For Wednesday and the balance of the week; there is:

H. Res. 960: Disapproving Reorganization Plan No. 2 of 1970;

Departments of State, Justice, Commerce, and the judiciary appropriation bill, fiscal year 1971; and

H.R. 14685: To amend the International Travel Act of 1971 (open rule, 1 hour of debate).

The announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman.

Mr. GROSS. Will the gentleman tell us what decedent's body is to be given away?

Mr. ALBERT. If the gentleman from Illinois will yield, I do not have the slightest idea. But I hope it is not the gentleman's or mine—at least during this current calendar year.

Mr. GROSS. Mr. Speaker, I find myself in agreement with the gentleman.

Mr. ARENDS. May I say to the gentleman from Iowa, I hope he is here when we take up these bills on the legislative program.

DISPENSING WITH BUSINESS IN ORDER UNDER CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that any business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL EXPLANATION

Mr. SYMINGTON. Mr. Speaker, on rollcall No. 108 I was inadvertently detained. I merely wish to state that had I been present, I would have voted "yea."

DEATH ON THE CAMPUS

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, the news of new unrest on college campuses this past week came as no surprise to the American people but the news that four students had been killed has caused millions of Americans to wonder in their shock what the next episode in confrontation between campus dissenters and law enforcement officers might produce.

The primary responsibility of the Federal Government through the President is to bring about appropriate conditions for the control of violence and to calm those whose impulses tend toward further violence.

Unfortunately this administration has aggravated the conditions which divide our Nation by statements designed to turn public opinion against those who protest Government policies.

If this situation persists, there can be little hope of realizing this administration's goal of bringing us together. Instead we will venture on a path of further violence and we will suffer the consequences of an undeclared war between those who hold political power and those who protest the way in which that power is being used.

Mr. Speaker, it would serve little purpose to debate in this forum the merits of the rationale of the dissenters or for that matter the need to maintain order, enforce the laws, and contain violence. Cliches are not needed but rather dedication to a new communication and understanding by all sides is urgently needed.

We have had some experience with violence over the past few years and we must learn from that experience if we are to prevent further bloodshed. In particular the work of the Commission on Violence, chaired by Dr. Milton Eisenhower, has been helpful in understanding the problems and dangers which we face. I would urge the President at this critical point in the history of the politics of confrontation, to assign to the Eisenhower Commission the task of recommending new and bold steps to improve communication between Government and the young people of this Nation in an effort to avert the horrors of needless death and violence.

The efforts of such a Commission, acting as consultant to Government as well as a willing sounding board for youth, can take us on that first step in the development of a national policy which can bring us together. The breakdown of respect for authority and the resulting breakdown of law and order can only be corrected by addressing ourselves to the breakdown of communication between Government and our young people. Reactivation of the Eisenhower Commission on a priority basis may provide us with some new approaches to this communication crisis.

A DEMAND FOR ANSWERS ON PROFESSIONALISM IN SOVIET SPORTS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, even though ostensibly amateur sports are a large and lucrative business for successful practitioneers in the Soviet Union, the International Olympic Committee apparently is giving serious consideration to Moscow's bid for the 1976 summer Olympics.

Two other cities, Los Angeles and Montreal, are also in the running for the 1976 Games. The I.O.C., and its long-time president, Avery Brundage, are meeting in Amsterdam to mull over the three proposals, and are expected to announce their decision Tuesday.

I personally would prefer the southern California site, where the climate is reliable and lodging and transportation facilities are bountiful enough to assure maximum comfort and convenience for a multitude of visitors.

But based on the past track record of Mr. Brundage and some of his cohorts on the I.O.C., I am not very optimistic about the prospects for Los Angeles to win the games.

Mr. Brundage in the past has been reluctant to ask hard questions about the Russian sports program. He has traditionally accepted the unsupported contention of the Kremlin sports bureaucracy that Soviet athletes are simonpure.

Unfortunately, there is an abundance of evidence—readily available to anyone who takes the trouble to look for it—that all top Soviet athletes are professionals by any definition except the Communist-approved definition.

Not only are Russian athletes subsidized by the state, but as far as we know they also can get fat cash bounties for especially superlative performances. Pravda, certainly an authoritative publication, actually announced, in 1945, a then new incentive system—the payment of awards up to 25,000 rubles—about $27,500—for world recordbreakers. For this intelligence, I am indebted to John N. Washburn, a Government-associated expert on Soviet affairs. The decree also pointed out that slightly less extravagant prizes would be available to those shattering Soviet national records but falling short of world standards.

Now, I recognize that data 25 years old, such as the announcement in Pravda, cannot necessarily be relied upon as gospel today.

On the other hand, what evidence do we—and the International Olympic Committee—have that anything has changed in the Soviet sports setup? If there has been a new decree, subsequent to 1945, let Moscow authorities cite it for us.

In my own view, sports today are a bigger industry than ever in Russia. But do not count on any guidance from the Russians in this area. The Soviet Government says only that it spends $9.9 billion a year on medical care and sports, but naturally refuses to provide a breakdown.

Certainly, Mr. Brundage and his colleagues on the IOC should ask the Soviet delegation in Amsterdam some hard questions—and get the answers—before entertaining the Russian bid.

An article outlining "Russia's Mad Dash for Sports Supremacy," as published by the Washington Star, May 3, follows:

Russia's Mad Dash for Sports Supremacy

(By John Weyland)

Moscow.—The Kremlin has made the Soviet Union a world sports power with a mass athletic program and a better life for those who excel.

The country has come from nowhere to the top in the postwar period thanks to a deliberate and long-range government policy of encouraging sports. Its bid to stage the 1976 Olympics is a sign of Soviet poise and assurance on the international sports scene.

The government athletic program runs all the way from daily radio-directed calisthentics for the whole population to championships in hockey, wrestling, track and field, cross-country skiing, weightlifting, table tennis, volleyball—list is a long and impressive one.

"Fifty million Soviet citizens are regularly involved in sport," said Anatoly Kolesov, deputy chairman of the state sports committee. He proudly described the network of schools, clubs and sporting societies that make organized sports available to all who are interested from the steppes of the Ukraine to the tundra of Siberia.

Among its many other advantages, sports provides the Kremlin with a way of making it look as though the Soviet Union is superior to the rest of the world. This is because it pits the best Soviet athletes against second-raters in many events through the simple expedient of denying that professionalism exists here.

The Soviet boxing team, for example, wiped up the canvas with an amateur American squad that ventured to Moscow last winter. The result would have been different if Joe Frazier, say, had taken on Soviet heavyweight Alexander Vasyushkin instead of a fellow named Jerry Daniels.

Soviet athletes maintain the appearance of amateur status by remaining students perpetually, or turning up as army officers with no discernible duties, or identifying themselves as workers at some factory, where they may actually be seen sometimes.

The government has no intention of admitting any hanky-panky, since the present setup works so well in its favor. Even the sports budget is as much of a military secret as the location of intercontinental missiles. The government will say only that it spends 9 billion rubles ($9.9 billion) on medical care and sports, but no breakdown is ever given.

Yuri Vlasov, two-time Soviet heavyweight Olympic weightlifting champion, once publicly urged that the Soviet Union admit "sport is a profession." He said the country should distinguish between professional and amateur athletes just as it does between professional and amateur artists or actors.

That was in 1966 and the first time such an idea ever appeared in the government-controlled press. It was also the last time.

Kolesov, serving as a spokesman for the Soviet sports establishment during the campaign to get the Olympics here, made it clear the Kremlin will not budge on its so-called amateurs stand.

"It will not be a live issue for 1976," he said.

Sports attract young people so much in this country because it opens up to them the good life, and little else can.

Otherwise, it's trudge out to the fields or down to the factory in the morning, with the same drab routine day after day.

Sports here are what bullfighting is to the peasant's son in Spain or boxing to the ghetto boy in a big American city.

The government heaps favors on winners in all kinds of competition, even those with little popular appeal. This means Soviet victories in events other countries don't bother with, and more and more Soviet points toward that total by which Olympic victors are judged.

Economic troubles limit the Kremlin's encouragement of some kind of sports. The Soviet Union is strongest in events that do not require expensive equipment or facilities.

The country hardly shows in downhill skiing, which involves well-made and expensive skis, boots and other accessories, as well as lifts and tended slopes. Golf, with its acres of well-kept grass and bags full of finely wrought clubs, does not exist.

But the Soviet Union excels in soccer, which requires a ball and an open field, and in ice skating, where nature provides 90 percent of what's needed, and wrestling, that can be done on any handy mat, and so on.

Even simple equipment is hard to come by in the shortage-ridden Soviet economy.

Konstantin Bolshakov, deputy minister of trade for the Russian Federation, estimated the cross-country ski shortage at 600,000 pairs a year.

He noted such things as hockey skates piling up on store shelves because of lack of boots to go with them. Bolshakov said that when it comes to sports clothes "there is a completely insufficient number of jackets, gloves, wool sweaters and caps. . . ."

Boris Rogatin, chief of the sports department of the Young Communist League Komsomol, complained that because of the poor quality and shortages of equipment "our showing in major sports events is suffering." He acknowledged that once Soviet athletes get into international competition they frequently have to use foreign equipment because their own is so bad.

Things of this kind are characteristic of Soviet life and do not indicate, as they might elsewhere, a lack of interest on the part of the government. This country, with its population of 235 million, can still produce a great number of top athletes despite the handicaps caused by the uneven economy.

The whole of the Soviet Union has been turned into one big farm system to bring up boys and girls who show athletic ability. This is done through clubs and sporting societies, many sponsored by trade unions, instead of through schools as in the United States.

Soviet high schools require only two hours of physical education a week and this tends to be spent on simple group games, such as volleyball, or gymnastics.

"More than a million young people take part in our special sports training, boasted Kolesov of the clubs and sporting societies, "and they do not have to pay anything."

He ran through statistics to impress how much the government backs up the development of athletes:

Eighteen institutes in various parts of the countries to turn out physical education teachers, plus 30 lower-level schools that concentrate on the less highly qualified.

34,318 athletic fields and grounds with the necessary buildings.

3,065 stadiums with capacities ranging from 1,500 to 101,000 at Moscow's Luzhniki Stadium.

30 indoor rinks for figure skating and hockey, seating from 3,000 to 14,000 spectators. More than 90 open-air rinks.'

The state sports committee is giving out information about the country's sports program as part of the effort to persuade the world the 1976 Olympics should be held in Moscow.

"We're convinced Moscow would do a great job for the Olympics," Kolesov said. "We can guarantee that our country knows sports, appreciates them and would make a success of this."

The Kremlin is willing to build a big complex at Moscow's Izmailovo Park to accommodate 10,000 athletes and their coaches. It promises 20 or more new hotels to help put up the Olympic crowd.

Foreigners who have competed here generally speak well of the sports facilities themselves. The complaints are usually about hotels, restaurants and the amenities, along with the bureaucratic snarls that can seem to take forever to unravel.

Night life hardly exists, and then only in a primitive form that pleases the provincials but leaves people from the West yawning. But there is lots of culture with a capital C, such as the Bolshoi Ballet, for those who go for this.

One thing is sure. The Kremlin and the sports-oriented Soviet people will be mighty disappointed if the International Olympic Committee decides against Moscow. The day of the committee's decision, May 12, is being awaited tensely—and hopefully—in this country.

THE PROBLEMS OF INFLATION AND RECESSION IN THE AMERICAN ECONOMY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, it is becoming increasingly clear that we have not solved the problems of either inflation or recession in the American economy. Prices continue to rise while profits continue to decline. Unemployment is still on the upswing and the stock market is drastically on a downturn.

In its editions of April 28, the New York Times had an editorial which asked some probing questions about our current economic state. The editorial also called for a "searching reappraisal" of current economic policies.

While I do not agree with every point made, the editorial deserves the attention of every Member of the Congress, and I commend it to their attention:

The Problems of Inflation and Recession in the American Economy

There is no limit to the number of theories about what ails the stock market—despair over persistent inflation, falling profits, rising unemployment; the skid of the Federal budget into deficit, and the likelihood that this might force the Federal Reserve to tighten money again; the weakness of the security industry itself; the worsening of the United States balance of payments; the danger of a widening war in Southeast Asia; waning confidence in the Administration's ability to manage the economy.

Although the market may have a tendency to exaggerate worrisome news, there can be little doubt that the pressures on profits and security values are real and not merely psychological. It will do the Administration no good to put out more optimistic bulletins to accompany every piece of disappointing economic news. There has been enough of that already. Indeed, the regular stream of cheerful interpretations, regularly contradicted by subsequent events, has helped to undermine investor, business, and consumer confidence and to build up fears that the economy is out of control.

What is needed now is a searching reappraisal of why the Administration's single-minded policies are failing to produce the advertised results and what needs to be done now to set the nation on a course with more promise of stopping inflation and preventing a continuous drift toward higher unemployment.

The optimistic presupposition with which the Administration arrived in office—that slow growth in the money supply was the magic elixir for steady and noninflationary economic growth—is turning out to be an illusion. Unemployment is running above expected levels; so is inflation.

One champion of the monetarist approach, the St. Louis Federal Reserve Bank, now foresees a continuous increase in unemployment up to nearly the 7 per cent level by the end of 1971, even if the money supply is kept growing at a 3 percent annual rate from now on. There is, in fact, widespread uncertainty among monetary economists over the time lags before changes in monetary policy affect output, employment, and inflation.

The nation needs a broad-based program if it is simultaneously to achieve price stability and high employment. Higher tax revenues will be needed in the future to provide resources for essential public programs. Erosion of the tax base caused by the tax reform act of 1969 and the premature wiping out of the 10 per cent surtax would be repaired. A larger budget surplus would make it possible to shift resources to the depressed housing sector and to business investment.

The Administration has failed to provide effective leadership and guidance on the price and wage front. The excessive and restrictive market power of both large-scale industry and large unions must be curbed. A stronger program is needed to provide jobs for the unemployed. A multifaced program along these lines is minimal if the American economy is to be restored to health and stable growth.

A TIME OF TROUBLES

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, this is a time of profound trouble for this country. The people are confused, concerned and distressed by our policies and actions in Southeast Asia. There is every reason to believe that discord and violence are on the increase, rather than on the decline that we all had hoped for.

It may well be that the decision of the President to invade Cambodia was militarily correct, and even a wise course to influence world events. But politically it has been a mistake, and I am convinced that most Americans are shocked and dismayed at what seems to be a sudden reversal of American policy in Southeast Asia.

It may well be that what the President has done was right, but we do not know enough to be certain. It may well be that he deserves our fullest support, and that of all our people, but we do not know enough about the situation to be certain.

I have my reservations, but I do not wish to make a judgment either in haste or in ignorance.

Accordingly, I want more information—information for myself and for the people, because neither they nor I can make a blind decision to support this new action.

I have asked the President to report fully on his actions to a joint session of the Congress, at the earliest possible date. I believe that such an explanation from him is required immediately, and urgently desired by the vast majority of this Congress.

Moreover, I believe that in the present crisis Congress itself has a responsibility to exert leadership.

It is up to Congress to set the national goals and objectives in this war, and this is something that we failed to do. We have responsibilities that we must carry out, for the burden of this war is on us all. I have, therefore, written to the Speaker and the leadership of this House, as well as the Vice President and leaders of the other body, suggesting appropriate action.

Mr. Speaker, I hope that you and all my colleagues will join me in these actions. With your permission I make my communications to the President and the Speaker a part of the Record:

Cannon House Office Building,
Washington, D.C., May 6, 1970.

Hon. Richard Milhous Nixon,
President of the United States,
The White House,
Washington, D.C.:

The military operations that you have ordered into Cambodia have caused deep divisions within our country. I believe that the people are confused because the administration has failed thus far to state a clear and attainable goal for our efforts in Viet Nam and has failed to give clear reasons regarding the need for offensive operations in Cambodia.

I believe that at this critical juncture it is essential that Congress and the people be given a full and candid report on the entire situation in southeast Asia.

I respectfully suggest that you seek a joint meeting of Congress at the earliest practicable date for the purpose of reporting on the objectives of the United States in southeast Asia, a full accounting of the need for the operations to date, and whether such operations might in the future be required in other areas such as Laos and Thailand. It would be refreshing for Congress and the Nation to be more fully informed on all these matters and my hope is that full and frank information might help dispel the confusion that exists in the Nation today.

I believe that the American people are willing to support a military effort if it can be shown that such an effort is required and in our interests and if it is morally right. I do not believe that today the Congress or the people of this country have enough information about the war, its objectives and its conduct to assess accurately whether they can support it. I urge that you take action to dispel the confusion by making an early report to Congress and the Nation.

Henry B. Gonzalez,
Member of Congress.

Congress of the United States,
House of Representatives,
Washington, D.C., May 6, 1970.

Hon. John McCormack,
Speaker of the House,
Washington, D.C.

Dear Mr. Speaker: Like most citizens, I am gravely disturbed by the current confusion and division among the people of this country.

I believe that it is urgent that the President and the Congress act now, at this critical juncture, to restore the public confidence that is essential to the maintenance of order.

I believe that the chief source of our troubles is the war in Viet Nam. The problem appears to be that the United States has not clear, attainable goals in Southeast Asia. Without such goals, and without clear knowledge of the reasons for our continued presence in Viet Nam, let alone the invasion of Cambodia, it is not surprising that there is confusion, dismay and discord.

I have requested the President to report to a joint session of Congress all the details of the current situation in Southeast Asia, because I believe that a full and frank report to the Congress and the people is required to establish what our goals are, why our present actions are necessary, and what our progress has been to date.

I hope that you will join me in this request for the President to report to the Congress.

I believe that Congress itself has a responsibility to exert leadership. The task at hand is too great to leave to one man, even one endowed with all the powers of the Presidency.

Accordingly, I request that you consider the possibility of establishing jointly with the House and Senate a parliamentary committee which would have its task the full assessment of the situation in Southeast Asia, with a view toward establishing realistic recommendations on national objectives and means to reach those objectives in that part of the world. Congress has never established a national goal in Southeast Asia, never exercised its prerogative to declare the existence of war, and never sought to fulfill its complete responsibilities in the matter of Southeast Asia—duties which are required by the Constitution.

I respectfully urge that you consider ways

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and means of assuring the required Congressional leadership, toward the end that our people have attainable objectives in Southeast Asia, coherent and unified leadership, and confidence that our objectives are meritorious and can be met.

Sincerely yours,
HENRY B. GONZALEZ,
Member of Congress.

FROM VOICES TO VOLLEYS

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, I have today introduced a resolution calling for a temporary joint commission of the Congress to investigate the tragic events at Kent State College. I do this because of the crescendo of concern that violence is not receding but is getting worse.

On January 20, 1969, Richard Milhous Nixon said that we needed the simple things. "To lower our voices would be a simple thing," he continued. The President also said that "for its part, the Government will listen—to the injured voices, to the anxious voices, the voices that have despaired of being heard." Appropriate and timely words—a palliative to an anxious America.

On November 3, 1969, the President raised his voice against those who offered an alternative policy in Southeast Asia. He implied that America had only two choices: Either agree with the President and support his policy or disagree and humiliate America. But these were false alternatives. Proponents of a policy of peace were as stanch patriots as the advocates of the Nixon program. The raised voice—more division, more tension in the United States.

On November 15, 1969, over 200,000 Americans passionately—but peacefully—petitioned the President to seek peace in Vietnam. Instead of listening as he promised, the President flaunted the largest assembly for peace in American history and turned his ear instead to TV's game of the week. Those who preferred peace to pompoms were the true Americans—but the President's deaf ear only frustrated and angered protesters for peace.

Then winter fell on the Nation's Capital. But voices were not heard and voices were not lowered. The President's mouthpiece, the Vice President, began to riddle every pet enemy with oral bullets. Slamming the media, denouncing students, and calling for the ouster of a university president—who was in the habit of listening—the Vice President helped to polarize a weary and anxious nation.

But words were wedded with deeds.

On April 30, the President announced that the United States and South Vietnam were invading the neutral state of Cambodia. He made the decision without consulting with Cambodia—the country invaded—and without the consent of Congress—the body neglected. Is it any wonder that responsible Americans would protest when their own President carries out a "constitutionally unauthorized war" in Vietnam, Laos, and Cambodia?

On May 1, 1970, apparently in response to such criticism, the President lavished America with unity by referring to "these bums" on the college campuses. Instead of conciliating a divided country, the President further helped to create a climate of violence. He said:

> Get rid of the war and there'll be another one.

Well, we still have the war—or wars—in Southeast Asia, but the other one triggered by callous words and deeds of insensitive leaders may already have begun. Today, America is still reeling from the killing of four university students and the wounding of other students.

No one can impute responsibility for this tragic event to the President and Vice President. But the atmosphere that is ripe for violence has been cast forth upon our land, and that atmosphere at least in part was created by the two highest officials of our country in dividing the country, rather than uniting it; in alienating our youth, rather than embracing them.

Let the President and the Vice President keep their promises by lowering their voices and listening to the injured, anxious, and despairing voices of peace. Over 40,000 Americans have perished in the jungles of Vietnam. At least four Americans have died at Kent State. When, Mr. President, will you hear the voices of the living?

PROPOSED CREATION OF A CONGRESSIONAL COMMITTEE TO INVESTIGATE EVENTS AT KENT STATE COLLEGE

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was somewhat surprised and concerned at the remarks of the gentleman from Illinois (Mr. MIKVA) about wanting a congressional committee to investigate the events at Kent State.

It seems to me that there has been enough tragedy and misunderstanding there without any political exploitation from Washington. I would suggest that this resolution be given a quiet and decent burial.

STUDENT DISORDER

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the present bloodshed and violence which rages on our college campuses throughout the country can be attributed primarily to the glaring absence of any workable plan by university administrators to outline the limits of dissent and demonstration that will be tolerated under the guise of freedom of speech. The blame for this void may be placed squarely on the doorstep of the weeping liberals.

Last fall, before the start of the academic year, I attempted to add an amendment to the student loan bill which would have required college officials to implement this necessary step in order for the school to qualify for Federal aid. The usually vocal liberals silently invoked a gag rule which forbade the offering of any amendments in order to prevent the House from working its will.

Many of the university presidents who objected most vehemently to the enforcement of sections 504 A and B of the Higher Education Act are now experiencing serious campus melees. Last year I wrote these college officials asking if they were implementing those sections of the Higher Education Act.

For the information of my colleagues I will read excerpts of letters from the presidents of Kent State, Ohio; Yale University, and the University of Northern Iowa.

President Robert I. White, Kent State, February 10, 1969: "Of course many will criticize us and have. I would only point out that we are still stable, still operating fully and easily, and still possessed of an at least apparent dedication to due process and to law and order throughout the campus."

President Kingman Brewster, Jr., Yale University, March 6, 1969: "I for one do not believe that putting strings on students aid is wise, proper, or in spirit a Constitutional exercise of federal power."

President J. W. Maucker, University of Northern Iowa, February 10, 1969: "I would urge that the maximum amount of discretion be left to institutions in judging what kind of penalties should be used in case of disruptive behavior."

The unwillingness of college administrators to come to grips with reality—with the concept that Federal law should be enforced is contributing to the wave of present college riots.

I intend to ask college presidents to submit a list of all students convicted either by a court of law or a campus body who have participated in these riots. If they are now receiving Federal aid it will be cut off.

Mr. Speaker, the right of students to learn should not be thwarted by violent disrupters. I want to serve notice that I stand ready to add my student unrest amendment to the next relevant legislative vehicle.

The material follows:

KENT STATE UNIVERSITY,
Kent, Ohio, February 10, 1969.

Hon. WILLIAM J. SCHERLE,
Member of Congress, Seventh Iowa District,
Washington, D.C.

MY DEAR MR. SCHERLE: I deeply appreciate the tenor and composition of your inquiry of February 4. Certainly, no one could more completely share with you the hope for stability on our campuses than do I.

I am taking the liberty of forwarding to you under separate cover a copy of Volume 2, No. 5 of *Kent* which, in my opinion, contains a rather accurate although highly condensed recital of the entire experience.

As you will see, it did not become necessary for us to invoke Sections 504(a) and 504(b) of the Higher Education Amendments of 1968 and Section 411 of the Department of Labor and the Department of Health, Education and Welfare Appropriation Act of 1969. Had the circumstances been different, I would have had much more experience affording a base on which to make a helpful response to you.

Of course, many will criticize us and have. I would only point out that we are still stable, still operating fully and easily, and still possessed of an at least apparent dedication to due process and to law and order throughout the campus.

I hold a special spot in my heart for Iowans. I do not know whether you are aware that I was in Burlington for practically a decade.

Sincerely,

ROBERT I. WHITE,
President.

UNIVERSITY OF NORTHERN IOWA,
Cedar Falls, Iowa, February 10, 1969.

Hon. WILLIAM J. SCHERLE,
Congressman from Iowa, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE SCHERLE: I am responding to your letter of February 4 inquiring about our experience under the laws adopted by the 90th Congress with respect to federal assistance to students engaged in violent or disruptive protest.

You indicated, Mr. Scherle, that the news media reported incidents of "student unrest" on our campus, but actually we have had no incident whatsoever of violent or disruptive protest. The only mass demonstration we had on campus was a gathering of students and faculty in November, 1967 on the campus south of the President's residence in support of a statement I had made concerning academic freedom. The group came and withdrew in absolute silence and there was no destruction or disruptive behavior whatsoever. I think that some accounts of this event were picked up and tabulated along with the violent type of protest in national summaries of the general picture regarding student unrest throughout the country.

My general view regarding the statutory provisions is that we should be extremely careful not to penalize dissent. As indicated in the attached memorandum, which is our policy statement regarding demonstrations, we try to make an important distinction between expression of opinion and use of violence or disruptive tactics." I would urge that the maximum amount of discretion be left to institutions in judging what kinds of penalties should be used in case of disruptive behavior."

I will be glad to respond further if you or your committee have additional questions.

Sincerely yours,

J. W. MAUCKER,
President.

YALE UNIVERSITY,
New Haven, Conn., March 6, 1969.

Hon. WILLIAM J. SCHERLE,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN SCHERLE: I would be interested in the "news media" report referred to in your letter of early February. To date Yale has not had any violent or disruptive protests, although we are seething with verbal demonstrations of all kinds. I for one, do not believe that putting strings on student aid is wise, proper, or in spirit a constitutional exercise of federal power.

Sincerely,

KINGMAN BREWSTER, Jr.

STUDENT UNREST

A disappointing, typically weak-kneed and contradictory report by a special educators' committee on student unrest graphically illustrates the spongy, illogical reasoning which has given rise to increasing violence on college campuses. The Commission, headed by Sol M. Linowitz, former U.S. Ambassador to the Organization of American States, stated that legislative efforts to curb unrest, intimidation and violence on the campus "are inimical to the spirit of free inquiry."

As the principal author of the Student Unrest Amendments, which require college administrators to terminate Federal aid to students who participate in serious campus disturbances, I know that this concept has no basis in fact. The latest statistics for the academic year 1968–69 show that Federal aid to 676 college students was terminated because of their participation in campus disorders. Many of these schools have yet to experience a recurrence of serious campus unrest. Yet nationally one out of every five colleges has suffered violence or disruption during the same period. Violent protest demonstrations have occurred far more frequently at the sophisticated, highly selective, private universities than at state institutions, and violence has erupted more often on large campuses than on smaller ones.

Recently the news media reported an increase of violent disorders in higher educational institutions. Academic eruptions are averaging more than one a day in 1970. Most prevalent of the students' demands are a voice in the school's decisionmaking process at all levels and recognition of minority students.

It is inconceivable that legislation which would bring some semblance of order to the colleges would be considered "inimical to the spirit of free inquiry." Nearly everyone agrees that only a tiny minority of students engage in violent protest. But what about the majority of students who come to school to learn, not to burn? Is it not "inimical" to the spirit, if not the reality, of free inquiry to allow disorders which frustrate those who want to derive the full benefit of their education? The present legislation provides starch for the backbone of spineless administrators. It is an aid to the continuance of the educational process.

The Linowitz Commission also took to the woodshed those public officials who speak out on campus disturbances. Thus in the same breath, the Commission supports free speech for students but not for those who represent the taxpayer. Most inconsistent of all is the naive "Babes in Toyland" belief that if only the colleges would be more receptive to the concerns of student radicals, peace would prevail on campus.

One of the most outspoken members of the Commission was Yale President Kingman Brewster, Jr. His experience should have taught him the fallacy of such an approach. Since 1964, when he was named President of Yale, more changes have taken place at "Old Ely" than at any other time since it was founded in 1701. He has created a Black Studies program, placed students on the Yale policy committee, liberalized visiting hours for women, instituted seminars on relevant if unorthodox topics, spoken out for the Black Panthers (saying it is impossible for them to get a fair trial in this country) and for an immediate withdrawal of all troops from Vietnam. Just recently, he rushed back to his campus to unite a divided faculty behind student demands. Yet even this capitulation has not mollified the student fanatics. Violence is still rampant at Yale. Brewster's permissiveness has not dampened but fanned the fires of revolution. History provides many such examples for those who are willing to learn. But apparently Mr. Brewster is incapable of learning wisdom from experience. It is unfortunate for the rest of us that he nevertheless feels qualified to offer a solution which has already proved a failure.

Unless college administrators exercise some individual initiative to maintain order on the campus, the taxpayer, who foots the bill, will be forced to take action through his elected representative.

FARM SUBSIDIES AND POSTAL SUBSIDIES

(Mr. HENDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, I have just concluded a press conference in which I announced that I have requested Reader's Digest for space to respond to an article in its May issue entitled, "Time to Say No to Big Farm Subsidies." My article would point out the distortions and inaccuracies of their article.

I have also announced that I will raise some questions during the consideration in the Post Office and Civil Service Committee of the propriety of the second class postal subsidy being paid indiscriminately to all publications in a certain class regardless of the content.

At the present time, deliberate distortions and outright misstatements of fact are subsidized exactly like the plainest and most unvarnished truth and accuracy. Magazines like Evergreen are subsidized to the same degree as Time, Newsweek, and U.S. News & World Report.

It has occurred to me quite strongly that if we are going to subsidize second class mail on the theory that disseminating information is a valuable service to the public, we need to take a hard look at what kind of information we are helping to distribute.

The full text of the statement I made in my news conference follows:

STATEMENT OF CONGRESSMAN DAVID N. HENDERSON, DEMOCRAT OF NORTH CAROLINA

I have received a number of complaints from constituents concerning an article recently published by Reader's Digest entitled "Time to Say *No* to Big Farm Subsidies."

The individuals who have complained to me are mostly farmers. The farmers operate medium-sized units. Let me emphasize that they are *not* recipients of the so-called "big payments" so much in controversy at the moment.

I represent one of the most rural congressional districts in America and my constituents are becoming increasingly resentful of the steady barrage of negative news about our agricultural program fed almost systematically to the general public. One cliche after another has been paraded before the public, almost totally suppressing the fact that farmers are doing a good job, and that virtually every individual in America benefits as a result. Farmers are pictured with increasing frequency as public parasites, fattened on taxpayer dole. They are saddled with much of the blame for prevailing food prices despite the fact that inflation and rapidly escalating labor costs depress their profits to very low levels when compared to returns on similar investments in other businesses. Still the tide of adverse publicity rolls on, and many persons in agriculture have concluded in despair that it is destined to continue indefinitely.

But it is this particular article published in the Reader's Digest, coupled with constituent complaints, which prompts me to speak out, because the Reader's Digest should know better than to publish a bitter composition based on a minimum concern for the facts and which pursues emotion-charged arguments which simply do not make sense. As usual, the chosen whipping boy is the large producer and solely because he happens to be large.

Since I am not a member of the House Committee on Agriculture, I do not know all the detailed information about the longtime history and background of our basic farm programs and how they have evolved over the years.

But I do know something about postal subsidies because I am Vice Chairman of the House Post Office and Civil Service Committee and have sat through many hours of

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hearings on rate structures and preferential classes of mail.

The Reader's Digest should know something about postal rate subsidies, too, because as one of the nation's largest second-class publications, it receives an annual subsidy amounting to some $9.4 million in the mailing of their magazine. A combined total of the second class commercial publications—the so-called slick magazines—receive $431 million a year in federal subsidies.

Newspapers and magazines which comprise the bulk of second class mail in our country receive a preferential mail rate which amounts to an indirect subsidy because Congress in its wisdom decided many years ago that in disseminating vital public information, such publications rendered a valuable service to the general public and that the expenditure of public funds to further or guarantee the continuation of that service was justified.

If we accept this as a valid basic precept, it logically follows that the company or mailer which disseminates the most information is entitled to the largest subsidy. If the subsidy amounts to one cent per piece of mail, the mailer who sends a million pieces gets a larger subsidy than the mailer who sends only a thousand. Hence, the Reader's Digest, as one of the largest second class mailers, gets a large subsidy.

This particular article in Reader's Digest has raised in my mind for the first time the question of whether a publication actually renders a valuable public service which ought to be subsidized by the taxpayers when it disseminates information which is factually incorrect or deliberately slanted or biased.

I shall not attempt here to go into detail as to all of the misleading statements in the article. Suffice it to say that I have read it and they are quite obvious. In my judgment, this article is a perfect example of subsidized distortion. I can cite specific examples if any of you would like details at the conclusion of my statement.

In the postal rate hearings now in progress in response to the President's request for rate increases, I intend to raise this issue to explore whether we have some duty as guardians of the public purse to insure that the information we are helping publish really is in the public interest.

I am as aware as anyone of the guarantees of freedom of the press contained in the first amendment, and am not suggesting censorship or restrictions on what the press can publish within the limits of the laws governing libel and slander. What I am saying is that if the taxpayers are going to help pay for the distribution of this information, the question arises—Should there be some method of insuring truth and fairness?

As in the case of mail subsidies, the Congress in its wisdom decided many years ago that certain incentives were necessary to guarantee an adequate supply of food and fiber without periodic shortages. The Congress decided that these incentives were in the *public* interest. To provide adequate and at the same time avoid over-production of some commodities—in short, to *stabilize* production and sale of basic commodities was determined to be a desirable goal. To accomplish these goals various farm programs have been instituted, many of which pay subsidies of one sort or another to farmers as an inducement to them to cooperate in the programs.

It is not the goal of the agriculture subsidies to "help the *farmers*" any more than it is the goal of preferential mail rates to "help the *magazines*". In both instances, the subsidy is based on the proposition that it is the public that is being benefitted.

If a program provides for a farmer to be paid a given amount per acre for planting cotton or for keeping his acreage of wheat at a level to guarantee an adequate supply, it is logical to pay the farmer who farms 5,000 acres more in total (not more per acre) than the farmer who farms 50 or 100 acres just as it is logical to "subsidize" the big second class mailer with more dollars than the small second class mailer.

There is no doubt that in both the postal rate structure and our agriculture program there is room for improvement. I am confident that no system ever devised by the mind of man is perfect.

It does seem to me, however, that the publishing industry in casting stones at "big farmers" should take note of the glass house in which it lives.

I have today wired Reader's Digest and asked that it publish, not later than its July edition, an article by me of comparable length to "Time to Say No to Farm Subsidies" in response to that article. I have requested that they respond not later than May 12. If the response is negative, I will take the article to other publications and the news media expressing an interest in it.

Finally, I would conclude by saying that the second class mail subsidy began in 1789. Farm subsidies were begun in 1933 only 37 years ago. I have no figures on the total cost of either program since its origin, but it is a safe bet that the subsidy to second class mail has cost the American taxpayers many billions of dollars more than the farm subsidies.

CONTRACTS FOR JANITORIAL SERVICES, TRASH REMOVAL, AND SIMILAR SERVICES

(Mr. BROOKS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I have introduced today a bill which would amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator or General Services to enter into contracts for janitorial services, trash removal, and similar services for periods not to exceed 3 years. At present, the Administrator is limited to 1-year contracts for services of this type.

The GSA has experienced numerous problems with work awarded on the basis of short-term, 1-year contracts. In the first place, GSA must absorb the expense of soliciting and administering the annual bids for cleaning services. This cost would be the same per contract for 3-year contracts as it is for short-term agreements but would occur only one-third as often.

A more significant problem, however, is that a 1-year contract does not give GSA adequate control over the contractor who is awarded the job. The contractor must assemble and buy equipment, and in many cases, must recruit and train employees. The 1-year contract is not always sufficiently attractive to encourage the best performance. If the GSA is not satisfied with the contractor's performance, too little time is left for remedial action.

From the contractor's standpoint, a 1-year contract means that he may lose the source of revenue for which he had trained personnel and purchased equipment after only 1 year. It has been the experience of GSA that this factor often results in inadequate outlays for equipment and supplies, low levels of employee proficiency and generally poor performance by contractors.

In 1965, the Government Activities Subcommittee, which I serve as chairman, held hearings on a similar proposal that was enacted into law by the 89th Congress. At that time, contracts for the maintenance of fixed equipment with private firms were authorized for up to 3 years. Since then, the GSA has determined that longer term contracts save the Government considerably and result in better performance by contractors. In the area of cleaning services, I think we could expect similar savings upon the enactment of this bill.

Mr. Speaker, I wish to stress that this legislation would not infringe upon Federal employees in any way. This bill does not prescribe that services now performed by Federal workers be contracted to private firms in the future; it would simply make possible longer contracts for services that are currently provided by private firms on a short-term basis.

Perhaps the most important impact of this bill would be its effect on those who would be employed in janitorial and other cleaning jobs. Longer term contracts would insure contractors of income for a period that would justify training new employees. In our technologically based society, unskilled and semiskilled laborers find it increasingly difficult to find jobs. Employers would more readily hire and train new employees from this labor pool, giving these employees a degree of job security and income protection. Therefore, not only will the Government benefit from more efficient contracting, but, in addition, certain lower income groups will profit from improved economic stability.

URGES POW PROTEST ON WORLD RED CROSS DAY, MAY 8

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, all Americans are being asked to commemorate World Red Cross Day tomorrow, May 8, by protesting to Hanoi on the treatment of American prisoners held by North Vietnam.

That request has come from the American Red Cross which will hold its annual convention in Chicago tomorrow. At the convention, which will attract some 5,000 delegates from across the country, the prisoner of war issue will be a major topic of discussion.

The event will inaugurate a new "Write Hanoi" campaign in which the American people will be asked for an outpouring of letters to North Vietnam protesting its violation of the Geneva Prisoner of War Convention, of which it is a signatory.

A similar letter-writing campaign last year resulted in tens of thousands of letters being sent by Americans to Hanoi. Red Cross officials have urged that letters be addressed to: Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam.

Air mail letters weighing one-half ounce or less should carry 25 cents in postage.

World Red Cross Day celebrates the birthday of Henri Dunant, the Swiss philanthropist who founded the Red Cross movement in 1863. It will be cele-

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brated this year by 113 Red Cross, Red Crescent, and Red Lion and Sun societies with over 225 members around the world, under the 1970 theme: "Protect Man: Thwart War."

Since the Red Cross has become the traditional neutral intermediary in time of conflict, World Red Cross Day is considered by American officials of the organization an appropriate time to launch the protest letter campaign.

It should be understood, Mr. Speaker, that the letter writing campaign is only one part of the effort being made by the American National Red Cross on behalf of our American servicemen held captive in Southeast Asia and their loved ones here at home.

Just yesterday the Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, heard testimony from representatives of the Department of State, Department of Defense, and the American National Red Cross on the POW issue.

In their statements both Assistant Secretary of Defense G. Warren Nutter and Deputy Assistant Secretary of State William Sullivan recognized the work of the Red Cross in attempting to bring relief to our prisoners and their relatives here at home.

Speaking for the Red Cross itself was Mr. Ramone Eaton, vice president of the organization. He pointed out that the activities of the American Red Cross—ARC—on behalf of the POW's fall into four categories:

First, the ARC assists the American Government in carrying out its obligations under the Geneva Convention on Prisoners of War. For example, at the request of the U.S. Government, it has forwarded to the International Committee of the Red Cross—ICRC—a list of the names of all Americans missing in action in Southeast Asia or known to be prisoners. It also has acted as a conduit for letters from their families to those men.

Second, the ARC works with and at times prods the ICRS, which has the responsibility for investigating conditions of prisoners under the Geneva Convention. Up to this time, unfortunately, Hanoi has refused to allow ICRC representatives to visit prisoners, in gross violation of its responsibilities under international law.

Third, the ARC has taken direct action on behalf of the POW's. It has met directly with the Vietcong and has held discussions with the North Vietnamese. Moreover, it has been in continuous touch with each of the other Red Cross societies in the world on the problem.

Fourth, it has sought to arouse interest, and understanding, and action by the American people on the plight of the prisoners. The "Write Hanoi" campaign is a major part of that effort.

On the occasion of World Red Cross Day, I am sure that all of us join in commending the officers and members of the American Red Cross for their untiring work on behalf our our American prisoners of war in Vietnam.

I am certain, too, that the Members of this body support the "Write Hanoi" campaign. Let us express that support by acquainting our own constituents about the campaign and urging their participation.

ROGERS PURSUES INQUIRY INTO MARINE RECRUIT'S DEATH AT PARRIS ISLAND

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, on April 24, 1970, 22-year-old George J. Girot, U.S. Marine Corps, 253-74-64, arrived at Parris Island, S.C., to begin basic training. Six days later, on April 29, he died during training exercises.

Cause of death has been diagnosed as subvascular aortic stenosis.

Upon receiving word of George J. Girot's death, I contacted the office of the Commandant, U.S. Marine Corps, and requested a full report with respect to Mr. Girot's enlistment and his subsequent death.

In reviewing that report and after discussion with the Office of the Director of the Selective Service System and with the Armed Forces Entrance Examination Station—AFEES, Coral Gables, Fla., where young Girot was given his physical examination, I am of the opinion that there is apparently insufficient liaison between the AFEES, Coral Gables, and the recruiters for the armed services using that examination facility.

George J. Girot was classified 4-F by Local Board No. 43, Selective Service System, West Palm Beach, Fla., at age 18 based upon a letter from a physician who noted that young Girot had rheumatic fever as a child and that he suffered from a heart condition.

Despite this condition, young Girot wanted to join the Army. On March 10, 1970, he interviewed the U.S. Army recruiter in West Palm Beach, who upon ascertaining Girot's draft classification informed Girot that he was not eligible for military service. However, since Girot indicated that the classification was 4 years old, the recruiter suggested that Girot have a physical at the AFEES, Coral Gables.

On March 12, young Girot was examined and found "fit" for military service. Although Girot made no reference at any time to his heart condition during the physical examination nor during the completion of written statements, the U.S. Army recruiter did not inform AFEES, Coral Gables, of the fact that Girot was 4-F.

Moreover, no one at AFEES, Coral Gables, requested information concerning Girot's draft status from either Local Board No. 43 or the U.S. Army recruiter who arranged for the examination.

Because of this serious absence of communication, I have today written the Secretary of the Army, Stanley Resor, requesting prompt attention to this matter.

In part, I said in the letter:

> I am at a loss to understand how any Armed Forces Entrance Examination Station could physically examine a prospective recruit for one of the armed services without knowing his draft status. I further do not understand why, if the draft status is not known, an effort would not be made to ascertain the classification from either the recruiter who referred the man or from the man's local draft board.

Had such liaison been in effect at the time George Girot was physically examined, I believe that the basis for his 4-F classification would have become known and his enlistment could have been prevented.

Because the Department of the Army is the executive agent of the Department of Defense for the 70 Armed Forces entrance examinations stations throughout the country, I have urged that administrative changes be promptly implemented by the Secretary of the Army to prevent such a tragic error from occurring in the future. To assist the Armed Forces entrance examination stations, the Selective Service System should direct the local boards throughout the country to cooperate with the AFEES.

I will report to the House on the action taken by the Secretary of the Army.

FEDERAL FOOD STAMPS GIVEN TO STRIKING TEAMSTERS

(Mr. HALL asked and was given permission to address the House for 1 minute.)

Mr. HALL. Mr. Speaker, it has been called to my attention and otherwise substantiated that striking members of the Teamsters Union in St. Louis City and St. Louis County are receiving Federal food stamps. In other words, the Federal Government is subsidizing the continuation of a strike that is bringing some parts of the country and especially Missouri to its economic knees. Thousands of workers are being laid off because the flow of materials has ceased, as a result of these "wildcat strikes." In turn, their hard-earned tax dollars are being spent to furnish food to the very men that are taking away their means of livelihood. While I do not wish to see the families of striking teamsters go for want of food, I strongly believe that it is grossly unfair and unjust that teamster leaders would reduce the families of their members to a status of welfare, and would likewise reduce wives and children of affected and laid-off workers to the same status.

Mr. Speaker, besides the harsh economic realities that have resulted, this action has destroyed the traditional impartial role of the Federal Government in labor-management disputes. Besides tipping the scales in favor of those that are committing breach of contract, the public interest is completely flouted. Defense-wise this cannot be tolerated. The very few cannot be privileged and subsidized by the Federal Government, at the expense of economic suffering and distress of the vast majority. Therefore, Mr. Speaker, I call upon this Congress to amend and remedy the food stamp law to end this inequitable practice. In addition I urge Congress to act by passing legislation that will protect the public interest, when nationwide transportation strikes occur. If we do not act soon, economic ruination will forever plague this nation.

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A STAMP FOR DR. WILLIAMS

(Mr. CONYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, today 23 cosponsors and I introduced a bill to provide for the issuance of a 6-cent postage stamp commemorating Dr. Daniel Hale Williams, the first surgeon to perform open heart surgery. I am joined in this resolution by my distinguished colleagues Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CORMAN, Mr. DERWINSKI, Mr. DINGELL, Mr. FLOOD, Mr. HUNGATE, Mrs. MINK, Mr. MOORHEAD, Mr. OTTINGER, Mr. PIRNIE, Mr. POWELL, Mr. QUIE, Mr. REUSS, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. STOKES, Mr. TUNNEY, and Mr. VANDEERLIN. In an age in which medical advancements in heart surgery are increasing and becoming widely acclaimed, this bill seeks tc honor the memory of the distinguished black physician who pioneered medical operations involving the human heart.

On the warm and humid day of July 9, 1893, a brawl erupted in a Chicago barroom, leaving expressman James Cornish stabbed in the region of the heart. Shortly after being rushed to Provident Hospital, Cornish was examined by the founder of the institution, Dr. Daniel Hale Williams, a 37-year-old genius only 10 years out of Chicago Medical College. Although the best medical opinion of the day suggested that heart wounds be left alone, Dr. Williams realized that without an operation, his patient would probably die. With the aid of five assistants, he set to work with no X-ray pictures to direct him, no trained anesthetist to assist him, no blood transfusions to keep the patient alive, no chemotherapeutic drugs to correct an infection, no artificial airway to keep the windpipe open, and no previous surgical experience in this area to guide him. Working swiftly and deftly, Dr. Williams entered the thoracic cavity and proceeded to perform a surgical exploration of the heart. Not only was the operation a success, but the patient, Mr. Cornish, recovered to live for over another 20 years.

Even before the historic operation, Dr. Williams had been heralded as one of the premier physicians of his day. A founder of the National Medical Association and its first vice president, he was also a member of the medical societies of Chicago and of the entire State of Illinois. In 1891 he realized what had been his consuming ambition, establishing a biracially operated institution, Provident Hospital, complete with a training school for nurses. As the hospital's reputation grew, so did that of the founder, and in 1893, President Grover Cleveland appointed Dr. Williams surgeon-in-chief of the Freedmen's Hospital in Washington, D.C. As head of the largest Negro hospital in the country, Dr. Williams proceeded to make innovations and expand operations. He reorganized the surgical services and established a nursing school. The hospital's horse-drawn ambulances patrolled the Capital streets, picking up black patients, some of whom had been turned away from white hospitals.

Despite his eminence in the surgical world, Dr. Williams, who created a method by which the living heart could be sutured, had his own heart broken by the weight of racial prejudices. Exhausted by his efforts to overcome the great odds against him, Dr. Williams retired into self-exile for almost a decade and a half before his death in 1931. A scholar and scientist, reserved and sensitive, he withdrew from active participation in medical and scientific affairs before the full flowering of his genius.

In the history of the Post Office, only two stamps commemorating the efforts of medical men have ever been issued. The doctor's stamp was created in 1947, and in 1964 a stamp was issued in honor of the brothers Charles and William Mayo. We who are the cosponsors of this bill think it most fitting that Dr. Daniel Hale Williams, a man who dedicated his life to the medical advancement of America, be similarly honored by an American stamp saluting both his achievements and his dedication.

ANNOUNCEMENT OF CAPTURE OF BASE COMPLEX IN CAMBODIA COULD BE THE BREAK WE ARE ALL WAITING FOR IN VIETNAM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, the Associated Press reports that the White House has just announced American troops in Cambodia have captured a major, sophisticated base complex that possibly could be the supreme Communist headquarters designated as the goal of the American attack in that country. We pray that this report is correct and that, indeed, this is the headquarters the President has sent the troops in to clean out, and that President Nixon will be able to withdraw the troops very quickly after the successful mopup operation.

I would hope that the thousands of young people who are visiting Washington this weekend to register their protest over Cambodia and Vietnam will realize the situation is very fluid.

We have a report from Chicago by Jack Knabley, one of our most reliable columnists, that some of the young people intend to storm the White House this weekend. We hope this report is incorrect. We hope the young people who are visiting Washington, and I want to stress that they are most welcome here—we welcome their views and their suggestions—we hope that they realize we are at a most critical juncture in the Vietnam war. Indeed, if the President's gamble in Cambodia was correct, if indeed the destruction of this major Communist headquarters is correct, it is entirely possible that the President may be able to withdraw the 150,000 American troops from Vietnam before Labor Day or maybe perhaps even sooner.

I have had serious reservation about escalating the war into Cambodia on our own and have so stated on a number of occasions. But once the President had made his decision, he must have our support. During the past 3 days as thousands of college students converged in Washington, my position has been to give the President the 6 weeks he says he needs to clean out Communist operations in Cambodia and then withdraw our troops. I believe the President should be given the chance even though we may not agree with the basic strategy. The next few days may be decisive and I hope the young people will go along with the President. Let us not do anything that could hurt our own cause and help the enemy.

TRIBUTE TO PRESIDENT HARRY TRUMAN ON HIS 86TH BIRTHDAY

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House, the Chair recognizes the gentleman from Missouri (Mr. RANDALL) for 60 minutes.

Mr. RANDALL. Mr. Speaker, this is the eve of the birthday of our 32d President, whom I have the privilege to represent in the Congress. It is my pleasure and honor once again to be able to stand here in the well and say, "Happy Birthday, President Truman."

Mr. Speaker, I regret the lateness of the hour. In former years we have had several who participated. I am sure most of my colleagues would agree the country has produced no better President. This is not to deny, of course, that there are many more well-known symbols, such as the Father of Our Country astride the white horse at Valley Forge; Abe Lincoln, the railsplitter from Illinois; Woodrow Wilson going down to a tragic but brave defeat; and the broad smile of the man with the uptilted cigaretteholder, Franklin D. Roosevelt. But I submit that none of these gave more of himself to the Presidency than did Harry Truman.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I join in paying tribute to the 32d President of the United States, Harry Truman, on the 86th birthday which he will celebrate tomorrow.

Each year that passes Harry Truman gets to be greater in stature for the great decisions which he made on behalf of this Nation, not only in domestic policy but in particular the great decisions which he made to strengthen our Nation in its relations with other nations. NATO, the Berlin airlift, Korea, the Marshall plan—one could call the roll for quite some time before coming to a conclusion of all the things that Harry Truman has done which stands out in history.

I am particularly pleased my colleague and good friend from Missouri, who represents Harry Truman's district, has taken this time today. All of us wish Harry Truman "happy birthday."

Mr. RANDALL. I appreciate the contribution of the gentleman from West Virginia.

Mr. Truman was the son of poor but

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devoted parents. As a boy he learned very early many of life's hard lessons, so when he became President no adviser was ever needed to fill in that President on the needs of the people. He was one of them.

He was a fighter. Not even his friends thought he would win the Presidency in 1948, but he did.

The Chicago Tribune went so far as to print the front page of the election day issue, 2 or 3 days before, with the headline predictably reading for the last edition, "Dewey Defeats Truman." Well, Harry Truman held up this headline, leading the Nation in laughter, the day after he had won, and he had the last laugh on the Chicago Tribune more than once.

It was the opinion of many competent students of Presidential leadership that the reason Mr. Truman was able to do so much so often was because he never sought to portray himself greater than he was. Again and again he tried to paint himself less than he was. He encouraged people to think, and even his opponents to say, that he was a little man.

He said again and again that he could not fill the shoes of Franklin Roosevelt. Remember, he created that image himself on the day he assumed office, when he said to reporters:

> Boys, if you ever pray, pray for me now. You fellows have never had a load of hay fall on you, but when they told me what happened to Franklin Roosevelt I felt as if all the stars, the moon and all the planets had fallen on me.

There is a professor by the name of Neustadt who contributed a good appraisal of the 32d President when he wrote, speaking of Mr. Truman:

> He was unlike either the one who preceded, Mr. Roosevelt, or the one who succeeded him, Mr. Eisenhower, in that he did not regard the office as "an extension of his own personality."

He did not believe that he had some august right to the national leadership and whatever was all right with him would therefore be all right with the country. Instead, he viewed the Presidency as a grave responsibility whose duties he would try hard to perform.

This was certainly true of the first years, when he considered the Presidency was his by accident; and later, when he won the Presidency by the people's will, he continued to be just as scrupulously fair and objective as he could be, and not a President dominated by the obsession that he was some kind of august ruler, but rather that he was the servant of the people.

In a very few words, he did many things that made him unpopular, but before he left office he was regarded as a good President, because he had himself regarded the job of being President was simply the job of a steward. He selflessly saw the role as a duty, not a right, and nothing he did in those years of the Presidency polorized the country because he always sought to unite it.

No President should regard his defeat on an issue involving his office as a personal defeat or, for that matter, a personal victory. Mr. Truman displayed the fact that in an official matter it was not a personal confrontation when he had what we call the Berlin Incident in 1948. Mr. Truman said he would be very poorly advised indeed to regard this as a "personal" confrontation with the Russian Premier because, he said, this would cause false issues to be mixed in with real issues, and if a President attached himself to an issue because of a personal involvement then a Chief Executive could be in real trouble because he would not be free to think his way through the issues, with perhaps tragic consequences to his country.

It was this selflessness of Mr. Truman coupled with his sense of duty that established a pattern of Presidential conduct that became so important in all of the cold war years and which has been a bulwark for the world's stability and for peace since those years. The Truman doctrine was instituted in order to contain the march of Communist imperialism. By the Marshall plan the failing economies of Western European nations were bolstered arresting the Red march in France and Italy. We lost the China mainland during the Truman administration, but it was not because of any shortcomings of his administration. Rather it was because of the political ineptitude of the non-Communist Chinese leaders. He bolstered the failing political systems of Turkey, Greece, and Iran against encroachments both foreign and domestic. And as we entered the Korean conflict, we took most of the United Nations countries with us either in terms of material of moral support, against invasion by Communist troops from the north.

It has been mentioned here earlier this afternoon that it was during the Truman years that NATO was established and it became a steel band of security to protect Western Europe against Communist invasion in that quarter of the world. All of this was done during the Truman administration. I think we can say it was a time of creation. That was the title of a recent book by former Secretary of State Dean Acheson, who wrote the book, "Present at the Creation," because it was during these years that much of the world's present political structure was created and then built. The chief architect of all of these things was a country boy. His enemies called him an ex-haberdasher. We who are his friends like to refer to him as the "Man from Independence." In Missouri and in the Middle West and throughout the Nation he is regarded today as one of the greatest Presidents of our age. Some refer to the 32d President of the United States as a blunt man, but really everyone recognizes that he was a tough opponent. One time while campaigning in the Midwest in 1948 the story was told, which is believed to be true, that he was handed a basket of eggs by an admirer. Then he was asked if he planned to throw them at his opponents, and he said, no, he would never throw fresh eggs at an opponent.

Today, Mr. Speaker, when there is so much talk about polarization in this country, it is well to remind ourselves that Mr. Truman had some sharp and negative things to say about any group or individual that was actively trying to divide this country. He struck out at both fringes, both the left and the right. He criticized the far right by charging his opposition all over the country was trying to enlist all of the workers and form them together in one great big company union all for the benefit of the National Association of Manufacturers. He charged rather powerful reactionary forces backed by big money and conservative political leadership with trying silently to undermine our democratic institutions.

Now, to the far left he had some things to say about what would be called the flower people of his day. He had some gritty things to say about those whom he said called themselves progressive but were much further to the left and what we would probably call today the "New Left." He was against white racism. He was against the Dixiecrats of his day but not nearly so much as he was outspoken against the KKK who he said were led by the Yahoos of his time.

One time he said that the big job of the modern Presidency was an exercise in persuading people to do those things they ought to do anyway without being persuaded.

Mr. Truman may have been unpopular at times when he was President, but his popularity now seems to increase each year.

When I appeared here in the well earlier today to announce the purpose of this special order and to invite my colleagues who cared to join in this special order or submit for the RECORD their greetings to the former President, after I left the well a prominent leader of the minority in the House said to me that Mr. Truman looks better and better all the time. I am sure the gentleman would not object to his name being mentioned, but since he did not authorize me to do so I shall not do so. It was a private conversation. But I thought it was significant coming from a minority Member of the leadership of the House.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. RANDALL. I yield to the distinguished gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would like to join my colleague in his remarks and commend and congratulate him for taking this time today to pay tribute to a great President.

There is no question but that Harry Truman will go down in history as one of the giants of the history of our time. He made more major decisions during his tenure in office affecting the outcome of civilization and humanity, perhaps, than any other President before him and, perhaps, after him.

The whole course of history revolved around many of those decisions.

He brought World War II to a successful conclusion. He was the first to realize the menace of international communism. He recognized early, as early as 1947, in the Greek civil war that the Soviet Union was not planning and had no intention of keeping its World War II pledges; that the Soviet Union had already then began building up the necessary modus operandi to take over the captive nations of Europe and that they could plunge this whole world into great turmoil.

Mr. Speaker, Harry Truman was a brave man. He was a man not afraid to make a decision. He did not play to the galleries. He did not run any popularity contests. He stood up on his own two feet in making these decisions in the best interest of the country and of the world.

Mr. Speaker, we are proud of the fact that this humble man who liked to tell the stories about himself—the fact that he had never sought the Presidency, he had never intended to be the President when the tragedy struck down President Roosevelt, but there was the sense of his individual merits. This man who was plunged into the Presidency for the ensuing 6 years discharged his responsibilities with great honor and great dedication and outstanding courage.

We Americans can all find great pride in the fact that President Truman had reflected in so many instances the ambitions and aspirations of the American people. He was a great leader. He was a man who understood the great strength of freedom in a democracy such as ours. He trusted people. He was not afraid to take his troubles to the American people and share with them his troubles, and then trusted their good judgment to help him resolve those problems.

Mr. Speaker, he stuck it out in Korea because he knew the odds over there were against freedom, and I say it was a great decision that Harry Truman made when he stopped the Communist conquest of all Southeast Asia and other areas of that part of the world.

Today the world has a right to wish for him all the best of luck and happiness in the remaining years of his life. Harry Truman has made a great contribution and I am sure when the good Lord calls him as he will some day, the epitaph on his grave ought to read: "He had the courage to be different; Harry Truman had the courage to innovate and experiment with new ideas and new programs to fit the changing times of a vibrant democracy."

Mr. Speaker, Harry Truman realized well the fundamental rules of politics. He knew the President of the United States was like a basketball player. As you know, a basketball player cannot stand still with the ball, because if you turn loose, you lose the ball. You have to dribble, pivot, turn and shoot. You have to keep moving.

Mr. Speaker, his whole administration was one of providing new ideas to meet the new postwar problems of a great nation.

He inherited many problems that were latent during the war years when America struggled to retain freedom for the world, and then in an exemplary manner and in a most inspiring manner Harry Truman led the country into new heights of achievement.

We all join my colleague in the well in wishing the President a happy birthday.

Mr. Speaker, I remember one little personal anecdote. I happened to be in Chicago with Mr. Truman on his birthday, and I happened to mention to him in passing that I was proud because my mother's birthday was on the very same day as Harry Truman's. It was a chance remark. It was a very passing remark, and he made some little comment that this was fine, and wonderful. And then, by golly, about two hours later one of the President's aides called upon my mother and brought her a personal letter from the President wishing her a happy birthday.

This tiny little incident shows you the enormity of this man, the humanity of this man. He was constantly trying to see how he could do things better, how he could improve the lot of the people, how he could make our people happier.

So I can tell you that this country can be proud, and this country can be grateful that Harry Truman came by the Presidency of this great Nation. He has left an indelible mark on the Presidency.

Again, Mr. Chairman, I congratulate my friend and colleague, the gentleman from Missouri [Mr. RANDALL] for taking this time. I am sure that all of us on both sides of the aisle, in both Chambers of the Congress of the United States, as well as all the people of America, extend to President Harry Truman our very best wishes for many, many more healthy and fruitful years.

Mr. RANDALL. Mr. Speaker, I appreciate the remarks of the gentleman from Illinois, and particularly the incident he cited concerning his good mother. It demonstrates again the human sort of a person that our former President, Mr. Truman, was—and there are other incidents that have been reported to me, all in connection with not only the 1948 campaign, but on all of his travels across our country.

I would like to comment a little more about what seems to be the greatest distinguishing characteristics of this great man mentioned by the gentleman from West Virginia, and then again by the gentleman from Illinois, because I think Mr. Truman will always be distinguished as a man who had to make more important decisions than most of our Presidents have had to make, and most of them have proven to be wise decisions.

First, I think there are some facets in his makeup that enabled him to make these decisions promptly, for he had a capacity to quickly clarify and weigh and make them on all the facts presented to him.

Secondly, he chose for his counselors men who were specialists on specific matters.

And thirdly, his instinctive ability to sort out all of the essentials always seemed to be with him.

Dean Acheson, in speaking of Truman some years after the close of the Truman administration, said:

> If a President will make decisions, you're in luck. That is the essential quality. And if he has a high batting average in the correctness of his decisions, then you're in clover.

Mr. Speaker, in this year, as our former President celebrates his 86th birthday, it also happens to be the year which is the 25th anniversary of the day Harry S. Truman became President of the United States in 1945. Just remember that the day of his ascension to the Presidency was on April 12, 1945.

This year, at the Truman Library in Independence, on Saturday, April 11, there was an appropriate observance held in the auditorium of the library, and I was glad to be able to be present. Many distinguished Americans were on the stage that afternoon as speakers and participants. There was former Secretary of State Dean Acheson, former Ambassador and Governor of New York, Averill Harriman, former Chief Justice Earl Warren and the Junior Senator from Maine, EDMUND MUSKIE, and former Secretary of the Treasury, John W. Snyder.

All of them made their separate contributions. Yet, as I look back upon the program that afternoon, I recall that some of the most interesting remarks were those made by Mr. Snyder as he spoke of the happenings during the hours and days following Mr. Truman's ascension to the Presidency, as well as during the drama-filled days that followed.

Mr. Snyder very dramatically portrayed how Mr. Truman so quickly realized the magnitude of the task of being President of the United States and also told the group assembled how quickly the new President informed himself about the war, the complications involved, and proceeded immediately to do his homework, and he always did his homework, preparatory to the blockbusting decisions that had to be made by President Truman in those 4 months of the Presidency ending with the surrender of Japan. For those who might be interested in the contents of those remarks I have included that speech as a part of the CONGRESSIONAL RECORD for April 21, 1970, at page 12605.

In his home State and particularly in western Missouri, Mr. Truman has been honored many times to have named after him just about every conceivable kind of things ranging from streets and roads and highways, to airports and sports complexes. Within the past 2 weeks the members of the Missouri delegation in the Congress have introduced a resolution that the great public works project, a multipurpose dam and reservoir heretofore known as Kaysinger, should be changed to the name of the Truman Reservoir. I joined in that resolution and shall proudly support it because I so well recall that it was my privilege as a member of the Jackson County court late in 1948 and 1949, to sponsor an order which was adopted to name the principal east-west thoroughfare in Kansas City and the eastern Jackson County area, Truman Road. In my home city of Independence, our largest secondary school is the Truman High School.

The repetition with which parks, airports and now this reservoir are named for Mr. Truman is but another evidence of the love and respect all Missourians have for their leading citizen and a demonstration of the attitude that it is difficult to honor him too much.

Tonight in the city of Kansas City, at the Music Hall in the Municipal Auditorium, there will be presented a two-act documentary drama, entitled "Give 'Em Hell, Harry." Obviously, the date was se-

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lected for the performance because it is the eve of Mr. Truman's 86th birthday. It is with deep regret that I cannot be present but it is my understanding there will be many ranking Government officials from the time of the Truman administration to the present time who will be in the Music Hall in Kansas City tonight. The event is sponsored by the Jackson County Junior Chamber of Commerce of Kansas City and the proceeds will go to the Kansas City Philharmonic orchestra.

All the history of the Truman years in the White House will be portrayed.

It promises to be a gala night. There is a portion of the play devoted to recreating the day when Mr. Truman became a little bit angry about an unfavorable review of his daughter Margaret's recital. There will be other scenes depicting the creation of the Hoover Commission, the beginning of the Marshall plan and even a scene having to do with the attack on the President and the House of Representatives by a little handful of enraged Puerto Ricans.

Best of all, there will be a revival and an explanation of those famous quotes such as "The buck stops here," and "If you can't stand the heat, get out of the kitchen," and, finally, that gem which is not used too frequently, but, in my opinion, is one of the best of them all, "It's time I spoke to him in the same restrained manner that a sergeant speaks to a mule."

For all of these things and many more that we do not have time to recall tonight, we honor the 32d President and always shall.

One of the best summations of the Truman Presidency was presented by former Secretary of the Treasury John W. Snyder in his speech at the Truman Library on April 11, this year, when he said:

> Chance, in good part, took Harry Truman to the Presidency, but it was his character, his simplicity, his honesty and his self-discipline that kept him there and determined his historical fate. He is, without any doubt, destined to live in the books as one of the strongest and most decisive of the American Presidents.

Happy birthday, President Truman.

GENERAL LEAVE

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the 86th birthday of former President Truman.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. Hungate). Under a previous order of the House, the Chair recognizes the gentleman from Ohio (Mr. Miller), for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States has more refrigerators than any other country. In 1966 there were 49,160,000 refrigerators in the United States as compared to 2,565,000 in Japan, the second-ranked nation.

VIETNAM CONGRESSIONAL MEDAL OF HONOR WINNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Michel) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, last month the Vice President in ceremonies at the White House awarded the Congressional Medal of Honor posthumously to heroes of the war in Vietnam but I was distressed to see that only the names of the medal winners were printed, with nothing said about the circumstances and details of their heroic deeds.

In that regard, I have asked the Defense Department for the full text of the citations for all Medal of Honor winners during the war in Vietnam and I insert the text of these citations in the Record at this point.

[December 5, 1964]

Capt. Roger H. C. Donlon, U.S. Army

Captain Roger H. C. Donlon, Infantry, distinguished himself by conspicuous gallantry and intrepidity at the risk of his own life above and beyond the call of duty while defending a United States Military installation against a fierce attack by hostile forces on 6 July 1964, near Nam Dong, Republic of Vietnam. Captain Donlon was serving as the Commanding Officer of the United States Army Special Forces Detachment A-726 at Camp Nam Dong when a reinforced Viet Cong battalion suddenly launched a full-scale predawn attack on the camp. During the violent battle that ensued, lasting five hours and resulting in heavy casualties on both sides, Captain Donlon directed the defense operations in the midst of an enemy barrage of mortar shells, falling grenades, and extremely heavy gun fire. Upon the initial onslaught, he swiftly marshaled his forces and ordered the removal of the needed ammunition from a blazing building. He then dashed through a hail of small arms fire and exploding hand grenades to abort a breach of the main gate. Enroute to this position he detected an enemy demolition team of three in the proximity of the main gate and quickly annihilated them. Although exposed to the intense grenade attack, he then succeeded in reaching a 60mm mortar position despite sustaining a severe stomach wound as he was within five yards of the gun pit.

When he discovered that most of the men in this gun pit were also wounded, he completely disregarded his own injury, directed their withdrawal to a location thirty meters away, and again risked his own life by remaining behind and covering the movement with the utmost effectiveness. Noticing that his team sergeant was unable to evacuate the gun pit, he crawled toward him and, while dragging the fallen soldier out of the gun pit, an enemy mortar exploded and inflicted a wound in Captain Donlon's left shoulder. Although suffering from multiple wounds, he carried the abandoned 60mm mortar weapon to a new location thirty meters away where he found three wounded defenders. After administering first aid and encouragement to these men, he left the weapon with them, headed toward another position, and retrieved a 57mm recoilless rifle. Then with great courage and coolness under fire, he returned to the abandoned gun pit, evacuated ammunition for the two weapons and, while crawling and dragging the urgently needed ammunition, received a third wound on his leg by an enemy hand grenade. Despite his critical physical condition, he again crawled one hundred and seventy five meters to an 81mm mortar position and directed firing operations which protected the seriously threatened east sector of the camp. He then moved to an eastern 69 mm mortar position and upon determining that the vicious enemy assault had weakened, crawled back to the gun pit with the 60mm mortar, set it up for defensive operations, and turned it over to two defenders with minor wounds. Without hesitation, he left this sheltered position and moved from position to position around the beleaguered perimeter while hurling hand grenades at the enemy and inspiring his men to superhuman effort. As he bravely continued to move around the perimeter, a mortar shell exploded, wounding him in the face and body. As the long awaited daylight brought defeat to the enemy forces and their retreat back to the jungle leaving behind fifty four of their dead, many weapons, and grenades, Captain Donlon immediately reorganized his defenses and administered first aid to the wounded. His dynamic leadership, fortitude, and valiant efforts inspired not only the American personnel but the friendly Vietnamese defenders as well and resulted in the successful defense of the camp. Captain Donlon's conspicuous gallantry, extraordinary heroism, and intrepidity at the risk of his own life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the Armed Forces of his country.

[February 24, 1966]

Sgt. Larry S. Pierce, U.S. Army—Posthumously

Sergeant Larry S. Pierce distinguished himself by conspicuous gallantry and intrepidity at the risk of his own life above and beyond the call of duty while leading a Squad against hostile forces near Ben Cat, Republic of Vietnam, on September 20, 1965. Sergeant Pierce was serving as squad leader in a reconnaissance platoon when his patrol was ambushed by hostile forces. Through his inspiring leadership and personal courage, the squad succeeded in eliminating an enemy machine gun and routing the opposing force. While pursuing the fleeing enemy, the squad came upon a dirt road and, as the main body of his men entered the road, Sergeant Pierce discovered an anti-personnel mine emplaced in the road bed. Realizing that the mine could destroy the majority of his squad, Sergeant Pierce saved the lives of his men at the sacrifice of his own by throwing himself directly onto the mine as it exploded. Through his indomitable courage, complete disregard for his own safety, and profound concern for his fellow soldiers, he averted loss of life and injury to the members of his squad. Sergeant Pierce's conspicuous gallantry, extraordinary heroism, and intrepidity at the cost of his own life, above and beyond the call of duty, are in the highest traditions of the United States Army and reflect great credit upon himself and the Armed Forces of his country.

[April 21, 1966]

PFC. Milton L. Olive, III, U.S. Army—Posthumously

Private First Class Milton L. Olive, III, distinguished himself by conspicuous gallantry and intrepidity at the risk of his own life above and beyond the call of duty while participating in a search and destroy operation in the vicinity of Phu Cuong, Republic of Vietnam, on 22 October 1965. Private Olive was a member of the 3d Platoon of Company

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B, 2d Battalion (Airborne), 503d Infantry, as it moved through the jungle to find the Viet Cong operating in the area. Although the Platoon was subjected to a heavy volume of enemy gun fire and pinned down temporarily, it retaliated by assaulting the Viet Cong positions, causing the enemy to flee. As the Platoon pursued the insurgents, Private Olive and four other soldiers were moving through the jungle together when a grenade was thrown into their midst. Private Olive saw the grenade, and then saved the lives of his fellow soldiers at the sacrifice of his own by grabbing the grenade in his hand and falling on it to absorb the blast with his body. Through his bravery, unhesitating actions, and complete disregard for his own safety, he prevented additional loss of life or injury to the members of his platoon. Private Olive's conspicuous gallantry, extraordinary heroism, and intrepidity at the risk of his own life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the Armed Forces of his country.

[June 23, 1966]

1st Lt. Charles Q. Williams, USA

First Lieutenant Charles Q. Williams, (then Second Lieutenant), Infantry, distinguished himself by conspicuous gallantry and intrepidity at the risk of his own life above and beyond the call of duty while defending the Special Forces Camp at Dong Xoai, Republic of Vietnam, against a violent attack by hostile forces that lasted for fourteen hours, June 9 to 10, 1965. Lieutenant Williams was serving as Executive Officer of a Special Forces Detachment when an estimated Vietcong reinforced regiment struck the Camp and threatened to overrun it and the adjacent District headquarters. He awoke personnel, organized them, determined the source of the insurgents' main effort, and led the troops to their defensive positions on the south and west walls. Then, after running to the District Headquarters to establish communication, he found that there was no radio operational with which to communicate with his commanding officer in another compound. To reach the other compound, he traveled through darkness but was halted in this effort by a combination of shrapnel in his right leg and the increase of the Vietcong gun fire. Ignoring his wound, he returned to the District Headquarters and directed the defense against the first assault. As the insurgents attempted to scale the walls and as some of the Vietnamese defenders began to retreat, he dashed through a barrage of gun fire, succeeded in rallying these defenders, and led them back to their positions. Although wounded in the thigh and left leg during this gallant action, he returned to his position and, upon being told that communications were reestablished and that his commanding officer was seriously wounded, Lieutenant Williams took charge of actions in both compounds. Then in an attempt to reach the communications bunker, he sustained wounds in the stomach and right arm from grenade fragments. As the defensive positions on the walls had been held for hours and casualties were mounting, he ordered the consolidation of the American personnel from both compounds to establish a defense in the District building. After radio contact was made with a friendly air controller, he disregarded his wounds and directed the defense from the District building, using descending flares as reference points to adjust air strikes. By his courage, he inspired his team to hold out against the insurgent force that was closing in on them and throwing grendades into the windows of the building. As daylight arrived and the Vietcong continued to besiege the stronghold, firing a machine gun directly south of the District building, he was determined to eliminate this menace that threatened the lives of his men. Taking a 3.5 rocket launcher and a volunteer to load it, he worked his way across open terrain, reached the berm south of the District Headquarters, and took aim at the Vietcong machine gun one hundred and fifty meters away. Although the sight was faulty, he succeeded in hitting the machine gun. While he and the loader were trying to return to the District Headquarters, they were both wounded.

[September 13, 1966]

Construction Mechanic 3c. Marvin G. Shields, U.S. Navy—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving with United States Navy Seabee Team 1104 at Dong Xoai, Republic of Vietnam, on 10 June 1965. Although wounded when the compound of Detachment A-342, 5th Special Forces Group (Airborne), 1st Forces, came under intense fire from an estimate reinforced Viet Cong regiment employing machine guns, heavy weapons and small arms, Shields continued to resupply his fellow Americans who needed ammunition and to return the enemy fire for a period of approximately three hours, at which time the Viet Cong launched a massive attack at close range with flame throwers, hand grenades and small-arms fire. Wounded a second time during this attack, Shields nevertheless assisted in carrying a more critically wounded man to safety, and then resumed firing at the enemy for four more hours. When the Commander asked for a volunteer to accompany him in an attempt to knock out an enemy machine gun emplacement which was endangering the lives of all personnel in the compound because of the accuracy of its fire, Shields unhesitatingly volunteered for this extremely hazardous mission. Proceeding toward their objective with a 3.5-inch rocket launcher, they succeeded in destroying the enemy machine-gun emplacement, thus undoubtedly saving the lives of many of their fellow servicemen in the compound. Shields was mortally wounded by hostile fire while returning to his defensive position. His heroic initiative and great personal valor in the face of intense enemy fire sustain and enhance the finest traditions of the United States Naval Service.

[December 6, 1966]

Cpl. Robert E. O'Malley, United States Marine Corps

For conspicuous gallantry and intrepidity in action against the communist (Viet Cong) forces at the risk of his own life above and beyond the call of duty while serving as Squad Leader in Company "I", Third Battalion, Third Marines, Third Marine Division (Reinforced), near An Cu'ong 2, South Vietnam, on 18 August 1965. While leading his squad in the assault against a strongly entrenched enemy force, his unit came under intense small arms fire. With complete disregard for his personal safety, Corporal O'Malley raced across an open rice paddy to a trench line where the enemy forces were located. Jumping into the trench, he attacked the Viet Cong with his rifle and grenades, and singly killed eight of the enemy. He then led his squad to the assistance of an adjacent Marine unit which was suffering heavy casualties. Continuing to press forward, he reloaded his weapon and fired with telling effect into the enemy emplacement. He personally assisted in the evacuation of several wounded Marines, and again regrouping the remnants of his squad, he returned to the point of the heaviest fighting. Ordered to an evacuation point by an officer, Corporal O'Malley gathered his besieged and badly wounded squad and boldly led them under fire to a helicopter for withdrawal. Although three times wounded in this encounter, and facing imminent death from a fanatic and determined enemy, he steadfastly refused evacuation and continued to cover his squad's boarding of the helicopters while, from an exposed position, he delivered fire against the enemy until his wounded men were evacuated. Only then, with his last mission accomplished, did he permit himself to be removed from the battlefield. By his valor, leadership, and courageous efforts in behalf of his comrades, he served as an inspiration to all who observed him, and reflected the highest credit upon the Marine Corps and the United States Naval Service.

[January 19, 1967]

Maj. Bernard F. Fisher, USAF

Major Bernard F. Fisher distinguished himself by conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as an A-1E pilot near A Shau, Republic of Vietnam, on 10 March 1966. On that date, the special forces camp at A Shau was under attack by 2,000 North Vietnamese Army Regulars. Hostile troops had positioned themselves between the airstrip and the camp. Other hostile troops had surrounded the camp and were continuously raking it with automatic weapons fire from the surrounding hills. The tops of the 1,500 foot hills were obscured by an 800 foot ceiling, limiting aircraft maneuverability and forcing pilots to operate within range of hostile gun positions, which often were able to fire down on the attacking aircraft. During the battle, Major Fisher observed a fellow airman crash land on the battle torn airstrip. In the belief that the downed pilot was seriously injured and in imminent danger of capture, Major Fisher announced his intention to land on the airstrip to effect a rescue. Although aware of the extreme danger and likely failure of such an attempt, he elected to continue. Directing his own air cover, he landed his aircraft and taxied almost the full length of the runway, which was littered with battle debris and parts of an exploded aircraft. While effecting a successful rescue of the downed pilot, heavy ground fire was observed, with nineteen bullets striking his aircraft. In the face of the withering ground fire, he applied power and gained enough speed to lift-off at the overrun of the airstrip. Major Fisher's conspicuous gallantry, his profound concern for his fellow airman, and his intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States Air Force and reflect great credit upon himself and the armed forces of his country.

[January 31, 1967]

1st Lt. Frank S. Reasoner, USMC—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Commanding Officer, Company A, 3d Reconnaissance Battalion, 3d Marine Division in action against hostile Viet Cong forces near Da Nang, Vietnam on 12 July 1965. The reconnaissance patrol led by Lieutenant Reasoner had deeply penetrated heavily controlled enemy territory when it came under extremely heavy fire from an estimated 50 to 100 Viet Cong insurgents. Accompanying the advance party and the point that consisted of five men, he immediately deployed his men for an assault after the Viet Cong had opened fire from numerous concealed positions. Boldly shouting encouragement and virtually isolated from the main body, he organized a base of fire for an assault on the enemy positions. The slashing fury of the Viet Cong machine gun and automatic weapons fire made it impossible for the main body to move forward. Repeatedly exposing himself to the devastating attack he skillfully provided covering fire, killing at least two Viet Cong and effectively silencing an automatic weapons position in a valiant attempt to effect evacuation of a wounded man. As casualties began to mount

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his radio operator was wounded and Lieutenant Reasoner immediately moved to his side and tended his wounds. When the radio operator was hit a second time while attempting to reach a covered position, Lieutenant Reasoner courageously running to his aid through the grazing machine gun fire fell mortally wounded. His indomitable fighting spirit, valiant leadership and unflinching devotion to duty provided the inspiration that was to enable the patrol to complete its mission without further casualties. In the face of almost certain death he gallantly gave his life in the service of his country. His actions upheld the highest traditions of the Marine Corps and the United States Naval Service.

[February 7, 1967]

L. Cpl. Joe C. Paul, United States Marine Corps—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a Fire Team Leader with Company H, Second Battalion, Fourth Marines, during Operation STARLITE near Chu Lai in the Republic of Vietnam on 18 August 1965. In violent battle, Corporal Paul's platoon sustained five casualties as it was temporarily pinned down by devastating mortar, recoilless rifle, automatic weapons, and rifle fire delivered by insurgent communist (Viet Cong) forces in well entrenched positions. The wounded Marines were unable to move from their perilously exposed positions forward of the remainder of their platoon, and were suddenly subjected to a barrage of white phosphorous rifle grenades. Corporal Paul, fully aware that his tactics would almost certainly result in serious injury or death to himself, chose to disregard his own safety and boldly dashed across the fire-swept rice paddies, placed himself between his wounded comrades and the enemy, and delivered effective suppressive fire with his automatic weapon in order to divert the attack long enough to allow the casualties to be evacuated. Although critically wounded during the course of the battle, he resolutely remained in his exposed position and continued to fire his rifle until he collapsed and was evacuated. By his fortitude and gallant spirit of self-sacrifice in the face of almost certain death, he saved the lives of several of his fellow Marines. His heroic action served to inspire all who observed him and reflect the highest credit upon himself, the Marine Corps and the United States Naval Service. He gallantly gave his life in the cause of freedom.

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[February 27, 1967]

First Lt. Harvey C. Barnum, Jr., U.S. Marine Corps

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as Forward Observer for Artillery, while attached to Company H, Second Battalion, Ninth Marines, Third Marine Division (Reinforced), in action against communist forces at Ky Phu in Quang Tin Province, Republic of Vietnam, on 18 December 1965. When the company was suddenly pinned down by a hail of extremely accurate enemy fire and was quickly separated from the remainder of the battalion by over five hundred meters of open and fire-swept ground, and casualties mounted rapidly, Lieutenant Barnum quickly made a hazardous reconnaissance of the area seeking targets for his artillery. Finding the rifle company commander mortally wounded and the radio operator killed, he, with complete disregard for his own safety, gave aid to the dying commander, then removed the radio from the dead operator and strapped it to himself. He immediately assumed command of the rifle company, and moving at once into the midst of the heavy fire, rallying and giving encouragement to all units, reorganized them to replace the loss of key personnel and led their attack on enemy positions from which deadly fire continued to come. His sound and swift decisions and his obvious calm served to stabilize the badly decimated units and his gallant example as he stood exposed repeatedly to point out targets served as an inspiration to all. Provided with two armed helicopters, he moved fearlessly through enemy fire to control the air attack against the firmly entrenched enemy while skillfully directing one platoon in a successful counter-attack on the key enemy positions. Having thus cleared a small area, he requested and directed the landing of two transport helicopters for the evacuation of the dead and wounded. He then assisted in the mopping up and final seizure of the battalion's objective. His gallant initiative and heroic conduct reflected great credit upon himself and were in keeping with the highest traditions of the Marine Corps and the United States Naval Service.

[March 9, 1967]

Sp5c. Lawrence Joel, United States of America

Specialist Five Lawrence Joel distinguished himself by gallantry and intrepidity at the risk of his life above and beyond the call of duty on November 8, 1965 while serving as a Medical Aidman, Headquarters and Headquarters Company, 1st Battalion (Airborne), 503d Infantry on a battlefield in the Republic of Vietnam. Specialist Joel demonstrated indomitable courage, determination, and professional skill when a numerically superior and well-concealed Viet Cong element launched a vicious attack which wounded or killed nearly every man in the lead squad of the Company. After treating the men wounded by the initial burst of gun fire, he bravely moved forward to assist others who were wounded while proceeding to their objective. While moving from man to man, he was struck in the right leg by machine gun fire. Although painfully wounded his desire to aid his fellow soldiers transcended all personal feeling. He bandaged his own wound and self administered morphine to deaden the pain enabling him to continue his dangerous undertaking. Throughout this period of time, he constantly shouted words of encouragement to all around him. Then completely ignoring the warning of others, and his own pain, he continued his search for wounded exposing himself to hostile fire; and, as bullets dug up the dirt around him, he held plasma bottles high while kneeling completely engrossed in his life saving mission. Then, after being struck a second time and with a bullet lodged in his thigh, he dragged himself over the battlefield and succeeded in treating thirteen more men before his medical supplies ran out. Displaying resourcefulness, he saved the life of one man by placing a plastic bag over a severe chest wound to congeal the blood. As one of the platoons pursued the Viet Cong, an insurgent force in concealed positions opened fire on the platoon and wounded many more soldiers. With a new stock of medical supplies, Specialist Joel again shouted words of encouragement as he crawled through an intense hail of gun fire to the wounded men. After the twenty-four hour battle subsided and the Viet Cong dead numbered four hundred and ten, snipers continued to harass the Company. Throughout the long battle, Specialist Joel never lost sight of his mission as a Medical Aidman and continued to comfort and treat the wounded until his own evacuation was ordered. His meticulous attention to duty saved a large number of lives and his unselfish, daring example under most adverse conditions was an inspiration to all. Specialist Joel's profound concern for his fellow soldiers, his conspicuous gallantry, and his intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

[April 6, 1967]

Sp4c. Daniel Fernandez, U.S. Army

Specialist Four Daniel Fernandez distinguished himself by gallantry and intrepidity at the risk of his life above and beyond the call of duty on February 18, 1966 while serving as a member of an eighteen-man patrol engaged in a vicious battle with the Viet Cong in the vicinity of Cu Chi, Hau Nghia Province, Republic of Vietnam. Specialist Fernandez demonstrated indomitable courage when the small patrol was ambushed by a Viet Cong rifle company and driven back by the intense enemy automatic weapons fire before it could evacuate an American soldier who was struck down in the initial attack. Specialist Fernandez and three comrades immediately fought their way through devastating gun fire and exploding grenades to reach the fallen soldier. After the volunteers reached their fallen comrades and attempted to return to their defensive positions, a United States Army sergeant was struck in the knee by .50 caliber machine gun fire. Specialist Fernandez rallied the left flank of his patrol, went to assist in the recovery of the wounded sergeant and, while first aid was being administered to the wounded man, an enemy rifle grenade landed in the midst of their group. Realizing there was no time for the wounded sergeant or the other men to gain protection from the grenade blast, Specialist Fernandez threw himself on the grenade as it exploded, saving the lives of the four men at the sacrifice of his own. Specialist Fernandez' profound concern for his fellow soldiers, his conspicuous gallantry, and his intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

[May 2, 1967]

S. Sgt. Peter S. Connor, U.S. Marine Corps—Posthumously

For conspicuous gallantry and intrepidity in action against enemy Viet Cong forces at the risk of his life above and beyond the call of duty while serving as Platoon Sergeant of the Third Platoon, Company F, Second Battalion, Third Marines, First Marine Division (Reinforced), Fleet Marine Force, in Quang Ngai Province, Republic of Vietnam on 25 February 1966. Leading his platoon on a search and destroy operation in an area made particularly hazardous by extensive cave and tunnel complexes, Sergeant Connor maneuvered his unit aggressively forward under intermittent enemy small-arms fire. Exhibiting particular alertness and keen observation, he spotted an enemy spider hole emplacement approximately fifteen meters to his front. He pulled the pin from a fragmentation grenade intending to charge the hole boldly and drop the missile into its depths. Upon pulling the pin he realized that the firing mechanism was faulty, and that even as he held the safety device firmly in place, the fuze charge was already activated. With only precious seconds to decide, he further realized that he could not cover the distance to the small opening of the spider hole in sufficient time, and that to hurl the deadly bomb in any direction would result in death or injury to some of his comrades tactically deployed near him. Manifesting extraordinary gallantry and with utter disregard for his personal safety, he chose to hold the grenade against his own body in order to absorb the terrific explosion and spare his comrades. His act of extreme valor and selflessness in the face of virtually certain death, although leaving him mortally wounded, spared many of his fellow Marines from death or injury. His gallant action in giving his life in the cause of freedom reflects the highest credit upon the Marine Corps and the Armed Forces of the United States.

[September 28, 1967]

SP4C. DAVID C. DOLBY, U.S.A.

On 21 May 1966, Specialist Dolby was serving as a machine gunner of Company B, 1st Battalion (Airborne), 8th Cavalry in the Republic of Vietnam, when his platoon, while advancing tactically, suddenly came under intense fire from the enemy located on a ridge immediately to the front. Six members of the platoon were killed instantly and a number were wounded, including the platoon leader. Specialist Dolby's every move brought fire from the enemy. However, aware that the platoon leader was critically wounded, and that the platoon was in a precarious situation, Specialist Dolby moved the wounded men to safety and deployed the remainder of the platoon to engage the enemy. Subsequently, his dying platoon leader ordered Specialist Dolby to withdraw the forward elements to rejoin the platoon. Despite the continuing intense enemy fire and with utter disregard for his own safety, Specialist Dolby positioned able-bodied men to cover the withdrawal of the forward elements, assisted the wounded to the new position, and he, alone, attacked enemy positions until his ammunition was expended. Replenishing his ammunition, he returned to the area of most intense action, single-handedly killed three enemy machine gunners and neutralized the enemy fire, thus enabling friendly elements on the flank to advance on the enemy redoubt. He defied the enemy fire to personally carry a seriously wounded soldier to safety, where he could be treated and, returning to the forward area, he crawled through withering fire to within fifty meters of the enemy bunkers and threw smoke grenades to mark them for air strikes. Although repeatedly under fire at close range from the enemy snipers and automatic weapons, Specialist Dolby directed artillery fire on the enemy and succeeded in silencing several enemy weapons. He remained in his exposed location until his comrades had displaced to more secure positions. His actions of unsurpassed valor during four hours of intense combat were a source of inspiration to his entire company, contributed significantly to the success of the overall assault of the enemy position, and were directly responsible for saving the lives of a number of his fellow soldiers. Specialist Dolby's heroism was in the highest tradition of the United States Army.

[October 25, 1967]

MAJ. HOWARD V. LEE, U.S. MARINE CORPS

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as Commanding Officer, Company E, Fourth Marines, Third Marine Division near Cam Lo, Republic of Vietnam, on 8 and 9 August 1966. A platoon of Major (then Captain) Lee's company, while on an operation deep in enemy territory, was attacked and surrounded by a large Vietnamese force. Realizing that the unit had suffered numerous casualties, depriving it of effective leadership, and fully aware that the platoon was even then under heavy attack by the enemy, Major Lee took seven men and proceeded by helicopter to reinforce the beleaguered platoon. Major Lee disembarked from the helicopter with two of his men and, braving withering enemy fire, led them into the perimeter, where he fearlessly moved from position to position, directing and encouraging the overtaxed troops. The enemy then launched a massive attack with the full might of their forces. Although painfully wounded by fragments from an enemy grenade in several areas of his body, including his eye, Major Lee continued undauntedly throughout the night to direct the valiant defense, coordinate supporting fires, and apprise higher headquarters of the plight of the platoon. The next morning he collapsed from his wounds and was forced to relinquish command. However the small band of Marines had held their position and repeatedly fought off many vicious enemy attacks for a grueling six hours until their evacuation was effected the following morning. Major Lee's actions saved his men from capture, minimized the loss of lives, and dealt the enemy a severe defeat. His indomitable fighting spirit, superb leadership, and great personal valor in the face of tremendous odds, reflect great credit upon himself and are in keeping with the highest traditions of the Marine Corps and the United States Naval Service.

[January 30, 1968]

SEAMAN DAVID G. OUELLET, U.S. NAVY AT THE PENTAGON

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving with River Section 532, in combat against the enemy in the Republic of Vietnam. As the forward machine gunner on River Boat Patrol (PBR) 124, which was on patrol on the Mekong River during the early evening hours of 6 March 1967, Seaman Ouellet observed suspicious activity near the river bank, alerted his Boat Captain and recommended movement of the boat to the area to investigate. While the PBR was making a high-speed run along the river bank, Seaman Ouellet spotted an incoming enemy grenade falling toward the boat. He immediately left the protected position of his gun mount and ran aft for the full length of the speeding boat, shouting to his fellow crewmembers to take cover. Observing the Boat Captain standing unprotected on the boat, Seaman Ouellet bounded onto the engine compartment cover, and pushed the Boat Captain down to safety. In the split second that followed the grenade's landing, and in the face of certain death, Seaman Ouellet fearlessly placed himself between the deadly missile and his shipmates, courageously absorbing most of the blast fragments with his own body in order to protect his shipmates from injury and death. His extraordinary heroism and his selfless and courageous actions on behalf of his comrades at the expense of his own life were in the finest traditions of the United States Naval Service.

[February 1, 1968]

MAJ. MERLYN H. DETHLEFSEN, UNITED STATES AIR FORCE

On 10 March 1967, Major Dethlefsen (then Captain) was one of a flight of F–105 aircraft engaged in a fire suppression mission designed to destroy a key antiaircraft defensive complex containing surface-to-air-missiles (SAM), an exceptionally heavy concentration of antiaircraft artillery, and other automatic weapons. The defensive network was situated to dominate the approach and provide protection to an important North Vietnam industrial center that was scheduled to be attacked by fighter bombers immediately after the strike by Major Dethlefsen's flight. In the initial attack on the defensive complex the lead aircraft was crippled, and Major Dethlefsen's aircraft was extensively damaged by the intense enemy fire. Realizing that the success of the impending fighter bomber attack on the center now depended on his ability to effectively suppress the defensive fire, Major Dethlefsen ignored the enemy's overwhelming firepower and the damage to his aircraft and pressed his attack. Despite a continuing hail of antiaircraft fire, deadly surface-to-air missiles, and counterattacks by MIG interceptors, Major Dethlefsen flew repeated close range strikes to silence the enemy defensive positions with bombs and cannon fire. His action in rendering ineffective the defensive SAM and antiaircraft artillery sites enabled the ensuing fighter bombers to strike successfully the important industrial target without loss or damage to their aircraft, thereby appreciably reducing the enemy's ability to provide essential war material. Major Dethlefsen's conspicuous gallantry, consummate skill and selfless dedication to this significant mission were in keeping with the highest traditions of the United States Air Force and reflect great credit upon himself and the armed forces of his country.

[February 7, 1968]

SGT. DONALD R. LONG, U.S. ARMY, POSTHUMOUSLY

This award recognizes Sergeant Long's heroic actions during a reconnaissance mission near Srok Dong, Republic of Vietnam, on June 30, 1966.

Sergeant Long was serving as assistant to the platoon leader, Troop C, 1st Squadron, 4th Cavalry, 1st Infantry Division when his unit was attacked by a heavily supported Viet Cong Regiment. He inspired his comrades by repeatedly exposing himself to enemy fire while assisting the wounded and by fearlessly standing unprotected to repel the attackers with rifle fire and grenades. When an enemy grenade was hurled onto the deck of his Armored Personnel Carrier he immediately shouted a warning and pushed to safety a man who had not heard. Realizing that these actions would not fully protect the exposed crewmen, Sergeant Long threw himself over the grenade to absorb the blast and thereby saved the lives of eight of his comrades at the expense of his own life.

[February 15, 1968]

PFC. LEWIS ALBANESE, U.S. ARMY, POSTHUMOUSLY

This award recognizes Private Albanese's heroic actions during a platoon assault on an enemy position near Phu Muu II, Republic of Vietnam, on December 1, 1966.

At the time of the action Private Albanese was providing security for the left flank of the 2d Platoon, Company B, 5th Battalion, 7th Cavalry, 1st Cavalry Division, Airmobile) when his unit came under intense automatic weapons fire from very close range. Heavy fire from the left flank of the platoon prompted Private Albanese to fix his bayonet and move aggressively into a well organized complex of enemy defenses. Disregarding the danger to himself, he advanced 100 meters along the ditch and killed six snipers armed with automatic weapons. When his ammunition was exhausted, he engaged and killed two more enemy soldiers in fierce hand to hand combat. In this fight, which saved the lives of many members of his platoon who otherwise would have fallen to the sniper fire from the ditch, Private Albanese was mortally wounded.

[March 12, 1968]

SECOND LT. JOHN J. MCGINTY III, U.S. MARINE CORPS

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as Acting Platoon Leader, First Platoon, Company K, Third Battalion, Fourth Marines, Third Marine Division, in the Republic of Vietnam on 18 July 1966, Second Lieutenant (then Staff Sergeant) McGinty's platoon, which was providing rear security to protect the withdrawal of the Battalion from a position which had been under attack for three days, came under heavy small arms, automatic weapons and mortar fire from an estimated enemy regiment. With each successive human wave which assaulted his thirty-

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two-man platoon during the four-hour battle, Second Lieutenant McGinty rallied his men to beat off the enemy. In one bitter assault, two of the squads became separated from the remainder of the platoon. With complete disregard for his safety, Second Lieutenant McGinty charged through intense automatic weapons and mortar fire to their position. Finding twenty men wounded and the Medical Corpsman killed, he quickly reloaded ammunition magazines and weapons for the wounded men and directed their fire upon the enemy. Although he was painfully wounded as he moved to care for the disabled men, he continued to shout encouragement to his troops and to direct their fire so effectively that the attacking hordes were beaten off. When the enemy tried to out-flank his position, he killed five of them at point-blank range with his pistol. When they again seemed on the verge of over-running the small force, he skillfully adjusted artillery and air strikes within fifty yards of his position. This destructive fire power routed the enemy, who left an estimated 500 bodies on the battlefield. Second Lieutenant McGinty's personal heroism, indomitable leadership, selfless devotion to duty, and bold fighting spirit inspired his men to resist the repeated attacks by a fanatical enemy, reflected great credit upon himself, and upheld the highest traditions of the Marine Corps and the United States Naval Service.

[April 16, 1968]

Pfc. Douglas E. Dickey, U.S. Marine Corps

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving with the Second Platoon, Company C, First Battalion, Fourth Marines, Third Marine Division in the Republic of Vietnam on 26 March 1967. While participating in Operation Beacon Hill 1, the Second Platoon was engaged in a fierce battle with the Viet Cong at close range in dense jungle foliage. Private First Class Dickey had come forward to replace a radio operator who had been wounded in this intense action and was being treated by a medical corpsman. Suddenly an enemy grenade landed in the midst of a group of Marines, which included the wounded radio operator who was immobilized. Fully realizing the inevitable result of his actions, Private First Class Dickey, in a final valiant act, quickly and unhesitatingly threw himself upon the deadly grenade, absorbing with his own body the full and complete force of the explosion. Private First Class Dickey's personal heroism, extraordinary valor and selfless courage saved a number of his comrades from certain injury and possible death at the cost of his own life. His actions reflected great credit upon himself, the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[May 1, 1968]

Sgt. John F. Baker, Jr., U.S. Army

Sergeant John F. Baker, Jr., (then Private First Class) greatly distinguished himself on 5 November 1966 while serving with Company A, 2d Battalion, 27th Infantry, on a combat operation in the Republic of Vietnam. Enroute to assist another unit that was engaged with the enemy, Company A came under intense enemy fire and the lead man was killed instantly. Sergeant Baker immediately moved to the head of the column and together with another soldier knocked out two enemy bunkers. When his comrade was mortally wounded, Sergeant Baker, spotting four Viet Cong snipers, killed all of them, evacuated the fallen soldier and returned to lead repeated assaults against the enemy positions, killing several more Viet Cong. Moving to attack two additional enemy bunkers, he and another soldier drew intense enemy fire and Sergeant Baker was blown from his feet by an enemy grenade. He quickly recovered and singlehandedly destroyed one bunker before the other soldier was wounded. Seizing his fallen comrade's machine gun, Sergeant Baker charged through the deadly fusillade to silence the other bunker. He evacuated his comrade, replenished his ammunition and returned to the forefront to brave the enemy fire and continue the fight. When the forward element was ordered to withdraw, he carried one wounded man to the rear. As he returned to evacuate another soldier, he was taken under fire by snipers, but raced beyond the friendly troops to attack and kill the snipers. After evacuating the wounded man, he returned to cover the deployment of the unit. His ammunition now exhausted, he dragged two more of his fallen comrades to the rear. Sergeant Baker's selfless heroism, indomitable fighting spirit, and extraordinary gallantry were responsible for saving the lives of several of his comrades, and inflicting serious damage on the enemy. His acts were in keeping with the highest traditions of the United States Army and reflect great credit upon himself and the Armed Forces of his country.

[May 1, 1968]

Capt. Robert F. Foley, U.S. Army

On 5 November 1966, while serving as Commander, Company A, 2nd Battalion, 27th Infantry, near Quan Dau Tieng, Republic of Vietnam, Captain Foley's company was ordered to extricate another company of the Battalion. Moving through the dense jungle to aid the besieged unit, Company A encountered a strong enemy force occupying well concealed, defensive positions, and the company's leading element quickly sustained several casualties. Captain Foley immediately ran forward to the scene of most intense action to direct the company's efforts. Deploying one platoon on the flank, he led the other two platoons in an attack on the enemy in face of intense fire. During this action both radio operators accompanying him were wounded. At grave risk to himself he defied the enemy's murderous fire, and helped the wounded operators to a position where they could receive medical care. As he moved forward again one of his machine gun crews was wounded. Seizing the weapon, he charged forward firing the machine gun, shouting orders and rallying his men thus maintaining the momentum of the attack. Under increasingly heavy enemy fire he ordered his assistant to take cover and, alone, Captain Foley continued to advance firing the machine gun until the wounded had been evacuated and the attack in this area could be resumed. When movement on the other flank was halted by the enemy's fanatical defense, Captain Foley moved to personally direct this critical phase of the battle. Leading the renewed effort he was blown off his feet and wounded by an enemy grenade. Despite his painful wounds he refused medical aid and persevered in the forefront of the attack on the enemy redoubt. He led the assault on several enemy gun emplacements and, singlehandedly, destroyed three such positions. His outstanding personal leadership, under intense enemy fire during the fierce battle which lasted for several hours, inspired his men to heroic efforts and was instrumental in the ultimate success of the operation. Captain Foley's magnificent courage, selfless concern for his men and professional skill reflect the utmost credit upon himself and the United States Army.

[May 14, 1968]

Capt. Gerald O. Young, U.S. Air Force

Captain Young distinguished himself on 9 November 1967 while serving as a Helicopter Rescue Crew Commander in Southeast Asia. Captain Young was flying escort for another Helicopter attempting the night rescue of an Army ground reconnaissance team in imminent danger of death or capture. Previous attempts had resulted in the loss of two helicopters to hostile ground fire. The endangered team was positioned on the side of a steep slope which required unusual airmanship on the part of Captain Young to effect pickup. Heavy automatic weapons fire from the surrounding enemy severely damaged one rescue helicopter, but it was able to extract three of the team. The commander of this aircraft recommended to Captain Young that further rescue attempts be abandoned because it was not possible to suppress the concentrated fire from enemy automatic weapons. With full knowledge of the danger involved, and the fact that supporting helicopter gunships were low on fuel and ordnance, Captain Young hovered under intense fire until the remaining survivors were aboard. As he maneuvered the aircraft for take-off, the enemy appeared at point blank range and raked the aircraft with automatic weapons fire. The aircraft crashed, inverted, and burst into flames. Captain Young escaped through a window of the burning aircraft. Disregarding serious burns, Captain Young aided one of the wounded men and then attempted to lead the hostile forces away from his position. Later, despite intense pain from his burns, he declined to accept rescue because he had observed hostile forces setting up automatic weapons positions to entrap any rescue aircraft. For more than 17 hours he evaded the enemy until rescue aircraft could be brought into the area. Through his extraordinary heroism, aggressiveness, and concern for his fellowman, Captain Young reflected the highest credit upon himself, the United States Air Force, and the armed forces of his country.

[May 14, 1968]

Sgt. Richard A. Pittman, United States Marine Corps

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a member of First Platoon, Company I, Third Battalion, Fifth Marines during combat operations near the Demilitarized Zone, Republic of Vietnam. On 24 July 1966, while Company I was conducting an operation along the axis of a narrow jungle trail, the leading company elements suffered numerous casualties when they suddenly came under heavy fire from a well concealed and numerically superior enemy force. Hearing the engaged Marines' calls for more firepower, Sergeant (then Lance Corporal) Pittman quickly exchanged his rifle for a machine gun and several belts of ammunition, left the relative safety of his platoon, and unhesitatingly rushed forward to aid his comrades. Taken under intense enemy small-arms fire at point blank range during his advance, he returned the fire silencing the enemy positions. As Sergeant Pittman continued to forge forward to aid members of the leading platoon, he again came under heavy fire from two automatic weapons which he promptly destroyed. Learning that there were additional wounded Marines fifty yards further along the trail, he braved a withering hail of enemy mortar and small-arms fire to continue onward. As he reached the position where the leading Marines had fallen, he was suddenly confronted with a bold frontal attack by 30 to 40 enemy. Totally disregarding his own safety, he calmly established a position in the middle of the trail and raked the advancing enemy with devastating machine-gun fire. His weapon rendered ineffective, he picked up an enemy submachine gun and, together with a pistol seized from a fallen comrade, continued his lethal fire until the enemy force had withdrawn. Having exhausted his ammunition except for a grenade which he hurled at the enemy, he then rejoined his own platoon. Sergeant

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Pittman's daring initiative, bold fighting spirit and selfless devotion to duty inflicted many enemy casualties, disrupted the enemy attack and saved the lives of many of his wounded comrades. His personal valor at grave risk to himself reflects the highest credit upon himself, the Marine Corps and the United States Naval Service.

[May 14, 1968]

BOATSWAIN'S MATE 1C. JAMES E. WILLIAMS, U.S. NAVY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a member of River Section 531 during combat operations on the Mekong River in the Republic of Vietnam. On 31 October 1966, Petty Officer Williams was serving as Boat Captain and Patrol Officer aboard River Patrol Boat (PBR) 105 accompanied by another patrol boat when the patrol was suddenly taken under fire by two enemy sampans. Petty Officer Williams immediately ordered the fire returned, killing the crew of one enemy boat and causing the other sampan to take refuge in a nearby river inlet. Pursuing the fleeing sampan, the U.S. patrol encountered a heavy volume of small arms fire from enemy forces, at close range, occupying well-concealed positions along the river bank. Maneuvering through this fire, the patrol confronted a numerically superior enemy force aboard two enemy junks and eight sampans augmented by heavy automatic weapons fire from ashore. In the savage battle that ensued, Petty Officer Williams, with utter disregard for his own safety, exposed himself to the withering hail of enemy fire to direct counter-fire and inspire the actions of his patrol. Recognizing the overwhelming strength of the enemy force, Petty Officer Williams deployed his patrol to await the arrival of armed helicopters. In the course of his movement he discovered an even larger concentration of enemy boats. Not waiting for the arrival of the armed helicopters, he displayed great initiative and boldly led the patrol through the intense enemy fire and damaged or destroyed fifty enemy sampans and seven junks. This phase of the action completed, and with the arrival of the armed helicopters, Petty Officer Williams directed the attack on the remaining enemy force. Now virtually dark, and although Petty Officer Williams was aware that his boats would become even better targets, he ordered the patrol boats' search lights turned on to better illuminate the area and moved the patrol perilously close to shore to press the attack. Despite a waning supply of ammunition the patrol successfully engaged the enemy ashore and completed the rout of the enemy force. Under the leadership of Petty Officer Williams, who demonstrated unusual professional skill and indomitable courage throughout the three hour battle, the patrol accounted for the destruction or loss of sixty-five enemy boats and inflicted numerous casualities on the enemy personnel. His extraordinary heroism and exemplary fighting spirit in the face of grave risks inspired the efforts of his men to defeat a larger enemy force, and are in keeping with the finest traditions of the United States Naval Service.

[May 14, 1968]

SP5C. CHARLES C. HAGEMEISTER, U.S. ARMY

Specialist Five (then Specialist Four) Charles C. Hagemeister, distinguished himself at the risk of his life above and beyond the call of duty on 20 March 1967, while serving as a Medical Aidman, Company A., 1st Battalion, 5th Cavalry. While conducting combat operations against a hostile force in Binh Dinh Province, Republic of Vietnam, Specialist Hagemeister's platoon suddenly came under heavy attack from three sides by an enemy force occupying well concealed, fortified positions and supported by machine guns and mortars. Seeing two of his comrades seriously wounded in the initial action. Specialist Hagemeister unhesitatingly and with total disregard for his own safety, raced through the deadly hail of enemy fire to provide them medical aid. Upon learning that the platoon leader and several other soldiers also had been wounded, Specialist Hagemeister continued to brave the withering enemy fire and crawled forward to render lifesaving treatment and to offer words of encouragement. Attempting to avacuate the seriously wounded soldiers. Specialist Hagemeister was taken under fire at close range by an enemy sniper. Realizing that the lives of his fellow soldiers depended on his actions, Specialist Hagemeister seized a rifle from a fallen comrade, killed the sniper, three other enemy soldiers who were attempting to encircle his position and silenced an enemy machine gun that covered the area with deadly fire. Unable to remove the wounded to a less exposed location and aware of the enemy's efforts to isolate his unit, he dashed through the fusillade of fire to secure help from a nearby platoon. Returning with help, he placed men in positions to cover his advance as he moved to evacuate the wounded forward of his location. These efforts successfully completed, he then moved to the other flank and evacuated additional wounded men despite the fact that his every move drew fire from the enemy. Specialist Hagemeister's repeated heroic and selfless actions at the risk of his own life saved the lives of many of his comrades and inspired their actions in repelling the enemy assault. Specialist Hagemeister's conspicuous gallantry and indomitable courage are in the highest traditions of the United States Armed Forces and reflect great credit upon himself.

[June 4, 1968]

SP4C. DONALD W. EVANS, JR., U.S. ARMY—POSTHUMOUSLY

Specialist Evans distinguished himself while serving as a medical aidman with Company A, 2d Battalion, 12th Infantry in combat operations north of Tri Tam, Republic of Vietnam on 27 January 1967. He left his position of relative safety with his platoon which had not yet been committed to the battle to answer the calls for medical aid from the wounded men of another platoon which was heavily engaged with the enemy force. Dashing across one hundred meters of open area through a withering hail of enemy fire and exploding grenades, he administered life saving treatment to one individual and continued to expose himself to the deadly enemy fire as he moved to treat each of the other wounded men and to offer them encouragement. Realizing that the wounds of one man required immediate attention, Specialist Evans dragged the injured soldier back across the dangerous fire-swept area, to a secure position from which he could be further evacuated. Miraculously escaping the enemy fusillade, Specialist Evans returned to the forward location. As he continued the treatment of the wounded, he was struck by fragments from an enemy grenade. Despite his serious and painful injury he succeeded in evacuating another wounded comrade, rejoined his platoon as it was committed to battle, and was soon treating other wounded soldiers. As he evacuated another wounded man across the fire covered field, he was severely wounded. Continuing to refuse medical attention and ignoring advice to remain behind, he managed with his waning strength to move yet another wounded comrade across the dangerous open area to safety. Disregarding his painful wounds and seriously weakened from profuse bleeding, he continued his life saving medical aid and was killed while treating another wounded comrade. Specialist Evans' extraordinary valor, dedication and indomitable spirit saved the lives of several of his fellow soldiers, served as an inspiration to the men of his company, were instrumental in the success of their mission, and reflect great credit upon himself and the Armed Forces of his country.

[June 27, 1968]

1ST LT. GEORGE K. SISLER, U.S. ARMY—POSTHUMOUSLY

First Lieutenant Sisler, Headquarters and Headquarters Company, 5th Special Forces Group (Airborne), 1st Special Forces, distinguished himself by conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty in the Republic of Vietnam on February 7, 1967. Lieutenant Sisler was the platoon leader/advisor to a Special United States/Vietnam exploitation force. While on patrol deep within enemy dominated territory, Lieutenant Sisler's platoon was attacked from three sides by a company sized enemy force. Lieutenant Sisler quickly rallied his men, deployed them to a better defensive position, called for air strikes, and moved among his men to encourage and direct their efforts. Learning that two men had been wounded and were unable to pull back to the perimeter, Lieutenant Sisler charged from the position through intense enemy fire to assist them. He reached the men and began carrying one of them back to the perimeter, when he was taken under more intensive automatic weapons fire by the enemy. Laying down his wounded comrade, he killed three onrushing enemy soldiers by firing his rifle and silenced the enemy machine gun with a grenade. As he returned the wounded man to the perimeter, the left flank of the position came under extremely heavy attack by the superior enemy force and several additional men of his platoon were quickly wounded. Realizing the need for instant action to prevent his position from being overrun, Lieutenant Sisler picked up some grenades and charged single-handedly into the enemy onslaught, firing his weapon and throwing grenades. This singularly heroic action broke up the vicious assault and forced the enemy to begin withdrawing. Despite the continuing enemy fire, Lieutenant Sisler was moving about the battlefield directing air strikes upon the fleeing force when he fell mortally wounded. His extraordinary leadership, infinite courage, and selfless concern for his men saved the lives of a number of his comrades. His actions reflected great credit upon himself and uphold the highest traditions of the military service.

[September 19, 1968]

1ST SGT. DAVID H. MCNERNEY, U.S. ARMY

On 22 March 1967, First Sergeant McNerney distinguished himself when his unit, Company A, 1st Battalion, 8th Infantry was attacked by a North Vietnamese battalion near Polei Doc, Republic of Vietnam. Running through the hail of enemy fire to the era of heaviest contact, he was assisting in the development of a defensive perimeter when he encountered several enemy at close range. He killed the enemy but was painfully injured when blown from his feet by a grenade. In spite of this injury, he assaulted and destroyed an enemy machine gun position that had pinned down five of his comrades beyond the defensive line. Upon learning his commander and artillery forward observer had been killed, he assumed command of the company. He adjusted artillery fire to within twenty meters of the position in a daring measure to repulse enemy assaults. When the smoke grenades used to mark the position were gone, he moved into a nearby clearing to designate the location to friendly aircraft. In spite of enemy fire he remained exposed until he was certain the position was spotted and then climbed into a tree and tied the identification panel to its highest branches. Then he moved among his men readjusting their position, encouraging the defenders and checking the wounded. As the hostile assaults slackened, he began clearing a helicopter landing site to evacuate the wounded. When explosives were needed to remove large trees, he crawled outside the relative safety of his perimeter to collect demolition material from abandoned rucksacks. Moving through a fusillade of fire he returned with the explosives that were vital to the clearing of the landing zone. Disregarding the pain of his injury and refusing medical evacuation First Sergeant McNerney remained with his unit until the next day when the new commander arrived. First Sergeant McNerney's outstanding heroism and leadership were inspirational to his comrades. His actions were in keeping with the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

[September 19, 1968]

Sgt. Leonard B. Keller, U.S. Army

Sergeant Leonard B. Keller distinguished himself on 2 May 1967 as a machine gunner with Company A, 3d Battalion, 60th Infantry, 9th Infantry Division in the Ap Bac Zone, Republic of Vietnam. Sweeping through an area where an enemy ambush had occurred earlier, Sergeant Keller's unit suddenly came under intense automatic weapons and small arms fire from a number of enemy bunkers and numerous snipers in nearby trees. Sergeant Keller quickly moved to a position where he could fire at a bunker from which automatic weapons fire was received, killing one Viet Cong who attempted to escape. Leaping to the top of a dike, he and a comrade charged the enemy bunkers, dangerously exposing themselves to the enemy fire. Armed with a light machine gun, Sergeant Keller and his comrade began a systematic assault on the enemy bunkers. While Sergeant Keller neutralized the fire from the first bunker with his machine gun, the other soldier threw in a hand grenade killing its occupant. Then he and the other soldier charged a second bunker, killing its occupant. A third bunker contained an automatic rifleman who had pinned down much of the friendly platoon. Again, with utter disregard for the fire directed at them, the two men charged, killing the enemy within. Continuing their attack, Sergeant Keller and his comrade assaulted four more bunkers, killing the enemy within. During their furious assault, Sergeant Keller and his comrade had been almost continuously exposed to intense sniper fire as the enemy desperately sought to stop their attack. The ferocity of their assault had carried the soldiers beyond the line of bunkers into the treeline, forcing the snipers to flee. The two men gave immediate chase, driving the enemy away from the friendly unit. When his ammunition was exhausted, Sergeant Keller returned to the platoon to assist in the evacuation of the wounded. The two-man assault had driven an enemy platoon from a well prepared position, accounted for numerous enemy dead, and prevented further friendly casualties. Sergeant Keller's selfless heroism, indomitable fighting spirit, and extraordinary gallantry saved the lives of many of his comrades and inflicted serious damage on the enemy. His acts were in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

[September 19, 1968]

S. Sgt. Kenneth E. Stumpf, U.S. Army

Staff Sergeant Kenneth E. Stumpf (then Specialist Four) distinguished himself on 25 April 1967, while serving as a Squad Leader of the 3d Platoon, Company C, 1st Battalion, 35th Infantry, on a search and destroy mission near Duc Pho in the Republic of Vietnam. As Sergeant Stumpf's company approached a village, it encountered a North Vietnamese rifle company occupying a well fortified bunker complex. During the initial contact, three men from his squad fell wounded in front of a hostile machine gun emplacement. The enemy's heavy volume of fire prevented the unit from moving to the aid of the injured men, but Sergeant Stumpf left his secure position in a deep trench and ran through the barrage of incoming rounds to reach his wounded comrades. He picked up one of the men and carried him back to the safety of the trench. Twice more Sergeant Stumpf dashed forward while the enemy turned automatic weapons and machine guns on him, yet he managed to rescue the remaining two wounded squad members. He then organized his squad and led an assault against several enemy bunkers from which continuously heavy fire was being received. He and his squad successfully eliminated two of the bunker positions, but one to the front of the advancing platoon remained a serious threat. Arming himself with extra hand grenades, Sergeant Stumpf ran over open ground, through a volley of fire directed at him by a determined enemy, toward the machine gun position. As he reached the bunker, he threw a hand grenade through the aperture. It was immediately returned by the occupants, forcing Sergeant Stumpf to take cover. Undaunted, he pulled the pins on two more grenades, held them for a few seconds after activation, then hurled them into the position, this time successfully destroying the emplacement. With the elimination of this key position, his unit was able to assault and overrun the enemy. Sergeant Stumpf's relentless spirit of aggressiveness, intrepidity, and ultimate concern for the lives of his men, at the risk of his own life above and beyond the call of duty, are in the highest traditions of the military service and reflect great credit upon himself and the United States Army.

[September 19, 1968]

Sp4c. Raymond R. Wright, U.S. Army

On 2 May 1967, while serving as a rifleman with Company A, 3d Battalion, 60th Infantry, 9th Infantry Division, in the Ap Bac Zone, Republic of Vietnam, Specialist Four Raymond R. Wright distinguished himself during a combat patrol in an area where an enemy ambush had occurred earlier. Specialist Wright's unit suddenly came under intense automatic weapons and small arms fire from an enemy bunker system protected by numerous snipers in nearby trees. Despite the heavy enemy fire, Specialist Wright and another soldier leaped to the top of a dike to assault the position. Armed with a rifle and several grenades, he and his comrade exposed themselves to intense fire from the bunkers as they charged the nearest one. Specialist Wright raced to the bunker, threw in a grenade, killing its occupant. The two soldiers then ran through a hail of fire to the second bunker. While his comrade covered him with his machine gun, Specialist Wright charged the bunker and succeeded in killing its occupant with a grenade. A third bunker contained an automatic rifleman who had pinned down much of the friendly platoon. While his comrade again covered him with machine gun fire, Specialist Wright charged in and killed the enemy rifleman with a grenade. The two soldiers worked their way through the remaining bunkers, knocking out four of them. Throughout their furious assault, Specialist Wright and his comrade had been almost continuously exposed to intense sniper fire from the treeline as the enemy desperately sought to stop their attack. Overcoming stubborn resistance from the bunker system, the men advanced into the treeline forcing the snipers to retreat, giving immediate chase, and driving the enemy away from the friendly unit so that it advanced across the open area without further casualty. When his ammunition was exhausted, Specialist Wright returned to his unit to assist in the evacuation of the wounded. This two-man assault had driven an enemy platoon from a well prepared position, accounted for numerous enemy casualties, and averted further friendly casualties. Specialist Wright's extraordinary heroism, courage, and indomitable fighting spirit saved the lives of many of his comrades and inflicted serious damage on the enemy. His acts were in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

[September 3, 1968]

Staff Sgt. Delbert O. Jennings, U.S. Army

Staff Sergeant Delbert O. Jennings distinguished himself with Company C, 1st Battalion (Airborne), 12th Cavalry, 1st Air Cavalry Division, in Kim Song Valley, Republic of Vietnam, on 27 December 1966. Part of Company C was defending an artillery position when attacked by a North Vietnamese Army regiment supported by mortar, recoilless-rifle, and machine gun fire. At the outset, Sergeant Jennings sprang to his bunker, astride the main attack route, and slowed the on-coming enemy wave with highly effective machine gun fire. Despite a tenacious defense in which he killed at least twelve enemy, his squad was forced to the rear. After covering the withdrawal of the squad, he rejoined his men, destroyed an enemy demolition crew about to blow up a nearby howitzer, and killed three enemy at his initial bunker position. Ordering his men back into a secondary position, he again covered their withdrawal, killing one enemy with the butt of his weapon. Observing that some of the defenders were unaware of an enemy force in their rear, he raced through a fire swept area to warn the men, turn their fire on the enemy, and lead them into the secondary perimeter. Assisting in the defense of the new position, he aided the air-landing of reinforcements by throwing white phosphorous grenades on the landing zone despite dangerously silhouetting himself with the light. After helping to repulse the final enemy assaults, he led a group of volunteers well beyond friendly lines to an area where eight seriously wounded men lay. Braving enemy sniper fire and ignoring the presence of booby traps in the area, they recovered the eight men who would have probably perished without early medical treatment. Sergeant Jennings' extraordinary heroism and inspirational leadership saved the lives of many of his comrades and contributed greatly to the defeat of a superior enemy force. His actions stand with the highest traditions of the military profession and reflect great credit upon himself, his unit, and the United States Army.

[October 3, 1968]

Platoon Sgt. Elmelindo R. Smith, U.S. Army—Posthumously

Platoon Sergeant Elmelindo R. Smith (then Staff Sergeant), distinguished himself with the 1st Platoon, Company C, 2d Battalion, 8th Infantry during combat operations in the Republic of Vietnam on 16 February 1967. During a reconnaissance patrol, his platoon was suddenly engaged by intense machine gun fire hemming in the platoon on three sides. A defensive perimeter was hastily established, but the enemy added mortar and rocket fire to the deadly fusillade and assaulted the position from several directions. With complete disregard for his own safety, Sergeant Smith moved through the deadly fire along the defensive line, positioning soldiers, distributing ammunition and encouraging his men to repel the enemy attack. Struck to the ground by enemy fire which caused a severe shoulder wound, he regained his feet, killed the enemy soldier and continued to move about the perimeter. He was again wounded in the shoulder and stomach but continued moving on his knees to assist in the defense. Noting the enemy massing at a weakened point on the perimeter, he crawled into the open and poured deadly fire into the enemy ranks. As he crawled on, he was struck by a rocket. Moments later, he regained consciousness, and drawing on his fast dwindling strength, continued to crawl from man to man. When he could move no farther, he chose to remain in the open where he could alert the perimeter to the approaching enemy. Sergeant Smith perished, never relenting in his determined effort against the enemy. The valorous acts and heroic leadership of this outstanding soldier inspired those remaining members of his platoon to beat back the enemy assaults. Sergeant Smith's gallant actions were in keeping with the highest traditions of the United States Army and they reflect great credit upon him and the armed forces of his country.

[October 17, 1968]

PFC. JAMES H. MONROE, U.S. ARMY—POSTHUMOUSLY

Private First Class James H. Monroe distinguished himself on 16 February 1967 while serving as a medical aidman with the 1st Platoon, Company C, 1st Battalion, 8th Cavalry, in the vicinity of Bong Son, Hoai Nhon Province, Republic of Vietnam. His platoon was deployed in a night ambush when the position was suddenly subjected to an intense and accurate grenade attack, and one foxhole was hit immediately. Responding without hesitation to the calls for help from the wounded men Private Monroe moved forward through heavy small arms fire to the foxhole but found that all of the men had expired. He turned immediately and crawled back through the deadly hail of fire toward other calls for aid. He moved to the platoon sergeant's position where he found the radio operator bleeding profusely from fragmentation and bullet wounds. Ignoring the continuing enemy attack, Private Monroe began treating the wounded man when he saw a live grenade fall directly in front of the position. He shouted a warning to all those nearby, pushed the wounded radio operator and the platoon sergeant to one side, and lunged forward to smother the grenade's blast with his body. Through his valorous actions, performed in a flash of inspired selflessness, Private Monroe saved the lives of two of his comrades and prevented the probable injury of several others. His conspicuous gallantry and intrepidity above and beyond the call of duty were in the highest traditions of the United States Army, and reflect great credit upon himself and the armed forces of his country.

[October 22, 1968]

PFC. GARY W. MARTINI, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a rifleman, Company F, Second Battalion, First Marines, First Marine Division in the Republic of Vietnam. On April 21, 1967, during Operation UNION, elements of Company F, conducting offensive operations at Binh Son, encountered a firmly entrenched enemy force and immediately deployed to engage them. The Marines in Private Martini's platoon assaulted across an open rice paddy to within twenty meters of the enemy trench line where they were suddenly struck by hand grenades, intense small arms, automatic weapons, and mortar fire. The enemy onslaught killed 14 and wounded 18 Marines, pinning the remainder of the platoon down behind a low paddy dike. In the face of imminent danger, Private Martini immediately crawled over the dike to a forward open area within 15 meters of the enemy position where, continuously exposed to the hostile fire, he hurled hand grenades, killing several of the enemy. Crawling back through the intense fire, he rejoined his platoon which had moved to the relative safety of a trench line. From this position he observed several of his wounded comrades lying helpless in the fire swept paddy. Although he knew that one man had been killed attempting to assist the wounded, Private Martini raced through the open area and dragged a comrade back to a friendly position. In spite of a serious wound received during this first daring rescue, he again braved the unrelenting fury of the enemy fire to aid another companion lying wounded only twenty meters in front of the enemy trench line. As he reached the fallen Marine, he received a mortal wound, but disregarding his own condition, he began to drag the Marine toward his platoon's position. Observing men from his unit attempting to leave the security of their position to aid him, concerned only for their safety, he called to them to remain under cover, and through a final supreme effort, moved his injured comrade to where he could be pulled to safety, before he fell, succumbing to his wounds. Stouthearted and indomitable, Private Martini unhesitatingly yielded his life to save two of his comrades and insure the safety of the remainder of his platoon. His outstanding courage, valiant fighting spirit and selfless devotion to duty reflected the highest credit upon himself, the Marine Corps, and the United States Naval Service. He gallantly gave his life for his country.

[October 29, 1968]

CAPT. JAMES A. GRAHAM, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as Commanding Officer, Company F, Second Battalion, Fifth Marines, First Marine Division, in the Republic of Vietnam on 2 June 1967. During Operation UNION II, the First Battalion, Fifth Marines, consisting of Companies A and D, with Captain Graham's company attached launched an attack against an enemy occupied position, with two companies assaulting and one in reserve. Company F, a leading company, was proceeding across a clear paddy area one thousand meters wide, attacking toward the assigned objective, when it came under heavy fire from mortars and small arms which immediately inflicted a large number of casualties. Hardest hit by the enemy fire was the second platoon of Company F, which was pinned down in the open paddy area by intense fire from two concealed machineguns. Forming an assault unit from members of his small company headquarters, Captain Graham boldly led a fierce assault through the second platoon's position, forcing the enemy to abandon the first machinegun position, thereby relieving some of the pressure on his second platoon, and enabling evacuation of the wounded to a more secure area. Resolute to silence the second machinegun, which continued its devastating fire, Captain Graham's small force stood steadfast in its hard won enclave. Subsequently, during the afternoon's fierce fighting, he suffered two minor wounds while personally accounting for an estimated fifteen enemy killed. With the enemy position remaining invincible upon each attempt to withdraw to friendly lines, and although knowing that he had no chance of survival, he chose to remain with one man who could not be moved due to the seriousness of his wounds. This last radio transmission from Captain Graham reported that he was being assaulted by a force of twenty-five enemy; he died while protecting himself and the wounded man he chose not to abandon. Captain Graham's actions throughout the day were a series of heroic achievements. His outstanding courage, superb leadership and indomitable fighting spirit undoubtedly saved the second platoon from annihilation and reflected great credit upon himself, the Marine Corps, and the United States Naval Service. He gallantly gave his life for his country.

[October 31, 1968]

FIRST SGT. MAXIMO YABES, U.S. ARMY—POSTHUMOUSLY

On 26 February 1967, First Sergeant Yabes distinguished himself with Company A, 4th Battalion, 9th Infantry, which was providing security for a land clearing operation near Phu Hoa Dong, Republic of Vietnam. Early that morning the company suddenly came under intense automatic weapons and mortar fire followed by a battalion sized assault from three sides. Penetrating the defensive perimeter the enemy advanced on the company command post bunker. The command post received increasingly heavy fire and was in danger of being overwhelmed. When several enemy grenades landed within the command post, First Sergeant Yabes shouted a warning and used his body as a shield to protect others in the bunker. Although painfully wounded by numerous grenade fragments, and despite the vicious enemy fire on the bunker, he remained there to provide covering fire and enable the others in the command group to relocate. When the command group had reached a new position, First Sergeant Yabes moved through a withering hail of enemy fire to another bunker 50 meters away. There he secured a grenade launcher from a fallen comrade and fired point blank into the attacking Viet Cong stopping further penetration of the perimeter. Noting two wounded men helpless in the fire swept area, he moved them to a safer position where they could be given medical treatment. He resumed his accurate and effective fire killing several enemy soldiers and forcing others to withdraw from the vicinity of the command post. As the battle continued, he observed an enemy machine gun within the perimeter which threatened the whole position. On his own, he dashed across the exposed area, assaulted the machine gun, killed the crew, destroyed the weapon, and fell mortally wounded. First Sergeant Yabes valiant and selfless actions saved the lives of many of his fellow soldiers and inspired his comrades to effectively repel the enemy assault. His indomitable fighting spirit, extraordinary courage and intrepidity at the cost of his own life are in the highest military traditions and reflect great credit upon himself and the Armed Forces of his country.

[December 19, 1968]

PLATOON SGT. MATTHEW LEONARD, U.S. ARMY—POSTHUMOUSLY

Platoon Sergeant Leonard distinguished himself during combat operations with Company B, 1st Battalion, 16th Infantry, near Suoi Da, Republic of Vietnam, on 28 February 1967. His platoon was suddenly attacked by a large enemy force employing small arms, automatic weapons, and hand grenades. Although the platoon leader and several other key leaders were among the first wounded, Sergeant Leonard quickly rallied his men to throw back the initial enemy assaults. During the short pause that followed, he organized a defensive perimeter, redistributed ammunition, and inspired his comrades through his forceful leadership and words of encouragement. Noticing a wounded companion outside the perimeter, he dragged the man to safety but was struck by a sniper's bullet which shattered his left hand. Refusing medical attention and continuously exposing himself to the increasing fire as the enemy again assaulted the perimeter, Sergeant Leonard moved from position to position to direct the fire of his men against the well camouflaged foe. Under the cover of the main attack, the enemy moved a machine gun into a location where it could sweep the entire perimeter. This threat was magnified when the platoon machine gun in this area malfunctioned. Sergeant Leonard quickly crawled to the gun position and was helping to clear the malfunction when the gunner and other men in the vicinity were wounded by fire from the enemy machine gun. Sergeant Leonard rose to his feet, charged the enemy gun, and destroyed the hostile crew despite being hit several times by enemy fire. He moved to a tree, propped himself against it, and continued to engage the enemy until he succumbed to his many wounds. His fighting spirit, heroic leadership, and valiant acts inspired the remaining members of his platoon to hold back the enemy until assistance arrived. Sergeant Leonard's profound courage and devotion to his men are in keeping with the highest traditions of the military service, and his gallant actions reflect great credit upon himself and the United States Army.

[January 7, 1969]

Chaplain Lt. Vincent R. Capodanno, U.S. Navy—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as Chaplain of the 3rd Battalion, 5th Marines, 1st Marine Division (Rein), FMF, in connection with operations against enemy forces in Quang Tin Province, Republic of Vietnam on 4 September 1967. In response to reports that the 2nd Platoon of M Company was in danger of being overrun by a massed enemy assaulting force, Lieutenant Capodanno left the relative safety of the Company Command Post and ran through an open area raked with fire, directly to the beleaguered platoon. Disregarding the intense enemy small-arms, automatic-weapons, and mortar fire, he moved about the battlefield administering last rites to the dying and giving medical aid to the wounded. When an exploding mortar round inflicted painful multiple wounds to his arms and legs, and severed a portion of his right hand, he steadfastly refused all medical aid. Instead, he directed the corpsmen to help their wounded comrades and, with calm vigor, continued to move about the battlefield as he provided encouragement by voice and example to the valiant Marines. Upon encountering a wounded corpsman in the direct line of fire of an enemy machine gunner positioned approximately fifteen yards away, Lieutenant Capodanno rushed forward in a daring attempt to aid and assist the mortally wounded corpsman. At that instant, only inches from his goal, he was struck down by a burst of machine-gun fire. By his heroic conduct on the battlefield, and his inspiring example, Lieutenant Capodanno upheld the finest traditions of the United States Naval Service. He gallantly gave his life in the cause of freedom.

[January 9, 1969]

First Lt. Stephen E. Karopczyc, U.S. Army—Posthumously

While leading the 3d Platoon, Company A, 2d Battalion, 35th Infantry, on a flanking maneuver against a superior enemy force in Kontum Province, Republic of Vietnam, on 12 March 1967, Lieutenant Karopczyc observed that his lead element was engaged with a small enemy unit along his route. Aware of the importance of quickly pushing through to the main enemy force in order to provide relief for a hard-pressed friendly platoon, he dashed through the intense enemy fire into the open and hurled colored smoke grenades to designate the foe for attack by helicopter gunships. He moved among his men to embolden their advance, and he guided their attack by marking enemy locations with bursts of fire from his own weapon. His forceful leadership quickened the advance, forced the enemy to retreat, and allowed his unit to close with the main hostile force. Continuing the deployment of his platoon, he constantly exposed himself as he ran from man to man to give encouragement and to direct their efforts. A shot from an enemy sniper struck him above the heart but he refused aid for this serious injury, plugging the bleeding wound with his finger until it could be properly dressed. As the enemy strength mounted, he ordered his men to organize a defensive position in and around some abandoned bunkers where he conducted a defense against the increasingly strong enemy attacks. After several hours, a North Vietnamese soldier hurled a hand grenade to within a few feet of Lieutenant Karopczyc and two other wounded men. Although his position protected him, he leaped up to cover the deadly grenade with a steel helmet. It exploded to drive fragments into Lieutenant Karopczyc's legs, but his action prevented further injury to the two wounded men. Severely weakened by his multiple wounds, he continued to direct the actions of his men until he succumbed two hours later. Lieutenant Karopczyc's heroic leadership, unyielding perseverance, and selfless devotion to his men were directly responsible for the successful and spirited action of his platoon throughout the battle and are in keeping with the highest traditions of the United States Army.

[January 16, 1969]

Lt. Clyde E. Lassen, U.S. Navy

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty on 19 June 1968 as pilot and aircraft commander of a search and rescue helicopter, attached to Helicopter Support Squadron Seven, Detachment One Hundred Four, embarked in U.S.S. Preble (DLG–15), during operations against enemy forces in North Vietnam. Launched shortly after midnight to attempt the rescue of two downed aviators, Lieutenant (then Lieutenant, Junior Grade) Lassen skillfully piloted his aircraft over unknown and hostile terrain to a steep tree-covered hill on which the survivors had been located. Although enemy fire was being directed at the helicopter, he initially landed in a clear area near the base of the hill, but, due to the dense undergrowth, the survivors could not reach the helicopter. With the aid of flare illumination, Lieutenant Lassen successfully accomplished a hover between two trees at the survivors' position. Illumination was abruptly lost as the last of the flares were expended, and the helicopter collided with a tree, commencing a sharp descent. Expertly righting his aircraft and maneuvering clear, Lieutenant Lassen remained in the area, determined to make another rescue attempt, and encouraged the downed aviators while awaiting resumption of flare illumination. After another unsuccessful, illuminated, rescue attempt, and with his fuel dangerously low and his aircraft significantly damaged, he launched again and commenced another approach in the face of the continuing enemy opposition. When flare illumination was again lost, Lieutenant Lassen, fully aware of the dangers in clearly revealing his position to the enemy, turned on his landing lights and completed the landing. On this attempt, the survivors were able to make their way to the helicopter. En route to the coast, Lieutenant Lassen encountered and successfully evaded additional hostile antiaircraft fire and, with fuel for only five minutes of flight remaining, landed safety aboard U.S.S. Jouett (DLG–29). His courageous and daring actions, determination, and extraordinary airmanship in the face of great risk sustain and enhance the finest traditions of the United States Naval Service.

[January 16, 1969]

Maj. Stephen W. Pless, U.S. Marine Corps

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a helicopter gunship pilot attached to Marine Observation Squadron Six in action against enemy forces near Quang Ngai, Republic of Vietnam, on 19 August 1967. During an escort mission Major (then Captain) Pless monitored an emergency call that four American soldiers stranded on a nearby beach, were being overwhelmed by a large Viet Cong force. Major Pless flew to the scene and found 30 to 50 enemy soldiers in the open. Some of the enemy were bayoneting and beating the downed Americans. Major Pless displayed exceptional airmanship as he launched a devastating attack against the enemy force, killing or wounding many of the enemy and driving the remainder back into a treeline. His rocket and machinegun attacks were made at such low levels that the aircraft flew through debris created by explosions from its rockets. Seeing one of the wounded soldiers gesture for assistance, he maneuvered his helicopter into a position between the wounded men and the enemy, providing a shield which permitted his crew to retrieve the wounded. During the rescue the enemy directed intense fire at the helicopter and rushed the aircraft again and again, closing to within a few feet before being beaten back. When the wounded men were aboard, Major Pless maneuvered the helicopter out to sea. Before it became safely airborne, the overloaded aircraft settled four times into the water. Displaying superb airmanship, he finally got the helicopter aloft. Major Pless' extraordinary heroism coupled with his outstanding flying skill prevented the annihilation of the tiny force. His courageous actions reflect great credit upon himself and uphold the highest traditions of the Marine Corps and the United States Naval Service.

[January 16, 1969]

Staff Sgt. Drew D. Dix, U.S. Army

Staff Sergeant Drew D. Dix distinguished himself by exceptional heroism on 31 January and 1 February 1968 while serving as a unit adviser in Chau Phu, Chau Doc Province, Republic of Vietnam. Two heavily armed Viet Cong battalions attacked the Province capital city of Chau Phu on 31 January 1968, resulting in the complete breakdown and fragmentation of the defenses of the city. Sergeant Dix, with a patrol of Vietnamese soldiers, was recalled to assist in the defense of Chau Phu. Learning that a nurse was trapped in a house near the center of the city, Sergeant Dix organized a relief force, successfully rescued the nurse, and returned her to the safety of the Tactical Operations Center. Being informed of other trapped civilians located in a building which was under heavy mortar and small arms fire, Sergeant Dix then returned to the center of the city. Upon approaching a building, he was subjected to intense automatic rifle and machine gun fire from an unknown number of Viet Cong. He personally assaulted the building, killing six Viet Cong, and rescuing two Filipinos. The following day Sergeant Dix, still on his own volition, assembled a 20 man force and though under intense enemy fire cleared the Viet Cong out of the hotel, theater, and other adjacent buildings within the city. During this portion of the attack, Army Republic of Vietnam soldiers, inspired by the heroism and success of Sergeant Dix, rallied and commenced firing upon the Viet Cong. Sergeant Dix captured 20 prisoners including a high ranking Viet Cong official. He then attacked enemy troops who had entered the residence of the Deputy Province Chief and was successful in rescuing the official's wife and children. Sergeant Dix's personal heroic actions resulted in 14 confirmed Viet Cong killed in action and possibly 25 more, the capture of 20 prisoners, 15 weapons, and the rescue of the 14 United States and Free World civilians. The heroism of Sergeant Dix was in the highest tradition and reflects great credit upon the United States Army.

[January 16, 1969]

Lt. Col. Joe M. Jackson, U.S. Air Force

Colonel Jackson distinguished himself as pilot of a C–123 aircraft in the Republic of Vietnam, on 12 May 1968. On that date, Colonel Jackson volunteered to attempt the rescue of a three-man USAF Combat Control Team from the Special Forces Camp at Kham Duc. Hostile forces had overrun the forward outpost and established gun positions on the airstrip. They were raking the camp with small arms, mortars, light and heavy automatic weapons, and recoilless rifle fire. The camp was engulfed in flames and ammunition dumps were continuously exploding and littering the runway with debris. In addition, eight aircraft had been destroyed by the intense enemy fire and one aircraft remained on the runway reducing its usable length to only 2200 feet. To further complicate the landing, the weather was deteriorating rapidly, thereby permitting only one airstrike prior to his landing. Although fully aware of the extreme danger and likely failure of such an attempt, Colonel Jackson elected to land his aircraft and attempt the rescue. Displaying superb airmanship and extraordinary heroism, he landed his aircraft near the point where the Combat Control Team was reported to be hiding. While on the ground, his aircraft was the target of intense hostile fire. A rocket landed in front of the nose of the aircraft but failed to explode. Once the Combat Control Team was aboard, Colonel Jackson succeeded in getting airborne despite the hostile fire directed across the runway in front of his aircraft. Colonel Jackson's conspicuous gallantry, his profound concern for his fellowmen, and his intrepidity at the risk of his life above and beyond the call of duty are in keeping with the highest traditions of the United States Air Force and reflect great credit upon himself and the armed forces of his country.

Sp4c. George Alan Ingalls, U.S. Army—Posthumously

On 16 April 1967, Specialist Ingalls, a member of Company A, 2d Battalion, 5th Cavalry, 1st Cavalry Division (Airmobile), accompanied his squad on a night ambush mission near Duc Pho, Republic of Vietnam. Shortly after the ambush was established, an enemy soldier entered the killing zone and was shot when he tried to evade capture. Other enemy soldiers were expected to enter the area, and the ambush was maintained in the same location. Two quiet hours passed without incident, then suddenly a hand grenade was thrown from the nearby dense undergrowth into the center of the squad's position. The grenade did not explode, but shortly thereafter a second grenade landed directly between Specialist Ingalls and a nearby comrade. Although he could have jumped to a safe position, Specialist Ingalls, in a spontaneous act of great courage, threw himself on the grenade and absorbed its full blast. The explosion mortally wounded Specialist Ingalls, but his heroic action saved the lives of the remaining members of his squad. His gallantry and selfless devotion to his comrades are in keeping with the highest tradition of the military service and reflects great credit upon Specialist Ingalls, his unit, and the United States Army.

[March 7, 1969]

Sfc. Fred W. Zabitosky, U.S. Army

Sergeant First Class (then Staff Sergeant) Fred W. Zabitosky, United States Army, distinguished himself by conspicuous gallantry and intrepidity, at the risk of his life, above and beyond the call of duty in the Republic of Vietnam, on 19 February 1968, while serving as an assistant team leader of a nine-man Special Forces long-rang reconnaissance patrol. Sergeant Zabitosky's patrol was operating deep within enemy controlled territory when they were attacked by a numerically superior North Vietnamese Army unit. Sergeant Zabitosky rallied his team members, deployed them into defensive positions, and, exposing himself to concentrated enemy automatic weapons fire, directed their return fire. Realizing the gravity of the situation. Sergeant Zabitosky ordered his patrol to move to a landing zone for helicopter extraction while he covered their withdrawal with rifle fire and grenades. Rejoining the patrol under increasing enemy pressure, he positioned each man in a tight perimeter defense and continually moved from man to man, encouraging them and controlling their defensive fire. Mainly due to his example, the outnumbered patrol maintained its precarious position until the arrival of tactical air support and a helicopter extraction team. As the rescue helicopters arrived, the determined North Vietnamese pressed their attack. Sergeant Zabitosky repeatedly exposed himself to their fire to adjust suppressive helicopter gunship fire around the landing zone. After boarding one of the rescue helicopters, he positioned himself in the door delivering fire on the enemy as the ship took off. The helicopter was engulfed in a hail of bullets and Sergeant Zabitosky was thrown from the craft as it spun out of control and crashed. Recovering consciousness, he ignored his extremely painful injuries and moved to the flaming wreckage. Heedless of the danger of exploding ordnance and fuel, he pulled the severely wounded pilot from the searing blaze and made repeated attempts to rescue his patrol members, but was driven back by the intense heat. Despite his own serious burns and crushed ribs, he carried and dragged the unconscious pilot through a curtain of enemy fire to within ten feet of a hovering rescue helicopter before collapsing. Sergeant Zabitosky's extraordinary heroism and devotion to duty were in keeping with the highest traditions of the military service and reflect great credit upon himself, has unit and the United States Army.

[March 26, 1969]

Sgt. Rodey M. Davis, U.S. Marine Corps—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as the right guide of the Second Platoon, Company B, First Battalion, Fifth Marines, First Marine Division, in action against enemy forces in Quang Nam Province, Republic of Vietnam, on 6 September 1967. Elements of the Second Platoon were pinned down by a numerically superior force of attacking North Vietnamese Army Regulars. Remnants of the platoon were located in a trench line where Sergeant Davis was directing the fire of his men in an attempt to repel the enemy attack. Disregarding the enemy hand grenades and high volume of small arms and mortar fire, Sergeant Davis moved from man to man shouting words of encouragement to each of them while firing and throwing grenades at the onrushing enemy. When an enemy grenade landed in the trench in the midst of his men, Sergeant Davis, realizing the gravity of the situation, and in a final valiant act of complete self-sacrifice, instantly threw himself upon the grenade, absorbing with his own body the full and terrific force of the explosion. Through his extraordinary initiative and inspiring valor in the face of almost certain death, Sergeant Davis saved his comrades from injury and possible loss of life, enabled his platoon to hold its vital position, and upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[May 17, 1969]

Sp4c. Thomas J. Kinsman, U.S. Army

Specialist Four Thomas J. Kinsman (then Private First Class) distinguished himself by gallantry and intrepidity in action on the afternoon of 6 February 1968 while serving as a Rifleman with Company B, 3d Battalion, 60th Infantry, 9th Infantry Division, on a reconnaissance in force mission near the City of Vinh Long, in the Republic of Vietnam. As his company was proceeding up a narrow canal in armored troop carriers, it came under sudden and intense rocket, automatic weapons and small arms fire from a well entrenched Viet Cong force. The company immediately beached and began assaulting the enemy bunker complex. Hampered by exceedingly dense undergrowth which limited visibility to ten meters, a group of eight men became cut off from the main body of the company. As they were moving through heavy enemy fire to effect a link-up, an enemy soldier in a concealed position hurled a grenade into their midst. Specialist Kinsman immediately alerted his comrades of the danger, then unhesitatingly threw himself on the grenade and blocked the explosion with his body. As a result of his courageous action, he received severe head and chest wounds. Through his indomitable courage, complete disregard for his personal safety and profound concern for his fellow soldiers, Specialist Kinsman's conspicuous gallantry and extraordinary heroism at the risk of his own life, above and beyond the call of duty, are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

[May 17, 1969]

CWO Frederick E. Ferguson, U.S. Army

Chief Warrant Officer Frederick E. Ferguson, United States Army, distinguished himself by conspicuous gallantry and intrepidity while serving with Company C, 227th Aviation Battalion, 1st Cavalry Division (Airmobile) at Hue, Republic of Vietnam. On 31 January 1968, Chief Warrant Officer Ferguson, commander of a resupply helicopter, monitoring an emergency call from wounded passengers and crewmen of a downed helicopter under heavy attack within the enemy controlled city of Hue, unhesitatingly volunteered to attempt evacuation. Despite warnings for all aircraft to stay clear of the area due to heavy anti-aircraft fire, Chief Warrant Officer Ferguson began a low-level flight at maximum airspeed along the Perfume River toward the tiny, isolated South Vietnamese Army compound in which the crash survivors had taken refuge. Coolly and skillfully maintaining his course in the face of intense, short range fire from enemy occupied buildings and boats, he displayed superior flying skill and tenacity of purpose by landing his aircraft in an extremely confined area in a blinding dust cloud under heavy mortar and small arms fire. Although the helicopter was severely damaged by mortar fragments during the loading of the wounded, Chief Warrant Officer Ferguson disregarded the damage and, taking off through the continuing hail of mortar fire, he flew his crippled aircraft on the return route through the rain of fire that he had experienced earlier and safely returned his wounded passengers to friendly control. Chief Warrant Officer Ferguson's extraordinary gallantry, determination and intrepidity saved the lives of five of his comrades. His actions are in the highest traditions of the military service and reflect great credit on himself and the United States Army.

[May 23, 1969]

M. Sgt. Charles E. Hosking, Jr., U.S. Army—Posthumously

Master Sergeant Charles E. Hosking, Jr. (then Sergeant First Class), Detachment A-302, Company A, 5th Special Forces Group

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(Airborne) 1st Special Forces, greatly distinguished himself on 21 March 1967 while serving as Company Advisor in the III Corps Civilian Irregular Defense Group Reaction Battalion during combat operations in Don Luan District, Phuoc Long Province, Republic of Vietnam. A Viet Cong suspect was apprehended and subsequently identified as a Viet Cong sniper. While Sergeant Hosking was preparing the enemy for movement back to the base camp, the prisoner suddenly grabbed a hand grenade from Sergeant Hosking's belt, armed the grenade, and started running towards the Company Command Group which consisted of two Americans and two Vietnamese who were standing a few feet away. Instantly realizing that the enemy intended to kill the other men, Sergeant Hosking immediately leaped upon the Viet Cong's back. With utter disregard for his own personal safety, he grasped the Viet Cong in a "Bear Hug" forcing the grenade against the enemy soldier's chest. He then wrestled the Viet Cong to the ground and covered the enemy's body with his own until the grenade detonated. The blast instantly killed both Sergeant Hosking and the Viet Cong. By absorbing the full force of the exploding grenade with his own body and that of the enemy, he saved the other members of his Command Group from death or serious injury. Sergeant Hosking's conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty are in the highest tradition of the United States Army and reflect great credit upon himself and the armed forces of his country.

[May 23, 1969]

Sp4c. Don L. Michael, U.S. Army—Posthumously

Specialist Four Don L. Michael, U.S. Army, distinguished himself by conspicuous gallantry and intrepidity while serving with Company C, 4th Battalion, 503d Infantry, 173d Airborne Brigade, in the Republic of Vietnam. On 8 April 1697, Specialist Michael was part of a platoon which was moving through an area of suspected enemy activity. While the rest of the platoon stopped to provide security, the squad to which Specialist Michael was assigned moved forward to investigate signs of recent enemy activity. After moving approximately 125 meters, the squad encountered a single Viet Cong soldier. When he was fired upon by the squad's machinegunner, other Viet Cong opened fire with automatic weapons from a well-concealed bunker to the squad's right front. The volume of enemy fire was so withering as to pin down the entire squad and halt all forward movement. Realizing the gravity of the situation, Specialist Michael exposed himself to throw two grenades, but failed to eliminate the enemy position. From his position on the left flank, Specialist Michael maneuvered forward with two more grenades until he was within 20 meters of the enemy bunkers, when he again exposed himself to throw the grenades, which failed to detonate. Undaunted, Specialist Michael made his way back to the friendly positions to obtain more grenades. With two grenades in hand, he again started his perilous move towards the enemy bunker, which by this time was under intense artillery fire from friendly positions. As he neared the bunker, an enemy soldier attacked him from a concealed position. Specialist Michael killed him with his rifle and in spite of the enemy fire and the exploding artillery rounds, was successful in destroying the enemy position. Specialist Michael took up pursuit of the remnants of the retreating enemy. When his comrades reached Specialist Michael, he had been mortally wounded. His inspiring display of determination and courage saved the lives of many of his comrades and successively eliminated a destructive enemy force. Specialist Michael's actions were in keeping with the highest traditions of the military service and reflect the utmost credit upon himself and the United States Army.

[June 20, 1969]

Larry E. Smedley, Cpl., USMC—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a squad leader with Company D, First Battalion, Seventh Marines, First Marine Division, in connection with operations against the enemy in the Republic of Vietnam. On the evening of 20–21 December 1967, Corporal Smedley led his six-man squad to an ambush site at the mouth of Happy Valley, near Phouc Ninh (2) in Quang Nam Province. Later that night, an estimated 100 Viet Cong and North Vietnamese Army Regulars, carrying 122mm rocket launchers and mortars, were observed moving toward Hill 41. Realizing this was a significant enemy move to launch an attack on the vital Danang complex, Corporal Smedley immediately took sound and courageous action to stop the enemy threat. After he radioed for a reaction force, he skillfully maneuvered his men to a more advantageous position and led an attack on the numerically superior enemy force. A heavy volume of fire from an enemy machine gun positioned on the left flank of the squad inflicted several casualties on Corporal Smedley's unit. Simultaneously, an enemy rifle grenade exploded nearby, wounding him in the right foot and knocking him to the ground. Corporal Smedley disregarded this serious injury and valiantly struggled to his feet, shouting words of encouragement to his men. He fearlessly led a charge against the enemy machine gun emplacement, firing his rifle and throwing grenades, until he was again struck by enemy fire and knocked to the ground. Gravely wounded and weak from loss of blood, he rose and commenced a one-man assault against the enemy position. Although his aggressive and singlehanded attack resulted in the destruction of the machine gun, he was struck in the chest by enemy fire and fell mortally wounded. Corporal Smedley's inspiring and courageous actions, bold initiative, and selfless devotion to duty in the face of certain death were in keeping with the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[June 20, 1969]

William T. Perkins, Jr., Cpl., USMC—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a combat photographer attached to Company C, First Battalion, First Marines, First Marine Division, in the Republic of Vietnam on 12 October 1967. During Operation MEDINA, a major reconnaissance in force southwest of Quang Tri, Company C made heavy combat contact with a numerically superior North Vietnamese Army Force estimated at from two to three companies. The focal point of the intense fighting was a helicopter landing zone which was also serving as the Command Post of Company C. In the course of a strong hostile attack, an enemy grenade landed in the immediate area occupied by Corporal Perkins and three other marines. Realizing the inherent danger, he shouted the warning, "Incoming Grenade" to his fellow marines, and in a valiant act of heroism, hurled himself upon the grenade absorbing the impact of the explosion with his own body, thereby saving the lives of his comrades at the cost of his own. Through his exceptional courage and inspiring valor in the face of certain death, Corporal Perkins reflected great credit upon himself and the Marine Corps and upheld the highest traditions of the United States Naval Service. He gallantly gave his life for his country.

[June 20, 1969]

Paul H. Foster, Sgt., USMC—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as an Artillery Liaison Operations Chief with the Second Battalion, Fourth Marines, Third Marine Division, near Con Thien in the Republic of Vietnam. In the early morning hours of 14 October 1967, the Second Battalion was occupying a defensive position which protected a bridge on the road leading from Con Thien to Cam Lo. Suddenly, the marines' position came under a heavy volume of mortar and artillery fire, followed by an aggressive enemy ground assault. In the ensuing engagement, the hostile force penetrated the perimeter and brought a heavy concentration of small arms, automatic weapons, and rocket fire to bear on the Battalion Command Post. Although his position in the Fire Support Coordination Center was dangerously exposed to enemy fire and he was wounded when an enemy hand grenade exploded near his position, Sergeant Foster resolutely continued to direct accurate mortar and artillery fire on the advancing North Vietnamese troops. As the attack continued, a hand grenade landed in the midst of Sergeant Foster and his five companions. Realizing the danger, he shouted a warning, threw his armored vest over the grenade, and unhesitatingly placed his own body over the armored vest. When the grenade exploded, Sergeant Foster absorbed the entire blast with his own body and was mortally wounded. His heroic actions undoubtedly saved his comrades from further injury or possible death. Sergeant Foster's courage, extraordinary heroism, and unfaltering devotion to duty reflected great credit upon himself and the Marine Corps and upheld the highest traditions of the United States Naval Service. He gallantly gave his life for his country.

[October 16, 1969]

Sp5c. Edgar L. McWethy, Jr., U.S. Army—Posthumously

Serving as a medical aidman with Company B, 1st Battalion, 5th Cavalry, 1st Cavalry Division (Airmobile), in Binh Dinh Province, Republic of Vietnam, on 21 June 1967, Specialist McWethy accompanied his platoon to the site of a downed helicopter. Shortly after the platoon established a defensive perimeter around the aircraft, a large enemy force attacked the position from three sides with a heavy volume of automatic weapons fire and grenades. The platoon leader and his radio operator were wounded almost immediately, and Specialist McWethy rushed across the fire swept area to their assistance. Although he could not help the mortally wounded radio operator, Specialist McWethy's timely first aid enabled the platoon leader to retain command during this critical period. Hearing a call for aid, Specialist McWethy started across the open toward the injured men, but was wounded in the head and knocked to the ground. He regained his feet and continued on but was hit again, this time in the leg. Struggling onward despite his wounds, he gained the side of his comrades and treated their injuries. Observing another fallen rifleman lying in an exposed position raked by enemy fire, Specialist McWethy moved toward him without hesitation. Although the enemy fire wounded him a third time, Specialist McWethy reached his fallen companion. Though weakened and in extreme pain, Specialist McWethy gave the wounded man artificial respiration but suffered a fourth and fatal wound. Through his indomitable courage, complete disregard for his own safety, and demonstrated concern for his fellow soldiers, Specialist McWethy inspired the members of his platoon and contributed in great measure to their successful defense of the position and the ultimate rout of the enemy force. Specialist McWethy's profound sense of duty, bravery, and his willingness to accept extraordinary risks in order to help the men of his unit are characteristic of the highest traditions of the military service and reflect great credit upon himself and the United States Army.

[October 16, 1969]

Sp4c. Dale E. Wayrynen, U.S. Army—Posthumously

Specialist Wayrynen distinguished himself with Company B, 2d Battalion, 502 Infantry, 1st Brigade, 101st Airborne Division, during combat operations on 18 May 1967 near Duc Pho, Quang Ngai Province, Republic of Vietnam. His platoon was assisting in the night evacuation of the wounded from an earlier enemy contact when the lead man of the unit met face to face with a Viet Cong soldier. The American's shouted warning also alerted the enemy who immediately swept the area with automatic weapons fire from a strongly built bunker close to the trail and threw hand grenades from another nearby fortified position. Almost immediately, the lead man was wounded and knocked from his feet. Specialist Wayrynen, the second man in the formation, leaped beyond his fallen comrade to kill another enemy soldier who appeared on the trail, and he dragged his injured companion back to where the point squad had taken cover. Suddenly, a live enemy grenade landed in the center of the tightly grouped men. Specialist Wayrynen, quickly assessing the danger to the entire squad as well as to his platoon leader who was nearby, shouted a warning, pushed one soldier out of the way, and threw himself on the grenade at the moment it exploded. He was mortally wounded. His deep and abiding concern for his fellow soldiers was significantly reflected in his supreme and courageous act that preserved the lives of his comrades. Specialist Wayrynen's heroic actions are in keeping with the highest traditions of the service, and they reflect great credit upon himself and the United States Army.

[October 16, 1969]

Sp4c. Carmel B. Harvey, Jr., U.S. Army—Posthumously

Specialist Harvey distinguished himself as a fire team leader with Company B, 1st Battalion, 5th Cavalry, 1st Cavalry Division (Airmobile), during combat operations in Binh Dinh Province, Republic of Vietnam, on 21 June 1967. Ordered to secure a downed helicopter, his platoon established a defensive perimeter around the aircraft, but shortly thereafter a large enemy force attacked the position from three sides. Specialist Harvey and two members of his squad were in a position directly in the path of the enemy's onslaught, and their location received the brunt of the fire from an enemy machine gun. In short order, both of his companions were wounded, but Specialist Harvey covered this loss by increasing his deliberate rifle fire at the foe. The enemy machine gun seemed to concentrate on him and the bullets struck the ground all around his position. One round hit and armed a grenade attached to his belt. Quickly, he tried to remove the grenade but was unsuccessful. Realizing the danger to his comrades if he remained and despite the hail of enemy fire, he jumped to his feet, shouted a challenge at the enemy, and raced toward the deadly machine gun. He nearly reached the enemy position when the grenade on his belt exploded, mortally wounding Specialist Harvey, and stunning the enemy machine gun crew. His final act caused a pause in the enemy fire, and the two wounded men were moved from the danger area. Specialist Harvey's dedication to duty, high sense of responsibility, and heroic actions inspired the others in his platoon to decisively beat back the enemy attack. His acts are in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

[October 31, 1969]

L. Cpl. Jedh C. Barker, U.S. Marine Corps—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a machine gunner with Company F, Second Battalion, Fourth Marines, Third Marine Division, in the Republic of Vietnam on 21 September 1967. During a reconnaissance operation near Con Thien, Corporal Barker's squad was suddenly hit by enemy sniper fire. The squad immediately deployed to a combat formation and advanced to a strongly fortified enemy position, when it was again struck by small arms and automatic weapons fire, sustaining numerous casualties. Although wounded by the initial burst of fire, Corporal Barker boldly remained in the open, delivering a devastating volume of accurate fire on the numerically superior force. The enemy was intent upon annihilating the small marine force and, realizing that Corporal Barker was a threat to their position, directed the preponderance of their fire on his position. He was again wounded, this time in the right hand, which prevented him from operating his vitally needed machine gun. Suddenly, and without warning, an enemy grenade landed in the midst of the few surviving marines. Unhesitatingly and with complete disregard for his own personal safety, Corporal Barker threw himself upon the deadly grenade, absorbing with his own body the full and tremendous force of the explosion. In a final act of bravery, he crawled to the side of a wounded comrade and administered first aid before succumbing to his grievous wounds. His bold initiative, intrepid fighting spirit, and unwavering devotion to duty in the face of almost certain death undoubtedly saved his comrades from further injury or possible death and reflected great credit upon himself, the Marine Corps, and the United States Naval Service. He gallantly gave his life for his country.

[October 31, 1969]

Sgt. Alfredo Gonzalez, U.S. Marine Corps—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Platoon Commander, Third Platoon, Company A, First Battalion, First Marines, First Marine Division, in the Republic of Vietnam. On 31 January 1968, during the initial phase of Operation HUE CITY Sergeant Gonzalez's unit was formed as a reaction force and deployed to Hue to relieve the pressure on the beleaguered city. While moving by truck convoy along Route No. 1, near the village of Lang Van Lrong, the marines received a heavy volume of enemy fire. Sergeant Gonzalaz aggressively maneuvered the marines in his platoon, and directed their fire until the area was cleared of snipers. Immediately after crossing a river south of Hue, the column was again hit by intense enemy fire. One of the marines on top of a tank was wounded and fell to the ground in an exposed position. With complete disregard for his own safety, Sergeant Gonzales ran through the fire-swept area to the assistance of his injured comrade. He lifted him up and though receiving fragmentation wounds during the rescue, he carried the wounded marine to a covered position for treatment. Due to the increased volume and accuracy of enemy fire from a fortified machine gun bunker on the side of the road, the company was temporarily halted. Realizing the gravity of the situation, Sergeant Gonzalez exposed himself to the enemy fire and moved his platoon along the east side of a bordering rice paddy to a dike directly across from the bunker. Though fully aware of the danger involved, he moved to the fire-swept road and destroyed the hostile position with hand grenades. Although seriously wounded again on 3 February, he steadfastly refused medical treatment and continued to supervise his men and lead the attack. On 4 February, the enemy had again pinned the company down, inflicting heavy casualties with automatic weapons and rocket fire. Sergeant Gonzalez, utilizing a number of light antitank assault weapons, fearlessly moved from position to position firing numerous rounds at the heavily fortified enemy emplacements. He successfully knocked out a rocket position and suppressed much of the enemy fire before falling mortally wounded. The heroism, courage, and dynamic leadership displayed by Sergeant Gonzalez reflected great credit upon himself and the Marine Corps and were in keeping with the highest traditions of the United States Naval Service. He gallantly gave his life for his country.

[November 4, 1969]

Sp4c. Robert F. Stryker, U.S. Army—Posthumously

Specialist Four Robert F. Stryker, United States Army, distinguished himself by conspicuous gallantry and intrepidity on 7 November 1967 while serving with Company C, 1st Battalion, 26th Infantry, 1st Infantry Division in the Republic of Vietnam. On this date Specialist Stryker was serving as a grenadier in a multi-company reconnaissance in force near Loc Ninh. As his unit moved through the dense underbrush, it was suddenly met with a hail of rocket, automatic weapons and small arms fire from enemy forces concealed in fortified bunkers and in the surrounding trees. Reacting quickly, Specialist Stryker fired into the enemy positions with his grenade launcher. During the devastating exchange of fire, Specialist Stryker detected enemy elements attempting to encircle his company and isoalate it from the main body of the friendly force. Undaunted by the enemy machine gun and small arms fire, Specialist Stryker repeatedly fired grenades into the trees, killing enemy snipers and enabling his comrades to sever the attempted encirclement. As the battle continued, Specialist Stryker observed several wounded members of his squad in the killing zone of an enemy claymore mine. With complete disregard for his own safety, he threw himself upon the mine as it was detonated. He was mortally wounded as his body absorbed the blast and shielded his comrades from the explosion. His unselfish actions were responsible for saving the lives of at least six of his fellow soldiers. Specialist Stryker's great personal bravery was in keeping with the highest traditions of the military service and reflects great credit upon himself, his unit and the United States Army.

[November 4, 1969]

Chaplain (Major) Charles J. Watters, U.S. Army—Posthumously

Chaplain (Major) Charles J. Watters, Company A, 173d Support Battalion, 173d Airborne Brigade, distinguished himself by gallantry and intrepidity at the risk of his life during an assault in the vicinity of Dak To, Republic of Vietnam, on 19 November 1967. Chaplain Watters was moving with one of the companies when it engaged a heavily armed enemy battalion. As the battle raged and the casualties mounted, Chaplain Watters, with complete disregard for his own safety, rushed forward to the line of contact. Unarmed and completely exposed, he moved among, as well as in front of, the

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advancing troops, giving aid to the wounded, assisting in their evacuation, giving words of encouragement, and administering the last rites to the dying. When a wounded paratrooper was standing in shock in front of the assaulting forces, Chaplain Watters ran forward, picked the man up on his shoulders and carried him to safety. As the troopers battled to the first enemy entrenchment, Chaplain Watters ran through the intense fire to the front of the entrenchment to aid a fallen comrade. A short time later, the paratroopers pulled back in preparation for a second assault. Chaplain Watters exposed himself to both friendly and enemy fire between the two forces in order to recover two wounded soldiers. Later, when the battalion was forced to pull back into a perimeter, Chaplain Watters noticed that several wounded soldiers were lying outside the newly formed perimeter. Without hesitation and ignoring attempts to restrain him, Chaplain Watters left the perimeter three times in the face of small arms, automatic weapons, and mortar fire to carry and to assist the injured troopers to safety. Satisfied that all of the wounded were inside the perimeter, he began aiding the medics—applying field bandages to open wounds, obtaining and serving food and water, giving spiritual and mental strength and comfort. During his ministering, he moved out to the perimeter from position to position redistributing food and water, and tending to the needs of his men. Chaplain Watters was giving aid to the wounded when he himself was mortally wounded. Chaplain Watter's unyielding perseverance and selfless devotion to his comrades was in keeping with the highest traditions of the United States Army.

[November 18, 1969]

Sgt. Gordon D. Yntema, U.S. Army—Posthumously

Sergeant Gordon D. Yntema, United States Army, distinguished himself by conspicuous gallantry and intrepidity on 16–18 January 1968, while assigned to Detachment A–431, Company D, 5th Special Forces Group (Airborne), 1st Special Forces, in the Republic of Vietnam. As part of a larger force of civilian irregulars from Camp Cai Cai, he accompanied two platoons to a blocking position east of the village of Thong Binh, where they became heavily engaged in a small arms firefight with the Viet Cong. Assuming control of the force when the Vietnamese commander was seriously wounded, he advanced his troops to within fifty meters of the enemy bunkers. After a fierce thirty minute firefight, the enemy forced Sergeant Yntema to withdraw his men to a trench in order to afford them protection and still perform their assigned blocking mission. Under cover of machine gun fire, approximately one company of Viet Cong maneuvered into a position which pinned down the friendly platoons from three sides. A dwindling ammunition supply, coupled with a Viet Cong mortar barrage which inflicted heavy losses on the exposed friendly troops, caused many of the irregulars to withdraw. Seriously wounded and ordered to withdraw himself, Sergeant Yntema refused to leave his fallen comrades. Under withering small arms and machine gun fire, he carried the wounded Vietnamese commander and a mortally wounded American Special Forces advisor to a small gully fifty meters away in order to shield them from the enemy fire. Sergeant Yntema then continued to repulse the attacking Viet Cong attempting to overrun his position until, out of ammunition and surrounded, he was offered the opportunity to surrender. Refusing, Sergeant Yntema stood his ground, using his rifle as a club to fight the approximately fifteen Viet Cong attempting his capture. His resistance was so fierce that the Viet Cong were forced to shoot in order to overcome him. Sergeant Yntema's personal bravery in the face of insurmountable odds and supreme self-sacrifice were in keeping with the highest traditions of the military service and reflect the utmost credit upon himself, the 1st Special Forces and the United States Army.

[November 18, 1969]

Carlos J. Lozada, U.S. Army—Posthumously

Private First Class Carlos J. Lozada, United States Army, distinguished himself by conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty on 20 November 1967, in the battle of Dak To, Republic of Vietnam. While serving as a machine gunner with 1st Platoon, Company A, 2d Battalion (Airborne), 503d Infantry, 173d Airborne Brigade (Separate), Private Lozada was part of a four man early warning outpost, located thirty-five meters from his company's lines. At 1400 hours a North Vietnamese Army company rapidly approached the outpost along a well defined trail. Private Lozada alerted his comrades and commenced firing at the enemy who were within ten meters of the outpost. His heavy and accurate machine gun fire killed at least twenty North Vietnamese soldiers and completely disrupted their initial attack. Private Lozada remained in an exposed position and continued to pour deadly fire upon the enemy despite the urgent pleas of his comrades to withdraw. The enemy continued their assault, attempting to envelop the outpost. At the same time enemy forces launched a heavy attack on the forward west flank of Company A with the intent to cut them off from their battalion. Company A was given the order to withdraw. Private Lozada apparently realized that if he abandoned his position there would be nothing to hold back the surging North Vietnamese soldiers and that the entire company withdrawal would be jeopardized. He called for his comrades to move back and that he would stay and provide cover for them. He made this decision realizing that the enemy was converging on three sides of his position and only meters away, and a delay in withdrawal meant almost certain death. Private Lozada continued to deliver a heavy, accurate volume of suppressing fire against the enemy until he was mortally wounded. His actions not only inflicted heavy casualties on the enemy but saved the lives of many of his comrades, several of whom were seriously wounded and had to be carried during the withdrawal. His heroic deed served as an example and an inspiration to his comrades throughout the ensuing four-day battle. Private Lozada's actions are in the highest traditions of the United States Army and reflect great credit upon himself, his unit, and the United States Army.

[November 18, 1969]

Cpl. Jerry Wickam, U.S. Army—Posthumously

Corporal Jerry W. Wickam, United States Army, distinguished himself by conspicuous gallantry and intrepidity on 6 January 1968, while serving with Troop F, 2d Squadron, 11th Armored Cavalry Regiment in the Republic of Vietnam. On this date, Troop F was conducting a reconnaissance in force mission southwest of Loc Ninh when the lead element of the friendly force was subjected to a heavy barrage of rocket, automatic weapons, and small arms fire from a well concealed enemy bunker complex. Disregarding the intense fire, Corporal Wickam leaped from his armored vehicle and assaulted one of the enemy bunkers and threw a grenade into it, killing two enemy soldiers. He moved into the bunker, and with the aid of another soldier, began to remove the body of one Viet Cong when he detected the sound of an enemy grenade being charged. Corporal Wickam warned his comrade and physically pushed him away from the grenade thus protecting him from the force of the blast. When a second Viet Cong bunker was discovered, he ran through a hail of enemy fire to deliver deadly fire into the bunker, killing one enemy soldier. He also captured one Viet Cong who later provided valuable information on enemy activity in the Loc Ninh area. After the patrol withdrew and an airstrike was conducted, Corporal Wickam led his men back to evaluate the success of the strike. They were immediately attacked again by enemy fire. Without hesitation, he charged the bunker from which the fire was being directed, enabling the remainder of his men to seek cover. He threw a grenade inside of the enemy's position killing two Viet Cong and destroying the bunker. Moments later he was mortally wounded by enemy fire. Corporal Wickam's conspicuous gallantry, extraordinary heroism and intrepidity at the cost of his own life were in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

[November 24, 1969]

Staff Sgt. Paul R. Lambers, U.S. Army

Staff Sergeant (then Sergeant) Paul R. Lambers distinguished himself by conspicuous gallantry and intrepidity in action on 20 August 1968 while serving with the Third Platoon, Company A, 2d Battalion, 27th Infantry, 25th Infantry Division, in Tay Ninh Province, Republic of Vietnam. The unit had established a night defensive position astride a suspected enemy infiltration route, when it was attacked by an estimated Viet Cong battalion. During the initial enemy onslaught, the platoon leader fell seriously wounded and Sergeant Lambers assumed command of the platoon. Disregarding the intense enemy fire, Sergeant Lambers left his covered position, secured the platoon radio and moved the command post to direct the defense. When his radio became inoperative due to enemy action, Sergeant Lambers crossed the fire swept position to secure the 90mm recoilless rifle crew's radio in order to re-establish communications. Upon discovering that the 90mm recoilless rifle was not functioning, Sergeant Lambers assisted in the repair of the weapon and directed cannister fire at point blank range against the attacking enemy who had breached the defensive wire of the position. When the weapon was knocked out by enemy fire, he single-handedly repulsed a penetration of the position by detonating claymore mines and throwing grenades into the midst of the attackers, killing five of the enemy. He then attacked a number of enemy who were moving on the northwest sector of the perimeter, killing four more of the Viet Cong with well aimed hand grenades. Sergeant Lambers maintained command of the platoon elements by moving from position to position under the hail of enemy fire, providing assistance where the assault was the heaviest and by his outstanding example inspiring his men to the utmost efforts of courage. He displayed great skill and valor throughout the five hour battle by personally directing artillery and helicopter fires, placing them at times within five meters of the defensive position. He repeatedly exposed himself to hostile fire at great risk to his own life in order to redistribute ammunition and to care for seriously wounded comrades and to move them to sheltered positions. Sergeant Lambers' superb leadership, professional skill and magnificent courage saved the lives of his comrades, resulted in the virtual annihilation of a vastly superior enemy force and were largely instrumental in thwarting an enemy offensive against Tay Ninh City. His conspicuous gallantry at the risk of his own life is in keeping with the highest traditions of the military service and reflects great credit upon himself, his unit and the United States Army.

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[November 24, 1969]

SFC. WEBSTER ANDERSON, U.S. ARMY

Sergeant First Class Webster Anderson (then Staff Sergeant), distinguished himself by conspicuous gallantry and intrepidity in action while serving as Chief of Section in Battery A, 2d Battalion, 320th Artillery, 101st Airborne Infantry Division (Airmobile) against a hostile force near Tam Ky, Republic of Vietnam. During the early morning hours on 15 October 1967, Battery A's defensive position was attacked by a determined North Vietnamese Army Infantry unit supported by heavy mortar, recoilless rifle, rocket propelled grenade and automatic weapon fire. The initial enemy onslaught breached the battery defensive perimeter. Sergeant Anderson with complete disregard for his personal safety mounted the exposed parapet of his howitzer position and became the mainstay of the defense of the battery position. Sergeant Anderson directed devastating direct howitzer fire on the assaulting enemy while providing rifle and grenade defensive fire against enemy soldiers attempting to overrun his gun section position. While protecting his crew and directing their fire against the enemy from his exposed position, two enemy grenades exploded at his feet knocking him down and severely wounding him in the legs. Despite the excruciating pain and though not able to stand, Sergeant Anderson valorously propped himself on the parapet and continued to direct howitzer fire upon the closing enemy and to encourage his men to fight on. Seeing an enemy grenade land within the gun pit near a wounded member of his gun crew, Sergeant Anderson, heedless of his own safety, seized the grenade and attempted to throw it over the parapet to save his men. As the grenade was thrown from the position it exploded and Sergeant Anderson was again grievously wounded. Although only partially conscious and severely wounded, Sergeant Anderson refused medical evacuation and continued to encourage his men in the defense of the position. Sergeant Anderson by his inspirational leadership, professionalism, devotion to duty and complete disregard for his own welfare was able to maintain the defense of his section position and to defeat a determined enemy attack. Sergeant Anderson's conspicuous gallantry and extraordinary heroism at the risk of his own life above and beyond the call of duty are in the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

[November 24, 1969]

S. SGT. NICKY D. BACON, U.S. ARMY

Staff Sergeant Nicky D. Bacon distinguished himself by conspicuous gallantry and intrepidity while serving as a squad leader with the 1st Platoon, Company B, 4th Battalion, 21st Infantry, Americal Division during an operation west of Tam Ky, Republic of Vietnam, on 26 August 1968. When Company B came under fire from an enemy bunker line to the front, Sergeant Bacon quickly organized his men and led them forward in an assault. He advanced on a hostile bunker and destroyed it with grenades. As he did so, several fellow soldiers, including the 1st Platoon leader, were struck by machine gun fire and fell wounded in an exposed position forward of the rest of the platoon. Sergeant Bacon immediately assumed command of the platoon and assaulted the hostile gun position, finally killing the enemy gun crew in a single-handed effort. When the 3d Platoon moved to Sergeant Bacon's location, its leader was also wounded. Without hesitation Sergeant Bacon took charge of the additional platoon and continued the fight. In the ensuing action he personally killed four more enemy soldiers and silenced an anti-tank weapon. Under his leadership and example, the members of both platoons accepted his authority without question. Continuing to ignore the intense hostile fire, he climbed up on the exposed deck of a tank and directed fire into the enemy position while several wounded men were evacuated. As a result of Sergeant Bacon's extraordinary efforts, his company was able to move forward, eliminate the enemy positions, and rescue the men trapped to the front. Sergeant Bacon's conspicuous gallantry at the risk of his own life was in the highest traditions of the military service and reflects great credit upon himself, his unit and the United States Army.

[December 2, 1969]

S. SGT. CLIFFORD C. SIMS, U.S. ARMY—POSTHUMOUSLY

Staff Sergeant Clifford C. Sims distinguished himself on 21 February 1968, while serving as a squad leader with Company D, 2nd Battalion (Airborne), 501st Infantry, 101st Airborne Division, near Hue, in the Republic of Vietnam. Company D was assaulting a heavily fortified enemy position concealed within a dense wooded area when it encountered strong enemy defensive fire. Once within the woodline, Sergeant Sims led his squad in a furious attack against an enemy force which had pinned down the 1st Platoon and threatened to overrun it. His skillful leadership provided the platoon with freedom of movement and enabled it to regain the initiative. Sergeant Sims was then ordered to move his squad to a position where he could provide covering fire for the company command group and to link up with the 3d Platoon, which was under heavy enemy pressure. After moving no more than thirty meters Sergeant Sims noticed that a brick structure in which ammunition was stocked was on fire. Realizing the danger, Sergeant Sims took immediate action to move his squad from this position. Though in the process of leaving the area two members of his squad were injured by the subsequent explosion of the ammunition, Sergeant Sims' prompt actions undoubtedly prevented more serious casualties from occurring. While continuing through the dense woods amidst heavy enemy fire, Sergeant Sims and his squad were approaching a bunker when they heard the unmistakable noise of a concealed booby trap being triggered immediately to their front. Sergeant Sims warned his comrades of the danger and unhesitatingly hurled himself upon the device as it exploded, taking the full impact of the blast. In so protecting his fellow soldiers, he willingly sacrificed his own life. Staff Sergeant Sims' conspicuous gallantry, extraordinary heroism and intrepidity at the cost of his own life, above and beyond the call of duty, are in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

[December 2, 1969]

SFC. EUGENE ASHLEY, JR., U.S. ARMY—POSTHUMOUSLY

Sergeant First Class Eugene Ashley, Jr., distinguished himself by conspicuous gallantry and intrepidity while serving with Detachment A–101, Company C, 5th Special Forces Group (Airborne), 1st Special Forces, near Lang Vei Special Forces Camp in the Republic of Vietnam. On 6 and 7 February 1968 Sergeant Ashley was the Senior Special Forces Advisor of a hastily organized assault force whose mission was to rescue entrapped United States Special Forces Advisors at Camp Lang Vei. During the initial attack on the Special Forces camp by North Vietnamese Army forces, Sergeant Ashley supported the camp with high explosive and illumination mortar rounds. When communications were lost with the main camp, he assumed the additional responsibility of directing air strikes and artillery support. Sergeant Ashley organized and equipped a small assault force composed of local friendly personnel. During the ensuing battle, Sergeant Ashley led a total of five vigorous assaults against the enemy, continuously exposing himself to a voluminous hail of enemy grenades, machine gun and automatic weapons fire. Throughout these assaults, he was plagued by numerous booby trapped satchel charges in all bunkers on his avenue of approach. During his fifth and final assault, he adjusted air strikes nearly on top of his assault element, forcing the enemy to withdraw and resulting in friendly control of the summit of the hill. While exposing himself to intense enemy fire, he was seriously wounded by machine gun fire but continued his mission without regard to his personal safety. After the fifth assault he lost consciousness and was carried from the summit by his comrades only to suffer a fatal wound when an enemy artillery round landed in the area. Sergeant Ashley displayed extraordinary heroism in risking his life in an attempt to save the lives of his entrapped comrades and commanding officer. His total disregard for his own personal safety while exposed to enemy observation and automatic weapons fire was an inspiration to all men committed to the assault. The resolute valor with which he led five gallant charges placed critical diversionary pressure on the attacking enemy and his valiant efforts carved a channel in the overpowering enemy forces and weapons positions through which the survivors of Camp Lang Vei eventually escaped to freedom. Sergeant Ashley's conspicuous gallantry at the cost of his own life was in the highest traditions of the military service, and reflects great credit upon himself, his unit and the United States Army.

[December 2, 1969]

2D LT. TERRENCE C. GRAVES, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a Platoon Commander with the Third Force Reconnaissance Company, Third Reconnaissance Battalion, Third Marine Division, in the Republic of Vietnam on 16 February 1968. While on a long-range reconnaissance mission, Lieutenant Graves' eight-man patrol observed seven enemy soldiers approaching their position. Reacting instantly, he deployed his men and directed their fire on the approaching enemy. After the fire had ceased, he and two patrol members commenced a search of the area, and suddenly came under a heavy volume of hostile small arms and automatic weapons fire from a numerically superior enemy force. When one of his men was hit by the enemy fire, Lieutenant Graves moved through the fire-swept area to his radio and, while directing suppressive fire from his men, requested air support and adjusted a heavy volume of artillery and helicopter gunship fire upon the enemy. After attending the wounded, Lieutenant Graves, accompanied by another marine, moved from his relatively safe position to confirm the results of the earlier engagement. Observing that several of the enemy were still alive, he launched a determined assault, eliminating the remaining enemy troops. He then began moving the patrol to a landing zone for extraction, when the unit again came under intense fire which wounded two more marines and Lieutenant Graves. Refusing medical attention, he once more adjusted air strikes and artillery fire upon the enemy while directing the fire of his men. He led his men to a new landing site into which he skillfully guided the incoming aircraft and boarded his men while

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remaining exposed to the hostile fire. Realizing that one of the wounded had not embarked, he directed the aircraft to depart and, along with another marine, moved to the side of the casualty. Confronted with a shortage of ammunition, Lieutenant Graves utilized supporting arms and directed fire until a second helicopter arrived. At this point, the volume of enemy fire intensified, hitting the helicopter and causing it to crash shortly after liftoff. All aboard were killed. Lieutenant Graves' outstanding courage, superb leadership and indomitable fighting spirit throughout the day were in keeping with the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 7, 1970]

SGT. ANUND C. ROARK, U.S. ARMY—POSTHUMOUSLY

Sergeant Anund C. Roark distinguished himself by extraordinary gallantry and intrepidity while serving with Company C, 1st Battalion, 12th Infantry, 4th Infantry Division in Kontum Province, Republic of Vietnam. On 16 May 1968, Sergeant Roark was the point squad leader of a small force which had the mission of rescuing eleven men in a hilltop observation post under heavy attack by a company-size force, approximately 1000 meters from the battalion perimeter. As lead elements of the relief force reached the besieged observation post, intense automatic weapons fire from enemy occupied bunkers halted their movement. Without hesitation, Sergeant Roark maneuvered his squad, repeatedly exposing himself to the withering enemy fire to hurl grenades and direct the fire of his squad to gain fire superiority and cover the withdrawal of the outpost and evacuation of its casualties. Frustrated in their effort to overrun the position, the enemy swept the hilltop with small arms and volleys of grenades. Seeing a grenade land in the midst of his men, Sergeant Roark, with complete disregard for his own safety, hurled himself upon the grenade, absorbing its blast with his body. Sergeant Roark's magnificent leadership and dauntless courage saved the lives of many of his comrades and were the inspiration for the successful relief of the outpost. His actions which culminated in the supreme sacrifice of his life were in keeping with the highest traditions of the military service and reflect great credit on himself and the United States Army.

[April 7, 1970]

SP5C. JOHN J. KEDENBURG, U.S. ARMY—POSTHUMOUSLY

Specialist Five John J. Kedenburg, United States Army, Command and Control Detachment North, Forward Operating Base 2, 5th Special Forces Group (Airborne), 1st Special Forces, distinguished himself by conspicuous gallantry and intrepidity in the Republic of Vietnam on 13 June 1968, while serving as advisor to a long range reconnaissance team of South Vietnamese irregular troops. The team's mission was to conduct counter-guerilla operations deep within enemy-held territory. Prior to reaching the day's objective, the team was attacked and encircled by a battalion-size North Vietnamese Army force. Specialist Kedenburg assumed immediate command of the team which succeeded, after a fierce fight, in breaking out of the encirclement. As the team moved through thick jungle to a position from which it could be extracted by helicopter, Specialist Kedenburg conducted a gallant rear guard fight against the pursuing enemy and called for tactical air support and rescue helicopters. His withering fire against the enemy permitted the team to reach a pre-selected landing zone with the loss of only one man, who was unaccounted for. Once in the landing zone, Specialist Kedenburg deployed the team into a perimeter defense against the numerically superior enemy force. When the tactical air support arrived, he skillfully directed air strikes against the enemy, suppressing their fire so that helicopters could hover over the area and drop slings to be used in the extraction of the team. After half of the team was extracted by helicopter, Specialist Kedenburg and the remaining three members of the team harnessed themselves to the sling on a second hovering helicopter. Just as the helicopter was to lift them out of the area, the South Vietnamese team member who had been unaccounted for after the initial encounter with the enemy appeared in the landing zone. Specialist Kedenburg unhesitatingly gave up his place in the sling to the man and directed the helicopter pilot to leave the area. He then continued to engage the enemy who were swarming into the landing zone, killing six enemy soldiers before he was overpowered. Specialist Kedenburg's inspiring leadership, consummate courage and willing self-sacrifice permitted his small team to inflict heavy casualties on the enemy and escape almost certain annihilation. His actions reflect great credit upon himself and the United States Army.

[April 7, 1970]

S. SGT. LASZLO RABEL, U.S. ARMY—POSTHUMOUSLY

Staff Sergeant Laszlo Raber distinguished himself by conspicuous gallantry and intrepidity while serving as leader of Team Delta, 74th Infantry Detachment (Long Range Patrol), 173d Airborne Brigade, in Binh Dinh Province, Republic of Vietnam on 13 November 1968. At 1000 hours on this date, Team Delta was in a defensive perimeter conducting reconnaissance of enemy trail networks when a member of the team detected enemy movement to the front. As Sergeant Rabel and a comrade prepared to clear the area, he heard an incoming grenade as it landed in the midst of the team's perimeter. With complete disregard for his own life, Sergeant Rabel threw himself on the grenade and, covering it with his body, received the complete impact of the immediate explosion. Through his indomitable courage, complete disregard for his own safety and profound concern for his fellow soldiers, Sergeant Rabel averted the loss of life and injury to the other members of Team Delta. By his conspicuous gallantry at the cost of his own life in the highest traditions of the military service, Staff Sergeant Rabel has reflected great credit upon himself, his unit and the United States Army.

[April 7, 1970]

SP4C. KENNETH L. OLSON, U.S. ARMY—POSTHUMOUSLY

Specialist Four Kenneth L. Olson distinguished himself by conspicuous gallantry and intrepidity at the cost of his life on 13 May 1968 while serving as a team leader with Company A, 5th Battalion, 12th Infantry, 199th Infantry Brigade (Separate) (Light), in the Republic of Vietnam. On this date Specialist Olson was participating in a mission to reinforce a reconnaissance platoon which was heavily engaged with a well-entrenched Viet Cong force. When his platoon moved into the area of contact and had overrun the first line of enemy bunkers, Specialist Olson and a fellow soldier moved forward of the platoon to investigate another suspected line of bunkers. As the two men advanced they were pinned down by intense automatic weapons fire from an enemy position ten meters to their front. With complete disregard for his own safety, Specialist Olson exposed himself and hurled a hand grenade into the Viet Cong position. Failing to silence the hostile fire, he again exposed himself to the intense fire in preparation to assault the enemy position. As he prepared to hurl the grenade he was wounded, causing him to drop the activated device within his own position. Realizing that it would explode immediately, Specialist Olson threw himself upon the grenade and pulled it in to his body to take the full force of the explosion. By this unselfish action Specialist Olson sacrificed his own life to save the lives of his fellow comrades-in-arms. His extraordinary heroism inspired his fellow soldiers to renew their efforts and totally defeat the enemy force. Specialist Olson's profound courage and intrepidity were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

[April 7, 1970]

PFC. DAVID P. NASH, U.S. ARMY—POSTHUMOUSLY

Private First Class David P. Nash distinguished himself on 29 December 1968 while serving as grenadier with Company B, 2d Battalion, 39th Infantry, 9th Infantry Division in Giao Duc District of Dinh Tuong Province, Republic of Vietnam. When an ambush patrol of which he was a member suddenly came under intense attack before reaching its destination, he was the first to return the enemy fire. Taking an exposed location, Private Nash suppressed the hostile fusillade with a rapid series of rounds from his grenade launcher, enabling artillery fire to be adjusted on the enemy. After the foe had been routed, his small element continued to the ambush site where he established a position with three fellow soldiers on a narrow dike. Shortly past midnight, while Private Nash and a comrade kept watch and the two other men took their turn sleeping, an enemy grenade wounded two soldiers in the adjacent position. Seconds later, Private Nash saw another grenade land only a few feet from his own position. Although he could have escaped harm by rolling down the other side of the dike, he shouted a warning to his comrades and leaped upon the lethal explosive. Absorbing the blast with his own body, he saved the lives of the three men in the area at the sacrifice of his own. By his conspicuous gallantry at the cost of his own life in the highest traditions of the military service, Private Nash has reflected great credit on himself, his unit and the United States Army.

[April 7, 1970]

S. SGT. MARVIN R. YOUNG, U.S. ARMY—POSTHUMOUSLY

Staff Sergeant Marvin R. Young distinguished himself by conspicuous gallantry and intrepidity at the cost of his life on 21 August 1968, while serving as a squad leader with Company C, 1st Battalion (Mechanized), 5th Infantry, 25th Infantry Division in the Republic of Vietnam. While conducting a reconnaissance mission in the vicinity of Ben Cui, Company C was suddenly engaged by an estimated regimental-size force of the North Vietnamese Army. During the initial volley of fire the point element of the 1st Platoon was pinned down, sustaining several casualties, and the acting platoon leader was killed. Sergeant Young unhesitatingly assumed command of the platoon and immediately began to organize and deploy his men into a defensive position in order to repel the attacking force. As a human wave attack advanced on Sergeant Young's platoon, he moved from position to position, encouraging and directing fire on the hostile insurgents while exposing himself to the hail of enemy bullets. After receiving orders to withdraw to a better defensive position, he remained behind to provide covering fire for the withdrawal. Observing that a small element of the point squad was unable to extract itself from its position, and completely disregarding his personal safety, Sergeant Young began moving toward their position, firing as he maneuvered. When halfway to their position he sustained a critical head injury, yet he continued his mission and ordered the element to withdraw. Remaining with the squad as it fought its way to the rear, he was twice seriously wounded in the arm and leg. Although his leg was badly shattered, Sergeant Young refused assistance that would have slowed the retreat of his comrades, and he ordered them to continue their withdrawal while he provided protective covering fire. With domitable courage and heroic selfsacrifice, he continued his self-assigned mission until the enemy force engulfed his position. By his conspicuous gallantry at the cost of his own life in the highest traditions of the military service, Staff Sergeant Young has reflected great credit upon himself, his unit and the United States Army.

[April 7, 1970]

SFC. RODNEY J. Y. YANO, U.S. ARMY—POSTHUMOUSLY

Sergeant First Class Rodney J. T. Yano distinguished himself on 1 January 1969 while serving with the Air Cavalry Troop, 11th Armored Cavalry Regiment, in the vicinity of Bien Hao, Republic of Vietnam. Segreant Yano was performing the duties of crew chief aboard the troop's command-and-control helicopter during action against enemy forces entrenched in dense jungle. From an exposed position in the face of intense small arms and antiaircraft fire he delivered suppressive fire upon the enemy forces and marked their positions with smoke and white phosphorous grenades, thus enabling his troop commander to direct accurate and effective artillery fire against the hostile emplacements. A grenade, exploding prematurely, covered him with burning phosphorous, and left him severely wounded. Flaming fragments within the helicopter caused supplies and ammunition to detonate. Dense white smoke filled the aircraft, obscuring the pilot's vision and causing him to lose control. Although having the use of only one arm and being partially blinded by the initial explosion, Sergeant Yano completely disregarded his own welfare and began hurling blazing ammunition from the helicopter. In so doing he inflicted additional wounds upon himself, yet he persisted until the danger was past. Sergeant Yano's indomitable courage and profound concern for his comrades averted loss of life and additional injury to the rest of the crew. By his conspicuous gallantry at the cost of his own life, in the highest traditions of the military service, Sergeant Yano has reflected great credit on himself, his unit and the United States Army.

[April 7, 1970]

SGT. LESTER R. STONE JR., U.S. ARMY—POSTHUMOUSLY

Sergeant Lester R. Stone Jr. distinguished himself on 3 March 1969 while serving as squad leader of the 1st Platoon, Company B, 1st Battalion, 20th Infantry, 11th Infantry Brigade, 23d Infantry Division (Americal). On this date, the 1st Platooon was on a combat patrol mission just west of Landing Zone Liz when it came under intense automatic weapons and grenade fire from a well-concealed company-size force of North Vietnamese regulars. Observing the platoon machine gunner fall critically wounded, Sergeant Stone rushed into the open area to the side of his injured comrade. Utilizing the machine gun, Sergant Stone remained in the exposed area to provide cover fire for the wounded soldier who was being pulled to safety by another member of the platoon. With enemy fire impacting all around him, Sergeant Stone had a malfunction in the machine gun, preventing him from firing the weapon automatically. Displaying extraordinary courage under the most adverse conditions, Sergeant Stone repaired the weapon and continued to place on the enemy positions effective suppressive fire which enabled the rescue to be completed. In a desperate attempt to overrun his position, an enemy force left its cover and charged Sergeant Stone. Disregarding the danger involved, Sergeant Stone rose to his knees and began placing intense fire on the enemy at pointblank range, killing six of the enemy before falling mortally wounded. His actions of unsurpassed valor were a source of inspiration to his entire unit, and he was responsible for saving the lives of a number of his fellow soldiers. His actions were in keeping with the highest traditions of the military profession and reflect great credit on him, his unit, and the United States Army.

[April 7, 1970]

SGT. WILLIAM W. SEAY, U.S. ARMY—POSTHUMOUSLY

Sergeant William W. Seay distinguished himself on 25 August 1968 while serving as a driver with the 62d Transportation Company (Medium Truck), 7th Transportation Battalion, 48th Transportation Group on a resupply mission near Ap Nhi, Republic of Vietnam. The convoy with which he was travelling, carrying critically needed ammunition and supplies from Long Binh to Tay Ninh, was ambushed by a reinformed battalion of the North Vietnamese Army. As the main elements of the convoy entered the ambush killing zone, they were struck by intense rocket, machine gun and automatic weapon fires from the well-concealed and entrenched enemy force. When his convoy was forced to stop, Sergeant Seay immediately dismounted and took a defensive position behind the wheels of a vehicle loaded with high-explosive ammunition. As the violent North Vietnamese assault approached to within ten meters of the road, Sergeant Seay opened fire, killing two of the enemy. He then spotted a sniper in a tree approximately seventy-five meters to his front and killed him. When an enemy grenade was thrown under an ammunition trailer near his position, without regard for his own safety he left his protective cover, exposing himself to intense enemy fire, picked up the grenade, and threw it back to the North Vietnamese position, killing four more of the enemy and saving the lives of the men around him. Another enemy grenade landed approximately three meters from Sergeant Seay's position. Again Sergeant Seay left his covered position and threw the armed grenade back upon the assaulting enemy. After returning to his position he was painfully wounded in the right wrist; however, Sergeant Seay continued to give encouragement and direction to his fellow soldiers. After moving to the relative cover of a shallow ditch, he detected three enemy soldiers who had penetrated the position and were preparing to fire on his comrades. Although weak from loss of blood and with his right hand immobilized, Sergeant Seay stood up and fired his rifle with his left hand, killing all three and saving the lives of the other men in his location. As a result of his heroic action, Sergeant Seay was mortally wounded by a sniper's bullet. Sergeant Seay, by his conspicuous gallantry and intrepidity in action at the cost of his own life, has reflected great credit upon himself, his unit and the United States Army.

[April 7, 1970]

SP4C. HECTOR SANTIAGO-COLON, U.S. ARMY—POSTHUMOUSLY

Specialist Four Hector Santiago-Colon distinguished himself by conspicuous gallantry and intrepidity at the cost of his life on 28 June 1968 while serving as a gunner in the mortar platoon of Company B, 5th Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile) in Quang Tri Province, Republic of Vietnam. On this date, while serving as a perimeter sentry, Specialist Santiago-Colon heard distinct movement in the heavily wooded area to his front and flanks. Immediately he alerted his fellow sentries in the area to move to their foxholes and remain alert for any enemy probing forces. From the wooded area around his position heavy enemy automatic weapons and small arms fire suddenly broke out, but extreme darkness rendered difficult the precise location and identification of the hostile force. Only the muzzle flashes from enemy weapons indicated their position. Specialist Santiago-Colon and the other members of his position immediately began to repel the attackers, utilizing hand arms fire. Due to the heavy volume of enemy fire and exploding grenades around them, a North Vietnamese soldier was able to crawl, grenades, anti-personnel mines and small undetected, to their position. Suddenly, the enemy soldier lobbed a hand grenade into Specialist Santiago-Colon's foxhole. Realizing that there was no time to throw the grenade out of his position, Specialist Santiago-Colon retrieved the grenade, tucked it in to his stomach and, turning away from his comrades, absorbed the full impact of the blast. His heroic self-sacrifice saved the lives of those who occupied the foxhole with him, and provided them with the inspiration to continue fighting until they had forced the enemy to retreat from the perimeter. By his conspicuous gallantry at the cost of his own life in the highest traditions of the military service, Specialist Four Hector Santiago-Colon has reflected great credit upon himself, his unit and the United States Army.

[April 7, 1970]

SGT. RAY MCKIBBEN, U.S. ARMY—POSTHUMOUSLY

Sergeant Ray McKibben distinguished himself by conspicuous galantry and intrepidity in action above and beyond the call of duty while serving as team leader of the point element of a reconnaissance patrol of Troop B, 7th Squadron (Airmobile), 17th Cavalry operating in enemy territory near Song Mao in the Republic of Vietnam on 8 December 1968. Sergeant McKibben was leading his point element in a movement to contact along a well-travelled trail when the lead element came under heavy automatic weapons fire from a fortified bunker position, forcing the patrol to take cover. Sergeant McKibben, appraising the situation and without regard for his own safety, charged through bamboo and heavy brush to the fortified position, killed the enemy gunner, secured the weapon and directed his patrol element forward. As the patrol moved out, Sergeant McKibben observed enemy movement to the flank of the patrol. Fire support from helicopter gunships was requested and the area was effectively neutralized. The patrol again continued its mission and as the lead element rounded the bend of a river it came under heavy automatic weapons fire from camouflaged bunkers. As Sergeant McKibben was deploying his men to covered positions, he observed one of his men fall wounded. Although bullets were hitting all around the wounded man, Sergeant McKibben, with complete disregard for his own safety, sprang to his comrade's side and under heavy enemy fire pulled him to safety behind the cover of a rock emplacement where he administered hasty first aid. Sergean McKibben, seeing that his comrades were pinned down and were unable to deliver effective fire against the enemy bunkers, again undertook a single handed assault of the enemy defenses. He charged through the brush and hail of automatic weapons fire closing on the first bunker, killing the enemy with accurate rifle fire and securing the enemy's weapon. He continued his assault against the next bunker, firing his rifle as he charged. As he approached the second bunker his rifle ran out of ammunition; however, he used the captured

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enemy weapon until it too was empty, at which time he silenced the bunker with well-placed hand grenades. He reloaded his weapon and covered the advance of his men as they moved forward. Observing the fire of another bunker impeding the patrol's advance, Sergeant McKibben again single-handedly assaulted the new position. As he neared the bunker he was mortally wounded but was able to fire a final burst from his weapon killing the enemy and enabling the patrol to continue the assault. Sergeant McKibben's indomitable courage, extraordinary heroism, profound concern for the welfare of his fellow soldiers and disregard for his own personal safety saved the lives of his comrades and enabled the patrol to accomplish its mission. Sergeant McKibben's conspicuous gallantry and intrepidity in action at the cost of his life above and beyond the call of duty are in the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

[April 7, 1970]

PFC. PHILL G. MCDONALD, U.S. ARMY—POSTHUMOUSLY

Private First Class Phill G. McDonald distinguished himself on 7 June 1968 while serving as a Team Leader with the 1st Platoon of Company A, 1st Battalion, 14th Infantry, 4th Infantry Division, in the Republic of Vietnam. While on a combat mission near Kontum City, his platoon came under a heavy barrage of automatic weapons fire from a well-concealed company-size enemy force. Volunteering to escort two wounded comrades to an evacuation point, Private McDonald crawled through intense fire to destroy with a grenade an enemy automatic weapon threatening the safety of the evacuation. Returning to his platoon, he again volunteered to provide covering fire for the maneuver of the platoon from its exposed position. Realizing the threat he posed, enemy gunners concentrated their fire on Private McDonald's position, seriously wounding him. Despite his painful wounds, Private McDonald recovered the weapon of a wounded machine gunner to provide accurate covering fire for the gunner's evacuation. When other soldiers were pinned down by a heavy volume of fire from a hostile machine gun to his front, Private McDonald crawled toward the enemy position to detroy it with grenades. He was mortally wounded in this intrepid action. Private McDonald's conspicuous gallantry at the risk of his own life above and beyond the call of duty, which resulted in the saving of the lives of his comrades, is in keeping with the highest traditions of the military service and reflects great credit upon himself, his unit, and the United States Army.

[April 7, 1970]

PFC. MILTON A. LEE, U.S. ARMY—POSTHUMOUSLY

Private First Class Milton A. Lee, distinguished himself by conspicuous gallantry and intrepidity in action above and beyond the call of duty on 26 April 1968, near the city of Phu Bai in the Province of Thua Thien, Republic of Vietnam. Private Lee was serving as the radio telephone operator with the 3d Platoon, Company B, 2d Battalion, 502d Infantry, 1st Brigade, 101st Airborne Division (Airmobile). As lead element for the company, the 3d Platoon received intense surprise hostile fire from a force of North Vietnamese Army Regulars in well concealed bunkers. With 50 per cent casualties, the platoon maneuvered to a position of cover to treat their wounded and reorganize, while Private Lee moved through the heavy enemy fire giving life-saving first aid to his wounded comrades. During the subsequent assault on the enemy defensive positions, Private Lee continuously kept close radio contact with the company commander, relaying precise and understandable orders to his platoon leader. While advancing with the front rank toward the objective, Private Lee observed four North Vietnamese soldiers with automatic weapons and a rocket launcher lying in wait for the lead element of the platoon. As the element moved forward, unaware of the concealed danger, Private Lee immediately and with utter disregard for his own personal safety, passed his radio to another soldier and charged through the murderous fire. Without hesitation he continued his assault, overrunning the enemy position, killing all occupants and capturing four automatic weapons and a rocket launcher. Private Lee continued his one-man assault on the second position through a heavy barrage of enemy automatic weapons fire. Grievously wounded, he continued to press the attack, crawling forward into a firing position and delivering accurate covering fire to enable his platoon to maneuver and destroy the position. Not until the position was overrun did Private Lee falter in his steady volume of fire and succumb to his wounds. Private Lee's heroic actions saved the lives of the lead element and were instrumental in the destruction of the key position of the enemy defense. Private Lee's conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty are in keeping with the highest traditions of the military service and reflect great credit on himself, the 502d Infantry, and the United States Army.

[April 7, 1970]

PFC. GARFIELD M. LANGHORN, U.S. ARMY

Private First Class Garfield H. Langhorn distinguished himself at the cost of his life above and beyond the call of duty on 15 January 1969, while serving as a radio operator with Troop C, 7th Squadron (Airmobile), 17th Cavalry, 1st Aviation Brigade, near Plei Djereng in Pleiku Province, Republic of Vietnam. Private Langhorn's platoon was inserted into a landing zone to rescue two pilots of a Cobra helicopter shot down by enemy fire on a heavily timbered slope. He provided radio coordination with the command-and-control aircraft overhead while the troops hacked their way through dense undergrowth to the wreckage, where both aviators were found dead. As the men were taking the bodies to a pickup site, they suddenly came under intense fire from North Vietnamese soldiers in camouflaged bunkers to the front and right flank, and within minutes they were surrounded. Private Langhorn immediately radioed for help from the orbiting gunships, which began to place mini-gun and rocket fire on the aggressors. He then lay between the platoon leader and another man, operating the radio and providing covering fire for the wounded who had been moved to the center of the small perimeter. Darkness soon fell, making it impossible for the gunships to give accurate support, and the aggressors began to probe the perimeter. An enemy hand grenade landed in front of Private Langhorn and a few feet from personnel who had become casualties. Choosing to protect these wounded, he unhesitatingly threw himself on the grenade, scooped it beneath his body and absorbed the blast. By sacrificing himself, he saved the lives of his comrades. Private Langhorn's conspicuous gallantry and extraordinary heroism at the cost of his own life were in keeping with the highest traditions of the military service and reflect great credit on himself, his unit and the United States Army.

[Apr. 7, 1970]

SP4C. PETER M. GUENETTE, U.S. ARMY—POSTHUMOUSLY

Specialist Four Peter M. Guenette distinguished himself while serving as a machine gunner with Company D, 2d Battalion (Airborne), 506th Infantry, 101st Airborne Division (Airmobile) during combat operations in Quan Tan Uyen Province, Republic of Vietnam, on 18 May 1968. While Specialist Guenette's platoon was sweeping a suspected enemy base camp, it came under light harassing fire from a well-equipped and firmly entrenched squad of North Vietnamese Army regulars which was serving as a delaying force at the entrance to their base camp. As the platoon moved within ten meters of the fortified positions, the enemy fire became intense. Specialist Guenette and his assistant gunner immediately began to provide a base of suppressive fire, ceasing momentarily to allow the assistant gunner time to throw a grenade into a bunker. Seconds later, an enemy grenade was thrown to Specialist Guenette's right flank. Realizing that the grenade would kill or wound at least four men and destroy the machine gun, he shouted a warning and smothered the grenade with his body, absorbing its blast. Through his actions, he prevented loss of life or injury to at least three men and enabled his comrades to maintain their fire superiority. By his conspicuous gallantry at the cost of his own life in keeping with the highest traditions of the military service, Specialist Guenette has reflected great credit on himself, his unit and the United States Army.

[April 7, 1970]

PFC. JAMES W. FOUS, U.S. ARMY—POSTHUMOUSLY

Private First Class James W. Fous distinguished himself by conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty on 14 May 1968 while serving as a rifleman with Company E, 4th Battalion, 47th Infantry, 9th Infantry Division in the Republic of Vietnam. On this date, Private Fous was participating in a reconnaissance in force mission in Kien Hoa Province when his unit formed its perimeter defense for the night. Private Fous, together with three other American soldiers, occupied a position in a thickly vegetated area facing a woodline. Private Fous detected three Viet Cong maneuvering toward his position and after alerting the other men, directed accurate fire upon the enemy soldiers, silencing two of them. The third Viet Cong soldier managed to escape in the thick vegetation after throwing a hand grenade into Private Fous' position. Without hesitation, Private Fous shouted a warning to his comrades and leaped upon the lethal explosive, absorbing the blast with his own body to save the lives of the three men in the area at the sacrifice of his own life. Private Fous' conspicuous gallantry and extraordinary heroism at the cost of his own life were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

[April 7, 1970]

FIRST LT. DOUGLAS B. FOURNET, U.S. ARMY—POSTHUMOUSLY

First Lieutenant Douglas B. Fournet, Infantry, distinguished himself by conspicuous gallantry and intrepidity in action on 4 May 1968 while serving as rifle platoon leader of the 2d Platoon, Company B, 1st Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile) in the Republic of Vietnam. While advancing uphill against fortified enemy positions in the A Shau Valley, the platoon encountered intense sniper fire, making movement very difficult. The right flank man suddenly discovered an enemy claymore mine covering the route of advance and shouted a warning to his comrades. Realizing that the enemy would also be alerted, Lieutenant Fournet ordered his men to take cover and ran uphill toward the mine, drawing a sheath knife as he approached it. With complete disregard for his own safety and realizing the imminent danger to members of his command, he

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used his body as a shield in front of the mine as he attempted to slash the control wires leading from the enemy positions to the mine. As he reached for the wire the mine was detonated, killing him instantly. Five men nearest the mine were slightly wounded, but Lieutenant Fournet's heroic and unselfish act spared his men serious injury or death. His gallantry and willing self-sacrifice are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

[April 7, 1970]

SP4C. EDWARD A. DEVORE, JR., U.S. ARMY—POSTHUMOUSLY

Specialist Four Edward A. DeVore, Jr., distinguished himself by exceptionally valorous actions on the afternoon of 17 March 1968, while serving as a machine gunner with Company B, 4th Battalion, 39th Infantry, 9th Infantry Division, on a reconnaissance in force mission approximately 5 kilometers south of Saigon, Republic of Vietnam. Specialist DeVore's platoon, the company's lead element, abruptly came under fire from automatic weapons, claymore mines, rockets, and grenades from well concealed bunkers in a nipa palm swamp. One man was killed and three wounded about 20 meters from the bunker complex. Specialist DeVore raced through a hail of fire to provide a base of fire with his machine gun, enabling the point element to move the wounded back to friendly lines. After supporting artillery, gunships and airstrikes had been employed on the enemy positions, a squad was sent forward to retrieve their fallen comrade. Intense enemy frontal and enfilading automatic weapons fire pinned down this element in the kill zone. With complete disregard for his own personal safety, Specialist DeVore assaulted the enemy positions. Hit in the shoulder and knocked down about 35 meters short of his objective, Specialist DeVore, ignoring his pain and the warnings of his fellow soldiers, jumped to his feet and continued his assault under intense hostile fire. Although mortally wounded during this advance, he continued to place highly accurate suppressive fire upon the entrenched insurgents. By drawing the enemy fire upon himself, Specialist DeVore enabled the trapped squad to rejoin the platoon in safety. Specialist DeVore's extraordinary heroism and devotion to duty in close combat were in keeping with the highest traditions of the military service and reflect great credit upon himself, the 39th Infantry and the United States Army.

[April 7, 1970]

SP4C. NICHOLAS J. CUTINHA, U.S. ARMY—POSTHUMOUSLY

On 2 March 1968 while serving as a machine gunner with Company C, 4th Battalion, 9th Infantry Regiment, 25th Infantry Division in the Republic of Vietnam, Specialist Four Cutinha accompanied his unit on a combat mission near Gia Dinh. Suddenly his company came under small arms, automatic weapons, mortar and rocket propelled grenade fire from a battalion size enemy unit. During the initial hostile attack, communication with the battalion was lost and the company commander and numerous members of the company became casualties. When Specialist Cutinha observed that his company was pinned down and disorganized, he moved to the front with complete disregard for his own safety, firing his machine gun at the charging enemy. As he moved forward he drew fire on his own position and was seriously wounded in the leg. As the hostile fire intensified and half of the company was killed or wounded, Specialist Cutinha assumed command of all the survivors in his area and initiated a withdrawal while providing covering fire for the evacuation of the wounded. He killed several enemy but sustained another leg wound when his machine gun was destroyed by incoming rounds. Undaunted, he crawled through a hail of enemy fire to an operable machine gun in order to continue the defense of his injured comrades who were being administered medical treatment. Specialist Cutinha maintained this position, refused assistance, and provided defensive fire for his comrades until he fell mortally wounded. He was solely responsible for killing fifteen enemy soldiers while saving the lives of at least nine members of his own unit. Specialist Cutinha's conspicuous gallantry and extraordinary heroism were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

[April 7, 1970]

CPL. MICHAEL J. CRESCENZ, U.S. ARMY

Corporal Michael J. Crescenz distinguished himself by conspicuous gallantry and intrepidity in action on 20 November 1968 while serving as a rifleman with Company A, 4th Battalion, 31st Infantry, 196th Infantry Brigade, Americal Division in the Hiep Duc Valley area of the Republic of Vietnam. On this morning his unit engaged a large, well-entrenched force of the North Vietnamese Army whose initial burst of fire pinned down the lead squad and killed the two point men, halting the advance of Company A. Immediately, Corporal Crescenz left the relative safety of his own position, seized a nearby machine gun and, with complete disregard for his own safety, charged 100 meters up a slope toward the enemy bunkers which he effectively silenced, killing the two occupants of each. Undaunted by the withering machine gun fire around him, Corporal Crescenz courageously moved forward toward a third bunker which he also succeeded in silencing, killing two more of the enemy and momentarily clearing the route of advance for his comrades. Suddenly intense machine gun fire erupted from an unseen, camouflaged bunker. Realizing the danger to his fellow soldiers, Corporal Crescenz disregarded the barrage of hostile fire directed at him and daringly advanced toward the position. Assaulting with his machine gun, Corporal Crescenz was within 5 meters of the bunker when he was mortally wounded by the fire from the enemy machine gun. As a direct result of his heroic action, his company was able to manuever freely with minimal danger and to complete its mission, defeating the enemy. Corporal Crescenz's conspicuous gallantry and extraordinary heroism at the cost of his own life above and beyond the call of duty are in the highest traditions of the military service and reflect great credit on himself, his unit and the United States Army.

[April 7, 1970]

CPL. THOMAS W. BENNETT, U.S. ARMY—POSTHUMOUSLY

Corporal Thomas W. Bennett distinguished himself during the period 9 to 11 February 1969 while serving as a platoon medical aidman with the Second Platoon, Company B, 1st Battalion, 14th Infantry during a reconnaissance-in-force mission in the Chu Pa region, Pleiku Province, Republic of Vietnam. On 9 February the platoon was moving to assist the First Platoon of Company D which had run into a North Vietnamese ambush when it became heavily engaged by the intense small arms, automatic weapons, mortar and rocket fire from a well fortified and numerically superior enemy unit. In the initial barrage of fire, three of the point members of the platoon fell wounded. Corporal Bennett, with complete disregard for his own safety, ran through the heavy fire to his fallen comrades, administered lifesaving first aid under fire and then made repeated trips carrying the wounded men to positions of relative safety from which they could be medically evacuated from the battle position. Corporal Bennett repeatedly braved the intense enemy fire, moving across open areas to give aid and comfort to his wounded comrades. He valiantly exposed himself to the heavy fire in order to retrieve the bodies of several fallen personnel. Throughout the night and following day, Corporal Bennett moved from position to position treating and comforting the several personnel who had suffered shrapnel and gunshot wounds. On 11 February, Company B again moved in an assault on the well fortified enemy positions and became heavily engaged with the numerically superior enemy force. Five members of the company fell wounded in the initial assault. Corporal Bennett ran to their aid without regard to the heavy fire. He treated one wounded comrade and began running towards another seriously wounded man. Although the wounded man was located forward of the company position covered by heavy enemy grazing fire and Corporal Bennett was warned that it was impossible to reach the location, he leaped forward with complete disregard for his own safety to save his comrade's life. In attempting to save his fellow soldier, he was mortally wounded. Corporal Bennett's conspicuous gallantry, undaunted concern for his comrades and intrepidity at the cost of his own life above and beyond the call of duty are in keeping with the highest traditions of the military service and reflect great credit on himself, his unit and the United States Army.

[April 20, 1970]

PFC. JIMMY W. PHIPPS, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Combat Engineer with Company B, First Engineer Battalion, First Marine Division in connection with combat operations against the enemy in the Republic of Vietnam. On 27 May 1969, Private First Class Phipps, was a member of a two-man combat engineer demolition team assigned to locate and destroy enemy artillery ordnance and concealed firing devices. After he had expended all of his explosives and blasting caps, Private First Class Phipps discovered a 175mm high explosive artillery round in a rice paddy. Suspecting that the enemy had attached the artillery round to a secondary explosive device, he warned other marines in the area to move to covered positions and prepared to destroy the round with a hand grenade. As he was attaching the hand grenade to a stake beside the artillery round, the fuse of the enemy's secondary explosive device ignited. Realizing that his assistant and the platoon commander were both within a few meters of him and that the imminent explosion could kill all three men, Private First Class Phipps grasped the hand grenade to his chest and dived forward to cover the enemy's explosive and the artillery round with his body, thereby shielding his companions from the detonation while absorbing the full and tremendous impact with his own boy. Private First Class Phipps' indomitable courage, inspiring initiative and selfless devotion to duty saved the lives of two marines and upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

L. CPL. WILLIAM R. PROM, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Machine Gun Squad Leader with Company I, Third Battalion, Third Marines, Third Marine Divi-

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sion in action against the enemy in the Republic of Vietnam. While returning from a reconnaissance operation on 9 February 1969 during Operation Taylor Common, two platoons of Company I came under an intense automatic weapons fire and grenade attack from a well-concealed North Vietnamese Army force in fortified positions. The leading element of the platoon was isolated and several marines were wounded. Lance Corporal Prom immediately assumed control of one of his machine guns and began to deliver return fire. Disregarding his own safety he advanced to a position from which he could more effectively deliver covering fire while first aid was administered to the wounded men. Realizing that the enemy would have to be destroyed before the injured marines could be evacuated, Lance Corporal Prom again moved forward and delivered a heavy volume of fire with such accuracy that he was instrumental in routing the enemy, thus permitting his men to regroup and resume their march. Shortly thereafter, the platoon again came under heavy fire in which one man was critically wounded. Reacting instantly, Lance Corporal Prom moved forward to protect his injured comrade. Unable to continue his own fire because of his severe wounds, he continued to advance to within a few yards to the enemy positions. There, standing in full view of the enemy, he accurately directed the fire of his support elements until he was mortally wounded. Inspired by his heroic actions, the marines launched an assault that destroyed the enemy. Lance Corporal Prom's indomitable courage, inspiring initiative and selfless devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

PFC. DEWAYNE T. WILLIAMS, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a rifleman with the First Platoon, Company H, Second Battalion, First Marines, First Marine Division in action against communist insurgent forces in the Quang Nam Province, Republic of Vietnam. Private First Class Williams was a member of a combat patrol sent out from the platoon with the mission of establishing positions in the company's area of operations, from which it could intercept and destroy enemy sniper teams operating in the area. On the night of 18 September 1968, as the patrol was preparing to move from its daylight position to a preselected night position, it was attacked from ambush by a squad of enemy using small arms and hand grenades. Although severely wounded in the back by the close intense fire, Private First Class Williams, recognizing the danger to the patrol, immediately began to crawl forward toward a good firing position. While he was moving under the continuing intense fire, he heard one of the members of the patrol sound the alert that an enemy grenade had landed in their position. Reacting instantly to the alert, he saw that the grenade had landed close to where he was lying and without hesitation, in a valiant act of heroism, he rolled on top of the grenade as it exploded, absorbing the full and tremendous impact of the explosion with his own body. Through his extraordinary initiative and inspiring valor in the face of certain death, he saved the other members of his patrol from serious injury and possible loss of life, and enabled them to successfully defeat the attackers and hold their position until assistance arrived. His personal heroism and devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

PFC. ALFRED M. WILSON, U.S. MARINE CORPS

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Rifleman with Company M, Third Battalion, Ninth Marines, Third Marine Division in action against hostile forces in the Republic of Vietnam. On 3 March 1969, while returning from a reconnaissance in force mission in the vicinity of Fire Support Base Cunningham in Quang Tri Province, the First Platoon of Company M came under intense automatic weapons fire and a grenade attack from a well concealed enemy force. As the center of the column was pinned down, the leading squad moved to outflank the enemy. Private First Class Wilson, acting as Squad Leader of the rear squad, skillfully maneuvered his men to form a base of fire and act as a blocking force. In the ensuing fire fight, both his machine gunner and assistant machine gunner were seriously wounded and unable to operate their weapon. Realizing the urgent need to bring the weapon into operation again, Private First Class Wilson, followed by another marine and with complete disregard for his own safety, fearlessly dashed across the fire-swept terrain to recover the weapon. As they reached the machine gun, an enemy soldier stepped from behind a tree and threw a grenade toward the two marines. Observing the grenade fall between himself and the other marine, Private First Class Wilson, fully realizing the inevitable result of his actions, shouted to his companion and unhesitatingly threw himself on the grenade, absorbing the full force of the explosion with his own body. His heroic actions inspired his platoon members to maximum effort as they aggressively attacked and defeated the enemy. Private First Class Wilson's indomitable courage, inspiring valor and selfless devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

L. CPL. KENNETH L. WORLEY, U.S. MARINE CORPS

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Machine Gunner with Company L, Third Battalion, Seventh Marines, First Marine Division in action against enemy forces in the Republic of Vietnam. After establishing a night ambush position in a house in the Bo Ban Hamlet of Quang Nam Province, security was set up and the remainder of the patrol members retired until their respective watch. During the early morning hours of 12 August 1968, the marines were abruptly awakened by the platoon leader's warning that "Grenades" had landed in the house. Fully realizing the inevitable result of his actions, Lance Corporal Worley, in a valiant act of heroism, instantly threw himself upon the grenade nearest him and his comrades, absorbing with his own body, the full and tremendous force of the explosion. Through his extraordinary initiative and inspiring valor in the face of almost certain death, he saved his comrades from serious injury and possible loss of life although five of his fellow marines incurred minor wounds as the other grenades exploded. Lance Corporal Worley's gallant actions upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantry gave his life for his country.

[April 20, 1970]

H3C. WAYNE M. CARON, U.S. NAVY—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty on 28 July 1968 while serving as Platoon Corpsman with Company K, Third Battalion, Seventh Marines, First Marine Division during combat operations against enemy forces in the Republic of Vietnam. While on a sweep through an open rice field in Quang Nam Province, Petty Officer Caron's unit started receiving enemy small-arms fire. Upon seeing two Marine casualties fall, he immediately ran forward to render first aid, but found that they were dead. At this time, the platoon was taken under intense small-arms and automatic-weapons fire, sustaining additional casualties. As he moved to the aid of his wounded comrades, Petty Officer Caron was hit in the arm by enemy fire. Although knocked to the ground, he regained his feet and continued to the injured Marines. He rendered medical assistance to the first Marine he reached, who was grievously wounded, and undoubtedly was instrumental in saving the man's life. Petty Officer Caron then ran toward the second wounded Marine, but was again hit by enemy fire, this time in the leg. Nonetheless, he crawled the remaining distance and provided medical aid for this severely wounded man. Petty Officer Caron started to make his way to yet another injured comrade, when he was again struck by enemy small-arms fire. Courageously and with unbelievable determination, Petty Officer Caron continued his attempt to reach the third Marine until he himself was killed by an enemy rocket round. His inspiring valor, steadfast determination, and selfless dedication in the face of extreme danger, sustain and enhance the finest traditions of the United States Naval Service.

[April 20, 1970]

H2C. DAVID R. RAY, U.S. NAVY—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Corpsman with Battery D, Second Battalion, Eleventh Marines, First Marine Division, at Phu Loc 6, near An Hoa, Quang Nam Province, in the Republic of Vietnam, on 19 March 1969. During the early morning hours, an estimated battalion-sized enemy force launched a determined assault against the Battery's position, and succeeded in effecting a penetration of the barbed-wire perimeter. The initial burst of enemy fire caused numerous casualties among the Marines who had immediately manned their howitzers during the rocket and mortar attack. Undaunted by the intense hostile fire, Petty Officer Ray moved from parapet to parapet, rendering emergency medical treatment to the wounded. Although seriously wounded himself while administering first aid to a Marine casualty, he refused medical aid and continued his lifesaving efforts. While he was bandaging and attempting to comfort another wounded Marine, Petty Officer Ray was forced to battle two enemy soldiers who attacked his position, personally killing one and wounding the other. Rapidly losing his strength as a result of his own severe wounds, he nonetheless managed to move through the hail of enemy fire to other casualties. Once again, he was faced with the intense fire of oncoming enemy troops and, despite the grave personal danger and insurmountable odds, succeeded in treating the wounded and holding off the enemy until he ran out of ammunition, at which time he sustained fatal wounds. Petty Officer Ray's final act of heroism was to protect the patient he was treating. He threw himself upon the wounded Marine, thus saving the man's life when an enemy grenade exploded nearby. By his determined and persevering actions, courageous spirit, and selfless devotion to the welfare of his Marine Comrades, Petty Officer Ray served to inspire the men of Battery D to heroic efforts in defeating the enemy. His conduct throughout was in keeping with the finest traditions of the United States Naval Service.

[April 20, 1970]

PFC. OSCAR P. AUSTIN, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and interpidity at the risk of his life above and beyond the call of duty while serving as an Assistant Machine Gunner with Company E, Second Battalion, Seventh Marines, First Marine Division in connection with operations against enemy forces in the Republic of Vietnam. During the early morning hours of 23 February 1969, Private First Class Austin's observation post was subjected to a fierce ground attack by a large North Vietnamese Army force supported by a heavy volume of hand grenades, satchel charges and small arms fire. Observing that one of his wounded companions had fallen unconscious in a position dangerously exposed to the hostile fire, Private First Class Austin unhesitatingly left the relative security of his fighting hole and, with complete disregard for his own safety, raced across the fire-swept terrain to assist the Marine to a covered location. As he neared the casualty, he observed an enemy grenade land nearby and, reacting instantly, leaped between the injured marine and the lethal object, absorbing the effects of its detonation. As he ignored his painful injuries and turned to examine the wounded man, he saw a North Vietnamese Army soldier aiming a weapon at his unconscious companion. With full knowledge of the probable consequences and thinking only to protect the marine, Private First Class Austin resolutely threw himself between the casualty and the hostile soldier and, in so doing, was mortally wounded. Private First Class Austin's indomitable courage, inspiring initiative and selfless devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

PFC. ROBERT C. BURKE, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty for service as a Machine Gunner with Company I, Third Battalion, Twenty Seventh Marines, First Marine Division in the Republic of Vietnam on 17 May 1968. While on Operation Allen Brook, Company I was approaching a dry river bed with a heavily wooded treeline that bordered the hamlet of Le Nam (1), when they suddenly came under intense mortar, rocket propelled grenade, automatic weapons and small arms fire from a large, well concealed enemy force which halted the company's advance and wounded several marines. Realizing that key points of resistance had to be eliminated to allow the units to advance and casualties to be evacuated, Private Burke, without hesitation, seized his machine gun and launched a series of one man assaults against the fortified emplacements. As he aggressively maneuvered to the edge of the steep river bank, he delivered accurate suppressive fire upon several enemy bunkers, which enabled his comrades to advance and move the wounded marines to positions of relative safety. As he continued his combative actions, he located an opposing automatic weapons emplacement and poured intense fire into the position, killing three North Vietnamese soldiers as they attempted to flee. Private Burke then fearlessly moved from one position to another, quelling the hostile fire until his weapon malfunctioned. Obtaining a casualty's rifle and hand grenades, he advanced further into the midst of the enemy fire in an assault against another pocket of resistance, killing two more of the enemy. Observing that a fellow marine had cleared his malfunctioning machine gun he grasped his weapon and moved into a dangerously exposed area and saturated the hostile treeline until he fell mortally wounded. Private Burke's gallant actions upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

SGT. LAWRENCE D. PETERS, U.S. MARINE CORPS

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a squad leader with Company M, Third Battalion, Fifth Marines, First Marine Division in the Republic of Vietnam on 4 September 1967. During Operation SWIFT, in the province of Quang Tin, the marines of the second platoon of Company M were struck by intense mortar, machine gun, and small arms fire from an entrenched enemy force. As the company rallied its forces, Sergeant Peters maneuvered his squad in an assault on an enemy defended knoll. Disregarding his own safety, as enemy rounds hit all about him, he stood in the open, pointing out enemy positions until he was painfully wounded in the leg. Disregarding his wound he moved forward and continued to lead his men. As the enemy fire increased in accuracy and volume, his squad lost its momentum and was temporarily pinned down. Exposing himself to devastating enemy fire, he consolidated his position to render more effective fire. While directing the base of fire, he was wounded a second time in the face and neck from an exploding mortal round. As the enemy attempted to infiltrate the position of an adjacent platoon, Sergeant Peters stood erect in the full view of the enemy firing burst after burst forcing them to disclose their camouflaged positions. Sergeant Peters continued firing until he was critically wounded by a gunshot wound in his chest. Although usable to walk or stand, Sergeant Peters steadfastly continued to direct his squad in spite of two additional wounds, persisted in his efforts to encourage and supervise his men until he lost consciousness and succumbed. Inspired by his selfless actions, the squad regained fire superiority and once again carried the assault to the enemy. By his outstanding valor, indomitable fighting spirit and tenacious determination in the face of overwhelming odds, Sergeant Peters upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

CPL. LARRY L. MAXAM, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Fire Team Leader with Company D, First Battalion, Fourth Marines, Third Marine Division in the Republic of Vietnam. On 2 February 1968, the Cam Lo District Headquarters came under extremely heavy rocket, artillery, mortar, and recoilless rifle fire from a numerically superior enemy force, destroying a portion of the defensive perimeter. Corporal Maxam, observing the enemy massing for an assault into the compound across the remaining defensive wire, instructed his Assistant Fire Team Leader to take charge of the fire team, and unhesitatingly proceeded to the weakened section of the perimeter. Completely exposed to the concentrated enemy fire, he sustained multiple fragmentation wounds from exploding grenades as he ran to an abandoned machine gun position. Reaching the emplacement, he grasped the machine gun and commenced to deliver effective fire on the advancing enemy. As the enemy directed maximum fire power against the determined marine, Corporal Maxam's position received a direct hit from a rocket propelled grenade, knocking him backwards and inflicting severe fragmentation wounds to his face and right eye. Although momentarily stunned and in intense pain, Corporal Maxam courageously resumed his firing position and subsequently was struck again by small arms fire. With resolute determination, he gallantly continued to deliver intense machine gun fire, causing the enemy to retreat through the defensive wire to positions of cover. In a desperate attempt to silence his weapon, the North Vietnamese threw hand grenades and directed recoilless rifle fire against him inflicting two additional wounds. Too weak to reload his machine gun, Corporal Maxam fell to a prone position and valiantly continued to deliver effective fire with his rifle. After one and a half hours, during which he was hit repeatedly by fragments from exploding grenades and concentrated small arms fire, he succumbed to his wounds, having successfully defended nearly one half of the perimeter single-handedly. Corporal Maxam's aggresive fighting spirit, inspiring valor and selfless devotion to duty reflected great credit upon himself and the Marine Corps and upheld the highest traditions of the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

PFC. RALPH H. JOHNSON, U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Reconnaissance Scout with Company A, First Reconnaissance Battalion, First Marine Division in action against the North Vietnamese Army and Viet Cong Forces in the Republic of Vietnam. In the early morning hours of 5 March 1968, during Operation Rock, Private First Class Johnson was a member of a fifteen-man reconnaissance patrol manning an observation post on Hill 146 overlooking the Quan Duc Duc Valley deep in enemy controlled territory. They were attacked by a platoon-size hostile force employing automatic weapons, satchel charges and hand grenades. Suddenly, a hand grenade landed in the three-man fighting hole occupied by Private Johnson and two fellow marines Realizing the inherent danger to his two comrades, he shouted a warning and unhesitatingly hurled himself upon the explosive device. When the grenade exploded, Private Johnson absorbed the tremendous impact of the blast and was killed instantly. His prompt and heroic act saved the life of one marine at the cost of his own and undoubtedly prevented the enemy from penetrating his sector of the patrol's perimeter. Private Johnson's courage, inspiring valor and selfless devotion to duty were in keeping with the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

PFC. ROBERT H. JENKINS, JR., U.S. MARINE CORPS—POSTHUMOUSLY

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Machine Gunner with Company C, Third Reconnaissance Battalion, Third Marine Division in connection with operations against enemy forces in the Republic of Vietnam. Early on the morning of 5 March 1969, Private First Class Jenkins' twelve-man reconnaissance team was occupying a defensive position at Fire Support Base Argonne south of the Demilitarized Zone. Suddenly, the marines were assaulted by a North Vietnamese Army platoon employing mortars, automatic weapons, and hand grenades. Reacting instantly, Private First Class Jenkins and another marine quickly moved into a two-man fighting emplacement, and as they boldly delivered accurate machine gun fire against the enemy, a North Vietnamese soldier threw a hand grenade into the friendly emplacement. Fully realizing the inevitable results of his actions, Private First Class Jenkins quickly seized his comrade, and pushing the man to the ground, he leaped on top of the marine to shield him from the explosion. Absorbing the full impact of the detonation, Private First Class Jenkins was seriously injured and subsequently succumbed to his wounds. His courage, inspiring valor and selfless devotion to duty saved a fellow marine from serious injury or possible death and upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

Pfc. Ronald L. Coker, U.S. Marine Corps—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Rifleman with Company M, Third Battalion, Third Marines, Third Marine Division in action against enemy forces in the Republic of Vietnam. On 24 March 1969, while serving as Point Man for the Second Platoon, Private First Class Coker was leading his patrol when he encountered five enemy soldiers on a narrow jungle trail. Private First Class Coker's squad aggressively pursued them to a cave. As the squad neared the cave, it came under intense hostile fire, seriously wounding one marine and forcing the others to take cover. Observing the wounded man lying exposed to continous enemy fire, Private First Class Coker disregarded his own safety and moved across the fire-swept terrain toward his companion. Although wounded by enemy small arms fire, he continued to crawl across the hazardous area and skillfully threw a hand grenade into the enemy positions, suppressing the hostile fire sufficiently to enable him to reach the wounded man. As he began to drag his injured comrade towards safety, a grenade landed on the wounded marine. Unhesitatingly, Private First Class Coker grasped it with both hands and turned away from his wounded companion, but before he could dispose of the grenade it exploded. Severely wounded, but undaunted, he refused to abandon his comrade. As he moved toward friendly lines, two more enemy grenades exploded near him, inflicting still further injuries. Concerned only for the safety of his comrade, Private First Class Coker, with supreme effort, continued to crawl and pull the wounded marine with him. His heroic deeds inspired his fellow marines to such aggressive action that the enemy fire was suppressed sufficiently to enable others to reach him and carry him to a relatively safe area where he succumbed to his extensive wounds. Private First Class Coker's indomitable courage, inspiring initiative and selfless devotion to duty upheld the highest traditions of the Marine Corps and of the United States Naval Service. He gallantly gave his life for his country.

[April 20, 1970]

L. Cpl. Thomas E. Creek, U.S. Marine Corps—Posthumously

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Rifleman with Company I, Third Battalion, Ninth Marines, Third Marine Division in action against enemy forces in the Republic of Vietnam. On 13 February 1969, Lance Corporal Creek's squad was providing security for a convoy moving to resupply the Vandegrift Combat Base when an enemy command detonated mine destroyed one of the vehicles and halted the convoy near the Cam Lo Resettlement Village. Almost immediately, the marines came under a heavy volume of hostile mortar fire followed by intense small arms fire from a well-concealed enemy force. As his squad deployed to engage the enemy, Lance Corporal Creek quickly moved to a fighting position and aggressively engaged in the fire fight. Observing a position from which he could more effectively deliver fire against the hostile force, he completely disregarded his own safety as he fearlessly dashed across the fire-swept terrain and was seriously wounded by enemy fire. At the same time, an enemy grenade was thrown into the gully where he had fallen, landing between him and several companions. Fully realizing the inevitable results of his action, Lance Corporal Creek rolled on the grenade and absorbed the full force of the explosion with his own body, thereby saving the lives of five of his fellow marines. As a result of his heroic action, his men were inspired to such aggressive action that the enemy was defeated and the convoy was able to continue its vital mission. Lance Corporal Creek's indomitable courage, inspiring valor and selfless devotion to duty upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

Those for whom we have no dates are as follows:

S. Sgt. Jimmy G. Stewart, U.S. Army

Early on the morning of 18 May 1966, a reinforced North Vietnamese company attacked Company B, 2d Battalion, 12 Cavalry, which was manning a defensive perimeter in Vietnam. The surprise onslaught wounded five members of a six-man squad caught in the direct path of the enemy's thrust. Sergeant Stewart became a lone defender of vital terrain—virtually one man against a hostile platoon. Refusing to take advantage of a lull in the firing which would have permitted him to withdraw, Sergeant Stewart elected to hold his ground to protect his fallen comrades and prevent an enemy penetration of the company perimeter. As the full force of the platoon-sized main attack struck his lone position, he fought like a man possessed; emptying magazine after magazine at the determined, oncharging enemy. The enemy drove almost to his position and hurled grenades, but Sergeant Stewart decimated them by retrieving and throwing the grenades back. Exhausting his ammunition, he crawled under intense fire to his wounded team members and collected ammunition that they were unable to use. Far past the normal point of exhaustion, he held his position for four harrowing hours and through three assaults, annihilating the enemy as they approached and before they could get a foothold. As a result of his defense, the company position held until the arrival of a reinforcing platoon which counterattacked the enemy, now occupying foxholes to the left of Sergeant Stewart's position. After the counterattack, his body was found in a shallow enemy hole where he had advanced in order to add his fire to that of the counterattacking platoon. Eight enemy dead were found around his immediate position, with evidence that fifteen others had been dragged away. The wounded whom he gave his life to protect, were recovered and evacuated. Sergeant Stewart's indomitable courage, in the face of overwhelming odds, stands as a tribute to himself and an inspiration to all men of his unit. His actions were in the highest traditions of the United States Army and the Armed Forces of his country.

Capt. Euripides Rubio, Jr., U.S. Army

On 8 November 1966, Captain Rubio, Infantry, was serving as Communications Officer, 1st Battalion, 28th Infantry, 1st Infantry Division in Tay Ninh Province, Republic of Vietnam, when a numerically superior enemy force launched a massive attack against the battalion defense position. Intense enemy machine gun fire raked the area while mortar rounds and rifle grenades exploded within the perimeter. Leaving the relative safety of his post, Captain Rubio received two serious wounds as he braved the withering fire to go to the area of most intense action where he distributed ammunition, re-established positions and rendered aid to the wounded. Disregarding the painful wounds, he unhesistatingly assumed command when a rifle company commander was medically evacuated. Captain Rubio was wounded a third time as he selflessly exposed himself to the devastating enemy fire to move among his men to encourage them to fight with renewed effort. While aiding the evacuation of wounded personnel, he noted that a smoke grenade which was intended to mark the Viet Cong position for air strikes had fallen dangerously close to the friendly lines. Captain Rubio ran to reposition the grenade but was immediately struck to his knees by enemy fire. Despite his several wounds, Captain Rubio scooped up the grenade, ran through the deadly hail of fire to within 20 meters of the enemy position and hurled the already smoking grenade into the midst of the enemy before he fell for the final time. Using the repositioned grenade as a marker, friendly air strikes were directed to destroy the hostile positions. Captain Rubio's singularly heroic act turned the tide of battle, and his extraordinary leadership and valor were a magnificent inspiration to his men. His remarkable bravery and selfless concern for his men are in keeping with the highest traditions of the military service and reflect great credit on Captain Rubio and the United States Army.

Sgt. James W. Robinson, Jr., U.S. Army

On April 11, 1966, Company C, 2d Battalion, 16th Infantry was engaged in fierce combat with a Viet Cong battalion. Despite the heavy fire, Sergeant Robinson moved among the men of his fire team, instructing and inspiring them, and placing them in advantageous positions. Enemy snipers located in nearby trees were inflicting heavy casualties on forward elements of Sergeant Robinson's unit. Upon locating the enemy sniper whose fire was taking the heaviest toll, he took a grenade launcher and eliminated the sniper. Seeing a medic hit while administering aid to a wounded sergeant in front of his position and aware that now the two wounded men were at the mercy of the enemy, he charged through a withering hail of fire and dragged his comrades to safety, where he rendered first aid and saved their lives. As the battle continued and casualties mounted, Sergeant Robinson moved about under intense fire to collect from the wounded their weapons and ammunition and redistribute them to able-bodied soldiers. Adding his own fire to that of his men, he assisted in eliminating a major enemy threat. Seeing another wounded comrade in front of his position, Sergeant Robinson again defied the enemy's fire to effect a rescue. In so doing he was himself wounded in the shoulder and leg. Despite his painful wounds, he dragged the soldier to shelter and saved his life by administering first aid. While patching his own wounds, he spotted an enemy machine gun which had inflicted a number of casualties on the American force. His rifle ammunition expended, he seized two grenades and, in an act of unsurpassed heroism, charged toward the entrenched enemy weapon. Hit again in the leg, this time with a tracer round which set fire to his clothing, Sergeant Robinson ripped the burning clothing from his body and staggered indomitably through the enemy fire, now concentrated solely on him, to within grenade range of the enemy machine gun position. Sustaining two additional chest wounds, he marshalled his fleeting physical strength and hurled the two grenades thus destroying the enemy gun position as he fell dead upon the battlefield. His magnificent display of leadership and bravery saved several lives and inspired his soldiers to defeat the numerically superior enemy force. Sergeant Robinson's conspicu-

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ous gallantry and intrepidity, at the cost of his life, are in keeping with the finest traditions of the United States Army and reflect great credit upon the 1st Infantry Division and the United States Armed Forces.

CAPT. HILLIARD A. WILBANKS, U.S. AIR FORCE

As a forward air controller near Dalat, Republic of Vietnam, on 24 February 1967, Captain Wilbanks was pilot of an unarmed, light aircraft flying visual reconnaissance ahead of a South Vietnamese Army Ranger Battalion. His intensive search revealed a well-concealed and numerically superior hostile force poised to ambush the advancing Rangers. The Viet Cong, realizing that Captain Wilbanks' discovery had compromised their position and ability to launch a surprise attack, immediately fired on the small aircraft with all available fire power. The enemy then began advancing against the exposed forward elements of the Ranger force which were pinned down by devastating fire. Captain Wilbanks recognized that close support aircraft could not arrive in time to enable the Rangers to withstand the advancing enemy onslaught. With full knowledge of the limitations of his unarmed, unarmored, light reconnaissance aircraft, and the great danger imposed by the enemy's vast fire power, he unhesitatingly assured a covering, close support role. Flying through a hail of withering fire at treetop level, Captain Wilbanks passed directly over the advancing enemy and inflicted many casualties by firing his rifle out of the side window of his aircraft. Despite increasingly intense antiaircraft fire, Captain Wilbanks continued to completely disregard his own safety and made repeated low passes over the enemy to divert their fire away from the Rangers. His daring tactics successfully interrupted the enemy advance, allowing the Rangers to withdraw to safety from their perilous position. During his final courageous attack to protect the withdrawing forces, Captain Wilbanks was mortally wounded and his bullet-riddled aircraft crashed between the opposing forces. Captain Wilbanks' magnificent action saved numerous friendly personnel from certain injury or death. His unparalleled concern for his fellowman and his extraordinary heroism were in the highest traditions of the military service, and have reflected great credit upon himself and the United States Air Force.

PFC. LOUIS E. WILLETT, U.S. ARMY

Private Willett distinguished himself on 15 February 1967 while serving as a rifleman in Company C, 1st Battalion, 12th Infantry, 4th Infantry Division during combat operations in Kontum Province, Republic of Vietnam. His squad was conducting a security sweep when it made contact with a large enemy force. The squad was immediately engaged with a heavy volume of automatic weapons fire and pinned to the ground. Despite the deadly fusillade, Private Willett rose to his feet firing rapid bursts from his own weapon and moved to a position from which he placed highly effective fire on the enemy. His action allowed the remainder of his squad to begin to withdraw from the superior enemy force toward the company perimeter. Private Willett covered the squad's withdrawal, but his position drew heavy enemy machine gun fire, and he received multiple wounds enabling the enemy again to pin down the remainder of the squad. Private Willett struggled to an upright position, and, disregarding his painful wounds, he again engaged the enemy with his rifle to allow his squad to continue its movement and to evacuate several of his comrades who were by now wounded. Moving from position to position, he engaged the enemy at close range until he was mortally wounded. By his unselfish acts of bravery, Private Willett insured the withdrawal of his comrades to the company position, saving their lives at the cost of his own. Private Willett's valorous actions were in keeping with the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

S. SGT. FRANKIE Z. MOLNAR, U.S. ARMY

Sergeant Molnar distinguished himself while serving as a squad leader with Compnay B, 1st Battalion, 8th Infantry, 4th Infantry Division, on 20 May 1967 during combat operations in Kontum Province, Republic of Vietnam. Shortly after the battalion's defensive perimeter was established, it was hit by intense mortar fire as the prelude to a massive enemy night attack. Sergeant Molnar immediately left his sheltered location to insure the readiness of his squad to meet the attack. As he crawled through the position, he discovered a group of enemy soldiers closing in on his squad area. His accurate rifle fire killed five enemy and forced the remainder to flee. When the mortar fire stopped, the enemy attacked in a human wave supported by grenades, rockets, automatic weapons, and small arms fire. After assisting to repel the first enemy assault, Sergeant Molnar found that his squad's ammunition and grenade supply was nearly expended. Again leaving the relative safety of his position, he crawled through intense enemy fire to secure additional ammunition and distribute it to his squad. He rejoined his men to beat back the renewed enemy onslaught, and he moved about his area providing medical aid and assisting in the evacuation of the wounded. With the help of several men, he was preparing to move a severely wounded soldier when an enemy hand grenade was thrown into the group. The first to see the grenade, Sergeant Molnar threw himself on it and absorbed the deadly blast to save his comrades. His demonstrated selflessness and inspirational leadership on the battle field were a major factor in the successful defense of the American position and are in keeping with the finest traditions of the United States Army. Sergeant Molnar's actions reflect great credit upon himself, his unit, and the United States Army.

SGT. WALTER K. SINGLETON, U.S. MARINE CORPS

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Supply Sergeant, Company A, First Battalion, Ninth Marines, Third Marine Division, on 24 March 1967. Sergeant Singleton's company was conducting combat operations in Gio Linh District, Quang Tri Province, Republic of Vietnam, when the lead platoon received intense small arms, automatic weapons, rocket, and mortar fire from a well entrenched enemy force. As the company fought its way forward, the extremely heavy enemy fire caused numerous friendly casualties. Sensing the need for early treatment of the wounded, Sergeant Singleton quickly moved from his relatively safe position in the rear to the foremost point of the advance and made numerous trips through the enemy killing zone to move the injured men out of the danger area. Noting that a large part of the enemy fire was coming from a hedgerow, he seized a machine gun and assaulted the key enemy location, delivering devastating fire as he advanced. He forced his way through the hedgerow directly into the enemy strong point. Although he was mortally wounded, his fearless attack killed eight of the enemy and drove the remainder from the hedgerow. Sergeant Singleton's bold actions completely disorganized the enemy defense and saved the lives of many of his comrades. His daring initiative, selfless devotion to duty and indomitable fighting spirit reflected great credit upon himself and the Marine Corps, and his performance upheld the highest traditions of the United States Naval Service.

CAPT. JAMES A. TAYLOR, U.S. ARMY

Captain James A. Taylor (then First Lieutenant), Armor, was serving as Executive Officer of Troop B, 1st Squadron, 1st Cavalry, on 9 November 1967 in the Republic of Vietnam. His troop was engaged in an attack on a fortified position west of Que Son when it came under intense enemy recoilless rifle, mortar, and automatic weapons fire from an enemy strong point located immediately to its front. One armored cavalry assault vehicle was hit immediately by recoilless rifle fire and all five crew members were wounded. Aware that the stricken vehicle was in grave danger of exploding, Captain Taylor rushed forward and personally extracted the wounded to safety despite the hail of enemy fire and exploding ammunition. Within minutes a second armored cavalry assault vehicle was hit by multiple recoilless rifle rounds. Despite the continuing intense enemy fire, Captain Taylor moved forward on foot to rescue the wounded men from the burning vehicle and personally removed all the crew men to the safety of a nearby dike. Moments later the vehicle exploded. As he was returning to his vehicle, a bursting mortar round painfully wounded Captain Taylor, yet he valiantly returned to his vehicle to relocate the medical evacuation landing zone to an area closer to the front lines. As he was moving his vehicle, it came under machine gun fire from an enemy position not fifty yards away. Captain Taylor engaged the position with his own machine gun, killing the three man crew. Upon arrival at the new evacuation site, still another vehicle was struck. Once again Captain Taylor rushed forward and pulled the wounded from the vehicle, loaded them aboard his vehicle, and returned them safely to the evacuation site. His actions of unsurpassed valor were a source of inspiration to his entire troop, contributed significantly to the success of the overall assault on the enemy position, and were directly responsible for saving the lives of a number of his fellow soldiers. His actions were keeping with the highest traditions of the military profession and reflect great credit upon himself, his unit, and the United States Army.

L. CPL. ROY M. WHEAT, U.S. MARINE CORPS.

For conspicuous gallantry and intrepidity at the risk of his life, above and beyond the call of duty, while serving as a fire team leader with the First Platoon, Company K, Third Battalion, Seventh Marines, First Marine Division, in the Republic of Vietnam. On 11 August 1967, Corporal Wheat and two other Marines were assigned the mission of providing security for a Navy construction battalion crane and crew operating along Liberty Road in the vicinity of the Dien Ban District, Quang Nam Province. After the Marines had set up security positions in a tree line adjacent to the work site, Corporal Wheat reconnoitered the area to the rear of their location for the possible presence of guerrillas. He then returned to within ten feet of the friendly position, and here unintentionally triggered a well concealed, bounding type, antipersonnel mine. Immediately, a hissing sound was heard which was identified by the three Marines as that of a burning time fuse. Shouting a warning to his comrades, Corporal Wheat in a valiant act of heroism hurled himself upon the mine, absorbing the tremendous impact of the explosion with his own body. The inspirational personal heroism and extraordinary valor of his unselfish action saved his fellow Marines from certain injury and possible death, reflected great credit upon himself, and upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

SGT. ROBERT M. PATTERSON, U.S. ARMY

Sergeant Robert M. Patterson, (then Specialist Four), distinguished himself on 6 May

1968 while serving as a fire team leader of the 3d Platoon, B Troop, 2d Squadron, 17th Cavalry during an assault against a North Vietnamese Army Battalion which was entrenched in a heavily fortified position near La Chu, Republic of Vietnam. When the leading squad of the 3d Platoon was pinned down by heavy interlocking automatic weapon and rocket propelled grenade fire from two enemy bunkers, Sergeant Patterson and the two other members of his assault team moved forward under a hail of enemy fire to destroy the bunkers with grenade and machine gun fire. Observing that his comrades were being fired on from a third enemy bunker covered by enemy gunners in one-man spider holes, Sergeant Patterson, with complete disregard for his own safety and ignoring the warning of his comrades that he was moving into a bunker complex, assaulted and destroyed the position. Although exposed to intensive small arm and grenade fire from the bunkers and their mutually supporting emplacements, Sergeant Patterson continued his assault upon the bunkers which were impeding the advance of his unit. Sergeant Patterson singlehandedly destroyed by rifle and grenade fire five enemy bunkers, killed eight enemy soldiers and captured seven weapons. His dauntless courage and heroism inspired his platoon to resume the attack and to penetrate the enemy defensive position. Sergeant Patterson by his conspicuous gallantry and intrepidity in action at the risk of his own life has reflected great credit upon himself, his unit and the United States Army.

Sp4c. Gary G. Wetzel, U.S. Army

Specialist Four Gary G. Wetzel (then Private First Class), 173d Assault Helicopter Company, distinguished himself by conspicuous gallantry and intrepidity at the risk of his own life, above and beyond the call of duty, near Ap Dong An in the Republic of vietnam. On 8 January 1968, Specialist Wetzel was serving as door gunner aboard a helicopter which was part of an insertion force trapped in a landing zone by intense and deadly hostile fires. Specialist Wetzel was going to the aid of his aircraft commander when he was blown into a rice paddy and critically wounded by two enemy rockets that exploded just inches from his location. Although bleeding profusely due to the loss of his left arm and severe wounds in his right arm, chest, and left leg, Specialist Wetzel staggered back to his original position in his gun-well and took the enemy forces under fire. His machine gun was the only weapon placing effective fire on the enemy at that time. Through a resolve that overcame the shock and intolerable pain of his injuries, Specialist Wetzel remained at his position until he had eliminated the automatic weapons emplacement that had been inflicting heavy casualties on the American troops and preventing them from moving against this strong enemy force. Refusing to attend his own extensive wounds, he attempted to return to the aid of his aircraft commander but passed out from loss of blood. Regaining consciousness, he persisted in his efforts to drag himself to the aid of his fellow crewman. After an agonizing effort, he came to the side of the crew chief who was attempting to drag the wounded aircraft commander to the safety of a nearby dike. Unswerving in his devotion to his fellow man, Specialist Wetzel assisted his crew chief even though he lost consciousness once again during this action. Specialist Wetzel displayed extraordinary heroism and intrepidity at the risk of his own life, above and beyond the call of duty, in his efforts to aid his fellow crewmen. His gallant actions were in keeping with the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

Capt. James M. Sprayberry, U.S. Army

Captain (then First Lieutenant) James M. Sprayberry, Armor, United States Army, distinguished himself by exceptional bravery on 25 April 1968 in the Republic of Vietnam while serving as Executive Officer of Company D, 5th Battalion, 7th Cavalry, 1st Cavalry Division (Airmobile). On this date his Company Commander and a great number of the men were wounded and separated from the main body of the company. A daylight attempt to rescue them was driven back by the well-entrenched enemy's heavy fire. Captain Sprayberry then organized and led a volunteer night patrol to eliminate the intervening enemy bunkers and to relieve the surrounded element. The patrol soon began receiving enemy machine gun fire. Captain Sprayberry quickly moved the men to protective cover and without regard for his own safety, crawled within close range of the bunker from which the fire was coming. He silenced the machine gun with a hand grenade. Identifying several one-man enemy positions nearby, Captain Sprayberry immediately attacked them with the rest of his grenades. He crawled back for more grenades and when two grenades were thrown at his men from a position to the front, Captain Sprayberry, without hesitation, again exposed himself and charged the enemy-held bunker killing its occupants with a grenade. Placing two men to cover his advance, he crawled forward and neutralized three more bunkers with grenades. Immediately thereafter, Captain Sprayberry was surprised by an enemy soldier who charged from a concealed position. He killed the soldier with his pistol and with continuing disregard for the danger, neutralized another enemy emplacement. Captain Sprayberry then established radio contact with the isolated men, directing them toward his position. When the two elements made contact he organized his men into litter parties to evacuate the wounded. As the evacuation was nearing completion, he observed an enemy machine gun position which he silenced with a grenade. Captain Sprayberry returned to the rescue party, established security, and moved to friendly lines with the wounded. This rescue operation, which lasted approximately seven and one-half hours, saved the lives of many of his fellow soldiers. Captain Sprayberry personally killed twelve enemy soldiers, eliminated two machine guns, and destroyed numerous enemy bunkers. Captain Sprayberry's indomitable spirit and gallant action at great personal risk to his life are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

Sp5c. Clarence S. Sasser, U.S. Army

Specialist Five Clarence E. Sasser (then Private First Class) distinguished himself by conspicuous gallantry and intrepidity on 10 January 1968 while assigned to Headquarters and Headquarters Company, 3d Battalion, 60th Infantry, 9th Infantry Division in the Republic of Vietnam. On this date he was serving as a medical aidman with Company A, 3d Battalion, on a reconnaissance in force operation in Ding Tuong Province. His company was making an air assault when suddenly it was taken under heavy small arms, recoilless rifle, machine gun and rocket fire from well fortified enemy positions on three sides of the landing zone. During the first few minutes, over thirty casualties were sustained. Without hesitation, Specialist Sasser ran across an open rice paddy through a hail of fire to assist the wounded. After helping one man safety, he was painfully wounded in the left shoulder by fragments of an exploding rocket. Refusing medical attention, he ran through a barrage of rocket and automatic weapons fire to aid casualties of the initial attack and, after giving them urgently needed treatment, continued to search for other wounded. Despite two additional wounds immobilizing his legs, he dragged himself through the mud toward another soldier one hundred meters away. Although in agonizing pain and faint from loss of blood, Specialist Sasser reached the man, treated him, and proceeded on to encourage another group of soldiers to crawl two hundred meters to relative safety. There he attended their wounds for five hours until they were evacuated. Specialist Sasser's conspicuous gallantry, extraordinary heroism and intrepidity at the risk of his own life, above and beyond the call of duty, are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

Capt. Riley L. Pitts, U.S. Army

Captain Riley L. Pitts, Infantry, United States Army, distinguished himself by exceptional heroism while serving as Company Commander of Company C, 2d Battalion, 27th Infantry, during an airmobile assault in the vicinity of Ap Dong, Republic of Vietnam, on 31 October 1967. Immediately after his company landed in the area, several Viet Cong opened fire with automatic weapons. Despite the enemy fire, Captain Pitts forcefully led an assault which overran the enemy positions. Shortly thereafter, Captain Pitts was ordered to move his unit to the north to reinforce another company heavily engaged against a strong enemy force. As Captain Pitts' company moved forward to engage the enemy, intense fire was received from three directions, including fire from four enemy bunkers, two of which were within 15 meters of Captain Pitts' position. The severity of the incoming fire prevented Captain Pitts from maneuvering his company. His rifle fire proving ineffective against the enemy due to the dense jungle foliage, he picked up an M–79 grenade launcher and began pinpointing the targets. Seizing a Chinese Communist grenade which had been taken from a captured Viet Cong's web gear, Captain Pitts lobbed the grenade at a bunker to his front, but it hit the dense jungle foliage and rebounded. Without hesitation, Captain Pitts threw himself on top of the grenade which, fortunately, failed to explode. Captain Pitts then directed the repositioning of the company to permit friendly artillery to be fired. Upon completion of the artillery fire mission, Captain Pitts again led his men toward the enemy positions, personally killing at least one more Viet Cong. The jungle growth still prevented effective fire to be placed on the enemy bunkers. Captain Pitts, displaying complete disregard for his life and personal safety, quickly moved to a position which permitted him to place effective fire on the enemy. He maintained a continuous fire, pinpointing the enemy's fortified positions, while at the same time directing and urging his men forward, until he was mortally wounded. Captain Pitts' conspicuous gallantry, extraordinary heroism, and intrepidity at the cost of his own life, above and beyond the call of duty, are in the highest traditions of the United States Army and reflect great credit upon himself, his unit, and the armed forces of his country.

Pfc. Billy L. Lauffer, U.S. Army

While participating in combat operations against a strong enemy force near Bong Son in Binh Dinh Province, Republic of Vietnam, on 21 September 1966, Private First Class Lauffer's squad, a part of Company C, 2d Battalion, 5th Cavalry, was suddenly struck at close range by an intense machine gun crossfire from two concealed bunkers astride the squad's route, Private Lauffer, the second man in the column, saw the lead man fall and noted that the remainder of the squad was unable to move. Two comrades, previously wounded and being carried on litters, were lying helpless in the beaten zone of the enemy fire. Reacting instinctively, Private Lauffer quickly engaged both bunkers with fire from his rifle, but when the other squad members attempted to maneuver under his covering fire, the enemy fusillade increased in volume and thwarted every attempt to move. Seeing this and his wounded comrades helpless in the open, Private Lauffer rose to his feet and charged the enemy machine gun positions, firing his weapon and drawing the enemy's attention. Keeping the enemy confused and off balance; his one man assault provided the crucial moments for the wounded point man to crawl to a covered position, the squad to move the exposed litter patients to safety, and his comrades to gain more advantageous positions. Private Lauffer was fatally wounded during his selfless act of courage and devotion to his fellow soldiers. His conspicuous gallantry and intepidity at the cost of his life served as an inspiration to his comrades and saved the lives of an untold number of his companions. His actions are in keeping with the highest traditions of military service and reflect great credit upon himself, his unit, and the United States Army.

CHAPLAIN CAPT. ANGELO J. LITEKY, U.S. ARMY

Chaplain (Captain) Angelo J. Liteky distinguished himself by exceptional heroism on 6 December 1967, while serving with Company A, 4th Battalion, 12th Infantry, 199th Light Infantry Brigade. He was participating in a search and destroy operation near Phuoc Lac, Bien Hoa Province, in the Republic of Vietnam, when Company A came under intense fire from a battalion size enemy force. Momentarily stunned from the immediate encounter that ensued, the men hugged the ground for cover. Observing two wounded men, Chaplain Liteky moved to within fifteen meters of an enemy machine gun position to reach them, placing himself between the enemy and the wounded men. When there was a brief respite in the fighting, he managed to drag them to the relative safety of the landing zone. Inspired by his courageous actions, the company rallied and began placing a heavy volume of fire upon the enemy's positions. In a magnificent display of courage and leadership, Chaplain Liteky began moving upright through the enemy fire, administering last rites to the dying and evacuating the wounded. Noticing another trapped and seriously wounded man, Chaplain Liteky crawled to his aid. Realizing that the wounded man was too heavy to carry, he rolled on his back, placed the man on his chest and through sheer determination and fortitude crawled back to the landing zone using his elbows and heels to push himself along. Pausing for breath momentarily, he returned to the action and came upon a man entangled in the dense, thorny underbrush. Once more intense enemy fire was directed at him, but Chaplain Liteky stood his ground and calmly broke the vines and carried the man to the landing zone for evacuation. On several occasions when the landing zone was under small arms and rocket fire, Chaplain Liteky stood up in the face of hostile fire and personally directed the medevac helicopters into and out of the area. With the wounded safely evacuated, Chaplain Liteky returned to the perimeter, constantly encouraging and inspiring the men. Upon the unit's relief on the morning of 7 December 1967, it was discovered that despite painful wounds in the neck and foot, Chaplain Liteky had personally carried over twenty men to the landing zone for evacuation during the savage fighting. Through his indomitable inspiration and heroic actions, Chaplain Liteky saved the lives of a number of his comrades and enabled the company to repulse the enemy. Chaplain Liteky's actions reflect great credit upon himself and were in keeping with the highest traditions of the United States Army.

SECOND LT. WALTER J. MARM, U.S. ARMY

Second Lieutenant Walter J. Marm, Infantry, distinguished himself by conspicuous gallantry and intrepidity at the risk of his own life above and beyond the call of duty while engaged in action against a hostile force in the vicinity of the Ia Drang Valley, Republic of Vietnam, on November 14, 1965. As a Platoon Leader in the 1st Cavalry Division (Airmobile), Lieutenant Marm demonstrated indomitable courage during a combat operation in the Ia Drang Valley. His company was moving through the valley to relieve a friendly unit surrounded by an enemy force of estimated regimental size. Lieutenant Marm led his platoon through withering fire until the were finally forced to take cover. Realizing that his platoon could not hold very long, and seeing four enemy moving into his position, he moved quickly under heavy fire and annihilated all four. Then, seeing that his platoon was receiving intense fire from a concealed machine gun, he deliberately exposed himself to draw its fire. Thus locating its position, he attempted to destroy it with an anti-tank weapon. Although he inflicted casualties, the weapon did not silence the enemy fire. Quickly, disregarding the intense fire directed on him and his platoon, he charged 30 meters across open ground, and hurled grenades into the enemy position, killing some of the eight insurgents manning it. Although severely wounded, when his grenades were expended, armed with only a rifle, he continued the momentum of his assault on the position and killed the remainder of the enemy. Lieutenant Marm's selfless actions reduced the fire on his platoon, broke the enemy assault and rallied his unit to continue toward the accomplishment of their mission. Lieutenant Marm's conspicuous gallantry on the battlefield and his extraordinary intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

MAJ. ROBERT J. MODRZEJEWSKI, U.S. MARINE CORPS

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as Commanding Officer, Company K, Third Battalion, Fourth Marines, Third Marine Division, in the Republic of Vietnam from 15 to 18 July 1966. On 15 July, during Operation HASTINGS, Company K was landed in an enemy infested jungle area to establish a blocking position at a major enemy trail network. Shortly after landing, the Company encountered a reinforced enemy platoon in a well organized, defensive position. Major (then Captain) Modrzejewski led his men in the successful seizure of the enemy redoubt, which contained large quantities of ammunition and supplies. That evening a numerically superior enemy force counterattacked in an effort to retake the vital supply area, thus setting the pattern of activity for the next two and one-half days. In the first series of attacks, the enemy assaulted repeatedly in overwhelming numbers but each time was repulsed by the gallant Marines. The second night the enemy struck in battalion strength, and Major Modrzejewski was wounded in this intensive action which was fought at close quarters. Although exposed to enemy fire, and despite his painful wounds, he crawled 200 meters to provide critically needed ammunition to an exposed element of his command and was constantly present wherever the fighting was heaviest, despite numerous casualties, a dwindling supply of ammunition and the knowledge that they were surrounded, he skillfully directed artillery fire to within a few meters of his position and courageously inspired the efforts of his Company in repelling the aggressive enemy attack. On 18 July, Company K was attacked by a regimental size enemy force. Although his unit was vastly outnumbered and weakened by the previous fighting, Major Modrzejewski reorganized his men and calmly moved among them to encourage and direct their efforts to heroic limits as they fought to overcome the vicious enemy onslaught. Again he called in air and artillery strikes at close range with devastating effect on the enemy, which together with the bold and determined fighting of the men of Company K, repulsed the fanatical attack of the larger North Vietnamese force. His unparalleled personal heroism and indomitable leadership inspired his men to a significant victory over the enemy force and reflected great credit upon himself, the Marine Corps and the United States Naval Service.

SGT. TED BELCHER, U.S. ARMY

Sergeant Ted Belcher, United States Army, distinguished himself by conspicuous gallantry and intrepidity at the risk of his life on 19 November 1966 near Plei Djerang, Republic of Vietnam. On that date, Sergeant Belcher's unit, Company C, 1st Battalion, 14th Infantry, was engaged in a search and destroy mission with Company B, 1st Battalion, 14th Infantry, the Battalion Reconnaissance Platoon and a Special Forces Company of Civilian Irregular Defense Group Personnel. As a squad leader of the 2d Platoon of Company C, Sergeant Belcher was leading his men when they encountered a bunker complex. The Reconnaissance Platoon, located a few hundred meters northwest of Company C, received a heavy volume of fire from well camouflaged snipers. As the 2d Platoon moved forward to assist the unit under attack, Sergeant Belcher and his squad, advancing only a short distance through the dense jungle terrain, met heavy and accurate automatic weapons and sniper fire. Sergeant Belcher and his squad were momentarily stopped by the deadly volume of enemy fire. He quickly gave the order to return fire and resume the advance toward the enemy. As he moved up with his men, a hand grenade landed in the midst of the sergeant's squad. Instantly realizing the immediate danger to his men, Sergeant Belcher, unhesitatingly and with complete disregard for his own safety, lunged forward, covering the grenade with his body. Absorbing the grenade blast at the cost of his life, he saved his comrades from becoming casualties. Sergeant Belcher's conspicuous gallantry, his profound concern for his fellow soldiers, and his intrepidity at the risk of his life above and beyond the call of duty are in keeping with the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

PFC. LESLIE A. BELLRICHARD, U.S. ARMY

Acting as a fire team leader with Company C, 1st Battalion, 8th Infantry, during combat operations in Kontum Province, Republic of Vietnam, on 20 May 1967, Private Bellrichard was with four fellow soldiers in a foxhole on their unit's perimeter when the position came under a massive enemy attack. Following a thirty minute mortar barrage, the enemy launched a strong ground assault. Private Bellrichard rose in the face of a group of charging enemy soldiers and threw hand grenades into their midst, eliminating several of the foe and forcing the remainder to withdraw. Failing in their initial attack, the enemy repeated the mortar and rocket bombardment of the friendly perimeter, then once again charged against the defenders in a concerted effort to overrun the position. Private Bellrichard resumed throwing hand grenades at the onrushing attackers. As he was about to hurl a grenade, a mortar round exploded just in front of his position, knocking him into the foxhole and causing him to lose his grip on the already armed grenade. Recovering instantly, Private Bellrichard recognized the threat to the lives of

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his four comrades and threw himself upon the grenade, shielding his companions from the blast that followed. Although severely wounded, Private Bellrichard struggled into an upright position in the foxhole and fired his rifle at the enemy until he succumbed to his wounds. His selfless heroism contributed greatly to the successful defense of the position, and he was directly responsible for saving the lives of several of his comrades. His acts are in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

Maj. Patrick H. Brady, Medical Service Corps, U.S. Army

Major Patrick H. Brady, Medical Service Corps, distinguished himself by conspicuous gallantry and intrepidity while serving with the 54th Medical Detachment, 67th Medical Group, 44th Medical Brigade in the Republic of Vietnam. On 6 January 1968 Major Brady, commanding a UH–1H ambulance helicopter in the vicinity of Chu Lai, volunteered to rescue wounded men from a site in enemy held territory which was reported to be heavily defended and to be blanketed by fog. To reach the site he descended through heavy fog and smoke and hovered slowly along a valley trail, turning his ship sideward to blow away the fog with the backwash from his rotor blades. Despite the unchallenged, close-range enemy fire, he found the dangerously small site, where he successfully landed and evacuated two badly wounded South Vietnamese soldiers. He was then called to another area completely covered by dense fog where American casualties lay only 50 meters from the enemy. Two aircraft had previously been shot down and others had made unsuccessful attempts to reach this site earlier in the day. With unmatched skill and extraordinary courage, Major Brady made four flights to this embattled landing zone and successfully rescued all the wounded. On his third mission of the day Major Brady once again landed at a site surrounded by the enemy. The friendly ground force, pinned down by enemy fire, had been unable to reach and secure the landing zone. Although his aircraft had been badly damaged and his controls partially shot away during his initial entry into this area, he returned minutes later and rescued the remaining injured. Shortly thereafter, obtaining a replacement aircraft, Major Brady was requested to land in an enemy minefield where a platoon of American soldiers was trapped. A mine detonated near his helicopter, wounding two crew members and damaging his ship. In spite of this, he managed to fly six severely injured patients to medical aid. Throughout that day Major Brady utilized three helicopters to evacuate a total of fifty-one seriously wounded men, many of whom would have perished without prompt medical treatment. Major Brady's conspicuous gallantry was in the highest traditions of the military service and reflects great credit upon himself and the United States Army.

Second Lt. John P. Bobo, U.S. Marine Corps Reserve

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as Weapons Platoon Commander, Company I, Third Battalion, Ninth Marines, Third Marine Division, in Quang Tri Province, Republic of Vietnam, on 30 March 1967. Company I was establishing night ambush sites when the command group was attacked by a reinforced North Vietnamese company supported by heavy automatic weapons and mortar fire. Lieutenant Bobo immediately organized a hasty defense and moved from position to position encouraging the outnumbered Marines despite the murderous enemy fire. Recovering a rocket launcher from among the friendly casualties, he organized a new launcher team and directed its fire into the enemy machine gun positions. When an exploding enemy mortar round severed Lieutenant Bobo's right leg below the knee, he refused to be evacuated and insisted upon being placed in a firing position to cover the movement of the command group to a better location. With a web belt around his leg serving as a tourniquet and with his leg jammed into the dirt to curtail the bleeding, he remained in this position and delivered devastating fire into the ranks of the enemy attempting to overrun the Marines. Lieutenant Bobo was mortally wounded while firing his weapon into the mainpoint of the enemy attack but his valiant spirit inspired his men to heroic efforts, and his tenacious stand enabled the command group to gain a protective position where it repulsed the enemy onslaught. Lieutenant Bobo's superb leadership, dauntless courage, and bold initiative reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service. He gallantly gave his life for his country.

Sgt. Sammy L. Davis, U.S. Army

Sergeant Sammy L. Davis (then Private First Class) distinguished himself during the early morning hours of 18 November 1967 while serving as a cannoneer with Battery C, 2nd Battalion, 4th Artillery, 9th Infantry Division, at a remote fire support base west of Cai Lay, Republic of Vietnam. At approximately 0200 hours, the fire support base came under heavy enemy mortar attack. Simultaneously, an estimated reinforced Viet Cong battalion launched a fierce ground assault upon the fire support base. The attacking enemy drove to within twenty-five meters of the friendly positions. Only a river separated the Viet Cong from the fire support base. Detecting a nearby enemy position, Sergeant Davis seized a machine gun and provided covering fire for his gun crew, as they attempted to bring direct artillery fire on the enemy. Despite his efforts, an enemy recoilless rifle round scored a direct hit upon the artillery piece. The resultant blast hurled the gun crew from their weapon and blew Sergeant Davis into a foxhole. He struggled to his feet and returned to the howitzer, which was burning furiously. Ignoring repeated warnings to seek cover, Sergeant Davis rammed a shell into the gun. Disregarding a withering hail of enemy fire directed against his position, he aimed and fired the howitzer which rolled backward, knocking Sergeant Davis violently to the ground. Undaunted, he returned to the weapon to fire again when an enemy mortar round exploded within twenty meters of his position, injuring him painfully. Nevertheless, Sergeant Davis loaded the artillery piece, aimed and fired. Again he was knocked down by the recoil. In complete disregard for his own safety, Sergeant Davis loaded and fired three more shells into the enemy. Disregarding his extensive injuries and his inability to swim, Sergeant Davis picked up an air mattress and struck out across the deep river to rescue three wounded comrades on the far side. Upon reaching the three wounded men, he stood upright and fired into the dense vegetation to prevent the Viet Cong from advancing. While the most seriously wounded soldier was helped across the river, Sergeant Davis protected the two remaining casualties until he could pull them across the river to the fire support base. Though suffering from painful wounds, he refused medical attention, joining another howitzer crew which fired at the large Viet Cong force until it broke contact and fled. Sergeant Davis' conspicuous gallantry, extraordinary heroism, and intrepidity at the risk of his own life, above and beyond the call of duty, are in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

Second Lt. Harold B. Durham, Jr., U.S. Army

Second Lieutenant Harold B. Durham, Jr., Artillery, distinguished himself by conspicuous gallantry and intrepidity at the cost of his life above and beyond the call of duty on 17 October 1967 while assigned to Battery C, 6th Battalion, 15th Artillery, 1st Infantry Division, in the Republic of Vietnam. On this date, Lieutenant Durham was serving as a forward observer with Company D, 2d Battalion, 28th Infantry, during a battalion reconnaissance in force mission. At approximately 1015 hours contact was made with an enemy force concealed in well-camouflaged positions and fortified bunkers. Lieutenant Durham immediately moved into an exposed position to adjust the supporting artillery fire onto the insurgents. During a brief lull in the battle he administered emergency first aid to the wounded in spite of heavy enemy sniper fire directed toward him. Moments later, as enemy units assaulted friendly positions, he learned that Company A, bearing the brunt of the attack had lost its forward observer. While he was moving to replace the wounded observer, the enemy detonated a claymore mine, severely wounding him in the head and impairing his vision. In spite of the intense pain, he continued to direct the supporting artillery fire and to employ his individual weapon in support of the hard pressed infantrymen. As the enemy pressed their attack, Lieutenant Durham called for supporting fire to be placed almost directly on his position. Twice the insurgents were driven back, leaving many dead and wounded behind. Lieutenant Durham was then taken to a secondary defensive position. Even in his extremely weakened condition, he continued to call artillery fire onto the enemy. He refused to seek cover and instead positioned himself in a small clearing which afforded a better vantage point from which to adjust the fire. Suddenly, he was severely wounded a second time by enemy machine gun fire. As he lay on the ground near death, he saw two Viet Cong approaching, shooting the defenseless wounded men. With his last effort, Lieutenant Durham shouted a warning to a nearby soldier who immediately killed the insurgents. Lieutenant Durham died moments later, still grasping the radio handset. Lieutenant Durham's gallant actions in close combat with an enemy force are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army.

First Lt. James A. Gardner, U.S. Army

On 7 February 1966 Lieutenant Gardner's platoon was advancing to relieve a company of the 1st Battalion (Airborne), 327th Infantry, that had been pinned down for several hours by a numerically superior enemy force in the village of My Canh, Vietnam. The enemy occupied a series of strongly fortified bunker positions which were mutually supporting and expertly concealed. Approaches to the position were well covered by an integrated pattern of fires including automatic weapons, machine guns and mortars. Air strikes and artillery placed on the fortifications had little effect. Lieutenant Gardner's platoon was to relieve the friendly company by encircling and destroying the enemy force. Even as it moved to begin the attack, the platoon was under heavy enemy fire. During the attack, the enemy fire intensified. Leading the assault and disregarding his own safety, Lieutenant Gardner charged through a withering hail of fire across an open rice paddy. On reaching the first bunker he destroyed it with a grenade and without hesitation dashed to the second bunker and eliminated it by tossing a grenade inside. Then, crawling swiftly along the dike of a rice paddy, he reached the third bunker. Before he could arm a grenade, the enemy gunner leaped forth, firing at him. Lieutenant Gardner instantly returned the fire and killed the enemy gunner at a distance of six feet. Following the seizure of the main enemy position, he reorganized the platoon to continue the attack. Advancing to the new assault position, the platoon was pinned down by an enemy machine gun emplaced in a fortified bunker. Lieutenant Gardner immediately collected several grenades and charged the enemy position, firing his rifle as he advanced to neutralize the defenders. He dropped a grenade into the bunker and vaulted beyond. As the bunker blew up, he came under fire again. Rolling into a ditch to gain cover, he moved toward the new source of fire. Nearing the position, he leaped from the ditch and advanced with a grenade in one hand and firing his rifle with the other. He was gravely wounded just before he reached the bunker, but with a last valiant effort he staggered forward and destroyed the bunker and its defenders with a grenade. Although he fell dead on the rim of the bunker, his extraordinary actions so inspired the men of his platoon that they resumed the attack and completely routed the enemy. Lieutenant Gardner's conspicuous gallantry and intrepidity, above and beyond the call of duty, were in the highest traditions of the United States Army.

Platoon Sgt. Bruce A. Grandstaff, U.S. Army

Platoon Sergeant Grandstaff distinguished himself on 18 May 1967 while leading the Weapons Platoon, Company B, 1st Battalion, 8th Infantry on a reconnaissance mission near the Cambodian border in Pleiku Province, Republic of Vietnam. His platoon was advancing through intermittent enemy contact when it was struck by heavy enemy small arms and automatic weapons fire from three sides. As he established a defensive perimeter, Sergeant Grandstaff noted that several of his men had been struck down. He raced 30 meters through the intense fire to aid them but could only save one. Denied freedom to maneuver his unit by the intensity of the enemy onslaught, he adjusted artillery to within 45 meters of his position. When helicopter gunships arrived, he crawled outside the defensive position to mark the location with smoke grenades. Realizing his first marker was probably ineffective, he crawled to another location and threw his last smoke grenade but the smoke did not penetrate the jungle foliage. Seriously wounded in the leg during this effort he returned to his radio and, refusing medical aid, adjusted the artillery even closer as the enemy advanced on his position. Recognizing the need for additional firepower, he again braved the enemy fusillade, crawled to the edge of his position and fired several magazines of tracer ammunition through the jungle canopy. He succeeded in designating the location to the gunships but this action again drew the enemy fire and he was wounded in the other leg. Now enduring intense pain and bleeding profusely, he crawled to within ten meters of an enemy machine gun which had caused many casualties among his men. He destroyed the position with hand grenades but received additional wounds. Rallying his remaining men to withstand the enemy assaults, he realized his position was being overrun and asked for artillery directly on his location. He fought until mortally wounded by an enemy rocket. Although every man in the platoon was a casualty, survivors attest to the indomitable spirit and exceptional courage of this outstanding combat leader who inspired his own men to fight courageously against overwhelming odds and cost the enemy heavy casualties. Sergeant Grandstaff's conspicuous and selfless gallantry, above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

[May 14, 1968]

Capt. Joseph X. Grant, U.S. Army

On 13 November 1966, Company A, 1st Battalion, 14th Infantry, was participating in a search and destroy operation when the leading platoon made contact with the enemy and a fierce firefight ensued. Captain (then First Lieutenant) Grant was ordered to disengage the two remaining platoons and to maneuver them to envelop and destroy the enemy. After beginning their movement, the platoons encountered intense enemy automatic weapons and mortar fire from the front and flank. Captain Grant was ordered to deploy the platoons in a defensive position. As this action was underway, the enemy attacked, using "human wave" assaults, in an attempt to literally overwhelm Captain Grant's force. In a magnificent display of courage and leadership, Captain Grant moved under intense fire along the hastily formed defensive line repositioning soldiers to fill gaps created by the mounting casualties and inspiring and directing the efforts of his men to successfully repel the determined enemy onslaught. Seeing a platoon leader wounded, Captain Grant hastened to his aid, in the face of the mass of fires of the entire enemy force, and moved him to a more secure position. During this action, Captain Grant was wounded in the shoulder. Refusing medical treatment, he returned to the forward part of the perimeter, where he continued to lead and to inspire his men by his own indomitable example. While attempting to evacuate a wounded soldier, he was pinned down by fire from an enemy machine gun. With a supply of hand grenades, he crawled forward under a withering hail of fire and knocked out the machine gun, killing the crew, after which he moved the wounded man to safety. Learning that several other wounded men were pinned down by enemy fire forward of his position, Captain Grant disregarded his painful wound and led five men across the fireswept open ground to effect a rescue. Following return of the wounded men to the perimeter, a concentration of mortar fire landed in their midst and Captain Grant was killed instantly. His heroic actions saved the lives of a number of his comrades and enabled the task force to repulse the vicious assaults and defeat the enemy. Captain Grant's actions reflect great credit upon himself and were in keeping with the finest traditions of the United States Army.

Second Lt. Robert J. Hibbs, U.S. Army

Second Lieutenant Robert J. Hibbs, Infantry, distinguished himself by gallantry and intrepidity at the risk of his life above and beyond the call of duty on March 5, 1966 in the vicinity of Don Dien Lo Ke, Republic of Vietnam. Lieutenant Hibbs was in command of a fifteen-man ambush patrol of the 2d Battalion, 28th Infantry when his unit observed a company of Viet Cong advancing along the road toward the 2d Battalion's positions. Informing his command post by radio of the impending attack, he prepared his men for the oncoming Viet Cong, emplaced two mines in their path and, when the insurgents were within twenty feet of the patrol's position, he fired the two antipersonnel mines, wounding or killing half of the enemy company. Then, to cover the withdrawal of his patrol, he threw hand grenades, stepped onto the open road, and opened fire on the remainder of the Viet Cong force of approximately fifty men. Having rejoined his men, he was leading them toward the Battalion perimeter when the patrol encountered the rear elements of another Viet Cong company deployed to attack the Battalion. With the advantage of surprise, he directed a charge against the Viet Cong which carried the patrol through the insurgent force completely disrupting its attack. Learning that a wounded patrol member was wandering in the area between the two opposing forces and although moments from safety and wounded in the leg himself, he and a sergeant went back to the battlefield to recover the stricken man. After they maneuvered through the withering fire of two Viet Cong machine guns, the sergeant grabbed the dazed soldier and dragged him back toward the friendly lines while Lieutenant Hibbs remained behind to provide covering fire. Armed with only an M-16 rifle and a pistol, but determined to destroy the enemy positions, he then charged the two machine gun emplacements and was struck down. Before succumbing to his mortal wounds, he destroyed the starlight telescopic sight attached to his rifle to prevent its capture and use by the Viet Cong. Lieutenant Hibbs' conspicuous gallantry, his profound concern for his fellow soldiers, and his intrepidity at the risk of his life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the armed forces of his country.

S. Sgt. Joe R. Hooper, U.S. Army

Staff Sergeant (then Sergeant) Joe R. Hooper, United States Army, distinguished himself by conspicuous gallantry and intrepidity on 21 February 1968, while serving as squad leader with Company D, 2nd Battalion (Airborne), 501st Infantry, 101st Airborne Division, near Hue, Republic of Vietnam. Company D was assaulting a heavily defended enemy position along a river bank when it encountered a withering hail of fire from rockets, machine guns and automatic weapons. Staff Sergeant Hooper rallied several men and stormed across the river, overrunning several bunkers on the opposite shore. Thus inspired, the rest of the company moved to the attack. With utter disregard for his own safety, he moved out under the intense fire again and pulled back the wounded, moving them to safety. During this act Staff Sergeant Hooper was seriously wounded, but he refused medical aid and returned to his men. With the relentless enemy fire disrupting the attack, he single-handedly stormed three enemy bunkers, destroying them with hand grenades and rifle fire, and shot two enemy soldiers who had attacked and wounded the chaplain. Leading his men forward in a sweep of the area, Staff Sergeant Hooper destroyed three buildings housing enemy riflemen. At this point he was attacked by a North Vietnamese officer whom he fatally wounded with his bayonet. Finding his men under heavy fire from a house to the front, he proceeded alone to the building, killing its occupants with rifle fire and grenades. By now his initial body wound had been compounded by grenade fragments, yet despite the multiple wounds and loss of blood, he continued to lead his men against the intense enemy fire. As his squad reached the final line of enemy resistance, it received devastating fire from four bunkers in line on its left flank. Staff Sergeant Hooper gathered several hand grenades and raced down a small trench which ran the length of the bunker line, tossing grenades into each bunker as he passed by, killing all but two of the occupants. With these positions destroyed, he concentrated on the last bunkers facing his men, destroying the first with an incendiary grenade and neutralizing two more by rifle fire. He then raced across an open field, still under enemy fire, to rescue a wounded man who was trapped in a trench. Upon reaching the man, he was faced by an armed enemy soldier whom he killed with a pistol. Moving his comrade to safety and returning to his men, he neutralized the final pocket of enemy resistance by fatally wounding three North Vietnamese officers with rifle fire. Staff Sergeant Hooper then established a final line and reorganized his men, not accepting treatment until this was accomplished and not consenting to evacuation until the following morning. His supreme valor, inspiring leadership and heroic self-sacrifice were directly responsible for the company's success and provided a lasting example in personal courage for every man on the field. Staff Sergeant Hooper's actions were in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

Gunnery Sgt. Jimmie E. Howard, U.S. Marine Corps

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving as a Platoon Leader with Company C, First Reconnaissance Battalion, First Marine Division, in the Republic of Vietnam. Gunnery Sergeant (then Staff Sergeant) Howard and his eighteen-man platoon were occupying an observation post deep within enemy-controlled territory. Shortly after midnight on 16 June 1966, a Viet Cong force of estimated battalion size approached the Marines' position and launched a vicious attack with small arms, automatic weapons, and mortar fire. Reacting swiftly and fearlessly in the face of the overwhelming odds, Gunnery Sergeant Howard skillfully organized his small but determined force into a tight perimeter defense and calmly moved from position to position to direct his men's fire. Throughout the night, during assault after assault, his courageous example and firm leadership inspired and motivated his men to withstand the unrelenting fury of the hostile fire in the seemingly hopeless situation. He constantly shouted encouragement to his men and exhibited imagination and resourcefulness in directing their return fire. When fragments of an exploding enemy grenade wounded him severely and prevented him from moving his legs, he distributed his ammunition to the remaining members of his platoon and proceeded to maintain radio communications and direct air strikes on the enemy with uncanny accuracy. At dawn, despite the fact that five men were killed and all but one wounded, his beleaguered platoon was still in command of its position. When evacuation helicopters approached his position, Gunnery Sergeant Howard warned them away and called for additional air strikes and directed devastating small arms fire and air strikes against enemy automatic weapons positions in order to make the landing zone as secure as possible. Throught his extraordinary courage and resolute fighting spirit, Gunnery Sergeant Howard was largely responsible for preventing the loss of his entire platoon. His valiant leadership and courageous fighting spirit served to inspire the men of his platoon to heroic endeavor in the face of overwhelming odds, and reflect the highest credit upon Gunnery Sergeant Howard, the Marine Corps and the United States Naval Service.

Capt. Jack H. Jacobs, U.S. Army

Captain Jack H. Jacobs (then First Lieutenant), Infantry, distinguished himself on 9 March 1968 while serving as Assistant Battalion Advisor, 2d Battalion, 16th Infantry, 9th Infantry Division, Army of the Republic of Vietnam, during an operation in Kien Phong Province, Republic of Vietnam. The 2d Battalion was advanced to contact when it came under intense heavy machine gun and mortar fire from a Viet Cong battalion positioned in well-fortified bunkers. As the 2d Battalion deployed into attack formation its advance was halted by devastating fire. Captain Jacobs, with the command element of the lead company, called for and directed air strikes on the enemy positions to facilitate a renewed attack. Due to the intensity of the enemy fire and heavy casualties to the command group, including the company commander, the attack stopped and the friendly troops became disorganized. Although wounded by mortar fragments, Captain Jacobs assumed command of the allied company, ordered a withdrawal from the exposed position and established a defensive perimeter. Despite profuse bleeding from head wounds which impaired his vision, Captain Jacobs, with complete disregard for his own safety, returned under intense fire to evacuate a seriously wounded advisor to the safety of a wooded area where he administered lifesaving first aid. He then returned through heavy automatic weapon fire to evacuate the wounded company commander. Captain Jacobs made repeated trips across the fire-swept open rice paddies evacuating wounded and their weapons. On three separate occasions, Captain Jacobs contacted and drove off Viet Cong squads who were searching for allied wounded and weapons, singlehandedly killing three and wounding several others. His gallant actions and extraordinary heroism saved the lives of one United States advisor and thirteen allied soldiers. Through his effort the allied company was restored to an effective fighting unit and prevented defeat of the friendly forces by a strong and determined enemy. Captain Jacobs, by his conspicuous gallantry and intrepidity in action in the highest traditions of the military service, has reflected great credit upon himself, his unit and the United States Army.

Sp5c. Dwight H. Johnson, U.S. Army

Specialist Five Dwight H. Johnson distinguished himself by gallantry and intrepidity at the risk of his life above and beyond the call of duty on 15 January 1968 near Dak To, Kontum Province, Republic of Vietnam. On that date, Specialist Johnson, a tank driver with Company B, 1st Battalion, 69th Armor, 4th Infantry Division, was a member of a reaction force moving to aid other elements of his platoon, which was in heavy contact with a battalion size North Vietnamese force. Specialist Johnson's tank, upon reaching the point of contact, threw a track and became immobilized. Realizing that he could do no more as a driver, he climbed out of the vehicle, armed only with a .45 caliber pistol. Despite intense hostile fire, Specialist Johnson killed several enemy soldiers before he had expended his ammunition. Returning to his tank through a heavy volume of anti-tank rocket, small arms and automatic weapons fire, he obtained a submachine gun with which to continue his fight against the advancing enemy. Armed with this weapon, Specialist Johnson again braved deadly enemy fire to return to the center of the ambush site where he courageously eliminated more of the determined foe. Engaged in extremely close combat when the last of his ammunition was expended, he killed an enemy soldier with the stock end of his submachine gun. Now weaponless, Specialist Johnson ignored the enemy fire around him, climbed into his platoon sergeant's tank, extricated a wounded crew member and carried him to an armored personnel carrier. He then returned to the same tank and assisted in firing the main gun until it jammed. In a magnificent display of courage, Specialist Johnson exited the tank and again armed only with a .45 caliber pistol, engaged several North Vietnamese troops in close proximity to the vehicle. Fighting his way through devastating fire and remounting his own immobilized tank, he remained fully exposed to the enemy as he bravely and skillfully engaged them with the tank's externally-mounted .50 caliber machine gun, where he remained until the situation was brought under control. Specialist Johnson's profound concern for his fellow soldiers, his conspicuous gallantry, and his intrepidity at the risk of his life above and beyond the call of duty are in keeping with the highest traditions of the military service and reflect great credit upon himself and the United States Army.

REPRESENTATIVE ROONEY'S RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, John Rooney is an outstanding Member of this House. Even before I had the opportunity to serve with him, I had heard of his constant support for progressive programs. Knowing of his reputation for service to the working man, I was not surprised that his voting record proved to be outstanding. I believe that actions speak louder than words, and the actions of John Rooney prove beyond any doubt his great and beneficent service to this country.

Mr. Speaker, everyone seems to be evaluating Congress and Congressmen these days—the New Left, the Old Right; the very young, the very old; labor, management—you name it. Some of these evaluations are meaningful, some not worth the press release they are written on. But one of the more meaningful ones comes every year for the past 20 years or so from the AFL–CIO and from its political education arm—COPE. The AFL–CIO represents not only all the millions of unionized members but virtually every workingman and woman in this country; therefore its evaluation is a significant one. I could not help but notice as I read the AFL–CIO evaluation of the present Congress that my longtime friend from Brooklyn, Congressman John J. Rooney, once again scored a flat 100 percent in his voting record with reference to what labor considered key issues before this 91st Congress. The votes that the labor body considered significant came in support of aid to education and education funds, farm subsidies limitation, opposition to the income tax surcharge—increase—in favor of tax reform, electoral reform, voting rights, school desegregation, and the war on poverty. These were issues that affected us all. It should come as no surprise to any member here that the distinguished gentleman from Brooklyn (Mr. Rooney) has a fine voting record as far as organized labor is concerned. I checked back with COPE over its 20-year history and find that in the entire time Congressman Rooney had only one wrong vote, and that one vote is a dubious wrong. He wanted to send back a conservation bill to which some financial frills had been attached. When they were removed and the bill came to a vote again, he supported it. In short, he is one of the best friends the workingman has in the House of Representatives. They are lucky he is here—and so are we.

LEGISLATION TO PROHIBIT UNTRAINED NATIONAL GUARDSMEN FROM CARRYING LIVE AMMUNITION ON CAMPUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein), is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I intend to introduce, shortly, legislation to prohibit the carrying of live ammunition

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by National Guardsmen on college campuses unless they are adequately trained in firearms and riot control.

National Guardsmen untrained in the use of live weapons and unsure of their response to riot situations are being used on some of our college campuses. Such persons are most likely to resort to violence at the first difficult moment and thus bring only more massive confrontations to the college campus.

Neither of the two units sent to Kent State University received more than the minimal level of riot control training. The Ohio adjutant general's office informed me that the 1145th infantry had had the minimum 16 hours of refresher riot-control training, while the 2d squadron, 107th Armed Calvary Regiment had had only 14 hours of such training. If the guardsmen sent to Kent State University had received adequate training in riot control and the use of weapons with live ammunition, the Kent State killings might never have occurred.

Adequate training provides the individual with personal confidence in his ability both to act and react to unexpected situations. The longer the training period, the more proficient the individual becomes. Under current procedures, only military police receive any basic training in riot control.

Members of the Guard sent to at least one school, the University of Maryland campus at College Park, told students that they would not know how to fire their rifles if they had to.

The legislation I intend to introduce would prohibit any guardsman, who has not had 100 hours of training in firearms and 56 hours of riot-control training, from carrying a loaded weapon with live ammunition on a college campus. It would also prohibit the carrying of loaded weapons unless a situation existed which imperiled life, and a specific order to carry live ammunition had been issued. States failing to comply would lose Federal funding of National Guard training and equipment.

Department of Defense standards for the National Guard provide for 84 hours of basic training in the use of live ammunition and 16 hours annually of refresher training. It provides for no basic riot-control training except for military police, only 8 hours of subsequent training in the area, and 16 hours annually of refresher training. Some State units require two or three times these minimal requirements.

The use of uncontrolled Armed Force provokes confrontation and radicalizes campus moderates. Our military actions abroad have caused much of the current college violence. Our military actions at home are greatly intensifying that violence. A deescalation of the level of campus violence will require a deescalation of the threat to life posed by any military force that comes to campus.

AUTOMOTIVE AIR POLLUTION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK), is recognized for 20 minutes.

Mr. VANIK. Mr. Speaker, to assist the New York City Council in its study of automotive air pollution the Yale Legislation Service of Yale University has prepared the following report. City council president Sanford Garelik and Vice President Thomas Cuite appreciated the report and found it exceedingly useful.

More importantly, the report appears to have general applicability to municipal governments across the country.

Yale Legislative Service is a self-governing organization of law and graduate students at Yale University which provides independent legal, analytic, and technical research to State, local, and national legislators desiring assistance in the preparation or evaluation of legislation.

I commend this important report to the attention of every Member of this body and every city councilman and mayor across the country. The report is as follows:

The Control of Automotive Air Pollution in New York City

INTRODUCTION TO THE AIR POLLUTION PROBLEM

The air pollution problem in the United States is approaching *crisis* proportions. The most seriously affected victims of this problem are the inhabitants of our cities.[1] Recently, doctors ir. Los Angeles advised more than 10,000 people in a single year to move away from the city because of the severe effects of air pollution on their health.[2] New York City has been found to have significantly worse air pollution problems than Los Angeles.[3] N.Y.C. could very well become uninhabitable.

The single greatest polluter of our urban environment is the *automobile*.[4] It is responsible for at least 60 per cent of the total air pollution in the United States by weight and upwards of 85 per cent of the pollution in some of our cities.[5] In New York City the automobile contributes 60 per cent of the pollution, which is 2.7 times greater than its nearest competitor—space heating.[6] In N.Y.C. alone, this comes out to 8.3 million pounds of carbon monoxide; 1.1 million pounds of hydrocarbons and 200 thousand pounds of oxides of nitrogen *each day* [7] from automobiles.

New York City has taken steps to combat the pollution attributable to non-automotive sources. Local Law 14 has begun to reap some real benefits.[8] Local Law 14 leaves automobiles unaffected, however, and today "the combustion engine exhaust pipe has replaced the smokestack as the greatest producer of air pollution in the city." [9]

The primary responsibility for regulating motor vehicles lies with the federal and state governments,[10] but as of yet they have not shouldered the responsibility. The city should, in self defense of its citizens, do everything legally within its power, to meet the growing threat of automotive air pollution.

This report analyzes the automotive air pollution problem and recommends six specific steps the city can take to meet the problem. Section I of the report outlines specifically how the automobile pollutes the atmosphere and the dangers of each of the pollutants found in automotive exhaust. Section II outlines what has been done nationally and statewide to meet the pollution problem. Section III indicates why these steps to control automotive air pollution have been woefully inadequate. Section IV outlines our six specific recommendations.

SECTION I. THE COMPONENTS OF AUTOMOTIVE AIR POLLUTION

The five primary *components* of vehicular air pollution are carbon monoxide, hydrocarbons, oxides of nitrogen, lead and oxidents.[1] Of less concern because of their relative percentages, are sulfur oxides and tiny liquid or solid particles called "particular matter."

While sulfur oxides are extremely toxic [2] and particulate matter becomes dangerous as it interacts with other pollutants,[3] vehicular exhaust accounts for only 3.8% of the total sulfur dioxide input to the atmosphere [4] and approximately 8% of the particular matter.[5] By far the major source of oxides of sulfur and particulates is the burning of solid and liquid fossil fuel, of which the two major uses are industrial use for power and domestic use for heating.[6]

Although most of the pollution comes from the exhaust pipe, pollutants are discharged from three different *sources:* the vehicle exhaust, the crank case, and the fuel system (carburetor and fuel tank evaporative losses).

The chart below shows the approximate percentages of the major pollutants which come from each source.[7]

Pollutant	Percent from each source		
	Exhaust	Crank case	Fuel system
Hydrocarbons	65	20	15
Carbon monoxide	99	1	0
Oxides of nitrogen	99	1	0

1. Carbon monoxide

In New York City the automobile is responsible for 96% of the carbon monoxide in the atmosphere.[8]

The production of carbon monoxide is directly related to the richness of the fuel mixture—the less air that is mixed with the gas, the more carbon monoxide is formed. As a result, the concentration of carbon monoxide is at a maximum during *idle* and deceleration.[9]

The two million cars which operate in New York City spend 34 per cent of their time idling and travel at an average rate of 13 m.p.h.[10]

Carbon monoxide combines with hemoglobin in the blood in much the same way as oxygen does and thus hinders the blood in bringing oxygen to the tissues.[11]

This can cause an impairment of vision and can deaden a driver's responses. While carbon monoxide concentrations above 30 p.p.m. (parts per million) are not advisable for even short periods of time certain areas have reached levels as high as 65 p.p.m. for extended periods, and 100 p.p.m. during peak traffic hours.[12]

Furthermore, recent studies report that extended exposure to small amounts of carbon monoxide can damage the arteries and heart tissue and hinder the development of the unborn child.[13]

2. Hydrocarbons

In New York City the automobile is responsible for 52.5% of the hydrocarbons in the atmosphere.[14]

Hydrocarbons represent a complex mixture of different compounds, the majority of which are produced by the incomplete burning of fuels in the internal combustion engine.[15]

They are emitted from all three vehicular sources, but the highest percentage is found in the exhaust.

While it is possible that some hydrocarbons may have a carcinogenic (i.e. cancer causing) effect, the exact health hazards presented by hydrocarbons are not yet well understood.

Some hydrocarbons interact with nitrous oxides in the presence of sunlight-producing smog, and cause eye irritation and damage to vegetable life.[16]

3. Oxides of nitrogen

In New York City the automobile is responsible for 17.3 per cent of the oxides of nitrogen in the atmosphere.[17]

The higher the combustion temperatures

Footnotes at end of article.

and the less rich the fuel mixtures, the more oxides of nitrogen are produced.[18] This is almost the exact opposite of the pattern for the production of carbon monoxide and hydrocarbons. Thus, the present required pollution control devices, which are aimed at abating carbon monoxide and hydrocarbons, have actually *increased* the amounts of nitrous oxides produced by controlled automobiles.[19]

Oxides of nitrogen are insoluble and when breathed deeply can cause bronchial and pulmonary damage. Prolonged exposure in mines and silos has resulted in death. Intermittent exposur. to higher levels appears to cause worse damage than continuous exposure at lesser levels.[20]

4. Lead

The great majority of all lead found in the atmosphere is emitted by automobiles.[21] In fact, "of the lead used in chemicals, virtually all is consumed in the production of gasoline anti-knock additives, i.e. tetraethyl and tetramethyl lead." [22]

"On the average, each gallon of gasoline contains about 2.5 cubic centimeters of tetraethyl lead. Most of this amount is exhausted in the form of particles, the majority of which remain *suspended* in the atmosphere for a long time." [23]

Ingested lead attacks the central nervous system, peripheral nerves, smooth muscle, and reproductive organs.[24] It has been known both to cause brain damage in children who have eaten paint from peeling walls or toys, and to shorten life spans of test animals which have been fed lead in amounts equivalent to the present human intake.[25]

The connection between lead poisoning and airborn lead originating from automotive exhausts has been the subject of considerable recent study. See Section IV–B for an analysis of these studies.

5. Oxidants

Oxidants and ozone result mainly from the photochemical reaction of hydrocarbons and oxides of nitrogen.

They cause irritation to the eyes and, in high enough quantities, have been known to impair the athletic performance of school children and hinder breathing of those affected with lung conditions such as emphysema.[26]

SECTION II. PRESENT REGULATION

A. Federal statute

The 1965 amendments[1] to the Clean Air Act of 1963[2] gave the Secretary of H.E.W. the authority to establish national standards for the control of automotive air pollution.

The Air Quality Act of 1967[3] specifically pre-empted states from adopting automotive emission control standards for new motor vehicles[4] (with the provision for a waiver for states which had adopted emission standards prior to March 30, 1966.[5] California was the only state which qualified for the exception). Section 210 of the 1967 legislation required fuel manufacturers to *register* data on fuel additives with the Secretary of H.E.W. and section 209 authorized the Secretary to make *grants* to state air pollution control agencies to develop uniform inspection and emission testing programs.

Regulations

Under the authority of the 1965 legislation, the Secretary of H.E.W. has promulgated two series of emission control standards:

1. In 1966, regulations were issued for crankcase and exhaust emissions for gasoline-powered motor vehicles and motor vehicles under one-half ton beginning with model year 1968.[6] The crankcase standards simply prohibited crankcase emissions from being "discharged into the ambient atmosphere from any new motor vehicle.[7] The exhaust standards[8] limited hydrocarbon and carbon monoxide emissions according to the size of the engine.

Engine displacement (cubic inches)	Hydrocarbons (p.p.m.)	Carbon monoxide (percent by volume)
50 to 100	410	2.3
100 to 140	350	2.0
Greater than 140	275	1.5

2. In 1968, regulations covering automobiles beginning with model year 1970,[9] provided two standards according to the size of the engine—those for light-duty engines (defined as 6,000 pounds g.v.w. or less)[10] and those for heavy-duty engines (defined as more than 6,000 pounds g.v.w.).[11]

The standards of light-duty engines are as follows:

Hydrocarbons—2.2 grams per vehicle mile.

Carbon monoxide—23 grams per vehicle mile.[12]

These are somewhat more stringent than the 1968 model year regulations and convert to maximums of approximately 180 p.p.m. for hydrocarbons and 1 per cent by volume for carbon monoxide.[13]

The new regulations also require that emissions from heavy-duty engines not exceed the following maximums:

Hydrocarbons—275 p.p.m.

Carbon monoxide—1.5 percent by volume.[14]

In addition, standards were issued for diesel engines based on the capacity of smoke emissions[15] and a limit of 6 grams per test for hydrocarbons was placed on evaporation of hydrocarbons from the gas tank.[16]

New York State

Article 12–A of the Public Health law enacted in 1957 created a state air-pollution control board and vested it with authority to promulgate regulations for the control of air pollution;[17] and authorised the Commissioner of Health to enforce these regulations.[18] To date, these regulations have:

1. Required devices which return stipulated percentages of the *crankcase* blowby to the induction system.[19] This standard has been in effect since 1963 and has been made stricter for cars beginning with model year 1968.

2. Re-enacted federal *exhaust* emission standards for model years beginning with 1968.[20] (While the federal standards regulate the new automobile industry in Detroit, the state standards apply to cars once they are registered within the state.)

New York City

New York City has, under its Air Pollution Control Code, two regulations which deal with automotive pollution: The first makes it illegal to operate a motor vehicle at *idle* for more than three consecutive minutes under certain specified conditions.[21] The second requires that a motor vehicle cannot be operated which emits *visible smoke* or fumes while stationary for longer than ten consecutive seconds or while moving for a distance of over 90 yards upon the city streets, roads, or highways.[22]

SECTION III. WHY THE PRESENT REGULATION DOES ALMOST NOTHING TO RELIEVE THE PROBLEM

The recent federal and state efforts to curb automotive air pollution have been *insignificant*. A U.S. Senate Commerce Committee Staff reported that the present standards "will not stabilize, much less reduce, vehicular air pollution." [1] That same report concluded that with the present controls, automotive air pollution will double in the next 30 years.[2] There are at least five reasons for this:

1. *Smoke* emission controls bear little relation to the pollution danger.

Statutory controls, such as the New York City ordinance, which focus on smoke emission miss the point. Most of the really dangerous emissions from automobiles are in the form of gas, vapor and microscopic particulate matter which are *not* normally *visible*.[3] Therefore, those vehicles which are the most dangerous polluters do not necessarily fall within the scope of such an ordinance.

Furthermore a prohibition against smoke emissions is difficult to enforce on a scale large enough to effect a significant reduction in the tons of pollutants which pour into the city's atmosphere every day.

The most effective way to police automotive pollutants is to attack them at their source—the production of automobiles—but this area has been pre-empted by the federal government and has as of yet only led to standards inadequate even to stabilize the rise of automotive air pollution.

2. Even with the new Federal standards the amount of pollutants in the air attributable to automotive sources will *increase*, because the *number of cars* in the United States is expected to increase greatly.

Under existing controls, automobile air pollution in the United States will *double* in the next *thirty years* because of the projected increase in the number of vehicles and the miles driven by each vehicle.[4] In 1966, when the first federal standards were issued, there were approximately 95 million motor vehicles in the United States.[5] Well before the end of the last year that figure had passed 100 million[6] and the total number of cars in the country has been projected to reach as high as 150 million by 1980.[7]

Of the total of 100 million cars registered in the U.S. in 1969, some two million operated in New York City, with more than half of them in Manhattan:[8] *one million cars in Manhattan*. In 1960 it was estimated that 589,700 cars entered the Manhattan Central Business District daily.[9] Recently, the New York City Traffic Department estimated that the numbers had grown to 665,000 cars per day.[10] The most recent estimate by the Tri-State Transportation Commissions estimates that the figure may now be 684,000 vehicles per day.[11]

Tests performed in California indicate that under existing emission control standards, because of the continued growth in the automobile population, the total emissions of carbon monoxide and hydrocarbons are expected to double. (See charts on page 14) [12]

3. Even if the standards prescribe realistic emission levels on new cars, there is a very significant *time lag* before the entire automobile population is affected.

Federal standards only affect new cars. New vehicles introduced in any one year make up only *10* percent of the total stock.[13] It has been estimated that even if extremely low emission vehicles were required by federal statute, it would still take six years before 50 percent of the total car population was within these standards and nine years before it would represent 75 percent of the total.[14]

4. Present emission controls do not reduce nitrous oxide levels—they increase them significantly.

The federal and state regulations cited in Section II provide no standards for nitrous oxides, the major factor in photochemical smog production.[15] This unfortunate situation results because the best way to reduce carbon monoxide and hydrocarbons is to raise the combustion temperature. This, however, increases the production of nitrous oxides[16] But it is not as if nitrous oxides are left unaffected; the federal emission control standards actually result in signficantly *higher* levels of nitrous oxide emissions.[17]

California has enacted standards for the control of nitrous oxides.[18] These do not go into effect until 1971, however, and some doubt has been expressed whether conventional cars can be produced which will meet

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Footnotes at end of article.

both their standards and the standards for other emissions.[19]

The chart[20] (omitted) shows the resultant increase in such NO_x emissions under the current controls.

5. There is no assurance that the control devices presently required by law meet even the present minimal standards.

No one knows how the present control devices work over any extended period of use.[21]

Since the control system impedes the efficiency of the engine, some drivers may be prone to disconnect the device.[22]

The tests for federal and state certification of new vehicles under the statutes cited above are done on prototype models, with no check on whether actual production models operate as effectively once on the road.

(California tests on actual production models, have demonstrated that in three test years, 1966–68, "average emission levels for hydrocarbons exceeded the standards used to certify new vehicles for all *three* years," and carbon monoxide emissions exceeded the standards for *two* of the three years.)[23]

The federal test cycle is totally inappropriate to New York City traffic conditions because: a) The Federal compliance procedure is based on the "California Cycle" test which is designed to "simulate an average trip in a metropolitan area of twenty minutes from a cold start,"[24] which is not representative of current vehicular patterns outside the Los Angeles area where the Test Cycle was first developed.[25] b) A recent study[26] specifically reported that "the federal cycle gave average hydrocarbon and carbon monoxide values for the test fleet which were 52% and 84% respectively of those shown by the N.Y.C. comprehensive procedure";[27] because unlike Los Angeles, in New York City, vehicles spend *34%* of their time *idling*, and travel at an average weighted speed of 13 miles per hour.[28]

New York City is faced with the following facts: it is being strangled by pollution; the automobile is by far the greatest contributor of air pollution in the city; and the automobile is not being effectively controlled by either the federal or state governments.

These facts lead to the conclusion that the city itself must act. The following sections present several suggested forms of action.

SECTION IV—RECOMMENDATIONS

A. Recommendations with regard to the vehicle:

New York City should lead the way in the development of a true low emission vehicle. The city should, (1) commence testing *experimental* engine forms in urban conditions; (2) set up its own city fleet and the city's taxi fleet as a guaranteed market for low-emission vehicles.

Feasibility of low-emission vehicles

The solution to the automotive air pollution problem is the development of an automobile that does not pollute. Either the internal combustion engine (I.C.E.) must be controlled or some *new power plant* must be developed for the automobile. It is not clear whether it will ever be possible to bring I.C.E. emission levels down to something approaching pollution-free exhaust.[1] Even reports which foresee possible control concede that such control could not be achieved before the 1980's, and even then emission levels are foreseen as high as 25 p.p.m. for hydrocarbons; .25 percent for carbon monoxide and 100 p.p.m. for nitrous oxides.[2]

While there has been much talk about the possibility of developing alternatives to the internal combustion engine, the assumption has always been that such an approach is unrealistic. That assumption is *incorrect*.

A recent staff report by the Senate Commerce Committee concluded that one such alternative engine form—the Rankine Cycle Propulsion System—"Is a *satisfactory* alternative to the present internal combustion engine in terms of performance and a *far superior* engine in terms of emissions."[3] Other experimental cars are in actual use today.[4]

Considerable experimentation has been done on still others which hold out the promise of providing 100% pollution-free performance.[5]

While the number of low-emission vehicles now being developed is quite large, several types hold out truly significant promise.

1. The Rankine Steam Engine:

The Rankine engine is an external combustion engine. A working fluid is heated to a vapor which drives either pistons or a turbine. It is heated externally by a burner using low-grade gasoline or kerosene. Because the fuel is burned rather than exploded, the *combustion* is more *complete* than the I.C.E. Thus, there are fewer emissions.[6]

Such an engine is now being produced for installation in conventional auto chassis by companies such as the Williams Engine Company. One eight-year old Williams car produced the following results (which are compared with the performance of an uncontrolled engine:[7]

	8-year-old Williams steam car	Uncontrolled internal combustion engine
Hydrocarbons (p.p.m.)	20	900
Carbon monoxide (%)	.05	3.5
Nitrogen oxides (p.p.m.)	40	1,500
Lead	None	(1)

[1] Depending on type of gasoline used.

Some of the excitement over the steam car was undercut last November when it was reported that William Lear, the entrepreneur who had been the chief exponent of steam cars, had "thrown in the sponge on steam."[8] Lear claims this was incorrect,[9] however, and he is proceeding with development of his own piston steam motor project, as well as several other systems.[10]

According to the Senate report which concluded that the Rankine engine was a preferable alternative to the I.C.E., "The Rankine vehicle is more economical to operate because it gets better gasoline mileage using less expensive fuels, and because it has better maintenance and reliability potential. Its acceleration, auxiliary operation, and braking characteristics are superior to those of the I.C.E. Alleged "problems" on applying Rankine cycle systems to automotive use have been or are being solved. The Rankine cycle engine is as safe as the I.C.E.; it consumes no more water; freezeup can be avoided; and startup time is satisfactory. In terms of the all important exhaust emission characteristics, the Rankine cycle system is far superior to the I.C.E. and if the I.C.E. becomes more competitive in this area, it will become less competitive in terms of gas mileage, maintenance and reliability."[11]

2. Gas Turbine Engines:

Gas turbine engines for automotive use have been produced by Chrysler Corporation since 1952.[12] Chrysler has now produced a "fifth generation car" which they estimate will cost the same as present piston engines in large quantities.[13] In addition, Lear Motors is now focusing on gas turbine electric drive systems as a refinement of that system.[14]

Data on emissions from gas turbines indicates that they too offer significant promise in reducing automotive air pollution:[15]

	Manufacturer		
	A	B	C
Hydrocarbons (p.p.m.)	40	100	55
Carbon monoxide (percent)	0.14	0.3	(1)
Nitrous oxides (p.p.m.)	[2]1,400	350	200

[1] Not reported.

[2] Later information indicated that a considerable improvement in this level of nitrous oxides was effected by minor design changes.

3. Electric Battery Power:

The battery driven electric automobile offers the promise of a totally pollution-free vehicle. Such cars have been produced, and in fact, demonstrated this past year in Central Park.[16]

Senate hearings disclosed that because of a lack of research and development the electric vehicle had not yet developed the speed or range necessary to make them a feasible alternative to the present I.C.E. engine.[17] While it is believed that new battery concepts will be developed in the near future, none of these could be brought to a commercial production scale in less than 5 to 10 years "unless accelerated development and engineering programs were initiated."[18]

This is a theme that is repeated throughout this area. Many new systems hold out the promise of dramatic results, but development is painfully slow because of the lack of industry initiative or funds in sufficient amounts to spur independent research on a truly large scale.

4. Others:

A wealth of other systems are in various stages of development. These include refinements of the I.C.E. system such as the use of catalytic converters to reduce the pollutants in the exhaust to less harmful compounds and the use of different fuels such as liquified petroleum gas and liquified or compressed natural gas.

In addition other new power plants such as fuel cells, rotary engines and gas cycle (Stirling) Engines have been developed. A General Motors Stirling electric car recently was found to yield as little as 0.006 gram per mile of hydrocarbons, 0.3 gram per mile of carbon monoxide and 1.0 grams of nitrogen oxide per mile.[19]

Why have these new cars not been developed to a greater extent? The Commerce Committee report on low-emission vehicles[20] pointed to three major obstacles to the development of the Rankine steam engine: inertia of the automobile industry; the petroleum industry; and the costs of introducing the Rangine propulsion system in the face of industry inertia.[21]

It is extremely difficult to produce a competitive low-emission vehicle independent of the major auto manufacturers. It has been estimated that the start-up costs for entering the passenger vehicle market are about $300 to $400 million.[22] This includes the money necessary to sustain a fairly high rate of production in order to reduce the unit cost of each vehicle as well as the money necessary to establish dealerships, service facilities, etc.

If the auto industry is not pursuing the development of a low-emission vehicle vigorously and if it is so extremely difficult for an independent to produce these cars competitively, what can be done? Two forms of immediate action are suggested:

(1) Set up the city's fleet and the city taxi fleet as guaranteed markets for low-emission vehicles; and

(2) Grant funds for a demonstration project designed by the Air Resources Department to demonstrate the feasibility of low or non-polluting motor vehicles for urban service.

Footnotes at end of article.

1. *Guaranteed Market.*

A. *Purpose:* The purpose of setting up the city's fleet and the taxi fleet as a guaranteed market is to provide faster development of low-emission vehicles by enabling innovative developers to market these cars before they become completely cost competitive.

The developer would know that he would be able to sell these vehicles in a specialized market until his production reached a level at which he could sell these vehicles competitively.

Moreover, if the developer is an independent, such fleet sales would eliminate the need for dealerships, as well as the need for service centers, since both fleets mentioned here have their own service systems.

B. *Precedent:* New York would not be the only government body offering such a subsidy were the City Council to enact legislation to this effect.

The State of California under its Low-Emission Vehicle Act [23] has set aside up to 25% of its fleet as a market for vehicles that meet rigid performance, maintenance and emission standards. Cars which meet these standards would be purchased if the average servicing and maintenance costs do not exceed the same costs of all other state passenger cars by more than 50% and if the cost of the vehicle itself does not exceed by more than 100 percent the average cost of state passenger vehicles purchased in the preceding year.[24]

Legislation to much the same effect has been introduced into the U.S. Senate by Senator Magnuson.[25] This bill would set aside the entire federal fleet—some 46,430 buses, trucks and ambulances, and 15,706 passenger cars [26] as a guaranteed market with a "bonus" of 25 percent of present procurement costs, as opposed to the 100 percent bonus offered by California. (Just recently President Nixon indicated he might favor a 100% bonus for such a program.) [27]

Such action on both the federal, state and local level has been recommended by the Senate Commerce Committee.[28]

C. *How the Program Would Operate:* The Department of Air Resources would be responsible for certifying low-emission vehicles. To be certified a vehicle would have to meet three criteria.

First of all, the vehicle would have to meet the three California low-emission vehicle standards which are:[29]

Hydrocarbons: not more than 0.5 grams per mile.

Carbon monoxide: not more than 11 grams per mile.

Nitrous oxides: not more than 0.75 grams per mile.

Second, the vehicle would have to be determined by the Commissioner to be a suitable substitute for a class or model of vehicle presently in use by the various New York City agencies or taxi fleets. In making this determination, the Commissioner would, in cooperation with the City Purchase Department (in the case of the city's fleet) or with the Hack Bureau (in the case of the taxi fleet), consider the following criteria:

(1) The safety of the vehicle.
(2) Its performance characteristics.
(3) Its reliability potential.
(4) Its serviceability; and
(5) Its fuel availability.[30]

Third, the vehicle would have to meet established cost criteria. It is felt that the California legislation and the proposed federal legislation offer two useful models for establishing these cost criteria. The California statute would make low-emission vehicles eligible if their maintenance costs were no more than 150 percent of present maintenance costs and their procurements costs were no more than 200 percent of present procurement costs. The proposed federal legislation would establish eligibility if both maintenance and procurement costs are no more than 125 percent of present costs.

It is felt that it would be wise to follow one of these two formulae so as to avoid a proliferation of subsidy arrangements and fragmentation of the market we are trying to create.

Important considerations to be weighed in choosing the appropriate cost formula include the following:

(1) The 100 per cent bonus is likely to produce significant results much quicker.

(2) The cost of the 100 per cent bonus can be minimized by setting aside only a portion of the fleet as was done in California.

(3) The 100 per cent bonus may be much too high for such expensive vehicles as buses and trucks. Note that the California legislation covers only passenger vehicles, while the proposed federal legislation covers all vehicles.

(4) It may be preferable to follow the lead of the federal government since the market there will be very sizeable, although as indicated above, the federal government might set their subsidy at 100 per cent.

D. *Cost to the City:* As of December 11, 1969, the city fleet totaled *12,299 vehicles.*[31]

The breakdown was as follows:

Automobiles:	
Police (plus 582 scooters)	2,143
Others	1,438
Total	3,581
Trucks:	
Sanitation	4,600
Others (police 278)	4,118
Total	8,718

In addition, 4,400 buses are owned by the Transit Authority for the two bus lines it operates.

Last year, the average purchase price of a police car was $2,600. The average price of other passenger vehicles was $1,800. Thus, the total cost for police vehicles was $5,571,800 and for other passenger vehicles $2,588,400. Thus, with a 25% bonus, the extra cost of purchasing low-emission passenger vehicles, based on present cost figures would be:

Police	$1,392,950
Others	647,100
Total	2,040,050

The cost figures for such a program relating to trucks is a bit more difficult to compute, given the wide range of sizes and uses of the vehicles that make up the city's fleet of trucks. The total truck fleet costs about $40 million, however, so that a 25% bonus here would occur it would involve an extra cost of about $10 million. Thus, the cost of refitting the entire fleet, all at the same time (which is quite unlikely) would be approximately $12 million.

Using the California formula of 100% on up to 25% of the passenger vehicles, the cost would be twice as much as the figure for passenger vehicles in the above formula—$4,080,100.

It must be kept in mind that none of these costs would be incurred immediately. Nor is it likely that the entire cost would become due in any one year. It is only as low-emission vehicles are developed and then certified for city service that they would then be purchased as substitutes for certain classes of vehicles in the fleet.

As for the cost to the taxi fleet, no exact figures for cost of cabs was obtained, but the total number of registered taxicabs in the city totals 11,799 with 6,900 of those being fleet owned and 4,700 privately owned.[32]

The Council not only has authority to require the purchase of such low-emission vehicles by the taxi fleet, but also the power to raise rates, if necessary, to cover the increased costs to the taxi industry when such purchase is required.

Authority to regulate the New York City taxi industry rests with the City Council and the mayor.[33] They "retain immediate jurisdiction over rates of fare but delegate administrative authority to the Police Department Hack Bureau, which licenses owners and drivers, promulgates and enforces operating rules to govern their conduct, establishes physical specifications for taxi vehicles, and determines within limits how many taxis shall be licensed" [34]

E. *Direct Benefit to the City:* The major purpose of this suggested legislation is to spur the development of new low-emission vehicles—a result which would be of benefit to the entire country as well as to the inhabitants of the city.

The air-pollution problem, however, is most extreme in our large urban centers. New York is one of the most burdened cities in this regard, and it is for this reason that it is strongly recommended that the city assume part of the leadership in fostering truly effective long-range solutions to the problem. This is not to say, however, that very siginificant direct benefits would not accrue to the city. Quite the contrary.

A changeover to low-emission vehicles in the taxi fleet alone could reduce the concentration of certain pollutants in the atmosphere as much as 50%. Taxis account for about half the vehicle mileage in Manhattan's Central Business district.[35] This area—which extends from the tip of Manhattan up to 60th Street—is the most polluted area in the entire city.[36]

By almost completely reducing exhaust emissions from taxicabs, automotive air pollution in the area could be reduced by almost 50 per cent. Since the automobile is responsible for nearly all the carbon monoxide in the atmosphere, the concentrations of this particular pollutant could be cut nearly in half.

By de-polluting the city's fleet, New York would gain increased credibility in its fight against pollution. In 1966, it was pointed out in a task force report [37] that the city could not hope to be taken seriously in its efforts to combat pollution if it did not "put its own house in order". The report found that:

"The city is a gross violator of its own laws against air pollution. Its public transportation system, its incinerators, its heating furnaces, its hospitals and schools spew out vast quantities of filth and poisons. There is as a result an air of hypocrisy in the city's actions against citizen violators of clean air".[38]

2. *Demonstration project:* The Department of Air Resources has submitted a budget request [39] to test and evaluate urban vehicles with power sources other than the I.C.E. The total cost of the project would be $344,675, but only $43,085 of that would be city funding—the rest to come from state and federal sources.

In the study five automotive systems would be tested:

1. Liquefied petroleum gas fueled internal combustion engines (I.C.E.)
2. Liquefied natural gas fueled I.C.E.
3. Compressed natural gas fueled I.C.E.
4. Steam
5. Electric Power

This project would generate needed information on the performance of low-emission vehicles in the urban conditions of New York. Furthermore, the testing which would be done is a necessary first step before the city can engage in a purchase program.

Such testing programs are not unusual on the part of city and state governments. The State of California has undertaken an experiment in which four steambuses are to be tested on regular mass transit schedules.[40] Dallas, Texas has announced a freon vapor bus experiment.[41]

Footnotes at end of article.

PROPOSED LEGISLATION

A Local Law to amend the administrative code of the city of New York, in relation to the purchase of low-emission vehicles.

Be it enacted by the Council as follows:

Sec. 1. The Council finds and declares that emission of pollutants from motor vehicles is a major contributor to air pollution within the city of New York and, therefore, declares its policy to encourage the development and testing of various types of low-emission motor vehicles, which would contribute substantially to achieving a pure and healthy atmosphere for the people of this city.

Sec. 2. As used in this chapter "low-emission motor vehicle" shall mean a self-propelling vehicle which does not have exhaust emissions of more than 0.5 gram per mile of hydrocarbons, 11 grams per mile of carbon monoxide, and 0.75 gram per mile of oxides of nitrogen.

Sec. 3. Low-emission motor vehicles shall be submitted to the city Department of Air Resources for testing to determine if such vehicle meets the standards set forth in Section 2.

Sec. 4. After determining that the low-emission vehicle meets the standards prescribed by Section 2, the Department of Air Resources in consultation with the City Purchase Department (with regard to purchases for the city's fleet) and with the Hack Bureau of the Police Department (with regard to purchases of taxicabs) shall determine if such low-emission motor vehicle is a suitable substitute for a class or model of (passenger) vehicles presently in use by the city of New York or by the licensed taxicabs in the city of New York. In making the determination under this section the Department of Air Resources shall consider the following criteria:

(1) The safety of the vehicle;
(2) Its performance characteristics;
(3) Its reliability potential;
(4) Its serviceability; and
(5) Its fuel availability.

Sec. 5. Low-emission motor vehicles which meet the standards prescribed by Section 2 and which have been determined under Section 4 to be suitable for use as a substitute for a class or model of (passenger) vehicles presently in use by the city of New York shall be acquired by purchase by the city for use by the city government in lieu of other vehicles if the city Purchase Department determines that such certified vehicles have procurement and maintenance costs which are no more than per centum of the procurement and maintenance costs of the class or model motor vehicles for which they are to be substituted.

Sec. 6. Low-emission motor vehicles which meet the standards prescribed by Section 2 and which have been determined under Section 4 to be suitable for use as a substitute for a class or model of vehicles presently in use as a licensed taxicab in the city of New York shall be designated by the Hack Bureau of the city Police Department as the only approved vehicle qualified for licensing as a public taxicab within that model or class of vehicles if the Hack Bureau determines that such certified vehicles have procurement and maintenance costs which are no more than ——— per centum of the procurement and maintenance costs of the class or model motor vehicles for which they are to be substituted.

SECTION IV

B. Recommendations with regard to gasoline

The city should limit or ban the sale of leaded gasoline.

Most of the lead (tetraethyl) in gasoline is spewed from the exhaust pipe and becomes an air pollutant which poses a possible health hazard. The remaining lead is deposited in the engine where it causes increased emission of other air pollutants and destroys anti-pollution equipment.

(1) Health effects of exposure to atmospheric lead:

Because the particles of lead compounds in motor vehicle exhaust are extremely small, they are readily absorbed by the human respiratory system.[1] Lead absorbed by the human body will increase the body *burden* of lead unless it is excreted as fast as it is absorbed: thus, the total body burden of lead is in part a function of respiratory exposure.[2]

Levels of blood lead in excess of the level found in the average urban dweller to have a serious effect on health: lead poisoning (Lead poisoning is associated with blood levels of lead in excess of 80 micrograms per 100 grams of blood.[3]) arises from exposure of industrial workers to lead and from the eating of leaded paint by children; large doses of lead salts have induced lymphatic leukemia [4] in mice and have produced chromosome breaks [5] and malformations [6] in mice and hamsters; brain damage in an adult was recently diagnosed as the result of sniffing leaded gasoline.[7]

Recent evidence demonstrates that a normal urban exposure to lead leads to blood levels which inhibit a specific enzyme activity in the blood.[8] While a physiological effect need not entail a direct effect on health, it may exacerbate a pre-existing condition among sensitive individuals. Thus, lead exposure may reveal latent genetic defects or contribute to producing ill health.[9]

Lead in the atmosphere will increase the chance that children who have eaten leaded paint will suffer from lead poisoning.

While it has been suggested that a safe long-term level of atmospheric lead is 2 micrograms of lead per cubic meter of air,[10] a recent study (Conducted by the New York City Department of Air Resources) indicated an average of 7.5 over a ten-week period at East 45th Street (15 measurements were higher than 20 micrograms).[11] Other studies have indicated an average of 3.82 for the Bronx and 2.99 for Manhattan.[12] And, of course, traffic volume will increase. To reduce New York City's atmosphere to a lead level of 2, the City will have to reduce drastically either the level of traffic or the amount of lead in gasoline.

Because the urban environment is so full of pollutants, it is difficult to isolate one factor as the independent cause of damage to health. Numerous experts, however, have concluded that there is a *substantial chance* that continuous exposure to urban levels of atmospheric lead does affect human health.[13] Sweden, Switzerland, the Soviet Union, and Japan have either banned lead additives or instituted controls on their use,[14] and California is now considering such legislation.[15]

(2) Leaded gasoline: an indirect cause of air pollution:

In a car not equipped with anti-pollution devices, an increase of nearly 50% (The mean level of hydrocarbon emission over the first 18,000 miles of operation is 150 parts per million greater for an automobile using gasoline with 3.2 grams of lead per gallon as compared with an automobile using unleaded gasoline [16]) in the level of *hydrocarbon* emissions when using leaded gasoline is thought to result from deposits of lead on the cylinder heads which increase the surface area of the cylinder.[17]

Lead in gasoline *inhibits* the development and operation of antipollution devices for automobiles. All of the methods used by the major automobile manufacturers to meet Federal emission standards for 1968 and later model years are undercut by the presence of lead in gasoline.[18]

The most promising device for the future is the so-called catalytic converter (one catalyst containing a precious metal removed 69% of the hydrocarbons and 70% of the carbon monoxide after 50,000 miles of operation on unleaded fuel [19]), a device which oxidizes hydrocarbon and carbon monoxide emissions. Recent tests employing a commercially available converter indicated that the converter would last four times as long on unleaded gasoline as compared with leaded. Leaded gasoline causes severe deterioration of the ability of the catalyst to oxidize hydrocarbons. The tests indicate an estimated half-life of 33,000 miles on unleaded gasoline as compared with 7,500 miles on gasoline containing 3.2 grams per gallon.[20]

(2) Proposed action:

New York City should pass an ordinance *reducing* by stages the permitted *lead content* of gasoline sold in the City. (Alternatively, New York City could request that New York State establish *differential taxes* on leaded and unleaded gasoline, either for sales within the City or for all sales in the State. Lower taxes for unleaded gasoline could be designed to compensate (or perhaps more than compensate) for the increased cost of refining unleaded gasoline. However, this approach is less useful because its effectiveness depends upon State action and a prediction of the cost differential between leaded and unleaded gasoline.) The ordinance should be similar to a bill recently introduced in California providing for a reduction in lead content from the present 2–3 grams per gallon to zero over the next four years. (Assembly Bill No. 79 provides: The content of lead in any form in each gallon of gasoline sold in this state shall not exceed: (a) On and after July 1, 1971, 2.0 grams; (b) On and after January 1, 1972, 1.0 gram; (c) On and after January 1, 1973, 0.5 gram; (d) On and after January 1, 1974, 0.0 gram. Every person who violates any provision of this chapter is guilty of a misdemeanor.) (Any ordinance should provide for an eventual zero level, since intermediate levels of lead still cause serious damage to anti-pollution devices.) [21]

The "big three" automobile manufacturers have all shown enthusiasm for the production of slightly modified internal combustion *engines* designed to operate on lower octane unleaded gasoline. Chrysler has stated that it is "ready at any time" to provide engines which will operate on lower octane unleaded gasoline.[22] Henry Ford II stated that "just as soon as we are assured that an adequate supply of (lead-free fuel) will be available, we will build our new cars with modified power systems so that they can operate efficiently with the new fuel." [23] General Motors "is prepared to move promptly. . . ." [24]

Standard Oil of Indiana currently markets an unleaded premium gasoline under its Amoco trademark. Atlantic Richfield has announced plans to supply the California market with unleaded gasoline by late 1971.[25] Passage by New York City of a direct ban on the sale of unleaded gasoline would increase the size of the guaranteed market for unleaded gasoline and might induce the production of unleaded gasoline for the national market. (4) Cost consequences of banning leaded gasoline.

The process unleaded gasoline of present octane ratings, petroleum refiners would face investment in new refining equipment and an increase in refining expenses. According to studies conducted under the auspices of members of the oil and lead industries, the increased cost has been variously estimated as 2.6¢ per gallon (Ethyl Corporation),[26] 1.1¢ to 1.5¢ per gallon (Universal Oil Products),[27] and 2.2¢ per gallon (American Petroleum Institute.) [28]

Increased costs of refining would probably be passed on to the consumer. An American passenger car uses an average of 686 gallons of gasoline each year,[29] the incremental cost to the average car owner would be only $10.29 per year if the price were increased by 1.5¢ per gallon and $17.15 per year if the price were increased by 2.5¢ per gallon.

Footnotes at end of article.

The above cost figures relate to production of unleaded gasoline of the same high octane rating as present leaded gasoline. If the automobile industry began to produce engines requiring gasoline of lower octane rating, the costs of refining would be less than those outlined above.

The oil industry might well develop improved technology in the face of a market for unleaded gasoline and thereby reduce costs.

PROPOSED LEGISLATION

A Local Law to amend the administrative code of the city of New York, in relation to the sale of gasoline.

Be it enacted by the Council as follows:

The content of lead in any form in each gallon of gasoline sold in this city shall not exceed:

(a) On and after July 1, 1971, 2.0 grams.

(b) On and after January 1, 1972, 1.0 grams.

(c) On and after January 1, 1973, 0.5 grams.

(d) On and after January 1, 1974, 0.0 grams.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor.

IV–C INTERIM RECOMMENDATIONS

The city should: one, require its own fleet and the taxi fleet to operate on unleaded gasolines; two, require its own fleet and the taxi fleet to install catalytic converters as pollution control devices as soon as is practicable; and three, direct the Hack Bureau to reconsider the size limitations for city taxis.

1. Unleaded gasolines:

See Section IV–B above for outline of adverse effects on health and air pollution control caused by the use of leaded gasoline.

By the changeover to unleaded gasoline in the taxi fleet alone, N.Y.C. would reduce by 148,000 pounds the yearly airborne lead in the atmosphere.[1]

The use of catalytic converters (discussed below) as a pollution control device is impossible as long as leaded gasoline is used by the city.

2. Catalytic converters:

Catalytic converters, investigated as antipollution devices for more than a decade,[2] contain a chemical catalyst over which exhaust fumes are directed. The carbon monoxide and hydrocarbons in the exhaust are oxidized and converted to less harmful compounds.[3]

Properly maintained converters have reduced emission levels to as low as 50 p.p.m. hydrocarbons and 0.5 per cent carbon monoxide.[4] (Emissions of nitrous oxides may also be able to be reduced through the use of catalysts but no workable system has yet been developed.)[5]

Although catalytic converters offer a major answer to the problem of automotive air pollution, they do not appear on cars today because the lead alkyls contained in almost all gasolines coat the catalyst and inhibit its reaction. (In tests conducted in California, catalytic converters which, after 12,000 miles of operation on unleaded gasoline, were still able to reduce hydrocarbon emissions to under 100 p.p.m., could not meet the 1966 California standards of 275 p.p.m. hydrocarbons after 6,000–12,000 miles of operation on leaded gasoline.[6]) Catalysts tested by General Motors have completed as much as 50,000 test miles while still operating at 70 percent conversion efficiency for both hydrocarbons and carbon monoxide—when operated on unleaded gasolines.[7]

Together with the change to unleaded gasoline, a changeover to catalytic converters on all passenger cars in the city fleet and the city taxi fleet could reduce the amount of hydrocarbons and carbon monoxide emissions attributable to these two fleets by as much as 550 percent and 300 percent respectively.[8]

The extra *cost* of unleaded gasoline used by the *city fleet* would be approximately $600,000 a year ($.02 per gallon times 30 million gallons used per year by the city fleet.) [9] The cost of outfitting the entire city fleet of 3,581 passenger automobiles with catalytic converters would be somewhere between $350,000 and $530,000. (3581 cars times $100 to $150 cost per converter).[10] Since 2143 of those cars would be police vehicles, it is quite significant that, unlike the present exhaust control packages, the catalytic converter causes little or no performance loss. [11]

The extra cost of unleaded gasoline to the *taxi* industry would be about $1 million. (2c per gallon times 50 million gallons consumed each year.) [12] The added costs to the taxi industry of placing catalytic converters on 11,800 taxicabs would range somewhere between $1.18 million and $1.75 million. (11,800 cabs times $100–$150 per cab).

When spread out over the entire industry, these costs are not great. A fare increase would not only take care of the cost but pass the cost on to the proper person—the person who chooses taxi service rather than other mass transit service.

Furthermore, it is very possible that the actual costs would be less than those estimated above because:

(a) After the introduction to the city's taxi fleet of the clean air package on all 1968 and later model cars, the taxicab industry has experienced a 10 percent increase in fuel consumption.[13] While this increased gasoline consumption may partly be attributable to increased congestion in the city as well, it is also a fact that the national average gasoline mileage figures for taxicabs also shows a reduction in gas mileage, although somewhat slighter than that experienced in New York City.[14]

(b) The catalytic converter on the other hand, does not reduce gas mileage.[15]

(c) By substituting the catalytic converter for the clean air package now required on all new automobiles, the taxi fleet may, in fact, enjoy a considerable savings in terms of gasoline consumption.

The changeover to catalytic converters would not violate the federal requirements. The regulations set up emission standards rather than require specific devices. Cars equipped with catalytic converters alone could easily be certified to quality under both the federal and state standards.

3. Hack bureau size specifications:

Smaller engines pollute much less than larger engines.

The Hack Bureau sets minimum interior size specifications for licensed taxis in the city,[16] which make it impractical for the industry to employ smaller engines.

Compact cars are used as taxis in many cities in Europe. The Yellow Cab Company in *San Diego*, California introduced 286 four-cylinder automobiles into their taxi fleet in 1967.[17] Not only were these cabs an improvement from a pollution standpoint, but they also passed on considerable savings to the taxi fleet in reduced gas, oil, and overhaul costs. Gasoline mileage with the four cylinder car was 17.1 miles per gallon as opposed to 15.5 miles per gallon with the 6 cylinder cars that had been used previously. Furthermore, the compacts used less oil, and their overhaul and tune-up costs were considerably lower.

These cars are now being phased out of service by the Yellow Cab Company, but for two reasons which could conceivably be overcome here:

(1) Passenger convenience: the Chevrolet Nova that was being used was somewhat difficult to get out of. This factor could be overcome by presenting Detroit with specifications for a specially-constructed vehicle for taxi use that avoided these problems.

(2) The clean air package required by California in 1968 resulted in significant power reduction in engines as small as those being used. This problem may very well be met by the use of catalytic converters rather than the standard clean air package. As noted above, the converters have been shown to have little effect on automotive power, and a combination of reduction in vehicle size and utilization of an alternative pollution device may work very well.

PROPOSED LEGISLATION

Resolution directing the city Department of Purchase henceforth to purchase only unleaded gasolines for use in motor vehicles owned and operated by the city government.

Whereas, the use of gasolines containing lead additives is found to present a serious threat to the health of the city's inhabitants; and

Whereas, the use of gasolines containing lead additives seriously impairs other efforts to curb air pollution attributable to automotives sources, be it

Resolved, that the Council of the City of New York directs the city Purchase Department henceforth to purchase only gasolines which contain no lead in any form for use in the motor vehicles owned and operated by the New York City government.

PROPOSED LEGISLATION

Resolution directing the Hack Bureau of the Police Department to require the use of unleaded gasoline in motor vehicles licensed to operate as public taxicabs within the city of New York.

Whereas, the use of gasolines containing lead additives is found to present a serious threat to the health of the city's inhabitants; and

Whereas, the use of gasolines containing lead additives seriously impairs other efforts to curb air pollution attribtuable to automotive sources; and

Whereas, public taxicabs have been found to be responsible for upwards of 50 per cent of the automotive air pollution in the most seriously polluted areas of the city, be it

Resolved, that the Council of the City of New York directs the Hack Bureau of the Police Department to require gasoline which contains no lead in any form for use in motor vehicles licensed to operate as public taxicabs within the city of New York.

PROPOSED LEGISLATION

Resolution directing all city agencies to attach a pollution control device known as a catalytic converter to all passenger vehicles owned and operated by such agencies as soon as is practicable.

Whereas, automotive air pollution has been found to present a serious threat to the health of the city's inhabitants; and

Whereas, the use of a catalytic converter as an anti-pollution device has been found to reduce significantly the amount of pollutants emitted by a motor vehicle, be it

Resolved, that the Council of the City of New York directs all city agencies to attach a pollution control device known as a catalytic converter to all passenger vehicles owned and operated by such agencies as soon as is practicable.

PROPOSED LEGISLATION

Resolution directing the Hack Bureau of the Police Department to require the use of a pollution device known as a catalytic converter on all motor vehicles licensed to operate as public taxicabs within the city of New York.

Whereas, automotive air pollution has been found to present a serious threat to the health of the city's inhabitants; and

Whereas, the use of catalytic converters as an anti-pollution device has been found to reduce significantly the amount of pollutants emitted by a motor vehicle; and

Whereas, public taxicabs have been found to be responsible for upwards of 50 percent of the automotive air pollution in the most seriously polluted areas of the city, be it

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Footnotes at end of article.

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Resolved, that the Council of the City of New York directs the Hack Bureau of the Police Department to require the use of a pollution device known as a catalytic converter on all motor vehicles licensed to operate as public taxicabs within the city of New York.

PROPOSED LEGISLATION

Resolution calling upon the Hack Bureau of the Police Department to reconsider its size limitations for motor vehicles licensed to operate as public taxicabs within the city of New York.

Whereas, it has been found that motor vehicles with smaller engines pollute less than motor vehicles with larger engines; and

Whereas, taxicab companies in other cities have experimented with the use of motor vehicles using smaller engines; and

Whereas, the present Hack Bureau specifications for minimum chassis and interior size make the use of motor vehicles with smaller engines impractical, be it

Resolved, that the Council of the city of New York calls upon the Hack Bureau of the Police Department to reconsider its size limitations for motor vehicles licensed to operate as public taxicabs within the city of New York.

D. Recommendations at the State level

The city should, through the home rule measure, request the New York state legislature to institute a "pollution fee" system for the state, or in the alternative, to institute such a fee system for New York City.

A person who drives an automobile imposes upon the entire community a cost—the pollution of the air—which the driver does not directly bear. The individual driver does not take these costs into account as part of the cost of operating his vehicle.

This problem could be solved by instituting a "Pollution Fee" which charged drivers an amount proportional to the pollution produced by their individual cars.

This fee could be effected by "amending" the recent Kheel proposal [1] for a rise in the State automobile registration fee—the funds of which would go to subsidize mass transit—by changing the increase in the fee from a constant amount to a sliding scale amount. Such action could be requested of the State legislature through the home rule measure.

Such a system would:

(a) Place the external costs caused by automotive air pollution on the automobile driver; and

(b) Provide incentives for automobile owners to attain the minimum possible emission level for their cars.

The system would operate as follows:

Each vehicle would be inspected under the state vehicle inspection law. Numerical readings would be obtained for both carbon monoxide and hydrocarbon levels. (When control of nitrous oxide becomes possible, reading would be obtained for this pollutant as well). These numerical readings would be forwarded to the State Motor Vehicle Bureau where they would then be multiplied by some constant monetary amount to determine the actual fee paid by the motorists. In this way motorists with high-polluting vehicles would pay a greater fee than motorists with low-polluting vehicles.

A motorist with a high pollution reading would be given time to have his car repaired so as to reduce the fee he would ultimately pay. In his way the existence of the fee system would encourage each motorist to operate his vehicle in as pollution-free a condition as possible.

Genuine low-emission vehicles are not yet available and pollution reducing devices such as the catalytic converter will remain impractical as long as lead additives remain in gasoline. Nevertheless, there are specific steps which can be taken to reduce the emission levels of existing cars, such as careful *maintenance*.

With cars equipped with the 1968 or 1970 "clean air package", *careful maintenance* of the pollution control system is necessary to insure continued efficiency. Even with "uncontrolled" cars produced before 1968, proper tuning can reduce hydrocarbon emissions by 25.5 percent and carbon monoxide by 26.7 percent at an average cost of $20.36 per tune-up.[2] (These figures are average reductions for the whole sample. Some of the cars were classified as high emitters. For these cars, the reduction in the hydrocarbon level averaged 49.0 percent and for the carbon monoxide level the average reduction was 29.7%.)

For controlled cars, 1968 and after, a tune-up can cause an average reduction of 12.5 percent in emissions of hydrocarbons and an average reduction of 30.0 percent in emissions of carbon monoxide at an average cost of tune-up of $13.08.[3]

The "Air Pollution Fee" must be sufficiently high to provide a definite *incentive* to utilize currently available pollution control equipment and to have periodic maintenance performed. A rule of thumb might be to set the fee so that the average saving on the fee would be two or three times the cost of properly maintaining standard clean air equipment. Thus, the fee could range from around $0 for tuned cars to about $40 to $60 for the worst controlled cars.

The fee must be administered so that it can be made responsive to changes in control equipment and maintenance costs.

One problem with the fee, of course, is that people would be penalized for keeping old cars that polluted at a high rate. A fee structured in this manner would fall most heavily on the poor who are the most likely to own the older vehicles. This can be overcome, however, by requiring only that the motorist make his present car as low a polluter as possible. A motorist, therefore, whose car had the lowest level of pollution output possible for its year and model would only have to pay the minimum. (If the minimum acceptable levels are too high, however, the plan would lose effectiveness. This is because the larger the group of people who pay no fee, the more likely it is that they represent a range of pollution levels going well below our exemption level, and many of these people who could be encouraged to make even further corrections on their car will not do so because they are exempted from the fee.)

A fast, reliable inspection scheme is, of course, crucial to such a pollution-fee system. Several quick-cycle tests have been developed, one of which seems particularly well suited for the system being proposed. That is the "Clayton Key Mode Cycle" [4] developed by the Clayton Manufacturing Company. This scheme gives emission level readout for three "key modes" (idle, low cruise, and high cruise), which can then be used to yield total emission figures for each pollutant. The test takes about 60 seconds and is easily standardized.[5] One feature of this test makes it particularly well suited to our proposal. The key mode cycle scheme has been developed with emission reducing maintenance in mind and is designed to diagnose the cause of the high emission.[6]

There are basically two alternatives on who could administer this inspection: (1) set up separate state inspection centers which do only such air pollution inspection; or (2) make the test part of the regular state inspection system which is now conducted by local gasoline and repair stations.

Arguments in favor of establishing a *separate* air pollution inspection system include:

It would be inadvisable to place such an essential part of this fee mechanism in the hands of local garage mechanics. The potential for *abuse* would be to great.

Present test equipment necessary to set up such an inspection center is quite *expensive* and this might place too heavy a *burden* on each local inspection station.

Testing can be done most efficiently in this way. A separate station would probably require two operators. In an 8-hour per day operation each station should be able to handle roughly 250 vehicles, each undergoing a 60-second test. The typical station would be able to handle about 65,000 vehicles each year. About 25 stations could thus test 1.5 million cars (New York City's car population) [7] annually.

If we assume that labor cost is $5 per hour and that two operators are required at each station, then each vehicle could be inspected for about $0.32.

Arguments in favor of placing the inspection scheme within the *present* system would include:

We could thereby *avoid* the necessity of foisting *two* separate yearly *inspections* (this one and the regular inspection) on motorists.

A check on honesty might be built into the system since it would not be to the local station attendant's advantage to falsify readings as being lower than they actually are because that would mean that he would be bypassing a sure tune-up fee.

The cost of purchasing such inspection equipment may be met through the increased income that would be generated by the increased tune-up and maintenance that will be done by the local station.

Even with a relatively successful pollution reducing operation, a not inconsiderable amount of *revenue* would be produced. It is recommended that the first claim on this revenue be the cost of administering the fee. The successful operation of the program requires an effective public information campaign, particularly with regard to the importance of proper maintenance. After such administrative expenses are met, the revenues should then go toward the subsidization of mass transit systems as was recommended in the Kheel proposals.

The proposed system would be *best instituted* on a *state-wide* basis. Pollution is a problem throughout the state and much of the contribution to New York City pollution is from vehicles registered to owners who are not city residents. The City Council should request the plan in this form. As an alternative, however, the city should request the state to institute such a pollution-fee system for the city alone with the revenues going to the city's mass transit after administration expenses are met.

PROPOSED LEGISLATION

Resolution Requesting the New York State Legislature to Pass Bills

An Act to amend the vehicle and traffic law in relation to the control of air pollution from motor vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (c) of section three hundred one of the vehicle and traffic law, as last amended by chapter eight hundred fifty-six of the laws of nineteen hundred sixty-six, is hereby amended to read as follows:

(c) [(1)] Such inspection shall be made . . . (the wording of this section remains unchanged) . . . for proper and safe operations.

[(2) With respect to any motor vehicles . . . (this entire section is to be deleted) . . . in the periodic inspection of motor vehicles.]

Section 2. Such law is hereby amended by inserting therein a new section, to be section three hundred one–a, to read as follows:

§ 301–a The Commissioner shall establish separate vehicle inspection facilities under his supervision for inspection with respect to vehicle exhaust emissions; and shall require that every motor vehicle registered in this State be inspected once each year under such separate facilities for the purpose of determining the amount of vehicle exhaust pollut-

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Footnotes at end of article.

ants being produced by that motor vehicle; and further shall cause to be recorded, for each motor vehicle inspected, 1.) the maximum allowable amount of exhaust pollutants that may be produced by a motor vehicle of the same model year; and 2.) the amount of exhaust pollutants that are actually being produced by the inspected vehicle. Such recording shall be known as the "motor vehicle pollution reading" and shall be administered in conformity to the following provisions:

(1) Definitions: As used in this section all terms not defined herein shall have the meaning given them in this title:

(a) "Model year" means the annual production period of new motor vehicles or new motor vehicle engines designed by the calendar year in which such period ends: provided, that if the manufacturer does not so designate vehicles and engines manufactured by him, then the model year with respect to such vehicles and engines shall mean the twelve month production period beginning January first of the year specified herein.

(b) "Light duty vehicle" means a motor vehicle designed for transportation of persons or property on a street or highway and weighing six thousand pounds GVW or less.

(c) "Heavy duty vehicle" means a motor vehicle designed for transportation of persons or property on a street or highway and weighing more than six thousand pounds GVW.

(d) "Gross vehicle weight" means the manufacturer's gross weight rating.

(e) "Exhaust emission" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

(2) For model years 1968 and 1969:

(a) Exhaust emissions from vehicles with an engine displacement of fifty cubic inches or more but not in excess of one hundred cubic inches shall not exceed:

(i) Hydrocarbons—410 parts per million by volume.

(ii) Carbon monoxide—2.3 per cent by volume.

(b) Exhaust emissions from vehicles with an engine displacement in excess of one hundred cubic inches but not more than one hundred forty cubic inches shall not exceed:

(i) Hydrocarbons—350 parts per million by volume.

(ii) Carbon monoxide—2.0 per cent by volume.

(c) Exhaust emission from vehicles with an engine displacement in excess of one hundred forty cubic inches shall not exceed:

(i) Hydrocarbons—275 parts per million by volume.

(ii) Carbon monoxide—1.5 per cent by volume.

(3) For model year 1970 and thereafter:

(a) Exhaust emissions for light duty engines shall not exceed:

(i) Hydrocarbons—2.2 grams per vehicle mile.

(ii) Carbon monoxide—23 grams per vehicle mile.

(b) Exhaust emissions for heavy duty engines shall not exceed:

(i) Hydrocarbons—275 parts per million.

(ii) Carbon monoxide—1.5 percent by volume.

(c) The standards set forth in paragraphs (a) and (b) of this paragraph refer to standards which shall be no less strict than the standards of the United States Department of Health, Education and Welfare applicable to the vehicle or engine when it was manufactured.

(d) For all motor vehicles of model year 1967 and older, the commissioner shall, in consultation with the commissioner of health, determine the maximum allowable exhaust emissions for each model year and make of car by taking into account the reduction in exhaust emissions that may be effected by proper maintenance or other means of control of exhaust emissions.

Section 3. Subdivision (a) of section three hundred three of the vehicle and traffic law, is hereby amended to read as follows:

(a) The commissioner is authorized to license official inspection stations for the purpose of making the inspection prescribed by this article, *except for those inspections prescribed by section 301–a of this article,* and for the purpose of . . . (the rest of the section remains unchanged.)

Section 4. Subdivision (b) of part (1) of section four hundred one of the vehicle and traffic law, is hereby amended to read as follows:

(b) Every owner of a motor . . . (portion not included here remains unchanged) . . . furnished by the commissioner for that purpose, containing: (a) a brief . . . (subsection (a) remains unchanged) . . . shall require; (b) the weight of the vehicle unladen; (c) the name, residence, including county and business address of the owner of such motor vehicle; *(d) a "motor vehicle pollution reading" as defined in section 301–a of the vehicle and traffic law;* [(d)] *(e)* provided that . . . (only the lettering of this section has been changed) . . . to the commissioner; [(e)] *(f)* in the case . . . (only the lettering of this section has been changed) . . . to the commissioner as he shall direct for filing.

Section 5. Part (6) of section four hundred one of the vehicle and traffic law is amended by adding a new subsection, to be subsection (c), to read as follows:

(c) In addition to the registration fee paid under paragraph (a), there shall be paid to the commissioner, or agent, upon registration or reregistration of a motor vehicle, a "pollution fee" in accordance with this article: The commissioner shall set the rate to be charged for automotive exhaust emissions in excess of the maximum allowable emissions set forth under section 301–a of the vehicle and traffic law, such rate to be set high enough to encourage owners of motor vehicles to maintain their vehicles within the maximum allowable emission standards. The commissioner shall then apply such rate to the motor vehicle pollution reading required under subsection (1)(d) of this section to determine the pollution fee to be paid by the owner of each motor vehicle."

Whereas, The enactment of the above State legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

Resolved, That Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid bill.

E. Recommendation for ordinances to prevent disconnection of anti-pollution devices

Because there is some evidence that currently-employed methods for reducing pollution also reduce gasoline mileage and engine power,[1] there is danger that the devices may be disconnected or rendered inoperative.[2] Annual inspections would not guarantee proper maintenance of the devices, for in many cases the devices might be connected for inspection and then disconnected.

Since members of the general public would be unlikely to perform the mechanical connection and disconnection, the most effective focus for legislation designed to insure proper operation would be the repair shops.

New York City is now contemplating the passage of an ordinance requiring that automobile repair shops be licensed by the City. We recommend that the ordinance include a provision that the license of any repair shop found to have disconnected an anti-pollution device or to have modified an engine in such a way as to make ineffective its anti-pollution characteristics shall be *revoked.*

To supplement this ordinance, New York City should recommend that the State of New York amend its air pollution legislation to provide penalties for any person who deliberately impairs the efficiency of any automobile's air pollution package.[3] Such an amendment would extend the margin of protection against abuse of air pollution devices beyond the City limits.

F. Recommendation on the issue of congestion

Two million cars operate daily in New York City, more than half of them in Manhattan, which is more than twice as many as the area was meant to accommodate.[1] The Grand Central area of Manhattan has become more congested than the densest sections of Calcutta, Tokyo, or Bangkok.[2] The number of cars entering the city continues to increase every year.[3] Truck traffic is also on the rise [4] with some reports indicating that trucks may now be responsible for 40 percent of the automotive air pollution in the Central Business District.[5]

Traffic congestion and automotive air pollution are intimately related. (See charts on succeeding pages (omitted).) [6] Any increase in the number of cars is bound to cause an increase in automotive air pollution.

Moreover, as a result of congestion, cars travel more slowly. In New York City it has been estimated that motor vehicles spend 34 percent of their time idling and travel at an average weighted speed of only 13 miles per hour.[7] Because cars are travelling at a much slower pace, they are on the road polluting for that much more time. Even worse, the production of exhaust pollutants by the internal combustion engine is greatest when a car is traveling at slower speeds or is idling.[8]

Central to any effort to abate automotive air pollution then must be some attempt to decrease congestion, especially in Manhattan.

There is a study committee in the city headed by Robert Morse which is now studying exactly this problem in the garment district. In addition, it has been learned that a Highways Department study proposal has been drawn up which may offer a real solution to the congestion problem in the garment district. We were, however, unable to obtain a copy of that report.

It is our recommendation that the Council meet with members of the Morse Committee and the Highway Department to see what supplementary study may be necessary. If it is found that such additional study is necessary, then it is recommended that the Council request the Mayor to appoint a task force to study this problem. It is suggested that such a task force be mandated to study the following possible solutions:

1. Banning passenger cars from the Central Business District of Manhattan.
2. Establishing night delivery hours for trucks.
3. Computerizing traffic light patterns.[9]

FOOTNOTES

Introduction

[1] The Search For a Low-Emission Vehicle, Staff Report, Senate Commerce Committee, 91st Cong., 1st Sess., 1969, at 1. (Hereinafter cited as "The Search.")

[2] *Id.*, at 1.

[3] Air Pollution: Where the Problems are Worst. 157 *Science* 785, Aug. 18, 1967 (citing Aug. 4, 1967 U.S. Public Health Service for Air Pollution Control report)

[4] R. S. Morse, The Automobile and Air Pollution: A Program for Progress, Part II; Subpanel Reports to the Panel on Electrically Powered Vehicles, U.S. Department of Commerce, Dec., 1967, at 1. (Hereinafter cited as Morse)

[5] "The Search" at 2.

[6] N.Y.C. Dept. of Air Resources Application for Air Pollution Control Program Project Grant, Jan. 1, 1970, at 12. (Hereinafter cited as Project Grant Proposal)

[7] N.Y.C. Dept. of Air Pollution Control, Vehicle Exhausts as a Source of Air Pollutants in New York City, July, 1967, at 1.

[8] N. Cousins, Supplement to *Freedom to Breathe*, Oct. 28, 1969, at 1–4. (Hereinafter cited as Cousins Supplement)

[9] *Id.*, at 6.

[10] The Federal Air Quality Act of 1967 (Public Law 90–148) specifically pre-empts states from passing vehicle emission standards for new cars. In addition, the power of the City to enact laws "inconsistent" with State laws has always been severely restricted. See for example, *Wholesale Laundry Board of Trade, Inc.* v. *City of New York*, 17 App. Div. 2d 327 (1st Dept., 1962), aff'd 12 N.Y. 2d 998 (1963). The "consistency doctrine" has been the principal means of affecting preemption in New York State. See 66 Col. L. R. 1145.

Section I

[1] "The Search" at 2.

[2] "Toxological and Epidemiologic Bases for Air Quality Criteria," 19 Journal of the Air Pollution Control Association 632–656, September 1969. (Hereinafter cited as J.A.P.C.A.) p. 632.

[3] Morse at 4.

[4] *Id.*, at 31.

[5] *Id.*, at 1,2.

[6] J.A.P.C.A. at 648.

[7] California Air Resources Board Annual Report, "Air Pollution Control in California," Jan. 1969, at 16.

[8] N.Y.C. Dept. of Air Resources Emission Inventory Summary, Oct. 22, 1969. (Hereinafter cited as Emission Inventory)

[9] Morse at 31.

[10] New York State Dept. of Health "New York City Traffic, Driver Habit, and Vehicle Emissions Study," prepared by Scott Laboratories, June 1, 1969, p. ii.

[11] *Id.*, at 2.

[12] "The Search" at 3.

[13] Brody, "Studies Find Low Doses of Carbon Monoxide May Be Perilous," New York Times, Jan. 15, 1970.

[14] Emission Inventory.

[15] Morse at 31.

[16] *Id.*, at 2.

[17] Emission Inventory.

[18] Morse at 31.

[19] California Air Resources Board, Report by Technical Advisory Committee, "Control of Vehicle Emission After 1974," Nov. 19, 1969, at 10. (Hereinafter cited as Emission Control After 1974)

[20] Morse at 2–3.

[21] "Carbon Monoxide and Lead—An Environmental Appraisal," 19 Journal of the Air Pollution Control Association 684, Sept. 1969.

[22] *Id.*, at 684.

[23] Morse at 3.

[24] "The Search" at 3.

[25] Lederberg, "Leaded Gasoline Presents Hazards to Health," Washington Post, Feb. 22, 1969.

[26] Morse at 4.

Section II

[1] P.L. 89–272.

[2] P.L. 88–206.

[3] P.L. 90–148.

[4] § 208(a).

[5] § 208(b).

[6] 45 C.F.R. §§ 85.20 and 85.10.

[7] 45 C.F.R. § 85.10.

[8] 45 C.F.R. § 85.20.

[9] 45 C.F.R. § 85.20.

[10] 45 C.F.R. § 85.20.

[11] 45 C.F.R. § 85.30.

[12] 45 C.F.R. § 85.21.

[13] Conversation with Brian Ketcham, P. E. Head, Division of Motor Vehicles, Department of Air Resources, N.Y.C.

[14] 45 C.F.R. § 85.31.

[15] 45 C.F.R. § 85.41.

[16] 45 C.F.R. § 85.22.

[17] New York State Public Health Law §§ 1268–1276.

[18] *Id.*, § 1277.

[19] 10 N.Y.C.R.R. 192.4.

[20] 10 N.Y.C.R.R. 192.5.

[21] N.Y.C. Air Pollution Control Code § 1109.

[22] *Id.*, § 905 (b) and (c).

Section III

[1] "The Search" at 4.

[2] *Id.*, at 4.

[3] Morse at 30.

[4] "The Search" at 4.

[5] Morse at 121.

[6] Cousins Supplement at 6.

[7] Morse at 121.

[8] Cousins Supplement at 6.

[9] Regional Plan Association, "Hub-Bound Traffic in the Tri-State New York Metropolitan Region," Bulletin No. 99, Dec. 1961, Table 3.

[10] Project Grant Proposal (See footnote 6 to Introduction) at 12.

[11] Letter of Jan. 26, 1970 from George Haikalis, Tri-State Transportation Commission.

[12] "The Search" at 5.

[13] Morse at 121.

[14] *Id.*, at 121.

[15] "The Search" at 6.

[16] *Id.*, at 4, 6.

[17] *Id.*, at 7.

[18] *Id.*, at 6.

[19] California State Legislature, Assembly Bill 357, 1968, "Pure Air Act of 1968."

[20] "The Search" at 6, 7.

[21] Conversation with Brian Ketcham, P.E., Head, Division of Motor Vehicles, Department of Air Resources.

[22] "The Search" at 8.

[23] California Air Resources Board Annual Report, "Air Pollution Control in California," Jan. 1969 at 20.

[24] Morse at 36.

[25] *Id.*, at 36.

[26] New York State Dept. of Health, "New York City Traffic, Driver Habit and Vehicle Emissions Study," Prepared by Scott Research Laboratories June 1, 1969.

[27] *Id.*, at ii.

[28] *Id.*, at ii.

Section IV—A

[1] "The Search" at 7.

[2] Morse at 42.

[3] "The Search" at 18.

[4] See, for example, Jan. 27, 1970 New Haven Register P. 6, article on U.S. Government use of natural gas autos.

[5] See, for example, "Three Developmental Electric Cars Show Major Differences," S.A.E. Journal, N. 11, Vol. 76, Nov., 1968. (Electric cars driven by battery cells produce no carbon monoxide, hydrocarbons or nitrous oxides.)

[6] "Tempest Over a Teapot," Environment, Vol. II, No. 8, at 24.

[7] Id. at 25.

[8] Iron Age, Nov. 20, 1969.

[9] Speech by William Lear to Detroit Chapter of Automotive Engineers, Nov. 10, 1969 (Hereinafter cited as Lear Speech) p. 1.

[10] Id.

[11] "The Search" at 18.

[12] "The Chrysler Regenerative Turbine-Powered Passenger Car," S.A.E. Report 777A, p. 4.

[13] Lear Speech, p. 13.

[14] Id. p. 13.

[15] "Emission Control After 1974" at 29 (See Section I—footnote 18).

[16] New York Times, Dec. 5, 1969.

[17] "Electric Vehicles," hearings before the Committee on Commerce and the Subcommittee on Air and Water Pollution of the Public Works Committee of the U.S. Senate, 90th Congress 1st Session (1967).

[18] Morse at 67.

[19] "Emission Control After 1974" at 31.

[20] "The Search."

[21] Id. at 20–23.

[22] Id. at 23.

[23] California Health and Safety Code §§ 39200 et seq.

[24] Id. Sec. 39203.

[25] S. 3072.

[26] Speech on Senate floor by Sen. Magnuson, Oct. 27, 1969.

[27] New York Times, Feb. 11, 1970, at 32.

[28] "The Search" at 26.

[29] California Health & Safety Code § 39201.

[30] Criteria suggested by Sen. Magnuson in S. 3072.

[31] This and all other information as to the city fleet was obtained in a telephone conversation with Mr. Richard Kahn of the Bureau of the Budget.

[32] Arthur Gere of Taxi News.

[33] Mayor's Taxi Study Panel Report, Dec. 1966 at 1.

[34] Id. at 1; N.Y.C. Administration Code §§ 434a–7.0, 436–2.0.

[35] "The Fouled Environment: Can It Be Corrected?" speech by Austin Heller, former N.Y.C. Commissioner of Air Resources, at the Cooper Union—cited in 1 CCH Clean Air & Water News No. 5, Dec. 9, 1969 at 4,5.

[36] N.Y.C. Dept. of Air Pollution Control, "Vehicle Exhausts as a Source of Air Pollutants in New York City," July, 1967, figures 2–4.

[37] N. Cousins, "Freedom to Breath," Report of the Mayor's Task Force on Air Pollution in the City of New York, 1966.

[38] Id. at 22.

[39] Dept. of Air Pollution Control, APC–12—Special Studies for Control of Automotive Exhausts.

[40] "Green Light for the Smogless Car," Saturday Review, Dec. 6, 1969 at 84.

[41] Id. at 86.

Section IV—B

[1] Goldsmith, *Epidemiological Bases for Possible Air Quality Criteria for Lead*, 19 J. AIR POLLUTION CONTROL ASS'N. 714 (1969).

[2] Goldsmith and Hexter, *Respiratory Exposure to Lead: Epidemiological and Experimental Dose-Response Relationships*, 158 SCIENCE 132–34 (1967), 159 Science 1000 (1968) (concluding in part that blood lead levels are related to estimated respiratory exposure in areas with high levels of motor vehicle pollution).

[3] Kehoe, *Under What Circumstances is Ingestion of Lead Dangerous?*, in SYMPOSIUM ON ENVIRONMENTAL LEAD CONTAMINATION (Pub. Health Ser. Pub. No. 1440) 51, 55 (1966).

[4] Epstein, 24 EXPERIMENTIA 580 (1968).

[5] Muro and Goyer, *Chromosome Damage in Experimental Lead Poisoning*, 87 ARCH PATH 660 (1969) (suggesting that chromosomal damage may provide an explanation for fetal loss and malformed infants which has been observed in humans and animals following lead intoxication).

[6] Ferm, *The Synteratogenic Effect of Lead and Cadmium*, 25 EXPERIENTIA 56 (1969) (malformation of the tail).

[7] Law and Nelson, *Gasoline-Sniffing by an Adult*, 204 J. A. Med. Ass'n. 1002 (1968) (patient also exhibited psychosis including fluctuating levels of consciousness and hallucinations).

[8] Nerberg and Nikkanen, *Enzyme Inhibition by Lead under Normal Urban Conditions*, THE LANCET, No. 7637, at 63 (1970) (strong negative correlation between the concentration of lead in the blood and the logarithm of ALA dehydrogenase activity.)

[9] Hardy, *Discussion*, 19 J. AIR POLLUTION CONTROL ASS'N. 701, 02 (1969).

[10] Goldsmith, *supra* note 1, at 718. This level would not "significantly increase storage in the body of potentially toxic" lead.

[11] Bove and Siedenberg, "Relationships Between Airborne Lead and Carbon Monoxide at 45th Street New York City," Department of Air Resources, 1969. The Department is currently monitoring atmospheric levels of lead and other metals at 38 sampling sites in New York City. *See also*

Colucci, Begeman, and Kumler, "Lead Concentrations in Detroit, New York, and Los

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Angeles Air," presented at the 61st Annual Meeting of Air Pollution Control Association, St. Paul, Minnesota, June 24–28, 1968, indicating an average lead level of 7.9 on Broadway between 34th and 35th).

[12] Kneip, Eisenbud, Strehlow, and Freudenthal, "Airborne Particulates in New York City," presented at the 62nd Annual Meeting of the Air Pollution Control Association, New York City, June 22–26, 1969.

[13] *See, e.g.*, Dr. J. Lederberg (of the University of California at Berkeley), *Get the Lead Out*, Washington Post, January 17, 1970.

[14] Hardy, *supra* note 9, at 703.

[15] See "Proposed Action", *infra*.

[16] Gagliardi, J., and Ghannam, F., Effects of Tetraethyl Lead Concentration on Exhaust Emissions in Customer Type Vehicle Operation (Soc'y of Auto. Eng. paper No. 690015), January, 1969, at 5 (Table III) (Paper also makes clear at page 11 that intermediate quantities of TEL have as damaging an effect on hydrocarbon emissions after 18,000 miles as does 3.2 grams per gallon).

[17] Gagliardi and Ghannam, *supra* note 16, at 8.

[18] Telephone interview with Mr. Brian Ketcham, N.Y.C. Department of Air Resources.

[19] Schwochert, H., Performance of a Catalytic Converter on Non-leaded Fuel (Soc'y. of Auto. Eng. Paper No. 690503), January, 1969, at 8.

[20] Weaver, E. Effects of Tetraethyl Lead on Catalyst Life and Efficiency in Customer Type Vehicle Operation (Soc'y. of Auto. Eng. Paper No. 690016), January, 1969, at 13 (results dependent upon solution to problem of catalyst attrition).

[21] Benson, J., Reduction of Nitrogen Oxides in Automobile Exhaust (Soc'y. of Auto. Eng. Paper No. 690019), January, 1969.

[22] Wall Street Journal, Feb. 9, 1970, at 18, col. 4.

[23] Wall Street Journal, Feb. 6, 1970, at 26, col. 2.

[24] Wall Street Journal, Feb. 9, 1970, at 18, col. 4.

[25] Wall Street Journal, Feb. 6, 1970, at 26, col. 2.

[26] Sabin and Scales, *Evaluation of use* v. *Non-use of Tetra-Ethyl Lead in Gasoline*, in SYMPOSIUM ON ENVIRONMENTAL LEAD CONTAMINATION (Pub. Health Ser. Pub. No. 1440) 95, 99 (1966). Note that the cost figures in this and other studies reflect costs as of the dates of the studies.

[27] Sterba, *Refining to Produce Gasolines of Reduced Lead Content*, in SYMPOSIUM ON ENVIRONMENTAL LEAD CONTAMINATION (Pub. Health Ser. Pub. No. 1440) 113, 123 (1966) primary reason for price rise is need to make $1.15 to $2 billion capital investment). *See also* J. Logan (President, Union Oil Products), Testimony before Assembly Committee on Transportation of the California Legislature, Los Angeles, California, Dec. 4, 1969, at 15 (cost would be less than 1¢ per gallon in California).

[28] U.S. MOTOR GASOLINE ECONOMICS, Vol. 1 (Manufacture of Unleaded Gasoline), prepared by Bonner and Moore Assocs. for the American Petroleum Institute (1967). This study indicated that the cost would range from 1.8 to 4.7¢ per gallon depending upon the location and size of the refinery. The figure of 4.7¢ per gallon was for a simulated refinery producing 4,000 barrels per day. Refineries producing fewer than 10,000 barrels of crude oil per day represent less than 4% of U.S. Crude capacity.

[29] 1969 AUTOMOBILE FACTS AND FIGURES 50.

Section IV—C

[1] N.Y.C. Dept. of Air Resources Memorandum, Nov. 3, 1969.

[2] "Performance of a Catalytic Converter on Nonleaded Fuel," S.A.E. Report No. 690503, at ll. (Hereinafter cited as S.A.E. Report No. 690503)

[3] Id.

[4] Morse at 40

[5] Id. at 41

[6] Id. at 45

[7] S.A.E. Report No. 690503 at 8.

[8] Based on assumption that the cars in these fleets now meet the maximum Federal standards and could, through the use of catalysts, reduce emissions to as low as 50 p.p.m. hydrocarbons and 0.5 percent carbon monoxide (See footnote 4).

[9] Conversation with Brian Ketcham, P.E., Head, Division of Motor Vehicles, Department of Air Resources.

[10] $100 estimate comes from Dept. of Air Resources Memorandum, Oct. 29, 1969; $150 estimate was made by Brian Ketcham (see footnote above).

[11] S.A.E. Report No. 690503 at ll.

[12] N.Y.C. Dept. of Air Resources Memorandum, Nov. 3, 1969.

[13] Id.

[14] Id.

[15] S.A.E. Report No. 690503 at ll.

[16] N.Y.C. Police Dept. Specifications for Public Taxicabs, sections 3, 46–58.

[17] This and all subsequent information relating to Yellow Cab Company was obtained in a telephone conversation with Bill Hilton, Manager, Yellow Cab Company, San Diego, California.

Section IV–D

[1] T. Kheel, "A Balanced System of Transportation is a Must," Report to Mayor, Dec. 12, 1969.

[2] State of New Jersey Dept. of Health, Motor Vehicle and Air Pollution Control Project. Data cited in M. F. Chew, "Auto Smog Inspection at Idle Only," S.A.E. Report #690505.

[3] Id., Table 8.

[4] E. Cline & L. Tinkhan, "A Realistic Vehicle Emission Inspection System," enclosed as appendix to "The Search," at 30–41.

[5] Id. at 35.

[6] Id. at 36–39.

[7] "Passenger Car Registrations for New York City and Nassau County as of July 1, 1968," Table I.

Section IV–E

[1] Taxicabs in N.Y.C., for example, experienced a 10 percent increase gas consumption after installation of the federally required clean air package. N.Y.C. Dept. of Air Resources Memorandum, Nov. 3, 1969. Cf "The Search," at 8.

[2] This concern was expressed in "The Search" at p. 8. Specific data on disconnection is difficult to come by. New York State does not keep data on the repairs done or problems noted in the yearly inspections of automobiles in the state. Discussions with attendants at some inspection stations indicated that disconnected devices were found fairly frequently, but this survey was obviously unscientific. Also, New York State's inspection probably has no way of determining whether the tuning of the car has been altered since the inspection relative to emissions is entirely a sight check. California's Air Resources Department has no recent data and older data which is of dubious value. At the time the date was gathered nearly 10 percent of the cars tested in spot checks were found to have improperly functioning pollution control packages.

[3] It was learned in a telephone conversation with Harry Hovey, Associate Director of the Division of Air Resources of the State of New York that there is at present no enforcement against the disabling of the anti-pollution packages, although arguably such enforcement might be instituted under § 1286 of the New York State Public Health Code. Mr. Hovey suggested that the city request legislation to this effect.

Section IV—F

[1] Cousins Supplement (See Section I, footnote 8) at 6.

[2] Id at 5.

[3] See footnotes 9, 10, 11 in Section III.

[4] Cousins Supplement at 11.

[5] N.Y.C. Dept. of Air Resources Memorandum, Oct. 29, 1969.

[6] Charts (omitted) come from N.Y.C. Dept. of Air Pollution Control, "Vehicle Exhausts as a Source of Air Pollutants in New York City," July, 1967. (Hereinafter cited as "Vehicle Exhausts in N.Y.C.").

[7] New York State Dept. of Health, "New York City Traffic, Driver Habit and Vehicle Emissions Study," Prepared by Scott Research Laboratories, June 1, 1969.

[8] Vehicle Exhausts in N.Y.C. at 1.

[9] This latter proposal was recommended in the Cousins Supplement.

REMARKS OF HON. CHET HOLIFIELD ON REORGANIZATION PLAN NO. 2 OF 1970

(Mr. HOLIFIELD asked and was given permission to revise and extend his remarks at this point in the RECORD, and include extraneous matter.)

Mr. HOLIFIELD. Mr. Speaker, this morning the Committee on Government Operations ordered reported to the House, House Resolution 960, a resolution to disapprove reorganization plan No. 2 of 1970. The plan was submitted to Congress by President Nixon on March 12—House Docket 91–275. The House will be called upon to act on the resolution next week. The committee made an intensive inquiry into this matter and has decided to recommend to the House that the plan be rejected.

MAJOR FEATURES

The major features of the plan are: First, the redesignation of the Bureau of the Budget as the Office of Management and Budget with additional high-level positions and other personnel, and second, the creation of a Cabinet-level Domestic Council—presumably a counterpart to the National Security Council. The Domestic Council will have a staff to be directed by a White House assistant. The plan was recommended to the President by the Advisory Council on Executive Organization, headed by Roy L. Ash of the Litton Corp.

Under the Reorganization Act the Congress has until May 16 to act, although the plan itself will not go into effect until July 1.

IN-DEPTH HEARINGS

The Subcommittee on Executive and Legislative Reorganization conducted in-depth hearings on the plan at which time officials of the Ash council and the Bureau of the Budget were interrogated and other witnesses were heard. As is our custom, we also invited the comments of other affected committees of the House. In this instance, we heard from the chairman of the Appropriations Committee and the ranking member of the Post Office and Civil Service Committee. Under the circumstances, I believe the subcommittee has gone into the substance and details of the plan and the reasoning behind it as carefully as was possible.

SUBCOMMITTEE OPPOSITION TO PLAN

After hearing the testimony and considering the views of all concerned, the subcommittee decided that the defects of the plan were so serious that it should not receive our support. As you know, a reorganization plan cannot be amended.

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BILL INTRODUCED AS ALTERNATIVE

I think most of us agree that the President should be allowed considerable latitude in the way his immediate office is organized and, therefore, Congressman BLATNIK and I have introduced H.R. 17376 which contains most of the features of the plan and will enable the President to achieve many of the objectives of the plan while preserving to the Congress prerogatives which we consider vital. If the reorganization plan is rejected by the House, we will hold hearings on the bill at an early date.

VAGUENESS OF THE PLAN

One of our problems in dealing with the plan was its vagueness. It created new structures but did not specify the functions and duties those structures would carry out, stating only that they should "perform such functions as the President may from time to time direct." The President's message transmitting the plan gave some indication of his intentions but technically it is not a part of the plan itself and, of course, does not become statutory law as does the plan. Nevertheless, the message represents an important part of legislative history and we considered it along with the plan.

THREAT TO CIVIL SERVICE

A disturbing part of the message was the President's intention to have the Office of Management and Budget involved in "new programs to recruit, train, motivate, deploy and evaluate the men and women who make up the top ranks of the civil service." During the hearings, representatives of important organizations of Federal employees and former high officials of the Government—including former Congressman Robert Ramspeck who was at one time Chairman of the Civil Service Commission—strongly opposed this feature of the plan, fearing that this could be a threat to the merit system and could raise the possibility of an extension of political patronage into the civil service. They also believed it would downgrade the Civil Service Commission. Naturally, the administration witnesses denied that this would result, but the subcommittee felt that we would be hard pressed to counteract these fears of a plan whose implementation was so poorly defined.

STATUTORY POWERS OF BOB TO PRESIDENT

A major concern raised by the plan is the transfer of the statutory functions of the Bureau of the Budget to the President. Some of these may be considered trivial but others are very important. When these 58 functions were put in the Bureau by the proper congressional committees of jurisdiction they undoubtedly had good reasons for doing so. The President said he would redelegate them to the Bureau of the Budget—but he would have the power at some future time to transfer them elsewhere in the Government without any action or review by the Congress. In my judgment, it is not necessary to transfer these functions to the President in order to obtain good management in the executive branch. Congress would lose a measure of the power we still retain, if we did so.

DOMESTIC COUNCIL

The Domestic Council will have no statutory functions of its own but will exercise those delegated to it by the President. A staff will be created with a White House assistant as Executive Director. The position of Executive Director will neither be in the classified service nor appointed with the advice and consent of the Senate. The Reorganization Act, however, requires that officers authorized by reorganization plan be either confirmed by the Senate or be in the competitive service. The plan, therefore, is not in accord with the act.

By making the Executive Director an assistant to the President, the plan would render that officer and his staff not accountable to Congress and beyond the power of Congress to question. To me, this would be most unfortunate considering the large and important issues that will concern the Domestic Council.

CONCLUSION

For these and other reasons which will be set forth in the committee report, we recommend the adoption of the resolution and the rejection of the plan.

I include the following items at this point:

MAJOR DIFFERENCES BETWEEN H.R. 17376 AND REORGANIZATION PLAN NO. 2 OF 1970

1. H.R. 17376 redesignates the Bureau of the Budget as the Office of Management and Budget and provides the same officers and the six additional officers as provided by the Plan. Under the bill the President is *not* required to appoint the six additional officers in the classified civil service.

2. The bill *does not* transfer functions from the Bureau of the Budget or the Director thereof to the President as does the Plan.

3. The bill contains no reference to the development of career executive talent and, therefore, does not expressly or by inference authorize such a program in the Office of Management and Budget as was set forth in the President's Message.

4. The bill adds to the Domestic Council the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Economic Opportunity and the Chairman of the Council on Environmental Quality. All other designations to the Council remain the same as in the Plan, including the President's authority to appoint other officers of the Executive Branch.

5. The bill spells out functions for the Domestic Council that were contained in the President's Message but leaves to the President the power to assign to it such other functions as he may wish as is contained in the Plan.

6. The bill authorizes the appointment of an Executive Director of the Council but, unlike the Plan, requires that he be confirmed by the Senate.

7. The bill requires the Executive Director to make an annual report to the Congress and provide the Congress with such other information as may be requested. This is not in the Plan.

8. The bill authorizes the Domestic Council only until June 30, 1973. No such limitation is contained in the Plan.

FACT SHEET ON REORGANIZATION PLAN NO. 2 OF 1970 (BUDGET BUREAU—DOMESTIC COUNCIL)

Reorganization Plan No. 2 of 1970 was submitted to the Congress by President Nixon on March 12. Under the 60-day provision of the Reorganization Act (allowing for the recesses already held) Congress has until May 16 to act, although the effective date of the Plan will not be until July 1. No disapproval resolution has yet been filed. The Plan was recommended to the President by his Advisory Council on Executive Organization.

SUMMARY OF MAJOR FEATURES

The Plan has two major features: (1) the redesignation of the Bureau of the Budget as the Office of Management and Budget with additional high-level positions and other personnel and (2) the creation of a Cabinet-level Domestic Council which will have a staff and be directed by a White House Assistant.

Office of Management and Budget

The Plan puts into the hands of the President all of the functions now vested by Congress in the Bureau of the Budget. This follows a pattern that has been frequently adopted for heads of departments and agencies. The President intends to delegate these functions to the new Office of Management and Budget, but may in the future shift any of these to other units in the Executive Office.

Six new positions are created at Executive Level 5 ($36,000 per year) to be appointed from the classified civil service. Also, an additional 70 fulltime positions will be needed in Fiscal 1971 which, with 30 new positions requested for Fiscal 1970, will bring an increase in staff of 106 over that of the existing Budget Bureau.

The Plan itself does not specify any new activities and states only that "The Office of Management and Budget and the Director shall perform such functions as the President may from time to time delegate or assign thereto." The Message, however, speaks of new functions in management with "much greater emphasis on the evaluation of program performance." It also speaks of the development of executive talent—a duty now being carried out by the U.S. Civil Service Commission—and the improvement of interagency cooperation in the field.

Domestic Council

The Plan establishes a Domestic Council to be chaired by the President and composed of the Vice President and certain Cabinet officials and such other officers as the President may select.

No duties of the Council are specified in the Plan except that "The Council shall perform such functions as the President may from time to time delegate or assign thereto." The Message, however, specifies a range of interagency policy functions which the Council will perform.

The Plan proposes an Executive Director who will head the staff of the Council and shall also be an assistant to the President. The staff for Fiscal 1971 will be "a maximum of 90 personnel" and will be selected "on the basis of career experience and philosophical consistency with the purpose of the Presidency."

Savings

The President's Message states: "While this plan will result in a modest increase in direct expenditures, its strengthening of the Executive Office of the President will bring significant indirect savings, and at the same time will help ensure that people actually receive the return they deserve from every dollar the Government spends. The savings will result from the improved efficiency these changes will provide throughout the Executive Branch—and also from curtailing the waste that results when programs simply fail to achieve their objectives. It is not practical, however, to itemize or aggregate these indirect expenditure reductions which will result from the reorganization."

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H. RES. 960

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 2 of 1970 transmitted to the Congress by the President on March 12, 1970.

H.R. 17376

A bill to enact certain provisions of Reorganization Plan Numbered 2 of 1970, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—OFFICE OF MANAGEMENT AND BUDGET

SEC. 101. Section 207 of the Budget and Accounting Act, 1921, is amended to read as follows:

"SEC. 207. (a) There is created in the Executive Office of the President an office to be known as the Office of Management and Budget. There shall be in the Office of Director and Deputy Director, who shall be appointed by the President. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director or during a vacancy in the Office of Director he shall act as Director. The Office, under such rules and regulations as the President may prescribe, shall prepare the budget, and any proposed supplemental or deficiency appropriations, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the requests for appropriations of the several departments or establishments.

"(b) There shall be within the Office of Management and Budget not more than six additional officers, as determined from time to time by the Director of the Office of Management and Budget (hereinafter referred to as the 'Director'). Each such officer shall be appointed by the Director, subject to the approval of the President, shall have such title as the Director shall from time to time determine, and shall receive compensation at the rate now or hereafter prescribed for offices and positions at level V of the Executive Schedule (5 U.S.C. 5316).

"(c) The Office of Management and Budget and the Director shall perform such further functions as the President may from time to time delegate or assign thereto. The Director, under the direction of the President, shall supervise and direct the administration of the Office of Management and Budget.

"(d) The Deputy Director of the Office of Management and Budget, the Assistant Directors of the Office of Management and Budget, and the officers provided for in subsection (b) of this section shall perform such functions as the Director may from time to time direct.

"(e) The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Bureau of the Budget shall, upon the taking effect of the provisions of this Act, become records, property, personnel, and unexpended balances of the Office of Management and Budget."

TITLE II—DOMESTIC COUNCIL

SEC. 201. (a) There is hereby established in the Executive Office of the President a Domestic Council (hereinafter referred to as the "Council").

(b) The Council shall be composed of the following:

(1) The President of the United States,

(2) The Vice President of the United States,

(3) The Attorney General,

(4) Secretary of Agriculture,

(5) Secretary of Commerce,

(6) Secretary of Health, Education, and Welfare,

(7) Secretary of Housing and Urban Development,

(8) Secretary of the Interior,

(9) Secretary of Labor,

(10) Secretary of Transportation,

(11) Secretary of the Treasury,

(12) Director of the Office of Management and Budget,

(13) Chairman of the Council of Economic Advisers,

(14) Director of the Office of Economic Opportunity,

(15) Chairman of the Council on Environmental Quality,

and such other officers of the executive branch as the President may from time to time direct.

(c) The President of the United States shall preside over meetings of the Council. In the event of his absence, he may designate a member of the Council to preside.

SEC. 202. The Council shall perform such functions as the President may from time to time delegate or assign thereto. The Council shall take the lead in the following policy functions:

(1) Assessing national needs, collecting information, and developing forecasts for the purpose of defining national goals and objectives.

(2) Identifying alternative ways of achieving these objectives, and recommending consistent, integrated sets of policy choices.

(3) Providing rapid response to presidential needs for policy advice on pressing domestic issues.

(4) Coordinating the establishment of national priorities for the allocation of available resources.

(5) Maintaining a continuous review of the conduct on ongoing programs from a policy standpoint, and proposing reforms as needed.

SEC. 203. The Council shall have an Executive Director to be appointed by the President, with the advice and consent of the Senate, who shall perform such functions as the President may from time to time direct. There shall be a staff to be headed by the Executive Director which shall perform such duties as he may assign.

SEC. 204. The Executive Director of the Council shall make an annual report to the Congress on the activities of the Council and shall provide the Congress with such other information as may be requested.

SEC. 205. The records and papers of the Council shall be maintained and preserved as official documents of the United States.

SEC. 206. The provisions of title II of this Act shall be effective until June 30, 1973.

REORGANIZATION PLAN NO. 2 OF 1970

(Message from the President of the United States)

To the Congress of the United States:

We in government often are quick to call for reform in other institutions, but slow to reform ourselves. Yet nowhere today is modern management more needed than in government itself.

In 1939, President Franklin D. Roosevelt proposed and the Congress accepted a reorganization plan that laid the groundwork for providing managerial assistance for a modern Presidency.

The plan placed the Bureau of the Budget within the Executive Office of the President. It made available to the President direct access to important new management instruments. The purpose of the plan was to improve the administration of the Government—to ensure that the Government could perform "promptly, effectively, without waste or lost motion."

Fulfilling that purpose today is far more difficult—and more important—than it was 30 years ago.

Last April, I created a President's Advisory Council on Executive Organization and named to it a distinguished group of outstanding experts headed by Roy L. Ash. I gave the Council a broad charter to examine ways in which the Executive Branch could be better organized. I asked it to recommend specific organizational changes that would make the Executive Branch a more vigorous and more effective instrument for creating and carrying out the programs that are needed today. The Council quickly concluded that the place to begin was in the Executive Office of the President itself. I agree.

The past 30 years have seen enormous changes in the size, structure and functions of the Federal Government. The budget has grown from less than $10 billion to $200 billion. The number of civilian employees has risen from one million to more than two and a half million. Four new Cabinet departments have been created, along with more than a score of independent agencies. Domestic policy issues have become increasingly complex. The interrelationships among Government programs have become more intricate. Yet the organization of the President's policy and management arms has not kept pace.

Over three decades, the Executive Office of the President has mushroomed but not by conscious design. In many areas it does not provide the kind of staff assistance and support the President needs in order to deal with the problems of government in the 1970s. We confront the 1970s with a staff organization geared in large measure to the tasks of the 1940s and 1950s.

One result, over the years, has been a tendency to enlarge the immediate White House staff—that is, the President's personal staff, as distinct from the institutional structure—to assist with management functions for which the President is responsible. This has blurred the distinction between personal staff and management institutions; it has left key management functions to be performed only intermittently and some not at all. It has perpetuated outdated structures.

Another result has been, paradoxically, to inhibit the delegation of authority to Departments and agencies.

A President whose programs are carefully coordinated, whose information system keeps him adequately informed, and whose organizational assignments are plainly set out, can delegate authority with security and confidence. A President whose office is deficient in these respects will be inclined, instead, to retain close control of operating responsibilities which he cannot and should not handle.

Improving the management processes of the President's own office, therefore, is a key element in improving the management of the entire Executive Branch, and in strengthening the authority of its Departments and agencies. By providing the tools that are needed to reduce duplication, to monitor performance and to promote greater efficiency throughout the Executive Branch, this also will enable us to give the country not only more effective but also more economical government—which it deserves.

To provide the management tools and policy mechanisms needed for the 1970s, I am today transmitting to the Congress Reorganization Plan No. 2 of 1970, prepared in accordance with Chapter 9 of Title 5 of the United States Code.

This plan draws not only on the work of the Ash Council itself, but also on the work of others that preceded—including the pioneering Brownlow Committee of 1936, the two Hoover Commissions, the Rockefeller Committee, and other Presidential task forces.

Essentially, the plan recognizes that two closely connected but basically separate functions both center in the President's office:

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policy determination and executive management. This involves (1) what government should do, and (2) how it goes about doing it.

My proposed reorganization creates a new entity to deal with each of these functions:

It establishes a Domestic Council, to coordinate policy formulation in the domestic area. This Cabinet group would be provided with an institutional staff, and to a considerable degree would be a domestic counterpart to the National Security Council.

It establishes an Office of Management and Budget, which would be the President's principal arm for the exercise of his managerial functions.

The Domestic Council will be primarily concerned with *what* we do; the Office of Management and Budget will be primarily concerned with *how* we do it, and *how well* we do it.

DOMESTIC COUNCIL

The past year's experience with the Council for Urban Affairs has shown how immensely valuable a Cabinet-level council can be as a forum for both discussion and action on policy matters that cut across departmental jursdictions.

The Domestic Council will be chaired by the President. Under the plan, its membership will include the Vice President, and the Secretaries of the Treasury, Interior, Agriculture, Commerce, Labor, Health, Education and Welfare, Housing and Urban Development, and Transportation, and the Attorney General. I also intend to designate as members the Director of the Office of Economic Opportunity and, while he remains a member of the Cabinet, the Postmaster General. (Although I continue to hope that the Congress will adopt my proposal to create, in place of the Post Office Department, a self-sufficient postal authority.) The President could add other Executive Branch officials at his discretion.

The Council will be supported by a staff under an Executive Director who will also be one of the President's assistants. Like the National Security Council staff, this staff will work in close coordination with the President's personal staff but will have its own institutional identity. By being established on a permanent, institutional basis, it will be designed to develop and employ the "institutional memory" so essential if continuity is to be maintained, and if experience is to play its proper role in the policy-making process.

There does not now exist an organized, institutionally-staffed group charged with advising the President on the total range of domestic policy. The Domestic Council will fill that need. Under the President's direction, it will also be charged with integrating the various aspects of domestic policy into a consistent whole.

Among the specific policy functions in which I intend the Domestic Council to take the lead are these:

Assessing national needs, collecting information and developing forecasts, for the purpose of defining national goals and objectives.

Identifying alternative ways of achieving these objectives, and recommending consistent, integrated sets of policy choices.

Providing rapid response to Presidential needs for policy advice on pressing domestic issues.

Coordinating the establishment of national priorities for the allocation of available resources.

Maintaining a continuous review of the conduct of ongoing programs from a policy standpoint, and proposing reforms as needed.

Much of the Council's work will be accomplished by temporary, ad hoc project committees. These might take a variety of forms, such as task forces, planning groups or advisory bodies. They can be established with varying degrees of formality, and can be set up to deal either with broad program areas or with specific problems. The committees will draw for staff support on Department and agency experts, supplemented by the Council's own staff and that of the Office of Management and Budget.

Establishment of the Domestic Council draws on the experience gained during the past year with the Council for Urban Affairs, the Cabinet Committee on the Environment and the Council for Rural Affairs. The principal key to the operation of these Councils has been the effective functioning of their various subcommittees. The Councils themselves will be consolidated into the Domestic Council; Urban, Rural and Environment subcommittees of the Domestic Council will be strengthened, using access to the Domestic Council staff.

Overall, the Domestic Council will provide the President with a streamlined, consolidated domestic policy arm, adequately staffed, and highly flexible in its operation. It also will provide a structure through which departmental initiatives can be more fully considered, and expert advice from the Departments and agencies more fully utilized.

OFFICE OF MANAGEMENT AND BUDGET

Under the reorganization plan, the technical and formal means by which the Office of Management and Budget is created is by re-designating the Bureau of the Budget as the Office of Management and Budget. The functions currently vested by law in the Bureau, or in its director, are transferred to the President, with the provision that he can then re-delegate them.

As soon as the reorganization plan takes effect, I intend to delegate those statutory functions to the Director of the new Office of Management and Budget, including those under section 212 of the Budget and Accounting Act, 1921.

However, creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget. It represents a basic change in concept and emphasis, reflecting the broader management needs of the Office of the President.

The new Office will still perform the key function of assisting the President in the preparation of the annual Federal budget and overseeing its execution. It will draw upon the skills and experience of the extraordinarily able and dedicated career staff developed by the Bureau of the Budget. But preparation of the budget as such will no longer be its dominant, overriding concern.

While the budget function remains a vital tool of management, it will be strengthened by the greater emphasis the new office will place on fiscal analysis. The budget function is only one of several important management tools that the President must now have. He must also have a substantially enhanced institutional staff capability in other areas of executive management—particularly in program evaluation and coordination, improvement of Executive Branch organization, information and management systems, and development of executive talent. Under this plan, strengthened capability in these areas will be provided partly through internal reorganization, and it will also require additional staff resources.

The new Office of Management and Budget will place much greater emphasis on the evaluation of program performance: on assessing the extent to which programs are actually achieving their intended results, and delivering the intended services to the intended recipients. This is needed on a continuing basis, not as a one-time effort. Program evaluation will remain a function of the individual agencies as it is today. However, a single agency cannot fairly be expected to judge overall effectiveness in programs that cross agency lines—and the difference between agency and Presidential perspectives requires a capacity in the Executive Office to evaluate program performance whenever appropriate.

The new Office will expand efforts to improve interagency cooperation in the field. Washington-based coordinators will help work out interagency problems at the operating level, and assist in developing efficient coordinating mechanisms throughout the country. The success of these efforts depends on the experience, persuasion, and understanding of an Office which will be an expeditor and catalyst. The Office will also respond to requests from State and local governments for assistance on intergovernmental programs. It will work closely with the Vice President and the Office of Intergovernmental Relations.

Improvement of Government organization, information and management systems will be a major function of the Office of Management and Budget. It will maintain a continuous review of the organizational structures and management processes of the Executive Branch, and recommend needed changes. It will take the lead in developing new information systems to provide the President with the performance and other data that he needs but does not now get. When new programs are launched, it will seek to ensure that they are not simply forced into or grafted onto existing organizational structures that may not be appropriate. Resistance to organizational change is one of the chief obstacles to effective government; the new Office will seek to ensure that organization keeps abreast of program needs.

The new Office will also take the lead in devising programs for the development of career executive talents throughout the Government. Not the least of the President's needs as Chief Executive is direct capability in the Executive Office for insuring that talented executives are used to the full extent of their abilities. Effective, coordinated efforts for executive manpower development have been hampered by the lack of a system for forecasting the needs for executive talent and appraising leadership potential. Both are crucial to the success of an enterprise—whether private or public.

The Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of the civil service, in the broadest sense of that term. It will not deal with individuals, but will rely on the talented professionals of the Civil Service Commission and the Departments and agencies themselves to administer these programs. Under the leadership of the Office of Management and Budget there will be joint efforts to see to it that all executive talent is well utilized wherever it may be needed throughout the Executive Branch, and to assure that executive training and motivation meet not only today's needs but those of the years ahead.

Finally, the new Office will continue the Legislative Reference functions now performed by the Bureau of the Budget, drawing together agency reactions on all proposed legislation, and helping develop legislation to carry out the President's program. It also will continue the Bureau's work of improving and coordinating Federal statistical services.

SIGNIFICANCE OF THE CHANGES

The people deserve a more responsive and more effective Government. The times require it. These changes will help provide it.

Each reorganization included in the plan which accompanies this message is necessary to accomplish one or more of the purposes set forth in Section 901(a) of Title 5 of the United States Code. In particular, the plan is responsive to Section 901(a)(1), "to promote the better execution of the laws, the

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more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;" and Section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in this plan make necessary the appointment and compensation of new officers, as specified in Section 102(c) of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the Executive Branch who have similar responsibilities.

While this plan will result in a modest increase in direct expenditures, its strengthening of the Executive Office of the President will bring significant indirect savings, and at the same time will help ensure that people actually receive the return they deserve for every dollar the Government spends. The savings will result from the improved efficiency these changes will provide throughout the Executive Branch—and also from curtailing the waste that results when programs simply fail to achieve their objectives. It is not practical, however, to itemize or aggregate these indirect expenditure reductions which will result from the reorganization.

I expect to follow with other reorganization plans, quite possibly including ones that will affect other activities of the Executive Office of the President. Our studies are continuing. But this by itself is a reorganization of major significance, and a key to the more effective functioning of the entire Executive Branch.

These changes would provide an improved system of policy making and coordination, a strengthening capacity to perform those functions that are now the central concerns of the Bureau of the Budget, and a more effective set of management tools for the performance of other functions that have been rapidly increasing in importance.

The reorganization will not only improve the staff resources available to the President, but will also strengthen the advisory roles of those members of the Cabinet principally concerned with domestic affairs. By providing a means of formulating integrated and systematic recommendations on major domestic policy issues, the plan serves not only the needs of the President, but also the interests of the Congress.

This reorganization plan is of major importance to the functioning of modern government. The national interest requires it. I urge that the Congress allow it to become effective.

RICHARD NIXON.

THE WHITE HOUSE, *March 12, 1970.*

REORGANIZATION PLAN NO. 2 OF 1970

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 12, 1970, pursuant to the provisions of chapter 9 of title 5 of the United States Code.

Part I. Office of Management and Budget

SECTION 101. *Transfer of functions to the President.*—There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget.

SEC. 102. *Office of Management and Budget.*—(a) The Bureau of the Budget in the Executive Office of the President is hereby designated as the Office of Management and Budget.

(b) The offices of Director of the Bureau of the Budget and Deputy Director of the Bureau of the Budget, and the offices of Assistant Directors of the Bureau of the Budget which are established by statute (31 U.S.C. 16a and 16c), are hereby designated Director of the Office of Management and Budget, Deputy Director of the Office of Management and Budget, and Assistant Directors of the Office of Management and Budget, respectively.

(c) There shall be within the office of Management and Budget not more than six additional officers, as determined from time to time by the Director of the Office of Management and Budget (hereinafter referred to as the Director). Each such officer shall be appointed by the Director, subject to the approval of the President, under the classified civil service, shall have such title as the Director shall from time to time determine, and shall receive compensation at the rate now or hereafter prescribed for offices and positions at Level V of the Executive Schedule (5 U.S.C. 5316).

(d) The Office of Management and Budget and the Director shall perform such functions as the President may from time to time delegate or assign thereto. The Director, under the direction of the President, shall supervise and direct the administration of the Office of Management and Budget.

(e) The Deputy Director of the Office of Management and Budget, the Assistant Directors of the Office of Management and Budget designated by this reorganization plan, and the officers provided for in subsection (c) of this section shall perform such functions as the Director may from time to time direct.

(f) The Deputy Director (or during the absence or disability of the Deputy Director or in the event of a vacancy in the office of Deputy Director, such other officials of the Office of Management and Budget in such order as the President may from time to time designate) shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

SEC. 103. *Records, property, personnel, and funds.*—The records, property, personnel, and unexpended balances, available or to be made available, of appropriations, allocations, and other funds of the Bureau of the Budget shall, upon the taking effect of the provisions of this reorganization plan, become records, property, personnel, and unexpended balances of the Office of Management and Budget.

Part II. Domestic Council

SEC. 201. *Establishment of the Council.*—(a) There is hereby established in the Executive Office of the President a Domestic Council, hereinafter referred to as the Council.

(b) The Council shall be composed of the following:

The President of the United States
The Vice President of the United States
The Attorney General
Secretary of Agriculture
Secretary of Commerce
Secretary of Health, Education, and Welfare
Secretary of Housing and Urban Development
Secretary of the Interior
Secretary of Labor
Secretary of Transportation
Secretary of the Treasury

and such other officers of the Executive Branch as the President may from time to time direct.

(c) The President of the United States shall preside over meetings of the Council: *Provided,* That, in the event of his absence, he may designate a member of the Council to preside.

SEC. 202. *Functions of the Council.*—The Council shall perform such functions as the President may from time to time delegate or assign thereto.

SEC. 203. *Executive Director.*—The staff of the Council shall be headed by an Executive Director who shall be an assistant to the President designated by the President. The Executive Director shall perform such functions as the President may from time to time direct.

Part III. Taking effect

SEC. 301. *Effective date.*—The provisions of this reorganization plan shall take effect as provided by section 906(a) of title 5 of the United States Code, or on July 1, 1970, whichever is later.

SOUTH BEND AND THE QUALITY OF LIFE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, there has been much discussion in recent months on the question of raising the quality of life in the United States.

It was, therefore, with great interest that I learned recently of a study recently completed by several educators affiliated with Indiana University, entitled "South Bend and the Quality of Life."

The authors of this study, Dr. George A. Wing, Dr. Gerald E. Harriman, and Walton R. Collins, suggest several quantitative methods of analyzing the essentially qualitative issue of community life.

Mr. Speaker, I believe that citizens in other communities may find this unique study of South Bend to be of interest and value.

I include the study at this point in the RECORD:

SOUTH BEND AND THE QUALITY OF LIFE

THE UNIVERSITY AND THE COMMUNITY

It is an old idea, currently somewhat neglected, that universities, beyond serving the intellectual, cultural and technical needs of their communities, should somehow lead those communities toward the better life. It is in this latter role that the authors, all representatives of Indiana University at South Bend, offer this paper to the St. Joseph County community.

The authors feel that they are well placed to offer such a paper since they have nothing to gain, financially or professionally, from the implementation of its proposals. What they do have to gain is what all citizens of the area desire—a better place in which to live, to work, and to fulfill their responsibilities as members of an urban community.

The University, for its part, pledges its resources toward the implementation of these proposals, if they find community acceptance.

A new phrase has entered the American lexicon: "The Quality of Life." Often, in the swelling public debate over such issues as air and water pollution, crime rates, traffic congestion in metropolitan areas, and the lack of urban recreational areas, the phrase is cited as the golden grail the American city dweller should be seeking. But the phrase itself is seldom discussed and less often defined.

The theses of this paper are these: That the South Bend-Mishawaka area possesses many of the attributes that people think of when they use this phrase; that these attributes can be demonstrated by means of hard data; and that unless our community becomes more aware of these attributes and strives to preserve and foster them, they may well be squandered and lost. A corollary is that our community has managed to maintain these attributes through a historical accident which caused a basic shift in its economic structure. It is that shift which has enabled St. Joseph County to remain a good place in which to live, and which should be capitalized on in the future development of the area.

THE QUALITY OF LIFE

What really is meant by "The Quality of Life"? The phrase has almost as many definitions as there are people willing to define it, and it most certainly is a compendium of many factors. Perhaps the best way to isolate

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them is to ask what factors, in communities where the quality of life is commonly agreed to be declining, are causing the decline. Having established these, we might then reason that any area in which the detrimental factors are absent, or relatively insignificant, is an area where at least the potential for a good quality of life is high.

By broad consensus, the major metropolitan areas of the United States are in the throes of crisis: Inhabitants of New York, Chicago, Detroit and other large cities are vocal in denouncing the urban environments in which they must work and live. They complain of polluted air, of water which, though chemically pure, is almost unfit to drink. The public media in these cities carry on an almost constant crusade against streets that are choked with traffic, against cancerous growth in substandard housing, and against inefficient municipal services. Conservation groups within metropolitan areas decry the absence of "living room," of green areas where people can relax and perhaps even stroll in the sun. Virtually everyone in the large cities complains of the overwhelming masses of people which press in upon them constantly; yet, ironically, they simultaneously complain of the coldness, impersonality and loneliness of the "megalopolis."

URBAN GROWTH AND THE URBAN ENVIRONMENT

Each of the detrimental factors mentioned above, and there are many more, appears to be a result of one basic cause: Sheer size. All these factors—air and water pollution, inadequate streets, inadequate housing, substandard municipal services, the absence of living room and recreational areas, and the coldness and impersonality—are common to America's very large cities. And yet, in what appears to be an absolutely contradictory philosophy, civic groups in these same cities, committees of 100, chambers of commerce, and even municipal governments themselves pursue uncritically the goal of growth.

Economic growth at any cost seems to be accepted as the answer to all urban ills; this despite the fact that the logical outcome of economic growth is the exacerbation of urban ills. Even smaller cities, where the quality of life, at least potentially, is still high, compete vigorously in the "economic growth derby."

The very high correlation between the immensity of urban problems which detract from the quality of life and the sheer size of cities ought to be sufficient cause for reflection on the part of the groups which are forever engaged in the search for more factories, more workers, and more taxpayers.

THE QUALITY OF LIFE IN SOUTH BEND

The authors of this paper assert that the potential for a good quality of life is relatively high in St. Joseph County and its environs, by reason of the absence of many of the detrimental factors mentioned above. The air in South Bend is clean when measured against that in Chicago or Cleveland, and the water is not unpleasant to drink. Traffic jams are a rarity. A recent report to the Area Plan Commission makes the highly unusual statement that South Bend has stayed almost even with the need for public housing; it goes on to observe that while there has been some deterioration in the quality of housing, by and large such deterioration is minor and can be corrected in the near future. Our recreational areas are not unduly crowded and there are many "green areas" for people to enjoy.

Such advantages as these are the stuff of the quality of life. Many other elements can be cited to substantiate our contention that the South Bend-Mishawaka area is still "a good place in which to live" in comparison to the sprawling metropolitan areas.

We must emphasize at this point that we do not suggest that our community is a utopia. There are many problems still to be dealt with in the South Bend area. Housing needs, while better met than in larger metropolitan areas, still are not adequately served in the South Bend area. Hospital facilities need enlargement. Racial tensions still exist in South Bend, and these tensions must be moderated if indeed we are to deserve the name community. The largely white, affluent, and developed areas surrounding South Bend and Mishawaka should be made to bear their fair share of the city facilities and benefits which they enjoy.

But none of these problems is insoluble—largely because our area is still small enough for a feeling of community to be cultivated.

The authors of this paper strongly believe that it is only by individuals acting rationally, in community, to shape their own destinies, that the quality of life can be preserved and enhanced for all citizens of the St. Joseph County area. Our people must be made aware of the value of preserving this potential for the quality of life, and of adopting rational courses of action for achieving that preservation.

THE QUALITY OF LIFE INDEX

We assert that hard data and statistics can be cited to substantiate our contention that this area is a good place in which to live. We propose to construct a "Quality of Life Index" in support of this assertion, and we further propose that this Index be used as an instrument for keeping our community livable.

Presented below are 11 measures of factors which would seem to have a bearing on the quality of life. The measures are given for South Bend and four other Midwestern metropolitan areas. Note that each of the other cities is much larger than South Bend.

MEASURES BEARING ON THE QUALITY OF LIFE

Item	South Bend	Cleveland	Chicago	Detroit	Indianapolis
1. Population (in thousands)[1]	272	2,056	6,780	4,111	1,046
2. Population per square mile[2]	299	1,349	1,804	2,087	334
3. Population growth (percent), 1960–66.	0.5	7.3	7.9	8.3	9.0
4. Estimated population, 1980 (in thousands)	276	2,370	7,917	4,863	1,253
5. Housing units rated sound with all plumbing facilities[3] (percent)	85.4	79.3	78.4	84.0	76.4
6. Percent of total housing units occupied by owners[4]	75.3	44.9	34.3	58.2	55.4
7. Number of library volumes per 1,000 population[4]	4,621	3,332	2,289	1,293	2,760
8. Violent crimes per 100,000 population[4]	197.4	295.9	546.8	616.0	333.6
9. Property crimes per 100,000 population[4]	1,573.0	1,955.1	1,892.7	2,995.8	2,319.4
10. Motor vehicles per mile of roadway[4]	[4] 72.0	[5] 244.0	[5] 203.0	[6] 248.0	[4] 133.4

11. AIR POLLUTION[3]

SUSPENDED PARTICULATES, MICROGRAMS PER CUBIC METER OF AIR[2]

	Minimum	Maximum	Arithmetic mean
South Bend	51	213	120
Cleveland	43	227	116
Chicago	56	273	124
Detroit	45	323	161
Indianapolis	82	283	154

BENZENE SOLUBLE ORGANICS, MICROGRAMS PER CUBIC METER OF AIR[2]

[Quarterly and yearly averages]

	1st quarter	2d quarter	3d quarter	4th quarter	Yearly average
South Bend	5.4	5.7	8.3	5.1	6.1
Cleveland	8.0	5.8	7.5	5.9	6.8
Chicago	10.2	4.6	7.8	6.7	7.3
Detroit	9.2	3.7	8.5	8.2	7.4
Indianapolis	13.4	11.6	10.7	15.7	12.7

[1] July 1, 1967.
[2] 1966.
[3] 1960 census.
[4] 1967.
[5] 1968.
[6] 1969.

A few of the statistical figures cited above as bearing on the quality of life are self evident in their meaning. Some, however, need explanation. Accordingly, we shall refer to each item by number in the discussion which follows:

1. Estimated population as of July 1, 1967 is cited as evidence of the size of each city.

2. This measure is at least an approximation of the "living room" in each city.

3. This is a measure of the position of each of the cities in the "Economic Growth Derby" of the 1960's. Since some sort of economic activity must be available to support swelling populations, it is evident that Indianapolis is the "winner" of the Derby, but only by a nose.

4. This is a projection of population to the year 1980 assuming the same annual rate of growth for each city that it experienced between 1960 and 1966.

5. & 6. There is a fairly close relationship between these two measures, since it is safe to assume that the owner of a home will be somewhat more conscientious in its maintenance than a renter.

7. This is at least an approximation of the cultural level of a city.

8. & 9. The meaning of these measures is self evident.

10. This is a measure of the traffic density within a metropolitan area. It also relates to the degree of man-made air pollution.

11. Air pollution is defined as the presence in the air of substances put there by the activity of man, in concentrations sufficient to interfere with comfort, safety, or health, or with the use and enjoyment of property. Suspended particulate matter is made up of smoke, dust, fumes, and droplets of viscous liquids remaining in the air. Benzene soluble organic compounds are believed to include most of the man-made organic pollutants. Natural organics such as pollen and molds are not soluble in benzene.

THE INDEX APPLIED TO SOUTH BEND

It is evident from an examination of the above statistical evidence that South Bend, on virtually every count, rates very well in comparison to other cities. We have tried to provide hard evidence bearing on many facets of the quality of life. The sheer press of people, the quality of housing, the level of culture, the incidence of crime, the freedom or ease of movement within the metropolitan area by car, and the purity of the atmosphere have all been compared for the five cities. By every measure, South Bend appears to be the better place to live. Undoubtedly, other measures bearing on this question of the quality of life can be cited, and based on the above evidence we are convinced that South Bend will still appear as the better place to live.

Probably the most heartening piece of evidence we have cited is the very low rate of population growth for South Bend. One need only examine the estimated population levels for the other four metropolitan areas to have some idea of the sorts of problems they will face in just ten years.

We feel that the statistics cited above can be combined into a single "Quality of Life Index" for the various metropolitan areas. This we have done and the resulting Quality of Life Index numbers are as follows:

Metropolitan area:	*Index No.*
South Bend	100
Cleveland	69
Chicago	59
Detroit	56
Indianapolis	63

Care must be taken in interpreting these index numbers. In constructing the general index number for each metropolitan area, we have made South Bend the standard, and compared each of our various measures, for each area, against the figure for South Bend. In addition, we have prepared a graphical appendix so that each of the measures can be visually compared to South Bend. The general index numbers presented above should be read: the potential for a good quality of life is only 69% as high in Cleveland as it is in South Bend, or 59% as high in Chicago, or 56% as high in Detroit, etc. For an interpretation of the graphical presentation in the Appendix, please read the introduction to the Appendix.

The authors willingly admit that there are weaknesses in these general index numbers. We are unwilling to assert that any one of the various measures is any more influential than any other as they affect the quality of life and thus all are given equal weight. Also, the various measures are for different points in time and many do not measure the current situation. More research work needs to be done, but we are convinced that more current data would show South Bend in an even better light.

It is apparent from the index numbers presented above that the case for preserving the good qualities of South Bend is striking. It should also be apparent that the promotional potential of such numbers is high provided they are exploited in a proper manner. In their promotion, however, care must be taken in attracting enterprises that do not contribute to the lowering of the South Bend Index number. But, more of this in the next section.

THE PROPOSAL

We propose that the St. Joseph County area adopt a totally new philosophy towards its future development. If our arguments above about the quality of life and the factors working against it are valid, then the South Bend area should, from this point on, disavow completely the goal of economic growth at any cost.

In its place, the area should adopt a philosophy of "selective development," or qualitative growth.

By these terms, we mean a conscious effort to develop and enhance a trend which has been apparent in the South Bend area's economy for some time. Over the past 20 years or more, the area has been shifting from overemphasis on manufacturing industry to a much more balanced and stable economic structure. The closing of Studebaker's automotive operations accelerated this structural shift in the economy.

The effects of this shift are still being felt. The population of the area has been unusually stable. Although this fact has been viewed with alarm in many quarters, from our point of view it has been a fortunate, if unappreciated, dividend of the shift.

NEW INDUSTRY AND THE QUALITY OF LIFE

We urge that in the future development efforts of our area, prime emphasis be placed on securing those types of industries which will enhance the quality of life rather than detract from it. Manufacturing firms, firms requiring masses of unskilled and semiskilled workers, firms that by their nature tend to pollute the atmosphere or the area's rivers and streams—these should be actively discouraged from locating in our area.

The comparative instability of manufacturing firms must be recognized. The "boom or bust" characteristics of such firms impart a temporary, transient nature to the marginal portion of the labor force. Such persons are usually unskilled or semi-skilled. In an impermanent world, the unskilled workman earning relatively low weekly wages constitutes the prime market which keeps slums or slum-like areas alive.

A labor force enjoying the security of stable employment will seek living conditions which reflect this status. Short-term, high-turnover rental housing will go begging. Neighborhoods will not be glutted with rusting automobiles lining each side of the street. The school population will not swell, subside, and swell again as "boom or bust" affects manufacturing industry. We cannot live by such industries' balance sheets and income statements, which may well remain quite healthy throughout the disruption precipitated in the city.

It should be emphasized that we are not attempting by these comments to demean the unskilled or semi-skilled worker. If our educational system functions as it should members of these groups should diminish in numbers, and the remainder is likely to become gainfully employed in the more stable economy generated by selective growth. The removal of insecurity certainly will enhance the quality of life for families.

We recommend that this area should bend its efforts toward securing warehousing and distribution centers for which, by reason of location, it is admirably suited. Such service-oriented industries as finance, insurance, and real estate should be sought after. The area should seek to attain its full potential as a regional retail distribution center for the eight-county region it dominates.

RESEARCH AND DEVELOPMENT

A metropolitan area where life can be good ought to capitalize on that fact by attracting the many corporate research and development centers, and their highly-skilled personnel, which have evolved over the past decade. Located as it is in the middle of one of the greatest university complexes in the world (the Big Ten), our area should have significant appeal to the professional scientist and technician. Such people are concerned with the quality of life, and they are the sort of people who will fight to keep such quality once they have found an area that offers it.

The authors feel that our Quality of Life Index can be refined, and that it can be used as a promotional device for attracting the right kinds of firms to the area. We frankly are not concerned that the area "grow" in the classic sense of that term. To repeat once more—only now are our major metropolitan areas, those "winners" of the economic growth derby, beginning to realize some of the consequences of unlimited and nonselective growth. We are concerned that this area "develop" in the sense that people can live here as human beings, with outlets and satisfactions for their individual potentials.

We fully realize that we have not exhausted all the questions that will arise from this proposal. We also realize that our proposal, to be implemented, must have the approval of a significant portion of the population.

QUALITY OF LIFE COMMISSION

Accordingly, we propose that a broadly-based Commission be established, representing all segments of the community, to discuss our proposals and to attempt to secure community approval for them.

We further realize that for our proposals to have any chance of acceptance and implementation, we must win the approval of community leadership. To that end, you have been sent a copy of this paper for your study and comment.

Sooner or later, the South Bend-Mishawaka area will have to face the influx of people who are gradually spreading out from Chicago along the Gary-Michigan City axis. We must be ready to face this tide with a philosophy of orderly, selective development, or we will be engulfed. We hope that this paper has documented the consequences of the latter alternative.

GRAPHICAL APPENDIX

[Charts cannot be duplicated for the RECORD]

Introduction

In preparing the Quality of Life Index, it became apparent that certain of the measures we have employed relate directly to the potential quality of life, whereas other items relate inversely. For example, the measure of population per square mile displays an inverse relationship. The lower the population density, the higher the potential for a good quality of life. Thus, the graphical presentation should be read that South Bend's population density is only 22% of that of Cleveland, 16½% of Chicago's, 14% of that in Detroit, etc. This same type of reading should be applied to Graphs numbered 3, 8, 9, 10, and all the graphs pictured under the general heading Air Pollution.

By contrast, certain of the measures display a direct relationship. Thus, the graph depicting the percentage of sound housing units should be read that in Cleveland only 93% as many housing units are rated sound as in South Bend, in Chicago 92%, in Detroit 98% and in Indianapolis 89%. This same sort of reading should be applied to Graphs numbered 6, 7.

Thus, in every graph, by properly inverting the ratios, we have made the *height of each bar a relative measure of the potential for a good quality life.*

The actual calculation of the various ratios for each measure is too voluminous to be included in this paper, but the calculations are available from the authors should you wish to examine them.

FATHER HESBURGH CALLS FOR AMERICAN WITHDRAWAL FROM CAMBODIA

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, this

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week the Rev. Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame, called for the withdrawal of American forces from Cambodia.

In an address to students and members of the faculty, Father Hesburgh criticized what he described as "the recurrent military logic that the war must be widened to be narrowed." He also invited students to join him in a declaration to President Nixon protesting the U.S. action in Cambodia.

I ask unanimous consent that the press account of Father Hesburgh's speech as well as his statement to the President, both of which appeared in the May 5, 1970, edition of the South Bend, Ind., Tribune, be printed at this point in the RECORD:

NOTRE DAME AND ST. MARY'S STUDENTS PROTEST

(By Dolores Liebeler)

University of Notre Dame and St. Mary's College students have joined many college students throughout the country in protesting the extension of the war in Cambodia by boycotting classes.

Despite the plea made by Notre Dame President Rev. Theodore M. Hesburgh, C.S.C., to stay in the classrooms, students at both campuses went on strike today.

Classes at Notre Dame were reported anywhere from "normal" to "lightly attended." In most cases, faculty members sympathetic to the cause have dismissed classes.

St. Mary's classes were reported "slightly over half-filled."

Student leaders called the boycott Monday afternoon, shortly after Father Hesburgh had denounced Nixon's Cambodian action and urged the students to join him in asking the President for withdrawal of troops from Cambodia.

The Notre Dame President, who also heads the U.S. Civil Rights Commission, told approximately 1,500 students that striking classes is the worst thing they can do at this time.

"Your education and growth in competence are what the world needs most," he emphasized.

STUDENTS MOBILIZED

However, immediately following the rally, students began to mobilize for today's boycott of classes. They asked others to join various work groups to make signs, to organize picket lines, to set up "teach-ins" and to make plans to enter the classrooms today to turn the discussions to Cambodia.

The Notre Dame strike was called by Dave Krashna, student body president. "The undergraduate Student Government of the University of Notre Dame calls upon the student body to boycott all classes for an indefinite period of time."

Students reacted to Krashna's request with cheers, and many produced "Stop the War" and "Impeach Nixon" signs.

Carol Cusick, student body president at St. Mary's College, asked that the St. Mary's community join in a united strike force with Notre Dame "to present a solid front." St. Mary's students organized their campus strike plans at a meeting last night.

HESBURGH APPLAUDED

Thunderous applause greeted the Notre Dame president when he told the students that he does not agree with President Nixon's decision concerning Cambodia, and he was cheered when he said, "I have tried to understand the recurrent military logic that the war must be widened to be narrowed."

"But," he continued, "I fail to follow a logic that has grown more barren, more illogical, more contradictory, and more self-defeating in promising victory through defeat.

"In fact, the very terms of victory and defeat have become a triumph of unreason. Military logic reached its high point when we were told of Vietnamese villages and villagers: 'We had to destroy them to free them.' "

CALLS COUNTRY DIVIDED

The Civil Rights chairman pointed out that there has been no moment in history when our country has been more divided regarding its priorities and policy than at the present.

"I am reasonably sure that I speak for most in judging that our original involvement there (Vietnam) was a mistake. Now, more than 40,000 ended American lives later, and after 250,000 wounded Americans, and about 120 billion dollars of expenditure on death and destruction, most of us are willing to concede that what we won . . . is not worth the expenditure of so many lives and resources that might have been more humanly and more fruitfully expended elsewhere at home and abroad."

Father Hesburgh said he cheered when President Nixon announced the withdrawal of our soldiers and hoped that this was the beginning of the end of this fruitless war.

"STEP INTO QUICKSAND"

"Then came last week's decision to take yet another step into quicksand," he added.

Father Hesburgh does not agree with Nixon's policy because:

It is a fact of life that most young people do not see America's future identified with this military adventure.

Our great need of this nation today is for unity of purpose, clear priority of values.

It has drained young life in death and mutilation, wasted resources desperately needed for more serious problems in the world.

It has cast us as a nation in the character of a pariah, supported in our aims by almost no one of importance in the world's opinion.

SYMPATHIZES WITH FAMILIES

He sympathized with the families of those who had sacrificed their lives, noting that "their full sacrifice of life has demonstrated to us that never again must we engage in such a senseless endeavor.

"Regarding our war prisoners, we can only commit ourselves at whatever cost to their safe return," he said.

As "one lonely American citizen speaking for himself" he assessed that we would rather be honest in admitting that this whole endeavor has been a nightmare and a travesty of what we stand for as a nation . . ."

He emphasized that the real power and strength of the nation are spiritual values, justice and honor. "If our national conscience bothers us, we must stop, look and ponder our future."

Father Hesburgh said he knows that none of those attending the rally wants to be a coward, a traitor or an ungenerous American.

WARNS AGAINST VIOLENCE

"But if I read your conscience aright, neither do any of you want to be a partner to what you honestly conceive to be evil unjust or just plain wrong or idiotic," he continued.

He warned the students that violence here at home is the worst possible reaction to the violence they abhor in Southeast Asia.

Instead, he offered, prepare yourselves morally, intellectually and spiritually to make the world better.

"Striking classes as some universites are doing, in the sense of cutting off your education, is the worst thing you could do at this time," Father Hesburgh emphasized.

HESBURGH STATEMENT ASKS INDO-CHINA WITHDRAWAL

Rev. Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame, has urged students to join him in asking President Nixon for withdrawal of troops from Cambodia.

The following is the declaration which he intends to send to the President:

As Americans, proud of our national traditions and committed to the best ideals of our country, we declare that we see these traditions and ideals best realized by not continuing our military operations in Vietnam, Cambodia, and Laos.

1. We favor the withdrawal of our military forces at the earliest moment and the designation by the Congress of an ultimate date for complete withdrawal.

REPATRIATE PRISONERS

2. We favor the most serious efforts to repatriate our American prisoners of war at whatever cost. The nation should recognize its deep debt to them and their families for their continued suffering.

3. We favor the use of our persons and our financial resources to rebuild a new and hopeful society in Vietnam and all of Indo-China that has known nothing but wars for so many years.

4. We suggest that the people of this whole area must ultimately make their own effort to achieve the kind of society that they want; that whatever the good will of our past and future efforts, it is the Vietnamese, Cambodians, and Laotians themselves who will create the conditions for peace and a better society, something that no force of arms or military imperialism from North or South, East or West, has yet created.

5. Most fundamentally, may we state our deep convictions that our national priorities today are not military, but human. Our nation is unnecessarily and bitterly divided on issues at home and abroad. If the war abroad can be quickly and effectively defused, then we can be united at home in our dedication to justice, to equality of opportunity, and to renewing the quality of American life—a task that will require our best personal efforts and even more of our financial resources than those squandered by us in recent years on a largely frustrating and fruitless venture.

6. Lastly, we realize that the above points would sound like empty rhetoric if we did not stand ready—as we do—to commit our persons, our talents, our honor, and our futures to help work for a better America and a better world in a peaceful and non-violent manner.

FATHER'S DAY RESOLUTION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, yesterday I was pleased to introduce House Joint Resolution 1217 which will authorize the President to designate the third Sunday in June of each year as Father's Day.

I introduced this resolution at the suggestion of Mr. Paul D. Gilbert who is the national chairman of the Father's Day Council, past president of Menswear Retailers of America, and one of the outstanding civic leaders of the Third Congressional District.

As Mr. Gilbert recently wrote in a letter to me:

> Once each year this nation, in a small way, attempts to pay appropriate tribute to the Fathers of America by celebrating the third Sunday of June as Father's Day. However, unlike Mother's Day, this event has not been given appropriate recognition by the Congress and the President on a continuing year to year basis.

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Mr. Speaker, I hope this resolution will receive prompt attention and the House will see fit to honor all fathers in our country by permanently designating 1 day of each year as Father's Day.

I include in the RECORD the text of House Joint Resolution 1217 at the conclusion of my remarks:

H.J. RES. 1217

Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in June of each year is hereby designated as "Father's Day". The President is authorized and requested to issue a proclamation inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging our people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers.

THOUGHTS ON SERVING IN VIETNAM

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker with all our debate over the issues underlying our commitment in Vietnam, I fear that too often we may forget about the young men who actually bear the burden of the fighting out there.

Recently I read an engaging personal account by one young man in my new district who has just returned from Vietnam. His frank recital of his feelings and impressions is one that I believe many Members will find of interest.

Therefore, under leave to extend my remarks, I include this article by Charles E. Wolfe entitled "Thoughts on Serving in Vietnam," which appeared in the Spotlight of Delmar, N.Y., in the issue for April 23, 1970:

THOUGHTS ON SERVING IN VIETNAM

(By Charles E. Wolfe)

When you hear that you are going to Vietnam, you feel a bit strange, a bit frightened, a bit anxious. You leave the states, whether by ship or by air, and feel that you are on a great roller coaster and there is no getting off from this ride until you are at the end of the line. The great adventure has begun.

You get there at last. You are afraid, but you try not to admit it. You hear the old top sergeant shout out "Cheer up, men; you're home!" You try to grin, but you are waiting for sniper fire and the crashing of mortars. On the other hand, the war is de-escalating at such a rate that there probably won't be much fighting during your tour. On the other hand you also hear that Vung Tau got hit, after having gone three years without a shot having been fired in anger there. So you never know. The fear perhaps melts into an uncertainty which becomes a primary emotion. This produces a constant tension. You will forget about it and go about your business. But it will always be there, even if subliminally.

You become aware of the heat, of course, even before you are in-country. It is always there, and varies from hot to hotter. At first you are probably curious about the temperature and like to know how hot it really is. Later on, when you are a bit wiser, you'd just as soon not know how it actually is.

It is pill time every Monday morning, and with your tray in the mess hall you receive the huge orange pill which is supposed to protect you from malaria. It will give you, most likely, a case of the "runs" for part of that day, and many is the time you are tempted to forget to take your pill. On the other hand, you notice that in bad malaria country almost no one from your outfit gets malaria and so you continue your Monday "trots" and you don't get malaria either.

Toilet facilities will become more important to you than they were in the states. Very few of the men had great experience with outhouses before. Once in a while you may find a flush toilet in your travels around the country. Happiness can often be defined as finding dry toilet paper in the critical hour of your need.

Water is another luxurious commodity that you cannot take quite for granted as you could in the States. You learn to look for the signs which give you the clue as to whether or not this water is potable. Which water can you drink and which water can you only shave in?

You will most likely be working longer hours than you are used to. Our men got one half day off every other week, and the days themselves were half again as long as what the average civilian worker expects to work. This leads to fatigue which becomes all pervading. The dominant feeling to describe the tour, as I look back upon it, is that I was never so completely bone tired in my life. The fatigue becomes even more important than the fear. Even under an attack, the fear is not always as strong as the fatigue. It also leads to boredom in many of the assignments.

You are also discovering an alien culture which is very difficult to assimilate for a young man who has not had extensive contacts with alien cultures in his past experience. We call it a "culture shock" as you begin to take in a culture which is very backward by American standards. The smell is so all-pervasive that at first you think you will gag and you wonder if Vietnam is one great cesspool. After a few days, however, you become used to it and then forget it until new replacements comment upon the smell as they first enter the country. You are most likely to meet the Vietnamese who are camp followers, and they are not the ones calculated to impress you. Camp followers are camp followers the world over, whether they be Americans or Vietnamese. You find they are as willing to pander to your vices as were Americans next door to your post back in the states. They offer you a girl, or dope, or alcohol. They offer to buy your greenbacks at an exorbitant profit. You see your PX goods on the black market. Maybe you can't get jungle fatigues through your normal supply channels, but you can get them downtown in the black market. You hear that the Vietnamese troops won't fight well. You hear about corruption in their government. You hear them referred to as "slopes" or "slant eyes." Why should you fight for them if they don't fight for themselves?

Can you respect people who act so differently from you? You see the men holding hands as they walk down the street and you wonder if every soldier in the Vietnamese Army is a homosexual, or a queer. It is a while before you begin to realize that it does not mean the same thing it would mean if you held hands with one of your buddies. You are having trouble communicating with a Vietnamese, because of the language barrier, and he or she giggles at a time when it is very insulting to you and you become angry. It is some time before you realize that a giggle for a Vietnamese is often a way of covering embarrassment and is not really the insult it would be if an American girl giggled at you under the same circumstances. You pull a joint guard mount with Vietnamese Popular Forces in the Mekong Delta and are nervous when they bring their families and have a picnic on the perimeter line and it is a while before you begin to realize that their fighting style is different from yours, but may not be any worse.

In short, in a hundred ways you are trying to learn that what is different may not be bad. It is a hard lesson to learn. They are different, but they may be as well. You are supposed to learn this under very difficult conditions at the age of 18 of 19. Your parents have probably still not learned this basic lesson in human relations, but you are supposed to learn it and surpass your people back home in the maturity of your judgment.

You find that your mission is very difficult to define. You are not fighting the recognizable enemy that your fathers fought in World War II. You do not have the stable battle lines that your older brothers had in Korea. You are fighting a hit and run guerilla and it is most difficult to tell your enemies from your friends.

You are supposed to be a soldier, yes. But more than this, you are supposed to be a diplomat. You are supposed to be an apostle for American democracy, "winning the hearts and minds of the people." You are supposed to use such mature judgment in combat, at the age of 19, that you win the war in the field. At the same time you are supposed to be a missionary to the people of the good life as we know it in America. And if you fail in your judgment in either of these ways, you will be court martialed. Your fathers and mothers, with their experience, could not win the hearts and minds of Canadians or Mexicans for our culture, and yet you are expected to do this for Vietnamese.

The American public does not cheer you or welcome you home as a hero from perhaps the dirtiest and most difficult war that Americans have been called on to fight. Instead you are considered by many as being a sucker, by others as being an imperialist killer, and by so many others as simply having wasted your time, your sweat, and your blood in a lost cause. This is the "support" that you receive from your country. This is a crucial difference between the Vietnam veterans and the veterans of any other war that we have with us today.

And so you are frustrated. More and more you feel alienated from the U.S. The reports of campus unrest especially embitters you. You are afraid. You are lonely. You are tired. Perhaps you are angry also. There is such difficulty in giving you clear-out goals for your combat mission that you are more and more frustrated. The crown to your feelings comes with the knowledge that the enemy does not even have to edit the speeches of the American doves in order to use them for propaganda against you in the very field. A sense of restlessness is added to your reservoir of feelings.

This it not a pretty picture. Perhaps it is not universal. But this is the feeling of the soldier in Vietnam, in the Mekong Delta especially, as I felt it and as I saw it as chaplain to engineers, to an airfield, and to American advisors in the field.

The Army is trying to do something about this. An attempt is being made at troop information about the mission and the war to try to clarify the goals in the field. Services are provided the soldier, such as the chaplain, the doctor, the lawyer, the Red Cross, the social worker, the psychiatrist, and the service clubs. Never before have troops in a combat zone been so well fed. Never before have they been so healthy. Never before have so few men died after being wounded. Through the R and R program, a major effort is made to give the soldier a break in his tour by sending him for a week to vacation in some city, such as

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Hong Kong or Singapore. A major effort is made to provide first class mail service. Never before have I heard of an army in the field which provided virtually free long distance telephone service to call the family back in the states. These are all helpful.

We, as his family and friends, need to realize that mail to him is more important over there than it is to us back home. So we need to write more regularly. Good old mom can usually be depended to write to her son. But others are not as faithful. I think it is important not to bug him with your worries about his safety, or with detailed accounts of anti-war sentiment. He hears all of this sort of thing that he needs to hear. It is important not to worry him with your worries while he is over there. He has enough worries of his own. It is important to be open and accepting about his feelings as he expressed them, without worrying too much about bitterness or hostility or an excessive vehemence of feeling he may express now.

When he gets home he may be a bit moody or restless. He may even be a little bitter. He may want to tell his war stories. Or he may not want to. Let him give you the clue as to what he wants to talk about. Don't bug him about going back to school the day after his discharge, or going back to his job. Try to understand his feelings of alienation. Remember that he, as a Vietnam veteran, is a member of the least understood minority in the United States, bar none.

Don't worry about him. He's going to be all right. The war experience is not going to change him permanently any more than it changed his father or his uncle. It did not really hurt him down deep in the basic core of his personality. He is still your son or your husband or your nephew or your friend or the kid next door. Give him the time he needs to get over it. But know that in the long run he will get over it, and I think he'll be a better and more understanding man for the experience.

ACTIONS OF DHEW AND FDA WARRANT FULL INVESTIGATION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, we should have an investigation into recent disclosures that Department of Health, Education, and Welfare officials have continually manipulated laboratory results on the safety of food additives and pesticides. Conclusions and recommendations were expunged from FDA's own scientific reports when they conflicted with Food and Drug Administration positions or directives from high-level DHEW officials.

On April 30, I wrote to the Secretary of Health, Education, and Welfare, and asked for comment on the accuracy of the news statements cited in my letter concerning the artificial sweetener, cyclamate.

Excerpts from that letter are:

> News stories and the recent "Center for the Study of Responsive Law" Report on the Food and Drug Administration disclose that experiments involving the artificial sweetener, cyclamate, in 1948 through 1950 showed a suspiciously high incidence of cancer in test animals. Further, the cancer findings involving this product were omitted in the 1950 published report. The testing was admitted but the inference was that it was completely safe.
>
> However, cancer findings relating to other artificial sweeteners, Dulcin (paraphenylurea) and P-4000, were published. The findings relating to Dulcin do not appear to be significantly different from the omitted cyclamate findings, yet the FDA drove Dulcin out of the marketplace and allowed cyclamate to remain.
>
> The involved FDA pathologist is alleged to have stated that his superiors wrote the 1950 report and that he had only signed because he did not want to fight with his superiors. In turn, his superior is alleged to have stated that it was his function to carry out official positions and that the pathologist had to support such decisions. As a result, he had been reinterpreting data for 30 years.
>
> I find these disclosures even more shocking when it was brought to my attention that one of the individuals on the 1950 report, an FDA official, acting on behalf of the FDA and sworn under oath to tell the whole truth, testified on November 28, 1950 before Chairman James J. Delaney (N.Y.) of the House Select Committee to Investigate the Use of Chemicals in Food Products, that "It (Sucaryl) came out with flying colors, yes sir . . . Abbott Laboratories did a fairly complete study of it. We also did. Our results came out exactly alike. We have no apprehensions about the safety of Sucaryl."
>
> Yet the same official, writing in FDA-NDA 7258 memorandum dated September 2, 1950, disclosed that he had reviewed the Abbott Laboratories' test data and dismissed it as useless. He stated the tests were "an illustration of how an experiment should not be conducted." He made the following points: The numbers of test analyses were too small, control groups were discontinued too early in the experiments, and no autopsies were performed. The pathological studies were so poor that there was really nothing to express an opinion on and the report was vague. This official's memorandum concluded, "If we had not studied this compound, I would be quite reluctant to permit its use even for drug use, not to mention as an artificial sweetener for foods. It should be pointed out to Abbott that the evidence to support their case is not contained in this NDS; and that it is on the basis of our own work that recommendations are being made to permit this application to become effective." The FDA data referred to also revealed a highly suspicious frequency of tumors, which was omitted from the published reports.
>
> These statements and actions cast doubts on the integrity of all FDA scientific, administrative and legal positions taken over the past 30 years. Would you comment on the accuracy of the allegations made in the news stories.

These facts, together with past disclosures, such as congressional revelations, indicate a deplorable lack of ethics and a public be damned attitude on the part of the FDA. The actions of DHEW and FDA warrant full investigation.

I also wish to add the attached editorial from the New York Times dated May 4, 1970:

> ### FDA PROBE NEEDED
>
> It has often been observed in Washington that after an initial period of enormous activity, Federal regulatory agencies tend to become captives of the industries they regulate, and to be more concerned with the industry's interests than with those of the public at large. But even cynics sharing this widely held view must have been shocked by the latest charges against the Food and Drug Administration, charges leveled by Dr. Howard L. Richardson, chief pathologist in the agency's Bureau of Science.
>
> Dr. Richardson maintains that middle-level F.D.A. bureaucrats have for years been manipulating and censoring laboratory data to make them fit the agency's policies rather than altering those policies in the light of the data. His most serious example is the claim that experiments carried out in 1951 revealed a suspiciously high incidence of cancer in test animals used in studies of the cyclamate artificial sweeteners, but that evidence was ignored then and cyclamates were permitted to be sold on the market until new adverse evidence became available last year. Dr. Richardson cites other cases in which, he charges, lower-level bureaucrats rewrote scientific reports and engaged in other activities tending to downplay or conceal evidence that various foodstuffs might be harmful to health.
>
> Dr. Richardson's charges strike at the fundamental integrity of the F.D.A., whose responsibilities for the safety of this nation's foods and medicines are enormously important. The charges are so serious that the suspicions they arouse in the public mind are unlikely to be allayed purely by an internal investigation carried out by present F.D.A. officials. A thoroughgoing Congressional investigation could determine whether, as Dr. Richardson implies, the interests of the American people have been systematically betrayed over the years in favor of the interests of politically powerful elements in the food industry. Whether the F.D.A. is innocent or guilty, only such a Congressional examination can hope to establish the facts.

HUGE HUNT ON FOR SDS SUSPECTS

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, the Scripps Howard newspapers today carried an article relating to the nationwide FBI hunt for certain leaders of the infamous Students for a Democratic Society.

With the hope that it may assist the search for these anarchists, I include the article for insertion in the RECORD at this point:

> ### HUGE HUNT ON FOR SDS SUSPECTS
>
> (By Richard Starnes)
>
> One of the most intensive manhunts in FBI history is under way for nine leaders of the ultramilitant Weatherman faction of Students for a Democratic Society (SDA) who are wanted on charges of riot and conspiracy growing out of the "four days of rage" disorders in Chicago last October.
>
> The Chicago riots, which took place soon after the Weatherman group had broken away from less militant elements of SDS, were an unprovoked rampage thru downtown Chicago. They were apparently an attempt by the founders of the Weathermen to establish the reputation as the most violent—and hence the most deserving of support—of the fragments of SDS.
>
> One of the nine also is being sought in connection with an explosion of a suspected Weatherman bomb factory which took three lives in New York's Greenwich Village in March.
>
> #### EFFORT INTENSIFIED
>
> * * * * *
>
> Several hundred thousand "wanted" flyers (called "information orders" or "I.OS" in police parlance) have been distributed to law enforcement agencies thruout North America.
>
> But the FBI makes no secret of the fact it expects a long and difficult task in tracking down the nine.
>
> "These are not 80 IQ stickup men," one official explained. "And they are not restricted to the ordinary hideouts of common criminals. They are literally hundreds of hippie

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communes thruout the country where they could remain hidden for months. It's really a very special problem for us."

CONSIDERED RINGLEADERS

Other security officers acquainted with the fugitive Weathermen emphasized that the nine are considered the ruling philosophers of the campus rebellion, and are regarded as particularly dangerous in the ferment now sweeping U.S. universities.

The nine are:

Mark William Rudd, 22. Rudd was a founder of SDS and a leading figure in forming the hard-core Weatherman faction. He was an SDS leader at Columbia University and played a prominent role in organizing the disorders there two years ago. He is charged with violation of federal antiriot laws and conspiracy.

Bernardine Rae Dohrn, 28. She is an SDS national officer also known as Marion Del-Gado, Bernardine Rae Ohrnstein and H. T. Smith. She holds a master's degree in law from the University of Chicago and is considered one of the leading theoreticians of the student rebel Left. She is charged with unlawful flight to avoid prosecution for mob action, violation of federal antiriot law and conspiracy.

Kathie Boudin, 26. She is a one-time camp counselor and swimming instructor and wanted on the same charges. She is a magna cum laude graduate of Bryn Mawr College.

Cathlyn Platt Wilkerson, 25. A slender, brown-eyed beauty, she has worked as camp counselor and secretary and reportedly plays both harp and guitar. She is wanted on the same charges as Miss Dohrn, plus homicide charges stemming from the New York explosion.

Michael Louis Spiegel, 23. Spiegel, a slim six-footer, occasionally works as a laborer. He is wanted on riot and conspiracy charges in connection with the Chicago disorders.

John Gregory Jacobs, 22. Jacobs, who also goes by the names Barry P. Stein and "J. J." is ruddy, muscular and of medium height. Wanted on federal antiriot and conspiracy charges.

Howard Norton Machtinger, 23. Machtinger, slender and green-eyed, may have dyed his naturally brown hair blond. He is wanted on the same charges as Jacobs.

Lawrence Michael Weiss, 22. Weiss, called an "escape risk" in the FBI flyer, is wanted on the Chicago riot charges plus warrants for escape, mob action and aggravated battery.

William C. Ayers, 25. Like Bernardine Dohrn, Ayers is an SDS national officer and regarded as one of the articulate intellectuals of the Weatherman faction. He has been convicted of trespass and simple assault, and is now being sought on riot and conspiracy charges.

ALL HELD DANGEROUS

In each case the FBI poster carried the warning that the wanted individual "has been associated with persons who advocate the use of explosives and may have acquired firearms. Consider dangerous."

Three others have been indicted in connection with the Chicago affray. One, Linda Evans, 22, has already been arrested. The two others are Terry Robbins, 22, and Judy Clark, 21.

Robbins was one of a group of Weathermen who last year staged a noisy demonstration at Kent State University in Ohio, where earlier this week National Guardsmen fired into a group of rioting students, killing four of them.

CONFLICT OF INTEREST

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, we have heard a great deal about conflict of interest. A most significant illustration has come to light in the United Mine Workers of America, which I call attention to all Members, as summarized by John Herling's column in the Washington News of May 7:

Conflict of Interest

Action was begun today in Federal court to disqualify Edward Bennett Williams, one of the nation's leading criminal lawyers, and his partner, John Connolly, from participating in the defense of United Mine Workers President Tony Boyle and his fellow officers, who are charged with dereliction of duty in connection with UMW affairs.

In addition, an injunction is sought against the UMW officers to bar them from using the union's funds to pay to Messrs Williams and Connolly counsel fees in connection with their defense.

This action was brought by Joseph L. Rauh, Jr. and his associates who represent the dissenting UMW group, which was headed by the murdered Joseph (Jock) Yablonski, head of the opposition ticket in the bitterly fought miners election of last December.

In his legal action, Mr. Rauh made two points:

The payment of fees to the Williams and Connolly firm with money from the UMW treasury is a violation of the federal law.

A conflict of interest exists between the UMW as an institution and Mr. Boyle and his associates who are charged with a variety of depredations against the union.

According to Mr. Rauh, such a combination of conflicting relationships bars the same counsel—Williams and Connolly—from representing "both the institution and the derelict officers."

Members of the United Mine Workers have charged the union's international officers in a series of cases with misappropriating and misusing union funds for their personal gain and self-aggrandizement by diverting money to increase their own power and to advance their re-election.

To use the UMW dues to pay Mr. Williams and his associates, Mr. Rauh informed the court, is not only prohibited by general common law but also by the Landrum-Griffin Law.

In support of his contention, Mr. Rauh cited as a governing precedent in this connection the 1962 ruling of the Court of Appeals in the case of Milone vs. English that "when union officers are charged in a suit with wrongdoing detrimental to the union and its members, union funds may not be used in their defense, nor may counsel for the union represent them."

By an interesting coincidence, Mr. Williams, as counsel for the Teamsters and Teamsters President Jimmy Hoffa, was directly involved in that 1962 case.

At that time, Judge Charles Fahy, speaking for the D.C. Court of Appeals, sternly warned the Teamsters lawyers against such a conflict of interest. He pointed to the incompatibility of counsel's loyalties when he represents both the union and those who are being charged with improper conduct against it.

"The treasury of a union," added Judge Fahy, "is not at the disposal of its officers to bear the cost of fraudulently depriving the members of their rights as members."

Mr. Williams, whose versatility enables him to be occupied with a wide range of interests and clients, may perhaps have only a dim recollection of the 1962 conflict of interest case in which he played a central part. He may, in effect, attempt to argue that the earlier case, even if it were one he had not overlooked, is not relevant to his current situation. Or he may withdraw.

H.R. 14910—THE ETHNIC HERITAGE STUDIES CENTERS BILL

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, it has been my privilege to cosponsor H.R. 14910, proposing the establishment of ethnic heritage studies centers in our country. The fundamental importance of the bill at this time cannot be too strongly emphasized. Considering the rich cultural diversity of our Nation, passage of this measure would intensify our cultural resourcefulness and contribute heavily toward higher levels of unity and national purpose and determination. It would provide opportunities for a maximization of the contributions that Americans of various ethnic backgrounds, such as Lithuanian, Polish, Ukrainian, Italian, Chinese, Hungarian, and numerous others, could make toward our evolving culture and national strength.

Furthermore, the leadership of our Nation in world affairs will necessarily expand in the years ahead, with impact not only in the free world but also in the red empire. This inevitable expansion of commitment and involvement will demand and require broadened knowledge of the culture, language, history, and politics of numerous peoples and nations which have bonds with Americans of respective backgrounds. For the indispensable growth of popular knowledge and understanding of these foreign nations, particularly in Eurasia, the proposed ethnic heritage studies centers would play a fundamental role of educational motivation in our secondary schools and communities throughout the country. Those who, directly or indirectly, know what it means to be deprived of freedom, are in the best intellectual and spiritual position to transmit the value and meaning of freedom to many of our countrymen who take it for granted, and some who seem to abuse it.

A recent statement submitted to the General Subcommittee on Education expresses these very ideas justifying the passage of H.R. 14910. Prepared by Dr. Lev E. Dobriansky of Georgetown University and in representation of the Ukrainian Congress Committee of America, of which he is president, it states in concise language the significance of America in the world at large and how, through this important measure, we can magnify and strengthen it. I recommend that the thoughts expressed in this statement be reflected upon as we consider the striking merits of this bill.

Statement by Dr. Lev E. Dobriansky in Support of H.R. 14910 on Ethnic Heritage Studies Centers

Mr. Chairman, in response to your written invitation of March 4, 1970, I am privileged to express the full support of the Ukranian Congress Committee of America in favor of the passage of H.R. 14910, which provides a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation. Representing the thoughts and sentiments of over 2½

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million Americans of Ukrainian ancestry, this national committee is authoritatively speaking for a major ethnic group in our Nation, which in numerous spheres of cultural and educational activity has made and continues to make its constructive imprints on our evolving democratic society.

In this concise statement I just want to stress and underscore four essential points concerning H.R. 14910 and its provision for the establishment of ethnic heritage studies centers. These are: (1) the instrumental significance of the bill and its contents for the nature and directions of our Nation; (2) the wisdom of concentrating on improvements in the elementary and secondary schools in our country; (3) the example of the Ukrainian Congress Committee of America (UCCA) as an organizational agency for the implementation of the programs envisioned in the measure; and (4) the factor of special knowledge as a determining asset insuring the fulfillment and success of the contemplated programs.

OUR UNIQUE NATION

The goals and objectives of this advanced legislation are thoroughly consistent with the historical bases and the significant nature of our national entity. Indeed, the provisions of the bill and their methodical realization would serve to constitute a formidable instrument designed to intensify the qualitative growth and cultural richness of our nation-state. As the measure's statement of policy emphasizes, a greater understanding of one's heritage and those of others cannot but contribute to our national cohesion and more harmonious and prosperous overall development. But what is oftentimes overlooked is the more fundamental uniqueness of our Nation in the history of the world and the basic need for preserving and cultivating this unprecedented character, which by intent, content, and portent this legislation would reinforce immeasurably.

Without striking any super-patriotic or romantic notes, it becomes philosophically evident on the basis of both historical and political evidence that no nation in the history of mankind has possessed or possesses the nature and character of our Nation. Historically, from the very start, drawn into the very body and soul of America have been people from every corner of the globe, from every race, and from all major religions. Human diversity in developmental unity has been and is the unique characteristics of America; multi-ethnicity at work in national union has been and is the ever-expanding reservoir of resourcefulness, innovation and challenge in this grand historical experiment called the United States of America. To parallel, as some do, the USSR with the US in this respect is to profess ignorance on more than one count.

The ramifications of thought flowing from this fundamental truth are numerous and engaging. This is scarcely the place to pursue and elaborate on them. The important point here is that the essence of the bill really goes beyond the passive attainment of understanding ourselves and each other to tap and regenerate the very springs of our national origin, growth and destiny. Clearly, in our world context today, it is not a species of putative reasoning to maintain that by its unique nature and all that this implies in terms of human progress and civilization, the presence and consummate power of America are integral parts of a providential design for the future of mankind. Whether by reason and will we shall accomplish the demands of this design is the titanic test and challenge we face. The directions paved by this measure undoubtedly will enable us to meet this challenge more adequately and more successfully.

THE PRIMACY OF EARLY EDUCATION

It is unnecessary to dwell on any psychology or philosophy of education in order to emphasize the primacy and crucial importance of one's early education in the formative years. The bill rightly and wisely concentrates on improving and assisting elementary and secondary education as concern the multiple heritages in our progressive society. Mistaken and erroneous preconceptions woven into young minds during these early years frequently remain with students on higher levels of education in later years. Of course, not only do they serve to perpetuate myths and early contrived misconceptions but also the millions who form our citizenry and conclude their formal education with high school.

Ironically enough, perhaps no subject has been mangled and distorted by perpetuated myths and misconceptions than that of the Soviet Union, its multinational composition and so forth. Children taught that this state is "Russia," continue to harbor this myth and all that flows from it for the rest of their lives. Even college students today evince an ignorance as to nations such as Estonia, Latvia and Lithuania, despite their independent existence between the two world wars.

The consequences of a general situation such as this need hardly be defined here. Suffice it to say that with the USSR being for years a chief threat to the security of our national being, a modicum of common sense would demand that our citizenry become expeditiously enlightened about the different nations and peoples in that state. Plainly, one effective way of overcoming this undoubted general deficiency in our Nation is provided by this bill. Large communities in our country consist of Americans whose heritage extends to one or another area of the USSR. With ethnic heritage studies centers dealing with Ukraine, Lithuania, Estonia, Latvia, Armenia and others, there can be no question that this grave deficiency would be rapidly eliminated, with all the positive benefits that this would entail.

AN EXAMPLE OF CONSTRUCTIVE IMPLEMENTATION

When it comes to the matter of an efficient and constructive implementation of the envisioned programs, it is utterly necessary to establish safeguards against uneconomical arrangements, waste of resources in being, and fly-by-night operators, such as have characterized other programs in the recent past. My chief point here is that to a large extent the anatomy for efficient and sound programming already exists in the case of several major ethnic groups. What is desperately required is a substantial improvement and beefing-up of the structures already in existence, such as the bill implicitly contemplates. This course of action would insure an economical use of resources, certainly as to productive results, and the necessary avoidance of waste.

To cite an example for efficient implementation, the structure of the Ukrainian heritage groups in this country lends itself to a rational allocation of resources. One of the few of its kind, the UCCA is a unified, rational organization to which, across the country, organizations, clubs, religious, cultural and academic groups belong in integrated membership, except for minor communist elements. The UCCA is an educational organization of organizations; it is tax-exempt; it supports schools and studies of the Ukrainian language, history, arts and culture in general. The impact of its cumulative work has been felt in Congressional investigations into communism, the Congressional Captive Nations Week Resolution, the erection of the Taras Shevchenko monument in our nation's capital, and in scores of other respects. In short, by structure and operation it could easily form regional and local Ukrainian heritage studies centers, serving and assisting our elementary and secondary schools.

THE ASSET OF SPECIAL KNOWLEDGE

Finally, a few words concerning the determining asset of special knowledge. Employing the example given above, the UCCA, through two of its organizational members, maintains a list of Ukrainian heritage academicians at universities and colleges across the country. For maximum effectiveness of the program in this major ethnic area, sources of special knowledge are a sine qua non. Moreover, resident in all of our major cities are similar sources of special Ukrainian knowledge which would be necessary to tap and for which the UCCA has records in being. Briefly, then, such special knowledge, utilized and dispensed within the framework of our American ideals and traditions, is both a fundamental asset and capital for insuring the success of these programs.

We look forward to participating heavily in the program for Ukrainian heritage studies, which for decades now this committee has sought to advance, albeit with relatively meager resources. You and your colleagues draw our highest admiration and esteem for the far-seeing features of H.R. 14910. And I thank you most gratefully for the opportunity of submitting this statement on a most vital endeavor.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McMillan (at the request of Mr. Garmatz), for today and rest of week, on account of official business.

Mr. Wiggins (at the request of Mr. Arends), for today and the balance of the week, on account of official business as U.S. delegate to the Mexico-United States Interparliamentary Conference.

Mr. Stratton, for the period from May 11 to May 20, on account of official Armed Services Committee business.

Mr. Brademas, for May 11 through May 18, on account of participation in the Anglo-American Conference in Africa.

Mr. Gubser (at the request of Mr. Hébert), from May 11 to May 20, on account of official Armed Services Committee business.

Mr. Dickinson (at the request of Mr. Hébert), from May 11 to May 20, on account of official Armed Services Committee business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Steiger of Wisconsin) and to revise and extend their remarks and include extraneous matter:)

Mr. Horton, for 1 hour, on June 16.

Mr. Miller of Ohio, for 5 minutes, today.

Mr. Michel, for 60 minutes, today.

(The following Members (at the request of Mr. Pucinski) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Farbstein, for 20 minutes, today.

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Mr. **Vanik** (at the request of Mr. **Pucinski**), today, for 20 minutes, to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. **Gross** in two instances and to include extraneous material.

Mr. **Mahon** and to include extraneous materials.

(The following Members (at the request of Mr. **Steiger** of Wisconsin) and to include extraneous matter:)

Mr. **Brown** of Ohio.
Mr. **Hall**.
Mr. **McCloskey**.
Mr. **Railsback**.
Mr. **Halpern** in two instances.
Mr. **Hogan**.
Mr. **Scherle** in two instances.
Mr. **Thompson** of Georgia.
Mr. **Foreman** in two instances.
Mr. **Wyman** in two instances.
Mr. **Wiggins** in two instances.
Mr. **Kleppe**.
Mr. **Burke** of Florida.
Mr. **Frey**.
Mr. **Frelinghuysen**.
Mr. **Whalen**.
Mr. **Martin**.
Mr. **Wold**.
Mr. **Horton** in two instances.
Mr. **Keith**.
Mr. **Michel**.
Mr. **Brotzman**.
Mr. **Byrnes** of Wisconsin in two instances.

(The following Members (at the request of Mr. **Pucinski**) and to include extraneous matter:)

Mr. **Bingham** in four instances.
Mr. **Harrington** in two instances.
Mr. **Rodino** in two instances.
Mr. **Addabbo** in two instances.
Mr. **Gonzalez** in two instances.
Mr. **Rooney** of New York.
Mr. **Fraser** in five instances.
Mr. **O'Neal** of Georgia in two instances.
Mr. **Daniels** of New Jersey.
Mr. **Ryan** in three instances.
Mr. **Anderson** of California in two instances.
Mr. **Long** of Louisiana.
Mr. **Ichord** in two instances.
Mr. **Byrne** of Pennsylvania in two instances.
Mr. **Farbstein** in six instances.
Mr. **Wolff** in two instances.
Mr. **Friedel** in three instances.
Mr. **Stephens** in two instances.
Mr. **Thompson** of New Jersey.
Mr. **Helstoski** in two instances.
Mr. **Jones** of North Carolina in two instances.
Mr. **Smith** of Iowa.
Mr. **Mikva**.
Mr. **Hungate** in two instances.
Mr. **Fountain** in two instances.
Mr. **Kluczynski** in two instances.
Mr. **Pucinski** in six instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3706. An act to provide financial assistance for and establishment of a national rail passenger system, to provide for the modernization of railroad passenger equipment, to authorize the prescribing of minimum standards for railroad passenger service, to amend section 13(a) of the Interstate Commerce Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1969, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the **Congressional Record** pursuant to section 4(b) of Public Law 85-804:

Assistant Secretary of Defense,
Washington, D.C., May 4, 1970.

Hon. **John W. McCormack,**
Speaker of the House of Representatives, Washington, D.C.

Dear Mr. Speaker: In compliance with Section 4(a) of Public Law 85-804, the calendar year 1969 report on extraordinary contractual actions to facilitate the national defense is transmitted herewith.

Table I shows that 334 contractual actions were approved with a cost to the Government of $2,420,000, and that 91 actions were disapproved. Included in the number of actions approved are 108 actions for which a potential Government liability cannot be estimated.

Reported also in Table I are 36 actions for the Department of the Army using the authority of Public Law 85-804 to require a standard employee compensation clause in all contracts for construction work at the Cape Kennedy complex. The clause specified various items of compensation based on a Project Stabilization Agreement negotiated by and between the Patrick Air Force Base Contractors Association, the Brevard (Fla.) Building and Construction Trades Council and the Building and Construction Trades Department, AFL-CIO. Adoption of this clause resulted from a determination that adherence to the money provisions of the Project Stabilization Agreement by all contractors and subcontractors performing work at the Patrick Air Force Base and Cape Kennedy complex is desirable in the interest of prompt and orderly performance of construction contracts at these sites.

Table II lists the actions which have an actual or potential cost to the Government of $50,000 or more. Included in this list are the above mentioned contingent liabilities for which a potential dollar cost cannot be estimated.

Sincerely,

Barry J. Shillito,
Assistant Secretary of Defense (Installations and Logistics).

TABLE I.—SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY-DECEMBER 1969

[Dollar amounts in thousands]

Department and type of action	Actions approved: Number	Actions approved: Amount requested	Actions approved: Amount approved	Actions denied: Number	Actions denied: Amount
Department of defense, total	334	$9,261	$2,420	91	$10,241
Amendments without consideration	12	7,746	1,451	18	8,779
Correction of mistakes	140	1,175	652	58	1,328
Formalization of informal commitments	33	340	317	11	134
Contingent liabilities	108				
Disposition of property	2			2	
Other	39			2	
Army, total	85	498	451	30	3,375
Amendments without consideration	3	147	122	9	2,888
Correction of mistakes	20	137	123	10	355
Formalization of informal commitments	22	214	206	9	132
Contingent liabilities	2				
Disposition of property	2			2	
Other (employee compensation clauses ASPR 18-703.2)	36				
Navy, total	111	7,935	1,399	8	5,229
Amendments without consideration	4	$7,336	$1,200	3	$4,958
Correction of mistakes	23	593	193	5	270
Formalization of informal commitments	2	6	6		
Contingent liabilities	82				
Air Force, total	52	483	279	36	1,073
Amendments without consideration	4	215	85	5	546
Correction of mistakes	18	249	175	29	527
Formalization of informal commitments	3	20	19		
Contingent liabilities	24				
Other (contract modification or termination)	3			2	
Defense Supply Agency, total	85	249	210	17	564
Amendments without consideration	1	48	44	1	386
Correction of mistakes	79	196	161	14	176
Formalization of informal commitments	5	5	5	2	2
Defense Communications Agency, Formalization of informal commitments	1	95	81		

TABLE II.—LIST OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE JANUARY TO DECEMBER 1969

Name and location of contractor	Actual ur estimated potential cost	Description of product or service	Justification
Amendments without consideration:			
Army: Deruss Machine Products Co., Inc., 9191 Torresdale Ave., Philadelphia, Pa.	$104,751	Fuze lock cups	The contractor submitted his bid for the fuse lock cups on the basis that the specifications would be changed from steel plate ($1.02 per unit) to steel bar ($0.15 per unit) as they had successfully completed a contract for the Government using the cheaper steel bar. After preproduction samples were rejected the company produced the cups using steel plate in lieu of defaulting the contract.
Navy: Decitron Electronics Corp., Brooklyn, N.Y.	$1,200,000	Various electronic instruments for installation on new ships under construction.	The Naval Electronics Systems Command has advised that the UHX-2 facsimile recorder is designated as critical and failure to receive that equipment would cause shipbuilding delays. That Command has also designated as critical the URM-47 radio interference measurement set and the CU-714 antenna coupler and estimates that reprocurement from other sources of all the equipment under their present contract with Decitron would entail delay of two and a half to 3 years. Should this company be forced to cease operations and default on these contracts the Navy stands to lose its advance payments of $715,000 plus unliquidated progress payments of approximately $2,028,373 In addition the estimated cost of reprocurement is $4,941,000.
Correction of mistakes:			
Navy: Jet Research Center, Inc., Arlington, Tex.	97,309	Loaded MR 279 Mod 0 igniters	The contractors bid price of $9.74 per unit included a price of $0.213 quoted by a subcontractor for the housing materials instead of $2.13. The error was so obvious it should have alerted the contracting officer because of the vast difference in price from the other bids received.
Air Force: Bendix Corp., Energy Controls Division 717 North Bendix Dr., South Bend, Ind.	82,914	Spare parts kit for C-130 engine amplifiers	The contractor submitted his bid on the kit configuration "E" ($32.67), which the contracting officer should have realized was far too low for the "F" configuration that was being purchased. The configuration "F" kit contains 244 parts as opposed to the 49 parts contained in configuration "E", 4 types of which have a direct cost of over $20.
Formalization of an informal commitment:			
Army: Bell Aerospace Co., 2221 Niagara Falls Blvd., Buffalo, N.Y.	92,000	Repair of visual airborne target locator system (VATLS).	On Nov. 22, 1963 a meeting was held between Bell and the U.S. Army Electronic Command (ECOM) to discuss repair of 2 systems that had been damaged in testing. ECOM shipped system No. 1 and Bell began work on Dec. 4, 1963 without contractual coverage. A contract was awarded on June 30, 1964, 6 months after the work had been started.
Defense Communications Agency: Stanford Research Institute, Stanford, Calif.	80,810	Special tests	Classified.

CONTINGENT LIABILITIES

Provisions to indemnify contractors against liabilities on account of claims for death or injury or property damage arising out of nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 108 contracts (the potential cost of these liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives or performance in hazardous areas.

TABLE 2A

Name of contractor	Number of contracts		
	Army	Navy	Air Force
Aerojet General Corp			6
Air America, Inc			2
Avco Corp		2	
Bendix Corp		1	
Boeing Co			5
Chem-Nuclear Services, Inc		1	
Combination Engineering, Inc		1	
General Dynamics Corp		17	
General Electric Co		14	1
Hercules, Inc		1	1
Honeywell, Inc		2	
Ingalls Shipbuilding Division, Litton Systems, Inc		2	
Jump River Electric Cooperative, Inc		1	
Lockheed Aircraft Corp		7	
Martin Marietta Corp			4
Newport News Shipbuilding & Drydock Co		6	
North American Rockwell Corp		13	4
Northrop Corp		1	
Nuclear Engineering Co., Inc		1	
Pan American World Airways, Inc			1
Raytheon Co		1	
Schweber Electronics		1	
Vitro Corp. of America		1	
Westinghouse Electric Corp		9	
Proposed awards	2		
Total	2	82	24

In addition to the above, indemnification clauses will be inserted into all air transportation contracts entered into by the Military Airlift Command for transportation services to be performed by air carriers which own or control aircraft which have been allocated by the Department of Transportation to the Civil Reserve Air Fleet.

ADJOURNMENT

Mr. PUCINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until Monday, May 11, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2035. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report that no funds appropriated in the Department of Defense and Military Construction Appropriations Acts, 1969, were used to make payments under contracts in foreign countries, except where the Treasury Department was holding no excess foreign currencies in the country involved, pursuant to the provisions of those acts; to the Committee on Appropriations.

2036. A letter from the Deputy Secretary of Defense, transmitting notification of approvals of the annual compensation of officers of Federal contract research centers in excess of $45,000 from Federal funds, pursuant to the provisions of section 407(b) of Public Law 91-121; to the Committee on Armed Services.

2037. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; to the Committee on Banking and Currency.

2038. A letter from the Secretary of the Treasury, transmitting the semiannual report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1969, pursuant to the provisions of section 613(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

2039. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed grant agreement with the University of Missouri for research into the use of shaped explosive charges to increase the permeability of coal, pursuant to the provisions of Public Law 89-672; to the Committee on Interior and Insular Affairs.

2040. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the 1969 report on extraordinary contractual actions to facilitate the national defense, pursuant to the provisions of section 4(a) of Public Law 85-804; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2041. A letter from the Comptroller General of the United States, transmitting a report on the potential for savings in aircraft maintenance, Departments of the Navy and the Air Force; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN: Committee on the District of Columbia. S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association (Rept. No. 91-1058). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 16476. A bill to make it lawful to set up or fly any kite in the District of Columbia; with an amendment (Rept. No. 91-1062). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 670. A bill to amend section 19(a) of the District of Columbia Public Assistance Act of 1962. (Rept. No.

91-1059). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee on Appropriations. H.R. 17548. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1060). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 17138. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes; with amendments (Rept. No. 91-1061). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 17515. A bill to postpone for 2 years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of California:

H.R. 17516. A bill to amend the Clean Air Act to ban pollution-causing internal combustion engines in motor vehicles after January 1, 1975; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Maryland:

H.R. 17517. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FALLON (for himself, Mr. Cramer, Mr. Harsha, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. McEwen, Mr. Duncan, Mr. Schwengel, Mr. Schadeberg, Mr. Snyder, Mr. Denney, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, and Mr. Miller of Ohio) (by request):

H.R. 17518. A bill to amend existing Federal disaster assistance legislation, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA:

H.R. 17519. A bill to exclude from gross income the first $750 of interest received on deposits in certain financial institutions; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 17520. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 17521. A bill to increase the compensation of certain experts engaged in administering the laws relating to the purity and quality of tea and to increase the fee charged for the examination of tea; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 17522. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968; to the Committee on Science and Astronautics.

By Mr. OTTINGER (for himself, Mr. Ashley, and Mr. Diggs):

H.R. 17523. A bill to authorize the U.S. Commissioner of Education to make grants to or contracts with public educational and social service agencies for the conduct of special educational programs and activities concerning the use of drugs; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 17524. A bill to protect American footwear, apparel, and textile industries from market disruptions arising from excessive imports; to the Committee on Ways and Means.

By Mr. ROTH:

H.R. 17525. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 17526. A bill to provide penalties for assaulting a member of the National Guard while he is engaged in carrying out official duties; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 17527. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 17528. A bill to create marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State-owned submerged lands when such State suspends leasing of such submerged lands for mineral purposes; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 17529. A bill to amend the Gun Control Act of 1968 to require certain records to be kept relating to the sale or delivery of explosives; to the Committee on the Judiciary.

H.R. 17530. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER:

H.R. 17531. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

H.R. 17532. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 17533. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 17534. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HECHLER of West Virginia:

H.R. 17535. A bill to designate as wilderness the Cranberry, Otter Creek and Dolly Sods areas in the Monongahela National Forest in West Virginia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McCLURE (for himself and Mr. Hansen of Idaho):

H.R. 17536. A bill to amend title 5, United States Code, to provide for survivor annuities for all widowers of deceased female employees irrespective of dependency; to the Committee on Post Office and Civil Service.

By Mr. OLSEN:

H.R. 17537. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 17538. A bill to extend for 1 year the act of September 30, 1965, relating to high-speed ground transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17539. A bill to extend the provisions of title XIII of the Federal Aviation Act of 1958 relating to war risk insurance; to the Committee on Interstate and Foreign Commerce.

By Mr. ULLMAN:

H.R. 17540. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 17541. A bill relating to the control of organized crime in the United States; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 17542. A bill to amend the Internal Revenue Code of 1954 to allow an unemployed individual a deduction from gross income for expenses paid or incurred in seeking employment; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 17543. A bill to amend section 402 of chapter 4 of part I of the Foreign Assistance Act of 1961 to provide additional authorization in supporting assistance for the national land reform program enacted March 26, 1970, by the Government of Vietnam; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H.R. 17548. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. BOLAND:

H.J. Res. 1224. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. MIKVA:

H.J. Res. 1225. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. MIKVA (for himself and Mr. Conyers):

H.J. Res. 1226. Joint resolution to create a temporary joint congressional committee to investigate and report to Congress on the shooting of students at Kent State University, Kent, Ohio, by members of the Ohio National Guard; to the Committee on Rules.

By Mr. BROTZMAN:

H. Con. Res. 604. Concurrent resolution to reaffirm Congress' Constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. MONAGAN:

H. Con. Res. 605. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. OTTINGER (for himself, Mr. Scheuer, and Mr. Clay):

H. Con. Res. 606. Concurrent resolution expressing the sense of the Congress with respect to the action of the President of the United States in connection with the involvement of U.S. Military Forces in Cambodia and censuring the President for such action; to the Committee on Foreign Affairs.

By Mr. HECHLER of West Virginia:

H. Res. 980. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H. Res. 981. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. OLSEN:

H. Res. 982. Resolution to stop funds for

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war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. OTTINGER:

H. Res. 983. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H. Res. 984. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. McCloskey, Mr. Adams, Mr. Button, Mr. Cohelan, Mr. Conyers, Mr. Fraser, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Lowenstein, Mr. Mikva, Mr. Morse, Mr. Mosher, Mr. Reid of New York, Mr. Thompson of New Jersey, and Mr. Whalen):

H. Res. 985. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Res. 986. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. VANIK:

H. Res. 987. Resolution creating a select committee to investigate and study the violence at Kent State University; to the Committee on Rules.

By Mr. FRASER:

H. Res. 988. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina:

H. Res. 989. Resolution to create a select committee to study U.S. military involvement in Southeast Asia; to the Committee on Rules.

By Mr. KOCH (for himself, Mr. Leggett, Mr. Tunney, Mr. Olsen, Mr. Moorhead, Mr. Powell, Mr. Stokes, Mr. Brasco, Mr. Reid of New York, Mr. Hawkins, and Mr. Conyers):

H. Res. 990. Resolution to designate May 8, 1970, as a Day of National Mourning, and so forth; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H. Res. 991. Resolution to stop funds for war in Cambodia, Laos, Thailand, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. O'NEILL of Massachusetts:

H. Res. 992. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. Wolff:

H. Res. 993. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT:

H.R. 17544. A bill for the relief of the Trabuco family; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 17545. A bill for the relief of Mr. Eung Sup Ham and Mrs. Do Seung Kang Han; to the Committee on the Judiciary.

By Mr. COHELAN:

H.R. 17546. A bill for the relief of Col. John H. Sherman; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 17547. A bill for the relief of Alfredo Moraldo; to the Committee on the Judiciary.

SENATE—*Thursday, May 7, 1970*

The Senate met at 11 o'clock a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Reverend John H. Tietjen, S.T.M., Th. D., president, Concordia Seminary, St. Louis, Mo., offered the following prayer:

God our Father, Lord of the nations, life-giving Spirit:

You have created all people with a common humanity for life together with You. We acknowledge Your rule and authority in our world and in our Nation.

We humbly confess our need for Your guidance if we are to do Your will. We confidently claim Your promise to hear our prayers.

We ask You to bless the United States of America, our President, and all who shape our destiny that, Your blessing resting on us, we may be a blessing to all the people of the world.

We pray this day especially for the U.S. Senate and for all its Members. Give them strength to bear the heavy burdens of office our fellow citizens have laid on them. Endow them with wisdom in the performance of their duties. Grant them courage to resist every evil, to oppose all wrong, and to champion what is good and right. Equip them to be instruments through which justice and brotherhood and peace may reign more fully in our Nation and in our world.

Bestow Your blessing, O Lord, that what is said and done in this Chamber may help us all to do justice, to love mercy, and to walk humbly with You our God. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. Russell).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 7, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2452) to amend section 211 of the Public Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services, and it was signed by the Acting President pro tempore (Mr. Allen).

HOUSE BILL REFERRED

The bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 6, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, the Chair recognizes the Senator from Colorado (Mr. Allott) under the previous order, for not to exceed 1 hour and 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Colorado yield to me briefly, without losing any of his time?

Mr. ALLOTT. I am happy to yield to the Senator from Montana.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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PROTECTIVE EYE DEVICES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 843, H.R. 9528.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 9528, to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That every student, teacher, or other person participating in, teaching, or observing any of the following courses of instruction in any school in the District of Columbia shall be required to wear industrial quality eye protective devices—

(1) vocational, technical, industrial, arts, chemical, or chemical-physical courses of instruction involving exposure to (A) hot molten metals, or other molten materials; (B) milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials; (C) heat treatment, tempering, or kiln firing of any metal or other material; (D) gas or electric arc welding, or other forms of welding processes; (E) repair or servicing of any vehicle; or (F) caustic or explosive materials; or

(2) chemical, physical, or combined chemical-physical laboratory courses of instruction involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards.

SEC. 2. The eye protective devices required by the first section of this Act may be furnished to all students and teachers, purchased and sold at cost to students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to shops and laboratories wherein such courses of instruction are held, for use by them in accordance with the provisions of this Act. The devices required to be worn by this Act shall meet or exceed the specifications of the USA Standard Practice for Occupational and Educational Eye and Face Protection—USAS Z87.1—1968—and subsequent versions thereof, approved by the American National Standards Institute, Incorporated.

SEC. 3. The District of Columbia Council is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

SEC. 4. As used in this Act, the term "school" means any school under the control of the District of Columbia Board of Education, any college, school, or other vocational or educational facility under the control of the Board of Higher Education, any private school, and any college, university, or other vocational or educational institution or facility in the District of Columbia.

SEC. 5. This Act shall take effect upon the expiration of ninety days following the date of its enactment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to require certain persons to wear approved eye protective devices when participating in certain vocational, industrial arts, chemical-physical laboratory courses, and work-training programs of instruction in the District of Columbia."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-838), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, H.R. 9528, is to require students, teachers and observers to wear eye protective devices while participating in or observing certain courses of study or types of training in public or private facilities in the District of Columbia.

This bill would broaden the minimal precautions now provided by regulation so as to require the wearing of protective devices wherever there is a condition which is hazardous to the eyes in connection with educational or training programs.

NEED FOR THE LEGISLATION

At the present time in the District of Columbia, there are no regulations applying generally to all public and private educational and training activities and requiring the use of protective eye wear where hazardous conditions are present. Such regulations as do exist are those adopted by the Board of Education and are applicable only in the public schools of the District of Columbia. Private schools and public and private higher educational institutions have no uniform policy relating to the use of protective devices to prevent injury to the eyes. In testimony before the committee, a representative of the American Society of Safety Engineers indicated that surveys conducted jointly with the Prevention of Blindness Society in 1956 and 1969 of shop and laboratory classes in District of Columbia schools showed that hazardous conditions and lack of safety equipment were present in all of the schools visited.

PROVISIONS OF THE BILL

The bill, H.R. 9528, as amended and reported by your committee, is patterned after the Model School Eye Safety Law which has been adopted in more than 30 States. The bill specifically mentions the types of programs and instructional activities for which the wearing of protective devices is necessary for those who are participating or observing. This includes, in general, those activities involving caustic chemical or hot materials, those processes related to the forming, shaping, and surfacing of solid materials, processes involving electromagnetic and particulate radiation, and such other hazards as may be determined by the District of Columbia Council.

The bill requires that the protective devices used pursuant to this bill meet or exceed the specifications set forth by the United States of America Standards Institute in the U.S.A. Standard Practice for Occupational and Educational Eye and Face Protection, Z 87.1-1968. This standard was developed with the help of an advisory committee composed of individuals with knowledge, experience, and interest in the field. The standard is intended as a guide to aid the manufacturer, the consumer, and the public in the proper selection and use of face and eye protective equipment. The standard is subject to periodic review and revision, and the bill provides that changes in the standard have effect in the District of Columbia.

Many States, including Virginia and Maryland, use this standard in their eye protection statutes, and your committee believes that its inclusion in this legislation will insure that the eye protective devices used in the District of Columbia will be safe and effective.

DISTRICT OF COLUMBIA TEACHERS' RETIREMENT AMENDMENTS OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 844, H.R. 15980.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15980, to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-839), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill H.R. 15980, is to amend the District of Columbia Teachers' Retirement Act so as to provide the same retirement benefits for the teachers and other professional employees of the District of Columbia Board of Education as are presently afforded the classified employees of the Federal and District of Columbia governments who retire under the Civil Service Retirement Act as amended by Public Law 91-93, approved October 20, 1969.

PROVISIONS OF THE BILL

There are 12 provisions of H.R. 15980, all of which are amendments to the District of Columbia Teachers' Retirement Act. They are as follows:

1. New basis for computation of annuities

The bill will authorize the computation of annuities on the basis of the teacher's highest consecutive 3-year average salary, rather than the present highest 5-year average. It is understood that this provision will result in an increase of approximately 6 percent in retired teachers' annuities. However, none of the benefit provisions of this bill will apply to the annuities of those teachers who retired prior to October 20, 1969, the effective date for the benefits in this legislation.

2. Service credit for unused sick leave

This bill provides that sick leave which an employee has accumulated at the time of his retirement be credited, with no deposit required for such days, to the employee's length of service in computing his annuity. However, such days of unused sick leave may not be used in determining either average salary or eligibility for an annuity. This provision is in keeping with the present trend regarding unused sick leave in other

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large public school systems, as well as with the policy which now applies to retirees under the Civil Service Retirement Act. The committee feels that this provision will provide an incentive against abuses of the sick leave privilege.

3. Addition to "cost of living" increases

H.R. 15980 authorizes a 1 percent cost-of-living adjustment, to be applied in addition to any increases in annuities based on the consumer price index figure as provided under present law. Inasmuch as this is the only area of protection for retirees against inflation, your committee feels that this provision is of vital importance.

4. Minimum service requirement for survivor annuity eligibility

A serious present weakness in the District of Columbia teachers' retirement system is its failure to furnish realistic protection for employees with fewer than 5 years of service. Currently, if a teacher dies with less than 5 years of service, his survivors get only a refund of his annuity contributions plus 3 percent compounded interest thereon to the date of his death. Employees in private industry, however, being subject to the Social Security Act, are entitled to survivor annuity protection after as much as 18 months of service. This applies also in the case of employees under the civil service system.

The committee feels that the same protection should be provided for survivors of employees under the District of Columbia Teachers' Retirement Act, and therefore H.R. 15980 reduces the minimum length of service for survivor annuity eligibility from 5 years to 18 months.

5. Guaranteed minimum annual annuity for adult survivors of deceased teachers

H.R. 15980 provides that a widow, widower, or dependent parent of a deceased teacher shall be entitled to at least 55 percent of (a) 40 percent of the teacher's average salary as used for computing annuity, or (b) his annuity projected to 60 years of age, whichever is the smaller amount. Under present law, if a District of Columbia teacher dies after 6 years of eligible service, the widow, dependent widower, or dependent parent would be entitled to only 5.1 percent of the deceased teacher's average salary.

This proposed amendment would allow the surviving adult dependent in such an instance to receive an annuity of approximately 22 percent of such salary.

All of the benefit provisions of H.R. 15980 have their counterparts in the Civil Service Retirement Act as presently amended except for this provision. Since the District of Columbia Teachers' Retirement Act presently provides annuities for dependent parents, the committee feels it proper to continue this policy on the same basis as that provided for other adult dependents.

6. Increased yearly annuity for child survivors of deceased teachers or teacher retirees

The bill provides increased annuities for child survivors of District of Columbia teachers or teacher retirees, as shown in the following chart.

ANNUITY FORMULAS, PRESENT AND PROPOSED, FOR CHILD SURVIVORS OF DECEASED TEACHERS OR TEACHER RETIREES

Condition	Present	Proposed, H.R. 15980
When there is a surviving spouse	The lesser amount of: (a) 40 percent of the teacher's average salary (for purposes of computing annuity) divided by the number of children; (b) $600; or (c) $1,800 divided by the number of children.	The lesser amount of: (a) 60 percent of the teacher's average salary, divided by the number of children; (b) $900; or (c) $2,700 divided by the number of children.
When there is no surviving spouse	The lesser amount of: (a) 50 percent of the teacher's average salary divided by the number of children; (b) $720; or (c) $2,160 divided by the number of children.	The lesser amount of: (a) 75 percent of the teacher's average salary divided by the number of children; (b) $1,080; or (c) $3,240 divided by the number of children.

Note: These amounts are irrespective of cost-of-living increases.

It is the opinion of your committee that these increased annuities for child survivors are much more consistent with present day economic conditions than are those presently provided in the District of Columbia Teachers' Retirement Act.

7. Increased yearly annuities for widows and widowers of disability annuitants

At present, the surviving spouse of a disability retiree under the District of Columbia teachers' retirement system faces the same problem as do adult survivors of teachers not on disability retirement, as discussed in this report under item (5.) above.

Currently, a teacher retired on disability receives an annuity based on the smaller of (a) 40 percent of his average salary, or (b) his annuity projected to age 60 years. However, if that teacher on disability retirement should die, these provisions no longer apply and his spouse would be entitled to only a survivor annuity based on the teacher's number of years of eligible service. In the case of a disabled teacher with 6 years of service at the time of retirement, for example, the annuity would be only 5.1 percent of the teacher's average salary. The amendment proposed in H.R. 15980, however, would allow the surviving widow or widower in this instance to receive 55 percent of the deceased's disability annuity, including any increase because of disability retirement.

8. Eliminate the requirement that a child must receive more than one-half his support from the deceased parent in order to receive a survivor's annuity

The requirement that a child must have received more than one-half his support from the deceased parent in order to qualify for a survivor's annuity was eliminated from the Civil Service Retirement Act by Public Law 89–504, approved July 18, 1966. Public Law 90–231, approved December 29, 1967, was designed to grant personnel under the District of Columbia teachers' retirement system the same benefits as were provided civil service retirees by the above-cited act. However, the provision regarding the 50-percent support requirement was overlooked at that time. This provision of H.R. 15980 eliminates this inequity

9. Increase the survivorship annuity of widows, widowers, and dependent widowers of teachers who retired or died prior to October 24, 1962, from 50 percent to 55 percent of the employee's annuity

Prior to 1962, the survivors of both teachers and civil service retirees were entitled to an annuity of 50 percent of the former employee's annuity. In 1962 this figure was increased to 55 percent for such survivors of annuitants under the civil service system by an act of Congress approved on October 11, 1962; and for survivors of annuitants under the District of Columbia teachers' retirement system by section 203 of Public Law 87–881, approved October 24, 1962. Neither of these amendments, however, was made retroactive at that time, and thus both groups of survivors of annuitants retired or otherwise separated prior to the dates of enactment of these respective laws were still limited at that time to 50 percent of the annuity.

Title V, section 507, of the Federal Salary and Fringe Benefits Act of 1966 (Public Law 89–504), approved July 18, 1966, increased the annuities of civil service annuitants who were retired or otherwise separated prior to October 11, 1962, by 10 percent. This was equivalent to increasing the maximum percentage of annuities for such survivors from 50 to 55 percent of the employee's annuity. However, even through Public Law 90–231, approved December 29, 1967, was modeled to provide the same benefits to District of Columbia teacher retirees as had been afforded civil service retirees under Public Law 89–504, this law did not include a provision which would have eliminated the inequity described above. Thus, while survivors of all civil service retirees are eligible to receive a maximum of 55 percent of the employee's annuity regardless of when the employee retired or was otherwise separated, and although survivors of District of Columbia teachers who retired or were separated after October 24, 1962, enjoyed the same benefit, the survivors of teachers who retired or died before October 24, 1962, are singularly excluded from the benefit of this 5 percent differential. The committee feels that this inequity should be eliminated.

10. Increase in teachers' rate of contribution to their retirement fund

The bill provides that the rate of contribution of teachers to the District of Columbia teachers' retirement fund shall be increased from 6.5 percent to 7 percent of their salaries. This is to take effect on the first day of the first pay period beginning after December 31, 1969.

This rate of contribution is the same as that required of civil service employees.

11. Authorize creditable service for retirement purposes for periods of authorized leave without pay for teachers serving as officers of employee organizations

The bill will authorize teachers to count as creditable service for retirement purposes all periods of authorized leave without pay while serving as officers of employee organizations.

Title V, section 503 of Public Law 89–504, approved July 18, 1965, amended the Civil Service Retirement Act to provide that an employee under civil service on leave without pay, while serving as a full-time officer of an organization composed of Government employees, may count such time as creditable service toward his retirement under the civil service system. However, such an employee is required to defray the entire cost of that portion of his retirement accruing during his period of leave without pay. That is, he must pay not only his regular contribution to the retirement fund for that time (but also that part of his annuity which is normally contributed by the Government for that period of creditable service. Also, teachers in the public schools of the District of Columbia on periods of leave without pay for educational purposes (sabbatical leave) are authorized to count such periods as creditable service for retirement, pursuant to the act approved June 27, 1960 (District of Columbia Code, sec. 31–745). However, there is presently no such provision for teachers serving as officers of employee organizations.

The teachers in the District of Columbia public school system are represented by the Washington Teachers Union as their bargaining agent with the government of the District of Columbia. This organization has, in fact, a proportionally higher membership than comparable organizations of classified employees. Accordingly, your committee is of the opinion that the extending of this benefit to district teachers who are full-time union officers is justified.

Although this provision will immediately affect only one teacher, the present president of the Washington Teachers Union, the benefit will extend to all teachers who may serve in the future as officers of employee organizations.

Under the language of this bill, such employees of the District of Columbia Board of Education on leave without pay shall be required to pay the entire cost of that part of their annuities accruing from that period of creditable service, as is required of employees under the civil service retirement system under these same circumstances.

12. Modification of the formula for the District of Columbia government's annual contribution to the District of Columbia teachers retirement fund

Under existing law, the income to the District of Columbia teachers retirement fund is derived from three sources:

1. Teachers' contributions.

2. Interest earned by the reserve funds, which are invested.

3. Contribution from the District of Columbia government.

3. Section 7 of the District of Columbia Teachers' Retirement Act (District of Columbia Code, sec. 31-727) requires an annual appropriation from the District of Columbia general fund into the District of Columbia teachers retirement fund. Each year's appropriation is to be calculated, on an actuarial basis, as a level percentage of the payroll of all participants sufficient to cover the liability normally accrued, plus a further amount equal to interest on the unfunded liability.

Prior to fiscal year 1968, appropriation estimates were prepared in accordance with this provision of law, and they were substantially met, although some discrepancies occurred because the estimates were necessarily prepared well in advance and thus were based upon projected payrolls which sometimes proved to be too low. In some instances, also, the appropriation was not increased by the Congress in accordance with the estimate submitted.

At the beginning of fiscal year 1968, the reserve in the teachers retirement fund amounted to $58.1 million, and the unfunded liability stood at $138.6 million. The District of Columbia government felt that the condition of this fund was a healthy one, and that further accumulation of substantial amounts of money in the fund's reserve was not warranted in view of the city's need of revenues for other purposes. Hence, in submitting its budget for fiscal year 1968 to the Congress, the city requested permission to adjust its contribution to the teachers retirement fund so that the amount appropriated would be sufficient only to provide for the normal cost to the fund for that year, less the sum of the teachers' contributions and the interest earned by the fund's reserve.

In considering this request, the House Committee on Appropriations took the position that inasmuch as the District of Columbia government's proposal would involve a smaller appropriation of funds than would the formula imposed by existing law, the request was a proper one and within their authority to grant. Accordingly, the District of Columbia Appropriations Act for 1968 included the appropriation of funds for the District's contribution to the teachers retirement fund only in the amount requested.

For fiscal year 1968, the contributions to and expenditures from the retirement fund were as follows:

	Million
Teachers' contributions	$3.6
Interest earned by reserve funds	2.0
District of Columbia government contribution [1]	3.8
Total contributions	9.4
Costs to the fund (including refunds, benefit payments, and actuarial expenses)	9.0
Net balance to fund	0.4

[1] Had the District government's contribution been computed on the basis of the formula provided in sec. 7 of the District of Columbia Teachers' Retirement Act, the amount of the contribution would have been some $12 million, which would have resulted in a net balance to the retirement fund of $8.6 million which would have accrued to the fund's reserve.

This same formula was included in the District of Columbia appropriations for fiscal year 1969 and 1970, and has been requested in the District's budget as submitted for fiscal year 1971 as well.

The bill (H.R. 15980) includes a provision, requested by the Commissioner of the District of Columbia, which will amend section 7 of the District of Columbia Teachers' Retirement Act so as to substitute this modified "pay as you go" plan for the "normal cost-plus-interest" formula specified in the present law. This plan requires that the teachers retirement fund be pegged at its level as of June 30, 1969, or at an amount equal to the employees' equity in the fund, whichever is the larger. For active teachers, employee equity is simply the total of their contributions. For retired teachers, it is the total of their contributions which have not been returned to them in the form of annuities.

Included is a table showing a year-by-year projection of the financing of the District of Columbia teachers' retirement system as provided in the present law as compared to that under the plan provided in this legislation. In addition, there is a column-by-column explanation of the table. The information was supplied by the Government Actuary in the U.S. Treasury Department.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, will the Senator from Colorado yield, without losing his right to the floor, just for 1 minute?

Mr. ALLOTT. I am happy to yield to the Senator from Pennsylvania.

THE TRAGEDY AT KENT STATE UNIVERSITY AND VIOLENCE ON CAMPUSES

Mr. SCOTT. Mr. President, I am glad that the President of the United States has met with students from Kent State University. I am glad that there is obvious interest at the White House, as there is within Congress and in the country, about the concerns of our young people.

We have got to find some way to cross the various gaps of misunderstanding, to reach down, over, and across to reassure the students of this country that, indeed, all is not lost to them, that there is a responsibility which pervades the institutions of government, which they call the establishment and which we call society, that our hearts go out to those who suffer from tragic circumstances resulting from confrontations; but that we, who have responsibilities, must continue to assert them and must continue to caution against resorts to violence while advocating and recognizing dissent.

Mr. President, in that quiet, staid, and gentlemanly university which is the University of Virginia—which we who went there called with not so subtle arrogance, "the University," which numbers in the Senate various of its alumni, including the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Kansas (Mr. PEARSON), the distinguished Senator from Massachusetts (Mr. KENNEDY), and the distinguished Senator from Virginia (Mr. SPONG), students at that university have finally joined other college groups in this vast expression of concern. They joined in a gentlemanly way, as is their manner, their trait, and their character.

In the 3 years I attended the university I never knew one university student who wore anything but a black necktie and a white shirt. Anything else was detrop and out of date.

Mr. President, I found out later why we all wore black neckties at the university. I suppose most of us rarely thought to ponder the reason. We wore black neckties to mourn the dead of our wars.

Mr. President, as we mourn for the dead, let us try to balance the value of dissent against the intolerable consequences of violence.

Let us condemn violence.

Let us welcome dissent.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Colorado allow me a few minutes, with no diminution to his time?

Mr. ALLOTT. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, there is a great influx of students from various parts of the country into this area. There will be more. There will be demonstrations, I understand, as well in the Nation's Capital over the weekend.

I have been talking with some of the students, some of whom I met accidentally and other students from Montana who were attending eastern universities. I found them to be deeply concerned. I found them to be individuals who want to do the right thing within the Constitution, who want to be heard and who want to be given some assurances that their complaints will be heeded.

I am very much pleased with the actions taken by the administration in recent days; for example, by the Department of Justice in asking for a waiver of the 15-day rule, so that these young men and women may participate in a peaceable demonstration this weekend. I was pleased that the President found an hour of his time to sit down with six students from Kent State University. I was pleased and pleasantly surprised to read in this morning's newspaper about the letter which the Secretary of the Interior, Hon. Walter Hickel, wrote to the President of the United States. I think these are all steps in the right direction, and I for one wish to commend the administration and give to it its just due.

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I believe we are facing a most dangerous and stormy situation in this country. It does not apply only to students in college; there are millions of other youngsters who have not had the opportunity to go to college and who, somehow or other, have been lost in the shuffle. They, too, must and should be given consideration.

The trend in this country has been toward a polarization of the people. It is an ugly trend, because it will do the Republic no good. I would hope that the evidence we have seen this week, which seems to indicate a desire to bring about a mutual accommodation, will be continued. I would hope that these young men and women, college and noncollege, will be listened to, will be heard, and will have consideration given to the questions on their minds. I am sure that every Member of this body intends to do just that, so far as these young people are concerned. It will be an education not only for us as individuals, but also, I think, for the administration. We cannot turn our backs on these fellow Americans, these fellow citizens, these children of ours. Most of them want to do the right thing. They are all entitled to be heard.

I do not advocate assaults on persons or property. Those actions lie outside the scope of the protections provided by the first amendment of the Constitution of the United States. But I do believe in the right of dissent—peaceable dissent. I do believe in the right of these young people to petition their Senators, their Representatives, and their Government. I do believe in the elements of the first amendment: freedom of press, freedom of speech, freedom of religion, and the right to assemble peaceably—and "peaceably" is the key word.

So I would hope that these young people, when they meet this weekend, will do so peaceably. If they do, I think I can assure them that in that way they will have a greater effect than in any other way. If there is violence on the part of a mini-group, as was the case in front of the Department of Justice at the time of the moratorium last November, and as was the case at Dupont Circle and before the South Vietnamese Embassy, that is what the television cameras will focus on, that is what will get the attention, and that is what will create the wrong impression.

So I say to these young people that I hope they, as citizens, will conduct themselves in a proper manner. If they do so, it will be to their own and to the Republic's benefit.

ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, will the Senator from Colorado yield, with the understanding that he will not lose the floor and that the time yielded to him will not be diminished by so yielding?

Mr. ALLOTT. Mr. President, I yield to the distinguished Senator from South Dakota for a unanimous-consent request.

THE McGOVERN-HATFIELD AMENDMENT TO END THE WAR—ADDITIONAL COSPONSOR

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. HARTKE) be added as a cosponsor of the amendment to end the war in Vietnam, an amendment to the military procurement bill. This brings to 14 the number of Senators who are cosponsoring that amendment.

I wish to associate myself with the remarks made by the distinguished majority leader. There is no question that a person cannot hope to end violence in Asia by backing it in America. We are not going to end the war by wringing our hands, by throwing bricks, or by burning buildings. The way to do it is by our constitutional system, in voting yes or no on the question of whether we want the war to continue. I expect that that vote will come in 30 or 40 days, when the military procurement appropriation bill is before the Senate for consideration. Then every Senator will have a chance to go on record before the American people and for the historical record as to whether at this time of crisis in the life of our country he favors the continuance of our involvement in Southeast Asia or would like to end it in the only way Congress can end it; namely, by a curtailment of funds.

The ACTING PRESIDENT pro tempore. Without objection, the name of the Senator from Indiana (Mr. HARTKE) will be added as a cosponsor of the amendment.

Mr. McGOVERN. Mr. President, the amendment I submitted with the cosponsorship of the Senator from Oregon (Mr. HATFIELD) a week ago today, Thursday, April 30, to end the war in Southeast Asia now has the cosponsorship of 12 additional Senator. When I first conceived the idea of an amendment to the military procurement bill to limit further funds for Vietnam, Laos, and Cambodia to the amount needed to withdraw our forces safely, I did not at first think there was a chance of getting more than a handful of cosponsors. But that was before the invasion of Cambodia, the shocking events at Kent State, and other developments which, I now believe, will, with hard work in the Senate, produce enough cosponsors and votes to carry this amendment. It is the hottest and most hopeful article now sweeping the campuses, concerned churches, and peace-oriented groups in America.

From the beginning, I was determined to seek the broadest possible bipartisan base for this effort, and asked Senator HATFIELD to join me as a Republican cosponsor of the amendment. He readily agreed to do so.

Then, in quick order, the Senator from New York (Mr. GOODELL), the Republican Senator who had earlier proposed cutting off funds for U.S. military forces in Vietnam, joined as a cosponsor with two highly respected Democratic Senators—the Senator from Iowa (Mr. HUGHES), and the Senator from California (Mr. CRANSTON).

The modified amendment which I submitted on Tuesday, May 5, with the cosponsorship of Senators HATFIELD, GOODELL, HUGHES, and CRANSTON drew as cosponsors that same day the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MONDALE), the Senator from Montana (Mr. METCALF), and the Senator from Ohio (Mr. YOUNG). Then yesterday the junior Senator from Indiana (Mr. BAYH), the Senator from Wisconsin (Mr. NELSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Alaska (Mr. GRAVEL) joined as cosponsors, with the senior Senator from Indiana (Mr. HARTKE) joining today. Thus a total of 14 Senator have joined in 7 days' time as cosponsors.

The dynamics that are unfolding in the Nation and in the Senate lead me to believe that before the Senate votes on this amendment in approximately 30 days, we will have enough votes to carry it. In any event, every Senator will at long last be required to stand up and be counted for the American people and for the historical record on the all-important issue of whether he wishes the war to continue or to end.

Under the Constitution, Congress has no control over this question except by the method of either granting or withholding funds. That question will be voted on in this amendment.

No longer will we merely make speeches lecturing the President on what we think we should do. No longer will we ask him to bear the risk and the opportunity alone of ending or continuing the war. Rather we will force Congress to share that risk and opportunity on a broad bipartisan basis. If the President is fearful of the political recriminations of either continuing or ending the war by withdrawing our forces, this amendment is saying, "Mr. President, we are now going to share that risk with you."

But this amendment does more than that. It seeks to reclaim the constitutional power of Congress over issues of war and peace. It seeks to prevent the arbitrary decisions of the Executive by restoring to the Congress as elected Representatives of the people the power the Constitution intended.

It provides, too, a constructive alternative to citizen powerlessness and despair and violence. For it says to outraged students, to disillusioned GI's and worried parents, to concerned Wall Street brokers, and to disturbed clergymen and other citizens: "Here is the way you can work your will and lift your voice in an orderly, effective way. You can write, telegraph, telephone, or visit with your Senator and Representative, asking their support for this amendment. You can take a piece of paper and ask your fellow citizens to sign it in your neighborhood, at your club, in your office, at your school or college, in your church or labor hall, or elsewhere, pledging their support for the amendment to end the war and their willingness to urge their Representatives and Senators to vote for it."

Already petitions embracing over a hundred thousand signatures including 50,000 names secured by students and faculty at Columbia University have come to my attention. Let us get 20 million signatures and let us call or write every Representative and Senator, and we will adopt this amendment.

Instead of wringing our hands, or tearing our hair, or throwing bricks, or blocking traffic, or cursing the system, let us go to work on our Senators and Representatives, neighbors and friends, and make constitutional government serve our needs.

This is a prudent, carefully drawn amendment. It cuts off funds for military operations in Cambodia 30 days after passage. It begins the cutoff requiring withdrawal from Vietnam and Laos effective December 31 and concluding with all forces out by June 30, 1971—unless a joint and specific declaration by the President and Congress can demonstrate the need for a specific, publicly recorded reason for an extension of time. In addition to permitting funds for the safe and systematic withdrawal of our forces, it permits funds to arrange for the exchange of prisoners and for asylum in friendly countries for Vietnamese who might feel threatened by our withdrawal.

Let us not talk about Nixon's war or Johnson's war or the Pentagon's war, or the CIA's war. Let us take hold of this war as citizens and as elected representatives and let us vote to end it.

The alternative to ending it is more death and devastation in the civil strife of Southeast Asia, more violence and disorder in our own society, more damage to our own economy in wartime inflation, a jittery, skidding stockmarket, and more erosion of our material and spiritual strength by wasting on war what we need to fight hunger, and answer the crisis in agriculture, housing, unemployment, health care, pollution, and crime.

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Many years ago, the ancient Biblical prophet wrote:

> I have set before you life or death, blessing or cursing; therefore, choose life that thou and thy seed may live.

Let us choose not cursing but blessing. Not death but life. Let us adopt amendment No. 609 to the military procurement authorization bill (H.R. 17123) to be voted on in the Senate in about 30 days. That amendment will emancipate us from a war we never should have entered, a war that we cannot win and should not want to win. It will save the lives of our troops, stop the incredible destruction of villages, homes, rice crops, and people in Southeast Asia, heal the divisions in our society, nourish our shaky economy, and restore constitutional government in America.

Following is the list of cosponsors as it presently stands:

COSPONSORS OF AMENDMENT NO. 609

George McGovern, Mark O. Hatfield, Charles E. Goodell, Alan Cranston, Harold Hughes, Lee Metcalf, Daniel K. Inouye, Walter F. Mondale, Stephen M. Young, Birch Bayh, Fred R. Harris, Gaylord Nelson, Mike Gravel, and Vance Hartke.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORTS OF COMMISSIONS ESTABLISHED UNDER THE WATER RESOURCES PLANNING ACT OF 1965—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying reports, was referred to the Committee on Interior and Insular Affairs:

To the Congress of the United States:

In the last few years we have become more aware than ever that the quality of American life depends largely upon how we use—and conserve—our natural resources. It was this growing awareness that prompted the enactment of the Water Resources Planning Act of 1965.

That Act provides for the establishment of river basin commissions—if requested by the States in the appropriate area—to plan for the best use and development of rivers, their adjoining land and their resources. The river basin commissions assure that the people within each area will have a voice in deciding how these resources are used. This approach to planning promises more efficient use of America's great natural and man-made wealth, and more attention to preserving the beauty and vitality of our environment.

Today I transmit the annual reports of the four commissions that have been established under the Act. They are the Pacific Northwest River Basins Commission, the Souris-Red-Rainy River Basins Commission, the Great Lakes Basin Commission, and the New England River Basins Commission—covering areas in 21 states.

These annual reports reflect the accomplishments of each commission during Fiscal Year 1969. They describe existing and emerging problems in the use of our river basins, and help in evaluating opportunities for their sound development.

RICHARD NIXON.

THE WHITE HOUSE, *May 7, 1970.*

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Colorado will state it.

Mr. ALLOTT. Do I correctly understand that I am now to be recognized for 1 hour and 15 minutes?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ALLOTT. Before commencing with my prepared remarks, I should like to associate myself with the remarks of both the distinguished majority leader and the distinguished minority leader. They have expressed themselves well. It is my sincere hope that we can meet with these young people and, as both Senators have so well expressed it, that this can be done without a confrontation of violence, as is advocated by so many people today.

FOREIGN POLICY STATEMENT

Mr. ALLOTT. Mr. President, let me say at the outset that I support the President's recent decision to endorse a combined American-South Vietnamese attack on Communist sanctuaries along the Cambodian-South Vietnam border.

In doing this I take cognizance of the very wide scope of the questioning and debate that is going on, in the Congress and in the rest of the Nation, concerning the basic assumptions of American foreign policy.

Therefore, I want to go beyond consideration of the current tactics we are using in Southeast Asia. I want to make clear how I see the most urgent realities of the international situation as we enter the 1970's.

In evaluating the recent turn of events in Asia it is important to understand the significant successes of American and allied efforts there.

The success of the American policy—from the period of search and destroy missions up to and including this period of Vietnamization—has brought many benefits. Two of them are especially important. One is the destruction of the Vietcong infrastructure in the countryside. The other—and it is related to the first—is forcing the Communists into total reliance on North Vietnamese troops. This has stripped away whatever plausibility originally attached to the myth that South Vietnam's troubles stemmed from "an indigenous peasant revolt" rather than aggression from the Communist nation to the north.

The crucial fact is that the North Vietnamese sanctuaries along the Cambodian-South Vietnamese border have recently become more than sanctuaries. They have become occupied territories, quite remote from even the slightest exercise of Cambodian sovereignty.

It is important to understand why these sanctuaries have been used in this way. The success of our Vietnamization program has made matters very difficult for the North Vietnamese units.

They can no longer rely on the friendship of the local population for aid and comfort. Increasingly outfought on the battlefield by the rapidly improving South Vietnamese Armed Forces, and denied aid and comfort from the South Vietnamese people, the North Vietnamese invaders have been engaging in sporadic fighting and then retreating for rest and resupply in Cambodia.

Were Vietnamization not so successful, the North Vietnamese would not be so dependent on the territories it occupies in Cambodia. But if they were allowed to use these territories unmolested, they could nullify the gains of the Vietnamization program.

Thus our choice was not between continuing the successful Vietnamization program and leaving the Cambodian sanctuaries alone. The choice was to have Vietnamization and a drive against the sanctuaries, or to have neither a successful Vietnamization program nor a realistic hope for honorable disengagement and continuing phased withdrawals.

The hard realities of the situation were such that the President could only choose the policy he has adopted—setting a far-reaching withdrawal schedule, but preparing for this by denying the enemy his sanctuaries. To repeat, the President had to make that choice because the existence of the sanctuaries posed an intolerable threat to the whole Vietnamization effort that is making the substantial troop withdrawals possible. Now we will deny the enemy his sanctuaries and get on with the troop withdrawals—perhaps even faster than before—or to tolerate the sanctuaries at the risk of jeopardizing our hard-won gains in Vietnamization, and consequently jeopardizing the troop withdrawal timetable.

At this very moment American and South Vietnamese and Cambodian troops are destroying buildings and bunkers and tunnel complexes which are the fruit of five years of labor on the part of the enemy. At the same time the allied troops are uncovering huge caches of food, medical supplies, small arms, mortars, and other war materials. For example, we have found many hundreds of tons of rice and nearly a million rounds of small arms ammunition.

The enemy will not be able to replace any of this easily. Now that the sanctuaries are no longer secure, and now that the Cambodian Government has declared the Communist forces unwelcome, the Communists will have neither the incentive nor the opportunity to rebuild the elaborate fixed installations that we are destroying.

Furthermore, the enemies supply lines are being harassed more and more as a result of the new hostility of Cambodia. Cambodian rice is no longer in ready supply. Access to the sea is threatened. All in all, the enemy's ability to replace the confiscated war materials is diminishing daily.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I wish to ask the Senator if we can assume that the President and his advisers are aware of the fact the Senator is making this statement?

Mr. ALLOTT. The Senator's assumption is entirely in error. This is not true. This speech is made entirely on the responsibility of the Senator from Colorado, without consultation with the administration on this matter in any way.

Mr. LONG. Then, can I assume at least that the Senator is privy to knowing generally what the President's view is on this matter, as well as the view of the Joint Chiefs of Staff and the State Department with regard to this matter?

Mr. ALLOTT. I have been privy to the same briefings many other Senators have been privy to and that is all.

Mr. LONG. Yes. The point the Senator is making, and I think it is well for everyone to know, is that what the President is doing here does not amount in any respect to a reversal of his decision to gradually withdraw American troops from that area.

Mr. ALLOTT. I think it is to facilitate troop safety that the decision was made.

Mr. LONG. Further, it is well to keep in mind that regardless of the number of American troops that may be there or what our troop strength may be relative to the troop strength of South Vietnam, the question still remains that with forces in South Vietnam and in that area they should be used as they can be used to best advance the cause for which both our forces and the South Vietnamese forces are there.

Mr. ALLOTT. That is entirely correct.

Mr. LONG. So, Mr. President, whether you had 425,000 men, 350,000 men, or 200,000 men you still should be using them in the way they could be used most effectively for the purpose they were sent there and that is what is involved in this Cambodian decision.

Mr. ALLOTT. The Senator is correct. I will develop that point as I go along in my remarks. In no sense does it represent a lessening of the President's determination to withdraw troops from South Vietnam.

Mr. LONG. Yes. So in some respects what we have here is the question of hot pursuit which we have heard debated in this Chamber for the last 20 years. When the enemy is defeated on the field of battle and he retreats into sanctuary, the question is whether he should be pursued there and the sanctuary destroyed, or, if it can be done, to destroy the enemy force.

Mr. ALLOTT. Technically this might be called hot pursuit. The only reason hot pursuit theory would apply is that allied forces have crossed geographical lines. But the area they have crossed into has been in the control of the North Vietnamese for many years. The Cambodians actually exerted no sovereignty over it.

Mr. LONG. And the North Vietnamese are not there on any legal basis; is that correct?

Mr. ALLOTT. The Senator is correct.

Mr. LONG. They are there as trespassers and they are not standing on their own soil.

Mr. ALLOTT. The Senator is correct. I thank the Senator for his able contribution.

What all this adds up to is a well-planned and well-executed allied operation to buy time for the Vietnamization program.

It is safe to assume that the damage inflicted on the enemy—on his resources, his communication and supply lines, and his morale—will not be undone in a hurry. The monsoon season will arrive at just about the time when allied forces leave Cambodia and return to Vietnam. Thus it is safe to assume that the Communists cannot even begin to rebuild their facilities and replace their materials for 5 months.

Further, even if the enemy were able to go back to treating the sanctuaries as sanctuaries—which he will not be able to do—and even if the weakened enemy were able to spare the men and materials to build in the future the way he has built in the past—which he will not be able to do—it would still be at least another 6 months before the enemy would have restored the Cambodian-South Vietnam border areas to a semblance of their former condition.

This means that the combined American and South Vietnamese and Cambodian sweep through the sanctuaries has bought at least a year's time for the continued growth and success of the Vietnamization program.

Mr. President, this Vietnamization program was, in its infancy, a fragile plant. But it has grown sturdier with remarkable speed. This Vietnamization program represents a practical step toward achieving what the overwhelming majority of Americans desire. That is, the Vietnamization program is designed to insure that the United States can continue to withdraw troops without jeopardizing the achievements for which so many Americans have sacrificed so much.

At this point it might be advisable to insert in the RECORD some of the latest figures we have received from the Cambodian affair. The results of the action of our troops through yesterday, which have just been radioed to the United States, show that we have captured in this area 17,075 mortars, 51,328 rockets, enough rice to feed 67 battalions for 1 month, 531 crew-served weapons—that is, heavier guns, missile-type weapons—1,350 bunkers have been destroyed, 102 vehicles have been captured, there have been 3,077 enemy dead, and 653 prisoners of war.

If Vietnamization continues to work, American efforts will not have been in vain. And if Vietnamization works, much of the credit will be owed to the decisive allied action against the sanctuaries.

The President knows there are political risks involved in his decision to clean out the enemy's Cambodian sanctuaries. But I believe the American people will listen to reason. They will evaluate the arguments, and they will accept the wisdom of this policy. Above all, the American people respect commonsense and decisive action. The President has talked sense to the American people about the problem of sanctuaries. And the President has taken the sort of decisive action which, if taken some time ago, might have shortened this war. The American people do not like any wars. But they especially dislike wars in which they have to fight with dangerous and one-sided limitations. The policy of respecting the enemy sanctuaries was just the sort of limitation that exasperated the American people—and rightly so. It is part of American commonsense to understand that if you are going to get into a war, you should not agree to fight with one hand tied behind your back.

The American and allied incursions into Cambodia do not constitute a new war.

This is the same old Vietnam war. We have consistently practiced restraint. The enemy has constantly misjudged this practice of restraint. They have interpreted it as evidence of weakness.

Further, it is no more sensible to say the attack on the sanctuaries "extends" the war to Cambodia than it is to say the Normandy invasion "extended" the Second World War to France. The Second World War had been in France for 4 years when the allies landed in Normandy. But the German occupiers had been having a relatively quiet time of it

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until June 6, 1944. Similarly, the Vietnam war has been in Cambodia—and Laos, for that matter—for a decade or more. It is just that the Communist occupiers have been having a relatively quite time of it until last week.

The President has not extended the war to Cambodia. He has just extended some of the risks of the continuing war to those participants who have brought war to South Vietnam, and who have enjoyed a risk-free refuge next door to the scene of their aggression.

It is very gratifying and encouraging to note that the operation against the sanctuaries thus far has met slight opposition and has resulted in only very light casualties among American and allied units.

This fact reflects the success of the operation. The intent of the operation was to surprise and disorganize the enemy. It was hoped that the operation would catch the enemy unprepared to fight. It was hoped that the enemy would be forced to pack up and flee in a great hurry, so that the American and allied forces could consolidate their positions and then go about the business of finding and destroying Communist facilities—or infrastructures, as they are known—relatively unmolested. Further, it was hoped that the resulting disruption of supply, communications, training and medical facilities would set back enemy preparations for as much as 6 months.

To date there is no evidence that these hopes of ours will be disappointed.

Some persons wish the President had given more advance warning about his decision to clean out the sanctuaries. To this complaint there are three things that must be said.

First, the operation was only devised in recent days in response to the rapidly and dangerously changing situation in Cambodia as the North Vietnamese invasion expanded its objectives.

Second, since a primary object of the operation was to cause disorganization and flight among enemy forces, surprise was an important ingredient in the operations. Thus it was not a suitable topic for prolonged and extensive public debate in advance.

Third, it is of the utmost importance that people understand that President Nixon has repeatedly given the Communists warning that he would not sit idly by and watch them take advantage of American restraint and disengagement in South Vietnam.

A year ago, in May 1969, and again in November the President spoke in stern and unambiguous language about his unwillingness to tolerate Communist actions which take advantage of American restraint. The President promised to meet Communist lack of restraint with vigorous American retaliation. This warning was issued again last month when the President announced his plan to withdraw 150,000 Americans during the next 12 months—a plan which, by the way, he hopes the Cambodian operation will facilitate.

It is important to note that there is a significant precedent for this kind of warning.

This is not the first time we have been pitted against a small Communist nation, backed by large Communist nations, in a limited land war in Asia. Seventeen years ago we were engaged in just such a war in Korea. So-called peace negotiations were stalled, just as they are now. They were stalled—just as they are now—by the refusal of the Communist aggressors to negotiate seriously. Then—as now—Communist intransigence at the negotiating table was rooted in the belief that the United States lacked the resolve to punish intransigence.

At that time the Eisenhower-Nixon administration let it be known that further Communist obstruction at the negotiating table would result in increased American determination in battle. Fruitful negotiations materialized at Panmunjom when the United States made it crystal clear that the costs of stalling were greater than any gains the Communists could hope to make from refusing to negotiate.

While campaigning for election in 1968, Mr. Nixon reminded Americans of the Korean experience. He promised that under his leadership the United States would—in the words of President Theodore Roosevelt—"walk softly and carry a big stick." He suggested that a show of strength and determination might be necessary in Vietnam—as it was in Korea—to convince the enemy of America's commitment to an honestly negotiated settlement.

President Nixon is keeping that promise. He is using American power to protect American lives, while continuing his program of phased withdrawals. It would be hard to improve upon this as a strict and punctual translation of campaign promises into real policy.

The problem of getting Communists to negotiate is the heart of the problem of American relations with the Communist world. Consider our recent experience in Vietnam.

For years we were told that meaningful negotiations would begin if only we would make some gesture of willingness to negotiate. We made numerous such gestures, in public and private, through regular and irregular channels, and the Communists still showed no inclination to enter into meaningful negotiations.

We were told that meaningful negotiations would begin if only we limited the bombing of North Vietnam. We did so, but the meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we stopped all bombing of the North. We did so, and still meaningful negotiations did not materialize.

We were told that meaningful negotiations would begin if only we could get the South Vietnamese to participate. We did get them to participate, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we would agree to the inclusion of representatives of the Vietcong in the negotiations, thereby tolerating the fiction that the Vietcong are truly independent of North Vietnam. We did agree to include the Vietcong in the negotiations, and still there have been no meaningful negotiations.

We were told that meaningful negotiations would begin if only we began to withdraw some of our troops from South Vietnam. We began withdrawing troops, and still no meaningful negotiations began.

Most recently—and most implausibly—we have been told that meaningful negotiations would begin if only we would send a "top level" personage to head our negotiating team in Paris. Now I reject the idea that Mr. Phillip Habib is not a top level American official. But in any case, it is important to notice and to remember that we have had first Ambassador Averell Harriman and then Ambassador Henry Cabot Lodge at the head of our Paris delegation, and still there have been no meaningful negotiations.

James Reston of the New York Times has expressed skepticism about the President's decision. Reston suggests—Sunday, May 3—that the attack on the sanctuaries will not be effective because "the heart of the trouble is not in Cambodia, but in North Vietnam and beyond that, in the Soviet Union and Communist China. This is where the power comes from. This is what we have been up against from the beginning.

It is precisely because, in Mr. Reston's words, the "real sanctuaries—are Hanoi, Peking, and Moscow," it is of fundamental importance that the leaders in those three Communist capitals understand the steady resolve of the American leadership. Communists will only negotiate with us if they respect our power and our willingness to use it in vigorous defense of our own interests.

The President is still seeking a negotiated end to the Vietnam war. He thinks—and I think he is right—that the record of the recent past indicates that the Communists are not convinced we mean business, and therefore they are not convinced they need to negotiate with us. It is now becoming clear to the Communists that we do mean business.

It has become clear that the solid success of our policy in Vietnam has forced the Communists to retreat to a policy of protracted conflict. The Communists plan to harass the South Vietnamese people and Government with cruel and wanton terrorism until the American troops leave, and then resume their fight for conquest. Two things are vital in their plans for protracted conflict. One is the existence of Cambodian sanctuaries. The other is the collapse of the American will.

President Nixon has served notice on the Communists that the sanctuaries are sanctuaries no longer. And the American people, by supporting the President, have served notice on the Communists that protracted conflict will bring the Communists only protracted losses. In short, the President and the American people who support him are telling the Communists to get serious in Paris. Americans are telling the Communists to negotiate in Paris, and thereby disengage from their various wars of aggression and conquest in Indochina, or they will suffer the consequences of American determination, increasing South Viet-

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namese strength, and increasing Cambodian resolve.

This is the real lesson North Vietnam's leaders should learn from the President's decisive action, and from the support he is receiving from the American people—support running, according to a CBS telephone poll, at approximately 2 to 1 in favor of cleaning out the sanctuaries.

The President repeatedly has said two things. First, he has said that he does not seek a military victory—he is willing to settle for considerably less than victory. Second, he has said he will not accept an American humiliation.

In a previous address to the Nation President Nixon declared that only the American people could humiliate the United States. In saying this President Nixon was echoing the words of the greatest American who, as a 29-year-old lawyer in Springfield, Ill., said this:

> If destruction be our lot we must ourselves be its author and finisher. As a Nation of free men we must live through all time or die by suicide.

That was true in 1838 and it is true 132 years later. The only hope our enemies have is to torment and exhaust us to the point where we commit the retreats and failures which, taken together, destroy our credibility, and amount to national suicide.

Clearly the position I am outlining presupposes certain general perceptions about the state of the world today, perceptions which are not universally shared, I am sorry to say. Indeed, there are profound and important differences of opinion, at the highest levels of Government, and in informed circles outside the Government, concerning the basic realities of international affairs as we enter a new decade. I want to make my position clear.

My recommendations for American foreign policy rest on the following 10 judgments.

First, the existence of many nations testifies to the existence of many conceptions of justice.

Second, not all conceptions of justice are born equal. Some are much truer than others. Some, such as those embodied in Communist dictatorship, are clearly false, and so, such as those distilled by Jefferson, ennobled by Lincoln, and embodied in the American Nation, come very close to the truth.

Third, in such a world it is not necessarily a disgrace for a nation to have enemies. Whether it is a disgrace depends on the nation, and on the enemies. It is not a disgrace—indeed, it attests virtue—that the United States numbers most Communist nations among its enemies.

Fourth, Communist hostility to the United States, and the consequent Communist interest, worldwide, in weakening U.S. security, results from the most fundamental causes—being rooted in clashing notions of justice—and therefore the Communist assault on every U.S. interest will continue into the indefinite future, lasting as long as Communists in power militate in favor of social orders which are the obverse of justice.

Fifth, the Communist powers can endure the strains of such protracted conflict with relative ease because they can afford to ignore the understandable weariness of the people they tyrranize, whereas the ability of the United States to counter Communist assaults is sharply limited by the willingness of the American people to sustain this burden of conflict. Therefore, the Communists understand that their hope for victory rides on their ability to demoralize the American people.

Sixth, the Communists understand that it does not matter in what theater of the world conflict they manage to demoralize and exhaust the American people. It can come in Berlin; it can come in the Middle East; it can come in Indochina. All that matters is that the American people lose their strength of purpose, their confidence in their own abilities, the fine cutting edge of their traditional understanding of a great and free Nation's mission.

Seventh, once that demoralization, that exhaustion has been achieved—regardless of where it has been achieved—the effects will be felt worldwide.

Eighth, the most vital challenge confronting the American people is to face the enemy wherever he confronts them—I do not use this in a military sense—to confront him with as much—but only as much—power as is demanded, thereby keeping the enemy at bay, while retaining a sense of proportion, a sense of reason, and a willingness to meet the enemy in conference whenever and wherever the enemy comes to understand that the United States is not a nation that can be safely challenged and will give up its heritage when challenged.

Ninth, the most vital challenge confronting American leaders is the task of making clear to the American people the parameters of this global conflict, and the task of nurturing the will for protracted defense of freedom.

Tenth, our enemies will always hate us. That is unavoidable. But nothing is more dangerous than having them despise us as weak and irresolute. If they hate and respect us, they will respect our power, which is and will remain sufficient to deter their most malign designs. If they hate us and despise us as a helpless giant, they will be tempted to the most dangerous excesses. Therefore, it is important that we never give them cause to doubt the American will to respond to provocation.

All Americans long for peace. No true American wants peace at any price.

All Americans respect the yearnings of small nations for independence. No true American looks with favor on aggression.

Americans are most divided by honest differences on questions of fact about the cold war. Of course, there are extreme positions at both ends of the political spectrum. There are those on the far left who argue that the cold war was started—with malice aforethought—by the United States. There are those on the far right who are modern day abolitionists, and would turn the cold war into the hottest possible war. They would end communism at the cost of ending civilization. Both of these positions are too puerile to bear confuting.

But between these extreme positions there is a broad middle ground which leaves ample room for wide and important differences about the nature of the cold war.

At the risk of oversimplifying, there is one school of thought that holds that the cold war is essentially a thing of the past. This school argues that the emergence of pluralism—or "polycentrism"—in the Communist world, combined with such factors as increasing nationalism and the replacement of the revolutionary generation of Communists by a managerial "new class" of Communists, has defused the cold war.

According to this interpretation, communism has lost its dynamism as a world force, and the cold war—understood as a confrontation between two hostile camps—is over. This school does not argue that the passing of the cold war has rendered the world entirely safe and peaceful. But it does argue that the dangers that confront America are only conflicts on national interests, conflicts with low ideological content or importance. Thus, it is said that the world's various trouble spots are quite unrelated to one another.

I think this interpretation is mistaken. I disagree with some of what it takes to be fact, and with some of the interpretations it puts on some facts we all recognize.

I can briefly outline my own views by distinguishing them from the view I have just outlined.

I do not think the cold war is over. Indeed, we may be entering a new and more dangerous phase of it.

There is nothing new in the existence of various Communist nations. There were various Communist nations in existence at the height of the post-World War II cold war period.

It is true that the monolithic nature of world communism has been weakened in the last 15 years. The most conspicuous example of this weakening is the Sino-Soviet split. The restiveness in Eastern Europe, the insignificant appearance of independence from Moscow exercised by Communist parties in free countries, the sporadic dissent among a few Soviet intellectuals, and even the recalcitrance of tiny Albania—all these things are cited as evidence of an emerging pluralism in the Communist world.

This pluralism is real enough. But the important question is: What difference does this pluralism make to us as we try to cope with various hostile moves by various Communist nations?

I think it makes very little difference. The differences between Soviet communism and North Vietnamese communism are obvious. The differences between the national interests of these two countries are real enough. But the important fact is that Communist doctrine—including an implacable hostility to the interests and values of the United States—informs the process by which these nations formulate the policies by which they promote their own national interests.

In recent months there has been evidence that Leonid Brezhnev is emerging supreme from a protracted power struggle within the Kremlin. It is widely feared among students of Soviet affairs. that Brezhnev is a hard-line Communist

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whose thinking owes much to his former boss, the man under whom he began his rise to the top—Joseph Stalin.

In recent months, evidence has continued to mount that, in spite of the most dire failures and inefficiencies in the chaotic Soviet economy, the Soviet leadership is pressing ahead with an extraordinary—and frightening—program of weapons production. This program is putting enormous strain on an economy that is already in a state of acute illness. The fact that the Soviet leadership is further burdening the economy with heavy expenditures on the most expensive weapons—long range missiles and complex warheads—indicates that the Soviet leadership considers the cold war a continuing reality. I am not violating rules of security, because it is reported in all the major publications that they have more than doubled their intercontinental ballistic missiles in the last 5 years.

Recently, Communist China launched its first earth satellite. This launching obviously was the fault of a long and heavy investment of resources, material and human. Two things were especially noteworthy about this achievement. First the satellite weighed approximately 400 pounds which means that it must have been hurled into orbit by a rocket with intercontinental range. Second, the launching came after years of economic failure in China, failure that stemmed not only from the inherent weaknesses of the Communist system, but also from the constant disruptions inflicted by the prolonged madness of the so-called "cultural revolution." Clearly, the Communist Chinese leadership has not allowed anything to interfere with research and development crucial to modern war.

Let me draw some general conclusions.

The cold war is a continuing reality. There has been no abatement of international tensions. There has been no let up in the arms race. There is no detente in sight.

It was during the late 1950's after the so-called de-Stalinization upheaval in the Kremlin, that some American scholars and journalists began to predict a detente between the United States and Communist nations. They argued that our interests were "converging" and that an age of relative harmony was about to dawn. This was the era of "the spirit of Camp David."

Unfortunately the age of harmony never came to pass. The detente was never anything but wishful thinking. The fact that so many people were susceptible to believing in a detente testifies to the great weariness Americans felt as a result of their strenuous exertions in world affairs during the first six decades of this century.

The problem is this: All the professors and journalists who declared a detente neglected to insure Communist cooperation.

Every American would like a real detente. No one enjoys the costs—in terms of life, money, creative energy, and national tension—that goes into protracted international conflict. But to believe a detente impends, just because it would be nice for it to impend, is to allow a wish to be father to one's thought. That is a sure route to self-deception, and self-deception, in a dangerous world, is a sure route to catastrophe.

It is perfectly clear that Communist intransigence and provocation is not limited to Southeast Asia. It is becoming increasingly clear in other parts of the world that American restraint is not being matched by reciprocal restraint on the part of the Communists.

Let me be more specific. For some time there has been mounting evidence that the Soviet Communists are bent on pursuing a dangerous and aggressive policy in the explosive Middle East.

Last week, while the President was weighing his fateful decision concerning Communist sanctuaries along the Cambodian-South Vietnamese border, the world press was reporting that Soviet pilots are now actively engaged in the war against Israel. This represents a highly significant and alarming new step in the steady expansion of Soviet power in the Mediterranean area.

Further, this direct Soviet involvement in the war against Israel threatens to upset the tenuous balance of power in the Middle East struggle. This is significant, and relevant to events in Southeast Asia, because it represents another instance of unreciprocated American restraint. After all, it was in order to preserve the Middle East balance of power that President Nixon recently decided not to send a new shipment of jet fighters to Israel at this time. President Nixon was under heavy pressure from those—including some Members of the Senate—who felt that America should be more forthcoming with aid for embattled Israel. But the President decided to set an example of restraint, thereby taking an acceptable risk for peace.

If evidence of increasing Soviet intervention continues to mount in the Middle East, the President may have to reassess his policy of restraint. It is clear that self-restraint is not a game which only one nation can safely play in this tense and dangerous world of power politics.

It is this principle that underlies the President's recent modification of American policy regarding the Communist sanctuaries along the South Vietnam border. The President has seen his repeated acts of restraint greeted with contemptuous words and flagrantly aggressive actions by the Communists in Southeast Asia.

I believe that there is a common element in the several struggles today where Communist nations are challenging American policy. It might be too strong to say, for instance, that the Middle East and Southeast Asia are two fronts in a common war. On the other hand, it is correct to recognize that the Communist nations challenging us in these areas think of their interests as complementing the interests of other Communist nations.

There is an international aspect to world communism. There is an international Communist thrust, and it is governed by the fact that the United States is today, as it has been for over half a century, the primary enemy of communism.

Just as there are strong and important links between the interests of the various Communist powers which actively oppose the United States interests, there also are strong and important links between particular dealings we have with Communists.

Right now we are trying to negotiate with the Communists in two places, Paris and Vienna. Of course, the SALT talks with the Russian Communists and the so-called peace negotiations with the Vietnamese Communists concern very different matters. But the success of each negotiation may depend heavily on a general Communist assessment of the American character, and the American will to stand up to pressure.

The President's approach to settling the Vietnam war is one about which honorable men of good will can and do disagree. We can expect—indeed, we should welcome—vigorous debate about it. We know that differences of opinion about foreign policy transcend party differences. But not all criticism is equally deserving of patience and respect.

One line of criticism now being directed against the combined allied action is that the low casualties indicate that the action is directed against a nonexisting menace. I think a correct understanding of the aim of the operation confutes this criticism. But the criticism bears scrutiny because it reveals how some critics are determined to assail any American behavior that does not conform to their preferences for immediate and unconditional compliance with the unconditional demands put forward with monotonous regularity by the Communist delegation in Paris. The operation is being criticized because, it is said, light casualties indicate that the operation was based on faulty intelligence. But one need not be blessed with supernatural powers to guess what these same critics would be saying if casualties were heavy. In that case they would be in full hue and cry against the operation for being excessively costly. In the eyes of some persons, the United States is damned if its does and damned if it does not. These persons sometimes complain that their opinions are not given proper attention in high places. But their opinions can only lead to perpetual confusion, which is the ground from which they spring.

As the debate about America's continuing commitment in Asia continues, let us be clear about one thing. Those who have spent half a decade predicting American defeat, and who have spent half a decade stigmatizing American efforts as folly, cannot easily adjust to the possibility that success may result from the Nation's sustained sacrifices.

I must speak very candidly. There are in America today some persons who have an emotional, intellectual, and political stake in an American humiliation in South Vietnam. For example, last Saturday John Kenneth Galbraith took time out from making the Harvard undergraduates what they are today and came to town to tell the Americans for Democratic Action that America's policy in Asia has no future. This is the same prophetic Galbraith who, more than 100 weeks ago, prophesied that the existing South Vietnamese Government would collapse in a couple of weeks. Mr. Galbraith is not untypical of the sort of Americans who, had they reputations as serious men, would stand to lose those reputations as a result of America's disagreeable refusal to collapse before Communist aggression.

On a related matter, it is said by some critics of the President that his decision will be divisive here at home. It is said that it will aggravate existing differences. Four things must be said about this criticism.

First, the differences referred to are, in fact, existing differences. Only one thing will eliminate them. The only thing that will elimintae them is an end to the war, and that is the aim of the President's policy. And Mr. President (Mr. BURDICK), I am fully convinced that this is the aim of the President's policy.

Second, while it is true that some Americans will respond to this policy modification by taking to the streets, this fact hardly constitutes a criticism of the modification. These people do not need a weighty excuse to take to the streets.

Third, the wisdom of a policy cannot be measured by the decibel level of the antagonism it evokes. Were we to measure wisdom in that way, we would be giving an effective veto to the noisiest and most violent of those taking to the streets and campuses.

Fourth, we cannot allow tactical decisions in war to be controlled by the vicissitudes of public protests. There is much political truth in the old addage that "the squeaking wheel gets the grease." But this adage can neither be a sensible nor a moral guide to setting war policies. We cannot allow it to become true that, where foreign policy is concerned, the most vociferously unhappy people determine the tactics.

We should listen less to the hysteria of the moment, and more to the voice of American tradition.

Two of the great phrases of American history are "manifest destiny" and "rendezvous with destiny." The first described the proper role for America in giving its principles dominion over the vast territories of this continent between the Atlantic and the Pacific. There were those in the 19th century who dismissed this as errant presumption. Fortunately, they did not prevail.

The second phrase—"rendezvous with destiny"—was spoken by Franklin D. Roosevelt. It described the role Americans could play in this tumultuous century if this preeminent free nation would take up the challenge of confronting rampant totalitarianism. Americans took up that challenge, a challenge that did not vanish with the defeat of the Fascists in World War II.

The challenge posed by Fascist aggression is more than replicated by Communist aggression—an aggression that has more nations under despotism, more resources to marshal, and an animating philosophy as disgusting as that which the Fascists sought to impose on any people fortunate to be born free or obstinate enough to fight for freedom.

This generation is not the first nor, unfortunately, will it be the last, to have a similar rendezvous with destiny. America today is, and will continue to be, challenged by aggressive totalitarianism. America today bears, and will continue to bear, the manifest destiny to defend the principles of free government.

It is some measure of the national weariness that it has become unfashionable to acknowledge the truth that we are today what we have been since Lincoln first used the words—"the last, best hope on earth."

But fashion is not the truth, and we are still the last, best hope of those who will not bow before protracted aggression from Communist powers.

I believe the most significant passage in the President's speech of April 30 was the following:

> We live in an age of anarchy both abroad and at home. We see windless attacks on all the great institutions which have been created by free civilizations in the past five hundred years. Here in the United States, great universities are being systematically destroyed. Small nations all over the world find themselves under attack from within and from without.
>
> If when the chips are down the U.S. acts like a pitiful helpless giant, the forces of totalitarianism and anarchy will threaten free institutions throughout the world.
>
> It is not our power but our will and character that is being tested tonight. The question all Americans must ask and answer tonight is this: Does the richest and strongest nation in the history of the world have the character to meet a direct challenge by a group which rejects every efforts to win a just peace, ignores our warnings, tramples on solemn agreements, violates the neutrality of an unarmed people and uses our prisoners as hostages?

In this passage the President intentionally and correctly relates the violence exported by Communists in Asia to a general decay of confidence in the capacity of the great free nations—and especially the United States—to defend themselves and their best institutions.

A score of retired university presidents in this country can testify to the fact that it is dangerous to earn the contempt of determined enemies of civility. The President understands that it is dangerous for a nation to earn the contempt of those nations whose very raison d'etre is the destruction of free nations.

One hundred and eight years ago, on December 1, 1862, in his second annual message to Congress, Abraham Lincoln said this to an embattled nation:

> Fellow-citizens we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation.

What was true of Congress and of the American people in that day is also true of Congress and of the American people today. Totalitarianism challenges us in several regions. How we respond today and in the wearisome years ahead will determine whether we earn the respect or the opprobrium of succeeding generations.

It has been said that a politician thinks of the next election while a statesman thinks of the next generation. In this time of testing those who hold real sovereign power in this Nation—the American people—must measure up to the standards of true statesmanship. If Americans understand the nature of the challenge they face, and the consequences of weakness, they will respond as they have in the past—with courage, and with success.

Twenty-five years ago this week the guns of the Second World War fell silent. But Peace did not follow. For a quarter of a century the American people have borne the burden of supporting resistance to expansionist communism. The fact that the North Vietnamese Communists have been beaten back into a strategy of protracted conflict does not confront the American people with a new experience. The American people have been directly involved in open protracted conflict with Communists at least since the Berlin blockade.

Communist rulers have always understood one thing: All that stands between them and the success of their vicious plans is the determination of the American people. The American people dare not—they will not—falter now. Our enemies are in the process of learning, to their sorrow, a lesson that other tyrants have had occasion to learn during the last 194 years. It is dangerous to underestimate the American people.

My friend and colleague, the Senator from Maryland (Mr. MATHIAS), concluded his moving and eloquent Law Day address with a quotation from Tom Paine. I would like to conclude my prepared remarks with the same words:

> Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it.

Mr. President, one of the great Senators of this Senate in the past was the Honorable Edwin C. Johnson who served as U.S. Senator and then as Governor of Colorado.

I have in my hand a copy of a letter he has written to the President, which is printed in the Denver Post.

The title is "Courageous Action: Message to the Honorable Richard Milhous Nixon, Washington, D.C." It reads:

> Your courageous action did not surprise me. It will shorten this cruel war many months.

It is signed Edwin C. Johnson, a Democrat and former Colorado State Governor and U.S. Senator.

Mr. President, I think I have just a few minutes remaining. I would like to speak extemporaneously for those few moments.

Mr. President, in response to a question from the distinguished Senator from Louisiana (Mr. LONG), I want to say—as I said at that time—that this was not a speech for the administration. This speech was not made at the request nor with the knowledge of the administration.

I have seen history distorted so many times and for such a long period on the floor of the Senate and in the news media and other places that I felt it was incumbent upon me to enter into a discussion not only with respect to the Cambodian situation but also with respect to the situation, as I see it, in the world in the next decade and perhaps for the next two decades.

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Mr. President, it is for this reason I have made this address this morning. I feel seriously about this matter. I only hope that within the structure of these remarks there will be some help to those people who feel frustrated and that those who suffer trepidation will find cause for courage. Those who disagree and dissent can do this in an atmosphere of quietness and they can be heard and listened to.

I believe that the future of this country is going to lie in the actions of the executive branch of Government and particularly the actions of Congress in the next few years. Lincoln said what we do and say here now truly "will light us down, in honor or dishonor, to the latest generation."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURDICK). The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized pending the arrival of the distinguished Senator from New York, who is next on the agenda, without any loss of time to him.

THE PRESIDING OFFICER. Without objection, it is so ordered.

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LAOS—HEARINGS CONDUCTED BY SENATOR SYMINGTON

Mr. MANSFIELD. Mr. President, the distinguished senior Senator from Missouri (Mr. SYMINGTON) has been conducting a number of most interesting hearings affecting various parts of the world. The results of those hearings when they are finally published—and I use the word "finally" advisedly—will receive a good deal of attention. Perhaps otherwise they might have been lost in the shuffle.

I refer particularly to the Symington committee hearings on Laos and the length of time it took to get clearance from the administration so that at least some parts of the report could be published.

It is good that this committee held these hearings on this forgotten war, this hidden war, this secret war which, while tied to the war in Vietnam, insofar as the Ho Chi Minh Trail coming down from the Laotian panhandle is concerned, nevertheless was in other respects an auxiliary and separate war because it was tied to the army of Vang Pao, the chief of the Meos and the Royal Laotian Forces, away and apart from the Ho Chi Minh Trail.

Now, with what is developing in Cambodia, which is a war on a war on a war, and marks an extension and enlargement of the conflict, I think it is most important that the situation, as it exists in Laos, should be brought out and given consideration by all Members of the Senate.

Mr. President, in order to help that along, I ask unanimous consent to have printed in the RECORD certain news stories having to do with the publication of the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 20, 1970]

UNITED STATES ESCALATES WAR IN LAOS, HILL DISCLOSES

(By Murrey Marder)

The United States is engaged in "heavy escalation" of its air war in Laos while trying to deescalate the war in Vietnam, a Senate inquiry disclosed yesterday.

When the American bombing of North Vietnam ended on Nov. 1, 1968, U.S. air power shifted to hit the predominantly North Vietnamese troops in Laos, the record shows. The U.S. bombing of Laos, secretly begun in 1964 by President Johnson, was reported to have doubled in May, 1969, and nearly tripled last August.

A Senate Foreign Relations subcommittee headed by Sen. Stuart Symington (D-Mo.) yesterday made public the censored results of a six-month struggle with the Executive Branch over releasing testimony taken last October about the secret U.S. role in Laos.

It shows that by agreement with Laotian Premier Souvanna Phouma, the United States responded in 1964 to Vietnamese Communist violations of the 1962 Geneva accords on Laotian neutrality by violating them too. The U.S. share of this decision has cost "billions of dollars," and about 200 American lives, the record indicates.

Under the covert U.S. operation, the American Ambassador in Vientiane virtually has operated as co-commander of the war in northern Laos: he controls a U.S. mission of air, ground and intelligence advisers that coordinates American and Laotian air and ground operations in northern Laos; arranges for the training (primarily at American bases in Thailand) of Lao troops, and supplies American military and economic funds to Laos that are larger than the Laotions' own contribution to their nation's economy.

The Laotian Premier "made it clear that he wanted us to say as little as possible" about American military action in Laos, testified William H. Sullivan, former ambassador in Laos and now assistant secretary of state for East Asian and Pacific affairs.

After more than 100 meetings with administration officials, Symington's subcommittee on U.S. commitments abroad salvaged 237 pages of censored transcript.

President Nixon pierced the censorship deadlock when he disclosed, on March 6, a few selected portions of U.S. activities in Laos, emphasizing that they began under "two previous administrations."

But, the new record shows that the war in Laos involves far more than "1,040 Americans . . . stationed in Laos" as the President's guarded statement listed.

The hearings disclose, as subcommittee sources put it that "tens of thousands" of Americans are involved in the Laotian war in air combat, in training, advisory, supply and intelligence work—operating from Thailand, from South Vietnam and from U.S. aircraft carriers at sea.

Symington expressed the hope, in making the transcript public, that it will help prevent "another Vietnam."

No conclusions or findings accompany the report, partly because it is incomplete. The subcommittee staff noted that it had gained release of 90 percent of the transcript, but chief consultant Walter H. Pincus stated in a covering letter that the public's "right to know" is still being abused to avoid "embarrassing" past administrations or officials for reasons unrelated to national security.

Censorship took out of the transcript all summary figures on costs; every reference to the Central Intelligence Agency's operations, which include training, equipping, supplying and directing Gen. Vang Pao's "clandestine" army of up to 36,000 Meo tribesmen in Laos; all references to the use of Thailand's forces in Laos; details on U.S. air operations from Laos; figures showing the escalation of American air strikes in Laos during bombing "pauses" or the halt in the air war against North Vietnam, and other critical facts.

Portions of the story can be reconstructed or estimated, however, despite the deletions.

A typical deletion in the transcript reads: "The total cost of all U.S. activities in Laos, including air operations against the Ho Chi Minh Trail, is about (deleted) billion a year. Of this, approximately (deleted) billion is related directly to our efforts in South Vietnam."

U.S. air strikes in Laos have been reported to run up to 600 or more sorties a day.

The transcript shows that in northern Laos the average sortie costs $3,190 and delivers 2.2 tons of bombs. This would add up to a cost of $1,914,000 for a day of 600 air sorties.

President Nixon on March 6 originally said that "No American stationed in Laos had ever been killed in ground combat operations." But the inquiry, confirming figures disclosed in the dispute over that statement, shows there have been "something under 200 U.S. military personnel . . . killed in Laos." Most of these were airmen, but nearly 50 are listed as "civilian and military" personnel assigned to the U.S. mission in Laos.

There are "two wars" in Laos. One is what began as a "civil war" in the north, in which the main Communist forces consist of constantly increasing numbers of North Vietnamese troops; this is the air and ground war that the American Embassy mission in Vientiane is deeply engaged in running. The other war in Laos is the American air war against the so-called Ho Chi Minh infiltration trails running south through Laos from North to South Vietnam.

The Symington subcommittee was focused primarily on the war in the north. But both portions of the Laotian conflict interact with the war in Vietnam, militarily and diplomatically.

Sullivan, who worked on the 1962 Geneva accords, became ambassador to Laos in November, 1964, replacing Leonard Unger.

North Vietnam failed to comply with the 1962 Geneva neutrality agreements "from their inception," Sullivan testified, withdrawing only a token number and retaining about 6,000 troops, while the United States pulled out all its 666 men.

The United States, in November, 1962, agreed to provide supplies and repair parts for U.S.-supplied equipment and other material "as permitted" under the Geneva accords, said Sullivan. Then in 1963 North Vietnamese and Pathet Lao troops broke the accords, he said, by attacking neutralist forces and "in 1964 North Vietnam began markedly to increase its support to the (pro-Communist) Pathet Lao and its use of the Ho Chi Minh trail . . ."

"In the same spirit of proportionate response to North Vietnamese violations of the agreements," Sullivan testified, "and as part of our effort to assist South Vietnam in its defense," the United States began "air operations" and considerably expanded its ground support.

Sullivan insisted the United States is free to "terminate" its operations in Laos at any time.

The "first U.S. reconnaissance flight was flown over the southern part of Laos May 19, 1964, after consultation with Prime Minister Souvanna Phouma the previous day," Sullivan testified.

That was acknowledged by the United States on June 6 of that year—when the first "unarmed" plane was shot down. But armed escort planes were secretly added in the meantime; the first of these was shot down June 7, 1964.

By agreement between Souvanna and Ambassador Unger, said Sullivan, it was decided that "Firing on ground targets by the escort aircraft would not be acknowledged and would be kept out of discussion with the press on grounds of being an operational matter."

"The United States began bombing of Lao territory along the Ho Chi Minh trail in early 1965," Sullivan said, initially bombing jointly with the Royal Lao Air Force.

Defending the entire U.S. operation in Laos, Sullivan said "It involves no stationing of U.S. combat forces, no commitments and, in comparison with Vietnam, a fairly modest and inconspicuous deployment of personnel and resources."

But Col. Robert L. F. Tyrell, chief U.S. air attache in Laos and actually the U.S. air operations commander there under the ambassador, testified that in addition to conducting air strikes in Laos from multiple bases in Thailand, "we have had aircraft operating from Danang, Pleiku (in South Vietnam) . . . and also from the 7th Fleet."

The air operations center in Laos is "staffed by Lao and Americans," said Tyrell.

The testimony revealed that logistics support for U.S. army and air attaches in Laos has been covertly handled from American bases in Thailand, were the "cover title" of deputy chief of the American military assistance group in Thailand conceals the Laos support function.

In Thailand, Lao are taught to fly, their troops are trained, their planes are repaired.

The testimony also showed that President Nixon's March 6 statement about the number of Americans "stationed" in Laos hides the fact that other American personnel—the number was censored—"drift in and out" of Laos on "temporary" assignment.

Sullivan testified: "The original understanding between my predecessor and the Prime Minister of Laos was premised upon statements being limited, admissions publicly stated being very carefully structured."

The agreement held admirably for six years. The Russians knew what was going on, the record shows; so did the North Vietnamese and Pathet Lao. The American public was dependent upon its newsmen—if they could pierce the secrecy barrier.

Sullivan gave the administration's principal explanation for official secrecy about the "initial understanding we had with the American operations in Laos: to maintain Soviets" in 1962 about neutralizing Laos. Even if a Soviet official "reads things in the newspapers . . . he does not have to take any official cognizance of them. But if they are made directly by U.S. officials he does have to take cognizance of them. . ."

For the United States to admit officially what it is doing in Laos, while North Vietnam continues to deny it has some 67,000 troops there, said Sullivan, "gives them a totally unfair, totally legal protection."

"In the meantime you are deceiving the American people and the Congress," countered Sen. J. W. Fulbright.

Similarly, Sen. Symington said: "We say we are an open society, and the enemy is a closed society . . . Here we are telling Americans they must fight and die to maintain an open society, but not telling our people what we are doing."

Sullivan countered, "I must say, Mr. Chairman, that I consider these hearings as a very sincere token of an open society."

Symington, who is a member of both the Senate Armed Services Committee and Foreign Relations Committee and has inspected U.S. operations in Laos, was surprised to find that these activities were greater than he knew.

He told Sullivan that he had not known that U.S. forward air controllers "were working with Laotian troops in the planes with them, targeting Laotian bombers."

The record showed the American forward air controllers were not even requested by the Laotians, but that the U.S. "country team determined they were necessary . . ."

A similar indication of American control at both the requesting and the complying ends of U.S. operations in Laos was testimony that Gen. Vang Pao "was considering moving his people away from the front lines" but the American Embassy urged him "to continue." He did.

Symington said he discovered in 1965, when he was in Southeast Asia during the 37-day halt in the U.S. bombing of North Vietnam, that in "one day there were, nevertheless, 378 strikes against Laos, so that must have meant, at that time, the planes which had been hitting North Vietnam were shifted to hitting Laos."

"HEAVY ESCALATION"

In 1969, he said "the figures which Col. Tyrell shows emphasize there has been a heavy escalation of our military effort in Laos."

The record disclosed that the United States is not only paying more than half the cost of operating the Royal Government of Laos, but until this year it was paying, as well, two-thirds of the costs of operating all of the Laotian embassies in foreign countries.

Symington said that as the result of the transformation that Laos has experienced through the U.S. involvement in its war, it is now "impossible for Laos to live without the United States."

CIA's Testimony on Laos: (Deleted)

The Central Intelligence Agency, the most clandestine operating group in the secret war in Laos, virtually escaped mention in the Senate Foreign Relations Subcommittee inquiry on U.S. involvement in Laos.

Subcommittee Chairman Stuart Symington (D-Mo.), in defense of bowing to the Executive Branch's demands in the battle over clearing the hearing transcript, said:

"Well, the CIA is an agency that operates on the instruction of other people . . . My experience is that if anything goes well, someone else takes the credit for it; if it goes badly, they try to put the blame on the CIA."

Although the transcript doesn't show it, it is known that CIA Director Richard Helms was the witness on Oct. 28, 1969. Here is the full published text of that morning's transcript:

The subcommittee met, pursuant to notice, at 10 a.m., in room S-116, the Capitol, Senator Stuart Symington (chairman of the subcommittee) presiding.

Present: Senators Symington, Fulbright, Mansfield, Aiken, Cooper and Case.

Also present: Mr. Holt, Mr. Pincus, and Mr. Paul of the committee staff.

Senator Symington. The hearing will come to order. (Deleted.)

(Whereupon, at 12:25 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.)

[From the New York Times, Apr. 21, 1970]

In the Nation: The (Not Quite) Open Society

(By Tom Wicker)

Washington, April 20.—Much more now is known about the secret war in Laos because of the official testimony forced by the Symington subcommittee last fall and published Monday after a lengthy struggle with the State Department over "security" clearance. The testimony also was eloquent as to how even the Senate was misled for years about the extent of the Laotian involvement.

When Senator J. W. Fulbright criticized the secrecy, Deputy Assistant Secretary of State William H. Sullivan, once Ambassador to Laos justified it by saying that the United States had sought "to preserve, even though it may be pretty badly torn, preserve the substance of the 1962 [Geneva] agreements so that eventually we could have a reversion to the conditions which made those agreements possible."

NO OFFICIAL ACKNOWLEDGMENT

The North Vietnamese, Mr. Sullivan said, had "violated strenuously" the agreements, forcing the United States to do the same thing in response. But American officials had felt the agreements might be more easily reestablished if the war resulting from the violations was not officially acknowledged.

This elicited from Senator Stuart Symington something of an outburst. "Here we are telling Americans they must fight and die to maintain an open society, but not telling our people what we are doing. That would seem the characteristic of a closed society. We are fighting a big war in Laos, even if we do not have ground troops there."

Mr. Sullivan: I must say, Mr. Chairman, that I consider these hearings as a very sincere token of an open society. In other words, that we are telling the representatives of the people . . .

Mr. Symington: You would not go so far as to say we were holding them because the State Department has been urging us to hold them, would you?

Senator Fulbright then quoted Mr. Sullivan's 1968 testimony, *in a secret session* of the Foreign Relations Committee, that the United States "does not have a military training and advisory organization in Laos." Col. E. W. Duskin, the American military attaché in Vientiane, was then asked to describe the activities in Laos of American military personnel.

Senator Fulbright: But they do not ever give them advice?

Colonel Duskin: I did not say that.

Senator Fulbright: I am asking you, do they or don't they?

Colonel Duskin: My personnel at regional level do provide advice, yes.

Senator Fulbright: Then what is an advisory group?

ADVISORY GROUP DEFINED

Colonel Duskin: An advisory group, sir, is an organization that is constituted for the sole mission to provide advice to include it down to lower unit levels.

Senator Fulbright: . . . We are getting so technical with your semantics it is impossible for us to understand.

The Arkansas Senator also read portions of Mr. Sullivan's secret 1968 testimony, which mentioned bombing only by the Lao and not by the American Air Force, although the latter had been active since 1964.

Senator Fulbright: That very clearly leaves the impression that the Lao air force, not the U.S. Air Force, is doing what is being done. In going through this hearing in 1968, there was tentative probing on our part to see what we were doing, and I would think it is a fair interpretation of this whole record that you indicated we were not doing much, if anything, directly.

Mr. Sullivan (a little later): But if there were any direct questions asked of me about U.S. air operations—

Senator Fulbright: You see, we did not know enough to ask those direct questions, and this is what I meant about quibbling about whether the U.S. role in Laos is exclusively advisory. . . . There is no way for us

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to ask you questions about things we don't know you are doing.

SUBCOMMITTEE METHOD

There is one way, of course, which the Symington subcommittee ultimately had to adopt. It sent its own agents to the field in the Philippines, Thailand, Korea, Laos, and recently to Europe; on the scene, they developed the kind of firsthand information with which the Senators finally were able to get the State Department to admit most of the facts about the secret Laotian war.

So, as Senator Fulbright observed, there does not seem all that much "to brag about on the openness of the society."

[From the Washington Post, Apr. 21, 1970]

DECEPTION IN LAOS A DELIBERATE ONE

(By Murrey Marder)

For more than six years, the Symington Subcommittee's report on Laos shows, the United States practiced a policy of official deception about its extremely extensive military operations in Laos.

It did not do so idly or haphazardly. The policy of official deception was carried out deliberately and systematically, for what officials at the highest levels of government were convinced were sound seasons of national security. Many of those officials are still in the government today. They are still just as convinced that the reasons for deception were and are fully justified, and that U.S. operations in Laos are a "model" of an efficient, successful, relatively low-cost, effectively clandestine, counter-guerrilla operation.

On the last count, the officials may be right—the Laos operations may be a model of a successful secret operation against tough odds. But that by no means answers the real question which is whether a handful of counter-insurgency zealots should have the right to define our national interests for us in this fashion, and then involve us in a dangerous and entangling mission without the public knowing anything about it. This is the critical moral issue raised by the Laos hearings and toward the end of the censored transcript Sen. Stuart Symington, who is anything but anti-military, and who knew from visits to Laos as much as any Senator did about the U.S. role there, raises the matter in blunt terms:

"We incur hundreds of thousands of U.S. casualties because we are opposed to a closed society. We say we are an open society, and the enemy is a closed society.

"Accepting that premise, it would appear logical for them not to tell their people (what they are doing); but it is sort of a twist on our basic philosophy about the importance of containing communism.

"Here we are telling Americans they must fight and die to maintain an open society, but not telling our people what we are doing. That would seem the characteristic of a closed society."

The situation recalls a comment made in private, by a Western European friend who is extremely pro-American and who was troubled by the international moralistic consequences of the American military intervention in the Dominican Republic in April, 1965. When the Johnson administration was caught lying about its original rationale for the intervention ("to save American lives"), this man remarked in dismay:

"This will secretly please a lot of Europeans."

"Because," he answered, "they always have resented the holier-than-thou American attitude about intervention, about imperialism, about your claim to a 'higher morality.' Now you are down in the gutter with us. The U-2 (spy-plane flights over the Soviet Union) affair was the first blow to American 'virginity'; this is the second. Now we are all moral prostitutes."

Later that year came the major American slide into Vietnam, then afterward, increasing unofficial disclosure of the clandestine American involvement in Laos.

Senate Foreign Relations subcommittee hearings on Laos showed how Congress itself is misled by artful or deliberately technical official replies to questions.

In 1968, the Laos transcript reveals the parent committee was informed that: ". . . We do not have a military training and advisory organization in Laos." The Laos inquiry confirmed that there are hundreds of U.S. "advisers" in Laos and at training bases for Laotian forces in Thailand. The Symington Subcommittee demanded an explanation.

There is no inconsistency, government witnesses responded; in military parlance, "an advisory group's" sole mission is "to provide advice . . . down to lower unit levels," came the explanation. U.S. military personnel in Laos provide "advice," but officially do not constitute "an advisory group."

His committee, Sen. Fulbright protested, was victimized by "semantics."

It is argued by many officials, members of Congress—and even newsmen as well—that nothing vitally new has been disclosed about U.S. operations in Laos that was not, or should not have been, known to any careful reader of his daily newspaper.

This is basically correct. But there is a fundamental difference in a nation that claims a standard of "higher morality" between admitting its actions officially, and having knowledge of them seep out.

In fact, this is precisely the case that the United States government argued for maintaining officialy secrecy for six years, as the testimony shows: to take "official cognizance" of what it was doing in Laos carried a whole range of possible international repercussions.

Newspaper accounts can be disavowed; a report that is inaccurate even fractionally—as accounts of secret operations are very likely to be—can be officially dismissed as containing "innumerable inaccuracies." This often has been the official response to enterprising news reports about Laos—or Vietnam, or Cambodia. It is hardly a satisfactory answer to the national moral questions raised by such clandestine military operations, therefore, to counter that "everyone" knew about them anyhow, so there was no real deception.

Nor is it any moral "out," as Sen. Symington noted, to shift blame to the Central Intelligence Agency for operational activities it was directed to perform by the nation's leadership. The moral responsibility is government-wide.

Those who express bafflement about why a younger generation loses faith in the words of its leaders will find some answers in the Laos transcript.

[From the St. Louis Post-Dispatch, Apr. 24, 1970]

THANKS TO MR. SYMINGTON

A word of commendation is due Senator Symington of Missouri for his effort to inform the public about the clandestine war in Laos, which, as he says, has cost the United States "billions of dollars, and, what is more important, American lives." As Chairman of a Senate Foreign Relations subcommittee, Mr. Symington held closed-door hearings on the Laos involvement and then struggled endlessly with the Administration in an attempt to make public the full transcript of testimony. He was unable to prevent the deletion of some material, but the transcript as released several days ago is nonetheless extremely valuable for the factual information and insights it contains. Mr. Symington has performed a notable service in tearing the veil of secrecy from the reprehensible U.S. involvement in Laos.

[From the Chicago Tribune, Apr. 21, 1970]

FINDS LAOTIAN WOES BORNE BY U.S. TAXPAYER

(By Samuel Jameson)

VIENTIANE, LAOS, April 20.—United States involvement in Laos focuses on the American taxpayer, not the American soldier—and is expected to remain that way for some time.

The United States military role is significant but involves few military men. Those bearing the brunt are the American pilots flying bombing missions over north Laos in support of Laotian troops and over the Ho Chi Minh trail in south Laos. Otherwise, the military role is mainly a monetary one.

FIGURES CLASSIFIED

Military aid figures have been classified since 1962 when the tripartite neutralist-centered government of Souvanna Phouma was formed. It is certain, however, that provision of weapons, equipment, and supplies to the Laotian armed forces costs the American government at least 50 million dollars a year.

(A censored transcript of secret Senate testimony released Sunday stated: "The total cost of all United States activities in Laos, including air operations against the Ho Chi Minh trail, is about (deleted) billion a year. Of this, approximately (deleted) billion is related directly to our efforts in South Viet Nam.")

1961, the last year for which full military aid statistics were published, Laos got 56.9 million dollars in military assistance from the United States. Conditions have grown progressively worse since then.

$51 MILLION FOR ECONOMY

On the economic side 51 million dollars in aid was programed this year.

More than 20 years of warfare have caused many problems.

The nation's currency, the kip, is one of the world's most stable currencies, despite the fact that Laos holds virtually no foreign exchangce of its own to support it.

A kip stabilization fund set up in 1964 provided the backing. In seven years the United States has contributed 85.6 million dollars, with Japan, the United Kingdom, France, and Australia adding another 39.3 million dollars.

SOLVES PROBLEMS

All five nations bring dollars into Laos and exchange them for kip at Laotian banks. Any Laotian who wants to import goods can buy the dollars freely. The system has solved Laos' chronic foreign currency shortages, promoted orderly trade, curbed inflation, and eliminated a once flourishing black market.

However, no long-range problems have been solved, and Laos is no closer to self-sufficiency than before.

Few other advances are detectable.

With 85 per cent of its population living on farms, Laos still does not produce enough rice to feed the 15 per cent who live in cities. The average Laotian farmer appears to be content to raise only enough grain for his own personal needs.

FOOD IMPORTED

A Japanese diplomat estimated that at least 50 per cent of the food consumed in Vientiane is imported.

Any possible gains in the literacy rate are small.

No statistics are kept. Illiteracy was estimated at about 85 per cent seven years ago. Estimates today place it at about 80 per cent.

SIX HUNDRED NINETY-FOUR MILLION IN AID

However, one major economic project is beginning to take shape. That is the Nam Ngum dam, 50 miles north of Vientiane. The nine-nation, 31-million-dollar project will produce 30,000 kilowatts of electricity when it is finished in late 1971.

Since American aid began in 1951, the

United States has given Laos 694 million dollars in economic assistance. That figures out to about $420 for every person who lives in noncommunist areas under government control.

The military aid is considered to have amounted to at least 680 million dollars in the same period. That amount is calculated by adding the officially reported 280.7 million dollars in aid between 1955 and 1962 to an estimated 400 million dollars since then.

For its investment the United States has won several notable diplomatic advantages.

SOUVANNA PRO-AMERICAN

Souvanna Phouma has become the world's foremost pro-American neutralist. He admits he has no control over the jungles of South Laos and openly condones American bombing of the Ho Chi Minh trail there.

Tangible gains, however, are harder to detect at this moment.

For its military aid the United States can point only to an armed force of 60,000 troops which so far has never won a battle.

A western military source here said the only fighting in Laos is being carried on by central intelligence agency-trained guerrillas and the Meo tribesmen forces of Maj. Gen. Vang Pao.

Defense secretary Melvin Laird has testified to Congress that the North Vietnamese could take over all of Laos any time they wished.

Committing American ground forces to a war in Laos would place all of the fighting on American shoulders. This factor has dissuaded American Presidents from committing ground troops to Laos.

As a result, the cost of achieving American aims in Laos in the future probably will continue to be paid by the American taxpayer, not the American soldier.

[From the New York Times, Apr. 27, 1970]

THE NEW TEMPTATION: CAMBODIA

(By Anthony Lewis)

LONDON.—How familiar it all seems as the generals and the jingoes begin their pressure for American intervention in Cambodia. The situation, we read, gives us a great chance to win the Vietnam war—if only we expand it. We must send arms and encourage the South Vietnamese Army to cross the border. The opportunity to clean out the Communist sanctuary is almost too good to be true. Et cetera.

After the pain of the war and the effort to disentangle ourselves from it, Americans naturally may find it frustrating to see the Vietnamese Communist forces enlarge their operations in Cambodia. And so the President's press secretary, Ronald Ziegler, denounces them as aggressors, aggressors blatantly violating the Geneva agreement in Cambodia as in Laos. But it is not that simple.

FORCES AND TACTICS

For one thing, why should we expect the other side to play by our rules? We have B–52's and helicopters and CS gas and weapons beyond imagination; they have guerrilla tactics and ruthlessness. We operate from bases in Thailand and thousands of miles away; they slip into the other states of Indochina. There does not seem a great moral distinction.

Nor is it so clear that only the Communists are blatant violators of the Geneva accords. The evasions and lies of successive administrations about the American military presence in Laos have begun to be exposed by Senator Symington.

And in Cambodia it was the anti-Communists who upset the *status quo*, with the coup against Prince Sihanouk. The Vietcong and North Vietnamese could hardly have been expected to agree quietly to the cutting of their supply line through Cambodia. Their military activity may be intended primarily as pressure on Gen. Lon Nol to restore the *status quo*.

The character of the Lon Nol regime may also give us pause. After a week of bodies floating down the Mekong River—bodies of innocent Vietnamese residents of Cambodia evidently murdered because of their race—we now have had the Cambodian Army using unarmed Vietnamese civilians as an advance guard to draw enemy fire. Many were killed. The general on the scene attributed that "psychological warfare plan" to Lon Nol.

The underlying conflict here is not political but racial, and centuries old. The Lon Nol Government, to the extent that it does govern, seems to have chosen to play on those ancient animosities. Do we really want to become involved in the encrusted bitterness of the Khmers and the Vietnamese, along with our other alien burdens?

A SIREN APPEAL

President Nixon now faces a siren appeal like the one that lured his predecessors in 1965: win the war by escalation. It may be worth remembering what America has done in that search for victory, and to what effect.

We have bombed Vietnam, North and South, with more explosives than were used in World War II. The military will of the North and of the Vietcong has not been broken.

We have pioneered the use of defoliants on a massive scale. Just now, belatedly, after much outcry, we have officially admitted that one of these chemicals may not only kill plants but cause human birth defects.

We have invented the concept of free-fire zones. That clean-sounding name actually tells American soldiers that they may kill any living thing with a clear conscience.

We have massacred civilians, women and children, in substantial numbers. Or so official investigations have concluded and legal proceedings charged.

Corruption of ourselves is the price we have paid for trying to impose our ideas on a scene where we do not belong. That is what American history will record, not the undoubted sacrifices in a selfless cause that President Nixon mentioned last week. The plea of good intentions will not suffice.

NO EASY WAY OUT

To know all this, as the President must, is not to know an easy way out. But whatever the contradictions of his language, with the rhetorical gestures to victory, Mr. Nixon's policy is to reduce American involvement in Vietnam. And this time, in contrast to 1965, the issue is out in the open. There is no excuse for the President or any of us accepting an enlargement of the war without anticipating the consequences.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for 20 minutes.

AMENDMENT TO MANPOWER BILL PROVIDING PUBLIC-SECTOR JOBS TO COMBAT UNEMPLOYMENT

Mr. JAVITS. Mr. President, even while we are deeply concerned, especially today, with the very serious events at home and abroad relating to the extension of the war into Cambodia and the deep feeling of many of us that the time has come for the United States to disengage in Vietnam, life goes on and problems of employment, housing, poverty, and other problems which materially affect our country continue.

Mr. President, the matter to which I am addressing myself at this moment is our responsibilities regarding jobs and job training. As the ranking minority member of the Committee on Labor and Public Welfare, I have been involved in that particular effort. I am the sponsor of the administration's Manpower Training Act.

In my judgment, recent events in the economy of our country show this act to be lacking in certain major aspects. In order to enable my colleagues to become acquainted with these aspects, I will outline the things which I feel need to be done and as to which I will introduce amendments. I hope that the amendments will be considered, studied, and that they will receive support from many of my colleagues.

Mr. President, I shall introduce shortly as an amendment to the administration's proposed new Manpower Training Act—of which I am the principal sponsor in the Senate—legislation to provide a limited number of opportunities in the public sector, and to "trigger" additional funds for such public-employment opportunities, as well as for training, in the event that unemployment becomes especially severe.

We enter this decade not only with a new commitment to improve our physical environment, but with an unmet obligation as well as to redeem our social environment. And we lack the personnel to implement either of these objectives.

A recent study completed for the Department of Labor and the Department of Health, Education, and Welfare by the National Planning Association concludes that achievement of the national goals determined by the Presidential Commission on National Goals will more than double our public service employment needs of 1962.

Our present public service employment opportunities, as identified in a study completed in 1965 for OEO, corroborate this finding. According to the OEO study, 4.3-million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such slots.

In concert, these three studies evidence the magnitude of our public service employment needs.

For example:

Health and hospital services—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 34,534. By 1975, our total health service employment needs shall have increased from 1,021,000 in 1962 to 2,374,000, an increase of 133 percent in 13 years.

Education—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 84,598. By 1975 our total educational needs shall have increased 90 percent since 1962. By 1975, our total education service needs shall have increased from 618,000 in 1962 to 1,777,000—an increase of 90 percent.

Urban renewal or rehabilitation and

sanitation—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 25,784. By 1975, our total urban development service manpower needs shall have increased 67 percent from 245,000 in 1962 to 408,000.

Welfare—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 26,909. By 1975, our total welfare service needs shall have increased 250 percent from 674,000 in 1962 to 1,423,000.

Recreation, parks, and antipollution enforcement—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 20,644. By 1975, our public service employment needs related to natural resources shall have increased 93 percent from 66,000 in 1962 to 127,000. A 1968 report of the National Park and Recreation Association concludes that their recreation manpower deficit of 1975 will be 199,000, approximately four times the present manpower deficit of 58,000.

Public protection—In 1968, the projection of public service job possibilities for these 130 cities alone is 57,601.

We also enter this decade as a nation comprised of more than 20 million persons in families that are poor—representing approximately 10 percent of the entire U.S. population. In large part, this problem stems from the general unavailability of appropriate employment opportunities.

And we face today the grim reality of a national unemployment rate of 4.4 percent and the expectation, confirmed by members of the administration that the situation will get worse before it gets better. National unemployment in March was a full percentage point over the unemployment rate of only 3 months earlier. This is the greatest acceleration of unemployment in recent history.

Mr. President, it has been established that as the total unemployment rate changes by 1 percent, the teenage jobless rate changes on the average by 1.4 percent and the rate of unemployment among minorities changes by 1.5 percent.

The administration's plan for slowing down inflation and the economy is clearly aimed at putting a squeeze on corporate profits and corporate productivity. Intellectually this plan may have merit, but it has the dangerous practical side effects which I have noted. Corporations faced by flagging profits and weak markets will try to improve efficiency, to become lean and tough. This is good. However, principles of business economics tell us that this often means reducing the work force in the first instance.

With our public service needs and our unemployment situation in mind, the minority members of the Joint Economic Committee—which includes Senators MILLER, JORDAN, PERCY, and myself—recommended last month that the administration consider a limited number of public sector jobs as well as training to deal with rising unemployment.

Mr. President, I propose that we begin now to meet both our public-service needs and the need to provide meaningful opportunities for our disadvantaged by including a community service manpower program as part of our future manpower efforts. And I shall propose in my amendment that we provide the Secretary of Labor with automatic additional resources in a magnitude linked to the extent of unemployment, to be used for community service programs or training, as he sees fit.

COMMUNITY SERVICE MANPOWER PROGRAMS

Under the proposed Manpower Training Act, introduced in the Senate on August 12, 1969, as S. 2838, the administration has proposed a decentralization of manpower training activities in the following three phases: First, State administration of 25 percent of apportioned funds when the State designates a "lead agency" and develops comprehensive manpower planning capability and an approved comprehensive manpower development plan.

Second, State administration of 66⅔ percent of the funds when it establishes: first, a Comprehensive Manpower Agency to operate the unified programs in accordance with an approved plan; second, a State manpower planning organization to coordinate all manpower related programs, and, third, arrangements to designate mayors as area prime sponsors.

Third, State control of 100 percent of its apportioned funds when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

The amendment which I will offer will authorize additional funds for "community service manpower programs" as an integral part of the State comprehensive manpower development plan.

The basic program of public-service employment which I propose would not be a make-work program of the kind that formed the crux of our efforts during the depression of the 1930's, nor a program proceeding on the concept of government as "the employer of the last resort."

I propose a program which recognizes the real needs of the public sector, the occupational links between that sector and the private sector, and the necessity of providing community service in such a way as to respect the needs of the individuals and to provide for the advancement of individuals involved.

Under my proposed amendment, a community-service manpower program would be developed on the basis both of an analysis of and an organization of tasks and skills into a career hierarchy with increasing responsibility and pay within the employer agency. This would provide the "upward mobility" for those without skills and education that James Farmer, Assistant Secretary of HEW, called for in an April 27 speech to a labor convention here in Washington, D.C. Under my proposed amendments, community service manpower programs would be developed and coordinated with secondary, post-secondary, and higher-education programs qualifying persons for advancement; and with para-professional opportunities commensurate with their ability, education, and experience. Under the State plan, employer agencies granted funds for support of employment would be required to specify in specific terms the type of career opportunities involved. Technical assistance would be provided to train supervisory and adult basic education personnel and to analyze and develop career opportunities.

For fiscal year 1971, $500 million would be authorized; and for fiscal year 1972, $800 million. At an average cost of $6,000 per job, there would be provision for 83,300 public service jobs in the first year, and 133,000 such jobs in the second year.

Under the amendment, funds would be apportioned among the States on the basis of the extent of unemployment and underemployment and the number of disadvantaged persons. Under each State plan funds would have to be focused on eligible urban and rural areas, which would be designated by the Secretary of Labor. Eligible urban areas would include those containing a high concentration of low-income families and individuals, and having severe problems of unemployment and underemployment. A rural area would be regarded as an eligible area if it contained a high proportion of low-income families and individuals and had severe problems of unemployment and underemployment or substantial emigration of individuals residing in such areas as a result of the problem of finding employment.

In order to qualify for assistance, community service manpower programs would have to be carried out in such a manner as to benefit the residents of urban and rural areas with high concentrations of low-income families. The States could utilize up to 25 percent of the jobs except in smaller States, where the Secretary could approve a greater percentage. The program would also provide for the involvement of community-action agencies and similar groups wherever feasible and for the conduct of programs by corporations, partnerships and other business entities owned in substantial part of unemployed low-income residents of one or more eligible areas. Provisions would be included to insure the development of standards, fiscal control and evaluation.

TRIGGERING OF FUNDS FOR COMMUNITY-SERVICE PROGRAMS AND TRAINING IN THE EVENT OF RISING UNEMPLOYMENT

The administration's Manpower Training Act contains in title V, a provision providing for an automatic appropriation of manpower funds in the event that national unemployment exceeds 4.5 percent for more than 3 consecutive months. Under the proposed act, an additional 10 percent of appropriations would be provided in that event. At current appropriations levels, this would result in approximately $160 million in additional funds.

Under the administration's bill the automatic appropriation is to be used for training and related activities.

Under my proposed amendment, two changes would be proposed in the administration's provisions:

First, the amount of manpower funds to which the 10 percent would apply would be increased by the amount appropriated for community-service programs. Assuming the fiscal year 1971 a

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full appropriation of the funds authorized for community service and a maintenance of the current manpower effort for this year, the 10 percent would apply to approximately $2 billion.

Second, my amendment would provide for additional automatic appropriations as unemployment rises above the 4.5 percent national unemployment level. For each two-tenths of 1 percent increase in 3 consecutive months, an additional appropriation of $100 million in manpower and community service funds would be automatically provided.

At 5.5 percent national unemployment, an additional total appropriation of $700 million would become available.

The Secretary would have the discretion to direct the funds into training or community service manpower programs without regard to apportionment, whichever he considers to be most effective in alleviating the situation. In order to protect those who would receive opportunities as a result of additional funding, the amendment requires that, to the extent that the Secretary channels funds into community service manpower unemployment programs, he do so in occupations that will most likely expand within the private sector as unemployment subsidies.

The amendment requires that the Secretary shall spend such additional funds only if they may be effectively used. Funds not used would return to the Treasury.

Mr. President, with an administration bent on halting the inflationary spiral, the dialog has focused on what does or does not constitute a "tolerable" or "acceptable" level of unemployment.

If we are to be true to the needs of the millions of the disadvantaged in our country, we should be talking in terms of a full employment policy instead of in terms of what does or does not constitute a "tolerable" or "acceptable" level of unemployment. In any case, we have fixed a standard beyond which unemployment is unacceptable and we should, at least, implement that standard.

The President has aroused the attention of this country to the issue of the "environment." As we pursue the environmental goal, let us have firmly in mind that our social environment merits at least equal attention with our physical environment. And most important, let us tie both of these historic efforts to the unsatisfied needs of disadvantaged persons for employment. I agree with Assistant Secretary Farmer; the job of improving the quality of life of the poor—be they unemployed or underemployed—is, as he says, "the great unfinished task of democracy."

Mr. President, this is essentially what my amendment proposes—that we recognize the personnel needs to improve the quality of life, that we establish a program to insure that the disadvantaged have an opportunity to employment in those new areas that we provide for additional opportunities as unemployment becomes more severe.

I shall be seeking cosponsors for my amendment in the coming days and I hope that Members, particularly those of my own party, will cosponsor this amendment to the administration's Manpower Training Act, which I consider essential in view of the developing economic crisis in our country and the grave dangers which unemployment poses, both to the tranquillity of the Nation and to its economic security.

Mr. President, I yield the floor.

CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 11102.

The PRESIDING OFFICER (Mr. Hughes) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. YARBOROUGH. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Hughes) appointed Mr. Yarborough, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Nelson, Mr. Eagleton, Mr. Hughes, Mr. Dominick, Mr. Javits, Mr. Murphy, Mr. Prouty, and Mr. Saxbe conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senate is now in the period for the transaction of routine morning business, with statements limited to 3 minutes.

Mr. PROXMIRE. I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PENNY A POUND FOR SOLID WASTE DISPOSAL

Mr. PROXMIRE. Mr. President, in April my distinguished colleague from Wisconsin (Mr. Nelson) introduced a bill (S. 3665) which deserves the attention of every Member of the Senate. Senator Nelson, who is universally recognized as one of the Senate's foremost leaders in environmental control, has proposed legislation which would put us on the right road in our fight to control solid wastes.

S. 3665 would establish a national disposal fee for all packaging materials. The fee would be based upon the weight, composition, biodegradability, and reuse capacity of the packaging material. As the fee is collected by the Federal Government, it would be earmarked for a revolving fund, to be made available to municipalities for constructing more adequate solid waste treatment facilities. Seventy-five percent would be granted on a per capita basis, the remaining 25 percent on the basis of need.

In addition to providing money which is desperately needed for new facilities, the Nelson legislation would create an economic incentive for the reuse, return, and recycling of packaging materials. To the extent that such disposal fee is based upon the weight of the packaging material, it would encourage manufacturers to use lighter packaging, and thereby cut down substantially the costs of waste collection and disposal.

Mr. President, as Senator Nelson points out, the amount of packaging we use has risen astronomically in the past 12 years, and it shows no sign of abating. In 1958, total consumption of packaging in the United States was 35.4 million tons. By 1966, this figure had risen to 51.7 million tons, and by 1976, a scant 6 years from now, it is estimated that we will be using 73.5 million tons of packaging a year. The rise in glassware consumption has been even more dramatic. From 20.2 billion units in 1958, consumption had grown to 29.4 billion units in 1966, an increase of almost 50 percent in 8 years.

Mr. President, Senator Nelson's bill is an excellent one, and I support it enthusiastically. But I believe it should go further. As written, it only attacks part of the problem. To make major inroads into our solid waste problems, I believe more is required.

S. 3665 would apply only to packaging. Packaging represents only a portion of the solid waste which we generate. According to the Department of Health, Education, and Welfare, less than 15 percent of our solid wastes comes from packaging materials. In 1966, for example, 51.7 million tons of packaging were produced and sold in the United States. Of this amount, HEW estimates that 90 percent, or 46 million tons, entered the stream of solid wastes to be disposed of. Overall, solid wastes totaled some 350 million tons in 1966. In other words, packaging accounted for only 13 percent of residential, commercial, and portions of industrial wastes that were generated in 1966. The 13 percent figure is roughly the same from year to year.

It is clear, Mr. President, that a bill which covers packaging only would not reach the vast bulk of materials which our solid waste facilities dispose of each day. A simple example will illustrate this. If I buy a package of paper plates for a picnic, I throw the cellophane wrapping in the garbage right away. But an hour later, the paper plates themselves are ready for disposal, too—and the plates comprise over 90 percent of the original item. But S. 3665 would only reach the cellophane packaging material, even

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though our solid waste disposal facilities must handle both the cellophane and the plates.

And what about newspapers? What about automobiles? What about periodicals, and clothing, and furniture, and appliances? Our disposal facilities are burdened with these every day. But S. 3665 does not cover these items. More encompassing legislation is needed.

Accordingly, I suggest that S. 3665 be modified as follows: First, the national disposal fee should be imposed upon all goods—except consumables—which are going to require disposal within 10 years of origin. Second, the fee should be imposed at the manufacturing level, and assessed against whoever last prepares the article for consumer use. Third, weight should be the sole criterion in pegging a level for the fee—although items which are reused by the manufacturer, such as returnable soft drink bottles, should be accorded a credit against the disposal fee. And fourth, Congress should legislate the exact fee, and I suggest that a fee of 1 cent per pound would be appropriate.

Mr. President, this idea was first proposed last July to the New York City Board of Trade by Leonard S. Wegman, the board's vice president for environment. Mr. Wegman is also chairman of the Committee on Air Pollution of the Consulting Engineers Council of the United States, and he heads a firm of consulting engineers in New York City which specializes in municipal solid waste problems. This past February he advanced the penny-a-pound idea to the Air and Water Pollution Subcommittee of the Senate Public Works Committee, during hearings on solid waste legislation (S. 2005). I ask unanimous consent that his testimony be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. According to Mr. Wegman, the penny-a-pound disposal fee has a number of very attractive features:

It would generate the funds desperately needed by the cities to cope with rising mountains of solid waste. The average municipality spends $20 per ton for collection and disposal costs, which is what the cent-a-pound fee would raise. As we produce more, and consume more, funds generated by the fee would go up in sufficient amounts to pay for the increasing volume of solid waste refuse.

The fee would encourage manufacturers to develop lighter containers and materials, and this in turn would cut collection and disposal costs. Manufacturers would be motivated to do so in order to shave the cost of doing business. This is essentially the same principle that underlies S. 3181, a bill I introduced last fall which would establish national effluent charges for industrial water polluters. As with S. 3181, a fee based on the quantity of a given item creates an incentive to reduce the quantity.

The fee would be equitable. Each article would be responsible for making good on the burden it imposes upon society. Presumably, of course, the disposal fee would be passed on to the consumer, who is the appropriate individual to pay for disposal. This is directly in line with the policy established in President Nixon's state of the Union message—namely, that "the price of goods should be made to include the costs of producing and disposing of them without damage to the environment."

A timelag between revenues—from the disposal fee—and outlays—for disposal services—would operate in favor of municipalities. Money would be paid into the fund at the time of production. At the earliest, it would not be needed for several weeks—in the case of food packaging, say. For items such as furniture or automobiles, disposal services may lag as much as 7 to 10 years behind the collection of revenue. The fact that these payments will be collected and be available in advance of the need will enable municipalities to set up contingency funds and to plan pollution-free methods of disposal.

The basis for levying the fee would be extremely simple. Unlike S. 3665, which takes into account criteria such as "whether the packaging is made from virgin or secondary materials," "the quantity of solid wastes which result," "ultimate costs of disposal," "toxicity and health effects," "degradability," and "the likelihood that such packaging will be returned, reused, or recycled into the economy," the penny a pound would be based strictly upon the weight of the article—with the proviso that returnable items would be given a credit against the fee.

I do not doubt for a moment that if all the criteria above were carefully sifted, analyzed, and computed by the Secretary of the Interior, the fee assessed might be slightly more exact. But such a system also leaves the door open for subjective judgments. This could mean a delay in arriving at the fee to be assessed. Moreover, when different fees are assessed against similar articles, as could well happen, claims would inevitably arise that the act was being unfairly administered, and perhaps even that political pressure was involved.

Using weight as the sole criterion and legislatively fixing the rate at 1 cent per pound will circumvent all of this. The cent-a-pound rate would apply across the board, to all goods subject to disposal. The manufacturer would know in advance exactly what the disposal fee would be, and be able to budget accordingly. A 3,500-pound car would carry a charge of $35; a 5-pound edition of the Sunday New York Times, 5 cents; a box of cereal—the box, not the contents—weighing 1 ounce would be assessed one-sixteenth cent. The sole criterion of weight does away with the executive branch as middleman—except as custodian for the revolving fund—eliminates the chance for political pressures to operate, and provides the key element of certainty. And since the $20 the disposal fee would generate per ton closely approximates the $20 a ton it costs the average municipality to collect and dispose of its solid wastes, the cent-a-pound fee would come extremely close to approximating the burden a given article imposes upon society.

Mr. Wegman estimates that the charge would raise approximately $3 billion a year, given present production and consumption levels. This would enable Federal and State governments, he says:

> To mandate the highest standards of environmental protection in the handling of solid wastes.

Moreover, 5 percent of the $3 billion that is generated—$150 million a year—would be available for research and development in methods of collecting and treating solid wastes.

Mr. President, this is the kind of comprehensive approach that we must have to do the job. To be effective, any solution to the pollution crisis must provide a steady source of funds, coupled with an incentive for polluters to control the waste they generate. A nationwide disposal fee would do both. Senator NELSON's proposal is an excellent one, and I strongly urge my colleagues to support it. But I also urge them to recognize that packaging is only part of the problem. Bold steps, affecting virtually every aspect of production, manufacturing, and consumption, are needed to cope with our solid wastes.

To do less would only mean delay. And delay, Mr. President, is something we can scarcely afford.

EXHIBIT 1

STATEMENT BY LEONARD S. WEGMAN

Thank you very much for your invitation to participate in this inquiry into the accelerating solid waste problem.

I am Leonard S. Wegman, President, Leonard S. Wegman Co., Inc., consulting engineers, whose specialty is municipal solid wastes. I am also Chairman of the Committee on Air Pollution of the Consulting Engineers Council of the United States and Chairman of the Solid Wastes Committee of the New York Board of Trade's Business Council on Environment.

Your Subcommittee on air and water pollution deserves a resounding vote of gratitude and confidence from all municipalities which face the threat of environmental chaos. Your studies and inquiries have identified the problems and are leading us toward solutions. I am proud of the opportunity to appear before you and to offer recommendations which may assist you.

Bill S. 2005 has commendable goals. Its underlying philosophy is that Federal funds should—in the traditional but time-consuming process of application, analysis, conferences, investigation and competition among municipalities—be granted to cities to help them meet solid wastes needs and for research and planning.

But I am sorry to advise you that this traditional approach—partial grants for plants and research—will fall far short of the cities' needs. Why? Because the collection, handling and disposal of refuse by cities is no longer a simple job of removing kitchen garbage and leisurely sweeping the streets. It has become, instead, an absolutely essential step in our national production process.

Let me show you two of many reasons why the residential and commercial discards of our enormous production capacity are now descending on the municipality at a totally unforeseen rate of close to 6 lbs. per person per day. (See paper consumption graph and plastic consumption graph, both compared with U.S. population growth 1950 to 1969.)

From 1950 to 1969 paper consumption has more than doubled. In 1969 it was 576 lbs. per person in the United States and the upward trend is now rising geometrically compared with population growth. An even more radical growth occurred for plastics. Although per capita plastics consumption is only 15% of paper it has jumped 759% since 1950.

Here we begin to see the futility of depending on conventional municipal revenue structures to meet this onslaught of production, use and discard.

Perhaps some day we may find a way to change these consumption curves—or at least relieve the cities of the problem. But for the time being, we're going to have to live with them.

Our people are just not going to give up the convenience, sanitary and labor-saving aspects of single-service usage—so-called disposables. Nor are they going to stop buying improved appliances, furniture and new automobiles, and the manufacturers are hardly going to shrink from meeting this legitimate public demand. We can't wait for solutions based on research, recycling, re-use, automatic decomposition and the like. Too many obstacles lie in the way; too much time will have to elapse before they become feasible.

Consider that we Americans discard about 1 ton per person per year of refuse. This is nearly 6 lbs per day of refuse from all non-industrial sources, including household garbage (about 8% of the total), general rubbish, trash, commercial wastes, exhausted refrigerators and automobiles, building demolition, landscape waste, litter, and the like. Each morning New York City faces a load of 22,000 tons of solid wastes (that is one acre piled 60 ft high); Buffalo, 1,100 tons, metropolitan Boston, 7,000 tons.

Through no fault of their own, municipalities have been left holding the bag at the tail end of the most marvelous production system the world has ever known. And the irony is that to date we have brushed aside the need to equitably pay the cities for the job they have to do with solid wastes. It is a credit to the municipalities that they are coping—against constantly escalating demands for dollars for police, fire, welfare and education.

A municipality spends $8 to $20 per ton to collect and deliver refuse to the disposal point. Disposal costs range from $2 per ton for a simple refuse landfill up to $7 to $10 per ton for a modern high temperature incinerator with effective environmental protection systems. Combined collection and disposal costs thus vary from $10 to $30 per ton, and $20 per ton is a fair average.

Present methods of obtaining the money to pay this $20 per ton vary. Municipalities with the highest refuse volumes usually apply an ad valorem property tax and include refuse-related disbursements in their annual expense budget. But assessments against taxable property are inequitable because they are almost wholly unrelated to the sources and volumes of refuse and to the service required. Schools, hospitals and similar institutions are largely exempt from any property tax but generate major volumes of refuse. City recreation areas, streets, and similar public places are also sources of refuse but produce no property tax revenue.

We have the technology and the hardware to collect and dispose of solid wastes within every current standard for avoiding air, land and water pollution. But we don't have the money. What we need to do is to get the money to where the action is—to the cities. Optional grants will not do the job. They are not "the way to go". I, therefore, now respectfully offer the detailed version of the concept I proposed in July 1969 as Chairman of the Solid Wastes Committee of the New York Board of Trade Council on Environment. My proposal is:

(1) *That a national disposal fee of one cent per pound be imposed at the manufacturing level on all goods and on their packaging.* I believe such a fee would generate the needed funds, and be fair to all.

(2) *That the equity of such a fee system is that each article—which is ultimately going to require collection and disposal services as solid wastes—directly and by itself, generates the funds needed for such services.*

Such a system can be developed based on the simple principle of assessing at the point of manufacture a charge of 1¢ per lb against all items which are going to require disposal within 10 years from origin. Packaging, glassware, clothing, refrigerators, bedding, washing machines, television sets, automobiles—all of the items which are expected to become refuse within 10 years—can be assessed 1¢ per lb for final collection and disposal. An automobile weighing 3500 lbs would carry a charge of $35; a dress weighing 2 lbs would carry a charge of 2¢ and a 30 lb upholstered chair 30¢. A box of cereal (but not the cereal itself) would be charged 1/16th of a cent assessment on the 1 oz of packaging. Paper plates, towels and cups, plastic cutlery, candy wrappers, toothpaste containers, beer cans, soda bottles, cigarette cartons—all of these would be assessed at 1¢ per lb of weight as manufactured.

(3) *That the manufacturer, who last prepares the article for consumer use, would pay the 1¢ per lb.* Obviously, the manufacturer is going to pass most of this charge on to the consumer, who is the proper person to pay for disposal of the article. The consumer already pays for the cost of an article's design, material, manufacture, distribution, sale and delivery to him—all for the purpose the article serves while he uses it. The price to the consumer will be increased slightly to pay the cost of the article's eventual collection and disposal when he discards it as solid waste and looks to his city to take it away.

Please refer to the Total Product Cost chart and observe why the municipality's task of collection and disposal of a product when it becomes solid waste is a logical and necessary link in our production system. But while all other links are equitably provided for, refuse disposal remains an orphan—ignored and unsung until your Subcommittee began its great work.

(4) *That such a weight charge would encourage manufacturers to produce lighter and less complex containers.* Manufacturers of relatively heavier products would compete under a new handicapping system. Recycling would get a new look (but high labor costs would tend to cancel out any economic benefits).

(5) *That the manufacturer would pay his assessment periodically into a Federal Government trust fund for all the articles he produces, on a weight basis.* This method of accumulating funds for a specific goal resembles the fuel and tire assessments that are paid into the Federal highway trust fund which, in turn, provides most of the money for the Interstate Highway Program. The system is fair because fuel and tire purchasers are major users and beneficiaries of the interstate highway. As is the case with highway construction, the Federal Government is the only agency which is in position to receive and allocate the revenue from the disposal charge because manufactured articles are distributed across the entire country. In effect, the national disposal fee that I propose would translate an assessment on production and weight into a per capita payment, via the Federal Government as the converting agency.

(6) *That the government would routinely distribute the funds as Federal supplements to all municipalities, per capita, which perform responsible tasks of refuse collection and disposal.* A graduated system of payments would encourage municipalities to dispose of solid wastes with a maximum of air, water and land pollution controls. For example, a 60% payment could be made to the municipality with minimum controls; up to 100% to communities with the best control systems.

(7) *That the local community would continue to decide what form of refuse collection and disposal best suits its own needs.* The new money supplements would, however, encourage the municipality to do the best possible job, by making it financially possible. In the few instances where adequate funds have been made available for refuse disposal, those U.S. municipalities are meeting all the criteria for effectiveness and protection of the environment.

One example is the Town of North Hempstead, N.Y., population 240,000, where the villages and districts collect refuse, and the Town itself operates a new pollution-free incinerator for refuse disposal. The Town's budget for refuse disposal approximates $1,000,000 per year, or $4.15 per person, exclusive of debt service. Additionally, the villages and districts within the Town pay $7 to $15 per capita annually for refuse collection. If the Town were to receive $15 per person per year ($3,600,000) in Federal supplements, payment would be apportioned among all the municipalities within the Town pro-rata in terms of the refuse services each performs.

A time lag favoring the municipalities will occur between revenue accumulation and refuse services. The government will receive payments for assessable articles within a few months of production and distribution, but collection and disposal services for the discarded articles would not be needed for several weeks (for food cartons) and up to 7 to 10 years (for automobiles and refrigerators). These dependable advance payments to the cities could enable them to set aside the capital and plan pollution-free methods of collection and disposal.

(8) *That discards, such as commercial waste or urban demolition, which have not issued as consumer goods from an established point of manufacture would have to be paid for by the source which sends it to collection and disposal.* Similarly, landscape waste would be assessed against the property owner on a per ton basis, or other suitable equivalent such as property size.

(9) *That the national disposal fee would generate approximately $3 billion annually at present consumption levels.* Of course, it will fluctuate with our economy—which is just fine. More production, more solid waste, more services, and more funds to provide them. Also, the converse.

Just 5% of the $3 billion that would be generated by the disposal fee would yield $150 million for research and development in solid waste management and service. This substantially exceeds that now available through grants for these purposes.

(10) *That the national disposal fee would enable federal and state governments to mandate the highest standards of environmental protection in the handling of solid wastes*—because the cities, for the first time, would have a source of money to meet these mandates.

Mr. Richard D. Vaughan of the Federal Bureau of Solid Waste Management has reported that many of the 300 municipal incinerators in this country are operating below air quality standards. I believe that if adequate funds were available, the greater part of these incinerators could be economically upgraded to meet 1970's environmental standards. The Buffalo, N.Y., West Side Incinerator is an excellent current example. Through expansion, installation of new components and new control systems and a massive rotary bulk crusher absent in the original installation, Buffalo's West Side Incinerator complex has been given a new lease on life and is meeting the needs of the community.

To illustrate one aspect of the improvement, I have here a container filled with the fly ash that would escape from the Buffalo incinerator at the rate of 50 lbs per day for every 1000 persons served by that plant if that incinerator had not been upgraded to current air quality standards. Three years ago Mayor Frank Sedita's administration moved aggressively to design and build an outstanding pollution control system for their 1954 model incinerator. Today that incinerator is no longer polluting the atmosphere over Buffalo. (Brochure of this Incinerator and Air Pollution Abatement Project, City of Buffalo, N.Y., highlights the improvements. Details of performance tests will be introduced at a later date.)

The Federal supplements would provide the critical step between the current less than adequate financial ability to render service and that which can be the best available level of environmental protection utilizing highly trained personnel operating sophisticated equipment.

(11) *That the monies collected and then allocated to the municipalities be treated as supplementary funds and not as substitutes for budegtary allocations for refuse services.* It is important for the municipalities to maintain their current sanitary budgets, for basic services. We would not want to see a repeal of local obligations for a traditional local task. The supplements are to compensate the city for what they are now being called on to do above and beyond their historic functions.

(12) *Each municipality would be required to furnish the administrative agency with a working blueprint of how it would apply the funds to be received from the national disposal fee.* Such a blueprint would be similar to that required for the Model Cities.

(13) *That whether or not a municipality provided full or partial collection and disposal services, the municipality would receive all monies to which it is entited on a per capita basis, with 60% to be apportioned to collection operations and 40% to disposal.* Where a city contracts with a private agency for any part or all of its refuse services, that portion of the monies for services not provided by the city would be allocated by the city for the express purpose of enabling the contractor to upgrade services to the community—and possibly to enable the contractor to reduce his charges to the homeowner for solid waste services rendered.

(14) *That the Federal administrative agency established parameters for performance and for appraising how a municipality has used Federal supplements to upgrade its solid waste services.*

President Nixon, in his State of the Union message last month, endorsed the concept that the price of goods should include the cost of disposal.

I am happy to advise this Subcommittee that every municipal official with whom I have discussed this concept has heartily endorsed it. I mention, particularly, Frank A. Sedita, Mayor of Buffalo, New York; John F. Downing, P.E., his Commissioner of Public Works; Dr. Merril Eisenbud, P.E., Environmental Protection Administrator of New York City; his deputies, Commissioners Maurice M. Feldman, P.E. and Griswold Moeller, P.E.; Robert C. Meade, Supervisor of the Town of North Hempstead, New York, and Charles Schwab, Director of Public Works, New Haven, Conn.

In summary, the national disposal fee I suggest would:

1. Provide equitable and adequate funding, outside the Federal Treasury;

2. Preserve local decision-making;

3. Help to develop local competence;

4. Give municipalities and their states the opportunity to develop solid waste management regions;

5. Enable the development of balanced solid waste facilities and operations which preserve the integrity of our air, land and water for each municipality and its region;

6. Deal at once with a continuing, mounting problem—while research seeks new systems of recycling, re-use, and other technological breakthroughs in the state of the art of solid waste collection and disposal; and lastly,

7. It will acknowledge that the plight of the municipality in solid waste disposal is caused not so much by poor planning, mismanagement, ghetto effects and the like—but rather because our zooming gross national product has to end as discards at the cities' curbs. And all the while we have kept the cities utterly deprived of the fiscal balance they must have to meet this onslaught.

A penny a pound will give us cleaner cities, now.

Thank you.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME TO REMOVE THE HOLDOVERS

Mr. DOLE. Mr. President, the town's press, as part of its effort to polarize our youth, is attempting to make much of the resignation of a fifth-level official in HEW.

I am not surprised at the effort—we see and hear it daily—nor am I surprised at the resignation, with its accompanying attack on the President.

I am sure it was programed. After far-out liberals finished trying to incite college students, this was a natural follow-on.

Unfortunately, however, for our young resignee—whose name, by the way, is Toby Moffett—the Washington Post told too much about him.

He is hardly a major executive if his pay of $11,200 is indicative. Beyond this, he is not a Republican. And even beyond this, he is a holdover from the previous administration.

It is obvious he had no loyalty either to the Republican Party, to the President or, despite his protestations, to the Secretary of HEW. He was merely biding his time, at taxpayers' expense, to see when he could most effectively hurt the administration.

I should like to suggest to the administration that as long as they have this kind in their midst, they will be certain to have political betrayals.

It is nothing to be surprised at, but only emphasizes what many have said all along—it is time to remove the holdovers.

TRAGEDY AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, one has reason to wonder whether the adjutant general of Ohio or his deputy in command of Ohio National Guardsmen at Kent State University instructed guardsmen on the subject of riot control measures.

It is evident, if so, that such instructions differ from the regulations and instructions suggested by Pentagon officials. A Pentagon spokesman stated that loaded weapons are very definitely the exception rather than the rule for troops assigned to riot duty.

Unfortunately, according to Col. John Simmons in the Ohio Adjutant General's Office:

> It's the policy of the adjutant general's office that our troops will not go out for riot duty without loaded weapons.

This lame-brain political-military officer asserted:

> Every man has the right to defend himself.

He said there was no order for the Ohio guardsmen to open fire. Then this fellow made the startling statement:

> A guardsman always has the option to fire if he feels his life is in danger.

I report, Mr. President, following an on-the-scene investigation and following talks with Kent State University students who were on the campus last Monday, that no shot had been fired until the soldiers of the Ohio National Guard started shooting. Guardsmen, and no one else, are guilty of doing all the the shooting.

According to the rules prescribed in the field manual for National Guardsmen, Pentagon officials state:

> Task force commanders are authorized to have live ammunition issued to their men but they are not supposed to load or fire their weapons except when authorized by an officer in person.

Also, the manual states:

> In a riot, a show of force is recommended first, then riot-control formations, water hoses and riot control agents such as tear gas. If these fail, gunfire by marksmen preselected . . . specially trained and thoroughly instructed is the next step. Fire power is described as an "extreme measure" . . . a last resort to be used "only after all other measures have failed."

Ellen Glass, 23 years of age, a student at Kent State University, was a member of a group of students fired upon by the National Guard. Ellen stated to me by telephone that the National Guard blocked off an area where students had gathered protesting against our invasion of Cambodia. As the crowd grew larger, guardsmen moved forward hurling tear gas. Some students at a distance of 100 to 200 yards hurled some rocks toward the guardsmen; perhaps as many as 10 or 15 rocks were thrown. Also some tear gas containers were hurled back toward the guardsmen.

Then she said the guardsmen, perhaps 100 or more, moved forward toward the group of students standing and shouting between Verder and Taylor Halls. As the students around Taylor Hall were in the path obstructing the Guard from returning to the Kent State common area, the National Guardsmen in the frontline wheeled away from their original position, faced the students milling about between the two buildings, knelt, and immediately fired a volley toward Ellen and the other students. No shot was fired at any time before the guardsmen started firing.

Ellen added she was not frightened at first, believing that the Guard were firing blank cartridges. To her horror, she immediately saw students running away and several students lying on the ground wounded. Horror stricken, knowing that bullets had been fired and not blanks, this frightened girl ran away.

Mr. President, this morning I received a letter from a young man living in Akron who was an infantry platoon leader in Vietnam and presently a student at Kent State. He wrote:

> DEAR SENATOR YOUNG: I was an infantry platoon leader in the First Cavalry Division

XUM

and I believe that I can bring some impartiality and understanding to the events that I witnessed on May 4 on the campus of Kent State University, where I am presently a student.

At approximately 12:20 p.m. I was standing by the power plant looking across the commons toward Taylor Hall. I saw a light company of National Guardsmen were on line and advancing toward me at a walk. The Guard was behind Taylor Hall and at a distance of approximately 300 to 400 meters. They were dispersing an already somewhat scattered crowd. The students now moved behind Taylor Hall and I could not see them. The guardsmen were wheeled to their right and were facing the students.

The Guard was subject to sporadic harassment, however their position on the hill was well above the crowd and anything thrown at them probably would not have reached them with enough force to have caused any injury. I heard no sound of a shot.

At this point the guardsmen, very deliberately and it seemed under orders, took aim and fired a well controlled volley toward the crowd of students. The Guard was given a facing movement to the left and marched to the student union where they took up position. A curfew was declared shortly after and I went home.

Had I witnessed this event in Vietnam, I would have regarded it as murder, and I cannot help but do so now.

JON T. OPLINGER.

Mr. President, four youngsters called good students—earnest, serious—were killed in this burst of National Guard gunfire.

It is most unfortunate that many members of the Ohio National Guard were 18-, '19-, and 20-year-old high school or college dropouts. I know that some of those hundreds of Ohio National Guardsmen involved in this killing were in this category.

Mr. President, I have a news item from the Evening Star referring to these four. I ask unanimous consent that this news account, published in the Evening Star of Washington, D.C., be printed in the RECORD at this point.

There being no objection the article was ordered to be printed in the RECORD, as follows:

KENT STATE SHOOTING VICTIMS: FOUR CALLED "GOOD STUDENTS—EARNEST, SERIOUS"

Allison Krause, 19, one of the four students who died in a burst of National Guard gunfire at Kent State University yesterday afternoon, graduated last June from John F. Kennedy High School in Silver Spring.

She is remembered there as a sensitive, pretty girl who "had a great deal of feeling for people and the things around her.

"She was by no means a militant," said Leah Cutler, director of guidance at Kennedy. "She was a good student, an earnest, serious one. She sort of enjoyed a small group of friends."

Allison spent three years at Kennedy. Right after her graduation, her family, including a younger sister, Laurel, moved from their home on Saddlebrook Drive in Silver Spring to Pittsburgh. Her father was a production planner for Westinghouse.

At Kent State, Allison is recalled as a gentle girl who frequently carried a kitten around the campus.

Last Sunday she placed a flower in a National Guardsman's rifle barrel and said, "Flowers are better than bullets."

Early yesterday, she telephone her parents expressing disapproval of the demonstration on the campus.

"She was completely disgusted with the whole thing" said her father, Arthur Krause of Pittsburgh. "And now she's dead. Why in hell couldn't they have fired blanks, or tear gas, or something besides live ammunition?"

Allison, who celebrated her 19th birthday April 23, was quoted by United Press International as being a believer in the peace crusade but telling her father "it was a terrible way to ruin property.

"She said it was the boys' way of telling the President that they didn't want to fight in Cambodia," Krause said.

The girl's mother, Doris, added, "I don't blame 18-year-olds for not wanting to go to Cambodia and be killed. I had a daughter and now she's dead."

The Krauses had lived in Pittsburgh previously, before moving to the Washington area.

Allison was interested in becoming a teacher, and Miss Cutler felt she would have been a good one. She was a freshman education major at Kent State.

"She was a very mature girl for her age, with a lot of poise and sophistication," Miss Cutler said. "She had a very solid, good academic record with us."

The other three victims of the fatal blast, as described by Associated Press and United Press International dispatches, were:

William Schroeder, 19, of Lorain, Ohio, was a psychology major curious about the causes of campus violence. He had talents for sports and music.

"He was quite a basketball player for Lorain High School," said a neighbor, Police Inspector Maurice Mumford. "And he was quite a musician. He played the trumpet.

"He won a scholarship to the Colorado School of Mines in Denver last year," Mumford said. "He put in his freshman year there and then transferred to Kent State at the beginning of this academic year. He was too far away from home so he decided to enroll at Kent.

"He was a good, quiet kid," he said. "I think he was in ROTC at Kent. There was no reason for him to be in any demonstration."

Jeffrey G. Miller, 20, of Plainview, N.Y., was described by a hometown high school friend as "studious, not rebellious," and "quiet and intelligent."

The white shingled suburban house where he grew up was empty last night except for a black cat sitting silently on the front walk.

Miller's one-time tennis partner, Jacqueline Ribaudo, had a hard time picturing the youth dead on the campus of an Ohio college.

"To my knowledge he was never involved in trouble of any kind," she said. "He was a very nice fellow and very athletic."

Miller was the son of Bernard Miller, a news photographer whom neighbors said had recently separated from his wife. The couple had one other son, Russell, 22, a recent graduate of Michigan State University.

Sandy Scheuer, 20, of Youngstown, Ohio, was a pretty girl with long brown hair. She spent a lot of time cooking.

Her parents, Mr. and Mrs. Martin Scheuer, had considered a trip to Pittsburgh to visit a daughter and celebrate their 27th wedding anniversary yesterday. Instead, they made an urgent trip to Kent.

A neighbor of the Scheuers, Mrs. T. H. Wrench, said Sandy, a junior majoring in speech therapy, was not involved in any political activities "to my knowledge."

"She lived in a house off campus with several other girls," Mrs. Wrench said. "She did most of the cooking and spent a lot of her time in the kitchen."

Rabbi Richard Marcovitz, a friend of the Scheuer family, reported friends and parents of the girl said she was not involved in the rally.

"She had been trying to avoid the disorder while walking to class when she was shot," Marcovitz said. "She was not a political activist as far as we know."

Mr. YOUNG of Ohio. Governor James Rhodes has said that last Monday was the saddest day in his life. Jim Rhodes has been one of the most industrious Governors Ohio has ever known. Millions of Ohio citizens and men and women throughout the Nation hold him in high admiration and respect. Mr. President, I am one who admires Gov. Jim Rhodes and am glad to be considered his friend. I know of no other Ohio Governor in the past 50 years who has worked any harder than he as chief executive of our State. Governor Rhodes has every reason to think that the Ohio guardsmen and its officers let him down.

A trigger-happy guardsman reportedly fired his rifle accidentally. Unfortunately, other trigger-happy guardsmen fired a fusilade of shots almost immediately. The only casualties, if they may be termed such, suffered by guardsmen were that one fainted and another was stricken with a heart attack. It may be that a few other guardsmen were bruised by half-filled cannisters of tear gas being hurled back at them or by some rocks striking them. On the other hand at least 14 students of Kent State were seriously wounded by rifle fire, some of whom are in critical condition at this time.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON TRANSFERS OF AMOUNTS APPROPRIATED TO THE DEPARTMENT OF DEFENSE

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, on transfers of amounts appropriated to the Department; to the Committee on Appropriations.

PROPOSED LEGISLATION TO ELIMINATE REQUIREMENT FOR QUADRENNIAL PHYSICAL EXAMINATIONS FOR MEMBERS OF FLEET RESERVE AND FLEET MARINE CORPS RESERVE

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the requirement for quadrennial physical examinations for members of the Fleet Reserve and Fleet Marine Reserve (with an accompanying paper); to the Committee on Armed Services.

PROPOSED TRANSFER BY DEPARTMENT OF THE NAVY OF LANDING CRAFT VEHICLE, PERSONNEL

A letter from the Assistant Secretary of the Navy, Installations and Logistics, transmitting pursuant to law, a notice of the proposed transfer of the Landing Craft Vehicle, Personnel (LCVP) Hull No. C103301 to the Board of Commissioners, Gravity Drainage District No. 4 of the Parish of Calcasieu, La.; to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE FURTHER ADJUSTMENTS IN THE AMOUNT OF SILVER CERTIFICATES OUTSTANDING

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

REPORT OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE ON APPROVED GRANTS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of grants approved by the Department, which are financed wholly with Federal funds during the period January 1, 1970 to March 31, 1970 (with an accompanying report); to the Committee on Finance.

REPORT OF THE SECRETARY OF THE TREASURY ON BALANCES OF FOREIGN CURRENCIES ACQUIRED WITHOUT DOLLARS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on rental rates for barges used in the Republic of Vietnam included costs previously recovered by contractor, Department of the Army, dated May 6, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED GRANT AGREEMENT WITH THE UNIVERSITY OF MISSOURI FOR A RESEARCH PROJECT

A letter from the Director, Bureau of Mines, Department of the Interior, transmitting, pursuant to law, a proposed grant agreement with the University of Missouri at Rolla, Rolla, Mo., for a research project entitled "Investigation of the Use of Shaped Explosive Charges for Increasing Permeability of Coal" (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITION

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following concurrent resolution of the Legislature of the State of Hawaii, which was referred to the Committee on Finance:

S. CON RES. No. 59

Concurrent resolution requesting that the United States Congress, in its consideration of H.R. 14465 assure the retention of the existing ticket tax exemption afforded State and local employees traveling on official business

Whereas, H.R. 14465, as presently pending in the United States Congress, would repeal the existing exemption of State and local employees from the ticket tax when traveling on official business; and

Whereas, the efficient administration of the State and local governments of Hawaii demands the attendance of numerous conferences, seminars, and special events throughout the mainland United States by its State and local employees, many of which are in connection with federal programs; and

Whereas, the distance of approximately 2,500 miles from the State of Hawaii to the nearest point on the Continental United States necessitates travel over considerable spans to reach various mainland destinations; and

Whereas, Hawaii's State and local employees possess no alternative expedient and less costly means of transportation to the Continental United States, such as is available to employees of the other mainland State and local governments traveling shorter distances except by common carrier; now, therefore

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that the Congress of the United States be requested, in its consideration of H.R. 14465, to assure the retention of the existing ticket tax exemption afforded State and local employees when traveling on official business; and

Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President and the Secretary of the Senate of the United States; and the Speaker and the Clerk of the House of Representatives of the United States; the Honorable Daniel K. Inouye, United States Senator; the Honorable Hiram L. Fong, United States Senator; the Honorable Spark M. Matsunaga, United States Representative; and the Honorable Patsy T. Mink, United States Representative.

THE SENATE OF THE STATE OF HAWAII

HONOLULU, HAWAII,
April 27, 1970.

We hereby certify that the foregoing Concurrent Resolution was adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on March 31, 1970.

DAVID C. MCCLUNG,
President of the Senate.
SEICHI HIRAI,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

HONOLULU, HAWAII,
April 27, 1970.

We hereby certify that the foregoing Concurrent Resolution was adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on April 21, 1970.

TADAO BEPPU,
Speaker, House of Representatives.
GEORGE M. JAKANE,
Assistant Clerk, House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YOUNG of Ohio, from the Committee on Public Works, without amendment:

S. 3778. A bill to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo. (Rept. No. 91-849).

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, without amendment:

S. 774. A bill to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes (Rept. No. 91-850).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation (Rept. No. 91-851).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for Mr. MONTOYA):

S. 3816. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Finance.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. DOMINICK (for himself, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, Mr. SCHWEIKER, and Mr. SMITH of Illinois):

S. 3817. A bill to promote higher education throughout the Nation by providing general assistance to colleges and universities; to the Committee on Labor and Public Welfare.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3816—INTRODUCTION OF A BILL TO AMEND TITLE 38, UNITED STATES CODE

Mr. MANSFIELD. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I introduce, for appropriate reference, a bill to increase the rates and income limitations with respect to certain veterans, widows of veterans, and parents of veterans. This bill also provides that the Administrator of Veterans' Affairs shall continue to furnish such drugs and medicines so ordered to any such veteran in need of regular aid and attendance whose pension payments have been discontinued solely because his annual income is greater than the applicable maximum annual income limitation, but only so long as his annual income does not exceed such maximum annual income limitation by more than $500.

The Senator from New Mexico welcomes and solicits the support of all his distinguished colleagues for this legislation to improve the lot of our deserving veterans.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3816) to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes, introduced by Mr. MANSFIELD (for Mr. MONTOYA), was received, read twice by its title, and referred to the Committee on Finance.

S. 3817—INTRODUCTION OF HIGHER EDUCATIONAL GENERAL ASSISTANCE ACT OF 1970

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, Mr. SCHWEIKER, and Mr. SMITH of Illinois, I introduce for appropriate reference the Higher Education General Assistance Act of 1970. This bill is identical to H.R. 16622, developed and introduced in the House by the Congressman from Minnesota, Mr. QUIE. It provides general financial assistance to public and private nonprofit institutions of higher education.

This bill is designed to complement S. 3636, the Higher Education Opportunity Act of 1970. It will give balance to the comprehensive administration bill.

This bill would essentially authorize direct grants to institutions of higher education, based on the number of baccalaureate degrees granted, and to community colleges on full-time equivalent enrollment in regularly established credit or certificate programs. The grants are made on a formula basis on a sliding scale. The formula gives more money for the first few hundred degrees than for greater numbers of degrees so that smaller institutions would receive more assistance per student than large institutions. This approach recognizes the economies of scale found in large institutions. Community colleges receive 15 percent of total appropriations and 4-year institutions the balance. Funds received by the institution may be used for any "academically related programs."

I ask unanimous consent that a chart showing how this formula works be inserted at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

Degrees awarded:	*Total cumulative degrees*
$500 for the first 200 degrees	200
$400 for the next 300 degrees	500
$300 for the next 500 degrees	1,000
$200 for the next 1,000 degrees	2,000
$100 for any over 2,000 degrees	-----

Example: College with 715 baccalaureate degrees would receive:

200 x $500 = $100,000
300 x $400 = 120,000
215 x $300 = 65,500

715 285,500

Examples:

College with 100 degrees would receive	50,000
College with 300 degrees would receive	100,000
Colleges with 600 degrees would receive	250,000
College with 1,000 degrees would receive	370,000
College with 2,500 degrees would receive	620,000

1967–68 Bachelor's (4 or 5 years) degrees awarded

Number of degrees:	*Number of institutions*
Less than 100	400
100 to 200	351
200 to 500	381
500 to 1,000	178
1,000 to 2,000	100
2,000 to 3,000	36
Over 3,000	22

Mr. DOMINICK. Mr. President, I feel this bill can provide funds more efficiently, at low administrative cost, to higher education institutions than present categorical programs. It would also provide funds for these institutions to spend on their needs solely as they determine without tempting them into activities which are not real priorities or designed as they would like or which cost more in matching funds than the institution should spend. These grants would allow these institutions to choose alternatives to programs which do not meet their needs and supplement matching funds for other Federal programs.

As drafted, the bill contains "open-ended authorizations which, as my colleagues know, I do not generally support. However, the most recent figures available for number of degrees granted are 1967–68 figures. Under these figures, the cost of this bill is estimated at $265,601,294. Figures for the current year should place the figure at least at $300 million for fiscal year 1972, when it would take effect. This matter must be considered in committee, and I will offer amendments at the appropriate time setting out realistic authorization amounts.

The higher education bill proposed by the administration offers many innovative approaches to Federal support for higher education, particularly in the area of student assistance. The Education Subcommittee of the Labor and Public Welfare Committee will commence hearings soon on that legislation, of which I am a cosponsor. The administration bill does not provide any direct support for institutions, however. I am fully sympathetic with the efforts to stay within realistic budget figures, and I realize we could not commence such a program of institutional grants, as proposed in the bill I introduce today, this coming fiscal year. In this regard, I would point out that this program would not commence until fiscal year 1972.

I am concerned about the cost of this program. I feel, however, that this program can reduce the need for some present categorical assistance. The administrative costs would be much lower than present categorical programs, and the institutions could better use their available resources to meet their particular needs. This concept has been discussed in Congress for the past several years. I feel it is time we seriously investigate this approach to financing our institutions of higher learning. I would hope my colleagues on the Labor and Public Welfare Committee would agree with me, and hearings could be held on this bill with the administration's Higher Education Act and related proposals.

Mr. President, I ask unanimous consent that a chart be printed at this point in the RECORD showing the funds which would be provided institutions of higher education in each State.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

COST FIGURES—"HIGHER EDUCATION GENERAL ASSISTANCE ACT OF 1970"

	General assistance based on baccalaureate degrees awarded (85 percent of appropriation)	General assistance based on FTE enrollment in 2-year colleges (15 percent of appropriation)	Total (100 percent)
United States and outlying areas	$225,761,100	$39,840,194	$265,601,294
50 States and the District of Columbia	224,829,100	39,729,400	264,558,500
Alabama	3,497,500	560,259	4,057,759
Alaska	102,000	3,096	105,096
Arizona	1,765,900	632,444	2,398,344
Arkansas	2,347,600	78,475	2,426,075
California	16,010,600	11,537,951	27,548,551
Colorado	3,162,700	330,253	3,561,655
Connecticut	3,263,100	398,955	3,662,055
Delaware	424,500	126,082	550,582
Florida	4,438,000	2,297,708	6,735,708
Georgia	4,161,400	539,778	4,701,178
Hawaii	612,200	5,290	617,490
Idaho	935,200	201,268	1,136,468
Illinois	10,393,200	2,415,694	12,808,894
Indiana	5,945,600	119,083	6,064,683
Iowa	4,486,800	562,065	5,048,865
Kansas	3,594,600	395,342	3,989,942
Kentucky	3,814,900	64,412	3,879,312
Louisiana	3,976,900	73,314	4,050,214
Maine	1,315,100	5,128	1,320,228
Maryland	3,313,600	622,671	3,936,271
Massachusetts	9,735,800	1,120,325	10,856,125
Michigan	7,742,300	2,093,376	9,835,676
Minnesota	4,917,400	458,400	5,375,800
Mississippi	2,681,500	663,602	3,345,102
Missouri	5,712,400	673,859	6,386,259
Montana	1,165,000	32,416	1,197,416
Nebraska	2,627,700	109,633	2,737,333
Nevada	344,800	0	344,800
New Hampshire	1,475,100	36,673	1,511,773
New Jersey	5,735,600	536,810	6,272,410
New Mexico	1,206,000	37,318	1,243,318
New York	20,976,100	3,678,874	24,654,974
North Carolina	5,912,200	935,152	6,847,352
North Dakota	1,325,900	143,016	1,468,916
Ohio	11,074,100	498,395	11,572,495
Oklahoma	3,486,500	303,804	3,790,304
Oregon	2,905,400	569,129	3,474,529
Pennsylvania	14,883,800	1,018,336	15,902,136
Rhode Island	1,634,600	172,013	1,806,613
South Carolina	2,702,500	253,584	2,956,084
South Dakota	1,629,800	9,999	1,639,799
Tennessee	4,788,900	241,198	5,030,098
Texas	10,684,500	2,282,580	12,967,080
Utah	2,096,000	101,601	2,197,601
Vermont	1,036,400	57,832	1,094,232
Virginia	4,655,900	574,870	5,230,770
Washington	3,747,900	1,461,803	5,209,703
West Virginia	2,458,400	81,313	2,539,713
Wisconsin	5,470,500	401,438	5,871,938
Wyoming	371,800	121,535	493,335
District of Columbia	2,082,900	91,248	2,174,148
American Samoa	0	0	0
Canal Zone	0	20,385	20,385
Guam	42,000	0	42,000
Puerto Rico	890,000	90,409	980,409
Virgin Islands	0	0	0

Note: Information is based on baccalaureate degrees awarded in 1967–68 and estimated full-time equivalent enrollment in 2-year institutions for fall 1968. Cost for fiscal year 1972 would, of course, need to be adjusted upward.

Source: U.S. Office of Education.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3817) to promote higher education throughout the Nation by providing general assistance to colleges and universities, introduced by Mr. DOMINICK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 7, 1970, he presented to the President of the United States the enrolled bill (S. 2452) to amend section 211 of the Public Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

ADDITIONAL STATEMENTS OF SENATORS

RIVERDALE, UTAH, SETS PATRIOTIC EXAMPLE

Mr. BENNETT. Mr. President, in the clamor over the wave of violence that has hit many of our Nation's campuses and cities during the past week, it is refreshing to find solid evidences that patriotism is still alive and important to many Americans.

One such evidence is being very thoughtfully presented this week in Riverdale, Utah, which has proclaimed this as "Fly the Flag Week." Although the week's events were planned prior to the latest rash of turmoil in America, it could not have come at a time when Americans were more in need of reexamining the greatness of this country, and their dedication to its finest ideals.

Residents in Riverdale have invited all Utahans and, indeed, all citizens of the

United States to join with them in flying the flag which symbolizes our love for this great Nation. During the current week, flags have been flying alongside the main road through Riverdale and from many of the city's homes. A patriotic parade and program Friday afternoon will highlight the week.

On behalf of Riverdale, its mayor, Gail C. Sanders, and the State of Utah, I extend this invitation to other American cities to fly the Stars and Stripes in support of our country.

MR. AND MRS. WILLIAM LARSON CELEBRATE 60TH ANNIVERSARY

Mr. MANSFIELD. Mr. President, rarely do we have an opportunity to extend congratulations to constituents who are celebrating 60 years of marriage.

Today it is with a great deal of pleasure that I extend my personal regards and good wishes to Mr. and Mrs. William Larson, 1044 Central Avenue, Billings, Mont. The Larsons are celebrating their diamond jubilee after having lived in Montana for some 60 years. Mr. Larson homesteaded in central Montana in 1909, and 1 year later married, bringing his wife to the homestead near Lavina.

Constituents like the Larsons have been a source of strength to the State of Montana. They settled in the Treasure State early, raised their family, contributed to the economic welfare of the State and remained on to spend their years of retirement.

During this time of conflict and turmoil, it is indeed heartening to learn of such happy circumstances. Mrs. Mansfield and I are pleased to have this opportunity to make note of this fine occasion.

XUM

THE ROLE OF THE PUBLIC IN ACHIEVING CLEAN AIR: A STATEMENT BY THE CONSERVATION CHAIRMAN OF THE NATIONAL COUNCIL OF WOMEN

Mr. YARBOROUGH. Mr. President, on February 5, 1970, Mrs. Carter F. Henderson, conservation chairman, National Council of Women, New York, N.Y., made a thoughtful statement to the Citizens Workshop on Air Quality for Metropolitan San Antonio. This workshop and her statement are indicative of the sort of interest to the problems of environment quality that we must generate among our people if we are to face this threat to our earth.

The past 30 years have shown us that Government efforts and Government spending alone will not solve the great problems confronting our society. We must have the people's participation and support of these efforts if we are to achieve our goals.

I ask unanimous consent that Mrs. Henderson's statement, entitled "The Role of the Public in Achieving Clean Air," be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Role of the Public in Achieving Clean Air

(By Hazel Henderson)

After years of struggling by millions of citizens, by farsighted organizations such as The Conservation Foundation and by a few courageous legislators and public officials, the environmental pollution issue has at last burst through to the public's consciousness. We are promised from the President on down a now-or-never fight to restore and protect our air, water and land. The politicians, government and business officials—our leaders, in fact—have finally begun to catch up with the people!

All this is encouraging, but as a battle-scarred veteran of the pollution fight, I am waiting to see how many of the brave words result in action. For the sad truth of the matter is that action to clean up our polluted environment is usually bitterly contested by most of the industries which are causing a large part of the problem. The citizen must understand this if he is to be effective. Admiral Hyman G. Rickover says that today's citizen must be well-informed "if he is to cope with the huge public and private power conglomerates that now dominate our society and interpose themselves between the American people and the men elected to public office, making it increasingly difficult for the popular will to assert itself wherever it goes counter to the interests of large organizations." He adds, "This is particularly serious when the people find they must call on their government to protect them against misuse of technology by one or another of these large organizations. So great is the power of these organizations that normally the interest of the sovereign people in getting laws enacted and enforced does not carry as much weight as the interest of organizations in continuing their harmful practices."

This is the crux of our environmental pollution problem, and it is particularly valid here in San Antonio, where the largest proportion of your air pollution emanates from four large corporations in Detroit. Here is the dilemma expressed in the words of an average citizen who wrote this letter to the *New York Times:*

"Dear Sirs: I am disturbed and offended by your editorial statement (Oct. 6) that the Capitol building belongs to the nation. This is a good example of the kind of muddled thinking that has led to the student revolt, riots, and crime in the streets.

"In the interests of peace, plenty, and the American way of life, you must print the truth:

"The Capitol building belongs to Senator Eastland.

"The air belongs to General Motors.

"The water belongs to U.S. Steel.

"The mountains belong to Con Ed.

"The oil belongs to Secretary Hickel.

"The air waves belong to NBC, CBS, and ABC.

"The courts belong to the rich.

"The taxes belong to the working man.

"Poverty belongs to the poor.

"Rickets belong to the hungry, etc., etc."

I contend that average citizens in this country are way ahead of their elected officials in their understanding of ecology. It's the machinery to channel their participation efficiently that is lagging behind.

Laymen today seem to have an almost intuitive understanding that maximizing short-term profits by minimizing the life sustaining environment is sheer madness. They are rightly demanding an entire reordering of the priorities of a nation that spends vast sums on weapons of death and technological frivolities such as the supersonic transport, while starving the vital programs to sustain life, protect the environment and, to quote the Constitution, "promote the general welfare"—a *specific* responsibility with which government is charged.

This meeting here today in San Antonio demonstrates again the wisdom and common sense of the citizen and layman. You have realized that whether it's pollution or keeping freeways out of Brackenridge Park that the time to act to keep your city's beauty and environmental quality is *now*—while there is still time to plan, and that prevention is the key. Many other communities have seen the awful example of cities like New York, Chicago, Los Angeles, Washington, and dozens more where pollution was allowed to reach crisis proportions of death and sickness. You are wisely choosing to preserve your environment from this needless degradation.

It's encouraging to note that finally economists are coming around to the view that corporations are no longer going to be able to get away with what they call "externalizing costs," that is, not accounting for all the true costs of producing their product, including the cost of preventing polluting by-products from escaping into the air, water or landscape.

Formerly the always inexact discipline of economics has considered air and water to be "free." Now eminent economists, J. Kenneth Galbraith and Kenneth Arrow and others, speaking recently at the annual meeting of the American Economic Association, claim that these major tenets of traditional economics are now invalid. Dr. Galbraith argued that it is no longer the consumer who is king but the producing company whose power has enabled it to pollute the environment with impunity. Economists themselves are now beginning to argue in favor of the "stick" for polluting companies rather than the gentler "carrot" approach of friendly persuasion and tax incentives. Giving tax incentives to companies, they claim, will only result in subsidizing those corporate activities that contribute most to pollution and offer no inducement to managers to find more efficient ways to eliminate harmful waste products. Many economists now argue for strict legislation and the levying of fines on companies for each pound of wastes dumped in the public air and water. These new environmental strategies and concepts on the part of economists would put the cost and burden of meeting strict standards on the *companies,* which in turn would raise the price of polluting products and discourage their use. What's really encouraging is that finally some of these "experts" are coming around to the citizens' point of view. We citizens have been saying all these things for years and have been roundly put down by all the so-called experts on company and sometimes on government payrolls who apply so much unsound technology with so little thought to the consequences. At last, we average citizens are beginning to see through these arrogant pseudo-experts.

I believe that citizens have become so intimidated by all these so-called "experts" that many of us are almost brainwashed into feeling that we have no right to any opinions. This is dangerous nonsense! We need the views of *non*-specialized laymen *more now* than *at any other time in our history.* For *laymen* tend to judge the nation's allocation of resources by broad, humanistic standards. They tend to ask those two vital questions: "What will this program do for *people;* and how will it affect the quality of life—not only now, but the lives of our children in the future?" And since these two yardsticks are really the basic legitimation for all forms of government, we need to hear them asked today on a massive scale.

Consider the recent behavior of the experts on the Massachusetts Public Health Council. Although the recent hearings in Boston on air quality standards were attended by a record number of citizens and civic organizations pressing for strict standards, these "experts" ignored their testimony and set some of the worst standards in the country. They arrogantly reasoned that the citizens were incapable of knowing what was good for their own health and must leave the decision to the experts! Such experts often feel that citizens should stop burning leaves, support their control officials and stay out of things! Meanwhile, under their expert guidance the local power company generates power in the same old way, and the oil industry is permitted to continue selling the *same* high-sulfur fuel oil, and leaded gasoline, and the real estate developers are allowed to keep on building apartments with the *same old-fashioned incinerators*, and Detroit whom no one has yet tamed keeps producing *the same old poisonous cars*!

Nevertheless, citizens seem to understand that the targets for change must be the *biggest* polluters—not the smallest; not visible smoke, but the volume of pollutants whether visible or invisible. Consider the sort of red-herring arguments the auto industry uses to confuse the citizen. They imply that the individual citizen is responsible for automobile pollution, merely because he bought the car and then turned the ignition key to drive it. *No mention* is made of the manufacturers' responsibility not to sell a product that is a health and safety hazard. Their negative attitude about their own responsibility for the some 60% of America's air pollution problems has finally made the public realize that only massive pressure affects them. Both New York and California have filed conspiracy suits against them, charging that they suppressed development of anti-smog devices since 1953. If they would stop spending millions trying to doctor up the outmoded internal combustion engine, it has been estimated by a Senate Committee that they could have developed a pollution-free engine 20 years ago—and San Antonians, incidentally, would not have 496,300 tons of carbon monoxide to cope with each year. As it is now, many citizens have been driven to bringing law suits and boycotts against the auto companies.

The Clean Air Council of citizens' groups in California has begun a drive to boycott General Motors, which Ralph Nader claims is alone responsible for 35% by weight of all America's air pollution.

Similarly the power companies, if criticized, would simply spend millions of dollars on advertising ads to refute charges, and then have the effrontery to ask for a rate increase! You may have seen some of these ads recently where the power industry charges that a few meddling conservationists are "pulling the plug on America." But we citizens have no money to buy full pages in the papers to set the record straight. Another shocking example of this sort of thing was the so-called public service ad run recently by the Standard Oil Company of New Jersey. The double-page spread claimed that "by 1978 auto pollution will be less of a problem than it was in 1928." This kind of deception was enough to prompt Senator Warren Magnuson to protect the public by filing a complaint with the Federal Trade Commission. A similar series of ads run by Phillips 66 extolling their "clean air motor oil" are equally misleading. Then there are those infuriating ads depicting a rugged natural landscape with a clear rushing river, telling you that you owe all this not to the Almighty, but to the courtesy of the "XYZ logging company."

We finally realized that the *only* way to get equal time in the court of public opinion was to use the same tools of advertising and public relations that the companies were using—but *we* would have to get help as a *free public service*. We *found* a generous, concerned agency willing to donate the campaign to us, and *they* found us a public relations firm also willing to handle us as a charity account. Since then, so many citizens' groups now compete for free public service time and space that it is almost impossible to get the messages aired. And the Advertising Council, which is the clearing house for most public service ads, understandably prefers the non-controversial ones such as "Smoky Bear" or "Give to the College of Your Choice."

A good place for any new citizens' group to start is to find out what the *biggest* sources of pollution are in your area. Most good government control agencies begin here, with what they call an "emission survey." There is no reason why citizens should not take the lead in this job. Then investigate what air pollution laws you already have on the books and how they are enforced. You will often find, as we did, that administrative and legal procedures can render the laws useless. Sometimes it is lack of money for sufficient inspectors; sometimes it is the log jam of court cases; sometimes it is judges who don't take air pollution offenses seriously. And sometimes a polluting company will use endless delaying tactics by claiming that it's trying to clean up but needs more time, and it will apply for all manner of exemptions and variances even to laws already on the books!

Another very real problem is posed when a local or federal government control program is announced with great fanfare but without real teeth—a sop to public opinion, signifying little progress. This kind of progress by press release is all too common, both with government and industry, and is all the more treacherous because the public is lulled into thinking that the problem is being handled.

Sometimes citizen participation in formulating air quality standards, which is an integral part of the 1967 Amendments to the Federal Clean Air Act, is thwarted by all manner of tactical and logistical difficulties. Dates and locations of hearings are not publicized adequately by state officials, or they are changed without notice, sometimes as a result of industry pressure on local politicians.

Recently, industry groups in Pittsburgh, when they heard that a citizens' workshop on Air Quality had been planned, went to State officials and got the date of the hearing advanced so that the citizens would have no time to prepare testimony. The citizens fought back, flocking to the hearings, which resulted in the setting of stringent standards. In Ohio and Illinois, an active, alert citizenry made all the difference. 3000 attended the Cleveland hearings and almost as many attended in Chicago, and Ohio and Illinois have excellent standards as a result. But constant vigilance will be needed to see that these standards are implemented without backsliding.

Now let's look at the politicians to whom we delegate the job of implementing our collective will. They are supposed to hear all sides of the issue and then determine a compromise. In a mass, highly-organized society, here again they hear the opinions of all those groups who are well enough organized to press their views. But the countervailing voice of the public as a whole must be heard too, if the right decision is to be reached. I love this definition of how a statesman differs from a *mere politician*. "A statesman is an upstanding man, who stands upright due to equal pressure on all sides." This isn't *cynicism*, it's democracy; and this is why the citizens *must* keep the heat on. And the larger and more organized the special interest groups become, with their national advertising, campaign contributions and expensive Washington lawyers, the more citizens are needed to countervail this power with their own numbers.

This massive involvement of ordinary citizens is the best way of reminding elected and appointed officials that they are supposed to represent the broadest *public* interest, *not* special interests.

Democracy can only work in air pollution control when there is a rapid and undistorted flow of *information* to the citizen on what his rights are, when hearings are to be held, what control systems are available, etc. *Information* is what is also lacking when decision-makers make the wrong decisions. They get the facts from all the special interest groups, but few facts on what the voters think. Now this is where citizens have a hard time, because they must compete with experts who can withhold or distort facts to support their case. Citizens, therefore, must prepare verbal ammunition for their confrontations with polluters.

First, here is the overall argument to justify your right as a layman to participate. It is vital for us all to understand that even though we are not experts, our views and moral and esthetic values are perfectly valid as testimony. In fact this is the whole purpose of the democratic process. If everything were to be judged by the "value-free" criteria of economists and scientists, there would be no way of expressing the collective *moral* and ethical judgments which are the basis of any society's conception of its highest purpose and goals, as well as its juridical and political system. All these matters are for the *social* sciences, the *humanities, philosophy* and *religion*. These disciplines do *not* rely on quantifiable exchange values—but on higher metaphysical values. These higher values must be expressed if a society is to have a rational concept of itself. In fact, this argument should be your all-purpose put-down when any corporate or government official dares to suggest that your subjective value judgments are unimportant. However, since the Clean Air Act forces us to express these values in numerical terms such as parts per million and micrograms per cubic meter, we will do it. But don't let yourself get drawn into scientific arguments. Get the expert off his ground and onto yours. Tell him that your interest is political science and that the democratic political process exists to express the collective values of its citizens.

Now a list of put-down to the most frequent arguments used by polluters:

1. *Pollution isn't really a health hazard. Answer:* Statistical evidence correlating air pollution with illness and death is readily available from the National Air Pollution Control Administration, your local Cancer Society or Tuberculosis Association—so have pamphlets handy as ammunition.

2. *Pollution isn't a problem in this area. Answer:* Since we know pollution contributes to the development of many human diseases, and we know that it can be blown hundreds of miles and respects no political boundaries, the best protection for our citizens is setting standards to prevent further degradation.

3. *The company would like to control pollution, but doesn't know how. Answer:*

Many polluting companies will insist that no technology exists to rectify the situation. The best tactic for citizens faced with this problem is to obtain a list (from any stock brokerage house) of all the major companies who manufacture and sell air pollution control systems. In fact, let me give you some of their names right now. American Standard, Combustion Engineering, Joy Manufacturing, Wheelabrator Corporation, Air Correction Division of Universal Oil Products, Research Cottrell, Zurn Industries, Honeywell, Combustion Equipment Associates, Slic Corporation, Buffalo Forge, Hart-Carter Corporation, Dorr-Oliver, to mention a few. A host of other companies manufacture a full line of water pollution control equipment and non-polluting solid waste disposal systems. If you would like a full report on these companies in the pollution control industry, ask your broker; you may want to buy stock in them too. Then your group can offer your assistance to the polluter in locating the right company to call in and design the control equipment. Tell them very sweetly that without any fee, your group will arrange for a salesman or engineer to call and give them a free estimate! If the company drags its feet, your group can buy a share of stock and bring the subject up at the next annual meeting. Far too few people realize that these companies can tackle most pollution problems.

4. *The Company would like to install control equipment but can't afford it. Answer:*

Not only is the equipment available, but there are federal tax incentives; and in many cases, they will save enough valuable materials from going up in smoke to pay for the equipment. Add that the company is going to have to spend the money sooner or later, and with current inflation they might as well do it now and get a public relations benefit. If a company official still argues about cost, say you are writing an item for your organization newsletter and you want to quote his answer to this question, "You say pollution control equipment is too expensive; well, don't you think people are worth it?" Incidentally, a good general rule for citizens is never to become too friendly with those *nice* public relations men or even sometimes with your own control officials, or you will become so sympathetic to their problems that you lose sight of the larger, public interest. It's of little use to waste your time with public relations men anyway, because they have no power to commit the company. Instead, insist on seeing the highest local official, or communicate directly with the President at the corporate headquarters. Another good technique is to recruit the wives of local company officials to join your group. There's nothing like the Trojan Horse strategy!

Here is another specific put-down you may need to counter a fashionable technical sophistry which claims that reducing sulfur oxides may increase photochemical reactions and lead to more of this type of smog. Your answer is simply that this is an unproven theory, whereas sulfur oxides have been reliably correlated with morbidity and mortality rates in all major air pollution episodes. Finish triumphantly by asking the "expert" whether he seriously wishes to proceed on the basis of a wild hypothesis when statistical evidence indicates a conservative, preventive approach?

Another argument often used by power companies and oil suppliers is that there isn't enough low-sulfur oil or coal available to meet the standards. Here you can cite our experience in New York, where our new law says that no oil may be brought into the city if it has more than one percent sulfur. At first the companies told us the same thing, warning us of power blackouts, no heat and other dire things! Then after our Clean Air Law was passed, the biggest oil supplier simply built a $50 million de-sulfurizing plant in Venezuela and now removes the sulfur there and sells it. If the world price of sulfur keeps rising, this basic raw material will be too valuable to waste and will more likely be extracted from all coal and oil before burning it.

If a company representative threatens that if standards are made stricter they will move the plant to another state—your only reply is to warn that if they do, citizens will unite and press for a law for national emission standards uniform for all states. And never forget one of the most basic put-downs when costs are mentioned. Reply that on a total-system accounting basis, clearing up air pollution will *save* at least $8 billion dollars nationally and provide a big boost to our rapidly developing pollution control industry as well as thousands of new jobs. The usually cited figure on the cost of clearing up air pollution damage (excluding medical treatment and loss of man-hours, etc.) is some $11 billion. *Fortune* magazine says the cost, both for enforcement and equipment to control this pollution, would be only some $3 billion. Ergo! A national *saving* of $8 billion, with clear sky and healthy, happier people in the bargain!

Yet another problem is that of educating over-zealous Chambers of Commerce who invite industry in with a blank check to pollute the air. They must understand that it's cheaper for a company to build in controls than to add to them later. Local boosters may warn that if stringent standards are set it will be impossible to attract industry. This is a largely unfounded fear. If a company has done a full-scale feasibility study on a new plant location and finds the area favorable in terms of transportation, labor pool, location in relation to raw materials and markets, it is unlikely to alter its decision because of pollution control standards. It knows that these standards are tightening up all over the country and it might as well learn to live with the inevitable. Also the standards will ensure that the area will remain a desirable one for good employees to live in and raise their families.

In fact, today some of the largest companies in the nation are coming around to the once denounced notion that strictly enforced uniform national standards are *needed* for all forms of industry pollution as well as for use of scarce natural resources. William F. May, Chairman of the American Can Company, put it this way: "We are going to have to accept centralized authority much as we abhor the idea," if we are to have "uniformity of obligation and restraint" on all corporations. The way things stand, the corporation who is a "good guy" and spends money on controls is then penalized by his competitor who can still operate more cheaply. I suggest writing to the company for a copy of Mr. May's speech and then quoting him in your testimony.

Finally, in all your dealing with business and government, remember: have a research group constantly obtaining the best information from all sources, but never forget that your safest ground is to speak as humanists and generalists to advocate the public interest. Sure, it is difficult to get this kind of quasi-technical information. But dig for it. Often it is just not aggressively reported in the news media.

The voter today must rely on the mass media and their inevitable editorial biases in selecting what news to present. Here again, an organization with sufficient money can *buy* time and space in the mass-media to get its message across; but the citizen must rely on the mimeograph machine and word of mouth or on attending small meetings.

So we must also begin demanding that our local newspapers, radio and television stations pay as *much attention* to a citizen's organization as to the government press release or the corporation press handout. We in New York besieged our local newspapers, magazines, radio and television stations, not to cover our activities, but to *help uncover the local problem* and *pinpoint* the sources of pollution. You are fortunate in San Antonio to have the leadership of Channel 9 KLRN–TV. We helped provide local news media with sources of medical information and what the current technology offered by way of solutions. In most cases, the reporters are eager to help—it's more often the editor or publisher who kills the story. Sometimes the editors will say that a group of citizens meeting to try and clean up the air is not news. They are not interested in all the quiet law-abiding citizens who try to build and improve the community. They only like bad news. Many of them would send reporters rushing if the some citizens formed a picket line. But because we prefer to discuss these matters in a rational, law-abidding manner, we are ignored and cannot get our message through.

You may have noticed how many militants of all kinds have learned this lesson well. *They* know that to attract the news media's attention they must create a "happening," hold a dean hostage, throw a rock or start a fire. Even in environmental issues citizens are learning about the media's predilection for action and drama rather than reason and calm discussion. As the old press dictum goes, it's "rape, riot and ruin that sells newspapers." Students captured all the headlines where others have failed for a decade in interesting the media in the problem of the internal combustion engine. Recently they held a mock burial complete with open grave, placards, marching and all the rest, and this put the issue on the front pages. Another problem arises when newspapers or broadcasters don't want to cover a story which may embarrass or point a finger at one of their advertisers. And yet, media's vital role in a democracy demands that their highest duty is to inform the voter without fear or favor. Already our children by the time they are sixteen have spent more hours in front of the television set than in the classroom. Over 50% of our citizens now receive their news from TV rather than from newspapers.

Recently, Vice President Agnew drew our attention to the truth that enormous power over public information and opinion is wielded by a handful of network executives. We must remember that broadcasting too is big profitable business supported by many of the same companies that pollute our environment. Unlike newspapers and magazines, these broadcasters are licensed to use the public airwaves only as long as they serve "the public interest, convenience and necessity." Because only so many frequencies are available they are required by the Federal Communications Commission to adhere to standards of performance which include regular consultation with community organizations, devoting adequate time to cover local and community affairs, as well as national news and documentaries. They must present all sides of each issue fairly and give adequate time to responsible presentation of views opposing their own or those expressed in their programs. They must not run more than a certain number of commercials and must give a proportion of this time to free "public service" spots. All these citizens' rights in broadcasting are spelled out in the Communications Act of 1934 and in FCC regulations. So stations must be pressured to devote much more time to cover the national and community issues of the day; to initiate TV town meetings and emulate such new public affairs shows as "The Advocates" on KLRN Channel 9, which recently took up discussion of the California bill to outlaw the internal combustion engine. We must insist that stations devote more children's viewing hours to "Headstart"-type programming, such as "Sesame Street," also on Channel 9, and to shows exploring the world of nature and science or teaching about ecology and pollution, rather than the mindless, violent cartoons and adventure shows. *Of course* we don't want government censorship; we want *more* news, more hard-hiting, creative public affairs coverage like the recent NBC show on the automobile smog problem. Not *less* freedom of the press—but a broadening of the First Amendment's freedoms for our newsmen and reporters to dig and uncover problems such as environmental pollution while there is still time to cope with them.

In short, we must re-involve citizens in running this country. If we want clean air *we* are going to have to fight through the bureaucratic maze to get it! We can re-order our nation's priorities if enough of us become involved. The national Teach-In on Environment that students are planning for campus and community leaders on April 22nd will involve our brightest young people and should be supported by all of us. Right now, many medical research programs have been crippled by budget cuts, and as Professor Arnold Reitze of Case Western Reserve University noted recently, our entire national annual air pollution budget would hardly buy one wing of a new military aircraft! And even our aero-space companies are realizing that future government contracts are likely to be for pollution control, mass-transit, and other domestic needs, rather than military

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hardware. This new emphasis on domestic priorities was evident recently when citizens banded together on water pollution control. They pressured the Congress into appropriating $800,000 for the national control program—far more than Congress had decided was adequate. We *have* been lax in our stewardship of this great and beautiful land. Let's make the 1970's the decade when we set all the wheels in motion in government *and* industry, to reverse this plunder of our environment.

INCREASED RESPECT FOR LAW AND ITS INSTITUTIONS

Mr. BYRD of Virginia. Mr. President, on Saturday, May 2, 1970, the University of Richmond in commemoration of the 100th anniversary of its law school presented an honorary doctor of laws degree to two former presidents of the American Bar Association, Charles S. Rhyne, of Washington, D.C., and Lewis F. Powell, Jr., of Richmond.

Mr. Rhyne delivered an outstanding address, one which I feel should be made available to the Members of the Senate and the general public.

While his theme was Law Day—U.S.A., he emphasized the importance of the three coequal branches of government, and the need to keep them coequal.

Virginia is proud of the University of Richmond, and I am pleased that I could be on the platform for Mr. Rhyne's address and likewise to receive an honorary doctor of laws degree.

Dr. George M. Modlin is president of the University of Richmond, and Dr. William T. Muse is dean of the T. C. Williams School of Law at the University of Richmond. Both are outstanding educators who have contributed much to their fellow citizens.

I ask unanimous consent that the text of the address by Mr. Rhyne be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE STAKE OF AMERICANS IN INCREASED RESPECT FOR LAW AND ITS INSTITUTIONS

(By Charles S. Rhyne)

I am greatly honored by the privilege of addressing this Law Day assembly which celebrates the 100th Anniversary of the T. C. Williams School of Law of the University of Richmond. Especially was I honored to receive your invitation from my life-long friend the Honorable Horace H. Edwards. A major reason for my acceptance was the opportunity this occasion provides to pay tribute to Dean William T. Muse also a longtime friend whose contributions to legal education have added immensely to the high national standing of this outstanding Law School.

I congratulate President Modlin of this great university, Dean Muse and the faculty, your alumni, and the students of this Law School on 100 years of service to the rule of law.

As I noted the list of your distinguished Alumni, I was indeed impressed with the law leadership you have provided in Chief Justice Harold F. Snead, Horace Edwards, Richmond's City Attorney Conard Mattox, Vaughan Gary and on and on I could go in their recognition. I must stop as the list is too long in fact 2,000 names long. I am certain your many noteworthy achievements are mere preludes to ever greater accomplishments in the next 100 years. You are in the forefront of legal education, and as I have learned of your plans for the future I recognize that you will continue to earn recognition for the service you will render to the law and the administration of justice, to the legal profession and to the public. It is a particular personal honor to be on this platform with Lewis F. Powell, one of the greatest American Bar Association Presidents.

To be here as a part of your Law Day—U.S.A. celebration adds a special personal delight. I have a unique interest in Law Day. For it was 13 years ago while President of the American Bar Association that I created the first Law Day—U.S.A. to focus the attention of our people upon our heritage of rule by law and the stake every American has in preserving and strengthening law nationally and internationally.

As we meet on this historic occasion to honor this Law School and the law, we are experiencing the contrast of a shocking wave of violence across our land. Violence in the streets. Violence on campuses. Violent uproars in courts. Bombing of a courthouse. Bombing of banks. Bombing of office buildings. Bombing of a State Capitol. Violent explosions in an automobile and a home where explosives were stored. Over 20 bombings in Seattle in 3 months. Hundreds of threats of bombings and hundreds of incidents of recent violence across our Nation.

On this Law Day we are also experiencing a wave of law breaking. The increase in murders, armed robberies, house-breaking and other crimes glares daily in the news headlines. The urban crisis, an environment polluted by newly recognized dangers, and rampant inflation are other parts of our background picture of the United States on Law Day—U.S.A. 1970.

Other parts of the Law Day picture are violent wars in Vietnam and the Middle East and threats of violence in Latin America and Africa.

There has never been a more urgent time or a more urgent need for a focus upon the peaceful processes of the law. Many are the constitutional, statutory, ordinance and other law proposals aimed at these problems. So ingrained is our law heritage in Americans that when trouble occurs our people instinctively ask what is the law? They ask why not a new law, or amended law, to cure the trouble or to prevent its reoccurrence. Certain it is that no right thinking person favors violence, threats, or coercion to advance his interests over the peaceful process of the rule of law.

Ours is a testing period for law. Many dissenters today either knowingly, or unknowingly, criticize justly, or unjustly, or seek to tear down "the system" or "the establishment" which are largely law and law institutions. The way of violence, repression, and coercion must be revealed in their stark contrast to the better way of the law. We must speak up and prove to those who would engage in violence and threats of violence that under our law system they can secure legitimate redress of real grievances and change in the law if current law is inadequate. This emphasis on public knowledge and appreciation of the law as the better way, the only way, is the high purpose and mission of Law Day—U.S.A.

On the positive side of the ledger, Americans today in nearly every line of human endeavor are the most advanced. Science, technology, medicine, and education are examples. You name it. We lead in it. Our material resources are excelled by no other nation. Ours is the highest standard of living in the world. But I hasten to remind that it is not material resources alone which has made America great. America is great because of our towering principles, purposes and ideas—our ideals expressed in the human values we stand for. Values largely wrapped up in the concept of the rule of law.

We have in our Country a rule of law which seeks to provide equality and justice to all our peoples. Our "government of the people, by the people and for the people" is a government governed and guided by a law system of which Sir Winston Churchill said that despite its defects, it is still the greatest system yet conceived by the mind of man.

We are proud of saying we live under the rule of law, not the rule of man.

If I were to describe the strength of the United States in a phrase I would say "individual liberty under law." The words embody our national purpose. On this concept which embodies the moral principles of the natural law, which is the heart and core of Magna Carta and which is the spirit and guiding light of our Constitution and its renowned Bill of Rights, we have built in America a government of which we can be proud. And on Law Day I say we should ask Americans to pause in their busy lives and express their pride in and homage to our law system, our governmental system which has enabled our nation to grow from a sparsely populated wilderness to the greatest nation on Earth.

The intangible concept in our governmental system which makes individual freedom and progress possible in our great Nation is, of course, law and its institutions. It is law that brings order into the affairs of men—that enables them to lift their sights above mere survival, to accumulate possessions, to develop the arts, to pursue knowledge and enjoy life among their fellows.

Law gives the individual security that he could obtain in no other way. Law protects the family and other groups organized for the advancement of their common interests. Law permits the growth of great cities and the development of vast enterprises. In other words, law is the cement which holds our free society together.

Law Day—U.S.A. is dedicated to the creation of a better public understanding and appreciation of this powerful concept and to a more extensive use of it for the benefit of mankind.

This Law School was founded 100 years ago by far-sighted men who had just experienced the violent War Between the States. They knew that the American heritage of rule by law was so firmly ingrained in our people there would be a need for more and more trained lawyers as rule by law was substituted for rule by force. They could envision that though they were starting with three faculty members and 13 students the demands of the law and the profession would insure its steady progress into the great Law School it has now become.

A glimpse at life and the law in the South and in Richmond in 1870 provides not only a wonderful background for this "centennial" celebration but also an excellent prospective for our problems of today. The attacks of today upon our law and our law institutions, executive, legislative and judicial—"the establishment" or "the system" are in many ways reminiscent of the picture and the problems which existed 100 years ago when this Law School was created.

By the Reconstruction Acts of 1867 the former Confederacy was divided into military districts each under the command of a major general. New state governments, subject to Congressional approval, were created one by one as states adhered to the requirements laid down by the Congress for re-admission to the United States.

The "bloody shirt" Radicals bent on indirectly punishing the South had in 1866 won more than a two-thirds majority in both houses of congress. The plan of these Radicals to reduce the judicial and executive departments to subordinate positions and thus prevent opposition to the Radical's program for punishment of the South was at its height. Possessing sufficient votes to override Presidential vetoes, the Radicals in Congress

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passed a law prohibiting the U.S. Supreme Court from passing upon the validity of the Reconstruction Acts of 1867. To prevent President Andrew Johnson from making appointments to the Supreme Court, Congress adopted a law providing that whenever a justice died or resigned he was not to be replaced. Thus the Court shrank from 9 members to 6.

In 1868 the House of Representatives impeached President Johnson for demanding the resignation of Secretary of War Stanton in alleged violation of the Tenure-of-Office Act prohibiting such action and making violations a "high misdemeanor." After a two month trial, and by a vote of 35 to 19 for conviction, Johnson was acquitted by one vote—one vote short of the required two-thirds.

The Radicals had installed so-called "carpetbag" governments in the South and kept them in power by the protection of federal troops. General Grant had become President in 1869 with the support of these "carpetbag" governments and their "scalawag" supporters. The Fourteenth and Fifteenth Amendments were required to be ratified by Southern states in order to regain their full political rights.

In 1870 the State of Virginia had just resumed her status as a full-fledged state in the United States. On January 26 of that year, Secretary of State Hamilton Fish sent a letter to the Governor of Virginia telling him that the United States Congress had passed an act to permit Virginia to send representatives to the United States Congress.

On January 27, 1870, a Proclamation was sent out by the Governor, Gilbert C. Walker, to convene the General Assembly of Virginia. On that same day Major General Canby transferred authority to civil administration. Reconstruction had come to an end after five years. Nine years had passed since the state of Virginia had withdrawn her representatives from the Federal Congress. After a long period of war and of political subjugation, the people of Virginia had regained control over their own affairs.

In the wake of the administrative changeover incident to the end of Reconstruction many difficult problems arose, the major problems being legal. At least they were handled as legal problems. Then just as today we Americans somehow shape our great controversies into disputes for our Courts to decide. Conversion from military to civil rule involved such things as changing judges and other governmental officials who had been appointed by the military over to civilian appointment or election. These problems had to be and were resolved by the legal system of the day as that system was then structured or changed, just as the problems of the 1970's must be resolved by our current law system or changes in that system.

In his speech to the Virginia General Assembly in February, 1870, Governor Walker listed the following as problems which would have to be dealt with by the House of Delegates:

(1) the right of the federal military forces to interfere with the municipal affairs of the City of Richmond;

(2) the problems concerning the boundary line between Maryland and Virginia;

(3) the problem of the sale and removal of the penitentiary;

(4) adjustment of the public debt with West Virginia;

(5) the problem with the State of Maryland over the oyster beds.

Another interesting situation arose on July 25, 1870. The *Daily Dispatch* of that date reported that due to a conflict between the police department and the mayor that the police captain and his lieutenant were locked up by the mayor and special police were appointed to replace them. Conceivably a very difficult problem in any city at any time! The courts resolved the conflict.

But perhaps the best illustration of the confidence of Virginians in the law at that time was the solution to the problem arising between the Mayors—and I use the plural—of Richmond. For in March and April of 1870 it became obvious to everyone that the City of Richmond had two Mayors.

Such a condition of necessity caused much excitement in the City. This was the greater in that the contesting Mayors were associated with different political parties. The two persons claiming to be Mayor of the City of Richmond were Henry K. Ellyson and George Chahoon. Mr. Chahoon was appointed in 1868, by General Schofield, Military Commandant of District 1. District 1 was created by the Reconstruction Acts of Congress, and Mr. Chahoon held the position of Mayor when on the 26th day of January, 1870, the Senators and Representatives of the State of Virginia were admitted into the Congress of the United States. He held an office under the United States Government.

Mr. Ellyson, on the other hand, was appointed Mayor of the City on the 16th of March, 1870, by the Council of the City under the authority of an Act of the General Assembly of Virginia. An Act which was passed on the 5th of March, 1870 enabling the Governor to appoint members of the Council who took the place of those who had been appointed by the military commander. The new Council appointed Mr. Ellyson. After the appointment of Mr. Ellyson both he and Mr. Chahoon continued to act as Mayor. Needless to say having two Mayors and two police forces acting at the same time created many problems. In fact, the *Daily Dispatch* of March 18, 1870 in one of its lead articles discussed the "municipal war" that was going on in Richmond at the time because Chahoon refused to turn over the control of the police station. On March 19th the *Dispatch* reported on riots in the City of Richmond. These riots continued intermittently through the 19th, 20th and 21st of March.

Mr. Chahoon obtained an injunction against Mr. Ellyson in Federal Court and with the agreement of Chief Justice Chase of the U.S. Supreme Court, it was agreed by the two mayors they would prepare a case and submit the question at issue between them to the decision of the Virginia Supreme Court of Appeals.

Notice, the confidence these Virginians of 1870 in their legal system. So much confidence that even a background of riots in the streets and with an issue which went to the heart of restoring civil control of government, the parties involved still believed so strongly in the legal system that they were willing to submit the case to a legal decision by Governor Walker struck a very familiar note when he said:

"The expenses incident to the Administration of the criminal laws, have within the last few years increased enormously, namely due to the large increase in the number of petty offenses (i.e., larceny, assault and battery)."

The Governor argued that change was needed not only in the laws but in the mode of their administration. He recalled that there were many cases where the property stolen was valued under one dollar. He deplored the fact that even in those cases the defendant would go through the whole process of arrest, examination by a magistrate, commitment on default of bail in the county jail, formal investigation by a Grand Jury, resulting in an indictment and trial by the county court with a petit jury. This the Governor said consumed many days of time and cost the Commonwealth as much as $75 to $100. He proposed that those cases where the value of the property stolen was under $30 should be summarily tried by a Justice of the Peace and said this could be done in two hours or less at an expense not exceeding $5.00.

Court reform then, as in 1970, was aimed at cutting down of expense and delay. One is reminded of Chief Justice Warren Burger's recent speech on the same subject in which he cites a case involving one defendant who went through 5 trials involving 30 lawyers before 12 trial judges, some 60 jurors, and which case was reviewed by 50 appellate judges at a cost of $250,000. The tragic aspect being that everyone knew the Defendant was guilty as charged.

But let me return again to the fascinating history of law in Richmond in 1870. The Richmond Daily Dispatch of February 26, 1870 in an editorial, argued for the release of a man who was in prison for a long time for reasons no one could determine. It seems that during the change-over from military to civil control the reason for the man being in prison was forgotten.

The effectiveness of the legal system to solve the problems of the post-Reconstruction period rested to a great degree in the great confidence Virginians of that day had in their legal system. A confidence that difficult problems could best be solved by law.

This confidence was manifested throughout 1870 by various Court decisions. For example *Washington, Alexandria, and Georgetown Railroad* v. *Washington and Alexandria and Georgetown Railroad et al*, was decided by the Military Court of Appeals in the January term of 1870. This case was then appealed to the new, civil Supreme Court of Appeals of Virginia as constituted in its April session 1870. The appeal was partially on the grounds that the decrees of the Judges of the Court of Appeals who held office under the appointment of the military should not be considered valid when Virginia was restored to the Union. In the November term of 1870 the Supreme Court of Appeals then held that the decrees of these former judges who did hold their office under military appointment when the state was restored to the Union were valid.

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In order to bring the case before the Court, Mr. Chahoon as Mayor committed John Henry Bell to prison and Mr. Ellyson as Mayor required Archibald Dyer to give bail for his appearance to answer a criminal charge. Both Dyer and Bell sued out writs of *habeas corpus* for their release. The question for the Court of Appeals then arose from the two petitions for writs of *habeas corpus*. The only question to be determined by the Court was a legal one as to which of these two officers was the rightful mayor of the City and therefore had a right to commit the petitioners to jail.

The case was argued with great zeal and ability by great lawyers and the whole city awaited the decision with great anxiety. On Monday, April 26, a large number of persons were present in the Court room in expectation that the decision would be handed down. But the President of the Court stated that the Court was not then ready to announce its decision. It would, however, be announced at 11:00 a.m. the next day. On Tuesday the 27th of April before the hour of 11:00 arrived, a large crowd of persons were assembled within the enclosure of the tables which formed the bar. The officers of the Court, members of the Bar and parties were seated. Outside of these tables on the sides of the Judges' seats, the room was full of persons standing. Seats in the gallery were occupied. There were even several in the clerk's office. At 11:00 Judges Joynes and Anderson took their seats upon the bench. The other judges were just about to enter. The whole assembly was waiting in silence and expectation. There was heard a crack, and immediately following, a crash. The floor of the Court room to within four feet of the Judges' seats sunk carrying with it hundreds of persons. The gallery followed on the instant. Then immediately fell the false ceiling which piled upon the injured, suffocating

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mass which had been carried down into the room below.

The dreadful feature was of course the loss of life. Some 58 bodies were taken from the ruins. The Bar lost heavily not only in number but in the quality of the victims.

The decision which would have been read that day and which came out immediately after the calamity found that Ellyson was the proper Mayor of the City of Richmond. This decision resulted in a smooth transition from that point on. The new Mayor and his police force took over the running of the government.

The structure of the old courthouse was weak. Its stone and pilings could not withstand the burden of the throngs which assembled on that 27th day of April, 1870. Throngs which came because of the interest of the people in witnessing the legal system resolve a conflict—a conflict central to all of Richmond that day. A conflict that the people wanted to see resolved under the rule of law.

This old courthouse is a symbol of the judicial system of that time. In converting from military to civil control of the legal system, the law of the day was greatly in question. But there was a strength in the legal system surpassing any weakness. A strength inherent in the confidence of the people in their legal system itself. Today our major need is to reawaken and renew the confidence of Americans of 1970 in our law system. The law system warrants their confidence but few indeed have paused to even consider this true fact.

Under our system of Government in 1870 and now, Law is indeed the safeguard of freedom, the arbiter of justice, and the protection of freedom. No person is so big or important that he is above the law. No person is so insignificant that he cannot look to the law and its institutions for protection. The aim of the rule of law is equal justice by providing a single standard of rights and duties which apply to every individual. And our governmental institutions executive, legislative and judicial each have an important role to play in carrying out this great national purpose of equal justice, equal opportunity for all.

Law Day spotlights the values of the rule of law to our people. These are liberty, equality and justice. They are our most precious heritage from the historic days before 1870 and the decades after 1870. Law Day also spotlights our institutions which make our rule of law, our system of law, work. These are the executive, legislative and judicial branches at each level of government.

Many of the some 100,000 statements and speeches Law Day has motivated in each of its 13 years of existence have focused upon the need to reform or update some part of our law or some change in our executive, legislative and judicial institutions. Many of these speakers have called for reform of specific laws or cited the need for new law to meet needs caused by scientific, technical, social and economic progress. This year will witness the same outpouring of ideas, evaluations and suggestions as the adequacy of our law system to meet the requirements of the decade of the 1970's is evaluated.

In our daily pursuits, it is easy, almost natural, to take for granted our institutions of the rule of law which make up our governmental structure. Seldom do we focus upon these institutions as distinguished from the persons who hold offices in these institutions. Law Day affords an opportunity to the American people to pause and reaffirm their dedication to both the rule of law and to the legal institutions of which it is composed.

Those institutions under our separation of powers doctrine are largely divided into executive, judicial and legislative at each level of government. These three separate branches operate as brakes upon each other. They are specifically designed to create a balance of power. The checks they have on each other are our best insurance against the tyranny of absolute power in any one branch of government. It is an over-riding purpose of Law Day—U.S.A. to increase knowledge of, and thus respect for, and appreciation of, these vital institutions as well as for law rules. On Law Day we should review the status of each governmental institution on each level of government and take action to increase respect for each of these institutions in order that we may increase respect for the rule of law. And on Law Day we should recall to those who would tear down the "establishment" or "the system" that these are made up of law and without these law institutions our rights as Americans cannot exist.

Law Day is designed to stimulate discussion and debate on the current status and values of our law and of each law institution. It thus affords an opportunity to consider the processes provided by law for their reform, or updating, to cause better service to our people. Dean Roscoe Pound has said that law is "experience developed by reason, and reason tested by experience." He cited our law system's capacity "to keep that which is good, and cast aside that which is bad, because the criteria for testing is deep seated in moral and ethical considerations."

On the National level on this Law Day—U.S.A. I call upon the American people for increased respect and appreciation of the Institution of the Presidency of the United States. President Richard M. Nixon has earned increased respect for this great Institution by the tremendous job he has done and is doing in this most difficult of offices. He has conducted himself with care, candor, dignity and a capacity which honors and enhances the great office he holds. But I am not here to praise Richard Nixon again as I confess that I have been doing that for more than 30 years. I am here to cite the immense importance to every American of the Institution of the Presidency. Regardless of one's views of Richard Nixon, Lyndon Johnson, Harry Truman, Abraham Lincoln or any other President, the great Office is of vital importance to every American. Our system of the rule of law cannot operate if we allow the tearing down of the Presidency. We must explain to the people their personal stake in this great Institution so they will honor the office even though they disagree with the views and actions of the person who occupies it. I am not asking for any cessation of criticism of any President, as criticism is too a vital part of our democratic system. I do call for protection and preservation of the Institution by maintaining for it the respect it deserves.

Moving to the Judiciary I call upon all Americans for increased respect for the Supreme Court of the United States and increased respect for our entire Federal Judiciary. To me this is an imperative of our day, this Law Day. One need not agree with all of its decisions to respect the value and importance of the Institution of the U.S. Supreme Court. That Institution is vital to the preservation of the constitutional rights of every American. If we allow an impairment of confidence in our judiciary we will have eroded that basic and most essential insurance of liberty of the individual in our Country—our independent judiciary. Sure it stands in the center of great controversy as that is its very reason for existence. Disappointment by the losing one-half the litigants is inherent in the system. "Independence" implies the power to be wrong as well as to be right and I do not ask that criticism of court decisions end. I myself have vigorously urged change in decisions but also urged respect for the institution which handed down the decisions I sought to change. Mr. Justice Brewer once said:

"It is a mistake to suppose that the Supreme Court is either honored or helped by being spoken of as beyond criticism."

Governmental paralysis under the Articles of Confederation which provided no such Court to decide great law issues proves the necessity for and the vital role of the Supreme Court.

It was a great Virginian, Chief Justice John Marshall who said:

"The judicial department comes home in its effects to every man's fireside, it passes upon his poverty, his reputation, his life, his all."

And the pinnacle of the judicial department is the U.S. Supreme Court.

Coming now to the Congress of the United States I call for a vast increased respect for that great Institution which has served our Nation so well throughout all the years of its existence. We can increase respect for the Congress by increasing knowledge of the functions and responsibilities performed by our Senators and Congressmen. I can assure you, after more than 30 years in Washington, that Senators and Congressmen are excelled by no one in their dedication to the good of our Nation. I realize it is popular to roast them individually, and collectively, with criticism but assure that anyone who really studies the work of Congress and learns of the long and effective hours its members devote to their duties and become admirers rather than critics of the Institution itself, regardless of their views on the positions or actions of individual members. I am proud to be on this platform with a great U.S. Senator who is a leader of the Senate has added luster to a renowned Virginia name, the Honorable Harry F. Byrd, Jr.

On the State level our law institutions: Governors, Courts and legislatures deserve respect for the ever improving public service they are rendering. The vast reforms due to the "one man one vote" decisions have heralded a new day for all state government. Again on LAW DAY one should focus upon institutions rather than individuals. And in most instances the institutions will be found to be serving well regardless of the idiosyncrasy of certain flamboyant individual office holders. Here too, I call for increased knowledge which will lead to increased respect for these important institutions of government which are often taken for granted rather than appreciated by the public-at-large.

On the local level Mayors, courts and city councilmen whose every action is usually known to their neighbors 5 minutes after they take it, are deserving of increased respect as they labor mightily to stem our urban crisis. Never has their functions been more important as more people crowd into our cities and city problems multiply. An "appreciation day" for our city mayors, city managers, Judges and City Councilmen is not only a fine idea but it should awaken our children as well as adults to the outstanding and conscientious public service they receive from these increasingly important governmental institutions.

On the international level the UN is weak but has some landmark accomplishments to its credit. Especially is this true in UN programs of aid to developing nations and in bringing down trade barriers. The World Court though having no case on its docket as of today, has handed down 67 decisions of great moment. All but one of these has been carried out voluntarily. A great Virginian, Hardy Dillard, is now a member of this Court where issues between nations should be decided under law rather than by the archiac ritual of killing human beings. And while there is no world legislature, the United States has voluntarily become a party to over 4,000 treaties which we respect as law. We became parties to each of these treaties to obtain something our Nation and our people needed. International agencies set up by treaty to foster trade, travel and aid are constantly grinding out new rules which become

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international law. Law which is respected and followed world-wide. Mark my word, in years to come war will be buried under an avalanche of law as the people cry out for nations to take their disputes to the courthouse rather than the battlefield. Mankind now possessing power to incinerate all of the inhabitants of the world is demanding, and will soon have, a world law system and a world court system or sufficient credibility so that the fate of humanity will be decided by law rather than atomic holocaust.

So on Law Day—U.S.A. we ask all peoples to think and talk about these governmental institutions which with statutes, treaties, ordinances, charters and state and Federal constitutions constitute our rule of law. Despite its defects and deficiencies there never has been a time when our rule of law was more capable of meeting our needs on an international, national, state and local basis. We have more law and better law today than at any time in all history. And above all we have more capability for revising and expanding the law we have to make it relevant and responsive to the current and future needs and desires of our people. All state law and Federal law is now stored on computers for instant access, as is the codes of more and more cities. Many legislatures and the U.S. Congress are using the computer to speed the law making process. Sure the U.S. Code, state codes and city codes need updating and we have the knowledge and ability to make these truly modern for the 1970's But even in their current status these provide a rule of law which is the best in all our history.

Expectations by our people, particularly our younger people, from the performance our legal institutions were never greater. And that is good. I sincerely believe these institutions now have the capacity to meet those expectations which should be met, or that they can be adjusted or amended quickly to do so.

The major need is to awaken these young people to the great value of our law and our law institutions to them now and to their future. At the same time these young people should have their knowledge increased by the facts as to the ways and means provided by our law system for updating and reform of all of our law and all of our institutions. They can then devote their considerable energies toward such updating and reform by use of the ways and means provided by law.

There is an old saying "Evil abounds when good men do nothing." Good men must address themselves to the great task of restoring increasing respect for law and the legal institutions which make up the rule of law in our Nation. In our day of public involvement in public affairs this means taking our case in support of such respect to the people. Law Day can help but all Americans have a responsibility for and a vital stake in increasing respect for law and its institutions. Regardless of your occupation, your business or your profession, I hope Law Day will enable you to realize this and start living up to your responsibility.

My point is that you might not like, or approve the performance of certain persons who hold office under Federal, state, local or international law, yet the institutions which provide the offices they occupy are deserving of respect. If any such institutions are not deserving of respect they can be made so by reforms wrought through the processes which are provided by law. Frequently the President proposes and Congress adopts reforms in our Federal laws or new laws. Constitutional change in the way we elect the President is under consideration by the Congress. Proposed reforms of our courts and the Congress are put forth with vigor and many are adopted. The same constant change in the law and its institutions is underway at other levels of government. Change in the law, like change in our ways of living, are facts of life under the rule of law.

Our law mirrors our life. Law touches the nerve centers of men and society. In a sense the measure of our law is the measure of our society.

Above all we must bring home to the dissenters of our day that a full flowering of human endeavor is possible only when the individual is free to think for himself, to follow his own bent, and to enjoy the fruits of his own efforts. And he can do this only if he lives in a society in which his rights are protected and his basic obligations are fixed by law.

To insure equal justice in our land we must do all in our power to preserve and increase the respect of all our people for all our institutions. The stake of the public at large in this matter is indeed tremendous.

Law Day is designed to recall to the minds of all Americans that notwithstanding the size of our Country and the necessary complexities of its organization we live under a system which has produced for the average citizen more vigorous protection of life and person, greater economic opportunity and more personal freedom, than any other system yet developed in the history of mankind.

Our Nation was founded on the great ideals of individual freedom, equal justice and equal opportunity. Throughout our history, success in the struggle for fulfillment of these ideas has been dependent upon the adequacy of our legal system. It is to that system that we owe the preservation of the freedoms of our Constitution and its renowned Bill of Rights. We must insure that our peoples never forget these facts so that a climate favorable to the preservation of our great heritage of freedom under law continues to flourish. Especially is this true in these times when that system and that heritage is under attack.

As we pause on law day to consider our debt to the law and our duty to the law the full meaning of the rule of law can be grasped by envisioning life without law. In a Nation, state or city when law breaks down danger, fear, terror, and death, lurk around every corner. Where the whims of the lawless prevail, voices are stilled, individual freedoms and property rights disappear and commerce and industry fade. When the rule of law prevails any man can live or walk anywhere on the face of the Earth in freedom, in dignity and in peace.

Law day is an event without precedent or parallel in our Nation's history. This nation-wide salute to the law has struck a responsive cord in the deep and abiding faith of our people in the rule of law and has helped strengthen their determination to preserve our way of life under the law.

Let us pledge to each other, here and now, to rededicate ourselves to our most solemn responsibility, the responsibility of preserving and passing on to the generations which follow us as citizens of the United States of America the heritage of individual freedom and equal justice under law which has been ours, and which rightfully must be theirs.

Such rededication and such a pledge must be, and is, the overriding purpose of Law Day—U.S.A. I suggest that such a pledge could well be the program of this great Law School throughout its next 100 years.

ENDING THE WAR IN INDOCHINA

Mr. McGOVERN. Mr. President, last night the distinguished deputy leader of the Senate (Mr. KENNEDY) delivered the inaugural address in the John F. Kennedy and Robert F. Kennedy memorial lectures on international affairs at Johns Hopkins University.

The Senator addressed his central remarks to the necessity of ending what he described as the "degrading and immoral struggle in Indochina." Every Senator, every Representative, every concerned citizen could profit from reading this brilliant and courageous address by Senator KENNEDY.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE INAUGURAL OF THE JOHN F. KENNEDY AND ROBERT F. KENNEDY MEMORIAL LECTURE ON INTERNATIONAL AFFAIRS

(Remarks of Senator EDWARD M. KENNEDY)

It is a distinct pleasure for me to have the opportunity to inaugurate this historic series at Johns Hopkins. I know I need not dwell on the personal significance that I attach to a lecture so named. Suffice it to say that I always consider it most proper that such expressions of a memoriam to my brothers be in this form—at a University and among the young. For both my brothers had an affinity for the young; whether it was what they saw in young minds, in the idealism of youth, in the freedom of expression, in that bottomless well of hope that is so much more prevalent at your age than at mine—whatever it was they saw, the bond was created. The President called upon the young to serve, to give, to contribute selflessly and they responded to him. Later, the young called upon his brother, the Senator, to serve, to give, to contribute selflessly—and he responded to them. And I feel, and I hope you share the view, that we are all better for it, that we are all fortunate they lived—for their experiences and efforts are, I believe, an addition to a better understanding of what this country is, and what it can be.

As you are well aware, most men in public life often begin their remarks by stressing how fateful it is that you are to be addressed in a moment of challenge—a moment when there is great crisis, before you and this nation. This is often said to add weight to the words that are to follow, or to command the attention of the listener. Tonight such rhetorical devices are not necessary. If this nation is in a crisis, deep and pervasive, it does not have to be announced—it is in the air—you and I feel it, and know its depth.

There are so many matters on the foreign policy agenda we could discuss—matters of great importance to our world, our country and each one of us; matters that were of great concern to President John Kennedy and Senator Robert Kennedy. We could speak of Latin America; of those twenty-five Republics that share this hemisphere, where 30% of the population die before the age of 40, where often 10% of the people own over 90% of the land, where poverty, malnutrition and disease are so blatant that an early death among children is often welcomed.

We could speak of the Alliance for Progress—that program and promise of President Kennedy's that has become so tattered that we have watched 13 constitutional governments overthrown in 9 years, that we freely support 11 military regimes, including that in Brazil with its 10,000 political prisoners and torture machines. We could speak of this tonight.

Or we could address ourselves to apartheid in South Africa and oppression in Rhodesia, and ask, as Robert Kennedy did, how in this day can such primitive forms of government exist? We could explore our moral obligation and speculate on whether or not man has truly advanced from the animal state, all the while heading toward serious introspection on matters of equality and race here at home. For we know, in the area of civil rights, we in America are in a period of regression. We could speak of that tonight.

Or the Middle East, where two and a half million Jews vow not to be thrown into the sea, while their adversaries have employed the pilots and war machinery of another great power. This confrontation holds out little hope for world peace and I am sure that we have moral responsibilities that must be explored and discussed. We could talk all evening about that.

Or of the Salt Talks, or of overpopulation, or the misery that engulf the southern half of this planet and the wars and potential wars that may develop unles we break from the view that peace is only secured through missiles and megatons. We could talk about that tonight, for it would all be both fitting and proper in this forum.

But we cannot give our time and energy to these problems, for our minds are pinned down, as are our men, in that degrading and immoral struggle in Indochina. Try to raise your mind to hopeful thoughts, try to lift your voice in defense of our nation, and her role in the world, seek to impress a foreign visitor with pledges of compassion and commitment to peace—try to do that and Vietnam, Laos, and Cambodia will drag you back down to the reality of a war that robs us of the best in us, and makes our voice ring hollow in the world.

But tonight, the news from across the nation is news of unrest, turmoil and dissention. Soldiers are emplaced where students live, universities are shutting down, canceling classes, examinations and commencements. Marches are planned, speeches are given, police are on the alert or in the streets—all because of a serious failure of our institutions to meet their responsibilities, all because of a serious misunderstanding on the part of our President and this nation's leadership of what this country now considers to be a moral, not a military question.

For that is what the war in Indochina has finally come down to—not a question of military defeat, of military humiliation, of a physical loss of face. What is now at issue is how a great nation, persisting in this effort can end it in such a way that we as a people do not suffer an inner defeat, an inner humiliation, a loss of moral face—and all the values we profess to hold.

We are a people of compassion, we choose to believe. Yet we have used our technology, our machinery, and even our men to wreak havoc on a small nation that cannot comprehend our intentions. Hundreds of thousands of Vietnamese civilians have died or been mangled for our definition of what is in their best interest.

We are a people committed to law, to the Democratic process, and the well established cross-checks on our great institutions of government. Yet without permission, consultation or forewarning, our leaders have chosen to invade the sovereign territory of another state, wiping out villages, driving people from their homes, in search of some bunkers or telephones or rifles—again to satisfy our view of what is in their, and our, best interests.

We are a people whose basic nature, and indeed whose survival, has caused us more often than not to place trust and respect in our leadership, fully expecting that trust and respect to be mutual and reciprocal. Yet today we see the loss of those affections and regards, and a retreat to name-calling and repression, so that a few men, a very few, can carry on a war as they wish, without the hindrance of questions from a free society.

We are a people who value life, who formed a revolution to protect the rights of man, who have always looked to the hope and promise of youth. Yet today youth is the enemy, every campus a sanctuary harboring a conspiracy that requires men with loaded weapons to control.

So in reality, what are we? We are a people in deep trouble, torn by war, distrustful of government and its pronouncements. But we cannot remain this way if we are to remain anything at all. This state of affairs cannot be permitted to continue without risking every good, every hope, every dream, that brought this nation through her two centuries of life.

And so it is, meeting in an international forum, our attention tonight must be focussed on perhaps the most important international crisis facing the entire world tonight—the internal dissension in the United States of America, the alienation of her people, the unchecked expansion of the power of her leadership, and all this means, not only for America's future, but that of the world.

Last Thursday evening the President of the United States announced the invasion of Cambodia. We were shocked, we were hurt. For most people felt that there was a tacit understanding in our country that the direction of activities in Southeast Asia was going the other way.

After years of debate, of confrontation, of strenuous argument and political upheaval, the American people seemed to conclude that Vietnam as a fact of life was on the wane. So certain were many that this matter had been settled that we celebrated Earth Day on April 15 and turned our minds to inner tubes and beer cans, auto exhaust and smoke stacks. The Vietnam Moratorium Committee was forced to close its doors for lack of funds and interest. But then last Thursday changed all that, and ecology is on the back burner, for Southeast Asia has come undone.

In retrospect, what right had this nation to expect that those enamored with the illusion of a military victory would acquiesce to our fondest dreams? Who ever guaranteed us that the chauvinistic phrases about the flag, about protecting our boys, about my country right or wrong, were carefully wrapped and stored away? What had those opposed to this war done to insure that the energy of their dissent was finally locked into our political process in such a way that the national will could not be reversed? In all truth, little had been done. And so, after three invasions of a new country, after four massive air strikes of North Vietnam, and after brutal deaths at Kent State University, we are back again to ground zero—holding convocations, expressing our mutual frustrations, the young planning marches, and their elders forming committees of eminent citizens.

The error apparently was ours. All should have realized that the natural inclination of unchecked force is to be forceful. For once the scene had quieted, once those seeking peace and disengagement were so silent they could be abused by high officials, once the media had learned its lesson, our leaders resumed the high level of war. Force did what force will always do, it moved, releasing its potential in thousands of men, hundreds of planes, and the clanking of tanks through the monsoon rains.

All the energy of might, held in abeyance for the times to be politically right, was released for that one last try, that thrust of anger across a border in a blind search for those who had brought our military prowess so low. And so those of us who feel strongly on matters of war and peace were hurt, and we felt betrayed.

But again the error was ours, for all that had been accomplished by past expressions of dissent was symbolized by Vietnamization and the withdrawal of troops from Vietnam. Unfortunately this proved to be more gossamer than cloth. For we who differ had not, in hard political terms, nailed it all down.

So we must start again. But I would warn you, as one who shares your frustration and aspirations, that if we simply rely on past practices of expression we will fail again. For the signs of a new but meaningless accommodation are present. The United States, we are told, will now go no further than 30 kilometers into a place we have no business being in at all. And, we are told, we will remove ourselves by June 30th from a country we will have been in eight weeks too long. Finally, we are told, there will be no more "reinforced protective reaction" airstrikes in the North. Whether or not all this is true, or will prove to be true, now depends on what those who stand in opposition elect to do.

For myself, the course that the Congress of the United States must take is clear. We who have control over the appropriation of money must exercise that control and do it without delay. No more funds can be appropriated to the military, now and in the future, without a prohibition in law against the use of American men, planes, or other military equipment in Cambodia. Similarly, restrictions must be placed on funds for Vietnam that would guarantee the completion of withdrawal from that place, by making it financially impossible to stay there. This is a function of the U.S. Senate that can be constructive and firm, and I mean to work for it.

There can be no more reliance on resolutions, no more reliance on meetings and tacit understandings. Late though it is, and slow that we came to it, the hard step must now be taken to deny the President the arbitrary powers that he has assumed.

As for yourselves, I wish to take the liberty of suggesting that many expressions of dissent are not helpful to the cause many young people profess to serve. What is the purpose of dissent in a matter of this importance? Is it simply to gratify ourselves, to undertake our individual act of bravado, no matter how meaningless, simply for the admiration of those who happen to observe it?

Surely it is not that. Then what is the purpose of dissent? It is to end the war by bringing about real political change. It is to attract through argument and deed those who still falter in questioning an executive decision, regardless of their uneasiness with it. It is to make the opposition to our policies in Southeast Asia grow and expand into a political force of consequence, not shrink into the property of a narrow group comfortable in their own reassurances.

And how should dissent be expressed? If you are opposed to the use of violence in Vietnam, Laos and Cambodia, then you can never resort to violence, no matter what the provocation, no matter how burning the issue here at home. For violence has no reward; violence is an act of self-indulgence; violence is an admission of the lack of power; violence has no morality in it—all that it leaves in the crucibles' ashes is the bitter dust of hate; violence seeks to cause pain, not reform; violence deals the final injustice to the sincerity of your views. It is the one act awaited by your antagonists to prove their point; it is the act that will ultimately bring repression. Physical violence has no place in America, it has no place in you or your cause.

And violence of the word is the same. It is demeaning and creates scars that have nothing to do with the issue before us. To call a police officer a "pig" is sheer malice and a hateful act, to cry "burn" or "kill", or use common vulgarities, is not the act of any man who professes to celebrate life and the dignity of man above all else.

These are not the words of men of peace. We must leave those abuses to those who need them to express themselves. If one of the highest officials in the government finds his cause so weak or his position so insecure that he must constantly provoke and antagonize—that is his prerogative. Perhaps he just may have nothing else to say to America. But it is not your prerogative if you wish to stand against the war and bring others to your cause. If the President of the United States wishes to use a word from the street to describe American students, that is his loss—it may demean his office but it does not demean the student. There is, then, no justification in saying that because those in power resort to violence or name-calling, those expressing a different view can do the same. For the object of dissent is not revenge but change. And if any act does not contribute to the change we seek it is a negative and unworthy act.

So I would stress to all, young and old alike, who feel compelled to take some form of stand on the question of war, to do it in such a way that it will end war—to do it in such a way that it is helpful to someone other than yourself. For dissent is not fun, it is not a lark, it is not time off from school and the personal responsibilities of life—people have died for it here at home, and thousands more will die abroad if it fails to be effective.

I would implore you to realize your own power to be effective. The political experiences of 1968 have proven that when young people are active in the political arena, they can be the most forceful element in the country. Work, then, for those who seek office and seek peace. Work in your own way, using you education and skills to convince others that war unrelated to survival is not a natural act of great nations—it is unnatural. Work to promote discussion and dialogue to draw out the views of those in all levels of power too timorous to be committed. One great university has chosen to stay in session now, but to close in the fall prior to elections so that the students may work as a memorial to those who died. Surely your imagination and drive can open countless avenues by which you can be effective.

But you must work to change this country, for it is yours to have and to give to your children.

Above all, let us never again desert this issue of Vietnam until it leaves us. No matter how much adrenalin there is in other causes, in other issues—it is the war that must end first—for it is most harmful to all living things.

TUMOR VERSUS TUMOR PLAN APPEARS PROMISING

Mr. YARBOROUGH. Mr. President, I have been very much pleased lately by the many reports I have read indicating progress in the battle against cancer. The latest report I have read on this subject is by Miss Judith Randal, staff writer for the Evening Star. It appeared in the March 26, 1970, issue of the paper. It states that antibodies formed in response to one tumor may trigger an immune response in another patient. This response might cause the cancer to be rejected.

The treatment for a cancer patient is administered on a two-step basis. The first which is performed on an outpatient basis calls for a weekly injection with minced tumor tissue of the same cancer type as the patient's. The second which is performed on an inpatient hospital basis calls for a transfusion of blood plasma and white blood cells from the patient who supplied the tumor tissue.

To date, 54 patients have undergone the two-step procedure. Of these, 19 were so sick that they died within a month after treatment was started. Many of the rest, however, are alive and well, even though their cancer was widespread. And of these, 13 have done particularly well. In nine of these patients large tumors have shrunk or disappeared; in the other four, rapidly spreading cancer has stopped growing.

Mr. President, because I feel that the article would be of interest to Senators, I ask unanimous consent that Miss Randal's report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TUMOR VERSUS TUMOR PLAN APPEARS PROMISING

(By Judith Randal)

SAN ANTONIO.—Scientists are achieving modest but promising success with a cancer treatment that helps the patient fight off his tumor with a tumor from someone else.

The idea, according to Dr. Loren J. Humphrey of Emory University in Atlanta, is that antibodies formed in response to one tumor—while helpless against it—may trigger an immune response in another patient.

This response, it is thought, may cause the cancer to be rejected much as a heart or kidney is rejected after a transplant operation.

In a report to the American Cancer Society's science writer's seminar here, Humphrey said that the treatment is administered in two steps.

In the first, performed on an outpatient basis, the patient is injected at weekly intervals with minced tumor tissue of the same cancer type as his own.

In other words, if his disease is a sarcoma—a cancer of bone, muscle or connective tissue like cartilage—the tumor he receives will also be a sarcoma. If he suffers from a carcinoma such as breast or lung cancer, that is the kind of tumor his injection will contain.

Although the treatment in itself sounds dangerous, none of the 120 patients who have received from 4 to 16 doses of the preparation has developed a tumor at the injection sites, which are under the skin of the legs.

In the second step, the patients are matched to others of the same blood type who also have cancer and have also received the vaccine. They are then admitted to the Emory University Hospital.

During hospitalization each patient is transfused so that he receives the blood-plasma and white blood cells of his partner. The material is obtained by removing some of his blood and separating out the red blood cells which are then returned to him.

Again, the idea is to stimulate the patient's body to reject his tumor by providing him with material from another cancer patient that may prove hostile to the cancer. Experiments have shown that the blood plasma and white blood cells of people with cancer contain antigens.

Antigens are proteins which cause the body to form other proteins called antibodies which are so shaped that they fit into antigens the way keys fit into locks. If enough antibodies are formed which match the antigens produced by a patient's tumor, the cancer may be destroyed.

To date, 54 patients have undergone the two-step procedure. Of these, 19 were so sick that they died before the treatment could be completed or within a month after their transfusions. But many of the rest—even those whose cancer was widespread—are alive and well over a year later.

The results in 13 of these Humphrey said, are particularly good.

Large tumors have shrunk or disappeared in nine patients and in four others rapidly spreading cancer has stopped growing.

THE NEED FOR MORE EMPHASIS ON BETTER EDUCATION RATHER THAN INTEGRATION FOR INTEGRATION'S SAKE

Mr. ALLEN. Mr. President, the May 1970 Reader's Digest contains an article, in two parts, entitled "Our Troubled Schools":

I. "Integration—A Tragic Failure," a condensation of an article by Stewart Alsop in Newsweek of February 23, 1970; and

II. "Will Busing Make Them Better?" a condensation from U.S. News & World Report of March 9, 1970.

These articles make out a strong case for the need for better education in our public schools throughout the United States rather than concentration on forcing integration for integration's sake.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, May 1970]

OUR TROUBLED SCHOOLS: I. INTEGRATION—A TRAGIC FAILURE

[Condensed from Newsweek]

(By Stewart Alsop)

Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate our nation's schools is a tragic failure.

To admit that this is a fact is to delight every racist and reactionary in the land. The failure of integration is a failure of the American system itself, of the whole *mythos* of the melting pot. Yet truth, like murder, will out, and among those who know the realities, that ugly truth is almost universally recognized. Here, for example, are the reactions of three leading Negroes:

Ben Holman, director of the Justice Department's Community Relations Service: "Of course it's true. I started out at 14 picketing for integration, but it's just not going to work. We've got to admit publicly that we've failed, so we can stop pursuing this phantom and concentrate instead on gilding the ghetto—a massive diversion of manpower and money to the central city schools."

Dan Watts, editor of *The Liberator*, intellectual organ of the black militants: "There's more race hatred in New York today than there is in Mississippi, and it all goes back to the schools. It's a traumatic experience, anyway, for a black kid to be bused clear across town for the privilege of sitting next to Miss Ann. We've got to move away from integration and toward coexistence."

Julius Hobson, the District of Columbia's leading black militant: "Of course integration is a complete failure. What we've got is no longer an issue of race but of class, the middle class against the poor. The schools in Washington have deteriorated to a point almost beyond repair. I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are*. The integration kick is a dead issue.

White liberals are more reluctant than blacks to acknowledge that "the integration kick is a dead issue." Here, for example, is James Allen, U.S. Commissioner of Education: "You have to have an optimistic view. We thought the problem could be settled in a decade or two, but we were wrong. There is no good way out at any time in

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the immediate future, and we've just got to face that fact."

And here is Alan Westin of Columbia University, an educational expert: "We've got to make sure that we don't sell out integration where it has been successful—in Teaneck, N.J., where I live, for example. But that's admittedly an atypical situation. Where integration has failed, the answer may be some sort of biracialism. But if the white doesn't want to integrate, he'd damn well better be prepared to pay."

As these excerpts suggest, there has been very recently a sort of sea change in national opinion, both black and white, on the integration issue. Recently, for example, the New York *Times*, the bellwether liberal newspaper, published two devastating reports. They noted "conditions of paralyzing anarchy" in some integrated New York City schools, and "racial polarization, disruptions and growing racial tensions in virtually every part of this country where schools have substantial Negro enrollments."

If integration is a failure, what is to be done?

Again, what is surprising is how often the same note is struck by those who know the realities. First, "Don't sell out integration where it has been successful." The bridges between the races are too few and fragile anyway, and they must be preserved at all costs. The best way to strengthen and increase them is not to try to force middle-class whites to send their children to school in the ghettos, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Second, as Julius Hobson says, "Make the schools good where they are." John Gardner, chairman of the National Urban Coalition, agrees: "We should not sit around waiting for integration that may never happen." On this point, all agree that, given the eroded tax base of the central cities, only the federal government can really do the upgrading job.

Finally, both black militants and white liberals seem to be reaching out for a new relationship—what Dan Watts calls "coexistence," and Alan Westin calls "biracialism." Both words are disturbing, for there is in them an echo of that discredited phrase, "separate but equal." And yet it is always better to proceed on the basis of a recognition of what is, rather than what ought to be.

[From the Reader's Digest, May 1970]

OUR TROUBLED SCHOOLS: II. WILL BUSING MAKE THEM BETTER?

[Condensed from U.S. News & World Report]

Sausalito, the first California city to desegregate its schools completely—in 1965—now finds its integrated schools in trouble. A grand jury in February called conditions in them "abhorrent" and said: "What began as a beautiful dream of a fully integrated educational institution has turned into a nightmare." Many people who pushed that city's integration drive now send their children to private schools.

Recently, officials in West Haven, Conn., rejected desegregation proposals. The Pontiac, Mich., board of education voted to appeal a court order for integration, and shortly thereafter 7000 people signed petitions opposing any form of busing.

More and more Americans are losing faith in the idea that integration of schools is the answer to the problem of how to provide equal educational opportunities for black children and white. This new idea is growing: More good can be accomplished by improving the schools that Negroes attend.

"White people are not going to let integration take place," says William Cousins, Jr., a black lawyer and city alderman in Chicago. "After some 16 years with school desegregation as the law of the land, we are only an inch—if that much—toward attaining this goal. The best approach is to emphasize improving education in the schools that our children now attend—and increasing our community control over those schools."

"Let's stop kidding ourselves about integration," says Mrs. Thelma Miller, a black who is director of the New York City district of the New York State Congress of Parents and Teachers. "Let's make all schools equally good for all children. Then nobody will mind what school his child attends.

"People who advocate busing for integration are still living in a dream world. The only way we will have honest integration in the schools is, first, by changing housing patterns; second, the hearts of people must be changed. That's a thing nobody has yet been able to do. At one point, I put my own kid on a bus. But when I saw all the things that happened, and the hurt to her, I changed my mind."

In Los Angeles, where a massive program of integration by busing was recently ordered by a state court, James L. Flournoy, a prominent black attorney, said: "Just a few years ago, most black people were willing to accept busing as the only way to achieve integrated schools. Now they are more concerned over the quality of education their child will get. Blacks are saying that they would rather have better schools in their own neighborhoods."

George Romney, Secretary of Housing and Urban Development, has said: "Busing is not the basis for overcoming the vital problems resulting from separation of our people in most communities. It is a superficial compromise. I believe that every American school child is entitled to the opportunity to attend a quality school within a reasonable distance from his home."

In Lansing, Mich., Mrs. Bernice Davenport, a black, called busing "a degrading game." In Grand Rapids, Mich., where 1130 black and 2619 white children are bused daily into integrated schools, Mrs. Phyllis Scott, a black, helped organize a brief black boycott last September. "We don't want a segregated school system," says Mrs. Scott. "But busing for integration is wrong. Quality education is what counts, and this should be the commitment of education boards across the country."

Where large-scale integration has been attempted, the results frequently have been resegregation, as whites move out of mixed-school zones or send their children to private schools. "Because of this resegregation, many of the court orders are self-defeating," says John W. Letson, superintendent of schools in Atlanta. In that city, which started desegregating in 1961, more than a score of all-white schools have become almost all-black.

Now Atlanta is facing a court order to expand its integration by transferring about 4000 more pupils to different schools. Comments Letson: "Resegregation is evidence to me that we should take a look at what we are doing—going blindly down a programmed alley to accomplish something, when all the evidence suggests that we are not accomplishing it. Why go through all this turmoil and wind up with an all-black city?"

Washington, D.C., is often cited as an example of what can happen. So many whites have fled Washington that now its schools are 94-percent black—and their educational standards are under sharp criticism.

William Raspberry, a black columnist for the Washington *Post*, observed recently: "One reason why the schools are doing such a poor job of educating black children is that we have spent too much effort in integrating them and too little on improving them. Integration was simply a means to an end. Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education, but to integrate classrooms. The results can sometimes be pathetic. Isn't it about time we started concentrating on educating children where they are?"

All this does not mean that the long-range goal of integration of the races has been abandoned. "There has been no change in our support of integration," says John A. Morsell, assistant executive director of the National Association for the Advancement of Colored People. "If there is any chance at all of reaching our goal of a truly democratic society, it has to be via the integration approach."

Many Negroes agree. Negroes are "absolutely not" losing their interest in integration, says Charles Belle, president of the San Francisco branch of the NAACP. "But right now integrated schools do not exist. And blacks have found, North and South, that their children are getting inferior educations. So the trend now is toward getting a *better* education for their children."

SECRETARY HICKEL'S LETTER

Mr. DOLE. Mr. President, this morning's New York Times and Washington Post carry front-page stories about a letter from Secretary of the Interior Walter Hickel to President Nixon. The implication of these stories was that Secretary Hickel was issuing grave warnings or complaints about administration policy and attitudes toward America's youth and members of the Cabinet.

A reading of the full letter, without interpretive extractions of partial sentences and interlineations of reportorial analysis, presents a different picture.

Neither the Post nor the Times found it appropriate to place the text of Secretary Hickel's letter near the front page headlines proclaiming their analysis of it. This being the case, I ask unanimous consent that the letter be printed in the RECORD, so that Senators who may not have had time to scan the back pages may read the letter in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 7, 1970]

HICKEL: "YOUTH . . . MUST BE HEARD"

(Text of the letter that Interior Secretary Walter J. Hickel sent to President Nixon.)

DEAR MR. PRESIDENT: I believe this administration finds itself, today, embracing a philosophy which appears to lack appropriate concern for the attitude of a great mass of Americans—our young people.

Addressed either politically or philosophically, I believe we are in error if we set out consciously to alienate those who could be our friends.

Today, our young people, or at least a vast segment of them, believe they have no opportunity to communicate with government, regardless of administration, other than through violent confrontation. But I am convinced we—and they—have the capacity, if we will but have the willingness, to learn from history.

GREAT DEPRESSION

During the great depression, our youth lost their ability to communicate with the Republican Party. And we saw the young people of the 1930s become the predominant leaders of the 40s and 50s—associated not with our party, but rather with those with whom they felt they could communicate. What is happening today is not unrelated to what happened in the 30s. Now being unable to communicate with either party, they are apparently heading down the road to anarchy. And regardless of how I, or any American, might feel individually, we have an obligation as leaders to communicate with our youth and listen to their ideas and problems.

About 200 years ago there was emerging a great nation in the British empire, and it found itself with a colony in violent protest by its youth—men such as Patrick Henry, Thomas Jefferson, Madison and Monroe, to name a few. Their protests fell on deaf ears, and finally led to war. The outcome is history. My point is, if we read history, it clearly shows that youth in its protest must be heard.

Let us give America an optimistic outlook leadership. Let us show them we can solve our problems in an enlightened and positive manner.

As an example, last Dec. 16, I wrote to you suggesting that April 22, Earth Day, be declared a national holiday. Believing this would have been a good decision, we were active on university campuses over the Christmas holidays with a program called SCOPE (Student Councils on Pollution and the Environment). It was moderately successful, and it showed that it was possible to communicate with youth. I am gratified that on April 22, I, and approximately 1,000 Interior employees, participated in Earth Day commemorative activities all over the United States.

CROSSED BRIDGE

I felt, after these meetings, that we had crossed a bridge; that communication was possible and acceptable. Likewise, I suggest in this same vein that you meet with college presidents, to talk about the very situation that is erupting, because before we can face and conquer our enemies, we must identify them, whether those enemies take physical or philosophical form. And we must win over our philosophical enemies by convincing them of the wisdom of the path we have chosen, rather than ignoring the path they propose.

In this regard, I believe the Vice President initially has answered a deep-seated mood of America in his public statements. However, a continued attack on the young—not on their attitudes so much as their motives, can serve little purpose other than to further cement those attitudes to a solidity impossible to penetrate with reason.

Finally, Mr. President, permit me to suggest that you consider meeting, on an individual and conversational basis, with members of your Cabinet. Perhaps through such conversations, we can gain greater insight into the problems confronting us all, and most important, into the solution of these problems.

Faithfully yours,

(s) WALLY.

OUR DISTINGUISHED AMBASSADOR TO THE UNITED NATIONS, MR. CHARLES YOST, STRONGLY URGES SENATE RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, our Ambassador to the United Nations, the Honorable Charles Yost, recently testified before a special Foreign Relations Subcommittee in favor of prompt U.S. action on the Genocide Convention. He clearly described the anomalous situation that has resulted from the failure of the United States to act in this crucial area. Mr. Yost stated:

> Thus, for nineteen years, the United States has stood aloof from this international treaty in the drafting of which we fully cooperated, and in the purpose of which we fully concur. This situation is almost incomprehensible to other nations. . . . This course of action, or rather inaction, has given ammunition to our detractors and perplexity to our friends around the world.

As I stated in my testimony before this special subcommittee, the Senate now has the best chance to ratify the Genocide Convention in the 20 long years since President Truman submitted this treaty in 1949. We now have the opportunity to correct the disastrous anomaly resulting from our failure to accede to this vital international agreement. We must not let this chance go by.

Ambassador Yost also spoke eloquently of the tremendous, and extremely important, impact that U.S. ratification of this treaty would have on world opinion. Based on his own experiences as our Ambassador to the United Nations and his extensive involvement in international relations, Mr. Yost told the subcommittee that:

> No question that has ever been asked me about the policy of my country—has been more difficult to answer than questions about American inaction on this convention. To answer once and for all such questions, to remove such a needless source of ambiguity and confusion from our foreign relations, would not, I believe, fail to serve the interests of the United States.

Mr. President, the Senate would do well to heed this excellent advice from our U.N. Ambassador.

Mr. President, I ask unanimous consent that a portion of Mr. Yost's informative testimony be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR CHARLES W. YOST

Mr. Chairman and members of the Committee: It is a privilege for me to testify before this Subcommittee of the Foreign Relations Committee in favor of ratification by the United States of the Convention on the Prevention and Punishment of Genocide.

The position of the United States on this treaty has followed a puzzling and somewhat ironic course over the past quarter of a century. In 1945 the American people stood aghast, as did the entire world, at the revelation of the crimes committed by the Hitler regime, which is estimated to have sent some six million human beings to their death in its systematic program to exterminate the Jewish people. It was this hideous episode that gave rise to the legal concept of "genocide" and to the movement to outlaw genocide as a crime under international law.

The United States joined wholeheartedly in that movement. We joined in the unanimous vote by which the first session of the United Nations General Assembly, on December 11, 1946, adopted its resolution on this subject. This resolution branded genocide as a crime and invited member states to enact legislation to prevent and punish it; and in addition it called for the drafting of an international convention for the same purpose.

The resulting Convention was unanimously adopted by the General Assembly on December 9, 1948—again with the concurring vote of the United States. Two days later the United States signed the convention. President Truman submitted it for the advice and consent of the Senate on June 16, 1949. In 1950 a subcommittee of this Committee held hearings and reported the Convention favorably to the full Committee, which, however took no action. In 1951 the Convention entered into force, having been ratified by the requisite 20 states, but the United States was not among them. Today the Convention has 75 parties, the most recent of which, the United Kingdom, deposited its instrument of ratification on January 30, 1970. But still the United States is not a party.

Thus, for nineteen years, the United States has stood aloof from this international treaty in the drafting of which we fully cooperated, and in the purpose of which we fully concur. This situation is almost incomprehensible to other nations. We abhor the crime of genocide; we desire to ensure that it never happens again; we profoundly support the building of a world order based on law and justice. And yet we still hang back from this instrument which seeks to put into practice these very concepts which we as a nation have consistently favored. This course of action, or rather of inaction, has given ammunition to our detractors and perplexity to our friends around the world.

It was therefore widely welcomed when President Nixon last February moved to correct this anomaly by his message urging the Senate anew to consider this Convention and to grant its advice and consent to ratification. We very much appreciate the prompt response of this Subcommittee to the President's request.

In this brief statement it is not my purpose to discuss in any detail the legal aspects of the Convention, on which later witnesses are of course prepared to testify. The heart of the Convention is the agreement of the parties that certain acts intended to destroy, in whole or in part, a national, ethnic, racial, or religious group, constitute genocide; that genocide so defined is a crime under international law, and that the parties undertake to punish it in accordance with their respective constitutions. I emphasize that the Convention deals with acts intended to destroy *groups* of human beings and does *not* concern individual homicide, which is quite a different matter. The question to which I shall address myself, however, is the bearing of this Convention on the basic interests of the United States.

It is my belief that ratification of the Genocide Convention by the United States would substantially serve our national interest in two ways: first, by its impact on world opinion, and second, by its impact on world law.

As regards world opinion, this Convention has attained over the years since it was first drafted a position of unique symbolic importance as an act of the world-wide condemnation of what is perhaps the most dreadful crime men can commit. In the context of modern history it also stands for another principle of fundamental importance, namely that whatever evils may befall any group or nation or people are a matter of concern not just for that group but for the entire human family.

It is almost needless to remind this Subcommittee that these principles and human feelings lie very deep in the American tradition, and indeed express our nation at its best. How exceedingly frustrating it is, therefore, that our country should for so long have stood aloof in the community of nations from this treaty which gives such powerful historic expression to our own feelings and principles! I can assure the Subcommittee that in my diplomatic life, at the

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United Nations and elsewhere, no question that has ever been asked me about the policy of my country has been more difficult to answer than questions about American inaction on this convention. To answer once and for all such questions, to remove such a needless source of ambiguity and confusion from our foreign relations, would not, I believe, fail to serve the interests of the United States.

COMMUNISTS NOT CIVILIZED IN TREATMENT OF PRISONERS OF WAR

Mr. WILLIAMS of Delaware. Mr. President, since the early 1960's the United States has been involved in a grim and terrible war in Southeast Asia. Perhaps nowhere is the total grimness of that conflict more apparent than in the treatment of the unfortunate Americans who have been captured by the enemy.

Throughout the history of civilized nations, efforts have been made to protect the lives and well-being of prisoners of war. Long ago the notion that they could be held as hostages was abandoned by men who considered themselves as civilized human beings.

This effort at humane treatment of prisoners has been formalized by a series of agreements known, loosely, as the Geneva accords. Among the agreements is that warring powers will provide prisoners with an adequate diet and with medical attention. Further, an accounting is to be made of all prisoners captured.

Additionally, these agreements provide that prisoners must be allowed to communicate with each other and with the outside world. They are supposed to be able to receive and send letters and to receive packages.

At all times, war is a grim business. But civilized people have over the years done their best to minimize the horrors of war as they relate to prisoners who are no longer capable of defending themselves.

During the entire course of the Vietnamese conflict the Communists have refused to abide by any of these principles laid down at Geneva. They have refused to give any accounting to anybody of the names of the men they have captured and are holding prisoner. They have refused to give an accounting to anyone on what they have done for the sick and wounded. They have refused to permit communication between the prisoners and the outside world. They have refused to allow families of prisoners to communicate with their men.

In short, the Communists have treated the whole matter of prisoners totally outside the criteria laid down by civilized nations.

To date, we have been able to do nothing to force the Communists to accept the role of civilization.

World opinion is against them. But it must be mobilized to an even greater degree by every means possible if we are to force the Communist North to act in a humane manner toward the prisoners they hold.

Our Government must work through its representatives in Paris, Warsaw, Moscow, and wherever else we have contact, either official or unofficial, with Communist delegations.

Mr. President, we cannot rest, we must not rest, until the well-being of these 1,400 Americans is assured.

WOMEN'S CLUB CALLS FOR 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Big Thicket was known to the Indian tribes who inhabited it and hunted there as "The Big Woods." During the historic period, the Big Thicket was inhabited by the Akokisa and the Bidai Indians. About 1800 the Coushatta Indians, and a little later, the Alabama Indians settled in the region, having moved from the East. At the present time the Alabama and Coushatta Indians still remain in the Big Thicket on Texas' only Indian reservation.

In spite of the many inroads, there are still substantial sections of the Big Thicket which are basically unaltered and very impressive. In fact, there are extensive vistas which would appear to the visitor to be as untouched as the original forest when first viewed by white men, when only Indians lived and hunted there.

Mr. President, it is precious and priceless natural areas such as these which we should preserve for posterity and our own enjoyment and recreation. The Women's Club of Rio Grande City has forwarded to me a resolution expressing their strong support of the Big Thicket National Park. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, the area of East Texas known as the Big Thicket has a unique ecology consisting of eastern, western and northern elements, as well as great natural beauty, abundant fresh water supplies, multifarious plant and animal life; and

Whereas, this area has successively been approved by the National Park Service as a desirable site for a National Park; and

Whereas, the need for the acquisition of additional land suitable for park use is evident from the strain put on existing park facilities by our growing population and the increase in tourism within our country; and

Whereas, the establishment of a National Park in this area is certain to bring esthetic, scientific and economic benefits to region, state and nation; and

Whereas, this beautiful and unique area is being rapidly destroyed by commercial interests; and

Whereas, the Texas Federation of Women's Clubs has declared the preservation of the Big Thicket a special project; therefore

Be it resolved that the Woman's Club of Rio Grande City, Texas urges the preservation of 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

Be it further resolved that the Texas Federation of Women's Clubs go on record as requesting the Congress to pass immediately S4 and set aside 100,000 acres of East Texas as a Big Thicket National Park.

Adopted November 6, 1969.

Mrs. MACK F. CUMMINGS,
President.

ROTC GAINS GROUND DESPITE OPPOSITION

Mr. GURNEY. Mr. President, we hear a lot about some of the big eastern colleges that are dropping Reserve Officer Training programs; colleges like Harvard, Tufts, Dartmouth, Brown, and so on.

But there is very little in the newspapers about the fact that colleges outside the East are tripping over themselves in the rush to try to get these ROTC programs reassigned to their schools.

For some reason, Harvard and Tufts make the headlines while the other dozens of colleges do not.

In testimony before the House Appropriations Committee, both the Army and Navy brought out these facts. They are reprinted in the Christian Science Monitor of May 5.

Dartmouth and Harvard are quitting the Army ROTC program this June. Meanwhile, no fewer than 42 colleges are standing in line trying to get Army ROTC programs on their campuses.

Harvard, Columbia, Brown, Tufts, and Dartmouth have signified they will not continue Navy ROTC programs on Navy terms.

Meanwhile, no fewer than 100 colleges across the Nation have asked to get ROTC programs from the Navy.

Mr. President, these big-name colleges are, of course, private institutions, and their relationship with the Reserve Officer Training program has to be a mutually agreeable one. If they decide they do not want this relationship any longer, then they are privileged to drop it.

Mr. President, I ask unanimous consent that the Christian Science Monitor article entitled "ROTC Gains Ground Despite Opposition" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROTC GAINS GROUND DESPITE OPPOSITION

WASHINGTON.—Although some major Eastern educational institutions are dropping Reserve Officer Training Corps programs, Pentagon officials say many other schools are seeking to establish the programs.

The impact of militant antimilitary elements on campus and problems of trying to keep staff status and student credit levels, came under review during a recent series of hearings by a House appropriations subcommittee, according to newly released testimony.

TESTIMONY GIVEN

Pentagon witnesses noted:

Dartmouth and Harvard are quitting Army ROTC this June, while 42 other schools are applying for units.

Harvard, Columbia, Brown, Tufts, and Dartmouth "have signified they will not continue Navy ROTC on Navy terms." Negotiations are under way at Yale and Princeton—along with Virginia, Michigan, and Stanford—"concerning the conditions under which we will or will not remain on campus." The officials said about 100 schools have applied for the Navy program.

The Air Force will end its ROTC at Colgate this June; at Harvard, Brown, and Dartmouth in June 1971 under mutual agreement; and at Tufts in June 1972, because of "low production." The Air Force is negotiating contracts with Princeton, Massachu-

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setts Institute of Technology, Michigan, and Stanford. Major issues involve departmental status, academic credit for ROTC courses, and academic rank for instructors.

TERMS QUESTIONED

Vice-Adm. Charles K. Duncan, chief of naval personnel, told the defense subcommittee some schools with Navy ROTC "have laid down terms which I rather doubt we will meet."

"They would retain Navy ROTC units if we meet their terms" he added, "but they may lay down terms we know we cannot meet."

"I hope you will not bow down to any terms," replied Rep. George W. Andrews (D) of Alabama. "One of the terms might be that you let your people grow hair down to their shoulders and beards all over their faces. Certainly, the Navy does not want that."

BIG DROP NOTED

During the testimony, Admiral Duncan said the Navy's ROTC program has sustained a 30 percent drop in nationwide applications during the past three years in that part of the program in which the Navy subsidizes tuition.

"We believe this phenomenon is attributable largely to the antimilitary activities of many dissident student groups," he added.

He said the withdrawal of units from Brown, Columbia, Dartmouth, Harvard, and Tufts was "necessitated by our inability to operate programs which are viable and conform to statutory provisions within the restrictions imposed by these colleges."

PRESSURE FACTOR?

Maj. Gen. Edward A. McGough III, director of personnel planning for the Air Force, said he is certain the pressure of dissident students had some part in disagreements between the Air Force and officials at Colgate, Harvard, Dartmouth, and Brown. But, he added, "how much, I do not know."

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DIRECT ELECTION OF PRESIDENT THREATENS NATION'S POLITICAL STABILITY

Mr. ERVIN. Mr. President, a number of distinguished scholars of American constitutional law and American political history have warned of the likelihood of chaos upon the institution of direct, popular election of the President. They have pointed to the inevitability of a flood of election fraud charges where the popular election results are very close and a handful of votes out of tens of millions cast could determine the winner. Prof. Ernest Brown, of Harvard Law School, has predicted that every ballot box and registration list in the country would be the subject of such challenges in a closely contested election. I believe that such a flood of election fraud challenges across our land, even when made in good faith, would bring about a serious constitutional crisis. Even if a winner were finally declared through the orderly processes of government, it is difficult to imagine how that winner could govern effectively.

While I hope that a political crisis of this magnitude will never occur in our Nation, the experiences of many other countries who elect their national leaders by direct popular vote make me fear the possibility of such a development if direct election of the President is adopted by our country.

Regrettably, we are at this very time witnessing the dangerous problems stemming from widespread charges of voting irregularities in the nation of Colombia. In that country, the President is elected by direct, popular vote. Apparently, the present contest among the various presidential candidates is very close. Supporters of the two candidates with the highest reported votes are engaged in a wild tumult of election fraud charges and counter charges. Martial law has been declared as the very existence of the government is threatened.

Mr. President, I believe that the present political crisis in Colombia, resulting in part from the flurry of voting fraud charges in a very close presidential election, constitutes another clear warning against instituting direct popular election of our own President.

The newspaper reports of the Colombian crisis deserve the study of every Senator before he decides to abandon a system which has given America political stability for so long in favor of a scheme with a potential for total political chaos.

I ask unanimous consent to have printed in the Record two news articles from the New York Times of April 21 and 23, 1970, concerning the situation in Colombia.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Backers of Rojas Threaten Revolt

Bogota, Colombia, April 22.—As martial law continued in Colombia, backers of the former dictator, Gustavo Rojas Pinilla declared today that they would resort to guerrilla action if necessary to return him to the presidency.

The announcement was made by General Rojas's daughter, who has been a major force in her 70-year-old father's election campaign. Mrs. de Moreno Dias announced a series of protest marches throughout the country.

In the latest ballot count of Sunday's presidential voting, General Rojas, who ruled in 1953–57, was trailing his major opponent, Misael Pastrana, by almost 50,000 votes.

General Rojas charged fraud in the election count. Last night, about 5,000 of his supporters went on a window-breaking rampage through Bogota, prompting President Carlos Lleras Restrepo to impose a state of siege and martial law.

Today, crowds answering the President's call for citizens to turn themselves into "soldiers for democracy," swarmed through streets waving national flags and shouting support for the Government.

Uneasiness spread to Colombia's eastern neighbor, Venezuela, where the Government announced it had tightened security precautions along the border. The Venezuela telephone company said communications between the two countries had been cut at the Colombian end, leading to speculation the Colombian Government was imposing censorship on international communications.

President Lleras Restrepo announced the martial-law restrictions last night in a radio and television broadcast, declaring there was an attempt to overthrow constitutional order.

Demonstrators were driven from Bogota's streets by the police last night but the Government moved a special brigade trained in guerrilla warfare to roads leading into Bogota to prevent supporters of General Rojas from entering the capital.

Government steps included a ban on public meetings, censorship and a curfew in Bogota and other major cities. Provincial officials were authorized to prevent the sale of alcoholic beverages, to restrict traffic and to take control of harbors and airports.

The Government placed all offenses against state security and public order under military courts.

About 100,000 Colombian troops and police remained on full alert to brush possible violence.

President Lleras Restrepo said in his broadcast that he had formed a commission, drawn from the parties of the two main candidates, to insure that the ballot counting was honest.

In Caracas, Venezuela's Defense, Gen. Martin Garcia Villasmil, said "special measures" were being taken by border security forces, including strict control at crossing points and patrols in western Venezuelan towns with large Colombian population.

General Rojas's supporters issued a statement today accusing the Government of falsifying the election result.

"The oligarchial Government that is exploiting Colombia, after preparing a scandalous fraud, is trying now to impose an electoral result that makes a farce of the opinion expressed at the polls by the vast national majority," they declared.

Two Claim Victory in Colombia; Ex-Dictator Charges Vote Fraud

(By Joseph Novitski)

Bogota, Colombia, April 20.—The two leading candidates in Colombia's presidential elections both claimed victory today while the followers of one, Gustavo Rojas Pinilla, marched into the streets in demonstrations protesting alleged electoral fraud.

The lead in yesterday's voting swung overnight from General Rojas, the former dictator, to Misael Pastrana, the candidate of the governing coalition parties. This change and the fraud charges prompted several street demonstrations followers of General Rojas. Companies of military police carrying rifles contained the demonstrations in downtown Bogota. There were no reports of injuries.

The difference in the votes for the two leading candidates was so small that President Carlos Lleras Restrepo said in a nationwide television and radio speech that the final results would not be known until Sunday. The latest official returns, with 93 per cent of the polling places reporting, was 1,447,121 votes for Mr. Pastrana and 1,442,532 for General Rojas.

Mr. Pastrana, the 46-year-old former Ambassador to Washington, who is backed by the constitutional coalition that has governed Colombia for the last twelve years, claimed victory in an afternoon news conference.

Mr. Pastrana's cautious statement that he was "amply satisfied to see how a margin in my favor is being consolidated," contrasted with General Rojas' flat, confident assertion that he had won and that the Government was delaying the vote count in order to adulterate the results.

The empty lots around Mr. Pastrana's isolated home were patrolled by army troops in battle gear and national policemen.

General Rojas, in an interview today, said, "There is no explanation for delaying [the vote count] except that the delay is part of an attempt to use fraud."

"I am sure that the people will not resign themselves to the bald robbery of their election victory," the 70-year-old retired general added. "I must make it clear that when the reaction comes, General Rojas Pinilla has no responsibility for it."

The general said that he had given orders to his followers for peaceful victory demonstrations, telling them to avoid violence.

The general campaigned as the champion

of the poor in opposing the ruling coalition represented by Mr. Pastrana. The coalition of the Liberal Conservative parties was also represented in the race by two other candidates, who conceded defeat last night.

JUDGE JULIUS J. HOFFMAN

Mr. DOLE. Mr. President, one of the foundations of this Nation is our judicial system. That system is now under siege. Attempts have been made to disrupt the procedures which have historically been the last bastion of individual rights. Rather than sanctuaries of dispassionate reason, some would make our courts centers of emotional demonstration, and have sought to abandon the rule of persuasion for a strategy of intimidation.

The trial of the Chicago 7 saw such an attempt to disrupt our judicial system. The Senator from Illinois (Mr. SMITH) spoke to this issue at a Veterans of Foreign Wars "Man of the Year" dinner honoring U.S. District Judge Julius J. Hoffman, the presiding judge at that trial.

I ask unanimous consent that Senator SMITH's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR RALPH TYLER SMITH OF ILLINOIS, PRESENTED AT VFW MAN OF THE YEAR DINNER HONORING U.S. DISTRICT JUDGE JULIUS J. HOFFMAN, CHICAGO, MAY 4, 1970

In the United States of America, people don't defame and curse a judge in his courtroom and get away with it. It is for upholding the essential dignity of our courts—the foundation of our government of law—against those who advocate anarchy in our courtrooms that we honor Judge Hoffman tonight.

During the long months of the Chicago Seven trial, this courageous man suffered the most calculated and incredible abuse that has ever been thrown at an American court. Every day of this trial he was vilified by the Chicago Seven defendants and their attorneys. Every day he firmly conducted his court to give the defendants the fair trial they were entitled to under our law. And when the trial concluded, he fairly and courageously imposed punishment on these offenders for contempt of court.

This is a man we all are proud to have as a member of our judiciary. This is a man who has conducted himself in the highest tradition of the judiciary. He has personally faced up to a problem that we must face individually and collectively as a nation.

What we do with the unruly defendant in a criminal proceeding—the defendant whose sole objective is to degrade the court and destroy the very system of law which guarantees him freedom and liberty, is a problem for all America. But first and foremost it is a problem for the judge and for those of us who serve in public office and must provide any needed mechanical tools.

I don't see the need for any complicated solutions for these people and for the problems they create. I agree with what I know is Judge Hoffman's philosophy. If they violate our laws, arrest them. If the evidence warrants it, indict them. If they are found guilty in a fair trial, convict and punish them. And if they fail to exhibit proper respect for our courts in the process of the trial, cite them for contempt, and punish them for that.

This is our system. It is not a perfect system. Nothing devised and operated by mere human beings is perfect, but it is a good and a sound system. I challenge the malcontents who would destroy our system to suggest a better one. They have not done so. They cannot do so. They can only destroy and create anarchy if we are weak enough to let them.

Only 25 years ago this week, the Nazi Government of Germany surrendered to the allies. I see no real difference between the Nazis who burned books and committed acts of violence against people who stood against them and the destroyers in our own country who burn our universities, violate the property rights of our citizens and throw stones at policemen and college officials.

All of us, private citizens and public officials alike, show profit from this example of Julius Hoffman. We must stand united against those who defame our courageous policemen by calling them 'pigs' or 'storm troopers in blue.'

We must start doing something about the stormtroopers in hippie beads. And I think the place to start is our homes. If I had a youngster like that in college, I would not continue to finance his negative attempt at education and his raids on the college administration building. I would rather send him a bar of soap and a copy of the golden rule. And then I would search my soul to see where I had failed with him—how I had permitted him to get so far off the track, and to see what I might do to straighten out his warped thinking. And if all else failed, I would be willing to buy him a ticket—a one way ticket—to go live in some one of the totalitarian countries whose philosophy and tactics are so dear to the hearts of the destroyer.

There are, as all thinking people know, certain basic cornerstones upon which we in the republic have built the core of this nation's greatness. These include love of country—love which seeks always to improve and strengthen our liberty and freedom; respect for family and friends, but continual respect for the rights of others; and possibly greatest of all, respect for authority, for the law which symbolizes that authority, and for the court which represents that authority, fairly, equally and impartially with all of our citizens.

Judge Julius Hoffman symbolizes to me—to all of us who honor him here tonight—everything that is great and good in our system, and at the same time to expand and improve it for all mankind. He symbolizes the fact that law and order, in every definition of the phrase, is our first and best line of defense against the destroyers in our midst.

I am deeply honored in this privilege I have tonight to share the pleasure in commending a great American. And I am sure you join with me as we all say sincerely—God bless you, Julius Hoffman. Well done thou good and faithful servant. You have done much for us, your grateful fellow Americans.

TAX IMPACT ON NEW MEXICO SCHOOL DISTRICTS OF LOSS OF FEDERAL SUPPORT FOR PUBLIC LAW 874 IMPACTED AID

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement and table prepared by the Senator from New Mexico (Mr. MONTOYA).

There being no objection, the statement and table by Senator MONTOYA were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MONTOYA

Mr. President, the Senate Committee on Labor and Public Welfare is currently considering Administration proposals to revise the P.L. 874 impact aid program. As you know, Congress enacted this funding program in 1951 out of recognition of the necessity to compensate local school districts for the added and often staggering requirement to educate the children of large numbers of government employees and military families.

Many of these people are assigned to an area for a short duration and do not contribute to the tax rolls. Furthermore, most military bases also provide post exchanges for their personnel, and this too cuts into local income because of exemption from local and state sales taxes. Moreover, there exists no authority for local communities to levy taxes on the government facilities themselves. A school District can be and is supported by taxes paid by corporations. Therefore, it is only fair that the Federal Establishment support in a similar fashion the public educational systems of its installations.

The school districts of New Mexico derive almost one-half (49.2% in 1969–1970) of their funding under P.L. 81–874 from the provisions of Sub-section 3(b). Elimination of support for this subsection as proposed by the Nixon Administration will mean the loss of over $6.4 million in desperately-needed funds for the school districts of New Mexico.

Mr. Chairman, in relatively wealthy states this may not present such an overwhelming blow, but in states such as my own, with many heavily impacted school districts and slender tax bases, it represents an intolerable burden for reasons which I have detailed below.

A loss in revenue from any source presents a school district with the problem of finding a replacement source of funds, or suffering a reduction in the quality of education offered. If the children in federally impacted areas of New Mexico are to receive a quality, not a second-rate education, replacement of funds to offset losses in revenues from Subsection 3(b) of P.L. 874 will ultimately increase the burden upon individual taxpayers—most likely in the form of an increase in local school district tax levies. The people of New Mexico are already staggering under the effects of inflation and the heavy tax burden they are carrying—from Federal, property, and sales taxes, plus the additional $25 million in state income taxes imposed upon them, which was partly applied during 1969 and will be fully effective during the 1970 taxable year.

The true magnitude of loss of this vital source of Federal support can be better gauged by expressing the district's individual loss as a percentage of its 1969–1970 revenue from local school tax levies. The accompanying table, which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, shows the projected loss in Subsection 3(b) funds (based upon the number of pupils supported by the subsection in 1969–1970), the total amount of revenue derived from local school tax levies, and the percentage increase in local tax levies required to match the loss in Subsection 3(b) funds. For example, in the Roswell School District, it would require a 26% increase in the local school tax levy to match the loss of $97,224.

Mr. President, I commend this table to the attention of my distinguished colleagues in both bodies of Congress. I hope it will also serve to bring home to the Administration the point that the projected loss in federal support for P.L. 874 assistance will have very far-reaching and serious impact upon poorer school systems throughout the Nation.

PERCENTAGE INCREASES IN LOCAL SCHOOL DISTRICT TAX LEVIES REQUIRED TO MATCH LOSS OF FEDERAL FUNDS FROM SUBSECTION 3(B) OF PUBLIC LAW 81-874

School District and county	Loss of revenue from subsection 3(b)	1969-70 district school tax levy	Percentage increase required to match loss
Alamogordo, Otero	$653, 424	$75, 868	861
Albuquerque, Bernalillo	2, 466, 941	1, 388, 238	178
Aztec, San Juan	69, 008	81, 588	85
Belen, Valencia	53, 979	68, 452	79
Bernalillo, Sandoval	43, 705	22, 450	195
Bloomfield, San Juan	60, 113	88, 958	68
Carrizozo, Lincoln	8, 434	19, 887	42
Chama, Rio Arriba	24, 843	16, 366	152
Cloudcroft, Otero	23, 002	12, 861	179
Clovis, Curry	235, 239	124, 581	189
Cuba, Sandoval	23, 923	15, 708	152
Dulce, Rio Arriba	2, 760	41, 390	7
Espanola, Rio Arriba	242, 446	21, 113	1, 148
Farmington, San Juan	258, 241	252, 392	102
Gadsden, Dona Ana	51, 832	140, 690	37
Gallup, McKinley	148, 443	125, 550	118
Grants, Valencia	40, 638	150, 839	27
Hatch, Dona Ana	18, 555	35, 651	52
Jemez Mountain, Rio Arriba	36, 191	45, 288	80
Jemez Springs, Sandoval	$9, 814	$17, 908	55
Las Cruces, Dona Ana	592, 544	164, 344	360
Los Lunas, Valencia	93, 544	34, 279	273
Magdalena, Socorro	3, 067	14, 017	22
Melrose, Curry	4, 294	29, 889	14
Moriarty, Torrance	5, 061	24, 384	21
Mountainair, Torrance	2, 454	22, 790	11
Ojo Caliente, Taos	17, 022	34, 718	49
Penasco, Taos	13, 802	6, 691	206
Pojaoque, Santa Fe	61, 953	17, 602	352
Portales, Roosevelt	14, 108	68, 894	20
Quemado, Catron	3, 527	21, 285	17
Roswell, Chaves	97, 224	378, 000	26
Ruidoso, Lincoln	8, 434	15, 675	54
Santa Fe, Santa Fe	185, 554	347, 761	53
Socorro, Socorro	63, 974	45, 217	141
Taos, Taos	32, 970	60, 308	55
Truth or Consequences, Sierra	10, 581	26, 971	39
Tularosa, Otero	86, 336	15, 933	542

Sources: Statistics, Public School Finance Division, State of New Mexico, 1968-69.

YALE PETITION ON PROTECTION OF AIR TRAVELERS

Mr. RIBICOFF. Mr. President, hundreds of members of the Yale University academic community sent petitions to President Nixon last month in the aftermath of the Swissair tragedy near Zurich, which took the lives of 47 innocent victims.

I have previously expressed my own outrage over this act of barbarism which took the lives of six Americans. Included in the dead were three residents of Connecticut, among them, my dear friends Dr. and Mrs. E. Richard Weinerman, of Yale.

To date, I am unaware of any effective international action which has been taken to prevent future occurrences of this kind. I hope that this issue of vital importance to air travel will not be neglected until the next murderous assault on commercial airliners.

I ask unanimous consent that a copy of the petition to the President and a listing of the signatories be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION TO PRESIDENT NIXON

On February 21, 1970, 47 passengers aboard a Swiss airliner enroute to Israel were murdered allegedly by Arab terrorists. Among the six American dead were Dr. and Mrs. E. Richard Weinerman from New Haven, Connecticut. Dr. Weinerman, Professor of Public Health and Medicine at Yale University School of Medicine, and his wife were going to Israel on a humanitarian mission to study ways of improving the health care of all people.

Future incidents of the mass murders of air travelers will continue unless this country, with its pre-eminence in the field of civil aviation, takes the lead in insuring that resolute measures are taken immediately to deal with this growing menace. The lack of firm international action against the guilty individuals and against the governments harboring, assisting and encouraging these assassins is largely responsible for this latest tragic episode in Zurich.

We, the undersigned colleagues of Professor Weinerman at Yale, strongly urge President Nixon to commit this nation, in public statements and in deeds, to initiate an international response which will prevent recurrences of the Zurich tragedy as a step toward restoring peace in the Middle East.

SIGNATORIES TO PETITION TO PRESIDENT NIXON

Byron H. Waksman, Chairman, Microbiology.

George W. Ellison, Post-Doctoral Fellow, Microbiology.

Sydney Z. Spiegel, Graduate Student, Microbiology.

Robert J. Ruse, Graduate Student, Microbiology.

Joseph W. Lewis, Jr., M.D., Assistant in Research, Surgery.

Peter Jokl, M.D., Assistant in Research, Orthopedics.

Rufus Howard, M.D., Surgery.

Howard W. Siegel, M.D., Pathology.

Jacob J. Schlesinger, M.D., Pathology.

James L. Bauer, M.D., Pathology.

Daniel M. Albert, M.D., Ophthalmology.

Michael W. Weiner, M.D., Associate in Medicine.

Ralph F. Straup, M.D., Fellow, Urology.

Michael Kashgarian, M.D., Associate Professor, Pathology.

Mary Juibala, M.D., Assistant Resident, Pathology.

Douglas T. Domoto, M.D., Intern, Pathology.

Barbara Cooper, Pathology.

Elias Manuelidis, M.D., Professor, Pathology.

John J. Mooney, M.D., Assistant Resident, Pathology.

Bernard S. Jortner, V.M.D., Assistant Professor, Pathology.

Wm. B. McAllister, Associate Professor, Pathology.

Rhetaugh, G., Associate Professor, School of Nursing.

Vera R. Keane, Associate Professor, School of Nursing.

Sharon Schindler, Instructor, School of Nursing.

Donna Diers, Assistant Professor, School of Nursing.

Ruth Schmidt, Instructor, Research Assistant, School of Nursing.

Ann Slavinsky, Instructor, Research Assistant, School of Nursing.

John A. Wolfer, Assistant Professor, School of Nursing.

Maryann F. Pranulis, Research Assistant, School of Nursing.

Virginia Henderson, Research Associate, School of Nursing.

William K. Trinkaus, Lecturer, School of Nursing.

M. Angela McBride, Research Assistant, Psychiatric Nursing.

Morris A. Wessel, Associate Clinical Professor, Pediatrics.

A. Herbert Schwartz, Assistant Professor, Pediatrics and Psychiatry.

Charles D. Cook, M.D., Professor, Pediatrics.

Jerome Grunt, M.D., Associate Professor, Pediatrics.

Julius Landwirth, M.D., Assistant Clinical Professor, Pediatrics.

Marie J. Browne, M.D., Associate Professor, Pediatrics.

P. T. Magee, Assistant Professor, Microbiology.

Judy Stein, Research Assistant.

Jerome Eisenstadt, Associate Professor, Microbiology.

Melvyn S. Selsky, Associate Professor, Microbiology (Post-Doctoral Sabbatical).

Cynthia F. Norton, Post-Doctoral Fellow, Microbiology.

Audrey Eisenstadt, Associate in Research, Microbiology.

Barbara J. Bachmann, Lecturer & Research Associate, Microbiology.

Beatrice B. Magee, Associate in Research, Microbiology.

Catherine Black, Graduate Student, Microbiology.

Solomon Schwartz, M.D., Professor, Radiology.

Paul J. Myerson, M.D., Instructor, Radiology.

R. M. Lowman, Professor, Radiology.

Dana Osborn, Assistant Professor, Radiology.

Dana Dubash, Assistant Professor, Radiology.

Robert Toffler, Assistant Professor, Radiology.

Dorothea R. Peck, Assistant Clinical Professor, Radiology.

Thomas J. Spackman, Assistant Professor, Radiology.

Mary F. Keohane, Associate Professor, Radiology.

Denny Osborne, Clinical Instructor.

Harvey Liebhaber, Assistant Professor, Epidemiology & Microbiology.

Alfred S. Evans, Professor, Epidemiology.

James C. Niederman, Associate Clinical Professor of Epidemiology and Medicine.

Dorothy M. Horstmann, Professor, Epidemiology and Pediatrics.

John T. Riordan, Research Assistant, Epidemiology and Public Health.

Edward M. Opton, Research Associate, Epidemiology and Public Health.

Richard Danford, M.D., Fellow, Radiology.

R. Ballantyn, Resident, Radiology.

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Daniel Myerson, M.D., Instructor, Radiology.

Gerald Fishbone, M.D., Assistant Professor, Radiology.

Donald Mandelbaum, M.D., Resident, Radiology.

John M. Long, M.D., Resident, Radiology.

David Thompson, M.D., Resident, Radiology.

Albert M. Rosue, M.D., Assistant Resident, Radiology.

Jeffrey S. Blair, M.D., Assistant Resident, Radiology.

Edward M. Druy, M.D., Resident, Radiology.

John T. Mallams, M.D., Professor, Radiology.

A. Finesilver, M.D., Resident, Radiology.

Thomas Robinson, M.D., Resident, Radiology.

Kenneth A. Pruett, M.D., Instructor, Obstetrics-Gynecology.

Leonard R. Prosnitz, M.D., Assistant Professor, Radiology.

K. Keniston, Professor, Psychiatry.

Sylvia Rifkin, Secretary, Behavioral Sciences.

Mary Dixon, Secretary, Behavioral Sciences.

Georgia Goeters, Secretary, Psychiatry.

Albert Rothenberg, Associate Professor, Psychiatry.

Genoveva Palmieri, Secretary, Psychiatry.

Marion L. Brooks, Secretary, Psychiatry.

Daniel P. Schwartz, Associate Clinical Professor, Psychiatry.

Gail Wilson, Secretary, Psychiatry.

Catherine Molloy, Secretary, Psychiatry.

Rita Hannon, Secretary, Psychiatry.

Judy Vollono, Secretary, Psychiatry.

Arthur S. Blank, Jr., M.D., Assistant Professor, Psychiatry.

Charles Gardner, M.D., Associate Clinical Professor, Psychiatry.

Samuel Roll, Ph. D., Fellow, Psychiatry-Psychology.

J. G. Schimek, Assistant Professor, Psychiatry-Psychology.

Sidney J. Blatt, Ph. D., Associate Professor, Psychology-Psychiatry.

C. Brenner, Ph. D., Assistant Professor, Psychology-Psychiatry.

Nea M. Norton, Associate Professor, Clinical Psychiatry.

George F. Mahl, Professor, Psychology-Psychiatry.

Ruth Lidz, Associate Clinical Professor, Psychiatry.

Ira S. Goldenberg, Professor, Surgery.

Frederick G. Adams, Assistant to the President, University of Connecticut.

Eugene Vayda, M.D., Post-Doctoral Fellow, Public Health.

Jerome S. Beloff, M.D., Assistant Professor, Public Health and Pediatrics.

Eugene S. Mayer, M.D., Post-Doctoral Fellow, Preventive Medicine.

John D. Thompson, Professor, Yale University.

M. Elizabeth Tennant, Associate Professor Emeritus.

Dena B. Vosper, Librarian, Public Health.

Jules V. Coleman, M.D., Clinical Professor, Public Health and Psychiatry.

Elliot A. Segal, Lecturer, Yale Medical School.

Edgar W. Francisco, Research Associate.

A. J. Viseltear, Ph. D., Assistant Professor, Public Health (Medical Care).

Hyman K. Schonfeld, Associate Professor of Public Health (Medical Care).

David A. Pearson, Research Associate, and Coordinator, Regional Medical Activities.

Carol T. Schreiber, Research Associate, Public Health.

Thomas B. Stim, Research Associate, Public Health.

Edward M. Cohart, Professor, Public Health.

Lorraine V. Klerman, Assistant Professor, Public Health.

Robert W. Simmons.

Walter O. Spitzer, M.D., Post-Doctoral Fellow, Public Health.

M. Harvey Brenner, Assistant Professor, Public Health, Sociology.

Rosemary Stevens, Assistant Professor, Public Health.

Nina Glickson, Yale College, 1973.

Barbara Wagner, Yale College, 1973.

Barry Weise, Yale College, 1973.

Gary Johnson, Yale College, 1971.

Ann Schongalla, Yale College, 1973.

Jonathan Cave, Yale College, 1973.

Scott Wellenbach, Yale College.

Ruth E. Klarman, Yale College, 1971.

Jarlath Johnston, Yale College, 1971.

Jonathan Etra, Yale College, 1973.

Robert G. Anderson, Jr., Yale College, 1972.

Joseph W. Ambash, Yale College, 1970.

Brian D. Joseph, Yale College, 1973.

Kenneth L. Marton, Yale College, 1973.

Nancy Bregstein, Yale College, 1973.

John Diamond, Yale College, 1972.

Catherine Johnson, Yale College, 1973.

Rachael Welber, Yale College, 1973.

Mark W. Summers, Yale College, 1973.

Raymond Rund, Yale College, 1972.

David O. Stewart, Yale College, 1973.

John B. Imboden, Jr., Yale College, 1973.

Joel Krieger, Yale College, 1973.

Harvey E. Harrison, Yale College, 1973.

Joel Wald, Yale College, 1973.

Abigail F. Freedman, Yale College, 1973.

Alan Cameron, Yale College, 1973.

Thomas J. Barbieri, Yale College, 1971.

Johathan Isbit, Yale College, 1971.

Philip Hirschi, Yale College, 1973.

Harvey Bock, Yale College, 1972.

Neil M. Resnick, Yale College, 1972.

Patricia J. Smith, Yale College, 1971.

Janet Kitzes, Yale College, 1971.

Philip Perskie, Yale College, 1972.

Richard Watson, Yale College, 1972.

Robert B. Liberman, Yale College, 1973.

Peter Connolly, Yale College, 1973.

Daniel Moran, Jr., Yale College, 1973.

Leonora Stephins, Yale College, 1973.

Ronald A. Zutz, Yale College, 1973.

Jim Lewis, Yale College, 1972.

Bob Horner, Yale College, 1972.

Ira Nerken, Yale College, 1972.

Douglas McKinney, Yale College, 1971.

Stuart Schoffman, Yale College.

Jonathan Pendleton, Yale College, 1971.

Eleni Skevas, Yale College, 1971.

Steven Lieberman, Yale College, 1972.

Thomas Handel, Yale College, 1970.

Stewart Johnston, Yale College, 1972.

Frank Jones, Yale College, 1973.

Mark Singer, Yale College, 1972.

Norman J. Resnicow, Yale Law School.

David Kusnet, Yale College.

David Quint, Yale College, 1971.

James Nugent, Yale College, 1973.

Kathleen Keenan, Yale College, 1972.

Steve Greenberg, Yale College.

Rosalie Fink, Yale Law School.

Thomas Selz, Yale Law School.

James Rothman, Yale College, 1971.

Alan Meisel, Yale Law School, 1972.

Lance Jayne, Yale College, 1970.

R. Wilensky, Yale College, 1972.

Alfredo Axtmayer, Yale College, 1972.

Robert Guss, Yale College, 1972.

Jay Gitlin, Yale College, 1971.

Eva Allen, Yale College.

David Pulman, Yale College, 1970.

Christopher Cayne, Yale College, 1973.

Eric Sigmond, Yale College, 1973.

Ralph Wolfe, Yale College, 1971.

John Eure, Yale College, 1971.

William Teller, Yale College, 1972.

Gerald Kelly, Yale College, 1973.

Ellen Lerner, Yale College, 1971.

Penny Spencer, Staff, Yale Music School.

D. Harey, Yale College, 1971.

Peter Tropper, Yale College, 1973.

Sandy Mayerson, Yale College, 1973.

Andy Alpert, Yale College, 1973.

Tom Walker, Yale College, 1970.

Eric Zahler, Yale College, 1972.

Karla C. Fosythe, Yale College, 1971.

Charles N. Rostow, Yale College, 1972.

Jane Platt, Yale Graduate School—Psychology.

Rodger Kamenetz, Yale College, 1970.

Jeffrey Orleans, Yale College, 1967.

Dean Silverman, Yale College, 1973.

Neil Blumberg, Yale College, 1970.

Gary Tendear, Yale College, 1970.

Robert Milstein, Yale College, 1970.

Richard Kolchir, Yale College, 1973.

Taylor M. Vincent, Yale College, 1971.

Deena J. Nelson, Yale College, 1973.

William Dillingher, Yale College, 1973.

Joseph Grundfest, Yale College, 1973.

John Amershadian, Yale College, 1973.

Scott R. Dardig, Yale College, 1973.

Martin Maler, Yale College, 1973.

Irwin Popowsley, Yale College, 1972.

Marck Cohan, Yale College, 1970.

Ellen Odoner, Yale College, 1973.

Peter Ochs, Yale College, 1971.

Tan Wee Howe, Yale College, 1973.

Eric A. White, Yale College, 1970.

Bruce Peider, Yale College, 1971.

Michael Gewitz, Yale College, 1970.

James McDonald, Yale College, 1973.

Mark Jaffe, Yale College, 1970.

Ross Pollack, Yale College, 1970.

Ron Knight, Yale College, 1972.

Marc Cooper, Yale College, 1972.

Robert Blank, Yale College, 1970.

David Miller, Yale College, 1973.

Thomas Stevens, Yale College, 1973.

Arvin Mirow, Yale College, 1973.

Jeffrey Lewis, Yale College, 1970.

Lenn J. Schramm, Yale College, 1971.

Cecile Beessen, Yale College, 1973.

Donna Brown, Yale College, 1973.

David Douiger, Yale College, 1973.

Jan Roth, Yale College, 1972.

Mitchell Levine, Yale College, 1973.

Jeffrey P. Moskowitz, Yale College, 1973.

Fred Friedman, Yale College, 1973.

Lyle A. Fishman, Yale College, 1973.

Phil Stublz, Yale College, 1971.

Peter Kyros, Jr., Yale College, 1970.

Carol Duchow, Yale College, 1973.

John R. Muenster, Yale College, 1971.

J. David Fine, Yale College, 1972.

Mark Spiegel, Yale College, 1971.

David Geffen, Yale College, 1973.

Ethan Kra, Yale College Graduate.

Ira Gewolb, Yale College, 1972.

Marshall Littman, Yale College, 1971.

Edwin F. Lowey, Yale College, 1973.

Andy Elland, Yale College, 1973.

William Hoffman, Yale College, 1973.

Warren Goldstein, Yale College, 1973.

Diane Pollar, Yale College, 1973.

James Weber, Yale College, 1970.

Scott Parris, Yale College, 1973.

Kenneth Koford, Yale College, 1970.

Jonathan J. Jerison, Yale College, 1973.

Deborah Stern, Yale College, 1973.

Ben Shifer, Yale College, 1970.

Frank Krejci, Yale College, 1972.

John Elefteriades, Yale College, 1972.

Stephen Taylor, Yale College, 1973.

Mrs. H. Bedford.

Gary McDonogh, Yale College, 1973.

Janet G. Klauber, Yale College, 1973.

Laurence A. Smolley, Yale College, 1972.

Mitchell Max, Yale College, 1970.

Gil Oberfield, Yale College, 1973.

Fred Detch, Yale College, 1973.

Joseph Kasir, Yale College, 1973.

Byron Welkey, Yale College, 1972.

Elon Gale, Yale College, 1971.

Bob Reeves, Yale College, 1973.

Bruce Rubin, Yale College, 1973.

David R. Ostrander, Yale College, 1971.

Peter H. Behr, Jr., Yale College, 1970.

Edward R. Voytovich, Yale College, 1971.

Jonathan M. Wohl, Yale College, 1971.

Charles R. Jacob, III, Yale College, 1973.

Jeffrey Laser, Yale College, 1973.

John Fredman, Yale College, 1972.

Michael J. Goldberg, Yale College, 1973.

Geoffrey B. Manoil, Yale College, 1973.

Edwin S. Grosvenor, Yale College, 1973.

Robert J. Katzenstein, Yale College, 1973.

Keith Ingber, Yale College, 1973.

Alex Kerr, Yale College, 1973.

Barney Brawer, Yale College, 1969.

Elliot K. Main, Yale College, 1973.

David G. Watson, Yale College, 1970.

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Douglass Smith, Yale College, 1973.
Donald A. Bailey, Yale College, 1973.
Daniel P. Johnson, Yale College, 1973.
Eric J. Oxfeld, Yale College, 1973.
Barry S. Lusher, Yale College, 1973.
David K. MacGillis, Yale College, 1973.
Stephen R. Young, Yale College, 1973.
Barbara Zera, Yale College, 1973.
Martin Gatter, Yale College, 1973.
Steven Bachrach, Yale College, 1970.
Robin Freedman, Yale College, 1973.
Andrea Jacobs, Yale College, 1973.
James Adkins, Yale College, 1973.
Miles Hoffman, Yale College, 1973.
Paul C. Sherry, Yale College, 1973.
Mary Posses, Yale College, 1972.
Jeffrey Meyer, Yale College, 1973.
Zoltan Fischer, Yale College, 1970.
Fredric Bell, Yale College, 1973.
Leonard Levine, Yale College, 1973.
Ross Stone, Yale College, 1973.
Tom Slater, Yale College, 1972.
Ricky Schneider, Yale College, 1973.
Marc Dorfman, Yale College, 1973.
George Wimpfheimer, Yale College, 1972.
K. L. Spector, Yale College, 1972.
W. J. Robbins, Yale College, 1972.
Dr. Sidney Berman, Psychiatrist, Yale Depart., University Health.
Martin Lewis, Yale College, 1973.
Tom Milch, Yale College, 1973.
Geoffrey P. Brown, Yale College, 1973.
Peter Hickok, Yale College, 1973.
John Berton Fisher, Yale College, 1973.
John F. Cooney, Yale College, 1973.
Jerome D. Levine, Yale College, 1972.
Steven Strom, Yale College, 1972.
Claudia Versfelt, Yale College, 1972.
Robert S. Stern, Yale Medical School, 1970.
Deborah Bernick, Yale College, 1972.
Shelley Fisher, Yale College, 1971.
Mindy Portnoy, Yale College, 1973.
Paul A. Tidwell, Yale College, 1973.
Janet Weiss, Yale College, 1973.
Mitchell B. Dubick, Yale College, 1972.
Lynne Rutkin, Yale College, 1972.
Rosann Greenspan, Yale College, 1971.
Robert Luft, Yale College, 1973.
Gary G. Gutierrez, Yale College, 1972.
David Holahan, Yale College, 1971.
David Tweedy, Yale College, 1972.
Terry Lawrence, Yale College, 1970.
Stephen Makler, Yale College, 1971.
Julian Kurtz, Yale College, 1973.
Deborah Rothman, Yale College.
Bob Wassmar, Yale College, 1973.
Steve Goldberg, Yale College, 1973.
Stephen M. Rosenthal, Yale College, 1972.
Evan Ellman, Yale College, 1971.
David Johnson, Yale College, 1972.
Gerson Marc Sternstein, Yale College, 1973.
Ron Neumann, Yale College, 1973.
Daniel Friedman, Yale College, 1971.
Mark Klass, Southern Conn. State College, 1971.
Gay Meltzer, Yale College, 1973.
Richard Kroop, Yale College, 1972.
Bob Greenwald, Yale College, 1970.
Patricia A. Kane, Yale College, 1971.
Larry Morris, Yale College, 1972.
Donald R. Ware, Yale College, 1971.
Marvin Torffield, Yale College, 1970.
Lawrence Alexander, Yale College, 1972.
Lee C. Larker, Yale College, 1973.
James V. Kosnett, Yale College, 1973.
Hammond T. Brown, Yale College, 1973.
Steven F. Hecker, Yale College, 1972.
Michael H. Mobbs, Yale College, 1971.
Solomon Baranes, Yale College, 1973.
Robert Yood, Yale College, 1970.
Jay L. Meizlish, Yale College, 1973.
Karen Reeves, Yale College, 1972.
Keman Garvey, Yale College, 1973.
David R. Jefferson, Yale College, 1970.
Kenneth Rothaus, Yale College, 1971.
Amy Solomon, Yale College, 1973.
Lawrence B. Engel, Yale College, 1971.
Jack Langer, Yale College, 1971.
Jeffrey I. Zuckerman, Yale Law School, 1972.
Kenneth C. Pascal, Yale College, 1970.
John G. Shaw, Yale College, 1971.
Mike McNulty, Yale College, 1973.
Susan Warren, Yale College, 1973.
Richard Zweig, Yale College, 1973.
Dahilia Rudavsky, Yale College, 1973.
Karylyn Waranch, Yale College.
Michael Wolf, Yale College, 1970.
Jonathan M. Clive, Graduate School, 1971.
Carolyn Lewis, Yale College, 1971.
Moshe Ron, Yale College.
Marshall R. Posner, Yale College, 1971.
Laurence D. Meisel, Yale College, 1971.
Robert C. Cummins, Yale College, 1973.
John Carr, Yale College, 1973.
Jeff Kraus, Yale College, 1972.
Dale Nicholls, Yale College, 1972.
Morris Grossfeld, Yale College, 1972.
Charles Alpers, Yale College, 1973.
Jerome Adler, Yale College, 1970.
Carl Pasey, Graduate Student, Philosophy.
Arvid E. Roach, II, Yale College, 1972.
Linda Jonas, Yale Music School, 1970.
Teddy Bofman, Graduate School, South East Asia.
Kristin M. Housir, Yale College, 1971.
Robert Kimball, Yale Faculty.
Roy A. Israel, Yale College, 1973.
Maxine K. Heller, Yale M.A.T., 1970.
David McAllister, Yale College, 1973.
Darryle Pollack, Yale College, 1971.
Brian G. Stewarrt, Yale College, 1973.
Michelle Patterson, Graduate Student, Sociology.
Celia T. Pettit, Secretary.
Linda Burgey, Secretary.
Kenneth Cashdollar, Assistant in Research.
Eleanor L. Ford, Secretary.
Marjorie Drucker, Instructor.
Wanda Turfboer, Research Associate.
Susan Shackelford, Assistant in Research.
Eric W. Mood, Associate Professor.
Patricia Wislocki, Secretary.
Marianne C. Mazan, Administrative Assistant.
Roy A. Copper, Technician.
Marilyn Neschle, Technician.
Gertrude Laden, Secretary.
Meredith Nunes, Research Assistant.
Jennifer Kelsey, Assistant Professor.
Stanislav V. Kasl, Associate Professor.
Mary Silbert, Secretary.
J. Wister Meigs, Associate Professor.
Brian P. Leaderer, Student.
Anthony Liuzzi, Assistant Professor.
Dorothy K. Somers, Secretary.
Kathryn M. Pettit, Secretary.
Arthur Berarducci, Student.
Nathan Kase, Prof. and Chairman, OB/GYN.
Robert H. Glass, M.D., Associate Prof. OB/GYN.
Maclyn E. Wade, M.D., Associate Prof. OB/GYN.
Philip M. Sarrel, M.D., Assistant Prof. OB/GYN.
Ernest I. Kohorn, Associate Prof. OB/GYN.
Leandis Cordero, M.D., Assistant Prof. OB/GYN.
Ammon Makler, M.D., Postdoctoral Fellow, OB./GYN.
Christina K. Simmons, Secretary.
Charles Nordin, Yale College, 1971.
Pete C. Sharks, Yale College, 1973.
Kathleen H. Howe, Assistant Professor, Public Health.
Fred Anderson, M.D., Resident, Radiology.
Theodore Lidz, Prof. of Psychiatry.
Jeff Sharp, Yale College, 1973.
Gary Chesnin, Yale College, 1973.
Chuck Kieffer, Yale College, 1973.
Frederic Woocher, Yale College, 1972.
Leonard Marcus, Yale College, 1972.
Ellen Marshall, Yale College, 1971.
Floyd H. Bradley, III, Yale College, 1973.
Joaquin Avila, Yale College, 1970.
Fritz Johnson, Yale College, 1973.
Jonathan Leffell, Yale College, 1972.
Steven Skolnik, Yale College, 1972.
Alan Rozanski, Yale College, 1972.
Ruth Lansner, Yale College, 1971.
Eva Resnicow, Yale College, 1972.

Seventy-four names were not legible and therefore are not included in this listing.

FEDERAL IMPACT AID LEGISLATION; EFFECT ON LOCAL TAXES EXPLAINED BY BOARD MEMBER BRASHEARS, OF HARLANDALE INDEPENDENT SCHOOL DISTRICT

Mr. YARBOROUGH. Mr. President, last week, the Education Subcommittee of the Committee on Labor and Public Welfare held hearings on the administration plan to curtail assistance to school districts affected by Federal activities.

Among the witnesses to appear in opposition was a member of the school board of the Harlandale Independent School District in San Antonio, Tex. He is Mr. W. S. Brashears. Mr. Brashears effectively described the importance of impact aid to his school district. He pointed out the heavy burden for education assumed by local taxpayers, and the fact that even aid under Public Law 874 does not adequately meet the cost of children residing in the district because of tax-free Federal activities.

Let Members of Congress bear in mind that if Federal property were taxed for school purposes at the rate paid by other property owners in each school district, it would cost the Federal Government many times more than the sum we now appropriate for impact aid. Federal activities are already heavily subsidized for school purposes. The administration plan to throw even more of the burden on local business and homeowners should be rejected.

I ask unanimous consent that Mr. Brashears' testimony on this matter before the Education Subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON BEHALF OF THE HARLANDALE INDEPENDENT SCHOOL DISTRICT, SAN ANTONIO, TEX.

(By Mr. W. S. (Bill) Brashears)

Mr. Chairman, Members of the Committee, my name is W. S. (Bill) Brashears, and I am a member of the Board of Trustees of the Harlandale Independent School District located in San Antonio, Texas. I have served as a member of the Board for a total of ten years, two of which were in the capacity of president.

The Harlandale Independent School District is located entirely within the city limits of San Antonio, Texas. The peak enrollment for the 1969–70 school year has been 17,349 students. The total population within the district boundaries, according to the latest auditors report, is 87,000 residents. There are 7 members of the Board of Trustees which set the educational policy for a staff of seven hundred sixty-six professional personnel and three hundred fifty-three non-professional personnel, making a total of one thousand, one hundred nineteen (1,119) staff members.

May I offer the sincere appreciation and thanks of the patrons, students, and teachers of the Harlandale Independent School District for the opportunity to submit to you this information. I trust it may be helpful to you in understanding the serious nature of any curtailment or discontinuation of impact aid funds to the Harlandale Independent School District.

The Harlandale Schools have received federal impact aid each year since the 1950–51 school year. Table I indicates the entitlements have grown from $91,347.81 in 1950–51 to a present entitlement of $638,242.00 for the 1969–70 school year. (See Appendix Table I)

XUM

Parallel growth in enrollment of federally connected students is reflected in Table II where we see a total of 1595 federally connected students in 1950–51 compared to the present 4142 federally connected students in 1969–70. Table II clearly refutes statements that have been made to the effect that there no longer is a need for impact aid because of the reduction in federal activities. The reverse is true in San Antonio and particularly in the Harlandale Independent School District.

Of the 4,142 federally connected students presently enrolled (which is 25% of the total enrollment) 544 are students having a parent serving in the armed forces of the United States. In addition, 2814 are located at Kelly Air Force Base, 238 at Lackland Air Force Base, 108 at Brooks Air Force Base, and 207 on Fort Sam Houston. All of the installations are located a short distance from our school district. (See Appendix, Table II).

Local taxes pay less than 20% of the budget of the Harlandale Independent School District for the 1969–70 school year. At present, property owners are being taxed at 70% of the market value of their property in order to meet the maintenance-operation and debt service obligations of the district. Only two other local districts of the seventeen located in Bexar County, assess property at this high level of market value.

10% of the operational budget of the Harlandale Independent School District comes from impacted aid funds. Table III shows a comparison of student population, assessed valuation and taxable dollars per student in the 34 largest school districts in Texas. This table reflects $6,480.00 taxable value per student in the Harlandale Independent School District with 30 districts having more property value per pupil, the highest being Dallas, Texas, with $23,600.00 per pupil. (See Appendix, Table III)

Table IV shows the distribution of funds from impacted aid in the Harlandale Independent School District for the school years 1968–69 and 1969–70. Approximately 68% of these funds are expended for salary supplements of personnel to operate the schools. Other expenditures include general maintenance. (See Appendix, Table IV)

The large number of federally connected parents residing in our district expect a quality educational program. Because of the impact aid funds we have been able to offer such a program. Curtailment in the quality and quantity of teaching personnel, reduction of supplies for the classrooms, decreased sick leave benefits and curtailment of maintenance services will not be acceptable to these parents. The number of federally connected students and the growth of this number as previously shown, reflect that impact aid as conceived by the federal government nineteen years ago is more of a necessity now than when the legislation was originally passed and funded.

Category B pupils do present a burden to our school district. An example is the Mother of five children whose husband is being sent to Viet Nam. Because of previous assignments in the San Antonio area, the family decides to return for residence while awaiting the completion of the father's tour of duty. Base housing is not available, therefore, the family finds residence close to the base which is located in our district. It is necessary for this district to assume the obligation of providing a quality educational program for these children.

Large concentrations of military installations in an area such as San Antonio result in a lack of industrial development. Since military installations are tax-free, the area has less tax base upon which to operate its schools. A low tax base makes it difficult for a school district to carry reserves to meet a crisis, such as curtailment or discontinuations of funds such as impact aid.

Many school districts in the area find themselves in a serious dilemma because of the questions raised concerning continuation of impact aid funds. Table VI shows twelve school districts located in Bexar County, Texas, having 27.04% of all students enrolled being federally connected. The total entitlement for these twelve schools (1969–70 school year) under impacted aid funds is $7,100,971.00. There are 50,385 federally connected students and 135,940 non-federally connected students.

The January, 1970, issue of School Management magazine indicates, "The nation's median school district spending $582.00 per elementary pupil and $757.00 per secondary pupil". The Harlandale Independent School District, including impact aid funds, will spend $412.18 per pupil. It is obvious that our school district with a large concentration of Category B pupils cannot, either through local or state funds, absorb loss of entitlement under impact aid legislation.

In conclusion, I would encourage the Committee to recognize the multitude of school districts that will be faced with serious curtailment or discontinuation of salary supplements, numbers of personnel, both professional and non-professional, and needed instructional equipment and supplies, if these funds are withdrawn.

APPENDIX

HISTORY OF 874 FUNDS RECEIVED IN HARLANDALE INDEPENDENT SCHOOL DISTRICT

Year	Entitlement	Received	Percentage received
1950–51	91,347.81	87,693.90	96.0
1951–52	121,447.15	121,447.15	100.0
1952–53	83,512.80	83,512.80	100.0
1953–54	125,241.00	125,241.00	100.0
1954–55	105,522.30	105,522.30	100.0
1955–56	180,402.49	180,402.49	100.0
1956–57	241,731.63	241,731.63	100.0
1957–58	244,818.93	244,818.93	100.0
1958–59	251,482.73	251,482.73	100.0
1959–60	285,326.00	285,326.00	100.0
1960–61	308,932.00	308,932.00	100.0
1961–62	327,903.00	327,963.00	100.0
1962–63	348,204.00	348,204.00	100.0
1963–64	375,406.00	385,406.00	100.0
1964–65	397,243.00	397,243.00	100.0
1965–66	438,252.00	438,252.00	100.0
1966–67	472,489.00	472,489.00	100.0
1967–68	492,632.00	482,779.00	98.0
1968–69	556,579.00	499,060.96	89.7
1969–70	638,242.70		

INFORMATION ON SCHOOL SYSTEMS HAVING 13,000 OR MORE ADA

School districts	Student population (ADA gross)	Assessed valuation (thousands)	Taxable dollars per student
1. Houston	207,704	4,170,669	20,079
2. Dallas	141,732	3,345,000	23,600
3. Fort Worth	75,379	1,219,247	16,174
4. San Antonio	70,040	705,137	10,067
5. El Paso	6,215	535,841	9,531
6. Austin	47,136	925,000	19,624
7. Corpus Christi	42,095	550,000	13,065
8. Spring Branch	31,958	660,000	20,652
9. Lubbock	31,358	603,682	19,251
10. Pasadena	31,350	545,501	17,400
11. Ysleta	28,364	232,065	8,181
12. Amarillo	27,267	537,000	19,694
13. Richardson	25,332	592,500	23,389
14. North East (San Antonio)	24,406	431,000	17,659
15. Ector County	23,034	596,500	25,896
16. Irving	21,049	350,905	16,670
17. Edgewood (San Antonio)	20,424	66,072	3,235
18. Arlington	19,112	389,851	20,398
19. Aldine	18,076	190,000	10,511
20. Abilene	17,853	252,700	8,638
21. Garland	17,772	240,926	13,556
22. Waco	17,648	260,000	14,732
23. Wichita Falls	17,262	248,779	14,411
24. Laredo	16,671	83,000	4,978
25. Midland	16,604	363,000	21,862
26. Brownsville	15,997	109,000	6,813
27. Northside (San Antonio)	15,934	196,000	12,300
28. Harlandale (San Antonio)	15,662	101,500	6,480
29. Tyler	14,999	349,000	23,268
30. Port Arthur	14,897	362,000	24,300
31. Hurst Euless-Bedford	14,150	217,000	15,335
32. Beaumont	13,930	278,000	19,956
33. San Angelo	13,708	190,750	13,915
34. Northeast (Houston)	13,163	125,000	9,496

DISBURSEMENTS OF 874 FUNDS FOR 2 YEARS

	1968–69	1969–70
Salary supplement	262,150	267,400
Substitute teachers	63,120	66,840
Substitute auxiliary	13,499	14,499
Supplement general maintenance	160,291	289,504
Total	[1] 499,060	[2] 638,243

[1] Final for 874 funds for 1968–69 was 89.7 percent of entitlement.

[2] Estimated 874 payment for 1969–70 at 100 percent of entitlement.

TEACHERS WITH BACHELORS

Year	State	Harlandale	Alamo Heights	Andrews	Garland	La Marque	Midland	Northeast	Northside	Richardson	Said [1]
0	5,337	5,800	6,000	6,900	5,937	6,800	6,500	6,040	5,931	6,100	6,000
1	5,337	5,800	6,072	7,100	5,937	6,950	6,600	6,160	5,931	6,100	6,000
2	5,607	5,957	6,192	7,300	6,207	7,100	6,720	6,280	6,201	6,357	6,240
3	5,607	5,957	6,312	7,500	6,207	7,250	6,840	6,410	6,201	6,357	6,240
4	5,895	6,245	6,432	7,700	6,495	7,400	7,012	6,520	6,489	6,645	6,480
5	5,895	6,245	6,552	7,900	6,545	7,550	7,132	6,640	6,489	6,645	6,480
6	6,192	6,542	6,672	8,100	6,842	7,700	7,256	6,760	6,786	6,942	6,720
7	6,192	6,542	6,792	8,200	6,842	7,850	7,376	6,880	6,786	6,942	6,720
8	6,192	6,542	6,912	8,300	6,842	8,000	7,496	7,000	6,786	6,942	6,960
9	6,507	6,857	7,032	8,400	7,157	8,150	7,639	7,120	7,101	7,357	6,960
10	6,507	6,857	7,152	8,500	7,207	8,300	7,759	7,240		7,357	7,200
11	6,507	6,857	7,272	8,600	7,207		7,879	7,360		7,357	7,200
12	6,507	6,957	7,392	8,700	7,207			7,480		7,357	7,440
13	6,507		7,512	8,800	7,207			7,600		7,357	7,440
14	6,507		7,632	8,900	7,257			7,720			7,680
15	6,507		7,752	9,000	7,257			7,840			7,680
16	6,507		7,872		7,257			7,950			7,920
17 plus	6,507				7,257						8,160

TEACHERS WITH MASTERS

0	5,877	6,327	6,600	7,300	6,577	7,340	7,070	6,440	6,471	6,627	6,600
1	5,877	6,327	6,724	7,500	6,577	7,462	7,120	6,590	6,471	6,627	6,600
2	5,877	6,327	6,874	7,700	6,577	7,584	7,280	6,740	6,471	6,627	6,840
3	5,877	6,327	7,024	7,900	6,577	7,706	7,440	6,890	6,471	6,627	6,840
4	6,912	6,542	7,174	8,100	6,892	7,828	7,623	7,040	6,786	6,942	7,080
5	6,192	6,542	7,324	8,300	6,942	7,950	7,783	7,190	6,786	6,942	7,080
6	6,507	6,857	7,474	8,500	7,257	8,072	8,024	7,340	7,101	7,257	7,320
7	6,507	6,857	7,624	8,600	7,257	8,194	8,184	7,490	7,101	7,257	7,320
8	6,840	7,190	7,774	8,700	7,590	8,316	8,384	7,640	7,434	7,590	7,560
9	6,840	7,190	7,924	8,800	7,590	8,438	8,544	7,790	7,434	7,590	7,560
10	6,840	7,190	8,074	8,900	7,640	8,560	8,704	7,940	7,434	7,590	7,800
11	6,840	7,532	8,224	9,000	7,982	8,682	8,855	8,090	7,776	7,932	7,800
12	7,182	7,532	8,374	9,100	7,982	8,804	9,015	8,240	7,776	7,932	8,040
13	7,182	7,532	8,524	9,200	7,982	8,926	9,175	8,390	7,776	7,932	8,040
14	7,542	7,892	8,674	9,300	8,342	9,048	9,175	8,540	8,136	8,292	8,280
15	7,542	7,892	8,824	9,400	8,392	9,170	9,175	8,690	8,136	8,292	8,280
16	7,731	8,181	8,974	9,500	8,581	9,292	9,175	8,840	8,325	8,581	8,520
17	7,731	8,181	9,124	9,600	8,581	9,414	9,175	8,990	8,325	8,581	8,760
18 plus	7,731	8,181	9,124	9,700	8,581	9,536	9,175	9,140	8,325	8,581	9,000

[1] San Antonio Independent School District.

TABLE VI.—SCHOOL DISTRICTS OF BEXAR COUNTY, TEX.—FEDERAL FUNDS, PUBLIC LAW 874 ONLY

Year	Federally connected students	Non-federally connected students	Percent of federally connected students of total	Amount 874 funds	Operation and maintenance budget for district	Percent of 874 funds in operation and maintenance budget
1964–65	39,889	115,901	25.60	$3,354,927	$44,100,631	7.61
1965–66	43,423	119,710	26.62	4,399,929	50,683,318	8.68
1966–67	48,514	121,289	28.57	5,230,031	54,986,177	9.51
1967–68	59,988	125,912	28.82	5,638,386	62,920,013	8.96
1968–69	50,299	131,472	27.67	6,186,033	72,189,394	8.57
1969–70	50,385	135,940	27.04	[1] 7,100,971	81,538,004	8.71

[1] Eligible estimate.

Note: The data above is based upon information from the following school districts in Bexar County, Tex.: Alamo Heights, East Central, Edgewood, Harlandale, Judson, North East, Northside, San Antonio, Somerset, South San, Southside, and Southwest.

MARITIME AUTHORIZATIONS, 1971

The PRESIDING OFFICER (Mr. CRANSTON). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15945, to authorize appropriations for certain maritime programs of the Department of Commerce.

The Senate resumed consideration of the bill.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 10 minutes, notwithstanding the rule of germaneness.

The PRESIDING OFFICER. Without objection it is so ordered.

DOES FREEDOM OF THE PRESS INCLUDE THE RIGHT TO INCITE MUTINY?

Mr. DOLE. Mr. President, one wonders, sometimes, what the outer limits of freedom of the press might be. Surely they are there, just as there are boundaries of freedom of speech. I remind you, Mr. President, that one cannot cry "fire" in a crowded theater.

My question now is, Does freedom of the press include the right to incite mutiny?

I, for one, do not think so. Yet I believe a Columbia Broadcasting System reporter has come perilously close to attempting to incite mutiny by playing on the emotions of soldiers just before they were to go into battle. The reporter's interview was broadcast last night.

I can think of no other war in our history where this sort of thing would have been permitted.

It is a rare man, indeed, who is not filled with fear and apprehension before the battle. Bravery is not a lack of fear; it is the ability to overcome fear.

And yet this reporter deliberately attempted to incite and increase those fears.

Mr. President, it appears to me that, in some cases, a concentrated effort is being made to destroy our national will and character by playing first on the emotions of our battlefield soldiers and then, by feeding the results back home, to play on the emotions of the American people.

I do not believe we can long let this sort of effort go unchallenged, lest it succeed in dividing us permanently. A nation of doubters in the rightness of their own national causes cannot long survive either a threat from within or a threat from without. Those in the media who deliberately set out to fill the people with mistrust and anger at their own duly elected leaders do our country no service.

In closing, Mr. President, I would like to say that CBS is not alone.

David Brinkley, whose forte is not reporting but playing on emotions, told us last night that a playground in an enemy village was a casualty of the war. He said:

> There is something infinitely sad about a Sherman tank running over a see-saw.

Mr. President, there is something infinitely sad, also, about the killing of American soldiers by an enemy who, until now, was allowed to kill with impunity from a protected sanctuary.

And there is something infinitely twisted about Mr. Brinkley's effort to make the American people think that America's leaders and America's soldiers are in the business of fighting little children.

Now, Mr. President, I want to read to the Members of this Chamber the dialog of Gary Sheppard's interview with our troops, so that they can judge for themselves the validity of what I say.

It reads as follows:

> Good evening. There was an indication today that North Vietnam may be launching a counter-offensive in response to the stepped-up allied military drive in Indochina. Communist forces operating 16 miles below Vietnam's Demilitarized Zone attacked units of the 101st Airborne Division, killing 29 Americans and wounding 21. And those were the heaviest U.S. losses in any single engagement in almost two years.
>
> At about the same time the allies opened three new drives into Cambodia. Gary Sheppard was on the scene as one of the U.S. units prepared to strike into that country. Here is his report:
>
> Alpha Company, 3rd Battalion, 22nd Infantry Regiment didn't know where it was going when it was flown into the forward staging area at Tien Nhon(?), only five miles from the Cambodian border. All the men were told was they'd be moving out the next morning and should take enough C rations to last for three days. But then the news finally began to spread. Tomorrow, Alpha Company would be airlifted by helicopter into Cambodia, part of a task force of nearly 4,000 American soldiers who would attempt to wipe out a major North Vietnamese and Viet Cong base camp on the other side of the border. The prospect of fighting the enemy inside Cambodia and

> what it all meant raced through each soldier's mind.
>
> What are you going to do?
>
> "I don't know. . . . I'll tell you what . . . I'm just going with them. . . . I'm going with the rest of the troops because it ain't worth it . . .
>
> Do you realize what can happen to you?
>
> "The only reason that I'm in here now is a dishonorable, a bad conduct, or undesirable discharge—that don't mean that much to me. It means a whole lot to my father and my relatives. This is why I'm in the Army now.
>
> Are you scared?
>
> ". . . I was scared when I got my draft notice. . . . being scared ain't the problem. . . . yeah, I'm scared. . . . who ain't?"
>
> Time grew shorter. Other men of Alpha Company began to speak out as well and it became apparent that there were few of them who really wanted to go.
>
> "Most of us got very few ammo and we are not prepared. We are just . . . overnight notice, really. We are just really not prepared.
>
> When the choppers come in here in a little while and load you guys up and take you in there, are you going to get aboard or are you going to stay here?
>
> 'Well, it really depends on my buddies. I'm all for what they . . . if they go, I'll have to go. It really don't do any good for just a few of us to stay. Have to get a lot of us.
>
> How many of the men here do you think really want to go in there today?
>
> "Very few. But there's not very many of them willing to stand up for what we know is right, but . . . a lot of them will probably go on in anyway.

Here, I might add, it is a leading question:

> Do you say the morale is pretty low in Alpha Company?
>
> "Definitely. Very low."
>
> Why?
>
> "Well, we've been getting pushed around, we don't get supplies like we're supposed to, they don't tell us what's going on or what we are going to do or anything, so it's very definitely very low."
>
> "What's a coward? Going into Cambodia, will that make us heroes? They don't want us there. The war there would be a different thing . . . now we are supposed to go to some village—a village which you can ask any officer around here, they don't know where we are going. If they do they're not telling us."
>
> When the helicopters arrive to carry Alpha Company to a new war in Cambodia, there was some hesitation but no one stayed behind. Each man moved out when he was given the signal . . . wondering perhaps what he would face when he jumped out of the helicopter across the border—wondering, too, whether he would ever make it back.—Gary Sheppard, CBS News at Tien Nhon(?) near the Cambodian border.

Mr. President, I yield back the remainder of my time.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for not to exceed 5 minutes without the rule of germaneness applying.

The PRESIDING OFFICER. Without objection, it is so ordered.

WE SHOULD PRESERVE BALANCE OF POWER IN THE MIDDLE EAST

Mr. YOUNG of Ohio. Mr. President, the United States should immediately sell Phantom and Skyhawk jet war planes to Israel. Much overlooked, due to President Nixon's commitment of American manpower to prosecute a ground war in Cambodia and escalating our fighting in Southeast Asia, the Soviet Union last week crossed the Rubicon in its Middle East involvement moving from the role of sponsor and supplier to active participant in the fighting there.

With Soviet pilots now flying offensive and defensive missions, the Egyptians last Wednesday staged a major ground attack across the Suez Canal, striking Israel positions along a 15-mile front. Egyptian officials described the action as the largest engagement between Egyptians and Israelis since the 1967 war.

By the end of last week, 27 Israeli soldiers had been killed and 61 wounded in the intensified fighting. Such a high casualty rate places an extremely heavy burden on Israel. The death of 27 soldiers in Israel has the same meaning in relation to total population as would 2,400 American military deaths.

The fact is that Israeli deaths due to enemy action have increased to the highest level since last June.

Mr. President, it is obvious that the Egyptians' new boldness is a sign that Colonel Nasser feels his supply lines and population centers, guarded by members of the Soviet Air Force, are now immune from Israel counterattack.

It is a small step from the defensive missions which the Russians are currently flying—in which on at least one occasion they were given orders to engage the Israelis in combat—to offensive missions against Israel along the canal cease-fire line.

In addition to Russian pilots from its crack air force, the Soviet Union has supplied Nasser with SAM–3 ground-to-air missiles around Cairo and in the Nile Delta. These missiles along with Soviet pilots and gunners now serve as the key instruments of Egyptian defense against low-flying Israeli fighter bombers along the Suez Canal and deep inside Egypt.

Colonel Nasser evidently believes that with this fortified air protection, the Israelis will be unable to launch the kind of effective, preemptive strike that virtually decided the 1967 6-day war within 2 hours. Also, Nasser is hopeful that this air defense will allow him to carry out his self-declared war of attrition against the Israelis along the Suez Canal.

Mr. President, Israel is a Western-oriented multi-party democracy, America's only true friend in the Middle East. In contrast, the Arab nations are controlled by anti-American dictators who, despite their abundant natural oil resources, have failed to shatter the glass of antiquity and enter the 20th century.

Mr. President, when President Nixon made his recent decision not to sell additional Phantom war planes to Israel it was probably because he believed that the SAM–3 missiles alone did not alter the balance of air power against Israel. Now in the wake of actual active Russian participation in the Middle East conflict and the joint Russian-Egyptian threat Israel faces, the United States should not hesitate to sell planes to this valiant little nation.

MARITIME AUTHORIZATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce.

Mr. LONG. Mr. President, is the pending business H.R. 15945?

The PRESIDING OFFICER (Mr. CRANSTON). That is correct.

Mr. LONG. Mr. President, are we now back on the rule of germaneness?

The PRESIDING OFFICER. That is correct.

Mr. LONG. Mr. President, the purpose of this bill is to authorize appropriations for the Maritime Administration program pursuant to Public Law 90–81 enacted in the first session of the 90th Congress.

The maritime authorization bill as requested by the Department of Commerce would have authorized a total of $427 million for the acquisition, construction, and reconstruction of vessels, payment of obligations incurred pursuant to operating subsidy contracts, research and development expenses, reserve fleet expenses, operation of the Merchant Marine Academy at King's Point, N.Y., and financial assistance to State marine schools.

The pending bill as reported favorably by the Senate Commerce Committee, would increase the authorization by $2,420,000 or about one-half of 1 percent over the amount requested. The bulk of the increase, $2.3 million, represents an amendment made by the House of Representatives, in which your committee concurs, that would have the effect of continuing the operation of the nuclear vessel *Savannah*. The second amendment adopted by your committee increases the authorization for financial assistance to State marine schools by $120,000. I will discuss the reasons for these amendments in more detail later in my statement.

Mr. President, the appropriations authorized in this bill represent the first year of a new maritime program which has as its objective the revitalization of our merchant fleet. The current state of our merchant marine is, I am certain, all too familiar to most of the Members of this body. It has declined to the point where U.S.-flag ships now carry only about 6 percent of our own foreign waterborne commerce. The present U.S. trade fleet consists of approximately 650 ships, 75 percent of which are over 20 years of age. By comparison, only 25 percent of the world's merchant fleet is over 20 years old. The U.S. ships are now past economic useful life, and the Maritime Administration estimates that 85 percent of the old ships will be lost to our merchant fleet by the end of 1973. Clearly, we are facing a problem of massive block obsolescence. Unless something is done soon, the situation will become a crisis.

The Committee on Commerce, and the Senate generally, has long recognized the importance of a viable merchant marine to our national defense, commerce, and balance of payments. With respect to defense, our experience in World War II, Korea, and again in Vietnam clearly demonstrated our dependence on the merchant marine. In Vietnam, we could meet the need only by breaking out 160 overage vessels from the mothball fleet—an expensive and inefficient expedient, at best. The ships represented all that were usable in the reserve fleet and, as time progresses, even fewer will be available to meet future contingencies.

With respect to our commerce, I need repeat just one fact: Only 6 percent of our waterborne foreign commerce is carried on American ships. This means that we are totally dependent on foreign nations for the carriage of our exports and imports. While these are for the most part friendly countries, it is not reasonable to expect that in a time of emergency they would place the interests of the United States above their own interests. There is no guarantee that if needed by their own countries or elsewhere, they would continue to be available for our commerce at a reasonable rate. Likewise, the impact on our balance of payments resulting from paying for carriage by foreign interests is substantial, and totals about $1 billion.

In the last Congress, the Merchant Marine Subcommittee of the Committee on Commerce held extensive hearings on maritime policy extending over a period of 5 months. These hearings documented and confirmed the urgent need for new initiatives in merchant shipping. On October 23, 1969, the President sent a message to the Congress recognizing that urgent need and proposing a new program to build 300 merchant ships over a 10-year period. The legislation to effectuate the program was transmitted to the Senate in late December and introduced as S. 3287 by the chairman of the Committee on Commerce, the ranking minority member, and me, in a showing of bipartisan support for the objectives of the bill. The Merchant Marine Subcommittee has now completed its hearings on S. 3287 and endorsement of the objectives of the bill was virtually unanimous in witnesses from Government, industry, labor, and elsewhere. I anticipate that legislation will be reported out in the near future, recommending a new maritime program.

In the meantime, action must be taken on appropriations for fiscal 1971 which will also permit the initiation of the new program. In that regard, H.R. 15945 authorizes $199.5 million for acquisition, construction, and reconstruction of vessels and payment of construction differential subsidy. This will permit funding for construction of 19 new ships during the coming fiscal year, as compared to 10 this year, and is the same amount requested by the administration.

The bill also authorizes $193 million for ship operations subsidies, a decrease of over $20 million from last year, representing discontinuing subsidy payments to certain operators who no longer need operating subsidy to be competitive on certain trade routes, terminating subsidy agreements on certain profitable trade routes and other factors. The figure is also sufficient to extend operating subsidy to two new operators.

Also included in the authorization is $19 million for research and development activities which represents a reduction by the committee of $1.7 million in the administration's request. The $1.7 million was to be used for the initial phase of the nuclear ship *Savannah*. The bill also provides $4,675,000 for continued preservation of the reserve fleet and $6.8 million for training at the Merchant Marine Academy at King's Point, both of which are identical to the amounts requested by the administration.

The bill, as introduced and passed by the House of Representatives, authorized $2,325,000 for financial assistance to State marine schools in California, Maine, Massachusetts, New York, and Texas. The committee increased this authorization by $120,000 to permit assistance to the Great Lakes Maritime Academy in Michigan. That amount is based on the same formula applicable to the grants to the other State marine schools. The reason for the committee's action is that none of the other academies currently receiving assistance is located on the Great Lakes or specifically trains mates or engineers to meet the special needs of the Great Lakes. There is a shortage of trained personnel on the Great Lakes which is expected to grow, but officers from the other coasts cannot fill the need because they do not have the special training or licenses necessary. The State of Michigan has established this academy by an overwhelming vote of both houses of its legislature and has designated capital facilities valued at $600,000 for its operation. The amendment recommended by the committee will authorize Federal Government participation in meeting the financial needs of this institution, on the same basis as assistance is now furnished to the other State marine schools.

I submit, Mr. President, that if this were not done, it would amount to discrimination against the State of Michigan and its marine school, compared to the maritime schools already put in operation in five other States.

The last item in the bill is $4 million for the continued operation of the NS *Savannah*, which includes an extraordinary expense to install a new fuel core which has already been purchased by the Government. The annual cost of operating the *Savannah* is $3.4 million. The administration had originally requested $1.7 million for the initial phase of layup of the ship during the coming year, the full cost of layup over the next 3 years being $9 million, spread over 3 years. The House of Representatives amended the bill to authorize funds for continued operation. The Maritime Administration has indicated that nuclear propulsion will be an important part of future maritime technology. Both the Germans and Japanese have launched nuclear merchant ships within the last 2 years. If our Nation were to lay up the *Savannah* now and then try to assemble a new nuclear ship program in a few years, the cost would be tremendous. In that light, the layup of the *Savannah* would prove an uneconomic and wasteful decision. Therefore, the committee has adopted the amendment made by the House so that the *Savannah* can be part of an ongoing nuclear merchant ship program until a new program is formulated.

Mr. President, that is a summary of what is contained in this bill. It represents an essential first step in revitalizing our Nation's maritime capability, an objective which is shared by the President, the House of Representatives, the Committee on Commerce, and the Senate. The Committee on Commerce approved this measure unanimously and I strongly urge my colleagues to give the bill their favorable vote now. The economy and security of the United States require no less.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. WILLIAMS of Delaware. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the committee amendment.

The ASSISTANT LEGISLATIVE CLERK. On page 2, at the beginning of line 11, strike out "$2,325,000" and insert "$2,445,000."

WASHINGTON POST EDITORIAL ON ATTACK CARRIERS

Mr. THURMOND. Mr. President, I rise today to discuss the credibility of a so-called significant study of military tactical air power. This discussion is prompted by the recent publication in the Washington Post of an article summarizing a DOD study of attack carriers.

We all know the power of the printed word, and we know that when a published work goes unchallenged it acquires a certain amount of authenticity and respectability. The study I will discuss is not an approved DOD report, it does not have authenticity, and it has been repudiated at the highest levels in the Pentagon. In spite of this, it has received notoriety and Bernard Nossiter's article about it was entered into the CONGRESSIONAL RECORD on April 30 by the junior Senator from Minnesota.

At the outset of my remarks, Mr. President, I would like to say that I am not taking sides in an argument over land-based or sea-based tactical air. Both kinds of airpower are needed and each makes its own special contribution to the security of our country. Their relative values were studied very carefully by the Joint Armed Services Subcommittee on CVAN–70—nuclear attack carrier—of which I was a member. It was the considered judgment of that subcommittee that the determination of relative costs

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of a land-based and sea-based tactical air were not definitive. A general estimate frequently used puts these costs at a 1-to-1 ratio.

Despite the significant work of the subcommittee, critics of Defense procurement are seizing on this Washington Post article because it describes a study that downgrades aircraft carriers and concludes that the fleet can be cut.

Mr. President, my remarks to follow will show that Mr. Nossiter's article is based on a study that has been thoroughly discredited by knowledgeable authorities. As such it has no place as evidence in the documentation of military procurement.

HISTORY OF THE ROSENZWEIG STUDY

The "secret Pentagon study" mentioned by the Washington Post is the work of Mr. Herbert Rosenzweig, who was formerly with Systems Analysis in the Department of Defense. This is the office, Mr. President, that my friend and colleague from South Carolina, the Honorable MENDEL RIVERS, has been trying to abolish for several years. You will recall that not long ago a member of that office made the absurd recommendation that the Navy sink 10 Polaris submarines because they were too expensive to operate and maintain.

Mr. Rosenzweig is now with Brookings Institute, and it was there that he released his paper on attack carrier requirements and the relative costs of land-based and sea-based tactical air. Mr. President, let me trace the history of Mr. Rosenzweig's work.

The issues of attack carrier force levels and the carrier modernization program have been analyzed extensively and discussed within the Defense Department over a number of years. The current carrier building program is the result of DOD and congressional decisions based on OSD, JCS, Air Force, and Navy analyses and judgment.

The methodology used in Rosenzweig's paper first appeared as an OSD—Systems Analysis—draft paper several years ago. In point of fact, essentially the same analysis and conclusions contained in this paper were issued twice during 1968–69 as draft staff studies. In both cases, the draft staff studies were sent for service comment, and in both cases the analysis was not able to stand in the light of service review. Neither paper went beyond draft status and the report's conclusions and recommendations were not reflected in the procurement program.

The second appearance of this analysis in draft form in the spring of 1969 was marked by rebuttals and general repudiation on the grounds that major errors in cost analysis, method, and conclusions had not been corrected.

To a large extent, the present version of the Rosenzweig study reverts back to the author's original position and is further limited by his inability to substantiate and fully document many of the numbers used. Accordingly, the paper displays much of what the author believes rather than what can be proven.

MAJOR ERRORS AND OMISSIONS

The Rosenzweig paper does not follow one of the common first principles of cost-benefit or cost-effectiveness analysis. The usual procedure for comparative analysis is to hold either cost or effectiveness constant, and compare the alternatives based on measurements of the other factor. The paper holds neither constant.

In addition, there are several other major errors which I shall describe briefly. These are:

First. Understatement of the defenses required for a land-based wing of tactical aircraft.

Second. Understatement of the logistics requirements for the land-based force. This appears in two forms—understatement of tonnage requirements and overstatement of deployment capability of the transportation used to supply logistics for the land bases. Further, there is an understatement of the protective requirements of the land-based logistic train.

Third. Understatement of the deployment capability of the sea-based force by selecting for the problem a carrier that is based in the United States and which is then subjected to the disadvantages of having to deploy over the full course. Further, the carrier can presumably have the added disadvantage of being based on the wrong coast. This portion of the analysis so radically departs from any foreseeable real world situation as to force one to the conclusion that if the precepts of the paper were followed, the Navy and JCS planners would have to be judged completely irresponsible.

Fourth. Overstatement of sea-based costs, including, for example, the sea defenses required for the underway replenishment ships but not including escort costs to the MSTS ships used for supplying a land base.

Fifth. The method of determining deployment time of the aircraft carriers in this paper does not take into consideration the real world factors of force size, deployment policy, or national interests. The carrier is given only a 50–50 chance of being on the right coast and is not given any credit for being deployed when needed.

Sixth. In his study Mr. Rosenzweig utilizes a land-based air warfare system that cannot deploy, cannot defend its base, and cannot support itself logistically.

Seventh. Finally, Mr. Rosenzweig's report is based on a number of questionable assumptions. These are:

That petroleum, oils, and lubricants are available.

That the transport logistic aircraft are totally invulnerable while en route to the combat zone, while in the air in the combat zone, and while on the ground in the combat zone.

That adequate numbers of bare bases will be available wherever we need to fight.

That such bare bases that do exist will be immediately available for exclusive Air Force use.

That the threat to land bases from enemy ground attacks is very unlikely.

In conclusion, Mr. President, I need only to point out that the author failed to obtain approval of his study while he was in the employ of the Defense Department. Since he uses the same discredited methodology in his new report, its quality is far below the standards normally adhered to by professionals in the fields of systems analysis and cost effectiveness analysis. Moreover, Mr. Rosenzweig was invited to appear before the joint committee on CVAN–70 to testify, but for reasons not exactly clear to us, he did not appear.

Mr. President, I just wanted to set the record straight and provide evidence showing that the report on which the article was written has little standing in the defense and scientific community.

MARITIME AUTHORIZATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, at the beginning of line 11, to strike out "$2,325,000" and insert "$2,445,000".

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I recognize that we need a merchant marine sailing under the American flag. I also recognize that we cannot sustain an American merchant marine in view of the wide difference in our existing wage rates and the international wage rates unless we have some form of subsidy. By the same token, I realize that we cannot keep our American shipyards operating unless there is a differential subsidy to offset to some extent some of the increased cost of wages in this country as compared with those paid in foreign shipyards.

I recognize those points, but at the same time I also recognize that the formula for the subsidy for the American merchant marine as it has existed over the past several years is completely wrong from the standpoint of the American taxpayers. It has developed to the point that the companies themselves have very little interest in holding down the cost of the construction of a ship or the operation cost because the subsidy has reached the point where any increase in the cost of a ship or the cost of labor almost automatically is assumed by the Federal Government.

A good example of that was pointed out to me when I was talking to some of the shipowners at the time of the merchant marine shipping strike on the east coast. They said it had reached the point where, as owners of the companies affected, they had no interest whatsoever in negotiations on wage rates with members of the union, because they had reached the point of no return to the extent that any increases in wages agreed upon would only result in an in-

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creased subsidy, which, under the law, would be provided by the Congress. Therefore, the real negotiator was the Federal Government. It was the only negotiator because to the extent that wages were increased the taxpayers assumed the entire cost.

That was due to the fact that under the existing formula any further increase in the wage rates as compared to the wage rates on the international labor market would automatically be absorbed by the Federal Government.

So we had this rather ironic situation at the time: The management, very naturally, wanted the ships back in operation. Labor wanted the increased wage rates. So we had both management and labor working together, putting pressure on the Government negotiator to go ahead and agree to terms—any kind of terms so far as management was concerned—to get the ships moving; and that, of course, put both management and labor on the same side, against the American taxpayers.

We have the same situation prevailing in the construction of ships. The Government now, in effect, underwrites the extra cost of the ship as compared with nondomestic shipyards.

Therefore, the companies have very little interest in really getting down to hard bargaining with the shipyards to try to get the cost of this $30 or $40 million ship down by a few hundred thousand dollars. After all, the extra cost is going to be absorbed by the Government; so why should they be a hard bargainer?

I think we need a formula which puts some financial incentive on both management and labor, whereby they can lose something. I do not think it is fair to perpetuate a system where the American taxpayer is always the goat, when he is not even sitting in at the bargaining table. Therefore, I shall not support the passage of this bill today. I believe it is just a perpetuation of existing formulas which, over the years, have not worked to the advantage of the American taxpayers.

The administration promised last year to send down a bill which would revise this subsidy formula on a more equitable basis as far as the taxpayers are concerned. I understand the committee is giving that matter its consideration. I shall not pass any opinion on the merits of that bill or on whether it is better or worse than this one, although I do not think it could be much worse.

Nevertheless, as a Member of the Senate I wish to reserve the right to evaluate it after it is reported and after we see in what form it is. I shall not be supporting it unless it represents a substantial revision of the existing inequitable formula, which does not protect the interests of the taxpayers.

I think it is unfortunate that this particular bill has come before us before the committee is willing to present to the Senate the major bill revising this whole formula. I repeat, I think we need a merchant marine. I think our merchant marine problems must be recognized and faced. But at the same time, I am not willing to proceed unless we correct the present inequitable formula.

I am a great believer in the free enterprise system in this country, and I have strongly supported it over the years. But with our free enterprise system there goes a responsibility, and I think the maritime industry has not accepted its responsibility as it should under existing law.

This is an authorization bill. I have talked with the chairman of the committee, and he concurs that its passage at this time does not bind Congress to this amount when the appropriation bills come before us.

Therefore, I shall not make a major issue of it at this time but merely serve notice that when the appropriations come before the Senate I shall be taking an active interest in the matter, and trying to roll it back to a realistic level.

If in the meantime the major bill containing a more realistic formula is not acted on—and I hope it will be done before then—I reserve the right when the appropriation bills come before the Senate, for myself and other Senators who feel these subsidies are getting out of line, to have it understood that we are not binding ourselves by this bill at this time. I wish to make it clear, however, that I am not voting for this bill today because I personally would have recommended that we withhold any action until such time as we are ready to face the issue head-on.

The committee felt that they did not have the time to do it at this time, and I shall not get into a debate on that point. I merely repeat, I think we do need a merchant marine in this country, and I think that in order to have it, it has to have some form of government subsidy. I accept that, both as to ship construction and operational subsidies.

But I want it clear that I think that the existing law is far too lenient as far as the maritime industry is concerned and does not protect the interests of the American taxpayers. For that reason I shall vote against this bill. When the appropriation bill is before the Senate at a later date if this formula has not been corrected I shall be taking an active interest in trying to oppose some of these measures that are recommended here today.

With the understanding that this is not a binding commitment for any definite appropriations I yield the floor with this expression of opposition.

Mr. MAGNUSON. Mr. President, pursuant to legislation enacted in the 90th Congress, the Senate is called upon to enact authorizing legislation as a precondition to enacting an appropriation bill for programs of the Maritime Administration. This is the 3d year that the Senate has had before it the annual maritime authorization and, as a cosponsor of the legislation passed in the last Congress establishing the authorization requirement, I firmly believe that it is proving beneficial to an enlightened and increased effort on behalf of our merchant marine.

This year's authorization bill, H.R. 15945, gives me a great deal of satisfaction, for it represents the first page of the last chapter in the long struggle to revitalize our merchant marine. I have served in the Congress of the United States for a number of years and during all those years I have had a special interest in and concern for the strength of our merchant fleet. I have long advocated and diligently worked for a strong merchant marine because I believe that it is indispensible to our national defense and vital to our economic well-being. Consequently, the decline of our maritime capability and the neglect that long prevailed in our Government has been a source of grave concern to me.

There is little need to detail the decline of our merchant fleet. The facts are available to all of us and all-too-familiar to most of us. While this Nation's production of goods and services and trade with foreign nations has grown at a fantastic rate, we have become totally dependent on foreign interests to sustain the lifeline of our trade. Ninety-four percent of our waterborne foreign commerce is carried on foreign flag vessels. While the world fleet has increased by 61 percent in the last 15 years, our privately owned fleet has decreased by almost 25 percent to the point where we are now rated 16th in world shipbuilding statistics. Three-quarters of our merchant fleet is over 20 years old and will soon be totally obsolete.

These are just a few of the facts that have been troubling me about our merchant marine. Now we are taking action to remedy this situation. For the first time in many years the Senate has before it a plan to rebuild our merchant fleet that has the full support of the executive branch. The pending bill would authorize appropriations for the first year of that program. The $199.5 million provided for ship construction will provide funds for 19 ships. It is a modest beginning in light of the tremendous need, but represents a necessary first step to attaining a rate of 30 ships per year by fiscal 1973.

I believe that the urgent need for such a program is beyond dispute. I am mindful of the budget limitations forced upon us by the economic conditions now prevailing, and am well aware of the vast demands upon the Federal budget dollar for badly needed domestic programs. I have long supported and worked for many of these domestic programs and will continue to do so. I should also point out in that regard that the bill before us has considerable merit: shipyards have traditionally employed large numbers of the poor, minority groups, and marginally skilled workers. Most of our shipyards are located in, or on the edge of, depressed areas and the increased activity which will result from a new building program will generate substantial numbers of jobs and new economic opportunities for these persons—a result to be desired in these times of rising un-

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employment and increasing economic hardships. Likewise, the new program will help to arrest the decline in jobs for seafaring labor, a situation which has reached crisis proportions and which has brought misery to thousands of American families.

For these reasons, among others, I believe that the rebuilding of our maritime capability is deserving of considerable priority, and that the pending bill reflects that priority appropriately. I strongly urge my colleagues to give this bill their favorable consideration.

Mr. President, I came in a little late, but I have listened with a sort of feeling of nostalgia to my good friend from Delaware talking about the merchant marine bill. Over the years he and I have had more illuminating debates—at least we thought so—over merchant marine matters than any other debates that ever took place in the Senate. The problem is that each time we would get going about the controversial merchant marine, many Senators would leave, and we would just be talking to each other. But when Senators read the RECORD, I think they usually found the debates were illuminating about the problems of the merchant marine.

So I shall miss the Senator from Delaware. Sometimes we would get to a point where Senators would come back in; they thought maybe we were going to have a real fight about something. But through it all, the Senator has been very gracious, and through it all he has, I think, helped us to take a closer look at some of these matters. Because of it, I think we have had better bills.

Of course, most of these matters came with the appropriation bills rather than the authorizations. The Senator from Louisiana has spent a great deal of time on the new maritime bill. He and his subcommittee have heard a great many witnesses, and I think they have come up with a bill which, while it is not exactly what I would like—I would like to do more for the American merchant marine—is a bill that is going to start us on the way upward toward an adequate American merchant marine.

Our merchant marine, Mr. President, is literally our fourth arm of defense. Anytime something happens in the world involving this country, we call upon the merchant marine to be the fourth arm of defense. In World War II, the private American merchant marine was inadequate. We had to build a lot of ships, because we did not have enough ships at that time; but it carried 96 percent of all our traffic overseas for our people. The same is true in connection with our problems in Southeast Asia. We would like to keep an adequate American merchant marine, flying the American flag, because it is needed in both war and peace. As the Senator from Louisiana and I have stated many times, we do not think it is right that the American merchant marine now carries only about 6 percent of our exports and imports.

There was a great deal of discussion, and many conferences, between the Senator from Louisiana and myself and others, in trying to work out something we could all live with. I think this measure is a step forward, and I congratulate the Senator from Louisiana for getting the authorization before the Senate promptly. Perhaps the Senator from Delaware and I, when the appropriation comes along, before he says adieu to us, will engage in one more controversy. If so, I am sure it will be illuminating.

Mr. WILLIAMS of Delaware. I thank the Senator from Washington. I am sure it will be, and I am sure that the Senator from Washington and the Senator from Delaware will enjoy it.

As the Senator has pointed out, over the years I have been rather critical of the formula under which the maritime subsidy has been arranged. The Senator from Washington and I have debated this issue on numerous occasions, and I hope, as he says, that we shall have another opportunity at a later date when the appropriation bill is before us.

I do say that at no time have I taken exception to the sincerity of the Senator from Washington or his dedication to having a sound American merchant marine. He has been a strong advocate of that, and at the same time he has never questioned the fact that I, too, believe in a strong American merchant marine under the American flag and in the importance of it.

Our difference is just a difference in the manner in which we would approach it as to the subsidy formula. I have very strong feelings as to my belief that the present formula is far too liberal. He likewise has his own views.

We each have expressed them in our own forceful manner, but we have done it as friends. We came on the floor as friends, and I have enjoyed very much my work with the Senator. I served as a member of his committee for a number of years. The fact that we have differed on this subsidy formula, and the fact that we differ today as to the wisdom of proceeding to pass this bill, do not in any way diminish my respect for the Senator from Washington.

As one who is leaving the Senate after this year I want to say that I shall always have fond memories of my debates with the Senator from Washington. I may even come back some day to hear him carry on that discussion with some of my successors.

Mr. MAGNUSON. The feeling is mutual.

Mr. GRIFFIN. Mr. President, I wish to indicate my support for the pending bill, H.R. 15945. This bill authorizes appropriations for certain programs under the jurisdiction of the Department of Commerce. Even more important is the relation of this bill to a bold program of the future announced by the administration. As noted in the appendix to the budget for fiscal 1971:

> The 1971 budget includes initial funding for a ten-year program of ship construction and related activities designed to revitalize the U.S.-flag merchant marine.

Mr. President, it will be recalled that on October 23, 1969, President Nixon submitted his message transmitting recommendations for a new shipbuilding program. This bill, H.R. 15945, represents a first step in the much needed and long overdue revitalization of our Nation's merchant marine. In the words of President Nixon, the program is "one of challenge and opportunity."

As we noted earlier, the bill as reported by the committee includes an amendment to authorize support for a newly established State Maritime Academy to serve the Great Lakes on the same basis that support is provided for the other State academies previously established. The committee amendment, already adopted, authorizes funding for the Great Lakes Maritime Academy at Northwestern Michigan College, so that this major region of our Nation will be able to participate in and benefit from the "challenge and opportunity" of the administration's new maritime program.

In summary, Mr. President, this bill represents the first of many hoped-for milestones in the advancement of our Nation's shipping capability. In the words of President Nixon,

> It is my hope and expectation that this program will introduce a new era in the maritime history of America, an era in which our shipbuilding and ship operating industries take thier place once again among the vigorous competitive industries of this nation.

Mr. President, I commend the distinguished Senator from Louisiana (Mr. LONG) for his leadership as chairman of the subcommittee, and the Senator from Washington (Mr. MAGNUSON), who chairs our full committee, and the others who worked on this measure, on both sides of the aisle.

I join in the hope and expectation expressed by President Nixon, and I urge that the Senate pass the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15945) was read the third time, and passed.

ORDER OF BUSINESS

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

COAST GUARD AUTHORIZATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate pro-

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ceed to the consideration of Calendar No. 849, H.R. 15694.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. H.R. 15694, to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG. Mr. President, there is no controversy surounding this authorization at all, and I would, therefore, hope that the Senate would proceed to vote upon it.

The PRESIDING OFFICER (Mr. Cranston). If there be no amendments to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 15694) was read the third time and passed.

TRIBUTE TO SENATOR LONG AND OTHER SENATORS

Mr. MANSFIELD. Mr. President, the Senator from Louisiana (Mr. Long) has again demonstrated his outstanding legislative skill and ability. With the passage of the maritime authorization, designed to maintain a healthy merchant marine, he has added another splendid achievement to his already abundant record of public service. With passage of the Coast Guard authorization so swiftly his achievements today have been made doubly meaningful.

Senator Long's strong advocacy, his fine presentation and leadership, and his hard work on both of these measures are to be commended deeply. Passage of two such important proposals in a single day—both under the guidance of one Senator—is a rare achievement indeed.

The distinguished senior Senator from Washington (Mr. Magnuson) deserves our high commendation as well. As chairman of the Committee on Commerce he has again devoted his most effective legislative skills to two highly important matters. The Senator from Michigan (Mr. Griffin) also contributed greatly to these successes. His thoughtful views, his splendid cooperation and support were vital to such swift and efficient Senate action.

Finally, the Senator from Delaware (Mr. Williams) should be singled out for his participation. Though he opposed the maritime measure, he offered his views with great sincerity and cooperated to assure final disposition this afternoon. To him and again to Senator Long and to the Senate as a whole we are grateful.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Cotton). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDENT DEMONSTRATIONS

Mr. GORE. Mr. President, upon emerging from a committee session this morning, I found the hallway filled with students, including four from the State of Tennessee. Upon reaching my office, I found another delegation waiting there, from several States, including my State of Tennessee.

Although I welcome the opportunity to talk with constituents at any time, anywhere, and I invariably draw from such communication wisdom and helpful criticism, and, sometimes, strength, I rise at this moment to urge the students of my State not to come to Washington this weekend.

I have received long-distance calls from parents, from faculty members, and from students, about the possibility of demonstrations, meetings, debates, discussions, and protest meetings this weekend in the Nation's Capital.

Mr. President, I doubt whether such will be helpful. I wish the students to know that Members of the Senate are as troubled as they can possibly be about war.

I must confess that I do not have a fixed and certain conclusion in my own mind as to what the Senate itself should now do. We are a bicameral Congress. Even though the Senate could reach a consensus, the legislative brance can only affirmatively act by a majority of both Houses of Congress with the concurrence of the President. Without the concurrence of the President, two-thirds of both Houses are required.

So let me call this fundamental of our working democracy to the attention of the students from my State, many of whom I find are already here, demanding that Congress act. And from the telephone calls I have had, many more of the students are contemplating coming to Washington or are en route.

I do not wish to predict violence in the Nation's Capital this weekend. I know that many thousands came to a meeting a few months ago, and it was without significant violence. It may be that this can occur again.

I hope there will be no violence here or on any campus in America. Violence will not serve the cause of peace. Violence has no good fruit. Violence is destruction. I hope that all will refrain from it.

I only arose, Mr. President, to give a message to the parents and the faculty and the students who have been calling me and to urge them to manifest their sentiments in their own communities, to exercise their citizenship and their right of petition at their own institutions and in their own places of residence. This is, perhaps, gratuitous advice and perhaps unwanted. But because I am apprehensive, because I am aware of the recent tragedy on the campus at Kent State University in Ohio, and also because I am genuinely interested in the cause of a peaceful settlement, a negotiated settlement of this horribly bloody war, I wish to avoid even the prospect of violence and intemperance.

I know, Mr. President, that many people are saying that our system has broken down, that it does not work. I do not share this doubt.

The processes of democracy do not work perfectly. But the great Winston Churchill expressed the view, if I might paraphrase him, that democracy is the worst system of government except any other kind that has been suggested.

Our system must work. We must make it work, and the students must help to make it work.

This is not to imply that students are alone in being frustrated and in being concerned about the war, particularly about the invasion of Cambodia. Tensions are high all over the country. And a constitutional crisis may be in the making. But this is not a crisis that can be solved by protest meetings. It is not a crisis that can be solved by, nor should it be approached with, any threat of violence. Acts of violence, should they accidentally occur—and we know that there are always dangers of an accidental shot—might trigger something other than accidental violence. Accidental violence will not contribute to, but will postpone and make the working of the process more difficult.

I address these remarks to the parents, teachers, and students of my own State. I do not propose to speak for others. If my message reaches others, I have no objection. I doubt that mass meetings and mass protests now, in the inflamed climate of today, will be helpful. There is a grave risk of harmful incidents.

I repeat that I would not deny the right of people peacefully to assemble if I could, and I cannot. No one can. That is the first amendment to the Constitution.

But, Mr. President, I would not deny the right of freedom of speech, either, but there are times and places when one should not scream "fire." And this is a time, Mr. President, when it is dangerous for crowds to gather in the Nation's Capital where many may scream "fire."

AUTHORITY FOR COMMITTEE ON THE JUDICIARY TO FILE ITS REPORT ON THE NOMINATION OF JUDGE HARRY A. BLACKMUN TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to file its report on the nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States, together with any minority or individual views during the adjournment of the Senate.

The PRESIDING OFFICER (Mr. Gurney). Without objection, it is so ordered.

PROGRAM

Mr. GRIFFIN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. Mr. President, I have asked the majority leader to yield for the purpose of asking him if he might give us some idea of the program for the rest of the week and next week.

Mr. MANSFIELD. Mr. President, I am delighted to respond to the acting minority leader. The calendar is practically clear. There is no business on the calendar which collectively, in my opinion, would take more than 10 minutes. So on that basis, rather than come in tomorrow just for the purpose of being in, I make the following request.

ORDER FOR ADJOURNMENT UNTIL MONDAY, MAY 11, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD Mr. President, on Monday it is intended to take up these minor unobjected-to items on the calendar, and then turn to the nomination of Judge Blackmun to be an Associate Justice of the Supreme Court.

Whether the nomination can be disposed of on Monday remains to be seen, but if it cannot on Monday, it will be voted on on Tuesday at an hour certain, if that turns out to be the case.

Mr. GRIFFIN. I thank the Senator.

HARRY S. TRUMAN DAM AND RESERVOIR, MISSOURI

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3778, which was reported earlier today from the Committee on Public Works.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3778) to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Missouri.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SYMINGTON. Mr. President, in conjunction with my distinguished colleague (Mr. EAGLETON), who is in the Chamber with me this afternoon, I wish to state that the Senate has before it a bill to rename the Kaysinger Bluff Dam and Reservoir in Missouri after Missouri's No. 1 citizen, Harry S. Truman.

Although there is precedent for this action, it is unique to name a Federal project after a living individual. Certainly, however, Harry Truman stands above all others in deserving this honor.

In 1945, Harry Truman, then President of the United States, stated:

> The development of our natural resources calls for men of courage, of vision, of endurance, just as in the pioneering days of old.

Harry Truman was just such a man himself; and over his many decades of public service he championed the conservation and development of our natural resources, particularly the cause of water resource development, displaying farsightedness and dedication which we all benefit from today.

For this reason, and in recognition of his great service to his Nation, on April 30, Senator EAGLETON and I introduced a bill, S. 3778, to change the name of Kaysinger Bluff Dam and Reservoir to the Harry S. Truman Dam and Reservoir.

I want to thank Chairman RANDOLPH and the members of the Public Works Committee for their favorable consideration and swift action in reporting out and recommending this bill to the Senate.

This is a particularly appropriate location for a great memorial to Harry Truman since the reservoir will lie in west-central Missouri where he was raised, and only a short distance from Independence where the former President and his gracious and lovely wife Mrs. Bess Truman now make their home.

Kaysinger Bluff Dam and Reservoir has been called "The Giant of the Osage." Similarly, Harry Truman was a giant of his time who guided this Nation through some of the most turbulent years of the 20th century. And because Harry Truman contributed so much to the prosperity and well-being of this Nation, it is altogether fitting that his name be given to this vast project which will contribute so much to Missouri.

Thus, I wholeheartedly commend this measure to the Senate so that we may honor this great American who is celebrating his 86th birthday tomorrow.

Mr. EAGLETON. Mr. President, I, too, wish to join in the remarks just made by the senior Senator from Missouri (Mr. SYMINGTON) in support of S. 3778, the bill to change the name of the Kaysinger Bluff Dam and Reservoir to the Harry S. Truman Dam and Reservoir.

My colleague, the senior Senator from Missouri, has well-pointed out the illustrious achievements of our great former President, and words from me could not add to the greatness of President Truman's distinguished career.

As has been mentioned, it is exceptional that a dam be named after a living person. But Harry S. Truman was an exceptional man.

Therefore, I am pleased and privileged to join with the senior Senator from Missouri in urging the passage of the bill. It would be particularly appropriate if this bill were enacted into law by the end of this week since tomorrow is the birthday of President Truman.

I would like to thank the distinguished chairman of the Committee on Public Works, Mr. RANDOLPH and the distinguished ranking minority member of the committee, Mr. COOPER, for their assistance in expediting consideration of this bill in the committee. It is with their help that the Senate is able to honor President Truman on the eve of his birthday.

I am privileged to serve with them on the Public Works Committee, and I am personally grateful for their assistance with the bill. I know my senior colleague from Missouri shares my appreciation.

Mr. GRIFFIN. Mr. President, I want the RECORD to show that this bill has bipartisan support and that it will be passed by unanimous vote of the Senate before the birthday of that distinguished American and great former President of the United States.

Mr. JAVITS. Mr. President, when I was a Member of the House of Representatives, I had many dealings with Harry S. Truman. His daughter is a personal friend of my wife and me. I was in Independence, Mo., when the library was opened.

I would like to join the deputy minority leader in expressing the same hope and stating that I think President Truman's services to this Nation have been so historic as to warrant this devotion and attention being given to it.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for third reading, was read the third time, and passed, as follows:

> *Be it enacted, etc.*, That the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, authorized by the Flood Control Act approved September 3, 1954 (Public Law 83–780), shall hereafter be known as the Harry S. Truman Dam and Reservoir, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "Harry S. Truman Dam and Reservoir."

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, MAY 11, 1970

Mr. GRIFFIN. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 27 minutes p.m.) the Senate adjourned until Monday, May 11, at 12 noon.

EXTENSIONS OF REMARKS

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ADDRESS BY MAJ. CHARLES M. DUKE, JR.

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. DORN. Mr. Speaker, on the night of April 30, the Anderson, S.C., Lions Club was honored and privileged to have Maj. Charles M. Duke, Jr., NASA astronaut, to address their family night dinner meeting. Major Duke is a native South Carolinian and is South Carolina's only astronaut.

This was an outstanding occasion for all of us in upper-State South Carolina. Over 500 people attended the meeting to hear Major Duke speak, and among those present were Major Duke's parents, Mr. and Mrs. Charles M. Duke, of Lancaster, S.C., members of a loyal and patriotic South Carolina family. Young people were especially evident in the crowd who gathered to listen to the astronaut, and they participated eagerly in the question-and-answer session following the speech.

In his address Major Duke reviews the motivations for and the directions of our entire space program. He speaks of the ideals and objectives of our explorations and gives special emphasis to practical applications of the program which directly benefit all of us. I commend his excellent and timely remarks to the attention of my colleagues:

ADDRESS BY CHARLES M. DUKE, JR.

On the night of April 13th, a little over two weeks ago, an explosion aboard the service module of Apollo 13 set the stage for one of the most spectacular and dramatic rescues of all time. Within minutes after the explosion the seriousness of the situation had been assessed and we were faced with the most critical emergency in the history of American manned space flight.

The most pressing problem was to conserve the remaining electrical power in the command module and get the lunar module powered up so that it could support the crew for the return journey to earth. To guard against future failures, a small rocket burn was performed to place the spacecraft on a free return trajectory. A free return trajectory is one which returns you to earth for reentry without any further adjustments. Prior to this burn, Apollo 13 was going to miss the earth by nearly 1,000 miles. Once these first critical hours were over, mission control then turned to the task of developing new procedures for the crew to employ to assure a safe return and entry.

By this time the word was out over the world concerning our predicament. From nearly every country came prayers and words of encouragement. Yet there were those in this country who seized upon the moment to renew their attacks on this Nation's space program. Statements such as the risk is not worth it, we are gaining nothing and manned space flight is merely a stunt. These people are identical in character and as shortsighted as those in ages past who derided the efforts of Columbus and other explorers, who laughed at the steam engine, who called the automobile a toy, and who said the airplane will never be of any economic value to the United States.

Vice President Agnew aptly described these people. I quote from his speech before a National Leadership Conference. "The fair weather friends of the space program are quietly disengaging." The clever little pontificators who spoke the language of NASA now solemnly predict the end of our space program. The old politicians are opening the escape hatches and readying the life boats for a quick exit. The social levelers of the New Left are I told you so-ing all over the place and demanding that the space program be sucked down into the nearest slum." He went on to say that "great gains require great risks. To live in monotonous comfort without great dreams realized, or great ambitions fulfilled is to vegetate."

Thank God there are men in this country with visions to see the potential of the space program and who stand behind us as we go forward.

Apollo and its predecessors were successive learning experiences. Man *could* survice in space. . . . Man *could* operate there. . . . Man *could* land on another celestial body, perform scientific experiments, and return safely to earth. In each case, our principal preoccupation was proving that the job could be done at all and in developing the hardware to do it.

With this much learning experience behind us, we must now capitalize on it. We are now in a position to depart from a new plateau of experience and capability . . . and to progress with real confidence and efficiency from the "how to" to the real reason and substance of man's presence in space. The time has come for us to focus on the real objective in our manned space flight program—the exploitation of space for benefits having direct earth applications.

The continuing space exploration program which NASA has outlined will provide us with an opportunity to advance our technology at a steady rate and with sufficient funds to maintain our sights on targets no less significant than Apollo.

Space systems that promise enormous practical benefits to mankind have progressed from the theoretical to the feasible stage and NASA has initiated their development for near-future civil use. That these programs will get the requisite backing is clear from stated administration policy supported by congressional leaders such as Congressman Dorn who has consistently backed our appropriations.

The real payoff is about to begin. The evident benefits are tremendous in potential. They span a broad spectrum ranging from new levels of convenience to direct applications in the most pressing areas of global concern—food shortages in an overpopulated world, public health, air and water pollution, education, transportation safety, law enforcement and urban development. They promise new levels of business efficiency, improved resources management, accelerated discovery of oil and minerals, and reduction of life and property losses from natural disasters. These benefits offer economic returns of a very significant order. Predictions are that by the end of the decade, the direct economic benefits stemming from space originated technology will far exceed the anticipated annual funding for space research.

These systems that NASA is developing include a space shuttle which is a reusable spacecraft capable of landing like a large airliner. This system will lower the cost of orbiting a pound of payload by a factor of 10 and will be used to furbish and resupply large space stations. From these stations, man can train his eyes on the stars to better study the heavens and more importantly with the help of new sensing devices can keep watch on this earth's natural resources with the aim of better managing nature's bounty.

Generally, earth resources sensors focus on the earth's surface and subsurface rather than on its atmosphere. An example is a crop-imaging sensor, designed to take advantage of the fact that various types of vegetation reflect light in different bands of the spectrum and in different degrees. This makes it possible to program an imager to "see" one particular kind of vegetation—wheat, for instance. From either a stationary or a "moving" orbit, the sensor can take a picture of a large region in which the total wheat crop is imaged in a given color. This provides the basis for predicting crop yield and planning its distribution, important factors in agricultural management.

The sensor provides an extra bonus in reducing crop losses, because the image would also pinpoint areas where the wheat crop is threatened. A slightly different coloration would indicate plant disease, and it would show up sooner because of constant surveillance. As is the case in human physiology, disease detected early can most readily be treated.

NASA has in orbit or in the development stage many unmanned satellites which have materially improved our way of life. Among these are the weather satellite, the navigation/traffic control satellite, the communication satellite and the broadcast satellite, an example of which will let India transmit educational programs from a central station to the satellite for retransmittal to the remote villages of India. Thus providing a cheap reliable method of upgrading the education level in India.

Less dramatic, less sweeping and in some cases practically unknown are space benefits that stem from general technological advances rather than from the application of space systems to earth uses. The primary source of these benefits is the Apollo program.

The space agency is not simply waiting and hoping for technology transfers. Through its technology utilization program, NASA is working hard to achieve maximum return on the space investment by transferring the know-how to nonaerospace applications.

Specialists at our field installations and in the plants of our contractors scrutinize every research and development project, trying to find new applications, and report their "possibles" to NASA headquarters. Working with independent research institutes, our technology utilization staff sorts out the "possibles" and the "probables" and disseminates information on the latter to potential users. So far NASA has identified some 2,800 probables, and about a third of those have already found their way into the civil economy.

NASA has also established six regional data banks. These data banks contain the latest scientific lore in all of the many areas that research encompasses. They are information gold mines to businessmen exploring new markets or looking for answers to operating problems.

For example, a textile manufacturer in North Carolina, skeptical of any relationship between his own business and the exotic research being conducted in space, was persuaded to give the system a try. He went to the center in his area and presented the librarian a quality-control problem. The old equipment he was using could not maintain desired yarn consistency—output varied from too thick to too thin. Was there a solution short of replacing the equipment? The computer search turned up details of an infrared scanner that could be adopted to keep an electronic eye on yarn thickness and warning when it slipped out of tolerance. It is now in service.

I have attempted to show you how your space program is benefiting you directly. Now I'd like to turn to a more exciting side of the program and narrate a film on the flight of Apollo 11, man's first landing on the moon.

In closing, I'd like to leave you with two thoughts. Taking a philosophical look at the space program. Of all its spectacular success, I think its greatest achievement is this: The space program is the clearest proof that a Nation can set a difficult goal and carry it out. If it has done nothing else, it has demonstrated how we can, when we want to, marshal our talent, commit our treasure, gain public support and achieve a task. Secondly, let me leave you with these words of Dr. Goddard, who is known as the father of American rocketry:

"It is difficult to say what is impossible, for the dream of yesterday is the hope of today and the reality of tomorrow."

CRITICAL GAS SHORTAGE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. BUSH. Mr. Speaker, on April 21 I commented before this body on the critical gas shortages facing this country and my fear that by slowing down the sale of offshore leases in the Gulf of Mexico this Government is actually hampering further exploration.

On April 29, the Honorable Lee A. Du Bridge, Science Adviser to the President, wrote me of his concern in this regard. At this time, Mr. Speaker, I would like Dr. DuBridge's letter printed in the CONGRESSIONAL RECORD:

THE WHITE HOUSE,
Washington, April 29, 1970.

Hon. GEORGE BUSH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BUSH: This is in reply to your letter of April 16 to me.

We are very much aware of the impending natural gas shortage, as you know from Mr. Freeman's testimony. In the past, we have suggested to Department of the Interior staff that it would be desirable to speed up leasing, and I shall encourage the Secretary to move forward with leasing in gas prone areas as rapidly as other considerations permit. I am also calling his attention to the fact that making more natural gas available, even at some possible environmental risk, may on balance improve the quality of the environment since gas is now much in demand for purposes of reducing air pollution.

Sincerely,

LEE A. DUBRIDGE,
Science Adviser.

Mr. Speaker, a shortage of natural gas has serious consequences for this country. Pollution and ecological considerations must be given top priority because the degradation of our environment has equally serious consequences for this country. But these are not two separate considerations. Conservation and offshore drilling are compatible. Drilling regulations should be strictly enforced. But in the name of "environment" we should not let this country develop a further deficit in natural gas, a commodity which in itself provides the answer to many of our pollution problems.

AMERICAN PRISONERS OF WAR

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. WHITEHURST. Mr. Speaker, the wives of two Navy fliers held captive in North Vietnam have returned to Virginia Beach after an 8-day trip to Geneva, Switzerland. Mrs. Edwin Shuman, and Mrs. Dale Doss met with officials of the International Committee of the Red Cross, the World Council of Churches, and other world organizations.

They made the trip to call attention to the plight of prisoners held by Hanoi. They asked the ICRC and the League of Red Cross Societies to put more pressure on Hanoi to comply with provisions of the Geneva Convention relating to prisoners of war.

The North Vietnamese are signatories to the Geneva Convention, but have refused to permit the ICRC to inspect prison camps, refused to immediately release sick and wounded prisoners, refused to release a list of names of those held, refused to permit regular flow of mail between prisoners and their families, have used the men for propaganda purposes, and have violated other convention rules.

The women received assurances from both Red Cross organizations that the prisoners of war issue would be given top priority. Their husbands were injured when they were shot down over North Vietnam and taken captive March 17, 1968.

Mrs. Shuman and Mrs. Doss recently demonstrated great courage when they stated their refusal to be used as pawns for the purposes of North Vietnamese propaganda. They announced the refusal to accept any further letters from their husbands forwarded by a group known as the Committee of Liaison With Families of Servicemen Detained in North Vietnam. The committee is headed by David Dellinger and Mrs. Cora Weiss.

The two wives said the mental anxiety and apprehension they were undergoing, wondering if the committee would release a piece of mail, was playing into Hanoi's hands. The women were told that if they would demonstrate against the Government or make some overt action against the war the mail processing could be speeded up. They made the extremely difficult decision to forego any mail. In their statement they said they refused to be propaganda pawns of North Vietnam.

Isolating themselves from their loved ones to uphold dignity and principle deserves our highest praise and deepest prayers. May we all be strengthened by their action.

The Justice Department has opened an inquiry whether the committee must register as a foreign agent. California Representative BOB WILSON provided the Department with evidence that opened the inquiry. He cited the admission by the committee that the Democratic Republic of Vietnam—Hanoi—has decided to use the committee as a channel for communication between the captured airmen in detention camps in North Vietnam and their relatives in the United States. Their safe return was linked with political actions advocated by the Dellinger-Weiss organization.

I believe the inquiry will be a source of reassurance to the distraught families who have been referred by Hanoi to the committee for ward of their loved ones. Instead of receiving helpful information they have been subjected to progaganda, manipulation, and exploitation. I believe the resolution passed by Congress calling for humane treatment of prisoners by Hanoi expresses the concern of Congress. I also believe the resolution passed by the 1970 Virginia General Assembly will be of encouragement to the families, and should convey to Hanoi the sentiment of the oldest lawmaking body in the Western Hemisphere.

I insert the resolution at this point in the RECORD:

VIRGINIA SENATE JOINT RESOLUTION NO. 48—CONDEMNING THE TREATMENT OF AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

(Patrons: Messrs. Pearson, Turk, Aldhizer, Barnes, Warren, Howell, Dawbarn, Manns, Hopkins, Campbell, Echols, Fears, Bateman, Andrews, Thompson, Stone, Babalas, Michael, Bird, D. W., Burruss and Robinson.)

Whereas, the Government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao have consistently refused to release the names of prisoners of war, have declined to release immediately sick and wounded prisoners, have refused to permit impartial inspection of their prisoner of war camps, have not guaranteed the proper treatment of all prisoners and have not permitted a regular flow of mail between prisoners and their families; and

Whereas, all of such actions are in violation of the Geneva Convention and offend all sense of human decency; and

Whereas, several hundred American servicemen are believed to be prisoners of war in North Vietnam, Viet Cong and Pathet Lao prison camps and some of these men have wives and children in Virginia; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the General Assembly of Virginia, the oldest law making body in the Western Hemisphere, register its condemnation of the government of North Vietnam, the National Liberation Front of South Vietnam and the Pathet Lao for their failure to comply with the provisions of the Geneva Convention and for their inhumane treatment of American prisoners of war; that it express its grave concern for the health, safety and welfare of American servicemen imprisoned in North Vietnam, and that it urge such governments to be mindful of the nature of such conduct and to make the humane gesture of compliance with the provisions of the Geneva Convention.

Be it also resolved that a copy of this resolution be sent to the Secretary General of the United Nations, the Secretary of State of the United States; to Senators Harry F. Byrd, Jr. and William B. Spong, Jr., of Virginia; to the members of the United States House of Representatives from Virginia; to the Office of the President of the Democratic Republic of Viet Nam, Hanoi; to Xuan Thuy,

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Viet Nam Delegation, Paris; to Madame Nguyen Thi Binh, Delegate from the National Liberation Front of South Vietnam, Paris; to H. S. Nguyen Van Hieu, Ambassador of the Provisional Revolutionary Government of the National Liberation Front, Phnom Penh, Cambodia; to M. Sot Petras, Representative of the Pathet Lao, Vientienne, Laos.

Be it further resolved that other State Legislatures be urged to pass similar resolutions, and that civic clubs and other community organizations be urged to join with this effort.

NOTES ON THE LAW

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. WOLD. Mr. Speaker, the law is perhaps the noblest of man's creations. Nowhere has it blossomed more fully than in the United States and this is much of the reason for our Nation's greatness.

Today, law in the United States is under attack as never before by extremists from both sides of the political spectrum. The paradox is that the law is the very thing which allows their dissent and protects them from the righteous judgment of the vast majority of our citizens who still believe in the law.

In connection with Law Day last week, one of the West's most distinguished jurists, U.S. District Judge Ewing T. Kerr, of Wyoming, commented on the threats to law. His statement is a most lucid summary and analysis of the crisis.

Editor James M. Flinchum, of the Wyoming State Tribune, commented on Judge Kerr's speech. His assessment of the action law-abiding citizens must take to avert the rule of anarchy and disorder is most valid and timely. I include both articles in the RECORD at this point:

LAW—BRIDGE TO JUSTICE

(By Ewing T. Kerr)

Perhaps more words have been spoken and written during the past five or ten years on the subject of law and order than during the entire history of our republic.

Calvin Coolidge said: "It is the duty of a citizen not only to observe the law but to let it be known that he is opposed to its violation."

An overwhelming majority of present-day Americans obey the law, but far too few indicate that they are seriously concerned with its violation. To some of us the issues are clear. Almost daily we witness the progressive revolutionary steps of anarchy, coercion, intimidation, violence, and unlawful takeover.

If we are to live as civilized men and women, then we must make the law a paramount issue in our daily lives. In short, we must live by the spirit as well as the letter of the law. We must oppose crime with all the means at our command.

It has been stated that only gods and beasts can live outside of civil society. Since we are neither, let us accept the premise without testing it.

The "3-R's" which the school child innocently chanted years ago have taken on a new significance today. "Reading and writing and 'rithmetic" seem to be supplanted by "Resistance, Riots and Revolt."

I think the latter problems, riots and revolt, are the obvious symptoms of the basic disorder, resistance. If we could diagnose the cause, perhaps the effect could be treated and cured, or at least curbed.

J. Edgar Hoover attributes today's organized resistance to law and authority to the Communist Party. He charges that the Communist Party is conducting a well organized campaign to recruit and agitate our youth by a campus speech program in which "skilled hucksters of atheism and treason appear at scores of colleges and universities from New York to California."

They attract the politically naive and uninformed youth, the liberals or extreme leftists, and the conservatives or extreme rightists. The self-serving, self-appointed leaders of the minority groups are particularly susceptible to Communist propaganda. The Communists capture the imagination and arouse the enthusiasm of the impressionable "agin-ers", and the "do-gooders" as well.

Regarding the demonstrations on the Berkeley campus, the California state superintendent of public instruction said that the demonstrations there "provided a vehicle for infiltration by rabble-rousers, red-hots and Communists." The results were assaults, kidnapings and imprisonment of police officers, and the general breakdown of law and order.

From the newspapers we learn that one of the leaders of the demonstrations at the University of Wisconsin openly espoused that "the students should band together to bring down the government by any means." It is said that many of the leaders there are alumni of the W.E.B. DuBois clubs of America, purportedly a Communist-oriented youth organization.

These rebellious youths are not a product of their 18 or 20 years; they are the product of 3,000 years of civilization. From the beginning of civilization, injustices have always existed and mankind has struggled to eradicate them. These few youths are attempting to attain the solution now.

Triumph over inequities comes slowly and painfully. This war of injustice is the kind of war society has always fought because man is what he is.

The present attitude of this minority is to win today or to burn down tomorrow.

We know we are in trouble with this younger generation, not because we have failed our country, not because of our stupidity, but because we have failed to keep this unruly element in its place. We have the powers, but I think we do not have the will.

Violence, armed or otherwise, the occupation of buildings on campuses, should be cause for expulsion, but seldom does it happen. And, so, it may well be that this Republic faces the gravest challenge it has had since the tragedy of the Civil War, more than a hundred years ago.

Disorder in America should not be tolerated. There are forums available for the manifestation of public opinion and the courts in which redress may be obtained. The new groups of "revolutionaries" have too long been allowed to disrupt the peace of the nation and to impair the safety of society. Our governments, both state and federal, have the power to deal sternly with those who damage public and private property and create a serious disturbance in the life of America.

This is not an easy task, nor can it be done by words alone. The young are skeptical about their heritage. They are too observant and too smart to believe anything they are told.

A graduating student at Brown University addressing his own classmates, as well as their parents, said: "We are the people in the position of power in society; we have all the marbles. We've got to start the trend towards solving the problems which, in the long run, are our problems because it's our society. You must reassess your positions, and yourselves to become peaceful activists. The problems are ours because we represent society, and it is we who must reassert our idealism and our moral values in this country. We cannot expect the oppressed to do it. They have pointed out the problems, but again it's we who have to work toward the solution."

Disobedience of law is not confined to the younger generation. Only recently we witnessed tens and thousands of letter carriers striking against their government, to be followed by air traffic controllers. Since the statute concerning strikes against the federal government is brief. I will quote a portion of it: "Title 5, Section 7311 of the United States Criminal Code provides, 'An individual may not accept or hold a position in the government of the United States or District of Columbia if he—(3) participates in a strike, or asserts the right to strike, against the government of the United States or the District of Columbia —."

Another section further provides: "Whoever violates the provision of Section 7311 of Title 5—shall be fined not more than $1,000 or imprisoned not more than one year and a day, or both."

What punishment was meted out to these government employes? They were not punished at all. They were compensated by having their wages increased.

Don't be misled. There is no such thing as "civil disobedience." Any willful violation of criminal laws is "criminal disobedience." It is is a criminal act to assault, to trespass, and to destroy another person's property.

Let us scrutinize what is going on under the guise of freedom. Freedom of speech has been converted into a license to spread bigotry, immorality and disobedience. The traditional concept of civil rights, which kept our nation strong and wholesome, has been warped to encourage citizens to obey only those laws with which they agree. This disrespect for the law and defiance of legal restraint are forms of anarchy. For examples you have only to look at the shameful conduct of students burning their draft cards—citizens refusing to pay income taxes—and teachers balking at the loyalty oath.

We cannot condone the breaking of established laws if we are to be a society of free men. Complacency and apathy will destroy our orderly process of government under the law.

Just what is the situation concerning law and order today? Statistics show that crime is increasing at an alarming rate—both in numbers and in intensity. Since 1958 the national crime rate has risen 50 per cent. In many cities the streets and parks are jungles of fear where nearly half the residents are afraid to walk alone at night. Last year, 2,600,000 serious offenses, the largest total on record, were reported to law enforcement agencies in the United States. Every hour 52 automobiles are stolen.

More than 40 years ago an eminent jurist warned against excessive leniency—saying:

"The demand of the hour in America, above all other countries, is for jurors with conscience, judges with courage, and prisons which are neither country clubs nor health resorts."

These demands are still made by Americans today. They are losing patience with "conveyor belt" justice transporting criminals back and forth between the courtroom and the gutter. Americans must be more articulate than the communist sympathizers, and we must extol patriotism and morality. We must be more persuasive than our enemies and inspire respect for the law instead of revolt against it.

Our political and educational leaders can serve their nation immeasurably if they will just get the message across that equal rights must be earned, not handed out, and that equal rights must be shared with equal responsibilities. Civil rights are not guaranteed criminal offenders only. Those who respect the law have certain privileges too. A balance must be achieved between individual rights and collective public security. Our constitutional rights are not absolute; they are rela-

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tive. They must be exercised in consonance with peace and good order.

The breakdown in law and order is the result, not the cause, of the degeneration of the morality of our society, and the ultimate result will be the destruction of our Republic. Historically, every civilization that has failed to enforce its laws properly has perished. Retired Associate Justice Charles E. Whitaker of the United States Supreme Court warned two years ago that "the first evidence of each society's decay appeared in the toleration of disobedience of its laws and the judgments of its courts."

A New York newspaper has coined the phrase—"Turnstile Justice."—and complains about the slap on the wrist discipline. Lenient treatment through parole, probation and suspended sentences is weak justice; it gives the hoodlums another chance to perfect their criminal techniques and expand their corruption and vice. All this flagrant viciousness at the expense of decency and justice!

Every responsible citizen of the United States must prepare himself to withstand the relentless attack against the freedoms on which this nation is founded. We must be alert to what is happening on our campuses, on the street corners and in our homes. We must be prepared, morally and intelligently, to fight the tyranny that is filtering into our country. We must choose between law and anarchy, freedom and chaos.

I would be discouraging to think that sociologists, criminologists, and public apathy or fear are joining forces to hobble law enforcement and to strangle justice.

You and I are not participants in the mass demonstrations, disorder, and crime. We do, however, bear the responsibility for the survival of our government. Before demanding reason and restraint in others, we must discipline ourselves and deemphasize the material things of life and increase the respect of high moral values.

The annals of history contain no record more illustrious than our own. The accomplishments of our people are near a miracle of material abundance and plentiful endowments in the comforts of a full life. The ancient challenge—the vindication of freedom for mankind—is before us still. The world is gripped in bewilderment and fear. More than half the earth is engulfed by a new and strange philosophy predicated upon absolute authority and armed with new weapons of political warfare. A lost battle does not of itself ring the downfall of civilization. Forces generated from within must first nourish the seeds of decay.

The fate of freedom, as our fathers built it, as we have known it, and as we envision it for posterity, can be lost and can be lost by our generation.

It Need Not Happen Here

(By James M. Flinchum)

Over 30 years ago the then-famous United Press correspondent Webb Miller wrote a book about the coming of World War II entitled "I Found No Peace." Mr. Miller was killed in the early days of that great conflict in a train accident just outside London, some suspected, and their suspicions never have been allayed, that he was murdered by persons unknown. Had he survived, he would have been appalled—and perhaps moved to write a sequel to "I Found No Peace," possibly to the effect that "There Is No Peace."

On this May 1, May Day to the communist world and Law Day to we of the free nations, it is worth noting that in Washington, Richard Nixon has told the people of this country in effect that he would rather be right than President; and that his Administration now may be prepared to end a long, costly and indecisively-waged war in Southeast Asia by bold and dramatic new moves to crush an intransigent enemy.

And it is also worth noting that here in our own community, in words barely heard beyond our own environs but which should be pondered throughout this country, a respected judge has said that America cannot continue as a republic that takes its existence from the decisions of free men unless those citizens properly exercise their individual responsibilities, paramount of which is the upholding of the laws that they themselves make, and which are designed to govern them.

And what other more important duty of the individual citizen is there than responsibility—including "responsibility for the the survival of our government?" For if the individual citizen fails, how can a republic conceived as this one is, originating with the people at large rather than a select few overlords, continue to exist? It must surely fail and that was what Judge Ewing T. Kerr was talking about in the speech reprinted here today.

Said he: "We (as individual citizens) must be alert to what is happening to our campuses, on the street corners and in our homes. We must be prepared, morally and intelligently, to fight the tyranny that is filtering into our country. We must choose between law and anarchy, freedom and chaos."

Furthermore, "before demanding reason and restraint in others, we must discipline ourselves and de-emphasize the material things of life and increase the respect of high moral values."

And, he warned: "The fate of freedom, as our fathers built it, as we have known it, and as we envision it for posterity, can be lost, and lost by our generation."

If all Americans recognize the implications of such a dire prediction, one supported by events of the past six years in America, many show no sign of it, particularly among those who hold high places in government, in other areas of political leadership but outside the governing process; and in the intellectual community. It is particularly in this latter group that a dismaying attitude that may be loosely described as contributory to disorder and outright revolution, so clearly manifests itself.

Not all scholars are deluded by what is happening, however. Karl A. Wittfogel, professor emeritus of Chinese history at the University of Washington, in an article in the current issue of the quarterly review Modern Age, points to the curiously ambivalent but marked dominance by both anarchists and communists in today's revolutionary movement which has come to be designated the New Left. It is ambivalent because anarchists—at least the classical anarchists—are opposed to any form of government; whereas the communists represent rigidly structured rule of a type that Judge Kerr in his Law Day speech called a philosophy based on absolute authority and armed with new weapons of political warfare.

One of those weapons, indeed the chief weapon, that is emerging in this country is the anarchist, advocate of violence as a political weapon, who has surged to the fore in the New Left movement, ranging from Berkeley to Harvard Yard; and it is one that is also anti-intellectual, which strangely enough attracts certain types of so-called intellectuals in this country, or more probably psuedo-intellectuals. Dwelling on this subject, Prof. Wittfogel notes that leaders and followers of the New Left "profoundly distrust all integrative thought," and while this does not mean necessarily the rejection of all ideology from their movement, "it does favor a particularly shoddy type of ideology and a particularly shoddy type of ideologists." That, of course, doesn't mean the ideology may not be ineffective to the purposes of the New Left; Hitler's and Mussolini's ideologies were similarly shoddy, he notes, but they were not ineffective.

Wittfogel notes: "From the standpoint of what the New Left radicals are trying to accomplish, their extreme aversion to intellectual clarity is eminently understandable. A movement that fiercely attacks academic military 'establishment' as all-powerful, and non-communist agrarian conditions as unjust, and at the same time invokes Communist China, North Vietnam and Cuba as models, or at least as acceptable allies, has to keep the intellectual level of its followers extremely low.

"How much academic freedom is there in Communist China, North Vietnam and Cuba?" asks Wittfogel. "None. The New Left agitators do not even attempt to prove that such freedom exists under Mao, Ho and Castro (who developed his system of total intolerance with the help of Che Guevara)."

But the mixed bag of anarchists and other revolutionaries serve the purpose of their opposite ideologists, the communists, suggests Professor Wittfogel; who quotes Caussidiere, one of the leaders of the French Revolution of 1848, who, remarking on the revolutionary anarchist Bakunin, said: "On the first day of the revolution, he is a perfect treasure; on the second day one ought to shoot him." Thus, up to the victory of the revolution, the anarchists serve the totalitarians; after that, they must be eliminated.

But none of this need happen if the people will, as Judge Kerr urges, exercise their own individual intellectual capacity, see and understand what is happening, and behave as responsible citizens in this now free Republic, including the responsibility not only to think but to act. If they do not, then the revolutionaries will take over, anarchists and communists alike, thus leading to the day after the former have done the dirty work for the latter, they too shall pass away.

CHARLES "O'BIE" O'BRIEN

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. GREEN of Pennsylvania. Mr. Speaker, on the evening of May 26, 1970, Charles "O'Bie" OBrien, a distinguished Philadelphian, will be honored for 36 years of loyal and dedicated service to his community and to LaSalle High School where he served as basketball coach of teams which won an unprecedented seven Catholic league championships and four city titles.

Mr. O'Brien, a great person and a close personal friend of mine, since his son O'Bie, Jr., and I were classmates in grammar school, has become a legendary figure in the world of Philadelphia sports. In addition to his accomplishments as basketball coach, he coached track for 21 years and was the founder of LaSalle's swimming team in 1936.

In the words of former All-American Tom Gola:

> O'Bie O'Brien has the ability to instill in the individual the desire and guts to play basketball to the best of the player's ability.

On May 26, many Philadelphians will be paying tribute to Mr. O'Brien. I think it is fitting that his accomplishments be memorialized here because he has indeed-been an inspirational leader and a fine example to thousands of young men for nearly four decades.

OUR NATIONAL OBLIGATION TO FEED THE HUNGRY

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. DONOHUE. Mr. Speaker, at this time I would like to include a very timely and pertinent letter and statement I received, under date May 4, 1970, from the Council for Christian Social Action of the United Church of Christ, concerning our national obligation to feed the hungry, with special concern for children, within our society. The letter and statement merits the most careful reading of the Members and presents a very moving appeal for appropriate, conscientious action to meet our legislative responsibility in this area when the moment for such responsive action occurs in the near future. The letter and statement follow:

COUNCIL FOR CHRISTIAN SOCIAL ACTION,
May 4, 1970.

To the Members of the House of Representatives.

In re food stamp legislation.

DEAR CONGRESSMAN: Beginning at pages 9632 and 11306, the Congressional Record lists Agricultural Stabilization and Conservation payments of over $15,000 made to farmers and farm corporations during 1969. If smaller payments were included, they would bring the following totals:

	[In millions]
To idle land formerly used for feed grains	$830.0
Price support payments for feed grains	740.0
To idle land formerly used to grow wheat	83.0
Marketing certificates for wheat growers	798.0
Price support payments for cotton	823.5
Total	3,274.5

The payment of $913 million to keep land idle and of $2,361.5 million to compensate for low prices, plus millions in other subsidies, stands in sharp contrast to the niggardly allowance of $610 million given last year to the food stamp program.

Payments to hungry people enabling them to buy food and thus vitalizing a genuine market seem much more ethical and sounder economics than payments not to grow food and to provide artificial price props. Demand is the soundest price support. To pay to keep land idle seems unconscionable when there are people wanting to buy the food that could be grown there.

You will soon consider the agriculture bill. We hope you authorize as much money for food stamps as for farm payments. Our enclosed statement, Feeding the Hungry, gives our background analysis.

Sincerely yours,

TILFORD E. DUDLEY,
Director, Washington Office.

FEEDING THE HUNGRY

The evidence presented in the last three years to Congress, both informally and in 15 volumes of formal testimony, has made it clear that there is substantial hunger in this country. It is hunger in terms of often not having enough food and especially in not having nutritious food, needed to build healthy bodies and active minds. Such hunger causes people of all ages to suffer but undernutrition for children up to 5 years of age can have a permanently disabling effect and cause uncorrectable mental retardation.

In the United States hunger is an avoidable evil. The productive capacity of our farms in 12% above what the markets can absorb. (U.S. Dept. of Agric. estimate). We spend billions of dollars each year to keep farmland out of production and additional millions or perhaps billions to maintain the prices artificially for what is produced. Agricultural experts state the additional food needed to feed the poor can be obtained easily by the natural increase in productivity. If distribution were handled through commercial retail channels, the annual cost is estimated at from $3 to $6 billion, depending on diet standards, and including the costs of processing, transportation and retailing.

The White House Conference on Nutrition held in early December 1969 spotlighted hunger problems and its sense of urgency was a contribution to national understanding. We believe it is essential to press forward at this time without further delay.

The Senate's Select Committee on Nutrition and Human Needs has played a key role in the exposure of hunger and development of remedial programs. We believe it should be continued at least until the problem is near solution.

The Surplus Commodity program, while useful to institutions able to handle and process such commodities, should not be considered an aid to individuals and families.

In our view the crux of the present issues is the food stamp plan. The Food Stamp Act and its attendant regulations should be oriented primarily to the needs of poor people for nutritious food. The program should be available without being subject to a veto by state or local governmental authorities. The standard for eligibility should be established by the federal government. The schedule should permit a family of four with an income less than $4,000 to be eligible. A family with income less than $1,200 should receive free stamps with a retail value of at least the present amount of $106 per month. Recipients with income above $1,200 should pay no more than 20% of their income for stamps.

Food stamp plans can be administered best through local agencies. This should be encouraged but flexibility and ease of operation should be sought. Certification procedures should be established with spot checks to catch the dishonest. Stamps should be available at least semimonthly and mailed once eligibility and methods of payment have been established. Purchases should be possible at convenient times, i.e. as money becomes available. We urge the disbursing agencies to stress programs of information for their clients on nutritious foods, and how to buy and prepare them to get maximum health values.

The value of food stamps to be allowed depends largely on the minimum standard of living the nation selects. We suggest that the value be at least one-third of a minimum family income of $5,500.00 adjusted to changes in the cost of living, as recommended by the White House Conference.

We believe the federal government should authorize food stamp expenditures for fiscal year 1971 of $2 billion. For fiscal 1972, we recommend the figure suggested by both Pres. Nixon and the Senate Select Committee, namely $2.5 billion.

And finally, we believe that food should be more easily available at our schools. We recommend that nutritious lunches be supplied free of charge to all children, at kindergarten, elementary and secondary schools, without regard to the income of their families.

We are urgently commending support of these proposals by our churches. For Christians, feeding the hungry is no optional matter. The simplest test of discipleship still binds us: "If you love me, feed my sheep."

NUCLEAR CARGO SHIPBUILDING PROGRAMS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. CLARK. Mr. Speaker, the subject I am placing before my colleagues today is whether the United States is ready to commit itself wholeheartedly to a nuclear cargo shipbuilding program.

If there is worldwide race on for leadership in the commercial nuclear shipping field, as there seems to be, the United States could very well lose it before the majority of Americans ever find out that it was run. This is ironic, because we were the ones who fired the starting shot by building the world's first commercial nuclear vessel, the NS *Savannah*.

There is evidence that foreign shipping countries are following our lead more aggressively than we, ourselves, are. Germany's *Otto Hahn*—a nuclear merchant ship whose propulsion system incorporates advanced B. & W. designs, and benefits from experience gained from the *Savannah*—was so successful that West Germany had advanced the schedule for the building of its second nuclear-powered ship.

In England, where experts were originally cool toward nuclear-powered ships, an influential association of marine and aircraft interests has demanded that the British Government immediately start development of nuclear-powered ships.

In Japan, too, a nuclear surface ship is under construction and is expected to be operational by 1972. Named the *Mutsu*, the government-owned ship is earmarked for special use, probably as an oceanographic vessel.

Mr. Speaker, in other shipping countries, such as The Netherlands, Belgium, and Norway, similar efforts for this purpose are being carried on. The goal of each, of course, is to remain abreast of shipping developments in relation to other world competitors.

Among those in this country keeping a watchful eye on the emergence of a nuclear shipping industry is B. & W. The following article tells why:

NUCLEAR SHIPS COULD BE A NEW SIGHT ON THE HORIZON

Icebreakers have traveled the Northwest Passage through the Arctic Circle north of Canada for years. But when the largest U.S. tanker ever built, the *S.S. Manhattan*, accomplished the same feat recently, it created as much or more publicity than any earthbound pioneering expedition. Not only is the *Manhattan* the first commercial vessel its size to take that ice-jammed route to Point Barrow on Alaska's North Slope, but for the first time there is something for a ship of its type to carry back. The "something" is an estimated 40-billion barrels of crude oil—possibly the largest oil flud ever made in North America.

The *Manhattan's* success is exciting for another reason as well: It demonstrates a new application for nuclear-powered merchant ships. Conventional cargo ships are currently being built in the 60,000 to 120,000 horsepower range. The more powerful the vessel, the more economical nuclear power becomes, and a ship designed specifically to travel the Northwest Passage (the *Manhattan* was re-

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outfitted for the trip) would be a powerful ship, indeed.

There is no doubt that someday nuclear powered merchant ships will be a common sight as they shuttle between the world's major seaports. There is little doubt that when the American merchant marine goes the nuclear route, B&W will figure importantly in this business because of its technical experience and know-how. What is in question is exactly when the development of such ships will become a worthwhile business pursuit for interest companies like B&W.

John MacMillan, manager of the contract section of B&W's nuclear power generation department in Lynchburg, recently outlined for the Maritime Administration what he considers basic requirements for launching a U.S. fleet of advanced nuclear-powered cargo ships. "The three main requirements," he said, "are a firm national commitment; an unspecified sum of money to meet expenses; and a minimum of five years to produce the first ship." He said the prime requirement is leadership at the national level.

"B&W's position," says Charles Wilson, assistant manager of the marine department, "is that we are ready to support such a national commitment with our resources when the time comes. We are waiting for nuclear cargo ships to find their niche," he says. "But a firm commitment must come first."

A worthwhile nuclear program would involve more than a commitment for one or two ships. A program that would lead eventually to large, economical nuclear ships of the future would have to assure the construction of a series of new ships, so that steady improvements and refinements could be made. According to Wilson, nuclear ship operation could be economical by the 80's if ships for the 70's are contracted for soon. Such a program of planned development would be expensive, and the question is: Where are the funds going to come from?

Traditionally, the maritime industry has looked to the Federal government for financial support. Today, an intricate network of subsidies and government-protected routes insures business for American shippers. Still, the American merchant marine is in a severely depressed condition.

The American fleet now totals less than 900 vessels, and many of them are fast approaching un-insurable age. Only six per cent of this country's foreign commerce is being carried in American flag vessels.

In an attempt to revitalize the shipping industry, President Nixon has urged Congress to support a program that would expand the merchant marine's activities and step up construction of commerical vessels in domestic shipyards. The plan, which he hopes will raise the percentage of goods carried by American ships, in turn raises hope that the "firm commitment" MacMillan and other speak of is near.

Nixon has requested about $300 million, about three times the annual spending over the past several years. Included in the proposal are expenditures of about $32 million a year over a five-year period for research. The goal is to put advances in technology to work for the maritime industry—and chief among the advances is nuclear power.

UNIQUE EXPERIENCE

Whenever the time does come, B&W will be able to offer nuclear experience unique in the United States. The know-how stems chiefly from the company's role in designing and manufacturing the nuclear propulsion system for the world's first nuclear merchant ship. While envisioned primarily as a seagoing showpiece promoting peaceful uses of the atom, the *N.S. Savannah* has operated successfully for more than three years.

The *Savannah* is propelled by the first mobile nuclear power plant to be built and licensed by the Atomic Energy Commission. She has traveled more than 300,000 miles on 111 pounds of nuclear fuel (an ordinary ship would have needed 60,000 tons of oil). She opened ports and docks to nuclear ships in 25 countries. Support programs have created nuclear engineers and deck officers licensed as reactor operators. There are those who claim the *Savannah* has proved successful as a commercial venture as well as proving the safety and dependability of nuclear ship propulsion.

In short, the *Savannah* was an unqualified success, and the core of men who made it so are still with B&W. Their work on the *Savannah's* propulsion system started B&W along the road to improvements in nuclear ship power plant design and manufacture. The "spread-out" design of the *Savannah* was later improved upon by B&W engineers. The Consolidated Nuclear Steam Generator (CNSG) which powers Germany's nuclear ship *Otto Hahn* is of a design patented by B&W engineers. It is smaller in both size and weight than the *Savannah's*, and offers fuel costs about 40 per cent lower than the *Savannah's*.

In addition to improvements incorporated into the *Otto Hahn*, even greater economies will be possible in future ships. "Fuel costs for future CNSG cores," MacMillan says, "would amount to substantial savings per ship and on long trade routes might reach $700,000 a year for ships in the 100,000 h.p. class (over equivalent fossil-fueled ships)."

Hope is high for a meaningful nuclear merchant marine program for reasons other than President Nixon's recommendation and the discovery of oil on Alaska's North Slope.

First, there is the trend toward containerization and higher horsepower ships. In the mid-sixties, working with ship architects and engineers, B&W proposed the concept of 120,000 horsepower nuclear vessels to the shipping industry. The ships would have been "containerized"—that is, designed to carry stackable, self-contained van-sized boxes filled with goods, rather than the conventional break-bulk cargo. Among other advantages, the process speeds loading and unloading time. The shippers went to containerization then, but not with nuclear, primarily for lack of Federal funding.

Still, the fact remains that fast port turnaround of containerized vessels makes nuclear ships more attractive economically. The significant difference in cost between a conventional and nuclear ship is primarily due to the expensive nuclear propulsion system. However, the nuclear ship's higher initial cost is offset by lower fuel costs. Thus increased operating time—due to containerization, for example—is more economical for nuclear ships than for conventional.

Another factor in favor of nuclear ships is the chance they offer the United States to narrow the competitive edge now enjoyed by foreign flag ships. Today the wide variation in labor costs throughout the world (American sailors earn $470 a month; British, $135; Hong Kong, $77) puts the United States at a distinct disadvantage. The technology needed to build nuclear ships and the fewer, but highly skilled operators needed to run them have the effect of evening-out operating costs from country to country.

Foreign countries have been quick to see the impact nuclear power will someday have on world trade, and they have acted. In countries where shipping is considered a major and vital industry (unlike in the U.S. where the economy sails along even while shipping remains depressed), nuclear programs have progressed steadily over the years.

Although the United States has not yet committed itself to a hard-and-fast program of nuclear ship construction, it has continued to invest in research. B&W and Westinghouse have been the two main channels through which the Government has maintained its investigation of marine nuclear power. Currently, B&W is working under one such Government contract, and the company is scheduled to receive an extension on it which could triple that amount.

All these factors combine to make a nuclear program in the U.S. more likely in the near future. With much to offer, and to gain, B&W will be there when the time comes. "The work ahead," Howard Barringer, project manager at Lynchburg, says, "will be exciting and challenging for new engineers as well as for the experienced *Savannah* men." The result could mean the revitalization of America's shipping industry, and the restoration of this country's maritime power.

INTERPRETATION OF THE FOREIGN ASSISTANCE ACT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. BROOMFIELD. Mr. Speaker, I want to express my deep disappointment at the manner in which the military assistance program for fiscal year 1970 is being implemented as it relates to the Republic of Korea.

In my judgment, the allocation of funds to Korea under this program represents a serious distortion of the spirit, it not the letter of the language approved by Congress.

As some of my colleagues may remember, I was the originator and sponsor of an amendment added to the Foreign Assistance Act by the House Foreign Affairs Committee last year calling for a special appropriation for Korea of $50,000,000 over and above funds regularly programed for maintenance of existing military equipment. It was my intent that the additional $50,000,000 be earmarked for modernization of the Korean military establishment.

In my view, such an appropriation was in keeping with the basic principles of the Nixon doctrine under which the United States seeks to reinforce and supply our strong Asian allies so that they may provide for their own defense.

This amendment was thoroughly debated in the committee and on the floor of the House last year. It was the only substantial amendment of this sort which the House saw fit to retain in the bill. The House-passed foreign assistance authorization bill was specific in its approval of this amendment. It provided as follows:

> There is authorized to be appropriated to the President to carry out for the purpose of this part in Korea, in addition to funds otherwise available for such purpose, not to exceed $50,000,000 for the fiscal year 1970. . . ."

To me, this language is clear and explicit. The Republic of Korea is to receive $50,000,000 "in addition to funds otherwise available."

The Department of Defense has informed me, however, that the Senate-passed version of this legislation as well as the conference report, while not ruling out this interpretation, seriously clouds the clarity of this intent. As a result, the

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Department has added the special $50,000,000 appropriation intended for Korea to the overall military assistance program and apportioned it amongst its many programs.

While I can understand the dilemma with which the Department was faced in view of Congress' mandate to reduce the program across the board, I cannot help but view this decision as extremely unfortunate.

As one who voted with the majority in favor of a general reduction in the military assistance program, it certainly was not my intent to nullify that action by providing an additional $50,000,000 to be divided among the program's recipients.

More important, however, is my concern that this action does nothing to improve the seriously underfunded condition of the Korean program.

The Government of South Korea has placed great reliance on the proposed modernization program and advertised it widely among the Korean people and other Asian nations as a practical demonstration of the Nixon doctrine in Asia. Discarding the modernization program now can only be interpreted by some as evidence that reduced U.S. presence in Asia signals a lessening U.S. interest in the welfare of our Asian allies.

I am confident that the Department of Defense, the administration, and a majority of the Members of Congress share my sincere belief that the United States has few more important interests in Asia than in maintaining a strong South Korean counterforce to North Korean aggression both for the short-range and the long-range future. In our preoccupation with Indochina, we have been forced to delay a reasonable military modernization program in Korea. In an area of the world where war by miscalculation is a very real peril, any such delay is an indication of weakness and an invitation to disaster.

If these concerns are shared by the administration, as I feel confident they are, it would seem incumbent upon its leaders to initiate action as quickly as possible to seek additional funds to deal with the threat to the Republic of Korea on a level with its importance and priority.

POLISH CONSTITUTION DAY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. WHALEN. Mr. Speaker, on May 3, 1791, Poland adopted one of the first liberal constitutions in Europe. Restating the principle upon which our own Constitution was formulated, the Polish document declared:

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Because we concur in the proposition that governmental authority flows from the will of the people, it is particularly appropriate that we in Congress commemorate today the 179th anniversary of that nation's commitment to that principle. I would hope in some small way our remembrance of this event here in the House Chamber will serve to assure our Polish brethren that we have not forgotten this bond between us.

Mr. Speaker, I extend my appreciation to the gentleman from Illinois (Mr. PUCINSKI) for giving the Members of the House an opportunity to recognize the significance of Polish Constitution Day.

SYMPHONY ORCHESTRAS ABROAD

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. ROSENTHAL. Mr. Speaker, at the request of the American Symphony Orchestra League, Howard Taubman, critic at large for the New York Times, spent almost 2 months studying symphony orchestras abroad. He visited Israel, Austria, Germany, The Netherlands, and Great Britain. He delved into the structure, operations, and quality of such orchestras as the Israel Philharmonic, the Munich Philharmonic, and the Halle Orchestra of Manchester, among others.

Mr. Taubman's lucid study incorporates findings in a wide area. He discusses the role of government and private support of these orchestras, the effect of politics upon the arts, the growth of symphony audiences throughout the world, the problems and morale of artists, and the future of the symphony.

This study is a valuable contribution to our information on the subject, and for this reason I include a summary of it in the RECORD:

THE SYMPHONY ORCHESTRA ABROAD

(A report of a study by Howard Taubman)

ABOUT THE AUTHOR

Howard Taubman, critic-at-large for The New York Times, has been with The Times more than 35 years. He was a general reporter before transferring to the music department. Later he was named music editor, music critic and then succeeded Brooks Atkinson as drama critic.

During his career as a journalist and critic, he has reported on the musical and cultural scene in New York City, throughout the United States and in many countries in Europe and Latin America.

He has contributed numerous articles to The New York Times Magazine and Book Review and to virtually all of America's leading magazines.

His books include *Opera Front and Back, Music as a Profession, Music Is My Beat, The Maestro: The Life of Arturo Toscanini, How to Build a Record Library* and *How to Bring Up Your Child to Enjoy Music.*

He has appeared on radio and television and has lectured at many colleges and universities. Honorary degrees of Doctor of Music have been awarded him by Oberlin College, Temple University and the Philadelphia Musical Academy.

ABOUT THE STUDY

The dramatic increase in the number of U.S. orchestras offering year 'round employment created a need for information on the experience of orchestras which have operated on a 12-month basis for many years.

This study is an in-depth report of the administration, financing and artistic control of orchestras that have functioned on full-time schedules. It was commissioned by the American Symphony Orchestra League, Inc., P.O. Box 66, Vienna, Virginia 22180.

At the request of the American Symphony Orchestra League I spent almost two months in a study of orchestras abroad. I visited Israel, Austria, Germany, The Netherlands and Great Britain and delved into the structure, operations and quality of the Israel Philharmonic Orchestra, the Vienna Philharmonic and the Vienna Symphony, the Munich Symphony and the Munich Philharmonic, the Berlin Philharmonic, the Amsterdam Concertgebouw, the Hague Residentie, the London Symphony, the London Philharmonic, the Royal Philharmonic, the New Philharmonia and the Halle Orchestra of Manchester.

It might have been informative to broaden the range of the study and to include orchestras in other cities and other lands. There surely would have been more data. However, the basic findings, I am certain, would not be much different. I have traveled in other years in East European countries such as the Soviet Union, Poland, Hungry and Yugoslavia, and I know that orchestras in these countries are Government-supported, and, to an extent unknown in the Western world, Goverment-dominated. I have also been in Japan, the one Asian country with a highly developed Western orchestral culture, and I learned that there are six professional symphony orchestras in Tokyo, all substantially supported by television and radio interests. I did not attempt any special investigation in depth of the Japanese orchestras any more than I did of the East European ensembles, but I did hear some of them and I did speak to Japanese and foreign musicians working in Tokyo and I gathered that even the best Tokyo orchestras are not yet in a class with the best in the West. I also found that standards of pay for workers generally are low in Japan, while living costs in a city like Tokyo are high. I was not surprised, therefore, to discover in my recent travels that a number of Janapese musicians had migrated to The Netherlands and become permanent members of the Amsterdam and Hague orchestras.

Of the Western orchestras I studied I found that they fell into two broad categories: 1. Those that were fundamentally cooperatives; 2. Those that were fundamentally Government-supported—State, City or both.

It should be emphasized, however, that it is not the fact of subsidy that distinguishes one category from the other. I encountered no orchestra without some form of substantial subsidy. The difference is the crucial one of degree of responsibility. In the case of category No. 2, the existence of every orchestra is in effect guaranteed by government. In the case of category No. 1, the orchestra to a large extent must fend for itself. But I believe that government would intervene further if the life of these orchestras were endangered.

In category No. 1 must be included the four London orchestras—the London Symphony, the London Philharmonic, the Royal Philharmonic and the New Philharmonia—the Israel Philharmonic and the Vienna Philharmonic. The Vienna Philharmonic, it should be added, is a distinctly special case. Although it is unmistakably a cooperative as a symphonic ensemble, its foundation and source are the Austrian Government: the

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members of the Vienna Philharmonic are all members of the Vienna State Opera Orchestra, and their basic pay, fringe benefits and security stem from that employment. As members of the Vienna Philharmonic, these musicians are largely on their own. But as members of the Vienna State Opera they, like other elements in this institution, can count on the state. And how! Dr. Heinrich Reif-Gintl, the general director of the State Opera, told me that the subsidy to the State Opera comes to $20,000 a performance. There are 300 performances a year, and the annual subsidy is $6-millions.

I should add another word of explanation. I included the Munich Symphony in the study although it is the orchestra of Bavarian Radio and entirely supported by it. I did so because the Munich Symphony presents a concert series in a concert hall to subscription audiences and, therefore, is in direct competition with the Munich Philharmonic. There are five other major orchestras in Germany entirely supported by State-radio systems, but they do not impinge so strongly on orchestral competitors. In Great Britain, the B.B.C. Symphony is maintained by the British Broadcasting Corporation, which in turn is maintained by funds drawn from taxes on the citizen's television and radio sets, and the B.B.C. Symphony does give a number of public concerts to paying audiences and competes with the other London orchestras to a limited extent. But for the moment it does not seem to impinge on the very existence of these orchestras, though in the long run it may.

SUBSIDIES

To get a sweeping view of the importance of subsidies to orchestras abroad it is useful to list them here side by side, though I go into detail in the separate sections on each orchestra. I must say that some of the figures startled and staggered me. As one who has spent many years in the music field, I knew all along that orchestras abroad were generously supported by government. I must confess, however, that I did not realize how generously.

The smallest proportionate subsidy is the one received by the Israel Philharmonic. It gets $100,000 a year out of a total budget of $1,750,000. The Vienna Philharmonic, as I have indicated, gets little or no subsidy, except when it does something special, such as a foreign tour or a film project, but as the orchestra of the Vienna State Opera, the Philharmonic shares significantly in that institution's subsidy. The Vienna Symphony receives about $500,000 a year from the City of Vienna and about $125,000 a year from the Austrian Government; the total budget varies according to the orchestra's activities but it comes to more than $1-million, with a subsidy, as explained, of $625,000.

The Bavarian Radio underwrites the total cost, about $1.5-millions annually, of the Munich Symphony. The other figures are:

Munich Philharmonic: Out of a total budget of $1.25-millions, the city of Munich provides a subsidy of $900,000;

Berlin Philharmonic: Out of a total budget of slightly more than $2-millions, the city of Berlin provides a subsidy of $1.5-millions;

Amsterdam Concertgebouw: Out of a total budget of slightly less than $1.5-millions, the Netherlands Government provides a subsidy of $360,000 and the city of Amsterdam a subsidy of $540,000; a total subsidy of $900,000.

Hague Residentie: Out of a total budget of $1.2-millions, the Netherlands Government provides $300,000 and the city of The Hague provides $750,000, a total subsidy of $1,050,000.

London: Each of the four orchestras receives a subsidy of about $180,000 out of total budgets ranging between $960,000 and a little over $1-million. This money comes from the London Orchestra Concert Board, which derives its funds from the Arts Council and the Greater London Council. The Arts Council is funded nationally by Parliament, and the Greater London Council is the governing agency of Greater London.

Manchester: Out of a total budget of $840,000, the Arts Council provides $208,000 and the city of Manchester provides $53,000, a total subsidy of $261,000.

The size of the subsidies has been growing in recent years. In Berlin, for example, there is a built-in percentage rise as a response to inflation. The increase last year was 4% for inflation alone. The pressure of rising costs has also led to some modest increases in salaries of musicians and, in the case of conductors and soloists, to added expenditure in keeping with the need to compete for the great stars with orchestras in other parts of the world. Governments naturally resist pressures to raise the amount of subsidies because taxpayers the world over hate to have their taxes increased.

A lot depends, of course, on a nation's priorities. Dr. Theodor Piffl-Percevic, Austria's Minister of Education and Culture, told me that his country had built up its arts institutions when it was still a great empire. Although the empire is gone and the country has shrunk in size, the cultural institutions have been retained. The arts are felt to be a great, perhaps the greatest, adornment of the nation's image—for itself and the rest of the world.

Germany is prosperous, and by tradition it has always assumed that arts institutions must be generously supported. Much the same philosophy, for poor as well as rich countries, pervades the Continent. In Great Britain government support has been growing steadily since the end of World War II. The appropriations to the Arts Council have risen steadily; under the leadership of Jennie Lee, the current Minister of Culture, the annual grant went up more sharply than before. There is no doubt that the government will continue its support whichever party, Labor or Conservative, is in power. But I heard cautionary and fearful words from officers of the London Orchestral Concert Board and from executives of the orchestras about the possibility of getting orchestral subsidies increased. The impression I got was that they now were as high as they would get to be—at least for a while. In other countries I had the impression that what was needed to keep a great orchestra not only functioning, but also great, would be provided.

It cannot be too strongly stressed that the main objectives of the subsidies are to keep the orchestras in existence and to insure that their quality will not be diminished. There are other quid pro quos in some instances. Orchestras are expected to play some popular-priced concerts, but they would play them anyhow.

In Munich the Philharmonic is expected to play concerts for clubs, labor unions, school children and other audiences not familiar with a live orchestra. Other orchestras are expected to tour the provinces, and the Israel Philharmonic must play for men and women in uniform near their encampments. But virtually all these additional commitments would, I am sure, be fulfilled anyhow, and I am convinced that nowhere would a subsidy be withheld. Subsidy is an accepted fact of cultural life. One might speculate that there would be no orchestras at all in most countries without it—and certainly not distinguished ones.

Is this true? Probably. Private contributions to the orchestras are minimal everywhere. The Israel Philharmonic receives $60,000 a year from the America-Israel Cultural Foundation and hardly anything else from any source, though guest conductors and soloists make special arrangements for personal and emotional reasons to accept lower than customary fees or to remit part of fees to the country's musical purposes. In London some orchestras receive modest annual grants from tobacco companies. In Germany there may be small special gifts, such as funds for buses of famous musicians to go into a new hall such as the Philharmonic Hall in Berlin.

What would happen if subsidies were withheld entirely? I have no doubt that some orchestras could not continue. It may be that Germans would not let a proud ensemble like the Berlin Philharmonic die; it could even be that dedicated musicians would make sacrifices rather than see a great instrument of which they are a part crumble. But I do not believe that some of the other orchestras covered in this study would endure. Indeed, even with subsidies the London orchestras are close to the danger line.

SUBSIDIES AND PRIVATE SUPPORT

There is another side to the subsidy question which must be analyzed because it has immediate pertinence to the situation of orchestras in the United States. I have pointed out that there is little or no private support abroad, by individuals or foundations or corporations. It may well be that a major reason is that there are no provisions for tax deductions for contributors in most countries.

To indicate the difficulties of getting corporate contributions a London orchestra manager described his negotiations with a tobacco company. This company has contributed about $5,000 a year to the orchestra in recent years. It was pointed out to company executives that under British tax laws the company could, if it wished, sign a covenant to donate $5,000 a year to the orchestra for a minimum of seven years. If it did so, the amount that it paid in taxes on the $5,000 would be turned over to the orchestra by the government. Since British taxes are high, the amount paid on the $5,000 is $3,000. Thus the company could in effect donate $8,000 instead of $5,000 at no further cost to itself. In a sense this is encouragement of a matching device. But the company refused. It said that it did not like to commit itself for seven years, since it had no way of knowing that it would remain in an equally profitable position.

In the United States, of course, orchestras could not exist without donations by individuals, corporations and foundations. Although government subsidies are appearing, even growing in some states and cities, they are far from being the weighty force they are abroad. In view of the situation abroad, the questions that must be analyzed thoroughly are:

Would extensive Government subsidies to the orchestras kill off private support?

Would Government support provide a sounder base for orchestras if it were as unquestioned and assured as it is abroad?

Would assurance of Government support bring a loss of personal commitment and enthusiasm on the part of private citizens, which is so valuable an aspect of the American orchestral scene?

Could some useful combination of Government and private support be worked out in the United States, possibly on a basis of matching formulas, so that the orchestra could have guarantees of continuity and at the same time retain the personal involvement of so many faithful adherents?

Frankly, I don't know the answers to these questions. I do believe, however, that the questions must be pondered, particularly if one is convinced, as I am, that a symphony orchestra is a community asset and that a great symphony orchestra is a great national asset.

ROLE OF UNION

Next to the prevalence of subsidies from Government and the pervasive, undisputed acceptance of the principle of Government subsidies, the most arresting point about orchestras abroad is the nature of the relationship between musicians and management. Where the orchestra is a cooperative, the players themselves are the basic management, even if they employ a non-playing general manager. For in the end they make policy. Where the orchestra is not a cooperative, the players, through their elected representatives, tend to have a greater voice in policy-making than do the members of American orchestras.

In all the orchestras I studied, the musicians' union plays a far less significant role than does the union of the United States. The members of cooperative orchestras all belong to unions, but the union is almost irrelevant. With whom, after all, would a union bargain about pay and working conditions in a cooperative? Obviously with its own members. All that a union can expect is that the standards and working conditions established for members not in cooperatives will not be breached by the cooperatives. In Israel and Great Britain the cooperatives pay higher minimums than the union standards, which are not very high to begin with.

As to working conditions, such as number of services, hours of rehearsal, overtime and the rest, there is complete flexibility in the cooperatives. After all, it is the players themselves who are setting the standards. Their aim is to get the concert on and to make it go as well as possible. Their economic well-being as well as their artistic pride is at stake. I found it fascinating to sit and talk with members of governing committees of co-operatives. They never forgot that the preponderant portion of their income from the sale of tickets—whether subscriptions in Israel and Austria or single seats in London. They had at their fingertips the statistics of seat sales. They were sensitive to rises and falls in patronage. They studied the impact of programs and guest artists on ticket sales. They were, in short, behaving like management, and as management they had to think about selling their performance as well as preparing it and putting it on. They were preoccupied by the box-office. When you must earn 90% of your budget, as does the Israel Philharmonic, or more than 75%, as do the London orchestras, you have no choice but to be box-office oriented.

Where the orchestras are not cooperatives, the union deals with managements that are, for the most part, government employees. So for that matter are the orchestral players. Generally minimum standards required by the union are surpassed by the leading ensembles. As a result many of these orchestras are working under contracts negotiated as long as 15 years ago. It is true that clauses in these contracts, such as pay scales, are open to-renegotiation from time to time, particularly as inflation and competition drive wages up. But it must be remembered that musicians in such orchestras are government employees and are entitled to certain benefits such as pensions, vacations, sick pay, etc. These benefits are set by government for all civil employees. There may be special provisions for members of a great orchestra, but these are not negotiated by unions; they are set by high government officials who take pride in their great cultural institutions and wish to make sure that the musicians will be well rewarded.

Certain standards for working conditions are set by union contract with orchestras that are not cooperatives, but I have the impression that the rules are applied with considerable flexibility. The reason is simple: usually it is in the musicians' best interest that this should be done. Thus there is no rigidity about scheduling of rehearsals and concerts by the Berlin Philharmonic. A week may be left open or may be filled with playing engagements, depending on the exigencies of the moment. Thus if Herbert von Karajan, the Berlin Philharmonic's permanent conductor, wishes to schedule recording sessions of a "Ring" music-drama by Wagner before taking his production with the orchestra to a special festival in Salzburg, he is cheerfully accommodated. The men make extra money; the conductor is granted maximum artistic maneuverability, which he likes; and the orchestra itself adds to its international reclame. The union does not stand in the way of so many advantages for everybody; it cheerfully waives normal rules.

Not unexpectedly, it can be laid down as a rule of thumb that where musicians in orchestras that are not cooperatives fare extremely well financially the union has little impact. Only where there is discontent does the union gain in power. I sensed that such a situation might be developing in The Netherlands. The musicians in that country's leading orchestras are clearly envious of the good treatment their counterparts receive in Berlin and Vienna, and they are disposed to press for improvements, especially in pay scales. But the pressure must be applied on government, and that is difficult to do through normal union procedures.

THE UNIVERSAL SCRAMBLE

The plain fact is that the orchestral musician abroad, like orchestral musicians I have run into everywhere, generally keeps himself on a treadmill of activity. It does not seem to matter whether his orchestra is subsidized or not, whether he is a member of a cooperative or a direct government employee, whether he is generously or poorly compensated. He seems to have a penchant for running, running and playing, playing, playing. Wolfgang Stresemann, artistic administrator of the Berlin Philharmonic, who used to be a music critic and conductor in the United States while he remained in self-exile from Nazi Germany, told me that even the members of the Berlin Philharmonic, the best-paid orchestral musicians in Europe, were seldom content with their Philharmonic duties. In their free time they took on what paying engagements they could get with smaller ensembles, with chamber-music groups, with festivals and with all sorts of pick-up units. Some of these engagements they took, he conceded, for musical reasons, but most of them were seized for the money.

Less fortunate musicians in less affluent ensembles than the Berlin Philharmonic have to scramble endlessly to earn better than a minimal living. The London musicians, I gathered, are constantly on the go, looking for work to supplement their incomes from their orchestra jobs.

I will repeat here the details of minimum salaries that musicians in the various orchestras earn; the figures are to be found in the section on each ensemble. What must be discussed here is what these figures of earnings mean in purchasing power. I have converted the earning figures from the foreign currencies into dollars, but I cannot emphasize too strongly that the dollar figures cannot and should not be equated with the dollar earnings of American orchestral players. I have listed some comparisons in each section, but let us examine some of them in greater detail.

A rank-and-file member of the Berlin Philharmonic, the best-paying orchestra abroad, earns a basic salary of about $8,500 and almost as much as that in extras. No one, of course, can guess how long he can count on that extra income. If Karajan should depart or slow down, there might be a falling off of extra income. On the other hand, the Berlin Philharmonic might land another glamorous conductor with an equal flair for developing extra, attractive engagements. But at present the rank-and-filer is earning something like $17,000 a year. This is as much as, if not more than, any rank-and-file member of any American orchestra to my knowledge. Of course, some American rank-and-filers manage to obtain a lot of extra jobs, and with these extras they may equal or exceed the Berliners. Furthermore, it has to be conceded that the base pay for a rank-and-file player in a leading American orchestra is much higher than the Berlin rank-and-filer's.

WHAT EARNINGS BUY

But now we come to what a man's earnings will buy. In Berlin rent is high, but not so high as in some American cities. Food is a lot cheaper, and so are many services. Public schools are better than in the heart of many American cities. Health services are nationalized.

Automobiles, which are manufactured in Germany, are relatively no higher than in the United States, though gasoline is a lot higher. In countries like Austria and Israel, where automobiles must be imported, they take a much larger bite out of a man's earnings than in the United States. Nevertheless, even rank-and-file musicians can afford them.

In Vienna, for example, where rents in old houses are controlled, the minuscule sums paid are almost impossible to believe. One can get a quite elegant apartment for $20 a month.

Taxes tend to be at least as stiff as in the United States, and in Britain they are stiffer. But in Israel and Austria the members of the leading orchestras are allowed to have the first 20% of income tax free.

As for pensions, all the orchestras I studied, except the four London cooperatives, have far better arrangements than American ensembles. In all these cases the superiority is attributable to the fact that the musicians share in government-supported pension schemes.

EFFECTS OF POLITICS

Where the governments are involved in the arts, it is likely, if not inevitable, that politics are involved. Politicians can be and have been harmful to the arts, but they need not be. I woulld say that they have not been where the orchestras in this study are concerned. In fact, the reverse is true. In every case, heads and members of government have been deeply concerned to see to it that the orchestras flourish. Indeed, in Vienna and Munich I found that the support of an orchestra had become a matter of party principle.

Thus the ruling People's (Catholic) Party in Austria proudly supports the Vienna State Opera and by extension the Vienna Philharmonic, while the Social Democratic city government of Vienna has made it a point of honor to keep the Vienna Symphony functioning. Frau Gertrud Sandner, the cultural officer of the city administration, also serves as president of the Vienna Symphony as evidence of the city's official commitment, and she left no doubt in a conversation with me that it was an article of party faith to support this orchestra.

Similarly in Munich where the Bavarian State government is Christian Democrat and the Munich city administration Social Democrat, the Bavarian State supports the Munich Symphony through the Bavarian Radio and the Munich city administration supports the Munich Philharmonic by direct subvention.

One is left in no doubt in Berlin that the Philharmonic would be sustained at its present high artistic level even if the cost to the community were much higher. I believe that an awareness is dawning on Dutch authorities that their once unsurpassed Concertgebouw has gone downhill in recent years, and I would not be surprised if the government took steps to reverse the situation. Such steps would mean inevitably granting more money, and I would guess that this will happen.

And in Great Britain, when at least two of the orchestras—the Royal Philharmonic and the New Philharmonia—were struggling to stay alive, a special committee was formed by the Arts Council to undertake a thoroughgoing study. Under the chairmanship of Arnold Goodman, a solicitor who later became Lord Goodman, and is now chairman

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of the Arts Council, the committee turned in a report in the spring of 1965 which has become the basis of government policy toward the London orchestras. As a result of this report, the London Orchestral Concert Board was set up jointly by the Arts Council and Greater London Council. It is through this board that the Arts Council, which receives its money by appropriations from Parliament, and the Greater London Council, the municipality's administrative body, provide the London orchestras with subsidies. The main point to stress here is that the study was made and the Board was set up and provided with wherewithal to function because there was a government determination to keep London's orchestras in being and help them, over the long run, to solve their economic problems.

In Israel, where the Philharmonic's subsidy is the smallest of any orchestra I studied, both in amount and in percentage of total budget, the orchestra depends largely on its incredibly large and faithful public. The orchestra has more than 30,000 subscribers for its various series in and out of Tel Aviv, and as long as it holds this support, it need not fret about the limited extent of its government subsidy. But I am convinced that if anything should happen to that support, the government would not permit the orchestra to falter. I am certain that whatever subsidy is needed will be provided.

PROGRAMS AND AUDIENCES

It is amusing to meet with orchestral musicians serving as directors and therefore policy-makers in cooperative orchestras and to hear them discuss the problems of program-making. They know—as who doesn't?—that a star conductor or soloist in sure-fire pieces is likely to guarantee a standing-room-only turnout, and they do not apologize for arranging as many fool-proof evenings as possible. But they know, as do managers and boards of orchestras everywhere, that there are not enough sure-fire draws to go around in the orchestral field, even in these days of jet travel. There are too many ensembles all over the world competing for the stars.

And what about the music? How often can one play the same big pieces? And what happens if one ventures far afield? Will not the subscribers, whose tastes tend to be conservative nearly everywhere, rebel?

I remember sitting late into the night with three committee members of the Israel Philharmonic as they agonized over this problem. Since their orchestra was so dependent on holding onto its immense subscription list, they were particularly cautious about change.

"After all," said one man, "we have the livelihoods of more than 100 people in our charge. What right have we to play things that will imperil them? But, on the other hand," he added ruminatively, "what if we bore our audience by failing to make changes? What if they start becoming indifferent and slipping away? It's hard to know the answers."

It's hard, indeed. In Munich the Symphony gives a series of five concerts known as Musica Viva, devoted entirely to contemporary, often avant-garde music. An effort is made to display the latest trends. Expert and sympathetic conductors and soloists are engaged, and the composers are encouraged to be present at preparations. The idea is to provide the advanced composer with a forum and an audience. I attended such a concert when music by Stockhausen, Zender (he did the conducting) and Boulez was played. The audience, I was told, included an equal division of concertgoers interested only in the new and people who went regularly to the Symphony and Philharmonic's concerts.

It is expensive to mount a series like Musica Viva. Wolfgang Fortner, the German composer, who serves as artistic director, told me that Bavarian Radio, which pays the bills, is generous in its support, providing ample funds for as many rehearsals as needed. But can an orchestra without such sources of support attempt a similar series?

Efforts of this kind were being made in Vienna and London in the spring of 1969. In Vienna the Symphony arranged the programs as part of the annual Vienna Festival with special assistance from the festival authorities and in London the London Symphony Orchestra planned its programs with special help from the London Orchestra Concert Board. In each case the programs stirred to considerable excitement and brought an unexpectedly large public response.

Despite these occasional efforts, the orchestras abroad tend to play it safe in their programs. In Amsterdam there have been violent attacks in print and on the air against the Concertgebouw for its conservatism, but the management firmly believes that its policy is what the public wants. It therefore proceeds along the old, familiar course of program-making. In The Hague there is an effort to bring new men and new music to the fore, because the management there believes in the need for change. It may also be that the management there feels that it must pursue different paths if it is to compete for attention with the Concertgebouw, which for so long has been preeminent in the land. No. 2, as the advertising slogan suggests, must try harder.

Managements everywhere are notably chary about letting an outsider study their exact attendance figures. But it was unmistakable that the sure-fire programs with the sure-fire guests are the ones that sell out. It was also apparent that even in Berlin there are concerts by the Philharmonic that do not sell out—either because the program does not appeal to a fundamentally conservative public or because the conductor or soloist is not sufficiently attractive. The orchestras that do the best consistently in attendance are those with the big, safe subscriptions, like the Israel Philharmonic, the Vienna Philharmonic and the Berlin Philharmonic for the series in which Karajan appears the most often.

GROWTH OF AUDIENCE?

Is there any marked audience growth? No one I talked to would take an oath in the affirmative. There were observations, it is true, bravely affirming progress. But I did not see any statistics to prove it.

Lord Goodman, chairman of the Arts Council, assured me in London that the activities of the four orchestras as well as the performances of the B. B. C. Symphony on the air and occasionally in the concert hall had stimulated the development of a new public. And it is a fact that a good many of the interesting, glamorous programs play to capacity or near-capacity. But an examination of the Second Annual Report of the London Orchestral Concert Board for the year ending March 31, 1968 revealed these figures:

In 46 concerts the London Philharmonic Orchestra averaged 85% capacity; in 47 concerts the London Symphony Orchestra averaged 78% of capacity; in 42 concerts the New Philharmonic averaged 76% of capacity; and in 38 concerts the Royal Philharmonic Orchestra averaged 70% of capacity. The figures for the following year were probably not quite the same, depending on programs, conductors and soloists, but I would guess that the total audience did not change very much in numbers.

In Israel, where the audience is so large and faithful, I thought I detected the appearance of soft spots. I gathered that even for some of the apparently sold-out subscription concerts, tickets were obtainable and that these tickets were not always grabbed up. Here the problem may be that the management is reluctant to admit that a subscription series is not sold-out and that the people seeking single seats do not know they are available. Of course, Israel is a special case. After all, this is a tiny country with a population of 2.5-millions, and the size of the Philharmonic's public is larger in proportion to its country's population than any orchestra in the world.

My estimate of the situation is that in all the countries studied there has been a modest increase in orchestral attendance but no greater in percentage, I suspect, than the growth of the population as a whole. I have no statistics to prove it, but from the comments of managements, musicians and observers and from my own observations at concerts, I would guess that the audience is middle-class and upper-class and substantially middleaged and older. The long-playing disk and the hi-fi set are everywhere and, though some of this equipment may be costly in some places, people who like orchestral music have their own collections. They go to concerts for reasons similar to those of American concertgoers:

Because it is the thing to do; because they like to hear live music in the hall; because they like to respond to different musical approaches; because they are interested in seeing and hearing celebrities on the stage, whether established or new, in the flesh; because they hope for an occasional fresh musical experience; because they are content to revisit old, familiar and dearly cherished musical landscapes.

PROBLEMS

Wherever I went, I asked managements, musicians, public officials and knowledgeable observers what the special problems of the orchestras in the communities were.

One problem upon which all, without exception, agreed was the question of manpower. The most acute problem in this area is the shortage of string players.

There is no doubt that this shortage is worldwide. While the Dutch orchestras are importing Japanese string players, the Japanese orchestras, as I learned in a visit to Tokyo last year, were a long way from being overstaffed with outstanding string players. There is a lot of conscientious student work going on in Japan, and the country is developing a host of string players, but it takes more than effort and determination to produce the caliber and quantity needed.

In London the Symphony felt it had pulled off a coup when it signed a 23-year-old cellist of great gifts to be the principal of the section. In Munich Rafael Kubelik, conductor of the Symphony, told me that it had required three different auditions to find a suitable double-bass player. There is a good deal of enticement of players through talent raidings. A London orchestra was bereft because an outstanding flutist had been tempted away by a better offer from the Berlin Philharmonic. The orchestras in the West bid for good players in East Europe and succeed in getting them if their country is lenient about granting exit visas. The sad, unalterable fact is that the rich get richer. The more affluent and firmly established orchestras can offer terms that attract men from the poorer ones, who have a desperate need to hold on to their best personnel.

It isn't only money that appeals. Veterans of the Israel Philharmonic said that it was important to make jobs more attractive in their orchestra to young musicians. Swifter promotion and more opportunity for occasional solo display, they felt, would be as valuable as raising starting minimums and reducing the disparity between top and lowest minimums. John De Roo, the manager of the Hague Residentie, was all for breaking up the large orchestra into smaller units for special programs, not only to bring different programming to the public but also to make the work more interesting for more members of the orchestra.

Another problem mentioned nearly everywhere was the one of refreshing the orchestra's personnel. In most of the orchestras I studied the players have, after varying periods, rights of tenure. Where the musician is in fact a civil employee, the job theoretically and legally is his for life or until he reaches the retirement age, generally 65. What happens if a musician's capacities decline? I gathered that this was a headache in a number of orchestras.

It was agreed that string players were less likely to slip than wind players and that the acutest problems arose with the latter. The most favored procedure to deal with the latter appeared to be tact. If a slipping wind player happened to be a principal, it was up to the conductor and manager to indicate that he ought to retire or step down to a less important spot. Rarely, it was said, would such a player admit to himself that he was slipping, but once in a while he would voluntarily step down a notch. If the slipping player were not a principal, it would be up to his section chief to try to cope with him. In a cooperative orchestra members of the committee might try to deal with the problem. No one had an easy way out of this sort of delicate, human crisis.

OF CONDUCTORS

A third problem, which is constantly on the mind of orchestras, revolves around the relationship with conductors. Is it better to have a permanent conductor and artistic director—generally one and the same—than a series of guests? How permanent should a permanent conductor be? How does the length of his commitment affect the orchestra?

It is clear that for the Berlin Philharmonic having Herbert von Karajan as principal conductor is a pronounced asset. He adds luster to the orchestra's repute. He brings in business—audiences to his concerts and subscription series, and he arranges other engagements. As a subtle, sensitive conductor he helps to raise standards and keep them high. The other side of the coin is that he conducts relatively few concerts each year, and the orchestra is obliged to engage many guest conductors. "Too many," a Berlin critic remarked sourly to me.

On the other hand, the Israel Philharmonic, which has had only guest conductors since its founding in 1936, has decided to engage Zubin Mehta as artistic adviser and chief conductor. As a cooperative this orchestra had the option of making this decision for itself. The fact that it is so decided proves that the musicians felt that they needed a stronger guiding hand than they had had. Some of them privately conceded that discipline might well be improved and that programing, with a brilliant young musician's overall guidance, might also be enhanced.

In London all four cooperative orchestras seek to have not only principal conductors but also permanent guests. In some cases they have opted for two permanent guest conductors. And remember that their schedule is not so heavy as those of other European ensembles.

The Vienna Philharmonic, which enjoys the advantage of access to outstanding guest conductors engaged by the State Opera, and which has in addition the prestige of being a great and venerable ensemble, has seemed to be content in recent years to go along with guest conductors, but there was talk in Vienna that it might be about ready to commit itself to a permanent conductor.

Needless to say, the man on the podium affects the quality of the orchestra profoundly, particularly if he is around for more than a fleeting, guest appearance. A great musician like Klemperer can create a rapport, despite his age and physical infirmities, that will produce remarkable musical results. A Leonard Bernstein, whom orchestras abroad would dearly wish to have in any arrangement, exudes a magnetism and excitement that infects the musicians and, through them, the audience. Orchestras abroad are well aware of the subtle interrelationships possible between a distinguished conductor and an eager, highly responsive ensemble. They are also aware of the indifference that can be felt instantly if the musicians do not respect the man who seeks to lead them.

The trouble is how to find the right conductor. There are never too many great ones. The pressure to find fine conductors has been increasing because orchestra schedules have been expanded. There is no doubt that the extension of so many American orchestral seasons and the proliferation of summer festivals, with the concomitant demand for more conducting talent, has had an impact on European schedules and engagements.

The truth is that the shortage of great conductors is even acuter than that of string players. I was struck by the number of conductors who, not only in America, accept multiple permanent posts. We know about William Steinberg in Pittsburgh and Boston and George Szell in Cleveland and New York—even for a short interval. We also know about the discontent in Houston with Andre Previn's additional commitment to the London Symphony Orchestra. We know that Georg Solti is coming to Chicago while retaining a connection with the Royal Philharmonic Orchestra and that Pierre Boulez is coming to New York while retaining a hand in the programs of the British Broadcasting Corporation Symphony. Mehta has now committed himself to the Israel Philharmonic as well as the Los Angeles Philharmonic. What are we to say about Rudolf Kempe who is permanent conductor of the Royal Philharmonic, Munich Philharmonic and Zurich Tonhalle? What about Vaclav Neumann, who is permanent conductor of the Prague Philharmonic and also taking over the top job at the Stuttgart Opera? What about Karajan, who has top jobs with the Berlin Philharmonic, the Orchestre de Paris, the Salzburg Spring Festival and the Metropolitan Opera? What about Lorin Maazel, who is the chief conductor of the Deutsche Oper in West Berlin as well as the Berlin Radio Symphony? What about Seiji Ozawa, who will be principal conductor of the San Francisco Symphony, artistic adviser of the Tokyo Symphony and a leading guest with the New York Philharmonic?

I have no doubt that for the conductor, if he has the time to reflect and prepare fresh programs and rethink old pieces, there is a charge in conducting different ensembles and that the result may well be musical rewards for the various publics. But I wonder, on the testimony of musicians abroad, whether in this shuttling and doubling of conductors there is not a point of diminishing returns in the end for players and audience, whether after a while players do not put out completely for some guests, whether an excess of guest baton wielders is not, to a certain extent, deleterious to orchestra and music-making.

MORALE

In the end, I think, the quality of an orchestra depends on the morale of its personnel. The highest morale among the orchestras I studied—the Berlin Philharmonic and Vienna Philharmonic, I think deserve to be rated at the top in this regard as well as in their overall distinction as musical ensembles—depended on two prime factors—status and security.

The implications of security are plain enough. The term means year-round employment, annual earnings to compare with this country's highly regarded professionals in other fields; long, paid vacations; pensions sufficiently large to guarantee a reasonably decent standard of living, and paid sick leave. It means an end to scrambling for jobs and to worry over living. In short, all the things that anyone employed in industry in the Western world regards as security.

The implications of status are more subtle. When one hears envious comments by orchestral musicians in other countries of the favored lot of the men in the Berlin Philharmonic, one must realize that they are speaking not simply of money. They are thinking of the high regard in which a Berlin Philharmonic man is held socially and professionally in his own community. One finds in Berlin and Vienna that the Philharmonic men are as respected as famous athletes, film stars or statesmen. This means that not merely the first-desk men but all the members of the orchestra have standing. I was amused and touched in Vienna when several committee members of the Vienna Philharmonic arrived at the Sacher Hotel for a meeting with me. They were announced by the hall porter with a flourish that exceeded his normally elaborate pronouncements. After that visit, I noticed my rating apparently went up; my comings and goings produced more respectful salutations and my service improved.

From what I learned in Berlin it is evident that an orchestra can give its members a sense of self-esteem—which is another way of conferring status—by involving them to a certain extent in some decision-making. Thus the Berlin Philharmonic, though not a cooperative, gives every one of its members the right to vote in approval or disapproval of new candidates. It requires a ⅔ vote to approve a new member. Karajan may exercise a veto, but the members of the orchestra can overrule him by another ⅔ vote. Presumably his veto would carry weight, and a vote overruling him would be carried out with considerable second thought.

It was clear that De Roo in The Hague was thinking partly of status when he said that he was hoping to give individual members of the orchestra more opportunity to shine in public. Presumably a little glory would go some way toward making up for financial stringency.

Status—or glory or self-esteem—is what all human beings need—at least in some measure. From my observation abroad I would say that it is a gift often withheld from orchestral players in quite a few places—in Britain and the United States. It is a gift that can be bestowed at no great cost. I have watched orchestras on tour abroad and in the United States and have noticed that it is the conductor, the concertmaster and perhaps one or two other first-desk men who are invited to after-concert parties while the other players are left to fend for themselves. As for parties at home, it is equally rare for the rank-and-filer to be included. Entertainment, of course, is a minor aspect of what I mean by status. What I am talking about, in the last analysis, is the way a musician is treated by his community, the admiration he receives for his accomplishments as a musician, the acknowledgement that he, too, has claims to being considered an artist. It is these subtle factors that, at least abroad, raise the morale of the individual and, by extension, the morale of the entire ensemble.

WHAT OF THE FUTURE

It is clear, I think, that the symphony orchestra as an institution and the public performance as a way of communicating the sweep of orchestral literature are so firmly established in cultural and community life abroad that they will continue to function well into the foreseeable future. The great orchestras are secure. They are highly valued for their artistic role, and they are also a source of enormous civic and national pride. Berlin and Vienna know that their Philharmonics have achieved international renown in addition to providing outstanding musical experiences at home. The Israel Philharmonic is better known abroad and has easier access to foreign publics than even the famous Habima stage company because music does not require translation by intermediaries. Wherever one goes abroad, one hears of plans to send the leading or-

XUM

chestras on tour to other lands, particularly to the United States. It is not only money that is sought. Indeed, in most cases additional investments, usually by government, are needed to pay for transportation. It is not even additional engagements, though the hard-pressed London orchestras are glad to add playing dates to their season. The main desideratum is prestige. This search for international respect is certainly a principal reason for the dispatch of many American orchestras on tours to various parts of the world.

But even if one grants the pride and prestige to be gained from the possession of a great orchestra, one cannot blink at the fact that there are clouds on the horizon for some of the good ones abroad, as there are for some of the good ones in the United States. These clouds abroad are generated by the same forces that throw them up in the United States. They stem in part from rising expectations in standards of living; in other words the members of the orchestra are pressing everywhere for a living as good and comfortable as that achieved by other highly-trained and skilled professionals. Furthermore, it is perilous abroad, as it is in the United States, to price tickets out of the reach of a large segment of the audience. In sum, the deficits abroad grow larger each year, as they appear to do in the United States.

In a prosperous nation like Germany, the government—national, state and city—has been able to increase its contributions. Yet I had the feeling in Munich that one day it may be decided that the city can dispense with one of its orchestras. Were it not for the political factor I mentioned earlier, one of of the orchestras might have been dispensed with in recent years.

Austria is nowhere near so prosperous as Germany, but it is well aware that the musical institutions are important not only to its image but also to tourism, one of its important industries. Yet it is possible that in a time of economic stringency the Vienna Symphony might be in danger of curtailment, if not dissolution.

In Holland there are nine professional orchestras, including the Concertgebouw in Amsterdam and the Residentie in the Hague. All are partly supported by the national government and partly by their municipalities. Granted that there are municipal rivalries. But I wondered, as I talked to representatives of the Concertgebouw and Residentie and to other Netherlanders, how long the nation and municipalities would be willing to go along on this basis. After all, Holland is a small country. Any orchestra can play in any city on any night and return home after the concert without difficulty. Wouldn't it be natural to think of mergers as orchestra boards have begun to toy with the idea in the United States?

The notion isn't mentioned out loud, at least not yet, in Holland. But I did hear it discussed in London. In fact, some thoughtful participants in the musical scene, who prefer for the moment to remain nameless, predicted that there will be amalgamations in the not too distant future. I suspect so, too.

The main sticking point in London is, I think, the musicians. How can players who have spent years and decades perfecting their skills in orchestral music be cast aside? And what about the young musicians who are being trained for such careers? I suspect that this human and social problem—and a very real and significant one it is—is a chief reason that authorities are reluctant to talk of mergers and dissolutions.

It is illuminating in this regard to read the 1965 Report of the Committee on London Orchestras. It analyzed the amount of existing work available for orchestral musicians in London, taking into account current concerts and audiences and looking to possible future audience growth. It listened not only to representatives of the four orchestras but also to people from B. B. C. and Covent Garden Opera, and it found general agreement that "to maintain first-class playing standards, a musician should not ordinarily be called upon to work more than ten sessions in a week or an average of 35–36 sessions in any four-week period," with a session to consist of a concert, rehearsal or recording. And it came to this Solomon-like conclusion:

"So far as the statistics are reliable, they show that present work available justifies the existence of rather more than three but less than four orchestras. The situation has presented us with a very difficult decision. We would, at present, clearly not be justified in recommending the permanent endowment of four orchestras. On the other hand, we were not satisfied that, given some breathing space, the case for four orchestras could not be established. We put the matter in this rather negative way because we regarded the burden of proof as important. To recommend an allocation of subsidies which might lead to the disbanding of any of our world-famous-orchestras in a very drastic step. We thought it would be wrong to take such a step unless we were completely satisfied that there could be no justification for an orchestra's continued existence."

Note well the phrase "the permanent endowment of four orchestras." In other words, the jury may still be out. Yet no one in authority is willing to say, "Let's kill one or two orchestras."

John Denison, the manager of Royal Festival Hall, a former orchestral musician himself and a shrewd, intimately informed observer of the London scene, was willing to outline one proposal for change. He thought that the time might come when London would settle for two top symphony orchestras of international stature; that a third could become a general service utility unit, appearing as the supporting ensemble for choruses, playing lighter programs and being available for special events; and that a fourth orchestra could be largely commercial in purpose, taking care of recording and film dates and being half-subsidized.

I talked to officials of the London Orchestral Concert Board, and they felt that changes were in the offing. But, they added quickly, any drastic changes like mergers would be essentially political—in other words, governmental on national and municipal levels. For this reason, one official remarked dryly, the Board was happy to maintain the status quo.

There is no doubt in my mind that the London orchestral situation is an uneasy one. It reminded me of the unease I have noticed in American orchestral quarters. The present situation is a struggle and a scramble for musicians and managements. Under current subsidies and concert attendance figures and other sources of income, the four orchestras are getting by. But what if there should be a drop in patronage? One manager told me that a loss of 10% of patronage by any orchestra would probably push it over the thin line that stands between tolerable health and a wasting disease or, to put it bluntly, between continuation and collapse.

A blessing recently bestowed on the London orchestras, by their own account, is the new contract negotiated by the American Federation of Musicians with the recording companies. This contract has led to an upsurge of recording dates for London musicians in London, where the rates are lower. Said one London orchestral manager, partly in disbelief and partly in relief, "The A.F.M. must have a death wish."

What would happen in London if indeed there were a drop in patronage, a loss of extra recording opportunities or any other falling off of income? Would subsidies be increased? The answer, it is true, would depend on politics. But it would also depend on economics, and the British economy has been struggling with massive problems. If I were a London orchestral musician, I would be worried. And London orchestral musicians are worried.

The future of orchestras abroad depends to a large extent, as it does in the United States, on money—on the ability and desire of public and private sources to provide the wherewithal to maintain them. It will not surprise anyone, I hope, to hear that the maintenance of the highest standards depends everywhere on money. Whether the requisite funds will be forthcoming—in patronage of concerts, in private gifts, in government subsidies—will depend on a nation's and community's priorities. It is my personal view that no country I visited is incapable of supporting its orchestra or orchestras, if it wishes to. The amount spent on the most modest military establishments in the poorest and least belligerent lands or, in some cases, on elaborate monarchical and diplomatic displays is invariably large, and if only a tiny proportion could be diverted to the arts, the future of orchestras would not be in doubt.

Think of how huge a proportion of Israel's substance is spent on defense. Whatever the rights and wrongs of the never-ending turbulence in the Middle East, it is incontrovertible that peace there could free resources for other pursuits, including, of course, the Israel Philharmonic, which would not have to feel imperiled if its fantastic subscription list fell off a little.

The future of orchestras abroad, like the future of our orchestras, depends on a lot of factors other than musical. Changes, I think, are inevitable in the long run. No one can say in which direction these changes will tend, whether in the structure of the institutional organization or in programing or in audiences or in the nature of support. Whatever the changes, however, I am sure that orchestras abroad will endure. Where and in what number and quality?

It is reasonably safe to assume that the strong will remain strong and the weak may grow weaker. But orchestras are communal as well as artistic institutions. They can flourish or they can decay. Which way they go depends not only on their musical standards but also on their community's support. This is the overriding lesson I learned in my study of orchestra abroad. It would surprise me if this truth did not apply in the United States.

NURSING HOMES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. OBEY. Mr. Speaker, nursing homes are coming under more and more scrutiny.

Because of the growing interest in the quality of care which nursing home patients receive, I should like to include in the RECORD some articles from a Milwaukee Sentinel series on conditions in state-licensed nursing homes, plus two editorials, and a followup story indicating the State plans to improve its nursing home inspection staff in the Milwaukee area.

I also include an Associated Press story that appeared in the Stevens Point, Wis., Daily Journal, in which the Associated Press reminds us it has circulated a series of articles about nursing home operations on a national scale.

It will take time and additional investigation to determine how really serious the situation is, but I think that the Sentinel should be commended for directing its attention to the quality of care given the elderly and infirm.

The articles follow:

[From the Milwaukee Sentinel, Apr. 9, 1970]

INSIDE OUR NURSING HOMES

(By Gene Cunningham)

"When we arrived at the nursing home, the odor of urine was pronounced.

"The patients had commodes in their rooms and they were being used instead of bathrooms.

"In Room No. —— where Mr. —— lives, the commode toilet was encrusted with fecal material. The floor was sticky with a jelly-like substance.

"Mr. —— was sitting in a wheelchair with a urine-stained hospital type gown on. The urine stain extended to the shoulders.

"I requested that (he) be given a bath and clean clothing."

This is a portion of an official report of a state inspection of a nursing home in Milwaukee.

There are many more homes like it—operating in continuing violation of state regulations, not for days or weeks but for months and even years.

From the report of a state inspection of another Milwaukee nursing home:

"The refrigerators were filthy, spilled food, cracked dirty eggs with liquid in a pan. . . . The nurse could not make up menus because of lack of food, especially no meat, in the home.

"The nurse stated that patients had not been served meat for a week. . . . The personnel in this home are very concerned about the patients and have spent their own money, up to $13, to buy food for the patients."

This report was of a state inspection made after complaints were received concerning the home. It was later reported that meat had been delivered to the home.

A nursing home in Waukesha County also was inspected after "numerous complaints (were) received by this office concerning sanitation, patient care, nursing personnel and food served."

According to the state inspection report, the complaints "were true on investigation."

A Racine County nursing home was "overrun by flies," an inspection report said.

"They were crawling over tables where patients eat and were in patients' rooms.

"The tables were not clean and the furniture was still tied (together) with wire in the dining room area and had not been repaired since the last survey (inspection).

"There was a strong odor of urine in the facility. Patients appeared to need closer nursing observation and supervision in grooming. . . ."

WIRES REMOVED LATER

On a later inspection, conducted last September, the administrator of the home pointed out that the wires had been removed from the furniture, the inspection report noted.

But the flies were still there, "crawling over Mr. ———'s face and arms. The bed frame was rusty and unclean, the same as it had been on our previous survey. The bed was saturated with urine.

"The furnishings in this room were rusty, unclean and in need of repair. The patient appeared extremely weak, emaciated, skin hot and dry to touch.

"He was expectorating large amounts of thick mucus on the floor and bed. No disposable receptacle was available at his bedside. No water at the bedside. No paper tissue at the bedside. . . .

"We discussed the removal of (the patient) to a hospital. . . ."

"NO SKILLED CARE"

The inspection report included the statement of a doctor in the area. He noted that although the home was licensed by the state as a skilled care nursing home, there was "no skilled care available" and no nurse on duty for weeks at a time when the doctor made his rounds in the home.

The doctor, the report said, stated that he would not permit his private patients to be admitted to the home.

These homes and many others like them are still in operation, still licensed by the state of Wisconsin.

In some cases, their approval for federal Medicaid funds for care of the indigent disabled has been withdrawn. This does not mean they lose their patients.

They have private or county patients. They have only lost their share of the financial bonanza that is Medicaid—the reason behind the nursing home boom of the late 1960s.

In Milwaukee County, 43 out of 99 nursing homes licensed by the state are operating with anywhere from "many" state code violations to "long lists of flagrant violations," according to two nurse consultants employed by the state to inspect the homes.

The remaining homes range from good to excellent, said Mrs. Dorothy Waggoner, one of the two inspectors.

The homes in the "good to excellent" category are in sharp contrast to those that worry field inspectors with their continuing and often dangerous violations.

Substandard homes commonly reek with the stench of urine.

Floors are dirty, furnishings are shabby, patients unclean and unsmiling, professional personnel scarce and often crude in their handling of patients and visitors.

PATIENT ORIENTED

Contrast these homes with some in Milwaukee County considered by state inspectors as among the best—definitely "patient oriented."

One of these, for example, sparkles with cleanliness and friendliness. Its staff gives first name attention to every patient.

There is no odor in the air.

But the main difference is that patients in this home and others like it are smiling and obviously happy. They are clean, cared for and treated with concern.

Its patient rates? Higher than many and lower than some.

But what this home offers in total services—from therapy and recreational programs to on the premises barber and beauty shops to the privilege of having friends and family in for tasty, tempting meals—makes it a home instead of a dismal institution.

PROBLEM ENOUGH

Substandard conditions in nursing homes are problem enough.

Add to that problem the assorted populations and specializations of some homes and the problem becomes a dilemma.

There are 444 private nursing homes in the state with a total capacity of about 28,700 patients.

Of these, 99 with a capacity of about 7,700 are in Milwaukee County. That number does not include at least two new homes recently opened here.

To these various homes are sent the mentally retarded from the state colonies and training schools and the mentally ill, aged disabled and senile from county institutions and agencies.

PRIVATE PLACEMENTS

In addition, private patients are placed in these homes by their families.

With all of this—the number of homes, diversity of populations and specializations—problems of supervision and questions of operation have multiplied:

What is therapy and proper programing for the retarded vs. outright labor and exploitation?

What staff training and special services exist in these homes, and are they really available or only on paper?

Are the necessary nursing staffs and medical and professional backups actually available to patients who need and are dependent on them?

The answers to these questions and more like them are left to the state and, to a far lesser extent, the county to determine.

STATE'S RESPONSIBILITY

The state alone bears the responsibility for administering the state nursing home code and regulations and for the licensing of qualified nursing homes—as well as the responsibility for actions against unqualified and substandard homes.

Mrs. Waggoner and Mrs. Ethel Denniston are officially labeled "nurse consultants" employed by the Hospitals and Related Facilities and Services Section of the state Department of Health and Social Services to make periodic "surveys" or inspections of the more than 200 nursing homes in Milwaukee County and four other counties designated as District 2.

Two additional nurse consultants were assigned to inspections in the district last month. One quit after one week.

The nonprofit homes, usually religious affiliated, generally are excellent, said Mrs. Denniston and Mrs. Waggoner.

PROPRIETARY WORST

The worst of the homes are in the proprietary or profit group, they said.

Many proprietary homes are very good, but there are too many bad ones that are allowed to operate despite continuing and sometimes dangerous violations of state regulations, they believe.

The problem is lack of enforcement of the state code, they said.

In the more than two years they have been employed by the licensing agency, there have been no license revocations or suspensions in their district, they said.

They and nurse inspectors who preceded them have frequently recommended to the state that action be taken against specific chronic violators.

Often, their recommendations are ignored and reports detailing long lists of violations are read and filed away.

[From the Milwaukee Sentinel, Apr. 10, 1970]

NURSING HOME VIOLATIONS GO ON, ON

(By Gene Cunningham)

"Can't something be done about this home?" a state nurse inspector pleaded with her superiors in a report filed with them on her inspection of a nursing home in Waukesha County.

The plea was futile.

The report was sent to the Hospitals and Related Facilities and Services Section of the State Department of Health and Social Services in February of 1969.

The following month the home was inspected again and another report went into the section office in Madison and, as always, a copy went to the nursing home administrator. It said:

"Many of the same deficiencies found on this visit have been reported to you previously in letters from this department. You will be expected to correct the deficiencies listed."

The deficiencies ranged from "toilets were filthy, toilet lids taped together" to broken bedside tables, dirty wheelchairs, torn furniture . . ."

There also were listings related to patient care, general sanitation and safety.

Five months later the home was inspected again by a nurse in the Milwaukee district:

"No sheets available in your nursing

home. . . . Incontinent patients in need of linen changes. Men needed to be shaved. Clothing soiled" . . . and on through a list of violations that included improper handling of medicines and poisons and the fact that patients did not have towels and washcloths.

The home apparently had not been inspected since.

It is still in operation and is still licensed by the state of Wisconsin as a skilled care nursing home—the top license category available.

The same is true of a nursing home in Racine County.

Consecutive reports of inspections of the home contain this or a similar statement:

"Many of the above listed deficiencies are the same deficiencies found on previous surveys. . . ."

The state's answer to why it has not taken action against some of these nursing homes is tangled in rhetoric, theory, funding and the bureaucracy that is government with its sluggish interagency procedures and communications.

DATED SEPTEMBER

Of a nursing home in Milwaukee, an inspection report dated last September said:

"Many of the deficiencies in this home have gone uncorrected since 1965."

That's nearly five years of state code violations, about which nothing has been done.

The home is still licensed—as skilled care, the highest possible license classification.

An example of its care:

The patient was coughing and "expectorating in a plastic jar filled with newspaper . . . (The administrator) brought out a whisky bottle and gave the patient two 3 ounce glasses of whiskey.

"She (the administrator) said (to the inspector), 'I've got an order for this.'

"The patient had two plastic glasses, and he drank the whisky. A short time later the patient slumped over in his wheelchair, drowsy and sleepy.

"In checking the (patient) chart, I could find no (physician's) order for the whisky."

LICENSE CHANGE ASKED

This is included in the September inspection report. So was a recommendation that the home's license be reduced from skilled care to personal care.

More than three months later, this was done. But the skilled care classification was restored the following month after the administrator hired a 40 hour a week nurse for the home.

These are only three such homes in the Milwaukee area. But there are many more like them, operating in violation of the state code which was designed to insure proper patient care and acceptable, safe procedures and facilities.

Forty-three of the 99 nursing homes in Milwaukee County are operating with from "many" violations to "long lists of flagrant violations" of state code setting minimum standards for nursing homes, said two nurse consultants who inspected them for the state of Wisconsin.

GOOD OR EXCELLENT

The remainder of the homes—56 of them—are good or excellent, said Mrs. Ethel Denniston and Mrs. Dorothy Waggoner, the nurse inspectors.

Substandard homes are reinspected frequently in an effort to get them to improve or, at least, come closer to compliance with the state code.

But the authority of the nurse inspectors includes only inspection and consultation.

The enforcement power rests in Madison.

"We can't go in and say 'Now look, today is it.' We can only recommend," said Mrs. Denniston.

Some homes, they said, ignore the code and get by with it.

And, in too many cases, inspections do not bring compliance—nor do continued bad inspection reports to the state bring enforcement.

"You're going to have to have more enforcement if you're going to have this type of home (that operates in violation)," Mrs. Denniston said.

EASILY DISCERNIBLE

A casual observer can walk into most of the substandard homes and tell by sight and smell the caliber of home it is.

But the most dangerous violations of nursing home regulations are not visible to the nonprofessional.

They include lack of proper patient care, lack of the required professional nursing staff, carrying out of nursing procedures and treatments by untrained aides and employes, and improper or careless handling of drugs and narcotics.

As long aso as May of 1965, a nurse inspector employed by the state reported in an inspection of the Milwaukee nursing home cited earlier:

Some patients were in beds which had "dried fecal matter on their top sheets, bottom sheets and draw sheets. These beds were made with soiled sheets and it was apparent that the linen was to be kept that way for another day."

PHYSICIANS' ORDERS

The required professional nursing coverage was not provided in the home although there were physicians' orders calling for intramuscular injections, bladder irrigations, insertion of catheters and application of sterile dressings, she reported.

"One wonders who is administering these medications and treatments requiring knowledge of aseptic technique," she said in the report.

In the state files of some homes there are reports of medications being poured days in advance of distribution to patients, then being distributed by untrained aides; of needed medications being allowed to run out; of insulin being drawn days in advance and stored in syringes or not being administered at all.

There are reports of improper and insufficient food, despite the regulation that "food to meet the nutritional needs of the individual patients shall be provided" from a basic diet of meats, fruits and vegetables, breads and cereals, milk. . . .

EMPLOYE COMPLAINED

An employe of one Milwaukee nursing home complained to state inspectors that:

"Noodles and macaroni are served frequently for supper. One roll is served to four patients.

"Often one-fourth sandwich, soup and one-half glass of milk is the evening meal, and patients are always hungry."

While government bogs down in theory and procedure, hundreds, if not thousands, of aged, senile, mentally retarded and mentally ill are caught in substandard nursing homes and forced to live with conditions as they exist.

Try telling a sick, frightened elderly man, lying in a nursing home bed with flies crawling over him and in need of medical attention, that, in the near future, the operator of the home will be called in for consultation with licensing officials and given still another chance to "improve" the home—or that his plight will be discovered whenever state inspectors or county social workers visit the home.

2,000 BEDS, 43 HOMES

There are approximately 2,000 beds in the 43 nursing homes in Milwaukee County that inspectors say have code violations ranging from many to long lists of flagrant violations.

Certainly not all of these homes are as bad as those described here, but many are.

Many of the patients in these homes are there as the result of what amounts to a commitment procedure by the state or the county.

The process, however, is termed "placement."

In many cases, communications back to the placing agency are too poor or the patient mind involved too senile or retarded to make appeal of their plight possible.

Crying for Reform

The series of articles on nursing homes which began in The Sentinel this week is not the most pleasant reading.

The first article Thursday told of flies on the patient's face and a state issued operator's license hanging on the nursing home wall. Distasteful, yes. But we urge you to continue to read the series to its conclusion for the full picture on the services provided our aged, our sick, our retarded and our mentally ill. Some of us now have or will have in the future loved ones in similar facilities, or, we ourselves may become patients dependent on the services of others and their dedication to our needs as human beings.

Reporters Gene Cunningham and H. Carl Mueller found that the majority of the 99 nursing homes in Milwaukee County met state standards but 43 fell short of them in varying and sometimes extreme degrees, while still maintaining their licenses.

We have concluded, from their findings, that the situation is scandalous. The problem, we believe, is rooted in manpower shortages among inspection personnel and outright laxity in enforcement procedures relating to regulations concerning nursing homes. It is also our belief that the place where new initiative should be taken immediately to remedy what is a terrible situation is in the Division of Health of Wisconsin's Department of Health and Social Services.

We recognize that the shortcomings and code violations pointed out in this series might reflect even on the most conscientious nursing home operators and we again remind our readers that our reporting team found that the majority of them were doing a good to excellent job. However, the abuses found were too great to ignore and we believe it our duty to bring them to the attention of the public.

Few Nursing Homes Need Closing, State Claims

(By Gene Cunningham)

"I think we have a good code, and we're doing a good job," said Louis Remily, deputy chief of the Hospitals and Related Facilities Section of the state Department of Health and Social Services.

"There are few nursing homes in Wisconsin so submarginal that license revocation and suspension is needed," he said.

Remily's section is charged with enforcement of state regulations governing the operation of nursing homes and with the handling of licensing.

Remily conceded that there are substandard homes operating in violation of the state code.

But, he said, "I think more can be done through education, consultation and co-operation in meeting standards than will be done, in the long haul, in taking everyone to court."

However, court actions are not required for license suspension or revocation, according to Le Roy L. Dalton, an assistant attorney general who handles legal matters for the section.

The state Board of Health has the authority to suspend or revoke a license, Dalton said.

The procedure, he said, is administrative and, by state law, does not require action through the courts.

However, in the case of homes operating

without a license, fines are provided and charges are filed in court, Dalton said.

Both Remily and Dale Jennerjohn, section chief, implied on several occasions that court actions are necessary in order to suspend or revoke a violator's license.

"We can start license suspension or revocation proceedings" as an enforcement measure, but these "take a long time under the law," Jennerjohn said at a recent public meeting at which nursing homes were discussed.

License revocation and suspension proceedings are long and involved, Remily said in an interview.

One case taken to court in Madison still had not come before the court for decision five months later, he said. And, he noted, "We have taken cases to court and lost."

Instead of revocation or suspension action, consultations are held with individual home operators after they are called in to discuse state regulations and compliance with them, Jennerjohn said.

TELLS OF CONSULTATION

Representatives of one corporation operating homes in Milwaukee had been called in the preceding week, he said.

These conferences often bring about corrections and improvement, Jennerjohn said.

"We know which homes are marginal, where they are and what attention is needed," Remily said.

If enforcement measures are taken, the state's preferred procedure is to withdraw a home's eligibility for Title 19 (Medicaid) funds for patient care, they said.

This gives them an "immediate financial loss" and is effective in bringing code compliance, Remily said.

However, not all nursing homes licensed by the state are Title 19 approved.

As of last February, 235 were approved for Title 19 and 209 were not.

THOSE NOT INCLUDED

Those that were not approved included 125 licensed skilled care nursing homes—the highest state license classification—and 84 homes licensed for limited or personal care.

The withdrawal of federal funds for Title 19 homes has no effect on their license to operate.

Often, when federal funds are withdrawn, the patients who had been in the home on Title 19 simply remain there and the cost of their care is taken over by the county at a lesser fee than Title 19 provides.

While license revocations and suspensions by the state are uncommon, licenses sometimes are reduced from skilled care to limited or personal care.

The latter two classifications do not require that the home employ a registered nurse, and the services available are reduced at this level. Lower fees are charged for patient care.

In Title 19 approved homes, a registered nurse must be on duty 40 hours a week, and licensed nurses, either registered or practical, must be on duty the remainder of the time on a round-the-clock basis.

Failure to have the required nursing staff, not state code violations, has been virtually the only reason for which Title 19 funds have been withdrawn.

ALMOST ONLY REASON

Similarly, the failure to have a registered nurse on duty 40 hours a week seems almost the only reason for which licenses have been reduced to lower classifications.

However, a check sheet of demerits is used in inspections of nursing homes and it, too, can be the basis for withdrawal of federal funding if the home is eligible for such funds.

The check sheet covers 10 areas of inspection—patient care, nursing staff, patient safety, administration, medical records, medical policies, food service, sanitation, plant maintenance and construction.

In each of the 10 areas, up to 10 demerits can be given for noncompliance with state regulations, making a possible maximum of 100 demerits.

If, in an inspection, a home gets 60 or more demerits out of a possible 100, a letter is sent to the home giving it notice that it does not "fully" comply with state regulations and setting a date at which time federal funds will be withheld unless corrections are made to bring the home within acceptable limits.

Licensing officials admit there are problems in administering and enforcing the nursing home code. And they blame most of the problems on the boom that came in the nursing home business with the arrival of Medicare and Medicaid.

Fifty to 60% of the patients in nursing homes are on federal medical assistance, Remily said.

"FIELD EXPLODED"

"The field exploded, and we tried to keep up," he said.

"I'm not offering this as an excuse for why we have the ——s," he said, naming and making plural one of the worst of the bad homes in Milwaukee.

But, he said, this is what happened with the coming of Medicare and Medicaid:

With Medicare, started in January of 1967 under a contract between the state and the Social Security Administration, federal money was provided to hire additional state personnel to handle the program.

But under Medicaid, started in 1966, there was no money for additional personnel, and the state Legislature did not provide the additional staff positions needed to handle the program.

"We couldn't keep up . . . We were always short of people."

In addition to nursing homes, the staff in Remily's section also handles hospitals and residential care homes.

"We have to sit here and establish priorities."

Medicare approved homes have to be inspected every 9 to 12 months. This inspection also is used as the state license inspection which normally is done annually.

The inspections required by federal programs, plus the boom in the building of nursing homes that the federal programs brought on, left the state short staffed and left homes not meeting these higher federal requirements without much attention, Remily said.

The boom in the nursing home industry has resulted in overbuilding, empty beds and competition for patients, Remily said.

Eventually, he said, this could bring about cuts in the quality of care, in food service and other areas of operation.

If that happens, "Then what do we do to keep up with it?" he asked.

[From the Milwaukee Sentinel, Apr. 13, 1970]

POLICY OF PLACING RETARDED IN NURSING HOMES ASSAILED

(By Gene Cunningham)

More than 4,900 of the 7,700 patients in nursing homes in Milwaukee County have been placed there by the state or the county under Title 19 (Medicaid) of the Social Security Act.

Of this number, approximately 150 are mentally retarded patients placed by Southern State Colony and Training School at Union Grove.

In the last few years, more than 800 retarded persons have been placed in private nursing homes by the three state colonies.

The placement of the mentally retarded in nursing homes is the subject of a growing battle between the Wisconsin Association for Retarded Children (WARC), the United Association for Retarded Children (UARC) and the state Department of Health and Social Services.

The two associations recently demanded that the state declare a moratorium on placement of the retarded in both private nursing homes and foster homes.

The moratorium, the associations said, should continue until assurances are received that all such facilities licensed by the state "are in full compliance with state and federal regulations, and that there are no inadequacies or irregularities in the program which work to the detriment of the welfare of the retarded who may be involved."

The state rejected the demand for the moratorium.

But, it said, the state nursing home code is now being revised, and requirements for special care and programs for the retarded will be included in the revised code.

In addition, department officials said, a uniform evaluation system is being worked out to be used by all three state colonies in selecting nursing homes for placement of the retarded.

But the two associations remain skeptical. The present nursing home code is not being enforced, they maintain, so what is the good of a revised version that also may not be enforced?

What is "on paper" is one thing, and what actually exists is another, the associations say.

At present, each state colony has its own evaluation system for choosing homes in which to place its retarded patients.

"There are a lot of things to be worked out in the utilizing of nursing homes" in the care of the retarded and mentally ill, said Dr. L. J. Ganser, administrator of the Department of Health and Social Services' Division of Mental Hygiene.

MET LAST MONTH

Ganser and other division officials met last month with representatives of the two associations for the retarded.

The retarded from the state colonies are placed in nursing homes in cases in which "nursing homes are the appropriate type of service," Ganser told the group.

The individual placed in a nursing home is only on a temporary discharge from the colony, which continues to be responsible for the care that he receives, Ganser said.

The colony can take a person back if it is not satisfied with the care he is getting, he said.

Colony social workers are responsible for seeing that patients placed in nursing homes are getting the type of program they need, said Harvey A. Stevens, director of the department's Division of Mental Retardation.

QUESTION ON CARE

"Then you like what you see, and all the patients you have placed in nursing homes are getting the type of program they need," replied George O'Donnell, president of WARC.

"That's an overgeneralization," Stevens responded.

Last year, the Mental Health Planning Committee of Milwaukee County issued a report on its study of problems in the placing of the mentally handicapped in nursing homes and residential care facilities and the licensing and maintenance of program standards in such facilities.

The study was done at the request of the United Association for Retarded Children.

In his letter requesting the study, Harold Haskins, president of UARC, said that although general state standards exist for the facilities in which the mentally retarded are being placed, "some of the facilities are meeting the standards only on paper.

"This paper compliance also applies to some skilled care facilities and child care institutions for the emotionally disturbed.

"The return of patients to the community from institutions is a praiseworthy goal if qualitative services are provided.

"However, if patients are discharged to holding services where lesser standards prevail and community services are not utilized, this is a regressive step."

COMMITTEE'S REPORT

In its resulting report, the county committee said:

"Licensing of these facilities is diffuse, code enforcement is not stringent and efforts to upgrade programing are not very successful . . .

"There is a need to protect the interests of patients in such facilities whose rights to adequate service are being abused."

One section of the report dealt with licensing and program evaluation.

It noted that only two nurse inspectors were employed by the state to inspect nursing homes and investigate complaints in the five county district that includes Milwaukee County.

"When notice is given of code violations or complaints are registered, enforcement capacity is limited," the report said. It added: "Complaints from patients or families are referred to the state licensing authorities with little results."

SAYS FEW HELD

Few, if any, license hearings are held by the state, it said.

And, if they are to be held, "money payments (to the home) continue until after the hearings . . ."

"Communications between licensing staff and placement staff are almost nonexistent. Consequently, patients are being placed in the facilities while violations and complaints are being registered," the report said.

The homes, it noted, "feel little pressure to comply" with state regulations.

The report suggested that halting the placement of patients in substandard facilities "would rapidly change the situation."

"But that requires good communication and co-operation of licensing authorities, placement officials and purchasers of care," it added.

NOT IN CODES

Placement team members try to be selective in choosing homes that best meet a patient's individual needs, "but they have little to say about ongoing care given to the patient once released," the report said.

Licensing codes, it noted, do not require that homes provide any special programs or care for the retarded.

The mentally handicapped patient "is dependent upon others—the nursing home staff, the welfare worker, the attending physician, or the family—all of whom have a variety of interests and concern which may not take into account the best interests of the patient.

"The tragedy is that the whole system was supposed to have provided the mental patient with improved care," the report said.

It drew two major conclusions in its review of the nursing home and residential care placement system:

"Responsibility for maintaining and upgrading standards and quality of care in nursing homes and residential care facilities is diffuse."

The enforcement of existing regulations "is not exercised to the fullest extent possible and needed to remedy abuses and maintain standards."

There is no system or agency to "effectively protect the interests of patients in nursing homes and residential care facilities whose rights to adequate service are being abused."

COMPLAINTS BACKED UP

The report substantiated many of the complaints and claims of the two associations for the retarded:

The state nursing home code contains no regulations prescribing the special treatment or programs needed by the retarded, but, instead, is aimed at the care of the aged and physically ill.

Placement of the retarded and mentally ill in nursing homes has come before the state has established the necessary regulations to provide for their proper care.

Existing nursing home regulations are not being enforced.

While no program or care is prescribed for the mentally retarded in the state nursing home code, some homes voluntarily have set up their own programs for them, state officials said.

Placements, they said, are made into these homes on the basis of the programs they provide.

NURSING HOME PROBE PLANNED

A committee from the Milwaukee County Association of Nursing Homes plans to go to Madison to go through state nursing home inspection records and discuss with state officials the operation of substandard homes, an association official said Sunday.

"We feel we owe it to the community to do this," said Miss Marian Reible, president of one of the two districts included in the county association.

The association, she said, "did not realize that this (substandard operations reported in The Milwaukee Sentinel) was going on and, if what is alleged is true, it should be ended."

"If the state has found that these homes exist, they should be stopped," she said.

Nursing homes that are allowed to operate in continuing violation of state regulations give a bad name to the many good homes, she said.

"We do not want them dragging our good name down," Miss Reible said. She said the association committee would talk to Dale Jennerjohn and Louis Remily, chief and deputy chief, respectively, of the licensing division, and possibly to other state officials.

The committee will try to determine "why and how this (situation) happened," she said.

The association, she said, has held meetings and symposiums periodically to discuss nursing home standards and operations in an effort to maintain high standards.

Approximately 46 nursing homes in Milwaukee County belong to the association, a local branch of the Wisconsin Nursing Home Association.

[From the Milwaukee Sentinel, Apr. 15, 1970]

PROFIT MOTIVE BEHIND PATIENT CARE

(By H. Carl Mueller)

"It's disgusting," said a former social worker for one of the larger nursing homes in the Milwaukee area. "The word is always cut down, cut down.

"They are always short staffed," she complained. "Patient programs are not carried out and never have been—they look good on paper only."

If you want to know what's happening in our nursing homes, talk to the people who are in them daily—the employes, social workers and government inspectors.

THEY HAVE GROWN

You'll find that nursing homes are no longer small residential facilities operated by a single owner or family.

They have grown in the last five years into multi-million-dollar corporations fighting for business in a highly competitive market.

As the quest for the dollar became tougher, corners had to be cut and budgets tightened—sometimes at the expense of patient care.

The impetus for this rapid growth was a wealth of public funds made available under Medicaid—over 60% of patients in nursing homes in Milwaukee County are on public assistance—and a desire by public institutions to place patients in the community.

And rapid growth, both in size and type of care provided by private homes, has caused a rash of problems beyond the control of existing codes or enforcement personnel.

SHORTAGE DEVELOPMENT

As nursing homes expanded their programs to care for the mentally ill, mentally retarded and the disabled, as well as the elderly, a severe shortage of trained personnel developed.

The profit motive and a highly competitive market led to such economic measures as cutbacks in rehabilitation programs, low paid and inadequately trained staff and elimination of recreational and other special facilities so there could be space for added beds.

Patient care sometimes suffered, as documented by the complaints of nursing home employes, physicians, social workers and private citizens.

At least one doctor at the Milwaukee County Institutions is boycotting an entire nursing home chain because of its record of patient neglect.

HIRED AT $1.50 HOUR

Medical residents at County General Hospital complain about patients repeatedly returning to the hospital from certain homes showing obvious neglect.

"They hire nurse's aides at $1.50 an hour, so what kind of help do they expect to get?" one said. "One woman aide had just been in court for child neglect when she was hired—how could she be expected to care for an adult with a child's mentality?

"They are very interested in getting patients, but are not very concerned about them once they are in the nursing home," she added.

A county welfare department social worker complained that many patients removed from the same chain-owned home (which is paid one of the highest rates in the county) suffered from gangrene and bedsores—the most obvious signs of patient neglect.

She said patients were allowed to sit around in soiled clothing. One old woman, she said, broke her leg trying to reach for a bedpan after aides failed to answer her cries for aid.

A former social worker at another nursing home operated by the same corporation complained that medical care at the home was "grossly inadequate."

She said that the home's doctors refused to respond to night calls—even to declare a patient dead—and that dead patients often lay in their beds for hours before the arrival of a doctor or a vehicle to transport the body.

"There is no program to keep the patients active or even to get them out of their beds," she said. "There is no psychiatric care provided even though many patients are listed as paranoid or schizophrenic.

"The place is cleaned up only before the announced inspections by the state, otherwise the stench on some floors is terrible and the kitchen is filthy," she said.

Another employe of the corporation said that most of its homes were marked by a rapid turnover in personnel, low wages, job insecurity, lack of qualified administrators and other professional staff and generally an operation that looked good on paper only.

TOLD TO GET BUSINESS

"The staff is intimidated, told to ignore code violations and to keep complaints to themselves," she said. "The administrators (of the nursing homes) refuse to allow complaints to go past them."

She complained that social workers hired by the homes to help patients were ordered to spend most of their time soliciting business from the county.

Why aren't such problems regulated?

"It's not a matter of regulation—it's a matter of each nursing home selling itself on the basis of what it can offer," said Eugene Paykel, supervisor of the Welfare Department's medical division.

"A home might go to extreme lengths to sell itself, but its selling points are not based on any code or regulation," said Paykel, whose division is in charge of patients receiving public assistance who are in county nursing homes.

"While a great deal of specialization has occurred, there are no requirements for such specialization," he said. "There is no regulation on what they offer in terms of rehabilitation programs, specially trained personnel or equipment."

Licensing of homes by the state is "still aimed at geriatric-custodial care—that's all the code is concerned with—insuring a minimum of that type of service," said Paykel.

HOPEFUL OF COMPETITION

He feels that the recent construction of several nursing homes and increased competition will improve the quality of care as his department selects from the best.

"The placement situation has changed radically in the past six months," he said.

"There's been a dramatic shift from a time when we were lucky to find 10 empty skilled care beds in the county to the very competitive situation that exists today," Paykel said.

Social workers in his division complain about daily calls and repeated visits by nursing home personnel soliciting business.

"A strange competitiveness has developed because the majority of persons are under public assistance and money is not the major concern," he explained. "The average person knows very little about nursing homes and is pretty shook up about committing a relative to one—most rely on the advice or decision of others.

"The homes, as a result, must sell themselves to the key placement people—physicians, placement personnel and social workers," Paykel said.

DEFINITE LAG SEEN

"There is a definite lag here in legislation and codes to keep pace with developments in what has become a big business," he added.

A person may be placed in a nursing home by a private physician, or through such public institutions as the County Mental Health Center, the Veterans Administration, the County Institutions or the Southern Wisconsin Colony and Training School.

The Welfare Department rates nursing homes according to the quality of care provided and lists what it considers to be the better ones, but it has no absolute control over placement.

The department can only offer advice on placements and "it's department policy to go along with the patient's doctor on the selection of a home," Paykel said.

Several thousand patients have been placed in nursing homes from the County Mental Health Center's South Division under a pilot program financed by $233,000 in federal grants.

EXTENSION SOUGHT

"We feel that this program has accomplished so much—that the results have been so dramatic in the type of good care in these facilities and the reduction of the census at the county hospital—that we are asking for an extension of our program," said Dr. Leonard Lieberman, medical director of South Division.

"Eight years ago we had 3,150 patients here and on Feb. 1, 1965, when our placement service began operation, we had 2,247," he said. "Today we have 1,340.

"The basic philosophy behind these placements is that many patients don't need the intensive services or physical security of a mental hospital," Lieberman explained: "The purpose is to get them more integrated into the community and become part of the recreational and work services available to them there.

"We expect that every patient's medical, psychological and vocational needs will be met and his capabilities worked with and brought out to the maximum so that eventually they can become independent and live out in the community," he added.

Lieberman admitted that some homes have been black-listed by his placement team because of inadequate care and that patients have been removed from homes for the same reason.

Although Lieberman felt that Milwaukee had an excellent placement program, he agreed that an updating of nursing home regulations was needed—especially those concerned with specialized programs.

[From the Milwaukee Sentinel, Apr. 15, 1970]

ENFORCE CODE

Comments by Wisconsin officials relating to The Sentinel's probe of conditions in state licensed nursing homes have a familiar and disturbing ring.

Although there is authority in the statutes to suspend or revoke licenses of state nursing home code violators, the officials speak of "education, consultation and co-operation."

This approach is good—if it works. But usually it doesn't, unless the violators know the law enforcement authority is ready to act.

Nursing home operators who violate the code seem fairly secure in the knowledge that the prospect of enforcement action is remote. It takes too long and is too cumbersome for state officials, although a look at the statutes wuld suggest suspension or revocation of a license is a relatively simple matter. The officials prefer, instead, more education, consultation and co-operation.

As stated by Harold Haskins, president of the United Association for Retarded Children, the homes feel little pressure to comply with state regulations.

Hasn't this situation had a parallel in the way we have been treating water polluters for decades? Didn't we have a state water pollution committee which waited for the co-operation of offenders and held off enforcement until we had to go into a crash antipollution effort? Our reading of recent history says this is the case.

There are also similarities in action taken to enforce building codes and to protect consumers.

We don't condone this benevolent patience in any case but it is most objectionable when applied to nursing homes where helpless individuals are involved.

State officials point to the enormity of the problem but it won't get any smaller if complaints against nursing homes are ignored and action is not taken to require compliance with codes. It is our opinion that, if the state started to get tough with as many operators as it could at a given time, the mere knowledge that action might be taken against them would set state nursing home operators scurrying to get their houses in order, where necessary.

No matter how large an inspection team the state employs, it will, for the most part, have to rely on an honor system to insure that the code requirements are met. Cracking down on the dishonorable operators will certainly develop some respect for that honor system.

[From the Milwaukee Sentinel, Apr. 23, 1970]

STATE TO IMPROVE NURSING HOME STAFF

(By Neil H. Shively)

MADISON, WIS.—The state plans to improve its nursing home inspection staff in the Milwaukee area partly as a result of a Milwaukee Sentinel series on deficiencies in a number of homes.

In a 68 page report to the Board of Health and Social Services Wednesday, officials in charge of nursing home supervision said some of the below standard or "marginal" facilities were not uncovered because of a lack of staff and in some cases the use of improper reporting procedures.

But the report to the board was at the same time critical of The Sentinel's stories, especially in the use of descriptive quotes from inspection reports in state files on four homes made by a state team.

Dale Jennerjohn, chief of the Hospitals and Related Facilities and Services Section, said that some of the articles "branded all 43 homes (referred to) with quotes on the memos of four."

[The Sentinel stories noted after quoting from state inspectors' reports on several nursing homes that, "certainly not all of these (43) nursing homes are as bad as those described here, but many are."]

The stories failed to point out, Jennerjohn said, that state action to disqualify the four homes as certified Medicare or Medicaid facilities had been taken.

[The Sentinel stories pointed out that Medicaid and Medicare approval is sometimes withdrawn for failure to have the round the clock nursing staff that these programs require.

[The stories also pointed out that withdrawal of eligibility for these federal funds has no effect on a home's state license to continue to operate as a "skilled care" home—the highest license category granted by the state.]

The section's subsequent review of the list of 43 homes referred to in The Sentinel stories turned up 13 that needed attention, with five of those having been acted upon. The eight others were reviewed and called "marginal," he said.

Jennerjohn said the staff of three nurses and two sanitarians were pressed to adequately inspect all the 143 nursing homes and a number of other facilities in the five county Milwaukee area.

"This is almost impossible," said Dr. E. H. Jorris, Division of Health administrator, of the task.

THREE PERCENT ARE MARGINAL

"I'm not saying we don't have problems," he said, "but in the state as a whole, 3% are marginal homes that are not providing the nursing care they should provide."

Jorris said he had "no idea" that the number of mentally retarded being placed in nursing homes was as great as it is, and said an advisory committee has been asked to make recommendations for new rules in this area.

Board member Albert M. Davis, admitting that his comment was somewhat tongue in cheek, told Jennerjohn, "Your nice report pales the stories in The Milwaukee Sentinel."

The board talked at length on how it could be sure the nursing homes were meeting the standards of the state and federal government, and Davis asked, "How many people can we possibly have to make sure we get good care?"

Both Jennerjohn and Health and Social Services Secretary Wilbur J. Schmidt said "police" type action will never be the whole answer.

"If you used the police force system to do this you would have to have an army," said Jennerjohn, adding that people in the industry have to be motivated to make the care acceptable.

"We can't make any of these health services work without the providers (the nursing home operators in this case) going in with us," said Schmidt.

"We can't force the hand of the licensee with police practices," he said.

Later, indicating some disenchantment

with the nursing home industry, Schmidt said that the 'keystone" of the Medicare and Medicaid services had been at the start that the state could depend on the providers.

But when mistakes crop up, more reports are required, leading to more paper work, and more frustration with the system without really eliminating all poor practices.

"You could have review on top of review if you wanted to make sure nothing goes wrong," Schmidt said. "But that would cost money."

Jennerjohn said, apparently in response to a statement in The Sentinel series that there had been no revocations in Milwaukee in a year, that revocation of a nursing home license is a cumbersome and time consuming method of dealing with deficiencies.

Instead, the state simply notifies the home—without warning—that its certification is being pulled. This is done after proper surveys have been made, he said, and not on the basis of a short visit to the home.

Visits sometimes lead to more extensive surveys which take about six and one-half man days, involving three persons.

The report's recommendations included assignment of nurses and sanitarians from other districts to the Milwaukee district until the staff is adequate there.

They would help survey not only the eight facilities mentioned, but continue until current surveys have been made on all nursing homes in the district, the report said.

Help had been assigned to the district a year ago and the section was unaware that there were workload problems, Jennerjohn said.

[Jennerjohn said in a Sentinel interview last month that there are only two nurses to do inspections in the five county district that includes Milwaukee County.

[His deputy, Louis Remily, said in an interview, "We couldn't keep up. We're always short of people."]

Another recommendation is to seek "additional consultant nurse positions" by action of the Board on Government Operations.

It also calls for strengthening "the supervisory function to insure that at least annual surveys are conducted in each nursing home."

PROBE OF HOMES RECEIVES SUPPORT

The United Association for Retarded Children has offered its assistance to Gov. Knowles and to the Milwaukee County Welfare Board in their investigations of conditions in state licensed nursing homes.

The association "has been concerned for some years about nursing homes in relationship to residential care for the mentally retarded.

"We have tried repeatedly to convince public officials of the need for greater enforcement of standards and, in some instances, more standards," the association said in letters to the governor and the Welfare Board.

Association representatives and representatives of the Wisconsin Association for Retarded Children are scheduled to meet at 9 a.m. Friday with officials from the state Department of Health and Social Services for further discussions of the state's program of placing the retarded in private nursing homes and foster homes.

The meeting will be held at Heritage House in Madison.

A similar meeting was held last month in Hartland.

In letters to Knowles and the Welfare Board, UARC President Harold E. Haskin said, "We read with interest of your intention to study the nursing home situation. . . ."

The association, Haskin wrote, "would be happy to add its experience and thinking to any study" that the governor or the board is undertaking.

STATE WILL CHECK NURSING HOME SITUATION

MADISON.—Gov. Warren P. Knowles was reported Tuesday willing to have his administration take another look at Wisconsin's nursing home operations as a result of a series of newspaper articles.

Bruce Bishop, special aide to the governor, said Knowles assigned him to "monitor the investigation" of conditions, expenses and administrative operations of the state's private nursing homes.

"We have had previous indications of problems and complaints," Bishop said.

He said the Department of Health and Social Services recently looked into a complaint filed by an employe, and that Knowles' interest in the matter dates to last August.

The Associated Press recently circulated a series of articles about nursing home operations on a national scale, and the Milwaukee Sentinel said it questioned Bishop Tuesday about a series now appearing in that newspaper.

Bishop said it isn't immediately certain whether the state attorney general's office or other departments would be involved in studies of the matter.

Various articles have noted private patient care has blossomed recently into high-level business, especially with the new availability of funds under Medicaid and other government programs.

The articles have reported signs that the expansion of the nursing home business has outraced the available reservoir of personnel trained to handle patients who may need special physical or mental treatment.

There also have been some questions as to whether rehabilitation programs are operating as efficiently as they should.

WORLD MILITARY EXPENDITURES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ROSENTHAL. Mr. Speaker, the U.S. Arms Control and Disarmament Agency has issued a report entitled "World Military Expenditures 1969." I think we should all take a moment to look at it.

The ACDA report tells us that the world spent $200 billion in 1969 on military matters. The United States accounted for $82 billion or 41 percent of all military spending on this planet.

One table, which I included below, reveals that U.S. military spending was increasing at a rate three times that of Russia's during the period of 1964–67. Here are the figures:

MILITARY EXPENDITURES

[Dollars in billions]

	1964	1965	1966	1967	Percent change 1964–67
U.S.S.R.	$45	$46	$49	$52	15.6
United States	51	52	63	75	47.1

Chart V of the report, on the relative burden of military expenditures, is also worth noting. It again shows our lending position, in this analysis by percentage of GNP, as a purchaser of military goods. That table follows:

RELATIVE BURDEN OF MILITARY EXPENDITURES

	Gross national product per capita							
	Under 100	100 to 199	200 to 299	300 to 499	500 to 999	1,000 to 1,999	2,000 to 2,999	Over 3,000
Military expenditures as a percent of gross national product:								
Over 10 percent	Laos	United Arab Republic, Vietnam, North, Vietnam Republic of.	China, Republic of, Iraq, Jordan, Korea, North, Syrian Arab Republic.	Saudi Arabia		Israel		
5 to 10 percent	Burma; Somali Republic	Cambodia; China, Mainland	Albania, Iran	Mongolia, Portugal	Cuba	Poland, U.S.S.R.	France, United Kingdom	United States, Kuwait.
2 to 5 percent	Chad; Congo; Kinshasa; Dahomey; Ethiopia; Guinea; Haiti; India; Uganda; Upper Volta.	Bolivia; Cameroon; Congo, Brazzaville; Korea, Republic of; Mauritania; Morocco; Pakistan; Sudan; Thailand; Yemen.	Algeria, Dominican Republic, Ecuador, Ghana, Paraguay.	Malaysia, Turkey, Yugoslavia.	Bulgaria; Chile; Greece; Libya; Romania; Spain; South Africa; Republic of; Venezuela.	Austria, Czechoslovakia, Finland, Germany, East, Italy, Netherlands.	Austria, Belgium, Canada, Denmark, Germany, West, Norway, Switzerland.	Sweden.
1 to 2 percent	Afghanistan, Indonesia, Mali, Niger, Tanzania.	Central African Republic, Ceylon, Kenya, Malagasy Republic, Nigeria, Philippines, Togo.	Colombia; El Salvador; Guatemala; Honduras; Ivory Coast; Liberia; Rhodesia; Southern; Senegal; Tunisia; Zambia.	Brazil, Gabon, Guyana, Nicaragua.	Argentina, Cyprus, Lebanon, Uruguay.	Hungary, Ireland	Luxembourg, New Zealand.	
Under 1 percent	Malawi, Nepal	Sierra Leone		Costa Rica, Peru	Jamaica, Mexico, Panama, Trinidad and Tobago.	Japan		Iceland.

EFFORT TO CREATE A SYSTEMATIC AND RESPONSIBLE WAY FOR STATES TO MANAGE AND DEVELOP THEIR LAND

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. BROWN of California. Mr. Speaker, on April 23 I introduced into this Congress the Comprehensive Land Use Act of 1970. A good deal of work, time, and effort went into this bill. I am very proud of it. The bill reflects the work of professionals from many disciplines and vocations. I particularly want to thank my Action Committee on Environment Quality for its work and in particular the Scientific Advisory Subcommittee whose efforts by the following members must be publicly acknowledged: Dr. Ira M. Robinson—professor and director, graduate program of urban and regional planning, University of Southern California; Alan Kreditor—associate professor of urban and regional planning, University of Southern California; Ralph Knowles—associate professor of architecture, University of Southern California; Dr. Lowell G. Wayne—sector head, Air Pollution Control Institute; and Frank Tysen—ecology consultant and lecturer, urban and regional planning, University of Southern California.

The bill is modeled after S. 354; legislation introduced by the distinguished Senator from the State of Washington, Senator Henry Jackson. My bill has kept a good deal of its language, deleting provisions, amending others, and adding new ones. Senator Jackson should be lauded for his pioneering efforts in this area. His speech on September 15, 1969, before the Seattle Planning and Development Council was very instrumental in my own legislative efforts. I insert that speech into the Record.

It is a great pleasure to be with you today and to have an opportunity to discuss with you some of my views on environmental management and land use planning.

During my service as Chairman of the Senate Interior and Insular Affairs Committee I have devoted a great deal of time to recreational land use planning. Since 1964, my Committee has approved and the Congress has enacted legislation to set aside 13 million acres of land and water for the use and enjoyment of the American people.

These were "national" land use policy decisions. They were made in the belief that the dedication of a part of America's land base for recreational, scenic, historic, cultural and wilderness purposes is a high priority national goal.

Since 1960 we have established a new National Park; 8 new National Recreation areas; 9 new National Seashores and Lakeshores; almost one-hundred new Wilderness Areas, National Monuments, and Historic Sites; a system of Wild, Scenic and Recreational Rivers; and a National System of Trails.

In our State, the national land use policy decisions of the past few years have given us the magnificent North Cascades National Park, many new Wilderness areas, the San Juan National Historical Park, the Pacific Crest Trail, and a host of local projects—city parks, boat ramps, and state parks—made possible by revenues from the Land and Water Conservation Fund.

I am proud to have sponsored much of this legislation. I would, however, be less than honest if I did not clearly state that I am *not* optimistic that the Nation is winning, or will win, the war for "inner space;" the battle to have an ordered environment in which society can achieve its aspirations.

One of the most difficult problems we face is the almost impossible task of acquiring new lands for public outdoor recreation and for parks within and near our urban areas. And yet, it is in the cities where the greatest need exists for relief from boredom, tension, and the constant pressures of crowding.

Recreation and relaxation contribute to the quality of life and enhance human dignity. Improvement of the environment can mean most to those who are now most deprived.

Because I believe in the relevance of parks and recreation programs to our urban crisis, I recently sponsored the "Federal Lands for Parks and Recreation Act of 1969." This measure passed the Senate in June. If enacted it will make surplus Federal property available to major metropolitan areas for park and recreational use without cost or at a small percent of the market value.

This bill is, of course, of special importance to the City of Seattle because a major portion of Fort Lawton's 1,107 acres of prime recreational land may soon be declared surplus to military needs. This marvelous facility is within the city limits and offers one of the last opportunities available for a major city park.

The need for a more orderly, systematic program of national, state, and local land-use planning is clear. The need may be seen in virtually every community and certainly in every major city, every State, and every region of the country. The continued growth of the nation in terms of population; expanding urban areas; proliferating transportation systems; conflicts in emerging pattern of land-use; the increasing number of governmental entities; and the increased size, scale, and impact of private sector actions, have created a situation in which many land-use management decisions are not being rationally made. Instead, they are made on the basis of expediency, tradition, short-term economic considerations, and other factors which are often unrelated to what the real concerns of land-use management should be.

It is important that the Congress continue to set aside and acquire parks and seashores and other specific areas of national significance. But, in my judgment, it is now even more important that we establish *general* policies, and *general* programs on national land use planning and management; programs which have the potential of preserving, protecting and improving the environment of every state, every county, and every city, every day of the year.

The Land and Water Conservation Fund Act of 1965 was one of the first, and in my view, one of the most important general acts designed to promote a national land use policy. This act has provided State and Federal government with $502 million for recreational land acquisition for the past five years.

And we have built upon this strong foundation. Last year the Congress adopted my amendment to enlarge the Fund to $1 billion over five years by dedicating revenues received from mineral development on the Outer Continental Shelf.

The landmark conservation measures of the past ten years are very important to our Nation's future. But, for the most part, they were not designed to deal with many of the most pressing and most critical land use planning and management questions the Nation faces.

Here are some of the problems I see.

At the federal level, a whole host of agencies are deeply involved in land use planning. For example, the Bureau of Outdoor Recreation, in conjunction with state government, is currently preparing a "Nationwide Recreation Plan." Other agencies are preparing "Highway Plans," "Airport Plans," and "Navigation Plans." The Department of Housing and Urban Development is deeply involved in regional and urban planning. Other departments of the Federal government are also actively engaged in land use planning related to their areas of responsibility.

Most of these plans are necessary and desirable. The problem is this however: To date, no one has ever put these plans together to see if they are consistent, to see if they make sense, and, to see if they are compatible with local goals and aspirations.

As a result, there are needless and costly conflicts between agencies and departments of the Federal government, between State and Federal government, and between State and local government.

Let me cite one example. In 1934 Congress established the Everglades National Park. This represented a land-use decision that the Everglades should be preserved for all time for the enjoyment of future generations. In 1948, the State of Florida and the Corps of Engineers initiated construction of a flood control project. Today this flood control project imposes artificial controls upon the historic flow of water to the Park and threatens its existence. Last year the Dade County Port Authority, with Department of Transportation involvement, initiated construction of a super jet airport within 6 miles of the Park. The airport would create a noise problem and encourage residential, commercial, and industrial development.

The basic problem at the Federal level is that many agencies and departments of the Federal Government are pursuing separate, single purpose missions—highway building, dam construction, urban redevelopment, and a host of others—without adequate coordination and without proper environmental and land use guidelines.

My bill to establish a National Environmental Policy which was recently passed by the Senate would go far towards providing many of the needed guidelines at the Federal level. That bill makes a concern for environmental values and amenities a part of the charter of *every agency* of the Federal Government. It enhances coordination and better planning by establishing new planning procedures and by creating an overview agency—a Board of Environmental Advisors in the Office of the President.

At the State level a different, and in my view, a more difficult set of land-use problems are faced. Under our system of government the States have the basic constitutional authority for land use management. Federal powers in this area are very circumscribed and, in a real sense, limited to Federally owned lands.

Historically the States have delegated their land use management authority to units of local government—to counties, to cities, to port authorities and to a whole host of special purpose units of government. The State of Washington alone, for example, has more than 1600 local governmental entities of which nearly 1400 have property taxing powers. All of these, and many public and private utilities as well, influence land-use decisions.

This broad delegation of power to local government is in keeping with the sound philosophy of control by the people at the local level. *But,* it has also created some very important problems.

For example, the super jet airport which now threatens the destruction of the Everglades National Park was planned, financed, and is now being constructed by the Dade County Port Authority. This raises the following question: Should decisions such as this which clearly involve the life or death

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of a great national park owned by all of the people be left to the Commissioners of a local port authority.

Similar problems come up time and time again. Many small cities or counties all across the Nation do not have land use management plans. They have not inventoried their land resources or zoned to protect them. When major industries move into these areas, they locate where it is cheapest and most convenient. And often, this means they locate in areas which, with the benefit of planning and foresight, should have been reserved for other uses such as recreation, parks, or low density housing.

Industrial development is not, of course, the only problem. A similar situation exists with respect to land developers, the construction of large buildings, commercial development, and the siting of public facilities such as thermal power plants.

Most local instances of poor land use management and planning do not present a national, regional, or state-wide problem. But sometimes, as in the Everglades, they do. It then becomes a problem of broad public concern when a lack of planning or poor planning causes irreparable damage to assets of state-wide, regional, or national importance.

The Nation's ocean beaches, for example, are such an asset. The American public has a valid interest in how they are developed and managed. The areas adjoining and on the periphery of four national parks greatly affect the value of large national investments in unique national assets. Should such areas be developed according to the decisions or the lack of decisions of local jurisdictions? Or should these decisions be shared with the State?

How should sites for nuclear power plants be selected? By the power companies in conjunction with county or municipal governments, or in a larger forum which reflects regional needs and problems and regional concerns for safety and the environment?

By the same token, there are many land use decisions made by the Federal government which require greater participation by State and local government. Often the Federal government is seeking the use of a local community's most valuable asset: its land and environment. We must guarantee not only that the use of this asset is necessary, but that it is made in accord with the highest and best standards of land-use and environmental management.

In light of these and many other land use problems, I am considering the introduction of legislation to establish a "National Land Use Policy."

When introduced, this legislation will not be in final form. It will, however, provide a starting point. It will be a working draft on which competent attorneys, planners, architects and officials of State and local government can comment and refine. I look forward to having the views of the Seattle Planning and Redevelopment Council as to how this important problem can be resolved.

As presently contemplated, the legislation will have three major aspects. First, it would establish a grant-in-aid program to assist State and local government in hiring and training the personnel, and developing the competence necessary to improve State and local land use planning and management.

Second, a provision which would create incentives to encourage every State to develop, within a reasonable period of time, a "State-wide Environmental, Recreational and Industrial Land Use Plan" would appear to be desirable. Under such a provision the States could be encouraged to assume appropriate land use management powers over those assets which are of Statewide or national significance. These might include undeveloped ocean beaches; portions of major river systems; buffer zones around existing State and National parks; areas involving multicounty and interstate environmental problems such as air, water and noise pollution; and areas which are compatible for heavy industries such as refineries, major metal processing plants, and nuclear and fossil-fired thermal power plants.

Development and implementation of a Statewide land use plan might involve the creation of a new governmental agency in some States, and a restructuring of existing institutions in other States. The legislation might also set forth certain minimal standards on environmental, recreational, and industrial land use planning which the State plan would have to meet to qualify for continued grant-in-aid eligibility. In addition, it may be necessary to consider a provision to the effect that if a State should fail to enact an acceptable land use plan, certain other Federal funds would be reduced or denied. A possible approach here could be to condition revenues under the proposed State revenue sharing plan on State enactment of an appropriate land-use management plan.

Third, the establishment of a National Land-Use Planning Council is being carefully considered. The Council would be a relatively independent body with provision for representation by officials of Federal, State, and local government. The Council could be charged with the responsibility of administering the grant-in-aid program, working with State and local government, and reviewing State land use plans.

In addition, the Council could have important responsibilities for coordinating Federal land use planning and for improving Federal-State relations in this area.

Meeting the challenge of the land and the needs and aspirations of the public promises to be a difficult task. It will not be resolved by one act in one legislative session. It will require experimentation and refinement of programs over a long period of time. Meeting the challenge of the land will cost money. It will require hard decisions about what is to be conserved and what is to be lost in the tides of social and technological change.

Fortunately, in Washington—unlike many other parts of the Nation—we still have time. We still have a choice. Our land, air and water have not, for the most part, been despoiled. We have a land and water base—beaches, wild rivers and forests— worthy and capable of preservation and proper development.

The responsibility for the policies which determine whether we have a better tomorrow rests with you, with me, and with all people who are concerned about the quality of life. Our actions over the next few years will determine whether future needs will be met; and whether the generations that follow us will enjoy quality lives in quality surroundings.

The Comprehensive Land Use Act of 1970 attempts to solve the most pressing problem of our day—the proper use and allocation of our Nation's resources. The following is a summary of the bill:

SUMMARY OF THE BILL ENTITLED "THE COMPREHENSIVE LAND USE ACT OF 1970"

SECTION 2. FINDINGS AND DECLARATION OF POLICY

Urban sprawl, metropolitan decay, rural exodus, etc., are all related to the lack of sensible planning, use, development and management of our nation's lands. While the primary responsibility and constitutional authority for land use planning and management of non-federal lands rests with the state and local government under our system of government, it is becoming increasingly evident that the manner in which this responsibility is exercised within each locality affects all Americans. Planning or the lack of planning affects all of us. It affects population densities, economic growth, the convenience in which we travel to work, the quality of the air we breathe, the safety of our children, the utility and value of our federal—commonly owned parks and lands—it affects virtually everything relating to our general state of happiness. Too often when a locality does plan its land use it does so without regard to the needs of the abutting jurisdictions and to the needs of the region or the nation, but rather decisions are made on the basis of expediency, tradition, political motivation, short-term considerations and other factors unrelated to relevant ecological and environmental land use considerations of the nation. Thus, land in America should be developed and used with regard to the needs of all the American people—with regard to the needs of all the states and regions—in order to assure the highest and best use and management of our most precious natural resource. In this regard, the Congress declares that it is a continuing responsibility of the Federal Government to undertake the development of a national policy which shall incorporate ecological, environmental, esthetic, economic, social, regional and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national, regional and state level. The bill sets forth guidelines and standards for such a national policy of land planning and use.

SECTION 3. PURPOSE OF THE ACT

It is the purpose of this legislation to create a systematic and responsible way for states to manage and develop their land. To further this overall objective a grant-in-aid program is created to assist state and local government to hire and train the personnel to develop, implement and administer state-wide land use plans created by this Act. In addition, the Act will utilize the federal-state revenue sharing concept to implement the state-wide land use plans.

SECTION 4. NATIONAL LAND USE AND COORDINATION COUNCIL

There is established a National Land Use and Coordination Council composed of five well qualified professionals chosen by the President with the advice and consent of the Senate.

SECTION 5. FUNCTION OF THE NATIONAL COUNCIL

The Council shall develop general land-use policies in accordance with the findings and purposes stated in the Act. It shall divide the nation into such number of ecologically based regional planning areas as it deems appropriate for the purpose of implementing its national land policy. Guidelines and standards are set forth in the Act for such a division. For instance, the Council shall take into consideration such factors as topographical continuity, population, climate and other environmental, sociological and economical indices. Within each area the Council shall develop planning policies in accord with the national land-use policies set forth above and it shall oversee the development and administration of said policies. The Council shall provide any necessary technical assistance to any eligible State Planning Agency created in Section 7 of this Act. It shall also make available to said Agency studies and information relating to local-land use planning. The Council shall submit annual reports to the Congress with respect to its progress and its recommendations for the next fiscal year on land-use policies for each regional planning area and priorities for land use within each such area and for the nation as a whole.

SECTION 6. REGIONAL LAND USE COUNCILS

There is established for each regional planning area created in Section 5 a Regional Land Use Council consisting of representatives from the State Planning Agencies created in Section 7. Each Regional Council shall develop compresensive land use policies for the regional planning area which are consistent with the policies developed by the National Council. It shall review all applications for State planning grants and certify to the National Council those applications which meet the requirements of the Act. Each Regional Council shall maintain continual collection and exchange of land use planning information with other Regional Land Use Councils and among state agencies within its region.

SECTION 7. STATEWIDE ENVIRONMENTAL RECREATIONAL, AND INDUSTRIAL LAND USE PLANNING GRANTS—THE CREATION OF STATE AGENCIES

The National Council is authorized to make land use planning grants to an appropriate single State agency which meets the criteria and guidelines set forth in Section 9 of this Act. The Act sets forth those categories in which the Council can grant money to the State Agency. For instance it can grant the Agency money to prepare an inventory of the State's land and related resources; to collect and analyze information relating to the many areas and subject matters which are relevant to sound and sensible management and use of land and to provide technical assistance and training programs for personnel for the development, implementation and management of the State Land Use Plan.

SECTION 8. PROPOSALS FOR GRANTS

In order to receive a State land use planning grant a state shall submit to the appropriate Regional Land Use Council a proposal indicating the program of land planning it proposes to undertake, the planning assistance that it will require, the period during which such activities will be conducted and their estimated costs. Upon approval by the Regional Council, the National Council is authorized to make a grant not to exceed two-thirds of the estimated cost of the planning for the three fiscal years; thereafter, grants may be made in an amount not to exceed one-half of the new planning costs and one-fourth of the state agencies operating costs.

SECTION 9. FEDERAL GUIDELINES AND REQUIREMENTS

No State agency is eligible to receive a planning grant unless the agency is certified by the National Council as meeting certain enumerated requirements. Among the requisites is the requirement that the State Agency have primary authority and responsibility for the development and administration of State land use plans and other appropriate State agencies will assist, where appropriate, in the development of the plans. During the first three fiscal years following enactment of the Act, State land use planning policy must as a condition of continued grant eligibility, meet additional enumerated requirements. It must contain, in general, identification of areas subject to the land use plan, identification of those areas of the State which are most suited to certain types of development and uses, provisions designated to insure that environmental and ecological factors will be considered, etc. To retain eligibility after the end of the three fiscal years, the State Agency must meet the following additional requirements: the agency must have the authority necessary to implement all State Land Use Plans and establish the necessary machinery to conduct public hearings pursuant to the adoption of the State Land Use Plans. The National Council shall have authority to terminate any financial assistance if among other things, the state agency has failed to comply with provisions of this Act.

SECTION 10. OTHER GRANT-IN-AID PROGRAMS

If any State fails to qualify under this Act or its eligibility is terminated, it will still be entitled to some benefits and Federal assistance until it again qualifies or meets the stated requirements.

SECTION 11. LAND ACQUISITION FUND

A Land Acquisition Trust Fund is established to assist the states in implementing their state-wide land use plans. The fund is composed of a proportion of federal personal and corporate income tax revenue derived from each state. The National Council is authorized to give to that State Agency whose Land Use Plan is consistent with policy of the National Council and the Regional policies, money to assist the orderly and systematic implementation of the Plan.

SECTION 12. APPROPRIATIONS

There shall be such sums appropriated as is needed to carry out the purposes of this Act.

The problem is complex as evidenced by the statement of Ralph Knowles, a member of the scientific subcommittee considering this legislation. His comments were as follows:

SUBMITTED BY RALPH KNOWLES TO THE SCIENTIFIC ADVISORY SUBCOMMITTEE ON INTRODUCTION OF THE BILL, "THE COMPREHENSIVE LAND USE OF 1970"

Questions of human settlement today seem to require always larger references. As questions are posed in this discipline or that, the tendency of the problem posers is to shift to larger and larger references as one problem seems always to expand into many. The ultimate reference in this expansion is the biosphere. That is to say, it seems impossible to isolate the problem of community from the question of its resources and for all practical purposes the only limit upon the realm of resources for the urban system is the entire earth. In this regard community cannot finally be defined with reference to anything less than the entire earth. Taking this to be the ultimate limit for a functioning whole in nature our working model becomes a complex of ecological community and environment, that is, an eco-system.

In regarding man's attempts to make arrangements in relation to this eco-system, there arise fundamental problems of control. Such problems can be raised at two levels. The first is a general level and is concerned with the trajectory of control. From the conception of an idea until that time when action can be taken based upon the idea, there seems to be a principal at work that may roughly be described in terms of diminishing control. So that the most general question that can be raised with regard to control systems may rightly deal with the maintenance of approximately equal degrees of control throughout a process which spans from idea to action.

With reference to man-made arrangements on the earth, two of the most evident and effective control systems lie in the areas of politics and economics and yet there remains today the fundamental question of their adequacy in dealing with man's accelerating tendency to use the resources of the entire globe and in the process leave no part untouched, unaffected, unmodified, and as it seems because of ever vaster energy exchanges, retain the earth as a whole and man's built arrangements, unpolluted.

Since man's arrangements on the earth may evidently not be taken as an end state but must be considered in some incremental terms as a process, there is the question of the general and specific control mechanisms which may insure a sufficient and continuing, that is to say, a continuity of control over time. It seems evident that such control must be maintained with reference to nature.

In this regard, it is useful to refer to the work of such men as Eugene P. Odum who have suggested a natural model for the development of our own communities. In describing a strategy for such development, Odum makes the case that an understanding of ecological succession provides a basis for resolving man's conflict with nature.

Succession is a process of maturization in natural systems. Two of its primary attributes are increasing diversity and increasing stability, both attributes of fundamental importance to us in the consideration of human settlement. Other attributes of ecological succession are based on a progressive change in the relative amounts of energy (generally known from an approximately fixed energy source) that are used for growth and for maintenance of the community. Unless energy is artificially added into the community, it tends to successively and continuously adapt to that energy source with progressively less energy given to growth and more to maintenance over time.

One of the primary problems facing us today is the relatively uncontrolled input of additional resources into urban centers which retards the natural successional or maturization process. The result is a constant state of instability which demonstrates itself sociologically, economically, geographically, and so on. This constant input of greater energies than would normally be necessary to maintain the system at a steady state, goes principally into uncontrolled growth. The significance of this uncontrolled growth, in addition to the obvious offenses to our institutions, our land and our sensibilities, shows up as a low grade of maintenance of the existing urban system. Natural eco-systems or communities employ their energies to do two things, first to grow and second to maintain themselves. Our inputs of energy have gone almost entirely to growth and very little to maintenance. The results have occasionally shown themselves violently.

The energy input, this huge resource input into our cities, in addition to the anti-successional tendencies or anti-maturation tendencies, has a profound effect upon the regions from which the resources are drawn. A good example is water withdrawn or removed or relocated from one region to another. Not only is there a change in the ecology of the region that receives the water but there is a change in the ecology of those regions being deprived. This change has sometimes been dramatic and has stopped growth. Some areas have even reversed their development and impaired their economic health.

The important point here is that we may not take the short-run view of such regional deprivation. In fact we are reducing our future settlement options by removing resources from regions that we may some day badly need as places for the redistribution of people. We are denying future planning options.

The time is well upon us when human rights will be thought of as synonymous with environmental rights, when schools will institute programs in "landscape law" and successional economy, and when a grammar school primer will deal with the motions of energy balance in ecologically viable, successionally controlled communities as a basis for organzing settlement, its institutions and its human interactions. It should be the objective of legislation now to pioneer a framework for such actions.

A first and reasonable step is the establishment of a National Council whose responsibility is to provide for an initial inventory of our national resources with the object of establishing ecologically based re-

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gions as a framework for future decisions at all levels of government regarding land use.

A second step must provide for the continued monitoring of changes in that ecological structure so that future uncertainty as to its essential diversity and stability may be reduced with regard to changes brought about by man's own arrangements upon the land.

We are at the end of our unconcerned dominion over the earth. We may no longer elude the laws of dynamic balance in the natural environment. We must learn a living conservation, a dynamic equilibrium among all life and the resources that provide for its continuance and development. The basic structure for all problems dealing with society, its institutions and the freedom of the individual to function within those institutions must be made with reference to some dynamically balanced response to nature. Man-made arrangements that lie in some balanced response to nature would necessarily have the combined benefit of greater stability or a trajectory toward stability over the long term and will provide man with a situation rich in natural diversity, adding to his freedom of choice. In the end such diversity and subsequent choice for all people is fundamental, for to choose is to create and to create is to exercise what provides man's unique condition.

There are basically three separate problems in land development which this bill attempts to solve. The first is the problem of the increasing amount of Federal development and maintenance of land. So often one arm of the Federal Government is not anchored to the other.

We see too often Federal funds expended to preserve land, create parks and national recreation areas and subsequently the same tribunal and Government will appropriate money for projects such as airports, highways, national defense facilities, water resource development, and so forth, which contravene the original objectives. The need for a systematic national land use policy is apparent on the Federal level. These incompatible uses are created not intentionally but from the lack of planning.

Look at the various Federal grant programs which in some way relate to land:

TITLE 23—HIGHWAYS

(NOTE.—Not included are those provisions appearing in sections 1701–1750 of Title 12 of the United States Code for the reason that though such provisions may affect land use, they appear to do so only indirectly as they are primarily concerned with insuring or guaranteeing mortgages and loans made by banks to agencies participating in the various Federal-grant-in-aid programs.)

Section 103(e).—Provides that no Federal aid system (primary, secondary or interstate, and consisting of routes selected by the State, State and local, or State highway departments of each State and the adjoining States) shall be eligible for projects in which Federal funds participate until approved by the Secretary of Commerce.

Section 109.—Sets out the standards for project approval. (These include: existing and future traffic needs, geometric and construction standards, safety, protective and maintenance standards). Note: functions transferred to Secretary of Transportation by P.L. 89–670.

Section 128.—Provides that prior to the submission of plans for a Federal aid highway project, the States must hold public hearings wherein the economic effects of its proposed highway locations must be considered.

Section 133(b).—Declares that prior to approval (either for right-of-way acquisitions or actual construction) the State highway department is required to give satisfactory assurance that relocation advisory assistance shall be provided for the relocation of families displaced by acquisition or clearance of right-of-way for any Federal aid highway. (Repealed, effective July 1, 1970).

Section 134.—Provides for the development, in urban areas of more than 50,000 population, of transportation systems embracing the various modes of transport in a manner that will serve the States and local communities efficiently and effectively. In urban areas of less than 50,000 population, such programs shall not be approved unless they are based on a continuing comprehensive transportation planning process carried on cooperatively by the States and local communities.

Section 135.—Authorizes the funding of certain urban area traffic operations programs in relief of traffic congestion if such projects are based on a continuing comprehensive transportation planning process carried on in accordance with Section 134 above.

Section 138.—Requires cooperation between the Secretaries of Commerce, Transportation, Interior, Housing and Urban Development. Agriculture, and the various States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. Prohibits the use of any publicly owned land from a public park, recreation area, wildlife and water-fowl refuge, or historic site, of national, State or local significance unless 1) there is no feasible and prudent alternative to the use of such land, and 2) such program includes all possible planning to minimize the harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

Section 204.—Provides that in the location, construction and maintenance of forest highways, the Secretary of Commerce may seek and accept the cooperation of the States, counties or other local subdivisions, but he is not required to do so.

Section 205—Same as above but applies to forest development roads and trails.

Section 207(c).—Requires the Secretary of Interior and the appropriate jurisdictional department of the Federal government to agree on the location of parkways on public lands, national forests or other Federal reservations.

Section 208.—Same as section 204 above but applicable to Indian reservation roads.

Section 209.—Authorizes the Secretary of Commerce to cooperate with State highway departments, and with the Secretary of the Department having jurisdiction over the particular lands, in the construction and maintenance of public lands highways.

Section 212.—Provides for cooperation between the United States and named Central American Republics in connection with the Inter-American Highway.

Section 307(c).—Authorizes the apportionment of funds to State highway departments. ". . . for the planning of future highway programs . . . for studies of the economy, safety and convenience of highway usage . . . and for research and development, necessary in connection with the planning, design, construction and maintenance of highways and highway systems. . . .

Section 308.—Authorizes cooperation of Federal and State agencies and foreign countries in connection with the survey, construction, maintenance, or improvement of highways for other Government agencies, cooperating foreign countries, and cooperating State agencies.

Section 309.—Authorizes cooperation with several governments and organization of American State members in connection with the survey and construction of the Inter American Highway.

Section 318.—Requires the Secretary of Commerce, State highway departments and airport officials to concur in the reconstruction and relocation of airport access roads, and permits such relocation and reconstruction only when the same shall be in public interest.

Section 320.—Requires the Secretary of Commerce, the Secretary of the executive department, agency, office, etc., having jurisdiction, and State and local officials to cooperate in the construction of public highway bridges over dams and the necessary access roads thereto.

Section 502.—Prohibits approval of Federal aid highway projects until: (1) assurances are given by State highway departments that fair and reasonable relocation and other payments shall be afforded to displaced persons, (2) relocation assistance programs are afforded, and (3) within a reasonable period of time, there will be available, to the extent that can reasonably be accomplished, decent, safe and sanitary dwellings in comparable areas, and reasonably accessible to such displaced persons' employment and within their financial means.

(NOTE.—The Highway Relocation Assistance Act also applies to displaced businesses and to Federal agencies which acquire real property for use in connection with highway projects).

TITLE 40—PUBLIC BUILDINGS, PROPERTY AND WORK

Sections 201–224.—Authorizes grants or grant supplements to Federal grant-in-aid programs for the development of a highway system, construction of adequate health facilities, establishment of land stabilization, conservation and erosion control, timber control, and mining area restoration in the Appalachian region.

TITLE 42—PUBLIC HEALTH AND WELFARE

Section 280b–3.—Authorizes the Surgeon General to make grants to public or private nonprofit agencies or institutions toward the cost of construction of medical libraries.

Section 280b–8.—Authorizes the Surgeon General to make grants to existing medical libraries so as to enable them to serve as a regional medical library. Grants may be used for construction, renovation or rehabilitation or expansion of the existing physical plant.

Section 291a–d.—Authorizes grants to the States for hospital construction purposes, and requires the Surgeon General to approve State plans submitted in support of an application for a grant.

Section 292.—Authorizes grants to public and nonprofit institutions for construction and remodeling of facilities and buildings for health research and teaching purposes.

Section 293.—Authorizes grants for construction of teaching facilities for medical, dental and other health personnel.

Section 295h.—Authorizes grants for construction of facilities for training centers for allied health professions.

Section 296.—Authorizes grants to assist in construction of new facilities for collegiate, associate degree, or diploma schools of nursing.

Section 299d.—Authorizes grants for construction of facilities for the operation of regional medical programs.

Section 1409.—Authorizes loans to public housing agencies to assist the development, acquisition, or administration of low rent housing or slum clearance projects.

Section 1411. As an alternative method of assistance, capital grants are authorized to public housing agencies for any low rent or slum clearance project.

Section 1411d.—Requires the submission of specifications with respect to construction and land acquisition prior to authorizations for construction or land acquisition.

Section 1415(7).—Requires local governing bodies to approve loan applications of public housing authorities, and to enter into

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agreements with such authority providing for the local cooperation required by this chapter.

Section 1415(8).—Authorizes relocation payments to individuals, families, and business concerns displaced by low rent and slum clearance projects.

Section 1450.—Establishes an "Urban Renewal Fund" for advances, loans and grants to public agencies for urban renewal projects.

Section 1451(a).—As a condition precedent to loans and grants for preliminary work on projects, or for grants pursuant to § 1453(d), consideration is to be given to the extent to which appropriate local bodies have undertaken positive programs (through the adoption, modernization, administration and enforcement of housing, zoning, building and other local laws, codes, and regulations relating to land use . . .) for 1) preventing the spread or recurrence in the community of slum and blighted areas, and 2) encouraging housing cost reductions through the use of appropriate new materials, techniques and methods in land and residential planning, design and construction, the increase of efficiency in residential construction, and the elimination of restrictive practices which unnecessarily increase housing costs.

Section 1451(c).—Provides that contracts and commitments respecting loans, grants, mortgages or mortgage insurance shall not be entered into until a workable local program for community improvement—through effective dealing with the problem of urban slums and blight—has been developed, presented and approved by the Federal officials.

Section 1452(a).—Authorizes temporary and definitive loans and grants to local communities to eliminate slums and blighted or deteriorating areas and in preventing their spread. The following preconditions are imposed: 1) the local governing body must, by resolution or ordinance, approve the acquisition of real property in the urban renewal area, 2) the loan must be secured by a first mortgage or other prior lien upon such real property, or the governing body assumes responsibility for any loss that might arise by reason of such acquisition.

Section 1452(b).—Authorizes Secretary of Housing and Urban Development to make rehabilitation loans for properties in urban renewal areas or areas in which the properties are in substantial need of rehabilitation.

Section 1453(a).—Authorizes capital grants to local public agencies for urban renewal projects.

Section 1455.—Declares that the following requirements must be satisfied before any contract for a loan or capital grant shall be made with a duly authorized public agency: 1) a locally approved urban renewal plan, 2) a feasible method has been developed for the temporary location of individuals and families displaced from the urban renewal area, 3) that public hearings preceded necessary land acquisitions, and 4) a majority of the housing units provided in approved urban renewal projects, designed for predominantly residential uses, shall be standard housing units for low and moderate income families and individuals.

Section 1462.—Authorizes financial assistance to urban areas in need of rehabilitation or redevelopment or a result of a major disaster, riot or civil disorder. Workable programs, relocation assistance, and general plan requirements of preceding sections apply to such assistance.

Section 1463.—Authorizes financial assistance in urban renewal projects in areas involving colleges, hospitals and universities. Such aid may be given without regard to the requirements with respect to predominantly residential character or predominantly residential reuse of urban renewal areas.

Section 1464.—Authorizes financial assistance to a local public agency when Secretary of Commerce certifies to the Secretary of Housing and Urban Development that any city, county or other municipality designated (under the Area Redevelopment Act) as a redevelopment area has a reasonable probability to achieve more than a temporary improvement in its economy. Predominantly residential uses and predominantly nonresidential uses requirements and limitations shall not apply.

Section 1466.—Authorizes rehabilitation grants to families and individuals owning and occupying property in urban renewal areas.

Section 1467.—Authorizes grants for demolition of unsafe structures in urban renewal areas. Grants for demolition of such buildings outside an urban renewal area must meet the following requirements: 1) an approved workable program for community improvement in accordance with requirements of § 1451(c), 2) demolition to be assisted will be on a planned neighborhood basis and will further the overall renewal objectives of the locality, 3) such locality has a program of enforcement of existing local housing and related codes, 4) the structures to be demolished constitute a public nuisance, and 5) all legal means to secure remedial action by the owners has been exhausted.

Section 1468.—Authorizes grants for the purpose of assisting localities in carrying out programs of concentrated code enforcement.

Section 1469.—Authorizes grants for neighborhood development programs in urban renewal areas.

Section 1469(c).—Conditions neighborhood development grants on development of a workable program, relocation assistance, and demolition requirements.

Sections 1471–1490.—Authorizes the Secretary of Agriculture, through the Farmers Home Administration, to render financial assistance to farmers to enable them to construct, improve, alter, repair or replace dwellings and other structures on their farms for their own housing and operational needs, and those needs of elderly persons in rural areas, and housing for rural trainees and their families who are residents of a rural area and have a rural background.

Section 1492.—Authorizes financial assistance to certain municipalities and other political subdivisions and instrumentalities and public corporations, boards and commissions, to finance the acquisition, construction and improvement of facilities and equipment for use in mass transportation service in urban areas, and for use in coordinating highway, bus, surface-rail, underground, parking and other transportation facilities in such areas.

Section 1500a.—Authorizes grants to States and local public bodies to finance the acquisition of land to be used as permanent open-space land.

Section 1500b.—Provides the open-space grants shall be made only when there is a unified or officially coordinated program meeting criteria established by the Secretary of Housing and Urban Development.

Section 1500c.—Prohibits conversion of open-space land to other uses unless the Secretary finds that such conversion is essential to the orderly development and growth of the urban area involved and is in accord with the then applicable comprehensive plan, meeting criteria established by him.

Section 1500c–1.—Authorizes grants to States and local public bodies to help finance the acquisition of developed land in built-up portions of urban areas to be cleared and used as permanent open-space land. Such grants are conditioned upon a local finding that adequate open-space land cannot effectively be provided through the use of existing undeveloped or predominantly undeveloped land.

Section 1501.—Requires cooperation between the Departments of Army, Navy, Air Force and Housing and Urban Development in making housing available to persons engaged in national defense activities.

Section 1502(b).—Authorizes the acquisition of real or personal property, by purchase, lease, gift, eminent domain, or otherwise, for the purposes of such defense housing, by the military departments concerned.

Section 1521.—Same as Section 1502(b), but authority is vested in Secretary of Housing and Urban Development.

Section 1532.—Authorizes the Secretary to acquire lands to plan, design, construct, remodel or extend public works necessary to the national defense.

Section 1533.—Provides that in carrying out Section 1532, the Secretary shall utilize existing facilities, both public and private, and extend, enlarge or equip such facilities in lieu of constructing new facilities.

Section 1545.—So far as practicable, projects constructed under the provisions of subchapters II–VII of this chapter (§§ 1521–1590) shall conform in location and design to local planning and tradition.

Sections 1561–1562.—Authorizes defense housing and the acquisition of defense public works in the District of Columbia.

Section 1571.—Provides for construction and disposition of temporary housing facilities for distressed families of servicemen and veterans when there is an acute shortage of housing, or because of war restrictions, and permanent housing cannot be provided in sufficient quantities.

Sections 1581–1590.—Sets out the criteria for the disposal of national defense housing and vacant lands acquired pursuant to the defense housing provisions.

Section 1591.—Provides that the provisions relating to defense housing and defense public works shall not be exercised until the area in which such housing and public works are proposed are: 1) determined to be a critical defense housing area by the President. Also sets out the criteria for determining a critical defense housing area.

Sections 1592–1952o.—Authorizes loans or grants for community services or facilities and housing in defense areas. Sets out the conditions and limitations respecting such facilities and housing.

Section 1594.—Authorizes the Secretary of Defense to contract for the construction of housing for military personnel on land owned or leased by the United States on or near a military reservation or installation.

Section 2505.—Authorizes loans to aid in financing projects under the Area Redevelopment Program. Such loans may be used to purchase land and facilities for industrial or commercial usage, including the construction of new buildings and enlargement or alteration of existing buildings. Among other conditions, loans hereunder may not be granted unless there is an approved overall program for the economic development of the area, and there is a finding by State and local authorities that the financially assisted project is consistent with such program.

Section 2506.—Authorizes financial assistance to purchase or develop land for public facility usage in a redevelopment area.

Section 2507.—Authorizes grants for land acquisition or development for public facility usage.

Section 2661.—Authorizes grants for the construction of public or other nonprofit facilities for the mentally retarded.

Section 2671.—Authorizes grants to the States for construction of public and other nonprofit facilities for the mentally retarded.

Section 2681.—Authorizes grants for the construction of public and other nonprofit community mental health centers.

Section 2717.—Authorizes agreements for establishment of Job Corps centers which may be residential and/or nonresidential in character, and in rural and urban areas.

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Section 2726.—Provides that the program Director shall take necessary action to facilitate the effective participation of the States in the Jobs Corps Program.

Section 3071.—Provides for compensation and relocation payments to condemnees in development programs.

Section 3101.—Authorizes grants to communities for: 1) the construction of adequate basic water and sewer facilities needed to promote the efficient and orderly growth and development of the communities, 2) to construct neighborhood facilities to enable communities to carry out programs of necessary social services, and 3) to acquire, in a planned and orderly fashion, land to be utilized in the future for public purposes. Such grants are conditioned, among other things, on their projects being consistent with comprehensive planning for the development of the community.

Section 3131.—Authorizes grants for the acquisition or development of land and improvements for public works, public service, or development facility usage, and the acquisition, construction, rehabilitation, expansion or improvement of such facilities, if the area, among other things, has an approved overall economic development program and such project is consistent with such program.

Section 3141.—Same as section 3131 above but relates to loans and purchase of indebtedness incurred for the development of such projects provided by agencies of the Federal government pursuant to legislation requiring non-Federal entities to bear some part of the cost thereof.

Section 3142.—Authorizes loans and the purchase of indebtedness to aid in financing any project within a redevelopment area for the purchase or development of land and facilities for industrial or commercial usage including the construction of new buildings and the alteration, conversion or enlargement of existing buildings. Such loans, etc., are conditioned upon the existence of an approved overall program for the economic development of the area and a finding by State or local authorities that the financially assisted project is consistent with that program.

Section 3171.—Sets forth the various requirements for designation as an "Economic Development District" among which are: 1) a district overall development program which includes adequate land use and transportation planning and district cooperation, and 2) the proposed project is consistent with and will further the objectives of the overall economic development program of the district in which it is located.

Section 3253.—Authorizes grants for construction of facilities in connection with research, training, surveys, and demonstrations relating to the operation and financing of solid-waste disposal programs.

Section 3304.—Authorizes grants to city demonstration agencies to plan and develop comprehensive city demonstration programs. Conditions such grants upon, among other things, evidence that the necessary cooperation of agencies engaged in related local planning can be obtained, and an approved comprehensive city demonstration program exists.

Section 3335.—Authorizes grants to State and local public bodies and agencies carrying out, or for carrying out areawide development projects. Conditions such grants on: 1) existence of areawide comprehensive planning and programming adequate for evaluating a) the location, financing and scheduling of individual public facility projects and other proposed land development or uses, 2) existence of adequate areawide institutional or other arrangements for coordinating local public policies and activities affecting the development of the area, and on 3) the fact that public facility projects and other land development or uses having a major impact on the development of the area are, in fact, being carried out in accord with such areawide comprehensive planning and programming.

Section 3731.—Authorizes grants for construction of facilities necessary to effectuation of approved comprehensive law-enforcement plans developed by State planning agencies.

Section 3843.—Authorizes grants for construction of community based, unusual, and special purpose or innovative types of facilities which are necessary in carrying out an approved State plan respecting juvenile delinquency prevention and control. Such facilities may include: 1) diagnostic facilities, 2) detention facilities, 3) half-way houses for youths who have a high risk for becoming delinquent, 4) rehabilitation and training schools, etc.

Section 3902.—Authorizes a loan guarantee program to new community developers to help finance new community development projects. Conditions such guarantees upon the existence of a practicable plan for financing the land acquisition and land development costs, and the existence of a sound internal development plan for the new community which has received all governmental approvals and is approved as meeting, among other things, sound land use patterns.

Section 4012(c).—Conditions Federal participation in flood insurance programs to States which have given satisfactory assurance that by June 30, 1970, permanent land use and control measures will have been adopted for the State or area (or subdivision) which are consistent with the comprehensive criteria for land management and use developed under section 4102 hereof. (Note: section 4102(c) provides for the development of criteria designed to encourage, where necessary, the adoption of permanent State and local measures which, to the maximum extent feasible, will: 1) constrict the development of land which is exposed to flood damage where appropriate, 2) guide the development of proposed construction away from locations which are threatened by flood hazards, 3) assist in reducing damage caused by floods, and 4) otherwise improve the long-range land management and use of flood-prone areas.

TITLE 49—TRANSPORTATION

Section 1102.—Directs the Administrator of the Federal Aviation Agency to develop a national plan for the development of public airports in the United States, Puerto Rico and the Virgin Islands. To the extent feasible in such development, the Administrator is required to consult and give consideration to the views of the Civil Aeronautics Board, the States, Puerto Rico and the Virgin Islands, and their political subdivisions. Also to the extent feasible, he shall consider the views and considerations of: the Federal Communications Commission (to prevent, minimize and eliminate hazards caused by construction or operation of any radio station), the Department of Defense (in re the usefulness of a planned airport for military use), and the Department of Interior (with respect to the need for development of airports in or near national parks, national monuments, and national recreation areas).

Section 1103.—Authorizes the Administrator, within the limits of the obligation authority in section 1104, to make money grants to airport development sponsors.

Sections 1104–1108.—Sets forth appropriation authorizations, details the apportionment of funds authorized to be obligated, and sets forth the Administrator's authority respecting grants for advance planning and engineering of "airport layout plans" designed to lead to project applications and the conditions precedent for their approval (i.e., the project must be one that will contribute to the accomplishment of the purposes of this chapter, it must include provisions for installation of specified landing aids, and fair consideration must have been given to the interest of communities in or near which the project may be located.)

Section 1110.—Sets forth the following pertinent conditions precedent to approvals of a project: 1) that appropriate action, including the adoption of zoning laws, has or will be taken to restrict the use of land adjacent or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and take-offs.

Section 1111.—Authorizes the Administrator to submit grant agreements to airport sponsors upon approval of a project plan. Such agreement shall, among other things, contain such terms and conditions as are necessary to meet the requirements of this chapter.

Section 1602.—Authorizes Federal financial assistance (in the form of loans or grants) to States and local public agencies to assist them in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use in urban mass transportation service. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real or personal property needed for an efficient and coordinated mass transportation system.

Section 1603.—Requires the Secretary of Transportation to establish criteria for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area. Financial assistance is dependent, in part, on adherence to such criteria, or planning requirements.

Section 1606.—Prohibits financial assistance unless the Secretary is satisfied that an adequate relocation program is being carried on for families displaced by a project. Such relocation programs must show that there are or will be, in other areas generally not less desirable in regard to public and commercial utilities, an equal number of decent, safe, and sanitary dwellings available to those displaced families and reasonably accessible to their places of employment. Also authorizes relocation payments to persons and business concerns for their reasonable and necessary moving expenses upon their displacement. Limits such payments to $200 in cases of an individual or family, and $3,000 in the case of business concerns (or the total certified expenses, if greater).

Section 1653(f).—Provides that after August 23, 1968, the Secretary of Transportation shall not approve any projects (where his approval is required) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State or local officials having jurisdiction thereof, or any land from a historic site of national, State, or local significance as so determined by such officials unless 1) there is no reasonable and prudent alternative to the use of such land, and 2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

Section 1653(g).—Requires the Secretaries of Transportation and Housing and Urban Development to consult and exchange information regarding their respective policies and activities, and carry on joint planning, research and other activities.

What agency or person in the Federal Government assures that all Federal programs are implemented in such a way that they do not conflict with one another or contravene the intentions of the other. At the present time a whole host of agencies are deeply involved in land-use planning. For example the Bureau of Outdoor Recreation, in conjunction with State government, is cur-

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rently preparing a nationwide recreation plan. Other agencies of the Federal Government are preparing highway plans, airport plans, water resource plans, and navigation plans. The Department of Housing and Urban Development is deeply involved in urban planning. The Department of Commerce is involved in regional planning. Other departments are actively engaged in various aspects of land-use planning related to their areas of program responsibility.

Most of these plans are necessary and desirable. The problem is this however: To date, no one in the Federal Government has ever put these plans together to see if they are consistent, to see if they make sense, and to see if they are compatible.

The second problem is that efforts of the Federal Government often conflict with the planning and intentions of the State and visa versa—what the State does conflicts with the objectives of the Federal Government. The third problem is the problem of the local government developing plans without considering the needs of the State, the region, and the Nation.

Let me cite you one example—a classic one—to illustrate how these provincial attitudes and lack of unified planning operate unintentionally to the detriment of all. This illustration of the problem was brought to my attention by Senator JACKSON in his introductory remarks to this land-use bill.

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In 1934, the Congress established the Everglades National Park. This represented a national land-use decision that the Everglades should be preserved for all time for the enjoyment of all future generations. In 1948, the State of Florida and the Corps of Engineers, pursuant to a congressional authorization, initiated construction of a flood control project. Today this flood control project imposes artificial controls upon the historic flow of water to the park and, to a major extent, threatens the park's very life and existence. In 1968, the Dade County Port Authority, with Department of Transportation funding and assistance, initiated construction of a super jet airport within 6 miles of the park. This jet airport also threatens the life of the park and all of the values for which it was preserved in 1934 by the Congress. If the jet airport were to be constructed as planned it would create a serious noise problem, it would cause grave water pollution problems, and, finally, it would encourage and greatly accelerate residential, commercial, and industrial developments which are in direct conflict and totally incompatible with maintenance of the park as a great national recreation and scientific asset.

There were no villains in this conflict and controversy. There were different groups of public officials, representing different constituencies, seeking to attain and maximize different public goals which had been institutionalized and given legitimacy in a series of authorization and appropriation acts of Federal, State, and local government.

The Congress and the Park Service sought to preserve the Everglades. The Corps of Engineers sought to enhance flood control, to conserve and to make available for municipal, commercial, and recreational uses the water which the wildlife and the ecology the Everglades had for years depended upon. The Dade County Port Authority sought to relieve pressure on the existing Miami International Airport and to develop a transportation facility which would be adequate for local needs for the foreseeable future. The Department of Transportation sought to and did fund a transportation demonstration project involving rapid transit systems and a new concept in airport design—away from the cities, but convenient and accessible. The position of the State of Florida, like that of many States today in the face of Federal programs which bypass State government and treat directly with agencies of local government, was, at best, ambivalent.

The Everglades jet airport controversy is a classic study in the deficiencies of present land-use policy at the State and national levels. Hearings on this situation revealed the following:

Three departments of the Federal Government pursuing programs which are in direct conflict.

Three counties of the State of Florida seeking to conduct planning and made decisions which are of statewide and national significance.

A State whose greatest industry is tourism, but which has not exercised the land-use planning and management powers to protect one of its greatest tourist attractions.

Important conflicts and breakdowns in communication between State and local government and between the Federal Government and agencies of State government.

One of the most important lessons to be gained from the Everglades controversy, and one of the reasons it is a classic case, is that millions of dollars were authorized by different committees of the Congress, and spent by different agencies of the Federal Government, and by State and local agencies in the pursuit of separate goals and objectives, totally without any recognition that success, that attainment of the goals sought at the same point in time and place by these different groups would involve serious and, in many cases, irreconcilable land-use conflicts.

In this case a satisfactory resolution has apparently been achieved if the recently announced intentions of Federal, State, and local government are effectuated. But the victory is a minor one when it is considered against the magnitude, the depth, and the pervasiveness of the Nation's pending and future land-use problems.

The fact that the lack of national planning in land development has caused serious damage to the orderly development and use of our land has been recognized for some time. In July of 1969 the National Governors' Conference issued its report by their Committee on Community Development and Urban Relations. On page 2 they recognized the lack of orderly planning and national guidance:

> NATIONAL GROWTH POLICY
>
> There has been much discussion of the need for establishing a national growth policy; in fact, the President's Council for Urban Affairs is charged specifically with assisting the President in this regard. Such a policy will require the commitment of extensive resources at the national level to foster and guide balanced urban and rural growth and development. Development of such a growth policy must rest upon a base of extensive state and local involvement. Factors, which must be carefully considered, include the location patterns of business and industry, the distribution and mobility of population and the development of new communities.
>
> Uncoordinated and unguided urban and rural development, much of it stimulated and supported by existing governmental programs, has contributed to both the "crisis of the cities" and to rural poverty and decay; it has created requirements for expensive patterns of public service, restricted equality of opportunity and increased the social and economic disparities between states and within states. To continue with "no policy" in the coordination and guidance of urban and rural growth and development is no longer acceptable if we are to substantially reverse the accelerating process of urban-suburban and rural blight that wastes our material and human resources. Governments at all levels—federal, state and local—must assume leadership and cooperate together to encourage and guide the development of balanced patterns of urban and rural growth.
>
> The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound, orderly and more balanced development of all areas. Successful implementation of a national urban growth policy will require the creation of improved mechanisms of coordination, the redirection, in some instances, of existing programs development programs through the vehicles of (a) a state-wide development plan; (b) appropriate state administrative machinery, and (c) block grants to the state, to be matched by state appropriations. Among the advantages of this approach will be a reduction of federal responsibility for detailed project review, an increase in state flexibility for packaging of programs consistent with national housing and development goals, and the strengthening of local planning through the merging of individual program plans. The implementation of a plan to provide block grants to the states is a way to increase both flexibility and efficiency in tailoring programs to meet the specific needs of a local area.

This bill gives the States opportunity to make responsible planning with the Federal Government allocating money to carry out the plans and planning grants to assist in the making of the plans. The responsible State government will welcome the program.

If not for this program who will guarantee the public that they will have open spaces in 50 years—for recreation, parks, et cetera. By this plan the States will have money to buy land to fulfill an adopted land use plan—thus preserving the open spaces for generations.

In my State of California a study was done in the San Francisco Bay area on how to best preserve open spaces. In their report "A Case for Open Spaces," January 1969, page 7, the possibility of the State buying up open spaces to guarantee future utility was considered:

Buying All Open Space Land

The study devoted a great deal of attention to the potential costs of buying *all* the permanent open space proposed in the ABAG plan. Would the costs be prohibitively high? Many people assume that the answer is yes, and therefore dismiss open space purchase as impractical and visionary.

The study found, however, that the costs would be much lower than is popularly supposed—and the rewards for the future would be great indeed.

If the public were to buy all of the permanent open space proposed in the ABAG plan, the cost would be about $2 billion at today's prices. As a comparison, during only the last 10 years $1 billion has been spent in the Bay Area on state highway right-of-way and construction; and the 75-mile Bay Area Rapid Transit system will cost at least $1.2 billion by the time it is completed. To repay a $2 billion bond issue over 30 years would cost only $10 per person in the Bay Area each year. But the actual net cost would be much lower than this: some of the open space lands could be leased to farmers for agricultural use, and the agricultural income could help finance the land purchase. In addition, the public would save large sums of money on water, sewers, and other urban services through limitation of sprawl and compaction of urban development produced by the open space program. With these two savings taken into account, the net annual cost for the open space purchase program might be as little as $2–$3 per person each year—about the cost of a good bottle of California wine and a loaf of sourdough French bread.

Looking back from the year 2000, a purchase at this price in 1969 would appear comparable to the 1626 purchase of Manhattan Island for $24. Are we as bold in our day as the Dutch settlers were when they bought Manhattan? No American metropolitan region has yet embarked on a full-scale open space program, but in other parts of the world excellent examples have been provided by Stockholm, London, and Ottawa.

Another excellent discussion of State ownership of certain parcels of land appeared in the December 1969 issue of Nation's Cities:

[From the Nation's Cities, December 1969]

Public Acquisition of Land Is Vital for Orderly Growth

(By Marion Clawson)

Public acquisition, development, and disposal by sale or lease to private owners of land within metropolitan areas, particularly in suburban areas, is a prime field for cooperative intergovernmental action.

As a result of my studies into urbanization processes, I am convinced that no really significant change can be made in the process of urban and suburban growth, as it has existed since the war with all of its ramifications, unless there is a *major* program of public acquisition of land and a major intrusion of public agencies into the land conversion process. Unless this is done, sprawl in suburban growth, or the by-passing of some areas while more distant ones are developed, will continue.

While it is difficult to get really hard data, I am convinced that sprawl imposes significant continuing costs to the residents of the surburban counties. Unless there is major public acquisition of suburban land, there cannot be new housing for lower-middle and low-income groups without major public subsidization; high land prices inevitably mean high-priced houses. Unless there is major public acquisition of suburban land, efforts to influence population distribution will be largely ineffectual, open space preservation will be difficult, and public services unnecessarily costly.

"Public" acquisition might mean acquisition by a unit of government, federal, state, or local; or by a public corporation, representing one or more such units of government; or by mixed, public-private corporations; or by special districts. The funds would presumably be primarily federal, but this could be either equity capital or loans, or both. The federal government has made non-recourse loans to farmers under which the farmer's corn or wheat was placed in storage and a "loan" made at essentially market price. If the price went up, the farmer paid off the loan and reaped a gain; if the price went down, the gain was the property of the federal government.

In the future, the logic of such rural loans will be increasingly in doubt; might they reasonably be replaced or supplemented with similar loans for urban purposes? We need not push the analogy too closely to point out that federal funds might be made available for purchase of prospective urban land, under a variety of arrangements that have not been available in the past.

The public agency might, or might not, have the power of eminent domain to acquire suburban land from owners unwilling to sell. The legal power of eminent domain is very powerful, but the political obstacles to its use are often more formidable; its major advantage to a public agency is that it makes purposeful and serious bargaining easier. But this might be achieved, at least to a degree, in other ways. The public land buying agency might make *public* offers to landowners, which, if refused, could be directly translated into assessed values for local real estate taxes; one reason many speculative landowners are able to hang on so long, hoping for a price rise, is that taxes and other holding costs are so low. If the federal government could be induced to treat capital gains from raw land speculation less tenderly than does the present capital gains tax, this would remove some of the other major inducements to hold such land for speculative gain.

In any case, the public land-acquiring agency should seek to build a *large* inventory of presently and future suburban land. A monopoly is neither possible nor desirable, but enough land should be acquired to provide a substantial proportion of the development needs during any future period. Land acquisition should stay many years ahead of land development.

Development of such land should be carefully coordinated with the extension of public services such as sewers, water lines, highways, schools, and the like. To the extent that this was done, the prices paid by the agency for land would turn out to be good bargains. Present asking prices for raw land always reflect a consensus of expectations and hopes of private investors about date and price of future land conversion; the public agency would have to pay such prices, whether it bought by voluntary agreement or by use of power of eminent domain.

But present asking prices always reflect an uncertainty about such conversions, and about public services to the lands in question. To the extent that the public agency could operate to make its own projections less risky, by influencing such public actions, it could afford to pay going prices for prospective development land and still make a profit. To the extent that it could operate on a lower interest rate than private land speculators, it could also afford to hold land longer.

With extensive suburban land holdings, a public agency would be in a position to guide the geographic location of new development, the type of buildings and the income class of the buyers, and otherwise greatly influence the nature of urban growth and development. Actual development could be carried out by private developers, either under contract to the public agency or on land sold by it and on terms established by it. Since the public agency would not have a monopoly of all potential development land, its role could not become bureaucratically domineering.

It would be possible to build new housing for lower and middle income classes if land prices could be held to a minimum; it would be possible drastically to reduce the amount of idle land within the sprawled outliers and thus the costs associated with such sprawl; it would be possible to establish major new communities—whether one called them new towns or only thought of them as large and semi-independent suburbs; it would be possible to reduce the piling up of certain income and racial classes in central cities; and, in general, it would be possible to gain a major degree of public control over urban growth and development. In fact, as stated above, I see no other way.

The concepts of public guarantee of private mortgages on privately built and privately owned residences, and of publicly financed and directed urban renewal, were great institutional breakthroughs in the urban field for the 1930s. Public acquisition of development land on a major scale must become the great institutional breakthrough in the urban field for the latter part of the 20th century. It will undoubtedly produce controversy and criticism; no new development escapes that. It could fail, either because of conceptual flaws or because it was mangled in administration—many institutional innovations fail. But it might also succeed, with truly major consequences.

This is a matter on which early decision is unlikely, although some small steps might be undertaken within a decade, such as a program of federal loans to large private developers, or to local governments, for land acquisition. The issue will not die. It is difficult to see how it can be handled except on an intergovernmental basis. Local governments have neither the capital, the breadth of outlook, nor the geographic scope necessary to carry out such a program. It is doubtful if states possess these qualities adequately, and neither state nor federal government is likely to move into a county to buy land without active support and help from the local government.

The Advisory Commission on Intergovernmental Relations as of December 22, 1970, has recommended a land acquisition program in its legislative proposal. Their proposal incorporates the idea of public acquisition of land. I urge my colleagues to look at their proposal.

The writing is on the wall—all have spoken. We must act to preserve our environment. Every thing relates to poor land planning, urban sprawl, crime, pollution, disease, and so forth. There is no greater national priority than the preservation of human lives, human dignity, and the human environment.

I welcome cosponsors to my bill.

The following is H.R. 17190:

H.R. 17190

A bill to establish means for developing comprehensive national, regional, and State land use planning policies and to provide financial assistance to States for the purpose of supporting and implementing such policies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Land Use Act of 1970".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that there is a national interest in a more efficient and comprehensive system of national, regional, and statewide land-use planning and decisionmaking and that the rapid and continued growth of the Nation's population, expanding urban development, proliferating transportation systems, large scale industrial and economic growth, conflicts in emerging patterns of land use, the fragmentation of governmental entities exercising land-use planning powers, and the increased size, scale, and impact of private actions, have created a situation in which land-use management decisions of national, regional, and statewide concern are being made on the basis of expediency, tradition, short-term economic considerations, and other factors which are often unrelated to the real concerns of all the States and to sound national land-use policy.

(b) The Congress further finds that all across the Nation a failure to conduct competent, ecologically sound land-use planning has required public and private enterprise to delay, litigate, and cancel proposed public utility and industrial and commercial developments because of unresolved land use questions, thereby causing an unnecessary waste of human and economic resources and a threat to public services and often resulting in decisions to locate utilities and industrial and commercial activities in the area of least public and political resistance, but without regard to relevant ecological and environmental land use considerations.

(c) The Congress further finds that many Federal agencies are deeply involved in national, regional, and State land-use planning and management activities which because of the lack of consistent policy often result in needless, undesirable, and costly conflicts between agencies of Federal, State, and local government; that existing Federal land-use planning programs have a significant effect upon the location of population, economic growth, and on the character of industrial, urban, and rural development; that the purposes of such programs are frequently in conflict, thereby subsidizing undesirable and costly patterns of land-use development; and that a concerted effort is necessary to interrelate and coordinate existing and future Federal, regional, State, and private decisionmaking within a system of planned development and established priorities that is in accordance with a national land-use planning policy.

(d) The Congress further finds that while the primary responsibility and constitutional authority for land use planning and management of non-Federal land rests with State and local government under our system of government, it is increasingly evident that the manner in which this responsibility is exercised within each locality and State has a tremendous influence upon the utility, the value, and the future of the public domain lands, the national parks, forests, seashores, lakeshores, recreation and wilderness areas and other Federal lands in addition to non-Federal land in all our States; that the interest of the public in regional, State, and local decisions affecting these areas extends to the citizens of all States; and that the failure to plan and, in some cases, poor land-use planning at the regional, State, and local level pose serious problems of broad national, regional, and public concern and often result in irreparable damage to commonly owned assets of great national importance such as estuaries, ocean beaches, and other areas in public ownership.

(e) The Congress further finds that the land-use decisions of the Federal Government often have a tremendous impact upon the ecology, the environment, and the patterns of development in local communities; that the substance and the nature of a national land-use planning policy ought to be formulated upon an expression of the needs and interests of regional, State, and local government as well as those of the Federal Government, private groups, and individuals; and the Federal land-use decisions require greater participation by State and local government to insure that they are in accord with the highest and best standards of land-use management and the desires and aspirations of regional, State, and local government.

(f) In order to promote the general welfare and to provide full and wise application of the resources of the Federal Government in strengthening the environmental, recreational, economic and social well-being of the people of the United States, the Congress declares that it is a continuing responsibility of the Federal Government, consistent with the responsibility of State and local government for land-use planning and management, to undertake the development of a national policy, to be known as the national land-use planning policy, which shall incorporate ecological, environmental, esthetic, economic, social and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national, regional, and State level which affect the pattern of environmental, recreational, and industrial growth and development on the Federal lands, and shall provide a framework for development of regional, State, and local land-use policy.

(g) The Congress further declares that the national land-use planning policy should—

(1) favor patterns of land-use planning, management and development which are in accord with sound ecological principles and which offer a range of alternative locations for specific activities and encourage the wise and balanced use of the Nation's land and water resources;

(2) provide for future economic health of the United States;

(3) favorably influence patterns of population distribution in a manner such that a wild range of scenic, environmental, and cultural amenities are available to all the American people;

(4) contribute to carrying out the Federal responsibility for revitalizing existing rural communities and encourage, where appropriate, new communities which offer diverse opportunities and a diversity of living styles;

(5) assist State government to assume responsibility for major land-use planning and management decisions which are of regional, interstate, and national concern;

(6) facilitate increased coordination in the administration of Federal programs so as to encourage rational and desirable policies affecting the environment, as well as recreational and industrial land-use planning; and

(7) systematize methods for the continuing collection and exchange of land-use, environmental, and ecological information in order to assist all levels of government in the implementation and further development of the national land-use planning policy.

(h) The Congress further declares that intelligent land-use planning and management provides the single most important institutional device for preserving and enhancing the environment, for ecologically sound development, and for improving conditions capable of supporting the highest quality of life for all Americans.

PURPOSE

SEC. 3. It is the purpose of this title—

(a) to establish a national policy to encourage and assist the several States to exercise more effectively their constitutional responsibilities for the planning, management, and administration of the Nation's land and related resources through the development and implementation of comprehensive national, regional, and State land-use policies and management programs designed to achieve an ecologically and environmentally sound use of the Nation's land resources;

(b) to establish a grant-in-aid program to assist State and local government to hire and train the personnel, and gain the competence necessary to develop, implement, and administer State land-use plans which meet Federal and regional policies and guidelines and which will be responsive and effective in dealing with the growing pressures of conflicting demands on a finite land resource base;

(c) to establish reasonable and flexible Federal and regional policies criteria and requirements to give individual States guidance in the development of comprehensive land-use planning policies and to condition the distribution of certain Federal funds on the establishment of adequate land-use policies; and

(d) to exercise the Federal Government's responsibility to maintain, develop, and refine a coherent national land use policy with respect to the planning, management, and administration of all federally owned lands.

NATIONAL LAND USE AND COORDINATION COUNCIL

SEC. 4. (a) There is established the National Land Use and Coordination Council (hereafter referred to in this Act as the "National Council").

(b) The National Council shall be composed of five individuals well qualified by professional experience in areas relevant to the mission of the National Council and shall be appointed for staggered terms of four years by the President by and with the advice and consent of the Senate. Any such member is eligible for reappointment.

(c) A vacancy in the National Council shall be filled in the same manner as the original appointment was made. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(d) (1) Except as provided in paragraph (2), members of the National Council shall each be entitled to receive $100 for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the National Council.

(2) Members of the National Council who are full-time officers or employees of the United States shall receive no additional compensation on account of their service on the National Council.

(3) While away from their homes or regular places of business in the performance of services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(e) The President shall designate the Chairman of the National Council from among the members. The National Council shall meet at the call of the Chairman or a majority of its members.

(f) (1) The National Council shall have a director who shall be appointed by the National Council.

(2) The National Council may appoint such personnel as it deems advisable.

(3) The Director and staff of the National Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

FUNCTIONS OF THE NATIONAL COUNCIL

SEC. 5. The National Council shall—

(1) develop national general land-use policies in accordance with the findings and

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purposes stated in sections 2 and 3 of this Act;

(2) divide the area of the United States into such number of ecologically based regional planning areas as it deems appropriate for the purpose of implementing the national land-use policies developed by it under clause (1). In establishing such regional planning areas the National Council shall take into account such factors as topographical continuity, population density, commercial, industrial, and agricultural characteristics, transportation facilities, climate, historical land use patterns, as well as other relevant environmental, sociological, and economical indices, and the National Council shall give priority to such factors in establishing such regional planning areas rather than to the integrity of the boundaries of State and local government subdivisions;

(3) develop for each regional planning area established under clause (2) general land-use policies in accord with the national land-us policies;

(4) oversee the development and administration of the land use plan policies of each Regional Land Use Council established pursuant to section 6 and establish and promulgate the guidelines to assure fair and adequate representation of the public interests on each such Regional Land Use Council and each State agency eligible for planning assistance under this Act;

(5) coordinate all comprehensive land use plans and policies developed by such Regional Land Use Councils;

(6) make advance, progress, or other payments pursuant to any State land use planning grant made under this title with regard to the provisions of section 3648 of the Revised Statutes of the United States (31 U.S.C. 529);

(7) provide technical assistance, including personnel, to any eligible State planning agency;

(8) by contract or otherwise, make studies and publish information on problems related to regional, State, and local land-use planning;

(9) consult with other officials of the Federal Government responsible for the administration of Federal land-use planning assistance programs to States, their political subdivisions, and other regional agencies in order to enhance coordination;

(10) provide rules and regulations to administer the provisions of this Act, including the terms and conditions under which the State land-use planning grants may be made; and

(11) submit annual reports to Congress with respect to—

(A) its progress in carrying out assigned duties and responsibilities, and

(B) its recommendations for the next fiscal year on land-use policies for each regional planning area and priorities for land use within each such area and for the Nation as a whole.

REGIONAL LAND USE COUNCILS

SEC. 6. (a) There shall be established for each regional planning area created by the National Council pursuant to section 4(2) of this Act a Regional Land Use Council.

(b) Each Regional Land Use Council shall consist of an equal number of representatives from the State agency eligible for planning assistance under this Act of each State or portion thereof included within the regional planning area but no Regional Land Use Council may have less than three members.

(c) Each Regional Land Use Council shall—

(1) develop comprehensive land use policies for the regional planning area over which it has jurisdiction which are consistent with the policies developed by the National Council for such area;

(2) review all applications for State land use planning grants made with respect to areas within the regional planning area;

(3) certify to the National Council those applications for State land use planning grants which meet the requirements of this title and provide such assistance as may be necessary to any State agency with respect to preparing appropriate applications;

(4) maintain continual collection and exchange of land use planning information with other Regional Land Use Councils and among State agencies within its jurisdiction; and

(5) perform such other functions necessary to carry out the purposes of this Act as may be required by the National Council.

STATEWIDE ENVIRONMENTAL, RECREATIONAL, AND INDUSTRIAL LAND USE PLANNING GRANTS

SEC. 7. (a) In order to carry out the purposes of sections 2 and 3, the National Council is authorized to make land use planning grants to an appropriate single State agency, designated by the Governor of the State, which has statewide land use planning responsibilities and which meets the criteria and guidelines set forth in section 9 of this Act.

(b) The National Council is authorized to make land use planning grants in accordance with the provisions of this Act to assist and enable each eligible State agency, with respect to each regional planning area applicable to the State—

(1) to prepare an inventory of the State's land and related resources;

(2) to collect and analyze information and data related to—

(A) population characteristics, migration, trends, and densities;

(B) economic trends, distribution and projections;

(C) directions and extent of urban and rural growth and changes;

(D) public works, public capital improvements, land acquisitions, and economic development programs, projects, and associated activities;

(E) natural ecological conditions which are of relevance to decisions concerning the location of new communities, the expansion of existing communities including commercial development, heavy industries, transportation and utility corridors, and other land uses;

(F) the desirable future land use requirements of the State for recreation, urban growth, commerce, transportation, the generation of energy, and other important anticipated uses;

(G) governmental organization and financial resources available for land use planning and management within the State and the political subdivisions thereof; and

(H) other information necessary to conduct State land use planning with respect to each applicable regional planning area in accord with the provisions of this Act.

(3) to provide technical assistance and training programs for appropriate personnel on the development, implementation and management of State land use planning programs;

(4) to continually develop, use, and encourage common information and data bases for Federal, regional, State, and local land use planning;

(5) to establish arrangements for the continuing exchange of land use planning information among the various governments within the State and their agencies; and with interstate compact agencies, river basin commissions and regional commissions established pursuant to Federal law;

(6) to conduct such other related planning and coordination functions as may be approved by the National Council and the appropriate Regional Land Use Councils.

PROPOSALS FOR GRANTS

SEC. 8. (a) To receive a State land use planning grant a State shall submit to the appropriate Regional Land Use Council a proposal in such form and in accordance with such procedures as the National Council may specify, indicating with respect to the regional planning area concerned the program of State land use planning it proposes to undertake, the planning assistance that it will require, the period during which such activities will be conducted, and their estimated costs, and designating those functions which qualify for Federal assistance pursuant to this Act.

(b) From the sum appropriated pursuant to section 11 the National Council is authorized to make State land use planning grants to agencies whose proposals are approved by the appropriate Regional Land Use Councils in an amount not to exceed two-thirds of the estimated cost of the planning for the three fiscal years after the date of enactment of this Act. Thereafter, grants may be made in an amount not to exceed one-half of the new planning costs and one-fourth of the State agencies operating costs.

(c) Planning grants shall be allocated to the States with approved programs based on regulations of the National Council which shall take into account the amount and nature of the State's land resource base, all regional planning area requirements, population, pressures resulting from growth, and other relevant factors.

(d) Any grant made for the purpose of this Act shall increase, and not replace State funds presently available for State land use planning activities. Any grant made pursuant to this title shall be in addition to, and may be used jointly with, grants or other funds available for land use planning surveys, studies, and investigations under other federally assisted programs.

FEDERAL GUIDELINES AND REQUIREMENTS

SEC. 9. (a) No State agency is eligible to receive a land use planning grant under section 7 of this Act unless such State agency is certified by the National Council as meeting the following requirements in addition to such other requirements as may be established by the National Council—

(1) the State agency shall be designated by the Governor, and shall have primary authority and responsibility for the development and administration of State land use plans and other appropriate State agencies will assist, where appropriate, in the development of the plans;

(2) a competent and adequate interdisciplinary professional and technical staff as well as special consultants, in addition to such personnel as may be provided by the National Council, will be available to the State agency to develop the State land use plans;

(3) pertinent Federal and regional policies, plans, studies, information, and data on land use planning already available shall be utilized in order to avoid unnecessary repetition of effort and expense; and

(4) the designated agency's records shall be kept and made available along with such reports and evaluations as the National Council may require regarding the status and application of Federal funds made available under the provisions of this Act.

(b) During the three fiscal year period following the date of enactment of this Act, State land use planning policy must, as a condition of continued grant eligibility for the State agency administering them, meet or be designed to meet, as additional information is developed, the following guide lines and requirements—

(1) identification of the boundaries of the portions of the State subject to each State land use plan;

(2) identification of the areas of the State which are not subject to any State land planning policies;

(3) identification of those areas of the State—

(A) where ecological, environmental, geological, and physical conditions dictate that certain types of land use activities are incompatible and undesirable,

(B) whose highest and best use, based upon projected regional, State, and National needs, on the Statewide Outdoor Recreation Plan required under the Land and Water Conservation Fund Act, and upon other studies, is recreational oriented use,

(C) which are best suited for natural resource, heavy industrial, and commercial development,

(D) where transportation and utility corridors are or should, in the future, be located, and

(E) which furnish the amenities and the basic essentials to the development of new towns and the revitalization of existing communities;

(4) appropriate provisions designed to insure that regional requirements for material goods, natural resources, energy, recreation, and environmental and esthetic amenities be given consideration;

(5) provisions and procedures designed to insure that the plan is consistent with local, State, regional, and Federal standards relating to the maintenance and enhancement of the quality of the environment and the conservation of public resources;

(6) provisions to insure that transportation and utility corridors do not damage Federal lands dedicated to the maximization of declared public values, and are established in compliance with regional and State needs, State policies, and policies and goals set forth in other Federal legislation;

(7) measures such as buffer zones, scenic easements, prohibitions against nonconforming uses, and esthetic standards to insure that federally designated, financed, and acquired areas, or any of such areas, including, but not limited to elements of the national park system, wilderness areas, and game and wildlife refuges are not damaged or degraded as a result of inconsistent or incompatible land use development in the same immediate geographical region.

(c) To retain eligibility for State land use planning grants after the end of three fiscal years from the beginning of the first fiscal year after the date of enactment of this Act, the State agency must meet the following Federal guidelines and requirements—

(1) the agency must have the authority necessary to implement all State land use plans;

(2) the agency's authority shall include but need not be limited to—

(A) authority to acquire interests in real property if deemed to be necessary under any State land use plan;

(B) authority, under the State police powers, to place restrictions on the type of land use activities which may take place in areas designated for a special use under any State land use plan; and

(C) authority to conduct public hearings, allowing full public participation and granting the right of appeal to aggrieved parties, in connection with the dedication of any area of the State as an area subject to restricted or special uses under any State land use planning;

(3) the agency must have procedures for continuous evaluation and modification of approved State land-use policies and change in each State land-use plan, including public notice and hearing, to meet changed future conditions and requirements; and

(4) the agency shall hold, or require any other duly authorized public agency to hold, a public hearing before any lands which are contiguous to undeveloped public lands which may be developed, and such hearing shall be held in the vicinity of the area involved.

(d) The National Council shall have authority to terminate any financial assistance extended under this Act if, after the State has been given notice of a proposed termination and an opportunity to present relevant evidence, the National Council finds that—

(1) the State agency has failed to comply with any of the directives and guidelines set forth by the National Council;

(2) the State agency has failed to adhere to the guidelines and requirements of this Act in the development of the land-use policy; or

(3) the State has not enacted State legislation which meets the requirements of subsection (c) of this section.

OTHER GRANT-IN-AID PROGRAMS

SEC. 10. Any State whose entitlement to State land-use planning funds under the provisions of this Act has been terminated pursuant to section 8(d), or who fails to develop an acceptable State land-use planning policy for any regional planning area which applies to such State by the beginning of the fourth fiscal year after the date of enactment of this Act, shall—

(1) have its entitlement to certain additional Federal assistance programs, which shall be designated by the President, reduced at the rate of 20 per centum per year until such time as the provisions of this Act are complied with; and

(2) be denied the issuance of any right-of-way permits or other permits available under the public land laws and other Federal laws to use or to cross the public domain or other Federal lands until such time as the provisions of this Act are complied with.

LAND ACQUISITION FUND

SEC. 11. (a) (1) There is hereby established in the Treasury of the United States a trust fund to be known as the "Land Acquisition Trust Fund" (hereafter referred to in this section as the "trust fund"). The trust fund shall consist of the amounts appropriated to it under paragraph (2).

(2) There is hereby appropriated to the trust fund, out of money in the Treasury not otherwise appropriated, an amount, as determined by the Secretary of the Treasury (hereafter referred to in this section as the "Secretary") under paragraph (4) for the most recent calendar year for which satisfactory data are available from the Internal Revenue Service, equal to—

(A) one-fourth of 1 per centum of the individual and corporate Federal income tax base for the fiscal year beginning July 1, 1973;

(B) one-half of 1 per centum of the individual and corporate Federal income tax base for the fiscal year beginning July 1, 1974; and

(C) 1 per centum of the individual and corporate Federal income tax base for the fiscal year beginning July 1, 1975, and for each fiscal year thereafter.

(3) The Secretary shall, during each fiscal year, determine the amount described in paragraph (2), and transfer the amount so determined from the general fund of the Treasury to the trust fund. Such transfer may be made on the basis of estimates made by the Secretary. Proper adjustment shall be made as soon as possible after the close of each fiscal year, to the extent the amount transferred was in excess of or less than the amount which should have been transferred, by the transfer of additional amounts from the general fund to the trust fund or by the transfer of amounts from the trust fund to the general fund.

(4) For purposes of paragraph (2), the individual Federal income tax base for any fiscal year is the aggregate of the taxable incomes as disclosed by returns of the tax imposed by chapter 1 of the Internal Revenue Code of 1954 made during such fiscal year. For purposes of the preceding sentence, if during a fiscal year a taxpayer files more than one return for the same taxable year, only the last return so filed shall be taken into account.

(5) Determinations by the Secretary under this subsection shall be final and conclusive.

(6) At the beginning of each fiscal year beginning with fiscal year 1974, the National Council shall, taking into account the progress made in each regional planning area with respect to the implementation of the purposes of this Act, by regulation prescribe those categories of land uses in each regional planning area for which acquisition of real property by the States, with funds available to them from the trust fund, is authorized.

(7) A State shall apply for funds with which to purchase real property under this section in such manner and amount as the National Council shall be rules and regulations determine. If the National Council finds that any proposed land acquisition by a State is consonant with the State land use plan established in this Act, for the regional planning area concerned, is within the current category of land uses for which acquisition is authorized, and is within the spirit, finding, and purposes of this Act, the National Council shall notify the Secretary to transfer to the State from the trust fund such amount as is determined by the National Council to be appropriate with respect to such acquisition. The receipt by any State of funds from the trust fund under this section shall be subject to such terms, conditions, and limitations as the National Council deems necessary and appropriate to project the interests of the United States.

SEC. 12. Except for the purposes of section 10 of this Act, there are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

"OF BOSTON THEN AND SANTA BARBARA NOW"

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, May 7, 1970

Mr. THURMOND. Mr. President, for some time, now, various spokesmen for the "new left," assorted ultraliberals, and other apologists for the rowdy element which continues to threaten our country have drawn a tenuous parallel between their activities and those of the leaders of the American War for Independence.

While anyone blessed with even the most basic knowledge of history and sense of reality has no trouble seeing through such an absurdity, I invite attention to a fine treatment of this subject in a column by James J. Kilpatrick. I hope it will put an end to this tactic once and for all.

Mr. President, it sickens me to see the patriots of the American Revolution, who stood and fought for all that is important and dear to this country, compared with those ruffians of today who stand for nothing and seek only to destroy.

Mr. President, I ask unanimous consent that Mr. Kilpatrick's column, "Of Boston Then and Santa Barbara Now," published in the Evening Star of May 3, be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

XUM

OF BOSTON THEN AND SANTA BARBARA NOW

(By James J. Kilpatrick)

SAN FRANCISCO—Nearly 200 years have passed since the December day that Sam Adams urged his militants down the cobbled streets of Boston, but William Kunstler still is sipping today on their example. As an advocate of non-violence, up to a point, I wish him no harm; but all the same, I hope he chokes on this bogus cup of tea.

Kunstler trotted out the Tea Party parallel in a recent debate at Vanderbilt, and I see by press accounts that he is harping on the same theme elsewhere. As chief counsel to the purported revolutionaries of today, he is entitled to seize any defenses he can lay his hands on. Yet some distinctions ought to be drawn before the notion takes hold that the Boston Tea Party and the Santa Barbara bank-burning are cousins across the years.

Superficially, it is true, some plausible points—even frivolous points—can be made. Thus it is remarked that today's militants wear their hair long; so, too, with Tom Jefferson two centuries ago. Today's demonstrators look at life through granny glasses; they go garbed in odd costumes. But behold the benign visage of bespectacled Ben Franklin and recall that Adams' men were painted up as Mohawk Indians.

Further analogies are pressed upon us. Kunstler's rebellious clients are mostly men under 30. Some of the greatest figures of the Revolution were as young. Hamilton was a fiery pamphleteer at 19; Henry took the Parson's cause at 23. Marshall, Madison, Jefferson, Gouverneur Morris were no older than some of the firebrands of Berkeley. It is recalled that the revolutionary leaders of 1970 are often honor students, class presidents, and student editors.

Still more: The most shining document in American history clearly asserts the right to throw off oppressive authority, once repeated petitions have resulted only in repeated injuries. This is precisely the cry of the Haydens and Rubins of today. The parallel that Kunstler draws between yesterday's Crown and today's Establishment—Justice Douglas draws the analogy also—has a splendid rhinestone appeal.

Yet it is sham. The American Revolution was a true revolution. Washington, Adams and Jefferson proposed to transform the colonies into free and independent states; they envisioned an entirely new form of government. They had a deeper vision also—of a new freedom for men. Their ideals and concepts were clearly defined, first in the Declaration, then in the Articles of Confederation, still later in the Constitution and Bill of Rights.

The revolutionaries of 1776 proclaimed their intention out of a decent respect to the opinions of mankind. They placed their reliance upon Divine Providence, and they committed to their cause their lives, their fortunes and their sacred honor.

No such parallels exist today. Most of today's destruction has no rational purpose. Respect is a word with three letters too many: It does not fit in the foul mouths of today's pamphleteers. You will find no prayers in the underground press. And it is a curious balancing that equates Boston then with Boston now. Today's destroyers are the only marchers in history, as someone has said, who demand at the outset that they be thrown, if at all, to toothless lions.

And what of freedom? The very word dies underfoot in the howls of today's campus despots. Oh, they are very full of free speech for themselves, but they would deny free speech to others. These are not young Jeffersons. Some of them are cradle Hitlers, whose sandaled feet are waiting to be shod.

Well, the reputation of Adams, Washington and Jefferson will survive today's brazen effort to rub respectability off their bones. What they built has endured. And so long as Americans are willing to fight for the structure of freedom they created, no Jacobins-come-lately are likely to tear it down.

MORAL DILEMMA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FRASER. Mr. Speaker, since involvement in Vietnam, my office has received thousands of letters. Letters expressing anger, frustration, and confusion. Recently a family wrote to me concerning their son. The letter is a poignant reminder of the moral dilemma young men must face as long as we are involved in Southeast Asia. This young man whose name appeared in "Who's Who in American Colleges and Universities," 1967–68, decided he loved his country too much to run away, valued his integrity too much to hide in school and has the courage to face 2- to 5-year prison sentence.

Following is an excerpt:

> Kim is 23 years old. He has a degree in Sociology. During college days he worked one summer living in and working out of a church in a ghetto area in Chicago. His assignment was to relate to black youth in the area. He was changed by this experience to become a person deeply concerned with the needs of the black and the poor. Later he worked, as a Sociology assignment, in the Minneapolis ghetto area. He related to the black youth there well enough that he was asked to teach Black History at Red Wing Training School for Boys in the summer of 1968. After graduation he went to Luther Seminary to further prepare himself to work with inner city people. When he found the Seminary was not preparing him for this kind of work, he finished the semester and then left school. Immediately he was reclassified 1A.
>
> He was called for his physical in July, 1969, at which time he turned in his papers and draft card, feeling strongly that he could not be a part of the "industrial-military complex." He feels that the draft is unfair to force young men to do what they in good conscience do not feel is right. He says, "How can I kill those Vietnamese people?" Yet he does not plead C.O. status as he says he would defend his country if it were invaded.
>
> This has been a lengthy account and I appreciate your taking your time to read it. I think this young man's convictions represent that of a growing number of our young men. These are serious, thinking men who have courage enough to face prison terms for a principle. But what a waste to fill our penitentiaries with men like these. Our supposedly corrections institutions—what would they correct in Kim and those like him, except to insist that they can no longer think except as their government dictates that they think. However if given the opportunity these men, could do some very constructive work in the communities from which they come.
>
> Isn't it ironic that men who bomb a village in Vietnam, killing many people, receive a hero's medal while young men with a conscience and courage enough to stand up for their convictions are sent to prison as traitors? Can't something be done on their behalf?
>
> The F.B.I. on April 16 formally booked Kim, whose name also appears in "Who's Who in American Colleges and Universities," (1967–68 edition). Now we wait in sinking suspense for a judgment and sentence on a young man who has thought through the draft issue for four years, deciding he loved his country too much to run away, values his integrity too much to hide in school, and has courage enough to stand up for his convictions.
>
> Is there anything to be done to make use of his heart for people without being sent to a federal prison for from two to five years?

UNITED STATES FACING FINANCIAL CRISIS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. HANNA. Mr. Speaker, leaders, if I may say, of the United States: I believe that our country is in a crisis which far outstrips the crisis in Indochina. I am talking about the financial crisis of this country.

It has been said that a man can choke to death as well as starve to death and be just as dead. This can be said about a country, too.

Unfortunately, the present economic programs and policies we are pursuing are strangling the United States. In these remarks I hope to bring to the attention of the Members some of the very disturbing readings within the financial structure and the economy of this country. I will show that interest rates have climbed 1½ to 2½ percent in the last year and a half, that the cost of living is now running approximately 36 percent higher than in 1968, and that Federal expenditures have risen more rapidly during this first year of the Republican administration than they were during the last year of the Johnson administration.

The 1970 first quarter corporation earnings are down. And if we subtract the earnings of the utility companies and the financial institutions, the drop in corporate earnings is quite dramatic.

Unemployment has increased 0.7 percent since the first quarter of 1968, and is primarily hurting our youngest people, our scientists—our best brains. The policies causing unemployment are doing just the things the United States can ill afford to do to itself.

The stock market industrial average has lost more than 181 points since May 1, 1968.

The liquidity of this country has never been worse, especially when we consider what we owe as against the assets we have, assets, which anyone who owns stock can tell you, are diminishing.

Today the alarming fact is that our gross national product is in a negative posture.

I say that this country is moving toward strangulation, and we have to

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change the policies we are now pursuing. We have to find policies that will galvanize the people, so that we can offset events which are polarizing our people.

Mr. Speaker, I include pertinent material, as follows:

WHAT ARE CONDITIONS IN THE ECONOMY RIGHT NOW?

This statistical study compares some economic indicators for the first quarter of 1968, the last year when a Democratic Administration was in office, in relation to the first quarter of 1970, a year after a Republican Administration has been in office.

CONCLUSIONS

1. Interest rates have climbed from 1½ to 2½ percent higher.

2. Cost of living is now running at approximately a 36% higher rate than 1968.

3. Federal expenditures have risen more rapidly in the first year of the Republican Administration than during the last year of the Democratic Administration.

4. First quarter corporation earnings are down.

5. Unemployment has increased .7% of one percent since the first quarter of 1968.

6. The Stock Market industrial average has lost more than 181 points since May 1, of 1968.

In general, since the Republicans have taken office it has cost more to accomplish less. In less than 18 months, the Republicans have managed to damage the economy to the point where every important indicator suggests a recession while inflation continues at a rate 36% higher than when the Democrats were in office.

WHERE IS THE ECONOMY?

[The figures below are the latest statistics available. Sources: U.S. Treasury Department, Securities and Exchange Commission, Federal Home Loan Bank Board, Wall Street Journal]

INFLATIONARY INDICATORS

Indicator: Interest rates (percent)	Now, May 4, 1970	May 1969	May 1968	Increase since 1968
(1) Treasury bills, (6 to 12 months)	7.3	6.02	5.66	1.64
(2) Corporate bonds	9.30	7.44	6.90	2.40
(3) Municipal bonds	6.82	5.17	4.44	2.38
(4) Conventional home mortgage interest, effective rates:				
(a) New homes	[1] 8.51	[2] 7.47	[3] 6.64	1.87
(b) Existing homes	[1] 8.48	[2] 7.39	[3] 6.72	1.76

Indicator: Cost of living index	At end of 1st quarter 1970	At end of 1st quarter 1969	At end of 1st quarter 1968	Increase since 1968
(1) Living costs, all indicators (100=Base year 1958)	133.2	125.6	119.5	13.7
(2) Percentage rise over previous quarters (adjusted annual rate)	7	6.1	4½	[4] 2½

Indicator: Federal budget	Fiscal 1971	Fiscal 1970	Fiscal 1969	Fiscal 1968	Increase since 1968
(1) Expenditures (in billions)	$200.8	$197.9	$814.6	$178.8	[5] $19.1

[1] March 1970.

[2] March 1969.

[3] March 1968.

[4] Approximately 36 percent above the 1968 annual rate.

[5] The difference between fiscal 1968 and 1970.

RECESSION INDICATORS

	1st quarter, 1970	1st quarter, 1969	1st quarter, 1968
Corporate earnings	8.9% less than the 1st quarter of 1969 (Wall Street Journal survey—actual dollar figure will be available May 11).	$13,900,000,000	$12,500,000,000
Unemployment rate	March 1970—4.4 percent.	March 1969—3.4 percent.	March 1968—3.7 percent.
Stock market (Dow-Jones industrial).	May 1, 1970—732.11	May 1, 1969—949.22.	May 1, 1968—913.20.

[From the Wall Street Journal, May 4, 1970]

FIRST PERIOD PROFITS SLID: AUTO, OIL RESULTS MAY IMPROVE IN CURRENT QUARTER, BUT STEEL, HOME BUILDING EARNINGS COULD FALL FURTHER

Buffeted by consumer reluctance to spend and inflation's swollen costs, corporate profits sagged in the first quarter, extending a decline that began in the final three months of last year.

There is a faint glimmer of hope, though, for an improvement in the current period. Auto makers say their sales may turn upward, and oil companies look for higher gasoline prices to help offset a reduction in their depletion allowance which increased their tax bills. But steel mill shipments are heading lower, and home construction, may be in for some more bad months.

The first quarter decline was the sharpest in three years. Total earnings of 605 early reporting companies, as compiled by The Wall Street Journal, dropped 8.9% in the first three months from a year earlier. This came on the basis of a 2% earnings lag posted in the final quarter of 1969 from the year before.

POOREST SINCE 1967

It was the weakest earnings performance since 1967, when profits dropped 9% in the first quarter, 8.1% in the second and 1.8% in the third from the previous year's levels.

This past quarter's 8.9% decline, furthermore, was somewhat steeper than the 7% drop measured by First National City Bank in the preliminary tabulation, released April 24, of the first quarter earnings of 692 nonfinancial corporations.

Hard times knocked at many doors. Airlines collectively posted a deficit. Auto profits slumped 38.5%. Electrical-equipment and electronics concerns were hit with a 56.7% drop. Steel mills, building materials makers and publishers also posted declines.

But the gloom was far from universal. Nonferrous-metal companies, notably copper miners, boosted earnings 27.3%. Finance companies and farm-equipment producers also lifted earnings despite, the general economic slide. So, too, did tobacco companies, distillers and drug manufacturers.

TROUBLED AUTO MAKERS

For the auto industry, it was the worst first quarter earnings performance since the 1958 recession. General Motors Corp. profit plunged 33.4%. At Ford Motor Co., earnings dropped 25.8%. Chrysler Corp. came in with its second consecutive quarterly loss.

The auto makers have little trouble labeling the fundamental source of their distress. Chrysler, for example, bemoans that "public concern over inflation and general economic conditions, including some pressure upon real disposable income," was largely responsible for the 12% decline in industry car sales in the first quarter. And more of the cars that the makers did sell were lower-priced models, with fewer of the options that reap juicy profit returns.

Moreover, costs were rising, both for labor and material, gripping the auto makers even tighter in a profit squeeze.

The Labor Department says labor costs throughout all industry increased during the quarter at an annual rate of 8.4%, the largest gain for any quarter in 14 years. What's more, productivity per man-hour declined, largely because production was curtailed faster than men could be laid off.

At GM, the lagging sales and increased expenses dragged profit down to 6.2% of sales in the first quarter from 8% a year before. It was the lowest profit margin since 1953. Ford's margin slumped to 3.8% from 4.8% a year before, its lowest since 1958.

This quarter, though, could see some improvement, with results showing less of a drop from last year's second period than the dramatic first period plunge. The auto men figure their sales slump has hit bottom, and demand has firmed a bit. But the expected improvement, they add quickly, won't bring operating results up to the level of the second quarter last year. Industry production in the current quarter is expected to be about 2.1 million cars in the U.S., company sources say, off about 5% from 1969's second period.

PRESSURE SEEN CONTINUING

The pressure on profits also is likely to continue intense, what with costly sales incentive contests to hypo sales and with the introduction of still lower-priced, sparsely equipped smaller cars.

In one analysts view, both GM and Ford could emerge from the second quarter with earnings higher than those of the first period, but lower than second quarter 1969 profits. Chrysler's outlook is less clear, but company officials indicated at a news conference recently that the No. 3 auto maker at the moment was operating in the black. The officials didn't say, however, where the company would be by the time the second quarter wound up.

For the nation's steelmakers, any improvement may be out of reach this quarter. Even before the start of the current truck strike, steel-company economists were expecting shipments to decline in the current quarter to between 22 million and 23 million tons from 23.7 million tons in the first quarter and 24.4 million tons in the second quarter a year ago.

Now with the strike, the economists don't know how far shipments will plunge. One industry official estimates the steel-haulers' stoppage shaved 600,000 to 800,000 tons off April shipments, and he says the impact will grow worse.

"I've just talked to three steel-company presidents and they are really down-in-the-mouth about the second quarter," comments one brokerage-house specialist in steel-industry stocks.

The first quarter performance certainly left little room to maneuver. At U.S. Steel Corp., for instance, earnings plunged 30.1% despite an 6.8% increase in sales (much of it in low-profit transactions with foreign buyers). The profit margin there slipped to 3% of sales from 4.7% a year before.

The 4.7% price increase on sheet products initiated last week by Bethlehem Steel Corp. may do little to sweeten the sour outlook for the second quarter. Even if competitors follow with the boost, which is likely though uncertain, the increase won't go into effect until June 1, after the quarter is two-thirds done. Should the haulers' strike end soon, furthermore, some buyers may bunch orders this month to avoid June's higher quotes, thereby minimizing any improvement in profit rates.

Here's how some other industries were faring:

Electrical equipment: General Electric Co.'s 14-week strike combined with slow demand for color-television sets and other appliances to depress earnings of major electrical-equipment producers in the first quarter. A notable exception was Westinghouse Electric Corp., which boosted first quarter net 11%. GE's strike, however, ended in February, and the company posted a profit in March, further improvement in April and certainly will be profitable for the full quarter, a sharp turnabout from the $42.6 million loss posted in the initial three months. Industry leaders, too, are predicting new life for their appliance operations. Robert W. Sarnoff, chairman and president of RCA Corp., says, for one. "We can anticipate a modest turnabout in the consumer durable goods market by late spring or early summer, with the upturn accelerating moderately into the fourth quarter."

Oil: An increase in gasoline prices at the close of the first quarter should ease the impact of higher taxes and operating costs—factors that depressed earnings of most oil companies in the first period. Shell Oil Co. says the gasoline price rise, if sustained for the year, would largely offset the cut in the oil-depletion tax allowance to 23% from 27½%. A similar price raise withered away last year, but oil-industry officials don't look for any such erosion in the current quarter. They are hoping it will hold for the year.

Copper: Soaring prices and strong demand gave U.S. copper producers record results in the first quarter, and they are eyeing continued gains in the current three months. The metal currently is sold for 60 cents a pound by U.S. producers, up from 56 cents in the first period and 44 cents during most of the 1969 first quarter. "A sharp break in the copper price isn't likely soon," says Simon Strauss, a vice president of American Smelting & Refining Co. For fabricators, however, the scarcity and the price rises have brought only woe. Many users unable to buy from primary U.S. sources have been forced to turn to foreign suppliers, who have been selling their stores for more than 75 cents a pound.

Aluminum: Aluminum producers seem to have escaped the general earnings decline that afflicted much of industry last quarter, but some analysts contend the performance was illusory. Aluminum Co. of America, the field's leader, posted a bare 1% earnings gain from the 1969 period. Reynolds Metals Co. and Kaiser Aluminum & Chemical Corp., the next two in line, showed hefty advances, but they had depressed periods to compare with the year before. Industry pricing, these analysts contend, also may be deceiving. They argue that real selling prices in the industry have been declining since early in the year, even though the companies put through increases in their list prices last month. "They'll need a pronounced pickup in autos and construction before anything begins to look more cheerful," declares one Wall Street student of the aluminum field.

Building materials: Slow housing construction depressed earnings of building materials makers in the first quarter, and Karl R. Bendetsen, chairman of U.S. Plywood-Champion Papers Inc., says he doesn't think the decline has bottomed out yet. National Gypsum Co. says an upswing in new construction may come sometime this year.

Rubber: A strike against Goodyear Tire & Rubber Co., the industry leader, clouds the outlook for the rubber industry, which has already been hurt by declining car sales. The industry is also being forced to bear heavy costs in converting to bias-belted tires.

Airlines: U.S. airlines continue to be hurt by a slower growth in traffic, soaring labor costs and a high level of expenditures for new planes and ground equipment. United Air Lines, for instance, is reducing flight schedules and trimming its work force. F. C. Wiser Jr., president of Trans World Airlines, says, "We see the recession continuing longer than anticipated," George W. James, vice president of economics and finance at the Air Transport Association, concludes the outlook for airline traffic "isn't encouraging."

Farm equipment: At farm-equipment manufacturers, most every aspect of their business improved in the first quarter—but not farm equipment. Sales of trucks, industrial equipment, lawn and garden tractors and other items all showed moderate to good gains. Demand for farm equipment, however, grows ever weaker, and the companies are tapering output to meet the reduced sales.

Tobacco: Despite years of adverse publicity, tobacco industry profits continued to grow in the first quarter, and officials are predicting further gains for the months ahead. Diversification into food and other fields is contributing substantially to the earnings improvements. Cigarette sales, nonetheless, continue important. Joseph F. Cullman III, chairman of Philip Morris, Inc., told the annual meeting last week that worldwide cigarette sales of our company are continuing their strong upward trend."

First Quarter Profits of 665 Concerns Fell 8.9 Percent From Level of Like 1969 Period

The columns below show by industries earnings reported for the first quarter of 1970 and those for the like quarter of 1969, with percentage changes. Where individual company reports cover three-month periods other than calendar quarters, the nearest comparable periods have been used.

	1st quarter 1970	1st quarter 1969	Percent change
12 Aircraft makers	$76,513,000	$100,310,000	−23.7
14 Airlines	−45,466,000	5,006,000	....
18 Autos and equipment	493,021,000	801,041,000	−38.5
7 Broadcasting companies	25,817,000	25,191,000	+2.5
24 Building materials	73,204,000	105,079,000	−30.3
12. Building supplies	70,377,000	99,733,000	−29.4
12. Cement companies	2,827,000	5,346,000	−47.1
26 Chainstores	129,240,000	124,011,000	+4.2
22 Chemicals	315,768,000	332,156,000	−4.9
18 Department stores	357,999,000	355,233,000	+.8
6 Distillers	33,515,000	31,132,000	+7.7
20 Drug manufacturers	278,022,000	253,213,000	+9.8
35 Elec equipment electronics	127,746,000	294,918,000	−56.7
17 Broad-line companies	98,346,000	256,053,000	−61.6
18 Specialty companies	29,400,000	38,865,000	−24.7
4 Farm equipment	23,880,000	20,399,000	+17.1
9 Finance companies	53,367,000	44,442,000	+20.1
4 Floor coverings	8,184,000	13,243,000	−38.2
33 Food products	171,986,000	162,491,000	+5.8
7 Bakery products	18,085,000	17,596,000	+2.8
5 Dairy products	34,015,000	34,217,000	−.6
21 General food products	119,876,000	110,678,000	+8.3
24 Mining and metals	$325,049,000	$255,326,000	+27.3
6 Aluminum companies	84,484,000	75,853,000	+11.4
18 Copper and other metals	240,565,000	179,473,000	+34.0
12 Office equipment	304,858,000	272,654,000	+11.8
24 Petroleum products	1,388,146,000	1,480,355,000	−6.2
13 Publishing companies	19,086,000	24,774,000	−23.0
21 Pulp and paper products	150,381,000	154,752,000	−2.8
11 Railway equipment	21,092,000	24,919,000	−15.4
11 Rubber companies	69,978,000	73,640,000	−5.0
23 Steel manufacturers	145,631,000	193,305,000	−24.7
14 Textiles	45,495,000	52,636,000	−13.6
6 Tobaccos	80,722,000	67,691,000	+19.3
33 Tools and machinery	88,214,000	91,818,000	−3.9
144 Other industrials	790,267,000	792,791,000	−.3
Total 588 industrial companies	5,551,705,000	6,152,526,000	−9.8
18 Railroads	62,244,000	96,901,000	−35.8
59 Utilities	646,085,000	619,413,000	+4.3
Total, 665 concerns	6,260,034,000	6,868,840,000	−8.9

RUMANIA'S INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ADDABBO. Mr. Speaker, on May 10 people of Rumanian origin join together to celebrate the independence which that nation once knew and the historic events which symbolized that independence.

The importance of our participation in this national holiday for our Romanian friends is to demonstrate that we share the hopes of the Rumanian people for renewed independence from oppression and tyranny. We can only demonstrate our concern for their present plight and announce our willingness to stand with them in their hopes for freedom. Based on the history of the Rumanian people, we can continue to have faith in the achievement of freedom once again for they are a determined people and will not give up in the face of oppression.

Mr. Speaker, it is a privilege to join with my colleagues in the House in celebrating this May 10 holiday with our Rumanian friends.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. SCHERLE. Mr. Speaker, a child asks "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

TWENTIETH CENTURY FUND DIRECTOR ROSSANT IMPLEMENTING FOUNDATION REFORM

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. BUSH. Mr. Speaker, foundations are being watched very closely these days as the result of the work done by the House Ways and Means Committee, on which I am privileged to serve, and I am pleased that there is some constructive response on the part of some funds and foundations.

M. J. Rossant, the director of the 20th Century Fund, has pioneered in updating and reforming foundation practices. A sample of this is the recently issued interim report 1969 of the 20th Century Fund. Instead of just issuing an annual report, it is a healthy discipline for foundations to get in the practice of reporting two or three times throughout the year. Mr. Rossant, the text of whose remarks follow below, is very frank about the internal improvements, honest auditing, and forward-looking planning that foundations must do in order to implement both the law as it is now written and the inevitable followup by the House Ways and Means Committee, Senate Finance Committee, and agencies of the Federal Government, such as the IRS and the Attorney General's office.

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As one who believes in private organizations and the private sector cleaning up its own situation before even stronger legislation is needed, I hope that Mr. Rossant's very candid warnings and actual follow through of congressional intent will be adopted by other foundations. I also hope that the trustees and officers of our major funds and foundations will get the message and voluntarily do themselves, while there is still time, the updating in foundation operations which those of us who believe in their work know is necessary.

The Ways and Means Committee has taken constructive actions. Now it is up to the foundations in the next year or so to practice what we have urged them to do. Hopefully the staffs and officers of all foundations will move very strongly, publicly, and candidly in 1970 to strengthen their work both in content and in internal operations.

Director Rossant's report on "The Future of Foundations" follows below:

THE FUTURE OF FOUNDATIONS

(By M. J. Rossant)

Now that the congressional hearings on foundations are over and legislation affecting foundations is on the statute books, it is tempting to carry on pretty much as usual. The law may have its faults, but foundations are not going to be taxed out of existence or forced to expire after a definite number of years or compelled to restrict their activities unduly. On the contrary, the newly imposed tax on foundations is relatively modest and the new proposals affecting pay out of a proportion of income and/or assets are not only graduated but eminently reasonable. Many foundations, the Twentieth Century Fund among them, are already complying with the 6 per cent goal set for 1975. It is clear that Congress spurned all overt attempts to cripple foundation operations and, in doing so, served to reaffirm that this peculiarly American institution plays a useful role and merits a permanent place in our social structure.

Yet it would be a mistake for foundations to return to their old—and often complacent—behavior. In an era when almost all our institutions and institutional arrangements have had to become more adaptable, "relevant," and responsive, foundations serving the public interest must also demonstrate a heightened sense of awareness and responsibility. If there is a revival of complacency reflected in a refusal to raise standards, it is doubtful that Congress or the executive branch or the press will continue to take a generally permissive and positive attitude toward foundations.

Fortunately, the philanthropic fraternity seems aware of the need for continued reform and self-improvement. The work of both the Commission on Foundations and Public Philanthropy and the temporary Committee on Foundation Standards, although undertaken only after Congress began its publicized investigation, promises to bring about a health and heartening rise in foundation efficiency and effectivenss. Certainly, the committee's proposed code for proper management, along with the recommendation for a continuing agency to enforce it, represents encouraging and necessary progress. For, as Alan Pifer of the Carnegie Corporation observed about the recent congressional action, "I have an uneasy feeling that it all may happen again unless we get some administration of the law that really does weed out the wrongdoers. The foundations themselves have to do a much better job in this regard."

It may be that the proposed code and an agency to enforce it will prove a sufficient safeguard for all foundations. But because there are so many foundations with such vast differences in composition, purpose and resources, there may be a need for different codes tailored to specific types of nonprofit institutions. All of us should endorse and practice the principle of full disclosure. Every form of cronyism and self-dealing should be banned. In addition, as a research foundation, the Twentieth Century Fund recognizes that the standards for its activities and operations must differ from those applied to a grant-making institution or one engaged in action programs. Perhaps it is time for all research-oriented foundations to develop their own criteria for selecting staff, projects, and trustees, and appoint an agency to enforce them.

It is not enough to possess resources and independence; we must also act independently and manage our resources with maximum effectiveness. As I see it, the standards applicable to the Fund's staff, our research directors, and research projects should insure that the work we sponsor is designed to increase intelligence about our society and its problems and to extend the options for dealing with them. I continue to believe that such work calls for a high degree of professionalism which, far from deterring or limiting intellectual risk-taking, will enable us to invest more broadly and more boldly with greater prospect of producing successful results. The building up of a thoroughly professional research capability for appraising both research proposals and prospective research directors as well as for superintending studies under way has made it possible to be more pertinent and responsive in our chosen work.

Just as most foundations have been making long-overdue reforms, so has the Fund continued its own critical self-examination of its procedures and objectives. This ongoing exercise has taught us many things about the manifold risks involved in speculating on thinkers and ideas. It has led to sizable expansion in the number of projects we are sponsoring and enabled us to embark on wholly new ventures in films and other forms of research under the direction of people who are relatively unknown. For the most part, the Fund is continuing its concentration on objective studies of institutions—including foundations—that we feel require balanced but critical examination. In addition, we are devoting efforts to timely studies of current problems where the Fund's independence and the weight of expert thinkers can prove valuable.

After the tumultuous decade of the 1960's and the publicity given foundations in the last year, all of the nation's institutions must be more open and representative than they have been in the past. But while most institutions possess organized constituencies—students, faculties, stockholders, voters, unions, etc.—which can apply leverage or pressure for reform, foundations must depend primarily on the public-spiritedness of their trustees and the alertness of press and public authorities. As a result of the new legislation, most of the financial abuses once indulged in by a minority of foundations should now be eliminated. The establishment of codes of operation is needed. Legitimate foundations can no longer bask in the reflected glory of past achievements. We have to insure that the work that foundations are now doing is worth doing and is being done well. A major task of foundation professionals in the decade ahead is to meet this admittedly stern and perhaps subjective test. The way we meet it will decide the future of foundations in our society.

A DAY OF PRAYER

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. WOLD. Mr. Speaker, Sunday Americans everywhere will honor their mothers. It is a day of happiness when we gather with our families and show our love and respect for the most important person in our lives.

Many Americans, however, will not be able to be home on this day. They are our soldiers, sailors, marines, and airmen around the world who are standing guard for our way of life and the fundamental human values it represents.

There is no way we can bring them home, but the president of the Wyoming Farm Bureau, Herb Livingston, has thought of a special way in which we can reaffirm our faith in them. The idea is to set aside 5 minutes on Mother's Day to offer prayers for our servicemen and women around the world.

I think it an idea well worth the time and effort of every citizen, so, I include a news release outlining the idea in the RECORD:

A Day of Prayer

The President of the state's largest farm organization, Farm Bureau, called on all the Wyoming citizens to give Mother's Day greater meaning this year in special prayer. Herbert D. Livingston, Wyoming Farm Bureau President from Newcastle, urged all Farm Bureau members and other Wyoming residents to set aside 5 minutes on Mother's Day to offer prayers to honor and respect the sacrifices of our servicemen and women who are bound together in defense of freedom around the world. Livingston said his organization is asking the prayers be offered between 12:30 and 12:35 P.M., Sunday, May 10. If persons are unable to set aside that particular 5-minute period, Livingston encouraged them to use any other period during the day for special prayers.

"Our Nation's great progress is based on its most precious possession—freedom—and this is sustained by basic moral and religious concepts. It is this freedom, which our military personnel defends around the globe today, just as the many generations before them did. I can think of no more fitting occasion than Mother's Day to express our appreciation," the WFB President concluded.

ILLINOIS TOWN HAS MIDWEST CHARM

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I take pleasure in calling the Members' attention to the attached article detailing some of the history of Rockford, Ill., and one of its leading industries W. F. & John Barnes.

As a resident of Rockford, I am delighted to have this opportunity to acquaint my colleagues with this the second largest city in Illinois, its history, its industries, and its outstanding educational and cultural advantages.

The article follows:

Illinois' Second Largest City—Rockford—Has Rural Midwest Charm

During the 19th century westward bound pioneers found one spot along a rocky river in Illinois that was especially suited to fording their oxen-drawn covered wagons. Years later, this was to give the young trading colony its name—Rockford.

Rock river continued to play major role in Rockford's growth as industry settled along its banks to exploit its water power. Today, Rockford is Illinois' second largest city—an industrially healthy town which, from the air appears to sprout from the surrounding fertile countryside. On the long list of companies located there is W. F. & John Barnes, a unit of B&W's Automated Machine division.

The Rockford area was first opened up for settlement on a large scale after Chief Black Hawk's Indian revolt failed in 1832. For years settlers passed through or established residences nearby, but it was in 1834 that Germanicus Kent and Thatcher Blake founded the town officially. Its central location remains one of Rockford's primary assets today.

Rockford is about 70 miles west of Chicago, and other large cities—Madison and Milwaukee, Wis.; Peoria and Champaign-Urbana (home of the University of Illinois)—are equally accessible. Rockford residents like to say that, although theirs is the second largest city in Illinois and is close to other urban areas, it "lacks the harsh, impersonal atmosphere of the typical big city." Because Rockford is bounded on all sides by rolling farms and forests, it has in fact retained much of the charm of the smaller midwestern town.

Fur trade first brought settlers to the Rockford area, but today no single industry dominates the city's industrial picture. Rockford historians admit to only one generalization regarding their city: "The example of the early settlers, who demonstrated a willingness to work . . . attracted like-minded people," one chronicler wrote. "Their descenents and immigrants who flocked to Rockford . . . added more skills and trade plus managerial and financial talent that built a strong foundation."

W. F. & John Barnes, itself, is evidence of this spirit Following the Civil War John Barnes struck out on his own after deciding that there was a market for models of harvesting machinery. At a time when such models were being hand-carved out of wood, young Barnes developed his own foot-powered equipment for woodworking. In a few years, other manufacturers learned of this new equipment and wanted some just like it. Soon Barnes needed better metal working machines on which to build his woodworking equipment. He designed and built his own, and again industrialists who saw these metal working machines wanted them. The machinery business, begun in cramped quarters more than 100 years ago, continued to expand by meeting new, growing demands. Today it serves a variety of fields, including the automotive, farm machinery, construction, nuclear power and machine tool industries.

Rockford-ites also readily admit that there are drawbacks that have had to be overcome. Rockford lacks the raw materials for its primary industries. While centrally located, it is without low-cost waterways, transportation available to many of its Midwest rivals.

Despite these things, Rockford has grown and prospered, perhaps because of the willing and inventive "like-minded people" who were attracted to the town from earliest times. Most of Rockford's leading industries and business establishments like W. F. & John Barnes, had humble beginnings in basement shops, rented garages, back stores and shop rooms.

Rockford ranks as one of the leading machine tool centers of the United States. Based on this and similar successes, it might well have been called "the Machine Tool City," "the Furniture City," or "The Reaper City" instead of the "Forest City" as it is officially designated. Today more than 600 factories turn out thousands of different types of products, and Rockford can confidently boast of being one of the most diversified industrial communities in the nation.

The high per capita income has made Rockford 12th in the nation in retail expenditures per person, and has established the city as a community of homeowners. Nearly 70 percent of the city's homes are owned by the residents living in them. Rockford College, Rock Valley Junior College—and the nearness of Northern Illinois University, Beloit College and an extension program of the University of Illinois meet the community's educational needs.

During leisure hours, Rockford's 137,000 citizens can enjoy nationally known musical artists brought to the city by the Rockford Community Concert Association. The Rockford Symphony Orchestra offers concerts throughout the year. The Rockford Mendelssohn Club rounds out the musical scene with recitals, operas and lecturers year round.

For outdoor enthusiasts there is an abundance of parks, playgrounds, forest preserves and golf courses. Nearby Pierce Lake and the Wisconsin lakes offer boating, water skiing, swimming and fishing.

All of these factors steadily attract people to fast-growing Rockford—and it doesn't take a closer look to see why they consider it a good place to live and work.

DEMOCRACY IN ACTION

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FLOWERS. Mr. Speaker, today, a group of elementary school children from Northport, Ala., representing the Tuscaloosa County schools safety patrols were in Washington on their annual tour. In connection with this trip, the Northport Pilot Club promoted an oratorical contest in the elementary schools. This contest was among fifth graders who are studying our country, the lives of great Americans and basic documents of democracy in their social studies classes. We were privileged to hear the three winners of this contest, Robert H. Kuehner, Crestmont Elementary School; Jon Elmore, Northport Elementary School; and Van James, Vestavia Elementary School, address various Congressman and Senators today in Washington. I am honored to present remarks made by these students for the benefit of my colleagues:

Democrary in Action

(By Robert H. Kuehner)

I believe in the United States of America as a government for the people, by the people, and of the people, whose just powers are derived by the consent of the governed. A democracy is a republic. One sovereign nation of many sovereign states. A perfect union, one and inseparable, established upon the principles of freedom: Equality, Justice, and Humanity, for which American patriots sacrificed their lives and fortunes. We call it a democracy, but the form of our government is a federal republic. It is a federal republic because the government acts through elected representatives of the people. It is a federal republic because we are a union or federation of self-governing states.

When we refer to the term "democracy", we usually refer to a form of government, but democracy is also a way of life

Democratic laws and institutions do not guarantee that democracy will succeed. People must work constantly for democratic freedom. Many countries have lost democracy because the people did not help govern themselves by taking part in public affairs. Two conditions must exist if a person is to take part intelligently in his government: First, he must be informed, and second, he must act on his knowledge at all times.

The most important obligation of a public official is to look upon public office as a trust.

I, therefore, believe that it is important for myself, and every other citizen to respect the laws and flags of the United States of America.

Democracy in Action

(By Jon Elmore)

All of us love and enjoy our freedom. We take the American way of life for granted. It is good for us to stop and examine our feelings toward liberty and to count our blessings. Before we can talk about Democracy in Action, we must know what democracy *is*.

What is democracy? In the opening lines of the second paragraph of the Declaration

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of Independence, Thomas Jefferson clearly and simply stated the basic principles of what we call democracy. "All men are endowed by their creator with certain unalienable rights—among these are life, liberty and the pursuit of happiness." Unalienable rights are those rights which cannot be taken away from the people—not by the government, not even by the people themselves.

The pages of American History are filled with accounts of brave men fighting and dying to preserve this same democracy. Courageous men have led in battles where victory seemed impossible. Our national anthem was written as Francis Scott Key peered through gunsmoke at Old Glory. *Knowing* about the *past* is not enough. We must work hard to be *worthy* of our heritage.

What part can young Americans play in this struggle? Yes, it is a struggle, for we read about young people refusing the privilege of defending our country. On television we have seen the American flag torn and trampled. We know that a person no longer has the right to protect what is his without endangering his own life. Young people on our college campuses take advantage of others, rebelling against truth. Yes, on every hand we see forces at work, determined to destroy democracy. We must be *more* determined to become *better* citizens in heart, mind and body.

The members of our Safety Patrol have many opportunities to practice democracy. We encourage good safety rules, better behavior and citizenship in and outside of school. Respecting the rights of others and sharing are the secrets of the American way of life being the greatest life on earth.

Young Americans should strive for the best education possible. We need to keep up with progress being made in the fields of science, health and education and adapt to these changes in our environment. Learning about other people's needs makes us more aware of how fortunate we are to be proud Americans. Our boys are fighting in Viet Nam this *very moment* to show the people of the world that our country *does* care about them—that our country wants all people to be free. *This is Democracy in Action!*

Living in America is a precious privilege! But our forefathers sweated *blood* and tears and suffered even *death* for democracy. We, the young people of this school, this town, this state and this nation have a great responsibility! We must run the race and be willing to pay the price of freedom. We must *fight* to defend what we know is right. Yes, our world *is* changing! But the changes may be for our good if we have *dreams* like the late Robert F. Kennedy, who said: "Men look at things the way they *are* and say why? I dream of things that never *were* and say, *why not?* This is Democracy in Action. Thank you.

Why I Like America

(By Van James)

I stand before you today to tell you why I like America, in spite of the difficulties and problems of this great country. I am sure all of you are familiar with these problems so I will not attempt to elaborate on them because I still like America. Why do I like America? Here are some of the reasons. In America we have many freedoms and rights which include freedom of religion, freedom of speech, freedom of the press and freedom of choice. Also the freedom of question where there is a doubt. You might wonder what I mean by doubt. As you know, we believe in the inalienable rights of every citizen, regardless of race, creed or color. In the past there has been much hatred and prejudice against others in the hearts of some people. What is America doing to correct this in order to make it a more desirable place in which to live? I feel that some young and older people also are rebelling against many things and perhaps this is right in some cases. Who am I to judge? This goes back to our freedom of religion and only God can judge. However, I can say to you that I do not believe this is the way to correct our problems, which are varied. I firmly believe that when we learn to love and work with our fellow man as Christ has taught us to do, then and only then will America's problems begin to cease.

In spite of these, American is still a beautiful and wonderful country in which to live and I would choose none other to live in. America—America with its beautiful parks, lovely scenery and great Christian heritage is my Country!

Aren't you glad you live in *America the Beautiful* also? Thank you.

UNIVERSAL AND COMPULSORY HEALTH INSURANCE: FULL SPEED AHEAD AND DAMN THE CONSEQUENCES

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HALL. Mr. Speaker, Odin W. Anderson, Ph. D., recently delivered a most profound speech before the annual congress of the American College of Hospital Administrators, in Chicago, Ill.

Professor Anderson is an associate director of the Center for Health Administration, in Chicago, Ill.

The information he has set forth in his remarks are conclusions drawn from a lifetime of teaching and study.

I was particularly intrigued by Professor Anderson's recognition of the need for long-term, or catastrophic type assistance in health care planning. This is the predominant feature in a new concept of health care that I plan to offer in the form of legislation for the approval of Congress in the near future.

I offer this most timely and interesting speech to all those interested in what could easily become this Nation's greatest area of concern for the 1970's.

The speech follows:

Universal and Compulsory Health Insurance: Full Speed Ahead and Damn the Consequences

(By Odin W. Anderson, Ph. D.)

I. THE BACKGROUND

The re-emergence of universal and compulsory health insurance as a viable political issue—and in a Republican administration—after being quiescent since 1952 bears some examination. This issue is for the first time cutting across parties, one of the early signs of consensus creation in our political process. Many of us in this audience are old enough to remember the proposed universal health insurance legislation which was left simmering on the back burner of the Congressional kitchen stove from 1939 to 1952. It is also of more than passing political interest that none of this legislation—the usual triumvirate of sponsors being the euphonious combination of Democrats Wagner-Murray-Dingell—was ever brought to the floor.

There were probably two main reasons, not to mention many lesser ones, for this political coyness. First, the Social Security Act (its public health sector notwithstanding) was primarily concerned with income maintenance and transfer payments, i.e., the income redistribution aspects to mitigate and prevent destitution. The second major reason was that Congress was frightened about raising taxes in a country where politicians are so directly and quickly responsive to the moods of the electorate—silent or noisy. As all politicians in democracies know, the tax issue is the exposed nerve of the political process, the painful balancing point between the private and public sectors or, if you will, between "private affluence and public squalor". Otherwise, in our recently passed tax bill there would not have been a reduction for everybody, rich and poor alike; to paraphrase Orwell, all reductions were unequal but some were more unequal than others.

Americans continue to have the reasonable belief that the chief problem of people is an adequate income; assure people money and they can in turn buy the goods and services they think they need and want—including personal health services through voluntary insurance. The usual and reasonable theory would have it that if people have the money, they can express choice within a range of goods and services, and supply will then rise to meet this choice, given no artificial restrictions on supply. The opposite of this is the willingness of people to have a restricted supply and accept rationing, queuing, and directed planning so as to restrain rising costs and expenditures of the health system. This would seem to be a reason why, so far, the various levels of government in the United States own and operate so little of the health services enterprise and intervene gently in the operation of the enterprise. When government has been given a mandate—notably Titles 18 and 19, better known as Medicare and Medicaid—it has had to buy services from the private sector, competing for scarce resources and thereby stimulating rising prices. Except for the Hospital Survey and Construction Act in 1946 (Hill-Burton), the Federal Government has been given little financial and legal resources to increase the supply commensurate with recent legislative mandates.

Nevertheless, in the face of impending universal health insurance legislation, the private sector will be plugged into a financial mechanism which inherently—certainly historically—sets quite arbitrary limits to funding much sooner than the private sector. Further, it is undoubtedly hoped not only that universal health insurance will set limits to funds but also that those who distribute the funds can have a large part in determining the restructuring of the delivery methods. Current prevailing judgment among the proponents of universal health insurance is that the present system (or nonsystem) is in a shambles and needs to be restructured. This is quite an undertaking in a society which still fundamentally uses the carrot rather than the stick in getting things done. The difficulties of this undertaking are compounded even more when there is legitimate disagreement about organizational structures, range of services to be covered and methods of paying vendors. Of if one wishes to take an even less sanguine view, there is no monopoly on confusion as to how to solve the problems in the health field. Several commission reports—with a proper mix of citizen and professional representatives—testify to that, and more recently the brand new experts on medical care in *Fortune* and *Business Week,* to whom the solutions are self-evident. Universal and compulsory health insurance is the last untried alternative in this country; and it appears to be believed that such an alternative will make it easier to solve the problems that are now besetting us—certainly it cannot possibly make us worse off.

I believe what is novel about the current interest in universal health insurance in this country in comparison with enactments of such insurance in other countries and previous justifications in this country is that the stimulus seems to stem from concern with rapidly rising expenditures, rather than the usual stimulus of sharing the risk of costly episodes of illness or to assist the low-income classes. Undoubtedly the stimulus of sharing risk is present in view of rather inadequate health insurance benefit levels, but there seems to be a belief that, once the government gets control of the funding, expenditures will be contained within whatever may be regarded as tolerable limits, in this context politically tolerable limits. By making a primary issue of rising costs, the support of the broad middle class is enlisted, the so-called vital center and the ultimate agent of political change. There are legitimate social and moral reasons for some form of universal and compulsory health insurance in keeping with the value of health care as a right rather than as a privilege. Rationalization of the system, i.e., according to some set of scientifically determined specifications, is not one of them, and to imply that universal health insurance can solve the problem of rising expenditures in any rational way is political mischief. It smacks of the continuing propensity of Americans to simplistic solutions for complicated problems.

The democratic political process—particularly the American variety—is a wonder to behold because of the tremendous range of interest groups and the very open nature of political and public policy debate. It is what an English economist called "riotous pluralism",[1] in comparison with his own country and Sweden where respective parliaments are chiefly ratifying instruments after all parties at interest have had their day in closed sessions. Although royal commission reports and parliamentary debates are well publicized in the newspapers, it is virtually too late for unbridled pressure groups to have an effect. In our system, however—and I make no value judgment here—complicated issues become political tradeoffs right on the floor of Congress resulting in shooting-from-the-hip-policy making, and delicate enterprises such as health services go through a severe mangling. What I am simply pointing out is that our political process is responsive to the issues once enough people and pressure groups convince Congress that there is political pay-dirt in being for or against something. Both Medicare and Medicaid are illustrations of this process of exquisite political maneuvering resulting in medical administrative complexities. But I guess this is the way we like it; we are willing to live with the consequences of this political process. It would seem to be expensive both in terms of money and effort, but we are willing to endure such consequences rather than have no legislation at all. As observed picturesquely by the late Professor Morton Grodzins, Political Science, University of Chicago, access to the politicians and political interest groups in this country is so open that our system is a system of "multiple cracks" and legislation results in a "marble cake".[2]

The political bargaining will be particularly intense because whenever Congress faces an issue of redistribution of resources, taking from one segment of society to give to others, as an egalitarian health insurance act does, the question then becomes who shares what with whom? Who contributes more than they get in return? Is there enough for everybody according to self-determined standards as to what is regarded as enough? Or will a large enough segment of the population buy services outside of the universal health insurance system as to vitiate the whole principle of "to each according to his need and from each according to his ability". As I hope I am making clear, I believe in the American political process—a process which is exceedingly well established, in any case—but my concern is rather directed to how this process can be manipulated for the improvement and expansion of the health services. In this respect, the emerging political strategies worry me.

After this rather long introduction, I wish to move in some detail on specific problems and issues which I believe universal and compulsory health insurance will solve completely, solve only in part or not solve at all. This means I must separate generic problems in any health service system from those which can be mitigated by some form of goverment intervention.

II. IDEOLOGICAL ISSUES

A. Compulsion

During the Forties the issue of compulsion, i.e., compulsory taxation of one kind or another for the financing of universal health insurance, seemed to be the keystone issue overarching all others, and, in fact, confusing them. Government was interfering with the freedom of the individual to spend his income as he wished; the patient would be compelled to go to a certain doctor; the doctor would be compelled to take all patients and compelled to practice for arbitrarily set fees, or possibly even a salary. Currently, this issue of compulsion seems not to be a politically viable one for a complex set of reasons.

First, foreign experience has shown that it is possible to have free choice of doctor, various methods of paying doctors, and some variety of practice, and doctors remain in strong bargaining positions regarding professional and financial prerogatives. Then there has been a rather complete acceptance of the method of compulsory taxation for collective purposes. The social security pensions, the Medicare Act for the Aged—Title 18, and the withholding system for personal income taxes have resolved this issue in practice. Further, enrollment in voluntary health insurance is so frequently a condition of employment that an employee has in many cases no choice of whether or not to join. For a while, the controversy seemed to be centered on good compulsion or bad compulsion, but now even this distinction has disappeared.

B. Sources of funds

I believe, however, that there are more important issues than that of compulsion, and they related mainly to sources and amount of funds and sources and methods of controls on quantity, quality, and organization. It is the power of the purse rather than the power over citizen financial participation which bears on the enormous influence that a source of funding has on the general operation of a health service when the amount of funds is increasingly centralized and becomes subject to political tradeoffs. In this connection, the term political is not a dirty word but rather a process of policy formulation and bargaining where many interests have high stakes. Historically, however, I have not been impressed with our government's generosity in financing health and welfare services—Medicare to the contrary because the honeymoon is over, but Medicaid not to the contrary, because the honeymoon did not even start in that program: the bride with her relatively small dowry from general tax revenue was found too demanding right from the start. I see government as an important and for certain purposes a strategic source of funds, but I do not see it as an ample source of funds if it becomes the main source.

C. Equalizing access

I place equalizing access regardless of income and residence under ideology because this is a value which does not lend itself to rational discussion. When society raises a certain value to a moral and now apparently legal right, the impact on implementation is incalculable. It means, in effect, that the possibility of legal recourse on the part of disaffected citizens is increased. The right to health services becomes a civil right parallel to the right to justice. I do not disagree with this noble principle, but I do wish to point out that, as in the case of justice, provision of health care becomes a utopian principle, and the necessary myth of equality is created without the compensatory mechanism of some sort of a tax-supported health confessional when we fall short of utopian objectives, as we always do. The people in the health field are very masochiastic; they writhe with pleasure when they are scolded for not attaining utopian goals, and the only outlet for guilt is to get mad at other doctors, patients, and hospitals, and themselves.

You either accept the principle of equal access as part of a humane society or you don't. I gather, however, the principle is now generally accepted in this country. The controversy centers on level of attainment—i.e., short of perfection. I do not see universal and compulsory health insurance, in itself, necessarily equalizing access if all it does is help people pay for services when the supply is not assured. Any system I can conceive of or have seen can only approximate equalization of access. Further, currently underserviced areas must be given priority as target areas for planned introduction of services like health centers. An important aspect of equal access is that of access to services of at least certain standards, and an attempt to spread a certain standard more evenly over the population. Universal and compulsory health insurance, therefore, will no more assure the supply of services at a minimum quality than does our current voluntary health insurance and Medicare. Equalization of access will require a lot more than a mere financing mechanism. It will require a policy of what the British now call "positive discrimination," the government doing more for one segment of the population than another segment, as a form of over-compensation for past deprivations. Otherwise, the health services will gravitate toward a double standard, one for the poor and one for the well-to-do.

III. ISSUES OF IMPLEMENTATION

I now wish to deal with the practical issue of implementation and administration. It is at this stage that the technical experts move in and put together a plan to carry out the mandate. This is the stage of social engineering and, in the health services particularly, a stage which is characterized as one of drawing on informed opinion and best estimates and hoping for a minimum of inevitable unintended consequences. This is a charitable description; usually it is one mad scramble to meet legislative deadlines.

Once universal and compulsory health insurance is agreed to be the chief financing mechanism for health services and as a means of inducing organizational changes, there are a number of major policy issues which must be faced. In order to deal with them adequately there must be built into the legislation the power and the means to do so. The extent to which such power will be given, and, if given, to what degree major issues can be resolved even then, will be examined.

A. Supply

Even though the demand has increased tremendously since the Thirties—admission rates to general hospitals have more than doubled and the proportion of the population who see a physician at least once in a year has also almost doubled—the ratio of hospital beds and physicians to population has remained almost constant. In other words these resources relative to population have absorbed a tremendous increase in demand with only a slight increase in re-

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Footnotes at end of article.

sources. Predictions are that this balance will not continue because of the increasing and shifting age-composition of the population and ever increasing demand. Resources will fall behind, necessitating a much tighter operation of the health services. There will be more people, more disease, more technology, and more money. Obviously, universal and compulsory health insurance will stimulate further demand without a commensurate increase—at least according to present plans—in the supply. The magic word is reorganization.

To those who say that we cannot increase the number of physicians and supporting personnel, but particularly physicians, fast enough, I can only say that we can do so if we want to. If there is anything this country is good at, it is production, from automobiles to babies, and a crash program to increase health personnel seems possible given the acceptance of the policy. Sweden, for example, is increasing its physician supply by 50 per cent in less than ten years through a deliberate public policy, and medical students are already in the pipeline.

B. The poor

Supply, obviously, has some bearing on our ability to equalize access, because the more generous the supply, the easier it should be to distribute resources to people in poverty and rural areas. The current thinking seems to be one of sharing the present resources with the poor and people in rural areas through universal health insurance. It would seem to me that universal health insurance would make it even worse for the poverty areas unless there is a policy of increasing the number of physicians and supporting personnel and of establishing many health centers as outreaches of the large hospitals and medical centers. It is unlikely that the self-supporting elements of the population—by far the larger segment—will tolerate a substantial sharing of the resources without an increase in these resources.

C. Sources of funds

Sources and methods of funding are to some degree a political issue and to some degree a matter of rational tax policy. Invariably, the two become intertwined with political considerations becoming dominant, i.e., a matter of national priorities. Already, as in the case of health services, there are two schools of thought: pay-roll deductions by means of the Social Security Act and/or general taxes. Of the two, the progressive income tax is quite obviously the more equitable from an egalitarian standpoint while the pay-roll tax is actually moderately regressive. Egalitarianism, however, must be balanced with the kind of sources of funds which are most responsive to the constantly changing and expanding needs of the health services. Of these two types, neither would be very responsive, for an act of Congress is required to change the rates of taxation. My own position in case of universal health insurance would favor the pay-roll tax because it is highly visible, can be easily earmarked, and is less likely to compete directly with other national priorities as would be true of the general tax funds. I believe it is plausible to assume that a diversity of sources of funds will result in more funds than will a highly centralized source. There is some evidence for this as well. A British health economist, Brian Abel-Smith, made such observation in a study of the expenditures for health services in 29 countries with a variety of taxing methods.[3] A pay-roll tax shared by employer and employees could still be a stimulus for collective bargaining between labor and management as to relative shares to be collected from each. The ultimate authority, of course, would be Congress. It is also conceivable that, no matter how the money is raised, there will still be employees who want better health insurance coverage than a universal health insurance program is prepared to provide, certainly at the beginning, and, as for the poor, they need a subsidized comprehensive health service. This leads me to the consideration of what is descriptively called the benefit-package in voluntary health insurance.

D. The Benefit package

The benefit-package is, of course, closely related to the total cost of health insurance. This country, more than others, seems to accept the concept of health insurance as the risk of incurring costs for unpredictable contingencies of medical care episodes. At the same time the concept of financial risk becomes diluted by the opposite concept of a health service. These polar concepts imply quite different philosophies of how people are to buy and receive health services, and, in turn, how services are to be organized and delivered. In the risk concept, the underlying philosophy is one of giving people the money so that they can pay for services as contingencies arise. In the health service concept, the philosophy is one of providing services to people in a highly structured and organized system.

It is highly unlikely that a universal health insurance program will move immediately into paying for the whole range of personal health services and with no deductible or co-insurance. The cost of such a benefit-package would be much greater than Congress is likely to authorize either through payroll deduction or general taxation, i.e., the personal income tax. Nor do I see the possibility of reorganizing substantially our current delivery methods into group-practice and salaried units. Group practice-salaried units are also costly in absolute terms, even though their proponents claim they cost less than the prevailing method of delivering services. Nor do I see Congress willing to harness the medical profession against its collective will.

The inherently high costs will dictate fragmentation of the total range of health services by limitations on length of stay, leaving out certain types of services, and the application of deductibles and co-insurance. Medicare is certainly a precedent here. All the limitations built into the Medicare program undoubtedly reflect the fear of costs, and the patient is asked to share part of them. As long as government does not own the facilities or hire the personnel, it has to think of benefit-packages in the terms described.

It is unlikely, however, that this will be done rationally under the best of circumstances. Short of a comprehensive health service—which I do not think is in the cards now—a relatively low-cost health insurance program in terms of an acceptable tax increase would be a major medical type of benefit-package to cover the now quite frequent high cost episodes, after the first $100 or whatever threshold is accepted and with arbitrary ceilings. Still the lure of first dollar coverage is always there and must be contended with because the public has become accustomed to it and seems to want it.

The term episode, however, suggests a short-term, acute and expensive illness. Health insurance to date has been geared to this limited concept. But there is also the long episode, if I may stretch a term, of long-term and, on average, more expensive care which is a heavy and constant drain on family finances. The first priority, then, should be expensive episodes or an intelligent application of the major medical concept. It would seem that is the major medical concept which is the most rational one in our affluent society for, say, 80 per cent of the population. For the other 20 per cent, other arrangements need to be made for fully-paid comprehensive health services.

E. Methods of payment

Universal health insurance does not solve the chronic problems of methods of paying providers of services.[4] Presumably, the negotiations between hospitals and the government take place within a narrower range of alternatives than in a voluntary context because the government becomes the primary source of funds, rather than one among several others. Perhaps a primarily governmental source of funds can hasten the standardization of reimbursement to hospitals, and the grouping of hospitals into some sort of logical categories as to size, equipment, and patient mix, but the problem of inherently high cost will remain. Workable concepts of efficiency are no more likely in a governmental system than in a voluntary system because a workable and systematic reimbursement method involving quantity, quality, and internal efficiency of arrangements and purchasing has not been invented yet. I even venture to guess that the nature of health services is such that it will never be invented in a sense satisfactory to those who have the responsibility for public accountability if I can judge from foreign experience. In this connection I read with some sympathetic amusement the remarks of the economist Victor Fuchs in an issue of *Hospitals* about devising incentives for hospital efficiency in order to reduce costs: "Well", he said, "it is difficult", but with muted optimism, he continued "I would contend that it is not impossible."[5] And only two paragraphs later he really gets himself into a bind by expressing the fear: "If the hospital management had an incentive to keep costs down, they might be tempted to compromise on the quality of care."[6] So, there is the dilemma—on which side should we err, on tightness or looseness, toward suspicion or trust? In the same issue of *Hospitals* Ray Brown took an aggressive administrator's viewpoint (and one with which I have a great deal of sympathy) about efficiency by saying: "People may talk about his cost, but he knows that providing too much care never got an administrator fired. He has to overcommit his resources."[7]

And, as for the medical profession, the long-term evolution is generally toward salaries, but the short-term and exclusive alternative—with some, but relatively minor exceptions in terms of the whole—is fee-for-service. In this country the fee-for-service concept is deeply entrenched. Even in Europe, however, the fee-for-service method has an awesome persistence outside of hospitals. For hospital-based physicians, the usual method is salary related to some sort of hierarchy. The salary method in Europe is largely based on historical conditions, since no European country could afford to sustain most physicians on a fee-for-service method of payment, as has been true in the United States since the beginning of modern medicine. The alternative in this country is either a fee system or relatively high salaries ($40,000 and up?) or more likely a mixture of both. There is no cheap way out, even in Great Britain and Scandinavia. The salary method provides an ostensible control over short-range cost increases, but in the long run salaries must eventually fall in line with an expanding economy and other occupations. The fee system would seem to be more responsive to short-range changes. Perhaps the best that can be expected in this country is some form of negotiated fee schedule for the segment of the population under, say, $10,000 a year and a cash indemnity for those above this income.

A realization I came to some time ago was that the American medical profession (and apparently the Canadian also) does not limit the concept of professional freedom to the freedom to diagnose and treat but also includes the prerogative to determine the method and amount of payment. It is not long ago that the profession believed it should be able to determine its *source* of payment as well—the individual instead of an insurance agency. When the insurance concept is accepted, it begins with the cash indemnity method of payment where there is no contractual arrangement between the in-

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Footnotes at end of article.

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surance agency and the physician. This, incidentally, is still true in Sweden for physicians practicing outside of the hospital. I point out this concept of professional freedom in the American medical profession because there is going to be some tough bargaining ahead. I believe that because of the monopoly of skills accorded the physicians, their relative supply, and the mandate placed on the government to deliver in the event of a universal health insurance system, the medical profession is in an exceedingly strong position. There will be no simple way to hold down costs in this most important component of personal health services. It is more likely that the hospital facilities and capital funding will be squeezed. Physicians can react immediately. A deteriorating hospital physical plant will take longer to show. Great Britain is a good example of this.

F. Methods of organization and delivery

It is assumed that the government, through its control of the funds, can exercise enough leverage to move the health services toward a form which is "closer to the heart's desire". This will take a great deal of finesse considering the many parties at interest that need to be placated and accommodated, not the least of which is the general public. Referring again to an issue of *Hospitals* Alanson W. Willcox said: "It may be that it (the private sector) can persuade Congress and the public that it has better answers than the government has. This doesn't seem very likely to me. On the other hand, the government has no magic formula for doing things either." [8]

I would assume that the leverage will be financial rather than by legislative directives, because this country has not taken kindly to directives (even in time of war). Given the use of financial incentives, it would then seem that universal health insurance must necessarily be quite expensive so that the incentives can really induce change. It is conceivable, for example, that most physicians might respond much less reluctantly to a salaried service if the salaries were high enough, i.e., comparable to those for currently high income specialists. It is conceivable that in a fee system the fees need to be high enough to encourage physicians, particularly the best ones, to participate in the universal health insurance plan rather than opt out exclusively for the potentially lucrative upper middle class clientele who also carry private health insurance. I believe proponents of universal health insurance who think that they can rationalize health services by this means underestimate the middle and upper middle class desire for options and the effect this can have on the overall health services financed by such insurance. Unless financing is generous both as to supply and as to a relatively loose structure, and apparently wasteful according to some standards, the upper middle class may bypass the government system.

By means of reorganizing the methods of organization and delivery, there is hope of managing both volume of services and quality of services, not to mention price. The issue of quality is an interesting one because the moment a country enacts universal health insurance it can hardly exclude any licensed practitioners in good standing from practicing. Except for practitioners who are obviously and grossly inadequate or border on the unethical and fraudulent, a universal health insurance plan must deal wtih the facilities and personnel as they are at the moment. There is, then, a long hard road to overall improvement of the entire system, improvements which depend more on "inner-directed" professional standards nurtured by medical schools, the profession, and society at large than on direct regulation by a central authority with the power of the purse. Again, incentives rather than directives for continual improvement must be built into the system, and, again, an incentive system is expensive; it assumes a flush economy.

G. Fiscal and administrative intermediaries

Our form of government has too much respect for autonomous interest groups to ignore or abolish them if they can serve a purpose in carrying out a public mandate rapidly and with a minimum of inter-group friction. Private for-profit nursing homes are already a political force. They responded to demand much faster than did government or the non-profit sector. Universal health insurance will in all likelihood use current health insurance agencies, hospital associations, and medical associations as fiscal and administrative intermediaries in a pattern very similar to Medicare. Congress will conceivably not authorize the funds to set up the tremendous bureaucracy which would be necessary for the day-to-day operation of a service where physicians treat two-thirds of the people in this country annually. The government will, as usual, be a buyer rather than an owner and will prefer not to deal directly with the providers of service. Hence, the pluralism of sources of funds will be reduced but a form of organizational pluralism will persist. The current parties at interest in the health services will continue to have great countervailing leverage, since the spot light will then also be on the government to assure reasonable access to services.

IV. OBSERVATIONS AND CONCLUSIONS

After this rapid review—despite a long speech—of the implications of universal and compulsory health insurance, do I appear opposed in principle to the government intervening in the health services? I am less concerned with the principle; in fact, it is a noble principle given its humane objectives. But I am concerned with the promises that universal health insurance will necessarily contain costs, reorganize services, and assure equality of access to services. Since the primary emphasis seems to be on containing costs and reorganizing the services through some sort of financial leverage, these objectives will not be attained. My own concept—which, I might add, is not easy to specify either—is to expect the need for continuous expansion in money, facilities and personnel within which a variety of delivery methods can keep on evolving. A universal health insurance system will not afford this type of dynamism, but perhaps a combination of private and public effort will do so. It would seem that the current big buyers of services—labor, management, government—can bargain for certain delivery methods. If these big buyers feel they need a government monopoly of funds to contain costs and bring the health services to heel, then, I believe, they will be disappointed. Let me tell you briefly what has happened in countries since 1950; specifically this country, Great Britain (England and Wales) and Sweden.[9]

Recall that the sources of funds are very diversified in this country, almost completely centralized in Great Britain where the government owns all the facilities, and in Sweden somewhat diversified through the counties which own and finance the facilities.

From 1950 through 1966 the per capita increase in expenditures for all personal health services in the United States, Great Britain (England and Wales) and Sweden has been as follows:

Country	1950-66	
	Percent increase per capita	Percent increase in Consumer Price Index
United States	174	35
Great Britain	137	68
Sweden	614	100

It is apparent that central government ownership and financing can slow the pace of cost increases as seen in the figure from Great Britain; but we do not want the British problem of underfinancing either (despite Britain's disclaimers of being too poor to allocate resources to the health services adequately in view of other priorities). Sweden, on the other hand, with decentralized government funding and apparently with a policy of generous financing, has increased expenditures by 614 per cent. This startling increase compared with the American increase of 174 is not the result of a planned policy but the result of a loose concept of expansion. The Swedes are now alarmed, however, and are wondering how to slow the pace of increase by planning. At the same time they are in a quandary because they are increasing their physician supply by 50 per cent within ten years, a sure fire way to increase total expenditures. When I break out expenditures for hospital and physician services, the same magnitude of increases occurs. It does seem, however, that in Great Britain physicians have been less successful in maintaining their relative position in the increases than the other health service components. In view of the capitation and salary methods of payment this would seem to be reasonable, but still the profession has hardly been supine. Everywhere the profession is in a strong bargaining position both for money and to control their destiny in any organized setting.

As a per cent of gross national income the United States proportion spent for health services moved from 5.3 per cent in 1950 to 7.4 per cent in 1966; Great Britain remained at 5 per cent, and Sweden doubled its proportion from 3.2 to 6.1 per cent. Now for a final set of figures from these countries indicating the relationship of expenditure for health services to the national income from 1950 to 1966. In the United States expenditures for health services increased 1.6 times as fast as did the national income; in Great Britain 0.9 times as fast, and in Sweden 2.2 times as fast.

The increase in hospital expenditure from a neighbor, Canada, which has had compulsory hospital insurance since 1956 (British Columbia and Saskatchewan earlier) further emphasizes that such insurance is not a universal answer to cost control. Per diem hospital expenditures rose 213 per cent in Canada from 1950 to 1967 and in the United States 148 per cent.[10] There is obviously no easy road to cost controls.

It seems to me that universal and compulsory health insurance not only overpromises what it can deliver but it is also the wrong way to set priorities in the current context. In fact, its inauguration may well evade the severe problems, one of which is the poor, which I have mentioned earlier, a second of which is care for the long-term patient, most of them old, and, third, high cost episodes. Drawing on experienced and compassionate observers from Great Britain and Sweden, the present chief medical officer for Scotland wrote regarding the aged:

"Nothing will really flow smoothly in the (National) Health Service unless we reach an adequate stage of provision in our society for the elderly." [11]

Health authorities in Great Britain pride themselves on their observation that the National Health Service always finds hospital beds for real emergencies, a rather elementary achievement it would seem for any system. From Sweden in the person of a Professor of Medicine, Karolinska Institute, comes a related observation, which divides patients into privileged and underprivileged:

"Privileged . . . will become anyone suffering from a sufficiently interesting disease to warrant special investigation and the assemblage of technical experts for diagnosis or treatment. The underprivileged will be the aged, the worn out, the deteriorated and,

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perhaps still more, the psychologically maladapted—in short, the useless, the uninteresting, and the nuisance." [12]

Will the impending move toward universal and compulsory health insurance set priorities and allocate resources to cope with these needs adequately? The current drive stems, as in the voluntary health insurance movement, from a broad middle class consensus to contain costs and spread risk of acute episodes. These are worthy goals in themselves, but they risk overlooking less tractable problems unless our policies are clear in that respect.

What then seems to be emerging as a public policy recommendation from my attempt to think out loud is: increase the supply, allocate increasing resources of this increasing supply to the poor, the aged, and long-term illness and rehabilitation, induce voluntary health insurance and the self-sustaining element of the public to offer and pay for better health insurance benefits in the direction of high cost episodes, and the big buyers of services should bargain hard with the providers for certain types of delivery methods. If access becomes tight and care parsimonious, we will have a plush private system of medical care and a continuation of "private affluence and public squalor" in health services.

FOOTNOTES

[1] Andrew Shonfield, *Modern Capitalism: The Changing Balance of Public and Private Power*, London, Oxford University Press, 1969 (Reprinted with corrections, paper) p. 323.

[2] Morton Grodzins, *The American System: A New View of Government in the United States*, Chicago: Rand McNally, 1966, (edited by Daniel J. Elazar).

[3] Brian Abel-Smith, *An International Study of Health Expenditure and Its Relevance for Health Planning*, Public Health Papers No. 32, Geneva: World Health Organization, 1967.

[4] See William A. Glaser, *Paying the Doctor: Systems of Remuneration and Their Effects*, Baltimore, Md., Johns Hopkins University Press, 1970.

[5] Victor Fuchs, "The Economics of Health Care in the 70's", *Hospitals* 44: 70, Jan. 1, 1970.

[6] Ibid.

[7] Ray Brown, "Changing Management and Corporate Structure," *Hospitals* 44: 70, Jan. 1, 1970.

[8] Alanson W. Willcox, "Public Vs. Private Sectors: A Further Shift in Power?" *Hospitals* 44: 67, Jan. 1, 1970.

[9] Unpublished data from the Center for Health Administration Studies in preparation for a book by Odin W. Anderson comparing the health services in the three countries.

[10] Ronald Andersen and John T. Hull, "Hospital Utilization and Cost Trends in Canada and the United States," *Health Services Research*, Fall, 1969.

[11] J. H. F. Brotherston, "Change and the National Health Service," *Scottish Medical Journal* 14: 131, 1969. (Reprint.)

[12] Gunnar Biörck, "The Next Ten Years in Medicine: Attempts at Analysis of Factors Determining Medical and Social Development," *British Medical Journal* 2: 10, July 3, 1965. (Reprint.)

THE SACRIFICE OF THE GHETTO

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FARBSTEIN. Mr. Speaker, 27 years ago the Jews of the Warsaw ghetto rose up against the Nazi behemoth. It was one of the milestones in the history of man's eternal quest for freedom.

On April 19, 1943, the Jewish organization in the ghetto under the leadership of Mordecai Anielewicz thrilled the entire world and revolted against the Nazis, and insurmountable odds.

Those who believe that the Jews in the ghetto were defeated are wrong; they were killed but they were not defeated. Death cannot overcome faith. Faith in God, faith in freedom, faith in the future. One does not really die if he lives in the minds of others.

It was faith that made children of 12 and 13 attack Nazi tanks with nothing but a gasoline filled bottle, and it was faith that made the Jews of the ghetto die without fear.

In recalling the sacrifice of the ghetto Jews we should not forget that the fight for religious and personal freedom is still being fought around the world. Jews in Eastern Europe and the Soviet Union are still seeking freedom.

In the Middle East the tiny state of Israel composed of many survivors of the Nazi terror is at the present also faced with annihilation by the surrounding Arab States. If the world has any conscience whatsoever, it must not allow the Arabs the opportunity to destroy the homeland of Israel.

The sacrifice of the ghetto is now only memory. But to many of us it is a living memory. The epitaph of the Jewish martyrs will be man's continued struggle for freedom against tyranny. It is this thought that I leave to my distinguished colleagues.

SECOND ANNUAL REPORT ON NATIONAL HOUSING GOALS

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. MARTIN. Mr. Speaker, more than a year ago I introduced a resolution calling for an investigation by the House Banking and Currency Committee of the high prices of lumber and plywood. That investigation was conducted and the committee recommended certain long-range solutions to the problem.

Among those recommendations was a legislative means to increase timber growing and harvesting on the national forests. After thorough hearings in the Subcommittee on Forests of the House Agriculture Committee, and substantial amendment of the original bills cosponsored by 63 Members on both sides of the aisle, the full Agriculture Committee voted out H.R. 12025, the National Forest Timber Supply and Conservation Act. There was only one dissenting vote on that committee. The Rules Committee granted a rule.

But, in the face of emotional opposition based upon earlier versions of the bill and with the erroneous conception that the Nation did not actually face serious problems in softwood lumber and plywood supply, the House voted 228 to 150 on February 26 not even to debate the legislation.

On April 2, President Nixon, in accordance with statutory obligations, submitted the "Second Annual Report on National Housing Goals." Printed as House Document No. 91–292, it became available last Friday. I list below for your attention pages 36 and 37 of that House document:

SECOND ANNUAL REPORT ON NATIONAL HOUSING GOALS

BUILDING MATERIALS

The studies conducted during the past year conclude that the Nation's suppliers of building materials probably can meet without difficulty most of the demands stemming from an expansion of housing production in line with the 10-year goals. In most materials supplying industries there is either ample unused capacity and/or evidence of sustained growth that would meet increased demand resulting from the projected levels of housing production. One major problem area is apparent, namely, the projected increase in the need for lumber and wood products. Only through substantial efforts to increase the supply of softwood timber and to develop adequate lumber substitutes will the threatened "lumber barrier" be overcome. Supplies of finished materials that depend upon copper or alloys of copper, and of some fabricated metals products may also present problems at times—though not so serious as to become major impediments to expanded housing activity.

Lumber

The problem of softwood lumber and plywood was underscored by the spectacular rise of lumber and plywood prices in the winter of 1968–69 when housing production temporarily expanded. By April 1969, a broad index of lumber prices was up to a level more than 60 percent above the 1962–67 average. This spectacular price rise partly reflected supply shortages caused by unusually severe weather conditions that hindered both logging and shipping. Also, freight cars were not available in adequate numbers to transport lumber, and imports of plywood had been delayed by the longshoreman's strike. The price trend was finally reversed by a series of effective actions by the administration to release additional amounts of stumpage, cut back Government purchases of lumber plywood, and improve the availability of freight cars for shipping. Meanwhile, housing production was also declining sharply, which contributed to the reversal in the rise of lumber and plywood prices. As a result, by the end of the summer of 1969, lumber prices were down 21.6 percent from their earlier peak. The ratio of lumber prices to the overall wholesale price index remained, however, about 11 percent above its 1962–27 average.

This volatility of softwood lumber and plywood prices made imperative a careful special examination of the impact on these prices that was likely to result from efforts to achieve the housing goals. The analysis undertaken considered probable demands for softwood lumber and plywood stemming both from the housing industry and from the remainder of the economy. The study showed that only through an accelerated management program in both public and private forests could there be any reasonable expectation of adequate supplies of such lumber over the decade to meet all the likely needs at reasonable prices.

Projections of lumber supply and expected demand indicate that sufficient softwood lumber and plywood should be forthcoming approximately at current price levels during fiscal 1970 and 1971. Beginning in 1972, however, supply probably will not keep up with likely demand at current prices, as shown in table XV. The estimated deficit rises from 1 billion to 8.5 billion board feet a year by 1976.

TABLE XV.—ESTIMATED SUPPLY AND DEMAND FOR SOFTWOOD LUMBER AND PLYWOOD[1]

[Billions of board feet]

Fiscal year	Demand[2] Total	Housing	Other	Present management Supply	Surplus or deficit	Accelerated management Supply	Surplus or deficit
Average of:							
1968–69	50.0	15.5	34.5	50.0			
1970	49.0	13.6	35.4	51.0	+2.0	52.4	+3.7
1971	50.3	14.5	35.8	52.4	+2.1	54.8	+5.0
1972	54.1	17.6	36.5	53.1	−1.0	56.6	+3.2
1973	57.6	20.6	37.0	53.7	−3.9	58.6	+2.0
1974	60.9	23.3	37.6	54.1	−6.8	59.9	+0.2
1975	63.1	24.8	38.3	54.7	−8.4	61.5	−0.2
1976	63.8	24.7	39.1	55.3	−8.5	63.2	+1.0
1977	64.4	24.4	40.0	55.9	−8.5	64.9	+2.1
1978	65.0	24.0	41.0	56.5	−8.5	66.5	+3.3

[1] Assumes that prices shown are 113 percent of the 1962–67 average wholesale prices for all lumber and plywood. This is the level reached after the severe pressure on lumber prices in 1968–69 had abated.

[2] This table is based on a moderately different composition of new and rehabilitated units over the decade than shown in the projected production schedule for the national housing goal.

To head off likely pressure on lumber prices, there is a need for a well-conceived program of accelerated forest management, which would permit an increase in the rate of growth of timber and utilization of mature timber, while preserving the multiple use and sustained yield characteristics of the national forests. Steps along lines proposed in the National Forest Timber Conservation and Management Act will help solve this potential lumber shortage while preserving the essential natural character of our forests. There must be a comprehensive effort at timber planning and harvesting; reforestation; construction of additional access roads for increased lumber, recreation, park lands, and other uses, and resource protection from fire, pests, and other improvements. A research program to increase softwood sawtimber growth potential and productivity and to improve utilization of forest products should also be undertaken.

If a program of accelerated management of our forests is initiated, the yield of lumber—particularly from our national forests—can be increased while preserving the principle of sustained yield and the character of these forests as multiple-use resources as presently required by law. Without such a program, unless we have major changes in our technology, we can anticipate rapidly rising lumber prices coupled with a shortage in supply. It must be emphasized that even with an accelerated management program, softwood lumber and plywood prices will rise somewhat in the years ahead. This will, of course, encourage the development and use of substitutes for softwood lumber.

They deal with building materials generally and softwood and lumber particularly. I urge your careful reading of the harsh realities facing our accomplishment of the national housing goals set, not by the administration, but by the Congress.

The President's report states:

> To head off likely pressure on lumber prices, there is a need for a well-conceived program of accelerated forest management, which would permit an increase in the rate of growth of timber and utilization of mature timber, while preserving the multiple use and sustained yield characteristics of the national forests. Steps along lines proposed in the National Forest Timber Conservation and Management Act will help solve this potential lumber shortage while preserving the essential natural character of our forests.

The facts of wood construction materials are clearly apparent in table XV of the President's report. Without sound timber management programs on national forests the Nation can anticipate a deficit of 1 billion board feet of softwood construction materials as early as 1972 which will increase to 8.5 billion board feet in 6 years and be sustained at that depressing level. With sound timber management on the national forests we will be able to meet all of our wood products needs, including building the homes our people require, and suffer only one supply deficit year through 1978. Even the year when our demand exceeds our supply, 1975, will find us with a deficit of only 200 million feet.

I bring these facts to your attention so that when the House next has the opportunity to take forthright action to convert our national forest timber programs from wastefulness and neglect to true conservation and wise utilization there will be none among us who will fail to understand the direct correlation between national housing goals and sound forest management.

GUSTAV A. LOFSTROM

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. GAYDOS. Mr. Speaker, it is not unusual for fraternal organizations to honor one of their own for outstanding service and dedication. It has been done many times by many such organizations.

But, recently in McKeesport, Pa., in my 20th Congressional District, Lodge 136, Benevolent and Protective Order of Elks honored one man in memory of all deceased members of the lodge. The lodge dedicated a ritual clock to Gustav A. Lofstrom, a brother who was shot and killed last year attempting to prevent an armed robbery at the premises. The clock which will chime each evening at 11 o'clock when Elks throughout the world pause in prayer for all deceased brethren, was unveiled by two of Mr. Lofstrom's brothers: Walter T. Lofstrom, former McKeesport police chief, and Ernest Lofstrom, a trustee of the lodge.

The solemn dedication ceremonies were conducted by George Kerecman, exalted ruler of the lodge; Clifford W. Flegal, Sr., a trustee; Stanley Sieracki, chaplain; Samuel A. Weitzner, Thomas E. Vasilich, Edward Macko, John E. Williams, Robert Herr, Edward Sielec, Walter J. Will, and McKeesport mayor, Zoran Popovich.

I would like to commend the McKeesport Elks for their tribute to Mr. Lofstrom and their remembrance of all their departed brethren.

POLISH CONSTITUTION DAY

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, I should like to call to the attention of my colleagues a resolution which was adopted by the Polish American Congress, Eastern Pennsylvania District, at the May 3 Polish Constitution Day observance held at the Shrine of Our Lady of Czestochowa, Doylestown, Pa., on Sunday, May 3, 1970.

The eastern Pennsylvania district of the Polish American Congress represents a five-county metropolitan area comprised of over a quarter million Americans of Polish descent whose ties of affection to this Nation have been especially strong for over 200 years.

The resolution follows:

RESOLUTION OF POLISH AMERICAN CONGRESS, EASTERN PENNSYLVANIA DISTRICT

Adopted at the May 3rd Constitution Observance in the National Shrine of Our Lady of Czestochowa, Doylestown, Pennsylvania, on May 3, 1970, under the Sponsorship of the Polish American Congress, Eastern Pennsylvania District.

Assembled on this 3rd day of May, 1970, at the Shrine of Our Lady of Czestochowa, Doylestown, Pennsylvania, to commemorate the 179th Anniversary of the adoption of the May 3rd, 1791, Constitution by the Republic of Poland, we pay tribute to the authors of that noble document whose principles of the dignity of man, of freedom, justice and democracy have been inspired by our American Declaration of Independence. Appraising the current in the area of the United States commitments abroad, we resolve:

1. To support the United States Government in its search for an honorable, permanent and just solution to the Southeast Asian crisis that involved us in the present struggle against the conspiratorial and aggressive forces of communism, and President Nixon's quest for world peace and American security through meaningful and safeguarded accommodations instead of confrontation with our ideological and political adversaries. We realize that the expansionist policy of red tyranny must be stopped now, for the safety of the free world and for sustaining promise to the enslaved nations longing for freedom and deliverance from oppressive tyranny.

2. To make a qualifying statement to our support of the policy of "building bridges to the East." It is our considered opinion that promising results can be gained through such a policy,—namely, lessening the international tensions and increasing cultural and economic exchanges, for the mutual benefit of the United States and of the peoples economic ills and shortcomings under the inept communist planning. However, we strongly feel, that economic co-operation and concessions should be arranged in such a way, as to assure maximum benefits to the peoples of the satellite countries, and not to their red regimes.

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3. We submit that the time is ripe for the United States to follow the examples of France, Norway, Belgium, Israel and other countries of the free world, and declare that the United States considers the Odra-Nysa boundary between Germany and Poland as permanent and inviolable, subject only to final ratification by a peace treaty as provided in the Potsdam Agreement of 1945.

4. We dedicate our spiritual strength and all our worldly goods to the defense and perpetuation of the American Way of Life.

5. According to press reports, confirmed by the State Department, NATO has worked out a strategic plan which provides for a nuclear attack on Poland and Czechoslovakia in case of Soviet aggression against Western Europe. We strongly protest against this possible plan to genocide innocent people who thru centuries adhered to western culture. In case of Soviet aggression, we believe that nuclear attack should be a direct retaliation against the aggressors.

HENRY J. WYSZYNSKI, *President.*
MICHAEL J. BEDNAREK, Esq.,
Chairman of Resolution Committee.

LET THIS MADNESS CEASE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BURTON of Utah. Mr. Speaker, this editorial from today's Christian Science Monitor needs no additional comment:

LET THIS MADNESS CEASE

Let this madness cease.

By some evil alchemy of events the United States has increasingly found itself to be an embittered, sundered, hatred-ridden nation. And now it has found itself with a supreme tragedy on its hands: two young men and two young women killed because of youth's passionate clash with society.

It is crucially important that this tragedy bring all Americans to their senses, to a realization of the perilous path they are treading, to a determination to reexamine the needs and the methods which have brought the country to this tragic situation. For this is less and less the "blest America" of two centuries of vision. It is more and more like a snarling jungle.

No sector of society, no center of power, no area of leadership is free from the responsibility which attaches itself to these national circumstances. Its weight lies upon public leadership which has often not been sensitive or constructive enough. It involves the failure of the American public as a whole to move fast enough to do away with racial, social, economic injustices. It involves an intellectual community which has too frequently failed to distinguish between constructive open-mindedness and irresponsible permissiveness. It has been fed by a failure on the part of too many young people to distinguish between the rightness of objectives and the wrongness of methods.

If the nation as a whole does not see and recognize such truths, and bend its will to seek a greater degree of progressive consensus, it may have many sad lessons to learn.

Yet we are confident that the right lesson will be learned. Indeed, we can foresee how the tragedy at Kent State University can serve as a warning bell in the ear of every sincere thoughtful American, calling him to a reassessment of current attitudes, objectives, and methods.

We urge President Nixon to greater efforts to achieve that "bringing together" which America so clearly hoped would be the hallmark of his administration. While there can be no disagreement with the basic truth of his statement that "when dissent turns to violence, it invites tragedy," a more uniting touch is what is now called for.

And we urge all Americans to remember that America's great strength and progress have come from an essential unity in diversity. It is a land of many peoples and many concepts. But it has, throughout its history, held to certain unifying principles and certain universally benefiting goals. A return to this state of thought will open new paths of progress in which all can join.

GOOD FOR YOU, DAD!

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. GROSS. Mr. Speaker, I suspect there are more than a few parents who will applaud the recent action of a father in Waterloo, Iowa.

His son was among 11 students released after spending 7 days in jail for violating a court injunction in connection with disturbances at a student disciplinary hearing at the University of Northern Iowa in Cedar Falls. They were greeted by some 50 fellow students with kisses and embraces, but for the one boy it was not an enjoyable "coming-out party"—thanks to his no-nonsense father.

The man, with crewcut hair, firmly escorted his half-bawling son with shoulder-length hair to a car and shoved him in the back seat. When the boy rolled down the car window and shouted to his friends, his father turned and pushed him down on the seat and the car sped away.

What we badly need in this country, Mr. Speaker, is much more parental discipline such as this, including an old-fashioned session in the woodshed.

For a more complete account of the incident, I call the attention of my colleagues to the following article which appeared in the Des Moines Register:

SON GREETED BY IRATE DAD

(By Jack Hovelson)

WATERLOO, IOWA.—There was a "coming-out party" Friday morning outside the back door of the Black Hawk County Courthouse, but it wasn't enjoyed by all.

Fifty University of Northern Iowa students—and one irate father—met 11 students who were being released after spending seven days in jail for violating a court injunction.

KISSES, CAKE

Those who were released were greeted with kisses, embraces and a birthday cake. The latter was in honor of one of the 11 who celebrated his twenty-first birthday on Wednesday—in the jail.

It was a far different greeting, however, for the one book-laden youth who walked out of the courthouse into the arms of his father.

The man grabbed the boy's arm, guided him through the courthouse parking lot, across a street, through another block-long parking area, and then along a sidewalk until they were out of sight.

CAME BACK

Minutes later they came back to the courthouse lot. All the time, it appeared that the man was looking for his car.

At one point, the half-sobbing boy with shoulder-length hair cried out to his friends, "Call the police! I'm being kidnaped!"

His father, with crewcut hair, finally found the car he was looking for. Another man was in the driver's seat.

PUSHED DOWN

The boy, after being pushed into the back seat, rolled down a window and shouted out to his friends. His father turned from the front seat and pushed him down. The car drove off.

In all, 28 young people—all but two of them U.N.I. students—have been jailed here for contempt of court in connection with disturbances at a student disciplinary hearing April 20–21 in the U.N.I. administration building.

THE TRACTOR ACCIDENT PROBLEM

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. SMITH of Iowa. Mr. Speaker, on May 5 the House of Representatives adopted the conference report on H.R. 10105, which would extend and improve the auto safety law passed by Congress in 1966. In spite of the progress made under this law, traffic accidents on our Nation's streets and highways continue to claim a tragic number of deaths and injuries each year and I believe most Members agree that we should maintain and improve our auto safety program.

I want to comment on section 8 of the bill, which provides that the Department of Transportation prepare a report on the agricultural tractor accident problem and submit it to the Congress by January 1, 1971. This provision, except for the date of submission, is the same as the amendment which I offered on the floor of the House last year and I want to thank the members of the committee for their efforts in retaining it in the bill as originally adopted.

Assuming that H.R. 10105 clears Congress fairly promptly and is signed into law without any undue delay, the Department of Transportation will have about 8 months to prepare the report before the required deadline. I believe this will give the Department adequate time and, as author of this amendment, I want to state that section 8 does not contemplate an exhaustive or highly technical report requiring extensive research and testing.

Instead, it was drafted with the idea that the Department would draw together and evaluate the information already available, both inside and outside the Federal Government, and present it to the Congress in a single document together with whatever legislative recommendations the Department feels are needed. In this connection, the amendment specifically provides, in the final paragraph, that other Federal officials

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shall provide the Department upon request with any information they possess concerning agriculture tractor accidents and otherwise provide assistance.

The U.S. Public Health Service, under its injury control program, has already financed a number of studies on agricultural tractor accidents. The National Safety Council also has gathered some information on the problem. I also assume the Department will want to consult with farm tractor manufacturers and draw on their knowledge and experience in preparing the report.

I do think that agricultural tractor accidents constitute a serious safety problem that has been ignored for too long by the Federal Government. According to the best information available, the fatality rate for agricultural tractors is one death for each 7.3 million miles traveled, as compared with one death for each 14.9 million miles traveled by automobile. In other words, the fatality rate for tractors is double that for automobiles.

Actually, the fatality rate for tractors is probably even higher than these figures reflect. One of the problems in this area is that there is presently no accurate reporting system for agricultural tractor accidents and the statistics now available are gathered almost entirely from newspaper clippings.

I believe the Department of Transportation is the logical Federal agency to prepare this report. According to one survey covering 13 States, about 30 percent of the tractor fatalities studied occurred on roads or highways. The basic cause of tractor accidents, both on roads or on farms, appears to be that the vehicle's center of gravity is high and that it overturns when on a slope. Any solution to this problem should reduce the number of deaths and injuries on both roads and farms.

I want to make clear that I have not formed a definite opinion as to what kind of Federal legislation is needed to deal with the tractor safety problem. I do not think the Congress can really act intelligently in this area until after it has received the Department's report. I do think, however, that a large number of persons are killed or injured needlessly every year as the result of tractor accidents. In authorizing this report, the Congress for the first time is officially recognizing the seriousness of the tractor safety problem and I am hopeful that the Department of Transportation will prepare the report and its recommendations in the same spirit.

As I mentioned earlier, our present statistical information on tractor accidents is based almost entirely upon newspaper clippings. One of my constituents, Mrs. Phyllis Brierty, of Boone, Iowa, who shares my concern over this problem, has been faithfully collecting newspaper reports of tractor accidents and mailing them to me. As an indication of the gravity of the problem, I am including in the RECORD clippings Mrs. Brierty has collected from August 1969 through March 1970.

The clippings, which I am sure represent only a portion of the tractor accidents in Iowa during that time, follow:

TRACTOR TIPS OVER ON RUSSELL WILLIAMS

A Crawfordville man, Russell Williams, was injured in a tractor accident this morning. Reports indicate the accident occurred about one-half mile northeast of Crawfordsville. Williams was mowing grass, along a gravel road, when the tractor tipped over. Although injured, he was able to turn off the tractor.

Williams was found, along the road, by a passing motorist, Randy Davis, about 7:30 a.m. He was taken to Washington County Hospital, where he was transferred to University Hospital, Iowa City.

The extent of his injuries or his condition is unknown.

Highway patrolman Lyle Hansen who investigated the mishap, said Williams was pulling a mulcher behind his tractor up a slight incline when the tractor flipped over backward, pinning the driver underneath.

Preliminary reports on X-rays showed he suffered a badly crushed knee and a fractured right arm and possible other injuries.

The accident occurred on land owned by Mr. Williams, near the Jim Edgar farm.

TRACTOR KILLS CRESCO YOUTH

CRESCO, IOWA.—Steven Teetshorn, 16, of rural Cresco was killed Wednesday evening when a tractor he was driving overturned in a pasture about seven miles northeast of here, authorities said.

They said the tractor apparently tipped into a shallow hole, pinning the boy's head under the seat.

The accident occurred about 7:30 p.m. on the Clarence Bronner farm, where the youth lived and worked.

Surviving are his parents, Mr. and Mrs. Vincent Teetshorn, two sisters and a brother. Services will be at 2 p.m. Saturday in the First Lutheran Church in Cresco.

TRACTOR UPSETS, KILLS IOWAN, 62

AVOCA, IOWA.—Herbert L. Sievers, 62, of rural Walnut was killed Wednesday when a tractor he was driving upset on a Pottawattamie County gravel road about two miles southwest of here, officers said.

They said the tractor toppled, pinning him, as he was driving onto the shoulder of the road to let another tractor driven by a neighbor, Paul Simonsen, pass.

Surviving Mr. Sievers are his wife, his mother, two brothers and a sister.

TRACTOR ACCIDENT FATAL TO IOWAN, 74

MASON CITY, IOWA.—Martin J. Bartacek, 74, of rural Bradford, died Thursday in a Mason City hospital of injuries suffered Sept. 6 in a tractor accident near his home.

Driving the tractor pulling a plow on a Franklin County gravel road about 1¼ miles north of Bradford, he was run over when the rig went off the road about 5:15 p.m.

TRACTOR KILLS NEWTON BOY, 10

NEWTON, IOWA.—Terrance David Wormley, 10, son of Mr. and Mrs. Robert Wormley of rural Newton, was killed about 5:30 p.m. Monday when the tractor he was driving overturned and pinned him in a ditch.

Jasper County Deputy Sheriff Wayne Rorabaugh said the tractor upset at the foot of a hill at a gravel road T-intersection when the boy was unable to negotiate a turn.

The accident occurred about five miles north of Newton, about ½-mile from the Wormley farm.

LOSES ARM AFTER TRACTOR ACCIDENT

OTTUMWA, IOWA.—Mrs. Betty Hindman, 21, of rural Albia was reported in good condition Monday in the Ottumwa Hospital following amputation of her right arm, injured in a farm tractor accident.

Her unborn child, expected in about a month, apparently was not injured, hospital attendants said.

Her arm was crushed beneath the tractor about 6:15 p.m. Sunday when it overturned as she and her huband, Charles, were packing silage at their farm about four miles east of Albia.

TRACTOR DEATH

BANKSTON.—A rural Bankston man was killed Monday night when his tractor backed into a large tree limb.

Authorities said Thomas Duggan, 63, was crushed between the tractor steering wheel and the limb. They said Duggan had left home about 6:30 p.m., and neighbors found his body about 8 p.m.

TRACTOR MISHAP FATAL TO BOY

COUNCIL BLUFFS, IOWA.—Steven Craig Hogue, 14, of rural Council Bluffs died Sunday in a hospital here from injuries suffered a short time earlier in an accident on the family farm.

He was helping his stepfather, Harry Foote, start the tractor when the accident occurred, authorities said.

The boy was disconnecting a tow chain between a truck and the tractor when the tractor started, pinning him between the vehicles, they said.

Services will be at 2 p.m. Wednesday at Meyer Funeral Home here. Surviving are his parents, five brothers, a half-brother and two stepsisters.

INJURED IN ACCIDENT

Earl Moore of Madrid, who was injured in a tractor accident, Thursday, Oct. 9, was transferred from the Boone County Hospital to the Iowa Methodist Hospital in Des Moines, where he underwent emergency surgery.

BOY, 14, KILLED IN TRACTOR UPSET

WALKER, IOWA.—Michael Sackett, 14, son of Mr. and Mrs. Willard Sackett of rural Walker, was killed Tuesday morning when a farm tractor he was driving overturned off a Linn County road about two miles west of here, Sheriff Walter Grant said.

Grant said the accident occurred when the boy apparently lost control of the tractor as he was turning a corner. He was pinned by the vehicle and his body was found about an hour later by a mailman, the sheriff said.

MOTHER KILLED IN TRACTOR MISHAP

NEVADA, IOWA.—Mrs. Arthur Borton, 27-year-old mother of two, was killed when the tractor she was driving overturned and crushed her at about 2:30 p.m. Saturday on a country road about a mile from her home.

The Bortons live on a farm about seven miles northwest of Nevada. She was pulling two empty wagons with the tractor when the accident occurred, authorities said.

ELKHART MAN DIES IN TRACTOR MISHAP

Ed Mason, 77, of Elkhart, died Monday of injuries suffered in a tractor accident near Elkhart, authorities said. Mason was dead on arrival at Iowa Lutheran Hospital about 3:15 p.m.

DIES AS TRACTOR IS OVERTURNED

ELWOOD, IOWA.—John C. Gohlmann, 28, of Lost Nation was killed Friday when the tractor he was operating overturned while removing snow from a driveway.

The accident occurred at the home of his brother-in-law, Raymond Burke, who lives two miles west of here.

IOWA TOT KILLED IN TRACTOR MISHAP

LEWIS, IOWA.—Patrick Nettz, about 4, son of Mr. and Mrs. Roger Nettz of rural Lewis, was killed Wednesday afternoon when he was run over by a tractor in the driveway of his farm home about eight miles southeast of here, Cass County sheriff's officers said. Officers said the boy apparently fell off the tractor, driven by his father.

TRACTOR FLIPS—BOY, 7, KILLED

OAKLAND, IOWA.—Kendell Bates, seven-year-old son of Mr. and Mrs. Dean Bates of rural Griswold, was killed Saturday when a farm tractor overturned on him seven miles east, 1¼ miles south of here.

Authorities said his brother, Randall, 15, was operating the tractor which apparently got too close to the shoulder of the road and upset.

The boy was dead on arrival at the Cass County Memorial Hospital in Atlantic.

DRIVING TRACTOR, WOMAN IS KILLED

AUDUBON, IOWA.—An Audubon County woman was killed Wednesday when the tractor she was driving veered off a bridge and crushed her.

Dead is Joyce Irlmeier, 22, of rural Gray. Authorities said the accident happened about eight miles northeast of here.

TRACTOR MISHAP KILLS IOWAN, 54

KNOXVILLE, IOWA.—Lloyd Vroegh, 54, of rural Knoxville was killed Saturday evening in a tractor accident on his farm.

Authorities said Vroegh's clothing became entangled in the power takeoff of his tractor. They said he was dragged with the machine, which overturned in a ditch.

Vroegh was found by his wife.

Services will be at 2 p.m. Tuesday at the First Reformed Church here, with burial at Graceland Cemetery. Besides his wife, he is survived by three daughters, a son, a sister, and three brothers.

TRACTOR KILLS SUTHERLAND MAN

SUTHERLAND, IOWA.—John Edward Giese, 54, of rural Sutherland, was killed Monday afternoon when a tractor he was driving overturned on him on a county gravel road about four miles north of here.

Authorities said Giese's tractor was pulling a truck when the accident occurred. The occupant of the truck, Thomas Triplett, 45, of Sutherland, was not injured.

CYLINDER YOUTH DIES IN MISHAP

EMMETSBURG, IOWA.—John H. DePue, 14, of Cylinder, was killed Saturday when the tractor he was driving left a Palo Alto county road about eight miles east of here.

Authorities said DePue, son of Mr. and Mrs. Henry DePue, was hauling a load of hay when the accident occurred.

FLOYD MOORE, 14, DIES OF INJURIES

CEDAR RAPIDS, IOWA.—Floyd Moore, 14, foster son of Mr. and Mrs. Richard Allbones of rural Center Point, died Friday night at St. Luke's Methodist Hospital of injuries he suffered Mar. 7, when he fell off a tractor in Center Point.

Police said the tractor was driven by the youth's older foster brother. The boy apparently was run over by a wagon hitched to the tractor, officers said.

TRACTOR ACCIDENT KILLS OSAGE MAN

OSAGE, IOWA.—John Klemesrud, 37, of rural Osage, was killed in a tractor accident about seven miles west of here Wednesday morning.

The Mitchell County sheriff's office said the tractor, pulling wagons loaded with silage, went off the gravel road and turned over, pinning Klemesrud under it.

Services will be at 2 p.m. Saturday at the Rock Creek Lutheran Church in rural Osage. Surviving are his wife, three sons and four daughters.

TRACTOR ACCIDENT KILLS DUNLAP BOY

DUNLAP, IOWA.—A rural Dunlap farm youth, Joseph Benedickt, 18, was killed Wednesday when the tractor he was driving ran off a Harrison County road and overturned on him.

Harrison County Deputy Sheriff Gerald Matheny said the youth, the son of Mr. and Mrs. Martin Benedickt, was killed when the rear wheels of the tractor slipped off the road and the vehicle overturned.

WAR VICTIMS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, I would like to think that the overwhelming majority of our people share a sense of almost overwhelming sadness at the deaths of the four young students who were shot down on the campus of Kent State University. Surely, this will go down as one of the more deplorable incidents in our history. It is not my purpose now to assess blame for the shooting to individuals. Such an assessment must await the results of an official investigation. But in a larger sense, it is an inescapable fact that this terrible event would not have occurred were it not for the recent assault launched upon Cambodia by the United States. It is impossible to overestimate the atmosphere of dismay and frustration which this assault has engendered among our young people. I think the situation has been placed in proper perspective by the enclosed editorial which appeared in the Easton Express on May 5, 1970. The editorial requires no further comment from me:

WAR VICTIMS

The ugly countenance of violence and official overresponse was shown again in our nation yesterday when four of our young people were shot to death and several others injured by Ohio National Guardsmen on the Kent State University campus.

Provocation appears to have been great, and, in the face of it, the guardsmen exercised what their commander said is a military man's "option"—to fire if his life is in danger.

The guardsmen were confronting about 500 students demonstrating against President Nixon's escalation of the war in Southeast Asia. A few of those students evidently were armed—at least according to the guardsmen's report that they were fired upon.

Nevertheless the military unit opened fire at close range into the entire gathering of young demonstrators, and two young men and two young women died, none of whom, according to accounts of the tragic incident, possessed guns.

The guardsmen's reaction was wholly senseless, unnecessary and unpardonable. No justification is possible for firing into the ranks of hundreds of young people, killing and maiming, to repress a few radicals among them. But it is the kind of overresponse that has diminished respect for the forces of law and order.

And it was the sort of agony which can be expected to burgeon so long as the tragic divisions fostered by the war continue to plague the American society. Violence begets violence, and it is no more tolerable in a helpless Cambodian hamlet than it is on the campus of a midwestern university.

The administration's election promise to put an end to American involvement in the Southeast Asian war appears to have been forsaken. And the tragic incident at Kent State does not reflect responsible official policy—a sane approach to "law and order."

We cannot regard the young people who were slain and wounded by the guardsmen as "bums," effete snobs or extremists. They, too, are victims of the war, the monumental irrationality of power politics and war and what they do to men's minds. We all ought to be wearing black armbands today to express moral outrage as well as mourning.

NAZI CONCENTRATION CAMPS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HELSTOSKI. Mr. Speaker, the 20th century unfolded the most horrible chapters against mankind, and such names as Auschwitz, Dachau, and Babi Yar became known to the world as places where genocide was practiced against millions of human beings.

Most of these who perished in the gas chambers set up by the Nazis died in terror, fear, and confusion, as mass graves and crematoriums of Chelmo, Treblinka, Majdanek, and Sachsenhausen filled with awful swiftness.

In humanity's struggle for dignity, justice, and brotherhood and in terms of the world's progress for reverence of life, these Nazi concentration camps stand out in bold and terrifying detail as the greatest crime of mankind against a fellow human.

Mr. Speaker, much has been said and written about these terrible concentration camps and what went on behind these fenced in enclosures. At this time I would like to bring to the attention of my colleagues an article from the Polish American, a weekly newspaper widely circulated among the Americans of Polish extraction. This is an eloquent real account of what happened at one of these Nazi camps and I commend it to the attention of my colleagues.

The article follows:

[From Polish American, Apr. 11, 1970]

THE ROAD TO MAJDANEK AND BACK

(By Kazimierz Wdzieczny)

(NOTE.—The following story is a real account of a few days in the infamous Majdanek concentration camp which the Nazis set up. We reprint it here from *Poland* magazine in tribute to all those who were shamelessly murdered by the joint enemies and executors of Poland, the Nazis and the Soviets.)

That night, we slept on the bare ground in a barrack. In the morning, beating us with sticks, they drove us like cattle to the roll-call grounds. We were ordered to take along with us the first corpse, a certain Gajewski from Warsaw in order to add one more person to the total in our block. This was our first encounter with the concentration camp and of what went on there. This was the concentration camp of which we had heard whispered reports and of which we had read in the underground newspapers.

Barracks 17 and 19 in Sector III were full of people with typhus and typhoid fever. Regular quotas were taken from these barracks for the gas chambers. Standing idly in

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rows lined up for the roll call, we observed emaciated prisoners being driven up in huge wagons and then saw two of the stronger prisoners tossing in the living and the dead. This was a horrible sight. Some of the sick caught at the edge of the wagon or poked their heads out from under a pile of corpses begging for mercy or shouting incoherently in various languages. They were shoved back and covered by another pile of bodies. We were transfixed with horror. This was cold reality, even if it did seem like a terrible nightmare which could not last.

Choked sobs escaped from the youngsters who were lined up with us. Stasio Nadert, who had been arrested for singing in trains wept the hardest. That was our first roll call and our first impression of the concentration camp.

After the evening roll call, at which a few of us were beaten, our hopes began to revive. We were given a taste of coffee and a small slice of bread. Then blankets were brought in. They were crawling with lice although we could not see them in the dark. We felt them as soon as we lay down on the ground. Some men tossed away the blankets. These were caught up by men who had nothing but their thin clothing to protect them aaginst the cold. After a while two older prisoners came in to take away the coffee kettles. We asked them about conditions here. "This is death. This is your end," they replied. "You saw this morning. That's your fate, that's all you can expect of life here." One of our group rushed at them shouting "Shut up!"

"We're going," one of the older prisoners replied, "tomorrow you'll see who'll be loaded on the wagons." They left. The rest of us fell silent as if struck dumb with terror at the fate that awaited us. The following morning confirmed their evil predictions. Among the sick men stripped naked and writhing in the snow were many Poles and prisoners of other nationalities.

DISEASE STRIKES

The blankets issued to us began to have their effect. In the course of a single week typhus and pneumonia broke out in every barrack. We were starved but everything was still fine because we still had our own clothing and many of us had warm winter underwear. But even this was taken away from us. Two weeks after our arrival in the concentration camp, we were marched to the bath. We saw our prison bundles with our underwear and the things given us by our families being carried out of the barracks we had just left.

In groups of fifty we were herded into the *Effektenkammer* barrack (Dressing Room Barrack) where we were stripped to the bare skin and our clothing checked. It was so cold that our mustaches and beards were covered with icicles. We ran to the baths across high drifts of snow but had to wait at the door until the first group finished its bath.

After washing, running on the double, we quickly caught the striped prison uniforms issued to us and, hurrying outside, pulled on the thin shirts and the lice-infested prison rags. The day I was sent to the bath was freezing. Our wet hair turned into a cap of ice which we tried to melt by rubbing it with our stiff frozen hands. Directly after the bath, we reported for the roll call in nothing but our thin clothes. The roll call lasted three and a half hours. That was when our companion Dunin-Wasowicz, an old man of 67, died.

We were taken to Sector IV which we called death row. Typhus fever raged in all the barracks. There were about 200 dead and from 200 to 300 taken sick in the sector each day. The sick were dragged to barracks 7 and 9, which we used to call the *Gamelblock* (Stinkers' block). Once every week those who had survived were disposed of by being taken to the gas chambers.

One day I had such a terrible headache and my legs felt so weak that I could not stand up to the end of the roll call. I knelt down and although a *Kapo* kicked me, I just didn't have the strength to rise or to crawl to my *Kommando* (work detail). The others marched out to their duties. The sick who remained in the yard—there were about 150 of us—were pushed and prodded or dragged by their feet to the *Gamelblock*. Some of the others who went there with me were: Jozef Marszalek, director of the Agricultural Bank of Warsaw, Lecki—a young composer from Warsaw, Ilowiecki—president of the Warsaw division of the RGO. They all died.

The barrack was filthy, the bare ground covered with mud, snow and feces. Scores of still-living prisoners were writhing in this awful mess.

Under the wall, arranged neatly in roll-call order, lay last night's crop: four rows of corpses. After a while they were loaded onto wagons. Weak as I was, I crawled among prisoners, looking for a clean place to die like an animal. My tongue felt as dry as a stick. But there was no water available in Sector IV, not even for those who were able to work.

The most carefully scooped up snow was mixed with excrement. Even one's last hour here was a struggle. I felt cold although the snowflakes immediately melted as they fell on me. I snuggled up to my third prisoner, but he soon grew cold like the previous two. I couldn't understand why I suffered this punishment. Why couldn't I die? Death seemed to come so easily to others. Wednesday. Was I to capture the record and survive until Saturday so that they could kill me by gas? I didn't want that. Saturday was still too far off. But there was a chance I might die before then. I wished for death.

DEATH HOVERS

Everything else in this world seemed unreal. I no longer thought about it. I thought and hoped for death. Yet death refused to come.

Amidst the moans I groped at night for the living in order to warm my trembling body. The prayers I had learned from my mother would not pass my lips. It was not my suffering that was unbearable but the tragic cries of the dying.

Thursday morning. They dragged in a new batch of sick prisoners. I greeted my comrades with silence. They too remained silent. No one talked or spoke here. Half-crazed thoughts assaulted our minds. One conversed in one's mind with those who were far away. I was still alive and waiting. The thought occurred to me that Dante's fantasy was nothing compared to my reality. He had no source to draw on for his hell. He had not seen Majdanek.

This could not go on much longer. "Luck" must finally smile on me—I too must find my paradise in death. Only then would I be free of my oppressors and of all those hideous atrocities that made the world unacceptable and repulsive. Curses even against my mother forced themselves to my lips even though she was sacred to me. Unfortunately, I began to feel better. I was not so sick any more. My agony would continue until Saturday. Why did everything seem so clear to me? Why could I not be like a dumb animal mutely awaiting the decrees of Providence?

I collected the last vestiges of strength and began to search among the corpses for something I could use. I found a belt which I tied to mine. Swaying and falling to the ground several times but fully conscious of my purpose, I climbed onto the latrine and calmly and without any emotion I carefully made a noose which would bring release from life and from being thrown alive into the gas chamber.

Thinking of my mother, I jumped off the latrine. But as luck would have it, one of the belts snapped. I set out to look for another. All the corpses I searched looked as if they were unhappy in the other world as well.

LIFE RETURNS

I was overwhelmed by emotion and by a sudden rush of desire to live. No, that was weakness. I found a length of strong wire and tied it to my belt. This time I would surely escape from life. A star lit up before my eyes, there was a burst of flame and a loud hum in my ears, something like the hissing sound of the surf. That is all I remember.

When I opened my eyes again, I was back in the *Gamelblock*. Stefan Frydeberg from Warsaw, a companion of mine from Pawiak, was standing over me. He asked, "Have you gone mad? You can't give up so easily. Don't be a weakling. I've been trying to bring you back from the other world for the past half hour."

My gaze was wild. I felt a deep resentment against him. "Stefan, why did you do it? I've got typhus. I'd be at peace now. And you shove me to the gas chamber!"

"You've got typhus? I didn't know. I thought you were crazy. What a pity! Go ahead, hang yourself again. See if I care. The gas chamber isn't so terrible. For cowards maybe. Sooner or later we all have to go there. Hold out a few more hours until they come to take you. Are you thirsty? Maybe I'll give you some coffee tomorrow. Say, don't tell me you can't walk if you try Jerzy Norton has typhus but he goes to work every day. Try it. I'll get you out of here. If you can't walk you'll come back here again. Tomorrow is Friday and Saturday will be the end for you. I'll do the best I can for you. You can take the bucket and come with me as my aide. I'll give them a couple of cigarettes and they'll let you out. There are plenty of sick men out in the Sector. They'll come here themselves because they won't have the strength to go on working. They won't even notice your absence. One thing, don't lie down during the roll call. Have your companions hold you up. You'll be lucky if the roll call doesn't last long. Besides, you might feel better tomorrow."

With Stefan's help, I got out of the *Gamelblock*. The following day was very strange. The *Kommandos* were turned back from the gates. There was a rumor that a transport (of prisoners) was to leave the camp. The rumor, started by the SS, spread quickly through the sector. The transport was to be taken to free labor. This was said so that the prisoners would not try to escape. The whole farce of looking for specialists then began. The first call was dairymen. Nearly everybody in the sector claimed to be a dairyman. I saw an SS functionary beating and driving away from the group of dairymen, old Konecki from Warsaw who for many years had been director of the Institute of Meteorology at Yokohama, Japan. One by one they formed groups of all the specialists. Finally they called for tilestove builders. Swaying on my feet, I stepped forward. Frydeberg and *Lageraeltester* Józef Kowalski recommended me as an expert in my trade.

One of the SS functionaries, nicknamed Hawk, sniffing a corpse in me, shouted "*Du bist krank, zum Gamelblock.*" Another one told me to run a number of steps. I gathered the last remnants of my strength and ran stumbling. Hawks rushed at me but, noticing a prisoner without a number, he began to beat him. I took advantage of the opportunity and joined the group picked out for the transport. We left Sector IV and, prodded by blows and shouts, we went to the bath. I sank into a tub of water with Kuprex dissolved in it. Feeling thirsty I sipped the hideous water. The *Kapo* noticed this and kicked me twice in the stomach. I threw up all its contents. But when I was under the shower,

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I let the water pour into my mouth. Other prisoners did the same. I am sure that even people in the Sahara are not as thirsty as we were in the concentration camp.

THE TRANSPORT

From the bath we were taken to Sector III. The transport was to leave from there. The sick, including myself, were rejected. They herded us into Barrack 6, which was empty, and stripped us. I was in a barrack with the dying again. But this time I wanted to live even though my body was burning with fever. It was the end of March 1943. Sector III consisted of *Kommandos* working on the construction of the Guard House. I knew that in order to raise production, they did not take the sick to the gas chamber from here. They died in the sick ward. I began to fight for life. The thing that I had wanted to do a few days ago could not happen again. My party comrade, Stefan Zaborowski, who worked in the kitchen, appeared in the morning during the roll call and brought me a blanket and then ran to fetch some coffee. I kissed his hands.

After three days in Sector III all those who had typhus (about 280 persons) were transferred to Sector I. We went barefoot, dressed only in our shirts. The road was strewn with the dying. The sick men dragged each other along. From those who collapsed in the snow, they took away the blankets.

Upon reaching Sector I, we lined up in front of the ambulance and waited until the *Leichentraeger* (body bearers), brought along all the dead and the living who had dropped on the road so that the number of arrivals in Section I would check with the number of departures from Sector III. The operation took about four hours. Out of the original 280 persons only 70 remained.

In Barrack 8 of Sector I, I came in contact with Paul Hoffmann and Muhsfedt, the chief of the crematorium. They showed up every week with Thumann to make the selection. Those of us could walk lined up, the others were rounded up. Thumann always had his German police dog with him. We called the dog the "head doctor" because it was he who very often decided the fate of a prisoner. If the dog happened to snarl at a man for no reason at all, Thumann would promptly sentence the man to death.

Thumann walked between the ranks of prisoners without uttering a word. He just pointed his crop at the prisoners he selected for the gas chamber. At times he would select five in a row, all other times he picked out a single man from every rank. One never knew where to stand in order to avoid his pointing crop. During the selection conducted on May 15, 1943 he pointed at Hering, a political activist from Warsaw, and killed him with his crop.

In the *Revier* (hospital barrack) I met a civilian worker named Wiktor Betlewski from Warsaw (he died later in Oranienburg). Through him I got in touch with my family and received assistance. Thanks to his help, my weight, which had been 59 pounds after typhus rose to 121 pounds. Still feeling weak and wobbly I was put on the *Leichentraeger-Kommando* whose duty it was to carry the corpses to the old crematorium. We also helped unload the gas chambers when there was an extra large number of gassed victims. I worked in the *Kommando* for six weeks. There I had a chance to come into direct contact with the cruellest atrocities committed by the SS. One day at the end of May, as I was carrying a corpse to the old crematorium, I saw just ahead of us two prisoners escorted by Groffmann, an SS functionary, and carrying a weeping, blood-covered woman on a litter used for carrying grass. They were coming from the "field of roses."

I was struck by the unusual beauty of the woman. She was all smeared with blood because just a short while before she had given birth to a child which she was holding in her arms. The child had not been washed and had bloody cloths sticking to it. Sobbing, the mother held the child close to her. It was still fairly early in the day and there was no movement in front of the crematorium. The litter with its burden was placed near the window of the crematorium. It was a beautiful morning. The fields glistened with silver dew. The sun cast a golden light on the woman's face. She looked like the Virgin Mary. Despite the pain she had suffered, her face glowed with joy. She did not know what lay in store for her. She had just come with the new arrivals and had not yet been taken through the camp admissions. She had given birth to the child in the "field of roses" where the arrivals spent the night. We practically ran as we passed her with the corpse. She looked at us as if expecting to see a doctor. When we went inside, Groffman and *Kapo* Hoffmann came out. The *Kapo* grabbed the child from her and threw it into the crematorium through the open window. The anguished cry of the woman was drowned out by the blows of the stick. The day was still beautiful.

LOW-EMISSION VEHICLE ACT OF 1970

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ANDERSON of California. Mr. Speaker, air pollution continues to darken our cities' skies and threatens our total environment with its poisonous chemical mixtures.

The primary contributor to this pollution is the automobile, which accounts for 85 percent of the pollution in some of our urban areas. The automobile is responsible for dumping into the atmosphere each year more than 90 million tons of pollutants—this is twice as much as any other single contributor.

Twentieth century man can point proudly to a partial mastery of his environment, but 20th century man has not yet confronted his potential for self-destruction. Air pollution—an attendant detriment of modern technology—must be attacked at its source.

Presently, there are regulations in the law books which are designed to meet the problem of vehicular air pollution. Yet, the present standards will not stabilize, much less reduce, vehicular air pollution. Studies indicate that, under existing controls, automobile air pollution in the United States will more than double in the next 30 years because of the projected increase in both the number of vehicles and miles driven by each vehicle.

Mr. Speaker, in light of the evidence, and in light of need for action, I am today introducing a bill which will ban pollution-causing internal combustion engines in motor vehicles after January 1, 1975. This legislation is modeled after California's Low Emission Motor Vehicle Act which defines a low-emission vehicle as one which "does not have exhaust emissions of more than 0.5 grams per mile of hydrocarbons, 11 grams per mile of carbon monoxide, and 0.75 grams per mile of oxides of nitrogen."

It must be noted that this measure applies only to new cars, and does not apply to used cars. Used cars present a special problem, but I am encouraged by an announcement by the Chrysler Corp. stating that they have developed an inexpensive package which will be made available for nearly 100 percent of its domestic Chrysler cars in California for the 1955 through 1965 model years.

Mr. Speaker, the time for rhetoric is over—we must take positive action to clean up our environment and prevent further ruination of the air we breathe.

PRAISE FOR CONGRESSMAN MASTON E. O'NEAL OF GEORGIA'S SECOND DISTRICT

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. STEPHENS. Mr. Speaker, when my friend MASTON O'NEAL announced his intention to give up his seat in Congress because of a recurring heart ailment, I knew it was the best thing for him personally to do. I also knew it was a loss to Georgia and to the United States. The Georgia delegation over the past 6 years has appreciated MASTON's levelheaded approach to every problem and his candor and intellectual honesty. I think MASTON knows how we feel. In addition, I believe he has felt the warmth and confidence which has come from people in his district whom he has represented well. Until circumstances forced him to retire, these thoughts and sentiments were hardly expressed. They were gathered from just a few words spoken, by a nice letter or from an introduction at a speech. However, now that MASTON is terminating his long years of public service, many of his friends have put their feelings into words. Some of the comments are so well done and MASTON deserves them so much, I ask to set a few out in the RECORD so MASTON's congressional friends can enjoy them, too:

[From the Bainbridge (Ga.) Post-Searchlight, Apr. 23, 1970]

O'NEAL WILL NOT SEEK REELECTION TO HOUSE

Maston E. O'Neal, a native Decatur Countian, who has represented the Second Congressional District in Congress for the past six years, has declined to offer for reelection, and will retire after this term due to a heart condition which he states "has worsened during the past several months".

O'Neal made his statement not to run Tuesday, and his announcement came as complete surprise to his constituents in the 20 counties of the district.

He was elected in 1964, and followed Congressman J. L. Pilcher of Meigs, who retired after 12 years service in the House.

Congressman O'Neal's telegram to the Post-Searchlight was received here 1:15 p.m. Tuesday, and is as follows:

"I have decided not to seek reelection to Congress this year. A heart condition which developed recently is gradually worsening and is specifically affected by tensions, anxieties, frustrations and excitements. For nearly twenty-four years as District Attorney and nearly six years as Congressman, these

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tory payrolls and taxes, so proud of our indoor plumbing, and so desirous of a pest-free back yard that we have not considered the side effects.

We haven't been concerned about the beaches where people can't swim. We haven't cared about streams where fish can't live. We haven't been apprehensive about the chemicals or the smoke which float through the air from the chimneys of our homes and factories.

These were the side effects.

At the end of 1968, these were of only minor interest to the American public. Rachel Carson had written a book entitled "Silent Spring." Some people claimed that DDT was doing us more harm than the pests had ever done. Here and there, a newspaper pontificated editorially against despoiling our planet.

As excitement goes in our country, however, the quality of the environment didn't amount to much. A year ago right now, a Congressman could get bigger headlines by declaring that some census questions are an invasion of privacy.

By last summer, a few people were faulting the Army Corps of Engineers for dredging the harbors at the south end of Lake Michigan and dumping the dredgings out in the lake. A few were beginning to complain to their Congressmen about this.

My reply was different from the others. I said that the Corps of Engineers was doing what Congress had ordered—dredge those harbors and dispose of the refuse as cheaply as possible. I told these complaining people that I, for one, would be happy to see the waste dumped somewhere else, even at greater cost—perhaps $10 a cubic yard instead of $1 a yard.

But it seemed that most people weren't ready for anything as radical as that—not then. They are ready now.

Sometime during the late summer and fall of 1969, people got mad about dirty streams and dying lakes, about smoking smokestacks and smoking jet planes, and about foul smelling garbage dumps and all the other malodorous symbols of our industrialized society.

Sometime in the latter part of 1969, the fellow changed his mind about objecting to $10 a yard for dumping the wastes of harbor dredgings. Suddenly, if that extra $9 was what was required to save Lake Michigan, he was willing to pay it.

Almost overnight, people who had been demanding economy in government changed their minds. Not all the way, of course. These are people who don't like foreign aid, or the race to the moon, or welfare, or Federal aid to education, or any of the other programs which have helped to expand the federal budget in recent years.

Suddenly, they were saying, "Damn the expense! Full speed ahead in the fight against pollution!" And their temper was such that they did mean fight!

Now, a lot of people in these United States have complained from time to time—and I have joined them occasionally—that Washington is out of touch with Main Street, U.S.A. The Federal Government has gotten so big that the opinions of the people just don't register.

There is merit to this point of view.

Let the record show, however, that President Nixon and 535 members of the Senate and the House of Representatives got the anti-pollution message, loud and clear.

President Nixon can hear as well as anybody when he wants to. And he was listening to the people on pollution. As a result, on February 10, he sent a message to Congress on the State of the Environment.

In talking about this, I promise not to tell you *everything* that's happening in Washington in regard to ecology and environment. I have no desire to keep you here all day.

We have bills to prevent collisions with oil barges; bills to permit recovery of damages for crops injured by pollution; bills to regulate detergents; bills to prevent dumping of anything detrimental into any navigable water; bills to offer tax incentives to industry for installing anti-pollution devices; bills for new commissions, bureaus and conferences to lead us into the war on pollution; and a few hundred others.

If you're interested in discouraging pollution—and I assume you are or you wouldn't be here—crank up your imagination and let it run wild for a week. Jot down every anti-pollution idea which comes to mind.

I'll wager there's a bill in Congress to cover it. We have bills to forbid doing most anything except find oil in the back yard of a Congressman's house.

In his State of the Environment message last February 10, President Nixon was somewhat less diverse than Congress has been. He touched upon a mere 37 points; and the legislative part of his plan has been encompassed in seven bills. I am one of the numerous co-sponsors in the House of Representatives.

They deal with air, water, and solid waste pollution. They deal with open space and recreation. And they are realistic.

The President proposed a $10 billion program to build sewage treatment plants in the next five years—60 percent local money, 40 percent Federal.

He asked for creation of EFA, the Environmental Financing Authority, to make sure that every municipality can finance its 60 percent share. He wants a strengthening of Federal-State water quality standards, setting precise limits on effluents which may be discharged into any body of water.

The bills also extend Federal authority to all navigable waters, to interstate underground waters—meaning deep wells—to the United States portion of boundary waters, and the neighboring oceans.

One bill would give the Secretary of Health, Education, and Welfare authority to regulate the composition of gasoline. He now is limited to setting standards for automobile exhausts.

Air quality standards are now established by the States, but are not uniformly enforced, partly because the States fear losing taxable industries. The item which caught the eye of industry and the headline writers is the penalty—$10,000 per day for violators, contrasted to the present maximum of $2,500.

If severe pollution threatens health, the Federal Government could ask for an injunction. There are provisions for the immediate elimination of air pollutants which are imminent threats to health.

The Solid Waste Disposal Act of 1965 will expire this year. We have a bill to renew it and, at the same time, to stress the uses of substances impervious to rot, such as glass and aluminum. The bill also would encourage use of packaging which will decay.

Finally, there is a bill to encourage parks near large urban centers.

Those are the President's proposals, and I can summarize them in legislative form. They indicate the direction of the present Federal effort. I believe they are likely to pass, but I must add a warning: Don't be surprised if they turn out to be minimums. There is a tendency on the part of the Democratic majority in Congress to take any Presidential suggestion, multiply its cost by two or more, and claim the program as a Democratic invention.

As an example, Senator Muskie would replace the Nixon $10 billion plan with a Muskie $25 billion plan.

I already have mentioned that we have been careless of the side effects of our growing population and our rapid industrialization. Now, let me suggest that we not continue that sort of carelessness.

We now have embarked upon a conserving of our natural resources and also—we hope—upon a restoring of our environment to what it used to be. In this connection, let me read you three sentences from the President's message on pollution:

"The task of cleaning up our environment calls for total mobilization by all of us. It involves government at every level. It requires the help of every citizen."—And I want to emphasize this next: "It cannot be a matter of simply sitting back and blaming somebody else."

There will be little profit for us in trying to find villains on whom to blame our situation. We can only blame almost all of us. We have come to where we are together.

Let me tell you the experience of a friend. He was driving from White Sulphur Springs to Charleston, along the beautiful Kanawha River in West Virginia. The day was perfect until he spied some smoke in a distance; and it soon became apparent he was driving toward it.

Rounding a bend, he came upon the source of the smoke, a factory owned by one of the largest corporations. He was quite angry at the firm for despoiling that beautiful valley.

Later, at lunch in Charleston, a West Virginia friend assured him that the pollution was illegal; but the law was not being enforced.

Why not?

"Because," he was told, "we are afraid the company would simply shut down its plant and move the operation to some more tolerant state. West Virginia needs those taxes and, more important, West Virginia people need those jobs."

I have told you this story because it illustrates several facets of the pollution problem.

First, our laws until now have assumed state primacy. We will have to come to a degree of national primacy. The government in Washington must come to grips with the problem because *some* states can't. Perhaps *all* states can't. In some states, the people do, indeed, need the jobs more than they need the beauty of a sparkling river.

Additionally, it illustrates the point I made a moment ago about finding villains on whom to blame our condition.

The corporation which owned the plant is big. It makes many products which are sold to the public. My friend, when he told me this story, added that, for a long time afterward, he refused to buy any of its products.

He patronized the company's competitors for several years until, one day, he found he could save a dollar on a five dollar purchase. For 20 per cent, he told me, he could no longer be that angry about smoke he had seen several years earlier.

And the company *does* make good products.

And his wife spoke well of the attractive package.

And my friend had no complaint about the attractive package of the girl in the company's TV commercials.

Obviously, the man who told me this is not one of the new breed of activists. And, just as obviously, whatever militancy he harbored had gotten quite feeble over the years. And so, by patronizing the corporation, he became a partner to its pollution of the air of West Virginia.

The burning of any fossil fuel causes some pollution. Hence, people have been critical of electric utility companies which burn coal to generate electricity; but would they defend the company next summer if there wasn't enough electric power for their air conditioners?

Suits have been filed against motor car manufacturers because car engines emit carbon monoxide and other noxious gases; but the manufacturers' real sin has been making cars which will go as far and as fast as a rich and restless people want them to go.

I don't think the automobile manufacturers are any more to blame for pollution than the people who drive their cars; nor do I believe the utility companies are any more to blame than the people who own electric refrigerators.

All of us—or at least almost all of us—have been in this business of polluting our air and water together. Now we must all be in the business of trying to save our environment We must all get out of this mess together, or we are likely not to get out at all. If we waste our energies on recriminations and back-biting, we will assure ourselves of some unwanted side effects which will delay solution of our common problem.

In Utopia, of course, we would have no recriminations; but in the United States that may be asking too much. Some have been telling us about pollution for a long time, but they have been as voices crying in the wilderness. It seems only fair that we, who were deaf to their warnings for so long, should now permit them an occasional "I told you so."

For myself, I promise to make every effort at tolerance.

For me, forbearance will be more difficult toward another group. I speak of those who almost make me wish we hadn't sent a man to the moon. They are the ones who have been telling us ever since last July that, if we can put a man on the moon, we can clean up our air and water, we can teach our children to read, build houses for all poor people, break down the barriers between the races, put an end to poverty and ignorance; and then the next day open the gate to a thousand years of peace.

It was Apollo 11 which landed Neil Armstrong and Edwin Aldrin on the moon last July; but it was Apollo 8 which, six months earlier, sent Frank Borman, James Lovell and William Anders on the first moon orbiting mission. They were the first men to get a close look at the moon.

After their return, they were questioned about their deepest emotions during their journey.

Their reply was that they had been overwhelmed by the beauty of Earth, contrasted to the bleakness of space and the grayness of the moon. This observation may have made the whole space program worthwhile, in the opinion of Dr. Rene Dubos. A distinguished micro-biologist at Rockefeller University in New York. Dr. Dubos had previously been less than enthusiastic about space exploration.

I'm quoting him now:

"The incredible beauty of the earth as seen from space results largely from the fact that our planet is covered with living things. What gives vibrant colors and exciting variety to the surface of the earth is the fact that it is—literally—a living organism.

"The earth is living by the very fact that the microbe, the plants, the animals and man have generated on its surface conditions which occur nowhere else, as far as we know, in that part of the universe which we can hope to reach." That's the end of the quotation.

My friends, I believe we must quit abusing the air and the water which are necessary to our continued living on this small but beautiful speck of dust and rock which we call Earth.

All animals must destroy something in order to live. That is a law of nature. Let not man, who was made in the image of God, be the one animal who so befouls this world that all living things must die and our earth become as bleak and gray as the moon.

I hope, rather, that man will live up to the famous declaration of the founder of Methodism: "Cleanliness is, indeed, next to godliness."

John Wesley had something else in mind when he said it; but it makes an admirable text for a talk on pollution.

BEST HIGH SCHOOL STUDENTS USE NO DRUGS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. COLLINS. Mr. Speaker, an interesting article was published regarding characteristics of high school drug users. The Dallas Morning News on April 30 quoted an intensive interview conducted at the David W. Carter High School in Dallas.

This high school had reported that 72 percent of the students had used alcohol at some time; 41 percent had used tobacco; 17 percent had used marihuana; 11 percent had tried drug pills; 10 percent had tried glue; another 10 percent had tried solvents, such as paint thinner and ether; another 10 percent had tried amphetamines; and 4 percent had tried heroin.

Since these youngsters have tried different types of drugs from as far back as their freshman year in high school, it was interesting to see what background and what mental outlook was predominant. The students not using drugs were also the best mentally balanced and had the happiest and most stable family backgrounds. This proves the importance of well adjusted family life with strong love and respect for the mother and father. The following is the article written on drug usage.

Characteristics of student drug users are "significantly different" from those of their abstaining classmates, the school board's drug committee reported Wednesday.

The committee described the results of interviews held with 100 students at David W. Carter High School.

The interview subjects were divided into groups—those who had used only alcohol or tobacco, those who had used illicit drugs and those who abstained completely.

The drug users were found to have "distinctly lower" grades and to be "much less active" in extra-curricular activities. Few of them attend church regularly and few report their religious beliefs to be very important to them.

Most of the drug users considered their parents "average to somewhat permissive" on discipline.

The committee reported:

> While most of the alcohol and tobacco users would turn to a parent or other adult in time of crisis, most drug users report that they would turn to a peer or sibling rather than a parent.

Most of the drug users said they began their illicit drug use with marihuana and gave "curiosity" as the main motivation. The minority of those students interviewed who said they still use illicit drugs said they continue because "they like it, it feels good and it is fun."

More than half of the alcohol and tobacco-using group have good grades, hold at least one elective office at school, attend church and consider religious beliefs important to them.

They see their fathers as "somewhat strict" in discipline and say their parents get along better than most married couples.

Abstainers, on the other hand, have the highest academic rating of the three groups, are more involved in outside activities and consider religion very important.

They generally characterize parental discipline as "average" and say they would turn to their parents in serious trouble.

Most abstainers reported that neither parent drinks and that their fathers are happy in their work.

The report noted:

> These young people describe themselves as feeling definitely that they are in control of their own lives and, as a group have strongly-held values, norms and political opinions which are even more firmly allied with traditional adult values than those of the other two groups.

Asked why they had never used drugs, most abstainers said they had never felt a need for them.

They felt their problems were not that serious or that they had better ways to solve them. Several mentioned fear of the potential harmful effects of the drugs and a few mentioned religious, moral, or parental objections. Only one abstainer mentioned the possibility of legal difficulty as a reason for not using drugs.

THE CITY AND THE LEAA—SOME NEW FACTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BROWN of California. Mr. Speaker, these past months many of us have been considering the effectiveness of the grant program under the Law Enforcement Assistance Administration—LEAA.

There are four major programs administered by the agency: planning grants, action grants, academic assistance, and funding of the National Institute of Law Enforcement. My discussion will be limited to the action grants—the grants, as its name implies—devoted directly to fight crime.

The law provides that 15 percent of the action grant moneys be retained for discretionary allocation on the basis of need. The remaining 85 percent of the funds go directly to the States with a provision that 75 percent be applied to the cities.

In fiscal 1969 appropriations for the LEAA was $63 million of which $29 million was distributed as action grant funds. The 1970 fiscal year appropriations was $268 million of which $215 million were designated action money. Thus in fiscal year 1969 action grants accounted for 47 percent of the total appropriations and in fiscal year 1970 that percentage climbed to 80. The administration is now requesting an appropriation of $480 million with $286 million—more than the total appropriation of the previous year—requested for action money and discretionary funds.

Action grants thus comprise the bulk and the heart of the LEAA appropriations and program. It is, therefore, of the utmost importance that these funds be properly allocated and utilized.

Crime is an urban problem. In 1968 approximately 3.8 million index crimes—85 percent of the national total—were committed within the Nation's metropolitan areas. There are over 2,800 crimes per hundred thousand population in metropolitan areas compared to less than 800 per hundred thousand population in rural areas. Thus to see whether the program is responding to the problem we must examine those cities with the biggest crime problem and the LEAA money allocated to these cities.

My staff has created the following chart for such a study. It enumerates for fiscal year 1969 the 56 cities of population over 250,000 with the highest rate of crime per 100,000 inhabitants. Along with this figure the chart illustrates the action and discretionary funds received by that city which is broken down into a per capita distribution based upon estimated population. In addition, the volume of the crime reported in each city is listed:

CITY CRIME AND FEDERAL INVOLVEMENT [1]

CRIME INDEX OFFENSES [2] IN CITIES WITH POPULATIONS OVER 250,000: 1969

City (with estimated population) [3]	Projected yearly total crime index offenses [4]	Rate per [5] 100,000 inhabitants	Action funds received [6] (approximate dollars)	Per capita estimate of action funds received (cents)
Oakland, Calif. (360,000)	30,265	8,406.9	14,750	0.04
Newark, N.J. (390,000)	31,251	8,013.1	126,000	.32
San Francisco, Calif. (705,000)	52,843	7,481.3	[7] 120,000	.17
Washington, D.C. (815,000)	59,505	7,301.2	99,882	.12
Baltimore, Md. (905,000)	64,293	7,104.2	108,946	.12
St. Louis, Mo. (665,000)	46,957	7,061.2	208,178	.31
Detroit, Mich. (1,570,000)	105,896	6,745.0	247,438	.16
Miami, Fla. (320,000)	20,637	6,449.1	25,000	.08
Cleveland, Ohio (770,000)	48,092	6,245.7	58,044	.08
Seattle, Wash. (550,000)	34,216	6,221.1	120,529	.22
Pittsburgh, Pa. (530,000)	32,777	6,184.3	52,186	.10
Nashville, Tenn. (270,000)	16,684	6,179.3	30,826	.11
Denver, Colo. (480,000)	29,279	6,099.8	69,606	.15
Boston, Mass. (570,000)	34,565	6,064.0	177,030	.31
New York, N.Y. (7,975,000)	482,356	6,048.4	777,786	.10
Los Angeles, Calif. (2,810,000)	168,147	5,983.9	[7] 248,100	.09
Kansas City, Mo. (555,000)	31,595	5,692.8	124,457	.22
Louisville, Ky. (380,000)	19,555	5,146.1	110,712	.29
Portland, Oreg. (375,000)	19,271	5,138.9	8,938	.02
Minneapolis, Minn. (440,000)	21,953	4,989.3	82,594	.19
St. Paul, Minn. (300,000)	14,924	4,974.7	68,500	.23
Dallas, Tex. (815,000)	39,268	4,818.2	107,469	.13
Houston, Tex. (1,165,000)	55,977	4,804.9	127,000	.11
Phoenix, Ariz. (515,000)	24,563	4,769.5	24,719	.05
Dayton, Ohio (255,000)	11,509	4,513.3	46,802	.18
Akron, Ohio (285,000)	12,856	4,510.9	19,986	.07
Honolulu, Hawaii (335,000)	14,492	4,326.0	38,865	.12
New Orleans, La. (660,000)	27,949	4,234.7	46,418	.07
Charlotte, N.C. (264,000)	11,009	4,170.1	20,945	0.08
Tampa, Fla. (295,000)	12,207	4,104.1	36,189	.12
Norfolk, Va. (300,000)	12,283	4,094.3	67,000	.22
Indianapolis, Ind. (510,000)	20,780	4,074.5	21,000	.04
Sacramento, Calif. (265,000)	10,737	4,051.7	5,500	.02
Jacksonville, Fla. (490,000)	19,720	4,024.5	67,000	.14
Columbus, Ohio (535,000)	21,278	3,977.4	46,000	.09
Atlanta, Ga. (515,000)	20,101	3,903.1	83,034	.16
San Antonio, Tex. (695,000)	26,859	3,864.6	37,986	.05
Long Beach, Calif (378,000)	14,585	3,858.5	6,000	.02
Fort Worth, Tex. (355,000)	13,305	3,747.9	108,750	.31
Birmingham, Ala. (325,000)	11,945	3,675.4	(8)	.00
Chicago, Ill. (3,460,000)	123,927	3,581.7	166,624	.05
Buffalo, N.Y. (450,000)	11,504	3,408.7	110,408	.25
Tulsa, Okla. (325,000)	10,913	3,357.8	22,987	.07
Memphis, Tenn. (545,000)	18,235	3,345.9	37,451	.07
Rochester, N.Y. (295,000)	9,489	3,216.6	30,218	.10
Omaha, Nebr. (362,000)	10,637	2,938.4	23,286	.06
San Jose, Calif. (425,000)	12,061	2,837.9	9,221	.02
Wichita, Kans. (292,000)	8,129	2,783.9	30,665	.11
San Diego, Calif. (680,000)	18,795	2,764.0	(8)	.00
Oklahoma City, Okla. (380,000)	10,183	2,679.7	28,250	.07
El Paso, Tex. (315,000)	8,371	2,657.5	9,000	.03
Toledo, Ohio (385,000)	10,057	2,612.2	24,827	.06
Cincinnati, Ohio (495,000)	12,875	2,601.0	71,627	.14
Milwaukee, Wis. (750,000)	17,884	2,384.5	112,500	.15
Jersey City, N.J. (269,000)	6,361	2,364.7	65,309	.24
Philadelphia, Pa. (2,015,000)	35,782	1,780.2	287,123	.14

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[1] Source of basic data is the U.S. Federal Bureau of Investigation, uniform crime reports for the United States, January through September 1969.

[2] "Crime index" offenses are those serious offenses reported to the police which are considered by the Federal Bureau of Investigation to afford the best indication, when taken as a whole, of the degree of significant lawlessness in the community. Index crimes include: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny $50 and over, and auto theft.

[3] Estimates obtained from Rand McNally's Commercial Atlas and Marketing Guide (1969 edition) are as of Jan. 1, 1969.

[4] These projected totals are based on the assumption that the volume of offenses, in the 4th quarter of 1969 will be equivalent to the average of the 1st 3 quarters as given in the U.S. Federal Bureau of Investigation's uniform crime reports, January through September 1969.

[5] Crime rate or that mount of crime per a State population is said by criminologists and statisticians to be the most effective way of reporting crime. In other words, it is submitted that to know the number of crimes per 100,000 is more useful than knowing the volume of crime in cities of varying populations.

[6] Money allocated according to the LCAA directly to the States for local governments in fiscal 1969.

[7] Amount includes $100,000 in discretionary funds.

[8] No money.

Oakland, Calif.—the city with highest crime rate—received only 4 cents per capita, the fourth lowest allocation among the 56 cities listed. California according to the FBI's Uniform Crime Reports had the highest incident of crime among the States with Los Angeles County—if considered a State—ranking fourth. Of the 56, California cities numbered six—almost 10 percent. Sacramento and Long Beach only received $5,500 and $6,000, respectively. San Diego received nothing. San Jose got $9,221. The city of Los Angeles received only 9 cents per capita.

The only conclusion to be drawn from this chart is that the money has not gone in fiscal 1969 where it is needed the most. And California in particular is not getting its fair share. The reasons given by the cities and the administration are many. My concern is that the money is not being utilized to the benefit of the crime-ridden cities.

I have cosponsored legislation to appropriate $700 million to LEAA for fiscal 1971; I would favor a $1 billion authorization. We all need the LEAA; they merely have to give more money—unfettered by State politics and bureaucracy—to the cities. I was among those who voted against the Cahill amendment—which changed the direct block approach to the cities to the present funneling of funds through the State planning agency. The above chart and testimony recently before the Judiciary Committee submitted by the mayors of cities throughout the United States, complaining about the program has reaffirmed that vote.

Crime is one of our most pressing national problems—it must be solved. I hope this analysis will provoke further study into the present program in order that money appropriated will be better spent. I invite and urge my colleagues to make similar studies of their States and districts in order to determine whether a fair and proper allocation of LEAA money has been made. We all must be involved in this most important area.

WALKING "AIN'T" CROWDED

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. COLLIER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

WALKING AIN'T CROWDED

The United Nations is planning to spend $300,000,000 for improvements and additions to its headquarters building complex in New York City. The new structures will contain both offices and living quarters. The organization expects to get $80,000,000 from the United States government, with the balance coming from the City of New York and various instrumentalities of the United Nations apparatus.

If the people of New York City, including the 700 families who will be driven from their homes as a result of the proposed expansion, are silly enough to help pay for the construction, that is their affair, but I for one will not vote one red cent for it.

The waste of taxpayers' money is bad enough, but what fascinates me about this latest shenanigan is the fact that the United Nations bureaucrats want to work and live in the same building. Only pampered parasites could insist on working and living in the same place.

How many people live in the same building, or even in the same neighborhood where they work? Practically every member of this body maintains a home in Maryland or Virginia, at least during the sessions of Congress.

One of the major problems in large cities is the daily movement of hundreds of thousands of people, who spend substantial sums every week in order to get to work and back, either by automobile or public transportation. Let us stop taking the money of these people, our own constituents, to squander on

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the United Nations. If its employees cannot afford automobiles, it should not be beneath their dignity to ride the subways. If, like many New Yorkers, they are afraid to ride the subways, well, walking ain't crowded!

THE CAMBODIAN DECISION AND AMERICAN STATESMANSHIP

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FOREMAN. Mr. Speaker, one of New Mexico's leading daily newspapers, the Farmington Daily Times, on Sunday, May 3, 1970, published a responsible, timely editorial aptly describing the circumstances of President Nixon's decision and action in Cambodia. I include it for the study and review of my colleagues:

AMERICAN STATESMANSHIP

President Nixon has displayed a degree of statesmanship which has been too long absent from some circles of American leadership.

In a forthright manner Thursday night he explained to the citizens of this nation and to the rest of the world the U.S. position in Southeast Asia.

The President, with simple candor, put to shame so-called leaders representing his own Republican party and the opposition Democratic party who have succumbed to a vociferous minority's demands that the U.S., in effect, abandon Asia to World Communism.

As the President explained, he could be politically expedient and refused to accept the U.S. commitments to those Asian nations struggling against communist aggression. By a stroke of a pen he could order the immediate withdrawal of all Americans from Southeast Asia.

But the President recognizes—as do most Americans—that failure to stop communism in Southeast Asia would only mean a future confrontation somewhere else and eventually within our own boundaries.

We can expect the President's decision to remain firm in Southeast Asia will be met by much-publicized opposition both within the U.S. and elsewhere.

The protestors will not be objecting to North Vietnam's invasion of South Vietnam, Laos and Cambodia. They will not be objecting to Hanoi's refusal to respond to innumerable efforts by the U.S. to sit down at the Paris peace table and talk sensibly—with the communist delegations.

President Nixon clearly indicated where the blame should be placed for the continuation of the Southeast Asia conflict. He reviewed the fact that the U.S. has attempted to de-escalate the conflict by curtailment of bombings and by American troop withdrawals. That these attempts have not been matched by North Vietnam is no secret—even to the most avid anti-war protestor.

And while the protestors grab most of the newspaper headlines and prime television news spots, the vast majority of Americans who support the President will be going about their everyday activities—in comparative silence.

The silent majority will continue to work for a living . . . will continue to earn salaries . . . and continue to pay their taxes.

And when Americans are asked to express themselves at the polls, we suspect that silent majority will reiterate a desire that this nation's government be comprised of statesmen—not politicians.

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BILL GOLD FOR EDITOR OF WASHINGTON POST

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. O'NEAL of Georgia. Mr. Speaker, the publishers of the Washington Post apparently do not realize what a valuable asset they have in pure gold. He is Bill Gold who provides us daily with the most inescapable logic in the whole publication.

Mr. Speaker, they print this column in the comic section when most of the time it should be the lead editorial. As a matter of fact, Bill, with all of his plain commonsense, should be setting the editorial policy.

The column this morning on violence is offered for all readers of the RECORD. It ought to be required reading on all campuses and in the editorial rooms of the Post.

The article follows:

SOME ADDED THOUGHTS ABOUT VIOLENCE

(By Bill Gold)

On campus and off, violence is escalating. Violence always escalates.

It doesn't settle much—only things like who will suffer the greatest hurt. The real issues always remain to be settled through peaceful negotiation.

I wrote about these things, again, the last time students at the University of Maryland engaged in violence. Many undergraduates wrote back, again, to "explain" things to me.

Among these letters was one from New York University signed by Paul Miller. It ended with these words:

"When the university fails to respond to students' opinions and needs, the students are then compelled to such other types of uprisings as sit-ins, student strikes and building takeovers. By using such tactics students hope to make their views heard by those who normally close their ears to student opinion . . . Until those who control the universities realize that the prime responsibility of those institutions is to the students who attend them, then such undesirable uprisings shall continue."

Let's test that language and "reasoning" with a few substitutions. Let us pretend that I am the dean of the university, and that I say to the students: "When students fail to respond to the opinions and needs of the dean, the dean is compelled to use such tactics as ordering all your heads shaved, the compulsory wearing of ties, jackets, bras, girdles and long dresses, and a 9:30 p.m. curfew. Also 10 lashes with a bullwhip, just as a reminder. These things may be slightly irrational or illegal, but by using such tactics I hope to make my views heard by those who normally close their ears to the opinions of deans. Until those who want to use the services of this university realize that its prime responsibility is to the adult community that built it and pays for it, these repressive measures will have to continue. You have compelled me to do these things."

Students who become outraged at this turnabout can congratulate themselves on having just bridged the communications gap. Now they know how adults feel when students use this kind of tortured reasoning in an attempt to justify illegal or irrational acts.

Students who have "demanded" the right to be heard and the right to make changes could benefit from listening to an adult viewpoint with regard to their demands.

They might keep in mind that the Constitution gives us a right to speak, not a guarantee that anybody will listen. Or that we'll get our way.

People have a right to advocate, not a license to jam their views down the throats of others.

One who fails to get his own way does not, if he values the respect of adults, throw a tantrum or consider himself compelled to resort to violence. He simply recognizes that there are many disappointments, delays and defeats in life, and that one must learn to live with them as he continues to work toward the goals he believes in.

Young people are understandably preoccupied with their own problems, but if they took a broader view of education they would realize that almost everybody shares their concern about it.

When student days are finished, we marry and begin raising students of our own. Then, long after the last of the brood is through college, adults continue to pay for schools. Everybody pays property taxes (albeit sometimes in the form of rent). Some contribute extra money and effort to universities out of personal gratitude for their own educations, some because they see education as man's best hope for a better life.

Whatever our status, most of us are concerned. And involved. The student who understands that he has no under-30 monopoly on these qualities is far more likely to contribute to the solution than to the problem.

Such a student might even develop a degree of sympathy for adults who cheerfully accept the burden of providing good schools for their children. He might see them as people of good conscience who do the best they can to formulate sound policies and select respected professionals to serve as their administrators.

This is not to say that an understanding student would always agree with the adult community. But surely he would be less likely to ascribe base motives and stupidity to adults, or to force violent confrontations—or to challenge the Establishment to a battle unto death and then scream "Pigs!" when blood flows.

Violence always escalates. It doesn't settle much, just things like who will suffer the greatest hurt. The real issues always remain to be settled through peaceful negotiation.

A SALUTE TO FORT POLK

HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. LONG of Louisiana. Mr. Speaker, I have just received copies of a magazine entitled "Toledo Bend Country Salutes Fort Polk," a privately printed publication which gives the most complete account of both military and civilian sectors of the economy surrounding that Louisiana installation. The text of the magazine is brief and concise, an adequate means of informing Members of Congress of the history and development of this important Army post. I am therefore offering it for insertion in the RECORD. The text follows:

Fort Polk, the largest military installation in Louisiana, containing 311 square miles, is located in the western part of the state, in picturesque Kisatchie National Forest. The post is seven miles south of Leesville and 20 miles north of DeRidder, La.

This Army post, originally called Camp Polk, was established in 1941 and named in honor of the Right Reverend Leonidas

Polk, the first Episcopal Bishop of the Diocease of Louisiana, known as the "Fighting Bishop." He was killed in action in 1864 at Marietta, Ga.

During World War II, former President Eisenhower, Generals Mark Clark, Omar Bradley, Alfred Gruenther, George S. Patton, Jr., and Walter Krueger were among the famous leaders who directed the training of more than eight million soldiers at Fort Polk.

After the war, Camp Polk was deactivated and put on a standby basis until September 1950 when it became the home of the 45th Infantry Division in response to the needs of the Korean War.

The post was closed in 1954, reopened and designated a fort the following year, and deactivated again in June 1959. In September 1961 the post was reactivated to support another national emergency—the Berlin crisis. The 49th Armored Division and several Reserve support units served here until August 1962.

On June 1, 1962, Fort Polk was designated an Infantry training center and began receiving trainees in July. In December 1965, the post was selected to provide Vietnam-oriented advanced individual training. Fort Polk became a permanent installation October 23, 1968.

Numerous improvement programs have beautified the post since 1962. A new honor gate, magnolia and cypress trees, verdant lawns, and widened post roads provide a scenic welcome to newly assigned personnel and visitors. Construction of new buildings began in 1967. Among those completed are brigade classrooms, a bowling alley, a 1,000-seat theater, and a large post exchange complex.

With the declaration of permanency a total of 260 sets of on-post housing is planned for the initial housing construction effort during fiscal year 1970. Other projects include the main post chapel with a religious education facility, a 60-man bachelor officers quarters, a dental clinic, and a new noncommissioned officers club. Planning for future construction to afford permanent facilities in all areas throughout the post is nearing completion.

The ranges and training areas, which include modern electrically controlled target systems, all-weather access roads, and many varieties of ideal terrain, make available to Fort Polk trainees the finest area and facilities in the Army for Infantry training. A closed-circuit educational television system is included among the newest training methods and used in the modern 1,000-man brigade classrooms.

Fort Polk's climate, location, and terrain help make it an outstanding training area. Except for an occasional cold spell, temperatures during the winter months range between 35 and 45 degrees with considerable precipitation during January through May. Summers are hot and dry, with temperatures often exceeding 95 degrees.

Cities in the surrounding area offer a wide range of business, educational, recreational, cultural, and religious facilities. New Orleans, Houston, Galveston, Dallas, Biloxi and Little Rock are all within 300 miles of the post. Baton Rouge, the state capitol and home of Louisiana State University is 160 miles southeast with Alexandria 60 miles northeast and Lake Charles 70 miles south.

A dynamic training philosophy has been developed at this Infantry training post. It is best expressed by General Creighton Abrams' comment made during his visit to the command in 1965. "At Polk they don't recognize that there is anything they can't do." Its worth has been proved. Trainees have matched and topped qualification scores in physical training, combat proficiency tests, and marksmanship.

By early 1970, more than 770,000 men had been graduated from training courses here.

LEESVILLE

Leesville was designated the parish seat of Vernon Parish when the parish was established in 1871. By early 1970, the population of Leesville was about 20,000.

Forestry products, agriculture, and the supporting military installation are the principal sources of income for this area. Many civilians residing in Leesville and the surrounding communities are employed at Fort Polk.

The modern schools in Vernon Parish are accredited by the Southern Association of Secondary Schools and Colleges. There is one high school, one junior high school, three elementary schools, one kindergarten, and a day care center for retarded children. Leesville High School is equipped with an electronic language laboratory which has been used for language training by Fort Polk personnel.

There are fifteen Protestant Churches and one Roman Catholic Church in Leesville. Most of the Churches have active youth programs.

Recreational facilities include two motion picture theaters, a drive-in theater between Fort Polk and Leesville, and a skating rink. The municipal golf and recreational park consists of a nine-hole golf course, club house, tennis courts, barbecue pits, playground and pavilion. The club house and pavilion can be reserved for private parties. Other area facilities are Fullerton Lake, Anacoco Lake, Lake Vernon, Toledo Bend reservoir, and Hodges Gardens.

The Vernon Parish Library, located on Courthouse Square, contains about 30,000 volumes.

The USO in Leesville, on Third Street across from the Vernon Theater, features a game room, a music room, recording facilities, and a writing area.

DE RIDDER

DeRidder, the seat of Beauregard Parish, has a population of approximately 9,500 people.

The parish leads Louisiana in the production of wool and boasts formidable forestry and dairy industries. Fort Polk also provides a large source of income for the area.

There are 24 Protestant Churches and one Roman Catholic Church in DeRidder. Most of the churches have active youth programs.

The two high schools, junior high school, and three grammar schools are accredited by the Southern Association of Secondary Schools and Colleges.

DeRidder has two motion picture theaters and one drive-in theater. Military personnel are welcome to play at the nine-hole golf course on Highway 190, about three miles west of DeRidder. Other recreational facilities include a ten-lane bowling alley, a swimming pool, and city park with two tennis courts. The War Memorial Civic Center has eight meeting rooms, an auditorium, and two tennis courts. Lakes and streams in all directions offer consistently good fishing. Bundick's Lake, 1,840 acres of spring-fed water, and Longville Lake have public parks, skiing areas, boat launching ramps, and camping areas.

The Beauregard Museum is located at 110 North Pine St. The Beauregard Parish Library, on Washington Street, contains about 52,000 volumes.

DeRidder, using the slogan "DeLitter DeRidder," has been honored by being recognized as the number one community of over 7,000 entries in a nationwide community clean-up campaign.

FACILITIES AND SERVICES

Reporting in

Officers assigned or attached to Fort Polk sign in on the officers' register maintained in the Post Housing Office, Bldg. 1712, across from Post Headquarters. Enlisted personnel sign in at the register maintained in HHC Special Troops, Bldg. 221, on Third Street.

All permanent party personnel should report to the Post Housing Office for confirmation of assignment and in-processing.

Household goods and baggage

Members anticipating arrival of personal property shipments should immediately contact the Transportation Office, Bldg. 4513, and advise of temporary addresses and telephone numbers.

Outbound shipment applications and counseling services are also available, in Bldg. 4513.

Housing activities division

There are 350 FHA Homes in the community of New Llano, five miles north of Fort Polk, available for rent to military families. To move into this development, the service members must contact the Post Housing Office in Bldg. 1712, located on the corner of Mississippi Avenue and Twelfth Street.

The nearby cities of Leesville and DeRidder have hundreds of modern air conditioned houses and apartments available for occupancy by military and civilian personnel stationed at Fort Polk. More than a thousand new homes have been built in the Leesville area alone since the fort was reactivated in 1961.

Fort Polk Trailer Park 1 has 70 spaces and Trailer Park 2 has 146 spaces. Numerous privately owned trailer parks are near Fort Polk.

Post Housing Office personnel keep current with the local housing situation and provide assistance to incoming military families in locating suitable community housing.

Billeting

The Billeting Office provides a variety of services to include assignment and termination of BOQ, BEQ, transient quarters and VIP facilities. A limited number of transient family quarters are available to incoming and departing families. These on-post facilities are available to officers and enlisted families.

Guest houses are located in South Fort, Bldg. 1731, on Louisiana Avenue near Mississippi Avenue and in North Fort, Bldgs. 7829 and 7830, at the corner of Entrance Road and Avenue G. These facilities are available as temporary accommodations for families visiting personnel assigned to the post.

Duty hours and holidays

Duty hours in the staff sections are from 0730 to 1630 with one hour off for lunch. Staff sections maintain minimum operable strength during the lunch hour, which is normally 1130 to 1230. Saturday office hours are 0730 to 1130.

Training schedules of units follow appropriate Army training programs. Normal training hours are from 0730 to 1630. Whenever additional instruction is necessary, an hour will be added to the normal day.

The following legal holidays are observed by military and civilian personnel, military duties permitting: New Year's Day; Washington's Birthday, February 22; Memorial Day, May 30; Independence Day, July 4; Labor Day, first Monday in September; Veteran's Day, November 11; Thanksgiving, fourth Thursday in November; and Christmas.

Exchange service station

The service station furnishes gas and oil to military personnel and their dependents. The station, located on Alabama Avenue between 12th and 13th Streets, provides such other services as chassis lubrications, oil changes, tire repairs, tune-ups, brake service and wheel balancing. In addition, numerous auto accessories may be purchased.

The station operates from 0700 to 2000, Monday through Friday; 0700 to 1800, Saturday; and 0900 to 1600, Sunday.

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Commissary

The commissary, Virginia Avenue, Bldg. 4310, has complete lines of groceries and meats, as well as household items, available for purchase. Identification cards are needed for admittance.

Hours of operation are as follows: Monday through Friday, 0900 to 1900; Saturday, 0900 to 1500; closed Sundays and Holidays.

Tri-community relations advisory council

The Tri-Community Relations Advisory Council is chaired by Fort Polk's Deputy Commanding General and is comprised of military and civilian leaders from the DeRidder-Fort Polk-Leesville community. The Council is most effective in identifying and solving potential and actual problems of mutual concern and in developing projects which benefit the community.

Theaters

There are four theaters (three air-conditioned) at Fort Polk, two at South Fort and two at North Fort.

Evangeline: Bldg. 1456, Mississippi Avenue and Ninth Street.

Bayou: Bldg. 1911, Mississippi Avenue near 14th Street.

Magnolia: Bldg. 7658, North Fort Polk, Avenue G and Seventh Street.

Pelican: Bldg. 8233, North Fort Polk, Avenue G between 12th and 14th.

The Evangeline and Magnolia Theaters have two showings Monday through Friday, 1830 and 2030 hours (box office opens at 1800). The Bayou has one showing Monday through Friday, 1900 (box office opens at 1830). All theaters have continuous showings on Saturday, Sunday and Holidays. Saturday and Sunday showings begin at 1300. Continuous showings run through 2200. The Evangeline and Magnolia theaters have Saturday late shows beginning at 2230.

Post exchange

There are 13 exchanges on post that provide facilities for everyday services for the military man and his family. In addition to providing sundry items for everyday consumption, other services are available, such as snack bars; a service station; and civilian concessions, including barber shops, laundries and a photographer's studio.

The Main Post Exchange is on Ninth Street between Alabama and Mississippi avenues in Bldg. 1455, phone 578–2051.

Entertainment

The Entertainment Division offers three programs to serve the military community.

Professional entertainment is provided in the Kisatchie Theater, Bldg. 1228, Alabama Avenue between Sixth and Seventh Streets, and the Field House, Bldg. 1411, Ninth Street and Mississippi Avenue.

The Entertainment Workshop, Bldg. 1228, Alabama Avenue, offers participation in dramatic plays, comedies and stage musicals.

Brigade entertainment activity centers provide musical and variety entertainment to training brigades. Activities now open are:

Building and Location

2210: 17th St. between Mississippi and Alabama

1824: 14th and Mississippi Ave.

1309: 8th St. between Mississippi and Alabama

8276: North Fort, 14th St. and Ave. H

4705: North Service Command Circle

7319: North Fort, 3d AIT Brigade

Unit level entertainment headquarters is in Bldg. 903, Mississippi Avenue and 16th Street.

Brigade entertainment activity centers are open from 1800 to 2130 on weekdays and 1300 to 2130 on Saturdays, Sundays and holidays.

Officers' open mess

The Officers' Club is open to officers and their families and guests. Regularly scheduled activities such as the booking of dance bands and international menu nights are features of the club. Food, beverages, and recreational activities are available. Hours of operation and dress rules are established in the House Rules. Upon arrival at Fort Polk you will receive an application for membership. The Officers' Club is located in Bldg. 3, on Louisiana Avenue.

A beauty shop is located in the Officers' Club. Hours of operation are: 0800 to 1630, Monday through Friday; 0800 to 1200, Saturday.

Meals are available as follows:

Monday through Saturday: 0600-0800, 1130-1300, 1800-2100.

Short Order: 1630-2200.

Sunday and Holidays: 0800-1400, 1800-2100.

Short Order: 1130-2200.

Western Union

Western Union is in the South Fort Guest House, Bldg. 1731. Hours of operation are 0800 to 2000, Monday through Friday; 0800 to 1800, Saturday; and 0800 to 1600, Sunday.

NCO open mess facilities

Food and beverages are available at reasonable prices at NCOOM, Bldg. 315, South Fort, on Corps Rd., and at Annex 1, Bldg. 7214, North Fort, on 11th Street near Avenue D, for all members in pay grades E4 through E9, their dependents, and authorized guests. Scheduled entertainment is announced in appropriate media. Hours of operation are: Monday through Friday, 1100-2300; Friday, 1130-2400; Saturday, 0930-0200; Sunday, 0930-2400. Happy Hour at all clubs and annexes is 1700-2000, Friday.

Package sales outlets: Hours of operation are Monday through Friday, 1130-1330 and 1630-2000; Saturday, 1000-2200. Closed Sunday.

Light snacks, beverages, and entertainment are available for permanent party personnel in grades of SP4 and below at Annex 2, Bldg. 7301, North Fort, on Fourth Street, between Avenues E and F, and Annex 3, Bldg. 4608, on Louisiana Avenue at Ohio Avenue, South Fort. Hours of operation are Monday through Friday 1700-2200; Saturday, 1200-2400; Sunday, 1200-2200.

Photo study

A photographic studio operates in Bldg. 1901, Alabama Avenue at 14th Street, 1200 to 1700, Tuesday through Saturday. The photo studio at North Fort is in Bldg. 7836, Eighth Street at Avenue H. Hours of operation are 1500 to 1900, Tuesday through Friday; 1000 to 1400, Saturday. Services such as portrait studies and developing are offered.

Medical services

United States Army Hospital provides inpatient and outpatient care for military personnel and their dependents.

An information desk is located in the Hospital Headquarters, Bldg. 734, on Utah Avenue. Information is available daily from 0730 to 2200 hours.

Visiting hours for most clinics are from 1400 to 1600, and 1800 to 2000 daily. Children under the age of 14 years are not permitted to visit in the hospital. Exceptions to the visiting regulations may be requested by calling Hospital Headquarters.

The Emergency Room and Dependent Outpatient Clinic are located in Bldg. 735, on Utah Avenue. The Emergency Room is open 24 hours a day, and a medical officer is on duty at all times. Emergency ambulance service is available around the clock for calls on post and in adjacent areas.

In addition to the Dependent Outpatient Clinic, various specialty treatment clinics are in operation. Patients are seen in all clinics, by appointment during duty hours for evaluation and treatment.

Immunizations are administered in the emergency room from 0800 to 1100 and 1300 to 1600, Monday through Friday, without appointment, and from 0800 to 1100 Saturdays by appointment only.

Routine sick call for dependents is held at the Dependent Outpatient Clinic from 1300 to 1600 Monday through Friday on an appointment basis.

A Post Nursery is located in the hospital area, Bldg. 658, on Utah Avenue. Parents are encouraged to place their children in the nursery during calls at the hospital clinics or to make arrangements for them to be cared for outside the Dependent Clinic waiting rooms.

ID cards

The Identification Section, located in Bldg. 317 on Corps Road, issues identification cards for military personnel and civilians.

The Uniformed Services Identification and Privilege Card is issued to eligible dependents of retired personnel, lawful dependents (10 years of age or older) of military personnel on active duty, and unremarried widow's of deceased military personnel.

Processing of permanent party and dependent personnel is from 0730 to 1630, Monday through Friday, and 0730 to 1130, Saturday.

ID cards processing activity for trainee personnel is located in Bldg. 4749, south of Service Command Circle in the Reception Station area.

Postal service

The U.S. Post Office, Bldg. 1804, on Louisiana Avenue between Mississippi and Alabama Avenues, is open from 0800 to 1600, Monday through Saturday. Postal finance services, including stamps, money orders, and parcel post, are available.

A post office is also operated at North Fort Polk in Bldg. 7804, on G Avenue between Seventh and Eighth Streets, from 0900 to 1900, Monday through Friday and 1200 to 1600 Saturday.

Dental service

Dental Service is provided for military personnel and their dependents, although care provided for dependents is limited in some cases by the needs of active duty personnel. Emergency treatment is available for anyone at any time. After normal duty hours it is available at Dental Clinic 3.

Permanent party personnel report for sick call at Dental Clinic 1 if stationed at South Fort, at Dental Clinic 4 if stationed at North Fort. Hours are 0730 to 0930 Monday through Saturday and 1230 to 1430 Monday through Friday. Dependents report to Dental Clinic 3 for their first routine examination during these same hours. Trainees report to the clinic designated by their organization.

Dental clinic	Building	Location
1	1814	Alabama Ave. near Louisiana Ave.
2	1734	Louisiana Ave. near Alabama Ave.
3	628	Intersection of Colorado and Wyoming Aves.
4	8001	Intersection of 9th St. and G Ave., North Fort Polk.
5	501	Colorado Ave. near Louisiana Ave.
6	8409	G Ave. near 15th St., North Fort Polk.

Shoe shop

A shoe repair shop is in Bldg. 1627, 12th Street. Hours are 1000 to 1800, Monday through Friday; 0900 to 1400, Saturday.

Religious services

Facilities—There are 25 chaplains and 15 chapels at Fort Polk to serve the religious needs of the post. Times and places of

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religious services are published in the weekly family edition of the Daily Bulletin.

Denominational services—Besides general Protestant and Catholic services, denominational services for Episcopal, Lutheran, Latter Day Saints and Christian Science are available every Sunday.

Jewish services—Although there is no Jewish military chaplain assigned to Fort Polk, a Rabbi from the civilian community visits the post for services each Friday evening and Saturday morning.

Religious education—Sunday school is located at South Fort, on Washington Circle. Transportation from Leesville and the surrounding trailer parks is provided.

Catholic services—Religious instruction for Catholic dependents is provided at St. Michael's Church in Leesville. Military bus transportation from the post to the church is available.

Inquiries regarding the religious program may be directed to the Office of the Post Chaplain, Bldg. 2010, on Mississippi Avenue, phone 578-2428 or 578-2327.

During non-duty hours a chaplain may be reached at 578-4357.

Service clubs

Service clubs are directed by professional recreation personnel and offer a wide variety of activities such as: parties, shows, dances, musical programs, tournaments, exhibits, tours and special interest groups.

These are facilities and equipment for individual or group use in such activities as: pool, table tennis, shuffleboard, table games, musical instruments, phonographs and recordings, reading and writing.

A daily calendar of events for each service club is published on the first of every month.

The schedule and locations of the four service clubs is as follows:

Sunday and holidays	0900-2200
Monday-Friday	1700-2200
Saturday	1300-2200

No. 1—Bldg. 1733 (La Louisiane) on Louisiana Avenue between Mississippi and Alabama Avenues.

No. 2—Bldg. 2313 (Cajun) on 20th Street near Mississippi Avenue.

No. 3—Bldg. 1137 (Fairview) on Mississippi Avenue between Fifth and Sixth Streets.

No. 4—Bldg. 7831 (Whispering Pines) North Fort on Entrance Road between Avenues G and H.

AUSA

The Leonidas Polk Chapter of the Association of the U.S. Army was organized in 1963. Events sponsored by the chapter include a Fourth of July picnic (largest annual event in the area), an annual spring social and quarterly meetings. The chapter also offers four scholarships amounting to $6,000 to young men interested in a career in the U.S. Army. Membership is comprised of active and retired military personnel and the area civilians interested in supporting the U.S. Army.

Hunting and fishing

Prior to hunting and fishing on post, all personnel over the age of 16 years must be in possession of the following:

A valid hunting or fishing license issued by the State of Louisiana. Licenses are available at the Sheriff's office in Leesville and local sporting goods stores.

A season permit, obtainable free at the Provost Marshal's Office, Bldg. 1, Louisiana and Mississippi avenues.

A daily clearance, Fort Polk Form 766 (Hunting and Fishing Permit), obtainable at the Provost Marshal's Office. This clearance is provided on a daily basis to insure that all appropriate personnel are informed of the firing danger areas. The clearance may be obtained on the day prior to anticipated use or on Fridays for use on weekends.

Pet care on post

A pet off the premises of its owner should be on a leash and attended by a responsible individual. The registration tag of the pet should be worn on its collar or harness whenever the pet is out of doors. Pets at large will be impounded by the military police. Pets are registered and immunized in accordance with Fort Polk regulations.

The Veterinarian Clinic is located in Bldg. 601 on Colorado and Wyoming avenues. Hours are Monday, Wednesday, and Friday, 0800 to 1100; Tuesday and Thursday, 1300 to 1400; open anytime for emergencies. The clinic has a small charge for services.

Sports facilities

The Field House (Bldg. 1411) is on Ninth Street near Mississippi Avenue. Boxing, basketball, handball, squash, volleyball, wrestling, tennis, trampoline, and weightlifting facilities are available from 0900 to 2130, Monday through Friday, and from 1300 to 2030, Saturday, Sunday and holidays. A sauna bath is also available.

Ladies' hours at the Field House, sauna bath, and other athletic facilities are announced through the Daily Bulletin, The Outpost and other media.

The South Fort Swimming Pool, in the 200 block on Mississippi Avenue between Third and Fourth Streets, operates from 1930 to 2000 daily, April through October.

The North Fort Swimming Pool, located in the 7400 block on Avenue H, between Second and Third Streets, operates from 1130 to 1930, Tuesday through Saturday; and from 0900 to 1930 on Sundays and holidays, April through October.

The 18-hole Fort Polk Special Services Golf Course operates from 0730 until dark daily. The course also has a driving range.

The two air-conditioned bowling facilities at Fort Polk, Bldg. 1940, Alabama Avenue near 15th Street, Bldg. 7841, Artillery Road, North Fort, operate from 1130 to 2330, Monday through Saturday, and 1000 to 2330, Sundays and Holidays.

Other athletic facilities are as follows: 4 brigade athletic gymnasiums, 6 lighted softball fields, 13 hardsurface tennis courts, 2 lighted tennis courts (700), 2 multipurpose courts.

Arts and crafts shops

There are eight crafts facilities open to serve you. Individual shops are open five days a week on an alternating schedule.

Craft Shop 1, Bldg. 2201, Alabama Avenue and 17th Street, offers leather, ceramics, graphic arts, oil painting, drawing, metal enameling, water color, painting, ceramic sculpture, mobile making, jewelry and other activities.

Craft Shop 2, Bldg. 7834, North Fort, Eighth Street between Avenues G and H, offers the same as above, plus lapidary, silver smithing, art metal, a small photography lab and a resale store.

Craft Shop 3, Bldg. 1424, South Fort, Alabama Avenue between 9th and 10th Streets, offers color and black and white photography, electronics, leather and other minor crafts. It also has a resale store.

Craft Shop 4, Bldg. 2504, South Fort, offers model airplane construction and flying meets, archery equipment construction, leather work, ceramic and lapidary. The shop has a resale store.

Wood Craft Shop 1, Bldg. 1437, Mississippi Avenue, between 9th and 10th Streets, and Wood Craft Shop 2, Bldg. 8007, North Fort, Avenue G between 10th and 11th Streets, offer all types of wood work such as boat building, furniture construction, finishing, carving, turning, prefabrication, cabinet making and wood sculpture. Wood Shop 2 also offers upholstery.

Some materials are stocked for sale.

Hours of operation are as follows:

Craft Shop 1:	
Monday-Wednesday	1300-2200
Saturday, Sunday, holidays	0900-1700
Craft Shop 2:	
Wednesday-Friday	1300-2200
Saturday, Sunday, holidays	0900-1700
Craft Shop 3:	
Wednesday-Friday	1300-2200
Saturday, Sunday, holidays	0900-1700
Craft Shop 4:	
Monday-Wednesday	1300-2200
Saturday, Sunday, holidays	0900-1700
Wood Craft Shop 1: (South Fort)	
Monday-Wednesday	1300-2200
Saturday, Sunday, holidays	0900-1700
Wood Craft Shop 2: (North Fort)	
Wednesday-Friday	1300-2200
Saturday, Sunday, holidays	0900-1700

The Auto Craft Shop 1, Bldg. 211, Third Street and Auto Craft Shop 2, Bldg. 8509, North Fort, Avenue J and 13th Street, offer complete facilities for repair, tune-ups, washing, greasing, steam cleaning, undercoating, body work and new construction. Parts are stocked for resale. Hours of operation are as follows:

Auto Shop 1:	
Monday-Wednesday	1300-2200
Saturday, Sunday, holidays	0900-1700
Auto Shop 2:	
Wednesday-Friday	1300-2200
Saturday, Sunday, holidays	0900-1700

Vehicle registration

Private vehicles may be brought on post and are subject to post regulations established by the commanding general.

Private cars kept on post by assigned personnel or vehicles driven to and from post regularly must be registered with the Provost Marshal's Office within 72 hours of arrival on post.

A temporary registration permit, valid for up to 30 days or longer (depending on the individual's status), may be obtained from Vehicle Registration, Bldg. 3330, on Georgia Avenue.

Permanent registration decals are issued by Vehicle Registration when each applicant presents:

1. Proof of ownership or written permission of the owner to operate.
2. Proof of $5,000, $10,000, and $5,000 liability insurance.
3. A valid operator's license.
4. A valid state safety inspection sticker.
5. A valid state license plate.

Uniforms

Wearing of uniforms is prescribed in AR 670-5 and Fort Polk Directives, 670 series.

Seasonal change over dates are: Summer uniforms, second Monday in March; winter uniforms, first Monday in December.

Youth activities advisory council

YAAC provides recreational activities and programs for dependents of military and civilian personnel at Fort Polk. A teen center is located in Bldg. 200 on the corner of Mississippi Avenue and Third Street.

Food services

The main cafeteria on Tennessee Avenue, Bldg. 4320, operates from 0630 to 1700, Monday through Friday.

Service Club Cafeteria, Bldg., 1733 Louisiana Avenue, is open from 0630 to 2200, and closed daily from 1300 to 1500 for cleaning.

North Fort Snack Bar, Bldg. 7803, off Entrance Road on Avenue G, is open from 0700 to 2100 daily and closed daily from 1300 to 1500.

The Bowling Alley Snack Bar, South Fort, Bldg. 1940, on Alabama Avenue and 15th Street, operates from 1130 to 2100, Monday through Friday; 1230 to 2200 Saturday; and 1030 to 2000, Sunday and holidays.

The Golf Course Snack Bar, Bldg. 324, operates from 1100 to 1900, Monday through Saturday; 0900 to 1900, Sunday. It is closed during inclement weather.

There are 14 mobile snack units carrying snack items throughout the installation to troops in areas not served by an established food activity.

A dairy bar in South Fort at Bldg. 1725A, Alabama Avenue, is open 1000 to 2100, Monday through Friday, and 0900 to 2100, Satur-

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day and Sunday. Ice cream, soft drinks and snacks are available.

Quick Stop Snack Bar 2, Bldg. 2375, Alabama Avenue and 21st Street is open from 1100 to 2100 daily.

A Pizza House is in Bldg. 1627, on 12th Street and Alabama Avenue and is open daily from 1000 to 2200. Delivery service is available from 1700 to 2100. The North Fort Pizza Stand, Bldg. 5659, is open Monday through Friday from 1000 to 2230 and Saturday and Sunday from 1000 to 2330. Delivery service is available from 1630 to 2100.

Optometrist

An optical clinic is in Bldg. 742. Hours of operation are 0730 to 1630, Monday through Friday.

Federal civilian employment

Applicants for Civil Service employment at Fort Polk have to file applications with the Interagency Board of United States Civil Service Examiners for the State of Louisiana, 600 South St., New Orleans.

The Interagency Board has recently opened an examination point in the Standard Bldg., 104 Second St., DeRidder. Applicants with prior Federal Civil Service may apply to the Civilian Personnel Office, Bldg. 502, on Colorado Avenue.

Loan service

Emergency loan services to military personnel are available through two agencies on post. The Red Cross Field Office, Bldg. 1711, on 12th Street between Mississippi and Alabama Avenues, and the Army Emergency Relief Fund, Post Adjutant General's Office, render financial assistance to military personnel in emergencies. AER, Bldg. 317, is located on Corps Road between Mississippi Avenue and Louisiana Highway 467.

Banking

Complete banking services are available through the Fort Polk Branch of the Rapides Bank and Trust Company of Alexandria. The facility, open from 1030 to 1400, Monday through Friday, is in Bldg. 1815, on Alabama Avenue, between Louisiana Avenue and 14th Street.

Federal credit union

The Fort Polk Federal Credit Union operates in Bldg. 1908, 14th Street, between Mississippi and Alabama Avenues. Membership is open to all military and civilian personnel assigned to or employed at Fort Polk. Hours are 0930 to 1500, Monday through Friday.

Post libraries

A variety of fiction, technical and reference books, magazines, newspapers, pamphlets and records are available to active and retired military personnel, their dependents and civilian employees.

Research, reference, readers' advisory services, interlibrary loans and field collections in support of staff functions are offered by professional librarians. The Hospital library gives ward service to patients and Branch 2 Library houses a children's collection.

Post Library—Building 1802, Louisiana Avenue near Alabama Avenue:
  Monday-Friday ------------- 1200-2100
  Saturday, Sunday, holidays--- 1200-2100
Hospital Branch—Building 639, Utah Avenue
  Monday-Friday ------------- 1200-2100
  Saturday, Sunday, holidays--- 1200-2100
Branch No. 1—Building 2106, 16th Street between Mississippi and Alabama Avenues:
  Monday-Friday ----------- 1730-2100
  Saturday, Sunday and holidays ----------------1200-2100
Branch No. 2.—Building 1331, Mississippi Avenue between 8th and 9th Streets:
  Monday-Friday ------------- 1200-2100
  Saturday, Sunday, and holidays ------------------ 1200-2100
North Fort—Building 7801, F Avenue between Entrance Road and 8th Street:
  Monday-Friday ----------- 1200-2100
  Saturday, Sunday, and holidays --------------- 1200-2100

Clothing sales

Directorate of Supply conducts clothing sales in Bldg. 1615, on 12th Street and Mississippi Avenue. Hours of operation are 1100 to 1730, Tuesday through Saturday.

Officers' wives club

Membership in the OWC of Fort Polk is open to wives of all members of the Officers' Open Mess. Dues are $2 per year. Meetings are held on the first Wednesday of each month.

Some of the activities offered by OWC are bridge lessons, party bridge, ceramics, golf, gourmet cooking, oil and water painting and bowling.

Noncommissioned officers wives club

Membership in the NCO's Wives Club is open to all NCO wives. Dues are $1 per month. Business meetings are held the first Thursday of the month in the NCO Club Bldg. 315, on Corps Road. There is a luncheon every third Wednesday of the month and bingo every Sunday afternoon and Tuesday night.

Legal assistance

Advice on legal problems is available to military personnel and their dependents from the office of the Staff Judge Advocate, Legal Assistance Section, Bldg. 914. Legal assistance is a professional service under the supervision of the Staff Judge Advocate and is rendered within the purview of AR 608-50.

American Red Cross

The American Red Cross is the agency designated by Congress and the Defense Department to serve as a medium of communication between the serviceman and his home. It assists the serviceman and his immediate family with emergency communication and other problems. The Red Cross does not have a command function, and therefore, does not approve or disapprove leave, but does assist the man and his family in getting appropriate information to military authorities so a leave decision can be made by the military.

In the event of serious illness, death, or other emergencies, your dependents or immediate family should contact their local Red Cross chapter. The chapter will send a factual report to the post Red Cross Office, and this information will be used by the military in making leave decisions.

The Red Cross staff, located in the hospital, furnishes reporting, counseling, and recreation services for patients and staff of the hospital. The field office staff is available for counseling and assistance in problems relating to financial assistance, emergency needs, hardship and dependency discharges, reassignments, and family financial problems.

Financial assistance to men and families is based on needs brought about by circumstances beyond the control of the individual. Dependents residing in the Fort Polk area are serviced by the local community Red Cross Chapter rather than by the South Fort Field Office.

The South Fort Field Office is located in Bldg. 1711, on 12th Street between Mississippi and Alabama avenues. The North Fort Field Office is located in Bldg. 7835, on Artillery Road. Office hours are 0800 to 1600, Monday through Friday. At other times contact the telephone operator for name and number of duty worker.

Passenger travel

Air Service: Scheduled commercial air travel is available from Fort Polk Army Airfield on a daily basis. Flights connect with all major airlines through Houston, New Orleans and Dallas gateways. Transportation requests, reservations and other travel information are available during normal duty hours, Monday through Friday, at Bldg. 4513. Tickets may be purchased at the Joint Army Military Ticket Office (JAMTO), Bldg. 4622 or the Texas International Airline ticket counter, Fort Polk Army Airfield.

Bus Service: Scheduled commercial bus service is available at the Trailways Bus Station, Leesville, with connecting service to all points in the United States. Bus schedules, fares and transportation requests can be obtained from the Transportation Office. Tickets may be purchased at the JAMTO Office or direct from bus representatives in the Leesville bus terminal.

The Fort Polk Transit Company provides bus service between the installation and Leesville. Buses originate at all post Service Clubs. Schedules are available at the Transportation Office, Service Clubs or the Fort Polk Transit Company.

Post Military Bus Service is also provided on free shuttle schedules throughout the installation. Pickup points are clearly marked. Operating schedules are available from the Transportation Motor Pool.

Taxi Service: Commercial taxi firms provide on-post taxi service and transportation from the installation to local communities and return. Current transportation licenses do not provide for long distance travel of members and/or their dependents via this mode of travel except for bona-fide emergencies. Violations should be reported to the PMO or Transportation Officer.

Military taxi service for official use is provided by the Transportation Motor Pool upon request. This service is not authorized for off-post travel of persons in a temporary duty status.

Army education center

Fort Polk's Army Education Center fulfills the vital role of affording educational opportunities to military and civilian personnel and their dependents. An equally important role is its civilian occupational training for many who are soon to be discharged.

Through its testing program for Project 100,000 inductees, the post identifies men who cannot read at a fifth-grade level or better, and enters these on Army Preparatory Training to improve their reading skill. Most are brought to fifth-grade proficiency in three weeks through advanced teaching techniques used here.

An aggressive Project Transition program offers many soon to be discharged soldiers an opportunity to learn a marketable civilian skill during their last six months of military service. More than 30 civilian trades may be studied, and the post maintains nationwide contact with 1,000 prospective employers to help the veteran get a job referral.

Education at Fort Polk extends to the U.S. Army Hospital where an education annex assists many patients to improve their education while undergoing lengthy convalescence.

Weapons registration

All privately owned weapons maintained on Fort Polk must be registered at the Provost Marshal's Office, Bldg. 1, on Louisiana and Mississippi avenues. Arms must then be turned in to unit arms (supply) rooms where security is maintained.

Army community service (family services)

Army Community Service (ACS) assists active duty and retired personnel and their dependents, as well as next of kin of deceased active or retired Army personnel residing in this area. ACS aids by counseling, referring to other assistance agencies, and offering programs designed to meet various needs in the military community.

ACS activities deal with problems such as securing transportation, helping coordinate emergency financial assistance, obtaining identification cards, medical care and legal assistance.

ACS programs include Big Brother (to meet the needs of boys whose fathers are not at home), Waiting Wives, Drivers Training, Emergency Child Care, Future Citizens Classes, Emergency Assistance in cases where homes are destroyed and coordination of dependent medical care benefits.

Recognizing the fact that Army families

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with handicapped children have unusual problems in securing education, training therapy, and diagnostic services for these children, ACS has developed a program to aid these families.

Volunteers from the military and civilian community are utilized in all of these programs and are instrumental in helping ACS accomplish its mission—to provide answers to questions from troubled personnel.

BURKE ANNOUNCES 1970 QUESTIONNAIRE

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BURKE of Florida. Mr. Speaker, I wish to announce that once again I am sending to the constituents in my district, my fourth annual questionnaire requesting their views on some of the vital issues confronting this Congress and our Nation.

More than 240,000 residents of my district will receive this poll and I hope that this year I will receive an even greater response than the 40,000 plus returns, which I received in 1969.

The following is a copy of my 1970 questionnaire with my message to the citizens of the 10th Congressional District. I intend to publish in the RECORD later in this session, a comprehensive tabulation of the questionnaire results for the purpose of giving my fellow colleagues an insight into South Florida's views on national issues.

BURKE QUESTIONNAIRE

During the next few months there will be many controversial matters brought to the House floor for decisions which will vitally affect the future of our Nation.

In the past, I sent questionnaires to determine your views and am doing so once again because your thinking will be of great help to me if I am to properly exercise the privilege you granted me to vote your proxy as your representative in the U.S. Congress in resolving these vital issues.

I appreciate that many of the questions will be difficult to resolve by a simple yes or no answer. But so too, is it sometimes difficult for me to cast a strict yes or no vote when I am faced, as I often am, with a bill of many pages and titles . . . but must nevertheless cast a single vote for or against the entire package.

I want you to know that I am grateful for the time and consideration you give in responding to my questionnaire, and where perhaps my vote may not coincide with your opinion, you may be sure that I will strive to cast my vote as directed by the majority of the people of the Tenth Congressional District, honestly, fairly and impartially.

Questions

	Yes	*No*
In order to combat inflation, would you favor wage and price controls?	☐	☐
In the Israeli-Arab controversy, which of the following do you favor:		
Reduction of U.S. assistance to Israel?	☐	☐
Increase U.S. military assistance to Israel?	☐	☐
A neutral position concerning both Israel and the Arab bloc?	☐	☐
Face to face negotiations between Israelis and Arabs?	☐	☐
Negotiations for a peace settlement under the direction of the four powers, U.S., France, Britain and Russia?	☐	☐
Do you think school children should be bussed to achieve racial balance in our schools?	☐	☐
To further help retired citizens, do you favor my bill, H.R. 2068 which would remove all earning limitations for social security recipients?	☐	☐
Do you favor continued automatic social security increases based on the cost of living index?	☐	☐
Do you believe public employees should have the right to strike?	☐	☐
Do you favor a system of national health insurance for all citizens?	☐	☐
Should the power of the President to commit American troops to combat without the approval of the Congress be curbed?	☐	☐
Do you favor the creation of a postal corporation as proposed by the administration?	☐	☐
In order to fight the War on Crime, which one of the following do you feel is most important: (please check one)		
More effort to reduce the social causes of crime?	☐	
More federal funds to states and cities?	☐	
Tough sentences by judges?	☐	
More authority to police?	☐	
Reintroduction of capital punishment?	☐	
With respect to raising an army to defend the nation which one of the following do you favor: (please check one)		
Continuing the lottery in its present form?	☐	
Replacing the draft system with an all-volunteer army?	☐	
Do you believe the voting age should be lowered to: (please check one)		
18?	☐	
19?	☐	
20?	☐	
Left to the states to decide in accordance with the intent on the Constitution?	☐	

AMERICAN UNIVERSITY SENIOR SHOWS REAL COURAGE IN PROTECTING THE AMERICAN FLAG FROM MINDLESS MOB

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. MICHEL. Mr. Speaker, an article appearing in yesterday's issue of the Washington Daily News, and nowhere else to my knowledge, tells of the courage and patriotism of a 21-year-old American University senior, Mr. David Shapiro. His protection of the American flag on campus is in refreshing contrast to what has become a nightly feature on the television news programs depicting mindless mobs burning and otherwise desecrating the flag. I salute Mr. Shapiro and offer his example as one that his fellow students might consider emulating.

I include the article from the Washington Daily News in the RECORD at this point:

FLAG SAVER

David Shapiro, a 21-year-old American University senior yesterday guarded the American flag on campus against student demonstrators.

He prevented students from turning the flag upside down and running it at half staff. They surrounded him at the flagpole and demanded he let them have the flag. He wouldn't.

"We're the people of the university and the flag has to come down," said one. "That's the sign of the people who are killing people," said another. When the crowd saw it would take a fight to get Mr. Shapiro to leave they backed off.

"The flag has no place in any issue," said Mr. Shapiro, who leaned against the iron flagstaff while the students swarmed to Ward Circle for a demonstration.

"I'm going to stay here till I'm sure the flag won't come down," he said and did until the flag was lowered at its usual time—dusk.

ESCALATION IN CAMBODIA

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. RYAN. Mr. Speaker, the President's actions in authorizing the escalation of the Vietnam war is a tragic and misguided step. Not only did the President act without the approval of Congress, but he also signaled his repudiation of attempting to achieve a political settlement to the conflict in favor of an illusory military victory. Joseph Kraft's column which appeared in the May 7 edition of the Washington Post very accurately analyzes this folly, and I commend it to my colleagues for their most careful consideration. The column follows:

[From the Washington Post, May 7, 1940]

DAMAGE TO RED SUPPLY LINES COULD BE OF FLEETING VALUE

(By Joseph Kraft)

American troops entered Cambodia in search of the main enemy headquarters. They end up burning a bunch of dusty native villages.

Presumably some damage will be done to Communist supply lines, stores, and plans. But for how long? The White House estimates it will take eight or nine months for the Communists to build back to where they were. President Nguyen van Thieu of South Vietnam told Osborne Elliott of Newsweek magazine that the effects would last "two, three months—five, six months."

Then what? The White House has not yet figured out how to do an encore. President Thieu is not so reticent. He laughingly told Newsweek: "We will go in again when it is necessary."

What this teaches—once again—is that there is no way to end the Vietnamese war by conventional military force, that the only good way out is to negotiate out. But what does the latest set of strikes do for the negotiating possibility?

Well, the Russians and those leaders of Hanoi who favor a negotiated settlement are plainly on the defensive. That is the meaning of the Communist boycott of the Paris peace talks this week. That is why Le Duc Tho, Hanoi's chief negotiator, has left Paris, backtracking from early indications of sympathy with the idea of a new Geneva conference. That is why Premier Alexei Kosygin of Russia, when asked about a Geneva meeting at his press conference the other day, replied: "At this point it is necessary to stop their allies in Hanoi have had a new boost

Similarly, the Communist Chinese and the aggressor—not to hold conferences."
for their theory of maintaining a perpetual guerrilla war in Indochina. That is why Peking is plugging as never before the insurgent liberation movements of Cambodia, Laos, and South Vietnam. That is why Hanoi is making such a big deal about the presence of Chinese Premier Chou En-Lai at a recent meeting in South China of all the Communist parties to the Vietnam war.

No doubt a temporary clouding of the negotiating prospect would be justifiable if the great center of the Communist power was being put on notice to behave by the show of strength in Cambodia. But the Russians are not getting that message at all.

On the contrary, at his press conference, Mr. Kosygin was confident to the point of joking about western speculation on inner Kremlin politics. He spoke of a new burst of activity by Soviet pilots in Egypt with bland impunity. For the fact is that the United States is not exactly in good position to complain about potential Soviet threats while the Cambodian invasion is going forward. Indeed, the deeper fact is that the Nixon administration is too obsessed by Cambodia even to focus serious attention on the grave challenge in the Near East.

In the same confident vein, Mr. Kosygin announced that Cambodia might cause the Russians to reconsider their position in the arms control talks now underway in Vienna. At best, that means that Moscow, far from being scared, is applying against the United States the administration's famous policy of linkage—the policy of saying you behave or we won't play ball in the arms control talks.

At worst, there could be genuine harm done to the prospects for arms control. For the Soviets are negotiating on the assumption that agreement will register rough parity between the Big Two. They have finally begun to believe former Defense Secretary Robert McNamara's assurances that neither side could gain from an increase in strategic weaponry. But if they begin to get the wind up, if they are convinced that this country is creating a climate of confrontation in order to go one up, then they could easily back away from any agreement.

So far, most of these bleak developments are potential. They could be undone by a reversal of American policy. But that would mean finally rejecting the contention of the American military that they can win decisive advantages in Vietnam. It would mean understanding that President Thieu is advocating a policy of perpetual war. It would mean moving to negotiate by changing the ambassador and the commander in Vietnam in order to pave the way for a new government ready to compromise with the other side. And doing all those things takes courage—the moral courage of convictions, not the kind given to men who think they have to prove they are tough.

JOSEPH C. MAZUR, POLISH ARTIST, FAMED FOR CHURCH ARTWORK

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. DULSKI. Mr. Speaker, there are churches throughout the Nation—and particularly in western New York State—which contain the artwork of a real artist, Joseph C. Mazur.

A lifelong resident of my home city of Buffalo, N.Y., Mr. Mazur had been in ill health for several years. He died 2 weeks ago in Buffalo's Veterans' Administration Hospital.

His many works over the years are widely appreciated although many, unfortunately, never had the pleasure of knowing this exceptional artist personally.

Mr. Speaker, the Buffalo Evening News has related many of Mr. Mazur's accomplishments and I include the article as a part of my remarks:

JOSEPH MAZUR DIES; HIS ART WAS A RELIGION

Joseph C. Mazur, Buffalo-born Polish artist whose work adorns countless churches in Western New York and throughout the country, died Thursday (April 23, 1970) in the Veterans Administration Hospital. He had been in ill health for several years.

One of a handful of artists in America still able to work in stained glass, he was 73 and lived at 2 Virginia Pl.

Mr. Mazur was internationally known for his stained-glass windows and church decoration before he was 30. He was skilled at mural paintings, portraits, landscapes, sculpture, wood carving, etching, batik and interior and exterior design as well as architecture.

He was the designer of several Buffalo homes.

He was the sculptor of the celebrated Chopin Monument in front of the Buffalo Museum of Science, unveiled in 1925.

He executed the city's official portrait of the late Mayor Mruk. He did the murals and designed the interior and much of the exterior of the Polish Village. He designed and contributed to the holdings of the Polish Books Room at Lockwood Memorial Library, State University of Buffalo.

RECEIVED ART SCHOLARSHIPS

He was a talented pianist and gave lectures on Polish music, art and literature.

He was the son of Alois Mazur and Anna Bernecka, who came here from Poland. He was a graduate of Masten Park High School, attended the Albright Art School (then Buffalo Fine Arts School) on scholarships and studied at the Art Students League in New York City, also on scholarship, before starting work on his own.

Mr. Mazur became known as a successful church painter and decorator in several cities before returning to Buffalo, where he maintained studios for about 50 years.

He was a World War I naval veteran, and one of the first chapels he decorated and executed murals for the Chapel of the 16th Regiment in Great Lakes, Ill.

COUNTLESS FRIENDS

Although termed a Renaissance painter Mr. Mazur felt that church painting must appeal to the emotions of the people and frequently used brighter colors than the Europeans of that era. He even "bobbed" the hair on some of his church-window angels, causing a small liturgical flurry in Buffalo during the 20s and 30s.

His wife, the former Stefa Kluczycka of Buffalo was a frequent model for his painting and sculpture.

Although not a "joiner," Mr. Mazur was the first president of the Polish-American artists society here. He did the frontispiece for "Mickiewicz and the West," a volume of five essays on the Polish poet, patriot and exile, published in 1956.

ROLE AT CANISIUS

He was a frequent anonymous giver to charity and also donated his bas-relief flacial sculpture of the Polish poet Juliusz Slowacki to UB's Lockwood, Library in 1960.

Able to work until 1964, even after the loss of a leg four years earlier, the penalty of long years on a scaffold, Mr. Mazur was the architectural sculptor for the Science Building at Canisius College.

He was the sculptor of the Dean Pitass Memorial at Fillmore Ave. and Peckham St. here, as well as the Christ the King statue at St. Aloysius Church in Springville. His church decoration, much of it unlike decoration found in any other American churches, is found here, in New York, New Jersey, Michigan and through New England.

Mr. Mazur maintained studios at several Buffalo locations. He and his wife also ran a book store, antique shop and game room called "Light & Shadow," and an antique shop.

DECORATED MANY CHURCHES

The executor of the tympanum over the main entrance to the Villa Maria Academy, Mr. Mazur decorated and/or redecorated these local churches:

St. Stanislaus, St. Adalbert Basilica, Precious Blood, Blessed Trinity, Queen of Peace, St. Mary Magadalene, St. Barbara in Lackawanna, Assumption in Albion, St. Valentine, St. John Gualbert in Cheektowaga, St. John Kanty, St. Michael in Lackawanna, Our Lady of Czestochowa in North Tonawanda, St. Stanislaus in Niagara Falls, Transfiguration in Olean, Transfiguration in Buffalo, Mary Queen of Peace, St. Mary's, St. Matthew's and St. Gerard's.

He designed and executed stained glass windows in many of these, as well as in Grace Episcopal, Oakwood Community, Humboldt Reform, St. Josaphat's in Cheektowaga, St. Rita's, St. Margaret's (all windows), Immaculate Conception in Attica, Trinity Episcopal in Lancaster, SS. Peter & Paul in Hamburg, and Bethel Evangelical Lutheran.

Suriving besides his wife are a brother, Alois Mazur of Buffalo and two sisters, Mrs. Anna Rybak and Mrs. Victoria Osinski of Buffalo.

A Requiem High Mass will be celebrated at 11 a.m. Monday in St. Stanislaus Church, Peckham and Wilson Sts., following prayers at 10:30 a.m. in the Pacer Funeral Home, 1275 Sycamore St. Burial will be in St. Adalbert's Cemetery, Cheektowaga.

POLISH CONSTITUTION DAY

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, this month Americans of Polish origin join with citizens of Polish descent in other countries of the world in commemorating the 179th anniversary of the Polish Constitution of 1791.

That Constitution, adopted only 2 years after the American Constitution, pioneered the principles of democracy in Europe. Like our Constitution it proclaimed that "all power in civil society should be derived from the will of the people." It guaranteed civil liberties which we in America now take for granted.

Unfortunately, Poland has had little opportunity to enjoy the rights and freedoms proclaimed by this Constitution. Shortly after its adoption, Poland was invaded by Russia in order to destroy the new Constitution and eventually the country was partitioned among Russia, Prussia and Austria. In the following years, Poland has had full independence for only a few years as, during this cen-

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tury, the totalitarian system of nazism and communism have invaded and suppressed the Polish nation.

Despite this tragic history the Polish people have not forgotten the noble ideals and principles espoused in that Constitution. Even today as the Polish nation suffers under the cruel yoke of the Communist tyranny, the Constitution of 1791 continues to inspire Polish people everywhere that someday the concept of liberty and democracy will once again be the basis of government in their homeland, and that the citizens of Poland will again be able to exercise their right of self-determination.

I share the hope of freedom-loving people everywhere that that day will come soon for the brave nation of Poland.

SMITHSONIAN CALENDAR OF EVENTS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the schedule of events for the month of May 1970 of the Smithsonian Institution.

The Smithsonian Institution offers a variety of programs and exhibits, as well as special programs for young children. I am sure that Americans of all ages will find many things of interest in the many events currently scheduled at the Smithsonian Institution:

CALENDAR OF EVENTS

AMERICAN COLLEGE THEATRE FESTIVAL

The second American College Theatre Festival continues through May 12 at Ford's Theatre and the new University Center Theatre of George Washington University.

Presented jointly by the Smithsonian Institution and the John F. Kennedy Center for the Performing Arts and sponsored by American Airlines, the Festival will offer ten of the nation's best university and college theatre companies in plays emphasizing the theatre of the present and the theatre of tomorrow.

The schedule for May is:

1—*Birthday Party* by Ohio University, 7:30 Ford's Theatre.

2—*Birthday Party,* 2:00 and 7:30 p.m., Ford's Theatre.

Peer Gynt by Hanover College, 7:30 p.m., University Center Theatre.

3—*Peer Gynt,* 2:00 and 7:30 p.m., University Center Theatre.

4—*Celebration* by Los Angeles Harbor College, 7:30 p.m., Ford's Theatre.

5—*Celebration,* 2:00 and 7:30 p.m., Ford's Theatre.

The Royal Hunt of the Sun by Georgetown University, 7:30 p.m., University Center Theatre.

6—*The Royal Hunt of the Sun,* 2:00 and 7:30 p.m., University Center Theatre.

7—*The Ghost Sonata* by Dartmouth College, 7:30 p.m., Ford's Theatre.

8—*The Ghost Sonata,* 2:00 and 7:30 p.m., Ford's Theatre.

A Raisin in the Sun by Grambling College, 7:30 p.m., University Center Theatre.

9—*Unfinished Song* by Howard University, 7:30 p.m., Ford's Theatre.

A Raisin in the Sun, 2:00 and 7:30 p.m., University Center Theatre.

10—*Unfinished Song,* 2:00 and 7:30 p.m., Ford's Theatre.

11—*Rites II* by Boston University, 7:30 p.m., University Center Theatre.

12—*Rites II,* 2:00 and 7:30 p.m., University Center Theatre

Ticket prices for evening performances Sunday through Thursday will be $2.50 and $3.50 with Friday and Saturday evening performance prices at $3.00 and $4.50. All seats for matinee performances will be priced at $2.00. A 25 percent reduction on all tickets will be offered to students, with a further reduction for groups of 25 or more.

For further information call 343-8893.

FRIDAY, MAY 1

Art of the U.S. Air Force. Recent paintings by some forty American artists will show Air Force personnel, places, and equipment. About 50 works will be displayed in the Arts and Industries Building through July 5.

SATURDAY, MAY 2

Children's day at the national Collection of Fine Arts. Performances by the American Indian Society Dancers, the Living Stage, and the Potomac Recorder Group; also special improvisational tours, Films for Fun, a calliope, fire engine visit, Ambiguity Society Parades, and more for ages 6–12 accompanied by an adult.

Recreation of Claes Oldenburg Happening, "Movie House," by the Art Information Guides, NCFA, directed by Deborah Haynes. Originally produced by Oldenburg in 1965, the performance will be unrehearsed and will involve the participants and spectators, who will follow instructions given to them a few minutes before the play begins. 4 p.m., National Collection of Fine Arts.

SUNDAY, MAY 3

Folksong concert: *Ewan MacCall and Peggy Seeger.* Original and traditional material from Britain and the U.S., with guitar banjo and autoharp settings. National Museum of Natural History auditorium, 8:00 p.m. Tickets: $3.00, sold at the door. Co-sponsored by the Smithsonian Division of Performing Arts and the Folklore Society of Greater Washington. For further information call 332-5050 or 381-6252.

MONDAY, MAY 4

Women and politics. A special exhibition commemorating the 50th anniversary of woman suffrage. Show traces of women's participation in politics from the American revolution up to the present. National Museum of History and Technology. Closing indefinite.

Concert: *The Camerata Chorus of Washington* with chamber ensemble, presenting the works of Charpentier, Haydn, Frederick the Great, and Mozart, Hall of Musicial Instruments. National Museum of History and Technology, 8:30 p.m.

Audubon lecture: *Our Unique Water Wilderness—The Everglades,* by William Andrew Anderson. 5:15 p.m. and 8:30 p.m., auditorium, National Museum of Natural History.

WEDNESDAY, MAY 6

Smithsonian film theatre: *Water Famine* and *The Majestic, Polluted Hudson.* 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, National Museum of Natural History.

Informal concert: A 45-minute performance using instruments from the collection of the division of musical instruments. 4:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

THURSDAY, MAY 7

Lecture: *Plant Growth Under Controlled Environmental Conditions,* by Dr. R. J. Downs, Smithsonian Radiation Biology Lab, 12441 Parklawn Drive, Rockville, Md. 3:00 p.m., conference room.

Smithsonian film theatre: *Water Famine* and *The Majestic, Polluted Hudson.* Noon and 1:30 p.m., auditorium, National Museum of History and Technology.

SATURDAY, MAY 9

Sky event. A celebration of the sky by Charles Frazier, Otto Piene, and Vera Simons. With the help of several volunteers, Otto Piene will "Launch" flying helium sculptures, Charles Frazier will create a "Sky Poem," and Vera Simons will produce a "Flower Drop" from the sky. Afternoon and evening (outdoors), National Collection of Fine Arts.

WEDNESDAY, MAY 13

Smithsonian film theatre: *The Wild River,* 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, National Museum of Natural History.

THURSDAY, MAY 14

Smithsonian film theatre: *The Wild River.* Noon and 1:30 p.m., auditorium, National Museum of History and Technology.

SUNDAY, MAY 17

Language of African sculpture. During expansion and renovation of the Museum of African Art in the Frederick Douglass townhouse on Capitol Hill, the Museum will be temporarily exhibiting 200 works of the sculpture of black Africa at the National Portrait Gallery, through September 7. Included in the exhibition are 100 masterpiece works on loan from private collections as well as examples of modern Western art showing African derivation. Guided lecture tours for school classes and other groups may be arranged by calling LI 7-7524.

WEDNESDAY, MAY 20

Informal concert: a 45-minute performance by the Washington Consort, 4:30 p.m. Hall of Musical Instruments, National Museum of History and Technology.

Smithsonian film theatre: The Colorado River, 2 p.m., auditorium, Museum of History and Technology; 8:00 p.m., auditorium, National Museum of Natural History.

THURSDAY, MAY 21

Encounter: Man and Our Troubled Earth. Panel discussion with audience participation. Program Chairman: Dr. Clifford Evans, Smithsonian Office of Anthropology. 8:30 p.m., auditorium, National Museum of Natural History.

Smithsonian film theatre: The Colorado River. Noon and 1:30 p.m., auditorium, National Museum of History and Technology.

Lecture: Tools and Tactics for Reconstruction of Recent Environmental Change, by Dr. J. Gordon Ogden III. 3:00 p.m., conference room, Smithsonian Radiation Biology Laboratory.

FRIDAY, MAY 22

The Capitol Ballet Company featuring Lloyd McNeil, John Jones, and James Weaver, under the artistic direction of Doris Jones and Claire Haywood. 8:30 p.m., auditorium, National Museum of Natural History. Tickets: $3.00. Sponsored by the Smithsonian Associates and the Division of Performing Arts.

SATURDAY, MAY 23

The Capitol Ballet Company. See May 22 entry for details.

SUNDAY, MAY 24

The Capitol Ballet Company. See May 22 entry for details.

WEDNESDAY, MAY 27

Smithsonian film theatre: Our Man On The Mississippi. 2 p.m., auditorium, Museum of History and Technology; 8:00 p.m., auditorium, National Museum of Natural History.

Studies of South African Costumes. Exhibition, Hall 10, National Museum of Natural History. More than 50 paintings, illustrating the people and life in Southwest Africa, by Verda V. Peters and Olemara Peters. Closing indefinite.

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THURSDAY, MAY 28

Smithsonian Film Theatre: Our Man On The Mississippi. Noon and 1:30 p.m., auditorium, National Museum of History and Technology.

SATURDAY, MAY 30

The National Symphony Orchestra. 7:30 p.m., Mall Steps, National Museum of Natural History. Presented in cooperation with the D.C. Department of Recreation and the Smithsonian. In case of inclement weather, the concert will be held in the Departmental Auditorium, 14th and Constitution Avenue, N.W.

SMITHSONIAN RESIDENT PUPPET THEATRE

Peter and the Wolf, presented by Bob Brown Marionettes. This third production of the 1969-1970 season is an entirely new offering of the Theatre to the Washington public. Accompanied by the music of Sergei Prokofiev, the characters will tell their own story through the use of almost life-size puppets. The proscenium, or picture frame of the theatre will be removed and allow the audience the possibility of watching the puppeteers manipulate the puppets. All tickets can be purchased in advance, for individuals as well as groups. Admission: $1.25 adult, $1.00 child, special 75 cents rate for groups of 25 or more. For reservations either phone in your request (381-5241), or come down to the Theatre box office. Performances are at 10:30 and 12:30 Wednesday, Thursday and Friday; and at 10:30, 12:30 and 2:30 Saturday, Sunday and holidays. The Theatre is located in the Third Floor of the National Museum of History and Technology. The Smithsonian Resident Puppet Theatre is produced by the Division of Performing Arts.

FOREIGN STUDY TOURS

The Smithsonian has organized several special tours concerned with archaeology, architectural history, art museums, private collections, and natural history.

Classical Greece: July 6-27; a tour designed for first-time visitors to Greece. (Itinerary available, but waiting list only.)

Medieval Greece: July 6-27. Dr. Howland will accompany a group of 22; Byzantine churches, Salonica, Mt. Athos, and Patmos are included; 7 day cruise on private yacht "Blue Horizon," $1,575, of which $350 is tax-deductible. (Itinerary available.)

Decorative Arts & Textile Tour: England, centering in Oxford and Cotswolds; emphasis on needlework, weaving, etc., with lectures and visits to public and private collections, under the direction of Mrs. W. L. Markrich. Leaving September 10th, for two weeks, with a third week free for members' arrangements at will in Europe. (Itinerary available.)

Northern Italy: Palladian Tour of Venice, Vicenza and Verona. Leaving September 14th for two weeks, with a third week free for members' arrangements at will in Europe. $1,300, of which 30 is tax-deductible. (Itinerary available.)

For reservations and details contact Miss Kennedy, Smithsonian Institution, Washington, D.C. 20560, or call 202—381-5520.

MUSEUM TOURS

National collection of fine arts

Weekday tours 11 a.m. and 1 p.m. For advance reservations and full information, call 381-4188 or 381-6100; messages 381-5180.

National portrait gallery

Adult tours, Thursday and Friday, 11 a.m. and 12 noon.

Student tours, Monday-Wednesday, 10 and 11 a.m.

A Presidential Portrait tour is available by appointment.

To arrange for special tours call 381-5380 (adult) or 381-5680 (children).

Museum of History and Technology

Highlight Tours of the Building—Meet at the Pendulum—MAY

1:00 p.m. weekdays

10:30, 12:00, 1:30, 3:00—Saturdays

1:30, 3:00—Sundays

Weekday tours arranged through Office of Academic Programs call 381-5680, 381-5019

Early American Furnishings—Monday through Friday

First Ladies Gowns—Monday through Friday

Ceramics—mornings by request

RADIO SMITHSONIAN

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m., on radio station WGMS (570 AM & 103.5 FM). The weekly Radio Smithsonian program presents music and conversation growing out of the institution's exhibits, research, and other activities and interests. Program schedule for May:

3. *Music at the Smithsonian*

10. *The Concept of Honour; American Seacoast Fortifications*

17. *Paleolithic-era Burial Remains: The First Clues; The Behavior of Primitive Peoples: The Kalihari Bushmen*

24. *The Smithsonian Puppet Theatre*

31. *Women's Liberation—From Suffrage to Careers; Tektite II: An Undersea Experiment*

Radio Smithsonian is also heard on WAMU-FM (88:5) Tuesdays at 4:30 p.m.

DEMONSTRATIONS IN THE MUSEUM OF HISTORY AND TECHNOLOGY

A printing demonstration of the 19th-Century Columbian Printing Press where: Graphic Arts Hall 3rd floor; when: Thursday from 2:00 to 4:00.

Spinning: where: Special Exhibits 1st floor; when: Tuesday and Thursday 10:00 to 12:00.

Power Machinery—steam engines and pumping engines—where: Power Machinery Hall 1st floor; when: Wednesday, Thursday and Friday 2:00 to 3:30; Saturday and Sunday 10:30 to 12:00 and 1:00 to 3:30.

Musical Instruments—harpsichord, clavichord, virginal and sometimes the brass instruments, where: Musical Instruments Hall 3rd floor when: Wednesday, Friday and Sunday 3:00.

HOURS AT NATIONAL ZOO

Gates open 6 a.m. Close 7:00 p.m.

Buildings open 9 a.m. Close 6:00 p.m.

YOUTH CAMP SAFETY SURVEY ACT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, next month millions of youngsters will be enrolling in summer camps across this country. Hearings before my Select Subcommittee on Labor in the last session of Congress revealed that the States have few regulations or supervisory personnel concerned with the safety of summer camps. Statistics on accidents and deaths in youth camps are woefully inadequate, but our subcommittee learned that with effective safety legislation, as in the State of Michigan, the accident rate is definitely reduced. Before Michigan revised its safety statutes, it had two to four drowning deaths annually. Since enactment of new camp regulations in 1963, the State has had only one drowning death in 7 years.

Last year, the youth camp safety survey bill, reported unanimously from both the Select Subcommittee on Labor and the Education and Labor Committee, was brought before this body on the suspension calendar but failed to receive the two-thirds majority necessary for passage. This bill, which I intend to bring before the Rules Committee, authorizes the modest sum of $175,000 to be used for a nationwide study of over 11,500 youth camps and of State statutes to determine the extent of camping laws and regulations and the effectiveness of their enforcement.

Mr. Speaker, nothing is more precious to us than the lives of our children. Parents today have little knowledge of the nature of the camps to which they send their youngsters. A recent edition of "Changing Times," the Kiplinger Magazine, reported on both the youth camp safety survey bill and the nature of camp safety. The magazine specifically discussed the tragedy of the Mitch Kurman family of Westport, Conn., and Mr. Kurman's efforts in behalf of youth camp safety legislation.

[From the Kiplinger Magazine, "Changing Times," May 1970]

ONE FAMILY'S TRAGEDY AND A BILL IN CONGRESS

Five years ago this spring, Mitch Kurman of Westport, Conn., waved his 15-year-old son, David, off to a camp in New York State.

Early in August of 1965 the Kurmans were asked to send money to replace some clothes David had lost overboard while canoeing on the Montreal River in Ontario—the first hint of trouble. Later the same month Kurman and his wife got a phone call. David was lost on the Penobscot River.

The Kurmans flew to Maine and looked with dismay at the west branch of the Penobscot, a churning, white-water rapids used by a paper company to shoot logs downstream. State police and townspeople agreed it was no place for canoes.

"In this stretch where the boy lost his life, below the Ripagneus Dam, logs actually tumble end over end. They don't float," Kurman says.

After the recovery of David's body and a memorial service, Kurman began poking into laws governing the qualifications of camp personnel like the counselor who led the fatal canoeing trip in Maine. To his amazement, he learned that most states neither license youth camps nor set training standards for counselors.

Kurman took his findings to Sen. Abraham A. Ribicoff (D-Conn.), who introduced a bill, called the Youth Camp Safety Act.

The bill would authorize the Secretary of Health, Education and Welfare to set minimum camp-safety standards and reimburse each state adopting the standards, half of the administrative costs.

Ribicoff declares: "The bill is aimed at fly-by-night operations and those camps which are unaffiliated and unaccredited by responsible camping organizations.

"I have no desire to take the adventure out of camping, but I see no reason why the benefits of camping cannot be rendered in a safe and healthy atmosphere. Many camps already measure up to the highest safety standards. Others will be given the incentive to improve. Those that fail to provide a safe environment do not belong in business."

The bill was drafted four years ago. Although it has the support of a dozen cosponsors from both parties and the backing of a majority of members of the American

Camping Association, it has never been approved.

Some objectors argue that the need for federal legislation has not shown, ignoring the fact that the only complete survey of camp safety is one done 40 years ago. Yet last summer when the House of Representatives had a chance to order a realistic, modern study, it rejected a bill by Rep. Dominick V. Daniel (D-N.J.) that would simply have authorized a survey of the extent and effectiveness of state camping laws, such as they are.

The publication further advised parents of the injuries that occur most often at summer camps:

THE MOST LIKELY MISHAPS

When a camper gets hurt, the injury is most likely to be a cut, bump or bruise from a collision with a tree, a post or another camper or from getting bopped with a ball. Next in order are falls from trees, buildings or horses.

These accidents accounted for nearly 60% of 1,134 camp injuries analyzed by Dr. Arthur E. Gjersten of the State University of New York and reported in *Camping* magazine.

He also found that an accident is most likely to happen on the camper's fifth day, either in the game area or on the waterfront. As you might suspect, boys 10 to 14 ranked at the top of the injury list, having 35% of the injuries, compared with 23% for girls of the same age.

Although most injuries were not serious enough to bar kids from camp activities, Dr. Gjersten says, "there is still a great deal to learn about camping accidents, and a study done on a nationwide scale would go a long way toward providing the answers camp directors and others need."

I am also including the entire body of the article because I feel that my colleagues should be aware of the dangers that may befall our youngsters this very summer as well as some of the methods by which parents can assess the safety standards of camps for their children:

CHECK THE KIDS' SUMMER CAMP FOR SAFETY

Two years ago in California, four children were killed and 58 others were injured when a flatbed truck driven by a camp counselor overturned on an expressway.

At a camp in Michigan a child learning to scuba dive went down too deep and came up too fast. Surfacing, he forgot to exhale and his lungs burst.

An earlier tragedy that filled the papers still haunts the memories of the families involved. One warm day in July a group of touring American boys paused on their way up an 11,000-foot mountain in Canada's snowcapped Rockies. At 8,600 feet their adult leader dropped out of the climb, but he gave the boys permission to scale the peak that is shunned even by skilled alpinists in warm weather.

Clad lightly, 11 of the 16 youths had struggled to 9,500 feet when sun-softened snow rumbled above them for an instant and then swept seven boys to their deaths 1,000 feet down the mountain.

This year more than 7,000,000 boys and girls will troop off to spend part of their summer at camp. For the vast majority, camping in cabins, cottages and tents alongside lakes and rivers or in forests will be a pleasant adventure, fondly remembered. For a few others it may well mean injury or death, and for survivors like those in the accidents described above, a lifelong memory of tragedy.

True, there is risk in nearly everything we do. Kids properly supervised in a reputable summer camp are probably safer than their friends running around the streets at home. But how can a parent considering summer camp for his youngster tell the good one from the loosely run outfit that entrusts kids' safety to staffers scarcely older or wiser than the campers themselves?

WHAT LAWS, WHERE?

A glance at the camp-safety record of many states proves that the decision is not one to be left to chance.

Most states provide little or no supervision to protect children from the kind of accidents that can cripple or kill. Based on the best information available, the leading cause of camp fatalities is drowning, which kills an estimated 40 youngsters each summer. Yet 40 states have no requirements for counselors who oversee water activities.

In 46 states there simply are no rules governing either the qualifications of vehicle drivers at camps or the types of vehicles that tote campers to and fro.

Nineteen states neither inspect nor regulate children's camps in any way. Although states demand reports on fires, highway accidents and industrial injuries, only a couple require children's camps even to keep medical records of severe illnesses or bad accidents.

Luckily for some campers a few states, such as Michigan and Colorado, have pioneered safety legislation that saves lives. And the American Camping Association (ACA) has developed over the years a set of health and safety standards that camps must meet in order to display the association's emblem. After a camp requests membership, a couple of inspectors trained in ACA standards check the camp's facilities and equipment, leadership, health and safety precautions, and note in writing how well activities are supervised.

Between 14% and 16% of camps applying for accreditation by ACA fail on the first try. Usually, the camp owner or director corrects the deficiency in a jiffy. Still, recommendations by the touring inspectors are just that. If a camp owner balks, all the ACA can do is deny him accreditation.

Only a little over a quarter of the 11,000 or so youth camps belong to the ACA. Most youth agency camps have their own standards or use the ACA's. This leaves the safety of thousands of others strictly up to the owners, directors and managers or to state officials, who often do little more than inspect routinely for adequate sanitation and water purity.

Of course, there are camps that could meet ACA's standards but have never applied, and there are good camps even in states with feeble laws.

But picking one worthy of your trust is not to be done by thumbing through fancy brochures picturing campfire songfests and canoeing on placid lakes.

HOW TO DECIDE ABOUT A CAMP

The best way to judge a camp is to visit the place yourself. Talk to the counselors and director. Notice whether facilities and equipment are well cared for. If a visit is impossible, try to find someone who knows the camp and ask for an appraisal. You might talk to youngsters who've been there; ask the camp to mail you a list of some campers from your area.

You would also be well advised to find out how long the camp has been in business, whether it is ACA-accredited and just what your state camping laws do cover.

Satisfy yourself on as many of the following points as you can, most of which are ACA recommendations. Observations during a visit will take care of many of them.

Personnel.—Is the director 25 or over and does he have a college degree related to camping? Has he taken a refresher course within the past three years?

Counselors should be at least 18 years old in day camps, 19 in resident camps. How many counselors for each camper? Be wary on this point. Some camps pad ratios merely by calling every staff member a counselor, even if he doesn't work directly with campers. For a day camp with 8-year-olds a good ratio is one counselor to ten campers. The ratio should be one to eight where the kids range from 6 to 8, and one to six if they are younger.

Campsite, facilities, equipment.—The camp should be well back from highways, and foot trails should be as far as possible from traffic. Inspect for such hazards as rocks, hunks of metal and poison ivy. If sleeping accommodations are not all at ground level, are fire escapes and protective devices provided for all other floors? Is the swimming area roped off and is there lifesaving equipment?

Be sure that the waterfront program is always under the direction of an experienced person over 21 years who holds a current American Red Cross water safety instructor's certificate. A certified senior livesaver should be available for every 25 swimmers.

Can all watercraft be locked up when not in use? If there is a pool, it ought to be fenced. Any potential hazards—rifle and archery ranges, cliffs and the like—should be properly marked off and shooting equipment stored in locked cabinets.

Ask whether the camp is covered by proper accident and liability insurance.

Health.—A good camp requires a physical exam for each camper before he checks in, as well as proof of inoculations and vaccinations and a medical history. It has a doctor or registered nurse on the staff or a physician on call.

Be particularly careful here. Some camps rely on the town doctor. If the camp is near a crowded summer resort, the doctor may be too busy when he's needed most.

Sanitation.—You want to be certain that the camp complies with state and local health laws, has water that has recently been certified as safe, and stores its milk and food supplies away from obvious sources of contamination.

Transportation.—Notice whether transportation equipment appears to be in good shape. Do vehicles provide safe seating for all passengers? Is there a safety-education program for personnel and campers who will use the vehicles?

Don't shy away from asking questions. Remember that a well-run camp should be eager to show you that it measures up to the very best health and safety standards.

NO TAXATION WITHOUT REPRESENTATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. MIKVA. Mr. Speaker, 200 years ago, "No Taxation Without Representation" sounded the battle cry for America's struggle for independence. Having realized that independence, however, America has yet to extend representation to all of its own citizens. I am speaking of the District of Columbia, where 850,000 citizens are taxed without being represented. Can this be equal justice under law, when some of our citizens are denied the rights of others?

I think not. The spirit of both the revolution and the Constitution require that the Congress enact legislation to allow the citizens of Washington, D.C., to elect representatives to both the House and the Senate.

Since the beginning of the 91st Congress, at least 19 Members of the House have introduced legislation to provide for

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voting representation in Congress for the District of Columbia. Similar interest has been shown by the other body, in which 22 Senators have demonstrated support for voting representation for the District. Moreover, the 1968 platforms of both the Democratic and Republican Parties contained a plank supporting representation for the District. The President himself has affirmed his support in his message to Congress on the District of Columbia.

In light of this widespread support, I fail to see how we can delay the enactment of legislation for representation for the District. Last October, I affirmed my support for action on the pending legislation in a letter to the distinguished chairman of the House Judiciary Committee. The committee did report a bill, only to have it buried in the Rules Committee.

Since the District remains unrepresented, though still taxed, I today am introducing an amendment to the Constitution to provide that the District of Columbia shall elect two Senators and the number of Representatives in Congress to which the District would be entitled if it were a State. That this should be done is only just.

New Hampshire, with a population of 699,000, is represented in both Houses of Congress. Yet Washington, D.C., with a population of 850,000 has no representative in either House. Similarly, Nevada, with annual revenues of only $200 million is entitled to representation in both bodies, while the District, whose annual revenues total $578 million, continues to be unrepresented. The only way to end this injustice is to amend the Constitution so that the Nation's Capital, a financial, cultural, and business center, is represented in a manner like any other State.

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CONGRESS' ROLE IN ISSUE OF WAR AND PEACE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BROTZMAN. Mr. Speaker, today I am introducing a concurrent resolution to reaffirm Congress' constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace.

For many years I have been greatly concerned by the accretion of governmental power to the executive branch of the Government at the expense of the legislative branch. I believe our Founding Fathers showed tremendous wisdom when they created a government of three separate branches, each to serve as a check and balance on the others.

Because of the growing complexity of Government domestically, and the need for quick action internationally, Congress has deferred to the President, the executive agencies, and the independent regulatory bodies more and more of the responsibility it was delegated by the Constitution.

This has been especially the case in the matter of foreign policy. While the Constitution leaves the President a relatively free hand in determining foreign policy, Congress is given an important role to play. In addition to its power to appropriate or withhold the funds necessary to implement a foreign policy, Congress has the constitutional responsibility of declaring war and regulating the Nation's land and naval forces. As the representatives of the people Congress cannot shrink from this constitutional mandate.

The resolution I am introducing provides for a congressional declaration of policy that the American troop withdrawals from South Vietnam shall continue in line with the expressed intention of the President. It also declares a national policy of avoiding an enlargement of the present conflict into Cambodia, Laos, Thailand, or North Vietnam. Finally, the resolution reaffirms Congress' constitutional responsibility of consultation with the President on all matters affecting grave national decisions of war and peace.

In introducing an identical resolution yesterday, the distinguished gentleman from Illinois (Mr. ANDERSON) noted that Congress must begin to reassert its constitutional mandate in a systematic way. I believe the resolution I am introducing provides a viable starting point for this necessary reassertion, and I urge its favorable consideration by the distinguished members of the Foreign Affairs Committee at an early date.

THE 1971 QUESTIONNAIRE RESULTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BINGHAM. Mr. Speaker, each year for the past several years I have directed a questionnaire to the registered voters of my district covering a number of important current issues. I want to report the results of this year's survey to my colleagues in the Congress and other interested readers of the RECORD.

I am pleased to say that, as far as I am able to estimate, more responses were received to this year's questionnaire than any of my previous questionnaires. More than 40,000 citizens took the time to answer this questionnaire, covering questions concerning the economy, crime, and draft reform. I am most inspired by this show of active concern by the people of my district. It provides me with clear and very helpful evidence of the interests and priorities of the people of the 23d District of New York, and I hope that other Members of the House will find these results informative and interesting.

The tabulated 1970 questionnaire results from the 23d District of New York follow:

THE 1971 QUESTIONNAIRE RESULTS, 23D DISTRICT, BRONX-MANHATTAN, N.Y.

[Percentage "Yes"]

Q. In the effort to control inflation, do you favor:

Prompt withdrawal from Vietnam?	63
Government regulations to restrict nonessential credit?	59
Government control of wages and prices?	54
Cutting back on highway construction	39
Continuation of 5% income tax surcharge	28
Maintaining high interest rates	21
Cutting back on federal spending for education?	14

[Percentage ranked most important]

Q. If additional federal funds become available for crime control, how would you rank the following in order of importance?

Narcotics control	43
Court reform and improvement	22
Police assistance	20
Correction and rehabilitation facilities	13

[Percentage "Favor"]

Q. Do you favor or oppose continuation of the present system of draft deferments for—

Individuals facing severe personal hardships?	80
Individuals in essential occupations?	52
College students?	51

Q. Would you oppose or favor a new system that—without reducing our ability to raise and maintain adequate military forces—would allow all young men to choose either military service or nonmilitary public service, or take their chances on being drafted?

	Percent
Favor	72
Oppose	20
No opinion	8

Q. Has anyone in your immediate family called upon the police because he or she was the victim of a crime in the past 12 months?

	Percent
Current 23d District, Manhattan section:	
Yes	20
No	80
Current 23d District, Bronx:	
Yes	21
No	79
New 23d District, Bronx (Southwest):	
Yes	34
No	66

SUPPORT FOR SCHOOL GUIDANCE AND COUNSELING

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ROONEY of New York. Mr. Speaker, a resident of my congressional district, Mrs. Daisy K. Shaw, is president of the Directors of Guidance of Large Cities of the American Personnel & Guidance Association and is also the director of the Bureau of Educational and Vocational Guidance of New York. She recently testified before the Senate Committee on Appropriations in her capacity mentioned above. Under permission heretofore granted me by unanimous consent, and by request, I include Mrs. Shaw's statement at this point:

STATEMENT ON BEHALF OF THE DIRECTORS OF GUIDANCE OF LARGE CITIES

(By Mrs. Daisy K. Shaw)

Mr. Chairman, Distinguished Members of the Committee. It is a privilege and an honor for me to appear before you today to ask your support for increased appropriations for guidance and counseling in our nation's schools under Title III of H.R. 16916.

I am here to testify as President (1969–1970) of the Directors of Guidance of Large Cities, a section of the American Personnel and Guidance Association. Our members represent the Directors of Guidance of 161 cities with populations of over 100,000. These cities contain the areas of "social dynamite," which James Conant described so eloquently more than a decade ago, and which today present ever-increasing problems of deprivation and alienation among youth in our inner cities.

In past years, funds allocated under NDEA Title V–A provided "seed money" for numerous innovative programs in guidance and counseling. In these programs we demonstrated over and over again that, when adequate counseling service is provided, pupils do overcome environmental handicaps. I should like to cite only one of many programs which provided intensive counseling, as well as other services, to disadvantaged students in New York City—the College Discovery and Development Program. In this program, in which one counselor was provided for every hundred students, 95% of the class graduating in June 1968 and 93% of the class graduating in June 1969 were admitted to degree-granting institutions. These disadvantaged students, most of whom would have become high school dropouts without this special help, were able to overcome their academic lacks because of the individual attention which they received in this program.

We could cite examples of this type by the dozen from every state in the union. Unfortunately, only a small minority of our students can benefit from this low pupil-counselor ratio. In New York City, except for pupils in this and other federally funded programs, the ratio of full-time counselors to pupils averages 1 to 1,000. (In some schools, it is much higher.)

There is great interest in the development of innovative programs in education. The greatest innovation of all would be to provide enough counselors to enable us to reach our young people, so that we could help them cope with the multiple problems which they encounter today. The pupil who comes from a disadvantaged environment, plagued by discrimination, marginal subsistence, and disruption of normal family relationships, is least prepared to take advantage of cultural and educational opportunities. He is frequently handicapped by inadequate preparation for school and a poor self-image. The professionally trained counselor is uniquely qualified to work with the individual child to meet his needs, further his progress and maximize his educational and career potential. To do this, the counselor must have a realistic caseload.

In a recently completed survey conducted by our association, we found the following average counselor-pupil ratios:

City population:	*Average C–P ratio*
100,000–250,000	1–751
250,000–500,000	1–857
500,000–1,000,000	1,–815
1,000,000 and over	1–750

However, in many cities, the average was substantially higher (up to 1–2600).

We are asking you to approve a vastly increased appropriation for guidance and counseling in depressed urban areas. Although 550 million dollars has been authorized for Title III, it is our understanding that the House Appropriations Committee has appropriated only 137 million thus far. Of this sum, only 17 million has been earmarked for programs previously included under NDEA Title V–A.

What we are requesting is an additional appropriation of $217,500,000 under Title III for guidance and counseling in large cities and depressed urban areas. We ask that these funds be allocated to the states according to the number of congressional districts within each state, with a provision for a guaranteed "pass-through" of funds to the cities. The total sum requested is based upon the allocation of $500,000 for each of the 435 Congressional districts. Factors to be considered in establishing need would include geographical distribution, poverty, problems of crime and delinquency, dropout rates and similar considerations. Such an appropriation would have the effect of doubling the number of counselors in our large cities, thereby reducing the average caseload of each counselor to a more realistic number.

When a committee representing the American Personnel and Guidance Association met with Mr. Emerson Elliott in September 1969 to discuss funding for NDEA Title V–A, we pointed out that every large city in the country is suffering from budgetary pressures. The source of municipal funds to provide for expansion of urgently needed guidance services has dried up. That is why we are again appealing to the federal government for help in this period of crisis. The funds which are being sought may seem to represent an enormous sum, but the problems which face us in the seventies are truly staggering—student alienation, drug addiction, under employment and a host of other ills.

When we consider the future cost to society of neglecting to take preventive measures, we may well find that any commitment of funds to education will prove to be the soundest possible investment. We implore you to give the highest priority to the guidance of our youth.

At this very moment the world awaits the return to earth of 3 astronauts on the Apollo 13 mission. Their craft is being monitored by the most elaborate guidance system ever devised. The purpose of space guidance is similar to that of educational guidance, namely to bring the individual to the target. Can we do less for the children in our cities than for our astronauts in outer space? They too, need the help of an adequate, functioning guidance system if they are to reach their targets of self-fulfillment and constructive citizenship.

THE "McKEESPORT SEVEN"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. GAYDOS. Mr. Speaker, some weeks ago the entire Nation became almost unavoidably familiar with a group of individuals who, while they reflected an unsavory segment of our population, brought shame and revulsion to most Americans. The antics and conduct of this group, the "Chicago Seven," were spread throughout the length and breadth of the Nation.

In contrast, another group of seven individuals were honored recently in McKeesport, Pa., located in my 20th Congressional District. These men reflected qualities of courage and dedication to their fellow men, their city, and their Nation. These men, the "McKeesport Seven," were retiring police officers with a combined service of 303 years.

I am proud to say I know these gentlemen: Walter T. Lofstrom, former police chief and one of the most capable and well-trained law officers in the State of Pennsylvania; Stephen Vadas, former assistant chief; John J. O'Hara, Anthony Lesniewski, August Heveker, Frank B. McKee, and Harry Ferry.

They were commended by the Daily News of McKeesport in a recent editorial. I would like to add my personal appreciation for what they have done over the years, and I invite the attention of my colleagues to the following article:

THE "McKEESPORT SEVEN"

What a list of well-known names!

Seven of them were in the news report on the Police Department dinner in honor of retiring officers—men with a total of 303 years service to the city.

There was the name of Walter T. Loftstrom, the retired chief. And that of former assistant chief, Stephen Vadas. And those of John J. (Duke) O'Hara, and Anthony Lesniewski, and August Heveker. And of Frank B. McKee and Harry Ferry.

These men—all of them—have been through the police mill. Together, they've given dedication and courage to our protection. They've helped keep our streets safe and our traffic running. They've battled the criminal.

And now they've left the department for well-earned retirements, leaving behind enough memories which if written out would fill a seven-foot shelf of books. In many ways, the "McKeesport Seven," the complete contrast to that infamous "Chicago Seven," can be looked upon as the core—the cadre—of this city's Police Department for an entire generation that now has passed on, handing the job over to younger men.

Will they, as policemen, ever be equalled? Such a question can't be answered. But this can be said. As officers of the law, they've set high standards of public service which will challenge the department to maintain from this day onward.

EDUCATION ABOUT DRUGS

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, in this day and age, when drug abuse and addiction is such a threat to our youth and to the adults of our society, it is important that we be properly educated to understand the problem and to be aware of the efforts being made to provide a solution.

On Sunday, April 19, 1970, the Green Bay, Wis., Press-Gazette printed a special tabloid-sized supplement of 32 pages which dramatically pointed out the drug problem in the Green Bay area and attempted, successfully I think, to educate its readers to just what the term "drugs" means scientifically and socially.

In the introduction to this supplement Mr. Larry A. Belonger, managing editor of the Press-Gazette, forcefully and effectively indicated our need for education about drugs. He wrote:

> Some of the articles in this section will surprise you.
>
> Some will shock you.
>
> Some will make you angry.
>
> We hope all will help you better to understand the puzzling world of the use of pot and hard drugs, inhalants, alcohol.
>
> We don't think anyone can understand the problem without knowing why drugs are used. . . .
>
> We don't think anyone can understand the problem without knowing what young people think they know about drugs and what their opinions are. . . .
>
> We don't think anyone will understand the scope of the problem without hearing the evidence from law enforcement people, educators, psychiatrists, clergymen and mental institution staff members. . . .
>
> We don't think anyone will understand the problem and its scope if he thinks the problem is mainly one for "other cities", not the Green Bays, Wausaus, Ocontos, Kewaunees. . . .

The Press-Gazette investigated all those aspects in detail and in so doing performed a great public service. I compliment the editors and staff of the Press-Gazette on an excellent job.

I would also like to congratulate the Community Council on Drug Abuse of Green Bay on the comprehensive steps they have taken in their attempt to educate the adults and young people of Brown County to the drug problem. As a matter of fact, it is my understanding that it was this group which first suggested the idea for the supplement.

The drug education efforts of this organization have already included a 2½-hour television program, procurement of films and pamphlets for various groups, and presentations on drug abuse by the police and district attorney. They are now having 26,300 additional copies of the Press-Gazette supplement printed and distributed to every high school student in the county in the hope that through education they may be able to prevent some of the tragedy which inevitably accompanies drug addiction.

The Press-Gazette supplement included an article on the community council on drug abuse which I include as part of my remarks to demonstrate what a group of concerned citizens can do to combat the drug problem:

DRUG ABUSE COUNCIL STRESSES PREVENTION, EDUCATION

How do people react when they realize that there is a serious drug abuse problem in their community?

They can ignore the problem, hoping that it will eventually lessen.

They can also tell themselves that it is "someone else's" problem, that their children would never become involved with drugs.

Or, the citizens of a community can do as many in Green Bay have done—stand up and confront the problem, openly, frankly, objectively.

Realizing that the illegal use of drugs was prevalent in Green Bay, a group of concerned citizens have banded together to form the Community Council on Drug Abuse.

The group of 35 meets monthly to discuss ways of approaching the drug topic and methods of keeping the public informed about the problem.

The council has selected a low-key approach to drugs, past chairman Fred Dorband said, stressing prevention and education, rather than enforcement and rehabilitation.

"We don't feel that asking police to stage crackdowns in the form of drug raids is the best way to handle the problem. The police can enforce the law, but we thought it would be better to try and prevent the problem," Dorband said.

An attempt to reach both students and their parents was made through a two and one-half hour television presentation last October, "The Drug Turn-On," with local high school students participating.

The program consisted of a panel presentation with two officials of the Haight-Ashbury Drug Clinic in San Francisco and two members of Encounter, a New York organization which treats those with drug problems and is run by reformed drug addicts.

Some students found flaws in the program, saying that it was too lengthy and that it didn't answer some of the right questions.

However, Dorband said, the council thought the program led to a general awareness of the drug problem.

"It was not designed to solve the drug problem, but to be a springboard to prompt parents and youths to start talking and communicating about drugs," he said.

When the community council was formed last March, an attempt was made to involve a "broad cross-section of individuals." It apparently succeeded as members include high school and college students, interested parents, school officials, lawyers, clergymen, physicians, psychologists, businessmen, members of civic groups and the news media and trained experts in drug problems.

A steering committee was established to set policies and guidelines for the group. Members include:

Dr. Robert Schmidt—chairman of the council, past president of the Brown County Medical Society and chairman of the society's drug abuse committee.

John Gower—Brown County district attorney who had urged formation of the council.

Dr. Daniel Mathias—director of special education for the Green Bay Public Schools.

The Rev. Mark Schommer—director of the Green Bay Catholic Diocesan Schools.

Charles Leonard—Local TV newsman who serves as public information and public relations officer for the council.

Lyn Ward—Sophomore at the University of Wisconsin-Green Bay, past secretary of the council.

Fred Dorband—local businessman and civic leader, past chairman of the council.

Dorband said there are many other persons in the Green Bay area who have become involved with the council on different projects. Members of the council work on it as "interested citizens and parents" and not as civic leaders, Dorband stressed.

Dorband said that when the council began its work most people in the area were unaware of the growing abuse of drugs locally.

"It was common for parents to be unaware of the problem," he said. "Almost everyone believed that drugs were a problem in Madison, Milwaukee and Chicago, but not here."

The council is attempting to bridge the "generation gap" on drug information by educating both parents and youth.

The district attorney, lawyers and members of local police departments involved with the council—Lt. Donald Van Straten, Lt. Milton Steeno, Sgt. Donald Rommel and Sgt. Richard Rice—have given over 200 talks in the past year to various area groups.

The police officers, who have received extensive training at the Federal Bureau of Narcotics and Dangerous Drugs School—exhibit samples of drugs confiscated in the area. They point out the enormity of the problem and how the lines of communication can and should remain open.

Drug pamphlets, movies and films have been made available to area schools through the efforts of the council. A drug information center was set up at the Brown County Library.

Three major projects hoped to be realized by the council in the future are the establishment of "self-help groups" for drug users, having drugs discussed as a part of school curriculum and the establishment of a drug "hot line."

Youths with a drug problem could be helped by people their own age through a self-help program, Dorband said.

"Eventually, if the need persists, the council would like to have drug abuse treated as part of the regular school curriculum on the elementary, secondary and college levels," he said.

"Ingrain it as a relevant part of various courses now on the curriculum. Let's face it, it's a part of life," he said.

Following the airing of the drug program last October, students and parents were given a telephone number they could call to discuss any aspect of the drug situation.

About 160 calls were received in two days. Although it was just meant as a temporary thing, Dorband said "we are still getting calls on it."

If a permanent hot line is set up, staffed by qualified people, it could meet a great need among young people to discuss drugs anonymously with a knowledgeable person, he said.

Dorband said that members of the council are careful not to ignore ideas suggested by younger members.

"The advice and counsel of our young people we have has been of great assistance. They keep things in balance, telling us what appeals to young people.

"They tell us, quite frankly, that sometimes we (adults) are too overprotective," Dorband admitted.

The council continuously stresses keeping lines of communication open between parents and their children.

"People should realize that they shouldn't be blaming anyone for it (drug problem), but realize that it is a deep-rooted problem of our society," Dorband said.

MIKE BLECHA.

RUMANIAN INDEPENDENCE DAY

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HALPERN. Mr. Speaker, on May 10, the Rumanian people will be commemorating their traditional national holiday at the Carnegie Endowment International Center in New York. Since the Rumanian people can no longer commemorate the day that honors the achievement of Rumania's independence in their own country, it falls to those of their people in the United States to bring the day the honor it is due. The following message was sent to the Rumanian National Committee, to be read on this occasion:

RUMANIAN INDEPENDENCE DAY

The Rumanians are a sturdy, stouthearted, and freedom-loving people. In their fertile and historic homeland in the southeastern part of the Balkan Peninsula, they have worked hard and struggled even harder to maintain their independence. By the beginning of the modern times, however, their more numerous foes proved too powerful for them, and they could not stave off the

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threats to their freedom. Early in the 15th century their country was overrun by the Ottoman Turks, and the luckless Rumanians became subjected to the ruthless regime of sultans.

This unhappy period of involuntary servitude lasted about 400 years. During that time Rumanians tried hard to regain their freedom, but all their efforts proved of no avail. In 1877, however, the situation was different and favored the Rumanian cause. The other peoples of the Balkan Peninsula were fighting alongside the Rumanians against their common oppressors, the Turks, and the Russians also helped their cause. On May 10, 1877, the Rumanian people unfurled the flag of revolt against the Turks and proclaimed their national independence. Thus was born the free Rumania, and its independence was recognized by the subsequent Congress of Berlin in June 1878.

On the occasion of the observance of Rumania's 93d Independence Day we find the Rumanian people not fully free in their homeland. Their leaders, though of their own nationality, are thoroughgoing Communists and govern their compatriots with an iron hand. Under such conditions the people do not and cannot celebrate their independence day as their national holiday, but Rumanians in the free world join hands in observing the anniversary of that historic event and cherish the hope that soon Rumanians in their homeland will have the freedom to do likewise.

INFLAMMATORY REMARKS OF THE CHICAGO SEVEN AND REQUEST TO ATTORNEY GENERAL FOR REVOCATION OF BAIL OR LIMITATION OF MOVEMENT OF CHICAGO SEVEN

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ICHORD. Mr. Speaker, I have asked Attorney General John Mitchell to initiate measures that would result in the return of those members of the so-called "Chicago Seven" who are in apparent violation of their bail stipulations to show cause why their bonds should not be revoked.

I have taken this action in view of the volatile—and deteriorating—situation on the college campuses of this Nation, perhaps best exemplified by the recent tragedy at Kent State in Ohio.

Five of these seven persons have been convicted of crossing State lines to incite riot, specifically the violent mob scenes in Chicago in 1968, and all seven were cited for contempt of court. They were convicted, you will recall, despite their frantic efforts to disrupt the trial in Federal court, to turn the courtroom into a circus. Now they are free on bond pending appeal.

Nevertheless they continue to move about the country, speaking at rallies and demonstrations, exhorting their audiences to liberate this country. Mr. Speaker, those they propose to liberate it from are the representatives of this country elected by the people at local, State, and national levels. What they seem to desire is a tyranny of the minority. They say they are dissatisfied with America as it is today, but the only alternative they propose is mob rule.

Inflammatory remarks by members of this group include these made by Jerry Rubin at Kent State on April 11 as reported in press dispatches:

> We have to disrupt every institution, break every law, we've got to become criminals. Work is a dirty word. I don't work. You are not a real revolutionary until you are prepared to kill your parents. The first oppressors are your parents.

Monday night, Mr. Speaker, another of the "Chicago Seven," Rennie Davis, told an audience at George Washington University here in Washington to form "national liberation brigades to come to Washington this summer to liberate this country."

They obviously intend to be in Washington this weekend for what is billed as an antiwar rally, but which could have more ominous purposes and results.

I believe that Federal authorities in Chicago should review the conduct of these individuals and the conditions of bond and either limit their movements or, if warranted, revoke the bond.

My letter to the Attorney General asks him to seek the remedies afforded by the Rules of Criminal Procedure and section 3043 of title 18, United States Code, to return those involved in breaches of the peace following conviction to show cause why bail should not be revoked or increased or why other limitations of movement should not be imposed on them. The text of my letter follows:

MAY 5, 1970.

Hon. JOHN N. MITCHELL,
U.S. Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am writing to urge that the Department of Justice take immediate measures to review the conditions under which the Chicago 7 were admitted to bail in the light of activities in which they are engaging, and have engaged, since their admission to bail.

In recent days members of the so-called Chicago 7, free under bond following trial and conviction and pending appeal, have appeared in various places across the country, apparently inciting mob action of a character which led to their original arrest and trial. I think you will agree with me that it is no less than a mockery of our judicial system that persons who stand convicted of crossing State lines to incite to riot should be permitted to continue to play active roles in organizing disruptions of the same character for which they were so recently convicted.

The Rules of Criminal Procedure, and Section 3043 of Title 18, U.S. Code, appear to afford adequate remedy to return those involved in such breaches of the peace following conviction, to show cause why bail should not be revoked or increased, or other security and limitations placed upon their movement and appearance as may be necessary.

Your efforts in this respect, I am certain, will be applauded by the vast majority of the citizens of this country, and particularly by those whose property and person are endangered by the activities of such individuals. Prompt action in this respect will, moreover, in some degree not only serve to restore public confidence and respect for law, but also to reduce the increasing violations of law with which our country is plagued.

Sincerely yours,

RICHARD H. ICHORD,
Chairman.

WORK ON RESTORING HISTORIC WILCOX HOUSE PROCEEDS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. DULSKI. Mr. Speaker, several years ago, Congress approved legislation I sponsored to preserve the historic Ansley Wilcox home in Buffalo, N.Y.

It was in the Wilcox mansion that Theodore Roosevelt took the oath of office as President following the assassination of President William McKinley in 1901.

Congress appropriated $250,000 toward acquisition of the site and an additional $50,000 toward restoration.

Work on the restoration is proceeding nicely and sponsors now hope to have the building restored and refurbished so it can be opened to the public next year.

Mr. Speaker, as a part of my remarks I include a progress report from the May 3 edition of the Buffalo Courier-Express:

1971 OPENING IN SIGHT FOR ANSLEY WILCOX MANSION AS U.S. LANDMARK

(By Betty J. Ott)

If all goes well in the next few months, the Ansley Wilcox Mansion will open sometime in 1971 as a national landmark, according to Walter S. Dunn, director of the Buffalo and Erie County Historical Society.

The necessary historic writings of the mansion were approved last week by the federal government. Plans for the restoration and rehabilitation are being worked on under the auspices of the Theodore Roosevelt Inaugural Site Foundation.

The Theodore Roosevelt Inaugural Site Foundation, created in March of 1967 to help preserve the Wilcox Mansion on Delaware Ave. as a national shrine, now feels that plans can go full speed ahead toward completion of the restoration.

Of the $80,000 required to be raised by local and private contributors, a total of $52,867.74 has been realized, according to Frank D. Leavers, treasurer of the foundation. Mr. Leavers is confident that there will be no difficulty in raising the $27,000 balance.

The rehabilitation and restoration of the Wilcox Mansion, a Greek revival-type home built in 1832, is a pilot program. It marks the first time the federal, state and local governments have contributed funds for the preservation of a national landmark.

DONATIONS HELP

The Federal government has authorized $50,000 for the restoration, contingent on local financial aid. The New York State Historic Trust appropriated $87,000 for restoration in April of 1968. The Junior League of Buffalo Inc. has pledged $50,000 for the mansion's restoration.

The league also formed the Wilcox Committee to research and help with aquisitions of authentic interior furnishing of the home. Mrs. John M. Mondfort is committee chairman and Mrs. Edward A. Rath Jr. is publicity chairman.

When the mansion is ready for visitors, league members will serve as guides wearing period costumes. The library of the mansion will be the only room restored to its original state at this time.

Another area of the home will be used for orientation and another will be equipped with exhibits planned and executed by the Historical Society.

Mr. Montfort, secretary of the Inaugural Site Foundation, has assisted with the legal matters of the Wilcox Mansion since 1967. His original involvement was stimulated by the late Owen B. Augspurger, then president of the Historical Society. Mr. Augspurger was one of the major promoters in the pushing of the purchase of the site by the federal government.

EARLIER EFFORT FAILED

The Liberty National Bank and Trust co. had acquired title to the mansion and property in 1964. Mr. Montfort assisted in the sale of the property to the National Park Service of the Department of the Interior for $250,000 on Dec. 1, 1969.

An earlier campaign to preserve the property in 1935 failed. Oliver and Kathryn Lawrence, who were living in the Wilcox home at the time, purchased the property from the Dexter P. Rumsey estate in 1947 for $62,000 and operated it as the Kathryn Lawrence Tea Room until 1961 when it was leased to the Benderson Development Co.

Dexter P. Rumsey had purchased the mansion in 1883 from Alfred and Juliet Bell for $36,500 as a wedding gift for his daughter, Mary Grace Rumsey, who was the bride of Ansley Wilcox, a young local attorney.

When Mr. Rumsey died, on April 5, 1906, the property was bequeathed to Mary Grace Rumsey Wilcox for her lifetime use. When Mrs. Wilcox died Nov. 9, 1910, the property was deeded back to the Dexter P. Rumsey estate until the Lawrence family purchased it * * * show there have been 13 owners of the landsite since 1809. The first deed for the property sold for $232.50.

FITTING ORIGINAL SHUTTERS

O. W. Shelgren Jr., a local architect was appointed architect for the rebuilding and rehabilitation of the mansion by the foundation.

Mr. Shelgren is anxious to fit some of the original shutters from the home that were recently returned to friends in Amherst by Oliver Poppenberg of Pittsburgh, Pa.

Mr. Poppenberg, related to the former owner, Oliver Lawrence, had taken the shutters as a sentimental reminder of the landmark. When he heard about the restoration he decided to return them.

O. Rundle Gilbert, a well known New York auctioneer, formerly of Buffalo, was in Buffalo recently with Mrs. Gilbert to handle the Studio Arena auction. The Gilberts were guests of their long-time friends, Mr. and Mrs. Laurance L. Hurd at "Shaker House" in East Aurora.

Mr. Gilbert had not only handled the auction of the estates of Ansley Wilcox and Truman Avery in 1935, but was auctioneer for the Albright estate in 1934—Mrs. Hurd is the daughter of the late J. J. Albright.

DEVELOP PERIOD DISPLAYS

An 18 karat gold engraved key-wind watch that belonged to Mr. Albright—a gift from the Canadian company of Niagara Mohawk Power Corp. in 1901—has been given by Mrs. Hurd to the Historical Society. The watch may be used as a period piece in the mansion exhibit.

The Hurds are also donating a blue and white Staffordshire plate designed with eight scenes depicting the highlights of Theodore Roosevelt's life.

Mr. Gilbert, while he was in Buffalo, meanwhile, recalled the 1935 auction and remembered that Mrs. Leona Dworzanowski of Hamburg had purchased a bronze lamp base that had been in the Wilcox library. Mrs. Dworzanowski bought the lamp without a shade. But Mr. Gilbert says the lamp probably was from the Tiffany Studio and the shade should be of pierced brass over either pale green or yellow glass.

Mrs. Dworzanowski has sold the lamp to the Allentown Village Society and has donated to the Historical Society two pictures of Dexter P. Rumsey, one of which will be used in the library of the Wilcox Mansion.

The Allentown Village Society is assisting with the restoration of the original furnishings of the Wilcox site. Finley R. Green, Jr., treasurer of the Village Society, purchased the lamp from Mrs. Dworzanowski to help with the restoration.

SOCIETY AIDS RESTORATION

Mr. Green's grandfather, the late Finley H. Greene, was the public relations secretary of the Pan American Exposition. It was at this event that President McKinley was assassinated. On Sept. 14, 1901, Theodore Roosevelt was inaugurated as president in the library of the Wilcox Mansion. Roosevelt, a close friend of Ansley Wilcox, borrowed the owner's frock coat to take the oath of office as president. The coat later was given to the Historical Society.

Perhaps when Buffalonians are doing their spring cleaning they will think of spring face-lifting for the Wilcox Mansion. Keep in mind when cleaning attics, cellars, old chests or trunks, that there might be something of historic value hidden among the treasures.

The Historical Society, the site Foundation and the Wilcox Committee are anxious to work with any club, organization or individual who wants to help with funds or services in the awakening of a historic home that has weathered and won a battle to survive.

HELPING THE HANDICAPPED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ROSENTHAL. Mr. Speaker, a flight of stairs may be nothing to a fortunate person but it is higher than Mount Everest to someone in a wheelchair. Because we have knowingly practiced a form of discrimination in the construction of our private and public buildings many millions of Americans are unable to fully contribute their talents and energies to society.

Our buildings are full of these architectural barriers—out-of-reach drinking fountains and telephones, narrow doorways, high curbs—and they say "Disabled or Handicapped Not Welcome"; not welcome to pursue a normal life in business, vocation, education, social, and recreational activities.

Across the Nation, there are groups which have attempted to attack this problem; in many cities there are architectural barrier committees. But there has never been a national attack. This December, at the national convention of Alpha Phi Omega National Service Fraternity, there will be a proposal which would make architectural barriers a project for all of their 527 chapters. The goals would be to find, eliminate, and prevent such barriers in campus buildings. This would at least enable all Americans to receive the same consideration for admission to college. Hopefully this will spread to the cities in which these campuses are located. With sufficient citizen involvement and prodding from local and state officials this problem can be significantly reduced.

The project was originated by Phi Chapter of APO which is located at Syracuse University. They will soon publish both a guide to the Syracuse University campus telling people exactly what to expect and also a handbook showing how such a project can be run and the extent of the problem. When they started this, they had only great hopes. Today, with the backing of many public officials, there is a chance for success. The millions of handicapped people may well owe these students a great debt of gratitude.

HANNA POLL SHOWS VERY FEW SUPPORT PRESIDENT'S ECONOMIC POLICY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HANNA. Mr. Speaker, I am including in the RECORD today a summary of a mail poll I conducted in my congressional district during March and April. The poll dealt with five issues—Vietnam, the environment, education financing, inflation, and drug abuse.

Since I am attaching a summary of the results, it is not necessary for me to go into extensive elaboration on how a substantial segment of my constituency feels on these five issues. There is one item, however, which does deserve special notice.

The poll clearly shows tremendous dissatisfaction with the present administration's economic policies. Approximately 35,000 residents of my district responded to the questionnaire, with only 12 percent favoring the present high-interest, tight-money policies designed to control inflation. Most of the respondents either favored voluntary or formal wage, credit, and price controls. Interestingly enough only a small percentage thought cuts in Federal expenditures would substantially control inflation. The people want more decisive action on inflation. They are tired of the present policies and the hollow rhetoric.

I wish to make one other point regarding this mail poll. I prepared the poll under the direction of Dr. W. P. Cortelyou, an opinion poll expert who has made his services available to a number of Members at no cost. The success of my recent poll, and it has been the most successful one I have ever conducted, is largely due to Dr. Cortelyou. He is concerned, and I share his concern, that the Congress has no real mechanism providing it up-to-date, accurate information on views of local constituencies. Although a number of Members do send out questionnaires, quite often the response is small, and because we send out these rolls independently of one another we have no basis under which to compare results.

This is most unfortunate. The Congress is being accused of not being responsive. One reason this accusation has some validity is our inadequate and almost nonexistent methods for determining what our constituencies think.

Dr. Cortelyou is trying to do something about these pitiful circumstances. He believes, as do I, that Congressmen should make every effort to open a meaningful exchange of views with their constituencies. Frequent careful polling is an excellent mechanism. Almost twice the number of residents of my district participated in this poll as opposed to questionnaires I have sent out in previous years. The large sample was given to Dr. Cortelyou who expertly analyzed it and provided me with an accurate and detailed readout of the views of a very large portion of my district.

His efforts have convinced me of the importance of polling my district on a continuing basis, not once a year, but many times during a year. I am also convinced of the necessity of creating a major mail poll coordinating effort for Congress in which all local polls can be continually analyzed and passed along to each Member. Perhaps we can develop a program where polls can be prepared on a cooperative basis so that the results from each district, when put together, will give us an idea of national thinking.

Dr. Cortelyou is making a great effort on behalf of opening needed lines of communications between constituencies and their Representatives. He deserves our recognition and our support.

The results of the poll follow:

Poll conducted by Congressman Richard T. Hanna

I. TOTAL RESPONSE

[Percentage total response]

A. The Vietnam war still continues, although at a reduced level of American casualties.

1. We should continue to follow the President's plan of disengaging from the war	40
2. We should disengage at a faster rate than the President is pursuing	18
3. We should withdraw all troops now	13
4. We should increase our strength and win a military victory	27
5. No response	2

B. A number of proposals will be offered to protect our environment.

1. We should double Federal funds now available to clean up the environment	3
2. We should strongly penalize those who pollute the environment	32
3. We should not take any action that would be too costly or impede the progress of industry	5
4. Both number one and two should be implemented now	60
5. No response	1

C. Education, like everything else today, costs more. The alternatives available for financing increasing education costs are:

1. Local property taxes should be increased	2
2. We should reduce our commitment to education	20
3. State taxes should be raised and the funds spent on education	10
4. The Federal Government should reorder its spending priorities enabling it to commit more money to education	60
5. Federal taxes should be raised and the money spent on education	3
6. No response	5

D. Inflation is one of the most serious domestic problems. A number of alternatives for dealing with the problem have been proposed.

1. We should continue the present tight-money, high-interest rate policy	12
2. The Congress should cut Federal expenditures below the President's request	22
3. Private corporate borrowing for expansion should be voluntarily discouraged, credit controls should be implemented, and labor should be asked to reduce wage demands	27
4. The President should ask for wage and price controls	34
5. No response	5

E. Drug abuse by people of all ages continues to rise at an alarming rate.

1. Stricter law enforcement is required	28
2. A crash education program on the dangers of unregulated drug use must be initiated immediately	13
3. More funds must be invested in accurate research	6
4. All of the above	52
5. No response	2

II. RESPONSE BY PARTY

[In percent]

	Democratic	Republican	Other	No party preference
A. The Vietnam war still continues, although at a reduced level of American casualties:				
1. We should continue to follow the President's plan of disengaging from the war	36	48	21	36
2. We should disengage at a faster rate than the President is pursuing	20	12	25	24
3. We should withdraw all troops now	19	7	21	14
4. We should increase our strength and win a military victory	24	30	25	24
B. A number of proposals will be offered to protect our environment:				
1. We should double Federal funds now available to clean up the environment	2	2	0	5
2. We should strongly penalize those who pollute the environment	21	43	21	30
3. We should not take any action that would be too costly or impede the growth of industry	2	6	0	9
4. Both No. 1 and 2 should be implemented now	74	50	79	55
C. Education, like everything else today, costs more. The alternatives available for financing increasing education costs are:				
1. Local property taxes should be increased	4	2	4	0
2. We should reduce our commitment to education	11	23	8	30
3. State taxes should be raised and the funds spent on education	4	16	4	11
4. The Federal Government should reorder its spending priorities enabling it to commit more money to education	74	51	79	49
5. Federal taxes should be raised and the money spent on education	6	1	4	3
D. Inflation is one of the most serious domestic problems. A number of alternatives for dealing with the problem have been proposed:				
1. We should continue the present tight money, high interest rate policy	8	15	21	10
2. The Congress should cut Federal expenditures below the President's request	23	24	21	16
3. Private corporate borrowing for expansion should be voluntarily discouraged, credit controls should be implemented, and labor should be asked to reduce wage demands	19	30	25	34
4. The President should ask for wage and price controls	43	29	29	33
E. Drug abuse by people of all ages continues to rise at an alarming rate.				
1. Stricter law enforcement is required	23	33	17	28
2. A crash education program on the dangers of unregulated drug use must be initiated immediately	11	9	21	20
3. More funds must be invested in accurate research	7	1	21	9
4. All of the above	58	55	38	41

III. RESPONSE BY AGE

[In percent]

	21 to 30	31 to 45	46 to 60	60 plus
A. The Vietnam war still continues although at a reduced level of American casualties:				
1. We should continue to follow the President's plan of disengaging from the war	31	45	40	47
2. We should disengage at a faster rate than the President is pursuing	23	19	10	21
3. We should withdraw all troops now	22	9	14	3
4. We should increase our strength and win a military victory	22	26	32	29
B. A number of proposals will be offered to protect our environment:				
1. We should double Federal funds now available to clean up the environment	0	4	1	6
2. We should strongly penalize those who pollute the environment	23	36	38	35
3. We should not take any action that would be too costly or impede the progress of industry	0	1	9	2

	21 to 30	31 to 45	46 to 60	60 plus
4. Both No. 1 and 2 should be implemented now	77	59	52	44
C Education, like everything else today, costs more. The alternatives available for financing increasing education costs are:				
1. Local property taxes should be increased	3	1	5	0
2. We should reduce our commitment to education	2	18	33	18
3. State taxes should be raised and the funds spent on education	13	13	4	6
4. The Federal Government should re-order its spending priorities enabling it to commit more money to education	80	60	54	53
5. Federal taxes should be raised and the money spent on education	0	3	3	3
D. Inflation is one of the most serious domestic problems. A number of alternatives for dealing with the problem have been proposed:				
1. We should continue the present tight money, high interest rate policy	21	7	11	6
2. The Congress should cut Federal expenditures below the President's request	20	22	19	44
3. Private corporate borrowing for expansion should be voluntarily discouraged, credit controls should be implemented, and labor should be asked to reduce wage demands	23	31	28	18
4. The President should ask for wage and price controls	29	32	39	29
E. Drug abuse by people of all ages continues to rise at an alarming rate.				
1. Stricter law enforcement is required	18	30	31	38
2. A crash education program on the dangers of unregulated drug use must be initiated immediately	11	15	10	12
3. More funds must be invested in accurate research	13	4	6	0
4. All of the above	57	49	50	50

WORKING AMERICANS AND RESPONSIBLE DISSENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BROWN of California. Mr. Speaker, in these days of tragic turmoil and dissent, many Americans often hesitate adding their names and support to the growing number of citizens who oppose some of our national policies. As a reason for such hesitation, they cite fears of social and/or economic stigma if they were to speak out.

I am saddened that certain elements within our society are so afraid of responsible dissent that they act so as to cause those fears and thereby limit valid criticism and opinions. This Nation was founded by responsible citizens who saw that orderly dissent was the initial means of bringing about essential changes in Government.

There cannot be freedom without responsible dissent, and the surest way to get repression and tyranny is by stifling such dissent.

I say these words today because I have recently been sent a copy of an impressive statement along these lines by the Peninsula Vietnam Moratorium Committee of Palo Alto, Calif. The committee issued a policy statement entitled "Working Americans and Responsible Dissent" and I wish to go on record completely supporting that statement.

I believe this to be an extremely timely message, and I now insert the statement in the RECORD at this point:

WORKING AMERICANS AND RESPONSIBLE DISSENT: A STATEMENT OF POLICY

The growing public debate by people of all political persuasions over the war in Vietnam has dramatized the inalienable American right of responsible criticism of governmental policy. Furthermore, most citizens would agree that substantially all dissenting Americans are acting out of loyalty to the ideals of their country.

Many working Americans, however, while desiring to express their own personal beliefs, are afraid to do so for fear of adverse repercussions grom their actions. In particular, most working Americans do not fear repercussions from their actions. In parovert reprisals, such as losing their jobs, as much as they fear the covert and long term reprisals involved with courting the displeasure of their colleagues, employers, or the government. Specifically, they are unsure of their employer's attitude toward dissent and their fear is based on the lack of an employer statement of policy. By the same token, management generally desires to be apolitical, not realizing that an atmosphere where people are uncertain of their right to speak out is inherently political.

In light of these problems, we ask responsible management to advise their employees that there will be no employment repercussions due to responsible dissent. We further ask that, regardless of their own political views, responsible management support the following propositions:

1. It is an inalienable American right to express one's political views in a responsible manner without fear of reprisal.

2. The fact that an individual works either directly or indirectly for the government does not imply that he has abrogated his right of responsible dissent.

3. Every employing organization has a responsibility to its employees to ensure that they are aware of all relevant organizational policies, that these policies do not infringe upon the rights of the employees, and that responsible dissent, whether or not it agrees with organizational objectives, will not be stifled in any manner.

LAW AND ORDER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ASHBROOK. Mr. Speaker, it has come to my attention that some members of the left-wing in this country have been using a quote attributed to Hitler as a stick with which to beat the heads of those who advocate law and order.

Of course, for those who have studied the history of the Third Reich, it should be obvious that Adolph Hitler would have been the last person to advocate law and order. Be that as it may, I think it is important to note that John Lofton, writing in the April 21, 1970, issue of National Review, has laid to rest the liberals' claims that the advocacy of law and order was one of Hitler's paramount aims.

Mr. Lofton's article follows:

ABOUT THAT HITLER QUOTE

(By John D. Lofton, Jr.)

Since Supreme Court Justice William O. Douglas has leaned heavily on it in his latest book, *Points of Rebellion*, and both the *Wall Street Journal* and the *Washington Post* chose to lead with it in their reviews of that book, it seems that now is as good as any time to lay to rest an apocryphal Hitler quote which has been repeated by such disparate individuals as black comedian-politician Dick Gregory and conservative *Chicago Tribune* columnist Walter Trohan.

The questionable quote goes something like this:

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger. Yes, danger from within and without. We need law and order."

The speaker is said to be Adolph Hitler, the time 1932, the place, Hamburg.

The first mention of the quote seems to have been in the "Trade Winds" column of Jerome Beatty Jr. in the May 17, 1969 Saturday Review. A check with Beatty reveals that he got the quote from a monthly newsletter edited by Dixon Gayer, a professor of journalism at California State College at Long Beach. Gayer got the quote from a Professor Leroy Hardy in that school's Political Science Department who said that he had copied the quotation from the office door of Professor Larry Adams of the Political Science Department at the University of California at Santa Barbara. Professor Adams is unable to remember where he obtained the original quote.

The next mention of the quote was sometime in mid-July of last year, in an editorial in the Des Moines Register. They got it, they said, from Senator Edmund Muskie, who made the statement in a speech before the National Council on Crime and Delinquency. And where did Muskie get it?

It was originally brought to my attention by a very reputable personal friend who had clipped it out of a publication last winter. Both he and I had no reason to question its authenticity. My staff has been working with the Library of Congress in an attempt to trace the original source of the quote. Although they have found similar statements by Hitler in the early 1930's, they have not been able to find the exact source. I regret this situation.

And indeed the Library of Congress has not been able to turn up anything despite a careful search through: The Macmillan Book of Proverbs, Maxims and Famous Phrases; The Home Book of Quotations; Bartlett's Familiar Quotations; the Oxford Dictionary of Quotations, among others. Also searched were several books relating specifically to Hitler: Reden des Führers, 1922–1945; Reden und Proklamationen, 1932–1945; Hitler's Speeches, 1922–1939; Hitler's Words, 1922–1943; Hitler: A study in Tyranny; and the Rise and Fall of the Third Reich.

The Library even went so far as to contact two Hitler scholars, William L. Shirer and Dr. William Allen of Wayne Univer-

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sity's History Department, a specialist on Nazi Germany. Shirer mentioned having heard the Hitler quote in question but was unable to authenticate it. Ditto Dr. Allen, who said that the statement was not typical of Hitler in that it was too concise. He also pointed out that since it was the Nazis who were instigating and perpetuating the disorders, Hitler probably would not have brought them up.

This would be as if Chicago Seven Lawyer William Kuntsler were publicly to lament the current attack on our judicial system and cite as proof of this the behavior of the defendants in the recent Conspiracy trial.

Other purveyors of the quote include:

The United Auto Worker's publication, Solidarity, which got the quote from the Wayne State University, Black Panther-controlled student newspaper, The South End.

Conservative Chicago Tribune columnist Walter Trohan, who picked the item up from a Catholic publication, the National Register. The Register which used the quote in the shape of a bayonet in a full-page graphic, was challenged on its authenticity by Twin Circle publisher Dale Francis and finally admitted to its bogusness. The source for it couldn't be found. Trohan subsequently wrote another column on the phoniness of the quote, but warned against "preoccupation with law and order" filling us with such terror that we would joyously "accept the claims of false prophets."

Comedian-politician Dick Gregory, who appeared on the Merv Griffin show and led off with the quote embellishing it with an additional six lines:

"Yes, without law and order our nation cannot survive. And we shall restore law and order. We shall by law and order be respected among the nations of the world. Without law and order our republic shall fail."

Gregory went on to warn against "law-and-order" candidates:

And this is the frightening thing about the type of campaigns [sic] that's running across the country on law-and-order issues, you know. When will it end, you know, when you start voting strictly from a law-and-order issue. We end up following the same boat that Nazi Germany followed.

Show host Griffin agreed.

(In all fairness, it should be noted that the agreement here was not unanimous and another Griffin guest, Orson Bean, was applauded when he replied to Gregory: "I'm not afraid of the politicians; I'm afraid of being mugged.")

Atlanta Constitution columnist Hal Guilliver has never disclosed where he got the quote. Washington Post columnist Nicholas von Hoffman apologized for being such a "poopout," and said that he vaguely remembered the Hitler quote but never keeps the material he uses for a column longer than he needs to write it. "Otherwise, I'd have to move out of my apartment," he declared.

As Nazi Minister of Propaganda Joseph Goebbels said: "It is my task to provide the naively credulous with the arguments for what they think and wish, but which they are unable to formulate and verify themselves."

With the current circulation being given the bastard Hitler law-and-order quote, it would appear that this task has been passed on.

THE AMERICAN'S CREED

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. QUILLEN. Mr. Speaker, each year as thousands of fine young men and women graduate from high school in the First Congressional District of Tennessee, it is my privilege to congratulate them on their achievement by letter and by sending them a copy of "The American's Creed." These young graduates will soon be accepting their places as responsible citizens and leaders of our community and the Nation. This year, I am especially proud to personally write each graduate, by way of an individual letter, and enclosing a copy of "The American's Creed," as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 11, 1970.

DEAR ———: Congratulations on your graduation!

This is a significant occasion . . . one which you will always remember with pride. May your diploma be the key that opens the door to a wonderful future.

As a memento of this milestone, I am enclosing The American's Creed which has a special message for all of us. I hope this Creed will prove an inspiration and a guide as you start on a new journey in life.

I sincerely trust that you will continue your quest for knowledge, and I am sending you a pamphlet from the U.S. Office of Education, in the event it might be of interest to you or your friends.

As your Congressman, if I can ever be helpful to you in any way, please feel free to get in touch with me.

Best wishes for every success and all the good things that life can bring.

Sincerely,

JAMES H. QUILLEN.

THE AMERICAN'S CREED

(By William Tyler Page)

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my Country to love it; to support its constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

* * * * *

Presented to ——— with congratulations upon High School graduation. May the future bring you success, happiness, and achievement in the highest ideals of American citizenship.

JAMES H. QUILLEN,
Member of Congress, First District, Tennessee.

STRENGTHENING OUR EXPLOSIVE LAWS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BIAGGI. Mr. Speaker, while every State has laws making the illegal use of explosives a crime, too few States have adequate comprehensive statutes to effectively control and regulate the sale of explosives. Regarded as the weapon of ultimate terror, the bomb is fast becoming the main weapon employed by the far left and other radicals who protest the "establishment."

Mr. Speaker, when small factions and militant groups use dangerous explosives to threaten lives and property in several States, then I feel it is time for the Federal Government to take a firm stand to protect the public from such dangerous acts.

I have moved in this direction by introducing two bills today which tighten our Federal explosive laws. They attempt to thwart the increasing frequency of bombings in our major cities which resulted in a 400-percent increase in bombings over the past decade in New York City alone. In March of this year police found 14 bombs and recorded over 2,000 bomb threats in New York City. This pattern is repeated throughout the United States in other cities such as Seattle, Chicago, and San Francisco.

Designed as an anticrime measure, the first bill amends the Gun Control Act of 1968 to provide an effective and forceful definition of explosives. By including explosives under the prohibited uses sections of this bill and by requiring the licensing of importers, manufacturers, distributors, and dealers of explosives, the bill establishes controls for the sale of explosives that are similar to the controls on firearms and ammunitions under the Gun Control Act. Records relating to the sale or delivery of explosives would be kept, limiting the sale and transfer of explosives or their components to legitimate users of these products.

The States would determine who is and who is not a legitimate user of explosives or their components, and people who actively use explosives commercially would not be denied access to these materials. However, the requirement for records to be kept would make it easier for authorities investigating the misuse of explosives to trace their sale, and it would make it much more difficult for illegal users to obtain these dangerous materials.

The second explosive control measure I have introduced today pertains to current Federal penalties for the illegal use of explosives. Under the provisions of this bill the penalties for the illegal transportation, possession, and use of explosives is materially increased from 1 to 10 years.

The penalty for the illegal and malicious use of explosives is increased to 20 years from the present 10-year sentence, and when a fatality occurs, either death or life imprisonment can be invoked. In addition, incendiary devices are included under the antibombing provisions of the Federal code, and Federal criminal jurisdiction is extended to all buildings used by the Federal Government, or businesses engaged in interstate commerce activities.

Mr. Speaker, the destructive use of dynamite and other explosives is causing havoc in our cities and towns. If the Congress does not move to curb these terrorist activities through firm, effective legislation, revolutionaries, discontents, and others who would take out their vengeance on society will continue to jeopardize public safety and property. These bills which bring under Federal jurisdiction all interstate traffic in explosives and extend the criminal jurisdiction over the illegal use of explosives, are sorely needed and I solicit the support of my colleagues for their early passage.

NEWSDAY WINS TWO PULITZER PRIZES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. WOLFF. Mr. Speaker, this week Newsday, a distinguished daily newspaper published on Long Island, received two of the annual Pulitzer Prizes for excellence in journalism. This is great tribute to a deserving newspaper that has benefited from the fine leadership of Capt. Harry Guggenheim and Bill Moyers. It is a special tribute to the memory of Alicia Patterson, Captain Guggenheim's late wife, who started Newsday 30 years ago and directed its rise to the forefront of American journalism.

Newsday received a gold medal for meritorius public service for a thorough and important series of investigative stories that disclosed misconduct by public officials. The Pulitzer Committee cited Newsday "for its 3-year investigation and exposure of secret land deals in eastern Long Island, which led to series of criminal convictions, discharges and resignations among public and political officeholders in the area."

The committee went on to say:

> By digging into a maze of land records and other documents and presenting their findings, Newsday's reporters and editors displayed both tenacity and courage in the face of threats and hostile acts by some of the politicians whose wrong-doing they attacked.

This public service award was a team effort involving hard work and solid reporting by several Newsday staff members. All of them, and their editors, deserve commendation for this investigative reporting in the muckraking tradition of Lincoln Steffens, Ida Tarbell, and others.

Newsday's second Pulitzer was an individual ward to Thomas F. Darcy for editorial cartooning. It is unfortunate that the RECORD cannot accommodate these cartoons which invariably, day after day, reach to the heart of pressing social issues in this country and abroad. Tom Darcy has a special ability for saying a great deal with true emotion in an editorial cartoon and he is most deserving of the award presented to him.

The media, Mr. Speaker, are under increasing attack by those who fail to fully respect our precious right of a free press. Newsday has demonstrated how vital a good, honest newspaper can be to the successful operation of our political system and I am highly gratified that the Pulitzer Committee has recognized Newsday for its fine work.

I extend my honest and deep congratulations to all the people at Newsday and trust that Newday's high standards will serve Long Island, New York State and the country in future years.

JAMES V. RETONDO AAA GOLD LIFESAVER MEDAL AWARD WINNER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. PUCINSKI. Mr. Speaker, it was my privilege this afternoon to attend the AAA Gold Lifesaver Medal Award ceremony at the Department of Transportation when Secretary John Volpe presented medals to 10 school safety patrolmen between the ages of 10 and 14.

One of my constituents, James V. Retondo, of 3252 North Kildare Avenue, Chicago, stood with those boys and received a medal with them. He is 12 years old and a student at Jonathan Y. Scammon School. Like thousands of patrol boys and girls, he is called on every day to display poise, leadership, judgment, and courage as he guides schoolchildren through the dangerous intersections surrounding so many of our schools.

Not long ago Jim saved a boy's life, a boy who had lost his balance and stumbled into the street, directly in the path of a speeding car. With quick thinking and fast reflexes, Jim dashed after the boy and pulled him to safety just as the car raced past them. His decisive action prevented almost certain tragedy.

Mr. Speaker, we can take enormous pride in this young man's achievement, as in the achievements of the other youngsters who received similar medals today. Jim and his companions reflect the highest ideals of our Nation and they are a genuine source of pride to their parents and neighbors and those of us who represent them in Congress.

James Retondo was nominated for this national award by the Chicago Motor Club, an organization widely known for its adherence to safety regulations and its integrity in our community. Mr. Matthew C. Sielski, vice president of this organization, was present at the awards ceremony today.

Because each of these young boys deserves our gratitude, I am placing their medal citations in the RECORD today, together with the remarks of Secretary Volpe and George F. Kachlein, Jr., of the American Automobile Association.

Mr. Speaker, these inspirational documents follow:

REMARKS FOR GEORGE F. KACHLEIN, JR., AT AAA GOLD LIFESAVER MEDAL AWARDS CEREMONY

This afternoon we are honoring 10 fine boys with the American Automobile Association's School Safety Patrol Gold Lifesaver Medal awards. These young lads come from as far away as Stockton, California, and from as close as Vienna, Virginia. They range in age from 10 to 14 years.

We are honoring these young future leaders because at the risk of their own lives, they saved the lives of others.

And that's what the School Safety Patrol is all about—safety and the concern for our youngsters as they cross the roads and streets going to and from school.

We are grateful to be joined in this tribute by Secretary John A. Volpe of the U.S. Department of Transportation and his staff. And it seems very proper that this extremely important arm of the government, represented by Secretary Volpe, should join us in this presentation.

The department—under the guidance of Secretary Volpe—has expressed its deep concern for safety in all modes of transportation. Under Secretary Volpe's direction, the department has demonstrated its leadership in attacking the problem of highway safety by upgrading the Federal Highway Safety Bureau—an organization whose only concern is that of safety—both for the pedestrian and the motorist.

We at AAA extend our thanks to the many persons who have helped make the School Safety Program such a national success. And we express our gratitude to the National Review Board headed by Deputy Chief Joseph V. Ostermann, director of the traffic division of the Washington, D.C., Metropolitan Police Department. The Board spent considerable time studying the nominations for Lifesaving Medal Awards before selecting the 10 young men seated here in the front row.

It is my distinct privilege and pleasure to introduce to you now, the Honorable John A. Volpe, Secretary of Transportation.

REMARKS BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE

This 50th Anniversary of the partnership established by the AAA and the school safety patrols is one of the great dates in the story of our progress toward a safer America.

In the years since the safety patrols were established and promoted on a systematic basis by the Chicago Motor Club, hundreds of lives have been saved by young volunteers who give some of their free time to help ensure the welfare of others.

The safety patrols have grown to more than one-million members in 50,000 schools in every State in the Nation.

It is most gratifying to know that since 1935, when records were first kept, the national pedestrian death rate per 100,000 children from ages 5 to 14 has been cut more than 50 percent—from 10.4 to 4.7. This achievement is largely due to the patrol boys of America and is especially remarkable when you consider that the number of cars in this country has increased 10 times since the early 1920s.

But those who have served on the patrol—and there have been over 20-million of them in the last 50 years—have contributed even more than raw figures would suggest. By being safety-conscious and talking about it with their parents they have helped to make adults more safety-conscious. And when they grow up they become more responsible themselves.

For many patrol boys during the last 5 decades, assisting with traffic control was their first position of leadership in a motorized society. They have developed sterling traits of alertness, dependability and concern for others. Many of them have gone on to become famous business men, community leaders, scientists, generals and even astronauts. One of them is with me here today—Doug Toms—our outstanding Director of the National Highway Safety Bureau.

Perhaps some of the youngsters you boys have saved from almost certain death and mutilation will grow up to achieve great things of their own. Any one of them might become the Neil Armstrong, the Michaelangelo or the Einstein of tomorrow. So you have played a part in bettering the future of the human race. I wish all adults would take as much of an interest in safety as you boys have.

We are losing 150 people in traffic accidents every day, many of them pedestrians who still do not respect the power of 2 tons of steel rushing toward them. You boys know and respect that power—what it can do for good and for evil.

It takes real courage to dash into traffic and rescue an errant child and you fellows have shown that kind of courage when it really counted. For you, heroism isn't just a word. For you, heroism means laying it on the line when the chips are down.

And I want to assure you that we in the Department of Transportation are doing everything in our power to make your job easier and less dangerous. Highway safety is a 3-part program here. First, we have to make cars a lot safer. Second, we have to modernize our highways to eliminate danger spots. Third, we must do everything we can to make sure we become a nation of better drivers.

The success of this 3-part program depends upon many people—highway engineers, auto designers, public officials, drivers and not least—the man in the street—that is where you come in.

I have had the privilege of reading the reports on your individual acts of heroism, and I am tremendously proud of each one of you. We are delighted to participate in this awards ceremony, and to extend the government's wholehearted congratulations to you all.

School Safety Patrol Lifesaving Medal

(Presentation Ceremony, John A. Volpe, Secretary, U.S. Department of Transportation)

SCHOOL SAFETY PATROL HISTORY

The School Safety Patrol movement has grown tremendously since its origin in the early 1920's. Today, it is a national institution—a vital force in the important work of protecting America's children from the hazards of modern traffic. More than 900,000 boy and girl Patrol Members in the United States daily help to protect millions of children enrolled in thousands of elementary schools. In cities and towns, in rural areas, and on school buses, the School Safety Patrol serves to remind school children of hazards of street and highway crossings on their way to and from school. This "nation on wheels" can be proud of the work that these young citizens are doing.

Educators regard the Patrol movement as an excellent school activity, as well as a method to help develop a sense of responsibility, character, and positive usefulness for community living. Commendation for Patrol work is universal. It comes from parents, educators, police, and other outstanding public officials.

While it is obviously impossible to set any precise figures on the lifesaving results of School Safety Patrol work, it is certain that this movement has been partly responsible for the improvement of the traffic death rate of children 5 to 14 years of age. Since 1922, the traffic death rate for this group has continued to decrease to nearly one-half, while the death rate of other age groups has practically doubled.

LIFESAVER MEDAL

The American Automobile Association and affiliated Automobile Clubs inaugurated the AAA Gold Lifesaver Medal Award in 1949. Yearly, the AAA appoints a Medal Award Board and authorizes the members to select Patrol Members whose traffic lifesaving acts have saved the lives of persons in imminent traffic danger.

In the years of this honor award program, beginning in 1949, 136 medals have been awarded to honored recipients, representing 100 cities in 23 states.

Presentation of the award is made annually by outstanding national leaders. It has been the good fortune of recipients to have been decorated for their valor by: the President of the United States, the Vice-President, Cabinet officers, the Director of the Federal Bureau of Investigation, and top leaders of the United States Armed Forces.

Medal Citations

JAMES V. RETONDO, AGE 12, JONATHAN Y. SCAMMON SCHOOL, CHICAGO, ILL.

School Safety Patrol James Retondo was on duty at the corner of Kildare Street and School Street. He had his arms extended holding back a group of children waiting to cross. One of the children, engaged in rough horseplay, stumbled off balance past Jim far into the street. Patrolman Retondo, aware of a fast approaching vehicle, ran into the street, grabbed the youngster and pulled him to safety. The car skidded and swerved to the side avoiding the two boys by only a couple of feet.

James is the son of Mr. and Mrs. Mario Retondo, 3252 N. Kildare Avenue; Chicago, Illinois.

VINCENT A. CARMOSINO, AGE 14, ST. CATHERINE'S SCHOOL, DENVER, COLO.

Vincent Carmosino's duties as a member of the School Safety Patrol at St. Catherine's School in Denver, Colorado were to control children crossing Federal Boulevard at a signalized crosswalk. Last October, six-year-old Loretta Polak approached Vincent's outstretched arms and waited for the light to change. When the automatic signal was in her favor, Vincent allowed her to cross. At this time Vincent noticed that a car in the right lane, approaching the crosswalk, did not appear to be stopping and Loretta was nearing the center of the right lane of traffic. Immediately, Vincent shouted a warning and dashed into the street. Just in time, Patrolman Carmosino pulled Loretta out of the path of the car, which skidded to a stop halfway through the crosswalk.

Vincent is the son of Mr. and Mrs. Michael Carmosino, 4507 Eliot Street; Denver, Colorado.

RANDEL K. HAMM, AGE 10, MADISON ELEMENTARY SCHOOL, STOCKTON, CALIF.

One day while Safety Patrol Randy Hamm was on duty during the lunch hour, a high wind snapped a four thousand volt power line. Randy, who was conducting children across the street at the time, was nearly hit by the falling wire. Keeping his head, Randy alertly blocked the path of the children and redirected them around the crackling wire. But, a kindergartner who had just crossed with the group suddenly turned around and went back towards the wire. Randy saw that the youngster was going to pick up the high tension wire. He moved quickly between the fallen wire and the child, knocking him down safely away from the dangerous wire and barely escaped injuring himself.

Randy is the son of Mr. and Mrs. Cloyd B. Hamm, 1519 Oxford Way; Stockton, California.

ROBERT L. PARSON, AGE 11, WARNER SCHOOL, CLEVELAND, OHIO

On a rainy, snowy, icy day, Safety Patrol Robert Parsons was on duty assisting an adult crossing guard at the corner of Warner Road and Connecticut Avenue. Traffic was heavy and there was construction work being done near the intersection. Unaware the traffic signal had just turned red, one of the construction men directing traffic around the work site had given the go signal to a car proceeding through the intersection on Warner Road. The car was traveling at an estimated 40 m.p.h. which was about 20 m.p.h. above the posted speed limit.

The adult crossing guard stationed in the crosswalk saw that the car was coming through the intersection against the light and accordingly did not release the children to cross. However, a five-year-old child ran out into the path of the approaching car. Safety Patrol Robert Parsons alertly raced after the child, grabbed him, and pulled him back as the fast moving car sped past within a foot of them.

Robert is the son of Mr. and Mrs. Robert Parsons, 7920 Beman Avenue; Cleveland, Ohio.

STEVEN M. RICE, AGE 11, WILTON ELEMENTARY SCHOOL, WILTON, WIS.

As a six-year-old student reached the outstretched arms of School Safety Patrol Steven Rice, a strong gust of wind blew some of the youngster's school papers into the roadway. Impulsively, the boy darted under the Patrolman's arm and into the path of an approaching car after his papers. Aware of the approaching car and alert to the impending danger, Patrolman Steven Rice ran out in front of the oncoming car and pulled the child back out of the car's path just as it ran over the papers.

Steven is the son of Mr. and Mrs. Richard J. Rice, Wilton, Wis.

ROCKY SABINI, AGE 12, TOD ELEMENTARY SCHOOL, CLEVELAND, OHIO

While on duty with an Adult Crossing Guard, School Safety Patrol Rocky Sabini noticed a little girl on a tricycle about 75 yards away who was trying to pedal across the street from between parked cars. Rocky immediately ran towards the child as fast as he could. In the meantime, the child had trouble pedalling up the slight incline of the roadway and rolled back between the cars. Again she attempted to cross the street. This time, she was heading straight into the path of an approaching vehicle, whose driver's view was blocked by a parked car. Rocky grabbed both the girl and the tricycle and pulled them back to the curb just as the car passed a few feet away.

Rocky is the son of Mr. and Mrs. John Sabini, 2066 E. 66th Street, Cleveland, Ohio.

RANDALL A. SIRBAUGH, AGE 12, VIENNA ELEMENTARY SCHFFL, VIENNA, VA.

Randall Sirbaugh, School Safety Patrol member at Vienna Elementary School, was at his post when a seven-year-old student darted past his right side and into the street, putting himself on a collision course with a fast-moving car. Randy shouted to the youngster, and in one quick move, went after the boy; grabbed him by the hood of his coat; and pulled him to safety.

Randall is the son of Mr. and Mrs. Steward Sirbaugh, 200 Park Terrace Court, Vienna, Virginia.

JAMES MICHAEL SMITH, AGE 10, HOLY FAMILY SCHOOL, LOUISVILLE, KY.

School Safety Patrol James Smith, while controlling schoolmates at his post on the corner of Mercer Avenue and Poplar Level Road, noticed an apparent drunk driver swerving from lane to lane on Poplar Level Road. The driver turned left at Mercer Avenue and almost hit a parked car. Observing the driver's erratic behavior, Jim began to push the children back. The driver, attempting to straighten out his vehicle, began backing directly towards Patrolmen Smith and the four children he was holding behind him. Jim quickly moved all of the children back into the school yard and kept himself between them and the backing car which bounced over the curb and stopped at the exact spot where the children had been standing.

James is the son of Mr. and Mrs. Charles Smith, 1692 Mercer Avenue, Louisville, Kentucky.

JOSEPH STRICKLAND, AGE 13, MARGARET L. KEEFE SCHOOL, HAMDEN, CONN.

A small child on his way home from Keefe School could not continue on the sidewalk because of a truck blocking his path. The truck was parked half on the sidewalk and half in the street, as workers were removing a tree stump on the school grounds. Safety Patrol Joseph Strickland, on duty a short distance away, noticed the situation and told the child to remain on the sidewalk while he checked around the truck for traffic. Upon finding no traffic he motioned for the small boy to proceed around the rear of the truck. Just as the youngster walked behind the truck, it began backing into the street. The stunned child froze. Without hesitating, Joseph dashed to the child, grabbed him by the collar and pulled him to safety.

Joseph is the son of Mr. and Mrs. Marvin Sweat, 76 Beaver Street, Hamden, Conn.

JACK R. VENTURA, AGE 13, ST. ANN'S SCHOOL, BRONX, N.Y.

As the adult crossing guard was completing crossing some youngsters across E. Gunn Hill Road, an elderly woman stepped around the outstretched arms of Safety Patrol Jack Ventura into Bainbridge Avenue against the red light. The adult guard cautioned the pedestrian against crossing, but the woman appeared to be in a daze and continued on.

The crossing guard called out as the women walked into the path of an approaching bus which was hurrying through the intersection before the light changed. Safety Patrolman Jack Ventura quickly sized up the situation, raced into the street, and wrapped his arms around the woman, yanking her back to safety as the bus sped by.

Jack is the son of Mr. and Mrs. Frank Ventura, 3504 Rochambeau Avenue, Bronx, New York.

ALTERNATIVES TO DIRECT ELECTION PLAN

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BURTON of Utah. Mr. Speaker, since Senate action may soon be taken on a proposed constitutional amendment which would eliminate the electoral college system, I commend the following editorial to the attention of my colleagues as being representative of some of the sentiment which opposes the direct election plan. While admittedly the electoral college needs amending, many believe the direct election plan is not the best alternative plan.

The editorial follows:

[From the Provo (Utah) Herald, May 3, 1970]

GREAT RISK IN DIRECT VOTING

There is a determined push under way to do away with the Electoral College and to elect the President by direct, popular vote, with little or no attention being paid to the obvious risks involved and particularly to the deep erosion of states' rights that would be involved.

Sen. Birch Bayh (D-Ind) is the sponsor of a proposed Constitutional amendment which would eliminate the Electoral College system under which Presidents have been elected throughout history. He succeeded in obtaining its approval by the Senate Judiciary committee, despite strenuous opposition.

Not only would Bayh do away with the Electoral College, he would have a national popular vote for President and thus destroy the heart of our traditional system, under which voters within each state decide the outcome in that state.

The effect of such a change is impossible to foretell but it would certainly add to the great concentration of power in the largest cities and in the most populous states and relegate to the role of virtual bystanders the entire populations of smaller states.

Big cities, traditionally the source of most electoral skulduggery, might offset by chicanery the honest votes of smaller states such as Idaho, Montana, Wyoming, New Mexico and North Dakota.

Furthermore, the geographical weighting which has been an integral part of the whole system and a part of its checks and balances would be set aside completely in the choosing of a President.

The implications are frightening. It is at least conceivable that the theft of sufficient votes in Chicago, for instance, might change the outcome of a national election. This seems a far greater danger than that a third party candidate might be able to throw the election into the House of Representatives for final determination.

There is no need for such a drastic, far-reaching change, the ultimate results of which cannot be known. The chief argument for the change is a chimera of partisan imagining and not once in our history has it been real.

The Electoral College may be an anachronism, which has never functioned as it was designed to do, but it can be put aside without also adopting the national direct election, voiding states' rights, and raising new problems of great magnitude.

The people should know full well what they are doing before they vote for any change in the Constitution of the United States, the greatest safeguard for the freedom of men in all history.

CONFRONTATION IN THE MIDDLE EAST

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. DADDARIO. Mr. Speaker, the situation in the Middle East is certainly of critical interest to the United States. It is also of a dangerous posture. In light of these facts and because the attention of the United States is being commanded by equally critical problems in Vietnam, Cambodia, and here at home, I insert the text of the keynote address made by Prof. Eugene V. Rostow at the Emergency Connecticut Jewish Leadership Delegate Assembly on Peace in the Middle East. Mr. Rostow's candid insights not only provide worthwhile analysis, but also lend a much broader perspective to the problem.

The address follows:

CONFRONTATION IN THE MIDDLE EAST

(By Eugene V. Rostow)

We have come together today as citizens to consider the problem of peace and war in the Middle East. Naturally, those of us who are Jews feel a special concern for the Jews of Israel. But there is no conflict between our obligations as citizens, and our sympathies as Jews. The policy of Israel is to make peace with its Arab neighbors, in accordance with the Security Council Resolution of November 22, 1967. The national interest of the United States is the same—that the parties to the conflict make peace in the Middle East, pursuant to the Resolution, and in ways which are fair and dignified for Israel, for the Arab refugees, and for the Arab nations alike.

Our government, and that of Israel, do not always agree. That is normal in the relations of even the most friendly states. We and our European Allies have important interests in the Arab Middle East, which Israel respects, but doesn't necessarily share. But on the central problem of the Middle East crisis, the United States and Israel are fully agreed: the time has come to make peace, not to restore the Armistice of 1949. On this critical issue, President Nixon and Secretary of State Rogers are just as clear and explicit as President Johnson and Secretary of State Rusk. This fact is the rock on which all else must be built.

I stress this point at the outset, for I believe it to be fundamental for all of us.

I shall discuss the crisis in the Middle East in the framework of our foreign policy as a whole. Within that framework, I shall try to concentrate on the broader and more basic problems, and put issues of detail, however urgent, into the context of larger considerations.

The situation in the Middle East is poisonously difficult and poisonously dangerous. There is no magic which can persuade the Arabs to give up their sense of grievance as to the existence of Israel. At best, that bitter feeling will take many, many years to fade. And most of the issues of the transient headlines have no real bearing on the course of events. It would be a mistake, for example, to divert much attention from the underlying problems to secondary ones like the French sale of planes to Libya. Egypt hardly lacks planes. There has been much criticism, too, of Secretary Rogers' recent speech. I think concern about that speech is unjustified. The speech parallels President Johnson's speeches of June 19, 1967, and September 10, 1968. While the diplomatic application of these policies may show change,—a possibility on which I have no information—the principles on which they rest are sound, and deserve bipartisan support. In any event, the nuances of a particular speech or statement mean little in themselves. President Nasser will not be brought to the table of peace by a speech. The pattern of events is dominated by something quite different: the massive, ominous, increasing pressure of Soviet policy, which is exploiting Arab hostility to Israel in order to transform the whole region. There is no hope of containing and controlling that pressure without the calm and steady application of the full influence of the United States. No other force in world politics can deter such prolonged and determined Soviet pressure.

I submit that no citizen has the right to urge the invocation of that influence—that is, the full influence of the United States—unless vital interests of the nation are at stake. Our five post-war Presidents, and the Congresses which passed and reaffirmed the Middle East Resolutions in 1957 and 1961, have believed that vital national security interests of the United States are indeed at stake in the Middle East. I fully agree with their assessment. These interests are now affected by the process of Soviet penetration of the area. They would be critically threatened by a threat to Israel, both in itself, and for its consequences in Saudi Arabia, Egypt, South Arabia, and the Levant; in the Mahgreb of North Africa; and in the Persian Gulf. Such changes would imperil our access, and the access of Europe and Japan, to the oil and the space of this strategic region, and call into question our position in Europe and the Mediterranean. As President Nixon has recently said, "The United States would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern".

But present trends could well lead to this dangerous end—the end, that is, of Soviet predominance—unless the process of Soviet penetration is halted.

For the Arab-Israeli conflict has become more than a regional quarrel; it has been used by the Soviet Union to generate a major confrontation with NATO as a whole. President Pompidou was right the other day when he said the Mediterranean was the soft underbelly of Europe, and compared the Soviet presence there to the Cuban missile crisis. These are words of tremendous resonance. But they are not exaggerated. They underscore the importance of our acting promptly, quietly, and firmly, in concert with our Allies where possible, to prevent these nightmares from becoming reality. The United States can have no objection to the presence of the Soviet Union in the Mediterranean. We should have no wish to claim these vital international waters as a NATO lake. But the possibility of hegemony and predominance is another matter, especially when the Soviet Union states as official policy that one of its goals is the withdrawal of the Sixth Fleet from the Mediterranean.

I propose to open the discussion this afternoon in that perspective—the perspective, that is, of a bipartisan foreign policy, addressed to basic national concerns and interests. No other premise for policy matches the gravity of events. The American people have long had a warm and admiring interest in Israel, and we have taken on deep moral and political responsibilities, both by sponsoring the creation of Israel in a hostile Arab world, and by committing ourselves repeatedly to uphold her freedom, and that of the other states of the region. These aspects of our relationship to Israel are important, and I do not minimize them. But they should be viewed, I believe, as reinforcing our interests as a nation, which could be adversely affected in many ways by a continuance of present trends in the region.

This is not the occasion for a full review of the history of the twenty years' crisis in the area. But the suggestions I shall make today require a few points of reference, by way of background.

II

The basic positive element in the situation, and the compass of our policy, and of Israel's, is the Security Council Resolution of November 22, 1967. After months of diplomatic effort, including the Glassboro meetings, that Resolution received unanimous support from the Council. It was backed by the assurance of the key countries that they would accept the Resolution, and work with Ambassador Jarring to implement it.

It is important to recall what the Resolution requires. It calls upon the parties to reach an agreement which would definitely settle the Arab-Israeli controversy, and establish conditions of just and lasting peace in the area. That agreement, the Security Council said, should establish secure and recognized boundaries between Israel and its neighbors, to replace the Armistice Demarcation Lines established in 1949, and the cease-fire lines of June, 1967. The Israeli armed forces should withdraw to such lines, as part of a package deal, dealing with all the issues of the Resolution, and in a condition of peace. The agreement should establish demilitarization and other security arrangements, guarantees for maritime rights in the Suez Canal and the Strait of Tiran, embody a fair settlement of the refugee problem, and assure the right of every nation in the region to live in security and peace. It was provided that the Secretary General should appoint a representative to consult with the parties, and assist them in reaching the agreement required by the Resolution.

Thus far, it has been impossible to initiate the final stages of the processes of consultation and negotiation which are necessary to the fulfillment of the Resolution. The reason for the stalemate is simple. The government of the United Arab Republic has refused to implement the Resolution. It has rejected procedures for negotiation accepted by other parties to the conflict. And thus far it has been backed in that posture by the Soviet Union. President Nasser could not long persist in this stand against the will of the Soviet Union. Under these circumstances, and in the nature of Arab opinion, no other party to the conflict can move towards peace.

I am convinced that a peace in accordance with the principles of the Resolution is possible, if the United Arab Republic reaches the conclusion that peace is in its best interests, and must be made.

There is great skepticism among the parties: a skepticism altogether natural against the background of more than twenty years of history. The Arabs fear that Israel has no intention of withdrawing, even to secure and recognized boundaries; Israel fears that the Arabs have no intention of making peace. After the deceptions and disappointments of 1957, Britain, the United States, and many other countries have said that Israel must not be asked to withdraw except to a condition of secure peace. That is the basic idea of the Security Council Resolution.

But Israel has said repeatedly and officially that it has no territorial claims as such; that its sole interest in the territorial problem is to assure its security, and to obtain real guarantees of its maritime rights; and that even on the difficult issue of Jerusalem, it is willing to stretch its imagination in the interest of accommodating Jordanian and international interests in the Holy City.

These assurances by Israel have been the foundation and the predicate of the American position in the long months since June 1967. If the Arabs are skeptical of Israeli professions, their remedy is obvious: put them to the test of negotiation. They could be sure, as Prime Minister Golda Meir remarked the other day, that the position of the United States in the negotiating process would come more than half way to meet their claims.

It is by no means self-evident that either the Soviet Union or the United Arab Republic is now interested in peace. They have gained positions, and aroused forces, which seem for the moment to enhance their influence, and diminish that of Nasser's Arab rivals. Arab raids and Israeli reprisals have generated an atmosphere of turbulence and violence which is dissolving many sectors of Arab society, and bringing more and more extremists to positions of influence and power. As Nasser has recently said, recent changes in Libya and the Sudan are basic changes in the whole Middle Eastern situation.

Despite the attractions of continued war and proxy war in the Middle East to Soviet and Egyptian policy makers, however, they should also be conscious of its risks, which directly threaten the life of Israel, and other fundamental state interests of the United States and its Allies.

One consequence of President Nixon's recent statement on Soviet predominance in the Middle East, which I read a few moments ago, should be to make sure that there is no misunderstanding, and no miscalculation, by anyone on this critical point.

III

How can the dangerous stalemate in the Jarring Mission be brought to an end?

I should like to suggest seven lines of political action as the key elements of an urgent and coordinated diplomatic campaign—a crash program, undertaken to achieve a prompt breakthrough in the Jarring Mission. The danger is mounting. We should act on a crisis basis now, to prevent another round of full-scale war in the not very distant future.

1. The first, obviously, is to persuade President Nasser, and the Soviet Union, that their present course involves risks which no man can foresee or control.

Diplomacy has ways of conveying such thoughts discreetly, and reinforcing their implications with action. On this basic issue, we should not venture to formulate a program here, save to note its primordial importance. Unless President Nasser and the leaders of the Soviet Union are led to this conclusion, we can expect the situation to deteriorate, and perhaps to explode. It is hardly a favorable sign that the Soviet Union has recently refused even to support the restoration of the cease-fire, and has launched a menacing propaganda campaign against Israel, both within the Soviet Union, and in the world community.

It is in this setting that we should view the question of providing Phantoms and other arms to Israel. Obviously, such arms are important in themselves. They should help to convince both President Nasser and the Soviet Union that a "war of attrition" against Israel is not only a crime but a folly. And they should underscore the fact that there can be no alternative in the Middle East but a fair political settlement under the Security Council Resolution—a settlement establishing a condition of peace. On arms supply, I believe, the American government agonizes too much. Our policy in this regard should be crisp and predictable, and dominated by the idea, which both President Johnson and Secretary of State Rogers have expressed, that the military situation must not become an incentive for war, from any quarter. If this point is clearly understood, the chance of peace should be improved.

Assuming that this basic condition is met, what other courses of action are open to us to achieve a breakthrough?

2. The second step I should suggest is to press for a restoration of the cease-fire in the Security Council, despite Soviet opposition at the moment. In connection with the restoration of the cease-fire, we should propose effective police action to treat the war against airliners, and other aspects of the guerrilla campaign, as international piracy. Under international law, a state is fully responsible for irregular hostilities conducted from its territories. If it cannot control such activities, the international community is authorized to do so. You will recall that one of our earliest ventures in international politics was the suppression of the Barbary pirates in the Mediterranean in the late eighteenth century.

3. The attempt to renew the cease-fire should be linked, I believe, to a direction by the Security Council that Ambassador Jarring convene a conference of the pirates in his presence, on or before a day named by the Council, to initiate the process of reaching the agreement of peace called for by the Security Council Resolution of November 22, 1967. This action should be based on the assurances Ambassador Jarring has received that the parties have accepted the Resolution, and are prepared to implement it. President Nasser once said publicly that he could accept a procedure like that at Rhodes in 1949. The Security Council should insist on pressing the point.

Even if the Soviet Union should be prepared to veto a restoration of the cease-fire, and a call to a conference, the effort of seeking Council consensus should help to crystallize public opinion and concern, and lead governments, particularly those of our European Allies, to take responsible positions in a crisis that directly and vitally affects their interests.

4. Parallel to these efforts, we should vigorously and visibly pursue NATO consultations on the Middle East, and develop the Middle East programs and initiatives the NATO Council decided to undertake in 1967. These steps, especially if they involved increased naval and air activities by the Alliance, and a presence in Malta, could help to develop the counter-currents the situation so manifestly requires.

5. It would be irresponsibly dangerous, at this point, to withdraw American forces from Europe. I should oppose that course for many reasons, which have just been restated both by President Nixon and Undersecretary of

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State Richardson. But the situation of the Middle East is a special and distinct reason for maintaining our troop strength in Europe. With the Middle Eastern crisis becoming more and more volatile, the availability of mobile forces may become critically important both as a deterrent, and as an emollient influence. No one should wish to have the President face such problems with only nuclear weapons in his hand. And a troop withdrawal at this stage would be the wrong diplomatic signal in every sense, if our goal is, as it must be, to exert every influence at our command to deter catastrophe.

I should therefore urge that the Mansfield Resolution on troop withdrawals be deferred, as an act to strengthen the President's diplomatic position, and give him every possible resource for minimizing the risk of war, and of great power confrontation, in the Middle East.

6. If troop withdrawal would be a dangerous and misleading signal of our intentions in the Middle East, it would be twice as dangerous even to consider Senator Mathias' proposal to repeal President Eisenhower's Middle Eastern Resolution which authorizes the use of force in the area. Senator Mathias is an attractive and intelligent man, whom I admire and respect. But in this venture, he is emulating King Canute. Repealing the Resolution can't repeal the problem. Our legitimate interests in the Middle East are under far more pressure today than was the case in 1957. We cannot hope to protect those interests, and lessen the danger of war, by intensifying doubt about the seriousness of our purpose.

7. Finally, I should propose that we offer to guarantee an agreement of peace reached by the parties in accordance with the Security Council Resolution of November 22, 1967. I can conceive of no step more likely to change the political climate, to overcome Arab fears, however irrational, and to offer the Arabs a genuine alternative to their present course. With an American guarantee for the peace, Arab reliance on Soviet support should lose some of its attractiveness. And with such assurances, it should become possible for Israel to sign the Non-Proliferation Treaty.

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It might be contended that such a step would increase our obligations in world politics. This is not the case. We now have the inescapable obligation to protect our interests in the Middle East, under circumstances of rising and changing pressure. Since 1950, we have repeatedly promised, often with our Allies, to support the territorial integrity and political independence of all the states of the area, and we have acted many times in the name of that principle in behalf of Lebanon, Saudi Arabia, Egypt, Israel and other countries. And the Eisenhower Doctrine stands on the statute books, far more general and open ended than the Treaty I am recommending.

What I propose is something limited, and greatly in our interest, an American guarantee to a condition of peace for Israel, for Egypt, for Lebanon, for Jordan, and indeed for Syria and Iraq, if they choose to make peace. Such a guarantee should help make negotiations possible, and end the war which has brought so much waste, and so much tragedy to the peoples of the Middle East, and has become, in President Johnson's phrase, a burden to world peace.

I have tried today to stress what I consider to be the most important elements of the situation in the Middle East, and those which most urgently require considered and responsible action. I have talked only about what our government should do, and what it should not do, to protect our interests in the Middle East, including our national interest in Israel. The situation is not easy. It cannot be brought to a successful resolution if we falter.

But there is no reason for despair, if American opinion soberly faces the facts. We have the resources, the influence, and the will, to bring about an era of negotiation with the Soviet Union, which might genuinely end the Cold War. But that goal cannot be achieved without the hardest kind of national effort, based on a clear national understanding.

We may not succeed, but we must try. For the prospect would be dismal, to put it mildly, if the world had to endure another twenty years of increasing hostility in the Middle East, backed by increasingly sophisticated arms—a process which could always threaten to escalate into nuclear war. On the other hand, with peace achieved, Israel could start a new phase of its mission among the nations. And its neighbors could turn to policies and programs which represent their interests far more truly than the sterile yearning for revenge.

THE TECHNOLOGY OF CARING

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ROBISON. Mr. Speaker, at the request of the congregation of the First Presbyterian Church of Binghamton, N.Y.—in my congressional district—I am inserting in the RECORD a recent sermon by their pastor, Rev. D. Evor Roberts. My constituents feel that this is a sermon worthy of contemplation by the Congress, and I am pleased to include it here for that purpose:

THE TECHNOLOGY OF CARING

(By D. Evor Roberts)

Before I knew that the President had proclaimed this day to be a national day of thanksgiving I had decided to jettison my sermon in space and reflect instead on what has happened this past week. You will hear about "Christians and Chameleons" later. Today I want to speak on the subject: "The Technology of Caring."

I knew I would have to preach this sermon when I saw the first live picture of a little cone-shaped dot swinging against the South Pacific sky under three orange and white parachutes. That was the moment when I suspect most of the watching world started breathing again; it was the beginning of our thanksgiving. The crackling sound of radioed voices after the black-out assured us of continuing life, but not until the parachutes opened were those dauntless three naturally related again to their native earth.

What followed—when we first saw all three of those white-suited *live* bodies tumble from the hatch into the raft—when we saw them walk, unaided, on the deck of the Iwo Jima—accentuated the drama to mythological proportions. Life, good, human life, our life represented in them, had been snatched from the hostile environment of this tender earth. The most unnatural crisis in man's entire physical history had been met and bested. As Joseph Lelyveld wrote in the N.Y. Times: "It was Odysseus facing an unforeseen menace like the Cyclops & Odysseus struggling to return to Penelope: the oldest and still the best of stories."

Three men, so fragile, so dependent on just the right amount of oxygen, of water, of heat, to retain their cobweb connection with breathing life, had been brought victorious through the enemy territory where there is no oxygen, no water, no heat. They returned to their own true space, this beautiful space, this earth, where a man breathes, or should breathe the fresh clean air that also lays, or should lay, upon his seen horizons, where an ocean of undulating, blue water from which his life first came, rocks his ships and his splashed-down flying machines like a cradle, where the good, warm sun smoothes a man's cheek like the touch of a woman and gives the good earth all her greenness. And this return was more than return. It was reunion. It was a blessing, a hallowing of man's life. A moon landing may have been aborted, as they say, but their rescue was like a birth.

You will remember surely that other flight (so many Apollos there have been flying their chariots across the sky, I can't remember its number) when a man in space read aloud the 8th psalm—to the distress of myopic atheists on earth whose problem is as much a lack of imagination as it is a lack of religion. We don't know yet what scripture got read, or thought of, on the Apollo 13 flight; we can only imagine.

I would like to read the 8th psalm to you today in the form it takes in the Jerusalem Bible, and with the title given to it there: "The Munificence of the Creator".

"Yahweh, our Lord, how great your name throughout the earth!

Above the heavens is your majesty chanted, by the mouths of children, babes in arms. You set your stronghold firm against your foes to subdue enemies and rebels.

I look up at your heavens, made by your fingers, at the moon and the stars you set in place—ah, what is man that you should spare a thought for him, the son of man that you should care for him?

Yet you have made him little less than a god, you have crowned him with glory and splendour, made him lord over the work of your hands, set all things under his feet, sheep and oxen, all these, yes, wild animals too, birds in the air, fish in the sea travelling the paths of the ocean.

Yahweh, our Lord, how great your name throughout the earth!

What would the psalmist write today? His cosmology would be new. He wouldn't believe any longer that up there was the hard roof of the "firmament" with moon and stars set in place like mounted jewels. He wouldn't believe any longer that that was the exact location of the creator's impregnable stronghold from which he routs his foes. The vision of reality would be far more exciting than that, informed by astronomy, physics and all the knowledge that has made space science possible.

But I think he would see the same confirmation, in Friday's triumph, of his religious view of man as vice-regent of the creation, as lord over the work of God's hands, as himself "little less than a god." His images would be enriched and expanded, for to the "fish of the sea travelling the paths of the ocean" has been added a new species swimming at incredible speeds through the illimitable ocean of space.

"Yahweh, our Lord, how great your name throughout the earth!

Throughout more than the earth!

What were the signs and portents we saw last week? For me, Apollo's sky-writing recorded two insights about man's life, and man's responsibility. One was the significance of crisis. The other was the nature of caring.

I suppose it is no particular compliment to the nature of man that he seems incapable of demonstrating what the psalmist calls his "glory and splendor" during smooth sailing and smooth flying, with anything like the degree of greatness that can appear when he is under severe stress.

The adrenaline, someone said, was six inches deep last week, with the astronauts sloshing around in it; it was just as deep in Houston at the other end of the life-line. It is too bad that in ordinary times, our low adrenaline, combined with our overconfidence, produces a kind of sluggish blindness about our dangers. But when man is aroused by the near neighborhood and close-groping fingers of death, something happens to him. Crisis refines the priorities. Often crisis alters the priorities.

Think of what happened when the silence around the moon was broken by that man-induced bank in space, and, as we later learned, a whole sidewall of the astronauts' powerhouse was blasted to smithereens. The priorities changed in that very instant, from *exploration* to *restoration*.

The moon then was no place to go to take a walk. The whole vast enterprise of exploration of the lunar highlands, the monumental project of expanding our new knowledge was scuttled and the objective became one, and one only: the saving of three very precious lives. At that moment, the great moon itself was of less value than the continuing heartbeat of a human and the preservation of family relationships, indeed the whole global family here on earth.

Mankind, *all* mankind, circling the earth, in its billions, everywhere that people knew of this, they said, as it were, to themselves: "Those three out there are all of us; we must get them back. We will do anything to get them back." No one mourned or lamented or even mentioned aloud the deprivation to museums and laboratories of more moon rocks. The scientific enterprise gave way to the human enterprise. And when the good, good Lord who, having produced the *brain* of man, works through computers as much as he works through the seeds of flowers and the roots of trees, when he saw fit to confirm the human enterprise by their safe journey home, our joy was complete.

Crisis not only alters priorities. Crisis teaches. Crisis matures. The experience of danger this week sharpened the definition of what man is about. It is not the exploration of space; it is *man in space*. There is a great difference. Part of that space is the earth itself, where we normally live, and which by our great folly and greed we have made almost as dangerous as the inhospitable environment of the moon.

Can you imagine how good it was to James Lovell, and Fred Haise and John Swigert, when that hatch opened, and they took in their first good gulps of clean sea-air, and looked at all that lovely blue water? What if they had parachuted down at the edge of a Los Angeles freeway, or in the middle of Lake Erie? It would be enough to turn an astronaut into a preacher!

But the crisis that dramatized the importance of saving three lives told us something else. By the token of these three preserved lives, which you have comprehended, though in wonder, it said to the world, "By this token, contemplate your *earthy* danger!" As those men strode down the red carpet of their welcome, and the band played "It is the dawning of Aquarius", it might better have played

"Turn back, O man, forswear thy foolish
ways.
"Old now is earth, and none may count her
days."

For what is the difference between three lives in the sky and three lives in Vietnam multiplied nearly 50 times over again last week? And those are just the American lives lost. Is it only that the three up there had names, that we had been, as it were, socially introduced, by TV? What is the difference between three lives in the sky and three lives in the rotten ghettoes of America the Beautiful? And how many more than 3 there are in mortal danger?

Our Vice President neither enhanced the significance of their safe return nor did he add splendor to the occasion when he delivered himself yesterday of a diatribe against "the social levellers who would prefer that the money spent on the space program be sucked down into the nearest slum." "Sucked down," he said. This is the language of a man who has ice water running in his veins.

It is not very difficult to see why so many of our young today are not especially impressed with space exploration. They think it is an expensive fiddling while Rome burns. And I have heard social historians analyze it as a distraction to keep the populace from becoming too restless over their real problems. There is a good deal of truth in this, we will be having a public debate now about the space program, but I suspect the successful rescue will *increase*, rather than decrease the public confidence in it. Is it too much to hope that some of the maturing of this crisis will rub off on the maturing of man's larger crisis: his struggle for peace and justice?

We must hope. When we stop hoping, then we stop. And what *can* give us hope out of the travail of this week is that we have witnessed not just a human drama, but a technical one. A new connective symbol has appeared as a contemporary sign and portent. It may be called an awesome technology of caring. Never were more technical resources devoted to the preservation of life than in this event—not only national resources but international resources. When Russia could offer the aid of her ships, if needed, then it was life that was more important than the success or failure of a space rival.

Man's deepening concern about himself now has burst the obsolete boundary lines of nations. There is an invisible but undeniable human and moral connection between the survival in the Pacific and the survival talks in Vienna.

This creature, "little less than a god", crowned in our era with the "glory and splendor" of a technology that is capable of a mind-boggling act of human caring, a Texas room full of computers loving three lonely, cold men back to earth's bosom—this creature for whom the creator has "spared more than a thought and son of man whom he has cared about"—lamely and awkwardly now, holds his strange new tools in his two hands and looks at his stricken and suffering world and says, "Can't we make it better? *If we didn't have to die out there, do we have to die here?*"

RESOLUTION TO STOP FUNDS FOR WAR IN CAMBODIA AND LAOS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FRASER. Mr. Speaker, the President and his advisers continue to commit the country to demoralizing and economically costly actions in Southeast Asia.

Without clear constitutional precedent, Congress is being asked to appropriate funds for a war and policy in which its pleas and opinions have gone unheard.

In an effort to provide Congress with a greater role in resolving the issues in Indochina, a growing number of Congressmen of both parties offer this resolution:

RESOLUTION

Resolved, That, in the absence of a declaration of war, it is the policy of the House of Representatives that fiscal year 1971 defense expenditures in South Vietnam should be limited to only that amount required to carry out the safe and orderly withdrawal of all American combat and support troops from South Vietnam by the end of fiscal year 1971 (June 30, 1971): Be it further

Resolved, That no funds in the fiscal year 1971 Defense budget are to be used to finance the operation of any American combat or support troops in Cambodia or Laos.

THE MIDDLE EAST

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. WIGGINS. Mr. Speaker, many of my constituents have written to me concerning the continuing crisis in the Middle East. They want to know how involved the United States is and what the policy is toward the Arab States and Israel.

We all know that this is a very complicated subject. However, I have been fortunate to have on my staff during the past several months, Dean Sagar who was a graduate student at Johns Hopkins School of Advanced International Studies. He is also an honor graduate of Redlands College in California and a serious researcher.

The following paper by Mr. Sagar was prepared at my request to help the public better understand the problems in the Middle East. I commend it to the entire membership for reading.

THE MIDDLE EAST: A CONTINUING CRISIS

Standing atop the Golan Heights, which Israel captured from Syria during the June, 1967, Arab-Israeli war, a young Israeli soldier gazes across Palestine and remarks: "We must never let them back . . . This is our home, our children's home, and we are here to stay."

In the Jordanian capital of Amman, 150 miles to the southwest, a young Palestinian guerrilla leader comments to a visitor: "My family has lived in Palestine for centuries . . . it is our home, our land. We are going back."

Within these two statements are contained the basic elements contributing to what Secretary General U Thant of the United Nations warned might be "a new hundred years war" in the Middle East. It is the determination of 2.5 million Israelis to hold on to the land which they have transformed from barren desert into a rich garden, with bustling modern cities and productive new industry. Likewise, it is the equal determination of 2.5 million Arab Palestinians to win back the lands from which they have been recently ousted after 13 centuries of occupation.

The result of this conflicting determination has been a continuing stalemate in the Middle East: a prolonged period of no war, no peace, recurrent violence and spreading chaos which is working every day to undermine international peace and security.

This report is a discussion of the problems which this critical situation raises for current American foreign policy and the challenges which it presents for the future. You are urged to give thoughtful consideration to these problems at a time when increased violence between Israel and her Arab neighbors threatens once again to erupt into all-out warfare.

In what follows, I have not sought to justify or condemn past actions of either Arabs or Israelis. Awareness of the past is necessary for an understanding of the present, but recriminations of past actions do

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not promote our current goals of preventing renewed conflict and providing for a just and acceptable peace.

DIMENSIONS OF THE CRISIS

The current crisis in the Middle East was born in the anguish of World War II. The murder of an estimated six million European Jews in Nazi concentration camps dramatically increased the determination of the Jewish people to establish a national state in what they believe to be the ancient "promised land" of Palestine. Since 1917, the Jewish people had been encouraged toward this objective by a half-promise embodied in the Balfour Declaration, which stated that the British government "looked with favor upon the establishment of a national Jewish home in Palestine." However, it was not until the disclosure of the horrors of Nazi persecution that widespread sympathy for this endeavor was generated among the inhabitants of a shocked and horrified world.

This sympathy, however, was not shared by the Arab inhabitants of Palestine who viewed Jewish intentions with alarm. After decades of subjection to European rule, the Palestinians had no desire to share their homeland with a large number of Jewish immigrants. They feared that such a situation would only perpetuate Arab subjection by a European people. Beyond this, Arab leaders were determined not to let a foreign people gain political control of any portion of Palestine, a land of significant historical and religious importance to the Arab people.

As Jewish immigration into Palestine swelled in the 1930's and 1940's, due to Nazi persecutions in Europe, Arab resistance mounted. The British, who controlled Palestine under a League of Nations mandate, made numerous attempts to devise a formula that would provide the Jewish people with a Palestinian homeland in a manner acceptable to the more numerous Arab population. However, no formula proved successful. By 1947, this situation had become extremely critical. At this time, the British found themselves caught in a precarious position between two hostile and determined groups and conveniently relinquished responsibility for the Palestine question in favor of an infant United Nations. When this organization decided that the only solution to this question was the partition of Palestine into separate Arab and Jewish states, neither the Arabs nor the Jews found the prescribed boundaries to be acceptable. The conflict which resulted has continued to this day in varying degrees of intensity, with major wars occurring between Israel and the neighboring Arab nations in 1948, 1956 and 1967.

The belligerent attitudes which prevailed among both Arabs and Israelis prior to the six-day war of June 1967, have hardened in the subsequent years of uncertain peace. At present, the direction of change in the Middle East is toward increasing hostility and renewed conflict, rather than toward a political settlement. It is clear that a political solution to the Palestine question will not be achieved as long as hostile attitudes remain. However, the building of attitudes of conciliation after more than two decades of conflict is no easy task. For it must seek to overcome a major obstacle . . . fear. Each side fears the other. Israel fears being destroyed by its Arab neighbors, while the Arabs fear Israeli expansion. Such a situation has been conducive only to increased hostility, with both sides seeking security in military superiority.

The basis of this hostility has been, and remains, the conflicting claims of the Jews and the Palestinians to the same small piece of territory. However, this situation is greatly complicated by the fact that regardless of the validity of Jewish or Arab claims to Palestine, the state of Israel is an established fact. Since 1949, Israel has been a recognized member of the international community. As such, the Israelis seek recognition by, and normal relations with, the Arab nations of the region. The Israelis have made it clear that they will not accept any settlement which does not incorporate such recognition and which does not provide guarantees for the maintenance of Israel's territorial integrity.

The Arabs, however, view a settlement involving recognition of Israel as an impossibility under existing conditions in the Middle East. For the Arabs, the search for peace has been obstructed by the fact that a number of critical problems remain unsolved. Most important among these problems is the future of millions of homeless Palestinians displaced during military operations, the mistreatment of Arabs residing in Israel, the status of the city of Jerusalem, and the occupation of Arab territory by Israeli troops following the June 1967 war. Arab leaders have asserted on numerous occasions that until satisfactory solutions can be found for these problems, Arab hostility toward Israel will not cease and negotiations to normalize relations with Israel cannot begin.

The problem of finding a suitable solution for the Palestine question has been further complicated by the fact that the struggle over Palestine cannot be treated in isolation. The Arab Israeli conflict is fed by two larger conflicts: the struggle of 100 million Arabs to achieve a new political, social and economic identity after centuries of colonial subjection; and the "Cold War" rivalry of the Soviet Union and the United States for influence among various peoples of the Middle East.

Even if the Israelis and the Palestinian Arabs can agree upon some mode of coexistence, there can be no peace in Palestine as long as the neighboring Arab states remain in a state of nationalistic fervor. Since the close of the Second World War, the people of the Middle East have been struggling to build strong Arab nations, free from Western domination. In the eyes of Arab nationalists, this effort has been seriously impaired by the presence of the state of Israel, which the Arabs have identified as the successor to Western imperialism in the region. The resulting anti-Israeli sentiment has served as a rallying point and a uniting force for the various forces of Arab nationalism. As long as a common fear of Israeli expansion remains, it is evident that Arab nationalism will continue to be a dominant factor in the political affairs of the Middle East. Since one of the avowed objectives of Arab nationalism is the destruction of Israel, Arab hostility toward Israel will not cease as long as this nationalistic fervor remains.

The second contributing conflict is of significant importance. It has become increasingly evident that no settlement between Israel and the neighboring Arab nations is possible unless the Soviet Union and the United States can agree that their mutual interest in maintaining international peace overshadows any advantage that either might gain in seeking to keep the Middle East conflict alive. In attempting to further their own interests in the Middle East, the Soviet Union and the United States have allowed themselves to be drawn ever deeper into opposite sides of the Arab-Israeli conflict. It is generally feared that inherent in this situation is the danger that these nations will be drawn into a face-to-face confrontation with one another from which it may be difficult for either to retreat if there is a new outbreak of general warfare in the area. The ultimate result of such a situation could be disastrous. Because important national interests of both the Soviet Union and the United States are involved, the possibility of renewed warfare in the Middle East poses a far greater threat to world peace than the current conflict in Southeast Asia.

THE AMERICAN ROLE

The six-day war of June 1967 and its aftermath has forced the United States to seriously reevaluate its foreign policy toward the Middle East. In seeking to establish a satisfactory policy to meet the challenges of existing conditions, the United States has had to define its basic interests and objectives in this vital part of the world. Any evaluation of American interests in the Middle East must take into account the special concern of six million Jewish Americans in the fate of the state of Israel. As a result, the United States government, while having no specific legal commitment beyond its obligations under the United Nations Charter, has maintained a strong moral commitment to Israel. It is committed to the proposition that Israel, like any sovereign nation, has the right to national existence and that this right must be preserved.

Without compromising this commitment, successive American Administrations have tried with diminishing success to maintain friendly relations with the Arab world, where the United States has important strategic and economic interests. American foreign investments in this area alone yield over one billion dollars yearly and constitute an important contribution to this nation's international balance-of-payments. In addition, the United States seeks the preservation and expansion of its access to the commercial markets and economic resources of the Arab states. Middle Eastern oil, in particular, has become increasingly important as Western oil reserves continue to diminish.

United States interests in the Middle East, however, extend beyond our moral commitment to Israel and our economic interest in the Arab nations. American policy has sought to reflect two general objectives which have become central themes in U.S. global policy: the containment of Soviet-Communist expansion; and the maintenance of international peace and security.

Maintaining the security of the Middle East against Soviet expansion and influence has been the single most important objective of American policy in the Middle East since the end of the Second World War. The preservation of national governments in this region with ideologies which are not hostile to the United States is clearly in the American interest. Likewise, the preservation of peace is essential for the economic, political and social progress upon which democratic ideology and institutions so greatly depend. In general, the United States seeks to preserve a peace in the Middle East, as throughout the world, which upholds not only the integrity of nations, but also of individuals.

As long as the Arab-Israeli conflict continues, it is clear that American interests in the Middle East cannot be realized. Continued conflict serves only to undermine international peace and security and to increase Soviet influence among the Arab states, which have become dependent upon Soviet arms and assistance. Therefore, it appears that, at present, America's most pressing interest in the Middle East lies in the effort of finding a peaceful resolution for the Arab-Israel conflict.

The time has passed, however, when the United States or any other nation can or should dictate the future of less powerful nations. Although the United States has vested interests in achieving peace in the Middle East, it is clear that it cannot set down the terms of a peaceful settlement. Any settlement must stem from the conflicting parties themselves and must be embodied in a settlement which these parties all have a vested interest in maintaining.

The United States has persistently urged the Arabs and Israelis to do everything possible to restore peace to the Middle East. It has consistently supported the United Nations Security Council resolution of November 22, 1967, as an adequate basis for efforts to establish such a peace. This resolution presents five principles which should be incorporated in any attempted settlement:

(a) The withdrawal of Israeli forces from occupied territory.

(b) The termination of all claims or states of belligerency.

(c) Freedom of navigation through international waterways in the area.

(d) The mutual acknowledgment of sovereignty, territorial integrity, and political independence of all states in the area.

(e) A just settlement of the refugee problem.

The major obstacle hindering efforts to achieve peace in the Middle East has been the atmosphere of fear and mutual suspicion which has made communication between the Arabs and Israelis extremely difficult. The leaders of both sides have not spoken freely with one another since 1948. For peace to be achieved, each conflicting party must be willing to subordinate its special interests to the general interest in peace. Only in an atmosphere of free communication can this mutual willingness to compromise be achieved. Negotiation is clearly the only road to peace in the Middle East.

For American initiatives encouraging the resolution of the Arab-Israeli conflict to be of significance, they must be impartial in their approach and must be linked to the necessity of bringing about meaningful negotiation. It must be the role of the United States to seek links of communication between Arabs and Israelis, and once they are found, to encourage their use. Such a role is neither pro-Arab nor pro-Israeli. It seeks only to achieve the general goal of promoting a just and lasting peace for the continuing crisis in the Middle East.

FACTS SUPPORT THE PRESIDENT

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, despite the appearance to the contrary as reported in the local press, there is overwhelming support for the President's decision to clean out Communist sanctuaries in Cambodia which have been the base of murderous attacks on American troops.

As so well stated in an editorial in the Columbus Enquirer, published in Columbus, Ga., the facts support the President in the decision he made as Commander in Chief of our Armed Forces. So that all Members may see the logic of this editorial and the clearly stated résumé of the current situation, I insert the text of the editorial at this point:

[From the Columbus (Ga.) Enquirer, May 2, 1970]

FACTS SUPPORT THE PRESIDENT

Richard M. Nixon did his duty as President of the United States of America with full recognition of the political meaning of his act when he sent the 1st Air Cavalry Division into Cambodia.

Those who will cry out against his decision out of not knowing the true facts about the war in Vietnam, and the manner in which the enemy has fought us for so long because of his Cambodian bases, are inexcusably ignorant at this late day.

Those who will cry out against his decision out of a calculated play for political advantage do not serve the cause of the United States in full dedication. They serve themselves better.

Those who will cry out against his decision because it flies in the face of their entrenched positions on the side of the dissent are the serious foes. These must be beaten down by success and discredited by the outcome. If they are not, then the President will have to pay the price he himself set for his action. If they are, the country must give full credit to a man who served the Republic well and discredit those who were wrong. Much of our future is at stake in this contest.

This newspaper supports his decision because the facts cried out for that decision. We admire his moral bravery, because he put his personal career and possibly that of his party into the scales. But his decision must be pushed through to success, it must bring safety to our men in Vietnam, it must stop hit-and-run attacks from sanctuary bases, it must cut supplies to enemy forces inside of South Vietnam and it must be done in the face of the kind of howling dissent which broke the last man who held that office.

President Nixon is now the Commander in Chief in the full meaning of that term. He assumed the terrible responsibilities of that part of the Presidential load as all Presidents should . . . and not all do. His concern is for our soldiers in Vietnam, not for continued public office. His concern is for the continued existence of the United States of America as a world power, not as a victim of military-political degradation by having failed in a long and hard quest in Southeast Asia.

His will be a lonely and terrible position in the weeks ahead. Success can wipe that away, and much else that has torn the hearts of Americans who hold a sense of tradition.

Let there be no misunderstanding of our military moves into the Cambodian border regions—it was the only logical step that could come.

There will be a fog of rhetoric about "spreading the war" or "expanding the conflict." It must be penetrated by common sense and the matter understood by Americans.

The North Vietnamese and Viet Cong fighting now in Cambodia have always been involved in the war.

They were able to fight at their own leisure, choose the time and the place, and then to simply retreat to safety in Cambodia and ready another attack against us in South Vietnam.

Now they don't have a safe "home free" sanctuary. They are being bombed and shot at in Cambodia. They can't fight in both places. A Viet Cong fighting in Cambodia is one who isn't available to fight in South Vietnam and delay withdrawal of American combat forces there. Americans and South Vietnamese on the offensive against enemy bases in Cambodia are doing what American generals have longed for them to do for years.

Laos, Cambodia, South Vietnam have always been a part of the war. Formerly, events in Laos and Cambodia were allowed only to work for the benefit of our enemy. Now they work against him. It would have been unthinkable for the President not to have authorized clearing the border sanctuaries.

DARTMOUTH'S PRESIDENT SPEAKS OUT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FRASER. Mr. Speaker, the following is an address given by John G. Kemeny, president of Dartmouth College, on May 4. In outlining his views on several vital issues, President Kemeny takes a stand on the role of the college and its students in national affairs. I think this will be of interest to my colleagues:

DARTMOUTH PRESIDENT JOHN KEMENY ADDRESSING THE COLLEGE COMMUNITY OVER WDCR MONDAY NIGHT, MAY 4

We are meeting tonight over the air at a time of one of the most troubled periods in American history. I would like to start off by going back to my first press conference as president-elect. At that time I was asked about the question of institutions and individuals taking stands on controversial issues. I reaffirmed the stand that I have consistently held over the years: That while institutions as such cannot effectively take stands on controversial issues, individuals must take stands, and I made it clear that the president of Dartmouth College would be no exception to that rule. I am painfully aware of the fact that no college president can use this prerogative too often or he loses his effectiveness. And yet events have taken place during the past week which make it impossible for me not to exercise this prerogative. I will therefore speak tonight about a number of national issues.

We live in a period of great frustration. In the richest country in the world we still find poverty, we find hunger that could easily be eliminated and yet we don't seem to be able to marshal our resources to eliminate hunger. We find our cities deteriorating and we seem to be unable to bring about those means that will improve life in our great metropolitan areas. A time when black citizens after decades of trying to improve their lot find all measures being taken as too slow, too little, and too late. We found the frustration in the past year in trying to attract American Indian students to Dartmouth and we all learned a great deal about the scandalous record of this country in the treatment of American Indians. We have during Earth Day learned a great deal about problems of the environment where pitifully little has been done to solve these problems. Then, in the last few days, a number of additional events have taken place. We saw Yale University become a battleground for some of the great issues facing this Nation. We saw a community trying to act in unison to bring about peaceful demonstrations against events which they felt were wrong. We found Kingman Brewster, one of the finest college presidents in the United States, fighting for the life of his institution and trying to bring unity and peace to his campus, and at the same time being attacked from the outside by those who did not understand the issues and did not have sensitivity for the needs of a great university. We found a number of attacks from the Federal Government in Washington upon our great universities that showed, to say the least, complete misunderstanding of the feelings of the present generation of college students and a very large fraction of the college and university faculties.

And then, to all these issues an overwhelming issue has been added. This has been the escalation of the war in Indochina. We have seen a sequence of events starting first with a repeated promise by the President of the United States to disengage according to an arranged schedule from the war in Vietnam. Ten days later he had an announcement that South Vietnamese forces supported by American advisors were moving into Cambodia. Then the President of the United States announced that in addition to that massive American troops would move into Cambodia. We were also warned that it was possible that North Vietnam might be bombed again. Very soon afterwards we discovered that by the time that warning was issued the bombing of North Vietnam had already resumed.

This series of actions came as a great surprise to the American people, apparently as a great surprise to the Congress of the United States, and again, from all that has been said, a surprise to the government of Cambodia. In addition to that we had to listen to arguments in favor of these actions that many of us find totally unacceptable. In this day and age to argue that we must take these acts because the United States had never lost a war is the type of argument that I for one simply cannot accept. Most of us have reached that stage in our thinking where we feel that war itself must be eliminated and questions of winning and losing wars have become meaningless.

At the same time we find the Congress of the United States frustrated. We find that the President is criticized by leaders of both parties, including leaders who have traditionally supported him in all his actions. And yet Congress seems to be frustrated as to how it can assert its authority. This may bring about one of the most serious constitutional crises in the history of the United States. I am deeply conscious of the fact that Dartmouth College more than any other institution in the country has played a significant role in helping to shape that constitution.

The final event today was the killing of two boys and two girls at Kent State University. I do not know all the details of how they died and to me they are unimportant. There will no doubt be many arguments as to who was at fault. I can only come to one conclusion: that all of us are at fault. For this to occur, whether it was by National Guard troops, young men probably terrified in an alien situation which they are not used to, is to me totally unimportant. I feel as sorry for them as for those who were killed. What is important is that civilization in this country has reached the stage that I find totally intolerable.

XUM

As a response to these events we are faced with a call from a large number of students for united action by the Dartmouth community to find means to express its dissatisfaction, its frustration, and to work out new methods by which a community acting in unison can have an effect on the policy of this country. I have heard a large number of suggestions as to how this can be done. Many of them highly effective, many of which still have to be worked out. While the word "strike" has been used, again and again the representatives of the group that are trying to raise a strike have emphasized that they have used this word for lack of a better word because this is not a strike against Dartmouth College, but an attempt by means of an action they have called a "strike" to unite the entire community in joint action to see whether all of us together might be more effective in changing national policy than any group could be on its own. They have emphasized that they would like to see participation by massive groups of students, by the faculty, by the administration, and by the staff of Dartmouth College in the broadest sense of the word. As a matter of fact, a number of generous offers have been made to make it possible for members of various segments of the staff and employees of the college to participate in such activities. For example, I have heard students speaking of cleaning their own dormitory rooms to enable janitors to take an active part. I have heard of students volunteering to eat only two meals a day to enable employees of the Dartmouth Dining Association to be free to participate in discussions that they propose should take place in the immediate future.

As a result I have today met with my policy advisory council, which is a group of top administrators. I then met with the departmental chairmen of Dartmouth College and I had an additional meeting with the delegates of the steering committee of the group calling for a "strike." I have also had the benefit of advice from numerous telephone calls and letters from students and faculty. In listening to all of these groups, and all I have done so far is to listen, I have found a number of common themes. I have found frustration in the search for what it is that an institution can do as a united community. I have found the word "unity" appearing again and again, and the frustration that they did not know how this unity could be brought about because there are so many different constituencies that the means of bringing them together and getting some legal way of having them combine did not seem to be clear. Again I heard that while magnificent progress has been made in 24 hours of planning, there has not been enough time to work out all effective means of achieving these goals. After listening to all these pleas, I have come to the conclusion that indeed we are in extraordinary times, that it is indeed a time when the community should take united action, and if there is anyone who can bring such united action about it is the president of the college.

I am therefore proposing to take tonight a number of acts. One that I have taken earlier today was to join a number of other college and university presidents, representing many segments of the country, in issuing the following statement, addressed to the President of the United States:

"The American invasion of Cambodia and the renewed bombing of North Vietnam have caused extraordinary, severe, and widespread apprehensions on our campuses. We share these apprehensions. As college and university presidents in contact with large numbers of concerned Americans, we must advise you that among a major part of our students and faculty members the desire for a prompt end of American military involvement in Southeast Asia is extremely intense. We implore you to consider the incalculable dangers of an unprecedented alienation of America's youth and to take immediate action to demonstrate unequivocally your determination to end the war quickly. We urgently request the opportunity to discuss these problems with you directly. If we should receive an invitation from the President of the United States to discuss these matters with him, I and many other college presidents are prepared to go to Washington to plead with the President of the United States."

I have tried to search for a precedent to what action can be taken on campus, and the closest one I could find was from a minutes of the trustees of Dartmouth College. The trustees voted at a time of what they described as "public distresses of the present day" an early termination of the academic year. Of course that was a period of even more intense consideration. It happened to be July 24, 1776.

I feel that we are now at the point of crisis. I am greatly shocked by the death of four students, which is tragic in itself and a symptom of a national malady. I am therefore taking the following actions as president of Dartmouth College.

I am suspending all regular academic activities for the remainder of this week.

Secondly, I am declaring tomorrow a day of mourning for the students at Kent State, and a day of soul-searching for the entire institution. There will be no classes held tomorrow. I am urging all sections of the community to participate in intensive discussions as to how this community can best join hands and in a united manner take effective action.

I know that a meeting has been called for 10 a.m. on the Dartmouth green on the part of the student steering committee. I urge as large an attendance of students as possible.

In addition to that I am asking faculty members to take advantage of the fact that I am cancelling classes for tomorrow to have as many meetings in whatever groups are appropriate tomorrow to bring about collective wisdom as to what it is we can do for the remainder of this week and beyond. I am inviting the general faculty—that is the entire faculty of Dartmouth College—to a meeting at 8 p.m. tomorrow in Alumni Hall. This will not be a formal meeting with parliamentary rules and motions and debates on small points of wording because the issues are too serious. I am proposing to hold this somewhat in the style of a Quaker meeting. I am holding it in the evening so it may be preceded by a day of soul-searching on the part of the entire faculty so that we may bring our collective wisdom to bear on what it is that we might be able to do for the remainder of this week to formulate plans to how this institution can unite in effective future action. In addition I am urging all administrative officers to do whatever they can to make it possible for all employees of Dartmouth College to participate in the discussions. We must, of course, maintain a few basic services of the institution, but I urge all department heads to use their discretion to allow as many people to participate in discussions, whichever side they may be on, so that we may truly feel that this is action by the entire community. Perhaps after a day of soul-searching and a week during which we are suspending our normal academic activities, we might have a better feeling as to where we go from here.

I realize that there are many who feel that educational, regular education, should not be suspended. And yet there comes a time when there are priorities over and beyond that which we have traditionally considered the fundamental purpose of the institution. I am saying that by suspending all classes tomorrow we will engage in education this week, but an education of the deepest form where a broad community can sit down together and try to formulate its views and engage in a collective exercise of formulating plans for the future. I feel that all of us will be better educated by the end of the week as a result of this action.

Finally let me say that for this week I am going to make my own self and my entire staff available. I hope that anyone with suggestions or anyone who needs help in formulating plans or meetings, whatever the need may be, will call on all of us for help in making this week truly meaningful.

Thank you.

THE PRESIDENT'S SECOND FRONT

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. LOWENSTEIN. Mr. Speaker, President Nixon's single-minded pursuit of victory in Vietnam, a pursuit that was camouflaged for a while in the guise of Vietnamization, and of the politics of polarization at home is threatening to rend us asunder rather than bring us together.

I am inserting in the Record a column by Tom Wicker of the New York Times, and an editorial from the Washington Post that explore the motivations and tragic consequences of the President's recent actions:

[From the New York Times, May 7, 1970]

In the Nation: The Dead at Kent State

(By Tom Wicker)

Washington, May 6.—It was obtuse and heartless for President Nixon to say of the dead at Kent State only that "when dissent turns to violence it invites tragedy." It was indecent for Spiro Agnew to call this awful event "predictable and avoidable," then to go on with one of his standard denunciations of students, as if he and the President, pledged as they are to "bring us together," had not instead done as much as anyone to drive us into conflict. No one has less right than they to "murder the mankind" of these senseless deaths with "grave truths" about violence and dissent.

Mr. Agnew's sustained and inflammatory assault on some young Americans could have had no other purpose, and no other result, than to set generation against generation and class against class for the calculated political purposes of the Nixon Administration. Mr. Nixon's blurted condemnation of "bums" on the campus is all the more culpable for apparently having been spontaneous and from the heart, a true revelation of his inmost feelings.

But there is more to it than the spirit of fear and vengeance and repression—that spirit exemplified by the use on a tense college campus of tired and frightened National Guardsmen with live rounds in their weapons and discretionary orders to return fire.

Even this piece of insanity might not have left the dead at Kent State had it not been for Mr. Nixon's monumental blunder in reversing the whole course of what he had said was his Vietnamese policy with the invasion of Cambodia and the reopening of the bombing of North Vietnam. That is real violence. And any President less swayed by generals, less awed by the myopic political hardline of John Mitchell, less fixed in the outdated attitudes of cold war days, could not have failed to have foreseen that re-escalation would set off an explosion of anger and despair and bitterness—hence violence and counterviolence, rebellion and repression.

WHAT HAS BEEN GAINED?

It may be argued by those politicians and commentators as concerned as Mr. Nixon about manhood, humiliation and American vanity that, even had he known his people well enough to expect the reaction he is getting, he still would have had no choice but to act in the national interest, as he saw it. But none will be able to explain what interest is worth having pushed so many of the educated and concerned of a whole generation into hatred and mistrust of their own Government; and who can say how the future can be protected abroad if a nation must club and shoot its children in the streets and on the campus?

What, in fact, has a re-escalation gained us? A chilly diplomatic reaction, for one thing, including quite possibly a setback to the nuclear arms limitation talks. For another, the most severe Congressional reaction in decades against the exercise of Presidential powers.

The Administration itself is divided and wounded at the top, with Mr. Nixon—like Lyndon Johnson only two years ago—suddenly unable or unwilling to travel among his own people. Secretary of State Rogers is shown either to know little of what is happening or to have minimal policy influence; Secretary of Defense Laird was apparently overruled and—worse—uninformed about what his own bombers were doing. Is it an accident that these two, with Robert Finch among the ablest men in the Administration, now join Mr. Finch in the kind of public embarrassment to which he has had to become inured?

On the battlefield itself, no supreme Communist headquarters has been found, although its presence had been advertised as if it were Hitler's bunker. In fact, not many Communist troops of any kind have been found, according to reporters on the scene, although captured rice tonnage mounts daily and the body count is predictably inflated. Destruction is wholesale, of course, but mostly of Cambodian towns and farms, not of Vietcong or North Vietnamese soldiers.

BEGGING THE QUESTION

To cap this futility with absurdity, Mr. Nixon now pledges to let the invaders go no further into Cambodia than eighteen miles from the border, a guarantee which if honored makes the rest of that sizable country a real sanctuary easily reached; and he further promises to pull the troops out within eight weeks, a period that probably can be survived by an enemy that has been fighting for more than twenty years. These public restrictions beg the question what the invasion can accomplish.

Whatever the answer, the dead at Kent State are far too high a price for it. Like the dead in Cambodia and Vietnam, they can be buried; but somehow the nation has to go on living with itself. Mr. Hickel's courageous letter to the President shows that even within the Administration, Mr. Nixon and Mr. Agnew have only made that harder to do.

[From the Washington Post, May 7, 1970]

MR. NIXON'S SECOND FRONT

It is the morning after, but the party music—now an out-of-place ordeal—still blares on. It is as if the record player couldn't be stopped. For what was amusing and/or politically intriguing a while back—Vice President Agnew's gavotte with the "silent majority," his carefully attended middle-American stomp—goes on long after the occasion has changed utterly and when no one serious can any longer be interested in off-Tuesday speculations about how well he is doing at exploiting the fears of voters for some elections still several months off. Nonetheless, on the eve of a venture desperately requiring the broadest possible public sense of confidence in the President, Mr. Nixon turns loose his name-calling Vice President for a series of pointless attacks on those most certain to be crushed by the President's move and least able to grasp or accept either the political or military rationales on which it must make sense—if it is to make sense at all. Four students are shot dead in Ohio, and both the President and the Vice President manage to crank the dreadful event into their argument, issuing statements that bear, beneath their solemn condolence, the undignified message, "I told you so." Mr. Agnew then goes on to deliver yet another diatribe against "elitists," the "media," Mayor Lindsay, which he still believes appropriate for the hour and the occasion. One hopes and one prays that the administration has not misjudged the situation in Southeast Asia as disastrously as it has misjudged the situation at home—especially regarding the young.

We say "misjudged." That is the best and most hopeful construction one can put on the slashing attacks on the critics that seem to be part and parcel of the President's Cambodian move. For we honestly believe that neither the President nor the Vice President comprehend in any remotely useful degree what brought those students onto the field at Kent State University or what the students at Kent and elsewhere must think the administration is saying to them in responses such as those made by both Mr. Nixon and Mr. Agnew to the death and wounding at Kent. We are prepared, in other words, to take the administration's inflammatory rhetoric seriously and at face value—not as evidence of some clever political maneuver on the part of people who are playing at it, but rather as evidence of what is called a "mind-set," as a reasonably accurate guide to what it is they see when they look out upon the world. So we would like to have a go—foredoomed, perhaps—at altering that vision.

Mr. Nixon and Mr. Agnew and their spokesmen, in our view, misjudge just about everything that matters where the war critics and especially the young are concerned: their numbers, the genuineness and legitimacy of their concern, and the degree of provocation they feel have been dealt— not to mention gratuitous insult. Perhaps Mr. Nixon's meeting with some Kent students yesterday will change some of that. For the world outside the White House really does not break itself down into (on the one side) a bunch of screamers and bombers and their mentally and morally defective patrons among the media and the "elite" and (on the other) everybody else. From time to time the President and the Vice President include in a subordinate clause somewhere those whose dissent they take to be honorable or authentic or respectable in some way. We think they should switch their clauses around and, with them, their perception of what is going on— of who is where on this issue. They will find among broad masses of students and adults who are readily distinguishable in temper and taste from Abbie Hoffman a distress about the war and Mr. Nixon's sudden move in Cambodia that is at once profound and unrelated to him personally, being neither playful nor spiteful nor politically motivated in any trivial sense. And they will find, too, going back to the President's remark last autumn about how he didn't intend to heed the protesters' message, a growing—now near monumental—sense of despair and frustration. It is owing to the belief that there are no channels by which the opinions of the critics can be heard and no chance that anything they think or say will have any effect on the men who make decisions about the war. The second front against the critics, which Mr. Nixon seemed to open simultaneously with the announcement of the Cambodian enterprise, has gone dangerously far to confirm the despairing young in that judgment. That is why Mr. Nixon should take care and why his meeting yesterday presents at least a tiny ray of hope. For while the war in Cambodia may be completed in a couple of months, by then the administration could have lost more at home than it can possibly gain abroad.

ANNUAL GEORGE E. STRINGFELLOW CANCER EDITORIAL CONTEST

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, as we stand at the threshold of a new decade, we look toward the future and wonder what marvelous technological advances we will achieve during the next 10 years. New developments in the scientific field are coming with breathless speed. I have heard it said that 90 percent of all the scientists who have lived in the world since the beginning of time are alive today and we must have almost doubled our quantity of scientific information in the past decade. The fight against disease is a vital part of man's existence and great strides have been made.

Yet, in spite of all our achievements, cancer is still one of the most dreaded diseases of mankind. It took the lives of an estimated 323,000 Americans during 1969. The eradication of this disease must be the concern of all citizens.

Researchers and scientists are at work in laboratories throughout our vast country, attempting to unlock the key that will solve the puzzle of cancer. We are beginning to win but much remains to be done.

Until a cure is found, a widespread cancer control program is the most effective means of combating the disease. In the early 1900's few cancer patients had any hope of cure. By the late 1940's one in four cancer victims was being saved, and since 1956 the ratio has been one in three. This increase in the survival rate has been made possible through knowledge of the importance of early detection and treatment of the disease. People are more aware of cancer and its prevention as a result of widespread education programs to alert them to the seven warning signals of cancer and the importance of early detection and treatment. There are 1,500,000 Americans alive today who have been cured of cancer.

The American Cancer Society, a nonprofit volunteer organization founded in 1913 to serve the public, has been in the forefront of this struggle for 56 years.

The society fights the disease through a threefold program of research to find a cure, education to save lives, and services to provide assistance to the person already afflicted with cancer. The New Jersey Division with its 60,000 volunteers is an active part of the national organization and carries out programs in all three areas.

Research to conquer cancer is being conducted through American Cancer Society grants at five institutions within the State. The division has a uniform service program through its 21 units to provide services to all residents of New Jersey. Counseling, loan closet items and dressings are available to any cancer patient, and transportation services, in the form of volunteer motor corps, are available to the cancer patient who is unable to travel alone for treatment. Approved medications and visiting nurse services are paid for by the society for the medically indigent cancer patient, and practical nurse, housekeeper, or nursing home care will be provided when necessary for a medically indigent patient with advanced cancer. Rehabilitation programs for the laryngectomy, mastectomy, and osteotomy patient are an important aspect of the service program to help the patient return to a useful life, and many of the units throughout the division sponsor free detection programs for the public.

The New Jersey Division conducts an active public education program to alert citizens of the state to the seven warning signals of cancer and other important knowledge about the disease.

An essential phase of this public education effort is the annual George E. Stringfellow Cancer Editorial Contest which has been conducted annually by the Division since its inception in 1947. The contest is named after the first president of the division. All daily and weekly papers throughout the State are invited to submit an original editorial on the subject of cancer control. Through this contest, the press brings cancer control into public awareness and performs an invaluable service.

People must be given facts and knowledge to arm themselves in the fight against cancer. The New Jersey Division is most grateful to the press for its continued support of the contest and proudly announces the winners of the 1969 George E. Stringfellow Editorial Contest.

In the daily category the winner is "Don't Pass Up a Checkup," written by Mr. George F. Shivers of the Atlantic City Press, Atlantic City, N.J.

First place in the weekly category is "Looking Back—Looking Ahead," written by Mrs. Rita Robertson Fuller of the Blairstown Press, Blairstown, N.J.

The editorials follow:

DON'T PASS UP A CHECKUP

(By George F. Shivers)

Somewhere in the United States there are 205,000 lucky persons.

No, they're not going to win new automobiles or giant jackpot sweepstakes or trips to the moon. Nothing so trivial. They are the 205,000 Americans who will be saved from cancer this year because of early detection and prompt treatment.

These lucky ones will be added to the list of more than 1.5 million Americans alive today who have been cured of cancer.

But, there are 103,000 others who won't be so fortunate. They are the ones who will die this year from the disease.

And, while cancer usually is believed to be a disease of the elderly, about 22,000 cancer deaths will be among persons between the ages of 15 and 44. Another 4,000 victims will be under 15. Of the 103,000 expected to succumb to cancer in 1969, some 13,000 will be residents of New Jersey.

By far the greatest killer-cancer in men is cancer of the lung. Not only does lung cancer claim more victims than any other forms, but, it is continuing to grow while most other forms are declining or remaining fairly constant.

In 1930, the death rate in men from lung cancer was only about three for every 100,000. By 1950, it had risen to about 18 per 100,000. In 1966, it had leaped to more than 40 per 100,000. Lung cancer in women is about seven per 100,000.

In contrast, about 28 men out of 100,000 died of stomach cancer in 1930, but, by 1966, stomach cancer deaths had dropped to less than 10 per 100,000.

Lung cancer will kill approximately 59,000 in the United States this year—49,000 men and 10,000 women.

Cigarette smoking has been named the principal culprit relating to lung cancer. New research findings during the last year add to the evidence that cigarette smoking is a lethal hazard to humans.

A scientist who, the American Cancer Society says, probably has done more of this research than anyone is Dr. Oscar Auerbach, senior medical investigator at the East Orange, New Jersey Veterans Administration Hospital.

After 15 years of study, Dr. Auerbach says ". . . cigarette smoking is the most devastating thing that can happen to the human body. I consider it in the same sense as arsenic."

April is Cancer Crusade Month and has been designated "Cancer Control Month" by President Nixon.

In the past, the public has been generous in supporting the Crusade. Twenty-five years ago, the American Cancer Society raised $800,000 with which to fight cancer. In 1968, more than $43 million was donated.

More than two million volunteers are working this year to bring the message of hope and education materials about cancer to their friends and neighbors and to accept contributions for the cancer control program.

The New Jersey Division of the American Cancer Society notes the 1969 slogan is "Help yourself with a checkup and others with a check."

Above all, don't pass up the checkup. It may be the most important thing you'll ever do.

LOOKING BACK—LOOKING AHEAD

(By Rita Robertson Fuller)

What's your earliest memory? We've asked a lot of people and it's surprising how far back some of them can go. Even more amazing is the unimportant—or very important—thing they recall. Perhaps, it's a death in the family—perhaps a pair of new shoes or the pink satin ribbon on a party dress.

For us, it's no problem. Our first real memory is of a snowy Christmas Eve in Montreal, where, as a very small child, we pressed our noses against a frosty window pane to watch an ambulance backing up to the front walk.

Our mother, who had been gone almost forever from a child's viewpoint, was coming home from the hospital where she had had a breast removed for cancer.

Of course, we didn't know that. We didn't understand anything about the dreadful reason why our mother had deserted us, especially at the most important time of the year. A loving father and grandmother had done their best—but it wasn't like having a mother around when most needed.

She knew that, too, and pleaded so fervently to be allowed home for the big day that the doctor agreed, saying he felt it would do her more harm than good to keep her in the hospital over Christmas.

So here she came home to the big house that had been so empty without her. Home to a desperately lonely husband and two little girls who knew only that they must watch out how they hugged her.

Carefully carried up the long slippery walk on a stretcher, our mother was laid on the couch in the living room. She wasn't allowed upstairs but she wasn't complaining about that. From her make shift bed, she could supervise the decorating of the Christmas tree and all the other preparations.

Now that we had her back again, we, self-centered as all children, worried only that Santa Claus might not stop because the living room would not be empty. Reassured by a note which we left for St. Nick promising she'd sleep soundly, we finally were persuaded to go to bed. Sure enough, all went well, and the big tree was glowing brightly when we came back down at the crack of dawn. And every thing a litle girl could wish for was beneath it.

As all of our Christmases, the first one we really remember was a very happy, carefree one. But now that we're adults, we realize how terrified our mother must have been beneath the smiling face she turned to us that Christmas morning. More than half a century ago, a lump in your breast was considered a death sentence—and in short order, too.

Even now, the bravest woman cringes when told the doctor has found a lump which must come out. In our case, the most cowardly of creatures, we were convinced it was the end of us. After all, both our mother and father died of cancer, so we, fatalistically, were convinced that "our" lump would be malignant. In fact, we could hardly believe it when we came out of the anesthetic to find ourselves still whole.

On the other hand, one of our dearest friends recently had a lump appear and she, brave soul, laughed off such worries. "No one in my family ever had cancer and I'm sure I haven't", she said. But she did—and we're lonely still.

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So, please, girls, if you find a lump in your breast, go right away and let the doctor take a look at it. He may agree with our friend that it's nothing to worry about—or he may tell you frankly, as he did us, that it must come out at once. In any case, give yourself a break. The sooner such things are found, the better your chance that whatever it may be, you can get it in time to save your life.

There's something else you can do, too. This is Cancer Month and your neighbors are seeking your assistance in fighting the monster that attacks young and old, rich and poor with equal ferocity. Fight back with your contribution that will pay for research to find the cure and prevention of cancer, just as your donations have licked polio, TB, and, now, measles.

Last but not least, go to a doctor you trust and have him overhaul you from top to bottom, inside and out. You do as much for your car—isn't your one and only body worth the same attention? When he gets through he'll be able to tell you if there's any little trouble starting that should be caught in time. Maybe you'll be as lucky as we recently were and get report saying that you're just fine. We hope so.

IN THE NATION: THE DEAD AT KENT STATE

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HARRINGTON. Mr. Speaker, the recent violence on college campuses, particularly the tragedy at Kent State, has shocked the Nation. But the response of the present administration has been more shocking.

I would like to place in the RECORD for the benefit of my colleagues an article by Tom Wicker, distinguished journalist on the staff of the New York Times. The article is addressed to the events at Kent State, the response of the Nixon administration, and the repercussions for the Nation.

The article follows:

[From the New York Times, May 7, 1970]

IN THE NATION: THE DEAD AT KENT STATE

(By Tom Wicker)

WASHINGTON, May 6.—It was obtuse and heartless for President Nixon to say of the dead at Kent State only that "when dissent turns to violence it invites tragedy." It was indecent for Spiro Agnew to call this awful event "predictable and avoidable," then to go on with one of his standard denunciations of students, as if he and the President, pledged as they are to "bring us together," had not instead done as much as anyone to drive us into conflict. No one has less right than they to "murder the mankind" of these senseless deaths with "grave truths" about violence and dissent.

Mr. Agnew's sustained and inflammatory assault on some young Americans could have had no other purpose, and no other result, than to set generation against generation and class against class for the calculated political purposes of the Nixon Administration. Mr. Nixon's blurted condemnation of "bums" on the campus is all the more culpable for apparently having been spontaneous and from the heart, a true revelation of his inmost feelings.

But there is more to it than the spirit of fear and vengeance and repression—that spirit exemplified by the use on a tense college campus of tired and frightened National Guardsmen with live rounds in their weapons and discretionary orders to return fire.

Even this piece of insanity might not have left the dead at Kent State had it not been for Mr. Nixon's monumental blunder in reversing the whole course of what he had said was his Vietnamese policy with the invasion of Cambodia and the reopening of the bombing of North Vietnam. That is real violence. And any President less swayed by generals, less awed by the myopic political hardline of John Mitchell, less fixed in the outdated attitudes of cold war days, could not have failed to have foreseen that re-escalation would set off an explosion of anger and despair and bitterness—hence violence and counterviolence, rebellion and repression.

WHAT HAS BEEN GAINED?

It may be argued by those politicians and commentators as concerned as Mr. Nixon about manhood, humiliation and American vanity that, even had he known his people well enough to expect the reaction he is getting, he still would have had no choice but to act in the national interest, as he saw it. But none will be able to explain what interest is worth having pushed so many of the educated and concerned of a whole generation into hatred and mistrust of their own Government; and who can say how the future can be protected abroad if a nation must club and shoot its children in the streets and on the campus?

What, in fact, has re-escalation gained us? A chilly diplomatic reaction, for one thing, including quite possible a setback to the nuclear arms limitation talks. For another, the most severe Congressional reaction in decades against the exercise of Presidential powers.

The Administration itself is divided and wounded at the top, with Mr. Nixon—like Lyndon Johnson only two years ago—suddenly unable or unwilling to travel among his own people. Secretary of State Rogers is shown either to know little of what is happening or to have minimal policy influence; Secretary of Defense Laird was apparently overruled and—worse—uninformed about what his own bombers were doing. Is it an accident that these two, with Robert Finch among the ablest men in the Administration, now join Mr. Finch in the kind of public embarrassment to which he has had to become inured?

On the battlefield itself, no supreme Communist headquarters has been found, although its presence had been advertised as if it were Hitler's bunker. In fact, not many Communist troops of any kind have been found, according to reporters on the scene, although capture rice tonnage mounts daily and the body count is predictably inflated. Destruction is wholesale, of course, but mostly of Cambodian towns and farms, not of Vietcong or North Vietnamese soldiers.

BEGGING THE QUESTION

To cap this futility with absurdity, Mr. Nixon now pledges to let the invaders go no further into Cambodia than eighteen miles from the border, a guarantee which if honored makes the rest of that sizable country a real sanctuary easily reached; and he further promises to pull the troops out within eight weeks, a period that probably can be survived by an enemy that has been fighting for more than twenty years. These public restrictions beg the question what the invasion can accomplish.

Whatever the answer, the dead at Kent State are far too high a price for it. Like the dead in Cambodia and Vietnam, they can be buried; but somehow the nation has to go on living with itself. Mr. Hickel's courageous letter to the President shows that even within the Administration, Mr. Nixon and Mr. Agnew have only made that harder to do.

CONGRESSMAN NEDZI AUTHORS AN ARTICLE ON MILITARY MANPOWER FOR THE ARMED FORCES JOURNAL

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. WHALEN. Mr. Speaker, I note from the current issue of Armed Forces Journal, May 2, 1970, that my distinguished colleague from the House Armed Services Committee, the gentleman from Michigan (Mr. NEDZI), has written an article on the draft and the all-volunteer Army.

The gentleman's observations are invariably worth noting and the piece he has composed is no exception.

For the information of my colleagues who may not have had the opportunity to read the article, Mr. Speaker, I insert it herewith in the RECORD:

THE VOLUNTEER ARMY IS NOT THE ISSUE

(By Representative LUCIEN N. NEDZI)

For the last twenty years, American young men have been drafted to serve in the armed forces with a minimum of controversy, even though a peacetime draft was without precedent in American history. The Selective Service Act has been perfunctorily renewed every four years in the off-year preceding the national election. Gradually—along with the Cold War, the large standing army, a sprawling defense industry, and the huge Pentagon budget—the draft has become a part of American life.

Between the Korean and Vietnam wars, calls were relatively low, and being drafted wasn't a matter of life or death. Now, of course, all that has changed.

Beginning in 1965, our internal divisions over the Vietnam war, the obvious archaism of the Selective Service System, the high draft calls, and an articulate generation of young men pursued by the draft have led to calls for reform, abolition, and a return to a "volunteer army." Proposals to end the draft have been endorsed by public figures as disparate as Barry Goldwater and George McGovern.

On Thursday, April 23, the President generally endorsed the goal recommended by his Commission on an All-Volunteer Armed Force—ending conscription—but indicated that the Commission's target of 1 July 1971 was probably too early.

WHOLESALE PAY RAISES

In Congress, on the other hand, one regularly sees lobbyists advocating and members introducing resolutions or bills to raise military salaries wholesale in order to be able to abolish the draft immediately—1970, they say, is the year to repeal the draft and to create an all-volunteer army.

But the volunteer army is not the issue. The issues are equity in the draft, equity in military pay, determination of force levels, civilianization, and management efficiency. During, and after, the time these problems are solved, the nation and the Congress can debate whether America wants or needs a million-man army composed solely of volunteers.

1970 is not the year for this debate. Sizeable and important requirements for military manpower will exist throughout the 1970s and 1980s, and it would be irresponsible to make sweeping experiments with the system for procuring this manpower in the emotional heat of an unpopular war—especially when such experiments might needlessly cost billions of dollars.

On the other hand, while the lessons of

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the war are still painfully at hand, we should use fairmindedness, common sense, and careful study to move toward a lasting solution to the problem of meeting the nation's military manpower needs. The purpose of this article is to propose a step-by-step solution to the problem.

1970 should be the year for complete draft reform. The 23 April announcement by the Administration of an executive order and three proposals for a more equitable draft came more than two months after Senate Armed Services Committee Chairman Stennis had originally planned to start his hearings on comprehensive Draft Reform—a matter of too little too late.

The executive order—eliminating occupational determents and deferments for fathers—is salutary. The proposals—to end college and apprentice deferments, and to improve the lottery—should be enacted into law by the Congress. Eventually, all new deferments should be forestalled, except for hardship cases, sole surviving sons, officer training program participants, and Reservists. Noncombatant service for conscientious objectors should be retained.

Complete draft reform, however, would go far beyond the Administration proposals, to include the overhaul of the Selective Service System, much along the lines of the Marshall Commission Report, by abolishing the 50 state boards and 96 appeal boards and replacing them with 8 regional boards and regional appeal boards. The 4,098 local boards should be combined into 435 larger local boards, the boundaries of which would be the same as Congressional districts. These would be relatively equal in population and easily redistrictable every ten years to preserve equality of size.

Complete draft reform would ensure that the local boards would administer uniform national standards in classification. The procedures of the system should guarantee due process. Loopholes in the Administration's lottery should be plugged.

The present system inducts young men, on the average, at the age of 20—unless they have been deferred. Yet it has been repeatedly stated by our military leaders that 18- and 19-year olds make the best soldiers. Unless further study indicates the contrary, the lottery should be changed to induct men while they are younger—but not, obviously, before they have completed high school.

I have prepared a comprehensive draft reform bill (to be introduced shortly in the House) which is designed to accomplish most of the recommendations. The bill sets out a blueprint for terminating objectionable deferments and for reorganizing the Selective Service System. But all House-sponsored draft reform legislation has been ignored by the Democratic leadership since 1967.

By law, 1970 is the year for DOD to make military pay recommendations. The Defense Department is required to make a complete review of the military pay system every four years, and upon completion of each review, make recommendations to the Congress for improvements. The first recommendations have been ready since 1967 but have never been submitted.

The first report (called the Hubbell Plan) was approved by the Service chiefs, but never got past the Secretary of Defense. As could be expected, its impact on a wartime defense budget was drastic, and at last report it was being studied to death within OSD. It certainly was never submitted to the Congress.

Now, pay reform has been swept up in the Administration sloganeering over the Volunteer Army. There is no sign of it in the budget or in the President's 23 April message. But the need for pay reform is urgent, and new proposals are not forthcoming.

The first requirement is to convert the antiquated pay system of basic pay plus a myriad of allowances and fringe benefits into a salary system. At the same time, we should ensure that military personnel are paid fully as much as civil servants when they perform reasonably comparable work.

Pay for the lower enlisted ranks, counting cash and kind, should be raised to what their peers are earning outside the Service. This may or may not attract substantially greater numbers to enlist, because the considerations in an enlistee's choice encompass much more than mere salary.

The Gates Commission has called for sharply increased enlisted pay, to increase the number of first-term volunteers. Instead, first-term enlistees should be paid what their peers are earning in civilian life, and the burden of making military service more attractive should be put on the Services. If, after this, a volunteer Army is still desired, a variable enlistment bonus should be considered before the salaries are sharply raised.

PATRIOTISM AND THE STATUS QUO

Changing such tradition-bound institutions as the military pay system is very difficult. Starting an open-minded debate on some of the proposals made later in this article will be incredibly difficult. Many Senators, Congressmen, and generals talk as though it were unpatriotic to discuss anything but the status quo—or more of it.

But this Administration has a reserve of goodwill with the military and its supporters in Congress—notably because this Administration has given the military more authority in decision-making. Secretary Laird should use this goodwill to develop support for meaningful pay reform—in 1970. The Gates Commission recommendations should not be an excuse for delaying reform—our military personnel deserve better than that.

The issue, in 1970, should be force levels. Proponents of the volunteer Army gamely admit that the Army's present size is a key problem. As troops are withdrawn from Vietnam there is every reason to expect that total force levels will decline. Senator Stennis promised as much in a speech last year and the Administration has already announced reductions in total force.

Presumably, total force levels are determined by our country's foreign policy and the threats with which we and our allies are confronted. What has occurred, however, is that the numbers of force "building blocks"—wings, divisions, carrier task forces—and their "overhead" have become somewhat institutionalized. Most fluctuations in requirements over the past two decades have occurred in the Army, rather than in the other Services.

Under the Johnson Administration, American armed forces were primarily structured to be ready for major NATO and Southeast Asian contingencies, with a smaller force earmarked for the Near East and elsewhere. To this was added a Strategic Reserve.

The Nixon Administration has reportedly decided to eliminate the major Asian contingency and will reduce forces accordingly during the next few years. Although exact numbers are not available, it is presumed that such a reduction will shrink the forces to about 2.3-million men. However, defense experts outside the government consider a force of about 2.1-million not imprudent, given present manpower management policies. This additional cut could save at least $2-billion annually.

The issue is civilization. Civilian-type jobs in noncombat units should be performed by civil servants or contractors. Because of greater specialization and less rotation, civilians are more efficient in certain occupations than military personnel and can replace them on a better than one-for-one basis. Studies repeatedly point to net savings in civilianizing military jobs whenever a military job could be adequately filled by a civilian employee. Under McNamara, 113,000 "military" jobs were civilianized, but the program stalled because Congress set a ceiling on civilian manpower, while ceilings on military manpower remain far higher than existing requirements.

PREPAID MEDICAL CARE

The military Services' requirements for doctors should be reduced by requiring dependents and retirees to use a form of prepaid medical care in nonmilitary facilities rather than requiring drafted doctors to perform such nonmilitary chores.

As in civilian facilities, military hospitals should be managed by professional administrators. Instead, there are over 2,500 physicians in the military establishment who manage but do not practice medicine. As a result of the present wasteful system, the nation loses approximately $90-million worth of clinical care annually.

Alternatively, according to a Pentagon survey, there are over 9,000 military doctor positions which could be filled by civilian doctors under contract. This would obviously decrease dependence upon the "doctor draft."

Minimizing the use of conscripted doctors involuntarily assigned to duties not of their choice and using non-doctor professional administrators in administrative positions should improve the efficiency of facilities and the quality of treatment available. The incremental cost to the Defense Department, however, is estimated to be on the order of $130-million.

Government manpower experts estimate that, if forces were cut to 2.1-million, it would still be possible to civilianize 101,000 Navy, 130,000 Army, and 179,000 Air Force "military" jobs, for a total of 410,000. This would lower the size of the forces to less than 1.7-million.

Congress should insist that a detailed review be made of all military jobs with an eye toward isolating those which can be civilianized. Moreover, a detailed explanation should be demanded whenever positions are designated as not appropriate for civilianizing.

The issue is more efficiency in manpower management. In World War II, in Korea, and in peacetime, veterans have returned with countless stories about men being trained for jobs they never were given, skilled civilians serving in unrelated jobs, men assigned to posts where there were no jobs for them to do, and so forth. So it is today. Pentagon spokesmen cite improved programs and procedures, but the facts of inefficiency still stare them in the face—ask any young G.I. The most important of these facts is that there is virtually no consciousness of the cost of military manpower down at the level where that manpower is being used—or wasted.

The Defense Department accounting system known as "Project Prime" should be fully implemented. It calls for the application of a number of modern management techniques to military units and would vastly improve the quality of resource management information available to those responsible for managing resources, from installation level up to Deputy Secretary Packard. At present, individual installations have ceilings on civilian manpower, supplies, and military manpower, but budgets are required only for the first two. Project Prime would provide a commander with a budget for his military manpower.

Such budgetary controls, however, should not be implemented in such a way as to deny a commander the flexibility necessary in combat or in an emergency situation. Present budgetary controls over military supplies might be taken as a model for the controls which should be created for manpower.

Incentives for the efficient management of manpower at the installation level must be created—and the incentives must be strong. Post commanders should have to budget for troops, and military salaries should be paid from the commander's budget. Should he have more men assigned to his command than his budget calls for, reassignments should be requested. Such awareness of dollar costs would contribute substantially to more efficient management and utilization of manpower.

The costs of training should be billed to the operating commands, and the training commands should be made self-supporting through these payments. Training for particular jobs should be consolidated under single managers, as suggested by the House Appropriations Committee last year. Degree-holders educated at government expense should be used in jobs requiring those degrees. By the same token, combat training for Army soldiers who will not be assigned to combat duty should be minimized; this is a vestige of Universal Military Training costing $50 million annually. As mentioned above, many of these jobs should be civilianized.

The issue is modernizing the military Services' hidebound rotation, assignment, and promotion policies. These are the proposals I mentioned earlier, which will be most difficult to start serious debate over. Because they affect people—their pay, their self-respect, their professional careers—personnel policies are the most institutionalized and the least susceptible to change. And yet it is here where changes must be made if the Services are to recruit and retain the quality of personnel so essential to a modern military force.

Citizens should be allowed to enter the Services at the rank and pay of their competence, after suitable military orientation. There is no reason why everyone has to enter at the bottom. This is not done in wartime, when military experience is even more valuable—why should it be done in peacetime?

When a colonel's or a sergeant's job is civilianized, it can be performed right away by a new employee; but until it is civilianized, regulations prevent its being filled by anyone other than a soldier who has worked his way up from cadet or private. Eventually, many jobs susceptible to lateral entry should be civilianized.

FREEDOM OF CHOICE

Furthermore, to the maximum practical extent, military personnel should be able to choose their own training, assignments, jobs, and tour lengths, especially when such choice would enhance specialization and long tours. (This is not to recommend, however, that those who are in choice jobs should be allowed to retain them when there are others who are better qualified.)

The Services are finally beginning to realize not every officer either can or should be a general. And practically speaking, few officers really can hope to be Chief of Staff, so it is absurd for personnel policy to encourage such reveries.

Promotions are so highly centralized in the Services that those who do the promoting have usually never met those who are being promoted. Within guidelines concerning minimum time in grade and quotas on ranks, promotions should be decentralized so that the quality of the work performed by the promotee will have a direct impact on the quality of the organization commanded by the promoter.

Reassignments are so highly centralized in the Services that a man who desires to work in a specific command, or a commander who desires to have a certain individual assigned to him, is usually without formal means of doing so. Within guidelines setting, among other things, minimum tour lengths, assignments should be decentralized so that men could apply for the commands and jobs in which they wanted to work, and the new commander could select the applicant and bear the consequences of the reassignment.

A man should be paid according to the work he is doing, not according to his "rank" or "precedence." The rank system and the pay system therefore should be separated. If a man is temporarily assigned to a higher ranking job, and is performing satisfactorily, he should be paid accordingly; but if the assignment is truly temporary, there is no reason to raise his rank at the same time. When the temporary assignment is over, he can go back to his permanent job and be paid accordingly. To promote a man in rank only because he is temporarily in a more difficult job and then demote him upon reversion to his normal job makes little sense.

Separating rank from pay would enable pilots, nuclear technicians, doctors, etc., to keep their traditional ranks while receiving competitive salaries. The special bonuses now paid such personnel could then be adjusted or eliminated.

Separating pay from rank will be quite necessary in the 1970s and 1980s, because at present, junior soldiers are promoted to captain, or Navy lieutenant, or sergeant, within as little time as 24 months. This vast majority of career soldiers are never promoted beyond lieutenant colonel or platoon sergeant, which means that the majority of junior soldiers in 1970 can look forward to only one or two more promotions. What is more, in the case of officers, promotions to the grade of captain (O–3) are automatic, this means that in the entire course of a 20-year military career, the average officer really *earns* only two promotions.

THE UNCONSCIOUS DECISION

Another area of concern is the increasing cost of retired pay. This is a direct result of the 20-year retirement policy for all military personnel. This system was adopted, not in a conscious decision, but rather as the result of a series of uncoordinated revisions in military personnel legislation.

According to one estimate, by the year 2000 the total number of retirees will be 1.6-million, with 2.8-million dependents, receiving $17.4-billion annually, not counting fringe benefits. In the new budget, retirement costs increased by $.3-billion; the 30-year cost will total approximately $260-billion.

The whole problem must be thought through and the system improved. The goals of redesigning retired pay should be to maximize the number of full careers the military can offer; pay a full pension to those who serve a full career; provide a partial pension after five or more years' service; guarantee the right to "cash in" amounts contributed (in which case no pension would be payable); and change the definition of "full career" from the present 20 years' service to a more common-sense figure such as in the civil service.

Moreover, retirement pensions should include the value of fringe benefits (such as medical care) and, until the retirement system is reformed, the costs of retirement should be charged to the Services, to present a more realistic picture of the costs of the Services' policies.

THE RESERVES: FOREIGN EXAMPLES

A further area for fundamental re-examination is the problem of our Reserve forces. Some of the more interesting proposals for reform involve making Reserve positions analogous to part-time jobs, with regular hours; making Reservists' active-duty periods fewer and longer, such as one or two months per year, as in the Russian, Swedish, and Italian reserves; establishing permanent ties between Reserve and active units, as in Israel, Britain, and France, and in some U.S. Air Force units; and transferring active-duty personnel to the Reserves to enhance their possibilities for promotion and eventually allow them to retire, while opening up slots in the active force to younger men, as is done in the Soviet Union.

The volunteer Army is not the issue. Debating this political slogan deflects thought from the real issues, which can be briefly described as equity in the draft and equity in military service. Because the proposal for a volunteer army must be based upon speculation about certain unknowns, this is the wrong starting point. The unknowns I have in mind relate to both force levels and incentives to enlist.

While I have outlined a probable post-Vietnam structure, our force levels in the future will be determined as much by reaction to foreign threats as by our own foreign policy—this is an unknown. The state of the economy and the unemployment rate have a direct bearing on enlistment rates and are unknowns. Whether we shall continue to experience high casualty rates in a hot war is pertinent—and an unknown. The future image of the military and its role in American society are unknowns.

These are important reasons why the Gates Commission recommendations, with their multi-billion-dollar cost, should be approached with extreme caution this year.

Each of my proposals takes us a step closer to the Volunteer Army. Does it not, though, make more sense to address ourselves to problems which realistically lend themselves to immediate action? After prolonged study, I have endeavored to outline thoughts and ideas for such action. It would be presumptuous to insist that refinements in these ideas are not appropriate. But all the areas reviewed deserve the critical scrutiny of the Congress, the President, and the Pentagon. These are the real issues for 1970.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, MAY 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure for me to place in the CONGRESSIONAL RECORD the calendar of events for the month of May 1970 of the National Gallery of Art.

The National Gallery consistently presents interesting and informative events and the month of May is no exception. I urge my colleagues and the American people to take advantage of the excellent programs scheduled by our National Gallery of Art.

The material follows:

NATIONAL GALLERY OF ART CALENDAR OF EVENTS, MAY 1970

19TH & 20TH CENTURY PAINTINGS FROM THE SMITH COLLEGE MUSEUM OF ART

Opening on May 16 and continuing through June 14, an exhibition of 58 paintings from the collection of the Smith College Museum of Art, Northampton, Mass., will be on view in the ground floor exhibition galleries. This exhibition is made possible by the temporary lack of a home for the collection during the construction of a new building.

Begun in 1879, the Smith College art collection is one of the finest collegiate collections in the country. During its early years the Museum specialized in works of American artists, a painting by Thomas Eakins being its first acquisition. By 1914 the college had committed itself to collecting European art, which explains the collection's particular richness in works by French artists of the 19th and 20th centuries.

The exhibition shows some of the college's finest paintings and illustrates the growth of the collection. It concentrates on the French and American schools, with outstanding examples by Corot, Courbet, Monet, and

Degas. A fully illustrated catalog is available. In conjunction with the exhibition, Mr. Charles Chetham, Director of the Smith College Museum, will give a lecture on the collection Sunday, May 17, at 4 p.m.

EXTENDED GALLERY HOURS

For the summer, the Gallery will remain open until 9 p.m. weekdays and Saturdays. It will open as usual at 10 a.m. on those days. Cafeteria hours have also been extended on weekdays and Saturdays from 10 a.m. to 7:30 p.m.; luncheon service from 11 a.m. to 2 to 2:30 p.m.; dinner service from 5 p.m. to 7:30 p.m. There will be no change in the Sunday hours, when the Gallery is open from noon to 10 p.m. and the cafeteria from 1 p.m. to 7 p.m.

CIVILISATION

"Civilisation" showings continue daily in the auditorium. For information telephone 737-4220.

MONDAY, APRIL 27, THROUGH SUNDAY, MAY 3

Painting of the week: Van der Weyden, *Portrait of a Lady* (Andrew Mellon Collection) Gallery 39. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Art Executed on Commission*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Appearance and Reality; or Sleuthing among Still Lifts. Guest Speaker:* Alfred V. Frankenstein, Art Critic of the San Francisco Chronicle, and Curator of American Painting, University of California Art Museum, Berkeley. Auditorium 4:00.

Sunday Concert: 27th American Music Festival: The Bowling Green String Quartet. East Garden Court 8:00.

MONDAY, MAY 4, THROUGH SUNDAY, MAY 10

Painting of the week: Rembrandt. *Joseph Accused by Potiphar's Wife* (Andrew Mellon Collection) Gallery 48. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Art Created for Sale*. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Titian—Form, Color, and Emotion. Guest Speaker:* John White, Chairman, Department of Art History, The Johns Hopkins University, Baltimore. Auditorium 4:00.

Sunday concert: 27th American Music Festival: National Gallery Orchestra, Richard Bales, *Conductor*. East Garden Court 8:00.

MONDAY, MAY 11, THROUGH SUNDAY, MAY 17

Painting of the week: Masolino. *The Annunciation* (Andrew Mellon Collection) Gallery 7. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week: *Art Designed for Exhibition*, Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Smith College Museum of Art*. Guest Speaker: Charles Chetham, Director, Smith College Museum of Art, Northampton. Auditorium 4:00.

Sunday concert: 27th American Music Festival: Evelyn Swarthout, *Pianist*, East Garden Court 8:00.

(*For reproductions and slides of the collection, books, and other related publications, self-service rooms are open daily near the Constitution Avenue entrance.*)

MONDAY, MAY 18, THROUGH SUNDAY, MAY 24

Painting of the week: Filippino Lippi. *Portrait of a Youth* (Andrew Mellon Collection) Gallery 8. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the Week: *Twentieth-Century Art*. Central Lobby. Tues. through Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture: *Stone Sculpture: Processes and Principles. Guest Speaker:* Rudolph Wittkower, Kress Professor in Residence, National Gallery of Art. Auditorium 4:00.

Sunday concert: 27th American Music Festival: National Gallery Orchestra. Richard Bales, *Conductor*. East Garden Court 8:00.

(*All concerts, with intermission talks by members of the National Gallery staff, are broadcast by Station WGMS-AM (570) and FM (103.5)*.)

MONDAY, MAY 25, THROUGH SUNDAY, MAY 31

Painting of the week: Master of Saint Gilles. *The Baptism of Clovis* (Samuel H. Kress Collection) Gallery 35. Tues. through Thurs., and Sat. 12:00 & 2:00, Sun. 3:30 & 6:00.

Tour of the Week: *Masterpieces from the Smith College Collection*. Central Gallery. Tues. through Thurs., and Sat. 1:00; Sun. 2:30.

Tour: *Introduction to the Collection*. Rotunda. Mon. through Sat. 11:00 & 3:00, Fri. (Memorial Day Holiday) 1:00; Sun. 5:00.

Sunday lecture: *The Artist, the Designer, and the Poster. Guest Speaker:* Alan M. Fern, Assistant Chief, Prints and Photographs Division, Library of Congress, Washington. Auditorium 4:00.

Sunday concert: Ernesto Farago, *Violinist*. Lloyd Shupp, *Pianist*. East Garden Court 8:00.

(Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737-4215, ext. 272.)

POLAND'S CONSTITUTION DAY

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FRIEDEL. Mr. Speaker, it is with great pleasure and gratification to note each year since the beginning of World War II, both this House and the Senate, under special orders have marked May the third as the occasion of an important event, not only for Poland, but for the world. That day is Poland's Constitution Day.

In the United States, wherever Americans of Polish ancestry dwell, in cities and towns from the Atlantic to the Pacific, this holiday is observed with appropriate exercises to pay tribute to Poland and to remind their fellow Americans that this once great nation was indeed one of the first pioneers of liberalism in Europe.

It is fully recognized by statesmen that Poland's Constitution of May 3, 1791, ranks among the great charters of government of the world, perhaps for a very significant reason: It gave the brave Polish people a blueprint or plan which, if put into practice, effectively, would surely have brought orderly government to Poland and undoubtedly would have enlarged substantially the area of freedom throughout that country.

It was on May the third, barely 2 years after the adoption of the U.S. Constitution in 1789, that Poland, without a bloody revolution or even without disorder, succeeded in adopting a great plan for its own government. Unfortunately, however, this rebirth of democracy in that part of the world came too late and Poland suffered its third partition in 1795 by Russia, Prussia, and Austria.

The philosophy of government discernable throughout the Polish Constitution reflects the same spirit that inspired the framers of our own basic Constitution. This can be gathered from the words of the Polish charter, that—

> All power in civil society should be derived from the will of the people, its end and object being the preservation and integrity of the state, the civil liberty and the good order of society, on an equal scale and on a lasting foundation.

Almost a year to the day after the Polish Constitution was adopted, Russia invaded that unhappy land, abrogated its Constitution, and subsequently partitioned Poland.

Turning now to more recent times, we read in the world's history that because of the courageous stand taken by Poland against Hitler's Germany, Poland was invaded by the brutal Nazi hordes. Seventeen days later, Communist Russia in conformity to a secret agreement with the Germans, attacked Poland from the rear.

It is a sad fact that today Poland is one of the captive nations behind the infamous Iron Curtain. To them I say you are not forgotten, for your heroic efforts live on. We in the United States have constant reminders of Poland's truly great people and of their part in American history. Just to name a few are Thaddeus Kosciuszko, Henryk Sienkiewicz, Casimir Pulaski, Ignace Paderewski, and the emininent scientist, Madam Curie. Their names are linked with ours in our roads, buildings, and monuments to ever remind us of the geat debt we owe to the brave Polish people.

By our observance of this day we give public notice to the entire world that we shall never forget Poland and that their brave people should not give up hope for their eventual freedom. In the words of our late and beloved President Kennedy:

> This country must never recognize the situation behind the Iron Curtain as a permanent one, but must, by all peaceful means, keep alive the hopes of freedom for the peoples of the captive nations.

CRASH PROGRAMS CAN BOOMERANG

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. BURTON of Utah. Mr. Speaker, recently I introduced legislation to amend the Federal Coal Mine Health and Safety Act. In this regard, I submit comments by Willard Edwards in the May 2, 1970, Chicago Tribune:

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CRASH PROGRAMS CAN BOOMERANG

(By Willard Edwards)

WASHINGTON, May 1.—Congress, happily convinced that it has found a cause of universal appeal, is hell-bent on crash programs designed to end pollution of the environment.

To suggest caution at this point is like advising a suspicious approach to motherhood, but some thoughtful members have noted the dangers of legislation rushed to passage under emotional pressures.

Harsh and stringent laws, however worthy their goal, can boomerang.

This lesson is now being hammered home in the case of the federal coal mine health and safety act which went into effect April 1. In one month of the law's operations, 272 small mines have been closed down. Their operators were willing to comply with the act but found it impossible.

Small mines, as Sen. Gordon Allott [R., Colo.] noted, are often the chief energy source of small towns which depend on local coal for powering of electric plants. Nationwide, an electric power shortage, threatening blackouts in many areas, has already been predicted.

Like pollution, coal mine hazards were unanimously condemned. They aroused the same revulsion and the same haste [after long years of neglect] to do something quickly. The House approved the act last year by a 389-to-4 vote and the Senate was unanimous, 73 to 0.

The act provided for the closing of unsafe mines, restricted permissible coal dust levels, and required the installation of many safety devices. Stiff daily fines were imposed for noncompliance.

Those who cautioned that the measure went far beyond President Nixon's call for health and safety standards were shouted down. Any amendment criticized as softening the law's impact was rejected.

House leader of those insisting on a "tough" law was Rep. John H. Dent [D., Pa.]. Congress now sees irony in Dent's angry blasts at enforcement of the law by the United States bureau of mines. He has assailed "high-handed and capricious" enforcement of the law by the bureau and announced a full-scale investigation.

What happened, it now appears, is that the bureau decided to enforce the law as it was written. When it found violations of the act, it ordered corrections under penalty of stiff fines, accumulating daily. Seeking to comply, operators found they could not.

Example: The law required automatic couplers for mine cars. Cited for lacking this safety device, operators found there were none on the market.

Example: The new law specified that no more than 3 milligrams of dust per cubic meter [a microscopic quantity] would be permitted in mines. A device for measuring coal dust was required in every mine. There are no devices available for such measurements.

Sen. Allott told the secretary of the interior, Walter J. Hickel, "It is now apparent that some provisions of the act are, at least presently, unworkable."

He had no sympathy for those who had resisted a more painstaking study of the impact of the act and who were now protesting enforcement of it. If the law had not been rigidly enforced, he said, they would be assailing the bureau of mines, thus achieving the "ultimate in hypocrisy."

Allott called upon Hickel to report on the effects of the act. After receiving the report, he will introduce legislation to rectify "the grossly inequitable and unworkable portions."

Congress will thus be called upon to do the job it neglected last year in its rush to get a law—any kind of law—on the books. The same hysteria is surfacing in the anti-pollution campaign.

CAMBODIA RELATIONS REVEALS NIXON'S BLUNDER

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FRASER. Mr. Speaker, in light of recent U.S. action in Cambodia, more information about the history of United States-Cambodian relations is desirable. The following "Fact sheet on Cambodia" clearly reveals Nixon's blunder:

FACTSHEET ON CAMBODIA

FROM 1945–1950: POSTWAR SETTLEMENT—A FRENCH-CONTROLLED CAMBODIA

1945: Authority over Cambodia returned to France. Collaborationist Premier Son Ngoc Thanh wins national referendum in independence move. Thanh arrested, supporters flee to Thailand and form dissident nationalist movement (Khmer Issarak).

1946: Cambodia becomes "autonomous state within French Union"; French retain veto power and control of army, police, finances and judiciary. An anti-French party wins elections, but King Sihanouk favors gradual achievement of negotiated independence.

1949: French sign treaty stating will transfer de jure independence to Kingdom of Cambodia providing control over its own army and police except in time of war; but French officially stipulate a continuing state of war.

1950: U.S. establishes diplomatic relations. Nationalist activity increases as total independence proves hollow reality. "Liberation government" named by Vietnimh for Cambodia.

FROM 1950–1956: CAMBODIA BECOMES INDEPENDENT—SIHANOUK ANNOUNCES NEUTRAL FOREIGN POLICY

1950: Sihanouk takes stronger nationalist stance in face of increased Vietminh activity in Cambodia.

1952: Increasing anti-government activity from both communists and non-communists. Sihanouk takes emergency powers.

1953: Sihanouk's "royal crusade for independence" seeks U.S. aid to pressure French. U.S. refuses. Continued French presence causes many non-communist elements to join insurgents. Sihanouk enters voluntary exile and declares intent to lead "holy war for independence."

1953: (October-December) French finally agree to independence in effort to prevent two-front war in Indochina. Sihanouk begins efforts to oust Vietnimh forces; U.S. offers aid.

1954: Geneva Conference agreement provides for evacuation of Vietminh from Cambodia. Under Sept. 1954 SEATO treaty (ratified by U.S. Senate Feb. 1955) Cambodia designated a protected state. U.S. promises further aid.

1954: (December) Sihanouk announces Cambodia will remain unaligned and will conduct a neutral foreign policy.

1955: Sihanouk abdicates throne; competes in national elections. His party wins overwhelming victory. Bandung conference understanding between Sihanouk and Communist China for peaceful co-existence and no foreign bases in Cambodia. Sihanouk renounces SEATO protection.

1956: Thailand and South Vietnam impose economic blockade of Cambodia in retaliation for Sihanouk signature of aid agreement with China. U.S. suspends aid. Subsequent negotiations result in lifting of the blockade.

FROM 1957 TO 1960 UNITED STATES OPPOSES SIHANOUK CHINA POLICY—FOREIGN ELEMENTS WORK AGAINST SIHANOUK

1958: South Vietnamese army units invade Cambodia border areas. Cambodia appeals to U.S. to restrain Saigon but U.S. refuses. Cambodia proposes diplomatic relations with China. U.S. considers cutting off aid as anti-Sihanouk move. Khmer Serei (Free Cambodia) movement organized, reportedly with CIA, Thai and Vietnamese aid. Thai begin anti-Cambodian campaign; Cambodia suspends diplomatic relations with Thailand.

1959: Bangkok Plot exposed. Plot called for anti-Sihanouk invasion from Thailand by foreign-supported Khmer Serei forces and creation of new opposition political party. U.S., Thailand and South Vietnam implicated in plot. Eisenhower denies U.S. involvement; Thailand and South Vietnam cease provocative actions. Diplomatic relations with Thailand restored.

1960: National referendum gives near unanimous support to Sihanouk policies. (Non-communist opposition elements compromised by implication in Bangkok Plot). Sihanouk made Chief of State for life.

FROM 1960 TO 1964: SIHANOUK SEEKS GUARANTEE OF NEUTRAL CAMBODIA—OUTSIDE INTERFERENCE CONTINUES

1960: Sihanouk calls for international conference on Laos.

1961: At Geneva Conference on Laos, Sihanouk proposes that neutralization of Laos be extended to Cambodia. Saigon persecution of Cambodian minority in Vietnam results in refugees fleeing to Cambodia. Thai accuse Cambodia of giving sanctuary to communist elements which seek to subvert rest of SEA: Cambodia breaks diplomatic relations with Thailand.

1962: Sihanouk calls for new conference in Geneva, this time to extend "international protection" to Cambodia; U.S. noncommittal. Sihanouk offers to accept international control in return for recognition of existing borders. South Vietnamese oppose, carry out continued border violations.

1963: Cambodia protest at continued Saigon repression of Vietnamese Buddhists and discrimination against Cambodian minority in Vietnam; diplomatic relations broken. Anti-Sihanouk activity by Khmer Serei resumes at new intensity; includes virulent propaganda from CIA furnished transmitters in Thailand and South Vietnam. Sihanouk cancels U.S. aid agreements; Pentagon reacts by calling for intervention in Cambodia.

1964: Continuing border violations from South Vietnam (including at least one attack (in mid-March) by South Vietnamese unit with American adviser). USSR and France ask U.S. support for declaration of Cambodian neutrality. U.S. refuses unless Cambodia first resolves its differences with its neighbors.

1964: (April) Cambodia recalls its diplomatic mission from Washington. U.S. delegate in UN denies Cambodian charges about continuing U.S. involvement in border violations and states that U.S. is convinced "Vietnam has no aggressive designs toward Cambodia".

1964: (Autumn) North Vietnam infiltrates first large force of regular troops through Cambodia into Mekong Delta. U.S. requests negotiations with Cambodia.

FROM 1964 TO 1967: UNITED STATES-CAMBODIA RENEW DISCUSSIONS—BORDER VIOLATIONS CONTINUE

1964: (December) U.S. and Cambodia open talks in Cambodia; disagree over question of border determinations. Cambodia wants recognition of boundaries before international conference takes place. Talks broken off.

1965: (April) Rusk indicates U.S. would participate in international conference on Cambodia neutrality.

1965: (May–October) Cambodia severs diplomatic relations with U.S. Border violations continue; U.S. planes attack two Cambodian border villages in May and napalm a third in October.

1965: (November) Sihanouk conditions for renewed U.S. relations: recognition of Cambodian territorial integrity; cessation of military incursions; indemnity for losses caused to life and property.

1966: (January) U.S. 14-point peace plan for SEA includes possibility of neutralization. Armed border incursions continue. Rusk announces continued U.S. support for Cambodian neutrality, adds that Hanoi and Vietcong have abused it. UN mediation of Thai-Cambodian border conflict fails; border attacks continue.

1967: U.S. hires members of Khmer Serei for covert missions in Cambodia (revealed at 1968 trial of Green Beret captain). U.S. informs Cambodia as to communist use of its territory.

FROM 1967 TO 1969: LEFTIST AS WELL AS RIGHTIST ELEMENTS PRESSURE SIHANOUK—BORDER INCURSIONS CONTINUE

1967: (April–May) Sihanouk sends army against communist rebels and continues his military action to counter Khmer Serei attacks still being mounted from South Vietnam and Thailand, Sihanouk given full powers by national assembly. Lon Nol dropped as Premier after Leftist pressures. Sihanouk refuses U.S. request for talks on use of Cambodia by North Vietnamese troops.

1967: (June) Cambodia establishes diplomatic relations with North Vietnam; offers to renew relations with Thailand if borders recognized.

1967: (July–August) U.S. sponsored Khmer Serei attacks continue into Cambodia and penetrate up to 12 miles.

1967: (September–October) Sihanouk accuses China of imperialism and internal interference in Cambodia and threatens to seek aid from U.S.

1967: (November) Reconciliation between Cambodia and Peking.

1967: (November–December) U.S. continues refusal to recognize existing borders; it considers this is a matter for negotiations between Cambodia and its neighbors. U.S. upholds border incursions by U.S. Army "in hot pursuit".

1968: (January) Bowles' mission to Cambodia; inconclusive in matter of reestablishing diplomatic relations. USSR condemns violation of Cambodian territorial integrity but opposes strengthening of International Control Commission. Sihanouk accuses communist elements of fomenting civil war in northwestern Cambodia.

1968: (March–July) Sihanouk charges communists support rebel activity in northeastern Cambodia. Sihanouk complains to U.S. on continuing U.S. and South Vietnam border violations in south.

1968: (September) U.S. charges use of Cambodia for bases by Vietcong and North Vietnamese forces in northeast Cambodia and Svayrieng province has tripled.

1968: (November–December) Cambodia charges that U.S. air attacks killed 300 Cambodians in border village; four captured American flyers released.

FROM 1969 TO 1970 SIHANOUK RAPPROCHEMENT WITH UNITED STATES—MILITARY COUP OUSTS SIHANOUK

1969: (April) Cambodia offers to reestablish diplomatic relations with U.S. in exchange for recognition of her territorial integrity. U.S. states that it "recognizes and respects sovereignty, independence, neutrality and territorial integrity" of Cambodia. U.S. planes bomb border regions.

1969: (May) Two U.S. helicopters downed in Cambodia; NLF mission in Cambodia raised to Embassy status.

1969: (August) American Embassy reopened in Phnom Penh. Sihanouk says new cabinet formed under General Lon Nol will reexamine issue of U.S. aid.

1969: (October) Sihanouk alleges 40,000 communist troops in Cambodia.

1969: (October–December) Sihanouk protests U.S. bombing of border provinces.

1970: (January) U.S. pays compensation for Cambodian losses resulting from continuing border clashes.

1970: (March 11–13) While Sihanouk in Europe, Premier Lon Nol and Cambodian army sanctions the sacking of North Vietnamese and NLF Embassies by Cambodian youths in Phnom Penh; action termed a protest against communist infiltration. Lon Nol's government orders Vietcong and North Vietnamese troops out of Cambodia. Cambodian military reportedly backs continuing demonstration against NLF and Hanoi.

1970: (March 18) Sihanouk ousted in coup led by Lon Nol. New regime begins campaign to destroy Sihanouk's prestige. Sihanouk plans government in exile. (U.S. says recognition of Cambodia unaffected by overthrow of Sihanouk).

1970: (March 20–26) Cambodian army moves against pro-Sihanouk demonstrations. New leaders reaffirm Cambodian neutrality but pledge to root out communist troops in border sanctuaries. U.S. planes attack inside Cambodia. North Vietnam and NLF recall diplomats from Phnom Penh.

MARCH 1970 TO MAY 1970: LON NOL GOVERNMENT BATTLES COMMUNISTS—UNITED STATES LAUNCHES FULL SCALE INVASION OF CAMBODIA

March 27: South Vietnamese troops launch first major attack against Cambodian sanctuaries, with U.S. helicopter support.

March 28: White House announces American troops may cross border in response to enemy threats.

March 29–30: Pro-Sihanouk demonstrations in eastern provinces; North Vietnamese and Vietcong troops move against government forces. Vietnamese residents in Cambodia flee to South Vietnam as result of widespread persecution in eastern provinces.

March 30: Cambodia appeals for UN observers, asks for return of ICC.

April 1: Cambodia says would accept U.S. military aid but not ground troops. France calls for general conference on Indochina.

April 3: New York Times reports that authoritative Nixon administration sources say Vietcong headquarters was moved in late March from Cambodia to South Vietnam.

April 9: Cambodian troops withdraw from Parrot's beak area on border abandoning it to virtual Vietcong control. Continuing reports of Vietnamese civilians in Cambodia being massacred.

April 15: All diplomatic missions in Phnom Penh receive official request for arms and equipment for use against communist forces.

April 21: Reports say that Vietnamese communists are in complete control of three Cambodian provinces (with partial control of three others) and are within 15–20 miles of Phnom Penh.

April 22: U.S. agrees to send captured arms from Vietnam to Cambodia. U.S. calls situation in Cambodia a "foreign invasion of a neutral country." South Vietnam sends delegation to Phnom Penh to discuss repatriation of Vietnamese civilians.

April 27: U.S. Senate Foreign Relations Committee states opposition to extension of military aid to Cambodia.

April 30: Nixon authorizes joint U.S.-South Vietnamese attacks into Cambodia to clean out the communist bases. He states that enemy actions in Cambodia "clearly endanger the lives of Americans who are in Vietnam." Merely to send arms, he says, would be ineffective. He rejects calls for peace at any price, claiming that the situation is a test of American will and character.

(Note.—Prepared for Cornell Committee of Concerned Asian Scholars by Laura Summers, Barbara Harvey, Elizabeth Graves, George McT. Kahin, May 7, 1970.)

WROC TELEVISION NEWS IN ROCHESTER CARRIES EYEWITNESS ACCOUNT OF THE KENT STATE TRAGEDY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HORTON. Mr. Speaker, in the past several days all of us have been shocked and saddened that the United States of America would see the day when young people would die of soldiers' gunshots on a college campus.

There have been literally hundreds of news reports about the tragedy of Kent State University in Ohio. We all agree that regardless of the factual account of the incident, the result, the tragic result which ended the lives of these young Americans is a national catastrophe.

It is, however, important to probe the events themselves, to learn how this could ever have occurred, and to determine immediately what steps are needed to prevent a recurrence.

Many factual accounts have been offerred by witnesses at the Kent State campus as to what actually occurred. Many private and governmental groups, including the White House have responded to this tragedy by launching detailed investigations into the circumstances surrounding the deaths.

I thought it useful, Mr. Speaker, to add to this growing mound of information, the very straightforward account of a Kent State student which was broadcast as part of an interview by Rochester, N.Y., television newsman, Dean Close.

The student, Dennis Durand told Mr. Close of WROC–TV, in Rochester, what he saw from a vantage point 10 yards of the line of National Guardsmen who fired their rifles. The interview was broadcast on the Tom Decker news programs on May 6, 1970, in Rochester, over channel 8. I hope that by bringing Mr. Durand's statements to the attention of Congress and the Nation that some contribution can be made to ending the violence and tragedy which now grips our country:

WROC Television Interview

The following is the verbatim text of a sound-on-film interview with Mr. Dennis Durand, a student at Kent State University. The interview was conducted in Rochester, N.Y., on May 6, 1970, by Dean Close of WROC–TV News:

Close. Dennis, what do you believe precipitated the trouble at Kent?

Durand. Well, the incident started on a Friday evening, by a drunk in front of JB's Bar throwing a beer bottle at a police car.

Close. This had nothing to do, as far as you know, with the recent intervention, for instance, in Cambodia or the Vietnam war?

Durand. Absolutely not. I would say that because it perpetuated itself, that is to say

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Friday, Saturday, Sunday and Monday's incident, that there has to be a reason, and I think that they fell on Cambodia for a reason to perpetuate the action on the campus.

CLOSE. Now you were there just prior to the shooting which occurred on Monday, could you describe what you saw?

DURAND. Yes. The classes are so structured that at 11:50 you leave your class. You have 15 minutes to get to your next class. The rally was scheduled at 12:00. At 12:00, I would estimate eight to ten thousand students had assembled in what is known at Kent as the Commons, which is the heart of the campus. As they were assembled, a sheriff's deputy got in an Army vehicle, drove past the crowd with a bull horn, that was amplified, and told the crowd to disperse, that martial law had been declared, and it was a state of emergency. The crowd taunted him with abusive language. He made the circle a second time, speaking to all sides, telling them to disperse, martial law had been declared. He made the circle a third time and his vehicle was stoned. He retreated to the corded off area where the National Guard troops were. The troops fired gas. The gas landed midway in the crowd. There was a prevailing Westerly wind. The wind blew it so only half the crowd was affected by gas. Some of the students ran down, grabbed the gas and threw it back. There was gas instructions. I have my tear gas rag with me now. Wet it, hold it to your face, the gas won't affect you. Just don't touch your eyes.

CLOSE. Who were these given to you by?

DURAND. They were being distributed in the crowd by the predictable (sic) people. What can I say. They had red bands on their legs and red bands on their arms. After the National Guard fired the gas, the students threw it back. They fired gas a second time, the students threw it back. A platoon, we'll say 30 to 50 men, advanced on the crowd. They were in a 'V' formation, they moved up the hill, which is a sharp incline, students fled into a men's dormitory on the right hand side, which is Johnson's Hall, and the Architecture Building, which is Taylor Hall, on the left, and dispersed around both buildings. The Guard went up between these two buildings, which makes a natural funnel. As they crossed the walk and continued up the hill, the students fled around in back of them. The Guard advanced over the hill and onto a practice football field which is fenced off on one side in their front and on their right flank. The National Guard was surrounded. They had no escape. There were thousands of students in Prentice Hall parking lot and thousands of students on the hill. At this particular juncture, the students began to rock, throw stones at the National Guard. The Guard had run out of gas. They had no equipment to disperse the crowd. Because rocks were falling among their ranks, they gathered in together. The officer in charge assembled the men again, got them in a 'V' formation and returned back to the hill to join up with the National Guard contingent that was on the Commons. As they came up the hill, they were being stoned from two sides. From their front, with the students that had come from behind them on the hill, and the students from Prentice Hall parking lot. Because they had no gas, I would assume, they ran, they ran at the students that were at their front. These students going down over the side of the hill dispersed rapidly, mixed in with the crowd that was standing around. I would further contend that the students in Prentice Hall parking lot took this as a sign of weakness on the part of the National Guard. They had broken the pig's back. The pigs were running from their stones. They charged. Now there were ten men, there were railing (sic) because you had to go down a steep incline. There were about ten men that couldn't get past the railing. The line, although they were jogging, halted, so these men could catch up. Again, the troops were bunched up, rocks were pelting down on top of them. At this particular point, I am going down the hill, I'm about ten yards in front of the National Guard line. I hear rifle fire. I turn around, they are firing from the off-hand position. The firing lasted about ten to fifteen seconds.

CLOSE. Now why, at this particular point, do you feel they began firing?

DURAND. That's a valued judgment on my part. I want to use a word and everybody would rally around it. Quite frankly, and honestly, I think they were scared to death. I really think that they were just scared to death. There were thousands of students all around. The situation has been tense for four days. The students had been warned to disperse, warned to leave. Martial law. I don't think anyone knew what martial law was. And now you have the National Guard that's been there for three to four days. They are being attacked on their right flank by students that are throwing rocks. I think they were terrified. They came back down the hill. The students called for ambulances and we cleaned up the mess.

CLOSE. Dennis, how do you feel that all of these problems could possibly have been averted?

DURAND. Well, granted that the students feel oppressed in some way but I would say that if they are going to be mature adults and exist on the academic community . . . or in the academic community . . . that, by God, hopefully they will realize the ramifications of their actions. Had they listened to what the man said . . . "martial law" . . . they had no business being there. The man said, "This is a tense situation. Go home. Disperse. Let's quiet this thing down". And . . . there was a carnival atmosphere with the students. They have to realize that when they gather like this, when there is violence, whether they do it or not . . . just being there precipitates situations that are more tense, and hence, you're going to have problems like this continue to exist until they learn that what they do is serious business.

CLOSE. Now this has grown into a national situation where, of course as you know, the colleges, universities, and many groups are coming up with demonstrations . . . I understand there is something planned here in Rochester for this weekend. How do you feel about this? Do you plan to take any part?

DURAND. Certainly not. Matter of fact, on our itinerary we're going to Montreal . . . not only out of the state, but out of the country, just to get our heads straight, and if they want to toy with a mob . . . the psychology of mob violence, . . . they're crazy, they're crazy from the onslaught (sic). It's a time for everybody to sit down and re-evaluate the situation and just let cooler head prevail. I would fall down on my knees if I thought the U of R or Fisher, or any of these universities in the area would have the same situation that we had at Kent.

CLOSE. What are your plans for returning to Kent?

DURAND. Well, we'll be in touch with the state by phone . . . the governor has closed the school indefinitely. I don't know what they are going to do. Quite frankly, I'm not looking forward to going back. If I go back and I feel tenseness in the air, I'm getting out. I'm just getting out.

VIEWS OF A COLLEGE STUDENT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HUNGATE. Mr. Speaker, I would call attention to the views of one of the college students from my district. I think when Congress is petitioned in this manner it should give careful consideration to the views presented. The letter reads as follows:

MAY 6, 1970.

DEAR SIR: I am currently a student at Macalester College, St. Paul, Minnesota—a campus where the war and now the Cambodian crisis has had a great impact. In the face of street occupations and occupying offices as some of our peers are doing, a group of us felt there was a more effective and responsible means of making our views heard. Monday night, our student government allocated funds for 26 people (some dozen others have come on their own expense) to fly to Washington to lobby for our convictions with our respective Senators and Representatives. Participants were chosen by lottery.

Now that we're here, the position we support, in a nutshell, is that the use of American troops in Cambodia sets a dangerous precedent for further escalation in a immoral war. Nixon acted without counsel of the Congress and following his action, still refuses to meet with the appropriate Senate Foreign Relations Committee alone. His actions tend to extend executive power in an area where no creditable substantive policy has been established. The indiscriminate and politically inept policy of search and destroy displacing many non-combatants has followed allied troops into Cambodia. I urge you to support the McGovern-Hatfield appropriations amendment as a means of curtailing the Cambodian campaign.

Actually, in coming here, we students did not expect to change that many minds—but we did hope to convey the depth of feeling on campuses in (at least) our part of the country—the extent of the anxiety and frustration over the incessant killing and violence with which this nation is involved, be it in Vietnam or Ohio. I by no means support the politics of violent and destructive protest rampant on many campuses. Neither do I support the irresponsible actions of our leaders who polarize the nation by attempting to use students as scapegoats for the ills of society.

That is why we are here—talking—expressing our ideas and asking yours in a responsible and peaceful manner. If our voices are not heard, more and more will turn to the streets. Those of us in the middle are caught between the demands for anarchy and the demands for supression. I urge you to support peaceful articulation of demands and discriminate between the violent few and the non-violent yet equally passionate many.

Sincerely,

ROBERT K. STUMBERG.

PEACEFUL EFFORT TO END WAR

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HALPERN. Mr. Speaker, I am much impressed by the efforts initiated at the University of Rochester to do something peaceful and sensible about ending the war in Vietnam.

I refer to the nationwide drive undertaken by the students at this great educational institution aimed at gathering $10 million and 20 million signatures.

The money will be utilized to help bring their case for peace to the American people in a democratic manner through the mass media. They are urging sympathizers to contribute 50 cents with each signature—a small price indeed for the priceless goal of bringing an end to the tragedy in Southeast Asia. This national petition campaign by the students of the University of Rochester has the endorsement of many prominent citizens including many Members of this House and the other body. Among the endorsers are: Robert Penn Warren, Eleanor Clark, John Hersey, Lillian Hellman, Arthur Miller, Francine DuPlessix Gray, Willie Lee Rose, C. Van Woodward, Winthrop Jordan, Kenneth Kenniston, William Styron, Senator Charles Goodell, Senator George McGovern, Representative William Fitz Ryan, Paul O'Dwyer, Representative Shirley Chisholm, I. F. Stone, Senator Harold Hughes, Representative Seymour Halpern, Representative Frank Horton, Paul Goodman, H. Stuart Hughes, Robert Silvers, Theodore Sorensen, Martin Duberman, Representative Richard McCarthy, Anthony Hecht, Adam Walinsky, Philip Roth, Albert Vorspan, Arthur Goldberg, Representative Richard Ottinger, and Howard Samuels.

Other schools have joined in this commendable effort. The ever-growing list to date includes: Alfred, American, Bryn Mawr, Buffalo State, University of Chicago, Colorado-Greeley, Cornell, Denison, Genesee Community College, Geneseo, University of Georgia, Harvard, Tufts, Williams, Hobart, Hofstra, Houghton, Indiana at Indianapolis, Franklin & Marshall, John Jay School of Police-CCNY, Lehigh, Monmouth, University of Maryland, University of Massachusetts at Amherst, Middlebury, Minnesota, Northern Illinois, Northwestern, Occidental, Princeton, University of Rochester, University of California at Irvine, St. Lawrence, Union College, Yale, Marist, St. John Fischer, Skidmore, Texas at El Paso, Texas at Austin, Utah, Vassar, Wells, Wheaton (Norton, Mass.), William & Mary, Wyndham, University of Buffalo, U.C.L.A., Smith, Columbia, Brandeis, Stanford, Auburn, Trinity, New England College, Brown, Columbia, Ohio University, Akron, Bennington.

The text of this petition is forthright and simple. It is directed to the Members of this Congress by concerned citizens of this country and states as follows:

> We ask the United States Congress to assert its constitutional powers in matters of war and peace, to condemn our recent invasion of Cambodia, and to require the President to bring our troops home. We wish no further military involvement in Indochina.

I commend this effort and this petition to my colleagues.

JUNK MAIL, AND THE RIGHT OF PRIVACY

SPEECH OF

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 14, 1970

Mr. HECHLER of West Virginia. On May 4, 1970, the U.S. Supreme Court handed down a decision which empowers any householder to reject offensive mail, including junk mail which bombards millions of homes. This is such an important decision in insuring the right of privacy under the Constitution that the entire text should be made available. It follows:

[Supreme Court of the United States No. 399, October Term, 1969]

Daniel Rowan, dba American Book Service, et al., Appellants, v. United States Post Office Department et al.

On appeal from the United States District Court for the Central District of California.

[May 4, 1970]

Mr. Chief Justice Burger delivered the opinion of the Court.

Appellants challenge the constitutionality of Title III of the Postal Revenue and Federal Salary Act of 1967, 81 Stat. 645, 39 U.S.C. § 4009 (Supp. IV, 1969), under which a householder may require that a mailer remove his name from its mailing lists and stop all future mailings to the householder. The appellants are publishers, distributors, owners, and operators of mail order houses, mailing list brokers, and owners and operators of mail service organizations whose business activities are affected by the challenged statute.

A brief description of the statutory framework will facilitate our analysis of the questions raised in this appeal. Title III of the Act is entitled "Prohibition of pandering advertisements in the mails." It provides a procedure whereby any householder may insulate himself from advertisements that offer for sale "matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative." 39 U.S.C. § 4009(a).[1]

Subsection (b) mandates the Postmaster, upon receipt of a notice from the addressee specifying that he has received advertisements found by him to be within the statutory category, to issue on the addressee's request an order directing the sender and his agents or assigns to refrain from further mailings of such materials to the named addressees. Additionally, subsection (c) requires the Postmaster to order the affected sender to delete the name of the designated addressee from all mailing lists owned or controlled by the sender and prohibits the sale, rental, exchange, or other transactions involving mailing lists bearing the name of the designated addressee.

If the Postmaster has reason to believe that an order issued under this section has been violated, subsection (d) authorizes him to notify the sender by registered or certified mail of his belief and the reasons therefor, and grant him an opportunity to respond and have a hearing on whether a violation has occurred.

If the Postmaster thereafter determines that the order has been or is being violated, he is authorized to request the Attorney General to seek an order from a United States District Court directing compliance with the prohibitory order. Subsection (e) grants to the District Court jurisdiction to issue a compliance order upon application of the Attorney General.

Appellants initiated an action in the United States District Court for the Central District of California upon a complaint and petition for declaratory relief on the ground that 39 U.S.C. § 4009 is unconstitutional. They alleged that they have received numerous prohibitory orders pursuant to the provisions of the statute. Appellants contended that the section violates their rights of free speech and due process guaranteed by the First and Fifth Amendments to the United States Constitution. Additionally, appellants argued that the section is unconstitutionally vague, without standards and ambiguous.

A three-judge court was convened pursuant to 28 U.S.C. § 2284 (1964) and determined that the section was constitutional when interpreted to prohibit advertisements similar to those initially mailed to the addressee.[2]

The District Court construed subsections (b) and (c) to prohibit "advertisements similar" to those initially mailed to the addressee; future mailings, in the view of the District Court, "are to be measured by the objectionable materials of such first mailing." In our view Congress did not intend so restrictive a scope to those provisions.

(1) BACKGROUND AND CONGRESSIONAL OBJECTIVES

Section 4009 was a response to public and congressional concern with use of mail facilities to distribute unsolicited advertisements that recipients found to be offensive because of their lewd and salacious character. Such mail was found to be pressed upon minors as well as adults who did not seek and did not want it. Use of mailing lists of youth organizations was part of the mode of doing business. At the congressional hearings it developed that complaints to the Postmaster General increased from 50,000 to 250,000 annually. The legislative history, including testimony of child psychology specialists and psychiatrists, reflected concern over the impact of the materials before the Committee on the development of children. A declared objective of Congress was to protect minors and the privacy of homes from such materials and to place the judgment of what constitutes an offensive invasion of those interests in the hands of the addressee.

To accomplish these objectives Congress provided in subsection (a) that the mailer is subject to an order "to refrain from further mailings of such materials to designated addressees." Subsection (b) states that the Postmaster General shall direct the sender to refrain from "further mailings to the named addressees." Subsection (c) in describing the Postmaster's order states that it shall "expressly prohibit the sender . . . from making any further mailings to the designated addressees . . ." Subsection (c) also requires the sender to delete the addressee's name "from all mailing lists" and prohibits the sale, transfer, and exchange of lists bearing the addressee's name.

There are three plausible constructions of the statute, with respect to the scope of the prohibitory order. The order could prohibit all future mailings to the addressees, all future mailings of advertising material to the addressees, or all future mailings of similar materials.

The seeming internal statutory inconsistency is undoubtedly a residue of the language of the section as it was initially proposed. The section as originally reported by the House Committee on the Post Office and the Civil Service prohibited "further mailings of such pandering advertisements," § 4009 (a), "further mailings of such matter," § 4009(b), and "any further mailings of pandering advertisements," § 4009(c). H. R. Rep. No. 722, 90th Cong., 1st Sess. 125–126 (1967). The section required the Postmaster General to make a determination whether the particular piece of mail came within the proscribed class of pandering advertisements, "as that term is used in the *Ginzburg* case." *Ibid.*, at 69.

The section was subsequently amended by the House of Representatives to eliminate from the Post Office any censorship function. Congressman Waldie, who proposed the amendment, envisioned a minimal role for the Post Office. The amendment was intended to remove "the right of the Government to involve itself in any determination of the content and nature of these objectionable materials . . . ." Congressional Record, volume 113, part 21, page 28660. The only determination left for the Postmaster General is whether or not the mailer has removed the addressee's name from the mailing list. Statements by the proponents of the legis-

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Footnotes at end of article.

lation in both the House and Senate manifested an intent to prohibit all further mailings from the sender. In describing the effect of his proposed amendment, Congressman Waldie stated:

"So I have said in my amendment that if you receive literature in your household that you consider objectionable . . . you can inform the Postmaster General to have your name stricken from that mailer's mailing list." CONGRESSIONAL RECORD, volume 113, part 21, page 28660.

The Senate Committee Report on the bill contained similar language:

"If a person receives an advertisement which . . . he . . . believes to be erotically arousing . . . he may notify the Postmaster General of his determination. The Postmaster General is then required to issue an order directing him to refrain from sending any further mailings of any kind to such person." S. Rep. No. 801, 90th Cong., 1st Sess. 38.

Senator Monroney, a major proponent of the legislation in the Senate, described the bill as follows:

"With respect to the test contained in the bill, if the addressee declared it to be erotically arousing or sexually provocative the Postmaster General would have to notify the sender to send no more mail to that address. . . ." CONGRESSIONAL RECORD, volume 113, part 25, page 34231.[3]

The legislative history of subsection (a) thus supports an interpretation that prohibits all future mailings independent of any objective test. This reading is consistent with the provisions of related subsections in the section. Subsection (c) provides that the Postmaster General "shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addressees." 39 U.S.C. § 4009(c) (Supp. IV, 1969).

It would be anomalous to read the statute to effect only similar material or advertisements and yet require the Postmaster General to order the sender to remove the addressee's name from all mailing lists in his actual or constructive possession. The section was intended to allow the addressee complete and unfettered discretion in electing whether or not he desired to receive further material from a particular sender. See n. 6, *infra*. The impact of this aspect of the statute is on the mailer, not the mail. The interpretation of the statute that most completely effectuates that intent is one which prohibits any further mailings. Limiting the prohibitory order to similar materials or advertisements is open to at least two criticisms: (a) it would expose the householder to further burdens of scrutinizing the mail for objectionable material and possible harassment, and (b) it would interpose the Postmaster General between the sender and the addressee and, at the least, create the appearance if not the substance of governmental censorship.[4] It is difficult to see how the Postmaster General could decide whether the materials were "similar" or possessing touting or pandering characteristics without an evaluation suspiciously like censorship. Additionally, such an interpretation would be incompatible with the unequivocal language in subsection (c).

(2) FIRST AMENDMENT CONTENTIONS

The essence of appellants' argument is that the statute violates their constitutional right to communicate. One sentence in appellants' brief perhaps characterizes their entire position:

"The freedom to communicate orally and by the written word and, indeed, in every manner whatsoever is imperative to a free and sane society." Brief for Appellants at 15.

Without doubt the public postal system is an indispensable adjunct of every civilized society and communication is imperative to a healthy social order. But the right of every person "to be let alone" must be placed in the scales with the right of others to communicate.

In today's complex society we are inescapably captive audiences for many purposes, but a sufficient measure of individual autonomy must survive to permit every householder to exercise control over unwanted mail. To make the householder the exclusive and final judge of what will cross his threshold undoubtedly has the effect of impeding the flow of ideas, information and arguments which, ideally, he should receive and consider. Today's merchandising methods, the plethora of mass mailings subsidized by low postal rates, and the growth of the sale of large mailing lists as an industry in itself have changed the mailman from a carrier of primarily private communications, as he was in a more leisurely day, and has made him an adjunct of the mass mailer who sends unsolicited and often unwanted mail into every home. It places no strain on the doctrine of judicial notice to observe that whether measured by pieces or pounds. Everymans' mail today is made up overwhelmingly of material he did not seek from persons he does not know. And all too often it is matter he finds offensive.

In *Martin* v. *Struthers*, 319 U.S. 141 (1943), MR. JUSTICE BLACK, for the Court, while supporting the "[f]reedom to distribute information to every citizen," *Id.*, at 146, acknowledged a limitation in terms of leaving "with the homeowner himself" the power to decide "whether distributors of literature may lawfully call at a home." *Id.*, at 148. Weighing the highly important right to communicate, but without trying to determine where it fits into constitutional imperatives, against the very basic right to be free from sights, sounds and tangible matter we do not want, it seems to us that a mailer's right to communicate must stop at the mailbox of an unreceptive addressee.

The Court has traditionally respected the right of a householder to bar, by order or notice, solicitors, hawkers, and peddlers from his property. See *Martin* v. *Struthers, supra;* cf. *Hall* v. *Commonwealth,* 188 Va. 72, 49 S. E. 2d 369, appeal dismissed, 335 U.S. 875 (1948). In this case the mailer's right to communicate is circumscribed only by an affirmative act of the addressee giving notice that he wishes no further mailings from that mailer.

To hold less would tend to license a form of trespass and would make hardly more sense than to say that a radio or television viewer may not twist the dial to cut off an offensive or boring communication and thus bar its entering his home. Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit; we see no basis for according the printed word or pictures a different or more preferred status because they are sent by mail. The ancient concept that "a man's home is his castle" into which "not even the king may enter" has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another. See *Camara* v. *Municipal Court,* 387 U.S. 523 (1967).

Both the absoluteness of the citizen's right under § 4009 and its finality are essential; what may not be provocative to one person may well be to another. In operative effect the power of the householder under the statute is unlimited; he or she may prohibit the mailing of a dry goods catalog because he objects to the contents—or indeed the text of the language touting the merchandise. Congress provided this sweeping power not only to protect privacy but to avoid possible constitutional questions that might arise from vesting the power to make any discretionary evaluation of the material in a governmental official.

In effect, Congress has erected a wall—or more accurately permits a citizen to erect a wall—that no advertiser may penetrate without his acquiescence. The continuing operative effect of a mailing ban once imposed presents no constitutional obstacles; the citizen cannot be put to the burden of determining on repeated occasions whether the offending mailer has altered his material so as to make it acceptable. Nor should the householder be at risk that offensive material come into the hands of his children before it can be stopped.

We therefore categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another. If this prohibition operates to impede the flow of even valid ideas, the answer is that no one has a right to press even "good" ideas on an unwilling recipient. That we are often "captives" outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere. See *Public Utilities Comm'n* v. *Pollak,* 343 U.S. 451 (1952). The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain.

The statutory scheme at issue accords to the sender an "opportunity to be heard upon such notice and proceedings as are adequate to safeguard the right for which the constitutional protection is invoked." *Anderson Nat'l Bank* v. *Luckett,* 321 U.S. 233, 246 (1944). It thus comports with the Due Process Clause of the Fifth Amendment. The statutory scheme accomplishes this by providing that the Postmaster General shall issue a prohibitory order to the sender on the request of the complaining addressee. Only if the sender violates the terms of the order is the Postmaster General authorized to serve a complaint on the sender, who is then allowed 15 days to respond. The sender can then secure an administrative hearing.[5] The sender may question whether the initial material mailed to the addressee was an advertisement and whether he sent any subsequent mailings. If the Postmaster General thereafter determines that the prohibitory order has been violated, he is authorized to make application in a United States District Court for a compliance order;[6] a second hearing is required if an order is to be entered.

The only administrative action not preceded by a full hearing is the initial issuance of the prohibitory order. Since the sender risks no immediate sanction by failing to comply with that order—it is only a predicate for later steps—it cannot be said that this aspect of the procedure denies due process. It is sufficient that all available defenses, such as proof that no mail was sent, may be presented to a competent tribunal before a contempt finding can be made. See *Nickey* v. *Mississippi,* 292 U.S. 393, 396 (1934).

The appellants also contend that the requirement that the sender remove the addressee's name from all mailing lists in his possession violates the 5th Amendment because it constitutes a taking without due process of law. The appellants are not prohibited from using, selling, or exchanging their mailing lists; they are simply required to delete the names of the complaining addressees from the lists and cease all mailings to those persons. Appellants next contend that compliance with the statute is confiscatory because the costs attending removal of the names are prohibitive. We agree

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Footnotes at end of article.

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with the conclusion of the District Court that the "burden does not amount to a violation of due process guaranteed by the Fifth Amendment. Particularly when in the context before the court it is being applied to commercial enterprise." See *California State Auto Ins. Bureau* v. *Maloney,* 341 U.S. 105 (1951).

There is no merit to the appellants' allegations that the statute is unconstitutionally vague. A statute is fatally vague only when it exposes a potential actor to some risk or detriment without giving him fair warning of the nature of the proscribed conduct. *United States* v. *Cardiff,* 344 U.S. 174, 176 (1952). Here the appellants know precisely what they must do on receipt of a prohibitory order. The complainants' names must be removed from the sender's mailing lists and he must refrain from future mailings to the named addresses. The sender is exposed to a contempt sanction only if he continues to mail to a particular addressee after administrative and judicial proceedings. Appellants run no substantial risk of miscalculation.

For the reasons stated, the judgment appealed from is affirmed.

It is so ordered.

FOOTNOTES

[1] Subsection (g) provides that upon the addressee's request the order shall include the names of the addressee's minor children who reside with him and who have not attained their nineteenth birthday.

[2] Judge Hufstedler, concurring specially but without dissent, would require the District Court prior to issuing a compliance order to determine *de novo* whether the sender is a person who has mailed or has caused to be mailed any pandering advertisements.

[3] Senator Hruska spoke similarly: "Title III would allow the recipient of obscene mail to return it to the Postmaster General with a request that the Postmaster General notify the sender to stop mailings to the addressee. . . ." Congressional Record, volume 113, part 25, page 34232.

[4] Subsection (d) vests the Postmaster General with the duty to determine whether the sender has violated the order. This determination was intended to be primarily a ministerial one involving an adjudication whether the initial material was an advertisement and whether the sender mailed materials to the addressee more than 30 days after the receipt of the prohibitory order. An interpretation which requires the Postmaster General to determine whether the subsequent material was pandering and/or similar would tend to place him "astride the flow of the mail . . . ." *Lamont* v. *Postmaster General,* 381 U.S. 301, 306 (1965).

[5] Although subsection (h) specifically excludes the pre-complaint hearing from the provisions of the Administrative Procedure Act, 5 U.S.C. § 554 *et seq.* (Supp. IV, 1965), the Post Office Department has promulgated regulations setting forth procedures governing the departmental administrative hearings. 39 C.F.R. pt. 916.

[6] The function of the District Court is similar to that of the Postmaster General. It is to determine whether the initial mailing included advertising material and whether there was a mailing by the sender to the addressee more than 30 days after receipt of the order. We reject the suggestions that the section should be read to require the District Judge to make a determination of the addressee's good faith, or to conduct an independent adjudication of the pandering nature of the material. The statute was intended to entrust unreviewable discretion to the addressee to determine whether or not the advertisement was "erotically arousing or sexually provocative." "[T]he sole determination as to whether the literature you receive is objectionable or not is within your discretion and you are not second guessed on that discretion." Congressional Record, volume 113, part 21, page 28660. (Remarks of Congressman Waldie).

[Supreme Court of the United States No. 399, October term, 1969]

Daniel Rowan, dba American Book Service, et al., Appellants, v. United States Post Office Department et al.

On appeal from the United States District Court for the Central District of California.

[May 4, 1970]

Mr. Justice Brennan, with whom Mr. Justice Douglas joins, concurring.

I join the Court's opinion but add a few words. I agree that 39 U.S.C. § 4009 is constitutional insofar as it permits an *addressee* to require a mailer to remove *his* name from its mailing lists and to stop all future mailings to the addressee. As the Court notes, however, subsection (g) of § 4009 also allows an addressee to request the Postmaster General to include in any prohibitory order "the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee." In light of the broad interpretation which the Court assigns to § 4009, and see page —, *ante,* the possibility exists that parents could prevent their children, even if they are 18 years old, from receiving political, religious or other materials which the parents find offensive. In my view, a statute so construed and applied is not without constitutional difficulties. Cf. *Tinker* v. *Des Moines School Dist.,* 393 U.S. 503 (1969); *Ginsberg* v. *New York,* 390 U.S. 629 (1969). In this case, however, there is no particularized attack upon the constitutionality of subsection (g), nor, indeed, is there any indication on this record that under § 4009(g) children in their late teens have been unwillingly deprived of the opportunity to receive materials. In these circumstances, I understand the Court to leave open the question of the right of older children to receive materials through the mail without governmental interference and also the more specific question whether § 4009(g) may constitutionally be applied with respect to *all* materials and *all* children under 19.

OUR MILITARY ESTABLISHMENT

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. GROSS. Mr. Speaker, my good friend and our distinguished colleague from Missouri (Mr. Hall) recently addressed the National Guard Association of Missouri in Springfield.

He opened and closed his remarks with quotes from the late President Eisenhower's farewell address to the Nation on January 18, 1961. This is the speech in which General Eisenhower referred to the so-called military-industrial complex. It is a phrase to which critics of the Military Establishment constantly have called attention, while conveniently ignoring the General's remarks on the vital importance of the military in keeping the peace.

I am pleased to include in the Record the text of our colleague's excellent speech:

Speech by Representative Durward G. Hall

A little, and out of date experience may be a dangerous thing, but it is a "New Generation", so perhaps you'll pardon history and the ramblings of an old "Army medic" who in September of 1940 helped mobilize the famous "hound dog regiment" of southwest Missouri and the 35th Division!

On January 18, 1961, Dwight D. Eisenhower appeared on radio and television to deliver what has been described as his farewell address. In that speech, President "Ike" said: "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."

That one paragraph has been so widely quoted that I'm certain, it is destined to outlive any statement that Eisenhower ever made, and in the course of his dramatic soldier, educator, statesman career, he made many. The phrase that he coined, "military industrial complex", has been taken out of, or in partial context, as the banner under which all the foes of the military have been able to rally, and used to the detriment of those in the service of their Nation! Those in the first line of reserve, those who work and train at night (weekends) that we may better sleep!

We have been inundated with articles, interviews, and speeches, blaming the military budgets for all the ills, of this nation! We are told that the ordering of national priorities is askew, and that military spending should be vastly curtailed; so that spending for welfare, urban problems, and myriads of other domestic and alleged social experimental needs, can be greatly expanded. We have been treated to dark hints (or even outright allegations), of a vast conspiracy between military leaders and giant industrial concerns. It has been more than inferred that government should eliminate those with "overruns" simply because of bigness!

I am probably more familiar with these allegations than most, due to my ten years in Congress as a member of the House Committee on the Armed Services. I have heard my share of the comment and criticism, and I might add, I have contributed my share of the comment and criticism, in the role of an interrogator to those members of the military, as well as industrialists who supply the military. It has been my business, as a Congressional Representative, to ask of these individuals, why do you need what you request, and how do you justify your decisions? How is it allocated, can we keep it competitive, and is it the best "bang" for the buck?

I must hasten to add at this point, that I feel no compunction to defend the defense industry; and my loyalty is to our military men, who cannot always speak for themselves. Just from experience and personal reasons and I am a member of the Committee on Armed Services, I am, however, concerned to a great extent, about the relentless attacks that the pseudo-intellectuals have been making against the defense establishment, in an effort to discredit and defame it, at the expense of the security of this nation. But, I say equally loudly and clearly:

a. If we're to be euchred into the corner of being a second class defensive power, the people must be told before the fact, and

b. It is not the function of government or the services to contract or contrive to destroy the industrial complex.

Throughout the history of this great land there has always been the fear that the people could (unwittingly), become the servants of the military. The men who founded this nation apparently felt the same, and as a precautionary measure—wrote into our Constitution provisions against infringing the rights of citizens to keep and bear arms, and against the quartering of troops in a home without the consent of the owner. Also, for ultimate civilian command and control of the military—we want it no other way! We're just not "junta" oriented! Hence the proud symbol of the Minuteman. But differentiate between civilian control (ultimate and command decisions of the military! Trained and experienced.

We have always taken a jaundiced look at the idea of a professional army, preferring instead to select our soldiers from the broad spectrum of our citizenry, said soldiers serving for a limited period of time, thus insuring continuing civilian participation.

This has not always worked to our benefit, for history shows that in almost every conflict entered in by the United States, our military preparations were less than desirable, to say the least.

With all this de-emphasis on the military establishment, (that is up until the last few years), the Department of Defense and the industries that supply our military might, continually serve as the "whipping boys," for the "ultra left" whose "vociferous vocalings" have sought to destroy it. All the wars entered into by this nation up to and including World War II, (and to some extent Korea), have required a hurried refurbishing of our military power, both in terms of our weapons arsenal and our military personnel and leadership. Now again—I fear, this is where we came in!!

When the storm troopers of Adolph Hitler overran Europe and threatened to invade the White Cliffs of Dover, it was an unprepared United States which found itself thrust in the role of the rescuer.

This was a feat that in no way could have been accomplished without the complete mobilization of American industry to design and build the weapons to do the job. The B-17 Flying Fortress, the B-24, the P-38-40-51 fighter plane, the M-1 rifle, the bazooka, all totally unknown and in fact not even in existence before World War II, but weapons designed and built by the combined teamwork of the military and industry that contributed so much toward bringing the German aggressor to his knees. And let me add here and now, that I am completely aware of the part played in that conflict by the National Guard. For it was the Guard who in the beginning provided many of the divisions that were to take us from Africa to the Rhine, and Pearl Harbor to Tokyo! Without them, it could never have been accomplished.

The unconditional surrender in Europe, followed by the dropping of atom bombs over Hiroshima and Nagasaki, ended the war in the Pacific, while at the same time ushering in the atomic age. At this point I would like to pause just long enough to ask this question. I ask it primarily to those who say that this Nation has become the captive of a Military Establishment. Suppose it had been Russia who possessed that first atom bomb? What do you think the condition of the world would be today had the first atomic warhead been developed and dropped by the Russian Army? I'm sure we can all pretty much agree on the answer.

If you look back to those days when peace came to the Atlantic and the Pacific, you will recall that a victorious United States, without doubt the strongest most powerful military force in the world, did not seek to impose itself on the land it had conquered. To the contrary, we pulled out, leaving just enough troops behind to insure the stability of the fallen nation. We did the same in Europe. We even invoked the Marshall plan and "reconstructed" them! Today Japan is the third most powerful industrial nation in the world and the Republic of West Germany is not far behind, because of the American dollars poured into their economy. Does this sound like a military industrial conspiracy? Do you think for one minute that Russia would have done the same? Of course they wouldn't. Let those who doubt it stand by the wall that separates East and West Berlin, or better yet ask any Hungarian or Czech citizen.

In 1945, General George C. Marshall said: "We finish each bloody war with a feeling of acute revulsion against the savage form of human behavior. And yet on each occasion we confuse military preparedness with the causes of war and then drift almost deliberately into another catastrophe". I can and will understand our "Reconstruction Act", our "debt" to the world and emerging nations, but never why:

a. We continue foreign aid;

b. We gave away our defense secrets in the 50's; and

c. Why we insist on trafficking with the enemy and choose not to protect the Monroe Doctrine, etc.

In short our State Department, or its foreign relation policies (too many halfbrights.)

Americans are understandably fatigued with requirements of national security and they again perhaps understandably have a fierce desire to solve domestic problems. Because they cannot see and cannot strike at the totalitarian forces that have created the uneasy world we live in, some of our people tend to start blaming what they can see, our military and those who work for the military, for creating this world. But the facts are that our military power and the industry that serves it, are in response to the international realities of the years since World War II, not the other way around. Because of our strength, resources and techniques—we have been able to deter global war and we have still (for all its imperfections), a free society. We have not solved all its problems, but we retain the capacity to solve those problems in an orderly manner and the capacity to act to create human betterment and preserve individual freedom. Only now we must decide and act in a real-time phase and/or environment.

The citizen in the Communist-half of the world does not have that capacity, or anyone to exercise it for him. One of the most essential things about dissent in America, that many people tend to forget, is simply the right to voice it. The Russian people have no such rights. How many times have you heard of students taking over the office of the president of the University of Moscow? How many Russians do you hear complaining about arms development or the military budget related to their G.N.P.? But you do hear about writers being thrown in jail, or confined to mental institutions, for voicing the mildest form of protest. Wherein is their academic freedom?

The charges against an over-emphasis of military spending boils down to four basic questions:

1. Is it true that defense keeps taking an ever-increasing portion of our national wealth and taking more and more of our Federal budget?

2. Are profits in defense industries getting bigger all the time?

3. Does the national defense expenditure prevent us from solving our domestic problems?

4. Is our great defensive strength really necessary?

To take the latter question first. In the unstable world in which we live today, any sign of defensive weakness will be taken as an invitation by aggressive nations to seek expansion. We have entered into so-called disarmament talks with representatives of the Soviet Union.

There are politicians who keep inferring that we are causing an arms race by the continuation, among other things, of the MIRV testing program, and the scheduled deployment of an anti-ballistic missile defense. No one ever seems to think that the Russians themselves are responsible for an "arms race", if you want to call it that. Let me point out that the Soviets were the first to develop ICBM's. They have tested in the atmosphere a 60 megaton warhead in violation of our joint test-ban, although we have never developed bombs of anywhere near that size, by our own decision and volition! They have deployed an ABM system, and are continually striving to update it. And they are proceeding with the development of their MIRV. With all this evidence, our own people still accuse our Department of Defense of "sabre rattling". One can only ask, how is it possible that our defensive capability be characterized as provocative, while theirs is not? One must ask these "bleeding hearts", "peace at any price", and "nervous nellie's" additionally—whose side are you on?! Why?!

Does the national defense expenditure prevent us from solving our domestic problems? The answer to that question I think is obvious. First, at no time in my memory has the lack of Federal funds prevented the Government from spending for welfare. I call to your attention the billions that have already been spent in that area, most of which has been allocated in years when the budget was out of balance. Most recently, the House passed the President's new family assistance plan, which has earmarked an additional four billion dollars in welfare, and will have the initial effect of more than doubling the number of recipients. The Congress has always been willing to spend for these sacred-cows and so-called preferred domestic programs; whether the money was there or not, and in most instances it was not.

I would personally hope, that if the Vietnam war would end tomorrow that the Congress would make a balanced budget as its first order of business and in addition present a healthy workable surplus, pay on the debt and cut taxes. That is what we really need to do!

It is also unfair and misleading to charge the defense industry with being unsympathetic to the social ills of the Nation. For example, the aerospace industry is making an effort to help in the fight against pollution in the transportation field. The Corps of Engineers has become more of a domestic entity than military, with its prime object conservation and the improvement of the Nation's waterways, rivers and lakes. Many medical and surgical techniques have been developed by military-related hospitals and institutions—and the military services have successfully educated and given useful industrial skills to men from all sections of the country, whom civilian society has discarded as unteachable and unusable.

Besides, as near as I can tell, these and you are the ones who pay the taxes.

Are profits in defense industries getting bigger all the time? And does the Defense Department take an ever increasing slice of our Federal budget?

The Logistics Management Institute, recently completed an extensive study entitled "Defense Industries Profit Review." The report contains extensive statistical material on the defense contracts for the ten year period 1958 through 1967, and makes comparisons of the defense industry profits, with commercial profits of firms doing defense work, and profits by non-defense industries. Among the findings were:

1. The average defense business profit as a percentage of total capital investment, tended downward for the first seven years, and remained level for the last three. In addition, it was found that the average defense profit declined more than 25 percent over the ten year period. Average profit of commercial firms, increased during the same period.

2. Commercial markets have expanded more rapidly than the defense markets. (Hope for the future and no recession with peace!)

3. Defense industries which had the highest percentages of profit did not enjoy profits as high as the most profitable commercial firms.

For some forty companies surveyed, all of

XUM

which did at least twenty-five million annually in defense sales, defense business increased about fifty percent between 1958 and 1967. Commercial sales for the same companies rose almost 200 percent, in the same period. For non-defense companies, sales increased more than 110 percent.

I don't want to burden you with a lot of figures, but I think I have given you a pretty good indication of the profit picture of the defense industry. I must also point out, that should a defense contractor realize excessive profits from his defense business, Congress has established the renegotiation board, which was created in 1951, and given it the responsibility to recapture excessive profits derived by contractors and subcontractors in connection with Government procurement, not to mention the new single package concept—contract! There is no doubt that defense is very expensive, but in actual fact outlays for national defense are on the decline. Where almost fifty percent of the budget was spent for purposes of defense in 1960, projected figures for 1971 indicate that the amount will be only slightly more than 36 percent, a considerable drop, and during a time of armed conflict, albeit "fractional disengagement," in Vietnam.

Contrary to popular belief, the majority of the defense budget is not poured out for hardware. More than half of all defense dollars go for personnel and operating costs.

Finally, I want to briefly call to your attention one important fact. Much has been made about mistakes and "boondoggles" in the armed forces. I agree, there have been some "beauts". I offer as the prime example, the TFX, of F-111 fighter plane. The decision to develop and eventually buy this aircraft (which has failed on every count) was made by a civilian—Robert Strange McNamara, against the advice of the military people. Then he and Roswell Gilpatrick gave it to the wrong bidder! The decisions that got us into the Vietnam war were made by civilians. The decisions of what to bomb and what not to bomb were made by civilians. Did you know that pilots in Vietnam were given seven pages of instructions on what to bomb? And did you know that pilots had to get each target approved in Washington, before they could attack it—and if they missed they could not go back until it had been approved again? It is more than clear that much of what has been blamed on the military, whose hands were literally tied behind their backs, must in the final analysis be laid at the doorstep of civilian decisions. McNamara whiz-kids undermined the Secretaries and Chiefs of Staff of major military services in the false hope of ultimate civilian control (vs. Military Command decision) and in the sacred names of commonality and cost-accounting!

XUM

That is what President Nixon meant when he said that military decisions dealing with Vietnam cannot be made in the streets.

In Vietnam today we are committed on a course of troop withdrawal (150,000 more just announced) that is also basically a civilian decision. The military people are working hard to make the Presidential desires possible, and I pray that they will succeed.

When I started this speech I quoted from the farewell address of President Eisenhower. Unfortunately, after the phrase "Military Industrial Complex" captured the public fancy, little else has been remembered. I should like to conclude with the part that didn't make the news.

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

"We face a hostile ideology, global in scope, atheistic in character, ruthless in purpose, and insidious in method. Unhappily the danger it poses promises to be of indefinite duration. To meet it successfully, there is called for, not so much the emotional and transistory sacrifices of crisis, but rather those which enable us to carry forward steadily, surely, and without complaint, the burdens of a prolonged and complex struggle, with liberty at stake."

Thank you and good morning.

POSTAL REFORM

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. DULSKI. Mr. Speaker, the Post Office and Civil Service Committee continued its markup of postal reform legislation and has only two additional amendments to be considered to the pending bill.

I have called the full committee into executive session on Monday morning at 9:30.

There is every prospect and expectation that the committee will complete action on postal reform legislation on Monday. If we do not finish our work during the morning, I intend to reconvene the committee in the afternoon and continue in session until we complete work on the bill.

The committee has been informed by the gentleman from Arizona (Mr. UDALL) that he intends to offer a substitute for the entire bill during Monday's meeting.

This will be the fifth postal reform bill version to be offered to the committee since it began consideration of postal reform legislation in April 1969.

COMPLETING ACTION ON H.R. 17070

Several weeks ago there were "negotiations" downtown between the Post Office Department and seven postal craft unions on details of the postal reform measure.

That measure—as submitted to the Congress by the President and introduced by me and others the same day—the same one on which the committee now is completing action.

It was folly for anyone to expect that our committee would accept into the bill drafted in the downtown negotiations. Our function is legislative and we have the responsibility for reviewing every section of a bill and making our recommendations to the House of Representatives.

There has been criticism of our committee for not having acted sooner on postal reform legislation. The committee would have completed action long ago if I had had my way, but legislation is a product of discussion and compromise—not the edict of one man, such as the Postmaster General or me as committee chairman, nor is it the product of less than a majority of our committee.

During the months since we began public hearings on my bill, H.R. 4, in April 1969, our committee has debated and redebated every facet of the reform bills before us.

THOROUGH CONSIDERATION

There can be no question about our thorough consideration of this very comprehensive and pioneering legislation. Understandably, even after the committee makes its decisions on individual points, the parties continue their efforts to prevail with their own views.

In a controversial and comprehensive subject such as postal reform, it is impossible to satisfy everyone. The majority vote must prevail.

This is the American way. But for those on the outside who do not understand the complexities and the protracted discussions in which our Members have engaged in closed sessions over the months, an unfair impression exists.

One of the unfortunate factors in dealing with the postal reform issue has been the misrepresentation with has prevailed in the public press on the general subject. For example, the word "corporation" became a magic word.

The media has gone on to suggest that if our committee had blindly adopted the administration's proposal a year ago, the postal service now would be vastly improved and there would be no strife in the ranks of the employees.

IT IS PURE FANTASY

This is pure fantasy and is a complete misrepresentation of the facts.

Even if the postal reform bill sponsored by the administration had been enacted last fall—ignoring its many faulty approaches—the new establishment would not yet be in operation and the postal service probably would be little different than it is today.

Ironically, the public has received a distorted picture of our postal service. No one argues with the need for postal reform, both in the establishment and particularly in postal financing.

Now that we are reaching the end of markup on H.R. 17070, we are informed that a substitute bill is to be offered before we take final action.

Even though this substitute is expected to include most of the present text of H.R. 17070, we are informed that it will include modifications in several major amendments which have been adopted by our committee after thorough debate.

So on Monday, we will once again be faced with rehashing several key issues involved in reform.

WE HAVE MADE CHANGES

Postmaster General Blount is continuing adamant on details of the bill, and I can assure you that his views are being given full consideration. However, the committee has made changes and we are going to insist on their incorporation as the bill comes from our committee.

Since January 3, 1969, when I introduced H.R. 4—the first comprehensive postal reform bill to be presented to the Congress—I have been pressing with every means at my disposal to bring about final action in our committee on postal reform legislation.

I have sought to be fair to all parties and to all members of our committee as we moved along.

I thought we had made the big stride before the Easter recess when the committee reported out H.R. 4, over my objections concerning various specific details.

But then came the labor strife and the

new administration bill from downtown. It was only necessary to have 3 days of public hearings, followed by the executive sessions, in which we now have reached the point of facing a substitute bill to be offered on Monday.

TEXT DISTRIBUTED

At my insistence the substitute is being distributed in advance to all members of the committee so that they will have an opportunity to study it before it is presented for consideration on Monday.

I would not want the committee to act on something which they had not seen in writing in advance of the meeting.

To repeat, it is my intention as chairman to complete action on postal reform legislation by our committee on Monday and to ask for House consideration as soon as possible.

IRVINE, THE NATION'S LARGEST PLANNED CITY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. HANNA. Mr. Speaker, the Irvine Co. of Orange County, Calif., has announced its intentions to develop the largest totally planned city on the North American Continent. By any standards, the announcement is quite an event. It will be a major opportunity to test and implement new and imaginative urban planning concepts on a large scale. And it suggests an optimistic and encouraging path out of many of our present urban problems.

This effort will be watched with great interest. A new major urban environment designed to specifically avoid the many problems evident in our major cities offers a tremendous learning laboratory as well as an excellent precedent for other areas of the country.

The proposed city will encompass 53,000 acres and will have an ultimate population of 430,000. The entire city, comprising dozens of planned communities designed for industrial, commercial, residential, or recreational use will be built by the Irvine Co. in stages.

Full development—and maximum population—is expected to be reached by the year 2000, according to company projections.

As envisioned by company planners, the area eventually to be encompassed by the new city includes the entire natural inland basin and stretches north from the crest of the San Joaquin Hills near the coastline to the crest of the foothills of the Santiago Mountains, 12 miles inland.

It includes the University of California, Irvine, campus complex and several rapidly growing residential communities south of the San Diego Freeway. It also includes the 280-firm Irvine industrial complex near Orange County Airport.

It is, in area, about twice the size of San Francisco and three times the size of Manhattan Island.

Open space and density requirements of the city of Irvine's master planning will limit the ultimate population of the immense acreage to less than half of San Francisco's and less than one-third of Manhattan's.

Plans for the city of Irvine are keyed to a land-use concept never before attempted in the creation of new cities or towns anywhere.

It is the use of environmental corridors to create an "imageable" urban form and to organize the nonresidential elements of the urban pattern.

There are three such corridors within the new city area.

Located within these corridors will be the city's principal civic, commercial, recreational, and institutional facilities. The activities and open spaces within these corridors will be linked compatibly with regional open spaces, walkways, bike trails, and equestrian paths.

The corridors may measure up to a quarter-mile in width and will stretch 33 miles throughout the city of Irvine's general area. Extensions to the coastal and mountain areas can result in a continuous system of recreation trails within convenient proximity to all residents.

A parkway and waterway will wind through each of the environmental corridors.

The corridors will serve as connectors for several major nonresidential developments included in the central area plan. Among them:

A 420-acre regional shopping and commercial center site in the triangle formed by the Santa Ana, Laguna, and San Diego Freeways. Irvine Co. planners refer to the area as the "Regional Triangle." Its proposed development is similar in concept to the Irvine Co.'s Newport Center in Newport Beach.

A 1,666-acre industrial park site east of El Toro.

The 500-acre lion country safari tourist attraction southeast of the Laguna-San Diego Freeway interchange—it will open in June.

A 70-acre city of Irvine civic and cultural complex centrally located at the juncture of the north-south and east-west corridors on the western edge of the future city.

A 200-acre recreation-oriented center where the north-south and foothill corridors join.

A suggested 100-acre community college site somewhere near the eastern end of the central basin corridor on the north side of the San Diego Freeway, and another suggested 100-acre college midway in the foothill corridor. Irvine Co. planners said at least two community colleges would be required before 1990, according to population projections of 5,700 full-time college students within the city of Irvine by that year.

Five hundred acres at various locations within the corridors will be required for high school and junior high schools.

Hundreds of additional acres for park and open space purposes.

The environmental corridors will provide access to 15 separate residential villages between the San Diego Freeway and the inland foothills.

Irvine will be a city of villages, each with its own identity.

The villages will reflect the heterogeneous neighborhood patterns of company developments underway and completed south of the San Diego Freeway.

In all, it is anticipated the city of Irvine will comprise more than 2 dozen such villages—each with its own neighborhood park and shopping center—when fully developed.

According to its planners, Irvine is where urban sprawl will end.

Plans for the new city call for road designs based on types of use and traffic volumes projected by highly sophisticated computerized traffic models. Throughways, parkways and neighborhood streets will all be landscaped and tree lined. The proposed rights-of-way are wider than present day city standards in order to provide room for landscaped medians and roadsides.

Parking areas will be separated from principal roads by landscaped buffers. Planners are taking into account this "streetscape" in planning for the city of Irvine. This is quite novel. Most people usually get their impression of an area as they drive through it. The "streetscape" concept takes this very real item into account.

The total plan for the new city—both the central area and the southern sector—anticipates sites for 70 elementary schools, 16 junior high schools, eight high schools and two junior colleges.

Most of the population of the new city, some 309,000 residents, will live between the San Diego Freeway and the Santiago foothills, the area covered by the central area plan. About 121,000 will reside south of the San Diego Freeway in a portion of the area included in the 6-year-old southern sector plan.

In the plans for the new city, a total of 4,150 acres are set aside for tax revenue producing industrial sites isolated from residential areas on the western and eastern edges of the city. More than 3,500 acres are projected for commercial uses.

Another 2,500 acres are proposed for park, open space and recreational areas. The new city will have at least six golf courses to serve its residents, according to master plan projections.

Company planning, economic and marketing experts foresee two major phases of development for the city of Irvine.

Between now and 1985, development will be concentrated in the general area of UCI and north to the Santa Ana Freeway. Beginning in about 1985, growth will intensify in the area north of the Santa Ana Freeway in the foothill region.

During this latter period, the 420-acre regional commercial center in the "Regional Triangle" and the nearby 1,666-acre industrial park will be developed.

The new city's population is expected to total about 120,000 by 1980; 270,000 by 1990; and 430,000 by the turn of the century.

THE FARMER'S SIDE OF THE STORY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. JONES of North Carolina. Mr. Speaker, my good friend and colleague, Congressman David Henderson, was kind enough to furnish me with a copy of his remarks this morning, and I wish to commend him for trying to set the record straight insofar as the farm program is concerned. Furthermore, I agree with Congressman Henderson that it is high time that the farmers' side of the story is told.

Certainly, the farm programs that have operated so successfully over the past 37 years have been in the public interest. I would not wish to attack the farm subsidies as such, nor would I attack subsidies to other industries that are serving the public, but I do believe that subsidies that are in the public interest should be recognized as such.

I also believe that those who are receiving large subsidies should not attack other subsidy recipients in an unfair manner.

A glaring example of this is the fact that the Reader's Digest publication is subsidized indirectly by the Post Office Department in the amount of $9½ to $14 million annually. This indirect subsidy is the result of handling costs as opposed to the amount of postage paid. The Reader's Digest on several occasions has published critical articles on the farm program. Many of my farmer constituents have complained bitterly to me about this over the years.

I sincerely hope that they will provide equal space to Congressman Henderson to answer their most recent attack, and also that we can get a better understanding among the general public as to what farm programs are all about. In reality, the farmer is subsidizing the nonfarmer, and it is about time that this story is told.

AMERICA'S REVOLVING DOOR MILITARY POLICY IN CAMBODIA

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FARBSTEIN. Mr. Speaker, yesterday, during debate on the amendment offered by the gentleman from California (Mr. Leggett), I expressed the view that the only result coming out of American action in Cambodia was to temporarily succeed in pushing the enemy farther back into the Cambodian interior and to destroy some of his supplies.

As a member of the House Foreign Affairs Committee, I heard the President on Wednesday offer the capture of supplies as his justification for the invasion and the escalation of the war.

Such a loss would only temporarily weaken the enemy, however, and after the monsoon season, he would return again. It seemed to me that current American policy might well require us to repeat the Cambodian maneuver periodically and to remain in Southeast Asia on a permanent basis. It might require us to adopt a revolving door military policy in Cambodia.

Support for this view comes in today's Washington Post in an article by Joseph Kraft. Kraft quotes an interview between Osborne Elliot of Newsweek magazine and South Vietnamese President Thieu, in which the South Vietnamese figure suggests that American forces may well be back in Cambodia on a regular basis. If this analysis is correct, the Cambodian action means we are going to be in South Vietnam a lot longer as a result of the action than we would have if we had stayed out of Cambodia.

I insert the article at this point in the Record:

[From the Washington Post, May 7, 1970]

DAMAGE TO RED SUPPLY LINES COULD BE OF FLEETING VALUE

(By Joseph Kraft)

American troops entered Cambodia in search of the main enemy headquarters. They end up burning a bunch of dusty native villages.

Presumably some damage will be done to Communist supply lines, stores, and plans. But for how long? The White House estimates it will take eight or nine months for the Communists to build back to where they were. President Nguyen van Thieu of South Vietnam told Osborne Elliott of Newsweek magazine that the effects would last "two, three months—five, six months."

Then what? The White House has not yet figured out how to do an encore. President Thieu is not so reticent. He laughingly told Newsweek: "We will go in again when it is necessary."

What this teaches—once again—is that there is no way to end the Vietnamese war by conventional military force, that the only good way out is to negotiate out. But what does the latest set of strikes do for the negotiating possibility?

Well, the Russians and those leaders of Hanoi who favor a negotiated settlement are plainly on the defensive. That is the meaning of the Communist boycott of the Paris peace talks the week. That is why Le Duc Tho, Hanoi's chief negotiator, has left Paris, back-tracking from early indications of sympathy with the idea of a new Geneva conference. That is why Premier Alexi Kosygin of Russia, when asked about a Geneva meeting at his press conference the other day, replied: "At this point it is necessary to stop the aggressor—not to hold conferences."

Similarly, the Communist Chinese and their allies in Hanoi have had a new boost for their theory of maintaining a perpetual guerrilla war in Indochina. That is why Peking is plugging as never before the insurgent liberation movements of Cambodia, Laos, and South Vietnam. That is why Hanoi is making such a big deal about the presence of Chinese Premier Chou En-Lai at a recent meeting in South China of all the Communist parties to the Vietnam war.

No doubt a temporary clouding of the negotiating prospect would be justifiable if the great center of the Communist power was being put on notice to behave by the show of strength in Cambodia. But the Russians are not getting that message at all.

On the contrary, at his press conference Mr. Kosygin was confident to the point of joking about western speculation on inner Kremlin politics. He spoke of a new burst of activity by Soviet pilots in Egypt with bland impunity. For the fact is that the United States is not exactly in good position to complain about potential Soviet threats while the Cambodian invasion is going forward. Indeed, the deeper fact is that the Nixon administration is too obsessed by Cambodia even to focus serious attention on the grave challenge in the Near East.

In the same confident vein, Mr. Kosygin announced that Cambodia might cause the Russians to reconsider their position in the arms control talks now underway in Vienna. At best, that means that Moscow, far from being scared, is applying against the United States the administration's famous policy of linkage—the policy of saying you behave or we won't play ball in the arms control talks.

At worst, there could be genuine harm done to the prospects for arms control. For the Soviets are negotiating on the assumption that agreeemnt will register rough parity between the Big Two. They have finally begun to believe former Defense Secretary Robert McNamara's assurances that neither side could gain from an increase in strategic weaponry. But if they begin to get the wind up, if they are convinced that this country is creating a climate of confrontation in order to go one up, then they could easily back away from any agreement.

So far, most of these bleak developments are potential. They could be undone by a reversal of American policy. But that would mean finally rejecting the contention of the American military that they can win decisive advantages in Vietnam. It would mean understanding that President Thieu is advocating a policy of perpetual war. It would mean moving to negotiate by changing the ambassador and the commander in Vietnam in order to pave the way for a new government ready to compromise with the other side. And doing all those things takes courage—the moral courage of convictions, not the kind given to men who think they have to prove they are tough.

NATIONAL COLLEGE OF ECOLOGICAL AND ENVIRONMENTAL STUDIES

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FREY. Mr. Speaker, I support the efforts of my distinguished colleague from the Seventh District of Texas to bring before the House at the earliest possible date our bill, H.R. 16847, to establish a National College of Ecological and Environmental Studies.

On April 22, thousands of concerned high school and college students joined the concerted effort on the part of the present administration and Congress to fight pollution and protect our environment before it is too late. These students not only engaged in projects designed to clean up some of the filth polluting our landscape, but also offered several worthwhile suggestions.

These are trying days for the youth of this Nation. And I think too often many of us in Government fail to offer them a constructive outlet for their concern. A National College of Ecological and Environmental Studies would provide a means to fully educate our young people about the total problem and give them the opportunity to make significant, constructive contributions toward restoration of the environment.

It is easy to understand why our young people are concerned about our environment, because it is their generation and their children who will suffer for the mistakes we have made.

The students chosen to attend this college would be a select group of undergraduate science and engineering college students, recognized both for their intellect and dedication to solving the monumental problems of environmental deterioration. The bill would provide Federal "seed" money of $100,000 per year for 5 years, and I believe that the private and commercial sectors of society would provide at least two-thirds of the cost of the institution.

It is my sincere hope that the Science and Astronautics Committee, of which I am a member, will schedule hearings on this important legislation and favorably report a bill which the House can consider this session.

THE UNITED STATES VIOLATES CAMBODIAN NEUTRALITY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. FRASER. Mr. Speaker, tomorrow the President will speak to the Nation on the background and details of the American invasion of Cambodia. I expect he will focus on the military aspects of our involvement in Southeast Asia as distinct from the political implication of our action. It needs to be emphasized that the United States has invaded a neutral state without prior consultation with its Government. This reveals a disregard for Cambodian sovereignty. It is my understanding that this disregard for the legitimate aspirations of the Cambodian state has a long history. The following article from the Cornell Daily Sun describes this well:

THE UNITED STATES AND CAMBODIAN NEUTRALITY

(By Laura Summers)

The United States invasion of Cambodia is a blatant and irrevocable confession of our government's lack of understanding and intolerance for Cambodian neutrality. Since Cambodia's decision to adopt a neutral foreign policy in December, 1954, the United States has sought to undermine that neutrality by overt and covert means—first, by refusal to restrain the actions of our allies, Thailand and Vietnam, and second, by distorting the legitimate aspirations of the Cambodian people to suit our own ends in the prosecution of the Vietnamese war. History speaks for itself.

The Eisenhower administration treated Cambodian neutrality with hostility. Secretary of State Dulles, who perceived Communism as an evil to be combated everywhere in Southeast Asia, was suspicious of Cambodia's renunciation of the SEATO pact and its persistant criticism of American intervention in Diem's Vietnam and Sarit's Thailand. Cambodia matched each threat from the West with a concession to the East to gain international leverage in its struggle to prevent domestic intervention.

Dulles was thoroughly convinced that neutral nations were a danger to the "free world" cause when the Pathet Lao won the only free elections in Laotian history (1958). One month later, the South Vietnamese army invaded a Cambodian province, occupied two villages, and moved a border marker before returning to their own country. Sihanouk protested directly to the United States. The U.S. promised to counsel moderation to the Vietnamese but also warned the Cambodians not to use any weapons provided by American aid against the invaders. One week later Cambodia initiated negotiations for full diplomatic relations with China. Washington's response was to begin plans to remove Sihanouk from power.

Shortly thereafter, the Khmer Serei Movement was founded. Presumably supported by Thailand, South Vietnam and the American CIA, this group of approximately one thousand Cambodian dissidents attempted a "Bay of Pigs" type invasion in early 1959. Sihanouk was warned of the plot by three foreign ambassadors! Confessions of the captured participants implicated Marshall Sarit of Thailand; Ngo Trong Hieu, Diem's representative in Phnom Penh; and Victor Matsui of the American Embassy, widely rumored to be a CIA agent.

The Kennedy administration was somewhat more sympathetic to Cambodia's desires to practice a true neutrality. But by 1961, the U.S. was so committed in Thailand and South Vietnam that Kennedy's conciliatory attitude toward Cambodia was not well-received by our anti-Communist allies. Thus, Kennedy was unable to promise United States participation in an international conference to guarantee Cambodian neutrality. In urging Diem to support such a conference, Sihanouk said Cambodia would agree to complete international control if South Vietnam would agree to recognize Cambodia's present borders. Diem refused.

In 1964, Adlai Stevenson, U.S. Ambassador to the United Nations, expressed American apologies and regrets for the damage and death caused by an attack on a Cambodian village staged by a South Vietnamese army unit with an American advisor. Later he denied numerous other complaints submitted by Cambodia dealing with military raids.

American policy took a sharp change in late 1964 after the first infiltration of a large North Vietnamese regular force through Cambodia. In December, Khmero-American negotiations in New Delhi ended abruptly after one day. The American ambassador reported he had made the American position absolutely clear. After further American-South Vietnamese violations of Cambodian territory, Cambodia severed diplomatic relations with the United States in April, 1965. Simultaneously, Secretary Rusk announced the United States would be glad to participate in an international conference to guarantee Cambodia's neutrality.

Cambodia refused to participate in a conference on its neutrality where the issue of nonintervention by SEATO powers would be ignored while the United States and South Vietnam attempted to cut off North Vietnamese infiltration. On April 28, 1965, Sihanouk requested that the SEATO powers make a formal declaration that Cambodia was not included in its "perimeter of intervention." The request was ignored.

In contrast to Johnson administration policy, Nixon's statement on Vietnam in his address to the nation on May 14, 1969, omits any reference to an American guarantee of Cambodian neutrality and territorial integrity. Significantly, Nixon notes that his four month review of the war revealed a "wide gulf between Washington and Saigon." Was Cambodia part of this gulf? His carefully measured comments on Laos and Cambodia read as follows:

> We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia and Laos into North Vietnam, also in accordance with a timetable. We include Cambodia and Laos to ensure that these countries would not be used as bases for a renewed war.

This language was echoed by Nixon and Thieu in their joint communique after the Midway conference and by the United States delegation to the Paris peace talks.

This, then, is the historical prelude to invasion.

(NOTE.—Laura Summers, a third-year graduate student in government, specializes in the area of Southeast Asia.)

"BRING US TOGETHER": THE STRATEGY OF POLARIZATION?

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. RYAN. Mr. Speaker, the decision of the Nixon administration to expand and reescalate the war in Vietnam through the invasion of Cambodia and bombings in North Vietnam has caused some of the deepest dissent and divisiveness in this Nation's history.

In the face of this dissent, the administration has seen fit to loose a barrage of rhetoric further exacerbating the justifiable fears and frustrations of many Americans—ultimately resulting in the tragedy on Monday at Kent State University.

Unfortunately, the President, the Vice President, and the Attorney General apparently were not touched by the lives lost on the Ohio campus.

The President's response to the killings was cold and unyielding—a statement saying that we should remember that dissent which "turns to violence" invites tragedy.

The Vice President's response was continued name calling and accusations.

And the Attorney General's response has been to stand behind the President's call for "support of the right which exists in the country for peaceful dissent" by denying the opportunity for American citizens to take advantage of this right by demonstrating in front of the White House in Lafayette Park.

The administration's hard line on dissent and demonstrations has not only caused frustration among those who disagree with the Nixon policy in Southeast Asia, but also among those who are part of the Nixon administration.

Anthony J. Moffett has announced his resignation as head of the Office of Students and Youth, a new office which was established to create rapport between the administration and this country's young people.

His resignation was a result of what he called, "irresponsible statements" by the President regarding student protest. Mr. Moffett had found that incidents since he had taken office, "and particularly in the last 10 days, have convinced me that the advocacy function is impossible within the Nixon administration."

A May 6 letter written to the President by Secretary of the Interior Walter J. Hickel also expressed concern about the President's words and actions towards the young. In his letter, the Secretary said:

> I believe this administration finds itself, today, embracing a philosophy which appears to lack appropriate concern for the attitude of a great mass of Americans—our young people.
>
> Addressed either politically or philosophically, I believe we are in error if we set out consciously to alienate those who could be our friends.
>
> About 200 years ago there was emerging a great nation in the British empire, and it found itself with a colony in violent protest by its youth—such men as Patrick Henry, Thomas Jefferson, Madison, and Monroe, to name a few. Their protests fell on deaf ears, and finally led to war. The outcome is history. My point is, if we read, it clearly shows that youth in its protest must be heard.

If the administration is unwilling to listen to those outside its ranks, then let it heed the words of those within—such as Secretary Hickel. For while the President campaigned on a policy of bringing the American people together, some high administration officials are tearing our Nation apart with talk that caters to fear, ignorance, repression, and violent resentment.

If there is not a change in this repressive and divisive attitude on the part of the administration, then the damage will be irreparable.

I am inserting in the RECORD, Tom Wicker's "In the Nation" column from today's New York Times. Entitled, "The Dead at Kent State," it expresses the concern of many of us that the administration is taking the Nation down the road to increasingly dangerous polarization.

The item follows:

IN THE NATION: THE DEAD AT KENT STATE

(By Tom Wicker)

WASHINGTON.—It was obtuse and heartless for President Nixon to say of the dead at Kent State only that "when dissent turns to violence it invites tragedy." It was indecent for Spiro Agnew to call this awful event "predictable and avoidable," then to go on with one of his standard denunciations of students, as if he and the President, pledged as they are to "bring us together," had not instead done as much as anyone to drive us into conflict. No one has less right than they to "murder the mankind" of these senseless deaths with "grave truths" about violence and dissent.

Mr. Agnew's sustained and inflammatory assault on some young Americans could have had no other purpose, and no other result, than to set generation against generation and class against class for the calculated political purposes of the Nixon Administration. Mr. Nixon's blurted condemnation of "bums" on the campus is all the more culpable for apparently having been spontaneous and from the heart, a true revelation of his inmost feelings.

But there is more to it than the spirit of fear and vengeance and repression—that spirit exemplified by the use on a tense college campus of tired and frightened National Guardsmen with live rounds in their weapons and discretionary orders to return fire.

Even this piece of insanity might not have left the dead at Kent State had it not been for Mr. Nixon's monumental blunder in reversing the whole course of what he had said was his Vietnamese policy with the invasion of Cambodia and the reopening of the bombing of North Vietnam. That is real violence. And any President less swayed by generals, less awed by the myopic political hardline of John Mitchell, less fixed in the outdated attitudes of cold war days, could not have failed to have foreseen that re-escalation would set off an explosion of anger and despair and bitterness—hence violence and counterviolence, rebellion and repression.

WHAT HAS BEEN GAINED?

It may be argued by those politicians and commentators as concerned as Mr. Nixon about manhood, humiliation and American vanity that, even had he known his people well enough to expect the reaction he is getting, he still would have had no choice but to act in the national interest, as he saw it. But none will be able to explain what interest is worth having pushed so many of the educated and concerned of a whole generation into hatred and mistrust of their own Government; and who can say how the future can be protected abroad if a nation must club and shoot its children in the streets and on the campus?

What, in fact, has re-escalation gained us? A chilly diplomatic reaction, for one thing, including quite possible a setback to the nuclear arms limitation talks. For another, the most severe Congressional reaction in decades against the exercise of Presidential powers.

The Administration itself is divided and wounded at the top, with Mr. Nixon—like Lyndon Johnson only two years ago—suddenly unable or unwilling to travel among his own people. Secretary of State Rogers is shown either to know little of what is happening or to have minimal policy influence; Secretary of Defense Laird was apparently overruled and—worse—uninformed about what his own bombers were doing. Is it an accident that these two, with Robert Finch among the ablest men in the Administration, now join Mr. Finch in the kind of public embarrassment to which he has had to become inured?

On the battlefield itself, no supreme Communist headquarters has been found, although its presence had been advertised as if it were Hitler's bunker. In fact, not many Communist troops of any kind have been found, according to reporters on the scene, although captured rice tonnage amounts daily and the body count is predictably inflated. Destruction is wholesale, of course, but mostly of Cambodian towns and farms, not of Vietcong or North Vietnamese soldiers.

BEGGING THE QUESTION

To cap this futility with absurdity, Mr. Nixon now pledges to let the invaders go no further into Cambodia than eighteen miles from the border, a guarantee which if honored makes the rest of that sizable country a real sanctuary easily reached; and he further promises to pull the troops out within eight weeks, a period that probably can be survived by an enemy that has been fighting for more than twenty years. These public restrictions beg the question what the invasion can accomplish.

Whatever the answer, the dead at Kent State are far too high a price for it. Like the dead in Cambodia and Vietnam, they can be buried; but somehow the nation has to go on living with itself. Mr. Hickel's courageous letter to the President shows that even within the Administration, Mr. Nixon and Mr. Agnew have only made that harder to do.

CALIFORNIA MARINE SANCTUARY ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 7, 1970

Mr. ANDERSON of California. Mr. Speaker, we have seen the tragedy caused by oil spills to our beaches, to our sea life, and to our water fowl. Steps have been taken by both the Federal and State Governments to protect the local environment, but further steps are needed.

The State of California has created seven marine sanctuaries where the granting of leases for petroleum development has been banned. They account for almost a fourth of the entire California coastline. They prohibit oil drilling on an estimated half of the tide lands suspected or known to contain oil deposits.

Our Federal policy must be to support State laws that protect our environment, for without Federal conformity, State laws may be useless. The tragedy that occurred in Santa Barbara last year illustrates the need for Federal conformity, for it did the people of California little good to set aside the State sanctuary when just beyond it, the Federal Government proceeded to grant leases for petroleum development.

Mr. Speaker, today I am introducing legislation which will prohibit further leasing for the extraction of oil and gas in those portions of the Outer Continental Shelf which are seaward of the California marine sanctuaries.

Presently, only the Santa Barbara sanctuary has seaward leasing operations. This bill will not affect these operations, nor does it terminate any existing lease, nor the right to drill under any existing lease.

This bill restricts the power of the Secretary of the Interior to grant leases for oil and gas extraction which are seaward of the areas which California seeks to protect by establishing sanctuaries within its own jurisdiction.

The California coastline is both a State and a national treasure. It is threatened by the development of its oil resources, and until we can extract oil in a safe manner, I believe the legislation I introduce today is vitally needed.

XUM

SENATE—*Monday, May 11, 1970*

The Senate met at 12 o'clock noon and was called to order by Hon. Ernest F. Hollings, a Senator from the State of South Carolina.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, above the turmoil and turbulence of the world without, we pause in this Chamber to acknowledge that Thou art God forever and ever. Our fathers trusted in Thee and were not confounded. In days heavy with crisis be to us our shield, our strength, and our guide.

Open our eyes to the vision of Thy coming kingdom of justice and righteousness among all men and nations.

O Lord, bless Thy servants in the ministry of public affairs who serve Thee in this Chamber. Give them quiet minds and hearts that they may hear Thy voice. Help them to know when to speak, when to be silent, when to pray, when to work, and when to rest. Give them grace to contend without being contentious; to disagree without being disagreeable. Give them strength to oppose the wrong and to uphold the right. And when the evening comes may they have a good conscience and a soul at peace with Thee and with one another.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 11, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Ernest F. Hollings, a Senator from the State of South Carolina to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

EXECUTIVE REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT—SEPARATE AND INDIVIDUAL VIEWS (EXECUTIVE REPT. NO. 91–18)

Under the authority of the order of the Senate of May 7, 1970, Mr. Eastland, from the Committee on the Judiciary, on May 9, 1970, submitted an executive report on the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court, together with the separate views of Senators Bayh, Griffin, Hart, Kennedy, and Tydings, and the individual views of Senators Hart, Bayh, Byrd of West Virginia, and Mathias, which report was printed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On May 6, 1970:

S. 1963. An act for the relief of Wu Hip; and

S. 2306. An act to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes.

On May 7, 1970:

S. 533. An act for the relief of Barbara Rogerson Marmor;

S. 1177. An act to authorize the documentation of the vessel West Wind as a vessel of the United States with coastwise privileges; and

S. 1775. An act for the relief of Cora S. Villaruel.

REPORT ON THE INTERNATIONAL COFFEE AGREEMENT, 1968—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Hollings) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith my 1969 report on the operations of the International Coffee Agreements, 1968.

This treaty, which continues in modified form the International Coffee Agreement, 1962, embodies the oft-stated concern of the United States that the developing countries dependent on the export of primary commodities be able to achieve the stability in foreign exchange income essential for economic growth. The International Coffee Agreement, which involves the most important agricultural export of the less developed world, has evolved into an effective mechanism for influencing coffee prices toward levels which are equitable for producers and reasonable for consumers. While the Agreement is not designed to eliminate reasonable price fluctuations, it has been successful in 1969 as in the previous years of its existence in moderating price movements and preventing prices from reaching levels disastrously low for exporting countries or unacceptably high to the importing countries.

I am encouraged also by the progress which the Agreement has made in achieving long-term market equilibrium through the setting of production goals for the coffee year 1972–73 and the establishment of the Coffee Diversification Fund designed to bring the supply of coffee in line with demand. I hope that negotiations for United States participation in this Fund soon will be completed.

Agreement with Brazil was reached April 30, 1969, on a temporary arrangement regarding the export of soluble coffee from that country to the United States. Consultations toward a permanent solution to this problem are currently under way.

Richard Nixon.

The White House, *May 11, 1970.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Hollings) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Brig. Gen. Harold R. Parfitt, U.S. Army, to be a member of the Mississippi River Commission.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of passage of various bills which the joint leadership intends to call up at this time, the distinguished Senator from Ohio (Mr. Young) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 7, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

XUM

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to routine morning business, which will be conducted after the remarks of the distinguished Senator from Ohio (Mr. YOUNG).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider bills on the calendar, beginning with order No. 845, and the rest of the calendar, exclusive of order No. 848.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL MILK PROGRAM EXTENSION

The Senate proceeded to consider the bill (H.R. 5554) to provide a special milk program for children, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 7, after the word "exceed", strike out "$125,000,000" and insert "$120,000,000".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–842), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COST

The bill does not increase the current appropriation authorization of $120 million annually; $104 million was appropriated for this program for fiscal 1970.

BACKGROUND

Since 1954, the Department of Agriculture has operated a special milk program designed to encourage increased milk consumption by children. The program also helps maintain a healthy fluid milk dairy economy by expanding the market for fluid milk.

From fiscal year 1955 through fiscal year 1962, the program was financed through advances from Commodity Credit Corporation funds. The Agricultural Act of 1961 (Public Law 87–128), approved August 8, 1961, authorized an appropriation for the program and extended it through June 30, 1967. The Child Nutrition Act of 1966 incorporated the special milk program and extended it through fiscal year 1970.

In 1954, only nonprofit schools of high school grade and under were eligible for participation in the program; since that time, the program has been expanded to include nonprofit child care institutions such as nursery schools, summer camps, and settlement houses. Generally speaking, any institution which has been declared tax exempt by the Internal Revenue Service is eligible for the program.

Nationally, the special milk program is administered by the Child Nutrition Division, Food and Nutrition Service, of the U.S. Department of Agriculture, under provisions of section 3 of the Child Nutrition Act of 1966. Locally, the program is administered in all public schools within a State by the State educational agency. In many States, this same agency also administers the program in nonprofit private schools and child care institutions. A number of States are prohibited by State statutes from administering the program in eligible nonprofit private schools and institutions. In such States the Food and Nutrition Service administers the program directly through agreements with these schools and institutions. The Food and Nutrition Service also administers the program in outlets for which no State agency has assumed administrative responsibility.

Through fiscal year 1967, based upon available funds and prior year participation, letters of credit were issude to each State agency authorizing funds for the first half of the year. These letters were later revised to authorize additional funds as needed for the remainder of the year. In order to keep expenditures within the amounts available, reimbursements to participating outlets were discounted through January 31, 1967.

Beginning in fiscal year 1968, available funds were apportioned among the States on the basis of payments made to schools and child care institutions for program reimbursement during the preceding year. Each State agency is advised of the amount of funds available to it for program reimbursement during the entire fiscal year.

The letter of credit procedure, established in 1965, permits State agencies to obtain funds to pay claims on hand by filing appropriate documents, through normal banking channels, with the Federal Reserve banks. This assures that funds will be available to the States for prompt payment of claims, and insures that Federal funds will be withdrawn from the Treasury only as needed by the States for payment of claims. No Federal funds are used by the State agencies for administering this program in the States.

From fiscal years 1955 to 1969, the number of outlets participating in the program has more than doubled and the number of half pints served has increased more than six times.

During the first year of program operation, 41,094 schools served approximately 449.8 million half pints of milk.

In fiscal 1969, 99,085 schools and child care institutions served an estimated 2,903.9 million half pints of milk. Of these, 90,272 were schools and 8,813 child care institutions.

PROGRAM STATISTICS BY FISCAL YEARS

Fiscal year	Number of outlets participating	Half-pints reimbursed (millions)	Number of children participating (millions)[1]	Total reimbursement payments
1955	41, 094	449. 8	2. 5	$17, 220, 281
1956	62, 266	1, 394. 2	7. 7	45, 842, 194
1957	71, 239	1, 752. 7	9. 7	60, 411, 200
1958	76, 478	1, 918. 2	10. 7	66, 290, 970
1959	81, 587	2, 176. 2	12. 1	74, 223, 939
1960	83, 922	2, 384. 7	13. 2	80, 277, 086
1961	86, 494	2, 476. 7	13. 8	84, 008, 164
1962	88, 188	2, 631. 0	14. 6	88, 713, 265
1963	90, 486	2, 765. 6	15. 4	93, 347, 465
1964	91, 890	2, 929. 0	16. 3	$99, 156, 543
1965	92, 005	2, 966. 8	16. 5	97, 268, 651
1966	97, 437	3, 059. 1	17. 0	96, 025, 736
1967	95, 139	3, 027. 2	17. 0	98, 772, 872
1968	94, 422	3, 035. 7	17. 0	101, 936, 228
1969	99, 085	2, 903. 9	17. 0	102, 048, 078
1970 (estimate)	99, 100	3, 000. 0	17. 0	103, 314, 000

[1] Estimated on basis of 180 school days per year.

Nutritionists have long contended that children of school age need a minimum of 1 quart of milk per day to insure sufficient calcium intake. Available statistics clearly demonstrate that these needs are not fulfilled especially with respect to children of low-income areas. The special milk program has made good inroads toward correcting this deficiency. As early as 1960 a study conducted by the Department of Agriculture revealed that:

> The effect of the special milk program on consumption was especially pronounced in low-income areas. In these low-income areas per capita intake of whole milk during the survey period averaged nearly 4 ounces more for children attending special milk program schools than for those attending other schools. The 4-ounce average represented rural and urban areas combined; the difference between low-income urban schools under the special milk program and those not under the program was even larger. The impact of the special milk program was smaller in schools serving medium-income areas. Children in high-income areas drank milk at about the same rate whether or not their schools participated in the special milk program. Also, children from high-income areas attending special milk program schools drank nearly one-fifth again as much milk, and those attending other schools drank almost half again as much as children from low-income areas.

Progress continues to be made under the special milk program—since 1960 the number of students served has increased by one-third, from 13 to 17 million, and the number of participating outlets has been increased by nearly 15 percent.

The above conclusions are further strengthened by the fact that, in many instances, the only whole fluid milk which many of our school-age children receive is through the special milk program.

The special milk program has had the dual effect of encouraging increased consumption of milk by 17 million children as a nutritional measure and reducing purchases of dairy products by the Commodity Credit Corporation. Historically, dairy commodity programs under CCC have diverted between 4 and 5 percent of the Nation's milk production, and it therefore follows that eliminating the appropriation necessary for continuation of the special milk program in the interest of economy is a specious contention.

No imported milk or milk products are utilized in this program.

The volume of milk consumed under the program in 1969 amounted to more than 3 percent of the total nonfarm consumption of fluid milk. This was in addition to more than 3.3 billion half pints used in national school lunch program type A lunches; i.e., lunches which include a serving of milk and which meet certain other nutritional requirements.

Each of the 50 States and the District of Columbia are currently participating in the program. The following table reports by State the number of outlets participating, number of half pints reimbursed, and obligations for 1968 and 1969:

XUM

NUMBER OF PARTICIPATING OUTLETS HALF-PINTS REIMBURSED, AND OBLIGATIONS BY STATE—FISCAL YEARS 1968 AND 1969

State	Number of outlets participating		Estimated number half pints milk reimbursed (millions)		Obligations (thousands)	
	1968	1969	1968	1969	1968	1969
Alabama	1,552	1,690	47.1	50.9	$1,603	$1,898
Alaska	87	100	1.4	1.4	29	29
Arizona	675	776	15.4	15.2	462	414
Arkansas	1,031	1,070	28.7	28.8	1,104	1,113
California	8,026	8,220	292.5	283.8	9,276	8,982
Colorado	1,204	1,300	26.9	25.9	941	944
Connecticut	1,394	1,466	55.8	55.1	1,698	1,766
Delaware	242	244	10.3	10.7	363	384
District of Columbia	233	236	15.7	15.0	581	615
Florida	1,788	2,050	66.5	69.2	1,994	1,967
Georgia	1,693	1,993	39.6	39.5	1,570	1,683
Hawaii	274	277	5.6	4.5	199	157
Idaho	590	599	6.4	6.0	191	188
Illinois	4,854	4,792	246.7	191.4	6,638	6,655
Indiana	2,593	2,649	81.6	81.7	2,908	2,951
Iowa	2,185	2,172	49.4	47.9	1,851	1,808
Kansas	1,857	1,944	33.7	32.2	1,167	1,097
Kentucky	1,309	1,934	47.1	50.7	1,831	2,000
Louisiana	1,319	1,395	18.7	19.8	685	705
Maine	955	995	14.9	14.6	505	506
Maryland	1,468	1,514	67.6	69.5	2,233	2,441
Massachusetts	2,994	3,085	109.4	106.2	3,567	3,518
Michigan	4,462	4,775	168.1	160.9	5,692	5,076
Minnesota	2,517	2,716	74.3	68.6	2,659	2,698
Mississippi	1,058	1,211	37.0	38.8	1,364	1,393
Missouri	2,897	2,939	62.5	64.8	2,310	2,388
Montana	429	446	6.3	6.1	$202	$204
Nebraska	998	1,078	17.9	17.3	638	639
Nevada	221	219	5.5	5.7	152	150
New Hampshire	559	583	15.5	15.6	508	530
New Jersey	2,622	2,712	119.3	112.1	3,902	3,761
New Mexico	713	749	28.9	26.6	754	728
New York	6,369	6,797	269.6	261.0	9,395	9,250
North Carolina	1,786	2,266	81.1	83.5	3,758	3,543
North Dakota	535	557	11.2	9.7	392	357
Ohio	5,170	4,995	198.5	198.4	6,557	6,653
Oklahoma	1,521	1,466	32.4	36.8	1,045	1,118
Oregon	1,342	1,369	21.7	20.8	647	614
Pennsylvania	5,829	5,698	156.6	129.4	5,271	5,058
Rhode Island	370	388	15.1	13.9	425	508
South Carolina	1,225	1,290	18.4	18.2	632	641
South Dakota	511	429	11.4	10.3	368	362
Tennessee	1,972	1,851	52.7	45.0	1,829	1,928
Texas	3,426	4,166	107.2	115.2	3,732	4,121
Utah	591	613	10.5	9.5	358	341
Vermont	421	524	7.7	7.5	252	266
Virginia	1,801	2,031	54.8	44.3	1,828	1,984
Washington	1,811	1,860	44.0	42.4	1,507	1,445
West Virginia	1,205	1,212	16.9	16.2	618	668
Wisconsin	3,526	3,419	106.1	102.6	3,627	3,684
Wyoming	212	225	3.5	2.7	118	119
Total	94,422	99,085	3,035.7	2,903.9	101,996	102,048

PRODUCTION RESEARCH UNDER MARKETING AGREEMENT AND ORDER PROGRAMS

The Senate proceeded to consider the bill (H.R. 14810) to amend section 602 (3) and section 608(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, line 3, after the word "the", strike out "Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 674; 50 Stat. 249)" and insert "Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation (7 U.S.C. 601; 48 Stat. 31)"; in line 9, after the word "Section", strike out "602(3)" and insert "2 (3)"; on page 2, at the beginning of line 3, strike out "608c(6)(I)" and insert "8c (6)(I)"; in line 5, after the word "section" strike out "608c(6)" and insert "8c (6)"; and in line 11, after the word "second", strike out "provision and insert "proviso".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to amend section 2(3) and section 8c(6)(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to authorize production research under marketing agreement and order programs."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-843), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill would authorize inclusion in marketing orders for commodities other than milk of provisions for production research supported by handler assessments. It would also make such research, and marketing research and development projects as now authorized by the act, a purpose of the act. This would permit initiation and continuation of such research and development projects when prices were above parity.

COMMITTEE AMENDMENTS

The committee amendments make purely technical changes to correct the citations of the act and provisions being amended.

DEVELOPMENTAL VIEWS, BACKGROUND, COST, AND FURTHER EXPLANATION

The bill is further explained in the following report favoring enactment from the Department of Agriculture. The Department estimates the cost of an order amendment proceeding at $7,500, and the annual cost of administering an order at $25,000. A list of the fruit and vegetable marketing orders now in effect is also attached.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, July 28, 1969.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request of May 14, 1969, for a report on H.R. 8536, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended. The effect of this bill is to authorize research relating to the production of commodities essentially on the same basis that authority for marketing research is now provided for in 608(c)(I) of the Act. In addition, the amendment would clarify the authority contained in section 602(3), to regulate in above-parity situations, to assure that it applies to the initiation as well as continuation of marketing research and development projects as authorized in section 608c(6)(I), and would apply to production research on the same basis.

The Department favors enactment of H.R. 8536.

GUAM AGRICULTURAL SERVICES

The bill (S. 2991) to extend the act establishing Federal agricultural services in Guam, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act to establish Federal agricultural services to Guam, Public Law 88-584, is amended by striking out "five years from the date of enactment of this Act" and inserting "June 30, 1975".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-844), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill extends through June 30, 1975, Public Law 88-584, which authorized the Secretary of Agriculture to maintain an agricultural program in Guam until September 7, 1969. Public Law 88-584 limits the number of employees of the Department of Agriculture stationed on Guam to carry out the program to not more than three at any one time. Public Law 88-584 limits appropriations for the program to not more than $60,000 for any year.

At present one Federal extension specialist is stationed on Guam under an agreement ending June 30, 1970. Since expiration of Public Law 88-584, the Department depends, as authority for his services to Guam, on the following rather general language of section 3(d) of the Smith-Lever Act:

The Federal Extension Service shall receive such additional amounts as Congress shall determine for administration, technical, and other services and for coordinating the extension work of the Department and the several States, Territories, and possessions.

Enactment of the bill would provide clear authority for continuation of this extension work in Guam and would authorize additional programs to be made available in Guam if that is desirable.

Enactment of S. 1148, which was passed by the Senate on April 15, 1970, would authorize Extension and Cooperative State Research Service activities, but would not provide for other Department of Agriculture programs in Guam as would S. 2991.

IMPROVEMENT AND CLARIFICATION OF CERTAIN LAWS AFFECTING THE COAST GUARD

The Senate proceeded to consider the bill (H.R. 13816) to improve and clarify certain laws affecting the Coast Guard which had been reported from the Committee on Commerce, with amendments, on page 4, line 21, after "(b,)" strike out "and (c)" and insert "(c) and (e)"; on page 5, line 11, after the word "in", strike out "which event he is authorized to exceed the authorized average." and insert "some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense."; on page 6, after line 14, insert:

"'(e) The authority provided in subsections (a), (b), and (c) of this section shall expire on June 30, 1972'.".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc; and also send an additional amendment to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be considered and agreed to en bloc and, the clerk will state the additional amendment.

The LEGISLATIVE CLERK. On page 6, line 14 delete the quotation mark following the word "dependents."

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-847), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to make a number of revisions in title 14, title 10, and title 37 of the United States Code for the better operation of the Coast Guard. All but a few of the revisions have the effect of alining the law pertaining to the Coast Guard more closely with existing provisions applicable to the other Armed Forces.

Several of the provisions of the bill relate to the U.S. Coast Guard Academy at New London, Conn. The authorized ceiling of cadets who may be appointed annually to the Academy is increased from 400 to 600. An examination of the various areas in which the Coast Guard is operating, ranging from oceanographic research to the support of the country's efforts in Southeast Asia, suggests the need for a gradual expansion in the number of Coast Guard officers. The committee anticipates that the expansion will be at a rate of approximately 25 to 30 cadets per year and that the full level authorized will not be reached before 1980.

Also in connection with the Academy, the bill provides authority to order a cadet to active duty as a member of the Coast Guard Reserve in an appropriate enlisted grade for a period not to exceed 4 years, if he does not complete his course or refuses to accept a commission. This change is desirable to give the Coast Guard a means of protecting its investment in a cadet who chooses not to fulfill the obligations he has undertaken in connection with his attendance at the Academy, and parallels similar authority granted the other Armed Forces. This authority is to protect the Government's investment and is not intended to be punitive in nature.

In that regard, the Coast Guard has expressed its intention not to require enlisted service of cadets separated before their third academic year, or for demonstrated unsuitability, unfitness or physical disqualification.

The authority contained in the bill to permit permanent commissioned teaching staff to remain until age 64 conforms to existing authority in the other armed service academies.

The bill also would authorize the promotion of ensigns to lieutenants (junior grade) after 12 months' active service, which is a practice similar to that in the Navy. Another change would remove Reserve officers assigned to the Selective Service System from the active duty promotion list, which will afford those officers opportunity for a promotion in accordance with their assigned duties. In addition, recall of retired regular officers with their consent is authorized.

The bill also makes certain changes with respect to the services provided dependents. For example, the increased activity of the Coast Guard has aggravated the problem of providing proper education facilities for dependent schoolchildren. In many cases, housing is located beyond normal travel distance and public means of transportation are not available to the children. This bill would authorize expenditures of money for transportation of the dependents where required. The expanded activity of the Coast Guard has also created a language problem with respect to dependents serving in overseas bases. To meet this problem, the bill authorizes language training for Coast Guard dependents in anticipation of assignment to permanent duty outside the United States. The other Armed Forces already have this authority.

The bill also contains provisions relating to housing and housing allowances and provides authority for procurement of leased housing and continued assignment to personnel of housing designated as inadequate for purposes of housing allowances. A more detailed explanation of the bill's provisions relating to housing appears hereafter under the title "Explanation of Amendments."

A number of years ago, the Coast Guard took over the former Lighthouse Service and with it the civilian lighthouse keepers. After the transfer to the Coast Guard, new assignments were made of Coast Guard personnel to lighthouse facilities, but a number of civilian employees still serve. Compensation of such personnel is limited to $5,100 and this has prevented the more senior employees from receiving benefits afforded other civil service employees under pay increases during the past several years. In addition, the Bureau of the Budget has required an upward adjustment in rental charges for quarters for these employees and this will have an adverse effect on their net compensation. The increase in maximum compensation to $7,500, as contained in this bill, will serve to protect the net pay position of these employees and to permit them to receive pay increases in accordance with those made to other civil service employees.

Other changes proposed by the bill will permit obligations to be incurred against anticipated reimbursement to the Coast Guard supply fund. The capacity of the fund has been reduced during recent years because of inflation and the need for increased inventories. The authority thus provided conforms to that presently enjoyed by the Department of Defense.

The remaining amendments to existing law include clarification of the degree of Coast Guard responsibility for underwater search and rescue; maritime safety and law enforcement; authority to provide payment for Coast Guard aviation cadets similar to that for other Armed Forces aviation cadets; authority to provide uniform allowances for enlisted members of the Coast Guard appointed to permanent warrant officer grade; an increase in the maximum pay of the permanent commissioned teaching staff at the Academy; and authority to accept not to exceed four cadets from the Republic of the Philippines at the Academy.

EXPLANATION OF AMENDMENTS

The three amendments to H.R. 13816 adopted by your committee all relate to the housing provisions of the bill found in paragraph 11 of the first section.

With respect to the first amendment, H.R. 13816, as originally introduced, provided that rental expenditures for leased housing by the Coast Guard could not exceed the average authorized for the Department of Defense in any year. Because several of the Coast Guard's facilities are located in high-cost metropolitan areas, most notably New York and San Francisco, and because the Coast Guard had found that by reason of the location of its facilities the Department of Defense authorized average was inadequate to provide family housing, the House of Representatives amended H.R. 13816 to permit the Secretary of the Department in which the Coast Guard is operating to exceed the authorized average of the Department of Defense. The relevant provision read as follows:

"Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary of the Department in which the Coast Guard is operating finds that the average is so low as to prevent rental of necessary housing facilities in which event he is authorized to exceed the authorized average."

Your committee concurs in the objective of the amendment made by the House of Representatives. The testimony of the Coast Guard in the hearing on this bill indicated that the Defense Department average relates to a broad geographic spectrum of housing and that volume and dispersal of personnel are the prime factors which account for the ability of the Defense Department to maintain leasing costs at the statutory average. While there are a sufficient number of Defense Department installations in low-cost rental areas to offset high-cost metropolitan rentals, the same is not true of the Coast Guard.

In commenting on the amendment, the report (No. 91-736) of the Committee on Merchant Marine and Fisheries of the House of Representatives made clear the intention that the amendment would not increase cost, but merely enable the reallocation of funds to high-cost areas. Your committee shares that view and has thus amended H.R. 13816 to make it more explicit that a reallocation of available funds is involved rather than an increase in cost.

The remaining two amendments to H.R. 13816 also relate to housing. The bill, as originally introduced, amended 14 U.S.C. 475 to provide permanent legislation to lease privately owned housing facilities in the United States for assignment as public quarters to Coast Guard personnel and their families, and also to provide inadequate family housing on a rental basis. In his report on S. 3081 (companion bill to H.R. 13816), the Assistant Comptroller General pointed out that none of the other military services have this authority on a permanent basis. Governmental leasing of private family housing has not been viewed as a desirable method of providing quarters for military personnel and the Department of Defense has this authority only on a temporary basis because of the housing shortage. It therefore is subject to periodic review by the Congress. Similarly, the Department of Defense has authority to

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designate housing as inadequate and rent such quarters to military personnel without loss to them of the basic allowance for quarters only on a temporary basis. The committee has therefore determined that it would be desirable to continue the Coast Guard's authority with respect to leased and inadequate housing on a temporary rather than permanent basis and has, accordingly, amended H.R. 13816 to provide that the authority will expire on June 30, 1972.

CONCLUSION

The committee is of the opinion that H.R. 13816, as amended, will be beneficial to the operation of the Coast Guard and will make more uniform the laws relating to the Coast Guard and the other Armed Forces.

COST OF LEGISLATION

Enactment of this legislation will result in increased cost to the Government of approximately $200,000 in fiscal 1971 and $320,000 thereafter. These costs are exclusive of the leased housing program. As originally introduced the bill would have resulted in a gradual increased cost for leased housing of approximately $1 million, which level would have been reached after several years. The action of your committee in terminating this authority on June 30, 1972, will substantially reduce that cost.

TLINGIT AND HAIDA INDIANS OF ALASKA

The Senate proceeded to consider the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 2, line 4, after the word "of", where it appears the first time, strike out "Alaska and approved by the Secretary of the Interior." and insert "Alaska.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD and excerpt from the report (No. 91–848), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The Tlingit and Haida Indians of Alaska have recovered a judgment against the United States for lands taken, principally the Tongass National Forest. The money to pay the judgment has been appropriated and is invested in interest-bearing accounts. The net amount now available is over $7 million.

NEED

A 1965 statute authorized a central council as the governing body of the Tlingit and Haida Indians. The council consists of representatives of the various communities, primarily in southeast Alaska, where these Indians live. Under the 1965 statute, the judgment money is available to pay the administrative expenses of the council, and the cost of program planning. The money may not be used, however, to carry out these programs until further authorized by Congress. This bill will give that authorization. The Committee also considered similar bills S. 2628 and S. 2650 introduced by Senator Stevens and Senator Gravel.

The Secretary of the Interior is presently engaged in preparing a roll of those eligible to share in the judgment. Over 15,000 applications for enrollment have been filed, and over 10,000 of them have not been completely processed.

The central council's plans for using the judgment money are: $200,000 for educational assistance; $250,000 for special aids to the elderly; $500,000 for housing; $1 million for community development; $1,500,000 for industrial development; $550,000 for revolving loan fund; and $3 million to be held in reserve.

These amounts are tentative and are subject to modification as the programs proceed.

The judgment already recovered by the Tlingit and Haida Indians is for land taken by the United States. The Indians claim aboriginal title to a much larger area that has not yet been taken by the United States. They will therefore participate in the general native land claims legislation now pending before the Congress, but this judgment will be taken into account when determining the degree to which they may participate.

COMMITTEE AMENDMENT

The general pattern that has been used for most tribes in recent years when per capita distributions were not contemplated is to authorize the money to be used for any purpose authorized by the tribe and approved by the Secretary of the Interior after the Congress is satisfied that the tribe's general plans are sound. However, in the case of the Tlingit and Haidas, the Committee has stricken the language which would make the tribal plans subject to being "approved by the Secretary of the Interior." These Indians have demonstrated that they are are capable of managing their own affairs. They have developed sound plans for the use of their judgment funds and the Committee believes they can carry out those plans without any oversight by the Secretary.

The Committee notes however, that the tribal plans call for $3 million to be held as a reserve fund. In this connection, the Committee admonishes the Tlingit and Haida Central Council not to utilize these reserve funds for the purpose of making per capita distributions to the tribal enrollees. The Committee believes, with respect to the $3 million fund, that this money should be managed by a bank or trustee. In other words the Tlingit and Haidas should follow the prudent man theory of establishing a trust that will fully protect these funds for the benefit of all tribal members. The additional income should be used to supplement the amounts earmarked for specific purposes set forth in the tribal plans, or for like purposes.

COST

Enactment of H.R. 12858 will not result in additional Federal expenditures.

FORT BERTHOLD RESERVATION

The bill (S. 774) to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, but subject to the provisions of the constitution of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, and the ordinances and resolutions adopted thereunder, and subject to the approval of the Secretary of the Interior or his authorized representatives, on such terms and conditions as the Secretary may prescribe, the Three Affiliated Tribes are authorized to execute mortgages on land purchased by the tribes, subsequent to the date of this Act, to finance the purchase of land. The tribe's authority to execute mortgages shall not extend to land owned by the tribes prior to the date of enactment of this Act.

SEC. 2. The proceeds of any loan secured by a mortgage described in the first section of this Act shall be used only for the purchase of real property within the boundaries of the Fort Berthold Reservation. Such loan funds shall be paid out in accordance with the provisions of this Act, and under procedures prescribed by the Secretary of the Interior. Title to all real property purchased under the authority of this Act shall be taken in the name of the United States in trust for the Three Affiliated Tribes.

SEC. 3. Any land acquired by the tribes under the provisions of this Act shall be subject to foreclosure or sale pursuant to the terms of such mortgage and in accordance with the laws of the State of North Dakota. The United States shall be an indispensable party to any such proceeding with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure set forth in section 1446 of title 28, United States Code: *Provided,* That the United States shall have the right to appeal from any order of remand entered in such action.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–850), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 774, introduced by Senator Burdick, is to authorize the mortgaging of tribal land acquired after the date of its enactment. Funds received as a result of mortgage would be used for the express purpose of buying lands within the boundaries of the reservation to improve the tribal land base. Title to land purchased under this authority would be taken in trust and would be subject to foreclosure or sale pursuant to the terms of the mortgage and in accordance with North Dakota law with the United States an indispensable party to any such proceeding with the right to remove the case to the U.S. district court where the land is located.

NEED

The Fort Berthold Reservation had an original area of 623,589 acres. Through allotment, sales, and fee patents the reservation has substantially diminished. However, the largest single loss of tribal property resulted from the taking of land for the construction of the Garrison Dam and Reservoir project. Under the act of July 31, 1947, as amended October 29, 1949 (61 Stat. 690, and 63 Stat. 1026–1049), the United States took approximately 175,700 acres for that project.

The Three Affiliated Tribes used considerable sums of money made available for rehabilitation after the reservoir taking, in the acquisition of tracts of land which were scattered throughout the reservation. Those funds did not create any significant impact on the economic growth of the agriculturally oriented membership.

The enactment of S. 774, which the Indians have requested, will be of great assistance to them in improving the general economic conditions on this reservation.

COST

No additional expenditure of Federal funds will result from the enactment of this legislation.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

The bill (H.R. 9477) to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-851), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 9477 is to authorize the Confederated Tribes of the Umatilla Indian Reservation to use a $2,450,000 judgment recovered against the United States in the Indian Claims Commission, and accumulated interest. The money to pay the judgment has been appropriated, but under a provision carried in the annual appropriation act the money cannot be used until specifically authorized by Congress.

EXPLANATION OF RECOMMITTAL ACTION

H.R. 9477, along with companion bills, S. 1654 and S. 2357, introduced by Senator Hatfield, were the subject of hearings on October 29, 1969. H.R. 9477 was considered by the Committee on Interior and Insular Affairs on December 4, 1969, and ordered reported to the Senate without amendment. The bill remained on the Senate Calendar from December 5, 1969, to April 15, 1970, at which time, at the request of Senator Kennedy, on behalf of Senators Jackson, Hatfield, and Metcalf, and by unanimous consent, H.R. 9477 was recommitted to this committee with instructions to report it back to the Senate by May 1. It was not possible to comply with the May 1 date, and at the request of Senator Metcalf, and for the reasons set forth in his floor statement of April 30, the Senate was unanimous in extending the reporting date to May 7.

At the executive session of the committee held on May 6, this legislation was again thoroughly discussed and ordered reported without amendment.

The principal issue of concern to some committee members is the total amount of the judgment which would be distributed to Umatilla Indians per capita, and the relatively small sum that would be retained for a tribal purpose. Although the committee has not attempted to establish new policy in this bill with respect to the manner in which judgment funds should be utilized, H.R. 9477 should not be regarded as a precedent. The committee intends to resolve the kind of policy it should have in accordance with the purpose and intent of the Indian Claims Commission Act of 1946.

NEED

Along with H.R. 9477, the committee considered S. 1654 and S. 2357, introduced by Senator Hatfield. All three of the bills provide for the disposition of judgment funds to the Confederated Tribes of the Umatilla Reservation.

H.R. 9477 authorizes a per capita distribution of all of the judgment balance except $200,000, which is reserved for use for educational purposes. The tribes have an estimated enrollment of 1,300, which will make the per capita share around $1,750.

The $200,000 reserved for educational purposes will supplement other educational funds that are available to the tribes, and will make the total about $500,000. In addition, each child who participated in a 1958 per capita distribution received approximately $3,500, which was placed in trust for him, and these trust funds are now worth about $5,000 each. The money is available for the education of the child, to the extent it has not already been used for that or other authorized purposes.

S. 1654 authorizes a full per capita distribution of the judgment funds. S. 2357 authorizes two $250 per capita payments and the remaining balance to be set aside in the general fund of the tribe to be distributed as determined by the tribal governing body and approved by the Secretary of Interior.

During the committee hearings held on October 29, 1969, conflicting testimony was received regarding the type of distribution which the Confederated Tribes desired. At that time, it was suggested that the tribe present the committee with statistics regarding what plan was favored by the members.

On November 29, 1969, a tribal election was held with the following language listed on the ballot:

"A referendum election shall be held on November 29, 1969, on the following choices (which realistically appear to present the major alternatives which Congress would likely choose between and which, if and when tribal programs are to be had, will probably finance such proposed projects):

"Which does the member prefer as between the following choices:

"Choice No. 1: H.R. 9477 which, (except for a $200,000 educational fund) would distribute all the judgment funds per capita in three installments over a 1-year period, providing about $1,800 per capita for each member.

"Choice No. 2: Retention of about $1,800,000 (including the $200,000 educational fund) and distribution of the balance per capita in installments, providing about $500 per capita for each member."

Of the 687 votes cast, 514 favored H.R. 9477 and 173 favored choice No. 2. Of those tribal members residing on the reservation, the vote was 132 to 105 in favor of H.R. 9477; of those not on the reservation, the vote was 382 to 68 in favor of H.R. 9477.

In appearing before the committee, Assistant Secretary Loesch testified that the Department of the Interior "has no objection to the enactment of the House passed legislation," but it has submitted a substitute bill which authorizes that only half of the judgment be distributed per capita, and that the balance be reserved for reservation programs.

COST

Enactment of the bill will involve no additional Federal expenditure.

ANNOUNCEMENT ON CONSIDERATION OF NOMINATION OF HENRY A. BLACKMUN, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. MANSFIELD. Mr. President, for the information of the Senate, let me say that I anticipate that at the conclusion of morning business today the Senate will proceed in executive session to consideration of the nomination of Judge Henry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the Blackmun nomination occur at 2:30 o'clock tomorrow afternoon.

Mr. SCOTT. Mr. President, there is no objection.

The ACTING PRESIDENT pro tempore. It there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

INQUIRY REGARDING CONSIDERATION OF CONFERENCE REPORT ON UNEMPLOYMENT COMPENSATION

Mr. SCOTT. Mr. President, I should like now to ask a question of the distinguished majority leader. I understand that the conference report on H.R. 14705, on unemployment compensation, may come up this week.

Can the distinguished majority leader give us any information on that?

Mr. MANSFIELD. Mr. President, in reply to the distinguished Senator from Pennsylvania, let me say that at the moment I can give him no information, but I will look into it and report back to him.

Mr. SCOTT. I ask because certain Senators want to be notified. I thank the Senator.

REVISION OF U.S. PATENT LAW AND PROGRAM FOR INTERNATIONAL PATENT COOPERATION

Mr. SCOTT. Mr. President, Mr. Rocco C. Sciliano, the Under Secretary of Commerce, recently addressed the New York Patent Law Association concerning the revision of the United States patent law and the program for international patent cooperation.

The Secretary stated that the pending bill for the general revision of the patent law, S. 2756, introduced by Senator JOHN L. MCCLELLAN, chairman of the Subcommittee on Patents, Trademarks and Copyrights, "establishes a basis for modernization of our patent law without altering the fundamental principles on which it is based." As the ranking minority member of the subcommittee I am glad to join the Under Secretary in recognizing Senator MCCLELLAN's "untiring efforts in balancing the rights of inventors, entrepreneurs, and the public."

I have introduced two amendments to S. 2756 to provide a statutory basis for well established and reasonable patent licensing arrangements. A clear statement in the patent law as to the type of license agreements that are permissible would be a practical guide for businessmen and enable them to carry on their licensing activities within the framework of the antitrust laws. I am hopeful that the Patents Subcommittee will incorporate the substance of my amendments.

I ask unanimous consent that the address delivered by Under Secretary Siciliano on April 17 before the New York Patent Law Association be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY ROCCO C. SICILIANO

It is my very real pleasure to be with you this evening to discuss the efforts being made by the Department of Commerce to protect the fruits of American genius, both at home and abroad.

I need not remind this audience of the efforts which have been made over the past several years by the Government and the private sector, and especially by patent law associations like your own, to secure a responsible revision of our nation's patent laws and to promote closer cooperation in the protection of industrial property internationally. Since we are now reaching a decision point in both of these critically important undertakings, I would like to outline for you the relevant objectives and efforts of the Department of Commerce.

Our interest in patent law revision reflects the central role we must assume to help guarantee economic prosperity. We have committed our total resources to this effort. We will pursue revision of the patent laws as vigorously as we have proceeded with respect to other areas of the nation's economy.

The goals of the Commerce Department in fostering Patent Law Reform reflect the objectives of the report of the President's Commission on the Patent System. We are anxious to raise the quality and reliability of United States patents. We hope to shorten the pendency period for applications and reduce the expense of obtaining and litigating patents. It is also vital that there be an acceleration of the public disclosure of technological advances. We should prepare the patent system to cope with the exploding technology anticipated in future decades.

There is presently pending before Congress a bill introduced by Senator John L. McClellan, S. 2756, which we believe establishes a basis for modernization of our patent law without altering the fundamental principles on which it is based. As you know, Senator McClellan is Chairman of the Senate Subcommittee on Patents, Trademarks, and Copyrights. Without his untiring efforts in balancing the rights of inventors, entrepreneurs and the public, revision of the patent laws would not be the reality it is today. This bill represents a responsible and balanced approach to the revision of our patent laws and includes a number of desirable changes, such as assignee filing, the 20-year term, and nonpreemption of state laws, which constitute a major step toward the broad goals suggested by the President's Commission.

The commitment of the Department to furthering the nation's industry and commerce is total and involves a wide range of activities. The National Bureau of Standards conducts basic research on the fundamental properties of matter and materials to assist and stimulate industry in the development of new and improved products. The Office of Business Economics provides basic economic measures of our national economy to assist the business community in its planning activities. The Bureau of International Commerce strives to create and maintain favorable trading relationships abroad by fostering overseas trade missions and trade centers and the dissemination of marketing and economic information and assistance to exporters and investors.

From these and the many other activities carried on by the Department of Commerce, it must be clear that we deeply share the interests of the business community and strive to maintain a close and cooperative relation with it.

Certainly one of the most important activities conducted within the Department is that of examining and issuing United States patents. We are committed to the support of our patent system because it stimulates not only invention and innovation, but also investment in the practical application of new developments. These together lie at the heart of the process by which America, from its relatively recent and meager beginnings, has grown great and strong and has provided for our people the highest standards of living known anywhere in the world.

Obviously, patent incentives are not alone responsible for the phenomenal growth of the industrial might and the social development of our country. But there can be little doubt as to the substantial role they have played in stimulating the technological progress on which this growth and development have been so largely based.

Examples are all about us. For instance, in 1945 the television, jet travel, and digital computer industries were commercially nonexistent; yet by 1965 these industries contributed more than thirteen billion dollars to our gross national product, and they accounted for an estimated 900,000 new jobs. Consider the development over the same 20-year period of Polaroid, Xerox, Texas Instruments, 3–M, and IBM. These companies—all of them extremely active in research—experienced an annual average sales growth of almost 17-percent, as compared to an annual average growth rate of the gross national product, during the same period, of less than 3 percent.

As you are only too well aware, however, it takes much more than the mere conception of an invention to make its benefits available to the public, and to bring about such industrial progress and growth as these companies have achieved.

Let me cite one example—Xerox Company. The incentive of the patent system obviously played a role in stimulating the inventor, Chester Carlson, a patent attorney himself, to devote tireless years of effort to development of the world's first electronic copying machine. But when he established that his copier was workable, that was only the beginning.

First developed in 1940, it was not until 1950 that the first crude Xerox copiers were placed on the market.

It took still another decade, and more millions of dollars, before Xerox Corporation came up with a successful desk size copier capable of turning out dry copies on ordinary paper. And, of course, the success of Xerox has since become a legend.

That success could never have been achieved but for the incentives which the Patent System provided—not only for the initial creative work, but also for undertaking the tremendous investment required throughout all those years of uncertainty and risk, and for hard and costly effort. Without strong faith that the Patent System justified those risks, and that it would make it possible to recoup this tremendous investment, this work could hardly have gotten off the ground; and, even more certainly, it would not have been possible to secure the financial backing which was so essential throughout all of that long and trying period.

Just as the patent system makes possible the transfer of ideas from the laboratory to the marketplace in this country, so also it contributes to the transfer of these ideas to the marketplaces of the world. It has long been the policy of the United States to encourage international trade. Earlier this year, President Nixon said with respect to international trade:

> "As in other areas of foreign policy, our approach is a sharing of international responsibilities. Our foreign economic policy must be designed to serve our purpose of strengthening the ties that make partnership work."

INTERNATIONAL PATENT LAW

The international exchange of industrial and intellectual property between the United States and other countries, involving the transfer of technical knowhow, patent rights, and trade secrets, represents an important application of this policy. The record is clear, moreover, that effective participation in such exchange is highly beneficial to the U.S. economy. An important element of our international balance of payments is what is termed the "technology" balance of payments. This international account reflects payments for technical knowhow, patent royalties, and the like. For 1968, the last year for which statistics are available, the technological balance of payments between the United States and the rest of the world favored the United States by more than one billion dollars.

The exploitation of technological progress through the exchange of goods among countries represents another facet of this program; and here also American innovation and invention under the stimulus of the patent system is a vital factor.

Continued success of U.S. firms in penetrating high technology foreign markets depends, however, to a considerable extent upon their ability to obtain foreign patents to protect their inventions and innovations. The importance of such foreign patent protection will increase as our mix of export products becomes more sophisticated. One need only realize the role which the high technology exports of the United States have played in maintaining our trade position to appreciate the importance to American industry of the efforts being made to promote closer cooperation and greater efficiency in the protection of industrial property internationally.

Today, the businessman, whether American or foreign, must obtain a separate patent in each country in which he desires protection. There is no single worldwide patent. This means complying with the multiple patent laws and procedures of the various individual countries where protection is desired. These are often complex and markedly different. In addition to these burdens, some observers seriously question whether existing national patent systems can endure under the growing volume of patent applications which will be filed in the next few years.

Such concerns led to the drafting of the proposed Patent Cooperation Treaty. This has been under very close and critical study by the member nations of the Paris Union and, as you are aware, has been twice revised. At the forthcoming Diplomatic Conference in Washington this May, this process of negotiation and revision will, we believe, be successfully concluded. We feel that the Treaty may substantially reduce the difficulties faced by businessmen of the United States seeking patent protection abroad, and could eliminate much needless duplication of effort by both applicants and the national patent offices of the member nations of the Paris Union.

The Treaty as now drafted includes two separable phases of operation. Under Phase I, an applicant can file an international application in the patent office of his own country. The application will have a standard format, and will include the applicant's designation of one or more member nations in which he may desire to obtain patent protection. At the time of filing, the international application will be subject to an international fee; however, the applicant may defer payment of the various national fees and translation expenses until completion of international processing. By the way, the applicant may be either the inventor or the owner of the application.

The invention will be searched and a report will be forwarded to the applicant, who may then, in light of the search report, amend the claims in his application. Each designated member nation will then receive copies of all the documents. Twenty months from the priority date, national fees and translations will be due for those nations in which the applicant wishes to proceed, at the national level, to obtain a patent.

A principal benefit of Phase I of the proposed Treaty is that it permits an applicant to defer the cost of national fees and translations until 20 months from the priority date, as against the present 12 months priority period of the Paris Convention. This additional 8 months period, coupled with the prior art cited in the search report, should help applicants to assess, on a sounder basis, the potential of their inventions before deciding whether to incur the major expenses of national processing in many foreign countries. Inasmuch as applicants must commence preparation of the necessary papers and translations for foreign filing about four months before the date on which formal application papers must be filed in foreign patent offices, the Treaty will actually double the effective decision time, by increasing it from 8 months to 16 months.

Phase II of the Treaty is optional—it would apply only to those states which agree to be bound by it. Moreover, use of Phase II, even in such states, is completely at the applicant's option. If he chooses to proceed under this Phase, he gains an additional five months of decision time.

In proceeding under Phase II, the international examining authority issues a preliminary examination report in the form of an advisory opinion. This report may be of particular significance to those states which lack sufficient resources of their own to maintain well-staffed patent offices capable of keeping pace with current worldwide technology. It may thus be particularly important to lesser developed countries which are attempting to increase their technological base by developing a sound patent system to attract foreign capital and knowhow.

Let me assure you that we do not intend solely by treaty negotiated in 1970, to change the long-standing substantive law of the United States regarding date of invention and prior art, as has been suggested by some groups. Any change in these aspects of our patent laws will be accomplished in the usual manner throughout normal legislative process.

Our policy with respect to the proposed Patent Cooperation Treaty is really very simple. It offers some advantages to many of our nations in industry who are interested in international patent protection. To that extent, this treaty is in the national interest and we support it. But our support is conditioned upon the premise that the treaty will not have an adverse effect on the United States patent system, or upon the domestic interests of those of our applicants who are not interested in international protection.

As I said earlier, we in the Department of Commerce feel that we have the mission of promoting the interests of this nation's business community. Commissioner Schuyler tells me that we have magnificent support from your Association. I invite you to join us in charting our paths for the future.

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DEATH OF WALTER REUTHER, PRESIDENT OF UNITED AUTO WORKERS

Mr. SCOTT. Mr. President, when Walter Reuther was killed in a plane crash Saturday night, organized labor lost an extraordinary, effective advocate. As President Nixon said, this was a deep loss not only for organized labor, but also for the cause of collective bargaining and the entire American process.

Walter Reuther's articulate, influential voice served the Nation as well as serving organized labor when he weeded out the Communists from the United Auto Workers following World War II. And his untiring, unstinting devotion to the welfare of his members was service to the cause of humanity.

One of the newspapers said this morning that he hoped to imbue union members, particularly young activists, with a sense of purpose to raise living standards among the poor; to aid the poor in gaining dignity as workers did for themselves in the auto industry. He thought in terms of convincing young, well paid workers that they have the same duty toward the less fortunate that their fathers during the 1930's had to them.

The United Auto Workers will feel his loss deeply, as does the Nation.

Longfellow wrote that great men remind us man can be elevated and, departing, leave behind them footprints on the sands of time.

Walter Reuther's footprints will be visible to students of 20th century America for decades to come.

Mr. MANSFIELD. Mr. President, I join fully in the remarks just made by the distinguished minority leader.

I, too, am saddened by the passing of Walter Reuther. He brought to the American labor movement an excitement of ideas and a breadth of interests that provided leadership not only to his union but to the Nation as well. Over the 24 years that Walter Reuther served as leader of his union, he never succumbed to the temptation of believing that his greatest accomplishments were behind him. He believed that his obligations to his constituency went far beyond the important bread and butter issues of hours and wages. The total "quality of life" of his workers was his perspective.

No labor leader was more successful at the bargaining table to improve the economic well-being of his membership—but to Walter Reuther this was not enough. The issues of clean air and clean water—the issues of equal opportunity and equal treatment of all men without regard to the accidents of birth—the issues of war and peace—these too affected Walter Reuther's constituency as they do all Americans and Walter Reuther could not sit silently by and still feel that he was fulfilling his obligations to his union and to his country.

The shock to many people when they read of this tragic ending to this great man was not solely that he would no longer provide the type of leadership that these times so urgently require but also that Walter Reuther was 62 years old when he died. One could never picture Walter Reuther as anything but young in spirit and outlook and alive with ideas and vision. The great union movement that he lead certainly will carry forward his vision of a better America.

We have lost a labor statesman of the highest order in the annals of American history. With his untimely passing, the Nation has suffered a great loss.

Mr. GRIFFIN. Mr. President, I rise to associate myself with the comments of the distinguished minority leader and the distinguished majority leader concerning the tragic and unfortunate death of Walter P. Reuther, president of the United Auto Workers, one of the greatest leaders in the history of the labor movement.

Along with his wife and four other persons, Walter Reuther perished in a plane crash Saturday night near Pellston, Mich.

News dispatches report that Mr. Reuther and the other members of his party had planned to drive from Pellston to the UAW's education center which is nearing completion on Black Lake in the northern part of Lower Michigan.

He died as he lived—looking after the affairs of the union to which he devoted so much of his life.

The UAW membership of 1.6 million men and women have suffered a grievous loss, and the whole Nation is poorer for his passing.

Mr. Reuther was a bold, imaginative leader of the American labor movement. He was a skilled practioner in the art of collective bargaining, as executives of the auto industry well know.

And he was a champion of many other causes, some of them unpopular.

Throughout his life and his career as a leader of the labor movement, Walter Reuther earned respect for his idealism, his integrity, and great ability. And none respected him more than those who were his adversaries in the business world and in the political world.

Mr. President, the labor movement in general and the UAW in particular have lost a dynamic, courageous leader—a man who has contributed significantly to the progress of the Nation.

Mrs. Griffin joins me in extending deep sympathy to the Reuther family.

Mr. President, a sketch of Mr. Reuther's remarkable life was written for today's edition of the New York Times by Damon Stetson.

I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WALTHER REUTHER: UNION PIONEER WITH BROAD INFLUENCE FAR BEYOND THE FIELD OF LABOR

(By Damon Stetson)

Walter Philip Reuther went to work as a bench hand at the age of 16 and rose to become a labor leader who had a major impact on the economic, social and political affairs of his time.

A crusader for a better world, he cast a shadow far beyond the 1.3-million member United Automobile Workers and the Congress of Industrial Organizations, which he had headed.

His ascendancy in the labor movement marked a break with the approach of the old line union leaders who were interested primarily in winning a few cents more an hour for their members.

Mr. Reuther challenged not only labor but the country—and sometimes the world—to seek new and broader horizons.

"The unfinished business of this century," he said, "is the problems of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices and profits. . . .

"Either we shall use our new machines and technology to help us create security and dignity in the construction of a brave new world, or the impact of jet propulsion technology upon a huffing and puffing model T distributive system will dig our economic graves."

Mr. Reuther, boyish-looking even at the peak of his career, had red hair and was of medium height and solidly built. He was a cool, iron-nerved fighter; a shrew, hard-driving negotiator; an ambitious social reformer and an articulate public relations man who sold his ideas with the fervor of a missionary.

Legend has it that after a heated bargaining session, the late William Knudsen, then head of the General Motors Corporation, turned to Mr. Reuther and said:

"Young man, I wish you were selling used cars for me."

"Used cars?" Mr. Reuther asked.

"Yes," said Mr. Knudsen, "used cars. Anybody can sell new cars."

In a world in which back-slapping was often considered requisite to success, Mr. Reuther was no backslapper. He was not fond of jesting; he frowned on poker; he was frugal in his personal habits; he wore his wedding ring; he eschewed alcohol and didn't smoke.

FULL OF IDEAS

He always crackled with ideas that drove to the heart of contemporary issues. By day, he would scribble them on a pad on his desk—usually cluttered with books and reports—in his office in Solidarity House, the U.A.W. headquarters on the banks of the Detroit River at 8000 East Jefferson. At night, he would spring from bed to jot down a new thought.

A newspaperman, noting Mr. Reuther's capacity for speech-making and conversation, said that he was the only man who could reminisce about the future. Another said, "Ask Walter the time, and he tells you how to make a watch."

Although some people considered him cold, Mr. Reuther inspired an almost fanatical loyalty among his subordinates and was admired and liked by many in high places, including President Kennedy, Adlai E. Stevenson, Eleanor Roosevelt and Vice President Hubert H. Humphrey.

Some of Mr. Reuther's admirers regarded him as a Moses who had led the working man to pioneering achievements at the bargaining table—pensions, pay increases based on the cost of living and productivity rises; supplementary unemployment benefits, profit-sharing and early retirement.

But James R. Hoffa, imprisoned president of the International Brotherhood of Teamsters, considered him an antagonist more deadly than all anti-Hoffa industrialists combined. There was a basic clash of philosophy between Mr. Reuther and Hoffa. For Hoffa, unions were always a business with the basic aim of achieving fatter pay envelopes. But Mr. Ruether rejected the cash-register approach alone and always argued that labor should seek to build a better world.

In the late nineteen-fifties, when corrupt unions came under fire, Mr. Reuther supported George Meany in the clean-up of organized labor and the ouster of Hoffa and the Teamsters from the A.F.L.-C.I.O.

John L. Lewis, President emeritus of the United Mine Workers, once described Mr. Reuther as "a pseudo-intellectual nitwit." Gov. George Romney of Michigan, former president of the American Motors Corporation, once said that Mr. Reuther was "the most dangerous man in Detroit."

In 1946, Mr. Reuther, who was then 39, was elected to the presidency of the United Automobile Workers and six years later was elected president of the Congress of Industrial Organizations.

An architect of the subsequent merger of the C.I.O. and the American Federation of Labor in 1955, Mr. Reuther became a vice president of the A.F.L.-C.I.O. and a member of its executive board. He also served as head of its industrial union department.

In the years that followed, Mr. Reuther did not see eye to eye with George Meany, president of the merged labor group, and the feud culminated in July, 1968, when the auto union withdrew from the A.F.L.–C.I.O., charging that the parent federation was moribund and undemocratic.

In the ensuing year, Mr. Reuther laid the groundwork for a revitalized labor organization involving a merger of the auto union and the International Brotherhood of Teamsters. That merger brought the Alliance for Labor Action into being on May 26, 1969, with 3.6 million members.

At one point in 1962, Mr. Reuther, displeased with what he believed was the stagnation of the labor movement, considered challenging Mr. Meany's leadership, but the showdown did not materialize.

In the summer of 1963, Mr. Reuther and Mr. Meany had differences over the Civil Rights March on Washington. Mr. Reuther strongly supported the march, but the A.F.L.-C.I.O. executive board, although expressing sympathy with civil rights objectives, refrained from endorsing the march itself.

U.A.W. HALTS ITS DUES

The showdown between the two labor leaders came in the spring and summer of 1968 after years of disagreement over the direction and structure of the merged labor movement.

In March, the U.A.W. president called for a special convention "to modernize and revitalize" the A.F.L.-C.I.O. executive board. The 29-member board agreed, but only on the conditions that the U.A.W. attend and "accept the democratically arrived-at decisions of such a convention."

Mr. Reuther rejected the conditions and, to apply pressure on the A.F.L.-C.I.O. began withholding the U.A.W.'s $1-million annual due. On May 17 the auto union was suspended for the nonpayment of dues.

The final break occurred on July 3, when the auto union cut its last tie with the 14-million-member A.F.L.-C.I.O. Mr. Reuther charged at the time that the parent body's leadership had become complacent and undemocratic.

Nearly seven months later, on Feb. 24, 1969, the A.F.L.-C.I.O. issued a 40,000-word white paper answering the charges accusing Mr. Reuther of misrepresentation, evasion and falsehood in what was called a two-year campaign of vilification by the auto union leader.

Ignoring the criticism, Mr. Reuther went ahead with plans to rehabilitate labor. On May 26, the auto union and the teamsters—the nation's two largest independent unions—merged in the Alliance for Labor Action with the objectives of organizing office and industrial workers not represented by the A.F.L.-C.I.O. It was also to direct its efforts toward political and social action.

The auto union leader, who always envisioned a greater day for mankind although frequently deploring his present plight, was an inveterate optimist. He looked forward to the day when the worker would spend less time at his job and more time working on a concerto, a painting or in scientific research.

"Technological advances will make that possible," he said. "In the future, an auto worker may work only 10 hours at the factory. Culture will become his main preoccupation. Working for a living will be sort of a hobby."

When will this golden age of factory workers-composers begin, he was asked.

"I don't know," Mr. Reuther replied, grinning. "But it'll come sooner than the National Association of Manufacturers expects."

BROAD UNION ROLE

To Mr. Reuther the theory that a union's only job was to raise wages and improve working conditions was obsolete. Through the years he was busy with production and pricing problems, consumer projects, cooperative movements, civil rights, politics and world affairs, all of which he believed were the legitimate concern of a modern union.

He contended that a worker's economic needs were inseparably connected with politics.

"The surest way to guarantee that your ice box is filled with good food," he said, "is to see that the ballot box is filled with good votes on Election Day."

Mr. Reuther was always an earnest exponent of political action by the trade union movement. As an officer of the U.A.W. the C.I.O. and the A.F.L.–C.I.O., he was an active participant in political campaigns—mostly in directing strategy rather than in speech-making or work in the hustings. The political action programs of the U.A.W. were unusually well organized and well financed in Michigan and others areas where the U.A.W. was strong.

He supported President Roosevelt in 1936, 1940 and 1944; President Truman in 1948; Adlai Stevenson in 1952 and 1956; President Kennedy in 1960, President Johnson in 1964, and Vice President Humphrey in 1968.

QUESTION ON OBJECTIVES

During negotiations with General Motors on one occasion, a company official raised a question about Mr. Reuther's objectives. A sharp exchange ensued.

"If fighting for a more equal and equitable distribution of the wealth of this country is socialistic," Mr. Reuther said, "I stand guilty of being a Socialist."

One of the most persistent threads running through Mr. Reuther's thinking was the demand for a greater voice for organized labor in industrial planning. Too often, he maintained, industrial leaders were interested in keeping production down as a means of keeping prices up.

VIEW ON AUTOMATION

Mr. Reuther grew increasingly concerned about the impact of automation. Once, he walked through a Ford plant and saw scores of machines with only a few workers watching master switchboards.

"Somebody said to me," he later recalled, "'How are you going to collect union dues from all these machines?' And do you know what I said? I said, 'That's not what's bothering me. What's bothering me is, how are you going to sell Ford cars to all of these machines?'"

Mr. Reuther did not oppose automation, but he did contend that a balance ought to be achieved between the greater capacity made possible by automation and the people's purchasing power. And he felt that unions, industry and the government must find ways to employ workers displaced by machines.

An outstanding objective of Mr. Reuther's union career was the attainment of a guaranteed annual wage for workers. Such a guarantee, he declared, would attack the problems of mass unemployment at the root by shifting to the employer the cost of unemployment.

In March, 1953, he said that his union would demand, and if necessary, strike to achieve a guaranteed annual wage in the 1955 negotiations. At that time, Mr. Reuther and the union did not succeed in getting precisely what he had sought, but they did negotiate a precedent-setting supplementary unemployment benefit plan.

Under it, laid-off workers received payments from a fund built up through company contributions. The combination of unemployment insurance and the supplementary benefits meant that workers received about two-thirds of their regular take-home pay during layoffs. In subsequent negotiations, the benefits were improved.

Quite appropriately, Mr. Reuther was born Sept. 1, 1907, the eve of Labor Day. His grandparents had come to this country in 1892 to save their son Valentine from military conscription in Bismarck's Germany. They settled in Effingham, Ill.

Mr. Reuther's father, Valentine Reuther, moved to Wheeling, W. Va., but lost none of his parents' evangelical Lutheranism and economic liberalism. The elder Reuther was working for $1.50 a day and was running the local brewers union. He served as head of the Ohio Valley Trades and Labor Assembly

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and at one time ran unsuccessfully for Congress on the Socialist ticket.

There were five children in the Reuther family—Theodore, Walter, Roy, Victor and Christine. On Sunday afternoons, when the dishes were finished, Valentine Reuther organized family debates on social problems. His sons learned their lessons well.

At 16 Walter Reuther quit school and became an apprentice at 40 cents an hour in the corrugating plant of the Wheeling Steel Corporation.

The seven-day-a-week job denied him the opportunity to attend the Sunday afternoon family debates, so he decided to mobilize a protest against Sunday and holiday work. Consequently he was fired and at that early stage had won a reputation as a youthful agitator.

At 19, Mr. Reuther went to Detroit. His first job was on a 13-hour midnight shift at the Briggs Manufacturing plant. Next he talked his way into a job as a tool and die craftsman at $1.05 an hour at the Highland Park plant of the Ford Motor Company. Within a few years he was bossing 40 men and was among the most highly paid mechanics in the company.

But the yeast of ambition was working in him. Averaging only a few hours of sleep a night, he finished high school at evening sessions at Fordson High School in Dearborn. Next he enrolled at Wayne University in Detroit, which he attended for three years, majoring in economics and sociology.

When Norman Thomas ran for President as a Socialist candidate in 1932, Mr. Reuther mounted the soapbox, although he later repudiated the party as unresponsive to American needs. He and his brother Victor led a campaign against the establishment of a Reserve Officers Training Corps on the Wayne campus. But Mr. Reuther's activities of those days did not deter the university from conferring an honorary Doctor of Laws degree on him 18 years later.

In 1932, in the midst of the Great Depression, Mr. Reuther was laid off by Ford because, he said, of his union activities. He and Victor decided to tour the world. With about $450 each, they sailed from New York in steerage on an odyssey that lasted until 1935.

WORKED IN SOVIET UNION

They toured auto plants in England, cycled across the Continent and for nearly two years worked in a Ford-built plant in Gorki before they continued on to China and home.

Walter Reuther became a foreman in the Soviet plant but acquired no fondness for Communism, which he later fought so successfully in the U.A.W. He did, however, admire the Soviet people and their adaptation of new technical ideas.

On his return to Detroit, Mr. Reuther found a job in a tool and die shop and later at the Ternstedt plant of General Motors. He promptly joined the U.A.W.'s West Side Local 174, which was weak at the time because of workers' fears of reprisals for joining.

In 1936 Mr. Reuther was elected a delegate to the U.A.W.'s convention in South Bend, Ind. The treasurer gave him $5 for expenses—it was all the local had—and he hitchhiked to the convention.

LED SIT-DOWN STRIKES

Mr. Reuther became president of his local but was fired from his job after he asked for a raise. Subsequently he and Victor led the first of the sit-down strikes at the Kelsey-Hayes plant on the West Side. The success of the demonstration spurred organization, and the local's membership jumped from 78 to 2,400.

By late 1936 the auto workers felt strong enough to tackle General Motors, the key to organizing the industry. The sit-downs in Flint, Mich., began after Christmas in 1936 and quickly became the center of one of the bitterest and most decisive struggles in labor history.

Mr. Reuther rushed a group of West Side volunteers to Flint to assist in the drive, which resulted in February, 1937, in recognition by General Motors of the U.A.W. as bargaining agent for the company's workers.

The Chrysler Corporation recognized the union a few weeks later, and the union's membership began to approach 500,000.

The Ford Motor Company, however, had announced that it would never recognize the U.A.W. On a cloudy afternoon in May, 1937, a group of U.A.W. members, bearing handbills, rode out to the sprawling Rouge plant of Ford in Dearborn. They climbed the concrete steps of the overpass between the plant and the parking lot.

ATTACKED BY GOONS

Mr. Reuther, by that time on the U.A.W. payroll, was one of the leaders. As he stood on the overpass, a voice rang out, "You're on Ford property."

Goons mobilized by Ford quickly rushed forward, pulled Mr. Reuther's coat over his head, bounced him down the steps, slugged him and left him bleeding on the ground below.

The bitter struggle that followed has been immortalized in labor history and pictured as the "Battle of the Overpass" but Ford held out against recognizing the U.A.W. until 1941.

In the hectic years of organizational activity, the U.A.W. had adopted the sit-down as an organizing technique of singular effectiveness, but the Supreme Court ruled in 1939 that the sit-down was "an illegal seizure of buildings in order to prevent their use by their employers in a lawful manner."

In the late nineteen-thirties, as the U.A.W. grew in size and power, so did Communist influence within the union. Mr. Reuther, then a member of the executive board, and his faction thought it necessary to face and end Communist domination of the union.

Mr. Reuther became an anti-Communist symbol and rallying point. At the 1940 C.I.O. convention (the U.A.W. had joined in 1939), which displaced John L. Lewis as president, Mr. Reuther embraced President Roosevelt's pre-war policy of aiding the Allies and denounced Communists as "colonial agents for a foreign government."

WARTIME ROLE

At the 1941 U.A.W. convention, the Reuther brothers pushed through an anti-Communist resolution and captured 12 of 20 seats on the executive board. However, R. J. Thomas, who was not particularly sensitive to the Communist threat of infiltration, remained as president, and George Addes, who had been charged with following the Communist line, stayed as secretary-treasurer.

When war came and auto production became war production, Mr. Reuther attracted more and more national attention. He declined several offers of Government posts in Washington; instead, as a union leader, he helped keep auto workers in line on the no-strike pledge and induced them to give up extra pay for Sunday, night and holiday work and proposed an increased role for labor in management through industrial councils.

With the return of peace, he entered a long controversy with the union's demand for a 30 per cent increase in pay without an increase in the price of cars.

By this time he had a well-deserved reputation as an astute strike strategist, and in this dispute he evolved what came to be known as the "one-at-a-time" stratagem or the whipsaw tactic. It was based on the belief that competition among the auto industry's Big Three—Ford, Chrysler and General Motors—was stronger than their distrust of the union. This ploy was used repeatedly in later years and proved well nigh unbeatable at the bargaining table.

The other tactics put forward by Mr. Reuther at that time was his demand for a "look at the books." This shocked not only industry but also some labor leaders, who felt that it was the union's job to win money and management's job to decide whether the stockholders or the public paid the bill.

General Motors rejected his wage demands and his request for a look at the books. He responded by calling a strike of 200,000 workers. After a stoppage of 113 days, Mr. Reuther finally settled for a wage increase of 8½ cents an hour.

VICTORY AND DEFEAT

The March, 1946, convention of the U.A.W. at Atlantic City was bedlam. Mr. Reuther had decided to run against Mr. Thomas for the presidency. Both sides arrived with their dukes up. There were battles on the boardwalk and in bars.

The party faithful tried to save Mr. Thomas, but Mr. Reuther won, 4,444 to 4,320. While Mr. Reuther's supporters were celebrating, however, left wingers captured two-thirds of the executive board, thereby making Mr. Reuther's victory a hollow one, indeed.

It was a hard, frustrating year, but at the 1947 convention, Mr. Reuther swept in his own ticket by a 2-to-1 vote and took firm control of the executive board and the union.

Back in Detroit, he initiated a drive for a more perfect union—firing Reds and drones, driving lottery operators from the factories and preparing for a militant stand at the bargaining table. He and his wife, May, were living at the time at 20101 Appoline Street in a brick and frame house they had purchased for $7,750.

GUNMAN'S VICTIM

It was in the kitchen of that home, on an April night in 1948, that Mr. Reuther was gunned down by a would-be assassin, who fled in the darkness. Buckshot from both barrels of a shotgun, fired at close range, struck the U.A.W. president in the chest and right arm.

For three months, Mr. Reuther was in a cast. He never recovered the full use of his arm, but through therapy and exercise he strengthened it so that he could gesture—somewhat awkwardly—and he was able to write, grasping a pen or pencil in an unusual, splay-fingered fashion.

Characteristic of his determination was the way he reacted to the injury. For hours he squeezed a sponge and pulled at the numb fingers. Resuming his former hobby of cabinet-making, he painfully forced his right hand to hold a hammer and to drive nails.

During his prolonged hospitalization, he became interested in medical problems, and by the time he was released, wearing a brace, he had a new kind of hospital insurance plan worked out. Subsequently, he and the U.A.W. led the way in the development of the Community Health Association in Detroit, a comprehensive hospital and medical program.

The executive board of the U.A.W. offered a $100,000 reward for information leading to the conviction of Mr. Reuther's assailant. Five years later a hood confessed that he had driven the would-be killer's car the night of the attack. He named two other men, but before the trial he gave police the slip and left the country, ending the case.

BROTHER ALSO ATTACKED

Thirteen months after the shooting of Mr. Reuther, a similar attack was made on his brother Victor. His collarbone was fractured by a shotgun blast, and his right eye was destroyed.

In the course of his aggressive career, Walter Reuther had obviously made enemies, but it was never determined whether his assailant and his brother's were personal enemies,

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gangsters upset over his antigambling efforts, Communists or others.

The lack of convictions in any of the cases, however, accounted for the elaborate security system set up by the union to protect the Reuthers.

Walter Reuther, for many years afterward, always had a bodyguard at his side when he appeared in public, and he and his family moved from the city to the safety and seclusion of a new home in Rochester, a suburb 35 miles from Detroit.

He had bought the core of the house for $10,000 and then added improvements, many by himself, to the modern redwood home with its bullet proof picture windows.

From the road, a passerby could see only a nondescript white farmhouse, a tall steel-wire fence and a padlocked gate. The white building was really a barracks manned by an armed guard, and the fence was watched by four big dogs.

SHUNNED LUXURY

Although the unusual character of Mr. Reuther's hideaway made it seem elaborate, it was not a lavish or expensive home. In fact, he went to considerable pains to dispel any speculation that he lived in or sought after luxury.

He disliked wearing a tuxedo, ground his teeth over meetings of the executive board of the A.F.L.–C.I.O. at a plush hotel in Miami Beach, and fussed over what people might think.

His salary as president of the U.A.W. was $29,500 a year, which was low by comparison with leaders of many other unions with much smaller and less affluent.

PRISONER EXCHANGE SOUGHT

In 1961, Mr. Reuther served as a member of the Tractors for Freedom Committee, which sought unsuccessfully to exchange 500 agricultural tractors for 1,214 Cubans taken prisoner in the April landings in Cuba. Serving with him were Mrs. Franklin D. Roosevelt, as honorary chairman; Dr. Milton S. Eisenhower, then president of Johns Hopkins University, and Joseph M. Dodge, a Detroit banker at that time.

The widely publicized attempt brought 70,000 pieces of mail in response to the committee's appeal for funds. But the deal struck a snag when Premier Fidel Castro of Cuba demanded large and costly bulldozers, the release of political prisoners in the United States and finally $28-million in cash or its equivalent in tractors.

The Tractors for Freedom idea was praised for its humanitarian objectives but criticized by some as a move to capitulate to blackmail by Premier Castro.

Mr. Reuther directed the 1948 auto negotiations from the hospital room where he was recovering from his wounds. A contract with General Motors incorporating an annual wage improvement factor (based on productivity increase) and a cost-of-living escalator clause brought more fame.

In 1949, his union and the United Steelworkers of America blazed a new trail by negotiating employer-financed retirement pensions and expanded health and welfare benefits.

That same year Mr. Reuther served as chairman of a C.I.O. delegation that went to London and helped found the anti-Communist International Confederation of Free Trade Unions. * * * to the nonsalaried position of C.I.O. president.

In 1953, Mr. Reuther achieved flexibility under a five-year contract (1950 to 1955) by introducing the "living document" theory. This held that a contract was not a static document but a living compact obligating both parties to work out any problems that might develop during its term.

The first step toward a guaranteed annual wage was achieved in 1955 when he and his staff negotiated the precedent-setting agreement with the Ford Motor Company that provided for special jobless benefits supplementing those paid by state funds.

CONTINUED TO PIONEER

In the bargaining field, Mr. Reuther and the U.A.W. continued to pioneer in the nineteen-sixties. In 1961, the union negotiated a profit-sharing plan with the American Motors Corporation, the first in the automotive industry.

In 1964, the union won huge new contracts from the auto companies, providing for earlier retirement, bigger pensions, improved wages, longer vacations and more holidays. Under terms of the agreement a worker could retire after reaching 55 any time his age and length of service totaled 85 years.

The pact also provided for retirement at age 62 without reduction in benefits and a special retirement benefit under which a man 60 years old, with 30 years service, could retire on $381 a month. His pension, including Social Security, would drop to $316 a month when he reached 65.

The settlements of 1964 did not come, however, without strikes at General Motors and Ford. The issues were not terms of the national economic agreements but local working conditions and problems. Mr. Reuther and other U.A.W. leaders, sensing a restiveness about local matters, insisted that these be settled before national agreements were signed.

In the 1967 auto negotiations the U.A.W. struck Ford for two months. The settlement, described by Mr. Reuther as "the most substantial contract ever to be negotiated in any corporation in the industrial field in the United States," provided for a guaranteed annual income plan, sizable wage increases, higher pensions and improved medical coverage. The union subsequently negotiated similar contracts with both General Motors and Chrysler.

Mr. Reuther's wife, the former May Wolf, was a quiet, red-haired woman who frequently traveled with him to union conventions but never shared his public attention.

When she met Mr. Reuther in 1933, she was a 23-year-old teacher of health and physical education at Trowbridge Elementary School in Detroit. "It was simply a 'How do you do' thing," she recalled.

After the first meeting, Mr. Reuther left Detroit for three years. When he returned in January, 1936, he met Miss Wolf on a streetcar where "we talked unions until my stop," she said. After a three-month courtship, they were married on Friday, March 13, 1936.

Mrs. Reuther gave up teaching and worked for the union full-time without pay as a secretary. The couple lived with Mrs. Reuther's parents for the first five years of their marriage.

Mrs. Reuther, a trim 5-foot-4-inch woman who preferred tailored suits when accompanying her husband at union functions, occupied much of her time with civic affairs in the Detroit area, including children's aid and mental health associations, the Girl Scouts and parent-teacher activities.

The Reuthers resided in Rochester, a Detroit suburb, where they often received friends but were not given to partying. Their time together was often limited by union activities, but Mrs. Reuther recalled that there was time to teach her husband to dance.

Friends said that on the day the Reuthers were married, they dashed from the wedding to a union meeting, where Mr. Reuther was to speak.

"The stories may exaggerate how much time we courted at union meetings," Mrs. Reuther said, "but I know if I hadn't been interested in unions we would never have married."

MISSISSIPPI RIVER COMMISSION

Mr. MANSFIELD. Mr. President, as in executive session, I send to the desk a nomination which I understand it is imperative that the Senate consider today and ask for its immediate consideration. It was reported earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The legislative clerk read the nomination of Brig. Gen. Harold R. Parfitt, U.S. Army, to be a member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed; and, without objection, the President will be immediately notified.

POISON PREVENTION PACKAGING ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 848, S. 2162.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2162) to amend the Federal Hazardous Substances Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous substance, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Poison Prevention Packaging Act of 1970."

SEC. 2. For the purpose of this act—

(a) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(b) The term "household substance" means any substance customarily produced or distributed for sale for consumption, use, or storage by individuals in or about the household and which is—

(1) any hazardous substance as that term is defined in section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f));

(2) any economic poison as that term is defined in section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(a)); or

(3) any food, drug, or cosmetic as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(c) The term "package" means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, but does not include—

(1) shipping containers or wrapping used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(2) shipping containers or outer wrapping used by retailers to ship or deliver any commodity to consumers unless it is the only such container or wrapping.

(d) The term "special packaging" means

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packaging that is designed or constructed to be significantly difficult for children under six years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

Sec. 3. (a) The Secretary, after consultation with the technical advisory committee provided for in section 5 of this Act, may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging for any household substance if he finds that—

(1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and

(2) the special packaging required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) In establishing a standard under this section, the Secretary shall consider:

(1) the reasonableness of such standard;

(2) available scientific, medical, and engineering data concerning special packaging, childhood accidental ingestions, illness, and injury caused by household substances;

(3) the manufacturing practices of industries affected by this Act; and

(4) the nature and use of the household substance.

(c) In carrying out the provisions of this Act, the Secretary shall publish his findings, his reasons therefor, and citation of the sections of statutes which authorize his action.

(d) Nothing in this Act shall authorize the Secretary to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 4(1)(ii) of this Act, labeling.

(e) The Secretary, on his own initiative, or upon petition of any interested party, and after consultation with the technical advisory committee, may exempt, in whole or in part, any category of product containing any substance subject to regulation, where he finds that such regulation, as applied to that category of product, is not necessary to protect children from serious personal injury or serious illness.

Sec. 4. For the purpose of making a household substance for which a standard has been established pursuant to this Act readily available to elderly or handicapped persons who may be unable to use special packaging, such household substance may be packaged in packages not complying with such standard provided that—

(1) such substance is (i) available in special packaging, and (ii) packaged in noncomplying packaging of only a single size which bears conspicuous labeling stating: "This package for households without young children": *Provided, however,* That the Secretary may prescribe by regulation a substitute statement to the same effect for packaging too small to accommodate such labeling, or

(2) such substance is (i) dispensed pursuant to the order of a physician, dentist, or other licensed medical practitioner who is authorized to prescribe, and (ii) noncomplying packaging is requested by the purchaser.

Sec. 5. (a) Proceedings for establishing, amending, or repealing of any standard pursuant to section 3 of this Act shall be promulgated pursuant to the provisions of section 701 (e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act, except that—

(1) the Secretary's order after public hearing (acting upon objections filed to an order made prior to hearings) shall be subject to the requirements of section 409(f)(2) of the Federal Food, Drug, and Cosmetic Act; and

(2) the scope of judicial review of such order shall be in accordance with the fourth sentence of paragraph (2), and with the provisions of paragraph (3), of section 409(g) of the Federal Food, Drug, and Cosmetic Act.

(b) For the purpose of assisting in carrying out the purposes of this Act, the Secretary shall appoint a technical advisory committee, designating a member thereof to be chairman, composed of not more than eighteen members who are equally representative of (1) the Department of Health, Education, and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to this Act, (4) scientists with expertise related to this Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Secretary shall consult with the technical advisory committee in making findings and in establishing standards pursuant to this Act.

(c) Members of the technical advisory committee who are not regular full-time employees of the United States shall, while attending meetings of such committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Sec. 6. (a) Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261–(p)) is amended by striking out "which substances" and inserting in lieu thereof "if the packaging or labeling of such substance is in violation of an applicable regulation prescribed pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970 or if such substance".

(b) Section 2(z)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135(z)(2)) is amended by striking out the period at the end of paragraph (h) of such section and inserting in lieu thereof a semicolon and the word "or" and by adding at the end thereof a new paragraph as follows:

"(i) if its packaging or labeling is in violation of regulations issued pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970."

(c) Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof a new subsection as follows:

"(n) If its packaging or labeling is in violation of regulations issued pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970."

(d) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end thereof a new subsection as follows:

"(p) If it is a drug and its packaging or labeling is in violation of regulations issued pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970."

(e) Section 602 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 362) is amended by adding at the end thereof a new subsection as follows:

"(f) If its packaging or labeling is in violation of regulations issued pursuant to sections 3 and 4 of the Poison Prevention Packaging Act of 1970."

Sec. 7. Whenever a standard established by the Secretary under this Act is in effect no State or political subdivision shall have any authority either to establish or continue in effect, with respect to any household substance, any standard for the special packaging or labeling of such substance which is not identical to the standard established under section 3 of this Act.

Sec. 8. This Act shall become effective on the date of its enactment. Each regulation establishing a special packaging standard shall specify the date such standard is to take effect which shall not be sooner than one hundred and eighty days from the date such regulation is final. No such standard shall be effective as to household substances subject to this Act packaged prior to the effective date of such final regulation.

The title was amended so as to read: "A bill to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–845), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE AND BRIEF SUMMARY

The purpose of S. 2162 is to reduce injuries to, and illnesses of, young children arising from ingestion of toxic or harmful substances customarily produced or distributed for sale for consumption, use, or storage by individuals in or about the household. The purpose of the bill is to be accomplished by requiring household substances which are accessible to young children and which may cause injury or illness to be contained in special packaging that is significantly difficult for children under six years of age to open or obtain a toxic or harmful amount of such substances within a reasonable time, but not difficult for normal adults to use properly. Special packaging is considered to be practicable because young children lack adult capabilities of strength, mastery of more complex operations and dexterity.

The scope of S. 2162 extends across all product lines and types to include all substances customarily produced or distributed for sale for consumption, use, or storage in or about the household. The bill authorizes the Secretary of Health, Education and Welfare to determine whether a substance should be contained in special packaging on the basis of its degree or nature of hazard to children. It empowers the Secretary after consultation with a technical advisory committee to establish performance standards for special packaging designed to protect young children against obtaining harmful amounts of such substance. Failure to conform to special packaging standards will result in the substance being deemed misbranded under applicable provisions of the Federal Hazardous Substances Act, the Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act and subject to the penalties therein prescribed.

Although special packaging, by definition, is not to be difficult for normal adults to use, the Committee recognized that elderly and handicapped persons, such as those with infirmities of the hand) may experience particular problems in opening special packaging. Accordingly, the Committee has provided that substances for which special packaging standards have been established may, nonetheless, be marketed in one size of ordinary container not complying with special packaging standard, or if dispensed pur-

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suant to prescription, may be sold in ordinary packaging at the purchaser's request, for the use of the elderly and the handicapped. The single size container is to bear a label statement: "This package for households without young children."

The bill provides for creation of a technical advisory committee composed of members representative of industry, the public and the scientific and medical professions to advise the Secretary in making findings and establishing standards for substances.

Although the bill would become effective upon enactment, it provides that the effective date of regulations will be not sooner than 180 days after final promulgation of regulations. Moreover, the bill provides that states may not establish or continue in effect standards not identical with federal standards.

NEED FOR SPECIAL PACKAGING

Ingestion of a potentially hazardous household substance is the most common medical emergency facing young children. Although ingestions reported to Poison Control Centers number above 70,000 and more than 300 deaths are reported each year, the Committee does not believe that such figures accurately measure the magnitude of the problem. For example, detailed survey in one state showed that only one in five serious poisoning accidents is reported to a Poison Control Center. Estimates of the number of annual poisonings have ranged between 500,000 and 2 million accidents per year.

The Committee believes that the proper purpose of this bill should be not only prevention of deaths, but also prevention of accidents themselves. Immeasurable tragedy occurs in cases where the child does not die, but is forced to undergo medical treatment and, perhaps, to spend the remainder of his life with some accident-caused impairment of his facilities.

A great variety of products have caused injury and illness to young children, according to present information. About 50% of the cases have been caused by drugs and medicines (aspirin accounting for about half of such cases) with the rest of the cases caused by other household products such as furniture polishes, electric dishwasher detergents, drain cleaners, paints and turpentine, cosmetics, and kerosene.

Accidental poisoning has been recognized as a serious problem for some time and efforts have been made to deal with it. The first Poison Control Center was established in 1953 to act as a central source of information on ingredients, toxicity, expected symptoms and recommended treatment for poisonings. About 550 Poison Control Centers have been established to date at the initiative and with the funding of localities. In 1957 the Surgeon General established a National Clearinghouse for Poison Control Centers to coordinate the efforts of local centers and to gather statistical data on poisoning.

Efforts to increase public awareness of the hazards of certain household substances have been undertaken and include yearly proclamation of National Poisoning Prevention Week by the President and privately sponsored advertising messages warning parents to keep harmful products out of the reach of their young children.

These prior efforts to deal with accidental poisonings, although commendable, have not been successful in significantly reducing accidental poisonings and, in the view of the Committee, can not be successful. Poison Control Centers are concerned only with treatment of victims. The Committee, on the other hand, believes that we must seek to prevent poisonings. Efforts at public education are based on the premise that poisonings are caused by parental negligence and that poisonings can be prevented by stimulation of greater parental care. The Committee, however, believes that parental negligence is not the primary cause of poisonings. There are too many potentially hazardous products in the modern home to hope that all of them can be kept out of the reach of children. Special packaging will accomplish what previous efforts have not been attempting to create: positive separation between young children and hazardous substances. Special packaging is intended simply to make the environment of young children safer.

In 1957 the Food and Drug Administration sponsored a meeting of the Medical Advisory Panel on Accidental Ingestion and Misuse of Salicylate Preparations by Children. The proprietary drug industry voluntarily complied with the meeting's recommendations to reduce the strength of children's aspirin and reduce the number of tablets in bottles of children's aspirin. Efforts to develop safety closures for children's aspirin bottles were also recommended at that time. In 1966 hearings were conducted by the House of Representatives on a bill that would require safety closures on drug containers. No legislation resulted, but a joint industry, professional, governmental committee was established to develop methodology for measuring the capacity of various types of packaging to prevent access by children to their contents.

Although there are relatively few child-resistant containers on the market now, it appears to the Committee that a number are in development and that many more may be brought forward once a market for them has been established.

The efficacy of several forms of existing child-restraint containers in preventing access to their contents has been established. For example, laboratory tests conducted with small, but statistically sufficient, numbers of children show that some types of child-resistant containers baffle at least ¾ of the youngsters confronted with them. A large scale field test involving over 600,000 containers and extending over two years has shown that 90% of poisoning due to medicines can be prevented by dispensing medicines in child-resistant containers.

In light of this evidence, and mindful of the failure of prior efforts to secure widespread usage of child-resistant packaging, the Committee feels that legislation is now necessary to bring the benefits of such packaging to the American public.

Mr. MOSS. Mr. President, as sponsor of S. 2162, the Poison Prevention Packaging Act of 1970, I am very pleased that the Senate has passed the bill today. I believe that it offers an opportunity for the United States to take the lead in protecting the health and safety of its young children from the proliferating hazards of useful, but at times harmful, household products. I have received many letters in support of the bill. Since the bill was reported by the committee, I have even received inquiries from England concerning its provisions and suggesting that it might provide guidance for English efforts along the same lines.

The problem with which S. 2162 is concerned is doubtless familiar to all in its general outlines. Young children are curious and determined to investigate their new and expanding world. But they are not experienced and they are not cautious. Products that are safe for adults can be deadly for children who have not learned to handle them properly.

More specifically, children explore by sampling—and their mouths are their sampling devices. They do not restrict their intake to rocks and worms; they also sample medicines and cosmetics, drain cleaners and furniture polish, kerosene and paint thinner. Medicines and drugs account for about 50 percent of the poisoning cases, but examples of types of poisons are legion. Ingestion of potentially hazardous household substances is the most common medical emergency facing young children. 71,000 ingestions and 4,000 hospitalizations involving children under 5 years of age were reported to the poison control centers in 1968. 325 children died in 1967 from these causes. But the reported figures do not give an accurate picture of the actual number of emergencies, and the number of deaths does not reveal the true dimensions of the tragedies. Estimates place serious cases of ingestion between 500,000 and 2 million. Mortality alone fails to reveal the suffering during the convalescense of children who recover and the toll paid by those who are maimed for life.

I cannot forget a case described in our hearings. Young Michael, 18 months, got into electric dishwashing compound one morning. His mother, who had training as a nurse, quickly washed out his mouth and throat, but to no avail. The highly corrosive product severely burned his throat. He was in surgery for 6 hours, several times close to death, and to the date of the hearings, 14 months later, was required to return to the hospital for one of every 7 days to have dilated the scar tissue that threatens to close off his throat. Other witnesses testified that this was not a typical case.

Along with the committee, I believe that the proper purpose of S. 2162 should be not only prevention of deaths, but also prevention of accidents themselves. Immeasurable tragedy occurs in cases where the child does not die, but is forced to undergo medical treatment and, perhaps, to spend the remainder of his life with some accident-caused impairment of his facilities.

The efficacy of several forms of existing child-resistant containers in preventing access to their contents has been established. For example, laboratory tests conducted with small, but statistically sufficient, numbers of children show that some types of child-resistant containers baffle at least three-fourths of the youngsters confronted with them. A large-scale field test involving over 600,000 containers and extending over 2 years has shown that 90 percent of poisonings due to medicines can be prevented by dispensing medicines in child-resistant containers.

In light of this evidence, and mindful of the failure of prior efforts to secure widespread usage of child-resistant packaging, I feel that this legislation is necessary to bring the benefits of such packaging to the American public. I look forward to the day when accidental poisoning of young children will not be as common a tragedy as it is today. And I believe that the Poison Prevention Packaging Act will spur the ingenuity of American industry to develop innovative containers that will help end the tragedy of childhood poisoning.

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DEATH OF WALTER REUTHER, PRESIDENT OF UAW

Mr. HARRIS. Mr. President, I rise today sadly to mark the passing of a man we could not afford to lose. The news of the death of Walter Reuther and Mrs. Reuther and others in a plane crash was a shock to the mind and spirit. Mrs. Harris and I join with so many others in expressing our sincerest condolences to the families and friends of these whose lives were thus so tragically cut short.

Knowing Walter Reuther was for me a rich learning, a lastingly inspiring experience.

He was a perpetually fresh thinking social engineer who acutely felt, personally, the people's deepest needs. He was a fiery orator whose force of eloquence sprang from his basic moral convictions. He was a shrewd political strategist who would never be bound to outdated methods and unworking procedures. He was an impatient activist who struggled to move America more rapidly toward the full realization of its professed ideals.

The life of Walter Reuther was dedicated to peace and justice. They are nearer goals because of him.

His death comes at a time when we particularly need his wisdom, his compassion, his unshakeable idealism, his fighting spirit.

May each of us who valued his friendship and counted his service of such high worth honor him by taking up a little more of the burden. That must be his monument.

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INCREASE IN UNEMPLOYMENT

Mr. HARRIS. Mr. President, it is clear that the economic stability of this Nation and the war in Indochina are firmly intertwined. While I think that the administration has failed to provide effective leadership in key economic matters, we should not fool ourselves into thinking that a suitable degree of economic stability can be attained until the massive expenditures in Vietnam and Indochina are greatly reduced.

Last week, with the announcement of the sharpest increase in the Nation's unemployment in 10 years, an increase from 4.4 to 4.8 percent, we have witnessed another seriously disturbing development in our economy.

The administration's high interest rate tight money policies, which, coupled with a hands-off attitude on prices and wages and its recommendations for continued high and unnecessary expenditures in military and other fields, has now been pursued for more than one-third of the President's term and has produced increasing and persistent inflation, decreased profits, increased unemployment, worsening of the balance of payments, virtual standstill in housing which is so badly needed, increased failing of small businesses, and a growing lack of confidence in the economy.

The administration cannot continue to pursue the economic policies it is pursuing and continue to widen the war and commit our resources in Indochina without also continuing the alarming and growing damage to our economy here at home. I ask unanimous consent an editorial from today's New York Times, pointing out the need for action, may be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUMP IN UNEMPLOYMENT

Last month the unemployment rate climbed to 4.8 per cent—up from 4.4 per cent in March and 3.5 per cent at the start of the year. There is cause for serious concern both over the speed of the rise in unemployment and over its composition.

Until the April figures were released, Administration spokesmen had been expressing their satisfaction that the rate of unemployment among Negroes and other non-white had been rising less than among whites. But last month the unemployment rate for whites rose from 4.1 per cent to only 4.3 per cent, while the rate for blacks jumped from 7.1 per cent to 8.7 per cent. Unemployment among youths under 20 has reached almost 16 per cent, with a heavy concentration among blacks. Thus, racial disadvantage—and racial discrimination—are again bearing their bitter fruit. If these trends continue, they are bound to aggravate social tensions.

It is true that President Nixon warned months ago that there would be "slowing pains" as a result of his policies to cool off the economy and stop inflation. But the rise in unemployment is coming faster and steeper than his economists predicted; the annual report of the Council of Economic Advisers in January forecast an average rate of unemployment of only 4.3 per cent for 1970 as a whole. This will almost certainly be one more example of the Administration's misplaced optimism.

At the same time, inflationary pressures remain strong. While the economic slowdown may have begun to reduce the rate of rise in wholesale prices, the resumption of quite sharp growth in the money supply, the slippage of the budget into deficit, and the escalation of wage demands by labor unions make it far from certain that the inflationary trend will not be intensified rather than moderated in the months ahead. Inflation is bad news both for employers and for workers; by squeezing profits, cost-push inflation forces layoffs of workers.

In his press conference this week, the President sought to reduce worry over unemployment by forecasting that Gross National Product will pass the trillion-dollar mark by the end of this year. He did not say how much of this would result from inflation. The President and his advisers cling to a hope that the lagged affect of the past slowdown will check future inflation, while the coming rise of G.N.P. will simultaneously check rising unemployment.

Thus the Administration continues to hope to find just the right middle path between too much stimulation and too much restraint and thus simultaneously stop both inflation and unemployment. But the time is rapidly approaching when the Administration must face up to the failure of its forecasts and to the necessity of building a broader program to achieve these conflicting objectives. Besides general control of total demand, the Administration needs two other basic weapons: an income policy to curb inflationary price and wage behavior, and a stronger Federal program to prepare the low skilled for employment, to break job discrimination, and to find or create jobs for those who are the victims of what Mr. Nixon calls "our fight against inflation."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4869) to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 15945) to authorize appropriations for certain maritime porgrams of the Department of Commerce.

The message further announced that the House had passed a bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. HOLLINGS):

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona;

H.R. 15694. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishment for the Coast Guard;

H.R. 15945. An act to authorize appropriations for certain maritime programs of the Department of Commerce; and

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Ohio for not to exceed 15 minutes.

MURDER AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, Maj. Gen. Winston P. Wilson, commanding officer of the National Guard, was scheduled to testify before the Armed Services Committee May 7 with other Army officers relative to strength request for the National Guard for fiscal 1971. He was questioned by Senators seeking information about the tragedy at Kent State University last Monday. He made astonishing and outlandishly untruthful allegations on the subject of that Kent tragedy about which he had no personal knowledge. This is the same major general who is bucking to be promoted to lieutenant general even to the extent of having a private bill introduced in the House of Representatives and surprisingly passed in that body. This bill, H.R. 15143, is now pending in the Senate Armed Services Committee. Furthermore, Mr. President, officials of the De partment of Defense expressed opposition to the enactment of this bill as is reported in pages 4 and 5 of the committee report of the House of Representatives.

General Wilson stated before the Armed Services Committee of the Senate and to newspaper reporters that students at Kent State who were fired upon were lawbreakers in violation of the "Governor's ban, in violation of the Riot Act and the lawful order to disperse." General Wilson expressed no sympathy whatever for the shooting to death by National Guardsmen of four students, including two girls who were present out of curiosity, as spectators, and were not participating in any demonstration, peaceful or otherwise. This arrogant general then stated that he had an unconfirmed report that a nonmilitary spent shell casing was picked up on the Kent State University campus in the vicinity of the area where four students were killed and 14 students, boys and girls, were seriously wounded by rifle fire from National Guardsmen. He is the first and as far as I know the only person to make such an allegation. Of course, during the hours and days following last Monday noon there has been ample time for Guardsmen to plant shotgun shell casings or railways spikes, for that matter, on the campus grounds. Major General Wilson then said, "I have an unconfirmed report that four shots were fired by a person in the dissident group." He knows or should know there is no truth whatever to those statements. He made the false allegation that snipers were shooting at the Guardsmen. The facts are there is no evidence whatever of even one sniper bullet being fired. He repeated an allegation that had been previously made and was rejected as false that some sniper was on the roof of a building. The truth is that helicopter pilots, observing for the State highway patrol circling the entire area and the buildings of Kent State University, reported there was no sniper on any rooftop and that there had been no sniper fire. This fellow spoke of the unconfirmed rumor of four such shots. Then he had the effrontery to state that he had an unconfirmed report that a "witness had seen a girl dashing out of the dormitory who fired a weapon at the Guardsmen as they turned away." It is evident to me that General Wilson is the one who formulated and made public this as an unconfirmed rumor. Then the general added, "the Guardsmen turned back and returned the fire." He knows that there is no basis in fact for such allegation. He simply indulged in the big lie technique of Adolf Hitler that by making false statements and allegations repeatedly, then in the end credence is bound to be given them. In the Armed Service Committee he was asked why Guardsmen had fired into a crowd of students. He evaded that by stating, "We must await the result of the investigation by the Department of Justice." Then he made his startling allegations regarding the girl dashing out and firing a weapon and added a statement made for the very first time that four shots were fired by a person of the dissident group. These statements were fantastically false.

Persons at my urgent request made an on-the-spot investigation, continued for several hours until the university was closed and there were no students around available to be interviewed. Following the time General Wilson made these outlandish and fantastic speculative, unconfirmed and false statements, then a newspaper in a small city in Ohio quoted the general. The next thing I knew I received a telephone call from a radio station in Toledo that what I had been saying in the Senate regarding the Kent State tragedy had been altogether different than the facts given out by General Wilson following his investigation. So his Hitler technique of the big lie which was unbelievable and was not believed by members of the Armed Services Committee were finally reported as facts. This general and no other person told of an unconfirmed rumor that a witness had seen a girl dashing out of a dormitory and firing a weapon at the guardsmen as they turned away and they turned back and returned the fire. Statements given me by college students and a graduate Kent State college counselor are positive that no such incident occurred. They were equally positive that the guardsmen were the only ones who fired guns early that fatal Monday afternoon.

National Guardsmen on the scene on Saturday and Sunday and on Monday were brutal and mean and were pushing students around. According to a statement made to me and verified by a graduate counselor who witnessed the incident, a guardsman said to this student, "Get you—obscenity—out of here," and at the same time broke his blackjack over his right arm. I saw his black and blue arm and elbow.

One wonders if the underlying cause for these false allegations, or these rumors, stem from this general's desire to go all out with irresponsible, untruthful allegations, knowing that the officer who ordered his soldiers to fire pointblank into the students was guilty of murder in the second degree. Vice President AGNEW stated that Ohio National Guardsmen overreacted and also asserted, as a lawyer that the officer giving the order to fire could be considered guilty of murder and could be charged with murder but not first-degree murder. In Ohio, second-degree murder is murder committed without the element of premeditation as is first-degree murder.

Adjutant General Del Corso is commander of the Ohio National Guard. His deputy adjutant general, Canterbury, was present in Kent.

Adjutant General Del Corso was reported last week as saying he was "almost certain a sniper triggered the fatal rifle volley although Senator STEPHEN M. YOUNG blamed it on trigger-happy troops." Del Corso, according to the newspaper accounts, called me a "senile old liar." Del Corso is a 2-by-4 politician who holds a political appointment as adjutant general. My answer to Del Corso is that my father, Judge Stephen M. Young, many years ago, during my first term as a representative in the General Assembly of Ohio, told me never to get into a spraying contest with a skunk. It is noteworthy that this two-bit politician Del Corso said nothing critical about Vice President AGNEW's statement that the Guardsmen overreacted, not much difference between that statement and mine of "trigger-happy Guardsmen." Very definitely, members of the National Guard who obeyed orders are not chargeable with committing manslaughter or second-degree murder.

It is noteworthy that neither Adjutant General Del Corso nor Major General Wilson expressed any regret or feeling of sorrow to the members of the families over the deaths of four students and the wounding of 14 others. Not one of the National Guardsmen was a casualty, not one was hospitalized. One sustained a heart attack and another Guardsman fainted. In this connection, Mr. President, I report that Gov. James Rhodes of Ohio last Monday afternoon when he first learned of this tragedy said, "This is the saddest day of my life."

It is a great misfortune, Mr. President, that shortly after noon on Monday, May 4, four students were killed. They were murdered. Fourteen were wounded. General Del Corso and his deputies let down and, in fact, betrayed Gov. Jim Rhodes. Our Governor, upon hearing of this tragedy, was shocked and tearful. I have admiration and respect for Governor Rhodes and share his feeling of sadness about this, but very definitely, Mr. President, I have nothing but a feeling of contempt toward General Del Corso and of regret that President Nixon referred to college students who demonstrate as "bums." This, despite the guarantee given all Americans in the very first amendment to our Constitution.

Mr. President, last Friday evening two girl students and a professor called at my Washington residence and then last Saturday between 9 in the morning and noon a number of boys and girls who are students at Kent State University called at my office. We have their names and addresses and statements were taken. Late Saturday afternoon and throughout Saturday evening boys who reside in Pennsylvania and Ohio came to my home. My Washington residence is not listed in the Washington telephone book nor is my home in Northwest Washington a few blocks from American University easy to find by one unfamiliar with Washington.

These students, both young men and women, state that a platoon of National Guardsmen were hurling canisters of tear gas at a crowd of students milling around the campus. Some of these students milling around immediately hurled back partly filled canisters of tear gas at the guardsmen. Also, there were some stones thrown—no large stones—and even the small stones and the tear gas canisters immediately hurled back were thrown from such a distance that most of them fell short. Not one of 10 or more of these students who were on the scene saw any tear gas canister or stone strike a guardsman.

One man reported to me some days ago that he feels a canister hit a guardsman on the arm and that the guardsman fired his gun accidentally. These boys, who were very close by, said that the

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canisters, as far as they knew, never really struck any of the demonstrators, but the gas fumes came out, and then some of the demonstrators were hurling stones. There were no boulders, no large, hard objects whatever, but they were hurling stones and the canisters back, and, from that distance, most of them fell short and rolled toward the guardsmen.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. YOUNG of Ohio. Mr. President, this is an important address I am making on the Kent State University murder. I ask unanimous consent to proceed for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YOUNG of Ohio. The students were milling around. We have these signed statements which, I am informing you, Mr. President, I shall keep locked up in my home or in my office until such time as I deliver them to the proper authorities.

They said that the guardsmen who were on the ground level with the demonstrators immediately emptied all the gas canisters they had, and immediately ran up the hill in some disorder, and at the top of the hill they immediately regrouped, with their guns in front, and then marched down in formation. Immediately the front rank kneeled and the lieutenant in command of that platoon held his arm aloft and then pulled it down. Immediately a volley was fired from the guardsmen.

That no more than four were killed and 14 seriously wounded is due to the fact that many of the guardsmen had the good judgment to fire high in the air.

These young men threw themselves on the ground, but they believed there were no bullets in those guns. They got up, and a girl to the right of them, somewhat to their rear, was lying in blood, part of her face shot away. Then they were frightened and ran away. All of the statements I have, unsigned and signed, say that those were the only shots that were fired. There was no first aid treatment whatsoever for any guardsman.

The Pentagon and the Army have issued ground rules for the suppression of riots. It is standard policy to furnish blank cartridges, and not to furnish live ammunition. That is in the rule book. But Del Corso ruled otherwise. He permitted live ammunition to be used. That is a violation of the general rules of the Army. In an emergency, only certain guardsmen, preselected, and on order from the headquarters, may fire live ammunition.

Rabbi Arthur J. Lelyveld of Shaker Heights who is nationally known and highly respected as one of the most learned rabbis in our Nation, condemned the fatal shooting of four Kent State students by National Guardsmen and warned that "get tough" policies will only increase unrest on other campuses.

> It's inconceivable that the troops had no alternative to firing live ammunition into a crowd of students because some were throwing rocks.

Rabbi Lelyveld said in a statement issued by the American Jewish Congress which he heads:

> Protest—even violent protest—is not a crime punishable by death.

The Cleveland rabbi said, adding:

> We can't expect the deeply held feelings about our country's actions in Vietnam—the subject of the students' protest—to find expression only in forms of polite discussion.

Mr. President, the statements I have obtained and all that I obtain in the future will be made available to the majority leader of the Senate and, of course, to the chairman of the Senate Investigation Committee of this tragedy. In addition, I report that in Northern Ohio there was recently appointed by President Nixon a very fine U.S. attorney for the northern district of Ohio. Kent State University is within the northern district of Ohio. I shall turn over these fine statements to U.S. Attorney Robert Krupansky because I hope he is a fine lawyer and I know the statements I have would give probable cause to charge this lieutenant who gave the order to fire with second-degree murder. Of course, the soldiers who obeyed orders cannot be charged with any offense.

Mr. President, as a prosecuting attorney and as a trial lawyer over many years I am accustomed to deal with facts. My opinion as a lawyer, and Vice President AGNEW has expressed the same opinion when he stated the Ohio guardsmen overreacted and that murder was involved. Very definitely, Mr. President, there is probable cause that the lieutenant who gave the order to fire and Maj. Gen. Del Corso and his Deputy General Canterbury should be investigated.

DEATH OF WALTER P. REUTHER

Mr. PERCY. Mr. President, the Nation, and particularly the world of labor, suffered a great loss over the past weekend with the untimely death of Walter Reuther, president of the United Automobile Workers. He was not only a great labor leader both in this country and in the international labor movement, but also a great humanitarian and one of our outstanding experts in the field of health care, housing, hunger, and other unmet human needs.

In the alliance he formed with the Teamsters, he brought another great labor union and a great body of members of organized labor into humanitarian efforts for the benefit of the country. They accomplished many things in the private sector that otherwise would have to be done in the public sector.

He was also a great friend of many of us here in Congress. Until coming here, I had spent my whole working life in management. I first became acquainted with Walter Reuther through the president of the IBM Corp., who had served on a Government commission with him and was struck by his brilliance and by his great energy and foresight. Mr. Thomas Watson recommended to me years ago that I become better acquainted with Walter Reuther.

At the time that George Romney headed American Motors, he came to ask me to serve on the board of that great American corporation, and I asked him at the time his own impressions of Walter Reuther.

He indicated to me that very frequently he had dinner with him. He said that they discussed philosophy, and that they talked about not only labor-management relationships, but other subjects of mutual interest to them and of concern to the country.

He said that through the years he had developed tremendous respect for the depth of thought, the perception, and the dedication of Walter Reuther. Coming from a man who had represented management in opposition to labor through years of hard bargaining, I thought that was quite a great tribute.

Since I have served in the Senate, I have tried to work with organized labor as well as with members of the business community in trying to find better ways in which we can strengthen the economy of this country and move forward in the private sector. I have never turned to Walter Reuther for guidance or help and been disappointed. I was proud that, through recent years, he has been a friend, and that I had a chance, firsthand, to observe those qualities in him that my colleagues in business who had worked with him through the years had observed in him in the past.

He was a tough bargainer, hard in his demands for the people he represented, but also tough in his approach to fighting for better things in this country and to strengthening America. I know he has been looked upon with some concern by those in business who would perhaps not benefit as much from his tough, hard bargaining.

But I do feel this: As the automobile industry now goes into a period of very tough bargaining, I think the industry people may reflect on the fact that when they have bargained, and bargained hard, with Walter Reuther and his representatives, once they had struck a bargain the membership of the union, almost without exception, followed his leadership and provided a great deal of stability. The auto workers, therefore, have contributed through the years a great deal to the growth of the industry. Now they are now faced with some uncertainty, and we can only hope that the leadership will continue as strong in the future as in the past. This void must be quickly filled by a great union, because of the need of the industry itself for such inspired leadership.

The country has lost a great American, who has worked hard in behalf of our institutions, and I express my deep sympathy to the United Automobile Workers, to his colleagues and friends and, of course, to the members of his family.

SATURDAY'S MARCH ON WASHINGTON

Mr. PERCY. Mr. President, students have once again marched on Washing-

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ton. They said they were tired of war in the name of peace. They said they were tired of expansion of the war in the name of withdrawal. They said they were tired of rhetoric in the name of action. We in the Congress heard this message from the students and faculty members who came to our offices, from those who phoned us from across the country, from thousands of letters and telegrams.

The administration heard the message, too. The President responded by opening a dialog with faculty members and students, by permitting the use of the Ellipse—within sight and sound of the White House—for the peace demonstration, by going to the Lincoln Memorial at dawn to talk with students, and by making Cabinet members and key aides available to students and faculty members for frank discussions. Secretary Finch was especially understanding of what the students were saying, and his availability, as well as that of other Presidential appointees, was much appreciated by student and faculty representatives.

Mr. President, I believe that great credit is due to the administration for the approach that it took toward the students, faculty members, and others who were in Washington this weekend. I think credit should also go to the news media for the balanced coverage they provided, and to the participants, particularly those who served as marshals, for preserving decorum in a sense of urgency, but also in the framework of nonviolence.

I particularly commend also the Washington police, under the able command of Police Chief Wilson, who contributed greatly to the tranquillity of the weekend. I believe that Police Chief Wilson's statement on television and to the news media was a very helpful statement in demonstrating to the country that Washington was not a scene of violence this weekend, but of what was by and large an orderly demonstration of citizens using their right of free assembly to petition the Government about something they felt very urgently.

But I think today, as we have a Monday morning quarterbacking session on what actually happened, that it is very important that we not lose sight of and just let pass the weekend. Let us take into full account what the demonstrators were attempting to tell us.

What we face today is a revolution of our young people and intellectuals. This revolution—here prayerful, there noisy, here nonviolent, there violent—has been caused by the failure of our system to respond creatively to the needs and desires of vital segments of our population. The students and faculty members see only failure in the tiny, hesitant steps forward of recent years. "Why," they ask, "cannot the richest Nation in the world feed the poor, guarantee human rights, and give equal opportunity to those for whom it has been so long denied?" They sense a terrible hypocrisy at home, compounded by monumental loss of life in a war they cannot accept or condone.

Those who came to Washington from our college campuses this week were doing what Americans have always done: Seeking active representation from their elected representatives. I hope that we will respond to them quickly, and creatively, for if we do not act, this may have been the last time they will come to us. If they are alienated from us, we must also remember that in varying degrees we are alienated from them. What is at stake here is the thrust of a generation, the generation to which we will ultimately consign the responsibilities of power. We must prove to them that our system of elective politics at all levels is capable of action when action is required, lest they withdraw further from the system.

For students who have not yet dropped out—or opted out—of the system, the recent expansion of the war into Cambodia is a watershed. If the Congress fails to act quickly to end the Cambodian incursions, the system these students have supported may lose their support. The students and the faculty members and all the millions of Americans who share their concern are outraged not simply by the widening of the war, but by all that this widening symbolizes questionable use of the warmaking power, a return to escalation, disregard for the yearnings of the American people for an end to this land war in Asia.

I ask my colleagues to consider the fact that our youth bears a disproportionate share of the burdens of this war. We adults pay our taxes and are amply represented in our national institutions. But the youth must fight a war which a majority of them abhor as immoral. The youth must pay for the war with disrupted educations and aborted careers and with their very lives and limbs. Like the founding fathers, they complain bitterly of "taxation" without representation.

I see some hope in the fact that most of the students who talked with me last week do not want to drop out. On the contrary, they are knocking on the door, demanding to be let in. We must open the door. We must lower the voting age to give them representation. We must work to bring them actively into the elective process, not only as voters, but also as campaign workers. We must end the draft and we must end the war.

Young people have long been the most enthusiastic workers of political campaigns, leaders of the civil rights and peace movements. Yet they remain disenfranchised, unable to affect—except in the most oblique fashion—the outcome of the issues on which they labor.

The students demand that we respond to the challenge of our traditional ideals, that we fulfill our national promise. They demand social action now, because they are tired of years of equivocation and plodding. They demand peace now, because they are tired of years of war.

I tell you that we cannot desert a whole generation of Americans, a whole generation of our sons and daughters. We must now take long steps to improve the nature of our society and to regain the peace. There is not sufficient reason to delay. Our work has been cut out for us.

I ask unanimous consent to have printed in the RECORD my statement to a group of student demonstrators of May 8, 1970.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CHARLES H. PERCY

You came here because you were angry—over an undeclared and tragic war in Southeast Asia that has been escalated sharply and over the inexplicable and indefensible killing and wounding of young people on the campus of Kent State University.

I share your anger. I opposed every escalation of the debilitating conflict in Vietnam during Democratic Administrations, and I would therefore, oppose just as vigorously any expansion of the war into Cambodia. I had thought we were on the road to withdrawal from a war unrelated to our own vital interests and national security. Now I am astonished and appalled to find that it has been widened into another country without Congressional approval.

But I believe that the abrupt turnabout in Southeast Asia—however misguided—and the shooting by American troops of American students exercising a constitutional right—repugnant as it may be to our national conscience—do not entirely account for your presence here today. You are as aware as I am, I think, that my generation has almost completely lost contact with yours, and that this may be our last chance for reconciliation.

I fear that you are on the verge of total alienation. This nation may be about to lose the allegiance of its young people, the millions of Americans between 18 and 30. It is a terrifying thought.

It does no good today to deplore once more the loss of our lives, our treasure and our international reputation in Southeast Asia. It is fruitless to lament again the plight of the poor, the hungry, the disenfranchised, those deprived of their civil rights. It is not enough to speak out against the inflammatory rhetoric, much of it emanating from the highest levels of government, which has driven moderates into the radical camp, transformed progressives into revolutionaries.

You have heard enough words. What you want is action, evidence that your voices have the power to shape the policies of the national government.

I offer you some specific promises:

First, I promise that I will work to redefine and clarify the war-making powers of the President and the Congress. We in Congress have the constitutional power to declare war, but it is necessary to go back through six Administrations—to World War II in the Roosevelt Administration—to find a war that has been declared by Congress.

Since the end of that declared war the United States has lost scores of thousands of men killed and wounded and upwards of 200 billions of dollars in undeclared conflicts, skirmishes, police actions—pick your own term—in Korea, the Dominican Republic and Southeast Asia. And there are no statistics available on the clandestine adventures—in Cuba, Guatemala, the Congo, Indonesia.

Second, I am introducing a resolution stating that it is the sense of the Senate that no American forces—land, sea or air—may be sent into combat without the express consent of the Congress, except in response to a direct and obvious attack.

Third, I have cosponsored and will work for enactment of a proposal calling for the repeal of the Gulf of Tonkin Resolution, the shaky instrument that has been used to justify countless escalations of a dreadful war.

Fourth, I have cosponsored and will work

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for enactment of an amendment to cut off funds for the Cambodian incursion.

Fifth, in order to give impetus to the legitimate aspirations of young people to play a forceful role in the formulation of national policy, I am urging the presidents of all American colleges and universities to suspend classes for at least one week prior to next fall's congressional elections to permit the Nation's millions of college students to actively campaign for the candidates who will best represent their views. Coupled with this massive demonstration of political action we must press to give the franchise to 18 year olds. If it takes a constitutional amendment, so be it and let us get on with it. Young men and women must participate directly in the electoral process, making our officials and institutions more responsive.

Now that I have outlined my proposals, I would like to ask something of you. I urge you with all the force I can summon to shun and help prevent the violence that will only retard progress toward our common goals.

Violence is a form of self-indulgence, providing momentary release at the expense of the long-range aspirations we share. Violence: arson, damage to life and property—should be condemned and treated as the criminal acts they are, whether it be the wanton destruction of a scholar's life work or the death of innocent student by-standers. It can only lead to further polarization of this already battered but still great nation, and destroy our opportunity to represent your views effectively.

I do not say that you have not been provoked—verbally and physically—by a generation that too frequently mistakes your idealism for intellectual arrogance and ignores your laudable aims while concentrating on superficial matters, such as hair length and beards. But I do know that more violence will only turn the generation gap into an unbridgeable chasm.

If you feel today, in this almost unprecedentedly depressing time in our national life, as if all of your protests have been unavailing, I wish to disagree with you. I speak as a member of one institution, the United States Senate, and I can tell you that you are being heard. The message is loud and clear, and I hope you will not allow it to be muted by the tragic events of the past several days. Moreover, I believe that the President has heard and is listening now. I believe that he wants to end this war. I believe that the ending will be hastened.

In some measure, your dissent has been responsible for a formidable number of actions we have taken. With your support, we have begun to give military appropriations the scrutiny they deserve, to weigh the need for advanced military hardware against pressing human needs and cut billions from the defense budget without compromising our national security. The Senate also has turned back an attempt to emasculate the Voting Rights Act of 1965 and succeeded in having it renewed. It has greatly expanded programs to feed the hungry, another high national priority. It has just rejected a second Supreme Court nominee, one who exhibited lack of sensitivity to the aspirations of all Americans for full membership in American society.

I do not mean to dwell on our accomplishments, for so much remains undone, but only to offer you hope. I see in Secretary Hickel's courageous letter to the President a growing understanding in the Executive Branch that this Administration will never win your support through benign neglect. In the appointment of Judge Blackmun to the Supreme Court, I see a reassuring sign that the court will regain the integrity and public trust it must have.

I state unequivocally that there is hope. This remains the greatest form of government devised by man. It was forged in a revolution and the fervor of that revolution has nourished it over two centuries. It can move it again, but only if the great energies are used with restraint, and geninue care for our future. A bloodbath would only restore the tyranny that we have rejected since the first days of the Republic.

So I would say to you in closing: Do not despair of us, do not abandon your country and its future in this crucial hour. Continue to prod us into action, to give us the benefit of your unique appreciation of this nation's moral obligations. Dissent vigorously—but peaceable and within the broad parameters of our constitution, and I pledge to you that we will respond.

OFFICE OF OPPORTUNITY COMPREHENSIVE HEALTH SERVICES PROGRAM

Mr. PERCY. Mr. President, one of the most successful programs of the Office of Economic Opportunity is the comprehensive health services program. The first neighborhood health center was funded by the agency in 1965. OEO nows funds 50 of these comprehensive health-care projects. The operation of these programs has proven to be so successful that the responsibility for $30 million in operating expenses for successful programs will be transferred from OEO to the Health Services and Mental Health Administration of HEW, so that OEO can concentrate on the more experimental and innovative aspects of health care.

A recent article from the Journal of the American Medical Association describes the success of two OEO-funded health clinics. The first is Mile Square Health Center which operates in Chicago's West Side. Of the 25,000 people in the target area, 90 percent are black. One-quarter of the people receive public aid. The infant mortality rate is more than double that of nonpoverty areas, and the district has one of the highest crime rates in the Nation. The Mile Square Center came into this district in 1966 to offer a wide variety of health services to the residents. Last year the center treated more than 18,000 patients for prenatal and postnatal care, pediatric care, adult medicine, mental health treatment, laboratory and X-ray work, dental care, and pharmaceutical services.

The second center is in King City, Calif., and is a neighborhood health center which combines a rural setting with private medicine. The target population of 8,000 is divided almost evenly between low-income permanent residents and poor migratory workers. The nearest medical facility was 50 miles away. Two and one-half years ago the Office of Economic Opportunity gave a grant to a group practice of seven physicians to provide health services to these people. Project personnel have succeeded in registering about 90 percent of the poor whom they hoped to reach. Approximately 70 percent of the people served by the group, however, remain private patients who pay for their care. As the project director states:

> We have become convinced that physicians in the private sector can establish a workable partnership with the government.

Because of the increasing awareness of the need to provide better health care and facilities for the poor, I ask unanimous consent to have printed in the RECORD an article entitled "Can Community Centers Cure Health Problems of the Poor?" published in the Journal of the American Medical Association for March 23, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN COMMUNITY CENTERS CURE HEALTH PROBLEMS OF THE POOR?

On July 1, the comprehensive neighborhood health center concept will reach official maturity.

According to President Nixon's budget message, responsibility for $30 million in center operating expenses will be transferred from the Office of Economic Opportunity (OEO) to the Health Services and Mental Health Administration (HSMHA).

Government officials feel that as many as ten of the "more mature" neighborhood health centers have fulfilled their roles as demonstration projects under OEO and are now ready to provide full-time services under HSMHA.

The neighborhood health center idea has been touted as one of the most effective means for delivering health care to the nation's poor. Advocates are calling for enough funds to sprinkle 600 to 800 comprehensive care clinics across the country.

Critics, however, argue that such centers deceive the poor by offering health care and economic benefits that probably cannot be maintained.

In order to grasp the problems and potentials of neighborhood health centers, Steve Murata of MEDICAL NEWS visited the Mile Square Health Center in Chicago, one of OEO's most successful projects. He also interviewed government officials, other center directors, and physicians interested in the program. The following articles reveal the extent of the neighborhood health center effort and discuss some key issues which may decide the future success of the concept.

MILE SQUARE: HEALTH CARE FOR CHICAGO'S POOR

More than 25,000 people, 90% of them black, jam the "Mile Square Area" on Chicago's West Side. Unemployment among male residents fluctuates around 13%, and more than 25% of the inhabitants receive public aid. The infant mortality rate is two-and-a-half times that of non-poverty areas, and community leaders must battle one of the highest district crime rates in the nation.

The decaying houses and apartments frequently have no heat, no hot water, and no functioning toilets. Evidence of malnutrition appears most often among children who are underweight, listless, hungry, and subject to repeated infections. "You have to have a strong mind and a strong and willing body just to survive," said one former resident.

Three years ago, the Mile Square Health Center opened its doors in an old, three-story brownstone, located in the heart of the area. The project represented a marriage of a strong community action group and Presbyterian-St. Luke's Hospital, said Joyce Lashof, MD, director of community medicine for the hospital and co-director of Mile Square.

In 1965, Dr. Lashof helped complete a study describing the health needs of Chicago's poor. Publicity from this report reached the Mile Square Federation, a community action group organized to combat inadequate housing, youth problems, health deficiencies, and unemployment.

Representatives of the Federation met with

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Dr. Lashof and other officials from Presbyterian-St. Luke's, an 838-bed teaching hospital currently affiliated with the University of Illinois Medical School. Together they drafted a grant request, and in July 1966, received $1,049,000 from the Office of Economic Opportunity (OEO) to begin planning, recruiting, and training programs. On Feb. 9, 1967, the first patients began arriving at the clinic's front door.

Today, the Mile Square Health Center has registered almost three-fourths of the target population. More than 18,000 patients packed the examining rooms last year to receive prenatal and postnatal care, family planning information, pediatric care, adult medicine, mental health treatment, laboratory and x-ray work, dental care, and pharmaceutical services.

By supplementing full-time professionals with part-time workers, the Mile Square Center has been able to assemble a staff equivalent to seven full-time internists, eight pediatricians, one obstetrician, six dentists, and 26 nurses, as well as 200 other professional and para-professional personnel, said Mile Square's other co-director, Harry P. Elam, MD.

Four months ago, the Government Accounting Office (GAO) issued an analysis of Mile Square which noted that the "center-hospital arrangement had provided many of the center's patients with their first affiliation with readily accessible comprehensive medical care."

"An OEO medical audit team has rated the center's medical services as supportive of quality medical care, and in general, among the highest quality medical care provided at any of the OEO-financed neighborhood health centers it had reviewed," the report added.

During the last five years, OEO has awarded grants to 49 widely differing groups in 24 states to generate neighborhood health centers. Funds have been dispersed to county medical societies, medical schools, state departments of public health, private group practices, hospitals, and a variety of community organizations to demonstrate the feasibility of the concept in as many innovative ways as possible, said Thomas Bryant, MD, director of OEO's Office of Health Affairs.

Thirteen of the OEO demonstration projects are located in rural communities including the much-publicized program in Mound Bayou, Mississippi. The remainder are scattered in urban areas across the nation with seven neighborhood health centers located in New York city.

Between 25 and 30 of the clinics are now providing a comprehensive range of services, while nine or ten others are just beginning operations.

A small number of neighborhood health centers, however, have sprung up without federal funds. The Spring Garden Community Services Center in Philadelphia receives support from Hahnemann Hospital and Medical Center, a pharmaceutical company, community fund, Jewish synagogue, and Lutheran congregation (*JAMA* MEDICAL NEWS 211:393 [Jan. 19] 1970).

Some medical schools and medical students have begun to involve themselves in community health problems. Even street gangs and radical groups such as the Black Panthers have established clinics in various forms.

Many of the small centers, especially those which are just beginning to operate, can only provide partial health services. By counting the immunization clinics, infant care clinics, and local centers run for specific health problems, the number of neighborhood health centers seems large, according to Effie O. Ellis, MD, special assistant for health services to the Executive Vice-President of the American Medical Association. "However, there are probably only 150 neighborhood health centers in the country that are able to provide comprehensive services," she said.

One reason that neighborhood health centers have proven popular in many poor communities is a requirement for community involvement in directing the program. The Economic Opportunity Act specifies that health services for the poor must be furnished "in a manner most responsive to their needs and with their participation. . . ."

OEO guidelines further stipulate that policymaking bodies of the centers must include up to 50% representation by people eligible to receive services.

The provision for involving target area residents in decisions has been one of the most controversial aspects in neighborhood health center operations.

Some physicians, nurses, and other health care professionals have been fearful that the consumers would interfere with the practice of medicine. While OEO officials deny that residents try to change prescriptions, administrators admit that some of the poor residents have made non-medical demands which physicians have found hard to swallow.

Personnel selection, location of the center, hours of operation, eligibility criteria, fee schedules, and personal complaints have been debated at great length, often heatedly. One consumer group from a predominantly black community demanded that the physicians and nurses live in the target area and another center advisory board required the staff to learn Spanish within six months of hiring.

"At Mile Square, the residents established the medical care priorities," said Dr. Elam. "They were most concerned with prenatal and neonatal care. Then they wanted attention focused on the preschooler, followed by the multiple problem family."

OEO's Dr. Bryant acknowledged that several neighborhood health centers are experiencing great problems trying to satisfy the residents. "Some of the consumers have had little opportunity for education and have never dealt with hospitals and doctors except during medical crises. Through their lack of experience, they may overstate demands," he said. "If the professionals can continue the dialogue, they generally discover that the consumers and providers become more sophisticated and a better working relationship will evolve."

"You absolutely must be able to come through with solutions to honest demands made by the poor," said Mile Square's Dr. Lashof. "However, you must also be completely honest about what you can and can't do, giving the people all of the alternatives and choices available to them."

Being responsive to community needs frequently takes the form of providing jobs in the health centers for area residents. More than three-fourths of the 271 people working on Mile Square's staff are target area people.

"We don't have any volunteers at Mile Square," said Dr. Elam. Every position then provides a potential job for a target area resident and a chance for upward mobility.

The poor often require extensive and costly training programs to become community health aides, dental technicians, bookkeepers, and the other personnel needed by the center.

However, their hopes for a rapid rise to professional status have been thwarted at many locations due to licensing restrictions, lack of standardized training for degree purposes, or resistance from the professionals.

Many nurses, for example, have experienced difficulty sympathizing with para-professional aides who demand equal pay and status after a short course in nursing techniques and a year or so of experience.

"Training at the neighborhood health centers needs to be two-edged," said OEO's Dr. Bryant. "People from the community must be trained to perform their duties well. However, doctors, nurses, and other health care professionals must also be sold on the great value of the para-professionals.

"Clashes resulting from jurisdictional hangups will probably continue because of the immense shortage of manpower," he added.

Large numbers of these para-professionals are needed by neighborhood health centers to conduct "outreach" programs. Teams composed of a public health nurse and three community aids try to make target area residents aware of the comprehensive services available and to entice the poor into the Mile Square health care system.

Approximately 23,000 home visits were made by these community health teams last year. More than two-thirds of the visits were conducted by the 95 community health aides alone.

The community health teams provide the first level of services in "three echelons of care" as conceived by Mile Square's Dr. Elam. The health center itself forms the second level, and the hospital with its complex diagnostic equipment and in-patient beds, constitutes the third level, he said.

"The total commitment of the back-up hospital is most important to neighborhood health centers," said Dr. Lashof. "People must not be turned away from the emergency room or hospital clinic if the entire system is to function smoothly."

Mile Square residents receive plastic cards identifying them to personnel at Presbyterian-St. Luke's Hospital. A simple call to the records center at Mile Square generally clears up any questions when a patient arrives for tests or treatment.

The close cooperation of the hospital has also assured "continuity of care" for the residents of Mile Square. "All of the physicians who work 50% or more of their time at the center also maintain staff appointments at Presbyterian-St. Luke's, said Dr. Lashof.

"We recruit only those who already have hospital privileges or are assured of an appointment. Thus, the patient can count on seeing the same physician in the hospital he sees in the clinic."

What effects continuity of care, training plans for residents, and almost any other center program have on the actual health of the target population proves difficult to gauge. Mile Square directors, for example, developed plans to expand their "outreach" program by doubling the number of community health teams. After a preliminary evaluation, however, this proposal drew criticism from the GAO.

An auditing team estimated that the cost for covering all 4,200 target families would reach "$94 per family per year, or about $392,000 each year for this one aspect of the center's operations."

"OEO has not made an adequate assessment, as appears to be warranted, of the effectiveness of the community health teams. . . ." the Government Accounting Office concluded.

Dr. Lashof said, "the work performed by community health teams remains one of the most difficult areas to evaluate, especially on a strict accounting basis. We feel that the community health nurses and aides have been extremely effective in attracting people into the center who have difficulty understanding the importance of health care."

KING CITY: CARE IN A RURAL SETTING

A neighborhood health center which successfully combines a rural setting with private medicine is located in King City, California.

Working through the Monterey County Medical Society, a group practice of seven physicians secured an OEO grant two and one-half years ago to provide health services to the Mexican-American laborers who culti-

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vate the celery, tomato, artichoke, and other seasonal crops grown in the Salinas Valley.

The target population of 8,000 patients was divided almost evenly between low-income permanent residents and low-income migratory workers. The nearest medical care available to the medically indigent prior to the Rural Health Project consisted of a county hospital located 50 miles away. In order not to lose the day's wages that such a trip would necessitate, the poor would try to ignore their illnesses until the problems became too severe to bear.

Personnel from the local George L. Mee Memorial Hospital and county medical society joined the physicians of the Southern Monterey County Medical group in requesting funds needed to care for the poor in a group practice setting. Poverty-stricken workers were to be treated in the same facilities as private patients, receiving the same personalized attention and quality of care.

So far, project personnel have succeeded in registering almost 90% of the poor whom they hoped to reach. With an annual OEO grant of almost $1.5 million, the nine full-time physicians, seven part-time specialists, and a staff of 55 other workers handle as many as 3,500 to 4,000 patient-doctor visits each month.

Approximately 70% of the people served by the group, however, remain private patients who pay for their care, according to Len Hughes Andrus, MD, project founder and director. "Our experience demonstrates that private medicine is capable of successfully providing health care to the rural poor," he said.

"Despite difficulties caused by single-year project funding and many changes in federal policies and administrators, we have become convinced that physicians in the private sector can establish a workable partnership with government."

Dr. Andrus attributes part of the project's success to the efforts made by staff members who belong to emerging classes of health workers. The health center employs not only one of the physician's assistants from Duke University, but also a pediatric nurse practitioner from the University of Colorado program.

Other nursing personnel have also been trained to take over more responsibility. Mrs. Gwen Garner, a home health care nurse, performs many of the follow-up visits for patients who require special attention, such as former stroke victims, or elderly patients with cardiopulmonary problems.

More than 60 aides have been recruited from the target population and trained to provide x-ray work, laboratory analyses, physical therapy, as well as clerical and secretarial services. In a manner similar to Mile Square, the community advisory board for the project turned down proposals of volunteer help in favor of providing as many jobs as possible for low-income families. At King City, more than 50% of the clinical and "outreach" personnel come from the poor consumer population.

The para-medical workers have been most important in overcoming one of the program's biggest stumbling blocks—the Spanish language. Many of the Mexican-American laborers speak little English and health care professionals must either be bilingual or have an interpreter close at hand.

With an understanding of the cultural background of the population, the health education aides recruited from Mexican-American families prove particularly skillful in persuading parents to have their children immunized or in delivering birth control information.

Training those workers, however, has proven more expensive than originally anticipated. Low efficiency in handling patients due to language problems has combined with a large number of missed appointments to raise the cost of overhead from 50% to more than 75%.

Another factor adding to the costs has been the large amount of bookkeeping required by state and federal government. The frequent financial and medical audits performed by OEO, GAO, and the county medical society have had at least one important benefit for both wealthy and poor patients treated at King City.

"The countless hours spent with the auditor and consultants uncovered some weaknesses in our private practice as well as the problems in the federally funded portion of our project," said Dr. Andrus. "By correcting these deficiencies, we have been able to raise the quality of care for all of the patients seen by our medical group."

Although the teams' primary goals are to follow up on missed appointments, provide preventive care, and offer nutritional advice the nurses and aides often become embroiled in problems with housing, welfare payments, or employment. As much as 50% of their time is devoted to problems of social intervention, said Dr. Elam.

"In the ghetto, you cannot separate the delivery of family medical care from housing problems, underemployment, culture, traditions, and mores. Although this concept is not part of traditional medicine, it is the new focus needed in working with the poor today."

OEO attempted to evaluate 27 of their neighborhood health centers according to the amount of consumer participation in planning and policy-making. During the November meeting of the American Public Health Association, investigators reported that almost half of the centers received low scores. Any such evaluation, OEO learned, is complicated by the political and social climate found in the center setting. "The fact that poor consumers sit as equal voting members of groups in discussions with health department officials, and officers of the local medical and dental societies may be a sign of great strides in some communities," they concluded.

Although infant mortality data have often been used to estimate the general level of health in a community, the statistics available to neighborhood health centers after only a few years of operation may have little real meaning, according to administrators at New York's Martin Luther King Health Center.

Harold Wise, MD, director, and Ronald Brooke, director of research evaluation, cited one example from their project which is associated with the Montefiore Hospital and Medical Center.

"In 1969, 500 women who received prenatal care at our health center delivered their babies without a single fatality," said Dr. Wise. Thirty-one babies died among another 500 mothers who did not receive any prenatal care. "However, this does not mean that the center necessarily had any effect since the mothers who received treatment might also be the 'aggressive consumers' of health care," he explained. "If so, they probably would have sought prenatal care in any case, and the neighborhood health center simply provided a readily accessible alternate source of medical attention."

Episodic examples, however, remain scientifically significant, according to Mr. Brooke. He cited one case concerning a five-year-old boy who appeared at the Martin Luther King Health Center six times in three months, suffering on each occasion from an upper respiratory infection. Two weeks after receiving treatment, the boy's siblings would also contract similar infections.

Although physicians soon recognized that the children were reinfecting each other, the cyclic pattern could not be broken until one of the center's community health aides visited the home.

The apartment lacked heat, and the winter cold was leaking through a broken window. The family was also short on food and badly needed more clothing. Their plight was relieved to some extent when the health aide was able to correct a misunderstanding with the welfare department. Thus health center personnel could point to one instance in which they had directly improved the health of one family.

"In general, then, there are very few hard data on the benefits derived from the neighborhood health centers because the current state of the art of evaluation is very poor," said Dr. Bryant. "Experts cannot agree on a definition of 'health' much less what criteria should be used to judge when 'the poor are healthier,' the New York physician added.

"We assume that it is better to receive health care than not, and record the number of patient visits, the nature of the visits, number of immunizations, and so on. A system for collecting at least this type of information has now been established to try to answer the hard questions asked by Congress," he said.

Congressional scrutiny will no doubt increase if expenditures for neighborhood health centers grow larger and more visible. At the end of June, OEO will have spent more than $200 million during the last five years to start these clinics.

With the current authorization of $70 million, officials estimate that the 49 centers are providing comprehensive health services to one million poor citizens. If the number of neighborhood health centers were expanded to provide care to all 25 million people who have been declared officially "poor," the annual cost might balloon to $1 billion or more.

Although federal and state governments have been spending $10 billion a year for Medicare and Medicaid, little of this money has worked its way back to the centers to pay for operations. "I don't think that clinics in the best states are able to collect more than 25% or 30% in Title XVIII and Title XIX reimbursements," said Dr. Bryant.

The Cook County, Illinois, Department of Public Aid, for instance, told Mile Square administrators that welfare could not reimburse the center for home health services provided by the community health teams.

Moreover, since the clinic had emphasized health care for the young, few patients qualified for home visit payments under Medicare.

"Generally speaking, only one-fourth to one-third of the medically indigent qualify for health services under Medicare or Medicaid," said AMA's Dr. Ellis. "Another one-fourth receive welfare health assistance, but one-third to one-half of the people in a poor community may have no coverage at all."

To provide the needed funding, health center administrators are hoping for a reallocation of "old money" combined with an infusion of new funds from private as well as public sources.

Such problems have led many physicians to advocate alternate approaches to delivering health care to the poor. "The neighborhood health centers require two years or more of operation before they become efficient dollar-wise," said James Whittico, MD, immediate past president of the National Medical Association. "Meanwhile the consumers are already knocking on the door."

OEO plans to shift its emphasis to expanding outpatient departments of hospitals. "By putting in 'outreach,' emphasizing medicine, and utilizing a group practice approach, we may be able to provide the same comprehensive care for the poor," said Dr. Bryant.

Four of the 64 projects in this year's budget involve hospital expansion, and Dr. Bryant hopes to double this number soon.

"Many medically indigent already receive much of their medical care at the hospital emergency room or clinic," he added. "If we can make the system effective and efficient, we may be able to increase ambulatory care and decrease pressures for in-patient services."

Other sweeping changes are being proposed in financing systems and delivery methods to cut the crush for hospital beds, provide incentives for using health manpower more efficiently, and lure more young physicians away from the research laboratories and into the job of providing primary patient care.

Although the neighborhood health centers may not be the ultimate answer, the wealthy as well as the poor will have benefited from the emphasis which these projects have placed on comprehensive rather than fragmented care, said Robert Kalinowski, MD, deputy director of OEO's Health Affairs.

"The poor will no longer accept missionary medicine where health care is delivered by people who supposedly know what's good for the natives," said Dr. Elam. "By providing continuity of care within a group practice setting, the neighborhood health centers can help to maintain the private physician-patient relationship and achieve a single standard of medical care."

WALTER REUTHER

Mr. JAVITS. Mr. President, I, too, would like to say a word about Walter Reuther, a man who not only led his own union to greatness, but who also was the conscience of the labor movement and, indeed, one of the champions of innovation in the labor movement. I think he had more to do than any other labor leader with advancing the concept of labor statesmanship. Especially in terms of world peace and world development, he showed a broad point of view and a spaciousness in his thinking which should typify the enormous interest which American labor has in the prosperity of our economy and of peace in the world.

Also, though he was often accused of being a socialist, he had a very keen understanding of the facts and figures and of the demands of the private enterprise system, as was attested to by the great leaders of business who dealt with him in respect of collective bargaining.

Mr. President, we shall all mourn the loss of Walter Reuther, especially the millions on earth whose aspirations he bespoke and represented. They will count him as their loss, Mr. President; and I wish to extend my condolences and those of Mrs. Javits to the remaining members of the family, who have been so tragically deprived of both Walter Reuther and his wife.

VIETNAM—PETITION FROM THE CITIZENS OF ITHACA, N.Y.

Mr. JAVITS. Mr. President, I have received this morning a most significant petition from the citizens of Ithaca, N.Y. As Senators well know, Ithaca, is the seat of Cornell University, one of the largest universities in my State, and the locus of considerable student dissent against our military involvement in Indochina.

We often hear that, while students protest, the solid citizens in the surrounding community are much less concerned with the war which drags on in Vietnam and has now extended itself to Cambodia. This petition, I believe, brands that supposition as erroneous, for it is signed by the business leaders, the local political leaders, the community leaders of the town as a whole, and the people who collected these names state that fully three-quarters of those who were approached signed the petition, calling upon our Government to reverse the expansion of the Vietnam war into Cambodia, and to promote every genuine effort for a rapid and total withdrawal from Southeast Asia.

I ask unanimous consent that the covering letter explaining the petition, and the petition itself, be printed in the RECORD.

There being no objection, the letter and petition were ordered to be printed in the RECORD, as follows:

The following petition is addressed to Senators Javits and Goodell, of New York, and to Representative Robison of the 33rd congressional district:

We, voters in Tompkins County, New York, most earnestly request and urge you to do everything in your power

(1) to reverse President Nixon's recent expansion of the Vietnam war into Cambodia, and

(2) to promote with all genuine effort the rapid and total withdrawal of our forces from Southeast Asia.

Signatures were solicited by the two undersigned, with intermittent help from a handful of friends, during the period from May 6 through May 9, 1970.

Ithaca is dominated by Cornell University and Ithaca College; members of these academic institutions have made known their political views quite forcefully. Our own petition was addressed to the *downtown* community. In the course of our more than a hundred interviews, most of them detailed and extensive, we came to the conclusion that the noisy and sometimes violent expression of views from the colleges had tended, if anything, to cause a reaction against petitions of this nature.

The selection of people we contacted was a special one: influential members of the community, political leaders, business and professional men, the families of long residence. These men and women are not habitual signers of petitions; some of them told us this was their first such act. We were indifferent to party affiliation and often unaware of it. The issues were not discussed on a party basis, nor with reference to political personalities.

With our limited resources we were unable to envisage anything like total coverage of any given group: our selection methods must therefore be considered. They were somewhat haphazard and limited by lack of time. In some cases we failed to reach people we wished to include. There is also the possibility of bias introduced by our own sponsorship of this petition. However, we often deliberately tackled what seemed difficult or hopeless prospects in order to offset this bias. Anyone familiar with Ithaca can convince himself of this by scanning the list of signatures.

Note that, due to our limited coverage, absence of a given name from the petition by no means implies unwillingness to sign. In fact, the response to solicitation was outstanding. Complete records were kept. These show that, of those approached, *three-quarters* signed. (This figure is taken from the signatures obtained through solicitations and does not include those submitted spontaneously.)

The transcript, below, includes affiliation for purposes of identification only. Opinions were expressed on a personal basis. The list is not intended for publication and we ask that it not be misused.

RAPHAEL M. LITTAUER.
JOHN W. DEWIRE.

ITHACA, N.Y., *May 11, 1970.*

We, voters in Tompkins County, New York, most earnestly request and urge you to do everything in your power

(1) to reverse President Nixon's recent expansion of the Vietnam War into Cambodia, and

(2) to promote with all genuine effort the rapid and total withdrawal of our forces from Southeast Asia.

Respectfully,

MAY 1970.

David M. Abbott, developer.
Jean M. Angell, chairman, Tompkins County Democratic Committee.
Hushang Bahar, president, Tompkins-Cortland Community College.
Frank C. Baldwin, Sr., former member, Ithaca Common Council.
Frank C. Baldwin, Jr., M.D.
Samuel R. Barol, M.D.
Cheryl S. Beninati, Legal secretary.
Jersey Reed Bennett, prop., Westtown Optical.
Robert H. Broad, M.D., Commissioner of Health, Tompkins County.
Robert L. Bruce, member, County Legislature.
R. Brunner, optometrist.
Roger O. Buell, principal, Caroline School.
James V. Buyoucos, attorney, The Savings Bank of Tompkins County.
James B. Campbell, guidance councillor, DeWitt Junior High School.
Charles J. Chatfield, news editor, WHCU radio.
Richard H. Christensen, president, Ithaca Jaycees.
James M. Cirona, banker.
Constance E. Cook, New York State Assemblywoman.
William D. Cooke, president, Bill Cooke Cadillac-Oldsmobile Inc.
John E. Cortright, president, Ithaca Building & Construction Trades Council.
Ross D. Cortright, director of publications and community relations, Tompkins-Cortland Community College.
Rev. Louis Cunningham, director, South Side Community Center.
Warren W. Currier, assistant administrator, F R Supplement Education Ctr.
C. Robert Cutia, president, Ithaca Kiwanis Club.
R. Davis Cutting, president, Cutting Motors Inc.; trustee, Ithaca Savings Bank.
Harris B. Dates, Chairman, Tompkins County Legislature.
Haskell Davidson, prop., Browning, King & Co.
Charles A. deProsse, M.D., past president, Ithaca Board of Education.
Dorothy Hoyt Dillingham, artist.
Howard Dillingham, president, Ithaca College.
Margaret Durland.
Alf O. Ekman, physical therapist, assistant trainer, CU Athletics.
Frank Fiacco, M.D.
Robert Fiske, member, BOCES.
Norman D. Freeman, attorney.
Joseph D. Gallagher, president, J. D. Gallagher & Co., Inc., realtors.
E. Corinne Galvin, former National Republican Committeewoman, member, Program & Progress National Republ. Committee.
G. Alexander Galvin, M.D.
James L. Gibbs, Mohawk Airlines; director, Tompkins County Chamber of Commerce.
Elson K. Glover, proprietor, Elwood-Glover Heating.
James Green, teacher, BOCES.
Robert E. Hamlisch, M.D., Tompkins County Commissioner of Mental Health.
Frank G. Hammer, prop., Altman & Green; president, Tompkins County Chamber of Commerce.
Kay R. Hanna, administrative assistant, Cornell University.
Wilhelm G. Hansen, M.D.

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John S. Harding, professor, Cornell University.

Margaret W. Harding, member, Ithaca Board of Education.

Edward E. Hart, M.D., ophthalmologist.

Carman B. Hill, supervisor, Massachusetts Mutual Life Insurance Co.; member and former president, Ithaca Board of Education.

Helen P. Hoefer, former Tompkins County Supervisor.

Laura H. Holmberg, attorney; president, Ithaca Board of Education.

Robert M. Johnstone, WHCU radio; former professor of Military Science.

Peter R. Jutro, news editor, WHCU radio.

Leonard E. Kassman, president, Brooks Four Pharmacies.

Noah J. Kassman, M.D.

*Jarris Langdon III, Editor, The Ithaca Journal.

Richard Leavitt, M.D.

Jay J. Levine, sports editor, WHCU radio.

Jonathan D. Levy, Executive Vice-President, Tompkins County Chamber of Commerce.

Ben A. Light, Vice-President, development, Ithaca College.

John Marcham, editor, Alumni News; representative, Tompkins County legislature.

Don Martin, general manager, WHCU radio.

Matthew F. McHugh, District Attorney.

Elizabeth S. McLellan, attorney; vice-chairman, Tompkins County Republican Committee.

Donald W. McPherson, prop., McPherson Sailing Products.

Robert S. Miller, president, Erie J. Miller, Inc.

Robert A. Moog, president, R. A. Moog Co.

John R. Moynihan, professor, Cornell University.

Robert M. Mueller, architect, Ithaca College; vice-president, Finger Lakes Stone Co.

Isaiah W. Murray, carpenter.

Armando Natale, prop., Armando's Beauty Salon.

Martha Nicander, secretary to the president, Erie J. Miller, Inc.

Ronald J. Nordheimer, City Alderman; manager, Stone Travel Agency.

Donal J. O'Connor, business agent, International Association of Machinists & Aerospace Workers AFL–CIO.

Lyman G. Parratt, professor, Cornell University.

Charles R. Pettis, president, Hi-Speed Checkweigher Co., Inc.

Karl L. Phillips, realtor, Ivy Realty.

Franziska W. Racker, M.D., director, Rehabilitation Center, Tompkins County Hospital.

Margaret M. Rumsey, realtor; former Republican Committeewoman.

George H. Russel, attorney.

Arthur M. Santora, field representative, Hirsch & Cassetti.

T. Merrell Shipherd, executive director, Tompkins County United Fund Social Planning Committee.

A. Clifford Smith, salesman, Erie J. Miller, Inc.

Vernon W. Smith, associate director, University Publications, Cornell.

Everett M. Stage, D.D.S.

Frederick H. Stutz, member, County Legislature.

Shirley J. Taylor, planning associate, ALPHA.

Charles E. Treman, president, Tompkins County Trust Company.

Ari van Tienhoven, member, Ithaca Board of Education.

Serena Ward, secretary.

Geoffrey M. Weaver, president, Weaver, Schemp & McNeill, Inc.

Philip M. White, prop., White Nurseries.

Walter J. Wiggins, attorney.

William R. Wilcox, president, Wilcox Press, Inc.

Diedrich K. Willers, personnel director, Cornell University; former president, Tompkins County Chamber of Commerce.

Daniel I. Yale, M.D.

NEW COMMITMENT BY BANKERS

Mr. JAVITS. Mr. President, I was very pleased that the American Bankers Association recently set a goal of lending $1 billion to minority businesses over the next 5 years and committed itself to aggressively work for equal employment opportunity for minority groups. This news was announced after a meeting of the American Bankers Association's Urban Affairs Committee, a newly created committee to aid in minority economic development.

The committee was a result of a policy program developed by the ABA after I had called together representatives of the New York City banks and the Small Business Administration and asked them to explore ways in which they could work together to assist minority small businessmen.

I congratulate the committee and the ABA for their new commitment. This is a further step in the effort to help minority businesses which the Nation's banks are engaged in and I am sure the banks will continue their fine efforts in this important area.

I ask unanimous consent that an article entitled "Bankers Plan Minority Loans" published in the New York Times on May, 1970, discussing this new initiative by the bankers be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Bankers Plan Minority Loans

Washington, April 30.—The American Bankers Association said today it had set a goal of lending $1-billion for minority businesses over the next five years and committed itself to "an aggressive policy of equal opportunity employment."

Thomas W. McMahon Jr., executive vice president of the Chase Manhattan Bank and chairman of the A.B.A.'s urban affairs committee, said 54 cities had been picked for a concentrated effort to improve minority business lending.

He said local urban affairs committees already had been set up in New York, Philadelphia, Chicago and Los Angeles.

One of the first problems, Mr. McMahon said, is to design an accounting system that will give a good idea of what banks are doing in the minority field.

He noted that a survey the committee made last year showed that only 90 banks—out of 300 questioned—could give a good indication of how their minority lending programs were progressing, primarily because most banks did not maintain records on a racial basis.

But the report of 90 banks that they loaned almost $100-million between July, 1968, and June, 1969, could mean that the goal of $200-million a year for five years is on its way to being met.

With further information, both Mr. McMahon and the A.B.A. president, Nat S. Rogers of Houston's First City National Bank, said the goal would be revised.

HOW SAFE IS OUR DRINKING WATER?

Mr. JAVITS. Mr. President, there has been much attention given recently to the state of our physical environment. This attention and concern generally manifests itself as a desire for unpolluted lakes and rivers, clean air, less noise pollution, more activity in the area of solid waste disposal; in other words, the big pollution picture. The discussions rarely get down to the level of how this existing pollution affects us individually, how pollution, for example, affects such a simple and personal thing as a glass of water. An article in the May 2, 1970, Saturday Review, "How Safe is the Nation's Drinking Water?" comprehensively explores this question, and all U.S. cities with substandard drinking water systems according to the Bureau of Water Hygiene are listed.

Mr. President, in an effort to reinforce the necessity for cleaning up our Nation's water supplies, I direct the Senate's attention to this article and the list of cities with substandard drinking water systems and request that it be printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

How Safe Is the Nation's Drinking Water?

(By Sally Lindsay)

Every three months a computer in the Cincinnati office of the federal government's Bureau of Water Hygiene gives a readout of the status of all public drinking-water supplies that serve interstate carriers; that is, trains, planes, buses, and ships involved in interstate commerce. The most recent readout was made March 18, 1970. It covered 678 water supplies that serve some eighty-one million persons.

The chart on the facing page lists those interstate water-suupply points across the country that had sufficiently serious deficiencies at the time of the readout to be rated *provisionally approved* instead of *approved*. (Interstate water supplies that do not appear on the list, such as New York City, were classified *approved*.)

Only three classifications are used to rate drinking water: *approved, provisionally approved,* and *prohibited*. *Approved* means that the water supply essentially meets all the standards set by the U.S. Public Health Service for both facilities and quality, that the reliability of the system is very high, and that it is deemed capable of continuously providing water that meets the standards. *Prohibited* means the water is unsafe and cannot be used on interstate carriers. *Provisionally approved* does not necessarily mean that the water is unsafe; it means that in the judgment of the state and federal inspectors either the facilities have some major deficiencies that casts doubt on the capacity of those systems to provide safe water continuously, or an occasional water sample has fallen below the quality standards, or both. Improvements, therefore have been requested. They are usually made as rapidly as possible, with the result that water supplies classified *provisionally approved* on one readout are frequently upgraded to *approved* on the next. Many of the watering points listed here have already made the necessary improvements and would be rated *approved* today.

About fifty million gallons of drinking water per day are consumed in the United States. Most of this amount comes from the country's more than 20,000 municipal and privately owned water systems. The states are responsible for the water systems, called public regardless of ownership if they serve twenty-five or more consumers. The federal government, specifically the Bureau of Water Hygiene, which comes under the Environmental Health Service of the U.S. Public Health Service, is responsible for monitoring the supplies of drinking water made available to interstate carriers. These watering points, as the PHS calls them, are usually in large cities and transportation centers, and are therefore the major water supplies of the country. Those same sources of drinking water, of course, also supply local communities. Thus, when the federal government evaluates water supplied to interstate carriers, it is also evaluating the quality of the drinking water available to the local citizenry.

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* Item (2) of petition only.

Standards for drinking water were first established by the PHS in 1914, and were revised in 1942 and again in 1962. Most of the states have adopted the PHS standards intact, although some states have made slight modifications. Whether rated by the states or the PHS, two aspects of all public water systems are evaluated: their physical facilities, and the quality of the water produced. The physical facilities include the source of the water, and the pumping, treatment, storage, and distribution equipment. Quality involves color, odor, taste, turbidity, bacteriological count, certain chemical and pesticide levels, and radioactivity.

The water supplies that come under PHS jurisdiction are monitored almost constantly. Suppliers are required to submit samples for bacteriological and chemical analysis on a monthly schedule geared to the size of the population served—approximately one sample per month is required for every 1,000 persons supplied, with a minimum of two samples per month. State and PHS inspectors who are usually sanitary engineers, examine the equipment at watering points, paying special attention to chlorination systems or alternative systems of disinfection; they check the pressure in the pumping systems to make sure it is high enough to prevent nonpotable water or other substances from being sucked in, and are on the lookout for cross-connections that link pipes and mains carrying potable water with those carrying nonpotable or unanalyzed water.

Every three years the PHS makes an exhaustive study of all interstate water supplies. And once a year the states submit reports to the PHS on the interstate supplies within their boundaries, making recommendations on how each supply should be rated. The trimonthly computer readouts of the PHS are updatings of these annual reports.

No system of inspection and classification can, of course, guarantee absolute safety, and within the existing water-monitoring system there is ample room for improvement. The PHS and the states, for example, could use more staff, more facilities, and more funds to good advantage. Additional classifications for evaluating water supplies would do much to eliminate the ambiguity of the *provisionally approved* rating, which even many inspectors find difficult to define, and would help pinpoint the actual deficiencies to be corrected. And, finally, the drinking-water standards themselves should be revised to include safe levels for the new synthetic inorganic chemicals now being used by industry and frequently present in pesticides, herbicides, and insecticides but not mentioned in the current PHS manual on standards. A committee is presently working on such revisions.

Are the nation's drinking-water supplies safe? Most observers believe that within the limits of current knowledge they are—especially those in large communities. But they also believe that, in order to keep the supplies safe while new and possibly harmful chemical substances are being loosed in the environment at an ever accelerating rate, a comprehensive research and testing program on the long-range effects of those chemicals is required. However, the PHS, by law, has authority to adopt standards only for the purpose of controlling the introduction or spread of communicable diseases. It has no legal authority to deal with the kind of noncommunicable chronic disease that may be induced by some chemicals. Clearly, the law should be updated.

U.S. Cities With Substandard Drinking Water Systems as of March 18, 1970

MAJOR DEFICIENCIES

(1) *Failure to maintain adequate sampling schedule for measuring bacteriological standards, indicating inadequate monitoring program, or failure to send sampling reports to the Public Health Service.*

(2) *Samples do not meet PHS bacteriological requirements.*

(3) *Failure to meet PHS chemical standards or provide adequate chemical data.*

(4) *No chlorination, inadequate chlorination, or no other system of disinfection.*

(5) *Low pressure in distribution system (which can cause backflows and cross-connections between potable water and water of unknown or questionable safety).*

(6) *No cross-connection control code, inadequate cross-connection code, or no continuing program of cross-connection inspection. (Involves possible pollution of potable water system by water of questionable safety.)*

Alaska: Kodiak (1); Nome (6), (3), (1); Unimak Island (1).

California: Avon (2), (3).

Colorado: Bond (1), (3); Denver (1), (3); Grand Junction (2); La Junta (1), (3); Pueblo (6), (2).

Georgia: Augusta (6), (3), (1); Brunswick (6), (3), (1); Macon (6), (1), (3), Savannah (3), (1); Waycross (6), (3), (1).

Idaho: Idaho Falls (1), (3); Lewiston Orchards (6); Nampa (1), (3); Pocatello (1), (3).

Illinois: Beardstown (1), (2), (3).

Indiana: Mount Vernon (6), (3).

Iowa: Cedar Rapids (1), (3).

Kentucky: Ashland (1), (3); Catlettsburg (1), (3); Central City (1), (6); Corbin (1), (3); Fulton (1); Louisville (1), (3); Somerset (1), (3).

Maine: Bucksport (1), (2), (3, (6); Searsport (1), (2), (3), (6).

Maryland: Piney Point (1), (5).

Massachusetts: Fall River (6); New Bedford (2).

Mississippi: Escatawpa (6), (3), (1); Pascagoula (1), (2), (3), (6), (4).

Montana: Missoula (3), (2).

New Jersey: Bayonne (6); Camden (6); Deepwater (1), (3); Hoboken (1); Jersey City (2); Kearny (3); Newark (1); Paulsboro (1), (3); Perth Amboy (1), (3), (6); Westville (1), (3); Woodbridge-Sewaren (1), (3); Wrightstown (1), (6).

New Mexico: Tucumcari (1), (3).

New York: Ogdensburg (1), (3); Oswego (1), (3); Rome (1), (6).

North Carolina: Asheville (6).

Pennsylvania: Altoona (6), (4), (2); Meadville (1), (3); Scranton (1), (3).

Puerto Rico: Aguadilla (3, (1), (2); Mayaguez (6), (3), (2); San Juan (6), (3).

Rhode Island: East Providence (6).

South Carolina: Cainhoy (3), (1).

Tennessee: Alcoa (6), (1); Chattanooga (6); Clarksville (1), (3), (6); Johnson City (6); Kingsport (6); Memphis (6), (3).

Utah (3).

Virginia: Crewe (6), (3), (2); Hot Springs (3), (4).

Washington: Edmonds (1), (2); Everett (1), (2); Hoquiam (2), (1), (3); Raymond (6), (3), (2); Vancouver (6), (3), (1).

West Virginia: Ceredo (1), (3); Charleston (6); Grafton (6), (3); Huntington (1), (3); Point Pleasant (2), (3, (6); White Sulphur Springs (3), (1).

Wyoming: Cheyenne (1), (3); Green River (6), (1); Sheridan (6), (2).

RISING UNEMPLOYMENT

Mr. JAVITS. Mr. President, I have long been concerned with the domestic economy, both here and in the other body, where I served for so long, and I rise today to express my feeling in respect to the upcoming crisis which we are likely to face, and which may even be a much worse crisis, Mr. President, than the crisis respecting Vietnam and the extension of the war. I refer to the economic crisis.

If we needed anything to cue us into the seriousness of it, it was the news of the sharp rise—the sharpest rise for any one month in 10 years—of the rate of unemployment. There are almost 4 million unemployed in the United States today.

The real problem is the unevenness of the impact of unemployment, because the jobless rate hits hardest among the blacks, where the jobless rate is up around 8 percent; it hits hardest in the poverty areas, where it is now up around 20 percent; and it hits hardest among teenagers, especially among black teenagers living in ghettos, whose rate of unemployment has now gone up to 32 percent. This is a shocking social problem.

Personally, I feel that the war on inflation which the administration has been waging, has been very badly mishandled. Inflation continues unabated. And this is true as to price inflation as well as to wage inflation.

Prices on our security markets have literally dropped through the floor, which is a vote of no confidence in the administration in terms of the economy; and interest rates continue their inflationary course, with the American Telephone & Telegraph Co., and other great companies paying in excess of 9 percent interest, in a country where money ought to be available at 3 percent and 4 percent, considering the strength and productivity of our country.

So I wish to call attention to a number of things today which I feel urgently must be done in respect of the economy.

Mr. President, we can no longer merely engage in academic discussions as to what does or does not constitute "acceptable" or "tolerable" unemployment.

We have the responsibility as Members of this Congress to take action to deal with the unemployment situation which we face.

Specifically, I propose the following:

PUBLIC SERVICE EMPLOYMENT

First, Mr. President, I propose that the Congress respond favorably to the recommendation made this March by the Minority members of the Joint Economic Committee including Senators Miller, Jordan, Percy, and myself, that the Nation consider a "limited" program of public service employment, in order to combat rising unemployment.

To implement that recommendation I shall introduce shortly, as an amendment to the Manpower Training Act, legisla-

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tion to establish a public service employment program with an initial authorization of $500 million and to "trigger" additional funds for public-service employment and manpower training activities in the event that unemployment becomes especially severe.

I shall be seeking cosponsors for that amendment in the coming days and I hope that my colleagues will give it every consideration. The amendment is described in remarks which I inserted in the Record of last Thursday, May 7, 1970.

Therefore, we need some money and some authority, especially in the pending manpower training bill, for public sector jobs. I hope the administration will come out for that flatly. I am the sponsor of that bill, but the important thing is administration support, and I hope the administration will seize this opportunity to come out strongly for that kind of program. The administration itself has recognized the need for public service employment programs in times of rising unemployment, by including, in its own bill a provision for a "triggering" of funds for that purpose. I merely propose that more funds be made available.

NEIGHBORHOOD YOUTH CORPS SUMMER JOBS

Second, Mr. President, I propose that we increase the amount of funding available this summer for summer jobs for the disadvantaged.

While the overall unemployment rate was 4.8 percent in April, the teenage jobless rate was 15.7 percent, compared with 13.9 percent in March. Some 200,000 more persons 16 to 19 years of age were out of work last month than in the previous month. That is the most incendiary group when it is idling in the slums and the ghettos of the United States.

The Secretary of Labor testified this morning before the Subcommittee on Employment, Manpower, and Poverty of the Committee on Labor and Public Welfare that there will be about 330,000 summer job slots from the $146 million to be provided for that purpose.

Yet the administration will provide 67,000 fewer summer job opportunities than provided last summer under the Neighborhood Youth Corps summer program which was developed to enable 14- to 21-year-old disadvantaged youths to earn money with public or private nonprofit organizations.

In my own city of New York, funding for these programs is $3 million less than last year.

And in fact, Mr. President, last summer's allocation covered less than one-third of the youths from whom the Department of Labor indicated could have benefitted from the program. Need I add that if the unemployment rate continues upward as it is expected to do, the so-called target group for the program will be substantially greater.

A recent survey by the U.S. Conference of Mayors of the 50 major cities and of smaller cities, confirms these needs. As stated, in the attached letter from John J. Gunther, director of the conference, the cities require funding for at least 227,173 additional slots in the Neighborhood Youth Corps summer program. At approximately $450 per opportunity, this means that an appropriation of more than $100 million will be required, in addition to the $146,412,000 allocated by the administration for the program to date.

Mr. President, if it does not appear that the administration will be in a position to allocate funds for these program needs, I shall shortly introduce an amendment to the second supplemental appropriations bill, now before the Committee on Appropriations, in order to meet these needs.

There is, indeed, a time bomb ticking against us in the cities. We can provide these essential sums now and permit disadvantaged 14- to 21-year-olds to plan to spend this summer in terms of meaningful employment, or we can let them assume that they will spend their time once again on the streets.

We can let the cities know now that their minimum needs will be met so that they can adequately program for this summer, or we can let them spend another anxious summer in administrative uncertainty and confusion facing the long lines of youths who apply for employment—and must be turned away.

Mr. President, the Nation today faces two youth crises. The first relates to the young people on our campuses concerned with the agony of war.

The second is the personal crisis of those disadvantaged youth in our cities who will face these difficult times without an opportunity for employment.

I trust that this Nation will respond to both challenges.

These are two things which we can do immediately in this very dangerous unemployment situation.

I shall have other recommendations later in the week with respect to taxation, where I feel we have again heavily compromised the confidence of the business community of the United States, and also recommendations respecting the rediscount rate, which is a critical point with the great financial and business community of the United States.

I spoke on this subject on April 30, roughly 10 days ago, and at that time urged a decrease of the margin requirements as well as other measures; and I was very pleased that the administration has responded. I hope it will respond similarly with respect to these questions relating to manpower and unemployment.

I urge the administration to give these matters its immediate attention.

Mr. President, I ask unanimous consent to have printed in the Record, the letter from the Conference of Mayors, an editorial entitled "Jump In Unemployment," published today in the New York Times, and two releases of the Department of Labor on this subject, one entitled "The Unemployment Situation: April 1970," and the other entitled "The Unemployment Situation in Urban Poverty Neighborhoods: First Quarter 1970."

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Conference of Mayors,
Washington, D.C., May 7, 1970.

Hon. Jacob K. Javits,
Old Senate Office Building,
Washington, D.C.

Dear Senator Javits: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

John J. Gunther,
Executive Director.

Jump in Unemployment

Last month the unemployment rate climbed to 4.8 per cent—up from 4.4 per cent in March and 3.5 per cent at the start of the year. There is cause for serious concern both over the speed of the rise in unemployment and over its composition.

Until the April figures were released, Administration spokesmen had been expressing their satisfaction that the rate of unemployment among Negroes and other non-whites had been rising less than among whites. But last month the unemployment rate for whites rose from 4.1 per cent to only 4.3 per cent, while the rate for blacks jumped from 7.1 per cent to 8.7 per cent. Unemployment among youths under 20 has reached almost 16 per cent, with a heavy concentration among blacks. Thus, racial disadvantage—and racial discrimination—are again bearing their bitter fruit. If these trends continue, they are bound to aggravate social tensions.

It is true that President Nixon warned months ago that there would be "slowing pains" as a result of his policies to cool off the economy and stop inflation. But the rise in unemployment is coming faster and steeper than his economists predicted; the annual report of the Council of Economic Advisers in January forecast an average rate of unemployment of only 4.3 per cent for 1970 as a whole. This will almost certainly be one more example of the Administration's misplaced optimism.

At the same time, inflationary pressures remain strong. While the economic slowdown may have begun to reduce the rate of rise in wholesale prices, the resumption of quite sharp growth in the money supply, the slippage of the budget into deficit, and the escalation of wage demands by labor unions make it far from certain that the inflationary trend will not be intensified rather than moderated in the months ahead. Inflation is bad news both for employers and for workers; by squeezing profits, cost-push inflation forces layoffs of workers.

In his press conference this week, the President sought to reduce worry over unemployment by forecasting that Gross National Product will pass the trillion-dollar mark by the end of this year. He did not say how much of this would result from inflation. The President and his advisers cling to a hope that the lagged effect of the past slowdown will check future inflation, while the coming rise of G.N.P. will simultaneously check rising unemployment.

Thus the Administration continues to hope to find just the right middle path between too much stimulation and too much restraint and thus simultaneously stop both inflation and unemployment. But the time is rapidly approaching when the Administration must face up to the failure of its forecasts and to the necessity of building a

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broader program to achieve these conflicting objectives. Besides general control of total demand, the Administration needs two other basic weapons: an income policy to curb inflationary price and wage behavior, and a stronger Federal program to prepare the low skilled for employment, to break job discrimination, and to find or create jobs for those who are the victims of what Mr. Nixon calls "our fight against inflation."

THE EMPLOYMENT SITUATION: APRIL 1970

Unemployment increased for the fourth consecutive month in April, the U.S. Department of Labor's Bureau of Labor Statistics announced today. The overall rate rose sharply from 4.4 to 4.8 percent, the highest point since April 1965. Nearly all of the increase occurred among male full-time workers.

Nonfarm payroll employment, after seasonal adjustment, declined by 90,000 in April, as a result of increased strike activity. In manufacturing, a large decline in employment was accompanied by a decrease in the factory workweek.

UNEMPLOYMENT

The number of unemployed persons, which usually falls significantly in April, declined much less than usual this April. As a result, after seasonal adjustment, unemployment was up by 300,000 to 3.9 million.

Since December, unemployment has risen by 1.1 million. About 450,000 of the increase occurred among persons who had lost their last jobs, 300,000 among reentrants to the labor force, 200,000 among persons who had never worked before, and 125,000 among job leavers. (See the new table A–5 containing seasonally adjusted data on reasons for unemployment.)

Thus far this year, the unemployment rate has risen from 3.5 percent in December to 4.8 percent in April. Although both full-time and part-time jobless rates have risen since December, the unemployment increase has been substantially greater among full-time workers. In April, nearly all of the increase occurred among full-time workers, whose rate rose from 4.0 to 4.4 percent.

The unemployment rate for adult men rose from 2.9 to 3.2 percent between March and April, while that for married men increased from 2.2 to 2.4 percent. Both rates have risen steadily since December and are back to the levels of mid-1965. The jobless rate for adult women was virtually unchanged in April at 4.4 percent; however, it was up nearly a full percentage point since December. The increase in joblessness has not been as great for adult women as for men over this period.

The teenage unemployment rate moved up sharply in April, after changing very little in recent months. Their rate rose from 13.9 to 15.7 percent, also the highest point in 5 years.

The jobless rate for workers covered by State unemployment insurance programs rose from 2.7 to 3.1 percent in April, the highest rate since May 1965. This rate has been rising since last September. A year ago, the rate was 2.1 percent.

The unemployment rate for Negro workers rose much more markedly than for whites in April, climbing from 7.1 to 8.7 percent. The white rate increased from 4.1 to 4.3 percent. After remaining less than double the white rate since last fall, the ratio of Negro-to-white jobless rates returned to the 2-to-1 relationship that has prevailed for many years. The larger over-the-month increase for Negroes occurred not only among adult men and teenagers but also among adult women.

Among occupation groups, unemployment rates rose over the month for clerical and sales workers and for craftsmen and nonfarm laborers. Although jobless rates for professional and technical workers, operatives, and service workers were about unchanged from March, they have all moved up considerably in recent months.

Although the only significant industry jobless rate increases over the month occurred among workers last employed in trade and transportation and public utilities, rates in the other industries remained well above levels of the fall of 1969. Until April, these two industries had experienced only moderate unemployment increases. However, the increases in both trade and transportation in April were partly due to the secondary efforts of the strike in the trucking industry. Jobless rates in manufacturing (4.8 percent) and construction (8.1 percent) were unchanged for the second consecutive month, after rising in February.

Short-term unemployment of less than 5 weeks duration rose by 300,000 in April to 2.3 million, the highest level since this series began in 1948. Unemployment of 15 weeks or over was about unchanged in April at 575,000. As a result, long-term unemployment as a proportion of the labor force remained at its March level of 0.7 percent.

Along with the rise in unemployment in April, there was also an increase of 425,000 in the number of persons who were working part time for economic reasons, such as slack work, material shortages, could find only part-time work, or started or stopped a job during the week. As a result of these developments, the percent of labor force time lost by the unemployed and by persons involuntarily working part time increased from 4.8 percent in March to 5.1 percent in April. (Labor force time lost is a measure of man-hours lost as a percent of potentially available labor force man-hours.) As with the overall unemployment rate, the hours-lost rate was at its highest point since the spring of 1965.

CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force increased in line with seasonal expectations in April. After seasonal adjustment, the labor force was virtually unchanged from the March level of 86.1 million. Although the adult male labor force rose sightly, the adult women and teenage labor forces were unchanged, after increasing sharply in recent months.

Total employment also increased in April, mostly due to the normal upsurge in agriculture. Nonagricultural employment did not show its usual March-to-April gain and, as a result, employment fell by 225,000 after seasonal adjustment.

Since December, the labor force has increased by 1.3 million persons (seasonally adjusted)—625,000 adult men, 400,000 adult women, and 275,000 teenagers. Employment growth, however, has reached a virtual standstill.

INDUSTRY PAYROLL EMPLOYMENT

Employment on nonagricultural payrolls increased slightly less than usual in April and, after seasonal adjustment, was down by 90,000. However, the decline was due entirely to new strike activity in construction, transportation and public utilities, and government. (Workers on strike are not counted as employed in the payroll employment series, whereas they are classified as "employed—with a job but not at work" in the household series.)

As has been true since early fall, over-the-month increases in service-producing industries were about counter-balanced by declines in manufacturing. Employment in manufacturing declined by 145,000 (seasonally adjusted) between March and April with virtually all of the cutbacks occurring within the durable goods sector. The largest decrease occurred in transportation equipment (40,000), primarily due to continued layoffs in the automobile and aircraft industries. Large declines also occurred in the fabricated metal products, primary metal, electrical equipment, and food industries. There were smaller but widespread declines in many other manufacturing industries. Since the early fall of 1969, employment in manufacturing has dropped by 600,000.

Contract construction employment declined by 65,000 in April, after seasonal adjustment, with over two-thirds of the drop due to increased strike activity. The level of employment in construction was about the same as a year ago.

Payroll employment advances were posted in government (90,000), trade (35,000), and in services and finance, insurance, and real estate. The large gain in government reflected mainly the additional hiring of temporary Census workers. Since February, about 175,000 Census workers have been hired by the Federal government.

HOURS OF WORK

The workweek in manufacturing declined by 0.2 hour in April to 40,0 hours, seasonally adjusted, returning to about the February level. Since December, the average workweek for factory workers has fallen by nearly three-fourths of an hour. The over-the-month decline was generally widespread, with the largest drops occurring in primary metals, machinery, chemicals and petroleum.

Factory overtime continued its downward trend of recent months, falling by 0.1 hour in April to 3.0 hours. Since the 1969 high reached in January, factory overtime has dropped by 0.8 hour, to its lowest point in 6 years.

For all rank-and-file workers on private nonfarm payrolls, average weekly hours in April were unchanged for the third consecutive month at 37.4 hours (seasonally adjusted). Since early fall, the workweek was off by 0.4 hour. Among the major industry divisions, an over-the-month increase in the construction workweek was offset by reductions in manufacturing, mining, and finance.

EARNINGS

Average hourly earnings for production and nonsupervisory workers on private payrolls edged up by 1 cent in April to $3.18. Compared with a year ago, hourly earnings were up 20 cents or 6.7 percent.

Average weekly earnings were virtually unchanged over the month. Among the major industries, increases in weekly earnings in construction and trade were countered by declines in manufacturing, mining, and finance, insurance, and real estate.

Over the year ending in March 1970, average weekly earnings rose by 5.6 percent; after adjustment for consumer price changes, however, earnings were down by 0.4 percent.

THE EMPLOYMENT SITUATION IN URBAN POVERTY NEIGHBORHOODS: FIRST QUARTER 1970

Unemployment rose over the year in the poverty neighborhoods of the Nation's 100 largest metropolitan areas, reflecting the weakening employment situation in the Nation as a whole, the Labor Department's Bureau of Labor Statistics reported today.

The jobless rate in the urban poverty areas was 6.6 percent in the first quarter of 1970, compared with 5.6 percent during the same quarter of 1969. This was the first over-the-year increase in the unemployment rate in urban poverty neighborhoods since the series began in 1967. This increase followed 3 consecutive quarters in which there had been little or no over-the-year improvement in the jobless rate. In the remaining urban neighborhoods of the 100 largest cities, the unemployment rate also increased over the year, rising from 3.1 to 4.0 percent.

The jobless rate increase in the poverty areas affected both whites and blacks; the white jobless rate rose from 4.6 to 5.7 percent, while the Negro rate increased from 7.0 to 8.0 percent. In the other urban neighborhoods, the unemployment rate for whites also rose sharply—from 2.9 to 3.8 percent—while the Negro rate was not significantly changed.

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The rise in joblessness among white workers in poverty neighborhoods was concentrated among adult men, whose rate increased markedly—from 3.9 to 5.7 percent. There was virtually no change in the jobless rate for white adult women or white teenagers.

In contrast, the worsening in unemployment among Negroes living in poverty neighborhoods took place chiefly among teenagers, whose rate rose by more than one-half—from 20.9 to 32.7 percent. There was no significant change in the jobless rate for black adult men or women.

The number of unemployed in urban poverty neighborhoods in the first quarter of 1970 was 415,000, up 55,000 over the same quarter a year earlier. The increase occurred largely among white workers, whose unemployment rose by about 25 percent between first quarter 1969 and first quarter 1970, while black unemployment edged up by only 7 percent.

EMPLOYMENT, LABOR FORCE, AND THE POPULATION

Accompanying the over-the-year rise in unemployment in urban poverty neighborhoods has been an even sharper decline in employment. Consequently, civilian labor force in these neighborhoods diminished by nearly 150,000 workers over the year. Both the level of employment and labor force in poverty neighborhoods have been declining in the recent past. By way of contrast, in the other urban neighborhoods, employment and labor force have risen substantially, both for whites and blacks.

Perhaps the chief factor accounting for the decline in employment and labor force in urban poverty neighborhoods has been the movement of workers out of these areas. Between the first quarters of 1969 and 1970, the population of these neighborhoods dropped by nearly one-half million persons.

TABLE 1.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS[1] BY COLOR

[In thousands]

	Total		White		Negro and other races	
	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969
Total United States:						
Civilian labor force	81, 231	78, 868	72, 270	70, 218	8, 961	8, 605
Unemployment	3, 644	2, 848	3, 004	2, 297	64,	551
Unemployment rate	4. 5	3. 6	4. 2	3. 3	7. 1	6. 4
Urban Poverty Neighborhoods:						
Civilian labor force	6, 273	6, 417	3, 758	3, 734	2, 514	2, 683
Unemployment	417	361	215	172	202	189
Unemployment rate	6. 6	5. 6	5. 7	4. 6	8. 0	7. 0
Other Urban Neighborhoods:						
Civilian labor force	39, 975	38, 210	36, 558	35, 098	3, 417	3, 122
Unemployment	1, 590	1, 188	1, 401	1, 024	189	164
Unemployment rate	4. 0	3. 1	3. 8	2. 9	5. 5	5. 2

[1] Pertains only to Standard Metropolitan Statistical Areas (SMSA's) with populations of 250,000 or more.

TABLE 2.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS[1] BY COLOR, SEX, AND AGE

[In thousands]

Employment status, sex, and age	Total		White		Negro and other races	
	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969	1st quarter 1970	1st quarter 1969
Males, 20 years and over:						
Urban poverty neighborhoods:						
Civilian labor force	3, 476	3, 589	2, 156	2, 185	1, 321	1, 404
Unemployment	197	163	121	86	75	78
Unemployment rate	5. 7	4. 5	5. 7	3. 9	5. 7	5. 6
Other urban neighborhoods:						
Civilian labor force	23, 032	22, 432	21, 259	20, 788	1, 773	1, 643
Unemployment	659	435	586	384	73	51
Unemployment rate	2. 9	1. 9	2. 8	1. 8	4. 1	3. 1
Females, 20 years and over:						
Urban poverty neighborhoods:						
Civilian labor force	2, 283	2, 321	1, 227	1, 265	994	1, 056
Unemployment	114	112	63	48	61	64
Unemployment rate	5. 0	4. 8	4. 1	3. 8	6. 1	6. 1
Other urban neighborhoods:						
Civilian labor force	13, 821	13, 009	12, 429	11, 732	1, 392	1, 278
Unemployment	530	436	461	372	69	64
Unemployment rate	3. 8	3. 4	3. 7	3. 2	5. 0	5. 0
Teenagers, 16 to 19 years:						
Urban poverty neighborhoods:						
Civilian labor force	513	507	313	285	200	222
Unemployment	105	85	40	38	65	46
Unemployment rate	20. 5	16. 7	12. 7	13. 5	32. 7	20. 9
Other urban neighborhoods:						
Civilian labor force	3, 123	2, 769	2, 871	2, 568	252	201
Unemployment	400	317	353	268	46	48
Unemployment rate	12. 8	11. 4	12. 3	10. 5	18. 4	23. 9

[1] Pertains only to SMSA's with populations of 250,000 or more.

THE SITUATION IN CAMBODIA

Mr. RIBICOFF. Mr. President, the tragic events of the past 2 weeks should cause deep concern to all of us. The shock waves of the extension of the war into Cambodia have been compounded by the senseless killings at Kent State University. There is much confusion, bitterness, and despair in our land instead of our traditional optimism.

The tens of thousands of young people who assembled angrily, but peacefully, here in Washington have now departed, leaving it to us, their representatives, to articulate the message they have so earnestly and passionately sought to convey to us. This message is so simple and direct it would take myopia to overlook it. They are pleading for this Nation to pursue peace and justice both at home and abroad. They are asking us to actually live up to our rhetoric, and to show respect for human life instead of seeking to sanctify death and rationalize destruction.

In more immediate terms they are entreating us to remove our forces from Cambodia—our newest war, to end our devious involvement in Laos—our secret war, and to withdraw our forces from Vietnam—our longest war.

The credibility gap of this administration is fast becoming a chasm which no hastily constructed bridge of twisted emotional appeals to patriotism can ever span. A new generation of Americans sees this yawning gap between word and deed—and their faith and trust in our Government are weakened. The American public and Congress are being asked in 1970 to accept, without protest, the doublespeak of Orwell's 1984.

We are asked to believe that evil is good, war is peace, invasion is withdrawal, and an air strike by 100 planes is "protective reaction." If the facts of history prove to be too embarrassing they are conveniently omitted. There was not the scantiest mention by the President in his address to the Nation of the most obvious reason for the American and South Vietnamese thrusts into Cambodia—the opportune overthrow of the Sihanouk government.

We are in Cambodia today because our Government is still pursuing the illusion of military victory in Vietnam. At the same time, we are desperately trying to insure the presence in Phnom Penh of a pro-American regime. Our drives may secure us a short-term tactical advantage, but they pose grave risks of widening the war in Southeast Asia and of ultimately causing even more American casualties.

Instead of painfully confronting these obvious truths, we have been told that our military actions will be saving American lives in Vietnam, speeding our withdrawal, and helping to maintain the neutrality of Cambodia.

These search-and-destroy missions into Cambodia are certainly nothing new. Only now the names of the places have been changed—but unfortunately, not to protect the innocent. We have been searching and destroying in Vietnam for years. Based on our past success in bringing about peace through these means, this latest venture into Cambodia should have more appropriately been called Operation Total Folly. What long-term strategic advantage may be gained is still unclear. But what is already abundantly clear is that these operations are producing more blasted villages, more refugees, and more orphans.

As part of the justification for this extension of the Vietnam war, we have been treated to an all too familiar pep talk—complete with a reminder about our 190-year winning streak that the new coach does not want broken. If we are to pursue consistency in our performance in Southeast Asia, let us examine the record in South Vietnam. It clearly shows that we have consistently underestimated the enemy, consistently overestimated our own capacity to destroy his will to resist, and consistently avoided the best solution to our dilemma—orderly withdrawal.

We are in great danger of fitting into the definition as a fanatic as "one who, when he loses sight of his goal, redoubles his efforts."

We are increasing our efforts in Indochina at the peril of losing sight of the fact that the basic strategic interests of this country do not call for a permanent direct military involvement in Southeast Asia. We are becoming mired deeper in Indochina precisely at the time when our attention should be focused elsewhere.

This past week our young people have been telling us, with a maturity far beyond their years, to give peace a chance. The time has come to make our system work for peace by ending our direct military role in Southeast Asia.

I shall support the Cooper-Church and the McGovern-Hatfield amendments along with the repeal of the Gulf of Tonkin resolution.

By these legislative measures we are not seeking to usurp the authority of the President as Commander in Chief of our Armed Forces. Rather, we are trying to reassert our own constitutional prerogatives. We have followed the executive branch in its journey from miscalculation, to mistake, and finally to disaster in Vietnam. It is time that we assumed a fair share of the foreign policymaking process in this country—and along with it the responsibility accompanying it.

Direct, clear congressional action is sorely needed. Our more informal entreaties, our resolutions, and the advice of the Foreign Relations Committee of this body have been ignored. I hope that the amendments being considered today by the Foreign Relations Committee to deny funds for specific military actions in various countries in Southeast Asia, will be presented in a timely manner to the Senate for its full consideration.

It must be emphasized that these legislative proposals are being offered out of deep concern and love for our country and its future. They can serve as meaningful, practical alternatives to the war-directed policies of our executive branch. They can serve as guidelines along the difficult road to peace. And perhaps most important of all, they can help renew this Nation's faith in its Government and elected leadership. If this troubled, divided Nation is indeed to be brought together let us take the first step here in the Senate.

A RESPONSIBLE WAR ROLE FOR CONGRESS

Mr. HATFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "What Is a Responsible War Role for Congress?" published in the Washington Post on May 5, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT IS A RESPONSIBLE WAR ROLE FOR CONGRESS?

The country has a right to expect that, in the present emergency, Congress will do something more than fulminate or merely spin its wheels, or just say no. Despite the deep concern that is felt on Capitol Hill over the widening of the war in Indochina, many of those who are most critical of the President's action talk nonsense when they get around to what should be done. Congress should indeed be getting into the act, not in the role of a kibitzer, or a vindictive naysayer, but in that of responsible national policy-making body.

The course advocated by Senators McGovern, Hatfield, Goodell and Hughes is too reckless for serious consideration. Congress, they say, "must either legislate the conflict by declaring war or veto and end it." To declare war in the present situation would, in our view, be akin to madness, as these four gentlemen doubtless would agree. It would commit the nation to use of all its military, economic and moral resources in a remote part of the world where our interests are tangential and our military reach is already overextended. It would risk the possibility of involvement with both China and the Soviet Union without serving any imperative national purpose. It would imbed us in concrete when what we need is room for flexibility.

No doubt the real purpose of the McGovern-Hatfield-Goodell-Hughes foursome is to focus attention on their alternative of vetoing and ending the war. But ending a war is not accomplished by the stroke of a pen or a denial of money. With our men still facing an enemy in many different areas of South Vietnam, in Laos, and now Cambodia, no rational Congress is going to tell them to fight no more. And it would be scarcely less calamitous to declare that no funds could be spent in connection with that conflict after December 31.

Congress could, however, adopt a national policy of withdrawal from Vietnam, leaving the timing of the exit flexible so that our forces there would encounter a minimum of danger and a vacuum would not be created overnight. We should like to see Congress debate and act on such a policy. It would necessarily have to face some vital questions. How important is continental Southeast Asia to our larger international policies? Does Vietnam have any vital relation to our national security? Just what is a "just peace" and have we the capacity to induce or impose or maintain it? What right do we have to set ourselves up as the arbiter of the future of that area? At what point might it be said that we have accomplished all that could reasonably be expected of us?

If these issues are sincerely debated, we suspect that Congress will go on record in favor of a flexible withdrawal policy, as indeed, the Nixon administration did before the recent escalation fever set in. In any event, Congress ought to be shaping the national purpose. If it is going to reclaim the war power previously relinquished to the President, it has an obligation to take a substantial share of the responsibility for the course that is to be pursued.

In the face of this great need for a reshaping of national policy, leaders of the Senate Foreign Relations Committee walked into a trap of its own making by demanding an audience with Mr. Nixon and reacted in petty fashion to the President's clever counter-suggestion that the Senate committee meet him jointly with the House Foreign Affairs Committee. Foreign Relations had a right to try for a separate meeting. But no treaty is under discussion. So the President has an equal right to argue that the subject of such a session ought to be the broad national policy of liquidating the war in an orderly fashion, and that this concerns the House and the country as much as it does the Senate.

The time has come for discussion of a comprehensive policy—not for petty bickering or jurisdictional squabbles. There seems to be much awareness of the fact that the President's action has placed him on trial in the court of public opinion, and Congress is no less on trial in its own sphere. Can it only kibitz and flounder, or can it assume a positive role and an honest responsibility in shaping a national policy?

Mr. HATFIELD. Mr. President, following the publication of this editorial in the Washington Post, which was highly critical of the amendment that was offered originally by the Senator from South Dakota (Mr. MCGOVERN) and myself and since has been expanded to include the names of more than 19 Senators, I should like to read the response that we wrote to the Washington Post, which, for some reason or other, has failed to appear in rebuttal to this particular editorial.

It is dated May 7, 1970, and reads as follows:

MAY 7, 1970.

EDITOR,
The Washington Post,
Washington, D.C.

TO THE EDITOR: The Washington Post is entirely correct in its May fifth assertion that the country "has a right to expect that, in the present emergency, Congress will do something more than fulminate or merely spin its wheels, or just say no." We believe further that our amendment calling for a safe and systematic withdrawal from Vietnam is far superior to the Post's recommendation that we simply have more debate on issues debated to death over the past seven years, perhaps leading to a policy statement for the Administration to ignore.

Your description of the recklessness of withdrawing support from men engaged in combat is irrelevant to any discussion of our amendment, because that is not what we propose. Our plan does not require a precipitate withdrawal. It is, instead, a plan for complete disengagement on an orderly schedule, to commence by December 31st and to be completed by the end of the fiscal year next June. The amendment permits funds for self-defense in the process. And the plan specifically retains the options for Congress to extend the deadline for total withdrawal if it finds, upon request by the President, that additional time is needed to safeguard the lives of American men.

Nor is it relevant to discuss the calamity of a declaration of war. Of course we oppose such a step. It should be clear that it would nullify our amendment regardless of whether we referred to it or not. It is men-

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tioned only to state precisely the choice we believe faces the Congress.

More serious than the misreading of our amendment, however, is the inference that it is improper for the Congress to use the power over issues of war and peace specifically reserved to it by the Constitution; that we must instead content ourselves with making worried speeches and with passing ineffectual statements of policy. Such advice flatly refutes your demand that we do more than "kibbitz or flounder" because it would leave us no other option. You, not we, are the proponents of a course of "kibbitzing and floundering."

It is time to face the fact that Congress—confronted with an uncooperative Administration—can end the war only if it makes the tough decision to restrict funds for its prosecution. A reading of history makes it clear that what we are doing is precisely what the founders had in mind when they reserved to the Congress—and denied to the President—the power to declare war and raise and support armies, and to provide funds or refuse funds for military adventures in other lands.

A copy of our amendment is enclosed. We would be delighted to discuss it with the editors of the Post *at any time*. We think it deserves more than the treatment it has thus far received in both your news and editorial pages. We regard the forthcoming roll call on our amendment to end the war in Southeast Asia as the most important vote we have cast in the Senate.

Sincerely,

GEORGE MCGOVERN.
CHARLES E. GOODELL.
MARK. O. HATFIELD.
HAROLD E. HUGHES.

SEYMOUR HERSH—PULITZER PRIZE WINNER

Mr. YOUNG of Ohio. Mr. President, the mass murder of Vietnamese civilians—children, women, and old men—in the hamlet of Mylai took place on March 16, 1968, more than 2 years ago. It was in great part through the efforts and persistence of a single American journalist, Seymour Hersh, that this tragedy has been stamped indelibly on our national conscience. Seymour Hersh was the first reporter to interview Lt. William Calley. Since last October he has traveled more than 50,000 miles and has interviewed more than 50 members of the 1st Battalion Company who were at Mylai on that fateful day.

The results of Hersh's extensive research form the basis for a thoroughly documented, well-written book by Seymour Hersh entitled "My Lai 4. A Report on the Massacre and Its Aftermath," some of which appeared this month in Harper's magazine, in which he sets forth the most complete and accurate account of the Mylai massacre yet available to the public.

Mr. President, every American should read the full report of Seymour Hersh. He was awarded the much-sought-after Pulitzer Prize for international reporting for disclosing the Mylai tragedy.

On several occasions I have asserted the fact that the murders in cold blood of old men, women, children, and babies at Mylai were the result of a brutalization of America's young men by our involvement in a dirty, senseless, immoral, undeclared war. Unfortunately, hundreds of thousands of young Americans conscripted into our Armed Forces and following only 4 months of training have been and are being sent into combat in a civil war in a small faraway Asian land of no strategic or economic importance to the defense of our Nation. Once there they witnessed and participated under orders in napalm bombing of innocent civilians, in defoliation missions that not only poison the land for generations to come but cause the birth of deformed infants, in handing prisoners of war over to our South Vietnamese allies for torture and in some cases execution. All this, and a thousand other horrors of war. Then, in addition, they have seen their officers debase our military effort with body count procedures—a brutalizing practice which never occurred in any previous war in which our country was engaged. These facts have never been more clearly revealed than through the research of Seymour Hersh.

Because of its length, I shall not ask that the Harper's article be reprinted in the RECORD. However, I ask the indulgence of Senators in reading some representative passages from this outstanding account which greatly clarify what actually took place at Mylai:

> The average GI's ignorance of Vietnamese customs was appalling, and the Army did little to educate them. The Vietnam-bound soldiers were given—at the most—only one or two lectures on the country and its people while in training.
>
> Even worse than the misunderstandings were the deliberate cruelties and implicit assumptions of superiority on the part of the Americans. The pacification policy called for the free provision of medical care and medicines to the civilian population. But in practice, visits by medical teams to any hamlet were generally infrequent, and only two days' supply of medicine would be given each patient out of fear that the excess would fall into Viet Cong hands. Vietnamese were provided with new names when they entered a U.S. military hospital, so the staff would have less trouble identifying them. Thus a civilian who lost an eye was called, for example, "Bubbles," "Ohio", or "Cyclops." All U.S. hospitals had to keep 35 per cent of their beds empty in case of an emergency involving American casualties; this rule was adhered to even in areas where the local civilian populace was in desperate need of medical help. Few Americans paid any attention to the names of hamlets and villages, many of them centuries old, and devised their own titles, which often found their way onto official military maps.
>
> Young GIs soon learned that there were Army names for Vietnamese too: gook, dink, and slope. One battalion commander in Vietnam named his helicopter the "Gookmobile" and listed his kills on the fuselage with a neatly painted row of conical hats. Another helicopter pilot stalked Vietnamese in free-fire zones, shooting at anyone who moved below with his pistol or a rifle. Another called his helicopter the "Slope-toter." One brigade commander ran a contest to celebrate his unit's 10,000th enemy kill. The winning GI received a week's pass to stay in the colonel's personal quarters. Many battalions staged contests among their rifle companies for the highest score in enemy kills, with the winning unit getting additional time for passes.
>
> What, perhaps, would happen inadvertently in the beginning became routine. Terry Reid of Fond du Lac, Wisconsin, spent much of 1968 serving with the Eleventh Brigade of the Americal Division near Chu Lai, the division headquarters a few miles north of Quang Ngai City. The indiscriminate slaughter of Vietnamese women and children was commonplace in his unit. "Our company was credited with hundreds of kills," Reid told a reporter. "In the first firefight our company encountered, my platoon alone accounted for forty kills. Yet no one in my platoon saw a (Viet Cong) body. But I witnessed many civilians being shot down like clay pigeons."
>
> "To me," the ex-GI said, "the war was being ambushed every three to five days, being left with scores of wounded GIs, and then coming right back at the enemy by going into an innocent village, destroying and killing people."
>
> If there was any reason for what began to happen to Charlie Company, it was not too much combat—but to little.
>
> Occasionally the company, still new to Vietnam, was stunned by the evidence of the almost barbarous attitudes veterans displayed toward the Vietnamese people. Gregory Olsen of Portland, Oregon, remembered that soon after they were in Vietnam they saw an American troop carrier drive by with about twenty human ears tied to the antenna. It was kind of hard to believe. They actually had ears on the antenna.
>
> After many weeks of no combat, the company began to systematically beat its prisoners, and it began to be less discriminating about who was—or was not—a VC.
>
> Private Michael Bernhardt recalled that by March 16, "we'd already gone through some villages and the company more or less roughed up the people. If anybody ever told them to go there and kill everybody, they'd do it. They were looking for an excuse, and they got it."
>
> Calley and his platoon were the first to board the large black Army assault helicopters. The men were heavily armed, each carrying twice the normal load of rifle and machine-gun ammunition. Leading the way was Calley, who had slung an extra belt of M16 rifle bullets over his shoulder. There were nine helicopters in the first lift-off, more than enough for the whole first platoon—about twenty-five men—and Captain Medina and his small headquarters unit of three radiomen, some liaison officers, and a medic. It was sunny and already hot when the first helicopter started its noisy flight to My Lai 4. The time was 7:22 a.m.; it was logged by a tape recorder at brigade headquarters. A brief artillery barrage had already begun; the My Lai 4 area was being "prepared" in anticipation of that day's search-and-destroy-mission.
>
> The first platoon came out firing. But, after a moment, some men noticed that there was no return fire. "I didn't hear any bullets going past me." recalled Charles Hall, a machine gunner that day. "If you want to consider an area hot, you got to be fired on."
>
> The platoon quickly formed a perimeter and secured the landing zone.
>
> By this time, those Viet Cong who were in the hamlet had slipped away. Some local supporters of the guerrillas also left, but they did not go as far. They watched as Charlie Company went through My Lai 4.
>
> The killings began without warning. Harry Stanley told the CID that one young member of Calley's platoon took a civilian into custody and then "pushed the man up to where we were standing and then stabbed the man in the back with his bayonet. . . . The man fell to the ground and was gasping for breath." The GI then "killed him with another bayonet thrust or by shooting him with a rifle. . . There were so many people killed that day it is hard for me to recall exactly how some of the people died." The youth next "turned to where some soldiers were holding another forty- or fifty-year-old man in custody." He "picked this man up and threw him down a well. Then (he) pulled

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> the pin from a M26 grenade and threw it in after the man." Moments later Stanley saw "some old women and some little children—fifteen or twenty of them—in a group around a temple where some incense was burning. They were kneeling and crying and praying and various soldiers. . . . walked by and executed these women and children by shooting them in the head with their rifles. The soldiers killed all fifteen or twenty of them. . . ."
>
> There were few physical protests from the people; about eighty of them were taken quietly from their homes and herded together in the plaza area. A few hollered out, "No VC. No. VC." But that was hardly unexpected. Calley left Meadlo, Boyce, and a few others with the responsibility of guarding the group. "You know what I want you to do with them," he told Meadlo. Ten minutes later—about 8:15 a.m.—he returned and asked, "Haven't you got rid of them yet? I want them dead." Radioman Sledge, who was trailing Calley, heard the officer tell Meadlo to "waste them." Meadlo followed orders: "We stood about 10 to 15 feet away from them and then he (Calley) started shooting them. Then he told me to start shooting them. I started to shoot them. So we went ahead and killed them. I used more than a whole clip—used four or five clips." There are seventeen M16 bullets in each clip. Boyce slipped away, to the northern side of the hamlet, glad he hadn't been asked to shoot. Women were huddled against their children, vainly trying to save them. Some continued to chant "No VC". Others simply said, "No. No. No."
>
> In the midst of the carnage, Michael Bernhardt got his first good look at My Lai 4. Bernhardt had been delayed when Medina asked him to check out a suspicious wood box at the landing zone. After discovering that it wasn't a booby trap. Bernhardt hurried to catch up with his mates in the third platoon. He went into the hamlet where he saw Charlie Company "doing strange things. One: they were setting fire to the hootches and huts and waiting for people to come out and then shooting them. Two: they were going into the hootches and shooting them up. Three: they were gathering people in groups and shooting them. The whole thing was so deliberate. It was point-blank murder and I was standing there watching it. It kind of made me wonder if I could trust people anymore."
>
> Those Vietnamese who were not killed on the spot were being shepherded by the first platoon to a large drainage ditch at the eastern end of the hamlet.
>
> In the early afternoon, the men of Charlie Company mopped up to make sure all the houses and goods in My Lai 4 were destroyed. Medina ordered the underground tunnels in the hamlet blown up; most of them already had been blocked. Within another hour, My Lai 4 was no more; its red-brick buildings demolished by explosives, its huts burned to the ground, its people dead or dying.
>
> Michael Bernhardt later summarized the day: "We met no resistance and I only saw three captured weapons. We had no casualties. It was just like any other Vietnamese village—old papa-sans, women, and kids. As a matter of fact, I don't remember seeing one military age male in the entire place, dead or alive. The only prisoner I saw was in his fifties."
>
> By nightfall, the Viet Cong were back in My Lai 4, helping the survivors bury the dead. It took five days. Most of the funeral speeches were made by the Communist guerrillas. Nguyen Bat was not a Communist at the time of the massacre, but the incident changed his mind. "After the shooting," he said, "all the villagers became Communists."
>
> When Army investigators reached the barren area in November 1969, they found mass graves at three sites, as well as a ditch full of bodies. It was estimated that between 450 and 500 people—most of them women, children, and old men—had been slain and buried there.
>
> Specialist 5 Jay Roberts carried his reporter's note pad and a pencil with him when he took the helicopter from Eleventh Brigade headquarters at Duc Pho that morning.
>
> Roberts—who had been out of My Lai since 11:00 a.m.—learned from Colonel Barker in the early afternoon that the final body-count for Task Force Barker that day was 128, with three enemy weapons captured. He had no idea how, or why, that total was reached. There was great excitement at LZ Dotti: the 128 body-count was the largest for the task force since it had begun operations forty days earlier.
>
> Charlie Company's apparent victory did not go unnoticed. A few days after the battle, General William C. Westmoreland, then commander of U.S. forces in Vietnam, sent the following message: "Operation Muscatine (the code name for the My Lai assault) contact northeast of Quang Ngai City on 16 March dealt enemy heavy blow. Congratulations to officers and men of C–1–20 (Charlie Company, First Battalion, Twentieth Infantry) for outstanding action."
>
> Charlie Company quickly settled back into its routine of search-and-destroy missions that continued until its year in Vietnam was over.
>
> By then Medina's men were talking much less about My Lai 4. If there was any general consensus among the members of Charlie Company, it was perhaps best expressed by William Doherty, who thought that "it was pretty disgusting, but it was a different feeling. If they had been Americans," he said of the dead Vietnamese, "I might have felt different. I never really understood those people." Doherty was upset by what had happened to him in Vietnam: "You'd see a guy's leg blown off, or a rifle wound through his head—it stopped meaning anything more. It was nothing. You'd just say, "Glad it wasn't me." They told me this would happen to me when I got to Nam—this attitude. I didn't believe it, but . . .
>
> No one had stepped forward in protest, and most of the men started brooding about the incident only after they left the company or returned to their homes in the United States.

Mr. President, Mr. Hersh goes on to document the incredible and often deliberate effort at each level of command to cover up what really happened at Mylai. One can only wonder if other equally horrible massacres have taken place and reports of them quashed in the red tape of officialdom.

Through a thorough and eloquent presentation of the facts, without inserting his own opinions, Seymour Hersh has provided one of the most powerful arguments for ending our involvement in that senseless, immoral civil war in Vietnam. Further brutality and inhumanity can be the only results of continuing to send young Americans to fight and die in the swamps of Vietnam.

Mr. President, I commend Seymour Hersh for his outstanding contribution to our understanding of this horrible event. I am hopeful that all Americans will read his report and then be able to understand the real impact of Vietnam on our young people, our ideals, and our future.

Mr. President, Lt. Gen. W. R. Peers and Mr. Robert MacCrate have conducted a thorough and extensive inquiry into the events surrounding the Mylai massacre. On two previous occasions, I have called upon the Secretary of the Army and the Secretary of Defense to release the full Peers-MacCrate report, deleting only the names of the persons involved.

The outstanding research done by Seymour Hersh, including transcripts of interrogations by key witnesses conducted by the Army's Criminal Investigating Division, has given the public a much greater understanding of the Mylai massacre. There is no longer any reason for Army officials to withhold the important information in the Peers-MacCrate report.

The result of the Army's failure to inform the American people has been a profession of rumors and misinformation which is prejudicial to the rights of officers and men who face court martial trials. More important, it has placed the American people in the position of determining what happened at Mylai on the basis of hearsay and conjecture.

The citizens of the United States who are paying dearly for the Indochina war—in lost sons, brothers, and fathers as well as billions of dollars—have a right to know what our brutal policy has wrought. I again urge the Secretary of Defense to release the full Peers-MacCrate report.

REVISION OF DEFINITION OF A "CHILD" UNDER TITLE 38, UNITED STATES CODE

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10106.

The PRESIDING OFFICER laid before the Senate the message from the House of Representatives, as follows:

> *Resolved,* That the House concur in the amendments of the Senate numbered 1 and 2 to the bill (H.R. 10106) entitled "An Act to revise the definition of a 'child' for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree."
>
> *Resolved,* That the House disagree to the amendment of the Senate numbered 3 to the aforesaid bill.
>
> *Resolved,* That the House concur in the amendment of the Senate numbered 4 to the aforesaid bill, with the following amendment:
>
> On page 3, line 20, of the Senate engrossed amendments strike out "5" and insert "4".
>
> *Resolved,* That the House concur in the Senate amendment to the title of the aforesaid bill.

Mr. TALMADGE. Mr. President, this bill, as passed by both House and Senate, would revise the definition of "child" for veterans' benefit purposes to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree rather than from the time the decree becomes final.

The committee and the Senate approved the text of the House bill without modification but added to the bill amendments which would:

First, increase by 10 percent monthly dependency and indemnity compensation payments to children, where there is

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no widow entitled to receive dependency and indemnity compensation, and to certain children age 18 and over; and

Second, extend dependency and indemnity compensation to certain widows whose husbands were insured under national service life insurance on a premium-free basis.

Both of these provisions had been contained in the Senate version of S. 1471, the Talmadge bill to increase dependency and indemnity compensation. which became law last year.

The House agreed to accept the Senate amendment to increase monthly payments to children where there is no widow entitled. The House disagreed to the amendment affecting widows since they had already incorporated a similar provision in another bill they acted on last week.

Now, Mr. President, I have discussed this matter with the ranking minority member, the distinguished Senator from Utah, and he concurs in the action I request the Senate to take. This is a House-passed bill.

Mr. President, I move that the Senate recede from its amendment No. 3.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

Mr. TALMADGE. I move that the Senate concur in the House amendment to the Senate amendment on page 3, line 20, striking out "5", and inserting "4".

The motion was agreed to.

ORDER OF BUSINESS

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Inouye). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Hollings) laid before the Senate the following communications and letters, which were referred as indicated:

Proposed Amendment to the Budget, 1971, for the Judiciary (S. Doc. No. 91-69)

A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for the fiscal year 1971, in the amount of $4,220,000, for the Judiciary (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Amendment to the Budget, 1971, for the Federal Metal and Nonmetallic Mine Safety Board of Review (S. Doc. No. 91-68)

A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1971, in the amount of $167,000 for the Federal Metal and Nonmetallic Mine Safety Board of Review (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Proposed Supplemental Appropriations, 1970 (S. Doc. No. 91-67)

A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal year 1970, in the amount of $282 million in budget authority, and $55 thousand in a proposal not increasing budget authority (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Report of Defense Department on Use of Foreign Currencies

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, that no use was made of appropriated funds, during the period July 1–December 31, 1969, to make payments under contracts for any program, project, or activity in a foreign country except where, after consultation with a designee of the Secretary of the Treasury, it was determined that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law was not feasible for the reason that the Treasury Department was not holding excess foreign currencies in the country involved; to the Committee on Appropriations.

Reports of Agreements Signed for Foreign Currencies

A letter from the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, transmitting, pursuant to law, reports of agreements signed for foreign currencies for March and April 1970 (with accompanying reports); to the Committee on Agriculture and Forestry.

Lands Proposed for Interchange at Monroe Reservoir and Cannelton Locks and Dam Projects, Hoosier National Forest, Ind.

A letter from the Secretary of the Army and Secretary of Agriculture, transmitting, pursuant to law, a notice of the intention of Departments of Army and Agriculture to interchange jurisdiction of civil works and National Forest lands at Monroe Reservoir and Dam Projects in Indiana (with accompanying papers); to the Committee on Agriculture and Forestry.

Report of Defense Department on Annual Compensation of Any Officer or Employee of a Federal Contract Research Center in Excess of $45,000

A letter from the Deputy Secretary of Defense, reporting, pursuant to law, the annual compensation of any officer or employee of a Federal contract research center in excess of $45,000 from Federal funds (with accompanying papers); to the Committee on Armed Services.

Report of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential for savings in aircraft maintenance, Department of the Navy and Department of the Air Force, dated May 7, 1970 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Provide for Settlement Under International Agreements, of Certain Claims, Incident to Noncombat Activities of the Armed Forces

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

Report on Extraordinary Contractual Actions To Facilitate the National Defense

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on extraordinary contractual actions to facilitate the national defense, for calendar year 1969 (with an accompanying report); to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore (Mr. Hollings) laid before the Senate the following senate resolution of the State of Hawaii, which was referred to the Committee on Armed Services:

Resolution Requesting the President and Congress of the United States To Limit the Use of the Draft Law Only to a Legally Declared War

Whereas, the President of the United States made as part of his campaign a pledge to do his best to abolish the Draft Law and to establish a voluntary enlistment system whereby members of the Armed Forces will receive increased pay and other benefits to the level that drafting of individuals will become unnecessary; and

Whereas, the draft laws are under constant attack from a great number of the public as being unnecessary except in time of war, and as being unfair in that there are too many exemptions and unreasonable classifications; and

Whereas, some members of the Armed Forces receive pay below the minimum wage law and some pay is so little that the members qualify for welfare aid; and

Whereas, it would be of social and economic benefit to the people of the United States if the United States were bound by its own minimum wage law and if persons who enter the Armed Forces would be paid a decent living wage; and

Whereas, it would also be in the best interests of the United States if programs were established whereby the serviceman could complete college or high school while still a member of the Armed Forces by attending school one-half of the day and engaging in military training the other half; and

Whereas, the constant employment of the Draft Law during times of undeclared war renders it impossible for any male youth to plan his future and, to that extent, discourages him from doing so, and also causes the nation to constantly think in terms of war rather than peace; now, therefore

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the President and Congress of the United States be and they are hereby respectfully requested to limit the use of the draft law only to a war declared by Congress; and

Be it further resolved that certified copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore and Majority Leader of the United States Senate, and to each member of Hawaii's delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

S. 2583. A bill to provide for the conveyance to the County of Washakie, State of Wyoming, of certain real property of the United States (Rept. No. 91-853).

By Mr. TYDINGS, from the Committee on the District of Columbia, with amendments:

S. 3011. A bill to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes (Rept. No. 91–854).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 2208. A bill to authorize the Secretary of the Interior to study the feasability and desirability of a national lakeshore on Lake Taho in the State of Nevada, and for other purposes (Rept. No. 91–855).

AUTHORIZATION OF APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION—REPORT OF JOINT COMMITTEE ON ATOMIC ENERGY (S. REPT. 91–852)

Mr. PASTORE, from the Joint Committee on Atomic Energy, reported an original bill (S. 3818) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, and submitted a report thereon, which bill was placed on the calendar and the report was ordered to be printed.

EXECUTIVE REPORTS OF A COMMITTEE

Mrs. SMITH of Maine. Mr. President, as in executive session from the Committee on Armed Services I report favorably the nominations of 23 flag and general officers in the Army, Navy, Marine Corps, and Air Force. I ask that these names be placed on the Executive Calendar.

The ACTING PRESIDENT pro tempore (Mr. Hollings). Without objection. it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Vice Adm. Elmo R. Zumwalt, Jr., U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy, with the rank of admiral while so serving;

Gen. Earle Gilmore Wheeler, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general;

Lt. Gen. Lewis L. Mundell (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. James William Sutherland, Jr., Army of the United States (brigadier general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, in the grade of lieutenant general;

Maj. Gen. William K. Jones, and Maj. Gen. Raymond G. Davis, U.S. Marine Corps, for commands and other duties determined by the President, for appointment to the grade of lieutenants general while so serving;

Rear Admiral Jerome H. King, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Brig. Gen. Charles W. Sweeney, Massachusetts Air National Guard, for appointment as a Reserve commissioned officer in the U.S. Air Force, to be a major general;

Col. James W. Carter, Tennessee Air National Guard; Col. William H. Pendleton, California Air National Guard; Col. Robert S. Peterson, Minnesota Air National Guard; and Col. George H. Taylor, Utah Air National Guard, for appointment as Reserve commissioned officers in the U.S. Air Force, in the grade of brigadiers general;

Brig. Gen. Homer I. Lewis, Brig. Gen. James L. Murray, Brig. Gen. Wendell B. Sell, and Brig. Gen. Frank H. Spink, Jr., Air Force Reserve officers, for appointment in the Air Force Reserve, in the grade of majors general; and

Col. Stuart G. Haynsworth, Col. Robert H. Hutchinson, Col. Ralph M. Lain, Col. Vorley M. Rexroad, Col. Benton C. Tolley, Jr., Col. David Waxman, and Col. Alfred J. Wood, Jr., Air Force Reserve officers, for appointment in the Air Force Reserve, in the grade of brigadiers general.

Mrs. SMITH of Maine. Mr. President, in addition, I report favorably 417 appointments in the Army in the grade of major and below; 226 appointments in the Marine Corps in grade of 1st and 2d lieutenants; and 2,765 promotions in the Air Force in the grade of lieutenant colonel and below. Since these names have already been printed in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The ACTING PRESIDENT pro tempore (Mr. Hollings). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Gary L. Goff, staff noncommissioned officer, for temporary appointment to the grade of second lieutenant in the Marine Corps;

Patrick J. Glynn (Naval Reserve Officer Training Corps), for permanent appointment to the grade of second lieutenant in the Marine Corps;

Maclyn Abbott, and sundry other officers, for promotion in the Regular Air Force;

Kenneth Charles Allison, Jr., and sundry other U.S. Naval Academy graduates, for permanent appointment in the Marine Corps;

James W. Rinschler, Naval Reserve Officer Training Corps graduate, for permanent appointment in the Marine Corps;

Gregory C. O'Kelly, U.S. Air Force Academy graduate, for permanent appointment in the Marine Corps;

James L. Allingham, and sundry other commissioned warrant officers, for temporary appointment to the grade of first lieutenant in the Marine Corps;

Jonah H. K. Chang, and sundry other commissioned warrant officers, for temporary appointment to the grade of second lieutenant in the Marine Corps;

William B. Baker, and sundry other staff noncommissioned officers, for temporary appointment to the grade of second lieutenant in the Marine Corps;

Jeffrey H. Andrews, and sundry other officers, for temporary appointment to the grade of first lieutenant in the Marine Corps;

David A. Clarke, and sundry other persons, for appointment in the Regular Army;

John W. Dawson, and sundry other persons, for appointment in the Regular Army of the United States;

Charles R. Andre, and sundry other scholarship students, for appointment in the Regular Army of the United States; and

Stephen C. Rasmussen, cadet, graduating class of 1970, U.S. Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant.

BILLS AND A JOINT RESOLUTION INTRODUCED OR REPORTED

Bills and a joint resolution were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PASTORE:

S. 3818. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; placed on the calendar.

(Reference is made to the above bill when reported by Mr. Pastore which appears under the heading "Reports of Committees.")

By Mr. PROXMIRE:

S. 3819. A bill for the relief of Myrna S. Cabanada; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 3820. A bill to provide for the awarding of a Medal of Honor for Firemen; and

S. 3821. A bill to provide for the awarding of a Police Medal of Honor; to the Committee on Banking and Currency.

By Mr. BENNETT (for himself, Mr. Brooke, Mr. Curtis, Mr. Dominick, Mr. Fannin, Mr. Goodell, Mr. McIntyre, Mr. Packwood, Mr. Percy, Mr. Scott, Mr. Smith of Illinois, Mr. Tower, Mr. Williams of New Jersey, and Mr. Hruska):

S. 3822. A bill to provide insurance for member accounts, in State and federally chartered credit unions, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Bennett when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. BROOKE:

S. 3823. A bill to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Brooke when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. PELL:

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act; considered and passed.

(The remarks of Mr. Pell when he introduced the joint resolution and the insuing debate appear later in the Record under the appropriate heading.)

S. 3822—INTRODUCTION OF THE CREDIT UNION SHARE INSURANCE ACT OF 1970

Mr. BENNETT. Mr. President, I introduce for appropriate reference a bill to provide insurance for member accounts in State-chartered and federally chartered credit unions, and for other purposes. I am joined in sponsoring this bill by Senators Brooke, Curtis, Dominick, Fannin, Goodell, McIntyre, Packwood, Percy, Scott, Smith of Illinois, Tower, Williams of New Jersey, and Hruska.

Unfortunately, in this era of consumer protection and disclosures of information, only a very small proportion of the savings in credit unions is insured against loss by the saver. Perhaps equally as important is the fact that most credit union members do not know that their savings are not insured. The bill which I offer today would provide insurance for those who save in credit unions just as is now provided in almost all other financial institutions in this country. This insurance program is patterned

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after and would operate in a manner similar to the protection now provided for bank deposits by the Federal Deposit Insurance Corporation and for shares in savings and loan associations by the Federal Savings and Loan Insurance Corporation.

IMMEDIATE COVERAGE

It is surprising to many to find that Federal credit unions do not now have insurance on their shares. They are the only federally chartered savings institutions not covererd by a federally sponsored insurance program. This bill provides immediate coverage of deposits in all federally chartered credit unions and makes the same coverage available on a permissive basis to State-chartered credit unions. Just as is the case with banks and savings and loan associations, the overall loss experience in credit unions has been relatively small. Yet the losses which have occurred have weighed heavily on a few credit unions and on a relatively few members. Since many credit unions deal primarily with individuals having limited incomes, it is particularly important that they enjoy the same insurance protection enjoyed by savers and depositors in other financial institutions.

When I refer to individuals with limited income, I mean the more than 8½ million account holders in Federal credit unions, for example, who have less than $500 in savings. This money in many instances represents a substantial portion of the total liquid assets of these people, and I see no reason why their money should be unprotected simply because they have saved in a credit union. I believe that by providing insurance for credit union member accounts as called for in this bill, thrift would be stimulated among these small savers. The existence of share insurance would provide them with an increased incentive to develop a systematic plan for saving and would at the same time provide safety similar to that now provided by banks and savings and loan associations. In addition, individuals and business firms who may now refrain from depositing funds in credit unions in limited income areas should be more willing to do so if their funds are insured.

POOR WOULD BENEFIT

We have had recent testimony in our Banking and Currency Committee which indicated that credit unions in limited income areas which are specifically set up to assist poor people would benefit greatly from share insurance. Mr. Edward C. Sylvester, Jr., testifying for the Urban Coalition Action Council, testified that the lack of deposit insurance is a serious deficiency. He supported share insurance on the basis that it would provide additional funds for credit unions serving residents in the inner city where it is difficult to attract deposits. He said of share insurance, "It seems to us to be an essential device really to encourage others to participate in credit unions and in making a great deal more capital available to them than they are apt to get through their normal membership activities."

While the insurance program contained in the bill has the potential to cover substantially all of the $14 billion of savings now in credit unions, only Federal credit unions would be required to have the insurance. State-chartered credit unions could obtain the protection if they desired. The program would be supported by the credit unions themselves through premiums paid for the insurance, and it would be administered by the Administrator of the National Credit Union Administration.

The need for share insurance has been made clear by a study of regular reserves in Federal credit unions published by the Bureau of Federal Credit Unions last year. In the study, the Bureau noted that 1,204 Federal credit unions completed liquidation in the 5 years ending December 31, 1967. Sixteen percent, or 189 of these liquidated at a loss to shareholders. Losses to the shareholders, although small in dollar amount, totaled just over 20 percent of shares. The majority of the credit unions which paid less than 100 percent at liquidation were small according to the Bureau's study. Almost four-fifths of them had assets of less than $25,000. It appears quite clear that the burden of loss falls on the smaller credit union and the small saver. Yet the credit union can and should be most useful to those who have a relatively small amount to save. There are more than 9,500 Federal credit unions with assets less than $500,000 serving people who may have limited access to other thrift and credit facilities. In its study, the Bureau found that without outside help, another 280 credit unions would have liquidated at a loss. Had this outside help not been available, more than one-third of all the Federal credit unions liquidated in the 5 years ending December 31, 1967, would have done so at a loss to their members. The fact that more of these institutions did not liquidate at a loss is due in large measure to the efforts of State credit union leagues which provided financial assistance to their member credit unions. Fortunately, the resources of the league funds were generally adequate to meet their members' needs during the period covered by the Bureau's study. It would be a mistake, however, to rely on this means alone as a guarantee of the shares of credit union members because the resources available from the leagues to their credit unions represented about 0.045 percent of the $12 billion in savings held by credit unions in 1968.

PRESENT PLANS NOT SUFFICIENT

Another weakness is that financial assistance is made available to league members only. The owner of a credit union share account may not know that his credit union does not belong to a league organization. The program offered by this bill is designed so that it would not interfere with the commendable efforts of the league organizations to strengthen the financial reserves of their member credit unions. These private funds would continue to serve as useful supplements to the program of share insurance now being proposed.

Strong support for share insurance is indicated by moves within some States for statewide share insurance. The first effort, in 1955, in Illinois, had to be abandoned in 1964 because of structural weakness and because of internal squabbles. Voluntary share insurance for State-chartered credit unions in Massachusetts was started in 1961 and has been highly successful. The Massachusetts Share Insurance Corp. now has assets of about $5½ million. During 1969, credit union share insurance bills were passed in Wisconsin and in Rhode Island. There is considerable interest in share insurance in some other States, showing that share insurance is desired and is needed. The State plans have the disadvantage of a restricted membership and of not being available to federally chartered credit unions. Thus a Federal system is also needed.

SUPPORT INCREASES RAPIDLY

Mr. President, support among Federal credit unions, their State trade organizations, regional organizations, and national organizations for FDIC-type Federal share insurance is increasing rapidly. While I do not have information which makes it possible for me to say that a majority of Federal credit unions desire such insurance, I believe that such a statement would be true. I would like to take just a minute or two to show why I believe that to be the case. In the mid-March meeting of CUNA, International, District 10, which includes Ohio, New Jersey, New York, Pennsylvania, and Puerto Rico, the directors voted unanimously to support "a Federal Government program of share insurance, mandatory for Federal credit unions and voluntary for State-chartered credit unions." District 10 has nearly 30 percent of all Federal credit unions. District 11, which contains the States of Maine, Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire, also has voted support for FDIC-type Federal share insurance. In addition, other State groups have voted their support. Among the States which have so voted are Illinois, Indiana, the District of Columbia, and Florida. When all of the Federal credit unions represented by these States and those additional Federal credit unions which have indicated in their correspondence that they support Federal share insurance are added together, I feel strongly that most credit unions realize that the insurance would be beneficial to their operations. One of the major national credit union organizations, the National Association of Federal Credit Unions, has expressed its support, and I hope that the largest of credit union organizations, CUNA, International, which is having its annual meeting starting this week, will conclude that Federal share insurance of savings held by credit unions should be approved.

PUBLIC UNAWARE OF INSURANCE LACK

Mr. President, it is a fact that most people who save in credit unions think their shares are insured.

I have spent some time discussing share insurance with some of the credit unions which I feel are among the most progressive in the credit union movement. One of these, which is the largest credit union in the world, is the Navy Federal Credit Union. The Navy Federal Credit Union conducted a detailed survey among its members a couple of years ago. In that survey, 71 percent of the respondents said they thought their shares in the credit union were federally insured as they would be in a savings and loan or a bank which had Federal insurance. The Navy Federal Credit Union management decided that it should inform its membership that its shares were not insured. They found, however, that it was impossible to get this story over to the membership.

The returns received as a result of a continuing survey by the National Credit Union Administration indicate that five out of six respondents believed their shares were insured. In answer to a question as to how such an understanding came about, one respondent said an employee of the credit union told her that her shares were insured. In addition, she was told that when her savings reached a certain amount, she should divide them into two accounts so that the total amount in both accounts would be insured. Another respondent received the idea that shares were insured from credit union members. Still another stated that "When [the] credit union was started we were told by the appointed officers that the money was federally insured." Another respondent stated that he was told by the union financial secretary that his savings would be protected just as they were in the bank in which he had them deposited. Another respondent got the impression from literature received from the credit union. Regardless of where the idea came from, most of these people thought their shares were insured by a Federal agency. The really sad part about all of this is that those who experienced losses in credit unions were generally individuals who were unable to absorb such losses. One person who experienced a loss of over $600 had an annual income of just over $2,600. Another who lost over $300 had no income. A retired foreman lost just over $400. Another individual on social security lost $350, and so it goes.

Mr. President, one of the comments made by a respondent I believe is important, and I quote: "In this age of consumer protection, this is one area lacking protection of any type."

MAJOR DEFICIENCY

Indeed, this is one area lacking protection. The lack of insurance on credit union shares is one of the major deficiencies in our financial institutions. Insurance would greatly enhance the incentive for credit union members to put their funds in credit unions and thus better enable credit unions to perform their primary function of assisting those who do not have access to other sources of credit.

This bill which I introduce today can provide the needed insurance protection.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3822) to provide insurance for member accounts, in State and federally chartered credit unions, and for other purposes, introduced by Mr. BENNETT, for himself and other Senators, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3823—INTRODUCTION OF THE BANK HOLDING COMPANY ACT OF 1970

ONE-BANK HOLDING COMPANIES

Mr. BROOKE. Mr. President, I rise today to discuss a matter of growing importance to both the banking community and Congress: the growth of one-bank holding companies in our economy.

In 1933, Congress passed legislation which gave the Federal Reserve Board limited powers to regulate bank holding companies. The scope of regulation was restricted to companies holding a majority of the stock of a Federal Reserve member bank or in any way controlling the election of a majority of its directors. Where the Board's jurisdiction was thus established, it was authorized to examine the holding company and its subsidiaries, to set certain reserve requirements and to supervise other financial policies in the interest of protecting depositors.

Bank holding companies covered by the Banking Act of 1933 were required to obtain a permit from the Federal Reserve before voting their stock in subsidiary banks. Denial of a voting permit was the only regulatory weapon available to the Board and many bank holding companies were able to avoid regulation entirely by exercising control with less than majority ownership or without voting stock in majority-owned banks, or by controlling nonmember bank subsidiaries. The Banking Act also provided no limitation on the combining of banks and nonbank business activities under holding company management, except in the case of security dealings.

Over the years 1933–56, the unregulated growth of large bank holding companies was particularly rapid in some States, notably where branch banking was prohibited or quite limited.

In 1956, Congress passed the Bank Holding Company Act which defined bank holding companies, controlled their formation and expansion and required divestment of their nonbanking interests. In this first comprehensive bank holding company legislation, Congress clearly indicated its desire to prevent undue concentration of control in banking by bank holding companies and to prevent bank holding companies from controlling both banks and nonbanking enterprises. By choosing to regulate the holding companies rather than abolish them, Congress recognized them as a legitimate form of banking organization whose development, under supervision, could yield benefits to the banking public.

The 1956 act went beyond the 1933 act in covering banks that were not members of the Federal Reserve, in lowering the index of "holding" from majority to 25-percent control and in specifically limiting its coverage to companies controlling at least two banks.

In order to guard against a conflict of interest between banking and nonbanking activities, bank holding companies were prohibited from engaging in nonbank activities with certain specified exceptions. The most important of these exceptions was contained in section 4(c)(8) of the act which permits activities of a financial, fiduciary or insurance nature, provided the Board determined such activities to be so closely related to the business of banking as to be a proper incident thereto. This provision permitted a broader range of financial activities through the holding company device than the bank could carry on directly.

Subsequently, Congress passed the Bank Holding Company Act Amendments of 1966 which provided, interalia, that the Federal Reserve Board could not approve any acquisition, merger or consolidation of a bank by a bank holding company "whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner could be in restraint of trade, unless it finds that the anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community."

The 1966 amendments retained the exemption for one-banking holding companies. Although the House voted to regulate them and was supported in this position by the Federal Reserve Board, the Senate Banking and Currency Committee rejected this recommendation on the ground that "there was no substantial evidence of abuses occurring in one-bank holding companies."

As previously indicated, the 1956 act gave bank holding companies greater flexibility than was possible under, for example, national bank statutes. Banking interests found, however, that the Federal Reserve Board narrowly interpreted these provisions. Thus, they were met by opposition as they tried to enter such fields as data processing services, travel services, equipment leasing, operation of commingled trust funds, underwriting and dealing in revenue bonds, and the selling of insurance. Accordingly, the one-bank holding company was used as a means of avoiding restraints on bank activities.

A bank wishing to engage in prohibited activities could simply form a one-bank holding company and operate such activities as subsidiaries of the holding company. In theory, banks could enter almost any line of commerce, including retailing, manufacturing, mining, or farming. This possibility has rendered obsolete the existing legal restraints on nonbanking operations of banks. Although the larger banks have been free for years to form one-bank holding companies, the option was not seriously exercised until the last few years.

A study by the House Banking and Currency Committee—released on February 11, 1969—indicated that in the 14 years from 1955 through 1968, the number of existing and proposed one-bank holding companies had grown almost sevenfold from 117 to 783. The dollar amount of bank deposits had increased from $11.6 billion to $108.2 billion, a growth of over 800 percent. In terms of bank deposits, most of the growth had taken place between 1965 and 1968. In this period, the number of unregistered one-bank holding companies rose by over 200, while the amount of bank deposits in these companies rose by over 600 percent, from $15.4 billion in 1965 to $108.2 billion at the end of 1968. The $108.2 billion of deposits under the control of existing and proposed one-bank holding companies represented over 27.5 percent of total commercial bank deposits in 1968 compared to only 4 percent in 1965.

The House study indicated that unregulated one-bank holding companies carry on a wide variety of nonbanking activities. Of the 684 one-bank holding companies identified by the report, 578 participated in 20 different financial nonbanking activities, including insurance agencies and companies, as well as various types of credit institutions. Among the same group, 397 were engaged in 99 different nonfinancial activities, ranging from agricultural, mining, and petroleum operations and various types of manufacturing activities through businesses in the transportation, real estate, and wholesale and retail sales fields.

The House report also indicated that as of June 1968, 106 multibank holding companies with $48.9 billion in bank deposits were registered with the Federal Reserve Board. By comparison, there were 783 existing and proposed one-bank holding companies which would come under no regulation comparable to that imposed on registered bank holding companies.

In March of this year, the Federal Reserve Board released figures which indicated that by the end of 1969 there were more than 890 known one-bank holding companies. These holding companies held banks with about $181 billion in deposits—or about 43 percent of the total deposits of all insured commercial banks in the country.

The dimensions of the problem were described by President Nixon in a statement on March 24, 1969:

> There has been a disturbing trend in the past year toward erosion of the traditional separation of powers between the suppliers of money—the banks—and the users of money—commerce and industry.
>
> Left unchecked, the trend toward the combining of banking and business could lead to the formation of a relatively small number of power centers dominating the American economy. This must not be permitted to happen; it would be bad for banking, bad for business, and bad for borrowers and consumers.
>
> The strength of our economic system is rooted in diversity and free competition; the strength of our banking system depends largely on its independence. Banking must not dominate commerce or be dominated by it.

The Treasury Department has cited two principal forces as being responsible for the sharp increase in banking assets controlled by unregulated one-bank holding companies: The move by many of the Nation's largest banks to create bank-dominated one-bank holding companies and "tender offer" acquisitions of banks by other corporations, including conglomerates. With respect to the first and most influential force, the following factors have motivated large banks to create one-bank holding companies: A more efficient corporate structure for the application of modern management techniques; a more flexible format for the offering of financially related services; and a means for offering certain financial services through affiliates and thus avoiding, for example, limitations on the types of services which can be rendered by national banks. With respect to the second major force, the Treasury Department noted that while the number of tender offer acquisitions was not yet large, the trend was accelerating and there was great potential to effect significant changes in our economic structure.

One bank holding companies are generally divided into three categories: Small one-bank holding companies, conglomerates and congenerics. For the most part, the first category consists of one-bank holding companies owned by families or by a relatively few individuals who are generally motivated by tax advantages of holding company ownership. The second category consists of a corporation or organization engaged principally in nonbanking activities which controls a bank. The third category consists of bank-dominated one-bank-holding companies which are formed with the intention of engaging in a number of financially related activities, through the use of subsidiaries, which the bank would normally be foreclosed from entering. It is the latter category which has grown significantly in recent years.

It has been estimated that while congenerics represent only 10 percent of the number of one-bank holding companies, they hold 85 percent of one-bank holding company deposits. Although the congeneric is theoretically free to acquire almost any nonbanking activity, most of them have not done so in anticipation of potential action by Congress.

The combination of banking and nonbanking operations under a single management raises serious public policy implications. It is argued that if banks become too closely involved in other business activities, either directly or through holding companies, the managers of the bank might be induced to make unsound loans in order to further their other business interests. It must be pointed out, however, that a bank which is an affiliate of a one bank holding company remains subject to all of the banking laws and regulations by supervisory authorities which control the activities of banks not affiliated with holding companies.

It has also been argued that commercial banks inevitably tend to lessen competition when they compete in areas outside the business of banking. Thus, banks can discriminate against their nonbanking business rivals by denying them favorable access to bank credit and by granting this to their nonbanking affiliates. This is a particularly serious problem in many cities and towns where there are only one or two major banking institutions to which business can turn for substantial amounts of credit.

Banks can also discriminate against their nonbanking rivals by unfairly luring customers away. This is accomplished by offering customers of their affiliates favorable access to bank credit or by suggesting to bank customers that if they want continued access to bank credit, they should also use the services of the holding company's other subsidiaries. Indeed, there is evidence that such tie-in arrangements are deeply rooted in traditional banking practices.

Banks can very effectively use their economic leverage to decrease competition in highly competitive nonbanking industries characterized by a relatively large number of smaller firms. It should be pointed out, however, that bank entry can result in increased competition particularly in industries where competition is weak because of domination by a few large firms. Thus, it is difficult to draw any arbitrary limits on the activities which banks might engage in without challenging the fundamental principles upon which our competitive system is built.

An additional argument which has been advanced for limiting the range of activities permitted to commercial banks is the desire to avoid an undue concentration of economic and political power. While it cannot be said that bigness is necessarily bad since it often brings economies of scale which have contributed to efficient production and to this Nation's affluence, we all know that concentrations of economic and political power could prove detrimental to our economic and social structure.

In response to those who raise public policy objections to the expansion of banks into nonbanking activities, banking leaders assert that our economy is constantly changing and that the banking industry must respond to meet the ever-changing needs of its customers. Rudolph A. Peterson, former president of the Bank of America, has argued this point:

> As individuals have gained a financial sophistication, they have begun to demand a broader spectrum of financial services. Besides traditional services, they have added demands for financial counseling, investment management, bookkeeping, short term financing, etc. The same is true for business on an even broader scale. The banking community with its financial expertise is eminently suited to provide this more complete package of financial services to both the consumer and the businessman.
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> Quality financial services at the least cost to the public can be best assured through competition and the existence of a variety of financial services. Financial congenerics embracing the "department store of finance" concept will stimulate competition and thereby improve both the variety and quality of financial services. Certainly all these results are obviously in the public interest. Those who object most vehemently to this potential competition appear to be those who have enjoyed privileged positions because the restrictive interpretations of bank regulations has hampered bank growth possibilities.

Three different approaches have been taken in the one-bank holding company bills presently pending before the Senate. The House-passed measure (H.R. 6778) specifies that a bank holding company may carry on any activity of "a financial or fiduciary nature" if the Federal Reserve Board finds that the carrying on of such activity will be functionally related to banking and can be reasonably expected to produce benefits to the public that outweigh possible adverse effects. It then goes on to set forth a "laundry" list of prohibited activities such as travel and accounting businesses.

A second bill, introduced by my very distinguished colleagues on the Senate Banking and Currency Committee, Senator BENNETT of Utah and Senator SPARKMAN of Alabama, also proceeds on the assumption that the activities of one-bank holding companies should be restricted; however, this bill would subject them to an amended version of the Bank Holding Company Act of 1956 and would apply the new criteria established thereunder to existing multi-bank holding companies, as well.

The third bill, introduced by the distinguished Senator from Wisconsin (Mr. PROXMIRE), does not proceed on the same assumption. Instead, it focuses on a determination of which activities should be restricted because of their probable adverse competitive effects on both banking and nonbanking sectors of our economy. It does, however, leave intact the definition of permissible activities contained in the Bank Holding Company Act of 1956, pending the report of a Presidential commission which would survey the entire bank holding company problem along with means of liberalizing restrictions on banking.

The bill which I introduce today—a copy of which I request to be printed in the RECORD at the conclusion of my statement—addresses bank holding company regulation from a new perspective. The bill is based upon the following premises with which, I believe, the distinguished sponsors of existing proposals and the administration would agree. These premises are:

First. Bank holding company legislation should not have an anticompetitive effect. It should not protect non-banking businesses from fair bank competition. I underline the word "fair." Furthermore, such legislation should not protect banks from fair competition from those not presently engaged in banking. I believe that an unintended byproduct of some of the bills previously filed will be to establish unnecessary and undesirable protection for both banks and nonbanking businesses.

Second. Commercial banking power should not be used for the unfair advantage of a business affiliate of a bank. Because of their control of commercial credit, banks possess tremendous power which could be used unfairly for the benefit of their affiliates and to the detriment of competitors of their affiliates. The commercial lending power of banks is unique and capable of unfair use without the need for overt coercion. I do not believe existing bills go far enough in protecting competitors of a bank's affiliate from the advantages which the affiliate inherently enjoys, for example bank lending power.

Third. Any bank holding company or affiliate which abuses its commercial lending power should be subjected to civil sanctions which can be enforced by injunction or treble damage actions.

Fourth. Abuses of commercial lending power should be prohibited in all cases, including those where the bank and business affiliate are commonly controlled by an individual, an estate, a trust, partnership, or corporation. Presently proposed legislation does not attempt to deal with abuses that can be committed by banks and businesses commonly controlled by individuals.

The bill which I introduce today is based upon the objective of fostering fair competition and precluding unfair competition by banks and bank holding companies. Thus, section 5 of the act would add a new section to title 12 of the United States Code which would specifically preclude a bank from conditioning its commercial lending power on the fact that a consumer:

First, shall obtain some other credit, property, or service from a bank holding company of such bank or any subsidiary of such bank holding company;

Second, shall provide some other credit, property, or services to the bank holding company of such bank or any subsidiary of such bank holding company; or

Third, shall not obtain some other credit, property, or services from a competitor of such bank, bank holding company of such bank or any subsidiary of such bank holding company.

This provision would apply to all banks and not just banks which are controlled by bank holding companies since there is no justification for treating either type of bank differently.

In essence, this section specifically precludes tie-in transactions by a bank and its affiliates. In particular, a bank is prohibited from conditioning a loan to a third party on the third party's agreement to do business with an affiliate of the bank or not to do business with a competitor. At the same time, the section would not interfere with legitimate conditions in commercial lending transactions such as compensating deposit balances or negative restrictions on additional borrowings. Other provisions of section 5 would provide civil and injunctive remedies against any party which violated the provisions of section 5.

Section 4(e)(1)(A) of the proposed act would permit a bank holding company to engage in any activity which the Board of Governors of the Federal Reserve System determines is "functionally related" to banking. In considering whether an activity is "functionally related," the Board would be directed to consider whether the activity is one which is incidental to a banking transaction or is one providing assistance of a type which a customer normally looks to a bank or other financial institution to obtain. The section further provides that even if the activity is "functionally related", the Board may deny permission to engage in such activity if the activity might have significant anticompetitive effects. The adoption of a flexible test in this regard should avoid the problem of arbitrary circumscription of banking activities.

Section 4(e)(1)(B) of the bill permits a bank holding company or subsidiary to engage in activities not functionally related to banking, subject to a very material condition. The activity would be prohibited if either the bank holding company or any banking subsidiary extends banking services to any customer or supplier of such bank holding company or subsidiary engaged in the activity.

The purpose of this provision is to enable bank holding companies to compete in a wide variety of businesses, provided no potential for abuse exists. No potential is considered to exist where a bank is unable to use its commercial banking power directly or indirectly in favor of its nonbanking affiliates. Similarly, this provision will permit nonbanking entities to organize banks and provide additional competition in that industry, again subject to the proviso that the nonbanking affiliates receive no benefit from the commercial lending power of the banking affiliate.

In recent months, a wide variety of businesses have complained of the dangers which would exist if the banks were permitted to compete with them. Their complaints have been founded upon the premise that third parties will be directly or indirectly influenced to do business with the affiliate of the bank in hopes of receiving commercial loans from the bank itself.

Those who have urged strict legislation prohibiting bank holding companies from engaging in nonbanking activities have protested that this influence will be felt by third parties even though no specific representations are made by the bank or its business affiliate. The bill which I offer today would eliminate this possibility by prohibiting banks from extending credit or other banking services to a customer or supplier of the business affiliate of the bank. This provision will assure that the commercial lending power of banks will not be used to the unfair advantage of their business affiliates.

In approaching this problem, I realized that the administrative burden on banks in complying with this provision could be very severe. Accordingly, the bill authorizes the Federal Reserve Board to permit by regulation or order the rendering of such banking services in such amounts or under such conditions as it considers will not frustrate the purposes of the section. For example, I would envision the Board permitting banks to extend credit to customers or suppliers of nonbanking affiliates in limited amounts where the amount involved is such that it is unlikely to be a factor in the customer's or supplier's doing business with the nonbanking affiliate. Certain other transactions such as the renting of safe deposit boxes and transfer agent services would also be permitted without frustrating the purposes of this provision. In this manner, the bank would not have to consider the applicability of these provisions to every banking service which it renders.

This approach permits bank holding companies to retain investments in nonbanking affiliates provided that they meet specified conditions. Thus, there is no

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need for a grandfather clause in the bill and bank holding companies may retain their investments in all nonbanking businesses, provided that they eliminate the circumstances which could lead to an abuse of their banking power. If, on the other hand, the bank holding company is unable or unwilling to abide by these conditions it would be subject to injunctive proceedings and/or treble damage actions and, therefore, as a practical matter, would be forced to divest itself of either its banking subsidiary or the nonbanking activity.

Another fundamental change in the bill being offered is that it will apply to banks which are controlled by individuals, trusts, estates, and partnerships—as well as corporations. An individual would find it no more difficult than would a corporation to direct the unfair use of a controlled bank's lending power for the benefit of a controlled business. Brother-sister corporations are common especially in many smaller communities, and it would seem that abuses of commercial banking power should be prohibited in these communities as well as in metropolitan areas and national markets. Thus, section 2(b) of the act would be amended to include within the definition of a company, "a person, estate, trust, or partnership." It should be noted that this provision would require that the Federal Reserve Board approve the organization of every new bank, whether or not the bank is a member of the Federal Reserve System or by the Federal Deposit Insurance Corporation.

A final major provision is contained in section 6 which would establish a "National Commission on Banking" which is charged with the responsibility of determining whether existing laws promote vigorous competition in the banking industry. This Commission—which has also been recommended by the administration and by Senator Proxmire—represents an excellent opportunity to undertake a critical review of our bank regulatory system. Section 6 is designed to give congressional support to the administration's proposal, to assure that it is backed by subpena power and adequately financed. At the same time, it is my view that the legislation which I propose need not be delayed pending a broad study of financial institutions.

In conclusion, I believe it is necessary to encourage the competitive forces in our economy. We must devise rules which will prevent abuses and yet permit legitimate competition. The one-bank holding company issue is extremely complex and the solution which I propose recognizes this fact by avoiding arbitrary limits on the activities of bank holding companies. On the other hand, the bill acknowledges that such unbridled authority must be subject to carefully drawn guidelines which will prevent anticompetitive consequences. The bill also recognizes that an extensive review of banking regulation is long overdue. I offer this proposal with the hope that it will generate worthwhile discussion and may produce legislation which is more precisely directed at achieving a healthy and competitive banking industry as this Nation moves into the 1970's.

The PRESIDING OFFICER (Mr. Allen). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3823) to amend the Bank Holding Company Act of 1956, and for other purposes, introduced by Mr. Brooke, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bank Holding Company Act of 1970".

Sec. 2. (a) Section 2 of the Bank Holding Company Act of 1956 is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) 'Bank holding company' means any company (1) that directly or indirectly owns, controls, or holds with power to vote 25 per centum or more of the voting shares of any bank or of a company that is or becomes a bank holding company by virtue of this Act, (2) that controls in any manner the election of a majority of the directors of any bank, or (3) that has the power directly or indirectly to direct or cause the direction of the management or policies of any bank. For the purposes of this Act, any successor to any such company shall be deemed to be a bank holding company from the date as of which such predecessor company became a bank holding company. Notwithstanding the foregoing—

"(A) No bank and no company owning or controlling voting shares of a bank is a bank holding company by virtue of such bank's ownership or control of shares in a fiduciary capacity except where such shares are held under a trust that constitutes a company as defined in subsection (b) of this section, or as provided in paragraphs (2) and (3) of subsection (g) of this section.

"(B) No company is a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis.

"(C) No company formed for the sole purpose of participating in a proxy solicitation is a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation." (b) Subsection (b) of section 2 of such Act is amended to read as follows:

"(b) 'Company' means any person, estate, trust, partnership, corporation, association, or similar organization, but shall not include any corporation the majority of the shares of which are owned by the United States or by any State."

(c) Subsection (c) of section 2 of such Act is amended by inserting after "demand" the following: "and which is engaged in the business of making commercial loans".

(d) Subsection (d) of section 2 of such Act is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)"; and

(2) by striking out the period and inserting in lieu thereof the following: "; or (3) any company the management or policies of which such bank holding company has the power directly or indirectly to direct."

(e) Subsection (g) of section 2 of such Act is amended—

(1) by striking out "end" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) a new paragraph as follows:

"(3) shares owned by the spouse, lineal descendants, or ancestors of an individual shall be deemed to be owned or controlled by such individual; and".

Sec. 3. (a) That part of section 4(c) of the Bank Holding Company Act of 1956 which precedes the numbered paragraphs is amended to read as follows:

"(c) The prohibitions in this section shall not, with respect to any bank holding company, apply to—".

(b) Paragraph (8) of section 4(c) of such Act is amended to read as follows:

"(8) Shares retained or acquired in any company engaged in activities which are authorized under subsection (e) of this section;".

(c) Section 4 of such Act is amended by adding at the end thereof the following:

"(e)(1)(A) A bank holding company or any subsidiary thereof may engage in any activity that the Board has determined, after notice and opportunity for hearings, is functionally related to banking. In determining whether an activity is functionally related to banking the Board shall consider whether the activity is one which is incidental to a banking transaction or is one providing assistance of a type which a customer normally looks to a bank or other financial institution to obtain. Notwithstanding a determination that an activity is functionally related to banking, the Board may deny permission to engage in such activity if it finds that the engaging in such activity by the bank holding company or subsidiary thereof has or may have significant anti-competitive effects.

"(B) A bank holding company or any subsidiary thereof may engage in any activity which is not functionally related to banking if such bank holding company and any banking subsidiary thereof does not extend banking services to any customer or supplier of such bank holding company or subsidiary thereof engaged in such activity. Notwithstanding the foregonig, the Board may by regulation or order permit the rendering of such banking services in such amounts or under such conditions as it determines will not be contrary to the purposes of this section.

"(2) In the event of the failure of the Board to act on any application for an order under this subsection within the 91-day period which begins on the date of submission to the Board of the complete record on that application, the application shall be deemed to have been granted.

"(3) The Board shall include in its annual report to the Congress a description of each activity approved by it by order or by regulation under this subsection during the period covered by the report."

Sec. 4. (a) As used in this section, the terms "bank", "bank holding company", and "subsidiary" have the meaning ascribed to such terms in section 2 of the Bank Holding Company Act of 1956.

(b) A bank shall not in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition, agreement, or understanding—

(1) that the customer shall obtain some other credit, property, or service from a bank holding company of such bank or from any subsidiary of such bank holding company;

(2) that the customer provide some other credit, property, or service to the bank holding company of such bank or to any subsidiary of such bank holding company; or

(3) that the customer shall not obtain some other credit, property, or service from a competitor of such bank, bank holding

company of such bank, or any subsidiary of such bank holding company.

The Board may by regulation or order permit such exceptions to the foregoing prohibition as it considers will not be contrary to the purpose of this section.

(c) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (b) of this section and of section 4(e)(1)(B) of the Bank Holding Company Act of 1956, and it is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as may be, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just in the premises. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpenas to that end may be served in any district by the marshal thereof.

(d) In any action brought by or on behalf of the United States under subsection (b) of section 4(e)(1)(B) of the Bank Holding Company Act of 1956, subpenas for witnesses may run into any district, but in civil actions no writ of subpena may issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

(e) Any person who is injured in his business or property by reason of anything forbidden in subsection (b) or section 4(e)(1)(B) of the Bank Holding Company Act of 1956 may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

(f) Any person, firm, corporation, or association may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a violation of subsection (b) or section 4(e)(1)(B) of the Bank Holding Company Act of 1956, under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

(g) Any action to enforce any cause of action under this section shall be forever barred unless commenced within seven years after the cause of action accrued.

SEC. 5. (a)(1) There is hereby established a National Commission on Banking (hereinafter referred to as the "Commission").

(2) The Commission shall consist of fifteen members to be appointed by the President as follows:

(A) Six shall be from private life and representative of the banking industry; and

(B) Nine shall be representative of the public interest and may be appointed from private or public life, including persons employed by State or federal agencies.

Not more than three persons appointed to the Commission shall be, at the time of their appointments, employed in a full-time capacity by the United States.

(3) The President shall designate one of the persons appointed to the Commission to serve as Chairman.

(4) A vacancy in the Commission shall not affect its powers and may be filled in the same manner as the original appointment.

(5) Eight members of the Commission shall constitute a quorum.

(b)(1) The Commission shall study and appraise the role of banking in the national economy with a view to determining whether existing State and federal statutes, regulations, and administrative practices are consistent with the objectives of economic growth and vigorous competition in the banking industry and among financial institutions consistent with reasonable safety of depositors' funds. Such study and appraisal shall include but not be limited to—

(A) restrictions on bank entry;

(B) restrictions on the formation of branches of banks;

(C) restrictions on the investment powers of banks;

(D) restrictions on the payment of interest on bank deposits;

(E) reserve requirements of banks;

(F) merger policies affecting banks;

(G) restrictions on banks engaging in nonbanking activities;

(H) restrictions on bank holding companies; and

(I) the desirability of consolidating federal bank supervisory functions into one agency.

(2) The Commission shall report its findings, together with such recommendations for legislative and administrative action as it deems advisable, to the President and to the Congress not later than June 30, 1972.

(c)(1) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinion pertinent to the study. In connection therewith the Commission is authorized by majority vote—

(A) to administer oaths,

(B) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties,

(C) in the case of disobedience to a subpena issued under this subsection to invoke the aid of any district court of the United States in requiring compliance with such subpena,

(D) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (B) and (C) above, and

(E) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(2) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena of the Commission issued under paragraph (1) of this subsection, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(3) The Commission may require directly from the head of any Federal executive department or independent agency available information which the Commission deems useful in the discharge of its duties. All departments and independent agencies of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

(4) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(5) The Commission may delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as otherwise provided in this section.

(d) Members of the Commission who are appointed from the Government shall not receive additional compensation by reason of their service on the Commission, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission. Other members of the Commission shall receive compensation at a rate of $100 for each day engaged in the business of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703), for persons in the Government service employed intermittently.

(e) (1) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or to classification and General Schedule pay rates, appoint and fix the compensation of an executive director. The executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed may receive compensation in excess of the rate authorized for GS–18 under the General Schedule.

(2) The executive director, with the approval of the Commission, may obtain services in accordance with section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed $100 per diem.

(3) The head of any executive department or independent agency of the Federal Government may detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(4) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of that Administration for the administrative control of funds apply to appropriations of the Commission.

(5) Ninety days after submission of its final report the Commission shall cease to exist.

(f) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Any money so appropriated shall remain available to the Commission until the date of its expiration, as fixed by subsection (e)(5).

ADDITIONAL COSPONSORS OF BILLS

S. 3417

Mr. McGEE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Kentucky (Mr. Cook) be added as a cosponsor of S. 3417, to amend the Gun Control Act of 1968 to permit the interstate transportation and shipment of firearms used for sporting purposes and in target competition.

The PRESIDING OFFICER (Mr. Inouye). Without objection, it is so ordered.

S. 3722

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maryland (Mr. Tydings), the Senator from Oklahoma (Mr. Harris), the Senator from Alaska (Mr. Gravel), and the Senator from Montana (Mr. Metcalf) be added as cosponsors of S. 3722, a bill to amend the Foreign Assistance Act of 1961 to require prior approval for delivery of excess defense articles to a foreign country.

The ACTING PRESIDENT pro tempore (Mr. Hollings). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 66—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON SPACE PROGRAM BENEFITS

Mr. ANDERSON submitted the following concurrent resolution (S. Con Res. 66); which was referred to the Committee on Rules and Administration:

S. Con. Res. 66

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Aeronautical and Space Sciences Committee six thousand additional copies of its hearing held during the ninety-first Congress, second session, on Space Program Benefits.

SENATE RESOLUTION 405—SUBMISSION OF A RESOLUTION DECLARING A POLICY FOR PEACE IN INDOCHINA

Mr. MUSKIE (for himself, Mr. Hart, and Mr. Mondale) submitted a resolution (S. Res. 405) declaring a policy for peace in Indochina, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. Muskie when he submitted the resolution appear later in the Record under the appropriate heading.)

SENATE RESOLUTION 406—SUBMISSION OF A RESOLUTION TO PRINT AS A SENATE DOCUMENT MATERIALS RELATING TO SENATE CONCURRENT RESOLUTION 49

Mr. ANDERSON submitted the following resolution (S. Res. 406); which was referred to the Committee on Rules and Administration:

S. Res. 406

Resolved, That there be printed with illustrations as a Senate document, in such style as may be directed by the Joint Committee on Printing, a compilation of materials relating to S. Con. Res. 49, providing Congressional recognition to the Goddard Rocket and Space Museum, Roswell, New Mexico, together with certain tributes to Dr. Robert H. Goddard, American rocket pioneer; and that there be printed for the use of the Aeronautical and Space Sciences Committee seven thousand additional copies of such document.

IMPROVEMENT AND MODERNIZATION OF THE POSTAL SERVICE—AMENDMENTS

AMENDMENT NO. 619

Mr. STEVENS. Mr. President, I submit an amendment, intended to be proposed by me to the Postal Reorganization Act, S. 3613, which will require that the Post Office maintain special "book rates" similar to those now offered for various educational and cultural material. This refinement of the Reorganization Act is necessary for several reasons.

First, the Nation's libraries do a great deal of mailing, both to other libraries and to borrowers. In my State of Alaska rural residents are completely dependent on the mails for obtaining library books from our public library system. The sparsely populated areas of my State cannot support local libraries and the mails offer the only means of obtaining books from the larger urban libraries. The special "book rate" makes the use of the mails for library borrowers economically possible. Even with this lower rate, we still have many people who cannot afford to use the libraries because they cannot afford to pay the return postage. Eliminating the "book rate" would not only make it impossible for many more Alaskans to use our libraries, but it could make the initial mailing of the book by the library too expensive for the library to continue to offer this vital service.

The second reason for retaining the book rate is the need to provide schools and students with a low-cost method of obtaining study materials. The cost to rural schools for obtaining needed books, note books, and other classroom aids would be exorbitant in many parts of my State, and the cost of obtaining necessary study materials could be prohibitive to many Alaskan students.

I have pointed up these two reasons because of their immediate and severe impact on my State. The present book rate is also supported by many other reasons. That is why Congress has seen fit to maintain this rate for so many years.

The major opposition to maintaining the book rate is that the new operational policy of the Post Office dictates that mail pay its way. But we all know it costs more to send a letter across the country than across town; yet no one is suggesting differential rates to account for this. A continuing Government subsidy is involved in the postage stamp rate because it is considered an integral part of the service the Post Office should provide even though it does not lend itself to exacting economic balance sheets.

The book rate should be similarly considered. It performs an important and necessary service for the American public. It permits the transfer of educational and cultural materials at a cost which their users can afford. It lowers the cost to students and school systems of educational and study materials. It permits people who otherwise might never see a book to have access to all the works of a modern urban library. Thus, while this service does not pay its way, its value to the American people warrants that it be continued. The continuing 10-percent budget subsidy is designed to cover just such nonpaying services as this.

One other feature of my amendment should be noted. The legislation presently before the Post Office and Civil Service Committee will place rate-making authority in a commission and the Postmaster General. My amendment will not affect this authority. It merely requires that the same relative benefit that is enjoyed by "book rate" mail today be continued under postal reorganization. Whenever letter mail rates are adjusted up or down, the book rate would be proportionately adjusted.

I ask unanimous consent that the text of my amendment be printed in the Record, immediately following my remarks.

The ACTING PRESIDENT pro tempore (Mr. Hollings). The amendment will be received and printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 619) was referred to the Committee on Post Office and Civil Service, as follows:

On page 85, line 16, strike "4359, 4452, or 4554" and insert in lieu thereof "4359 or 4452".

On page 85, line 25, and page 86, line 1, strike "4358, 4452(b), and 4554(b) and (c)" and insert in lieu thereof "4358 and 4452(b)".

On page 86, lines 5 and 6, strike "4359, 4452 (a), and 4554(a)" and insert in lieu thereof "4359 and 4452(a)".

On page 86 following line 9 insert the following new subsection:

"(f) Notwithstanding any other provision of this section the Commission shall include in any recommended decision for changes in rates or fees, rates of postage for the classes of mail or kinds of mailers under section 4554 of this title, as such section existed on the effective date of the Postal Reorganization Act, which bear the same ratio, as nearly as is practicable, to the letter mail rate contained in such decision as the rates provided in section 4554, as such rates existed on the effective date of the Postal Reorganization Act. bear to the first class rates as they existed on the effective date of the Postal Reorganization Act."

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENT NO. 620

Mr. COOPER (for himself, Mr. Church, Mr. Mansfield, and Mr. Aiken) submitted an amendment, intended to be proposed by them, jointly to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was referred to the Committee on Foreign Relations and ordered to be printed.

AMENDMENT NO. 621

Mr. MUSKIE. Mr. President, on behalf of myself and Senators Jackson, Magnuson, Gravel, Scott, Percy, Packwood, Pearson, Williams of New Jersey, Hollings, Cannon and Anderson, I submit today an amendment to the Foreign Military Sales Act, H.R. 15628, which would authorize U.S. assistance, at a level of $200 million, to encourage positive and rapid implementation of a pro-

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gram of land reform by the Government of South Vietnam.

I ask unanimous consent that the text of the amendment be printed in the Record following my remarks.

Mr. President, last December, I introduced an amendment to the Foreign Assistance Act of 1969 which would have provided American support, in the form of commodities, for a comprehensive program of land reform in South Vietnam. At that time, President Thieu's "Land to the Tillers" bill was in a very precarious position, having been diluted and rendered virtually ineffective by the lower house of the South Vietnamese legislature.

Since that time, however, the status of the land reform program in South Vietnam has altered significantly. On March 26, 1970, President Thieu signed into law one of the most comprehensive land reform programs in modern history. Under the new law, every piece of tenanted land in South Vietnam will be returned to the tenants now farming it. Approximately 2½ to 3 million acres of land will be transferred to some one million families.

Some of the specifics of the land reform bill are as follows:

First, all land not tilled directly by the land owner will be affected;

Second, landlords will be fully compensated by the Government of South Vietnam, on a ratio of 10 percent cash and 80 percent 8-year bonds redeemable according to an established schedule.

Third, farmers receiving land under the new law will be exempt from all kinds of tax relating to the transfer of land, and also from any land tax in the first year of ownership;

Fourth, the Government of South Vietnam will encourage the establishment of farm cooperatives to facilitate the improvement of agricultural methods;

Fifth, bonds used to compensate former landlords may be pledged, transferred, used as payment of credit obligations and land tax, or to buy shares in private or national enterprises;

Sixth, strict punitive measures are provided to deal with any person acting to prevent implementation of this law; and

Seventh, land will be distributed to the following: present tillers, next of kin of war dead, soldiers and civil servants when discharged, soldiers and civil servants forced to abandon cultivation because of the war, in that order.

Mr. President, in recent days we have witnessed new and serious developments in our involvement in Southeast Asia, developments to which a significant segment of the American populace is opposed. Arguing that we need to take additional steps to insure the security of a decreasing number of American troops in Vietnam and to strengthen our own negotiating position, as well as that of the South Vietnamese, President Nixon has chosen to step up military activity. I suggest that comprehensive land reform can serve both these ends, without risking more American lives and resources.

It is estimated that the majority of American casualties incurred in this war are directly or indirectly traceable to peasant support for the Vietcong. We cannot expect to totally arrest peasant defections to the Vietcong—presently running at an estimated 40,000 a year. But by encouraging rapid implementation of land reform, we can strengthen the possibility of a significant shift in peasant allegiance toward the central government.

I suggest further that by broadening the base of support for the central government, land reform can strengthen the negotiating position of South Vietnam—a necessary accomplishment which raises serious questions as to the purpose and success of Vietnamization. By giving the peasants a stake in the preservation of their country, rapid implementation of the new land reform program can supply a new incentive to achieve political settlement—which most of us will agree is essential—by threatening the enemy with the erosion of its rural support.

On the Vietnamese side, I feel that the political will exists in South Vietnam to carry through with this program. Distribution over the past year of some 200,000 acres of government-owned lands lends substantial credibility to President Thieu's intentions. And viewed in an even broader context, this particular program may have broad implications for the success of similar programs enacted in other nations throughout the world.

Therefore I feel that now, perhaps more than ever, it is important that the United States lend its support and encouragement to a rapid implementation of the program. Opposition among some 100,000 landlord families to the successful operation of land reform will be stiff. Heavy financial demands—brought about by a need to strengthen the credibility of the program by compensating landlords as soon as possible, and by the government's intention to complete this program on schedule—will come to bear on an economy already overextended by inflationary pressures and increasing expenditures for defense.

The United States must move quickly in the direction of encouraging implementation of land reform as rapidly as possible. The Government of South Vietnam has set an outside limit of 3 years for carrying out this program. We who are sponsoring this amendment feel that this schedule can and must be stepped up, if the program is to have an immediate effect on ending the fighting and killing and on the consequent progress of our withdrawal from Southeast Asia.

Mr. President, the amendment which I am introducing would authorize $200 million for support of rapid implementation of land reform in South Vietnam. This amount is less than the cost of several days of the war. Yet a successful land reform program could shorten the war by many more than several days.

There are those who will argue that the support we are advocating represents only a further encroachment by the United States in South Vietnamese affairs, at a time when we are trying to disengage ourselves from these affairs; that American support of this program will have the effect of propping up a government which does not deserve our support.

To this argument I reply that it has long been my conviction that we cannot really wind down this war unless in some way we can find a political solution to the conflict. I think that a political solution inevitably involves a broadening of the base of political support for the Government of South Vietnam—the present one or one which succeeds it as a result of free elections. I think that land reform, by giving the people of South Vietnam a stake in things as they are, could do a great deal to encourage and promote the development of a viable political solution.

Mr. President, the United States has spent a great deal, in terms of lives and money, under the pretense of protecting the sovereignty of South Vietnam. The legacy we leave behind when we are finally disengaged from this conflict may not be a pleasant one to remember. It will be extremely difficult for us to measure the degree to which we have improved the lot of the average South Vietnamese, or strengthened our own national security. In this light, I urge my colleagues to weigh seriously the need for our support of a program which is probably the most important thing to happen in South Vietnam in recent years, in terms of long-range social and economic gain, and which could be the most positive legacy which the United States will leave behind.

The **PRESIDING OFFICER** (Mr. Allen). The amendment will be received and printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 621) was referred to the Committee on Foreign Relations, as follows:

H.R. 15628, an Act to amend the Foreign Military Sales Act viz: On page 4, after line 17, add the following new section:

"Sec. 7. (a) The success of a land reform program in Vietnam is a material factor in the future political and economic stability of that nation, and the speed with which such a program is given effect may have consequences with regard to the termination of hostilities there.

"(b) The President is authorized to use funds appropriated pursuant to this section to encourage and support the rapid implementation of the national land reform program enacted in March, 1970, by the Government of South Vietnam. The use of such funds for land reform in Vietnam shall be contingent upon the attainment of mutually agreed goals of accomplishment stressing economy, efficiency, and advanced implementation of the program by July 1, 1972. Tranches for land reform assistance to the government of Vietnam shall be made at quarterly intervals based upon satisfactory achievement towards the 1972 target goal.

"(c) Grants may also be made, out of funds appropriated pursuant to this section, for the purchase and shipment to Vietnam of goods and commodities, manufactured or produced in the United States, which, by their introduction into the Vietnamese economy, will contribute to sound economic development in Vietnam. Such goods and commodities (1) shall be of a type approved by the President for such programs; (2) shall include goods suitable for agricultural supplies, business inventories in nonluxury enterprises, and capital goods for economic development; and (3) may be exchanged for bonds issued by the Government of Vietnam to compensate landowners whose lands are transferred to other persons under such programs, or used in such other way as the Government of Vietnam may determine, consistent with the purposes of this section.

"(d) In order to carry out the provisions of this section, there are authorized to be appropriated $200,000,000 in fiscal year 1971. Funds appropriated under this section are authorized to remain available until expended."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 609

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CHURCH), and the Senator from Maine (Mr. MUSKIE), be added as cosponsors of amendment No. 609 to H.R. 17123, an amendment to end the war in Southeast Asia.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. EAGLETON) be added as a cosponsor of amendment No. 609 to H.R. 17123, an amendment to end the war in Southeast Asia.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

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ANNOUNCEMENT OF HEARINGS ON PREVENTIVE DETENTION

Mr. ERVIN. Mr. President, the Constitutional Rights Subcommittee has scheduled 9 days of hearings on the subject of pretrial release in the Federal courts. The hearings on May 20, 21, 26, 27, and June 9, 11, 16, 17, and 18, constitute a resumption of those we began in January and February of 1969 which were designed to serve as the first step in a comprehensive review of the Bail Reform Act of 1966 and related laws and procedural rules.

At our initial hearings we received testimony from a distinguished battery of witnesses, including Members of Congress, judges, law enforcement officials, law professors, and other experienced and informed persons. The published record of those hearings is an invaluable aid for those who would understand the purpose and goals of the act, its provisions, its administration over the last 3½ years, and the criticisms, both valid and invalid, that have been made of it.

As we all know, the purpose of the Bail Act of 1966 was to assure that those accused of Federal crimes would be released, either on personal recognizance or on certain specified conditions, without regard to their financial ability to pay money bond, unless there was reason to believe that the accused would not return to court for additional proceedings.

Passage of the act and application of its provisions represented a great step forward in the enlightened administration of justice. The act, however, has not yet fully accomplished all of its intended purposes. Questions have been raised as to the need for wider and more enlightened use of the great variety of pretrial release conditions available, for more effective information gathering facilities, for providing meaningful sanctions for violation of release conditions, and for permitting courts to consider the element of danger to the community as well as likelihood of flight, in determining the conditions of release.

In addition, the subcommittee has received several highly controversial proposals to amend the act to authorize preventive detention of criminal suspects believed to pose a danger to the community if released. These proposals represent a substantial departure from the theory underlying enactment of the Bail Reform Act of 1966 and from the principles that have governed the law of bail since before the Constitution was written. Thus, they require our careful consideration of serious constitutional, practical, and policy questions.

We undertook consideration of preventive detention at our hearings last year. Those hearings clearly demonstrated, among other things, the conspicuous absence of any reliable statistics to support any preventive detention plan. Since that time I have repeatedly pointed out to the advocates of preventive detention that reliable statistical data constitutes an absolute prerequisite to fair and comprehensive congressional consideration of preventive detention. The lack of credible factual data has been a longstanding impediment to resumption of our hearings.

Several important developments over the past year make this a propitious time for us to continue our hearings. The Constitutional Rights Subcommittee staff has diligently pursued its study of the difficult issues raised by preventive detention and has, among other things, solicited the view of constitutional law experts and bar associations across the country. The Department of Justice has introduced its own preventive detention bill, S. 2600. Several useful independent studies have been undertaken and reports have been published. At least one major national conference has been held, and a published report of that proceeding should be available soon. An effort commissioned by the Department of Justice and sponsored by the National Bureau of Standards and the Law Enforcement Assistance Administration to secure, for the first time, reliable statistics on bail recidivism in the District of Columbia has just been completed. And, finally, there has been a tremendous increase in public awareness and public appreciation of the fundamental issues involved.

In the face of these developments and our previously announced intention to hold hearings on the preventive detention issue as soon as the Department of Justice completed its statistical study, I was astonished to learn on January 29 of this year that the Department was seeking immediate preventive detention legislation for the District of Columbia. That change in the Department's position seemed especially incongruous since its statistical study dealt exclusively with the District and was due to be released just a few weeks later. By the time the study was published on April 8, 1970, and available to Congress and the public, the Department of Justice had already pushed its preventive detention proposal through the House in a D.C. crime bill. It is now before a House-Senate conference committee even though the Senate has never considered it and even though the factual data has just become available for our examination.

Regrettably, it appears that the Justice Department has deliberately chosen to hide its preventive detention legislation under false colors in the deepest recesses of the House version of the D.C. crime bill. The effect of its tactics has been to foreclose full and free debate on the constitutional and practical issues raised by the Department's bill. That course of action frustrates meaningful consideration of the issues and is at variance with accepted legislative principles.

I strongly oppose any effort to enact such controversial legislation by these dubious procedures. If this Congress wishes to enact preventive detention legislation, it should do so only after full consideration of all the law and facts and alternatives. The Senate should not even consider voting on legislation of doubtful constitutionality and unproved practicality which has never been subjected to full and fair hearings. If the conferees on the D.C. crime bill have not already struck the preventive detention provisions from the bill, I urge them to do so now.

The Justice Department's preventive detention plan included in the D.C. crime bill is identical to S. 2600, its national bill, now pending before the Constitutional Rights Subcommittee. The D.C. preventive detention plan received only a few minutes of discussion on the last day of the House District Committee hearings and the only witness called to testify was from the Justice Department. Not a single judge or law professor testified, and the Justice Department statistical study was not before the committee. As a matter of fact, it has been impossible for anyone or any congressional committee to consider that plan fairly or comprehensively until now because no reliable statistics have been available before. The time for meaningful hearings on preventive detention has just now arrived. That is the reason the Constitutional Rights Subcommittee has scheduled its hearings beginning May 20.

The constitutional issues, the statistical study, the practical difficulties, and the policy problems must receive deliberate and careful consideration before preventive detention is presented to the Senate. I intend to see appropriate consideration given to preventive detention and shall oppose the presentation of preventive detention to the Senate until the issues have been fully aired by the judges, prosecutors, defense attorneys, law professors, bar association representatives and other knowledgeable individuals we have invited to our hearings.

Further information about the hearings can be obtained by contacting the subcommittee office.

ADDITIONAL STATEMENTS OF SENATORS

THE PRESIDENT'S NEWS CONFERENCE OF MAY 8, 1970

Mr. CURTIS. Mr. President, Friday night, May 8, 1970, the President of the United States held a televised live news conference which was extremely well attended and at which he attempted to answer completely every question the reporters asked. The questions were alert, informed, and thoughtful. What President Nixon said in response to them is of great importance to anyone who tries to understand our foreign policy.

Because of their value to all of us in our consideration of matters involving Southeast Asia and the world, I feel that the questions and his answers should be printed in full in the RECORD. I, therefore, ask unanimous consent that the transcript of the questions and answers of that news conference be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

PRESS CONFERENCE NO. 10 OF THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Would you be seated. Mr. Risher.

QUESTION. Mr. President, have you been surprised by the intensity of the protest of your decision to send troops into Cambodia, and will these protests affect your policy in any way?

The PRESIDENT. No, I have not been surprised by the intensity of the protests. I realize that those who are protesting believe that this decision will expand the war, increase American casualties, an increase of American involvement. Those who protest want peace. They want to reduce American casualties and they want our boys brought home.

I made the decision, however, for the very reasons that they are protesting. As far as affecting my decision is concerned, their protests I am concerned about. I am concerned because I know how deeply they feel, but I know that what I have done will accomplish the goals that they want. It will shorten this war. It will reduce American casualties. It will allow us to go forward with our withdrawal program. The 150,000 Americans that I announced for withdrawal the next year will come home on schedule. It will in my opinion serve the cause of a just peace in Vietnam.

QUESTION. Mr. President.

The PRESIDENT. Mr. Cormier.

QUESTION. Do you believe that you can open up meaningful communications with this college age generation, and how?

The PRESIDENT. I would like to try as best I can to do that. It is not easy. Sometimes they, as you know, talk so loudly that it is difficult to be heard, as we have learned during the campaigns, and also during the appearances of many of the Cabinet officers made on university campuses. However, on an individual basis, I believe that it is possible to do what I have been doing, to bring representatives of the college and university communities to my office, to talk with them, to have a dialogue. I am very glad that Chancellor Heard, the Chancellor of Vanderbilt, has agreed to take two months off from his very important responsibilities in that position to work with us in the Administration to see if we cannot develop better lines of communication both to school administrators, but also to school students.

QUESTION. Mr. President, what do you think the students are trying to say?

The PRESIDENT. They are trying to say that they want peace. They are trying to say that they want to stop the killing. They are trying to say that they want to end the draft. They are trying to say that we ought to get out of Vietnam. I agree with everything that they are trying to accomplish.

I believe, however, that the decisions that I have made, and particularly this last terribly difficult decision of going into the Cambodian sanctuaries which were completely occupied by the enemy—I believe that that decision will serve that purpose, because you can be sure that everything that I stand for is what they want.

I would add this: I think I understand what they want. I would hope they would understand somewhat what I want. When I came to the Presidency, I did not send these men to Vietnam. There were 525,000 men there. And since I have been here, I have been working 18 or 20 hours a day, mostly on Vietnam, trying to bring these men home.

We brought home 115,000. Our casualties were the lowest in the first quarter of this year in five years. We are going to bring home another 150,000. And, as a result of the greater accomplishments than we expected in even the first week of the Cambodian campaign, I believe that we will have accomplished our goal of reducing American casualties and, also, of hastening the day that we can have a just peace. But above everything else, to continue the withdrawal program that they are for and that I am for.

Yes, sir?

QUESTION. On April 20th, you said Vietnamization was going so well that you could pull 150,000 American troops out of Vietnam. Then you turned around only 10 days later and said that Vietnamization was so badly threatened you were sending troops into Cambodia.

Would you explain this apparent contradiction for us?

The PRESIDENT. I explained it in my speech of April 20th, as you will recall, because then I said that Vietnamization was going so well that we could bring 150,000 out by the spring of next year, regardless of the progress in the Paris peace talks and the other criteria that I mentioned.

But I also warned at that time that increased enemy action in Laos, in Cambodia, as well as in Vietnam, was something that we had noted, and that if I had indicated, and if I found, that that increased enemy action would jeopardize the remaining forces who would be in Vietnam after we had withdrawn 150,000, I would take strong action to deal with it. I found that the action that the enemy had taken in Cambodia would mean the 240,000 Americans who would be there a year from now without many combat troops to help defend them would leave them in an untenable position. That is why I had to act.

QUESTION. Mr. President, some Americans believe this country is heading for revolution, and others believe that dissent and violent dissentions are leading us to an era of repression. I wonder if you can give us your view of the state of society and where it is heading.

The PRESIDENT. That would require an extended answer. Briefly, this country is not headed for revolution. The very fact that we do have the safety valves of the right to dissent, the very fact that the President of the United States asked the District Commissioners to waive their rule for 30 days' notice for demonstration, and also asked that that demonstration occur not just around the Washington Monument but on the Ellipse where I could hear it—and you can hear it pretty well from here, I can assure you—that fact is an indication that when you have that kind of safety valve you are not going to have revolution which comes from repression.

The second point with regard to repression, that is nonsense, in my opinion. I do not see that the critics of my policies, our policies, are repressed. I note from reading the press and from listening to television that the criticism is very vigorous and sometimes quite personal. It has every right to be. I have no complaints about it.

Yes, sir?

QUESTION. One of the consequences of the Cambodian action was the fact that the other side boycotted this week's peace talks in Paris. There is some question as to whether our side will attend next week. Have you made a decision on that?

The PRESIDENT. Our side will attend next week. We expect the talks to go forward. And at the time that we are cleaning out the enemy sanctuaries in Cambodia, we will pursue the path of peace at the negotiating table there and in a number of other forms that we are presently working on.

Mr. Horner?

QUESTION. Mr. President, Secretary of Defense Laird said last week that if the North Vietnamese troops should move across the DMZ in force, he would recommend resumption of the bombing. What would be your reaction to such a recommendation in those circumstances?

The PRESIDENT. I am not going to speculate as to what the North Vietnamese may do. I will only say that if the North Vietnamese did what some have suggested they might do—move a massive force of 250,000 or 300,000 across the DMZ against our Marine Corps people who are there—I would certainly not allow those men to be massacred without using more force and more effective force against North Vietnam.

I think we have warned the leaders of North Vietnam on this point several times, and because we have warned them I do not believe they will move across it.

Miss Dickerson?

QUESTION. After you met with eight university presidents yesterday, they indicated that you had agreed to tone down the criticism in your Administration of those who disagree with you. And tonight Vice President Agnew is quoted all over the news programs as making a speech which contains these words, "That every debate has a cadre of Jeremiahs, usually a coalition of choleric intellectuals and tired, embittered elders." Why?

The PRESIDENT. Miss Dickerson, I have studied the history of this country over the past 190 years. And, of course, the classic and the most interesting game is to try to drive a wedge between the President and Vice President. Believe me, I had eight years of that, and I am experienced on that point.

Now, as far as the Vice President is concerned, he will answer for anything that he has said. As far as my attempting to tone him down or my attempting to censor the Secretary of the Interior because he happens to take a different point of view, I shall not do that. I would hope that all of the members of this Administration would have in mind the fact a rule that I have always had, and it is a very simple one: When the action is hot, keep the rhetoric cool.

QUESTION. Mr. President, on April 30 you announced that you, as Commander-in-Chief, were sending in U.S. units and South Vietnamese units into Cambodia. Do the South Vietnamese abide by the same pullout deadline as you have laid down for the American forces?

The PRESIDENT. No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out our logistical support and air support will come out with them.

I would like also to say that with response to that deadline I can give the members of the press some news with regard to the developments that have occurred. The action actually is going faster than we had anticipated. The middle of next week the first units, American units, will come out. The end of next week the second group of American units will come out. The great majority of all American units will be out by the second week of June, and all Americans of all kinds, including advisors, will be out of Cambodia by the end of June.

The writing press gets a break.

I will take you next, Mr. Potter.

QUESTION. Mr. President, on your use of the word bums to categorize some of those who are engaged in dissent, and I know you meant it to apply to those who are destructive, but it has been used in a broader context, do you believe that is in keeping with your suggestion that the rhetoric should be kept cool?

The PRESIDENT. I would certainly regret that my use of the word bums was interpreted to apply to those who dissent. All the members of this press corps know that I have for years defended the right of dissent. I have always opposed the use of violence. On university campuses the rule of reason is supposed to prevail over the rule of force. And when students on university campuses burn buildings, when they engage in violence, when they break up furniture, when they terrorize their fellow students and terrorize the faculty, then I think bums is perhaps too kind a word to apply to that kind of person. Those are the kind I was referring to.

Mr. Rather? I will get you next Mr. Bailey.

QUESTION. Mr. President, you mentioned that you expected the Americans to be out of Cambodia by some time in June. President Thieu was quoted as saying in an interview that he felt the North Vietnamese could reestablish their sanctuaries in Cambodia within six months and possibly, he was quoted as saying, within two or three months.

If that is the case, what have we accomplished in Cambodia? Was it worth the risk, and what do we do when they reestablish those sanctuaries?

The PRESIDENT. I am planning to give a report to the nation when our own actions are completed, toward the latter part of June. At that time, I will answer that question in full.

At the present time, I will say that it is my belief, based on what we have accomplished to date, that we have bought at least six months and probably eight months of time for the training of the ARVN, the Army of South Vietnam. We have also saved, I think, hundreds, if not thousands, of Americans, as Frank Reynolds reported tonight on ABC. Rockets by the thousands and small arms ammunition by the millions have already been captured and those rockets and small arms will not be killing Americans in these next few months. And what we have also accomplished by buying time, the means that if the enemy does come back into those sanctuaries next time, the South Vietnamese will be strong enough and well trained enough to handle it alone.

I should point out too, that they are handling a majority of the assignments now in terms of manpower.

Mr. Bailey?

QUESTION. Sir, without asking you to censor the Secretary of the Interior, could you comment on the substantive points that he made in his letter?

The PRESIDENT. I think the Secretary of the Interior is a man who has very strong views. He is outspoken. He is courageous. That is one of the reasons I selected him for the Cabinet, and one of the reasons that I defended him very vigorously before this press corps when he was under attack.

As far as his views are concerned, I will, of course, be interested in his advice. I might say, too, that I hope he gives some advice to the Postmaster General. That was the fastest mail delivery I have had since I have been in the White House.

Mr. Scali?

QUESTION. Mr. President, how do you answer the criticism that the justification that you give for going into the Cambodian sanctuaries is appallingly similar to the reasons that President Lyndon Johnson gave as he moved step by step up the ladder of escalation? He wanted peace, too, sir.

The PRESIDENT. Mr. Scali, President Johnson did want peace, and, if I may use the vernacular, he has taken a bad rap from those who say that he wanted war.

However, the difference is that he did move step by step. This action is a decisive move, and this action also puts the enemy on warning that if it escalates while we are trying to de-escalate, we will move decisively and not step by step.

Mr. Healy.

Question. Mr. President, this war was well underway before you came in, as you just said. Considering the total in lives and in everything else that is happening now do you think it will have proved to be worthwhile?

The PRESIDENT. It is rather a moot question, Mr. Healy, as to whether it will prove worthwhile. As Commander-in-Chief, I have found for 525,000 Americans it has been my responsibility to do everything I could to protect their lives and to get them home as quickly as I can. And we have succeeded pretty well. We brought 115,000 home. We are going to bring another 150,000, and this action will assure the continued success of that program.

However, looking at the whole of Southeast Asia, looking at the fact that we have lost lives there, I would say that only history will record whether it was worthwhile.

I do know this: Now that America is there, if we do what many of our very sincere critics think we should do, if we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned.

QUESTION. Mr. President, in light of the Kent State University incident, could you tell us what, in your judgment, is the proper action and conduct for a police force or a National Guard force when ordered to clear the campus areas and faced with a crowd throwing rocks?

The PRESIDENT. We think we have done a rather good job here in Washington in that respect. As you know, we handled the two demonstrations, October 15 and November 15 of last year without any significant casualties, and that took a lot of doing because there were some pretty rough people involved—a few were rough; most of them were very peaceful.

I would hope that the experience that we have had in that respect could be shared by the National Guards which, of course, are not under Federal control but under State control.

What I say is not to be interpreted as a criticism in advance of my getting the facts of the National Guard at Kent State. I want to know what the facts are. I have asked for the facts. When I get them, I will have something to say about it. But I do know when you do have a situation of a crowd throwing rocks and the National Guard is called in, that there is always the chance that it will escalate into the kind of a tragedy that happened at Kent State.

If there is one thing I am personally committed to, it is this: I saw the pictures of those four youngsters in the Evening Star the day after that tragedy, and I vowed then that we were going to find methods that would be more effective to deal with these problems of violence, methods that would deal with those who would use force and violence and endanger others, but, at the same time, would not take the lives of innocent people.

QUESTION. After the American troops are removed from Cambodia, there may still be a question as to the future of Cambodia's ability to exist as a neutralist country.

What is your policy toward Cambodia's future?

The PRESIDENT. The United States is, of course, interested in the future of Cambodia, and the future of Laos, both of which, as you know, are neutral countries. However, the United States, as I indicated in what is called the Guam or Nixon Doctrine, cannot take the responsibility and should not take the responsibility in the future to send American men in to defend the neutrality of countries that are unable to defend them themselves.

In this area, what we have to do is to go down the diplomatic trail, and that is why we are exploring with the Soviet Union—with not too much success to date, but we are going to continue to explore it—with Great Britain, with the Asian countries that are meeting in Jakarta, and through every possible channel, methods through which the neutrality of countries like Cambodia and Laos, who cannot possibly defend themselves, to see that that neutrality is guaranteed without having the intervention of foreign forces.

QUESTION. Mr. President, in your inaugural address, you said that one of your goals was to bring us together in America. You said that you wanted to move us in international terms from an era of confrontation to an era of negotiation. You said you wanted to bring peace to Vietnam. During the past two weeks, it seems that we are further than ever from those goals. How do you account for this apparent failure?

The PRESIDENT. Don't judge us too quickly. When it comes to negotiation, I would suggest that you recognize the fact that some very important talks are going forward on arms limitation with the Soviet Union. We are still far apart. But I will predict now that there will be an agreement. When that agreement comes, it will have great significance. I say that having in mind the fact that we are far apart from the Soviet Union in our policy toward Southeast Asia, in our policy toward the Mideast; but I say that where the problem of arms is concerned, here is where our interests are together. The Soviet Union has just as great an interest as we have in seeing that there is some limitation on nuclear arms.

QUESTION. Mr. President, have you made any judgment yet on the sale of jets to Israel? And how do you view the situation in the Middle East at the moment?

The PRESIDENT. Well, the situation has become ominous due to the fact that reports have been received with regard to Soviet pilots being interjected into the UAR Air Force, not in combat but in some other role. We are watching these reports very closely. If those reports prove to be true, and if that continues to escalate, this will dramatically shift the balance of power and it would make it necessary for the United States to re-evaluate its decision with regard to the sale of jets to Israel.

We have made it very clear—and this is in the interest of peace in that area—that the balance of power must not be changed and we will keep that commitment.

QUESTION. Mr. President, is the United States prepared to pursue with equal fervor

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in Paris negotiations to find a political settlement of this war, including the possibility of discussing with the other side a coalition government?

The PRESIDENT. We are prepared to seek not only in Paris but in any other forum a political settlement of this war. We are not prepared, however, to seek any settlement in which we or anyone else imposes upon the people of South Vietnam a government that they do not choose. If the people of South Vietnam choose a coalition government, if they choose to change the leaders they presently have, that is a decision we will accept. President Thieu has indicated he will accept it. But we do not intend to impose at the conference table on the people of South Vietnam a government they do not choose.

QUESTION. Mr. President, on a domestic subject, on the economy, sir. Unemployment is up, the stock market is down, things look generally discouraging. Do you have any views on that, and do you have any plans?

The PRESIDENT. Yes. Unemployment reached the point of 4.8, I noticed, this last month. In order to keep it in perspective, it should be noted that in 1961, 1962, 1963, 1964 and 1965 the average unemployment was 5.7. 5.7 is too high. 4.8, I think, is also too high. But the unemployment we presently have is the result of the cooling of the economy and our fight against the inflation.

We believe, however, that, as we look to the balance of the year, that we will begin to see a moving up in our Gross National Product in the last of the second quarter and throughout the third and fourth quarters. I believe that by the end of the year we will have passed the trillion dollar mark in terms of GNP. I believe that the year 1970 will be a good year economically, a year in which unemployment, we hope, can be kept below the average that we had in the early 60's, which was much too high.

QUESTION. Mr. President, did Secretary of State Rogers oppose your decision to go into Cambodia or did Dr. Kissinger oppose it?

The PRESIDENT. Every one of my advisors, the Secretary of State, the Secretary of Defense, Dr. Kissinger, Director Helms, raised questions about the decision, and, believe me, I raised the most questions, because I knew the stakes that were involved, I knew the division that would be caused in this country. I knew also the problems internationally. I knew the military risks. And then after hearing all of their advice, I made the decision. Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advice of those, and I made this decision. I take the responsibility for it. I believe it was the right decision. I believe it will work out. If it doesn't, then I am to blame. They are not.

Mr. Morgan?

QUESTION. Volumes have been written about the loneliness of the Presidency. You, yourself, have said that you were not going to get trapped into an isolation as President. Have you, particularly in recent days, felt isolated? And if you have not, could you explain to us why it was not until yesterday that you, whose voice means more than anybody's else's in the Administration, whether it be Mr. Agnew or Mr. Hickle, waited until yesterday to tell the educators that the Administration was lowering—was modifying its discourse with the dissenters?

The PRESIDENT. Well, first let us understand what I told the educators. The educators came in to discuss their problems, and since they are all presidents I felt a community of interest with them.

I indicated to them that I didn't want to make their job any harder for them and I would appreciate it if they wouldn't make my job any harder for me in their own activities.

They raised questions about the Vice President, and about other people in the Administration, about the rhetoric, and I know, of course, questions have been raised about my rhetoric.

Let me say that in terms, however, of the Vice President, in terms of what I told the educators, I did not indicate to them that I was going to muzzle the Vice President, that I was going to censor him.

I believe that the President, the Secretary of the Interior, the Secretary of HEW, everybody in this Administration, should have the right, after considering all the factors, to speak out and express his views. This is an open Administration. It will continue to be.

I also think that people should have the right to speak out as they do in the House and in the Senate, in the media, and in the universities. The only difference is that, of all these people, and I refer particularly to some of my living critics in the House and Senate, they have the luxury of criticism.

I was once a Senator and a House Member; I thought back to this when I called Harry Truman today and wished him well on his 86th birthday, to some of the rather rugged criticisms I directed in his direction.

They have the luxury of criticism because they can criticize and if it doesn't work out then they can gloat over it, or if it does work out, the criticism will be forgotten.

I don't have that luxury. As Commander-in-Chief, I, alone, am responsible for the lives of 425,000 or 430,000 Americans in Vietnam. That is what I have been thinking about. And the decision that I made on Cambodia will save those lives. It will bring the peace that we all want, in my opinion. I could be wrong, but if I am wrong, I am responsible and nobody else.

QUESTION. Mr. President, early in the news conference, in saying that the troop withdrawals would continue, you said that a year from now there would be 240,000 American soldiers in Vietnam.

The PRESIDENT. Don't hold me to the exact figure.

QUESTION. That is 185,000. Are you announcing a larger withdrawal tonight?

The PRESIDENT. No, I wasn't. What I was indicating was a range. But don't get the impression that we might not get that low also, because you understand we are going to go forward on the negotiating track at this time, and I am not among those who has given up on that track. I still think there is a possibility of progress there.

QUESTION. Mr. President, will you see the demonstrators tomorrow in the White House?

The PRESIDENT. If arrangements are made by my staff so that they can come in to see me, I will be glad to. I talk to a great number of people. I will be here all day long. As a matter of fact, I will be here tonight and tomorrow as well. But sometimes it is quite difficult to arrange which groups should come in. I know members of my staff will go out to see them. I have asked all the younger members of my staff to talk to the demonstrators and try to get their views, as we did on November 15 and October 15. I will be glad to see them if some of them are available.

The PRESS. Thank you, Mr. President.

The PRESIDENT. Thank you.

WALTER REUTHER HAD VISION AND COURAGE AS HE WORKED TO AID MANKIND

Mr. RANDOLPH. Mr. President, the untimely death of a close friend and fellow West Virginian, Walter Reuther, has shocked and saddened the Nation.

We offer our personal condolences to daughters Linda and Lisa on the loss of their parents, to brothers Victor and Ted and sister Christine, and to the gallant mother who bore him, Mrs. Valentine Reuther.

The world has yet to assess the debt it owes this valiant leader. No one will ever know how many lives he has lengthened and brightened. But we know he will be missed. And that those who follow in his footsteps will have a shining model of courage and devotion to the betterment of mankind.

His role in the labor movement is well recorded; his unceasing work on behalf of humanity remains immeasurable because it was too abruptly unfinished.

Walter Reuther was born in the world of the Wheeling steel mills. A high school dropout, he rose in the rough-and-tumble ranks of labor to become one of history's greatest figures in the movement of man toward a better life. His service to humanity is his monument.

Walter Reuther was one of the few labor leaders who had experienced, from the bottom rung of the ladder, the relative opportunities and oppressions of the capitalistic and communistic systems. He chose the system which, with his help, has provided the greatest good for the greatest number in the history of man.

Greatness is defined in terms of ability, innovative ideas, ethical standards and contributions to one's fellow man. By any measure, Walter Reuther can be accorded the mantle of greatness. In an era when machines seem to threaten the dignity of work, Walter Reuther will be remembered by his coworkers for his pioneering work in such progressive innovations as cost-of-living and productivity adjustments, company-financed pension programs, supplemental unemployment benefits, health insurance plans and profit-sharing programs.

Today these advances have been widely accepted throughout industry, and Walter Reuther could well have rested on his laurels as the chief of the powerful United Auto Workers. But as labor's most visionary, articulate spokesman, he went beyond the plant gates to give his energies to all people. When he died, he was on a mission to inspect his union's new family education center on Black Lake. This is but one of the products of his progressive energies.

It was Walter Reuther who insisted on democracy in the ranks, often at the risk of earning the animosity of his peers. It was Walter Reuther who fought so successfully to commit the AFL–CIO to the battle against discrimination, and to the cause of civil rights. His leadership served as an inspirational guideline at a time when growing opposition to the principle of brotherhood could have torn our Nation asunder.

Walter Reuther's hopes for mankind—and his dogged determination to bring all men under the banner of truth and justice—went beyond the bargaining table and even beyond the boundaries of nations. He opposed military involvement abroad at a time when it was deemed dangerous to do so. He dreamed of a day when workers around the world would share in the abundance of their labors.

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Walter Reuther needs no monument to his existence. His achievements on earth have been monumental, but the fruition of his dreams is only beginning to grow around the world.

THE PRISONERS OF WAR—OUR NEVER-TO-BE-FORGOTTEN MEN

Mr. HANSEN. Mr. President, at a time when nationally we are expressing great concern about America's position in Southeast Asia, I call to your attention a group which, as far as many are concerned, might be called our forgotten men.

I refer to that group of approximately 1,400 Americans who are being held under the most dreadful circumstances by the Communists in North Vietnam, the prisoners of war. For the most part these are nameless men because the enemy, in clear violation of the Geneva agreements, has refused to furnish us with the names of those men who are being held prisoner.

The enemy has not furnished this Government with the information required by the Geneva agreements on prisoners of war. They have refused repeatedly to permit communication between the men and their families, which, again, is clearly in violation of all humane considerations.

The wives of these men have tried, through the Government and on their own, to find out what has happened to their husbands. They have been rebuffed at every turn by the callous leadership of the Communist forces in Vietnam.

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Offers by this Government to exchange prisoners with North Vietnam have met with failure because of the peculiar Communist position that North Vietnam is not involved in the war in Vietnam. They refuse to admit that their men have invaded South Vietnam, and therefore will not consider a prisoner exchange.

The Communist leadership has attempted to use these men as propaganda weapons against America. They have played upon the natural concern and fears of the men's wives, urging these brave and loyal women to speak out against their government in return for information about their husbands.

The indictment against North Vietnam for mistreatment of prisoners of war is almost endless.

Recounting this indictment is not enough. We must act to get a satisfactory agreement with the North Vietnamese dealing with the prisoners they hold.

I urge my colleagues to join me in pressing for action wherever such action is possible. Our diplomats are in constant contact with diplomats of the Communist bloc. I urge them at every opportunity to bring up the subject of American war prisoners and their treatment.

Individual Americans who have contact with foreigners should also speak out repeatedly to help bolster the weight of world opinion which is so much against the Communist treatment of these prisoners.

Above all, Mr. President, as Americans and as America, we cannot allow these prisoners or their families to think that we have forgotten them and their plight. We must keep them ever foremost in our thoughts and in our hearts.

BIRTHDAY ANNIVERSARY GREETINGS TO SENATOR COTTON

Mr. CANNON. Mr. President, I wish to offer my sincere congratulations to the senior Senator from New Hampshire on his birthday. Congratulations are also due to the citizens of New Hampshire for sending NORRIS COTTON to Congress—first to the House of Representatives in 1946, and then to the Senate in 1954.

Prior to his election to Congress he served in his State's house of representatives, and prior to that he was on the senate staff. It was in Washington that he met the girl who became his wife, thereby depriving Tennessee of one good democratic vote.

I am glad I have the privilege of serving with him in the Senate, particularly on the Committee on Commerce, where he is our ranking Republican and, I might add, a very hard-working and able Member.

Again, I congratulate him and the citizens of his State.

VIRGINIA KNAUER'S FIRST YEAR

Mr. MOSS. Mr. President, I was pleased to see in the Washington Post yesterday a story summarizing the first year in office of Mrs. Virginia Knauer, the President's Consumer Adviser, and successor to Esther Peterson and Betty Furness.

As chairman of the Consumer Subcommittee of the Committee on Commerce, I welcome the strong support of Mrs. Knauer for consumer legislation. She has indeed presented to Congress some worthwhile consumer proposals.

Reference is made to Mrs. Knauer's support of the President's "consumer package," and indeed there are good things in it, but those good things invariably have a congressional antecedent. We have been trying to strengthen the FTC over the years by granting it power to obtain preliminary injunctions, so it is not exactly novel when the President proposes it. There is a tendency for the administration to drag its feet in responding to congressional consumer initiatives. We find, almost as a rule, that they will ultimately endorse the objectives of the bill and ask for time to develop their own version, which usually ends up a pale, weak copy of the original congressional proposal.

Still, I am confident that, with the support of those administration officials who do have a genuine commitment to the consumer's needs, and with the growing strength of consumer advocacy in Congress, we will deliver to the President an impressive package of consumer bills. Perhaps even more than the President bargained for.

I ask unanimous consent that the article from yesterday's Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIRGINIA KNAUER: THE FIRST YEAR

(By Elizabeth Shelton)

What apple pie was to Esther Peterson and the refrigerator door was to Betty Furness, the hot dog is to Virginia Knauer.

It represents her first tangible success in the year just ended as the President's consumer advisor and symbolizes the Nixon brand of consumerism.

Mrs. Knauer insisted that the fat content of hot dogs be held down to 30 per cent and the President backed her "100 per cent." This was the break she was waiting for to prove to consumers that he cares about their problems, simple and complex, and that she has his support.

Since then, the wealthy Philadelphian who can afford filet mignon, has munched many hot dogs in public.

Like her predecessors, Mrs. Knauer is politically sharp, intelligent, sophisticated and has attempted to go far beyond just preserving the housewifely image. The bulk of the President's consumer message to Congress was based on her recommendations.

She persuaded General Motors to recall faulty school buses and trucks and is attempting to dissuade the Glass Container Manufacturers Institute from promoting non-returnable bottles that would add to the nation's garbage crisis.

Esther Peterson, former Assistant Secretary of Labor who held the job in the Kennedy and Johnson administrations, was a motherly figure who evoked the aroma of spicy apple pie coming out of a warm oven. She lost favor with LBJ when one of the Denver supermarket boycotters embraced her in public and she was blamed for instigating the housewives' rebellion against games and gimmicks while food prices were high.

Her most significant achievement was getting the consumer to find his voice.

The voice was growing loud by the time television actress Betty Furness replaced her. Instead of giving businessmen an "in" at the White House, the woman whose name and face were associated with Westinghouse television commercials carried consumer programs forward.

Mrs. Knauer, who formerly headed the Pennsylvania Consumer Protection Bureau, has gone farther still.

Her critics, who admit without grudging that the administration has gone farther in consumer protection than they had expected, still say it is not far enough. They suspect that administration programs are a matter of semantic twists being given to familiar phrases to preserve a pro-consumer but not anti-business posture.

"Continuous inspection," for example, became "continuous surveillance" when Mrs. Knauer presented the administration's position on the Fish Inspection Act. This conjured up a picture of the inspector watching from afar in Washington instead of standing over the shoulder of the seafood processors.

In the tough job of maintaining a balance between consumer activism and Republican conservatism, Mrs. Knauer counts as her best achievement of a difficult year: "Convincing the public that President Nixon is deeply concerned with consumer issues and has involved and presented to Congress a far reaching program."

She admits that "consumerism" used to be a dirty word in the Republican lexicon. "The Nixon administration has caught up and now has seized the initiative," she says, underscoring "seized the initiative."

It is thought by some that Presidential assistant John Erlichmann, with whom she consults almost daily, prevents Mrs. Knauer from taking stronger proconsumer stands on such controversial issues as class action suits, high beef prices and the fish inspection.

But for several months now only minor changes have been made by the White House in any of the speeches she prepared to deliver in public.

From the activists' standpoint, the consumer picture is far from rosy despite Mrs. Knauer's efforts. Sen. Philip A. Hart (D-Mich.) estimates that American consumers lose $200 billion a year through monopolistic price fixing, oil import quotas, un-needed auto repairs, auto insurance, credit insurance, worthless drugs and inability to compare the prices of similar food, toilet and household products.

It is largely to Mrs. Knauer's credit that "consumerism" is now heard in the board rooms of big corporations and at trade association metings. She told them bluntly, "Get with it, boys, or Congress will act. This may be your last chance."

Esther Peterson said she could not believe her ears recently when she heard representatives of the National Association of Manufacturers saying some of the same things they tried to get her fired for saying in the early '60s.

Mrs. Knauer argued for and won a White House go-ahead to relay consumers' complaints directly to the heads of large corporations. This has not only solved complaints but has made executives aware of what was going on at the lower echelon. As a result, an internal clean-up of industry has begun.

Several major appliance companies now furnish toll-free telephone "cool lines." A customer who is unable to get satisfaction from his dealer may telephone long distance to the manufacturers' home office, without charge. Whirlpool customers can pick up their home phones anywhere except Hawaii and Alaska and complain, free to a management executive. The calls go over a WATS telephone line.

Mrs. Knauer has been working closely with the states' attorneys general. Her new Office of Federal-State Relations is codifying for their use the consumer protection laws of all 50 states.

She has borrowed an idea from consumer advocate Ralph Nader and uses law students as summer interns. Last summer hers were called "Knauer's Wowers." She is hoping for something better this time. She says of Nader, "We get along fine."

In liaison with her office, George Washington University law students working on their doctorates are developing a continuing education program in consumer education to be taught by "paraprofessors" to adult residents of low income areas.

Several universities, among them Stanford, are considering funding permanent internships in her office to work with the President's Committee on Consumer Interests.

"No matter what budget, we will always have to reach out to dedicated people who want to share their expertise," Mrs. Knauer said. The budget was one of her successes. Congress has almost doubled it, effective July 1, to $810,000, permitting staff and program expansion.

Among programs waiting for money is a plan to give all States that want them guidelines for developing consumer education curricula for all grades from kindergarten through high school. Mrs. Knauer plans to have the guidelines ready by July for the use of educators during summer professional workshops.

A consumer register, now in mimeographed form will be published to inform the general public of all of the government's consumer activities. These tend to get lost in the Federal Register and consumers miss the chance to attend important hearings. The interim consumer register goes to state attorneys general, consumer organizations and the group of voluntary organizations known as the Ad Hoc Committee that works with the President's Committee on Consumer Interests. This Ad Hoc Committee which meets regularly with Mrs. Knauer is being expanded to broader representation. The General Federation of Women's Clubs has been invited to join.

A study of duplication and overlapping in some 400 consumer functions of government is now in its second phase.

The Bureau of the Budget and Mrs. Knauer's staff are deciding whether to do a pilot project of 50 or tackle the whole 400. "It would take 10 years to do a management type survey," Mrs. Knauer explained.

"If we move into a coordinating role, which I think will be our main function, we will need this information."

One of the administration's four basic consumer bills proposed in the President's consumer message will give the office that coordinating role if it is enacted by Congress. The legislation makes her office a statutory office within the White House.

Consumer organizations would prefer to have a cabinet-level department of consumer affairs and Mrs. Knauer thinks there will eventually be one. For now, she says, an independent office "would be a disaster . . . I find that when you speak for the President you get things done."

The same administration bill establishes a Consumer Protection Division in the Department of Justice under its own assistant attorney general. Another gives a new Consumer Protection Division to a strengthened Federal Trade Commission. Both increase enforcement power in behalf of the consumer.

A third measure requires clearer statements in warranties and guarantees and a fourth sets standards to improve product testing.

Mrs. Knauer thinks this legislative package will begin to move in Congress "next session."

In her plan to relay the benefits of government experience in the buying and testing of products to the taxpayers, Mrs. Knauer promises "something by the end of the month." Eventually it is hoped that the consumer will be able to use the same sets of standards in making buying choices.

"We meet with the top echelon of everybody who buys products. We hope to have a report to the President in June," Mrs. Knauer said.

Mrs. Knauer, like her precursors in the past, is setting records in mail received and mileage traveled to talk to the public.

Her incoming letters average about 3,500 a month now, "more than twice Betty's." Mileage logged stands somewhere around 60,000. Speeches, formal and informal, and testimony before congressional subcommittees have numbered countless words.

Most of the trips are one-day, back-the-same-night, because of her morning meetings at the White House.

Mrs. Knauer has her own private consumer problems. An antique collector whose decorative taste is refined, she has waged a long telephone struggle with a Washington department store over "my three-legged sofa." The slate blue Italian import arrived with a broken leg that had been "pasted back on" and soon fell off.

She hopes that when the replacement is delivered it will not be a bright red that will clash with the peach silk draperies she made to go with the oriental rug in her Columbia Plaza commuter's apartment.

The only personal letter of complaint she has written so far was to a car rental company. The company keeps billing her and bothering her husband, Wilhelm, a Philadelphia lawyer, about $200 for a car it was supposed to have picked up months ago.

Her monthly bills give her the same trouble as the average citizen trying to decipher closing dates and deciding whether revolving credit charges could have been avoided.

As a citizen, Mrs. Knauer is keenly interested in a clean environment. In her office are samples of construction materials made from reclaimed solid wastes such as beverage bottles.

But since her office has no regulatory clout she confines herself to relating consumerism to ecology and survival and tells in speeches how they are compressing garbage into building materials in Japan.

Mrs. Knauer plans to be in Paris May 12 through 14 for the OECD meeting to tell consumer leaders of Western Europe and Japan about U.S. experience in consumer protection.

"They look to us for leadership," she explained. "We are ahead of all other countries in the area of product safety."

LIQUID PROPANE GAS REDUCES AIR POLLUTION

Mr. FANNIN. Mr. President, in recent weeks and months there has been much discussion in legislative halls throughout the land and in the news media about the serious pollution problems facing our Nation.

Effective and permanent correction of this intolerable situation will require long-range planning, sound implementation, and expenditure of sufficient funds to get the cleanup job done.

In this connection, I am happy to report that an important American industry is doing its part to minimize air pollution. I am referring to the liquefied petroleum gas industry which produces LP-gas engine fuel. LP-gas is known as propane, butane, or bottled gas. Some Senators may have used LP-gas in their homes for cooking, heating, and water-heating. But whatever it is called, it helps to reduce air pollution when used in motor vehicles because exhaust emissions are much lower in the substances which cause air pollution and smog.

In addition, an LP-gas engine fuel system is completely sealed. This factor eliminates pilferage, spillage, and evaporation loss. While we think of engine exhaust as the big pollution offender, it is estimated that about 15 percent of the air pollution charged against motor vehicles is caused by evaporation from the fuel tank and the carburetor.

LP-gas has been used as fuel for internal combustion engines almost as many years as gasoline and it is readily available throughout the Nation. During the past 42 years, over 17 billion gallons of LP-gas have been used in engines, and within the past 10 years, LP-gas carburetor sales were about 10 million units.

Greater use of LP-gas as an engine fuel, particularly in fleets of trucks, buses, industrial lift trucks, taxicabs, and other vehicles, can minimize air pollution in urban areas where pollution levels are at high levels.

The California Air Resources Board conducted tests on three LP-gas powered vehicles and reported that exhaust-emission values were substantially lower than California emission standards set for 1974.

These tests revealed that hydrocarbon emissions with LP-gas engine fuel were as much as 83 percent lower than the 1974 limit of 1.5 grams per mile. Carbon monoxide emissions were as much as 88 percent lower than the 1974 standard of 23 grams per mile, and emissions of nitro-

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gen oxides were as much as 65 percent lower than the 1.3 grams per mile which will be allowed 4 years from now. These tests and others which have been conducted in California and elsewhere are convincing proof that LP-gas engine fuel can reduce air pollution when used in fleets of urban vehicles.

Engines using LP-gas fuel are quite similar to gasoline engines. While some LP-gas engines are factory designed and engineered for this fuel, other gasoline engines are easily converted to LP-gas operation. An LP-gas engine fuel system is relatively simple and consists of only four components: a pressurized fuel storage tank, an electrically operated fuel valve with filter, a converter to reduce pressure and vaporize the fuel, and a carburetor.

LP-gas engine fuel is all fuel and has an octane rating of 110 plus. Actually, LP-gas fueled engines develop the greatest possible horsepower per cubic inch displacement.

LP-gas is a superior engine fuel from an operational and economical standpoint because it burns clean. It enters cylinder chambers of an engine as a dry gas. As such, it mixes readily with intake air. Oil dilution or washing of cylinder walls of vital lubricating oil is impossible. Accumulation of carbon and sludge is nonexistent with LP-gas, and the engine stays clean. The results are lower maintenance costs, reduced down time, greatly extended engine life, and, of course, lower exhaust emissions.

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This fuel has established an excellent safety record, and national standards apply to LP-gas containers and other pertinent equipment for use of LP-gas as an engine fuel. These standards are constantly being updated in light of technological developments and the combined thinking of regulatory, insurance, and industry personnel. These national standards have been adopted by substantially all States as their regulations. These standards are issued by the National Fire Protection Association and the American National Standards Institute.

Record of large fleets of vehicles operating on LP-gas is highly impressive. In Chicago, the transit authority operates some 1,500 buses on LP-gas. This is the world's largest fleet of its type, and it has an outstanding safety record after 716,000,000 miles of travel and 316,000,000 gallons of LP-gas consumed. There has never been damage of any significance to an LP-gas bus fuel system in any vehicle accident on the streets of Chicago.

The Chicago fleet of buses is only one of many large vehicle fleets operating on LP-gas engine fuel. The city of Orlando, Fla., has 350 LP-gas vehicles, including refuse trucks, tractors, lift trucks, pickup trucks, and others. In the same State, the city of Tampa operates over 260 LP-gas fueled sanitation trucks, street sweepers, and other vehicles. Tampa saves its taxpayers an estimated $285,000 a year by using LP-gas engine fuel in its municipal fleet.

One of the largest commercial LP-gas fleets is owned by General Telephone Co. of Florida. This company began in 1962 to convert its entire fleet of over 1,000 vehicles to run on LP-gas. Recently General Telephone released a report which indicated savings of $400,000 over a 3-year period through operation of its LP-gas fleet. The company attributes these savings to lower maintenance and repair costs, less engine wear, and longer engine life because LP-gas is a clean-burning fuel.

The LP-gas industry has the ability to make an even more significant contribution toward cleaner air. The industry has the engine fuel to do the job, and the distribution and marketing facilities to serve the public with low-emission fuel. Last year the LP-gas industry served some 12 million residential, farm, commercial, and industrial customers with a record 17.8 billion gallons of LP-gas. In this vital quest for cleaner air for all people, the LP-gas industry is making a distinct service to the Nation.

I am informed that the LP-gas industry will, on May 11 and 12, present a demonstration of the several types of vehicles now using LP-gas as an engine fuel, as well as a test of emissions to show the results that can be obtained. This demonstration will take place in the open area at Independence Avenue and Fifth Street SE.

THE UNTIMELY DEATH OF WALTER REUTHER

Mr. PROXMIRE. Mr. President, millions of Americans owe their jobs, their economic security, their liberty, and their human dignity to the life and work of Walter Reuther.

Under Walter Reuther's leadership, the United Auto Workers, time and again took up the battle for the poor, the neglected, the jobless, the black—in short, for the ill-clothed, ill-fed, and ill-housed of the Nation.

Walter Reuther was not only a union leader interested in wages and hours and working conditions. He improved them as few labor leaders have for the rank and file of his union. But Walter Reuther was in the front line of those who fought to gain civil rights for America's minorities. He backed the fights to stop repressive legislation whose aim was the denial of liberty to millions of Americans. He fought for minimum wages—imperative for the weak and unorganized, but of only marginal help to his union.

Under his leadership the UAW fought the fight for all Americans and for all those causes to improve America and to extend its blessings to millions who had not enjoyed them.

From the time Walter Reuther first organized the huge auto industry until the second he died in the flaming crash of a jet plane on the way to an educational center for the members of his union, his life was spent in advancing human dignity, improving the opportunities of millions of Americans, and in enhancing the moral and ethical life of the Nation.

Here was an organizing genius. His talents could have commanded rewards greater than those of the captains of industry with whom he bargained for his members' rights. Yet he lived simply, taking only a modest salary on the ground that those who speak for the mass of ordinary citizens of the United States should not be too far removed from their economic hardships and concerns.

Walter Reuther was a man of simple tastes, deep devotion to economic justice and political liberty of Americans, and an eloquent and passionate leader in her finest causes.

Because of him, the United States is a better country than it would otherwise be.

The spirit of compassion burned fiercely in the heart of Walter Reuther. He not only felt strongly about poverty and injustice. He did something about them.

He was a great American. He made this a better and nobler country.

THE ROLE OF CONGRESS IN THE FUTURE OF U.S. POLICIES IN SOUTHEAST ASIA

Mr. HATFIELD. Mr. President, on May 5, the Senator from South Dakota (Mr. McGovern), the Senator from New York (Mr. Goodell), the Senator from Iowa (Mr. Hughes), the Senator from California (Mr. Cranston), and I submitted an amendment to the military procurement bill regarding the role of Congress in the future of our policies in Southeast Asia.

The Constitution provides that Congress has the responsibility for raising and supporting our military forces in addition to the declaration of war provision and the power of the purse—article I, section 8. Through those means the Constitution gives to Congress a central responsibility in our military and foreign affairs. The Constitution does not provide that Congress shall remain passive while the executive branch pursues its foreign policy.

I hope that the question of congressional responsibility will receive the careful scrutiny of every Senator.

Mr. Tom Wicker of the New York Times, in an article entitled "What Can Congress Do?" published in the Times of May 5, holds that Congress must act now under its constitutional powers or else abdicate its role in the democratic process. His article states cogently the issue we confront.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

In the Nation: What Can Congress Do?

(By Tom Wicker)

Washington, May 4.—Many members of Congress, in both parties, now are reacting to President Nixon's re-escalation of the Vietnamese war with as much anger as the "doves" used to direct at Lyndon B. Johnson. One useful but limited result is already apparent.

For decades now, the major direction of political thought in America has been to build up the powers of the Presidency, direct and implied, as against the powers of the legislative branch. While this had much to recommend it in some areas of policy, the result was to accelerate the diminution of Congressional prestige and prerogative and to blind the nation to the possible menace of the power center it was creating in the White House. Mr. Johnson first, and now Mr. Nixon, have done much to strike away the blinders; a whole generation of potential leadership is coming out of the universities convinced that the Presidency is a virtually unchallenged despotism, and determined in some vague way to "change the system."

But for the moment, what can really be done by Congress or anyone else about Mr. Nixon's decision to invade Cambodia and reopen the bombing of North Vietnam? The latter of those operations, incidentally, was to have been carried out in secrecy, despite this Administration's talk of bridging the "credibility gap" dug by Mr. Johnson. And there was for neither assault the slightest sanction in the Presidential voting of 1968, or in anything authorized by Congress since then, or in any known measure of public opinion.

There are several things Congress could do. It could, for instance, repeal the Tonkin Gulf Resolution, which gives the war a patina of legitimacy. But Mr. Nixon would be likely—based on his performance so far—to take the view Mr. Johnson took, that even "if the resolution is repealed I think I could still carry out our commitments" in Southeast Asia, and to go right on fighting his war as Commander in Chief.

RESOLUTION BARRING ACTION

Congress could also pass a resolution prohibiting American military action in Cambodia—just as, last winter, it passed a resolution barring the use of ground troops in Laos or Thailand. Again, Mr. Nixon might well find means to ignore such a resolution.

The President would be more seriously hampered if Congress refused any further funds for the war in Cambodia, or in Southeast Asia altogether. Even in that case, there might be enough "in the pipeline" or on hand or available in contingency funds and supplies for him to keep the war going.

But Mr. Nixon's real defense against any of these steps, even against the "power of the purse-string," is political. Congress, obviously, is going to be reluctant to appear to be ham-stringing the President in the necessary conduct of foreign policy. It will not eagerly put itself in position for Mr. Nixon and Mr. Agnew to declare that it is aiding and abetting a Communist enemy. A President, of course, is presumed, usually falsely, to "have all the facts"; some members therefore will not wish to pit their judgment against Mr. Nixon's, although on his record so far, it is hard to see why. Most seriously, no member will wish to refuse supplies or support for troops in the field, whose lives may be endangered and who did not choose to be where they are.

In short, in the absence of overwhelming public demand, the likelihood that Congress will do any of these things is not great; nor can any of them be clearly viewed as the right course of action. Yet the meaning of Congressional impotence would be clear, and most particularly to that large group of Americans who have spent their youth in profound opposition to an undeclared war, of no clear purpose, with no discernible end. It will mean that one man alone holds in the world's oldest democracy the absolute power of war and peace, life and death.

If that is indeed the pragmatic fact, it is repugnant to the Constitution, to democratic theory and to American ideals; and if that is indeed what "the system" has come to, it ought to be changed.

RESOLUTION DECLARING WAR

That is why Congress, with its constitutional power to declare war, must make some effort to check and to balance unlimited Presidential power. And the strongest weapon may well be Congress's own war-making power—a resolution declaring war on North Vietnam, and driving the issue to that ultimate question of public and political legitimacy.

It is much to be doubted that the President would wish to win—and certainly he would not want to lose—such a vote, and the mere threat that the Democratic leadership is prepared to push for it might well re-establish some Congressional influence in policy making.

WORLD LEPROSY WEEK, FEBRUARY 15–21, 1970

Mr. INOUYE. Mr. President, as a sponsor of the Leonard Wood Memorial for the eradication of leprosy, I wish to acknowledge the humanitarian work of those who have dedicated their time and energies toward victory over that dreaded disease. This year in the United States, the observance of World Leprosy Day was extended for 1 week, February 15 to 21. The observance called attention to the needs of the world's more than 10 million people with leprosy.

As Senators are well aware, Hawaii has had a special interest in the struggle against leprosy. The State of Hawaii has recognized the great work of Father Damien De Veuster at Kalawao, an isolated settlement for those affected with leprosy, by presenting his statue to the National Statuary Hall collection.

The people of the State of Hawaii along with others throughout the world joined together in commemoration of World Leprosy Week. We as Americans should always be aware of the despair among those stricken with leprosy. Now is the time for action as well as for contemplation. I wish, therefore, to invite the attention of Senators to the outstanding work now underway in the struggle against leprosy.

I ask unanimous consent that the messages received from President Richard M. Nixon and Dr. M. G. Candau, Director-General of the World Health Organization, and articles from various publications be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

World Leprosy Day

In this period of deep concern for improving the quality of life on earth, it is particularly appropriate that we pause to observe World Leprosy Day, and to reinforce our efforts to combat and eliminate this much misunderstood disease.

Leprosy symbolizes human agony at its worst and inflicts unnecessary daily torment on 10 million of our fellow beings. The emotional isolation visited upon leprosy victims, and rooted in unwitting falsehoods that derive from ignorance and prejudice, is in large part responsible for the torment they suffer.

The Federal Government wholeheartedly joins with the many private groups and individuals devoted to the kind of treatment, training and research that will one day win the battle to eradicate this dread disease.

Richard Nixon.

Message From the Director-General of the World Health Organization to the President of the World Leprosy Day

More than eleven million people, mainly in developing countries, suffer from leprosy. A third of them will have permanent disabilities. Leprosy causes more distress to patients and their families than almost any other disease—because of its chronicity, its permanent sequelae and the historic stigma attached to it.

The World Health Organization, since its inception, has given full attention to the many problems posed by the disease. Treatment for individual cases has been available for thirty years and many countries, assisted by WHO, have organized programmes based on early detection and treatment. Results are good in the individual case; but the scanty resources available in most of the countries where the problem exists and the difficulty of applying on a mass scale the necessary intensive long-term treatment for each case strictly limits the usefulness of this means of control. Unlike most other human pathogens, the leprosy bacillus cannot yet be cultivated freely in the laboratory. This greatly hampers the development of possible vaccines. WHO is therefore placing emphasis on research which it is hoped will lead to advances in knowledge, improved methods of prevention and more effective treatment.

WHO welcomes the opportunity World Leprosy Day provides to record its dedication to the fight against the disease, and its determination to further the research still necessary. (Dr. M. G. Candau, Director-General, World Health Organization.)

[From the American Journal of Public Health]

Leprosy: The Word Can Be Worse Than the Disease

Leprosy is one of the oldest and most mysterious of diseases. Although new drugs and surgical procedures now make it possible to minimize the deforming effects of leprosy, only about 20 per cent of the world's 10 to 15 million leprosy sufferers ever receive modern medical treatment. This is because it is largely a disease of underdeveloped areas; it thrives in portions of Asia, Africa and South America. In the United States the highest incidences occur in California, Hawaii, Louisiana, and Texas.

Disabling as the defects of the disease are, victims often suffer more from the word than they do from the disease. Throughout history, and even today, they are often cruelly treated, stigmatized as "unclean," and miserably neglected. Yet early treatment can arrest the disease in most cases, and surgery can ameliorate deformities in advanced cases.

To dramatize the needs of leprosy victims—the need for expanded research to discover methods of prevention, the need for expanded medical services, and the crucial need for public enlightenment—World Leprosy Day has been observed annually in more than 100 countries since 1954. This year it will be expanded into World Leprosy Week, from February 15 to February 21. (World Leprosy Week, 79 Madison Ave., New York, N.Y. 10016).

Leprosy Remedy Reported

San Francisco.—The victims of leprosy, so shunned through history that the word leper means social outcast can now return to such jobs as doctor, card dealer and secretary—cured of the disease.

The status of the medical battle against leprosy, a skin disease which afflicts 15 million people in Asia and Africa, was reported by researchers at a world leprosy day observance.

"We have the cure, but we still have to learn how best to use it," said Dr. Louis Levy of the U.S. Public Health Service Hospital, where a scientific meeting and luncheon were held honoring Dr. Charles C. Shepard of Atlanta.

Shepard, a U.S. Public Health Service researcher, was presented the first world leprosy day award for demonstrating that human leprosy bacteria can be grown in animals, in this case on the footpads of mice.

The breakthrough provided researchers

with a technique for experimenting with possible cures and preventive measures outside human beings. The leprosy bacillus has never been isolated in a test tube.

Levy said the ability to grow the disease in mice and an electron microscope technique for examining infected tissue have provided drug researchers with their first rapid methods of testing possible cures.

He said dapsone, a drug used since 1941 to cure leprosy, rapidly kills the bacilli causing the disease.

"The problem is getting the drug to the patients in the parts of the world where leprosy is a major concern," Levy said.

"The leper no longer needs to be isolated," one doctor said, noting a leper colony in Hawaii hasn't accepted new patients in more than a year and the government's leprosy hospital in Carville, La., is now primarily a rehabilitation center.

[From the Providence Journal]

Tomorrow Is Leprosy Day

New York.—The 17th annual World Leprosy Day will be observed tomorrow in the United States to dramatize the current problems involving "mankind's most ancient and most stubborn affliction."

Leprosy specialists report that modern medicine now enables doctors to minimize the deforming effects of leprosy in most patients treated, but a preventive has not yet been discovered.

However, only about 20 per cent of the world's estimated 15 million leprosy victims receive any form of medical treatment, since it is a disease primarily of underdeveloped areas.

Medical authorities in the United States are particularly concerned about the disease because of the large number of American servicemen in Southeast Asia, where leprosy is relatively common.

Oliver W. Hasselblad, M.D., president of American Leprosy Missions and a sponsor of World Leprosy Day, urged churches throughout the nation to join the observance.

Despite modern advances, incidence of leprosy has continued to rise. The World Health Organization estimated a rise of one million in the next five years. The 1966 figure for the United States was 109 new leprosy cases, up from 37 new cases in 1957. The total of cases in the U.S., including unreported cases, is estimated at 10,000.

[From the Salem (Oreg.) Capital Journal]

Leprosy Myths Fading Out; 15 Million Cases Remain

(By Steve Toomajian)

San Francisco.—Leprosy, a disease shrouded for centuries in superstition, is so rare in the United States that most people have never known anyone who has it.

But at least 15 million cases exist in the rest of the world, complicated by the lack of preventive drugs and the necessity for repeated treatment to attain a cure.

Modern science is making progress toward the goal not only of eradicating leprosy, however, but the myths that go with it.

Some of the world's leading authorities got together this week to compare findings at an observance of World Leprosy Day at the San Francisco U.S. Public Service Hospital.

In America, where there are only about 3,000 cases, many people think leprosy is of unknown origin. It is believed curable only through a miracle, and those who have the disease are pictured as outcasts capable of instigating an epidemic by their mere presence.

Dr. Paul Fasal of the San Francisco hospital is an internationally known authority on the disease.

"This idea that persons with leprosy are covered from head to foot with ugly skin irritations is quite exaggerated," says Dr. Fasal. "There are a few cases like that, but the disease manifests itself usually in isolated areas. Sometimes, it is so inconspicuous that a person can have it for years without realizing it."

Dr. Fasal, 65, treated skin diseases in Malaya, Japan, Samoa and Mexico following medical training at the University of Vienna.

For the past 10 years he has directed a leprosy clinic in San Francisco.

Despite the scarcity of leprosy in the United States, it is here that the crucial research against the disease is being conducted.

"It was Dr. Charles Shepard of Atlanta who revolutionized our knowledge of the disease," says Dr. Fasal. "He was able to obtain the multiplication of the leper bacillus in the foot pads of mice. His achievement has enabled us to experiment with the disease, since we haven't been able to isolate it in a test tube as with other diseases.

"We now know that after three months of treatment, the bacilla are almost killed. This means that a patient can return to his family after three months without fear of contaminating them, and he can still receive regular treatment for his condition."

Such work has hastened the development of drugs to cure leprosy, but the disease persists because no preventive has yet been found. Underdeveloped nations with unhealthy living conditions are especially liable to widespread occurrence of the disease.

The American leprosy missions, the Leonard Wood Memorial, the Damien-Dutton Society, UNICEF and the World Health Organization are among the voluntary and government organizations trying to stamp out the disease in Africa, India and other nations.

But the necessity for repeated treatment makes the mere logistics of cure almost overwhelming. And then there's that problem of recognizing a disease which can take so many forms.

"Leprosy affects skin sensitivity," says Dr. Fasal. "Sometimes it manifests itself on the outside of a person's skin. But often the disease will not be manifested in a visual way.

"There might be a spot on a person's back that is insensitive to touch. He may never notice this, until the disease has advanced through time and spread a little farther through his body. It's an elusive disease—a great imitator."

IMPENDING ENERGY CRISIS

Mr. HANSEN. Mr. President, Assistant Secretary of the Interior for Mineral Resources, Hollis Dole, has warned of an impending energy crisis as have other Government and industry officials.

Federal Power Commission Chairman John N. Nassikas testified before a committee of Congress recently that—

> It may take five to ten years to restore the present supply deficit and regain the necessary balance with projected demand. We estimate that 800 trillion cubic feet of new gas reserves, as yet undiscovered, will be needed between now and 1990 if requirements grow as projected, and are to be met by domestic production while maintaining a reserve to production ratio of 10–1.

There are disturbing indications that some pipeline companies may not be able to supply the total gas demands of their customers in 1970–71.

In a recent address at Midland, Tex., FPC Commissioner Carl E. Bagge reviewed the history of gas producer price regulation in relation to the growing energy demands of the Nation and the present tight gas supply situation.

Commissioner Bagge said that an examination of producer price regulation in the context of the next decade reveals problems of an entirely different character than those with which we have dealt in the past. He and FPC Commissioner Lawrence J. O'Connor, Jr., have both proposed new concepts of FPC gas price regulation.

Their proposals reflect a growing body of thought that there is an urgent need to give weight to market realities in producer price regulation. Their proposals reflect both an effort to make FPC regulation effective in competing with the intrastate market and in responding to the supply and demand dynamics of the interstate market.

Mr. President, I ask unanimous consent that the text of Commissioner Bagge's address, entitled "Broadening the Supply Base: A Proposal To Eliminate Producer Price Regulation," be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Broadening the Supply Base: A Proposal to Eliminate Producer Price Regulation

(An address by Carl E. Bagge, Commissioner, Federal Power Commission)

There is something about the emergence of a new decade which generates introspection and concern about whether one's actions are relevant to one's goals. It is, indeed, a time when even one's goals are reappraised to determine whether they are relevant to the challenges of the new decade. This is as applicable to institutions as it is to individuals. John Gardner contends that this process of self renewal must be a continuing one if the individual or the society is to keep from becoming unhinged. But for those of us who cannot afford the luxury of continuing introspection, however, the appearance of the chronological milestone of a new decade affords us an opportunity to pause, catch our breath, and project ourselves into the decade ahead.

Government policy and those of us chosen to define and administer it should not be exempt from this process. Indeed, we have a greater burden to reexamine both our actions and our goals because of both the pervasive and irrevocable nature of our activities. And so it is in this context of reexamining our goals and appraising the relevancy of our actions toward the achievement of these reexamined goals that I offer these thoughts concerning what I believe to be the emerging goals of the decade of the 70's, in the regulation of business generally and in the regulation of the gas industry specifically.

* * * * *

When we step back and analyze the forces which led to the establishment of the independent regulatory agencies, it is fair to conclude that the purpose of governmental oversight of those sectors of the economy subject to federal regulation was to protect the citizen in his role as a consumer—as a purchaser of goods and services—as an economic man. The concept of the public interest as forged in the regulatory enabling statutes was directed toward an economic goal—prices, rates, and charges—for the protection of that economic man. Indeed, the body of law which evolved from these statutes confirm this. In the intervening decades since the establishment of this federal oversight of business enterprise, a new role for government regulation has now emerged. Economic man is still a consideration, but our concerns today extend more deeply and more pervasively. Today's environmental ethic sees the purpose of regulation in a far broader perspective—a perspective which ex-

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tends beyond the economic man and encompasses man in relation to his total environment against the background of an increasingly complex, urbanized and interdependent society. Indeed, it may be said that our regulatory concerns now extend beyond economic man to ecologic man. President Nixon in his State of the Union Address characterized this new national goal as a concern for the "quality of life". The goals, therefore, of regulation are now different both in kind and in scope from those which initiated the regulatory process. The sooner we define these new goals in each area of regulatory oversight, the sooner we can make our actions relevant to their attainment.

As part of this assessment, it must be recognized that we can no longer even think about our problems in the framework of the past. Contemporary regulatory problems call for responses within the context of a far broader perspective than that which has been employed in the past. Transportation policy for the Nation, for example, if it is to be relevant to contemporary needs, cannot be formulated with continuing conflicts between maritime policy, surface transport policy, highway construction programs and air transport policies. The transportation crisis cries for resolution in an integrated, comprehensive fashion to serve the new goals of a mobile and urban society. This policy must evolve by giving substance and meaning to the quality of life in contemporary society. And so it is in every other area of government regulation of business.

To deal with these problems in a broader context and in a more relevant manner we must devise new means for their resolution. The adversary hearing process based upon combative economic interests which has characterized the regulatory process will become increasingly anachronistic in the decade of the seventies. Even now, it can no longer cope with many of the vast policy issues which confront regulation today. Rational regulatory policy cannot be forged in bits and pieces, based only upon glimpses of reality as they may be chosen by the parties and the staff to be spread upon a record. New goals must be defined and implemented through the establishment of a formalized consultative process between government and business and through that, the achievement of increased joint planning and joint action, increased use of rulemaking in place of adjudication, the employment of investigatory proceedings and by joint action between government agencies both federal and state which share responsibility for the oversight and regulation of the same sectors of the economy. Regulation as we have known it in the past will be increasingly displaced by such joint efforts based upon a more mature relationship between government and industry and between federal and state governments. Evidence of this is apparent in many areas. Illustrations of this in our regulatory concerns exist in the National Power Survey, the proposed National Gas Survey, our present approach to the problem of electric power reliability and our approach to the need for a more rational construction of off-shore gas transmission facilities in South Louisiana. These illustrations of contemporary problems require regulatory oversight but do not lend themselves to traditional regulatory methodology.

What have these general observations to do with the gas industry? The gas industry provides a dramatic illustration of the need for reexamining our national goals and providing responses which are relevant to the achievement of those goals. An examination of the gas industry within the time frame of the next decade and through the prism of the new goal of a concern for the quality of life, reveals that this industry provides a potential contribution far greater than we may have realized.

The gas industry provides, through the technological development of the fuel cell, a potential alternative to central station power generation. The increasing difficulties confronting the electric utility industry in the siting of both nuclear and conventional generating plants and transmission facilities underscore the need for such an alternative. The gas industry also provides the Nation a unique weapon in our battle to combat air pollution.

Indeed, entirely new markets employing gas as a means of propulsion constitute a revolutionary potential unknown only a few years ago. Our national ethos includes an unquestioning faith in the efficacy of competition as the ultimate means of assuring protection of the consumer and efficiency in our use of resources. The gas industry provides an effective competitive force which provides the power consumer with a truly competitive choice. If that choice is to be preserved for the American public, if gas is to be made available for the revolutionary new power technologies to alleviate the urgent problem of air pollution and to contribute to several other environmental goals, and if we want to provide an alternative to central station power generation, then it is clear that the gas industry must, as a matter of national policy, be stimulated to serve not only as a viable but as an aggressive force in our energy economy. Our national goals have therefore changed since the enactment of the Natural Gas Act. Governmental responses must accordingly be made relevant to these goals. It cannot be circumscribed by more limited objectives. A blind adherence to the "exploitation of the gas consumer" mentality of the thirties and to the legal precedents which have been encrusted upon that limited objective may well be contrary to the achievement of contemporary goals.

It is when we compare the gas industry's potential contribution to the quality of life in the 70's with the effect of existing government policies that the basic inconsistencies become discernible. Today, we observe an industry experiencing, in varying degrees throughout the Nation, substantial difficulties with gas supply, an industry forced to turn to higher cost increments of gas from foreign sources to meet demand, an industry confronted with a new level of demand stimulated, in part, by regulation which at the same time has, in part, inhibited expansion of the base supply. There is no governmental commitment of federal funds for research and development in the gas industry such as exists with respect to electric power. Outdated legislative policies prevent the benefits of gas industry technology from accruing to consumers and producers in the non-contiguous states and prevent the economic transportation of gas in liquid form to domestic consumers. And a new LNG technology designed to serve unconventional markets is being shackled into the conventional utility mold by the extension of the Natural Gas Act.

This discrepancy between reality and existing government policy is precisely the problem to which the recently released Annual Report of the Council of Economic Advisers was addressed. In urging a greater reliance by regulatory agencies upon market mechanisms, the report states:

"The American experience with regulation, despite notable achievements, has had its disappointing aspects. Regulation has too often resulted in protection of the *status quo*. . . . Competition can sometimes develop outside the jurisdiction of a regulatory agency and make inroads on the regulated companies, threatening their profitability or even survival. In such cases, pressure is usually exerted to extend the regulatory umbrella to guard against this outside competition, so that the problems of regulation multiply and detract from the original purpose of preventing overpricing and unwanted side effects.

". . . As quasi-judicial bodies, the regulatory commissions tend to give much weight to precedent. As a result, change of any kind becomes hard to justify and even harder to allow when some affected group can claim immediate harm, whereas the potential beneficiaries are widely diffused and usually not represented. Yet innovation and adaptation are the dnyamics of economic progress.

"There is no clear safeguard against these dangers, but more reliance on economic incentives and market mechanisms in regulated industries would be a step forward. . . . Industries have been more progressive when the agencies have endeavored to confine regulation to a necessary minimum and have otherwise fostered competition. When regulation has stifled competition, performance has deteriorated. The clearest lesson of all, however, is that regulation should be narrowed or halted when it has outlived its original purpose."

I submit that these observations are relevant to the discrepancies which now exist in several important areas between the potential of this industry in serving our new goals and existing government policies. All of them should be reexamined as we enter this new decade. I will attempt here to deal with only one—producer price regulation.

An examination of producer price regulation in the context of the next decade reveals problems of an entirely different character than those with which we have dealt in the past. Discernible cracks are evident in the regulatory dike which was constructed to protect the interstate gas market from the forces of the market. Indeed, several breaches in this regulatory dike are already clearly discernible.

My proposal in an address last spring at Oklahoma State University to base producer pricing upon indices and my colleague Commissioner O'Connor's proposal in an article in the *Public Utilities Fortnightly* to predicate price regulation upon a basing point method both reflect a growing body of thought that there is an urgent need to give weight to market realities in producer price regulation. These proposals both reflect an effort to make FPC price regulation effective in competing with the intrastate market and in responding to the supply and demand dynamics of the interstate market.

Each proposal was intended to initiate a public dialogue regarding the need for the Commission to extricate itself from the strictures of the existing cost based area rate methodology. Commissioner O'Connor's basing point concept is incorporated in the recent rulemaking proposal concerning the establishment of area rates in the Appalachian-Illinois Basins. In that proceeding, it is proposed that the field price of gas be based on the adjacent pipeline gas rather than producer costs.

The adoption of indices giving weight to market forces has not been implemented by the Commission. I am grateful, however, to Mr. Stanley Learned for contributing to the public dialogue regarding this proposal by his response before the INGAA meeting here in Colorado Springs last fall. I believe there is an immediate need, based upon existing circumstances, to establish such indices for an effective and responsive method of producer regulation. This is essential now because existing market forces must be recognized and given weight in arriving at a just and reasonable rate.

The problem of producer regulation in a period of short-term gas surplus which was characteristic of the decades of the fifties and sixties is of an entirely different dimension than that of a period of tight supply. It is clear that the Commission must be apprised more fully and more quickly of the supply and demand dynamics of the interstate gas market. Functionally effective prices relate more directly to economic factors than accounting costs no matter how sophisticated

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the costing method. Broadening the rationale of producer regulation by reflecting market realities is a response to only part of the problem. The methodology of producer regulation must also be changed to permit an effective and timely response in order to avoid serious national consequences. The Commission cannot continue gathering multitudinous volumes of cost data during unduly time consuming rate proceedings. Alternatives must be adopted to the existing controversies regarding cost analysis and cost methodology—and they must be adopted quickly.

It is essential that we recognize, however, that the adoption of such alternatives would provide only a response to the problem in its present dimensions. The need for such alternatives is based upon the impact of existing market forces and their present effect upon the supply of interstate gas. We must recognize that the adoption of such alternatives merely provides a short-range solution to the problem. For as we look further into the decade of the 70's several even more substantial fissures in the regulatory dike become apparent.

The most immediate threat of a breach lies in the proposals for substantial imports of gas from Canadian sources to Midwestern markets at higher prices. Farther west another breach may be caused by long-range proposals for Canadian imports at still higher prices. In less than three years, further breaches are threatened by the proposed imports of base load LNG from Algeria at substantially higher prices. Evidence of additional breaches is also discernible as a result of proposed imports from Venezuela and several other sources. Should the existing available supply and demand imbalance require, in the public interest, the importation of these substantial quantities of gas in both vapor and liquid form at significantly higher prices than those which presently prevail, we must then acknowledge that the market will have effectively and irrevocably swept away the dike of producer regulation.

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When this occurs, regulatory policy cannot continue to operate as it has in the past with or without more rational alternatives to cost based pricing. Regulation cannot then escape the unpleasant fact that it will have been deluged by the very market forces for which it was intended to substitute.

Can regulation effectively respond by acknowledging the existence of the higher priced alternative sources and basing the domestic producers' price upon those sources with an appropriate discount for the cost of transportation? Can regulation effectively respond by instituting a basing point form of regulation predicated upon the market price of the highest or the average price of the alternate increment of gas? Can regulation effectively respond by employing indices to reflect the impact of these intrusions of the market? Is there any rational way in which producer pricing may continue to be effectively regulated when, for reasons of continuity of service, the market not only is acknowledged but is affirmatively sanctioned by the Commission in the form of imports of substantial quantities of higher priced base load gas?

I submit that the process of producer price regulation would no longer be viable with a competing market-oriented gas supply introduced into the present fabric of the regulated interstate gas market. Any response which regulation would attempt to make within this context can no longer honestly be regarded as "price" regulation. We can continue the incantations and express the search for a price in the litany of regulation, but we delude only ourselves if we believe that the ritual has any meaning. Once we are required to acknowledge that the inexorable laws of supply and demand require our sanction of market prices in the public interest, we can no longer characterize the process as price "regulation". Although other public purposes may be served by the continued regulation of producer contracts, we must face up to the reality, in that event, that regulation cannot effectively encompass price.

What then is the alternative for national policy in the decade ahead as it seeks to provide continuing protection for the public and gas consumers. The Supreme Court held that regulation must substitute for the lack of competition in field sales of natural gas. But neither that decision nor regulation nullified the long-term forces of the market. The impact of the market may have been delayed, but it is the market that is controlling in the end.

Hence, unless an alternative policy is developed we are on the verge of entering into the worst of both worlds. We are confronted on the one hand by a demand stimulated in part by regulation which at the same time has inhibited in part expansion of the base supply. And we are confronted on the other hand by a market that is bringing forth alternatives into the supply vacuum at prices much higher than present regulated levels.

Since price regulation will be ineffectual in this context, the challenge is to harness the market so that it will work for the consumer. To meet the challenge would require a reversal of government policy—of the role originally ordained for regulation. When federal price control was imposed, the base supply was surplus to short-term demand. Even at unregulated prices, gas had been a devastating competitor, rapidly taking over markets long dominated by other space-heating and industrial fields. Regulation substituted for the lack of competition among sellers of gas at the wellhead. But that is academic if those sellers do not have an available supply with which to compete for incremental business. And the overriding fact today is that the available base supply, being inadequate to meet current potential demand, can no longer perform its competitive function.

It appears that gas is not presently available in sufficient quantities, for instance, to moderate the market price of new supply sources that are moving in to satisfy unmet demand. In this situation, therefore, the role facing government policy in the seventies is not so much to nurture the competitive vigor of base suppliers which was the goal of regulation in the fifties and sixties as it is to reinvigorate the base supply itself. Without a dynamic base supply of natural gas, the interstate market will not be able to compete for supplies with the unregulated intrastate market. Nor will there be any effective price competition for the unconventional higher-priced supplies that are knocking at the market door. But a base supply reinvigorated, can be the key to the price levels at which these new sources enter and can place the consumers less at the mercy of the supplementary sources.

It is significant that even now the existing proposals for innovative government policy for producer regulation see a solution to the present dilemma in moving toward a situation where more freedom is allowed to competitive market forces—through indices or basing points—one in which government intervention is flexible and designed to stimulate a greater dependence on the market to provide an equitable balance between supply and demand. In the future if the present trends continue, government policy should consciously seek out ways to strengthen the elements of a free market and reinvigorate the base supply by attempting to ensure that there are many competing sources of gas supply, that the supply base is broadened, that entry into the supply phase of the industry is both unrestricted and affirmatively encouraged and that price levels are permitted to be responsive to demand. A government policy implemented along these lines would provide an effective alternative to producer price regulation in the long run, while holding forth the promise of relief for the present supply-demand imbalance at the lowest possible cost to the public.

Given a governmental policy of encouraging the greatest degree of market participation by the greatest number of suppliers of gas, where will new and supplemental sources of gas supply be found? The Potential Gas Committee in its 1969 report estimated the potential supply of natural gas in the United States at 1,227 trillion cubic feet. Areas of significant reserves include the continental shelf, where to date less than one percent of this area has been subject to exploration activity. Moreover, geologic indications are that the offshore area could also hold major reserves and become a major source of future gas supply. Additionally, geographical factors such as the proximity of such reserves to major markets have favorable economic implications.

New sources of supply also exist in the deeper onshore formations. While present United States production of natural gas has been essentially limited to shallow wells of 5,000 feet or less, geologic information indicates that gas bearing formations in some areas of the country may lie up to 40,000 feet below the surface. These formations represent a virtually untapped reserve.

The Prudhoe Bay discovery on Alaska's North Slope has drawn attention to the potential of Alaska as a major new source of gas supply. The promise of this area is indeed staggering as evidenced by figures released by the Potential Gas Committee which place the potential gas supply of Alaska at over 400 trillion cubic feet, one third of the potential supply of the United States.

Projects Rulison and Gasbuggy are the first steps in a process that could unlock some 320 trillion cubic feet of natural gas held in tight formations. These potential reserves as estimated by the Bureau of Mines represent an amount greater than the present proved recoverable reserves of the United States.

The dramatic announcement by El Paso in July of last year that contracts had been negotiated to purchase one billion cubic feet per day of LNG for import to the U.S. from North Africa underscores the coming of age of the LNG industry. The worldwide reserves of natural gas now enter as a factor in the dynamics of the U.S. energy market.

Methods of converting coal to pipeline quality gas are in the R&D stage. The implications of successful development of such a process are staggering. Conversion of coal to synthetic gas has the potential of providing 12,000 trillion cubic feet of reserves. This is about 40 times the present proved recoverable reserves and compared to the present consumption level of around 20 trillion cubic feet per year represents a virtually inexhaustible supply.

The important fact underlying all of these potential sources of gas supply is their dependence on technological advancement for any significant exploitation of these reserves. The present level of technology allows the drilling of exploratory wells offshore at depths greater than 600 feet, but such depths exceed present production capability. Some underwater wells in deep water are capped and await technology advances that will make recovery from them profitable. Economic recovery of natural gas from deep formations onshore would be enhanced by the development of novel drilling methods now in the research stage. This area of drilling research is one in which minimal support for research and development has been evidenced.

The newly developing LNG industry that may provide the basis of bringing to U.S. markets natural gas from Alaska, North Africa and other countries is entirely dependent on advances in the technology of LNG transportation and storage if major projects are to become economically feasible.

The feasibility of producing pipeline quality gas from coal has been demonstrated in small scale plants. Pilot plant demonstrations of large scale feasibility of synthetic pipeline gas production are nearing the operating stage. All indications are that commercial utilization of coal conversion processes in the middle 70's could be realized if an adequate level of support to advance this technology were forthcoming. The critical period, it seems to me, in the developmental history of this process is near at hand when as in any developmental process the major jump from pilot plant operation to commercial scale demonstration is attempted. In the case of regulated industries, the realization of a project of this magnitude is particularly difficulty. This is one area where the potential of this process should prompt a reappraisal of present policy toward support of gas related technology by government and industry.

The concept of total electrification is gaining public acceptance and many believe that the energy system of the future will be supplied by nuclear energy with breeder reactors and ultimately controlled thermonuclear fusion providing unlimited power. Why then this concern regarding gas supply for the future? I submit it is in the interest of the American public to maintain strong, competitive gas and electric industries. In a recent study of energy models, the Bureau of Mines concluded that the theoretically optimum energy system for the U.S. would be one based on natural gas with fuel cells used on site to provide electricity requirements. It costs about one-fifth as much on a B.T.U. basis to transport energy to the consumer in the form of gas than as electricity. The present investment of electric utilities per annual unit of energy delivered is ten times that of gas utilities. To capitalize upon the inherent favorable economics of gas transportation, energy conversion technology must be developed to allow gas to compete for the full spectrum of U.S. energy needs. What are these needs? The end uses of energy are heat, mechanical power, electricity and light. In the typical home, for example, 85 percent of purchased energy is used as heat and 15 percent in the form of electricity. Fuel cells now in the developmental stage could supply the electrical requirements providing a pollution-free source of power. Lighting devices utilizing gas directly providing high intensity lighting systems rivalling the electric bulb have been demonstrated. Environmental control giving year-round comfort control an entirely new concept when compared to present heating and cooling systems can be developed.

The question of adequate supply takes on added significance in the light of the new uses of gas made possible through liquefaction. The announced conversion of the state of California government fleet to LNG and present tests being carried out by the federal government underline the importance of this development. It is clear that instead of an industry slated to be supplanted by modern energy supply systems, the gas industry can be the wave of the future in the forefront of new and innovative uses of energy and providing standards of quality and service.

The federal government which supports research and development activities to provide methods of developing our primary energy resources—petroleum, gas, water power, coal and atomic energy—has apparently failed to recognize the potential role that could be assured by natural gas in this decade and beyond. Recently, the Office of Science and Technology released a study prepared by the Energy Policy Staff which described the major civilian energy research and development programs funded by the federal government for fiscal year 1970. This study showed that $368 million will be spent on civilian energy research and development through programs supported by federal funds. The research and development effort for atomic energy received over 84 percent of all the federal funds for energy R&D. Indeed, the study concluded:

"It is also significant that virtually all of the federal R&D expenses (about 90 percent) are addressed to the problems and opportunities of the electric power industry."

Less than two percent of these expenditures are directed toward advancing the technology of the natural gas industry. The level of investment in research and development is highly significant as future energy utilization patterns will be determined by the level of technology in the respective industries. It is here where governmental policy must strike a balance between the lure of unlimited energy through atomic power and the continued development of our other primary energy sources which, because of their own unique characteristics, can with imagination make invaluable contributions to the quality of life in the decades ahead—contributions which even atomic energy cannot provide in the foreseeable future. The relative costs of developing technology is also an important factor in decisions on resource allocation. There are obviously greater costs involved in developing a new technology, such as nuclear fission or fusion, compared to improving existing systems based on our other primary energy resources. The effect of past governmental policy in writing off fossil fuel sources as major energy contributors in the decades ahead is shortsighted and falls short of an optimum allocation of our resources. Development of production, transportation and conversion technology for fossil fuel utilization will open up needed alternatives of energy sources necessary to our new goal of protecting the quality of the environment and in the continuing effort to ensure the availability of energy supplies at reasonable costs to meet the Nation's growing energy requirements.

The Commission is increasingly concerned by the level of investment in research and development by jurisdictional companies. Responses to Order No. 322, "Annual Reporting of Research and Development Activities," showed that for the three reporting years subsequent to the effective date of this order, 1966, 1967 and 1968, jurisdictional gas companies invested 0.1 percent of operating revenues in research and development. Of more significance, thirty-seven jurisdictional gas companies reported no research and development activity in 1968. The National Science Foundation compiles statistics on nationwide research and development activities. Comparable statistics for other industries in 1967, the most recent compilation by the National Science Foundation, showed a range of investment in research and development of 1.5 to 4.1 percent of net sales. Comparison of investment levels by industry showed the largest investment levels in those industries characterized by rapid technological obsolescence. The wide disparity between jurisdictional company investment and that of other industries indicates the heart of the problem lies in the fact that, unlike the non-regulated sectors, the impact of investment in R&D on the financial positon of the utility in many cases is unknown at the time of such decisions, and the accounting options are distinctly limited.

The incentive needed for greater R&D activity by jurisdictional companies lies in providing a greater degree of certainty regarding the effect of R&D investment on the financial position of the company and in enlarging the area of managerial discretion with regard to the accounting treatment of such expenditures within the regulatory framework.

Consequently, just last month the Commission issued in Docket No. R–381 a proposed rulemaking delineating proposed amendments to the Uniform System of Accounts intended to clarify Commission policy on accounting for R&D expenditures. These amendments recognized the need to establish a greater degree of certainty in the Commission's ratemaking and accounting policies, the need to allow a return on significant expenditures for special research and development projects amortized over a period of years and the recognition that so-called "unsuccessful" projects pave the way for "successful" projects and as such should be regarded as part of the total research and development effort. This policy should place jurisdictional companies on a more equal footing with the non-regulated sector competition for capital investment in R&D, particularly where projects involving significant expenditures are concerned. At a time when the utilities are faced with major problems of gas supply, power generation and environmental concerns, the contributions of technology to the resolution of these problems should be fully explored and the Commission should not hesitate to adopt further measures to stimulate activity in a crucial area.

The fragmented nature of the industry's response to the technological challenges facing the industry and the need for a forum where the impact of changing technology on the industry as a whole can be assessed and an effective response formulated is urgent today. An effective solution to these problems cannot be formulated solely by one segment of the industry, nor can the industry by itself respond effectively to this challenge. These questions indeed encompass the future role of the gas industry in a Nation committed by allocation of research dollars to other methods of energy supply for the future. A Gas Research Council embracing all segments of the industry with governmental participation could work toward formulating effective national solutions to these problems. The Council could establish as its highest priority the development of adequate support by industry and government for R&D programs needed to stimulate the domestic supply base and maintain the industry as a major supplier of the Nation's energy requirements.

A decade ago, after a period of similar introspection and reexamination of its goals, the Commission initiated an innovative proposal. It conceived it to be the solution to the monumental problem of producer price regulation. It rejected a pricing methodology based upon the costs of individual producers. It proposed instead that prices be derived from the financial requirements of the industry as a whole. It characterized this process as area rates. This policy resulted from the realization that the traditional rate base method of utility regulation did not lend itself to the determination of the rates of independent producers.

Today, after a decade of industry-wide cost-based area rates, the regulatory process is equally as frustrated as it was in 1960. If we are candid, it must be acknowledged that we have failed the "practical test" which we established for ourselves in Permian. Individual company rate making having been determined to be unworkable and cost based area rate making having been demonstrated to be unworkable, the necessity for squaring producer prices with the market should now be clear. In the short term this over-

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riding fact must be reflected in the adoption of indices which at least recognize market realities. In the long run, however, the market will inevitably prevail and regulation will be totally ineffectual to influence price.

We are obliged, therefore, to establish the policies now which will permit the inevitable ascendancy of market forces to operate in such a way as to work for the public just as they do in most other areas of our economic life. This, in the final analysis, can only be achieved if the market can operate unfettered by regulation and if, prior to that time, government policies are evolved which will affirmatively enlarge the supply base by broadening the base supply and increasing the supply sources. This, I submit, is the new goal of this new decade. It must be achieved by a national commitment which insures that the potential which this industry offers to the quality of life will be fully realized in this decade and in the decades to come.

QUEEN ISABELLA DAY

Mr. MOSS. Mr. President, April 22 marked the 519th birthday of Isabella of Spain, a queen whose courageous gamble in backing the voyage of Christopher Columbus earned her a place of honor in the annals of our history. The qualities which prompted this monarch to finance the trip of an explorer whose claims sounded absurd to the typical 15th century man are qualities we admire today. This country owes that far-sighted queen a substantial debt of gratitude.

Therefore, I am pleased to draw attention to the declaration of Gov. Calvin Rampton, of Utah, Proclaiming the 22d of April as Queen Isabella Day. I ask unanimous consent that the text of the declaration be printed in the RECORD.

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There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

DECLARATION OF THE STATE OF UTAH

Whereas, April 22, 1970 marks the 519th anniversary of the birth of Queen Isabella, dynamic Castillian queen who, through her faith and confidence in Christopher Columbus, gave the civilized world a new dimension; and

Whereas, Queen Isabella, wife of Ferdinand of Aragon, by her support of Columbus in his plans for exploration, earned for herself a unique place in the history of Western civilization; and

Whereas, in her own time, Isabella was a queen noted for a clear intellect, energy, virtue and patriotism; and

Whereas, the qualities of confidence in the future, spirit of adventure with a purpose and sacrifice in the cause of human progress exhibited by Queen Isabella are characteristics worthy of emulation in our twentieth century era of exploration;

Now, therefore, I, Calvin L. Rampton, Governor of the State of Utah, do hereby declare Wednesday, April 22, 1970, as "Queen Isabella Day" in Utah, and urge all citizens, schools, historical and other interested organizations suitably observe this significant event in the history of the world.

CALVIN P. RAMPTON,
Governor.

FRED H. HARRINGTON—A GREAT UNIVERSITY OF WISCONSIN PRESIDENT RESIGNS

Mr. PROXMIRE. Mr. President, as the Milwaukee Journal says:

> Fred Harrington was an extraordinary able and effective president of the University of Wisconsin, one of the best the university has had.

As the Journal also says:

> It is regrettable that he has decided to quit, although the action is understandable in view of pressures and abuse to which he has been subjected, coping with almost constant crisis.

The New York Times editorialized Saturday that the resignation of President Harrington "adds another victim to the honor roll of those who have tried in vain to fight the two-front battle against extremism on the left and on the right. Radical students have repeatedly terrorized the campus, provoking in turn not only armed occupation but also the repressive hostility of community and legislature."

It is unfortunately true that today's university president has been thrust into the position of a frontline soldier in the battle between contending factions and contending views. But a university is a place where disagreement is supposed to be settled by persuasion, argument, and peaceful means. President Harrington is a victim of the refusal of groups on both sides to carry out that tradition and and who insist on undercutting the real purpose and meaning of a university and its traditions.

I ask unanimous consent that the editorials from the Milwaukee Journal of May 10 and the New York Times of May 9 on the resignation of President Harrington be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, May 10, 1970]

A GREAT UW PRESIDENT

Fred Harrington was an extraordinarily able and effective president of the University of Wisconsin, one of the best the university has had. It is regrettable that he has decided to quit, although the action is understandable in view of pressures and abuse to which he has been subjected, coping with almost constant crisis.

He restructured the UW, making the statewide system of 16 campuses and 65,000 students work perhaps better than in any other state where the "multiversity" has been tried. His administrative and political skills enabled him to guide a $250 million a year corporation through a time of tremendous growth. He built UW into prominence as an urban university and won swift development of the new UW—Green Bay and UW—Parkside.

There was never any doubt about who was boss at the UW while Harrington was president but, contrary to some public impressions, he liked to hear dissenting views from his subordinates. He listened with patience. He had empathy for people, and a keen sense of understanding of the positions that political foes and allies found themselves in. He liked a good fight, and had many. He did not win all of his fights, but he had a remarkable ability to salvage everything possible from defeat and mold it into a victory.

Harrington understood the essentiality of dissent on a campus. As Michigan's President Robben Fleming once explained, this put Harrington in "the dilemma of the traditional liberal," upset at trends on both the political far right and far left. The right of dissent implies the basic right of individuals to make their decisions without coercion from others, and "that's why Fred senses the basic totalitarian aspects of the really radical left," Fleming observed.

In the end, this kind of dilemma probably played a greater part in Harrington's decision to quit than did all the criticism.

Harrington is an outstanding historian with first class academic credentials. He could go virtually anywhere as professor or administrator—as he could have at any time in the past eight years. That he stayed at the UW was to the great benefit of the state and its university. Fortunately, he will remain on the faculty.

[From the New York Times, May 9, 1970]

WISCONSIN LOSS

The resignation of Fred H. Harrington from the presidency of the University of Wisconsin adds another victim to honor roll of those who have tried in vain to fight the two-front battle against extremism on the left and on the right. Radical students have repeatedly terrorized the campus, provoking in turn not only armed occupation but also the repressive hostility of community and legislature.

Mr. Harrington, who accepted a distinguished Wisconsin research professorship in history, denied that he was fired. But Dr. James Nellen, president of the Wisconsin Board of Regents, said pointedly that Mr. Harrington's successor must be a man who believes that campus rioting has to be "corrected." He must surely know, in the aftermath of Kent State and student uprisings at other, normally placid campuses, that the end of unrest requires more than a strong-armed president.

Mr. Harrington blamed inadequate support from the Regents, legislative criticism and fatigue for his decision. In nine years at the helm he has raised the university to the select company of the nation's leading institutions of higher learning. There may be special irony in the fact that, along with Harvard's president, Nathan M. Pusey, he had been a member of this week's delegation to the White House to plead for greater understanding of student alienation. His departure is added confirmation of the contempt in which the illiberal elements at both ends of the political spectrum hold democratic men of principle and ability.

WALTER REUTHER

Mr. CASE. Walter Reuther had a unique place in the American labor movement to which he was dedicated. A tireless worker, he spared neither himself nor others in the effort to make the labor movement a force for good in the community at large.

The members of the UAW have suffered a grievous loss. And the country has lost a man whose initiative and forthright advocacy sparked so many advances in our social and economic structure.

CURTAILMENT OF NORMAL POSTAL SERVICES

Mr. McGEE. Mr. President, I invite the attention of the Senate to a story published in today's Washington Evening Star which details the quiet curtailment of normal postal services that is taking place, especially in the Washington region. These service cutbacks represent a troubling development in the midst of our consideration of postal reorganization legislation. One of the serious reservations many people have with the concept of a postal organization separated from the Federal family revolves around the question of public service. Would, in fact, an independent postal service under a mandate to eliminate all red ink from its ledgers render the American people the service they require and which they deserve as citizens? Or would such an organization seek to achieve its goals by reducing services and, at the same time, thrusting upward the cost of postage?

The only evidence provided by the administration from January 1969, to date, demonstrates that the latter course will be followed. On April 3, the President requested Congress to enact a 10-cent first-class stamp, and a one-fifth-cent increase for third class. Now we have fresh evidence of service cutbacks.

I ask unanimous consent that an article, authored by reporters David Braaten and Philip Shandler, and published in the Evening Star of May 6, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Post Office Quietly Curtails Some Services

(By Dave Braaten and Philip Shandler)

The Post Office is quietly compressing service and work schedules in what it calls an effort to eliminate waste.

Working documents envision elimination of the perennial postal deficit in five years, by cutting weekend work, consolidating and merchandising facilities, and seeking more customer help in zip-coding, sorting and distribution.

In Washington, evening mail pickups have been eliminated, vending machines have replaced Saturday window service downtown, and weekend sorting work has been curtailed.

MEMO OUTLINES PLAN

Other potential reductions are outlined in a strongly worded memorandum to local postmasters from the director of the region that includes Washington, and in a set of papers on service nationwide over the next five years.

Frank J. Sunlist, assistant postmaster general for operations, said current cuts are being left largely to the discretion of regional directors, after careful study of local conditions.

Only services for which demand has dropped as a result of changing consumer patterns are being reduced, he said. The general shift to a five-day work week, for example, has made window service unnecessary at postal headquarters at 12th Street and Pennsylvania Avenue NW, he said.

Guidelines for reductions in the District, Maryland, Virginia and West Virginia are contained in a memo from regional director Carl Ulsaker to "all city delivery offices."

EXCEPTIONS ALLOWED

"Any deviation should be because of some exceptional condition which you should explain," he wrote local postmasters. The memo says:

1. "All morning collection service should be eliminated except that made by the letter carrier while serving his route . . ."

2. Late evening collections "should be abolished unless significant volume will be advanced in dispatch. If retained, it must be confined to selected high-volume boxes in business districts, shopping centers or along arterial highways . . ."

3. "In purely residential areas a 5 p.m. collection is unnecessary and the only collection should be made by the letter carrier while serving his route . . .

"This collection may be started earlier if essential in order to conserve manpower . . ."

ONE CITYWIDE COLLECTION

On weekends and holidays, "only one complete citywide collection is necessary," the memo says.

"Saturday service should be limited to collection by letter carrier or relay carrier in performance of their regular duties. Additional Saturday service to business districts may be provided only if warranted by local conditions."

In regard to window service—stamp sales, package handling, etc.—on Saturdays, the postmasters are advised to make an evaluation and "take appropriate action immediately to consolidate services and reduce number of windows required or compress over-all weekly window service hours."

WEEKEND ASSIGNMENTS

The memo also says that "assignment of clerks and mailhandlers on weekends must be reduced to a bare minimum to provide adequate service."

Among the steps called for are:

1. Eliminating or deferring the sorting of incoming and outgoing "non-preferential" mail between 6 p.m. Friday and 6 a.m. Monday.

2. Deferring from Saturday night to Sunday the processing of outgoing first class mail.

3. Reducing the processing of incoming first class mail between 6 a.m. Saturday and midnight Sunday to special delivery and box mail, "and maintaining a level of mail compatible with clerical assignments on Tour 1 (early morning) Monday."

The memo also suggests scrutiny of coffee breaks, "visiting" among employees, early departures from work and personal telephone calls, for "potential man-hour savings."

Officials were reluctant to discuss the details of moves being made here and elsewhere to eliminate waste. But Nunlist and others made these general observations:

Morning collections from mailboxes formerly were made by truck drivers who relayed delivery mail to postmen on foot. Now, most mailmen have their own vehicles and can collect mail themselves. "What we're eliminating is a duplicating service," Nunlist said.

Most first-class mail now is business communications, so fewer collections are necessary in residential areas.

Business has shifted to a five-day week, and downtown services—like window service at 12th and Pennsylvania—are scarcely needed on the weekend.

Less mail is moved by train and more by plane, so deadlines for sorting can be spaced further apart.

Many people have switched to the telephone for the kind of communications they used to send by mail, especially on the weekends, others said. And, as a result of the reassignments, fewer workers will have to work on weekends, Nunlist said.

But some grumbling is being heard. A writer to The Star's Action Line, for example, said recently that elimination of evening pickups "works a great hardship for people who are at work and have to come home and get signatures and finish off mail at home. . . ."

And Advertising Age magazine recently protested that the elimination several months ago of expeditious "red tag" service for magazines has resulted in later deliveries.

NATIONAL HOLIDAY OF THE RUMANIAN PEOPLE

Mr. BROOKE. Mr. President, the many states of Eastern Europe have been a battleground for contending forces and ideologies for many generations. Yet the brave people who inhabit this tumultuous buffer zone have managed, against great odds, to preserve their sense of identity and their cultural uniqueness.

The Rumanian people share the sad history of many of their sister states: Independence was a dream for many generations. It was won at great cost. It was short lived. But it is long remembered.

On May 10, 1866, Prince Charles of Hohenzollern was proclaimed prince, and founded the Rumanian dynasty. On May 10, 1877, Rumania officially severed its ties with the Ottoman Empire, and 4 years later, on May 10, 1881, Prince Charles become Charles I, King or Rumania.

The 10th of May is thus a triple holiday for the Rumanian people. I join with other Senators in saluting them on this occasion, and pray that on another, happier, Tenth of May the Rumanian people may take their full, free, and independent place in the family of nations.

HARLAND CLEVELAND INAUGURATED PRESIDENT OF UNIVERSITY OF HAWAII

Mr. INOUYE. Mr. President, the University of Hawaii recently held its inauguration ceremonies for President Harlan Cleveland. It was a happy and proud moment for our university because it marked the official ascension of a distinguished man to its presidency.

In Mr. Cleveland, our university gained a man recognized by the world for his integrity and leadership. He is truly a rare man—a man who has mastered both the world of thought and the world of action.

Few can claim the wide success Mr. Cleveland has met as a scholar, author, editor, publisher, government administrator, university administrator, and diplomat. As a government administrator, he directed diverse government programs ranging from the board of economic warfare to the allied control commission to Rome. As a university administrator, he served as dean of the Maxwell Graduate School of Citizenship and Public Affairs at Syracuse University. As an author, he has written books and articles on American foreign policy. As an editor and publisher, he managed the Reporter magazine. As a member of the sub-Cabinet of Presidents Kennedy and Johnson, he held the post of Assistant Secretary of State for International Organization Affairs. And as a diplomat, he served as our Ambassador to the North Atlantic Treaty Organization.

We in Hawaii have great confidence that with President Cleveland at the helm, the University of Hawaii will, as he says in his inaugural address, be known in the seventies for its openness, its cross-cultural tolerance, and as a great center of thought.

I think that Senators would find his address relevant and of interest, so I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Inaugural Address

I

This is a funny kind of job. In every other form of employment, they swear you in first and then put you to work. But in academic administration it's the other way around: they put you to work, and tell you to organize your own swearing-in. Maybe they want to make sure you survive the first few months before they have to buy all that champagne.

Even the compliments and congratulations are mildly equivocal, with mental reservations—as in the exchange of compliments between Winston Churchill and George Bernard Shaw before the opening of one of Shaw's plays. Shaw began it by writing to Churchill, enclosing two tickets to the opening and inviting Churchill to bring a friend, as he put it, "if you have a friend." Churchill promptly replied that he was busy on opening night, but would appreciate a pair of tickets to the lay's second night, as he put it, "if there is a second night."

Well, I can certainly say that I have more friends in Hawaii than I had a year ago; I hardly knew anybody in Hawaii then. And here I am six months and 18 days on the payroll already, being "inaugurated." It's no longer opening night, yet this must by definition be the beginning of something. What is it the beginning of?

For me, this is the beginning of an association with a congenial people in a precious environment—a first full taste of Aloha, that spirit which is impossible to define but equally impossible not to feel. This is also my introduction to a State which really believes in education—students who believe in education, a faculty that believes in education, alumni and parents who believe in education, Regents who believe in education—and political leaders who, together with the people they represent, genuinely want a first-rate system of public higher education in the State of Hawaii. In six months and 18 days, I have yet to meet a leader of any political persuasion who thinks it good politics to campaign against education. I will not detain you by reading the long list of American States in which the Presidents of the public universities cannot make that claim.

A visitor in my office the other day asked what I hoped the University of Hawaii would be known for, during the time I am here. I suppose that anyone with pretensions to be an educator has some private image of what the people who touch his school should take away with them. Some of these desired outcomes are universal among universities: both Johns Hopkins and the University of Hawaii hope that they can help students discover their hearts, develop their minds, and add to the range of their imaginations. We even join in hoping that they will find interesting jobs and happy marriages. But each of us is bound to have some special ambitions for his own institution. So here are some personal hopes of mine for the kind of place the University of Hawaii can be.

First of all, I hope that in the 1970's the University of Hawaii is known as an experience in openness—its campuses open to a free market in ideas, the open minds of its students and their teachers grappling together with the mysteries, the uncertainties, and the dilemmas of science and society.

Our doors of admission will be open too. Go out on the streets of Honolulu and ask the first adult you see which of his children is going to college, I'll guarantee you an argumentative response. "*All* of *my* children are going to college" he or she will probably reply.

In these islands, the State Legislature has already, in effect, declared a policy of "open admissions" to the University of Hawaii.

II

My second hope is that the University of Hawaii can continue to be a very special experience in cross-cultural humility and tolerance.

Every one who comes to live in Hawaii must be impressed, as I am, by the variety of its peoples and their comparatively tolerant attitudes toward one another. But on closer inspection, paradise seems based on paradox: the tolerance is not despite the variety but because of it.

For it is not through the disappearance of distinctions in a melting pot that Hawaii has achieved a level of cultural equality and racial peace with few parallels around our discriminatory globe. Quite the contrary: the glory is that each of Hawaii's main ethnic groups retained or developed enough pride, enough self-confidence, and enough sense of its cultural history—in a word, enough distinctiveness of its own—to establish its right to be separate. And this group separateness was, paradoxically, the first step in establishing the rights of the individuals in each group to equality with people of different racial aspect, different ethnic background, and different cultural heritage.

Perhaps after all the Hawaii experience it is not so different from the transatlantic migration of the various more or less white Caucasians. On their way into New York they read a sign on the Statute of Liberty: "Send these, the homeless, tempest-tost, to me." But on arrival they didn't melt into open arms of the white Anglo-Saxon Protestants who preceded them. Quite the contrary: each new arrival glued himself to his own kind, shared the religion and language and humor and discriminatory treatment with his soul-brothers, and gravitated into occupations which didn't too seriously threaten the jobs of earlier-arriving ethnic groups.

In Hawaii as on the East Coast, waves of new Americans and older Americans have been thrown together in the tiderip of democracy, and have learned in time to tolerate each other—first as groups and only thereafter as individuals. As they rubbed against one another in an urbanizing America, they gradually discovered not just the easy old Christian lesson that all men are brothers, but the hard new multi-cultural lesson that all brothers are different.

So maybe the lesson from both Atlantic and Pacific migrations is that each ethnic group must first find its own identity, before the members of other ethnic groups will treat its members as individual human beings—as respected, valued citizens of a common polity—as brothers who are different and therefore brothers.

The lesson of Hawaii has plenty of modern relevance. The lesson has to be that black Americans who want to establish their blackness and glory in it are on the right track. It *is* important that a black child knows where he comes from, relives the history of his forefathers, feels the shame of historical failures and the pride of historic contributions, uses the flexible English language in ways that are distinctive, and brings to the forceful attention of all Americans that the various colors called black can be beautiful. Only when the distinction is fully accepted, will mutual tolerance likely follow—that, it seems, is the general meaning of Hawaii's very special experience.

For equality is not the product of similarity. It is the cheerful acknowledgment of difference.

Here is Hawaii, we have an incomparable opportunity to honor a wide variety of differences—and put them to work in higher education. I hope that it will be said of a University of Hawaii degree that its holder seems better able than other Americans to function across the barriers of color and culture; that he knows his own workways and his own outlook are not a valid standard by which the workways and outlooks of others are to be judged—and always found wanting.

We need not be embarrassed, as newcomers sometimes are, to list among Hawaii's natural resources the quality of aloha, which is another name for love, "Some day," says Teilhard de Chardin, "after mastering the winds, the waves, the tides and the force of gravity, we shall harness the energies of love, and then, for the second time in the history of the world, man will have discovered fire."

III

Our best laboratory of practical aloha is right here on the Manoa campus and the other campuses of the University, the eight we have now and the two we are looking for this year. The University of Hawaii has the broadest ethnic and cultural mix of any American university; visiting academic consultants have recently praised the quality and dedication of its faculty; some outside experts credit our students with an unusual motivation for education.

This faculty, these students, and the administrators who are here because the faculty and students are here, will have to make together some far-reaching judgments—about what is learned and how, and about the management of our burgeoning campuses.

Our cultural diversity gives us a special opportunity to broaden the participation in University decisionmaking, and a special obligation to devise a system of governance, which matches participation to responsibility.

Academic faculties have traditionally dealt with faculty problems, students with student problems, and administrators with anything left over—which too often includes the most excruciating dilemmas and the most unanswerable questions. Without derogating from the elected organs of faculty and student governance, I think there is a place for a broader organization of representatives with whom the Regents and I can share the ethical dilemmas, the judgments about priorities, and the visions of future opportunities affecting the University as a whole. I will therefore suggest soon the framework for a University of Hawaii Conference—not a one-shot meeting but an on-going broadly representative group to help in developing consensus on all-University issues.

IV

I have said that I hope the University of Hawaii will be known in the Seventies for openness and for cross-cultural tolerance. But most of all I hope it will be known as a center for thinking.

"Thinking," said Josiah Royce, "is like loving and dying. Each of us must do it for himself." Yet the thinking the world needs most is done by the dozen, by the hundreds, sometimes by the thousands of educated people, working in groups to solve problems so complex that no individual can presume to tackle them alone. The great issues of our time—the organization of world order, the deterrence of ecological disaster, the achievement of a quantum jump in the quality of life will yield only to the organized application of human brainwork. There is no reason why a disproportionate share of that brainwork should not be done in our pleasant surroundings, and there is no reason why we cannot keep our surroundings pleasant.

Without posing as an instant oracle on Hawaii in the Year 2000 or any other year the futurists want to pick, I do have an idea that a very large part of Hawaii's future role depends on the excellence of Hawaii's University. Hawaii's attractive environment—*if* we can keep it that way—will attract more and more people who think for a living—*if* we already have here a "critical mass" of bright and creative thinkers.

The smokeless think-industries—a more enduring asset than some agricultural products, a more stable economic asset than mass tourism or military spending—cluster around good universities. If we can keep the first-rate thinkers who are here, and get a good many others to join them, Hawaii is a "natural" headquarters for organizations which can do their thinking anywhere, just so the surroundings are congenial and the intellectual company stimulating.

Part of Hawaii's destiny, then, is to be an entrepot for intelligent people, a mecca for intellectual tourism, a center for international training, a laboratory for cross-cultural operations, technology assessment, environmental planning, and the public management of problem-solving.

There will be a thirsty market for organized brainwork in the years before and after 2000—of that there can be no doubt. Never has our destiny had less to do with the specialized search for knowledge; never has it hung so clearly on the capacity of men and women to encompass in their thinking the situation as a whole. Only the poets have captured the drama of this moment, as Christopher Fry does in a "A Sleep of Prisoners."

> ". . . The frozen misery
> of centuries breaks, cracks, begins to move,
> The thunder is the thunder of the floes,
> The thaw, the flood, the upstart Spring.
> Thank God our time is now when wrong
> Comes up to face us everywhere,
> Never to leave us till we take
> The longest stride of soul men ever took.
> Affairs are now soul size."

Our affairs in Hawaii are soul size, because what we do here can cut the pattern for elsewhere, on the big island of North America and the bigger island of Eurasia. As we plan ahead there is no diffiulty finding an enormous role for Hawaii; the problem will be to live up to the education requirements of that role.

That is why this State is so wise to bet so heavily on the academic excellence of the University of Hawaii. Governor Burns in his talk at our Interim Session last January, said it all in one sentence: "If education isn't booming, nothing will."

V

New friends and new colleagues, a good many extravagant things have been said about me this week. I am grateful to their authors, and I shall treasure them all, to remember on the days when the things being said will be less flattering and less elegantly expressed.

For those days of disillusion, when the eighth President of the University of Hawaii turns out to be a little lower than the Angel Gabriel, I remind you of the dialogue between two newlyweds. Right after their honeymoon, the groom took his bride by the hand and said, "Now that we're married, dear, I hope you won't mind if I mention a few little defects that I've noticed about you."

"Not at all," the bride replied with a deceptive sweetness. "It was just those little defects that kept me from getting a better husband."

As for the marriage which is celebrated here today, it is enough to say quite simply that I am in love with Hawaii.

A STATEMENT OF CONCERN FROM SAN FRANCISCO

Mr. **MUSKIE**. Mr. President, over the past few days, the Nation's alarm over the recent turn of events in Indochina has taken innumerable forms. One of the most strenuous expressions of dissent I have seen is the statement published this morning in the San Francisco Chronicle and subscribed to by more than 400 members of the San Francisco bar.

Mr. President, the signatories of this "statement of concern" range across the entire political spectrum. They are united in only one respect, and that respect is their profound dissent and alarm over the developing tragedy of Vietnam, at home and abroad.

I commend this statement to the attention of the Senate and the American people.

The signers of this statement of concern have reached unity, Mr. President, but their unity is the unity of dissent, not the unity of a renewed purpose so earnestly craved by the American people.

I ask unanimous consent that the text of the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A Statement of Concern

The signers of this statement are San Francisco attorneys of varied experiences and political persuasions. Our common concern is the recent turn of events in Indochina.

The United States has now begun an offensive against the North Vietnamese sanctuaries across the border of Cambodia, and is now supplying arms to the Cambodian government. The President has stated that these initiatives are intended to facilitate withdrawal, to protect American lives, and to avoid the humiliation of a great power. He states that it is his continuing purpose to terminate the present war.

We respectfully record our dissent.

The war can be terminated at any time by our orderly withdrawal. Such a course would not risk American lives. We maintain full command of the air and the sea, and can bring home our troops at will.

The new offensive, limited in purpose though it may be, can only be explained as a further effort to achieve political results in Vietnam and Cambodia by the use of military force. The attack is not related to a planned withdrawal; on the contrary, it risks a greater involvement.

The lesson of Vietnam is that we cannot gain or keep military control of any area, in the absence of strong popular support, without a massive and sustained deployment of forces on the ground. An advance into new territory merely expands the area we are required to police.

In broader terms we have learned, or should have learned, that military operations cannot achieve our objective in Vietnam. Our experience has been one of tragic and continuous failure.

We have failed to win a military victory, despite the commitment of overwhelming power.

We have failed to negotiate a peace, despite our willingness to make ever greater concessions.

We have failed to eradicate corruption or to build a popular and democratic government.

We have failed to protect the lives and property of the people of South Vietnam, although we originally intervened for this very purpose. Instead, in response to the military needs of the moment, we have spread explosive and chemical destruction up and down the nation, from which the land and the people may never recover.

Our failures in Vietnam itself, however, are but a part of the tragedy. The indirect damage caused by the war, on a worldwide scale, may well have more permanent impact.

We have countenanced an expansion of the war powers of the President beyond the fair intendment of the Constitution, to the point where Congress and citizens alike begin to fear for the future of the democratic process.

We have come close to alienating an entire generation of young people, who are compelled to fight in a war which most regard as futile, if not immoral. The strain of the war sharpens our existing divisions and strengthens the opponents of our essential institutions of law and government.

We have diverted our energies from pressing needs at home and abroad because of the war. While we have witnessed the proliferation of weapons of mass destruction and the rapid and dangerous deterioration of our environment, we have wasted our major resources on a war which is insignificant with respect to our national security, and irrelevant to our survival.

We cannot remedy past failures by compounding them, nor salvage our national pride by extending a war we cannot win. What we can do and should do is withdraw, so that we can start afresh. Then, and only then, can we effectively set about building a secure and inhabitable world.

Alexander B. Aikman, Arthur R. Albrecht, Walter R. Allan, Gary S. Anderson, Michael B. Anderson, William H. Armstrong, Harold A. Ashford, Leigh Athearn, Laurence A. Aufmuth, John P. Austin.

Reese W. Bader, David M. Balabanian, John G. Bannister, Jr., David E. Baudler, Jeffrey F. Beck, John Roger Beers, John C. Begley, James H. Benney, Gary D. Berger, Lucius P. Bernard, Keith Betzina, William A. Beucne, Jr., J. David Black.

George A. Blackstone, Leighton M. Bledsoe, Gary M. Bloom, Robert Blum, Ralph E. Boches, Stephen V. Bomse, Alan D. Bonapart, John L. Boudett, Matthew P. Boyle, Leo E. Borregard, John L. Bradley, Alexander L. Brainerd.

Roland E. Brandel, Jerome Braun, Susan S. Briggs, Thomas S. Brigham, William F. Broll, James J. Brosnahan, Peter S. Buchanan, David E. Bunim, J. Bradley Bunnin, T. Robert Burke, Richard C. Burton, Robert J. Burton, William J. Bush.

James T. Caleshu, Alexander L. Calhoun, Jr., Richard W. Canady, Alan Carlton, Russell B. Carpenter, Anthony Cary, Curtis M. Caton, Maryellen B. Cattani, Robert Cheatham, Gary B. Christiansen, William B. Christy IV, Thomas Lyman Chun, Charles H. Clifford.

George H. Clyde, George H. Cole, Jr., Francis J. Collin, Jr., Eric Collins, John C. Cook, John S. Cooper, Stephen A. Cowan, Joe C. Creason, Jr., Eugene C. Crew, M. L. Crimmins, Charles W. Craycroft, Michael J. Cullen, Lawrence E. Curfman III, Edwin L. Currey, Jr., John H. Cutler.

Anthony P. David, James E. Davidson, Craig Davis, Dario DeBenedictus, S. W. Delich, Bernard J. Della Santa, Larry B. Dent, Paul Dezurich, Philip E. Diamond, Lloyd W. Dinkelspiel, Jr., La Verne L. Dotson, Jerome C. Dougherty, William J. Dowling, Jr., William J. Dowling III, Lawrence E. Doxsee, Richard A. Dumke.

John A. Eddy, Lawrence Edelman,, Robert Edmondson, Richard M. Eigner, Roy Eisenhardt, John G. Eliot, Jr., Harry B. Endsley, Robert S. Epstein, William D. Evers, Harden R. Eyring.

Robert H. Fabian, Jerome B. Falk, Jr., Seymour Farber, F. Conger Fawcett, Jesse Feldman, Donald K. Felt, Frederick S. Fields, Timothy H. Fine, R. Frederic Fisher, Hartly Fleischmann, Roger J. Fleischmann, John A. Flynn, James T. Fousekis, John W. Fowler.

Alan L. Fox, James B. Frankel, Jefferson Frazier, Alan C. Freeland, Robert Fremlin, Edwin A. Frey, Jr., Ronald L. Friend, Stanley Friedman.

John Gage, Gary Garfinkle, James Garnhill, James J. Garrett, Jean C. Gaskill, Robert P. Gates, Robert J. Gelhaus, Faye Generes, Michael Gettlemen, Anthony C. Gilbert, Richard I. Gilbert, S. F. Gillmar, Willard D. Gilson.

Henry L. Glasser, Gerald K. Gleason, Jean W. Gleason, George H. Gnoss, Jr., Thomas Goetzel, Melvin R. Goldman, Charles Evans Goulden, Richard L.

Goff, Greig A. Gowdy, Stephen Grant, A. Crawford Greene, Bruce R. Greene, Richard L. Greene, Noble K. Gregory, Joseph R. Grodin, Richard J. Guggenhime, Andrew B. Gustafson, Richard E. Gutting, Jr.

Raymond P. Haas, Michael J. Halloran, J. Thomas Hannan, Kristina M. Hanson, Robert M. Harlick, Robert L. Harmon, James E. Harrington, Jr., Richard Harrington, H. Donald Harris, Jr., David R. Harrison, Darryl A. Hart, John N. Hauser, Douglas A. Haydel, Lauffer T. Hayes, James K. Haynes, Victor A. Hebert, Alexander M. Hehmeyer, David M. Heilbron.

Louis H. Heilbron, Robert C. Herr, Mortimer H. Herzstein, Richard G. Hildreth, Albert J. Hillman, Patrick S. Hobin, Fred C. Hoffman, John Hoffman, Claude H. Hogan, Paul E. Homrighausen, John B. Hook, Gilbert L. Horrick, W. E. Horwich, Henry W. Howard, Herman H. Howerton, Larry Hultquist, Bruce W. Hyman, William Michael Hynes, William R. Irwin.

James A. Jablonski, Robert B. Jack, Bartlett A. Jackson, Donatas Januta, Carol S. Johnsonn, Reverdy Johnson, Richard C. Johnson, Stephen C. Johnson, William F. Johnson, Willoughby C. Johnson, Eric W. Jorgensen.

Wallace L. Kaapcke, John Kagel, Daniel H. Kane, Jr., Richard M. Kaplan, Mark O. Kasanin, Eugene W. Kaster, Mark E. Kaufman, Michael J. Kelly, Roger Kent, Donald B. King, Dillman C. Kinsell, Jr., Richard S. Kinyon, Robert C. Kirkwood, James P. Kleinberg, Allen E. Kline, Jack G. Knebel, M. L. Korbholz, Carole A. Kornblum, Guy O. Kornblum, Thomas F. Kostic.

Thomas M. Lacey, Boris H. Lakusta, Lawrence R. Lanctot, John R. Laughlin, Thomas A. Lee, Jr., Charles A. Legge, Peter S. Leiter. Nancy C. Lenvin, Carl A. Leonard, Richard N. Light, M. Peter Lillevand, Jay S. Linderman, Peter E. Lippett.

Paul Little, Robert C. Livsey, H. Helmut Loring, Edwin N. Lowe, Jr., John B. Lowry, David L. Ludvigson. Philip J. Luks, Weyman I. Lundquist.

William R. Mackey, James R. Madison, Donald H. Maffly, Paul C. Maier, Robert L. Maines, Gerald D. Marcus, Alan Marer, Michael R. Marron, John S. Martel, William J. Martin, Jr., Joseph G. Mason, Michael L. Mellor, R. W. Meredith.

James E. Merritt, Robert A. Mills, Matthew P. Michell, Marc H. Monheimer, Graham B. Moody, Jr., Ralph James Mooney, John L. Moore, Albert J. Moorman, Thomas E. Montgomery, Frank B. Morgan, C. Blaine Morley, Robert B. Morrill, Richard B. Morris, Ronald B. Moskovitz, Robert E. Murphy, Patrick A. Murphy, Richard Murray.

J. Richard MacMichael, James R. McCall, D. Thomas McCune, Robert McGrouther, Jr., Thomas B. McGuire, William D. McKee.

Kenneth C. Nagel, Noel W. Nellis, Bruce A. Nelson, David E. Nelson, David C. Nolan, Robert E. Ohlbach, Michael L. Owen.

Harry Page, Michael L. Parker, Leslie S. Patrick, Leonard M. Patterson, Girvan Peck, Alvin H. Pelavin, Ronald C. Peterson, Barbara A. Phillips.

Theodore W. Phillips, Stuart Pollak, Terrence V. Ponsford, M. Laurence Popofsky, John C. Porter, William L. Porter, Charles F. Prael, Charles F. Preuss.

Robert Ralls, Robert D. Raven, Thomas Ray, Donald Read, Barry Redey, John A. Reding, James E. Reed, Charles W. Reese, Francesca Reese, John R. Reese, Toni Rembe, Louise H. Renne, Paul A. Renne, Theodore E. Rhodes.

Denis T. Rice, Grantlen E. Rice, Norman B. Richards, Stephen D. Richards, Earl M. Ripley, Craig S. Ritchey, Sidney E. Roberts, Jerry Robinson, Walter J. Robinson, Joseph W. Rogers, Jr., Gayle Nin Rosenkrantz, James W. Rosenquist, Robert R. Rosson, Jr., Edward W. Rosston, Asher Rubin, Charles S. Ruby, Charles W. Rumph, Theodore A. Russell.

Jonathan H. Sakol, Paul J. Sax, Steven L. Saxe, Walter C. Schlieman, Robert L. Schmalz, Matthew A. Schumacher, Douglas M. Schwab, George A. Sears, Robert A. Seligson, John C. Shaffer, Jr., Thomas R. Shearer, Jr., John W. Sheehy, Jr., Stephen Shefler.

Ron Shumway, Richard J. Siggins, Arthur Silberman, Thomas Silk, L. B. Silver, Stephen H. Silver, Richard M. Sims IV, Jeffrey A. Skinner, Donald A. Slichter, Frank H. Sloss, Marshall L. Small, N. Richard Smith, Deene Goodlaw Solomon, Victor D. Sonnenberg, John R. Sparks, Leonard M. Sperry, Jr., Hart H. Spiegel, Michael S. Spiegel, John A. Sproul.

Robert G. Sproul, Jr., John O. Stansbury, Robert L. Steele, William W. Sterling, Julian N. Stern, Harold Albert Stone, Diana Stoppello, David Strain, Ross E. Stromberg, Peter N. Swan.

William E. Taggart, Jr., Peter E. Taussig, David A. Tegethoff, Stephen M. Tennis, Thomas D. Terry, Ernest C. Thayer, Kirtley M. Thiesmeyer, Robert Thompson, James O'M. Tingle, Gary J. Torre, George D. Tuttle, E. Thomas Unterman.

David J. Van Dam, Peter J. Van Every, Paul W. Vapnek, Paul H. Verriere, Jr., Charles E. Voltz, C. Richard Walker, Gary T. Walker, Edgar B. Washburn, William W. Watkins, Paul A. Webber.

Gordon M. Weber, Edward A. Weiner, Philip R. Weltin, Christopher A. Westover, Howard M. Wexler, Malcolm E. Wheeler, Robert J. White, Nelson H. Wild, Robert W. Williams.

Francis G. Willmarth, Wisner, Paul T. Wolf, Sheldon H. Wolfe, Gerald A. Wright, Thomas Y. Yasuda, E. Anthony Zaloom, William J. Zeigler, Jr., Norman A. Zilber.

CHEETAH CHARTER BUS SERVICE CO.

Mr. GOODELL. Mr. President, I invite the attention of Senators to the fact that the Interstate Commerce Commission has approved the application of the Cheetah Charter Bus Service Co. to operate a charter bus service between Manhattan, north of 110th Street, and 19 States. I commend the ICC for taking this action.

The Cheetah Charter Co. is a private domestic stock corporation, located in Harlem. It is a black-owned and operated enterprise which was formed to provide bus service to the black and Puerto Rican citizens of New York City. The Ford Foundation, Morgan Guaranty Trust Co., of New York, and Coalition Venture Corp. have loaned funds to the corporation for the purchase of buses.

The ICC hearing examiner, in his recommendation that Cheetah Charter be allowed to operate a service, pointed out that the owners of the company have been active in community affairs and that "their ties will enable them to better understand and meet the needs of their communities than a company not located in the area or operated by people of different ethnic backgrounds."

There should be many more companies such as Cheetah Charter. This is why I have introduced a bill, S. 33, the Community Self-Determination Act, providing for new, locally controlled community development corporations, to promote the development of low-income urban and rural areas through a partnership of the people of the community, the private sector, and the Federal Government.

Mr. President, I ask unanimous consent that articles about Cheetah Charter, published in the New York Times and the Washington Post on February 10, 1970, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 10, 1970]

Harlem Company Gains in Bid to ICC To Run Charter Buses

(By Douglas W. Cray)

The Cheetah Charter Bus Service Company, Inc., a fledgling enterprise with headquarters at 40 West 135th Street, announced yesterday that it had moved a step closer to the day it could start doing business.

Cheetah, which describes itself as "minority owned" and has as its symbol a drawing of the swift African animal, was found by an Interstate Commerce Commission examiner to be "fit, willing and able properly to perform [charter, interstate, bus] service."

Cheetah's founder and president, Douglas S. Gray, and other principals in the new corporation, said that the I.C.C. examiner's recommendation on its application to provide charter bus service had been filed with the commission on Wednesday. The original application was filed by Cheetah, a private domestic stock corporation, last March, 19.

Barring formal exceptions to the recommendation by examiner William J. Bateman by established intercity carriers in the 30-day period from last Wednesday or a rejection by the full commission of the examiner's recommendation, Cheetah expects to be "on the road" by April.

The I.C.C. examiner, who presided at hearings held in New York last fall, recommended departure points in Manhattan from 110th Street north. Destination points include four counties in New Jersey and range throughout 19 states.

According to the most recent I.C.C. figures available, operating revenues from charter service in 1968 for 176 Class I carriers amounted to $88,910,355. The annual business volume, including tours, conferences and the like, has been steadily expanding in recent years, according to industry sources.

Mr. Gray, 41 years old and a native of New York City, worked for 11 years with the former Fifth Avenue Coach Lines. Cheetah was incorporated on Oct. 20, 1968.

Mr. Gray said at yesterday's news conference:

"The findings of the examiner, while not altogether agreeable to us, do represent recognition of the rights of black and Puerto Rican people to own and operate an interstate facility. At the same time, the findings cannot help but instill new faith in the Nixon Administration's program of bringing these much neglected citizens into the mainstream of the nation's economy."

Also attending the news conference, which was held in the community room of the 125th Street Medical and Dental Building, was Joseph E. Legree, 37, a native of Montgomery, Ala. Presently employed as a supervisor or maintenance training with the Manhattan and Bronx Surface Transit Operating Authority, Mr. Legree will be maintenance manager for Cheetah. Thomas L. Granger, 59, who is secretary treasurer of the new firm and senior administrative assistant in the personnel department at the Operating Authority, was also there.

Guy A. Guyton Jr., 40, Cheetah's vice president, was in Detroit, it was explained, discussing with the General Motors Corporation such details as the interiors of the company's five new buses, which will cost $75,000 each.

A news release expressed Mr. Gray's thanks for funding commitments to the Morgan Guaranty Trust Company of New York, the Ford Foundation, the General Motors Acceptance Corporation and the Coalition Venture Corporation of the New York Urban Coalition.

Thanks were also expressed to the 57 witnesses who appeared on behalf of the Cheetah's application at the I.C.C. hearings last fall and, for their support to Representatives Shirley Chisholm, Adam Clayton Powell and William Fitts Ryan, all Manhattan Democrats, and Governor Rockefeller, G. Donald Covington and Charles Williams were thanked for their services as legal counsel for Cheetah. Tribute was also paid to Edward Thomas for advertising and display work and to John H. Young for public relations assistance.

[From the Washington Post, Feb. 10, 1970]

ICC Examiner Backs a Harlem-Based Bus Line

(By William H. Jones)

An Interstate Commerce Commission examiner, finding that charter bus service in Harlem is inadequate, has recommended approval of a black-owned firm's application to operate buses between New York City and 19 states, plus the District of Columbia.

The examiner, William J. Bateman, said that although established carriers have shown no discrimination against Negroes, service "has not been enough to meet all of the reasonable needs of the Harlem community for charter bus service," particularly during the summer.

If the recommendation, which was made public yesterday, takes effect, the Harlem company—backed with loans from the Ford Foundation and Morgan Guaranty Trust Co.—would gain a foothold in a rapidly growing sector of the bus industry, serving an area from Maine to the Carolinas.

The application, by Cheetah Charter Bus Service Co. was opposed by more than 20 bus firms, including Greyhound and Trailways. The established carriers argued that there are enough companies to handle the business, that by dividing revenues the ICC would be impairing company profitability, and that there was no new business to develop in the Harlem community.

The ICC examiner, however, said the record showed Cheetah "could develop a significant amount of new business in Harlem."

Cheetah's three owners, said the examiner, "are black people who have lived long in the Harlem area . . . and have, they believe, perceived a need for an additional charter bus service."

The Ford Foundation, Morgan Guaranty and Coalition Venture Corp. loaned to Cheetah enough money ($200,000) to buy a new, 49-passenger bus, and to make down payments on four additional buses. Purchase of the buses will be financed through General Motor Acceptance Corp.

As of the date Cheetah would start operations, the company would have total assets of $354,400 and liabilities of $339,400.

Nearly 40 groups supported the application, including the Urban League, NAACP the National Association for Puerto Rican Civil Rights and the Harlem branch of the YMCA.

They testified that established companies are so busy that reservations must be made months in advance, that it was often impossible to order additional buses, and that in the case of Puerto Ricans, drivers were uncooperative, perhaps because of a language barrier, Cheetah proposes to provide bilingual drivers.

The examiner noted that the black and Puerto Rican population of New York City now exceeds 2 million. He recommended that Cheetah be allowed to serve only that area of Manhattan north of 110th Street.

THE GENOCIDE CONVENTION AND THE BUILDING OF INTERNATIONAL LAW: AMBASSADOR CHARLES YOST DRAWS THE IMPORTANT CONNECTION

Mr. PROXMIRE. Mr. President, one of the most important factors we must consider in determining the merits of U.S. accession to the Genocide Convention is the effect that it will have on the building of international law.

Our Ambassador to the United Nations, Hon. Charles Yost, has recognized the vital nature of this aspect of the case for Senate ratification of the Genocide Convention. Mr. Yost is well acquainted with the process of international law. His distinguished background in the field of diplomacy lends his persuasive arguments a great deal of importance.

In his excellent testimony before the Foreign Relations Subcommittee considering this treaty, Mr. Yost noted that our accession to the Genocide Convention would serve the basic principle of strengthening "international order based on law and justice." It is his expert judgment that, "to serve that purpose is surely in the highest interest of our country."

Mr. President, I ask unanimous consent that a portion of Ambassador Yost's testimony be printed in the Record.

There being no objection, the except was ordered to be printed in the Record, as follows:

Excerpt From Testimony of Hon. Charles Yost

My second major point concerns the value of this Convention to another fundamental American interest, namely, the building of world law. The Genocide Convention, like the other human rights conventions which were subsequently negotiated, establishes as matters of international concern and jurisdiction certain specified aspects of human rights, in this particular case the right of national, ethnic, and religious groups to exist, to survive. Under the Convention, of course, the punishment of the prohibited offenses is left primarily to the national legal and judicial processes of the states parties. In this connection the Subcommittee will have noted the opinion of the Attorney General, in concurrence with the Secretary of State, that there are no constitutional obstacles to United States ratification.

Obviously none of us can foretell the value of this convention in times to come. As one whose field is diplomacy rather than law, I am well aware that the building of a body of law in the community of sovereign nations is an agonizingly slow and difficult process. But surely the necessary foundation of any effective law, whether domestically or internationally, is public opinion, and a broad public consensus as to what is right and what is wrong. This Genocide Convention is an assertion by the community of nations that a certain particularly heinous act, perpetrated against any national or ethnic or racial or religious group whatsoever, is wrong—wrong not only in the domestic law of this or that state, but wrong also in the law and opinion of the community of nations itself. That is a very great statement of principle for the community of nations to have made. I strongly believe that the formal acceptance of that principle by the United States of America, with our position of power and our historic commitment to justice, will not only be helpful to our reputation in the world. It will, in addition, serve that basic purpose which President Nixon, in his message to the Senate on this subject, called "the building of international order based on law and justice." To serve that purpose is surely in the highest interest of our councountry.

WALTER REUTHER

Mr. FULBRIGHT. Mr. President, the Nation has lost an outstanding leader with the death of Walter Reuther, president of the United Automobile Workers.

I join with many other Americans in expressing shock and sadness over the death of Mr. Reuther, his wife, and four others in the plane crash in Michigan.

Mr. Reuther, in addition to being an exceptionally able and effective labor leader, exerted influence and leadership far beyond his own union. He demonstrated a great concern for the major social problems of our era and worked continually to overcome them.

He was a courageous and forceful leader who did not hesitate to speak out on important issues. He was a true leader in that he constantly broke new ground and always endeavored to educate the members of his union and help them to develop a social conscience.

In the difficult times through which this country is living, he will be sorely missed.

LEGAL ASPECTS OF CAMBODIAN ACTION

Mr. PELL. Mr. President, during the past several days, the attention of the public and the media has been focused on dramatic expressions of dissent and protest against U.S. policy in Southeast Asia, and on real or feared violence here at home.

Fortunately—and it is a great tribute to our young people—there has been relatively little violence over this weekend.

But there has been a marked tendency during the past few days to concentrate on analysis of the motives and behavior of dissenters, rather than on the justification or lack of justification, the rightness or wrongness of our President's policy in Southeast Asia.

I would hope that we will not be distracted entirely by sociological examinations of the very widespread public protest. The public media, and we in Congress, must not forget that policy questions lie at the heart of the current unrest.

The Columbia Society of International Law, whose members are students at the Columbia University School of Law, have made a study of one important aspect of our President's policy in Cambodia—whether U.S. actions in Cambodia are in accordance with our obligations under international law.

The conclusion of their analysis is that the U.S. military action in Cambodia violates both the provisions and the spirit

XUM

of international law and agreements to which this Nation has subscribed. And I agree with their view.

I ask unanimous consent that the analysis of the international legal aspects of the Cambodian action, prepared by the Columbia Society of International Law, be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF LEGAL ASPECTS OF CAMBODIAN ACTION

Throughout history, and especially since World War II, the United States has been a leading proponent and defender of freedom and independence for all nations of the world. It has helped initiate and has supported efforts to establish a system and a world community based upon respect for international law, for the right of self-determination of all peoples of the world, for the peaceful settlement of disputes and for all the principles of the United Nations Charter.

UNITED NATIONS CHARTER

In the Preamble to the U.N. Charter we affirmed our determination "to save succeeding generations from the scourge of war . . . to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained . . . and for these ends . . . to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest. . . ."

Article One states that one of the purposes of the United Nations is ". . . to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. . . ." Most importantly, in Article Two we agreed to act in accordance with the principles that "All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

XUM

By unilaterally sending United States military units into the neutral territory of Cambodia, without the invitation or consent of the Cambodian government, and without consulting the Security Council, the United States has committed a grave breach of international law. This decision seriously threatens the principles of the United Nations, the principles which in the past the United States has staunchly supported.

This intervention also violates the domestic law of the United States. After due ratification, the United States Constitution declares that a treaty becomes the "Supreme Law of the Land." No action short of total withdrawal from and renunciation of the Charter can terminate our obligation to act in accordance with every one of its terms. Since we have not renounced or withdrawn our ratification of the United Nations Charter, our actions are an unconstitutional and unjustified violation of United States Law. Clearly, the U.N. Charter is in full force as law of the United States, and just as clearly, we have violated its provisions and its spirit.

SEATO TREATY

Under the South-East Asia Collective Defense Treaty, Secretary of State Dulles told the Committee on Foreign Relations in 1954 that action would be taken by the United States only "in accordance with its constitutional processes." This, he explained, meant that action would be taken only after consultation with Congress. In approving the SEATO Pact, it is clear that Congress expected to be consulted prior to each United States military intervention in a country covered by the Treaty.

Cambodia did not become a member of the SEATO pact. The SEATO signatories, however, included Cambodia as a protocol party and not as a member of the organization. Cambodia has renounced its protocol status and has proclaimed its neutrality for many years. But even the SEATO Treaty itself, which accords to its members a unique power of unilateral intervention in the territory of a protocol party as well as members, specifically states that "no action shall be taken except at the invitation or with the consent" of the government. The United States has violated this provision by initiating military action without obtaining Cambodia's prior consent.

UNITED STATES POLICY

The State Department has repeatedly justified our involvement in Vietnam on the basis of the SEATO Treaty, and has said that additional legal support was given to this position by the Joint Resolution of Congress of August 10, 1964 (The Tonkin Gulf Resolution). Section 2 of that Resolution, however, affirms that the minimum condition for military engagement on the soil of a nonbelligerent nation is the request of the other government. It states that ". . . the United States is . . . prepared . . . to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty *requesting assistance* in defense of its freedom."

The fact that our administration has failed to cite any request for armed intervention shows that it has failed to satisfy the most basic requirements of the Tonkin Gulf Resolution as well as of the SEATO Treaty. It is inconsistent and hypocritical for this country to condemn the Soviet Union for invading Czechoslovakia and then to invade Cambodia without the invitation of the Cambodian government.

It has been suggested that although Cambodia did not invite the United States to enter its sovereign soil in force, it has ratified our intervention by subsequent actions. The belated acquiescence in or "appreciation" of our intervention by the weak and unstable Cambodian government, faced with a military *fait accompli* by the world's greatest military power, cannot detract from the fact that the United States invaded a small country without its consent or invitation, in total disregard of its sovereign rights.

The United States is in fact applying the very kind of power politics for which we condemn the Soviet Union. But the consequences of their invasion of Czechoslovakia cannot compare to the devastation and prolonged civil war which will now engulf this defenseless country. Our latest military expansion is likely to lead to direct confrontation with the other major powers in an area in which China has particularly strong regional interests, at least as strong as those claimed by the United States in the Western Hemisphere.

If we are opposed to anarchy and contempt for the law domestically, we should also be opposed to it internationally. Recently, Under Secretary of State Richardson announced the doctrine of spheres of mutual restraint. The breach of our own doctrine would encourage other powers to act unilaterally, in the areas in which they have superior conventional power. What we do, we cannot expect other nations to refrain from doing.

The President has attempted to justify American actions as necessary to protect American troops and the Vietnamization program. It is clear, however, that this is not a valid exercise of the right of self-defense embodied in Article 51 of the U.N. Charter. It has long been accepted, and was affirmed by the Nuremberg Tribunal, that invasion of a neutral territory for self-protection is justified only if there is a necessity for self-defense, instant, overwhelming and leaving no choice of means and no moment for deliberation. The United States' massive, unannounced strike into Cambodia failed to meet this standard at the outset—and reports from Cambodia fail to disclose evidence of a threat sufficient to satisfy the requirement of overwhelming necessity.

The administration has made no effort to justify its actions in the light of international law. Not even lip service was given to law when our troops crossed the Cambodian border. Just five days before Operation Total Victory began, Secretary of State Rogers censured North Vietnam for violating its treaty commitments to respect Cambodia's neutrality. He went on to say, "A more explicity and unprovoked violation of the fundamental provisions of the Charter of the United Nations and of additional specific international obligations to respect the territory of others could hardly be imagined." The Secretary's words describe exactly our invasion of Cambodia. This action is demonstrative of the administration's contempt for and disregard of international law.

CONGRESSIONAL RESPONSIBILITY

It has been asserted that the President has sole decision-making power in this area as Commander-in-Chief. Although, by an evolutionary process, the Executive has gained the power to use the military in the conduct of foreign affairs *short of war*, the Congress still retains the sole power to declare war and to appropriate funds to support any military involvement.

Inherent in the power to declare war is the power to limit war activities and to declare the end of wars. The recent Resolution on Laos and Thailand was an expression of this power in declaring that the geographical extent of our ground involvement in Southeast Asia would stop at the borders of those countries. This was not an attempt to limit the Executive's power to conduct foreign affairs in those areas, but was an expression of Congress' sole responsibility to declare and limit war. Congress has the power to exercise the same responsibility in regard to our action in Cambodia.

We request the Congress of the United States to resolve that United States forces be immediately withdrawn from Cambodia, and to reaffirm our intention to respect the principles of the United Nations Charter and of international law.

THE CAMBODIAN DECISION

Mr. HART. Mr. President, while I deplore the decision to send U.S. soldiers into Cambodia, the question immediately at hand is what we do now that the expansion of the war is fact.

The President's announcement of his decision raised more questions than it answered.

His announcement did not make clear the full extent of the gamble.

A thoughtful discussion of the gamble appeared in the Washington Post of May 3, 1970.

Written by Josiah Lee Auspitz, president of the Ripon Society, a research and policy group of Republicans, the piece makes clear that the gamble "has got to be sharply defined and limited."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 3, 1970]

CAMBODIA A TRAP NIXON EVADED IN 1967

(By Josiah Lee Auspitz)

The contingency plan which President Nixon has now dusted off for a massive search-and-destroy mission into Cambodia is similar to those which he opposed courageously and publicly in November, 1967.

At that time, Gens. Dwight D. Eisenhower and Omar Bradley, on nationwide television, advised hot pursuit and an "end run" on Communist forces beyond the borders of South Vietnam. Within 24 hours, Mr. Nixon responded in careful but unmistakable language, dissociating himself from this suggestion.

An expansion of the war, he said, was not advisable at that time.

He was right in the fall of 1967, and the Ripon Society praised him for helping to prevent a possible escalation of the war, even at the price of differing with Ike. He is wrong to embrace this plan now, and the manner in which he has made his decision suggests that he is in danger of falling into the same kind of bureaucratic trap that caught President Kennedy in the Bay of Pigs and enmeshed Lyndon Johnson in Vietnam.

UNDERESTIMATED FACTORS

The decision to go into Cambodia was doubtless presented to the President as a low-risk venture, as a quick surgical operation. American troops would clean out North Vietnamese base camps and then use this victory to gain a quick and favorable negotiated settlement.

But such a view of the Cambodian operation gives scant attention to the nature of the terrain, the problems of information flow into the White House, the implications for the Vietnamization program, the likely responses of other actors in Indochina, the global implications for American foreign policy and the consequences for American political institutions.

Mr. Nixon appears not to have considered these factors adequately. As a result, he has for the first time put himself in a position—which he can still reverse—in which he is the victim rather than the commander of his foreign policy bureaucracy.

1. The nature of the terrain: On the simple maps Mr. Nixon used in his talk, the operation looks very easy, but in fact the terrain is heavily overgrown. The area north of the Parrot's Beak is forest on both sides of the border.

The Communist headquarters (COSVN) that U.S. troops are seeking to destroy has in the past been moved around on both sides of the border between Cambodia and South Vietnam. When COSVN was thought to be located on the Vietnamese side, it was subjected to B-52 raids and major ground sweeps but it was not destroyed. If U.S. operations were not decisive on the South Vietnamese side of the border, there is no reason to assume they will be more successful in finding the camps on the equally overgrown Cambodian side.

Even if the sweeps do succeed in producing high "body counts," they probably will not achieve their basic goal of improving permanently the American negotiating position. Suppose, for example, that U.S. forces succeed in killing half the top 100 officers of the North Vietnamese army. Communist activities would no doubt be disrupted for a time, but a disruption of a few months will not change decisively the aims or capabilities of a 25-year-old Communist organization bent on unifying Indochina.

2. Information flow: It is doubtful whether the President can get an independent estimate even of the success of the military operation. There will be scant press reports. The military reports will inevitably be biased by the high political risk to the President in undertaking this operation.

If the operation "fails," those who planned it can expect demotion, dismissal or retirement. Their response, if it follows human nature, will be to report success wherever possible and to find pretexts to get more time and resources if the results are inconclusive.

Press reports suggest that the Cambodian operation will be given six to eight weeks to succeed. By eight weeks at the latest, therefore, the President should abandon this operation—either as a success or a failure. An inconclusive result should be judged a failure, and he should take steps to assure himself of the accuracy of the information on which to base such a judgment.

3. Vietnamization: The areas adjacent to Cambodia (the Mekong Delta and Saigon) which the President now wants to protect have already been turned over to the South Vietnamese for defense. Indeed, the defense of the delta and Saigon by ARVN (the South Vietnamese army) has been publicly hailed by the administration as a sign of success of the Vietnamization program.

It is a contradiction of these past claims to suggest, as the President has, that the lives of American troops are potentially in danger in these "Vietnaminized" areas. If ARVN is strong enough to mount an attack across the border, it should be strong enough to defend the Mekong Delta and Saigon.

The U.S. public can only conclude either that it has been misled about the success of the Vietnamization program or that it is being misled now about the reasons for the Cambodian operation.

4. Possibilities of wider involvement: The risk of an all-Indochinese war is reduced by Mr. Nixon's unfortunate willingness to assume the far greater risk of nuclear confrontation. But should a wider land war develop, the roles played by Thailand, Red China and North Vietnam will be crucial.

The Thais: On April 21, the Thai premier announced that troops had been moved into position along the Thai-Cambodian border for "security" reasons. This suggests possible Thai occupation of the parts of Cambodia on which Thailand has a traditional claim, as well as Thai involvement in the lowlands of Laos, whose inhabitants are ethnically Thai.

The Chinese: They are building a road from Yunnan Province through northwestern Laos into Burma to give them an outlet to the sea for the export or raw materials. Should Thai or North Vietnamese armies move into this area, the Chinese might well occupy the territory needed to secure their road.

The North Vietnamese: Within the Nixon administration, two contradictory arguments seem to have been used to justify the Cambodian venture. On the one hand, it was argued that the North Vietnamese would be too weak to counterattack; on the other hand, it was asserted that Hanoi's forces were so strong that failure to move into Combodia would lead to a rout of U.S. forces as they withdrew.

Both of these contradictory assumptions can be found in the President's address, and they give one an uneasy feeling of nuclear purpose.

In fact, the North Vietnamese have a number of possible responses to the U.S. operation. They can take Phnom Penh; they can simply try to elude the Americans in the overgrown Cambodian terrain with which they are more familiar, or they can counterattack in areas of South Vietnam from which U.S. mobile units have been removed to free troops for the Cambodian operation.

The President's dark hints at the end of his speech about past crises in American military history suggest that he is planning to respond to North Vietnamese counterattacks by threatening a nuclear confrontation or a full-scale bombing of North Vietnamese cities, harbors and dikes. Should the Cambodian operation turn into a Bay of Pigs, Mr. Nixon may be drawn into a nuclear confrontation like that of the Cuban missile crisis (Kennedy's . . . "finest hour," the President called it).

5. Consequences for American democracy: Secretary of State Rogers had publicly assured the Senate Foreign Relations Committee that he would consult with it before any new commitment of American forces. He did, indeed, appear before that committee last Monday, but he gave it no clear notice of the ARVN invasion of Cambodia on Wednesday or the American search-and-destroy operation Thursday. He thus showed a serious disregard for the prerogatives of elected officials and for constitutional procedures.

Even if the Cambodian operation is "successful," it may subject Mr. Nixon to such bitterness that the Republican leadership will have to be extraordinarily resourceful to avert a permanent breach between the Executive and Legislative Branches.

6. The global perspective: The overriding defect in the President's three speeches on Vietnam was that they failed to put the war into clear perspective in the global context of U.S. foreign policy. The President has perpetuated the notion that the United States and Hanoi are engaged in a contest of will and bluff—in a poker game—and that if Washington appears to lose, its commitments everywhere in the world will be in jeopardy.

In fact, the United States is engaged not in a poker game, but a chess game. Its major adversary is not Hanoi, but Moscow; North Vietnam is but a corner of the board. And while American resources and attention are occupied there, Moscow is able to pick up pieces in the Middle East, Africa, Europe and Japan.

UNDERSTATED LIMITS

The only way President Nixon can regain control over this situation is to impose strict limits on the incursion into Cambodia. White House briefings have defended the operation as focused on a target within 20 miles of the border—one which can be captured or destroyed within six to eight weeks.

But these specific limitations were not in the President's speech, nor, to all appearances, have they been made operational in orders to the military. Nor have they been made credible to foreign powers capable of widening the war.

This gamble has got to be sharply defined and limited, and its results coldly evaluated over the next eight weeks. If the President doesn't do this, the Congress should.

DEATH OF WALTER P. REUTHER

Mr. McGEE. Mr. President, the late Walter Reuther was quite a man, as I am sure even those who disagreed with him or did battle with him over the past 2 dozen years or more agree. His untimely death, along with the death of Mrs. Reuther and the others aboard the plane that crashed in Michigan Saturday night, is widely lamented. I share in the sense of loss at the passing of a man who was both a great labor leader and a great citizen.

Walter Reuther was a man of strong conviction and immense determination. Over his long tenure as president of the United Auto Workers, he proved himself an able, effective leader and representative of working men and women. But his dedication did not stop with his job. He was in the forefront of virtually every cause waged for the downtrodden in this country, tirelessly serving a much wider constituency than that which kept him at the helm of the UAW.

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Mr. President, not only the UAW, but the cause of all organized labor, has lost a great leader. Not only the poor and the disadvantaged, but all Americans, have lost a true friend. He was an admirable man.

DEATH OF WALTER REUTHER

Mr. MUSKIE. Mr. President, Americans in all walks of life have lost a leader with the tragic death of Walter Reuther, of the United Auto Workers.

He was a leader not only of the millions he served during his lifetime but also of those who looked to him for an understanding of the creative genius of organized labor.

Walter Reuther was a spokesman for humane programs throughout his lifetime, always working toward bringing dignity into the lives of all men.

His influence stemmed from his intelligence and his innovative approaches. He was never afraid to try.

In these unstable times, his leadership and his wisdom will be sorely missed. We could provide no better tribute to his memory than to continue his valiant efforts.

THE 25TH ANNIVERSARY OF VICTORY BY ALLIED POWERS IN EUROPE

Mr. PELL. Mr. President, the past weekend marked the 25th anniversary of the victory by the allied powers in Europe during World War II. It is an anniversary that we observe with mixed thoughts and feelings, for the past 25 years have not brought to Europe the full peace and harmony for which we all hoped and for which we prayed.

I think that at this time Senators would be interested in the observations of a man who was personally involved in some of the tragic post-World War II developments in Europe.

Dr. Peter Zenkl served as Deputy Prime Minister of Czechoslovakia, as Minister of Social Welfare and Public Health, and three terms as Lord Mayor of Prague. During World War II, he was confined in Nazi concentration camps. He fled his home country after the Communist coup in 1948, and since that time has lived in exile in this country.

I knew Dr. Zenkl in connection with my own duties as a foreign service officer in Czechoslovakia. I ask unanimous consent that a statement by him on the occasion of the anniversary of the allied victory in World War II be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PETER ZENKL

At the end of this week the entire world will commemorate the victory of the Allied Powers over Hitler. At no time before had the resources of mankind been mobilized to such an extent as they were during the Second World War for the victory of the very essence of civilized life against the onslaught of Nazi inhumanity. At no time before had so many individuals and nations suffered so much for their ideals. Today many of them owe their free existence to that sacrifice and enjoy its fruits.

But there are many whose suffering and sacrifice took them only from one kind of oppression to another. Such has been the fact of the people of Czechoslovakia. They were the first victim of Nazi aggression. Their splendid island of democracy in the heart of Europe was sacrificed for the empty promise of peace which was as ephemeral as the pledges of all dictators always are. The Czechoslovak people lost their defenses and their state and their spirit was hurt almost beyond repair. Yet during the Second World War the sons of that people found their way to the western as well as the eastern front and fought gallantly on the side of the Allies; on the home front Czechoslovak resistance never allowed the Nazis to take the occupied country for granted and produced hundreds of thousands of prisoners of war. The contribution of the Czechoslovak people to Allied victory under the most unfavorable conditions is beyond any doubt.

In 1945 the liberated Czechoslovakia looked forward to a future in freedom. In part delivered from Nazi domination by the armed forces of the United States which liberated the western part of their state, those "yankees of Central Europe" hoped that even though living on the borders of the Soviet empire, they would be able to carry on in the democratic tradition of their founding father, Thomas G. Masaryk. Three years later they fell victim to the overwhelming forces of Soviet-Communist tyranny. For two decades they suffered oppression, exploitation, and humiliation, as the rest of the world looked on. Yet, as the developments of 1968 proved, their spirit was never broken. The humiliated land was reborn almost overnight and tried to dedicate itself anew to the values and aspirations which we celebrate in the anniversary of the victory of 1945: freedom, dignity, and brotherhood of men. The tragic downfall of their dream equals the catastrophe of Munich, and the Soviet Union is all responsible for it.

The developments of 1968 were in part an attempt to place the relationship between Czechoslovakia and the Soviet Union on a new foundation. The new Czechoslovak leadership understood and also made it clear that it respected the interdependence of Czechoslovak and Soviet interests in the organization of Central Europe. At the same time, however, it finally came to understand that in the long run this interdependence could produce the maximum of mutual benefit only if Soviet coercion were replaced by Soviet recognition of Czechoslovakia's right to independence.

Fear, lack of self-confidence, failure of statesmanship, and ideological blinders prevented the Soviet Union from grasping this opportunity. In the absence of any external restraint, the Soviets nipped in the bud the Czechoslovak attempt at a new, free existence and coerced Czechoslovakia into a relationship that is even more unequal than that of the preceding twenty years. Their invasion and occupation produced, however, a reaction among the Czechs and Slovaks that obliterated whatever solidarity of interests between the two countries there might have been in the past. Instead of a search for the most suitable cooperation with the Soviet Union the liberation of their country from the Soviet grip now dominates the historical agenda of the Czechoslovak people more than ever before. The history of the Czechs and Slovaks should assure the Soviet Union that the issue will not disappear from their conscience and policies as long as they are not free.

On the occasion of the twenty-fifth anniversary of Allied victory, to which the people of Czechoslovakia contributed so bravely, the Free World salutes the Czechoslovak people and wish to assure them of the hope that before long they will be able to join the family of free nations. The Free World will not forget.

THE SAFETY OF ISRAEL

Mr. SCHWEIKER. Mr. President, my distinguished senior colleague from Pennsylvania (Mr. SCOTT), the Republican leader, has once again moved forcefully to help assure the safety of Israel and the Jewish people. I invite the attention of Senators to Senator SCOTT's latest effective actions by asking unanimous consent to have printed in the RECORD the texts of his May 7 letter to Secretary Rogers, his speech at the Israel Public Affairs Committee luncheon May 11, and his commemoration of the Warsaw ghetto uprising.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

SENATOR SCOTT COMMEMORATES ISRAEL INDEPENDENCE DAY, ISRAEL PUBLIC AFFAIRS COMMITTEE LUNCH, RAYBURN HOUSE OFFICE BUILDING, MAY 11, 1970

For more than a quarter of a century, I have fought for an American policy which would help to restore the State of Israel and ensure its defense and survival.

I am still in that fight. I am here today—not only to salute Israel on her 22nd anniversary, but to reassert my conviction that a strong and dynamic Israel, able to defend herself and to deter her adversaries, contributes to the highest interest of the United States.

It does not serve the national interest of the United States to stand by as Israel is weakened militarily and economically.

I believe Israel is in danger today. I urge the Administration to resume the shipment of Phantom jets to Israel as soon as possible and to provide Israel with adequate economic aid so that her people, who are paying huge sums in life and resources, are not forced to carry this burden alone.

Continued failure to provide Israel with military and economic aid would embolden those who are determined to destroy her.

Some people in Washington have short memories.

In December 1947, a few days after the UN voted to partition Palestine, our Department of State imposed an arms embargo, preventing the future Jewish state from acquiring arms in this country. The 1948 war might have been averted, and many lives saved, if the United States had taken action then to arm Israel.

In the fall of 1955, after the Russians provided arms to Egypt, the United States refused Israel's appeal for arms, and sent her to the French. The Russians then expanded their shipments to Egypt.

In June 1967, we embargoed arms to Israel immediately after the six-day war, and, as a result, the Russians moved in and supplied Egypt, Syria and Iraq with more arms than they lost in the war.

This year, we again delayed action on an Israeli arms request, and the Russians have again increased their supplies to the Arabs, this time with Sam 3 missiles and with soldiers and technicians to operate them. Now we learn that Russian pilots are flying MIGS over Egypt.

I know that Israel has demonstrated her great qualitative superiority over the Egyptians, and there are experts who talk to computers and who are satisfied that Israel does not need weapons at this time. Well, unfortunately, computers are not accountable to anyone's conscience for disasters resulting from their miscalculations.

But the question here is not whether Israel has enough weapons to deter the Arabs. The frightening issue is whether Israel has enough military strength to deter the Russians. The obvious and even more frightening answer, in light of the recent disclosures, is "no."

XUM

I do not know anyone who can with any firm conviction predict what the Russians will do next. Perhaps such speculation is nightmarish fantasy, and should be dismissed. That may be easy for us. But it is not so easy for the Israelis to dismiss from their minds, what their eyes have seen.

One thing we can say with conviction. The Russians are more likely to act if they are convinced that we will stand aside. And they will begin to believe this if we turn aside from Israel's military aid requests.

We have heard a lot in recent months about Israel's image. Some of her critics say that she is losing ground with public opinion here.

But I would like to suggest that we Americans begin to think more soberly about the kind of image we have in the Middle East today.

It is commonly believed that we have held up on Israel's military aid requests with the hope of inducing the Arabs to the peace table. If that be so, it betrays our unpleasant facility for misjudging the psychology of the Arab states. Peace cannot be won either by giving them aid, or by denying it to their enemies.

They are not interested in deals or compromises. The present Arab leaders will continue to work for Israel's destruction until they, or their people, or the Russians, tire of the waste and the losses. They will begin to tire if they realize that we won't.

I don't think our country will ever tire of its support for Israel.

Last year, in association with Senator Abraham Ribicoff, I circulated a declaration which affirmed our support for direct Arab-Israel peace negotiations. Congressman Celler circulated the same statement in the House, and we wound up with very impressive results. There were 70 Senators and 282 House Members. This year, declarations for direct negotiations gained 70 Senators and more than 300 House Members.

More than 15 months have passed since we began our talks with the Russians in an effort to expedite agreement. It is obvious that these talks are getting nowhere because the Russians will not agree to any compromise, and because they hope that we will abandon our support for Israel.

As long as we continue these talks, the chances for peace are obscure. When we get out of them and tell the Arab states that there is no alternative to direct Arab-Israel peace negotiations, there may be some progress.

But, peace is still a long way off because we have missed opportunities in the past. I hope that the Administration will lose no time in taking the absolutely essential measures to prevent a renewal of hostilities. Keep Israel strong enough to keep the Arabs away from another war—and to win peace.

SCOTT AGAIN REQUESTS JET AIRPLANES FOR ISRAEL

Pennsylvania's U.S. Senator Hugh Scott renewed his request that Secretary of State William Rogers arrange to sell jet airplanes to Israel, especially in light of recent events.

Text of letter follows:

MAY 7, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR BILL: The impact of recent developments in the Middle East, especially in light of the State Department's description as "unsatisfactory" of the Soviet Union's explanation for the commitment of Russian pilots in Arab aircraft, makes more essential than ever the sale of jet airplanes to the State of Israel on an extended basis.

I cannot urge too strongly the need for action. My views, of course, are well-known to you, and I have made this and similar requests many times in the past. But I believe these developments constitute one more occasion on which I should like to express my feeling that action should be affirmative and that time is of the essence.

With best wishes,
Sincerely,
HUGH SCOTT,
Republican Leader, U.S. Senate.

SCOTT COMMEMORATES WARSAW GHETTO UPRISING

Mr. President, today marks the anniversary of the Warsaw ghetto uprising. On this day, we commemorate the 40,000 heroic Jews in Poland who chose to fight and die for freedom, dignity and honor rather than submit to the physical and spiritual humilitation of life in captivity and ultimate extermination.

In 1940, Nazi forces crowded one half million Jews from Warsaw and other sections into a cramped ghetto. Inhuman living conditions and starvation diets claimed some 85,000 lives by 1942 and 300,000 victims were transferred to labor and extermination camps. The next spring, the 40,000 Jews left in the ghetto learned that they "were to die to solve the Jewish problem."

Unable to accept passivity any longer, the remaining 40,000 armed themselves any way they could. On April 18, 1942, they began a well-organized military attack on their captors. For nearly four weeks, they resisted Nazi machine guns, incendiary bombs, heavy artillery, explosives and tanks.

In eleven days, 5,000 Warsaw Jews were killed in action, murdered in their houses or found dead in the wreckage. After five weeks, the ghetto was destroyed and the remaining 20,000 who escaped death were shipped outside Poland.

The Warsaw Jews chose to fight a hopeless battle against overwhelming odds rather than accept intolerable degradation and eventual demise. The memory of those heroic and tragic defenders of freedom serves as an inspiration to all people who fight oppression.

VIETNAM AND STUDENT UNREST

Mr. PELL. Mr. President, an advertisement in this month's issue of Motor Boating is, I believe, interesting not only because of what it says with reference to our adventure in Vietnam and student unrest, but also because it comes from a segment of society which has not been outspoken in its opposition to the war.

The Fisher-Pierce Co., of Rockland, Mass., has succinctly discussed some of the reasons for our present national discontent. In doing so, I truly believe they have been, to use an often abused word "courageous," for by doing so their business could markedly suffer. For this reason I think we should take note of their actions. I, for one, congratulate this firm on a most enlightened statement. It is a shame that other companies do not follow this lead.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

ACCIDENT—OR CRIMINAL NEGLIGENCE?

The United States, quite accidentally, has committed a major atrocity in South Vietnam.

This comes from a sober, well documented article in the *New Yorker* magazine February 7. As many as a third of the babies born in heavily defoliated areas of South Vietnam may be deformed by the spraying of 2,4,5-T Despite warnings of a laboratory study, put under a secrecy lid, the chemical is still being used.

When 2,4,5-T was used in lesser intensity in Arizona nearby animals and trees were killed, men sickened, and women had miscarriages, according to a *New York Times* dispatch February 8.

Fifty thousand tons of a chemical which produces deformities in fetuses of mice and rats have been sprayed on almost 5,000,000 acres of South Vietnam. The findings of Bionetics Research Laboratories were that the test animals were born with lack of eyes, cystic kidneys, and cleft palates. At the lowest dosage tested, 39 percent of the fetuses were abnormal, at higher dosages 90 to 100 percent.

Not only has the report on the dangerous side effects of 2,4,5-T, used in this country under a trade name, been kept secret from the U.S. public, but the Pentagon on October 10 announced there would be no change in its use of 2,4,5-T in Vietnam.

IS YOUR SON ON DOPE?

Before judging him personally, consider his alternatives.

At his age we "fascist pigs" had just grown tall enough to see over the rim of our personal oyster shell which contained a whole world of wonderous possibilities. Some of us could afford an interlude of bumming—around the world if we liked—or of learning life at first hand on "no account" jobs; at the least we could try to set out immediately on a career and family. World War II youth was denied this freedom but Mr. Hitler and his gas chambers gave them a fighting cause they could believe in.

But your son and his friends? They have just two choices: they can dodge the draft by subterfuge or leaving the country, or they can volunteer or be drafted, perhaps to assist in something like the defoliation exercise above or the alleged activities at Mylai. This they could rationalize if only they believed in the reality of a threat to their country's interests which could justify the fighting and the inevitable excesses of warfare.

But they do not believe the issues in Southeast Asia are our issues; rather that they would become unimportant if our presence were removed. To do a military stint in the interests of national and personal fitness is one thing; to do it and assist a policy that you believe lies somewhere between insane and criminal is another.

This dilemma should not drive your son to dope; but if it did, help him kick it and understand what he's looking at. If you'd do your bit to get the Pentagon back in the corral where it belongs, your son might even admire you.

SENATOR GOODELL OPPOSES PENN CENTRAL'S DISCONTINUANCE OF 34 EAST-WEST PASSENGER LINES

Mr. GOODELL. Mr. President, in New York City today, the Interstate Commerce Commission began on-site hearings on the request by the Penn Central Co. to discontinue 34 of its long-distance passenger trains.

Penn Central's announced decision represents the culmination of years of failure by the railroads to meet the needs of the public for adequate intercity rail transit. If this plan ever went into effect, it would be the death blow to cross-country passenger service and would severely disrupt our already unbalanced transportation system.

Last week, the Senate overwhelmingly passed a bill to establish a Government-sponsored private corporation to operate and improve the Nation's intercity rail passenger service starting March 1, 1971. Significantly, the bill automatically suspends all pending proposals to discon-

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tinue passenger service—including Penn Central's announced plan. As a member of the Committee on Commerce, which drafted the legislation, it has my full support. I would hope that the House Committee on Interstate and Foreign Commerce would move immediately to report the bill favorably so that it can be considered and passed by the House as quickly as possible.

Mr. President, I have stated my strong opposition to the Penn Central plan in testimony submitted to the ICC at today's hearing. I ask unanimous consent that the text of my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OUR WRECKED PASSENGER TRAIN SYSTEM

THE COLLAPSE OF PASSENGER SERVICE

The railroad passenger service system in the United States is a living example of an institutional "cop-out." The railroads—too often aided and abetted by the ICC—abrogated their responsibilities to the traveling public. Until a week ago, Congress stood on the sidelines—unwilling or unable to become involved.

In 1929, there were some 20,000 passenger trains in operation. Forty years late, the number had been reduced to 450.

The quality of the service decreased still faster than the quantity. Once a pleasurable and coveted experience, riding a passenger train has become a singularly depressing one. Riders can now expect purely hypothetical schedules, filthy cars, no heat in winter, no air conditioning in summer, and no water any time of the year.

We are all too familiar with the vicious cycle that has brought about the deplorable conditions which now prevail. The car and the airplane drained the rail passenger market. Patron decline on the railroads brought on revenue losses; revenue losses were followed by deteriorating facilities and eventual discontinuance of trains; and these curtailments of service, in turn, were followed by further patron decline.

No serious attempt was made by the railroads to break this vicious cycle, and one wonders if indeed they did not encourage it. When faced with competition from road and air, they simply refused to compete. Trains now carry scarcely 1½ percent of all intercity travelers. Considering the service the traveling public receives, it is almost remarkable that even so small a number still use the trains.

The railroads have attempted to justify their abandonment of passenger service by citing the revenue losses brought on from maintaining this service. These losses, in my view, have been the product of their own failure to provide adequate service and to develop constructive plans for meeting the competition of other modes of transport. The success of the Metroliner service between New York and Washington is proof of the invalidity of the railroads' arguments. This service has even produced additional passengers for other trains operating on the same route.

THE PENN CENTRAL DISCONTINUANCE

Adding insult to injury, Penn Central has proposed to discontinue 34 east-west passenger trains—its entire direct transcontinental service.

If this plan ever went into effect, it would be the death blow of all cross country passenger service. Nobody in his right mind would ever again travel by rail from New York to Chicago. There would be no overnight New York-Chicago sleeper—in fact, no direct service at all.

Any one of us who has experienced the recent air controllers strike can too well imagine the chaos there would have been, had New York-Chicago rail service also been discontinued under the Penn Central plan.

For the cities of upstate New York, the Penn Central proposal would be a disaster.

The ICC already permitted the discontinuance of the Erie-Lackawanna's transcontinental route, thus depriving the entire Southern Tier of New York State of passenger service—including the cities of Binghamton, Elmira, Olean and my home city of Jamestown.

New York's largest upstate cities—Buffalo, Rochester, Syracuse, Albany—would have their names added to the already crowded discontinuance roster. So would Cleveland, Pittsburgh, Detroit, Toledo. It is far from an honor roll.

The economic effect on these communities cannot even be estimated. Hundreds of employees will be displaced; communities which derive income from substantial maintnance and services along the lines will feel the effect. Commerce and industry will clearly suffer from a resulting drop in the tourist trade brought on by curtailed service. Our already crowded highways and airways will become more clogged with traffic.

Our national transportation system is already badly unbalanced. This massive discontinuance could not help but aggravate a deteriorating situation.

In sum, the Penn Central proposal is against the public interest.

FIRST STEP BY CONGRESS

As we enter the decade of the 1970's, efficient rail passenger travel has become a virtual necessity. Seventy-five percent of our population will be living in metropolitan areas such as New York, Buffalo, Cleveland, Pittsburgh and Chicago. Railroads can move countless numbers of people directly from one city to another. One railroad track can accommodate as many travelers as 20 lanes of highway. Schedules are not drastically effected by inclement weather. Passenger trains do not pollute the air.

The railroads did not have the foresight to build and keep a viable rail passenger system. In this vacuum, Congress must act.

Congress took a first step in this direction last week.

By an overwhelming margin, the Senate passed a bill to establish a government-sponsored private corporation to operate and improve the nation's intercity rail passenger service starting March 1, 1971.

The quasi-public corporation created by the bill would operate like Comsat. The stock of the corporation would be purchased by the railroads and the public, with the Federal government providing $175 million in initial capitalization, loans and guarantees. The corporation would take over the intercity passenger service now operated by the participating individual railroads.

A significant advantage of the bill is that it automatically suspends all pending proposals to discontinue passenger services—including Penn Central's plan which we are considering today.

A quasi-public corporation of this nature could discard the usages of the past, and operate a nationwide passenger system in an efficient and imaginative way. It would utilize, naturally, many of the techniques developed with such success in the Metroliner.

The consensus support for the legislation from all members of the railroad community was unparalleled.

As a member of the Senate Commerce Committee that drafted the legislation, it has my full support. I would hope that the House Interstate and Foreign Commerce Committee would move immediately to favorably report the bill so that it can be considered and passed by the House as quickly as possible.

The Federal participation in the corporation is only $175 million. Once the corporation is established, this participation should substantially be increased—to assure a strong financial base for its passenger service. We have poured massive amounts of aid into our airport/airways system and into our interstate highways. The passenger rail lines should receive their fair share.

THE REGULATORY STRUCTURE

Despite the fact that Congress has now moved to aid the rail passenger system, the basic problems which brought about that action still remain. Our transportation system is unbalanced and in need of a major overhaul. Coordination is lacking among the federal agencies and departments responsible for overseeing this vast network. A misallocation of resources results because each mode of transportation is regulated without reference to the other.

Serious questions are being raised about the ability of our regulatory agencies—as presently constituted—to respond to massive upheavals in our traffic patterns. Can the single regulatory agencies—the ICC, CAB, and FMC—adequately regulate the industries under their jurisdiction? Should we create a single regulatory agency which would have a broad overview of our transportation system?

In proposing to abolish the ICC, Ralph Nader suggested a new regulatory agency covering all modes of transportation. I am inclined to support Mr. Nader's concept, although I recognize that further study and development are needed.

I am in favor of Congress establishing a national commission to study this consolidation plan and report in one year. Senator Howard Baker of Tennessee has introduced a bill to create such a commission—and I endorse his bill.

CONCLUSION

The harassed railroad passenger is a symbol of our failure to respond to the transportation needs of the 1970's. The railroads have used him as a scapegoat for revenue losses. They have relegated him to the status of a commodity to be shipped from one place to another. The ICC has acquiesced in this travesty, and Congress until recently has stood idly by.

Cattle traveling on interstate trains are required by law to be fed and watered at certain intervals. Last fall, the ICC found that it did not have jurisdiction to require the railroads to have food, water or sleeping accommodations available for their passengers on 48-hour trips.

When, may I ask, will we start treating passengers as well as we treat cattle?

A MORE EQUITABLE DRAFT SYSTEM

Mr. SCHWEIKER. Mr. President, I commend President Nixon for the steps he has taken to reform our archaic draft system, as mentioned in his message to Congress on April 23.

It is my opinion that the President made two major proposals which would lead to the more equitable draft system we have been calling for, without threatening our national security.

First, he has recognized the effect of the draft on our young people and has noted the unfairness of the present system, and after serious consideration of all factors has decided that we should move toward an all volunteer force.

Second, he has proposed the establishment of monthly national draft calls using random selection which will certainly erase many inequities brought about by use of local board quotas.

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These proposals, an all volunteer force and national calls, are changes which can ultimately lead to equality and freedom of the individual.

All of us should commend the President for his leadership in making these changes in the draft system which, for all too long, has been in need of revision.

President Nixon has demonstrated, by his remarks, that he is making a constructive effort to correct our draft system, and he has my full support on this greatly needed endeavor.

WALSH OF NEW YORK CITY HDA PRESENTS COMPREHENSIVE HOUSING PROGRAM

Mr. GOODELL. Mr. President, the housing crisis in our Nation, despite all our promises, continues unchecked.

The costs for construction, land, and money continue to rise and as they do, Government housing programs become useless. In addition, the redtape surrounding housing programs discourages private builders and developers from becoming involved in housing production for low- and moderate-income families.

As a result, the production of new housing units has decreased while the demand continues to grow.

The administration has recently submitted the 1970 housing bill which was introduced by the distinguished chairman of the Banking and Currency Committee, Senator JOHN SPARKMAN, and the ranking minority member, Senator WALLACE BENNETT. If passed, it would revamp the Department of Housing and Urban Development and rewrite the Federal housing law.

The bill is an ambitious piece of legislation designed to consolidate the myriad housing programs and thus eliminate some of the confusion and redtape surrounding HUD programs.

More housing units, however, will not be built merely through a departmental consolidation effort. Housing needs can only be met if much more resources are pumped into Government housing programs. Housing programs have failed largely because the executive branch and the Congress have not approved these adequate resources.

Last month, Albert A. Walsh, Housing and Development Administrator of New York City, addressed himself to the problems of Government housing programs at the Apartment Builder/Developer Conference and Exposition at Miami Beach, Fla. While supporting the concept of consolidation embodied in the 1970 HUD bill, he urged that a single comprehensive program be created to provide housing for all low-, moderate-, and middle-income families who cannot afford safe and decent housing at market rents. Walsh estimated that such a program would require an additional housing appropriation of $420 million annually.

The major feature of the Walsh proposal is a variable housing subsidy that would be given to all families based on their need and ability to pay the economic rent of the community.

The Walsh plan would give the localities the authority to set construction costs according to regional cost indexes and to establish rent-to-income ratios consistent with community standards. Under the proposed 1970 housing bill, HUD would establish national rent-to-income ratios for Government housing programs and maximum construction cost limits on a regional basis.

Those of us who have worked with Al Walsh know him to be one of the most talented housing administrators in the country. Prior to his appointment to the HDA, he was chairman of the New York City Public Housing Authority. In this capacity, he led the campaign with the National Association of Housing and Redevelopment Officials for housing legislation which would be responsive to urban needs.

His practical knowledge of housing programs and how they actually work make him eminently qualified to present a comprehensive action program to remedy the housing crisis. I ask unanimous consent that the full text of Mr. Walsh's remarks before the Apartment Builders/Developers Conference be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A TOTAL HOUSING PROGRAM

Gentlemen: I wish to thank you for this opportunity to discuss the urgent need for a totally new approach—and a totally new and meaningful commitment—by the federal government to the critical national problem of providing an adequate supply of decent housing for our low and moderate income families.

This history of the federal government's involvement in programs of shelter for our low and moderate income families unfortunately reminds me of the 70-year-old codger married to a young chick in her twenties . . . promises and frustrations . . . frustrations and promises.

It all began years back when I'd dare say many of us in this room were wearing knickers, which, if the current style-trends continue, are sure to come back. Those were the New Deal days . . . the start of the government's long string of promises that it would put a chicken in every pot, a car in every garage and decent housing accommodations for those who needed it most and could afford it the least . . . promises and frustrations.

The 1930's, best known for prohibition and the depression, saw the birth of the federal public housing program . . . a promise to tear down the slums and replace them with safe and sanitary housing at low rents . . . promises . . . and frustration.

For the next 19 years little of anything was done . . . A few promises were made . . . some more frustration was added . . . and then came 1949, the passage of the historic Housing Act, the enactment by Congress of a comprehensive urban redevelopment program, an improved public housing program and the same old goal, wrapped up in new cliches . . . "a safe and decent home and suitable living environment for every American family."

In the 1950's and into the 1960's, the promises continued and so did the frustrations . . . New devices, such as the FHA below-market-rate program for moderate income families . . . rent supplements . . . direct rehabilitation loans . . . leased public housing . . . all adopted to increase the supply of governmentally assisted housing. Promises and frustration.

In 1968, everybody exceeded everybody else and the biggest promise of all, the historic enactment of the "Magna Carta of Housing" was passed by Congress. This one not only reiterated the goals of the 1949 promises, and a few from the years before . . . it came out with the biggest promise of all . . . 26 million units of housing over a 10 year period . . . six million of which would be for low and moderate income families.

Now I wouldn't dare question for one moment the integrity of the men and women who made these promises . . . I know they were sincere . . . The glowing rhetoric with which they pronounced these long-range goals would convince even a skeptic like myself, and I must confess that for a time they did. I'll bet even some of you out there were convinced too.

But where are we today . . . the rhetoric is empty . . . the promises unfilled . . . the frustrations overpowering . . . and the people these grandiose promises were supposed to help . . . they're alienated . . . and they're angry.

Forty years . . . forty years in which two generations have grown old . . . have passed . . . and our housing situation is no better off today than it was in 1930 . . . I'd dare say we are worse off.

Thirty years have rolled by since public housing was first enacted, and the fruits of those years is a sparse 800,000 units. We find ourselves with 15 percent of our population still shackled to decayed, deteriorated and dilapidated housing.

Twenty-one years have passed since the historic act of 1949 and we are no nearer today to that goal of a safe, decent home and suitable environment for our families than we were in 1949. Two-thirds, yes two-thirds, of our non-white families in center cities are forced to call decayed, blighted and rat-infested pig-sties their "home."

Two years ago . . . 1968 . . . a national goal . . . a promise of twenty-six million units of housing was made . . . and . . . not wanting to break the chain of promise and frustration we came up with a production record last year . . . one of the lowest in modern times. Our commitment for 600,000 low and moderate income units a year was also unrealized. Last year we started about 200,000 units and the most optimistic prediction for this year, 1970, is substantially below the 600,000 level. And, to add insult to injury, inflation, tight money and high interest rates have combined forces to place nearly half of all Americans out of the market for a new home or apartment. The promises get bigger and better . . . the goals beyond reality . . . and our housing crisis gets worse by the day.

What is the answer? . . . Why have all the ambitious and well-meaning ideas failed to work?

It certainly cannot be for a lack of initiative for no one could dare challenge the worth of each and every housing program that was advocated.

But we have not produced housing . . . we have produced paper work . . . red tape . . . reams and reams of reports . . . endless lists of recommendations . . . hundreds and hundreds of amendments to laws. If the road to hell is paved with good intentions . . . our road to good housing has been paved with red tape. While we promised millions of units of housing we produced only thousands.

What then is the answer? I say there are three answers . . . three principal causes for this non-effort.

the absence of a comprehensive national strategy

the reliance on local initiative, without federal incentives, and

the low priority Congress and the national Administration has given to housing and urban development.

Probably the greatest impediment preventing an all-out effort in housing is the lack of a comprehensive strategy. Our housing "law" is in reality a fragmented series of laws passed in piecemeal fashion beginning in 1934. The National Housing Act, which encompasses all the FHA programs, really embraces over 80 separate programs ranging from high income luxury housing through middle income housing all the way down to home improvement loans.

What is enacted in a given year depends on what is popular that year. For example, in the early 60's Congress enacted the 221(d)(3) BMIR program (an easily remembered title) to provide, in essence, direct low interest mortgage money to build rental housing for the moderate income family. However, in 1968, when "budget impact" was the key word, this program was de-emphasized and the interest subsidy aprpoach (Section 236), requiring a much smaller *initial* drain on federal money, was enacted.

As each of these programs is enacted it is accompanied by its own unique restrictions and limitations—resulting in widespread and new mountains of red tape. For example, the determination of income and income eligibility for families varies for each program. In public housing, the local authority establishes its own limits and definitions and these are approved by the federal government. In the rent supplement program, the family's income cannot exceed public housing entry limits, but $300 is deducted from gross income for each child. In the 236 moderate income rental program, income eligibility is usually 135 percent of public housing entry levels, with a $300 deduction for each child plus an additional 5 percent deduction for normal expenses. The 221(d)(3) program has its own income limits established by the federal government, but the 236 program can, in certain circumstances, use 90 percent of these limits as its eligibility limits.

What a nightmare!

It takes a team of experts just to decide what program should be used to house a specific income group. The mere maze of programs, each with its peculiar regulations and guidelines, has created a whole new profession . . . housing consultants . . . whose purpose is to wade through the programs and find the best one for a community.

And yet the ironic, and sad, fact is that certain income groups are excluded from any federally-assisted programs. The very poor, who cannot even afford public housing's minimal rents are left out. There is also a gap between public housing and the minimum income required to obtain a moderate income unit. Finally, there are millions of families whose incomes exceed the federal maximums, but who cannot afford new, safe and decent housing.

Equally irrational are the various provisions governing continuing occupancy in federally-assisted housing. The worst example is in public housing where federal laws force many families to move out when their income exceeds a certain amount. This, of course, acts as a disincentive for the family to increase its economic wellbeing, or worse, leads to lies and unreported income.

Not only are there income gaps in the present programs, but also population gaps. We have tended to assist those who are politically popular—families first, then later the elderly and handicapped. Yet the single, unattached, non-elderly, non-handicapped man or woman has been almost totally neglected in our federal laws. He has no lobby, no friend in Congress and is left to find make-do living arrangements in the skid-rows of our cities.

To the builder or developer these fragmented programs offer only confusion, frustration and needless complications. The government is asking you to build the same product—a multi-family complex of modest design—but attaching a variety of different limits depending under which program it is to be built. These are different mortgage limits, different design standards, different forms and different processing requirements.

Likewise, the low or moderate income family is baffled when it applies for a new apartment and finds that it is eligible for a certain unit, which is not available, but earns too much or too little for a nearly identical unity which is available two blocks away. Or, if eligible for both units, that the rent in one may be $20 or $30 more a month than the other.

We have legislated ourselves into a chaotic situation, discouraging many private developers from any interest in these programs. Those who do venture in, discover red tape, cumbersome requirements, and endless approvals. Many times they are not able to produce the type of building they feel is necessary for the needs of low-income families and produce only dull, drab "public slums."

The second principal problem with our present efforts is that housing production requires local initiative. Actual Federal construction of public housing, which started as a WPA-type program, was stopped in 1935 when a district court ruled that the Federal Government could not construct buildings for the purpose of renting them to private citizens. The way around this was to subsidize local public agencies to build and operate low-rent housing or to use local non-profit or limited-dividend entities to produce moderate-income housing.

Both of these, of course, are imperfect tools. There is no guarantee that the areas most in need of new housing will have the local leadership willing to mount a housing program. One critic of this system recently described it as "upside-down federalism," with localities deciding if they need low-income housing and the Federal Government worrying about such items as what doorknobs should be used.

The results are tragic. For example, only 41 percent of the population is presently served by public housing authorities. Such major cities as San Diego and Salt Lake City do not even have a housing authority. Most suburban communities do not have authorities or, if they do, are interested only in housing for the politically acceptable elderly. The same is true in the moderate income programs. Most of these units have been erected in center cities.

It is a vicious circle. Our cities have become the home for the poor, minorities, the aged, handicapped, sick, underemployed and unemployed. To solve the housing needs of these families, we build low- and moderate-income housing, which then attracts even more of these families and individuals—causing a greater need for more housing. In the meantime the suburbs become more affluent, white, young, healthy and income producing.

The irony is that while new jobs are being created in the suburbs, almost all the new housing for low income families who could fill these jobs, is located in the center city.

Within the city there are political decisions on where to locate publicly-assisted housing. Too often these units are clustered in one or more of the existing ghetto areas—and the occupants carry the stigma of living in an easily identified "project."

The real solution to so many of our problems—the dwindling urban tax base, *de facto* segregation, underemployment, increased job opportunities—depends on the dispersal of our urban poor throughout metropolitan areas. Yet, this will never happen unless low cost housing is built in these suburban areas, which have so far intentionally avoided providing such housing.

Yet, it is not such a black and white issue. There are at least some valid reasons why suburbs do not build low income housing developments within their boundaries. First, such projects are usually taxed at a rate lower than the assessed valuation of the land and buildings. Second, low income families require expensive services; such as special education programs, welfare programs, increased health care, and job training.

Very few suburban leaders are willing to make a political decision which calls for an influx of low income families, a reduction in potential taxes from real estate, an increase in the level and volume of public services, and therefore the possibility of a tax increase.

This year's federal education act is the first—albeit partial—recognition of the effects a public housing project has on a community. The bill makes a community with a federally-assisted public housing project eligible as an "impacted area", and thus entitled to additional federal educational assistance based on the number of children in the project.

The third principal problem facing our national housing program is the low national priority placed on these programs by the Administration and Congress. This has become painfully obvious over the past year and a half as inflation, and monetary policies designed to combat it, have hurt the housing industry more than any other segment of our economy.

Housing production continues to decline, and only in the last two months have Congress or the President attempted to combat the mortgage credit crisis. In the absence of a major miracle, the 26 million unit production goal will not be reached by 1978—or by 1980—and perhaps not even by 1985. The production of low and moderate income units is even further behind schedule.

The national Administration has not requested nor has Congress appropriated the funds necessary to produce the authorized number of units. Last year the 236 program was underfunded by $45 million, and rent supplements by $68 million. Equally as important, urban renewal money, so urgently needed to provide the "suitable living environment" part of the 1949 Act and to create new sites for housing, was funded at only $1 billion—$600 million short of the authorized amount. This year the Administration is again only requesting $1 billion, although $1.7 billion is authorized and, by their own estimates, there is a backlog of $4 billion in applications.

To be trite—but accurate—this is a nation willing to spend $25 billion to put a man on the moon but unwilling to spend $1.7 billion for housing subsidies to make life on earth more livable.

These, then, are the three hindrances to an all-out housing commitment—fragmented programs, local initiative with no reimbursement for additional local expenditures and a low national priority.

What, then, can be done to combat this situation?

A TOTAL HOUSING PROGRAM

Obviously, there is no one single, simple solution to the multifaceted problem I have presented. However, I would like to offer a four point program, designed to create a single, comprehensive national housing program for all low, moderate and middle income families; to provide incentives to local communities to encourage the construction of such housing; and to guarantee the money necessary to finance this housing.

I. A single, simple housing program

The key element in this proposal is to scrap all of our existing federally-assisted housing programs and enact, in their place, one simple program for all families who cannot afford safe and decent housing at market rents, with a variable subsidy based on the family's need and ability to pay.

Various types of sponsorship and financing would be possible. Local housing authorities, municipalities, states, regional organizations, non-profits, cooperatives, and limited dividend corporations would be eligible to sponsor such projects.

If the sponsor was a public agency or body, it could issue its own bonds, which would be paid off by the income received from rents after deducting operating costs, plus a federal

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guaranteed contribution to cover the deficits. This is essentially the present public housing formula which has worked so well for more than thirty years. A private group could either obtain a private mortgage, or development loan from the federal government, and this also would be paid by tenants' rents—less operating costs and taxes—and an annual federal deficit subsidy.

The unique feature of this proposal is that the federal subsidy would not be limited to mortgage interest, or even to total debt service, but would cover the difference between net income received from a project and that required to pay the financing, management, taxes and operating costs of the project. Localities, with the approval of HUD, would establish initial income eligibility maximums based on housing conditions in the community. This would be the only eligibility requirement.

Likewise, communities would establish rent/income ratios consistent with current local ratios and adequate living standards for families of various size and circumstances. With certain exceptions at the lowest end of the income scale, a family would pay a greater absolute amount of rent as income increased, but the ratio would be smaller. Under no circumstances would the family pay a rent greater than the economic rent for the unit, nor would any family be forced to move because of increased income. It would merely pay the economic rent and no longer receive a subsidy.

* * * *

The federal government would establish a single minimum—but not maximum—construction standard for the entire program, and regulate costs in accordance with current regional cost indices. The result would be a universality of product which would gradually reduce the identification and stigma associated with subsidized housing.

For a moment, let's look at the advantages of this proposal.

First, this one program can serve all income groups from the poorest to those of middle income who cannot afford the rents being charged in the community. Yet, the actual subsidy given to these families would be determined by their respective needs rather than the vagaries of a particular program. Based on our experience to date with various rent supplement programs, I am confident that the average cost, per family, would be far below the present public housing subsidy level.

Second, this is a national program, the first all-out effort to house all of those in need of housing. Our present programs, with their income and population gaps, would be replaced by a single program whose sole eligibility requirement would be economic need and the unavailability of reasonably priced housing in the community.

Third, its basic simplicity and lack of cumbersome requirements should make it attractive to local sponsors and to builders and developers. The lack of red tape, countless reviews and needless administrative requirements should also result in quicker production. It would, therefore, act as an inducement to achieve our national housing goals.

Fourth, the program will be attractive to the middle class who, during a housing cost crisis such as we are now experiencing, would be eligible for these units and receive a modest initial subsidy.

Fifth, the complete absence of income limitations on continued occupancy would encourage economic advancement and promote responsibility and leadership among tenants.

Sixth, the program would foster economic and racial integration, since the units would not be limited to a small income range. As the program developed it would result in the de-ghettorization of our cities.

II. Full taxes

Most important, I believe that local communities, outside the center city, would be willing to take advantage of the program because all of the housing built under the program would pay full taxes. These would not be passed on to the low income family, but would be absorbed by the federal government as part of the federal subsidy. Not only would this provide local governments with needed revenue, it would also minimize local opposition to the construction of such projects.

III. Public service grants

As an additional incentive, public service grants could be made to each community on the basis of the number of families it has residing in such federally-assisted housing. For example, if the federal government established a $100 grant per family, and the local community completed a 300 unit project, the city would receive a $30,000 annual grant to compensate it for the additional public services it would be required to perform as a result of this population. After a certain number of years this grant could be reduced, and eventually eliminated, as these families are integrated into the community.

This incentive grant, and the payment of full local real estate taxes, are justifiable national expenditures; the patterns of national migration and the goal of de-ghettoization of our central cities require it. The federally-assisted project built in a California suburb may house families from Alabama, New York, Iowa and Hawaii. It is only fair that the national tax base be tapped to cover the expenses this suburb will incur in housing these families.

IV. National commitment

Notwithstanding the savings that will be achieved through the use of a variable subsidy, this program will not be cheap; there is no cut-rate mechanism available to house our poor. They must be subsidized through public funds.

If we assume a need of 600,000 units a year at an average subsidy cost of approximately $600 a unit, we're talking about a *new* subsidy authority of $360 million each year. If we add the incentive bloc grants of $100 a unit, it's another $60 million.

Thus, it's a $420 million a year program of new subsidies, exclusive of urban renewal, model cities and the other urban development programs. Ultimately, that's an annual housing subsidy of more than $4.5 billion. That's a lot of money, more than we've ever spent on housing before. Yet when compared to the $30 billion a year we spend on the Viet-Nam war, or the $60 million we will spend on a national highway system, the amount seems more reasonable, and the results more meaningful.

Yet to guarantee results we must be assured of funds. We will need an appropriation at the beginning to cover at least three years of the program so communities and sponsors will know how much is available and can plan accordingly. For once we must match our rhetoric with money.

That is the basic program: four parts which, if enacted, will give us—for the first time—a national program and national commitment designed to solve the national problem of inadequate and insufficient housing for our low and moderate income families.

THE NIXON PROPOSAL

Last month the Nixon Administration sent its proposed 1970 housing bill to the Congress. This bill goes a long way toward the standardization and simplification of all—subsidized and non-subsidized—housing programs that I am talking about. It could be a big step in the right direction, but in its present form, it creates new problems which would endanger the successful implementation of a real national housing program.

Basically, the bill would continue two multi-family housing programs—an insured subsidized program patterned after the present Section 236 program and the public housing program subsidized through annual contribution contracts. It would establish a single, rather complicated income eligibility formula for both programs: 80% of the funds would have to go to families whose income is less than 80% of the area's median income; the remaining 20% of the funds could assist families whose income is between 80% of the median and the median itself.

There would be no statutory mortgage or cost limits, rather the Secretary would establish a "prototype" unit for a geographic area. This prototype would then be translated into a development cost figure for various size units and projects. The mortgage or cost limit would be restricted to 110% of this figure.

Rent income ratios would be established on a nationwide basis. Each family would pay 20% of its first $3500 and 25% of any income above this amount. Families would have their incomes recertified every two years and rents would be adjusted to reflect an income change. This rent/income ratio formula would apply not only to new projects, but also to existing public housing and moderate income units.

The appropriations for the programs are open-ended, which means there is no dollar amount, no indication of the Administration's commitment to these programs.

My major criticism of this proposal centers around local autonomy. Under the proposal I've offered today the local community would establish income eligibility and rent/income ratios based on local conditions. The local community is better equipped to answer the questions—who needs the subsidy, and how can the family pay better than the federal government.

Differences between the Administration's bill and the alternative I have suggested fall into four main areas:

I. HUD proposal grants broad discretionary power to the Secretary of this and future Administrations to determine median income and set local mortgage cost limits.

Under my plan the local community, which deals daily with the realities of housing production (or lack of it, due, in part, to unrealistic cost limits) would not be saddled with cost limits established in Washington and often unworkable in the local community. Costs would be limited only by actual, local cost experience, as reflected in current regional construction cost indices.

The local community is also in a better position to evaluate its own housing market and to determine the income range of families which are in need of assisted housing. With the Administration's bill, if the Secretary were to use the median income figures from the Bureau of the Census' 1968 Vacancy Survey for New York City, the maximum income for admission to so called "moderate income" housing under the 80% formula would be $5,760. The remaining 20% of eligible families could have incomes up to $7,200. Thus, the program would effectively exclude many working class families who in New York City, with spiralling costs, a tight housing market and a 1% vacancy rate, find it impossible to obtain safe and decent housing at a price which they can afford.

With the program I have suggested, the local community would have the flexibility to determine the range of family incomes which require assisted housing in the light of local conditions.

Furthermore, instead of the arbitrary 20/25% rent income ratio suggested by the Administration, we would grant to the local community the autonomy to determine feasible rent income ratios, depending on such factors as income and family size, and consistent with the need for adequate disposable

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income to meet the cost of other necessities in that community.

II. Continuing two programs to serve only those of the very lowest income means that the stigma attached to public housing will still remain and that old slums will merely be replaced by new ghettos. The alternative is a single, all-income housing program which will achieve economic integration and remove the stigma associated with housing for the poorest of the poor.

III. At present, and under the President's bill, there are no incentives to suburban communities to build moderate income housing and relieve the pressures of the central cities. Allowing publicly assisted housing to be taxed, and a bloc grant for public services to families living in such housing, will act as an inducement to these communities to build housing for our families of low and moderate income.

IV. The Administration has requested open ended authorizations for the programs in the new bill. It is difficult to face the fact that the cost of meeting our oft espoused goal of 26 million units in the next eight years is great—even astronomical. It is easier to avoid a dollar amount. Yet we have the capacity and the resources to achieve our goals. The proposal before you would require $4.5 billion a year after eight years. It is the minimum needed to provide safe and decent housing for our nations low and moderate income families.

In summary, the proposals presented here today involve a rethinking of our housing goals and a recommitment to the pledge of a safe and decent home for every American. It is my belief that a single Federal housing program, with variable subsidy and full real estate taxes can be a means to relieve the pressures in our inner cities, to open the opportunities in the suburbs to our low and moderate income residents, and to allow our housing programs to reflect the needs and conditions in our local communities.

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DEATH OF WALTER REUTHER

Mr. HART. Mr. President, too often, a leader's greatness is not tested until after his death. Too often, we do not inventory a man's admirers until they become mourners or count his deeds until they are cataloged in his obituary.

Walter Reuther is dead and today we reflect on his accomplishments and on the beneficiaries of his brilliance.

History will treat him kindly.

It will treat him kindly because he was right so often.

And it will treat him kindly because his dedication to the welfare of the people was so remarkably untarnished by selfishness and personal increase.

Mr. Reuther was from my State—Michigan—and Michigan has much cause to be grateful that he lived there and worked there. But the results of his social pioneering can be seen throughout the Nation. And the Nation has reason to be grateful.

Walter Reuther had a natural compassion that did not allow his mind to stay within the bounds of any narrow interest.

He was a superb union executive and the members of the UAW were well served by his leadership. But he wanted auto workers to have more than just a good union, he wanted them to live in a good society.

So a portion of his brilliance was always directed at the problems of the poor, whomever they might be. He concerned himself with the problems of discrimination, whomever the victims might be.

He devised health care plans to benefit everyone, union member or not. And he insisted on solutions for the homeless, no matter what the obstacles.

Let us not forget that he was one of the first in the Nation to begin talking about what is now such a popular theme: National priorities.

While almost everyone else was still complacent about a priority system that had stopped making sense years before, Walter Reuther was wondering how often we should go to the moon to pick up rocks when our cities could not pick up the garbage.

He was wondering whether some of our concern about making Vietnam safe for democracy should not be transferred to our ghettos.

He had vision, this man. And under his hand the UAW became possibly the most respected union in the Nation. Because there is no one—no one—in America who has not somehow benefited from this union's social thrust.

The UAW, for example, devoted great energy and much of its money to campaigns for preservation of the environment.

In part, it was that as the UAW won shorter workweeks, it also sought to make certain that off-duty auto workers might have a place to fish and swim.

But it is also true that another union might have employed that energy and money to far narrower ends. And I doubt if there is anyone, in any State, who will begrudge Walter Reuther a posthumous "thank you" for that effort.

It was another of Mr. Reuther's dreams that organization techniques and bargaining methods—social devices whose efficacy he well knew—could be used to help the downtrodden improve their lot.

The Washington Post speculates today that this dream might have died with the man. I doubt it.

That was not a dream that depended for life on any single man's heartbeat. It was rather a seed, already taken root, already branching sturdily. I think what has happened in the California vineyards is testimony to that.

Walter Reuther was a practical idealist. He was enough of an idealist to constantly plant new ideas in forgotten corners of the Nation and enough of a pragmatist so that his seeds always found receptive soil.

He was a brilliant man but he was no mystery. As the Detroit Free Press pointed in an editorial this morning, he was pretty much what he appeared to be: an idealist, a man with a mission to help the working man, a man with an overpowering sense of social conscience.

He was, in short, an American of great honesty, brilliance and dedication. How often do we see such men?

He died on his way to visit another exciting new project, a UAW camp for family recreation and leader training. Mr. Reuther was always tremendously stimulated by ideas and always excited by the exchange of thought. He was also sentimental about family togetherness.

The result was predictable: The 800-acre installation in northern Michigan where union men could bring their families while they trained.

Mr. Reuther's wife, as most here know, died with him. She was a fine woman, always a source of strength. I can say this because Walter Reuther never made any bones about—with her inspiration he might never have attained the position that allowed him to put his ideas into effect.

We have lost an idealist, doubtlessly one of the greatest of our time. America is going to be a little bit different without him. But it would be a great deal different if he had not come along at all.

Mr. President, I ask that the editorials from the Detroit Free Press and New York Times and the article from the Washington Post be printed at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press]

WALTER REUTHER'S STAMP IS ON HIS MEN AND ON HIS CITY

It would be hard to name any one single person who has had a more profound effect on Detroit and the American Labor movement in the last thirty years than Walter Reuther. The stamp of his personality and ideals is on the city. He was more than a mighty man of labor. He tried to be the city's conscience and many times he succeeded.

Not everyone loved him, of course. He was a tenacious adversary and he never hesitated to lead his people out of the bricks when the bargaining seemed to require it.

But he will be long enshrined in the affections of those for whom he labored. He got them a living wage, job security, pensions, and improved working conditions. He brought them dignity.

Reuther was somewhat of an enigma to those who had to tangle with him. They could never figure out what was in it for Walter. He lived for years in an unpretensious Detroit home, until he was shot in his kitchen and decided to move to a rural area where security could be more easily enforced.

His salary was modest by industry standards. The United Auto Workers, under his leadership was run almost puritanically. There were no sweetheart contracts. No deals. Union officials whose conduct was suspect found themselves back tightening bolts.

In the field of race relations, there are few unions who can claim to match the record of Reuther's UAW. He flung open the doors of union leadership to white and black alike and there were no double payscales, either.

Reuther was no enigma, really. He was pretty much what he appeared to be; an idealist, a man with a mission to help the working man, a man with overpowering sense of social conscience.

He thought about his people all the time. He wanted them to have that little bit of extra, so the poets and the philosophers and the artists could rise above grubbing for a living. How many of them did nobody knows, but many a man put himself through school on factory wages, and many more were able to educate their families.

Reuther was interested in more than the economic issues.

His UAW has worked for many years on running night schools, conducting art contests. The UAW was deeply involved in such things as the salvation of Belle Isle's Blue Heron Lagoon, the fate of the Rouge River and the quality of the atmosphere long before ecology became a household word.

But most of all those who saw Big Red in action will never forget his zest for the struggle, his good humor under trying circumstances. He could even come up with some wry jests about being manhandled by Ford's company police in the old days.

He would stumble out of an all-night negotiating session, change his shirt, take a shower, and be back in an hour with the light of battle in his eye and a "go to hell" smile on his face. Sometimes he ground down the opposition merely by being able to stand on his feet longest.

The auto worker in Detroit can justly look around his home and smell the chicken in the kitchen and think of the car in the driveway and the clothes on the backs of his kids and say under his breath, "Thank, Walter."

And because his vision was so much broader than narrow self-interest, Detroit and the nation say thanks, too.

[From the New York Times, May 11, 1970]

PIONEER IN SOCIAL CREATIVITY

The death of Walter P. Reuther is an even more substantial loss for the nation than it is for the labor movement. A social innovator of great creativity, he was the most zealous union proponent of the concept that labor must go forward with the community and not at the expense of the community.

When the crash of a private plane cut short his life, he was dedicating much of his energies to forging a broad coalition in support of universal health insurance. He was also working closely with many of the nation's foremost industrialists in seeking to apply space technology to the mass production of housing.

He showed enormous personal courage and dynamism in the bitter battles that marked the birth of the United Automobile Workers more than three decades ago. Over the years he was principally responsible for making that union not only economically powerful but a fountainhead of beneficial ideas for all labor. His most notable monuments in this regard are a comprehensive program of social security under the union label and a model system of safeguards for union democracy.

In the larger labor movement his influence was unhappily circumscribed by the increasing frustrations Mr. Reuther felt over his inability to push aside George Meany as head of the combined A.F.L.–C.I.O. The feud of these two strong unionists prevented the merger of which both were principal architects from ever achieving its full potential for national good. Yet Mr. Reuther's complaints of A.F.L.-C.I.O. stagnation and social sterility were predicated on far more than personal pique or ambition. In foreign policy and civil rights he blazed inspiring new trails.

His death on the eve of his union's crucial negotiations with the Big Three automakers could prove extremely injurious to the total economy in this volatile period. But the void will be greater in the realms of idealism and social inventiveness.

[From the Washington Post, May 11, 1970]

SOCIAL CRUSADES LEFT UNFINISHED

(By Ken W. Clawson)

The man who tried to revitalize the American labor movement is dead. His vision of increasing the share of the nation's bounty for the downtrodden by using trade union organizing and bargaining techniques may have died with him.

Walter P. Reuther at 62 hadn't accomplished either of these goals. But the volatile redhead's ideas always had run several years ahead of his accomplishments.

That was true even within the United Auto Workers Union, where Reuther created the model that supported his concept of unionism and its role in society. The success of the UAW and its ability to tie broad social needs of its members to contracts with the auto industry have been for years a powerful impetus in collective bargaining.

It was when Reuther sought to impose his broad social concepts, often far afield of traditional trade union activity, that he repeatedly was rebuffed by other national labor unions, particularly when he assaulted the wages-hours-working conditions proponents among craft unions.

In labor's highest councils, Reuther lost more battles than he won.

When the UAW withdrew from the AFL–CIO in July, 1968, it was a defeat, an acknowledgement that Reuther had failed to persuade the labor establishment that the problems of the nation demanded the zeal, fervor, hardship and commitment in which industrial unionism was born.

When Reuther relinquished his AFL–CIO vice presidency and the presidency of the federation's 7-million-member Industrial Union Department, he lost an influence and national platform that was not regained.

He charged that the AFL–CIO was resting on its laurels and was too content with the status quo.

"I didn't join the labor movement to sit on my fat bottom," he told delegates to the UAW convention.

Federation President George Meany who fought with Reuther from the time of the AFL–CIO merger in 1955, has responded that Reuther had every chance to make his point inside the organization and failed.

Many of the things that Reuther wanted to do, Meany pointed out, were already being done—usually in a methodical, businesslike manner. That seemed to be at the heart of Reuthers complaint.

He wanted American labor to lead a great social crusade on many fronts picking up steam through the infusion of young people and widening its base until a major segment of poor people, minorities and other groups became, in effect, one big union.

Toward this goal, the UAW joined with the Teamsters Union in the Alliance for Labor Action, a group that grew to about 4 million with the addition of the United Chemical Workers.

In St. Louis, Los Angeles and other cities the ALA is organizing community unions among the poor, but there has been little national impact. The broad social reforms supported by the ALA have yet to get off the ground, and there is a visible coolness among many bread-and-butter Teamsters to Reuther's programs.

He had hoped to imbue union members, particularly young activists, with a sense of purpose to raise the living standards of the downtrodden, to aid them in gaining dignity as workers did for themselves in the auto industry. In an interview in Detroit last year, he talked in terms of convincing young, well-paid workers that they had the same duty toward the less fortunate that their fathers during the 1930s had to themselves.

At the time of his death, Reuther was on his way to the UAW's new family education center at Black Lake, Mich., an 800-acre preserve where families of union members can have a free vacation while the union, at the same location, teaches the member the techniques and fundamentals of union activity.

"General Motors will probably pay" for the Black Lake facility, a UAW official said yesterday in discussing the wide range of benefits that Reuther has negotiated with the auto industry since becoming president in 1946.

His expertise as a negotiator is virtually unchallenged, even by industry. Reuther's death is even more untimely because contracts covering about 700,000 auto workers expire this year, with negotiations set to begin in July.

Louis G. Seaton, who retired as GM's chief negotiator last week, said the state of the economy and UAW demands may bring about a strike longer than the record 113-day GM walkout in 1945-46.

Reuther's practice had been to have his vice presidents—Leonard Woodcock, Douglas Fraser and Ken Bannon—and Secretary-Treasurer Emil Mazey conduct the early phases of bargaining. He then stepped in during the final stages, usually after the union had selected a target company to set the pattern in the industry.

So the Reuther team remains intact, but without the dynamic personality that pioneered a score of new benefits in the industry.

He is credited with being the first labor leader to seek a profit-sharing plan as part of a contract, at American Motors. He negotiated it over 10 years, but finally succeeded in 1967 in combining unemployment compensation and supplemental unemployment benefits—paid by the employer—to the point where senior employees have a guaranteed annual wage.

Reuther also secured a cost-of-living escalator, which has meant more than $1 an hour to UAW members.

In 1950, he pioneered a management-paid pension plan in the industry. In 1964, he negotiated an early retirement plan whereby a worker may retire at 60 with $400 a month in benefits. This year, the goal is a service-based early retirement plan at $500 a month.

During Reuther's career, the UAW went from zero to 1.6 million members. He took auto workers from Henry Ford's $5-a-day pay scale to more than $5 an hour in wages and fringe benefits. Reuther himself earned $33,000 a year, lowest of any major union leader. He liked it that way.

In April, UAW delegates elected Reuther to his 13th term as president. It would have been his last, because of a constitutional bar to officers serving beyond their 65th birthday.

Reuther was born Sept. 1, 1907, in Wheeling, W.Va., one of five children of Valentine Reuther, an organizer for the United Brewery Workers. Walter left school at 15 and learned to be a tool and die maker at Wheeling Steel Co.

He went to Detroit in 1926, worked for nearly seven years at Ford Motor Co. during the day and completed high school and three years of college at night.

In 1933, Ford fired young Reuther for union activity. The day before the depression "bank holiday" he and his brother Victor drew their money out of the bank and set out on a walking and bicycling tour of the world that lasted until 1935. During that time, they worked 18 months in a Russian auto plant at Gorki.

In 1965, at the AFL-CIO convention in San Francisco, Russian reporters from Tass and Trud accosted Reuther in an aisle and asked him to compare the nations' respective auto industries.

In response to his comparison, they extolled the virtues of the Russian industry, particularly at the Gorki works.

"Don't give me that ———," said Reuther. "I think I still have calluses from that factory."

When the Reuther brothers returned to Detroit they were confirmed socialists and eager to organize workers. In 1936, Walter became first president of UAW Local 174, a new unit with 78 members. Within a year, the local had 30,000 members and Reuther became an international UAW executive board member. He was elected a vice president in 1942.

He was a designer of the sitdown strikes in Detroit and Flint in 1936–37. But he seemed to relish most the organizing campaign at Ford in 1937, and he soon came in contact with Harry Bennett, Ford's security officer.

Some of Bennett's "service men" or company police caught Reuther and Richard Frankensteen handing out leaflets near the

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River Rouge, Mich., plant and worked them over with clubs in what became known as "The Battle of the Overpass." The beating was carried out in front of a photographer and the picture of the blood-spattered pair has become one of the best-known labor photos in existence. The picture showed so much blood that a company official said later, "There was a lot of blood but also a lot of catsup covering them."

Reuther was nearly killed in 1948 when a still-unidentified person fired a shotgun blast through his kitchen window. The shot struck Reuther in the chest and right arm, nearly severing the limb. Just over a year later, a similar attack cost Victor Reuther an eye.

In both attempts on Walter's life, his wife, May, was with him. They were married in 1936 in Detroit.

Reuther became more influential in the UAW during the war years despite restraints on labor. When peace came, Reuther took 175,000 GM workers on a strike that lasted 113 days. In the UAW at that time, Communists were consolidating their strength, but when Reuther won election as president only days after the GM strike, he proceeded to weed out the Communist elements.

In 1952, upon the death of Philip Murray, Reuther became president of the CIO, and led it into the AFL–CIO in 1955.

He joined with federation president Meany in 1958 to eject the Teamsters Union from the organization for corruption.

The Reuthers are survived by two daughters, Linda, a teacher in California, and Lisa, a college student. Reuther is also survived by two brothers, Victor, of Washington, and Ted of Wheeling, W. Va.; a sister, Christine Richey, of Reading, Mass.; and his mother, of Wheeling.

SAIGON PLUNDERERS

Mr. YOUNG of Ohio. Mr. President, while 500,000 Americans fight and die in Vietnam, Thieu, Ky, and their cohorts in the Saigon militarist regime continue to fatten their pockets and their bank accounts in Hong Kong and Swiss banks. Now this corrupt junta, our so-called allies, has come up with a plan to "assist the budget" out of prostitution, gambling, and dancing. They propose to open a series of official "entertainment centers" containing brothels, gambling dens, and dance halls under the direction of the Minister of Social Welfare. The first proposed center is expected to show a $1 million profit the first year. This is the same government that remains in power solely because of the support of our Armed Forces and CIA. How long will this administration continue to risk the lives of young Americans for the sake of the plunderers in Saigon?

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CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Judge Harry A. Blackmun.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The assistant legislative clerk read the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE BLACKMUN—A WELCOME ADDITION TO THE SUPREME COURT BENCH

Mr. HRUSKA. Mr. President, the Senate has before it today the nomination of Harry A. Blackmun to be an Associate Justice of the U.S. Supreme Court. Judge Blackmun is no stranger to this Senator. It was my privilege to chair the Senate Judiciary hearing on his confirmation to the Eighth Circuit Court of Appeals in 1959. I remember the occasion very well and was then confident that Judge Blackmun would justify the faith and confidence that President Eisenhower placed in him and this he has done. A close study of his decisions provides ample evidence of the wisdom of President Eisenhower's judgment.

THE AMERICAN BAR ASSOCIATION RATING

The Judiciary Committee once again received the benefit of the American Bar Association's evaluation of the candidate.

As on previous occasions of Supreme Court Justice nominations, the association's committee engaged in an elaborate inquiry and study of the nominee's record, works, attributes and achievements.

As in the past, the results of the association's Committee on Federal Judiciary, are highly appreciated by members of the Judiciary Committee. The latter has not abdicated in any measure its duty and responsibility for making final judgment on any nominee; it has not conferred any semblance of a veto on any of the nominations. Yet we highly regard the scope and the depth of inquiry made by the bar association committee; we have always placed great store in the study given to the facts and material assembled, and the conclusions drawn from them.

The letter report of the American Bar Association's Committee on Federal Judiciary is found in the hearings starting at page 9.

Mr. President, I ask unanimous consent that its text be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, members of the committee are to be commended as well as thanked for their labors in compiling the report. Even a casual reading will indicate the very splendid and diligent work it represents.

In the opinion of this Senator, it is a task as well performed as on previous similar occasions.

The letter from Judge Walsh, the chairman of the standing committee on the Federal Judiciary, states in conclusion that the committee was unanimously of the view that Judge Blackmun meets the highest standards of professional competence, temperament and integrity.

The committee can bestow no higher endorsement. In reaching this conclusion it interviewed several hundred persons. They included all of Judge Blackmun's colleagues on the eighth circuit; the chief judges of each of the district courts within the eighth circuit; more than 100 lawyers within the eighth circuit; a substantial number of judges and lawyers outside the eighth circuit, deans of a number of law schools, both inside and outside the eighth circuit, and others.

Judge Blackmun has been described as "the best qualified man in the eighth circuit—a conscientious hard worker and a good scholar." One of the most respected trial judges in the country considers him as "a gifted scholarly judge who has an unusual capacity for the production of opinions in the cases assigned to him—and coupled with all of his erudition, he is unassuming, kind and considerate in all of his associations with the bar and the public."

EIGHTH CIRCUIT PRACTITIONERS

My own State of Nebraska is in the eighth circuit. As a result, I have had an opportunity to observe and hear more about Judge Blackmun than most other judges whose nominations have been processed by the Judiciary Committee. Over the years, I have read many of his decisions. I have received many favorable reports on his performance. These reports have come from lawyers who have argued before the Judge and from fellow jurists on the Federal bench.

It is gratifying to note that my own private opinion has been firmly supported by the report of the bar association committee. The lawyers interviewed by the committee were not located in Nebraska alone however. They lived in Minnesota, North Dakota, South Dakota, Iowa, Missouri, and Arkansas as well, they represented a cross section of the bar. Their high regard for the judge was that of his fellow jurists on the eighth circuit.

OTHER RECOMMENDATIONS

It is noteworthy that a number of legislators of both political faiths appeared in sponsorship of Judge Blackmun's nomination. The generous praise bestowed upon him by Democrats and Republicans alike indicates that his work bears the stamp of impartiality and fairmindedness.

It is also of interest that President George Meany of the AFL–CIO has expressed that organization's support of Judge Blackmun's nomination. Mr. Meany's observation is that Judge Blackmun "has proved himself to be intelligent, articulate, conscientious, openminded and judicious. He is a distinguished conservative, who has demonstrated his respect for the law and legal craftsmanship, who has not set himself against any group and who would grace the High Court with his learning."

Since the AFL–CIO provided much of the opposition to President Nixon's first two choices, it is gratifying that the organizations find no fault with his current choice. I will have more to say about this at a later time.

THE LEGITIMATE FUNCTIONS OF THE COURT

Mr. President, as we all know, the Constitution of the United States divides governmental power between the three branches of Government. The Supreme Court has vested in it all judicial power while the Congress has vested in it all legislative power. The various branches perform very specific functions and properly so. If they did not, the Constitution would be a document without meaning.

For many years, I have been concerned with insuring that each branch perform the duties delegated to it and only those duties, and that each refrain from encroachments upon the rights and responsibilities of its co-equal branches.

It is no secret, as a result, that I have been very disturbed by some Supreme Court decisions in recent years when these decisions have indicated that the Court in some instances has, in an unwarranted manner, intruded into the affairs of other branches of the Government, or into affairs properly left to the States.

Because of its encroachment upon the responsibilities of other governmental segments, the Court has been subjected to a great deal of criticism and its prestige has fallen in the eyes of a large part of our population.

I have always maintained a great respect for the Court as an institution. In my view, many recent decisions have not been justified. Several Justices have failed, and some still fail, to exercise the proper judicial restraint. Once the institutions of our Nation suffer a deterioration in the public eye, our viability as a country begins to erode.

At the same time, the Court must perform its function in our society as was originally perceived. The solution to this problem is to do just what President Nixon has undertaken to do—to place men on that Court who have a proper respect for the Constitution and who have demonstrated that respect by their actions. Judge Blackmun is such a man.

During his hearing before the Judiciary Committee, the judge was asked if he understood that not all economic, social, and political wrongs could be solved by the Court. He was asked if he understood that it was a judge's responsibility to review the written record and base his decision on the law and the facts behind him. He was asked if he recognized that the Legislature was the body which must effect changes in social political policy.

His answer, in each instance, was very reassuring, Mr. President. He has not only demonstrated this awareness with words, but with actions and opinions while on the Eighth Circuit Court of Appeals.

During the hearings, excerpts from this Senator's observations and questions included the following, and they were addressed to Judge Blackmun as he occupied the witness chair. I am now quoting from page 57 of the hearings.

> Institutions under our constitutions perform different functions in solving these social ills. Not all are given the same power. Isn't it true, Judge Blackmun, that a Supreme Court and the members thereof are bound pretty much by the record of the case before them and by the Constitution of the United States. They cannot and should not venture beyond the record and beyond the Constitution or beyond the state of the law and violate and distort the Constitution in an effort to try to achieve an alleviation of certain well-known evils. The same would be true of people in a legislative field such as the members of this committee. We have our limitations. We can legislate to be sure, but it is always subject to the limitations placed on us by the Constitution and of course by the courts.
>
> Now, I can understand how one would be concerned with the social and the economic problems, and yet at the same time just because there is an awareness then and a great concern about it it does not indicate, does it, that he can do almost anything and everything to try to rectify those problems?

Mr. President, Judge Blackmun replied as follows:

> I strongly believe in our system of checks and balances and in our three-branch system of government. As you point out the Constitution in Federal cases is always part of the record. I firmly believe in deciding cases on the record. I hope I have never done otherwise.
>
> I firmly believe that change, if change comes, must come within the framework of the law as we understand it. And not outside the law.

A little later in his testimony he stated:

> Each of the three parts has its own sphere, and each is limited by the Constitution. Together we survive, I think. And I am a firm believer in this tripartite system of government that has blessed us over the many years.

Mr. President, later during the appearance of Judge Blackmun I called attention to the type question that was asked other nominees to the Supreme Court in recent years, particularly in the case of Justice Marshall, who for many years represented the civil rights movement before the court; also in the case of Justice Arthur Goldberg, who devoted the greater part of his career as a lawyer representing national labor unions; and Justice Fortas, who, when he was before us, was asked this same question.

The question I put to Judge Blackmun was in the same context as the question that was put to Justices Marshall, Goldberg, and Fortas. I read from page 58 of the hearing record:

> If you become a member of the Supreme Court will you be able to render a fair and just decision in disputes put before you and act solely upon the law and the evidence of the case and render such a fair and just decision regardless of the color of the man's skin in front of you, or his wealth, or his poverty, or the part of the country from which he comes, or whether he is a member of management, of labor union management or a worker himself.

I observed at that time that in the instance of Justice Marshall, he answered,

> Yes, I believe I can. And I will.

While other nominees made the same response.

I asked Judge Blackmun this question:

> Would you care to respond to a question of that nature and of that scope?

This was the response by Judge Blackmun:

> Well, I feel that this question, of course, is basic, essential, properly asked. This is the test of a true and a genuine judge. I would like to think that my past 10½ years on the court of appeals fulfills that standard. I think it does.
>
> I think that those who have looked at me and my record think it does.
>
> In answer to your inquiry, I can only give the same answer which you tell me was forthcoming from the other nominees. I am almost positive I can act in that way. This would be my sincere aim, and I would attempt to do so within the limits of my human and hence fallible limitations. I think I can. I can almost say I know I can, but I cannot be categorical except to say I shall do my very best.

Mr. President, I submit that this statement and the fashion in which it was uttered by the nominee are gratifying and reassuring. The Senate has before it a nominee who has the respect and admiration of the bench and bar. He has achieved his prominent position of high distinction and excellence through dedication and devotion to the law. He would be a welcome addition to the court and his nomination should be promptly confirmed by the Senate.

EXHIBIT 1

AMERICAN BAR ASSOCIATION,
STANDING COMMITTEE ON FEDERAL JUDICIARY,
New York, N.Y., April 28, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Senate Committee on the Judiciary, Washington, D.C.

DEAR SENATOR: This letter is submitted in response to your telegram of April 16, 1970 inviting the Standing Committee on the Federal Judiciary of the American Bar Association to submit its opinion regarding Honorable Harry A. Blackmun of Minnesota who has been nominated to be an Associate Justice of the Supreme Court of the United States.

Based on its investigation to date our Committee is of the opinion that Judge Blackmun meets high standards of professional competence, temperament and integrity. Our investigation is continuing and we should like the privilege of submitting a further report to your Committee after the conclusion of its hearings. Rather than making this report unduly long, we state our conclusions and shall be happy to supply further detail upon request.

Our Committee does not express any opinion as to political or ideological matters. Its opinion is limited to the professional competence, temperament and integrity of the nominee.

The investigation of the Committee as presently expanded, has included the following steps:

1. It has interviewed Judge Blackmun.
2. It has made its own survey of Judge Blackmun's opinions.
3. It has interviewed all members of the Eighth Circuit Court of Appeals.
4. It has interviewed the Chief Judges of each of the District Courts within the Eighth Circuit and a number of other federal and state judges within the Circuit.
5. It has interviewed and had reports from over 100 lawyers within the Eighth Circuit who are in active practice and who would be most likely to be familiar with Judge Blackmun's reputation in the Circuit.

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It has interviewed the deans of four law schools within the Eighth Circuit.

7. It has interviewed a substantial number of judges and some lawyers outside the Eighth Circuit.

8. It has interviewed the deans of more than 25 law schools outside the Eighth Circuit.

9. It has carefully considered the sixteen page letter dated April 15, 1970 to you from Deputy Attorney General Richard G. Kleindienst.

Except for two instances hereafter related, none of the scores of persons interviewed commented adversely regarding Judge Blackmun and all those who knew him or who were familiar with his work state that he is highly qualified.

PROFESSIONAL BACKGROUND

Judge Blackmun has had broad general experience in law and business which gives him an excellent background for judicial work. He has served as a Judge of the Court of Appeals for the Eighth Circuit for some eleven years. He worked as the law clerk to Judge Sanborn of that Court in 1933. He practiced law in a leading Minneapolis firm for sixteen years. For five years he engaged intensively in tax work, for two years in general litigation and for ten years he specialized in wills, trusts, estate planning and taxes and bank work. For nine years, he was engaged as business manager and general counsel of the Mayo Clinic. He taught law school for eight years, six of them at William Mitchell College of Law night school during the 1930's and two of them at the University of Minnesota during the faculty shortage following World War II. Judge Blackmun has done considerable committee work in the Federal Court system by serving on the Advisory Committee on Research to the Federal Judicial Center, and the ABA Criminal Justice Standards Project's Advisory Committee on the Judges' Function. He has participated in numerous community activities.

1. Judge Blackmun Interview.—Judge Blackmun was interviewed and impressed us as a judge who is sincere, frank, understanding and cooperative, one who conscientiously and with open mind weighs every reasonable argument with careful knowledge of the record, the arguments and the law.

2. Survey of Judge Blackmun's Opinions.—Our survey included opinions written by him in various fields of law. They are scholarly and well written, with a consciousness of broad social policies involved and with a perception of current trends of the law. They may be characterized as lengthy but they have indicated to losing counsel and to the Supreme Court on review that all arguments have been considered and weighed in a fair manner by the court.

The substantive areas covered by Judge Blackmun's opinions include a wide range of subjects. He is particularly familiar with tax law. He has written frequently with respect to criminal cases. He has also written a number of opinions in the field of labor relations. Other than that his opinions run the usual wide variety of the Federal courts, including matters of administrative law, patents and trademarks, bankruptcy, and the questions of tort and contract law which come before the Federal court because of the diversity of citizenship of the parties. He has written some civil rights opinions and some of his criminal cases present civil rights issues and basic constitutional issues. He has written a few antitrust opinions.

3. Members of the Eighth Circuit Court of Appeals.—His colleagues have unanimously endorsed him as well qualified. Judge Blackmun is described by a former Chief Judge of this court as "the best qualified man in the Eighth Circuit * * * a conscientious hard worker and a good scholar."

4. Other Federal and State Judges Within the Eighth Circuit.—These judges include the judges whose decisions are reviewed by the Court of Appeals of which Judge Blackmun is a member.

The former Chief Judge of the District of Minnesota, one of the most respected trial judges in the country, writes of him in the following terms: "He is a gifted, scholarly judge who has an unusual capacity for the production of opinions in the cases assigned to him on that court which present learned treaties of the factual and legal questions involved. And coupled with all of his erudition, he is unassuming, kind and considerate in all of his associations with the Bar and the public. He has been an ideal Appellate Judge. I recommend him unreservedly to the Senate for the approval of his appointment."

The other federal judges support this view as do state court judges in the Circuit.

5. Lawyers of the Eighth Circuit.—The lawers interviewed practice in Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Missouri and Arkansas. They include black lawyers and white lawyers, lawyers for labor unions, for plaintiffs in personal injury cases, for railroads, and for corporations and insurance companies, civil rights lawyers, president and past presidents of State Bar Associations, in short, a fair cross section of the Bar. With a single exception, their comments were substantially the same as those of the judges, that Judge Blackmun is an excellent judge, one of the best in the Circuit, and that they had never heard anything derogatory about him. The exception believed that Judge Blackmun had a bias against labor unions. Several other lawyers representing labor unions stated that Judge Blackmun was an exceptionally fine judge, that he was open minded and that they favored his appointment.

6. Deans of Eighth Circuit Law Schools.—With the exception of one dean who was just appointed and who did not know Judge Blackmun, all spoke strongly in his favor. Among those who knew Judge Blackmun best was Dean William B. Lockhardt of the University of Minnesota, immediate past President of the Association of American Law Schools. He considered the appointment to be an excellent one. He spoke of Judge Blackmun as a "legal scholar and a very careful lawyer." He said further "his opinions are those of a first class legal craftsman. They would reflect high credit upon the Supreme Court."

7. Judges and Lawyers Outside the Eighth Circuit.—Outside the Eighth Circuit Judge Blackmun is less well known but he is well regarded by those who know him. He is known by the chief judges of most circuits and by other judges who have served on Committees with him. Those who know him all speak well of him both as a man and as a judge.

8. Faculty Members of Law Schools Outside the Eighth Circuit.—The deans of a substantial number of representative law schools throughout the country were interviewed, as were some professors in those law schools. Judge Blackmun is best known in the Mid-West. However, in many of the law schools his name has been discussed by faculty and students. None of the faculty members interviewed had any unfavorable comments. Those who had had occasion to examine his opinions believed them well written. The Law Journal Editors of one law school expressed some concern that Judge Blackmun might be too subservient to precedent and lack sympathy for the defendant in criminal cases.

9. Judge Blackmun's "Financial Holdings and Off-Bench Activities" as Described in the Kleindienst Letter at Pages 8 through 15.—The Committee studied this letter and discussed these matters with Judge Blackmun. The information had been voluntarily given by Judge Blackmun. In our discussion he added another similar case and explained the circumstances.

In the opinion of the Committee none of the instances including stock holdings, executor's fees, directorships in charitable or business corporations, changes our favorable conclusion. Judge Blackmun has previously resigned his directorships in business corporations and he has stated that he will resign his charitable directorships if confirmed. His stock holdings are so small that in our opinion he violated no statute or Canon.

In the personal interview, Judge Blackmun thoroughly explained the matters mentioned to the Senate Committee by Mr. Kleindienst in his letter. As to the stock in Ford Motor Company, even though his stock interest was not substantial, he immediately recognized the possible existence of an ethical problem, and took appropriate action by discussing it with the Chief Judge of his court. After being told that he should participate and not disqualify himself, he also followed that advice in the second Ford case and a later case involving Northwestern Bell Telephone. Judge Blackmun's action in recently disqualifying himself in a case involving a Ford subsidiary reflects an awareness of the controversy and publicity which had occurred regarding judicial stockholdings within the last year.

In the course of our interview we learned that Judge Blackmun had further reviewed the decisions in which he had participated in order to ascertain if there were any other instances. Checking some 700 cases in the limited time available, the only comparable case he discovered involved Minnesota Mining and Manufacturing Company in which he had bought some 30 shares of stock for approximately $2,250 on December 28, 1960 after having been a member of the court which decided a patent case against that company on December 1, 1960. Thereafter the panel of the court of which he was a member denied the company's petition for rehearing.

Judge Blackmun also detailed to the Committee his services as an executor and the receipt of fees from two estates as described by Mr. Kleindienst on page 15 of his letter. He said that these had been quickly discerned because they were reported on his income tax returns. He subsequently recalled there was a third case in which he acted as a co-executor for the estate of Dr. Donald C. Balfour, the son-in-law of Dr. Fill Mayo, whose will was drawn in June, 1959. Dr. Balfour died in July, 1963 and Judge Blackmun acted as coexecutor at the insistence of the widow. He received no fee.

We assured ourselves that in all of these cases the wills had been drawn before he became a judge and he did no legal work regarding the estate, In each of the cases the estate was represented by counsel, a bank was a co-executor and the decedents and surviving relatives had been close personal friends of Judge Blackmun and associated with the Mayo Clinic to such a degree that he felt obligated to serve. We also learned that Judge Blackmun had declined many other requests to act as executor.

Our interview also included discussions of directorships and trusteeships held by Judge Blackmun as related in Mr. Kleindienst's letter to you on page 14 and confirmed that Judge Blackmun had resigned as an active director of the Kahler Corporation which operated a chain of hotels shortly after the Judicial Conference indicated that such directorships were not advisable.

He presently serves without compensation as a member of the Kahler Corporation Foundation which is a charitable corporation. He still serves as a director of the Charles O. Gilfillan Foundation and the Fanny S. Gilfillan Foundation, both of which were established by benefactors of the Mayo Clinic to provide anonymous charitable assistance to the poor people who

> needed medical help. He is a trustee of William Mitchell College of Law, the Rochester Methodist Hospital and the Board of Publications of the Methodist Church. He was a trustee of Hamline University until his recent resignation. Judge Blackmun stated that if he should be confirmed he intends to terminate all these relationships.
>
> CONCLUSION
>
> In the course of our investigation some persons commented that Judge Blackmun was not nationally known and that some of his opinions were unduly extended and that he was accordingly slower than others in the disposition of his cases. Lack of national reputation is not unusual for highly competent federal judges whose work is primarily in their own circuit and we do not consider this an impediment. We were reassured in our interview that Judge Blackmun recognizes the need for an Associate Justice of the Supreme Court to work rapidly and deal with an enormous volume of work under great time pressure and we believe that he would be able to meet the challenge.
>
> Accordingly, upon the basis of our investigation to date, our Committee is unanimously of the view that Judge Blackmun meets high standards of professional competence, temperament and integrity.
>
> Respectfully submitted,
>
> LAWRENCE E. WALSH, *Chairman*.

Mr. ALLOTT. Mr. President, it will be my pleasure to vote in support of the nomination of Judge Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States.

I have been most impressed by the fact that not one single person has voiced any substantial criticism of Judge Blackmun. The American Bar Association's Standing Committee on the Federal Judiciary conducted an incredibly thorough examination of Judge Blackmun. They interviewed all of Judge Blackmun's colleagues on the eighth circuit, the chief judge of each of the district courts within the eighth circuit as well as judges outside the eighth circuit. They also talked to the deans of a number of law schools and to over 100 lawyers both inside and outside the eighth circuit. After this extensive investigation, the committee expressed the unanimous view that—

> Judge Blackmun meets the high standards of professional competence, temperament, and integrity.

Shortly after President Nixon nominated Judge Blackmun, the chief judge of the Eighth Circuit Court of Appeals, Judge Martin D. Van Oosterhout, informed the Judiciary Committee that the entire Eighth Circuit Court of Appeals supported the nomination of Judge Blackmun. Here is what he said:

> In summary, without hesitation the active and senior members of the Court of Appeals for the Eighth Circuit enthusiastically and without qualification support the nomination of Judge Blackmun for the position of the Supreme Court.

He went on to say that Judge Blackmun was a man of excellent character who possessed unquestioned integrity. He also stated that he had received direct word without solicitation from many of his district judges in the circuit, stating that they enthusiastically supported Judge Blackmun's nomination. Indeed, to his knowledge, there is no judge in the eighth circuit who has a contrary view.

With the aid of detailed financial records supplied by Judge Blackmun and the Department of Justice, the Senate Judiciary Committee was able to conduct a thorough examination into Judge Blackmun's financial holdings. No improprieties were found by anyone.

Judge Blackmun is to be congratulated for the outstanding record he has compiled over the years. President Nixon should be congratulated, too, for having chosen such a fine man and an outstanding judge to be an Associate Justice of the Supreme Court. It will be my honor to vote in favor of Judge Blackmun.

Mr. MOSS. Mr. President, I support the nomination of Judge Harry A. Blackmun to the Supreme Court of the United States.

Unlike the two previous nominees, Judge Blackmun is eminently well qualified to sit on the Supreme Court. He has shown commendable sensitivity to judicial ethics and has a distinguished record as a jurist.

According to the American Bar Association, which also supports this nomination, Judge Blackmun's opinions are "scholarly and well written, with a consciousness of broad social policies involved and with a perception of the current trends of the law."

I know of no opposition to Judge Blackmun.

Mr. President, at a time when the authority of the law is being challenged by extremists on the right and on the left, it is crucial that appointees to the Supreme Court be of the highest caliber. The confirmation of Judge Blackmun's nomination will bolster public faith in the Supreme Court which has been eroded seriously.

Mr. McCLELLAN. Mr. President, I support the nomination of Judge Harry A. Blackmun to be an Associate Justice of the U.S. Supreme Court.

He has had a long and distinguished career as a practitioner of the law—as a teacher of the law—and, for the past 11 years, as an interpreter of the law as a member of the Eighth Circuit Court of Appeals.

Judge Blackmun's colleagues from the eighth circuit have unanimously endorsed him as being well qualified for the Supreme Court. Indeed, a former chief judge of that court described him as "the best qualified man in the eighth circuit—a conscientious hard worker and a good scholar."

The American Bar Association reports that Judge Blackmun meets high standards of professional competence, temperament, and integrity. He has been unanimously approved by the Senate Judiciary Committee.

I participated in the hearings on Judge Blackmun's nomination and was impressed with his candor, his humility, his understanding of the events and issues of today, his obvious respect for the Constitution, and his understanding of the proper role of the Supreme Court in our system of government.

I have reviewed his extensive record on the bench, and while I do not necessarily agree with his findings and conclusions in every decision in which he has participated, yet I find myself in general agreement with the philosophy of most of his opinions.

Others may attempt to define and label Judge Blackmun's philosophy according to some standard known only to them. Perhaps he, himself, best described this, however, by stating simply that he believes that the Constitution means what it says. Judge Blackmun may or may not be what the press has called a strict constructionist, whatever that may mean. Apparently that term means different things to different people. I was impressed, however, by the respect and due regard he has shown for legal precedent, which should always be a guiding light and a great stabilizing force in the interpretation of law and the administration of justice.

Mr. President, that is one of the failings which has given rise to so much criticism of the Court—its failure to honor and follow long-established precedents. This criticism which has been significant in many instances, has been justified and has caused the Court to fall to its lowest status of esteem and prestige at any time in our present generation.

We are hoping that this trend will be reversed. I think the way to reverse it is to get back to the fundamentals of the Constitution, to honor, instead of to reject and disavow, the precedents of long standing which were established by men of great intellect and judicial statute. Instead of being repudiated these should be, as I have just said, a guiding light and a stabilizing influence on the Court of today.

His respect for precedent, his strong belief in our system of checks and balances—in the separation of powers—is indicated by a quote from an appeal in a capital punishment case which he upheld, noting that he was one who is: "not personally convinced of the rightness of capital punishment and who questions it as an effective deterrent," yet "the advisability of capital punishment is a policy matter ordinarily to be resolved by the legislature or through executive clemency and not by the judiciary—*Maxwell* v. *Bishop*, 398 F.2d 138 (1968).

Mr. President, that indicates that, though he does not necessarily believe in the wisdom of capital punishment, he respects the separation of powers of our system of Government and respects the right of the legislatures, the law-making agencies of the Government, to determine what the policy on this issue shall be. I was also impressed with his statement:

> That change, if change comes, must come within the framework of the law as we understand it, and not outside the law.

Mr. President, that indicates to me that he believes a change in the Constitution should be achieved in the manner provided by the terms of the Constitution. He does not believe it is either the duty or the prerogative of the Court to change the historical interpretations of the Constitution so as to be tantamount to amending that great document by edicts and decree. For these basic prin-

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ciples of judicial integrity, I commend him and highly respect him.

For almost two decades now, the Supreme Court has, in too many instances, tended to exceed its proper role and function as a coordinate branch of our tripartite system of Government. It has sought to fashion new remedies, new rules—indeed, even to restructure and rewrite laws to suit its own notions of what it believes to be best for this Nation and our people.

Hopefully, Mr. President, this activist era of the Court is in the eclipse—hopefully, we are entering into an era where the Court will perform its function of interpreting the laws, enacted by the people's representatives and enforced by the people's President. Hopefully, the Court will, with due propriety, leave the lawmaking to the legislative branch of the Government.

Mr. President, to the people, the Supreme Court is more than a tribunal. It is a symbol of justice and a constant reminder that we are a Nation governed by laws. If that symbol is tarnished, if that shining beacon of justice is dimmed, then each of us and all of us have lost a part of our precious heritage of freedom and suffered a corresponding diminution of our ability to govern ourselves.

Judge Blackmun made the following observation on the people's view of the Court which he noted during the days following his nomination:

> What comes through to me most clearly is the utter respect which the little person has for the Supreme Court of the United States, and I think that the little person feels this is the real bastion of freedom and protection of strength in this nation. It was a lesson that was taught to me in the last two weeks and one which I think I shall never forget.

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Mr. President, the seat for which Judge Blackmun has been nominated has been vacant since May 14, 1969, when Justice Abe Fortas resigned. That event and others have placed the Court under close and controversial scrutiny by the press and our people during the interim. I am sure that it has been quite a trying time for the Court and its members. As a consequence, both the Congress and the President have been confronted with problems of no small magnitude.

With the confirmation of the nomination of Judge Harry A. Blackmun, I trust that we can close this rather unpleasant chapter in the Court's history and look forward with confidence to restoring the Supreme Court to its rightful place of respect and reverence in the hearts and minds of our people.

Mr. President, I commend President Nixon on his selection of this nominee and congratulate Judge Harry A. Blackmun and wish him a most constructive and illustrious tenure on the Supreme Court.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled, "Prospects for Justice," published in the Arkansas Democrat on Monday, April 27, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROSPECTS FOR JUSTICE

Let's get the important stuff out of the way first in our examination of Judge Harry A. Blackmun, President Nixon's latest nominee to the Supreme Court.

Judge Blackmun reads Dostoevski, works Saturday Review double-crostics, quit chess because hypothetical moves kept him awake nights, collects stamps and likes dogs, or at least one named Pitter, the only chihuahua bitch extant without pop eyes. Although a graduate of Harvard, he reportedly sings Yale's "Whiffenpoof Song" in the shower.

That out of the way, we might also mention that his financial dealings appear to be above any of the questions raised by Clement Haynsworth's rather casual concern for letting his court rulings get in the way of making money. And that his stature as a jurist, based on a distinguished record on the 8th U.S. Circuit Court of Appeals at St. Louis, precludes him from the charge of mediocrity leveled at Harrold Carswell.

While we're at it, we might as well also look at his ideological orientation. In this area we can examine him in relation to our immediate surroundings, since he has ruled on several Arkansas cases.

In striking down the use of the whip in Arkansas prisons, he wrote, "Corporal punishment generates hate toward the keepers who punish and toward the system which permits it. It is degrading to the punisher and to the punished alike. It frustrates correctional and rehabilitative goals. . . ."

In telling the state to retry or release condemned rapist William Maxwell because of racial discrimination in choosing his jury, Judge Blackmun wrote, "That this may result in further time-consuming proceedings, both trial and appellate, before there can be an end to the (defendant's) case is, of course, regrettable. . . . Nevertheless it is to the credit and not to the shame of our system that, no matter what the alleged crime may be, a defendant in this nation will receive a trial conducted with the safeguards guaranteed by our fundamental law."

In directing the El Dorado school district to achieve further integration, he said: "We do not rule that busing is a constitutional imperative. Busing is only one possible tool in the implementation to unitary schools. Busing may or may not be a useful factor in the required and forthcoming solution of the elementary school problem which the district faces."

So we see that Judge Blackmun, while being restrained enough in his judgments to fit Mr. Nixon's definition of strict constructionist, would also continue the Supreme Court's decision to the protection of citizens' rights to equal protection under the law.

The most encouraging aspect of the Blackmun nomination may be that the President picked him on the advice of Chief Justice Warren Burger. This could mean that Mr. Nixon has quit paying so much attention to Attorney General Mitchell, who suggested the Haynsworth and Carswell nominations. The prospects for justice in this country are improving.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow, Tuesday, and that it convene at that time in executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time for debate on the nomination of Judge Blackmun be equally divided and controlled, respectively, by the majority and the minority leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, reads as follows:

Ordered, That the Senate meet at 11 a.m. on Tuesday, May 12, 1970, in executive session, and that the vote on the confirmation of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States occur at 2:30 p.m., with that time being equally divided and controlled, respectively, by the majority and minority leaders.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. PERCY. Mr. President, I enthusiastically support the nomination of Judge Harry A. Blackmun to serve as an Associate Justice of the Supreme Court of the United States. In my judgment, he will bring to the Court the qualifications that will inspire confidence in that institution and will advance the measure and quality of justice in our country.

What the Senate has been seeking over the past year is a man of extraordinary competence, of unimpeachable ethics, and of acute social sensitivity. President Nixon has given us such a man. Judge Blackmun has established a balanced record during his career. He is considered a strict constructionist, moderate on civil rights and conservative in the area of law enforcement. While these adjectives bespeak his philosophy, his method can only be termed one of excellence.

From the very beginning, Judge Blackmun came forward with a laudable candor before the Judiciary Committee of the Senate and before the public. No witnesses appeared in opposition to his nomination and the committee voted unanimously in his favor. The American Bar Association, pursuing new and more stringent criteria in passing on his fitness for service on the highest court of the land, expressed the unanimous view that he met the highest standards. And he has consistently demonstrated an important recognition of the changing demands of judicial propriety and an essential sensitivity to crucial questions of civil and human rights.

I am extremely pleased in this case that the President himself has taken charge of the selection. I was surprised when he disclosed to me in a meeting in his office prior to Senate action on the nomination of Judge Haynsworth, "You know, I've never met Judge Haynsworth."

I can, of course, well understand the President's desire to avoid cronyism, but in my mind an appointment to the Supreme Court is too important and a Justice, too influential, to warrant reliance on any substitute for the President's own best judgment.

The President met privately with Judge Blackmun and made his decision. Already we have sensed the quality of that judgment, and I am confident the

Senate will overwhelmingly, if not unanimously, ratify his choice.

There have been three extremely sensitive areas that have called for consideration, debate, and discussion over the past year in connection with the nomination of Associate Justices to the Supreme Court.

The first area was conflict of interest. In this respect, the candor of Judge Blackmun, both before the committee and the public, and the candor of the Justice Department were unprecedented. Judge Blackmun freely made available information regarding his financial holdings and Deputy Attorney General Kleindienst advised the committee that Judge Blackmun has never sat in a case involving "any corporation or entity for which he was then serving as an officer, director, or in a similar capacity," nor has he sat in a case "involving parties whom he had represented as an attorney."

Over the course of nearly 11 years and 900 cases, Judge Blackmun participated in only four cases in which he had any financial connection whatever. In the first of these cases, involving Ford Motor Co., Judge Blackmun held interests in the amount of $2,500. He disclosed his stock interest to the chief judge of the circuit and the chief judge advised against disqualification because his interests was so small. In the other cases, his interest was again so minute a fraction of the total number of outstanding shares as to negate the monetary importance of his decision.

The second important area on which Senate debate has focused has been human or civil rights. When Richard Nixon accepted his party's nomination, he called for the appointment of men "dedicated to the great principles of civil rights."

In sharp contrast with previous nominees, not one single witness has appeared before the committee in its hearings on Judge Blackmun or to my knowledge contacted any Senator who has in any way criticized the long record held by Judge Blackmun in this highly sensitive area. In fact, many witnesses have indicated that Judge Blackmun's record reveals a deep sensitivity to those individual rights and freedoms guaranteed by our Constitution.

Mr. President, the third area in which debate has developed has been concerned with differences in ideology: conservatism versus liberalism. Here again there seems to be no dispute about the fact that Judge Blackmun in his judicial opinion has been conservative and, what might be termed, a strict constructionist of the Constitution. Yet, the Committee on the Judiciary, whose members spent more time than any other Senators on this matter, unanimously support the nomination. Senators such as the Senator from Mississippi (Mr. Eastland), the Senator from Arkansas (Mr. McClellan), the Senator from North Carolina (Mr. Ervin), the Senator from Connecticut (Mr. Dodd), the Senator from North Dakota (Mr. Burdick), the Senator from West Virginia (Mr. Byrd), the Senator from Nebraska (Mr. Hruska), the Senator from Hawaii (Mr. Fong), the Senator from Pennsylvania (Mr. Scott), the Senator from South Carolina (Mr. Thurmond), the Senator from Kentucky (Mr. Cook), the Senator from Maryland (Mr. Mathias), and the Senator from Michigan (Mr. Griffin), are men who have balanced feelings in the area of ideology. Their votes are joined by others on the Judiciary Committee such as the Senator from Michigan (Mr. Hart), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Maryland (Mr. Tydings), to arrive at a unanimous vote in favor of the nomination.

So the country has assurance, whether an individual is liberal or conservative in terms of his judicial philosophy or regardless of his geographical origins—east or west, north or south—if he meets the high judicial and scholarly qualifications for the Supreme Court, he will be confirmed. The test is excellence, not partisanship, not sectionalism, not philosophy.

I might say, parenthetically, that those of us from Illinois are particularly pleased by this nomination since Judge Blackmun was born in Nashville, Ill., but this is not our major source of enthusiasm for this nominee. I am confident that the people of Illinois, who manifested such divisiveness over the earlier candidates' qualifications, can and will take pride and find agreement in Judge Blackmun's nomination. In fact, I have received virtually no mail from Illinois constituents opposing his nomination.

The wracking controversies that characterized the debate over the Court have made us eager to get on with the business of filling the Supreme Court vacancy expeditiously and without invective. Very soon after the announcement of Judge Blackmun's nomination, I discerned in the Senate and among the public the feeling that we are about to reap the rewards of our long insistence upon excellence. While those of us who have held out for a candidate who exemplified the indispensible qualifications for the Supreme Court would have held out even longer had the present nominee been found wanting, we are deeply gratified that that was not necessary.

Harry A. Blackmun has exemplified an enormous mental capacity for comprehension, brilliance, a stalwart character, partial only in its pursuit of justice, and a sensitive regard for the rights of all individuals within society. In choosing our interpreters and ministers of the law, we cannot and should not settle for less.

LEGISLATIVE SESSION

Mr. HRUSKA. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT OF THE SESSION UNTIL TOMORROW

Mr. PROXMIRE. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until the Senate reconvenes at 11 a.m. tomorrow, all committees be authorized to file reports, including minority, supplemental, and individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE OXFORD OATH

Mr. ALLOTT. Mr. President, the Friday, May 8, edition of the Washington Post carried a timely and thoughtful column by Joseph Alsop concerning an ominous historical parallel to the current wave of student protest.

The current campus-based agitation against American policy in Vietnam reminds Mr. Alsop of a time when there was enthusiasm among British students for what came to be known as the "Oxford Oath." This was an oath, sworn to by large numbers of British students during the 1930's, which involved the pledge never to "bear arms for king and country."

As Mr. Alsop notes, this was not harmless student dissent. The oath received its first publicity and its name, from the fact that it was heavily supported by a vote in the Oxford University Union in 1933—after Hitler had taken power.

Hitler was impressed. Captured Nazi documents indicate that Hitler frequently referred to this oath as evidence that his aggression would not arouse forceful British opposition. For a long time he was right. By the time it dawned on the British that German national socialism and Italian fascism were expansionist ideologies, they had already expanded so far that they could only be stopped by the most costly war in history.

Mr. Alsop does not mention the fact that American students in the 1930's had their own version of the "Oxford Oath." That American "peace pledge" also contributed to the dangerous overconfidence in the German and Italian Governments.

It is evidently the case that large numbers of American students are through studying history—and everything else—for this year. That is too bad. They have a lot to learn from the past.

I ask unanimous consent to have Mr. Alsop's important column printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

Demonstrators Should Ponder British Students' "Oxford Oath"

(By Joseph Alsop)

In 1933, with Adolf Hitler already in power in Germany, a substantial majority of the members of the Oxford Union voted that they would never "bear arms for king and country."

This "Oxford Oath," as it was called at the time, must be wholly unknown to the young antiwar demonstrators, since they are also antihistory. But they will do well to ponder it, all the same.

The vote of the Oxford Union undoubtedly reflected the views then held by most British undergraduates. For that very reason, and also because it had a certain dramatic succinctness, it made a lot of noise in the world.

Among those who remember the "Oxford Oath" today, the customary thing to say is that the very same undergraduates who swore they would never bear arms in Britain's defense, then went out and fought like hell in Hitler's war. This is true, in the main, but it is also completely unimportant.

It is most important, however, that the "Oxford Oath" made a tremendous impression upon Hitler himself, as the archives reveal. In fact Hitler customarily cited the oath, whenever the German general staff warned him of the risks of his next move forward. It was proof, Hitler said, that Britain was rotten to the core, which meant that the risks were being exaggerated by the general staff.

In this manner, in fact, the "Oxford Oath" even played a certain role in bringing on the Second World War. Even more important, it was also a mere reflection of the condition of moral and material disarmament into which Britain had fallen at that time.

It revealed the climate that left Britain almost unarmed, while Hitler built up Germany's armed might at a furious rate. It forecast the impotence of Britain's response to the invasion of the Rhineland, when Hitler's rule would have ended if the English government had been vigorous and firm.

In sum, the "Oxford Oath," the climate that produced it, and the other results that climate also produced, add up to a grim textbook case for today's young demonstrators to study. If they study the case carefully, they will learn exactly how to blunder into a third world war by being antiwar. And that is precisely where we are tending.

It is just this aspect of the American situation that most disturbs a traveler, like this reporter, who has just returned from an intensive inspection of two wars, in Vietnam and in Israel. The war in Vietnam is going very well indeed, as President Nixon quite truthfully informed the country.

It will go even better if the President wins his Cambodian gamble. Without Cambodian supplies and Cambodian bases, in fact, Hanoi must eventually abandon the war altogether in the richest and most important part of South Vietnam, the two big Southern Corps areas. And if this happens, American lives will indeed be saved, just as the President said.

But in the Middle East, it is very difficult indeed. Here the Russians have now taken over Egypt's air defense, pretty nearly lock, stock and barrel. They have thereby placed the hate-swollen Egyptians in a position to wear down Israel by slow stages, until Israel is destroyed. And let no one deceive himself: Israel's total destruction is Gamal Abdel Nasser's real aim.

It remains to be seen what the Israelis will do about this. Since they are too few to fight a purely defensive war, whatever they do must involve really desperate risks. There is something else, however, that most emphatically does not remain to be seen. The new Soviet step in the Middle East implies a drastic Soviet change of course, toward a much bolder, more aggressive national policy.

It can be said on highest authority that this ominous Soviet change of course was very much present in the President's mind, when he made his Cambodian decision. Looking at the toughness the President showed in that decision, the Kremlin leaders must naturally recalculate their risks all over the world.

But it is now a contest between the President and the antiwar demonstrators. Let us suppose the demonstrators win, by senatorial fatheadedness or in some other way. The United States will then sink into the condition of moral and military disarmament which these young people have been taught to regard as the national ideal.

Israel's destruction will be among the first consequences; in fact the demonstrators and their older inspirers will be Nasser's partners in the murder of Israel. One could go further with the lessons of the "Oxford Oath," but this should be sufficient.

THE IMPLICATIONS OF PRESIDENT NIXON'S DECISIONS ON CAMBODIA

Mr. ALLOTT. Mr. President, in their column of Thursday May 7, in the Washington Post, Rowland Evans and Robert Novak indicate the larger implications of the President's decision to authorize a limited sweep through the Cambodian sanctuaries.

The current allied operation is limited in its aim and its duration. But as the columnists make clear, the action has implications for the security of the whole region.

Their column is datelined Bangkok, and it deals with the current situation in Thailand. I ask unanimous consent to have this column printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 7, 1970]

Doubts About United States and Fear of China Are Forcing Thailand to Woo Russia

(By Rowland Evans and Robert Novak)

Bangkok, Thailand.—Until President Nixon's daring military move into Cambodia, the crisis of confidence toward the U.S. by our Asian allies had become so serious that staunchly anti-Communist Thailand was making serious overtures toward the Soviet Union.

Fearful that the Nixon Doctrine really signals the withdrawal of the U.S. from Asia, Thailand sees an intractable and imperialistic Communist China filling the vacuum left in this part of the world by the departing Americans. Who, then, is left to counter the Chinese but their Communist rivals, the Soviet Union? That's why Bangkok in recent months has quietly been warming its formerly cool relations with Moscow. The Thais, who pride themselves on centuries of independence, were simply acting the role of the pragmatists of Southeast Asia.

This development (described as "an adjustment of policy") was made clear to us in a candid interview with Dr. Thanat Khoman, Thailand's shrewd and urbane Minister of Foreign Affairs, prior to the U.S. move into Cambodia. At that time, Thanat was deeply troubled by events in Washington. "Everybody knows there is a neo-isolationist wave in the United States," he told us, "and now it seems the wave is in the majority."

Thus, whatever its final military outcome, President Nixon's Cambodia move will have—temporarily at least—a reassuring effect on nervous Asian allies such as Thailand. That, in fact, is one of its secondary purposes.

Even before the Cambodian operation, Thailand was not about to abandon its Western orientation for outright neutralism. Its 12,000-man detachment remains in the Vietnam war. Thai soldiers are fighting the Communists on a covert basis, in southern Laos. Bangkok, stands ready to send detachments to reinforce outnumbered Lao forces in northern Laos if requested by Vientiane.

Nor is it certain that less worldly figures in Thailand's semi-military government are wholly in accord with Thanat. It may be symptomatic that Thanat's hint several weeks ago of a possible reduction in Thai forces in Vietnam was slapped down by Gen. Prapass Charusathiara, the powerful deputy prime minister.

The fact remains, however, Thailand for the first time is talking to the European Communist bloc—negotiating a commercial air agreement with the Soviets and trade agreements with Romania and Bulgaria. Thai officials privately note historic bonds between Thailand and Czarist Russia and comment that the matter of mutual air landing rights, requiring months of vituperative haggling with the U.S., was disposed of in a few hours with the Soviets.

Thanat's own comments underline this as a significant departure for his country. "This is not surrender," he told us. "This is not compromise. This is facing the realities. . . we are drawing up our contingency plans, and you can't blame us." Those "realities" are twofold: doubt about the U.S. and fear about China.

That China's long-range goal is to dominate Thailand is taken for granted in Bangkok. The ominous road that the Chinese are building across northern Laos into Thailand is symbolic. The intensifying Communist insurgency of Meo tribesmen in north Thailand is led by Thais of Chinese extraction, many of them trained in China, and is partially supplied from China.

All Thai attempts to talk to Peking have failed. Most recently, Thanat hoped that the Thai representative would get a change to talk to the Chinese representative during the wedding of the Prince of Nepal in Katmandu. In fact, the Chinese ambassador refused to pass the time of day with any of the diplomats on grounds he had no instructions from Peking.

Coinciding with Chinese intransigence in the souring of relations with the U.S. The Thais are still shaken by last year's abrupt repudiation by the Nixon's administration, under Senate pressure, of the mutual contingency defense plan for Thailand. The new requirement that Americans visiting Thailand more than 15 days must have entry visas is a sign that the days of warm camaraderie are over.

Whether the Nixon Doctrine is broad enough to ever restore the old amiability is doubtful. But second only to their apprehension about China, the Thais have been deeply concerned about North Vietnamese invasions of Laos and Cambodia, the two buffer states around Thailand. Mr. Nixon's Cambodian offensive last week recognizing this menace makes for calmer nerves and more confidence in Bangkok.

THE PRESIDENT'S DECISION

Mr. ALLOTT. Mr. President, two distinguished journalists—Roscoe and Geoffrey Drummond—published a fine and fair column in the Washington Post of Saturday, May 9. It expresses admiration for the President's steadfastness in making tough and necessary decisions.

I am sure this admiration is shared by the majority of American people. In order that the Drummonds' insights may be shared with my colleagues, I ask unanimous consent to have their column printed in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 9, 1970]

Toughest Decision by President Shows the Measure of the Man

(By Roscoe and Geoffrey Drummond)

Richard Nixon now faces his most perilous political crisis.

He has often said privately that he is quite prepared to be a one-term President if that is the price of making the tough decisions he believes must be made.

He has now made the toughest decision of all—to expand the area of fighting by sending U.S. ground troops against the Communist-held sanctuaries in Cambodia.

He knows that his single action makes it

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"Nixon's war" from now on. He knows that unless this expanded combat achieves its stated objectives, he faces political calamity.

That's the measure of the man and the bigness of the decision he has made.

Everyone knows that Mr. Nixon inherited the war, inherited the way it was fought, inherited the circumstances under which President Johnson himself tried to bring it to an end.

But it is "Nixon's war" now, both politically and militarily, because he alone is shaping the course by which he promises to extricate the United States without defeat, without humiliation, with a "just peace" and with the minimum risk to American lives.

He isn't blaming anybody for the past. He is taking, without any hedging, full responsibility for the present and the future. That's the measure of the man, and it should be reassuring to the nation.

How will the country respond?

Present indications are that the congressional critics of the President's decision are not ready to take responsibility for any alternative courses of action. They criticize what he is doing, but they are apparently skittish about taking any action which would put the responsibility on themselves for doing anything differently.

Sen. J. W. Fulbright proposes no action on the part of the Senate Foreign Relations Committee other than to try to "persuade" the President he is wrong. House resolutions which would seek to direct the commander-in-chief not to do what he is doing will almost certainly be defeated if they are ever brought to a vote.

It seems to us significant that the extreme dove-critics of the President's actions aimed to end the war without throwing away the peace always stop short of putting their own alternatives to a vote so the country could hold them accountable if they should prove to be the majority.

President Nixon cited the alternatives he had to choose from in light of the mounting enemy threat to remaining U.S. forces:

"We can do nothing," he said. He rejected that on the ground it would imperil the lives of American troops, delay the planned withdrawal of 150,000 more men in the coming year and consign South Vietnam to Communist conquest.

"We can provide massive assistance to Cambodia." He rejected that because it wouldn't work.

"We can go to the heart of the trouble," he said, by acting to destroy the Communist sanctuaries. That's what he is doing.

The congressional critics have alternatives they could take. They could test their strength by proposing that Congress direct the President to remove all U.S. troops from Vietnam at once—and take the consequences.

They could offer a resolution in the Senate and House, denying the President use of any funds to protect U.S. troops the way he is now doing in Cambodia.

Senator Fulbright shuns these actions because they mean taking reponsibility for the consequences which would flow from such actions.

In the past, most Americans have shown that they admire and support the kind of bold, courageous decisiveness President Nixon is providing. It is politically riskful—so be it.

MARTYRDOM NOT ACHIEVED

Mr. ALLOTT. Mr. President, Mr. William Raspberry, the distinguished columnist of the Washington Post, did a real service with his column of Friday, May 8. In that column he examined the mindless self-righteousness of the so-called "D.C. Nine"—one of the clusters of civil disobedients that have been brought to trial for destructive actions.

Since this town received more than its share of possessed visitors. It might be useful for Senators to ponder Mr. Raspberry's wise words. For that reason I ask unanimous consent to have his column printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 8, 1970]

EXACTLY NOTHING CONTRIBUTED BY "MARTYRDOM" OF D.C. NINE

(By William Raspberry)

The D.C. Nine have been convicted of ransacking the Washington offices of the Dow Chemical Co. a year ago and given sentences ranging up to six years.

Whether you view the sentences as light (they could have gotten up to 35 years each) or the defendants as martyrs says an awful lot about how you view protest, politics, justice and the war in Vietnam.

The defendants themselves saw their action as a sort of holy crusade against a manifestly evil war. They were outraged that the police and Judge John H. Pratt saw it as a case of unlawful entry and malicious destruction of property. Criminal charges not moral ones.

For the nine—four Catholic priests, a nun, a former nun, two Jesuit seminarians and a draft resister—the question was not *whether* they broke into the Dow offices and destroyed the records; they had earlier announced to the press their intentions to do just that.

The question they wanted aired was why. You see, Dow makes napalm, and napalm is harmful to children and other living things in Vietnam. They had wanted to talk about the evil of the war and the "criminality" of Dow's involvement in it. The vandalism was intended only to provide a forum for talking about the bigger questions.

Unfortunately, Judge Pratt sits in U.S. District Court here, not in Nuremberg.

There is evidence that the defendants were confused about that, as they were about a lot of things.

They seemed to believe that, somehow, the court (and the jury) would find it possible to try not the defendants but the war itself, or at the very least that Judge Pratt would grant them a platform for denouncing the American involvement in Southeast Asia.

They occasionally compared themselves with the late Dr. Martin Luther King, which suggested that they missed two of that martyr's main points.

In the first place, Dr. King was nonviolent, a philosophy he extended to property as well as person. And in the second place, when Dr. King broke laws, they were either local laws he believed to be at odds with federal provisions—in which case he expected to have them overturned in the courts, rendering them, in effect non-laws—or he acted in accord with a "higher law," in which case he fully expected to pay the earthly penalty for his earthly offense.

The D.C. nine were different. They expected to escape punishment, an expectation which painted them as arrogant saints.

They, like many of the college-age protesters, remembered only half of civil disobedience in the King tradition. They forgot, or seemed to, that Dr. King spent an awful lot of time in jail.

They were almost childishly disrespectful at times, one nun insisting, for example, on addressing the judge as "John." At other times they were simply naive, as when one defendant said:

"We are not afraid, because we are right . . . we know that we have taken a step forward for truth, justice and humanity."

The truth is, they had done nothing of the kind. They evoked a good deal of public sympathy—and confusion—because of their religious vocations. But they did little to enlighten the public on the issue of the war or on anything else except their own arrogance.

Few people feel differently now about Dow and the war than they did before the vandalism. Their martyrdom, sad to say, contributed nothing at all.

They don't even come as martyrs in any real sense. For they have been sentenced not for what they believe, but—for a couple of run-of-the-mill criminal offenses.

SENATOR ALLOTT ADDRESSES FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY'S COMMITTEE ON FEDERAL LABORATORIES

Mr. ALLOTT. Mr. President, last Thursday evening I had the pleasure of addressing the members of the Federal Council for Science and Technology's Committee on Federal Laboratories.

I used the occasion to examine some of the factors currently shaping the Federal effort in science research and development. So that I might share these thoughts with my colleagues, I ask unanimous consent to have my address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR ALLOTT

I am here tonight to help bridge a gap that is less publicized and more avoidable than the "generation gap." I am referring to what I call the "Understanding Gap" between the scientific community and the Congress.

I do not intend to burden you with any esoteric thoughts on the so-called "two cultures" problem which Professors Leavis and Snow and others have explored. My concern is more practical.

My direct and practical interest in science—and the source of your direct and practical interest in me—is that point at which the needs of hard science meet the realities of the dismal science. Of course I am referring to the so-called "dismal science" of economics and to my part in the appropriations process.

As ranking Member of the Independent Offices Appropriations Subcommittee, and as a Member of the Defense Appropriations Subcommittee, I have considerable exposure to the desires—and frustrations—of the scientific community.

Tonight I want to share with you some thoughts on the legislators task of reaching an accommodation between the interests of the science community and the general national interest. Seeking such accommodations is a central part of the legislative function. But when high-level science research and development is involved, there are special complexities. These complexities relate to the scale of modern science enterprise.

The complexities of scale involve the cost of high-level R&D, and the increasingly elongated time-horizon that is relevant to planning and evaluating our Federal science effort.

There is a wide-spread fear, extending beyond the science community, that America is about to incur a "research gap" of its own making. This fear suggests three questions.

First, what is meant by the phrase "research gap"?

Second, what recent developments feed the fear that such a gap might develop?

Third, what can be done to ease the current anxieties in the science community, or perhaps to find a silver lining to the clouds that currently darken the sky?

I will deal with these questions in order. First, let me try to sort out some nuances of the phrase "research gap."

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The term "research gap" can refer to a gap between our current effort in a particular field and our projected needs for achievements from this field. But in addition, as I understand current usage of that term, a "research gap" is said to exist not only when some other nation enjoys a science capability which exceeds our own in some field, but also when American preeminence in a particular field is less striking than we think desirable, or is less than it once may have been.

When the term "research gap" is understood this broadly, it is almost impossible to deny that the United States is experiencing a "research gap" at any given time. This is especially the case because until very recently we have enjoyed what was perhaps an unnatural scienctific preeminence. A number of things contributed to this.

America is the richest Nation in the world. Moreover, when totalitarianism engulfed Europe, the United States became a principle beneficiary of an "intellectual immigration" which brought to our shore, and into our laboratories, some of the world's great scientists. Further, World War II disrupted the economies which supported advanced science in Europe. Finally, in the last three decades the United States has been deeply involved in a "hot" war and in a prolonged and dangerous Cold War. Both wars led to a forced-draft R&D effort.

I think it is healthy for Americans, within and without the scientific community, to feel that something is amiss when America is reduced to even a penultimate status in any field of high culture. This is a healthy presupposition and it helps sharpen the compentitive edge which I consider essential to national excellence.

But this presupposition does not constitute an argument, and it can become tinged with chauvinism. We must be careful to distinguish between serious arguments for heavy R&D spending that are based on serious long-term projections of national needs, and arguments that rely excessivly on national vanity. It really will not do to rest the case for (say) magnetic studies on the argument that the Dutch are closing in on us in this field.

There is another point to be made with regard to the problematic meaning of the phrase "research gap." Consider a statement recently made by Congressman Daddario, who feels deeply about what he takes to be a recent slighting of the scientific community. Congressman Daddario says:

"What seems particularly ironic is the obvious fact that none of the missions of the so-called mission agencies is likely to be realized without fundamental new knowledge of the kind sought by many of the research programs which are being downgraded or abandoned. Yet the annual cost of all of them together would not pay the interest on the national debt for a week or social security benefits for a day."

I want to point out two things about this statement.

First, the situation described—in which we know the sort of new knowledge that is needed for achieving stipulated objectives—is the situation that generally exists.

Second, the cost comparisons which the Congressman uses are perhaps more significant than the Congressman intended. Let me explain.

The cold economic facts are responsible for most of the fears that our science effort is endangered.

In this regard the Congressman mentions interest payments on the national debt and social security payments. This raises an interesting point.

Interest on the national debt and social security payments are "uncontrollables." That is, they become available without any current congressional action. Taking January estimates for FY 1971, 43 percent of the budget is tied up in uncontrollables. When these are combined with the pared-down defense request, we have approximately 80 percent of the FY 1971 budget. This leaves us with approximately $40 billion not committed to uncontrollables or national defense.

This is not an insignificant sum. It is twenty percent of a large budget, and it is a total larger than the whole Federal budget as recently as 1949. But it does not leave much elbow room.

In January it looked as though we might be able to get through the year with a balanced budget. But in just four months this hope has been jeopardized by three things: continuing high interest rates, some unexpected expenditures (such as the $3 billion Federal pay increase), and decreased tax revenues resulting from two consecutive quarters of economic slowdown.

As a result, some informed observers indicate that we might run a deficit as high as $8 billion. The root cause of this is inflation, and the thing we have to fear from it is more inflation. Experts in the dismal science are like experts in other sciences—they disagree about some important things. Economists disagree as to whether each deficit dollar has the inflationary impact of two, three or four regular dollars. I tend to think the higher estimates are more nearly correct. But in any case, a deficit will jeopardize the fight against the inflation that is causing the deficit. And the financial strength of the scientific community will not increase until the strength of the inflationary pressures diminishes.

I know it is small comfort to be told that others are in the same boat. But misery, it is said, loves company, and scientists have a lot of company in the misery of seeing funds cut, special projects go unfunded, and existing funds eroded by inflation.

Dr. Lee DuBridge, the President's science advisor, says that although Federal dollar support has remained stable, research support (measured in terms of "real dollars") has eroded by 30 percent in the past four years as a result of inflation.

Further, as inflation takes its toll on the vigor of the economy, we are receiving a dramatic—if painful—lesson about our society. High culture—including advanced scientific research—is precariously dependent on the upper most margin of wealth that our economy provides in periods of peak health.

When you consider this fact, and the current constraints imposed by inflation and the growth of "uncontrollables," you come to realize that when people talk about "reordering priorities" they may be talking about you. Whether they know it or not, the implication of their position may be a lowering of the rank of science R&D in American priorities.

Clearly the scientific community has a moral responsibility that accords with a practical interest. It has the moral responsibility to limit their fund requests in a period when the rest of the nation is being asked—and, in some cases, required—to make similar sacrifices. And it has a practical interest in curbing the inflation that is limiting the uses to which Congress can put the "controlled" portions of the budget.

Thus far in examining the factors that lead some to fear for America's R&D commitment I have stressed financial factors. I do want to say a few words about a cultural factor, the political importance of which cannot yet be measured. It concerns a growing disrespect for science in general, a disrespect that runs against the grain of modern thought.

The spirit of modernity is perfectly captured in Bacon's revision of the ancients' idea that knowledge is virtue. Bacon declared that knowledge is power, and this power should be used to "torture" nature until she yields her infinite secrets to science.

Today there is an extraordinary questioning—especially among the young—about the relationship between man and nature. There is a reaction against science itself. Many voice a vague suspicion, that science is unresponsive to human needs, and that it constitutes a disrespect for nature.

In addition, sensitive and alert citizens such as you do not need to be told that a significant portion of the American public is apprehensive about the emergence of an American technocracy, and is resentful of the arrogance and privileges—real or imagined—of the scholarly class.

I do not want to get into questions of "pop sociology." Nor do I want to sermonize. I do not want to rule on the question of whether these people constitute a majority (silent or otherwise), or whether their perceptions are accurate. But I would be remiss if I did not include this facet of public opinion on my list of factors which complicate life for the science community.

Thus far I have catalogued some depressing facts. Now let me change pace.

I want to be very clear about where I stand, and where I think most of my colleagues stand. Neither I nor my colleagues can do much for science, or for anything else, until we bring inflation under control. When we achieve that, have some in latitude with regard to science policy, I know that I will favor, and the Administration will favor a strong commitment to science.

But even while the economy is a problem, Congress agrees with the President that, "Scientific activity cannot be turned on and off like a faucet." To minimize inconvenience to science in this period of tight money, I would suggest that we all explore new ways of maximizing the resources available to the Federal science community.

Approximately 70 percent of the 570,000 scientists and engineers doing R&D work in America are in private industry. Government will provide 57 percent of a total of $27.2 billion spent this year on R&D, but the private sector will account for 70 percent of all R&D performance. This is possible because Government will furnish 44 percent of the R&D funds spent by the private sector. But within the private sector, the reliance on private funds has risen 11 percent in just five years.

Surely it would be useful to encourage more interaction between the public and private R&D. If this period of tight money encourages this, then we may emerge from this period with more flexible institutions. It might be said that periods of tight money—like periods of war—can bring out the best in men and institutions. When inflationary pressures are high, and budget options are few, men and institutions are put on their mettle. This is constructive if it forces men to stringently reexamine their own priorities, and if it encourages institutions to become innovative in the ways they operate—and, especially, in the ways they seek financial resources.

I do not think we are standing at "the end of an era" insofar as a national commitment to science is concerned.

On the other hand, I do think the scientific community is going to find it very much in its own interest to collaborate with the Congress in the continuing assessment of that commitment.

In this regard I have two suggestions.

First, I favor establishing a Joint Congressional Committee on Science and Technology, and I favor establishing an Office of Technology Assessment for the Congress. These measures would enhance the efficiency (and hence the good name) of our science effort, and they would strengthen the case for increasing that effort.

Second, I favor including scientist ad-

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visors on the staffs of all relevant Congressional committees.

This would help dispel the suspicion, within Congress and without, that the Government is legislating blindly in this area, and that the Government is at the mercy of scientists with pet projects.

Some persons may think that attaching scientists to Congressional staffs would be like sending a goat to watch the cabbage. They may think that it is impossible to find a scientifically competent person who is not permeated with bias in favor of the scientific community. I do not think there would be serious problems in this regard.

First, there is no single "science interest." The interests of American science are various, often unrelated, and sometimes in conflict.

Second, it is unjust to the science community to assume that no competent scientist can be found who will put the national interest over some professional interest.

Third, the problem of finding advisors who are both informed and disinterested is not a new problem. We face it (for example) in most regulatory agencies. When one wants to locate men who are informed about the innermost workings of a particular industry, it is often sensible to hunt for them within that industry. But we do not feel that this means that such men must be biased or self-serving.

Fourth, a science advisor to a Congressional committee will be an advisor. He will advise legislators about particular projects. But the legislators will retain the responsibility to consent to these projects.

Anyway, the crucial point remains that legislators will continue to make vital and far-reaching decisions about science, with or without the benefit of advice. Clearly such advice is needed.

I make these recommendations as a friend of the scientific community. The health and security of our society is bound up with the health of our science. Unfortunately, the health of neither is permanently secure.

Benjamin Disraeli, a learned and subtle politician, once remarked that "what art was to the ancient world, science is to the modern." Perhaps this is true.

If so, we should all work to make sure that the achievements of science justify our respect for it. We can do this by making sure that our respect for science is reflected in our readiness to adapt it to the most humane and innovative purposes.

SENATOR COOK'S ADDRESS AT THE UNIVERSITY OF KENTUCKY ON EARTH DAY

Mr. ALLOTT. Mr. President, the distinguished junior Senator from Kentucky recently presented a most important statement in connection with Earth Day at the University of Kentucky. In a most thoughtful speech he has called for both a reassessment of our population growth and a reorientation of man's attitude toward nature.

Senator Cook has appealed to America's youth to accept the environmental challenges in the spirit that they have met other great issues. I share the hope that the Senator expressed that the boundless enthusiasm of youth, with their alert and inquisitive minds, may provide constructive solutions to the present environmental challenges.

Mr. President, I ask unanimous consent that the text of Senator Cook's statement be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Speech by Senator Marlow Cook, Republican of Kentucky, Memorial Coliseum, University of Kentucky, April 22, 1970, "Earth Day"

In the crisp, but revealing, words of the late English philosopher-historian, Bertrand Russell:

"Man, even if he does not commit suicide will perish ultimately through failure of water or air or warmth. It is difficult to believe that Omnipotence needed so vast a setting for so small and transistory result."

Were Lord Russell alive and well today, I am sure that he would be observing, in his own fashion, "Earth Day".

All across this country, young men and women are studying, listening, discussing, acting and generally making themselves and others aware of the imminent environmental crisis. However, I did not come here today to prophesy the doom of the world or to bore you with the very abundant statistics of how many tons of pollutants are daily spewed into the air, onto the land and into the water and oceans. We are all necessarily aware of the situation or we would not be here.

Today, April 22, is a day for many things. In the vernacular of the young, it is a time "to do your own thing" about pollution. To me this and the preceding days are for reflection on the cause of our present predicament.

As with the science of ecology itself, the environmental problem is the result of a number of interrelated factors. The three principal elements have been man's philosophy, technology and procreative powers. From an historical perspective it is not a result of the last decade, the last hundred years, the industrial revolution or even the agricultural revolution.

The root cause lies in ancient man's conscious philosophical belief that he, and he alone, is the central and dominant being in the environmental structure. Ever since the first humanoid crept out of his cave to kill the vermin and the wildlife, tame the wilderness, control the rivers and in general—conquer the world—man has been on a collision course with that world.

And God said, let us make man in our own image, after our own likeness; and let them have dominion over the fish of the sea, and the fowl of the air, and over the cattle, and over all the earth and over every creeping thing. . . (Genesis, 26:28)

Man the consummate consumer has cloaked his self-importance with spiritual garb and has very nearly conquered the world. Today, he can start being a *part* of the world.

While the underlying cause may be philosophical, it is only within the last one or two centuries that our technical advancement has made possible the ultimate subjugation of nature. The invention of the steam and internal combustion engines, the vacuum tube, the transistor and finally nuclear power has brought forth a heretofore undreamed-of standard of living. The products of science and industry have in turn created more demands for "creature comforts" by an ever-expanding populace. Appliances, automobiles and air conditioners have become "necessities", not luxuries. The manufacture, use and eventual disposal of these and other items create ever-increasing demands upon our resources. We have indeed created a *consumptive technology*—a technology which devours and consumes without truly creating or replenishing.

In the *New Republic* Doctor Wayne H. Davis stated that the United States, in terms of the impact of people on land, causes more environmental self-destruction than India, which has twice as many people on much less land. Doctor Davis, a nationally recognized biologist and ecologist, explained that the United States' population, in terms of "Indian equivalents", is at least 4 billion. A single affluent American consumes and wastes as much as 25 Indian citizens.

This brings us to the last major factor, the population expansion. While some still ignore this as a problem, the general consensus is that it is becoming more critical each year. Even without a highly developed *consumptive technology*, and the desire to use it, the earth will support only a finite number of people.

The counter-arguments that our science will find ways to feed billions more, and that many parts of the globe are thinly populated, are no longer relevant in terms of present scientific knowledge. As Doctor Paul R. Ehrlich has said, "Density alone is one of the least important considerations." Much more important is the availability of needed resources. The Sahara Desert has a low density of habitation, but then its resources limit the number of life support. But of the utmost importance is the full development of human potential. As thinking and sensitive beings, it is quality of life we should be striving for, not quantity.

If the future appears bleak, it may very well be. However, as with any problem, the ultimate solution begins with a frank acknowledgement of the cause. If we have not already done so, there is no better place to start than here—today. It is essential that we recognize that all of us share in the degradation of the environment. We can no longer blame business, industry, agriculture or other scapegoats. We all derive benefits, however small, from this consumptive technological society.

Once our "master of nature" attitude is recognized for what it is, and hopefully corrected, there are but two basic approaches or solutions. These are the twin policies of optimum population and technology control. One complements the other, and each are of equal importance.

The latter may be divided into two categories with each having various minor variations. Some have suggested a technological retreat. This would probably result in a drastic reduction in our standard of living as we know it. In the February issue of *Fortune Magazine*, it was noted that a withdrawal to the 1870 level of technology would place the median American standard of living below the 1970 poverty line. Among the consequences of such an action would be the closing of 75% of the present colleges and universities. A retreat just to the 1900's would be a drastic change and would not result in any appreciable long-range protection of the environment. While some advocate such a retreat, it is doubtful that society will adopt this approach.

This is not to say that we should continue on our present reckless course. An alternative is to improve and refine the present system so that it becomes less consumptive and more productive. Productive in the sense that it conserves and recycles non-renewable resources. Truly productive in that it works in relative harmony with a world-wide ecosystem, rather than in total disregard thereof.

Apparently, such a productive system is either not scientifically available, or it is not feasible economically under present conditions. Conditions will surely change, and not for the better. Therefore, it is important that the cumulative body of knowledge which created this system find the requisite cure.

Besides technology control, the second key policy is one of assessing the size of our population. Even a relatively pollution-free technology will be swamped by an unchecked birth rate and the subsequent population growth. We have already determined that our resources are not inexhaustible. Therefore, as Doctor Ehrlich suggests we must consider the amount and availability of these resources, the desired standard of living, and

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the optimum number of people that can be sustained.

The acceptance of any of the foregoing suppositions is, of course, a matter of personal and individual conscience. Each of us must educate himself to the problem and the various possible solutions. On a larger scale this becomes a matter of collective thinking necessarily resulting in social and political action.

Where better to be informed than in institutions of learning and research?

Who better to question the "conventional wisdom" than youth?

The young, as heirs of the present and custodians of the future, can and should become the catalytic action that is essential to reorient our thought and restructure our technology. It is natural that young Americans, idealistic, yet tempered in the great issues of the day—human rights, poverty and Vietnam—should meet and accept the challenge wrought by the *consumptive technology*.

Armed with boundless enthusiasm, alert and inquisitive minds, but with few preconceived notions, you are better prepared to both question the status quo and to implement its eventual change. Direct your energies towards the institutions which can affect changes—universities and research centers, industry and government. However, in your resolve to improve the quality of the environment—combine militancy with patience. For if there are any lessons to be learned from past events, it is that violent confrontations breed divisiveness. Divisiveness leads to intellectual polarization. And, polarization greatly diminishes the opportunity for eventual success.

The environmental movement offers one of those rare opportunities that occur for a short period—if at all—in the development of social isues. Among the old and the young, students and workers, hippies and businessmen, scientists and politicians, garden clubs and industrial leaders, there is consensus of concern about the world we are altering.

However, we have much to learn before this consensus is translated and finalized into problem-solving action. Therefore, all ideas on this subject are worthy of objective study. Differences will surely arise. If we cannot immediately resolve them, we can at least attempt to make the world livable in spite of them. In the words of a contemporary of mine, the late John F. Kennedy:

> "For in the final analysis our most basic common link is that we all inhabit this planet. We all breathe the same air. We all cherish our children's fortune. And we are all mortal."

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AMENDMENT OF NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

Mr. PROXMIRE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10105.

The PRESIDING OFFICER (Mr. Allen) laid before the Senate the amendment of the House of Representatives to the amendment of the Senate numbered 2 to the bill, as follows:

> In lieu of the matter proposed to be inserted by the said amendment, insert: 1971, and $40,000,000 for the fiscal year 1972

Mr. PROXMIRE. Mr. President, I move that the Senate concur in the amendment of the House to the Senate amendment.

The motion was agreed to.

AFTER 169 DAYS, NO ACTION FROM THE JUSTICE DEPARTMENT TO ENFORCE LAW AND ORDER IN THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, 169 days have passed since I first wrote to the Justice Department on November 22, 1969, requesting an immediate investigation of possible violation of the Criminal Code in the firing of A. E. Fitzgerald by the Air Force.

I have received no substantative reply to my request. At best the routine acknowledgments—the latest of which was on February 18, almost 3 months ago—have served only to postpone the enforcement of the criminal laws.

It is a crime to threaten, influence, intimidate, or impede any witness in connection with a congressional investigation. It is a crime to injure a witness on account of his testimony to a committee of the Congress.

After A. E. Fitzgerald testified before my Subcommittee on Economy in Government—at our request and with specific Air Force approval—that there was a $2-billion overrun on the C–5A, he was in turn ostracized, lied about, investigated, and fired.

Such action under the code is a prima facie case that a witness has been injured because of his testimony.

When will the Justice Department include the Pentagon in its crusade for law and order?

When will the Justice Department begin to enforce the law equally?

When will the Justice Department end its double standard which appears to permit persons in high places to break the law with impunity when it suits their purposes.

Will another 169 days pass before the Justice Department acts?

SEC DRAGGING FEET 1 YEAR ON LOCKHEED INVESTIGATION

Mr. PROXMIRE. Mr. President, today I have written a letter to SEC Chairman Hamer Budge demanding an immediate report on an investigation asked for a year ago into reports high Pentagon officials had suppressed information on the Lockheed C–5A overruns to protect Lockheed's position in the stock market.

The full text of the letter to Chairman Budge follows:

> On May 1, 1969 I requested the SEC to determine whether Government employees violated our securities laws by withholding unfavorable financial information in connection with the Lockheed C–5A contract. A year has transpired with no results yet reported to the Congress.
>
> My letter to you followed disclosures in a House Government Operations Committee hearing that high Pentagon officials had suppressed information on the Lockheed C–5A overruns on the grounds that public knowledge of the cost difficulties "might put Lockheed's position in the common (stock) market in jeopardy." While this vital information was being hidden from the public, Lockheed was selling $125 million in convertible debentures to investors. Today, these debentures have a market value of less than $44 million. At the same time, high officials in Lockheed were selling sizeable quantities of their stock in the company.
>
> During hearings before the Senate Banking Committee last April 16, you promised that the results of the investigation would be made available to the Commission within "the next week or ten days" and to the Congress within a week or two after that. The latest possible date for reporting to Congress is thus May 10 as indicated in your testimony. This date has come and gone with still no report.
>
> I realize that an investigation of this sort is complicated and requires time. Nonetheless, the commission has had over a year to study the case. I would hate to think the Commission is dragging its feet on the investigation or is concealing information about the Lockheed situation which the Congress should have.
>
> I urge you to report immediately to Congress your findings on the Lockheed investigation. I am sure you would not want to undermine confidence in the SEC by suppressing or delaying a potentially damaging report. The Congress needs the facts on the Lockheed contract and in my view, we have been overly patient in waiting for the SEC to complete its investigation.

SENATE JOINT RESOLUTION 199—JOINT RESOLUTION TO CORRECT A TYPOGRAPHICAL ERROR IN PUBLIC LAW 91–230 TO FURTHER AMEND THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. PELL. Mr. President, I introduce a joint resolution for the purpose of correcting a typographical error in a recently enacted public law, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (S.J. Res. 199) was read the first time by title, and the second time at length, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, effective April 13, 1970, clause (A) in clause (1) of section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended by striking out "at least 10 percentum" and inserting in lieu thereof "at least 6 percentum".

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. HOLLAND. Will the Senator explain briefly what is the nature of the mistake in the original resolution passed which it is desired by the present resolution to right?

Mr. PELL. I will be delighted to explain.

Mr. President, during the course of our consideration of the Elementary and Secondary Education Amendments of 1969, which was signed into law on April 13, 1970, as Public Law 91–230, our committee was plagued by typographical errors on the part of the Government Printing Office. We have been tolerant of typographical errors because we know accidents and mistakes occur on occasion.

The gravity of this situation has just new been brought to my attention because of a serious typographical error which has become law. In connection with the amendments to Public Law 815 a Senate amendment was designed to add an alternate to the 6-percent minimum eligibility under Public Law 815 of the 81st Congress, which provides for school construction in federally affected areas. The conference report, Report No. 91-237, on page 41, clearly shows that eligibility under clause (1)(A) of subsection (c) of section 5 of Public Law 815 is 6 percent. That is the same minimum eligibility as it is under present law. There was no intention to change the present 6-percent eligibility.

However, in Public Law 91-230, on page 37 of the printed public law, the figure in that same clause (1)(A) is 10 percent. This is a change in the basic eligibility of Public Law 815; the Congress of the United States never intended to make that change; that 10-percent figure was never before the Congress. This is simply an error on the part of the Government Printing Office.

Prior to the enactment of the joint resolution I would hope that the Department of Health, Education, and Welfare would acknowledge that this change in eligibility for Public Law 815 is only a typographical error and would continue to administer Public Law 815 as if the printed law is 6 rather than 10 percent. I have requested that the General Counsel's office at HEW review the printed public law for the purpose of finding all of the errors so that we may enact another joint resolution to rectify other less urgent errors.

This resolution now before us simply corrects a typograhical error in the public law. It has been cleared with the members of the Committee on Labor and Public Welfare and the leadership on both sides. It is necessary to act on this resolution immediately because many schools' eligibility for assistance for construction funds may be drawn into question because of this error.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. PELL. I yield.

Mr. HOLLAND. I thank the Senator warmly for his explanation. I certainly have no objection to the immediate consideration and passage of the joint resolution.

Mr. PELL. I thank the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

SENATE RESOLUTION 405—SUBMISSION OF SENATE RESOLUTION—DECLARATION OF PEACE FOR INDOCHINA

Mr. MUSKIE. Mr. President, the time has come for us to substitute new policies for old in Southeast Asia.

Once again we have lost our way in the jungles and swamps of Southeast Asia. The action taken in the last 2 weeks has deepened our involvement, widened the war, and left us even further from the peace we want and need so badly.

We have watched with dismay while American troops are again dispatched to search out and destroy an elusive enemy. Once again we have seen that enemy fade into the countryside and our men left with the mission of destroying the homes of those they have been sent to save. We find ourselves again supporting with American might a military dictatorship which sanctions the slaughter of defenseless civilians, just because of their Vietnamese origin. And we saw again the bombers go north in an effort to end a political struggle in the south.

We have seen all this before and we have seen that it does not and cannot work. It is time that our leaders recognize the following basic facts about our participation in what must now be called the Indochina war:

The way out of Vietnam does not lead through Cambodia.

The way to reduce the level of hostilities and the rate of American casualties is not to send our men on new search and destroy missions.

The way to obtain movement toward a negotiated settlement is not to redouble our efforts for a military victory.

The way to revitalize the Paris peace talks is not to leave our delegation lacking the President's personal replacement for Ambassador Lodge.

The way to regain the confidence of our youth is not by callous disregard or soothing incomprehension of their efforts to communicate their dismay about the war.

The way to heal the divisions in American society is not to intensify our obsessive preoccupation with Vietnam.

The way to restore our reputation and influence as the world's first-ranking power is not by further investment in a fifth-ranking interest.

The way to obtain public understanding is not through manipulation of facts or appeals to passion.

The overriding fact is that our national interest demands not that we do more, but that we do less in Southeast Asia. While we continue to strive there for unattainable military victory, vital international interests are neglected and situations of far graver risk to world peace are allowed day by day to deteriorate. We pursue our policy in Vietnam at great price, in terms of human lives, and diversion of the time, talent, and resources needed to solve major problems at home.

President Nixon has suggested the danger that we may appear to be a "pitiful stumbling giant," if we do not follow his course. No one in the world could so regard us. But there may be some who would remind us that "it is excellent to have a giant's strength; but it is tyrannous to use it like a giant." It is not only tyrannous; abuse of our great strength can be disastrous for us and for all mankind.

With each new explanation of each new act of escalation, the basis for communication between our people and our Government has been distorted and eroded. Both President Nixon and Vice President AGNEW insist that U.S. and South Vietnamese forces crossing the border from South Vietnam into Cambodia cannot be called an invasion of Cambodia. The Department of Defense persists in calling between 50 and 100 sorties per day for 3 days into North Vietnam "reinforced protective reaction" or "suppressive fire" for U.S. reconnaissance flights.

These explanations represent more than a travesty on the English language. They break down the way that Government and the people should talk to and understand each other. I am reminded here of a passage from Isaiah where the Lord says:

> Shame on you! You who call evil good and good evil, who turn darkness into light and light into darkness, who make bitter sweet and sweet bitter. Shame on you! You who are wise in your own eyes and prudent in your own esteem.

The war has taken its toll in many tragic ways in Vietnam and here in the United States. We must not let it rob us of our basic capacity to distinguish right from wrong.

Over the past several years, Congress had become increasingly concerned about our involvement in military conflicts without declaration of war. The concern has stemmed not solely from fear that our constitutional prerogatives are being usurped but because this shortcutting of constitutional procedures may lead to more and more Vietnams. Accordingly, some have proposed that the Congress should now present a declaration of war, both to reassert constitutional prerogatives and to serve as a test of popular opinion on the Vietnam conflict. Most Members of Congress, myself included, have believed that this course of action would only complicate the problem of making peace.

I have been searching for something other than a constitutional crisis or test of political strength—a positive expression with a positive program.

We need no constitutional crisis today. We need no declaration of war, even if proposed for the purpose of rallying sentiment for peace. The expression of the American public's fervent desire for peace can be better achieved through a positive expression of our will that the war end. To this end, I am submitting a declaration of peace accompanied by a program of positive action to see that this hope can be realized. The declaration is in the form of a Senate resolution. It offers a program for peace and reconstruction, it calls on the President to develop and present a total withdrawal program, and it provides the basis for congressional action to implement that program. It is consistent with several specific proposals pending in the Senate and goes beyond them.

The resolution I am submitting gives the President an opportunity to exercise his initiative in presenting a total withdrawal plan to the Congress, and opens the way for the Congress to act on expenditures relating to our involvement in Indochina and the withdrawal of military forces from that area, and to provide authorization for economic and technical assistance in Indochina.

Mr. President, I ask unanimous consent that the text of the resolution (S.

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Res. 405) be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 405) which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 405

Resolution declaring a policy for peace in Indochina

Whereas deescalation of the fighting, withdrawal of United States troops from Indochina, and intensive efforts at negotiations are the only routes to peace in Southeast Asia: Now, therefore, be it

Resolved, That the United States of America seek a peaceful resolution of its differences with North Vietnam, and that United States policy encourage peace among all the peoples of Indochina; and be it further

Resolved, That to achieve the objectives of this resolution: (a) the United States immediately withdraw all its military forces from and cease military operations in Cambodia; (b) United States bombing of targets in North Vietnam be stopped henceforth; (c) the United States seek an immediate, standstill cease-fire in Vietnam and other areas in Indochina; (d) the United States Government declare that all its forces and military personnel will be withdrawn from Indochina in a specified time, not to exceed eighteen months from the date of adoption of this resolution; (e) the United States delegation to the Paris Vietnam peace talks be strengthened with negotiators empowered and directed to seek an agreement to facilitate the formulation of a political settlement in South Vietnam; (f) the United States encourage a conference under the auspices of the governments of East Asia or other appropriate international sponsorship to provide for discussions among all the various governments and political groups in South Vietnam and in Indochina for the purpose of resolving their political differences; and (g) the United States pledge technical and economic assistance for the reconstruction and economic development of the war-ravaged regions of Indochina; and be it further

Resolved, that (a) the Senate express its support, and urge the President to develop a plan for the complete withdrawal of United States military personnel from Indochina, such withdrawal to be completed in not more than eighteen months from the date of adoption of this resolution; and (b) the Committees on Appropriations, Armed Services and Foreign Relations submit to the Senate by July 15, 1970, appropriate legislative recommendations, including but not limited to restrictions on military expenditures in Indochina, to implement the objectives of this resolution.

Mr. MUSKIE. Mr. President, the time has come for the Senate to act, not simply in response to the President, not simply out of anguish for what has been done, but with a will to do what must be done—to end the war in Indochina, to work for peace in Southeast Asia, to contribute to the reconstruction and development of that part of the world, and to apply our resources to the healing and building of a whole society in our own country.

For these reasons, Mr. President, I urge early consideration of Senate Resolution 405, and action on specific proposals which would carry out the policies it describes.

The PRESIDING OFFICER (Mr. ALLEN). The resolution will be received and appropriately referred.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MUSKIE. I am happy to yield.

Mr. HANSEN. Mr. President, I join with my distinguished colleague from Maine in expressing the hope that there may be an end to the war in Southeast Asia, that our troops may come home, that peace may replace the present conflict that exists over there, and that the resources of this country might then be applied to peaceful pursuits to help advance the estate of man wherever he lives.

But I would ask my distinguished colleague, assuming the information I have before me is correct—and, if I may, I hope he will permit me to read, from an article in today's New York Times, a statement that:

> By late today, the tentative count reaching Saigon command headquarters stood at 6,757 rifles; 1,232 heavy machine guns, mortar tubes, rocket launchers, recoilless rifles and antiaircraft guns; 865 tons of ammunition; 1,653 tons of rice; 12 tons of medical supplies; 130 trucks, and thousands of other items ranging from radios to mortar cleaning and repair kits.

My question is: Would not my distinguished colleague agree with me that immense amount of war-making material is in better hands for our having taken it than it would be were it to remain in the hands of the enemy, so that it could be shot at American and South Vietnamese people?

Mr. MUSKIE. I say to my good friend from Wyoming that the question involved is not that narrow. It is not a question of whether the other side will be weakened by the loss of 6,700 rifles. Rather, the question involved is whether the venture into Cambodia, under the circumstances in which it took place—considering the risks that it involved, considering the setback that it may have imposed on the prospects for a negotiated peace, considering the impact upon world opinion and the opinion of countries in Europe with which we are allied, and considering the impact upon the bonds of trust and confidence which ought to bind our people and our Government and our leaders—is worth this price, for a mere 6,700 rifles.

I can remember in the early days of the war when the other side, the Vietcong, fought only with rifles, and largely with rifles captured from us. They did not have their own. Still they sustained the battle; still they stopped the world's military giant; still they continued on, built up their strength, built up their reserves, built up their military equipment to the point where now they have caches of 6,700 rifles.

Is this all? I have talked with people who have made some evaluation of the consequences of this kind of a result. To them, all this venture means may be 2, 3, or 4 months for the other side to build up these supplies again.

If we pull back, as the President has said we will, in June—and I take it he meant that—it will be only a matter of a few weeks—2, 3, or 4 months—before the enemy brings back supplies. The food that has been captured, the rice, can be resupplied by Communist China. This is not a mortal military setback to the other side.

For years we relied upon body counts as an indication of our progress in the war. Apparently, now we are going to rely on rifle counts. But I do not think either is a very effective measure of prospects for ending our involvement and withdrawing from Southeast Asia.

Second, may I say to the Senator that for years, under the administration of my party, I was persuaded that a measured response to the other side, to deny the other side a military victory, to press them into a negotiated settlement, was the way to end this war. Time after time we were told that if we just take this one additional military step, that will be enough to end the war, that the boys will be home by Christmas, that we see the light at the end of the tunnel. We see exactly the same kind of rationale applied now to this additional military step. I am not confident that the capture of 6,700 rifles makes this rationale more credible or sound or meaningful today than it did in the past, when what we captured was our own rifles from the other side.

I do not think that the figures the Senator has read have any meaning in terms of the prospect of shortening the war or ending the war or bringing our boys home earlier.

I agree with what the President said in the first of the two speeches he has made in the last month. He said to us that negotiations are the key to settling this war. He said it in words which, if read, indicate that he meant it. Just how credible to the other side can that emphasis on negotiations be when, 10 days later, we pursue another military initiative, across another international boundary, in pursuit of the headquarters of the other side? If I were the other side, I would say the President is not interested in negotiations. He just talks about it as a cloak for another initiative.

The Senator and I are good personal friends, and I understand that he wants to get out of this war, and I think he wants to get out of it as badly as I do.

Mr. HANSEN. Mr. President, will the Senator yield at that point? Does the Senator think that the President does not want to get out of the war?

Mr. MUSKIE. I am prepared to accept the President's desire to get out of the war. But motives have nothing to do with judgments. If we get into the business of attacking each other's motives, we becloud our judgment, and reduce the possibility of communicating. I am not attacking motives. I accept the President's motives as being in the direction of peace. That is not the thrust of my argument or my position.

Let me say to the Senator that men, including the Senator and myself, make mistakes of judgment. As I looked over the sequence of events, beginning with the President's first speech announcing the withdrawal of 150,000 more troops in the next 12 months and his speech announcing this intervention—to stay away from the word "inflation," which seems to be debatable—in Cambodia, it seemed to me it was predictable that there would

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be a revulsion of public opinion in this country to the President's action.

In the first speech, the President said that he was taking the decision to withdraw 150,000 more troops after full consultation with his commanders in the field. He indicated no doubts or reservations about the military soundness of that decision. He indicated that there were no doubts or reservations about the security of our troops in the process of withdrawal. On the contrary, he told us that he was confident that the end was in sight. Then, 10 days later, he told us that in terms of the security of those very 150,000 troops, this venture into Cambodia was—and this was his word—indispensable. That would seem to me to be a material fact. If such information was in his possession when he announced the withdrawal in his first speech, one wonders why the decision was made, if the decision were persisted in, why that material fact was not then made known. If that material fact was not known at the time of the President's first speech, it seems incredible to me that the situation should have so deteriorated in 10 days between the two speeches as to require such a sharp reversal in policy.

That is the way people in this country look at it—as a sharp reversal in policy. It took people off balance. They had been reassured in one speech and then, in the next speech, raised to the heights of alarm about the lives of our troops.

During the administration of President Johnson, we struggled with what was called increasingly the credibility gap. Again, this has nothing to do with the underlying motive of President Johnson. It is a question of whether or not in presenting his policy he did it in a way which commanded full public understanding and support. I say to my good friend on the other side of the aisle that what has developed in the last 2 weeks raises similar questions with respect to full public understanding and support of our present policy, and that we ought to be careful about shaking public confidence in these terms with respect to such an explosive question as Vietnam. This is why the bells of alarm have rung.

I have never seen such a flow of telegrams, letters, and telephone calls and personal appeals as has come to me since the President's speech of April 30. It has been simply overwhelming. The consistent plea among people is this: You have now let the President decide this policy long enough. Congress must impose its influence upon the shape of that policy.

That is why I have done so. It is not easy to impose legislative judgments. The President is, after all, Commander in Chief. Under the Constitution, he is given dominating authority over foreign policy. Legislative means to deal with foreign policy are at best awkward. Therefore, it is a sound principle that a President have flexibility to use discretion in these areas to meet unforeseen contingencies. But I must say to my good friend that under the pressure of this plea that Congress influence this policy to insure that it moves us in the direction of withdrawal and disengagement, I think that we in the Senate have a responsibility to respond.

Over the weekend—as a matter of fact, over 2 weekends now—I have traveled across the country at least four times. On Friday night I spoke at the University of Kansas. Ten thousand students, on a Friday night, filled the seats of the fieldhouse there. I cannot describe the atmosphere of tension. These young people were concerned young Americans, constructive, caring about their country and what happens to it. It was one of the most difficult times I have had, to answer their questions, to try to reassure them that the political process in this country did respond, would respond, to public opinion, and was open. It was very difficult to get the point across to them.

I went then to Colorado and North Dakota; and yesterday morning I flew to Maine, to meet students from all of Maine's colleges, concentrated in a central place. Again, I was beseiged by the same questions, raising doubts as to whether Congress, the President, or the political process as a whole would respond. They simply doubted that our policy—whatever the President's motives—was designed to get us out of South Vietnam. That is why I have introduced the resolution which, in a sense I suppose, violates some of the principles as to the President's dominance in the military and foreign policy fields, and the desirability of excutive discretion. We are in a time when we have to reassure the people, particularly the young, that Congress, the Senate and the House, will try to give effect to the concerns that so many Americans, young and old, are expressing about the war.

I do not jump into these kinds of devices easily. I am sure the Senator would agree with that. I have done so, in this instance, out of a feeling of great compulsion that this must be done, to reassure the people that it is not just a power establishment that decides what must be done, but that they can influence policy.

Thus, I hope—whatever legislative results there are in connection with my resolution—Congress will focus upon it, and that in our debates at least, in committee consideration, and in floor discussion, we will undertake to put our stamp on this policy.

If, in addition, we achieve some legislative results which will really put our mark upon the policy which emerges, I think that will be all to the good. That is what is behind my resolution, and what I am saying and doing today, let me say to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I have the greatest regard, as my distinguished friend from Maine knows, for him as an individual, as a legislator, and as a former Governor of the great State of Maine. I would like to make a few observations, though, on some of the points to which he has called attention.

He speaks about the President's actions having caught the American public off balance.

I think he is quite right that many people in this country were surprised; but I think that the enemy—the same enemy we have been fighting for 9 or 10 years now in Vietnam—was even more surprised.

I would call attention to the fact that we are still fighting, despite the fact that the battlefield location may have been changed somewhat, the very same enemy who was there when the late President Kennedy ordered in troops, and the very same enemy President Johnson pursued when the forces of this country were under his command. I would point out, further, that undoubtedly it did catch the enemy very much by surprise——

Mr. MUSKIE. Will the Senator yield right there, on that point?

Mr. HANSEN. I yield.

Mr. MUSKIE. I ask the Senator to yield because he may be able to clarify something. I have read at least two stories in the press—I understand, of course, that they are not necessarily founded on accurate information—to the effect that the enemy made moves prior to the time we crossed the border, indicating that if it did not know of this proposed venture, at least it suspected it. We have not really caught any great number of them in any great concentration. We have found some rifles. There is little evidence of great disarray to indicate a hasty exit.

I have read stories that the North Vietnamese military have great mobility and do not really have to carry a great supply of anything around with them, in order to maintain their communication and command capacities.

I have read the stories in the press. If they are inaccurate, I would be interested to know. My impression is that the effect of the element of surprise was not so great as some might have thought.

Mr. HANSEN. Well, Mr. President, I rather suspect we could debate this point for a long time as to the degree of surprise that characterized the reaction of the enemy, but I happen to think that the enemy must not have anticipated very long in advance our moves into Cambodia or they most certainly would have taken steps to retrieve part of the great amount of materiel which has been captured by our forces operating in that part of the war theater.

Mr. MUSKIE. Will the Senator yield on that point?

Mr. HANSEN. I am happy to do so.

Mr. MUSKIE. It seems to me that if I were the enemy, under these circumstances, I would concentrate more on saving my troops with whatever advance notice I had. The carrying of rice with me would not be too important because rice is replaceable from Chinese sources of supply. I would not jeopardize troops to save rice.

As to the rifles, I am really not impressed by 6,700 rifles. We do not know what they took with them, either. I do not know whether this is one of the largest caches we have captured in the war, but I do not think this has been claimed as a mortal military blow. I do not think that will be claimed for it. I do not think it was.

Mr. HANSEN. I am sorry I do not have the New York Times story before me, because the Senator would understand me not to have underscored only the 6,700 rifles——

Mr. MUSKIE. There was some rice and several other——

Mr. HANSEN. If I could finish,

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please—if I have been understood to say that was only what was captured, then I did not get over the full thrust of what I meant to convey earlier, because not only were rifles captured, but a great many other things as well, which the Senator must know were captured. It is important to recognize that, despite what many of us may believe, American and South Vietnamese soldiers are killed by explosions of mortars, and they are killed by acts of the enemy in firing rifles. Therefore, caches of war materiel certainly are of significance, and that was accomplished by our entrance into Cambodia.

I must also say that the Senator from Maine compared the steps taken by President Nixon with those taken by President Johnson, saying that we take small steps, that every time we give assurance that if we take the next step, it would be an easy little step, and that peace will be around the corner.

I would remind my good friend from Maine that not too many months ago I heard some of our distinguished colleagues in this Chamber saying that if we would only stop the bombing, if we just stopped the bombing, then the world would understand that we are not trying to take over, that we are not trying to force our will on Southeast Asia, that everything would fall into place and we would have a meeting of the minds and it would not be too long before peace would be at hand. Now we did stop the bombing——

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Mr. MUSKIE. If the Senator would yield there, I made no such statement as that.

Mr. HANSEN. I did not say the Senator did. If the Senator will be good enough to read the RECORD tomorrow, he will specifically find that I did not say the Senator said that.

Mr. MUSKIE. I understand.

Mr. HANSEN. I said that our colleagues in this Chamber—I repeat this—that our colleagues did—I did not say the Senator did. I said some of our colleagues did say that. They said that if we would just stop the bombing, we would have peace in this country.

Now, I have yet to hear a single one of our colleagues—I did not say the Senator made that statement, because so far as I know, he did not—but I have yet to hear a single one of those Senators who 26 months ago were saying that if we halted the bombing, we would have an end to the war, I have yet to hear a single one of them—I might be mistaken about it——

Mr. MUSKIE. Will the Senator yield there?

Mr. HANSEN. I yield.

Mr. MUSKIE. I have never taken that simplistic view of any steps that might be taken in the direction of peace or war. What I believe would be significant are steps that might be taken in the diplomatic field. I do not think there is any single answer to ending this war. I think that ending the war is going to take patience, ingenuity, and consistency. The question is whether we are taking initiatives in the right area. I just do not believe, on the basis of the past, that military initiatives of this kind advance us.

I used to hear that argument from the Senator's side—including President Nixon, himself, when he said that we did not take big enough steps, that we have not informed Hanoi sufficiently of this, or that. I do not see anyone seriously advancing the idea that big military initiatives are the answer any more. That idea appears to have been discredited.

There may still be some who support this idea. Nevertheless, there is apparently still reliance on these smaller military initiatives as the way to bring pressure to end the war. I just do not believe this argument.

I did not believe that stopping the bombing would end the war. I never thought that. I thought that it was the kind of initiative we ought to take to get us moving in the direction of a negotiated settlement of the war. And I think that those kinds of initiatives should be taken. Whenever a good one emerges, it should be pressed.

I do not think that there is a single gesture we could make in the military or diplomatic field that could end the war overnight.

Mr. President, I am holding up some of my colleagues in a markup session on the pollution bill. I ought to stay here. Would it inconvenience the Senator if I were to leave at this point? I am sure he will not take advantage of my absence.

Mr. HANSEN. Mr. President, I certainly would not want to take advantage of the Senator. However, I do feel constrained to make some comments.

I have tried not to deny the Senator an opportunity to respond. I appreciate the colloquy I have had with him. But I do intend to present some other statements.

As I have said, if anything I have to say seems to be unfair or to indicate that I have taken advantage of the Senator, I now offer my sincere apologies.

It is my intention to be here tomorrow, and I will certainly be answerable for anything I have to say.

I hope that whatever I have to offer in the way of statistics will be factual. Any conclusions that I draw from those statistics will be my own.

I do not intend to put any words in the mouth of the Senator. I do intend to call attention to some things so that the public will understand and place in clear perspective what the President has been accomplishing in Southeast Asia.

Mr. President, I call attention to the fact that since President Nixon has taken office, the casualties for the last 15 months are down 37.6 percent from what they were the previous 15 months.

I point out also that we have 115,000 fewer troops in Vietnam today than we did when President Nixon took office. Part of the reason he has been able to accomplish this, I think, is that he has taken some rather courageous steps; not little steps, not poking the enemy with one punch as he hits us with one punch and then stepping back and bowing.

The enemy has been surprised by what President Nixon has done. I know that he wants to bring about the complete Vietnamization of the war as quickly as he can.

It was in pursuance of that objective that the President ordered the troops into Cambodia. It is very clear that the monsoons will shortly be engulfing that part of the world. And, as a consequence, the enemy will be badly hurt if he is denied the use of the material I spoke of initially when he tries to fight back and to kill American men and South Vietnamese soldiers. He will not have the ability he had before our intrusion into Cambodia and before he was denied the use of these materials.

That is the reason, I submit, that the actions that have been taken by the President of the United States are very much in the public interest. They are in support of the very goals that the Senator addressed himself. The time will be hastened when we can leave Southeast Asia and can apply the energies and the wealth of this great Nation to the solution of other great problems facing us.

Until we are able to terminate our involvement in Southeast Asia, that opportunity to act here at home will, to a degree, be denied the President.

That is exactly why President Nixon took the steps he did. That is why he wants to deny the enemy the opportunity and the ability to hit American forces, to kill American men, to hit South Vietnamese soldiers, and to kill South Vietnamese men. It will set their time table back 6 or 9 months before they will be able to build up more strength so as to carry on the burdens of the war.

That, I think, is something that people ought to understand. They should appreciate the fact that President Nixon has reduced the casualties in that war.

I have the statistics on it. From January 1, 1969, to March 1, 1970, there were 10,592 American deaths in Vietnam. But for the previous 15 months, there were 16,980 American deaths in Vietnam.

So I say to my distinguished colleague that the President has pursued a very successful policy so far. I am certain our entrance into Cambodia is in the continuance of a policy which, if successful, will reduce American losses, shorten the war, and will make possible a viable government for South Vietnam, a government not only able to govern its people, but also to defend itself so as to assure a balance of power that will be good for people in this part of the world and will permit this great United States of ours to concentrate on other areas of interest throughout the world as well as in our own country.

Those are some of the things that I appreciate the opportunity to say, because I think that when people have the opportunity of looking back with the advantage that history affords, they are going to say that what President Nixon did was very much in the interest of this country because it hastened the day—and this is my prediction—that peace could come to Southeast Asia and the South Vietnamese would be able to govern themselves, to run their own show, and to protect themselves.

I am sure the Senator would agree with me that that is a desirable objective.

Mr. MUSKIE. Mr. President, of course the war has been winding down. It started with the cessation of the bombing. However, I am sure it was not the Senator's intention to suggest that we should not have stopped the bombing of the north.

The stopping of the bombing made it possible to take the next step toward deescalation of the military activity. That is a desirable thing.

The fact that there was a winding down of our military activity, a withdrawal, I think, bought the President an acceptance—however uneasy on the part of some—of his policy.

The fact is that the emphasis for some months has been on military initiative.

I think that a lot of us believe that the only way to leave a viable situation behind is to do it with a negotiated political settlement, to do it with a system of government in Saigon which has the broadest possible political base, bringing into it all elements of the South Vietnamese society.

We fear that without those steps being taken, at some point in the Vietnamization or withdrawal of troops, the political situation in South Vietnam may become so precarious as to threaten us with a chaotic condition. If that happens, what do we do?

There has been no diplomatic initiative on our side, according to the President's speech of last month, since his speech of a year ago last May.

In the summer he said that he was going to take no new diplomatic initiative unless the other side accepted his initiative of May.

Ambassador Lodge resigned last November from the post of chief negotiator in Paris. It is now over 170 days, or 6 months, since we had a chief negotiator in Paris. The President, in his speech last month, said negotiations were the key, and yet he gives no reason for not replacing Mr. Lodge in the one place where there is a forum and where parties are assembled for the purpose of discussing negotiations.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. MUSKIE. I shall yield in a moment. I imagine the thrust of the Senator's question will be that this has been a frustrating experience with no visible momentum on either side, with each side at a standoff from the other without either side taking the initiative.

However, I wish to say that when we entered into negotiations at the time of the Korean war it took us 2 years to work out a negotiated settlement, two frustrating and drawn-out years when we had to suffer humilitation.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. MUSKIE. The Senator will remember when they took 4 inches off the chairs of our negotiators to permit them to negotiate at a lower level, but we persisted. President Eisenhower came in, but we persisted and got a settlement. Notwithstanding the frustration, we persisted. I happen to think there would have been some softening on the other side; but I have already discussed that heretofore in the RECORD and I will not do so now.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, it should not go unnoticed that in the minds of many commentators and historians of today the decisive change or telling change that came about in the negotiations that had dragged on for more than 2 long years in Panmunjom, which involved the end of the Korean war, was not our further willingness to sit, as we have been siting in Paris, listening to the diatribes of the North Koreans, but rather it was an ultimatum by President Eisenhower that unless they got down to business, he was no longer going to feel himself circumscribed by the rules that America up to that time had been following. I think the message came through very clearly to our enemies, the North Koreans, in Panmunjom at that time that we just might escalate the war and we might not continue to observe the boundaries which had, up to that time, circumscribed our reaction to the war which had been denied north of the 38th parallel.

In the minds of a great many people that was the decisive element which brought some real measure of action to the negotiations in Panmunjom. It was not that we were supplying a new team of negotiators over there, as the Senator thinks we should have in Paris, but rather it was a clear-cut expression of determination on the part of this country that if North Koreans wanted to enter seriously into negotiations and arrive at some peace terms, we would listen; but if they did not, our patience was about exhausted.

I think that was the significant point that brought that whole change about.

I do not know when the President may want to replace Mr. Lodge as the chief negotiator in Paris. I have not seen anything to indicate any willingness or increased desire on the part of the North Vietnamese to do anything except castigate us, criticize us, and call us warmongers. We have done all sorts of things in Vietnam and they have never yet indicated any willingness to respond to any of the repeated movements that this country has made that hopefully might lead to peace.

Mr. MUSKIE. May I respond to the point the Senator has already made?

Mr. HANSEN. I did not want to get too far ahead.

Mr. MUSKIE. We should keep the matter in reasonably good context. I have just finished reading Dean Acheson's description of why we were finally able to settle the Korean war. He did not refer to the incident the Senator discussed, the ultimatum from President Eisenhower—which I have described as an ultimatum—to use nuclear weapons. I have never seen this stated in an authoritative place and I do not know that it did take place. If he did make such a threat, history should disclose it because it would be the first and only time after World War II when the threat to use nuclear weapons has been used by a nuclear power. Maybe that happened; I do not know. Maybe the Senator knows.

Mr. HANSEN. All I know is what was on the record.

Mr. MUSKIE. I have read speculation in the public press but I have not seen any authoritative statement relating to President Eisenhower or his administration or any one in it. I do not know, but I have not seen it authoritatively stated. Dean Acheson did not refer to it in his book "Present at the Creation."

The reason he gives for the North Koreans finally coming to terms and accepting a settlement that was available at the end of the Truman administration was that the North Koreans undertook another offensive in the North which failed, and so ultimately they accepted the settlement which was available to them.

But there was another lesson in the Korean war that we should not forget—that is, the risk General MacArthur took with respect to the Chinese, the volunteers, when he went to cross the Yalu and raised in their minds the risk of an American attack on them, thus prompting a response which almost drove him off the Korean Peninsula. In other words, he pushed his military luck too far. We might have been able to settle for a much better deal militarily if that had not been pushed too far. Dean Acheson covers that situation well in his book. I commend it to the Senator's attention.

I have not suggested that simply sending a negotiator to Paris is going to end this war. I think I have made this quite clear. But if we are really interested in negotiations, is it really our view, as I understand the Senator to have said, that until the North Vietnamese come to us hat in hand and say to us, "Tell us what you want," we are not interested in talking? If that is the case, our policy is aimed at their surrender and not a negotiated settlement. If that is our attitude, I am really disquieted about the use of military initiatives and military emphasis in connection with this administration's policies, because it suggests we are going to press, and that perhaps by adding small increments we will not allow anyone to surrender to us.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. MUSKIE. I yield.

Mr. HANSEN. I will try to articulate what I believe. I appreciate the fact the Senator raises the rhetorical question as to whether I was suggesting that we say to the North Vietnamese that they must come to us hat in hand before we are interested in further negotiations and that would be almost tantamount to surrender. I did not say that.

For 9 years we have done a pretty good job of trying to persuade the North Vietnamese that we had certain well-defined goals in Southeast Asia; that we hoped they would be reasonable enough to sit down and discuss them with us.

I was called in, as Governor of Wyoming, just as Governors are being called in here today. Although the distinguished Senator from Maine was in the Senate at that time, I know he can recall his very noteworthy service to the State of Maine as Governor of that State. I served 4 years as Governor of my State. During that time, I have forgotten

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whether it was twice or three times that President Johnson invited the Governors of the States, of which I was one, to come to Washington for briefings. I note that the occupant of the chair at the moment is a distinguished former Governor of Oklahoma (Mr. BELLMON). He too was in on those briefings. President Johnson detailed the steps that were being taken, the numerous olive branches that were being extended to the North Vietnamese.

We have had no desire to control any of their country, or to impress our form of government upon them, or to enforce our authority over them or their people. Our goals have been well defined. I think it is perfectly easy to understand, after such a long time, the frustration the President feels in believing the North Vietnamese simply have used the Paris peace talks as a ploy to gain time to do the very sort of thing they have been doing in Cambodia.

They always talk peace. They start out every time by saying to us, "Until you get all of your forces out of Southeast Asia, we won't even talk about it, because you are aggressors. You have intruded into our country. Clear out of here and then we will talk." That is the first condition they lay down.

So I do not find any reason for any honest reassurance from the North Vietnamese or the Vietcong that they are interested in anything except our unilateral withdrawal from there, which they would like to take over.

Mr. MUSKIE. May I respond to that?

Mr. HANSEN. Yes.

Mr. MUSKIE. I engaged in colloquy on this point on the floor of the Senate with the distinguished Senator from Kansas (Mr. DOLE).

The first point I make is that the President is frustrated on the diplomatic side. There are two ways to respond to frustration, with either a diplomatic initiative or a military initiative. He seems to fight frustration always with a military initiative, not with a diplomatic initiative.

Let me give the Senator an illustration. The President, in his November 3 speech, disclosed the correspondence he had had with Ho Chi Minh. The President read us the text of his letter. There were no new initiatives in the letter. The initiative was the wording of the letter itself. As I recall, the thrust of the letter was a plea to Ho Chi Minh to put his personal weight behind the talks in Paris in an effort to find ways to get them moving in a meaningful way.

The President received a reply. He did not read that reply, but he released the text. Although the text was published, in his remarks he described it as a flat rejection of his letter. I accepted it as that, but then I read the letter. I have read the English language for a long time. I read that letter. I did not read it as a flat rejection.

I wish I had the text of the letter here so I could give the Senator the exact language. It represented a distinct softening of attitudes on three critical points. One was the unconditional withdrawal of all our troops before talks could begin. It was not then a hard and fast condition as it had been known for a couple of years. That letter had softened that condition.

Mr. HANSEN. In what respect? Does the Senator recall?

Mr. MUSKIE. No. I do not recall the text, but I ask unanimous consent that the texts of both letters be included at this point in the RECORD, so the Senator can read them himself.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXCHANGE OF LETTERS BETWEEN PRESIDENT NIXON AND HO CHI MINH

THE WHITE HOUSE,
July 15, 1969.

His Excellency HO CHI MINH,
President, Democratic Republic of Vietnam, Hanoi.

DEAR MR. PRESIDENT: I realize that it is difficult to communicate meaningfully across the gulf of four years of war. But precisely because of this gulf, I wanted to take this opportunity to reaffirm in all solemnity my desire to work for a just peace. I deeply believe that the war in Vietnam has gone on too long and delay in bringing it to an end can benefit no one—least of all the people of Vietnam. My speech on May 14 laid out a proposal which I believe is fair to all parties. Other proposals have been made which attempt to give the people of South Vietnam an opportunity to choose their own future. These proposals take into account the reasonable conditions of all sides. But we stand ready to discuss other programs as well, specifically the 10-point program of the NLF.

As I have said repeatedly, there is nothing to be gained by waiting. Delay can only increase the dangers and multiply the suffering.

The time has come to move forward at the conference table toward an early resolution to this tragic war. You will find us forthcoming and open-minded in a common effort to bring the blessings of peace to the brave people of Vietnam. Let history record that at this critical juncture, both sides turned their face toward peace rather than toward conflict and war.

Sincerely,

RICHARD NIXON.

HANOI,
August 25, 1969.

His Excellency RICHARD MILHOUS NIXON,
President of the United States, Washington.

MR. PRESIDENT: I have the honor to acknowledge receipt of your letter.

The war of aggression of the United States against our people, violating our fundamental national rights, still continues in South Vietnam. The United States continues to intensify military operations, the B-52 bombings and the use of toxic chemical products multiply the crimes against the Vietnamese people. The longer the war goes on, the more it accumulates the mourning and burdens of the American people. I am extremely indignant at the losses and destructions caused by the American troops to our people and our country, I am also deeply touched at the rising toll of death of young Americans who have fallen in Vietnam by reason of the policy of American governing circles.

Our Vietnamese people are deeply devoted to peace, a real peace with independence and real freedom. They are determined to fight to the end, without fearing the sacrifices and difficulties in order to defend their country and their sacred national rights. The overall solution in 10 points of the National Liberation Front of South Vietnam and of the Provisional Revolutionary Government of the Republic of South Vietnam is a logical and reasonable basis for the settlement of the Vietnamese problem. It has earned the sympathy and support of the peoples of the world.

In your letter you have expressed the desire to act for a just peace. For this the United States must cease the war of aggression and withdraw their troops from South Vietnam, respect the right of the population of the South and of the Vietnamese nation to dispose of themselves, without foreign influence. This is the correct manner of solving the Vietnamese problem in conformity with the national rights of the Vietnamese people, the interests of the United States and the hopes for peace of the peoples of the world. This is the path that will allow the United States to get out of the war with honor.

With good will on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem.

Sincerely,

HO CHI MINH.

Mr. MUSKIE. The second was on the point and the degree to which the North Vietnamese insisted that the present Government of South Vietnam go, unconditionally. The letter softened the point on the National Liberation Front 10-point program. Up to that time the North Vietnamese position insisted that the only basis for settlement was the 10-point program of the National Liberation Front. The letter said simply that we could begin our discussions, in effect, on the basis of the NLF 10-point program.

These are three softenings. We are not going to get anything more clearcut than that as an opportunity to begin negotiations. We never had any sharper break at the time of the Korean conflict. These were softening steps, but they were characterized by the President as a flat rejection.

That is the second point I would like to make about the letters.

The President got the letter 3 days before Ho's death. We all remember the discussion in the papers that Ho's successors were going to have to follow a hard line because of Ho's death and because they did not have the political base to support a change in direction. What a time to exercise an initiative. We had just received a letter from Ho 3 days before his death. Why not write to those who succeeded him? I guess it was a sort of committee. We received this letter from Ho. We could have said: "It seemed to us it offered the possibility of discussion on those three points. If you agree, would you agree to go forward?" If they did not agree, what would we have lost?

As far as I know, given the tone of the President's rejection of Ho's letter, that initiative was not taken. That is the kind of initiative that ought to be prepared. Guaranteed to work? Of course not. I am not that naive. But we should have taken such an initiative. I am amazed the President did not, frankly, because I think he wants a negotiated settlement. Why he did not, I have no way of knowing. We had no explanation but the language of the letter itself. I have checked with others to see if I were a little blind about what its real meaning was. I have had a great deal of concurrence in my view from thoughtful commentators and observers, who just could not understand the President's description of Ho's reply.

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It is difficult to evaluate a softening in position or language. Sometimes a change in wording is a sign. It is difficult to know when we are getting a real sign, a real signal. I understand that. But I think if we are going to end this matter, we ought to pursue any opportunity, however uncertain, with a view to settling the conflict.

I have to leave. I have appreciated the colloquy. I have found it a constructive exchange that I hope will be useful to those who read the RECORD.

Mr. HOLLAND. Mr. President, I hope the Senator from Maine will not leave at this time, because I have a few comments to make. I think this debate should be, very clearly, a nonpartisan debate.

While I agree with very much of what the Senator from Maine has said and agree almost entirely with what the Senator from Wyoming has said, I think a bipartisan approach is very necessary, insofar as we can acquire it. All four Senators in the Chamber at this time have found that out by reason of being Governors, two of them during the Korean war, I believe, and one or two during the early part of this war. The Senator from Florida was Governor during World War II, and he knows perfectly well that in all those meetings with Governors during both of those wars—and I am sure during every war—every emphasis was laid on a bipartisan approach to what are serious national questions.

So I wish to make a few comments from a little different viewpoint, if I may.

Mr. MUSKIE. Mr. President, will the Senator yield for just a moment on that point?

Mr. HOLLAND. I am glad to yield.

Mr. MUSKIE. I agree with the importance, of course, of closing ranks in a bipartisan way to the extent that we can in the field of foreign policy.

But at the same time, I think that all of us have a responsibility to make constructive inputs to any discussion of foreign policy, if we are to have a policy that truly represents our country. I think that has always been an understood facet of the bipartisan foreign policy concept.

I am particularly familiar, I suppose, with Dean Acheson's experience, because I have just finished reading his book; and I was struck, during the last years of the late distinguished Senator from Michigan, Senator Vandenberg, with the very constructive and solid relationship that existed between Secretary Acheson and Senator Vandenberg at that time.

Yet there are incidents related in the Acheson book of distinct public disagreement on the part of Senator Vandenberg.

So there is, in the concept of bipartisan foreign policy, room for disagreement and differences of opinion, hopefully always in a constructive spirit.

Mr. HOLLAND. I thank the Senator. I think his remarks are quite appropriate. His mention of Senator Vandenberg reminds me that one of the first assignments that I can recall after my coming to the Senate was being assigned—I presume by Dean Acheson, or someone over in the Department of State—to appear on a bipartisan interview beamed toward Latin America, in which the distinguished Senator Vandenberg appeared from one side of the aisle, and the very undistinguished newcoming Senator from Florida participated from the other side of the aisle.

Mr. MUSKIE. The Senator was the distinguished Governor of his State at that time. That makes up for it.

Mr. HOLLAND. Well, I was not Governor at that time. I had just come to the Senate.

So I have all pleasant recollections of Senator Vandenberg, who was then President pro tempore, and also of Dean Acheson, of whom I am extremely fond.

Now for a few comments.

I have been conferring, as I am sure my friends have, with students from my own State, largely, but with a few from other States, in the last several days. I want to say that I have been impressed with the fact that their attitude has been largely bipartisan and nonregional.

My first large conference was Friday afternoon, with about 50 students from Florida, but attending universities in States of the northeastern part of the Nation—Yale, Columbia, Rutgers, the University of Buffalo, Northwestern, Haverford—I do not remember them all; there were 10 or 12 different colleges and universities represented.

I must say that the conduct of every one of these who participated—and there were about 50—was very respectful and very constructive. It reminded me a little bit of colloquies on the floor of the Senate; they were just that kind to each other, and to the Senator from Florida.

Mr. MUSKIE. The Senator means some colloquies on the floor of the Senate.

Mr. HOLLAND. Well, I am speaking of the present colloquy, because that is fresh on my mind.

And I had a conference with a representative group sent here by the student government of the University of Florida, of whose law school I am privileged to be a graduate. Those five young people observed the same sort of amenities. I discovered they were bipartisan, some from the one party, and some from the other. This morning there was a similar delegation from the University of Miami, with the same result.

It seems to me that it is very necessary—and that is the reason I have risen at this point—that we emphasize the fact that all of us are hoping that the President will succeed. Some may have greater doubts than others. None of us forecloses his attitude in the future, in the event his hopes are not realized in the future; but the Senator from Florida happens to believe that there is good reason for this recent decision, so much now being debated, to make the effort to destroy the sanctuaries in Cambodia.

In these conferences with these young men and women, I have been somewhat surprised to find that in most instances they were giving little attention to this thought: That so long as Sihanouk was in command, so long as it was his country, in the so-called neutral position which he insisted upon, that we were in one situation; but that, now that there has been a revolution, that there is another government, and that other government, to the best of its ability, is fighting the Communist invader, the situation is largely reversed. That is my first point.

My second point is this: At lunch today one Senator told me about one of his employees who has just come back from something more than a year in Vietnam. He told that Senator—who has not by any means wholly supported the President in everything he has done in this matter—that the most frustrating thing that has happened to American soldiers in this terrible experience in South Vietnam is the fact that so frequently they would pursue the enemy, the enemy had been beaten and was in retreat, they crossed the line into a neutral territory; and he even told the Senator, so the Senator told me, that at times they could see him going uphill on the other side of the frontier into Cambodia, and they could not fire and could not do a thing, because the enemy had reached sanctuary.

Now that the condition has changed, and the sanctuaries can be taken, it seems to me that this effort was worthwhile, and it seems to me, from all I can learn—and I do not pretend to know everything, and I do not believe anyone knows everything yet about the success or failure which has been attained—that there has been a considerable degree of success.

I read from a UPI excerpt which appeared on the ticker tape outside the Chamber this afternoon:

> The Pentagon said today that removing U.S. troops from Cambodia under President Nixon's timetable would "present a logistical problem," but that the timetable would be met.
>
> Pentagon spokesman Jerry Freidheim said troops moving into the area had found so much equipment that it would present a "very major problem" to either dispose of it or carry it out of the country. He indicated no decision had been on what to do with the captured equipment.
>
> Nixon said in his televised news conference that part of the American forces would be pulled out by the middle of this week and the rest by July 1.
>
> "It is a difficult situation," Freidheim said. But he added, "the President's timetable will be met."
>
> He said that as of last Thursday, more than eight million rounds of small arms ammunition had been captured in the Cambodian operation, that 4,543 enemy soldiers had been killed and 1,240 had been captured. He said more than 6,000 weapons and more than 1,700 tons of rice had been captured. He said the rice found so far would have fed 6,000 enemy troops for a year.
>
> He said 85 Americans had been killed in action so far, and 249 South Vietnamese had been killed.

Mr. President, I think that that is a rather substantial indication of results. I hope that it will be proved to be true. I hope and believe it will be shown to have been less than the total results ultimately accomplished, before the removal; and I hope above everything that the President's timetable will be met. I have been very careful to say already in these remarks, and I say again, I certainly reserve my right to look at the

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facts that exist at the end of this operation and come to whatever conclusion I think is justified by those facts as being in the best interests of this country.

I want to make one more point——

Mr. MUSKIE. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. MUSKIE. In my discussion with the distinguished Senator from Wyoming, we went into the subject of the results so far, and the point I made then I think perhaps might be repeated briefly here.

What is involved is not whether or not it is useful to deprive the other side, or the enemy, of these supplies, military or nonmilitary, but whether or not the price we pay to get them is in proportion to the advantages.

I will not belabor that argument, because the Senator was good enough to listen to our colloquy at quite some length, and I think the argument was rather complete on that point. So I will not add to it. I simply want to refer to it.

Mr. HOLLAND. I did hear the Senator's argument. There was much meat in it. I realize there is a point to it, and think it ought to be considered. I think, also, that the facts I have just read into the Record, which I believe to be the facts—I hope they are the facts——

Mr. MUSKIE. I have read the same facts.

Mr. HOLLAND (continuing). Are correct. I think the Senator will agree with me that he hopes so, also, and that he hopes that such equipment and material and food as mentioned here will be largely exceeded by the time we have completed the operation. I am sure he feels that way because he, too, hopes for the success of this venture.

The second thing I found was that these very fine young men and women did not seem to understand—some of them did, but many did not—the geography of the situation. We are approximately 39 miles from Baltimore. The boundary is less far from Saigon than we are from Baltimore while we are in this Chamber. To have all that fighting going on not only in and around Saigon from time to time but also in the areas between Saigon and the boundary, and to have these sanctuaries immediately available, has been, I should think, the most frustrating thing, just as this young returned soldier has said to one of our colleagues today, that could possibly confront men in the field of battle. I have been in combat, and I know something about it. I am sure that some of the Senators now in the Chamber know more of that than I. But I know a great deal about it, myself. I cannot think of anything that would be more frustrating than to see the enemy in full retreat, and beaten and throwing away weapons, going across the boundary and then be in sanctuary. Yet, that is what has happened time after time after time.

The changing conditions created a situation under which there was a chance and under which the President, evidently based upon information he had—and he had vastly more than I have, and I believe vastly more than any other Senator has—thought the time was good for an invasion and a capture of those sanctuaries. They are raids, pure and simple, and they seem to be bringing results.

The third thing I want to mention is this: I have not heard anybody talk about this matter who seems to realize that we are also carrying on an errand of mercy. We have a joint fleet, mostly of South Vietnamese ships or small boats, going up the Mekong River, where it turns as you go upstream westward into Cambodia, but also with a good many ships of our Nation going along, and with some larger ships from our Nation supplied, which, as their first errand—so we are told in the press today—landed at a place where a large group of Vietnamese settlers in Cambodia were awaiting relief and awaiting evacuation back to South Vietnam. I did not see any numbers given in the articles I saw on the ticker. I did not see any numbers given in the newspapers. But it said it was a very sizable number, mostly of women and children, who were being evacuated back to South Vietnam.

The statement also was made that a principal object of this small armada of small vessels is, if possible, to reach Phnompenh, the capital of Cambodia, where several thousand Vietnamese civilians are hopefully awaiting the chance to be evacuated back to their home. I hope that that part of the mission also will be successful. I am sure that every Senator so hopes.

So this is a mission of joint mercy to others and relief and protection to our own, not only for their lives in the immediate future, but also, in the event the President goes forward with his evacuation of 150,000 more of our men from South Vietnam in the next year—I believe he has given himself about a year for that—there must be safer conditions than would result if the sanctuary situation were to continue and to be observed.

So far as the Senator from Florida is concerned, he wants to go on record, first, to this effect: He does not believe that there is any Senator who does not hope, in the depths of his heart, that this mission will be successful, that it will protect our men, that it will save the lives of many of our men, that it will promote an earlier and a more successful evacuation. I am sure that is the case. In my own heart, I am sure that the President in taking a chance—which he knew was a chance—had good reason to believe that success could be attained.

Speaking for this Senator alone, he is going to hope with all his heart that that success can be sustained. Up to this point, he strongly supports his President, and he speaks for the great majority of the people in his State, if the correspondence, wires, and telephone calls from his State are any indication, in saying that he believes the people of his State very strongly have the same belief.

After all, Mr. President, the Commandant of the Marine Corps, General Chapman—and the marines still are heavily engaged there—is a native of Florida and a citizen of Florida, and we are very proud of him.

Mr. McGOVERN. Mr. President, will the Senator yield on that point?

Mr. HOLLAND. I shall yield in a moment.

After all, we of the South are rather proud of the fact that the Chief of Staff of the Army, General Westmoreland, is a South Carolinian, who took terrible punishment for 3 years or more in South Vietnam. And we want to back him up.

We are also very proud of the fact that the newly nominated Chairman of the Joint Chiefs of Staff, Admiral Moorer, is an Alabamian.

Although my distinguished friends do not seem to like the idea of coming South for judicial officers, I am glad that they are quite ready to come South for military leaders. May I add, with a smile, too, that they seem quite willing to come South for people to collect their taxes for them. I notice that we now have Randolph Thrower, head of the Bureau of Internal Revenue, an Atlanta boy, whose grandfather happened to be my Methodcision will be found to be sound, and a small boy.

All I am saying now is that tremendous values of loyalty are involved here, and I am sure that no Senator fails in entertaining those feelings of loyalty and of hope. Although there may be differences in detail as to how this difficult problem may be handled, I am never going to believe that any Member of this body has anything else but loyalty to his Nation and hope that his President's decision will be found to be sound, and a willingness to support that decision.

Mr. President, I yield the floor.

Mr. HANSEN. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. Bellmon). The Senator from Wyoming has the floor.

Mr. HANSEN. I thank the Chair.

I now yield to my distinguished colleague from South Dakota, in order that he may present a unanimous-consent request.

Mr. McGOVERN. I should also like to make a few brief remarks.

Mr. HANSEN. Yes, indeed.

Mr. McGOVERN. Mr. President, before I comment on the colloquy which has just taken place, I want to commend the distinguished Senator from Maine (Mr. Muskie) for the resolution he has introduced before the Senate today, and also to make a report to the Senate on the progress we have made in securing cosponsors for amendment No. 609. The amendment to end the war, which calls upon the Senate to cut off further funding for military operations in Southeast Asia except for purposes of effecting the safe and systematic withdrawal of our forces.

Since I last reported to the Senate on Thursday afternoon, seven additional Senators have added their names as cosponsors to this bipartisan amendment.

Mr. President, I ask unanimous consent that the names of the following Senators be added at the next printing of the amendment:

The Senator from Connecticut (Mr. Ribicoff), the Senator from Minnesota (Mr. McCarthy), the Senator from Massachusetts (Mr. Kennedy), the Senator from Idaho (Mr. Church), the Senator from Maine (Mr. Muskie)—who has just been speaking on the floor—the Senator from Missouri (Mr. Eagleton), and the Senator from Michigan (Mr.

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HART), bringing the total to 21 Senators who are now listed as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, in addition, some 10 Senators have told me that, if this measure were being voted on today, they would vote for it; but they are not ready, for various reasons, to add their names as cosponsors at this point. In some cases they have minor language changes to suggest. In other cases, they are Senators who ordinarily do not cosponsor legislation; but, nevertheless, 10 Senators on both sides of the aisle, in addition to the 21 who are cosponsors, have told me that they would vote for the amendment.

Mr. President, that means that nearly one-third of the U.S. Senate is already committed to supporting the amendment. This is a perfectly proper procedure under the Constitution. As a matter of fact, it is the only way under which the Senate can express and work its will, the only way it can be effective in terms of bringing the war to a conclusion.

All of us heard the President of the United States say on last Friday at his press conference that Members of the House and Senate have the luxury making speeches and offering criticism, but that only he carries the burden of making the decisions and taking the risks.

Very frankly, I think that the President's point is well taken. That is exactly what we have been doing. We have been standing here offering criticism and advice to him but, so far, in the long and tragic history of this war, never have we really stood up as Members of the Senate and answered yes or no as to whether we want the war to continue or to end.

That is the purpose of amendment No. 609, the amendment to end the war, to share that burden with the President of the United States—which we are supposed to do under the terms of the Constitution of the United States.

We will be saying to the President, when we vote on that amendment: "No longer will we content ourselves simply to advise you on what you should do in handling your duties. We are willing to face up to our responsibilities. We are willing to bear some of the political risks and some of the political responsibility involved in deciding whether or not to continue the war or to end it."

If it is true, as has frequently been said, that a majority of the Senate wishes we had never become involved in Southeast Asia and would like to find some dignified, constructive way by which we can extricate ourselves, this amendment will provide that formula.

Mr. President, five Members of the Senate, including the Senator from Oregon (Mr. HATFIELD) and the Senator from New York (Mr. GOODELL) on the Republican side, the Senator from Iowa (Mr. HUGHES), the Senator from Idaho (Mr. CHURCH), and myself on the Democratic side, are going on television tomorrow night at 7:30 on NBC, to make an appeal to the Nation for support for this amendment.

I want to say to the thoughtful and concerned students who have been with us in Washington over the past weekend, especially since the tragedy at Kent State University, that winning support for this amendment to end the war is the area in which they should be working. This is the area where the action is going to be that counts, in terms of deciding whether the war continues or whether it does not.

We are not going to end the war simply by strikes, protests, wringing our hands, or tearing our hair. All of those things might seem understandable; but not one of them will change our course in Southeast Asia.

There is only one way that can be done—unless the President decides to call off the action—and that is by Congress exercising its responsibility under the Constitution.

Thus, I want to plead with Members of the Senate, with the students, and with our older citizens—all the people across this land—to make our constitutional system work, not to write it off until we have tried it, and not to say that Congress has no power in the area of war or peace.

Let us not be talking about this war as President Nixon's war. He did not start it. Let us not talk about it as Johnson's war, or the CIA's war, or the Pentagon's war. Under the Constitution, only Congress has the responsibility to declare war.

We have surrendered that responsibility. We let it slip away from us. The only way we can reclaim the warmaking or the war-ending power that resides in this Congress under the Constitution is by exercising it.

Therefore, I ask my colleagues in the Senate and the House of Representatives, I ask all my fellow citizens, to make our constitutional system work the way our Founding Fathers intended.

Mr. President, this is what we hope to accomplish with this amendment.

I do not want to get into a debate with my good friend from Florida, who feels deeply on this question but who is trying to keep his mind open. He has given the students a hearing, as others have done. I want to make a few quick observations here as to what he had to say about the move into Cambodia.

I do not question the President's sincerity, in what he was trying to do, but I do question his judgment. It seems to me that this is another in the long series of efforts on the military front—which were made supposedly to bring the war to an earlier end—which are going to prove disappointing.

When one talks about wiping out rice supplies in Cambodia, capturing small arms ammunition, and capturing rifles and arms of all kinds, we must remember that this is not a traditional type of war. Measured against that must be the impact on the total situation, such as the pictures we all saw on television and in the press of another Cambodian village in smoking ruins, the wreckage, and everything that was destroyed by American artillery and American air strikes.

I understand from the military viewpoint why these things happen, but this war is not just a military operation. Even the military commanders will tell us that this is a struggle to win over the hearts and minds of the people of Southeast Asia.

Well, Mr. President, what is going on in the hearts and minds of the people in that small village in Cambodia which was smashed to the ground and blasted beyond recognition, with young American soldiers amidst the wreckage, looking at the bodies of the horribly burned men, women, and children who were hit by napalm?

The press showed a picture of a young American soldier looking at the remains of a little girl who was probably 7 or 8 years old who had been incinerated by napalm bombing, and the bodies of two women and a man lying beside her.

They happened to be four victims in that particular incident of the war which occurred shortly after we were shocked by the deaths of four students at Kent State University.

Both of those groups were killed as a consequence of this war.

We are terribly shocked and saddened by what took place at Kent State University.

But what happened in the hearts and minds of the people related to those four innocent people who died in the village of Snou in Cambodia?

Is that the way to win the hearts and minds of those people?

How impressed can they be with the argument that by destroying their village, we were able to capture so many rifles and so many bullets and small arms which can weaken the capacity of the enemy to strike back?

I suggest, Mr. President, that every time a village like that is destroyed in Southeast Asia—and they have been destroyed by the hundreds and perhaps thousands—we lose another step in this great struggle for the hearts and minds of the people of Southeast Asia.

I cannot ever get out of my mind the picture of those bodies floating down the Mekong River 2 or 3 weeks ago. They were not Communist bodies. They were bodies of citizens of Cambodia who were killed by the armed forces of their own country—probably with armament supplied by us. We did not supply it for that purpose. We supplied it because we thought that that government shared the same purposes we do in Southeast Asia.

The fact remains, however, that because of longstanding and bitter tribal rivalries that we do not know very much about, these things happen. That is one of the very great dilemmas we face there—that we do not know very much about what we have gotten into in Southeast Asia. Because of things that have very little to do with the concerns of this country, we watched hundreds of bodies of Cambodian citizens, tied together, floating down the river. They had been slaughtered by the forces of their own government.

One has to ask the question: What is the impact of that on the hearts and minds of the people we are trying to reach in Southeast Asia?

Mr. President, this was the incident at Kent State University multiplied several hundred times over. We must balance that against the mission of mercy going

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the other way up the Mekong River, to which the distinguished Senator from Florida referred a moment ago. Let us recognize that we are involved in far more than a simple military operation in Southeast Asia.

There is no possible way that this struggle can be solved by increasing inputs of military power.

If one were to pursue the sanctuary theory to the ultimate, we would have to move into Cambodia, North Vietnam, China, and the Soviet Union, and, in fact, into the whole Communist world, for that is a sanctuary in a sense for the forces with which we are engaged in Southeast Asia.

I think the time has come, not to widen this war, not to base our hopes on some dubious claim that maybe, by extending the war into yet another area, we can bring it to an end, but the time has come in the interest of our country and in the interest of the highest form of patriotism to do what I believe many Members of the Senate want to do. And that is to correct what we now know was a dreadful mistake.

The way to do that is by supporting the amendment to end the war.

I am very hopeful that amendment will prevail.

Mr. President, I thank the Senator from Wyoming for yielding to me for what turned out to be more than a unanimous-consent request. [Applause in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries should be warned that the rules of the Senate do not permit demonstrations or approval or disapproval by the spectators in the galleries. If it happens again, the Sergeant at Arms will be ordered to clear the galleries.

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Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. HOLLAND. Mr. President, I think that the Senator from South Dakota has said many things that are worth while. He calls to our attention the fact that there is more than one side of the coin to look at here.

I am sure the Senator has spoken from a very pure heart. He has a fine record as a bomber pilot in World War II. I am sure that when he dropped bombs, knowing perfectly well that people would be mutilated and that people would be killed, he felt that it was his duty. I feel so, too.

I have been in somewhat the same situation myself, although not in a bomber. I flew on four fronts in France—as the Senator from South Dakota knows—a good long time ago.

I know that the Senator from South Dakota has not given what I think is necessary consideration in this picture—and it is a miserable picture and no one can make it out in any other way—to the fact that we have lost many American men by reason of the privilege of these sanctuaries which has been given to those who come out of the sanctuaries and attack and, after a hit-and-run engagement, generally by surprise, go back into these sanctuaries.

The question is where is the balance in this thing? The Senator from Florida does not know, and he does not believe that the Senator from South Dakota or any of us can know. And he is not entirely sure that the President knows. However, he thinks that the President has vastly more opportunity to know than can any Member of the Senate.

The President has the full reports of the CIA, the full reports of his field commanders, the full reports of the Ambassador. I trust that my distinguished friend listened carefully to our Ambassador to South Vietnam on the television last night. The President has the reports of the Joint Chiefs of Staff. He has the reports of the State Department. He has the reports of every intelligence group that our Nation possesses.

Surely the President knows better than we know how many hundreds and maybe thousands of casualties we have sustained. My understanding is that it is a bitter fact that we have sustained better than 40,000 deaths in the fighting in South Vietnam and over 200,000 wounded. I do not have the exact figures in mind. However, that is a terrible, tragic picture for us to consider.

The President knows better than anyone else how much of that is chargeable to these nefarious sanctuaries which for 5 years have been plaguing our men in the field just a stone's throw across a boundary that is also almost nonexistent in many places. In many places the boundary cannot even be determined with exact accuracy.

The Senator from Florida feels that everyone of us should hope and pray that this decision is a sound one and that it will result, at relatively small loss, in the destruction of large amounts of equipment.

The figures I placed in the RECORD awhile ago would indicate that it was more than enough equipment to fully arm a full division. I understand that they have few full North Vietnamese divisions over there.

The Department of the Army states in that release I had printed in the RECORD that the amount of rice captured and either carted away or destroyed would supply 6,000 fighting enemy for a year.

I do not believe that my distinguished friend was present when the first clipping was read into the RECORD by the Senator from Wyoming. It was a clipping from today's New York Times.

The clipping stated that in addition to the 6,000-odd small arms which had already been captured—I will read the exact figures if the Senator has not heard them. Perhaps he has.

The figures are as follows: 6,750 rifles; 1,232 heavy machineguns, mortar tubes, rocket launchers, recoilless rifles, and antiaircraft guns—it does not say how many of each; 865 tons of ammunition. The rest is confined to edibles and medical supplies, except that it does mention specifically 130 trucks and I think my friend knows that trucks are not built in that section of the world. They have to be brought in from China or Russia. The capture of 130 trucks—it does not say whether they were large or small—is a tremendous raid upon the carrying capacity of those who have been using the Ho Chi Minh Trail now for more than 5 years in building up more and more the reserves that were there.

This is just part of the story. We do not know what the full story will be.

The only thing I plead for now is that we not do that thing we so frequently regret later and use snap judgment.

Mr. McGOVERN. Will the Senator yield?

Mr. HOLLAND. I shall yield in a moment. I plead that instead we wait until the story is told.

The Senator from Florida has already said that in the event this raid or series of raids—and it is now five or six of them—should last longer than the President has assured us, or proves less successful than hoped for, or brings greater losses than expected, the Senator from Florida reserves his entire freedom of decision.

The Senator from Florida has not failed to buck presidents in the past, whether they were Democratic or Republican, and he will not fail to buck them in the future when he thinks they are wrong. But I think this decision has promise and hope for working out and I hope my distinguished friend will continue to nurture some hope for this success. I feel, knowing as little as we do about the essential facts in this case, that it is the better part of wisdom and loyalty for us to have hope that it will be successful and I believe most Members of the Senate will come to that conclusion.

I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I wish to say to the Senator that it does seem on the surface that the argument that he makes about the President having more information than the rest of us should bring him to a more sensible judgment than any of us can make. However, that is precisely why Congress has surrendered much of the responsibility that we were intended to carry under the Constitution.

Years ago when anxieties were expressed about the commitment of American forces into Southeast Asia, that same argument was raised, the argument that the Commander in Chief had information that was not available to us. Very frankly, I am embarrassed when people come to me with questions about to what extent we were involved, for example, in the collapse of Prince Sihanouk, and I have to say that I do not know; I am not privy to that information.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. McGOVERN. I yield.

Mr. HOLLAND. The Senator does know, however, does he not, that Prince Sihanouk did not come to us; he did not go to the French; but he went to Moscow and Peking and he is enlisting Communist forces to put him back in power.

Mr. McGOVERN. I know that happened since he was deposed, but I do not know that that would have been the situation with a little more impagination on our part prior to the time he was deposed.

I am getting impatient with the argument that the President has information more dependable than ours and that we should accept his judgment. That is not the way I read his responsibility or our responsibility. I think every Member of the Senate has some obligation to act on his own best judgment. I think that is why the warmaking power was vested not in the President of the United States but in the Congress of the United States. For various reasons that perhaps the Senator understands better than I, we have abdicated that power.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. HOLLAND. Did the Senator vote for the Gulf of Tonkin resolution?

Mr. McGOVERN. Yes, and I regret it very much. I do not want to repeat that mistake 6 years later.

Mr. HOLLAND. The Senator from Florida is in exactly the same position. The Senator from Florida, standing here, addressed question after question, as the Senator will see if he looks at the record of debate, to the distinguished Senator from Arkansas, who was leading the debate for the adoption of the resolution. All but two Members of this body voted for giving the President the power to act as he saw necessary in his discretion to whatever might occur in that theater.

I am not trying to pass judgment in advance on what the distinguished Senator is offering today. I have not seen the Senator's resolution. But I am pleading for continuance of some confidence and hope and support of the one man that we have as President, for whom I did not vote, but who is my President and the President of this Nation, and who has vastly more information than any other citizen can have.

He wants peace; of course he wants peace.

Mr. McGOVERN. I do not have any doubt of the President's motives. I feel exactly as the Senator from Arkansas said so many times: that he does not question the motives of the President; he questions whether he is following the proper means to achieve his object, which is an early peace in Southeast Asia.

Even from a military standpoint, the Senator knows that, just prior to the Tet offensive, there were tremendous military operations that were directed into the so-called iron triangle area around Saigon which were believed to be the very center of the North Vietnamese and NLF military operations in South Vietnam.

There were two of those offensive operations which we conducted in 1967 which led General Westmoreland to the conclusion that we had destroyed the base camps, staging areas and the principal supply areas for Communist forces operating in South Vietnam. The Senator will recall there were all kinds of optimistic reports that we had virtually destroyed the underpinning of the enemy in the south. Then came the Tet offensive and the whole apparatus fell apart. The Senator knows the impact of that on domestic policies in the United States.

To say we have captured so many pounds of rice, so many guns, and so many boxes of ammunition in Cambodia and that, therefore, we are going to have American forces in South Vietnam conjures in my mind similar optimistic predictions made before. I have no doubt that the kind of Vietnamese Pentagon they were looking for in Cambodia was probably a handful of people with a few radios on their backs, and a floating operation that vanished in the jungle in a few hours prior to our invasion.

I do not have the slightest hope that we have broken up the North Vietnamese and NLF apparatus. Basically that is a political apparatus; military considerations are secondary. What we are contesting is a vast political network spread through a vast jungle area. One cannot tell friend from foe. To use our military power in the way the Senator is talking about, the way he used it in World War I and in World War II, would defeat the purposes we have in mind because we would be killing the very people we are trying to save. I think the President is asking us to make the same mistake we have made time after time based on the mistake that our progress is winning the minds of Southeast Asia can be evaluated in military operations.

The Senator remembers the charts that former Secretary of Defense McNamara brought with him when we would go to the White House for a briefing. He would say, "We killed so many Vietcong and so many North Vietnamese and, therefore, on April 15, 1956, they should surrender according to my computations."

It never worked that way because of this "hearts and minds" business that cannot be measured with computers. This is the other side of the equation we have to keep in mind. We have to measure what this war is doing to us. I think the question has now become not so much whether we can continue this operation in Southeast Asia, but the question really is becoming whether we can hold our own society together if we stay on this course much longer in Asia. To me that is the crucial question.

I am doing what I think is the right thing to keep our society together by giving Congress and the American people an opportunity to register a decision in this matter in a way provided by the Constitution.

Mr. HOLLAND. Mr. President, if the Senator will yield further, I am very sure that the Senator from South Dakota has completely and correctly stated his own feelings and his own objective. The only difference between us is that I do not agree with that objective, and I call the Senator's attention that the very thing he has done here today in offering a resolution is to try to put a date on the end of this whole thing when he has just remarked, so truthfully, that frequent predictions in the past as to when the war would end would come to naught.

So far as the Senator from Florida is concerned, he is going to give careful attention to anything that comes from the Senator from South Dakota, for whom he has much admiration. He was a great soldier. I say again, I am sure he knew when he dropped his bombs there would be great loss of life. And I am sure he knows that in war there will be loss of life. And I am sure he knows that nobody can state with certainty now what is going to happen. But he also knows that that handful of men with walkie-talkies could not carry away those 6,700 muskets, much less the mortars, rocket launchers, the 130 trucks, and all the rest of the tremendous amount of equipment.

We are not talking about simply hauling equipment from Washington to Alexandria. We are talking about replenishing their supplies from remote parts of China—and China itself is a long, long way off—and from remote parts of Russia, which are even more remote. There is bound to be tremendous difficulty in replacing the amount of equipment already reported as having been captured.

Surely, the Senator from South Dakota, once with the military himself, will take at face value the numbers given by the Pentagon as those weapons, trucks, launchers, and rockets that have actually been captured.

That is no mean accomplishment. That is a tremendous backset to people who have to look as far away as they have to for a replenishment of their equipment so they can fight again.

I just plead again, let us not make up our minds too quickly. The Senator from Florida is retaining completely freedom of decision after we have gone far ahead to see how hopefully a situation we will be in after this effort is over. He is retaining, however, still his feeling that the President is entitled right now to our support, and he is going to have the support of the Senator from Florida.

I yield the floor. I thank my friend for yielding to me.

Mr. HANSEN. Mr. President, I think just for the record I would like to ask my distinguished friend from South Dakota if I understood him correctly to speak about the Cambodian bodies floating down the river.

Mr. McGOVERN. Yes; I did speak about that, which goes back to perhaps 3 weeks ago. I am not referring to anything that happened in the destruction of the village to which I referred previously, but this took place shortly after Prince Sihanouk was deposed.

Mr. HANSEN. And these were Cambodian bodies?

Mr. McGOVERN. Yes; the ethnic background of those people is Vietnamese, but they are residents of Cambodia and have lived there, as I understand it, for many centuries. There has been longstanding bitterness, a kind of tribal rivalry between these groups in Cambodia and some of the others in that country. But it was not a case of Communists being killed by anti-Communists. These people were not killed on ideological grounds.

Mr. HANSEN. My only point in asking the question was that I have in my hand a copy of Newsweek magazine. While I think the Senator's explanation now does clear the point I wanted to make, I believe it ought not to go unnoticed that, according to Newsweek—and I have the April 27, 1970, issue in my hand, and I read from page 37:

> As we approached the car-ferry crossing the Mekong River at Neak Luong, everything was oddly silent. None of the usual fruit peddlers were in sight. The Vietnamese-owned shops were boarded up and the names of

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their owners hastily painted over. But once on the ferry a far more dramatic sight occurred. As far as the eye could see, odd-shaped bundles were slowly drifting toward us. At first I thought they were clumps of water lilies. But the Cambodian passengers—

I repeat that:

But the Cambodian passengers on the ferry identified the bundles immediately as the bloated bodies of Vietnamese men and women, still clad in their black pantaloons.

Mr. McGOVERN. Yes, but the Senator should keep in mind that they were citizens of Cambodia. That is like saying that if our Government turned on the Boston Irish, it was shooting Irishmen, not Americans. These people were citizens of Cambodia who happened to have Vietnamese origin, but they had lived in Cambodia for many, many centuries. The rivalry between the forces that killed them and the people who were killed had nothing to do with communism versus the free world, as we sometimes describe this war.

Mr. HANSEN. I would suggest, Mr. President, that that is the Senator's interpretation and conclusion. It may be that not every one would agree with him. Nevertheless, that is certainly his opinion, and I respect him for it.

I yield the floor.

ADJOURNMENT TO TOMORROW AT 11 A.M. IN EXECUTIVE SESSION

Mr. McGOVERN. Mr. President, in executive session, I move that the Senate stand in adjournment in accordance with the order previously entered.

The motion was agreed to: and (at 4 o'clock and 38 minutes p.m.) in executive session, the Senate adjourned until tomorrow, Tuesday, May 12, 1970, at 11 a.m.

XUM

NOMINATIONS

Executive nominations received by the Senate, May 11, 1970:

U.S. MARSHAL

Jose A. Lopez, of Puerto Rico, to be U.S. Marshal for the district of Puerto Rico for the term of 4 years, vice Santos Buxo, Jr., term expired.

IN THE ARMY

The following-named officers to be placed on the retired list in grades indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Frank Schaffer Besson, Jr., 579-52-8234, Army of the United States (major general, U.S. Army).

To be lieutenant general

Lt. Gen. Oren Eugene Hurlbut, 490-44-9251, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Richard Thomas Knowles, 340-10-3134, Army of the United States (brigadier general, U.S. Army).

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

IN THE ARMY

To be colonel

Shaddy, Mershan G., 523181032.

DENTAL CORPS

ARMY PROMOTION LIST

To be colonel

Powers, Walters J., 260601585.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Abbruzzeese, Peter A., 057206838.
Adams, Dwight L., 223329669.
Adams, Pritchard G., 240301308.
Adams, Walter E., 577344548.
Adkins, Virgil S., Jr., 426140333.
Ahern, Neal J., 569032449.
Aiken, Jamie L., 243304723.
Alexander, John T., 454380127.
Alexander, Marvin L., 430303583.
Allen, John W., Jr., 188207239.
Allen, Robert W., 238225780.
Allen, Robert W., 2382257980.
Allgood, Charles N., 447203914.
Allison, James W., 542148083.
Alvarez, Alfred A., 027142250.
Ambrose, Bernard J., 299146792.
Ambrose, Wayne R., 510126692.
Anderson, James R., 404301651.
Ankley, William J., 348185837.
Armeli, Jerry P., 296189490.
Arnold, George H., 045141119.
Attmore, Charles M., 149140909.
Aull, Luther B., III., 251408614.
Austin, Thomas A., 266347759.
Bachus, Walter O., 465209971.
Baeuchle, Alfred A., 451147297.
Bagley, James E. III, 30200133.
Baish, Charles F., Jr., 539229259.
Baldwin, Daniel L., 220205661.
Ball, George L., 415261628.
Ball, Thomas H., 456326858.
Banks, Thomas G., 244268632.
Barclay, Kenneth K., 533129804.
Barkley, James R., 222123377.
Barnes, James C., Jr., 231264664.
Barnet, John A. Jr., 368243355.
Barry, Raymond N., 447206253.
Bashore, Boyd T., 130264518.
Bassett, Cyrus W., 027120240.
Bateman, Benjamin F., 409340655.
Baxley, William J., 251265702.
Bean, Robert, 236289306.
Beauchamp, Darwin D., 557140438.
Beaumont, Robert B., 398169136.
Beckner, David A., 291224983.
Beddoe, William A., 085125131.
Begley, Thomas F., 370169567.
Belford, Robert E., 002124964.
Belock, Frank, 008140216.
Bennett, Karl F., 187147076.
Berry, Elbert D. H., 176324042.
Berry, William T., 041223165.
Beverly, Sidney E., 148186543.
Bice, William S., 347206784.
Birk, Elmer L., 257609667.
Bjork, Harlan L., 374222280.
Black, Lorne S., 530122849.
Black, Sammy J., 456322112.
Black, William C., 545385985.
Blair, Arthur H., 176323629.
Blank, Harold L., 500245209.
Blankenship, Alan W., 248404840.
Blount, John B., 038127463.
Bluhm, James L., 532207266.
Blumhardt, Howard J., 504166102.
Bobzien, Gerald B., 448226907.
Bohn, Donald L., 561547223.
Bolduc, Lucien E., Jr., 015206456.
Bolen, Charles M., Jr., 425545601.
Bolson, Carl D., 258280718.
Bolte, Philip L., 228326812.
Boyer, Robert E., 430364961.
Boyes, John H., 164242157.
Boylan, James F., 562304012.
Boyle, Garrison J. I., 219163232.
Bradley, William M., 579309675.
Brandes, William F., 579306145.
Breitwieser, Albert, 570266335.
Brenner, John A., 206073317.
Brent, Walter I., 554286761.
Briggs, Jack L., 459246591.
Brindel, Charles L., 245426263.
Brinker, Joseph R., 251222298.
Brinkerhoff, John R., 565320794.
Brister, Alan A., 176325085.
Broderick, John P., 498202761.
Brooke Staffortd R., 255345858.
Brown, Charles H., 579367366.
Brown, James L., 438324735.
Brown, Lloyd J., 019123364.
Brown, Robert L., 501189599.
Brown, Vance S., Jr., 551327960.
Brumme, Gunther A., 077183497.
Bryan, John A., 260282067.
Buccolo, Joseph P., 136326347.
Buchanan, William J., 232464751.
Buckley, Francis R., 053147920.
Buckner, Garrett D., 406247283.
Bull, Kenneth R. 248444544.
Bunn, Dudley T., 260603676.
Burack, Emanuel, 109200342.
Burke, Lloyd L., 432122298.
Burnop, George T., 096148798.
Burtchett, Howard D., 412282456.
Busbey, Arthur B., Jr., 464448905.
Bush, Charles C. III, 444407615.
Butler, Millard J., 244347238.
Byers, Andy J., 451408294.
Byrne, John P., 377244882.
Caffrey, James V., Jr., 246019441.
Cain, John H., 032209113.
Callanan, John A., 135224413.
Cameron, David H., 090227005.
Cameron, Stephen F., 578286481.
Campbell, John W., 477185942.
Campbell, Robert M., 056207923.
Caraplis, Louis A., 571014263.
Carey, Eldon W., 392241730.
Carlisle, Wilford B., 432205686.
Carrejo, Joe T., 525569691.
Carroll, Danford S., 147202008.
Carter, Donn F., 519244979.
Cary, Richard L., 465204312.
Casper, Paul N., 496055678.
Cassidy, Joseph B., 028167869.
Chabot, Richard C., 025180353.
Chadwick, Harold M., 433187529.
Chamberlain, Edwin, 579309054
Chamberlain, Robert, 366201063.
Chamberlin, Robert, 537181491.
Chambers, Robert M., 274248987.
Chandler, Malcolm W., 213243668.
Chapman, Herschel E., 484207810.
Chaulk, Kenneth G., 058201885.
Cheney, Robert A., 0013163544.
Childers, Charles N., 240302957.
Childers, John C., Jr., 432401802.
Christensen, Hal S., 528207322.
Clark, Richard P., Jr., 421307760.
Clement, Coleman C., 402186281.
Coakley, Paul E., 305243676.
Coffman, Warren G., 235204309.
Collins, John J., 001206723.
Collins, Robert S. Jr., 250267644.
Colville, Warren R., 081162374.
Conners, Robert J., 520164667.
Conroy, Bernard J., 438208327.
Cornay, Florian O., 433580344.
Coursen, Edward O., 073322792.
Covach, John, 176324186.
Cowden, John E., 242360668.
Cox, Charles P., 365206339.
Cox, Joice O., Jr., 460307936.
Coxe, Robert L., 221200207.
Coykendall, Kenneth, 548053063.
Coyle, Marcus W., 366266627.
Craft, Clayton, 406203793.
Cramer, Arthur J., 308303571.
Crawford, Albert B., 526249558.
Creuziger, Donald P. 396380984.
Crockett, Edward P., 570280509.
Crooks, Eugene F., 245224003.
Culbertson, Edward, 317262361.
Cunningham, Charles, 219220510.

Currier, John W., 497240625.
Curtis, James A., 479248409.
Daniels, Hiram E., 261303905.
Darling, Gregory, 091207342.
Dasch, William E., Sr., 213265357.
Daugherty, William, 572282805.
Davis, David H., 274249140.
Davis, Edward P., 223388572.
Davis, James H., 512033086.
Davis, L., Conrad, 176326648.
Davis, Reed E., Jr., 508208347.
Davis, Walter R., 411524734.
Davis, William D., 345225951.
Day, Harvey C., Jr., 222106492.
De Fiori, Victor A., 071224485.
De Graf, William B., 550300343.
Delavan, Patrick N., 568111147.
Denison, Allen R., 537168891.
Detherow, Ralph H., 514167155.
Devane, William L., 260604019.
DiCiro, Charles M., 345205642.
DiGennaro, Michael, 186207962.
Dickerson, Charles, 522202439.
Diehl, Robert C., 217187360.
Dielens, August J., Jr., 194189188.
Digrazia, John E., Jr., 530145992.
Dill, Harold E., 260284031.
Dillon, Robert E., 369202593.
Dissek, John, Jr., 060222496.
Dixon, Frank W., 549037944.
Dixon, Louis F., 164220933.
Dixon, Roland M., Jr., 461260238.
Dobbins, John P., 251183399.
Dolan, Pierre J., 051220153.
Dolezal, Thomas R., 346092989.
Donovan, James C., 441282073.
Dornbush, Louis W., 503462780.
Dorsey, Frank J., 538224402.
Doughtie, Claude H., 259280354.
Dowe, Ray M., Jr., 577344232.
Downes, Thomas W., Jr., 197120510.
Downey, Neil B., 261366013.
Dreisonstok, Thomas, 579187583.
Drewry, James C., Jr., 431343596.
Druener, Hanz K., 119017605.
Du Bose, Grover A., 423282358.
Duba, William T., 037120133.
Dudley, Thomas D., 231167633.
Duemler, Richard R., 465301492.
Duggins, Frank H., 495200142.
Duke, Herbert J., Jr., 229169922.
Dunley, James E., 483203946.
Dunn, James F., 561347237.
Durham, William L., 239344841.
Durst, Jay B., 721184744.
Eaton, William H., 224189646.
Eberhardt, Guy A., 492221858.
Ebner, Kenneth R., 176323738.
Edner, Lewis V., 473142102.
Eek, Lauris M., Jr., 499203728.
Effertz, Edward H., 361122814.
Eichorn, William N., 032200104.
Elliott, Joe F., 259306268.
Ellis, Calvin W., 430266919.
Engle, Marshall G., 578347439.
Erwin, Charles E., 024168437.
Eshelman, Charles C., 068309755.
Eustis, Thomas B., 149143927.
Ewan, Richard C., Jr., 140206299.
Fallon, Robert T., 224525692.
Farmer, Raymond L., 470240743.
Farrar, Julian D., 441104753.
Farrell, Peter B., 111206449.
Faulkner, Oscar L., 221161105.
Faust, Elmer F., 461261538.
Feicht, Victor R., 359222422.
Felder, Pelham L., II, 250327824.
Fern, Albert J., Jr., 567262487.
Fette, James H., 297222342.
Filbin, Edward J., 507148332.
Finkelstein, Zane E., 371262407.
Fisher, Emil, Jr., 018224812.
Fite, Richard A., 445222106.
Fitzgerald, Edgar R., 345125715.
Fletcher, Tyler H., 456408000.
Flynn, Allan S., 031303006.
Foerster, Merlin W.. 508168469.
Forbes, Dennis L., 525422092.
Ford, Charles D., Jr., 579384845.
Forney, Leslie R., Jr., 280262011.
Fox, John E., 467402449.
Frandsen, Herbert L., 507266462.
Franklin, Joseph R., 524203763.
Frazier, Ernest R., 209123229.
Freedman, Edward P., 044206984.
Freeman, Belvin S., 525482191.
French, Cecil R., 423364809.
Fronczak, Edward L., 375409036.
Fuller, Marvin D., 504054547.
Fullerton, George R., 013204714.
Funke, Robert D., 517189842.
Fye, Richard S., 553346846.
Gainey, Maurice A., 577205129.
Gainok, Elmer J., 296120624.
Gaiter, Leonce E., 439053180.
Gallagher, Francis, 187169130.
Gallivan, William G., 340221841.
Gappa, Joseph A., Jr., 398184052.
Garber, Robert A., 053203512.
Gard, Robert G., Jr., 449363971.
Gardner, Frank K., 529185170.
Gearan, William K., 033209628.
George, Richard E., 166181454.
Ghormley, Thomas A., 263326844.
Gillespie, Berkeley, 229162560.
Gillette, Stanley L., 521289921.
Gilliatt, Donald L., 306306667.
Glasgow, Keith A., 305144746.
Glasgow, Richard J., 406301198.
Glauber, James M., 219285685.
Glenn, Arthur B., 560321928.
Glenn, Russell A., 048183411.
Glover, William D., 244424016.
Godsey, James P., 236320887.
Goen, Ira J., 433326070.
Goessling, Ward C., Jr., 576185047.
Gojsza, William P., 292182543.
Goldsmith, John W., 576208733.
Gordon, George W., 581700696.
Gordon, William I., 548281503.
Gorman, Paul F., 034126940.
Gotowicki, Paul P., 216140028.
Gradoville, Edward, 506244229.
Graefe, Carl W., 267304284.
Graham, Charles P., 518247377.
Grammer, William C., 421286538.
Grange, David E., Jr., 115181345.
Grasser, Peter G., 197228945.
Green, Calvin E., 519051180.
Green, William A., Jr., 425340407.
Greenberg, Robert A., 109160841.
Greene, Joseph E., 244289789.
Greene, Robert J., 400263882.
Greer, Robert L., 531182326.
Greer, Thomas U., 266300303.
Gregg, Arthur J., 227200740.
Gregg, Edmund F., Jr., 020201339.
Griebling, Alfred L., 523241370.
Griffin, Frank L., 258223453.
Griffin, Joseph T., Jr., 216227723.
Griffiths, Samuel E., 076223652.
Griswold, Frederick, 006164066.
Grombacher, Gerd S., 340160471.
Gross, Melvin G., 423203946.
Groves, Thurman M., 236149531.
Grow, Robert M., 578349437.
Guelker, Clarence W., 275202391.
Guion, James L., Jr., 189127200.
Gurnee, Paul L., 394208031.
Guth, Carrol W., 217287426.
Haas, Kenneth R., 476181004.
Hagadus, Raymond, 282163912.
Hamlin, Frederick J., 395228039.
Hammerle, Robert A., 047129214.
Hammes, Norman W., 357141890.
Hammond, Lyman H., Jr., 132184617.
Hanks, Clinton M., 249208556.
Hanline, Donald S., 482181253.
Hanlon, Charles W., 247204308.
Hanna, Mark J., 515160661.
Hansen, Marcus W., 565269623.
Hansen, Ray S., 570204445.
Hanson, James M., 398200900.
Harmon, Benjamin F., 400543044.
Harper, Philip H., 193127628.
Harris, Claude R., 417260266.
Harris, Louis A., 322209646.
Harris, William M., 255306956.
Hawkins, Strather W., 403201056.
Hayes, Donald R., Sr., 219129884.
Hayes, Ernest T., Jr., 260607159.
Hayes, Errol E., Jr., 241361659.
Hayes, Robert T., 396169204.
Hays, Marcus D., 412206319.
Hayward, Charles W., 081323188.
Heder, Robert T., 495123260.
Hedrick, Herbert J., 446227632.
Heffelfinger, Edwin, 174200647.
Hefti, James C., 169189921.
Heiker, Joseph H., 230267611.
Heisel, Clarence L. E., 522161401.
Helker, Albert A., 180165304.
Henderson, John K., 300207429.
Hendry, James B., 261146599.
Hendry, John R., 203224095.
Henley, Ralph G., 499166900.
Henning, Frank A., II, 577328624.
Henry, Thomas M., 459327361.
Herbert, Morris J., 572344654.
Hergert, Louis G., Jr., 187204120.
Hetz, Robert A., Jr., 204123599.
Heyer, Charles J., 418182194.
Hicks, Joseph E., 360168102.
Higginbotham, Travi, 430386013.
Hill, James G., 467365233.
Hinds, Sidney R., Jr., 401364689.
Hinds, William M., II, 424282512.
Hirsch, Peter J., 389220051.
Hoch, John J., 443266389.
Hodges, Robert C., 525366367.
Hoey, Matthew W., 465306186.
Hoff, Wilford J., Jr., 249400044.
Hoffman, Richard G., 463384477.
Hoisington, Robert, 375408875.
Holbrook, Bruce, 521227077.
Holeman, John S., Jr., 432245782.
Holko, John M., Jr., 191127154.
Holst, Melvin, 543227461.
Holt, Hugh C., 230205694.
Holt, Paul E., 408289793.
Hoppe, Robert B., 458289151.
Hord, William J., 578227533.
Horn, Clifton A., Jr., 461325014.
Horne, Carlton R., 455222527.
Horton, Charles L., 166167030.
Horton, George C., 432304302.
Horton, William S., 365200398.
Howard, John D., 420528602.
Howden, James A., 571248482.
Howe, William S., Jr., 115164556.
Howell, James G., 577323779.
Hubbard, George H., II, 492289273.
Hubbard, Norman F., 521328834.
Huestis, John L., 468301989.
Huff, Cecil R., 279102268.
Hughes, David R., 522164343.
Hughes, Robert B., 408365728.
Huie, Douglas T., 421168692.
Hunt, Richard L., 448189189.
Hunter, Charles M., 566385958.
Hurst, John E., Jr., 527282557.
Hutcherson, Harold, 241344837.
Hutcheson, Philo A., 002303146.
Hutzler, Charles T., 461262185.
Hyatt, Douglas P., 449366901.
Ingalls, Robert E., 038168731.
Irish, Wilfred E., Jr., 096123928.
Irons, James V., 294228554.
Irvine, Joseph M., 406246288.
Isley, George H., Jr., 242289168.
Ivins, William E., 483165641.
Jackley, Lawrence W., 484225486.
Jacobson, Gerhard L., 473446841.
Jefferson, Alfred B., 424147005.
Jennings, Allen B., 459648757.
Jennings, John R., 576181283.
Jensen, Richard W. 528308733.
Johansen, Eivind H., 569206835.
Johnson, Albert A., Jr., 435202407.
Johnson, Edward L., 439264968.
Johnson, Erik G. Jr., 369229831.
Johnson, George M., 399037342.
Johnson, James H., 218242299.
Johnson, Malcolm D., 225464283.
Johnson, Norman G., 008166700.
Johnson, Richard L., 508206772.
Johnson, Walter A., Jr., 258240712.
Johnsru, Melvin H., 473208877.
Jolley, James A., 192182015.
Jones, Briggs H., 426786730.
Jones, Clarence Q., 404247136.
Jones, John G., 561548201.
Jones, John R., 522223945.
Jones, Mark E., 041321581.

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Jones Paul B., 192186140.
Jones, Richard L., 411202591.
Jones, Robert L., 412349108.
Jones, Roy C., 461240832.
Jones, William A. II, 180244322.
Jones, William R. D., 300243576.
Joy, David D., 001242780.
Judd, James J., 122147154.
Jurgens, Francis M., 493243767.
Kackley, Roy L., Jr., 493187810.
Kaplan, Phillip, 497204986.
Kastner, William H., 251344740.
Kean, John J., 092147247.
Kellar, Robert S., 058125373.
Kelley, Gerald P., 010205060.
Kelley, Johnny W., 257364418.
Kelly, James L., 510229173.
Kelly, Victor J., 144168843.
Kennedy, Edwin L., 426345884.
Kennedy, James E., 559207585.
Kenney, Donald E., 282221078.
Kessinger, Howard E., 460643403.
Kessler, Robert F., 247340273.
Killam, Howard W., 014128403.
Kilpatrick, Paul E., 494161092.
King, David B. II, 499200153.
King, Francis, 561545768.
Kingston, Robert C., 012223429.
Kinnaird, Ralph D., Jr., 407163067.
Klein, John M., 423143663.
Knapp, Albert C., 187126585.
Knapp, William L., 538164991.
Knauer, Glenn W., 495220703.
Knipp, Arthur L., Jr., 406220325.
Koehler, John J., Jr., 072189345.
Koffler, Carl A., 497282299.
Kornet, Fred, Jr., 203095564.
Kramer, Richard L., 265222022.
Krug, Robert W., 087140492.
Kubby, Robert S., 479267182.
Kuckhahn, Karl O., 468240119.
Kuntze, Robert A., 100148098.
La Vache, Emil J., 094225433.
Lamm, Warren W., 445168378.
Lang, Bobby R., 467309281.
Larson, Donald W., 562269094.
Lassetter, Stuart H., 464288967.
Lawrence, J. W., Jr., 436229151.
Le Tellier, Carroll, 251325955.
Lee, Burke W., 267380044.
Lee, Carl A., 566263776.
Lee, Emmett C., Jr., 525443258.
Lee, James M., 246201593.
Legate, Harvey A., Jr., 456380491.
Leishman, Carl A., 529346261.
Levitt, Robert J., 385121563.
Lewandowski, Richard, 287220751.
Lewane, Leonard L., 214400833.
Lewis, Bennett L., 002168027.
Libershal, Theodore, 506162227.
Lillard, James A., 412263886.
Lillibridge, John L., 443207891.
Lindsay, Samuel M., II, 043246949.
Lively, Charles H., 254243717.
Lockwood, Kilbert E., 126262795.
Lokken, George S., 504189361.
Lombard, Reginald T., 077189964.
Long, Charles H., 260383101.
Looby, Robert W., 008126497.
Loper, Thomas C., 229328879.
Lounsbury, Roy E., 111209693.
Love, Joseph B., 526200392.
Love, Richard M., 454381122.
Low, Russell V., 066148081.
Lumsden, Lonnie H., III, 415160384.
Lunger, Raymond R., 119161866.
Lunn, Robert J., 361147936.
Lunsford, Paul R., 240362568.
Luse, William M., 569289890.
Lynch, Hugh J., 253248425.
Lynch, James E., 013206693.
Lynn, James F., 424202147.
Mackmull, Jack V., 294226931.
Mahan, John C., Jr., 421221365.
Maladowitz, Raymond, 136327398.
Malcom, Ben S., 260602616.
Mangas, Cloyce L., 317200656.
Martin, Clark C., 305428277.
Martin, Elmer C., 008148903.
Martineau, Leo J., 036145641.
Martino, Angelo J., 336207985.
Martz, Donald W., 307281206.
Mason, George, 561546781.
Mason, John H., 521289655.
Mastoris, William J., 178203259.
Mather, Linwood B., 212202473.
Matthey, Bernard P., 008287332.
Maxwell, John C., 059221989.
Mayfield, Ross F., Jr., 526261226.
Mayo, Walter L., Jr., 010202274.
Mays, John M., 192180992.
McAloon, James J., 041123055.
McBride, Thomas E., 263602894.
McCleary, John E., 319203309.
McClenaghan, Robert, 575124428.
McClure, Ardie E., Jr., 409209048.
McCrary, Charles E., 242261907.
McCrary, Earl C., 260602783.
McDaniel, Dan R., 463287925.
McDaniel, Paul B., 403202610.
McDowell, William, 441226787.
McFarland, Andrew, 509201542.
McGuire, Mark, 083203050.
McHughes, Lee M., 437307740.
McKeown, William L., 578303603.
McKinney, John T., 158300790.
McLean, Floyd W., 338248278.
McLean, Neil T., 520227717.
McLeod, Purdy B., Jr., 251344200.
McMahon, Richard A., 124207519.
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McNeill, Ulmer L., 425265715.
Means, Charles F., 280200506.
Means, Charles R., 235340555.
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Mendheim, Billy J., 417224999.
Mendieta, Hector H., 462249216.
Meredith, David S., III, 457386560.
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Merritt, Carl L., 431302112.
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Meyer, George H., 461264357.
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Miller, John E., 009184491.
Miller, Richard G., 520201600.
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Mitchell, Howard S., 249365395.
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Norwalk, John W., 307145441.
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Osterndorf, Charles, 395202966.
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Parr, Bertram L., 227200289.
Parsons, Tarlton F., 056220231.
Parsons, Thomas R., 439280387.
Passmore, Hunter W., 042327103.
Pate, Henry A., Jr., 454346549.
Patrick, Gladwin, 462260272.
Patterson, Robert W., 260602121.
Paulson, Norman W., 480206994.
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Pender, Frank M., 437428167.
Penn, Raymond B., Jr., 186208204.
Persall, Jack G., 259126539.
Peters, George E., Jr., 235329456.
Peters, Robert L., 236345217.
Peterson, George W., 026186281.
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Phelps, Harry J., 447126856.
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Phillips, Wendell E., 027208913.
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Pierce, James M., 519204053.
Pink, Jack T., 118032323.
Pinney, Harold D., 446228892.
Pinto, Ralph D., 131149538.
Plosay, John J., Jr., 193209538.
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Poage, Douglas W., Jr., 413266503.
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Powell, Alfred J., 062187875.
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Price, Walter E., 447129837.
Prillaman, Richard, 236360074.
Pritchard, Denzil L., 235484340.
Pritchcett, Clifton, 578388931.
Prouty, Stanley M., Jr., 578389661.
Pruden, Jip M., II, 279263549.
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Radford, Loren E., 533263983.
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Randolph, John R., 253347232.
Rarick, David, 359129797.
Rast, James F., 248369613.
Rawlings, Henry W., 404342455.
Ray, Morton, 403303150.
Ray, Oliver A., 564288455.
Raybould, Lynn R., 528323997.
Read, William E., 240285658.
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Rees, Marvin W., 309208635.
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Reimold, Wallace L., 181221955.
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Reinhart, Stanley E., 278364993.
Reinken, Louis A., Jr., 577325534.
Renick, Roderick D., 341243781.
Rhine, Malcolm K., 556229554.
Rhoads, Mark C., 521325693.
Rhodes, Nolan C., 458145773.
Rice, Melvin C., 448146487.
Rice, William H., 282202328.
Rich, Roy M., 431346851.
Richardson, Nehemiah, 278226693.
Richbourg, John A., 250309769.
Rising, Lucien E., 561207795.
Ritter, Nelson F., 214222926.
Roach, Paul A., Jr., 525409863.
Roberts, Charles R., 461228615.
Roberts, Claude L., Jr. 416201573.
Robinson, Carleton, 381120902.
Roehm, John F., Jr., C81323190.
Roemer, Walter R., 393200493.
Rogers, Richard C., 374264317.
Rohde, Lynn O., 478205943.
Romaneski, Albert L., 567282509.
Romano, Frank Jr., 079181791.
Roseberry, Robert A., 225304845.
Rosin, Al S., 457306741.
Ross, James R., 573203787.
Ross, John E., 110228171.
Rothwell, Louis J., 430424013.
Round, Roswell E., Jr., 223301436.
Roush, Maurice D., 520220514.
Roy, Joseph E., 001142567.
Rubin, Harry, 191167406.
Rupple, Lindsay C., 509206149.
Rush, Benjamin III, 160245292.
Rushing, Robert O., 720147948.
Ruskin, Daniel F., 081201475.
Russell, David C., 423283299.
Rutherford, Andrew, 571280199.
Saalberg, John J., 195202355.
Sachers, Henry S., 226282836.
Sailer, Francis A., 398182732.
Saksa, Robert E., 355140762.
Sampson, Donald E., 234420825.
Sams, James H., 287189290.
Samsey, Philip B., 298128676.
Sanderson, Alfred L., 573262933.
Santry, John P., 194169356.
Sapenter, Reginald, 460643076.
Sargent, Wayne B., 265204941.
Savelle, Duane H., 261341626.
Sawyer, Richard H., 006247794.
Scanlan, Francis E., 552286525.
Scarborough, Wesley, 428143845.
Schiff, Erwin H., 097146634.
Schneider, Howard E., 506222194.
Schnoor, Dean F., 483482989.
Schopper, Jared B., 446204485.
Schott, Homer E., 302208024.
Schungel, Daniel F., 515127716.
Scithers, George H., 457403384.
Scott, Joseph J., Jr., 248403829.
Scovill, Thomas M., 252227330.
Sedlacek, Leroy V., 507265505.
Seelye, Robert A., 081328756.
Seideman, Charles H., 396381920.
Severin, Roy R., 521322438.
Sexton, Thomas L., 406205478.
Shade, Robert A., 561341645.
Shaffer, George B., 176208555.
Shaffer, John R., 178201965.
Shambora, William E., 577343361.
Shank, Richard G., 494287607.
Shannon, Donald J., 038164919.
Sharp, Jere W., 260602658.
Shea, William L., 407282601.
Shear, Harold W., 063184026.
Shelby, Frank F., 500284787.
Shemwell, Arthur L., 411349803.
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Sherman, Lee M., 218181326.
Shiely, Thomas P., 250245447.
Shirey, Stewart, 460345106.
Sibbles, Graham M., 436305675.
Sibley, Nathan C., 251304100.
Sidney, Wilbur A., 131160153.
Simmons, John W., 422108405.
Singer, Raymond P., 355129078.
Singleton, Millard, 523225711.
Sisson, George D., Jr., 400300128.
Skaggs, Ray F., 447226564.
Skelton, Winfred G., 259201417.
Skoien, Clarence E., 399220912.
Small, Martin J., 520182335.
Smarr, Albert W., Jr., 251246319.
Smaw, Daniel G., III, 242342216.
Smeltz, John O., 166146383.
Smith, Carroll W., Jr., 414187645.
Smith, Charles H., 376222492.
Smith, Charles R., Jr., 261364599.
Smith, Clark, 447120666.
Smith, Edward B., Jr., 219183502.
Smith, Jerry E., 465327126.
Smith, Roddy L., 242260375.
Smithers, Samuel W., 230229849.
Snoke, Myron D., 307269435.
Snyder, Charles L., 381147713.
Snyder, Paul B., 154220232.
Spence, Clyde W., Jr., 260321269.
Spiller, Robert E., 161245236.
Spitler, Joseph V. Jr., 227287061.
Squires, Shreve D., 337169254.
Stahl, Kenneth L., 398167150.
Stahling, Joseph M., 321341841.
Stallcup, Max R., 446016322.
Stampley, Charles D., 436425987.
Stanfield, John T., 413300196.
Stanton, Walter C., Jr., 578366849.
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Stark, Karl F., 393185910.
Starker, Joseph B., 527160447.
Statham, Richard W., 253220357.
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Stefanik, Edward P., 017205164.
Steinberg, William, 177207812.
Steuart, Richard G., 044204244.
Stevens, Phillip H., 575188844.
Stevens, Wayne M., 369269214.
Stith, Stephen W., Jr., 568288849.
Stoecker, Francis J., 067186296.
Stone, Warren C., 553380602.
Stough, Richard B., 205165020.
Streett, S. Clair, Jr., 215387674.
Strickland, Henry E., 083225832.
Strider, Carroll D., 246122017.
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Struthers, James C., 203203446.
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Talbott, Marshall D., 236621017.
Tart, Robert W., Jr., 248646305.
Tassie, Lawrence R., 528236627.
Tatasciore, Joseph, 183182495.
Tate, Grayson O., Jr., 525440510.
Tate, Lester K., 477245016.
Tenhet, Joseph N., Jr., 225205639.
Thomann, Charles E., 524225995.
Thomas, Charles N., 715103537.
Thomas, Charles N., 715103537.
Thomas, Grace G., Jr., 433580087.
Thompson, James M., 519169499.
Thompson, Nelson L., 004226441.
Tilson, George P., 242366706.
Tindall, Hal E., 466161642.
Todd, William R., 015229051.
Torgersen, Thorveld, 251346442.
Tormey, James H., 250322951.
Torres, Angel L., 581687942.
Tracy, Thomas E., 023146945.
Trayers, James L., Jr., 031145308.
Trefry, Richard G., 017200149.
Trexler, Tommy P., 245344480.
Triem, Paul D., 504129493.
Trigg, William G., 267103133.
Tubbleville, Billy, 463320196.
Turley, William D., 451301319.
Turner, Edward B., Jr., 579342816.
Turner, John T., 527206090.
Tuttle, William H. Jr., 230283336.
Twitchell, Blaine E., 528200047.
Tyree, Louis A., 223261194.
Tyrrell, William C., 504121886.
Vail, James M., 494203851.
Vallese, Blaise H., 035121098.
Van Sant, Jesse F., 407289100.
Vance, James W., 426380086.
Vanderbleek, Jack, 263607299.
Vanston, John H., Jr., 462389205.
Vaughan, Miles C., Jr., 462208871.
Vaughn, Billy M., 463205426.
Veazey, Eli L., 256249998.
Veteto, Hobart H., 406287707.
Vickers, Willard M., 578224921.
Waddell, Thomas K., 527205206.
Wagner, John E., 494203955.
Wahle, Charles G. F., 572265254.
Walker, Aaron E., 448146614.
Walker, Luther G., 444186874.
Walsh, James J., 077189204.
Walz, Charles, 471205847.
Wanek, Robert F., 376207420.
Ward, Ira J., 483484922.
Warner, Volney F., 504186947.
Warnock, James F., Jr., 527220141.
Warren, John W., 483209353.
Warren, Wilbur M., II., 251669826.
Wassenberg, John F., 395145494.
Watson, John W., Jr., 425440113.
Watson, Kenneth Jr., 435324047.
Watters, Clarence M., 433309342.
Waugh, William L., Sr., 418204146.
Webb, John V., 277205020.
Weber, Jack W., 537129819.
Weber, Warren J., 394122511.
Weber, William E., 420207078.
Wegner, Leonard W. Jr., 359169122.
Werder, Vincent C., Jr., 192140041.
Werner, Robert R., 128181005.
West, Edward C., 207208656.
Whelan, William J., 276120265.
White, Arthur C., 420360169.
White, Ben O., Jr., 031303000.
White, Charles L., Jr., 277242389
White, Francis W., Jr., 037168970
White, Richard V., 233384471.
White, Robert R., 173320250.
Whitelaw, Landon P., 205185304
Whitelaw, Robert E., 374204169.
Whitlock, Harold S., 423148292.
Wickham, John A., Jr., 092201086.
Wightman, John D., 465269637.
Wilder, Stuart F., 515122389.
Williams, Edward T., 263079379.
Williams, Edwin S., 558181220.
Williams, Francis L., 530019032.
Williams, Robert C., 468181143.
Williamson, William, 701019879.
Willingham, Chester, 263603283.
Wilson, Charles L., Jr., 421220411.
Wilson, Louis, 437201101.
Wilson, Patrick W., 460643685.
Wilson, Robert M., 460420047.
Wing, Rex D., 331222635.
Winningham, James L., 269224342.
Wolf, Rene A., 553265392.
Wolfe, Walter G., 224344350.
Wood, Marion M., 251644591.
Wood, Stuart, Jr., 239340904.
Wood, Walter A., III, 579306572.
Woodman, Richard T., 003206190.
Woodrow, Ronald, 097549091.
Woods, Thomas G., 346182943.
Wooleyhan, Robert G., 483161483.
Wright, Billy R., 455304996.
Wright, Floyd D., 225181037.
Wright, George L., 184203826.
Wright, Lawrence S., 232324714.
Wright, Robert E., 578164851.
Wyrough, Richard R., 145200946.
Yacavone, James L., Jr., 048056469.
Yoder, Robert A., 349148886.
Young, Bruce C., Jr., 453242548.
Youngren, Arthur W., 320346803.
Yow, Harold D., 429466995.
Zilian, Carl M., 185165904.

CHAPLAIN

To be lieutenant colonel

Brady, Lawrence K., 245605486.
Brooks, Porter H., 461300668.
Combs, Richard L., 506200448.
Cross, Howard T., 248369090.
Devanny, William G., 037203569.
Hatch, Burton G., 550146282.
Kelly, Orris E., 512228368.
Le Blanc, Paul J., 024165500.
Massey, Charles M., Jr., 260305715.
Rockwell, Robert E. 089182230.
Rusnock, Michael A., 202162091.
Wakefield, John F., 433286432.
Webb, Robert B.. Jr., 192184029.

XUM

WOMEN'S ARMY CORPS

To be lieutenant colonel

Baker, Lillian E., 267240938.
Ledbetter, Julia E., 210162455.
Schevitz, Joan A., 264307754.
Weir, Frances, 230242056.

MEDICAL CORPS

To be lieutenant colonel

Appleton, Budd, 069248632.
Aultman, Mims C., 254324470.
Baker, George I., 061326144.
Bergin, James J., 024223456.
Bouzard, Walter C., 237447574.
Brandt, Fred A., 545282998.
Buchman, Robert J., 510227901.
Burkhalter, William, 257345585.
Canby, John P., 457524914.
Castellot, John J., Sr., 067208955.
Cheitlin, Melvin D., 205206653.
Cooper, Everett B., 165282674.
Cox, William A., 255285931.
Dwyre, William R., 009244142.
Einarson, John, 473281581.
Gastineau, Robert M., 445343172.
Gibson, Jack L., 431187209.
Goldschmidt, Max W., 033522381.
Gregoratos, Gabriel, 092269774.
Hebertson, Leon M., 572302562.
Herrington, Peter N., 228269278.
Hitzelberger, Anton, 112327850.
Johnson, George L., 431284874.
Jones, Quitman W., 410200060.
Jordan, Edwin C., 403443034.
Joy, Robert J. T., 039184851.
Joyce, Orlando H., 565263192.
Luekens, Claude A., Jr., 522287266.
McCarty, James E., 462243468.
McGerity, Joseph L., 262341266.
Mendez, Enrique, Jr., 260601780.
Morris, John A., Jr., 082207632.
Neimes, Robert E., 325161906.
Novack, Tevor, D., 017224200.
Rapmund, Garrison, 012241395.
Robinson, David M., 044225080.
Rodriguez, Ariel, 52340061.
Romsey, Elliott J., 031144299.
Singer, Lawrence R., 578340776.
Snyder, Dale R., 202169022.
Weigel, John W., 509268189.
Wiley, Hugh S., 523281244.

DENTAL CORPS

To be lieutenant colonel

Alling, Emery E., Jr., 315226087.
Anderson, Martin F., 337164624.
Bangert, Sherman G., 481322078.
Civjan, Simon, 213308570.
Clarke, Theodore C., 313286545.
Distelhorst, Frederick, 391267584.
Ferguson, Dan S., 249124538.
Guernsey, Louis H., 103166764.
Hanson, Jay G., 482326762.
Jennings, William A., 158223742.
King, Thomas J., 063125355.
Kuttas, George, 068225317.
Lovell, Kell E., 468308596.
Mitchell, Jesse T., Jr., 415388123.
Pedersen, Gordon W., 505309977.
Safar, Milo R., 361162124.
Stepp, James V., 230129004.
Thompson, Calvin W., 481288644.
Tynes, Dwight L., 428304282.
Vocke, Lester E., 506264321.

VETERINARY CORPS

To be lieutenant colonel

Fountain, Edmund L., 068189434.
Lyday, James M., 292163315.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Adams, Adam E., 298265325.
Altman, Robert M., 267149241.
Arnberg, Wilber H., 573127856.
Baxter, Roy E., 017183396
Blair, Eugene B., 454242834.
Callaghan, Donald F., 009107485.
Correa, Arnaldo L., 581700408.
Dickinson, Francis. 504073503.
Dowdy, Fred, Jr., 251384456.
Fletcher, John L., 429226700.
Greene, Philip D., 117148668.
Harcus, Alan, 537105744.
Kaufman, Paul I., 021051251.
Lovett, James H., Jr., 036186435.
Marshall, Paul S., 360162237
Mueller, Louis C., 544107389.
Myers, William J., Jr., 213206233.
Pemberton, Samuel H., 413266767.
Pond, Nathaniel H., 464263346.
Powell, Winston K., 455268751.
Read, John K., 339145791.
Reynolds, Daniel J., 294182801.
Thompson, Herbert J., 449169776.
Tyndall, Arnold E., 246302694.
Wells, Robert J., 312185549.

ARMY NURSE CORPS

To be lieutenant colonel

Anderson, Marion V., 554249732.
Atkinson, Audrey P., 449384805.
Berman, Thelma L., 464307314.
Bowman, Betty O., 074188214.
Bradley, Mary L., 389225011.
Brosmer, Margaret M., 290187080.
Brown, Virginia L., 414128063.
Bullock, Sarah C., 153189003.
Casey, Berniece I., 501099734.
Christensen, Donna, 511263739.
Corbin, Mabel H., 238207592.
De Laney, Ramona E., 168226833.
Dean, Martha, 417245743.
Douglas, Maxine, 432183599.
Doyle, Doris P., 007222838.
Eckhoff, Genevieve, 320346952.
Eidson, Lois C., 408405404.
Fore, Claudia L., 438097479.
Frazier, Doris S., 499226225.
Gallagher, Eleanor, 028141399.
Jablunovsky, Anne C., 176324963.
Jones, Mary A., 245201488.
Kennedy, Marion K., 207100552.
Knox, Grace E., 187140440.
Kropski, Lena S., 016204099.
MacGarvie, Elizabeth, 002303034.
McConnell, Amy L., 467203814.
McCusker, Yvonne U., 533127163.
Mooney, Sara C., 260603198.
Moore, Daisy E., 469328420.
Moore, Leota M., 491290388.
Oneill, Marion H., 071305080.
Pak, Regina, 1821266722.
Pishak, Irene R., 168181209.
Ramirez, Rosa J., 581701007.
Reider, Bernadette, 379095532.
Roberts, Gracie V., 245605851.
Schiffman, Regina H., 197185354.
Smith, Roberta W., 007185269.
Smith, Virginia L., 238121740.
Sulkowski, Cecilia, 163245435.
Tague, Lena M., 176320897.
Varner, Marjorie L., 523224001.
Weeks, Nelda L., 005189276.
Wilson, Ruth A., 117183621.

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonels

Hagan, Constance E., 578325193.
Leath, Mary K., 417342011.
Treash, Eileen B., 230508510.

ARMY PROMOTION LIST

To be major

Adams, Harvey L., Jr., 229302200.
Alton, Carlly L., 467489860.
Crawford, Charles W., 509343269.
Feeney, Gerald F., 087264045.
Gates, Clayton S., 084266848.
Stallings, Donald R., 409425772.
Wood, Ernest M., Jr., 253465495.

ARMY PROMOTION LIST

To be captain

Adlesperger, Ray D., 524407411.
Andrews, Russell W., 230502511.
Barta, Donald F., 501266449.
Beal, Richard H., 454608908.
Bialkowski, John R., 381368343.
Bouldin, James R. M., 236589206.
Bresser, Richard C., 371360047.
Broadie, Samuel F., 510405996.
Carlin, James J., 573462421.
Chole, Hilbert H., 535324911.
Coates, Richard R., 498400067.
Davenport, David L., 264501949.
Davis, Julian A., 266501052.
Elrod, William C., Jr., 252646245.
Hall, Robert L., 465588089.
Herrick, James J., 174302539.
Heuple, Larry W., 519363354.
Hickok, Philip J., 092324300.
Hogan, Vincent G., 076329383.
Holaday, Howard R., 487426989.
Jones, Robert T., 243527833.
Kappel, Darrel N., 297344619.
Larsen, Daniel M., 266586384.
Lee, Frederick W., 380363683.
Lorimier, Joseph M., 264441992.
Madden, Charles E., 264527129.
McGurk, Francis W., 027280507.
McKinney, Raymond E., 410540109.
Meade, David C., 218386126.
Mitchell, Ralph W., 191308374.
Moore, William F., III, 421460597.
Petersen, William T., 248668086.
Pheneger, Michael E., 300322102.
Principio, Marco A., 123288578.
Ray, Max A., 440355150.
Reed, Walter R., 362426693.
Reid, Wilbur R., 467543025.
Roche, John J., 193266572.
Schneider, William A., 144280854.
Scott, Billy L., 428709370.
Seifert, Richard F., 478349327.
Seldomridge, John A., 194308652.
Snipes, Robert T., 146320931.
Timm, Richard H., 582404659.
Tisdale, David M., 249681987.
Walkley, Lester D., 538325529.
Walther, John R., 530223759.
Way, Darwin M., Jr., 162325017.
Young, Robert S., 402488982.

CHAPLAIN

To be captain

Bailey, Harvey E., 537345448.
Behlendorf, Jack R., 392308168.
Dombrowski, Robert J., 334286033.

MEDICAL CORPS

To be captain

Babcock, William S., 374345518.
Bowman, Robert P., 428881465.
Foote, William C., 322345620.
Lowden, Roland G., 269340990.
Merrill, Richard H., 013305537.
Metz, Joseph R., 164327202.
O'Regan, Thomas J., 478528301.
Patton, Jack T., 549520628.
Shaw, Robert W., 441403585.
Wiebe, Robert A., 563527290.
Wiese, George M., 220403693.
Yates, Dowey, J., 251685952.

DENTAL CORPS

To be captain

Mohr, Richard J., 577549831.

MEDICAL SERVICE CORPS

To be captain

McKinster, Lowell, 232620770.
Smalling, Oliver H., 252549470.

ARMY NURSE CORPS

To be captain

Johnson, Joyce G., 579560911.

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Lucian M. Acuff
Charles R. Adams
Robert E. Adams
Roger C. Adams
Timothy M. Ahern
Daniel F. Akerson
Robert K. Alden
Harry P. Alesso
Douglas B. Alexander
Corson L. Allen
Phillip K. Allen, Jr.
James D. Anderton
William R. Anderson, Jr.
David J. Armstrong
James C. Arnold
Robert W. Atwell
John S. Auckland
Michael B. Aycock
Charles R. Bachtell
Douglas A. Backes
William R. Bacon
Robert A. Baeder
Guy R. Bafus

Walter E. Bahr
Robert J. Bailey
John R. Baker
Robert D. Baker
Jeffrey St. John Ball
Michael J. Bangert
Steven J. Bannat
William P. Barry
Douglas A. Bateman
Larry C. Baucom
Albert J. Beatrice, Jr.
Aaron J. Beattie III
Larry V. Beatty
Stephen E. Becker
Charles B. Beckman
Thomas J. Bender, Jr.
Christopher Benjes
Robert F. Berger
Alan L. Bergstrom
Linden L. Berkheimer
Eulogio C. Bermudes
Colin M. Berry
Gary W. Bethke
David A. Blank
Wilburn Mac Blount
Kent L. Blythe
John W. Bodnar
Douglas M. Bond
Paul J. Borer
Michael O. Borns
William G. Borries
Allen R. Boutz
Daniel R. Bowler
James F. Bowlin, Jr.
William G. Bozin
Timothy B. Brace
William T. Bramlett II
Matthew J. Breede
Dennis F. Breen
Dale E. Brehm
Thomas L. Bricken
Melvin H. Brown
Michael C. Brown, Jr.
Tommy R. Brown
Louis E. Buck, Jr.
Joseph H. Buescher, Jr.
Richard C. Buff
Scott R. Bulfinch
Jerome P. Burger
David R. Burrows
Robert N. Burton, Jr.
Robin P. Bushore
Lonnie D. Butler
William R. Butler
Rene F. Butyn
Philip T. Cahill
Daniel J. Callahan
Phillip W. Campbell
Charles D. Carey III
Norman J. Carley
William H. Carnes, Jr.
James M. Carney
Roger W. Carr, Jr.
Joseph D. Carroll
Frank S. Carter III
James B. Carter, Jr.
Michael W. Casey
Robert B. Casteel II
Kristopher L. Castle
Kenneth W. Chambers, Jr.
John S. Chandler
Robert C. Chaplin
Steven E. Chapman
Michael B. Charley
Robert N. Christianson
Duane L. Clabaugh
Reed O. Clark
Larry E. Cleghorn
Frederick R. Clements
Alan R. Click
Larry LaM. Cochran
Mark D. Cochran
Timothy R. Cocozza
Robert P. Coffin
Joseph J. Cohen
Stephen T. Coleman
David O. Collins
John G. Collins
Robert S. Collins
Royal W. Connell, Jr.
Michael A. Cosgrove
Joseph J. Cote, Jr.
Terrence A. Councilor
Thomas Counihan
Steven J. Cranney
Richard A. Creighton
John P. Crisp
Phillip M. S. Crisson
Don M. Crites
Robert C. Crosby
Pete A. Crystal
Lowell R. Culp
John C. Cumming
Curtiss B. Cunningham
William R. Currer
Eugene T. Dailey
James L. Daily II
Craig R. Dampier
Dale F. Daniel
Carl R. Davies
Charles C. Davis
David L. Davis
Earl R. Davis, Jr.
Ernest G. Davis
Larry T. Davis
Joseph F. Davolio
Howard W. Dawson, Jr.
James C. Dawson, Jr.
John C. De Jong
John E. De Lappa
Clement P. Deltete
Michael W. DeLorey
Nicholas L. DeMai
John J. Demlein, Jr.
Dwight E. Denson
Larry G. Denton
Jack A. Detweiler
James F. Devaney
Thomas E. Dickey
Kenneth A. Dieter
Douglas W. Dietz
Raymond V. DiGiacomo
Hall S. Dillon II
Jack D. Dodd
David C. Dodson
John O. Dollerschell
Philip V. Donohue, Jr.
Robert M. Doolin
Bruce K. Doubleday
William E Doud, Jr.
Terry S. Douglas
Martin E. Doyle, Jr.
Vaughn W. Duff
Paul O. Dunn
James L. Durham
Marc A. Dzikowski
Lloyd D. Eadie, Jr.
William R. Eason, Jr.
John M. Eckert
Warren R. Eckert
Mark R. Edwards
Gerald V. Ellingwood
Charles D. Elliott III
Thomas J. Elliott, Jr.
Daniel "A" Ellison
David R. Ellison
Gerald G. Ermentrout
Gregory W. Ertel
Philip D. Eslinger
Edward J. Fahy, Jr.
Paul J. Falten, Jr.
Thomas B. Fargo
Richard L. Farley
Charles S. Farrell, Jr.
Gerard M. Farrell
Marc Farris
David P. Faucher
Christopher J. Feahr
John S. Fedor
George Felgate
William M. Ferris
William W. Fetzer, Jr.
Neil C. Finn
Gerard R. Finnegan, Jr.
Dennis M. Fiordaliso
Jack A. Fisher
Charles B. Fitchet
Douglas Fitzgerald
Robert L. Fitzgerald
Paul E. Fitzgibbons
Mark O. Flaherty
Thomas J. Flaherty
John E. Flanagan, Jr.
Stephen D. Floyd
Richard M. Folga
Alexander L. Ford III
Anthony E. Ford
John W. Forrester
William K. Foster
Earl J. Fought
Paul L. Fowler, Jr.
Thomas J. Fowler
Charles M. Frary
Steven J. Frasher
Michael G. Frick
David R. Frieden
Morrison L. Gable
George V. Galdorisi
Dale E. Gange
Raymond W. Ganthner
James M. Garman
Charles F. Garrison
Edmund P. Giambastiani, Jr.
John A. Gillcrist, Jr.
Lewis W. Goen
Gilbert M. Gonzales
Dilan D. Gonzalez
Joe A. Goodman
James R. Goodrich
Gary A. Gradisnik
Bryce L. Graham
David L. Graham
Richard K. Graham
Joseph F. Graul
Edward P. Graves
Everett L. Greene
Bruce J. Gregor
Larry C. Gretzinger
John J. Grossenbacher
Francis B. Grubb, Jr.
Mark J. Grussendorf
James M. Guarneri
Stanley D. Guertin
Edward M. Gumkowski
Ralph F. Gunkelman III
Wallace E. Gunter, Jr.
Gerald F. Guppy
Richard G. Gurnon
Rhodric C. Hackman
Jerry M. Haggerty
Alan R. Hails
Robert G. Halgren, Jr.
Fred M. Hall
Howard R. Hall
George H. Halvorson
Kent W. Hamlin
Marvin J. Hamm, Jr.
Kirk C. Hansen
Peter A. Haring, Jr.
John P. Harrell, Jr.
Dale C. Harris
Bruce R. Harrison
John B. Hart
Robert R. Hasbach
Richard G. Hastings III
Steven P. Hash
Russel E. Hauck
Patrick J. Havey
Charles E. Havlik
Jeffrey B. Hawkins
Jeffrey T. Hayes
Steven A. Hazelrigg
Robert J. Healy
Lawrence P. Hearn
John F. Heaton
William Helfen
Joseph G. Henry
Robert D. Herb
Thomas G. Herbert
Harry A Herdrich, Jr.
Lawrence Heyworth III
Charles R. Hickman
James H. Hill
Roger D. Hill
Ronald M. Hill
Gregory W. Hinchliffe
Curtis O. Hingson
Robert H. Hingson, Jr.
James R. Hinkle II
James R. Hinton
William L. Hitchings
Daniel T. Hogan
Patrick M. Hogan
Mark A. Hoke
John G. Holewa
Paul D. Hollenbach
Christopher W. Hollowell IV
Benjamin L. Holt, Jr.
James D. Hook
Andrew W. Houck
Paul L. Houde
Thomas L. Howard, Jr.
Ronald D. Huddleston
Terry R. Huff
Paul M. Hurd
David T. Hunter
George I. Hutcherson
Guy S. Hutchison
Albert M. Hutchins
Warren H. Ide, Jr.
Clyde J. Ihrig
Charles P. Jackson
Richard K. Jackson
Roger P. Jacobs
Jimmy D. James
Roger D. James
Jay B. Jans
Thomas C. Jemison
Jay L. Jenkins
William F. Jenkins
Jon R. Jensen
Glenn A. Jewell
Dale R. Johnson
Donald H. Johnson
Jack A. Johnson
Jon R. Johnson
Michael M. Johnston
Gordon L. Jones.
Steven E. Jones, Jr.
Ronnie L. Justiss
Melvin Kaahanui
Mark A. Kane
John A. Kapololu
George W. Karch
Alan W. Katz
Jack E. Kauffman II
Jefferson D. Kaylor, Jr.
Marc M. Keefer
Thomas B. Keefer
William J. Keller, Jr.
John D. Kelley
Kevin J. Kelley
William M. Kemp
Charles W. Kendall
James B. Kenney
James F. Kenney
Daniel R. Kestly
Kenneth L. Keymer
Franklin G. King
Peter C. King
William A. King
Jeb B. Kingseed
Terence L. Kipp
Robert W. Kirk
Thomas C. Kirner
Bruce G. Kline
Carl E. Klingelberger
Steven I. Klotz
Guy R. Knieriem
Gary D. Knight
Gary L. Knock
Michael B. Knudsen
Dean L. Knuth
Timothy A. Kok
Harry P. Kondrick
Norman A. Koneman III
Gregory C. Koons
Jeffrey J. Krstich
Michael D. Kuhne
Michael P. Kunigonis
Timothy W. La Fleur
Douglass H. LaMartin
Mark E. Lamb
Emmett J. Lancaster II
James R. Laricks
David A. Larson
Andrew J. Laska
Rodney G. Latham III
Patrick H. Lawless
James P. Lawton
Dudley W. Leath
Jeffrey A. Lehman
James M. Levy
Barry B. Lewis
Charles S. Lewis
Robert E. Lewis
Edward C. Ligon IV
James N. Lingan
James E. Linquist
James C. Linville, Jr.
Jeffrey R. Lipscomb
Walter R. Lohrmann
Francis B. Lord
Dennis M. Losh
Dennis M. Lunghofer
David P. McCampbell
Alan R. McCauley
Tim S. McClain
James L. McClane
Keith J. McCormick
Stuart E. McFarland
Michael P. McGahan
Richard J. McGoey
Myles T. McGrane
Lewis F. McIntyre
Edward R. McKenny, Jr.
William F. McMenamin
Brock A. McMunn
John R. McNamee, Jr.
Robert B. McPhail
Michael J. McReynolds
Richard D. MacBain
Ronald K. Machtley
Warren J. Mackensen
Thomas L. MacKenzie
Robert J. Mackey
Patrick C. Mackin
Henry J. MacLaughlin
Stephen L. Madey, Jr.
Clemens J. Mady, Jr.
Michael J. Magaletti, Jr.
Philip J. Magaletti, Jr.
William J. Magnan
Michael D. Malone
Patrick J. Maloney
John J. Manis
Terrance L. Manson
Ronald A. Marchetti
John T. Marino, Jr.
Thomas G. Marshall
Reginald T. Martel
David A. Martin
Walter F. Martin, Jr.
Michael F. Martino
Gary D. Marvin
James T. Mason
John C. Mason
Raymond L. Mast
Dennis L. Mattison
Hugh D. Mauldin, Jr.
James R. Maxey II
Michael D. May
Clarence W. Mayott III
Thomas J. Mazour
John M. Meacham
Gerald C. Mello
Paul L. Mellott, Jr.
Frank B. Melson, Jr.
Thomas O. Merrell
Walter F. Merrick II
Gary C. Meyer
Robert A. Meyer
Gary A. Michelsen
George N. Midkiff
Patrick D. Milano
Wilson A. Miles, Jr.
Robert F. Milewski
David D. Miller
Robert P. Miller, Jr.
Stuart J. Miller
Daniel D. Milner
Jack R. Missimer
George L. Moe
John B. Montgomery
Jack O. Moody
Edmund E. Moore
Larry I. Moore III
Richard S. Moore, Jr.
Robert D. Moore, Jr.
Robert J. Morgenfeld
David J. Morrison
William A. Mugg
Charles V. Murphy
Daniel J. Murhpy, Jr.
Dennis G. Murphy
Gregory B. Murphy
Ronald J. Murray
Walter H. Nadeau, Jr.
Dennis A. Napior
John B. Nathman
James H. Neale
Lester D. Needham
Frederick H. Neel
Christian C. Nelson
Kenneth L. Nelson
Neal J. Nelson
Bradley W. Nemeth
Robert W. Ness
Michael F. Nevins
Scott F. Newberry
Rodney L. Niebuhr
James E. Nolan, Jr.
Robert M. Noonan
Thomas F. Noonan
James H. Nottingham, Jr.
Michael J. Novak
William A. Nurthen
Frank A. Nusom, Jr.
John P. Nute
John R. Oakes
Kenneth L. O'Bannon
David B. Oberholtzer
William P. O'Brien
James M. O'Dell
Paul Odell, Jr.
Thomas J. O'Leary
Michael P. Oliver
Dennis D. Olson
John S. Olson
Russell C. Olson
Patrick W. O'Neil
Thomas G. Otterbein
William P. Overson
Robert J. Pacenta
Charles G. Paddock
Richard W. Palla
David C. Pallesen
John R. Panico
Alan E. Para
William M. Pardee, Jr.
"S" DuPree Parker
Steven G. Parks
William H. Parks, Jr.
Gregory R. Patch
Michael B. Pate
Peter deV. Patrick
Donald J. Patterson, Jr.
Ralph C. Paulk
Lael J. Paulson
Frank C. Peacock, Jr.
Robert L. Perch
Thomas A. Perkins III
James S. Perry
Oliver H. Perry III
Eric A. Peters
David S. Phillips III
David A. Pierson
Daniel L. Pike
John C. Plunkett
Philip J. Poehlman
John S. Pohl
Richard H. Pollock
Charles D. Potter
Stuart R. Powrie
James W. Pratt
Henry S. Prevette, Jr.
Robert E. Prince

Richard L. Purcell
Randy J. Radeackar
Jorge R. Ramirez
Randy D. Rankin
John F. Rantschler
Sam E. Rasmussen
William K. Reed
Francis P. Regan
Robert W. Reich
Frank W. Reifsnyder, Jr.
Charles B. Reigner
Timothy M. Reichert
Joseph B. Reid
Charles B. Reinhardt, Jr.
Harley L. Rhodes
Jack Richardson
Frederick L. Rickabaugh
Charles E. Ringer, Jr.
Michael C. Roberts
Peter G. Roberts
Andrew C. Robertson
John G. Robinson
Syd W. Rodenbarger
Paul R. Roeder
John D. Rogers
Mark A. Rogers
Leo S. Rolek, Jr.
Stephen L. Root
Michael P. Rothstein
Allan H. Roy
Daniel M. Rugg III
Richard S. Rusczyk
Preston G. Rusch
Dennis L. Ryan III
Dennis M. Ryan
Peter A. Sachon
William M. Saltenberger
Doyne M. Sanders
Byron P. Sansom
George E. Sauer III
Carter D. Savage
Patrick J. Savidge
Larry R. Schear
John H. Schilling, Jr.
William H. Schmermund
William R. Schmidt
Frederick G. Schobert, Jr.
Jeffrey M. Schott
John R. Schrot
John B. Schwab
Richard C. Seaman, Jr
John R. Seeley, Jr.
Paul S. Semko
Thomas G. Serwich II
Gregg, F. Sessler
John W. Seward, Jr.
Martin A. Shadday, Jr.
John N. Shaffer, Jr.
John T. Shannon
Kevin W. Sharer
Mark N. Sheldon
Lawrence E. Sheller, Jr.
David B. Shepard
Thomas S. Sher
David L. Shickle
John T. Shields III
Chester A. Shorts
Craig W. Silverthorne
Michael L. Simmons
Gary M. Simpson
Michael W. Skahan
Joseph F. Skerbec, Jr.
Howard A. Skinner
Charles R. Skolds
Kenneth D. Slaght
Patrick J. Slattery
Robert L. Slowik
Carl C. Smith, Jr.
Douglas V. Smith
Kerry J. Smith
Stanley H. Smith
Ernest M. Snowden II
Steven M. Songer
Kenneth V. Spenser
Mark E. Spong
James S. Spore III
Dale E. Stahl
John G. Stampelos
Jeffrey D. Stanley
Gilbert M. Staudt
Richard A. Stearns III
Barry L. Steelman
William H. Steussy
Gregory A. Stiles
Daniel Q. Stockhaus
William L. Stockho
David V. Stoddard
David G. Storer
Charles M. Stout
Chester E. Strait
Ronald A. Stribling
David G. Strong
Robert S. Sugermeyer
James W. Suhr
John J. Sullivan, Jr.
Paul F. Sullivan
Walter F. Sullivan
William G. Sutton
Samuel R. Swah
James P. Swoope
Henry E. Tabb III
Robert Tamburini
James L. Taylor
John P. Tazewell, Jr.
Richard M. Teater
Edward C. Tempesta
Gary J. Tettelbach
Leigh M. Thaeler, Jr.
Mark A. Thomas
Richard H. Thomas
Douglas S. Thompson
Richard A. Thompson
Robert B. Thompson, Jr.
Stephen R. Thompson
Grant W. Thorpe
Glenn P. Tierney
Charles M. Todorich
Mark S. Tripp
Benjamin W. Tucker, Jr.
Peter Van Dusen
Kirk K. Van Tine
Cameron K. Vantrease
Gary L. Vine
Robert M. Viney
Dominick W. Visco
Robert A. Wachtel
James B. Waddell
James M. Wade
Frank B. Wahl, Jr.
David R. Walker
Harold B. Wallace
Stephen R. Walmsley
David F. Walsh
Marc N. Waterman
Anthony J. Watson
William F. Webb
William J. Webb, Jr.
Stanley B. Weeks
Carl E. Weiscopf
Benjamin H. Welch III
Carl S. Wells
Richard E. Westcott
Donovan E. Westerfeld
Francis C. Whilden
Clayton E. Whitaker
Bradley T. White
George B. Whitten III
Carl E. Wick
Lynn H. Widener
David B. Wiedeman
Leonard A. Wiens
Bryan D. Wiggins, Jr.
Charles B. Williams
Galbraith D. Williams, Jr.
James R. Williams
Edward H. Williamson
Paul A. Wilson
Richard E. Wirkkala
Thomas M. Wittkamp
Edward Wlodarczyk
Theodore S. Wolfe
Wayne L. Wolfe
Robert A. Woo
Stephen M. Wood
Frank L. Wurst
Charles J. Yash
Charles B. Young
James J. Zaborowski
Paul A. Zambernardi
Stephen W. Zavadil
Leon J. Zielinski
Michael J. Zins
Thomas S. Zysk

The following-named U.S. Army cadets to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Gary A. Cornelison
Stephen J. Wood

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Neil J. Dilloff
George W. Echan, Jr.
Gerald R. Harmon
John G. Hughes
Jay W. Jeffcoat
Thomas S. Key
R. A. Manekin
Joel J. Metter
Mark M. Nunlist
John D. Radd
William A. Regan
Paul A. Rogers
John W. Shern
R. C. Stearns
Addison B. Thompson
James Webster
William L. Zimmerman

The following-named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to qualification therefor as provided by law:

Theodore I. Blackwell
Thomas R. Dunlap
Steven S. Seekins
John E. Brashear
Gilbert L. Johnson
Richmond R. Nye
David K. Wallace

James Orr (civilian college graduate), to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, subject to qualification therefor as provided by law.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Joseph P. Cleary
Milan L. Hopkins
Robert E. Hughes
Robert C. McDaniel
Richard L. Moors
William B. O'Grady
Vincent J. Pelletiere
Anthony D. Sakowski, Jr.
Harvey B. Sher
Richard G. Sugden
Donald G. Tretheway, Jr.
Edward N. Zissman

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

James E. Engeler, Jr.
James E. Ives
Lloyd W. Stetzer

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Sheffield Boardman, Jr.
Douglas A. Brownell
Victor A. Conforti
Roger T. Crenshaw
Depue H. Duffey, Jr.
Robert G. Graham
James M. Hogan
James A. Johnson
Thomas A. Johnson, Jr.
Gerald T. Keegan
Thomas E. Knuff
Frank S. Kohl
Robert S. Kollen
Edward H. Lesesne, Jr.
Dennis L. Lombardi
John J. McCarthy
Neal R. Makens
John H. Masys
James D. Miller
John C. Pollard
Michael J. Resnick
John D. Rowekamp
Brian S. Saunders
Steven J. Schang, Jr.
David E. Smith
William R. Smith II
Gerald R. Sylvain
William E. Watson
Harold H. Weller

Donald Kear, U.S. Navy officer to be reverted to permanent chief warrant officer W-3 and temporary chief warrant officer W-4 in the Navy, limited duty (avionics) subject to qualification therefor as provided by law:

Cary F. Wright, U.S. Navy officer to be reverted to permanent chief warrant officer W-3 and temporary chief warrant officer W-4 in the Supply Corps of the Navy, limited duty, subject to qualification therefor as provided by law:

Donald E. LeDuc, U.S. Navy retired to be reappointed from the temporary disability retired list as lieutenant in the line of the Navy, for temporary service, limited duty (avionics) subject to qualification therefor as provided by law:

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Robert G. Esquire
Richard B. Finger, Jr.

The following-named chief warrant officers to be ensigns in the Navy, limited duty for temporary service in the classification indicated and as permanent warrant and/or permanent and temporary Warrant subject to qualification therefor as provided by law.

SUPPLY

Black, James L.
Bothe, James J.
Burbridge, Robert L.
Coats, Daniel M.
Cormier, Edward N., Jr.
Cubbedge, Carlon E.
Dowell, Billy R.
Farlow, Roger K.
Flahiff, Daniel E.
Loney, James E.
Lowdermilk, Richard F.
Pearrell, Larry W.
Ritzel, Charles J.
Siemers, Uwe
White, John P.

CIVIL ENGINEER

Becker, Raymond H.
Headrick, Jay C.
Hisey, Howard A.
Martin, Norman R.
Schraud, Henry F.

DECK

Childers, Gary N.
Dougherty, Thomas J.
Driver, John E.
Huffman, Karl H.
Lighthart, Lloyd W.
Rawls, Robert S.
Tolison, James P.
Wade, Johnny B.
Walter, Fredrick S.
Weeks, Bill F.
Welch, Leslie C., Jr.

OPERATIONS

Ahlers, Norbert A.
Bobo, Jerry L.
Boon, John E.
Lawrence, James R.
Locke, Gary W., Jr.
Mitchell, Elmer R.
Parker, James A.
Speh, Warren G.

ORDNANCE

Haffner, Guy A.
Hambley, James G.
Herrman, Larry V.
Irby, Eldon E.
Johnston, James E.
McCleskey, Dale L.
Milligan, Donald R.
Neste, Carl A.
Reed, Frank G.
Scheierman, Robert L.
Vanhee, Richard C.

EXPLOSIVE ORDNANCE DISPOSAL

Swanson, Raymond P.
Wenter, Gary E.
Wood, Ronal D.

ADMINISTRATION

Bobo, Billy J.
Carey, John D.
Cooper, William J.
Davis, Robert L.
Drier, Melvin F.
Germany, Charles J.
Goss, Marlin E.
Hinson, Baucom
Kenyon, Larry L.
Long, Homer R.
Marsh, Robert D.
Miller, Paul H.
Reinoehl, Phillip W.
Robinson, Frank J.
Smith, Herbert M.
Stanek, David M.
Talbot, Ronald E.
Tarter, Arlan G.
Vettese, Anthony
Wertz, Bruce N.
Williams, Thomas Y.

DATA PROCESSING

Anderson, J. Q.
Barclay, Ray F., Jr.

BANDMASTER

Phillips, William J., Jr.
Vanhoose, Ronald

ENGINEERING

Aversano, Anthony J.
Baldwin, Robert L.
Bartholomew, David L.
Bartke, Harold L.
Billick, Dan R.
Blanchard, Gary F.
Bobo, Harold
Boyle, David J.
Butler, Robert E.
Chandler, Frank L.
Daniel, Jess M.
Deinhardt, John J.
Driscoll, Richard F.
Edwards, Bernard D.
Foss, Harry C., Jr.
Hale, Douglas A.
Harris, Thomas E.
Hill, Robert W.
Hine, Jerry G.
Hobbs, Hurshel B., Jr.
Horsfall, William E.
Howard, James E., Jr.
Jackson, Robert B.
Jones, Carlos
Kellum, William C., Jr.
Markle, Donald F.
McCleer, James L.
McElroy, Fred C.
Rand, Verl A.
Robertson, Bernard L. III
Rudden, Francis A.
Ruth, Herbert M.
Stewart, Lowell T.
Stiffler, James W.
Vick, Don A.
Zoglmann, Paul S.

HULL

Bailey, Defort
Binion, John I., Jr.
Delancey, James D.
Edwards, Raymond L.
Fuller, Emil A.
Hoyt, William H.
Johnston, Wilford P.
Jordan, Boykin B.
Lowe, Walter R.
Richardson, Billy E.

ELECTRICIAN

Brooks, Edgar T.
Cloutier, Lawrence P., Jr.
Haupt, Lloyd
Jensen, Gordon M.
Mathews, Carl L.
McGuire, David N.
Page, Alfred L.
Spears, Tommie E.
Stuck, James R.

ELECTRONICS

Arion, Ellsworth E.
Bradford, Billy C.
Brown, Robert E.
Campbell, Donald L.
Caton, Robert N.
Dekart, Donald F.
Eney, Neilson E., Jr.
Fridell, Robert A.
Grimes, David A.
Hall, Richard W.
Heuchert, Richard H.
Johnson, Thomas S., Jr.
Lechtenberg, Richard C.
Lee, Robert E.
Lentz, Joe B.
Majchrowicz, Edward J.
Miller, Roy A.
Moran, Matthew F., Jr.
Oehler, James C.
Pelletier, Ronald W.
Smith, Kenton L.
Tucker, Malcom R.
Tyler, Bobby D.
Weaver, Sterrie L., Jr.
Whiteley, William B.

CRYPTOLOGY

Goerg, Frederick C.
Haller, Bernard J.
Havenstein, Gene L.
Lopez, Clyde C.
Lovejoy, Jay E.
Peters, John W.
Popikas, Charles F.
Rakfeldt, Harry O.
Ross, Albert J., Jr.
Schaffer, Lawrence C., Jr.
Skipper, John W.
Walker, Arthur T.
Wyatt, Thomas V.

COMMUNICATIONS

Crowder, James D.
Enevoldsen, Jack
Fetter, Norman L.
James, Bobby C.
Loranger, Richard G.
Lucero, Seferino
Nichols, Paul M.
Palmer, Charles F.
Scheine, Murray
Shaul, Michael C.
Sparks, Howard F.
Woods, Gerald B.

AVIATION OPERATIONS

Emswiler, Robert B.
Gregory, Thomas
Vsetecka, Leonard J.

AVIATION CONTROL

Harry, Robert M.
Salter, Jesse E.

AIR INTELLIGENCE

Sronce, Frank T.

PHOTOGRAPHY

Husted, George G.
Marshall, Leo R.
Snyder, Ralph O.
Villemaire, Albert J.

METEOROLOGY

Fisher, Glen A.
Partesius, John S.
Smith, Kenneth F.

AVIATION ORDNANCE

Ashworth, Robert A.
Barker, Harvey W.
Malone, Robert G.
New, Melvin R.
Olson, John T., Jr.
Gordon, Harold L.
Lyon, Scott R.
Schmidt, Curtis J.
Tanner, William E.
Uptegrove, Edwin W.

AVIONICS

Braswell, Wallace E.
Chitwood, Orvis H., Jr.
Clabaugh, Ronald S.
Crain, Robert L., Jr.
Cudia, David T.
Delaney, Donald J.
Doehring, Robert F.
Howard, Donald R.
Lormor, Eugene H.
Michielson, Dennis C.
Olsen, Fredrick L.
Pohl, Matthew J.
Rodgers, Carl T.
Scherzer, James D.
Smith, Robert E.
Spear, Earl J.
Strickland, LeRoy H.
Thomason, William R.
Tibbs, John W.
Watson, Donald R., Jr.

AVIATION MAINTENANCE

Akins, Olen C.
Benning, Vale J.
Black, James D.
Bond, Lester F.
Brown, Richard A.
Deutsch, Joseph K.
Donnellan, David F.
Etten, Gary A.
Gepford, Richard D.
Graff, Clinton G., Jr.
Hagensick, John R.
John, Paul M.
King, Orville C.
Nassar, Albert N.
Nechvatal, Charles J.
Rogge, John A.
Strong, Franklin E.
Terry, Robert J.
Thompson, Robert M.
Treadway, Alton G.
Tudor, Tommy N.
Whalen, Regis E.
Will, George F.
Wilson, James O.
Young, Neal R.

The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Moses, Raleigh W.
Strickler, James W.

CHAPLAIN CORPS

Olander, Edward A.
Taylor, Francis S., III

CIVIL ENGINEER CORPS

Emison, Joseph B., Jr.
Stewart, Allen J.

Lieutenant Clifford J. Kamen, Jr., for temporary promotion to the grade of lieutenant commander in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law.

The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Beardsley, William F.
Bielefeld, James M.
Bonner, Jerold A.
Bowles, Hugh C.
Carroll, Richard J.
Cope, Stuart S., Jr.
Day, Richard S., Jr.
Kindle, Mickey E.
Kuykendall, George I., Jr.
Lathrop, Robert T.
Love, Glendel D.
McBride, Jon A.
Moon, Howard G.
Dunkin, David E.
Dye, George W., Jr.,
Fumia, Francis H., Jr.
Grant, Homer T., Jr.
Grubaugh, Gene C.
Hahn, Steven W.
Hobert, Raymond J.
Jacobs, Richard E.
Jamison, Charles F., Jr.
Moore, Edwin T.
Noel, Raymond J., Jr.
O'Brien, Michael F.
Olmstead, Allen J., Jr.
Sapienza, Gerald J.
Wesh, Francis R.
Willems, Robert C.
Wolf, Edward J.
Woods, Robert A.

SUPPLY CORPS

Atkins, John W., III
Dittmann, Harry G.
Jamison, David C.
Jordan, Robert R.
Lemon, Harvey B.
Merritt, Thomas W.
Rodgers, Philip E.
Scott, William C.
Weissner, William W.

CIVIL ENGINEER CORPS

Bohn, Ronald G.
Lacy, Gordon R., Jr.
Lucas, John A., Jr.
McCaleb, Billy H.

MEDICAL SERVICE CORPS

Morton, Robert J., Jr.

The following named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Haynes, Edith E.
Hudson, Agnes S.

The following named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Bielefeld, James M.
Burke, James L.
Daniel, David D.
Davis, Joseph W.
Flaherty, Timothy J.
Haynes, Edith E.
Hudson, Agnes S.
Kindle, Mickey E.
Lee, Howard F.
Marnane, Michael J.
Reidelberger, William H.
Sapienza, Gerald J.
Thunberg, Bruce E.
Valenty, John T.
Wolf, Edward J.

SUPPLY CORPS

Elliot, Ernest A.
Merritt, Thomas W.
Lester, Timothy O.

CIVIL ENGINEER CORPS

Bohn, Ronald G.
Griffin, Harry G.

Norman H. Dahlgren, Supply Corps, U.S. Navy, for transfer to and appointment in the line of the U.S. Navy in the permanent grade of ensign.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Credle, William F., Jr.
Donshik, Garry R.
Grotenhuis, Paul W.
McDonald, Thomas G.
McLamb, James N.
Rowell, Maurice H., Jr.

CONFIRMATION

Executive nomination confirmed by the Senate May 11, 1970:

MISSISSIPPI RIVER COMMISSION

Brig. Gen. Harold R. Parfitt, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress approved June 28, 1879 (21 Stat. 37; 33 U.S.C. 642).

HOUSE OF REPRESENTATIVES—*Monday, May 11, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is not far from each one of us, for in Him we live and move and have our being.—Acts 17: 27, 28.

O God and Father of us all, we bow before Thee reverently and humbly as we begin the work of another week. Thou art with us every moment of every day. Help us, we pray Thee, to be aware of Thy presence as we endeavor to lead our people in right and just and good paths.

We thank Thee for brave words and courageous deeds which have made our Nation great among the nations of the world. In this moment we pray for those who with word and deed are seeking to keep our Nation great in this day—our leaders in Congress, the men and women in the Armed Forces of our country, those who labor for peace and freedom, and all who strive for liberty in law and law in liberty.

XUM

Give truth to our minds, love to our hearts, courage to our spirits, and strength to our hands that we may make patriotism shine with loyalty and love and life.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, May 7, 1970, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on May 7, 1970, the President approved and signed bills of the House of the following titles:

H.R. 4145. An act to provide for disposition of estates of intestate members of the Cherokee, Chickasaw, Choctaw, and Seminole Nations of Oklahoma dying without heirs; and

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 15694. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9528. An act to require students and teachers in educational institutions and work training programs in the District of Columbia to wear protective devices for their eyes while participating in or observing certain courses of instruction; and

H.R. 15945. An act to authorize appropriations for certain maritime programs of the Department of Commerce.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11102) entitled "An act to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3778. An act to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

MARITIME AUTHORIZATION

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15945) an act to authorize appropriations for certain maritime programs of the Department of Commerce, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 11, strike out "$2,325,000" and insert: "$2,445,000".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman from Maryland if the Senate-passed amendments are germane to the House-passed bill and the action of this body?

Mr. GARMATZ. Yes, they are.

Mr. HALL. Do I understand, Mr. Speaker, that it simply increases the amount of the House-passed bill by a matter of $135,000?

Mr. GARMATZ. By $120,000.

Mr. HALL. Would the distinguished gentleman tell this body what this increase involved, and, if it is germane, what justification there is for our accepting their action?

Mr. GARMATZ. The Senate amendment was to add $120,000 to cover the Great Lakes Maritime Academy at Northwestern Michigan College. This is a new State merchant marine school to train mates and engineers to meet needs of the Great Lakes. These needs are special because officers' licenses and operating requirements do not conform to U.S. Coast Guard requirements for the Great Lakes.

Mr. HALL. I thank the gentleman for responding.

Was that the only addition in the other body?

Mr. GARMATZ. Yes.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

YOUNG PEOPLE WHO SUPPORT THE PRESIDENT

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLYNT. Mr. Speaker, during the weekend just past which was newsworthy because of the mass demonstrations targeted against the President, the Congress, and the President's action in Cambodia, several interesting and pleasant things happened to me.

Several young people of college and high school age called me by telephone—not to protest but to express their support of the President and the Government of the United States.

One young lady, a resident of a city within our district and presently a senior at a fine woman's college in Virginia said, "Mr. FLYNT, we have been watching the television showing the protest in Washington and I wanted to call and tell you that there are some of us who are not protesting and that we believe in our country and support our President and the action of the House of Representatives in backing him up last week." Her name is one well known to me and my family. Her words and her voice were both clear and sincere, and she spoke with a feeling of pride in her country and her Government.

When I asked her how her classmates and schoolmates felt, she said that most of them feel as she does. I asked her to check to be sure. She did and confirmed her previous statement.

She gave me several names of those with whom she talked and said that I could use their names in any way I saw fit.

She may have called some other young people after our conversation, because during the balance of the day and over the weekend I received several more such calls.

Mr. Speaker, I take note of this because it shows that there is clearly a difference of opinion among the college students of this country and that the supporters among that age group may equal or outnumber those who protested last Saturday. Certainly among my young constituents the message came loud and clear that there were more supporters than there were demonstrators and protestors.

THE VIOLENCE OF THE SO-CALLED PEACE DEMONSTRATION

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, in order to clear up some of the misconceptions about the so-called peace demonstration this past Saturday, I would like to share some personal and firsthand observations of mine gained from Saturday morning until almost dawn on Sunday morning.

The protest was not as peaceful or nonviolent as the press would have you believe. After the reporters had evidently returned to their homes on Saturday night, parts of downtown Washington gave the appearance of being a no-man's land. Cars were burned, thousands of windows were broken, shots were fired at police, and monuments and Government buildings were disfigured with paint. The most violent act was the destruction of the front of the National Guard Association Building.

XUM

Of concern to all American taxpayers is the probable cost of over $1 million to the Government for providing police and military protection for the law-abiding citizens.

The right of peaceful assembly for the purpose of protest is a precious right. But this right has unfortunately been interpreted as a free ticket for wanton destruction of public and private property at the expense of the taxpayers.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding.

I want to associate myself with the gentleman's emphasis on responsibility with respect to the right of dissent, or protest, or petition, or freedom. There is no privilege in freedom; it is only backed by responsibility.

I should like to ask Mr. Speaker, since we do fund the District of Columbia and its cleanup campaign out of the taxpayers' pockets, does the gentleman's statement include the cost of the cleanup after these demonstrations?

Mr. MONTGOMERY. No. My figures do not include the cost of cleaning up Washington. I was unable to get those figures. I would put the cost of cleaning up Washington at between $150,000 and $200,000. Nor do my figures include repairs to Government buildings that were damaged nor repairs to private property that was damaged and which could possibly easily run to $1 million.

WALTER REUTHER: LABOR STATESMAN

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, the Nation mourns the tragic death of a dynamic battler for social justice, Walter Reuther.

As a West Virginian, I am proud to remind my colleagues that Walter Reuther was born in Wheeling, W. Va. He gave new meaning to West Virginia's State motto, "Montani Semper Liberi"—Mountaineers Are Free Men.

We remember Walter Reuther for his courage. Who can forget the day when he stood at the overpass at River Rouge, standing up against the beating of the Ford thugs? Who can forget his courage when his life was threatened? Like Jock Yablonski, he never let the threat of assassination deter him from carrying on the fight for social justice.

We remember Walter Reuther because he thought of a union as something more than a selfish group interested solely in wages, hours, and working conditions. He carried the concept of unionism into the areas of war and peace, social justice, human rights, and the kind of world which young people would enjoy in the future. He knew that the fabric of peace, the strength of a nation, equality of opportunity, and the dignity of human beings everywhere were of prime importance in order to organize labor to fulfill its highest function.

Mr. Speaker, the Nation has lost a labor statesman and a great humanitarian.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I am happy to yield to the distinguished Speaker.

Mr. McCORMACK. Mr. Speaker, like the gentleman from West Virginia and countless millions of others throughout the United States, I was grieved when I heard of the tragic death of Walter and Mrs. Reuther and the others who were accompanying them on the occasion of their sudden and tragic death.

I have known Walter Reuther for a number of years. I enjoyed a very close friendship with him. I entertained for him a deep feeling of respect. Walter Reuther had really earned by his constructive leadership and constructive efforts the title of the Labor Statesman. Even those who did not always agree with him completely respected his views, his sincerity, his courage, and his determination. Walter Reuther not only fought the battle of organized labor, but he fought the battle of unorganized labor. Furthermore, he fought the battle of the sick, the poor, the afflicted, and underprivileged, and those who were discriminated against. Walter Reuther was always found on the side of humanity and on the side of progress. His voice, his presence, and his influence are going to be sadly missed in the years that lie ahead.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am grateful for the gentleman from West Virginia yielding to me.

It was a great tragedy that one of our outstanding citizens of Michigan, Walter Reuther, was unfortunately killed over the weekend in an aircraft accident near Pellston, Mich. It should be said, and I say it with emphasis, that Mr. Walter Reuther was one of the great labor leaders as well as political leaders in this past 30 years or more.

Oftentimes I had some disagreement with some of the policies advocated by Mr. Reuther. But on the other hand I admired his outstanding courage, his unquestioned integrity, and his total dedication to the cause or causes in which he believed so fervently.

Certainly, Mr. Speaker, the men who have worked in the automotive and related industries in my State and in other States owe a great debt of gratitude to Walter Reuther for the organization that he put together under most difficult and trying circumstances and the accomplishments that he achieved with the UAW on their behalf.

I am sure there is great sadness and sorrow among the 1 million or more automotive industry workers who have been the beneficiaries of Walter Reuther's leadership, ability, and dedication.

I extend to his family and to his literally thousands of friends in my State and elsewhere my deepest condolences upon his passing in this tragic accident. In Walter Reuther America has lost a leader among leaders.

Mr. HECHLER of West Virginia. I thank the distinguished minority leader.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Speaker, I wish to associate myself with the remarks which have been made by the distinguished gentleman from West Virginia. As a person born and reared in Michigan, I wish to thank the State of West Virginia for giving us the honor of becoming the adopted home State of Walter Reuther.

As one who grew up in Michigan during the time of Mr. Reuther's greatest efforts, I, like many others, was inspired by him to believe that sincere people, working hard, could change a system which they felt alienated some segments of society. I feel his loss as does everyone in Michigan and as every other person in the country should at this sad moment.

Mr. Speaker, many groups of our society have tried to be recognized and have tried to believe that someone cared about them. Mr. Reuther gave new hope and faith to these people. I say this because I know of no other American who, throughout his lifetime, was believed in by both the old and the young. The tremendous record he built among all of the constituents of this country certainly went far, far beyond that which is expected of anyone.

Although Mr. Reuther was first and foremost the president and chief spokesman for his beloved United Auto Workers, his impact on the Nation's economic, social, and political life reverberated throughout every corner of the Nation and even throughout the world.

His hopes and his visions went far beyond the basic labor union goals of higher wages, shorter hours and better working conditions, although he did wage aggressive and usually successful fights to obtain these goals. Mr. Reuther saw organized labor as the advance guard in a battle to create a better world for all peoples.

He was an early battler at the bargaining table for such hard-won benefits as pensions, unemployment compensation, pay increases geared to the cost of living, supplemental unemployment benefits, profit sharing and early retirement.

On both the State and national level he fought for progressive legislation, and was always in the forefront of the battles for liberal causes.

Although Mr. Reuther was both a kind and gentle man, his life was marked with violence, even to his tragic death in an airplane crash.

He was beaten and bloodied at the now infamous "Battle of the Overpass" in 1937, when the UAW opened its campaign to organize the Ford Motor Co. During the early 1940's, he led a violence-marred campaign to oust Communist sympathizers from the UAW leadership. In 1948, he was the target of a would-be assassin, who gunned him down in his home with a shotgun blast through a kitchen window.

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The name of Walter Reuther will loom large in the history of American labor when it is written for the turbulent three decades beginning in the late 1930's. He was instrumental in the 1939 merger of the UAW and the Congress of Industrial Organizations, and in 1946 he was elected president of the United Auto Workers. Six years later he became president of the CIO. He was one of the prime architects of the 1955 merger of the CIO and the American Federation of Labor, and became a vice president of the AFL–CIO.

Two years ago, he led the UAW out of the AFL–CIO, charging that it had become too conservative and undemocratic. A year later, he laid the groundwork for the new Alliance for Labor Action, which involved a semimerger of the UAW and the International Brotherhood of Teamsters.

Mr. Reuther had high hopes for the new ALA, which he envisioned as leading the fight for new political and social progress in the United States. His belief that the economic needs of workers were tied directly to politics was summed up in his now famous remark:

> The surest way to guarantee that your ice box is filled with good food is to see that the ballot box is filled with good votes on election day.

Mr. Speaker, this Nation has been fortunate in having many great and good labor leaders. The UAW and the rest of organized labor will, I am sure, continue with their impressive gains for American working people. But no one, friend or foe, will deny that the cause of organized labor has been dealt a sad and heavy blow with the tragic death of Walter Reuther.

Mr. HECHLER of West Virginia. I thank the gentleman from Michigan for his remarks.

Mr. HARVEY. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Michigan.

Mr. HARVEY. Mr. Speaker, I think all will agree that this tragic accident has stilled one of labor's alltime eloquent voices. One could disagree with Walter Reuther, and many did. But none could help but admire his dedication, his great bargaining skills, and his humanitarian concerns.

The bargaining accomplishments that Walter Reuther has left for thousands and thousands of Eighth Congressional District workers and retirees can live on, as they will for millions throughout the country. He has left a legacy with the living.

We in Michigan have a particular closeness to this man. We well remember the now famous "Battle of the Overpass," a clash in 1937 with an auto firm during union activities. There were other sitdown strikes in Flint and Detroit in the middle 1930's which attracted nationwide attention.

Yes; many have not agreed fully with his philosophy or tactics, but you knew that he meant what he said and he stood by what he said.

The real tributes for Walter P. Reuther, leader of the United Auto Workers for 24 years, are truly a living memorial. I join with millions in mourning the passing of this giant in the American labor movement.

Mr. HECHLER of West Virginia. I thank the gentleman for those kind remarks.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join with the gentleman from West Virginia and others who have spoken these words of tribute to a great America, a battler for the things in which he believed, a front runner in every progressive movement for the past 30 or 40 years.

Mr. Speaker, I am happy that I had the honor in my lifetime of knowing this dynamic, progressive, and devoted American.

Mr. HECHLER of West Virginia. Mr. Speaker, the Nation has lost a great labor statesman, a great humanitarian.

THE LATE WALTER REUTHER

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I would like to add my words of condolence on the subject of the death of Walter Reuther.

Also, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life and service of the late Walter Reuther.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KOCH. Mr. Speaker, Walter Reuther is dead at 62 as the result of an accident. His family, friends, and admirers mourn his death. As everyone in this House who followed his career knows, he was an extraordinary person who was more than simply an outstanding labor leader. His concern transcended unionism—it was a concern for the well-being of everyone in this Nation and in the world at large. Today, as we look about and see the involvement of youth in opposing the war and their willingness to engage in nonviolent protest in support of our constitutional rights, even at the risk of physical injury and sometimes death, it recalls the mid-thirties, a comparable turbulent period in our history, when Walter Reuther stood up for the rights of the working man. Since that time he has stood up on so many occasions for the underdogs of American society. He wanted to make the democratic system work, and to do so he challenged the establishment and, when necessary, opposed the status quo and on occasion risked his own life.

I met Walter Reuther on only one occasion and that was in Charleston, S.C., about a year ago. At that time a strike involving hospital workers was in progress. The private hospitals and the municipal authorities refused to engage in collective bargaining with the black workers. Those who thought it would be helpful to give moral support to the workers came to Charleston to spend a Sunday with them. I remember well Walter Reuther being called to speak and saying to the hundreds of blacks assembled there how important it was that blacks and whites stand together and support one another. And he went on to say:

> Not only are we with you in spirit but the U.A.W. sends its first installment check to help you because I know how important it is that you have support not only morally but financially.

Mr. Speaker, Walter Reuther lived a life totally dedicated to helping his fellow man and his life was therefore filled with satisfaction. If each and everyone of us leaves this world having done just a small fraction of what Reuther did during his lifetime, this country would be considerably improved. Mr. Speaker, the UAW has lost a great leader and the United States has lost a great prince.

Mr. ANNUNZIO. Mr. Speaker, the country has suffered a tremendous loss in the untimely death of the international president of the United Auto Workers—Walter Reuther.

In 1943 I attended the convention of the Congress of Industrial Organizations held in Boston, Mass. There for the first time I met Walter Reuther, who participated in that convention.

Over the years, like many other Americans, it has been my privilege to watch his growth in the American labor movement. He rose through the ranks to the position of president of the United Auto Workers, and at the death of Phillip Murray, he became president of the Congress of Industrial Organizations. As president of the CIO, he brought about the amalgamation of the AFL and CIO as it is constituted today, representing millions of American workers.

Walter Reuther possessed a zeal and a fervor on behalf of the industrial workers throughout the entire world. He was an outstanding champion of the little man. America, and the little people of America and the world, have lost a champion, and he will be missed.

They say that every man can be replaced. I doubt that Walter Reuther will ever be replaced. Mrs. Annunzio joins me in extending our deepest sympathy to his two daughters, Linda and Lisa, and the other members of his family who survive him.

Mr. ROSENTHAL. Mr. Speaker, Walter Reuther is dead. A veteran of the labor battles of the thirties and early forties: he had become more than a labor leader, he was a symbol of social betterment in this Nation. He fought for better housing, better education, and better medical care for all Americans.

Accepting a relatively modest salary himself, he asserted that a union should be an advocate for more than fatter pay envelopes and better working conditions. Walter Reuther was continuing his 20-year-old fight for a guaranteed annual wage when a plane crash took his life.

On many occasions he expressed his opposition to the Vietnam war, believing that the war had hurt the living stand-

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ards of the workers in his union, and distracted the country from its real and urgent domestic needs.

It will be difficult for the United Auto Workers to find a replacement of Reuther's stature. It will be equally difficult for America, which has also lost a great leader.

Mr. PRICE of Illinois. Mr. Speaker, it came as a great shock to me over the weekend to learn of the tragic deaths of Walter Reuther and his wife. The loss of the dynamic man who led the United Auto Workers for the last 24 years is a serious blow to the American labor movement and the Nation as a whole.

Combining tough-mindedness with a determined sense of purpose, Walter Reuther has had great impact on the economic, political, and moral life of this Nation. His devotion to social justice has had compelling effect on the struggle for human rights.

As founder of the UAW, Walter Reuther worked determinedly to have the union function as a powerful voice in negotiations, protecting the interests of the rank and file, and as an effective leader in the governmental process, protecting the interests of the unrepresented. This dual purpose to which Walter Reuther devoted his energies and talents serves to remind us of the important role the American labor movement plays in our Nation.

The United States has lost a great union leader in the death of Walter Reuther. The world has lost a great international labor leader in his death. But I am confident we will be sustained by the legacy of his leadership.

Mr. NEDZI. Mr. Speaker, over the weekend we learned of the sudden and tragic death of one of the greatest American labor and political figures in the history of the 20th century, Walter P. Reuther.

The manner of Walter Reuther's death was a personal shock and tragedy to those closely identified with him, and his death at the age of 62 is a tragedy of national and international dimensions.

It is difficult to contemplate a labor movement without Walter Reuther in a central role, a civil rights movement without Walter Reuther in the forefront, and an international democratic trade union movement without Walter Reuther giving it his special brand of guidance, and vision, and political toughness.

The Reuther brothers, Walter, Victor, and Roy, came out of the hills of West Virginia in the early 1930's and Detroit was never the same again. Thanks in large part to the efforts of these men, hundreds of thousands of workingmen and women and their families have enjoyed a decent standard of living and opportunities far beyond what could be dreamed of in the desperate days of the 1930's.

One measure of the greatness of this man, Walter Reuther, is the causes to which he devoted his extraordinary talents and energies: The organization of trade unions, the development of modern collective bargaining, workers pensions, cost-of-living increases, supplemental unemployment compensation benefits, medicare, civil rights, the war on poverty, aid to farm workers, the United Nations, the democratic trade unions in Europe and Africa, an enlightened foreign policy, cultural exchange, and urban redevelopment.

A second measure of this man's greatness is the quality of the men he attracted to work with him: His brothers, Vic and Roy, Emil Mazey, Leonard Woodcock, Doug Fraser, Jack Conway, Ken Bannan, and Paul Schrade within the UAW, and in national, political, and civil rights campaigns, the brothers, John F. and Robert Kennedy, Hubert Humphrey, A. Philip Randolph, Roy Wilkins, Francis Biddle, Herbert Lehman, Martin Luther King, Joseph Rauh, Eleanor Roosevelt, Adlai Stevenson, Paul Douglas, and Cesar Chavez among others.

Walter Reuther was a living legend for over three decades. He was such a fixture in the Detroit scene that it is hard to believe that he is gone. It is particularly sad that he will never be able to enjoy the retirement cottage that he was building with his own hands in Florida, nor see the completion of one of his pet projects, the UAW Educational Center at Black Lake, Mich., his destination on the night of the plane crash.

We not only will be deprived of his courage, vision, and leadership, but we can no longer hope for the great memoir of a rich and turbulent life which he could have written. Indeed, I know of only one full-length book on him, "The UAW and Walter Reuther," by B. J. Widick, and that was written in 1947, the year that Reuther began his 24-year presidency of the UAW.

I would like to have Walter Reuther remembered as a man who was at the top of his oratorical powers, speaking in the blazing heat of Labor Day to crowds of tens of thousands in Detroit's Cadillac Square. I would like to see him remembered as a man who walked the picket lines in labor's most difficult hours, as a man who braved threats of violence and triumphed over them, and as a man who had a keen sense of responsibility to economic, and political, and social democracy. I hope he is remembered as a man who led a clean union and himself led a life of moral rectitude.

Walter Reuther was a devoted husband and father. His wife, Mae, died with him. Two daughters survive.

A giant has been taken from our midst. I express my deepest sympathies to his family.

I think it appropriate at this point that rather than inserting one of the many obituaries which have been published today, obituaries which do not quite capture the flavor and energies of the man, I would insert a description of Walter Reuther in full throttle, written in 1947 by John Gunther in his book, "Inside U.S.A.":

MAN NAMED REUTHER

Walter P. Reuther, a modest but ambitious redheaded young man with an earnest smile and a beguiling sort of self-confidence, is one of the most stimulating men in American labor. For several reasons his story is worth telling briefly. In a way, despite the most obvious differences, he is almost as typical an American as Ford, if only for the qualities of savvy, industriousness, and enterprise.

Reuther (pronounced Roother, not Royter), was born in Wheeling, West Virginia, forty years ago, the son of a German brewery worker and devout old-school Socialist. Young Reuther had the polemics of the working class drilled into him from the cradle, and when he was still a schoolboy he organized a local shop. Then, finding the Wheeling horizon too limited, he set out to make his way in the world. He went to Detroit, and became an expert tool and die maker at Ford. He knew, however, that work was not enough. There was something known as school. So, while working an eight-hour day, he also worked his way through high school and three years of Wayne University. He got up at dawn, caught his first class at eight, did his school work till one, and then put in his stint at Ford from 3 till 11:30. After this—homework! His brother Victor, who is now director of the education department of the UAW, kept house and did the cooking. Before long, Walter stood first in his class, and was earning $12.00 a day. Then Ford fired him for "union activity."

Reuther passed his final examinations, drew every cent he had out of the bank on the day before the Detroit banks crashed in 1933, and then, with Victor, set out on a trip around the world. The Reuther boys were away for thirty-three months. As Walter says today, "We wanted to find out how the world was living." A trip like this is a fairly conventional thing for young Americans to do, but few have ever done it quite so thoroughly as the Reuther boys. They arranged their itinerary as a "tour in social engineering." It was a serious vocational attempt, very German and Socialist, to get underpinning for a future career. The boys worked their way across the Atlantic, bought push bikes, and cycled 12,000 miles in western Europe. Only twice in nine months did they sleep in hotels. If they ever bothered to look at the "sights," like the leaning tower at Pisa, this was mere frosting on the cake. What they really liked to do was visit mills in Lancashire and mines in Gelsenkirchen. Whenever they were broke they paused to get a job. They slept at student hostels in Germany, joined workers' groups, helped organize them, and, as Hitler was rising to power, made contacts in the Socialist underground. Victor spoke excellent German but, as Walter laughs about it today, "with such a wonderful West Virginia accent that the Germans thought we came from some remote part of Swabia."

Next, Russia. The boys traveled 18,000 miles in the Soviet Union. They are among the very few Americans who, in those days, reached Central Asia and saw Samarkand. Being skilled mechanics, they had no trouble getting jobs. Walter became, in fact, an instructor in the Ford plant at Gorki, and showed Russian boys how to build gasket dies with tolerances to one-seven-thousandth of an inch. "It was darned delicate work," he says today.

One day the Reuthers got a letter from another brother, Roy, telling them that the automobile situation was popping and to come home. They took the Trans-Siberian to Manchuria, bicycled briefly through Japan, and eventually arrived back in Detroit.

By 1936, Reuther had become an important cog in the stirring UAW. He organized a small local on the west side of Detroit. This he merged with six other locals, and so created the first Reuther "machine," membership seventy-eight. He borrowed three hundred dollars, opened an office, and bought a typewriter. In nine months he had 32,000 paid-up members, with organizations in forty shops. "To be a union leader in those days," he reminisces, "you had to run like blazes to keep up with the membership."

Reuther's first signal coup was the Kelsey-Hayes strike in December, 1936. He tied up Kelsey-Hayes, which makes wheels and brake drums for Ford, and which had

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some 5,000 workers, though he himself had not more than thirty-five men in the plant. This was one of the first three considerable strikes the UAW won, and it presaged the organization of the whole industry.

This is how Reuther did it. He was busy passing out leaflets and making speeches at street corners. Such activity did not satisfy him. He wanted something more decisive and dramatic. But he had only a handful of people in the plant, and he could not get in himself, having been blacklisted as a notorious organizer. What the workers were protesting about most was not wages but the speed-up. Reuther had an idea. He was helpless unless he could contrive to get inside. He suggested that a girl on the day shift, in department 49, a brake-shoe line, should faint at the exact moment when the pace was fiercest. If the superintendent was duly deceived by this artifice he would pull a switch and stop the assembly line. Then there would be a scramble and the workers would quit and demand that Reuther, their leader, be called in.

The scheme worked to perfection. The girl "fainted" on schedule. Reuther was waiting at the end of a telephone. After much commotion the dialogue with the personnel director of the company went something like this:

Director. "Workers in 49 won't work. They say to call you up."

Reuther: "What do you want me to do?"

Director: "Put 'em back to work."

Reuther: "How can I? Will they listen?"

Director: "They listen to you on street corners."

Reuther: "I can't talk to 'em from here. Will you let me in?"

The company obligingly sent a car for him and by the time he arrived the strike had wild-fired, with several thousand workers milling around; Reuther climbed on a pile of boxes, and started to make a speech. The personnel director grabbed him by the coat, yelling, "What's going on here? You said you'd put 'em back to work." Reuther's single-line reply has become a classic in Detroit folklore: "I can't put 'em back to work," he shouted, "until I get 'em organized."

The rest of the story I have no space for, though it is full of punch and color. Reuther made a deal for a meeting between company and workers the next morning, and, as the night shift arrived, managed to harangue its members too. By morning, 2,000 men and women were organized. Then the negotiations failed. Reuther ordered his members (*a*) to stick by their machines, and (*b*) not to work at them. This, the most notable of the early sit-downs, lasted ten days, whereupon the company gave in.

Reuther strategy had a good deal to do with the great GM strike that followed in January, 1937. One incident is still recalled as "Reuther's feint." The key plant at Chevrolet was no. 4, which makes the actual motors. This became Reuther's object of attack. But he carefully contrived that everybody should think that he was going after no. 9, a bearing plant, not no. 4. Such stratagems were forced on him because he was not at all sure of his own men. Of key men in the Chevrolet local, he trusted only a few; some others might be stool pigeons. The upshot was that, by feinting at plant no. 9, he not only managed to win no. 4, but to find out who his traitors were. They tipped the guards off to protect no. 9, whereupon Reuther and his loyal cohorts promptly made for no. 4, half a mile away, which was denuded of protection. By the time the police got back, Reuther and his group were safe inside. They held out till the end of the forty-four day strike. This strike, which was national in scope and which was not predominantly fought on the issue of wages but on the right to unionize, turned the balance for the whole industry. The UAW was really "in" from this time on.

Another well-known Reuther accomplishment was the "strategy" strike in 1939, during the interval when GM was tooling for the next year's production. Reuther persuaded his colleagues that it was at this exact time that the industry was most vulnerable, and that by drawing out a few key men, tool and die makers, he could tie up the whole GM structure. He did so, and General Motors capitulated after an interval.

In these days violence was plentiful. Things have moved so fast that it is almost impossible to realize that, until the Flint strike, the great companies did not even answer letters from unions. Labor "negotiations" were matters for plug-uglies. Think by contrast of the great 1945–46 strike which Reuther also led against General Motors. Not a single person was hurt in a tie-up that lasted 113 days. There was not one bloody nose.

An attempt to beat up and possibly kill Reuther was made in 1938. Walter, Victor, and a group of friends were quietly celebrating a birthday in the family. Somebody ordered chop suey over the telephone. Half an hour later came a knock on the apartment door. Victor opened it, thinking the food had arrived. But two sluggers pushed their way in. One snapped, "We want Walter Reuther," and the other pointed out, "There's the —— —— in the corner. We're taking you for your last ride tonight." The sluggers, armed with a blackjack and gun, herded family and friends against the wall, and then appeared to lose their nerve. Remarks came like "We can't get him out of the room with all these people here," "Shoot him here," "Not before all these witnesses," and "Well, kill him with the blackjack." Reuther grabbed the blackjack from one of the thugs, and a struggle started. He was being beaten when a UAW man jumped out of the second-story window, and called the police. The sluggers ran. It took an hour and a half before the police came.

This episode was thoroughly aired in court subsequently. The two thugs were arrested and identified, and Reuther, who had not been badly hurt, got a telephone call from an anonymous informant, describing who had hired them, for what price, and why. After fierce commotions, the pair agreed to plead guilty, provided that the charge was made something less than assault with intent to kill, which carries a twenty-year sentence in Michigan. Reuther refused to reduce the charge. When the case came to trial the two men were acquitted. Some months after this, one of the sluggers called Victor on the telephone. He said that he hoped the Reuther brothers had no hard feelings, that he was simply carrying out a routine assignment, and he wanted to make amends by asking them out to dinner.

For the last half dozen years the outline of Reuther's career is well known. In 1940 the "Reuther plan," a project for the conversion of empty automobile plants to aircraft production, aroused national attention. It is an interesting fact that, when Charles E. Wilson, president of General Electric, was running the War Production Board, he wanted Walter Reuther as vice chairman. Meantime his philosophy has solidified. Expressed in a sentence, it is to the effect that industrial and economic democracy must operate unhampered in the United States, if political democracy is to survive.

Mr. MURPHY of New York. Mr. Speaker, the tragic death of Walter Reuther, one of America's outstanding labor leaders and president of the United Auto Workers Union for 24 years, is a deep loss not only for organized labor and the cause of collective bargaining but of one of the Nation's most forceful voices for social reform. For Walter Reuther, the fight for enhancement of the human condition transcended geographic or national barriers. In his dramatic, terse style, New York Daily News feature writer Peter Coutros records the career of this fiery unionist who flirted with death many times during his colorful career until his chartered jet plane crashed into a forest in northern Michigan. Under the leave to extend my remarks in the Record, I include Mr. Coutros' tribute to Walter Reuther:

For Walter, the Last Strike

(By Peter Coutros)

More than once in his stormy career, Walter Reuther flirted with death but managed somehow to escape its unyielding embrace. When destiny beckoned him to his ultimate rendezvous, it took a jet plane to deliver him.

The fiery unionist eluded death by inches in April, 1948, when an assailant blasted away at him through the kitchen window of his home in Detroit. His right arm was virtually torn away in the attack. Although surgery enabled him to retain the limb, doctors despaired of his ever being able to use it again.

Like the auto-company negotiators who had confronted him across the bargaining table, the medical fraternity did not correctly read Reuther's determination. It took him two years, but eventually, he was able to gain partial use of the arm.

Soon after assassination attempt, Reuther moved his family to Rochester, Mich., an hour's drive from Detroit.

"I built a new home for my family and a new arm for myself, all at the same time," he recalled later. "I hammered nails until tears came to my eyes."

At that, he was luckier than his brother, Victor, who lost an eye in a similar assault a year later. Neither crime has ever been solved.

The hazards of the road he chose came early and often to the red-haired Reuther. He got his first taste of harsh medicine force-fed to union organizers in 1937 when he was beaten savagely by Harry Bennett's security crew during the "Battle of the Overpass" at the Ford River Rouge plant.

"The worst of it," he told friends later, "was when two of Bennett's goons grabbed me by the ankles and dragged me down a flight of steps, banging the back of my head on every one of those 36 steel steps."

Born in 1907 in Wheeling, West Va., Reuther came into the world with a silver polemic in his mouth, a characteristic which made him the most articulate unionist since John L. Lewis. His dedication to the labor cause was a legacy from his father, Valentine, who headed one trade organization at the age of 23 and later helped organize the brewery workers.

By the time he was 19, Walter Reuther had put in four years as a factory employe in Wheeling, a stint interrupted by a suspension for encouraging other workers to protest having to work on holidays and Sundays.

Moving on to Motor City, Reuther found work in a tool-and-die shop at General Motors before shifting to Ford. At the same time, he managed to finish high school and complete three years of college at Wayne University.

When he was pink-slipped by Ford early in 1933 for trying to unionize his shop, Walter and brother Victor withdrew their savings to finance a bicycle tour of Europe. They acted just in time. Next day, President Roosevelt ordered a closing of the nation's banks.

The brothers' travels took them through 11 countries. By the time they reached the Soviet Union, their funds had depleted considerably. For the next 18 months, they worked in an auto factory at Gorki, teaching

Communist peasants the capitalist way of putting cars together. Critics who regarded Reuther as a radical suggested that he'd acquired the Marxist fervor at the plant in Gorki, which was built by Ford.

In 1935, Reuther resumed his nine-to-five tool-and-die chores in Detroit and pressed on with his organizing activities during, before, and after his hours in the shop. Within a year, he had increased the membership in the auto-workers local to which he belonged from 78 to more than 30,000 men. Not illogically, Reuther became the local's president.

He was a good worker, too, and, his efficiency was rewarded with a 10-cent hourly increase. Since the going rate was five dollars a day at the time—for those lucky enough to be employed—Reuther hardly scoffed at the dime increment. However, the raise—along with his job—went down the drain within 24 hours when the boss was apprised of Reuther's union affiliations.

He lamented once that he never got to work in a unionized factory, that he was invariably fired in the organizing stages.

On March 13, 1936, Reuther organized the happiest union of his life when he and May Wolfe were married. (Their ranks were increased subsequently by Linda, now 27, and Lisa, 23.) Organizing the auto workers was not so happy a task, and in doing it Reuther frequently resorted to the technique of the sit-down strike. He utilized this device to bring General Motors and Chrysler into line in 1937. But Ford, third member of the transport triumvirate, continued to resist. Other models had succeeded Henry's prototype vehicle, but the company stuck resolutely to his Model-T labor relations.

Not until 1941, and only after considerable pressure from Washington, did Ford capitulate and recognize the United Auto Workers, which rewarded Reuther with a vice presidency in 1942.

Like the fighter who grows restive outside the ring, Reuther was not one to rusticate behind a big desk and a bigger expense account. In 1945, he broke a siege of inconclusive contract talks by leading 175,000 GM employes out on strike. The walkout lasted 113 days, but the union achieved its goal. In what was tantamount to a battlefield promotion Reuther was elected to the UAW presidency within days after the settlement, in March, 1946.

He was reelected 13 times, most recently last month. His stewardship of 1.8 million UAW members (pensioners included) paid $33,000 annually. More than once, he himself rejected attempts to boost the figure.

A united labor movement had long been Reuther's goal, which he helped bring about in a 1956 agreement that joined craft (AFL) with industrial (CIO) unions into the AFL-CIO.

Ever the activist, Reuther took his auto workers out of the AFL-CIO, in July 1968, charging the leadership under president George Meany with "sitting on their fat status quo." Reuther and Meany engaged in numerous verbal slugfests after the "divorce" became official. The war in Vietnam which divided a nation further divided the house of labor with Reuther demanding an end to America's involvement while Meany steadfastly supported Lyndon Johnson and then President Nixon in their stance on the war.

Reuther, who neither smoked nor drank, parted company with the cigar-partial Meany on the civil rights issue and in the matter of support for Caesar Chavez's boycott of California grapes. In both cases, Reuther challenged Meany to do more. Vice President Agnew and Attorney General Mitchell became targets of Reuther's ire when he accused them both of engaging in repressive action.

The UAW chieftain found himself, with the teamsters and the United Chemical Workers, trying to organize larger segments of the working poor into labor unions, leaving himself time, of course, for negotiations with Detroit.

But even as he girded for the latest auto contract talks, scheduled to begin in two months, Reuther paused to enunciate his philosophy that unionism meant more than an extra loaf of bread on the table or an extra UAW-built car in the garage.

Reuther had seen the achievement of one of unionism's primary goals with the institution in 1976 of a guaranteed annual income for his men. This was one of many labor innovations spurred by Reuther. Others were the cost-of-living escalator clause and the annual improvement factor, which assures workers a piece of the profits resulting from cost-cutting technological improvements.

To Reuther, the needs of the working man transcended geographic and national barriers and his zeal to improve the human condition often took him to far corners of the world. His journey ended only with his life.

Decrying what he called "the scandalously high profits" of the auto industry in recent years, Reuther had warned that the next contract would not be based on the economy of 1970 (which he termed "Nixon's recession") but on what the future held.

For the rank-and-file, he dreamed also of a day when men who wore blue collars would feel equally comfortable inside libraries and museums and opera houses.

"We'll never know the Edisons or Pasteurs unborn because of the sheer human task of feeding families," he mused once.

"We'll never know the Edison's or Pasteurs or Rembrandts or Marian Andersons who never had a chance," said Walter Reuther, who owed his fame to Henry Ford, the automotive genius, the same Henry Ford who didn't believe in unions.

Mr. BOLAND. Mr. Speaker, I join in paying tribute to Walter Reuther, one of the century's most forceful and farsighted labor leaders. A benchhand in a steel plant at the age of 16, Mr. Reuther rose to head a union of 1.3 million auto workers. His influence on American life reached far beyond the shops and assembly lines of Detroit's auto factories. The role of a responsible labor leader, he felt, was to build a better society as well as a bigger paycheck.

> The unfinished business of this century—

He once said—

> is the problem of maintaining full employment in an expanding economy based upon the fair and healthy relationship of wages, prices and profits.

He pioneered in the development of health and pension plans for the Nation's working men and women. After a hoodlum's shotgun attack put him in a cast from wrist to shoulder in 1948, for example, he emerged from the hospital with a revolutionary plan for health insurance that set a pattern for hundreds of other unions throughout the United States, Even as a teenager—when he worked for 40 cents an hour at a Wheeling Steel Corp. corrugating plant—Walter Reuther was pressing for better working conditions. Protesting against work on Sundays and holidays, he was fired for what his employers termed "agitation."

His death in a plane crash yesterday is a loss for the Nation as well as for organized labor.

Perhaps more than any other man of this century, Walter Reuther made the labor union a powerful force for social progress.

With permission, Mr. Speaker, I put in the RECORD at this point a New York Times editorial on Mr. Reuther:

PIONEER IN SOCIAL CREATIVITY

The death of Walter P. Reuther is an even more substantial loss for the nation than it is for the labor movement. A social innovator of great creativity, he was the most zealous union proponent of the concept that labor must go forward with the community and not at the expense of the community.

When the crash of a private plane cut short his life, he was dedicating much of his energies to forging a broad coalition in support of universal health insurance. He was also working closely with many of the nation's foremost industrialists in seeking to apply space technology to the mass production of housing.

He showed enormous personal courage and dynamism in the bitter battles that marked the birth of the United Automobile Workers more than three decades ago. Over the years he was principally responsible for making that union not only economically powerful but a fountainhead of beneficial ideas for all labor. His most notable monuments in this regard are a comprehensive program of social security under the union label and a model system of safeguards for union democracy.

In the larger labor movement his influence was unhappily circumscribed by the increasing frustrations Mr. Reuther felt over his inability to push aside George Meany as head of the combined A.F.L.-C.I.O. The feud of these two srong unionists prevented the merger of which both were principal architects from ever achieving its full potential for national good. Yet Mr. Reuther's complaints of A.F.L.-C.I.O. stagnation and social sterility were predicated on far more than personal pique or ambition. In foreign policy and civil rights he blazed inspiring new trails.

His death on the eve of his unions' crucial negotiations with the Big Three automakers could prove extremely injurious to the total economy in this volatile period. But the void will be greater still in the realms of idealism and social inventiveness.

Mr. RYAN. Mr. Speaker, it is with deep sorrow that I join my colleagues in tribute to one of America's remarkable leaders, Walter Reuther. His tragic death is an immeasurable loss to the United Automobile Workers and the entire labor movement, as well as to the entire country.

Toughened by his pioneering struggles in the labor movement, Walter Reuther still retained the vitality and idealism of his youth. Throughout his career he invigorated the American labor movement by instilling union members, especially young activists, with a sense of purpose. He fought for raising the living standards of the downtrodden and for aiding them in gaining the dignity they deserve as workers.

During Walter Reuther's career, the United Automobile Workers, of which he eventually became presirent by rising through the ranks, went from zero to 1.6 million members. He led the fight to raise the wages of auto workers from Henry Ford's $5 a day pay scale to more than $5 an hour in wages and fringe benefits, including a management-paid

XUM

pension plan, a cost of living escalator, and a profit-sharing plan which he first pioneered.

But even more important than Walter Reuther's role as president of the United Automobile Workers was his role as a true leader of this Nation. He was one of the few to see the poverty and discrimination and injustice which are the shames of this country and then to have the will and the gift of leadership to attack these problems aggressively and effectively. He was a leader who saw all the problems of our society as the concerns of his union.

And his was the vision and the intelligence to see and plan for the long-range composition of our society. As he once said:

> The unfinished business of this country is the problem of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices, and profits . . .
>
> Either we shall use our new machines and technology to help us create security and dignity in the construction of a brave new world, or the impact of jet propulsion technology upon a huffing and puffing Model T distributive system will dig our own economic graves.

For 35 years Walter Reuther has been in the forefront of the struggle against poverty, hunger, racism, and war. The causes which he espoused and led were the significant ones of our time. His leadership will be missed, and in his absence we will realize how much we needed him. Walter Reuther provided that kind of inspiration. To his family, to his friends, and to his fellow union members, I extend my sympathy for his loss and that of his wife, May. And for our country, I can say only that his memory must guide us all, as he helped to guide us in life.

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I include at this point in the RECORD an excellent article by Damon Stetson which appeared in today's New York Times. Anyone who reads it cannot fail but realize how great is our loss. The article follows:

[From the New York Times, May 11, 1970]

WALTER REUTHER: UNION PIONEER WITH BROAD INFLUENCE FAR BEYOND THE FIELD OF LABOR

(By Damon Stetson)

Walter Philip Reuther went to work as a bench hand at the age of 16 and rose to become a labor leader who had a major impact on the economic, social and political affairs of his time.

A crusader for a better world, he cast a shadow far beyond the 1.3-million-member United Automobile Workers and the Congress of Industrial Organizations, which he had headed.

His ascendancy in the labor movement marked a break with the approach of the old line union leaders who were interested primarily in winning a few cents more an hour for their members.

Mr. Reuther challenged not only labor but the country—and sometimes the world—to seek new and broader horizons.

"The unfinished business of this century," he said, "is the problem of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices and profits. . .

"Either we shall use our new machines and technology to help us create security and dignity in the construction of a brave new world, or the impact of jet propulsion technology upon a huffing and puffing model T distributive system will dig our economic graves."

Mr. Reuther, boyish-looking even at the peak of his career, had red hair and was of medium height and solidly built. He was a cool, iron-nerved fighter; a shrewd, hard-driving negotiator; an ambitious social reformer and an articulate public relations man who sold his ideas with the fervor of a missionary.

Legend has it that after a heated bargaining session, the late William Knudsen, then head of the General Motors Corporation, turned to Mr. Reuther and said:

"Young man, I wish you were selling used cars for me."

"Used cars?" Mr. Reuther asked.

"Yes," said Mr. Knudsen, "used cars. Anybody can sell new cars."

In a world in which backslapping was often considered requisite to success, Mr. Reuther was no backslapper. He was not fond of jesting; he frowned on poker; he was frugal in his personal habits; he wore his wedding ring; he eschewed alcohol and didn't smoke.

FULL OF IDEAS

He always crackled with ideas that drove to the heart of contemporary issues. By day, he would scribble them on a pad on his desk—usually cluttered with books and reports—in his office in Solidarity House, the U.A.W. headquarters on the banks of the Detroit River at 8000 East Jefferson. At night, he would spring from bed to jot down a new thought.

A newspaperman, noting Mr. Reuther's capacity for speechmaking and conversation, said that he was the only man who could reminisce about the future. Another said, "Ask Walter the time, and he tells you how to make a watch."

Although some people considered him cold, Mr. Reuther inspired an almost fanatical loyalty among his subordinates and was admired and liked by many in high places, including President Kennedy, Adlai E. Stevenson, Eleanor Roosevelt and Vice President Hubert H. Humphrey.

Some of Mr. Reuther's admirers regarded him as a Moses who had led the working man to pioneering achievements at the bargaining table—pensions, pay increases based on the cost of living and productivity rises; supplementary unemployment benefits, profit-sharing and early retirement.

But James R. Hoffa, imprisoned president of the International Brotherhood of Teamsters, considered him an antagonist more deadly than all anti-Hoffa industrialists combined. There was a basic clash of philosophy between Mr. Reuther and Hoffa. For Hoffa, unions were always a business with the basic aim of achieving fatter pay envelopes. But Mr. Reuther rejected the cash-register approach alone and always argued that labor should seek to build a better world.

In the late nineteen-fifties, when corrupt unions came under fire, Mr. Reuther supported George Meany in the clean-up of organized labor and the ouster of Hoffa and the Teamsters from the A.F.L.–C.I.O.

John L. Lewis, President emeritus of the United Mine Workers, once described Mr. Reuther as "a pseudo-intellectual nitwit." Gov. George Romney of Michigan, former president of the American Motors Corporation, once said that Mr. Reuther was "the most dangerous man in Detroit."

In 1946, Mr. Reuther, who was then 39, was elected to the presidency of the United Automobile Workers and six years later was elected president of the Congress of Industrial Organization.

An architect of the subsequent merger of the C.I.O. and the American Federation of Labor in 1955, Mr. Reuther became a vice president of the A.F.L.–C.I.O. and a member of its executive board. He also served as head of its industrial union department.

In the years that followed, Mr. Reuther did not see eye to eye with George Meany, president of the merged labor group, and the feud culminated in July, 1968, when the auto union withdrew from the A.F.L.-C.I.O., charging that the parent federation was moribund and undemocratic.

In the ensuing year, Mr. Reuther laid the groundwork for a revitalized labor organization involving a merger of the auto union and the International Brotherhood of Teamsters. That merger brought the Alliance for Labor Action into being on May 26, 1969, with 3.6 million members.

At one point in 1962, Mr. Reuther, displeased with what he believed was the stagnation of the labor movement, considered challenging Mr. Meany's leadership, but the showdown did not materialize.

In the summer of 1963, Mr. Reuther and Mr. Meany had differences over the Civil Rights March on Washington. Mr. Reuther strongly supported the march, but the A.F.L.–C.I.O. executive board, although expressing sympathy with civil rights objectives, refrained from endorsing the march itself.

U.A.W. HALTS ITS DUES

The showdown between the two labor leaders came in the spring and summer of 1968 after years of disagreement over the direction and structure of the merged labor movement.

In March, the U.A.W. president called for a special convention "to modernize and revitalize" the A.F.L.–C.I.O. executive board. The 29-member board agreed, but only on the conditions that the U.A.W. attend and "accept the democratically arrived-at decisions of such a convention."

Mr. Reuther rejected the conditions and, to apply pressure on the A.F.L.–C.I.O., began withholding the U.A.W.'s $1-million annual dues. On May 17 the auto union was suspended for the nonpayment of dues.

The final break occurred on July 3, when the auto union cut its last tie with the 14-million-member A.F.L.-C.I.O. Mr. Reuther charged at the time that the parent body's leadership had become complacent and undemocratic.

Nearly seven months later, on Feb. 24, 1969, the A.F.L.-C.I.O. issued a 40,000-word white paper answering charges accusing Mr. Reuther of misrepresentation, evasion and falsehood in what was called a two-year campaign of vilification by the auto union leader.

Ignoring the criticism, Mr. Reuther went ahead with plans to rehabilitate labor. On May 26, the auto union and the teamsters—the nation's two largest independent unions—merged in the Alliance for Labor Action with the objectives of organizing office and industrial workers not represented by the A.F.L.-C.I.O. It was also to direct its efforts toward political and social action.

The auto union leader, who always envisioned a greater day for mankind although frequently deploring his present plight, was an inveterate optimist. He looked forward to the day when the worker would spend less time at his job and more time working on a concerto, a painting or in scientific research.

"Technological advances will make that possible," he said. "In the future, an auto worker may work only 10 hours at the factory. Culture will become his main preoccupation. Working for a living will be sort of a hobby."

When will this golden age of factory workers composers begin, he was asked.

"I don't know," Mr. Reuther replied, grinning. "But it'll come sooner than the National Association of Manufacturers expects."

BROAD UNION ROLE

To Mr. Reuther the theory that a union's only job was to raise wages and improve working conditions was obsolete. Through the years he was busy with production and pricing problems, consumer projects, cooperative movements, civil rights, politics and world affairs, all of which he believed were the legitimate concern of a modern union.

He contended that a worker's economic needs were inseparably connected with politics.

"The surest way to guarantee that your ice box is filled with good food," he said, "is to see that the ballot box is filled with good votes on Election Day."

Mr. Reuther was always an earnest exponent of political action by the trade union movement. As an officer of the U.A.W., the C.I.O., and the A.F.L.–C.I.O. he was an active participant in political campaigns—mostly in directing strategy rather than in speech-making or work in the hustings. The political action programs of the U.A.W. were unusually well organized and well financed in Michigan and other areas where the U.A.W. was strong.

He supported President Roosevelt in 1936, 1940 and 1944; President Truman in 1948; Adlai Stevenson in 1952 and 1956; President Kennedy in 1960, President Johnson in 1964, and Vice President Humphrey in 1968.

QUESTIONS ON OBJECTIVES

During negotiations with General Motors on one occasion, a company official raised a question about Mr. Reuther's objectives. A sharp exchange ensued.

"If fighting for a more equal and equitable distribution of the wealth of this country is socialistic," Mr Reuther said, "I stand guilty of being a Socialist."

One of the most persistent threads running through Mr. Reuther's thinking was the demand for a greater voice for organized labor in industrial planning. Too often, he maintained, industrial leaders were interested in keeping production down as a means of keeping prices up.

VIEW ON AUTOMATION

Mr. Reuther grew increasingly concerned about the impact of automation. Once, he walked through a Ford plant and saw scores of machines with only a few workers watching master switchboards.

"Somebody said to me," he later recalled, "'How are you going to collect union dues from all these machines?' And do you know what I said? I said, 'That's not what's bothering me. What's bothering me is, how are you going to sell Ford cars to all these machines?'"

Mr. Reuther did not oppose automation, but he did contend that a balance ought to be achieved between the greater capacity made possible by automation and the people's purchasing power. And he felt that unions, industry and the government must find ways to employ workers displaced by machines.

An outstanding objective of Mr. Reuther's union career was the attainment of a guaranteed annual wage for workers. Such a guarantee, he declared, would attack the problems of mass unemployment at the root by shifting to the employer the cost of unemployment.

In March, 1953, he said that his union would demand, and if necessary, strike to achieve a guaranteed annual wage in the 1955 negotiations. At that time, Mr. Reuther and the union did not succeed in getting precisely what he had sought, but they did negotiate a precedent-setting supplementary unemployment benefit plan.

Under it, laid-off workers received payments from a fund built up through company contributions. The combination of unemployment insurance and the supplementary benefits meant that workers received about two-thirds of their regular take-home pay during layoffs. In subsequent negotiations, the benefits were improved.

Quite appropriately, Mr. Reuther was born Sept. 1, 1907, the eve of Labor Day. His grandparents had come to this country in 1892 to save their son Valentine from military conscription in Bismarck's Germany. They settled in Effingham, Ill.

Mr. Reuther's father, Valentine Reuther, moved to Wheeling, W. Va., but lost none of his parents' evangelical Lutheranism and economic liberalism. The elder Reuther was working for $1.50 a day and was running the local brewers union. He served as head of the Ohio Valley Trades and Labor Assembly and at one time ran unsuccessfully for Congress on the Socialist ticket.

There were five children in the Reuther family—Theodore, Walter, Roy, Victor and Christine. On Sunday afternoons, when the dishes were finished, Valentine Reuther organized family debates on social problems. His sons learned their lessons well.

At 16 Walter Reuther quit school and became an apprentice at 40 cents an hour in the corrugating plant of the Wheeling Steel Corporation.

The seven-day-a-week job denied him the opportunity to attend the Sunday afternoon family debates, so he decided to mobilize a protest against Sunday and holiday work. Consequently he was fired and at that early stage had won a reputation as a youthful agitator.

At 19, Mr. Reuther went to Detroit. His first job was on a 13-hour midnight shift at the Briggs Manufacturing plant. Next he talked his way into a job as a tool and die craftsman at $1.05 an hour at the Highland Park plant of the Ford Motor Company. Within a few years he was bossing 40 men and was among the most highly paid mechanics in the company.

But the yeast of ambition was working in him. Averaging only a few hours of sleep in a night, he finished high school at evening sessions at Fordson High School in Dearborn. Next he enrolled at Wayne University in Detroit, which he attended for three years, majoring in economics and sociology.

When Norman Thomas ran for President as a Socialist candidate in 1932, Mr. Reuther mounted the soapbox, although he later repudiated the party as unresponsive to American needs. He and his brother Victor led a campaign against the establishment of a Reserve Officers Training Corps on the Wayne campus. But Mr. Reuther's activities of those days did not deter the university from conferring an honorary Doctor of Laws degree on him 18 years later.

In 1932, in the midst of the Great Depression, Mr. Reuther was laid off by Ford because, he said, of his union activities. He and Victor decided to tour the world. With about $450 each, they sailed from New York in steerage on an odyssey that lasted until 1935.

WORKED IN SOVIET UNION

They toured auto plants in England, cycled across the Continent and for nearly two years worked in a Ford-built plant in Gorki before they continued on to China and home.

Walter Reuther became a foreman in the Soviet plant but acquired no fondness for Communism, which he later fought so successfully in the U.A.W. He did, however, admire the Soviet people and their adaptation of new technical ideas.

On his return to Detroit, Mr. Reuther found a job in a tool and die shop and later at the Ternstedt plant of General Motors. He promptly joined the U.A.W.'s West Side Local 174, which was weak at the time because of workers' fears of reprisals for joining.

In 1936 Mr. Reuther was elected a delegate to the U.A.W.'s convention in South Bend, Ind. The treasurer gave him $5 for expenses—it was all the local had—and he hitch-hiked to the convention.

LED SIT-DOWN STRIKES

Mr. Reuther became president of his local but was fired from his job after he asked for a raise. Subsequently he and Victor led the first of the sit-down strikes at the Kelsey-Hayes plant on the West Side. The success of the demonstration spurred organization, and the local's membership jumped from 78 to 2,400.

By late 1936 the auto workers felt strong enough to tackle General Motors, the key to organizing the industry. The sit-downs in Flint, Mich., began after Christmas in 1936 and quickly became the center of one of the bitterest and most decisive struggles in labor history.

Mr. Reuther rushed a group of West Side volunteers to Flint to assist in the drive, which resulted in February, 1937, in recognition by General Motors of the U.A.W. as bargaining agent for the company's workers.

The Chrysler Corporation recognized the union a few weeks later, and the union's membership began to approach 500,000.

The Ford Motor Company, however, had announced that it would never recognize the U.A.W. On a cloudy afternoon in May, 1937, a group of U.A.W. members, bearing handbills, rode out to the sprawling Rouge plant of Ford in Dearborn. They climbed the concrete steps of the overpass between the plant and the parking lot.

ATTACKED BY GOONS

Mr. Reuther, by that time on the U.A.W. payroll, was one of the leaders. As he stood on the overpass, a voice rang out, "You're on Ford property."

Goons mobilized by Ford quickly rushed forward, pulled Mr. Reuther's coat over his head, bounced him down the steps, slugged him and left him bleeding on the ground below.

The bitter struggle that followed has been immortalized in labor history and pictures as the "Battle of the Overpass" but Ford held out against recognizing the U.A.W. until 1941.

In those hectic years of organizational activity, the U.A.W. had adopted the sitdown as an organizing technique of singular effectiveness, but the Supreme Court ruled in 1939 that the sitdown was "an illegal seizure of buildings in order to prevent their use by their employers in a lawful manner."

In the late ninteen-thirties, as the U.A.W. grew in size and power, so did Communist influence within the union. Mr. Reuther, then a member of the executive board, and his faction thought it necessary to face and end Communist domination of the union.

Mr. Reuther became an anti-Communist symbol and rallying point. At the 1940 C.I.O. convention (the U.A.W. had joined in 1939) which displaced John L. Lewis as president, Mr. Reuther embraced President Roosevelt's pre-war policy of aiding the Allies and denounced Communists as "colonial agents for a foreign government."

WAR-TIME ROLE

At the 1941 U.A.W. convention, the Reuther brothers pushed through an anti-Communist resolution and captured 12 of 20 seats on the executive board. However, R. J. Thomas, who was not particularly sensitive to the Communist threat of infiltration, remained as president, and George Addes, who had been charged with following the Communist line, stayed as secretary-treasurer.

When war came and auto production became war production, Mr. Reuther attracted more and more national attention. He declined several offers of Government posts in Washington; instead, as a union leader, he helped keep auto workers in line on the no-strike pledge and induced them to give up extra pay for Sunday, night and holiday work and proposed an increased role for labor in management through industrial councils.

With the return of peace, he entered a long controversy with the union's demand for a 30 per cent increase in pay without an increase in the price of cars.

By this time he had a well-deserved reputation as an astute strike strategist, and in this dispute he evolved what came to be known as the "one-at-a-time" strategem or the whipsaw tactic. It was based on the belief that competition among the auto industry's Big Three—Ford, Chrysler and General Motors—was stronger than their distrust of the union. This ploy was used repeatedly in later years and proved well nigh unbeatable at the bargaining table.

The other tactic put forward by Mr. Reuther at that time was his demand for a "look at the books." This shocked not only industry but also some labor leaders, who felt that it was the union's job to win money and management's job to decide whether the stockholders or the public paid the bill.

General Motors rejected his wage demands and his request for a look at the books. He responded by calling a strike of 200,000 workers. After a stoppage of 113 days, Mr. Reuther finally settled for a wage increase of 18½ cents an hour.

VICTORY AND DEFEAT

The March, 1946, convention of the U.A.W. at Atlantic City was bedlam. Mr. Reuther had decided to run against Mr. Thomas for the presidency. Both sides arrived with their dukes up. There were battles on the boardwalk and in bars.

The party faithful tried to save Mr. Thomas, but Mr. Reuther won, 4,444 to 4,320. While Mr. Reuther's supporters were celebrating, however, left wingers captured two-thirds of the executive board, thereby making Mr. Reuther's victory a hollow one, indeed.

It was a hard, frustrating year, but at the 1947 convention Mr. Reuther swept in his own ticket by a 2-to-1 vote, and took firm control of the executive board and the union.

Back in Detroit, he initiated a drive for a more perfect union—firing Reds and drones, driving lottery operators from the factories and preparing for a militant stand at the bargaining table. He and his wife, May, were living at the time at 20101 Appoline Street in a brick and frame house they had purchased for $7,750.

GUNMAN'S VICTIM

It was in the kitchen of that home, on an April night in 1948, that Mr. Reuther was gunned down by a would-be assassin, who fled in the darkness. Buckshot from both barrels of a shotgun, fired at close range, struck the U.A.W. president in the chest and right arm.

For three months, Mr. Reuther was in a cast. He never recovered the full use of his arm, but through therapy and exercise he strengthened it so that he could gesture—somewhat awkwardly—and he was able to write, grasping a pen or pencil in an unusual, splay-fingered fashion.

Characteristic of his determination was the way he reacted to the injury. For hours he squeezed a sponge and pulled at the numb fingers. Resuming his former hobby of cabinet-making, he painfully forced his right hand to hold a hammer and to drive nails.

During his prolonged hospitalization, he became interested in medical problems, and by the time he was released, wearing a brace, he had a new kind of hospital insurance plan worked out. Subsequently, he and the U.A.W. led the way in the development of the Community Health Association in Detroit, a comprehensive hospital and medical program.

The executive board of the U.A.W. offered a $100,000 reward for information leading to the conviction of Mr. Reuther's assailant. Five years later a hood confessed that he had driven the would-be killer's car the night of the attack. He named two other men, but before the trial he gave police the slip and left the country, ending the case.

BROTHER ALSO ATTACKED

Thirteen months after the shooting of Mr. Reuther, a similar attack was made on his brother, Victor. His collarbone was fractured by a shotgun blast, and his right eye was destroyed.

In the course of his aggressive career, Walter Reuther had obviously made enemies, but it was never determined whether his assailant and his brother's were personal enemies, gangsters upset over his antigambling efforts, Communists or others.

The lack of convictions in any of the cases, however, accounted for the elaborate security system set up by the union to protect the Reuthers.

Walter Reuther, for many years afterward, always had a bodyguard at his side when he appeared in public, and he and his family moved from the city to the safety and seclusion of a new home in Rochester, a suburb 35 miles from Detroit.

He had bought the core of the house for $10,000 and then added improvements, many by himself, to the modern redwood home with its bulletproof picture windows.

From the road, a passerby could see only a nondescript white farmhouse, a tall steel-wire fence and a padlocked gate. The white building was really a barracks manned by an armed guard, and the fence was watched by four big dogs.

SHUNNED LUXURY

Although the unusual character of Mr. Reuther's hideaway made it seem elaborate, it was not a lavish or expensive home. In fact, he went to considerable pains to dispel any speculation that he lived in or sought after luxury.

He disliked wearing a tuxedo, ground his teeth over meetings of the executive board of the A.F.L.-C.I.O. at a plush hotel in Miami Beach, and fussed over what people might think.

His salary as president of the U.A.W. was $29,500 a year, which was low by comparison with leaders of many other unions much smaller and less affluent.

PRISONER EXCHANGE SOUGHT

In 1961, Mr. Reuther served as a member of the Tractors for Freedom Committee, which sought unsuccessfully to exchange 500 agricultural tractors for 1,214 Cubans taken prisoner in the April landings in Cuba. Serving with him were Mrs. Franklin D. Roosevelt, as honorary chairman; Dr. Milton E. Eisenhower, then president of Johns Hopkins University, and Joseph M. Dodge, a Detroit banker at that time.

The widely publicized attempt brought 70,000 pieces of mail in response to the committee's appeal for funds. But the deal struck a snag when Premier Fidel Castro of Cuba demanded large and costly bulldozers, the release of political prisoners in the United States and finally $28-million in cash or its equivalent in tractors.

The Tractors for Freedom idea was praised for its humanitarian objectives but criticized by some as a move to capitulate to blackmail by Premier Castro.

Mr. Reuther directed the 1948 auto negotiations from the hospital room where he was recovering from his wounds. A contract with General Motors incorporating an annual wage improvement factor (based on productivity increase) and a cost-of-living escalator clause brought more fame.

In 1949, his union and the United Steelworkers of America blazed a new trail by negotiating employer-financed retirement pensions and expanded health and welfare benefits.

That same year Mr. Reuther served as chairman of a C.I.O. delegation that went to London and helped found the anti-Communist International Confederation of Free Trade Unions.

In 1953, Mr. Reuther achieved flexibility under a five-year contract (1950 to 1955) by introducing the "living document" theory. This held that a contract was not a static document but a living compact obligating both parties to work out any problems that might develop during its term.

The first step toward a guaranteed annual wage was achieved in 1955 when he and his staff negotiated the precedent-setting agreement with the Ford Motor Company that provided for special jobless benefits supplementing those paid by state funds.

CONTINUED TO PIONEER

In the bargaining field, Mr. Reuther and the U.A.W. continued to pioneer in the nineteen-sixties. In 1961, the union negotiated a profit-sharing plan with the American Motors Corporation, the first in the automotive industry.

In 1964, the union won huge new contracts from the auto companies, providing for earlier retirement, bigger pensions, improved wages, longer vacations and more holidays. Under the terms of the agreement a worker could retire after reaching 55 any time his age and length of service totaled 85 years.

The pact also provided for retirement at age 62 without reduction in benefits and a special retirement benefit under which a man 60 years old, with 30 years service, could retire on $381 a month. His pension, including Social Security, would drop to $316 a month when he reached 65.

The settlements of 1964 did not come, however, without strikes at General Motors and Ford. The issues were not terms of the national economic agreements but local working conditions and problems. Mr. Reuther and other U.A.W. leaders, sensing a restiveness about local matters, insisted that these be settled before national agreements were signed.

In the 1967 auto negotiations the U.A.W. struck Ford for two months. The settlement, described by Mr. Reuther as "the most substantial contract ever to be negotiated in any corporation in the industrial field in the United States," provided for a guaranteed annual income plan, sizable wage increases, higher pensions and improved medical coverage. The union subsequently negotiated similar contracts with both General Motors and Chrysler.

Mr. Reuther's wife, the former May Wolf, was a quiet, red-haired woman who frequently traveled with him to union conventions but never shared his public attention.

When she met Mr. Reuther in 1933, she was a 23-year-old teacher of health and physical education at Trowbridge Elementary School in Detroit. "It was simply a 'How do you do' thing," she recalled.

After the first meeting Mr. Reuther left Detroit for three years. When he returned in January, 1936, he met Miss Wolf on a streetcar where "we talked unions until my stop," she said. After a three-month courtship, they were married on Friday, March 13, 1936.

Mrs. Reuther gave up teaching and worked for the union full-time without pay as a secretary. The couple lived with Mrs. Reuther's parents for the first five years of their marriage.

Mrs. Reuther, a trim, 5-foot 4-inch woman who preferred tailored suits when accompanying her husband at union functions, occupied much of her time with civic affairs in the Detroit area, including children's aid and mental health associations, the Girl Scouts and parent-teacher activities.

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The Reuthers resided in Rochester, a Detroit suburb, where they often received friends but were not given to partying. Their time together was often limited by union activities, but Mrs. Reuther recalled that there was time to teach her husband to dance.

Friends said that on the day the Reuthers were married, they dashed from the wedding to a union meeting, where Mr. Reuther was to speak.

"The stories may exaggerate how much time we courted at union meetings," Mrs. Reuther said, "but I know if I hadn't been interested in unions we would never have married."

A REFRESHING INCIDENT ON CAMPUS

(Mr. MARTIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, I would like to call the attention of the House this morning to a very refreshing incident which occurred on the campus of Nebraska State College in my home town of Kearney, Nebr., last week, an institution of approximately 6,000 students.

One afternoon in the middle of the week a group of 10 agitators from a sister institution at Lincoln, the University of Nebraska, came to our campus of Nebraska State at Kearney in order to attempt to get the students to go on strike, and to close the institution for the balance of this school year.

With great foresight the students had set up a vigilante committee in order to deal with such situations. This vigilante committee met with these 10 organizers from off the campus at Kearney to listen to their arguments, rejected them, and literally ran them off the campus and out of town.

Now back many years ago in the Midwest and in Nebraska, all communities had vigilante committees but they did not treat them quite so gentlemanly as the vigilante committee did last week at Nebraska State, because the committee did not tar and feather those gentlemen and run them out of town riding on a rail.

Mr. Speaker, I congratulate the students of Nebraska State for their appreciation of the value of an education and their appreciation of the fact that it is an honor and a privilege to attend a college in this country today.

CAMBODIA

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, to add to what the gentleman from Ohio just said, I wish there was some way to bring a little sanity out of the chaos that exists in this country today.

I wish there were some way of explaining to these people who for their own political purposes are leading the young people of America into anarchy; and to explain to them that Cambodia, as the gentleman from Ohio just said—Cambodia is a move to get our troops out of Vietnam and our boys who are being held prisoners, out of the ratholes of prisons in North Vietnam.

Every military man will tell you, and I think this is something that should be impressed—every military man will tell you that an orderly withdrawal of troops in the face of an enemy is the most difficult military maneuver. With sanctuaries just a few miles away from where our troops have to be loaded, and have to be taken from Vietnam, our troops are faced with an enemy that has no intention of letting up the pressure on them—that has no intention of letting us out without taking as heavy a toll as possible. We are confronted with this problem of withdrawal in the face of the enemy. This is serious business.

The purpose of Cambodia is to clean up these sanctuaries so that we can bring our American troops home and at the same time effect a peace that will get our boys, who are prisoners of war, out of the ratholes of prison camps.

AN EXAMPLE IN SPEECH AND BEHAVIOR, IN LOVE, FAITH, AND SINCERITY

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, as I contemplated the meaning of the demonstration which occurred on the Ellipse last Saturday, I was reminded somehow of that verse of scripture which contains the admonition of Paul to his young coworker, Timothy. It is to be found in I Timothy, the 4th chapter, the 12th verse, which the Phillips translation interprets as follows:

> Don't let people look down on you because you are young, see that they look up to you because you are an example to them in your speech and behavior—in your love, and faith and sincerity.

Mr. Speaker, I think that in their love of country, their faith in the rights of free people to assemble and to express their dissent, and in their sincerity of purpose, the vast majority of the young people who met in Washington last Saturday did succeed in assuring the people of our country that rather than looking down upon them, we will look up to them with new hope for the future of our land. For I believe that many of these young people do have something to say to us in Government, and we should be listening. They represent a challenge to us to manifest similar love, faith, and sincerity.

CAMBODIA

(Mr. DEL CLAWSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEL CLAWSON. Mr. Speaker, since the President's decision to strike at Communist sanctuaries in Cambodia a number of his most pious and unflinching critics in the Congress have felt compelled to lecture him and their congressional colleagues outlining for us exactly where our responsibilities lie. While some of us are not quite ready to accept the self-appointed moral leadership of our esteemed colleagues, I submit that their real opportunity to exercise moral leadership was before the thousands of young people assembled Saturday on the ellipse. These young people were here for the most part to indicate agreement with the President's congressional critics. Theirs was a crusade against a clearly defined infidel, but lacking in lionhearted responsible leaders.

They would have profited from a few admonitions from the men they support concerning the obligations of the nonviolent students to control their violent members, about the limits of decent public behavior, the suggestion that they "cool" their dialog, that they not exempt the Nation's Capital from their ecological concern. But our colleagues failed to grasp the chance for their finest hour, the opportunity to be responsible leaders of these young people.

Although I disagreed with their position there was encouragement that this time so many of the young demonstrators visited congressional offices. It meant that they saw the wisdom of advancing their view through the representational system. They did not deserve to be left by their congressional leaders to the infantile rage of Dr. Spock, the obscenities of the new left, smiling hand waves from a visiting celebrity or two.

The young people who left town in boredom and frustration may be convinced that they are the leaders and that the Members of Congress who share their position are the followers, or perhaps that these men sanction violence.

In my opinion, a dangerous attitude has intruded into American political dialog—that there is always a "morally right" and a "morally wrong" position on national and international issues and that there are certain individuals among us endowed with special ethical capacity to separate the "right" from the "wrong." I would hope that the old notion that there may honestly be differing viewpoints of the course which will serve the best interests of the people, and that men of equal moral conscience may find themselves on opposite sides of an issue, has not entirely fallen into disrepute.

Surely, though few would disagree that it is the obligation of those who take up the mantle of righteousness to wear it with dignity, and with full understanding of the responsibilities it confers.

TRIBUTE TO WALTER REUTHER

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise today to pay tribute to Walter Reuther and to express my sadness over his tragic and untimely death. Certainly he fought long and hard for the workingmen of this country and did so with great effectiveness.

On behalf of the approximately 100,000 UAW–CIO workers who live and work in my congressional district, I want to express their grief and their sadness over the loss of a man who has been such an

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effective leader in their behalf. I am hopeful that those of us who are here will look at the things that this particular man spoke out about and worked to achieve and will personally commit ourselves to carrying this effort ahead.

ELECTION OF FLOOR ASSISTANT TO THE MINORITY

Mr. **GERALD R. FORD**. Mr. Speaker, I offer a resolution (H. Res. 995) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 995

Resolved, That pursuant to the provisions of H. Res. 441, 91st Congress, which became permanent law by the provisions of the Legislative Appropriations Act of 1970 (P.L. 91-145, 83 Stat. 338), Joe Bartlett is hereby elected Floor Assistant to the Minority (position (1) (A) in H. Res. 441) to receive gross compensation of $36,000.00 per annum until otherwise ordered by the House.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TRIBUTE TO WALTER REUTHER

(Mr. **JACOBS** asked and was given permission to address the House for 1 minute.)

Mr. **JACOBS**. Mr. Speaker, I join other Members of the House who have expressed their sorrow over the untimely death of United Automobile Workers President Walter Reuther. The mark of a man's greatness probably, after everything is said that can be said, is the amount of controversy that his activities stir up. Shelley wrote:

> The great secret of morals is love. A man to be greatly good must imagine deeply and comprehensively. He must put himself in the place of another—of many others. The pleasures and pains of his species must become his own.

Mr. Speaker, all that and more was Walter Reuther. America has lost much.

TRIBUTE TO WALTER REUTHER

(Mr. **ADAMS** asked and was given permission to address the House for 1 minute.)

Mr. **ADAMS**. Mr. Speaker, I wish to join with my other colleagues in paying a tribute and our last respects to Walter Reuther today. This was a man who had contributed much to the Nation, and in particular he was a man with great social conscience.

I think he was one of those who was attempting very valiantly to have the union movement be concerned with all segments of America. We shall miss him very much. I hope those who follow after him will carry on his great work.

TRIBUTE TO THE LATE WALTER REUTHER

(Mr. **SMITH** of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **SMITH** of Iowa. Mr. Speaker, I wish to join those expressing sorrow at the death of Walter Reuther. No matter when it came, his death would have been untimely; however, death at a relatively early age of a man in such a position and with such an imaginative and broad view of social and economic problems is a loss in initiative and other ways for millions of people in addition to the members of the UAW.

I extend my condolences to his family in this time of sorrow.

ANNOUNCEMENT OF MEMORIAL DAY AND FOURTH OF JULY HOLIDAY PERIODS

(Mr. **ALBERT** asked and was given permission to address the House for 1 minute.)

Mr. **ALBERT**. Mr. Speaker, I take this time to advise Members that, after consultation with the distinguished minority leader, it will be the intention of the leadership that the House recess for the Memorial Day holiday from close of business on Wednesday, May 27 to Monday, June 1, and for the Fourth of July holiday from close of business on Wednesday, July 1 to Monday, July 6.

THE 1969 REPORT ON INTERNATIONAL COFFEE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith my 1969 report on the operations of the International Coffee Agreement, 1968.

This treaty, which continues in modified form the International Coffee Agreement, 1962, embodies the oft-stated concern of the United States that the developing countries dependent on the export of primary commodities be able to achieve the stability in foreign exchange income essential for economic growth. The International Coffee Agreement, which involves the most important agricultural export of the less developed world, has evolved into an effective mechanism for influencing coffee prices toward levels which are equitable for producers and reasonable for consumers. While the Agreement is not designed to eliminate reasonable price fluctuations, it has been successful in 1969 as in the previous years of its existence in moderating price movements and preventing prices from reaching levels disastrously low for exporting countries or unacceptably high to the importing countries.

I am encouraged also by the progress which the Agreement has made in achieving long-term market equilibrium through the setting of production goals for the coffee year 1972–73 and the establishment of the Coffee Diversification Fund designed to bring the supply of coffee in line with demand. I hope that negotiations for United States participation in this Fund soon will be completed.

Agreement with Brazil was reached April 30, 1969 on a temporary arrangement regarding the export of soluble coffee from that country to the United States. Consultations toward a permanent solution to this problem are currently under way.

RICHARD NIXON.

THE WHITE HOUSE, *May 11, 1970*

COFFEE AGREEMENT

Mr. **GROSS**. Mr. Speaker, the International Coffee Agreement, which President Nixon has lauded in his report to Congress, has accomplished two things:

It has provided higher prices for the owners and operators of coffee plantations in foreign coffee producing countries and it has held coffee prices at consistently high levels to consumers in the United States.

In other words, Americans are paying a premium price for their coffee as another form of foreign aid and a subsidization of foreigners.

If picking the pockets of American consumers for the benefit of foreign producers is good then we have arrived at a sad and sorry day in this country.

CALL OF THE HOUSE

Mr. **CONABLE**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 109]

Adair
Anderson, Tenn.
Ashley
Aspinall
Baring
Barrett
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Blatnik
Brademas
Bray
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Cabell
Carey
Carter
Cederberg
Celler
Chisholm
Clark
Clay
Collier
Conyers
Cramer
Crane
Culver
Dawson
Delaney
Dent
Dickinson
Diggs
Dowdy
Edmondson
Edwards, Calif.
Erlenborn
Evans, Colo.
Fallon
Farbstein
Fascell
Fisher
Fraser
Frelinghuysen
Friedel
Gallagher
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halpern
Hammerschmidt
Hansen, Idaho
Hawkins
Hébert
Kirwan
Kluczynski
Kuykendall
Landgrebe
Long, La.
Long, Md.
Lowenstein
McCarthy
McClory
McDade
McEwen
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Marsh
Matsunaga
Mollohan
Moorhead
Morse
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Obey
Ottinger
Patten
Pepper
Philbin
Pickle
Pirnie
Podell
Pollock
Powell
Preyer, N.C.
Pryor, Ark.
Pucinski
Reid, N.Y.
Rivers
Rooney, N.Y.
Rosenthal
St Germain
Sandman
Scheuer
Schneebeli
Sikes
Slack
Smith, N.Y.
Stokes
Stratton
Stubblefield
Taft
Tunney
Watkins
Watson
Weicker
Whalen
Whalley
Wilson, Bob
Wyman
Yatron

The **SPEAKER**. On this rollcall 310

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Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE 22D BIRTHDAY FOR ISRAEL

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. ADDABBO. Mr. Speaker, I am proud to join with my colleagues in the House in paying special tribute to the nation of Israel on the occasion of the 22d birthday of this bastion of democracy in the Middle East.

It is customary for Members of the House to take this opportunity to recall the events which led to the United Nations action in 1948 and to the establishment of the State of Israel. The events of 1970 and the continuing crisis in the Middle East require our attention to the future as well as the past in our participation in the 22d anniversary. The real meaning of our celebrating Israel's birthday is to realize that the basic element of an independent nation—its sovereignty—is still not universally recognized in the case of Israel.

This birthday for Israel, like past birthdays, is marred by the refusal of her Arab neighbors to recognize Israel's sovereignty and by the continued rejection by the Arab States of all efforts to bring about direct or indirect talks between the combatants in the Middle East. This occasion is also marked by some retreat in U.S. support for Israel, the extent of which is vague as of this time. Recent reports of Russian advisers and crews manning Russian equipment in the Middle East and the delivery of missiles to be used against Israel have placed the military security of Israel in great jeopardy, yet our Government has not reacted and has failed to meet a request for aid from our ally in the Middle East.

Mr. Speaker, I urge my colleagues in the House to consider current events in the Middle East as well as the history of Israel's birth as a sovereign state on this 22d birthday. I urge my colleagues to redouble their efforts to bring about a change in U.S. policy—a change which will set us back on the right course in the Middle East. Unless Israel is armed to meet any Arab military threat, the chances for attaining a lasting peace in that troubled area will become even more remote.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from Mississippi (Mr. ABERNETHY).

AMENDING DISTRICT OF COLUMBIA PUBLIC ASSISTANCE ACT OF 1962

Mr. ABERNETHY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 670) to amend section 19(a) of the District of Columbia Public Assistance Act of 1962, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

H.R. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(a) of the District of Columbia Public Assistance Act of 1962 (76 Stat. 918; D.C. Code, sec. 3–218(a)) is amended by striking the period at the end of such subsection and inserting in lieu thereof a colon and the following: "*Provided,* That no adult child shall be responsible for the support of a parent who for a period of at least ten years in the aggregate during such child's minority willfully neglected or refused without just cause to provide for the support and maintenance of the child."

Mr. SISK. Mr. Speaker, the purpose of H.R. 670 is to relieve an adult child in the District of Columbia from the statutory requirement of providing support for a parent who "willfully neglected or refused without just cause to provide for the support and maintenance of the child" for a period of "at least ten years in the aggregate during such child's minority".

PRESENT LAW

The District of Columbia Public Assistance Act of 1952 (P.L. 87–807, approved Oct. 15, 1962, 76 Stat. 914; D.C. Doce, tit. 3, sec. 201) established the following categories of public assistance:

First. Old age assistance;
Second. Aid to the blind;
Third. Aid to the disabled;
Fourth. Aid to dependent children; and
Fifth. General public assistance.

Among other provisions, that law—section 19—provided that the husband, wife, father, mother, or adult child of a recipient of public assistance, or of a person in need thereof, shall, according to his ability to pay, be responsible for the support of such person; and the District was authorized to sue in court those named for the amount of public assistance granted such person or for so much thereof as the named relatives are reasonably able to pay.

At common law, there was no duty on the part of the adult child to support his parent.

PRECEDENTS FOR THIS LEGISLATION

The language of the reported bill is similar to that in effect in the State of Pennsylvania.

Under the Social Security Amendments of 1965, which established the medicaid program, relative responsibility in the case of adult children for fathers and mothers, as well as of mothers and fathers for adult children, was eliminated.

Finally, the question of financial responsibility of an adult child for his alcoholic parent was considered by your Committee and by the Congress in the legislation on the treatment of alcoholics—the District of Columbia Alcoholic Rehabilitation Act of 1967 (Public Law 90–452, approved Aug. 3, 1968, 82 Stat. 618, District of Columbia Code, title 24, sec. 521)—and a waiver of liability of an adult child was provided the rein. In that act, the person receiving care, treatment, or any other services thereunder, was liable to the District of Columbia, and such liability extended to his estate, then to his father, mother, spouse, or adult children. However, that law (District of Columbia Code, title 24, sec. 534(a)(2)) provided for waiver of such liability as follows:

> Any person * * * who is liable to the District of Columbia under this section may apply to the Commissioner to have such liability waived. The Commissioner may waive such liability if he determines that it would be unreasonable to impose such liability because of the desertion or neglect of such person by the recipient of services under this Act or because of other factors similarly affecting the relationship between such person and such recipient. The Commissioner shall prescribe procedures for the filing and hearing of such application under this paragraph.

Your committee's report (H. Rept. 1015) stated on that particular section as follows:

> *Section 14* of the proposed act is the financial responsibility section. The person who receives services under this Act, or his estate, is primarily liable for the cost of such services. His father, mother, spouse, and adult children are secondarily liable according to ability to pay, contingent upon a determination by the Commissioner, after proper notice is given to the party sought to be charged. Liability of these third parties is retroactive for a period not exceeding 90 days prior to the date of notice to them the Commissioner is given discretion to waive liability of relatives or spouse upon a showing of neglect or desertion by the person who received the services, or other similar factors. Procedure for enforcement for such liability through court order is set out in subsection (b).

CONCLUSION

It is the conclusion of our committee that an adult child in the District of Columbia should not be liable for public assistance granted to its parent when, in fact, such parent willfully neglected or refused without just cause to provide for the support and maintenance of the child during the crucial period of such child's minority when its needs are greatest, namely, "for a period of at least 10 years" during the child's minority.

Our committee believes it would be manifestly unfair and inequitable to continue in force the present-law requirements insofar as an adult child is concerned under the circumstances indicated, and hence recommends the reported bill to the favorable consideration of the House.

REASONS FOR THIS LEGISLATION

At a public hearing before Subcommittee No. 5 of our committee on August 4, 1969, on this legislation, testimony was presented showing the inequitable effect of enforcing present law responsibility upon children of a welfare or public assistance recipient whom they never knew as a father and who deserted them and refused to provide for their support and maintenance.

Specifically, in one case presented to the subcommittee, the father had abandoned his wife and their 5-year-old son and 6-month-old daughter over 30 years ago. He thereafter had no contact with them; they testified that they did not know he even existed; and in fact about 10 years ago they got word he had died in Philadelphia where someone claimed his body and he was buried, according to information they learned. However, in 1967 a detective or investigator came to their home in Washington; advised them that their father was alive and in the city; and that under the law cited above they were required to support him. They did not know him as an individual, much less as their father, when they then visited him, and in view of his neglect of them and refusal to provide for them, they felt under no obligation to maintain him. They appealed to the proper authorities of the District government who, while completely sympathetic with them, stated they had no recourse under present law, since they were employed, except to hold them liable.

A representative of the District Commissioner testified at the subcommittee hearing as to other instances of an adult child or children against whom support payments are sought, who had been abandoned or deserted by the parent during all or substantially all of the period when such child or children were minors.

The Deputy Director for Family and Children Services, District of Columbia Department of Public Welfare, testified that of the nearly 17,000 families receiving public assistance in Washington, there are less than 200 legally responsible relatives who are making some contribution to the support of their relatives on public assistance; and that the administrative costs involved in implementing and executing the relative-responsibility requirement, particularly with regard to adult children, are infinitely greater than the amount of the contribution received or collected.

All witnesses supported this legislation, and no one appeared or submitted any statement in opposition to the reported bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDING DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

Mr. ABERNETHY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 9017) to permit the District of Columbia Council to make rules and regulations under the Alcoholic Beverage Control Act, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The **SPEAKER.** Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

H.R. 9017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The District of Columbia Alcoholic Beverage Control Act is amended as follows:

(1) The first sentence of the second paragraph of section 7 of such Act (D.C. Code, sec. 25–107) is amended to read as follows: "The Council shall have specific authority to make rules and regulations for the issuance, transfer, and revocation of licenses; to facilitate and insure the collection of taxes; to govern the operation of the business of licensees, with full power and authority to prescribe the terms and conditions under which alcoholic beverages may be sold by each class of licensees; to forbid the issuance of licenses for manufacture, sale, or storage of alcoholic beverages in such localities in, and such sections and portions of, the District of Columbia as they may deem proper in the public interest; to limit the number of licenses of each class to be issued in the District of Columbia and to limit the number of licenses of each class in any locality in, or sections or portions of, the District of Columbia as they may deem proper in the public interest; to forbid the issuance of licenses for businesses conducted on such premises as they, in the public interest, may deem inappropriate; to forbid the issuance of any class or classes of licenses for businesses established subsequent to the date of enactment of this Act near or around schools, colleges, universities, churches, or public institutions, to prescribe the hours during which alcoholic beverages may be sold and to prohibit the sale of any or all alcoholic beverages on such days as the Council determines necessary in the public interest."

(2) Subsection (g) of section 11 of such Act (D.C. Code, sec. 25–111 (g)) is amended by striking out the fifth, sixth, seventh, and eighth sentences and inserting in lieu thereof the following: "In the case of restaurants and hotels, said spirits, beer, and wine shall be sold or served only (1) to persons seated at counters or tables, (2) to persons in an enclosed or screened off area in any such restaurant or hotel set aside for the accommodation of persons waiting to be seated at public tables, and (3) to assemblages of more than six individuals in a private room when such room has been previously approved by the Board. In the case of hotels, said alcoholic beverages may also be sold and served in the private room of a registered guest. In the case of clubs, said beverages may be sold and served in any room or area available only to bona fide members of such club and their bona fide guests."

SEC. 2. The amendments made by section 1 of this Act shall take effect on the thirtieth day following the date of the enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"SECTION 1. The last sentence of subsection (c) of section 3 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–103(c)) is amended by striking out ', other than champagne'.

"SEC. 2. Subsection (g) of section 11 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–111(g)) is amended by striking out the fifth, sixth, seventh, and eighth sentences and inserting in lieu thereof the following: "In the case of restaurants and hotels, alcoholic beverages may be sold or served only to (1) persons seated at counters or tables, (2) persons in an enclosed or screened-off area set aside for the accommodation of persons waiting to be seated at tables, or (3) assemblages of more than six persons in a private roof if such room has been previously approved by the Board. In the case of hotels, alcoholic beverages may also be sold and served in the private room of a registered guest. In the case of clubs, alcoholic beverages may be sold and served in any room or area available only to bona fide members of such club or their bona fide guests, or both."

"SEC. 3 (a) The first sentence of section 17 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–118) is amended by striking out 'or knowingly employs in the sale or distribution of beverages any person who has, within five years prior thereto, been convicted of a misdemeanor under the National Prohibition Act, as amended and supplemented, or, within ten years prior thereto, been convicted of any felony,'.

"(b) Section 25 of such Act (D.C. Code, sec. 25–125) is amended by striking out 'allow any person who has, within ten years prior thereto, been convicted of any felony, to sell, give, furnish, or distribute any beverage, nor'.

"SEC. 4. Section 26 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–126) is amended—

"(1) by inserting 'within the District' immediately after 'served' in the second sentence;

"(2) by inserting immediately after such second sentence the following new sentence: 'Without the District, but not more than twenty-five miles distant from the place of the hearing, such summons shall be served by a United States marshal or his deputy.'; and

"(3) by striking out 'United States District Court for the District of Columbia' in the third and fourth sentences and inserting in lieu thereof 'District of Columbia Court of General Sessions'.

"SEC. 5. The proviso in the first sentence of section 13 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–114) is amended by inserting ', the holder of a retailer's license, class A,' immediately after 'wholesaler's license', and by inserting a comma immediatley before 'may store beverages'.

"SEC. 6. Section 35 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–133) is amended by inserting after the first sentence the following: 'For purposes of this section, the extension of credit by the holder of a class A retailer's license in connection of a sale by such license holder of any beverage through a credit card or other document or device intended or adapted for the purpose of establishing credit shall be considered a sale on credit of such beverage by such license holder.'."

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I ask the gentleman if there is anything in this bill that will reimburse the holders of retail liquor licenses in the District of Columbia? I believe the gentleman will recall we had such a bill before the House not too long ago, and it was defeated, if I remember correctly.

Mr. ABERNETHY. There was such a bill in the House. It was defeated. My understanding is that there is no such language in this bill.

If the gentleman will propound his question to the gentleman from Washington (Mr. ADAMS) who is a member of the subcommittee, I am sure he can get a direct answer.

Mr. GROSS. I am glad to direct the question to him.

Mr. ADAMS. There is nothing in this bill at all to compensate anyone for the loss of a liquor license or anything of that nature. The bill is basically a series of technical amendments recommended by the Alcoholic Beverage Control Board

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here to make the law technically applicable across the board in such things as being able to do the same things in restaurants as are done in hotel lounges, as to either standing, sitting, or drinking. The bill also makes a definition of champagne as opposed to white wine apply across the board. It has nothing to do with the prior bill.

Mr. GROSS. With the explanation of the gentleman from Washington, I have no objection to the bill. However, I do want to note, for the benefit of the committee, that no report was available on this bill in the document room last Friday or Saturday. I would hope that in the future we may have reports to accompany bills, no matter how meritorious those bills may be.

Mr. ADAMS. I agree with the gentleman.

Mr. ABERNETHY. My information is that the report was filed. Why it was not available I do not know. The report was filed, according to the committee clerk, on Friday morning. Perhaps it was a little late, but it was filed in time. I guess the printing delayed it.

Mr. GROSS. The bill apparently is a meritorious bill.

Mr. ABERNETHY. It is meritorious.

Mr. GROSS. I have no desire to throw up any obstacle to it.

Mr. ABERNETHY. The gentleman raises a question about it. The reason for the delay is not because of any dilatory tactics on the part of the committee or its staff. We just had some printing delays at the Government Printing Office.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. ANNUNZIO. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I merely rise to ask the gentleman, the chairman of the subcommittee, a question. In the last several weeks in the District of Columbia there have been substantial rent increases. My inquiry is directed to the chairman as to what the District Committee is doing about this. I happen to live in the District, and I know from experience in the building that I live in that the total increases on this particular apartment complex will amount to over $95,000 and the increase in taxes, it is my understanding, is only $2,800. This is rent gouging of the worst kind. I think it is about time the District of Columbia Committee looked into the situation, because many, many wonderful people are being driven out of the District. All of us believe in a free enterprise system. We do not believe in rent control. However, I know I speak for the great majority of the tenants in my own building when I say that this is rent gouging and exploitation. I want to urge the chairman of the subcommittee, and the chairman of the full committee, and the entire District Committee, to call in the real estate board and get some answers to this House as to what is going on in the District with reference to high rents.

Mr. ABERNETHY. The gentleman has propounded a rather long question. In the first place, I am not the chairman of the subcommittee that reported the bill now before the House. In the second place, the bill before the House has nothing to do with rent control. In the third place, there is no rent-control legislation pending before the committee. If the gentleman wishes the committee to consider this subject, if he would introduce a bill on it, I am sure Mr. MCMILLAN, the chairman of the full committee, will set the matter down for a hearing and it will receive appropriate consideration.

Mr. ANNUNZIO. I appreciate the answer of my distinguished friend, but I made that statement in the form of an inquiry. I am happy that the gentleman has stated his own position to the House on the matter. He can be sure that I am going to pursue this matter further, but I am asking for the cooperation of himself, the chairman, and the other members of the District Committee.

Mr. ABERNETHY. In conclusion, I would like to say to the gentleman that I am against high rent, high taxes, and high food prices. I am against things when they get high. Regrettably we just happen to be living in an era when everything is high.

Mr. ANNUNZIO. I want to say to the gentleman that I voted for the surtax. I am not against high taxes, because you need taxes in order to pay your bills. So I am not one of these "anti" fellows. But I will tell you that I am against the rent racket in the District of Columbia, because it is a racket.

The SPEAKER pro tempore (Mr. FLYNT). The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the District of Columbia Alcoholic Beverage Control Act."

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA ANATOMICAL GIFT ACT

Mr. ABERNETHY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 15033) to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. GROSS. Reserving the right to object, and I shall not object, I think this is meritorious legislation, but again here is a bill on which I could not get a report over this weekend. I simply call this to the attention of the House Committee on the District of Columbia and hope in the future that all bills brought to the floor of the House will be accompanied by reports.

Mr. ABERNETHY. The gentleman raises a very valid question. The situation in this instance is just as it was in the other instance. There was nothing dilatory on the part of the committee or the staff. The committee filed a report and it should have been here. Regrettably there has been some printing delay down in the Government Printing Office. We can check on them and find out what the trouble is down there. However, I think the gentleman raises a very valid question.

Mr. GROSS. I will say to my friend from Mississippi that reports are available now at the desk on the House floor. But this comes too late for those of us who like to read the bills and reports over the weekend that are coming up on Monday.

Mr. ABERNETHY. What I meant to say was that the reports did arrive late.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FLYNT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS; SHORT TITLE

SECTION 1. (a) As used in this Act, the term—

(1) "bank or storage facility" means a facility licensed, accredited, or approved under the laws of any State for storage of human bodies or parts thereof;

(2) "decedent" means a deceased individual and includes a stillborn infant or fetus;

(3) "donor" means an individual who makes a gift of all or part of his body;

(4) "hospital" means a hospital licensed, accordited, or approved under the laws of any State and includes a hospital operated by the United States Government, a State, or a subdivision thereof, although not required to be licensed under State laws;

(5) "part" includes organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body, and "part" includes "parts";

(6) "person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity;

(7) "physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any State; and

(8) "State" includes any State, district, Commonwealth, territory, insular possession, the District of Columbia, and any other area subject to the legislative authority of the United States of America.

(b) Sections 1 through 8 of this Act shall be known as the "District of Columbia Anatomical Gift Act."

PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT

SEC. 2. (a) Any individual of sound mind and eighteen years of age or more may give all or any part of his body for any purposes specified in section 3, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purposes specified in section 3:

(1) the spouse,

(2) an adult son or daughter,

(3) either parent,

(4) an adult brother or sister,

(5) a guardian of the person of the decedent at the time of his death, or

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(6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent, or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after death or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by section 7(d).

PERSONS WHO MAY BECOME DONEES, AND PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE

SEC. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) any accredited medical or dental school, college, or university, for education, research, advancement of medical or dental science or therapy; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by him.

MANNER OF EXECUTING ANATOMICAL GIFTS

SEC. 4. (a) A gift of all or part of the body under section 2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b)(1) A gift of all or part of the body under section 2(a) may also be made by document other than a will. The gift becomes effective upon death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor, in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(2) Any such document referred to in paragraph (1) of this subsection may be in the following form and contain the following information:

Anatomical Donor Card of

____

print or type name of donor

In the hope that my gift may help others, I hereby make this anatomical gift to take effect upon my death. The words and marks below indicate my desires.

I give:

(a) any needed organs or parts

(b) only the following organs or parts

____

specify the organ(s) or part(s)

(c) my entire body for anatomical study.

For the purposes of transplantation, therapy, medical research or education

Limitations: ____________________________

specify limitations, if any

This is a legal document under the Uniform Anatomical Gift Act or similar law.

* * * * *

(Other side of card)

Signed by the donor in the presence of the following two (2) witnesses:

____

Signature of donor

____

Date of birth

____

Date signed

____

Witness

____

Witness

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding section 7(b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in section 2(b) shall be made by a document signed by him, or made by his telegraphic, recorded telephonic, or other recorded message.

DELIVERY OF DOCUMENT OF GIFT

SEC. 5. If the gift is made by the donor to a specified donee, the will, card, or other document, or any executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death, but delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank, or storage facility or registry office that accepts them for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

AMENDMENT OR REVOCATION OF THE GIFT

SEC. 6 (a) If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by—

(1) the execution and delivery to the donee of a signed statement, or

(2) an oral statement made in the presence of 2 persons and communicated to the donee, or

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

RIGHTS AND DUTIES AT DEATH

SEC. 7. (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, or under the anatomical gift laws of another State is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this Act are subject to the laws of the District of Columbia prescribing powers and duties with respect to autopsies.

UNIFORMITY OF INTERPRETATION

SEC. 8. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enacted it.

SEC. 9. (a) That part of section 3 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2–252) which follows the definition of the term "Commissioners" is amended to read as follows:

" 'Donor' means any person who, in accordance with the provisions of the District of Columbia Anatomical Gift Act, bequeaths or donates his tissue for removal after death in furtherance of the purposes of such Act, and also means any deceased person whose tissue is donated or disposed of for the purposes of this Act, the District of Columbia Anatomical Gift Act, or sections 675, 676, and 683 of the Act of March 3, 1901, as amended (D.C. Code, sec. 27–119a and sec. 27–125).

" 'Tissue' means any body of a dead human or any portion thereof, including organs, tissues, eyes, bones, arteries, blood and other fluids.

" 'Tissue bank' means a facility for procuring, removing, and disposing of tissue for the purposes set forth in the District of Columbia Anatomical Gift Act, and for the purposes of reconstructive medicine and surgery, and research and teaching in reconstructive medicine and surgery."

(b) Sections 6, 7, and 8 of the District of Columbia Tissue Bank Act are hereby repealed.

(c) Subsection (b) of section 9 of the District of Columbia Tissue Bank Act is amended to read as follows:

"(b) The Coroner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction, if such tissue removal shall not interfere with other functions of the Office of the Coroner, and the person who, in accordance with section 2(b) of the District of Columbia Anatomical Gift Act, is authorized to donate tissue therefrom, shall first authorize such tissue removal."

(d) Section 683 of the Act of March 3, 1901 (D.C. Code, sec. 27–125), is amended by deleting "may be removed by or under the supervision of a person licensed under the authority of section 4 of such Act for preservation in a tissue bank operating pursuant to such Act," and inserting in lieu thereof the following: "or the District of Columbia Anatomical Gift Act may be removed by or under the supervision of a person licensed under the authority of section 4 of the District of Columbia Tissue Bank Act for preservation in a tissue bank operating pursuant to such Act, or for use in accordance with the provisions of the District of Columbia Anatomical Gift Act,".

(e) Sections 675 and 676 of the Act of March 3, 1901 (D.C. Code, sec. 27–119a), is

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amended by inserting immediately after "such Act" the following: "or the District of Columbia Anatomical Gift Act".

With the following committee amendments:

Page 6, strike out everything above line 1, and insert in lieu thereof the following:

UNIFORM DONOR CARD OF

Print or type name of donor

In the hope that I may help others, I hereby make this anatomical gift, if medically acceptable, to take effect upon my death. The words and marks below indicate my desires.

I give:

(a)—any needed organs or parts

(b)—only the following organs or parts

----

specify the organ(s) or part(s)

for the purposes of transplantation, therapy, medical research, or education;

(c)—my body for anatomical study if needed.

Limitations or special wishes, if any: ----

(Other side of card)

Signed by the donor and the following two witnesses in the presence of each other:

Signature of donor

Date of birth of donor

Date signed

City and State

Witness

Witness

This is a legal document under the District of Columbia Anatomical Gift Act or similar laws.

Page 10, immediately after line 20, insert the following:

"(b) Subsection (b) of section 4 of the District of Columbia Tissue Bank Act is amended by striking out 'prescribing, without limitation,' and inserting in lieu thereof 'to carry out the purposes of this Act and the District of Columbia Anatomical Gift Act, including, without limitations, rules and regulations prescribing.' "

Page 10, line 21, strike out "(b)" and insert in lieu thereof "(c)".

Page 10, line 23, strike out "(c)" and insert in lieu thereof "(d)".

Page 11, line 8, strike out "(d)" and insert in lieu thereof "(e)".

Page 11, line 20, strike out "(e)" and insert in lieu thereof "(f)".

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the author of the bill, the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, certainly on important pieces of legislation which are reported to the floor it is regrettable that reports thereon are not available. I appreciate the questions raised by the gentleman from Iowa.

Mr. Speaker, this bill has to do with providing for a uniform law among the various States of the Union and the District of Columbia, making it easier for medical science to apply its new found knowledge to the field of transplantation, transfusions, and various other technology and knowledge which has come into being during the last few years.

For example, with the success of corneal transplantation and improvements in kidney transplants in the 1950's, some 40 States and the District of Columbia were stimulated to enact some type of legislation giving an individual the authority to donate an organ for medical purposes upon his death.

Mr. Speaker, transplantation is now a recognized therapeutic procedure in treating kidney disease, and other tisplanted for varying lengths of time: insues which have been successfully transcluding skin, cartilage, bone, tendon, nerve, artery heart valve, liver, and lung. Human organs and tissue are required for research into such problems as the cause of cancer. This type of legislation is necessary in order to make further advances in this area. Nationwide uniformity of the laws governing organ transplantation is necessary in order to further medical advances in this area. The passage of the Uniform Act in 45 States, including Maryland, within less than 2 years since the adoption by the National Conference of Commissioners on Uniform State Laws is compelling evidence of its need and importance.

This need is particularly great in the metropolitan areas and I am very pleased that my colleagues from Virginia, Congressman SCOTT and Congressman BROYHILL, are cosponsors of this legislation, as well as my colleague from Maryland, Congressman HOGAN.

The thrust of this bill would clarify the authority of individuals and the next of kin to make anatomical gifts, and define the class of permissible donees and their obligations. It also sets forth the purposes for which donations can be made. Existing law in the District does not specify how the next of kin can make a donation or whether an individual's desire to make a donation can be overridden by his family. My bill provides detailed procedures for donation by next of kin and makes the wishes of the individual donor paramount. The document of gift may be in the form of a card carried on the donor's person to facilitate gifts in emergency situations. Most important, the bill clears up many of the ambiguities that now exist in the law.

This bill, H.R. 15033, I believe to be of the utmost importance if medical science is to continue its advancement. Certainly the time has come for the District of Columbia to join these other States in the passage of this act.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ADAMS. Mr. Speaker, I support the bill and I hope the House will pass it.

Mr. ABERNETHY. Mr. Speaker, the purpose of the bill H.R. 15033, as amended and reported by your committee, is to provide in the District of Columbia a comprehensive and uniform legal environment for the donation and transplantation of human organs consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws, made in 1968. To further these objectives, the bill provides:

A simple mechanism for executing the gift after death of the body or parts thereof by persons 18 years of age and older.

A declaration that the donor has absolute priority over anyone who may frustrate such desire following death.

A priority list establishing the line of authority following the decedent for making a donation if the decedent had not indicated his desire.

A protection from liability for medical technicians and surgeons who act in good faith in carrying out the provisions of the Uniform Anatomical Gift Act.

A listing of permissible donees, including only those persons or institutions licensed or authorized to practice medicine and to engage in tissue banking and related matters.

A method by which the next of kin may authorize a gift via a telephonic recorded message with the hospital, physician, or institution involved.

A method of revoking a gift should a donor decide to do so after previously having made a decision to donate.

A reciprocity provision which honors the donation statute of other States.

This Uniform Act has already become the law in 41 other States.

SECTION-BY-SECTION ANALYSIS

Section 1, definitions; short title: This section contains definitions of terms used in the act, and states the title of the act as the "District of Columbia Anatomical Gift Act."

Section 2, persons who may execute an anatomical gift: This section grants authority to any individual of sound mind and 18 years of age or older to give all or part of his body for any purpose specified in section 3 of the act, the gift to take effect upon death. It specifically provides that the next of kin may give all or any part of the decedent's body for any purposes specified in section 3 and creates six priority classes of next of kin who may donate beginning with the surviving spouse, and followed by an adult son or daughter, either parent, an adult brother or sister, a guardian of the person of the decedent at the time of his death, or any other person authorized or under obligation to dispose of the body. Any of these persons, in the order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may make the gift after death or immediately before the death.

If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the gift shall not be accepted.

A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

The rights of the donee created by the gift are paramount to the rights of others, except as they are subject to the laws of the District of Columbia with respect to autopsies.

Section 3, persons who may become donees, and purposes for which anatomical gifts may be made: This section provides that the following persons may become donees of gifts of bodies or parts thereof:

First. Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

Second. Any accredited medical or dental school, college or university, for education, research, advancement of medical or dental science or therapy; or

Third. Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy or transplation; or

Fourth. Any specified individual for therapy or transplantation needed by him.

Section 4, manner of executing anatomical gifts. This section provides that a gift of all or part of the body may be made by will, and the gift is effective immediately upon death without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid, and effective.

A gift may also be made by a document other than a will and becomes effective upon the death of the donor. This document may be a card carried by the person, which must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

A suggested card form is included. The gift may be made to a specified donee or without specifying a donee. If no donee is named, the gift may be accepted and used by the attending physician. If a donee is designated but is not available at the time and place of death, the attending physician may still accept and use the gift. In this situation, however, the physician cannot participate in the procedures for removing or transplanting a part.

A donor may designate the surgeon or physician to carry out the appropriate procedures.

Any gift by the next of kin specified in section 2 may be made in writing or by telegraphic, recorded telephonic, or other recorded message.

Section 5, delivery of document of gift. This section provides if the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death, but delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank, or storage facility or registry office that accepts them for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

Section 6, amendment or revocation of the gift. This section allows a gift to a specified donee to be amended or revoked by the donor or the execution and delivery to the donee of a signed statement, or an oral statement made in the presence of two persons and communicated to the donee, or a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or a signed card or document found on his person or in his effects.

Any document of gift or any gift by will which has not been delivered to the donee may be revoked by the donor.

Section 7, rights and duties at death. This section provides that the donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body. The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part. A person who acts in good faith in accord with the terms of this act, or under the anatomical gift laws of another State is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act. The provisions of the act are subject to the laws of the District of Columbia prescribing powers and duties with respect to autopsies.

Section 8 and 9, uniformity of interpretation. Section 8 states that the act shall be so construed as to effectuate its general purposes to make uniform the law of those States which enacted it.

Section 9 amends provisions of the Tissue Bank Act to conform with the District of Columbia Anatomical Gift Act, repeals certain sections of the Tissue Bank Act which will now be covered by the District of Columbia Anatomical Gift Act and provides that regulations may be issued under the District of Columbia Anatomical Gift Act.

Mr. HOGAN. Mr. Speaker, I would like to associate myself with the remarks of my colleague from Maryland (Mr. GUDE). I was pleased to join the gentleman from Maryland (Mr. GUDE) and the gentlemen from Virginia (Mr. BROYHILL and Mr. SCOTT) in sponsoring this bill, which I consider desirable for the residents of the District of Columbia.

This bill will provide for the District a comprehensive and uniform legal framework for organ donation and transplantation consistent with the 1968 recommendations of the National Conference of Commissioners on Uniform State Laws.

Without going into detail, the existing law in the District of Columbia on this subject is a confusing mixture of outdated laws and numerous statutes governing autopsies, unclaimed bodies, and coroners. With the increasing use of organ transplantation in the medical field, nationwide uniformity of laws governing such transplantation is necessary in order to further medical advances in this area.

This legislation will bring the District of Columbia laws into conformity with those of 41 States, including Maryland, which have passed the Uniform Anatomical Gift Act. Furthermore, it has been endorsed by the American Bar Association, the American Medical Association, and the American Heart Association, as well as many other medical or medically related associations, groups, and councils.

I urge your favorable consideration of this matter.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of an identical bill passed by the Senate (S. 2999) to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2999

An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS; SHORT TITLE

SECTION 1. (a) As used in this Act, the term—

(1) "bank or storage facility" means a facility licensed, accredited, or approved under the laws of any State for storage of human bodies or parts thereof;

(2) "decedent" means a deceased individual and includes a stillborn infant or fetus;

(3) "donor" means an individual who makes a gift of all or part of his body;

(4) "hospital" means a hospital licensed, accredited, or approved under the laws of any State and includes a hospital operated by the United States Government, a State, or a subdivision thereof, although not required to be licensed under State laws;

(5) "part" includes organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body, and "part" includes "parts";

(6) "person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, or association or any other legal entity;

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(7) "physician" or "surgeon" a physician or surgeon licensed or authorized to practice under the laws of any State; and

(8) "State" includes any State, district, Commonwealth, territory, insular possession, the District of Columbia, and any other area subject to the legislative authority of the United States of America.

(b) Sections 1 through 8 of this Act shall be known as the "District of Columbia Anatomical Gift Act".

PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT

SEC. 2. (a) Any individual of sound mind and eighteen years of age or more may give all of any part of his body for any purposes specified in section 3, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purposes specified in section 3:

(1) the spouse,

(2) an adult son or daughter,

(3) either parent,

(4) an adult brother or sister,

(5) a guardian of the person of the decedent at the time of his death, or

(6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent, or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after death or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by section 7(d).

PERSONS WHO MAY BECOME DONEES, AND PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE

SEC. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) any accredited medical or dental school, college, or university, for education, research, advancement of medical or dental science, or therapy; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by him.

MANNER OF EXECUTING ANATOMICAL GIFTS

SEC. 4. (a) A gift of all or part of the body under section 2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b)(1) A gift of all or part of the body under section 2(a) may also be made by document other than a will. The gift becomes effective upon death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor, in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(2) Any such document referred to in paragraph (1) of this subsection may be in the following form and contain the following information:

UNIFORM DONOR CARD

of

----

print or type name of donor

In the hope that I may help others, I hereby make this anatomical gift, if medically acceptable, to take effect upon my death. The words and marks below indicate my desires.

I give:

(a)—any needed organs or parts

(b)—only the following organs or parts

----

specify the organ(s) or part(s)

for the purposes of transplantation, therapy, medical research, or education;

(c)—my body for anatomical study if needed.

Limitations or special wishes, if any: ----

(Other side of card)

Signed by the donor and the following two witnesses in the presence of each other:

Signature of donor

Date of birth of donor

Date signed

City and State

Witness

Witness

This is a legal document under the District of Columbia Anatomical Gift Act or similar laws.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding section 7(b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in section 2(b) shall be made by a document signed by him, or made by his telegraphic, recorded telephonic, or other recorded message.

DELIVERY OF DOCUMENT OF GIFT

SEC. 5. If the gift is made by the donor to a specified donee, the will, card, or other document, or any executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death, but delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts them for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person with possession shall produce the document for examination.

AMENDMENT OR REVOCATION OF THE GIFT

SEC. 6 (a) If the will, card, or other document of executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by—

(1) the execution and delivery to the donee of a signed statement, or

(2) an oral statement made in the presence of two persons and communicated to the donee, or

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or multilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

RIGHTS AND DUTIES AT DEATH

SEC. 7. (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin or other persons under obligation to dispose of the body.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, or under the anatomical gift laws of another State is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this Act are subject to the laws of the District of Columbia prescribing powers and duties with respect to autopsies.

UNIFORMITY OF INTERPRETATION

SEC. 8. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enacted it.

SEC. 9. (a) That part of section 3 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2-252) which follows the definition of the term "Commissioners" is amended to read as follows:

" 'Donor' means any person who, in accordance with the provisions of the District of Columbia Anatomical Gift Act, bequeaths or donates his tissue for removal after death in furtherance of the purposes of such Act, and also means any deceased person whose tissue is donated or disposed of for the purposes of this Act, the District of Columbia Anatomical Gift Act, or sections 675, 676, and 683 of the Act of March 3, 1901, as amended (D.C. Code, sec. 27-119a and sec. 27-125).

" 'Tissue' means any body of a dead human or any portion thereof, including organs, tissues, eyes, bones, arteries, blood, and other fluids.

" 'Tissue bank' means a facility for procuring, removing, and disposing of tissue for the purposes set forth in the District of Columbia Anatomical Gift Act, and for the purposes of reconstructive medicine and surgery, and research and teaching in reconstructive medicine and surgery."

(b) Subsection (b) of section 4 of the District of Columbia Tissue Bank Act is amend-

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ed by striking out "prescribing, without limitation," and inserting in lieu thereof "to carry out the purposes of this Act and the District of Columbia Anatomical Gift Act, including, without limitation, rules and regulations prescribing."

(c) Sections 6, 7, and 8 of the District of Columbia Tissue Bank Act are hereby repealed.

(d) Subsection (b) of section 9 of the District of Columbia Tissue Bank Act is amended to read as follows:

"(b) The Coroner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction, if such tissue removal shall not interfere with other functions of the Office of the Coroner, and the person who, in accordance with section 2(b) of the District of Columbia Anatomical Gift Act, is authorized to donate tissue therefrom, shall first authorize such tissue removal."

(e) Section 683 of the Act of March 8, 1901 (D.C. Code, sec. 27–125), is amended by deleting "may be removed by or under the supervision of a person licensed under the authority of section 4 of such Act for preservation in a tissue bank operating pursuant to such Act," and inserting in lieu thereof the following: "or the District of Columbia Anatomical Gift Act may be removed by or under the supervision of a person licensed under the authority of section 4 of the District of Columbia Tissue Bank Act for preservation in a tissue bank operating pursuant to such Act, or for use in accordance with the provisions of the District of Columbia Anatomical Gift Act,".

(e) Sections 675 and 676 of the Act of March 3, 1901 (D.C. Code, sec. 27–119a), is amended by inserting immediately after "such Act" the following: "or the District of Columbia Anatomical Gift Act".

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AMENDMENT OFFERED BY MR. ABERNETHY

Mr. ABERNETHY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. ABERNETHY: On page 12, line 6, strike "(e)" and insert in lieu thereof "(f)".

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15033) was laid on the table.

PERMITTING THE FLYING OF KITES IN THE DISTRICT OF COLUMBIA

Mr. ABERNETHY. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 16476) to make it lawful to set up or fly any kite in the District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act for the preservation of the public peace and the protection of property within the District of Columbia", approved July 29, 1892 (D.C. Code, sec. 22–1117), is amended by striking out "to set up or fly any kite, or".

With the following committee amendment:

Page 1, line 6, strike out "to".

Mr. JACOBS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of this legislation, and point out to the House that here in the capital of the free world there is no freedom to do the most 100 percent American thing that an American citizen can do—go fly a kite.

I do not intend to make a "long-winded" speech about this, Mr. Speaker, but a grave situation does exist in the District of Columbia, and the District of Columbia local government, the Department of the Interior, and the Smithsonian Institution have all requested this legislation.

Mr. Speaker, there is more danger in the existing law than one might imagine. For example, if one citizen were to tell another to go out and fly a kite, he would be advocating the commission of a crime in the District of Columbia. I doubt that this ever happens in the District of Columbia, but just in case any citizen ever got high as a kite he would be in double jeopardy.

I do not want to shock anybody, but Benjamin Franklin would be out of luck in his Nation's Capital today.

I realize that there are other provisions in the same law that have raised some question this very morning—the same law that we are dealing with makes a crime of causing a dog to bite or setting dogs on persons or animals—the more I think about it I think it is a good provision.

Fastening horses to trees is also outlawed by this statute.

Also, it is a crime to drive a vehicle in excess of 12 miles per hour outside of Georgetown or in excess of 8 miles per hour inside of Georgetown.

So we have a long way to go, really. As President Kennedy said, a journey of a thousand miles begins with a single step, and I give the House my assurances, as the author of this bill, that I as an individual will look into these other matters if you will just help get this one off the ground.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I certainly want to commend the gentleman for his "erudite" presentation. Furthermore I think that the gentleman is very generous in contriving this bill, and I am glad that he pointed out Benjamin Franklin's propensities and the difficulties that he would encounter if he was in the District of Columbia today. They are modest as to natural lightening.

But, I wonder if the gentleman does not really think that this legislation is inspired, whether it is in his extrasensory perception or his subconscious mind or not, by instructions perhaps of the current President to his Secretary of the Interior? What I am really trying to say is: Did he tell Secretary of the Interior Hickel to "go fly a kite," and that that is the real reason for this legislation?

Mr. JACOBS. I plead the constitutional right not to interfere with another branch of Government, and I ask the gentleman to excuse me from answering the question, although according to the press that may well be true.

Mr. HALL. Mr. Speaker, I would be the last to ask that this distinguished "jurist" now in the well of the House forgo the principle of the sovereignty of powers. If I have erred in this direction, I want to withdraw and retract that. But I have heard it rumored in certain circles——

Mr. JACOBS. Is the gentleman saying that rumors are flying?

Mr. HALL. Yes, like father flown kites in Missouri springtime on Mother's Day. I have heard it rumored in certain circles that he is going to devote all of his personal memoranda paper to Chairman of the City Council, Washington, to be used in kite manufacturing process, and we the Congress must have surveillance and review over the process that might involve a "conflict of interest." I certainly do not believe we should take all of this paper from the Department of the Interior and turn it into kites just because of the gentleman's bill. It would be like propelling a steam engine with the hot-air emanating from these Chambers.

Mr. JACOBS. I know of the gentleman's admiration for some of the local newspapers and I might suggest a good use for them in this way.

Mr. HALL. I think that would clash with "red sails in the sunset." I thank the gentleman.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the Will Rogers of Missouri.

Mr. HUNGATE. I will have to tell a story if you are going to do that.

But, Mr. Speaker, I would like to commend the gentleman on bringing this bill to the floor because I am sure——

Mr. JACOBS. The gentleman surely means "bringing up" this bill.

Mr. HUNGATE. Yes, I thank my colleague.

I think that is eloquent testimony to the wisdom of our retaining home rule right here in this Chamber so we can pass on kite flying.

PURPOSE OF THE BILL

Mr. JACOBS. Mr. Speaker, the purpose of the bill (H.R. 16476) is to make it lawful to set up or fly any kite in the District of Columbia.

This would be accomplished by repealing the prohibition against kite flying, which is contained in the act of July 29, 1892 (27 Stat. 322, District of Columbia Code, title 22, sec. 1117).

This legislation was requested by the District of Columbia Government, the Secretary of the Interior, and the Smithsonian Institution.

No objection to the bill has been expressed to your committee.

While the language of the bill speaks for itself, a summary of the legislative history of the prohibition against kite flying in the District is pertinent hereto.

BACKGROUND OF PROHIBITION AGAINST KITE FLYING

The legislation which is amended by H.R. 16476 originated in the other body in 1892 during the 1st session of the 52d Congress, as S. 267, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia." It was referred to, and approved and reported by the Committee on the District of Columbia—Senate Report 32, January 18, 1892—and debated on February 15, 1892.

Section 4 of the 1892 bill provided as follows:

> That is shall not be lawful for any person to *set up or fly any kite,* or set up or fly any fire balloon or parachute in or upon or over any street, avenue, alley, open space, public inclosure, or square within the limits of the cities of Washington and Georgetown, under a penalty of not more than ten dollars for each and every such offense. (Emphasis added.)

Other acts forbidden in the 1892 statute, with appropriate money fines or penalties therefor, included:

Destruction, damage, or defacing public property.

Destruction or damage of building materials.

Throwing stones or other missiles in public places.

Cursing, obscenities, disorderly conduct in public, or in public buildings and grounds.

Boisterous assemblages; boisterous, rude, insulting, obscene talk.

Enticing prostitution.

Indecent exposure.

Causing dogs to fight, or setting dogs on persons or animals.

Disturbing religious services in churches.

Fast riding or driving in excess of 8 miles per hour in the cities of Washington and Georgetown and 12 miles per hour outside thereof, or turning corners in excess of 4 miles per hour; and driving or riding in public grounds.

Injuring public trees, or fastening horses thereto.

Kindling bonfires on public streets or places between sundown and sunrise.

Playing football, bandy, shandy, or other games with balls or stones in streets.

Appropriate money penalties were assessed for each offense specified.

Vagrants, prostitutes, and paupers were required upon conviction to give bond for good behavior for 6 months.

OCCASION FOR THE ENACTMENT OF THE ORIGINAL PROHIBITION

In explanation of the occasion for the legislation, and the necessity for its enactment, the following statements were offered on the floor of the Senate on Feb. 15, 1892:

> **Mr. McPherson.** I should like to ask the Senator from Colorado how it is possible to have an efficient government in this city or in Georgetown, to which I understand this bill applies, there being no council, there being no board of aldermen, unless we act. There is no power really to pass an ordinance, which is usally done in cities under a general provision of law empowering them to do it, and the Congress of the United States undertakes to legislate for this District. Therefore, in the absence of any other authority to make these minute laws, certainly the city can not get along without regulations and very precise ones, and until the people of the city of Washington shall be organized into local government empowering them to make their own rules and regulations and ordinances touching all these small matters, certainly Congress must do it.
>
> **Mr. Faulkner.** I hope the Senate will understand exactly the scope and object of this bill. The law as it is found in this bill is the law today of the city of Washington as known before West Washington, which was formerly known as Georgetown, was made a part of this city. There is no change in the law so far as this law is applicable to the city of Washington proper, within the bounds of the city.
>
> **Mr. Teller.** It is simply extended all over the District.
>
> **Mr. Faulkner.** No; all the provisions are not extended over the entire District. Some of them are limited to the city of Washington and West Washington or Georgetown, and the other provisions that are properly applicable only to the streets of the thickly settled portion of the city are not extended over the entire District of Columbia.

What the member—Mr. Faulkner—had reference to was the fact that when the District of Columbia was created, within that part of its 10-mile square area now comprising the District, there were three local governmental units in the portion ceded by Maryland, namely, the city of Washington, the city of Georgetown, and the county of Washington—which encompassed the rural countryside outside the two cities.

When the Congress consolidated these three units into a unified District of Columbia government in 1871, it validated the laws and city council ordinances then in effect, including the ordinance against flying kites.

Next, the 1892 act extended the kite ban to the city of Georgetown, in addition to the city of Washington already covered.

That concluded the debate insofar as kite flying is concerned, and after some colloquies on other sections, S. 267 was passed by the Senate—CONGRESSIONAL RECORD, 52d Congress, first session, volume 23, part 2, pages 1133–1135.

The House Committee on the District of Columbia considered and approved the bill (S. 267) and reported it favorably without amendment—House Report 2001, 52d Congress, First Session—on July 22, 1892. Four days later, July 26, 1892, the bill was called up under a unanimous request, and after only a very brief discussion—not concerning the kite flying prohibition—the bill was passed by the House. CONGRESSIONAL RECORD, 52d Congress, first session, volume 23, part 7, pages 6802–6803.

Neither the House nor the Senate reports referred to on S. 267 contain any justification of, or explanation of, the kiteflying prohibition—section 4; and the floor debates cited are the only references thereto in the legislative history thereon.

As stated, it was approved by the President on July 29, 1892 (27 Stat. 322, D.C. Code, title 22, sec. 1117).

PROHIBITION ON KITEFLYING STILL VALID

As recently as April of this year our committee is advised the U.S. District Court for the District of Columbia upheld the 1892 kiteflying prohibition and refused to grant a preliminary injunction against the enforcement thereof.

Hence the enactment of H.R. 16476 is necessary to repeal the section in question.

CONCLUSION

Our committee does not know of any reason for the continuance of the kiteflying ban but it has received numerous letters and calls in support of legislation to repeal the same.

The favorable recommendations attached to this report attest to the widespread interest yet extant in the sport of kiteflying and it would be almost inhuman to deny to the many still eager to participate in the thrills emanating from the tug of the strings on a breezy day or just the fun of watching the many-shaped, variegated objects cavorting in the sky.

H.R. 16476 is recommended for the favorable consideration of the House.

The District of Columbia Government requested the introduction and enactment of the legislation and was supported by the Secretary of the Interior, and the Secretary of the Smithsonian Institution:

I include the following:

[From the Washington Post, Apr. 3, 1970]

ALL OF DISTRICT ISN'T ALSO WASHINGTON, SO KITE ISSUE REMAINS UP IN THE AIR

(By Jack Eisen)

It's against the law to fly a kite in the District of Columbia. Right or wrong?

Wrong.

If, like most kite fanciers hereabouts, you thought otherwise, you were misled—however innocently.

So was the Smithsonian Institution, which as a result has moved its annual kite-flying contest Saturday from the Washington Monument grounds to Ft. Washington, a park several miles down the Potomac.

But what about the law, the one that says you can't fly kites in Washington?

That's what it says: Washington. The City of Washington.

And, although all of Washington is in the District of Columbia, all of the District of Columbia is not Washington.

The city is a smaller area, pretty much that part of the District laid out in George Washington's day by Pierre Charles L'Enfant.

Assistant Corporation Counsel Robert F. Kneipp, who always thought he was born in the City of Washington, concluded reluctantly but tentatively yesterday that he entered life instead in Washington County, D.C.—or, at least, what had been Washington County before 1871.

The law that keeps the city technically in existence is ambiguous on the county's status. But, Kneipp agreed the city seems to be still around as a distinct geographic unit.

For most purposes, there is no legal difference in the distinction. Some government lawyers say they would prefer to forget it entirely since it bears on a number of old laws still on the books.

"It's pretty fuzzy," observed Kenneth Tapman, a lawyer in the Interior Department solicitor's office who was involved in the Smithsonian kite decision.

Carolyn Amundson of the Smithsonian Associates, who is helping produce the kite festival, said she was sorry she didn't know of the loophole when negotiations were under way for a convenient site with Interior's National Capital Parks.

The program would better be held in upper Rock Creek Park, or Anacostia Park, or other parklands outside the old city, she observed. There is even a legal theory that it could have been held in East Potomac Park, since the man-made Hains Point promontory did not exist when the Washington boundaries were drawn.

Those boundaries, according to Title 1, Section 107 of the D.C. Code, are substantially as they existed on Feb. 21, 1871, with some expansion in 1895.

But let's get back to the beginning, which for these purposes is 1801.

That is when Congress created the District of Columbia, with three local governmental units in the portion ceded by Maryland. (There were two other such units on the opposite shore of the Potomac, but Congress gave those back to Virginia in 1846.)

The three on the north bank were the City of Washington, the City of Georgetown and the County of Washington. The county encompassed all the rural countryside outside the two cities, plus the Potomac bed, and had by far the largest area.

In 1871, Congress consolidated the three into a unified District of Columbia government. In the process, it validated the laws and City Council ordinances then in effect, but did not broaden their geographic application.

Hence an old Washington ordinance against flying kites and lofting hot-air balloons—the reasons for which are obscured—continued on the books.

But it applied only to the city, the area bracketed generally by the Potomac and Anacostia River shorelines, Rock Creek and Boundary Street (today's Florida Avenue).

The kite ban was reinforced in 1892 when Congress, with barely a ripple of debate, enacted it anew as part of an omnibus law that dealt with a variety of public offenses.

In its geographic effect, the 1892 law was specfic. The ban on kites, ball-playing in streets and alleys and prodding one's horse to travel more than 8 miles an hour applied only to the two cities. Bans on dog fighting, obscene language and rock throwing were District-wide.

Three years later, Congress merged Georgetown into Washington, in the process ratifying the continued existence of Washington on paper. That law still stands.

And, in fact, as recently as 1956, the now-abolished Board of District Commissioners found it necessary to re-enact an antidiscrimination ordinance dating from 1869 to make it apply beyond the old city boundary.

Several other old laws, applying to the city alone, are sprinkled through the D.C. Code. The onrush of time has made some of them amusing.

For example, the law that requires Washington householders to keep their weeds cut applies also into "the more densely populated suburbs." In 1899, when the law was passed, that would not have extended beyond Cleveland Park.

Another law makes it illegal to establish a new cemetery within the District unless it is more than a mile outside the Washington city limits.

In relatively recent times, this law frustrated an effort by the late Elder Lightfoot Solomon Michaux, an evangelist, to create a burying ground on the Anacostia's east bank.

It is illegal for anyone to make Washington's city water supply "impure, filthy or unfit for use," but the law appears to be silent as it applies to the rest of the District. Officials say the city government has ample police power to deal with any such problem, specific law or not.

Another water law gives the city the right to levy a fireplug tax of $1 to $5 a month on any building not hooked into the municipal water system.

Yet another law forbids the federal government from using time clocks within the city to check on the attendance of its employees (a law honored in the breach by the city post office and possibly other agencies as well).

And there's the matter of overhead utility wires.

The ban against them along city streets (they're permitted in alleys) extended to streetcar trolley wires, as well. That's why Washington streetcars, until their final abandonment in 1962, drew their power from slots in the pavement.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BUSINESS OF DEBT ADJUSTING IN THE DISTRICT OF COLUMBIA

Mr. ABERNETHY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (S. 1458) to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

S. 1458

An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act, the term—

(1) "Debt adjusting" means an activity, whether referred to by the term "budget counseling", "budget planning", "budget service", "credit advising", "debt adjusting", "debt counseling", "debt help", "financial adjusting", "financial arranging", "prorating", or some other term of like import, which involves a particular debtor's entering into an express or implied contract whereby the debtor agrees to pay an amount or amounts of money periodically or otherwise to a person who agrees, for a consideration, to distribute such money among specified creditors in accordance with a plan agreed upon between the debtor and the person to whom the debtor makes or agrees to make such payments.

(2) "Person" does not include an individual admitted to the bar of the United States District Court for the District of Columbia.

(3) "Partnership" does not include a partnership all the members of which are admitted to the bar of the United States District Court for the District of Columbia.

SEC. 2. Except as provided in section 3, no person, partnership, association, or corporation shall engage in the business of debt adjusting in the District of Columbia.

SEC. 3. The provisions of this Act shall not apply to those situations involving debt adjusting incurred incidentally in the lawful practice of law in the District of Columbia nor shall anything in this Act be construed to apply to any nonprofit or charitable corporation or association which engages in debt adjusting even though the nonprofit corporation or association may charge and collect nominal sums as reimbursement for expenses in connection with such services.

SEC. 4. (a) Whoever violates section 2 of this Act shall be subject to a fine of not more than $1,000 and to imprisonment for not more than six months, or to both.

(b) Prosecutions for violations of this Act shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I wish to express my strongest support for this proposed legislation designed to prohibit the insidious business of debt counseling, or debt adjustment, in the District of Columbia.

This subject has long been a matter of keen interest to me. I first introduced a bill to abolish this business in the District in the 85th Congress—13 years ago. The question of constitutionality arose at that time, and an amended version of the bill, which would have licensed and regulated this business, was passed by the House but failed of action in the Senate. I again introduced my original bill in the 86th Congress, at which time no action was taken. And in the 90th Congress, I introduced H.R. 9806, which was identical to the bill which is being considered here today. Hence, I submit that my genuine interest and concern about this matter has long been established.

I oppose the existence of this shoddy business because it serves no useful purpose whatever, and makes no contribution to the people of the District of Columbia. In many instances, in fact, it acts to the detriment of the debt-ridden clients.

Ostensibly, the so-called debt counselor or debt adjuster operates by taking charge of a debtor's income and distributing it among his creditors according to a prearranged schedule of payments toward the debts, leaving the debtor only a small living allowance. In actual practice, however, the adjuster takes a substantial fee "off the top" and frequently leaves the poor deluded debtor eventually more hopelessly in debt than ever.

The people who turn in desperation to these leeches in most cases are poor, untutored, and gullible. As a rule, they are debt-ridden to amounts of $2,500 to $3,000 to small loan companies, automobile finance firms, and installment retail establishments. Easy credit, and especially the proliferation of easy-to-get credit cards, constitute the financial quicksand into which these persons, frequently of limited intelligence, sink. Various circumstances may provide the final impetus to financial desperation—loss of overtime work, costly illness in the family, or other unanticipated demands upon the meager income. As a result, the person may quickly find himself inextricably involved in mounting debt, and dunned by creditors from every direction. In his desperation, the debtor may seek out the plausible-sounding, glib debt adjuster as the answer to his plight.

The debt adjuster, indeed, through his craftily worded but misleading adver-

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tising, may seem to offer these debtors a means of escape from their predicament. These ads are cleverly designed bait—but they do not actually offer to pay off the debtor's creditors, nor do they offer credit to the debtor. But the unsophisticated and poorly educated may easily interpret them otherwise.

When the debtor is in the toils of the debt adjuster, the latter first takes his fee, frequently running as high as 25 percent, and then gives the debtor a meager amount on which to survive. The result is that in many cases, there is not enough money left in the victim's balance to satisfy the creditors. In many instances, indeed, nothing whatever is actually applied toward the debts, and the poor debtor has only succeeded in getting more deeply into the morass of debt. Meanwhile, when the creditors have increased their dunning demands, the debt adjuster typically advises the debtor to ignore this importuning, with the assurance that he, the debt adjuster, will take care of everything. Actually, having acquired his own substantial fee, the debt adjuster in most instances loses all interest in the debtor.

This so-called business not only is flourishing but has been growing here in the Nation's Capital. As these unscrupulous operators, having put up no capital of their own and taking no risks whatever, continue to reap a financial harvest from the poor, the uneducated, and the gullible who are enticed by their misleading advertising to seek out their help when they are over their heads in debt and facing the grim prospect of having their salaries garnisheed.

This unhappy business has been outlawed in 26 States, including my own State of Virginia, and the neighboring State of Maryland. Furthermore, some 70 jurisdictions have undertaken to rid themselves of this scourge by setting up nonprofit credit counseling services which are supported financially by businesses, labor groups, and civic organizations in those jurisdictions. There is no profit motive involved in these services, and the debtors are counseled and helped free of charge. I wish to point out that the bill S. 1458 authorizes such nonprofit service for the District of Columbia, and I am pleased to state that I understand such an organization is operating in this city, as a service of the AFL–CIO, and that others are contemplated.

Mr. Speaker, many of my constituents have been victims of this type of business. These people have come to me in desperate financial trouble, and in some cases I have managed to serve them myself in the capacity of a debt counselor, contacting their creditors and arranging for some acceptable means of payment. Unfortunately, however, many of these people who have come to me have gone to these debt adjusters first, and as a result were hundreds of dollars deeper in debt than before.

I do not mean to imply that all debt adjusters operate in the unscrupulous manner I have described. But it is a fact that many do operate this way, and I contend that the time is long overdue to scourge these leeches from our Nation's Capital. The answer is not in regulating this business, for it is impossible to regulate a potential racket satisfactorily. The only solution is to rid the city of this business and to leave the business of debt counseling to proper hands; namely, practicing attorneys and nonprofit or charitable service organizations.

The question of constitutionality of such a prohibition was resolved by a decision of the Supreme Court in 1958. Now that the Senate has acted, I urge my colleagues to take prompt and favorable action on this bill.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Maryland.

Mr. GUDE. I would like to associate myself with the remarks of the gentleman from Virginia and congratulate him for his work in this area.

Mr. Speaker, the business of debt adjusting has lent itself to grave abuse of debtors in distress, particularly the poor. While promising help to the debtor in trouble, debt consolidators in fact add to the financial burdens of the debtor, without offering much in the way of counseling to help the debtor manage his obligations. The business of debt pooling has been prohibited in my own State of Maryland since 1968, and I hope the same rule will be approved for the citizens of the District of Columbia.

Mr. ABERNETHY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I wish to endorse what the gentleman from Virginia has had to say about this situation in the District and also in support of the legislation. Frankly, I do not think this legislation goes far enough. This city has been filled with a number of just downright crooks and deadbeats who have been cheating people out of their money and actually pay none of the funds paid over to them on the debts owed by the debtors. I do not think this bill will correct that situation. Section 3 of the bill provides that the same situation may be carried on if carried on in the lawful practice of the law or in some other manner.

Here is what I think will happen. I think they will select some lawyer to become a member of the adjusting firm. They will conduct the business in his name, and conduct it in exactly the same fashion in which it has been conducted in the past. If I had my way, we would completely outlaw so-called debt adjusting in the District. It has been outlawed in numerous States of the Union. I think a majority of them, and that is what ought to be done here. Evidently this bill is about the best we can get.

My opinion is that we will probably be back here next year, or the year after that, with another bill which will do what we ought to do, and that is to completely outlaw this type of so-called services.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Of course, the gentleman is an attorney. I am not. However, I thought the bar association had a code of ethics through which they could police a situation such as the gentleman has suggested.

Mr. ABERNETHY. I will say to the gentleman that I think the proposed legislation improves the situation a little bit, but I believe we will find out after 3 months that something additional will be necessary.

Mr. BROYHILL of Virginia. The bill provides that the attorneys would perform such services only as are incident to their normal practice, and not as a special profession in itself.

Mr. ABERNETHY. I know some attorneys whom I would not trust with a sum of money, and I think we will find that they have most of the business.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

I support this legislation. I think we should make the legislative history clear about the intent of the bill. As stated by the gentleman from Virginia, we do not intend that lawyers go into the debt-adjusting business, but this exception was left in only for the purpose of enabling them to do these things in the normal and regular practice of law. If we find that this is being misused in the District, I am certain that we will be back up here again.

The purpose of the bill, S. 1458, is to prohibit the business of "debt adjusting" in the District of Columbia, except as an incident to the practice of law or by a nonprofit or charitable organization, even though the latter may charge nominal sums as reimbursement for expenses incurred in connection with such services.

The business of debt adjusting, also known by several other names, involves an agreement by a debtor to pay money periodically to the adjuster who agrees in return for a fee paid by the debtor to apportion the money among the creditors of his client. The adjuster does not advance or lend money to the debtor.

HISTORY OF LEGISLATION

Members of both the House and the Senate have sought to obtain legislation in this area for the past 12 years. In the 85th Congress, H.R. 573, which would have provided for the licensing and regulation of this business in the District of Columbia, was passed by the House on August 12, 1958. Since that time, a number of other bills, designed either to regulate or to prohibit debt adjusting in the District have been introduced. And on July 19, 1968, the Senate passed the bill S. 1739, which was identical to the bill which is the subject of this report, S. 1458, which was approved by the Senate on July 8, 1969.

HEARINGS

A public hearing on S. 1458 and related House bills was conducted by Subcommittee No. 2 on October 16, 1969. At that time, representatives of the debt-adjusting business spoke in favor of regulation and licensing of the business in the District.

Spokesmen for the District of Columbia government, however, and other witnesses as well, testified emphatically in favor of banning this business in the city, as has been done in both Virginia and Maryland.

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The practices involved in the debt-adjusting business have proved to be of sufficient concern in other parts of the country that it has been prohibited by law in 26 States, and regulated in 15 other States. The list of these States, and the year in which such legislation was enacted in each State, is as follows:

State:	Year enacted
Arkansas	1967
Delaware	1966
Florida	1959
Georgia	1956
Hawaii	1967
Kansas	1961
Louisiana	1968
Maine	1955
Maryland	1968
Massachusetts	1955
Missouri	1963
Montana	1969
New Jersey	1960
New Mexico	1965
New York	1956
North Carolina	1963
Ohio	1957
Oklahoma	1957
Pennsylvania	1961
Rhode Island	1964
South Carolina	1963
Tennessee	1968
Texas	1965
Virginia	1956
West Virginia	1957
Wyoming	1957

The following 15 States regulate this type of business:

State:	Year enacted
Arizona	1968
California	1957
Colorado	1965
Connecticut	1967
Idaho	1963
Illinois	1957
Iowa	1967
Michigan	1961
Minnesota	1969
Nebraska	1967
New Hampshire	1969
Oregon	1963
Utah	1963
Washington	1967
Wisconsin	1937

NEED FOR LEGISLATION

A series of articles which appeared in the Washington Star in 1967 served to highlight the evils of the deceptive commercial practices of many so-called debt consolidators operating in the District of Columbia.

These debt adjusters persuade debtors to refrain from making direct payments to their creditors, and instead to make payments to the adjuster. The adjuster, in turn, pays the creditors, but only after taking a substantial premium "off the top" for himself, from the debtor's payments. The debtor receives no real benefit from this arrangement. Rather, he adds a new creditor—the adjuster himself—to the already overwhelming list of his creditors.

It should be made clear that debt consolidation has nothing in common with moneylending institutions or credit-counseling services. A debt adjuster lends no money; he only takes it. In the process, he may mislead the harried debtor into believing that his creditors will all be repaid at once.

In its study of this proposed legislation, your committee has been impressed by certain facts which indicate that the business of debt adjusting should be forbidden in the District of Columbia, with the qualifications provided in S. 1458. These facts are as follows:

First. The fee charged by the adjuster for his services, which may be as high as 10 or 12 percent of each payment in addition to an initial conference fee, adds to the financial burden of the debtor and thereby postpones the day when he may be debt-free.

Second. The benefits to the debtor resulting from the services of a debt adjuster are questionable. Debt adjusters do not lend money, nor do they stop the imposition of finance charges by paying off the creditors immediately. Further, most debt adjusters make no attempt to counsel their clients nor to set up budgets for them. Also, it is sometimes the case that the debt adjuster does not assure that the payment schedule he devises will either meet the demands of the clients creditors or leave the debtor sufficient money on which to live.

Third. By promising quick results which cannot be obtained, the debt adjuster actually deters the debtor from seeking the financial counselling which he needs. Your committee is advised that in many instances, the debtor really needs counselling and the setting up of a proper budget, rather than prorated payments on certain outstanding debts. The debt adjuster, however, bases his fee on such prorating activity, and hence can be expected to confine his efforts to that aspect of helping his clients to discharge their debts.

Fourth. Deceptive advertising is often used to obtain clients. Copies of newspaper advertisements presented to the committee imply incorrectly that the consolidator would pay off the debtor's bills immediately and collect from the debtor in small installments. Significantly, these advertisements often fail to specify the total number of installments, the amount of the service charge, or the portion of each installment that would be applied to the outstanding debts. The potential client sees only a quick and easy way out of debt through payment of one weekly installment.

As has been pointed out, witnesses representing the debt-adjusting business testified in favor of regulation to eliminate certain objectionable features of the business and to control others. It was their contention that in the 15 States where the debt adjusting business is regulated, adjusters perform a useful service, free from corrupt and undesirable practices.

From the preponderance of the testimony, however, your committee is strongly of the opinion that simple regulation of debt adjusting cannot adequately protect the public, and that the debt consolidation business offers no useful service that should be fostered by the official approval implied by regulation.

EXCEPTIONS PROVIDED

S. 1458 provides two exclusions from the prohibition of debt adjustment in the District of Columbia, as follows:

First. Section 3 excludes from the prohibition those situations involving debt counseling and adjusting which may be incurred incidentally in the lawful practice of law in the District.

Your committee realizes that debtors finding themselves in situations approaching insolvency frequently need and seek legal assistance to marshal assets and to advise them on such matters as the legality of certain claims, legal remedies governing the debtor-creditor relationship, the applicability of the Bankruptcy Act, and so forth. This is a normal aspect of the practice of law, and of course should not be prohibited.

Second. Section 3 provides also that this act shall not apply to debt adjustment services performed by nonprofit or charitable organizations, even though such organizations may charge nominal amounts as reimbursement for expenses incurred.

Your committee is advised that in many States where the debt adjusting business is prohibited, public or private nonprofit agencies provide needed counseling to debtors who encounter difficulty in meeting their obligations. For example, the Consumer Credit Counseling Service of Greater Baltimore, Inc., is a nonprofit counseling service in that city supported by contributions from finance companies, banks, credit unions, merchants, savings and loan companies, and other community-minded companies and individuals. Its policies are established and directed by a board of trustees representing broad community interests and diversified business and professional backgrounds.

Here in the District of Columbia, budget planning, advice, and guidance is available through the consumer counseling program of the AFL–CIO community services activities and also by other nonprofit agencies. Also, overburdened debtors in the Capital City may obtain loans to consolidate their debts through credit unions and other credit agencies, together with free budget counseling and advice. The AFL–CIO community services activities provides budget planning and advice on all aspects of consumer buying and credit purchasing, as well as educational programs to aid persons in liquidating and avoiding indebtedness. Your committee is informed that his service, which is furnished free of charge, is available not only to union members but to the general public as well.

It is the view of your committee that the services of these and similar organizations are definitely in the public interest, and hence should properly be excluded from the provisions of the first two sections of this bill.

PENALTY FOR VIOLATION

Section 4 makes a violation of the act a misdemeanor, punishable by a fine of not more than $1,000, imprisonment for not more than 6 months, or both.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS, POLICEMEN, AND FIREMEN

Mr. ABERNETHY. Mr. Speaker, by directive of the Committee on the District

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of Columbia, I call up the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1968 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. (Mr. FLYNT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17138

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1970".

SEC. 102. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended to read as follows:

"SEC. 101. The annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a)	$8,500	$8,755	$9,180	$9,605	$10,285	$10,965	$11,390	$11,815	$12,240
Fire private.									
Police private.									
Subclass (b)	9,095	9,350	9,775	10,200	10,880	11,560	11,985	12,410	12,835
Private assigned as:									
Technician.									
Plainclothesman.									
Station clerk.									
Motorcycle officer.									
Horsemounted officer.									
Class 2:									
Subclass (a)	9,775	10,340	10,905	11,470			12,035	16,600	13,165
Fire inspector.									
Subclass (b)	10,370	10,935	11,500	12,065			12,630	13,195	13,760
Fire inspector assigned as:									
Technician.									
Class 3	10,625	11,155	11,685	12,215			12,745	13,275	13,805
Assistant marine engineer.									
Assistant pilot.									
Detective.									
Class 4:									
Subclass (a)	11,050	11,600	12,150	12,700			13,250	13,800	14,350
Fire sergeant.									
Police sergeant.									
Subclass (b)	11,475	12,050	12,625	13,200			13,775	14,350	14,925
Detective sergeant.									
Subclass (c)	11,645	12,195	12,745	13,925			13,845	14,395	14,945
Police sergeant assigned as:									
Motorcycle officer.									
Horsemounted officer.									
Class 5	12,750	13,390	14,030	14,670			15,310	15,950	
Fire lieutenant.									
Police lieutenant.									
Class 6	13,815	14,505	15,195	15,885			16,575	17,265	
Marine engineer.									
Pilot.									
Class 7	14,875	15,620	16,365	17,110			17,855	18,600	
Fire captain.									
Police captain.									
Class 8	17,000	17,850	18,700	19,550			20,400	21,250	
Battalion fire chief.									
Police inspector.									
Class 9	19,550	20,530	21,510	22,490			23,470	24,450	
Deputy fire chief.									
Deputy chief of police.									
Class 10	21,500	23,170	24,840	26,510					
Assistant fire chief.									
Assistant chief of police.									
Commanding officer of Executive Protective Service.									
Commanding officer of the U.S. Park Police.									
Class 11	27,000	28,000	29,000	30,000					
Fire chief.									
Chief of police".									

SEC. 103. The rates of basic compensation of officers and members to whom the amendments made by section 102 of this title apply shall be adjusted as follows: Each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a salary class or subclass in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall receive a rate of basic compensation at the corresponding scheduled service or longevity step in effect on and after the effective date of this title, except that:

(1) Each officer or member who immediately prior to the effective date of this title was assigned as technician I or plainclothesman in subclass (b) of salary class 1 or as technician II, station clerk, or motorcycle officer in subclass (c) of salary class 1 shall, on the effective date of this title, be assigned as and receive basic compensation as technician plainclothesman, station clerk or motorcycle officer in subclass (b) of salary class 1 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(2) Each officer or member who immediately prior to the effective date of this title was serving as a fire inspector assigned as technician I or technician II in subclass (b) or (c) of salary class 2 shall, on the effective date of this title, be placed and receive basic compensation as fire inspector assigned as technician in subclass (b) of salary class 2 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(3) Each officer or member who immediately prior to the effective date of this title was serving in subclass (b) of salary class 9 shall, on the effective date of this title, be placed in and receive basic compensation in salary class 10 at the service step or longevity step corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(4) The Fire Chief and Chief of Police who immediately prior to the effective date of this title were serving in salary class 10 shall, on the effective date of this title, be placed in and receive basic compensation in salary class 11 and each shall be placed at the respective service step in which he was serving immediately prior to the effective date of this title.

(5) Each officer or member of the Metropolitan Police force and United States Park Police force who is performing the duty of a dog handler on or after the effective date of this title shall receive in addition to his basic compensation an additional $595 per annum, except that if a police private is classed as technician in subclass (b) of salary class 1 in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 solely on account of his duties as dog handler, such police shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 104. Section 303(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829(c)) is amended by deleting ", (b), or (c)" and inserting in lieu thereof "or (b)".

SEC. 105. The first sentence of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–830) is amended to read as follows: "Any officer or member who is promoted or transferred to a higher salary class or subclass of a higher salary class shall receive basic com-

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pensation at the lowest scheduled rate of such higher salary class or subclass which exceeds his existing rate of compensation by not less than one step increase of the next higher step of the salary class or subclass from which he is promoted or transferred."

SEC. 106. Paragraphs (2) and (3) of section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832(a)) are amended to read as follows:

"(2) Not more than three successive longevity step increases may be granted to any officer or member in salary classes 1 through 4, and not more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 9.

"(3) In the case of the officers or members serving in salary classes other than salary class 1, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving."

SEC. 107. (a) Each officer and member in active service on the effective date of this title to whom section 103 of this title and the amendment made by section 102 of this title apply, who is receiving basic compensation at one of the scheduled service or longevity steps of a salary class or subclass other than subclass (a) or (b) of salary class 1, and whose latest promotion has been subsequent to January 5, 1963, and prior to the effective date of this title shall (1) be placed in the service or longevity step of his salary class or subclass which provides a salary not less than the amount he would have received as a result of sections 102, 103, and 105 of this title had such promotion occurred on or after the effective date of this title, and (2) receive the appropriate scheduled rate of basic compensation for such step in the salary class or subclass in which he is serving.

(b) The rate of basic compensation received by any officer or member under the provisions of section 103 of this title and the amendment made by section 102 of this title shall not be reduced by reason of the enactment of this section.

(c) Any officer or member who receives additional compensation as a result of the enactment of this section shall be credited with any active service he has rendered in the service or longevity step in which he was serving immediately prior to the effective date of this title for subsequent advancement purposes under the provisions of section 303 or section 401, as the case may be, of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829, sec. 4–832).

(d) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the date of enactment of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of section 12 of the Policemen and Firemen's Retirement and Disability Act shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

SEC. 108. All retired officers and members of the Metropolitan Police force who at any time prior to October 1, 1956, held the rank of Assistant Superintendent shall be held and considered for the purpose of computing retirement benefits payable on and after the effective date of this title to have retired in the rank of Assistant Chief.

SEC. 109. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which began on or after July 1, 1969, and ending on the date of enactment of this title for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which began on or after July 1, 1969, and ending on the date of enactment of this title by an officer or member who dies during such period.

(b) For the purposes of this section, services in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 110. (a) Paragraph 3 of section 102 of the Act of November 13, 1966 (D.C. Code, sec. 4–823d–1(3)), is amended by inserting after "5" the following: ", 6, or".

(b) The amendment made by this section shall be effective only with respect to pay periods beginning on or after the effective date of this title.

SEC. 111. For the purpose of determining the amount of insurance for which an individual is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this title.

SEC. 112. This title and the amendments made by this title shall take effect on the first day of the first pay period beginning on or after July 1, 1969.

TITLE II—MISCELLANEOUS PROVISIONS RELATING TO CERTAIN POLICE MATTERS

SEC. 201. Paragraph (5) of section 1 of the Act of February 28, 1901 (D.C. Code, sec. 4–122), is amended by inserting at the end thereof the following new sentence: "The trial board shall be the exclusive body to receive, hear, and determine complaints against officers and members of the Metropolitan Police force."

SEC. 202. (a) The uniform of officers and members of the United States Park Police force, the Executive Protective Service, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch showing the flag of the United States.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the Executive Protective Service, the Capitol Police Board in the case of the Capitol Police, and the Commissioner of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(c) This section shall take effect one hundred and eighty days after the date of enactment of this title.

SEC. 203. All laws of the United States in force on the date of enactment of this title in which reference is made to the White House Police force are amended by substituting "Executive Protective Service" for each such reference.

TITLE III—SALARY INCREASE FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 301. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1970".

SEC. 302. The District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501 et seq.) is amended as follows:

(1) Section 1 (D.C. Code, sec. 31–1501) is amended by striking the salary schedules contained therein and inserting in lieu thereof the following:

	Service step								
Salary class and group	1	2	3	4	5	6	7	8	9
Class 1: Superintendent of Schools	$35,000								
Class 2:									
Group A, Deputy superintendent	31,000								
Group B, Associate superintendent	29,000								
Class 3:									
Assistant superintendent	22,190	$22,720	$23,250	$23,780	$24,310	$24,840	$25,370	$25,900	$26,430
Class 4:	19,480	19,940	20,400	20,860	21,320	21,780	22,240	22,700	23,160
Director, curriculum.									
Director, staff development.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	17,600	18,040	18,480	18,920	19,360	19,800	20,240	20,680	21,120
Group B, master's degree	18,380	18,820	19,260	19,700	20,140	20,580	21,020	21,460	21,900
Group C, master's degree plus 30 credit hours	18,770	19,210	19,650	20,090	20,530	20,970	21,410	21,850	22,290
Group D, doctor's degree	19,160	19,600	20,040	20,480	20,920	21,360	21,800	22,240	22,680
Chief examiner.									
Executive assistants to associate superintendents.									
Director of food services.									
Director, industrial and adult education.									
Executive assistant to Deputy superintendent.									
Class 6:									
Group B, master's degree	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level IV, principal	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level III, principal	17,345	17,770	18,195	18,620	19,045	19,470	19,895	20,320	20,745
Level II, principal	16,830	17,255	17,680	18,105	18,530	18,955	19,380	19,805	20,230
Level I, principal	16,315	16,740	17,165	17,590	18,015	18,440	18,865	19,290	19,715

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Salary class and group	Service step								
	1	2	3	4	5	6	7	8	
Group C, master's degree plus 30 credit hours	$18,250	$18,675	$19,100	$19,525	$19,950	$20,375	$20,800	$21,225	$21,659
Level IV, principal	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level III, principal	17,735	18,160	18,585	19,010	19,435	19,860	20,285	20,710	21,135
Level II, principal	17,220	17,645	18,070	18,495	18,920	19,345	19,770	20,195	20,620
Level I, principal	16,705	17,130	17,555	17,980	18,405	18,830	19,255	19,680	20,105
Group D, doctor's degree	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level IV, principal	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level III, principal	18,125	18,550	18,975	19,400	19,825	20,250	20,675	21,100	21,525
Level II, principal	17,610	18,035	18,460	18,885	19,310	19,735	20,160	20,585	21,010
Level I, principal	17,095	17,520	17,945	18,370	18,795	19,220	19,645	20,070	20,495
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent of pupil personnel services.									
Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans high school.									
Class 7:									
Group B, master's degree	16,205	16,595	16,985	17,375	17,765	18,155	18,545	18,935	19,325
Group C, master's degree plus 30 credit hours	16,595	16,985	17,375	17,765	18,155	18,545	18,935	19,325	19,715
Group D, doctor's degree	16,985	17,375	17,765	18,155	18,545	18,935	19,325	19,715	20,105
Supervising director, elementary education (supervision and instruction).									
Supervising director, audio-visual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Supervising director, athletics.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									
Class 8:									
Group B, master's degree	14,800	15,175	15,550	15,925	16,300	16,675	17,050	17,425	17,800
Group C, master's degree plus 30 credit hours	15,190	15,565	15,940	16,315	16,690	17,065	17,440	17,815	18,190
Group D, doctor's degree	15,580	15,955	16,330	16,705	17,080	17,455	17,830	18,205	18,580
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree	13,880	14,240	14,600	14,960	15,320	15,680	16,040	16,400	16,760
Group B, master's degree	14,660	15,020	15,380	15,740	16,100	16,460	16,820	17,180	17,540
Group C, master's degree plus 30 credit hours	15,050	15,410	15,770	16,130	16,490	16,850	17,210	17,570	17,930
Group D, doctor's degree	15,440	15,800	16,160	16,520	16,880	17,240	17,600	17,960	18,320
Assistant director, food services.									
Class 10:									
Group B, master's degree	14,095	14,445	14,795	15,145	15,495	15,845	16,195	16,545	16,895
Group C, masters's degree plus 30 credit hours	14,485	14,835	15,185	15,535	15,885	16,235	16,585	16,935	17,258
Group D, doctor's degree	14,875	15,225	15,575	15,925	16,275	16,625	16,975	17,325	17,675
Assistant director, audio visual instruction.									
Assistant director, subject field.									
Assistant director, adult educational and summer school.									
Supervisor, elementary education.									
Class 11:									
Group B, master's degree	13,670	14,005	14,340	14,675	15,010	15,345	15,680	16,015	16,350
Group C, master's degree plus 30 credit hours	14,060	14,395	14,730	15,065	15,400	15,735	16,070	16,405	16,740
Group D, doctor's degree	14,450	14,785	15,120	15,455	15,790	16,125	16,460	16,795	17,130
Assistant director, practical nursing.									
Class 12:									
Group B, master's degree	13,200	13,525	13,850	14,175	14,500	14,825	15,150	15,475	15,800
Group C, master's degree plus 30 credit hours	13,590	13,915	14,240	14,565	14,890	15,215	15,540	15,865	16,190
Group D, doctor's degree	13,980	14,305	14,630	14,955	15,280	15,605	15,930	16,255	16,580
Chief attendance officer.									
Clinical psychologist.									
Class 13:									
Group B, master's degree	12,080	12,456	12,850	13,235	13,620	14,005	14,390	14,775	15,160
Group C, master's degree plus 30 credit hours	12,470	12,855	13,240	13,625	14,010	14,395	14,780	15,165	15,550
Group D, doctor's degree	12,860	13,245	13,630	14,015	14,400	14,785	15,170	15,555	15,940
Psychiatric social worker.									

Salary class and group	Service step						
	1	2	3	4	5	6	7
Class 14:							
Group A, bachelor's degree	$9,250	$9,660	$10,070	$10,480	$10,890	$11,300	$11,710
Group B, master's degree	10,030	10,404	10,850	11,260	11,670	12,080	12,490
Group C, master's degree plus 30 credit hours	10,420	10,830	11,240	11,650	12,060	12,470	12,880
Group D, doctor's degree	10,810	11,220	11,630	12,040	12,450	12,860	13,270
Coordinator of practical nursing.							
Census supervisor.							

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Salary class and group	Service step 1	2	3	4	5	6	7	8	9
Class 15:									
Group A, bachelor's degree			$8,000	$8,320	$8,640	$8,960	$9,280	$9,600	$9,950
Group A–1, bachelor's degree plus 15 credit hours			8,400	8,720	9,040	9,360	9,680	10,000	10,360
Group B, master's degree			8,800	9,175	9,550	9,925	10,450	11,000	11,500
Group C, master's degree plus 30 credit hours			9,200	9,575	9,950	10,325	10,850	11,400	11,900
Group D, master's degree plus 60 credit hours or doctor's degree			9,600	9,975	10,350	10,725	11,250	11,800	12,300
Teacher, elementary and secondary schools.									
Attendance officer.									
Child labor inspectors.									
Counselor, placement.									
Counselor, elementary and secondary schools.									
Librarian, elementary and secondary schools.									
Research assistant.									
School social worker.									
Speech correctionist.									
School psychologist.									

Salary class and group	Service step 8	9	10	11	12	13	Longevity step Y
Class 14:							
Group A, bachelor's degree	$12,120	$12,530	$12,940	$13,350	$13,760	$14,170	
Group B, master's degree	12,900	13,310	13,720	14,130	14,540	14,950	
Group C, master's degree plus 30 credit hours	13,290	13,700	14,110	15,520	14,930	15,340	
Group D, doctor's degree	13,680	14,090	14,500	14,910	15,320	15,730	
Coordinator of practical nursing.							
Census supervisor.							
Class 15:							
Group A, bachelor's degree	10,300	10,650	11,000	11,350	11,700	12,050	$13,000
Group A–1, bachelor's degree plus 15 credit hours	10,720	11,080	11,440	11,800	12,160	12,520	13,800
Group B, master's degree	11,900	12,300	12,700	13,100	13,500	13,900	15,200
Group C, master's degree plus 30 credit hours	12,300	12,700	13,100	13,500	13,900	14,300	15,600
Group D, master's degree plus 60 credit hours or doctor's degree	12,700	13,100	13,500	13,900	14,300	14,700	16,100
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspectors.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Research assistant.							
School social worker.							
Speech correctionist.							
School psychologist.							

(2) Section 2(c)(2) (D.C. Code, sec. 31–1511(c)(2)) is amended to read as follows:

"(2) The terms 'plus fifteen credit hours' and 'plus thirty credit hours' mean the equivalent of not less than fifteen graduate semester hours beyond the bachelor's degree or thirty graduate semester hours beyond the master's degree as the case may be in academic, vocational, or professional courses, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the fifteen or thirty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such thirty credit hours. The term 'plus sixty credit hours' means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

(3) Section 3 (D.C. Code, sec. 31–1512) is amended by—

(A) striking out "For" and inserting in lieu thereof "(a) Except as provided in subsection (b), for";

(B) inserting immediately after "position" each time it appears "or salary class"; and

(C) by inserting at the end thereof the following new subsection:

"(b) At any time beginning six months after the commencement of the probationary period of an employee in group A–1 of salary class 15, the Board of Education may appoint such employee to permanent status if he (1) has completed three or more years of satisfactory service in the District of Columbia public schools or in an educational system or institution of recognized standing outside the District of Columbia public schools, as determined by the Board, or (2) has completed thirty accredited hours toward a master of arts degree. Any employee appointed to permanent status under this subsection shall be considered an employee of the Board on permanent tenure."

(4) Section 4 (D.C. Code, sec. 31–1521) is amended to read as follows:

"SEC. 4. Any employee of the Board of Education in group A of salary class 15 who possesses a bachelor's degree plus fifteen credit hours shall be transferred in accordance with section 10 (a) and (b) to group A–1 of salary class 15."

(5) Section 5 (D.C. Code, sec. 31–1522) is amended by adding at the end thereof the following new subsection:

"(f) Whenever a teacher or school officer is changed to a lower salary class or to a lower level in the same salary class as in the case of school principals in the public school system, the Superintendent of Schools is authorized to fix the rate of compensation at a rate provided for in the salary class or level to which the employee is changed which does not exceed his existing rate of compensation, except that if his existing rate falls between two service steps provided in such lower salary class or level, he shall receive the higher of such rates; if he is receiving a rate of basic compensation in excess of the maximum rate provided in such lower salary class or level in which he is to be placed, he will retain his existing rate of compensation and receive one-half of any future increases granted his new salary class or level until such time as his rate of basic compensation is no longer in excess of the maximum rate provided in such lower salary class or level. This subsection shall not apply if such reduction to a lower salary class or level is (1) for personal cause, (2) at the request of such teacher or school officer, (3) as a condition of a previous temporary promotion to a higher grade, or (4) because of a reduction in force brought about by lack of funds or curtailment of work."

(6) Section 6(a)(1) (D.C. Code, sec. 31–1531(a)(1)) is amended to read as follows:

"(1) On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee in salary class 15 who is on service step 13 and has completed 15 years of creditable service shall be assigned to longevity step Y. Each permanent employee in salary class 15 who is in longevity step X, on such effective date, shall be assigned to longevity step Y. In determining years of creditable service in salary classes 3 through 15 for placement on service steps, credit shall be given for previous service in accordance with the provisions of this Act governing the placement of employees who are newly appointed, reappointed, or reassigned or who are brought under this Act in accordance with the provisions of this section."

(7) Section 6(b) (D.C. Code, sec. 31–1531(b)) is amended by striking out the third sentence and inserting in lieu thereof the following: "On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee who has not reached the highest service step for his group, or, if his salary class has no group, the highest service step for such salary class, shall advance one such service step until he reaches the highest service step for such group or salary class. However, the Board of Education, on the written recommendation of the Superintendent of Schools, is authorized to deny any such salary advancement following any school year in which the employee fails to receive a performance rating of 'satisfactory' from his superior officer."

(8) Subsections (a) and (b) of section 10

(D.C. Code, sec. 31-1535 (a) and (b)), respectively, are amended to read as follows:

"(a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each promotion to group A-1, group B, group C, or group D within a salary class shall become effective—

"(1) on the date of the regular Board meeting of the twelfth month prior to the date of approval of promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree or on the completion of fifteen credit hours beyond the bachelor's degree, as the case may be.

whichever is later.

"(b) Any employee in a position in a salary class in the salary schedules in section 1 of this Act who is promoted to group A-1, group B, group C, or group D of such salary class shall be placed in the same numerical service step in his new group which he would have occupied in the group from which he was promoted."

(9) Section 13(a) (D.C. Code, sec. 31-1542 (a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: summer school programs, extended school year programs, adult education programs, and Americanization schools. The pay for teachers, officers, and other education employees in the summer school programs, adult education school programs, and veterans' summer high school centers shall be as follows:

"Classification	Per period		
	Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist	$6.86	$7.61	$8.42
Psychiatric social worker	8.02	8.92	9.86
Clinical psychologist	8.35	9.29	10.28
Assistant princiapl, elementary and secondary school	9.69	10.77	11.92
Supervising director	10.02	11.15	12.33
Principal, elementary and secondary schools	10.69	11.89	13.15
Veterans' summer school centers: Teacher	6.86	7.61	8.42
Adult education schools:			
Teacher	7.54	8.38	9.27
Assistant principal	10.66	11.85	13.11
Principal	11.76	13.07	14.46."

(10) Section 13(d)(2) (D.C. Code, sec. 31-1542(d)(2)) is amended by striking out "monthly" and inserting in lieu thereof "semimonthly".

(11) Section 14 (D.C. Code, sec. 31-1543) is amended to read as follows:

"Sec. 14. On July 1, 1970, each employee assigned to salary class 15 shall be classified as a teacher for payroll purposes and his annual salary shall be paid in twenty or twenty-four semimonthly installments, at the discretion of such employee, in accordance with existing law. All other employees covered by the provisions of this Act shall have their annual salaries paid in twenty-four semimonthly installments in accordance with existing law. Annual salaries for employees paid in twenty-four semimonthly installments means calendar year for purposes of this section."

Sec. 303. The increase provided in this title for the position of Superintendent of Schools under salary class 1 of the salary schedule shall be effective only with respect to individuals employed in that position on or after the date of the enactment of this title.

Sec. 304. (a) The third paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of the Act of May 26, 1908, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes" (D.C. Code, sec. 31-609) is amended by striking out ": *Provided*, That the salaries of other teachers shall begin when they enter upon their duties." and inserting in lieu thereof ". However, effective July 1, 1970, the salaries of employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, whose services commence with the opening of school and who shall perform their duties, shall begin on the first day of September and shall be paid in twenty semimonthly installments, except that employees in salary class 15 may elect to be paid in twenty-four semimonthly installments. The first payment shall be made on the first day of October, or as near that date as practicable; and the second payment shall be made fifteen days thereafter or as near that date as practicable. Subsequent payments shall be on the first and sixteenth days of the month or as near those date as practicable. The salaries of other employees in salary class 15 shall begin when they enter upon their duties."

(b) The fourth paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of such Act of May 26, 1908 (D.C. Code, sec. 31-630), is amended to read as follows:

"Effective July 1, 1970, the following rules for division of time and computation of pay for services rendered are established: Compensations of all employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act amendments of 1970 shall be paid in twenty semimonthly installments, except that employees in salary class 15 may elect to be paid in twenty-four semimonthly installments. In making payments for a fractional part of a month, one-fifteenth of an instalment shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a semimonthly period in connection with the compensation of such employees, each and every semimonthly period shall be held to consist of fifteen days, without regard to the actual number of days in any semimonthly period thus excluding the 31st day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during the a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of such month, both days inclusive; and any person entering such service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many days thereof as there were days elapsed prior to the date of entry, or one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited.

Sec. 305. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to any employee covered in this Act who retired during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this title, for services rendered during such period, and (2) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this Act, by any such employee who dies during such period.

(b) For purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the municipal government of the District of Columbia.

Sec. 306. The provisions of this title shall take effect on the first day of the first pay period which begins on or after January 1, 1970.

TITLE IV—CERTAIN MATTERS RELATING TO THE ADMINISTRATION OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOL SYSTEM

Sec. 401. The first section of the District of Columbia Teachers' Leave Act of 1949 (D.C. Code, sec. 31-691) is amended by inserting after "for any purpose" the following: "authorized by the Board of Education".

Sec. 402. The Board of Education shall not establish any rules or regulations, enter into any contacts or agreements, or otherwise engage in any practices relating to the administration of labor-management relations in the District of Columbia public school system which are inconsistent with or which deviate from the policies provided in Executive Order 11491, dated October 28, 1969 (relating to labor-management relations in the Federal service).

TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA REVENUE LAWS

Sec. 501. Section 3 of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1567b(a)) is amended to read as follows:

"Sec. 3. IMPOSITION OF TAX.—In the case of a taxable year beginning after December 31, 1969, there is hereby imposed on the taxable income of every resident a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	2% of the taxable income.
Over $1,000 but not over $2,000	$20, plus 3% of excess over $1,000.
Over $2,000 but not over $3,000	$50, plus 4% of excess over $2,000.
Over $3,000 but not over $5,000	$90, plus 5% of excess over $3,000.
Over $5,000 but not over $8,000	$190, plus 6% of excess over $5,000.
Over $8,000 but not over $12,000	$370, plus 7% of excess over $8,000.
Over $12,000 but not over $17,000	$650, plus 8% of excess over $12,000.
Over $17,000 but not over $25,000	$1,050, plus 9% of excess over $17,000.
Over $25,000	$1,770, plus 10% of excess over $25,000."

Sec. 502. (a) Paragraph (3) of section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602) and paragraph (3) of section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) are each amended by inserting after "wines" the following: "for human consumption other than off the premises where such liquors, beer, or wines or sold".

(b) The amendments made by this section shall take effect on the first day of the first month which begins on or after the date of enactment of this Act.

TITLE VI—PAY RATE FOR THE COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA NATIONAL GUARD

SEC. 601. (a) Section 7 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia, and for other purposes", approved March 1 1889 (D.C. Code, sec. 39–201), is amended (1) by inserting "(a)" immediately after "SEC. 7.", and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), any person serving as the commanding general of the District of Columbia National Guard shall be paid at a rate equal to the minimum rate of basic pay for GS–15 of the General Schedule under section 5332 of title 5 of the United States Code, and shall be subject to the provisions of subchapter IV of chapter 55 of such title.

"(c) Any officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the District of Columbia National Guard shall, while so detailed, be entitled to receive only the pay to which he is entitled as an officer of the Armed Forces."

(b) The paragraph under the center heading "NATIONAL GUARD" in the first section of the District of Columbia Appropriation Act, 1961 (74 Stat. 25), is amended by striking out "at not to exceed $13,300 per annum".

(c) The amendment made by this section shall take effect on the first day of the first pay period beginning on or after the date of enactment of this title.

TITLE VII—AMENDMENT TO ADDITIONAL HOUSE OFFICE BUILDING ACT OF 1955

SEC. 701. The first sentence of section 1202 (a) of the Additional House Office Building Act of 1955 (69 Stat. 41) is amended by inserting after "parts thereof" the following: "but excluding square numbered 764".

PURPOSES OF THE BILL

Mr. FUQUA. Mr. Speaker, the principal purposes of the bill H.R. 17138, as amended and reported by your committee, are as follows:

First. Provide salary increases for policemen, firemen, and teachers and school officers in the District of Columbia, and to provide certain other modifications in the salary schedules for such personnel;

Second. Provide exclusive jurisdiction in cases of complaints against officers and members of the Metropolitan Police force to the Police Trial Board;

Third. Amend the present law regarding the limitation on the distance from the city within which members of the police and fire departments may reside;

Fourth. Authorize a program of labor-management relations between the District of Columbia Board of Education and the District of Columbia Teachers Union, consistent with the provisions of Executive Order No. 11491;

Fifth. Amend the District of Columbia Income and Franchise Tax Act and the District of Columbia Sales Tax Act;

Sixth. Amend the present salary rate for the commanding general of the District of Columbia National Guard; and

Seventh. Amend the additional House Office Building Act of 1955 with respect to the site of the old Providence Hospital.

POLICE AND FIREMEN

Section 102 of title I provides a new salary schedule for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, which will provide an overall average increase in such salaries of 13 percent. This new schedule, which it is estimated will cost some $10.1 million additional for a full fiscal year, will be effective retroactively to January 1, 1970.

The starting salary for privates will be increased from $8,000 to $8,500, and the maximum salary for the chief will be increased from $25,605 to $32,775.

It should be pointed out that this proposed new salary schedule is intended to provide an adequate career schedule for policemen and firemen in the private ranks, where most members spend their careers, by providing a 29-percent increase in scheduled salary between entrance and maximum service step after 7 years of service, instead of the present 16 percent. It has been established that a majority of voluntary separations from the police department occur in the first 5 years of service. Hence, by giving the young man interested in public safety some realistic salary incentive, it is hoped that this proposed salary schedule will reduce the rate of resignations among the younger members. This concept is based on the growing conviction that while competitive entrance salaries are necessary, those young men who really desire a career in public safety are looking beyond salary step 1.

A career in public safety, as in any other occupation, must offer a monetary growth which will allow an individual to plan a reasonable standard of living for himself and his family. Not only should no policeman or fireman have to resort to outside employment, but the shift requirements of these occupations make "moonlighting," or holding an additional job difficult for the uniformed member. These are the facts which may well determine whether or not a young policeman or fireman will decide to remain in this work or to seek better paying employment elsewhere.

It is for these reasons that the salary schedule for privates in this proposed scale has received the greatest percentage increase.

TEACHER SALARY INCREASES

Section 302 of title IV provides a new salary scale for teachers and other professional employees of the District of Columbia Board of Education, which will provide an overall average increase of 13 percent in such salaries, effective retroactively to January 1, 1970. The additional cost is estimated at some $13.4 million for a full fiscal year.

The minimum salary for teachers with the bachelor's degree is increased from $7,000 to $7,800, and the maximum from $12,040 to $13,000. For the teacher with a master's degree, the minimum salary will be increased from $7,700 to $8,580, and the maximum from $12,740 to $15,200.

Comparable increases are provided also for teachers in the other salary categories, such as those with the master's degree plus 30 credit hours, and for those with master's degree plus 60 credit hours or the doctor's degree. In addition, a new salary category is created in this salary scale for the teacher with a master's degree plus 15 credit hours, with salary ranging from a minimum of $8,190 to a maximum of $13,800. This salary category exists in the salary schedules of many urban school systems throughout the country, and it is the opinion of your committee that it should become a part of the District of Columbia teachers' salary scale at this time.

Also, the salary scale proposed in H.R. 17138 will reduce the number of years required for all teachers and other employees in salary class 15 to attain the maximum salary level from the present 18 years to 15 years. This provision, together with the particularly substantial increases in salaries provided in the higher service steps, is designed to augment the position of the District of Columbia public school system with respect to the retention of the more experienced teachers. This is in response to testimony before this committee indicating that this is presently the area in which the District's salaries for teachers are the most disadvantageous as compared with those paid in other school systems.

This proposed salary scale also will increase the salary of the Superintendent of Schools from $30,000 to $35,000, and that of the Deputy Superintendent from $26,000 to $31,000. Also, a new position title of Associate Superintendent will be authorized, at a salary of $29,000. It is the opinion of our committee that these provisions will enable the District of Columbia school system to attract and retain competent personnel at the top levels of administration.

The bill also provides substantial pay increases for teachers, officers, and other education employees engaged in the programs of summer school, adult education, and veterans' summer high school centers.

INCOME TAX AMENDMENT

The first section of title V amends section 3 of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (District of Columbia Code, sec. 47–1567b(a)), by providing a new personal income tax schedule, to take effect on the first day of the first month beginning after the date of enactment. This new schedule, which was requested by the Commissioner of the District of Columbia and which will defray the cost of the salary increases provided in this legislation, is as follows:

If the taxable income is:	The tax is:
Not over $1,000	2% of the taxable income.
Over $1,000 but not over $2,000	$20, plus 3% of excess over $1,000.
Over $2,000 but not over $3,000	$50, plus 4% of excess over $2,000.
Over $3,000 but not over $5,000	$90, plus 5% of excess over $3,000.
Over $5,000 but not over $8,000	$190, plus 6% of excess over $5,000.
Over $8,000 but not over $12,000	$370, plus 7% of excess over $8,000.
Over $12,000 but not over $17,000	$650, plus 8% of excess over $12,000.
Over $17,000 but not over $25,000	$1,050, plus 9% of excess over $17,000.
Over $25,000	$1,770, plus 10% of excess over $25,000.

This new schedule retains the present tax rate of 2 percent on taxable incomes not in excess of $1,000. However, the nine divisions of taxable incomes, as compared with the five divisions in the existing schedule, together with some increases in the rates, will result in somewhat higher taxation particularly for persons in the higher levels of income. Some examples of the proposed new income tax levies, as compared with the present tax at several levels of taxable income, are as follows:

Taxable income	Present tax	Proposed tax
$1,000	$20	$20
$5,000	$160	$190
$10,000	$410	$510
$15,000	$710	$890
$20,000	$1,010	$1,320

It is estimated that this new schedule for personal income tax will produce some $25 million of additional revenue per year.

SALARY INCREASE COSTS AND FINANCING

The cost to the District of Columbia of the salary increases provided in title I and title III of this bill, both for a full fiscal year and for that part of the present fiscal year affected, together with the additional revenues which are predicted to accrue by reason of the amendments to the District of Columbia personal income tax provided in title V, have been presented to your committee as follows:

PAY INCREASE COSTS AND FINANCING

[In millions of dollars]

	Fiscal 1970	Full year fiscal year 1971
Total costs:		
Police and fire	5.05	10.1
Teachers and officers	7.9	13.4
Gross costs	12.95	23.5
Less absorption [1]	1.94	2.5
Net funds required	11.01	20.0
Additional revenues: Increase in income tax	[2] 12.5	25.0

[1] Your committee was advised by the Commissioner of the District of Columbia that 15 percent of these costs will be absorbed through administrative actions by the Police and Fire Departments and by the District of Columbia Board of Education.

[2] The increase which this bill will provide in personal income taxes is made retroactive to Jan. 1, 1970. It is true, of course, that the $12,500,000 of additional which will accrue as a result thereof for the 2d half of fiscal year 1970 cannot be actually collected during that 6-month period. However, your committee is informed that in a situation of this kind, the District of Columbia can secure an advance, or a short-term loan, from the U.S. Treasury of such potential amounts of revenue (or permission to defer repayment of other outstanding obligations to the Treasury in like amounts), and that thus the District can obtain the immediate benefit of this money at this time, even though it will not reach the District of Columbia Fund as collected revenues until later on.

It will thus be seen that the predicted additional revenues from the authorized increases in the District of Columbia personal income tax will be more than sufficient to offset the additional costs to the District of the provisions of H.R. 17138.

Mr. BIAGGI. Mr. Speaker, I am saddened that the House is passing the District of Columbia police, firemen, and teachers pay raise bill today without defeating the committee amendment to change the retroactive pay date to January 1, 1970 and the original July 1, 1970, bill date.

Promises are almost as important as deserved pay raises that reflect the high risks and unique demands of a police or fire career in the District of Columbia. The entire police and fire force had been looking forward to a July 1, 1969 retroactive pay date before the committee decided to amend the bill in the interests of economy. The retroactive pay date was originally established to put District of Columbia police and firemen on a comparable level with other Federal workers in jobs of similar responsibility who received pay raises earlier last year.

This weekend the entire District police force and standby fire force displayed outstanding cool judgment and control that materially helped pass the weekend of antiwar demonstrations without incident and violence. Without the leadership, training and outstanding quality of character displayed by these personnel, the hot weather and hot tempers of antiwar convictions could well have erupted into violence, jeopardizing lives and property.

Time and again the District of Columbia police and fire forces have displayed their ability to cope with the unique demands of the Federal city. Yet the Members of the House failed to match job responsibilities with comparable pay for a 6-month period between July 1, 1969, and January 1, 1970.

I think I need not point out the obvious competitive job possibilities offered young men and women here in the District of Columbia, Mr. Speaker. Good employees with the potential to serve the public under hazardous conditions in the interests of public safety are eagerly sought. Although I am pleased that the House passed bill reflected a more realistic approach to salary differential between salary levels of responsibility within the departments which allows for career advancement and helps attract career oriented employees, I am nevertheless, disappointed that the House would risk jeopardizing the morale of District police and firemen by disallowing the July 1, 1969, retroactive pay date.

Mr. RARICK. Mr. Speaker, the provisions of this bill which authorizes the wearing of the U.S. flag as an official part of the uniform of Federal law enforcement agencies serving in the District of Columbia is being hailed as a signal achievement by other law enforcement authorities throughout America. I refer to section 202 of title III of the bill.

Many local police and sheriffs departments have, for some time now worn an emblem depicting the flag of our country as a part of their uniform.

Public reaction in such localities has been noticeable since the flag became a part of the uniform. Authorities report a marked decrease in assaults upon their officers. The officers' morale has increased and John Q. Citizen, himself, seems to give a refreshing look of respect upon the uniformed officers proudly displaying the flag of our country.

This identification for our police has long been needed here in the District, with its soaring crime rate and its vicious attacks upon the peace officers.

I am proud to have had a role in helping initiate this portion of this legislation, which will pay special tribute to these Federal peace officers—the U.S. Park Police, the Executive Protective Service, the Capitol Police, and the Metropolitan Police of the District of Columbia—and I look forward with great anticipation to the uniforms bearing an emblem of Old Glory. May it be successful in reinstilling the respect and the dignity that our dedicated keepers of the peace so richly deserve.

I support this legislation and ask that it be adopted.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: The Salary Schedule on page 2 is amended by striking out the material relating to Classes 4 through 11 and inserting in lieu thereof the following:

"SALARY SCHEDULE

"Salary class and title	Service steps						Longevity steps		
	1	2	3	4	5	6	A	B	C
Class 4:									
Subclass (a) Fire sergeant. Police sergeant.	11,475	12,050	12,625	13,200			13,775	14,350	14,925
Subclass (b) Detective sergeant.	11,900	12,495	13,090	13,685			14,280	14,875	15,470
Subclass (c) Police sergeant assigned as— Motorcycle officer. Horse mounted officer.	12,070	12,645	13,220	13,795			14,370	14,945	15,520
Class 5 Fire lieutenant. Police lieutenant.	13,300	13,965	14,630	15,295			15,960	16,625	
Class 6 Marine engineer. Pilot.	14,550	15,280	16,010	16,740			17,470	18,200	
Class 7 Captain.	15,800	16,590	17,380	18,170			18,960	19,750	
Class 8 Battalion fire chief. Police inspector.	18,500	19,425	20,350	21,275			22,200	23,125	
Class 9 Deputy fire chief. Deputy chief of police.	21,500	22,575	23,650	24,725			25,800	26,875	

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"SALARY SCHEDULE

"Salary class and title	Service steps						Longevity steps		
	1	2	3	4	5	6	A	B	C
Class 10 Assistant chief of police. Assistant fire chief. Commanding officer of the White House Police. Commanding officer of the U.S. Park Police.	23,800	24,990	26,180	27,370			28,560	29,750	
Class 11 Fire chief. Chief of police."	28,500	29,925	31,350	32,775					

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. FUQUA: On page 3 in the matter proposed to be inserted by the committee amendment strike out "28,560," "29,750".

Mr. FUQUA. Mr. Speaker, this is a technical amendment to conform to the steps considered by the committee amendment, and it was inadvertently omitted when the bill was printed.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

I am pleased to commend my colleagues for their favorable action the bill H.R. 17138, of which I am cosponsor. While this is actually something of an omnibus bill, including provisions on a variety of subject matter, the principal thrust of the legislation is to provide well-deserved salary increases for the officers and members of the Metropolitan Police Force and the Fire Department of the District of Columbia, as well as for the teachers and other professional employees of the District of Columbia Board of Education.

Title I of this bill is devoted to salary increases for the District of Columbia Policemen and Firemen. The bill would increase the starting salary for privates in these forces from $8,000 to $8,500, and their maximum salaries from $10,300 to $12,240. At the other end of the scale, the salary range for the Chief, presently $24,000 to $25,605, will be increased to a range from $28,500 to $32,775. The overall average increase will be some 13 percent.

I am particularly pleased that this proposed salary schedule for policemen and firemen will offer the greatest percentage increase to members in the private ranks, where most of them will spend their careers. This is provided by a 29-percent increase in scheduled salary between entrance and the maximum service step after 7 years of service, rather than the present 16 percent. This is a proper step toward providing a realistic, attractive career incentive to these young men. While starting salaries are important, the fact is that most resignations from the District of Columbia Police and Fire Departments occur within the members' first 5 years of service, and this trend can be reversed and these able young men kept in the forces only by providing an attractive salary schedule beyond the initial step, as this bill will do.

It pleases me also that this salary schedule, as amended by our committee, will provide for the first time some measure of proper comparability between the salaries for the officers in the District of Columbia Police and Fire Departments and those paid in the classified Government service for positions of equivalent degrees of responsibility. This is a goal which has long been sought by myself and some of my colleagues, and I feel a deep sense of satisfaction that we have succeeded in accomplishing this aim in this bill.

Under the terms of the bill, these salary increases will go into effect retroactively to January 1, 1970, as requested by the District of Columbia Government. It is estimated that these increases will cost about $5 million for the second half of the present fiscal year, and some $10.1 million for a full year.

As for comparability with salaries for policemen and firemen elsewhere, the salary schedule in H.R. 17138 will raise the starting salary for police privates in the District, as compared with that paid in the 21 U.S. cities with populations in excess of 500,000 persons, from seventh place to fifth place; and the starting salary for fire privates would rise from eighth place to sixth place among these same cities. At the same time, the maximum salary for police privates will rise from 10th to second place, and that of fire privates from ninth place to second place.

As for the position of the District of Columbia salaries as compared with those paid to police and fire privates in the other six jurisdictions of the Washington metropolitan area, these will be the highest in the area, both minimum and maximum.

The proposed salaries for the higher ranks will also compare quite favorably with those paid elsewhere, as the minimum salary paid in the District will rank in fourth place or higher in virtually every rank from sergeant and above among the large U.S. cities, and the maximums for these ranks will be in first or second place among such cities. Locally, the District of Columbia salaries for officers, both minimum and maximum, will be the highest in the metropolitan area.

These increases thus are designed to provide adequate and attractive career incentives whereby the members of these forces will be encouraged to remain in these services, hazardous and demanding as they are, and also to maintain a favorable competitive position for the District of Columbia in recruitment and retention of capable personnel into these forces, by keeping the District salaries in the upper quartile among the major cities, and higher than the salaries paid elsewhere in the Washington metropolitan area.

There is no question that there is a valid need for a susbtantial increase at this time in salaries for District of Columbia policemen and firemen. The increases in the cost of living since 1967, the time of the last major salary increase for these personnel, and the increases in such salaries elsewhere during this same interim, amply justify this action now for the benefit of these District of Columbia employees.

There are two major provisions in title II. The first of these provides that the Police Trial Board in the District of Columbia shall maintain sole jurisdiction over complaints brought against members of the Metropolitan Police Force.

This Police Trial Board was first established in 1901 by an act of Congress, under which the Board of Commissioners of the District of Columbia were authorized to establish such a board or boards. While there was no provision in the law as to the makeup of such a Police Trial Board, the Board has always been composed of members of the Metropolitan Police Force and operated satisfactorily over a period of many years in its function of hearing and determining the merits of complaints against police officers. A complainant who is not satisfied with the findings of this Board has always been privileged to appeal such a ruling to the Board of Commissioners, or more recently, the District of Columbia Commissioner, and beyond that, of course, to a court of law.

Reorganization Plan No. 5 of 1952, however, replaced this setup with the creation of a Regular Police Trial Board, a Special Police Trial Board, and a Complaint Review Board. The Chief of Police appoints the members of the two Police Trial Boards, and they are still composed of members of the police force. The Regular Trial Board tries cases of infractions of discipline within the department itself, while the Special Trial Board handles those cases involving complaints brought against police officers by outside persons.

The first Complaint Review Board, known as the Civilian Complaint Review Board, was appointed in 1963 by the District of Columbia Board of Commissioners. This Board served to investigate complaints against police officers filed with the Commissioners, and to report their findings to them. Thus, a division of authority was created, under which a citizen could air a grievance against a

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District of Columbia police officer before a board which did not include a single member of the Police Department itself, and which was empowered to make recommendations as to taking such cases before the Police Trial Board—a function which had previously been reserved to the Chief of Police. Thereafter, for the first time, Members of Congress began to receive bitter complaints from members of the Metropolitan Police force regarding treatment afforded them by this newly created Civilian Complaint Review Board. For the past year or 2, however, this Complaint Review Board has not been active, and some semblance of harmony in this area has been restored as such work is again being carried on exclusively by the Trial Boards under the direct control of the Police Department itself.

Recently, however, the threat of a new and different Civilian Complaint Review Board has arisen, in connection with the Pilot Precinct project, which is an experiment in civilian or neighborhood control over the police organization and operation in that area of the city. I take a very dim view indeed on this entire project, particularly as one of its leaders is Marion Barry, whose antipolice activities are well known to myself and many of my colleagues. This group is planning to ask the law school of Howard University to act as Complaint Review Board, to hear and report its findings regarding complaints against police in that area to the Pilot Precinct Project for their action.

I cannot express too strongly my opposition to this or any other plan which will put people like Marion Barry in charge of any phase of law enforcement whatever. Therefore, I heartily endorse this provision of H.R. 17138, which will place the responsibility for handling complaints against District of Columbia police officers where it belongs, in the hands of the Police Trial Boards operating under the administration of the Police Department itself.

The other main provision of title II pertains to the distance from the city within which members of the District of Columbia Police and Fire Departments are required to live. At present, the District of Columbia City Council has the authority to establish this area as anywhere between 12 miles and 25 miles radius of the U.S. Capitol Building. The former Board of Commissioners, which had this same authority, set the limit at 21 miles, and the District of Columbia City Council has shown no inclination to extend it farther.

Since 1964, when the present 21-mile radius was prescribed, the growth of the Washington metropolitan area has made this limitation a complete anachronism. The members of these forces, and particularly the younger members, are finding it increasingly difficult to find housing which they can afford, and which presents a reasonably attractive and healthful atmosphere within which they may raise their families, within 21 miles of this city. I have received numerous complaints on this subject, as the soaring cost of land and housing has made the plight of many of these men more and more discouraging to them. Furthermore, their resentment is deepened because the development of highways and transportation facilities has made it increasingly possible to travel into the city from ever-increasing distances in the suburbs, in the same space of time. This problem is causing a real problem in retaining these younger members in the District of Columbia forces, and the problem will only increase unless some corrective measures are taken.

In the face of this situation, the District of Columbia City Council has shown no inclination whatever to act within its authority to extend this present unrealistic 21-mile limitation. For this reason, I heartily endorse this provision of H.R. 17138, which will extend the radius to 25 miles and will also authorize the Chiefs of the Police and Fire Departments to waive this limits in cases where they deem such an exception to be justified. Thus, for the first time some degree of commonsense may prevail with respect to this problem.

Title III of the bill provides for salary increases for the teachers and other professional employees of the District of Columbia Board of Education. This proposed salary schedule will provide an overall average increase of 13 percent in such salaries. As recommended by the District of Columbia government, the increases will become effective as of January 1, 1970.

The bill proposes to increase the starting salary for a teacher with a bachelor's degree from $7,000 to $7,800, and the maximum salary for such a teacher from $12,040 to $13,000. This maximum will be attainable in 15 years of service, rather than the present period of 18 years. For a teacher with a master's degree, which is required for all teachers in the senior high schools in the District, the minimum salary will be increased from $7,700 to $8,580, and the maximum from $12,740 to $15,200. The other categories in the present salary scale, for those with a master's degree plus 30 credit hours and those with a doctor's degree, would receive comparable increases. In addition, this bill will establish a new category for teachers with a bachelor's degree plus 15 credit hours, whose salary scale would start at $8,190 and reach a maximum of $13,800. At the top of the scale, the salary for the Superintendent will be increased from $30,000 to $35,000. The salary of the Deputy Superintendent is increased from $26,000 to $31,000, and a new position of Associate Superintendent is created, at a salary of $29,000.

In these salary scales for teachers, there has been a deliberate effort to raise the levels for the experienced teachers to a greater degree than those in the lower salary steps. This, together with the reduction of the time required of all teachers to attain the maximum salary levels from 18 years to 15 years, is intended to place the District in a stronger competitive position with respect to the retention of the more experienced teachers—an area in which witnesses told us the District of Columbia salary schedules for teachers have been weak in past years.

As a competitive position, these proposed salary increases will place the District of Columbia in first place among the 19 U.S. cities of populations between 500,000 and 1,000,000 in minimum and maximum salaries paid to teachers with the bachelor's degree and those with the master's degree. Among the seven jurisdictions in the Washington metropolitan area, the District will also rank first in minimum and maximum salaries for teachers with the bachelor's degree, first in minimum salary for those with the master's degree, and second for maximum salary for the master's degree. In this latter category, the District salary of $15,200 attainable in 15 years will be exceeded only by Fairfax, with a maximum figure of $15,800 attainable after 17 years of service. The salaries referred to in the Washington area are those which will be in effect during the coming school year.

The cost of these salary increases is estimated at some $7.9 million for the last half year of the present fiscal year, and about $13.4 million for a full fiscal year.

This title also provides that District of Columbia teachers will henceforth be paid on a semimonthly basis, rather than monthly as at present, and also that they may elect to be paid over either a 10-month period or a 12-month period. Both these changes are in response to requests on the part of many of the teachers.

Title IV of the bill contains two provisions, both of which I strongly support. The first amends the present law regarding administrative leave for teachers. At present, each teacher and attendance officer in the District school system may use as many as 3 days in any school year out of his accumulated sick leave, for any purpose whatever. In 1968, the District of Columbia Teachers Union took advantage of this provision by encouraging a large-scale 1-day walkout by teachers in the city, to demonstrate here at the Capitol in favor of some pending legislation regarding teachers' salaries. This caused the closing of a number of the schools in the city for that day, for lack of teaching personnel. The response of the Congress to this irresponsible and high-handed action was to amend the law so as to restrict the administrative leave privilege to not more than three teachers in any one school on any one day, or 5 percent of the teachers in any school, whichever is the greater number. Since that restriction was imposed, the union has encouraged walkouts to the limit of that restriction, in every school in the city, again to protest or demonstrate in favor of pending legislation.

I am strongly of the opinion that walkouts of this nature are not in keeping with the teachers' professional dignity and responsibility to the pupils, and that they certainly should not be condoned on days for which the teachers are being paid. Therefore, I heartily support the provision in this bill which states that such administrative leave may be granted only for purposes authorized by the Board of Education. I have every confidence that the Board will use this authority properly, in granting such leave in the future.

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The other provision of this title will direct the District of Columbia Board of Education to develop policies, procedures, and regulations consistent with the provisions of Executive Order No. 11491, dated October 28, 1969, to govern employee-management relationships between the Board and its employees and organizations regarding such employees. I sponsored this provision in the bill, because of my conviction that the District of Columbia Board of Education desperately needs some instrument by which they may deal with the District of Columbia Teachers Union effectively and in the interests of the District of Columbia public school system.

Executive Order No. 11491 was issued by the President in 1969, establishing a revision of the framework for labor-management relations between the Federal Government agencies and their employees and employee unions. Section 18 of this order spells out standards of conduct for labor organizations, and section 19 delineates a strong line against unfair labor practices with respect to organizations of Government employees.

The District of Columbia government is revising its labor relations program in a manner consistent with the policies spelled out in this Executive order. This program is expected to establish an impartial Board of Labor Relations to arbitrate disputes, and otherwise to create effective machinery for resolving impasses in contract negotiations.

The problem is, however, that the District of Columbia Board of Education will not be included in this program, and thus can look forward to no realistic, useful authority in dealing with the District of Columbia Teachers Union. The events of the past several years, since the teachers union became the officially recognized bargaining agent for the District of Columbia teachers, have clearly indicated the need for such an authority. Only this year, a teacher strike in the Nation's capital was narrowly averted. There is a clause in the District of Columbia teachers' contract forbidding them to strike, but to this union that is only a scrap of paper—and furthermore, the District of Columbia Corporation Counsel advised that the Board could not enforce that provision anyway. In this situation, therefore, in view of the attitudes of the officers of this teachers union, anything might happen.

I have discussed this matter at length with certain key persons in the District of Columbia School Administration, and the language in this provision of H.R. 17138 evolved as a result of those conversations. I am assured that the development of this set of policies and procedures by the District of Columbia Board of Education, invoking as it will particularly sections 18 and 19 of Executive Order No. 11491, will afford the Board the means to orderly and constructive relations with the teachers union. I call attention to the fact that in Boston, where a similar authority prevails, the union officials are being threatened with imprisonment and the union with a heavy fine, in connection with a teachers' strike in that city, by the local courts. This is the sort of authority which I feel the District of Columbia must be able to exert also, against strikes in which the innocent schoolchildren are the real losers.

Title V provides a new and revised personnel income tax schedule for the District of Columbia, to become effective as of January 1, 1970. This schedule, which was requested by the District of Columbia Commissioner, will produce an estimated $25 million of additional revenue to the District of Columbia General Fund per fiscal year.

It has been my intention, at the first opportunity, to sponsor legislation which will permit the payment of District of Columbia personal income tax simply as a fixed percentage of the individual's Federal income tax for that year. Such measures for the simplification of payment of State and local income taxes have been adopted in some States, and are currently being studied in others. I have gone into this matter to some extent, and am convinced that such a formula will be feasible. However, in view of the extremely heavy schedule of major legislation pending before this committee this year, there was not sufficient time and opportunity to give this proposal adequate consideration for inclusion in this bill.

Inasmuch as the total cost of the salary increases provided in H.R. 17138 will be $23.5 million for a full fiscal year, and since the 15 percent of this cost which we are advised can be absorbed by the Police and Fire Departments and the District of Columbia Board of Education reduce this cost to a net figure of $20 million, it is seen that the increase in the income tax will exceed this net cost by some $5 million per year.

As for the net cost of the salary increases for the last 6 months of fiscal year 1970, which amounts to $11.01 million, although the additional $12.5 million of revenues which will accrue from the personal income tax increase for that period cannot actually be collected during that time, we are advised that the District can obtain a short-term advance from the Treasury on the strength of these additional revenues which will eventually accrue to the city. Thus, the salary increases provided in H.R. 17138 are more than fully funded.

Section 502 of this title is designed to correct a misunderstanding in reference to the District of Columbia Revenue Act of 1969. It was the intent of our Committee that this legislation should raise the sales tax on alcoholic beverages sold and consumed on the premises, as in restaurants, from 4 percent to 5 percent. Through a misunderstanding, however, this increase was made to apply also to alcoholic beverages sold in package stores. Since another provision in this Revenue Act increases the gallonage tax on off-sale alcoholic beverages substantially, this inadvertent error actually imposed an unfair double tax increase on this one segment of the city's economy. The language of this section of H.R. 17138 repeals the unintentional sales tax increase on off-sale beverages, reducing the rate to 4 percent which is the general sales tax rate at present in the District of Columbia.

Title VI of the bill increases the salary of the Commanding General of the District of Columbia National Guard, so as to restore the comparability of this salary to the GS-15 rate for classified Government employees. This was the original intent for this salary when it was first established in 1961, but this comparability has not been maintained since that time. The result is that at present, there are some 28 employees working under the Commanding General at the Armory whose salaries exceed his. This provision in H.R. 17138 will remove this inequity and prevent its recurrence.

I am the sponsor of title VII of this bill, which provides simply that Square 764 in the District of Columbia be excluded from the property which may be acquired by the House Office Building Commission for use by the Congress.

This property, located at 4th and D Streets SE., is the former site of the Providence Hospital. It was purchased in 1962 by a group of local investors known as the Providence Associates of Washington, D.C. At that time, the buildings were leased to the General Services Administration, and it was the plan of the new owners to continue this arrangement. Soon after they purchased the property, however, the Government terminated its lease, and subsequent vandalism of the buildings made it necessary to raze them.

Thus, the purchasers unexpectedly found themselves with a vacant square of land. Surveys, however, showed a need for a modern apartment building and commercial development in that area to serve the needs of Members of Congress and other persons working on Capitol Hill. In response to this showing, the owners of square 764 sought to obtain a rezoning on this property which would make such a project possible. This effort, however, has not been successful.

Meanwhile, the House Office Building Commission has had the acquisition of this property under consideration, as a location for a Capitol Police Academy and possibly other future needs of the Congress. As a matter of fact, the present owners of the property would be quite willing to sell it to the Commission. However, the Commission's request for an appropriation of $1,250,000 for this purpose was denied by the Appropriations Committee in the legislative branch appropriations for 1970. Further, there is no indication whatever that such a request is likely to be granted in the foreseeable future.

Meanwhile, the Architect of the Capitol has successfully opposed the rezoning of the property as requested by the present owners. The Architect of the Capitol is a member of the District of Columbia Zoning Commission and was able to use his influence to keep the property available for future use by the Capitol.

The dilemma of the owners of this property thus is quite obvious. They now own a piece of valuable real estate which they cannot develop for any profitable use, even though the need for such de-

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velopment has been established. The Architect of the Capitol cannot obtain the funds to purchase the property, but has been consistently successful in preventing the owners from using it in any practical manner.

I feel that this situation is highly unfair to the owners of this property, who have acted in good faith and now are being denied the rezoning which will enable them to make a reasonable profit on their investment. Even if the use for which the House Office Building Commission and the Architect wish to obtain this property is desirable, the fact is that they cannot acquire the funds for this purpose. Therefore, I feel strongly that they should remove themselves from the picture at this time, in order that the application for rezoning of this property may be considered entirely upon its merits. This, then, is the sole purpose of title VII of H.R. 17138. The Congress, or the agent for the Congress, has caused these property owners to receive several years of unfair and costly treatment, Mr. Speaker. It would actually not be improper to consider an award by the Congress for damages. The least we should do, however, is to insist on prompt and proper zoning, for they have suffered long enough. If the Zoning Commission fails to act in a fair and reasonable manner, then the Congress by legislation should assure that proper zoning is granted.

Mr. Speaker, my colleagues on the District of Columbia Committee and I have spent many hours in hearings and deliberations on this proposed legislation. There is no question whatever that the salary increases for the District of Columbia policemen, firemen, and teachers and other school officers as provided in this bill are reasonable, fair, and well deserved by these loyal and dedicated public servants. The other provisions are also sound, and I commend this legislation to my colleagues as being in the best interests of the Nation's Capital.

Mr. MONTGOMERY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I take this 5 minutes to have the opportunity to commend the Metropolitan Police Department and also to bring to the attention of my colleagues the fine and wonderful way in which the Metropolitan Police Department handled themselves last Saturday during the antiwar demonstration. I had the opportunity personally to observe how the Police Department handled themselves from about 11 o'clock Saturday morning on through to 4 o'lock on Sunday morning. I might say it seemed to me the Police Department in handling these crowds was well trained in riot control and in handling disturbances of this kind. They restrained themselves in a manner that was almost unbelievable. I saw one police sergeant about 3 o'clock on Saturday afternoon being hit by a soft drink bottle thrown by one of these demonstrators. This police sergeant was with his men in Lafayette Park. He was hit on the head and it was a very serious wound. The policemen handled themselves in a manner of restraint. They did not start firing tear gas. I noticed that the crowd felt no sorrow that this policeman had been hurt. This is a situation that concerns me sometimes, that a law-and-order man can be hurt and it seems to be all right, but protesters, when they get hurt it seems to disturb some people across this country. On 17th and H Streets I saw police in front of the buses receive bottles, trash, and rocks which were thrown at them. They did not fire any tear gas or threaten the crowd but kept them under control.

I will give credit to the rally marshals. They worked real hard. If it had not been for these rally marshals, I believe the city situation possibly could have been in a state of complete chaos by 7 o'clock on Saturday night. However, the marshals, as I mentioned earlier in my 1-minute speech today, were not able to control these rally groups when they broke up into smaller groups and started roaming the city on Saturday night. They blew out the whole front of the National Guard Association Building and burned cars. They started a march led by six Black Panthers on the Francis Junior High School, attempting to burn it down. For what reason I do not know.

They tried to taunt the policemen but still the policemen kept their cool. However, after darkness reached our Capital City the policemen did start moving in with firmness. They arrested over 364 demonstrators. The arrests were in order.

Mr. Speaker, I rise mainly, as I said earlier, to commend the Metropolitan Police Force for the outstanding job that they did.

Mr. Speaker, I must also take this opportunity to commend the District of Columbia National Guard. Guardsmen were used as special policemen throughout the Police Department and were ready to support the Metropolitan Police if needed. Ninety-five percent of the available National Guard strength reported for duty Saturday.

I would also like to say that the Capital Park Police handled themselves very well. As you recall, during the moratorium in November around the Washington Monument, the protesters were allowed to run up the Vietcong and North Vietnamese flags on the flagstaffs at the Washington Monument. This did not happen last Saturday. However, when the Capital Park Police tried to run up the American flag at sunup on Saturday morning they had some difficulty with these protesters because they did not want the American flag run up on their regular staffs. All that day the police had to stand by these flags and flagstaffs and protect them and the American flag from any possible abuse.

Mr. HAGAN. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Georgia.

Mr. HAGAN. And, is it not true that this is the type of legislation that we are going to have to pass in this Congress if we are to maintain such a group of men in our municipal Police Department just to take care of situations like this at any time?

Mr. MONTGOMERY. That is certainly correct. This is why I am bringing to the attention of the Members of the Congress the outstanding job performed by the Metropolitan Police Department.

Mr. HAGAN. I would like to associate myself with the remarks of the gentleman from Mississippi and urge the passage of this bill.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in strong support of this legislation providing pay increases and changes in pay schedules for our teachers, our policemen, and firemen in the District of Columbia.

I also had the opportunity to visit many parts of the city on Saturday. I visited the command center down at the District of Columbia Building and saw the work of Mayor Washington, Deputy Mayor Watt, and the Director of Civil Defense for Washington, George Rodericks. I also visited parts of the ellipse and the area of 16th and H Streets, north of Lafayette Park.

I deplore the incidents of disorder and disruption by several bands of dissidents on Saturday. From what I saw, however, I believe that most of those who came to Washington came with peace in mind, and that fact stands out. For example, on 16th Street, I saw the parade marshals asking the marchers to walk on up 16th Street and avoid violence. The greater number of the marchers who came along that street did choose to turn up 16th Street to avoid confrontation and violence.

Mr. Speaker, I have nothing but praise for the public officials, the demonstration marshals, and our brave policemen who all cooperated in preserving order. I believe the pay raise legislation we consider today is essential to assure the continued service of a highly professional police force. It is only through professionalization and good training, as well as good recruiting, that we can attract the kind of men we need to maintain the high standards our police department has set for itself. Once again, I salute Chief Jerry Wilson and the Department. The policemen and firemen of our city certainly deserve this long-overdue pay raise.

The dedicated teachers of the District of Columbia schools deserve a much fairer shake, too. They, too, contribute to public order in its broadest sense, by educating young citizens for the places they will take in the community. I have met this week with many students from my own district, and I know that all our teachers are faced with an alert and often restless group of young people. We need good teachers in the District more than ever, and it is time we approved the salaries to match the difficult and vital job the teachers are doing.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, at the appropriate time during the consideration of this bill, after the committee amendments have been discussed, I shall offer an amendment to strike title VII to this bill on the basis that it simply does not belong in the bill. This involves a certain parcel of property which is still under

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the jurisdiction of the House Office Building Commission and the Architect of the Capitol.

So I want to let the committee know that I will do that after the committee amendments have been disposed of. As to the other committee amendments, I support very much the remarks of the gentleman from Mississippi and the other members of the committee on the necessity of increasing the salaries of policemen and firemen. It is the only way we develop the type of quality police department that is necessary to control an urban city, and in particular this Federal capital city.

I am very pleased that the members of this committee, starting approximately 3 or 4 years ago, began working together to try to bring these salaries up. I think it is vital and I support the increases. However, there is one committee amendment that I will oppose, and that is the committee amendment on pages 14 and 15 that lowers the bill's amount for the teachers' salaries from a starting salary of $8,000 to a starting salary of $7,800. All of the other portions of this bill as amended are the recommendations that were made by the city within its finances for taking care of the program for teachers, policemen and firemen insofar as pay raises are concerned.

In other words, starting January 1, 1970, it starts the police and firemen at the $8,500 figure, but the committee saw fit to cut the teachers' salaries from $8,000 to $7,800. I do not think they should have done this. I am going to ask for a vote on that, and if the vote is "no" on the committee amendment. The salaries would be at the $8,000 level. I would now ask to make a parliamentary inquiry:

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PARLIAMENTARY INQUIRY

Mr. Speaker, is my understanding correct if the amendment is adopted then the bill would go back to the original language which was in the bill on page 14, and the salary of $8,000 which was in the bill as originally put in would automatically come back into effect?

I ask that as a parliamentary inquiry.

The **SPEAKER**. The Chair will state in response to the parliamentary inquiry asked by the gentleman from Washington that if the committee amendment is rejected then the language will revert to that in the bill before the committee amendment, and would prevail.

Mr. **ADAMS**. I thank the Speaker.

Mr. **HOLIFIELD**. Mr. Speaker, will the gentleman yield?

Mr. **ADAMS**. I yield to the gentleman from California.

Mr. **HOLIFIELD**. Mr. Speaker, I want to compliment the gentleman in his intention to strike out title VII of this bill. I lived up on Capitol Hill here for several years, and I became pretty well acquainted with the situation. It looks to me at the moment that to take this old property of the hospital site and rezone it from its present zoning of R–4 to R–5D, which would allow the building of a 90-foot-high building over in this area over here, is something that we do not need on Capitol Hill. I do not think we should have a high-rise building on Capitol Hill competing with our office buildings here, and the dome of the Capitol—but, of course, I realize the dome of the Capitol is higher than 90 feet. But this looks to me like just a piece of special-interest legislation for the benefit of the people who own this property. They can develop that property, as I understand it now, in 40-foot-height buildings. I see no reason to change the height of the zoning around the Capitol Hill to the disparagement of other official buildings that are here such as the Library, the House Office Buildings, the Senate Office Buildings, and the Capitol Building itself. So I shall support the gentleman from Washington on that particular amendment.

I might say that I have no property on Capitol Hill at this time. The Government took my property away from me. I was in that block bounded by Second Street, I believe, on the east, and the street next to the Old House Building and Pennsylvania Avenue and D Street. I had a nice home over there, and the Government came along and took it away from me against my will. So I have no particular interest as a property owner in anything on the Hill, but I do think that the esthetic appearance of the Hill and the prominence that is now given to the official buildings should be maintained.

I seriously doubt that we should take this one little plat of land here and rezone it for the benefit of the private owners and have a commercial type building put up in competition with buildings on Capitol Hill.

Mr. **ADAMS**. I thank the gentleman.

Mr. Speaker, I ask unanimous consent at this point of the RECORD, as part of my remarks, to include a letter from the Architect of the Capitol which gives the background on this situation and the reasons for the request for the original zoning change and now for this being removed from the House Office Building Commission jurisdiction.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. **ADAMS**. Mr. Speaker, the memorandum I refer to is as follows:

ARCHITECT OF THE CAPITOL,
Washington, D.C., April 23, 1970.

Memorandum to Honorable John L. McMillan, Chairman, Committee on the District of Columbia, House of Representatives.

This memorandum is submitted in accord with our conversation last evening and your conversation by telephone last week with the Speaker and myself.

REPEAL PROVISION IN H.R. 16988

As you know, the following provision has been added to H.R. 16988, a bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes:

TITLE VI—AMENDMENT TO ADDITIONAL HOUSE OFFICE BUILDING ACT OF 1955

SEC. 601. The first sentence of section 1202 (a) of Additional House Office Building Act of 1955 (69 Stat. 41) is amended by inserting after "parts thereof" the following: "but excluding square numbered 764".

EFFECT OF PROVISION

The effect of this provision would be to remove the authority of the House Office Building Commission to direct the Architect of the Capitol to purchase square 764 which is the site of the Old Providence Hospital. The Commission is composed of Honorable John W. McCormack, Chairman, Honorable Emanuel Celler, Member, Honorable William C. Cramer, Member.

AUTHORITY OF GOVERNMENT TO PURCHASE

The authority given the Commission and the Architect of the Capitol in the Additional House Office Building Act of 1955 reads, in pertinent part, as follows:

"The Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer, or otherwise, such publicly or privately owned real property in the District of Columbia (including streets, avenues, roads, highways, alleys, or parts thereof) located south of Independence Avenue in the vicinity of the United States Capitol Grounds as may be approved by the House Office Building Commission for the purposes of section 1201 of this chapter or for additions to the United States Capitol Grounds."

The Comptroller General of the United States, ruled in August, 1967, that the Architect of the Capitol, with approval of the House Office Building Commission, is vested by the Additional House Office Building Act of 1955 with authority to acquire square 764, either as an addition to the Capitol Grounds, of for any of the other purposes specified in the 1955 Act.

OWNERS MAY DEVELOP PROPERTY

You indicated in your conversation with the Speaker and me that your committee had been told that the present owners of the square could not build on the square due to objections of the Commission and/or the Architect. This is not a correct statement. As far as the Architect is concerned and, to the best of my knowledge, as far as the Commission is concerned, the owners could go ahead tomorrow with the development of the square under its current R–4 zoning. According to the records of the Zoning Commission, the property was zoned R–4 when acquired by the owners.

ZONING CHANGE SOUGHT BY OWNERS

It is public knowledge that the owners have on several occasions attempted to have the zoning changed to R–5–D or SP. This is the move which the Architect, upon direction of the Commission, has opposed because this "spot zoning" in a residential neighborhood of R–4 buildings would have undesirable esthetic effect on the area and would result in "high-rise" buildings near the Capitol complex. Several neighborhood groups have also strongly opposed the rezoning. Under R–4 zoning the height is restricted to 40 feet. Under R–5–D the height can go to 90 feet.

In one of the meetings of the House Office Building Commission, when this matter was considered, one of the Commission Members stated his opinion that the Commission should not endorse any request for a change in zoning which would be contrary to existing zoning regulations. He said that the owners of this square were fully aware of the area zoning restrictions at the time they purchased the site and he did not consider it a proper function of the Commission to assist private speculators by recommending departures from present zoning regulations that would inure to their benefits.

PROPOSAL TO PURCHASE PROPERTY

Several years ago the owners expressed interest in selling the property to the Government. The Commission directed the Architect of the Capitol to obtain appraisals of the property. In October, 1968, the appraisals were presented to the Commission. At that meeting the Architect reported on the basis of the appraisals and on informal evaluation of the appraisals by the Department of Justice staff, it was concluded that $1,250,000 represented a fair amount for the Government to pay for the property, including cost of incidental expenses.

At meeting of October 4, 1968, the Commission agreed unanimously as follows:

(1) to approve the purchase of Square 764.

(2) to authorize the Architect to include in his regular budget for fiscal year 1970 sufficient funds to cover the cost of acquiring the property, and

(3) to request the Architect to advise the owners of the property of the actions of the Commission.

The instructions of the Commission were carried out by the Architect. The amount of $1,250,000 was budgeted for fiscal year 1970 and hearings were held before the House Subcommittee on Legislative Appropriations, Committee on Appropriations, in June, 1969.

The funds were not allowed. The following pertinent statement is quoted from House Report No. 91–487 on the Legislative Branch Appropriation Bill, 1970:

"The other part of the budget request—$1,250,000 to acquire square 764, the old Providence Hospital site two blocks from the east boundary of the Capitol grounds—is disallowed without prejudice. The committee was told that while it is not contiguous to the present Capitol grounds and if acquired would be expected to be held for future construction purposes, serious consideration would be, or has been, given to its use as a site for a Capitol Police Academy. The committee was not impressed with this thought. Moreover there are, in the committee's judgment, more pressing capital investment projects for the legislative branch than this piece of land."

In letter of September 18, 1969, to Senator Joseph M. Montoya, Chairman of the Senate Subcommittee on Legislative Appropriations (see page 761 of the published Senate hearings on the Legislative Branch Appropriation Bill, 1970), one of the owners of Square 764 verifies the fact that the property was purchased by his group in November, 1962. It is worth noting that the Additional House Office Building Act of 1955 containing the authority of the Architect, with approval of the Commission, to acquire property in this area, was enacted April 22, 1955 or some 7½ years before the November, 1962 purchase date. As the law now exists all property within the areas authorized to be acquired are subject to the same impartial treatment.

The Speaker indicated to you last week that the Commission thought the provision should be deleted from H.R. 16988, pending further consideration by the House Office Building Commission—that the Commission must take into consideration the over-all esthetic values in the area and the over-all effect on other property owners. It obviously would be discriminatory against other property owners in the area to remove this one square from the Commission's authority to purchase. You said that the provision was put in the bill in subcommittee with the understanding that you would discuss the matter with the Commission and the Architect before it was taken up in full committee.

I believe you are aware that the Architect of the Capitol is, by law, one of the five members of the District of Columbia Zoning Commission, the other four members being the District Commissioner, the Chairman and Vice Chairman of the City Council and the Associate Director of the National Park Service. It is proper and normal, therefore, for the Architect to be involved in zoning matters, particularly those affecting the areas in the vicinity of the Capitol Grounds.

I trust that this report will give you at least the highlights on this subject.

PHILIP L. ROOF,
Executive Assistant.

Mr. HOGAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I would like to associate myself with the remarks made by our esteemed colleague, the gentleman from Mississippi (Mr. MONTGOMERY) in his commendation of the local police for their activities in the current situation in Washington.

I do not think any of us need to be reminded that crime and unrest in the streets and in the schools have become an almost daily diet. Some of us can view this in an aloof atmosphere.

But for others, those who live with more than the statistics—our teachers, firemen, and policemen—the situation is direct and personally threatening.

It is the responsibility of Congress to maintain compensation for the teachers, policemen, and firemen in the District in line with their service and dedication.

This bill attempts to do that.

For policemen, firemen and teachers the bill will establish a long-overdue 13-percent across-the-board increase.

In view of the vital areas of public service with which this bill deals, it is vital that competent personnel be encouraged to seek and stay with these positions. We must provide for them a decent living standard.

In the area of education, the proposed pay scales in this bill will better enable the District to compete with other school systems. It is a necessary step toward curing some of the ills of the District schools.

Policemen, firemen and teachers in the city last received a major pay raise on October 1, 1967.

For that reason, Mr. Speaker, I will oppose the committee's amendment to make those raises retroactive to January 1, 1970, rather than July 1, 1969, as the bill before us provides.

We are all aware of the fact that during 1969, the rate of inflation of our economy was 6.1 percent. We can all testify to the fact that food, shelter, and clothing, as well as taxes, have all gone up steeply during the past year.

While curbing inflation is one of the primary concerns of Congress and the administration, we see around us other problem areas—law enforcement and education—which are in desperate need of support, particularly in the District of Columbia. Unfortunately, in inflationary times such as these employees of Government and private industry are receiving cost-of-living increases and our policemen and firemen and their families have to strain to meet the family budget.

In view of the vital areas of public service with which we are dealing, it is doubly important that competent personnel be encouraged to seek these positions and to remain in them by providing them a decent living.

The proposed salary schedule for the officer ranks, is realistic as it seeks to provide for the first time a definite mesaure of comparability with the salaries paid under the Classification Act to Government employees with equivalent degrees of responsibility.

Public Law 88–575, effective July 1, 1964, recognized the need to establish parity between the personnel in class 5 through class 11 of the Police and Firemen's Salary Act and the General Services Grade Salary Schedule. Cognizance was taken of the fact that senior classified emploeyes of the District government had recently been given exceptionally large pay raises as a result of the Federal program to achieve comparability between upper level classified employees and upper level private industry employees. The act of 1964 established the Office of Chief of Police at approximately GS grade 17, the executive officer at approximately GS grade 16, Deputy Chief of Police at about GS grade 15, Inspector at about GS grade 14, and so on. (Exhibit A attached.)

Public Law 89–810 of 1966 and Public Law 90–320 of 1968 failed to maintain this correlation between upper level salaries. Both Federal and District employees under the Classification Act have received substantial pay raises, on July 1, 1969, and again in December 1969. These salaries were based on Civil Service and Budget Bureau staff findings derived from the Bureau of Labor Statistics comparing Federal salaries with industrial pay. These increases are supposed to bring Government salaries into parity with industry for the first time.

In order to effectively compete for attraction and retention of top caliber police officials, some comparison must be made with the pay rates for positions of responsibility in a given area. In the city of Detroit, for example, police pay rates are geared to rates paid in the largest local industry; the automotive industry. By the same token, the pay rates of the District of Columbia Metropolitan Police and Fire Departments should be comparable with those of the largest employer in the area, the Federal Government. Hence, a comparison is drawn between the levels of responsibility for various GS grade levels and similar levels of responsibility in uniformed police positions applying the principle that equal pay should be given for substantially equal work.

EXHIBIT A.—COMPARISON OF SALARIES FOR POLICEMEN AND CIVIL SERVICE EMPLOYEES—YEARS 1964, 1970, AND PROPOSED LEGISLATION

	July 1964	1970 salary [1]	H.R. 17138 proposed starting salary [2]
GS–17	$21,445	$30,714	$30,714
Chief of police	21,000	24,000	28,500
Discrepancy	−445	−6,714	−2,214
GS–16	18,935	26,547	26,547
Executive Officer 1964 (Assistant Chief 1970)	17,500	19,742	23,800
Discrepancy	−1,435	−6,805	−2,747
GS–15	16,460	22,885	22,885
Deputy Chief of Police	16,500	18,671	21,500
Discrepancy	+40	−4,214	−1,385

	July 1964	1970 salary [1]	H.R. 17138 proposed starting salary [2]
GS-14	$14,170	$19,643	$19,643
Inspector	14,000	15,994	18,500
Discrepancy	−170	−3,649	−1,143
GS-13	12,075	16,760	16,760
Captain	12,000	13,852	15,800
Discrepancy	−75	−2,908	−960
GS-12	10,250	14,192	14,192
Lieutenant	10,000	11,710	13,300
Discrepancy	−250	−2,482	−892

[1] This column compares civil service salaries under the recent 6-percent pay increase, GS grades, provided in the Federal Employees Salary Act of 1970 (Public Law 91-231, approved Apr. 15, 1970), with the salaries currently received by police and firemen in comparable ranks.

[2] The final column is a comparison of 1970 GS grades with those provided in H.R. 17138 as reported herewith, and shows that there is still considerable disparity between them in the comparable grades and ranks.

In summation, this analysis points to two major considerations that should receive high priority in establishing basic pay rates for the Metropolitan Police Department. Comparison with benchmark positions in cities of similar population must include the high cost of living in the Washington area and the unique problems associated with law enforcement in the U.S. Capital. Also, as a matter of principle and sound pay administration, parity should be reestablished between top level supervisory positions in the police department and similar positions in the District and Federal Governments.

It just does not make sense, to point to just one position, that of the Chief of Police and the Fire Chief. As the following schedule shows, there are 38 civilian positions in the District of Columbia government which pay higher salary than received by the Chiefs of Police and Fire Department. These are salaries shown before the last 6-percent pay increase the civilians received in the 1970 Employees Salary Act reflected in exhibit A above:

Salary of District official

Position:	*Annual salary*
1. Director of Highways and Traffic	$33,495
2. Corporation Counsel	33,495
3. Health Office	33,495
4. Director—Department of Human Resources	33,495
5. Director—Finance and Review	32,840
6. Director—Sanitary Engineering	30,908
7. Librarian	30,889
8. Superintendent of Schools	30,000
9. Medical officers	29,942
10. Medical officers	29,942
11. Medical officers	29,942
12. Medical officers	29,942
13. Medical officers	29,942
14. Medical officers	29,942
15. Chief personnel officer	28,394
16. Director of Recreation	28,382
17. Director of Corrections	26,976
18. Associate Director, District Treasury	25,909
19. Deputy Director—Sanitary Engineering	25,879
20. Medical officers	25,879
21. Medical officers	25,879
22. Medical officers	25,879
23. Medical officers	25,879
24. Medical officers	25,879
25. Medical officers	25,879
26. Medical officers	25,879
27. Medical officers	$25,879
28. Medical officers	25,879
29. Medical officers	25,879
30. Medical officers	25,879
31. Medical officers	25,879
32. Medical officers	25,879
33. Medical officers	25,879
34. Executive officer (GS 301-16)	25,044
35. Executive officer (GS 301-16)	25,044
36. Deputy Director—Department of Highways and Traffic	25,044
37. Chief, Bureau of Engineering and Construction	24,469
38. Associate Director Municipal Audits	24,469
39. Chief of Police	24,000

I urge that the bill be passed.

Mr. KYL. Mr. Speaker, I move to strike the requisite number of words.

The SPEAKER pro tempore. The gentleman from Iowa is recognized.

Mr. KYL. Mr. Speaker, I would like to expand briefly on the fine comments made by the gentleman from Mississippi. There have been two reasons why it has been difficult to recruit policemen in the District of Columbia. One has been the salary schedule; the other has been a community attitude. I think we should note today what is obviously a great improvement in that community attitude. I think the behavior of our local population in the last two big demonstrations we have had in Washington signifies a maturity that has to be commended.

Now we are raising the pay of the police, the firemen, and the teachers. At the same time, while we have tried to get the recruits necessary to fill the authorized strength of the Police Department, we have, in fact, lowered the standards for the police force at a time when every reason dictates that we should be raising those standards.

I would hope that the committee, with the legislative history surrounding the passage of this bill, will give a word to those who are in authority indicating that this body does want standards raised rather than lowered. Otherwise we will soon not be able to say those things which the gentleman from Mississippi said. Indeed, when we have improved community attitudes and when we have raised salaries, we have a right to expect that we will get a higher quality enforcement of the law, that we will be able to expect a higher quality of education.

Unless we achieve a higher quality in both of those fields, we have acted on false premises.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I would like to ask someone on the committee whether the situation with respect to teachers has improved in the District. The last report we had from the Subcommittee on Appropriations for the District of Columbia indicated that there were 37 to 40 percent of the teachers holding temporary certificates. Can I assume that the holders of temporary certificates are included in this pay bill? Do I correctly understand that there has been little correction of this situation of teachers holding temporary certificates in the District?

Mr. FUQUA. In response to the gentleman's question I might say that we are very much concerned about the high number of temporary certificates held in the past year, but we feel that with this legislation that situation can be corrected so that we will have more permanent teachers employed in the District of Columbia.

Mr. GROSS. Then the salary increases will go to holders of temporary certificates?

Mr. FUQUA. Yes.

Mr. GROSS. If they have been made permanent will they get an increase under this bill?

Mr. FUQUA. That is true.

Mr. GROSS. What percent of the teachers in the District of Columbia will get an increase under this bill.

Mr. FUQUA. All teachers, temporary probationary, and permanent will benefit. Under previous pay legislation holders of temporary certificates are dropped from the rolls after 5 years. This gradually reduces the number of temporary teachers. This is to try to encourage and attract and hold qualified teachers in the District of Columbia.

Mr. GROSS. The gentleman from Iowa (Mr. KYL) just said that the police recruitment program in the District may be getting results in numbers but the quality is down. Does the gentleman from Florida agree with that?

Mr. FUQUA. We hope there will always remain a high quality in the Police Department. I think there may have been cases where in order to recruit people in the District of Columbia, in addition to the higher salaries, there may have been a relaxation of some of the high qualifications for officers, but as the gentleman from Iowa (Mr. KYL) and others have said, the police have handled themselves in a creditable way in the recent events in the District of Columbia.

Mr. GROSS. The gentleman can add into that, in connection with what happened over the weekend, the expenditure of a huge amount of money. I would like to ask the gentleman if he can say who is going to provide the money to pay the bills that have been incurred in order to support the police force? For instance, there were 100 buses that were parked as barricades, and the window glass was broken out of many of them. They were apparently rented at a cost of $10 an hour for some 24 hours. If they were rented for 24 hours at the rate of $10 an hour, that in itself is a cost of a quarter of a million dollars to provide buses to be used only as barricades.

Mr. FUQUA. It is my understanding that is an expense borne by the executive department. I understand most of the area where trash was disposed of, around the Ellipse, will be taken care of by the Park Service. So this also would come out of the executive and not in any way be connected with the expense for the District of Columbia.

Mr. GROSS. Let me ask another question. Does the gentleman anticipate if this pay increase is approved that the District of Columbia, in the absence of a tax increase, is going to be called upon to pick up the bill for the increase?

Mr. ADAMS. Mr. Speaker, will the gentleman yield on that point?

Mr. GROSS. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Speaker, I would like to comment on that point. One of the things in this bill the gentleman should know is that the pay increase is going to be paid for by the citizens of the District of Columbia with an increase in their income taxes.

Many of us felt the Federal Government should pay some of this because the District of Columbia is taking care of certain activities involved in demonstrations against war because this is the Federal City, but this pay increase will be paid for by the District of Columbia citizens with an increase in their income tax.

Mr. GROSS. Has the tax been voted?

Mr. ADAMS. The tax increase is in the bill, to increase that. We tried in committee to put in a provision to raise the Federal payment to match that, but that was defeated. I think the Federal Government should pay its share. That is why I offered an amendment in committee to increase the Federal payment.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Speaker, with due credit to the law-enforcement officers of the District of Columbia, a lot of money was spent over this past weekend to aid them in the enforcement of the law. Are we going to increase the taxes upon the District of Columbia to fund these added expenses, or are we going to vote in Congress more Federal funds to the District of Columbia to pay for that?

Mr. ADAMS. I think in this case they were protecting the executive. As the gentleman from Florida has mentioned, the funds for the buses would come out of a different area. In this case, which was a case involving a Federal dispute, I think the Federal Government should share the expenses necessary to control the dispute. The city did not cause it. This was a Federal executive decision which caused the demonstration.

Mr. GROSS. If a demonstration were staged in my hometown, I am certain the Federal Government would not put up the money to police it.

Mr. ADAMS. But the President is not in the gentleman's hometown and did not cause a disruption there.

Mr. GROSS. What specifically does the President have to do with it?

Mr. ADAMS. Well, the decision of the President was made a Federal issue and this was joined in by people who came from all over the country. That is what created the disturbance. I assume that does not happen in the gentleman's hometown.

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. I assume, if it were not here, it would have been someplace else.

Mr. ADAMS. No. This is the Federal Capital, I might state again, and when a decision is made on a matter which involves all the people of the United States and they want to petition the Federal Government then they have to come to Washington, D.C., because that is where the Government is. This is the problem we constantly face in trying to get a reasonable arrangement as between Federal payments and local payments.

Mr. GROSS. We could argue that all afternoon.

Again I ask who is going to pay the cost for the buses that were parked as barricades at the rate of $10 or more an hour, which have had their windows busted out and tires deflated, and slashed? Who is going to pick up the bills for that?

Mr. ADAMS. Those were parked around the White House. The gentleman will have to ask the President who ordered them. They are not a part of this bill and not a legislative expense, so far as this gentleman knows.

Mr. GROSS. Is this being charged to the Defense Department?

The SPEAKER pro tempore. The time of the gentleman from Iowa has again expired.

The question is on the amendment offered by the gentleman from Florida (Mr. FUQUA) to the first committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment, as amended.

PARLIAMENTARY INQUIRY

Mr. FUQUA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FUQUA. Is this on page 2?

The SPEAKER pro tempore. On pages 2 and 3.

Mr. FUQUA. I thank the Chair.

The SPEAKER pro tempore. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENTS

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, line 5, strike out "date of enactment" and insert "effective date".

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 9, line 2, strike out "July, 1969" and insert "January 1, 1970".

Mr. HOGAN. Mr. Speaker, I rise in opposition to the committee amendment.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. HOGAN. I am glad to yield to the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all of the remaining committee amendments, on pages 9 and 10, to this title, be considered en bloc. They are all the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. HOGAN. Mr. Speaker, reserving the right to object, if I agree that they be considered en bloc will I still have the opportunity to oppose the amendments en bloc?

The SPEAKER pro tempore. The gentleman will be recognized and his rights will be protected.

Mr. HOGAN. I thank the Chair. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the remaining committee amendments to title I.

The Clerk read as follows:

Committee amendments:

On page 9, line 9, strike out "July 1, 1969" and insert "January 1, 1970."

On page 10, line 12, strike out "July 1, 1969" and insert "January 1, 1970."

Mr. HOGAN. Mr. Speaker, I rise in opposition to the committee amendments.

Mr. Speaker, I will stake my record and my sentiments toward fiscal responsibility against those of anyone in the House, with perhaps a few exceptions.

But in this case I believe equity demands that we do what is right for the policemen and firemen who have not received additional compensation since October 1, 1967.

Employees in the classified service and employees in private industry have received several increases.

I should like to point out that police and firemen are purchasing their groceries in the same stores as their neighbors who work for the Federal Government or for private industry.

Their apartment rent is raised at the same time as their neighbors; their payments on their automobiles are the same as their neighbors. So I think that we, functioning as the City Council for the District of Columbia, have an obligation not to make them the scapegoats for fiscal responsibility. Their pay raise is more than 1 year overdue at this point in time. Recently we gave the Federal employees in the classified service a 6-percent increase, which they deserve, but this has had the effect of putting the local employees that much further behind.

So I think, Mr. Speaker, if we really want to give some substance to the pious phrases we have heard today about how great the police and firemen are and the tremendous problems that they have in curbing unrest in the District of Columbia, I think we ought to be consistent and do what is right by them and make the pay raise retroactive to July 1, 1969, as the bill before us reads, and vote in opposition to the committee amendment, which would bring it back to January 1, 1970.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the last word.

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Mr. Speaker, I should like to join with my colleague from Maryland (Mr. HOGAN) in opposing the committee amendment, which makes the pay increase for police and firemen retroactive to January 1, 1970, rather than July 1, 1969, as originally provided for in the bill as reported by the subcommittee.

Mr. Speaker, it is with a great deal of reluctance, as a member of the Committee on the District of Columbia, that I find myself in a position of not supporting the position of the committee. However, the subcommittee that handled the legislation voted to make this pay raise retroactive to July 1, 1969. It was as somewhat of a compromise in the full committee, and by a rather close vote that we agreed to extend the retroactivity only back to January 1, 1970.

As I pointed out in my earlier remarks, and as was further emphasized by the gentleman from Maryland (Mr. HOGAN), a number of years ago we decided that we would make the salaries of various policemen and firemen comparable to those of certain grades in the Class Act schedule. Now, we had a reason for doing this at that time, because the positions involved comparable work and comparable responsibility, but we have been somewhat negligent, Mr. Speaker, because we have fallen behind in keeping the pay scales of the police and firemen on a par with the pay increases that we have awarded in this same Congress to the Class Act employees.

As pointed out by the gentleman from Maryland (Mr. HOGAN), we have not acted on a major pay raise increase for the police and firemen since 1967. Since that time, we have enacted several salary raises for the Class Act employees. If we are successful in our opposition, to this amendment, we will make this pay raise retroactive to July 1, 1969, and thereby bring the police and firemen salary scale up to comparability with the Class Act schedule, which certainly should be done at this time. The amendment that is being opposed by the gentleman from Maryland (Mr. HOGAN) and myself does not take into consideration the 6-percent pay raises that we granted to the Class Act employees retroactive to December 27, 1969. So even by opposing the committee amendment, and making the pay raise retroactive to July 1, 1969, we will find police and firemen still at least 6 percent behind the pay that they should have if we are entirely consistent in our position of keeping these pay schedules on a comparable basis.

So, Mr. Speaker, I am hopeful that the House will vote to oppose the committee amendment. As I say, the only effect of it will be to make the pay raise retroactive to July 1, 1969, instead of to January 1, 1970.

As was pointed out in the colloquy with the gentleman from Iowa (Mr. GROSS), there is an income tax provision in the bill which will provide approximately $25 million of additional revenue per year. The total cost of the pay increases for the teachers, the policemen, and the firemen will amount to only approximately $20 million per full fiscal year. So, ultimately, there will be a $5 million annual surplus as a result of the enactment of this bill. Thus, there is adequate revenue to cover the increase which is being proposed.

Mr. Speaker, I am hopeful that the Members of the House will join with my colleague from Maryland and myself in opposing the committee amendment.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I support the committee amendments.

The original bill that we considered in the committee provided retroactive pay for the policemen and firemen going back to July 1969 and for the teachers going back to September 1969. The feeling that prevailed in the committee was that if we were going to have retroactive pay increases, the teachers and the policemen deserved equal treatment insofar as the retroactive date was concerned. Also, the revenue provisions in the bill covered the costs of a retroactive pay increase effective January 1970. Therefore, a compromise date of January was accepted by the committee, by a predominant vote.

I may point out that the revenue that is to be accumulated by virtue of the added tax, if this retroactive pay goes back to July 1969, will be insufficient to the extent of $2.8 million to cover the cost. However, under the January 1970 date, we will be in approximately a balanced position. To reiterate, if we go back to July there will be a $2.8 million deficit in the provisions of this bill to cover the costs. Therefore, I feel after the many hours of concerned attention which has been given to this bill, and which has been reported out and now comes to the floor of the House today, the committee amendment is a fair one and the best we could do under the circumstances.

I do not believe there is anyone in the committee who is more concerned about our police and our teachers than am I. I think we all face the realization that at times we are tempted to increase pay scales as a step to meet inflation, but it needs also to be a sound step to meet inflation, one grounded in fiscal responsibility. Therefore, it is my hope in the future that we can make continued adjustments, as needed, but not anticipatory of continued inflation.

May I say in response to what has already been said relative to the police I would also add my commendation. The Police Department in this city has improved materially and I think conditions in our schools have improved materially. I would like to pay my compliments to both of those areas of the city government. I have a great concern for both. But I do hope that the committee amendments will be adopted at this point providing a 13-percent increase in pay for teachers, policemen, and firemen.

Mr. FUQUA. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of the committee amendment.

Mr. Speaker, it is with great regret that I appear in support of the committee amendment and it in no way should reflect dissatisfaction, but only praise for the Metropolitan Police Department and for that matter the Fire Department.

In my opinion this is one of the finest departments that I know of anywhere. We have heard today much praise heaped upon these people for the fine job they have done and for their dedication.

But I might point out one of the problems with which we are faced in this bill. This bill provides for a 13-percent increase across-the-board to all policemen and firemen, and goes into the lower grades such as the privates where the men spend the greatest period of time, where there is a 29-percent increase.

I might further point out that when one compares this with the surrounding jurisdictions—Fairfax County, Montgomery County, Prince Georges County, Arlington, Falls Church—with the $8,000 salary—starting salary—which is prevailing today, there is only one jurisdiction that has a higher starting salary and that is Fairfax County. When you raise it to $8,500, you have a higher figure than you do for any of the surrounding jurisdictions. It places the District of Columbia in the position as being one of the top cities in the United States insofar as pay for policemen and firemen is concerned. Not only that, but it has been very appropriately pointed out by the distinguished ranking minority member of the committee, the gentleman from Minnesota (Mr. NELSEN), that this leaves a $2.8 million deficit in the amount of money that we are proposing to raise as a result of the enactment of this bill.

This is retroactive back to January of 1970, but to make it retroactive again back to July 1, 1969, is going to add another $5 million to this bill. This will leave a debt that is not provided for in the bill of approximately $2.8 million. We find ourselves, even though there is presently a small surplus in the bill—but we do not know what the revenues may be because of various events that are somewhat unpredictable—but the best estimate we can get is that if this amendment is defeated, that this is going to provide a deficit of $2.8 million in what is provided.

The gentleman from Washington (Mr. ADAMS), my good friend, has an amendment to increase some of the salaries to the teachers, and if we set this back to July 1, 1969, then are we not rightfully to consider moving starting salaries to the teachers back retroactively to 1969? Here again, however, how far can we go with the revenues we have? We have tried to mold this piece of cloth to fit the revenues that we have provided. Therefore I hope the House will go along in the action of the committee, and make this retroactive back to January 1, 1970, rather than July 1, 1969. I ask the House to vote in favor of the committee amendment.

The **SPEAKER** pro tempore. The question is on the committee amendments being considered en bloc.

The committee amendments were agreed to.

The **SPEAKER** pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 11, immediately below line 12 insert the following new section:

"SEC. 204. The first section of the Act entitled 'An Act to authorize the Commissioners of the District of Columbia to prescribe

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the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside', approved July 25, 1956 (D.C. Code, sec. 4–132a) is amended—

"(A) by inserting immediately after '(a)' the following: 'except as otherwise provided in subsection (b) of this section,';

"(B) by striking out ', except as otherwise provided in subsection (b) of this section,' in the second sentence;

"(C) by striking out 'twelve' and inserting in lieu thereof 'twenty-five'; and

"(D) by amending subsection (b) to read as follows:

"'(b) For the purposes of this Act, the Chief of Police of the Metropolitan Police force and the Fire Chief of the Fire Department of the District of Columbia, as the case may be, may in individual cases waive the requirement that an officer or member reside within the Washington, District of Columbia, metropolitan district.'"

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: The salary schedule on page 12 is amended in group D of class 5 by inserting immediately below "Director, industrial and adult education" the following new item: "Executive assistant to Deputy Superintendent.".

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On pages 14 and 15, the items relating to class 15 in the salary schedule are amended to read as follows:

"Salary class and group	Service step 1	2	3	4	5	6	7
Class 15:							
Group A, bachelor's degree	$7,800	$8,115	$8,430	$8,745	$9,060	$9,375	$9,760
Group A-1, bachelor's degree plus 15 credit hours	8,190	8,505	8,820	9,135	9,450	9,765	10,150
Group B, master's degree	8,580	8,965	9,350	9,735	10,120	10,505	10,990
Group C, master's degree plus 30 credit hours	8,970	9,355	9,740	10,125	10,510	10,895	11,380
Group D, master's degree plus 60 credit hours or doctor's degree	9,360	9,745	10,130	10,515	10,900	11,285	11,770
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspectors.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Research assistant.							
School social worker.							
Speech correctionist.							
School psychologist.							

Salary class and group	Service step 8	9	10	11	12	13	Longevity step Y
Class 15:							
Group A, bachelor's degree	$10,145	$10,530	$10,915	$11,300	$11,685	$12,070	$13,000
Group A-1, bachelor's degree plus 15 credit hours	10,535	10,920	11,305	11,690	12,075	12,460	13,800
Group B, master's degree	11,475	11,960	12,445	12,930	13,415	13,900	15,200
Group C, master's degree plus 30 credit hours	11,865	12,350	12,835	13,320	13,805	14,290	15,600
Group D, master's degree plus 60 credit hours or doctor's degree	12,255	12,740	13,225	13,710	14,195	14,680	16,100
Teacher, elementary and secondary schools.							
Attendance officer.							
Child labor inspectors.							
Counselor, placement.							
Counselor, elementary and secondary schools.							
Librarian, elementary and secondary schools.							
Research assistant.							
School social worker.							
Speech correctionist.							
School psychologist."							

PARLIAMENTARY INQUIRY

Mr. ADAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ADAMS. Mr. Speaker, is this the replacement amendment on pages 14 and 15, or, rather, on page 14, whereby the class A bachelor's degree is dropped from $8,000 to $7,800 in the salary scale?

The SPEAKER pro tempore. The Chair will state in response to the parliamentary inquiry propounded by the gentleman from Washington that these are the replacement amendments.

Mr. ADAMS. Mr. Speaker, I rise in opposition to the committee amendment.

Mr. Speaker, the subcommittee at the time they considered this bill and put it together as a new, clean bill, took the recommendations of the District of Columbia government and we spent a great deal of time trying to balance out the bill with the revenues, and in time we agreed upon the salary increases for policemen, firemen, and teachers. But then we came into the full committee and after a great deal of discussion, and at one point where the teacher salaries were dropped down to $7,600 instead of $8,000, which had been recommended by the District of Columbia government, a compromise was reached dropping them down from $8,000 to $7,800.

In my opinion, and I want to be very fair with the committee, you must have—and this is the reason the District of Columbia government recommended the $8,000 figure—you must have a differential between the District of Columbia central city schools and the surrounding area in order to hire teachers.

The figure of $8,000 was reached by the District government and by the subcommittee as being a comparable figure that would accomplish this.

I, therefore, am asking the committee not to lower the teachers' salaries. If there is anything that this committee should be doing, it is the same thing we are doing with the policemen and firemen and that is raising the pay scale for teachers just as we have for them.

In fact, in the opinion of many of us who live in the District and have spent some time in the schools here, the problems of the individual teacher going to the classroom every day and teaching the children, often in highly volatile situations and often with great disciplinary problems, are every bit as great as are involved in the very difficult job done by policemen and firemen.

It is only $200 a year for these people. I would submit that for someone who is trying to raise a family and start a career in teaching school—and we hope that people will do that—the sum of $8,000 to raise a family is not a lot of money. It is not a lot of money at all.

We find also that in trying to get people to come here to this school area and to stay in the schools here and to retain them, it is necessary to have a salary scale that goes up. You will notice that the salary scale across the board by the committee amendment has been dropped in each area.

I think it would be a very bad thing for the House at this time when we are trying to emphasize education, to say that they are going to drop teachers' salaries below the recommendation that was in the original bill.

I think the committee should go along with it, and I am urging the House to do so.

I am very hopeful that when all the Members of the House have a chance to vote that they will say they believe that teachers' salaries should not be lowered. I hope others will join with me in voting for the original bill—and that is voting against the committee amendment. A vote of "no" will restore the original salary of $8,000 to start. This is below what we start policemen and firemen—and I am in agreement with that.

We have only been retroactive back to January 1, because of our revenue limitations. I am in favor of that.

I would just close my remarks by saying that we will not hire teachers until September, other than the very few administrative people who come into school who are qualified for this so the amount of revenue involved in giving $200 to bring some new teachers in September is very small and was originally figured into the District's estimates on revenue. That is the little surplus they were talking about.

If you were to vote "no" on this, the bill will be balanced and I think we should give our teachers a break.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word and rise in support of the committee amendment.

Mr. Speaker, in speaking in behalf of the committee amendment, I am not speaking in favor of a reduction in teachers' salaries, but rather in favor of an $800 increase in starting salaries for District of Columbia schoolteachers.

In the committee bill, as amended, we are providing a 13-percent average increase for schoolteachers and school officers, and a 13-percent average increase for policemen and firemen.

Actually, so far as the starting salary is concerned, we provided only a $500 increase for police and firemen—but $800 for schoolteachers.

So we have been somewhat more liberal for the lower levels of schoolteachers than we have with policemen and firemen.

Over the period of years, and using the year 1954 as a base year because since then we have had quite a number of increases for classified employees and for the military, and for policemen, firemen, and schoolteachers, we find that we have increased the salaries of the classified employees, and that would mean the civilian employees of the District of Columbia government, by 64 percent. This does not include the recent 6-percent salary increase for Government employees, retroactive to December 27, 1969.

During this same period of time, we raised the salaries of District of Columbia policemen and firemen by 69.3 percent, and for District of Columbia teachers by some 82.1 percent. So during the past 15 years, the schoolteachers of the District of Columbia have fared substantially better in salary increases than have other employees of the District.

Now, with the 6-percent pay increase that we recently passed retroactive to December 27 for Class Act employees, the total increase since 1964 will amount to 70 percent. With this 13-percent increase proposed for the schoolteachers, their total increase will amount to 95.1 percent. I think that is quite generous; quite liberal. We do not have to sweeten the pot any more. If we compare the salaries of schoolteachers in the District of Columbia with the national average—and again I am talking about comparable cities, with populations of 500,000 to 1 million—we find that the District of Columbia schoolteachers rank No. 1. In no other city of comparable size in the United States will there be teachers receiving more money than what we will be paying our schoolteachers here in the District of Columbia.

There is one thing that really poses quite a problem, even under the present bill as amended by the committee. The salaries for schoolteachers in the suburban areas of the metropolitan area of Washington—and this is with pay increases that have already been initiated, that will go in effect at the beginning of the next school year—the starting salary for a teacher in the suburbs will average from $7,100 a year to $7,250, or roughly $600 a year less than what we will be paying the starting teacher here in the District of Columbia. So that is going to make it extremely difficult for the suburbs to catch up, as they will be obliged to do, and when they do, then another "round robin" will start and we will have to come back again to raise the District schoolteachers' salaries a little higher. This is a never-ending cycle.

I recognize that we have to pay a little more to recruit schoolteachers here in the Nation's Capital. Someone said during committee consideration of this bill that we should label it "jungle pay" or "combat pay." Nevertheless, it will always be more difficult to get teachers to work here in the Nation's Capital than in the suburbs where more attractive conditions prevail. That is the reason we are setting a starting salary some $600 higher. But I see no reason—when we consider comparability with the suburbs, and with other cities, with the police and firemen, and with the Class Act employees—why we have to go more than $600 higher at this time.

If the committee amendment is not adopted, and we have to increase the starting teachers to $8,000, this will cost $1.9 million per year additional. This was a prime consideration in adopting the last committee amendment, which prevented the retroactivity for the policemen and firemen, going back to July 1, 1969.

Mr. Speaker, I am hopeful that this committee amendment will be adopted.

Mr. HOGAN. Mr. Speaker, I rise in opposition to the committee amendment. As much as it pains me to disagree with my good friend and colleague from Virginia, I must do so, and I shall not belabor the arguments already made by the gentleman from Washington. I think there is a distinct difference between the conditions under which Washington, D.C., teachers are forced to work and those in the surrounding areas and also elsewhere in the country. There are many things wrong with the schools in the District of Columbia which salary increases will not correct. I would hope that the local school board would direct their attention to correcting these problems. But for our part I think we should do what is right by the teachers. I would have preferred that the recommendation of the local government be adhered to in the committee's actions. I regret that it was not.

I, therefore, will vote to oppose the committee action in reducing the salaries to $7,800 rather than the $8,000 in the bill.

Mr. JACOBS. Mr. Speaker, I move to strike the requisite number of words.

I commend the gentleman from Maryland who spoke a moment ago and the gentleman from Washington on their position with reference to these teacher salaries. I have never known just exactly what a fair salary is. It is all a relative matter. It all depends on one's point of view, I suppose, but at least we can make a few comparisons.

It does seem to me that if a schoolteacher in the District of Columbia is willing to endure the hardships and in many instances the unpleasant working conditions that he or she must endure to work in some of the city schools here in the District of Columbia, the teacher is entitled at least to some fraction of what is paid to the secretaries who work on Capitol Hill under rather good conditions and circumstances.

There was an opportunity for this House not too long ago, just a few days ago, to determine whether, after voting a 10-percent pay raise for congressional staff employees only last summer, on top of that—and I say on top of, in addition to an addition of $8,000 to the clerk hire of every Member of Congress—there was an opportunity several days ago to exclude those employees from the overburdened backs of the mailmen in this country, and that opportunity, the RECORD will show, was passed by this House. If the House is determined that these people who work under, I must say, rather pleasant conditions here on Capitol Hill, are entitled to salaries ranging from $8,000 up, surely in the name of logic the schoolteachers, who encounter the kinds of conditions they do particularly in the inner-city schools, are entitled to the original action taken by the subcommittee.

Mr. Speaker, I was shocked really when the full committee made this reduction in the salaries of the teachers.

In Great Britain, in London, the teachers who teach in the inner-city schools are paid more. There is an incentive paid to them. Why? Because they get paid for the amount of work they have to do, and there is much more difficulty in teaching little children who have not learned to speak the English language well, much more difficulty in teaching those children to read. It is a mammoth job. It is more difficult to teach them good citizenship and emotional self-control and all the rest. It is a mammoth job compared to teaching children who have had the benefit of good education in a so-called good home, a good upbringing.

So under all the circumstances, I commend the gentleman from Maryland for his very sensible statement, and I commend the gentleman from Washington for bringing this matter before the House.

Mr. ROONEY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Pennsylvania.

Mr. ROONEY of Pennsylvania. Mr. Speaker, I rise in support of H.R. 17138 to provide salary increases for District of Columbia teachers, police, and firemen. I had fully intended to support this measure even before the events of this past weekend, but a personal experience in the early morning hours Sunday has served to remind me that these increases are fully justified.

I want to commend the District of Columbia Fire Chief and the District firemen for exemplary action in responding to a fire call on Highland Place in the Cleveland Park section of Washington.

A call was placed to the Fire Department at 4:01 a.m. At 4:03 a.m. firemen arrived to extinguish a blaze which gutted my garage, destroying its contents and my car. Their prompt response prevented the fire from spreading to my home, only a few feet away, or to two neighboring homes. Their action deserves recognition.

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I also would like to make special note of the role of William Reedy, son of George Reedy, aide to former President Lyndon Johnson, and several companions who discovered the fire and sounded the alarm. My family and I owe them, and the District Fire Department, a tremendous debt of appreciation for having prevented what might otherwise have been a tragedy.

Mr. ABERNETHY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I realize this is a rather touchy subject for Members of the House.

If one would just listen to the surface of the speeches which have been made against the committee amendment, one would think that the bill was reducing someone's salary. That is not the case at all.

Actually, this bill gives a minimum raise of 13 percent to every teacher in the District of Columbia. If a person were seeking a place to teach in the District area—that is, in the District of Columbia, or Maryland, or in Virginia—and he decided he was going to teach in the community that paid him the most money, he would wind up in the District of Columbia.

The District of Columbia now and under this bill will be paying its teachers considerably more than is being paid in Maryland; and I am told they have the highest per capita income in the world over in Montgomery County. They will also be paying their teachers considerably more than is being paid over in Virginia.

As the gentleman from Indiana says, I guess there is no way to arrive at what is a fair pay for a teacher, but certainly we have to have something to go by, and we usually go by what we are capable of paying. That is the only criterion I know of which is really applicable to a situation of this kind. What are we able to pay?

Every teacher, from the very lowest level, will be receiving, as a beginning teacher, a minimum $800 more per year under this bill than he would receive last year. These salaries are not so skimpy. Eventually they can earn up to $15,200 a year. That does not mean in a year or two, of course; it is over a reasonable period of years. That is not bad.

I would hope that the Members would not get the impression that the committee has suggested the reduction of pay of anyone.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Florida.

Mr. FUQUA. The gentleman, I am sure, is aware that this is for a 10-month period of work?

Mr. ABERNETHY. Of course.

Mr. FUQUA. Not for a 12-month calendar period of time.

Mr. ABERNETHY. Of course. It is for 10 months.

The committee has not suggested the reduction of the pay of anyone. The committee is suggesting a minimum raise which is not bad. It is 13 percent for the beginning teacher. And that raise will appear all the way across the board from the lowest to the highest.

While I should like to pay $10,000 as a beginning salary, or $20,000, they do not have that kind of money here. We have to do the best we can, and the best we can is better than is being done in Maryland and Virginia.

There were two teachers who called on me when this matter was pending. They were teaching in the District of Columbia. Do you know where they were from? They were from Montgomery County, Md. I do not know why they were teaching over here, unless it was because they could earn more money here. I would assume that the more attractive pay must have had something to do with it.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. I yield to the gentleman from Indiana.

Mr. MYERS. I believe what the gentleman says is exactly right, but I do find some problem here. I understand this bill would do this, and it has been this way until now, but how do we justify paying starting policemen $700 more per year than starting teachers?

Mr. ABERNETHY. How does one justify paying a private in the U.S. Army about $150 a month? We cannot justify it.

Mr. MYERS. That is a short period of time.

Mr. ABERNETHY. Yes, but a rather rough and dangerous service, certainly worse than teaching.

Mr. MYERS. It is a contribution to his country.

Mr. ABERNETHY. Yes.

Mr. MYERS. Why could not the District of Columbia, which I am not too familiar with, provide for this problem? My wife does volunteer service 1 day a week, with no pay, to contribute to the education of children in the District of Columbia. She comes back and tells me some of the problems associated with this job, and some of the terrific tasks and responsibilities. She has taught in Indiana and in Illinois, and knows the comparable responsibilities and tasks. She says there is no comparison.

I believe we should pay our policemen as much as we possibly can. I certainly do not mean by my suggestion or argument that we should reduce the pay of policemen.

I do find it difficult to understand how you can start a policeman at $700 more than a teacher who has to go to school for 4 years, at least, in order to become qualified to be a teacher. These people who are going to teach our young people are very necessary to our system.

Mr. ABERNETHY. I think the gentleman makes a very good point. But, after all, it resolves down to the availability of money.

The SPEAKER pro tempore. The question is on the committee amendments to the salary schedule found on pages 14 and 15 of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ADAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Is this bill not being considered in the House as in Committee of the Whole?

The SPEAKER pro tempore. The gentleman is correct.

Mr. GROSS. Then, we cannot vote on an amendment on a roll-call vote.

The SPEAKER pro tempore. The Chair will state that the bill is being considered in the House as in Committee of the Whole and it is in the House. The gentleman's point of order is in order, and the rollcall will be automatic as soon as the Chair announces it.

Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 142, not voting 104, as follows:

[Roll No. 110]

YEAS—183

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Belcher
Berry
Bevill
Blackburn
Blanton
Boggs
Bow
Brinkley
Brock
Brotzman
Brown, Ohio
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrnes, Wis.
Caffery
Camp
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Colmer
Conable
Coughlin
Cowger
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dorn
Downing
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Flowers
Flynt
Ford, Gerald R.
Fountain
Frey
Fuqua
Galifianakis
Garmatz
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Harsha
Harvey
Hébert
Henderson
Hosmer
Hull
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
Keith
King
Kleppe
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
McClory
McClure
McCulloch
McDonald, Mich.
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
May
Mayne
Meskill
Michel
Mills
Mizell
Montgomery
Natcher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Passman
Patman
Pelly
Pettis
Poff
Preyer, N.C.
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Roberts
Robison
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stanton
Steiger, Ariz.
Stephens
Stuckey
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Waggonner
Wampler
Watts
Whitehurst
Whitten
Wiggins
Williams
Winn
Wold
Wyatt
Wylie
Zion
Zwach

NAYS—142

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Barrett
Beall, Md.
Bennett
Biester
Boland
Bolling
Brasco
Brooks
Broyhill, N.C.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Casey
Clark
Cohelan
Conte
Corbett
Corman
Daddario
Daniels, N.J.
Dingell
Donohue
Dulski
Eckhardt
Eilberg
Fascell
Feighan
Flood
Ford, William D.
Foreman
Fulton, Pa.
Fulton, Tenn.
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Karth
Kastenmeier
Kluczynski
Koch
Kyros
Leggett
Lowenstein
Lujan
Lukens
McCloskey
McFall
Meeds
Melcher
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mize
Monagan
Morgan
Moss
Murphy, N.Y.
Myers
Nedzi
Nix
O'Hara
Olsen
O'Neill, Mass.
Perkins
Pike
Poage
Powell
Price, Ill.
Purcell
Rees
Reuss
Riegle
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ryan
Schwengel
Skubitz
Smith, Iowa
Stafford
Staggers
Steed
Steiger, Wis.
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
White
Widnall
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Young
Zablocki

NOT VOTING—104

Anderson, Tenn.
Aspinall
Ayres
Baring
Bell, Calif.
Betts
Biaggi
Bingham
Blatnik
Brademas
Bray
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Cabell
Carey
Carter
Celler
Chisholm
Clay
Collier
Conyers
Cramer
Crane
Culver
Dawson
Delaney
Dent
Dickinson
Diggs
Dowdy
Edmondson
Edwards, Calif.
Evans, Colo.
Fallon
Farbstein
Fisher
Foley
Fraser
Frelinghuysen
Friedel
Gallagher
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halpern
Hammerschmidt
Hansen, Idaho
Hawkins
Ichord
Kirwan
Kuykendall
Lloyd
Long, La.
Long, Md.
McCarthy
McDade
McEwen
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Matsunaga
Mollohan
Moorhead
Morse
Morton
Mosher
Murphy, Ill.
Obey
Ottinger
Patten
Pepper
Philbin
Pickle
Pirnie
Podell
Pollock
Pryor, Ark.
Pucinski
Reid, N.Y.
Rivers
Rooney, N.Y.
St Germain
Scheuer
Schneebeli
Slack
Stokes
Stratton
Stubblefield
Taft
Teague, Tex.
Tunney
Watkins
Watson
Weicker
Whalen
Whalley
Wilson, Bob
Wyman
Yatron

So the committee amendment was agreed to.

The Clerk announced the following pairs:

Mr. Teague of Texas with Mr. Ayres.
Mr. Aspinall with Mr. McDade.
Mr. Cabell with Mr. Bray.
Mr. Moorhead with Mr. Dawson.
Mr. Celler with Mr. Frelinghuysen.
Mr. Long of Louisiana with Mr. Betts.
Mr. Philbin with Mr. McEwen.
Mr. Fallon with Mr. Gubser.
Mr. Patten with Mr. Morton.
Mr. Carey with Mr. Brown of Michigan.
Mr. Macdonald of Massachusetts with Mr. Morse of Massachusetts.
Mr. Biaggi with Mr. Halpern.
Mr. St Germain with Mr. Kuykendall.
Mr. Matsunaga with Mr. Broomfield.
Mr. Brademas with Mr. Dickinson.
Mr. Blatnik with Mr. Hawkins.
Mr. Anderson of Tennessee with Mr. Crane.
Mr. Delaney with Mr. McKneally.
Mr. Dent with Mr. Watkins.
Mr. Edmondson with Mr. MacGregor.
Mr. Farbstein with Mr. Clay.
Mr. Green of Pennsylvania with Mr. Hansen of Idaho.
Mr. Gallagher with Mr. Mosher.
Mr. Rivers with Mr. Pirnie.
Mr. Rooney of New York with Mr. Reid of New York.
Mr. Slack with Mr. Bell of California.
Mr. Murphy of Illinois with Mr. Pollock.
Mr. Foley with Mr. Cramer.
Mr. Friedel with Mr. Hammerschmidt.
Mrs. Griffiths with Mr. Schneebeli.
Mrs. Green of Oregon with Mr. Taft.
Mr. Mollohan with Mr. Buchanan.
Mr. Podell with Mr. Collier.
Mr. Pucinski with Mr. Conyers.
Mr. Stubblefield with Mr. Carter.
Mr. Stratton with Mr. Lloyd.
Mr. Fisher with Mr. Watson.
Mr. Madden with Mr. Weicker.
Mr. Pepper with Mr. Whalen.
Mr. Pickle with Mr. Whalley.
Mr. Tunney with Mr. Bob Wilson.
Mr. McMillan with Mr. Wyman.
Mr. Pryor of Arkansas with Mr. Dowdy.
Mr. Evans of Colorado with Mr. Baring.
Mr. Brown of California with Mr. Diggs.
Mr. Edwards of California with Mr. Ottinger.
Mr. Obey with Mr. McCarthy.
Mr. Long of Indiana with Mr. Kirwan.
Mr. Ichord with Mr. Bingham.
Mr. Culver with Mr. Yatron.
Mr. Fraser with Mr. Stokes.
Mrs. Chisholm with Mr. Scheuer.

Messrs. POAGE and OLSEN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the remainder of the committee amendments be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the committee amendments as follows:

Page 15, strike out line 17 and all that follows thereafter down through the period in line 1 on page 16, and insert in lieu thereof the following:

"(b) The Board of Education may place in a permanent status any fully qualified employee in salary class 15 having three or more years of satisfactory service, including service in an educational system or institution of recognized standing outside the District of Columbia, as determined by the Board, at any time beginning one year after the commencement of the probationary period of such employee."

Page 24, strike out line 25 and all that follows thereafter down through line 7, page 25, and insert in lieu thereof the following:

SEC. 402. The Board of Education shall formulate within one year after the date of enactment of this Act, policies, procedures, and rules and regulations governing employee-management relations between the Board of Education and its employees and organizations representing such employees. Such rules and regulations shall include, but shall not be limited to, a clear statement of the rights of employees, procedures with respect to the recognition of labor organizations, determination of appropriate units, consultation and negotiation with labor organizations, approval of agreements, mediation, and impasse resolution, policies and practices regarding consultation with other organizations and associations and individual employees, and standards of conduct for labor organizations. The policies, procedures, and rules and regulations so established by the Board of Education shall be consistent with the provisions of Executive Order 11491, dated October 28, 1969 (relating to labor-management relations in the Federal service); the Labor-Management Reporting and Disclosure Act of 1959; and such other Federal and District of Columbia Government personnel policies as may be required by statute.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. ADAMS

Mr. ADAMS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAMS: Page 29, strike out line 17, and all that follows thereafter down through line 22.

Mr. ADAMS. Mr. Speaker, the purpose of this amendment is to strike out an amendment to the House Office Building Act, which in the opinion of this gentleman simply does not belong in this bill. It is tacked onto the end of the pay bill and in effect provides that the House cannot consider through its House Office Building Commission and through the Architect of the Capitol the possible acquisition of a site of property which is close to the Capitol and on which formerly was built the Providence Hospital. I think this is a piece of special-interest legislation and it is in the wrong committee. The Committee for the House Office Building can consider the matter.

I have indicated to the gentleman from Virginia (Mr. BROYHILL) who is the sponsor of the act, that it may have merit, but certainly our committee did not know anything about the merits of the matter. We did not know whether or not this matter should proceed at this time. I would hope that we not do it in this fashion and that, if there is to be an additional bill, then we can consider it after some hearings, or perhaps the matter can be handled through the Architect of the Capitol or in some other fashion.

I do not know the proper fair market value of the property. I do not think we should place a dead hand on property. But I have opposed it being zoned for a new-property use and have opposed the fact that it would be treated differently than any other property in the vicinity of the Capitol.

In particular I do not want to see some very high buildings built in the immediate vicinity here, because the whole structure of the area is such as to keep the height of property down. It is in a residential district and between two grammar schools. I would hope the committee would strike title VII, which is all that my amendment does, and this matter can then be considered on its merits at a different time and in the

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proper jurisdiction. Then we can move to have the bill before us passed.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in opposition to the amendment to strike title VII to the pending legislation.

I acknowledge that the language of title VII is not language on which the fate of the Nation rests. However, what we hope to do by including title VII in this bill is to correct an inequity, an unfairness, if you please, which now exists.

I should like to point out that the bill pending before us is somewhat of an omnibus bill. It has to do with pay raises for teachers, firemen, and policemen; it has to do with revenue because we increase the income tax for the people of the District of Columbia; it has to do with changing the tax on alcoholic beverages and in some areas of the bill we deal with uniforms for policemen and certain other matters.

I might further point out that the other body seems to be constantly adding nongermane language to bills that we send over to them. So I suggest that it is proper that we deal with this particular subject matter in this omnibus legislation.

This is not a zoning title, as it has been described by some of my colleagues. It has nothing to do with authorizing a 90-story building or a high-rise apartment building.

What we are dealing with here, Mr. Speaker, is one square of land, square No. 764, located at 4th and D Streets, Southeast, which was formerly the old Providence Hospital site. This old Providence Hospital was acquired by a group of individuals in 1962 as an investment.

At that time it was under lease by the General Services Administration. They terminated the lease. The owners attempted to release the property. However, it was vacant; it was subjected to vandalism; and the owners were forced to tear down the building.

Therefore, they had a piece of vacant property on their hands. They attempted to get it rezoned, since the old Providence Hospital was nonconforming, so that they could properly develop the property. But their attempts to rezone it failed because the Architect of the Capitol acted in what he felt, I am sure, was the best interest of the Congress, and opposed any efforts to have this property rezoned for its proper use, because he felt this property could be used to expand the Capitol Hill complex.

I do not disagree with that general objective of the Architect of the Capitol. However, the property owners have been stuck with the property since 1962 and the Congress has still not acquired it. They could not rezone it, they could not sell it or improve it but they had to continue to pay taxes on it.

The House Office Building Commission in 1968 advised these property owners that it would acquire the property—which was perfectly acceptable to the property owners. They did not care whether it was acquired by the Capitol Building Commission or by someone else.

However, in the following year, 1969, the Committee on Appropriations failed to appropriate the necessary funds with which to acquire this property, even though the Speaker himself made a personal request of the Committee on Appropriations to appropriate these funds so these property owners could be provided with some measure of relief.

At the same time the appropriations bill was up for consideration I asked one of the members of the committee handling the bill if the committee had any hopes of having any funds appropriated for acquisition of this property.

I received a reply in the negative that indicated to me at that time the best thing to do was to turn the property back to the property owners. So what we have here, Mr. Speaker, is somewhat of a dilemma that these property owners have been confronted with for 8 years. As I said before, they cannot develop the property; they cannot sell it, because it is not worth anything under the present stigma; they cannot get the zoning they need to properly use it.

The SPEAKER pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL of Virginia. Mr. Speaker, as I say, this stigma was placed on this property unintentionally by the Congress.

So, Mr. Speaker, all that the language in title VII seeks to do is to release this property from the stigma that has been placed upon it, unintentionally, by the Congress, so that the owners will be permitted to seek the rezoning on its merits. They have suffered 8 years of unfair and costly delay. The proper thing for us to do would be to award these people damages. We should certainly insist that proper zoning be granted. But that is not what we seek to do in this legislation. I would like to suggest that if the proper zoning is not granted we should come back and take a look at it from the legislative standpoint.

Mr. McCORMACK. Mr. Speaker, I move to strike the last three words.

Mr. Speaker, I have a brief statement to make on title VII to section 701 of this bill, which would remove from the House Office Building Commission, of which I am the chairman, the authority to direct the purchase of square 764, the site of the old Providence Hospital. The language of this bill in section 701 excludes square No. 764, and takes it out of the jurisdiction of the House Office Building Commission.

In 1955 the Congress enacted Public Law 24 (69 Stat. 41), which provided for the construction of the third new office building and other facilities for the House, remodeling of the Cannon and Longworth House Office Buildings, and the acquisition of property in the vicinity of these buildings south of Independence Avenue. The provision of this law dealing with the acquisition of the property reads as follows:

> The Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer or otherwise, such publicly or privately owned real property in the District of Columbia (including streets, avenues, roads, highways, alleys or parts thereof) located south of Independence Avenue in the vicinity of the United States Capitol Grounds as may be approved by the House Office Building Commission for the purpose of section 1201 of this chapter for additions to the United States Capitol Grounds.

This portion of the law was enacted for the purpose of enabling the House to provide for acquisition of land for new construction, and for additions to the Capitol Grounds in the area and near the office buildings.

Under authority of this law eight squares of property have been acquired—and I will include them in my remarks.

The material referred to follows:

Under authority of this law, eight squares of property have been acquired to date, as follows:

Square 635: Now under western part of Rayburn Building.

Square S. of 635: Outside parking.

Square 637: Underground parking garage and shops with landscaped surface.

Square 691: Underground parking garage with landscaped surface.

Square 692: Outside parking and Congressional Hotel.

Square 639: Outside parking.

Square 732N and Square 732S: Now dedicated by the Congress as the site of the James Madison Memorial Library of Congress Building.

Mr. Speaker, some years ago the owners of square 764 expressed an interest of selling this property to the Congress. In order to be certain of the authority of the Commission and the Architect of the Capitol to acquire the property, the Commission directed the Architect to obtain a ruling from the Comptroller General of the United States.

The Comptroller General ruled in August 1967, that the Architect, with approval of the House Office Building Commission, is vested with authority to acquire square 764, either as an addition to the Capitol Grounds or for any of the other purposes specified in Public Law 24, 84th Congress.

The Commission ordered the Architect to obtain two appraisals on the property. These appraisals were presented to the Commission at meeting of October 4, 1968. The Architect reported, on the basis of the appraisals and on informal evaluation of the appraisals by the Department of Justice staff, it was concluded that $1,250,000 represented a fair amount for the Government to pay for the property, including the cost of incidental expenses.

At that meeting, the Commission agreed unanimously as follows:

First, to approve the purchase of square 764;

Second, to authorize the Architect to include in his regular budget for fiscal year 1970 sufficient funds to cover the cost of acquiring the property; and

Third, to request the Architect to advise the owners of the property of the actions of the Commission.

The instructions of the Commission were carried out by the Architect. The amount of $1,250,000 was budgeted for fiscal year 1970 and hearings were held before the House Subcommittee on Legislative Appropriations, Committee on Appropriations, in June 1969.

The funds were not allowed. The following pertinent statement is quoted from House Report No. 91–487 on the legislative branch appropriation bill, 1970:

> The other part of the budget request—$1,250,000 to acquire square 764, the old Providence Hospital site two blocks from the east boundary of the Capitol grounds—is disallowed without prejudice. The committee was told that while it is not contiguous to the present Capitol grounds and if acquired would be expected to be held for future construction purposes, serious consideration would be, or has been, given to its use as a site for a Capitol Police Academy. The committee was not impressed with this thought. Moreover there are, in the committee's judgment, more pressing capital investment projects for the legislative branch than this piece of land.

I might say, there was never any policy of the use of a site acquired for a Capitol Police Academy. In an offhanded way someone asked about that and I said, "Well, we have a police force with over 600 at the Capitol here and some day they will have to get a headquarters for themselves." And in some way that was twisted to this, when it was never intended to have application to the site formerly occupied by the Providence Hospital.

There has been indication from some quarters that the Commission and the Architect are preventing the owners from developing this property. This is not correct. As far as the Commission or the Architect is concerned, the owners could proceed at any time with the development of the square under its R–4 zoning which was in effect when the property was purchased and is still in effect.

The owners have said, however, that they cannot construct facilities under this residential zoning, which permits a building of about 40 feet in height, on a profitable basis and they have sought on several occasions a change in zoning which would permit them to construct high-rise apartments and townhouses. It is this zoning change that the Architect, upon the direction of the Commission, has opposed successively.

The Commission felt that it must consider the residential character of that neighborhood and recommend against a "spot zoning" that would change the zoning pattern there, resulting in high-rise buildings so close to the Capitol complex.

CONCLUSIONS

I might say, Mr. Speaker, that the House Office Building Commission was not consulted by the District Committee before insertion of section 701 in the pending bill.

I do not make this statement as a criticism, but as a statement of fact.

It would seem to me that, while I am sympathetic to the owners' desire to improve this now vacant land, this is a matter on which the House Office Building Commission should be consulted before proceeding with legislation to exempt this parcel from the purview of the Commission, thereby setting it apart, as an island, from other property in this area.

I still feel that we should purchase this property and hold it as a part of the Capitol Grounds until there is other need for it in the future and I am hopeful that the Committee on Appropriations will consider favorably the next request for funds for that purpose.

I thought I should take the floor of the House as chairman of the House Office Building Commission and acquaint my colleagues with the situation and with the facts involved.

I dislike to oppose the action taken by the Committee on the District of Columbia. I can assure my colleagues, as far as the Commission is concerned, that we shall renew our request. I shall call a meeting of the Commission as early as possible. If the House should adopt the amendment offered by the gentleman from Washington, I shall call a meeting of the House Office Building Commission as soon as possible to discuss the question of again authorizing the Architect of the Capitol to renew the request.

Might I again emphasize for the benefit of my friends on the Legislative Subcommittee on Appropriations that at no time was there any policy about the site being used for a police force academy. It was merely an offhand observation that I made. I shall take the responsibility. It was not a fixed policy, but only an offhand observation that we have a police force of over 600 men at the Capitol, and someday the Congress will have to provide them with some kind of headquarters, never having in mind this particular site.

So the Legislative Subcommittee on Appropriations can completely disregard that comment in connection with any future consideration of a renewal of the request heretofore made by the House Office Building Commission.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished Speaker yield?

Mr. McCORMACK. I am glad to yield to the minority leader.

Mr. GERALD R. FORD. Do I correctly understand that the present owners were satisfied with the figure that was recommended in the fiscal year 1970 appropriation bill for the legislative branch?

Mr. McCORMACK. I am not prepared to say that. I do not want to make a statement which would bind them. I never had any discussion with them on that subject. But we did have outside appraisals, and there was some slight difference, not much, and then the Justice Department called it $1,250,000. So it is within range of that figure, I would say. But I do not want to make a statement that would be an expression of my own opinion and that would have any binding effect on the owners of the property. I might say they have been very decent. I realize their situation. I have been trying to help them. I have been anxious to help them.

We will need the property sometime. It is about the only vacant land that is available for any future expansion of the House of Representatives. So I have been trying to help them by having the money appropriated so that the necessary steps could be taken for the purchase of that site by the Government for the Congress of the United States.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished Speaker yield for another question and comment?

Mr. McCORMACK. I am happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. First, let me say I believe these owners have been trying to find a solution, either certain action in relation to zoning, or certain action involving sale of the property to the Federal Government. From what I understand, they would be satisfied with either one or the other alternative.

Unfortunately, the legislative appropriation bill for the fiscal year 1971 has gone through the House of Representatives. However, there is still the possibility of affirmative action if the Building Commission were to recommend such action on a supplemental appropriation bill for fiscal year 1971 and if the action is taken today to delete this section, section 7, I would hope that in all fairness and equity in the supplemental appropriation bill some relief will be given.

Mr. McCORMACK. I sincerely hope so, too. I realize their predicament. I am most tolerant of it. There are one or two alternatives. There is the alternative of rezoning. Then what about the other people who own property in the vicinity?

The gentleman from California (Mr. HOLIFIELD) made some remarks. What about the effect of a high-rise building on the atmosphere of the Capitol? Those are all things we must consider. I realize their predicament. I am most sympathetic to them.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. McCORMACK was allowed to proceed for 2 additional minutes.)

I am only anxious to try to help out in some way, and the Commission has been also. I think the subcommittee got the idea there was going to be a police military academy there. I just want to relieve your minds of that thought. When the matter comes up again, it will be simply a question of the outright purchase for a wise investment—and it would be a wise investment.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I do not find myself in disagreement with anything the distinguished Speaker has said. Actually I apologize for the Office Building Commission not being consulted when this title was put in the bill, but I was under the impression, when the Appropriations Committee turned down the request for funds last year, we had somewhat given up any hope of that property ever being acquired.

I agree there has been no formal or official action which prohibits this property from being used, but the net effect was the same as if there was a legislative restriction, because the owners could not sell their property or finance it, and they

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could not build on it because they would have to have some change in zoning to construct appropriate buildings on the property. I appreciate what the Speaker has said on this matter and particularly his assurance that the Commission would again seek appropriations to acquire the property and that the Building Commission still has a keen interest in it. The only interest I have in this subject is to remove it from dead center, so that we purchase the property as quickly as possible or remove this so-called restriction from it. That is what I am interested in. I am not concerning myself with the purchase price. There are adequate and proper means to arrive at the appropriate value. My point is we say once and for all whether we want to buy this property or not.

In view of what the distinguished speaker has said, I as sponsor of title VII of the bill will agree to it being removed from the bill and therefore go along with the amendment of the gentleman from Washington (Mr. ADAMS).

Mr. McCORMACK. Mr. Speaker, I thank the gentleman from Virginia. I assure the gentleman I will call a meeting of the House Office Buildings Commission as soon as possible, and the architect will appear at the proper time before the Subcommittee on Appropriations. I hope the statement I made about the police academy will be enlightening to the Members, because in all good faith they must have had a misimpression about the purpose. The purpose was that some time in the future we may need the property and we will regret the day when we lost the opportunity to get that land for the future expansion of the Capitol.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Washington (Mr. ADAMS) to strike title VII from the bill.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in connection with the District bills that were passed today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title:

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 954 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 954

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16595) to authorize appropriations for activities of the National Science Foundation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

(Mr. YOUNG asked and was given permission to revise and extend his remarks.)

Mr. YOUNG. Mr. Speaker, House Resolution 954 provides an open rule with 1 hour of general debate for consideration of H.R. 16595 to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The purpose of the bill is to authorize appropriations to the National Science Foundation for fiscal year in the amount of $525,630,000 and $2 million in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States. The $525,630,000 authorization is broken down as follows:

Support of scientific research	$306,000,000
Computing activities in research and education	15,000,000
Institutional support for science	55,500,000
Science education support	110,400,000
Science information activities	13,000,000
International cooperative scientific activities	2,200,000
Planning and policy studies	3,030,000
Program development and management	20,500,000

The proposed $2 million in foreign currencies would permit the Foundation to continue to arrange for collecting, translating, abstracting, and disseminating foreign scientific and technological information, and for promoting and supporting research and other scientific activities which are authorized by the Agricultural Trade Development and Assistance Act.

Mr. Speaker, I urge adoption of House Resolution 954 in order that H.R. 16595 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 954 makes in order for consideration of H.R. 16595 under an open rule with 1 hour of general debate.

The purpose of the bill is to authorize for fiscal 1971 funds totaling $525,630,000 for the National Science Foundation, together with $2 million in foreign currencies which the Treasury Department designates as in excess of requirements.

Major program authorizations included in this total are:

Scientific research	$306,000,000
Institutional support for science	55,500,000
Program development and management	20,500,000
Science education support	110,400,000
Computing activities and research and education	15,000,000
Scientific information activities	13,000,000

The $2 million in excess foreign currencies will be used by the Foundation to continue to arrange and collect, translate, and disseminate foreign scientific and technological information within the United States. Funds will also be used to promote research activities.

The National Science Foundation requested funding of $500 million. The committee increased this by $27,630,000. Of this, $10 million represents transfers from other agencies of activities the Foundation is undertaking. An additional $9,500,000 is authorized for educational support, an increase of $4 million for both the college science program and the environmental research program. Finally, $130,000 in increased authorizations is provided for the State and local intergovernmental science policy planning program.

There are no minority views or agency reports contained in the bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am glad to yield to my distinguished friend from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman for yielding.

As I understand it, this bill is $14.5 million above the budget; is that correct?

Mr. QUILLEN. It was pointed out before the Rules Committee that it was above the President's budget, but it is $27 million plus.

Mr. GROSS. Is it $27 million above the budget?

Mr. QUILLEN. It is $27,630,000 above the budget.

Mr. GROSS. Did anyone appearing in behalf of the bill attempt to justify that?

Mr. QUILLEN. Yes; they pointed out the urgent need for these funds and said that would be explained on the floor of the House when the bill was taken up for debate.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DADDARIO. Mr. Speaker, I move

that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16595) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16595, with Mr. CHARLES H. WILSON in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Connecticut (Mr. DADDARIO) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. FULTON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the bill before us today, H.R. 16595, would authorize appropriations of $525,630,000 for activities of the National Science Foundation and for other purposes. In addition, this bill would authorize the National Science Foundation to spend $2 million in excess foreign currencies for translation of scientific documents and for research support.

Therefore, the total amount which would be provided by this bill for the Foundation's activities in fiscal 1971 is $527,630,000. This is $27,630,000 more than the administration requested.

This authorization does not include the national sea-grant program, which is administered by the National Science Foundation but authorized by another committee.

I should like to briefly describe the activities which will be supported by this budget of $527.6 million:

Support of scientific research, $306 million. This provides for research projects in the sciences, mathematics, and engineering at over 400 colleges and universities in the United States. It makes possible national and special research programs, such as the international biological program, the global atmosphere research program, and the U.S. Antarctic research program. These funds purchase specialized research facilities and equipment for the conduct of certain highly specialized scientific research. And national centers, such as the National Center for Atmospheric Research in Colorado and the National Radio Astronomy Observatory in West Virginia make available to all qualified U.S. scientists unique facilities which are beyond the capabilities of individual institutions.

Computing activities in research and education, $15 million. These advance the state of the art in computer science, help improve instructional uses of computers, and explore new applications and techniques in the utilization of computers for research purposes.

Institutional support for science, $55.5 million. Institutional development grants strengthen existing centers of science education and develop new ones that will contribute to the solution of problems of national importance. Formula grants to over 600 institutions help maintain the quality of academic science and give university and college administrators an essential margin of control over the science programs on their campuses.

Science education support, $110.4 million. This program has two objectives: the production of scientific and technical manpower for the Nation and the improvement of the quality of science education at all levels. It supports activities at the precollege, undergraduate, and graduate levels. It not only provides training opportunities for students and teachers, but it develops improved courses as well as their related textbooks and teaching aids.

Science information activities, $13 million. This program focuses on the improvement of ways for dissemination of information in the basic disciplines for scientists and engineers.

Support of international cooperative scientific activities, $2.2 million. These help insure adequate participation by U.S. scientists in various international scientific programs.

Support of planning and policy studies, $3,030,000. This program helps develop policies for promoting and utilizing science and science education, especially at the State and local levels.

Program development and management, $20.5 million. These are the general administrative costs of the Foundation.

Excess foreign currencies, $2 million. Will support scientific activities related to research support and translation of scientific information.

Mr. Chairman, this budget has been reviewed in considerable detail. Seven open hearings were held on the substantive issues and the bill was marked up during four executive sessions. Last year the administration requested $487 million of our committee, plus $3 million in excess foreign currencies. After a similar thorough examination we recommended net reductions totaling about $9.4 million. The record clearly shows that the committee not only thoroughly scrutinizes all National Science Foundation programs which come before it, but that it approves only those with demonstrated high merit.

This year the situation with regard to the National Science Foundation has radically changed. We have found demands for new programs at the same time scientific research and training are being cut back drastically by the mission agencies.

Today we see a flight of motivated and talented young people from the physical sciences to the life sciences, the social sciences, and the humanities.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. DADDARIO. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman is recognized for 5 additional minutes.

Mr. DADDARIO. Since 1960, the percentage of first-year graduate students enrolled in scientific and engineering fields has declined from 24 percent of the total to 18 percent.

It is important for us to recognize the need, in my opinion, of maintaining this manpower because it is the manpower that is at the base of the development of our knowledge-producing mechanisms on which the strength of the economic welfare and security of this Nation depends.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. Yes, I would be willing to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

Is it not true that NIH, the Department of Defense and NASA have dropped a number of these programs and the researchers that go along with them? So, you in this are adding to the cost of this bill so they can walk across the street and pick up another project?

Mr. DADDARIO. Well, if I might respond to the gentleman, I would say that I do not look at it as though it is a simple matter of people being dropped out of one agency and moving to another.

The Bureau of the Budget recognized the fact that mission-oriented agencies were dropping what they called nonrelevant research. We have argued that out on the floor on many occasions and the RECORD will show that I had some question about whether that strengthens this country or not—in short, my feeling is that it does not. However, it is important. The Bureau of the Budget, in recognition of the fact that there would be an estimated $20 million of such research as the gentleman from Iowa refers to dropped out of the various agencies, had increased the request of the National Science Foundation some $10 million in order to take care of that. That $20 million has grown to somewhere in the area of $60 million to $70 million as we can estimate it. Therefore, we have added $10 million more to take care of the additional $40 million. This follows the same line of reasoning and logic of the Bureau of the Budget. I think it is proper. It is our feeling, as we have investigated it, that this is fundamental basic research which needs to be supported. The sum of $20 million will not by any means allow the National Science Foundation to take over all of them, nor should it. But it will give them an opportunity to take the very best of those activities and we believe it to be proper that this item be supported. That is one of the reasons why we have added these funds, because it does follow the formula established by the Bureau of the Budget, but not in the same percentage amounts.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I certainly do yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would ask the gentleman from Connecticut did not the Foundation have available for operation on January 1 of this year, 1970, $244 million in funds? And did it not

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have available total unexpended funds on that day of $573 million?

Mr. DADDARIO. Mr. Chairman, if I may reply to the gentleman from Iowa, the funds available to the National Science Foundation that the gentleman from Iowa has referred to are funds which have been committed over a period of time. It is our understanding, after we have looked into this, that the funds will have been completely committed for the purposes of last year's authorization by the end of the fiscal year. This falls in line with the problems that the National Science Foundation has in adjusting itself to an academic year which does not coincide with the fiscal year.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DADDARIO. Mr. Chairman, I yield myself 3 additional minutes.

The dream of the United States maintaining its position of world leadership in all the key fields of science and advanced technology is seriously threatened. Just last week Dr. Lee DuBridge, the President's science adviser, estimated that U.S. research support has dropped 30 percent in the last 4 years in "real dollars." This means that we have nearly a third less real effort in science than we did a mere 4 years ago. Dr. DuBridge stated:

> There has been an upswing in other countries in certain areas and we are no longer the leader. Maybe we should get used to this idea.

I, for one, am not ready to accept a second-rate position for U.S. science.

Because of this overwhelming evidence of need for more support for scientific research and training, the committee made five specific changes in the proposed budget. Let me now explain them in more detail, and point out why this is the bare minimum amount which should be authorized for the Foundation during fiscal year 1971.

Mr. Chairman, in response to the questions asked by the gentleman from Iowa, I have already touched on $10 million of the $27.63 million additional that we have asked for. Special hearings on March 19 pointed out the drastic cutback in research and training in areas related to environmental problems. It was also noted how modest percentage cutbacks at the research oriented institutions often cause catastrophic reductions at smaller universities.

The $10 million added by the committee to fund transferred research projects will permit the NSF to support approximately one-third of the high quality research already identified as being dropped by other agencies.

The committee added $4 million for environmental research in Federal laboratories. Building new laboratories to solve each major new problem facing our country is not an efficient way of utilizing limited scientific and fiscal resources. These additional funds will permit an existing competence in Federal laboratories to be brought to bear in multidisciplinary approaches to problems in environmental quality.

In the area of Science Education, the committee made two additions: $9.5 million was added for graduate traineeships, restoring the number of new trainees to the fiscal 1970 level. Had this not been done, the NSF first-year traineeships in over 200 universities would have been completely cancelled. This action only partially stems a current trend to drastically cut back production of trained scientific manpower in this country.

A total of $4 million was added to the college science improvement program, which funds science education in our undergraduate colleges. These are the institutions which have historically furnished a disproportionately large number of undergraduate majors who go on for advanced study. Our addition brings the total for this program to $8 million, still less than was obligated in fiscal year 1969.

The fifth program which was increased by the committee was the State and local intergovernmental science policy planning program. This activity supports projects designed to assist State and local governments in planning for better utilization of science and technology. The increase of $130,000 brings this particular program total to $500,000.

Mr. Chairman, I referred earlier to the fact that demands for new programs have been coupled with cutbacks in science research and training by the mission agencies. Let me give an example of how these two trends are affecting the National Science Foundation. The budget item, support of scientific research, contains $15 million for the international decade of ocean exploration. This program is a completely new one, and was not requested by the National Science Foundation. It was assigned to NSF for administrative convenience by the Budget Bureau, as a result of international agreements made by our Government. However, the mission agencies are cutting back their support by $60 million in areas covered by this same budget item, support of scientific research.

Mr. Chairman, the New York Times recognized the magnitude of the problem we face when it commented editorially last week on what it described as the "research emergency." After describing the disastrous decline of Federal support for research it stated:

> The search for peace and knowledge, the rescue of man's environment and the rebirth of the decaying cities are certain to become illusory goals unless they are pursued with as much hardhitting scholarship and scientific purpose as the perfection of missiles or exploration in space.
>
> The Pentagon has never failed to impress the political leaders with its dependency on the creativity of the ablest minds on campus; it would be a devastating commentary on the nation's values if history were to record that the military establishment was the only dependable patron of American research and scholarship, and that when military support was cut off, scientific research withered and died.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DADDARIO. Mr. Chairman, I yield myself 1 additional minute.

The National Science Foundation, when it was established 20 years ago, was given the primary mission of encouraging and fostering fundamental research and education in the sciences. This must remain its primary goal although the requirements of today and the future can be expected to impose new directions.

Our society today faces crises of environmental quality and social unrest. More and more we need to understand why people do what they do, and we need to assess in advance the consequences of massive deployment of new technologies.

These problems all demand certain new knowledge drawn from virtually all disciplines in the sciences. In other words, to solve the problems of the future we need a multidisciplinary approach.

Beginning in 1965, our Subcommittee on Science, Research and Development worked for 3 years on a plan to more efficiently organize the National Science Foundation so that it could more effectively carry out its programs. This resulted in the National Science Foundation Amendments Act of 1968, Public Law 90–407. This reorganization not only specifically pointed out the need for Foundation involvement in applied research and the social sciences, but more importantly it gave the Foundation a new and strengthened administrative structure to permit it to act out fully its new role.

In the fiscal 1971 budget, we see the quantitative implementation of these new directions for NSF. In addition to projects of high quality basic research, we find the Foundation proposing support for projects of more immediate applicability.

The international biological program has pioneered global action with regard to significant studies of interrelating biological systems. For example, the current study of grasslands is collecting data which will permit careful and efficient management of this type of interacting biological system, so that the proper ecological balance is struck in a manner consistent with economic progress.

The interdisciplinary research related to problems of our society is expected to fund $13 million worth of research identified as not only good science but as significant to society as well.

The institutional support programs of the Foundation are reoriented in order to encourage institutions to respond more effectively to problems of society and the environment.

The new Arctic research program is oriented toward scientific problems related to the ecology of the tundra and related aspects of the Far North.

The earthquake engineering program is designed to gain knowledge about construction methods for buildings in earthquake zones.

In the field of education, there is a new emphasis on the development of science curriculums, and instructional materials, which will strengthen the knowledge of science for the average student. This will complement the highly successful programs in the past oriented toward the exceptional or gifted student.

A new program for highly trained technologists will fill in one of the gaps in American industry for skilled scientific support workers.

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Mr. Chairman, these new and expanded programs of the Foundation show that basic and applied research in the sciences can be relevant. Through the support of these and related programs, the Federal Government can save many dollars in implementing new programs for each dollar invested in research. These funds are not consumed for immediate use by the Foundation and its grantees. Rather, they are an investment in the future, with a yield much higher than those obtainable in any financial market. It would be foolish for the Congress not to invest an adequate amount in this venture.

Mr. Chairman, I do want to commend the members of the Subcommittee on Science, Research, and Development on both sides of the aisle, for the great amount of work they performed during the course of the hearings and markup on this bill and for the concern they have had for the welfare of scientific research and education in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, at this point I should like to include in the RECORD several brief articles which are germane to the issue being discussed here today, as follows:

[From the New York Times, Apr. 30, 1970]

RESEARCH EMERGENCY

The critical decline of Federal support for research is disastrous on two levels: it undermines the fiscal health of the nation's universities at a time of spiraling costs and dangerous deficits; and it threatens to retard American intellectual, scientific and technological progress for decades to come. When so seasoned an expert as Dr. James R. Killian Jr. can say flatly that the universities' financial outlook has not been so bleak in 30 years, there is urgent need to review basic policies.

Two related factors conspire to turn the situation into a national emergency. What had already been a gradual slowdown in Federal spending turned into fiscal rout last year, with the result that even the Administration's present request for full funding of the National Science Foundation would barely keep pace with inflationary costs. In any event, this sum falls far short of paying for the research eliminated under the new Congressional prohibition against use of Defense Department funds for contracts not directly related to military purposes.

The irony is that although the prohibition was aimed at least in part at preventing military contracts from distorting campus research, it is non-military research that will be the victim. It would indeed be shameful if science and technology, which were lavishly supported so long as they seemed a boon to national defense, were to be put in cold storage just as national priorities demanded that they be harnessed for missions of peace and social progress.

The search for peace and knowledge, the rescue of man's environment and the rebirth of the decaying cities are certain to become illusory goals unless they are pursued with as much hardhitting scholarship and scientific purpose as the perfection of missiles or exploration in space.

The Pentagon has never failed to impress the political leaders with its dependence on the creativity of the ablest minds on campus; it would be a devastating commentary on the nation's values if history were to record that the military establishment was the only dependable patron of American research and scholarship, and that when military support was cut off, scientific research withered and died.

XUM

[From the Washington Star, Feb. 8, 1970]

SEED-MONEY LACK COULD SLOW ECONOMY

(By William Hines)

"A slowsort of country!" said the Queen. 'Now here, you see, it takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!' "

The Queen in Lewis Carroll's "Through the Looking Glass" would have felt right at home in the federal capital this past week, curled up with a brown-covered book entitled, "The Budget of the United States Government—Fiscal Year 1971."

From start to finish, but nowhere more clearly than in the parts related to science and technology, the book gave evidence that here, too, is a country where merely running as fast as you can does little good.

Dr. Lee A. DuBridge, President Nixon's science adviser, faced this fact squarely at a briefing before the budget went to Capitol Hill. Pointing out that in terms of dollars the $17 billion research and development (R&D) program for fiscal '71 is about the same as that for fiscal '68, Du Bridge commented:

"Really, it's maybe a 15 percent decrease in level of effort from 68 because of rising costs. There's no question about it."

Even the fact that basic and applied research (as distinguished from that vastly more costly category, development) received a slight increase in '71 over '70 does not give an accurate picture of what is going on. The 5.5 percent boost in research money was gobbled up by a 6.5 percent rise in prices. Actually, then, there will be less government-sponsored research done in '71 than in the current fiscal year.

This is not solely Richard Nixon's doing because the lean years for R&D began in Lyndon Johnson's time after seven fat years, largely sparked by moon and missile projects. New money for R&D peaked in the period 1964–68, the exact year depending on how one views the budgetary picture.

In terms of dollar outlays authorized, R&D funding reached its apogee in fiscal 1968. But with the dollars adjusted to a constant (1957–59) value to account for inflation, the peak occurred in 1967. And, expressed as a percentage of the total budget, emphasis on R&D as a government activity peaked in 1965.

Basic research—which President Eisenhower's Secretary of Defense Charles E. Wilson said "is when you don't know what you're doing"—is still on the way up when reckoned in inflated dollars, but on a constant-dollar basis the summit was reached three years ago.

There is no question that for a while in the mid-sixties R&D was overfed. Witness fiscal 1965, when 12.6 percent of the budget went into this pigeonhole, mostly for hardware development.

The point at which obesity ends and malnutrition sets in is not easy to determine in advance, or even for that matter in a postmortem examination. But there can be little doubt that, as far as the federal feeding of science is concerned, the hungry years are here. How long they will last probably not even President Nixon knows.

Basic research is the seed money of economic growth, applied research is the fertilizer development activity is the farm machinery, the national economy is the planted acreage—and the gross national product (GNP) is the harvested crop. Any dirt farmer knows that the worst place to economize is on seed.

Yet this is what has been happening for several years now, even as the GNP has continued to grow. In terms of real buying power—constant dollars—the level of federal support for basic research has grown very little in the past five years. The outlay for basic research in fiscal 1967 was the constant-dollar equivalent of 1.9 million. The best estimate of Nixon's basic-research request for fiscal 1971 is $2 million, again in constant dollars.

The GNP harvest has been good up to now, and the fields from which it is gathered are broader than ever. But the money for seed is no more plentiful than four or five years ago, when the acreage was smaller.

This means one of two things: Either the seed's quality will be maintained and it will be sowed more sparsely, or a lower-grade seed will be substituted so as to keep up the quantity sowed on each acre. Either way, there is a very real danger of skimpy GNP harvests in future years because of failure of basic research to keep step with the growth of the national economy.

[From Science Magazine, Apr. 3, 1970]

NSF BUDGET: HOUSE GROUP REACTS TO DATA ON PLIGHT OF SCIENCE

(By Philip M. Boffey)

Complaints that recent budget cuts are inflicting great damage on the American scientific establishment seem to have moved the House Science and Astronautics Committee last week to recommend that the National Science Foundation be allocated $27.6 million *more* for the next fiscal year than the Nixon Administration had requested. The committee approved a budget authorization of $527.6 million for NSF in fiscal 1971 instead of only $500 million as proposed in the President's budget. That authorization would finance all NSF activities except the national sea grant program which is covered by separate legislation. The action, though not unprecedented, was unusual. Congressional committees generally cut the President's budget request—they seldom recommend an increase.

The science committee's recommendation does not ensure that NSF will actually receive an unexpected bundle of money. Three other committees—the House Appropriations Committee, the Senate Labor and Public Welfare Committee, and the Senate Appropriations Committee—must still take action on the NSF budget, and the appropriations committees have generally been rather hard-nosed toward NSF. Last year, for example, NSF ended up getting about $60 million less than the highest figure recommended by one of the committees. Nevertheless, the science committee's action is a significant indication that some congressmen are now convinced that American science is indeed in trouble.

The committee's action was based on recommendations by its Subcommittee on Science, Research, and Development, headed by Rep. Emilio Q. Daddario (D–Conn.). The Daddario subcommittee, in the course of 7 days of hearings on the NSF budget, developed some of the "hardest" information yet available on the current plight of American science. The subcommittee concluded, for example, that various federal "mission agencies"—primarily the Defense Department, the National Aeronautics and Space Administration, the Atomic Energy Commission, and the National Institutes of Health—are terminating almost $60 million worth of research projects at the nation's universities either because of budgetary stringencies or because of a new attitude fostered by the so-called Mansfield amendment that basic research must be closely related to an agency's mission. The subcommittee also came up with figures indicating that the number of first-year graduate students receiving federal fellowships and traineeships will drop by a precipitous 50 percent between fiscal year 1970 and fiscal 1971.

SCIENCE ON THE BACK

On the more subjective and emotional side, the subcommittee heard testimony from academic scientists at first- and second-rank institutions who alleged that good students are being driven away from science and that good facilities are going to waste. "I think we understand the belt tightening but generally a belt is pulled up rather gently rather than rapidly like a medieval rack" complained Thomas F. Jones Jr. president of the University of South Carolina and a member of the National Science Board the policy-making body for NSF.

One great problem in assessing the current budget situation is the dearth of hard quantitative information. As Daddario complained in a recent speech: "No one really knows what is going on right now." Daddario said that various mission agencies have been reducing their support of academic science and basic research in recent years and that this has increased the pressure upon NSF to provide support for the projects that are being cut off by other agencies. Daddario's subcommittee, in pondering the NSF budget request this year, decided to "quantify the problem" by asking the various agencies to indicate what academic science projects they are dropping during fiscal years 1970 and 1971 because of budget restrictions. * * * "But what answer did we receive? Well 1968 data was available and complete. 1969 data was beginning to be available, and some agencies were able to provide it. With regard to 1970 and '71 data we were asked to wait a couple of years."

Nevertheless, the subcommittee, with the help of NSF, pieced together some data that indicates the magnitude of the budgetary problem facing science in general and NSF in particular. The subcommittee came up with what it regards as a "conservative estimate" that mission agencies during fiscal 1970 and 1971 will drop $57.9 million worth of academic research projects which can probably be expected to appeal to NSF for support. The projects are those which had previously been funded by the mission agencies but which the agencies plan to drop or sharply reduce in fiscal 1971 because of budgetary problems. The subcommittee estimates that the Defense Department will drop $23.1 million worth, the National Aeronautics and Space Administration will drop $22 million, the Atomic Energy Commission $8.6 million, the National Institutes of Health $3.8 million, and the Office of Saline Water, $400,000.

MYSTERY AT NIH

The subcommittee's estimates are based partly on data received from the agencies through official channels, and partly on information supplied by "reliable sources" familiar with the various agencies. In some cases the estimates are probably low. The NIH, for example, for reasons that are baffling to officials elsewhere in the government, apparently won't tell anyone what it is doing. Thus the $3.8 million estimate for research dropped by NIH is largely based on information about NIH projects that have already approached NSF for support. Subcommittee staff members believe the estimate is conservative and that additional NIH cuts may ultimately come to light.

Only a small part of the decline in mission agency support seems to have been caused directly by the Mansfield amendment, which prohibits the Defense Department from supporting any research that does not have "a direct or apparent relationship to a specific military function or operation." The subcommittee, using figures supplied by DOD, reports that the Mansfield amendment is forcing the military agencies to drop about $8.2 million in basic research at the universities during fiscal year 1971. All the remainder of the $57.9 million in research being dropped consists of projects that are being cut for budgetary reasons or because various agencies have adopted the "philosophy" of the Mansfield amendment even though they are not directly affected by it, subcommittee staff members say.

The subcommittee has also collected estimates which reveal a sharp decline in the number of new traineeships and fellowships awarded to graduate science students by nine major federal agencies. In fiscal year 1969 there were 6515 new awards; in fiscal year 1970 there were 6012; and for fiscal year 1971, the Nixon budget would support only 3069, a drop of almost 50 percent in just one year. The totals do not include Public Health Service training grants, for which no firm figures are available.

Within those total figures, the number of new fellows and trainees supported by NSF will drop by almost two-thirds, from 2772 in fiscal 1970 to 1000 in fiscal 1971; the number supported by the Office of Education will drop by one-half, from 1653 to 825; and the number supported by the National Institutes of Mental Health will drop by two-thirds, from 416 to 133. NASA, which supported 420 individuals in fiscal 1969, will not support a single one in 1971; and the AEC, which supported 233 in fiscal 1969, will support only 160 in 1971. No up-to-date figures are available for NIH, which had already experienced a steep drop from 650 in fiscal 1969 to 100 in fiscal 1970.

ACADEMIC WOES

In an effort to further document the damage being done, the subcommittee held a special day of hearings to take testimony from four academic leaders. The testimony, not surprisingly, was anguished and full of dire predictions about the decline of American scientific eminence.

One theme that dominated the testimony was that budgetary stringencies and other factors are causing some of the very ablest students to abandon or shy away from science. Benjamin Lax, director of the National Magnet Lab at MIT, reported that "one of the most brilliant" graduate students at MIT recently came into his office seeking advice because the student now "wants to leave physics and possibly go into humanities." Lax said the student was responding not only to the financial squeeze but also to the general "disenchantment" with science and the general "misconceptions" about the lack of relevance of scientific studies. "Even talented people like this do not feel in 4 years when they graduate they will have jobs or opportunity to make a significant contribution," Lax said. "It takes 4 or 5 years to get a degree . . . And now what is going to happen is youngsters like this one will change or will not go into the sciences. Five years from now we are going to have a shortage."

Ivan L. Bennett, Jr., director of the New York University Medical Center, told of similar feelings among students at the medical school he heads. Bennett said that NYU had pioneered a program that enables students to receive a combined M.D. and Ph.D. degree, and that the success of this program was reflected in the fact that NYU, over the past decade, has graduated the largest number of students who go on to become full-time faculty members in other medical schools. The program thus enables students to pursue careers in scientific research instead of medical practice. But Bennett said that about 6 months ago the present group of M.D.–Ph.D. candidates asked to meet with him for discussions. "There were several of these very gifted young men who were seriously considering dropping the Ph.D. part of the program," Bennett said. "The reason was not that they felt they could contribute to society by practicing medicine . . . It was simply because they looked about and saw the young members of our faculty finding increasing difficulty in obtaining support for their own scientific work, and wondered whether they were not preparing for careers that really would be obsolete by the time they were prepared to do this. It is a very serious problem.

A second theme of the tesimony was that financial stringencies have largely crippled certain laboratories, including some with outstanding reputations and others of lesser rank. Lax asserted that the National Magnet Lab which he heads at MIT is currently being used at only one-eighth of its potential capability. He said the laboratory was forced to cut its operating time in half because of budget cuts this past year. He also said the laboratory has virtually eliminated its program for visiting scientists (there were 100 visitors in 1969), and has dropped most of its postdoctoral programs. To make matters worse, the Air Force, because of the Mansfield amendment, has decided to terminate its support of the laboratory and has asked NSF to pick up the tab. Lax claimed the U.S. is in danger of losing its leadership in magnetic studies. "Our success at our laboratory has spurred the French, the Dutch, and the Germans to duplicate our facility," he said. "The Russians are proposing an even larger one. The Dutch have requested us to build a magnet which takes advantages of our latest developments. If we do this, this will put them abreast of us or possibly ahead of us. If the National Science Foundation does not take on the responsibility and support of our version of this advanced project, we will definitely relinquish our leadership within 2 or 3 years."

Lax also said the Haystack facility at MIT, which he described as "one of the best radio astronomy tools in the United States and in the world," will be "irretrievably lost" unless new sources of financial support are found to replace support which is being withdrawn by the Air Force. And he said that an interdisciplinary space science center which involves 16 departments at MIT, has had its budget cut in half over the past few years. The center's general research program, which totaled about $1 million a few years ago, will be completely dropped in 1972, leaving only some hardware projects.

LESSER INSTITUTIONS HURT

If the situation, as painted by Lax, seemed dire at a prestigious institution like MIT, it seemed close to catastrophic at an institution of the second rank, such as the University of South Carolina. Thomas Jones, president of the latter university, warned that the budget squeeze will be "especially hurtful to those states most in need of development." When federal agencies terminate their support, Jones said, "a ripple, then a wave, goes down through the pecking order of institutions as they scramble to find new resources of support. The lesser institutions experience an acceleration and disappearance of funds and . . . return to the second-hand spectator-type science that characterized those institutions prior to World War II." Jones said the amount of science support at his own institution in fiscal 1970 would probably be about half that of fiscal 1969.

Although some leaders of the scientific establishment have suggested that, in a time of financial crisis, the top-ranking institutions should be favored and the lesser institutions allowed to wither, Jones took a contrary view. "One might conclude these less than superb institutions are not really important to science in our nation," he said. "But let me say, nothing could be further from the truth. The future economic health of our nation depends on at least one institution that is excellent in science in every state in our nation." Jones said an institution within a state has a more profound influence on the local school systems, local industry, and the setting of goals for its young citizens than does a prestigious out-of-state school.

INFLUX OF FOREIGNERS?

One ironic result of the budget stringencies, according to some witnesses, is that foreigners are now often in a better position to make use of American facilities than our own citizens are. Charles L. Hosler, dean of the College of Earth and Mineral Sciences at Pennsylvania State University, testified: "In my own college I find it interesting that the number of postdoctoral fellows we can support from within the United States has diminished and yet we have had a great influx of people from Europe and behind the Iron Curtain." He said the foreigners have come from such countries as Poland, Czechoslovakia, Yugoslavia, Japan, Germany, Korea, China, India, Ghana, Liberia, and Nigeria. "Many of these we don't have to provide any support for at all," he said. "They would be willing to come if we give them the physical facilities and the ability to associate with the personnel we have on board." Hosler also said Penn State has "two departments in which we don't have any American graduate students—we have only foreign graduate students."

The academic witnesses appearing before the Daddario subcommittee seemed especially upset at the way in which budget cuts have been made. Jones, the University of South Carolina president, complained that the government's budget-cutting exercise has been "almost impulsive" and has reflected "a considerable degree of arbitrariness." He added: "We are sufficiently near to virtually a catastrophe which will be felt for two decades that we need here and now to make some orderly plan for a transition of funds from mission agencies to an agency or agencies that would look after the health of science, and in particular where there have to be cuts, they should be programmed in such a way that they don't hit all at once, so that your society or people or institutions can program the adjustments."

Similar rhetoric had been heard before, but the significant thing was that the Daddario subcommittee obviously bought it. The subcommittee recommended five specfic increases in the NSF budget, and it particularly emphasized the need to support the education of young scientists and the need to continue projects that are being dropped by the mission agencies.

Specifically, the subcommittee recommended that:

Funds for graduate traineeships, which are awarded to over 200 universities which in turn select the recipients, be increased by $9.5 million. The Nixon Administration planned to eliminate all new NSF traineeships in fiscal 1971, but the committee recommendation would restore the program to the level of the current year.

$10 million be added to support academic science projects being terminated by the mission agencies. The Budget Bureau had earlier allocated $10 million to NSF to support such projects, so the committee's recommendation would give NSF $20 million, or enough to support about one-third of the estimated $60 million in projects that are being terminated.

$4 million be added to the College Science Improvement Program, which seeks to upgrade science instruction at the undergraduate level.

$4 million be added to support environmental research in the federal laboratories.

$130,000 be added to assist state and local governments to plan for better utilization of science and technology.

Despite the committee's recommendations, it seems unlikely, in a year when there is such emphasis on the need to curb expenditures in order to fight inflation, that NSF will actually end up being allowed to spend more than the President requested. But leaders of the scientific community can take some consolation that their cries are being heard, and heeded, in at least some segments of the Congress.

XUM

[From Physics Today, May, 1970]

"SECTION 203" COMPOUNDS RESEARCH-FUNDING SQUEEZE

The Mansfield amendment—known for short as "Section 203"—in the 1970 Defense Appropriations Act (PHYSICS TODAY, February, page 63), along with continuing contractions in government research funding, is generating concern and confusion in Congress, in the agencies supporting research (not only in the Defense Department), and among scientists. Section 203 aims at restricting Defense-supported research to projects clearly related to military needs, but its effects appear to be spreading to other agencies.

Recently Congressman Emilio Q. Daddario identified several physics laboratories as particularly hard-hit by the overall financial squeeze, particularly from the effects of Section 203. These are: MIT's Francis Bitter National Magnet Laboratory and its Haystack radar-radio astronomy facility, the Princeton-Pennsylvania Accelerator, the Cambridge Electron Accelerator, and Florida State's Tandem Van de Graaff accelerator. In addition Cornell's Arecibo Ionospheric Observatory has been hard-hit.

Congressional concern with Section 203 has emerged mainly through the work of Daddario and his Subcommittee on Science, Research and Development of the House Committee on Science and Astronautics. In fiscal-year 1971 budget authorization hearings for the National Science Foundation, the Daddario subcommittee has examined implications of research funding cuts and the particular effects of Section 203. NSF is centrally involved: It is the one agency clearly chartered to support basic research, and everyone looks to it when cuts occur in Defense and elsewhere.

A 25 February report of the Daddario subcommittee's Research Management Advisory Panel deals with *Mission Agency Support of Basic Research*. The Panel urges the government to consider carefully the potentially disruptive effects of a restrictive interpretation of Section 203. Among its recommendations: The government should administer compliance with Section 203 to allow alternative support for individual scientists and projects. Section 203 should not result in termination of near-complete projects or disruption of competent research teams. When Section 203 unavoidably leads to discontinued support for a project, reasonable advance notice and terminal funding of perhaps one year should be given. The Budget Bureau and the President's Office of Science and Technology should prepare a plan for supporting high-quality research projects in the national interest that are dropped by Defense because of Section 203 (but this should not be done at the expense of present NSF programs).

In a statement on 4 March, Daddario commented on the Research Management Advisory Panel's report. His subcommittee, he said, has "been very concerned about the derailment of basic research support by the mission agencies. We have been acutely conscious of the problem since part of our legislative responsibility is the National Science Foundation, and because the Foundation has been under great pressures to take on many of the good research projects being abandoned by the mission agencies. The Foundation has been able to take up some slack, but relatively little. It doesn't have the budget to handle that need."

Daddario deplored "our myopic preoccupation with budget figures, and the manner in which the mission agencies are beginning to respond to 203." He listed the physics installations noted above, and other research areas and facilities already damaged by fund cuts. On the list: Sharp DOD and NASA cuts in radio astronomy and seismology, NIH cuts in organic chemistry and biology, NASA elimination of its sustaining university program, drastic cuts in federally supported predoctoral training and fellowship programs, and about 25 astronomy programs, dropped by DOD and other agencies, which NSF has adopted (or is expected to take on) since fiscal 1969.

NSF authorization hearings held on 19 March focused on the implications of research fundings cuts and Section 203. The Daddario subcommittee heard statements from: Ivan L. Bennett, Director of New York University's Medical Center; Charles L. Hosler, Dean of the College of Earth and Mineral Sciences at Pennsylvania State University; Thomas Jones, President of the University of South Carolina; Benjamin Lax, MIT physics professor and director of the Francis Bitter National Magnet Laboratory.

Hosler emphasized the importance of higher education and research in advancing social well-being and economic growth. On the economic issue he suggested, among other things, that over the productive life of an individual, an advanced technical degree would effectively return an additional $100,000 in taxes to governments alone, for an initial investment of perhaps $20,000. Hosler stressed the interdependence of higher education and research, and the impossibility of carrying on these activities on an on-and-off basis. His remarks stimulated questions and discussion at the hearings.

In discussing the situation at the Magnet Lab, Lax noted ironically AFOSR's (Air Force Office of Scientific Research) former enthusiastic support for advancing the state of the art in magnet technology; such work is no longer "relevant" under Section 203. He observed that the French, Dutch and Germans are now building similar magnet laboratories, and the Russians are proposing a larger one. "Unless the National Science Foundation takes on the responsibility for the [Magnet Lab] facility and supports our version of such an advanced project, we will relinquish the leadership we have worked so hard to attain."

To illustrate that "pure" science in an interdisciplinary setting leads to results of practical, social importance, Lax took his Magnet Lab as one example. At MIT, research in magnet technology and in plasma physics is contributing to an AEC-supported controlled-thermonuclear experiment. The search for a magnetic monopole has resulted in techniques for removing pollutants from air and water. The Magnet Lab is working with medical researchers on neurosurgical procedures, magnetoencephalography and magnetocardiography, and cardiac defibrillation.

Lax also noted the impending shutdown of the Haystack facility and the curtailed funding of MIT's Space Science Center. The latter is an interdisciplinary laboratory with participation from sixteen MIT departments. Its general research funds are expected to drop from $1 million to zero in 1972; this will sharply reduce the Center's *scientific* space projects.

AFFECTED LABORATORIES

Lax told Physics Today that, with some small cuts that had been expected, but largely because of Section 203, the Magnet Lab's annual funding from AFOSR dropped at the beginning of this year from $2.4 to $1.8 million. At the later figure the Lab is operating at about one-half shift, almost no money is available for graduate and postdoctoral research support or for visiting researchers, and further staff cuts impend. Lax declared that over the years AFOSR has done a "superb job" in helping the Magnet Lab to become a unique national facility. Now, because of Section 203, AFOSR cannot support the Lab as such a facility. In a letter to NSF Director William McElroy, Air Force Assistant Secretary (for Research and Development) Hansen has asked NSF to assume this responsibility.

The MIT Lincoln Laboratory's Haystack radar and radio astronomy facility will have to shut down on 1 July unless new funding sources can be found, reports Lincoln Director Milton Clauser. Haystack, built in the early 1960's for $20 million, has had an operating budget of about $1.5 million, very largely from the Air Force, for the last two years. Primarily as a result of Section 203, this funding must now be cut to zero; whether or to what extent NSF or NASA can keep Haystack operating is so far unclear. Haystack's 250–300 kilowatt at X-band complement Arecibo and Goldstone. Recently, under an NSF grant obtained with the cooperation of the 13-university Northeast Radio Observatory Corporation (NEROC), Haystack has increased its operating schedule from 40 to 120 hours a week. As a national facility, it now serves NEROC and is available to the US astronomy community.

The AEC-supported Princeton-Pennsylvania Accelerator has had its operating budget cut from $4.0 million in fiscal year 1970 to $2.0 million in fiscal 1971 and zero in fiscal 1972 (see page 55). AEC has cut the Cambridge Electron Accelerator budget from $3.5 million to $2.4 million; the present staff of 180 will be cut to 112 in July (see page 55).

At Florida State, after about 10 years of steady support, the Air Force is cutting by about ⅔ its funding of the Tandem Van de Graaff Accelerator Program. Robert H. Davis, the program's Principal Scientist, told Physics Today that, under a planned phasing down begun two years ago, AFOSR support has declined from about $440,000 in fiscal 1968 to $320,000 this year, with $150,000 expected for fiscal 1972. NSF supports nuclear-theory work related to the Accelerator Program, but NSF and AEC have not been able to take up the much larger experimental funding slack as had been expected. The impact of Section 203 remains to be seen. The cuts in research support come at a particularly inopportune time: With an NSF Science Development grant awarded two years ago, Florida State is just now replacing its 10-year-old 6-MeV-terminal Van de Graaff with a new 9-MeV machine, and the Air Force has recently made available to the Program an XDS–9300 computer.

Funds for Cornell University's Arecibo Observatory, in Puerto Rico, are now about 20% below what is needed for full utilization of the world's largest radio-radar telescope. But because of the high fixed operating and maintenance costs, Frank Drake, head of Arecibo's Ithaca group and Associate Director of Cornell's Center for Radiophysics and Space Research, estimates that this funding gap means in fact a 50% loss in scientific output. The Observatory expects about $2 million for 1970, largely from NSF. But the termination, as a result of Section 203, of relatively small AFOSR and ONR contracts will seriously curtail pulsar and quasar research. Present money limits also prevent the introduction of needed low-noise and maser equipment, and other steps to upgrade the overall facility. The Observatory has been in operation since 1964 for work in ionospheric physics, planetary radar and radio astronomy. Most of the money for a recommended resurfacing of the main "dish," firmly estimated at $4.2 million, is included in the fiscal 1971 NSF budget. But Congress specifically rejected this item for fiscal 1970; so far Arecibo's scientists are "hopeful" for 1971.

These several examples are probably representative of the current money problems of many physics research projects. Particularly serious is the fact that cuts in the 10–40% range may very disproportionately hurt "good science," even though there is enough money to keep the project going at some minimal level. This is especially likely for research that depends on expensive equipment, where operating costs—"just keeping the tubes warm"—consume most of the budget.

[From the New York Times, Apr. 28, 1970]

DUBRIDGE SAYS U.S. SLIPS IN SCIENCE

(By Richard D. Lyons)

WASHINGTON, April 27.—Dr. Lee DuBridge, President Nixon's science adviser, said today that cuts in Federal funds for research might turn the United States into a second-class nation in some scientific fields.

"There has been an upswing in other countries in certain areas and we are no longer the leader," Dr. DuBridge said, adding, "maybe we should get used to this idea."

He cited both radio and optical astronomy as fields in which "we have slipped back." He named West Germany, Japan, Britain and the Netherlands as countries that have been gaining on the United States in some scientific areas.

"This is not the policy of the Administration," he said. "The policy of the Administration is balancing the budget."

Dr. DuBridge spoke at a symposium on "the crisis in the Federal funding of science" during the 107th annual meeting of the National Academy of Sciences. He amplified his remarks at a news conference.

The 300 distinguished scientists attending the meeting were not cheered as half a dozen speakers issued gloomy forecasts on the prospects for more Federal money for research in the next few years.

LACK OF SUPPORT CHARGED

As the academy met, the House of Subcommittee on Science, Research and Development issued a 55-page report accusing the Administration of failing to support science.

"U.S. science is faltering at a time when the problems of the environment, national security, population control, urban unrest and worldwide education and development demand new ideas," said Representative Emilio O. Daddario, chairman of the subcommittee.

The Connecticut Democrat added that "we must take steps now to insure the most efficient use of our resources and the most economical utilization of our manpower if this demand is to be met."

The subcommittee's report urged the creation of a unified science agency, to be called the National Institutes of Research and Advanced Studies, that would be a reconstruction of the National Science Foundation with the addition of arms of other departments.

Several speakers at the National Academy of Sciences symposium stressed that the nation's scientific establishment was suffering from a crisis in leadership and purpose, as well as money.

URGES SPENDING PRIORITIES

Patrick E. Haggerty, board chairman of Texas Instruments Inc. of Dallas, aid the nation needed to define scientific priorities and adapt its spending to them. The current system is hit and miss and the results the same, he said.

Mr. Haggerty, who is a member of the President's Science Advisory Committee, said the President and Congress would have to take part in the creation of a national science policy.

Discussing reductions in Federal support for research, Mr. Haggerty said the United States was "not going to dominate science in the world the way we used to, and that may be a change for the better."

"We simply can't be first in everything," he said.

Dr. Philip Abelson of the Carnegie Institution said American scientific research efforts had dropped 30 per cent in the last three years because of the attrition in Federal support.

"If we continue to cut down at 10 per cent a year the United States is going to be a second-class nation in scientific enterprise," he said.

Dr. DuBridge said the administration would add more research money in its budget for the fiscal year 1972. But other speakers asserted that the increase, about $116-million, would only offset the inflationary factors of the last year or two.

The CHAIRMAN. The gentleman from Connecticut has consumed 14 minutes.

Mr. FULTON of Pennsylvania. Mr. Chairman, I rise in support of the bill, H.R. 16595.

Mr. Chairman, it would be difficult, indeed, to overstate the importance to our country of H.R. 16595, to authorize appropriations to the National Science Foundation. Since 1950, the National Science Foundation has grown in scope and has become a key part of our U.S. Government's activities in scientific research. This emphasis on research is the reflection of what is happening in our changing society and what has happened in research programs since 1950 when the Foundation was established. It underscores the fundamental fact that science is the root of the technology upon which our social progress and our basic survival as a people depends today. Scientific research is also the principal sinew of our U.S. strength to maintain its position of leadership in the Western World. The funds in this bill will help to maintain U.S. preeminence in science and technology.

The National Science Foundation requested from this committee the authorization of $500 million for fiscal year 1971 programs, including $2 million in excess foreign currencies. After exhaustive review by the Science and Astronautics Committee, it was determined that there was a need for specific changes in the authorization, resulting in an increase of $27,630,000 over the administration's request. Therefore, the total recommended for authorization for fiscal year 1971 is $527,630,000.

Mr. Chairman, before I describe in detail the reasons for the actions taken by our committee to add $27.6 million to this budget, let me highlight the major items included in the Foundation's proposed fiscal year 1971 program.

SUPPORT OF SCIENTIFIC RESEARCH

The major part of the Foundation's program is for support of scientific research, for which the Foundation plans to allocate $306 million in fiscal year 1971.

Today we find that many of the byproducts of our technologically based society have polluted our environment. We are beginning to assess the consequences to mankind of the inability of the environment to handle the products of this technology and the world's burgeoning population. The challenge is to find ways to improve environmental quality without making a corresponding reduction in our standard of living.

The administration of funds for the

support of scientific research activity contributes in a number of ways to the broad mission. The first and most obvious of these is through the contribution of new knowledge. To qualify for support from the Foundation, the research undertaking must give promise of adding significantly to our understanding of environmental processes, basic natural phenomena or laws, man, or the societies and institutions created by him. In the long run, many of these research efforts will contribute to the development of new technology and possibly illuminate pathways toward the solution of major problems of our society.

The support of scientific research also serves a second function in that it is only through the performance of meritorious research that the Nation's present population of mature scientists and faculty members can maintain a state of readiness to respond to national needs.

A third and very important way in which the support of scientific research contributes to our broad goals is through the training of advanced young people to the highest educational levels in science. This is done toward the end of their academic careers by involving them directly in the performance of research under the guidance of faculty scientists.

The major part, about 65 percent, or $200 million, of the $306 million requested for the support of scientific research is planned for scientific research project support.

Proposals for scientific research project support submitted in behalf of scientists on faculties of universities and colleges and other appropriate institutions throughout the country suggest ways for advancing the state of our understanding of specific areas of science. The proposals are competitively evaluated by scientists in the particular field or fields concerned and grants are awarded primarily on the basis of the scientific merit of the research proposed.

In fiscal year 1971 funds will go toward the pursuit of research in 10 major areas of science, including the following: atmospheric sciences, earth sciences, oceanography, biological sciences, physics, chemistry, astronomy, mathematics, social sciences, and engineering.

Also included is $10 million for support of scientific research projects that may have to be transferred to the Foundation from mission-oriented agencies, especially the Department of Defense.

Funds amounting to $6.2 million will go to the specialized research facilities and equipment program which has as its purpose the provision of those facilities and equipment which institutions require for the conduct of highly specialized scientific research. Examples of facilities provided are controlled-environment biological laboratories, nuclear accelerating and off-campus research facilities. Equipment support is provided where a special research tool is needed by several investigators at an institution, such as, electron microscopes, mass spectrometers, and cryogenic equipment. The availability of these facilities and equipment items enables research scientists to be more productive as well as making possible the conduct of some scientific investigations which would otherwise not be possible.

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In addition, $63 million has been allocated for national and special research programs, which are aimed at specific geographical areas, at projects requiring coordinated planning and funding on a national basis or involving international cooperation, at special problems in one or more fields of science where research results are most likely to have a significant beneficial impact on problems of society, or at research programs that require special logistic support or which have unusual management requirements.

In fiscal year 1971, the Foundation plans to initiate an Arctic research program, an earthquake engineering program, and the international decade of ocean exploration—IDOE—program. The Foundation has been designated as the lead Federal agency for both the Arctic research program and the IDOE. In addition, the Foundation has incorporated the program of interdisciplinary research relevant to problems of our society under this subactivity.

Other major programs in this category include the international biological program—IBP—global atmospheric research program—GARP—weather modification program, ocean sediment coring program, and U.S. Antarctic research program.

The last major program category under support of scientific research is $36.8 million for support for the development and operation of national research centers established to meet national needs for research in specific areas of science requiring facilities, equipment, staffing, and operational support which are beyond the financial capabilities of private or State institutions and which would not appropriately be provided to a single institution to the exclusion of others. Unlike many federally sponsored research laboratories, the NSF-supported national research centers do not perform specific research tasks assigned by or for the direct benefit of the Government. They are established and supported for the purpose of making available, to all qualified U.S. scientists, the facilities, equipment, skilled personnel support, and other resources required for the performance of independent research of their own choosing, in the applicable areas of science.

In recent years, the Foundation has supported three astronomy centers—Cerro Tololo Inter-American Observatory, Kitt Peak National Observatory, and National Radio Astronomy Observatory—and one atmospheric research center—National Center for Atmospheric Research. In fiscal year 1970, the Foundation assumed principal funding responsibility for the Arecibo Ionospheric Observatory, in Puerto Rico, and established it as a fifth NSF-sponsored national research center under the designation of Arecibo Observatory. This Observatory was built with funds provided by the Department of Defense—DOD—and, prior to fiscal year 1970, principal funding support was furnished by DOD.

COMPUTING ACTIVITIES IN RESEARCH AND EDUCATION

The objectives of these programs are to advance the state of the art in computer science; to help improve instructional uses of computers in disciplines most ready for innovation; to promote multi-institutional cooperation in computing activities; to explore new applications, new techniques for training, and imaginative uses of computers; and to evaluate the benefits and potential implications of projects that could affect the continuing evolution of the programs. $15 million is included.

The money requested for special computer services for research and science education will enable the Foundation to encourage multi-institutional sharing of resources to meet growing computing requirements. Remote access to a powerful off-campus computer will provide an alternative to continued expansion of more of their own computing resources to educational objectives.

The research and educational activities program will provide support for research projects designed to advance the state of the art to contribute to fundamental understanding of the potential and the limitations of computers; to help improve instructional uses of computers; to promote experiments in multi-institutional cooperation in computer-oriented educational projects and to explore new applications and new methods of training.

INSTITUTIONAL SUPPORT FOR SCIENCE

Responding to the Foundation's statutory responsibility to strengthen the basic research and science education capabilities of the Nation's institutions of higher education, two programs are directed to support of the educational and research needs of the institution as an entity. Support for this program totals $55.5 million.

One of these programs, science development, has as its primary objectives: First, strengthening the base of science and engineering in the principal institutions and regions of the Nation, with major emphasis on undergraduate and graduate education and research; and, second, strengthening existing centers or areas of science and engineering and, where necessary, developing new ones that will contribute to the solution of problems of national importance.

The second of these programs, institutional grants for science, provides grants for discretionary use by the Nation's institutions of higher education. These grants are intended to help maintain the quality of academic science at institutions that have shown strength in research or research training and, at the same time, to safeguard institutional autonomy through restoring initiative and decisionmaking to the local scene.

SCIENCE EDUCATION SUPPORT

The National Science Foundation's science education support program totals $110.4 million. It has two objectives.

The first objective is the production of scientific and technical manpower to meet the Nation's needs.

The second objective is the improvement of the quality of the science education programs for all students at all levels as an aid to strengthening scientific research potential.

Support of these objectives is guided by the concept of using the minimum of Federal funds to gain maximum effects by applying such funds to the types of program activity which hold promise of exerting significant leverage for change in a vast system. This concept is illustrated by the NSF fiscal year 1971 program as compared with the total fiscal year 1971 outlays for education.

Several significant factors, indicative of change in NSF's education activity, were considered in developing the fiscal year 1971 program. Among these are:

The continuing need for scientifically trained personnel in our technically oriented society.

The reduced relative priority of producing researchers but the increased priority of producing skilled technologists to support researchers and the needs of industry.

The increasing importance of affording a good education in the sciences to all students for whatever their eventual role to support a technically oriented society.

The growing importance of developing individuals within educational institutions and systems who are thoroughly knowledgeable about new developments in science education, how to choose among these and put them to work in their own settings, and how to develop improvements in their own institutions.

For fiscal year 1971, the science education support program activities have been grouped into three categories; namely, student development, instructional development, and instructional program development.

SCIENCE INFORMATION ACTIVITIES

The Foundation's science information program has, over the past several years, focused its principal support on the improvement and development of information services to scientists and engineers in the basic disciplines such as chemistry, physics, psychology, mathematics, earth sciences, and others. The success of this development is marked by increased capability of the professional societies that provide these information services to utilize modern computers to expand and improve the efficiency and adequacy of their products. In fiscal year 1970, a number of these services were able to channel their products to users on university campuses and in industry where similar computer facilities are available to exploit this growing information resource in a more responsive and useful fashion.

The science information research and development activities that yielded this improvement will continue to be supported in fiscal year 1971. Greater emphasis should be placed on fostering services tailored to the needs of individual scientists in the university environment, and on developing the potential of the discipline-oriented information systems to aid applied research which focuses on society's problems.

The demands on scientific information services necessitate both an increase in size of operation and a change to more sophisticated processing methods. Scientific information services must cope not only with a rapidly increasing information store, but also with a rapidly increasing and more diversified user community. A total of $13 million is included for this program.

INTERNATIONAL COOPERATIVE SCIENTIFIC ACTIVITIES

The Foundation's international cooperative scientific activities help insure adequate participation of U.S. scientists and scientific organizations in international scientific activities. A total of $2.2 million is included. Activities are conducted through three programs:

First. Cooperative science programs which support exchanges of U.S. and foreign scientists to strengthen U.S. science. These programs also include support for selected research efforts for the benefit of U.S. science.

Second. U.S. participation in planning and developing international scientific programs. This program guarantees support of U.S. scientists and scientific organizations in their efforts to organize, plan, and develop international scientific programs. U.S. participation in international planning and development efforts protects U.S. scientific interests.

Third. International travel programs provide support for U.S. scientists to attend professional meetings, conferences, and seminars outside the United States. The opportunity to present papers, meet fellow scientists, and exchange views and news at international meetings helps foster a world community in science and technology, keeps the U.S. scientific community informed on the latest advances in their specialties, and serves as a useful stimulus to the U.S. scientific effort.

PLANNING AND POLICY STUDIES

The Foundation's planning and policy studies have the objective of development of better policies for the promotion and utilization of science and science education. A total of $3.03 million is included. With the information obtained through these studies and associated activities, it becomes possible to assess alternative courses of action and, frequently, to arrive at the most appropriate policy recommendations bearing on the national science effort and on internal Foundation programs. These activities are focused on studies of policy issues, including the needs of science and science education and their role in society; the development of the basic tools for science planning and policymaking; and the development of national science policy study and planning capabilities. This activity also encompasses the Foundation's unique survey efforts, which produce the bases for many policy decisions.

The planning and policy studies and related activities supported by the Foundation are grouped into five broad areas of program emphasis: First, scientific and technical manpower resources; second, educational and research institutions; third, public and private funding of science and technology; fourth, the interactions of science and technology with society; and, fifth, science policies and programs.

PROGRAM DEVELOPMENT AND MANAGEMENT

Management, administration, and direction of the Foundation's scientific research and education programs is financed through the program development and management activity. Programs are developed within the policy guidelines established by the National Science Board and the Director of the National Science Foundation. Program administration is accomplished through an organizational structure of offices and divisions each having responsibility for a specific area of scientific research, science education, or scientific support. These offices and divisions are grouped under four assistant directors; one each for research, education, national and international programs, and institutional programs. Financial, data management, and general administrative support functions are under the direction of the assistant director for administration. The planning director is responsible for planning and policy studies.

SCIENTIFIC ACTIVITIES TO BE SUPPORTED WITH EXCESS FOREIGN CURRENCIES

The proposed budget for payments in foreign currencies which the Treasury Department has determined to be excess to the normal requirements of the United States would permit the Foundation to continue to arrange for collecting, translating, abstracting and disseminating foreign scientific and technological information, and for promoting and supporting research and other scientific activities which are authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954 as amended.

Mr. Chairman, these are the programs of the National Science Foundation for fiscal year 1971. The amounts I have cited reflect the additions, totaling $27.63 million, made by our committee.

Let me now turn to them. I would like to explain the specific reasons for this increased authorization. They are in the five following areas:

First, transferred research—$10 million; second, environmental research in Federal labs—$4 million; third, graduate traineeships—$9.5 million; fourth, college science improvement—$4 million; and fifth, planning and policy studies—$130,000.

The field of the National Science Foundation and responsibilities have been enlarged by mission-directed agencies restricting research on programs not closely related to mission results. Specifically, the effect of section 203 of the fiscal year 1970 Military Authorization Act has caused mission agencies to eliminate many scientific projects of basic research, which total in cost at least $57.9 million. This is in addition to the cancellation of $4.2 million in graduate training programs in fiscal year 1971 by NASA, or $5 million in the State technical services program by the Commerce Department. These limitations and eliminations have had their effect in every State of the Union. Section 203, introduced by Senator MANSFIELD, requires that every research program of a scientific nature must have a direct and apparent relationship to the programs conducted by the Department of Defense. We know how difficult this can be with regard to basic research, as the fundamental knowledge developed thereby is so hard to achieve if research is restricted by mission objectives. The Nation needs the result of such basic research, thus many of the mission agencies' programs have been transferred to the National Science Foundation.

I also wish to point out that an evaluation process is necessary to determine which programs should by definition be supported by the foundation. It is estimated that 80 percent or more of the defense research programs being terminated, for instance, would be competitive for funds. The $10 million added by the committee will permit the foundation to fund approximately one-third of the high-quality terminated projects already identified with other agencies.

One of the most important aspects of this is environmental research. We hear in every quarter the cries of our people and our political leaders that we must do something about pollution of our air, our water, and our earth. The Environmental Quality Council must have much more basic scientific knowledge and technical expertise than it now has in order to solve the tremendously complicated problems before it.

It has been the policy of our committee in its recommendations that the Federal laboratories should be put to work on problems outside the scope of the missions of the agencies in which they reside. It is a fundamental fact that building new laboratories to solve any new problem facing the Nation is a very inefficient way to utilize our enormous—but nevertheless limited—scientific and fiscal resources.

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Improvement of our environment through scientific research can be given an enormous boost by utilizing the existing competence that can be found in our Federal laboratories. The National Science Foundation already has the necessary jurisdiction to make use of these laboratories and at the same time has the necessary authorization to provide the highly specialized laboratories where they are required.

Many environmental problems require research and pilot plant capabilities beyond the resources of our individual universities and laboratories. This has been recognized in both Houses of Congress by legislation which proposed the establishment of national environmental laboratories where needed. For these reasons, the committee has added $4 million for this purpose, which will make possible the first steps in creating a fully operational laboratory by 1974.

The Foundation requested $17.7 million for graduate traineeships. The committee increased that amount by $9.5 million, making a total for fiscal year 1971 of $27.2 million. These traineeships are the means by which graduate students can gain support to enable them to continue studies in the sciences. The support is awarded to institutions, which in turn select trainees for their various departments.

This year the National Science Foundation has not requested any funds for first-year trainees but it is proposed to fund previously made commitments so those students already in the program can finish their studies. The traineeships are distributed on a geographic basis to over 200 universities. This geographic distribution has been strongly favored by the committee for many years and has found its expression in the authorizations for the National Aeronautics and Space Administration.

Any serious reduction in funding these graduate traineeships would have a heavy impact upon many institutions in every corner of our country which are working mightily to sustain high quality programs in graduate science education.

Another increase by our committee was in the area of the college science improvement program. This increase amounts to $4 million, which added to the NSF request provides a total of $8 million. The purpose of this program, through grants, is to enable colleges and universities and associations of colleges to improve the quality of undergraduate instruction in one or more of the sciences.

This $4 million will bring this program up to a level less than was obligated in fiscal year 1969, when the National Science Foundation received proposals totaling $24 million from the Nation's colleges, but this budget level of $8 million will allow the NSF to reasonably support the needs for quality science education at the undergraduate level.

For planning and policy studies, the National Science Foundation requested $370,000. The committee, in its judgment, believed that another $130,000 was needed, which totals $500,000 for this program. One of the purposes of the program is the support of projects to assist State and local governments to plan for better utilization of science and technology. It has been increasingly evident in the past few years that State and local authorities are better equipped organizationally to deal with their particular—and often peculiar—environmental problems. The program has been extremely valuable in this regard. It has provided the means by which local resources can be mobilized by the people themselves to attack their individual problems.

Mr. Chairman, I think the increases recommended by the committee are reasonable and prudent. We must recognize the enlarged burden of support the National Science Foundation must carry for the constant upgrading of our scientific capabilities. If we fail to support the NSF by this authorization, we will pay a heavy penalty in the years ahead in the knowledge we need then to solve our many social, political, economic and environmental problems. That knowledge will not be available, and what there is will be characterized by too little and too late. I might also add—too expensive.

I insert at this point several articles which describe in more detail why it is essential the Foundation's programs receive the strongest possible support:

[From Time magazine, Feb. 16, 1970]

RESEARCH CRISIS: CUTTING OFF THE PLANT AT THE ROOTS

"Scientific activity cannot be turned on and off like a faucet."—Richard M. Nixon.

It was a campaign statement, delivered in a speech on Oct. 5, 1968, and made a point that is no less true today. Yet now, in the near-unanimous opinion of U.S. scientists, President Nixon is ignoring what Candidate Nixon said. At a time when drastic, all-around budget trimming is obviously necessary—confronting the Administration with some painful choices—sensible scientists do not expect research appropriations to keep growing at the beanstalk rate of the early 1960s, but they have hoped to maintain reasonable, normal growth. Instead, they have suffered cutbacks and hold-downs for two years, and now the Administration has submitted a budget that, despite rising costs, will keep the level of federal spending for research virtually unchanged through June 1971. As a result, some important programs will be cut down severely or actually eliminated. The net effect, says Physicist Philip H. Abelson, editor of *Science*, has been harshly called a "mindless dismantling of American science."

According to Dr. Lee A. DuBridge, the President's science adviser, the overall effect of the new budget, after allowing for inflation, will be to reduce net buying power for research by almost 3%. Others think the reduction will be much greater—in some cases as much as 20% in areas of fundamental scientific research that offer no immediate, practical payoffs. This is generally called "basic research," a favorable target of administrators and legislators with little patience and less vision. Out of apparently aimless inquiries have come antibiotics and transistors, vaccines and computers, transplants and spaceships. Government budget makers who try to judge a program's worth by the crude criterion "How soon will it pay off?" are bound to be wrong much of the time.

So-called basic research in the U.S. mushroomed after the Soviets' first Sputnik in 1957. From 1958 through 1965, federal expenditures for basic research increased at an annual rate of 19%, climbing from $1 billion to $3 billion. For the next five years, however, the average increase was only 5.5%—boosting the annual sum to its present $4 billion—and that has been barely enough to keep up with inflation. For the coming fiscal year the percentage increase is near zero—hence the net loss after inflation. Some institutions hope to keep their key programs coasting on tighter budgets. Others will simply be shut down.

BREEDER REACTOR

One casualty is the Princeton-Pennsylvania proton synchrotron on the Princeton campus, which is used for basic particle research by 14 universities. From a recent budget of $5,000,000 annually, the synchrotron funds have now been cut to $3.5 million, and will be down to $2,000,000 next year. Beyond that the Atomic Energy Commission is cutting off funds completely—after a total investment of $30 million on a project that, according to Director Milton White, has not yet had a chance to reach its peak efficiency. Another important tool for probing the secrets of the atom, the Cambridge Electron Accelerator at Harvard University, is in jeopardy; its budget has been cut 25%. "This," says M.I.T. Professor Victor Weisskopf, "essentially means that it will go out of business." Budget cuts have already paralyzed a less costly but still formidable piece of hardware: a $35,000 electron microscope given by New York City to New York University's department of medicine. It is lying idle because operating funds expected from the National Institutes of Health will not, after all, be supplied.

At the Naval Research Laboratory in Washington, Dr. Herbert Friedman, one of the world's foremost X-ray astronomers, estimates that budget cuts combined with inflation have reduced the effective level of his support by 40% in three years. Able to afford only half as many trainees as he had expected and with no new equipment, Friedman has drastically curtailed his studies of X-ray galaxies. He has also reduced his work on quasars and pulsars, those mysterious sources of energy in outer space that promise not only a clearer understanding of the nature of the universe and of basic physical laws but also might provide clues for developing new energy sources on earth.

Although scientists complain that the Atomic Energy Commission, along with the Department of Defense and NASA, gets a disproportionate share of federal research funds, the AEC itself has had to shut down its molten-salt breeder reactor at Oak Ridge. The Bureau of the Budget simply did not release $3,000,000 authorized for it by Congress. This was especially dismaying to environmentalists, because the breeder reactor promises, eventually, to be the cleanest and most efficient fuel source for electric power.

BARNACLES AND TEETH

Until recently, the Department of Defense generously funded research projects that had no foreseeable military applications. That will no longer be possible. An amendment attached to a military procurement bill by Senate Majority Leader Mike Mansfield requires that research must be "mission-oriented" if it is to win DOD support. Mansfield learned 1) that researchers were trying to ferret out the magically strong adhesive produced by barnacles, in the hope of using it to secure fillings in teeth, and 2) that the Navy was backing barnacle research. Actually, barnacle-tooth research at the University of Akron has been funded, at a mere $40,000 a year, not by DOD but by the National Institutes of Health. The Navy has spent probably twice as much on its own barnacle research, and with good reason: scraping the adhesive crustaceans from hulls and buoys costs the Navy, Coast Guard and private shipping interests $700 million a year.

Mansfield's action points up the interlocking of many facets of research. Advances in the design of nuclear reactors and of particle accelerators have brought progress in the treatment of cancer. Vitallium alloy, developed in the 1930s for dentures, later proved valuable for its heat resistance in jet engines. Immunology depends ultimately upon the study of reactions among protein molecules. Its applications extend from the obvious field of infectious diseases and vaccination to allergies, auto-immune disorders like some forms of arthritis, to cancer, heart and kidney disease, and most dramatically, to organ transplants.

CUTS AND NIBBLES

Within medicine, research cannot be separated from teaching and treatment. Cuts in federal grants to medical institutions mean not only that research will be slowed down but also that fewer doctors will receive the specialized training that will enable them to give better care in the future. No fewer than 19 clinical research centers affiliated with major universities are due to be shut down. Among them: a small and always overtaxed unit at Children's Memorial Hospital in Chicago, for children with severe digestive and metabolic problems; a twelve-bed center for acutely ill patients (including many suffering from burns) at Albert Einstein Medical Center in New York; a research institute at Indiana University, studying and treating patients (including children) with brain tumors and disorders of bone metabolism such as osteoporosis.

Prestige is no protection against the budgeteers' knives. Recent Nobel laureates in medicine, chemistry and physics have had their funds cut. So have most of the nation's great medical centers. Programs at Massachusetts General Hospital are "only being nibbled at" now, admits its tart-tongued director, Dr. John Knowles. "But," he adds, "we'll really feel it in a year if the cutbacks continue, and if they go on too long you are going to wing the country for ten years." One of the affected M.G.H. programs turned out technicians trained to read electroencephalograms (brain-wave recordings). These specialists are in short supply at many hospitals. "When there's a shortage," says Dr. Robert Schwab, who runs M.G.H.'s program, "it doesn't mean that the EEGs are not read. It simply means that they are read by somebody who's no good. This is scandalous and dangerous." Another nibble victim, down the corridor, is Dr. Paul S. Russell, a top surgeon at M.G.H., whose research on antilymphocyte globulin (used to suppress the rejection reaction after heart, kidney and liver transplants) has been curtailed. Under current limitations, his staff can produce only 20% of the ALG it needs.

A lower budget forced Children's Hospital in Los Angeles to reduce the number of research beds from six to three in its genetic-disease unit, setting off a howl of community protests, including a petition to President Nixon with 20,000 signatures. (The cut has not yet been rescinded.) In many cases the drying-up of funds means not only that progress will be slowed but that money already spent will be wasted. M. D. Anderson Hospital and Tumor Institute in Houston, which lost $1.5 million of its $8 million in federal funds, cannot add a needed and long-planned 350-bed unit. After spending years and $1,752,000 of N.I.H. money raising monkeys in an almost germ-free environment and injecting them with cancer material and virsus, Bionetics Research Labs at Bethesda, Md., expected some to start developing tumors. Then the budget ax fell. At first it was thought that the 320 monkeys would have to be destroyed, because each costs $3 a day in upkeep. Then the monkeys were reprieved and shipped out in batches to other primate centers. Whether the experiment has been ruined because of the changes in the environment is not yet known.

Heart-artery diseases are America's No. 1 killer, and the No. 1 research project on their cause has been the Framingham Study. Since 1947, more than 5,000 residents of the Massachusetts town have been given regular examinations. The results, almost but not yet quite conclusive, indicate that smoking and high blood pressure and cholesterol are the most important factors in increasing the risk of early death from heart disease. The study is to be terminated June 30—to the despair of heart researchers all over the U.S.

RADICAL SURGERY

Manhattan's Sloan-Kettering Institute for Cancer Research proclaims in its very name that it meets the Government jargon specification of being "mission-oriented." That has not saved it from radical budget surgery. Five years ago, says Director Frank L. Horsfall Jr., the Government supplied 51% of S.K.I.'s income. In 1968, with a federal cut and inflation, S.K.I. went $1.2 million in the red. Next year the deficit was $1.8 million, and was met by dipping into capital. Faced with still deeper federal cuts and a probable deficit of $2.6 million for 1970, the trustees have set a deficit ceiling of $1.6 million and required expenditures to be cut by $1,000,000. As a result, seven out of 69 laboratories have had to be closed, while nine others have taken cuts of 20% to 30%. Both professional and technical staffs have been reduced and further curtailment next year is inevitable.

In Buffalo, Roswell Park Memorial Institute's director, Dr. James T. Grace, has had to abandon a five-year study designed to show whether adenoviruses are a cause of cancer in man as they can be in animals.

Cancer may eventually be conquered only by a crash program along the lines of the Manhattan Project. It is equally possible that vital cancer clues will come from some seemingly unrelated "basic" research in biology. Yet the likelihood of this discovery is reduced by the decrease in the number of investigators in all the life sciences. That is where the budget cuts are hurting, and inflicting wounds that will not heal for years. The National Institutes of Health are losing valuable experienced investigators, as are the complexes of hospitals, medical schools and research institutes.

By the later 1970s, the effect on medical research could be disastrous. It is the younger men who are being dropped in the economy wave and there are no funds for replacing them next year or the year after. Says Dr. Russel V. Lee, founder of the Palo Alto Clinic: "The principal loss, to my mind, will be the great discouragement in recruitment of young men for medical research. We are cutting off the plant at the roots." Virtually all the men responsible for directing research in both the life sciences and the physical sciences share that view.

Thus there is a crisis in research that today imparts even more urgency to words spoken only 16 months ago: "In the name of economy, the current Administration cut into muscle. The U.S. must end this depreciation of research and development in its order of national priorities." That demand was made by Richard Nixon.

[From U.S. News & World Report, Feb. 9, 1970]

Science Under Fire: Behind the Growing Concern

Scientists, after reaping admiration for the leaps in technology that they have accomplished in recent decades, now find themselves fending off brickbats.

People in growing numbers seem to feel that scientific research is creating more problems than it is solving. Often cited are atomic and hydrogen bombs that can destroy civilization, drugs such as thalidomide that promise to help but end up crippling, pesticides that kill wildlife, detergents that may alter the life cycle of rivers, industrial processes that lead to pollution.

Criticism began to break through the walls of the laboratories last year. Now it has reached a point where many of the nation's leading scientists are profoundly worried. What they fear, if disenchantment with their work increases in the public mind—

The search for revolutionary scientific concepts and technology will be downgraded.

Scientists will be reduced to solving everyday problems.

Government support for research will be cut back even more sharply than in 1969.

Bright students will turn away from science and engineering.

Russia will beat the U.S. in the hunt for breakthrough ideas, materials and technology.

TOO MUCH "ENTHUSIASM"?

Still, skepticism among nonscientists continues to mount. Many now wonder if researchers, in their enthusiastic quest for new things, are aware of the possible harmful side effects of their discoveries.

On January 26, Dr. Barnaby C. Keeney, chairman of the National Endowment for the Humanities, told a joint House-Senate subcommittee meeting to review the Humanities Act of 1965:

"Certainly, many of the most important problems cannot be solved by science, which we have greatly supported and which has made many important contributions to our society.

"Science cannot solve these problems because scientists, alone, cannot decide what to do with the knowledge that is produced."

Dr. Keeney, former president of Brown University, said scientists ought to be "forced to answer" what the effects of their achievements will be on the lives of individuals.

Dr. Keeney's remarks are the latest in a lengthening list of challenges that have plagued scientists recently.

Late in December, the American Association for the Advancement of Science, including most of the leading U.S. scientists and engineers, held its annual meeting in Boston. It was interrupted time after time by angry

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students and others shouting such slogans as, "Science is in a sorry state" and "Science for the people, not the Pentagon."

"EDUCATIONAL" PROTESTS

The purpose of the protests, said one student, was to "educate scientists on the political implications of their research."

On January 1, Dr. C. Stark Draper, credited with a major role in landing men on the moon, stepped down as head of the Massachusets Institute of Technology's instrumentation laboratory. He was forced out by professors, as well as students, who criticized him for spending too much time on space and military research and not enough on the problems of daily life on earth.

Dr. Draper's replacement: Dr. Charles L. Miller, chairman of MIT's civil-engineering department and director of the socially oriented Urban Systems Laboratory.

On January 16, Columbia University, reacting to pressure on campus, voted to end all secret research for the Defense Department and industry.

ACTION ON CAMPUSES

In the coming weeks, professors and students will be conducting "environmental teach-ins" on campuses around the country. The purpose: to show scientists how the results of their research is damaging the environment and threatening human life.

Scientists and engineers from universities, research institutes and industry took a hard look at these new problems last autumn at a meeting called "Technology Forecast for 1980," sponsored by the Polytechnic Institute of Brooklyn.

Dr. Harvey Brooks, dean of engineering and applied physics at Harvard University, summed up the issues this way:

"This hostility has spread in our time from a small literary elite to a wide section of the educated public, especially some of our most highly educated youth.

"Not only is less importance attached to material progress as a condition of a viable society, but also there is an almost obsessive preoccupation with the bad side effects of technology while taking its benefits for granted. If we assume even a moderate degree of persistence in this present mood, the outlook for technological change appears rather dim."

POTENTIAL DAMAGE?

Many scientists are convinced that this present hostility toward their work could cause U.S. severe damage.

Dr. Arthur Kantrowitz, vice president of Avco Corporation and director of the company's Everett Research Laboratory, recently said:

"I am convinced that only a few more years of the present vigorous counterattack on technology will result in a technological gap between the U.S. and the Soviet Union which will be reflected in our economic and our strategic posture with catastrophic consequences."

He added: "We must not allow those who would escape this challenge to dominate the thinking of young people."

The Avco scientist does agree that a way must be found to bring the explosion of technology under control so that people benefit from its use. He suggests a system of "scientific judges" might do the trick. Every new development would be brought before one of these judges. He would listen to what is good and bad about the idea. Then he would decide if it should be put to use.

Other scientists believe the problem of deciding what is good or bad for society is not that difficult. Some think such decisions can be made by one of their own inventions—the computer.

Dr. O. Hugo Schuck, chief of the National Aeronautics and Space Administration's Office of Control Theory and Application, would have opponents feed their arguments into a computer. The machine would decide the winner.

The NASA scientist said, "The promise this holds out for rational behavior is tremendous."

However, there is a growing number of Americans who distrust all forms of science and technology—including the computer. Many of them, Dr. Keeney for one, think that there has been too much emphasis placed on scientific education and, as a result, the aims of America have been distorted.

"The result," Dr. Keeney told Congress, "has been the destruction of our system of values, so that people now have no real guide for their lives."

The former college president says the stress in education should be away from the sciences to such fields as history, philosophy and the other humanities. He thinks a new look must be taken at the way America has developed and what its goals should be. Then science should be made to fit those goals.

Students losing interest. This debate has already been felt in the nation's graduate schools. As the accompanying chart shows, the proportion of graduate students of science is declining.

Experts say that fewer bright high school graduates, normally the group that goes into the sciences and engineering, are now taking such courses.

This does not necessarily mean there will be a shortage of scientists in the next decade. There may even be a surplus, some experts warn.

Dr. Charles E. Falk, planning director of the National Science Foundation, predicts all science graduates with Ph.D.'s 10 years from now will be able to find jobs. But he thinks many will have to pass up research and go into teaching, management or even selling technology.

Signs of this are already appearing. Only about 100 potential employers showed up at the American Physical Society meeting the week of January 26 to interview newly graduated physicists with Ph.D.'s. Last year, 167 employers were on hand, and 272 in 1967.

There is a big demand for teachers in the physical sciences. But one society official said most of the graduates would not make good teachers because they were trained primarily in research.

This is another signal to scientists that their prestige is slipping.

[From Science magazine, Mar. 13, 1970]

Mansfield Amendment Curb on Basic Research May Spread

(By Philip M. Boffey)

Prominent scientists and congressional supporters of science are worried that many federal agencies have decided to abandon support of basic research that is not closely related to their primary missions. These scientists fear that the spirit of the so-called Mansfield amendment, which is intended to restrict the kind of research that the Defense Department can support, is now spreading to many civilian agencies as well. The widespread impact of that amendment, when added to the other budgetary constraints afflicting science, "has turned what was a serious situation into a crisis," according to Representative Emilio Q. Daddario (D–Conn.), chairman of the House Subcommittee on Science, Research and Development.

The Mansfield amendment, which was adopted as Section 203 of the military procurement and research authorization bill last November, prohibits the Defense Department from financing "any research projects or study unless such project or study has a direct or apparent relationship to a specific military function or operation." As a result of the amendment, Daddario said at a press conference last week, the Defense Department will cancel some $50 million in research support. He said this was far above some original estimates that only $10 to $15 million might be affected.

Some impact on military research has been expected, for that was the intent of the amendment. But Charles A. Mosher, ranking Republican on the science subcommittee, expressed fears that "Section 203 sets an example that is contagious—it's going to spread very quickly to other agencies." He thought this was an unfortunate result for an amendment that sprang from "Mike Mansfield's very special feeling about the military and the Vietnam War."

At an NSF budget authorization hearing before Daddario's subcommittee on 17 February, Philip Handler, president of the National Academy of Sciences and chairman of the National Science Board, claimed the Mansfield philosophy "has begun to rub off on other agencies."

Handler particularly singled out the National Institutes of Health (NIH). He said NIH "has quite deliberately narrowed down its own view of what areas of science are appropriate," with the "most dramatic changes" occurring in organic chemistry, a field in which NIH has traditionally been the major support. Handler claimed NIH is currently withdrawing from "any research which happens to have the name of a plant in the title of the application and certainly all research in the field of photosynthesis." Handler acknowledged that perhaps NIH should not be the main support of work on photosynthesis, but he warned that "such action should not be taken unilaterally—there should be a plan whereby some other agency would undertake such programs."

In his press conference last week Daddario listed several other research areas that are being abandoned because of the Mansfield amendment and because of "our myopic preoccupation with budget figures." He said the Defense Department is likely to reduce sharply or terminate the Florida State tandem accelerator, the National Magnet Laboratory at M.I.T., the Haystack radio telescope at M.I.T., and the theoretical research on many-body theory at the University of Illinois. He also said that the Defense Department and NASA have sharply cut research funds for ground-based astronomy, geochemistry, and seismology; the AEC is putting the Cambridge Electron Accelerator at Harvard "on the shelf" and is shutting other facilities; and NIH support for work in plant physiology, biochemistry and genetics, and non-pathogenic bacteria and viruses is "badly impaired." Daddario said that the National Science Foundation, the only agency whose primary mission is to support scientific research, is being pressed to take on more than 50 high-quality biological programs in the coming year that were formerly supported by NIH. He also said NSF has adopted or is expected to take on 25 astronomy programs dropped by other agencies since fiscal 1969.

Another manifestation of the Mansfield contagion, Daddario said, is that the General Accounting Office has recently raised the question of whether federal agencies should restrict the kinds of "independent research and development" that they will support by industrial contractors. Some big agencies have traditionally financed research that is not specifically related to a particular contract on the theory that such research is an acceptable "overhead cost." But the GAO, in a recent report discussing possible changes in the procedures, suggested as one alternative that agencies might restrict their support to "projects that have a direct and apparent relationship to the specific function of the agency."

The potential impact of the Mansfield amendment is causing increasing concern. William D. McElroy, director of NSF, said it would be a "national disaster" if the Defense Department abandoned basic research. And

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last week Daddario released a report by scientific advisers to his subcommittee which called for "a reaffirmation of our historic national policy that each mission department and agency which draws upon science in its operation should support its proper share of the country's basic research." The report's signers included, among others, James B. Fisk, president of Bell Labs; James M. Gavin, chairman of Arthur D. Little, Inc.; Samuel Lenher, vice president of DuPont; Jerome B. Wiesner, provost of M.I.T.; and Don Price, dean of the John F. Kennedy School of Government at Harvard.

What might be done to ease the impact of the Mansfield amendment remains unclear. Congressmen Daddario and Mosher said they had no plans to make a direct attack on the amendment in an effort to get it repealed. They said they hope primarily to ensure that the amendment is implemented cautiously and that a mechanism is set up to make certain that outstanding scientific projects are not junked precipitously. Meanwhile, NSF has budgeted some $10 million to take care of some of the increased proposal pressure expected as other agencies drop research projects. McElroy said NSF has not yet seen "any great influx of applications" but added that it is too early to tell what the real effect of the Mansfield amendment will be. If young investigators start to get squeezed out, he said, NSF will earmark special funds for them.

[From Chemical & Engineering News, Feb. 23, 1970]

FEDERAL R. & D. BUDGET CUTS SQUEEZE CHEMISTS

Throughout several years of crisis over declining federal support to universities and colleges, chemists have remained silent and aloof from politics—certainly more so than physicists and biologists. With a smaller percentage of chemists holding academic posts than physicists or biologists, without shutdowns of big particle accelerators, or cutoff of funds to medical research projects, the impact of the shrinking federal research dollar on chemists has been less dramatic. But the constantly eroding situation has now reached the point where more and more chemists are concerned about the future of basic chemical research in the universities.

The evidence of chemists' plight emerges from many sources. For instance, physical organic chemists, concerned over the National Institutes of Health's reduced funds to organic chemistry and suspended support to physical organic chemistry, are accumulating facts to back a drive to alert Congressmen to the problem of federal support of chemistry (C&EN, Jan. 19, page 11).

Examination of the Nixon Administration's fiscal 1971 budget reveals obvious ax cuts, such as the end of the National Aeronautics and Space Administration's sustaining university program, and less apparent incisions that will not be felt until several years from now. Some 290 chemical or chemically related research projects will be snuffed out by the NASA cut.

Other budget items show little added chemical research money from the National Science Foundation, NSF cuts in traineeships that are not balanced by increases in fellowships and similar NIH and Atomic Energy Commission reductions in fellowships and traineeships, no new National Defense Education Act fellowships, and no new money for grants and direct loans for academic facilities (C&EN, Feb. 16, page 32).

Chemistry department chairmen report that department research spending has been stretched out or reduced by 25% or more over the past two years, coupled with varying estimates of 5 to 8% annual increases in the cost of doing research. Grants have not been renewed. It is increasingly difficult for young faculty members to secure grants. A number of chemistry departments plan to level off or reduce the number of new graduate students they enroll over the next few years, and note that there has been no success in finding industrial support for their students

Documenting the impact on chemistry thus far is difficult, but physical organic chemists seem most hard hit at the moment. Preliminary answers to the physical organic questionnaire sent out by Dr. Kenneth Wilberg, chairman of the Yale chemistry department, and Dr. Jerome A. Berson indicate how hard. A total of $1.3 million in research grant/contract and graduate student support was lost in the past two years by 156 full, associate, and assistant professors responding to the survey. By federal agency source, the total breaks down to $565,300 lost from NIH, $486,000 from Defense Department agencies, and $251,000 from NSF. Fellowships lost from NIH total 63 and from NSF 26.

Top scientists have not been spared from the cuts, either. Responses to the Yale survey are confidential. However, another source indicated that Dr. Orville Chapman, at Iowa State University of Science and Technology and winner of the ACS Award in Pure Chemistry for 1968, was among those cut by NIH. Contacted by C&EN, Dr. Chapman said that one of two NIH grants was terminated; the other was approved, but was not funded because of the vetoed HEW appropriation bill for the fiscal year now nearly three quarters over. Consequently, Dr. Chapman was spending a remaining NSF grant at an "accelerated rate" to support 12 graduate students before industrial funds "bailed" him out.

Dr. Chapman says that NIH grant administrators were "helpful" in his case but are in a quandry over "what the agency's mission is and how much they have to spend." He admits that the National Cancer Institute administrators could not defend his research on the basis of a cancer cure because it is only "peripherally related" to cancer research.

For Dr. Chapman and other organic chemists similarly cut off from NIH funds the outlook is bleak. Under the Mansfield amendment it's highly unlikely that DOD will fund basic chemical research. NASA and AEC R&D budgets are already tight. NSF's budget, despite an increase, provides little opportunity to fund projects dropped by other agencies of the government.

Rep. Charles A. Mosher (R.-Ohio), told a meeting of NSF project directors and science educators 11 days ago that the NSF increase "proves largely illusory, when measured against the new responsibilities NSF is inheriting as castoffs from other agencies. The net result will almost certainly be a decrease next year for overall support of basic research." The Republican member of the House Subcommittee on Science Research and Development added that an NSF increase when other agency budgets are reduced could make an especially vulnerable target for Congress.

Faced with such harsh prospects, Dr. Chapman sees "scientific leadership in organic chemistry passing to the Japanese and Germans." Similar pessimism comes from Dr. Wiberg, who says that "all chemists are in trouble," and that it would be a "damn foolishness to dry up a major source of basic research in the U.S.—the university."

Chemistry department chairmen and spokesman at other schools assess the research and graduate support situation similarly, although perhaps not so pessimistically.

At Harvard, Dr. Konrad Bloch points to the 25% cutback in research efforts over the past two years, and at Cornell University Dr. William D. Gurowitz says the graduate student enrollment has been reduced to two thirds of the previous level, primarily because of federal cutbacks, and he questions what impact the Mansfield amendment will have on a materials science center on campus. Dr. Gurowitz thinks that if the center's funds are cut there could be a "tremendous effect" on solid-state research and graduate student support.

In the Midwest, Dr. Jack Kinsinger at Michigan State University believes that tight federal money will hurt the emerging universities most. At Indiana University, Dr. Riley O. Schaeffer says the school cannot "realistically support the same number of graduate students that it has been supporting," points out that Defense agency grants have expired and have not been renewed, and that, like many other schools, IU postdocs and graduating Ph.D's are having trouble finding the jobs they want. Yet Dr. Schaeffer is frankly "pessimistic" about the success of any appeals to Congressmen for additional support.

California schools face many of the same problems. Within Caltech's division of chemistry and chemical engineering support has dropped off some 20% over the past year with an added 15% of the division's funds in jeopardy by the Mansfield amendment, Dr. George Hammond estimates. He sees the twin difficulties of getting funds for young investigators and older faculty members who want to branch out into new areas "pressuring chemical research into becoming more conservative." Appeals to Congressmen, he believes, are "basically sound, but chemists have to make a persuasive case" and avoid "pleas of anguish."

Dr. Kurt E. Shuler at the University of California, San Diego, says he is "most unhappy" over the lack of industrial support for the department and the number of federal agencies that want to "subcontract research and not support education."

Parallel comments emerge from the responses received thus far to the Yale questionnaire. One sharply worded statement makes the point that considering the draft, the increase in student interest in areas other than organic chemistry, and the difficulty in getting funds at any level, it seems that chemistry per se, not just physical organic, needs to re-evaluate its present position and techniques.

The respondent was not sure that much of the federal support cutback was not justified considering the large amount of effort he believed to be wasted in many areas.

Another critical answer points out that the loss of fellowship support has a greater impact on the so-called prestige schools (Yale, for example) than on other universities. The critic says frankly that he does not think NIH should support physical-organic work, not even much organic synthesis, but he does support a larger role and budget for NSF. He adds that there is much that is artificial and some that is downright dishonest about the present so-called pluralistic scheme.

Many of the NIH cuts in physical organic research have affected young investigtors. One respondent writes that since he is a fairly new faculty member he has not had the opportunity yet to lose support, only the opportunity to not get it. His only source of funds is the Public Health Service and if he loses this support (as he indicated was possible) then he would not be able to support six graduate students nor receive summer support for himself.

Another young respondent had never received federal funds, although he had applied and been turned down numerous times. He charges that the Government is largely unwilling to support anything that a starting chemist wants to do and that he is caught in a vicious circle—no money, no work, no fame, no money.

NIH is not the only federal agency failing to support young researchers. Although one Ph.D. finds life considerably simpler with the department in the second year of an NSF Center of Excellence grant, he expects serious trouble when the department reverts to obtaining support from normal funding agencies. His Office of Naval Research contract has

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expired and he sent his application for an NIH grant after the decision was made not to support physical organic research.

Meanwhile, his NSF budget, he says, is frozen at the "beginners" level, an inequity he calls especially galling to young investigators. He argues that young Ph.D.'s need increases in their grant budgets if they are to develop large enough research programs to produce meaningful results. The need is particularly crucial when studying complicated systems with several people concurrently investigating different aspects of a problem. The current pattern of funding, he charges, almost forces young people to work on small problems at a time when science and the world needs the opposite approach in the actual conduct of research and in training Ph.D.'s.

A number of statements, however, support the Yale chemists' appeal to Congress. Typical is one stating that the questionnaire arrived as the chemist made initial efforts toward getting his department to get some Congressmen to visit. He thought chemists should make clear that everything in civilized life derives from past chemical basic research. However, he noted, the lag time is 15 to 20 years.

Dr. Wilberg sums up his own view on appealing to Congress in this way: "Congress thinks that all we do is research where what we really are doing is teaching others to do research. . . . We have to state the relationship between research and teaching, convince Congress that we're useful—otherwise there's no reason why they should provide support."

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. Roudebush).

Mr. ROUDEBUSH. Mr. Chairman, I have asked for this time so that I can say that I will offer a motion to recommit the bill, H.R. 16595, and to explain that motion to recommit.

As the very distinguished gentleman from Connecticut has said, the bill provides for $525,630,000. It is somewhat over the President's request, and the Bureau of the Budget request, and my motion to recommit will reduce that amount from the figure I just quoted to $498 million, the amount requested by the President.

Mr. Chairman, I agree with my distinguished colleagues that it is necessary for the United States to maintain its world leadership in science and technology.

On the other hand, it is even more important to maintain the fiscal integrity of our Nation's Government.

The question before us, today, as I see it, is not that of choosing leadership or mediocrity in science.

Rather, it is that of supporting sound budget policies.

I am a strong supporter of the Nation's science programs.

I believe this is amply demonstrated by my position during the recent NASA authorization debate.

I feel it imperative that our country maintain its preeminent position in space exploration and manned space flight.

This is a tangible goal toward which we can strive.

And, as a fallout from this program, we find a broad base of NASA support for the basic sciences.

I believe the basic research support resulting from the additional NASA funds which we have just approved will more than take up the slack resulting from cutbacks by other mission agencies.

Let me point out why we must practice fiscal constraint in authorizing the Science Foundation Budget.

The uncontrollable items in our Federal budget, together with the reduced defense request, total approximately 80 Science Foundation budget.

This leaves only $40 billion not already committed to these uncontrollable items, such as interest on the national debt and social security payments, or to national defense.

This is certainly not a small sum.

However, the half billion dollars which we are discussing this afternoon is certainly more than an insignificant portion of it.

Because of the constraints upon us due to the uncontrollable and defense expenditures, we must carefully scrutinize each request which comes before us.

The administration request with respect to the National Science Foundation was a reasonable one.

The administration cut the Foundation back much less than it cut back the requests of other agencies.

The administration is not against science.

But, as pointed out by Dr. Lee DuBridge, the President's science adviser, just recently, the administration does have a commitment to a balanced budget.

The science community must make its contribution toward this goal, also.

Mr. Chairman, I sincerely believe that the administration request for the fiscal 1971 NSF budget is adequate, even although not as generous as some would like it to be.

I, therefore, ask the support of the house for my motion to recommit with instructions that the committee report back a figure identical to that requested by the administration.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Chairman, the gentleman from Indiana, my dear friend, Mr. Roudebush, has referred to a statement that Dr. DuBridge, Science Adviser to the President, made in which, as I understand it, he laid emphasis on the need to balance the budget so far as the National Science Foundation is concerned. I would like to comment on the fact that Dr. DuBridge, as I have read his remarks and as I have talked with him over the course of time, is tremendously concerned about what we are doing in this particular area.

May I just quote something that he said that I think is extremely pertinent to the argument the gentleman from Indiana has made. This is a direct quotation from Dr. DuBridge. He said:

> There has been an upswing in other countries in certain areas, and we are no longer the leader. Maybe we should get used to this idea.

I, for one, do not believe that we ought to get used to that idea. I think it is an irresponsible policy not to give support in this particular area, especially in a period of time when we are cutting back in the mission-oriented areas. I think what we need to do is to develop manpower in this area which will give us the ability to handle the problems of the big cities, to handle the problems of transportation, and to handle the problems of health and medical care. Much of which stems from fundamental research, knowledge development, and the building of manpower will provide us with the ability to handle these problems and I urge support for the increases for which we have made recommendations.

Mr. ROUDEBUSH. May I respond to the gentleman? I certainly did not mean to imply—and I hope I did not—that Dr. DuBridge was happy about the reduction. I merely pointed out the fact that science had to bear its portion of the reductions. Dr. DuBridge did make that statement. I think I stated almost exactly his language in the quotation I gave.

However, I want to acknowledge his reluctance in doing so.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Iowa.

Mr. GROSS. I merely wish to make one comment very briefly on the statement of the gentleman from Connecticut (Mr. Daddario), that we are slipping somewhere along the line in leadership in some respects. I think the gentleman from Indiana will agree with me that we are the undisputed leader of the world in spending money and accumulated debt as a government.

Mr. ROUDEBUSH. If the gentleman's question is, "Does our country have a greater debt than all the other nations combined?" the answer is, "Yes."

Mr. GROSS. Yes, that is what I am saying. We have undisputed leadership in that field. I am unable to understand why, with $264 million of unobligated funds on January 1 of this year and with $573 million available for expenditure on January 1, we should even need any money for this purpose at this stage. How do you commit? How do you spend $573 million in 6 months on a foundation of this kind? I just do not understand how you can do it reasonably and intelligently.

Mr. ROUDEBUSH. Yes.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield further?

Mr. ROUDEBUSH. I yield to the gentleman from Connecticut.

Mr. DADDARIO. I had already touched on the question the gentleman from Iowa has raised, and I thank the gentleman from Indiana for yielding. I do have the figures. I had said all of these amounts would be committed by the end of the fiscal year. It is my understanding they will all be committed by the 15th of May, but the unobligated balance has been, as of March 31, 1970, $110,789,000. Commitments to it were $49,982,000. The uncommitted, unobligated balance is $60,607,000, and that will be committed by May 15.

Mr. GROSS. Mr. Chairman, will the gentleman yield ?

Mr. ROUDEBUSH. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman is not disputing the figure I gave for January 1 of this year, is he?

Mr. DADDARIO. Mr. Chairman, if the gentleman will yield further, I am just trying to bring it up to date.

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Mr. GROSS. I just wanted to make it clear, because this is the testimony before the House Appropriations Committee.

Mr. DADDARIO. Mr. Chairman, if the gentleman will yield further, I am not disputing it. I am trying to get the record straight and up to date, so that I can, in fact, answer the figures the gentleman put before the House, which on that date were correct and adjusted to the point I have given in answer to that particular question.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I compliment the gentleman on his fine statement and also on his competence on this subject.

In order that the House will understand the position the gentleman is taking on the motion to recommit and to amend H.R. 16595, I would like to point something out. The gentleman's motion to recommit would strike the amount of $525,630,000 which appears on page 1, line 9 of the bill, and insert in lieu thereof the amount of $498 million. There is not only $498 million on that particular line, there is also on page 2 of this bill, under section 4, $2 million authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States, to be paid for in foreign currencies which the Treasury Department determines to be in excess of the normal requirements of the United States. The gentleman understands there is then $500 million of authorization for fiscal year 1971.

Mr. ROUDEBUSH. The gentleman from Pennsylvania is correct in counting the $2 million of the so-called counterpart funds or foreign currencies.

Mr. DADDARIO. Mr. Chairman, I yield such time as he may consume to the chairman of the full Committee on Science and Astronautics, the gentleman from California (Mr. Miller).

Mr. MILLER of California. Mr. Chairman, as chairman of the Committee on Science and Astronautics, I should like to associate myself with the remarks made by the distinguished chairman of the Science, Research, and Development Subcommittee, Mr. Daddario, and the distinguished senior minority member, Mr. Fulton. They have worked hard on the bill before us today, and I compliment them and their colleagues on the fine job they have done.

The basic issue before us is that of adequate support for basic research in our country. There are increasing signs that we are losing our preeminence in certain areas of science to other countries. This is already reflected in the necessity for American scientists to buy certain specialized equipment from Japan, Germany, or some other country.

But you may ask, "Why do we need to keep the lead in basic science? Will not Yankee ingenuity keep us paramount in technology even if the ivory tower researchers fall behind?"

In this modern world, the inevitable answer is "No." H. B. G. Casimir, vice president of the Philips Co. of the Netherlands, pointed out before a Commerce Department symposium a few years ago why this is the case. He stated:

> I have heard statements that the role of academic research in innovation is slight. It is about the most blatant piece of nonsense it has been my fortune to stumble upon.
>
> Certainly, one might speculate idly whether transistors might have been discovered by people who had not been trained in and had not contributed to wave mechanics or the theory of electrons in solids. It so happened that inventors of transistors were versed in and contributed to the quantum theory of solids.
>
> One might ask whether basic circuits in computers might have been found by people who wanted to build computers. As it happens, they were discovered in the thirties by physicists dealing with the counting of nuclear particles because they were interested in nuclear physics.
>
> One might ask whether there would be nuclear power because people wanted new power sources or whether the urge to have new power would have led to the discovery of the nucleus. Perhaps—only it didn't happen that way, and there were the Curies and Rutherford and Fermi and a few others.
>
> One might ask whether an electronic industry could exist without the previous discovery of electrons by people like Thomson and H. A. Lorentz. Again, it didn't happen that way.
>
> One might ask even whether induction coils in motor cars might have been made by enterprises which wanted to make motor transport and whether then they would have stumbled on the laws of induction. But the laws of induction had been found by Faraday many decades before that.
>
> Or whether, in an urge to provide better communication, one might have found electromagnetic waves. They weren't found that way. They were found by Hertz who emphasized the beauty of physics and who based his work on the theoretical considerations of Maxwell. I think there is hardly any example of twentieth century innovation which is not indebted in this way to basic scientific thought.

Today, more than ever before, we have problems facing our society. Our environment is deteriorating. We are faced with gigantic difficulties in managing our massive technology. We desperately need those new tools formed by the innovative new ideas which can only come from the basic sciences.

H.R. 16595 will help assure the United States with precisely those tools for the future. I urge its adoption.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from Iowa.

Mr. KYL. The gentleman is so knowledgeable in this whole field, I wonder if he can supply me with responses to these questions, which I ask most seriously.

Do we have any statistics which show how the dollars spent on basic research or the man-hours or the number of researchers in the United States, compares with the figures for foreign countries of the world?

Mr. MILLER of California. I do not have that. It is produced. I may say to the gentleman, some time ago I had the privilege of going to Europe with a team headed by Dr. Hornig, then the head of OST, to defend American science before an international organization in Europe.

Mr. DADDARIO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Connecticut.

Mr. DADDARIO. It is very difficult to come to a precise answer to the question which has just been asked, but recent figures we have had, taking all the balancing factors into consideration, indicate that, as of now, the Russians are spending, in the area of R. & D., some $19 billion in the area of defense-oriented research, and our figure is somewhat in the area of $14 billion, including research in the space program and atomic energy. For the first time they have surpassed us in this particular area.

Mr. MILLER of California. I will finish the statement I started to make.

When we got there we were criticized for our way of doing science. They said that Americans do not have a goal that they work toward. Mr. Hornig said:

> Thank God we do not have a goal we work toward. We work in the field of science trying to uncover some of nature's secrets to use.

Following through, the man who had been our greatest critic told the press that America was not to be criticized, but perhaps was to be followed.

Throughout the world they are jealous of the strides we have made. It is a question of whether we keep to the fore or whether we rest on our laurels. There is a little fairytale about resting on one's laurels when one is in a race.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. MILLER of California. I yield further to the gentleman from Iowa.

Mr. KYL. Can the gentleman tell me approximately what percentage of all basic research in the country is done by or through the National Science Foundation?

Mr. MILLER of California. I do not know that I could give a figure on that. The National Science Foundation picks up and is responsible for a great many activities in the field of science in the Federal Government.

I may say that last year was the first year an authorization bill was established for the National Science Foundation. So we have had about a year's experience with it. However, from the support of universities on down through grants to institutions and to scientific groups it is the one that more or less takes the lead in the physical sciences, just as the National Institutes of Health takes the lead in the biological field.

Mr. DADDARIO. Will the gentleman yield?

Mr. MILLER of California. I am glad to yield.

Mr. DADDARIO. The total figures for fiscal year 1970 insofar as basic research is concerned are $1.148 billion. As to the amount that the National Science Foundation spends on basic research, that is $225 million.

Mr. KYL. Mr. Chairman, will the gentleman yield at that point so I can inquire of the gentleman from Connecticut?

Mr. MILLER of California. Yes. I yield to the gentleman.

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Mr. KYL. That is Government-sponsored research. Is that correct?

Mr. DADDARIO. Yes.

Mr. KYL. Do you have some figures regarding the privately sponsored basic research in the United States?

Mr. DADDARIO. The rough figures would be about half the Government figure.

Mr. KYL. Am I correct in my understanding that the gentleman says the Soviet Union is now spending $32 billion a year on the same kind of basic research as a comparable figure to that?

Mr. DADDARIO. The figure I gave was not $32 billion, but research and development for defense purposes, taking all of the balancing things into account, with their rule against our dollar, with inflation and one thing and another, shows that they are spending $19 billion for research and development as against $14 billion in this country for similarly related research and development.

Mr. KYL. I thank the gentleman for yielding.

Mr. FULTON of Pennsylvania. Mr. Chairman, I might say for the benefit of the gentlemen on the other side that if they need some more time, I will be glad to yield them some of ours.

(Messrs. MOSHER, BELL of California, BUSH, and HOGAN (at the request of Mr. FULTON of Pennsylvania) were allowed to extend their remarks at this point in the RECORD.)

Mr. MOSHER. Mr. Chairman, I associate myself with the remarks of the gentleman from Pennsylvania, the distinguished ranking minority member of our committee, and with the gentleman from Connecticut, chairman of our Subcommittee on Science, Research, and Development.

It seems to me of utmost importance that we should today approve in full the recommendations of the committee, authorizing $527,630,000 to be appropriated to the National Science Foundation for fiscal year 1971.

As these gentlemen have indicated, this committee recommendation includes an increase of $27.6 million over the administration's budget request. I am fully aware of the administration's concern with and efforts to check the inflationary spiral in the economy. That is one crisis. But I also am keenly sensitive to the quieter crisis that exists today in the Nation's scientific community. Therefore, I emphasize that the recommendations made by our committee reflect strong bipartisan support, in both the subcommittee and in the full Science and Astronautics Committee.

We have arrived at this recommendation only after a most detailed examination of the problems and through three executive sessions within our own subcommittee. I submit that the amount requested in this bill is the result of a consensus of deep concern about the presently diminishing strength of our scientific enterprise, and the decreasing production of talented young scientists.

Mr. Chairman, two major functions performed by the National Science Foundation include: First, scientific research; and second, the education and training of future scientists. I want to speak briefly on the critical question of scientific manpower training.

The two objectives of the National Science Foundation science education activity include: First, the production of scientific and technical manpower to meet the nation's needs; and second, the improvement of instructional personnel and programs.

During the past year, our committee has been concerned with recent reports which seemed to indicate that the Nation is producing an excess of scientific manpower at the graduate level. In an effort to determine whether such an excess really exists, we reviewed with various witnesses two recent studies performed by the National Academy of Sciences and the National Science Foundation. The conclusions reached by these studies are the same; that the supply of science doctorates is now just coming into balance with current demands. Despite the presence of reports to the contrary, the needs for such highly trained personnel are increasing and will continue to increase.

The committee does recognize that changing requirements do exist, such as in the area of environmental science, and these will require different patterns of education and training. Similarly, there is an increasing need for the development of technologist training programs to complement the traditional science education programs. The Foundation plans several new initiatives in these two areas this year.

Nevertheless, we are deeply concerned over the recent cutbacks that have taken place in graduate education in the sciences. I refer to the moratorium that has been placed upon direct Federal support of first-year graduate students in the sciences. This has occurred not only in the National Science Foundation, but in the Office of Education, the Public Health Service, NASA, AEC, and the Department of Defense. Overall fiscal year 1971, direct Federal support for first-year graduate students is projected at only one-half of the fiscal year 1970 level. This decision appears to have been made on the basis of only partial information of future year manpower demands and runs in the face of findings of the two studies I just mentioned.

I submit this represents a most dangerous retreat from the policies of the past. It can result in a very serious crisis for this Nation in a decade from now, when highly trained and competent scientists will be needed to solve the increasingly complex problems facing the Nation.

As Mr. Nixon said less than 2 years ago while campaigning for the Presidency:

> The decline of science education is the most damaging indictment of present administration policy; it threatens to cripple the national effort in science for years to come.

Our committee, in reviewing the National Science Foundation budget for fiscal 1971, has, therefore, restored some traineeship funds in an effort to partially offset the reductions being made in other agencies. This addition of $9.5 million will continue the NSF's traineeship program at its fiscal year 1970 level. It will also permit an orderly review of future scientific manpower requirements during the coming year, so that we will have a firmer base upon which to make Federal policy.

In addition, the committee has also added $4 million to the Foundation's college science improvement program. As the gentleman from Connecticut has pointed out, this program provides grants to colleges or consortiums of colleges for improving the quality of their undergraduate instruction in one or more of the sciences. In order to improve the full range of undergraduate education in the sciences and to expand opportunities for undergraduates to become interested in scientific careers, this program is intended to benefit both teachers and students, subject matters and methods of instruction, facilities, equipment, and teaching materials.

Because our undergraduate colleges have historically furnished a large proportion of students who go on to become scientists, this program has had a most effective influence upon the size and quality of our national scientific and technological manpower resources. The addition of $4 million, therefore, is designed not only to meet the increasing demands, but restore the program to the fiscal 1969 level. It will permit the Foundation to more adequately meet the crucial needs for quality science education which exist in the Nation's undergraduate colleges.

Mr. Chairman, these two additions, totaling $13.5 million represent only the most minimal requirements if the Foundation is to effectively meet the challenges posed by our society and the requirements for highly skilled manpower resources.

I should add, however, that they are no less important than the additions recommended for the program of scientific research support. The inseparable link between science education and scientific research is something that cannot be understated.

Therefore, I enthusiastically urge the fullest possible funding of the Foundation for fiscal year 1971 and join our committee chairman in urging that H.R. 16595 be now approved.

Mr. BELL of California. Mr. Chairman, several of my colleagues have already pointed out to this body the critical state of our national scientific enterprise today. They have touched upon the current funding crisis facing the scientific community, explained the dangerous effects upon our present and future generations of young scientists, and emphasized the need for strong endorsement and support of scientific research through the programs of the National Science Foundation. I, too, share their deep concerns.

However, I should like to focus on still another important facet to this problem; I am referring to the U.S. position vis-a-vis other industrialized nations. For, the hard fact is that U.S. leadership in science and technology is being challenged not only by the Soviet Union but also by Western Europe and Japan. Let me describe this situation by pointing out several interesting sets of statistics.

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While Federal support for R. & D. has declined in recent years, these other countries have either expanded or maintained a vigorous level of effort in their own national programs of science and technology. According to recent figures only 2.7 percent of our gross national product—GNP—will go into R. & D. this year. This will mark the third straight year of decline, as compared with 2.8 percent last year and 3 percent in 1968.

It is true that Soviet investment in research and development has closely paralleled our own. However, available statistics now indicate that at official exchange rates the Russian research expenditures exceeded those of the United States for the first time in 1968. Moreover, it has recently been reported that Russian defense-related outlays are also now more than 20 percent greater than our own.

Similarly, if we look to Western Europe, we see reason for deeper concern. While it is true that as early as 1962 the United States was spending about 10 times as much on R. & D. as the Western European countries combined, this is no longer the case. In France, over the last 7 years, support for research has increased by nearly a factor of 4 and the number of researchers by a factor of 3. Indeed, between the years 1958 and 1966 the growth rate in funds for research in France has averaged about 25 percent. In West Germany, planned expenditures for science for the Government's medium term financial plan—1967–71—indicate an overall increase of 81 percent. Specialized areas that have been singled out for increased support from the German Government include atomic energy, data processing, space, and oceanography, while other data indicate that Great Britain is maintaining a steady and strong program of scientific research and development, especially in such areas as polymer science, enzyme chemistry, transport technology, and astronomy.

In Japan, research expenditures, alone, jumped 33 percent in the years 1967 and 1968. And, there is no mistaking the presence of an important relationship between Japan's investment in industrial, scientific, and technological research and its booming economy, which according to current projections, will put Japan in third place as a world economic power in the next decade. These projections hold true not only overall, but also in specialized areas affected by and affecting R. & D., such as atomic energy, computer technology, and medical, space, and ocean sciences.

I cite these figures for a very specific reason. We, in the United States often tend to be too susceptible to complacency. There is, perhaps some reason for this, however. It is instructive to recall that during the first 40 years of Nobel prizes, from 1901 through 1940, the United States received only 10 in the sciences, as against 30 for Germany, 19 for Britain, and 13 for France. Since then, the U.S. Nobel prize total has exceeded the combined total of all of Europe, including the Soviet Union. That, in itself, is another testament to the effectiveness of strong and broad Federal support for its programs of scientific research and development. It also provides a dangerous opportunity to become further complacent.

Today, I feel we are on the dangerous edge of losing that leadership. Already, many of our youngest investigators are turning their sights to Western Europe where facilities and support are becoming more readily available than in their own country. Could it be that we have started the wheels moving toward another reverse brain drain?

The programs of the National Science Foundation for which we are requesting additional authorization totaling $27.6 million will help to not only restore balance to our system of scientific research support, but will provide increased assurance that U.S. leadership in science will remain strong. I, therefore, fully endorse the actions taken by our committee and urge their wholehearted adoption.

I insert at this point in the RECORD an article from the New York Times, which has special relevance to my earlier comments:

THE MONEY DRIES UP AND THE BRAINS DRAIN

WASHINGTON.—In a few weeks, beside the hamlet of Westerbrook in northern Holland, the world's largest radio-telescope will go into operation partially manned by American scientists. "There is almost a brain drain in reverse," the Dutch observatory's director has told visiting Americans.

Space program research and development in the United States is almost moribund so the British scientists and technicians who flocked here when the space boom was on are returning home. Last year 8,000 fewer trained foreign technicians entered the United States to work, a 17 per cent drop in one year.

Jobs here for scientists and technicians are becoming scarcer because Federal funds for R & D (research and development) continue to dwindle. An additional $400-million will be cut in the coming fiscal year, a reduction that has caused extreme anguish in the scientific establishment. Citing the following examples, scientists warn that the United States is losing its first place standing in world-wide R & D.

GOING TO CANADA

Japanese laboratories are beginning to dominate research in the relatively new field of solid state physics, the area from which the transistor grew and the area in which American scientists made the pioneering discoveries.

Basic discoveries in physical and organic chemistry, the touchstones of industrial chemistry, are increasingly coming from French and German laboratories. Continental scientists pioneered in these fields, then ceded their leads to American colleagues. Now the advantage is being handed back.

American scientists in increasing numbers are going to Canada as that government's investment in research grows while that of the United States goes down.

As President Nixon's National Science Board warned him earlier this year, trimming the Federal investment in R & D will lead to "a day of reckoning for United States science and for the national well-being. That day may be very near," the board said, then ticked off half a dozen areas where the United States had lost its scientific pre-eminence.

'WE'RE IN TROUBLE'

Much in the same vein, other reports followed from Congressional committees and the academic community. Four former chief Presidential science advisers joined earlier last month in sharp criticism of present Federal policy in supporting science.

A few days ago several hundred distinguished scientists, their faces as austere as the hard wooden benches on which they sat, gathered as the annual meeting of the National Academy of Sciences opened in its Great Hall. As the morning wore on, a dozen speakers rose to repeat what has almost become a litany among researchers in recent years. "The money has dried up—we're in trouble."

Most Americans, as several members of the prestigious academy pointedly told their colleagues, just couldn't care less about the financial dog days of the scientific community. Town and gown protests, the war's expansion, the stock market, inflation and crime have dominated the day-to-day concerns of the electorate. The scientists, however, were concerned about the future.

PRACTICAL RESULTS

The two decades after World War II were the flowering of American science and technology. Dollars and people were pumped into the scientific establishment in ever increasing numbers so that it grew at a rate of 10 to 20 per cent every year. The practical results filled homes with hi-fi sets, frozen foods, lightweight clothing, life-saving drugs and durable plastics.

More dramatically, however, this period also deeply broadened man's knowledge of himself and his world. New radiotelescopes brought glimpses of nether worlds never imagined, while electron microscopes peered into the very heart of matter. What good is basic research: Can it lead to a source of inexhaustible power from controlled thermonuclear reactions? A cure for cancer discovered embedded in a gene?

The point, as scientists have said repeatedly, is that no one knows. The question is answered only as man's knowledge continues to expand and is put to use through increasingly expensive R. & D. Yet it is axiomatic in this technological era that the welfare of a nation depends on its rate of innovation. One economist contends that the taxes paid by the nation's multi-billion dollar computer industry, which did not exist 20 years ago, are enough to underwrite all American electronics research. American computers dominate the world market, and should for years to come, because of the momentum generated by early investment.

ON VALUE RECEIVED

American investment and momentum, however, are waning. In 1965 the Federal Government invested $15.2-billion in basic research, applied research and development, 50 times as much as had been spent a generation before. This year the Administration is considering spending exactly the same amount.

This is a tremendous amount of money, yet one scientific authority told the academy that the value received is going down. Dr. Philip Abelson noted that the effects of inflation and the increasing cost of research have combined to reduce the research effort by one-third, even though the dollar investment is the same.

"If we continue to cut down . . . the United States is going to be a second class nation in scientific enterprise," he said.

The current Presidential science adviser, Dr. Lee A. DuBridge, challenged some of Dr. Abelson's statistics but conceded that his analysis of the trend was correct. "There has been an upswing in other countries in certain areas and we are no longer the leader," he said.

"This is not the policy of the Administration," Dr. DuBridge added "The policy of the Administration is balancing the budget."

Mr. BUSH. Mr. Chairman, I want to commend the members of the Science

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and Astronautics Committee on the fine job they have performed in preparing this legislation—H.R. 16595—particularly the gentleman from Connecticut.

Of particular interest to me is the program for interdisciplinary research relevant to the problems of our society. As chairman of the Republican Task Force on Earth Resources and Population, I have become more and more concerned over the problems of our environment and the interrelationships of our depleting resources and increased population. The urgency demanded in finding and executing solutions to these complex problems cannot be underestimated. The activities and attitudes of the American people and the world in recognizing and correcting these problems must be considered the No. 1 objective in this decade of the seventies. Each year of mere rhetoric and inactivity further multiplies the consequences of inaction.

By the end of this month our task force will have completed a full year's study and examination of the problems and directions of our earth resources and population with a full report of our findings to this body. What is very evident to the task force is that we cannot solve today's problems with yesterday's programs. Interdisciplinary research, interdisciplinary planning, and interdisciplinary action on the part of all sectors of our society are urgently needed in order to surmount the problems of our society.

Two major problems confronting us today are the stewardship of our environment and the poor communications existing with our young adults, particularly undergraduate college students.

Last week we witnessed both tragedy and hope resulting from student activities on different university campuses and here in Washington. Frustration and agony abound in the minds of all citizens who desire to protect our free democratic system that encourages the expression of independent thinking, yet necessitates order and responsible actions. It was with this realization in mind that I introduced H.R. 16847 on April 18 with 21 of my colleagues, to establish a National College of Ecological and Environmental Studies under the direction of the National Science Foundation.

The programs of the National Science Foundation are predominantly directed toward the development of graduate studies, the propagation of doctoral degrees, and the ensuing research. There is no doubt this should be the primary goal of the Foundation, but I strongly believe that we have shown a lack of creativity in our leadership to provide undergraduate students with a constructive forum for communications. Communications is a two-way proposition. It entails both sending and receiving. There is little question that there has been a great deal of sending on the part of both students and legislators, but very little receiving has been evident—mostly as a result of inadequate organization. These students want to reach us and they want to reach the White House, but lacking a vote they feel compelled to voice their opinions in loud outcries to attract our attention and the attention of the voters—unwittingly driving a bigger wedge into the communications gap. Because such loud cries through demonstrations lack the discipline of order, the constructive and well-intentioned ideas and suggestions get buried in tear gas and bullets—further fanning the flames of their frustrations. I do not condone these demonstrations, but I do recognize the inability over the years of national leadership from every sector of our society to provide creative forums within which these students can exercise their mental competence and receive some fulfillment that they have contributed to the intellectual problems of selecting, defining, and solving national problems.

Yesterday, some many years ago, a college or a university was the forum for this kind of orderly intellectual interchange but recently, over the past decade or so, our population growth has created such tremendous stress on the capabilities of our colleges and universities that the original purpose of these institutions has had to take a back seat to the demands for techniques necessary to provide education to the greatly increased numbers of students attending our colleges and universities. We simply cannot expect yesterday's concept of college programs to answer the problems of students today and, therefore, we need some new and creative alternatives.

The concern of college students over our problems of a quality environment seems to me an excellent principle on which we can focus our attention as national leaders and create an intellectual forum for constructive interchange of thinking on the part of qualified undergraduate students. This would offer these students an opportunity to communicate their thoughts and ideas relative to the problems of our environment that would be received by our Nation's leadership.

As constructed in my bill, a National College on Ecological and Environmental Studies would not be a brick and mortar job but the creation of seminars, think-tank sessions, and other such forums that would bring together outstanding undergraduate students of all sciences and engineering disciplines from all over the country to wrestle with the complexities inherent in sustaining our society while protecting and restoring our environment. This program would necessitate the involvement of the commercial and private sectors of our society because the obligations of the Federal Government would not exceed $100,000 a year or one-third the cost of this program, whichever is less.

I seriously considered offering this legislation in the form of an amendment to the National Science Foundation Authorization Act of 1971 but now feel it is important that the Committee on Science and Astronautics has an opportunity to hold hearings on this bill in hopes that some more creative thinking on the value of this legislation might produce some solid recommendations which the Director of the Foundation, Dr. McElroy, could implement once this program is underway.

We all care about our environment and I know we all desire to seek solutions. This national college is a positive program in this direction. It is an inexpensive program from a taxpayer's point of view. It is a creative program that deals with problems of vital concern to our young people. Earth Day could not have produced more evidence of this. It is important that we listen to what our young people have to say on this issue for it will be their demands for goods and services in the not-too-distant future that will influence changes in industry, education, and our society as a whole. If we are to be smart managers, we must have the vision necessary to comprehend the true purpose of these teach-ins—a need to communicate.

The establishment of this National College of Ecological and Environmental Studies is certainly an interdisciplinary program relevant to the problems of our society, and I certainly hope that committee hearings will be held and this legislation brought to the floor during this session. There is an urgency that must not be underestimated.

Mr. DADDARIO. Mr. Chairman, I appreciate the opportunity that the gentleman from Pennsylvania has given us, if we need more time. I am not quite sure of that as yet.

At this time, Mr. Chairman, I yield as much time as he may desire to the gentleman from Georgia (Mr. DAVIS).

Mr. DAVIS of Georgia. Mr. Chairman, I should like to associate myself with the remarks of the chairman of the Science, Research, and Development Subcommittee and the chairman of the Committee on Science and Astronautics, as well as those of the distinguished minority members.

I, too, am gravely concerned about the future of scientific research and education in this country. The point has already been made that a reduction in real scientific effort in this country has occurred. The proportion of students going into science and engineering is steadily diminishing, and scientific leadership is beginning to pass to other countries in certain disciplines.

This trend is fraught with danger for the future of our country. The threat this poses to our national security and to the prestige we enjoy among the other nations of the world is at once apparent to anyone who takes a moment to reflect upon the fundamental and overwhelming impact science and technology have had upon military strength from earliest times to the present day.

Propulsion of ships and trains by steam, communication by telephone, followed by "wireless" communication, the invention of dynamite, the gasoline engine, and the airplane are but a few milestones that have affected first the military posture of every nation on earth and second the means toward helping humankind in its unceasing quest to conquer its environment.

To permit a diminution in the funding of our national scientific endeavor would be to indulge in folly of the worst kind. Let us look for a moment at an area of research which is supported by funds from the bill which is before us today.

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The study of astronomy does not immediately impress the average as being an area which is entitled to any special priority, and yet without it the development of the hydrogen bomb would probably never have taken place. An understanding of the tremendous energy output of the sun and the stars was of key significance in developing nuclear energy.

The possibility of changing, by human agency, one atom into another in order to harvest the energy difference equal to the mass which was destroyed was made plausible and credible because it was so clear that such a process was indeed taking place in the stars. The discovery of pulsars and quasars has opened up areas and given new insights into the nature of matter and energy generation not even dreamed of a few scant years ago.

Our position of leadership in science and technology can be lost at any time, unless we exert the utmost vigilance to protect it.

The National Science Foundation is the principal Federal agency for the support of ground-based astronomy through the support of individual research projects, special research equipment, and astronomy research centers. The foundation provides about one-half of the total Federal investment in this field. Other Federal agencies are decreasing their support significantly, even for research projects of proven quality.

Research in astronomy logically falls into two categories, optical astronomy and radio astronomy. If we look at the record of Federal funding, we find that total support of radio astronomy has declined since fiscal year 1967 and total support of optical astronomy has declined since fiscal year 1968. There are no encouraging signs of a reversal in this trend.

Just this week I read an Associated Press story in the Washington Post describing a new Dutch radio telescope facility. It stated:

> The world's newest and biggest radio telescope, probing eight billion light years into space, is calling U.S. scientists to Euprope.
>
> "There is almost a brain drain in reverse," said Dr. Ernst Raimond, superintendent of the observatory to be opened here June 24.
>
> "Many U.S. scientists want to come to Europe," Raimond said, 'because Europe has a more ambitious radio astronomy outlook than the United States.
>
> "Even if they (The U.S.) started right away it would mean that they would not have comparable potential before the end of the 1970's," he observed.

How are we reacting to this and other challenges to U.S. science?

We are reducing direct support for new graduate students in the sciences by half in just 1 year.

We are closing highly productive particle accelerators.

We are shutting down one of our best and most versatile radar and radio telescopes, the Haystack facility in Massachusetts.

We seem to be drifting toward an attitude that science is not relevant, at a time when scientific and technological strides have never been so long and so rapid.

The voices of our scientists are united in pointing out the grave danger to our country of neglecting our scientific endeavors, and the further fact that any lessening of effort on our part will be keenly felt for years to come.

This bill deserves the wholehearted support of every member of this committee and of the House, and I hope its adoption.

Mr. FULTON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I wish to thank the distinguished gentleman from Pennsylvania who has been a great leader on our committee and very generous to all the members and to me particularly and personally upon many occasions.

Mr. Chairman, I want to state that as a freshman Congressman and serving for the first time, naturally, on a committee, that I cannot imagine how any committee could be better managed or organized than this Subcommittee on Research and Development under the chairmanship of the gentleman from Connecticut (Mr. DADDARIO).

We heard many witnesses on this question of the budget. My remarks generally are a condensation of the argumentation that is made in the report of the committee, particularly as it affects science education, but I have heard one or two things this afternoon that cause me to disgress slightly from my text.

For one thing, gentlemen, it is not only the witnesses before our committee who told us of the decline in interest in science in this country and perhaps we could attribute that to self-interest on their own part to increase the funds with which they want to work—but many of the young people with whom I have talked over the past year, and in larger numbers in recent months and weeks, have indicated that they feel that the cause of science and technology is not for them; that somehow science and technology have let the Nation down rather than performing useful work for it.

Many of them want somehow to go back to Thoreau's Walden Pond and live in a simpler time. If there is anything that a reading of the hearings will indicate clearly, it is that you cannot go back to Walden Pond; you have to go forward to find it again, and we have to find it through the use of technology as developed by the world of science.

We were given many striking comparisons. For example, had Henry Ford known in his day that the application of the internal combustion engine burning fossil fuel would some day possibly poison his grandchildren, he might have sought an alternative mode of propulsion. He did not know that.

Today we do not have the same leadtime between a possible error of a scientific character and the realization of that error given the explosion of knowledge and pace of technology year to year. What does this mean? It means that we must graduate scientists and technologists who are in fact aware of the secondary consequences of major breakthroughs in their respective skills and disciplines.

Scientists testified before our committee, asking us not to distrust technology, but merely the questions we put to it. We were told technology is neutral. But it answers the questions we ask. We have heard this afternoon the suggestion that the addition of $25 million more or less to a $500 million budget is somehow a threat to the economy of our country.

But we must recognize that there are men in technological positions today who must help us decide, for example, whether we need or ought to have a supersonic transport at a cost of many hundreds of millions of dollars.

And as one witness told us, if we ask the scientists and technologists for a supersonic transport, we will get it. But if we were instead, for example, to ask for a very fast plane that will carry quite a few people but in no way disturb the quality of life, either through emissions in the biosphere or noise pollution here on earth, we would get a different answer.

Now, somebody who has been to school is going to help decide that, and we want a lot of youngsters in school today who might help us decide even tougher questions in the future. And when we think that $100 million a day is being spent to meet our military commitments all over the world, many of them resting on a technological basis, surely one-fourth of that sum, $25 million, cannot be considered an outrageously high annual sum to encourage if not guarantee competent technological judgment.

Yes, half a billion dollars for the National Science Foundation is a lot of money. It is about the cost of 2 weeks or less of war, and it is roughly 5 days of all of our U.S. military commitments around the world.

I certainly do not think the lower figure reflects in any way on the Bureau of the Budget which recommended it because I do not think even when they came forward with it that they realized the extent to which America's young had turned away from science and technology.

Now what does this NSF bill provide as an inducement to our young people to continue in this field?

The science education support of the National Science Foundation is divided into three separate programs which they call student development, instructional personnel development, and instructional program development. That is their terminology. I would have said, "students, teachers, and courses."

The student development program, I think, is one which perhaps tells us most vividly what is happening with this kind of appropriation. What is it we are trying to accomplish?

This bill covers hgh school and undergraduate students, as well as the most talented individuals involved in graduate study.

For example, the science training program for high ability secondary school students provides opportunities for advanced scientific study or research participation under the direct guidance of university scientists.

This would not have been possible were it not for the funds allocated for that purpose.

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Think what it means to the youngsters, for example, in a secondary school to be able to spend the summer with a university scientist and really get hooked in some area that is vital not only to our security but to our well-being. Think what it could mean to the country.

Over the years the record shows that virtually 100 percent of the participants enroll in college—perhaps that is no surprise; 85 percent major in science, and two-thirds enter graduate school.

This is pretty good ratio of success in keeping interest alive in youngsters who want to find a career in science and technology.

This year about 6,000 students will participate in the program during the coming fiscal year.

Mr. Chairman, the instructional personnel development program, that is for teachers, is directed toward improving the skills of teachers in science and mathematics from precollege through the graduate level.

This program has been in operation some 15 years, and concentrates on the supplementary training of teachers in their major subjects.

About 40 percent of our present secondary school science and mathematics teachers have participated in one or more of these institutes.

The new emphasis being taken by the foundation, perhaps partly for this reason, with respect to this program, will emphasize leadership training and courses which include both subject matter training and pedagogical skills.

Beforehand, they were directed largely to courses themselves but not to how they are taught.

Let me say, a lot of us can remember a great deal of what we got out of high school was in the how and not just in the what.

A significant reduction in the level of support for these institutes has been proposed by the NSF and approved by the committee, but only on a tentative basis.

The committee will watch closely during the coming year to determine the effectiveneses of new programs for precollege instructional personnel, and will demand strict assurance that these new programs are, in fact, superior to the existing institutes.

At the undergraduate level NSF programs aim to keep teachers apprised of new discoveries and develop workable ways of getting new concepts across to their students.

At the graduate level NSF supports science faculty fellowships and short-term instructional projects for leading professors who participate in research at the frontiers of knowledge.

I wish that it would have been possible for all of us to be at those hearings and to hear the testimony from witnesses from all across the country concerning the needs of the scientific world which are essential to get its job done and to make its contribution.

Mr. Chairman, I think the scientific world is already "sharing" to a great extent in cutbacks on national funding. I think it would be an error for us to require it to cut back further at this time. I believe that would be false economy.

We want the young men and women in the pipeline of capability to serve this country in that area. We do not want to become merely a nation of poets. We have a lot of young folks who can tell us what they would like out of the world, but not many to tell us how to get there, and it will really require capability in the field of science and technology to do so.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SYMINGTON. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Since the gentleman has been talking about all these scientific projects, perhaps he can tell me what the study of penguins is all about. I refer to embryology, incubation, and behavior of the Adelaide, or whatever it is—the print is not very good—the incubation and behavior of the Adelaide and related penguin species. This grant happens to go to an Iowa college. Could the gentleman inform me as to just what they are doing when they are studying this variety of penguin?

Mr. SYMINGTON. The gentleman has managed to surface a specific grant of which I have no immediate knowledge. As it is to an Iowa college, I must assume it is a meritorious grant. But as I was an English major, I shall defer to the scientist on our committee, our chairman.

Mr. MILLER of California. I am not a scientist, but last year, along with several others, I had the privilege of going to Antarctica, where most of this work is being done. There are many people, teams down there, working with penguins. I do not know just what the words to which the gentleman referred mean. They are as strange to me as they are to you. But I do know that we talked with three people from one of the universities who had discovered a new nematode. I had thought that nematodes came only in potatoes. But they brought these out of the penguins.

They put them under a microscope for us, and they looked like three or four little pieces of thread about a third of an inch long. Under the microscope they looked like three little snakes wiggling.

Mr. GROSS. Were those Irish potatoes?

Mr. MILLER of California. No, that is just what they get into.

Mr. GROSS. I thought they were some of the snakes we have heard about in Ireland.

Mr. MILLER of California. Maybe that is where they went, into the potatoes. I have no idea. But you have asked the question, and I can only tell you of my experience. These people were very much excited about the discovery. They were going back for more study, for they felt that if they could be found there, they could be found some place else.

I do not know the relationship of nematodes to the human body. I do not know if they exist in our bodies or whether they can exist. But perhaps if they do get into the human body, they might do the same damage to us that they do to Irish potatoes, and I know the gentleman would not like that.

Mr. GROSS. I want to thank the gentleman from California for his interesting discourse. It did not add anything in answer to the question about penguins. Perhaps the gentleman cannot answer it. I know he was walking along on good, solid ice down there in the Antarctic.

Mr. MILLER of California. Yes, 2 miles of it, as a matter of fact, straight down. I am not a biologist, so I cannot tell the gentleman all the details of the study. All I can tell you is that they were excited.

Mr. GROSS. The penguins or the scientists?

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman from Missouri yield?

Mr. SYMINGTON. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I compliment the gentleman on his excellent statement and also for his competence on our committee. As a new member, the gentleman from Missouri has shown unusual interest and knowledge that has added to our work.

I must say the remarks of our chairman certainly show that when anything comes up, from penguins to science, he has been right there. So I think the gentleman from Iowa got an answer from the correct person when the chairman of the Science and Astronautics Committee can report that he had personal experience both with the penguins and with the nematodes during the past year.

Mr. BURTON of Utah. Mr. Chairman, will the gentleman yield to me, so I may ask the gentleman from Iowa a question?

Mr. SYMINGTON. I yield to the gentleman from Utah.

Mr. BURTON of Utah. Mr. Chairman, how many penguins does the gentleman from Iowa have out there?

Mr. GROSS. In Iowa? I do not know that we have any.

Mr. HORTON. Mr. Chairman, during the debate on the National Science Foundation Authorization Act of 1971, I think it is very appropriate to discuss the establishment of a program to encourage students to pursue careers in the fields of ecology and environment.

The committee report on the National Science Foundation Act states that one of the challenges of our Nation "is to find ways to improve environmental quality without making a corresponding reduction in our standard of living such as would result, for example, if we elected to retreat to 19th century technology and population density."

I fully concur, and I think one of the best ways to meet this challenge is to stimulate young people and direct their energies toward solving environmental problems.

For this reason, I cosponsored H.R. 16847 with the gentleman from Texas (Mr. BUSH) to establish a National College of Ecological and Environmental Studies under the direction of the National Science Foundation.

This college would serve undergraduate students, recognized for their scholarship and potential. Its purpose would be to encourage them to pursue careers in environment and ecology.

Young men and women across the Nation offer a tremendous untapped res-

XUM

ervoir of ideas and energies. We need a massive effort at every level of society to prevent further environmental deterioration. It would be foolish to disregard the potential of youth.

Through my bill, seminars and conferences would provide a forum for outstanding undergraduates to direct their energies toward restoration of our environment.

Members of the college would be selected by a board of directors chosen by the Director of the National Science Foundation.

This legislation would also pull the private and commercial sectors into the fight against pollution. Two thirds of the program would be financed by them.

The Federal Government would provide seed money, $100,000 a year for 5 years, but would not inhibit the growth or content of the program.

Mr. Chairman, I am a member of the task force on earth resources and population. In addition, I have been studying environmental and pollution problems for almost 8 years—long before the problems came to the attention of the general public or ignited much interest.

Therefore, I know the situation we face. And I know that young people want to be heard on the problems ahead of them. I can fully understand this. It is their future at stake. I feel that my bill gives them one logical channel to funnel their energies toward the betterment of their futures.

Mr. Chairman, I urge my colleagues to consider the merits of this proposal, and then to fully support efforts to bring H.R. 16847 to the floor of the House during this session.

Mr. **FULTON** of Pennsylvania. Mr. Chairman, I yield back the balance of our time.

Mr. **DADDARIO**. Mr. Chairman, I have no further requests for time.

The **CHAIRMAN**. The Clerk will read.

The Clerk read as follows:

H.R. 16595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1971, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $525,630,000.

Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed $2,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 5. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d)(1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an indeepndent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Sec. 6. This Act may be cited as the "National Science Foundation Authorization Act of 1971".

Mr. **DADDARIO** (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be printed in the Record and open to amendment at any point.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. **GROSS**. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I doubt very much that anything I may say will change those in the House who are determined to approve the biggest possible spending bill for the National Science Foundation. I am laboring under no illusions about what probably will happen, despite the fact that the House Appropriations Subcommittee dealing with this particular subject has already cut the amount to $495 million from its present figure here of more than $525 million.

We have been handed another bone to pick if the move to reduce it is only by $27 million. The price of this bill has been inflated to $525,630,000, plus $2 million in foreign currencies or a total of more than $527 million.

As usual, the asking price is high in the expectation that a move would be made to lop off a few million as a gesture toward economy.

How this National Science Foundation reasonably and decently can expend $573,000,000 of the taxpayers' money between January 1 of this year and June 30 of this year is beyond me. Yet that is what the House Appropriations Committee says it is doing.

But this is not our personal money that is being tossed around. This is the taxpayers' money. So the motto as usual is spend it if it is somebody else's money.

Mr. Chairman, no case has been made for the authorization of this amount of money. In view of the financial crisis confronting the Nation, this bill ought to be cut by 50 percent. I doubt that even a token cut will be approved and so with or without it I will vote against the bill.

Mr. **DADDARIO**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in view of what has been said, I think it would be helpful to refer to some things the President of the United States has said. I do not think we ought to close this argument by looking at the activities of the National Science Foundation as being inefficient or for purposes which are not beneficial to the welfare and security of this Nation of ours. I will quote from the President of the United States, who recently said this:

> Scientific activity cannot be turned on and off like a faucet. The withdrawal of support disperses highly trained research teams, closes vital facilities, loses spin-off benefits and disrupts development momentum.

What we have tried to show here today is that, cognizant of such views, aware and sensitive of the adjustments which are taking place, we must look to the National Science Foundation to take over a greater responsibility. It is now in a better position, partly because of the action of this committee to do these things, to make sure that disruption will not occur.

I should like to refer also to the statement made by the President in 1968, when he said:

> But there is another, quieter crisis at hand. It may seem less urgent and it gets fewer headlines, but it poses unparalleled dangers and opportunities.
>
> I refer to the crisis in American science and technology.
>
> The American scientific and technological community plays a key role in maintaining our well-being and our national security. Science and technology compose a new At-

> las that upholds our economic growth, our military defense, our educational system, and our bright hopes for the future of man. The role of science and technology is so large, so complex, and so pervasive, that we sometimes merely take it for granted. At other times, we fear it unreasonably, resent its power, ignore its role and deny its great promise for the future.
>
> Science has served mankind faithfully and well. It has dramatically extended the average lifetime, shortened geographical distances, increased industrial productivity, reduced poverty, and in the long trial of war, contributed significantly to the cause of freedom.

Let us recognize what we are asking for here today is really not a swollen budget. It is a request that takes into consideration the withdrawal from the various mission agencies of research. Unless we are to say the military, for example, is the only agency of Government where research is to be supported, and that we are only interested in research in that particular area, as regards weapons systems, not what else new can be done, I believe it would be a sad commentary if we were not able to support the kind of research necessary to keep this country economically strong and socially aware.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman from Florida.

Mr. FUQUA. I want to thank the gentleman for the time he has taken on this bill and for his dedication to it.

XUM

The point he has been making is the fact that even with the money we have in this bill, we are not taking up all of the slack which came about as a result of the so-called Mansfield amendment of last year, where the Department of Defense had to pull out a lot of its basic research activity. We are taking up a part of the slack, but still are leaving a void area. In many areas of the country research is going to come down because of the action of the Senate, later approved by the Congress, in the so-called Mansfield amendment. We are not taking up all that slack.

I thank the gentleman for what he has done in trying to bridge this gap. Still we are not closing it.

Mr. DADDARIO. The gentleman from Florida makes a significant point. He has been one who has watched carefully the effect of amendment No. 203 in this regard, and given his support so that we might develop the science, manpower, and knowledge which this country needs for its welfare.

I do believe it is important to recognize that the figure of $60 million, which I referred to during the general debate, being transferred or brought out of other agencies, will most likely be swollen to a considerable degree in the time ahead, possibly to get into the order of $125 million—toward which we are only asking $20 million in compensation.

The best figure I can get, as we look at that swollen figure, is that about 85 percent of it will be competitive with the other work that is going on in the National Science Foundation.

I believe they should get this kind of support.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DADDARIO. I certainly do yield to the gentleman from Iowa.

Mr. GROSS. I have read in the House Appropriations Committee hearings that the National Science Foundation is now going to make a study of inflation. Its so-called experts will not have far to go. It can do it right at home and on the basis of this bill.

Mr. DADDARIO. I may say to the gentleman from Iowa, Mr. Chairman, that is a matter of point of view. I just disagree with the gentleman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16595) to authorize appropriations for activities of the National Science Foundation, and for other purposes, pursuant to House Resolution 954, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROUDEBUSH

Mr. ROUDEBUSH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROUDEBUSH. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. ROUDEBUSH moves to recommit the bill H.R. 16595 to the Committee on Science and Astronautics, with instructions to report the same back to the House forthwith with the following amendment:
>
> On page 1 line 9, strike the amount "$525,630,000" and insert in lieu thereof the amount "$498,000,000".

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ROUDEBUSH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 188, not voting 104, as follows:

[Roll No. 111]

YEAS—137

Abbitt
Abernethy
Adair
Anderson, Ill.
Andrews, Ala.
Arends
Ashbrook
Baring
Belcher
Berry
Betts
Bevill
Blackburn
Bow
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrnes, Wis.
Camp
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Collins
Colmer
Cowger
Crane
Cunningham
Daniel, Va.
Davis, Wis.
Dellenback
Denney
Dennis
Derwinski
Devine
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Flowers
Flynt
Ford, Gerald R.
Foreman
Fountain
Frey
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Harsha
Henderson
Hogan
Hull
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
King
Kleppe
Landgrebe
Langen
Latta
Lennon
Lloyd
Lujan
Lukens
McCloskey
McClure
McCulloch
McDonald, Mich.
Marsh
Martin
May
Mayne
Michel
Mills
Minshall
Mize
Mizell
Montgomery
Myers
Natcher
Nelsen
Nichols
O'Konski
Pettis
Poage
Poff
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Roberts
Roudebush
Ruth
Sandman
Satterfield
Schadeberg
Scherle
Schwengel
Scott
Sebelius
Shriver
Skubitz
Smith, Calif.
Snyder
Springer
Steiger, Ariz.
Sullivan
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Wampler
Watts
Widnall
Wiggins
Wold
Wylie
Zion

NAYS—188

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Barrett
Bennett
Biester
Blanton
Boggs
Boland
Bolling
Brasco
Brooks
Brotzman
Brown, Mich.
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Caffery
Casey
Celler
Chappell
Clark
Cleveland
Conable
Conte
Corbett
Corman
Coughlin
Daddario
Daniels, N.J.
Davis, Ga.
de la Garza
Dingell
Donohue
Dorn
Downing
Dulski
Dwyer
Eckhardt
Edwards, La.
Eilberg
Esch
Evins, Tenn.
Fascell
Feighan
Fish
Flood
Foley
Ford, William D.
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Gude
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Hosmer
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kyl
Kyros
Leggett
Lowenstein
McClory
McFall
Madden
Mahon
Mailliard
Mann
Mathias
Meeds
Melcher
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Monagan
Morgan
Moss
Murphy, N.Y.
Nedzi
Nix
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pelly
Perkins
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reuss
Riegle
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ryan
Shipley

Sikes
Sisk
Smith, Iowa
Smith, N.Y.
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stephens
Symington
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
White
Whitehurst
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Yates
Young
Zablocki
Zwach

NOT VOTING—104

Anderson, Tenn.
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Blatnik
Brademas
Bray
Brock
Broomfield
Brown, Calif.
Buchanan
Cabell
Carey
Carter
Chisholm
Clay
Cohelan
Collier
Conyers
Cramer
Culver
Dawson
Delaney
Dent
Dickinson
Diggs
Dowdy
Edmondson
Edwards, Calif.
Evans, Colo.
Fallon
Farbstein
Fisher
Fraser
Frelinghuysen
Friedel
Gallagher
Garmatz
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halpern
Hammerschmidt
Hansen, Idaho
Harvey
Hawkins
Holifield
Ichord
Jacobs
Kirwan
Kuykendall
Landrum
Long, La.
Long, Md.
McCarthy
McDade
McEwen
McKneally
McMillan
Macdonald, Mass.
MacGregor
Matsunaga
Mollohan
Moorhead
Morse
Morton
Mosher
Murphy, Ill.
Obey
O'Hara
Ottinger
Patten
Pepper
Philbin
Pickle
Pollock
Reid, N.Y.
Rivers
Rooney, N.Y.
St Germain
Saylor
Scheuer
Schneebeli
Slack
Stokes
Stratton
Stubblefield
Stuckey
Taft
Tunney
Watkins
Watson
Weicker
Whalen
Whalley
Whitten
Williams
Wilson, Bob
Wyman
Yatron

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Ayres.

Mr. Dent with Mr. Williams.

Mr. Aspinall with Mr. Frelinghuysen.

Mr. Biaggi with Mr. McKneally.

Mr. Holifield with Mr. Bob Wilson.

Mr. Long of Louisiana with Mr. Watson.

Mr. Cabell with Mr. Kuykendall.

Mr. Carey with Mr. Gubser.

Mr. Delaney with Mr. Mosher.

Mr. Edmondson with Mr. Broomfield.

Mr. Fallon with Mr. Morton.

Mr. Farbstein with Mr. Bell of California.

Mr. Rivers with Mr. Bray.

Mr. Pickle with Mr. Pollock.

Mr. Philbin with Mr. Beall of Maryland.

Mr. Patten with Mr. Weicker.

Mr. Moorhead with Mr. Watkins.

Mr. St Germain with Mr. McEwen.

Mr. Slack with Mr. Brock.

Mr. Green of Pennsylvania with Mr. Harvey.

Mr. Garmatz with Mr. McDade.

Mr. Gallagher with Mr. Reid of New York.

Mr. Edwards of California with Mr. Hansen of Idaho.

Mr. Murphy of New York with Mr. Halpern.

Mr. Macdonald of Massachusetts with Mr. Moose.

Mr. Whitten with Mr. Carter.

Mr. Landrum with Mr. Collier.

Mr. Brademas with Mr. MacGregor.

Mr. Blatnik with Mr. Saylor.

Mr. McMillan with Mr. Buchanan.

Mr. Culver with Mr. Schneebeli.

Mr. Dowdy with Mr. Cramer.

Mr. Fisher with Mr. Dickinson.

Mr. Friedel with Mr. Taft.

Mrs. Griffiths with Mr. Whalen.

Mr. Stubblefield with Mr. Hammerschmidt.

Mr. Anderson of Tennessee with Mr. Whalley.

Mr. Tunney with Mr. Wyman.

Mr. Yatron with Mr. Ichord.

Mr. Matsunaga with Mr. Dawson.

Mr. Mollohan with Mr. Long of Maryland.

Mr. Obey with Mr. Diggs.

Mr. Ottinger with Mr. Clay.

Mr. Scheuer with Mrs. Chisholm.

Mr. Brown of California with Mr. Evans of Colorado.

Mr. Kirwan with Mr. Hawkins.

Mr. McCarthy with Mr. Conyers.

Mr. Cohelan with Mr. Fraser.

Mr. O'Hara with Mr. Stokes.

Mr. Stuckey with Mr. Stratton.

Mrs. Green of Oregon with Mr. Pepper.

Mr. Jacobs with Mr. Bingham.

Mr. KEITH changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 312, nays 6, not voting 111, as follows:

[Roll No. 112]

YEAS—312

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Baring
Barrett
Belcher
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Griffin
Grover
Gude
Hagan
Haley
Hamilton
Hanley
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kee
Keith
Kleppe
Kluczynski
Koch
Kyl
Kyros
Landgrebe
Langen
Latta
Leggett
Lennon
Lloyd
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDonald, Mich.
McFall
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Pelly
Perkins
Pettis
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
Sandman
Satterfield
Schadeberg
Scherle
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
White
Whitehurst
Widnall
Wiggins
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—6

Ashbrook
Camp
Crane
Gross
Hall
Roudebush

NOT VOTING—111

Anderson, Tenn.
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Blatnik
Brademas
Bray
Brock
Broomfield
Brown, Calif.
Buchanan
Cabell
Carey
Carter
Chisholm
Clay
Cohelan
Collier
Conyers
Cramer
Culver
Dawson
Delaney
Dent
Dickinson
Diggs
Dowdy
Eckhardt
Edmondson
Edwards, Calif.
Evans, Colo.
Fallon
Farbstein
Fisher
Fraser
Frelinghuysen
Friedel
Gallagher
Garmatz
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halpern
Hammerschmidt
Hanna
Hansen, Idaho
Harvey
Hawkins
Holifield
Jacobs
Karth
King
Kirwan
Kuykendall
Landrum
Long, La.
Long, Md.
McCarthy
McDade
McEwen
McKneally
McMillan
Macdonald, Mass.
MacGregor
Matsunaga
Mollohan
Moorhead
Morse
Morton
Mosher
Murphy, Ill.
Obey
O'Hara
Ottinger
Patten
Pepper
Philbin
Pickle
Pollock
Pucinski
Quie
Reid, N.Y.
Rivers
Rooney, N.Y.
St Germain
Saylor
Scheuer
Schneebeli
Skubitz
Slack
Steiger, Wis.
Stokes
Stratton
Stubblefield
Stuckey
Taft
Tunney
Van Deerlin
Watkins
Watson
Weicker
Whalen
Whalley
Whitten
Williams
Wilson, Bob
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Ayres.

Mr. Dent with Mr. Williams.

Mr. Aspinall with Mr. Frelinghuysen.

Mr. Biaggi with Mr. McKneally.

Mr. Holifield with Mr. Bob Wilson.

Mr. Long of Louisiana with Mr. Watson.

Mr. Cabell with Mr. Kuykendall.

Mr. Carey with Mr. Gubser.

Mr. Delaney with Mr. Mosher.

Mr. Edmondson with Mr. Broomfield.

Mr. Fallon with Mr. Morton.

Mr. Farbstein with Mr. Bell of California.

Mr. Rivers with Mr. Bray.

Mr. Pickle with Mr. Pollock.

Mr. Philbin with Mr. Beall of Maryland.

Mr. Patten with Mr. Weicker.

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Mr. Moorhead with Mr. Watkins.

Mr. St Germain with Mr. McEwen.

Mr. Slack with Mr. Brock.

Mr. Green of Pennsylvania with Mr. Harvey.

Mr. Garmatz with Mr. McDade.

Mr. Gallagher with Mr. Reid of New York.

Mr. Edwards of California with Mr. Hansen of Idaho.

Mr. Murphy of New York with Mr. Halpern.

Mr. Macdonald of Massachusetts with Mr. Morse.

Mr. Whitten with Mr. Carter.

Mr. Landrum with Mr. Collier.

Mr. Brademas with Mr. MacGregor.

Mr. Blatnik with Mr. Saylor.

Mr. McMillan with Mr. Buchanan.

Mr. Culver with Mr. Schneebeli.

Mr. Dowdy with Mr. Cramer.

Mr. Fisher with Mr. Dickinson.

Mr. Friedel with Mr. Taft.

Mrs. Griffiths with Mr. Whalen.

Mr. Stubblefield with Mr. Hammerschmidt.

Mr. Anderson of Tennessee with Mr. Whalley.

Mr. Tunney with Mr. Quie.

Mr. Yatron with Mr. King.

Mr. Matsunaga with Mr. Skubitz.

Mr. Mollohan with Mr. Steiger of Wisconsin.

Mr. Obey with Mr. Diggs.

Mr. Ottinger with Mr. Clay.

Mr. Scheuer with Mrs. Chisholm.

Mr. Brown of California with Mr. Evans of Colorado.

Mr. Kirwan with Mr. Hawkins.

Mr. McCarthy with Mr. Conyers.

Mr. Cohelan with Mr. Fraser.

Mr. O'Hara with Mr. Stokes.

Mr. Stuckey with Mr. Stratton.

Mrs. Green of Oregon with Mr. Pepper.

Mr. Jacobs with Mr. Bingham.

Mr. Karth with Mr. Van Deerlin.

Mr. Hanna with Mr. Pucinski.

Mr. Eckhardt with Mr. Long of Maryland.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the bill just passed, H.R. 16595.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS, POLICEMEN, AND FIREMEN

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of S. 2694, to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, a Senate bill similar to that passed by the House, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I.—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823) is amended to read as follows:

"SEC. 101. The annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

"Salary class and title	Service steps						Longevity steps		
	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a)	$8,500	$8,755	$9,180	$9,605	$10,285	$10,965	$11,390	$11,815	$12,240
Fire private.									
Police private.									
Subclass (b)	9,095	9,350	9,775	10,200	10,880	11,560	11,985	12,410	12,853
Private assigned as:									
Technician.									
Plainclothesman.									
Station clerk.									
Motorcycle officer.									
Class 2:									
Subclass (a)	9,775	10,340	10,905	11,470			12,035	12,600	13,165
Fire inspector.									
Subclass (b)	10,370	10,935	11,500	12,065			12,630	13,195	13,760
Fire inspector assigned as technician.									
Class 3	10,625	11,155	11,685	12,215			12,745	13,275	13,805
Assistant marine engineer.									
Assistant pilot.									
Detective.									
Class 4:									
Subclass (a)	11,050	11,600	12,150	12,700			13,250	13,800	14,350
Fire sergeant.									
Police sergeant.									
Subclass (*b*)	11,475	12,050	12,625	13,200			13,775	14,350	14,925
Detective sergeant.									
Subclass (c)	11,645	12,195	12,745	13,295			13,845	14,395	14,945
Police sergeant assigned as motorcycle officer.									
Class 5	12,750	13,390	14,030	14,670			15,310	15,950	
Fire lieutenant.									
Police lieutenant.									
Class 6	13,815	14,505	15,195	15,885			16,575	17,265	
Marine engineer.									
Pilot.									
Class 7	14,875	15,620	16,365	17,110			17,855	18,600	
Fire captain.									
Police captain.									
Class 8	17,000	17,850	18,700	19,550			20,400	21,250	
Battalion fire chief.									
Police inspector.									
Class 9	19,550	20,530	21,510	22,490			23,470	24,450	
Deputy fire chief.									
Deputy chief of police.									
Class 10	21,500	22,500	23,500	24,500			25,500	26,500	
Assistant fire chief.									
Assistant chief of police.									
Commanding officer of White House Police.									
Commandef officer of the U.S. Park Police.									
Class 11	27,000	28,000	29,000	30,000					
Fire chief.									
Chief of police.									

SEC. 102. The rates of basic compensation of officers and members to whom the amendments made by section 101 of this title apply shall be adjusted as follows:

Each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a salary class or subclass in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall receive a rate of basic compensation at the corresponding schedule service or longevity rate in effect on and after the effective date of this title, except that:

(a) Each officer or member who immediately prior to the effective date of this title was assigned as technician I or plainclothesman in subclass (b) of class 1 or as technician II, station clerk, or motorcycle officer in subclass (c) of class I shall, on the effective date of this title be assigned as and receive basic compensation as technician, plainclothesman, station clerk, or motorcycle officer in subclass (b) of class 1 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(b) Each officer or member who immediately prior to the effective date of this title was serving as a fire inspector assigned as technician I or technician II in subclass (b) or (c) of class 2 shall, on the effective date of this title, be placed and receive basic compensation as fire inspector assigned as technician in subclass (b) of class 2 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(c) Each officer or member who immediately prior to the effective date of this title was serving in subclass (b) of class 9 shall, on the effective date of this title be placed in and receive basic compensation in class 10 at the service step or longevity step corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(d) The Fire Chief or Chief of Police who immediately prior to the effective date of this title was serving in class 10 shall on the effective date of this title be placed in and receive basic compensation in class 11 at the service step in which he was serving immediately prior to the effective date of this title.

(e) Each officer or member of the Metropolitan Police force who is performing the duty of a dog handler on or after the effective date of this title shall receive in addition to his basic compensation an additional $595 per annum except that if a police private is classed as technician in subclass (b) of class 1 in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 solely on account of his duties as dog handler such police private shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 103. Section 303(c) of the District of Columbia Police and Firemen's Salary Act of 1958 as amended (D.C. Code sec. 4–829(c)) is amended by deleting "(b), or (c)" and inserting in lieu thereof "or (b)".

SEC. 104. Paragraphs (2) and (3) of section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832(a)) are amended to read as follows:

"(2) Not more than three successive longevity step increases may be granted to any officer or member in salary classes 1 through 4, nor more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 10.

"(3) In the case of the officers or members serving in salary classes other than class 1, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving."

SEC. 105. (a) Section 105 of Public Law 88–575, approved September 2, 1964 (78 Stat. 882; D.C. Code, sec. 4–832(c)), is repealed, effective on the date of enactment of this title.

(b) Notwithstanding this section, the rate of basic, gross, or total annual pay received by an officer or member immediately before the effective date of this title shall not be reduced by reason of the enactment of this section.

SEC. 106. Except for section 105, this title shall take effect on the first day of the first pay period beginning on or after July 1, 1969.

SEC. 107. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1969".

TITLE II—SALARY INCREASE FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 201. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1969".

SEC. 202. The District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (D.C. Code, sec. 31–1501 et seq.), is amended as follows:

(1) Section 1 (D.C. Code, sec. 31–1501) is amended by striking the salary schedules contained therein and inserting in lieu thereof the following:

"PROPOSED TEACHERS' SALARY ACT AMENDMENTS

	"Service Steps								
	1	2	3	4	5	6	7	8	9
Class 1:									
A Superintendent of schools	$38,500								
B Vice superintendent	35,000								
Class 2:									
A Deputy superintendent	31,000								
B Associate superintendent	29,000								
lass 3:									
Asistant superintendent	22,190	$22,720	$23,250	$23,780	$24,310	$24,840	$25,370	$25,900	$26,430
Class 4	19,480	19,940	20,400	20,860	21,320	21,780	22,240	22,700	23,160
Director, curriculum.									
Director, staff development.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	17,600	18,040	18,480	18,920	19,360	19,800	20,240	20,680	21,120
Group B, master's degree	18,380	18,820	19,260	19,700	20,140	20,580	21,020	21,460	21,900
Group C, master's degree plus 30 credit hours	18,770	19,210	19,650	20,000	20,530	20,970	21,410	21,850	22,290
Group D, doctor's degree	19,160	19,600	20,040	20,480	20,920	21,360	21,800	22,240	22,680
Chief examiner.									
Executive assistants to vice and Associate superintendents.									
Director of food services.									
Director, industrial and adult education.									
Class 6:									
Group B, master's degree	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level IV, principal	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level III, principal	17,345	17,770	18,195	18,620	19,045	19,470	19,895	20,320	20,745
Level II, principal	16,830	17,255	17,680	18,105	18,530	18,955	19,380	19,805	20,230
Level I, principal	16,315	16,740	17,165	17,590	18,015	18,440	18,865	19,290	19,715
Group C, M.A. plus 30	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level IV, principal	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level III, principal	17,735	18,160	18,585	19,010	19,435	19,860	20,285	20,710	21,135
Level II, principal	17,220	17,645	18,070	18,495	18,920	19,345	19,770	20,195	20,625
Level I, principal	16,705	17,130	17,555	17,980	18,405	18,830	19,255	19,680	20,100
Group D, doctor's degree	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level IV, principal	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level III, principal	18,125	18,550	18,975	19,400	19,825	20,250	20,675	21,100	21,525
Level II, principal	17,610	18,035	18,460	18,885	19,310	19,735	20,160	20,585	21,010
Level I, principal	17,095	17,520	17,945	18,370	18,795	19,220	19,645	20,070	20,495
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent of pupil personnel services.									
Assistant to assistant superintendent (industrial and adult education, evening and summary school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capital Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans' high school.									

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	"Service Steps								
	1	2	3	4	5	6	7	8	9
Class 7:									
Group B, master's degree	$16,205	$16,595	$16,985	$17,375	$17,765	$18,155	$18,545	$18,935	$19,325
Group C master's degree plus 30 credit hours	16,595	16,985	17,735	17,765	18,155	18,545	18,935	19,325	19,715
Group D, doctor's degree	16,985	17,375	17,765	18,155	18,545	19,935	19,325	19,715	20,105
Supervising director, elementary education (supervision and instruction).									
Supervising director, audiovisual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Supervising director, athletics.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									
Class 8:									
Group B, master's degree	14,685	14,985	15,385	15,785	16,185	16,585	16,985	17,485	17,985
Group C, master's degree plus 30 credit hours	15,005	15,305	15,705	16,105	16,505	16,905	17,305	17,805	18,305
Group D, doctor's degree	15,325	15,625	16,025	16,425	16,825	17,225	16,625	18,125	18,625
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal , health school.									
Class 9:									
Group A, bachelor's degree	13,880	14,240	14,600	19,960	15,320	15,680	16,040	16,400	16,760
Group B, master's degree	14,660	15,020	15,380	15,740	16,100	16,460	16,820	17,180	17,540
Group C, master's degree plus 30 credit hours	15,050	15,410	15,770	16,130	16,490	16,850	17,210	17,570	17,930
Group D, doctor's degree	15,440	15,800	16,160	16,520	16,880	17,240	17,600	17,960	18,320
Assistant director, food services.									
Class 10:									
Group B, master's degree	14,095	14,445	14,795	15,145	15,495	15,845	16,195	16,545	16,895
Group C, master's degree plus 30 credit hours	14,485	14,835	15,815	15,535	15,885	16,235	16,585	16,935	17,285
Group D, doctor's degree	14,875	15,225	15,575	15,925	16,275	16,625	16,975	17,325	17,675
Assistant director audiovisual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									
Class 11:									
Group B, master's degree	13,670	14,005	14,340	14,675	15,010	15,345	15,680	16,015	16,350
Group C, master's degree plus 30 credit hours	14,060	14,395	14,730	15,065	15,400	15,735	16,070	16,405	16,740
Group D, doctor's degree	14,450	14,785	15,120	15,455	15,790	16,125	16,460	16,795	17,130
Assistant director, practical nursing.									
Class 12:									
Group B, master's degree	13,200	13,525	13,850	14,175	14,500	14,825	15,150	15,475	15,800
Group C, master's degree plus 30 credit hours	13,590	13,915	14,240	14,565	14,890	15,215	15,540	15,865	16,190
Group D, doctor's degree	13,980	14,305	14,630	14,955	15,280	15,605	15,930	16,255	16,580
Cheif attendance officer.									
Clinical psychologist.									

	"Service steps												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Class 13:													
Group B, master's degree	$12,080	$12,465	$12,850	$13,235	$13,620	$14,005	$14,390	$14,775	$15,160				
Group C, master's degree plus 30 credit hours	12,470	12,855	13,240	13,625	14,010	14,395	14,780	15,165	15,550				
Group D, doctor's degree	12,860	13,245	13,630	14,015	14,400	14,785	15,170	15,555	15,940				
Assistant professor, laboratory school.													
Psychiatric social worker.													
Clrss 14:													
Group A, bachelor's degree	9,250	9,660	10,070	10,480	10,890	11,300	11,710	12,120	12,530	$12,940	$13,350	$13,760	$14,170
Group B, master's degree	10,030	10,440	10,850	11,260	11,670	12,080	12,490	12,900	13,310	13,720	14,130	14,540	14,950
Group C, master's degree plus 30 credit hours	10,420	10,830	11,240	11,650	12,060	12,470	12,880	13,290	13,700	14,110	14,520	14,930	15,340
Group D, doctor's degree	10,810	11,220	11,630	12,040	12,450	12,860	13,270	13,860	14,090	14,500	14,910	15,370	15,730
Coordinator of practical nursing.													
Census supervisor.													

"CLASS 15

	"Service steps													
	1	2	3	4	5	6	7	8	9	10	11	12	13	Y
Group A, bachelor's degree	$8,000	$8,320	$8,640	$8,960	$9,280	$9,600	$9,950	$10,300	$10,650	$10,600	$11,350	$11,700	$12,050	$13,000
Group A-1, bachelor's degree plus 15 credit hours	8,400	8,720	9,040	9,360	9,680	10,000	10,360	10,720	11,080	11,440	11,800	12,160	12,520	13,800
Group B, master's degree	8,800	9,175	9,550	9,925	10,450	11,000	11,500	11,900	12,300	12,700	13,100	13,500	13,900	15,200
Group C, master's degree plus 30 credit hours	9,200	9,575	9,950	10,325	10,850	11,400	11,900	12,300	12,700	13,100	13,500	13,900	14,300	15,600
Group D, master's degree plus 60 credit hours	9,600	9,975	10,350	10,725	11,250	11,800	12,300	12,700	13,100	13,500	13,900	14,300	14,700	16,100."
Teacher, elementary and secondary schools.														
Attendance officer.														
Child labor inspectors.														
Counselor, placement.														
Counselor, elementary and secondary schools.														
Librarian, elementary and secondary schools.														
Research assistant.														
School social worker.														
Speech correctionist.														
School psychologist.														

(2) Section 2(c)(2) (D.C. Code, sec. 31-1511(c)(2)) is amended to read as follows:

"(2) The terms 'plus fifteen credit hours' and 'plus thirty credit hours' means the equivalent of not less than fifteen graduate semester hours beyond the bachelor's degree or thirty graduate semester hours beyond the master's degree as the case may be in academic, vocational, or professional courses, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the fifteen or thirty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such thirty credit hours. The term 'plus sixty credit hours' means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

(3) Section 3 (D.C. Code, sec. 31–1512) is amended by adding the words "or salary class" immediately after the word "position" each time it appears in the section.

(4) Section 4 (D.C. Code, sec. 31–1521) is amended to read as follows:

"SEC. 4. Any employee of the Board of Education in group A of salary class 15 who possesses a bachelor's degree plus fifteen credit hours shall be transferred in accordance with section 10 (a) and (b) to group IA of salary class 15."

(5) Section 5 (D.C. Code. sec. 31–1522) is amended by adding a subsection (f), reading as follows:

"(f) Whenever a teacher or school officer is changed to a lower salary class or to a lower level in the same salary class as in the case of school principals in the public school system, the Superintendent of Schools is authorized to fix the rate of compensation at a rate provided for in the salary class or level to which the employee is changed which does not exceed his existing rate of compensation, except that if his existing rate falls between two service steps provided in such lower salary class or level, he shall receive the higher of such rates; if he is receiving a rate of basic compensation in excess of the maximum rate provided in such lower class or level in which he is to be placed, he will retain his existing rate of compensation and receive one-half of any future increases granted his new salary class or level: *Provided*, That such reduction to a lower salary class or level is for reasons other than (a) for personal cause; (b) at his own request; (c) as a condition of a previous temporary promotion to a higher grade; or, (d) because of a reduction in force brought about by lack of funds or curtailment of work."

(6) Section 6(a)(1) (D.C. Code, sec. 31–1531(a)(1)) is amended to read as follows:

"(1) On July 1, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969 each permanent employee in salary class 15 who is on service step 13 and completes 15 years of creditable service shall be assigned to longevity step Y. Each permanent employee in salary class 15 who is on longevity step X, on such effective date, shall be assigned to longevity step Y. In determining years of creditable service in salary classes 3 through 15 for placement on service steps, credit shall be given for previous service in accordance with the provisions of this Act governing the placement of employees who are newly appointed, reappointed, or reassigned or who are brought under this Act in accordance with the provisions of section 5."

(7) Section 6(b) (D.C. Code, sec. 31–1531 (b)) is amended by striking everything in the paragraph after the second sentence and inserting in lieu thereof the following: "Beginning July 1 following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, each permanent employee who has not reached the highest service step for his salary class, or class and group, under this Act shall advance one such step each year until he reaches the highest step for his class, or class and group, except that each employee in salary class 15 shall advance from service step 13 to longevity step Y on July 1, following the completion of fifteen years of creditable service: *Provided*, That the Board of Education, on the written recommendation of the Superintendent of Schools, is authorized to deny any such salary advancement for the year immediately following any year in which the employee fails to receive a performance rating of 'satisfactory' from his superior officer."

(8) Section 10, subsections (a) and (b) (D.C. Code sec. 31–1535 (a) and (b)) are amended to read as follows:

"(a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, each promotion to group B, group C, or group D, within a salary class or group IA within salary class 15, shall become effective—

"(1) on the date of the regular Board meeting of the twelfth month prior to the date of approval of promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree or fifteen credit hours beyond the bachelor's degree in salary class 15, as the case may be, whichever is later.

"(b) Any employee in a position in a salary class in the salary schedules in section 1 of this Act who is promoted to group B, group C, or group D of such salary class or group IA in the case of salary class 15, shall be placed in the same numerical service step in his new group which he would have occupied in the group from which promoted."

(9) Section 13(a) (D.C. Code, sec. 31–1542(a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: summer school programs, extended school year programs, adult education programs, and Americanization schools under and within appropriations made by Congress. The pay for teachers, officers, and other education employees in the summer school programs, adult education programs, and veterans' summer high school centers shall be as follows:

"Classification	Per period Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist	$6.86	$7.61	$8.42
Psychiatric social worker	8.02	8.92	9.86
Clinical psychologist	8.35	9.29	10.28
Assistant principal, elementary and secondary school	9.69	10.77	11.92
Supervising director	10.02	11.15	12.33
Principal, elementary and secondary schools	10.69	11.89	13.15
Veterans' summer school centers: Teacher	6.86	7.61	8.42
Adult education schools:			
Teacher	7.54	8.38	9.27
Assistant principal	10.66	11.85	13.11
Principal	11.76	13.07	14.46."

(10) Section 13(d)(1) (D.C. Code, sec. 31–1542(d)(1)) is amended to read as follows:

"(1) The Board is authorized to pay an employee in salary class 15 who performs an extra-duty activity the additional compensation prescribed for such extra-duty activity by the Commissioner in accordance with this subsection: *Provided*, That (1) the activity involves the supervision and direction of students who select such activity voluntarily and (2) that the activity is performed on a continuing basis in addition to the standards teaching load of a regular duty school teacher or work load assigned to other employees in salary class 15."

(11) Section 13(d)(2) (D.C. Code, sec. 31–1542(d) (2)) is amended by adding the words "or other employees" after "classroom teachers" each time it appears in the subsection, and by striking out "monthly" and inserting in lieu thereof "semimonthly".

(12) Section 14 (D.C. Code, sec. 31–1543) is amended to read as follows: "On July 1, 1970, each employee assigned to salary class 15 shall be classified as a teacher for payroll purposes and his annual salary shall be paid in semimonthy installments in accordance with existing law. All other employees covered by the provisions of this Act shall have their annual salaries paid in twenty-four semimonthly installments in accordance with existing law. Annual salaries for employees paid in twenty-four semimonthly installments means calendar year for purposes of this section."

SEC. 203. The increase provided in this title for the position of Superintendent of Schools under class IA shall be effective only with respect to an individual who is appointed to that position subsequent to the date of the enactment of this title.

SEC. 204. The Act approved May 26, 1908, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes" is amended as follows:

(1) The final proviso under PUBLIC SCHOOLS, ALLOWANCE TO PRINCIPALS (D.C. Code, sec. 31–609), is amended to read as follows: "That, effective July 1, 1970, the salaries of employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, whose services commence with the opening of school and who shall perform their duties, shall begin on the 1st day of September and shall be paid in twenty semimonthly installments. The first payment shall be made on the 1st day of October, or as near that date as practicable; and the second payment shall be made fifteen days thereafter or as near that date as practicable. Subsequent payments shall be on the first and sixteenth days of the month or as near those dates as practicable: *Provided*, That the salaries of other employees in salary class 15 shall begin when they enter upon their duties."

(2) The final paragraph under PUBLIC SCHOOLS, ALLOWANCE TO PRINCIPALS (D.C. Code, sec. 31–630), is amended to read as follows:

'Effective July 1, 1970, the following rules for division of time and computation of pay for services rendered are hereby established: Compensations of all employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969 shall be paid in twenty semimonthly installments. In making payments for a fractional part of a month, one-fifteenth of an installment shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a semimonthly period in connection with the compensation of such employees, each and every semimonthly period shall be held to consist of fifteen days, without regard to the actual number of days in any semimonthly period thus excluding the thirty-first day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many days thereof as there were days elapsed prior to the date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited."

SEC. 205. The provisions of this title shall take effect on the first day of the first pay period which begins on or after September 1, 1969.

TITLE III—FUNDS

SEC. 301. (a) For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of $5,200,000 for use in payment of increases in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing January 1, 1970, and ending June 30, 1970.

(b) (1) For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of $5,600,000 for use in payment of increase in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing January 1, 1970, and ending June 30, 1970.

(2) In the event that the tax revenues of the District of Columbia are increased during the fiscal year ending June 30, 1970, by reason of legislation enacted by the Congress subsequent to the date of the enactment of this Act, the District of Columbia, with respect to any amount appropriated pursuant to paragraph (1) of this subsection, shall reimburse the United States in an amount equal to the amount of such increase in tax revenues received by the District of Columbia during such fiscal year, or such amount so appropriated, whichever is the lesser.

SEC. 302. For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of $10,746,000 for use in payment of increases in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing July 1, 1969, and ending December 31, 1969.

AMENDMENT OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FUQUA: Strike out all after the enacting clause of S. 2694 and insert in lieu thereof the language of H.R. 17138, as passed, as follows:

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. This title, may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1970".

SEC. 102. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended to read as follows:

"SEC. 101. The annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

SALARY SCHEDULE

Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a) Fire private. Police private.	$8,500	$8,755	$9,180	$9,605	$10,285	$10,965	$11,390	$11,815	$12,240
Subclass (b) Private assigned as: Technician. Plainclothesman. Station clerk. Motorcycle officer. Horsemounted officer.	9,095	9,350	9,775	10,200	10,880	11,560	11,985	12,410	12,835
Class 2:									
Subclass (a) Fire inspector.	9,775	10,340	10,905	11,470			12,035	12,600	13,165
Subclass (b) Fire inspector assigned as: Technician.	10,370	10,935	11,500	12,065			12,630	13,195	13,760
Class 3 Assistant marine engineer. Assistant pilot. Detective.	10,625	11,155	11,685	12,215			12,745	13,275	13,805
Class 4:									
Subclass (a) Fire sergeant. Police sergeant.	11,475	12,050	12,625	13,200			13,775	14,350	14,925
Subclass (b) Detective sergeant.	11,900	12,495	13,090	13,685			14,280	14,875	15,470
Subclass (c) Police sergeant assigned as— Motorcycle officer. Horse mounted officer.	12,070	12,645	13,220	13,795			14,370	14,945	15,520
Class 5 Fire lieutenant. Police lieutenant.	13,300	13,965	14,630	15,295			15,960	16,625	
Class 6 Marine engineer. Pilot.	14,550	15,280	16,010	16,740			17,470	18,200	
Class 7 Captain.	15,800	16,590	17,380	18,170			18,960	19,750	
Class 8 Battalion fire chief. Police inspector.	18,500	19,425	20,350	21,275			22,200	23,125	
Class 9 Deputy fire chief. Deputy chief of police.	21,500	22,575	23,650	24,725			25,800	26,875	
Class 10 Assistant chief of police. Assistant fire chief. Commanding officer of the White House Police. Commanding officer of the U.S. Park Police.	23,800	24,990	26,180	27,370					
Class 11 Fire chief. Chief of police.	28,500	29,925	31,350	32,775					

SEC. 103. The rates of basic compensation of officers and members to whom the amendments made by section 102 of this title apply shall be adjusted as follows: Each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a salary class or subclass in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall receive a rate of basic compensation at the corresponding scheduled service or longevity step in effect on and after the effective date of this title, except that:

(1) Each officer or member who immediately prior to the effective date of this title was assigned as technician I or plainclothesman in subclass (b) of salary class 1 or as technican II, station clerk, or motorcycle officer in subclass (c) of salary class 1 shall, on the effective date of this title, be assigned as and receive basic compensation as technician, plainclothesman, station clerk, or motorcycle officer in subclass (b) of salary class 1 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(2) Each officer or member who immediately prior to the effective date of this title was serving as a fire inspector assigned as technician I or technician II in subclass (b) or (c) of salary class 2 shall, on the effective date of this title, be placed and receive basic compensation as fire inspector assigned as technician in subclass (b) of salary class 2 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(3) Each officer or member who immediately prior to the effective date of this title

was serving in subclass (b) of salary class 9 shall, on the effective date of this title, be placed in and receive basic compensation in salary class 10 at the service step or longevity step corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(4) The Fire Chief and Chief of Police who immediately prior to the effective date of this title were serving in salary class 10 shall, on the effective date of this title, be placed in and receive basic compensation in salary class 11 and each shall be placed at the respective service step in which he was serving immediately prior to the effective date of this title.

(5) Each officer or member of the Metropolitan Police force and United States Park Police force who is performing the duty of a dog handler on or after the effective date of this title shall receive in addition to his basic compensation an additional $595 per annum, except that if a police private is classed as technician in subclass (b) of salary class 1 in the salary schedule in section 101 of the District of Columbia Police and Fireman's Salary Act of 1958 solely on account of his duties as dog handler, such police private shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 104. Section 303(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829(c)) is amended by deleting ", (b), or (c)" and inserting in lieu thereof "or (b)".

SEC. 105. The first sentence of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–830) is amended to read as follows: "Any officer or member who is promoted or transferred to a higher salary class or subclass of a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class or subclass which exceeds his existing rate of compensation by not less than one step increase of the next higher step of the salary class or subclass from which he is promoted or transferred."

SEC. 106. Paragraphs (2) and (3) of section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832(a)) are amended to read as follows:

"(2) Not more than three successive longevity step increases may be granted to any officer or member in salary classes 1 through 4, and not more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 9.

"(3) In the case of the officers or members serving in salary classes other than salary class 1, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving."

SEC. 107. (a) Each officer and member in active service on the effective date of this title to whom section 103 of this title and the amendment made by section 102 of this title apply, who is receiving basic compensation at one of the scheduled service or longevity steps of a salary class or subclass other than subclass (a) or (b) of salary class 1, and whose latest promotion has been subsequent to January 5, 1963, and prior to effective date of this title shall (1) be placed in the service or longevity step of his salary class or subclass which provides a salary not less than the amount he would have received as a result of sections 102, 103, and 105 of this title had such promotion occurred on or after the effective date of this title, and (2) receive the appropriate scheduled rate of basic compensation for such step in the salary class or subclass in which he is serving.

(b) The rate of basic compensation received by any officer or member under the provisions of section 103 of this title and the amendment made by section 102 of this title shall not be reduced by reason of the enactment of this section

(c) Any officer or member who receives additional compensation as a result of the enactment of this section shall be credited with any active service he has rendered in the service or longevity step in which he was serving immediately prior to the effective date of this title for subsequent advancement purposes under the provisions of section 303 or section 401, as the case may be, of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829, sec. 4–832).

(d) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of section 12 of the Policemen and Firemen's Retirement and Disability Act shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

SEC. 108. All retired officers and members of the Metropolitan Police force who at any time prior to October 1, 1956, held the rank of Assistant Superintendent shall be held and considered for the purpose of computing retirement benefits payable on and after the effective date of this title to have retired in the rank of Assistant Chief.

SEC. 109. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this title or services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this title by an officer or member who dies during such period.

(b) For the purposes of this section, services in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 110. (a) Paragraph 3 of section 102 of the Act of November 13, 1966 (D.C. Code, sec. 4–823d–1(3)), is amended by inserting after "5" the following: ", 6, or".

(b) The amendment made by this section shall be effective only with respect to pay periods beginning on or after the effective date of this title.

SEC. 111. For the purpose of determining the amount of insurance for which an individual is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this title.

SEC. 112. This title and the amendments made by this title shall take effect on the first day of the first pay period beginning on or after January 1, 1970.

TITLE II—MISCELLANEOUS PROVISIONS RELATING TO CERTAIN POLICE MATTERS

SEC. 201 Paragraph (5) of section 1 of the Act of February 28, 1901 (D.C. Code, sec. 4–122), is amended by inserting at the end thereof the following new sentence: "The trial board shall be the exclusive body to receive, hear, and determine complaints against officers and members of the Metropolitan Police force."

SEC. 202. (a) The uniform of officers and members of the United States Park Police force, the Executive Protective Service, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch showing the flag of the United States.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the Executive Protective Service, the Capitol Police Board in the case of the Capitol Police, and the Commissioner of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(c) This section shall take effect one hundred and eight days after the date of enactment of this title.

SEC. 203. All laws of the United States in force on the date of enactment of this title in which reference is made to the White House Police force are amended by substituting "Executive Protective Service" for each such reference.

SEC. 204. The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside", approved July 25, 1956 (D.C. Code, sec. 4–132a) is amended—

(A) by inserting immediately after "(a)" the following: "except as otherwise provided in subsection (b) of this section,";

(B) by striking out ", except as otherwise provided in subsection (b) of this section," in the second sentence;

(C) by striking out "twelve" and inserting in lieu thereof "twenty-five"; and

(D) by amending subsection (b) to read as follows:

"(b) For the purpose of this Act, the Chief of Police of the Metropolitan Police force and the Fire Chief of the Fire Department of the District of Columbia, as the case may be, may in individual cases waive the requirement that an officer or member reside within the Washington, District of Columbia, metropolitan district."

TITLE III—SALARY INCREASE FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 301. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1970".

SEC. 302. The District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501 et seq.) is amended as follows:

(1) Section 1 (D.C. Code, sec. 31–1501) is amended by striking the salary schedules contained therein and inserting in lieu thereof the following:

Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 1:									
Superintendent of schools	$35,000								
Class 2:									
Group A, Deputy superintendent	31,200								
Group B, Associate superintendent	29,000								
Class 3:									
Assistant superintendent	22,190	$22,720	$23,250	$23,780	$24,310	$24,840	$25,370	$25,900	$26,430
Class 4	19,480	19,940	20,400	20,860	21,320	21,780	22,240	22,700	23,160
Director, curriculum.									
Director, staff development.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	17,600	18,040	18,480	18,920	19,360	19,800	20,240	20,680	21,120
Group B, master's degree	18,380	18,820	19,260	19,700	20,140	20,580	21,020	21,460	21,900
Group C, master's degree plus 30 credit hours	18,770	19,210	19,650	20,090	20,530	20,970	21,410	21,850	22,290
Group D, doctor's degree	19,160	19,600	20,040	20,480	20,920	21,360	21,800	22,240	22,680
Chief examiner.									
Executive assistants to associate superintendents.									
Director of food services.									
Director, industrial and adult education.									
Executive assistant to Deputy superintendent.									
Class 6:									
Group B, master's degree	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level IV, principal	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level III, principal	17,345	17,770	18,195	18,620	19,045	19,470	19,895	20,320	20,745
Level II, principal	16,830	17,255	17,680	18,105	18,530	18,955	19,380	19,805	20,230
Level I, principal	16,315	16,740	17,165	17,590	18,015	18,440	18,865	19,290	19,715
Group C, master's degree plus 30 credit hours	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level IV, principal	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level III, principal	17,735	18,160	18,585	19,010	19,435	19,860	20,285	20,710	21,135
Level II, principal	17,220	17,645	18,070	18,495	18,920	19,345	19,770	20,195	20,620
Level I, principal	16,705	17,130	17,555	17,980	18,405	18,830	19,255	19,680	20,105
Group D, doctor's degree	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level IV principal	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level III, principal	18,125	18,550	18,975	19,400	19,825	20,250	20,675	21,100	21,525
Level II, principal	17,610	18,035	18,460	18,885	19,310	19,735	20,160	20,585	21,010
Level I, principal	17,095	17,520	17,945	18,370	18,795	19,220	19,645	20,070	20,495
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, legislation).									
Assistant to assistant superintendent of pupil personnel services.									
Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans high school.									
Class 7:									
Group B, master's degree	16,205	16,595	16,985	17,375	17,765	18,155	18,545	18,935	19,325
Group C, master's degree plus 30 credit hours	16,595	16,985	17,375	17,765	18,155	18,545	18,935	19,325	19,715
Group D, doctor's degree	16,985	17,375	17,765	18,155	18,545	18,935	19,325	19,715	20,105
Supervising director, elementary education (supervision and instruction).									
Supervising director, audiovisual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Supervising director, athletics.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									
Class 8:									
Group B, master's degree	14,800	15,175	15,550	15,925	16,300	16,675	17,050	17,425	17,800
Group C, master's degree plus 30 credit hours	15,190	15,565	15,940	16,315	16,690	17,065	17,440	17,815	18,190
Group D, doctor's degree	15,580	15,955	16,330	16,705	17,080	17,455	17,830	18,205	18,580
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree	13,880	14,240	14,600	14,960	15,320	15,680	16,040	16,400	16,760
Group B, master's degree	14,660	15,020	15,380	15,740	16,100	16,460	16,820	17,180	17,540
Group C, master's degree plus 30 credit hours	15,050	15,410	15,770	16,130	16,490	16,850	17,210	17,570	17,930
Group D, doctor's degree	15,440	15,800	16,160	16,520	16,880	17,240	17,600	17,960	18,320
Assistant director, food services.									
Class 10:									
Group B, master's degree	14,095	14,445	14,795	15,145	15,495	15,845	16,195	16,545	16,895
Group C, master's degree plus 30 credit hours	14,485	14,835	15,185	15,535	15,885	16,235	16,585	16,935	17,285
Group D, doctor's degree	14,875	15,225	15,575	15,925	16,275	16,625	16,975	17,325	17,675
Assistant director, audiovisual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									
Class 11:									
Group B, master's degree	13,670	14,005	14,340	14,675	15,010	15,345	15,680	16,015	16,350
Group C, master's degree plus 30 credit hours	14,060	14,395	14,730	15,065	15,400	15,735	16,070	16,405	16,740
Group D, doctor's degree	14,450	14,785	15,120	15,455	15,790	16,125	16,460	16,795	17,130
Assistant director, practical nursing.									
Class 12:									
Group B, master's degree	13,200	13,525	13,850	14,175	14,500	14,825	15,150	15,475	15,800
Group C, master's degree plus 30 credit hours	13,590	13,915	14,240	14,565	14,890	15,215	15,540	15,865	16,190
Group D, doctor's degree	13,980	14,305	14,630	14,955	15,280	15,605	15,930	16,255	16,580
Chief attendance officer.									
Clinical psychologist.									

Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 13:									
Group B, master's degree	$12,080	$12,456	$12,850	$13,235	$13,620	$14,005	$14,390	$14,775	$15,160
Group C, master's degree plus 30 credit hours	12,470	12,855	13,240	13,625	14,010	14,395	14,780	15,165	15,550
Group D, doctor's degree	12,860	13,245	13,630	14,015	14,400	14,785	15,170	15,555	15,940
Psychiatric social worker.									

Salary class and group	Service step													Longevity step Y
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Class 14:														
Group A, bachelor's degree	$9,250	$9,660	$10,070	$10,480	$10,890	$11,300	$11,710	$12,120	$12,530	$12,940	$13,350	$13,760	$14,170	
Group B, master's degree	10,030	10,440	10,850	11,260	11,670	12,080	12,490	12,900	13,310	13,720	14,130	14,540	14,950	
Group C, master's degree plus 30 credit hours	10,420	10,830	11,240	11,650	12,060	12,470	12,880	13,290	13,700	14,110	14,520	14,930	15,340	
Group D, doctor's degree	10,810	11,120	11,630	12,040	12,450	12,860	13,270	13,680	14,090	14,500	14,910	15,320	15,730	
Coordinator of practical nursing.														
Census supervisor.														
Class 15:														
Group A, bachelor's degree	7,800	8,115	8,430	8,745	9,060	9,375	9,760	10,145	10,530	10,915	11,300	11,685	12,070	$13,000
Group A-1, bachelor's degree plus 15 credit hours	8,190	8,505	8,820	9,135	9,450	9,765	10,150	10,535	10,920	11,305	11,690	12 075	12,460	13,800
Group B, master's degree	8,580	8,965	9,350	9,735	10,120	10,505	10,990	11,475	11,960	12,445	12,930	13,415	13,900	15,200
Group C, master's degree plus 30 credit hours	8,970	9,355	9,740	10,125	10,510	10,895	11,380	11,865	12,350	12,835	13,320	13,805	14,290	15,600
Group D, master's degree plus 60 credit hours or doctor's degree	9,360	9,745	10,130	10,515	10,900	11,285	11,770	12,255	12,740	13,225	13,710	14,195	14,680	16,100
Teacher, elementary and secondary schools.														
Attendance officer.														
Child labor inspectors.														
Counselor, placement.														
Counselor, elementary and secondary schools.														
Librarian, elementary and secondary schools.														
Research assistant.														
School social worker.														
Speech correctionist.														
School psychologist.														

(2) Section 2(c)(2) (D.C. Code, sec. 31-1511(c)(2)) is amended to read as follows:

"(2) The terms 'plus fifteen credit hours' and 'plus thirty credit hours' mean the equivalent of not less than fifteen graduate semester hours beyond the bachelor's degree or thirty graduate semester hours beyond the master's degree as the case may be in academic, vocational, or professional courses, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the fifteen or thirty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such thirty credit hours. The term 'plus sixty credit hours' means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

(3) Section 3 (D.C. Code, sec. 31-1512) is amended by—

(A) striking out "For" and inserting in lieu thereof "(a) Except as provided in subsection (b), for";

(B) inserting immediately after "position" each time it appears "or salary class"; and

(C) by inserting at the end thereof the following new subsection:

"(b) The Board of Education may place in a permanent status any fully qualified employee in salary class 15 having three or more years of satisfactory service, including service in an educational system or institution of recognized standing outside the District of Columbia, as determined by the Board, at any time beginning one year after the commencement of the probationary period of such employee. Any employee appointed to permanent status under this subsection shall be considered an employee of the Board on permanent tenure."

(4) Section 4 (D.C. Code, sec. 31-1521) is amended to read as follows:

"Sec. 4. Any employee of the Board of Education in group A of salary class 15 who possesses a bachelor's degree plus fifteen credit hours shall be transferred in accordance with section 10 (a) and (b) to group A-1 of salary class 15."

(5) Section 5 (D.C. Code, sec. 31-1522) is amended by adding at the end thereof the following new subsection:

"(f) Whenever a teacher or school officer is changed to a lower salary class or to a lower level in the same salary class as in the case of school principals in the public school system, the Superintendent of Schools is authorized to fix the rate of compensation at a rate provided for in the salary class or level to which the employee is changed which does not exceed his existing rate of compensation, except that if his existing rate falls between two service steps provided in such lower salary class or level, he shall receive the higher of such rates; if he is receiving a rate of basic compensation in excess of the maximum rate provided in such lower salary class or level in which he is to be placed, he will retain his existing rate of compensation and receive one-half of any future increases granted his new salary class or level until such time as his rate of basic compensation is no longer in excess of the maximum rate provided in such lower salary class or level. This subsection shall not apply if such reduction to a lower salary class or level is (1) for personal cause, (2) at the request of such teacher or school officer, (3) as a condition of a previous temporary promotion to a higher grade, or (4) because of a reduction in force brought about by the lack of funds or curtailment of work."

(6) Section 6(a)(1) (D.C. Code, sec. 31-1531(a)(1)) is amended to read as follows:

"(1) On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee in salary class 15 who is on service step 13 and has completed 15 years of creditable service shall be assigned to longevity step Y. Each permanent employee in salary class 15 who is in longevity step X, on such effective date, shall be assigned to longevity step Y. In determining years of creditable service in salary classes 3 through 15 for placement on service steps, credit shall be given for previous service in accordance with the provisions of this Act governing the placement of employees who are newly appointed, reappointed, or reassigned or who are brought under this Act in accordance with the provisions of this section."

(7) Section 6(b) (D.C. Code, sec. 31-1531(b)) is amended by striking out the third sentence and inserting in lieu thereof the following: "On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee who has not reached the highest service step for his group, or, if his salary class has no group, the highest service step for such salary class, shall advance one such service step until he reaches the highest service step for such group or salary class. However, the Board of Education, on the written recommendation of the Superintendent of Schools, is authorized to deny any such salary advancement following any school year in which the employee fails to receive a performance rating of 'satisfactory' from his superior officer."

(8) Subsections (a) and (b) of section 10 (D.C. Code, sec. 31-1535 (a) and (b)) respectively, are amended to read as follows:

"(a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each promotion to group A-1, group B, group C, or group D within a salary class shall become effective—

"(1) on the date of the regular Board meeting of the twelfth month prior to the date of approval of promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree or on the completion of fifteen credit hours beyond the bachelor's degree, as the case may be,

whichever is later.

"(b) Any employee in a position in a salary class in the salary schedules in section 1 of this Act who is promoted to group A-1, group B, group C, or group D of such salary class shall be placed in the same numerical service step in his new group which he would have occupied in the group from which he was promoted."

(9) Section 13(a) (D.C. Code, sec. 31-1542 (a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: summer school programs, extended school year programs, adult education programs, and Americanization schools. The pay for teachers, officers, and other education employees in the summer school programs, adult education school programs, and veterans' summer high school centers shall be as follows:

"Classification	Per period Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist	$6.86	$7.61	$8.42
Psychiatric social worker	8.02	8.92	9.86
Clinical psychologist	8.35	9.29	10.28
Assistant principal, elementary and secondary school	9.69	10.77	11.92
Supervising director	10.02	11.15	12.33
Principal, elementary and secondary schools	10.69	11.89	13.15
Veterans' summer school centers: Teacher	6.86	7.61	8.42
Adult education schools:			
Teacher	7.54	8.38	9.27
Assistant principal	10.66	11.85	13.11
Principal	11.76	13.07	14.46."

(10) Section 13(d)(2) (D.C. Code, sec. 31–1542(d)(2)) is amended by striking out "monthly" and inserting in lieu thereof "semimonthly".

(11) Section 14 (D.C. Code, sec. 31–1543) is amended to read as follows:

"Sec. 14. On July 1, 1970, each employee assigned to salary class 15 shall be classified as a teacher for payroll purposes and his annual salary shall be paid in twenty or twenty-four semimonthly installments, at the discretion of such employee, in accordance with existing law. All other employees covered by the provisions of this Act shall have their annual salaries paid in twenty-four semimonthly installments in accordance with existing law. Annual salaries for employees paid in twenty-four semimonthly installments means calendar year for purposes of this section."

Sec. 303. The increase provided in this title for the position of Superintendent of Schools under salary class 1 of the salary schedule shall be effective only with respect to individuals employed in that position on or after the date of the enactment of this title.

Sec. 304. (a) The third paragraph under the paragraph beginning with the side heading "For allowance to principals:" in the first section of the Act of May 26, 1908, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes" (D.C. Code, sec. 31–609) is amended by striking out ": *Provided*, That the salaries of other teachers shall begin when they enter upon their duties." and inserting in lieu thereof ". However, effective July 1, 1970, the salaries of employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, whose services commence with the opening of school and who shall perform their duties, shall begin on the first day of September and shall be paid in twenty semimonthy installments, except that employees in salary class 15 may elect to be paid in twenty-four semimonthly installments. The first payment shall be made on the first day of October, or as near that date as practicable; and the second payment shall be made fifteen days thereafter or as near that date as practicable. Subsequent payments shall be on the first and sixteenth days of the month or as near those dates as practicable. The salaries of other employees in salary class 15 shall begin when they enter upon their duties."

(b) The fourth paragraph under the paragraph beginning with the side heading "For allowance to principals:" under the center heading "PUBLIC SCHOOLS." in the first section of such Act of May 26, 1908 (D.C. Code, sec. 31–630), is amended to read as follows:

"Effective July 1, 1970, the following rules for division of time and computation of pay for services rendered are established: Compensations of all employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act amendments of 1970 shall be paid in twenty semimonthly installments, except that employees in salary class 15 may elect to be paid in twenty-four semimonthly installments. In making payments for a fractional part of a month, one-fifteenth of an installment shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a semimonthly period in connection with the compensation of such employees, each and every semimonthly period shall be held to consist of fifteen days, without regard to the actual number of days in any semimonthly period thus excluding the 31st day of any calendar months from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of such month, both days inclusive; and any person entering such service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many days thereof as there were days elapsed prior to the date of entry. For one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited."

Sec. 305. (a) Retroactive compensation or salary shell be paid by reason of this title only in the case of an individual in the service of the Board of Education of the District of Columbia, (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to any employee covered in this Act who retired during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this title, for services rendered during such period, and (2) in accordance and the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this Act, by any such employee who dies during such period.

(b) For purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the municipal government of the District of Columbia.

Sec. 306. The provisions of this title shall take effect on the first day of the first pay period which begins on or after January 1, 1970.

TITLE IV—CERTAIN MATTERS RELATING TO THE ADMINISTRATION OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOL SYSTEM

Sec. 401. The first section of the District of Columbia Teachers' Leave Act of 1949 (D.C. Code, sec. 31–691) is amended by inserting after "for any purpose" the following: "authorized by the Board of Education."

Sec. 402. The Board of Education shall formulate within one year after the date of enactment of this Act, policies, procedures, and rules and regulations governing employee-management relations between the Board of Education and its employees and organizations representing such employees. Such rules and regulations shall include, but shall not be limited to, a clear statement of the rights of employees, procedures with respect to the recognition of labor organizations, determination of appropriate units, consultation and negotiation with labor organizations, approval of agreements, mediation, and impasse resolution, policies and practices regarding consultation with other organizations and associations and individual employees, and standards of conduct for labor organizations. The policies, procedures, and rules and regulations so established by the Board of Education shall be consistent with the provisions of Executive Order 11491, dated October 28, 1969 (relating to labor-management relations in the Federal service); the Labor-Management Reporting and Disclosure Act of 1959; and such other Federal and District of Columbia Government personnel policies as may be required by statute.

TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA REVENUE LAWS

Sec. 501. Section 3 of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1567b(a)) is amended to read as follows:

"Sec. 3. Imposition of Tax.—In the case of a taxable year beginning after December 31, 1969, there is hereby imposed on the taxable income of every resident a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	2% of the taxable income.
Over $1,000 but not over $2,000	$20, plus 3% of excess over $1,000.
Over $2,000 but not over $3,000	$50, plus 4% of excess over $2,000.
Over $3,000 but not over $5,000	$90, plus 5% of excess over $3,000.
Over $5,000 but not over $8,000	$190, plus 6% of excess over $5,000.
Over $8,000 but not over $12,000	$370, plus 7% of excess over $8,000.
Over $12,000 but not over $17,000	$650, plus 8% of excess over $12,000.
Over $17,000 but not over $25,000	$1,050, plus 9% of excess over $17,000.
Over $25,000	$1,770, plus 10% of excess over $25,000."

Sec. 502. (a) Paragraph (3) of section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) and paragraph (3) of section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702) are each amended by inserting after "wines" the following: "for human consumption other than off the premises where such liquors, beer, or wines are sold".

(b) The amendments made by this section shall take effect on the first day of the first month which begins on or after the date of enactment of this Act.

TITLE VI—PAY RATE FOR THE COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA NATIONAL GUARD

Sec. 601. (a) Section 7 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia, and for other purposes", approved March 1, 1889 (D.C. Code, sec. 39–201), is amended (1) by inserting "(a)" immediately after "Sec. 7.", and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), any person serving as the commanding general of the District of Columbia National Guard shall be paid at a rate equal to the minimum rate of basic pay for GS-15 of the General Schedule under section 5332 of title 5 of the United States Code, and shall be subject to the provisions of subchapter IV of chapter 55 of such title.

"(c) Any officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the District of Columbia National Guard shall, while so detailed, be entitled to receive only the pay to which he is entitled as an officer of the Armed Forces."

(b) The paragraph under the center heading "NATIONAL GUARD" in the first section of the District of Columbia Appropriation Act, 1961 (74 Stat. 25), is amended by striking out "at not to exceed $13,300 per annum".

(c) The amendment made by this section shall take effect on the first day of the first pay period beginning on or after the date of enactment of this title.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 17138) was laid on the table.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT MAY 14 TO FILE REPORT ON SOCIAL SECURITY AMENDMENTS OF 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Thursday, May 14, 1970, to file a report on H.R. 17550, Social Security Amendments of 1970.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. PUCINSKI. Mr. Speaker, on rollcall No. 112 just concluded, I was unavoidably detained with a group of college students in my office. Had I been here I would have voted "yea."

RICHARD DUDMAN AND TWO OTHER REPORTERS MISSING IN CAMBODIA

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I was deeply distressed to read in today's Washington Post of the reported capture by the Vietcong of my long time friend Richard Dudman, chief Washington correspondent of the St. Louis Post Dispatch.

Dick Dudman has the reputation of being a resourceful reporter. Hopefully, his resourcefulness and experience as a veteran overseas reporter will stand him, and the two other American reporters thought captured with him, in good stead. I hope and pray that their whereabouts and condition can be established quickly and that their safe returns are without delay.

I include with my remarks the news account which appeared in this morning's Post:

Three U.S. Reporters Lost in Cambodia

Three American reporters, including Richard Dudman, chief Washington correspondent of the St. Louis Post-Dispatch, are missing in Cambodia and are believed captured by the Vietcong.

The others are Elizabeth Pond of the Christian Science Monitor and Michael Morrow of Dispatch News Service International.

The three left Saigon in a car Thursday morning and were expected back Friday. They failed to return and inquiries showed that they apparently drove west on Rte. 1, which runs 135 miles from Saigon to Phnom Penh, capital of Cambodia.

They apparently crossed the border into Cambodia and may have reached Svay Rieng, 35 miles inside Cambodia in the Parrot's Beak area.

They are known to have been stopped on Rte. 1 at a checkpoint manned by the Cambodian army. Last Thursday and Friday, Cambodian units were in command of Rte. 1 about 2½ miles west of Svay Rieng.

Later, at a time not yet determined, their empty car was found on a secondary road 2½ miles from Svay Rieng. It is believed that they left Rte. 1, in order to circumvent the Cambodian army roadblock.

In Saigon, two Japanese correspondents who had been in the area said they had heard local reports that three American correspondents had been captured by the Vietcong. Sources within the Army of South Vietnam, which is fighting in the Parrot's Beak, said they had heard similar reports from persons in the same region.

Dudman, 52, is a veteran of many overseas assignments and had been in Southeast Asia at least seven times before. Marquis Childs, contributing editor to the St. Louis Post-Dispatch and senior correspondent in its Washington bureau, said that Dudman arrived in Bangkok on April 27 after a two-week vacation in Europe with his family. The Dudmans live at 3409 Newark St. NW.

Miss Pond who is about 35, has been a Monitor for many years, mostly working in Boston. Two years ago she became its correspondent in Czechoslovakia, and a year ago in Saigon.

She took a year's leave of absence last July when she was appointed an Alicia Patterson Foundation fellow. She chose to do research work in Saigon and had been scheduled to return to active reporting in Vietnam on July 1.

Morrow, 24, left Dartmouth to go to Taiwan and Saigon. In Saigon he married a Vietnamese, the former Christina Vinh. He formed Dispatch News Service, Inc., from which Dispatch News was formed. The two now have no connection.

Dispatch News' Seymour Hersh recently won the Pulitzer Prize for reporting the My-lai incident.

Seven other newsmen—two of them Americans—vanished in Cambodia early in April and are believed to have been taken prisoner by the Vietcong.

BY WHAT AUTHORITY DOES THE EEOC HOLD PUBLIC HEARINGS?

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURLESON of Texas. Mr. Speaker, it has recently come to my attention that the Equal Employment Opportunity Commission, commonly known as the EEOC, has scheduled public hearings to begin on June 1, 1970, at Houston, Tex. I am also advised that invitations have been mailed to approximately 30 employers and several trade and labor unions. Such invitations are in the form of a letter directed to the various employers and unions asking their participation at the scheduled hearings and stipulating that the hearings would be open to the public, but that no testimony or comments would be permitted from the floor. Although the letter is in the nature of a request to appear, its general tenor indicates that the employers are expected to appear, that they are expected to appear through their chief executive officers, and that they are to bring with them certain data and other information.

I have three questions that the people of this country and especially this Congress are entitled to have answers to. They are as follows:

First. By what authority does the Chairman of the Equal Employment Opportunity Commission have to call these hearings?

Second. By what right and under what authority does the EEOC act in requiring employers to appear at a public hearing and present information and testimony which the law specifically designates as being confidential in nature?

Third. By what right or authority does the Chairman authorize or permit the expenditure of public tax funds for the payment of Federal employees and for the procurement of services and the payment of associated expenses in the conduct of public hearings which are not authorized by law?

I would hope, Mr. Speaker, that EEOC officials are prepared to give specific answers to these questions and to cite the specific law under which such action is purported to be authorized. Unless such authority can be documented in the law, it is my opinion that the commission would be well advised to reconsider what could be an ultra vires act, and report to the Congress why he feels that he is authorized to assume nonexistent powers and undertake to subject the people of this Nation to his commands and desires.

It is my understanding, Mr. Speaker, that the EEOC was specifically created under title VII of the Civil Rights Act of 1964 as the regulatory body charged with the administration and enforcement of the fair employment practices of the act. It would appear that in keeping with such charges, the explicit authority granted is set out in section 710, 42 U.S.C. 2000e, which reads as follows:

> For purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

It is to be noted that the authority granted is specifically limited to the investigation of a charge filed under the authority contained in section 706. Hence, the investigative power is limited to the examination by way of physical inspec-

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tion of information relevant to the charge under investigation and to the use of a Federal Court order to produce information "relevant to the charge under investigation." In this connection it should be noted that investigations of unlawful employment practices may be initiated either by a complaining employee or by a written charge of an EEOC member. In the case of the proposed Houston hearings, and the letters of invitation sent out by the chairman, it is my understanding that no complaint has been filed either by an employee or by written charge of an EEOC member. If such complaints are in existence, the employers were not so advised in the letters of invitation and to my knowledge have not received copies of any such complaints, if any there are. Since it would appear that the existence of a complaint is a condition precedent to the exercise of the investigative powers of the EEOC, I am interested to know how the commissioner determined that it has the omnipotent powers to call a public hearing and virtually require the attendance of those employers he picked out.

I would also point out that it appears that EEOC hearings are intended to be conducted according to procedural rules promulgated in keeping with the restrictive legislative powers granted and in accordance with the Administrative Procedure Act. If this is so, it would further appear that the act and the EEOC regulations demand strict maintenance of confidentiality of any charge, information obtained through hearing investigations, employer reports, any other company records or disclosure of efforts of conciliation prior to the initiation of any court proceeding. Now, Mr. Speaker, I would respectfully ask how Chairman Brown expects to comply with the requirements that such information be on a confidential basis, and yet require that such information be divulged at a public hearing.

It is my understanding that it was the intent of Congress that the enforcement of the policies of the Civil Rights Act as applicable to fair employment practices, should not be along the traditional adjudicatory processes of other Federal agencies. But, on the other hand, should be in the nature of a confidential hearing which would not conclude with the issuance of an affirmative order. It appears to me that the act directs the EEOC to seek an elimination of the illegal practice by voluntary compliance. In other words, the EEOC's explicit regulatory powers are informal conference and persuasion aimed at conciliation. Should the EEOC fail to secure the voluntary compliance, its office would then be to notify the person aggrieved and advise such person that a civil action may be initiated by him, or her, as the case may be; or, on the other hand, if the charge was brought by an EEOC member, then the civil action could be brought by any person affected by such illegal practice. Hence, the end result would be that a guilty employer would be confronted with a private civil action rather than the administrative act of a Federal agency.

I would also call to your attention, Mr. Speaker, that the acts of the chairman of EEOC with regard to the Houston, Tex., hearings appear to be in the nature of an attempt on the part of the chairman to harass or intimidate a cross section of industry and several labor unions. In short, a broad attack against a geographical region or area to try to establish a general pattern on the part of industry in that geographical region. Nowhere in the act can I find any expressed or implied authority for any such action on the part of the EEOC. It would appear that if the chairman or the commission desire to make a broad attack concerning a segment of industry or a group of industries or a sectional area, the proper course would be to recommend a civil action by the Attorney General, as provided in section 707(a) of the act. However, even under this procedure, the civil action by the Attorney General must be directed at the employment records of the individual company.

It seems, Mr. Speaker, that the chairman is engaged in an aggressive attempt to try to embarrass or harass a section of this country and the industry located therein, with a total disregard of the express provisions of the law and the intentions of the Congress of the United States. In fact, it appears that he is undertaking to exercise powers of his own creation which have been denied to him by the duly constituted legislative authority of this Nation.

I think it should also be pointed out, Mr. Speaker, that such hearings could be interpreted and construed as a deliberate attempt to flout the expressed will of Congress and to circumvent the written law of this land. In support of this contention I would point out that the said chairman, on the 18th of February 1970, in a speech before the National Energy Policy Conference in Washington, D.C., made the following statement:

> I think FPC (Federal Power Commission) would seriously question whether a utility company with employment figures such as those cited today, or with a slew of unconciliated "cause findings" is truly operating in the "public interest."

In my opinion this statement could be construed as a veiled threat against the utility industry that unless they shaped up to the "yardstick" of Chairman Brown, they might find themselves in trouble in obtaining an application for a certificate of convenience and necessity—a practice or procedure not authorized in any degree by the law of this land, either statutory or case.

It is my feeling that the EEOC and every other agency, department, division, bureau, commission, and so forth, of the Federal Government, should be required to track the laws as written by the Congress and should not be allowed to subject the people of this Nation to requirements, procedures, practices, harassment, or intimidation without the express authorization of a statute duly passed in accordance with the Constitution and laws of this Nation. Certainly, such divisions of this Government should not be allowed to expend tax moneys in the exercise of powers which they do not have. What frightens me in this regard, Mr. Speaker, is the thought that if this is going on in the EEOC, how many other departments of the Federal Government are engaging in such surreptitious practices in violation of the law? The cost could be staggering.

I would hope to have an early answer to the questions I have posed and a complete explanation of why this practice was attempted to be adopted.

Mr. Speaker, I have had no contact with any of those requested to attend the commission's hearings in Houston beginning June 1. None have asked my advice and I am not giving any. I submit however, that the best way to stop these illegal proceedings would be to ignore the invitation.

There is too much legal encroachment by the Federal Government without adding that not authorized. This appears to be a method at attempts to make out a case of some sort against business and labor, based possibly on their own statements.

DON'T FIND SST GUILTY BEFORE EVIDENCE IS IN

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, the misconceptions being spread concerning the supersonic transport program in which the United States presently is engaged continue to gain momentum. I totally repudiate the argument that the SST is not compatible with the environment, because there is no evidence of this. Mr. Speaker, those who make such charges are finding the airplane guilty before the evidence is in.

I point especially to the remarks attributed to Elwood R. Quesada, who a decade ago was the Federal Aviation Administration Chief. He spoke last week before the Joint Economic Subcommittee on Economy in Government. Mr. Quesada's remarks, of course, will be given great play by opponents of the program. They will point out that he is chairman of the board of American Airlines.

However, there is a marked inconsistency in this case. While the chairman of the board, Mr. Quesada, is quoted as saying the Federal Government should never have gotten into the financing of a supersonic transport, the President of that same airline has stated that in his judgment:

> The technical and development work thus far accomplished on the U.S. supersonic transport makes it desirable to fund the prototype phase.

It has been said American Airlines has no real interest in the plane because they basically are a domestic air carrier. This is no longer true. Not only did President Nixon choose American Airlines for South Pacific routes, but the airline has ordered six U.S.-built SST's.

The most alarming of the remarks attributed to Mr. Quesada was the statement:

> Europe has bought our airplanes for decades. I can see nothing wrong with our buying a Concorde.

I suggest, Mr. Speaker, that we are not speaking of a Concorde. World airlines have ordered 74 Concordes; seven of these airlines are from the United States

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and nine of them are from foreign countries. What is even more important is that 26 airlines have ordered 122 American SST's. These sales could go to the British-French, and could account for nearly $5 billion in the U.S. economy.

One last point, Mr. Speaker. Mr. Quesada said he doubts the Russian SST could be given away, much less sold. He should talk to his colleagues in the corporate structure of other airlines. The president of Pan American World Airways has commented favorably on the Russian SST, as have the leaders of numerous foreign airlines.

On this question of Federal funding of the prototype phase of the SST, it is not a one-way avenue, as some are suggesting. The U.S. airlines have put up $56 million in risk capital to aid this program; $6 million of which came from American Airlines.

This is no time to turn our back on the American technology and the American laborer which will construct the finest, most advanced aircraft the world has ever known, the American supersonic transport.

SUCCESS IN CAMBODIA

(Mr. CLANCY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLANCY. Mr. Speaker, the success of the military attack on the North Vietnamese sanctuaries in Cambodia is bound to shorten the war in Vietnam and bring American soldiers home more quickly.

Already the enemy has sustained what must be unacceptable losses in both men and equipment.

If it is true that they had between 30,000 and 40,000 men in these sanctuaries, they have literally been decimated. Latest figures are showing nearly 4,500 enemy killed in action and over 1,300 prisoners of war.

This does not include wounded enemy who have been carried away by their fellows and who pose an additional logistical burden on them.

Enemy material and equipment losses are staggering. These include:

Small arms ammunition, over 8,300,000 rounds.

Machine gun ammunition, over 6,600,000 rounds.

Antiaircraft ammunition, over 3,000 rounds.

Large rocket rounds, over 800.

Small rocket rounds, 9,000.

Bunkers destroyed, 2,700.

Individual weapons, over 6,000.

There is no question in my mind that these operations, which will be completed within the next 6 to 8 weeks, will measurably shorten American participation in the war by allowing the program of Vietnamization to proceed on schedule.

TESTIMONY ON ELECTRIC RELIABILITY

(Mr. TIERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, since the northeast blackout of 1965, America has witnessed 37 substantial blackouts and innumerable lesser power shutdowns, known as brownouts. Yet, the Chairman of the Federal Power Commission came before the House Subcommittee on Communications and Power last week and testified against a number of bills designed to provide reliable electric service in America. The Chairman of the FPC made some very valid points, but what he failed to do was to offer constructive plans to help prevent future power failures. Like so many other regulatory actions, the FPC is dragging its feet. The FPC Chairman spoke of legislation that is being proposed to meet these needs. The trouble is that this legislation is coming too late. The hearings are being held now. The problem is immediate. Platitudes from the FPC will do little to help the consumer who finds himself compelled to turn off air conditioners and sit in the dark because the power source is inadequate.

The FPC Chairman says he thinks that the industry will voluntarily provide reliable sources of electricity and that this legislation is not needed. The record of the industry does not bear this out. The industry and the FPC have both been derelict in protecting the people. The fact is that New York City and many other parts of the Nation have inadequate resources to protect against power failures this very summer.

On April 19, Dr. Lee DuBridge, President Nixon's science and technology adviser, pointed out there is danger of blackouts in various parts of the country—we have a critical power situation in this country—the whole east coast is troubled by the shortage of power.

The FPC and the electric industry agree in this assessment; yet they have not taken the steps needed to solve these problems.

I would like to see the industry act without a legislative prod—but when they do not, it is up to us in Congress to take the necessary steps. Legislation is needed. No bill is no answer to the problems at hand. Unless the FPC moves to protect the electricity consumer and unless it quickly provides legislation which it can support, then it will be doing a great disservice to the Nation and to its own mandate.

I am tired of having regulatory agencies defending industry at the expense of consumer protection. Something must be done and it must be done now to convince the Nixon administration that the time has passed for stalling and temporizing.

Action is needed and if the FPC fails, then we in Congress must act.

TINDERBOX TENSION IN MIDDLE EAST HEIGHTENED BY U.S. VACILLATION

(Mr. McCORMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, a grave danger to world peace is the tinderbox tension in the Middle East. Vacillation by the United States in support of Israel heightens that danger.

Unless there remains a balance of weaponry and strength, the Russian-supplied forces alined against Israel will be tempted again to try to overrun the tiny nation that has displayed to the world a love of freedom that has lifted hearts everywhere.

President Nixon has said that the United States is prepared to supply military equipment necessary to the efforts of Israel to defend the safety of her people. Nevertheless, he has failed to date to sell Israel the aircraft it requested for its defense, saying that the balance of forces was sufficient in her favor to prevent an attack.

This latest news, of Russian fliers piloting Russian-supplied planes, adds a new dimension to the threat against Israel. The balance of power, so important as a deterrent to a full-scale war, may be tipping in favor of the forces who seek to overrun Israel. We cannot permit that imbalance. For the safety of the world, and for the safety of the free people of Israel, as well as our own national interest, we cannot permit a full-scale conflict to erupt.

Five successive Presidents have affirmed the policy that there is a relationship between Israel's integrity and survival and U.S. national interests.

Any failure on our part to make clear to the entire world our resolve to maintain a balance in the Mideast, any failure on our part to make clear our respect for Israel, any failure on our part to make clear our willingness to stand by Israel will signal to the world that we have failed in our moral obligations to the only democracy in the Middle East. The principles of justice, freedom, and human dignity, which we have in common with the people of Israel, demand that we stand with them in their hour of danger. The interests of the United States demand the same stand.

Israel has not requested a gift of U.S. military assistance, or U.S. troops, or even U.S. advisers. She only wants to purchase the aircraft necessary for her defense against openly belligerent neighbors.

I urge the President, who has promised to review his earlier decision not to ship jet aircraft to Israel if the danger is increased, to do just that—review his decision. Such a review, I am confident, will reach the conclusion that I have reached, that the United States has a strong obligation to begin immediately the sales of aircraft requested by the Israelis for their defense.

ISRAEL-ARAB DISPUTE

(Mr. BURTON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of California. Mr. Speaker, at this time, as the people of Israel celebrate their 22d Independence anniversary, new and unprecedented dangers are emerging that could threaten their very survival. I refer to the intrusion into the Israel-Arab dispute of military units of the Soviet armed forces. This is a major escalation of the Israel-Arab dispute and portends no good for the future.

For these past 22 years the people of Israel have been going about their task of nation building with incredible energy and success. They are a small and democratic nation with a long and tortured history of inequality, persecution and outright slaughter. After 20 centuries of homelessness they have returned with the sanction and blessing of the international community to the land where their history began and from which they have never been entirely severed. They have reclaimed the desert, built cities in the sand, and rehabilitated hundreds of thousands of their refugee brethren, many of them refugees from Arab countries.

Time and again they have appealed to their neighbors to conclude with them an honorable and lasting peace, only to be rebuffed, attacked, and threatened with destruction. Now the Soviet Union has squarely allied itself against the State of Israel. For years Moscow has been pouring in billions of dollars worth of the most sophisticated weapons into the Arab arsenals. It has sent its advisers, its experts and its generals to teach the Arabs how to prepare for war against Israel. Not very long ago they dispatched the most sophisticated SA–III missile system together with thousands of military personnel to deploy and man them. And since mid-April, Soviet combat pilots flying Mig–21's from Egyptian airfields are patrolling Egyptian skies.

I say this is wanton aggression against the State of Israel. It is aggression because it is in support of Egypt's hostile policy. It is aggression because it is designed to release the best of the Egyptian forces to resume their war of attrition against Israel. It is aggression because it is calculated to protect the Egyptian rear against the prospect of Israeli counter-response.

By its act the Soviets have drastically shifted the balance of power against Israel. The qualitative advantage Israel once enjoyed has been erased by the presence of the Soviet military alongside the Arab military. The United States must move swiftly to correct this imbalance, otherwise Israel will be left exposed to the prospect of massive assault. A weak Israel is a sure invitation to Arab-Soviet aggression. That aggression will be deterred only if Israel preserves its credibility in the eyes of those who seek her harm.

Israel's strength is America's strength in the Middle East. Their battle for survival and peace is our battle. They are the one true friend and stable ally we have in the whole area. It is our duty to provide Israel with the weapons it needs to protect itself, and the time for that is now. That small country on the eastern shore of the Mediterranean asks no one to fight its battles. Its people have shown time and again that they have the courage, the will, the readiness, and the capability of carrying their own burden of defense by themselves. We must provide them with the tools to do the job, and at the same time we must make it clear to the Soviet Union that we are going to stand by Israel, period.

Time is of the essence if Soviet aggression and penetration are to be discouraged and curtailed. It is up to the Government from the President downward to make its voice heard in this matter, not only in words but in deeds as well.

ISRAEL NEEDS HELP

(Mrs. HECKLER of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, today marks the 22d anniversary of the creation of the State of Israel. I wish her many more birthdays. And I join in saluting the rare accomplishments, the energy, and the indomitable courage of this tiny nation which has greatly enriched the concept of what it means to be a practicing democracy.

But I think we must fear for her future, now more than any time in the past dozen years.

Israeli Foreign Minister Abba Eban termed the use of Soviet pilots in Egypt "an almost revolutionary change" in the military situation and called for prompt international assistance to Israel to compensate for it.

I think that a shift in the balance against Israel—the condition the United States set for supplying more aircraft—now very clearly exists.

We should not be deluded into thinking that the only crucial issue at the moment is the confirmed fact that the Soviet Union has sent several squadrons of fighter pilots to Egypt and that these pilots are now flying protective cover over cities and military installations in central Egypt. We cannot overlook the recent installation of SAM III ground-to-air missile sites, manned by an estimated 1,500 Soviet technicians, around cities like Cairo and Alexandria, and at the Aswan Dam.

The enormity of Soviet intervention should be obvious in the fact that not only are Egyptian troops armed with the latest Soviet equipment and backed by Soviet technicians, but the Soviets have also stationed a major fleet in the Mediterranean. It is reported that they have virtually converted Alexandria into a Soviet naval base. They are seeking bases in Libya.

The absence of firm support for Israel, can easily be interpreted by the Soviet as weakness in U.S. policy and its direction—a miscalculation which may be directly responsible for the current Soviet buildup in Egypt and which can trigger the mistakes which could begin a third world war.

Mr. Speaker, the presence of Soviet pilots in combat operations over Egypt presents the terrifying possibility that the death of even one Soviet pilot could bring about massive Soviet retaliation.

I believe that the United States must signal a caution light to the Soviet Union. I believe this can best be accomplished when the balance in the Middle East is restored and assured by our providing Israel with the aircraft strength she needs. I believe that restoring the balance represents an effective deterrent—so that the Soviet will not dare risk a step where the consequences would become international in their gravity.

I want peace in the Middle East. I believe that Israel desperately wants peace, and that her only concern is her self-defense.

I have no doubt of Israel's integrity. I plead for immediate action by the President to assist Israel in her time of very gravest peril.

DISCLOSURE OF EXPENSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Bush) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, in keeping with previously adopted policy of disclosure, I am at this time making public a statement of receipts and expenditures of the supplementary expense fund raised for newsletter, unreimbursed travel, and office expenses.

As I stated in previous disclosures, there is no provision under the law for any reporting, but I feel it is best to do so.

The disclosure follows:

Statement for fiscal year 1969

Balance, beginning Jan. 1, 1969	$6,182.66
Total contributions, 1969	6,996.50
Subtotal	13,179.16
Expenditures, 1969	12,681.52
Ending balance, Dec. 31, 1969	497.64
Itemized expenses:	
Newsletter	2,308.65
TV, radio, and press reports to district	1,308.21
Unreimbursed travel expense, member and staff	2,343.22
Rental and maintenance, office equipment	3,523.64
Telephone and telegraph	1,508.61
Newspaper and periodical subscriptions	251.70
Constituents luncheons and receptions	1,437.49
Total	12,681.52

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments, and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the largest producer of lubricating oil in the world. In 1966 the United States produced 9,119,000 metric tons of lubricating oil. Japan was second with 1,178,000 metric tons.

JOINT CONGRESSIONAL COMMITTEE ON ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Hamilton) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, as a cosponsor of the House joint resolution creating a Joint Committee on Environment and Technology, I welcome the prompt action being taken today on this legislation. Its passage will mean that Congress has recognized the serious environmental problems that exist and wants to deal with them effectively. While there has been a steady expansion of independent committee interest in specific environmental problems, Congress so far has not evaluated this field in its entirety with a view toward evolving a coherent and unified policy for national environmental management. There currently exists a veritable jungle of governmental groups dealing with the problems of the environment: 11 Federal departments, 18 independent agencies, 13 congressional committees, 90 Federal programs, 28 quasi-governmental bodies, and 14 interagency committees. In this situation, a joint committee could help to maintain oversight on environmental policy.

The National Environmental Policy Act, signed by the President on the first of this year, declared that each person should enjoy a healthful environment and has a responsibility to contribute to a better environment. This is a fine, upstanding statement, but it needs to be reinforced by substantive proposals offering constructive solutions. Senator JACKSON has correctly noted that:

> It needs to be recognized that the declaration of a national environmental policy will not alone necessarily better or enhance the total man-environment relationship. The present problem is not simply the lack of a policy. It also involves the need to rationalize and coordinate existing policies and to provide a means by which they may be continuously reviewed to determine whether they meet the national goal of a quality life in a quality environment for all Americans.

The joint committee to be established under this resolution is to provide just such a coordination and review function. Its creation will help Congress to grasp the dimensions of the task and to appreciate the complexities of cleaning up the environment. Our approach to environmental protection must be as interrelated as the environment itself is.

One prime responsibility the joint committee is to have, among others, is that of consideration of the annual environmental quality report coming from the President's Council on Environmental Quality. In so doing, it will perform a valuable function similar to that performed by the Joint Economic Committee with respect to the Economic Report of the President. Though a nonlegislative committee, it will be creating the basis for action by the legislative committees.

Environmental problems cut across many existing operational organizations, and coordination in both the executive and legislative branches urgently needs improvement. The Executive's Council on Environmental Quality should be complemented by a corresponding joint congressional committee for purposes of continued and efficient interaction. The Joint Committee on Environment and Technology can provide the needed complement. Its formation will signify a shift on the part of Congress from a scattergun approach to environmental problems to a comprehensive and unified approach.

It has been recognized that, with respect to ecological destruction, "we have met the enemy and they are us." Having realized our own culpability, we need to take steps such as the creation of a joint congressional committee in order to minimize future aspects of our heavy-handed treatment of the world in which we live.

FEDERAL DRUG ABUSE AND DRUG DEPENDENCY PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 20 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, it is my distinct privilege today to introduce, along with 42 cosponsors, the Federal Drug Abuse and Drug Dependency Prevention, Treatment, and Rehabilitation Act of 1970. To date, 24 Senators have sponsored S. 3562, the bill to which the measure my colleagues and I introduce today is the companion piece.

I have been extremely concerned about the drug abuse epidemic that has existed in the United States for some time. Drug abuse and drug dependence are increasing at an astonishing rate throughout the country. It is apparent that existing laws have not been effective to prevent drug abuse and dependence or to provide adequate education, treatment, and rehabilitation of drug abusers and drug dependent persons.

Mr. Speaker, to borrow the vernacular of the young, we are "up against it" as far as this grotesque situation is concerned. There is every reason to believe that we will either act now or brace ourselves for a final scene of widespread addiction and ruin as the drug net descends over more and more of our people, young and old, rich and poor, black and white, urban and suburban. I know it pleases no one to find that the drug problem has suddenly mushroomed and worsened nearly beyond belief, but we must deal with reality as we find it, not fantasy as we wish it and this means tackling the drug menace forcefully now.

As far back as 1963, the President's Advisory Commission on Narcotic and Drug Abuse found that public and professional education in the field was hopelessly inadequate. Unfortunately, misinformation about drugs and their effects is still prevalent and the measures taken by the Federal Government are still limited, fragmented, and sporadic.

Part of the problem in the past has been an overreliance on law enforcement as a panacea. Clearly, this aspect of the antidrug effort is a vital one but it is a part, not the whole. The skyrocketing drug abuse and narcotic addiction statistics make it painfully obvious that drug laws by themselves will not solve the problem. While new laws may bring about increased arrests they can also disrupt the lives of many innocent people and will do nothing to get down to the root causes of the drug rampage. What we need here is the skill of a surgeon, not the brute force of a butcher.

Drugs involve their victims socially, psychologically and medically, not merely legally or illegally. Desperately needed is an attack on the root causes of this menace to replace the bankrupt policy of continuing to pay the gargantuan costs of drug-induced crime and counterproductive imprisonment which has given us no return on our investment except more costs. We have reacted to this spreading sickness by punishing it rather than curing it. For too long we have spent too much for too little. It is high time to pursue the avenue of developing programs which use our resources to combat the causes instead of the effects.

I was heartened last year when the Members of this body unanimously passed the landmark Drug Abuse Education Act of 1969, of which I was a sponsor. This act constitutes a limited but significant step toward the ultimate goal of reversing the rising tide of drug abuse among our extraordinarily vulnerable young people. Believing as I do that drug abuse is an indisputably serious threat to our society, however, I have introduced a number of other drug measures which go considerably further toward dealing with the entire spectrum of this crisis. Education, in my judgment, can and will play a major role in the effort to bring the problem under control but, as with law enforcement, it will be a part, not the whole.

The bipartisan and geographically as well as politically broad based support for the Federal Drug Abuse and Drug Dependency, Prevention, Treatment, and Rehabilitation Act of 1970 is indicative of both the widespread concern of Members of Congress in this area as well as of the merits of the proposed legislation itself.

This legislation would establish the administrative structure and authorization for an unprecedented, massive, across-the-board Federal attack on the drug epidemic in this country, from a prevention, treatment and rehabilitation point of view. The legislation:

First, it would establish within the Public Health Service of the Department of Health, Education, and Welfare, a Drug Abuse Prevention, Treatment, and Rehabilitation Administration, which would have a completely comprehensive range of responsibilities with respect to the prevention, treatment, and rehabilitation of drug dependents and drug abusers. Those responsibilities include administrative, planning, coordination, statistical, research, training, education, classification, and reporting functions, all of which are set out in detail. These powers would be utilized and directed in accordance with a specific and comprehensive drug abuse and drug dependence control plan which would be drawn up and carried out by the newly created Administration and would be submitted annually to Congress for review;

Second, it would replace present legislation governing treatment and rehabilitation services available to drug dependent persons charged with or convicted of violating Federal criminal laws with updated and stronger legislation, which, while continuing the same basic policy of treatment and rehabilitation, would greatly expand the number of persons eligible for such treatment and rehabilitation and would make more definite the Federal Government's obligations to carry out that policy;

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Third, it would require the establishment of programs of prevention and the recognition and encouragement of treatment and rehabilitation programs for all Federal employees, and members of the armed services. It would also require the establishment of treatment and rehabilitation programs for veterans and the inclusion of drug abuse and drug dependence in group health and disability insurance policies made available to Federal employees;

Fourth, it would require the recognition of drug abuse and drug dependence as a significant health problem in a broad range of programs affecting health matters, including vocational rehabilitation programs, the Economic Opportunity Act programs, welfare programs, highway safety planning programs, medicare, medicaid, and social security;

Fifth, it would authorize the Secretary of Health, Education, and Welfare to make grants to and enter into contracts with State and local organizations, agencies, institutions, and individuals to carry out a comprehensive range of activities in the drug education, prevention, treatment, and rehabilitation areas. This would include but would not be limited to development of model curricula, curricular materials, and curricular dissemination programs; training and education programs for medical schools, outreach workers, and other professional and nonprofessional persons; support of community planning and educational programs; organization of community personnel; support of services to juveniles and young adults; and services in correctional institutions;

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Sixth, it would establish an independent Secretary's Advisory Committee on Drug Abuse and Drug Dependence, appointed by the Secretary of Health, Education, and Welfare, to advise and consult with the newly created Administration and to assist it to carry out the purposes of this act; and would establish an Intergovernmental Coordinating Council on Drug Abuse and Drug Dependence to assist the Secretary of Health, Education, and Welfare to coordinate all Federal prevention, treatment, and rehabilitation efforts dealing with problems of drug dependence and drug abuse.

The following Representatives join me in introducing this legislation:

Glenn Anderson of California.
Jonathan Bingham of New York.
George Brown of California.
Daniel Button of New York.
Hugh Carey of New York.
John Dent of Pennsylvania.
Edward Derwinski of Illinois.
Don Edwards of California.
Daniel Flood of Pennsylvania.
Robert Giaimo of Connecticut.
Jacob Gilbert of New York.
Seymour Halpern of New York.
Richard Hanna of California.
Augustus Hawkins of California.
Ken Hechler of West Virginia.
Robert Kastenmeier of Wisconsin.
Edward Koch of New York.
Robert Leggett of California.
Richard McCarthy of New York.
Spark Matsunaga of Hawaii.
Thomas Meskill of Connecticut.
Joseph Minish of New Jersey.
William Moorhead of Pennsylvania.
John Moss of California.
Lucien Nedzi of Michigan.
Richard Ottinger of New York.
Edward Patten of New Jersey.
Howard Pollock of Alaska.
Thomas Rees of California.
Ogden Reid of New York.
Benjamin Rosenthal of New York.
Edward Roybal of California.
Philip Ruppe of Michigan.
Fernand St Germain of Rhode Island.
James Scheuer of New York.
George Shipley of Illinois.
Louis Stokes of Ohio.
Robert Tiernan of Rhode Island.
John Tunney of California.
Lionel Van Deerlin of California.
Jim Wright of Texas.
John Wydler of New York.

In addition, two Members have informed me that they intend to introduce this act on their own and to work for its enactment as well.

For my colleagues' information, the following Senators have joined Harold Hughes as supporters of this legislative proposal:

Alan Bible of Nevada.
Howard Cannon of Nevada.
Alan Cranston of California.
Thomas Eagleton of Missouri.
Philip Hart of Michigan.
Ernest Hollings of South Carolina.
Daniel Inouye of Hawaii.
Jacob Javits of New York.
Edward Kennedy of Massachusetts.
Eugene McCarthy of Minnesota.
Mike Mansfield of Montana.
Lee Metcalf of Montana.
Walter Mondale of Minnesota.
Frank Moss of Utah.
Edmund Muskie of Maine.
Gaylord Nelson of Wisconsin.
Claiborne Pell of Rhode Island.
Jennings Randolph of West Virginia.
Richard Schweiker of Pennsylvania.
Joseph Tydings of Maryland.
Harrison Williams of New Jersey.
Ralph Yarborough of Texas.
Stephen Young of Ohio.

Those of us associated with this proposal realize that it is far from perfect and does not present the answer to the problem. But we feel it is a comprehensive and carefully thought-out approach that once promulgated and put into effect will go a long way in combating the drug epidemic that has infected this Nation.

For my colleagues' additional information, I have requested permission to include the full text of the Federal Drug Abuse and Drug Dependency Prevention, Treatment, and Rehabilitation Act of 1970 into the Congressional Record. Within the next 2 weeks I intend to reintroduce the bill and will be soliciting additional cosponsors for it. I hope that many of you will see fit to join us in supporting this most worthwhile proposal. The text of the bill follows:

H.R. 16386

A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

This Act may be cited as the "Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970".

TITLE I—FINDINGS AND DECLARATION OF PURPOSES

Sec. 101. The Congress finds that—

(a) Drug abuse and drug dependence are rapidly increasing throughout the country. Drug abuse can seriously impair health, and can lead to drug dependence. Drug dependence is an illness or disease that requires treatment through health and rehabilitation services.

(b) Existing laws have not been effective to prevent drug abuse and drug dependence or to provide adequate education, treatment, and rehabilitation of drug abusers and drug dependent persons. Increasing education, treatment, and rehabilitation services offer the best possibility of reducing drug abuse and drug dependence. A major commitment of health resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of drug abuse and drug dependence.

(c) Drug dependent persons commit a high percentage of the serious crime in many cities in order to secure funds with which to satisfy their habit. Criminal incarceration without appropriate treatment has proved ineffective to deter drug related crime. Effective treatment services and successful rehabilitation offer the best possibility of avoiding a high rate of recidivism.

(d) Present Federal programs for drug abuse and drug dependence are relegated to a low level of priority and remain uncoordinated within the Government. Federal officials have failed to handle effectively drug abuse and drug dependence among those for whom the Government has special responsibilities—civilian employees, military personnel, and veterans. Existing Federal research, health, and rehabilitation laws have not properly been used to attack the problems of drug abuse and drug dependence. Lack of Federal leadership and funding has also contributed to the failure of State and local governmental agencies and public and private nonprofit agencies, institutions, and organizations to recognize their responsibilities for meeting these problems.

Sec. 102. The Congress declares that—

(a) There shall be established and maintained a Drug Abuse Prevention, Treatment, and Rehabilitation Administration within the Department of Health, Education, and Welfare, to coordinate all Federal health and rehabilitation programs related to the prevention and treatment of drug abuse and drug dependence.

(b) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training, education, reporting, and classification with respect to drug abuse and drug dependence, and to provide equal access to humane care, effective treatment, and rehabilitation for all drug abusers and drug dependent persons regardless of their circumstances.

(c) In addition to the provisions of this Act, all other Federal legislation providing for Federal or federally assisted State research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, and rehabilitation shall be utilized to reduce drug abuse, drug dependence, and drug related crime.

TITLE II—DEFINITIONS

Sec. 201. The definitions in the Controlled Dangerous Substances Act of 1969 shall also apply for purposes of this Act.

Sec. 202. As used in this Act:

(a) "Administration" means the Drug Abuse Prevention, Treatment, and Rehabilitation Administration established within the Department of Health, Education, and Welfare by this Act.

(b) "Commissioner" means the Commissioner of the Drug Abuse Prevention, Treatment, and Rehabilitation Administration appointed pursuant to this Act.

(c) "Courts" includes all Federal courts, including any United States magistrate.

(d) "Department" means the Department of Health, Education, and Welfare.

(e) "Drug abuser" means any person who uses any controlled dangerous substance under circumstances that constitute a violation of law.

(f) "Drug dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled dangerous substance on a continuing basis. Drug dependence is characterized by behavorial and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

(g) "Drug related offense" means any Federal criminal offense committed by a drug dependent person (1) to satisfy his drug dependence or to obtain funds to satisfy his drug dependence or (2) while under and as a result of the influence of a controlled dangerous substance.

(h) "Emergency medical services" includes all appropriate short-term services for the acute effects of drug abuse and drug dependence, which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, (3) are affiliated with, and constitute an integral (but not necessarily physical) part of, the general medical services of a general hospital, and (4) provide drug withdrawal and other appropriate medical care and treatment, professional examination, diagnosis, and classification with respect to possible drug dependence, and referral for other treatment and rehabilitation.

(i) "Government attorney" means an attorney authorized to represent the United States with respect to this Act.

(j) "Inpatient services" includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends full time in a treatment institution.

(k) "Intermediate care services" includes all treatment and rehabilitation services for drug abuse and drug dependence provided for a resident patient while he spends part time in a treatment institution (including but not limited to a halfway house, hostel, or foster home) which is community based and located so as to be quickly and easily accessible to patients.

(l) "Outpatient services" includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare centers, and job referral services) for drug abuse and drug dependence provided while the patient is not a resident of a treatment institution, which are community based and located so as to be quickly and easily accessible to patients.

(m) "Prevention and treatment" includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs or services; and screening, diagnosis, treatment (emergency medical care, inpatient, intermediate care, and outpatient), vocational rehabilitation, job training and referral, and other rehabilitation programs or services.

(n) "Secretary" means the Secretary of Health, Education, and Welfare.

(o) "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE III—DRUG ABUSE PREVENTION, TREATMENT, AND REHABILITATION ADMINISTRATION

ESTABLISHMENT OF THE ADMINISTRATION

SEC. 301. (a) There is hereby established within the Public Health Service of the Department of Health, Education, and Welfare a Drug Abuse Prevention, Treatment, and Rehabilitation Administration. The Administration shall develop and conduct a comprehensive health, education, and rehabilitation program for the prevention and treatment of drug abuse and drug dependence.

(b) (1) The Administration shall be under the direction of a Commissioner, who shall be appointed by the Secretary.

(2) Section 5316 of title 5, United States Code, relating to positions at level V of the Executive Schedule, is amended by adding at the end thereof the following new item:

"(130) Commissioner, Drug Abuse Prevention, Treatment, and Rehabilitation Administration, Department of Health, Education, and Welfare."

(c) The Administration and its programs and services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may formerly have been drug abusers or drug dependent persons. Prior criminal arrests or convictions shall not be a bar to such employment.

ADMINISTRATIVE FUNCTIONS OF THE ADMINISTRATION

SEC. 302. It shall be the duty of the Administration with respect to its administrative functions to—

(a) administer any service or program relating to the prevention and treatment of drug abuse and drug dependence pursuant to a request in accordance with section 304 (a) of this Act;

(b) administer the program for treatment and rehabilitation of Federal offenders established under title IV of this Act;

(c) review and provide in writing an evaluation of the adequacy and appropriateness of the provisions relating to the prevention and treatment of drug abuse and drug dependence of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 35(a)(15) of title 29 and sections 246(a)(2)(L), 291c(a)(4), 1396a(a)(31), and 2684(11) of title 42 of the United States Code;

(d) administer the grants and contracts authorized under title VII of this Act; and

(e) administer any other service or program, or take any other action, consistent with the intent and objectives of this Act.

PLANNING FUNCTIONS OF THE ADMINISTRATION

SEC. 303. It shall be the duty of the Administration with respect to its planning functions to—

(a) develop a detailed and comprehensive Federal drug abuse and drug dependence control plan to implement the objectives and policies of this Act. The plan shall be submitted to Congress as soon as practicable, but not later than one year after the enactment date of this Act. It shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Administration's annual report. The Commissioner shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate Federal, State, and public and private nonprofit agencies, institutions, and organizations. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, are to be utilized;

(b) develop model drug abuse and drug dependence control plans for State and local governments, utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized; and

(c) provide assistance and consultation to State and local governments, public and private nonprofit agencies, institutions, and organizations, and individuals with respect to the prevention and treatment of drug abuse and drug dependence.

COORDINATION FUNCTIONS OF THE ADMINISTRATION

SEC. 304. It shall be the duty of the Administration with respect to its coordinating functions to—

(a) assist the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for drug abuse and drug dependence pursuant to title V of this Act. Upon request, the Administration shall undertake the direct administration of any such program or service;

(b) serve in a consulting capacity to all Federal courts, departments, and agencies, including those responsible for programs affected by title VI of this Act, and to be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, counseling, and treatment with respect to the drug abuse and drug dependence problems they encounter;

(c) coordinate all Federal health and rehabilitation efforts to deal with the problem of drug abuse and drug dependence, including but not limited to those relating to vocational rehabilitation, manpower development and training, older Americans, law enforcement assistance, health research facilities, mental retardation facilities and community mental health centers, juvenile delinquency, health professions educational assistance, hospital and medical facilities, social security, community health services, education professions development, higher education, Federal employees health benefits, economic opportunity, comprehensive health planning, elementary and secondary education, highway safety, the civil service laws, and laws providing for the treatment and discharge of the members of the Armed Forces and the support and treatment of veterans of the Armed Forces;

(d) encourage and assist State and local government programs and services, and programs and services of public and private nonprofit agencies, institutions, and organizations for the prevention and treatment of drug abuse and drug dependence;

(e) stimulate more effective use of existing resources and available services for the prevention and treatment of drug abuse and drug dependence;

(f) cooperate with the Federal Intergovernment Coordinating Council on Drug Abuse and Drug Dependence, the Civil Service Commission, and other appropriate Federal departments and agencies, to develop a policy consistent with this Act with regard to Federal employees who are drug abusers or drug dependent persons, involving appropriate programs and services for the prevention and treatment of drug abuse and drug dependence among such employees;

(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of drug abuse and drug dependence; and

(h) cooperate with organized medicine to disseminate medical guidelines for the use of controlled dangerous substances in medical practice. A practitioner may prescribe, administer, or dispense a controlled dangerous substance in the course of his professional practice (1) in good faith within the scope of the patient relationship, and (2) in accordance with principles of medical care and treatment accepted by a responsible segment of the medical profession.

STATISTICAL FUNCTIONS OF THE ADMINISTRATION

SEC. 305. It shall be the duty of the Administration with respect to its statistical functions to—

(a) gather and publish statistics pertaining to drug abuse, drug dependence, and drug related problems; and

(b) promulgate regulations, with the approval of the Secretary, specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted, by public and private departments, agencies organizations, practitioners, and other persons with respect to drug abuse, drug dependence, and drug related problems. Such statistics and reports shall not reveal the identity of any patient or drug dependent person or other confidential information.

RESEARCH FUNCTIONS OF THE ADMINISTRATION

SEC. 306. It shall be the duty of the Administration with respect to its research functions to—

(a) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of drug abuse and drug dependence;

(b) conduct, and encourage and assist others to conduct, all forms of research, investigations, experiments, and studies relating to the toxicology, pharmacology, chemistry, effects on the health of drug abusers, and danger to the public health, of controlled dangerous substances. Investigation of the use of any controlled dangerous substance for therapeutic, research, experimental, or other investigational purposes pursuant to this section shall be by a practitioner or other qualified investigator, and in compliance with the requirements of section 355(i) and 360b(j) of title 21 of the United States Code and any applicable registration provisions of Federal law. Any such investigation may be prohibited, delayed or terminated only on the grounds that the investigator has materially falsified any application required to be filed prior to the investigation, or has been convicted of a felony under any law relating to controlled dangerous substances, or has had his Federal registration suspended or revoked and is no longer authorized by Federal law to engage in the dispensing, or administration of controlled dangerous substances, or fails to establish adequate procedures to account for controlled dangerous substances or to safeguard adequately his supply of such drugs against diversion from legitimate investigational use;

(c) Coordinate research conducted by the Administration with research conducted by other Federal and State agencies, public and private nonprofit agencies, institutions, and organizations, and individuals. To facilitate this activity, the Administration shall establish and maintain a complete and current register of all practitioners and other qualified investigators engaged in any form of or research on controlled dangerous substances. Placement on such register shall be pursuant to an application to the Secretary which shall state (1) the name, address, and qualifications of the applicant, (2) the procedures used to account for dangerous controlled substances and to safeguard such substances adequately against diversion from legitimate investigational use, and (3) an outline of the investigation. An application filed pursuant to sections 355(i) or 360b(j) of title 21 of the United States Code shall also constitute an application for purposes of this subsection. Placement on such register may be denied only on a ground specified in subsection 306 (b) of this Act, and shall constitute registration for purposes of the Controlled Dangerous Substances Act of 1969, but shall not authorize the dispensing or administration of controlled dangerous substances to human beings except by persons licensed or otherwise permitted to dispense or administer such substances under applicable State laws;

(d) make available research facilities and resources of the Administration to appropriate authorities, health officials, and individuals engaged in investigations or research related to the purposes of this Act. Such resources shall include the maintenance of an adequate supply of controlled dangerous substances for investigational and research purposes, and the establishment of criteria pursuant to which any registered investigator is to be authorized to manufacture or otherwise acquire sufficient controlled dangerous substances for his legitimate investigational and research needs;

(e) make grants to, and contracts with, universities, hospitals, laboratories, and public and private nonprofit agencies, institutions, and organizations, and individuals for such research;

(f) establish an information center on such research, which will gather and contain all available published and unpublished data and information. All Federal departments and agencies shall send to the Administration any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of drug abuse and drug dependence, and the toxicology, pharmacology, effects on the health of drug abusers, and danger to the public health of controlled dangerous substances, and the Administration shall make such data and information widely available;

(g) establish and maintain research fellowships in the Administration and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations;

(h) investigate methods for the more precise detection and determination of narcotic drugs in urine and blood samples, and by other means, and publish on a current basis uniform methodology for such detections and determinations; and

(i) evaluate existing and proposed new programs and services for the prevention and treatment of drug abuse and drug dependence.

(j) Any information obtained through investigation or research conducted pursuant to this section shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the Secretary and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

TRAINING FUNCTIONS OF THE ADMINISTRATION

SEC. 307. It shall be the duty of the Administration with respect to its training functions to—

(a) establish training programs for professional and nonprofessional personnel with respect to drug abuse and drug dependence;

(b) encourage the establishment of training courses for professional and nonprofessional personnel by State and local governments with respect to drug abuse and drug dependence; and

(c) establish and maintain training fellowships in the Administration and elsewhere, and provide for such fellowships through grants to public and private nonprofit agencies, institutions, and organizations.

EDUCATIONAL FUNCTIONS OF THE ADMINISTRATION

SEC. 308. It shall be the duty of the Administration with respect to its educational functions to—

(a) develop a model curriculum, including the provision of relevant data and other information, for utilization by elementary and secondary schools for instructing children about drug abuse and drug dependence;

(b) develop a model curriculum, including the provision of relevant data and other information, for utilization by parent-teachers associations, adult education centers, private citizen groups, or other State or local sources, for instructing parents and other adults about drug abuse and drug dependence;

(c) prepare a broad variety of educational material for use in all media and to reach all segments of the population, that can be utilized by public and private agencies, institutions, and organizations in educational programs with respect to drug abuse and drug dependence;

(d) establish educational courses, including the provision of relevant data and other information, on the causes and effects of, and treatment for, drug abuse and drug dependence, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vocational rehabilitation, military, and veterans personnel, and other Federal officials who come in contact with drug abuse and drug dependence problems;

(e) develop educational courses, including the provision of relevant data and other information, on the causes and effects of, and treatment for, drug abuse and drug dependence for use by appropriate State and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, and veterans personnel, and other State and local officials and community leaders;

(f) serve as a clearinghouse for the collection, preparation, and dissemination of all information relating to drug abuse and drug dependence, including State and local drug abuse and drug dependence treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;

(g) recruit, train, organize, and employ professional and other persons, including former drug abusers and drug dependent persons, to organize and participate in programs of public education in relation to drug abuse;

(h) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal Government with respect to health education aspects of drug abuse; and

(i) undertake such other activities as the Secretary may consider important to a national program of education relating to drug abuse and drug dependence.

CLASSIFICATION FUNCTIONS OF THE ADMINISTRATION

SEC. 309. It shall be the duty of the Administration with respect to its classification functions to classify, by regulations promulgated pursuant to subchapter II of Chapter 5 of title 5, United States Code, for purposes of its administrative, planning, coordination, statistical, research, training, education, reporting, treatment, and other functions,

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every controlled dangerous substance within one of the following three classes:

(a) CLASS A CONTROLLED DANGEROUS SUBSTANCES.—This class shall include those controlled dangerous substances that have the most harmful effects on the health of drug abusers or that most significantly contribute to crimes of violence against persons or to other grave felonious conduct.

(b) CLASS B CONTROLLED DANGEROUS SUBSTANCES.—This class shall include those controlled dangerous substances that have intermediate harmful effects on the health of drug abusers or that make an intermediate contribution to crimes of violence against persons or to other grave felonious conduct.

(c) CLASS C CONTROLLED DANGEROUS SUBSTANCES.—This class shall include those controlled dangerous substances that have the least harmful effects on the health of drug abusers, or that least significantly contribute to crimes of violence against persons or to other grave felonious conduct. The Administration shall consult with the Department of Justice in proposing these regulations or any changes thereto.

REPORTING FUNCTIONS OF THE ADMINISTRATION

SEC. 310. It shall be the duty of the Administration with respect to its reporting functions to—

(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this Act and an evaluation of their effectiveness, and which shall contain the current Federal drug abuse and drug dependence control plan;

(b) submit such additional reports as may be requested by the Secretary or by Congress; and

(c) submit to the Secretary and to Congress such recommendations as will further the prevention, treatment, and control of drug abuse and drug dependence.

TITLE IV—TREATMENT AND REHABILITATION OF FEDERAL OFFENDERS

TREATMENT AND REHABILITATION SERVICES

SEC. 401. (a) The Secretary shall provide at least the following treatment and rehabilitation services for male and female juveniles and adults who are charged with, convicted of, or serving a criminal sentence for, any criminal offense under Federal law and are eligible for treatment under this Act:

(1) Emergency medical services.

(2) Inpatient services, which shall not be a part of or at the same location as a correctional institution.

(3) Intermediate care and outpatient services. (A) The Secretary shall give priority to developing these community based treatment services. (B) Reasonable surveillance techniques such as urine analysis may be used for treatment purposes but the results thereof shall remain confidential and may not be used against any patient in any criminal proceeding. Because of the nature and seriousness of the disease a drug dependent person can be expected to relapse into drug abuse one or more times after the onset of therapy. The decision whether to continue or to modify or to discontinue intermediate care or outpatient treatment after one or more such relapses shall be made on the basis of sound clinical judgment. All reasonable methods of treatment shall be used to prevent their recurrence. (C) Supportive medical care, services, and residential facilities shall be provided for drug dependent persons for whom treatment has repeatedly failed and recovery is unlikely so that they may live in a decent and productive manner.

(b) The treatment and rehabilitation services authorized by this Act may be provided at any available facility, including but not limited to Public Health Service hospitals, Veterans' Administration hospitals, public and private general hospitals, community mental health centers, and public and private drug dependence and drug abuse treatment and rehabilitation centers. Care and treatment for veterans shall be provided where possible in Veterans' Administration hospitals. The Secretary may contract with any appropriate public or private agency, organization, or institution that has proper and adequate facilities and personnel in order to carry out the purposes of this Act.

(c) There shall be in each city or region a central office open twenty-four hours a day to coordinate and provide information concerning the availability of all such services. The Secretary may determine, in his discretion, the area to be served by any such office.

(d) Any person assisted under this Act may be required to contribute toward the cost of his subsistence, care, or treatment, to the extent that he is financially able to do so, under regulations promulgated by the Secretary. Such regulations shall specify how funds available to any person as a result of his drug abuse or drug dependence under Federal or State government programs such as social security, welfare, medicare, medicaid, veterans benefits, and employee health insurance plans and policies, shall be used to contribute to the costs of such treatment so far as practicable without imposing undue hardship on him or his family. No person may be discriminated against on the basis of indigence.

EMERGENCY MEDICAL SERVICES

SEC. 402. (a)(1) Any person charged with a misdemeanor under Federal law and who appears to be a drug abuser, or who is taken into custody for what appears to be a drug related misdemeanor under Federal law, shall, after preliminary police processing and an opportunity to consult with counsel, promptly be taken for emergency medical services, where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis. Upon admission as a patient, such person shall immediately be examined to determine whether (A) it is probable that he is not a drug abuser and has not committed a drug related misdemeanor, or (B) it is probable that he is not in need of emergency medical services although he may be a drug abuser, or (C) it is probable that he is a drug abuser or a drug dependent person who is in need of emergency medical services. Such screening shall be completed within twenty-four hours of such person's admission to emergency medical services. Any person determined to fall within subparagraph 402(a)(1)(C) shall be detained there as long as is necessary to complete emergency medical treatment, to conduct a diagnosis for possible drug dependence, and to institute any civil commitment proceeding pursuant to section 403 or 405, but in no event longer than five days after his admission.

(2) Any person determined to fall within subparagraph 402(a)(1)(A) or 402(a)(1)(B) shall be released from emergency medical services immediately upon completion of the initial screening process, and in no event shall he be detained there longer than twenty-four hours. Upon his release from emergency medical services, he shall be handled as in any other criminal case.

(3) If a person determined to fall within subparagraph 402(a)(1)(C) is diagnosed as not a drug dependent person and prior to trial on the offense he requests voluntary treatment in lieu of criminal prosecution, the medical officer shall, after a review of the patient's record, advise the Government attorney in writing whether for the treatment and rehabilitation of the person it would be preferable for the criminal charges to be held in abeyance or withdrawn in order to institute voluntary treatment for his drug abuse, or for the criminal charges to be prosecuted. The Government attorney shall exercise his discretion whether to accept the medical officer's advice, but in the event that he does not accept the medical officer's advice he shall state in writing the reasons for his decision.

(4) If a person determined to fall within subparagraph 402(a)(1)(C) is diagnosed as a drug dependent person and prior to trial on the offense he requests voluntary treatment or civil commitment for treatment in lieu of criminal prosecution, the medical officer shall, after a review of his record, advise the Government attorney and the court in writing whether for the treatment and rehabilitation of the person it would be preferable for the criminal charges to be held in abeyance or withdrawn in order to institute either voluntary treatment for his drug dependence or treatment for his drug dependence under civil commitment, or for the criminal charges to be prosecuted. The Government attorney shall exercise his discretion whether to accept the medical officer's advice, but in the event that he does not accept the medical officer's advice he shall state in writing the reasons for his decision.

(5) If the criminal charges are prosecuted and such person is convicted, and at the time of conviction he requests probation with treatment or civil commitment for treatment in lieu of criminal punishment, the medical officer shall advise the court in writing whether for the treatment and rehabilitation of the person it would be preferable for him to receive a suspended sentence and probation on the condition that he undergo education and treatment for drug abuse and drug dependence, or to be civilly committed pursuant to section 405 for treatment in lieu of criminal punishment, or to receive criminal incarceration. The court shall exercise its discretion whether to accept the medical officer's advice.

(6) Any person determined to fall within subparagraph 402(a)(1)(C) shall immediately be informed of his right to request any of the procedures for treatment in lieu of criminal prosecution or punishment which are available to him under subsection 402(a)(3), 402(a)(4), or 402(a)(5) as a result of his diagnosis. If such person is, as a result of his drug abuse or drug dependence, unable at the time of diagnosis either to understand or to make a rational decision concerning his right to request treatment under such subsections, he shall again be informed of such right as soon as he is able to understand the choices available to him and to make a rational decision concerning them.

(7) A criminal charge may be held in abeyance pursuant to subsection (a) (3) or (4) for no longer than one year, after which it is automatically dismissed. A person civilly committed pursuant to section 405 may be returned to stand trial pursuant to section 405(e)(3) within that year.

(b)(1) Any person charged with a felony under Federal law and who appears to be a drug abuser, or who is taken into custody for what appears to be a drug related felony under Federal law, shall, after preliminary police processing and an opportunity to consult with counsel, promptly be taken for emergency medical care services, where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis. Upon admission as a patient, such person shall immediately be examined to determine whether (A) it is probable that he is not a drug abuser and has not committed a drug related felony, or (B) it is probable that he is not in need of emergency medical services although he may be a drug abuser, or (C) it is probable that he is a drug abuser or a drug dependent person who is in need of emergency medical services. Such screening shall be completed within twenty-four hours of such person's admission to emergency medical services. Any person determined to fall within subparagraph 402(b)(1)(C) shall be detained there as long as is necessary to complete emergency medical treatment, to conduct a diagnosis for possible drug dependence, and to institute any civil commitment proceeding pursuant to section 403, 404, or 405, but in no event longer than ten days after his admission.

(2) Any person determined to fall within subparagraph 402(b)(1)(A) or 402(b)(1)(B) shall be released from emergency medical services immediately upon completion of the initial screening process, and in no event shall he be detained there longer than twenty-four hours. Upon his release from emergency medical services, he shall be handled as in any other criminal case.

(3) If a person determined to fall within subparagraph 402(b)(1)(C) is diagnosed as not a drug dependent person, he shall be handled as in any other criminal case.

(4) If a person determined to fall within subparagraph 402(b)(1)(C) is diagnosed as a drug dependent person and he pleads nolo contendere or guilty, or he is found guilty after trial, and at that time he requests probation with treatment or civil commitment for treatment in lieu of criminal punishment, the medical officer shall advise the court in writing whether it would be preferable for the treatment and rehabilitation of the person for him to receive a suspended sentence and probation on the condition that he undergo education and treatment for drug abuse and drug dependence, or to be civilly committed pursuant to section 405 for treatment in lieu of criminal punishment, or to receive criminal incarceration. The court shall exercise its discretion whether to accept the medical officer's advice.

(5) Any person diagnosed as a drug dependent person pursuant to subsection 402(b)(4) shall immediately be informed of his right to request probation with treatment or civil commitment for treatment in lieu of criminal punishment. If such person is, as a result of his drug dependence, unable at the time of diagnosis either to understand or to make a rational decision concerning his right to make such a request, he shall again be informed of such right as soon as he is able to understand the choices available to him and to make a rational decision concerning them.

(c) Whenever the medical officer in charge believes that any patient requires additional short term involuntary emergency medical treatment and care, and that the findings required by section 403(a) can be substantiated, he shall recommend in writing to the Government attorney that a civil commitment proceeding be instituted pursuant to section 403. The Government attorney shall institute such a proceeding unless he believes that the findings required by section 403(a) cannot be substantiated or that there is other good cause for denying the recommendation.

(d) Whenever the medical officer in charge believes that any patient taken into custody for or charged with any violation of the Controlled Dangerous Substances Act of 1969 is a drug dependent person who is charged with a drug related offense, he shall recommend in writing that a civil commitment proceeding be instituted pursuant to section 405.

(1) The Government attorney shall institute such a proceeding unless he believes that the violation was not a drug related offense or that the findings required by section 405 cannot be substantiated. If the medical officer and the Government attorney disagree on the applicability of this subsection, the Government attorney may proceed with a criminal prosecution and shall state in writing the reasons for his decision. If the criminal charges are prosecuted under these circumstances against the recommendation of the medical officer, the medical officer shall make a report in writing to the court setting out his conclusions and recommendations, and the court shall take any appropriate action.

(2) If criminal charges are prosecuted and the court finds that the person is a drug dependent person and that the violation was a drug related offense, he shall be handled only pursuant to section 402, 403, and 405 of this Act. In any trial, the burden of showing the applicability of this subsection shall be on the defendant.

(3) This subsection shall be inapplicable to any drug dependent person who is charged with distribution of a large quantity of a controlled dangerous substance or distribution of any controlled dangerous substance as part of a continuing criminal enterprise. The Secretary may issue regulations defining, for any controlled dangerous substance, the quantity that constitutes a large quantity of that substance for purposes of this provision.

(e) Whenever the medical officer in charge believes that any patient taken into custody for or charged with a felony under Federal law other than a violation of the Controlled Dangerous Substances Act of 1969 is a drug dependent person who is charged with a drug related felony, he shall recommend in writing to the Government attorney that a civil commitment proceeding be instituted pursuant to section 404 of this Act. The Government attorney shall institute such a proceeding unless he believes that the findings required by section 404 cannot be substantiated or that there is other good cause for denying the recommendation, but in the event that he does not accept the medical officer's advice he shall state in writing the reasons for his decision.

(f) Any Federal officer, Government attorney, court, or Federal probation or parole officer shall refer any person to the Secretary for handling pursuant to subsection (a) or (b) whenever it appears that such person is a drug abuser or that an offense with which he is charged may be drug related.

(g) The medical officer shall be given all pertinent records and information with respect to any person handled pursuant to subsection (a) or (b) by any Federal department, agency, officer, Government attorney, court, or Federal probation or parole officer who has such records or information.

SHORT TERM CIVIL COMMITMENT FOR EMERGENCY MEDICAL TREATMENT

SEC. 403. (a) A court may, on a petition of a Government attorney filed before the period of detention for emergency medical treatment and diagnosis expires, and after a hearing without a jury, order any person receiving emergency medical services pursuant to section 402 to be temporarily committed to the Secretary for emergency medical treatment and care for a period not to exceed thirty days from the date of commitment if he determines that the person is a drug dependent person, and as a result of his drug dependence (1) is in imminent danger of sustaining substantial physical harm unless he receives medical treatment for a period longer than permitted by section 402, and (2) is unable to make a rational decision about accepting assistance. The Court shall make any determination pursuant to this subsection, and shall impose any order of commitment, within five days after the filing of the petition, and the person who is the subject of the petition may be detained during that five-day period regardless of any time limit for detention imposed by section 402(a)(1) or 402 (b)(1).

(b) The hearing shall be conducted according to the provisions of subsections 404 (c) through (f) of this Act.

(c) As soon as a patient so committed is once again able to make a rational decision about accepting assistance, he shall be civilly committed for treatment pursuant to section 405, or detained for pretrial treatment pursuant to section 404, or be handled as in any other criminal case.

PRETRIAL DETENTION FOR TREATMENT

SEC. 404. (a) A court shall hold a civil hearing without a jury to consider the commitment of a person for treatment prior to trial upon a petition filed by a Government attorney alleging that the person—

(1) has been diagnosed as a drug dependent person, and

(2) is charged with a felony under Federal law that is (A) a drug related felony, and (B) not an offense under the Controlled Dangerous Substances Act of 1969.

(b) The court may order commitment of the person to the Secretary for treatment and care for drug dependence for a period not to exceed sixty days if it determines that—

(1) there is clear and convincing evidence that the person is a drug dependent person and that the offense charged is a drug related felony, and

(2) appropriate treatment for drug dependence is available for him.

(c) Such hearing shall be held within four days after the filing of the petition, unless the person or his attorney requests a delay of the hearing. The court shall notify the person and his attorney of the time and place of the hearing. If the person is without funds to provide for the assistance of counsel for the hearing, the court shall appoint counsel to represent the person at the expense of the Government.

(d) In conducting a hearing under this section, the court shall receive and consider all relevant evidence and testimony which may be offered. The person shall have the right to present evidence, and to present and cross-examine witnesses. The testimony of the person at this hearing may not be used against him in any other judicial proceeding, nor shall the person waive his privilege against self-incrimination in any future judicial proceeding by testifying at this hearing. The court shall make any determination pursuant to this subsection, and shall impose any order of commitment, within forty-eight hours after the conclusion of the hearing.

(e) Any person committed shall have the right to appeal: *Provided*, That any appeal arising pursuant to this subsection shall be disposed of within ten days of the entry of the order appealed from.

(f) Any court which conducts the hearing provided for in this section, or which reviews the outcome of said hearing, shall not sit in any trial of the person for an offense which was the basis for or pending at the time of said hearing, or any related appeal.

(g) Any person committed shall have his case placed on an expedited trial calendar, and the handling of motions and other preliminary matters pertaining to the case shall also be expedited. Continuances shall be granted only upon a showing of compelling circumstances. A continuance granted upon motion of the defense shall extend commitment to custody ordered pursuant to this section for the additional period of such continuance. If the trial of the person has begun but not been completed before the expiration, after the order of commitment to custody, of sixty days plus the period of any such continuance, the person shall remain subject to the commitment order until the conclusion of the trial.

(h) Any hearing under the provisions of this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. A transcript of the record of such hearing shall be made available, at the expense of the Government, to a person who was the subject of the hearing and who makes affidavit that he is unable to pay or give security therefor.

(i) No person committed shall be denied the right to communicate with counsel or any other person at any reasonable time. Upon the application of counsel on behalf of any such person in custody, a court shall order for a strictly limited and necessary period of time, the release of such person in the custody of and at all times to be accompanied by a designated Federal officer, if the court determines that, notwithstanding the rights secured by this section, the person cannot otherwise prepare his defense.

(j) Any person committed pursuant to this section shall initially be placed in inpatient treatment unless the court orders otherwise. The Secretary may transfer a committed person between inpatient, intermediate care, and outpatient services without court permission on the basis of sound clinical judgment, except that a court order must be obtained for the transfer from inpatient status. A committed person has a right to intermediate care and outpatient status as quickly as is consistent with sound clinical judgment and with the safety of other persons and property.

CIVIL COMMITMENT FOR TREATMENT OF DRUG DEPENDENCE

SEC. 405. (a) (1) The courts may commit to the Secretary for treatment and care for drug dependence in lieu of criminal prosecution or punishment for up to a specified period of time a drug dependent person who—

(A) is charged with a misdemeanor and who, prior to trial on the offense, requests such treatment in lieu of criminal prosecution; or

(B) is charged with a misdemeanor or felony and who, after having pled nolo contendere or guilty to, or having been found guilty of, the offense charged, at the time sentence is imposed requests such treatment in lieu of serving the sentence imposed; or

(C) is serving a criminal sentence and petitions the court for such treatment in lieu of serving the remainder of his sentence.

(2) No term of commitment shall be ordered for a period longer than the maximum sentence that could have been imposed for the offense with which the person was charged with respect to subsection (a) (1) (A), or for a period longer than the sentence actually imposed with respect to subsections (a) (1) (B) and (a) (1) (C), unless he is found at the end of that time to constitute an immediate and continuing danger to the safety of another person or of property pursuant to subsection (c) (2). A patient may voluntarily remain in treatment for as long as the medical officer believes warranted.

(b) (1) The courts may commit to the Secretary for treatment and care for drug dependence for up to a specified period of time a drug dependent person who—

(A) is charged with a drug related offense and is acquitted on the ground of drug dependence; or

(B) is charged with an offense under the Controlled Dangerous Substances Act of 1969 and is found, before or after trial, to fall within the provisions of section 402(d).

(2) No term of commitment shall be ordered for a period longer than the maximum sentence that could have been imposed for the offense of which he was acquitted with respect to subsection (b) (1) (A), or for a period longer than the maximum sentence that could have been imposed for the offense for which he was taken into custody or charged with respect to subsection (b) (1) (B), unless he is found at the end of that time to constitute an immediate and continuing danger to the safety of another person or of property pursuant to subsection (c) (2). A patient may voluntarily remain in treatment for as long as the medical officer believes warranted.

(c) (1) Prior to the commitment of any person pursuant to subsection (a) or (b) the court shall hold a civil hearing without a jury and must find that (A) he is a drug dependent person; and (B) appropriate treatment is available for him.

(2) To support a finding that a person constitutes an immediate and continuing danger to the safety of another person or of property, a court must conclude from clear and convincing factual evidence, based upon recent behavior during intermediate care or outpatient treatment, that as a result of his drug dependence he will engage in illegal distribution of any controlled drug or will commit grave felonious conduct that is drug related.

(d) Pending the court's decision on civil commitment, the person shall be detained for appropriate care and treatment pursuant to sections 402 and 403: *Provided*, That such commitment cases shall be expedited and that such interim detention shall not exceed ten days from the date the proceeding is instituted. The order of the court shall prevail unless and until overturned on appeal: *Provided*, That any appeal shall also be expedited.

(e) The Secretary shall immediately inform the court whenever in his opinion any one of the findings made pursuant to subsection (c) is no longer applicable, or for any reason the person should be unconditionally released.

(1) The Secretary shall, after a review of the patient's record, recommend to the court whether the commitment order should be continued, or whether the patient should be unconditionally released, or whether the patient should be returned to stand trial if he was committed under subsection (a) (1) (A) or to serve the remainder of his sentence if he was committed under subsection (a) (1) (B) or (a) (1) (C) or whether some other appropriate action should be taken. The court shall hold a civil hearing and shall enter an appropriate order.

(2) Time spent under civil commitment shall be counted toward any sentence for a person returned to stand trial or to serve the remainder of his sentence.

(3) A person committed under this section may be returned to stand trial or to serve the remainder of his sentence if he does not cooperate with an appropriate treatment or care program, or if appropriate treatment or care is ineffective: *Provided*, That the decision whether to return the person to stand trial or to serve the remainder of his sentence after failure to conform to a schedule for rehabilitation shall be made on the basis of what is most consistent with the rehabilitation of the individual and the safety of the community.

(4) Except as provided in subsection 405(h), no person shall remain committed for treatment or care pursuant to this section after a court determines that any one of the findings made under subsection 405(c) is no longer applicable.

(f) A committed person may, upon the expiration of six months following the commitment order, and not more frequently than every six months thereafter, request the Secretary in writing to conduct a review of the current applicability of the required findings, and if the request is timely it shall be granted. The patient may, at his own expense, have one or more qualified physicians participate in the review or conduct an independent review. The Secretary shall, upon the written request of an indigent patient, assist him in obtaining a qualified physician to participate in the review, and such a physician shall be compensated for his services by the Secretary in an amount determined by the Secretary to be fair and reasonable. The Secretary shall report the result of the review to the patient. If the patient is not released as a result of this review he may petition the court for an order directing his release. The court may hold a hearing and shall consider all pertinent evidence and enter an appropriate order. The burden of proof in such a proceeding shall remain on the Secretary.

(g) In addition to the right of review upon a patient's written request, the Secretary shall as often as practicable, but not less often than every six months, review a patient's status under the required findings. Any right available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus, shall also be retained, and the burden of proof in such a proceeding of the continuing existence of the findings upon which the commitment is based shall remain on the Secretary.

(h) If the Secretary continues to make a good faith attempt to provide appropriate treatment pursuant to subsection (c) (1), a drug dependent person who has been adjudged an immediate and continuing danger to the safety of other persons or of property pursuant to subsection (c) (2) shall not fail to be committed pursuant to subsection (a) or (b), or be released from commitment under subsection (e), (f), or (g), until the finding under subsection (c) (2) is no longer applicable.

(i) A committed person or a person detained for treatment may initially be placed in inpatient, intermediate care, or outpatient treatment, on the basis of sound clinical judgment, except that a person charged with or subject to a prison sentence for a felony shall initially be placed in inpatient treatment unless the court orders otherwise. The Secretary may transfer a committed person or a person detained for treatment between inpatient, intermediate care, and outpatient services without court permission on the basis of sound clinical judgment, except that a court order must be obtained for the transfer from inpatient status of any person charged with or subject to a prison sentence for a felony. No committed person may be unconditionally released without a court order. A committed or detained person has a right to intermediate care and outpatient status, and to unconditional release, as quickly as is consistent with sound clinical judgment and with the safety of other persons and of property.

(j) If the respondent in any proceeding under this Act does not have an attorney and cannot afford one, the court shall appoint one to represent him. Counsel so appointed shall be compensated for his services by the Secretary in an amount determined by the court to be fair and reasonable.

(k) Neither mail nor other communications to or from a person committed pursuant to this section may be read by others or censored except when ordered by a physician for treatment reasons: *Provided*, That reasonable regulations regarding visiting hours and the use of telephone and telegraph facilities may be adopted, and reasonable precautions may be used to prevent persons from illegally obtaining controlled dangerous substances.

(l) Upon the institution of proceedings for the commitment of a person pursuant to section 403, 404, or 405, the Secretary shall give such person and his nearest known adult relative a written statement and explanation outlining in simple nontechnical language the procedures and rights set out in this section. If such person is committed, the Secretary shall give him and his nearest known adult relative a further written statement and explanation outlining all release procedures and other rights provided by this section, as well as by other statutes and general legal principles.

(m) A specific treatment plan, adapted to each individual, shall be prepared and maintained by the Secretary on a current basis for every patient committed pursuant to section 404 or 405. It shall show the treatment planned, and the treatment provided, in sufficient detail to permit an evaluation of the adequacy of the program for that individual. The plan shall be reviewed by the court in considering the findings required by subsections 404(b) (2) and 405 (c) (1) and (c) (2).

(n) Each individual treatment plan prepared pursuant to subsection 405(m) may utilize inpatient, intermediate care, and outpatient services, in accordance with principles of medical care and treatment accepted by a responsible segment of the medical profession. All public and private community efforts, including but not limited to welfare services, vocational rehabilitation, and job replacement, shall be utilized as part of outpatient treatment programs to integrate drug dependent persons back into society as productive citizens.

(o) Any hearing held pursuant to subsections 405 (c), (e), or (f) shall be conducted according to the provisions of subsections 404 (c) through (f) and (h) of this Act.

FEDERAL YOUTH CORRECTIONS ACT

SEC. 406. Any person committed to or eligible for commitment to the custody of the Attorney General pursuant to the provisions of the Federal Youth Corrections Act (chapter 402 of title 18 of the United States Code) who is eligible for civil commitment under this title shall be handled pursuant to this title: *Provided*, That any person who was a youthful offender within the meaning of section 5006 of title 18 of the United States Code or who was eligible for sentencing under the Federal Youth Corrections Act pursuant to section 4209 of title 18 of the United States Code at the time of his commitment hearing under this title shall remain eligible for sentencing under the Federal Youth Corrections Act (1) if he should fail to be committed for treatment under this title or (2) if, having been committed, he is at any time returned to stand trial or to serve the remainder of his sentence under section 405(e)(3).

DRUG ABUSE SERVICES IN CORRECTIONAL INSTITUTIONS AND ON PROBATION AND PAROLE

SEC. 407. (a) The services established by this Act shall be used by the Bureau of Prisons and the Board of Parole for drug abuser or drug dependent offenders (including persons sentenced under the Federal Youth Corrections Act, chapter 402 of title 18 of the United States Code) placed on work release, probation, parole, or other conditional release. The Secretary and the Bureau of Prisons shall cooperate in establishing and encouraging the establishment of community based drug abuse treatment services and of drug abuse treatment services in Federal correction institutions.

(b) The conditional release of any drug abuser or drug dependent person convicted of any Federal offense may be conditioned on the person's agreement to periodic urine analyses or other means of detecting narcotic drugs within the body.

(c) The Bureau of Prisons and the Board of Parole may transfer an offender placed on conditional release from one treatment service to another depending upon his response to treatment. The decision whether to retain or to restrict or to revoke probation or parole or other conditional release after failure to conform to a schedule for rehabilitation shall be made on the basis of what is most consistent with both the rehabilitation of the individual and the safety of the community. All reasonable methods of treatment shall be used to prevent relapses and to promote rehabilitation. The Secretary shall provide periodic reports and recommendations to the Bureau of Prisons and the Board of Parole on persons being treated pursuant to this section.

AVAILABILITY OF CRIMINAL RECORDS

SEC. 408. (a) In order to facilitate the treatment and rehabilitation of drug abusers and drug dependent persons, any arrest for a criminal offense under the Controlled Dangerous Substances Act of 1969 or under the provisions of Federal law previously governing narcotics and dangerous drugs shall no longer be available as part of the person's public arrest and other public criminal records when the charges are withdrawn or dismissed or the person is acquitted of the charges.

(b) Any arrest or trial or conviction for a criminal offense under the Controlled Dangerous Substances Act of 1969 or under the provisions of Federal law previously governing narcotics and dangerous drugs may be made unavailable as part of a person's public criminal records by a court upon the filing of a petition supported by substantial evidence of good conduct since the petitioner's conviction. Copies of the petition shall be served on the United States attorney, who shall be responsible for consulting other appropriate public agencies and departments. If a Government attorney files a motion to dismiss the petition within sixty days, the court, without a jury, shall hold a hearing before ruling on the issue. The petitioner shall have the right to cross-examine any adverse witness or rebut any adverse evidence. The proceeding shall be closed to the public. The petition shall be granted if supported by substantial evidence of good conduct since the petitioner's conviction unless the court finds, on the basis of evidence of record, good cause not to accept the petitioner's allegations of good conduct. The petition may be filed and heard only after the following time lapses:

(1) For a Federal conviction involving any class A controlled drug, or any Federal offense under prior law involving any class A controlled drug, after five years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(2) For a Federal conviction involving any class B controlled drug, or any Federal offense under prior law involving any class B controlled drug, after three years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(3) For a Federal conviction involving any class C controlled drug, or any offense under prior law involving any class C controlled drug, after two years from the date of conditional or unconditional release from a penal institution.

(4) For a conviction for any Federal offense under prior law governing narcotics and dangerous drugs that would not now come within any of these provisions, after three years from the date of conditional or unconditional release from a penal institution or from the date of conviction if not sent to a penal institution.

(c) An arrest or trial or conviction that has been made unavailable to the public pursuant to this section shall not thereafter be regarded as an arrest or trial or conviction for the purpose of any statute or regulation or license or questionnaire or any other public or private purpose: *Provided*, That such a conviction shall continue to constitute an offense for purposes of any criminal statute under which the existence of a prior conviction is relevant to the penalty to be imposed. No Government employee shall divulge, nor shall any Government record available to the public reflect such arrest or trial or conviction, or a proceeding conducted pursuant to this section: *Provided*, That the judiciary, court personnel, and Government attorneys may be informed of such arrest or trial or conviction, and of such proceeding, where it becomes relevant to a penalty to be imposed in a subsequent case. Any Government employee who divulges such information in violation of this subsection shall be punished by a prison sentence of not more than ninety days, or a fine of not more than $1,000, or both.

RETENTION OF CIVIL RIGHTS AND LIBERTIES

SEC. 409. A person receiving care or treatment under the provisions of this Act shall retain his civil rights and liberties except as herein otherwise explicitly provided.

CONFIDENTIALITY OF RECORDS

SEC. 410. (a) A complete medical, social, occupational, and family history shall be obtained as part of the diagnosis, classification, and treatment of a patient pursuant to this title. Copies of all pertinent records from other agencies, practitioners, institutions, and medical facilities shall be obtained in order to develop a complete and permanent confidential personal history for purposes of the patient's treatment.

(b) All patient records (including all records relating to any commitment proceeding) prepared or obtained pursuant to this Act, and all information contained therein, shall remain confidential, and may be disclosed with the patient's consent only to medical personnel and only for purpose of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his drug abuse or drug dependence. Disclosure may be made for purposes unrelated to such treatment or benefits upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate or substantiate charges against a patient under any circumstances.

(c) All patient records and all information contained therein relating to drug abuse or drug dependence prepared or obtained by a private practitioner shall remain confidential, and may be disclosesd only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due to the patient as a result of his drug abuse or drug dependence.

TITLE V—PREVENTION AND TREATMENT FOR FEDERAL EMPLOYEES, MILITARY PERSONNEL, AND VETERANS

DRUG ABUSE AND DRUG DEPENDENCE AMONG FEDERAL GOVERNMENT EMPLOYEES

SEC. 501. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Administration and other Federal agencies and departments, appropriate policies and services for the prevention and treatment of drug abuse and drug dependence among Federal employees, consistent with the purposes and intent of this Act. Government employees who are drug abusers or who are drug dependent shall retain the same employment and other benefits as other persons afflicted with serious health problems and illnesses, and shall not lose pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate nonsensitive work within the Government during the employee's rehabilitative treatment, rather than placing him on sick leave: *Provided*, That acceptance of appropriate treatment shall be required as a condition of continued work.

(b) The Administration shall be responsible for fostering similar drug abuse prevention, treatment, and rehabilitation services in State and local governments and in private industry.

(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior drug abuse or prior drug dependence, except with regard to extremely sensitive positions specified in regulations promulgated by the Secretary.

XUM

HEALTH AND DISABILITY INSURANCE PLANS FOR FEDERAL EMPLOYEES

Sec. 502. All health and disability insurance policies and plans for Federal employees shall cover drug abuse and drug dependence in the same way as other health problems, illnesses, and diseases that are not self-inflicted.

DRUG ABUSE AND DRUG DEPENDENCE AMONG MILITARY PERSONNEL

Sec. 503. (a) For purposes of chapter 61 of title 10 of the United States Code, drug dependence shall be regarded as a physical disability and shall not be regarded as the result of intentional misconduct or willful neglect. A drug dependent person shall retain the same rights and benefits as any other person afflicted with serious illnesses, and shall not lose pension, retirement, medical, or other rights because of drug dependence. This subsection shall be retroactive.

(b) The medical care provided to military personnel and their dependents pursuant to chapter 55 title 10 of the United States Code shall include appropriate treatment services for drug abuse and drug dependence.

(c) Any penalty or penalties imposed upon military personnel pursuant to the Uniform Code of Military Justice, for an offense that would otherwise fall within the Controlled Dangerous Substances Act of 1969, shall be no greater than or different from the penalty or penalties provided under the Federal Controlled Dangerous Substance Act of 1969.

DRUG ABUSE AND DRUG DEPENDENCE AMONG VETERANS

Sec. 504. (a) Appropriate treatment facilities and services for drug abuse and drug dependence shall be made available within Veterans' Administration hospitals as a matter of high priority.

(b) For purposes of chapters 11 and 17 of title 38 of the United States Code, drug dependence during military service shall be regarded as a service-connected disability, and shall not be regarded as due to willful misconduct.

(c) Section 602 of title 38 of the United States Code is amended to add "or drug dependence" in the title and in the body of the section after the word "psychosis."

(d) A dishonorable discharge prior to the effective date of this Act shall not be a bar to treatment for drug abuse or drug dependence if the discharge was the result of drug abuse or drug dependence.

TITLE VI—PREVENTION AND TREATMENT UNDER FEDERAL HEALTH, WELFARE, AND REHABILITATION PROGRAMS

MEDICARE AND MEDICAID

Sec. 601. (a) A drug abuser or drug dependent person shall be regarded as a sick or disabled person eligible for treatment under medicare and medicaid (the Social Security Amendments of 1965, as amended).

(b) Section 1396a of title 42 of the United States Code is amended to add: "(a) (31) include provision for prevention and treatment of drug abuse and drug dependence."

SOCIAL SECURITY

Sec. 602. A drug abuser or drug dependent person shall be regarded as eligible for disability benefits under the Social Security Act, as amended, and benefits shall not be barred on the ground that drug abuse or drug dependence is a self-inflicted disability.

ECONOMIC OPPORTUNITY

Sec. 603. Drug abuse and drug dependence shall be a matter of high priority for programs undertaken under the Economic Opportunity Act of 1964, as amended.

VOCATIONAL REHABILITATION

Sec. 604. (a) A drug abuser or drug dependent person, or a facility or program or service for the prevention or treatment of drug abuse or drug dependence, shall be eligible for funds made a available pursuant to chapter 4 of title 29 of the United States Code.

(b) Section 35(a) of title 29 of the United States Code is amended to add:

"(15) provide for the use of vocational rehabilitation in the prevention and treatment of drug abuse and drug dependence."

WELFARE

Sec. 605. Drug abuse and drug dependence shall, for the purposes of all Federal welfare programs and all State welfare programs that receive Federal participation, be regarded as a major health and economic problem.

(a) State and Federal agencies charged with administering such welfare programs shall take action to reduce the incidence of financial indigency and family disintegration caused by drug abuse and drug dependence, and shall provide for treatment and rehabilitation services for those persons enrolled in welfare programs whose financial eligibility for such assistance results, in part or in whole, from drug abuse or drug dependence.

(b) Drug abuse and drug dependence prevention and treatment programs and services for persons enrolled in such welfare programs whose financial eligibility for such assistance results, in whole or in part, from drug abuse or drug dependence, shall, if approved by the Secretary under the same procedure and criteria used for approving programs under title VII of this Act, be eligible for 75 per centum Federal funding participation. Application for funds under this subsection shall be made by the State agency charged with administering the aid program, which may conduct the program or may contract with any other appropriate State agency or private organization for the provision of any of the designated services.

(c) Persons otherwise eligible for such welfare assistance shall not be ineligible for such assistance because of drug abuse or drug dependence. Any person whose financial eligibility for assistance results, in whole or in part, from drug abuse or drug dependence shall be provided the services of appropriate treatment and rehabilitation services upon a certification by a responsible medical officer that (1) the services will more likely than not be appropriate for the recipient, and (2) the services can accommodate the recipient. After such certification, participation by the recipient in the program shall be a requirement for continuing eligibility for such assistance, in the absence of good cause for nonparticipation. A certification by the director of the facility that the recipient is no longer amenable to treatment shall constitute such good cause.

(d) Any drug abuse or drug dependence treatment facility shall qualify as a medical institution within the meaning of section 306(a) of title 42 of the United States Code. The Secretary shall promulgate regulations specifying how such welfare benefits shall be used to contribute to the costs of treatment and rehabilitation of a drug abuser or drug dependent person receiving welfare assistance so far as practicable without imposing undue hardship on him or his family.

(e) Any recipient of welfare assistance whose inability to work or to participate in a work training program is the result of drug abuse or drug dependence shall be excused from such participation only on condition that he accept appropriate treatment and rehabilitation services made available to him.

(f) The Secretary shall promulgate appropriate regulations and offer technical assistance to States in providing, as part of the services rendered under section 705 of title 42 of the United States Code, programs of education about drug abuse and drug dependence for children of school age and adults responsible for them, and appropriate treatment for children physically or mentally damaged or otherwise affected as a result of drug abuse or drug dependence on the part of such children and other children or adults with whom they have significant contact.

Sec. 606. (a) Each State highway safety program approved pursuant to the Highway Safety Act of 1966 shall include provisions for the prevention and treatment of drug abuse and drug dependence among licensed drivers. Highway safety research conducted pursuant to that Act shall include research with respect to the prevention and treatment of drug abuse and drug dependence among licensed drivers.

(b) Any Federal funds used to assist State and local governments in the prevention and treatment of drug abuse and drug dependence among licensed drivers shall be expended for the purpose of education, treatment, and rehabilitation and not for the purpose of punishment. Such funds shall be expended for programs and services that are coordinated with and integrated into comprehensive community health and rehabilitation programs and services.

GENERAL

Sec. 607. Drug abuse or drug dependence shall be regarded as a health problem, sickness, illness, disease, disability, or other similar term, for purposes of all Federal legislation relating to health, welfare, and rehabilitation programs, services, funds and other benefits. Any Federal legislation providing for medical assistance, medical care, treatment, rehabilitation, or other similar services, shall be regarded as including programs and services for the prevention and treatment of drug abuse and drug dependence.

TITLE VII—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

COMPREHENSIVE STATE PLANS

Sec. 701. Section 246(a) (2) of title 42 of the United States Code is amended to add:

"(L) provide for services for the prevention and treatment of drug abuse and drug dependence, commensurate with the extent of the problem, such plan to (i) estimate the number of drug abusers and drug dependent persons within the various areas within the State and the extent of the health problem caused, (ii) establish priorities for the improvement of the capabilities of State and local governments and public and private nonprofit agencies, institutions, and organizations with respect to prevention and treatment of drug abuse and drug dependence, and (iii) specify how all available community health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal and State legislation, are to be used for these purposes."

STATE HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION PLANS

Sec. 702. (a) Section 291c(a) of title 42 of the United States Code is amended to add:

"(4) to projects for construction and modernization of facilities for prevention and treatment of drug abuse and drug dependence;".

(b) Section 291d(a)(4) of title 42 of the United States Code is amended to add:

"(F) the facilities needed to provide adequate services for the prevention and treatment of drug abuse and drug dependence;".

STATE MENTAL HEALTH CENTERS PLANS

Sec. 703. (a) Section 2684 of title 42 of the United States Code is amended to add:

"(11) provide for services for the prevention and treatment of drug abuse and drug dependence, commensurate with the extent of the problem."

(b) Section 2691(c) of title 42 of the United States Code is amended by inserting after "mental illness," the following: "drug abuse or drug dependence," and by inserting after "mentally ill patients," the following: "drug abusers or drug dependent persons,".

GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF DRUG ABUSE AND DRUG DEPENDENCE

SEC. 704. (a) The Secretary is authorized to make grants and enter into contracts for the prevention and treatment of drug abuse and drug dependence to assist State and local governments and public and private nonprofit agencies, institutions, and organizations to—

(1) meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including but not limited to emergency medical inpatient, intermediate care, and outpatient facilities for drug abusers and drug dependent persons, and to assist them to meet, for the temporary periods specified in subsection (b) of this section, a portion of the costs of compensation of personnel for the initial operation of such facilities, and of new services in existing facilities for drug abusers and drug dependent persons;

(2) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of drug abuse and drug dependence;

(3) provide education and training for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare personnel, in academic and professional institutions and in postgraduate courses, about the prevention and treatment of drug abuse and drug dependence, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of drug abuse and drug dependence;

(4) recruit, educate, train, organize, and employ community drug abuse and drug dependence prevention and treatment personnel to serve with and under the direction of professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in drug abuse and drug dependence prevention, treatment, and rehabilitation programs. Prior drug abuse or drug dependence and prior criminal arrests or convictions shall not be a bar to such employment;

(5) provide services in correctional and penal institutions for the prevention and treatment of drug abuse and drug dependence;

(6) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private nonprofit agencies, institutions, and organizations, for the prevention and treatment of drug abuse and drug dependence among juveniles and young adults. These services, where feasible, shall include curricula for drug abuse education in elementary and secondary schools, and among parents and other adults;

(7) provide programs and services, in cooperation with local law enforcement agencies, the courts, and other public and private nonprofit agencies, institutions, and organizations, for the instruction of law enforcement officers, prosecuting-attorneys, court personnel, the judiciary, probation and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of drug abuse and drug dependence. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for drug abuse and drug dependence for persons coming before the courts;

(8) provide services for outpatient counseling of drug abusers and drug dependent persons to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel;

(9) develop or evaluate curriculums on drug abuse prevention and treatment, including the preparation of new and improved curricular materials for use in elementary, secondary, college, and adult education programs;

(10) develop or evaluate a program of dissemination of curricular material;

(11) provide training programs on drug abuse and drug dependence (including courses of study, institutes, seminars, films, workshops, and conferences) for teachers, counselors, and other educational personnel;

(12) provide community education programs on drug abuse (including courses of study, institutes, seminars, films, workshops, and conferences) especially for parents and other adults in the community;

(13) enable a State government agency to assist local education agencies in the planning, development, and implementation of drug abuse education programs; and

(14) develop educational material and programs about the prevention and treatment of, and problems arising from, drug abuse and drug dependence, for use or distribution by any form of mass media.

(b) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1) of subsection (a) of this section to meet costs of compensation of personnel may be made only for the period beginning with the first day for which such a grant is made and ending with the close of five years after such first day. Such grants may not exceed 90 per centum of such costs for the period ending with the close of the twenty-fourth month following such first day, 80 per centum of such costs for the first year thereafter, 70 per centum of such costs for the second year thereafter, and 60 per centum of such costs for the third year thereafter.

APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

SEC. 705. (a) In administering the provisions of this title, the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of the drug abuse problem, shall not give precedence to public agencies over private nonprofit agencies, institutions, and organizations, or to State agencies over local agencies.

(b) All applications from within a State shall first be submitted by the applicant for review by the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse, if such an agency exists. This agency shall be responsible for encouraging, coordinating, and initially reviewing appropriate applications for all localities within the State. All applications initially approved by such State agency shall promptly be forwarded to the Secretary.

(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

(1) provide that the activities and services for which assistance under this title is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects;

(3) set forth policies and procedures which adequately provide that Federal funds made available for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant; and

(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

(d) If a State drug abuse prevention and treatment agency finds an application to lack sufficient merit to warrant forwarding to the Secretary, it shall inform the applicant and shall give the applicant the reasons for disapproval in writing within thirty days after receiving the application. At such time the agency shall also inform the applicant in writing that if the applicant disagrees with this preliminary finding the application shall be forwarded to the Secretary with the State agency's recommendation of disapproval and the applicant's statement of disagreement.

(e) Upon notification by a State drug abuse prevention and treatment agency that an application has not been approved for forwarding to the Secretary, or upon notification by the Secretary that the application has been disapproved, the applicant may amend and resubmit it to the State drug abuse prevention and treatment agency, or to the Secretary if no such agency exists, for reconsideration. Amendments of applications shall, except as the Secretary may otherwise provide by regulation, be subject to approval in the same manner as original applications.

ADMINISTRATION OF GRANTS AND CONTRACTS

SEC. 706. The recipient of any grant or contract under this title shall make an annual report and such other reports to the Secretary in such form and containing such information as may reasonably be necessary to enable him to perform his functions under this title, and will keep such records and afford such access thereto as the Secretary may find necessary to permit the verification and assure the correctness of such reports.

SEC. 707. Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

SEC. 708. No funds shall be available under this title to any public or private nonprofit agency, institution, or organization, if the amount of funds committed by such agency, institution, or organization at the time of the effective date of this Act to programs for the prevention and treatment of drug abuse and drug dependence is thereafter reduced.

SEC. 709. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this title, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based is action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judg-

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ment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

ADMISSION OF DRUG ABUSERS AND DRUG DEPENDENT PERSONS TO PRIVATE AND PUBLIC HOSPITALS

SEC. 710. (a) Drug abusers and drug dependent persons shall be admitted to and treated in private and public hospitals on the basis of medical need and shall not be discriminated against because of their drug abuse or drug dependence. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 709(b) of this title.

TITLE VIII—THE SECRETARY'S ADVISORY COMMITTEE ON DRUG ABUSE AND DRUG DEPENDENCE

SEC. 801. (a) The Secretary shall appoint an Advisory Committee on Drug Abuse and Drug Dependence, to consist of nine qualified persons who have knowledge of and an interest in the subject, who represent different geographical regions and occupations, and some of whom must formerly have been drug abusers or drug dependent persons, to advise and consult with the Secretary and the Administration and to assist them in carrying out the provisions of this Act.

(b) The members of the Committee shall elect a Chairman, who shall serve a one-year term but may be reelected. The members of the Committee shall serve without compensation, except for expenses, for terms of three years, staggered so that three vacancies occur every year. A member may be reappointed immediately after serving less than a full term, and may be reappointed, after a three-year hiatus after serving a full term.

(c) The Committee shall meet at least once every two months, and may meet more often. It shall consult at regular intervals with representatives of the Administration, the judiciary, corrections, probation, vocational rehabilitation, public welfare, parole, and such other agencies as may become involved in a total treatment and rehabilitation effort to control drug abuse and drug dependence.

SEC. 802. The Committee may appoint one or more technical consultants from experts throughout the country to assist in evaluating the progress of the Administration so that it will have the best possible prevention, treatment, and rehabilitation programs for drug abuse and drug dependence.

SEC. 803. The Committee shall employ a full-time executive director with a secretary, who shall not be employees of the Administration, to assist the Committee and coordinate its activities.

TITLE IX—INTERGOVERNMENT COORDINATING COUNCIL ON DRUG ABUSE AND DRUG DEPENDENCE

SEC. 901. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to drug abuse and drug dependence of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of drug abuse and the rehabilitation of drug dependent persons, there is hereby established an Intergovernmental Coordinating Council on Drug Abuse Control consisting of the Commissioner who shall serve as Chairman, the executive director of the Secretary's Advisory Committee on Drug Abuse and Drug Dependence, four representatives of Federal departments or agencies, and five representatives of State and local government departments or agencies.

(b) The President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the five representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of five years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a five-year hiatus after serving a full term.

(c) The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions.

SEC. 902. The Coordinating Council is authorized and directed to—

(a) assist the Secretary and the Administration in carrying out its function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with the problems of drug abuse and drug dependence;

(b) assist the Administration in carrying out its function of coordinating such Federal efforts with State and local governments;

(c) engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent drug abuse and drug dependence;

(d) implement programs for the rehabilitation of Federal employees who are drug dependent persons; and

(e) develop and maintain any other appropriate activities consistent with the purposes of this Act

TITLE X—GENERAL

SEC. 1001. The Secretary may promulgate regulations pursuant to subchapter II of chapter 5 of title 5, United States Code to implement this Act.

SEC. 1002. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

SEC. 1003. (a) (1) Chapter 175 of title 28, United States Code, chapter 314 of title 18, United States Code, and title III of the Narcotic Addict Rehabilitation Act of 1966 (80 Stat. 1438), are repealed.

(2) In any case involving an individual committed pursuant to such chapter 175, chapter 314, or title III, on or before the date immediately preceding the effective date of the repeal of such chapters and title, such individual shall continue to be subject to the provisions thereof in the same manner and to the same extent as if they had not been repealed.

(b) Sections 341, 342, 343, 344, and 345 of the Public Health Service Act, and the provisions of the Act entitled "An Act to amend title 18 of the United States Code to enable the courts to deal more effectively with the problem of narcotic addiction, and for other purposes", approved November 8, 1966 (80 Stat. 1438), other than title V thereof, are repealed.

SEC. 1004. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any appropriated funds shall remain available until expended.

SEC. 1005. This Act shall take effect upon the expiration of one hundred and eighty days following the date of its enactment.

THE FARM MINORITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, there is a minority in this country that is being overlooked, abused, and taken for granted. This minority is now suffering an economic crisis. The minority of which I speak are this Nation's farmers.

All of my colleagues know these people. Those of us who represent nonurban districts in this country know them and the problems they face as they try to work and live in a changing, unpredictable, alien, and inflationary economy. My urban colleagues have met many of these people who have already been forced off their farms and into the cities. They know them because they have compounded the complex problems of urban America through a constant migration from the farm to the city.

The farmers of this country do not deserve the reputation or the treatment they are receiving, Mr. Speaker. They are a people whose only vice has been efficiency of production that the country could not support. Their primary problem has been a misunderstanding on the part of the consumers of the farmer's role in the production of the food and fiber that we eat and use daily.

While income has been going up for the vast majority of citizens in this country during the past two decades, the farmer benefited little from this active economy. And yet, he was having to pay more for labor, for supplies, for equipment, and for the other necessities of life. Then, as our economy began to move from active to inflationary, the farmer again was forced to lead the fight against inflation, receiving little more for his products while seeing his expenses mushroom.

There are several myths currently held in this country which need to be clarified.

In the first place, contrary to public belief, the American consumer is, and has been, receiving favorable treatment on his food purchases. A recent article in Top Op, a monthly magazine, puts this situation into proper perspective:

WHO MAKES THE MONEY ON THE FOOD YOU RAISE?

> Don't you ever let anyone tell you that farmers are gouging consumers. As far as your share of the consumer's food dollar is concerned, you stand exactly where you did 12 years ago. USDA experts are now predicting that the farmer's share of each $1 spent by the typical urban worker for the "market basket of farm food" will be around 40¢ in the first half of 1970—the same as 1958, but 10¢ *less* than in 1947–49. The 1% boost to 41¢ last year was just a flash in the pan the way it looks now.
>
> If you're a beef man, you got the same 62¢ out of the housewife's dollar spent for beef when USDA Choice cost $1.01 a pound last summer as you got back in the 1957–59, when the average retail price was only 78¢. If you're a wheat farmer, you get exactly the same 3.3¢ from a pound of bread costing 22½ cents at retail as you got from a pound of bread that cost 13½ cents twenty years ago.

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> You're getting more total dollars now, of course, because food sales volume is up to a record $95.9 billion estimated for 1969, and population is growing. But the main people in the food picture who are really *gaining* on the consumer—getting a bigger and bigger share of her food dollar—are wage and salaries workers and service people involved in handling, processing and marketing farm foods from the time they leave your farm until they hit the supermarket or restaurant.
>
> Labor costs amounted to only 43% of the $39.5 billion marketing bill in 1958. In 1968, it was up to 45% of the $60.6 billion bill. And it's likely to claim an even higher share of the $63.7 billion bill estimated for 1969. In total dollars, labor in marketing in 1970 will likely cost almost as much as the raw material that's shipped from your farm.
>
> Employees in food marketing got a 6% raise from August 1968 to August 1969, to $2.82 an hour, compared with the 10-year average annual increase of 3.9%. In contrast, food manufacturers last summer were making only 2.4% profit on sales compared with 2.3% in 1959; retail chains were making less—1.1% compared with 1.3% ten years ago. Freight charges have also fallen behind.
>
> You can't expect housewives to ask their wage-earning husbands why food prices keep going up. But these are the guys to ask—not farmers.

Americans spend less of their per capita income on food than almost any of the leading nations of the world. This is a break for the consumer, but it has added up to bad news for the farmer. The farmer is subsidizing the consumer.

It seems to me, Mr. Speaker, that there are at least two realities that we in the Congress, and the consumers of this Nation, must realize. The first is that it costs money to produce food and fiber and, if the farmer is to survive, someone is going to have to pay the bill. The second is that the farmers of this Nation would prefer to stay on the farm, and that it is in the national interest to keep them there.

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Now, let me go back to the first point.

Of the $95.9 billion spent on food last year, only about one-third, $32.2 billion, was received by the farmers of this Nation. The other two-thirds was the marketing bill. The average net income per farm was only $5,024 in 1966. That figures out to about $1,730 per farm person in disposable personal income and about $1.60 per hour for farmwork. It must also be kept in mind that those figures are averages. On the lower end of the scale, the smaller farmers of this country are virtually donating their services to the Nation's consumers.

So, the first reality that we must face is that the production costs of our farmers must be paid, and they must be paid better than they have been in the past. It seems to me that there are only two alternatives. We can either come up with a realistic farm program by which the Federal Government pays the additional costs on a subsidized basis, or the additional costs can be passed on to the consumers.

The second reality that we must face is that it will cost this Nation much less to keep our farmers down on the farm than it will to keep them up in the city. It is a well-known and documented fact that our cities are in trouble. A major portion of that problem has been created by our unwillingness to develop realistic, workable, and effective legislation to keep rural Americans in rural America. Unable to make a decent living on the farm, these citizens have looked to the greener pastures of industrialized, urban America. All too often, however, that green pasture has turned out to be a barren wasteland, and the farmer, who had previously been a self-supporting, taxpaying citizen, became a burden on society. Neither rural nor urban America wants this. It is an unproductive, wasteful, and shortsighted policy that forces farmers off their land.

In summary, Mr. Speaker, it is clear to me that we must develop legislation that deals effectively with the cost-price squeeze facing today's farmers. It is clear that we should make it a conscious policy of our Government to help this Nation's farmers stay on the farm. It is clear to me that our farmers are going to have to be properly and adequately rewarded for their efforts, whether it be by the consumers directly or by the taxpayers through the Federal Government.

At the present time, our farmers face one more crisis. At the end of this year, our present farm legislation expires. It would be most unwise for us to legislate by default, to create farm policy through inaction and the failure to pass legislation. But time is of the essence, the hour is late, and we must move now.

There is one further point that I would like to make, and I address these remarks to the farmers of this Nation. Having grown up on a farm in northeast Arkansas, I am fully aware that farmers are fiercely independent and self-sufficient. This is a virtue that has inured to their benefit as they have fought for their very existence in the past.

There are times, however, when an ounce of cooperation can be worth a pound of independence. In my opinion, this is one of those times. The farm community of this Nation must get together in their own best interests and come to an agreement on a program that will serve all of the farmers of this Nation, large and small, East and West, North and South, food and fiber. No one will win a checkmate, and a standoff will benefit no one.

It is time in this country, Mr. Speaker, for us to take a realistic look at the farm minority in this Nation and for us to try to serve their best interests as well as the Nation's by taking congressional action on this legislation at the earliest possible time.

ISRAEL'S 22D ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, today marks the observance of the 22d anniversary of the creation of the State of Israel. Israel has survived and prospered in spite of adversity. Her lands have been made fertile. Modern industry manufactures products for her people, and for export. Democratic institutions nurture the precious freedoms which Americans themselves so greatly cherish.

In working these virtual miracles, Israel is an example for all of us—idealism, commitment, and hard work do achieve their just rewards. And more than being just an example, Israel has extended her hand directly to help other struggling young nations. Her foreign aid program, short on money but long on people-to-people contact, is at work to help other countries to help themselves.

For example, in Laos, there is an Israeli team showing Laotian rice farmers how to irrigate and to rotate crops so that the rice crop will double. In the Central African Republic, there are six farms established on the Israeli model, but with the distinctive African flavor, which are conquering lands that were considered unusable. A one-man Israeli project in Kenya is introducing grapes to that country, a new product which can be profitable for the farmers of Kenya.

In all, over 10,000 Africans, Asians, and Latin Americans have trained in Israel. And more thousands have worked with the 3,000 Israeli field representatives, who have been sent to over 70 nations around the globe.

I would rather just speak of Israel's successes, and of her role as an object lesson to other developing countries. But the events of world politics all too forcefully compel us to recognize that the adversity which Israel has overcome stems not only from a barren land and an inhospitable climate. Since her creation, and even before that, Israel has faced the unremitting hostility of her neighbors. She has had to fight three wars, when she only seeks peace. She has suffered the closing of her waterways, the shelling of her kibbutzes, terrorism in her cities.

And now, despite three wars, in each one of which she emerged victorious, Israel is the object of a war of attrition. Her neighbors, whose resources and talents could so well be spent on bettering the lot of their peoples, are pledged to Israel's destruction. Their ally in this war of attrition is the Soviet Union, which has poured billions of dollars worth of armaments into Egypt alone, as well as thousands of advisers. Now Soviet pilots are flying jets over Egypt.

Israel's past has been a bittersweet one. She has paid a high price for the right to survive. She can continue to do so, if she must. But for her sake and that of the peoples of the Arab States which surround her, it would be so much better if peace were achieved. The problems of human development are far too demanding to allow human destruction to continue.

Let us then on the 22d anniversary of Israel's creation urge her neighbors to join in recognizing this anniversary as a chance for the betterment of all peoples of the Middle East—a chance to work together.

Direct negotiations between the parties are a necessary step toward achieving stability in the Middle East. If the parties to the conflict sit down and iron out their problems, it must necessarily follow that the sources of that conflict will be resolved. This is essential.

But, being less sanguine, we must recognize that so long as the Arab nations maintain their posture of intransigence and hostility, the United States must stand firmly beside Israel. The commitment of the United States is one affirmed, by deed as well as word, by four Presidents—Truman, Eisenhower, Kennedy, and Johnson. The ambivalence of the present administration must cease. A strong and secure Israel is in the interest of the United States, and the administration should provide Israel with the jet airplanes she urgently needs to defend herself.

As we congratulate the people of Israel on this anniversary, it should be understood by all nations that we intend to hail Israel's 23d anniversary next year and every successive anniversary thereafter.

THE TWENTY-SECOND ANNIVERSARY OF THE ESTABLISHMENT OF THE STATE OF ISRAEL

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, May 14 is a day of great significance for the Jewish people because it was on this day 22 years ago that the independent sovereign Republic of Israel was proclaimed.

Over the turbulent centuries the Jewish people have borne persecution, separation from their homeland, tragic assaults against their ethnic heritage, and indeed, even attempted genocide. The 22d anniversary of the Republic of Israel, which we commemorate today, therefore, stands as a monument to the patience, courage, and perseverance of a valiant people who finally have had their sovereignty restored to them.

Since its birth in 1948, Israel has grown and prospered in a most remarkable manner. Israel's gross national product has multiplied untold times from its initial tiny base, and from 1950–65 it averaged an 11-percent annual increase. Jewish immigrants have returned to Israel to establish cooperative and collective farming projects, and with agricultural production expanding at the rate of about 10 percent per year, the need for food imports will soon be eliminated. Already, three-fourths of the nation's food is homegrown, irrigated land has quadrupled, and cultivated land has doubled in the past two decades, and the value of agricultural production has increased immensely.

The economy has expanded rapidly, the immigrants have been absorbed, the desert has been irrigated, and a parliamentary democracy has been assured. The countless accomplishments of Israel in achieving a viable, thriving economy and a true democracy deserve our praise and admiration.

As former legislative and educational director in Chicago for the Steelworkers of America, and one who has always been keenly interested in the labor movement, I am pleased to note that Histadrut is the largest labor union in Israel, with a membership of over 1 million people. Just as with our own labor unions—health, welfare, education, athletic, insurance, and other programs make the Histadrut a vital segment of Israeli life.

The educational and cultural life of Israel has advanced just as rapidly as its agricultural, political, and economic life. Israel has a fine symphony orchestra, has produced internationally known artists and sculptors, and Nobel prize-winning authors. There are more than 1,000 libraries and 5,000 schools in Israel today, and there are seven major universities and 52 colleges, and many museums and institutes which specialize in studies ranging from archeology to atomic energy.

Israel stands today as a tribute to the courage, strength, ingenuity, and perseverance of her people. On the occasion of the 22d anniversary of the independence of Israel, I congratulate the Jewish people in Israel and all over the world. I want to wish for the people of Israel peace and prosperity in their homeland, and I extend my greetings to our friends in Israel as well as Americans of Jewish descent throughout our Nation who are joining in this celebration.

SALUTE TO THE RUMANIAN PEOPLE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, I take great pleasure in saluting the Rumanian people on the occasion of their glorious 10th of May celebration—Americans of Rumanian descent as well as those of your people living in the Rumanian homeland.

It is an honor for me to join in this celebration because I recognize that Americans of Rumanian ancestry are among our finest U.S. citizens. I am very much aware, too, that for Rumanians the 10th of May is what the 4th of July is to patriotic Americans.

I feel a great friendliness toward the Rumanian people. I recall, for instance, that the Rumanians fought on the side of the United States during World War I and again in the latter days of World War II.

Americans were most happy, too, to see the genuine joy with which the Rumanian people greeted President Nixon during his visit to their country last year.

Having witnessed the growing independence of the Russian people in recent years, I feel that the time may well come when Rumanians will break the bonds that tie them to the Soviet Union and enjoy the freedom they nurture in their hearts.

The tradition of the 10th of May lives on in the spirit of the Rumanian people today—the spirit that won independence for Rumania on the battlefields south of the Danube in 1877 and flourished after the crowning of Charles I in 1881.

It is my hope that May the 10th will again signal glorious events in the history of Rumania and continue forever as the symbol of a great people.

PUBLICATION OF GEORGE MASON PAPERS

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, 23 portraits and medallions around the galleries of the House of Representatives serve to honor great lawgivers down through the ages. We honor two Americans among the 23—Thomas Jefferson and George Mason.

George Mason is termed a "reluctant statesman" in the title of his biography, written in 1963 by Robert A. Rutland. His fame does not begin to approach that of Thomas Jefferson, yet as drafter of the Bill of Rights he justifiably takes his place among the great lawgivers who advanced man's march to freedom.

On May 15, a ceremony at Gunston Hall, Lorton, Va., will mark the official publication date for the George Mason papers. I am honored to report that Mrs. Richard VanZandt of Huntington, W. Va., the West Virginia regent on the board of regents of Gunston Hall, has been prominently associated with this venture and will attend the ceremonies.

In connection with this historic event, I was very pleased to see the following article in the Huntington, W. Va., Herald-Advertiser of May 10:

CEREMONIES WILL MARK PUBLICATION OF HISTORIC GEORGE MASON PAPERS

(By Bob Withers)

A long standing project of the Cabell County Committee of The National Society of the Colonial Dames of America will come to fruition Friday in Washington, D.C., with the formal publication and presentation of the papers of Eighteenth-Century Patriot George Mason.

Mr. Mason, compatriot of George Washington and author of the Virginia Declaration of Rights and the Virginia Constitution, has been featured in only one definitive work by Mrs. Kate Mason Rowland, published in 1892.

Mrs. Richard VanZandt, West Virginia regent on the Board of Regents of Gunston Hall, Mr. Mason's Virginia plantation, and a member of the Cabell County Committee of the Colonial Dames, will attend the publication ceremonies at the home, near Washington at Lorton, Va., at 2:30 p.m. Friday.

President Nixon was invited to attend the ceremony and receive the first of the three volume sets of papers, published by the University of North Carolina Press and the Institute of Early American History and Culture at Williamsburg, Va. So far he has not declined.

Mrs. VanZandt will bring back to Huntington 12 sets of the papers, which the Cabell County Committee will present to various libraries and historical societies. Those to receive copies in this area include the Huntington Public Library, the Marshall University Library, the Beverly Hills Public Library, the library of the Huntington Publishing Co., the Cabell-Wayne Historical Society and the library of First Presbyterian Church.

The group will also present copies to West Virginia University, Bethany College, the Manassas, Va., Library, Rio Grande College, the Valdosta, Ga. Public Library and Virginia Polytechnic Institute.

From the Stamp Act of 1765 to the Virginia Ratification Convention of 1788, Mr. Mason was at the center of the forces forming the American republic. Because of his anti-federalist position, he was much neglected in the nineteenth century.

Of all the Virginia leaders of the day he was the most stubbornly rooted in his native state—the farthest he ever traveled from his Fairfax County home was to go to Philadelphia for the Constitutional Convention in 1788, and he declined a number of high offices to attend to his acres and cherish his family at Gunston Hall.

The May 15 publication date is of unusual significance in that on that day the Virginia

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Convention drafted a resolution which asked Congress to "declare the United Colonies free and independent states" and a sister resolution calling for a committee to "prepare a declaration of rights and a plan of government."

Although committees were formed, both the Declaration of Rights and the Constitution of the State of Virginia were almost solely the work of George Mason.

Work toward publishing the Mason papers has been underway since 1954, when Dr. Philip Hamer listed them among those that would be desirable to edit in his director's report to the National Historical Publications Commission. His successor, Dr. Oliver W. Holmes, arranged with the Colonial Dames and the Gunston Hall board to give financial support for the collecting and editing of the papers.

In June, 1963, Robert A. Rutland, then a member of the faculty of the University of California in Los Angeles, who had written in 1961 a short biography of Mr. Mason, "George Mason, Reluctant Statesman," became the editor of the collected works.

The work was completed with the help of a loan of material collected by R. Carter Pittman of Dalton, Ga.

The board of which Mrs. VanZandt is a member is a subsidiary of The National Society and governs the affairs of Gunston Hall. It is comprised of 50 regents, including one from each of 38 states having Colonial Dames committees, and regents-at-large from New York City and Washington, D.C. The Commonwealth of Virginia owns the property.

Mrs. VanZandt is assisted in her work by chairmen of Gunston Hall Committees in each of the six local committees in the state, which include in addition to Cabell County, Fairmont, Charleston, Parkersburg, Wheeling and Bluefield. Mrs. Hilda Long is chairman of the Cabell County Gunston Hall Committee.

In bringing 12 sets of the Mason papers back to the Tri-State Area, the 25-member Cabell County Committee made the largest purchase in the state.

XUM

CONGRESSMAN NIX OPPOSED TO ESCALATION OF THE VIETNAM CONFLICT

(Mr. NIX asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. NIX. Mr. Speaker, on my return to the Second Congressional District of Pennsylvania, which I have the honor to represent, I had occasion to visit and confer with several hundred of my constituents—some of whom have been laboring under the misapprehension that I favor the incursion into Cambodia.

This mistake arose as a result of inept reporting by one of the news people of my district. I made no statement to any news media in reference to my position on the Cambodia question. On the contrary, I filed in the House of Representatives a petition, and I quote the contents herein.

After the speech of the President of the United States to the Nation on April 30, I joined with others in the House of Representatives in condemnation of the Cambodia venture.

I want it to be known to my constituents, to the Members of the House, and to the President of the United States that I am irrevocably opposed to any escalation of the present conflict. I take the position that our troops should be withdrawn from Southeast Asia. I voted against the legislation allocating funds for the war in Vietnam and shall continue to oppose any funds for the purpose of conducting, extending, or aiding the war effort. The only expenditures that I will agree to are those necessary to return our soldiers to their homes in the United States of America.

The petition referred to follows:

We, registered voters of the 2nd Congressional District Pennsylvania, petition Congressman Robert N. C. Nix to:

(1) Withdraw his support for President Nixon's invasion of Cambodia, and

(2) Vote against any direct or indirect military appropriations for U.S. operations in Southeast Asia, except to cover costs of promptly withdrawing all American Armed Forces from Indo-China.

Charles M. Allen, Barbara W. Allen, Jean T. Sharpless, F. Parvin Harper, John P. K. Wood, Gail N. Abram, Betty Y. Shecher, Michael T. Sheek, Violet J. Gardiner, Peter M. Reiner, Robert W. Stuble.

A. Craig Sibelter, Robert B. Mozinter, Nancy F. Renner, Frank G. Malley, Rose Malley, Joyce Mozenten, Ann Stanley, Barbara Ann Zemsky, The Rev. and Mrs. Robert Gregg, Robert Patenostin.

ON THE PRESENT SITUATION

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, the foreign policy that took us into Vietnam, the management of our program and war in Vietnam in previous administrations, has been questioned and challenged. Since the new administration founded its new program of Vietnamization and troop withdrawal, the country seemed quite satisfied to let President Nixon proceed in his own way. Then it seemed necessary for him to take another bold action, that was to send troops into Cambodia. For this reason, he sent troops to find and destroy the sources, capture troops, and war supplies. This he believed, and many of his supporters believed, would shorten the war and hasten the day when our boys would be completely removed from Vietnam.

What has happened since then is well known and appears to be a tragedy. Rebellion is in the air. Again the centers of knowledge and learning are resorting to force, to violence, to destruction of property, to bombings and burnings, to get at what they believe is the establishment. One is moved to say that something seems to be very wrong in America and one is moved to ask, "What has happened to the rule of law?" It seems that all willingness to debate, discuss, and patience are gone and how to recover these virtues and desires for discussion are gone.

John A. Gardner, in his new book "The Recovery of Confidence," in his chapter on "The Politics of Provocation" says:

> For the person who concludes that the system is wholly evil and must be destroyed, the end justifies the means; he opposes measures that would diminish suffering now because they blunt the revolutionary mood. The majority must be manipulated for its own good (as he defines it). He has no interest in rational examination of issues; indeed, he will deliberately confuse issues or block communication in an effort to prevent such examination—for example, by preventing opponents from being heard. He will devise traps to demean those in authority, destroying their dignity where possible. He will exploit the mass media, feeding their hunger for excitement and conflict.
>
> He will plan deliberately provocative confrontations designed to lead officials to "overreact", knowing that if they do it will bring to his side naive sympathizers who hate to see officials act repressively. And if officials "underreact" or seem to doubt their own legitimacy, that too favors the revolutionary. If those in authority were perfectly wise, such tactics would never work. But officials are human, subject to fatigue and not immune to error. If the provacateurs are persistent enough and ingenious enough, they can sooner or later trap any official into unwise action.
>
> Whether of the left wing or the right, the stock in trade of the extremist is rage and hatred—and there's always a market for what he has to sell. It's fun to get mad and it's fun to hate. Simpleminded people indulge such emotions without dissembling, and are duly criticized. More guileful people discovered long ago that the big psychic payoff comes in finding an apparently noble cause in which to indulge one's rage and hatred. Then one can draw dividends from both sides of the transaction, satisfying both the new morality and the old Adam.
>
> It would be comforting to believe that only extremists traffic in the destructive emotions, but one can identify a fair number of "respectable" leaders who make a regular practice of exploiting fear and prejudice and anger.

It seems that in the college arenas at least extremists are bound to take over and my response is that extremism in pursuit of what people believe is right only brings confrontation and makes the ultimate solution difficult. It is worthwhile to remind ourselves that the student who now seems inclined to violent action and the policeman with a taste for brutality will meet. From wiser heads and from experience we must learn again that anyone who unleashes man's destructive impulses had better stand back where he will not be hurt for we know that violence begets violence. Hatred feeds on hatred. Even if the confusion finally stabilizes, and I hope it does very soon, it will leave deep and permanent lines of division. This division can pave the way for the anarchists. We must learn that "either we will have a civil order in which discipline is internalized in the breast of each free and responsible citizen or we will see repressive measures designed to re-establish order. Everyone who cares about freedom will pray for the former and avoid courses of action that lead to the latter," so says John Gardner.

Mr. Speaker, I would like to have my constituency know that I am tremendously encouraged by President Nixon's statements made last Friday night on Vietnam and the troop withdrawals from Cambodia. President Nixon stated the case very well. It is my sincere hope and belief that the action he has now taken in Cambodia will lead to even faster troop withdrawals in Vietnam.

I believe that the people protesting the war and our actions in Cambodia should take the President at his word and be grateful for the assurance that all American troops will be out of Cambodia by June 30. There is no defense for the violence that broke out on college campuses last week. While peaceful and lawful dissent and protest are part of our American tradition, the burning of campus buildings, the destruction of classrooms, and the illegal mob action of last week cannot be tolerated in a society built on law.

I urge college administrators to be fair, but unyieldingly firm in dealing with campus protestors who violate the law or college regulations.

I have confidence in President Nixon's Vietnamization policy and I support it. The President's goals are the goals of the protestors; peace in Southeast Asia, the withdrawal of American troops from that part of the world, a volunteer Army, and a more equitable Selective Service law. It is time for us to unite to accomplish these objectives.

Mr. Speaker, now a word to my college student friends. I want to say that I can understand their concern and their reasons for losing faith in the system, but I remind them that there are right and wrong ways to do right things. I plead with them to have better second thoughts.

The facts are that many things with reference to the war have recently changed for the better. A few reminders will show this. The new Nixon Asian policy, the call for Vietnam to carry a larger share of their load in war and in rebuilding South Vietnam, the destruction of all capabilities for germ warfare are a moving away from chemical warfare, the pledge to bring out and actually to bring out troops from Vietnam, the pledge for continued withdrawal of at least 150,000 troops next year, the provisions for an all-volunteer Army, the reduction in the amount of at least $10 billion in the Pentagon budget, and all the evidence of a shifting of interest to the spending of more money for people who have genuine needs in America.

Finally, let us have faith that right makes might and in that faith, let us all dare to do what we believe would be right under law with justice and equal opportunity for all.

UNEMPLOYMENT FIGURES PROVE COUNTRY IS EXPERIENCING RECESSION

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, Government figures released Friday indicating that unemployment sharply escalated from 3.5 percent in December 1969 to 4.8 percent in April are conclusive proof that this country is experiencing a deepening recession. If unemployment continues to leap upward at the rate which we have experienced during the past 4 months, this country by autumn will see unemployment reach the 7.6-percent level attained during the depths of the 1957–58 recession, the worst of the three Republican recessions inflicted on the Nation during the 1950's.

When President Eisenhower took office in 1953, unemployment stood at 3 percent. During the first Republican recession year, 1954, unemployment rose to 5.5 percent. During the second Republican recession in 1958 unemployment reached 7.6 percent in August of that year. A third Republican recession commencing in 1960 resulted in unemployment reaching 6.7 percent in January 1961. Unemployment during the next 4 years declined and by November 1964, long before the commitment of a large amount of American manpower to Vietnam, had reached 4.9 percent. These figures obviously speak for themselves. Unemployment increases under the Republicans. Unemployment decreases under the Democrats.

President Nixon's economic policies have at one and the same time produced the worst inflationary binge which we have experiened in 20 years and plunged the Nation into its first recession since Republicans left office in 1961. The immediate reversal of those economic policies is mandatory if we are to curb inflation and put people back to work.

ADDRESS BY THE HONORABLE FRANK W. TOMASELLO, ASSOCIATE JUSTICE, SUPERIOR COURT, COMMONWEALTH OF MASSACHUSETTS

(Mr. McCORMACK, at the request of Mr. ALBERT, was granted permission to extend his remarks at this point in the RECORD and to include an address.)

Mr. McCORMACK. Mr. Speaker, the Boys' Clubs of America is a great organization of the youth of America under the leadership on the national and local levels of hundreds of dedicated persons.

On April 20, 1970, this splendid and constructive organization held its national convention in Boston, Mass. The address on that occasion was delivered by the Honorable Frank W. Tomasello, Associate Justice of the Superior Court of the Commonwealth of Massachusetts, who made a splendid, eloquent, and inspiring address which, with pleasure, I include in my remarks:

THE ESTABLISHMENT, OLD AND NEW

We gather upon this day when in Massachusetts we commemorate the memory of those Patriots of Concord and Lexington, who, as simple farmers and with muskets hardly capable of firing, set out to defend their homes against despotism. This encounter has oft been referred to as the Revolution against foreign oppression.

Today we have those who seek within our shores to establish a Revolution against this great nation for which these founding fathers and those in subsequent wars in our defense fought and died. Theirs is the desire to seize the minds of our youth and to turn them against our country. They wish to fulfill the words of Khrushchev, who once said, "Give me the youth of your country and I will have conquered it without firing one shot."

These same individuals who classify themselves as intellectuals set in motion the "New Establishment" claiming that the "Old Establishment" was too old-fashioned. And what did this New Establishment accomplish? Let us review some of their achievements:

1. They introduced immorality into our midst, in the schools, the movies and on television, where overindulgence in sex was advanced as the steppingstone to success.

2. They introduced the system of pillaging and placing humanity in fear to the point where one would dread to peacefully walk the streets at dusk.

3. They introduced the medium of strikes and riots, and taught the young to absent themselves from schools and classes.

4. They caused dedicated presidents of every major institution and college to withdraw.

5. They taught the young in a time of distress to turn against their country and to engage in unpatriotic activities, even to the point of desecrating our flag and of honoring the symbols of our enemies.

6. They introduced the art of administering drugs to the flower of our youth, causing the destruction of their physical, moral and mental being.

7. They taught the young a disrespect for legally constituted authority and a disregard for the laws of our nation.

8. Though being much concerned about their own extermination by pollution, they sought the destruction of other human beings in the womb of the mother.

9. Yet more shocking, they have advocated the placing of God in the background of our daily lives.

These are but a few of the many accomplishments in a few short years of this so-called New Establishment.

What they forgot was that out of the mouths of the elderly come words of wisdom and between false teeth comes the truth.

So, as I look upon the panorama of the present day, I view a picture of spiritual decline and moral decay and I find that the works and endeavors of the New Establishment have filtered down and into our youthful minds. As a result, crime among the juvenile segment of our population has increased at an alarming pace. Disrespect for parental guidance and admonitions has prevailed in the many homes in America. In no small measure the blame for this dilemma can be placed upon the shoulders of these parents. The father who returns from a day's work and boasts, in the presence of his child, of the manner in which he "told the boss off today" adds little to the character building of the child in a respect for authority. The mother who is too busy watching a soap opera program on television to cook and sit down at a meal with the child, but rather to direct the child to the refrigerator to serve himself, cannot expect maternal affection.

The parents who some few years ago felt they were unable to cope with their infant child and hustled him or her to a pediatrician who advocated the allowance of free expression to the infant, have now seen the folly of this free expression being reversed upon the parents. The elders who, having had little by way of educational backgrounds but who knew that one and one made two, feeling that their child was a superior intellect because of advanced education in mathematics and other kin subjects and allowed them to take over the reasoning in the household and to give the commands, have in great part been responsible for their misgivings.

In great measure our educational system has failed to reach the soul of the child in their effort to create mental giants. In recent years we receded from the established system where in the elementary grades one teacher conducted the class in a variety of subjects, thus becoming an alter-mother or father and a guiding influence to the child because of the closeness of their purpose. Today in the lower grades, the teacher has assumed the distant role of specialist and the child is encountered with a variety of teachers in a variety of subjects, thus drawing the character builder away from the child. Too, the child at school is prohibited from calling upon Divine Guidance for assistance upon the basis of violating the Constitution, whose creators and promulgators of several faiths called upon this same Divinity for guidance in its formation.

To better express this latter concept, the trend in these trying times has been to turn away from the Spiritual and to base our national concepts upon that which gives us material comfort. Too, the home, which was the citadel of the greater sense of values, has become secondary in the development of the mind and character of the child.

To many, marriage by trial has replaced marriage with devotion, leaving the offspring of separations and divorce to be scattered around the globe without parental affection and guidance. In such a state of being ignored and unwanted, they have been expected to survive and withstand the onslaught of evil that presently pervades the highways and byways of our very existence.

In our community more interest is being resolved in the development of sciences rather than the character of man. There was a time when it was believed that the atom bomb was the acme of achievement of science. Today, scientists are multiplying in their desire to surpass the machinations of Frankenstein in seeking to destroy humanity, unmindful of the admonition expressed by General Omar Bradley some years ago at a commencement at the Massachusetts Institute of Technology: "What the world needs is fewer men of science and more men of God."

Today, we likewise find those who look upon the Ten Commandments as just simple oddities, and thus they seek to make laws unto themselves. These same individuals neither render to Caesar the things that are Caesar's, nor to God the things that are God's. To them, loyalty to Country is the promotion of crime, lawlessness, organized protest against the authority of the law and against educational institutions and their administrators.

To the young who are being misled by these evil influences, marijuana, speed and pot have become their God. Strange to say, these individuals have a mistaken notion that they are attaining their goal, and in their quest upon the road to materialism, dismayed as they are, they have turned away from the things in life that have true meaning. They have failed to realize that with God everything is possible; without God nothing is possible. They have likewise failed to recall the lives of those elders who had little of worldly goods yet expected no miracles in accomplishing their task. They had an amazing sense of values, and to them obedience to law and authority came natural, thus giving stability to this democracy.

It is reasonable then to state that if we are to extricate ourselves from the present dismal existence, we must turn away from those false prophets who tell us that life can be achieved without sorrow, disappointment or work. We must be realistic and know that without sorrow there can be no joy, without disappointment, no achievement, and without work, no manly dignity. Only in this reasoning may we know that by adhering to these moral concepts may the goal of man be within the reach of the poor as well as the rich.

So let us return the old-fashioned virtues to the attitudes of modern youth. Let us resurrect a certain brotherhood amongst the young with unselfish compassion for the welfare of others. The young must be made to recognize the environment in which they have been reared and to overcome the hardships that exist so that in their struggles fruition results in ultimate honorable manhood. Thus will they become, to the betterment of mankind, dedicated citizens.

In these struggles we need not leave them to their own destiny, but let us raise up the weak and the fallen, the tear of anguish brush away, and with helping hands bent in one another's welfare may we weave a crown of immortality.

In this age when the tendency is to act as though God does not belong, let us teach the young once more to pray, for prayer dispels fear and brings peace to the troubled heart.

Many today have an attitude of letting a sleeping dog lie, little realizing that when the dog awakens and finds no food, he may become a ravishing and vicious animal. We must accept the concept that the way to man's heart is through his stomach and set in motion mediums for providing sustenance to the hungry, the needy and the poor.

In a desire to remedy the advancing sea of juvenile disorder, our courts have sought to lend its efforts. In this respect, specialized courts handling juvenile matters owe their origin to the humanitarian impulse and initiative of many lawyers, social workers, clergy and others who had become increasingly troubled by the treatment of children under the criminal law and whose efforts to correct this condition resulted in the establishment of the world's first juvenile court in 1899.

The essential philosophy of juvenile courts and other specialized courts handling children's cases has been referred to as "individualized justice," which in essence means that the individuality of the child being recognized, the tribunal adapts its orders accordingly, in a spirit of adjusting law and science, especially the science of medicine and those sciences which deal with human behavior, such as biology, sociology and psychology, to the purpose of rendering youthful conduct remedial and to a degree preventive rather than punitive.

Individualized justice is not, however, easy to achieve and, in the treatment of juvenile delinquency, of paramount importance is the safety, protection and welfare of the community as well as the welfare of the individual child concerned, and neither should be lost sight of nor subordinated in the desire to serve the other. The protecting of the child is not to be construed as shielding him from responsibility for the consequences of his acts.

In seeking the welfare of the child, we must direct our work to securing all services available to achieve the healthy development of the child and the greatest opportunity for his becoming a good citizen in the community. One cannot and should not seek to separate the welfare of the community and the welfare of the child or assume that one must be of primary and one of secondary importance. Each must go hand in hand in accomplishing the aims and purposes of rehabilitating the juvenile delinquent.

In recent years a great deal of time, skill and money have been directed by local, state and federal agencies to the problem of juvenile delinquency. The experience and knowledge gained from these efforts are valuable contributions to our understanding of and approach to children involved in law-violating behavior and the enormity of the problem of juvenile correction.

Many have been the contributions by local police and court officials in developing their own cooperative procedures in a desire to formulate arrangements for increasing the effectiveness in the handling of the juvenile problem. In respect to developing guidelines for law enforcement with its many variations in practices and procedures, the result has been difficult and frustrating. Yet the accomplishments in seeking a solution to the problem of juveniles can be credited to the ideas and suggestions of many persons.

In spite of these meritorious efforts, we have witnessed a consistent and shocking increase in juvenile delinquency cases on the state and national level. Statistics, if you are interested, indicate that an approximate one million juvenile delinquency cases were handled by juvenile courts in the United States during the past year. It is agreed then that new thinking must be stimulated, new ideas and methods must be developed and new programs and services established. Also, it does not take much convincing to realize that existing programs and services can and must be more efficient in order to potentially increase their effectiveness through strengthening individual programs, promoting understanding and acceptance between programs and improving and expanding collaborative work procedures, and the objective in a common purpose is to handle juvenile problems as a cooperative, integrated process in order to attain optimum efficiency. In the accomplishment of this mission we must not leave the effort to restore youth to society and the community entirely to the already overburdened juvenile enforcement officials.

It is then evident that we have a duty to assist in the instruction of children in those morals and principles which are necessary to a well-ordered society.

The development of an outstanding basketball player, though meritorious, should not be the only scope of the endeavors of Boys' Club but, rather, their mission is to seek out the underprivileged and deserted boy and to bring him close to the realities of that which is good and wholesome in our society.

Many of the difficulties of conducting Boys' Club activities have been brought about by urban renewals in various areas, resulting in the type of youngster relied upon for the furtherance of the objectives of Boys' Clubs being scattered about the populace and distant to their centers. It is then necessary to follow the migration and to settle where the greatest good may result for the greatest number.

In conclusion, we must fashion our work upon the concept of making a home for the juvenile who needs assistance. A motto that might well fit such endeavors should be, "A Boys' Club is a Home Away From Home."

MESSAGE TO STUDENT BODY FROM PRESIDENT HINSON OF DE KALB COLLEGE

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, much publicity has been devoted in recent days to the activities of college students who have turned from their studies toward direct political activities. I am proud that all college presidents have not permitted a small minority of their student body to dictate school policy and bring about the cessation of normal teaching activities. I am particularly proud of the forthright and courageous stand taken by President James Hinson at De Kalb College, which is located in my district.

President Hinson issued a statement, following discussion with faculty and students, which I think should be called to the attention of college administrators around the Nation. I submit the statement of President Hinson, as follows:

A Message to the Student Body From President Hinson

DeKalb College will hold classes as scheduled. No strike has been sanctioned by the college. The college is open because of the great confidence I have in the ability of De Kalb students to exercise mature judgment and to analyze issues on their merits. The Student Senate did vote to promote a strike, but in a later meeting convened to reconsider this action overturned the strike proposal by a 6–1 majority.

Please understand that both the college and a majority of the Student Senate now stand against the strike as a means of registering concern.

It is just as important to understand that the college shares the concerns of the many students who abhor violence as a means of resolving issues whether it be on a campus or in Cambodia.

The college stands ready and willing to work with responsible and reasonable students in positive ways to express sympathy to the victims of violence, to assist in plans to establish scholarship funds, and to engage in scholarly dialogue on important issues. This has been proven on many occasions such as the memorial service following the death of Martin Luther King and the massive involvement of students, faculty, and administration in the Vietnam and Environmental Control societal issues.

I met with various student groups yesterday. The vast majority of these students were opposed to the proposed strike. Regardless of viewpoint, most students were understanding and respectful of the responsibility that the college has in meeting its educational commitments.

All public colleges operated by the Georgia Board of Regents have been officially closed today and Saturday in view of the volatile situation. DeKalb College has determined to hold regular classes but to suspend other activities until further notice, including campus assemblies. Every student of DeKalb College is requested to honor this approach.

No assemblies have been officially requested or approved and no outside speakers have been scheduled or approved for presentations on the campus. Under the policies of the college such events frequently have been authorized, but all students are asked to recognize (as has the Board of Regents) that a delay is now both necessary and wise in order to insure orderly processes.

It is a basic and fundamental repsonsibility of a college to maintain order through reasonable policies and procedures. I trust at this crucial time that policies and procedures relative to unauthorized assemblies and speakers will be honored by everyone and that it will be possible for our program of concern and commitment to move forward without disruption in the days immediately ahead.

THE STATE OF THE ECONOMY AND THE STOCK MARKET

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I have often pointed out the need to stabilize our economy and the need for a change in the economic policy of the present administration.

On April 9, in a statement to the House, I pointed out the inflationary effects on the cost of living resulting from present economic policies. An article in the Philadelphia Bulletin of May 4, by the eminent economist, J. A. Livingston indicates the present state of the stock market and likens it to 1929. I believe Mr. Livingston's comments to be most timely and include them at this point in the Record:

Nixon Says All Is Fine, Just Like Hoover in 1929

(By J. A. Livingston)

Hey diddle diddle,
The bull's in a twiddle,
The President promised the moon.
The economist laughed
To hear such chaff
And the bear danced a bear's rigadoon.

On Friday, October 24, 1929, the day a consortium of New York bankers rallied a panicky Wall Street by buying stocks, President Herbert Hoover made that year's Bear Market official. He declared:

"The fundamental business of the country—that is the production and distribution of commodities—is on a sound and prosperous basis."

And now President Richard M. Nixon has made the 1969–70 Bear Market official. He urged a group of businessmen at the White House not to lose faith. He said:

"You will begin to see, in the third quarter of the year, the economy leveling off . . . in the fourth quarter you will begin to see more encouraging signs of an upturn. Frankly, if I had any money, I'd be buying stocks right now."

How reminiscent! Four days after President Hoover's declaration, John D. Rockefeller, Sr., generous with dimes but parsimonious with public pronouncements, issued this statement:

"Believing that fundamental conditions of the country are sound and that there is nothing in the business situation to warrant the weak market, my son and I have for some days been purchasing sound common stocks."

What are bull markets made of?
What are bull markets made of?
  Dividends high
  To cause men to buy,
That's what bull markets are made of.

What are bear markets made of?
What are bear markets made of?
  Hemlines that fall,
  No profits at all,
That's what bear markets are made of.

Unlike President Nixon, John D., Sr., was rolling in cash. His assurance sent stocks up—but only for an interval. A fortnight later stocks were down 14%, to the 1929 low. And they were to go even lower in 1930, 1931 and 1932.

Words are cheap on Wall Street even when backed by money and Presidential hortatory. Only facts count. Facts condition minds—give men hope or fear.

J. P. Morgan,
  Have you any news?
Yes sir, yes sir,
  More than you can use.
Never mind the rumors
  When you speculate
Just remember simply
  Stocks will fluctuate.

When stocks break to new lows as they did last week, the line of least resistance is presumed to be down. Theory: Wall Street "smells" bad news. What will it be—who knows? When will it go away? Again, who knows?

Wall Street is now in the process of deflating these overblown expectations:

1. That inflation is a necessary corollary of high employment. Therefore, the dollar will continually depreciate and interest rates on bonds will constantly rise. Who wants fixed income which buys less and less?

2. That growth is forever, Corporations will always enjoy increased profits. Stocks have no way to go, except for intermediate hesitation, but up.

3. That capital appreciation is the new form of income. As the economy grows, stock prices will increase; capital gains are more important than dividends.

4. That recessions are accidents of the past. No political leader can permit one. As President Johnson promised, America has entered an era of recessionless prosperity.

Words, words go away,
Don't come back till that fine day
When Presidents can surely say
Stocks are going up, up, hooray!

CAMPUS TENSIONS: ANALYSIS AND RECOMMENDATIONS: REPORT OF THE SPECIAL COMMITTEE ON CAMPUS TENSIONS—SOL LINOWITZ, CHAIRMAN

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record.)

Mr. BRADEMAS. Mr. Speaker, at a time when tensions and troubles on our college campuses are mounting, I believe that Members of Congress will read with keen interest a report issued a few days ago by the special committee on campus tensions which was established last year by the board of directors of the American Council on Education.

The distinguished chairman of this committee was the former U.S. Ambassador to the Organization of American States and Assistant Secretary of State for Latin American Affairs, the Honorable Sol M. Linowitz.

Mr. Linowitz and the other members of this committee are outstanding Americans of various backgrounds of experience and concern with higher education.

As the committee members say in the preface to their study, their report "is intended, first, to help bring about—both on and off college campuses—better understanding of the sources of discontent and conflict in American higher education. Second, the report is meant to provide college and university leaders with suggestions for fostering reconciliation, trust, and the conditions favorable to constructive change on the campus."

Mr. Speaker, I believe the report of the Linowitz committee is a most valuable document, and I insert it at this point in the Record:

Campus Tensions: Analysis and Recommendations

(Report of the Special Committee on Campus Tensions, Sol M. Linowitz, chairman, April 26, 1970)

(Note.—The views expressed in this Report are those of the Special Committee on Campus Tensions, which bears sole responsibility for its contents. The Report was made possible by a grant from the Mary Reynolds Babcock Foundation of Winston-Salem, North Carolina.)

THE SPECIAL COMMITTEE ON CAMPUS TENSIONS

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John Searle, Professor of Philosophy, University of California, Berkeley.

Patrick Shea, President, Associated Students, Stanford University.

M. Brewster Smith, Professor of Psychology, University of Chicago.

Richard L. von Ende, Graduate Fellow, Vice-Chairman, University Executive Committee, University of Kansas.

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PREFACE

"If colleges and universities will not govern themselves, they will be governed by others."

This elemental truth was stated with urgency in April 1969, by the American Council on Education in *A Declaration on Campus Unrest*. Widespread disruption on the nation's campuses had angered the American public. As dissatisfaction grew, so did the specter of punitive measures: reduced financial support, restrictive legislation and harsh laws for handling even peaceful demonstrators, and political intervention in the affairs of educational institutions.

Convinced that the higher education community had to solve its own problems, the Board of Directors of the American Council on Education approved the establishment of a Special Committee on Campus Tensions in June 1969. The Committee, composed of lay leaders and spokesmen from the main segments of the higher education community, operating independently of the Council's regular organization, undertook to study campus tensions and to assist institutions in finding remedies.

The Committee sought out the widest feasible range of views about campus tensions and how conflicting points of view might be reconciled. To this end it did the following:

Participated in a series of meetings with representatives of some fifteen associations in the field of higher education to elicit information and ideas for Committee consideration.

Commissioned more than twenty-five background papers by knowledgeable people in higher education, seeking especially their recommendations for reconciling campus conflicts.[1]

Sponsored a three-day workshop, organized and led by students, to discuss campus tensions as perceived by student leaders from colleges and universities around the country.

Commissioned special reports from three student organizations—the National Student Association, the National Association of Black Students, and the Association of Student Governments—and from individual students representing a wide range of opinion.

Undertook case studies of several institutions that have either experienced disruption and successfully coped with it or have, in other cases, instituted wide-ranging reforms without having experienced serious disruption.

Utilized the extensive research on campus unrest published by the American Council on Education and professional journals.

Consulted with presidents, trustees, and faculties at various institutions of higher education.

To all who have generously lent the benefit of their ideas and information, to all who have contributed their time to participate in Committee deliberations and the preparation of this report, the Special Committee on Campus Tensions is grateful. The Committee is, of course, solely responsible for the content of this report.

Members of the Committee come from many different sectors within and without the academic community and hold widely varying views on many subjects. In a report as long as this, about a subject as complex as this, not all members will agree with every statement made. Nonetheless, all are joined in general support of this report's conclusions and recommendations. Kingman Brewster, Jr., President of Yale University, originally served on the Committee but was unable to participate in drafting the report.

The Committee gratefully acknowledges the assistance of the staff of the American Council on Education. We are especially indebted to Council President Logan Wilson, Vice-President Kenneth D. Roose, and David C. Nichols, assistant to the president, who served the Committee as staff director. Richard E. Peterson of Educational Testing Service helped to organize the work of the Committee. Alexander W. Astin, John Caffrey, W. Todd Furniss, and Richard A. Humphrey, all of the Council staff, made substantial contributions. Paul Tamminen helped to conduct liaison with student organizations. Elizabeth vanDuinen served efficiently as research assistant and Patricia A. Tatum capably tended to the secretarial details associated with the entire project. Special thanks are owed to Anthony E. Neville, of Baltimore, and Olive Mills, of the Council's staff, for editing the various manuscripts.

A grant by the Mary Reynolds Babcock Foundation supported the work of the Committee; we are grateful to Dr. William C. Archie, executive director, for making it possible.

This report is published at a time of great uncertainty about the future state of harmony or tension on the nation's campuses. The first half of the 1969–70 academic year was marked by apparent calm, and yet the arrival of spring signaled disruption that may, in total, surpass that of the record year, 1968–69.

Some observers have expressed the view to the Committee that the worst of the disruption lies behind us, or is a seasonal phenomenon. Others have warned that we are passing through the eye of the storm and that a more severe period of unrest lies ahead. While the Committee took no poll, most persons interviewed were uneasy about what the future might hold.

Violence and disruption have occurred on a minority of campuses. In the particularly turbulent year 1968–69, an estimated 145, or 6.2 percent, of the nation's 2,300 colleges and universities experienced incidents of violent protest; an additional estimated 379, or 16.2 percent, experienced nonviolent but disruptive protest.[2] Still, the majority of American college campuses have experienced at least one incident of protest, peaceful or otherwise.

While the statistics are cause for grave concern, we need to bear in mind that at most times and on most campuses disruption is not occurring. The news media, not surprisingly, focus upon incidents of disorder and ignore the campuses during times of tranquility.

Where disruption has occurred, it has generally been short-lived. When the demonstrators have gone home and the students have cleared out of the buildings, a few administrative positions may change, institutional policies may be altered, a few faculty members may leave, but on the whole universities retain their essential character. Classes are held, examinations are given, degrees are awarded, research grants are obtained, faculties meet and argue. Certainly the problem in the United States is far less severe than in some countries where universities are continually being disrupted.

Yet statistics about class hours interrupted or buildings occupied do not reveal the deeper crisis: confusion and uncertainty about the proper direction of change in higher education. There is abroad a feeling of the tide turning, a sense that a period is coming to an end and that a distinctively different one may be emerging. There is considerable doubt whether the future will be better than the past or, if better, how thoroughly we must discard old assumptions and verities to make it better. At the root of the crisis is the challenge to complacency and to the sanctity of tradition, and—now that the dissonant voices have been heard—the absence of accord among students, faculty, administrators, trustees, and the public generally, about where we go from here.

This report addresses itself to that crisis, though the purposes to be served are modest. The report is intended, first, to help bring about—both on and off college campuses—better understanding of the sources of discontent and conflict in American higher education. Second, the report is meant to provide college and university leaders with suggestions for fostering reconciliation, trust, and the conditions favorable to constructive change on the campus.

I. THE NATURE OF THE CRISIS

In the fall of 1969, almost seven million students were attending about 2,300 colleges and universities in the United States. More than two-thirds of those students were in publicly supported two- and four-year, or graduate level institutions. The rest were in private colleges and universities—some church related, others independent. The campuses they attended ranged in enrollment from fewer than 100 to more than forty thousand. The institutions varied in quality, in affluence, in faculty competence, in the academic aptitude of students. They varied in programs and purposes, as they varied also in the kinds of values, beliefs, and personal commitments characterizing their students and faculty.

There are two reasons for drawing attention to this diversity among the nation's colleges. First, the crisis in higher education is by no means uniform across the range of colleges and universities. Because only a minority of colleges have been scarred by disruptive incidents, the crisis may seem to have very little pertinence, at least at present, for a majority of institutions and their students. There is widespread sympathy, nonetheless, among students for the aims of protestors, even though no more than 15 percent have been active in particular incidents.

Second, it should be understood that any analysis of campus unrest must necessarily be sketched in broad strokes—so broad that it cannot possibly be consistently cogent across the national spectrum of colleges and universities. Indeed, the combination of circumstances underlying a given confrontation on a given campus may be unique. The ideas to be put forth here for resolving potentially disruptive conflict, because of the differences in spirit and method of campus governance from one college to another, cannot be expected to apply to all institutions.

The first point is borne out by a closer look at the estimated 524 institutions that experienced at least one incident of violent or disruptive protest during 1968–69. From this, some generalizations can be drawn about the kinds of institutions in which disruption is most likely to occur.

Major protest incidents are about twice as likely to occur at private universities as at public universities. More than one in three of the private *universities* experienced violent protest during the 1968–69 academic year, while one in eight public universities experienced incidents of comparable severity. Approximately 70 percent of the private and 43 percent of the public universities experienced protest that was either violent or disruptive.

In general, the larger the institution, the more likely it will experience violent or disruptive protest. Very few institutions with enrollments under 1,000 had any incidents of violent protest in 1968–69. Among institutions of intermediate size (enrollment be-

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tween 1,000 and 5,000 students), 4 percent of the two-year colleges, 5 percent of the four-year colleges, and 14 percent of the universities experienced violent protests. Of the large institutions (enrollment over 5,000), 16 percent of junior colleges, 14 percent of the senior colleges, and 22 percent of the universities experienced violent protests. There are also correlations with size when nonviolent disruptive incidents are considered.

The more selective a university, the more likely it will experience violent or disruptive protest. About 85 percent of the most selective universities (those enrolling students of the highest academic ability) had disruptive incidents, of which 40 percent were violent and 45 percent nonviolent. Those in the lowest category of selectivity experienced no such incidents. The association of selectivity with protest incidents was weaker among four-year colleges and was absent among two-year colleges.

A close look at the colleges and universities that experienced violence or disruption during 1968–69 also reveals the kinds of issues that give rise to protest, how institutions typically respond to violence or disruption, and the consequences of violence or disruption upon the participants and the institutions.

Major protest incidents covered a wide range of student concerns. In 1968–69, student power was an issue in roughly three-quarters of the institutions experiencing violence or disruption. The most prevalent of the specific issues on campuses that had *violent* protest involved (1) instituting special educational programs for disadvantaged or minority groups, (2) allowing greater student participation on committees, (3) changing institutional disciplinary practices, (4) challenging apparent administrative indifference or inaction to grievances, and (5)—an off-campus issue—challenging alleged administrative indifference to local community problems. (We do not know, of course, the extent to which stated issues were truly the important issues or had wide student support.)

Among off-campus issues, leading to protest, those related to war have been prevalent. U.S. military policy—for example, in Vietnam, in regard to chemical-biological warfare, in deploying ABM's—was a reported issue in 38 percent of the institutions experiencing violence or disruption. Other military issues, such as ROTC programs and military research on campus, brought the total of war-related issues to roughly half the campuses that experienced violence or disruption.

Institutions have, in general, responded firmly to violence. Fifty-five percent of the institutions that experienced violence during 1968–69 had occasion to call in off-campus police. Roughly the same percentage of institutions report that some demonstrators were arrested. Some major civil or institutional action (arrest, indictment, dismissal, or suspension) was taken against individual students at three-fourths of the institutions where there were violent protests. (Similarly punitive measures were taken by 22 percent of the institutions that had nonviolent disruptive protests.) Sixty-two percent of the institutions report that administration or faculty negotiated issues with demonstrators when the protest was violent, but 83 percent negotiated when the protest was nonviolent.

Although unrest and change are positively associated, colleges and universities also have been instituting changes without confrontation and crisis. Most institutions reporting, including those where no major protest incidents occurred, made major changes in institutional policy and practices during 1968–69. Institutional changes were made as a direct result of protest activities at 72 percent of the campuses where protest was violent and at 54 percent of those where it was nonviolent but disruptive.

Campus tensions, with or without disruption, obviously have stimulated the processes of change. Changes not directly credited to protest incidents but possibly spurred by them were made at 80 percent of those institutions with violent protest, at 89 percent with nonviolent disruptive protests, and at 62 percent that experienced no major incidents. Changes were usually in the direction of increasing participation of students in institutional decision making, forming new committees or study groups, and making changes in curriculum.

To acknowledge, however reluctantly, that violence and disruption have sometimes been effective goads to institutional change is not to explain the current tide of violence and disruption on the nation's campuses. The colleges and universities, traditional bastions of rationality and civility, do not erupt in violence at the mere wave of a baton. Nor can student unrest be explained away as the modern-day equivalent of goldfish swallowing and the panty raid. Obviously something deeper and more disturbing is at work.

Serious and thoughtful explanations of current student unrest abound. To arrive at a better understanding about what the future may hold for colleges and universities, it will be helpful to review some of the major accounts of the underlying causes of student unrest. While there is considerable overlap among them, the theories can be conveniently divided into five general categories.

Generational Conflict

In a historical study of student radicalism, *The Conflict of Generations,* Lewis S. Feuer makes Oedipal rebellion the basis for his explanation of student radicalism.[3] A generation gap exists, according to this hypothesis, in which youth rebel against the values and beliefs of their fathers and act out their disaffection by assaulting tradition and institutions, including universities.

Though popular, the generational conflict or Oedipal thesis has come under attack in recent research. Rather than being in revolt against parental beliefs, evidence shows, student activists are likely to share those beliefs and to enjoy close relationships with their parents. These findings, in turn, lead some to view student activism as an outgrowth of parental permissiveness in the upbringing of their children. But other studies show that student activists tend to come, not from permissive households, but from a highly principled family culture that emphasizes reasoning and persuasion as well as independence in thought and action. At present there is too little evidence to settle the issue.

Social "Irrelevance" of Youth

Many observers of the campus crisis have noted that, while American students are primarily rebelling against an unpopular war and social injustice for blacks, their counterparts in other countries are also in rebellion where there are no war or racial issues to stir up discontent. Searching for a common denominator of worldwide student revolt, some have speculated that youth in affluent societies are socially obsolescent, that they are kept too long in a state of dependence when what they most need is opportunity to feel socially and personally useful and "relevant." Bruno Bettelheim argues that adolescence is now prolonged beyond all reasonable limits. Too many "unwilling" youth, he says, are pushed into attending college by family aspiration and by social coercion to achieve white-collar status. This sense of irrelevance among youth is heightened, according to Bettelheim, by modern technology, which makes individual man and his work obsolete in the scheme of things. "Deep down, what youth is fighting against is not so much the war in Vietnam or the global balance, but an America whose technology seems to have robbed them of any place in the real work of the world."[4]

A related thesis is that attending college is, for many youth, an unsought experience. A distinguished university president, for instance, maintains that the crisis on the campus will not be relieved so long as students feel compelled to attend college for essentially nonintellectual reasons, such as satisfying parental longings, acquiring the credentials for "correct" careers, or avoiding the draft. Many believe that, somehow, attractive options to attend college must be developed so that most of these who do become college students will do so for intellectual reasons.

Obsolete Educational Practices

Any number of critics of higher education emphasize traditional educational practices as a contributing cause of campus unrest. The most radical of these critics argue that colleges and universities are structurally incapable of providing effective education in the modern age. These institutions, they say, have become socially dysfunctional—creating more problems than they solve. The admissions process, for example, which is inherently exclusive and tends to screen out blacks and other minorities, they cite as an elitist and therefore undemocratic tradition. Or, they sometimes argue, faculty members, by and large, are harmful to student learning because their world is detached from reality: what faculty know is largely irrelevant and how they teach it is generally obsolete. In a background paper prepared for the Committee, one adherent of this view argues that since most colleges maintain walls between themselves and their environment, they are by definition socially irrelevant. Another calls the university a social parasite—a place where privileged people are maintained and perpetuate their own kind at the expense of the public purse. Still another, a faculty member, believes that soon professors, in the traditional mold, will become unnecessary to the educational process—except as counselors for students who will be teaching one another and learning experientially in the community. He concludes that, for most professors, the best they can hope for is to be phased out, mercifully.

More temperate critics of educational practices seek a middle ground between the status quo and radical redefinition of the college, largely through increased provision for independent learning, more student initiative in curriculum design, experiential education, and a reduction of formal course requirements for degrees. One consultant to the Committee, noting that "the structure of special departments leaves too little room in the curriculum for the study of critical general problems such as racial injustice, urban chaos and war, or perennial personal problems of sex, politics, and religion," urges the development of "relevant" liberal arts to prepare students as thoughtful citizens. He warns, however, that liberal education is no remedy for discontent but, instead, increases it. "For the liberal education of any person inherently creates something of a crisis of discontent, within himself if not within his family or community."

A Breakdown of Legitimate Authority

There are some who believe that the crisis on the campus is best described as a crisis of legitimacy. Authority, as it has been traditionally held and exercised, no longer commands respect. A generation of students and young faculty has arisen that sees fit to take little for granted. Boards of trustees, because of their remoteness from the campus, are frequently viewed by students as not competent. Presidential and administrative authority and faculty hegemony in academic affairs are being attacked by dissatisfied students as self-serving and unresponsive to

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higher education's real needs. Thus, traditional mechanisms of campus governance are no longer appreciated, and many campus activists instead want direct participation or legitimate representation and truly responsive government.

There is widespread dissatisfaction with the outcome of learning and intellectuality. One consultant to the Committee expressed this with hyperbole: "It wasn't the Mississippi tenant farmer who ordered the troops to Vietnam. More likely, and more specifically, it was the Harvard Junior Fellows—those who had maximum chance to develop intellectually." He and others see a casual relationship between the higher learning, as currently purveyed, and dubious ends.

Much is also made of the experiential mode of learning rather than the traditional lectures and books. If the streets are better teachers than the classrooms, then why the classrooms? Why, indeed, a university? Both as to substance and process, the university has come to be viewed in some quarters as an expensive anachronism.

Social Malaise Thesis

Perhaps the most popular thesis of all about the causes of tension on the campus is the one that closely links the university's troubles to the troubles of the society at large. Some students have perceived the university to be the handmaiden of a militarist and racist society. They see university complicity with the latter in selective admissions policies and inattention to "black studies" in the curriculum. They accuse the university of collusion with the military establishment in sponsoring ROTC programs, in classified war-related research, and in recruitment activities for the armed forces and corporations with military contracts.

In its extreme form, this view holds that America is a sick and unrescuable society, and all of its institutions—including colleges and universities—must be torn down. Other student activists see the campus as a base and starting point for nursing the society back to health. As the National Commission on the Causes and Prevention of Violence has noted, "They see the university, guardian of man's knowledge and source of his new ideas, as an engine for powering the reform of the larger society, and as the first institution they are in a position to reform."[5]

Whatever one's view of the sources of campus unrest, unarguably the phenomenon cannot be ignored. Clark Kerr has compared campuses with the canaries that miners used to take down in the mines with them. Being somewhat more sensitive to bad air than the miner, the canary would keel over first, warning the miner he was in trouble. Whatever the toxins affecting the atmosphere of the nation's colleges and universities, they will ultimately affect the larger society as well.

It is important, therefore, to listen to the voices of students, faculty, administrators, and trustees on what has gone wrong in the colleges and universities.

II. THE COLLEGIATE CONSTITUENTS: WHAT'S ON THEIR MINDS

Most American college students view most of their collegiate experiences favorably. They find new interests in libraries, galleries, and laboratories, a range of intellectual and social models in the faculty and their fellow students, new ways to develop and test their academic and social skills, and greater freedom from conventional restraints than they have ever experienced. In a world of options, the satisfied student believes that the choices he has made were, on the whole, better than alternatives he might have chosen. The results of research indicate that, on balance, most students find the college years rewarding.

Similarly, most faculty members seem to enjoy teaching or immersing themselves in research. Professors derive satisfaction from the successes of their best former students and are generally persuaded that their research results are important contributions to man's expanding body of knowledge. Though they have heard the assumptions of their worth challenged by student activists, most do not feel personally threatened, even when the din can be heard from the laboratory window.

Likewise, most college presidents and administrators seem to enjoy the challenges of their assignments. Even on the more placid campuses, of course, they face problems, even very pressing ones. But men and women do not enter positions of administrative responsibility blindly. Presidents of colleges and universities tend to be people of dedication and stamina who thrive on problems demanding solution. Even where the threat of violence or disruption is acknowledged, the Committee found, it is apparently not the problem foremost in the mind of the president.

Then there are the trustees. For them college and university problems tend to be a part-time, although very important, responsibility. Most trustees and regents believe in the worth of their involvement. They share with their presidents worries about the future of the institutions they serve. But as the Committee also found, campus unrest is not foremost among their worries.

Nonetheless there is unrest, and it affects each of these four constituents. The academic community, the "community of scholars," today is a community divided. One of the most demoralizing aspects of the present divisions is an increase in the climate of fear on the campuses. Not only are campus communities often fearful of external pressures, but on many campuses radical groups have created an atmosphere where students are fearful of exercising independent judgment or defending points of view that are not fashionable. Furthermore, the students, the faculty, the administrators, the trustees each have their deep discontents about the current functioning of colleges and universities. As often as not, these discontents have to do with the behavior and attitudes—or perceived behavior and attitudes—of one or more of the other constituents.

The purpose of this chapter is to present the concerns of some members of these groups about campus developments and tension as they see them. (The Committee's reaction to these concerns will be voiced in the chapter on recommendations for resolving some of the problems.) Contradictory interests and points of view are evident in what follows. The objective of the next four sections, however, is not to pass judgment on allegations but to air the grievances of each party. It is the actions and reactions that follow from these discontents, after all, that constitute campus unrest.

A. What's troubling the students

Though a majority of American students are satisfied with most of their collegiate experience, there is in this observation no ground for complacency. Whatever the size of the discontented minority—its members are, as empirical studies have shown, among the brightest, most experienced, widely read, and articulate young Americans.

They are discontented, not only with colleges and universities, but also with American society, and they see a connection of basic failings between the two. For the most part, the dissatisfied young come from affluent homes; they are the "children of the American Dream," as one of their spokesmen says, and they are disenchanted with the Dream. They are joined in their expressions of discontent by the small but growing minority of college students who are black and are decidedly not the beneficiaries of the American Dream.

As the National Commission on the Causes and Prevention of Violence noted:

"Today's intelligent, idealistic students see a nation which has achieved the physical ability to provide food, shelter and education for all, but has not yet devised social institutions that do so. They see a society, built on the principle that all men are created equal, that has not yet assured equal opportunity in life. They see a world of nation-states with the technical brilliance to harness the ultimate energy but without the common sense to agree on methods of preventing mutual destruction."[6]

At the same time that students are eager to attack these problems, the Commission also noted, they face the prospect of being compelled to fight a war many of them believe is unjustified.

In their view, the failings of American society are its propensity to violence, its exploitation of the weak, its indifference to human values, its hypocrisy, its corruption. Colleges and universities, say the discontented students, contribute to the corruption of the society by perpetuating and instilling in so-called leaders the values by which those leaders initiate (and gain from) external wars and internal repression, by which those leaders benefit from the status quo. Complicity with the corrupt order is seen in the sponsorship of military research and ROTC programs, in admissions policies that appear to be elitist and racist, in the choice of Establishment figures as trustees and college presidents.

This interconnection of discontents about the collegiate and society may not be as neat as it appears. It is conceivable, for example, that many students dissatisfied with the society find the college a pleasant refuge from family antagonisms, community racism, police intimidation, or the intellectual sterility of their accustomed environments. Also, there are discontents about the college experience that do not translate, automatically, into discontents about the society.

It is axiomatic that the colleges and universities cannot cure all the ills that affect American society. They must, however, come to grips with the discontents of students, including those that have to do with institutional participation (or lack of it) in the pressing social issues. It is therefore necessary to explore the discontents that arise from direct student experience in the college and university.

Indifference and Neglect

A number of students have reported to the Committee their personal experience of indifference or neglect on the part of college and university faculties, administrators, and employees. Requests for information, they say, go unanswered; students wait endlessly to see officials; procedures are maintained for the convenience of the bureaucracy; appointments are not kept; class meetings are canceled at the whim of the instructor. Students can assume the existence of justifiable reasons for a few instances of this sort, but repeated failures to be noticed lead to resentment.

Stereotypes and Labels

Particularly on the larger campuses, students report that they are often treated as stereotypes rather than as individuals. Students complain that they are treated as immature, unskilled, incapable of exercising sound judgment even on matters most directly affecting their personal welfare. Inroads are being made against the old parietal rules governing social behavior, but on many campuses not fast enough to suit the students. Hair style and dress, for example, produce responses unrelated to the reasons students give for adopting a particular style: comfort, economy, association with a social group, or simply experiment. Student behavior that challenges old norms is casti-

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gated in state legislatures and newspaper editorials as "immature," "irresponsible," or often more opprobriously.

Political Impotence

A consequence of faculty and administrative attitudes that students are immature and irresponsible, say the students, is that they are denied their fair share in institutional governance. Proposals for representation on committees too often meet a reflexive "no" from administrators and faculty groups who have held the effective power. A common criticism of conventional student governments is that they concern themselves with trivia and that when they do attempt to deal with vital institutional issues, they encounter resistance.

Lack of Information

Decisions depend upon information; good ones on accurate information. Students decide about academic programs and personal matters on the basis of college catalogs, other official printed sources, and information supplied orally by officials. Some students report to the Committee that they have been given inaccurate or incomplete information that adversely affects their college careers. Some contend that they were deliberately, rather than inadvertently, misinformed. In some cases, students told the Committee, information has been denied on the grounds that it is confidential or none of their business.

Availability of Student Records

At the same time that some students have challenged the right of institutions to keep information confidential, others have complained that their institutions have too widely distributed information about them. The supplying of grades and class standings to draft boards has been a bone of contention. Some students, especially radical leaders, say their actions and affiliations have been investigated by civil authorities with complete, enthusiastic cooperation from university officials.

Disciplinary Action

Although the right of colleges to impose disciplinary penalties for academic transgressions and failures is not often challenged, in some circumstances particular punishments have become a source of discontent. Expulsion, which exposes the student to the draft, seems to many students a double penalty. In recent years, disruptive or destructive actions have seemed to students to bring excessive penalties; amnesty has often been one of their first demands in negotiating a truce.

Police Action

Apart from civil or academic penalties that may be imposed, many students report that the actions of local police or institutional security forces have been provocative. Two types of action are deeply resented. The more obvious is what they see as excessive force in restoring order. The other is harassment, which ranges from demanding identity cards from black but not white students, to continuing investigations, including wire tapping and surveillance, of some activist student leaders. Tense situations are sometimes aggravated by demeaning or illegal treatment of those arrested or detained.

Discrimination

Although most colleges and universities, by policy and regulation, prohibit discrimination based upon race, sex, economic standing, and religion, some students assert that they are victims of both institutional and individual discrimination. Evidences cited of institutional discrimination are *de facto* policies of social organization (e.g., fraternities) permitted on campus, insufficient representation of minority groups on the faculty and the governing board, demonstrably lower average salaries for women employees, and the orientation of courses and texts to neglect minorities. On an individual basis, cases are cited of professors, administrators, students, and employees who express racial or other forms of prejudice openly. Women students complain that some professors treat them as if they were not suited for scholarly or professional roles.

Bad Teaching

Complaints about teaching focus on both what is taught and how it is taught. The material taught, say students, is frequently out-of-date or simply wrong. Some instructors present the material, grade papers, and treat students in ways that are seen to be incompetent, offensive, or unfair. At particular issue is the absence of courses relating to the major social issues of our time.

Intimidation

Some students see in the rewards and penalties attached to virtually all college regulations a basic system of threats. Violations of rules of conduct and failure to meet competitive standards may have severe consequences, the worst of which is expulsion. Thus, they feel, the basis of the institution's legitimacy is fear; and they resent having to work within the atmosphere they perceive.

Fair Play and Due Process

On campuses where the absolute authority of faculty and administration over student academic and social life has been a longstanding tradition, students maintain that the procedures for instituting change and for settling student grievances do not even respect the rights guaranteed in civil courts. Although customs and procedures are now being rapidly revised, the Committee has had reports of discontent arising out of flagrant denials of due process or refusal to consider the legitimate views of students on changes affecting their welfare.

Involuntary Attendance

A generalized discontent often accompanies students who are in college chiefly because of family pressures, or because they need to acquire a particular credential in order to enter the occupational field of their choice. Avoidance of the military draft all too often is a factor in a student's decision to attend or to remain in college.

Even among those who are voluntarily in college, a number report that they attend chiefly because it is the only place in our society that provides a social milieu in which they can be at all comfortable. Employers don't want them, they have no real responsibilities to family or local community, and only in colleges can they find a community of their peers. Academic programs and college-sponsored noncurricular activities hold no attraction: in order to join the community, however, they will play at book-learning. For them, the future seems to offer little hope of improvement.

The Dry Run

It has been a tenet of many colleges that the institution offers the student an opportunity to experiment in many fields and make mistakes without suffering the consequences he would face outside college. A corollary is that the rewards of such a program are as insubstantial as the penalties. A number of students are discontented because the academic program denies them real rewards. They want to use their talents and energies on something that really counts: a beneficial change in the curriculum, improved living conditions, actual assistance to people in the local community, and the like.

Institutional Rigidity

Students frequently complain that whenever they air any of the above-mentioned grievances or propose reforms, the institutional machinery is unresponsive. Administrators, they say, are rigid in their policies, guarded and deceitful in their discussions with students, and "gutless" when confronted with major issues. Problems that are referred to faculty committees sink from view and are never resolved. When faculty committees do issue pronouncements, students contend, they usually defend the status quo. And in those instances when changes are recommended, it takes an inordinate amount of time to institute them. One student told the Committee that on his campus it takes two years to get a course removed from the curriculum, even when the main parties are agreed to such action.

Student proposals for changing colleges and universities cover a wide range. For some, the chief issue is the replacement of parietal rules by freedom to live and love where and with whom they wish. Others demand the reduction of formal academic requirements and the establishment of independent study. But there are also those, often highlighted by the communications media, who advocate the destruction of the university.

In governance, most proposals envision a reduction in the authority of administrators and trustees, and a corresponding increase in student power (and sometimes faculty power) through joint committees that would have control over most of the institution's functions. Some of these proposals include financial independence as a prerequisite to effective control, whether of a student organization or of an academic department.

Many suggestions deal with the establishment of detailed policies and procedures designed to ensure the student a fair ("constitutional") hearing in any disciplinary procedure.

Some, stressing the importance of reliable information to sound decisions, insist that all information about the institution be readily available to any student who requests it. On campuses where student participation in governance is not the issue, the lack of openness of faculty and trustee meetings frequently is an important issue.

Suggested modifications of academic programs ordinarily include less reliance on grades and testing, more freedom to choose courses that seem relevant to the students' interests, more freedom to create experimental courses, credit for work in a local community, and provision for closer association with faculty members than has been customary.

Suggestions for breaking ties with the evil in society are both negative and positive. Negatively, they urge that cooperation between the university and the military in war-related research and training be abolished; investments in enterprises identified with social repression be disposed of; practices which limit the advancement of ethnic minorities and women in universities and colleges be eliminated. On the positive side, students say that universities should actively seek to bring about desirable social change, not only in the field of civil rights and world peace, but also, more recently, in restoration and preservation of a decent physical environment. Students want the faculty and administrators to speak out as individuals on important public issues.

And finally, there are groups—small but articulate—who would require the university to lead a complete social revolution to destroy capitalism and existing institutions and replace them with a full egalitarian and more humane society. The university is chosen for this movement because it has by definition that part of the population most receptive to learning new ideologies. Such groups are now being challenged by more conservative students, not always of the far right. There is some statistical evidence that students are becoming more polarized in their opinions.

Almost everywhere, but especially on the larger campuses, students are asking that

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university officials, and particularly the faculty, show personal concern about them as individuals, rather than treating them as clients, customers, or nuisances.

B. What's troubling the faculty

The concerns troubling the faculty community are, similarly, many and various; they differ according to the kind of faculty, the kind of institution, and the ascendant issues of the moment. It is not surprising that the more conservative responses to university problems tend to come from the senior faculty, who obviously have a greater vested interest in current practice and are especially critical of the trend toward more permissive curricula. Besides the senior faculty, there are the department chairmen with their special role, and then the junior faculty and teaching assistants. It is from the latter two groups that the most outspoken criticisms of the university has come. Significantly the data from one American Council on Education study indicate that faculty were involved in the planning of more than half of the recent protest.[7]

The more prestigious and elite universities, generally having the largest representation of outspoken faculty and students, experience the most campus unrest. Although most of the unrest has been associated with the multi-function universities, the four-year state colleges and four-year private liberal arts colleges, too, are coming in for their share of dissatisfactions. Faculty tensions are evident in the four-year state colleges for a variety of reasons, among them pressure to become universities with prestigious graduate programs and the desire of faculty to broaden their participation in governance. Faculty in the four-year private liberal arts colleges also face a series of pressures: anxiety over their lack of status as compared to faculty in a university and, for many, a fear for the survival of their college. Faculty in community and junior colleges face the enormous pressures of growth and changing status, but these institutions traditionally have had much less faculty-student involvement in the decision-making process.

Recognizing, then, that distinctions must be drawn among the kinds of faculty and the kinds of institutions, it is still possible to identify major problems and issues creating faculty tensions and dissatisfactions. These include the governance and administration of institutions, the functioning of departments, certain basic academic questions, relationships with students, and finally, the goals and objectives of the university.

Governance and Administration of the Institution

Faculty are exerting pressure for more involvement in determining the broader purposes of the institution and more control over the conditions affecting their work. Paralleling student demands, faculty activists want a more important role or association with governing bodies, including the trustees. There is an accelerating move toward organization for collective bargaining, especially in two-year institutions, but to an extent in four year-institutions as well. The general dissatisfaction of faculty with the effectiveness of the administrative process grows during periods of tension. For instance, it has been observed that as an aftermath of major confrontations, faculty frequently blame the administrators for the conduct of the negotiations and the handling of the disputes; a consequence is sometimes the departure of the administrative officers involved.

The Functioning of Departments

Under fire, especially from younger faculty, are procedures and standards for determining tenure, promotion, salaries, teaching assignments, and departmental growth. Younger faculty are demanding a greater part in these decisions than the present concept of seniority allows. Some are disturbed by what they consider to be the excessive emphasis upon research and publications, at the expense of teaching. The university, they charge, is hypocritical when it insists that teaching is the first priority but then rewards the researcher, the administrator, and the publishing scholar with markedly higher salaries than the dedicated and skillful teaching faculty member. Some believe that all professors at the same grade and with the same number of years of service should receive the same salary. One consultant to the Committee argued that professors of law and medicine should receive the same pay as professors of English; persons teaching the history of nineteenth-century France should be rewarded as well as those teaching biochemistry.

Some senior scholars, on the other hand, are forecasting the withdrawal of major research efforts from large universities and the establishment of outside research institutions or agencies so that scholars can be sheltered from the counterproductive interruptions of students and younger faculty.

Academic Questions

Younger faculty members have joined students in demanding more interdisciplinary work, new ethnic study programs, and broader representation on the faculty, particularly of blacks and women. Present standards for faculty and academic programs, they assert, are antiquated and cannot meet the needs of present-day students. With respect to interdisciplinary work, many younger faculty strongly resent departmental rigidity and the resistance to providing adequate support for the broader areas of educational concern. Faculty members disagree on the structure of ethnic study programs—some give strong support to student demands for control of content and appointment of personnel; others resist just as strongly in the interest of academic standards and academic freedom.

Questions of external threats to academic freedom also loom very important in the anxieties of the faculty, both senior and junior. This anxiety is prevalent among faculty members in institutions that are under vigorous attack from the legislature, the public, and even their own boards of control. These faculty members are alarmed at the intervention of public authorities and politics into university administration and feel the need for more effective rebuttal of unsupported charges.

Relations With Students.

Students who demand more contact with their instructors and more of a role in determining the character of their own academic programs have begun to wear out their welcome. Faculty members complain that today's students are exceedingly demanding of their time, and that student-faculty committee deliberations tend to go on endlessly. Faculty serving jointly with students on committees, having devoted countless hours to debate and to the preparation of reports, finally assert that they are weary—they have had it and want to get back to their own research and educational interests. Yet the agreements reached with a given group of students often may not be satisfactory to the next student class, so that the process of give-and-take with students must be carried out over and over again. Some faculty are beginning to refuse to pay the personal price being exacted by the system of participatory democracy.

Other faculty members are seeking ways of avoiding student debate, less because of the protracted character of the discussion than because of the lack of civility and the intemperateness of the encounter. As one faculty member puts it: "The withdrawal thus far is largely due to changes in the style of debate, and to a distaste for threats and personal abuse in the gutter language sometimes employed by radical students to whom civility and rational discourse are contemptible middle-class evasions." [8]

Still other faculty are resentful of student attempts to determine the content of curricula and academic programs, on the ground that students are a transitory element in the university. Some would concede an advisory role to students, but scarcely more than that. Faculty, they say, have the competency to make curricular judgments; they also provide continuity in the university.

Goals and Objectives of the University

Great and growing discontent is being expressed by segments of the faculty over the priorities of the university as they affect current commitments, new fields, and new approaches to education. Faced with genuine uncertainty about the goals and objectives of the university, often lacking educational leadership from administrative quarters, the faculty find themselves caught in the crossfire between the conservative public and student activists.

The prevailing inability of the faculty to speak with a united voice betrays the sharp divisions within their ranks. The young faculty accuse their elders of opting for the status quo to preserve their power and position, yet it is probably closer to the truth to say that the paralysis of the faculty in some institutions reflects organizational inflexibility; in others it stems from genuine ideological disagreements within the faculty membership. Although college faculties are more liberal politically than the general public, the generalization disguises the spectrum of opinion likely to be represented on a faculty. Once these differences were aired in polite conversation at the faculty club; nowadays, as students and faculty activists stage confrontations and demand institutional commitments on social issues, individual faculty members tend to identify themselves with one camp or another. Moreover, younger faculty members are rankled by the seemingly fogyism of their elders, at the same time that senior faculty are genuinely shocked by the disrespect for "objective scholarship," the indifference to scholarly detachment, and the incivility being manifested within their own ranks.

The cleavage between the faculty members of the left and the right helps explain the intensity of faculty disputes over many of the issues discussed here but is not completely adequate for all. For example, conservative faculty more often than not can be found supporting student charges that the teaching function has been downgraded in favor of research and publication. Care must be taken, therefore, not to place exclusive emphasis on differences in political and social opinion on the campuses as the explanation for faculty discontent.

C. What's troubling the administrators

In 1949 the president of the University of Wyoming defined the essential qualifications for his job:

"A college or university president is expected to be an educator, a scholar, an administrator, a business man, a public speaker, a writer, a politician, a giver of dinners, a charmer at receptions, a moral force in the community, a commentator on national and international affairs, and popular with students, faculty and alumni." [9]

If that was a prescription for a superhuman being twenty years ago, consider the expectations that are piled upon the college president today. Faculty members expect him to raise their salaries, provide more facilities for research, and give them a stronger

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voice in making policy. The students hold the president responsible for instituting reforms and increasing student freedom. Trustees and state legislators press him to economize. The alumni expect him to field winning athletic teams and to preserve the values they remember from their days as students.

The president is generally held responsible for dissatisfactions and for whatever can go wrong, and when mistakes are made he may be the first casualty. If he fails to keep costs down, to control unruly student rebels, or to keep the faculty happy, he becomes the scapegoat and may be summarily sacrificed.

Increasingly, presidents point out that their capacity to do anything that "makes a difference" is seriously impaired by the complexity and tortoise-like pace of consensual processes. On the other hand, if a president acts too swiftly or does not consult enough people, he will find himself cut off from his potential support.

Also, administrators in increasing numbers are called upon to negotiate issues, and to negotiate in a style that is new to the college campus. Impossible demands are labeled "non-negotiable" at the outset. Parties to the dispute do not play by the old rules or by any rules at all, and this anomaly of governance is especially disconcerting to a man trained to reason and to accord respect to his adversary. Moreover, men who over the years have learned how to solve most familiar problems now find themselves forced to share their authority, their political views (and sometimes their offices) with students and other juniors who might have been expelled or dismissed in an earlier decade.

For all these hardships, in times of turmoil, the president is likely to be alone. One executive, who became the target of disrupters, observed angrily, "No one was in sight when it came time for support. Everyone faded away into the background. It was like a gigantic live replay of the movie 'High Noon.' All the so-called friends had reason to be absent on the day of the showdown."

This is the position in which a great many presidents and administrators find themselves. What are the particular issues that bother them? The Committee asked some sixty top officers of American colleges and universities to state the "worst one or two persistent problems which create or increase tension on their campus."

The sixty administrators represent a sample of large and small, public and private, old and new colleges and universities. From these responses the most obvious conclusion is that there is no simple consensus. Sources of irritation and tension on the campus reflect the whole domain of the president's ultimate responsibilities.

Faculty

Leading the tallies is the faculty: many respondents mention this constituent as one or another source of difficulties. Even here, however, there is no ready consensus (perhaps a reflection of the differences among institutions). One president complains of the "unwillingness or inability of the faculty to adjust to change," another of "suffocating academic arrogance." While a number of presidents see the faculty as the entrenched voice of conservatism on the campus, others are disturbed by the active role of faculty in promoting dissent and divisiveness. One is vexed by "faculty members who encourage students, by positive efforts or lack of enough guts to oppose, in their efforts to politicize the university." Another notes that tenured faculty are participating in "whispered harrassment of the president and his office (or other administrative offices) by SDS-type student groups."

Financial Difficulties

Since institutional change almost invariably translates into new expenditures of funds, it is not surprising that money is a frequently cited worry among college presidents. "The financial crunch," adds one president, is "pervasive and real, but few are ready to believe that. So innovations except those which cost enormous amounts of new money are not yet the fashion."

Communication

Mentioned as frequently as financial difficulties are problems of communication. Within the academic community, failures of communication are manifested both in misunderstandings and in lack of understanding of why things are as they are. One president complains about "having to decide so many things repeatedly—always taken up *de novo*—as though the issue had no history and had not been considered or decided before."

Among the agents of misinformation noted by administrators are the campus newspaper and the public media—newspapers and television. The effect of misinformation, one respondent notes, is that "we are constantly having to reassure people that we are not planning to do things we have never dreamed of doing, in the face of supposedly informed rumors to the contrary."

Commenting at length on communication problems, another expressed the view that not all failures are inadvertent:

"Administrative and trustee statements are very frequently misinterpreted, as the result of really . . . paranoid efforts on the part of students and faculty to discover a plot where there is none. Students distrust trustees and administrators and faculty; faculty distrust students, administrators and trustees; trustees distrust faculty and students, and so on. All this happens despite the fact that there is an abundance of information, which all too many people either choose to ignore entirely or twist to fit their preconceived notions."

Governance

A good many replies could be tallied under this loose heading, but to lump them together as defining a single problem would be misleading. The targets of criticism, for example, varied. Faculty were criticized for their "persistent unwillingness . . . to involve students in some of their hallowed preserves." Students were criticized for their "unilateral demands" and their "constant pressure to erode one rule and regulation and policy after another." One respondent was especially critical of the board of trustees:

"Either they cause problems by an excessive concern about events on the campus or they limit our options in advance, or they second guess our decisions in such a way as to limit our options in the future. Most of the problems we have had would have been less aggravated and others would not have arisen had it not been for the board."

Another criticized those of his fellow administrators who cling to an "authoritative style of management." Administrators were also criticized for their willingness to see "faults and shortcomings of colleagues but not their own."

Most college presidents would probably agree with the observation that there is a "confusion of roles in the performance of responsibilities." While some complained of important decisions being made without presidential consultation, another noted that "consultation is grinding us to a halt." The worst problem, according to one respondent, "is the increasing authority of faculty and students with no increase in responsibility, and at the same time, lessening of the authority of the president with no change in his responsibility."

There was a time, a president noted, when a consensus about goals allowed institutions to operate under a set of informal understandings, with little need to spell out formal authority.

Now we are in a day when this consensus no longer exists and in which institutions are thus going to have to spell out their governmental arrangements in some detail and to provide for the contingency that they may have to exercise formal authority and even to impose sanctions.

Institutional Goals

Although the connection with immediate tensions was not always made clear, there were many expressions of concern about disagreements or vagueness in defining institutional goals and standards. "The major and very pervasive problem," one respondent summed up, "is the lack of agreement as to the nature of the university and its role in the area of social and political change." While one president saw the essential division of agreement on goals as lying between faculty and students, another pointed to the "erosion in the cohesiveness of the faculty in its attitude toward institutional goals and appropriate means of achieving them."

Student Unrest

A surprisingly small number of respondents mentioned what is so often thought of in connection with campus tensions, namely, violence and disorder. Most concerns were practical: how to deal with threats of disruptive protests, how to improve relations between students and local civil authorities, how to cope with "student arrogance, upstartism, and bad manners."

Some expressed specific concern about the tensions generated by the presence of minority-group students and the need to develop effective educational opportunities for these students. Among those who spoke of these problems, most recognize the need to take steps to increase educational opportunities for minority groups. Still, said one, there is the possibility of "unforeseen incidents triggering a protest by black students." One respondent described the basic problem this way: "The need for both blacks and whites is to forget that the black man is 'black'."

The remainder of the problems and tension-generators scattered over a wide field. Among those mentioned by respondents were the Vietnam war, intercollegiate athletics, predictions of student enrollments, the threat of a student rent strike, "two or three busybody alumni."

The prevailing impression these responses leave is one of recognition of the enormous tasks of great scope and complexity facing administrators at the same time that resources are inadequate and the academic community seems unwilling to pull together toward common goals. Countering this tone, however, is the tone of resolution of men who believe affirmatively in the contributions their institutions can make to the larger society.

Though presidents may seem to scatter the fire of their complaints and criticisms in all directions in return for the pressures which seem to come to them from all directions, few of them abandon hope in the ultimate victory of reason, of compromise and consensus. Many feel that the troubles of recent years will ultimately produce change in desirable directions.

D. What's troubling the trustees

Trustees, who presumably represent the public interest and embody "lay control" of the institution, soon discover—if they did not already know it—that, especially in time of crisis, an academic community is not a readily coordinated interprise. Many competing interests clamor for recognition and a share of scarce resources; the trustees have the ultimate responsibility for determining (broadly or in detail, depending on the institution) which interests coincide with the institution's best interest and can be served with available funds.

Conserving and increasing the material assets of an educational institution, overseeing the improvement of its programs, maintaining its coherence and integrity, and protecting it against destructive forces are tasks that try the mettle of trustees almost everywhere. Today, as never before, they are called upon to represent the public's interest to institutions, and the interests of institutions to the public.

To find out the concerns now uppermost in the minds of trustees, a query was addressed to broad chairmen of a variety of institutions across the country. More than fifty replied, and some did so at length. (Though a representative sampling was sought, the replies do not, of course, speak for all trustees.)

If the replies are a reliable guide, trustees are aware that in some quarters the legitimacy of their authority is being attacked, their qualifications and organizational composition questioned, their performance criticized, and the importance of their function denigrated. In a paper prepared for the Committee, one trustee began by showing sensitivity to the range of attitudes about trustees, as illustrated by his selection of quotations.

"A board of regents, representative of the university constituency, is more important now than at any time in the history of higher education." (*A business executive*).

"Boards of trustees and regents are an anachronism, and should be abolished, if not immediately, certainly over the next five years!" (*A graduate student from a West Coast university*)

"It's about time regents helped constituencies understand the revolutionary changes taking place in academic life and not simply interpret what they think are our wishes to the academic community." (*An attorney*)

"Trustees are old, rich, totally out of touch with today's academic world and useless except for fund raising." (*An undergraduate student leader in a private Midwestern college*)

"Students and faculties are now so irresponsible and militant that trustees have an obligation to demonstrate who holds the actual power. *We* hold it, not the faculty, not the president, not the students, and it is time we started making that clear!" (*Trustee of an Eastern college*)

Although there is manifest disagreement about whether trustees are really needed and, if needed, about their duties and how they should be executed, it is nonetheless evident that leaders among them are deeply concerned with a wide range of critical problems in American higher education. According to the recent inquiry, the six most common concerns of trustees (in descending order of frequency) are: (1) finances, including optimum use of funds and facilities, and threatened loss of support as a result of public backlash; (2) governance, including communication; (3) faculty, teaching, and innovative educational programs; (4) student unrest; (5) definition of institutional goals and higher education's relations to society; (6) institutional leadership.

Finances

Since the public interest in higher education bears very directly on financial support, trustees, as representatives of that interest, are necessarily concerned with money matters.

The most prevalent single worry of trustees and regents today is over the growing public disenchantment with higher education, and the prospective leveling-off or even decline in financial support as a result of reaction to campus disorders. Many of the proposed reforms that come before them call for added expenditures in a period of financial stringency; seldom do student or faculty recommendations for change suggest what their proponents would be willing to forgo in order to acquire the often expensive new "goodies." Moreover, urgings that academic institutions develop action programs to help solve problems of environmental pollution, poverty, slums, the culturally deprived, and so on, come at a time when these very problems compete with educational needs for financial support.

Trustees of independent colleges and universities are bothered about the future of private higher education. Board members in both the private and public sectors report being plagued by the consequences of inflation, loss of federal grants, student aid difficulties, soaring construction costs, and continued pressures to broaden services without regard to the limited means available. Trustees also worry (more than other members of the academic community tend to do) about wasteful duplication of facilities and programs.

Governance

While in general trustees oppose the inclusion of faculty and students in their membership because of possible conflicts of interest and the inherent cleavages in special pleading, many acknowledged need for better bases of board selection and diversity among members.

Insofar as relations between the board and the faculty are concerned, a trustee of a major university asserted that the rhetoric of faculty governance betrays a cultural lag. Intricate structures maintain a pretense of self-governing "community of scholars," where there is no real community. Except in crisis, he contended, most professors do not want to be bothered by problems of academic government. They rise in protest and then lapse back into their own affairs, leaving day-to-day government to a small minority—mostly the bureaucrats and politicians in their midst. By implication, in large and complex institutions where the concept of "community" has lapsed, responsibility has to be assumed somewhere—not just for parking, money raising, and public relations, but for the "deeper requirements of any organization for central direction." Most trustees argue that they and their chief executive officer, the president, often have no option but carry out this responsibility.

The Faculty and Teaching

Trustees are concerned not only about faculty derelictions in self-governance but also by the high proportion of campus disruptions in which members of the teaching staff (mostly the younger and lower-ranked members) take part. Trustees are also prone to interpret the first loyalty of many academicians to their discipline or field as a sign of disloyalty to the institution.

As one survey shows, more than nine out of ten trustees believe that the teaching function is more important than research. Many of them worry about the priority given to research and publication as a basis for professional recognition, and want to strengthen the significance of effective teaching in the institution's reward scheme. Likewise, they have increasing doubts about tenure, viewing it as a shield for neglect and incompetence, rather than simply a protection of academic freedom. Some share with student dissidents a feeling that many faculty are opposed to innovation and change in their own areas, are not really zealous about the improvement of teaching and learning, and are reluctant to have their real productivity evaluated.

Since they believe that everything else in an institution is subsidiary to the educational program, trustees view the ultimate responsibility of a board as necessarily implying a deep concern for basic academic functions.

Thus they complain about having programs reported to them only in financial terms and about receiving information on educational developments that have already taken place. Even board members who wish to effect what they regard as constructive changes are uncertain how to proceed in the face of faculty indifference or opposition to lay interference.

Student Unrest

It will perhaps surprise some to learn that concern with student unrest ranked only fourth as a current worry among the trustees queried.

In one highly selective private institution, an uppermost concern pertained to pressures pushing that institution more and more toward serving "the alienated affluent and the alienated impoverished." Several trustees expressed puzzlement over dual admissions standards to enroll disadvantaged students, and also doubted whether most institutions would or could provide the added funds, facilities, staff, and special programs to meet their needs. One commentator, speaking broadly, observed that the large majority of institutions are designed to serve only one of three types of students—the 70 percent who adjust to the curriculum and instruction without being very creative or imaginative. The ill-served groups (approximating the remaining 30 percent—are the underendowed or disadvantaged and, at the other extreme, the highly intelligent and creative.

Other trustees voiced astonishment and dismay about students' motives and philosophies, and a concern, already indicated, about whether adverse public reaction will be reflected in greatly curtailed financial support of both public and private institutions.

Institutional Goals and Societal Relations

Most trustees appear to be well aware of their obligation to help relate institutional objectives to the needs and aspirations of the supporting society. They reject the idea that the college or university is an organization intended solely to meet the needs of individual students as defined by the students themselves. They also resist the syndicalist view of some professors that the academic profession should control virtually all of the educational aspects of institutions of higher learning. Some trustees regard presidents and other officers of top administration as being primarily executives of broad policies formulated by trustees.

Despite this desired primacy, trustees are more often validators than formulators of policy. "In fact," one observer has noted, "it can be said that most institutions operate by habits, by assumptions, by accumulated decisions—all acquiring in the course of time the force of common law. But the vulnerability of institutions to attacks by radical minorities has been dramatized by the revelation that boards have not adequately devoted themselves to the review and refinement of policies and to the effective communication of policy."

Trustee comments repeatedly show a felt need to clarify the objectives of American higher education as a whole and the role of each institution within the system. Many realize that traditional programs do not always fit current needs, and that better institutional guidelines should stem from long-range planning and the establishment of campus priorities. They sense that the heightened importance of higher education and the prospect of its becoming universal will thrust most colleges and universities into a closer relationship with the surrounding society. They have a growing awareness that in many places compromises will have to be worked out between competing conceptions of the college or university as a community of scholars, a community of students, a corporate enterprise, an agency or arm of the state, a public service agency, and so on. Charged with maintaining the solvency and protecting the integrity of their institutions, they also worry about upholding these responsibilities while simultaneously responding to an increased variety of internal pressures and being party to the allocation of scarce resources to social problems of the larger society.

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Institutional Leadership

By and large, trustees are of the opinion that individual leaders are no less essential than individual institutions to the welfare of American higher education. Trustees of public institutions, in particular, view with some alarm the tendency of politicians and bureaucrats in the national capitol and in state capitols to bypass and undermine the traditional powers of trusteeship and to erode the leadership responsibilities of the executive officers the boards have chosen. Trustees see the main responsibilities falling upon themselves and the presidents—to provide creative leadership and not just mediation, moderation, or conciliation.

Some board members concede that a reexamination of trustee functions is overdue. They acknowledge their shortcomings in dealing with many of the complexities of institutional governance, and believe, further, that better liaison is required with faculty, students, and administrators. They also acknowledge the need for improved methods of selecting board members, better devices for effecting change as well as continuity in their membership, more effective ways of perceiving the right questions and getting the right answers about the institutions they oversee. Even though they grant that their changing assignments may call for more diversity of talent and experience, they oppose the idea that a governing board should be a collection of special representatives.

As one prominent board member has put it, "Trustees should not run the institution, but should see that it is well run." Most trustees realize the need to delegate many of their powers to the president, and to hold him responsible for the execution of basic policies. In this same vein, nine out of ten trustees view the president as a leader rather than mere mediator. Although they sometimes feel that presidents and other administrative officers are not sufficiently firm-handed in what they regard—in corporate terminology—as "management," many are aware that the central direction of academic enterprise must depend more upon persuasion than dictation in situations where shared power, consultation, and the development of consensus are the most effective means to institutional ends.

III. RECOMMENDATIONS

The higher education community cannot realistically hope to solve all the problems that create campus tensions. It cannot alone stop war, eliminate poverty, rebuild cities, or expunge racism. It cannot afford to be indifferent to these problems, however, if only because campus turmoil is not likely to cease unless genuine progress is made toward curing the glaring social ills. The war in Vietnam and the draft system, in concert, contribute heavily to campus unrest. Until the nation ceases to force young men to fight in a war they believe unjust, a major source of campus tensions will remain. For the campus to be a haven for those who wish to avoid military service is an inequity of the draft system and a perversion of educational purpose.

Through educating decision makers, conducting research, diffusing knowledge, and proposing solutions to social problems, our colleges and universities can have a considerable, if not decisive, influence on the decisions that affect the nation's quality of life. In each of these roles, colleges and universities serve society best by giving prime allegiance to truth. Truth-seeking, in turn, requires conclusions openly arrived at, the discard of useless orthodoxies, and the receptivity to new ideas. First and foremost, then, our colleges and universities must be centers of free inquiry.

Efforts to politicize colleges and universities risk public reprisals with consequent restrictions on free inquiry. Legislative moves in this direction, at both state and federal levels, are already deeply disturbing. Likewise, demands made on campus through intimidation or violence are inimical to the spirit of free inquiry. The search for truth is the first casualty.

Political exploitation of campus problems by some public figures has become one of the sources of polarization on the campus. Public officials and others having the public's attention should gauge their response to campus disruption in the light of the fact that repressive and provocative pronouncements by those in authority mayhave the same inflammatory effect that extremist rhetoric has on the campus.

Campus violence already threatens some colleges and universities with repressive forces that could cripple their freedom for many years to come. Even so, this Committee is mindful of the dangers in laying out inflexible guidelines about unacceptable conduct or in specifying the precise moment when the hazard to the institution is such that civil authorities must be called upon. The question have been studied in detail by the Commission on Campus Government and Student Dissent of the American Bar Association, which issued its report in February.

What, then, in view of their limited powers, can colleges and universities do about problems arising from campus tensions? At the outset, let it be noted that campus tensions are not necessarily harmful to higher education. It is the responses to tensions that lead to constructive or destructive outcomes. As one Committee consultant put it, "If there were no tensions on campus, there should be a committee established to create some, because a campus without tensions is intellectually moribund." Present campus tensions, therefore, provide an opportunity and an impetus for some overdue reforms in higher education. As the discontents of students, faculty, administrators, and trustees (expressed in Chapter II) make clear, almost everyone agrees that change is necessary in higher education.

It is equally clear that these four groups are not of one mind about the nature of campus problems, how to solve them, or who should solve them. Trustees are commonly assumed to stand firmly for order and against disruption, undisturbed by pressures until things seem to be getting out of hand. Reform proposals intended to alleviate student and faculty malaise seldom take account of trustees' worries about scarce resources, or even acknowledge that such worries exist. Faculty members, on the other hand, appear to be more directly involved in the internal issues besetting the campuses. Nevertheless, there is considerable difference of faculty opinion about steps to resolve controversies. In academic matters the interests of junior and senior scholars often conflict. Many of the former desire both participation in decision making and a redress of the balance between research and teaching. Though some faculty want to add colleagues having different political and social outlooks, others oppose strenuously what they regard as a political test for employment. Students on their part are also becoming increasingly divided, between those who are heavily involved in political issues on or off campus and those who resent interference with their professional and vocational preparation.

This Committee's recommendations cannot reconcile all the conflicting values and viewpoints. Nevertheless, we believe these recommendations respond to legitimate concerns; if given wide campus support, they can mitigate unrest by improving the conduct of the educational enterprise. Their adoption and, more important, their effectiveness once adopted, presuppose that the entire academic community must share and abide by certain principles—among them fair play, civility, concern for the individual, care in interpreting evidence, respect for privacy, equity in administering penalties, and faith in rational discourse.

The recommendations deal first of all with the roles and responsibilities of students, faculty, administrators, and trustees, then with general matters of governance and institutional goals.

Students

Colleges and universities exist primarily for the education of students. Society assigns to these institutions no task more important than providing students the opportunity to ripen their intellectual and creative capacities, learn from the heritage of the past, and develop themselves as responsible citizens.

Student critics object to the current emphasis on a "manpower" perspective. They object to being shaped for slots in a less than ideal social order. Our institutions indeed must prepare trained manpower for a complex society. All the same, greater weight should be given to educating young people to realize more fully their own potentials on their own terms, and to help them find new solutions to the urgent social problems of our times. Here education, not just training, is clearly at issue.

Educational institutions foster the development of responsible adults by assigning real responsibilities to students to the extent of their capabilities and willingness to assume responsibility. They may hamper and retard that development by following policies of *in loco parentis* in regard to parietal rules (now on the wane) or policies that "the faculty knows best" in regard to the curriculum and other matters central to the institution's purposes (much less effectively challenged). For colleges and universities to provide effective educational environments for the development of competence and maturity, new policies are required. In wise balance, these policies give young people a more responsible role in the educational decisions affecting them, while at the same time acknowledging greater adult competence and greatest investment in institutional continuity on the part of the faculty and administration. The wise balance called for is, obviously, not easily identifid or achieved.

Although forceful measures are sometimes unavoidable when campus disruption goes to intolerable extremes, the use of force is basically undesirable. Punitive measures tend to foster—when they work—dependent compliance rather than responsible commitment. Firmness of policy needs to be balanced by openness and flexibility. If students are to be held accountable for their actions, they should have a voice in determining the permissible limits of their actions.

1. Students not only should be given substantial autonomy in their non-academic activities, but should also participate in matters of general educational policy, especially in curricular affairs. Since increased participation will contribute to effective institutional decision making and is also of educational benefit, students should serve in a variety of roles on committees that make decisions or recommendations. In some non-academic areas students should have effective control; in some general educational policy matters they should have voting participation; in other matters, they should act in an advisory or consultative capacity. Effective student representation will not only improve the quality of decisions; it will also help to ensure their acceptability to the student body.

2. As institutions give up policies of *in loco parentis* in response to students' educationally valid wishes for independence, students must know that they cannot be effectively shielded from the consequences of their behavior, especially when it violates the laws of society at large. The abandonment of parietal rules, however, does not relieve institutions of the need to have effective self-

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government. The more effective the self-government, the less frequently and abrasively will police and other agencies of the society intrude on the campus.

3. Colleges and universities should regularly review, with legal counsel, their practices regarding such matters as the confidentiality of information about students and the privacy of student living quarters. They should also review their provisions for due process in disciplinary proceedings. These proceedings need not have, in every case, the formal, adversary aspects of a courtroom trial. But the option of formal proceedings should be open to any student whose future could be seriously affected by the outcome of a disciplinary decision.[10]

4. Students who want to propose changes in institutional practices or policies (as differentiated from asking redress of particular grievances) should be given the opportunity to learn in advance the institution's decision-making process that applies to their proposal. They should also consider thoroughly the evidence and arguments supporting their proposal and anticipate questions that will be raised by others, including fellow students. A well-considered proposal often grows out of preliminary discussion with faculty and administrators.

5. Students must recognize and respect the rights and privileges of their fellow students as they seek rights and privileges for themselves. These include First Amendment rights of free speech and peaceable assembly, the right to pursue without hindrance one's course of study, and the privilege of experimenting with ways of thinking, both conventional and unconventional. Threats, violence, coercive disruption of classes or lectures, and similar acts that tread upon the rights of others are intolerable.

6. To a very great degree institutional functioning depends upon the voluntary self-discipline of the students. On the other hand, in several institutions, overt threats of violence and personal injury to students and others by individuals on and off campus have had destructive effects upon disciplinary proceedings as well as the process of internal self-discipline. In those circumstances where internal mechanisms fail, a new kind of juridical authority may be required.

7. Students rightly expect administrators to exercise leadership, to take the initiative in proposing educational changes suited to a changing clientele and a changing society. But just as students are entitled to acceptance of their rights and responsibilities, so are administrators. Students should recognize that the administrator is responsible to widely divergent campus groups and is accountable to the board which legally governs the institution. Within these limitations, he must have freedom to initiate, guide, negotiate, and make decisions, if the institution is not to remain static. Attempts to circumscribe this freedom will either reinforce the status quo or create chaos.

Faculty

All the constituent groups share concern over the appropriate role of the faculty. Their chief criticism is that the professorial role—particularly in major universities—has become so distorted in the direction of research and scholarly achievement that many faculty seriously neglect their teaching function. That this is a real problem is substantiated by considerable evidence. In national surveys, for example, students complain repeatedly about lack of contact with faculty and faculty indifference to student needs. These complaints are especially common in major, research-oriented universities. Studies comparing the environments of universities with those of smaller colleges reveal among the former a comparative lack of student and faculty interaction in the classroom, an impersonal relationship between teacher and students, and a feeling on the part of students that the institution lacks concern for their individual development. It is significant that the major universities have been the prime targets of violent and disruptive protest.

The research commitments that draw professors away from teaching are upheld in a variety of ways. One factor is the strong demand for research services from both government and business. Another is the prestige accruing to institutions that employ distinguished research scholars. Many institutions find the temptation of instant departmental prestige and large research grants and contracts to be irresistible. Since the research-oriented faculty tend to recruit, screen, and train their replacements, the system is self-perpetuating.

The imbalanced emphasis on research, away from teaching, is also supported by the lopsided competition between the institutions and the scholarly discipline for the loyalty and concern of faculty members. Both teaching and research figure among a faculty member's contributions to his institution (though formalized procedures for evaluating teaching are rare, and public evidence is far more readily available on research competence). So far as the faculty member's standing in his discipline is concerned, however, with only rare exceptions—such as the authorship of innovative text books—it is solely published research that counts. Published research is what establishes the scholar's prestige among his peers in other colleges and universities. In the university world, therefore, it is also the main source of his economic value in the academic marketplace. No ambitious young faculty member can afford to neglect his disciplinary standing as determined by his published research. His movement from one institution to another is heavily influenced by the time and support he will gain for his research efforts.

Of course, many research-oriented faculty in universities teach graduate students as part of their research activity. Indeed, in many fields of graduate study, the laboratory is the classroom. Prestigious professors who are not accessible to undergraduates may be very accessible to graduate students to whom they have their basic teaching responsibility. It is not the Committee's purpose to suggest that all professors dedicated entirely to research, or to research and graduate teaching, should now teach undergraduates. The problem lies with overemphasizing research at the expense of undergraduate teaching.

This Committee does not think it desirable, even were it possible, to devalue the contribution of scholarly research. Such research may, in fact, contribute to the solution of social ills about which students and others in the academic community are actively concerned. What deliberate policy can do is introduce compensating influences to redress the balance. Specific suggestions are put forth in the recommendations that follow.

1. Effective teaching deserves greater recognition in hiring, promoting, and paying, especially in the major institutions. Explicit methods must be developed for assessing teaching competence, improving the learning process, and systematically reviewing the adequacy of the curriculum. Quality of teaching must be given greater weight in tenure decisions. Faculty scholarship, research, and public service should relate more closely to teaching; indeed, they can enhance teaching. Both individual institutions and national professional organizations should establish fitting rewards for exceptional teachers. The Committee urges the learned and professional societies to explore other ways of giving more status to teaching and improving its quality, especially at the undergraduate level.

2. In matters affecting teaching—e.g., new faculty appointments; the awarding of tenure; new courses, departments, or interdisciplinary arrangements—faculty committees should seek the counsel of students who have had direct experience with the matter to be decided. The faculty, by virtue of its earned competence, is in the best position to have main jurisdiction over academic matters. But students, as the consumers of higher education and as young people with important perceptions about our changing society, have a right to be heard on matters affecting the educational program. As was pointed out in an earlier recommendation, participation by students could strengthen the quality of the decisions made and help to ensure their acceptability to the studenty body. In this connection, faculty should welcome the development by student organizations of formalized and objective procedures for evaluating faculty teaching of undergraduates in all important courses. Too often, student evaluations of teaching are fragmentary and are not available to the teacher, who might improve his teaching if he were aware of students' criticisms.

3. Tenure policies—concerning a faculty member's right to hold his academic appointment until retirement once competence has been demonstrated (except when extreme malfeasance has been established by due process)—need to be reappraised. The justification for tenure is the crucial protection it gives to academic freedom. Professors who espouse unpopular views must be free from reprisal. Tenure was not devised in the spirit of trade union systems to guarantee job security. But it has come to serve this function too, at a cost. It sometimes has been a shield for indifference and neglect of scholarly duties. At a time when an increasing number of teachers, especially in community colleges and state colleges, are organizing for collective bargaining, the Committee recognizes that a challenge to the present concept of tenure is no small matter, that the issues involved are complex and difficult to resolve, and that a satisfactory solution must maintain effective safeguards for academic freedom. Nonetheless, we urge the American Association of University Professors and the Association of American Colleges (co-sponsors of the basic 1940 Statement on Academic Freedom and Tenure) to join with representatives of other educational organizations that are concerned with tenure, including the American Federation of Teachers, the National Student Association, and constituents of the American Council on Education, to reexamine existing policies. Standards for awarding tenure—a matter of institutional autonomy—need broadening to allow greater consideration of teaching ability. Scholarly communities must be protected as effectively as tenure now protects individual professors.

4. A climate of open discussion must be created in which risks for trying new approaches are minimized. Faculty members should respect the educational freedom of students in the classroom to raise questions and to discuss freely issues arising from their course work. To encourage innovations in curriculum, in degree requirements, and in standards for assessing faculty competence, institutions should seek resources to alter the reward system. Innovation can also be encouraged on our giant campuses through sub-divisions with greatly dispersed authority, budgetary autonomy, and architectural settings that encourage informality and intimacy. In many institutions, the hierarchial structure of institutional management and departmental authority needs to be altered. Rigid hierarchies tend to shield the decision makers from the discontents and constructive ideas of students and younger faculty members.

5. Renewed attention must be given to long-standing questions about the established

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Footnotes at end of article.

standards for the Doctor of Philosophy degree. Either Ph. D. programs should be reformed to provide more adequately for the majority whose careers will in fact center on teaching rather than on the conduct of research, or increased recognition should be given to alternative programs for those who will be primarily teachers. One important issue is the nature of the dissertation. Generally the dissertation is supposed to be a work of original research, but this standard is not uniformly applied and is inappropriate for many graduate students. Another issue is the role of graduate students as teachers. Although some are excellent teachers, graduate students tend to pursue their teaching assignments without adequate supervision in a system which treats assistantships primarily as a form of subsidy to students and a source of low-cost instruction. Supervised experienced in teaching, as well as participation in decisions on departmental policies, ought to be important parts of the learning experiences, especially for those graduate students planning academic careers.

6. Faculty need to take a more active role in reexaming institutional goals and in guiding change, instead of simply responding to reform proposals from other quarters. Too often, in fact, their authority on educational matters has been used to disguise complacency and unwarranted conservatism, and as an excuse to avoid making reforms. Many have resisted changes designed to meet the varied needs of a heterogeneous student body because they conceive their own role narrowly and selectively, as simply the trainers of an intellectual elite. Faculty need to reexamine critically both their role and their procedures for handling innovative ideas.

Administrators

It is altogether proper for the other constituent groups to hold administrators accountable for their actions and their inactions—but only within the limits of their roles and responsibilities and their power to act. When their responsibilities are ill-defined or their power to act is unduly circumscribed, serious barriers exist to the resolution of campus tensions.

1. Administrators are often properly blamed for their institution's shortcomings in organization and goverance. Other members of the college community, however, are typically uncertain about what administrators are expected to do and how their performance should be evaluated. Accordingly, institutions must define explictly who is responsible for what. Moreover, administrators often have responsibilities in certain areas but do not have the power to take major action without approval from higher authority or endorsement from a faculty committee. These limitataions, too, should be clearly spelled out.

2. Especially at the presidential level, responsibility must be accompanied by the necessary authority. Trustees, faculty, and students need to consider the possible ultimate consequence to them of weakening the president's authority. Institutions should have constitutions or bylaws which clearly define the responsibility *and* the authority of the president. In this connection, the nature of the presidency deserves rethinking. For example, fixed terms of office, renewable or unrenewable, might relieve some pressures on presidents, and also ensure institutional vitality. Fixed terms, or a system by which to review administrative tenure, might be preferable to the present system in which some presidents stay long beyond their real effectiveness or are sometimes sacrificed after one major incident. A division of authority—between "outside" concerns and "inside" ones, for example—might be considered where the burdens of the presidential office have grown too large for one man.

3. Colleges and universities also need to reassess the roles and responsibilities of other administrative officers. Their performance should be subjected to periodic review and evaluation. Additionally, the roles of administrative offices should be reexamined. For example, on some campuses the dean of students serves as adviser to students and overseer of student organizations, while also serving as prosecutor (and sometimes as judge and jury) in disciplinary matters. These responsibilities may conflict with one another and call for differing talents, and, where feasible, should be separated—the advisory responsibility assigned to one office, and judicatory responsibility to another.

4. Presidents and other administrators have an especially urgent responsibility to ensure that avenues of communication are open. Some presidents are cut off by overconscientious aides or secretaries; others are seldom seen on campus and never talk with students and seldom with faculty. How to keep the channels open will present a different problem on every campus. Nevertheless, it should always be possible for a student, faculty member, trustee, or layman who has a message to get through to the president. Accessibility, moreover, is not the whole answer. Presidents and other administrators must take positive steps to explain their plans and policies to the appropriate constituencies, through such devices as newsletters, annual reports, "town meetings," or position papers on particular issues. They must also provide students, faculty, and others with information sufficiently in advance to enable them to make meaningful contributions to decisions.

5. To communicate effectively administrators must be open and candid in giving reasons for decisions and actions. There are instances when the release of information would needlessly injure individuals. But the withholding of information on such occasions will be better understood and accepted if, at all other times, communication is candid. Here, also, continuing efforts are as important as those during crisis. Adminstrators should meet frequently with faculty and student groups, not only to listen but also to make known their thinking on basic issues.

6. The ability of presidents and other administrative officers to devote the time required for the communications we consider desirable is dependent on adequate institutional staffing. Highly effective administrative organization, procedures, and personnel to conduct the heavy administrative business of the institution, are needed to support presidents and other administrators as they devote themselves to the varied and time-consuming responsibility of modern institutional governance.

7. The rules by which colleges and universities govern themselves, and the defining of appropriate responses to infractions, are matters on which students, faculty, administrators, and trustees should seek agreement. But it is an administrative responsibility (if only by default) to see that these rules and procedures receive continuing assessment. Rules need to be tested for clarity, fairness, and adequacy to meet foreseeable circumstances. In many institutions administrators need to initiate a rulebook "housecleaning": to eliminate (or draw to the attention of those empowered to do so) rules that have outlived their usefulness, or are unrelated to institutional objectives, or that duplicate public laws and carry unwarranted additional punishment.

8. Administrators need to develop with civil authorities, especially law enforcement agencies, plans for handling campus disturbances that would require the presence of civil authorities. The plans must define the division of responsibility between campus and civil authorities, provide effective channels of communication between the two groups, and ensure due restraint in the handling of those causing the disturbance. The entry of large numbers of off-campus police during disturbances can heighten tensions rather than relieve them. Physically punitive action, however provoked, that can be interpreted as "police brutality" adds fuel to the flames. Inaction, on the other hand, can result in substantial property damage, danger to members of the campus community, and extended interruption of educational function, as well as reduced respect for the administration.

Trustees

As most informed critics of academic governance have concluded, the lay board despite its shortcomings, is still preferable to other methods of control. The reform of board organization and procedures should be undertaken even though no mere redefinition of trustee roles will eliminate existing frictions. Failure to make lay boards more effective participants in the total enterprise, however, is certain to increase the tensions now disturbing much of higher education. The effectiveness of trustees is not measured by the depth of their involvement in the day-to-day business of the institution or the firmness of their control. It is measured, rather, by the extent to which they are well-informed on educational issues, judicious in the exercise of their powers, and protective of the prerogatives of all members of the academic community.

1. Every institution should have carefully framed bylaws, subject to periodic re-examination, that set forth the board's essential authority and responsibility and defines its procedures. Periodic review of the bylaws will benefit from outside counsel and from attention to what other institutions are doing. Even such basic matters as the board's mode of selection and appointment, size, composition, term of office, should be re-examined. For example, switching to popular election of boards might dissuade men of detached viewpoint from applying, but self-perpetuating boards of lifetime members have faults as well. Institutions with the latter system should consider that fixed terms for trustees would preserve detachment and continuity, while at the same time ensuring periodic rejuvenation of the board.

2. Students, faculty, and others need to be well informed about how decisions are made in their institution and the reasons for policies that are decided. The bylaws of the trustees should be accessible to all members of the academic community and to concerned outsiders, as should agenda of each meeting. When major decisions are made, boards should promptly issue reports which explain reasons for the actions taken. Boards must have well-publicized rules governing the submission of petitions, and adequate procedures for prompt consideration of them.

3. Boards should make more effective use of special committees and other mechanisms through which they and representatives of students, faculty, staff, and alumni can communicate more readily.

4. In the matter of finances, ways must be found to reexamine institutional priorities so that there will be both wider opportunity for involvement and a greater sharing of responsibility among students, faculty, staff, and others.

5. Delegation of responsibility and accountability does not absolve trustees of the need to be well-informed about the institution's programs and to be serious students of higher education generally. Presidents and others who influence heavily the content of the board agenda should focus it more on educational issues and less on fiscal and housekeeping chores.

6. Although anything resembling a quota scheme of representation in board membership should be avoided, there should be greater diversity of age, occupation, and other salient individual characteristics that might broaden horizons and present other points of view. Some boards of trustees may wish to consider adding student and faculty mem-

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bers from their own institutions; other boards, desiring to avoid the possible conflicts of interests that may arise from such participation, can achieve broadened viewpoints by adding members drawn from other institutions. Ultimately, the evolving nature of higher education may require reexamination and reassessment of the authority and functions of trustees in the governance of the university, along with reappraisal of a need to delegate some of their authority to other groups on the campus.

General recommendations

A. Governance

In certain basic areas of governance and decision making, many institutions have considerable autonomy to chart their own course. It is in these areas that the diverse interests of the members of the academic community are most likely to be reconciled. These include: (1) criteria for admissions; (2) criteria for recruiting, hiring, and promoting faculty and staff; (3) curriculum requirements; (4) performance standards and rewards for faculty and staff; (5) standards of conduct for members of the academic community; (6) academic performance standards for students, including criteria for grading and certification.

The Committee believes that campus conflict sometimes arises from a confusion of three questions: (1) the substance of a particular policy: What is it? (2) its validity: Is it a good policy? (3) the process by which it was made: Who decides it? To view campus tensions in terms simply of "Who decides?" rather than of "What gets decided?" is to regard institutional decision making as a power struggle rather than as a means of improving the educational environment. Validity is, of course, one important consideration, and educational decisions are most likely to be valid if alternatives have first been subjected to a complete airing and analysis by the parties concerned.

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The need for thorough study of alternatives relates closely to the problem of communication. All four constituent groups cite inadequate communication as a major cause of tension. Decisions made without adequate study or simply presented as *fait accompli* not only create resentment and hostility, but also run the risk of being wrong. This is particularly true with decisions on strictly educational matters (curricular requirements, for example), where students, faculty, and others directly affected are likely to have valuable insights to contribute. Although improved communication does not eliminate problems, it usually results in sounder educational decisions and fosters governance by consensus rather than by force.

1. The processes of academic governance, especially those that determine and establish institutional policies, must be seen by all major groups concerned as essentially *fair*. Due process must be enlarged to include broad participation in the deliberation on important issues. If any part of the academic community feels that its own interest in a proposed new institutional policy has not been fairly presented and heard, the new policy is likely to be challenged.

2. Every attempt must be made to establish effective communications, so that policy questions and grievances can be aired by the campus community. A number of institutions have had success with such communications methods as (1) centralized files of important institutional records accessible to campus constituents; (2) rumor centers, especially during periods of campus turmoil, to which members of the community may telephone for accurate and up-to-date information; (3) ombudsmen to hear grievances, speed up communications, and unsnarl red tape; and (4) "official" campus newspapers, in which texts of important reports and other documents of wide interest to the campus community can appear. Members of the campus community recognize, however, that improved channels of consultation may render decision-making procedures slower and more cumbersome.

3. As an aid to effective decision-making, joint administrative-faculty-student committees should be established, wherever possible, to assist in resolving the problem and attaining the objective. More institutions should experiment with permanent legislative assemblies composed of administrators, faculty, and students. Some issues are better dealt with by faculty assemblies, some by student groups, and some by the president and his administrative staff; but each group's decision-making processes can benefit from inputs from the other groups. There are, additionally, issues of concern to all three groups which should be dealt with by a governance system in which all are recognized as legitimate participants.

4. The effective functioning of a college or university depends in large measure upon a shared commitment by members of the campus community to the principle of institutional self-governance and an assumption of the responsibilities that such a commitment implies. For example, in disciplinary proceedings all must be willing to provide testimony and to serve as triers of fact. It must be possible to conduct hearings without fear of disruption or retaliation against participants; there must be willingness to respect the finality of decisions.

B. Institutional Goals

The Committee's recommendations rest on shared views about the appropriate roles of colleges and universities in an unstable and troubled world. The problems of colleges and universities, like those of society at large, rule out as untenable a comfortable policy of "business as usual." As society gropes to discover and realize more humane, just, and viable patterns of life in an age of advanced technology on a crowded globe, colleges and universities need to develop mechanisms of "self-renewal," in John Gardner's phrase, to keep them in position to make appropriate contributions to society. In their educational function, colleges and universities need renewal to enhance their ability to prepare young people to cope with the kind of world that they will actually encounter.

1. Everywhere there is need to reexamine existing disciplines and to allocate resources for the design of new forms of intellectual inquiry; interdisciplinary programs which break down departmental rigidity provide one example of an appropriate response.

2. Faculties and staff of colleges and universities should be drawn from more diverse social and vocational backgrounds. The vocational experience of artists, writers, diplomats, government officials, and others can enrich and enliven the discourse on the campus and help to reduce the tendency toward academic provincialism.

3. Colleges and universities must respond, more effectively than they have in the past, to the educational desires of women. Wherever discrimination because of sex exists, it must be eliminated.

4. New curricula and resources are needed to further and self-development of students in ways traditional curricula have failed to do. More institutions should seek the resources to experiment with alternate modes of learning: cluster colleges, experimental education, work-study, community involvement for academic credit, and other living-learning arrangements.

5. Institutions should create centers for educational research and innovation to encourage the development of new approaches to education and the implementation of innovation in education—both in teaching techniques and in new courses, and to foster a continual questioning of conventional and traditional means of promoting the expansion of our frontiers of knowledge.

6. The American society overemphasizes the value of the traditional college degree. Further encouragement should be given to the development and support of new directions in post-secondary education.

7. Novel admissions practices should be tried by some institutions, both to extend access to higher education and to provide a broader population in which to test the quality and effectiveness of education programs.

8. Most collegiate institutions in the past have been heavily oriented to the purposes of the white majority. More attention must be given to the needs of ethnic minorities. Ethnic studies programs, however, should ultimately be incorporated into the regular academic programs so that the white majority will learn more about the history and needs of minority groups.

9. Institutions should recruit more students, faculty, and staff from minority groups that have been underrepresented in the campus population. Other institutions should not be "raided" for minority personnel and students; rather, though it will take time, the pool of eligibles must be enlarged and recruitment made from among those who would not normally expect to attend college or to have academic careers.

10. Many reforms in higher education are expensive. But if we are to have them, institutions must be given greatly increased funding from all sources—especially the federal government—to increase financial aid to students, to develop new kinds of educational programs, and to permit students as well as faculty to launch innovative research and teaching projects.

11. Trustees, administrators, and faculty have as great a stake in effecting institutional change as do students. Reform of the college is a shared responsibility requiring attitudes that encourage educational change by all of the campus constituents.

12. Institutions should resist the distortion of their research efforts because of outside sources of funds. We urge the federal government to support research and instruction in ways that will respect the autonomy of institutions, enhance scholarly innovation, and improve students' educational opportunities, and we also urge institutions to emphasize these principles in developing their research.

CONCLUSION

Unrest on the nation's campuses is only part of the mosaic of problems in American society: the poverty amid affluence, the continuing racial strife, the poisoned environment, the decaying cities, the apparent decline in the whole quality of life. These problems affect all of society, not simply colleges and universities. It is ironic that some seek destruction of the colleges and universities and that others within them remain averse to all constructive change.

These institutions hold our greatest hopes: as places of objective inquiry, for the solutions of society's problems; places of unfettered thought, for the debate of sensitive issues without fear of intimidation or reprisal; centers of teaching and learning, for the education of tomorrow's problem-solvers and leaders.

Just as those who compose the academic community must rise to the defense of colleges and universities as vital and enduring social institutions, so must they recognize that these institutions must be responsive to the need of the times. A college or university should be flexible enough to accommodate change, aggressive enough to promote change, and wise enough to anticipate the consequences of change. It must strive as never before to become a bastion of high purpose, a goad to the public conscience, an implacable enemy of the false, the inhumane, and the unjust. And in doing so, it must defend the use of reason as the means of moving toward its own and society's goals.

The survival of our system of higher education and its long-term contribution to society depend upon rationality and civility, shared concern, and mutual respect among the members of the academic community. Students, faculty, administrators, trustees—all must recognize their necessary interdependence.

FOOTNOTES

[1] For a list of consultants, see Appendix A.

[2] Statistical evidence presented here, and in Chapter I, is drawn from recent research findings of the American Council on Education, especially from Bayer and Astin, "Violence and Disruption on the U.S. Campus, 1968–69," Fall 1969, *Education Record*. The authors defined violent protest as any campus incident which involved (a) burning of a building; (b) damage to a building or furnishings; (c) destruction of files, records, or papers; (d) campus march, picketing, or rally with physical violence; and (e) the injury or death to any person. Nonviolent disruptive protest was defined as any campus incident which involved (a) occupation of a building; (b) barring of entrance to a building; (c) holding officials captive; (d) interruption of classes, speeches, or meetings; and (e) general campus strike or boycott of classes or of school functions. The characterizations are those of Bayer and Astin, not of their Committee.

[3] New York: Basic Books, 1968.

[4] Bruno Bettelheim, "Obsolete Youth," *Encounter*, September 1969, pp. 29–42.

[5] *To Establish Justice, To Insure Domestic Tranquility: Final Report of the National Commission on the Causes and Prevention of Violence*, Washington: Government Printing Office, 1969, p. 211.

[6] Ibid.

[7] Robert F. Boruch, "The Faculty Role in Campus Unrest," *ACE Research Reports*, Vol. 4, No. 5, 1969.

[8] Martin Trow, "Reflections on the Transition from Mass to Universal Higher Education," *Daedalus*, Winter 1970, n. 16, pp. 41–42.

[9] George Duke Humphrey, "Securing Legislative Appropriations: An Administrative Viewpoint." *In* Association of Governing Boards of State Universities and Allied Institutions, *Proceedings*, 1949.

[10] Student rights and guidelines for disciplinary proceedings are discussed in the Report of the American Bar Association's Commission on Campus Government and Student Dissent. See also "Joint Statement on Rights and Freedoms of Students," *AAUP Bulletin*, Summer 1968.

APPENDIX A. CONSULTANTS AND AUTHORS OF BACKGROUND PAPERS

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Jack Edens, Association of Student Governments.

David A. Henderson, Campus Affairs Vice-President, United States National Student Association.

Ralph Hetzel, Trustee, Pennsylvania State University.

Robert M. Hundley, Student, Columbia University.

Judson Jerome, Director, Center for Documentary Arts, Antioch Columbia (Antioch College at Columbia, Maryland).

David Johnson, Association of Student Governments.

Louis Joughin, Associate Secretary, American Association of University Professors.

Joseph F. Kauffman, President, Rhode Island College.

David A. Keene, National Chairman, Young Americans for Freedom.

Kenneth Keniston, Professor of Psychology, School of Medicine, Yale University.

Clark Kerr, Chairman, Carnegie Commission on Higher Education.

David J. Langston, Student, Columbia University.

Seymour Martin Lipset, Professor of Government and Social Relations, Harvard University.

Dean, E. McHenry, Chancellor, University of California, Santa Cruz.

Steven Muller, Vice-President for Public Affairs, Cornell University.

John A. Peoples, Jr., President, Jackson State College.

Richard E. Peterson, Research Psychologist, Educational Testing Service.

Samuel D. Proctor, Professor, Graduate School of Education, Rutgers University.

Roger Rapoport, Former Editor, *The Michigan Daily*, University of Michigan.

Marcus Raskin, Co-Director, Institute for Policy Studies; Trustee, Antioch College.

Morton A. Rauh, Vice-President, Antioch College.

William M. Roth, Trustee, University of California.

Peter Schrag, Editor, *Change*.

Edward Schwartz, Former President, United States National Student Association.

Charles E. Shepard, Student, Northwestern University.

Andrew Sidell, Student Body President, Pratt Institute of Technology.

Charles Sutton, Association of Student Governments.

Ian M. Thompson, Durango, Colorado.

Steven J. Tonsor, Associate Professor of History, University of Michigan.

David Wanser, Association of Student Governments.

Harris L. Wofford, Jr., President, State University of New York, College at Old Westbury.

Gwendolyn Patton Woods, National Coordinator, National Association of Black Students.

E. William Ziebarth, Dean, College of Liberal Arts, University of Minnesota; Trustee, Macalester College.

J. L. Zwingle, Executive Vice-President, Association of Governing Boards of Universities and Colleges.

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APPENDIX B.—STATISTICAL TABLES ON CAMPUS UNREST, 1968-69

TABLE 1.—PROTEST ISSUES AT INSTITUTIONS EXPERIENCING INCIDENTS OF VIOLENT OR NONVIOLENT DISRUPTIVE PROTEST: 1968-69 ACADEMIC YEAR

[Weighted population estimates]

Protest issue	Among institutions experiencing violent protests (N=145)		Among institutions experiencing nonviolent disruptive protests (N=379)	
	N	Percent	N	Percent
1. U.S. military policy (e.g., Vietnam, CBW, ABM)	56	38.6	144	38.0
2. Selective service policy	40	27.6	88	23.2
3. ROTC programs	55	37.9	65	17.1
4. On-campus military or Government research	43	29.6	40	10.6
5. On-campus recruiting by Government or industry	52	35.9	114	30.1
Total, war-related issues (1-5)	71	49.0	194	51.2
6. Institutional services (e.g., food and medical services, housing and recreation facilities)	45	31.0	105	27.7
7. Institutional parietal rules (e.g., dress, dormitory regulations, drinking, sex, required attendance at school functions)	20	13.8	136	35.9
8. Institutional student disciplinary practices	67	46.2	102	26.9
9. Instructional procedures (e.g., class size, quality of instruction, grading system, student evaluation)	36	24.8	125	33.0
10. Tuition charges and fees	17	11.7	36	9.5
Total, services to students issues (6, 9, 10)	64	44.1	193	50.9
11. Special educational programs for minority groups (e g., black studies, compe tory programs)	96	66.2	194	51.2
12. Special admissions policies for minority groups	55	37.9	97	25.6
Total, minority group students issues (11-12)	101	69.1	196	51.7
13. Civil rights (e.g., desegregation, voter registration)	7	4.8	17	4.5
14. Labor problems (e.g., wages, benefits, unionization)	28	19.3	10	2.6
15. Administrative indifference or inaction concerning local community problems	61	42.1	29	7.6
Total, off-campus issues (1-5; 13-15)	102	70.3	214	56.5
16. Police brutality	37	25.5	13	3.4
17. Requests or demands of amnesty	46	31.7	50	13.2
18. Administrative indifference or inaction concerning previous protest grievances	63	43.4	106	28.0

APPENDIX B.—STATISTICAL TABLES ON CAMPUS UNREST, 1968-69—Continued

TABLE 1.—PROTEST ISSUES AT INSTITUTIONS EXPERIENCING INCIDENTS OF VIOLENT OR NONVIOLENT DISRUPTIVE PROTEST: 1968-69 ACADEMIC YEAR—Continued

[Weighted population estimates]

Protest issue	Among institutions experiencing violent protests (N=145)		Among institutions experiencing nonviolent disruptive protests (N=379)	
	N	Percent	N	Percent
19. Administrative response to previous protests	45	31.0	67	17.7
20. Mourning for students or others killed or wounded	22	15.2	34	9.0
Total, secondary issues (16-20)	96	66.2	157	41.4
21. Student participation in decisionmaking (e.g., inclusion on committees)	78	53.8	147	38.8
22. Free expression (e.g., censorship of publications, exclusion of "controversial" speakers)	19	13.1	51	13.5
23. Faculty (e.g., academic freedom, hiring, tenure)	51	35.2	65	17.1
Total, student power issues (7, 8, 21-23)	113	77.9	283	74.7
24. Other	30	20.7	60	15.8
Grand total (1-24)	145	100.0	379	100.0

Source: Office of Research, American Council on Education.

TABLE 2.—IMMEDIATE OUTCOMES OF PROTEST INCIDENTS ON CAMPUSES EXPERIENCING VIOLENT OR NONVIOLENT DISRUPTIVE PROTEST: 1968-69 ACADEMIC YEAR

[Weighted population estimates]

Direct results and consequences	Among 145 institutions experiencing violent protests		Among 379 institutions experiencing nonviolent disruptive protests	
	N	Percent	N	Percent
1. National Guard called in	2	1.4	0	0
2. Off-campus police called in	80	55.2	45	11.9
3. One or more persons killed	8	5.5	0	0
4. Some persons injured	45	31.0	0	0
5. Some protesters arrested	82	56.6	19	5.0
6. Some protesters indicted	37	25.5	10	2.6
Total, civil action against individual students (5-6)	87	60.0	24	6.3
7. Temporary restraining order or court injunction obtained	28	19.3	25	6.6
8. Classes suspended	60	41.4	42	11.1
9. National press or television coverage given to protest	69	47.6	143	37.7
10. Administration or faculty negotiated issues with demonstrators	90	62.1	316	83.4
11. Formal statement issued by faculty in support of protesters	43	29.6	67	17.7
12. One or more students dismissed or expelled	21	14.5	19	5.0
13. Some students suspended or put on probation	48	33.1	69	18.2
14. Formal student reprimands issued	52	35.8	41	10.8
15. Financial assistance withdrawn from some protesters	13	9.0	6	1.6
Total, major institutional discipline against individual students (12, 13, 15)	56	38.6	80	21.1
Total, either civil or institutional action against individual students (5, 6, 12, 13, 15)	109	75.2	84	22.2
16. Some faculty or administrators resigned as a result of the protest	13	9.0	2	.5
17. Other	23	15.9	29	7.6

Source: Office of Research, American Council on Education.

TABLE 3.—INSTITUTIONAL CHANGES AS RELATED TO MAJOR INCIDENTS OF CAMPUS PROTEST, 1968-69 ACADEMIC YEAR

[Weighted population estimates]

Changes	As a direct result of protest incident				Not as a direct result of protest incident					
	On campuses experiencing violent protests (N=145)		On campuses experiencing nonviolent disruptive protests (N=379)		On campuses experiencing violent protests (N=145)		On campuses experiencing nonviolent disruptive protests (N=379)		On campuses not experiencing violent or nonviolent disruptive protests (N=1818)	
	N	Percent	N	Percent	N	Percent	N	Percent	N	Percent
1. Establishment of black studies program or department	68	46.9	34	9.0	44	30.3	186	49.1	324	17.8
2. Institution of other curriculum changes	32	22.1	74	19.5	86	59.3	218	57.5	749	41.2
3. Institution of special admissions policies for minority group members	23	15.9	19	5.0	38	26.2	76	20.1	155	8.5
Total, changes in racial policies (1, 3)	80	55.2	42	11.1	61	42.1	202	53.3	424	23.3
4. Liberalization of parietal rules	8	5.5	47	12.4	78	53.8	156	41.2	448	24.6
5. Changes in institutional rules and regulations governing students	17	11.7	54	14.2	79	54.5	187	49.3	746	41.0
6. Provision to students of greater voice or representation on existing committees	33	22.8	69	18.2	81	55.9	194	51.2	823	45.3
Total, changes in student power (4-6)	37	25.5	118	31.1	104	71.7	258	68.1	1,062	58.4
7. Formation of new committees or study groups on campus	78	53.8	131	34.6	89	61.4	145	38.3	604	33.2
8. Termination of ROTC program	4	2.8	2	.5	0	0	0	0	3	.2
9. Changes in ROTC program, such as making it elective	16	11.0	14	3.7	4	2.8	16	4.2	19	1.0
10. Discontinuation of some campus research for the military	0	0	0	0	2	1.4	2	.5	0	0
11. Prohibition of on-campus recruiting for some organizations	6	4.1	12	3.2	0	0	0	0	11	.6
Total, substantive institutional changes (1-6, 8-11)	104	71.7	204	53.8	116	80.0	336	88.6	1,128	62.0
12. Other	13	9.0	31	8.2	5	3.4	5	1.3	36	2.0

Source: Office of Research, American Council on Education.

TABLE 4.—INSTITUTIONAL SIZE AND INCIDENCE OF VIOLENT AND NONVIOLENT DISRUPTIVE PROTEST BY TYPE OF INSTITUTION

[Weighted population estimates]

	2-Year colleges			4-Year colleges			Universities		
Enrollment	N	Percent with violent protest	Percent with nonviolent disruptive protest	N	Percent with violent protest	Percent with nonviolent disruptive protest	N	Percent with violent protest	Percent with nonviolent disruptive protest
Under 500	224	0	0	129	3.1	4.7	54	0	0
500 to 999	169	0	0	394	2.5	17.5			
1,000 to 5,000	303	4.3	2.6	591	5.4	23.5	29	13.8	69.0
Over 5,000	68	16.2	35.3	159	13.8	23.9	222	22.1	42.0
Total	764	3.1	4.2	1,273	5.3	19.8	305	17.4	31.1

Source: Office of Research, American Council on Education.

TABLE 5.—INSTITUTIONAL SELECTIVITY AND INCIDENCE OF VIOLENT AND NONVIOLENT DISRUPTIVE PROTEST BY TYPE OF INSTITUTION

[Weighted population estimates]

	2-Year colleges			4-Year colleges			Universities		
Selectivity level	N	Percent with violent protest	Percent with nonviolent disruptive protest	N	Percent with violent protest	Percent with nonviolent disruptive protest	N	Percent with violent protest	Percent with nonviolent disruptive protest
Low	608	3.0	5.2	307	3.9	14.0	72	0	0
Low intermediate	150	4.0	0	362	5.2	7.0	51	11.8	5.8
High intermediate	6	0	0	454	4.2	28.2	124	19.4	53.2
High				150	12.0	37.3	58	39.7	44.8
Total	764	3.1	4.2	1,273	5.3	19.8	305	17.4	31.1

Note: The institutional selectivity score is the median standardized score on the ACT, SAT, or National Merit Scholarship Qualifying Test for students entering each U.S. college or university. These scores are coded into seven broad categories of institutional selectivity. For further specification of data sources and procedures, see Alexander W. Astin, "Predicting Success in College" (New York: Free Press, forthcoming).

Source: Office of Research, American Council on Education.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Whalen (at the request of Mr. Gerald R. Ford), for May 11 through May 19, on account of official business.

Mr. Frelinghuysen (at the request of Mr. Gerald R. Ford), for May 11 through May 19, on account of official business.

Mr. Reid of New York (at the request of Mr. Gerald R. Ford), for May 11 through May 19, on account of official business.

Mr. Morse of Massachusetts (at the request of Mr. Gerald R. Ford), for May 11 through May 19, on account of official business.

Mr. Mosher (at the request of Mr. Gerald R. Ford), for May 11 through May 19, on account of official business.

Mr. Patten (at the request of Mr. Albert), for today, on account of official business.

Mr. Pepper (at the request of Mr. Addabbo), for Monday, May 11, on account of official business.

Mr. Matsunaga (at the request of Mr. Boggs), for today, on account of official business.

Mr. Yatron (at the request of Mr. McCormack), for May 11 through May 14, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Pucinski, for 30 minutes, today.

(The following Members (at the request of Mr. Sebelius) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Bush, for 5 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Alexander), to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Hamilton, for 10 minutes, today.

Mr. Charles H. Wilson, for 20 minutes, today.

Mr. Alexander, for 30 minutes, today.

Mr. Ryan, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gross to extend his remarks following the President's message on the International Coffee Agreement today.

(The following Members (at the request of Mr. Sebelius) and to include extraneous matter:)

Mr. Burke of Florida in two instances.
Mr. Fish.
Mr. Buchanan.
Mr. Burton of Utah in five instances.
Mr. Arends.
Mr. Ayres.
Mr. Foreman.
Mr. Kleppe.
Mr. Hunt.
Mr. Roudebush in two instances.
Mr. Ashbrook in two instances.
Mr. Scherle.
Mr. Anderson of Illinois.
Mr. Minshall in two instances.
Mr. Lukens in two instances.
Mrs. Heckler of Massachusetts in four instances.
Mr. Price of Texas in two instances.
Mr. Wyman in three instances.
Mr. Schwengel.
Mr. Wyatt.
Mr. Derwinski in two instances.
Mr. Broyhill of Virginia in two instances.
Mr. Hall.
Mr. Quillen in four instances.
Mr. Esch.
Mr. Hogan.
Mr. Hosmer in two instances.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Farbstein in two instances.
Mr. Ottinger in two instances.
Mr. McFall.
Mr. Daddario in five instances.
Mr. Brown of California in 10 instances.
Mr. Gonzalez in two instances.
Mr. Brinkley in two instances.
Mr. Gallagher in two instances.
Mr. Ichord.
Mr. Johnson of California in two instances.
Mr. Rooney of New York.
Mr. Vanik in two instances.
Mr. Rarick in three instances.
Mr. Flowers in three instances.
Mr. McCarthy in three instances.
Mr. Anderson of California in three instances.
Mr. O'Hara.
Mr. Friedel in two instances.
Mr. Dingell in two instances.
Mr. Brasco.
Mr. Moorhead in four instances.
Mr. Rodino in two instances.
Mr. O'Neill of Massachusetts in two instances.
Mr. Feighan in two instances.
Mr. Green of Pennsylvania in two instances.
Mr. Fraser in seven instances.
Mr. Hathaway.
Mr. Ryan in three instances.
Mr. Hagan in two instances.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona;

H.R. 15694. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard;

H.R. 15945. An act to authorize appropriations for certain maritime programs of the Department of Commerce; and

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4869. To further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona;

H.R. 15694. To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard;

H.R. 15945. To authorize appropriations for certain maritime programs of the Department of Commerce; and

H.R. 15980. To make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

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ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 12, 1970 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers table and referred as follows:

2042. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 3, 1970, submitting a report, together with accompanying papers and illustrations, on Mobile Harbor, Ala. (Theodore Ship Channel), in partial response to a resolution of the Committee on Public Works, House of Representatives, adopted June 24, 1965 (H. Doc. No. 91–335); to the Committee on Public Works and ordered to be printed, with illustrations.

2043. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of the estimated value of certain support furnished from military functions appropriations for the third quarter of fiscal year 1970, pursuant to the provisions of section 638 of Public Law 91–171; to the Committee on Appropriations.

2044. A letter from the Secretaries of Agriculture and the Army, transmitting notification of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and national forest lands at Monroe Reservoir and Cannelton locks and dam projects in Indiana, pursuant to the provisions of 16 U.S.C. 505a and 505b; to the Committee on Agriculture.

2045. A letter from the General Sales Manager, Export Marketing Service, Department of Agriculture, transmitting a report of agreements signed for foreign currencies under Public Law 480 during March and April, 1970, pursuant to the provisions of Public Law 85–128; to the Committee on Agriculture.

2046. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report that no advances were authorized to the Lower Colorado River Basin development fund during fiscal year 1969, pursuant to the provisions of section 404 of Public Law 90–537; to the Committee on Interior and Insular Affairs.

2047. A letter from the Legislative Counsel, Department of the Interior, transmitting a revision in the letters accompanying two drafts of proposed legislation; to the Committee on Interior and Insular Affairs.

2048. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion in docket No. 153, *The Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, et al., the Sac and Fox Tribe of Indians of Oklahoma, et al., Plaintiffs* v. *the United States of America, Defendant*, pursuant to the provisions of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

2049. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend sections 2734a(a) and 2734b(a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2050. A letter from the Comptroller General of the United States, transmitting a report on Federal grants awarded for constructing waste treatment facilities which benefit industrial users, Federal Water Quality Administration, Department of the Interior; to the Committee on Government Operations.

2051. A letter from the Comptroller General of the United States, transmitting a report on questionable claims under the medicaid program for the care of persons in State institutions for the mentally retarded in California, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted May 8, 1970*]

Mr. BOLLING: Committee on Rules. House Resolution 994. H.R. 17548, a bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1063). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9017. A bill to permit the District of Columbia Council to make rules and regulations under the Alcoholic Beverage Control Act, and for other purposes; with amendments (Rept. No. 91–1064). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 15033. A bill to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; with amendments (Rept. No. 91–1065). Referred to the House Calendar.

Mr. DAWSON: Committee on Government Operations. House Resolution 960. Resolution to disapprove Reorganization Plan No. 2 (Rept. No. 91–1066). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 11, 1970*]

Mr. KASTENMEIER: Committee on the Judiciary. S. 2624. An Act to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes; with amendments (Rept. No. 91–1067). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 14306. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 91–1069). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 13469. A bill for the relief of John R. Gosnell; with amendments (Rept. No. 91–1068). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 14449. A bill for the relief of Eugene M. Sims, Sr. (Rept. No. 91–1070). Referred to the Committee of the Whole House.

Mr. COUGHLIN: Committee on the Judiciary. H.R. 4983. A bill for the relief of James M. Buster; with amendments (Rept. No. 91–1071). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 17549. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 17550. A bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 17551. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. COWGER (for himself, Mr. Pirnie, Mr. Minshall, Mr. Ruppe, Mr. Dent, Mr. Garmatz, Mr. Rees, Mr. Derwinski, Mr. Don H. Clausen, Mr. Fulton of Tennessee, Mr. Blanton, Mr. Mize, Mr. Brademas, Mr. Nichols, Mr. Bevill, and Mr. Flowers):

H.R. 17552. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. BIESTER:

H.R. 17553. A bill to amend the National Security Act of 1947 to add two Members of Congress to the National Security Council; to the Committee on Armed Services.

By Mr. FLOOD:

H.R. 17554. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWKINS (for himself, Mr. Reid of New York, Mr. Dent, Mr. Burton of California, Mr. Stokes, Mr. Clay, Mr. Powell, Mr. Carey, Mr. Scheuer, Mr. Hathaway, Mr. O'Hara, Mrs. Chisholm, Mr. Corman, Mr. Edwards of California, Mr. Anderson of California, Mr. Brown of California, Mr. Cohelan, Mr. Dawson, Mr. Halpern, Mr. Roybal, Mr. Van Deerlin, and Mr. Kastenmeier):

H.R. 17555. A bill to further promote equal employment opportunities for American workers; to the Committee on Education and Labor.

By Mr. MINSHALL:

H.R. 17556. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. PATMAN (for himself and Mr. Rogers of Colorado):

H.R. 17557. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. RIVERS:

H.R. 17558. A bill to amend titles 10 and 32, United States Code, to revise the promotion system for certain officers of the Reserve components of the Army; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 17559. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

H.R. 17560. A bill to authorize the U.S. Commissioner of Education to establish education programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

H.R. 17561. A bill to authorize the secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

H.R. 17562. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 17563. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 17564. A bill to amend title 38, United States Code, to clarify the meaning of the term "claim" as used therein; to the Committee on Veterans' Affairs.

By Mr. CHARLES H. WILSON (for himself, Mr. Anderson of California, Mr. Bingham, Mr. Brown of California, Mr. Button, Mr. Carey, Mr. Dent, Mr. Derwinski, Mr. Edwards of California, Mr. Flood, Mr. Giaimo, Mr. Gilbert, Mr. Halpern, Mr. Hanna, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Kastenmeier, Mr. Koch, Mr. Leggett, and Mr. McCarthy):

H.R. 17565. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON (for himself, Mr. Matsunaga, Mr. Meskill, Mr. Minish, Mr. Moorhead, Mr. Moss, Mr. Nedzi, Mr. Ottinger, Mr. Patten, Mr. Pollock, Mr. Rees, Mr. Reid of New York, Mr. Rosenthal, Mr. Roybal, Mr. Ruppe, Mr. St Germain, Mr. Scheuer, Mr. Shipley, Mr. Stokes, and Mr. Tiernan):

H.R. 17566. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON (for himself, Mr. Tunney, Mr. Van Deerlin, Mr. Wright, Mr. Wydler, and Mr. Johnson of California):

H.R. 17567. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 17568. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 17569. A bill to provide for the regulation of present and future surface and strip mining, for the conservation, acquisition, and reclamation of surface and strip miner areas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JARMAN:

H.R. 17570. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHWENGEL:

H.R. 17571. A bill to exempt from certain deep-draft safety statutes passenger vessels operating solely on the inland rivers and waterways; to the Committee on Merchant Marine and Fisheries.

H.R. 17572. A bill to amend the act of July 26, 1956, to give the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill., and for other purposes; to the Committee on Public Works.

By Mr. SPRINGER:

H.R. 17573. A bill to extend for 1 year the act of September 30, 1965, relating to high-speed ground transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 17574. A bill to extend the provisions of title XIII of the Federal Aviation Act of 1958 relating to war risk insurance; to the Committee on Interstate ond Foreign Commerce.

By Mr. MESKILL:

H.J. Res. 1227. A joint resolution designating July 12, 1970, as "Salute to Armed Forces in Vietnam Day"; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.J. Res. 1228. Joint resolution designating the first Sunday in June of each year as "National Shut-Ins' Day"; to the Committee on the Judiciary.

By Mr. PELLY:

H. Con. Res. 607. Concurrent resolution, the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. THOMSON of Wisconsin:

H. Con. Res. 608. Concurrent resolution expressing the sense of Congress regarding troop withdrawals from Vietnam and Cambodia, national policy in Southeast Asia and congressional responsibility for consultation with the President in all matters of war and peace; to the Committee on Foreign Affairs.

By Mr. MOORHEAD:

H. Con. Res. 609. Concurrent resolution on the Middle East; to the Committee on Foreign Affairs.

By Mr. CHAMBERLAIN:

H. Res. 996. Resolution amending the Rules of the House of Representatives to prohibit the election of a Member of the House as chairman of any standing committee if he has attained the age of 70 years; to the Committee on Rules.

By Mr. HULL:

H. Res. 997. Resolution to authorize a select committee of the House to study firsthand the recent developments in Southeast Asia and then report its findings to the House of Representatives within 30 days of its adoption; to the Committee on Rules.

By Mr. KARTH:

H. Res. 998. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York:

H. Res. 999. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE (for himself, Mr. McCloskey, Mr. Edwards of California, Mr. Hechler of West Virginia, Mr. Howard, Mr. Karth, Mr. Koch, Mr. Leggett, Mr. Ottinger, Mr. Rees, Mr. Reuss, Mr. Rosenthal, Mr. Tiernan, Mr. Tunney, and Mr. Waldie):

H. Res. 1000. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ROTH (for himself, Mr. Adair, Mr. Langen, Mrs. Green of Oregon, Mr. Brown of Michigan, Mr. Don H. Clausen, Mr. Rees, and Mr. Horton):

H. Res. 1001. Resolution expressing the support of the House of Representatives with respect to the Strategic Arms Limitation Talks, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ULLMAN:

H. Res. 1002. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

378. By the SPEAKER: A memorial of the Legislature of the State of New York, relative to the use of lands in Fort Totten, N.Y., for hospital facilities and park and recreation purposes; to the Committee on Armed Services.

379. Also a memorial of the Senate of the State of Hawaii, relative to Cambodia; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

474. By the SPEAKER: Petition of the Boston Housing Authority, Boston, Mass.,

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relative to the war in Southeast Asia and national priorities; to the Committee on Appropriations.

475. Also, petition of a meeting of the faculty, students, and staff of the Department of City and Regional Planning, University of North Carolina at Chapel Hill, relative to the war in Indochina; to the Committee on Foreign Affairs.

476. Also, petition of the Board of Supervisors, County of Los Angeles, Calif., relative to Cambodia; to the Committee on Foreign Affairs.

477. Also, petition of the 12th district, Department of Louisiana, Veterans of Foreign Wars of the United States, relative to support of the President's actions on Cambodia; to the Committee on Foreign Affairs.

478. Also, petition of Norman M. Gelfand, et al., Chicago, Ill., relative to impeachment of the President of the United States; to the Committee on the Judiciary.

479. Also, petition of the Canaveral Port Authority, Port Canaveral, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

EXTENSIONS OF REMARKS

THE OUTLOOK FOR A MORE DYNAMIC TRANSPORT ACTION SYSTEM

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. HALL. Mr. Speaker, on May 5, 1970, Mr. Robert E. Redding, the Housing Director in the Office of Facilitation located within the Department of Transportation spoke before the Middle West Shipper-Motor Carrier conference in Springfield, Mo. Mr. Redding's speech entitled, "The Outlook for a More Dynamic Transport Action System," sets forth the ideas and policies the Nixon administration is proposing and implementing, so as to provide the United States with an efficient transportation system. I certainly feel Mr. Redding's remarks merit the attention of both the House of Representatives and the American public.

The text follows:

THE OUTLOOK FOR A MORE DYNAMIC TRANSPORT ACTION SYSTEM

I

When President Nixon on March 26 approved the official observance of National Transportation Week, to be observed later this month, its significance to the nation's economy took on new meaning.

Transportation becomes even more impressive when you realize that 13 percent of the nation's work force is engaged in some form of transport-related business. Significant also is the fact that some 20 percent of the nation's Gross National Product emanates from transportation goods and services!

A few years ago, some 10 percent of our total U.S. net civilian investment was in privately owned transportation facilities. It is estimated that public and private investment today amounts to more than one-half trillion dollars.

What a wonderful tribute it is to private enterprise that the world's finest transportation system exists in a nation—our very own—which possesses the world's only privately owned and operated inter-city transportation system!

Yet, as Transportation Secretary John Volpe says, "We are suddenly aware that our transportation system is not good enough. We have now come face to face with the inescapable fact that there is a vital public responsibility in this traditionally autonomous industry."

The Department of Transportation was established in April 1967 to develop an efficient, economical and safe national transportation system. That is quite an order.

And I doubt that anyone in those early months of the Department fully realized the broad dimensions of such a task. In fact, much of our effort in the last three years has been consumed by the simple need to define the properties of a national system.

We studied present transport operations and projected future needs. We developed policies which give direction to planning a total and balanced transportation system.

And we have now reached the point where systems implementation must begin—where we must apply our knowledge to produce constructive change.

As we enter the decade of the Seventies, we are prone to think of "technology" in rather glamorous terms. After all, we just left a ten-year period which included development of the space ship, the jumbo jet, the laser, and the mini-skirt.

The Seventies will, no doubt, contain similar advancements. But if we are to really begin putting the pieces of our transportation system together, the next ten years will have to produce some comparatively pedestrian advances—such as automatic signalling devices, rapid excavation equipment, and safer highway guard rails.

II

By far the largest portion of the transportation services we use in this country is provided by highways.

In 1968, the latest year on which we have information, total transportation costs throughout the nation were $171 billion—highways accounted for $142 billion, or *83 percent of the total.*

Breaking it down further, we find that truck movements account for $55 billion, or 73 percent of the total transportation freight bill, while movements by automobile and bus account for $87 billion, or 90 percent of the cost of passenger transport.

In intercity travel in 1969, it is estimated that of 1,130 billion person miles of travel, 977 billion were by automobile and 26 billion by bus, for a total of 1,003 billion, or 88 percent of the intercity total. Air travel was second with less than 10 percent of the total.

Urban areas are almost totally dependent on highway transportation. In 1968, in urban areas of more than 50,000 population, over 97 percent of all persons miles of travel were by highway vehicle.

In smaller urban areas the proportion of travel by highway is practically 100 percent.

In the movement of goods, virtually all movement within urban areas is by truck. In intercity movement, highway transportation is larger than many realize. Of a total of some 1,850 billion ton miles of goods movement in 1968, 430 billion, or about 23 percent, were by truck. Rail movement, with its longer haul distances, accounted for 41 percent.

However, the value of truck transportation is considerably greater in proportion, as indicated by the fact that regulated and private truck carriers together accounted for 73 percent of the freight transportation bill.

In presenting these figures, I do not mean to minimize the contributions of any of the other modes in our transportation system. All of the transport modes are needed to provide the mobility of people and goods our nation requires, and each of the modes should be encouraged to do the job it does best as complementary—not competing—elements of the total transportation system.

But, the figures are evidence of the fact that within our national transportation system, highways are the predominant mode. They provide the overwhelming proportion of the transportation services used by Americans today. They are the backbone of our whole mobility network.

There is every reason, also, to believe that highways will continue to be the predominant mode in the future. There is no alternative in sight which can provide either the volume or the variety of transportation services which are so indispensable to the way of life we Americans have chosen.

Motor vehicle travel now exceeds a trillion vehicle miles a year, and is expected to reach 1.5 trillion miles in 1985, or about a 50 percent increase in 15 years. This would follow a 100 percent increase in the preceding similar period of time.

This gives some indication of the dimensions of the challenge facing the highway program.

III

Our Federal Highway Administrator recently told Congress that the motorist driving on the Interstate Highway System "is probably the only taxpayer who gets his dollar back, with interest."

In the DOT stewardship report to Congress, the following major accomplishments and contributions were listed:

A relocation housing program that assures persons forced to move because of highway improvements decent, safe and sanitary housing. This means better housing for some 25,000 families annually.

Training programs which lead to permanent jobs for more than 60 per cent of the minority persons who participate.

A nation-wide planning program which has helped 233 urban areas of 50,000 population or more to achieve comprehensive plans for their communities.

A renewed emphasis on highway safety. Every 1,000 miles of Interstate highway opened to traffic means 200 fewer traffic deaths had older roads been used. Also, a special "spot safety improvement" program of the past few years has seen 7,158 projects costing $1.06 billion completed. At the same time, the States, with their own funding, have improved some 18,500 such spots. These are small projects which produce dramatic reductions in accidents.

A survey of all bridges in the Nation and establishment of national inspection standards for these bridges. Programs to train bridge inspectors are underway.

A number of transit improvement projects, ranging from exclusive bus lanes and extra median width for rapid transit facilities to a series of special feasibility studies and an urban corridor demonstration program are being conducted jointly with the Urban Mass Transportation Administration.

Twelve percent of all highway program funds now are directly associated with social and environmental factors and at least that much again is indirectly concerned with environment.

The Department of Transportation, under Secretary Volpe, is setting the pace. We are working to bring about a new vitality, a new concern, a new dedication.

IV

I would now like to conclude my remarks today with a brief description of my Office of Facilitation which is responsible to DOT

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Assistant Secretary for Policy and International Affairs, Charles D. Baker.

It is our responsibility to assist the Secretary of Transportation, in carrying out the statutory mandate of the Transportation Act of 1966, "to facilitate the development and improvement of coordinated transportation service, to be provided by private enterprise to the maximum extent feasible. . ." This means that we shall help to develop and implement policies, practices, and procedures to expedite, to the maximum degree consistent with the public interest, the flow of domestic and international commerce, including the vitally important containerization resources.

We have recently tried to develop a description of our planned activities in terminology readily understandable to the general public, which includes the following aims and objectives:

Prevent unnecessary delays to passengers, baggage, cargo, mail, equipment, and crews;

Provide optimum ease and more reliable connections for passenger traffic;

Reduce paperwork volume and documentation costs for industry and government;

Realize more efficient, secure, and economical storage and transportation services to shippers at lowest total cost;

Enhance reliability and schedule regularity of common-carrier services;

Shorten elapsed transit time for domestic and international traffic;

Enlarge the capacity to handle domestic and international passenger and cargo traffic;

Increase the productive use of commercial vehicles;

Stimulate continued technological improvements in transport services;

Accomplish more productive utilization of carrier, terminal and government personnel;

Improve transportation of domestic and international mail;

Promote exports from the United States; and

Foster foreign tourism to the United States.

In a realistic sense, the challenge to the Office of Facilitation is to become an ACTION OFFICE, in facing the container problems of today, and helping provide leadership to solve them. Government stands ready to participate actively on the firing line, and I am proud to serve on the Department of Transportation team.

Our 1970 facilitation program includes a 30-point package of problems, grouped into general categories of passenger and baggage facilitation, cargo terminal congestion, documentation management, intermodal transportation management, including container problems, facilitation education, and several additional projects including cargo security and the Trade Simplification Act.

Our basic plan oriented to "getting results," is to apply an *ad hoc* approach to each of these areas, using various techniques of implementation which can best be applied. We shall attack these facilitation areas with in-house two-man coordination teams, supplemented by selective task forces, research studies, consultant support, and the educational and promotional values we foresee from our National Transportation Facilitation Committee.

We shall invite and ecourage the interested industry groups to develop facilitation committees in order that we may have their latest thinking as to *factual input, needs, desirable programs, and proposed solutions* in the weeks and months ahead. We will share the responsibility and whatever credit is due, not only with the private enterprise sector, but also with international, Federal, State, and local government interests. We contemplate our responsibility to be coordination *in fact,* not in name only.

The dictionary is the only place where "success" comes before "work"—we have much work ahead!

If I had to pick two overriding concerns which will have the most influence on our systems development and technology in the Seventies, they would be safety and environment. These two elements are relative to all modes. They are basic to this Administration's stated goal of improving the quality of life. They are basic to the Department's goal of improving the quality of transportation—of making transportation responsive to the needs of the people.

As we enter a new decade—we enter it running. We will be building—adapting—growing—planning—and building some more. I believe that, with your help, we can and will have that transportation system which is safe, economical and efficient, and will adequately serve the needs of our citizens.

A "NO" VOTE ON DIRECT ELECTION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. CLAY. Mr. Speaker, since consideration of electoral reform by the House of Representatives and subsequent passage of legislation for direct election of the President, I have continuously and consistently opposed this reform. When I was invited to present my case before the Senate Judiciary Committee in its latest public hearings, April 15, I accepted—in order that I might once again document my case against direct election.

My concern runs deep and my conviction is sincere. At this point in the crucial consideration of electoral reform by the Senate, I again request audience for my views. It is my hope that my Senate and House colleagues will examine my position and consider my thoughts as they formulate final positions on electoral reform.

The testimony I presented before the Senate Judiciary Committee follows:

STATEMENT BY HON. WILLIAM L. CLAY

Mr. Chairman: My opposition to the proposed "direct election of the President", simply stated, is predicated on the conclusion that such a system will inhibit the political influence of minority groups.

It is uncanny that the "burden of proof" in this debate—has been assigned to those of us who defend the electoral system which has served us well—and that the proponents of such sweeping reform as "direct election"—which is untried and necessarily unproven, do not discuss the "need" for change, but only change itself.

Direct election spokesmen recommend abolition of the electoral system solely because they fear the possibility of it failing us. But when I express my "fear" that direct election forecasts the demise of the two-party system, I am dismissed with some "reasonable assurance" that my fears are totally unwarranted.

I take no real pleasure in opposing my liberal colleagues on this issue—but the mere fact that most liberals hold a view contrary to mine in no way affects the validity of my argument. Truth does not demand unanimous acceptance or majority approval.

I firmly believe that the direct popular vote would inhibit the political influence of minority groups. The present system maximizes the importance of urban regions and especially of the high cohesion minority groups. The black vote presently and potentially registered—is more effectively applied within the two-party system which has evolved from the electoral system. And I am convinced—that the minority vote would likely follow a separationist trend without the cohesive influence of that electoral system.

The electoral system is not an archaic appendix—it cannot be removed without inducting grave problems throughout the entire governmental structure. Much of our system of political balances and alignment has evolved around it, and its sudden removal will create dangerous consequences for all the remaining parts.

Proponents of direct popular vote contend that the "one-man, one-vote" is a basic principle of democracy which must be extended to the office of the Presidency. I sharply disagree and vigorously oppose any effort to alter one of the checks or balances of government without relating it to the total system of checks and balances.

Extension of the one-man, one-vote theory to the election of the President totally ignores the problem of voter registration, voter qualifications and a surveillance of the casting of between 70 and 90 million votes, any of which are likely to be contested if we place this premium on one vote.

The futility of talk about the equality of each man's vote should be obvious—when each State will retain its jurisdiction to determine, within certain bounds, the eligibility and registration of voters—and when each State will continue to administer the election process.

Four States now provide for voting by citizens under the age of 21—Georgia and Kentucky at 18, Alaska at 19 and Hawaii at 20. Some votes in some States are cast and counted as honestly as possible—but in far too many instances, a vote is a result of a purchase, a deal, a steal or a calculated miscount. These realities cannot be shirked off in our search for pure democracy—when they color and distort the sanctity of the argument for the direct vote.

I resent the implication that the black man's vote in Mississippi—will suddenly become equal to the black man's vote in New York. Such a statement results only from naive theorists who concentrate on computer run-outs and ignore the realities of racism. The fact that many citizens are presently denied the right to vote is beyond dispute. The incentive, under a direct popular vote for the Presidency, to further deny voting rights in some States—makes the pious position for pure equality by direct voting even more ridiculous.

It has been pointed out that two votes in every precinct would have made Nixon the President in 1960, had the direct election been in operation. When you put that sort of premium on one vote—compound it with an absence of any federal uniform voting regulations—and fail to provide any reasonable means by which national surveillance of these votes would take place—it is an absurdity to speak of equalizing the citizen's vote.

I wholeheartedly support the position taken by Clarence Mitchell, director of the Washington Bureau of the NAACP—when he testified before the House Judiciary Committee this year. He stated:

"Such things as abolishing offices sought by Negro candidates, omitting names of registered Negroes from voting lists and disqualifying ballots cast by Negro voters on technical grounds are among the many devices used to restrict voting. Obviously, until the last vestiges of discrimination in voting have been eliminated, we dare not make sweeping changes in our method of electing the President."

As long as 2½ million black people are denied the right to vote in this country, it is not the extension of democracy but the ultimate in hypocrisy to talk about "one man, one vote".

The likelihood of division and splinter parties within an already divided American

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public would be encouraged by the direct popular vote. The factions of the present parties who do not compose the majority—but a large minority at their respective conventions and within their party structure—would likely feel compelled to strike out on their own to reap the sentiment which exists for their position and candidate. If it were unnecessary to win the individual States to win the Presidency, the mere possibility of winning by precluding another candidate's majority would prove too irresistible to pass up.

I believe, that in 1968, had the direct popular vote been utilized—Eugene McCarthy, Nelson Rockefeller, Ronald Reagan and George Wallace—would have campaigned under individual banners against Humphrey and Nixon.

It has been pointed out that the old political alignments which formed during the Roosevelt era are breaking down. Proponents of direct election use this premise to denounce the instinct of the two major parties to protect their traditional interests in his debate. Consequentially, direct election proponents see little substance to the concern of some Democrats for the "urban vote" or of some Republicans for the "rural vote." They carry it a step further and say direct election would serve as a healthy antidote to a special-interest oriented President—since the President would not really "know" who elected him.

This is a most politically naive argument. A President may not know who cast the votes—but a President will definitely know who paid the bills, who printed the brochures, who went into the field and canvassed and spoke in his behalf. As for the realignment of the political parties and their constituent structures—this is a testimony to the trend of factionalism outside and within the two parties which will lead us to a multi-party system under direct election.

The flinch of fear which provides the momentum for this proposed revision of the electoral system flows directly from the scare instilled in us by Wallace. But responding to this fear through an elimination of the electoral system in favor of the popular vote—will actually promote and reward the factionalism and sectional movements which now divide this Nation.

It is not an instinctive desire for unity—but a fear of losing all impact outside the two parties—which keeps this delicate machine together and which promotes compromise, cooperation, and accommodation of the diverse interests and views which must be reflected in the two major political parties. Give those factions the chance for impact outside the two parties—whether or not victory is a realistic objective—and commonsense dictates the development of many parties. I feel certain that a conservative, a liberal, and a black separatist party would spring forth.

These are the possibilities which should instill fear—if fear must be the guiding light for our decision on electoral reform. It is clearly the element of fear upon which the current popularity of the popular election rests—not understanding or analysis.

The most powerful objections to the electoral system arise from the present likelihood that human electors can deal and wrangle and not reflect the vote of the people—and that the House of Representatives, voting by States, can deal and wrangle and further distort the will of the people.

A system of direct election is not required to meet these objections. By removing the human element from the electoral system and revising the means whereby Congress proceeds if there is failure by one candidate to produce the required electoral votes, these objections will have been met.

I introduced legislation in the House providing that the electoral votes should be cast automatically for the winner of each State's popular vote, and that the entire Congress, with each member voting individually would, when necessary, determine the President and the Vice President. This Committee has such an alternative before it today.

To benignly presume that direct voting is the only way to purify democracy implies that there should be no "student councils" but total student governments; that there should be no Congress—but total American participation. It is the problem faced by the Greeks when they crowded the overflowing citizenry into the decision-making arena. The process became impractical and the result chaotic. To follow this one-man, one-vote argument into the upper house of our national legislative body would eliminate or severely alter the composition of the U.S. Senate. Why should Delaware or Alaska have two Senators when New York and California have only two?

The push for direct election does not reasonably assess the precarious structure of our federal system as it has served us these many years. There is only hope, and not reasonable assurance, that the transplant of popular election will not be instinctively rejected by the other moving parts. Unfortunately, the nature of our revision would preclude rejection of the popular election—but it would require that the other supporting parts undergo severe adaptations to support it.

If I were not deeply and sincerely concerned with this issue of electoral reform, and its potential for affecting the struggle of black citizens for equal rights and opportunities, I would not be before you here today. When "direct popular election" came before the House of Representatives September 18, 1969, I stood in opposition with only two other liberal-oriented colleagues among the 70 House members who voted against passage.

This effort to perfect our system by thinking in terms of pure democracy borders, in my opinion, on the realm of insanity. Democracy, to be meaningful, effective, and just,—must first be practical. To perfect the system of government and at the same time diminish or eliminate the voice of minorities within that system is a perfection we cannot afford.

POSTAL REFORM

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. **BURKE** of Florida. Mr. Speaker, a great deal of hot air, pro and con, about postal reform is now flowing out of Washington at the present time and the big question is: Will Congress vote to take the Post Office Department and put in into business for itself?

The President has made the promise that such a new arrangement will bring superior mail service.

Under the proposal, the new postal service that would emerge comes in a package with the 6-percent wage increase recently voted by the Congress and which is so needed by our postal workers, and if what is promised is true, it would give to postal workers greater job opportunities, civil service status, greater opportunity for promotions, better hours and working conditions.

It would seem that one of the chief advantages of the new U.S. postal service, as proposed would appeal to every taxpayer, and that is the promise that mail delivery will eventually be placed under a pay-as-you-go plan. If true, we could look forward to an end of the postal deficit that has resulted from the past failure to match postage rates with cost of mail delivery. It is noted, however, that the user will be expected to meet the cost of the service he demands and the taxpayer would ostensibly save the hundreds of millions of dollars he was forced to shell out in the past to insure the delivery of mail to others.

As proposed it is also argued that the new and independent postal service would be self-contained and post office professionals would have the authority needed to apply their personal skills. Employees would become unionized and engage in collective bargaining over wages, hours, and working conditions. If, however, things reached an impasse it would be resolved by binding arbitration which might preclude the possibility of further crippling strikes in the future.

In addition, the postman's civil service status would remain the same as the date of the law, with full benefits continued and he would be protected under the National Labor Relations Board.

As can be noted, however, Postmaster General Blount took the unusual initiative of introducing the controversial issue of both compulsory unionism and compulsory arbitration into the bill as an expedient to its passage. Opposition to compulsory unionism has been the Government policy for a long time and opposition to compulsory arbitration has been the forte of union members for just as long.

As a matter of fact, the Republican platform of 1968 states:

> Healthy private enterprise demands responsibility—by government, management and labor—to avoid the imposition of excessive costs or prices and to share with the consumer the benefits of increased productivity. It also demands responsibility in free collective bargaining, not only by labor and management, but also by those in government concerned with these sensitive relationships.

The Republican platform then further goes on to say:

> We will bar government coerced strike settlements that cynically disregard the public interest and accelerate inflation. We will again reduce government intervention in labor-management disputes to a minimum, keep government participation in channels defined by the Congress, and prevent backdoor intervention in the administration of labor laws.

It must be noted therefore, that the so-called "postal reform" bill will brew controversy as the Congress gets closer to making its final decision. The Congress may well have to decide whether it will choose between postal reform or freedom for the worker as well as preserving the right to free collective bargaining.

However it is organized, the Department itself would follow the pattern of NASA, the Federal Reserve, and SEC. It would no longer have Cabinet status and the Postmaster General—long a purely political figure—would be elected by a nine-member appointed commission and serve at their pleasure. He would be insulated from the present controls of the

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President, the Bureau of the Budget, and Congress.

It will be a nonprofit corporation and, hopefully, a nonloss one. The beginning will be costly since the new 14-percent, two-step pay raise would result in an estimated $2.5 billion deficit in 1971, but the proposed new postal rates will bring more than $1.5 billion over the next year which would help during the organizational and transfer period.

From my correspondence with postal employees in the District, I know that there is a new pride of service and determination by the postal workers to take the politics out of the Post Office and to make a success out of the politically free, businesslike type of operation.

But even though there are further inducements for the postal worker, since the time to reach the top step in each pay grade has been cut down to 8 years, there are still questions and doubts.

There certainly is no question that this postal reform bill is far reaching. It is innovative and it should streamline the outmoded procedures in this department of Government.

President Nixon states that it will "bring a new measure of fairness to the postal employees, a new efficiency to the system itself, and long overdue equity to the taxpayer."

It will be debated and studied and at the present time it appears that it will soon come to the 91st Congress for action, unless it is sidetracked.

What will the outcome be? It undoubtedly will not pass the House and the Senate in its present form since there are sure to be amendments.

Its final outcome is anybody's guess, but one thing is certain, it is bound to become very controversial before the yea or nay vote is requested.

ISRAEL'S 22D BIRTHDAY

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BRINKLEY. Mr. Speaker, the modern chronicle of the Hebrew Nation now covers 22 years. The most convincing reasons for assuring the continuing future of this beginning may be found in the pages of what many of us respectfully refer to as the Old Testament:

How excellent is that history!
How marvelous is Thy Name!

May I commend to the attention of my colleagues an editorial in today's Atlanta Constitution, published in Georgia's largest city, and another editorial in today's Columbus Enquirer, published in Georgia's second largest city. Both reflect the sincere sentiment of Georgians:

[From the Atlanta Constitution, May 11, 1970]

ISRAEL—AGE 22 TODAY

Today is the 22nd anniversary of the founding of the state of Israel.

The new government issued a hopeful proclamation at its founding, a call to the new nation's Arab neighbors.

"We extend the hand of peace and good neighborliness to the states around us and their peoples . . ." it read in part, continuing, "The State of Israel is prepared to make its contribution in a concerted effort to the advancement of the entire Middle East."

The new nation began with the support of the United Nations and the United States . . . and, at the beginning, the support of Russia. Those early hopeful words of the proclamation now ring hollow.

The Arab nations violently protested the formation of a Jewish state in the Middle East. That protest has been translated into war and continuing incidents of bloody armed conflict. The Soviet Union has thrown its backing to Arab nations intent on destroying Israel, first with massive economic and military aid and, more recently, by actually supplying Russian jet pilots.

The nations of the world supported the formation of Israel as a Jewish state partly from a sense of guilt. Adolph Hitler, in the heyday of his madness, had led a nation in the systematic murder of millions of Jews. The sheer horror of it, the sense that maybe something could have been done to prevent it, no doubt prodded many people to support the idea of the new Jewish state.

It's been a remarkably successful new nation in many ways. It's developed and maintained a functioning democratic political process, despite the presence of near-war-like conditions for almost all of the last 22 years.

Yet, the opportunity to develop in peace has eluded the new nation of Israel. Its Arab neighbors have sought consistently to destroy the new nation. *Destroy*, literally. That is the stated—the consistently repeated—policy of Arab leaders.

We would hope at some point that Arab leaders would sit down with Israeli spokesmen to negotiate a long-range peaceful settlement in that troubled part of the world. The prospects are not hopeful.

Meanwhile, we would note only that the U.S. commitment to support the free nation of Israel is a deep and significant commitment. It should remain one of the cornerstones of our foreign policy.

[From the Columbus Enquirer, May 11, 1970]

LITTLE ISRAEL AT 22

Israel became an independent nation May 11, 1948, 22 years ago today, after a harsh and brutal battle to even begin its existence. The terms of that existence have been as harsh and brutal ever since. There has been no rest, no peace, no moment of security in the country's short lifetime.

It is typical of her short time as a nation that today, on her anniversary, she still holds her borders by military prowess, not so much borders as active combat perimeters, and that the brutal force of Soviet power is now being thrown into the balance against her.

During the coming months decisions will have to be made in the United States as to whether Israel's compellingly admirable progress in peaceful endeavors will be lost because of overwhelming force brought against her by the Egypt bloc with Soviet assistance and at Soviet behest.

On her 22nd birthday, Israel can see her enemies given unfailing and reliable support and assistance and guarantees. She can look to the Free World and find not a single firm friend. Britain? France? They help her enemies and deny her even cash sales of weapons needed for her defense. The United States? We temporize, we talk about some obscure "balance of power" from afar, we do not know the feeling of being surrounded by populations which would inundate and annihilate.

Israel's 22nd year cannot be her last. Soviet machinations must not be allowed to run their course. Israel can defeat Arab aggression if she is given access to buy the weapons she needs to do it. She cannot defeat Soviet Russia, but she would not have to do that if the United States took a clear and positive stand on her behalf.

If there was any good anniversary gift this nation could send to the one spot of Western style democracy in the entire Middle East, the one spot of real hope for betterment of the people of all the countries in that part of the world, it would be to guarantee that there will be a 23rd anniversary celebration in Tel Aviv next year.

THE 22D ANNIVERSARY OF ISRAEL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ANDERSON of California. Mr. Speaker, today ceremonies are being held throughout the world commemorating the 22d anniversary of the independence of the State of Israel. Freedom-loving people everywhere are inspired by this brave country whose valiant people have borne persecution, separation from their homeland, and bitterness for 2,000 years. This day will be a tribute to the patience, courage, and perseverance of Israel's people.

President Harry S. Truman, as soon as the United Nations had voted for partition, recognized the new nation of Israel, making the United States the first nation to do so. In the ensuing years, the bond of affection between our two countries has grown. We recognize in Israel the same pioneering spirit which formed our great land. We see Israel as a model of democratic society with an enlightened government that has continued to respond to the needs of its citizens.

Israel has an amazing history of outstanding accomplishments. The remarkable political, social, and economic achievements of this small, yet determined, nation are admired by all people who revere the ideals of freedom and respect initiative and valor. I ask my colleagues to join me in saying "mazel-tov"—congratulations to the people of Israel on the anniversary of their independence.

In addition, I commend to my colleagues' attention an article appearing in today's Miami Herald entitled "Israel's Birthday":

ISRAEL'S BIRTHDAY

A mighty mite among nations, Israel celebrates today the 22nd anniversary of its independence. The setting of the celebration has become mournfully familiar in recent years; A nation still at war.

In the 22 years Israel has increased its agricultural production 40 times and its industrial output 18 times. With much of the desert tamed and city walls raised in the oldest of civilizations, it is the only truly modern country on the southern shore of the Mediterranean. And yet it is the home of less than 3 million people.

On this significant anniversary Israel's friends can only hope that it finds peace with its neighbors through recognition in the coming year of independence and that this fruitless quarrel of cousins is resolved.

The whole world admires courage. Men and nations respect enterprise. History smiles upon the keeping of tradition.

These are among the qualities of the largely refugee population now augmented by the native Sabra born in a country so new that its survival is a miracle. We salute it and look to the day when the Fertile Crescent gives birth to peace in the Middle East, the crossroads of the world.

DEMONSTRATORS SHOULD PONDER "OXFORD OATH"

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ARENDS. Mr. Speaker, under leave to revise and extend my remarks I am inserting in the RECORD the column by Joseph Alsop entitled, "Demonstrators Should Ponder British Students' 'Oxford Oath'," which appeared in the Washington Post last Friday.

DEMONSTRATORS SHOULD PONDER BRITISH STUDENTS' "OXFORD OATH"

(By Joseph Alsop)

In 1933, with Adolf Hitler already in power in Germany, a substantial majority of the members of the Oxford Union voted that they would never "bear arms for king and country."

This "Oxford Oath," as it was called at the time, must be wholly unknown to the young antiwar demonstrators, since they are also antihistory. But they will do well to ponder it, all the same.

The vote of the Oxford Union undoubtedly reflected the views then held by most British undergraduates. For that very reason, and also because it had a certain dramatic succinctness, it made a lot of noise in the world.

Among those who remember the "Oxford Oath" today, the customary thing to say is that the very same undergraduates who swore they would never bear arms in Britain's defense, then went out and fought like hell in Hitler's war. This is true, in the main, but it is also completely unimportant.

It is most important, however, that the "Oxford Oath" made a tremendous impression upon Hitler himself, as the archives reveal. In fact Hitler customarily cited the oath, whenever the German general staff warned him of the risks of his next move forward. It was proof, Hitler said, that Britain was rotten to the core, which meant that the risks were being exaggerated by the general staff.

In this manner, in fact, the "Oxford Oath" even played a certain role in bringing on the Second World War. Even more important, it was also a mere reflection of the condition of moral and material disarmament into which Britain had fallen at that time.

It revealed the climate that left Britain almost unarmed, while Hitler built up Germany's armed might at a furious rate. It forecast the impotence of Britain's response to the invasion of the Rhineland, when Hitler's rule would have ended if the English government had been vigorous and firm.

In sum, the "Oxford Oath," the climate that produced it, and the other results that climate also produced, add up to a grim textbook case for today's young demonstrators to study. If they study the case carefully, they will learn exactly how to blunder into a third world war by being antiwar. And that is precisely where we are tending.

It is just this aspect of the American situation that most disturbs a traveler, like this reporter, who has just returned from an intensive inspection of two wars, in Vietnam and in Israel. The war in Vietnam is going very well indeed, as President Nixon quite truthfully informed the country.

It will go even better if the President wins his Cambodian gamble. Without Cambodian supplies and Cambodian bases, in fact, Hanoi must eventually abandon the war altogether in the richest and most important part of South Vietnam, the two big Southern Corps areas. And if this happens, American lives will indeed be saved, just as the President said.

But in the Middle East, it is very different indeed. Here the Russians have now taken over Egypt's air defense, pretty nearly lock, stock and barrel. They have thereby placed the hate-swollen Egyptians in a position to wear down Israel by slow stages, until Israel is destroyed. And let no one deceive himself: Israel's total destruction is Gamal Abdel Nasser's real aim.

It remains to be seen what the Israelis will do about this. Since they are too few to fight a purely defensive war, whatever they do must involve really desperate risks. There is something else, however, that most emphatically does not remain to be seen. The new Soviet step in the Middle East implies a drastic Soviet change of course toward a much bolder, more aggressive national policy.

It can be said on highest authority that this ominous Soviet change of course was very much present in the President's mind, when he made his Cambodian decision. Looking at the toughness the President showed in that decision, the Kremlin leaders must naturally recalculate their risks all over the world.

But it is now a contest between the President and the antiwar demonstrators. Let us suppose the demonstrators win, by senatorial fat-headedness or in some other way. The United States will then sink into the condition of moral and military disarmament which these young people have been taught to regard as the national ideal.

Israel's destruction will be among the first consequences; in fact the demonstrators and their older inspirers will be Nasser's partners in the murder of Israel. One could go further with the lessons of the "Oxford Oath," but this should be sufficient.

ISRAEL MARKS 22D ANNIVERSARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. RODINO. Mr. Speaker, today is the 22d anniversary of Israel's existence as a state—but it is in a somber mood that she marks this date. At best, her peace has been a tenuous one; today she is faced with the most profound crisis in her short history.

President Harry Truman was the first to recognize Israel; each successive administration has reaffirmed our commitment to Israel because we share a common belief in democracy and the rights of man.

I salute the proud Israeli people who, besieged and beleaguered, have withstood countless assaults.

In a world which has grown increasingly small, it is our fervent hope that men might draw together to conquer the ills of the earth rather than each other. Israel asks only that she be accepted in the community of nations.

Mr. Speaker, although Israel is in one sense a relatively new nation, in a larger sense, the concepts of social justice and democracy upon which she was founded are among our most cherished ancient traditions.

One of the cornerstones of the Jewish faith is the obligation of mankind to love justice, to practice mercy, and to walk humbly with God. It is the recognition of this obligation which has been a major source of spiritual strength for our own Nation.

In addition we should also recognize the fact that many of the social and political forces which caused Israel to come into being are not unlike the forces which caused countless numbers of oppressed peoples to seek freedom here in the United States.

The bonds which unite us with Israel are the love of justice and commitment to a free, democratic, political system.

THE 179TH ANNIVERSARY COMMEMORATED

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. MURPHY of Illinois. Mr. Speaker, I wish to join with my colleagues in commemorating the anniversary of the May 3 Polish Constitution. This day marks the 179th anniversary of the adoption of the Polish Constitution of 1791 and represents an important and cherished part of Poland's history.

The Constitution was written at a time when Poland was in danger of having parts of its territory appropriated by the three surrounding powers in the area, Austria, Prussia and Russia. The Polish Constitution initiated far-reaching reforms and established democratic institutions of government. Unfortunately, Poland's experience as a free and independent nation was cut short by the aggressive policies and actions of its neighbors. Poland was partitioned by Russia and Prussia at the beginning of 1793 and again in 1795 and 1836. Following World War I, Poland again was able to attempt a restoration of a democratic form of government, but this attempt was brutally halted by the occupation of the country in 1939. Since that time, Poland has existed as a captive nation. However, the principles embodied in the May 3 Constitution have endured as a part of Poland's heritage and have sustained the Polish people during their many years of oppression.

The courage and determination with which the Polish people have struggled to regain their independence is an inspiration to all freedom-loving countries. Today, Mr. Speaker, we pay tribute to these people and wish that soon they will live again under democratic principles and ideals such as those expressed in the Constitution of May 3, 1791.

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BLACK COLLEGES MAJOR FORCE FOR INTEGRATION OF AMERICAN LIFE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. CLAY. Mr. Speaker, in the midst of the controversy and debate centered about higher education, there has been a great deal of discussion centered about "who should attend." The white supremists' view that black youth are more in tune to vocational and trade schooling is clearly rooted in their desire to keep black citizens in the lower income scales of this economy.

The effects of higher education on black Americans have now been documented. It can be shown that black colleges have clearly been the major force in the integration of American life at all levels.

The emergence of the black college resulted from the refusal of other schools of higher education to accept black students. Black youth—restricted by the absence of finances or meager finances—have sought education where they could find it. And the excellence of the black college in providing that education has never been sufficiently or appropriately recognized by this Nation. Still, these schools exist without the benefit of the funds they need from either State or Federal sources. They specialize in educating the disadvantaged who go on to assume major roles in the struggle for equal rights. In so doing, they have demonstrated an expertise which the academic community has yet to tap.

The discrepancies which still exist in educational opportunities afforded black and white students are deplorable. We have exerted efforts to impress all institutions of higher learning with the necessity for meeting the financial and educational needs of minorities. Some colleges are now exhibiting a social and economic conscience in their enrollment and teaching policies. This progress is noteworthy.

We must not, however, overlook the importance of the black college which has for so long been the sole force behind what economic integration of black and white that has occurred. Now, as these schools enter another decade, they must be rewarded and assisted in their efforts to meet the ever-increasing needs which only they, for many years, felt compelled to meet.

With this thought in mind, I commend to the attention of my colleagues the following background paper on the traditionally Negro college. It was presented by the National Association for Equal Opportunity in Higher Education to the Special Subcommittee on Education in hearings held before the committee February 25, 1970. I also commend the efforts of Elias Blake, Jr., of the Institute for Services to Education, who prepared the paper for the presentation. It follows:

BACKGROUND PAPER ON THE TRADITIONALLY NEGRO COLLEGE. PRESENTED BY THE NATIONAL ASSOCIATION FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION TO THE SPECIAL SUBCOMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, FEBRUARY 25, 1970

(The paper was prepared by Elias Blake, Jr., of the Institute for Services to Education for the National Association for Equal Opportunity. The findings are those of the researcher.)

The traditionally black college was and is the major force through which a black middle class was created in America. The society neither particularly wanted nor made provisions for the higher education of former slaves. The whole question of college and professional training was caught up in the racist assumptions about the intellectual capabilities of black people. In the South there was a conscious effort to suppress education while in the North no particular notice was taken of the educational needs of black people, except for certain philanthropic and missionary impulses.

The research on these colleges has developed the following picture:

1. Historically, black colleges were producing college graduates when no viable alternatives existed for getting black youth into and through college. From the early patterns of higher education in the 1860's up through World War II, it is likely that, of the 492,000 black college graduates, over 20 in the population in 1967, about 80 percent came out of Southern black colleges.

2. Though public colleges now enroll about 60 percent of the students enrolled in black colleges for a period of 80 years after the end of the Civil War (1865), private black colleges produced the overwhelming majority of black college graduates. This was necessary in the absence of any national commitment to higher education for black youth.

3. Into the modern period black colleges still carry a disproportionate share of the burden for educating black youth. They enroll about half of those in four-year colleges and universities (160,000 of about 350,000). It is estimated that they produced about four out of five of the baccalaureate degrees awarded to blacks in 1968. Without continued strong production from these colleges in the next decade, higher education for black youth could face a crisis. National trends may depend on their increasing their enrollment.

4. Only about half of the black youth who ought to be enrolled in college are enrolling annually. The 1969 freshmen entrants showed black students as about 6 percent of those enrolling. Without the black colleges, only 3 to 4 percent would be enrolled. A sharp increase in enrollment must occur in the next five years; that should triple the number of black youth estimated to be in college now.

5. If the enrollment in black colleges could be tripled in the next ten years, this might provide the national stimulus to enrolling more black youth. The trend between 1968 and 1969 is too slow to be satisfactory. They would be enrolling about 500,000 students at that point. If the goal of 1.8 million black youths enrolled in college by 1982 is reached, tripling their enrollment should be no problem. The high school graduates will be available out of which the goals could be reached.

6. The major problem for expanding these colleges is in the area of the availability of greater resources. They educate the poorest college-going population in the country with some success. Parental financial support is minimal and non-existent for most students; their parents earn too little. This is not a question of the "wrong" students enrolling; they are typical of the income patterns in the country among black people. These colleges work with these students with less resources for educational programs when compared to national norms.

7. The fact that these colleges are already in existence with a long history of educating the disadvantaged should be capitalized on. No other group of higher education institutions have yet proven as capable as these schools in producing graduates from among a disadvantaged minority group. Enrollments have been increasing nationally but the meanings of those increases are not yet clear. Not who gets in but who gets out of college is the crucial question. Heavier support of these colleges given their history, traditions, and current performance would seem to be a rather low-risk investment with the potential of great return in equal opportunity and a concomitantly more stable social order.

HISTORICAL NOTE ON THE HIGHER EDUCATION OF BLACK PEOPLE IN AMERICA

Before 1876 it was estimated that 208 Negroes in America had received Bachelor's degrees, and about 96 professional degrees; 89 of the 208 came from one Negro college [1] and it is likely that almost all of the 208 came from Lincoln University (Pa.) established in 1854 and Wilberforce University (Ohio) established in 1856. This was a small beginning in higher education. The fact that half of the 488,000 free Negroes, North and South were illiterate and almost all of the four million slaves were illiterate [2] in 1860 made it rather dramatic. (See notes at end of paper for documentation. The numbers correspond to the references with page numbers at the bottom of the page on which the reference is noted. Thus, 1 p. 244 is in Bond and 2 p. 215 is in Logan.)

The first public colleges were established during reconstruction while black people had more political power in the South. The Alabama Colored Peoples University (which is now Alabama State College) and Alcorn University in Mississippi in 1871 were two of the earliest. As the political fortunes of blacks declined in the midst of the post-reconstruction period, these state schools fortunes also declined. No one intended that black people should have higher education, and least of all the expense of the state. These state schools have moved since World War II to enroll a majority of black students enrolled in Negro colleges.

For more than eighty years following 1865, however, private colleges supported the bulk of the higher education of Negroes in America. From 1854 to 1890 only the normal schools such as Alabama Colored Peoples University and Alcorn existed in the public sector. In the period following 1890, after the second Morrill Act, seventeen southern states established land grant colleges for Negroes. Ten of these were privately supported colleges taken over by the states (p. 218).[2] It was in the period of World War I before these schools were offering collegiate work.

Thus, though public higher education for whites was in full development, black people had to depend primarily on private, independent and sectarian schools for their education. In 1936 2,108 college degrees were reported as earned among black people. Almost all of these were from traditionally black colleges. In 1947 the black colleges produced 7,698 Baccalaureates and 352 graduate degrees and 415 professional degrees (pp. 212–214).[3] This total of 8,465 was split about evenly between public and private schools, though the professional education was almost totally in the private schools.

It is estimated that given the distribution of black population (77 per cent was in the South in 1940 and 68 per cent in 1950), these 8,465 graduates were eighty to ninety per cent of the graduates being produced in 1947. Outside of New England and a few schools such as Antioch, Oberlin and Berea, most of white higher education was not particularly hospitable to black Americans, nor were they being prepared for standard admission practices in the segregated public schools in the South.

Footnotes at end of article.

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Now in the latest figures, March 1968, there are 492,000 (table I) [4] Negroes twenty years and older in the population having completed four or more years of college. The following generalization seems warranted: *For the last hundred years there would have been almost no college graduates except for black colleges. These schools then are the foundation stone of much of what is called "racial progress" in America. Without them there would have been few black people to be a part of the "progress."*

CONTRIBUTIONS OF BLACK COLLEGES TO AMERICAN LIFE

The following data are illustrative of the contribution of these colleges and reinforce the generalization made in the first section about the high proportion of the 492,000 black college graduates in America that came from these schools.

The United Nations: 50% of the fourteen black U.N. appointments graduated from black colleges. These are ambassadorial and major executive positions.[5]

Ambassadors: Four of the eight most recent black ambassadors graduated from black colleges and were appointed to Luxembourg, Patricia Harris; Syria, Hugh Smythe; Ghana, Franklin Williams; and The United Nations, James Nabrit. Two others of the eight, Mercer Cook and Elliot Skinner made their academic careers in black colleges and universities before going into foreign service posts after World War II. The current Ambassador designee to Sweden, Jerome Holland was President of Hampton Institute a black college.

Army officers: At least 75% of the black army officers commissioned each year come from black colleges. A poll of black military instructors in ROTC programs estimated at least the same percentage of the 5,594 black officers now on active duty graduated from black colleges.[6]

The executive branch of Government: 64% of eighty black federal officials (GS 14 up to Cabinet Level) were produced by black colleges, including Robert J. Brown, Special Assistant to the President (North Carolina A & T State University); James Farmer, Assistant Secretary of the Department of Health, Education and Welfare (Wiley College); and Elizabeth Koontz, Director of the Women's Bureau of the Department of Labor, and former President of the National Education Association (Livingstone College).[7]

Congress of the United States: Three of the nine black Representatives in the House attended or graduated from black colleges as well as Senator Edward Brooke of Massachusetts. Charles Diggs (Mich.); William Dawson (Ill.) and Robert Nix (Pa.) are the three members of Congress.

State legislators: 64% of the black state representatives and senators who went to college went to black colleges. This is based on a sampling of 110 of 166 legislators from across the nation,[8] including Otha N. Brown, Representative in Connecticut; Lloyd Barbee, Assemblyman in Wisconsin; John J. Miller, Assemblyman in California; James P. Davis, Representative in Kansas; and Charles Chew, State Senator in Illinois. In the deep South, 83% of the black legislators attended or graduated from black colleges; 100% of those who attended college went to black colleges.

Professions: 74% of a sample of 1,000 Black Ph.D. holders took their baccalaureate degrees in black colleges.[9] 83% of all the black physicians in America graduated from two black schools—Howard University and Meharry Medical School.[10] They still enrolled about 68% of all black physicians in the country as of 1969.[11]

The black colleges have clearly been the major force for the integration of American life at all levels. Too often competent and capable black Americans are taken for granted and viewed as proof of the fairness of the system. This competency, however, might well have been untapped and undeveloped but for the network of black colleges. The current dialogue about who should get in college should benefit from a look at the history of these schools.

THE TRADITIONAL BLACK COLLEGE TODAY

There are 111 of these colleges; 88 are four year colleges and universities plus one medical school, and 22 junior colleges. Of the four year colleges and universities 37 are public and 51 are private. All of the junior colleges except six are private. Though these schools are located in Southern and Border states, 40% of the 1968 entering freshmen in the four year colleges were from outside the South.[12] These schools enrolled 161,496 in the Fall 1968 term. This is estimated to be about one-half of the black students enrolled in four year colleges.

A great deal of publicity has focused on black students on white college campuses. This has tended to obscure the fact that though the publicity is great the numbers are small. 61% of all institutions enrolled 2% or less black students among their freshmen in 1968. Overall, only 5.8% of the freshmen in 1968 [13] were black and there was no appreciable change in 1969 [14] despite the seeming emphasis on enrolling more black students.

Some commentators assume the changes are more rapid than the figures bear out. The traditionally black college not only remains important but is the most dependable vehicle for ensuring upward mobility for black youth. The fact that *enrollments* in white institutions may be increasing does not focus properly on the need for graduates. Some performances sampling needs to be made of how many young people are getting out of college as well as being enrolled.

COLLEGE DEGREES EARNED BY BLACK AMERICANS, 1968

Fully 79 percent of all baccalaureate degrees earned by black Americans in 1968 were earned at 88 black four-year colleges and universities.

Black colleges awarded 20,000 bachelor, graduate, and professional degrees in June 1968. This represents 73 percent of an estimated 27,275 degrees of all types earned by black Americans in all of American higher education.

About 4,458 baccalaureate degrees were earned by blacks in white institutions and 7,277 degrees of all types.

TABLE I.—DEGREES EARNED BY BLACK AMERICANS IN BLACK AND WHITE COLLEGES AND UNIVERSITIES [1]

					Total—	
	Number	Percent	Number	Percent	Number	Percent
Bachelor's degree	17,242	79.5	4,458	20.5	21,700	100
Graduate and professional	3,756	49	2,819	51	5,575	100
Total	19,998	73	7,277	27	27,275	

[1] John Egerton, "State Universities and Black Americans." SERS, May 1969. Egerton found 0.7 percent of the baccalaureate degrees earned by blacks in 39 of the 100 largest State universities. Public institutions give 61 percent of all degrees. 0.7 percent of 636,863 bachelor degrees awarded in America in 1968 is 4,458 degrees. He found 1.2 percent of the graduate and professional degrees going to blacks. 1.2 × 234,969 gives 2,819 degrees. The national data on earned degrees comes from "Earned Degrees Conferred 1967–68," pt. A. Summary data, National Center for Educational Statistics, Department of Health, Education, and Welfare.

The main finding is that the black colleges are now and will be for some time into the future the most productive institutions for producing college graduates out of a largely disadvantaged racial minority.

It is estimated that 1.2 of the 34,728 degrees in professional schools such as medicine, law, dentistry, architecture, and pharmacy in 1968 were earned by black Americans. This is a total of 416 black graduates in all these professions.

Black colleges and universities gave 460 degrees in these areas or more than all of the rest of American higher education combined. In medicine and dentistry the figures are especially dramatic in 1968 with Howard University and Meharry Medical School producing 108 doctors and about 47 doctors being produced elsewhere in the country (p. 97, Table I).[11]

Based on these estimates, 761 blacks earned degrees in New York and 636 in California. (Continuing use of Egerton's data for California, we get 370 baccalaureates (0.7 x 52,925) and 256 graduate and professional degrees (1.2 x 21, 355) for a total of 636. For New York it is 419 (0.7 x 59,865) and 342 (1.2 x 28,534) for a total of 761. From Table 7 in *Earned Degrees, Part A. Summary Data, 1967–68,* NCES.) A single black university, Howard, gave 1,420 degrees in 1968, more than both of these major states combined. Several other single colleges such as Florida A. & M. University, Prairie View A. & M. College in Texas, and Virginia State College approach the production of the entire state of California.[15]

It is clear that in the next decades, if these institutions are not strengthened to better perform their tasks, enrollment and graduation figures could begin to level off and decline for black youth when the enrollment curve should be climbing sharply. Any sharp reversal in the fortunes and functionings of these institutions will be immediately reflected in national figures for black Americans in colleges.

While we are creating new institutions, it would be unwise to overlook a proven instrumentality for extricating southern-rural and urban-ghetto black youth from the entanglements of racism and its attendant economic and educational deprivations. As we look for "new" ways and "new" patterns, we cannot afford to overlook the fact that under handicaps of neglect and under capitalization, these schools have done and are doing a remarkable job.

To better understand the complex and difficult role of these colleges, one must know the kinds of students who come to these colleges.

ENTERING STUDENTS' BACKGROUNDS AT BLACK COLLEGES

The income distribution of entering students' families has a median of $3,900 with a range as follows: 18% less than $2,000 per year, 16% $2,000 to $2,999—34% below $3,000; 17% $3,000 to $3,999, 14% $4,000 to $5,199—65% below $5,200; 13% $5,200 to $6,199, 13% $6,2000 to $9,999—19% below $10,000; 7% $10,000 plus.

About a third of the mothers are domestic servants and a third of the fathers laborers; 51% of the mothers and 55% of the fathers have less than a high school education.

This income distribution in black colleges compares with 40% of the entering freshman nationally, with incomes above $11,580 a year. Thus we see that 40% of the freshmen in predominantly white institutions are in the top 23% of family income with 65% of the freshmen in black colleges in the lowest quarter of family income.[16] 68% of the freshmen nationally are above $7,970 income which is at the national median of $7,974.

Footnotes at end of article.

About 85% of the black freshmen in black colleges are below that $7,974 figure.

Thus we see white colleges dealing with an essentially middle class population and black colleges dealing with an essentially low-income population.

Families which with little money and little education send their children to college raise provocative questions about motivation. Certainly a young person must be extremely motivated to go through high school and then with no dependable financial backing go on to college. There must be tremendous drive generated in these families to have their children succeed. Some psychologists say these youth lack "realism" in their aspirations. More likely than not, they refuse to accept so called "realistic" goals which limit their potential.

A look at a large state university, North Carolina A. & T. State University which a black Presidential Special Assistant attended, gives a view that is typical of the kinds of families which send freshmen to college: 18% less than $2,000, 22% $2,000 to $2,999—40% below $3,000; 27% $3,000 to $3,999—67% below $4,000; 7% $4,000 to $5,199, 9% $5,200 to $6,199—83% below $6,200; 9% $6,200 to $9,999; 7% $10,000 plus.

(The income distributions are from a sample of fourteen black institutions, 7 public, 7 private, enrolling 37,000 students and in 1968 producing 4,500 graduates. These figures have been replicated for three years, 1967, 68, 69, and are very close to the more elaborate sampling of the American Council on Education. The three year sampling was done by the Institute for Services to Education.)

Out of these kinds of families, the black colleges in North Carolina produce 2,200 graduates. A total equal to about half of the production of all of American higher education outside of black colleges.

The income patterns in these schools are not a function of regional patterns. The students are poorer even by regional standards.

FAMILY INCOME BY RACE, 1967[17]

	Black	White	Percent of black population
United States	4,939	8,318	
South	3,992	7,448	53
Northeast	5,764	8,746	18
North central	6,540	8,414	22
West	6,590	8,901	8

Whites in the South earn 89% of the national median; thus, income patterns are fast approaching the national standard for them. It is becoming less and less true that the income pattern for the South is the cause of the low-income pattern for blacks. The fact that despite migrations a majority of the black population is still in the South and has increased in number, reinforces the need for financial aid programs that completely support the students. The problem of higher education for black youth is one of finding enough money to attend college from non-family sources and then getting into a college responsive to his educational needs.

FINANCIAL AID PROGRAMS IN A LOW INCOME POPULATION

Very little comment has effectively portrayed the effects of inadequate financial aid programs in low-income populations like those in black colleges. In thirty-six private black colleges, 61 percent of the students are on some combination of financial aid. The average amount of aid per student is $950.[18] In a sample of ten of thirty-four public black colleges, 73 percent of the students are on some combination of aid. The average amount of aid in public colleges is $539.

TABLE II.—PARENTAL CONTRIBUTIONS TO COLLEGE EXPENSES IN A NEGRO PRIVATE COLLEGE, 1968-69

Parents' contribution	Freshmen	Sophomores	Juniors	Seniors	Total	Percent
None	270	185	148	108	711	62.1
$100	70	25	18	21	134	11.7
$200	30	20	23	8	81	7.1
$300	20	15	14	11	60	5.2
$400	15	18	8	6	47	4.1
$500	10	6	7	5	28	2.4
$600	5	5	4	8	22	1.9
$700	5	3	1	0	9	.8
$800	2	6	3	3	14	1.2
$900	1	4	2	0	7	0.6
$1,000	1	3	1	2	7	.6
$1,100	1	0	0	1	2	.2
$1,200	1	1	2	1	5	.4
$1,300	1	0	0	0	1	.1
$1,400 and over	8	5	3	1	17	1.6
Total	440	296	234	175	1,145	100.0

Table IIA. Average savings from summer earnings

Freshmen	225
Sophomores	275
Juniors	325
Seniors	375

Even with these substantial amounts of aid, most students find it difficult to meet expenses. Let us suppose a student at a private college, with a yearly cost of $1,672 (average cost for private black colleges),[18] received a $950 financial aid package. In the typical case he is still short of all of the $722 difference. His family can contribute nothing. Let us assume he brought $300 from a summer job, that still leaves $422 for the year in school. The chances are two out of three that his parents can put up a little money since their income is less than $5,000 a year.

What often happens in a case like this is that, even if he is on work-study at school, he may seek further employment or his family will seek a loan. In their income bracket, it is likely to be a high-interest short-term loan from other than a bank for a few hundred dollars.

A public college is similar because, though the charges are less, about $1035,[19] the income distribution is lower. The average of $539 in aid leaves about $491 on the average to be found for school expenses with work-study often already included in the package.

A summer job is more likely to help a student survive here; but if the family has been making financial sacrifices during the academic year, it is difficult not to help out with expenses at home in the summers. With so many students coming from small towns, the $300 figure is optimistic for summer work.

Another implication of these factors is that a significant proportion of student charges may go unpaid, especially if the student flunks out of college.

Any program of financial aid that assumes a significant contribution from parents will be ineffective in a low-income population. The difference between available aid and school expenses is often too great to be covered by working except at the peril of declining school performance. It is generally assumed that financial problems are a major cause of withdrawals and indirectly the cause of academic problems.

The best solution is to develop aid programs to give freedom from working in the first year at the very least and preferably for the first two years. These are the crucial years of college survival. Given the under representation of low-income minority youth in the current college population, maximum chances to survive must be given to those who do enroll. Without a free education available, it is unlikely that poor youth will increase their enrollment and graduation from college rapidly enough.

EDUCATIONAL SERVICES AND EDUCATIONAL EXPENDITURES

One of the common indices of quality of education offered in a college is the Educational and General (E&G-Exp.) expenditure. The E&G-Exp. includes all of the college's outlays for its basic educational program. Included in this figure are general administration, student services, instruction (teachers' salaries), library services, and operation and maintenance of the physical plant. Auxiliary enterprises such as dining facilities, dormitory rentals, and student financial aid are not included.

The per-capita or per student E&G-Exp. can be computed by dividing the total outlay by the number of students. Thus, if a school has 500 students and has $1,000,000 E&G-Exp., the per capita figure is $2,000 per student.

A study of thirty black private schools showed the average E&G-Exp. to be $1,364 in 1966–67.[20] The listing of the E&G-Exp. for 15 public schools averaged $1,273,[21] in 1967–68. Though these two estimates are for different years they show the essential fact that each time these figures are examined, public and private black colleges are at a disadvantage.

TABLE 3.—*Comparison of per capita educational and general expenditures in traditionally black colleges to national averages, 1966–67*

National average[20]	$1,772
Private schools	1,364
Public schools	1,273

The E&G-Exp. for both public and private schools is $1,313. This is a rough index but it shows the basic relationship. Using these estimates the deficit is $459 per student on the average.

Though these schools have functioned well up to this point in terms of furnishing education to a group no one else was interested in, they cannot continue to do so at a disadvantage. In fact for the kinds of students who come into these schools from a generally inferior primary and secondary education, superior educational services ought to be available.

The main point of this analysis is that these schools can not be expected to produce large numbers of competitive graduates at bargain basement prices. This is a national problem and some substantial part of this burden must be carried at the national level. The same point can be made about any institution *already* heavily involved in moving large numbers of disadvantaged students out of the reach of dependency, frustration and bitterness.

The national problem of educating black Americans has remained submerged in the history of these schools. They have been a part of the solution while more generally higher education institutions have been a part of the problem of educating low-income youth.

Footnotes at end of article.

THE FUTURE OF THE TRADITIONALLY BLACK COLLEGE

The question of viability is usually raised about these colleges both in terms of their problems with available resources and in terms of the social goal of racial integration.

The future of these schools must be placed in the context of needed places for a sharply increased number of black youth in higher education over the next decade. Table 4 shows the numbers and percents of nonwhites in the population 3 through 17. Because of differences in birth rates the nonwhites are an increasing proportion of their age groups reaching 16.6 percent at age 3. A child of age 3 in 1968 will enter college in 1982.

TABLE IV.—WHITES AND NONWHITES IN THE POPULATION 3 THROUGH 17, AS OF OCTOBER 1968 AND YEAR OF POTENTIAL COLLEGE ENTRANCE[1]

Age, October 1968	Years of college eligibility	Whites[1] (thousands)	Nonwhites[1] (thousands)	Nonwhites as percent of whites
16 to 17	1969–70	6, 282	983	13. 5
14 to 15	1971–72	6, 651	1, 068	13. 5
10 to 13	1973–75	13, 960	2, 327	14. 3
7 to 9	1976–78	10, 687	1, 900	15. 1
5 to 6	1979–80	6, 952	1, 311	15. 9
4	1981	3, 351	649	16. 2
3	1982	3, 177	634	16. 6

[1] Adapted from Preprimary Enrollment of Children under Six, October 1968, table I, p. 7, and School Enrollment, October 1968 and 1967, U.S. Bureau of the Census Current Population Reports, Series, P. 20, No 190, table I, pp. 10–11.

In 1968 there was a maximum of 434,000 negroes in college between the ages of sixteen and thirty-four; 352,000 were between the ages of eighteen and twenty-four, the normal base for college enrollment. If twelve per cent (the proportion of blacks in the age group) had been enrolled, 811,000 should have been enrolled. There was, then about a half-million deficit enrollment.

In terms of Freshmen, about 84,000 blacks enrolled in 1968;[12] 180,000 should have enrolled to reach twelve per cent of the Freshman enrolled.[13] A maximum of 100,000 enrolled in 1969 with about 40,000 of those enrolling in black colleges.[14]

Using the percentage of non-whites in the age groups up to 1982, Table V shows that for equal enrollment of non-whites, the current enrollment pattern needs to double as of 1970 for entering Freshmen, and triple by 1975 for total enrollment.

From these projections, the magnitude of the numbers involved in equalizing educational opportunity—means every available place now in higher education will be put to good use. Though black colleges may enroll a decreasing percentage of all the blacks in college, the absolute numbers in them could triple by 1982. In the short run they maintain an essential flow on which the increasing enrollment of minority group youth could build.

TABLE V.—PROJECTED EQUAL ENROLLMENT OF NONWHITE STUDENTS IN COLLEGE BASED ON PERCENT OF NONWHITE YOUTH IN COLLEGE ENTRANCE AGE GROUP

Year of entrance	Total enrollment[1 2] (thousands)	Percent of nonwhites	Number of nonwhites (thousands)	Nonwhite freshmen[3] (thousands)	Nonwhite high school graduates[4] (thousands)	Freshmen as percent of high school graduates
1970	7, 181	13. 5	970	224	407	55
1972	7, 925	13. 5	1, 070	246	437	56
1975	9, 056	14. 3	1, 295	319	503	63
1978	10, 033	15. 1	1, 515	330	561	59
1982	11, 218	16. 6	1, 862	390		

[1] Adapted from Projections of Educational Statistics to 1977–78, National Center for Educational Statistics, 1968.

[2] Table 2, p. 19.

[3] Table 5, p. 13.

[4] Table 17, p. 30.

TABLE VI.—STUDENTS OF THE OPPOSITE RACE IN BLACK AND WHITE 4-YEAR COLLEGES[13]

Race	Black colleges		Race	White colleges	
	Number	Percent		Number	Percent
Nonblacks	[1] 1, 460	4. 0	Blacks	47, 987	3. 5
Blacks	36, 071	96. 0	Nonblacks	1, 386, 369	96. 5

[1] This is a conservative figure based on taking all the responses under "other" in the nonblack category. If the 1,100 others are assumed to be nonblack, the percentage of blacks in the black 4-year colleges is 6.8 percent.

By 1985 the traditionally black college could be enrolling 480 to 500,000 students. If most of these students were black they would constitute only about twenty-eight per cent of the projected 1.8 million black youth enrolled in college by then. In terms of the diversity of choices in higher education, a black youth should be able to choose an institution with a large proportion of blacks enrolled. If this is less than one out of three, the growth of these schools should be dramatic never the less.

These projections assume the resources in financial aid to sustain a rapid increase in low-income students and the necessary institutional support for educational services to enable the enrollees to survive. This last point is crucial because the young people in the projections up through 1978 are already enrolled in school. Most of them have missed Head Start or, if they were enrolled, are moving into a primary and secondary school system not very successful with poorer children.

If these youth are written off, they will be a very uneasy presence to be accumulating in our cities and towns.

BLACK COLLEGE AND RACIAL INTEGRATION

Table VI shows that black four year colleges as a whole are doing about as well as white four year colleges in enrolling students of the opposite race. The same general pattern applies.

At most of the white colleges, some 2,000, there are few or no black students; the same is true of the black colleges in regard to white students. Most of the white students in black colleges are in the border states, Delaware, Kentucky, Missouri, and West Virginia. It is not well known but the amount of white enrollment in some of these schools is quite dramatic. (Kentucky State, 34%; Lincoln (Mo.) 40%; West Virginia State, 60%.)

The pessimism of most observers about the evolution of formerly segregated (by law) black colleges toward desegregation does not take note of this group of schools in the border states. It could well be that within a program of rapid growth and strengthening, coupled with greater competition for places in higher education, racial integration could occur. It should not be true, however, that black educators, through racist actions, are not left in charge of rapidly desegregating institutions.

Without the kinds of constraints under which they operate and with appropriate subsidies to increase their educational services, these institutions could well be in the vanguard of pioneering exportable educational practices bearing on getting all disadvantaged groups in and through college.

Leadership has to come from some source to avoid the probable dislocations created by the inability of higher educational institutions to be as successful with the advantaged as the disadvantaged. It seems reasonable that some of these black colleges are by history, tradition, and current circumstances admirably suited to assume that leadership.

There is clearly an approaching crisis of opportunity in higher education. If the country takes advantage of these schools as a resource, the crisis might be mitigated.

FOOTNOTES

[1] Horace Mann Bond—"The Evolution and Present Status of Negro Higher and Professional Education in the United States", *J. of Negro Educ.* V. 17, 1948, p. 224–235. Based on the work of Charles S. Johnson, *The Negro College Graduate;* Chapel Hill, Univ. of N.C. Press, 1938.

[2] Rayford W. Logan—"The Evolution of Private Colleges for Negroes", *J. of Negro Educ.* V. 37, 1958, p. 213–220.

[3] Martin D. Jenkins—"Enrollment in Institutions of Higher Education of Negroes", *J. of Negro Educ.* V. 37, 1948, p. 206–214.

[4] Current Population Reports: *Educational Attainment*, March, 1968, series P–20, No. 182, April 28, 1969.

[5] The U.N. Appointments were either staff positions or delegates at large including such persons as Frank Montero, Ernest Grigg, Robert Broken Burr, as well as Franklin Williams who later became an ambassador.

[6] Based on total male seniors in ROTC colleges of 185,000, 10,902 commissions were awarded in 1966: from Office of Deputy Chief of Staff for Personnel, Military Education Branch. This was compared to a ISE Survey of fourteen black colleges giving commissions with 3,771 male seniors and 298 commissions. Out of an estimate of 106 commissions for blacks in white schools about one per cent of the total of 10,604 (10,902,-298) was made. The 1.0 per cent is in excess of the 0.7 per cent Baccalaureates awarded to Blacks in Edgerton's study of State Colleges (see Table I), done in 1968–69. The 5,594 black army officers is from the Office of Veterans Affairs, H.E.W.

[7] This list was compiled from polling knowledgeable former federal officials and then checked against biographical data for those on the list. The list is not exhaustive. It is available upon request.

[8] List compiled from *National Roster of Black Elected Officials;* Metropolitan Applied Research Center, Washington. Eighty of the one hundred ten sampled went to college, fifty-one to black colleges, twenty-nine to white colleges. In eleven Southern States with thirty legislators, twenty-five went to college, all of them attended black colleges.

[9] James Bryant, *Survey of Black Earned Ph. D.'s;* Division of Special Projects, The Ford Foundation, 1969.

[10] M. Alfred Haynes, "Distribution of Black Physicians in the United States, 1967." *J. Am. Medical Assn.* V. 210, Oct. 6, 1969.

[11] Ann E. Crowley and Hayden C. Nicholson, "Negro Enrollment in Medical Schools", *J.A.M.A.* V. 210, Oct. 6, 1969.

[12] Alan E. Bayer, Robert F. Boruch. Black and White Freshmen Entering Four Year Colleges": *Educational Record,* Fall, 1969. p. 371–386.

[13] "The Black Student in American Colleges"; American Council on Educ., Research Reports Vol. IV, no. 2, 1969.

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[14] John A. Craeger and others "National Norms for Entering Freshmen, 1969"; ACE, Research Reports. Vol. IV, no. 7, 1969, p. 22.

[15] The article by Crowley and Nicholson in note 11 above shows the actual percent of black 1968 medical graduates to be 0.20 of the total in California, and 1.06 in New York, as compared to the 1.2 per cent used to estimate the graduate and professional school degrees in the two states. In 96 medical schools of 98 in the country 328 blacks were enrolled.

[16] Current Population Reports—*Income in 1967 of families in the United States*, p. 60, no. 59, April 18, 1969.

[17] *Recent Trends in Social and Economic Conditions of Negroes in the United States*, July, 1968. BLS report, no. 347, p.7.

[18] Statistical Information United Negro College Fund Member Institutions 1967–68, New York, p. 33–34.

[19] Student Charges at 113 State Institutions. *The Chronicle of Higher Education*, September 29, 1969. The table included 18 predominately black public colleges of 34.

[20] "A Comparative Study of Thirty Private Negro Colleges," Special Projects in Education, Division of Education and Research 1968 Limited Distribution, The Ford Foundation, New York.

[21] Voluntary Support of Education 1967–1968", Council for Financial Aid to Education, Division of Research, New York. The report surveyed 861 colleges and universities and the 15 schools are a good cross section of the 37 public colleges. An earlier estimate based on a less representative sample of nine schools placed the public school E&G exp. at $1334 per student.

[22] *Current Funds Revenues and Expenditures 1966–67*. Financial Statistics of Institutions of Higher Education, N.C.E.S. Dept. of H.E.W., p. 10, table C. The average is for all schools public and private. The figure is $1,551 for Public Schools and 2,243 for Private Schools. Since these are estimates the National average is the most useful index.

[23] *Projections of Educational Statistics to 1977–78*, National Center for Educational Statistics, 1968.

INFLAMMATORY STATEMENTS BY MEMBERS OF "CHICAGO 7" PROMOTING DISCORD AND VIOLENCE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ICHORD. Mr. Speaker, I continue to be deeply concerned by the nefarious activities of various members of the so-called Chicago 7. Five of these individuals are currently on bail after having been convicted of crossing State lines to incite riots, specifically the violent disruptions during the Democratic National Convention in Chicago during August 1968. All seven have been sentenced for contempt of court during the trial.

Several members of this group have been roaming the country making inflammatory speeches on college campuses, promoting discord and violence. Law-abiding Americans everywhere are asking why the Government permits them to remain at liberty to create chaos in view of the conditions imposed in connection with their appeal bonds. Justice and reason cannot prevail in circumstances exacerbated by their constant stream of rhetorical incitement. Justice Holmes long ago declared that it was impermissible to falsely shout "Fire!" in a crowded theater—freedom of speech under the first amendment notwithstanding. History will not judge us as sensible, responsible guardians of the public trust if we permit this Republic to be reduced to rubble by open and sworn foes of constitutional government. While they have seemingly radicalized thousands of the Nation's youth, there are many times more who have a dedicated belief in orderly dissent. The will of the majority must not be perpetually frustrated.

I recently inserted in the RECORD remarks concerning recent statements made by two members of the "Chicago 7." I also included a copy of my letter to Attorney General John Mitchell requesting initiation of measures that would require members of this group who are in apparent violation of their bail stipulations to show cause why their bonds should not be revoked.

Today, I want to call attention to other incendiary statements by "Chicago 7" members to show their relentlessness.

David Dellinger, in a speech at Marquette University on January 29, 1970, told his audience that confrontations cannot be avoided. He remarked:

> We are people who feel that institutions with built-in violence and injustice . . . must be challenged, must be fought and must be done away with . . . If you're for real, you're going to be involved in inevitable and necessary confrontations.

Rennie Davis, in a speech on March 17, 1970, at Columbia University, declared that if the 1960's were a time of sit-ins, the 1970's would be a time to "burn banks." Immediately after Davis' speech, some 300 student radicals held a rally at the university and did not disperse until the school president, Dr. Andrew Cordier, promised he would consider demands that the university provide bail money for Black Panther Party members on trial.

Jerry Rubin, in a speech at the University of Pennsylvania on March 19, 1970, urged cheering students to "move into the streets." In a speech littered with obscenities, Rubin declared:

> There won't be any school system left in this country in another five years.

In a speech on April 8, 1970, at American University in Washington, D.C., Rubin denounced the university as a "babysitting agency" and declared that the "court system ought to be disrupted." Afterward, Rubin was asked if he was "willing to get busted—arrested" for inciting to riot if American University students took any action. Rubin replied, "I didn't tell you to do anything you weren't going to do anyhow." Following Rubin's talk, students went on a rampage and did extensive damage to university property.

On March 31, 1970, Thomas Hayden spoke on the campus of Stanford University at Palo Alto, Calif. Following his speech about 200 students began a demonstration protesting the presence of ROTC on campus. More than 100 windows in university buildings were smashed before the demonstrators were brought under control.

In the light of the foregoing activities of these defendants it is exceedingly difficult for me to understand why action to bring about a revocation of their bonds has not been initiated.

MODEL UNITED NATIONS

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. JOHNSON of California. Mr. Speaker, in this day when we are hearing so much about student activities I thought it appropriate to call to the attention of my colleagues the efforts of one group of students to better understand our foreign policy.

Recently a group of some 800 northern California high school students participated in the third Sacramento State College High School Model United Nations. This practical exercise in government was sponsored by the college and the Sacramento Bee, Radio Station KFBK and Channel 13, who have taken the leadership in the promotion of constructive student activity. Filling the post of Secretary General was J. Michael Korff of my home town, Roseville, a graduate student of Sacramento State College, who is indeed a fine, dedicated young man.

A summary of the activities of the Model United Nations is found in two reports carried in the Sacramento Bee, which I would like to insert at this point in the RECORD.

MODEL U.N. PROVIDES LESSONS FOR 800 NORTH STATE STUDENTS

(By Sigrid Cayting)

An estimated 800 high school students from throughout Northern California had an exercise in international diplomacy today during the third annual Model United Nations at Sacramento State College.

The all-day event, sponsored by The Bee, KFBF and KOVR, saw an immediate confrontation on the issue of racial discrimination in South Africa during the first General Assembly session this morning.

A motion by South Africa to exclude discussion of racial separatism from the agenda on the grounds that it violated the country's "internal sovereignty" was almost unanimously defeated.

PEACE, UNDERSTANDING

In other discussion, representatives from the Soviet Union and the United States made brief presentations calling for international peace and understanding.

James Holmes, 16, a junior at Redwood High School in Larkspur and acting permanent representative of the USSR, said peace would be impossible "as long as the world remained an armed camp" and called for "general and complete disarmament throughout the world."

The representative from the USSR also condemned racial separatism in South Africa—describing the latter nation as "the arch-fiend of racism" and calling upon the General Assembly to "act accordingly."

Mike Ellis, 18, a senior at Clayton Valley High School in Concord and permanent representative of the United States, said the UN labors "in an atmosphere of frustration—unsure of its goals and purposes."

He said the primary objective of the UN should be "preventing conflict by solving the issues rather than merely stopping the fighting."

Committee sessions convened 45 minutes behind schedule at 10:15 a.m. and dealt with such topics as political and security questions, environment, human rights and racial discrimination, disarmament and economic affairs.

Discussions in committee continued this afternoon with committee reports to be presented to the full General Assembly later today.

It is also expected that student complaints concerning the presence of faculty advisers on the General Assembly floor—which is prohibited in the model UN—will be raised at the afternoon session of the General Assembly. One student said this morning that a faculty adviser was preventing student delegates from speaking.

DISTRESSED BY DETAILS

Some students were also distressed over the amount of time devoted to administrative details of agenda order, luncheon procedure, seating, and other items not directly related to issues confronting the UN.

Some of the liveliest discussion occurred in the committee on human rights and environment. Among resolutions introduced in the committee was one censuring the Republic of South Africa for its apartheid policy and calling for economic sanctions in some cases. A similar resolution condemning racial discrimination in South Africa and Portugal was introduced by the delegation from Sweden.

Heading the conference as Secretary-General is J. Michael Korff, a student at Sacramento State College. Dr. William Dillon, a professor of government at SSC, served as president of the General Assembly.

STUDENTS GET IDEA OF U.N. POLITICS

The complexities, trials, tribulations and utter frustration of the politics it takes to run a country are etched in the minds of more than 800 high school students from throughout Northern California today.

The students, all delegates to the Model United Nations held at Sacramento State College yesterday, ran the gamut of emotions from despair to ecstacy as, one by one, they saw their favored bills defeated or passed by the General Assembly of the Model UN during a day-long session sponsored by The Bee, KFBK and KOVR.

After a morning devoted to discussion of racial separatism, international peace and understanding, political and national security questions and international economic affairs, the students settled down for an afternoon General Assembly session highlighted with a debate on Red China.

An expected heated discussion on the inclusion or continued exclusion of Red China from the General Assembly never materialized, however, when the resolution to admit it for discussion lost by a slim two votes.

The General Assembly took a stand on disarmament by adopting a resolution prohibiting the use of nuclear weapons and recommending prohibition of flights by bomber aircraft carrying nuclear weapons beyond national boundaries.

The assembly rejected a resolution on the question of international cooperation in the peaceful uses of outer space which, among other items, suggested that all countries be investigated in reference to their outer space programs and planned space projects.

Yesterday's Model UN was the third annual such event and was directed by J. Michael Korff, secretary-general, and Dr. William Dillon, professor of government at SSC, who served as president of the General Assembly.

POLISH CONSTITUTION DAY

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 4, 1970

Mr. FARBSTEIN. Mr. Speaker, on Sunday, May 3, many Polish Americans celebrated Constitution Day. One of the most important holidays for the Polish people it brings with it happiness and joy. Yet this time also brings about a sense of mourning.

The sadness and sense of loss is a direct result of the coldblooded murder of Polish leaders and citizens in the Katyn Forest by the Soviets 30 years ago. The murders of these Polish prisoners of war still shock the civilized world today. However, in their sadness the Polish people look toward the future with a strong sense of dedication that is to be free. I am certain that in the future they will become the masters of their own destiny. For a proud and brave people this is only a matter of time.

ISRAEL'S INDEPENDENCE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BRASCO. Mr. Speaker, in reverence, I join my colleagues, and freedom-loving peoples everywhere, in tribute to the State of Israel on the anniversary of their independence.

On this date in 1948, the British mandate in Palestine ended, and Israel was proclaimed a free and independent state. Significantly, the United States recognized the new State in a matter of hours after the proclamation of independence. In the ensuing years, the bond of affection between our two countries has grown, and today we look to the young and energetic State of Israel as a shining example of what can be done with imagination, determination, and talent.

In the 22 years of her existence as a free state, Israel has become a model of courage, prosperity, and progress. Against seemingly unsurmountable odds, and in the face of constant danger, yet, from hostile neighbors, Israel will not be deterred from the course she charted 22 years ago, when in her Declaration of Statehood she stated:

> It (Israel) will foster the development of the country for the benefit of all inhabitants; it will be based on freedom, justice, and peace as envisaged by the prophets of Israel; it will insure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the holy places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

History has recorded the fulfillment of these ideals. Israel's achievements in social, economic, and political areas have been lauded worldwide with deep admiration, not only for the accomplishments in themselves, but for the faith, courage, and perseverance which made them possible.

Sterile wasteland has been transformed into fertile farming acreage; and economic potential has been further realized to the extent that for several years now, Israel has been lending technical assistance to less advanced countries. Militarily, she has developed and maintained a large and efficient armed force, the might and strength of which could well be unparalleled for a state the size of Israel.

Mr. Speaker, the history of this democratic state, in an area where democracy is the exception rather than the rule, has been truly remarkable, and on this occasion, we wish her a future of continued growth and productivity, while saluting her adherence to the ideals which have made her development such an inspiration to all of us.

A TRIBUTE TO MEXICAN AMERICANS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ANDERSON of California. Mr. Speaker, earlier this month, on May 5, Mexicans and Mexican Americans celebrated "Cinco de Mayo"—a day dedicated to the courage and fortitude of our neighbors to the South.

However, when we consider the conditions in which many Mexican Americans are daily exposed, we ought also to revere their great patience. For many of these people, life in America is a life of abuse and prejudice. They, like other minority groups, have yet to be allowed the human privileges afforded in America. They have been a poor and, heretofore, reticent people, suffering the scorn and bias of our society.

Mr. Speaker, I call upon my colleagues to join me in congratulating the efforts of the Mexican American people for organizing in efforts to "confront and change the powers and institutions that deal with them so unfairly either directly or indirectly." We all recognize the right and necessity for peaceful assembly and redress of grievances. I support the Mexican American people in their expression of these privileges.

Mr. Speaker, I submit to my colleagues the following editorial from the Washington Post of May 6, 1970. It calls attention to the plight of our fellow citizens and to their efforts to organize. The context of the editorial deserves careful consideration by all of us.

The editorial follows:

THE RISING MEXICAN-AMERICANS

Among the nation's minorities who are increasingly less silent about their lot is the one of 6½ million Mexican-Americans. The poverty they suffer is as bad or worse as the bleakest conditions endured by the blacks, Appalachians or Indians. Unemployment is roughly twice the rate of white Americans. In the Southwest, more than a third live below the poverty level. In 1968, only 600 of 22,000 graduates of the Southwest's five main universities were Mexican-Americans. Last week, the U.S. Commission on Civil Rights added another dismal fact about Mexican-Americans: they suffer large amounts of abuse and violence from law enforcement agencies, ranging from casual insults to brutal beatings. The commission's survey covered the Southwest, where more than four million Mexican-Americans live.

None of this information is new, either to the victimized themselves or to those who work to help them. What is new is that a growing number of organizations are being

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formed by Mexican-Americans to confront and change the powers and institutions that deal with them so unfairly either directly or indirectly. The more well-known include MAYO (Mexican-American Youth Organization), a three-year-old movement largely in Texas which is seeking, and gaining, an economic base as a means for political action: OMICA (Organized Migrants in Community Action), a Florida group that helps migrant workers deal with state and federal assistance agencies, insurance companies, and, most important, the employers.

The test of the coming years is not so much how the Mexican-Americans will use their growing power—violently or non-violently—but whether the larger white society continues to ignore their rights and needs. Commissioner Vicente Ximenes of the U.S. Equal Employment Opportunities Commission warned last June, "You must have a rising awareness in the nation, and especially in the Southwest, of the obligations of government officials and certainly the people, the obligation to a very important segment of the population. It would seem to me that we are taking five million people in this area for granted at our own peril. It would be a tragedy if we had to wait for something explosive to happen before we acted."

The Mexican-Americans are basically the old story of the poor wanting in, the longest running drama on the American stage. The hope this time around is that perhaps the old story, through public legislation and private compassion, will have a new ending.

V-E DAY, HAS IT COME TO THIS?

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BURKE of Florida. Mr. Speaker, as a veteran of World War II, I cannot help but remember May 8 of 25 years ago when I was in Europe at the war's end. I look back with pride at our hard-won victory in Europe and the defeat of Hitler.

There was pride in being an American. Throughout our Nation, not only the men in Europe, but here at home also, there was a strong feeling of patriotism for our country and pride in its men, women, and children who had contributed so much to the cause of freedom.

Today, I pause to reflect on our accomplishments. We who served in the armed services in Europe and around the world must now take time to look inward at our country and examine the path we have followed since that day of victory.

Much that we see is good in many ways. We have a prosperous America. We have many of the good things to enjoy and which lend to our comfort. We did not have peace of long duration, for we fought another in Korea, but it did end with freedom for the Korean people.

Now, although we are in Vietnam, our troops are being withdrawn from this war in the southeast, and the President has pledged to end the war and help the South Vietnamese to become able to defend themselves against communism.

Now, not only I, but all of us must pause and reflect on the American scene, as we see it today on the streets of our cities, and on our college campuses.

Every American must, in the confusion of today, ask, "What is happening and why?"

Has the sacrifice of the thousands of our brothers, sons, and fathers who laid down their lives for freedom and the defense of our democracy been in vain? Is it fair on the day of remembrance of our victory in Europe that we find our institutions of learning burned, our flag desecrated by wild-eyed anarchists, and irreverence for the Almighty?

I am angry at those who would undermine from within this country of ours that has given us respect and freedom. They who preach anarchy are enemies of our society the same as those who would attack us from abroad.

There is no place in our Nation for the use of violence, the use of fire bombs or of riots, disobedience and the violation of every principle of democracy in the name of constitutional or academic freedom. These are not the ways to correct our wrongs or to expand upon our democratic way of life, the way of life that many dedicated and determined men and women fought for so that our children today could enjoy freedom and comfort.

The hearts of most Americans—by far a great majority—are filled with pride and respect for the deeds of valor and of the dedication of our veterans living and dead who recognize our country as the hope of the free world.

I hold in utter contempt the demonstrators who would attempt to overthrow this Government of ours hewed by the sweat and dedication of our forefathers.

These dissenters have the right to speak out; yes, even protest, but not in the dictatorial words of Mein Kampf, the socialism of Lenin, or the sadistic dogmatism of Mao.

We will not listen to their filthy cries, nor will we submit to their acts of terror.

This America is free and it must remain so. We must state loudly for all the world to hear: America is our country, a nation under law which we will move toward more liberty, greater happiness, and the insurance of security for our lives and our childrens' lives.

Our destiny will not be that of the Roman Empire, because we are a nation under God, dedicated to the greatness of our people.

May every true American pause and pray for the dream that came with the victory of V-E Day, 25 years ago for the restoration of common decency with respect for law and order by our young Americans and restore confidence and pride in ourselves and in our Nation.

THE PROUD RECORD OF AMERICAN AGRICULTURE

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. KLEPPE. Mr. Speaker, recently the Reader's Digest published an article in its May edition, "Time To Say No to Big-Farm Subsidies," that misrepresented the facts regarding the impact and effect of agricultural programs.

My colleague, the distinguished Representative from Kansas and the largest wheat-producing congressional district in the country, KEITH SEBELIUS, answered this article in a letter to the Reader's Digest that provides many facts that were ignored in this article.

I have read his reply and endorse the facts he presented which "tell it like it really is" on the farm and in agriculture today. In view of pending agriculture legislation, it is important that everyone fully understand the role of agriculture in our economy and the present economic outlook in agriculture.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 5, 1970.

Mr. C. R. DEVINE, V.P.,
The Reader's Digest,
New York, N.Y.

DEAR MR. DEVINE: Thank you very much for sending me an advanced copy of the article "Time to Say *no* to Big-Farm Subsidies", by Eugene H. Methvin. Since I represent a predominately rural district, this article was of considerable interest and concern to me.

I am concerned by what this article failed to say about the present farm income situation and the cost of food. The American farmer is proud of his contribution to American economic development, providing food and fiber for himself and the needs of 43 other persons. He is also proud that his production provides $5 billion worth of dollars exchange in world trade and a $3.466 billion contribution to a favorable balance of payments so important in maintaining a stable economy. The American farmer is proud that agriculture is a foundation for a $273 billion industry but pride alone does not pay the bill for increasing production expenses, nor does it alone keep farmers in our rural and small town areas.

A one pound loaf of bread, which sold for 13.5 cents twenty years ago brought the farmer 3.3 cents, now sells for 22.9 cents on the average and still returns 3.3 cents to the farmer. In 1951 the price of choice live steers was $35.96 per hundred weight in Chicago and today the price of choice live steers is from $30.00 to $32.50 per hundred weight in Chicago. These figures dramatically illustrate that the farmer is not receiving his fair share of income from the market place and is having difficulty surviving.

In effect, the farmer has subsidized American economic development by allowing the American consumer in 1969 to spend 83.5 per cent of his disposable income for non-food items. This "farm subsidy" has provided boundless employment opportunity for a rapidly expanding population and unlimited economic development potential for our affluent society, yet the farmer only receives 41 per cent of the consumer's food dollar or 7 per cent of his total disposable income. A revealing comparison regarding the price of food consumed at home, based on the 1957 through 1959 base period, is 127.4 while the unit cost of labor is 127.7 on an index based on the same 1957 through 1959 base period.

Farmers who do not have the mechanisms to adjust and to keep supplies in line with needs must receive an adequate return from our affluent society to continue to provide this service to the American consumer and to promote continued economic development. Also, many people are beginning to realize that the problems of the cities lie in an agriculture and rural America that does not provide adequate economic opportunity to keep its people. In view of the 100 million population increase projected for the next 30 years, this economic opportunity in rural and small town America is of paramount importance.

In discussing postal reform legislation with the Post Office Department, I discovered that if the Reader's Degest was charged 6 cents per piece of mail rather than the present 2.6 cents per copy for postage, the postage expenses would amount to an additional expenditure of at least $543,422 per month or approximately $6.521 million per year. I think it is apparent that agriculture and the farmer are not the only enterprises in America that are subsidized. Maybe we should limit government payments and subsidies to $20,000 per enterprise.

In consideration of the farmers position in the market structure, agriculture's contribution to a favorable balance of payments and agricultural productivity that allows 83.5 per cent of disposable income to be spent on non-food items, you can see why farm payments should not be viewed as a subsidy but should be considered a fair return to the farmer for his contribution to American economic development. Your close study and review of these points that help to paint the rest of the picture of agriculture and the present farm income crisis will be most appreciated.

With very best wish,
Sincerely yours,
KEITH G. SEBELIUS.

A TRIBUTE TO OUTSTANDING JOURNALISM

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ROUDEBUSH. Mr. Speaker, Publisher Richard H. Blacklidge of the Kokomo, Ind., Tribune has brought great honor to his newspaper and the entire State of Indiana by his recent election to the presidency of the American Newspaper Publishers Association.

The reputation and impact of the Tribune on the Kokomo community has been recognized throughout the newspaper industry.

The accomplishments of the Tribune are the direct result of the leadership of publisher Blacklidge and his respected editor, Dow Richardson, who capped a double sweep of honors for the Tribune by winning the Indiana State Bar Association's Liberty Bell Award for his contribution to greater respect for the law.

Blacklidge and Richardson are a tremendous team which have not only produced staturation coverage for the Tribune in the Kokomo area, but more important to its citizens, have offered positive and progressive leadership to one of our State's most productive and vital urban cities.

I wish to join in this tribute to these outstanding journalists by inserting into the RECORD for the examination of the entire Congress, laudatory editorials and an article about their achievements from Indiana's two largest newspapers, the Indianapolis Star and the Indianapolis News.

Perhaps the most rewarding compliments are those from one's competitors and colleagues

The editorials follow:

[From the Indianapolis Star]

KOKOMO TO THE FORE

Friends and colleagues gathered the other night to honor Richard H. Blacklidge, publisher of the Kokomo Tribune and the new president of the American Newspaper Publishers Association.

He is the first Indiana publisher to hold that post, which is earned by demonstrated ability in the business and leadership in the organization. The ANPA is a substantial association, with an annual budget of more than $2 million and an array of research and other activities related to newspaper publishing. Its presidency is both a genuine honor and a responsible job.

And now comes Dow Richardson, editor of the Tribune, to win the Indiana State Bar Association's Liberty Bell Award for contributors to greater respect for the law. The award was made on the basis of editorials and a supplement for teen-age readers.

We congratulate both men. The Kokomo community is fortunate to have such leadership.

[From the Indianapolis News, Apr. 30, 1970]

SALUTE TO BLACKLIDGE

A dinner at Purdue University's Union Building Tuesday night was public recognition of a fact long known to Indiana newspapermen—that Richard H. Blacklidge is one of the nation's top-flight newspaper executives.

The occasion was known as "Dick Blacklidge Night," at which members of the Hoosier State Press Association saluated one of their colleagues, the publisher of the Kokomo Tribune and new president of the American Newspaper Publishers Association.

Blacklidge dropped out of Purdue in 1936 to begin selling advertising for the Tribune. Two years later he became general manager, then publisher, and only last week was elevated to the presidency of the American Newspaper Publishers Association.

Indiana has produced many notable newspaper men but this was the first time a Hoosier has ever held the important and influential post of ANPA president.

It is an honor truly deserved, for Dick Blacklidge as a newspaper executive and citizen has served his community and the surrounding area well. The Tribune, which he seeks constantly to improve, has a circulation that brings it into 98 percent of the homes in the Kokomo metropolitan area, which is believed to be the best record of any daily newspaper in the United States.

Blacklidge has recognized and accepted the responsibility of a publisher to his community. Kokomo business and civic leaders have learned to turn to him for help which is always forthcoming.

If one is inclined to believe that the old-fashioned combination of hard work and ability has no place in today's world, he has only to look to Dick Blacklidge as a refutation of his skepticism.

[From the Indianapolis News, Apr. 30, 1970]

BLACKLIDGE RISE TO PRESS PINNACLE WILL BE HONORED

(By RALPH KRAMER)

KOKOMO, Ind.—Richard H. Blacklidge was a 23-year-old college dropout when in 1936 he started selling advertising for the Kokomo Tribune.

Those were the waning days of the Great Depression and Blacklidge was just "Dick" to the Kokomo merchants he called on.

Two years later, Blacklidge was named general manager of the Tribune in what was to be his first step up the ladder to publisher that led last week to the very pinnacle of American newspapering.

As of last Wednesday, he is president of the American Newspaper Publishers Association, and the only Hoosier ever to be so honored.

It's still just "Dick," however, and that's why more than 300 of his friends will get together with him tonight in the Memorial Union at Purdue University to celebrate the occasion.

SCOTT TO SERVE AS TOASTMASTER

John A. Scott, editor and publisher of the Lafayette Journal and Courier, will be toastmaster.

Sen. Paul J. Fannin, R.-Ariz., will be the principal speaker.

Stanford Smith, general manager of the ANPA, will be there. So will J. Howard Wood, publisher of the Chicago Tribune and past president of the ANPA; Paul Miller of the Associated Press, and William Murray of the Lawrenceburg Press, president of the Hoosier State Press Association.

Hosts are Scott, Eugene S. Pulliam, assistant publisher of The Indianapolis Star, and Franklin D. Schurz, publisher of the South Bend Tribune.

But it will be Blacklidge's evening, whether he likes it or not.

He'll get a citation from Purdue President Frederick L. Hovde, who came on the scene quite a while after Blacklidge, a Phi Gamma Delta Fraternity man, parted company with the school in 1936.

He'll also be honored by Col. C. A. Whitney of the Culver Military Academy, who was a teacher there when Blacklidge was a member of the famed Black Horse troops.

FONDNESS FOR SPORTS KNOWN

There will be considerable reminiscing, particularly about Blacklidge's fondness for almost all sports but baseball, which he detests, about his grandstand coaching prowess, about the stunt-flying in his younger days and about the African safari where he and a pride of lions passed a few feet from each other in the tall grass—neither side taking advantage of the situation.

(Blacklidge says he didn't see them and he assumes they either didn't see him or they did and considered him no threat.)

Blacklidge is a past president of the Hoosier State Press Association and the Inland Daily Press Association. He is a director of at least three corporations.

His was one of the first newspapers switching to offset printing and to do it, Blacklidge personally designed some of the equipment, including a computer.

He has been instrumental in promoting newspaper-in-the-classroom programs in Indiana and across the country.

He has built the Tribune into a seven-day-a-week publication with 30,000 circulation that finds its way into almost 98 per cent of the homes in the Kokomo metropolitan area.

That's the best of any daily newspaper in the nation, it is believed.

ROLE IN RACIAL PEACE UNKNOWN

He has helped build school buildings and radio stations, too.

But perhaps his finest hour came when he led a behind-the-scenes move to bring quiet to racially troubled Kokomo last year.

Hardly anybody knows Blacklidge largely was responsible for bringing segments of the black community together with more than 100 business and civic leaders at two different times.

"That's when I found out what Dick

Blacklidge was really like," a Kokomo clergyman said.

"Take him a problem and he'll solve it."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

RESULTS OF QUESTIONNAIRE: THE FOLKS AT HOME EXPRESS THEIR OPINIONS

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. FOREMAN. Mr. Speaker, it has long been my feeling that, too many times the opinions of the people have been overlooked or disregarded by their elected representatives. Too often, I fear, we are inclined to let those immediately surrounding us—the professional pollsters, the news writers, interpreters, and columnists, and the bureaucrats—have more influence on our decisions than the folks back home. With this thought in mind, and with the help of volunteer workers, I recently mailed out my second annual legislative questionnaire to the citizens of the Second Congressional District of New Mexico, inviting them, individually, to advise me of their views and opinions on some of the major issues facing Congress and the Nation.

The response to this questionnaire was tremendous. Over 33,000 answers have already been received, and approximately 10,000 of them had additional comments attached. Answers came from every single community and all of the 18 counties in my district—from people in all walks of life—from Democrats, Republicans, and independents alike. Because of this diversified and widespread response, I believe that this poll is a reasonably accurate expression of public opinion. I am pleased to report the results of these replies for the information and review of my colleagues:

[Answers in percent]

	His	Hers
1. Do you think it is important to have a balanced National Budget?		
Yes	92.6	93.7
No	7.4	6.3
2. Even if it may mean curtailment of some New Mexico programs?		
Yes	92.0	93.3
No	8.0	6.7
3. Do you favor a government guaranteed annual wage as a means of attacking poverty?		
Yes	7.0	10.0
No	93.0	90.0
4. Should Federal welfare programs:		
(a) Emphasize work as a condition for assistance?	80.0	75.8
(b) Require job training when appropriate?	49.2	48.2
(c) Be limited only to the sick and disabled?	41.0	39.4
(d) Provide benefits to all with incomes below the poverty level without any condition?	3.2	3.8
5. Federal farm control should be:		
(a) Phased out within 5 years	75.0	65.0
(b) Continued substantially as is	22.0	26.0
(c) Made permanent with increases subsidies	3.0	9.0
6. How would you rate President Nixon's overall performance since he took office:		
Excellent	18.7	20.0
Good	65.5	64.9
Poor	15.8	15.1
7. Vietnam, which do you favor?		
(a) Increased military action in an effort to end the war	40.0	42.0
(b) Gradual withdrawal of U.S. Forces and Vietnamization of the war	49.0	46.0
(c) Immediate and complete U.S. withdrawal	11.0	12.0
8. Priorities, please number, in your order of importance, the problems which are facing our country today:		
Inflation	50.0	40.0
Vietnam	20.0	20.0
Pollution	10.0	2.0
Hunger and poverty	3.0	7.0
Crime	16.0	30.0
Other	1.0	1.0

9. Do you think Federal spending for the following categories is:	Too low	About right	Too high	No opinion
(a) Defense	13	47	30	10
(b) Space program	7	40	48	5
(c) Foreign aid	1	7	89	3
(d) Poverty program (OEO)	8	18	65	9
(e) Federal Aid to Education	26	39	25	10
(f) Overall spending for all purposes	1	9	83	7

Note: Some questions total more than 100 percent because some persons selected more than 1 answer.

Mr. Speaker, these views and results speak strongly and forcefully for a concerned American people—God-fearing, taxpaying citizens—people who believe in the free enterprise system and in the preservation of our representative form of government. They are the kind of people who believe two and two still make four, and that all that glitters is not necessarily gold.

From the results of this questionnaire, it is evident that the people of New Mexico fully realize that every dollar that is received from Washington must be paid for by them or borrowed and paid for later by their children or grandchildren, with interest added. They know, too, that government has no money or income that it does not first take from the people. Most of these folks feel that they are getting more government than they need, and more government than they want.

I hope Americans never forget, or stray away from these fundamental, basic principles that made us what we are today. New Mexico folks have not, and I do not think the American people have, or will, but we could fail if we every stopped relying on ourselves and started looking to government to solve all our problems and make all our decisions for us. Yes, America could go down, but if we ever do, it will not be because the world developed a hydrogen bomb—it would be because we have developed a philosophy that says the individual is no longer economically responsible for his own welfare, or morally responsible for his own conduct.

Mr. Speaker, I respectfully urge my colleagues in the Congress and our national leaders, regardless of their political party affiliations, to give heed to these opinions, this feeling, this voice of the American people. Let us rededicate ourselves to the task of preserving our freedom, our heritage, our constitutional rights and principles and our great Nation "under God." Let us stop our continually increasing Government spending programs, let us initiate some tough, tight-fisted management over our wasteful, irresponsible foreign aid give-away programs, let us get back in balance again, economically and spiritually, and let us place the welfare of this great country ahead of political considerations.

PROFITABLE WASTE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BROWN of California. Mr. Speaker, economic factors accounted in large part for the emergence of our huge environmental problems; now, there is hope that these same factors can be utilized for solving the problems.

One area for which there is great prospect is that of solid waste disposal. Recently, Dr. Donald E. Garrett, head of the Garrett Research and Development Co. in La Verne, Calif., testified before the Senate Air and Water Pollution Subcommittee, and in his statement, Dr. Garrett outlined a feasible program for turning waste into profits.

I found Dr. Garrett's approach fascinating, and I am now inserting his statement and other items into the RECORD for others to read:

TESTIMONY OF DR. DONALD E. GARRETT, OCCIDENTAL PETROLEUM CORP.

Senator Muskie, Senator Boggs, it is a pleasure to be here today to discuss the

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technology required for the recovery of useful materials from municipal solid wastes. I am Donald Garrett, Executive Vice President for Research and Development, Occidental Petroleum Corporation. I also head the Garrett Research and Development Company, the central research and development division of Occidental Petroleum.

Occidental, as you may know, is a very large natural resource-based company. Its total sales were approximately $2.1 billion last year and it is a major producer of petroleum and petroleum products, phosphate and phosphate products, sulfur, coal and other natural resources. It has a large mineral exploration and development group, and of course a large research and development organization.

One of our major areas of technical activity is in the field of environmental control, primarily through research, development, and engineering for our operating divisions, but also on a Government contract basis. Consequently, because of solid wastes' potential as a major future resource, and because of our Corporate desire to assist in the country's environmental control programs, we have been interested in solid wastes for some time. We have done a considerable amount of engineering and experimental work on the subject, and discussed with the Government our suggested technology for recovering essentially all of the resource values for solid wastes. We sincerely believe that processing methods are presently available that will allow the recovery of much of the value from solid wastes on a profitable basis, and that only a comparatively modest development program is required prior to designing and operating the first prototype unit to test and demonstrate the process on a commercial, widely applicable scale.

As we first became involved with the study of processing wastes, and began to assemble the rather large amount of literature on the subject, we became impressed with the comparatively great value of the mineral content of solid wastes and the comparatively large tonnage available. As seen from a typical composition of solid waste, Figure 1, the value of various components on an estimated reasonable recovery basis is somewhere between $12 and $21 per ton of waste treated. Assuming an average rate of five pounds of solid waste generated per person per day this would mean that any city with over 400,000 people would produce more than 1,000 tons of such solid wastes per day. These figures on a normal mineral processing basis are truly impressive, for there are a great number of mineral operations in the world with a much smaller operating basis.

FIGURE 1.—TYPICAL MUNICIPAL SOLID WASTE

	Composition, weight/percent	Commodity value/dollars/ton	Possible recovered value, dollars/ton waste
Iron	6-8	$35-$40	$2.20-$3.20
Other metals	1-2	100-200	1.00-4.00
Glass	6-10	15-20	.60-1.30
Sand, dirt	2-4	0	0
Paper	48-55	25-30	5.20-8.20
Other organics	20-35		
Pyrolysis products:			
Char at 9,700 B.t.u./lb	20	$4-$5	$0.80-$1.00
Oil at 14,700 B.t.u./lb	16	12-15	1.80-2.40
Gas at 260 B.t.u./cu. ft	14	4-5	.50-.70
Total			12.10-20.80

A second factor of importance in analyzing this problem is that the present methods of treating solid wastes generally consist of burning or burying it, and that both of these methods are becoming much more expensive and difficult to do. There are strict air pollution requirements on burning, and the unavailability of suitable burial sites is making the disposal problem increasingly difficult. The collection of the trash, even though capable of considerable technical improvement is always going to be expensive, while disposal methods should be much more amenable to technical improvement, and perhaps the generation of some income to help off-set the collection and processing costs. Such processing improvements should at least help solve the municipalities' handling-logistics problem.

The final and perhaps most significant factor in the waste disposal problem is related to America's large consumption of natural resources, and the fact that these resources are becoming either exhausted, more expensive, or have a limited supply. Ultimately, and as soon as possible, we should recover all the resources possible after their first intended use so that future generations will have an adequate supply.

With these three factors in mind it is apparent that any solid waste treatment process should attempt to recover all of the values possible in their highest value form. Considering the very complex mixture and heterogeneous and changeable nature of the waste it is also essential that any process be highly flexible and contain processing steps that recover each of the values as independently as possible. Furthermore, looking at the content of solid wastes, paper is the largest single component, and it has the greatest potential salvage value, so any process must make an effort to salvage as much paper as possible. This also becomes true of each of the other components, and even glass or the miscellaneous organic material can contribute to the profit of an operation.

If processing solid wastes is considered as a mineral dressing or chemical processing problem, it is apparent that most of the required separations are already practiced on a fairly large scale, or have been tested in large pilot plants. The sequence of connecting the processing steps has not been done, and needs to be tested, but this generally should not raise insurmountable problems. One such assembly of processing steps is shown in Figure 2 (not reproduced), and is the process we propose for a large scale testing for solid waste recovery. Please bear in mind that this is a very simplified flow sheet for this discussion, and only shows the major steps, and not anywhere near the detail that would be required in a final design.

The first step, iron removal, is one that is important in the Western United States, but may better be placed later in the sequence elsewhere in the country. Here in the West there is a large and quite attractively priced market for tin cans and thin sheet metal for the copper mining industry. Consequently, it is important to recover tin cans before they have been flattened and put in a form that would be difficult to de-tin and clean. The first operation is one that is commercially and profitably practiced here in the West, where at least 6% of the total weight of the solid waste is recovered as iron. This removal should facilitate later grinding steps since large pieces of iron would otherwise take excessive power and be more difficult to handle. This step consequently can be considered as well known and comparatively inexpensive, and producing a totally salable product.

It is suggested that the second step be crushing to perhaps minus four inches, and then a bulk repulping operation to allow all of the organic materials to be floated from the predominately inorganic materials. There is no great complexity to this step since the hydraulics of water circulation and agitation can be fairly readily established to make such a bulk separation, especially when it is considered that most of the organic materials float, while the inorganics do not. It is possible that some dry separation of paper should be conducted prior to the repulping step to obtain a higher grade paper pulp, but rather surprisingly the equipment shown in the next step, that of shredding the organic material and then separating the saleable pulp from it, has been demonstrated on a fairly large scale in rather conventional paper making equipment. Large pilot plant operations have shown that at least 50% of the pulp can be recovered in a saleable form and separated from the mass of the other organic materials. Considerable progress has been made in de-inking and bleaching waste paper, and there would appear to be little question that this step can be done profitably and produce a quality, highly competitive, paper product. Considering the rapidly growing world population, the increased demand for pulp and paper, and the limited forest production, it would appear that the installation of recovery plants might keep step quite well with the increasing demand.

Perhaps the key step in the process is the disposal and recovery of valuable commodities from the bulk of the rather anonymous organic material and the unrecovered paper pulp that is contained in the solid waste. It is hoped that some of the plastics can first be recovered as such, and there are some techniques which would appear to offer promise in this area. However, on a general basis, the highest value that might be assigned such materials as coffee grounds, orange peels, wood, and other miscellaneous organic solid wastes would result from pyrolysis, or the thermal decomposition of these organics. It is proposed that all of the waste not collected as paper be sent to a pyrolysis furnace, along with the slimes and soluable solids accumulated in the process. Tests have been made in our laboratory on equipment similar to that which we are testing for the large scale conversion of coal into oil or gas, and we find that solid wastes are quite amenable to such pyrolysis, and do indeed provide what appear to be good yields of oil and gas. The oil of course may be fractionated into chemical components, but in a broad sense it should be considered only as synthetic crude oil. The char would be a low-sulfur substitute for coal, and could be further leached for its mineral content if desired. This step is the least certain of the recovery operations shown, but there is very little doubt of its technical feasibility. The problem lies more in its engineering complexity, and obtaining reasonable costs and yields. The bench scale tests conducted by our laboratory indicated that there is considerable promise, but it does need to be tested on a larger scale.

The next steps of the process become more involved with conventional mineral dressing techniques for which there is considerable precedent. It is proposed that glass (which has only been crushed to a minus four inch size) be separated first in a heavy liquid media, such as that produced by a suspension of iron oxide or other relatively cheap inorganic material in a slurry. The glass with all of the sand and other inorganic materials of that density will be floated off, but then a screening step will allow the coarser glass particles to be separated directly with fairly good purity. It is quite possible that flotation or other separating means may be used to recover more glass from the fines that are produced, but this has not been considered in the economic estimates. The fines would make an excellent sand for concrete or land fill.

The metallic fractions would next be separated into at least two fractions, that of the lighter metals, magnesium and aluminum, and the heavier metals such as zinc or stainless steel. Techniques presently used in the automobile salvaging business would allow the zinc to be sweated from the heavy metals in fairly high yields, and after vaporization, in excellent purity. An ammonia leach should allow the complete recovery of the residual copper and zinc, leaving a stainless steel mixture that should be directly saleable. Separation of the aluminum and magnesium in the float portion is a more difficult job, but there are some promising techniques available to separate or up-grade these metals.

To summarize, it is the feeling of our engineers and scientists that essentially all of the processing know-how is now available in either commercial or pilot plant stage to process solid wastes for their complete disposal and recovery. There is a good probability that for the larger cities this processing can be done at a profit. Such a profit would not only allow a credit to be taken for the presently incurred disposal cost, but might be enough to pay for the collection costs of these solid wastes. Even more important, however, it will allow a comparatively complete recovery of the mineral and resource values of the solid wastes, and thus be a very powerful step toward the conservation of these resources.

We feel that only a modest experimental and development program is required to demonstrate the principles discussed here, and that a one-year research and engineering study costing about $.5 to 1.5 million would lead to adequate design data for the construction of a demonstration plant. We would suggest that this demonstration plant be of a size to completely handle the solid wastes from a moderately large city and thus serve the multiple purposes of supplying design and performance data, solving the disposal problems of that city, and producing enough by-products to help defray the cost of the operation. It might cost about $15–20 million for a city the size of San Francisco. After the first demonstration plant, a comprehensive market survey should be made of the by-product sales, and then other plants built throughout the country as fast as they could be authorized, engineered, and financed on a sound economic basis.

[From the San Francisco Examiner, Mar. 31, 1970]

WASTE CAN BE USED, MUSKIE TOLD HERE

(By Alan Cline)

Processing methods to recover much of the valuable materials in solid wastes are already available, an oil research executive testified at a hearing by Sen. Edmund S. Muskie (D-Maine) here today.

But they aren't in operation because some of the mechanics haven't been worked out, including the need for separating hard wastes from wet garbage at the housewife level, said the witness, Dr. Donald E. Garrett, executive vice president of Occidental Petroleum Corp.

CONSERVATION AID

And Supervisor Robert Mendelsohn, another witness, quipped that if the supervisors required this, they could hardly expect to be reelected.

Dr. Garrett said the reclamation of solid wastes would alleviate soil and water pollution, and, further, would conserve dwindling supplies of natural resources.

A suitable plant to serve San Francisco would cost about $15–$20 million, he said, but the reclaimed material would be worth $12–$21 per ton.

In the processing system such materials as metals, glass, sand, dirt and paper would be separated, crushed and treated to extract their reusable substances, he explained.

"MAMMOTH CRISIS"

Mendelsohn told Muskie that the Bay Area "is heading rapidly toward a garbage crisis of mammoth proportions," and some kind of permament solution is mandatory within two or three years.

He said no real solution has yet appeared, but "we must cease dumping our garbage into any bay, river, lake or canyon which may be handy."

He suggested one approach might be to attack waste at the source—such as in the no-deposit, no-return bottles which now add to its volume.

Muskie, sitting as a one-man Senate subcommittee on air and water pollution, said that immediately available methods such as land fill, by fill or incineration are "short-sighted."

"San Francisco, which has already overtaxed its air, water and land resources, provides an excellent opportunity to examine alternatives to traditional methods of waste disposal," he said.

The independent approach was demonstrated by witness Randy Shaw, an Arizona State College student. He testified he made $389 by collecting 80,000 aluminum cans, crushing them by driving over them with a truck and selling them to an aluminum firm in Los Angeles.

[From the San Francisco Chronicle, Apr. 1, 1970]

A GLOWING FUTURE FOR S.F. TRASH

(By Michael Harris)

Today's solid waste—the four pounds of trash and garbage left over every day by the average resident of San Francisco—was described with great enthusiasm yesterday as tomorrow's solid asset.

Like so many things, garbage isn't all it used to be.

Leonard Stefanelli, president of the Sunset Scavenger Company, said the city's garbagemen use to redeem $500,000 worth of bottles a year before the no-deposit, no-return idea of packaging took over.

But despite recent setbacks, a series of witnesses told Senator Edmund S. Muskie there is a bright future in what Stefanelli called "the newly formed field of solid waste management—or what historically is known as the garbage business."

FUEL

Until the Marine Democrat began a hearing of his Senate pollution subcommittee, it was not realized how many Bay Area residents have developed an abiding interest in what happens to last night's dinner scraps.

"I thought it was fascinating,"' Supervisor Robert Mendelsohn said when Muskie asked him if he had looked into a South German plan to use garbage as fuel for an electric power plant.

But Mendelsohn declared he still retains a preference for the proposed Western Pacific garbage flyer, that would transport the city's wastes to be buried beneath desert land in Lassen county.

RETURN

"In a sense, our garbage would make Lassen county bloom," Mendelsohn said. "Such a landfill in this desert area would be a crude return of the solid wastes to the environment. A thin layer of solid waste material, underlying the sandy soil, would help leach out some of the alkali content and allow for growth of grass for grazing."

The train trip up the scenic Feather river route is still a possibility for the future, Mendelsohn added. For the next five years San Francisco will send its garbage and slurry scooped from its sewage treatment plants to Mountain View to form the underpinnings of a splendid new regional park.

MINERALS

The most imaginative offering of all came from Donald E. Garrett, executive vice president for research and development of Occidental Petroleum Corporation. He said San Francisco's garbage contains more minerals than some commercially successful mines.

Depending on the market, a ton of garbage might contain $12 to $21 worth of metal, glass, synthetic crude oil and gas, sand, paper pulp and char, Garrett said. Char, he explained, is a low-sulfur substitute for coal that could be burned in furnaces with minimal air pollution.

Since an average family of four persons turns out three tons of garbage a year, the salvage value would amount to about $35 or $60 a household per year—not counting the slurry of sewage residue, which in Milwaukee is converted to a well known fertilizer called Milorganite.

EXTRACTION

Unfortunately this would not be pure profit because the cost of extracting the residue would be expensive, Garrett said. In fact, the whole thing might even require a subsidy.

Frank M. Stead, retired chief of the State Division of Environmental Sanitation, said the major gain would not be in dollars and cents in ending the destruction of vitally needed organic material.

"We are in effect stripping the very land of its productivity," Stead declared in describing the present system of using incinerators and land-fill.

Because old newspapers can be reprocessed again into fresh newsprint (an entire edition of the New York Times was recently printed on second-hand paper), Stead said he belived it would be particularly valuable to salvage old newspapers instead of mixing them with the garbage.

San Francisco scavengers already take away bundles of newspapers from residences, but it was suggested that in the suburbs the same newsboy who throws today's paper in the bushes could carry away the discarded older copies.

PROGRAM

Muskie, who hopes to win approval of an $800 million program for improving waste disposal over the next five years, reported he was pleased to hear the proposals for the future. But said he was worried about the fact that land-fill garbage operations are still taking place at five points in the shallows of San Francisco Bay.

[From the San Francisco Chronicle, Apr. 1, 1970]

EXPLORING A TON OF WASTE

The method described by Donald E. Garrett for extracting $12 to $21 worth of material from a typical ton of San Francisco garbage can be understood easily by anyone who has ever admired the work of the late Rube Goldberg.

XUM

In brief: A standard American garbage truck dumps its load into a dump pit, whence it goes up a moving belt to a hammer mill to get broken up into little pieces. Then a magnetic separator, which works with electricity, picks up the tin cans so they can have the tin removed by a chemical process and be stripped down to the bare iron.

The rest of the garbage goes into a repulper, or a liquid bath, where the heavy stuff drops to the bottom and the light stuff floats to the top.

Taking the bottom first, we find the inorganic material going left into a pair of heavy fluid separators from which aluminum and magnesium and other heavy metals are separated. The rest of the inorganic material goes right to a screen, where the glass stays on top and the sand falls through.

Let us return to the repulper and watch the organic material flow right to the shredder, which shreds the materials, and to the fiber separator, which separates the fibers. At this point the paper pulp is pulled out and the rest drops into a pyrolysis furnace, which heats the material but does not burn it. Synthetic gas and oil emerge from the top of the furnace and char is left over at the bottom. It is possible to process the char even further, but that's another story.

[From the Los Angeles Times, Apr. 1, 1970]

THERE'S PROFIT IN TRASH, SENATE UNIT TOLD—WASTE RECOVERY FOR REFUSE EXPLAINED

(By Philip Hager)

SAN FRANCISCO.—Randy Shaw, 22, told Tuesday how he helped pay his way through Arizona State University at Tempe, by using his father's truck to collect empty aluminum cans to sell to Reynolds Aluminum in Los Angeles for 10 cents a pound.

"It isn't really a lot of fun going around to dumps and separating aluminum cans from steel cans," Shaw told a Senate subcommittee on air and water pollution.

But he did note that in three loads he had grossed over $400.

"I used the money to pay my tuition and housing this semester," said Shaw. He said he planned to resume his beer and soft drink can business during the summer.

Dr. Donald E. Garrett, executive vice president of the research and development division of Occidental Petroleum Corp., told the subcommittee that American cities can recover their garbage for reuse at a profit.

He said these solid wastes should be reused to make up for a rapid exhaustion of the country's natural resources.

His testimony was described by Sen. Edmund Muskie (D-Me.), subcommittee chairman, as "one of the most useful discussions we've ever had."

Muskie is conducting hearings on legislation to assist local government in handling a major environmental problem: The disposal of solid waste—cans, paper and plastic—in ever-increasing amounts. This city alone generates 1,500 tons of such material daily.

"Our scientists believe that processing methods are presently available that will allow the recovery of much of the value from solid wastes on a profitable basis," Garrett said.

He showed the subcommittee a chart listing the possible recovery value of metals, glass, paper and other materials and explained how they could be processed into usable form.

For example, he said, laboratory tests indicate that a variety of wastes could be transformed into a synthetic crude oil through a process of thermal decomposition.

"There is a good probability that for larger cities this processing can be done at a profit," Garrett said. "If all worked well such a profit . . . might be enough to pay for the collection costs of the solid wastes."

AMERICAN DRAFT DODGERS A PROBLEM TO CANADA

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BURTON of Utah. Mr. Speaker, I read a story in the Bangor, Maine, Daily News recently about the problem that the estimated 7,000 to 8,000 young American deserters are causing the Canadian Government, already plagued with the highest unemployment rate in many years—6.7 percent of their total labor force. I realize that the 7,000 to 8,000 deserters is very small—one-half of 1 percent—in proportion to the number of Americans serving honorably—1,367,626—in the Armed Forces in many places all over the world; however, this group is a source of concern to responsible officials of both Governments. The story follows:

[From the Bangor Daily News, Apr. 30, 1970]

AMERICAN DRAFT DODGERS CREATING LARGE PROBLEMS FOR CANADIANS

(By Michael Cope)

TORONTO.—A Canadian detective found the young American draft dodger lying in a pool of blood. His wrists had been slashed and on the floor lay the razor blade he had used to do it.

The police questioned other young Americans, some of them deserters, but most of them draft dodgers, and eventually a coroner's inquest recorded a finding of death while the balance of the mind was disturbed.

DISCLOSED BY HEARING

It didn't make even a paragraph in the big city newspaper. But the case, and others like it, did come to light when a Canadian Government Committee on Youth, traveling across the country, paused to hold hearings in Toronto on April 23.

One of the witnesses was Mrs. Naomi Wall, who works voluntarily for the Toronto Anti-Draft Program which helps young Americans who flee to Canada rather than answer their draft call in their homeland.

She bitterly attacked Canada's policy of allowing deserters and draft dodgers into the country as "hypocrisy unless the government will do something to assist them in getting settled."

Most of the estimated 7,000 to 8,000 young Americans who have fled to Canada since the Vietnam War crossed the border as temporary visitors and, once in Canada, then applied for landed immigrant status. While Ottawa considered their application, and that process varied from a few weeks to a few months, they were forbidden to work or apply for welfare.

DRIVEN TO CRIME

This waiting period, said Mrs. Wall, herself an American immigrant to Canada, has driven many draft dodgers to crime, despair and suicide, like the one with his wrists slashed.

"There are no facilities for aiding the exiles when they first arrive," she said. "They are afraid to ask 'establishment' agencies like the Salvation Army for help because it would define them at once as undesirable candidates for immigration.

"A few of the exiles get a small measure of help from the various groups here—particularly among student organizations—ready to help these people, but there are others who today are starving on the streets of Canadian cities. The Toronto Anti-Draft Program is constantly having to bail out U.S. exiles charged with drug offenses, vagrancy and such crimes as shoplifting."

The plight of the draft dodgers is accentuated by the fact Canada is now undergoing a tough anti-inflation recession and unemployment is now at 6.7 per cent of the labor force; the highest level in several years. There are too few jobs available anywhere in Canada nowadays and the draft dodger finds it impossible to get even the occasional casual job which paid enough with no questions asked for essential food.

SOME AID CASTRO

Some of the American exiles have relieved the boredom and cashlessness of waiting for immigration clearance by shipping to Communist Cuba and helping cut the sugar cane harvest there for Fidel Castro.

Some deserters who had the money have gone on to Sweden—the other major haven in the western world—where the government is prepared to house and feed them for a while.

But an interesting section of Mrs. Wall's submission to the Canadian government committee revealed that the caliber of draft dodger and deserter coming to Canada these days has slipped badly in the past four years or so.

"The TADP office (on Toronto's busy Yonge Street) is visited by an average of 15 new exiles every day now. The type of person contacting them has changed considerably.

"Four years ago most of them were middle-class, college-educated draft dodgers.

"Today, about 60 per cent are deserters from the U.S. armed forces and many have only eight to 10 years of formal education. With the deteriorating economic situation (in Canada), it is difficult to find them jobs.

"Exiles such as these should be granted landed immigrant status on humanitarian grounds," she suggested.

ANGRY LETTER SENT

But there are many Canadians who are opposed to their country being used as a haven for young Americans. The nationally-circulated Weekend Magazine recently ran this irate letter from Ronald Foster, a former Canadian Army paratrooper and Korean War veteran who is now a fire department captain in Toronto's suburban Etobicoke:

"To run when there is a chance to present an objective criticism labels the deserter as a hypocrite and coward.

"This type of person will no more defend Canada than the country of his birth, as he will find that many of the reasons he left the United States exist here as well, including a reasonable and honorable request to defend the principles of its existence.

NO GLAMOROUS REBEL

"The draft dodger is not a glamorous rebel, but a running, frightened coward, and the world has seen many of these.

"A parasite in paradise."

With growing unemployment across Canada, there is also growing resentment against the thousands of young Americans competing for the all-too-few jobs.

No matter how sincere or well motivated the principles of the deserter and draft dodger may be, they don't cut much ice with an unemployed worker in Toronto or a nearly bankrupt farmer on the prairies. Much of the earlier Canadian enthusiasm for the American exiles has now gone sour.

VIETNAM VETERAN SUPPORTS NIXON

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. HUNT. Mr. Speaker, I am proud to recognize Dr. James W. Ralph, a good friend and great American. I have just received a letter from him which is typical of those I have received from other Vietnam veterans and embodies the spirit of letters I have received from members of the adult community throughout the First Congressional District of New Jersey. Essentially, it concerns the very difficult decisions which our President has had to make in an effort to expedite the safe return of American troops from Vietnam.

Dr. Ralph's letter follows:

TENAFLY, N.J.,
May 2, 1970.

Hon. JOHN HUNT,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. HUNT: "I support the President's stand on Vietnam and I also support the action in Cambodia.

"I spent a lot of my tour in Vietnam chasing the Viet Cong into Cambodia, adjacent to Tay Ninh Province. We have suffered enough casualties at the hands of enemy troops who have been able to run to their sanctuaries. It is high time we hit their hiding places.

"I urge members of the House Armed Services Committee to be present when the President meets with the Senate Armed Services Committee.

Sincerely,

JAMES W. RALPH, M.D.

P.S.—I would like to have taken part in the Cambodia raid.—JWR.

RUMANIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. DINGELL. Mr. Speaker, Rumanians have liven on the eastern half of the Balkan Peninsula for centuries. They have tilled their fertile land and at times have made Rumania the breadbasket of eastern Europe. There these sturdy and hard-working peasants have also lived in freedom, and have always done their utmost to safeguard their independence. In this they have not always been successful. Early in modern times the Ottoman Turks overran and conquered the country, and made it a province of their empire. Thenceforth until mid-19th century the Rumanians lived under the rough and cruel Turkish regime, and they struggled hard for their liberation without success. On numerous occasions they revolted against their oppressors, but these revolts ended in bloody massacres.

In the 1870's the Balkan Peninsula was once more in political ferment; unrest was brewing in many parts, and peoples were rebelling against the once powerful Turkish regime there. Rumanians began their revolt, and on May 10, 1877, proclaimed their national independence. In the ensuing war they were victorious with the effective aid of the Russians, and the subsequent peace treaty guaranteed Rumania's independence. Thus that daring act of May 10, 1877, marked the independence of the Rumanian people.

Since those distant days Rumanians have had their joys and their woes, and today they are again deprived of their freedom in their homeland. Communist totalitarianism, established there with the aid of the Red army, holds down all vestiges of freedom. Happily, however, even under communism the Rumanian people still preserve a sense of independence, and cling to their national heritage. On their Independence Day I wish them peace and fortitude in their struggle for genuine freedom and independence.

ACTION FOR THE ENVIRONMENT

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. McCARTHY. Mr. Speaker, on April 22 of this year millions of Americans observed Earth Day. In doing so we recognized that ordinary measures are no longer adequate for the protection of the world in which we live. It is safe to say that almost every American must have been aware of this event. And there can be no doubt that there will be renewed effort to combat water pollution, air pollution, and the many other threats to our natural surroundings.

More, however, is needed than the normal level of energy devoted to the protection of the environment. Every American must involve himself directly in the pursuit of an environmental balance, a pattern of living that does not destroy the elements that we need for survival. As some have put it, each of us must live ecologically—that is, live in concert with our natural environment. There are several ways in which this can be done, legislative, individual action, a change in our pattern of productive growth that devotes more effort to insuring environmental safety, all are important.

There have been a number of bills introduced in this Congress that deserve particular attention. Senator WILLIAM PROXMIRE's bill to place a tax on all products creating solid wastes within 10 years deserves the most careful consideration because it may help solve our problems of disposing of growing amounts of trash. Representative HENRY REUSS's bill that would eliminate phosphates from detergents is aimed at a most serious problem, the elimination of one of the elements that is the principal cause of pollution of our waters. Phosphates have been identified as a major source of fertilization of our rivers and lakes. By limiting phosphates in detergents we can materially reduce our requirements for sewage treatment. Fortunately, there are soaps and detergents that are low in phosphates available on the market now. But we also know that some detergents are high in phosphates and that industry can make changes to eliminate this component. Obviously there are many other important bills that deserve attention.

Also needed is a national willingness to devote that portion of our annually increasing productive capability necessary to protect the environment. We do not need to stop producing steel or aluminum. What we do need to do is to include in the costs of those metals the price of insuring that the byproducts created during production of these metals do not pollute our surroundings. This principle must be applied in every phase of our economic activity.

Finally, each individual and every group must take those actions needed to create an awareness of environmental problems and solutions. By example and through education Americans can be shown techniques and practices that will reduce the pollution of our environment. In western New York a number of people have introduced the Citizen's Committee on Pollution. This group has initiated an effective and noteworthy effort to alert citizens to pollution problems. They have distributed, for example, a list showing the amount of phosphate in a number of commercial detergents. I am including a brief summary of their work to date as well as the list of detergents that they have distributed. I wish to commend the Citizen's Committee on Pollution for their activities on behalf of a cleaner environment. Their progress means that Earth Day will have meaning in the years to come.

The summary follows:

CITIZEN'S COMMITTEE ON POLLUTION

HISTORY

The Citizen's Committee on Pollution began on September 21, 1969 when some 30 interested citizens gathered at a private home for the express purpose of seeing what they could do to provide a cleaner, healthier environment. Two of the group were appointed as co-chairmen, a name was chosen, and a set of objectives was agreed upon. This informal gathering has grown to be the most viable organization of citizens in Western New York devoted to eliminating pollution.

PURPOSE

The CCOP's primary belief is that a better environment can be best achieved via an informed and dedicated citizenry. To this end we have formulated these specific objectives:

1. Educate our group and the public on environmental issues.
2. Establish the CCOP as a significant force in the efforts to achieve a better environment.
3. Take action on pertinent issues, including: reporting of pollution violators, attending public hearings and meetings, corresponding with legislators, publicizing group activities, and exercising legal avenues of recourse.
4. Expand our active membership and encourage formation of other citizen's groups.

ORGANIZATION

As the original informal group grew, both geographically and in number, it became apparent that a more formal organizational setup was needed. Accordingly, a general membership meeting on January 25, 1970 decided to elect 10 members to a board of directors who would constitute the officers of the CCOP. Besides serving as an executive body, members have specific individual areas of responsibility:

Chairman—group representative and administrator.

Secretary/Treasurer—minutes, correspondence, and money.

Publicity—arrange publicity for group.

Public Relations—prepare and provide speakers—membership.

Local Industry—communication source with industry and follow-up.

Watchdog—stay aware of important happenings and arrange CCOP representation.

Liaison—coordinate telephone and worker lists.

Research and Records—collect, study, and report information.

ACHIEVEMENTS

In less than eight months of existence, the CCOP has sponsored two public meetings. At the first of these meetings, county health officials spoke to an audience of 125 on present and future air pollution laws and their enforcement. At the second meeting, attended by about 200 people, representatives of three local industries spoke on their present and future air pollution control equipment and their plans to comply with the January 1971 and June 1, 1972 deadlines.

The CCOP sponsored a poster-slogan-essay contest in the North Tonawanda schools to gain the interest and help of our youthful citizens in the fight against pollution. Prizes totaling $215 will be awarded in this contest on April 24 at our Boulevard Mall Exhibit.

During Environmental Week, April 20–25, we have organized an Exhibit at the Boulevard Mall to emphasize the need for pollution control. The Exhibit features: speaking engagements by Richard McCarthy and Jack Kemp, a question-and-answer session with representatives of Erie and Niagara Health Departments, anti-pollution art work of students from Buffalo, Amherst, and North Tonawanda, and dissemination of pertinent information by the CCOP.

Members of the CCOP have attended numerous meetings of other groups concerned with air pollution. These have included information-type meetings and those of appointed officials reporting to local governing bodies. The CCOP is preparing an all-out effort to present their views at the next public hearings where ambient air standards for carbon monoxide, hydrocarbons, and oxidants will be set for Niagara and Erie counties.

Meetings and other activities of the CCOP have been reported in four of the largest newspapers in the two-county area. At least two editorials were written commending the intelligent, informed, positive attitude of the CCOP in their fight against pollution.

XUM

THE FUTURE

It is up to the citizens! Do you wish to aid the Citizen's Committee On Pollution? Call Gene Oglivie, Chairman (692–4140) or Carol Fiorella, Publicity Director (694–1719).

Phosphate content of detergents and household cleaning aids by Limnetics, Inc., 6132 West Fond du Lac Avenue, Milwaukee, Wis.:

[Percent]

Detergent:	*Phosphate*
Ajax	28.2
Axion	43.7
Bio-Ad	35.5
Biz	40.4
Blue Luster	0
Bold	30.2
Bonus	22.3
Borateem	0
Breeze	22.2
Cheer	22.0
Cold Power	19.9
Cold Water All	9.83
Diaper Pure	5.0
Dreft	24.5
Drive	25.3
Duz	23.1
Fab	21.6
Gain	24.4
Ivory Snow	0
Lux	0
Lux Flakes	0
Oxydol	30.75
Punch	25.8
Salvo	35.3
Tide	30.6
Trend	1.49
Vel	0
Wisk	7.63
Bestline Liquid Concentrate	1.63
Bestline B–7 Powder	25.1

Additional information from the Rochester Committee for Scientific Information, P.O. Box 5236, River Campus Station, Rochester, N.Y.:

[Percent]

Detergent:	*Phosphate*
Calgon	25
Ivory Liquid	1
Low Suds	17
Spic and Span	10
Surf	7
Ivory Flakes	7
Culligans (sold by Lan-o-Sheen Inc.)	11
Instant Fels	6
Downy	0

THE WILL TO BE FREE

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. HATHAWAY. Mr. Speaker, events of the past week have illustrated clearly America's deep concern with the President's decision to commit troops to military confrontation in Cambodia. The most obvious issue, of course, is related to the threat of further expansion of the war in Southeast Asia and the prospect that the evacuation of American troops will end and that more men and materials—possibly more than at any time past—will be required to meet the expanded commitment.

But recent events evince an even deeper concern than this—the erosion of a principle as old as our Nation: The real and present prospect that one man or one institution can "impose an unrestrained will on the decisions that shape the Nation."

The words of the Constitution make it clear that the war power is almost completely vested in the Congress of the United States. Congress is charged with the sole power to declare war, for example, and is additionally entrusted with the authority to raise and support armies, to provide and maintain a navy, to make the rules governing land and naval forces, to call out and take charge of disciplining the militia, and to make all laws requisite to the execution of these powers.

In recent years, however, Presidents have claimed the exclusive right to commit the Nation to foreign wars under a sweeping interpretation of their powers as Commander in Chief. The contemporary nature of foreign-policy making, with its crisis-oriented overtones, has, perhaps, lent itself to this interpretation of the Executive's role. But the resultant state of affairs, with a large and ill-defined proportion of foreign-policy matters escaping the process of congressional and, therefore, public scrutiny, is indefensible.

The Congress must reassert its prerogatives with respect to the formulation of foreign policy and the exercise of constitutionally assigned war powers. The President should have to consult with and abide by a decision of the popularly elected Congress before taking any action to enlarge the U.S. commitment to Southeast Asia.

It may well be that the President's recent decision will prove to be in our Nation's best interest. It may well be that the President's ordering of U.S. troops into Cambodia will facilitate the Vietnamization program and hasten American troop withdrawals in the long run. But these prospects do not comprise the main issue.

What is principally at issue is the unchecked Executive discretion to order our military forces into offensive action in foreign lands whenever and wherever the President chooses. What is principally at issue is the unlimited Executive prerogative to alter constitutional intent and avoid congressional process at his option. What is at issue is the very undemocratic prospect that one man can declare himself superior to the people, the legislature, and the law of the land.

Mr. Speaker, the May 16 issue of The New Yorker magazine, in its "Talk of the Town" section, contains an excellent appraisal of the issue underlying our Nation's present concern, outlining what the American people, the American Congress, and the U.S. Supreme Court can and should do in the face of the threat of one man's "unrestrained will."

I am inserting it in the CONGRESSIONAL RECORD, and I hope that its warning be kept in mind in the days immediately ahead and ever thereafter by those of us privileged to serve in this body. The warning is this: That if the American people now permit the erosion of the concept of government by separation of powers and the principle of participatory democracy," while the capacity for resistance still remains, then we will have lost the ultimate protection of liberty—stronger than governments, more enduring than constitutions—the will of a people to be free."

The item referred to follows:

THE TALK OF THE TOWN

As the defeated British regiments marched past the files of French and American troops at Yorktown, the British bands, in detached resignation, played "The World Turned Upside Down." The same tune would have been an appropriate accompaniment to the events of last week. For the two-hundred-year-old American system came under its most serious attack in modern times, not from the poor, the blacks, or the students but from the White House—the fount, the pinnacle, the keystone of the established order. President Nixon became the first President in the history of the United States deliberately to order American forces to invade another nation on his own, without seeking congressional approval or support. This order was in disregard of the Constitution, the tempering strictures of our history, and the principles of the American democracy. It was, therefore, an act of usurpation.

Few prohibitions are more clearly set forth in the Constitution. It makes the President Commander-in-Chief, and explicitly states that only Congress shall have the power to declare war or raise armies. The Federalist Papers reaffirm what the law makes clear: the term Commander-in-Chief meant only that the President could direct the conflict after Congress had decided to make war. Hamilton wrote that the President's power would be much less than the power of the British King, for "it would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature." This was no casual division. The fear of military power under the control of a central government was one of the most serious popular objections to the establishment of the new nation.

The only way this could happen, the founders responded, was by a "continued conspiracy" between the executive and the legislature. In this case, Hamilton advised, "the people should resolve to recall all the powers they have heretofore parted with out of their own hands . . . in order that they may be able to manage their own concerns in person." As sophisticated men, the Founding Fathers foresaw some of the dangers that lay ahead. They recognized explicitly that formal declarations of war were going out of style, but they still required our legislature to declare war. They saw "how easy [it] would be to fabricate pretenses of approaching danger," but they said that this would demand "a combination between the executive and the legislative, in some scheme of usurpation." In other words, the Constitution would protect the American people against the misuse of military power by prohibiting the executive from going to war without congressional approval and prohibiting Congress from directing the war it had started. Even this was dangerous, they acknowledged, but it was the best that could be done.

For over a hundred and sixty years, the Constitution was followed. Congress declared the War of 1812, the Mexican War (even though they had been a somewhat provoked attack on our troops), the Spanish-American War, and both World Wars. In the period after the Second World War, things began to change. The development of Soviet atomic power, the military impotence of Western Europe, and the shock of Korea impelled us toward the creation of a large peacetime standing Army—the first in our history. It was seen that a sudden emergency might require instant action, with no time to go to Congress. This implied exception to Constitutional principle was based on the technological realities of atomic war, and it has been invoked only once—when we intervened in the Dominican Republic. That intervention, however, was based on the claim that action within hours was necessary to protect the lives of Americans trapped between the contending forces—simply a traditional rescue operation. This claim may well have masked other motives, but American forces were not committed to combat, and support of the congressional leadership was sought and received within hours of the order to intervene and before the Marines had actually landed.

In Korea in 1950, President Truman acted pursuant to a resolution of the Security Council, whose powers had been confirmed by the Senate when it consented to ratification of the United Nations Charter. In addition, Truman met with the congressional leadership of both parties before ordering combat forces into action, and received their unanimous support, along with that of the defeated Republican nominee, Thomas Dewey. Nor was there any doubt of the overwhelming public and congressional approval of his action—at least in the beginning. (The same week the draft was extended with only four dissenting votes.) Still, the Republican candidates in 1952—including Senator Nixon—were critical of Truman's failure to get more formal congressional approval. So President Eisenhower sought, and received, congressional resolutions authorizing him to act in the Middle East and in the Formosa Strait. President Johnson himself asked for a resolution at the time of the Gulf of Tonkin incident, and it was the literal verbal scope of this resolution that was construed as authorizing all subsequent action in Vietnam. Yet such a construction was clearly an evasion, and it was at this point that the great Constitutional principle began to decay.

Now President Nixon has taken a giant step. Not only has he evaded the spirit of the Constitutional division of powers but he has deliberately ignored its plain meaning and intent. He has decided that he will go to war in Cambodia because he feels it necessary, no matter what Congress wants or what the people think. He has even implied that such willful disregard of the people and their elected representatives is an act of noble self-sacrifice, and has hinted that we should admire his courage in exceeding the limits of his Constitutional powers.

The war in Cambodia was not an emergency. There was time enough to present the matter to Congress for a swift decision. Indeed, unconcealed debate with the executive branch went on long enough to permit the Vietcong to evacuate the threatened area. But the President did not follow the precedent of all his postwar predecessors by seeking assurance of congressional support, either formally or through meetings with the leadership. Rather, he made war by fiat. He has thus united in himself the powers that the Constitution divides and that have remained divided through our history. This comes from an Administration that proclaims its devotion to "strict construction."

This is not a technical, legal question. In import, it transcends the question of the wisdom of the war itself. The President, in effect, says, "I, and I alone, have decided to go to war in Cambodia." Where does he get that power? The Constitution denies it to him. He is not acting under the necessity of instant reaction. He has the power only because he asserts it, and because the armies follow. In a world in which conflicts are interrelated, there is no limit to the possibilities of his reasoning. He can invade Laos and Thailand, in both of which countries Communists are active. He can enter North Vietnam itself. He can attack China, which is both a sanctuary and a source of supply for the North Vietnamese. Nor is the Soviet Union exempt, since it, too, helps our adversaries in Vietnam. Such an assertion of authority is not among the prerogatives of a democratic leader in a republic of divided powers.

Our democracy is not an elective dictatorship. It is a government in which all elected officials have carefully limited powers. Suppose the President said he was going to change the tax laws, because the rates were unjust. What an outcry we would hear. Yet how trivial such an act would be, compared to concentrating the power over war and peace in a single office. The light of democracy depends on a common acceptance, by people and government, of the limits of power. What if, two years from now, the President should cancel the elections, on the ground of national need? Would it be easy to revolt against an armed force of three and a quarter million men if they remained obedient to their Commander-in-Chief? The possibility now seems absurd. But it illuminates the fact that our system works only because men have felt constrained by its assumptions; courts and legislatures have neither guns nor treasuries to enforce their will. Now one of the most basic of these liberating assumptions has been swept away. It must be restored.

The first duty of resistance lies with the legislative branch. For years, its members have been abdicating their responsibility, watching almost without protest while their authority was eroded and their mandates were evaded. They have allowed their power to be usurped. Now they are scorned and ignored, because the President is confident that they have neither the courage nor the will to challenge his action—that each, looking to his own interest, will allow the common cause to decay. If this is a true judgment and the President's act is not repudiated then they will have denied the oath they took to uphold the Constitution. For Congress is the people's guardian. The authors of the Federalist Papers reassured the doubtful that "in the only instances in which the abuse of the executive authority was materially to be feared, the Chief Magistrate of the United States would . . . be subjected to the control of a branch of the legislative body. What more could be desired by an enlightened and reasonable people?" What more indeed?

The other possibility is the Supreme Court. In 1952, President Truman seized the steel mills, because, he claimed, a steel strike was endangering the war effort in Korea. The Supreme Court decided that he had no such power and ordered him to return the mills. That opinion concluded, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand." How much more does this invasion transgress those same hopes and fears.

There are many ways to bring the issue to the Supreme Court. The Senate itself might instruct its leaders to bring an action to restrain the President or the Secretary of Defense from ordering further combat in Cambodia. This would be an unprecedented response to an unprecedented act. The issue is Constitutional, and is thus within the jurisdiction of the federal court. And surely no individual or institution has greater standing to bring such an action than the very body whose powers have been taken away. Another route lies through the recent Massachusetts statute that makes it unlawful to require any resident of that state to serve outside the United States in an undeclared war. The Attorney General of Massachusetts has been instructed by the law to bring an action in the Supreme Court in order to prevent such service from being required.

In relation to Vietnam, the passage of the bill was a symbolic action. In the case of the Cambodian invasion, the law could be a vehicle for resolving a momentous issue. Would the Court decide? No one can be sure. But it alone can decide, and that is its responsibility. Discussing the Supreme Court, Hamilton wrote that it must have the power to invalidate all acts by the other branches of government which are contrary to the Constitution. "To deny this," he said, "would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize but what they forbid."

The President has now declared himself superior to the people, to the legislature, and to the laws. We have lasted as a functioning democracy for almost two hundred years. The foundation of that democracy has been a vigilant regard for the principle that no one man or institution shall impose an unrestrained will on the decisions that shape the nation. If the American people now let this principle be eroded, while the capacity for resistance still remains, then we will deserve our fate. For we will have lost the ultimate protection of liberty, stronger than governments, more enduring than constitutions—the will of a people to be free.

WATER RESOURCES RESEARCH IMPORTANT

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. WYATT. Mr. Speaker, Mr. Peter C. Klingeman is director of the Water Resources Research Institute at Oregon State University, and in this capacity has expressed strong support to increase the authorization for research and institutes in this vital area. He has asked specifically for favorable consideration of three measures—H.R. 15957, H.R. 16279, and H.R. 16285—now before the House Committee on Interior and Insular Affairs. I am pleased to be able to include his remarks on the importance of such legislation to the State of Oregon in the CONGRESSIONAL RECORD:

OREGON STATE UNIVERSITY, WATER
RESOURCES RESEARCH INSTITUTE,
Corvallis, Oreg., May 4, 1970.

Representative WENDELL WYATT,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE WYATT: The Water Resources Research Act of 1964 (PL 88–379) established an annual allotment program under Title I of $100,000 to each state institute. Inflation has substantially reduced the amount of research and training which can be conducted with this amount. Moreover, the Act makes no provision for proper interpretation and dissemination of research findings by institutes. The bills now in Committee seek to redress these shortcomings by raising the Title I annual allotment to $250,000 and authorizing appropriate information programs.

Oregon has directly benefited by research projects and related training conducted with funds from the annual allotment. Research has led to specific recommendations regarding the state's water-management districts. Publications regarding large-scale water diversion plans have been made available to and have been used by state agencies seeking to ensure that the Pacific Northwest will always have sufficient water supplies. A comprehensive survey of Oregon Water Law is nearing completion and is expected to be of great significance to federal and state agencies, as well as private firms and individuals. As a first step in assessing Oregon's assets for recreation and future requirements, the allotment is financing a survey of Oregon's lakes and the status of their water quality.

For many years, the annual allotment has made it possible for faculty members and graduate students to be part of a task force conducting studies in the Alsea River experimental watersheds. The study group includes members of federal and state agencies as well as representatives of the timber industry. Research results are helping to set standards for proper road building, logging practices, and stream management so as to reduce and control water pollution.

In addition to this research training for students, the Institute sponsors seminars each term on important aspects of water resources preservation and development. Seminars are widely attended by representatives of industry, state agencies, and the Oregon State legislature as well as by the academic community. Proceedings are published to make the seminar subject matter available to the interested public.

Recognizing the need for improving communications between researchers and research users, the Institute publishes a newsletter on a periodic basis giving the results of investigations. Reports concern projects not only within Oregon but also those studies from all over the nation which are pertinent to conditions in Oregon. Distribution is to federal and state agencies, legislators, public officials, private industry, and appropriate individuals and committees—especially at municipal and county levels. The objective is to reach most of those who are active in the planning or decision-making aspects of water development. The limitations of the current annual allotment make it impossible to expand the service into a monthly publication as deemed desirable.

Research and education alone cannot solve water problems, but they can provide the knowledge necessary to understand the problems and suggest possible methods for solutions. It is vital that those charged with responsibilities in the field of water resources recognize the humantarian and sociological aspects as well as the scientific and technical factors. The state Institutes represent the ideal means of bringing to bear on problems the required mixture of talents and disciplines. This is accomplished through the effective federal-state partnership which has been established under PL 88–379. However, there is a distinct need to increase the federal funding.

Very truly yours,
PETER C. KLINGEMAN,
Director.

WO WILLIAM NOETZEL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. LONG of Maryland. Mr. Speaker, WO William Noetzel, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

WARRANT OFFICER HELICOPTER PILOT KILLED IN VIETNAM ACTION

The Defense Department announced yesterday that WO1 William W. Noetzel, 20, of Lutherville, Md., was killed in action in Vietnam.

He was a helicoper pilot with the 176th Assault Helicopter Company, which was based at Chu Lai along the central coast of Vietnam. He died Saturday after his helicopter was hit by enemy ground fire and crashed. The department did not disclose any further details, nor did it indicate where the action had taken place.

Mr. Noetzel was the son of Mr. and Mrs. Louis G. Noetzel, Jr., of Greenspring drive, Lutherville.

GRADUATE OF POLY

He was a 1967 graduate of Poly and had worked as a draftsman for the C. & D. Engineering Company and the Baltimore Gas and Electric Company.

He enlisted in the Army in January, 1969, and received his wings in December. He left for Vietnam January 20, 1970.

"His letters from Vietnam during the three months he was there were cheerful, but he was close-mouthed about the war," his father said yesterday.

After graduating from Poly, Mr. Noetzel became an avid scuba diver and in one of his letters home he said that he wished he had his scuba gear with him and could dive in the South China Sea.

SURVIVORS LISTED

He also wrote that "8 to 10 years from now people will be vacationing here, because this is such a beautiful place," he father recalled.

In addition to his parents, his survivors include two sisters, Mrs. Robert Wall, of Glencoe, Md., and Miss Mary Beth Noetzel, of Lutherville.

POSTAL REORGANIZATION

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. AYRES. Mr. Speaker, our first Postmaster General, Benjamin Franklin, said:

> Never leave that till tomorrow which you can do today.

I think it is well to recall his words to this House at this time, because there are those who would leave till tomorrow—or next year—the matter of postal reorganization so urgently recommended by the President.

Another bit of wisdom from Ben Franklin: "A little neglect breeds mischief." Postmaster General Winton M. Blount spoke before the National Press Club on April 27, 1970, and I believe every Member of Congress should heed his remarks which follow:

REMARKS BY POSTMASTER GENERAL WINTON M. BLOUNT

My subject today is postal reorganization and many of you have heard me speak on the same subject when I was here a year ago. It reminds me of the story of an Indian chief, head of a tribe in Nevada, who drove into Las Vegas for a little gambling. He ran into a bad streak and was wiped out. He then climbed to the top of Mount Charleston and sent smoke signals to his tribe, asking for more money. The tribe signaled back: "For what reason do you need money?" Before the chief could reply, a group of scientists from the Atomic Energy Commission detonated an atomic charge in the desert. A tremendous mushroom of smoke rose from the earth, darkening the sky.

Promptly, the tribe signaled: "All right, all right, sending money. Just don't holler."

I've been hollering for a year about postal reform and today I'm going to holler some more.

We hoped reform would come sooner than it has. But there were the necessary adjustments to be made, as with any dramatic change. There were those who opposed it because they thought the process of rate making was best handled by compromise between lobbyists and the members of Congress.

I have to confess that I have been baffled as to why those who stood to benefit most from postal reform opposed it the most. I realize it takes time to adjust to a new idea—although the idea itself was not particularly new. Somebody back in 1906 proposed putting the Department in the hands of a government-regulated corporation. I know it takes time to study the legislation, and I fully endorsed this process of careful study. But the process took far longer than it need have taken, in my view.

And I must say it seemed odd to find business people so concerned with rate increases struggling against a measure designed to bring some long-range stability to postal rates of all classes, and people who complain constantly about the postal service fighting every effort to improve it. I neglected to read Alice in Wonderland when I was young, but I feel that hole in my education has been adequately filled now.

But after all the political posturing, and all the "viewing with alarm," and all the

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"pointing with grave concern;" after all the hearings, and all the testimony; and finally, after a crippling work stoppage, we still don't have a reform bill.

I don't know how I can make it any plainer than the work stoppage made it.

During the work stoppage, we got thousands of letters from the public; I got letters and telegrams and phone calls from Congressmen, and all of them were urging me to do something, urging me to settle the work stoppage. And we worked on it around the clock, because when the chewing gum hit the fan, it wasn't Congress that had to deal with it. It was the Post Office Department and the President.

There was a tremendous sense of urgency then. Everybody agreed we had to get this problem settled once and for all. Now that the men are back to work and everything is serene again, there is danger of complacency and politics as usual in the matter of postal reform.

I would hope that the Congress and the public can recapture the sense of urgency that prevailed in the month of March.

Because, make no mistake, the situation *is* urgent, and we *are* going to have more difficulties.

We *are* going to have chaos, and it's going to be widespread, in the postal system, if we don't change the system.

And, we are *not* going to be able to get through the next upheaval as quickly as we got through the last.

I'm not being an alarmist. This matter has been thoroughly studied and restudied for many years. We know what we're talking about. We anticipated the recent difficulty, and we anticipate further difficulties if nothing is done about it.

I'm sure the public thought that our negotiations with the postal unions made reform an accomplished fact. We tried to prevent that impression. We've tried from the beginning to make the public understand where the authority lies in this matter—that it lies with Congress, and there's nothing I can do, there's nothing the President can do, there's nothing anyone else can do more than we have; we can advise, suggest, recommend, and we can plead, and we've done all that, but only Congress can decide.

Our present situation is reminiscent of a story involving the National League umpire, Charlie Moran. Charlie has a pretty high regard for himself and his decisions. He makes it clear he's the boss. In one close play, the runner and the catcher were both waiting for Moran's decision. Moran hesitated a bit, and the catcher shouted: "Well, is it safe or is it out?" And Moran roared back: "Till I call it, it ain't nothin'."

That's about the status of our bill right now. Till Congress calls it, it ain't nuthin'

The recommendations which were arrived at both through independent study, and through negotiations, involved four key elements:

A provision for continuity of postal management, with insulation from the political pressures. This will give the policy continuity essential to proper long-range planning and efficiency.

A provision for collective bargaining and binding arbitration. I don't think I have to justify that after the events of the past month.

A provision for rate-setting by postal management with the advice of expert rate commissioners. This will give us a rate schedule far more professional than those which have resulted from the usual jockeying around on Capitol Hill by special interest groups.

And a provision for the authority to issue bonds to finance those necessary improvements in the postal service which have previously been sacrificed to other matters. With these improvements we can realize economies which are going to reflect in postal rates.

This bill will mark an historical forward step in the history of the Post Office. But there is one provision that will mark an historical forward step in labor-management relations in America. The provision for collective bargaining and binding arbitration, it seems to me, is going to set a precedent for what I believe is going to be a whole new era of labor-management relations for government. And I mean government at all levels, right down to the municipal level.

The significance of the negotiations which followed the postal work stoppage of mid-March resides in the fact that both sides faced each other across a table for the first time and hammered out a solution to a problem.

The postal unions had never engaged in collective bargaining. I think it is accurate to say they were apprehensive. George Meany came in to sit with these people, to guide them and give them the benefit of his considerable experience. And out of this we got a mutually acceptable result. We are pleased with it. I think the unions were pleased to see how the process could work. I think we established precedents to stand each of us in good stead, and I think we laid the groundwork for whole new Federal career relationships.

To fully understand what this means, let me just point out how bad the labor-management relationship is at present.

The postal worker's wage is set by Congress, not by postal management. The wage-setting process is essentially political. It doesn't work. Wage-setting is subject to the constant pull and tug of politics and other national priorities with the Administration on one end of the rope and the Congressmen on the other end. And the rope is wrapped around the postal worker's neck. And inevitably, you have lobbyists trying to foil both sides.

Grievance procedures under the present arrangement we found are meaningless. If the Postmaster General wanted to accept a grievance or reject it, he could. The workers had no recourse. Most agreements I can void with a stroke of a pen. I can be arbitrary, indifferent, ineffective—it makes no difference as long as the President is satisfied with the job I'm doing.

On the other hand, I can be the best damned Postmaster General in history, and when the Administration changes, out I go.

Small wonder the labor-management relationship is uneven. We have 750,000 employees spread all over the country. It's difficult to manage anything so big and so dispersed in the best circumstances. The Post Office Department has always had to do it in the worst circumstances.

Those of us who have come to government from business have had the experience of being prodded and pushed for years on behalf of labor, by accusation, exhortation, and legislation, always pressing the case for the worker before us—sometimes justifiably, sometimes not. Labor swings more votes than management, and the better part of political wisdom dictates that the worker is blessed and the businessman damned.

So after all these hymns to the working man, we expected to find the lot of the Federal employee a virtual paradise. We were prepared to be instructed by the absolutely Platonic ideal of what the labor-management relationship should be.

Instead, we found the nearest thing to feudalism imaginable. What goes on here is something modern management wouldn't recognize and modern labor wouldn't tolerate. And I might add it's the damndest bit of hypocrisy I know, short of the Senate's new Supreme Court confirmation procedures.

I am not suggesting that the procedures we have devised for redressing the labor-management relationship will work everywhere else. These procedures will have to be tailored to the individual needs of the agency involved, the sort of government involved, the level of government and so forth.

What I *am* suggesting is that there must be procedures that insure to those workers in essential public services who are prohibited from striking a process that they feel is fair. We have had strikes against the public all over the country. It is clear that men will not tolerate a law which denies them recourse where there is injustice.

Willful disregard of the law is abhorrent to all thoughtful Americans, but free people cannot be governed, in the last analysis, uness they consent to be governed. If the law that prohibits strikes by Government employees is to be effective, it must find general acceptance among the employees themselves; and that acceptance is far more likely to be achieved, in my opinion, where the employees know that their government, acting as an employer, has a process for resolving impasses that the worker feels treats them fairly. I think we have devised a way to do this.

I hope the Congress will agree that it should be done.

We are buying time in this matter of reform, and the account is overdrawn. We're not looking for another opportunity to say I told you so We're looking for a postal system that works, before the one we've got stops working. Once again. I urge Congress to move in this matter

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MINSHALL OPINION POLL

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. MINSHALL. Mr. Speaker, under leave to revise and extend my remarks, I wish to insert at this point in the RECORD my May 1970 questionnaire:

MINSHALL OPINION POLL

1. Do you approve of President Nixon sending U.S. troops into Cambodia?

2. Should the United States:

(a) Continue Vietnamizing the war while gradually withdrawing our troops?

(b) Step up efforts for an all-out military victory?

(c) Pull out all U.S. military forces at once?

(d) Other?

3. Should the U.S. increase arms aid to Israel?

4. Do you support the Safeguard Anti-Ballistic Missile program?

5. Are you in favor of an all-volunteer Army?

6. Should college draft deferments be phased out so that all men of eligible age are selected by lottery?

7. Do you think 18-year-olds should have the right to vote?

8. Should the House of Representatives bring impeachment proceedings against Supreme Court Justice William O. Douglas?

9. To control inflation, do you favor:

(a) Wage and price controls?

(b) Credit controls?

(c) Reduced government spending?

10. In the fight against environmental pollution would you support:

(a) Higher taxes at all governmental levels for an all-out crash program?

(b) The President's Great Lakes Clean-Up proposals?

(c) Strong local enforceemnt of more strict regulations governing municipal and industrial pollution?

(d) Strong enforcement of more strict

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regulations governing motor vehicle and airplane pollution?

11. Should the U.S. proceed with more exploration of the moon and deeper probes of outer space?

12. To halt student violence, what policies should be adopted in riot situations on campus?

CORPSMAN CARON

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, Hospital Corpsman Wayne M. Caron was posthumously awarded the Congressional Medal of Honor for his heroic attempts to aid wounded comrades in Vietnam. No homage we render can adequately express our profound admiration for Corpsman Caron's gallant self-sacrifice in the course of battle.

The morality of war is a question that history has never adequately resolved. We abhor its existence, and despise the inexorable violence and atrocity that follow in its path. We are consoled only by the hope that the initial disruption and loss of life will be vindicated by the ultimate triumph of our ideals and concept of freedom.

While the Nation as a whole searches desperately for a new definition of our international role and a viable concept of our priorities, the youth of America bears a disproportionate burden of the sacrifice. The concepts of justice, equality, and dignity have a more direct and constructive meaning to our young than we as a Nation are sometimes willing to acknowledge.

Naval Corpsman Caron was indeed representative of this role of American youth. The citation accompanying the award is adequate testimony to his "inspiring valor, steadfast determination, and selfless dedication." We can only hope to further the manifestation of selflessness that Corpsman Caron courageously demonstrated.

Two articles follow:

[From the Boston (Mass.) Globe, Apr. 19, 1970]

AGNEW TO PRESENT TOP MEDAL

Vice President Spiro Agnew will present tomorrow the Congressional Medal of Honor, the nation's highest award for heroism, to the wife and parents of a 23-year-old Navy medical corpsman from Middleboro who gave his life in Vietnam trying to save his comrades.

Hospital Corpsman 3/c Wayne M. Caron was killed July 28, 1968, while treating wounded Marines.

"Wasn't my son something?" his mother, Mrs. Aimie Caron of 48 East Main st., asked yesterday. "We're so proud of him."

"But he knew he wouldn't be coming back. He told us before he went to Vietnam that he had a premonition of death."

Mr. Caron, her husband—a corrections officer at Bridgewater State Hospital—will fly to Washington today with their daughter-in-law, Teresa, and her 17-month-old son, Scott Wayne, born three months after his father was killed. They will be joined by their daughter, Mrs. Janet Ann Rowe of Millersburg, Pa.

The vice president will present the Medal of Honor to them and to the families of 14 other servicemen killed in Vietnam.

Corpsman Caron enlisted in the Navy soon after he graduated from high school in 1966. He was sent to Vietnam to serve with the First Marine Division in April 1968.

According to the official citation, on July 28, 1968, he was accompanying his platoon on a sweep through an open rice field when the unit was ambushed.

He was wounded three times in the arm and leg, but continued to hobble and crawl to the aid of two wounded Marines. He was trying to reach a third when he was killed by an enemy rocket round.

"His inspiring valor, steadfast determination and selfless dedication in the face of extreme danger sustained and enhanced the finest traditions of the U.S. Naval Services," the citation said.

CORPSMAN CARON

Caron was killed July 28, 1968, by enemy gunfire while treating wounded marines of the First Marine Division in the Republic of Vietnam.

His heroism was noted during an encounter against enemy forces in Vietnam's Quang Nam Province.

As platoon corpsman with Co. K, 3rd Battalion, 7th Marines, 1st Marine Division (Reinforced), Caron accompanied his group on a sweep through an open rice field.

Seeing two marine casualties fall from enemy small arms and automatic weapons fire, Caron immediately ran to render first aid only to find they were already dead. By this time the platoon was under intense fire and had suffered additional casualties.

While moving to the aid of other wounded comrades, Caron was hit in the arm by enemy fire and knocked to the ground but regained his feet and reached a seriously wounded marine. His medical treatment was instrumental in saving the man's life. He then ran toward a second wounded marine and was again hit by enemy fire, this time in the leg. Unable to run or even walk, he crawled the remaining distance and treated the marine.

As Caron started to make his way to yet another wounded marine, he was hit a third time by enemy small arms fire. Unmindful of his own wounds, Caron continued his attempt to reach the third marine until he was killed by an enemy rocket round.

"His inspiring valor, steadfast determination, and selfless dedication in the face of extreme danger, sustain and enhance the finest traditions of the United States Naval Service," the citation said.

Caron was born in Middleboro, Mass., on Nov. 2, 1946. He was graduated from Memorial High School in 1966, and enlisted in the Navy in Boston on July 12 of that year.

Upon completion of recruit training at Great Lakes, Ill., he was assigned to the Naval Hospital Corps School there, graduating in January 1967. He was attached to the Naval Hospital at Great Lakes for 15 months before receiving in April 1968 a set of orders to duty with the 1st Marine Division in Vietnam.

Caron had been awarded the Purple Heart, Combat Action Ribbon, National Defense Service Medal, Vietnam Service Medal and Republic of Vietnam Campaign Medal.

In addition to his widow, Caron is survived by his parents, Mr. and Mrs. Aime Joseph Caron of 48 East Main St., Middleboro.

NATIONAL HOLIDAY OF THE RUMANIAN PEOPLE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. DADDARIO. Mr. Speaker, it is my honor to call the attention of my colleagues to the national holiday of the Rumanian people. May 10 marks the historic anniversary of three great events of its history.

On May 10, 1866, the Rumanian dynasty was founded. Eleven years later, in 1877, Rumania acquired independence from the Ottoman Empire. Four years later, on May 10, 1881, Charles I was crowned King of Rumania.

Despite foreign oppression and domination, the spirit of this people and this nation has prevailed.

We American friends of the Rumanian people know what good friends they have been over the years and how they have expressed that friendship to the people of the United States.

As Americans, we must renew our hope that our concepts of freedom and liberty be extended to the Rumanian people.

AN EYEWITNESS AT KENT STATE SPEAKS OUT

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. WYMAN. Mr. Speaker, the loss of human lives at Kent State College was tragic. It was, however, reasonably foreseeable that if hordes of persons attacked armed troops with rocks, and pipes and bottles, that at some point such violence risked response.

One of the questions, of course, assuming those whose emotions are at tension levels are still interested in the facts, is what, if anything, the victims of the shootings were doing when they were shot? Another extremely relevant question is who actually did the shooting if any shots were fired by other than members of the Guard?

In connection with the situation that prevailed at the time, the following Associated Press report appearing in the Boston Herald Traveler of Friday, May 8, 1970, is worthy of consideration:

GUARD NOT TO BLAME, KENT STUDENT DECLARES

WHITE RIVER JUNCTION, VT.—A student who said he saw four of his classmates killed when National Guard troops fired on demonstrators at Kent State University in Ohio on Monday says the Guardsmen were not to blame.

James Young, 20, of White River Junction, said in an interview yesterday with radio station WNRV that the Guardsmen "had to fire to defend their lives."

Young, who said he watched the incident from a dormitory window 150 yards away, said the students were an angry mob.

"I really believe the crowd would have—if they had tried hand to hand to fight their way out—would have beaten them to death," Young said.

"The news reports sort of give the impression that the National Guard was entirely wrong," he said. "But that's not true. They were defending their lives. They had no alternative but to shoot."

He said that from his vantage point, he saw about 30 Guardsmen come up a hill from a green and down the other side to a football field where they confronted more than 2,000 students.

The Guardsmen formed a protective circle with tear gas launchers in the middle, Young said.

"I saw one tear gas grenade tossed back and forth several times between students and Guardsmen," he said.

Young said 50 to 100 students were throwing rocks, pieces of concrete and lengths of pine at the troops.

"And they were only about 20 feet away from the soldiers," he said.

THE 22D ANNIVERSARY OF ISRAEL'S DECLARATION OF INDEPENDENCE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. FRIEDEL. Mr. Speaker, as a proud American, native born, and who has the great honor of being a Member of this House of Representatives, I rise for a twofold purpose.

First, I wish to express our congratulations and felicitations to a democratic nation, the Republic of the State of Israel on the occasion of the 22d anniversary of the Declaration of Independence.

Second, after quickly reviewing its ancient history, I wish to alert my colleagues in the House that this very friendly nation with which we have close ties is facing a serious danger by our Communist enemies.

The history of Israel spans more than 5,000 years and the Middle East is accurately called the cradle of civilization. The world's three great monotheistic religions—Judaism, Christianity, and Islam—were nurtured along the fertile crescent running up the east coast of the Mediterranean Sea and bending down through the valleys of the Tigris and Euphrates Rivers.

It was in 1917, in return for international Jewish support for the Allied cause to make "the world safe for democracy" that Great Britain issued the Balfour Declaration favoring establishment in Palestine "of a national home for the Jewish people." Five years later, in 1922, Great Britain's allies, which of course included the United States, approved the Balfour Declaration, and it was incorporated into the League of Nations mandate for Palestine.

It is worthy of note that in 1944, the Congress of the United States called for unlimited Jewish immigration into Palestine and the reconstitution of the Holy Land as a Jewish commonwealth so that it could continue to be a haven for poor, persecuted, and homeless Jews, just as it had been for those who were fortunate enough to have somehow escaped from the German Nazi concentration camps with their gas and torture chambers of planned total extermination and brutal murders.

Today, we here in the Congress of the United States are glad to take full cognizance of the Independence Day of Israel. According to our calendar, it was on May 14, 1948, that the new State of Israel was reborn. The first country to officially recognize this new nation was, as we know, the United States under the wise leadership of President Harry S. Truman.

It is needless for me to restate the great change for the better, that this new country has wrought; how it made the arid desert bloom and bring forth food for its people; how it brought science, education, and democracy to a region where ignorance, superstition, illiteracy, and feudalism once reigned. And above all things, we here in our United States, have a true friend and a sister Republic in a vital and strategically important part of the world—the Middle East. What could be more important for the entire free world than to lend encouragement and material support to such a nation? Should we not, as Americans, fully aid and assist our ally against the growing Communist menace? To these questions, the answers must be an emphatic affirmative yes.

History has a way of repeating itself. We all remember during February 1957, when the Eisenhower administration, which included the then Vice President Richard M. Nixon, actually threatened the State of Israel with punitive sanctions as a result of the Israel victory over the hostile Arabs who would destroy Israel.

Just recently, we know that President Nixon refused to permit the sale of American planes to Israel which desperately needs them to fend off Egyption and other Arab war planes. But what do we clearly see now?

The new Russian threat to the State of Israel has been unhappily confirmed in the most menacing possible manner. Squadrons of Red Communist fighter-pilots are in Egypt flying Mig 21's in a combat role for the Arabs against our friend Israel. I maintain that these hostile Russian pilots in Egypt present a danger to the United States and the free world as grave as during the Cuba crisis.

It has been reliably reported that the atheistic Russians have taken over a large part of Egypt's air attack planes, and also manning the SA-3 missiles and batteries of 23-millimeter radar-aimed guns that are mounted in groups of four on tank chassis, as well as flying the Mig's for the Arabs against Israel.

Today on Israel's anniversary we find her in deadly peril from those who are our enemies. Today our brave American men are fighting in Vietnam, and only last week President Nixon escalated the war to a neutral country—Cambodia. And still, the Chief Executive steadfastly refuses to supply a country much nearer in every way to the United States than is Vietnam or Cambodia, with war planes to protect itself.

In these troubled times, we pause in our deliberation to take note of an important event; namely, the declaration of independence of the State of Israel. We offer our sincere congratulations and best wishes. However, I urge something far more meaningful than mere words.

As an American, and I am speaking solely as such and as a Member of Congress, I most strongly urge and recommend that our congratulations be coupled with pressure upon the President that he reverse his apparent hostile attitude toward a small republic that thousands of years ago gave the world its three principal religions, the Ten Commandments and the Holy Bible.

May the future for Israel be bright. May she long continue to be a source for peace, enlightenment for mankind, and a center for spiritual inspiration. In the words of the language of the Scripture: "Shalom."

GENERAL OF THE ARMY OMAR N. BRADLEY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. TEAGUE of Texas. Mr. Speaker, on Friday, May 8, 1970, Congressmen Hall and Hungate of Missouri, Congressman Goodling of Pennsylvania, and myself were privileged to attend the dedication of the Omar N. Bradley Museum at Carlisle Barracks, Pa. The dedication was held on this date as it represented the 25th anniversary of V-E Day in Europe, a victory in which General Bradley played a major role.

The dedication was conducted in a way most befitting a great man who it has been my privilege to have known for a number of years. I served under General Bradley in Europe during World War II, and when I came to the U.S. Congress in 1946 and was assigned to the House Committee on Veterans' Affairs, General Bradley was then the Administrator of the Veterans' Administration. The job he did with this Administration was not unlike his performance during the war; his good judgment, reliability, and his great compassion for the man who had borne the brunt of battle, provided the returning veteran the rewards of a grateful country.

Mr. Speaker, under leave to extend my remarks in the Record, I wish to include the introductory and closing remarks of Maj. Gen. George Eckhardt, commandant of the U.S. Army War College; the major address by Chief of Staff, Gen. William C. Westmoreland, Jr., and the remarks by General of the Army Omar N. Bradley.

Remarks by General Eckhardt

Distinguished guests, ladies and gentlemen: I wish to welcome each of you to Carlisle Barracks to join us in commemorating this, the twenty-fifth anniversary of V-E Day and to thank General of the Army Omar N. Bradley for his lifetime of service to the Nation.

I should like to mention a few, not by name, but by grouping. First, a special thanks to the members of Congress who have put aside important deliberations to join us. Department of the Army and Department of Defense representatives are also here on the platform and in the audience. General Bradley, I know, is most pleased to have with him a large contingent of classmates from the West Point Class of 1915. There is another special group here, members of General Bradley's command in Europe; the 12th Army Group. All of us, however, are here with the same purpose,

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a purpose which is best expressed in this excerpt from the Joint Resolution of the Congress:

> Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that on the occasion of the twenty-fifth anniversary of V-E Day, and the formal opening of the Omar N. Bradley historical collection, appropriate ceremonies be conducted at Carlisle Barracks under the direction of the Secretary of Defense in memorial tribute to the Allied victory in Europe and in memory of those who gave their lives to attain that victory, and expressing the gratitude of the American people to one of this country's greatest soldiers, General of the Army Omar N. Bradley.

Throughout his distinguished career, Omar N. Bradley retained those characteristics and qualities which earned for him the reputation of being the GI's general, a sense of humility and humaneness, a sincere dedication to duty, a high sense of honor, and a deepseated love of country. It is most fitting that the dedication ceremony begin with a musical tribute to General of the Army Omar N. Bradley by the United States Army Band and Chorus under the direction of Colonel Samuel Loboda.

Thank you Colonel Loboda and the United States Army Band and Chorus. Many of us who are here today have served with General Bradley. Some were his classmates at West Point. Many were his commanders or members of his staffs in the Mediterranean or in the European continent during World War II. Still others were with General Bradley in the Pentagon. One man, however, has seen General Bradley from many viewpoints. As a cadet, he first met Major Bradley when he arrived at West Point. I can assure you that there is no shrewder judge of human character than a West Point cadet assessing and appraising a tactical officer on the Commandant's staff! Less than ten years later, our speaker served under General Bradley with the 9th Infantry Division of II Corps in Africa and Sicily and as a part of the 12th Army Group in Europe. He has since followed in General Bradley's footsteps holding many of the same positions earlier filled by General Bradley, including his present assignment. Ladies and gentlemen, the Chief of Staff of the United States Army, General William C. Westmoreland Jr.

ADDRESS BY GEN. W. C. WESTMORELAND

Twenty-five years ago today, peace came to Europe. The guns of war were silenced for the first time in almost six years on that continent. V-E Day signaled the end of the costliest, most agonizing struggle in the history of man. During World War II over fourteen million men served our country in uniform. Those men served in the finest tradition of their forebears. . . . And just as their successors are now serving, they demonstrated selfless dedication to further the principles of freedom and to preserve our way of life.

Appropriately, today on this twenty-fifth anniversary of V-E Day, we remember those who in the service of their country brought peace and democracy to Western Europe. But we honor here one of their commanders—one of the great generals of our time—a dedicated professional soldier in the truest sense. He was one of the principal architects of our victory in Europe.

General of the Army Omar Nelson Bradley, a man of solid American stock, achieved greatness in World War II as the Commander of 12th Army Group—the largest American field command ever assembled in the history of the United States Army: four field armies of twelve corps and forty-eight divisions—a mighty military machine in which over 1,300,000 men fought in the common cause of freedom. Yet as General Bradley achieved greatness leading the 12th Army Group to victory across Western Europe, his humility was never lost in the fame that was accorded him as a professional soldier—for he became known among those whom he commanded as "the GI General"—a man whose love and affection for his men never dimmed.

I have been privileged to know General Bradley over the years as a close personal friend as well as a professional soldier. I have always cherished his friendship and likewise have benefited from his wise counsel.

I first came to know this man as a plebe at West Point in the early thirties. I remember him from those days as a tall, athletic, infantry officer whose manner was quiet and thoughtful, but always decisive. He had established a reputation among the Cadet Corps as a true professional—positive and demanding yet always considerate and sensitive to the feelings of the individual.

During first class summer camp, Major Bradley made a lasting impression on all cadets. As a concluding field exercise, the cadets were divided into two opposing forces, each consisting of horse cavalry, infantry, and artillery. The first classmen served as officers during the field problem. Tactical Department officers under the supervision of Major Bradley acted as umpires and instructors.

As Acting Battalion Commander of the Blue Forces, I, along with Major Bradley, was privileged to ride a horse rather than walk. The first tactical situation was the defense of a key terrain feature against the Red Forces. Because I had deployed my forces poorly, the battalion was mauled somewhat severely by the Red Forces.

After the attacking forces had withdrawn, we moved into the next situation . . . pursuit of the withdrawing enemy. When we had advanced to the terrain feature from which the Red Forces had attacked, Major Bradley rode up alongside me and said quietly, "I want to talk to you." What followed in the next few minutes has remained indelibly stamped on my mind ever since. It was my most vivid and lasting lesson in one of the fundamentals of tactics. Major Bradley pointed out the situation as the enemy forces had seen it the day before—the routes of approach, the strengths and weaknesses of the terrain, the commanding ground, and the vulnerabilities of the positions my forces had occupied the previous day. All of these key points suddenly became apparent when seen from the enemy's vantage point. Without a word of criticism, Major Bradley emphasized to me my errors in deploying the Blue Forces the previous day. This was a lesson never to be forgotten.

I did not see Major Bradley again until we met at El Guettar in North Africa . . . when as a Major General, he was General Patton's deputy. And then again as a Corps Commander in General Patton's Seventh Army in Sicily, General Bradley could frequently be found among his forward combat elements directing his forces only as he knew how—with a firsthand, personal knowledge of the combat situation.

As First Army Commander on June 6, 1944, he led his forces against the Atlantic Wall in the invasion of the continent of Europe. And a little over a month later he split his forces into two armies and assumed command of 12th Army Group. But as General Bradley assumed greater responsibility in commanding larger units, he never lost his respect and admiration for the men he commanded. Nor did his style of leadership change.

Historians will probably never write of a Bradley legend. . . . Nor will they ever likely describe him as a dashing warrior. But they have written and will continue to write about him as the outstanding professional soldier . . . one of the great tacticians in the art of warfare—a general whose reliability and steadiness never waivered, whose good character and sound judgment were without question, whose calm demeanor inspired confidence among his subordinates, whose dependability always insured success in the toughest of situations, and whose compassion for those whom he led earned him the highest accolade from them—"the soldier's soldier."

What is truly a paradox in the history of the United States Army is that many of our great captains have had no military lineage but have entered the profession of arms almost by chance. General Bradley is no exception to this pattern.

Born in the small town of Clark, Missouri, he was only fourteen years old when his father—a country schoolteacher—died. His mother supported him through high school working as a seamstress. And while working at the Moberly, Missouri shops of the Wabash Railroad, the young boy applied for an appointment to West Point . . . convinced that a military career was one way to further his education.

General Bradley graduated from the United States Military Academy in 1915. The *Howitzer* of that year prophetically stated that "his most prominent characteristic is 'getting there'." But he never saw service overseas during World War I. He was destined to spend twenty-eight years as a soldier before he was off to war.

Traditionally, the professional soldier in our country spends his peacetime years as a member of an organization that is portrayed by many as a burden on the society which it has sworn to defend. Accordingly, our Armies during peace have shrunk in size, their equipment has been allowed to grow obsolete, and the professional has oftentimes been shunned. Yet during each of these low periods, the dedicated professional has remained loyal to his obligation—preparing for the inevitable—knowing well that in time of war, the country turns to him to perform in the finest tradition that has typified the American soldier.

General Bradley was a product of this mold. During the years between the two world wars, he attended and graduated from the Infantry School in 1925, the Command and General Staff School in 1929, and this institution, the Army War College, in 1934. Yet just as General Bradley learned the art of warfare from the Army School System, he also imparted his knowledge to others who followed in his steps. They also were to be tested later in the same war. General Bradley spent four years at the Military Academy as an instructor in mathematics, four years as an instructor in tactics and weapons at the Infantry School at Fort Benning, and four additional years at the Military Academy as an instructor in tactics and as plans and training officer. Just prior to our entry into World War II, he became Commandant of the Infantry School. There he established the Infantry Officer Candidate Program in which more than 45,000 combat leaders were commissioned before the end of World War II.

The three decades General Bradley spent preparing himself and his associates for combat paid rich rewards during World War II. His accomplishments during the campaigns in North Africa, Sicily, and Europe need no testimonial from me, nor from those whom he led, nor indeed from the American citizenry. All hold General Bradley in the highest esteem. All of us share in the gratitude he so richly deserves. Yet perhaps the finest tribute to General Bradley comes from his own pen . . . a humble disclaimer in his book *A Soldier's Story* where he states:

> Generals are human; I know of none immune to error. We may have erred in discretion and in judgment, but because we were more often right than wrong in Europe, we

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can take pride in that campaign and in those colleagues whose judgments we sometimes disputed but whose achievements vastly outweighed their mistakes.

Within four months after the end of the war in Europe, General Bradley was appointed as the head of the Veterans Administration during a period that was to see over thirteen million men shed the uniform of their country to take up again peaceful pursuits as citizens. This selection was a logical choice. Who else could better look after the welfare of former members of our Armed Forces than the man who had led more than a million of them during the War?

General Bradley said this about his appointment:

I don't think there's any job in the country I'd sooner not have, nor any job in the world I'd want to do better. For even though it is burdened with problems, it gives me the chance to do something for the men who did so much for me.

A little over two years later, General Bradley relinquished his post as Administrator of Veterans Affairs to become Chief of Staff of the United States Army. On August 16, 1949, he was sworn in as our first Chairman of the Joint Chiefs of Staff and later become the first Chairman of the Military Committee of the North Atlantic Treaty Organization.

On September 22, 1950, General Bradley was promoted to his present rank—General of the Army—making him one of four in our Army who have attained that rank.

Today we honor this great soldier in dedicating the Omar N. Bradley Museum. But as we anticipate the future of this repository for General Bradley's papers, historical documents, and memorabilia, let us also look forward to the day we may live in peace—a peace for which this great man devoted his life, but a peace he realized was not easily sustained.

His own words on Memorial Day in 1946 at the Tomb of the Unknown Soldier are a testimonial to this dedicated profession. He said:

"We shall have to see that peace can only be created by intelligence, by realism, by sacrifice, and by the will to see it achieved.

"But if war is costly, so also is peace. Until nations know that peace demands its price, they shall risk future conflicts."

Remarks by General of the Army Omar N. Bradley

Mr. Secretary, Distinguished guests, Ladies and Gentlemen: Mrs. Bradley and I would like to express our appreciation to the Congress of the United States, to Secretary of the Army Resor, and to General Westmoreland for helping to create this repository so generously founded in my name. Here, and in other archives of our American heritage throughout our land, are recorded the deeds and sacrifices of the men and women who have fought for the freedom we hold so dear. They have fought for it on the battlefront, they have fought for it in the Chambers of the Congress, in the Halls of Justice; they have fought for it in dedicated homes from the White House to the farmhouse. The memory of these valiant men and women is a national treasure; the perpetuation of that memory is a national obligation.

On this twenty-fifth anniversary of V–E Day, we recall that many times in the past we have had to fight to defend our freedom, with its rights and privileges—and its obligations. Perhaps present and future scholars may learn here, from the set-backs as well as from the advances, lessons which will insure for the future the freedom for which almost every generation since 1776 has had to fight.

Some years ago I was asked to define what freedom means to me. My answer, which I have had occasion to quote recently, was: "Freedom—no word was ever spoken that has held out greater hope, demanded greater sacrifice, needed more to be nurtured, blessed more the giver, damned more its destroyer, or come closer to being God's will on Earth. May Americans ever be its protector."

At some future date, when I have joined General Marshall, General Eisenhower, General MacArthur, and others who have gone before, and when Mrs. Bradley has joined me, all the records, artifacts, and memorabilia of my own fifty-nine years of military service which have not been given by then will become a part of this collection, and the remainder of our worldly goods shall become the property of the Omar N. Bradley Foundation. When that time comes I hope that, through this Foundation, we shall be allowed to continue to serve the cause of freedom and the country we love so well.

Remarks by General Eckhardt

General and Mrs. Bradley we deeply appreciate your generosity in donating your papers and memorabilia to the Military History Research Collection. These research materials will be of great value to scholars of the future. I am somewhat at a loss to find words to fully express our thanks for the endowment to come at a later date, a day I hope sincerely is many years away. I can assure you that as long as there is a United States Army with its Military History Research Collection, the resources you have provided will indeed serve the cause of freedom and the Nation you serve and love so well. I thank you, not only for the Research Collection and the War College, but also for the entire United States Army and a grateful government.

Ladies and gentlemen, twenty-five years ago several million Americans were serving in the Armed Forces of the United States. In Europe, and in Africa, in Asia, from the Arctic to the tropics, these men and women fought to rid the world of tyranny and oppression and to make available to others those freedoms Americans have come to accept as commonplace. It is most fitting and proper that we pause while The United States Army Band and Chorus salute the Veterans of World War II.

Once again, I thank all of you who come from near and far. General Westmoreland, thank you for an inspiring dedicatory address. The Omar N. Bradley Museum will be open from immediately after the ceremony until four o'clock this afternoon. I hope that all of you will visit the Museum. General and Mrs. Bradley will be in the Reading Room in Upton Hall shortly after one o'clock to greet you informally.

This observance of the twenty-fifth anniversary of V–E Day and the Dedication of the Omar N. Bradley Museum will conclude with the Benediction.

ATHLETES' STATEMENT

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. LOWENSTEIN. Mr. Speaker, President Nixon is probably the Nation's No. 1 sports fan.

He said he was watching football during the massive moratorium march against his Vietnam policies last November.

When he paid a surprise visit to demonstrators sleeping at the Lincoln Memorial early Saturday morning, the students said he was more interested in talking about their football teams than about the issue that had brought them to Washington.

As a sports enthusiast, the President should be interested to learn that college athletes are no less disenchanted by his handling of the war and other issues than other members of their generation, as evidenced by the following statement supported by the track teams of the eight schools in the Ivy League:

Athletes' Statement

We, the athletes assembled before you, members of the Ivy League teams competing here today, seek to call attention to our belief that business as usual is not sufficient. As athletes and trackmen we understand that our sport is not, and must never become a hideout from our basic responsibilities as human beings.

Since the last outdoor Heptagonal meet, thousands have been killed in the unending war in Southeast Asia. Within that year, student opposition to the war has increased while the Administration continues to listen to a postulated "silent majority." Still there has been no Congressional decision to enter the war, no less to pursue it across international frontiers.

Since our last encounter, the spirit of division and intolerance separating us from our national leaders has grown. The Administration has resorted to name-calling and worse, in an effort to ignore and silence the legitimate opposition to war, conscription and senseless violence.

We decry the killing of fellow students at Kent State University as a national tragedy and a focus of shame. We decry the growing intolerance which permits some to accept those sacrifices as necessary or justified. We further deplore the growing tolerance for repression directed against political and racial minorities, such as the Black Panther party and people of radical disposition in general.

Those of us who compete here today do so in the hope that our concern with these vital issues will be expressed to all spectators, and to all who have found pleasure in track and field. We respect and acknowledge those members of our teams who have felt that they cannot in conscience participate in this meet.

ISRAEL'S INDEPENDENCE DAY

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. LUKENS. Mr. Speaker, the birth of the State of Israel was a significant event in the turbulent history of the Middle East. And this significance is of such momentous importance today in the larger field of international relations that it transcends Israel's geographic boundaries and the whole Middle East region.

For almost 2,000 years Jews were practically excluded from their ancestral homeland, and at the beginning of the 20th century only a small minority of Jews lived in Palestine. The preponderant majority of the Jewish people lived in what has been known since ancient times as "the Diaspora"—the dispersion of Jews around the world. During all that time, while they cherished the dream of returning to the Promised Land, the idea seemed to be more than a dream to most of them and with the passage of centur-

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ies, it receded into the distant past. But the views of a few dreamers for the future State of Israel prevailed, and in the end they became new Israel's 20th century prophets. These dreamers were men of vision, and through sheer power of persuasion and persistency, they were able to pass on their idea to their successors. And these great and gifted leaders moulded and forged the image of the State of Israel, whose birth was proclaimed 22 years ago.

Today this 22-year-old State of Israel has grown in size and has become a powerful force in the Middle East. It has become the home for more than 2 million refugee Jews, and these have made it a progressive, prosperous, and industrious state.

Yet, this tiny fortress of democracy will only continue to exist in the threat of Soviet-Arab aggression if the United States will supply it with economic, military, and political support. The United States should not continue to aid and train Arab military personnel while refusing to sell jets to Israel.

On the observance of Israel's Independence Day, let us hope that the Israeli people will be allowed to enjoy their freedom in peace and the full measure of American friendship.

MR. NIXON'S CRITICS AT HOME

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. DERWINSKI. Mr. Speaker, one of the most penetrating interpretations of the decision of the President to remove Communist sanctuaries in Cambodia and the resulting furor that has developed on college campuses was carried in the Tuesday, May 5, Chicago Today.

The point effectively made in the editorial is that the President deserves the time that he has established by which the soundness of his decision could be determined. This, I believe, is presenting all of us with the opportunity to thoughtfully appraise the conclusion of the Cambodian operation. The article follows:

MR. NIXON'S CRITICS AT HOME

Anti-war feeling in the United States, particularly on university campuses, is probably of more concern to President Nixon right now than the attitude of the Soviet Union. He must have anticipated both. But it's normal to meet criticism from the other side of the fence; in Mr. Nixon's case, it is embarrassing and politically dangerous to get it from his own side.

The war critics have a right to express their views. We don't believe for a moment that dissent equals treason, or anything remotely like it, simply because it differs from the official point of view. Campus rioting, however, is something else. It has nothing to do with responsible dissent, and must not be allowed to divide the nation. We can't afford repetition of the Kent State university tragedy, in which 4 students were killed and several injured.

Even the peaceful critics, however sincere in their beliefs, are adding to the risk of the President's gamble in moving troops into Cambodia. And his gamble is the country's gamble. No one doubts that Mr. Nixon was aware of the hazards. He went even further out on the limb by giving himself a deadline of 6 to 8 weeks to get results.

Herein is something the anti-war protesters have overlooked: Since the President himself set the deadline, why not give him the benefit at least of that doubt? He believes, as we do, that taking the initiative in this war of attrition is the most promising way to end it, and he should be given the chance to prove it.

Mr. Nixon has already demonstrated one salutary effect of taking the initiative. The bumbling, ineffectual reaction of the Kremlin, as evidenced by Kosygin's speech, showed that the Soviet Union was caught off guard. That change in balance, with the United States calling the shots instead of reacting to communist moves in Indochina, is the only hopeful sign in a war that seems almost devoid of hope.

MOORHEAD EVIDENCES ISRAELI CONCERN

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. MOORHEAD. Mr. Speaker, 22 years ago, the State of Israel became a nation. This valiant outpost of productivity and advancement, in an otherwise barren region, is a shining example to the world of what national effort and dedication can produce.

The fruits of Israel are amazing all the more in light of the almost constant state of war in which this land found itself.

Defending their right to exist, the Israelis have fought three major wars with the Arabs in 22 years.

Even now, with the support and prodding of the Soviet Union, Arab terrorists and military units make daily forays against Israel. This embattered nation, determined not to retreat in the face of Arab hostility, has stood its ground and hit back at the aggressors.

Three times in the past year, I have introduced resolutions aimed at extending American aid and support to the Israelis.

I introduced the strongest of these resolutions just 6 weeks ago. Today, I reintroduce this resolution as evidence of my continued concern over the hostilities in the Middle East:

H. CON. RES. 556

Whereas the close relationship between Israel's survival and United States national interests has been recognized by five successive Presidents; and

Whereas the Soviet Union continues to supply the Arab nations of the Middle East with modern arms; and

Whereas France has contributed to the tension in the Middle East by selling jets to Arab interests; and

Whereas the United States has over the past ten years supplied extensive arms, material, and military training to the Arab nations, while providing considerably less aid to Israel; and

Whereas the United States continues to train Arab officers this year while not training a single Israeli officer; and

Whereas the President has failed to act on an Israeli request for additional jet aircraft essential to its defense; and

Whereas a balance of power is the best available deterrent to full-scale war in the Middle East: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that (1) the President should take immediate steps upon the adoption of this concurrent resolution to terminate every form of military assistance to any belligerent Arab nation, including those aligned with the United Arab Republic and those harboring or assisting Arab terrorist groups or guerrillas, and (2) the President should, as soon as possible after the adoption of this concurrent resolution, negotiate with the Government of Israel an agreement to sell to Israel the requested United States military aircraft in amounts necessary for the security of Israel.

AIR SERVICE TO SMALLER COMMUNITIES

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BURTON of Utah. Mr. Speaker, Mr. John G. Adams, a member of the Civil Aeronautics Board, was kind enough to furnish me with a copy of a speech he made before the Association of Local Transport Airlines. I believe his comments on the subject of all service to smaller communities are worthy of note and I would like to call them to the attention of my colleagues, as follows:

REMARKS OF JOHN G. ADAMS

I would like to talk to you for a few moments about the changing pattern of air service which may be ahead of us during the next ten years—that is, during the decade of the 1970s. And particularly I want to talk a bit about the commercial aviation future of about 100 cities. I'm not talking about cities like New Orleans, and Atlanta, and Seattle, and Boston. I'm talking instead about four or five score towns and cities whose populations vary from perhaps 15,000 to 50,000. Towns in which the trunks lost interest one or two decades ago, and which many of you now, in your planning for the 70's, are speculating about abandoning.

The air carrier industry has problems today, not just your segment, but all of it.

One segment says the government has put too much competition against it and thus reduced profit opportunities. Another says that illegal charters are killing them. A third one says that it needs a protected market and broadened authority.

Look at the local service sector of the industry. Your troubles are not minor. Your investment in flight equipment rose from $133 million at the end of 1965 to $541 million at the end of 1969, a quadrupling of the original level. Your debt rose from $110 million in 1965 to $550 million at the end of last year, a four-fold increase. Interest expense during the period increased by a factor of eight, rising from $5 million in 1965 to $41 million in 1969. These sizable increases in the flight equipment and related accounts reflect, in the main, the continuing acquisition of new jet powered aircraft throughout the period.

The law makes clear that the Board may not control air carrier equipment acquisition. Admittedly you often come in and make a presentation of your plans, but you are not seeking Board permission; you are just telling us of your program.

And, in moving as you did to an inventory of turbo props and pure jets, you increased your investment base, and thus your return requirement significantly. Thus in today's

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climate the $400 million increase in the investment base attributable to purchases of flight equipment over the past four years would, in theory, generate an additional subsidy requirement for return and taxes of between $50 and $60 million. This, obviously, has much to do with the economic pinch so prevalent among the local carriers today.

These equipment decisions also brought on other problems. In your case, too much competition has not been put against you. Rather, you are the competition put on previous non-competitive trunk segments of others. Nor are excessive or illegal charters to dilute your loads a problem with you. Rather, you suffer from decreasing load factors caused by the new equipment just referred to, plus other things. The average passenger load factor of your segment, which had reached 50.2% in 1966, dropped to 43.1% in 1969, with individual carriers ranging from 39.4 to 47.4%. And then the whole problem was compounded by three unexpected new factors. These were the staggering increase in the cost of money, and in the cost of services and labor, plus the unforecasted fall-off in traffic growth we have seen in the past year.

Clearly the present economic situation, whatever its various causes, is the most important single problem facing the local service industry.

What steps has the Board taken and can it take in the future to ameliorate the situation? What steps can and should be taken by the industry and by the Congress?

I am inclined to believe that short-haul fares are approaching the top limits to which they can reasonably go for the immediate future.

At least one of your presidents is of the firm view that the higher fares have driven passengers off the airlines and back to the highways in many short-haul markets, and I think he may be right. I have been told this in very harsh terms by Chamber of Commerce representatives in some of the smaller cities I have visited this past winter. So, where else do we look?

The Board's route strengthening policy has resulted not only in granting new routes in the local carriers' own general areas, but also, in many cases, in extending the local carrier out of its territory and into a major hub.

In 1969 Mohawk was extended from upstate New York points to the Twin Cities and to Chicago; North Central was given Twin Cities-Denver authority; Ozark was brought from Iowa and Illinois to Washington and New York; Piedmont was given a route to Chicago; Southern saw added to its system St. Louis, Chicago and Miami; and Texas International was extended north to Denver and west to Los Angeles. A year earlier Allegheny had been extended north to Albany, and southwest to Memphis, and somewhat earlier Piedmont and Southern reached Washington and New York.

The theory behind such awards was supposed to be that they would be highly profitable and would in part make up for losses sustained by the carrier in serving small communities and short-haul routes.

But what bothers me is what appears to be a tendency of some carriers to accept these lucrative awards and at almost the same time seek to get out altogether from the towns the award was supposed to pay them to serve. One of your members was before us a couple of months ago, within weeks of having begun such a new service, and said that he would concentrate on building this route but would probably shortly be before us for permission to drop some loss towns. In my opinion this just won't do.

To me "dropping" is not the solution; but "remodeling" may be.

There is no escaping the fact that services to large numbers of towns are going to be loss services at any reasonable fare, and many would be even at unreasonably high fares. The question presented is, who will pay the piper? If these loss services are to continue, they must be subsidized directly or indirectly by someone: the U.S. Government, the local community, or the stockholders. I think you will agree that in 1969 your stockholders provided a very substantial portion of this subsidy. We, that is, we the regulators, you the carriers, and the towns who are the users, are faced with a four-pronged dilemma—either raise fares to make the route profitable; let the carrier lose money on it; get out of the town; or subsidize it in some form or other.

If we can raise local fares no further, as I think we cannot on any broad scale sufficient to make a dent in the problem; and if your stockholders' ability to absorb these losses has reached its limit, as I think it has, we have before us only two other choices, discontinuation of service, or some more successful and satisfactory type of subsidization.

One of your presidents told me recently that if he could choose 15 towns on his system at which to discontinue service he could go off subsidy. And I suspect he was correct.

But if we did that—if we let him out of those 15 towns, and then did the same thing for eight other carriers, we might fairly quickly discover around 100 towns which would lose air service altogether.

This is not a solution I would favor, but it probably would end the federal subsidy program. And the primary purpose for which your segment was certificated—to bring air service to smaller cities—would disappear.

Further, I don't believe that the Congress which appropriates the subsidy funds, nor any of the involved state governors, nor the communities who depend on the service, are ready suddenly to reduce the total number of towns in this country which receive air service by about 20%. There must be some other way.

The two most promising things that I have been able to think of involve the extensive use of small aircraft. One would be by the massive substitution of a third level of service over loss segments and to loss towns with some sort of subsidy type support involved. The other, of course, would be an expansion of the sort of small aircraft program within your own system that at least two of you have already started.

The beginnings of a "subcontract" type arrangement were first authorized in October 1967 when Allegheny was permitted to suspend at Hagerstown. Its service was replaced by Henson Aviation. Since then, Allegheny had made similar arrangements at 11 other points, Mohawk at two points and North Central at three points. Frontier had been authorized to suspend at two points, until three weeks ago, when the Board authorized that carrier temporary suspension at seven points in Montana and one in North Dakota. But this is only a scratch on the surface, and in each instance has been developed entirely by the private sector.

We remember when the appellation "feeder airline" was applied to the local service carriers. But you cannot economically "feed" thin markets with a DC–9, a Boeing 737, or even with a Convair 580. Your equipment acquisition program of the past five years has completely changed your identity. What must be done is to find a way to utilize economically small aircraft such as the Carstedt, which Apache is using at the Frontier points in Montana; the Twin Otter, used by Executive; or the Beech 99. And of course there are many other types of low cost small aircraft still in the developmental stage.

What I am suggesting is either a large scale use of small aircraft by your own company, or, and equally as interesting, a stronger movement in the direction of relieving the locals of service at loss points and the substitution of commuter type airlines in their stead, but with the local service carrier retaining the certificate responsibility, and required to resume service if the substitute faltered. And I think some sort of financial incentive both to the local carrier and to the substitute carrier would make sense.

What kinds of additional points would be suitable candidates for this type of substitute service? First we might look at the number of cities which generate less than 15 passengers a day. Of the 517 points served by the local service carriers, at last count 120 points were generating less than 15 passengers a day. We are therefore talking about approximately 20% of the air transportation system of the 48 contiguous states.

In some cases a third level carrier could eventually operate these substitute services profitably, with an increase of schedules for the traveling public and to the advantage of the certificated carrier which is relieved of a loss segment.

In many other cases, however, owing to weather, terrain, sparse population and traffic patterns, such carriers cannot operate at a profit while charging any reasonable fare. I suspect this would be particularly true in some of the sparse areas of the southwest and west. And so I wonder if a plan could not be devised to recognize reasonable subsidy payments or guarantees by local carriers to commuters as legitimate operating costs of the local carrier. I think it would be simpler if the Board could avoid moving to a large scale subsidy program of an entirely new class of carriers. The local service carrier would have the responsibility of administering the payments and of ensuring that the air taxi was performing the agreed level of service, agreed to both by the communities, the carriers and the Board. The local service carrier could be paid for administration, and the total subsidy figure could be an amount necessary to make the air taxi whole, with a reasonable profit. The incentive to the local carrier would be his opportunity to get rid of the drag on profits these loss points now place on him. The plan could go even one step further by some sort of community participation in the subsidy through favored treatment of the commuter at municipal airport facilities.

In advancing this thought I do not mean that every town under a certain size or quantum of traffic should immediately be transferred from a route operator to be a commuter-served community. Many of them are part of strong segments and probably will and should stay as they are. But what I am talking about is the many towns where two round trips (four departures) of a very heavy airplane, 737, DC–9 or a turbo prop, may be boarding only two or three people each departure, and where the traffic support on either or both sides of the town is equally sparse. Their problem is often further complicated by stage lengths of less than 100 miles.

It is possible that such a proposal, if widely used, would require some re-examination of current statutory authorities, but I would hope that a sound program would receive a sympathetic hearing in the appropriate forums.

Also I am not unaware of the difficulties inherent in such a program due to the uneasiness of your pilots who may think their long term job opportunities are threatened by the elimination of heavy aircraft in favor of smaller, or, even, by the transfer of route segments in toto to non-company operations.

But all of these problems must be faced, and somehow solved.

I want to make it clear that I am not advancing any CAB approved plan for changing the type of service to 20% of our towns.

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These thoughts are purely my own. I am very uneasy about what appears to be a steady, piecemeal, and uncoordinated leaning by local service air carriers away from their service obligations to smaller cities, and I'd like to see it reversed before it becomes of runaway proportions.

Had I been a local service airline president in the era 1965–67, I am sure that I would have been in the forefront of those moving to jets. And were I a local president today, I would most likely be trying very hard to exploit those dandy new route awards the Board gave me, and at the same time I'd be trying to get out of loss segments and unproductive towns. I should be, just as you are, responsive and sensitive to the demands of your lenders and your stockholders.

But I am not so situated. My mandate is different from yours. The law imposes on me, and on my four colleagues, a requirement to foster development of an air transportation system best suited to the needs of commerce, the postal service, and the national defense of the United States. At least from my point of view, such a pattern would require a continuation of some satisfactory type of air service to smaller cities, particularly those in some isolation who may already have lost their historic public transportation with the steady decline of rail service and, more recently, of bus service as well.

For us at the Board to meet this transportation mandate successfully in an era where tremendous financial stresses are being placed on the viability of all segments of the air transport system is not easy. And in the specific area I have been talking about today it will be particularly hard. No community wants to lose its airline, its airmail, its sign of progress. Yet no airline can go on forever losing money and in the massive amounts that some of you have experienced and can easily see continuing if there are no changes in the costs and losses inherent in your present route obligations and responsibilities. Federal subsidy was supposed to be a temporary developmental support, not a permanent way of life, so your problem is further complicated by the logical Congressional goal of seeking the reduction and ultimate disappearance of subsidy.

On April 13 I asked the Board to undertake an in-depth study looking towards the development of a nationwide plan for keeping air service in as many of the smaller towns as possible, a plan which may include subsidized third level service to many towns now boarding too few passengers to support service by large aircraft.

I am particularly aware of the problems of the small cities because I have visited many of them in the past two years. Moreover, either because of these visits or perhaps because I come from one of the less populated states, countless representatives from the western states and from small communities stop by my office when they are in Washington. And I don't sleep very well at night after a representative from a small city like Williston very bitterly talks to me about the time, money and effort they have put into developing a quarter million dollar annual market for a local carrier, then to be abandoned in favor of a third level operator of whose viability they are uncertain. Nor do I like to walk out of a Senator's office after hearing from him that a fine town like Jackson, Wyoming, has no rail or bus service, and only minimal air service except in the tourist seasons.

One must puzzle and worry, as I do, to see boardings at Topeka go down in five years from 60,000 to 11,000; to see all certificated air carrier service withdrawn from Waycross, Georgia, with its 20,000 citizens; to see all carriers seeking to discontinue at Wilmington, Delaware, and to see town after town—Williston, North Dakota; Burley, Idaho; Salisbury, Maryland; Elkins, West Virginia; Johnstown, Pennsylvania; Rutland, Vermont; Land o'Lakes, Wisconsin; and Winona, Minnesota, to name a few—disappear from the certificated airline map.

The problem of what kind of an air service pattern the 48 states will have in the next decade is before us now. No one local service carrier can solve it. But all of you can help. Bold and imaginative study, both in your own organizations, whether at San Francisco or Minneapolis, or Denver or Houston, or Utica, and everywhere else, will help. And a free flow of ideas between you, and between you and the Board, will help also.

It should be remembered that a successful pattern or small airplane operations to small cities is just as important a part of our total air transport system of tomorrow as will be the long haul routes of the 747's and the supersonics.

We must develop a logical and well understood plan to solve this dilemma; otherwise an irregular and unsatisfactory patchwork of deletion and suspension at much too high a cost in resources, with the community heartache and inconvenience which will result. We must not permit this to happen.

VIEWS OF A YOUNG AMERICAN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BROWN of California. Mr. Speaker, recently I received a short article by a young California, Mr. Paul W. Day, and because I think his views are well stated, I am now inserting that article in the RECORD so as to share it with my colleagues.

The article follows:

IDLE THOUGHTS ON THE POVERTY PROGRAM

As each year passes, our government pours more money down the same bottomless pit. "Poverty."

All the money spent in slum area's has accomplished very little. The welfare program has not improved the status of poor people since the 1930's! So we know this method won't work!

Now, I have traveled over the West many times. I see thousands of acres of State and Federal lands lying idle; for want of water. And I often wonder why, the leaders of this Nation don't divert the millions of dollars of welfare to a program of; planned communities in these areas for poor people.

A program using the poor to build and live in these communities. There are many complex problems involved. But! They can be overcome! Using very little formal education but a lot of hard earned common sense. I ask why a program of self help and co-operation, that I will outline, couldn't be conceived and accomplished by our government and private industry.

The idea is this: Government and industry finance a planned community together. The government gives land and substantial tax reduction to industry for a period of 20 years and assumes a part of the cost to lay water lines, power, rail and highways. The town could be built in 4, 6, and 8 unit apts. around a large shopping center. It could consist of many centers with housing around each. Industries could be build in one location with room to expand. Bus service between town and factories could be set up. Units could be rented at a low cost for the first two years, until the people could be trained by industry and be raised to journeyman pay. Then rent would be raised to match income. Furnishing in Apts. could be payed for on low payments by the poor.

Only the low income and welfare families would be eligible for this community.

Industry could build new factories and training programs if they were given low price land and low taxes on that location for, say, 20 years.

This would allow the removal of slum areas in cities. Build new towns, restore respect and life to the poor, increase the productive power of industry.

Most important we would go from, stagnation to progress. Building Americans, who earn their way instead of being carried.

Local government could be set up by industrial experts and urban experts and over a period 5 years the people could learn to govern their town and become the true design of American free enterprise. In this manner or one similar; Our tax dollars would be building a future for the poor. The poor would be building for themselves and it won't smell of a handout. Because these people would be learning a trade and earning their way.

Now I know this is oversimplified, but with all the brains in private enterprise and government offices;

Why can't something along this line be done? Why must we continue to feed oats to a dead horse? What happened to the vision our forefathers had?

These are just the idle thoughts of a 33 year old, Oklahoma boy who completed 9 grades of school. I was raised by a widow mother, who had a hard time all her life. I've traveled the width and length of this nation and seen and learned much. So I wonder about the vision of our leaders.

ISRAEL'S 22D ANNIVERSARY OBSERVED FITTINGLY IN INDEPENDENCE SQUARE, PHILADELPHIA, PA.

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. PUCINSKI. Mr. Speaker, today marks the 22d anniversary of the establishment of the State of Israel as a free and independent nation.

It was my great privilege and honor earlier today to serve as principal speaker marking this observance in Independence Square, Philadelphia, Pa.

Early this morning I had flown to the cradle of American independence and participated in the observance arranged by the Zionist Organization of America.

I believe it was most fitting that Mr. Arnold R. Ginsburg, chairman of the independence day arrangements in Philadelphia, selected the site of America's own shrine of independence for today's observance.

Today's ceremony in the shadow of the Liberty Bell, which is the most popular symbol of American freedom, was most appropriate because it reminds us of the kinship in ideals which exists between the people of Israel and the people of America.

Perhaps even more significant was the fact that as we paid tribute to the 22d anniversary of the birth of the State of Israel, we were reminded that on the Liberty Bell itself is inscribed the inspiring message of human dignity and freedom taken from the Book of Leviticus in the Bible.

It was properly pointed out by Commissioner Maurice Osser, representing Philadelphia's Mayor Tate at the ceremony, that:

> The human drive for democracy which led to the Declaration of Independence from this very spot almost 200 years ago in the United States, had its roots in the Hebrew Bible.

That natural love of liberty is the identical thing we were gathered to celebrate today in America's Independence Square for the independence of Israel.

I was pleased to remind today's audience in Philadelphia that our five colleagues in Congress, Congressman BARRETT, Congressman BYRNE, Congressman NIX, Congressman GREEN, and Congressman EILBERG share the great hopes and aspirations of all American people—in praying for the day when peace will again return to the Middle East.

I was also pleased in this inspiring ceremony in Independence Square to share the platform with Mr. Jacques Torczyner, National President of the Zionist Organization of America, whose dynamic defense of the ideals of human dignity have become known, not only throughout America, but throughout the world.

For 2,000 years, the Jewish people have believed that the light of learning, of freedom, and of liberty will one day come forth from Jerusalem, not alone for the people of that land, but for the entire Middle East—and hopefully—for all of mankind.

As we assemble here this afternoon, our hearts are heavy with the realization that instead of those high and inspiring ideals, the Middle East, instead, today floats on oil, is mired in blood, and threatens to be swallowed up in semantics.

Man's sensitivities are shaken to the very roots when he realizes the enormity of the problem in the Middle East, and the outrageous forces at play in this troubled part of the world to destroy Israel as a symbol of man's hopeful dream for the Middle East.

Israel today bravely and alone stands resolute in defense of those ideals.

This tiny and magnificent state which has awed the world for two decades as a free nation, stands as an oasis of life in a desert of blind hatred—a hatred being fanned in a most brutal manner by the Soviet Union and her craze for territorial expansion.

Israel is surrounded by enemies who have made a religion of plunder, theft, terrorism, and incalculable deceit.

All of these ingredients so perfectly fit into the Soviet mold of exploitation, and it is for this reason that Israel—who alone through her magnificent history, condemns man's inhumanity to his fellow man—stands out as the one nation of the Middle East which cannot be fitted into the Soviet mold.

It is for this reason that the Soviet Union has today launched its most brutal attack on tiny Israel and is fanning not only in the Middle East, but throughout the whole world an unceasing barrage of invectives against Israel, her people, her institutions, and her survival itself.

The Soviet Union has carefully created an atmosphere within the Arab world by which Arab leaders are humbled by Israel's achievements—achievements which can never be duplicated in the Arab world until a responsible social conscience becomes the core of Arab government.

So long as Arab States reject their centuries-old obligations to their people; so long as men in power prey on the prejudice of ancient times; then so long will the men and women of the Arab nations be denied even the slightest opportunity to better their tragic situation and ultimately accept peace in the Middle East.

That is precisely the grand plan of the Soviets—turmoil, more turmoil, distrust, exploitation, upheaval, despotism, and the brutality of making the Jews the scapegoats for the Arab leaders' failures.

We are witnessing in the Middle East today a monumental effort by the Soviet Union to create another cordon-sanitaire of Communist captive nations in the Middle East the same as we witnessed after World War II in Europe.

The Kremlin hopefully wants to plunge 110 million Arabs behind the Iron Curtain the same way they plunged 180 million Europeans into the bonds of communism following World War II.

This is what this is all about, and this is why Israel has been marked for destruction by the Soviet Union for it is tiny, but brave, little Israel who alone stands in the way of the Kremlin's grand design for Communist expansion into the Middle East and ultimately, into Africa.

Africa. That is the final prize the Soviets seek in their unceasing drive for world conflict.

There is an old saying that he who controls Africa—rich in natural resources—controls the world. Russia can bring the United States to its knees without firing a shot once it gains control of Africa and shuts off that continent's rich natural resources to American industry. Our economy cannot flourish without access to the rich natural resources of Africa—and no one is counting on this more than the Kremlin.

So the Soviet drive for domination of the Middle East escalates.

We now have proof that Soviet pilots are flying combat planes in Egypt. The United States can no longer ignore this Soviet intrusion into the Middle East, and the serious threat it poses to our own national interest in that part of the world.

At the present time, according to the best estimates we have—and they are pretty accurate—there are 120 Soviet bombers and 463 Mig Jet fighters distributed throughout all the Arab nations, many manned by Soviet pilots. Not Soviet-trained pilots, but Soviet pilots themselves.

One has a right to ask when will the free world finally understand that the survival of Israel is no longer a sentimental journey for the Jewish people alone. It is in the highest interest of all free nations and above all, the United States itself.

For indeed, as present plans continue, the Soviet Union will soon proclaim another "Brezhnev" doctrine declaring that the Arab States are in the Soviet sphere of influence and any attack upon any of them is an attack on the Soviet Union itself.

When Soviet troops stormed into Czechoslovakia and the world expressed its concern, you will recall the proclamation by the Soviet Union of the Brezhnev Doctrine.

Unless the free world takes immediate steps to help Israel, another Brezhnev doctrine is confidently predictable in the Middle East, for the stage is being carefully set by the Kremlin for such a pronouncement.

The United States has hard-core intelligence that the Soviet Union is recruiting Soviet citizens of Moslem background in the provinces of Azerbaijan, Tadjistan, Turkman, and other Soviet Republics that contain large elements of Moslem populations in Russia, and sending them for service into the Arab nations.

This is the identical tactic used by Russia right after World War II and which proved so successfully in ultimately plunging proud nations of central Europe behind the Iron Curtain.

Soviet Moslems are also being infiltrated into Nasser's Islamic Foreign Legion—which he recently formed at the suggestion of the Kremlin—and are also being trained to fly the more sophisticated Soviet jet fighters into the Middle East.

This is the Soviet Union's 20th century trojan horse for the Middle East and Arab leaders are too naive to see this pending danger.

Our intelligence shows a fantastic increase in arms shipments to the Arab States, especially during the last few weeks when large consignments of rockets and radar equipment have been unloaded in Egyptian ports.

Where is the equipment coming from? It comes from the Soviet Union which today is the largest supplier of arms and weapons of war to the Arab States.

At this moment, five of the most volatile Arab States are almost totally equipped with Soviet weapons—Syria, Iraq, Algeria, North Yemen, and the United Arab Republic.

The Soviets are openly encouraging Sudan and South Yemen to become more dependent on Soviet arms, and the campaign is having considerable success.

This is why the Israelis have had to pour so much of their budget into defense expenditures. Last year, $1.3 billion was appropriated for defense, which comes out to $1.15 per day for every man, woman, and child in Israel.

And on the other side of the coin is the dismal picture of our own Nation's inability to understand the magnitude of the problem in the Middle East.

During the past 5 years, Israel has not received a dime's worth of military aid from the United States, except what she was able to purchase, while the Soviet Union has given the Arab States a blank check for whatever they need.

Our naive policy has been to dole out even on a purchase basis to Israel, firepower that would never permit Israel to be more than one-fourth as well armed as all of its enemies combined.

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Mind you, this is on the basis of letting Israel buy her military needs in the United States while during the same 5-year period, a half dozen belligerent Arab nations have received more than $30 million of military aid free—a gift of the American taxpayer.

To add insult to this folly, we are presently training 600 Arab officers in the United States but not a single Israeli.

And to compound finally this idiocy, some people in the highest places of our Government continue to believe the Arab States are friendly toward the United States in the same way as Israel.

But these Arab States never vote with us in the United Nations, while Israel has stood resolutely with us on every major vote.

Israel supports our Vietnam policy, while the Arab States consistently attempt to discredit our efforts to bring peace to Southeast Asia.

As a columnist recently said:

> The varieties of hate-America emanating out of Damascus, Algiers and Baghdad are of a stridency to defy elementary decency.

Under Secretary Sisco has yet to explain his inability to visit Jordan because of anti-American demonstrations in that country.

The free world cannot let Israel become another Munich.

In the wake of Soviet rearmament of all of the Arab States, the United States must revise its own policy and make available to Israel at least 100 additional Phantom jets to restore Israel's balance for her own defense. I honestly believe the Soviet Union is stepping up hostilities in Southeast Asia in an effort to divert American attention from Russian expansionism in the Middle East. It is now crystal clear that the Soviet Union wants America to continue being bogged down in Southeast Asia as she carefully lays the groundwork for a pro-Soviet takeover of the Middle East.

We will never have peace in the Middle East until the Arabs see the price they will have to pay for Soviet assistance and until they are convinced that Israel's defensive capability is of such magnitude that any future attack on that country will end in failure.

This is why I call upon the President to assume a bold posture in the Middle East. Declare Israel's survival in the highest interest of the free world and then give, not sell, Israel the tools she needs to defend herself.

A flicker of hope that America may finally be seeing the light is slowly working its way through Congress. The House already has approved a resolution by 365 to 50 urging that American arms and credit be provided to Israel to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of Israel. I pray that the Senate will do likewise so Israel may find some needed relief from her own defense expenditures.

I mention this because as difficult as the military situation may appear, Israel's real problem is economic. The money raised in America through Israel bond drives is not used for Israel's military struggle. It is used to fill in the economic gap which occurs because of Israel's huge defense budget.

One cannot discuss the struggle being waged by Israel without destroying a number of myths. Perhaps the biggest myth is that economic aid to Israel hurts our own balance of payments.

Not a single cent of money raised for Israel in America leaves our shores. Last year $128 million was raised through Israel bonds and all of it was spent right here in the United States. As a matter of fact, while only $128 million was raised in the United States, Israel actually spent $400 million in the United States for earth-moving equipment and other domestic needs.

Myth No. 2—that survival of Israel is a "Jewish" problem.

The world cannot successfully begin probing why it is that since intellect gained dominance over instinct, man has become the most destructive of all living creatures, until man has found a way to bring peace to Asia and the Middle East.

Man cannot start dealing in international agreements on pollution until he has resolved the conflicts in Asia and the Middle East.

This generation of young Americans could very well become the first generation to permit intellect to gain dominance over impulse, but not unless we settle the conflict in the Middle East and Southeast Asia.

Man cannot give living meaning to the high ideals of freedom until he has brought peace to his home, his Nation and his world.

I know from what I have seen during my visit to Israel and from my intimate studies of the tragically harassed Middle East, that Israel is committed to be a light unto its neighbors and to eradicate illiteracy and trachoma from their midst, and to raise the cultural, economic, and social levels of these communities.

Faced as we are in our own land by extreme revolutionary forces that seek to destroy our way of life, we must remain linked to this democratic island 8,000 miles from Philadelphia, to the people of Israel, who have remained loyal to those ideals which their ancestors accepted at Ciani almost 4,000 years ago and which inspired Israel's founding fathers just as they inspired our own Washington, Franklin, Jefferson, and the many others who sought to make our own Nation "a light unto the world."

We urge you to help Israel because she needs your help. For the doubters in her survival, let me remind them of my favorite Psalm in my own religion which reads:

> Those who trouble against me, themselves stumble and fall.

As night follows day, those who trouble against Israel shall themselves stumble and fall.

And then, only then, will she bring living meaning to her great promise and the nobility of her cause.

Mr. Speaker, I should like to include at this point the remarks of Commissioner Maurice S. Osser, who represented Mayor Tate. His remarks follow:

Remarks by Maurice S. Osser

It is my honor to represent Mayor Tate and to bring you the greetings of the city of Philadelphia at this ceremony saluting the brave nation of Israel on its 22nd anniversary.

We celebrate the gesture of the United Nations, who gave Israel the privilege of fighting for its life, in solemn assembly during its own fledgling years in 1948. In a sense, the United Nations emulated the action of the Lord who gave the same land to Abraham 4,000 years ago.

However, the United Nations, without a sense of humor, bestowed the privilege on the Jews living in that sacred land. Yet the diplomats frowned, for they felt they gave the Jews only a doubtful moment in the Middle East. It was impossible.

There were the handful of Jews, standing on a seashore, almost entirely unarmed and facing the multitudes of their hostile neighbors, fully armed and attacking from the highlands. It was a completely indefensible position, militarily.

But Am Yisrael Chai! The Jews won and formed Israel.

A new nation was born in the turmoil of the feudal, medieval Middle East.

A new nation? Hardly!

A very old nation. A nation that has lived for 4,000 years! Israel has lived—real and vital and ever-present—in the hearts of Jews no matter where they roamed during the terrible thousand years of the exile.

A nation and a people and a concept that has helped to shape the entire world of thought. Certainly this is pertinent in this city of Philadelphia—near the hall of Independence where the American founding fathers walked in the ways of the biblical founders of democratic ideals. Certainly this is very close to us—as close as the inscription on the Liberty Bell which calls for "Liberty Throughout The Land Unto All The Inhabitants Thereof . . . " An inscription, as you all know, taken from the biblical book of Leviticus.

And then, at the turn of this century—when Jews began to return to the land of Israel—they were cautioned by the experts who said—"There is not enough land for immigration here. There is only barren rock and sterile sand." The well-known British colonization expert, Sir John Hope Simpson, reported that "There was no room in Palestine to swing a cat." In fact, he said, the "economic absorptive capacity" of the country was so limited that he suggested a halt to Jewish incoming.

In other words, it was impossible to live on that land, despoiled by centuries of Arab neglect.

But *Am Yisrael Chai!*

It is a well-told miracle story—the story of the Jewish restoration of the land of Israel—of the creation of Kibbutzim and brilliant agricultural science.

Jews as farmers and warriors?

For the many tragic years of the dispersion, as you know, Jews were forbidden to own land, they were forbidden to hold weapons. The world thought of the Jews as aliens to such matters.

But the nations all forget that the Jews of the Bible were superb farmers who irrigated and tilled the land so that it was truly a land of milk and honey. The world forgot that the world's own register of heroism and bravery starts with the names of Joshua, Saul and David, Gideon and Bar Kochba.

Israel and the Israeli people taught the world again the pride and strength of the Jews.

The city of Philadelphia, for one splendid example, listened to this lesson. Philadelphia's affiliation with Israel has been one of friendship and trust. Our city has played host to many of the leaders of Israel—David

Ben-Gurion, the late Levi Eshkol—the glorious daughter of Deborah and Judith, Rebecca and Ruth—Mrs. Golda Meir.

Again and again the enemies of Israel have attacked, seeking brazenly to drive the Israeli people into the sea, to put the Jews back into the middle ages of deprivation and despair.

Again and again—Am Yisrael Chai!

Even at this very moment in history—Israel is under the pressure of hostility. The Arab Nations—misled by their own fascist dictators and by the criminal cynicism of the Soviet Union—refuse to permit the Jews a safe homeland.

Today, the Russians have completely rearmed the Arabs. They send thousands of "advisors" into the Arab Nations—with modern jet planes and tanks. With the new installation of the most modern and terrible missile sites. And—now—even with Russian pilots over the Middle East.

It is incumbent on every one of us here—it is the responsibility of everyone who believes in democracy and dignity, in liberty and freedom—to support the heroic Nation of Israel.

As we celebrate this 22nd birthday—Israel Independence Day—we must reaffirm our obligation to genuine democracy. As we cheer the birthday, let us also do everything in our power to insure that we may say—next year again—that Am Yisrael Chai!

I thank you.

EXCERPTS FROM THE ANNUAL APPROPRIATIONS TESTIMONY OF MR. J. EDGAR HOOVER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ASHBROOK. Mr. Speaker, several days ago a subcommittee appropriations hearing on the Federal Bureau of Investigation was released by the House Appropriations Committee. As I have noted before, this annual testimony by the FBI Director, J. Edgar Hoover, is the most regular, comprehensive statement of the Bureau and its operations and covers topical issues in the field of crime, subversion, and so forth. Unfortunately, in some segments of the press Mr. Hoover's testimony receives inadequate notice, and one must go to other sources at times to receive this authoritative information. In the field of subversion, for instance, whether foreign inspired or homegrown, the Bureau is the chief watchdog of such activities. Although congressional investigative committees continue to make public the activities of extremist elements, their facilities are very small in contrast to the capabilities of the FBI. To illustrate, the Bureau has at present 17,345 full-year employees consisting of 7,350 agents and 9,995 clerks. Of the agents, 6,798 are in the field. This far outnumbers the manpower available to congressional committees for their inquiries. In addition, the efficient crime laboratories, its vast fingerprint files and the National Crime Information Center, among other facilities, combine to give the Bureau an unquestioned superiority in the field of crime and subversion not even remotely approached by other agencies.

As I also pointed out recently, the FBI is a fact-gathering agency responsible to the Justice Department and not a public information agency. Even congressional committees cannot tap the vast resources of the Bureau to aid their investigations. The one agency which indirectly has access to Bureau information is the Subversive Activities Control Board, another adjunct of the Justice Department. The Justice Department refers to the SACB cases of Communist-front organizations, for example, which groups are afforded a public hearing with the right to cross-examine Government witnesses. Much of the information used by the Justice Department in these cases is supplied by the FBI, and if used in the hearing, is a matter of public record.

Unfortunately, many of the organizations listed in Mr. Hoover's testimony, and which are treated at the end of my remarks, cannot be reviewed by the SACB because they are not directly linked to the U.S.S.R. and are not, therefore, under SACB jurisdiction. The Black Panthers, the KKK, and other revolutionary disruptive groups are not completely listed by any Federal agency as a warning to the uninformed American public. At present measures are being considered to expand the jurisdiction of the SACB so that any anarchistic or revolutionary group need not be placed in the Moscow camp before the Board can act. It borders on the ridiculous to allow violence-prone radical groups to roam the country while citizens seek authoritative information as to their character.

With this background, one can appreciate the value of Mr. Hoover's annual appropriations testimony as a means of informing the public. In his following remarks you will find information on the Communist Party in the United States and its splinter groups, radical and hate groups, antiwar activities, student agitation, racial disturbances, and other issues of important topical interest today. For convenience and ease of reading, certain aspects of crime and subversion have been excerpted from the much lengthier statement by the Director which I submit at this point for inclusion in the RECORD:

EXCERPTS FROM THE TESTIMONY OF FBI DIRECTOR J. EDGAR HOOVER BEFORE A HOUSE APPROPRIATIONS SUBCOMMITTEE ON MARCH 5, 1970

GROWTH OF CRIME IN THE 1960'S

Mr. HOOVER. The growth of crime in the 1960's is a sad commentary and a disgrace to our way of life. Just consider these statistics:

During the 1960–1968 period the volume of crime rose 122 percent. Broken down, crimes of violence increased 106 percent while crimes against property climbed 124 percent. There has, of course, been a large growth in population but this does not account for the real problem of increasing crime counts since crime has outstripped population growth during this period by 11 to 1.

Getting down to a personal basis, the risk of becoming a victim of serious crime increased 16 percent in 1968, and since 1960 the victim risk rate has nearly doubled. Among other violations, daytime burglaries of residences rose 247 percent during the 1960–1968 period.

Arrests for narcotic during law violations were up 64 percent in 1968 over 1967, influenced primarily by marihuana arrests, the 1968 arrests being over four times as great as in 1960. Other violations show the same grim upward trend during the 1960–1968 period: Murder, 52 percent; aggravated assault, 86 percent; forcible rape, 84 percent; robbery, 144 percent; burglary, 104 percent; larceny, $50 and over, 151 percent; and auto theft, 139 percent.

Unfortunately, the percentage of police solutions of serious crimes declined 7 percent in 1968, and since 1960, has shown an overall decline of 32 percent. There are a number of factors influencing this overall decline in the police solution rate. These include court decisions which have resulted in restrictions on police investigative and enforcement practices; a sharp increase of police workloads in criminal and noncriminal matters; the almost static ratio of police strength to population which is not commensurate with the sharp increase in crime; and, the increasing mobility of those who commit crimes.

CRIMINAL REPEATERS

Although the crime counts are mounting, they represent the acts of a relative small minority as it is well documented that the recidivist plays a large part in contributing to the growing figures.

Our "Careers in Crime Program," which began in 1963, follows through fingerprint records those offenders who become involved in the Federal process through arrest and release. Of the 18,333 offenders released from the Federal criminal justice system in 1963, the study shows that 63 percent had been rearrested by the end of the fifth calendar year after release. Rearrests in the 5-year period ranged widely when considering the type of crime originally involved, there being rearrests ranging from 19 percent for income tax violators to 80 percent of the auto thieves. This chart gives further data regarding the percentage of repeaters when considering the type of crime involved.

Mr. ROONEY. Without objection, we shall insert this chart at this point in the record.

(The chart follows:)

Percent repeaters by type of crime in 1963—persons released in 1963 and rearrested within 5 years

[In percent]

Auto theft	80
Burglary	77
Assault	74
Narcotics	69
Forgery	68
Robbery	60
Larceny	59
Liquor laws	46
Fraud	46
Gambling	43
Embezzlement	23
All others	62
Total	63

Mr. HOOVER. It is also well documented that the younger the age group, the higher the repeating rate. Of the offenders under 20 released in 1963, 72 percent were rearrested by 1968, 69 percent of those 20–24 years of age, and 67 percent of the offenders 25 to 29 years. This chart shows how heavily the youthful repeater contributes to crime figures.

Mr. ROONEY. Without objection we shall insert this interesting chart at this point in the record.

(The chart follows.)

Percent repeaters by age group—persons released in 1963 and rearrested within 5 years

[In percent]

Under 20	72
20 to 24	69
25 to 29	67
30 to 39	63
40 to 49	54
50 and over	40
Total all ages	63

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YOUTH IN CRIME

Mr. HOOVER. The heavy involvement of young people in the growing crime volume is a tragedy. In 1968, police arrests of adults increased 2 percent, while arrests for juveniles had an overall increase of 10 percent. For the period 1960–68, police arrests for all criminal acts except traffic offenses of persons under 18 years of age doubled while the number of persons in this young age group, 10 to 17 years, rose 25 percent. With arrests up 100 percent and population up 25 percent, it is apparent the involvement of young persons as measured by police arrests is escalating at a pace four times their percentage increase in the national population.

Eight teenagers from Chicago's fashionable North suburbs were charged by Chicago police with burglarizing 32 fashionable homes, stealing loot valued at $50,000 and vandalizing the houses.

After questioning the teenagers, one detective said "They're all acting pretty 'cool' about the whole thing. They aren't fazed at all and said they didn't think they would ever get caught."

Chicago police also reported that they broke up a South Side teenage burglary ring on January 7, 1970 when they raided an apartment which contained approximately $8,000 in loot and arrested its four occupants. It was reported that the ring had been operating for about 4 months during which time more than 100 burglaries were committed in the south shore area.

It is another sad commentary that our youths are becoming alarmingly involved in violent crimes. Juvenile arrests for violent crimes have more than doubled during the 1960–68 period, outstripping their population group increase by more than 4 to 1.

It must be remembered that these depressing statistics have been brought about by only a small segment of the young age group. The vast majority are honest, decent citizens as only about 6 percent become involved in criminal acts.

It is also important when reviewing arrest figures to keep in mind that police arrest practices and emphasis vary which will account for some variations in these statistics from year to year. For example, arrests of persons under 18 for narcotic drug law violations have increased sharply in recent years. In 1968, over one-half of the individuals arrested for violations of the narcotic drug laws were persons under 21 years of age. In 1964, only 23 percent of the persons arrested for violations of this law were under 21.

I have often spoken of the help that organizations such as the Boys' Clubs of America, the Boy Scouts, Police Boys' Clubs, and the like, are in combating juvenile delinquency. Organizations such as these help to direct youthful energy and exuberance into proper channels. With continuing increases in our young age population, our young people themselves should take a more active interest in the crime and do all that they can to persuade the small segment of their age group to turn away from criminality. Unless we can curb the growing criminality of the youthful minority, our crime courts are bound to increase.

ASSAULTS ON LAW ENFORCEMENT OFFICERS

Mr. HOOVER. There was an increase of 17 percent in the rate of assaults on police in 1968 over 1967 as they endeavored to meet the increasing law enforcement problems confronting them. This underscores one of the increasingly serious problems facing law enforcement today, that is, a growing attitude of disrespect for lawful authority and the failure of citizens to come to the aid of officers being attacked as they attempt to perform their lawful duties. These duties often necessitate confrontations with emotionally aroused citizens protesting real or imagined grievances and it is these situations which have in a large measure accounted for the upward trend of assaults on police.

Our special agents are confronted with the same problem. During the fiscal year 1969, 73 special agents were assaulted while carrying out their duties. We arrested 70 subjects in connection with these assaults. By the close of the fiscal year, 25 had been convicted, 30 others were awaiting trial, and charges against the remaining 15 were disposed of through dismissals, acquittals, or mistrials.

Another 42 special agents and one clerical employee were assaulted while carrying out their duties during the first 6 months of fiscal year 1970 (July 1 through December 31, 1969). We arrested 27 subjects in connection with these assaults and one other subject was shot and killed by local authorities prior to being arrested. By December 31, 1969, eight had been convicted, 13 others were awaiting prosecution and the charges against the remaining six were disposed of through declinations, dismissals, or acquittals.

POLICE OFFICERS KILLED

The growing violence in this country has brought death to 475 law enforcement officers while carrying out their duties during the 1960–68 period, 64 of them being killed by criminal action in calendar year 1968. Preliminary figures show another 73 police officers were killed by criminals in calendar year 1969.

During the months of January and February 1970, the police departments in the 57 cities around the Nation with populations over 250,000 reported nine police officers killed by criminal action and 2,394 assaults on police officers during the course of duty. Assaults on police officers occurred at the rate of 41 per day over this 2-month period.

A review of the criminal histories of the 626 offenders involved in the police murders through 1968 shows that 65 percent had prior convictions on criminal charges and, of this group, two-thirds had been granted leniency in the form of parole or probation on at least one of these prior convictions. As a matter of fact, almost three of every 10 of the murders were on parole or probation when they murdered a police officer.

PAROLE, PROBATION AND CLEMENCY ABUSES

As crime in recent years has become such a frightening reality to so many of our citizens who have been personally victimized by this plague, public awareness of some of the glaring deficiencies in the handling of repeating criminal offenders has been acutely heightened. An increasingly alarmed populace, fearful of the safety of their streets, neighborhoods and homes, rightfully asks when as much concern will be afforded their rights as is maudlinly lavished upon the repeating criminal offender who has by his demonstrated actions openly declared war on society. The law-abiding majority is rapidly losing patience with those whose flagrant abuse of the humanitarian principles of parole and probation makes a mockery of justice. They are properly questioning the reasoning, wisdom, motivation, and capabilities of some jurists and parole and probation authorities who appear more concerned with finding excuses and evasions for unrehabilitated repeating offenders than maintaining the welfare of the general public.

Amazed observers in the State of Washington, for example, were perplexed with the treatment afforded an individual whose criminal record for serious offenses dates back over 40 years, to the time he was 8 years old, and who in 1950 was sentenced to prison as an habitual criminal for the rest of his natural life. Released after having served only 8 years, he became involved in a hit-and-run accident and shoplifting, for which he received a sentence of 30 days. A few months later, while free on a $15,000 appeal bond following an armed robbery charge, he was arrested for a robbery in which a police officer was killed. This hardened criminal was subsequently sentenced to 20 years' confinement, a sentence, it is noted, less than the original sentence he received in 1959.

And, concerned citizens of Detroit, Mich., have been completely astounded by the judicial machinations of one judge who has demonstrated blatant contempt for investigative and prosecutive officials and has reportedly proclaimed he will deliver light sentence to anyone claiming mistreatment by police.

One beneficiary of this philosophy was a young thug, previously convicted of aggravated assault, interstate transportation of a stolen motor vehicle, and assault with intent to rape a female minor under 16. He had been captured by Detroit police in November 1968, following a gun battle which broke out as he fled from a $12,000 jewelry store holdup and stole a police car to aid his flight. Although three police officers were treated for injuries received in the capture of this criminal, the judge accepted the hoodlum's claim that he had been beaten by the police, reduced the charge to assault with intent to rob while armed and sentenced the gunman to 2 years' probation, conditional on his surrendering to Federal authorities for treatment as a drug addict. When the narcotics institution rejected the criminal on the grounds he could not be rehabilitated, he was given 3 years' probation by the sympathetic judge.

The same judge outraged decent society by immediately releasing on bond a gang of trigger-happy racial militants who were arrested after two police officers were shot, one fatally, at a Detroit church building.

Another astounding sentence by this jurist was a 7- to 10-year term for a young hoodlum who confessed beating a 75-year-old woman to death in a $5 street robbery. The advanced age of the victim was offered as a reason for the light sentence, which could result in the slayer's release within 5 years, on the fanciful theory that if the murdered woman had been younger she might not have died from the savage assault.

Shocked response from fellow jurists and anguished pleas from an alarmed press seem to have little effect in curbing these amazing decisions which not only further embolden the criminal predators of society but likewise cause our law-abiding citizens to wonder just what has become of their rights.

Missouri residents also wondered aloud about their security with the disclosure that a convicted child molester with a 20-year record of arrests was charged with two new offenses while free on a "trial visit" to his home from a State hospital.

Another blow to the essential need for respect for our system of justice occurred in Philadelphia, Pa., where a convicted rapist of a 14-year-old girl was sentenced to a term of 9 to 23 months in jail, plus 5 years' probation, and was immediately released by the judge because the rapist had already served his minimum sentence. When a prosecutor protested that this unrealistic sentence was an open invitation for others to commit similar crimes, he was merely told by the judge that the youthful victim had the appearance of a grown woman and did not seem to be incensed.

In another Pennsylvania case in 1969 an ex-convict who was deemed by "experts" to have been "rehabilitated" reportedly broke into a home and raped a woman and her 15-year-old daughter. He had committed a similar crime just 2 years before and had a record of 16 arrests for over 30 burglaries.

In Missouri, the wisdom of releasing a 15-year-old charged with murder to the custody

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of his father was severely questioned, particularly when both the father and son were subsequently arrested twice for attempted murder resulting from barroom brawls.

A 17-year-old Washington, D.C., youth, 6 feet 2 inches tall and weighing 185 pounds, who has a history of serious encounters with the law, in September 1969 robbed four FBI clerical employees as they were returning home from their tours of duty. He forced all four to disrobe and raped one of the two girls. Two weeks later officers of the Metropolitan Police Department confronted him as he was accosting another one of our young female clerks. The youth placed a gun to the girl's head and ordered the officers to surrender their weapons. As he positioned himself for an escape he stumbled and was apprehended by the officers.

At the time of his apprehension, this youth was in the custody of his parents after he had been arrested just a few days before for attempting to rob another juvenile. The record for this young man also shows he was found shoplifting in 1964 and 1969 and he attempted to obtain money through threat in 1965. In the latter three instances he was given warnings by juvenile authorities and then released. Despite this record, the juvenile court has decided to treat the perpetrator of these heinous crimes against our employees as a juvenile and not to relinquish jurisdiction to the U.S. Court for the District of Columbia where he would be tried as an adult. This means, of course, that this precludes incarceration beyond his 21st birthday if he is found guilty of the crimes.

A paroled bank robber in Virginia, set free in January 1969, after serving but 26 months of a 10-year sentence, was charged in June 1969 with demonstrating his gratitude for "another chance" by shooting to death a Portsmouth, Va., policeman during an armed robbery spree.

As more and more citizens become painfully aware of the frightening number of dangerous individuals stalking our streets as a result of sociological hocus-pocus and legal manipulations, it is timely to demand that responsible officials enforce the laws fairly and impartially, with the welfare of society as a paramount consideration. Only with such integrity of purpose and performance will we overcome a situation which has become, as a St. Louis newspaper so mildly put it, "disgusting."

This newspaper editorially summarized the situation clearly and succinctly when it stated, "The news stories reveal a shocking dereliction on the part of some judges and members of the legal profession to apply the law as it is strictly intended—to protect law-abiding citizens from lawbreakers."

Bitter experience has shown that warnings of possible habitual criminal tendencies presented before the courts are often ignored or completely disregarded. One such instance was noted in Cleveland, Ohio, when an off-duty police officer was shot and killed and another seriously wounded in a gun battle with a suspected shoplifter. Following apprehension, the suspect's record disclosed he had been arrested 32 times previously and had been released on bond twice during the preceding month, one offense being an armed robbery in which he also reportedly shot it out with police.

The severity of the crime situation has been also acutely felt in the Nation's Capital, where there were 18 rapes the weekend before last. A record number of bank robberies in early 1969 struck fear and apprehension into the hearts of our citizens. Close cooperation between Federal, State, and local authorities in the Washington metropolitan area has helped control the floodtide of lawlessness, but needless tragedy has saddened many of those cruelly victimized by this scourge. Tragically, in combating this menace, many law enforcement officers have paid the ultimate price, including two young special agents of the FBI who were brutally slain while attempting to apprehend a bank robber.

It should be readily understood why members of the law enforcement profession shudder when they think of the perils to society posed by the many hardened criminals permitted to roam free because of the evident failures of misguided or improperly administered parole and probation policies and loopholes in existing bail procedures which an experienced chief of police has persuasively described as having plainly contributed to the rising crime rate, particularly of armed robberies.

Law enforcement and concerned citizens must stand squarely together in jointly fighting the growing crime menace which jeopardizes the peace and tranquillity of our society. Only with such unity can we hope to convince those with the responsibility of administering our parole and probation and related leniency programs that the vast law-abiding public rightly demands equal consideration. In a society that has succeeded in reaching unparalleled heights in isolating dangerous germ carriers, we should be capable, with the proper will, of removing from free society those savage beasts of prey, the repeating, unrehabilitated criminal offenders, who for too long have terrorized our communities and besmirched our proud national pledge of liberty and justice for all.

INTERNAL SECURITY OPERATIONS

Turning to our work in the internal security field, this is an area where there is an array of problems, including the aggressive tactics of the New Left movement and its shift to a hard-line Marxist-Leninist ideology; much activity on the part of both black and white extremist organizations; and the continuing probes of foreign intelligence services. All of this adds up to a great deal of internal security-type work for our investigative staff to handle.

NEW LEFT MOVEMENT

During 1969, leading proponents of the New Left movement in the United States more clearly established themselves as Marxist-Leninist revolutionaries dedicated to the violent destruction of our society and the principles of free government. As a result, they intensified their efforts to foment violent disorders and discord concerning matters related to international communist objectives.

STUDENTS FOR A DEMOCRATIC SOCIETY

The Students for a Democratic Society (SDS) had been providing the main thrust of the New Left movement. This organization now has some 225 chapters and claims 40,000 members.

During the past year, as its national leadership narrowed into a hard-core of professed revolutionary communists, a power struggle erupted which split the SDS leadership three ways with each faction posturing militantly. In addition, hard-core communist elements are intensifying their own activities in the New Left movement.

YOUNG SOCIALIST ALLIANCE (YSA)

Foremost among these is the Young Socialist Alliance. It is the youth group of the Trotskyist Socialist Workers Party (SWP). In the past year it has just about tripled its membership, which has jumped from 400 to nearly 1,200. The YSA's line of proposed Marxist reform is quite palatable to many young dissidents. The YSA has what the SDS lacked in the form of cohesive leadership and organizational structuring.

Most important of all, the YSA controls a readymade channel through which to expand its influence and develop new recruits. It is the Student Mobilization Committee (SMC), one of the major organizing groups behind antiwar demonstrations. Every national office of the SMC is communist controlled by SWP/YSA members. There are regional SMC offices throughout the country with widespread representations on college campuses.

In short, the followers of Leon Trotsky in the United States feel they finally have an opportunity unparalleled in their historic existence and struggle in this country to make a significant gain as well as an impact on our social, political and economic policies in line with communist objectives.

In fact, they already have done so through their degree of influence on the direction of the antiwar movement. Working hand in hand with current and former members of the Communist Party-USA, the Trotskyites also have able representation on the steering committee of the New Mobilization Committee to End the War in Vietnam (NMC), which played the leading role in organizing the November 15, 1969, antiwar demonstrations in Washington, D.C., and San Francisco, California.

A number of the individuals on the NMC steering committee who are or have been affiliated with old-line Communist groups are coordinating their activities with international Communist elements. They attended several meetings held both inside and outside communist countries abroad in the 6-month period preceding the November demonstrations. They conferred with communist representatives from various countries, including some from North Vietnam and the National Liberation Front of South Vietnam.

The major emphasis in the discussions on those occasions was on the need to keep massive propaganda pressure in the form of antiwar demonstrations on the current administration in the United States to force a unilateral withdrawal of U.S. troops from Vietnam.

It was neither by accident nor coincidence that the demonstrations held in Washington and San Francisco on November 15, 1969, had accompanying anti-U.S. demonstrations in other countries throughout the world on the same day.

This brings us to another effect of the militant course taken by the SDS national leadership. The violence produced by the young, self-professed communist revolutionaries of the SDS has by contrast permitted old-line Communist members of groups such as Communist Party—USA and the Socialist Workers Party to don a cloak of respectability.

As representatives of the NMC steering committee, for example, they throw up their hands and profess to abhor the violent-prone tactics of the New Left militant. Meanwhile, they work in a subtle manner to exploit antiwar sentiment in this country to use it as a base for continuing attacks against U.S. foreign policy—attacks which are in keeping with international communist objectives.

CHICAGO TRIAL

Eight individuals, including David Dellinger, Thomas Hayden, and Bobby Seale, an officer of the Black Panther Party (BPP), were placed on trial in Chicago, Ill., on September 24, 1969, charged with violations of the Federal antiriot statute in connection with their activities during the Democratic National Convention in August 1968. On November 5, 1969, the presiding judge declared a mistrial as to Seale and found him in contempt of court on 16 counts. He was sentenced to serve 3 months on each count, the sentences to run consecutively and he is scheduled to be retried April 23, 1970.

Dellinger, Hayden, Rennard Davis, Abbott Hoffman, and Jerry Rubin on February 18, 1970, were found guilty of violating a Federal antiriot law; the remaining two defendants were acquitted. The five convicted each received sentences of 5 years in prison and a $5,000 fine.

The presiding judge on February 14 and 15, 1970, cited all seven defendants and two defense attorneys for contempt of court based on their courtroom conduct during the

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trial. Defense attorneys William M. Kunstler and Leonard I. Weinglass were sentenced to prison for 48 months, 13 days and 20 months, 5 days, respectively, with execution stayed until May 4, 1970. The seven defendants received sentences ranging from 2 months, 18 days to 29 months, 17 days and the judge ordered immediate confinement. The sentences for the antiriot convictions are to run concurrently with the contempt sentences.

On February 28, 1970, based on order of the U.S. Court of Appeals, Dellinger, Hayden, Davis, Hoffman, and Rubin were released on $25,000 bond each. John Radford Froines and Lee J. Weiner, the two defendants acquitted on the antiriot charges but cited for contempt, were each released on $15,000 bond; Attorneys Kunstler and Weinglass were each admitted to $15,000 bond although they had not been confined.

CHICAGO DEMONSTRATIONS—OCTOBER 8–11, 1969

The SDS sponsored demonstrations at Chicago during the period October 8–11, 1969, to protest this trial. Leaders of a militant faction of the SDS known as the Weatherman Group sponsored a series of violent demonstrations during the period designed, according to their spokesman, to bring the war home and to stop the trial.

These demonstrations resulted in extensive vandalism to the downtown area in Chicago, numerous injuries to both demonstrators and police, and in the arrest of 275 individuals, including Mark Rudd, the leader of the Weatherman faction.

During one demonstration the assistant corporation counsel of the city of Chicago was severely injured by one of the demonstrators. These demonstrations attracted widespread publicity and served to indicate the violent ends to which SDS is prepared to go.

NATIONWIDE DEMONSTRATIONS—FEBRUARY 14–21, 1970

The conclusion of the Chicago trial was marked by numerous demonstrations throughout the country. NMC called for demonstrations during the period February 14–21, 1970, to protest "repression" and to support the individuals on trial. In some instances these demonstrations became violent.

For example, at Washington, D.C., on February 19, 1970, protest groups, including the Washington Committee to Defend the Conspiracy (WCDC), sponsored a demonstration at the Watergate Apartments, the home of many Government officials, including the Attorney General. Approximately 250 demonstrators attempted to smash their way through police lines to reach this apartment complex, which they had threatened to disrupt. After being dispersed by police, the demonstrators split into small groups and committed acts of vandalism; 140 arrests were made and 10 people were injured.

At Seattle, Wash., 80 arrests were made on February 17, 1970, when demonstrators attempted to storm the courthouse. Almost all the windows in the courthouse were broken, as well as windows in nearby business establishments.

February 21, 1970, was designated as "Conspiracy Day" by the NMC. Demonstrations were held in many cities throughout the United States and in Washington, D.C., up to 1,500 demonstrators engaged in a rally and a march. Participants in the march became unruly, stoned police, and broke some windows. Over 100 arrests were made in getting the crowd under control. During the rally, William Kunstler, one of the attorneys for the Chicago defendants, said people must go to the streets as the Government responds only to the "power of the people." He added, "We must make the Government afraid."

STUDENT AGITATION

The street revolutionaries produced by the New Left movement were responsible for other widespread destructive acts of violence. During the 1968–69 school year, there were over 850 demonstrations on over 225 college campuses. There were 61 instances of arson and/or bombings. Approximately 200 building seizures or sit-ins occurred. Over 4,000 individuals were arrested in connection with these disorders. Damage to campus facilities ran over $3 million. Negro students played a significant part in more than 185 of the disturbances. One death and over 125 injuries were reported.

From September 1, 1969, to February 1, 1970, there were over 375 demonstrations on 76 college campuses. There were 30 instances of arson and/or bombings. There were over 50 sit-ins or building seizures. Over 1,600 arrests were made in connection with campus disruptions. Damage approached $1,400,000. Eighty-two of the demonstrations were racial in nature, Approximately 150 injuries have been reported.

The demonstrations protested the Reserve Officers Training Corps, military recruiting on the campus, university research for the Government, campus recruiting by industry, school regulations and policy and the war in Vietnam.

ANTIWAR ACTIVITIES

Antiwar activities have continued on a daily basis and many are well organized. A National Antiwar Conference was held at Cleveland, Ohio, on July 4–5, 1969. The most prominent antiwar group in attendance was the National Mobilization Committee to End the War in Vietnam, now known as the New Mobilization Committee to End the War in Vietnam (NMC), led by David Dellinger.

Under Dellinger's guidance, this organization led the march on the Pentagon in October 1967 as well as the demonstrations at the August 1968 Democratic Convention in Chicago. The National Antiwar Conference in Cleveland voted to support the SDS and the BPP by participating in the demonstrations at Chicago during the trial of Dellinger and the seven others for violation of the Federal antiriot statutes arising out of their activities at the convention.

The Cleveland conference also voted to support other antiwar demonstrations including the massive gathering at Washington, D.C., on November 15, 1969.

The NMC is planning several major nationwide demonstrations during the next several months.

On April 15, 1970, NMC will place major emphasis on economic issues related to the war in Vietnam, focusing on the question "Who pays for the war and who profits?" On this date NMC is planning visits to Internal Revenue Service offices, anti-inflation picketing, boycotting of grocery stores, group tax protests or refusal to pay taxes, support for strikers resisting the efforts of business and Government to put the burden of the war on the workers, sit-downs at offices and stockholders' meetings of major corporations with Government defense contracts and demonstrations protesting perpetuation of poverty and the low level of welfare and medical payments caused by the war.

NMC announced that the April 15 activities in dozens of cities throughout the United States will surpass last November's moratorium march in Washington, D.C. They plan to have major demonstrations in New York, Washington, Detroit and either San Francisco or Los Angeles.

On May 30, 1970, NMC plans antiwar mass actions at a number of military bases throughout the United States.

VIETNAM MORATORIUM COMMITTEE (VMC)

This organization came into being in 1969 and is self-described as an effort to maximize public pressure to end the war in Vietnam by encouraging a broad cross section of America to protest against the war. It called for a moratorium against "business as usual" on October 15, 1969, and this was scheduled to be followed by lengthened moratoriums in the following months until a firm commitment is made by the United States to a definite timetable for total withdrawal of United States troops from Vietnam or a negotiated settlement is signed.

On October 15, 1969, demonstrations called by the VMC were held throughout the United States. It was estimated that 500,000 individuals participated in this activity on a nationwide basis. The demonstrations included teach-ins, rallies, marches and picketing. The majority of the participants were of high school and college age. In Washington, D.C., demonstrations were held throughout the city and at various Government agencies including the Department of Justice.

The NMC and the VMC cooperated in supporting demonstrations November 13-15, 1969, at Washington, D.C. The activities during this period included a "March Against Death," a march of some 225,000 people along Pennsylvania Avenue and a mass rally at the Washington Monument. These planned demonstrations were stated to be peaceful but they were far from it.

On November 14, 1969, some 3,000 individuals participated in a rally sponsored by the Revolutionary Contingent (RC), a coalition of militants from various factions of the Students for a Democratic Society (SDS), the Youth International Party and other groups. They attempted to march on the South Vietnamese Embassy in Washington, D.C., but were broken up by police using tear gas after they had committed acts of vandalism.

David Dellinger, one of the major speakers at the mass rally at the Washington Monument on November 15, 1969, invited those participating to a demonstration at the Justice Building. This demonstration, urged on by a group of militants including factions of the SDS and the RC, attracted between 5,000 and 6,000 persons who surrounded the building while chanting antiwar slogans.

Militants among the group broke windows, threw paint on the building, lowered the U.S. flag and unsuccessfully attempted to replace it with a Vietcong flag. Police dispersed the group with tear gas and following this, small bands of militants roamed the city causing damage to numerous businesses.

The November demonstrations in Washington, D.C., resulted in injury to 606 persons, including 26 police officers. During the period of the 3 days of demonstrations, 175 individuals were arrested. Damage to privately owned and Government property was estimated at approximately $250,000. Overtime pay for area police departments required in handling the demonstrators was estimated at almost $500,000. The cost of maintaining troops in Washington was estimated at about $1 million.

FOREIGN TRAVEL OF NEW LEFTISTS

Mr. HOOVER. Frequently, we find New Left-type individuals involved in organizations that actively promote travel out of the country in furtherance of revolutionary aims and in violation of travel restrictions. Organizations in this category are the Committeee of Returned Volunteers and the Venceremos Brigade.

COMMITTEE OF RETURNED VOLUNTEERS (CRV)

The CRV was established in 1966 and has its national headquarters in New York City. It is composed of individuals who have voluntarily served abroad in the various countries in Africa, Asia, and South America, the so-called "Third World." The majority of the membership is made up of former Peace Corps volunteers. As of July 1969, the membership of the CRV totaled approximately 1,000 in 12 cities. The membership figure includes those who reside outside of chapter areas.

The CRV has been active in demonstrations against U.S. policies, particularly those pertaining to the "Third World" and Vietnam. In June and July 1969 it sponsored two trips to Cuba to observe the progress of the revolution. These trips were made without the necessary State Department clearance.

The national assembly of the organization, with some 85 persons in attendance, was held in rural Minnesota during September 12–16, 1969. This group adopted a revised "statement of purpose" calling for self-determination for the "Third World," equitable distribution of the world's wealth, and conditions for a new society. According to the statement, none of these goals can be achieved "unless there is revolution in the 'Third World' and in the United States."

National Assembly actions committed the CRV to the following:

1. Support of the struggle of the Vietnamese people for national liberation and rejection of the presence of U.S. troops in South Vietnam.
2. Recognition of the Provisional Revolutionary Government of South Vietnam as the only legitimate voice of the South Vietnamese people.
3. Support of the Cuban revolution. The CRV "will tolerate no act of our Government against Cuba and will resist to their fullest capacity all existing and future imperialist acts of our country against the Cuban revolution."
4. Accept as legitimate the armed struggle for national liberation engaged in by the people of "white-racist-ruled Africa."
5. Opposition to the presence of U.S. troops in South Korea.
6. Abolition of the U.S. Peace Corps.

VENCEREMOS BRIGADE (VB)

The Venceremos Brigade was organized in June 1969 for the announced purpose of actively supporting the Cuban revolution by assisting in the 1970 Cuban sugar cane harvest. "Venceremos" translated is "we will win," and was a slogan of the late Ernesto "Che" Guevara, Cuban revolutionary leader.

The executive committee of this organization represents a coalition of representatives from various organizations of the New Left and has received organizational support from groups such as the Students for a Democratic Society, the Trotskyist Young Socialist Alliance and the militant Black Panther Party. At the time of its formation the executive committee announced that Brigade members, while in Cuba, would also have a chance to discuss the Cuban revolution, the Third World struggle, socialism and "the movement" in the United States. Information has been received that Brigade participants, upon return to the United States would be assigned to direct and work in bringing about a revolution in this country.

The Brigade was organized in open defiance of the U.S. State Department ban on travel to Cuba. As originally constituted, it was to consist of two contingents of 150 persons each. However, the first contingent, consisting of over 200 individuals, traveled to Cuba via Mexico during late November and early December 1969. This group returned via Canada aboard a Cuban freighter on February 12, 1970.

A second and larger contingent departed from the United States the same day aboard 11 buses, en route to Canada where they boarded the freighter for the trip to Cuba. Each group was scheduled to cut sugar cane for approximately 2 months and be given a tour of Cuba. Travel for the first contingent was made under the name "C and C Associates," which stands for "Cane Cutters Associates," while the second contingent, initially utilizing the pretext of a ski trip, traveled under the name "Skimasters International." The first bus load of this contingent was denied entry by Canadian officials as the group obviously was not prepared for a ski trip. This fact was picked up by the press and the true purpose of this travel was publicized extensively.

Applicants were reminded that they must be prepared to respect Cuban laws against use of marijuana and drugs. It is interesting to note that the application to participate in the VB travel is detailed and requires a voluntary statement as to each individual's background and his involvement and motivation in "the movement." The completed application is ideally suited for inclusion in foreign intelligence files for possible future reference.

COMMUNIST PARTY—USA

Mr. HOOVER. Having been beset by factionalist struggles for many months, Communist Party—USA leader Gus Hall at the party's 19th national convention during April 30–May 4, 1969, overcame his opposition and enabled the party to enter the fiscal year 1970 with a veneer of unity.

Prior to the convention, several prominent leaders of the party had been engaged in a prolonged factionalist struggle against the leadership over a number of issues, such as total subservience to Moscow, especially in regard to situations in the Middle East and Czechoslovakia, and the failure of the party to develop a close relationship with either the New Left or militant black nationalists.

Gus Hall's tactic of influencing the composition of most of the district delegations to the convention enabled him to whip the membership into line and rout his opposition. In the words of one observer, the party had returned to "the old time religion" in that it amended the party constitution to bring forth a more strict application of democratic centralism which, in effect, is dictation from the top. Reorganization of the party, which took place at the national committee meeting held in September 1969, removed from positions of power almost all individuals who do not openly support Hall.

Today, as always, the party is subservient to Moscow. Moscow even passed on the party's program adopted at its convention earlier in 1969 and objected to a portion which indicated communism in the United States should be so modeled as to avoid "forced march" tactics which led to unwarranted infringements on personal liberties and to bureaucratic excesses in certain other countries. These references were deleted. Apparently the Soviets objected to this portion of the program as indicating all is not perfect in the Soviet Union.

As further demonstrations of the true allegiance of the Communist Party—USA, Hall led the party's delegation to the International Conference of Communist and Workers Parties in Moscow in June 1969 and the party worked openly and behind the scenes in support of the Soviet position on all matters. In September 1969, Hall traveled via Moscow to Hanoi, North Vietnam, to attend the funeral of Ho Chi Minh. On his return journey, he stopped in Moscow and held private discussions with Leonid Brezhnev, General Secretary, Communist Party of the Soviet Union, and other Soviet leaders. When he returned to the United States, Hall told a meeting of the national committee of the party in this country about his trip and some of the details of his discussions, pointing out the party here was very well thought of by foreign Communist leaders, particularly those in the Soviet Union, and that he had received preferred treatment while abroad.

Party leaders continue to make speaking appearances on school campuses, there having been 60 such appearances during the 1968–69 school year. One significant party gain in this area was made when Herbert Aptheker, publicly identified on numerous occasions as a party member and spokesman, was appointed to the position of visiting professor of history at Bryn Mawr College, Bryn Mawr, Pa., starting in September 1969.

I submit a list of the public appearance of party leaders on campuses during the school year 1968–69.

Mr. ROONEY. Without objection we shall insert this list at this point in the record.

(The list follows:)

PUBLIC APPEARANCES OF PARTY LEADERS ON CAMPUSES, SCHOOL YEAR 1968–69—SCHOOL, SPEAKER, AND DATE

Notre Dame University, South Bend, Ind.; Michael Zagarell; September 15, 1968.

Valley State College, Northridge, Calif.; Charlene Mitchell; September 19, 1968.

University of New Mexico, Albuquerque, N. Mex.; Charlene Mitchell; September 25, 1968.

Susquehanna University, Selinsgrove, Pa.; Charlene Mitchell; September 26, 1968.

Temple University, Philadelphia, Pa.; Michael Zagarell; September 26, 1968.

Standard Evening High School,* Philadelphia, Pa.; Michael Zagarell; September 26, 1968.

University of Illinois, Circle Campus, Chicago, Ill.; Charlene Mitchell; October 3, 1968.

University of Illinois, Circle Campus, Chicago, Ill.; Louis Diskin; October 3, 1968.

Northwestern University, Evanston, Ill.; Charlene Mitchell; October 4, 1968.

Mundelein College, Chicago, Ill.; Charlene Mitchell; October 7, 1968.

University of Washington, Seattle, Wash.; Charlene Mitchell; October 8, 1968.

Bloomfield College, Bloomfield, N.J.; Michael Zagarell; October 10, 1968.

University of Minnesota, Minneapolis, Minn.; Charlene Mitchell; October 14, 1968.

Marquette University, Milwaukee, Wis.; Charlene Mitchell; October 15, 1968.

Northeastern University, Boston, Mass.; Michael Zagarell; October 15, 1968.

Brandeis University, Waltham, Mass.; Michael Zagarell; October 15, 1968.

Colby College, Waterville, Maine; Michael Zagarell; October 16, 1968

University of Maine, Orono, Maine; Michael Zagarell; October 16, 1968

University of Maine at Portland, Portland, Maine; Michael Zagarell; October 16, 1968.

University of Wisconsin, Milwaukee, Wis.; Charlene Mitchell; October 16, 1968.

Knox College, Galesburg, Ill.; Herbert Aptheker; October 16, 1968.

Northwest Missouri State College, Maryville, Mo.; Herbert Aptheker; October 17, 1968.

University of Wisconsin, Memorial Union, Madison, Wis.; Charlene Mitchell; October 17, 1968.

City College of New York, New York, N.Y.; Charlene Mitchell; October 18, 1968.

Brown University, Providence, R.I.; Michael Zagarell; October 18, 1968.

University of Rhode Island, Kingston, R.I.; Michael Zagarell; October 18, 1968.

University of Texas, Austin, Tex.; Charlene Mitchell; October 23, 1968.

Fisk University, Nashville, Tenn.: Charlene Mitchell; October 24, 1968.

San Jose State College, San Jose, Calif.; Charlene Mitchell; October 28, 1968.

Merritt College, Oakland, Calif.; Charlene Mitchell; October 28, 1968.

University of Minnesota, Minneapolis, Minn.; Michael Zagarell, October 28, 1968.

Temple Buell College, Denver, Colo.; Michael Zagarell; October 29, 1968.

Stanford University, Stanford, Calif.; Charlene Mitchell; October 29, 1968.

California State College, Hayward, Calif.; Charlene Mitchell; October 30, 1968.

Lowell State College, Lowell, Mass.; Charlene Mitchell; October 31, 1968.

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* High school.

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Harvard University, Cambridge, Mass.; Charlene Mitchell; October 31, 1968.

Boston State College, Boston, Mass.; Charlene Mitchell, November 1, 1968.

Yale University, New Haven, Conn.; Charlene Mitchell; November 2, 1968.

Howard University, Washington, D.C.; Charlene Mitchell; November 4, 1968.

Knox College, Galesburg, Ill.; Michael Eisenscher; November 12, 1968.

University of Delaware, Newark, Del.; Herbert Aptheker; December 12, 1968.

St. Norbert's College, De Pere, Wis.; Herbert Aptheker; January 9, 1969.

Tougaloo College, Tougaloo, Miss.; Herbert Aptheker; February 5, 1969.

California Lutheran College, Thousand Oaks, Calif.; Herbert Aptheker; February 6, 1969.

New York University, New York, N.Y.; Michael Myerson; February 13, 1969.

University of Maine, Orono, Maine; Charlene Mitchell; February 18, 1969.

Lafayette College, Easton, Pa.; Herbert Aptheker; March 3, 1969.

University of Miami, Coral Gables, Fla.; Charlene Mitchell, March 6, 1969.

University of New Mexico, Albuquerque, N. Mex.; Claude Lightfoot; March 11, 1969.

Littleton High School,* Littleton, Colo.; Robert Trujillo; March 14, 1969.

University of Northern Iowa, Cedar Falls, Iowa; Herbert Aptheker; April 8, 1969.

Idaho State University, Pocatello, Idaho; Herbert Aptheker; April 10, 1969.

Bradley University, Peoria, Ill.; Richard Criley; April 14, 1969.

Elmhurst College, Elmhurst, Ill.; Herbert Aptheker; April 15, 1969.

Marshall University, Huntington, W. Va.; Herbert Aptheker; April 18, 1969.

University of Rhode Island, Kingston, R.I.; Herbert Aptheker; May 13, 1969.

Central State University, Wilberforce, Ohio; Charlene Mitchell; May 17, 1969.

Federal City College, Washington, D.C.; Claude Lightfoot; May 25, 1969.

Pennsylvania State University, University Park, Pa.; Arnold Johnson; May 25, 1969.

Beloit College, Beloit, Wisc.; Claude Lightfoot; June 27, 1969.

COMMUNIST INFLUENCE IN RACIAL MATTERS

Mr. HOOVER. The Communist Party—USA continues to be conciliatory in regard to the emergence of black extremism in the civil rights movement and in the educational field.

In fact, the party in recent months has become increasingly active in its support of such extreme organizations as the Black Panther Party. Although the party has had both ideological and tactical differences with the Black Panther Party, certain of its leaders feel the party must unite with them in the fight against repression, and this unity is becoming more and more evident in party literature and speeches.

PROGRESSIVE LABOR PARTY (PLP)

The Progressive Labor Party was founded in 1962 by extremists who broke away from the Communist Party—USA. Growing steadily, many of its more than 350 members and numerous sympathizers are concentrated in the labor industry where they attempt to capitalize on any employee problems or adverse working conditions which can be used to promote discontent with the object of discrediting the political, economic, and social systems of the United States.

Of equal significance is the PLP's stepped-up efforts to extend its influence on college campuses. Its ability to seize upon situations ripe for violence is revealed by its role in campus violence and disturbances, and its attempted takeover of the SDS during its national convention in June 1969 at Chicago, Ill.

The PLP maintains close contact with pro-Chinese communist groups abroad. As long ago as 1967 it became evident that the Communist Party of China considered the PLP a revolutionary Marxist-Leninist Party in the United States well worthy of support. The Chinese communists subsidize the PLP through the purchase of its various publications. PLP leaders have been in periodic contact with Chinese agencies and these leaders have on occasion visited the Chinese mainland.

SOCIALIST WORKERS PARTY (SWP)

Although differing from the Communist Party—USA as to the means to achieve the goal, the Socialist Workers Party also wants to achieve a communist America. It and its youth group, the Young Socialist Alliance (YSA) have been successful as previously indicated in organizing, dominating, and controlling many of the major anti-war movements. The YSA, which strikingly increased its membership during 1968–69, has been very active in establishing new chapters on or near numerous college campuses throughout the country.

In this regard, the national leadership of the Student Mobilization Committee (SMC), which evolved out of the National Student Strike for Peace Conference held in Chicago, Ill., in December 1966 is under the complete control of the YSA and/or the SWP as I mentioned earlier. Although the National Student Strike for Peace Conference was originally organized by the Communist Party—USA, it was taken over by the SWP in 1968.

"The Student Mobilizer," the publication of the SMC, sets forth the following aims of this group: Bring the GIs home from Vietnam now; end the campus complicity with the war; and win self-determination for Vietnam and black America.

The SMC has pledged itself to organize high school students, college students, future draftees, GIs and all young people to fight for these aims.

The SMC most certainly presents a broad base of operation for its SWP–YSA leaders.

EXTREMIST ORGANIZATIONS

We have continued to see intensive activity on the part of both black and white extremist organizations across the country. Their activities have placed an increasing demand upon the FBI's manpower and resources.

Significantly, black extremists are now entering into a new, more sophisticated and much more dangerous phase. Where in the past the black extremists were primarily engaged in criminal-type protest activities such as burnings and lootings, they are now developing coalitions with white leftist and radical elements.

BLACK PANTHER PARTY (BPP)

The Black Panther Party, a black extremist organization, consisting for the most part of hoodlum-type revolutionaries, continues to be most active and dangerous from an internal security standpoint. Originating in 1966 in Oakland, Calif., it expanded its activities all across the country forming over 40 chapters. Following a purge of its members, it deliberately reduced its chapters to approximately 30 but now once again it is steadily growing. Its estimated membership consists of 800 to 900 hard-core guerrilla-type members with many thousands of supporters in the major urban areas of the Nation.

ATTACKS ON POLICE

A free society is in trouble when blatant propaganda so overshadows truth that the rule of law is jeopardized. Currently, law enforcement agencies throughout the country are wrongly accused of harassment by many well-intentioned but uninformed voices echoing outright lies generated by the lawless BPP.

This attack on police is not new. Since its inception, the BPP has reserved its most vicious invectives for law enforcement officials. "Off the pigs!" jargon for "kill the police"—is a familiar shout at Panther rallies. Panther publications abound with cartoons encouraging physical attacks on police depicted as pigs. Toddlers in Panther "schools" do their exercises to the accompaniment of the chant, "There is a pig upon the hill—if you don't kill him the Panthers will."

These are not idle catchwords. The Panthers mean business—revolutionary business. Police have been lured into ambush by Panthers carrying out cold-blooded assassination plots. Negro and white police are treated alike. Panthers say they make no distinction between black and white policemen.

The Panthers' ferocious attacks on law enforcement officers are understandable since it is the police that stand between them and their attempts to rule by terror. It is difficult, however, to understand how any responsible, law-abiding persons can condone, much less lend support to, such terroristic tactics.

In keeping with its intense hatred of and vindictive hysteria against local police, two BPP chapters engaged in shoot-outs with local police during December 1969. On both occasions the police were attempting to execute duly authorized search and/or arrest warrants. In Chicago, Ill., on December 4, 1969, seven heavily armed Panthers were arrested and two were killed. One police officer was wounded by gunfire and one injured by flying glass. At Los Angeles, Calif., on December 8, 1969, three police officers and two Panthers were wounded during a 4-hour gun battle at BPP headquarters. The Black Panthers in Los Angeles were heavily armed and their headquarters was fortified with sandbags, reinforced doors and gunports, and had a partially completed escape tunnel.

Following the above shootouts between police and the BPP, the BPP's top attorney, Charles Garry, claimed that 28 Panthers have been murdered by police since 1968. In a press release dated December 12, 1969, the BPP was hard pressed to identify even 20 of the members which it claimed were "killed in cold blood" by police. Of the 20 named, four had been killed by members of a rival black extremist group of the west coast; one died of barbiturate intoxication; one was shot and killed by a store owner during a robbery attempt; one was killed by his wife over a love affair he was having with a female Black Panther; and another is alleged to have been tortured and killed by BPP members, 14 of whom, including Chairman Bobby Seale, have been indicted in connection with this member's death.

The claim of the BPP that it is an innocent victim of police persecution and genocide is rendered absurd by the fact that since 1967 at least five police officers have been killed by BPP members and 42 officers wounded. One of the officers was killed by a Panther with a shotgun blast at point-blank range as the officer lay wounded and helpless on the ground.

Attacks have not been limited to the police. While falsely claiming their intent to protect the black community, Panthers have, in fact, assaulted and threatened Negro citizens who have tried to assist the police. Neighborhood stores have been forced to "contribute" food supplies and money under fear of Panther violence. Many other persons have been the victims of these hoodlums as shown by the fact that in 1969 alone BPP members were arrested for serious crimes including murder, armed robbery, rape, bank robbery, and burglary.

ARRESTS OF BPP LEADERS

BPP leaders have been arrested for violation of Federal and local laws. Included are such national leaders as Huey P. Newton for killing a police officer; Leroy Eldridge Cleaver, on charges stemming from a gun battle between BPP members and Oakland, Calif., police; Bobby Seale, on charges growing out of activities during the Democratic National Convention at Chicago, Ill., in 1968 and more recently in connection with the alleged BPP murder of one of the BPP members suspected of cooperating with police authorities; and David Hilliard, on charges of making a public threat against the President. This occurred in a speech delivered by him before a crowd of people attending the Vietnam Moratorium rally in San Francisco, Calif., on November 15, 1969. In language filled with obscenities Hilliard stated "We will kill Richard Nixon" adding that they will kill anyone else who stands in the way of "our freedom."

Newton and Seale remain in custody. Cleaver disappeared prior to the time his parole on an assault with intent to kill conviction was revoked and fled to Cuba and then to Algeria. Hilliard is free on bond.

In spite of these arrests and BPP purges of its own ranks, the BPP continues to progress and to foment strife and turmoil. Al though Cleaver is in Algeria he continues to exert a great deal of influence over the operations of the BPP and certain leaders of the BPP have traveled to Algeria for conferences with Cleaver. Cleaver has established contact with the Al Fatah, a terrorist Arab group which has engaged in sustained guerrilla activities against Israel, and the BPP newspaper has advocated active support of the Al Fatah.

STOCKPILING OF WEAPONS

In a recent television interview, a Panther leader denied his organization was storing an arsenal of weapons. Let us look at the facts. In conjunction with arrests made at Panther offices over the past 2 years, authorities uncovered 125 machineguns, sawed-off shotguns, rifles, and hand grenades, together with thousands of rounds of ammunition. They also found 47 Molotov cocktails plus homemade bombs, gun powder, and an accumulation of bayonets, swords, and machetes.

An edition of "The Black Panther," official BPP newspaper, contains an article cautioning Panthers against the use of small-caliber weapons and recommends instead a high-powered rifle with "* * * enough killing force to knock the pig out of his shoes at a distance of three or more blocks * * *." That article concludes with the statement, "The only good pig is a dead pig!!!"

REVOLUTIONARY GOALS

BPP leaders admit that they use the Marxist-Leninist doctrines as their guide to action. They have proclaimed their revolutionary intentions and have openly called for the assassination of the President of the United States and the violent overthrow of the Government. The New Left and the Communist Party have been quick to support BPP antipolice and anti-Government exhortations. Internationally, Panthers fleeing from criminal charges and seeking support for their program have been welcomed in Communist countries.

If anyone had any doubts about the revolutionary aims and goals of the BPP, they should have been dispelled by Cleaver's remarks in an interview presented on the Columbia Broadcasting System (CBS) television network program "60 Minutes" on January 6, 1970. The interview with Cleaver was taped in Algiers by Mike Wallace of CBS. Cleaver was asked about the Panther threats against our Nation's leaders. Cleaver stated: "The goal is take Senator McClellan's head. Now the process of getting his head has to rely on a strategic technique, I mean I can't just walk in and take his head and walk out. You see, I have to get past the guards and get past those who might try to protect his pighead. So to me I think that would mean shooting my way in and shooting my way out because I wouldn't want to go in, take his head and just sit there."

Cleaver also stated the goal is to "take off the head of Richard Nixon." When asked if this was rhetoric, Cleaver replied "This is not rhetoric. I'm telling you that Richard Nixon, J. Edgar Hoover, Senator John McClelland et al. Not just them but all of the pigs of the power structure have to be apprehended and I feel myself, you see, that the fate that they receive will depend upon the resistance they put up. I feel that they are criminals. That they are the decisionmakers who are programing oppression and destruction not only in the United States but around the world.

Cleaver indicated during the interview that a war of liberation from the "fascist imperialist social order" in the United States would have to be fought and that he expected to be a part of it even if he has to slip back into the country.

The BPP is the source of a great deal of insidious anti-United States and hate-type propaganda. Among other things, it distributes as many as 80,000 to 100,000 copies of a single issue of its weekly paper," "The Black Panther." Issues published during December 1969 carried advertisements for BPP Christmas and greeting cards. These cards, 60,000 copies of which were printed, depicted such scenes as a Negro youth asking for guns and explosives for Christmas and violent attacks on police who were characterized as "pigs."

The BPP sponsored a revolutionary conference in July 1969 at Oakland, Calif., called the National Conference for a United Front Against Fascism. Its purpose was to form a coalition of black and white radicals who were described as "oppressed people." Significantly, the BPP was assisted in preparing for the conference by leaders of the anarchist Students for a Democratic Society and of the Communist Party—USA. The conference was attended by approximately 3,000 persons, over 75 percent of them white.

CONTRIBUTIONS

The sources of contributions to the BPP are many and varied. Numerous small contributions are regularly received by the BPP from donors in the United States and foreign lands. BPP leaders frequently fill speaking engagements at secondary schools, colleges, and universities where they receive honorariums of up to $1,900 for each engagement as well as transportation costs. BPP speakers made 189 appearances at these educational institutions during the 1969 calendar year. This can be contrasted with the year 1967 when BPP speakers made 11 appearances at educational institutions.

SPEAKING APPEARANCES

I present a list of speaking appearances of Black Panther Party leaders at secondary schools, colleges, and universities during the calendar year 1969.

Mr. ROONEY. Without objection we shall insert this interesting list at this point in the record.

(The list follows:)

SPEAKING APPEARANCES OF BLACK PANTHER PARTY LEADERS AT SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES DURING CALENDAR YEAR 1969

Date, school, and speaker

January 7, 1969, University of California, Berkeley, Calif.; Bobby Seale.

January 8, 1969, University of Colorado, Boulder, Colo.; Lauren R. Watson.

January 8, 1969, Roosevelt University, Chicago, Ill.; Fred Hampton, Bobby Rush.

January 9–10, 1969, University of Illinois, Champaign, Ill.; Fred Hampton, Bobby Rush, Diane Dunn.

January 9, 1969, Wright Junior College, Chicago, Ill.; Rufus Walls, Bobby Rush, Fred Hampton.

January 14, 1969, Central YMCA Community College, Chicago, Ill.; Fred Hampton, Bobby Rush.

January 15, 1969, California State College at Long Beach, Long Beach, Calif.; Alfred Jones.

January 17, 1969, Loop City College, Chicago, Ill.; Fred Hampton, Robert White.

January 24, 1969, Nasson College, Springvale, Maine; Thomas D. Pawley, Carla Ford.

January 25, 1969, Denver University, Denver, Colo.; Joe Martin.

January 27, 1969, Western Illinois University, Macomb, Ill.; Bobby Rush.

January 28–29, 1969, University of Washington, Seattle, Wash.; Aaron Dixon.

January 31, 1969, University of Washington, Seattle, Wash.; Kathy Jones.

February 7, 1969, Fairfield University, Fairfield, Conn.; Jose Gonzalvez.

February 7, 1969, Woodlawn Senior High School, Baltimore, Md.; Warren Hart.

February 9–15, 1969, University of Colorado, Boulder, Colo.; Lauren R. Watson.

February 10, 1969, St. John's College, Annapolis, Md.; Warren Hart.

February 10, 1969, Eastern Washington State College, Chaney, Wash.; Aaron Dixon.

February 10, 1969, University of Illinois Circle Campus, Chicago, Ill.; Robert Brown.

February 10, 1969, Malcom X Jr. College, Chicago, Ill.; Rufus Walls.

February 13, 1969, Indiana University, Bloomington, Ind.; Joe Martin, Stanford Patton, Fred Crawford.

February 13, 1969, Northern Illinois University, DeKalb, Ill.; Fred Hampton.

February 14, 1969, California State College at Los Angeles, Los Angeles, Calif.; Raymond Hewitt, Elaine Brown.

February 15, 1969, Valparaiso University, Valparaiso, Ind.; Joe Martin, Robert O'Bannon.

February 15, 1969, San Diego State College, San Diego, Calif.; Kenneth Lee Denmon, Walter Wallace, Jr.

February 16, 1969, University of Denver, Denver, Colo.; Lauren R. Watson.

February 16, 1969, Hollywood High School, Los Angeles, Calif.; Donald Cox.

February 17, 1969, Crane High School, Chicago, Ill.; Billy Brooks, Bobby Rush, Fred Hampton, Rufus Walls, Jewel Barker.

February 19, 1969, Roosevelt University, Chicago, Ill.; Fred Hampton.

February 20, 1969, Central Missouri State Teachers College, Warrensburg, Mo.; Felix O'Neal.

February 20, 1969, Chicago State Teachers College, Chicago, Ill.; Bobby Rush, Billy Brooks.

February 20, 1969, Northeastern University, Chicago, Ill.; Fred Hampton.

February 20, 1969, Roosevelt University, Chicago, Ill.; Fred Hampton, Robert Lee, Jerry Dunnigan.

February 21, 1969, Roosevelt University, Chicago, Ill.; Rufus Walls.

February 21, 1969, Colorado College, Colorado Springs, Colo.; Lauren Watson.

February 21, 1969, Lee High School, New Haven, Conn.; Emilio Bermiss.

February 21, 1969, New York State University, Brockport, N.Y.; George Mason Murray.

February 22, 1969, Columbia University, New York, N.Y.; Raymond Hewitt.

February 24, 1969, Baltimore Community College, Baltimore, Md.; Warren Hart.

February 25, 1969, Northern Illinois University, DeKalb, Ill.; Fred Hampton.

February 26, 1969, Midwestern College, Denison, Iowa; Eddie Bolden.

February 28, 1969, Irving High School Maywood, Ill.; Fred Hampton.

March 5, 1969, University of Missouri Kansas City, Mo.; Keith Hinch.

March 6, 1969, University of California at Los Angeles, Los Angeles Calif.; Delmar Mossett.

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March 7, 1969, Crossmont Junior College, El Cajon, Calif.; Kenneth Denmon, Walter Wallace, Jr.

March 8, 1969, Horace Mann Junior High School, San Francisco, Calif.; David Hilliard.

March 10, 1969, Towson State Teachers College, Towson, Md.; Warren Hart.

March 10, 1969, Morgan State College, Baltimore, Md.; Warren Hart.

March 10, 1969, Maryland Institute, Baltimore, Md.; Elijah Boyd.

March 10, 1969, Loop City College, Ill.; Fred Hampton.

March 11, 1969, Johns Hopkins University, Baltimore, Md.; Warren Hart.

March 12, 1969, Bellevue High School, Bellevue, Wash.; Carnell Garden, David Hendrix.

March 12, 1969, University of Aarhus, Copenhagen, Denmark; Raymond Hewitt.

March 12, 1969, Helsinki University, Helsinki Finland; Raymond Hewitt.

March 12, 1969, Yale University, New Haven Conn.; Jose Gonzalvez.

March 13, 1969, Goucher College, Towson, Md.; Warren Hart.

March 13, 1969, Northeastern High School, Baltimore, Md.; Elijah Boyd.

March 18, 1969, Oslo University, Oslo, Norway; Raymond Hewitt.

March 18, 1969, State University of New York, Buffalo, N.Y.; Westley Brown.

March 19, 1969, University of Maryland, College Park, Md.; Warren Hart.

March 19, 1969, Central Senior High School, Kansas City, Mo.; Felix O'Neal, W. H. Whitfield, June Charles Sims.

March 20, 1969, Johns Hopkins University, Baltimore, Md.; Elijah Boyd.

March 21, 1969, Mount St. Agnes College, Baltimore, Md.; Elijah Boyd.

March 21, 1969, Helsinki University, Helsinki, Finland; Bobby Seale, Raymond Hewitt.

March 21, 1969, Mills College, Oakland, Calif.; Kathleen Cleaver.

March 24, 1969, Beloit College, Beloit, Wis.; Fred Hampton, Nathaniel Junior.

March 25, 1969, Barnard College, New York, N.Y.; Richard Moore.

March 26, 1969, Roosevelt University, Chicago, Ill.; Fred Hampton, Bobby Rush, Alscino Shinn.

April 2, 1969, Milwaukee Technical College, Milwaukee, Wis.; Walter Chesser.

April 4, 1969, University of Washington, Seattle, Wash.; Aaron Dixon.

April 10, 1969, Indiana University, Bloomington, Ind.; Fred Crawford, Lawrence Roberts, Will Martin.

April 11–21, 1969, Lincoln High School, San Diego, Calif.; Kenneth Denmon.

April 13, 1969, Los Angeles Trade and Technical College, Los Angeles, Calif.; Raymond Hewitt.

April 14, 1969, University of Colorado, Boulder, Colo.; Lauren Watson, Russ Simpson.

April 15, 1969, Los Angeles Trade and Technical College, Los Angeles, Calif.; Bobby Seale.

April 16, 1969, St. Paul School of Theology, Kansas City, Mo.; Henry Finley.

April 17, 1969, Northwestern University, Evanston, Ill.; Fred Hampton.

April 18, 1969, Helms Junior High School, Richmond, Calif.; Bobby Seale.

April 21, 1969, Fayetteville State Teachers College, Fayetteville, N.C.; Carver Gene Neblitt.

April 22, 1969, Edward Williams College, Teaneck, N.J.; Carl Conrad Nichols.

April 23, 1969, University of California, Berkeley, Calif.; Bobby Seale.

April 24, 1969, Englewood High School, Chicago, Ill.; Billy Brooks.

April 27, 1969, City College of New York, New York, N.Y.; Emory Douglas, Kathleen Cleaver.

April 28, 1969, Park College, Parkville, Mo.; Keith Hinch, Henry Finley.

April 28, 1969, Whitman College, Walla Walla, Wash.; Elmer Dixon.

April (exact date unknown), State University of New York at Oswego, Oswego, N.Y.; Westley Brown.

May 1, 1969, University of Washington, Seattle, Wash.; Aaron Dixon.

May 2, 1969, Muskingum College, New Concord, Ohio; Carl Conrad Nichols.

May 5, 1969, Johns Hopkins University, Baltimore, Md.; Warren Hart.

May 5, 1969, California State College at Long Beach, Long Beach, Calif.; Raymond Hewitt.

May 6, 1969, University of Washington, Seattle, Wash.; Aaron Dixon, Anthony Ware.

May 8, 1969, St. Peter's College, Jersey City, N.J.; James York.

May 8, 1969, Lutheran Seminary, Gettysburg, Pa.; Warren Hart.

May 8, 1969, University of Maryland, College Park, Md.; Elijah Boyd.

May 13, 1969, Wichita State University, Wichita, Kans.; Henry Finley.

May 13, 1969, University of California at Los Angeles, Los Angeles, Calif.; Raymond Hewitt.

May 14, 1969, Sacred Heart University, Bridgeport, Conn.; Ericka Huggins.

May 14, 1969, Morgan State College, Baltimore, Md.; Elijah Boyd.

May 15, 1969, Somerset College, Somerville, N.J.; Carl Conrad Nichols.

May 15, 1969, Central Washington State College, Ellensburg, Wash.; Aaron Dixon.

May 17, 1969, Yale University, New Haven, Conn.; Lonnie McLucas, Ericka Huggins, Larry Townsend.

May 19, 1969, Yale University, New Haven, Conn.; Bobby Seale.

May 19, 1969, Roosevelt High School, Des Moines, Iowa; James Drew.

May 19, 1969, San Diego State College, San Diego, Calif.; Kenneth Denmon.

May 19, 1969, Los Angeles City College, Los Angeles, Calif.; Raymond Hewitt.

May 19, 1969, Malcolm X Junior College, Chicago, Ill.; Fred Hampton.

May 20, 1969, University of Wisconsin, Madison, Wis.; Fred Hampton.

May 21, 1969, University of Wisconsin-Milwaukee, Milwaukee, Wis.; Dakin Gentry.

May 22, 1969, University of California at Los Angeles; Los Angeles, Calif.; Joseph Brown.

May 28–29, 1969, El Camino Junior College, Gardena, Calif.; Delmar Mossett.

June 5, 1969, San Diego Mesa College, San Diego, Calif.; Walter Wallace, Jr.

June 6, 1969, University of California at Los Angeles, Los Angeles, Calif.; Raymond Hewitt.

June 7, 1969, University of Southern California, Los Angeles, Calif.; Raymond Hewitt.

June 28, 1969, University of Wisconsin-Beloit, Beloit, Wis.; Odell Montgomery.

July 10, 1969, San Diego State College, San Diego, Calif.; Walter Wallace, Jr.

August 4–8, 1969, Drake University, Des Moines, Iowa; Charles Knox.

August 6, 1969, Wisconsin State University-Eau Claire, Eau Claire, Wis.; Lovetta Brown.

August 9, 1969, Mathewson Junior High School, Wichita, Kans.; Felix O'Neal, Philip Crayton, Henry Finley, Tom Robinson, Archie Simmons, Keith Hinch.

August 13, 1969, University of Colorado, Boulder, Colo.; Elbert Howard.

August 14, 1969, University of Washington, Seattle, Wash.; Bobby White, Earl Brooks, Roberta Alexander.

September 6, 1969, University of Missouri, Kansas City, Mo.; Felix O'Neal, Brian O'Neal, Henry Finley, Tom Robinson, Andre Weatherby.

September 9, 1969, Tufts University, Medford, Mass.; Douglas Miranda.

September 12, 1969, Howard University, Washington, D.C.; Robert Lee.

September 13, 1969, American University, Washington, D.C.; Robert Lee.

September 14, 1969, Intermediate School, New York, N.Y.; Robert Lee.

September 17, 1969, University of North Carolina, Chapel Hill, N.C.; Robert Lee.

September 17, 1969, University of Maine, Orono, Maine; Eugene Jones.

September 21, 1969, University of Wisconsin, Madison, Wis.; Lovetta Brown, Howard Haralson.

September 22, 1969, State University of New York at Buffalo, Buffalo, N.Y.; Robert Lee.

September 25, 1969, Marquette University, Milwaukee, Wis.; Donald Jackson.

September 25, 1969, University of Wisconsin-Milwaukee, Milwaukee, Wis.; Dakin Gentry.

September 25, 1969, Yale Law School, New Haven, Conn.; Roscoe Lee, Elizabeth Bragg.

September 29, 1969, Waseda University, Tokyo, Japan; Elbert Howard, Roberta Alexander.

October 1, 1969, Memorial Junior High School, San Diego, Calif.; Kenneth Denmon.

October 3, 1969, Case Western Reserve University, Cleveland, Ohio; David Hilliard.

October 6, 1969, Northwestern University, Evanston, Ill.; Fred Hampton.

October 9, 1969, Glendale Community College, Glendale, Calif.; Elaine Brown.

October 11, 1969, Princeton University, Princeton, N.J.; Carl Conrad Nichols.

October 14, 1969, University of Connecticut, Storrs, Conn.; Douglas Miranda.

October 14, 1969, San Jose State College, San Jose, Calif.; Connie Matthews.

October 15, 1969, Ripon College, Ripon, Wisc.; David Young, Donald Jackson.

October 15, 1969, Leeward Community College, Honolulu, Hawaii; Elaine Brown.

October 15, 1969, University of Hawaii, Honolulu, Hawaii; Elaine Brown.

October 16, 1969, University of Calgary, Calgary, Canada; Raymond Hewitt, Emory Douglas.

October 21, 1969, Temple University, Philadelphia, Pa.; Clarence Peterson, Rene Johnson.

October 21, 1969, San Diego Mesa College, San Diego, Calif.; Otis Moran.

October 28, 1969, State University of New York at Buffalo, Buffalo, N.Y.; James Caston.

October 28, 1969, St. Cloud College, St. Cloud, Minn.; Earl Leon Anthony.

October 28, 1969, Rio Grande College, Rio Grande, Ohio, Rufus Walls.

October 29, 1969, Ball State University, Muncie, Ind.; Donald Campbell, Robert O'Bannon, Milan Busby.

October 29, 1969, Illinois State University, Normal, Ill.; Mark Clark, Edward McChriston, Leon Harps, Fred Hampton.

October 30, 1969, University of California at Davis, Davis, Calif.; David Hilliard.

October 30, 1969, Sacramento State College, Sacrament, Calif.; David Hilliard.

October 30, 1969, Western Washington State University, Bellingham, Wash.; Connie Matthews.

October 31, 1969, University of Washington, Seattle, Wash.; Connie Matthews.

November 4, 1969, Massachusetts Institute of Technology, Cambridge, Mass.; Douglas Miranda.

November 7, 1969, Portland State University, Portland, Oreg.; Kent Ford.

November 7, 1969, Ricker College, Houlton, Maine; James Coston, Al Carroll.

November 14, 1969; Washington State University, Pullman, Wash.; Anthony Ware.

November 14, 1969, Southern Illinois University, Carbondale, Ill.: Fred Hampton.

November 17, 1969; at two universities in Montreal and Edmonton, Canada; Fred Hampton, Willie Calvin, Jeri Eldridge.

November 20, 1969, Central State University, Wilberforce, Ohio; Fred Hampton, Willie Calvin, Jeri Eldridge.

November 20, 1969, Boston University, Boston, Mass.; Floyd Hardwick.

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November 20, 1969, University of California, Berkeley, Calif.; David Hilliard.

November 20, 1969, Los Angeles Valley College, Los Angeles, Calif.; Elaine Brown.

November 23, 1969, University of Illinois Circle Campus, Chicago, Ill.; Fred Hampton.

November 29, 1969; University of Illinois Circle Campus, Chicago, Ill.; Fred Hampton.

December 4, 1969, Malcolm X Junior College, Chicago, Ill.; Refus Walls.

December 4, 1969, University of Chicago, Chicago, Ill.; Bobby Rush.

December 5, 1969, Portland State University, Portland, Oreg.; Kent Ford.

December 7, 1969, Yale University, New Haven, Conn.; Douglas Miranda.

December 8, 1969, Northeastern Illinois State College, Chicago, Ill.; Rufus Walls.

December 9, 1969, New Haven College, New Haven, Conn.; Charles Pinderhughes.

December 10, 1969, University of Missouri, Columbus, Mo.; Andre Weatherby.

December 10, 1969, Portland State University, Portland, Oreg.; Kent Ford.

December 10, 1969, University of Washington, Seattle, Wash.: Kathleen Halley.

December 10, 1969, Niles North High School, Niles, Ill.; Bobby Rush.

December 11, 1969, Indiana University, Bloomington, Ind.; Robert O'Bannon, Keith Parker.

December 12, 1969, Trinity College, Hartford, Conn.; Robert Webb.

December 14, 1969, American University, Washington, D.C.; Stephen McCutchen.

December 15, 1969, San Francisco State College, San Francisco, Calif.; David Hilliard.

December 15, 1969, Portland State University, Portland, Oreg.; Kent Ford.

December 16, 1969, Malcolm X Junior College, Chicago, Ill.; Bobby Rush.

December 17, 1969, Cornell University, Ithaca, N.Y.; Charles Scott.

December 17, 1969, University of Hartford, Hartford, Conn.; Charles Pinderhughes.

December 18, 1969, College of San Mateo, Calif.; David Hilliard.

December 20, 1969, Malcolm X Junior College, Chicago, Ill.; Bobby Rush.

December 21, 1969, Case Western Reserve University, Cleveland, Ohio; David Hilliard.

CONTRIBUTIONS

Mr. HOOVER. Public benefits are held by the BPP aimed chiefly at raising money for legal defense funds. One benefit in New York City during May 1968 to raise bail money for Eldridge Cleaver netted $6,500.

Prominent individuals have made some substantial contributions to the BPP. A leading movie actor has contributed at least $1,000 and a well-known movie actress has reportedly given as much as $8,000 to the BPP. Negro entertainer Dick Gregory, in a public speech on December 10, 1969, stated that he sent $1,500 to the BPP.

Upper echelon New Yorkers reportedly are giving legal defense fund benefits for the BPP. According to articles in the January 16, 1970, editions of the New York Times and the New York Post, the wife of composer-director Leonard Bernstein gave a cocktail party for the BPP in her home. More than $10,000 in cash and pledges was collected for the BPP at the party which was attended by the Bernsteins and guests, including film director Otto Preminger, Mrs. Peter Duchin, wife of the orchestra leader, and Mrs. Sidney Lumet, wife of the film director. Included among the pledges was one by Bernstein himself who promised to donate the proceeds of his next concert, a sum he indicated would be in four figures.

Funds are also collected and donated to the BPP by numerous radical leftist groups. The main source of funds for the BPP in Los Angeles, Calif., is the Los Angeles Friends of the Panthers, which is a group composed of white individuals including Donald Freed, a leader of the New Left, and Shirley Sutherland, a Canadian and the daughter of the leader of a minority political party in Canada.

A $15,000 donation to the BPP was made in December 1969 by a member of the Committee of Returned Volunteers (CRV), the protest group formed by former Peace Corps members, of which I spoke earlier.

Many contributions also have been obtained from individuals, particularly small businessmen who have been pressured to make "donations" to the BPP for its so-called community projects.

It has been reported that the Union Theological Seminary of New York City is considering plans to pledge seminary stocks and bonds in the amount of $400,000 to be used as bail bond for three of the "Panther 21." The "Panther 21" refers to the 21 members of the Black Panther Party who were indicted on April 21, 1969, in New York City for conspiring to commit murder and arson. Twelve of the 21 are in custody in New York City in lieu of bond ranging up to $100,000.

Let us clear away the rhetoric and confusion purposely generated to shroud the Black Panther issue and get it back into proper perspective. Under the rule of law, the laws must be enforced and violators held accountable or a free society cannot exist. An organization which stockpiles illegal weapons, trains in guerrilla warfare, and seeks confrontation with enforcement officers for the expressed purpose of killing them is certainly in violation of the law. Yet, when lawful process is applied to bring the Black Panthers under control, their cries of "genocide" and "harassment" are seemingly accepted by many without question.

This band of self-styled revolutionists must not be allowed to intimidate law-enforcement authorities, merchants, and any other citizens with their threats and phony allegations. Responsible citizens of all races have the right to demand and expect continued vigorous prosecution of any law violator—including a Black Panther!

STUDENT NATIONAL COORDINATING COMMITTEE (SNCC)

The Student National (formerly Nonviolent) Coordinating Committee has moved its headquarters from Atlanta, Ga., to New York City. Under the former leadership of Stokely Carmichael and H. Rap Brown who served as successive chairmen of SNCC, the organization developed into an all-Negro revolutionary group. Carmichael left SNCC and is in Guinea. Brown, the present chairman, is awaiting trial or free on bond on various local and Federal charges.

James Forman, a former SNCC staff member, was extremely active in the role of spokesman for the "Black Manifesto" adopted by the National Black Economic Development Conference of Detroit, Mich., which demanded $3 billion from white churches and synagogues as reparations for injustices to blacks. He has been replaced as spokesman but remains a member of the board of the conference. It is strange that high-ranking churchmen would take Forman seriously in light of his background.

It is interesting to note what transpired in connection with the travel of two SNCC leaders to Cuba via Mexico in December 1968, allegedly to participate in a cultural congress. The travelers returned to the United States in early May 1969 by way of Canada. They had in their possession a large quantity of North Korean, Soviet, and Cuban propaganda material and souvenirs. In addition, they also had in their possession a revealing notebook and diary which indicated they were placed in contact with a North Korean in Havana and that they may have been in Moscow and flown from there to North Korea where they received training in revolutionary theory and other matters.

Notes among their effects made reference to a desire on the part of North Korea for the organization of a committee to propagandize for the withdrawal of allied forces from Korea and to discredit the U.S. position in Korea.

REPUBLIC OF NEW AFRICA (RNA)

The Republic of New Africa is the Detroit, Mich., based outfit which proposes to establish a black nation in the area covered by several Southern States. Until December 1969 its president was Robert F. Williams who fled the United States in 1961 following indictment in the State of North Carolina on a charge of kidnaping growing out of a racial incident. He engaged in publishing and broadcasting hate-type material while residing in Cuba and China until his return to the United States in September 1969.

The RNA is the organization whose members at their second national convention at a church in Detroit, Mich., became involved in a shootout with Detroit police which resulted in the death of one policeman and the wounding of another.

NATION OF ISLAM

The Nation of Islam, an all-Negro cult under the control of Elijah Muhammad, is headquartered in Chicago, Ill., and has a membership of some 6,000. Up to 520,000 copies of "Muhammad Speaks," the organization's official publication, are distributed each week in the black communities throughout the country. The paper contains details of Muhammad's antiwhite teachings as well as other items aimed at stirring up the black community against police and the white race.

WHITE EXTREMISTS AND HATE-TYPE GROUPS

There are numerous white extremist and hate-type groups requiring investigation.

Klan-type organizations: We have 18 Klan-type organizations with a combined membership of some 5,300 under investigation. Overall membership has decreased during the past few years from approximately 14,000 to its present number. Robert M. Shelton, Imperial Wizard, United Klans of America, Inc., Knights of the Ku Klux Klan, the dominant Klan group in the Nation, has since his release from prison in November 1969 stated he will undertake a countrywide speaking tour to rebuild the Klan.

Hate-type groups: Although small in number, the hate-type groups gain considerable public attention through their activities and reach many people through their propaganda. Included among these groups are the Arlington, Va., based American Nazi Party, now known as the National Socialist White People's Party; the National States Rights Party headquartered in Savannah, Ga.; the National Renaissance Party in New York City; and the White Party of America in Alexandria, Va.

Indicative of how the propaganda from these groups reaches far beyond the membership, the National States Rights Party, dedicated to white supremacy, and highly anti-Negro and anti-Semitic has an everchanging active membership of 75 to 200 persons, but the subscription list to its hate-filled tabloid, "The Thunderbolt," has reached as high as 10,000.

MINUTEMEN

The Minutemen organization, which has as its purpose the training of individuals to overthrow the Government of the United States when the Government is taken over by the Communists, was dealt a stunning blow with the apprehension by the FBI of its fugitive leaders, Robert DePugh and Walter Peyson. DePugh and Peyson, sought for months on charges of conspiring to violate the Federal Bank Robbery Statute, were apprehended on July 12, 1969, while driving on the highway near their New Mexico hideout. They are now awaiting trial on bank robbery conspiracy and Federal Firearms Act violation charges. DePugh is currently in Federal prison serving a 1-year sentence for a prior Federal Firearms Act violation. After unsuccessfully appealing this conviction he disappeared while on bond and on February 20, 1970, he was sentenced to 4 years imprisonment following conviction for bond default.

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While white hate organizations are small in number, this does not mean they are not dangerous or should be ignored. In fact, the record clearly shows they are fully capable of engaging in murders, bombings, arsons, and other acts of violence so repugnant to law-abiding citizens.

RACIAL DISTURBANCES

Following the rash of disturbances ranging from major riots to minor disorders which occurred in April 1968, immediately after the assassination of Martin Luther King, Jr., there was a decrease in frequency and intensity of racial disturbances in the latter months of 1968 and in the months that followed. The ingredients for violence remained, however, and incidents of violence throughout the country involving fire bombings, sniping, and unprovoked or ambush attacks on police officers markedly increased.

These incidents, together with clashes arising out of legitimate police action in Negro-concentrated areas, added to the already high potential for major violence in almost any area of the country and, in a number of instances, confrontations between police and disorderly crowds developed into serious disturbances. Quick and firm action by the police, in some instances assisted by National Guard troops, in all probability was responsible to a large degree in such disturbances not reaching the proportions of the riots we have witnessed in previous years.

Disruptions and growing racial tensions that sometimes explode into violence are plaguing high school and junior high school administrators in virtually every part of the Nation. No section of the country appears to be free of serious racial problems in the schools as disturbances and disorders have occurred in cities in 31 States and in Washington, D.C. During the first 26 weeks of the school year which began in September 1969, over 380 disruptions and disorders in high schools and junior high schools were reported as compared to the approximately 320 such disruptions and disorders reported during the entire 1968–69 school year.

For the most part these disturbances have grown out of actions taken by Negro students in making various demands on school authorities. These demands have included more recognition of Negro students, free lunches, and bus transportation. The protests of the Negro students have ranged from complaints that they are not being treated properly by teachers and white students and that items depicting "black culture" were removed from school bulletin boards, to the lack of "soul music" being played over the school loudspeaker systems.

In some instances white students have complained that Negro students received preferential treatment and protested the discontinuance of the playing of the song "Dixie" and the flying of the Confederate flag at school functions.

These disturbances have involved numerous confrontations and fights between black and white students and the assaulting of teachers by Negro students, as well as various forms of demonstrations, including boycotts, sit-ins, walkouts, and picketing. Firearms, chains, clubs, and knives have been used during these confrontations.

The intelligence data being developed reveal that the continuing activity of agitators and revolutionaries affiliated with black extremist groups plays a large part in the unprovoked attacks against police whom these individuals view as the first line of defense of our established Government. In many instances, members of such extremist groups have been directly involved in such attacks and undoubtedly through their promotion of lawlessness and guerrilla warfare have been responsible for open and violent defiance of the law by the young criminal element in our cities.

COVERAGE OF SUBVERSIVE ORGANIZATIONS

The several groups, organizations, and movements which I have discussed show the wide coverage we must maintain to follow on their activities and changing tactics. In spite of the proliferation of these organizations, our informant coverage at all levels has been of great value and assistance in enabling us to keep abreast of our investigative responsibilities.

Through our coverage, information is continually developed concerning matters within the jurisdiction of other agencies. This information is promptly referred to them and better enables these other agencies to meet their individual responsibilities.

TELEPHONE TAPS AND MICROPHONES

Our investigative coverage is also enhanced through the limited and closely controlled use of telephone and microphone installations. Currently—February 14, 1970—we are operating 36 telephone surveillance and two microphone installations in Bureau cases in the security field. All were authorized in advance and in writing by the Attorney General.

We are also operating four telephone surveillances and one microphone surveillance in Bureau cases in the organized crime field. These were installed under a court order obtained under provisions of the Omnibus Crime Control and Safe Streets Act of 1968.

ESPIONAGE AND COUNTERINTELLIGENCE OPERATIONS

With unabated intensity, the intelligence services of the Soviet Union and of the satellite countries continued over the past year their intelligence-gathering campaign against the United States.

Soviet bloc official personnel

The diplomatic, official, and quasi-official establishments maintained by the U.S.S.R. and its satellites in the United States serve as the primary bases for their intelligence operations against us. These establishments, and the official positions within them, provide cover for the intelligence officers and their intelligence operations. Many of the operations involve the clandestine control and direction of intelligence agents and sources in our country.

Steadily since the end of World War II, the Soviet bloc countries have increased the number of their official personnel in the United States. On February 1, 1970, there were 1,129 Soviet and satellite bloc official personnel here, accompanied by 1,497 dependents. These figures do not include couriers, members of special delegations, and other officials temporarily in our country and not assigned to official establishments. A high proportion of all of these people, those permanently assigned and those on temporary visits, are intelligence officers and agents.

The following two charts reflect the total Soviet bloc official personnel in the United States as well as a breakdown by counties.

Mr. **Rooney**. Without objection we shall insert these two charts at this point in the record.

(The charts follow:)

TOTAL SOVIET-BLOC OFFICIAL PERSONNEL IN THE UNITED STATES

[Includes officials and dependents of Soviet Union, Bulgaria, Czechoslovakia, Hungary, Mongolia, Poland, and Rumania]

	Official personnel	Dependents	Total
July 1, 1964	654	944	1,598
July 1, 1965	713	1,004	1,717
July 1, 1966	811	1,183	1,994
July 1, 1967	926	1,186	2,112
July 1, 1968	904	1,283	2,187
July 1, 1969	957	1,376	2,333
Feb. 1, 1970	1,129	1,497	2,626

Note: Does not include couriers, members of special delegations, and other officials temporarily in the United States and not assigned to official establishments.

Soviet-bloc official personnel in the United States

[Breakdown by countries]

U.S.S.R.	701
Poland	166
Czechoslovakia	102
Rumania	62
Hungary	55
Bulgaria	37
Mongolia	6
Total as of Feb. 1, 1970	1,129

Targets

Mr. **Hoover**. The targets of the intelligence services of the Soviet Union and its satellites have not changed. They seek to penetrate the most sensitive agencies of our Government. They seek to collect military, scientific, technical, and political information. They seek to obtain information concerning developments in private industry. They attend conventions and conferences, they make reconnaissance trips and tours, and they subscribe to all manner of periodicals and publications.

Deep cover operations

Intelligence officers and agents, despite the ease with which they obtain much of the information they desire in our free and open society, still conduct extremely clandestine operations. The most difficult to uncover are those deep cover spies operating in our country with no ostensible connection with the foreign principal. Once within our borders, these individuals easily blend into our population, and their detection and identification require time-consuming investigation.

China

The overwhelming majority of Chinese Americans in the United States are completely loyal to this country, and only a very small percentage are sympathetic to the Communist regime in Peking. During the past year, however, we have experienced a definite increase in our Chinese investigations due to the stepped-up intelligence activities on the part of the Communist Chinese aimed at procuring highly coveted technical data both overtly and covertly, and the efforts of the Chinese Communists to introduce deep cover intelligence agents into this country.

Red China has also been active in propagandizing the efforts of the Black Panther Party and similar groups dedicated to the disruption of American society.

Newly formed Maoist groups have also emerged. One such organization, called the Red Guard, is a militant group of approximately 25 Chinese youths which maintains contact with other anti-establishment groups. The organization puts out a mixture of Chinese Communist and Black Panther Party propaganda and encourages its members to purchase firearms and train in defensive tactics. It has claimed up to 50 members at a given time, supported by another 100 persons who frequent the group's headquarters in San Francisco, Calif.

A second Maoist group of recent vintage is the Revolutionary Union (RU), also known as the Red Union and the Bay Area Revolutionary Union. It has a hard-core membership of about 50 in the San Francisco area. The members consist of old-line militant renegades from the Communist Party-U.S.A.; former leaders of the pro-Chinese Communist Progressive Labor Party; and young high school and college militants who have gained notoriety as activists in local campus and related disputes.

Our investigations have determined that members of this outfit have been accumulating weapons and have engaged in firearms and guerrilla warfare training.

RU leaders are seeking to work with other militants and to gain influence within the Students for a Democratic Society and other New Left and Negro protest movements.

There is little doubt that some members of organizations such as these will be entirely receptive to recruitment as intelligence agents for clandestine operation on behalf of Communist China. In this regard, one of the founders of the RU is a long-time Communist named Leibel Bergman who first turned against the Communist Party-U.S.A. and then dropped out of a leadership role in the Progressive Labor Party before turning to the RU.

The approximately 40,000 Hong Kong based seamen, many of whom actually reside and have families on the mainland, continue to be an investigative problem. The majority of these seamen belong to the Chinese Communist-dominated Hong Kong Seamen's Union. Thousands of these seamen enter the United States each year when their ships dock here. A high number of them desert while here and constitute a serious security threat.

Cuba

Mr. HOOVER. Castro's Cuba has never been more brazen or persistent in anti-U.S. espionage activities. Castro has made every effort to set up an intelligence network in the United States and, as usual, Castro's only diplomatic establishment in this country, the Cuban Mission to the United Nations, has served as the center of activities. Using their cloak of diplomatic immunity, intelligence officers have carried out a continuous espionage program against the United States.

The aggressive intelligence tactics of those in the Cuban Mission to the United Nations led to two representatives being ordered to leave the United States during 1969, another was denied reentry after making a trip to Cuba, and still another was specifically warned to desist from further intelligence activity in the United States.

Because of its own unorthodox approach to the Marxist-Leninist philosophy of international communism, Castro's Cuba is looked to for leadership and guidance by the directionless revolutionary forces of anarchy and nihilism which dominate the New Left and the extreme black nationalist movements in this country. As a result, Castro is in position to catalyze the disorganized efforts of the antisocial extremist elements in the United States ranging from the misfits on college campuses, to the black chauvinists who endeavor to destroy any hope of racial harmony in this country.

Thousands of travelers have gone to Cuba since Castro seized control on January 1, 1959. Many, of course, have entirely proper reasons for such travel. Others, however, may go for other reasons. Certain new left, black nationalist, and other protest groups have been particularly drawn to Cuba and appear to be making their way there in ever-increasing numbers. Included in such groups are the Students for a Democratic Society, Student National Coordinating Committee, and the Committee of Returned Volunteers which I have discussed earlier.

The flow of refugees from Communist Cuba into the United States continues at the rate of some 3,700 a month. Despite the fact that the majority of these are disillusioned with Castro, experience continues to show that some have been given intelligence missions by the Cuban Government.

At the same time, militant Cuban exiles in this country continue their efforts to seek ways and means to mount drives that would lead to the overthrow of Castro. Some of these activities result in violations of laws of the United States.

The countering of the many and varied activities resulting from the Cuban situation places heavy demands on our manpower.

DESERTER INVESTIGATIONS

Mr. HOOVER. The location of young men and women declared to be deserters from the Armed Forces has been a responsibility of the FBI since 1945. During fiscal year 1969, a record 14,168 deserters were located, a jump of 67 percent over the number of locations the previous year. This marked the 10th consecutive year that the FBI was responsible for the location of more deserters than had been located the preceding year. The Armed Forces referrals totaled 51,545 in fiscal year 1969, up 33 percent over the 38,885 referrals of the prior year.

These cases are becoming more complicated as we continue to encounter a rising number of instances where nonmilitary persons have been responsible for encouraging and enticing desertion and for harboring service deserters. In other cases, these persons have given advice and funds to deserters fleeing to sanctuaries in foreign countries.

Selective Service Act violations

The upward trend of Selective Service Act violations continued through fiscal year 1969 when 31,831 matters were received for investigation. This compares with 29,485 in 1968 and 29,228 in 1967. Also increasing were convictions in Federal court which totaled 893 in 1969, up 10 percent over the 809 in 1968.

These two charts which I now furnish to the Chairman show the trends in violations referred and convictions for the last 4 fiscal years.

Mr. ROONEY. Without objection, we shall insert these two interesting charts at this point in the record.

(The charts follow:)

Selective Service Act: violations received

Fiscal year:	
1966	27,172
1967	29,228
1968	29,485
1969	31,831

Selective Service Act: number of convictions

Fiscal year:	
1966	353
1967	763
1968	809
1969	893

Mr. HOOVER. The complexion of our Selective Service Act investigations continues to change with a great deal of stress now having to be placed on investigations of schemes to obstruct the draft. New Left-type organizations have devoted much effort to encouraging militant resistance to the draft in college and even in high schools. The accelerated drive to resist and disrupt the Selective Service System has included such forms of protest as counseling evasion, burning draft cards, and damaging selective service records. Investigation of these incidents adds greatly to our work.

Examples of interference with selective service

Some examples will provide an insight into the types of Selective Service Act violations we have investigated.

Three young draft protesters in May 1969 broke into and ransacked the office of the Selective Service Board located in Silver Spring, Md. Desks and cabinets were overturned, typewriters were thrown out the window and ink and red liquid were thrown on the walls and floor. The three protesters were identified as Leslie Bayless, aged 22, his 17-year-old brother Jonathan, and Michael Bransome, aged 18.

All three were indicted for willful hindrance of the administration of the Selective Service Act, willful injury to property of the United States and willful mutilation of Government records. Both Jonathan Bayless and Michael Bransome entered pleas of nolo contendere and were sentenced under the Youth Corrections Act. Bayless received a suspended sentence and was placed on 3 years' probation while Bransome was committed to the custody of the Attorney General for 3 years. On February 16, 1970, Leslie Bayless, following conviction in U.S. district court in Baltimore, Md., was sentenced to 3 years in Federal prison to run consecutively with a 5-year prison sentence he received earlier in Federal court in Alexandria, Va., for failure to report for induction into military service.

During the early morning of November 11, 1969, this same Selective Service Board at Silver Spring was again ransacked. Office equipment was damaged and records were thrown about the office and along a nearby railroad track. Jonathan Bayless was one of those arrested and charged with interference with selective service operations, destruction of Government property and mutilation of Government records. As a result of this latest incident, a U.S. district judge at Baltimore, Md., revoked the probation of Bayless and ordered him to jail.

Selective Service headquarters at Chicago, Ill., was broken into during the early morning hours of May 25, 1969, and records were removed to an adjoining alleyway where they were burned. The offices of the headquarters were left in complete disarray with the records strewn about and paint poured into the filing cabinets and over the floor. Fifteen antidraft protestors, who called themselves the "Chicago 15," were arrested and have since been indicated on charges of destruction of Government property, mutilation of Government records, hindering and interfering with selective service activities, and conspiracy. All 15 are presently awaiting trial.

On March 5, 1969, Byron Allen Black, Jr., a linguistic instructor at Fresno State College, Fresno, Calif., appeared at a rally being held in the "free speech" area of the campus as part of a nationwide National Draft Card Turn-In Day. While on a raised podium, Black read to the assembled group from what he claimed was his selective service card. He then poured catsup on the card and ate it in front of the several hundred Fresno State College students. Black was indicated by a Federal grand jury for mutilation of selective service documents. He has been out of the United States since the indictment was returned and prosecution is still pending.

On the morning of January 16, 1969, David Gwyther and Kip Morgan were among a group of approximately 10 college-age youths who forced their way into the meeting room of a Selective Service local board at Eugene, Oreg. Completely disrupting the meeting, they placed the members of the local board under citizens' arrest and held a "mock" trial. While in the office, members of the group passed out leaflets denouncing the war in Vietnam, read a list of charges against the members of the local board and interfered with their efforts to make telephone calls for assistance. Gwyther and Morgan were convicted in Federal court of interfering with the administration of the Selective Service Act and in September 1969 each was sentenced to 2 years in prison.

ORGANIZED CRIME

The FBI made a substantial contribution to the Government's stepped-up drive against organized crime, as our investigations resulted in a record 319 convictions of hoodlum, gambling, and vice figures during the fiscal year 1969. This was an increase of 14 percent over the previous year's high of 281. Another 1,027 individuals were awaiting prosecution as of February 1, 1970, including the heads or ranking members of no less than seven of the some two dozen La Cosa Nostra "families" operating in the United States today. Taken in conjunction with the arrests of a number of major gang czars to date in fiscal year 1970, these accomplishments show the severity of the blows now being inflicted upon the Nation's underworld leadership.

This chart shows the convictions of organized crime and gambling figures since 1964, by fiscal years.

Mr. ROONEY. Without objection, we shall insert this chart at this point in the record.

(The chart follows:)

Convictions of organized crime and gambling figures as result of FBI investigation

Fiscal years:	
1964	64
1965	131
1966	142
1967	197
1968	281
1969	319

(NOTE.—As of February 1, 1970, a total of 1,027 other individuals were awaiting prosecution as compared with 330 and 675 at the close of fiscal years 1967 and 1968, respectively.)

Mr. HOOVER. Intensification of the FBI's drive against the organized criminal element is also evident in the number of racketeers and their associates under investigation which rose during the fiscal year from 6,070 to 7,480. Included are many of the some 3,000 members of La Cosa Nostra families operating in the United States today. Funds for the current year provide additional personnel for expansion of our thrust, particularly against loan-sharking, labor racketeering and illegal gambling including the "numbers racket."

Typical of the success being achieved under this drive was extensive and coordinated FBI probe which enabled a Federal grand jury for the southern district of New York to return indictments on July 22, 1969, against La Cosa Nostra leaders in three States, charging them with conspiring to arrange "kickbacks" to a Teamsters Union official in connection with a $1 million building mortgage loan. Among the 13 hoodlums, union functionaries, and associates indicted were Sebastian John La Rocca, head of the Pittsburgh La Cosa Nostra "family"; Dominic Peter Corrado, who was described before a Senate subcommittee in 1963 as being one of the "administrators and heirs apparent" to Detroit La Cosa Nostra "Commission" member Joseph Zerilli; and James Plumeri, a "captain" in the New York City "family" of the late Thomas Luchese and reportedly a possible successor to Luchese.

Less than a month later, on August 20, 1969, another FBI investigation led to the indictment by a Federal grand jury in Boston of New England La Cosa Nostra "boss" Raymond Patriarca and seven other individuals for a 1968 gangland murder stemming from an interstate gambling operation. Patriarca is currently serving time in a Federal penitentiary on an earlier conviction involving similar charges, and underworld sources advise that the two prosecutions are severely crippling the financial structure of La Cosa Nostra in the New England area.

The mob received still another setback on October 23, 1969, when Gennaro Angiulo, who is reportedly running the Patriarca "family" during the absence of its leader, was arrested by FBI agents in connection with a $48,000 armored car robbery at the Boston Veterans' Administration Hospital in July 1969.

In New York City, the late La Cosa Nostra "Commission" member Vito Genovese has not been replaced yet and his organization is being run by an "acting boss" and a crew of "captains." Two of these "captains" have been convicted in recent months as the result of FBI investigations, and two others are currently awaiting trial. On July 23 and 24, 1969, Sam Manarite, a "captain," and 10 of his associates were arrested in five States, breaking up one of the country's largest interstate operations in pornography and obscene literature.

On August 28, 1969, Angelo DeCarlo and three associates were arrested for demanding extortionate interest rates from a borrower. On January 28, 1970, DeCarlo and one of his confederates were found guilty in the U.S. District Court at Newark, N.J. The remaining two will be tried later.

On November 21, 1969, Anthony DiLorenzo, another "captain," was convicted of the interstate transportation of more than $1 million worth of securities stolen from a New York City brokerage house and he was sentenced to 10 years in prison. Arrested earlier, on May 11, 1968, was still a fourth "captain," Peter DeFeo, who has been charged with violating the kickback provisions of the Welfare and Pension Plans Disclosure Act.

Three other areas in which the underworld leadership has been particularly hard hit are Chicago, Buffalo, and Los Angeles. In Chicago, from which La Cosa Nostra "Commission" member Sam Giancana fled the country after serving a year in Federal custody for contempt, and his "underboss," Sam Battaglia, is presently incarcerated on antiracketeering charges, two of their top aides have now been arrested by the FBI. On February 7, 1969, John Philip Cerone and two underlings were arrested in connection with the interstate activities of a large-scale gambling organization, and on July 27, 1969, Felix Alderisio was arrested for violating the Federal Reserve Act through a scheme to swindle between $80,000 and $200,000 in fraudulent loans from an Illinois bank. He subsequently entered a plea of nolo contendere and was sentenced to serve 5 years concurrently with a 1965 conviction for extortion.

In Buffalo, a series of major blows was launched on November 26, 1968, with the arrest of La Cosa Nostra "Commission" member Stefano Magaddino and eight subordinates on charges of operating an interstate gambling empire centered in the western New York-southern Canada region. This was followed up 9 months later, on August 16, 1969, when a combined force of FBI agents and local authorities raided 20 gambling sites in the Niagara Falls-North Tonawanda area, arrested 24 persons (including seven on Federal charges), and seized some $14,000 in funds belonging to a ring headed by two of Magaddino's top gambling aides.

Then, on September 6, 1969, Salvatore Pieri, who temporarily succeeded Magaddino as acting head of the Buffalo "family," was arrested along with two associates by Bureau agents in connection with the theft of more that $200,000 worth of jewelry.

In Los Angeles, FBI investigations of Federal loan-sharking violations led to the July 9, 1969, conviction and incarceration of southern California La Cosa Nostra "boss" Nocolo Licata on contempt charges for refusing to testify before a Federal grand jury after being granted immunity from prosecution. Less than 2 months earlier, on May 13, 1969, information developed by the FBI helped lead to the conviction of Licata's "underboss," Joseph Charles Dippolito, on perjury charges arising out of a Federal liquor violation. As a result of this conviction, Dippolito has been sentenced to 10 years in prison.

An interesting sidelight of the Licata conviction was the manner in which it involved two new statutes enacted into law during 1968 to facilitate the war against organized crime. Licata was investigated under the loan-sharking provisions of the Truth in Lending Act—which saw its first successful prosecutions in early 1969; he was then granted immunity provided for under the Omnibus Crime Control and Safe Streets Act of 1968 and subsequently jailed for refusing to testify.

Two other major La Cosa Nostra loan-sharking operations were broken up during November 1969, with the arrest of five hoodlums inthe Buffalo, N.Y., area, following more than a year of intensive investigation, and the indictment in Chicago of 11 members of still another group. Both have been described as multimillion-dollar operations, and some 250 individuals have been identified as victims of the Chicago ring.

Among the other accomplishments recorded during fiscal year 1969 are:

(1) The February 4, 1969, arrest by FBI agents of Ned Bakes, reputedly a Chicago underworld "fixer" and "middleman," and the recovery of more than $13 million worth of stolen stock certificates. He was subsequently convicted and on November 18, 1969, he was sentenced to 6 years in prison.

(2) The March 12, 1969, conviction of Carmine Lombardozzi, who has been publicly described as La Costa Nostra's "Wall Street representative," for participating in the interstate transportation of a $17,000 check stolen from a New York City brokerage house.

(3) The simultaneous arrests on April 10, 1969, of 22 persons involved in an interstate gambling operation centered in the northern Indiana area. Prior to the raids, FBI agents had penetrated the organization in an undercover capacity, identifying the principal members of the ring.

(4) The April 15, 1969, conviction of Boston mobster Vincent Teresa for his involvement in the theft from a New York City brokerage firm of $750,000 worth of securities, portions of which were negotiated throughout the United States and Switzerland. In addition to receiving a 20-year sentence for this violation, Teresa is also charged with participating in another New York City brokeragehouse theft, this time involving some $357,000 worth of securities.

(5) The coordinated July 3, 1969, gambling raids in Atlanta, Baltimore, Cleveland, Louisville, Miami, Newark, and Philadelphia, which resulted in the seizure of considerable money, gambling paraphernalia, and evidence pertaining to the interstate activities of major bookmaking figures operating out of those cities.

(6) The July 28, 1969, arrest of New York City La Cosa Nostra member Frank Lupo and two accomplices for a fraudulent bankruptcy operation in which it has been estimated that losses to the creditors will amount to approximately $200,000.

(7) The July 29, 1969, arrest of notorious loan-shark and La Cosa Nostra associate, Arthur Tortorello, in connection with the theft of more than $4 million worth of securities from a bank and three New York City brokerage houses.

(8) The combined August 9, 1969, raids by FBI agents and Indiana State Police on a casino-type operation in Evansville, Ind. As a result of the raid, 45 persons were arrested, including five on Federal charges. Among the items seized during the course of the raid were six loaded weapons, assorted gambling paraphernalia, and more than $47,000 in cash and checks.

(9) The August 26, 1969, arrest in New York City of Harry Lightstone, General Counsel for the Pennsylvania Turnpike Authority, on charges of violating the Interstate Transportation in Aid of Racketeering statute. He is accused of having accepted a $5,000 down payment on a $25,000 bribe he demanded in order to secure a settlement on a $939,000 claim lodged by a construction firm doing work for the Turnpike Authority.

(10) The September 19, 1969, arrest of eight individuals conducting what is believed to have been one of the largest bookmaking operations along the entire east coast with headquarters in New York City. Records obtained at the time of the arrests revealed that the ring, reportedly controlled by La Cosa Nostra, was handling some $60 million a year in wagers.

(11) The November 25, 1969, raids—following 5 months of intensive investigative effort by FBI agents scattered throughout the State of Ohio—in which 51 search warrants were served on a group of bookmakers handling an estimated $7,800,000 a year in wagers. Among the items seized during the raids were numerous betting records, over $45,000 in cash, several pistols, a hand grenade, a gas grenade, blasting caps, and six cylinders containing high explosives. Fol-

lowing the raids, underworld sources advised that bookmaking had been virtually destroyed in the Cleveland area and seriously crippled elsewhere throughout the State.

(12) The December 6, 1969, simultaneous raids by FBI agents in Pennsylvania, New Jersey, New York, and California, in which 31 search warrants were served on various representatives of a large-scale numbers and bookmaking operation alleged to have been closely allied with the La Cosa Nostra leadership in the Philadelphia area. Seized by the agents were approximately $3,000 worth of narcotics, a large volume of pornographic material, more than $16,000 in cash, and gambling records indicating that the ring had been handling an estimated $50 million a year in wagers.

(13) The December 16 and 17, 1969, roundup of Elizabeth N.J., La Cosa Nostra "boss" Samuel Rizzo DeCavalcante, one of his top lieutenants, and more than 50 other members of a widespread numbers ring all charged with violating interstate gambling laws. Records seized during the course of the arrests indicate that the ring had been handling in excess of $20 million a year in wagers.

As indicated in the case of Joseph Dippolito, where information developed by the FBI helped convict the southern California La Cosa Nostra "underboss" on perjury charges arising out of a Federal liquor violation, our agents constantly remain alert to notify other Federal, State, and local agencies of material pertaining to violations outside the FBI's jurisdiction. As a result of this policy, we disseminated 305,545 items of criminal intelligence information to these other agencies during fiscal year 1969.

Indicative of the effectiveness of this dissemination is the fact that, during the past 3 years, the other agencies have utilized portions of this information in conducting some 2,300 raids, leading to the arrest of more than 12,000 organized crime and gambling figures and the seizure of nearly $4 million worth of currency, contraband, and gambling paraphernalia found in the possession of these individuals.

Some typical examples which occurred in 1969 include the January 15 raid by the New York City Police on a La Costa Nostra-backed casino operation estimated to have been handling more than $3 million a year in wagers, and the arrest of 50 persons on local gambling charges; the July 16 arrest by New York City Police of the head of a La Cosa Nostra burglary ring and the recovery of more than $100,000 in property stolen by the ring; and the July 17 raid by Buffalo, N.Y., Police on a La Cosa Nostra-controlled policy operation, which was handling an estimated $1 million a year in wagers. With respect to this last raid, local authorities described it as the "most significant policy arrest in the history of western New York."

The utilization of court-approved electronic surveillances of carefully selected locations pursuant to the Omnibus Crime Control and Safe Streets Act of 1968 has produced excellent results such as could never have been produced without this authority.

In organized crime cases in which this legal evidence-gathering technique has been used, we have made more than 100 arrests and have conducted a large number of fruitful search warrant raids made possible based on information obtained through the coverage. Indictments will be forthcoming against a very substantial number of additional subjects based on gambling evidence seized and on intercepted communications. These installations have provided a keen insight into the awesome dimensions of major illegal gambling operations in this country from which La Cosa Nostra and other leading racket elements obtain their "working capital."

For example, the wiretap coverage of just one such operation revealed that those in control were handling millions of dollars per year principally in layoff action. In addition, these techniques have provided extremely valuable data regarding loan-sharking activities.

Stringent control is exercised over use of this most effective investigative technique. Each surveillance is individually approved by the Attorney General, and the surveillance order is issued by a Federal judge.

SURVEILLANCE TRANSCRIPTS

The U.S. Supreme Court in the case of Willie Israel Alderman and others, on March 10, 1969, ruled that transcripts of electronic surveillances must be given upon demand to defense attorneys although judges may forbid widespread disclosures therefrom. In line with this decision, the transcripts of electronic surveillances were made available to the defense in two New Jersey cases through the clerk of the court. Here the logs were available for review by the press.

In June 1969, FBI electronic surveillance logs and related materials were disclosed in Newark, N.J., preliminary to the trial of La Cosa Nostra "boss" Samuel Rizzo DeCavalcante in a case involving interstate transportation in aid of racketeering—extortion. In this case the defense attorney had asked to review the logs. The judge granted the request, and since the defense attorney had not requested a protective order, the logs were filed with the clerk of the court and reviewed by the press. The contents of the logs received widespread publicity both in the United States and abroad.

The logs revealed payoffs to police officials, the structure of La Cosa Nostra, and a multitude of crimes including gambling, robbery, arson, and murder.

In Newark in January 1970, in the extortionate credit transactions trial of Angelo "Gyp" DeCarlo, powerful caporegima in the Las Cosa Nostra "family" of the late Vito Genovese, the defense attorney requested to review the logs but requested that a protective order be placed on the logs. The judge granted the motion for the defense to review the logs but denied the request for the protective order. The logs were then furnished to the clerk of the court by the U.S. Attorney and there they were reviewed by the press. The contents of these logs have also received widespread publicity revealing details of crimes and corruption particularly in New Jersey.

That concludes my statement, Mr. Chairman.

Mr. Rooney. Mr. Sikes?

Mr. Sikes. Thank you, Mr. Chairman.

CANE CUTTERS IN CUBA

Mr. Director, tell us something more about the cane cutters episode in Cuba. You told us about their organization, but what is their attitude when they come back to the United States? Have they learned anything which helps to straighten out their thinking?

Mr. Hoover. The answer to your questions, I think, can be found in the fact that at the time of formation of the Venceremos Brigade the executive committee announced that brigade members, while in Cuba, in addition to cutting sugar cane, would also have the opportunity to discuss the Cuban revolution, the third world struggle, socialism, and "the movement" in the United States.

We have learned that brigade participants, when they return to the United States, are to be assigned to direct work in bringing about a revolution in this country. As I reported earlier, the first contingent just recently returned to the United States, and it is too early to measure the results of their training.

(Discussion off the record.)

Mr. Sikes. You referred to the Neutrality Act which causes our officials to seek to prevent organized activity against other countries, friendly or unfriendly. When was that act passed?

Mr. Hoover. The Neutrality Act known as the Neutrality Act of 1939 was passed by Congress on November 4, 1939. This act repealed previous neutrality legislation. With the end of World War II most sections of the Neutrality Act of 1939 were rendered inoperative with the exception of the section regulating the control of munitions. Subsequently, in 1948, a provision was passed dealing with individuals organizing an expedition in the United States against a nation with which the United States is at peace. This statute, title 18, U.S. Code, section 960, was enacted on June 25, 1948.

Title 18, U.S. Code, section 960, is the one which anti-Castro Cuban exiles possibly violate in carrying out attack against Cuba.

Mr. Sikes. It is a most unusual situation when we know exactly what Communist countries are doing against us and all other democracies and we are prohibited by law from encouraging activities that might at least serve to balance the scales.

CRIME AND THE COURTS

Mr. Andrews. Mr. Director, there is a lot of concern today about organized crime and the fact they are the wholesalers of drugs and narcotics.

Mr. Hoover. Yes.

Mr. Andrews. If you had the full cooperation of the courts and if things were totally done as you would like to see them done, by what percentage could you reduce the take of organized crime in a 2-year period?

Mr. Hoover. The "take" from organized crime could be reduced considerably under the conditions which you outline. One of the problems today is with some of the courts, both local and Federal. I have cited a number of instances where there has been an atrocious discharge of a defendant on his own recognizance or without any other restriction.

(Discussion held off the record.)

Mr. Andrews. Do you think most of it is due to the fact that these people with criminal tendencies are released and are free to prey again or because there is less feeling on the part of the individual who might commit a crime that he will be punished for it, or is it a combination of both?

Mr. Hoover. Both. I cited the case of the teenagers in Chicago who robbed wealthy homes on the North Side. They thought they would never be caught. They didn't come from impoverished families but were from upper middle-class families. They were callous and indifferent when they were brought in for arraignment.

Mr. Andrews. You mentioned communication line cost in connection with the National Crime Information Center, and you are asking for an additional $380,000.

Mr. Hoover. Yes.

THE POLICY OF THE MONARCH IS THE POLICY OF HIS CREDITORS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. RARICK. Mr. Speaker, as American people experience ever-spiraling increases in the cost of living, they are voicing concern and demanding solutions. They do not accept the arm waiving promises of massive expenditures of additional funds, and new spending pro-

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grams as answers. They are becoming harder to fool because they are getting hurt in the pocketbook.

If basic economics teaches that the answer is curtailment of money quantity, then continued pumping of money into the economy can but escalate inflation. Fighting an effect by ignoring the cause accomplishes nothing.

The continued and unrestrained threat from credit, created out of thin air and based solely upon the psychological confidence of American people in private bankers must bear the responsibility of being the real cause of inflation.

Witness the recent activity where the President of the United States came to the aid of Wall Street stockbrokers.

Witness that because of the weekend announcement that the Treasury had lowered finance charges on Wall Street buying, the Federal Reserve is now shoring up the drain on the Treasury Department.

Rising prices on commodities, increased wages and earnings are not the cause of inflation as the people are being led to believe. Such a myth is the equivalent of saying wet streets and sidewalks are the cause of rain.

The American people must understand that the country's fiscal policies are not those of the President, nor of his party, but rather the policies of the Nation's creditors who have monopolized their control through the use and misuse of U.S. taxpayers' dollars and the financial security of our Nation.

There can be no answer to the money problems by a continued juggling of the balance sheets.

The only answer lies in a return to constitutional money as envisioned by the Founding Fathers of the U.S. Constitution.

For this reason, on April 21, I introduced H.R. 17140, as an answer to the money problem in the United States.

I include related news clippings:

[From the Washington Post, May 9, 1970]

FED RESCUES TREASURY FINANCING; BOND CLIMATE BETTER

(By Peter S. Nagan)

Gloom shrouded the bond and money markets during the first half of the past week, pushed certain interest rates back to their late-fall peaks, and threatened the Treasury with the near-failure of a major financing.

The Federal Reserve rode to the rescue with a pair of bail-out operations, in the nick of time. By the end of the week, yields had come down some—as prices rose—and the gloom had measurably lightened.

The Reserve System's assistance enabled the Treasury to skirt disaster and actually helped wind up the government's operation on a positive note.

This cliff-hanging story is still another byproduct of the U.S. move into Cambodia. Bond traders and investors, already nervous about signs of a revival of the business boom, were disturbed by the possible escalation of the war in Vietnam. They were fearful of new strains on the economy, with new inflationary forces being added to pressures that already seemed out of control.

This sort of psychology leads investors to hold off buying new issues, and dealers to try to sell off their inventories. Prices are pushed down, which sends rates up.

The Cambodian jitters were at their worst last week while the books were open for a big and complex Treasury financing—a two-part operation designed to refund some $16.6 billion in maturing issues and to raise some cash as well.

Yields on outstanding issues had moved up another eighth of a point in the wake of President Nixon's speech of last Thursday. The rates being offered by the Treasury—set and locked in by a formal announcement a week ago Wednesday—seemed less attractive than at the time the financing terms were fixed.

Investors could no longer be counted on to sign up for the new issues in sufficient numbers to provide the government with the cash it needed. The unthinkable threatened: U.S. citizens would not lend their government the money it required.

That's when the Federal Reserve went into action. The cut in stock margin requirements gave the bond markets a lift. It showed that the government would act to head off the panic—that some in the market were fearing.

More importantly, though, the Fed also moved into the open market, buying some $1.6 billion in outstanding Treasuries, a lot more than called for by normal money-market considerations. This reduced the floating supply, pushed up prices, lowered yields, provided funds for buying, and made the returns the Treasury was offering seem worthwhile again.

On Thursday, officials disclosed that the $3.5 billion in cash the Treasury was raising—through offering a 7¾ per cent, 18-month note priced at a discount to yield of 7.79 per cent—had been fully subscribed to, though just barely. Subscriptions actually totaled $3.6 billion. (The Federal Reserve took another $7 billion.)

Normally, such Treasury offerings are subscribed to twice, three times, or even five times over. In such cases, big investors are allotted only 20, 33, or 50 per cent of their subscriptions. In fact, they usually pad their orders, to be sure of getting what they want.

This time, the Treasury is granting 100 per cent allotments, for the first time in nearly a decade. Such high allotments are "most unusual," Under Secretary of the Treasury Paul Volcker concedes. "We didn't quite anticipate Cambodia," he said. Considering the market's weakness, officials do consider the financing a bust.

Some of the sour taste of these lackluster results was offset, though, by the better-than-expected results achieved in the other part of the Treasury's operation—the refunding of notes coming due May 15. Holders of these maturities were given the chance of subscribing to either a three-year note yielding 7.98 per cent or a six-year, nine-month issue paying 8 per cent. Only holders of the maturing issues could subscribe for these two.

Officials were expecting only 50 per cent or so of the $4.9 billion held by private investors to be turned in for the new obligations. (The Federal Reserve and government trust accounts owned the rest.)

Instead, holders of more than 67 per cent—more than $3.3 billion—elected to exchange. After paying off the $1,520 million that were turned in for cash, the Treasury will have $2 billion left over, from sale of the 18-month note, to meet its cash needs for the rest of this fiscal year.

All in all, the climate was considerably better as the week closed. The bond markets were also helped a little by postponement of some big corporate issues, by the President's promise to get the troops out of Cambodia by July 1, by unfounded but widespread rumors of a discount-rate cut, and by the jump in unemployment with its hint of a slowing economy and reduced credit demands.

[From the Washington Star, May 8, 1970]

FEDERAL RESERVE BUYING EASES TREASURY'S BORROWING CRISIS

(By Lee M. Cohn)

Distress in financial markets caused the near-failure of a Treasury borrowing operation this week.

The Treasury was saved from complete failure—which could have led to financial chaos—only by the Federal Reserve's emergency rescue efforts.

And there still is a risk that the close squeak may hit the money and bond markets hard.

When the Treasury has trouble borrowing, and dealers nearly refused to lend the Treasury all the money it needs to pay off maturing debts and finance the government until mid-June tax payments are collected.

When the Treasury was trouble borrowing, even at high interest rates, the financial system is not working properly.

Difficulties encountered by other borrowers recently have aroused some concern that the nation may be heading for a liquidity crisis—a disorderly financial condition in which credit would be virtually unavailable at any price.

To raise $3.5 billion of cash, the Treasury on April 29 offered to sell the public 18-month notes paying interest at a rate of 7.79 percent a year.

JOLTED BY CAMBODIA

At the time of the offering, the terms were considered generous. But then the Cambodian crisis erupted and the money and bond markets—already weak—got a bad case of jitters.

Interest rates on debt securities already outstanding rose sharply, making the new notes less attractive by comparison.

In borrowing operations of this kind, subscriptions usually far exceed the amount offered and the Treasury sells big subscribers only a portion of the notes they request.

Knowing this, dealers, banks and big investors subscribe for more than they want.

In this financing, the Treasury said it would sell the full amount subscribed up to $200,000, and would allot a percentage of larger subscriptions so that the total borrowed from the public would come to about $3.5 billion.

Market experts were guessing early this week that the allotments would be in a range of 60 to 70 percent. That is someone subscribing for $1 million of notes would be permitted to buy $600,000 or $700,000.

RESERVES STEPS IN

As market conditions deteriorated, the Federal Reserve became worried about the financing failing and intervened aggressively on Monday and Tuesday.

The Federal Reserve purchased large amounts of Treasury bills and other securities—perhaps $1.5 billion or more, according to market estimates.

These purchases had the effect of pumping money into the financial system and pulling interest rates down. The purpose was to make the rate offered on the new notes more attractive, and to provide enough money to buy them.

Market sources reported that the Treasury pitched in by contacting dealers and banks to urge them to subscribe.

In another move possibly intended in part to assist the borrowing by giving financial markets a psychological lift, the Federal Reserve Tuesday reduced the margin requirement—the minimum cash down payment—for buying stocks from 80 to 65 percent.

All these efforts did strengthen the money and bond markets, and interest rates declined.

The improvement led market experts to

conclude that subscriptions would be larger than they had expected earlier. They revised their estimate of allotments to 50 percent from the earlier guess of 60 or 70 percent.

That is, the Treasury could sell big subscribers only half the notes they requested and still would raise $3.5 billion.

Tuesday was the subscription date, and the Treasury announced the preliminary results late yesterday.

Instead of far exceeding the $3.5 billion offered, as usually happens, subscriptions totaled only $3.6 billion. Subscriptions will be allotted in full.

A quick search of the records indicated that the last time the Treasury allotted the full amount of subscriptions was in 1962.

Results of this week's financing indicated that, without the Federal Reserve's rescue, the Treasury would have been unable to borrow the $3.5 billion needed from the public. The Treasury might have been compelled to borrow directly from the Federal Reserve.

Considering the weakness of markets, a Treasury official maintained, the borrowing operation should not be counted a failure.

"At least this covers it," he said, referring to the fact that the Treasury will raise $3.5 billion as planned.

Apart from the potentially damaging effects on the market of such a close call, the full allotment could cause difficulties.

If a dealer wanted only $500,000 to $700,000 of the new notes but is compelled to buy $1 million—the full amount of his subscription—he may be forced to sell other holdings or dump the new notes at sacrifice prices to raise the cash to pay the Treasury.

This would boost interest rates.

The Federal Reserve could help by pumping money into the financial system. However, such assistance—like the rescue efforts earlier this week—might undermine the Federal Reserve's objective of controlling growth of the money supply to combat inflation.

ACTS IN CRISES

In a showdown, the Federal Reserve can be expected to act decisively to avert a financial crisis, even if this requires a temporary lapse in the inflation fight.

Besides selling $3.6 billion of the notes to the public, the Treasury said it will sell $7 billion of them to Federal Reserve Banks and government trust accounts.

All or most of these notes will replace maturing notes held by the Federal Reserve Banks and the trust accounts.

The sale of 18-month notes for cash is part of a broader operation to replace $16.6 billion of notes maturing May 15 (of which the public holds $4.9 billion) and to raise additional cash.

In the other part of the financing—results of which were scheduled for announcement late today—the Treasury offered holders of the maturing notes the opportunity to exchange them for three-year notes paying 7.98 percent interest or 6¾-year notes paying 8 percent.

The $3.6 billion of 18-month notes are to pay off those who reject the two longer notes, and to raise $1 billion to $2 billion of new cash.

[From the Washington Star, Apr. 26, 1970]

Interest Rates Rising Again; Confusion Over Policy Cited

(By Lee M. Cohn)

Interest rates are rising sharply again, partly because "reforms" adopted by the Federal Reserve have confused financial markets.

Another big factor boosting rates, according to analysts, is widespread suspicion that the Nixon administration's campaign against inflation is weakening.

"The credibility gap has re-emerged," a high-ranking official admitted, because the administration has loosened anti-inflationary budget restraints.

BOND RATES RETURN

Rates on high-grade corporation bonds had declined about a half percentage point but have climbed back close to the 9 percent-plus peaks reached in December and January.

High-grade tax-exempt municipal bonds, which had dropped to about 6 percent, are rising toward 7 percent.

Most of the rate decline for Treasury notes and bonds has been erased, with rates now in the 7–8 percent range.

Analysts are deeply divided on the outlook for interest rates.

Some of them, especially in the administration, maintain that the current escalation of rates is an aberration resulting largely from misinterpretation of monetary and fiscal policies.

They predict rates soon will resume the decline that started last winter and was reversed several weeks ago.

But others warn that rates may rise to new peaks later this year.

If the pessimists are correct, the Republicans may face trouble in November's elections. The administration has been counting on gradual reduction of interest rates and easing of credit conditions to blunt the "tight money" issue.

Interest rates generally soared to the highest levels in more than a century in December and January.

The inflationay boom enlarged demand for credit while the Federal Reserve's anti-inflationary policies tightened the supply. Interest rates—the price of credit—rose as a consequence of the supply-demand squeeze.

Then the outlook brightened and rates started declining in February and March because of apparent shifts in the economy and in Federal Reserve policy.

The economy's slowdown strengthened hopes that inflation would abate and that demand for credit would be curtailed.

At the same time, evidence emerged that the Federal Reserve was relaxing its policies, making more money and credit available.

Moderation of monetary restraint was needed, the money managers concluded, to prevent the economy from sliding into a serious recession.

Some easing would be safe, they decided, because inflationary pressures were diminishing.

NIXON'S TIGHT BUDGET

President Nixon's submission of a tight budget projecting a small surplus was important in persuading the Federal Reserve that monetary policy could be relaxed without fueling a new surge of inflation.

Reduction of the bank prime rate—the minimum interest on loans to corporations—from 8½ to 8 percent on March 25 was viewed as confirmation that the trend of interest rates would be downward this year and probably beyond.

But the mod soon darkened again and market interest rates have risen sharply this month.

Forecasters are pulling back from predictions of declining rates on consumer loans, mortgages and business loans.

One reason for the reversal, according to analysts, is suspicion in financial markets that the Federal Reserve may be tightening monetary policy again instead of easing it further.

This confusion about policy results, ironically, from the methods used by the Federal Reserve to ease money and credit.

Traditionally, interest rates and conditions in short-term money markets have been the primary yardsticks of policy.

The money managers have concentrated, for example, on the federal funds rate—the interest charged on day-to-day loans between banks.

INFLUENCE ON CREDIT

Market operations by the Federal Reserve can raise and lower this and other money rates. The theory is that these rates influence credit conditions generally, and ultimately the economy.

The level of these rates has been viewed by the Federal Reserve as the measure of ease or tightness in money and credit. The markets have watched rates for clues to monetary policy.

But the traditional methods and yardsticks have been criticized for years by some monetary theorists, notably Prof. Milton Friedman of the University of Chicago.

The critics contend that "monetary aggregates"—the money supply and the quantity of bank credit—are what really matter. Concentration on interest rates diverts the Federal Reserve from controlling money and credit, they argue.

Credit is eased when the money supply grows and tightened when the money supply contracts, regardless of whether the federal funds rate rises or falls, according to those theorists. Thus, they maintain, the Federal Reserve sometimes eases credit when it intends to tighten, and tightens when it means to ease.

BASIC THEORY SHIFT

In a basic shift disclosed officially April 15, the Federal Reserve's open market committee went a long way in January toward adopting "monetarist" theories.

The committee decided that "increased stress should be placed on the objective of achieving modest growth in the monetary aggregates, with about equal weight being given to bank credit and the money stock."

This was a decision to ease monetary policy slightly and there are indications that the committee eased further at a meeting in February. The Federal Reserve will report officially on the February meeting next month.

Potentially more significant in the long run was the decision to change the objectives of policy—and the yardstick for measuring ease or tightness—by concentrating more on monetary aggregates and less on interest rates.

The Federal Reserve has been trying to adjust the money supply and bank credit to moderate rates of increase consistent with gradual, less inflationary economic growth.

As market conditions have developed in recent weeks, these operations have resulted in rising interest rates for federal funds and other short-term credit. The central bank has stood by and let the rates rise.

UNCERTAINTY OVER "REFORM"

This "reform" of monetary techniques is a major source of market uncertainty about whether policy is easier or tighter.

By traditional standards, the rate increases would be signals of tightening policy.

The money supply and bank credit have been growing, but the markets are not accustomed yet to assessing policy by these standards.

Suspicion that the Federal Reserve may be tightening has undermined expectations of declining interest rates and more liberal credit availability. This new pessimism about the outlook has contributed to the escalation of rates.

Also boosting rates is skepticism about the administration's campaign against inflation.

Increased spending for the federal pay raise, public works and other programs threaten to wipe out the projected budget surplus, and there is concern that a deficit would be inflationary.

If a new surge of inflation erupts, the markets fear, the Federal Reserve will tighten policy, demand for credit will grow rapidly and lenders will hold back. Interest rates could rise above last winter's peaks.

Administration officials admit that confidence in the anti-inflationary campaign has been shaken, but they contend the market's apprehensions are exaggerated.

"All this talk about busting the budget is just wrong," an official said.

XUM

Spending increases have been relatively moderate, he said, and the administration is pressing for offsets, including a postal rate boost.

The administration still intends to balance the budget, he said.

"If we can keep the budget close to balance and if the Fed doesn't flood the country with money," he said, "we're going to edge back toward stability."

Once the markets realize that concern about a new inflationary boom is "misplaced," he predicted, interest rates will resume their gradual decline.

[From the Washington Post, Apr. 26, 1970]

LATIN AMERICA DEVELOPMENT AID BOOSTED

(By Lewis Diuguid)

PUNTA DEL ESTE, URUGUAY, April 25.—The board of governors of the Inter-American Development Bank ended its 10th anniversary meeting here Friday with an agreement to increase lending capacity by half.

As the principal supplier of funds for the bank, the United States is to provide $1.8 billion of the projected $3.5 billion addition to capital by 1973.

President Nixon had allowed for such an outlay in the present submitted budget. Secretary of the Treasury David M. Kennedy, who is the U.S. governor on the 23-member board, expressed confidence here that Congress would appropriate the funds he obligated today.

The five day meeting at this sea resort, heavily-guarded against the possibility of an attack by the Tupamaro terrorists that beset the Punta area, featured the following developments:

Presentation of a two-year study by Argentine economist Raul Prebisch, called "Transformation and Development, the Great Task of Latin America." The report calls for a radical speedup of economic growth to reverse what it calls disastrous unemployment trends. Initial reactions to the 226-page report indicated that it would become a major document in Latin development.

First firm suggestions that the bank be moved from Washington to Buenos Aires or some other Latin site. Kennedy said he thought that from both the U.S. and Latin points of view, there were strong arguments for keeping it in Washington. President Nixon sent a message to the meeting saying he was "proud of our membership in the bank and its presence in our city."

A growing debate on the desirability of associating capital-rich countries outside the hemisphere with the bank. The United States is pushing hard for the idea, but is opposed by most of the Latin countries.

This opposition is ironic since most Latins have long complained of excessive dependence on the United States. But as one Uruguayan international expert put it, "the Europeans are too tough. Basically, it's easier to negotiate with the United States." A group was formed to study the issue.

The Prebisch report calls for an 8 per cent annual growth rate in Latin America, which Prebisch said would mean an income increase per capita of 42 per cent in this decade and 60 per cent in the next.

To do it, he calls for profound changes in agriculture, introduction of modern technology and encouragement of competition—a new emphasis for the well-known theoretician.

While Prebisch stresses the responsibilities of the Latin countries, he also calls for big injections of foreign capital—with the bank playing a key role.

The bank's capital is divided. Currently $3.2 billion is in ordinary resources, used for relatively low interest long-term loans repayable in dollars or other sound currencies. An additional $2 billion will be made available under this week's agreement, $823 million from the United States and the rest from the 22 Latin American member countries.

The rest of the bank's active captial, $2.3 billion, is in the Fund for Special Operations. Loans from this fund are repayable in the currency of the borrower.

Usually these loans are for projects that give no immediate return, such as schools, and for which commercial banks would not lend. This fund is to be increased by $1.5 billion—$1 billion of it to come from the United States.

Accompanying each bank governor were numerous aides that in total included 150 people. The U.S. delegation listed 19 people, including five congressmen. In addition, Kennedy's plane brought along 11 wives, at their expense, plus ten staff people.

The annual bank meeting has come to be a hemispheric gathering for matters beyond the bank itself. In all, 1,660 persons attended, among them 157 from the bank staff and 660 invited guests. The latter are mostly bankers who pay their way, attend sessions, and conduct their own business in the scattered tourist hotels. About 100 of the guests were from the U.S.

Among the official delegations, the U.S. was easily the largest. By a system of voting weighted to financial contribution, the United States is also the most powerful member. But several staff people and Latin delegates said that from the appearance Thursday of Kennedy to make his speech, they saw little of the Americans.

Also, accompanying Kennedy in the plane was a large Secret Service contingent. The embassy staff from Montevideo was here also. In all, the Americans filled a large apartment house at the tip of the narrow peninsula of Punta del Este.

On the seventh floor was a commissary selling Jack Daniel's whisky for $4 a fifth; and even a money exchanger (at the official rate).

Punta del Este is out of season in the Southern Hemisphere autumn, and the town would have been deserted but for the bankers, police, troops and newsmen.

Uruguayan security at the meeting hall was tight, requiring name tags. Without one, said Kennedy, "a Secret Service fellow couldn't get in with me."

[From the Washington Post, May 9, 1970]

FORD, GENERAL MOTORS CUT WORKERS

(By Robert W. Irvin)

DETROIT, May 8.—Ford Motor Co. has eliminated the jobs of about 3,000 white collar workers this year in an effort to reduce expenses because of the business downturn.

The Ford announcement today came on the heels of a statement by General Motors that it is reviewing all salaried personnel rolls and within the next month will cut back some salaried jobs.

GM officials said they could not estimate how many workers would be laid off but that no flat percentage cutback was in the offing.

The GM cutback will be the first across-the-board lay off of salaried workers there since the 1958 recession. A Ford spokesman said the last white colar layoff of any consequence was following the UAW's two month strike in 1967 which drove the company briefly into the red.

As for the current cutback, a Ford spokesman said that from the first of the year through May 1 about 1,000 salaried employees have been laid off.

A spokesman said the company now has approximately 59,100 salaried employees in the U.S., or 3,000 fewer than at the start of the year.

Thus, while 1,000 have been laid off, the company has eliminated another 2,000 jobs by attrition. "During this period we have made an effort wherever possible not to replace employees who have left the company," a spokesman said, adding that more jobs would be eliminated in the weeks ahead in the same fashion.

However, both Ford and GM said they would continue to recruit on college campuses.

Ford also has indefinitely laid off about 11,000 hourly employees this year. In addition, 1,500 workers in Dallas lost their jobs when the company permanently closed an assembly plant there.

Chrysler said there had been no change in its previously announced salaried layoffs which totaled 2,500. The company has been recalling hourly workers and a spokesman said the number on indefinite lay off is down to 7,000.

American Motors said it has no plans to lay off any salaried workers and has been hiring workers in Wisconsin as it stepped up production of its new small car, the Gremlin.

In response to questions about its lay-off, General Motors said it "is currently reviewing salaried personnel in all divisions and staff activities. These reviews will result in the reduction of some salaried personnel based on the level of activity at each location."

Meanwhile, there was more evidence today that the auto industry is pulling out of a winter slump which caused sizable layoffs of workers in Detroit and throughout the nation. The industry added almost 75,000 cars to production schedules for May and June.

The production boosts mean that for the first time this year the industry will be building more cars than in the comparable period of 1969.

A GM spokesman said managers have been instructed to review their employment rolls to see how the work force can be reduced by attrition. Some workers have been sounded out on taking early retirement.

The spokesman said it wouldn't be known for about a month—or until mid-June—how much the work force would be reduced. The cutback will be felt in Canada as well as the U.S. "The same policy applies to both countries," a spokesman said.

GM has about 145,000 salaried workers in North America, plus 450,000 hourly workers. GM earlier this year laid off about 13,500 hourly workers when production schedules were trimmed because of falling sales.

Industry observers said the move was necessary because sales and earnings are down and costs are up at GM and at the other companies, too. The other companies also have been forced to lay off workers.

In the first four months this year, GM's domestic car sales are off 16 per cent in the same period, production was down 20.3 per cent.

Chrysler announced, meanwhile, it is calling back 450 laid-off workers at its Los Angeles assembly plant and will hire an additional 150 new workers there.

RUMANIAN INDEPENDENCE DAY

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. FEIGHAN. Mr. Speaker, May 10 is the traditional national holiday of the Rumanian people. On this day Rumanians throughout the world celebrate three events which symbolize the historic struggle that the Rumanian people have fought to obtain their national sovereignty and freedom.

On the 10th of May in 1866, Charles, Prince of Hohenzollern, was proclaimed the Prince of Rumania in Bucharest, and thus founded the first Rumanian dynasty. The second event occurred in 1877, when the Rumanian people declared their independence from the Ottoman Empire. The Rumanians joined forces with the Russian armies, and played a significant role in the defeat of the Turkish forces in the Russo-Turkish War. At the Berlin conference of 1878, the independence of Rumania was secured, although czarist Russia turned on her former ally at this conference and forced the secession of Bessarabia from Rumania. The third event occurred in 1881, when Charles I was crowned King of Rumania, and six decades of stable government followed.

In 1945 the era of Rumanians' true national sovereignty came to an end when the Soviet Union through the presence of its Red army forced the Rumanians to establish a Communist government that would be a satellite regime to the Kremlin. In recent years the Rumanian Government has made limited efforts to reassert its national sovereignty and independence from the dominance of Moscow. But the invasion of Czechoslovakia by Warsaw Pact forces in 1968 unfortunately implies that the possibility of this nationalistic movement in Rumania completely succeeding may be delayed. The true spirit of Rumania will eventually make it succeed.

The United States has certainly been blessed with an ideal geographic location in comparison to other unfortunate nations such as Rumania. With two broad oceans to protect us from foreign invasion, the United States was able to devote itself to the development of its national strength and freedom. As seen from the long periods that Rumania has been ruled under foreign domination and the numerous times that the Rumanian people have been forced to fight for their nation's sovereignty and their own individual freedom, it is clear that Rumania has not been as fortunate as America.

Therefore, on the 10th of May, Americans should not only pay tribute to the efforts of the Rumanian people to defend their freedom, but we should also consider how fortunate the United States has been, and the importance of our national independency, which we often take so lightly.

COMPLETING THE CRIME BILL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of my colleagues a recent editorial broadcast by WMAL–TV spelling out the station's stand on the District of Columbia Omnibus Crime bill.

I am inserting the editorial in the Record for the benefit of those who did not hear it broadcast:

COMPLETING THE CRIME BILL

APRIL 9, 1970.

In previous editorials on the D.C. Crime Bill, we have supported pre-trial detention and opposed "no-knock" entry by police. In urging a House-Senate conference committee to speedy action, we add the following specific recommendations:

Fifteen-to-eighteen-year-olds who commit violent crimes should not be coddled as "youths," but treated as adults in keeping with their physical threat. This is made more imperative by last week's Supreme Court ruling that adult rules of evidence apply;

Wire-taps are urgently needed to combat narcotics and number racketeers, but will not affect law-abiding citizens;

Mandatory sentences, particularly for those using weapons, need to be imposed because the courts have not had the proper deterrent effect;

The Senate bill is preferable to the House bill in details of the new Superior Court setup because it authorizes more judges and the funds to pay for them. In most other respects, we favor the House bill because it is tougher.

We hope conferees will speedily report out a compromise. Either version within the guidelines mentioned will make an effective and needed anti-crime bill.

SAVE OUR U.S. SPACE PROGRAM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. FULTON of Pennsylvania. As a Member of Congress, and member of the House Science and Astronautics Committee, and Manned Space Flight Subcommittee, I have tried to do my part for the success of our NASA programs by studying and working hard to learn the necessary programs, and have adequate knowledge upon which to base substantial judgments and decisions.

I have gravely questioned the wisdom of reducing Apollo lunar flights to one flight a year, by postponing Apollo 14 flight launch to early calendar year 1971 from its present target date of December 3, 1970, and then delaying launch of Apollo 15 until after July 1, 1971. This will not save $106 million and there is no doubt about it. This change of schedule of NASA will raise havoc with all NASA schedules, and scientific research and development programs.

My serious warning is that this is unfair to our U.S. astronauts, and will greatly increase their risks, and substantially reduce safety.

I include the following official NASA letter:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., May 11, 1970.

HON. JAMES G. FULTON,
House of Representatives,
Washington, D.C.

DEAR MR. FULTON: This is in response to your request for our appraisal of the impact of a reduction of $106 million in FY 1971 R&D funding for NASA, as recommended by the House Committee on Appropriations. This reduction was recommended in the context of a suggestion that Apollo launches during FY 1971 be reduced from two to one.

Such a reduction in Apollo launches from two to one in FY 1971 by shifting the Apollo 14 launch to early calendar year 1971 and delaying Apollo 15 until after FY 1971 would not result in significant cost savings to NASA during FY 1971. All of the hardware for Apollo 14, with the exception of the components to be modified because of the Apollo 13 accident, is at Cape Kennedy undergoing pre-launch checkout processing. The hardware for Apollo 15 has been completely fabricated and is either in test or storage preparatory to shipment to Cape Kennedy.

In view of the status of the hardware and since the operational elements of the Apollo program have already been sized down to a minimum level representing a basic capability, the only effect that would be achieved by this delay in schedule is the deferring of incremental costs associated with the actual launch, e.g., fuels and other consumables; overtime at the launch site, mission operation centers and tracking stations; repair of pad damage; mission peculiar documentation; and deployment of recovery forces.

The maximum cost of these activities is estimated to be from $10 to $20 million depending on actual scheduling.

Since the indicated reduction of $106 million far exceeds the cost deferrals that might accrue during FY 1971 from the shift of the Apollo 14 launch date until FY 1971—and a decision has already been made to prepare for a launch of Apollo 14 no earlier than December 3, 1970, in order to utilize effectively the base-line capability and meet launch window requirements—actions would have to be taken to reduce or eliminate activities in Apollo and other NASA programs to accommodate the reduced funding.

NASA's budget for 1971 is over one-half billion dollars less than the current fiscal year—marking the fifth consecutive year of significant budget reductions. The FY 1971 budget level required NASA to take significant actions to reduce all major space activities (except space applications) including: the decision to close the Electronics Research Center (which, as you know, will now be transferred to DOT); the phase-down of the major Apollo test and production sites at Mississippi and Michoud; the suspension of the Saturn V launch vehicle production; the stretchout of the Apollo lunar missions to maximum intervals; the deferral of Skylab; the suspension of lunar flights during operations with Skylab; the deferral of the Applications Technology Satellites F and G; and the deferral of Viking Mars mission to 1975. In view of these actions, additional reductions of the magnitude recommended by the House Appropriations Committee would undoubtedly require NASA to take further actions of program delays or terminations.

In summary, a reduction of $106 million in R&D cannot be accommodated by merely adjusting the Apollo launch scheduling; such a reduction would require NASA to examine *all* of its R&D programs with a view toward further delays and terminations.

Sincerely yours,

GEORGE M. LOW,
Deputy Administrator.

ODD FELLOWS ANNUAL PILGRIMAGE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. McFALL. Mr. Speaker, I treasure my membership in the Independent Order of Odd Fellows and feel especially proud of the remarks by one of my constituents when he addressed his fellow members at the annual pilgrimage to the Tomb of the Unknowns in Arlington National Cemetery, on May 3, 1970.

I wish to have reprinted in the RECORD the remarks made by my good friend, Mr. Donald R. Smith, sovereign grand master of the Sovereign Grand Lodge, on this occasion. However, before inserting Mr. Smith's remarks, I believe it appropriate to provide some background information on the pilgrimage which is excerpted from an article appearing in the 150th anniversary edition of the Official Organ of the Odd Fellows and authored by Mr. Max Solomon of the jurisdiction of the District of Columbia.

Mr. Solomon is the present grand secretary and served as general chairman of the pilgrimage for several years.

Mr. Speaker, the first Odd Fellows pilgrimage to the Tomb of the Unknown Soldier at Arlington National Cemetery was held on June 17, 1934. It was a brainchild of Charles B. Lampe, then grand master of the District of Columbia. The purpose of the pilgrimage was not only to honor the Unknown Soldier and the country's war dead but also the members of the Independent Order of Odd Fellows who had made the supreme sacrifice in World War I.

Lodges from Pennsylvania, Maryland, Virginia, and the District of Columbia participated in this first pilgrimage.

In 1935, invitations were sent to other jurisdictions in addition to those that participated in 1934, and members from New Jersey and Delaware were in attendance. In all, about 1,000 members of the order were present at the 1935 pilgrimage.

On July 7, 1940, then Grand Sire George S. Starrett presented to the Unknown Soldier, on behalf of the Independent Order of Odd Fellows, the Grand Decoration of Chivalry, the highest decoration that can be bestowed upon an Odd Fellow. This jewel was received by the Department of the Army, and is prominently displayed in the Hall of Trophies. It is the only fraternal order so honored.

The first Sunday of May of each year has been designated for this annual Odd Fellow pilgrimage, and permission for this fixed date has been granted by the Department of the Army, which has charge of Arlington National Cemetery.

Mr. Speaker, this year 59 wreaths were laid on the Tomb of the Unknowns by representatives from jurisdictions all over the United States and Canada. I am honored to have the privilege of recording here the following address made by Mr. Donald R. Smith of Linden, Calif., sovereign grand master of the Sovereign Grand Lodge, IOOF:

ADDRESS OF DONALD R. SMITH

In the stillness of this hour, borne upon the wings of music and memory, we are mindful of the gigantic contributions made by those who gave their all for the preservation of peace and freedom for mankind.

Odd Fellowship teaches the fatherhood of God and the brotherhood of man which are the goals they fought for. We all look forward to the day when we will have peace, and when their goals are a reality to all mankind.

All about us is life and beauty; nature smiles in the mocking pride of spring; scarce can we realize that a few feet beneath rests those men, known only to God, who represent all Americans who have given their lives in the defense of their Country and for the preservation of peace throughout the world.

More than one hundred years ago, May 30, 1868, Memorial Day was first celebrated nationally. The ceremony was held here in Arlington National Cemetery, across the Potomac River from our Nation's capital at Washington, D.C. That ceremony was ordered by General John A. Logan, Commander-in-Chief of the Grand Army of the Republic, the veterans' organization of that day. General Logan was a Union general, who felt that the young men who had given their lives to keep our nation whole and undivided should not be forgotten.

In 1868, only soldiers from the Civil War lay in Arlington Cemetery. Now thousands of white markers stretch throughout the cemetery, recording the final resting place of soldiers from World Wars I and II, the Korean War, and the war of Vietnam. "Let no neglect, no ravages of time, testify to the present or to the coming generations, that we have forgotten, as a people, the cost of a free and undivided Republic," were the orders of General Logan in 1868. More than one hundred years have passed, and Americans and all freedom-loving people of the world, still cherish the right and privilege of paying respect to those who fought and died that we might live in peace and freedom.

What a lesson is taught us here in Arlington; the hopes of youth; the ambitions of manhood; and the ties of brotherly love—all lie buried in this sacred soil. But bright in the Eternal Halls above, gleams the lamp of intelligence, and the hopes of free men everywhere, an underlying faith in the future of the faithful.

The United States of America has suffered and lost because of war and conflict, like many other nations throughout the world, but we have continued to strive for a better world with freedom and peace for all.

We are involved in a conflict in Vietnam at the present time, and as the international leader of the Independent Order of Odd Fellows, I had the opportunity, under the auspices of Freedoms Foundation at Valley Forge, of seeing first-hand conditions that exist in this country in Southeast Asia. The desire of our men under arms, to have the support and encouragement of the American people is evident on so many fronts. It was so graphically pointed out to me in a recent letter sent home by a young Odd Fellow serving in the United States Army in Vietnam to his parents in Herman, Minnesota. Young Neal Blume told how the men in his company had collected money for the children of their captain, their commanding officer, who was killed in action in Vietnam. He continued his short letter by stating, "There are many GI's who wish the people of the United States would stand behind their President. You don't appreciate America until you see how the other half lives." He urged his support of the President, regardless of political party, and he stressed how much everyone over there loves America.

This only points out the great need for Americans, Canadians, and citizens of all other freedom-loving nations throughout the world, to support their leaders and those who are sacrificing so much. We have been given a great heritage, and it is up to you and me, the loyal and silent majority, to indicate our support and encouragement for those who are guiding the destinies of our respective nations.

"As silently fall the petals,
  When the flowers their beauty shed,
So silently our loved ones are passing,
  And we whisper—the dear ones are dead.
But their memory still remains with us
  As forward each earnestly strives.
Their examples continue to guide us,
  And their actions influence our lives."

REPRESENTATIVE RICHARD L. OTTINGER POINTS TO PERTINENCY OF NEW YORK TIMES EDITORIALS CONCERNING THE NATIONAL CRISIS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. OTTINGER. Mr. Speaker, as we debate the consequences of our recent ill-advised move into Cambodia and the deepening divisions between Americans not only on the campus but in the streets of our cities, we need to listen to the voices of reason, such as those of Tom Wicker and Anthony Lewis in May 7 editorials in the New York Times, which compellingly point the way that this Nation must travel before our national crisis reaches the point of no return.

Under unanimous consent I include the editorials in full so that these astute analyses may be read by my colleagues:

WHY ARE WE IN VIETNAM?

(By Anthony Lewis)

LONDON, May 8.—President Nixon's action in Cambodia has had at least one constructive effect: it has dramatized the flawed character, not to say illogic, of his declared plan to get the United States out of Vietnam.

As outlined in his address to the nation last Nov. 3, the plan had two objectives. One was gradually to withdraw American troops. The other was to achieve the political goal that the troops were there to secure—maintenance of the Thieu-Ky regime or some other non-Communist government in South Vietnam.

In short, the President seemed to have it in mind to pull American troops out and still "win." That was the significance of his repeated warnings against "defeat" and "humiliation."

INCONSISTENT GOALS

On the face of it, the two objectives were inconsistent. If we could not make the writ of the Thieu-Ky Government run with 500,000 American soldiers, how could we expect to secure that aim as we withdrew?

The Administration's answer, the key to the plan, was "Vietnamization": we would strengthen the forces of South Vietnam quickly enough to permit a reasonably prompt American withdrawal.

Possibly out of wishful thinking, most Americans assumed that Mr. Nixon was committed to the withdrawal part of the formula. If South Vietnam did not prove politically or militarily capable of taking up the withdrawing American's burden, she would have to compromise with the other side; in any case, we would go.

POLITICAL PRIORITY

But now, in the Cambodian affair, we see that the President still rates the securing of his political aims in South Vietnam over the objective of withdrawal. He had to send troops into Cambodia, it is explained, to clear out the threat from there and make possible continuing withdrawals. In other words, we have to assure the Thieu-Ky Government's security before we withdraw. We, not the South Vietnamese themselves.

If American military action, in Cambodia or elsewhere, could finally guarantee a happy political future for South Vietnam, how simple life would be. But we know from five years of death and destruction that it is not like that. And so the Cambodian action bring us back to the old questions: Can American arms win a political victory? And at what cost?

A British politician has just addressed himself to those questions in a speech that President Nixon and other American conservatives ought to read. The Speaker was Enoch Powell, a right-wing figure in the Conservative party, an unsentimental man, a man utterly opposed to Communism.

"American military power," Mr. Powell said, "cannot secure any specific political result in Southeast Asia. This is a war in which the United States can win, if it wishes, every battle; but it is a war which the United States is bound to lose.

"I have no doubt that the United States forces can eliminate the Vietcong base which has so long flourished—of course it has—in Cambodia. But when the operation is over, the underlying facts of the situation reassert themselves like the tide washing out footmarks in the sand.

"The ultimate fact reasserts itself: the Americans do not live there; everyone knows that their presence is destined to be temporary; everyone knows the realities which will prevail over them."

Of course victory of a kind is available to the United States. The other day American forces went into a little Cambodian town called Snoul. They bombed it and burned it and then looted the few pathetic belongings left. A colonel said, "We had no choice." A soldier, looking at the body of a child killed by napalm, said, "I've seen worse, but I hate to see the kids get it."

WE MUST LEAVE SOMETIME

And that sort of victory, even if we are ready to pay the moral price for it, will still not secure Mr. Nixon's political objective. Some day, as Mr. Powell said, we shall have to go, and then the Vietnamese and the Cambodians will settle their own future. The North Vietnamese like to say that they have fought off foreign invaders for a thousand years, and they will be there long after the Americans are gone.

The longer we stay in Vietnam, the more painful and humiliating will be our eventual exit. "It is the futility of American policy," Enoch Powell said, "which consutitutes its culpability." We can still bargain. But when the American Government at last strips away its illusions, it will adopt a policy with a single objective, overriding all others to get out of Vietnam.

IN THE NATION: THE DEAD AT KENT STATE

(By Tom Wicker)

WASHINGTON, May 6.—It was obtuse and heartless for President Nixon to say of the dead at Kent State only that "when dissent turns to violence it invites tragedy." It was indecent for Spiro Agnew to call this awful event "predictable and avoidable," then to go on with one of his standard denunciations of students, as if he and the President, pledged as they are to "bring us together," had not instead done as much as anyone to drive us into conflict. No one has less right than they to "murder the mankind" of these senseless deaths with "grave truths" about violence and dissent.

Mr. Agnew's sustained and inflammatory assault on some young Americans could have had no other purpose, and no other result, than to set generation against generation and class against class for the calculated political purposes of the Nixon Administration. Mr. Nixon's blurted condemnation of "bums" on the campus is all the more culpable for apparently having been spontaneous and from the heart, a true revelation of his inmost feelings.

But there is more to it than the spirit of fear and vengeance and repression—that spirit exemplified by the use on a tense college campus of tired and frightened National Guardsmen with live rounds in their weapons and discretionary orders to return fire.

Even this piece of insanity might not have left the dead at Kent State had it not been for Mr. Nixon's monumental blunder in reversing the whole course of what he had said was his Vietnamese policy with the invasion of Cambodia and the reopening of the bombing of North Vietnam. That is real violence. And any President less swayed by generals, less awed by the myopic political hardline of John Mitchell, less fixed in the outdated attitudes of cold war days, could not have failed to have foreseen that re-escalation would set off an explosion of anger and despair and bitterness—hence violence and counterviolence, rebellion and repression.

WHAT HAS BEEN GAINED?

It may be argued by those politicians and commentators as concerned as Mr. Nixon about manhood, humiliation and American vanity that, even had he known his people well enough to expect the reaction he is getting, he still would have had no choice but to act in the national interest, as he saw it. But none will be able to explain what interest is worth having pushed so many of the educated and concerned of a whole generation into hatred and mistrust of their own Government; and who can say how the future can be protected abroad if a nation must club and shoot its children in the streets and on the campus?

What, in fact, has re-escalation gained us? A chilly diplomatic reaction, for one thing, including quite possibly a setback to the nuclear arms limitation talks. For another, the most severe Congressional reaction in decades against the exercise of Presidential powers.

The Administration itself is divided and wounded at the top, with Mr. Nixon—like Lyndon Johnson only two years ago—suddenly unable or unwilling to travel among his own people. Secretary of State Rogers is shown either to know little of what is happening or to have minimal policy influence; Secretary of Defense Laird was apparently overruled and—worse—uninformed about what his own bombers were doing. Is it an accident that these two, with Robert Finch among the ablest men in the Administration, now join Mr. Finch in the kind of public embarrassment to which he had to become inured?

On the battlefield itself, no supreme Communist headquarters has been found, although its presence had been advertised as if it were Hitler's bunker. In fact, not many Communist troops of any kind have been found, according to reporters on the scene, although captured rice tonnage mounts daily and the body count is predictably inflated. Destruction is wholesale, of course, but mostly of Cambodian towns and farms, not of Vietcong or North Vietnamese soldiers.

BEGGING THE QUESTION

To cap this futility with absurdity, Mr. Nixon now pledges to let the invaders go no further into Cambodia than eighteen miles from the border, a guarantee which if honored makes the rest of that sizable country a real sanctuary easily reached; and he further promises to pull the troops out within eight weeks, a period that probably can be survived by an enemy that has been fighting for more than twenty years. These public restrictions beg the question what the invasion can accomplish.

Whatever the answer, the dead at Kent State are far too high a price for it. Like the dead in Cambodia and Vietnam, they can be buried; but somehow the nation has to go on living with itself. Mr. Hickel's courageous letter to the President shows that even within the Administration, Mr. Nixon and Mr. Agnew have only made that harder to do.

RUMANIA'S INDEPENDENCE DAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. FISH. Mr. Speaker, yesterday, May 10, was marked by the Rumanian National Committee and by Americans of Rumanian descent, as Rumania's Independence Day. This day was celebrated by Rumanians as it marks three great events in the long and proud history of that now captive nation.

On May 10, 1866, the people of Rumania ended internal strife among native candidates to the throne by proclaiming Charles, Prince of Hohenzollern-Signaringen, as Prince of Rumania. Eleven years later on May 10, 1877, during the Russo-Turkish War, the principality of Rumania, until that time nominally a vassal of the Turks, proclaimed her independence by severing all connection with the Ottoman Empire. This independence had to be fought out on the battlefields, where the newly organized Rumanian Army, with Russia as ally, played an important role in the defeat of the Turkish forces. In 1878, the Congress of Berlin confirmed Rumania's independence.

Finally, on May 10, 1881, Charles I was crowned by the will of his people, as King of Rumania. This inaugurated a progressive, prosperous era which lasted over six decades, which was climaxed by national unity within the historic boundaries of Rumania following World War I.

It is ironic, Mr. Speaker, that Russia, which played such an important role in the independence of Rumania, should also cause the loss of that hard won independence. At the close of World War II, Rumania was occupied by Soviet armies, and as the case of other States in Eastern Europe, the process of communization was set into operation from the moment Soviet forces entered the country. Communist control over Rumania was sealed in 1946 when Soviet-style elections were held and the Rumanian People's Republic was declared.

Today, the people of Rumania live under Communist rule, and are no longer allowed to observe this 10th of May national holiday of independence. Indeed, they are now made to observe May 9, the anniversary of Soviet victory over their country.

Mr. Speaker, today I join with all Americans in recognition of Rumania's fight for freedom. I share with all others who cherish freedom, the hope that Rumania again will be free. I salute not only the history of a proud nation, but of a proud and independent people who in their long history, have many times known oppression, but whose spirit has never been broken, and who have always sought independence.

THE BATTLE FOR SNUOL: UNWORTHY OF AMERICA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. MIKVA. Mr. Speaker, some events bear such eloquent mute testimony to the folly of our policies in Southeast Asia that they require no comment. Standing alone they are an indictment of all we say we are trying to accomplish there. So the Washington Post felt in publishing the following UPI dispatch on the battle for Snuol; so I believe in placing this story in the RECORD for the sad contemplation of my colleagues and all Americans.

One bitter irony must be mentioned: that we have undertaken this policy of devastation in order that America shall not be "humiliated" in the eyes of the world. As we think of peoples throughout the world reading stories of the battle for Snuol, let us answer to ourselves honestly whether this is the way for America to avoid humiliation.

The article of May 7, 1970, referred to follows:

THE BATTLE FOR SNUOL: AN INSTANT EDITORIAL

"In cooperation with the armed forces of South Vietnam, attacks are being launched this week to clean out major enemy sanctuaries on the Cambodian-Vietnam border."—President Nixon, in his speech announcing the decision to invade Cambodia, May 1, 1970.

The following UPI dispatch from Cambodia is printed in this space not because we believe it to be so slanted that it amounts to editorializing but because we believe it to be a straightforward recounting of an event which by its nature, and without further adornment, is an editorial:

SNUOL, CAMBODIA.—American tanks today smashed through the smouldering ruins of this rubber plantation town leveled by massive air strikes. Their crews looted what remained.

The U.S. tankers had met heavy resistance from guerrilla defenders at the edge of the town Tuesday afternoon. They fired 90 mm guns into the buildings and warplanes finished the job with bombs and napalm.

Thus did Snuol become the first Cambodian town of significant size to be destroyed by American arms.

When the tanks and armored personnel carriers of the 2nd Squadron of the U.S. 11th Armored Cavalry Regiment moved into Snuol this morning, they were unopposed.

The North Vietnamese defenders had fled their freshly dug fighting holes. All that remained were the bodies of at least seven persons, four of them Cambodian civilians.

One of the victims was a horribly maimed little girl who lay with three other dead in an open area near a cluster of shops that had been leveled by the heavy fire.

The town had been abandoned by its estimated 2,000 residents. No one could tell if they left before or after the shooting started Tuesday. About a dozen came shuffling back into Snuol as the Americans swept through.

Military spokesmen in Saigon were saying 88 Communist troops had been killed in and around Snuol. There was no sign of the bodies in town.

The Americans said they suffered about a dozen wounded in their first pass at the town Tuesday.

Lt. Col. Grail Brookshire of Stone Mountain, Ga., the squadron commander, was asked the tactical reason for the destruction of Snuol.

"We had no choice," said the cigar-smoking colonel. "We had to take it. This was a hub of North Vietnamese activity. Their supplies were run through here."

Brookshire's men plowed their tanks through a children's playground bordered by empty fighting holes.

As they passed the leveled shops, the GIs helped themselves to beer, cases of soft drinks, mirrors, suitcases, shoes, clocks and even a motorcycle they strapped onto a tank.

One shed standing after the air strikes was set afire after tankers looted it of small items, including cases of flashlight batteries.

The roof of a Roman Catholic church near the edge of Snuol took a direct hit but was one of the few structures left standing.

Cattle grazed peacefully within sight of the destroyed cluster of shops that only a day ago had covered an area the size of a city block.

Spec. 4 Ronald Brown of Detroit, Mich., shook his head when he saw the body of a child that apparently had been killed by a napalm strike.

"I've seen worse," the young tanker said. "But I hate to see kids get it."

There was no way to determine how many bodies had been dragged away before the Americans roared into Snuol.

The tankers moved through the town quickly. They broke locks on any buildings that had managed to withstand the bombardment.

Fighting holes dotted the entire area. Grenades were thrown into them as the tanks moved through the town and fanned out into adjacent areas in search of the guerrillas.

At one shop a GI spotted a display of sunglasses.

"Hey, man," yelled another. "Grab them shades."

Several GIs helped themselves to the glasses. One tossed a suitcase of shoes onto his tank.

LET US ALL COUNT TO 10

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. FLOWERS. Mr. Speaker, wise counsel taught many of us in our youth to stop and count to 10 before getting mad and resorting to violence or other drastic action. It seems to me that this would be good medicine right now in practically every corner of our Nation. And while counting, slowly, a prayer for peace—peace both here and in faraway lands—and for understanding—would be in order.

Obviously, what has happened in the streets and on the campuses of America is important. But let us not forget that what is happening in Indochina and the Middle East and everywhere else in this universe is important to America, to Americans, and indeed to every person living or yet to be born on this earth.

So let us all count to 10 slowly. Both those who would act precipitously and those who would react in like manner. Temperatures have been steadily climbing, and unless halted, there could be ominous results. I have faith and confidence that the essential leadership in and outside of government, from the White House on down, will be supplied to take us through this crisis and out into the open air of reason once more.

Peaceful disagreement and nonviolent dissent have vital places in our national Government. Not only do they constitute a good, they are much to be desired and even necessary. Disagreement by reasonable and thought provoking opponents keeps a President, a Congressman, or a local official on his toes. I know that I have always welcomed it as do most other Members of Congress. The President has certainly shown his willingness to listen and understand opposing points of view. However, those that disagree and those that dissent owe no less a duty to try and understand.

This is no time for us to be partisan in our attitudes or to heed the false leadership of the professional agitators. Undoubtedly every citizen in our society deserves the right to have his position heard and considered. We should never tolerate repression of opinion in this country. But, make no mistake, the policy, domestic or foreign, of the United States of America cannot be decided in the streets.

Although there is general recognition that the present concern runs deeper than ever before, I happen to think the President's argument for hitting at the "Communist Pentagon" in Cambodia is plausible. The war has not ever been relegated only to South Vietnam, and to go into Cambodia with limited objectives and come out in a few short weeks just may be the first attainable goal that our Government has set in Indochina. The move should be considered in terms of whether it will facilitate or impede our schedule of withdrawal of forces.

Certainly, this is why the action was taken, Mr. Speaker, and I believe it has an excellent chance of succeeding.

UNIVERSITY OF CHICAGO LAW SCHOOL PETITIONS CONGRESS TO END THE WAR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. MIKVA. Mr. Speaker, one of the few encouraging results of President Nixon's policy in Southeast Asia is that it has created a new awareness of what disaster awaits America when the careful balance of powers among the branches of our National Government is destroyed. The Founders created a structure which was rugged enough to endure almost unchanged for two centuries, but which is delicate enough to reflect the least distortion in the system of checks and balances on the exercise of governmental power.

Many Americans in recent months have become aware that during the war in Indochina, we in Congress have lost a power which the framers of the Constitution clearly intended us—as that branch of Government closest and most responsive to the people—to exercise: the war power. It is gratifying to me that members of the legal community have made this constitutional crisis the central focus of their concern about the President's policies in Southeast Asia. Last week members of the University of Chicago Law School community petitioned Congress to pass a joint resolution requiring withdrawal of all U.S. military forces from Cambodia within 30 days and from Southeast Asia within 8 months, and to deny appropriations for military operations in Southeast Asia after December 31, 1970.

I take great pride in placing that resolution in the CONGRESSIONAL RECORD for the study of my colleagues.

The document referred to follows:

The members of the University of Chicago Law School community, assembled on May 6, 1970, resolve as follows:

We as citizens and as students of the law are opposed to current United States policies in South East Asia for diverse reasons. Some believe this war is immoral; some are pacifists; some are convinced that the war subverts any rational foreign policy; some oppose the resulting perversion of constitutional separation of powers; some are concerned with the neglect of our national priorities; some believe it is another manifestation of American imperialist aggression; and we deplore the domestic violence and repression caused by these policies, as most recently and tragically illustrated by the killing of our brothers and sisters at Kent State University. However, as members of the legal community we feel impelled to address ourselves to the legal and constitutional issues raised by the war.

From its inception this war has been conducted in a manner wholly inconsistent with the separation of powers envisioned by the Constitution. Mr. Nixon's unilateral extension of the hostilities to Cambodia is the most recent and flagrant example of war by presidential fiat. While Article One of the Constitution clearly vests the power over war in the Congress of the United States, Mr. Nixon in the conduct of his Cambodian invasion and his entire South East Asian policy claims authority by virtue of his power as Commander-in-Chief and his inherent power over foreign affairs. No such power exists! Hamilton, writing in Federalist No. 69, said that the power of the Commander-in-Chief does not extend to the declaring of war ". . . which, by the Constitution (then) under consideration, would appertain to the legislature." Disregard of Congressional policy has led to the longest war in American history, fought without any express declaration of policy through representatives of the people.

It is unnecessary to catalogue the steps which have subverted our constitutional structure and brought us to this day of crisis. It is essential that Congress at this time reassert its power in order to avoid the total destruction of constitutional government as we know it.

We therefore urge you, the Members of Congress:

To pass a joint resolution requiring the withdrawal of all American military forces and material from Cambodia within thirty days and from South East Asia within eight months.

To deny any appropriations for military operations in South East Asia after December 31, 1970.

CONSUMERISM LAWS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, at the request of the Air Conditioning and Refrigeration Institution, I include in the RECORD an article which relates the adverse effect the proposed consumerism laws could have on establishment of the proper responsibilities between manufacturers and installers in attempting to provide protection for the consumer:

CONSUMERISM LAWS COULD AFFECT DEALER-CONTRACTORS

(By Frank J. Versagi)

ARLINGTON, VA.—If laws are passed which make central air conditioner and furnace manufacturers responsible for parts and labor involved in the service of field-installed systems—

(1) Manufacturers might be forced to become retailers, installers, and service contractors as a matter of protection, so they could exercise control over their products' application and installation.

(2) Thousands of small and large contractors, dealers, service establishments might be phased out of the market.

"Manufacturers, of course, do not want this to occur, nor do dealer-contractors," says L. N. Hunter, managing director of the trade association Air-Conditioning and Refrigeration Institute, "but if current proposals to make manufacturers of appliances responsible for the operation of those appliances were to be extended to field-erected heating and cooling systems, manufacturers do not see an alternative."

In a telephone interview with the NEWS, Hunter said that among the proposals made in the interest of consumerism are a number which would require that manufacturers of appliances be held responsible for both the parts and labor required to maintain and service those appliances during the warranty period—and even for an indefinite period beyond.

Members of ARI are concerned that there seems to be no distinct line of separation between "plug-in equipment and equipment which becomes part of a system."

The manufacturers' association labels as "unrealistic" any proposal which, for purposes of warranty, would classify heating and central cooling equipment in the same category as plug-in devices.

"Manufacturers of central equipment have no control over its installation or of the system of which it may become a part, and this is particularly true of residential installations," Hunter added.

In practical terms, ARI feels, field-erected systems are "manufactured" on the site by the contractor who assembles several components, only one of which is the cooling and/or heating unit.

Hunter pointed out that the typical residential system includes: cooling equipment, ductwork, controls, both automatic and manual, dampers and baffles, tubing.

"The electrical connections are much more complicated than simply plugging in an appliance," Hunter said. "They include connections to the outdoor condensing unit, the blower, and to controls which usually require transformers to reduce the voltages for some purposes."

Further, the ARI managing director said, "The newer total comfort systems might include humidifiers and electronic air cleaners, each of which requires separate electrical connections."

ARI is concerned that lawmakers be made aware that such field-erected systems as just described require some degree of engineering before installation can begin: heat gains and losses must be calculated; existing ductwork or grilles may have to be relocated or resized; equipment location must be determined.

In addition to the technological fact that manufacturers of air conditioners and furnaces do not really manufacture the heating-cooling system which finally results, there is the marketing fact that "manufacturers of most of this equipment usually sell through distributors; the distributor resells the equipment to dealer/contractors.

"The manufacturer has no control over the competency of the contractor and, of course, the manufacturer cannot legally tell the distributors to whom they must sell the equipment."

ARI's position is, further, that because a field-erected system typically consists of units and components made by several manufacturers, it would be impossible to determine "which of the several manufacturers would have responsibility for its overall performance."

The association maintains that the ultimate system is really the "product" of the installing contractor and that any complaint of faulty operation should be handled by him.

ARI also makes the appliance-system distinction when service is discussed. "Most appliances—toasters, coffee-makers, television receivers—may be unplugged and taken to a service center. Larger appliances, such as dishwashers and room air conditioners, although they can be serviced on the job, are still essentially plug-in devices and are not part of a system.

"But field-engineered comfort systems cannot be unplugged and carried to someone's shop for service. They are an integral part of the building in which they are installed and they must be serviced on the job, just as they are built on the job."

The growth of central air conditioning, especially, has created the opportunity for thousands of independent installing and servicing contractors to participate in a dynamic industry; the unwise extension of some proposed consumer-protection laws would undercut that opportunity, manufacturers feel.

"The public is best served when we make the best products we know how and when the dealer-contractor designs and installs the best possible system and when we each assume the responsibility for our work," Hunter concluded.

RUMANIAN INDEPENDENCE DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BIAGGI. Mr. Speaker, yesterday Americans of Rumania descent celebrated May 10 as a triple anniversary of important events in the land of their origin. I would like to join them in commemorating the three significant May 10 dates that marked the milestones of Rumanian independence through the years.

On May 10, 1866, the Rumanian people launched their drive toward national self-assertion by proclaiming Charles, Prince of Hohenzolern of Prussia as the Bucharest Prince of Rumania. Dispelling internal strife between Native princes, the crowning of Charles marked the beginning of the rudimentary administrative, social, political and economic foundations of Rumanian life that were to result in national self-assertion on May 10, 1821, Rumania then declared itself free from the oppressive rule of the Ottoman Turks.

When Charles I, Alexander Ion Cuza was elected to the Rumanian throne, the domestic reforms that followed cleared the way for real liberties that brought

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about fundamental changes in Rumanian life.

For more than six decades the Rumanian people prospered, enjoying national independence until Soviet occupation at the close of World War II stripped all vestages of self-determination from their lives.

Although sovietization in Rumania has been harsh, Russia has nevertheless failed to knuckle the Rumanian spirit of independence under its boot of oppression.

Despite a government that is entirely monopolized by the Communist Party and oriented along traditional Communist lines, the Rumanian spirit asserted itself in 1967 when Rumania established full diplomatic relations with West Germany in direct defiance of the policies of the Soviet Union.

Determined not to serve the Soviet Union and her Soviet bloc neighbors as a source of raw materials at the expense of her industrial development, Rumania also established trade and diplomatic ties with Britain, France, and the United States as well. The efforts of the Soviet Union to impose a self-styled Eastern European Common Market caused a defiant Rumania to build a bridge to the West, opening her leaders to new vistas that may one day lead to the return of statehood in Rumania.

But, Mr. Speaker, as hopeful as these assertions of independence might be, I am constantly reminded that control of the people by an elite party few downward is not liberty or independence as we know it.

Whether or not the goal of national independence for Rumania and sister Nations in Eastern Europe will really be achieved will depend largely on the ability of freedom-loving people around the world to preserve the tenets of liberty against totalitarian aggression. The unique spirit of Rumanian independence will flourish if we, as Americans, continue to champion the hope and cause of freedom in the hearts of those who still live in bondage.

XUM

OUR COUNTRY'S MIGHT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ESCH. Mr. Speaker, a young lady from Michigan's Second District has written movingly of our national commitment to our boys who are sacrificing so much in Vietnam. Miss Maxine Collins of Plymouth, Mich., is the author of these thoughts and I include them at this point in the CONGRESSIONAL RECORD:

OUR COUNTRY'S MIGHT

The fighting men of Vietnam—
Are there words enough to praise?
I think there's nothing we can do
To repay their battle days.

At home we are serene and safe,
Their protection guards us well,
They man their guns to keep us free,
For them it's truly hell.

No matter what his job may be,
Each man stands just as tall,
He protects the country that he loves,
For it is his duty's call.

For most, they take it in their stride,
Others hold a passionate hate;
They feel injustice has been done,
A destiny of fate.

We all must know one soldier there,
Be he friend or be he foe,
Our thoughts don't segregate them now,
They're heroes, this we know.

Our gratitude we can't express,
Except in prayers we say:
"Dear Lord, we ask you bless these men,
And bring them home one day."

A DISCONTENTED WORLD

What's happened to this world of ours?
Has it totally gone mad?
It's not the way it use to be,
It's war-torn and it's sad.

Its people lack the dignity
That once had made it strong.
Why did its virtues slip this way?
Oh where did it go wrong?

Society must take the blame,
It's made us what we are.
There's no way we can change it now,
It's gone too fast, too far.

A person only lives "today",
And for himself alone,
He has no time for someone else,
And this he's plainly shown.

The demonstrations that go on,
And all the marches, too,
Don't serve a purpose one can see,
But harm they greatly do.

Why can't a peaceful world we be?
Why can't we harmonize?
I think perhaps twill be too late,
When this we realize.

IN MEMORIAM

I've seen the fleeting clouds go by,
I've watched an eagle's flight,
I've felt the warmth of sunbeam rays,
I've know the stillness of the night.

I've chased the wind through fields of grain,
I've waded in a stream,
I've smelt the freshness of a rain,
I've wondered at the moon's bright beam.

I've cursed the day I could not walk
On power of my own,
For I've become much older now;
And tired I have grown.

I lived each day to greet anew,
Mother Nature at her best;
But now my love for her is past—
I've laid me down to rest.

CALVO OF OHIO SEES STAMP IN 1970 FOR PYLE

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. LUKENS. Mr. Speaker, many Members of this body have expressed interest and support for the issuance of a stamp commemorating the late Ernie Pyle, distinguished World War II correspondent.

I submit to their review an article by Mr. Nunzio Calvo, of Cleveland, Ohio, describing the merits of such a commemorative stamp. Mr. Calvo, a longtime supporter of an Ernie Pyle commemorative stamp, should be commended for his determination in his almost one-man campaign for a Pyle stamp.

The Citizens Stamp Advisory Committee has the proposed commemorative stamp on its 1970 agenda for consideration. I urge their prompt and favorable consideration.

Mr. Calvo's article from the Stars and Stripes-the National Tribune follows:

[From the Stars and Stripes—the National Tribune, Apr. 9, 1970]

CALVO OF OHIO SEES STAMP IN 1970 FOR PYLE

The Veterans of Foreign Wars, one of the nation's largest veteran organizations, has announced its support of the proposal to issue a commemorative stamp for Ernie Pyle, beloved correspondent of World War II.

In all probability this results from the efforts of N. R. Calvo of Cleveland, Ohio who has been conducting a one-man campaign for the Pyle stamp for the last five years. He has written letters-to-the-editor, and letters to each U.S. senator and representative, requesting support of his proposal.

Several bills have been introduced in Congress for this purpose and the proposed stamp is now on the agenda for consideration by the Citizens Stamp Advisory Committee of the U.S. Post Office Department for the 1970 stamp program.

Calvo originally began with the idea of having the stamp issued by April 18, the 25th anniversary of the death of Ernie Pyle, who was killed by a Japanese sniper on the island of Shima, near Okinawa. It may now be too late to have April 18 as the first day of issue, but Calvo believes it may be possible for August 3, which would have been Pyle's 70th birthday anniversary.

HELPED GET PAY LIFT

Ernie Pyle was responsible for combat infantrymen and medics of World War II receiving $10 extra a month in pay for the wearing of overseas bars on the left sleeve of uniforms. He was beloved by the men in combat and the people back home to whom he reported. Pyle was a humanitarian; and it is probable that because he was a simple man, he did not know how close he came to the heart of what is truly American. Perhaps it was like this: he liked people best, and people make a nation.

For these reasons, and because of a great personal admiration for one of America's most beloved personalities, N. R. Calvo is continuing his efforts to have a commemorative stamp issued honoring Ernie Pyle. He continues to ask support of former GIs who knew Pyle or served with him, as well as those "back home" to whom he reported, and other veteran organizations, to join him in this crusade by contacting the Citizens Stamp Advisory Committee asking for the issuance of the Pyle commemorative stamp.

"I personally think this is going to be the year," says Calvo, who serves as Commissioner of Soldiers Relief for Cuyahoga County in Cleveland. He is president of the Greater Cleveland Veterans Council, and commander of his local American Legion Post No. 74, as well as a life member of the VFW. Calvo believes that by issuing a stamp that commemorates Ernie Pyle, we would also be paying tribute to his fellow newsmen as well.

TAKE OFF YOUR CLOTHES AND END THE WAR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. RARICK. Mr. Speaker, while the "unbiased," "impartial" communications media tries to convince the people back home about the serious intellectual-level protest demonstration conducted in Washington last week, many here in Washington wonder why some of the "progressive" functions of the gathering have been intentionally overlooked.

The American people have been repeatedly told that this is the most intelligent generation and that all of the Nation's leaders and officials should listen to their ideals—identify with their lack of morals and yield to their "pot" dreams.

So, many in Washington were disillusioned to find that thousands of these students disrobed and many in complete nudity were swimming and frolicing in the Reflecting Pool which runs from the Lincoln Memorial to the Washington Monument. From all accounts, they had such a good time that they missed many of the speeches by such "civil rights" leaders as David Dellinger and Coretta King.

To many Americans the Reflecting Pool has served different purposes—most tourists find it lovely to look at and stroll beside; the Poor People's demonstrators used it for a latrine; and now the students have found themselves an ole' swimmin' hole.

The local shutterbugs and candid camera fans had a busman's holiday taking pictures of those student exhibitionists who the news media tell us are to be the intellectual leaders of tomorrow.

These are the same students who in various degrees of dress have been stalking the halls of Congress this past week to impress us with their easy solutions to the world's many problems. Now we find that free speech and free assembly have been elevated to a new dimension—the right of demonstrating in the nude. Can we anticipate in the near future that our courts will be barraged with new civil rights suits attacking indecency laws as being in violation of their rights not to wear clothes.

We here in Congress wonder what was proven by these young supposedly intellectuals coming to Washington to take off their clothes.

Just what effect does this relate to the war?

I submit the following articles:

[From the Washington Star, May 10, 1970]

Mischief, Rhetoric and Flesh in the Sun

(By Duncan Spencer)

The nation of youth, "Woodstock at Washington," as one youth put it, spread its tents and flags, splashed in the fountains of a lush, humid Washington, and drank in the glory of smooth flesh in the sun. Minds full of energetic mischief voiced desire to show the country one huge "NO" to war and death.

They gathered early yesterday at the Ellipse, mocking the government's last-minute decision to allow them there. Their Jeeps, Triumphs, Saabs, MGs, anything but the family wagon, lined the Mall, back windows proclaiming the name of their college, their membership in the elite of educated Americans.

Packed so close it was practically impossible to move, they found their own particular solace, a kind of communal joy that shut out the rest of the world. They sat quietly, politely, waiting for the word to come that it was time to move.

They sat and didn't listen to the leaders of the New Mobilization sound the weary rhetorical stories of the Panthers, the Chicago Seven, the repression, the continued war. They looked around and saw each other—it was a far more interesting sight.

They wandered, eventually, from the trampled area in front of the loudspeakers, where thousands had packed close as if there were music to be heard.

They chased frightened Coca-Cola men from their trucks and took the stainless steel drums and drank from them, thirsty and grinning, proud that they had stolen the stuff in broad daylight while the Park Police looked on through their impenetrable dark glasses.

But they waited in long lines, too. They helped older people through the crowd, they stood patiently for half an hour in the blazing, airless noon for a cup full of sticky cola or a chance at the water fountain.

Then someone snapped—either stuck his fist into the face of a food stand concessionaire, pushed over a box of buns, or dumped the mustard. In a frantic few moments of pure "trashing," the whole stand exploded. Hot dogs soared into the air, transformed by their shouts into "food for the people."

Later a lanky youth with no shirt carried a cloth bag at the trampled scene, taking up a collection for the "poor guy who ran the stand." The cash register was locked up by another, and handed to police for safekeeping.

Martha had driven down to Washington from Portland, Me., and she was too tired Friday night to talk and explain about the movement, and why she had driven so far in her Peugot with friends. She said, "I just want to beat somebody."

But yesterday she was up early, and away to a church at 16th and Harvard Sts. NW, to become a marshal and keep order. "We want to show that we are a nation," she said.

"Violence," said one student from the University of Buffalo, "You'll see violence—this war's got to be brought home."

The youth stood and talked, bare chested and thin, telling anyone who would listen that overthrow was the only way to save a decent life. He wanted to sit in the street and make the police force him to move. He said he had thrown his first rock at Buffalo a week ago, and now there was no turning back.

The girl he argued with spoke for change within the system. They barked at each other. He was impatient and scornful. "You can see why I'm so hostile. Nothing works, nothing makes any difference, it doesn't matter what we do."

It may have been that sense of futility that gave the placid air to the gathering in the morning, and gave the fierce energy to the splashes of violence with the soft drink trucks and the unfortunate hot dog man. "I don't think there's going to be any schools open next fall," the Buffalo student said.

David Dellinger's high, piercing voice said: "This is not a safety valve—this is not a picnic in the park." Dellinger told them to take a new tack, to go back home and start in the house next door, the block, the township, the country, boycotting, striking, disrupting, until the machinery of the country can no longer function.

But at the reflecting pool in front of the Lincoln Memorial, where Dellinger's words couldn't be heard, the bodies of a thousand young people glistened in the sun. They whooped splashing water high in the air until it made a rainbow. "Everybody in, Everybody in," they shouted. Girls were naked, men threw their shorts into the air, floundering in circles like seals. More people drifted toward the sounds.

On the muddy banks, a group with two dozen kazoos hummed "Caissons go Rolling Along," while a swimmer, using a bright plastic traffic cone, drenched the crowd watching the girls.

They had set down on the grass to listen, as if there were music, but there was no music. They did not approach the White House, where a solid fence of dreary buses squatted nose to tail, not an inch between their bumpers, with the helmets of the Park Police gleaming behind them.

"I didn't think, a year ago, that I'd risk going to jail," one youth from the University of Maryland said. He was serious, resting near the pool where the howls of revelers sounded like the roar of mighty waters in the background.

"Nixon's said the same things over and over," he said, eyes on the fringe of trees, as if he were trying to remember something. "In the press conference there was only one good question—that was about the gap between the administration and the young, and he was trying to evade it. It was obvious he was just trying to cool things."

"If we have a successful revolution, it doesn't mean it will be a better society," he said. "I can teach people ideals, but I can't practice them myself."

But if one spoke of revolution, hundreds spoke of a grand juncture of a half-dozen issues that have found common ground among the young—the Panthers, the war, the schools, the draft, marijuana, inflation, the Justice Department, middle America. All these things are unpleasant to the college students at the Ellipse, joined into a feeling that the country is corrupt and the base of the corruption is dishonesty.

So on the Ellipse they were patient, placid and sometimes volatile. They were waiting to be cheered or angered, biding their time until the personal thing happened which would stir lazy blood on a hot day.

They were too full of sun, too full of each other's beauty to listen to anything else, and they lay with maps in their pockets, bail agency telephone numbers written on their wrists, waiting for each wave or ripple, a clap, a cheer, a chant, to sweep past and be thrown away in the vastness of the body of which they were a part.

The evening before, when Lafayette Park was open, the vanguard waited on their haunches in front of the White House. Most people paid passing deference to Brian McDonnell, the hunger striker who vows not to eat until U.S. troops leave Cambodia. He talked quietly about the coming day. "People should come as a real example of how they want to live," he said.

[From the Washington Post, May 10, 1970]

Television Coverage: Intense to Indifferent

(By Lawrence Laurent)

WTOP-TV (Channel 9) dominated yesterday's television coverage of the protest demonstration in Washington.

Domination resulted from dedication to nearly six hours of coverage, including three hours and seven minutes virtually without interruption, of the demonstration at the Ellipse.

Yesterday's coverage of Channels 4 and 9 was detailed and lengthy, in sharp contrast with the almost nonexistent live coverage of the Nov. 15 moratorium.

By the end of the long day and early evening (8:30 p.m.) coverage by Washington's four commercial VHF stations could be summarized this way: Channel 9's coverage was excellent; Channel 4's coverage was good; Channel 5's was routine, and Channel 7's was poor, with too little, too infrequently.

Channel 7's best offering was an ABC-TV News Special last night with Peter Jennings as anchor man. Repeatedly, Jennings stressed that confrontations between demonstrators and police were "minor."

Channel 9's live coverage was not without problems. At one point during the coverage at the Ellipse, sound had to be shut off. This came after one speaker shouted an obscene "F— Richard Nixon" and some of the crowd took up the phrase in a chant. Anchormen Charles Crawford, at the Ellipse, and David French, at Broadcast House, apologized to the viewers.

Another problem was "about 600" protest telephone calls over a 37-minute delay of the beginning of a baseball telecast.

Channel 9 wound up its coverage by devoting most of a one-hour news program (6 to 7 p.m.) with a roundtable review of the day's events by six of its reporters and, with a fine one hour, national summation on a CBS News Special that was guided by Walter Cronkite.

Channel 4 hitchhiked onto the coverage of its parent NBC organization. The unflappable, wry Frank McGee, in New York, headed two special one-hour reports with good work in Washington from Sander Vanocur, Robert Goralski, Richard Valeriani and Ron Nessen.

Channel 5 did not use live video pickups but did have hourly reports by John Goldsmith. He used still photographs with live, voice-only reports from Mike Buchanan.

[From the Washington Post, May 10, 1970]

WAR RALLY DRAWS NAMES IN THE NEWS

(By Michael Kernan)

Droppable names were plentiful on the podium at yesterday's antiwar rally, but quite a few also showed up in the audience if you knew where to look.

Republican Senators ——— and ——— were in the front row, for example, —— in shirtsleeves and ——— bearing the heat in a dark suit.

Coretta Scott King, widow of Dr. Martin Luther King Jr., briefly addressed the rally.

One of those who didn't make it was Lt. Gen. Lewis B. Hershey, the darling of the Nov. 15 Moratorium, which he attended as a private citizen.

The former director of Selective Service, contacted at his Bethesda home, said he had expected to be at a convention in Williamsburg. When it was cancelled, he decided to stay home.

"Obviously everybody hopes it will be peaceful," Hershey said. "I believe firmly in our form of government and that protest is very necessary. You have to follow the rules, though, or it'll turn into a riot.

"I don't think this thing will aid their purpose much, but as long as it's done legally, it's all right. I am entirely an optimist in these kids. Even the ones who are bad aren't as bad as they think."

One of Washington's most celebrated peace activists, Mrs. ———, wife of the Democratic senator from ———, flew to Detroit yesterday and missed the rally. Before leaving she said that, like all mothers, she was "worried about the kids getting hurt."

Two of her ——— children, the ones not in various schools around the country said they expected to be on hand for the rally however.

———, 20, who dropped out of the University of Michigan when he realized he was their only to avoid the draft, said he would "definitely" attend. His brother ——— 16, a student at Maret School here, was concerned that the least bit of violence could "set the whole thing on fire" but said that if the scene looked peaceful he would go.

The man who helped to keep Woodstock free of violence, Wesley A. Pomeroy, now a law enforcement consultant in Washington, was on the scene as part of former Attorney General Ramsey Clark's cadre of legal advisers. His two younger daughters Virginia, 17, and Vicky, 14, also attended.

One colorful group was a busload of actors led by Rip Torn and Viveca Lindfors, stars of "Dance of Death" at the Arena Stage. The actors said they tried to induce New York theaters to cancel their Saturday matinees and send other actors to join the Washington rally.

XUM

ISRAEL AND THE UNITED STATES IN THE LIGHT OF CAMBODIA

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. McCARTHY. Mr. Speaker, on May 15, the people of Israel and their friends all over the world will celebrate the 22d anniversary of the founding of their republic. Twenty-two years ago from the ashes of a ravaged Europe and the determination of the survivors of a dark chapter of man's history a new nation was born and in another sense reborn. The Provisional Government of Israel proclaimed on that day the founding of a Jewish state. The dreams and the hopes and the perseverance of Jews all over the world was finally recognized.

Looking back on that day of joy and deliverance one can remember the feeling that the worst was over—that the major obstacles had been overcome. The time had come to turn from the conference table and the sword to the plow and the seed. In the years that have passed the Israelis have set an example for all through their industriousness, through their ability to make the desert flower and to develop the resources of their land.

But as time passed and the Arab nations of the Mideast maintained an implacable opposition to the State of Israel it became clear that the young nation could not abandon the sword. The kibbutz became synonymous with military alertness as well as agricultural development. The rifle rode the tractor with the driver. The fortified bunker in the settlement was the only guarantee against the random mortar or artillery shell fired in the night. Israel was forced to develop an effective and competent armed force to protect her borders from her Arab neighbors.

The effectiveness of Israel's Armed Forces is legend. In 1956 and again in 1967, Israelis struck quickly against those countries that it believed threatened the very fabric of her existence. The Israeli Army, Air Force, and Navy showed itself more than a match for the forces of the nations that opposed it. The U.N.-arranged truce on June 10, 1967, called a halt to the shooting on Israel's borders.

Today, however, there is no truce along many of Israel's borders. Nightly aircraft raids against Egypt's forces along the Suez Canal are necessary to keep Israel's casualties low. Strikes are mounted against Jordan in retaliation for the raids of Al Fatah terrorists against Israeli settlements. Israel now maintains a sizable army in being on the borders of the land captured during the 6-day war. And her economy is sorely strained to pay for the armaments that are now required.

Egypt's principal spokesman, Mohammed Heikal, says:

> War is certain, not because we want it, but because it is inevitable. There is a large part of the Egyptian homeland under occupation and all our efforts to end such occupation by peaceful means have failed and we are not expected to succeed. Therefore there will be war, with all its burdens, conditions and efforts.

President Nasser has said subsequently that the truce no longer exists and events have shown that to be the case.

The gravity of the present situation in the Mideast is seen most clearly in the presence of Russian pilots in Egyptian aircraft over central Egypt. This direct involvement of big power personnel in the Mideast conflict is fraught with the greatest danger. If Israeli meets Russian in the skies over Suez in all probability we will face a world war rather than a Mideast war, for the so-called big powers, Russia, England, France, and the United States have indicated that they will not condone a change in the basic territorial integrity of the nations in that area.

The United States has always made it clear that it stands behind the State of Israel. It was only 11 minutes after the announcement by the Provisional Government of the new nation that President Truman announced our de facto recognition of that country. And we have made it clear in the intervening years that we would not stand by and watch the dismemberment of this gallant people.

Our Nation, however, is going through a crisis. Our involvement in Vietnam and our latest excursion into Cambodia has split the American people as deeply as did our Civil War. Actions taken by President Nixon to, according to him, show other nations that we would stand by our commitment seem rather to show the indecision of American policy. The irresponsibility of his actions has encouraged what some fear may be a new isolationism—a drawing back from responsibilities in a world where many count on us for support. I believe this fear of a neo-isolationism is justified for more and more Americans are beginning to believe that restrictions must be placed on President Nixon's actions if we are to avoid foreign misadventures.

In this situation it is legitimate for Israelis and friends of Israel to ask, "What is the U.S. policy toward the Mideast?" We have a right to ask this question because President Nixon in recent months has failed to make clear our basic commitment to the territorial integrity of Israel and our willingness to back that commitment up with whatever support is needed. When the U.S.S.R. supplied SAM-S missiles to Egypt—the latest in antiaircraft weaponry—there was no clear-cut statement from our Government that warned that we would not tolerate a change in the arms balance in the Mideast. There was no reiteration of the consequences of big power intervention in the area. I believe that this inaction was one of the factors that led the Russians to supply pilots to the Egyptian Air Force for the defense of central Egypt.

In the light of the Cambodian misadventure I believe that it is important that President Nixon restate our basic objectives of policy toward Israel and the countries of the Mideast. This is not an action that can wait some future uncertain date. It should be made now.

In the absence of such a statement to date, I would like to suggest some of the basic tenents of that policy. First, it should be clear that our policy is not an Arab policy or a Jewish policy.

As President Truman said:

> It is an American policy because it (is) aimed at the peaceful solution of a world trouble spot. (And) It (is) American because it was based on the desire to see promises kept and human misery relieved.

As a truly democratic nation, as a nation fully committed to self-defense, as a nation that does not seek territorial aggrandizement, Israel has a legitimate call on our resources in times of danger.

The contrast between the Israelis and the South Vietnamese in these respects is so marked as to require little detail. Although there are policy differences of a genuine nature between Israelis, differences that Prime Minister Meir must recognize, there is also massive public support for the government. This is not the kind of support that the Thieu-Ky government can claim even in the areas of South Vietnam that it controls. Civil liberty is real in Israel; one has the freedom to say and to argue for one's position. This has not been the case in more than a decade in South Vietnam. Israel's Air Force and Army are the match for the forces of adjoining countries. There is no need for "Vietnamization" of the Israeli Army. There is a real question as to whether Vietnamization will ever succeed in South Vietnam. As a matter of fact the Russian-Egyptian relation is quite analogous to the United States-South Vietnam relation. I would imagine that the Russian high command in Moscow must get annoyed at the continuing destruction of the arms they supply to the Egyptians.

Second, the United States can back up Israel in those cases where another big power threatens to use its power to upset the arms balance in the area. We have in the past, and I assume we will in the future, not tolerate the threat of the use of nuclear power by Russia to force Israel to capitulate. If those who advocate high-risk policies in the Kremlin have any mistaken notions that the Mideast—and Israel in particular—can be turned into a cockpit for expansionist policies, they should be quickly disabused of this notion.

Third, the United States has a responsibility to see that the arms balance is maintained in the Mideast. I know I share with all Americans as well as Israelis a desire to see an end to the arms race in that area. Israel's expenditures for arms, in proportion to her national product, is a fearful burden for any nation to carry. Yet there is no alternative to maintaining the forces necessary to repulse any attack on her borders. Of particular importance in this respect is Israel's Air Force, the elite of her men under arms. Modern land warfare is dependent on airpower and none know this lesson better than the Israelis.

Israel has asked us for an additional 125 Phantom jet aircraft. She has done so because, among other reasons, the French Government has refused to deliver the Mirage fighters that Israel contracted for several years ago. Israel has also done so because it does not produce a high-performance jet fighter bomber in her own factories. She has also requested them now, as I understand it, in order to make the necessary plans to man and include these aircraft in her inventory. I believe that the United States has waited unduly long in approving Israel's request for these aircraft. I would hope that President Nixon would promptly notify Israel that we will supply her with these aircraft.

Fourth, and perhaps most important, the United States looks to Israel for the mature and intelligent approach to problems of foreign policy that she has followed for so long. We believe that Israel seeks a peaceful resolution to the tensions in the Mideast and would live peacefully with her neighbors if at all possible. Defense Minister Dayan said last week:

> We sincerely want a cease-fire, because it would end the war and open the corridor to some sort of arrangement.

And Prime Minister Meir has stressed many times that Israel does not have territorial intentions on its neighbors. What is called for in this grave hour is the most temperate use of imagination and power to find a peaceful solution to the rising conflict in the Mideast. Casualty lists of 30 or more men a week along Suez are proportionately much greater than our losses in Vietnam, if any man's death can be equated with another.

We look to Israel to follow a policy of enlightenment, perhaps along the lines that Dietrich Bonhoeffer, a martyr in Nazi Germany, described:

> We must take our full share for the moulding of history, whether it be as victors or vanquished. It is only by refusing to allow any event to deprive us of our responsibility for history, because we know that is a responsibility laid upon us by God, that we shall achieve a relation to the events of history far more fruitful than criticism or opportunism.
>
> . . . the ultimate question the man of responsibility asks is not, How can I extricate myself heroically from the affair? But, how is the coming generation to live? It is only in this way that fruitful solutions can arise . . .

If Israel continues to follow an enlightened policy it can have no fear that the United States will fall down on its commitments.

On this 22d anniversary of the founding of Israel I join Americans and Jews throughout the world in saluting the people of the young nation. I wish them every success for the future.

CENSUS BUREAU REGRETS ERROR IN QUESTIONNAIRE

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BURTON of Utah. Mr. Speaker, on March 12, 1970, I wrote to George Hay Brown, Director of the Bureau of the Census, to call his attention to a mistake in the text of the "Questionnaire Reference Book" for the 1970 census, which included Mormons in the example of groups practicing polygamy. On March 20, 1970, I received a reply from Mr. Brown, apologizing for the error and assuring me that it would be corrected. Inasmuch as this issue was raised again last week, I include copies of my correspondence with the Census Bureau at this point:

MARCH 12, 1970.

Mr. GEORGE HAY BROWN,
Director, Bureau of the Census, Department of Commerce, Suitland, Md.

DEAR MR. BROWN: We wish to call your attention to a mistake in the text of the Questionnaire Reference Book (D-520) published by your Bureau in connection with the 1970 census.

Page 8, paragraph 3 (Wife of Head), includes Mormons in the example of groups possibly having more than one wife. This is a factual mistake, as Mormons no longer practice polygamy. Such a statement in a government publication is misleading to the general public, offensive to the group involved, and certainly invalid. I'm sure the mistake was made inadvertently and without your personal knowledge, and I am sure you will take the necessary steps to correct this section of your publication.

Thank you for your assistance in this matter.

Sincerely yours,
LAURENCE J. BURTON.

MAY 8, 1970.

Hon. LAURENCE J. BURTON,
House of Representatives,
Washington, D.C.

DEAR MR. BURTON: I have your letter of March 12 concerning instructions that appear in the Questionnaire Reference Book for the 1970 census.

In earlier decenial censuses, the Bureau has found entries on the questionnaires which indicated that some men were enumerated as having more than one wife. The instruction in the manual to which you refer informs the enumerator about the proper procedure to follow in filling a questionnaire for a household of this type in his area. No statistics are ever published by the Bureau on the number of such households in the United States.

It was not appropriate for the instruction manual to make any reference to Mormons in this context, and we regret that it did. In a large and complex operation such as a decennial census, however, an occasional mistake of this kind does slip through.

Our staff has been alerted about the statement to which you refer and has been instructed to omit references to any particular group in corresponding sections of all manuals they prepare in the future.

Sincerely,
GEORGE H. BROWN,
Director, Bureau of the Census.

POLISH CONSTITUTION DAY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. MINSHALL. Mr. Speaker, it is an honor to insert in the RECORD for the benefit of my colleagues in the Congress, the resolutions adopted by the Ohio Division of the Polish American Congress at its celebration May 3 of the 179th anniversary of Poland's Constitution:

POLISH CONSTITUTION DAY

Whereas, the Ohio Division of the Polish American Congress is celebrating the 179th

Anniversary of Poland's Constitution on May 3, 1970 at the Pulaski Plaza, Cleveland, Ohio;

Whereas, the Constitution of May 3, 1791 expressed freedom, individualism, and democracy;

Whereas, this was a most significant event in Poland's history;

Whereas, these same freedoms do not exist in Poland, therefore

Be it resolved, that the Ohio Division of the Polish American Congress endorse the following principles to again restore freedom and individualism in Poland and to promote a positive program within the United States to stop the increase of lawlessness and violence in order to prevent the rise of dictatorship:

1. The U.S. should pursue a peaceful liberation policy to free Poland of Soviet Oppression.

2. The U.S. Government should expand and enliven our involvement with Poland in economic, cultural, and scientific exchange in a manner so as not to aid Soviet rulers of Poland.

3. The U.S. Government should recognize and support the Oder-Neisse Line as the permanent border of Poland.

4. To encourage President Richard Nixon to fulfill his pre-election campaign promises to place Poles in top federal positions. To date, the federal government is being critically criticized for its unwillingness in naming Americans of Polish descent to federal positions. Recently, the National Polish American Congress created a "Talent Bank" containing a list of qualified Polish Americans available for government services. Governmental leaders are encouraged to use the recommendations of the "Talent Bank."

5. To encourage the further involvement of Polish leaders in Polonia and community affairs and to censure those that discourage this positive involvement. Educators should not be denied their full citizenship rights.

6. To oppose demands by any group if guns and violence are used to attain their ends.

7. To oppose the busing of students. Busing will only increase the rising cost of education without increasing quality education. Without more money, busing can decrease the quality of education now being offered to all of the boys and girls.

Busing will also help to destroy stable ethnic neighborhoods. Ethnic groups are proud homeowners. They take pride in stable neighborhoods. Busing will only weaken these stable areas because students will lose their neighborhood identity if transported outside of their community. Neighborhood schools produce more stable communities in ethnic areas.

8. To continue to carefully review candidates for judges and to be critical of judges being too lenient with lawbreakers. Crime is rising. People are no longer safe on the streets or in their homes. Judges must stop being lenient. Law enforcement officials should not be treated as defendants in courts.

9. We the Americans of Polish descent, break a silence of a generation and elect to speak in the interest of promoting greater understanding between ethnic groups in a nation of many origin's, colors, and creeds. To this extent, we support the efforts of Congressman Roman Pucinski (Chicago) to establish an Ethnic Heritage Study Centers (H.R. 14910) in educational institutions which would develop curriculum and train teachers for the study of America's major identifiable ethnic groups.

10. We of Polish American heritage rededicate ourselves to "freedom under the law" and demand justice and fairness with respect to each man's public image. We, therefore, will aggressively oppose defamation of Poles through our Civic Alert Committee.

11. To declare to the Free World that the Ohio Division of the Polish American Congress is opposed to Communist oppression and tyranny. To this extent, we loyally as Americans first support the Viet Nam War until an honorable peace is negotiated. We also support President Nixon on his Cambodia policy because it is only a part of the Vietnam conflict.

12. We commend Vice President Spiro Agnew for his dedicated efforts to restore "law and order with justice".

13. We commend Judge Hoffman of Chicago for his courageous decision against those desiring to create turmoil and chaos at the Chicago Democratic Convention.

14. We oppose the strategic plan recently unveiled by NATO to destroy with nuclear weapons part of Poland, Czechoslovakia, and East Germany as a deterrent or warning to Russia against aggression. This plan neither confirmed or denied by the U.S. State Department is diabolical, brutal and ill conceived. It is hard to believe that the U.S. would condone a plan that would destroy our friends as a warning to the enemy.

Aloysius Mazewski, national president of the Polish American Congress, should be commended and further encouraged to meet with the President and Secretary of State to reverse this inhumane plan.

15. Be it further resolved, that Aloysius Mazewski, national president, and Richard Jablonski, Ohio Division president, of the Polish American Congress be recognized and praised for their leadership in promoting Polonia aims and objectives by vigorously working to fulfill the rising role of Polonia in local, state, national, and international events.

16. To more strongly control, tighten, and regulate the sale of all forms of explosives.

17. To encourage Governor James A. Rhodes and the Ohio General Assembly to broaden and diversify the tax sources that support local school districts which will relieve the excessive burden of the small homeowner to finance local education. More state aid is necessary as a relief to local property owners. Property taxes alone can no longer support the rising needs of quality education.

Be it further resolved that the Ohio Division of the Polish American Congress endorse the aforementioned principles and hereby directs the Board of Officers to forward copies to interested persons.

RESOLUTIONS COMMITTEE,
CASIMIR BIELEN, *Chairman.*
CHARLES C. JARVIS, *Cochairman.*
WALTER TOMASZEK, *Cochairman.*

DESTRUCTION OF GARNER VALLEY OPPOSED BY HEMET STUDENTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BROWN of California. Mr. Speaker, one of the most encouraging signs these days is the ability of concerned citizens of all ages to bring about policies which will lead to improving our environment.

A specific case in point is the Garner Valley in California.

The Garner Valley lies along the scenic "Palms-to-Pines" Highway in Riverside County. The valley is surrounded by the San Bernardino National Forest, and the area is dominated by the beautiful San Jacinto Mountains.

Two years ago, Garner Valley land was sold to a private development company which then announced plans to build a large resort community.

Immediately, citizens in the area banded together to protest this development. Studies showed that the proposed new community could create a major smog trap which would kill many of the trees in the National forest; the water table would be dangerously lowered; the world's largest remaining herd of bighorn sheep would face extermination.

After careful study of the situation in Garner Valley, I felt that development of the resort community would create a serious ecological danger to both Garner Valley and the San Bernardino National Forest. Therefore, on April 13, I introduced H.R. 16919, a bill proposing that the private land in Garner Valley be purchased by the Government so that it could be added to the existing national forest.

At this point, it seems that the potential resort development has been blocked because of a zoning ruling by the Riverside County Supervisors. Certainly I believe that concerted citizen action rates as one of the key factors in the effective drive to halt this unneeded development, and as an example of the sentiments expressed in this controversy, I would like to insert into the RECORD a letter I recently received from a group of seventh grade students in Hemet, Calif., a town nearby Garner Valley.

These young people recognize the importance of preserving our precious national heritage. I congratulate them, and I encourage them to carry on these important struggles to attain environmental quality.

The letter follows:

HEMET, CALIF.,
April 17, 1970.

Congressman GEORGE E. BROWN,
Federal Building,
Los Angeles, Calif.

DEAR MR. BROWN: I, on behalf of my class would like to let you know of our deep concern against the Garner Valley Development taking place here in California. We have heard that one of our nation's largest herds of Bighorn sheep would be wiped out if this plan went through. Garner Valley is a natural triumph that we think should not be destroyed. If you can do anything about it, we ask that you would as you can see our cause. We would appreciate your efforts.

Very sincerely yours,
Peter A. Dewees, Patricia Scarborough, Cindy Christensen, Thomas Walsh, Mike Young, Iris Martinez, Ann Mari Goish, Elvia Gomez, Jeanne Womack, Grant Younglove, Maurice Steward, Marget Cervanles, Kathy Kathlow, Maureen Boyd, Bonnie Ryman, Tom Richardson.

HOW DOES RUMSFELD SEE OEO?

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, it has been nearly a year since our former colleague Donald Rumsfeld became Director of the Office of Economic Opportunity. During that year he has made many changes to restructure that agency into an effective and innovative arm of the executive branch.

There has been much speculation about the new Office of Economic Opportunity and its role in our Government. ABCD Action, the newsletter for the community action agency in Boston, has addressed itself to the new role of the agency. The article, "How Does Rumsfeld See OEO?" describes Don Rumsfeld's outlook and the role he sees for himself and the agency as advocates for the poor.

As Don Rumsfeld's first anniversary at the Office of Economic Opportunity approaches, I think it is appropriate to include this article in the RECORD:

HOW DOES RUMSFELD SEE OEO?

It should be obvious that a bright young Congressman from a safe district in Illinois would not have accepted the position of OEO Director unless he had an assurance that OEO could be continued and that its influence in the Executive Branch would be increased. He probably received both assurances. But within that context, the kind of OEO that will exist is likely to be very different from that which was established during 1964–69.

There are a number of forces shaping the new OEO and the role it will play. First, Rumsfeld's background and training as a politician shapes his approach and view. He is able to deal with conflict in a relatively effective fashion. He approaches conflict and questions directly and openly and, at least to date, has not talked out of both sides of his mouth. He is quite honest and open about saying that he does not have all the answers and he solicits and welcomes advice. It can be said that he sees himself in the midst of a great debate in the Administration with other members of the Cabinet with whom he deals and he is not yet totally sure of his own position, role or philosophy.

Second, he sees himself as having a leadership role in the Cabinet which extends far beyond OEO. OEO's responsibility had been measured by program dollars which are not likely to increase significantly. Rumsfeld's role then is as major strategist, evaluator, and program developer, and coordinator of the anti-poverty efforts of the entire Executive Branch. The research and evaluation function within OEO has a charter to range far beyond OEO programs and it is expected to conduct studies of the effectiveness of all programs being carried on by other agencies and departments, related to the elimination of poverty. Much of the new thinking about the design and redesign of program efforts within the Nixon Administration is likely to flow from OEO.

Third, Rumsfeld's experience as a member of the House Aeronautics and Space Committee is having a considerable impact on the way he organizes the agency and the way he will operate. Shortly after the flight of Apollo 11, Rumsfeld issued a statement calling for "Apollo-like" commitments to the problems of poverty and urging that the techniques which have made Apollo successful be applied to the elimination of poverty. The new appointees to key OEO positions are likely to include a number of people who have a background in the aerospace industry. OEO will be likely to seek the services of people who are described as "results oriented, hardware" men, program managers, cost effectiveness engineers, and similar people who, it is felt, will be more conscious of the design and use of funds and about evaluating the effectiveness of the use of those funds. They will be willing to operate on a somewhat more flexible and experimental basis. Rumsfeld acknowledges that the evaluation tools presently available are not adequate to significantly guide funding decisions but he is likely to press hard for the development of adequate tools. Anti-poverty funds will be used in a much more scientific fashion and the testing of ideas will be on the basis of a much more carefully designed and controlled model or experiment than has been true in the past.

Fourth, Rumsfeld sees himself as the advocate of the interests of the poor at the Federal Cabinet table. He probably senses that few other members of the Cabinet understand or support citizen participation and that he alone will have to become its major advocate if it is to survive as a part of the Administration program. He recognizes the role of the neighborhood in the intergovernmental system, and he understands and accepts that more participation from society must be developed if society is to survive. Rumsfeld probably does not have a detailed philosophy to support this view, a very deep understanding of its impact and meaning at the local level, or a sense of different shapes and forms which citizen participation, self-determination and community control take. In the next several months, Rumsfeld will be seeking a detailed philosophy but his general philosophical support for participation is clear.

Finally, Rumsfeld is determined to improve political support for the anti-poverty program by eliminating any situation or activity which would give the program a partisan political image and by removing the kinds of labels which the program has acquired which make it appear to serve one group. He feels this will enable OEO to acquire a wide base of political support.

LOWERING THE FLAG TO A MOB

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. WYMAN. Mr. Speaker, in New York City last week some mighty annoyed construction workers determined that the American flag was not to be lowered on demand of militants and it was not, despite the petulance of Mayor Lindsay. However, in the Commonwealth of Massachusetts no less than the Governor directed that the flag be lowered as a concession to a mob.

In this connection the lead editorial in the Boston Herald on May 6 is significant. It also affords cause of thoughtful concern:

[From the Boston Herald Traveler, May 8, 1970]

THE GOVERNOR AND THE FLAG

Gov. Francis Sargent exercised poor judgment on Tuesday, when he authorized the American flag to be lowered at the State House.

The Governor, we are certain, took the action with the best intentions. His rationale was that by lowering the flag he could avoid trouble and avert violence on Beacon Hill.

Nevertheless his action was foolish. It was, to quote the blunt term used by Rep. Richard W. Daly of Wellesley, "appeasement."

The Governor didn't have the flag lowered because he thought that was the right or honorable thing to do. Unlike the revolutionaries who were assembled on the State House lawn, he knows that the flag is not just a piece of cloth to be raised and lowered at the command of a mob.

And yet he authorized the flag to be lowered as a concession to that mob; he did it out of fear and intimidation.

This kind of thing, of course, is nothing new. Bigger and wiser men than Governor Sargent have tried to buy a little more time or peace by giving in to the demands of the mob or submitting to a little blackmail. But there's no such thing as a little blackmail or appeasement. Feeding these insidious monsters always whets their appetite for more, as individuals and civilizations have learned, to their sorrow, throughout history.

More than 30 years ago, Britain's Prime Minister Neville Chamberlain thought that he could buy "peace in our time" by giving Adolf Hitler what he wanted at Munich. This week Governor Sargent may have thought that he could buy peace for an afternoon by giving a mob of 10,000 demonstrators what they wanted on Beacon Hill.

It didn't work with Hitler, and it won't work now.

WAGE DEMANDS COULD PRICE UNITED STATES OUT OF TRADE MARKET

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BURTON of Utah. Mr. Speaker, as one who has long been concerned about foreign imports that threaten domestic industries, I was very much interested in the comments recently made by labor columnist Victor Riesel. Mr. Riesel makes particular mention of the steel import problem which has forced the American Bridge Division of U.S. Steel Corp. to shut down some facilities, and the Government—for the first time—to pay subsidies to 650 unemployed steelworkers under the "adjustment allowance" provisions of the Trade Expansion Act.

These provisions permit payments to unemployed steelworkers who can prove that they lost their jobs because of foreign competition. Most of these steel imports come from Japan and, because they are the closest market, the west coast and intermountain States have been forced to absorb the bulk of this steel. This situation has had a severe impact on the Geneva Works of U.S. Steel Corp., located near Provo in my congressional district, and it has resulted in widespread unemployment in that area.

Mr. Speaker, I think it is time for union leaders to heed Mr. Riesel's warning as it is the jobs of their members that are at stake.

The article follows:

UNITED STATES PRICING SELF OUT OF MARKET

(By Victor Riesel)

WASHINGTON.—Those Marines fly too. And their pilots are wild about a tight little plane called the Harrier. It takes off vertically, picks up full speed and comes in for short landings. For tactical support it's a dream-flying gun ship. But it costs money.

At the moment, a congressional committee has approved the construction of 12 Harriers—in Britain. Then the word was that after the dozen the flying miracle must be produced in the U.S. Word is that McDonnell-Douglas has the contract.

During the hearing one globally renowned American specialist shrugged his famous shoulders and said, in effect, well let's build them in the U.S., but remember this will cost hundreds of millions of dollars more, for we pay our janitors and handy men more than the English pay a skilled "sub" (assistant) engineer.

There's your story. Were the swift construction of the Harrier not a federal case,

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the American plant would have lost the order. The point is not that we overpay janitors or that we therefore overpay our skilled technicians. Point is that everybody working deserves a living wage and—as a now forgotten labor leader, Philip Murray, once said—a little more so there can be music in the home, carpets on the floor, pictures on the wall and more than bread on the table.

But somewhere down the production line this country is pricing itself out of the market—and out of hundreds of thousands of jobs.

Apparently a lot of working guys don't believe what goes up must come down. Well, look at the trucking rumble. Some of us have been trying to pencil out the cost of the National Master Freight (and cartage) Agreement. The conversation starts with the expert's admonition that "every penny costs $10 million." Finally the word is that the wage-cash-fringe-pension-welfare cost-of-living package will cost some $5,000 per man over the three-year contract. And the final estimate is about $3 billion more—and this is for some 450,000 van drivers. And there are more huge trucking contracts to come.

"You ask where will the money come from," sighed one weary negotiator, "well we don't know. We just argue and sign when it looks like everything will stop. Then we pray and look around. It's that way everywhere in the land, in every industry. Looks like nothing can stop it."

Then someone adds that when you finally "cost" out the full agreement at the end of the contract in 1973 the tab will run close to four, perhaps, five billion dollars.

And then we come upon the auto industry and the United Auto Workers' massive convention. The delegates are militant. About 40 per cent are young—with less than five or six years seniority in the plants. But they want front-end cash—that is, a big raise in the first year of the new contract to be negotiated in September. They don't appear to react to reports of heavy auto industry unemployment or word that the workless are concentrated in Detroit. Or that beginning in 1978, America for the first time is importing more cars than it exports.

And Walter Reuther, wily veteran negotiator, knows he has problems. So he talks of his $120 million strike fund—and of negotiating not with today's recession as a base but tomorrow's prosperity. He—and brother Victor—of all people know the dangers of imports. But the tumult goes on.

It's the fashion. The big steel union, led by the quiet man, I. W. (Abe) Abel, is sailing an unsteady ship through a howling economic storm between Scylla and Charybdis. Already foreign imports have hit American Bridge Division of the U.S. Steel Corp. which has had to shut some facilities. Virtually no one has reported this—but the government has begun paying subsidies to 650 steelworkers laid off because of foreign competition. This is the first time such checks have gone out from a special fund created by Congress under the Trade Expansion Act. These are called "adjustment allowance payments" to workers who can prove they lost their jobs because of foreign competition.

This money spouting from the special fund pays each man 65 per cent of the average weekly manufacturing wage or the worker's average week—for a full year and perhaps for a year and a half.

This is just a warning. Like a sharp pain in the stomach. Yet in conference after conference these months, rank-and-file leaders of the United Steelworkers pound the table for heavy demands on the steel industry next year.

Meanwhile there are reports of sharp job losses in factories making electronics, shoes, glass, pottery, textiles, shirts, men's suits and women's dresses—everything including pianos. Few realize that some 60 per cent of black and white TV sets and 17 per cent of color TV sets sold in the U.S. were made abroad. Virtually all transistors are produced abroad.

No one is asking anyone to cut back to the rice bowl to compete with the 15 cent-an-hour Hong Kong rate. But demands for wage increase ranging from $100 to $240 a week—and I mean increases—soon will price this nation right off the earth. We'll have to take to the storm cellars or those moon rockets.

SENATE—*Tuesday, May 12, 1970*

The Senate met in executive session at 11 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

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The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of the nations, sovereign ruler of all men, we would have this world to be Thy kingdom, and Thine alone. Forgive us all that obstructs Thy reign in our hearts and our doing Thy will. Whatever our color or tongue or power or faith we are all Thy children. We ask not for the easy way out of our muddles, nor for the bolt from the sky to strike down the unrighteous—but for a higher wisdom sought and wrought by strenuous effort, stern discipline, and ample patience, that the way to permanent peace and universal good will may be found. Help us to share with other nations our best, lest they share with us their worst. So order our efforts this day according to that righteousness which exalts a nation.

In the name of the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 11, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATIONS

Mr. MANSFIELD. Mr. President, I understand that we are in executive session. I therefore ask unanimous consent that the Senate proceed to the consideration of nominations on the calendar, beginning with New Reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, before I make a request to consider the nominations en bloc, may I say that I am impressed with the fact that the new Chief of Operations, Vice Adm. Elmo R. Zumwalt, Jr., who is about to be confirmed by the Senate, is only 49 years old.

I do not know Admiral Zumwalt, but I am delighted that age is given reduced consideration in this particular instance and, I would hope, in other instances, so that younger officers of proven ability can be given the opportunity to assume added responsibilities.

Mr. President, I ask unanimous consent that these Navy nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The assistant legislative clerk read the nomination of Maj. Gen. William K. Jones and Maj. Gen. Raymond G. Davis, U.S. Marine Corps, to be lieutenant generals.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK, IN THE AIR FORCE, IN THE ARMY, AND IN THE MARINE CORPS

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Marine Corps, which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, and in view of the fact that there are no applicants to speak on the pending business at the moment, I ask unanimous consent, as in legislative session, that there be a period for the consideration of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. As in legislative session, without objection, it is so ordered.

PERSONAL STATEMENT

Mr. SCOTT. Mr. President, I ask unanimous consent that 1 minute may be granted to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I have nothing to say.

I think that what this country could use more than anything else right now is a moment of silence.

Mr. President, I yield back the remainder of my time.

LOWERING THE VOTING AGE TO 18

Mr. MANSFIELD. Mr. President, a very thoughtful and penetrating analysis of the proposal to lower the voting age to 18 by statute overwhelmingly passed in the Senate earlier this year and the wisdom of proceeding by that method appeared in a letter to the editor in the Washington Post yesterday by the distinguished deputy majority leader (Mr. KENNEDY). The events of the past week and the extraordinary demonstration of young people in Washington is the greatest argument that the 18-year-olds deserve to be a part of this system and want to exercise responsibly their rights as citizens in our society.

No greater source of hope could be extended to our youth than to show them that our institutions do want to make them a part of the process by giving them a voice as equal citizens under law.

I ask unanimous consent that the letter as it appeared in the Washington Post of May 11 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ACTING ON VOTING AGE

Your recent editorial questioning the constitutionality of the Senate's action last March in acting by statute to lower the voting age to 18 is itself open to serious question.

By a solid majority of 7 to 2, the Supreme Court held in the *Morgan* case that Congress has the power under Section 5 of the 14th Amendment to enforce the Equal Protection Clause of the amendment by appropriate legislation, and that the court will sustain the legislation so long as it can perceive a reasonable basis on which Congress had acted.

Your editorial view that the Equal Protection Clause is directed at state restrictions on ethnic minorities has been left in the dust of the 19th century. That view, which was forcefully argued by many, including some Justices of the Supreme Court, in the period immediately following the adoption of the amendment in 1868, has long been rejected by the Supreme Court and many other authorities. For generations, the Equal Protection Clause has been applied to a wide variety of state legislation having nothing to do with ethnic minorities. To suggest that the *Morgan* decision should be so limited is to return to a view that was firmly abandoned in the last century, and to suggest a restriction that appears neither in the 14th Amendment nor in any language of the Supreme Court in the *Morgan* case itself.

Nor is it sound constitutional interpretation to argue, as you do, that the long ignored Section 2 of the 14th Amendment disposes of the issue. All that Section 2 says is that a state's representation in Congress must be reduced if it denies the vote to male citizens over 21. Obviously, Section 2 was intended to discourage disfranchisement of voters, not to prohibit congressional enfranchisement of voters. All the section shows is that in 1868, Congress and the states did not think 21 was an unreasonable age requirement for voting.

A century later, Congress has a different view, and Section 5 of the 14th Amendment gives us broad authority to act. By the overwhelming vote of 64 to 17 last March, the Senate found unfair discrimination in the fact that millions of 18-year-olds fight and die in Vietnam, work, marry, and pay taxes, and are treated as adults by the criminal law, but are denied the right to vote. Millions of young Americans have earned this right, and the pending legislation is the only real hope we have of giving them the vote they deserve.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT OF NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-336)

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

Although confronted with the same financial problems during fiscal year 1969 that plagued public housing agencies throughout the nation, the National Capital Housing Authority continued its search for new ways to provide good housing for the low income residents of the District of Columbia. The Authority made progress in many areas toward increasing both the supply and the utility of public housing. Details of this progress are reported in the authority's annual report, which I transmit herewith.

The effort to provide a sound public housing program requires concerted cooperation and coordination among all levels of government, private enterprise, and the community. Under Mayor Washington's leadership, I anticipate that further important progress will be made toward achieving our goal of decent housing and effective community services for all the residents of our Nation's Capital.

RICHARD NIXON.

THE WHITE HOUSE, *May 12, 1970.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged in by a nonprofit corporation or association;

S. 3778. An act to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; and

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act; and

H.R. 16595. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation;

H.R. 10105. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for many other purposes; and

H.R. 10106. An act to amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

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H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia.

H.R. 16595. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Labor and Public Welfare.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf), laid before the Senate the following communication and letters, which were referred as indicated:

Proposed Amendment to the Budget, 1971, Office of Education (S. Doc. No. 91-80)

A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for fiscal year 1971, in the amount of $9,300,000, for the language training and area studies programs administered by the Office of Education (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

Report on Support Furnished From Military Functions Appropriations for Vietnamese and Other Free World Forces in Vietnam and Forces in Laos and Thailand

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a confidential report on support furnished from military functions appropriations for Vietnamese and other free world forces in Vietnam and forces in Laos and Thailand (with an accompanying report); to the Committee on Appropriations.

Reports on Indian Tribal Claims

A letter from the Chairman, Indian Claims Commission, transmitting, pursuant to law, a report on the final conclusion of judicial proceedings regarding certain American Indian tribal claims (with accompanying reports); to the Committee on Appropriations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Federal grants for construction waste treatment facilities which benefit industrial users, Federal Water Quality Administration, Department of the Interior dated May 8, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on questionable claims under the medicaid program for the care of persons in State institutions for the mentally retarded in California, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated May 11, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements pertaining to insurance operations of the Federal Housing Administration, fiscal year 1969, dated May 12, 1970 (with an accompanying report); to the Committee on Government Operations.

Report on Lower Colorado River Basin Development Fund

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, upon the status of the revenues from and the cost of constructing, operating, and maintaining each Lower Colorado River Basin unit; to the Committee on Interior and Insular Affairs.

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PETITION

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate a letter, in the nature of a petition, from Mrs. Elizabeth Picardi, of Falls Church, Va., proposing that national guidelines governing student protest are urgently needed, and suggesting that the President sponsor a convention for all national college and university presidents, which was referred to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

S. 786. A bill to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes (Rept. No. 91-860).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3337. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47-A, 162, and consolidated 47 and 164, and for other purposes (Rept. No. 91-857).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, with amendments:

S. 886. A bill to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla. (Rept. No. 91-859).

By Mr. JORDAN of Idaho, from the Committee on Interior and Insular Affairs, with amendments:

S. 940. A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years (Rept. No. 91-858).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes (Rept. No. 91-856).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

S. 759. A bill to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif. (Rept. No. 91-861).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3102. A bill to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act (Rept. No. 91-862).

By Mr. SPARKMAN, from the Committee on Banking and Currency, without amendment:

S.J. Res. 196. Joint resolution increasing the authorization for college housing debt service grants for fiscal year 1971 (Rept. No. 91-863).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S.J. Res. 173. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States (Rept. No. 91-864).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

H.R. 15628. An act to amend the Foreign Military Sales Act (Rept. No. 91-865).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GRAVEL:

S. 3824. A bill to amend section 702 of the Housing and Urban Development Act of 1965 to assist further in the provision of basic water and sewer facilities in those communities where the need is most acute; to the Committee on Banking and Currency.

(The remarks of Mr. Gravel when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. Bennett):

S. 3825. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. Sparkman when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MOSS:

S. 3826. A bill to terminate all price-support programs for tobacco beginning with the 1971 crop of tobacco; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Moss when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HART:

S. 3827. A bill to allow States to apply more stringent marking, labeling, packaging, or ingredient requirements than those set under the Federal Meat Inspection Act; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Hart when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. EAGLETON (for himself, Mr. Tydings, and Mr. Spong):

S. 3828. A bill to amend the District of Columbia Cooperative Association Act; to the Committee on the District of Columbia.

By Mr. MONDALE:

S. 3829. A bill for the relief of Theodoros Kostas; to the Committee on the Judiciary.

S. 3824—INTRODUCTION OF A BILL AMENDING THE HOUSING AND URBAN DEVELOPMENT ACT OF 1965

Mr. GRAVEL. Mr. President, the preservation and enhancement of the quality of life in the United States is a task of which Congress has become increasingly aware and undoubtedly will address more attention to in the future.

The President in his state of the Union message delivered to a joint session of the Congress on January 22 of this year stated:

> We will carry our concern of the quality of life to the farm as well as the suburb, to the village as well as the city. What rural America most needs is a new kind of assistance. It needs to be dealt with, not as a separate nation but as a part of the overall growth policy for all America.

With emphasis on the quality of life throughout the United States, I am introducing a bill to amend section 702 of the Housing and Urban Development Act of 1965 to assist further in the provision of basic water and sewer facilities in those communities where the need is most acute.

The amendment will enable the Secretary of the Department of Housing and Urban Development to increase the amount of the grant for basic sewer and water facilities not to exceed 90 percent of eligible costs to all communities having a population of 15,000 providing the remaining criteria stated in the act are met. Previously, this discretion was allowed only within metropolitan areas in communities of 10,000 inhabitants.

This amendment would generally enable communities with severe health problems as a result of the lack of sewer and water facilities and unemployment twice the national average who are unable to finance the construction of such facility without an increased grant to do so.

It would give the Secretary latitude in raising the grant from 50 percent of eligible costs to a point where the community could assume the financial burden but not to exceed 90 percent of eligible costs.

The PRESIDING OFFICER (Mr. Harris). The bill will be received and appropriately referred.

The bill (S. 3824) to amend section 702 of the Housing and Urban Development Act of 1965 to assist further in the provision of basic water and sewer facilities in those communities where the need is most acute, introduced by Mr. Gravel, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3825—INTRODUCTION OF A BILL TO AUTHORIZE FURTHER ADJUSTMENTS IN THE AMOUNT OF SILVER CERTIFICATES OUTSTANDING

Mr. SPARKMAN. Mr. President, I introduce, for myself and the senior Senator from Utah (Mr. Bennett), for referral to the proper committee, a bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes.

This legislation has been requested by the Secretary of the Treasury and is in keeping with action we took in 1967 to reduce Treasury liability for silver certificates, whenever it has been determined by the Secretary of the Treasury that such certificates have been lost or destroyed or held in private collections never to be presented for collection. In addition, the bill would authorize the Secretary to reduce the amount of certain old Federal Reserve and National Bank notes outstanding in keeping with the policy regarding silver certificates established in 1967.

I ask unanimous consent that the bill be printed in full in the Record following my remarks.

The PRESIDING OFFICER (Mr. Gravel). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3825) to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes, introduced by Mr. Sparkman, for himself and Mr. Bennett, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of June 24, 1967 (31 U.S.C. 405a–2) is amended by inserting a comma and the words "Federal Reserve bank notes, and National bank notes" immediately after "silver certificates" wherever the term appears and by striking out "(not exceeding $200,000,000 in aggregate face value)".

S. 3826—INTRODUCTION OF A BILL TO TERMINATE PRICE-SUPPORT PROGRAMS FOR TOBACCO

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to terminate all price-support programs for tobacco beginning with the 1971 crop of tobacco.

The bill would also terminate export subsidies for the export of tobacco to any foreign country after December 31, 1970.

Passage of this bill will terminate the Government's schizophrenic approach to tobacco. On one hand the official Government health officer, the Surgeon General, informs us that smoking cigarettes is dangerous to our health. On the other hand, the Federal Government spends the taxpayers' money to subsidize the growth of tobacco.

I realize that the growing of tobacco is of great economic importance to our citizens in several States, but tobacco has been proven to be a hazard to the health of the Nation, and, therefore, the Government should not be involved in subsidies to encourage its continued growth.

During the past several months I have received numerous letters from all parts of the country written by citizens who are concerned about the hypocrisy of our Government concerning tobacco. They point out that the Surgeon General's various reports on the hazards of tobacco make it inappropriate for the Government to continue to subsidize the growth of tobacco. This bill should have wide support among the citizens of this country.

I would like to point out that the bill I am introducing today does not terminate price supports for other crops such as grain, cotton, and so forth, but the health hazard involved in the use of tobacco places that particular crop in a separate category.

I ask unanimous consent to have the bill printed in the Record.

The PRESIDING OFFICER (Mr. Gravel). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3826) to terminate all price support programs for tobacco, beginning with the 1971 crop of tobacco, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 3826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, beginning with the 1971 crop of tobacco, no price support for tobacco shall be made available to producers in any year.

(b) Notwithstanding any other provision of law, no export subsidy may be paid to any person under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480, Eighty-third Congress), for the export of tobacco to any foreign country after December 31, 1970.

S. 3827—INTRODUCTION OF A BILL TO ALLOW STATES TO APPLY MORE STRINGENT REGULATIONS THAN THOSE SET UNDER THE FEDERAL MEAT INSPECTION ACT

Mr. HART. Mr. President, I am today introducing a bill to allow States to apply more stringent marking, labeling, packaging, or ingredient requirements than those set under the Federal Meat Inspection Act. This bill is a companion to legislation introduced in the other body by Congressman James G. O'Hara of Michigan. Our common concern stems from the current attack being leveled on the Michigan comminuted meat law, which set stringent and precise standards on the sale of various prepared meats within the State. Several national meatpacking firms are seeking to bring comminuted meats into Michigan which do not come up to the standards set under the Michigan law, though they are in accord with the less stringent Federal regulations. These firms contend that the United States has preempted the field from the States, and that compliance with the less stringent Federal requirements is sufficient to allow them to sell their products in Michigan.

Mr. President, when a State takes the side of the consumer in the battle against shoddy goods, I think the State should be given free rein to protect our fellow citizens. I am sure it is not the intent of the Federal legislation to prevent States from moving faster than the Federal Government in promulgating tough meat standards. The legislation I am introducing today would clarify that aspect of the Federal law by explicitly allowing States to set standards tougher than the Federal standards.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Gravel). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3827) to allow States to apply more stringent marking, labeling, packaging, or ingredient requirements than those set upon the Federal Meat Inspection Act, introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the Record, as follows:

S. 3827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 408 of the Federal Meat Inspection Act (21 U.S.C. 678) is amended by striking the word "Marking" and inserting in lieu thereof the words, "Except where such requirements are

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more stringent than those imposed under this Act, marking".

SENATE RESOLUTION 407—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A COMPILATION ENTITLED "ESTABLISHMENT OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY, UNITED STATES SENATE" AS A SENATE DOCUMENT

Mr. MONDALE submitted the following resolution (S. Res. 407); which was referred to the Committee on Rules and Administration:

S. Res. 407

Resolved, That a compilation of materials entitled "Establishment of the Select Committee on Equal Educational Opportunity, United States Senate", be printed as a Senate document, and that there be printed one thousand eight hundred additional copies of such document for the use of the Select Committee on Equal Educational Opportunity.

AMENDMENT OF FOREIGN MILITARY SALES ACT

AMENDMENT NO. 622

Mr. DOLE submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

(The remarks of Mr. DOLE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

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AMENDMENT NO. 623

Mr. MONDALE. Mr. President, when the President sent American troops into Cambodia, he did more than widen the war. He pointed up, for all the American people to see, the broad constitutional issue of the control of U.S. foreign policy, particularly as it involves the matter of making war.

The American people have seen, and they do not like what they see. They see our military men apparently having the President's ear, giving him the same bad advice they gave his predecessors. They see the mistakes of the past repeated all over again. They demand action from their elected representatives to regain control over military policymaking.

The actions of the Defense Department, no less than those of any other Cabinet department or any administrative agency, must be limited to the authority granted by law. Neither the Defense Department, nor any other segment of the executive branch of Government, can be permitted to disregard those limits with impunity. If the American system of government is to work, our sprawling bureaucracy must be accountable for its actions.

Since the end of World War II, we have seen a pattern of congressional acquiescence in matters of military policy. Our past history of blanket acceptance of the Executive's actions involving both military and foreign policy is not only in sharp contrast to our close scrutiny of domestic programs; it also amounts to an abdication of clearly defined constitutional responsibilities.

Last year, Congress took the first important step toward a more careful review of the military budget. It is obvious that this effort will be continued.

But there is another area of Pentagon activity which has received far less publicity, and hence has had far less of an impact on public consciousness than excessive military spending. I refer specifically to military aid, and to a most particular kind of military aid—that by which equipment and material in excess of the needs of our Armed Forces is transferred to foreign governments.

The Defense Department and the State Department find the legal authority for this surplus arms program in sections 503(a) and 644(g) of the Foreign Assistance Act of 1961, as amended. These provisions authorize the President to furnish military assistance by loan or grant, and define the term "excess defense articles."

But the existence of legal authority is no guarantee of legislative control. For what we are dealing with in this transfer of surplus military supplies is something above and beyond the ordinary military assistance appropriations which Congress makes every year. It is military assistance which is not charged against appropriations. It can be disposed of either by sale or gift; the bulk of this equipment, however, is given away.

By relying on this program for the disposal of surplus arms abroad, the Pentagon needs no congressional authorization. Furthermore, there is no dollar limitation on the quantity of arms which can be transferred under this program.

While the Defense Department does report its various surplus arms transactions when it comes before Congress requesting its annual military assistance appropriation, there is nothing to prevent a report being submitted after the fact of transfer—well after some transaction that can be both embarrassing and even dangerous. And under present law, there is little Congress can do to regulate such transactions even if we were fully informed in advance of what the Pentagon planned to do.

The lack of congressional power to control this program is in sharp contrast to other types of military assistance programs. For example, direct military grant assistance under the traditional foreign aid program requires annual authorizations and appropriations by Congress. Thus, Congress can limit the amount of military aid available to foreign governments under this program.

Another method of transferring arms to foreign governments is under the military sales program.

It was not too long ago that the Pentagon had complete latitude with respect to military sales. In the summer of 1967, it was revealed that the Export-Import Bank was opening lines of credit by which the Pentagon was able to sell arms to countries without revealing the names of these countries to the Bank. This unbusiness like way of doing things was nevertheless quite acceptable to the Export-Import Bank, because its so-called country loans were guaranteed by the Pentagon up to 25 percent through a revolving fund maintained for that purpose. Over $600 million worth of arms loans were made to underdeveloped countries through this program.

This "country X" program was not a secret, but it was not exactly a household word. Once it surfaced, however, there was fast action. The Pentagon's loan guarantee program was abolished, and the Export-Import Bank was forbidden to make any more loans to finance arms purchases. The Defense Department can still sell arms on credit, but it must first obtain congressional authorization; and Congress sets an annual ceiling on the amount of such sales.

In addition, Congress has forbidden the use of military aid to furnish sophisticated weapons systems to underdeveloped countries. It has imposed restrictions on military aid to Latin America and to Africa. It has stipulated that the sale of military equipment to less developed countries shall be cut off if those countries divert either economic assistance of Public Law 480 assistance to military expenditures, or if they divert their own resources to unnecessary military expenditures.

All of these restrictions were imposed with one end in view—congressional control of U.S. military assistance. All were designed to plug any leak in the dike and to make the policies of the Congress perfectly clear to the Executive.

Yet, despite the best efforts of the House and the Senate, we now find another leak in the dike—the disposal of military hardware and equipment that has been declared in excess of U.S. needs. And it is a leak which is becoming larger every day.

Several weeks ago, the State Department disclosed that surplus U.S. military equipment originally costing $3.4 billion had been given to foreign governments under this program over the past 19 years. But the important point is that within the last 2 years, the Pentagon has begun to rely on this program to a much greater extent than in the past. Since other types of military assistance have been brought under congressional control and thereby reduced in scope, the Pentagon views the surplus arms program as the primary means of getting back into the business of military assistance on a grand scale.

The best example of this trend was revealed by the probing of Representative SILVIO CONTE, a member of the House Appropriations Committee. His investigation disclosed some interesting and unknown facts about the transfer of arms to Nationalist China—the same country which caused such a great controversy during the debate over the fiscal year 1970 foreign aid appropriations bill.

This bill was blocked during the last session of Congress because the Senate conferees would not agree to providing $54.5 million for an extra Phantom jet fighter squadron for Nationalist China. When that item was finally deleted, the appropriations bill went through, with Nationalist China receiving approximately $25 million in direct military assistance.

Yet, while all this was going on, Congressman CONTE obtained information from the Defense Department which revealed that the Pentagon had secretly supplied the Nationalist Chinese with some $157 million worth of weapons and equipment under this excess disposal program—over six times the amount approved by Congress in direct military assistance to that country. Included in this little package were four 20-year-old destroyers, equipment for a Nike-Hercules battery, more than 35 F-100 Super Sabre jets, more than 20 F-104 Starfighters, more than 30 C-119 Flying Boxcars, some 50 medium tanks, about 120 howitzers, and thousands of M-14 rifles. While the Pentagon declined to confirm or deny the truth of this story, the State Department confirmed it the very next day.

According to John Finney's story in the New York Times of March 29, 1970, the State Department described the transaction "as part of a general program of using surplus arms to bolster the defenses of such 'forward defense' countries as South Korea, Turkey, and Taiwan." It was noted that in recent months, the Defense Department has transferred under this program some 790,000 used rifles, carbines, and submachineguns to South Korea.

It has also been disclosed that about 73 percent of all surplus equipment is now going to Taiwan, Turkey, South Korea, and Greece. While aid to Greece has apparently consisted only of trucks, ammunition, and small arms because of the embargo of heavy military supplies imposed against that country after the military coup in 1967, the question can be raised as to whether Congress would have approved any military aid to Greece during this period. Because of the complete Executive discretion under this program, Congress never had the opportunity to approve or disapprove.

It is interesting that the State Department was willing to confirm Congressman CONTE's report about the recent arms transfer to Nationalist China, while the Defense Department remained silent. We may speculate that the State Department, which is supposed to clear the disposal of any surplus military item, acceded to this transfer with reluctance. Certainly State does not exercise the tight control over the disposal of surplus weapons that it manages to maintain over military sales.

The fact is that this surplus arms program is being used to supplement a reduced and congressionally regulated foreign assistance program. Indeed, according to the New York Times, the principal justification offered by State Department officials for the recent shipment of surplus arms to Nationalist China was the sharp reduction in the military assistance program.

Unless something is done, Congress may soon lose control over the transfer of arms to foreign governments. The leak in the dike must be plugged.

That is why I am today submitting an amendment to H.R. 15628, the Foreign Military Sales Act, which is now before the Senate Judiciary Committee. It is intended as an amendment to the Foreign Assistance Act of 1961, and it is designed to recapture control of the surplus arms disposal program from the Department of Defense—vesting it in the Congress, where it rightfully belongs.

My amendment has two parts: First, it sets a ceiling, an absolute annual ceiling, of $50 million on the amount of arms and equipment that may be disposed of as military surplus. Furthermore, that $50 million valuation is based on the acquisition value of the items—what they cost the Government when they were originally purchased. At present, the Pentagon sets a "utility" value on this surplus of 30 percent of its original cost. My amendment would do away with this arbitrary valuation, which carries with it an obvious opportunity for manipulation.

Second, under this amendment, the Executive would be required to submit to Congress annually a schedule of the countries to which it proposes to transfer military surplus, as well as the items to be transferred to each country. The approval of this schedule would rest with Congress. Once the schedule is approved, if the Executive wants to add a new country to the original list, or to increase the cost of surplus arms to be transferred to any country by more than 10 percent, it would have to come back to Congress for additional approval.

It is my hope and belief that through this amendment, we can bring surplus military assistance back under the foreign aid program, and hence under the control of Congress in law and in fact.

It is vitally important to do so at this time. For as John Finney noted in the New York Times:

> With the reduction of the United States military forces and withdrawal of troops from South Vietnam, billions of dollars' worth of weapons are being declared surplus by the military services. A study by the staff of the Senate Foreign Relations Committee suggest that the total may come to $10 billion, although State Department officials believe this estimate is too high.

Thus, given the increased availability of surplus arms and given the increased reliance by the Pentagon on this program, the time is ripe for congressional action. If this program is not brought under congressional control, I fear that we could become involved in other military adventures as unsound, as unpopular, and as unrelated to our vital national interests as the endless conflict in which we are now bogged down in Indochina.

In order to put a stop to the independent foreign policy of the Pentagon, to prevent the use of military assistance for unapproved purposes, and to insure that every transfer of military arms and equipment is undertaken only with congressional sanction, we must change the surplus arms program. The amendment which I have proposed makes this possible.

Mr. President, I ask unanimous consent that the text of this amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. TALMADGE). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 623) is as follows:

AMENDMENT NO. 623

At the end of the bill, add the following new section:

SEC. 7. The Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 652. EXCESS DEFENSE ARTICLES.—(a) The total cost of excess defense articles that may be transferred to all foreign countries and international organizations shall never exceed $50,000,000 during any fiscal year. The President shall transmit annually to the Committee on Foreign Relations of the Senate and to the Committee on Foreign Affairs of the House of Representatives a report enumerating each excess defense article to be transferred during the succeeding fiscal year and the foreign country or international organization to which each such article is to be transferred.

"(b) There shall be authorized by law for each fiscal year the total cost of excess defense articles that may be transferred to each foreign country and each international organization. No excess defense article may be transferred to any such country or organization (1) if there is no authorization for any transfer to that country or organization for that fiscal year, or (2) when there exists such an authorization for that country or organization, if the cost of that article, when added to the total of the costs of all such articles already transferred to that country or organization during the same fiscal year (if any), exceeds the total of the costs of all excess defense articles so authorized to be transferred to such country or organization during that fiscal year plus 10 per centum.

"(c) For purposes of this section, the cost of each excess defense article is the cost to the United States of acquiring that article."

NOTICE OF HEARINGS ON S. 3678, FOREIGN BANKING SECRECY

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 3678, a bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury and for other purposes.

The hearings will be held on Monday through Thursday, June 1, 2, 3, and 4, 1970, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

ANNOUNCEMENT OF HEARINGS ON OIL SHALE RESERVES

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee, I announce that public hearings have been scheduled for next Thursday, May 14, on the situation with respect to development of the vast oil shale reserves in the public lands.

The hearings will open at 10 o'clock, and will be held in the Interior Committee room, 3110, New Senate Office Building. The subcommittee has urged Interior Secretary Walter J. Hickel to appear personally to set forth the facts and make recommendations to us to enable us to reach a determination as to whether new legislation is needed to bring about development. The Director of the Office of Naval Petroleum and Oil Shale Reserves also has been invited to appear.

Mr. President, studies by the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee show that our country may be facing critical shortages of energy in the not too distant future. The supply situation is rendered more acute by our growing awareness of the perils to our environment from the production and use of certain forms of energy.

This is a most necessary and a most healthful development. But unless we are to become increasingly dependent on foreign sources for fuels, we must find and develop new sources within our own borders to meet the burgeoning requirements of our economy and way of life.

One of the great potential sources of energy, as yet untapped, is the vast oil shale reserves in Utah, Colorado, Wyoming, and other Western States, including Alaska. The richest and most abundant of these reserves lie in federally owned lands. These deposits are subject to the Mineral Leasing Act of 1920, but all reserves in Federal lands were withdrawn in 1930 by President Hoover in the wake of the Teapot Dome scandals.

Secretary Udall tried to initiate a program in 1967 for development of these reserves. Unfortunately, the potential developers felt that the conditions he laid down were too stringent, too uncertain, and too expensive for a wholly new industry, and nothing concrete came of Secretary Udall's program.

As I have stated, our country will need, and need soon, the energy locked up in these oil shale reserves. It is hoped our subcommittee hearing will clarify the political and economic situation so that development of this great federally owned natural resource may get underway.

ANNOUNCEMENT OF HEARINGS RELATING TO USE OF CERTAIN JET AIRCRAFT AT WASHINGTON NATIONAL AIRPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a statement prepared by the distinguished senior Senator from Maryland (Mr. TYDINGS) be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. TYDINGS. Mr. President, I wish to announce that next Tuesday, beginning at 9:30 A.M., the Committee on the District of Columbia will hold a public hearing on the decision of the FAA to permit the use of "stretch" jet aircraft at Washington National Airport. Consideration will be given also to the CAB decision to discontinue the Baltimore-Washington investigation. Anyone seeking further information should get in touch with Mr. Terence Finn at 225-4524.

ADDITIONAL STATEMENTS OF SENATORS

STUDENT DELEGATIONS—AN EARNEST, THOUGHTFUL APPROACH

Mr. HRUSKA. Mr. President, these past 10 days have been a period of uncertainty, of turbulence, and of introspection. We have learned a tragic lesson in the results of violence.

Here in the Halls of Congress we have been admonished to listen to youth. We have listened intently as they earnestly voiced their views, their fears, their hopes, and desires. All the while, our mail has dramatically reflected the same concerns with Cambodia and the course which our Nation should take.

Most of the students who came to Washington this past week came with a responsible, sincere message. This certainly is true of the several delegations of Nebraska students from various universities with whom I met. They were courteous and articulate. They were constructive and sincere.

From my observation these young people are communicating eloquently to us, and we have learned much from them. What we ask of them in return is that they do us the same courtesy and listen to us.

This is one of the valuable lessons they can learn from the events of recent days—that of listening carefully and then making their own decisions, thoughtfully and logically.

Dissent is certainly widespread on many, many campuses. But like millions of Americans I watched the events of last weekend with care and concern. Members of my staff likewise observed the proceedings and visited with many individuals and groups.

These observations confirm the view, not uncommon among us, that such demonstrations are really planned and organized by a relatively small group of individuals and may not accurately reflect the views of the majority. The bulk of the group has views of varying intensity, or is just curious, or is there for a lark.

That is why it is fervently hoped that one of the lessons which our young will take away from the events of recent days is the importance of making their own decisions.

It seems clear that much of the frenzy which has gripped our universities and colleges in the past 10 days has been the product of agitation by the radical student left. This is a group we have always had with us and which will always be with us. I do not presume to know the real intentions of this group but it is apparent that their activities have not only stirred the Nation and the Government into a state of concern; these activities have posed some far-reaching problems for our institutions of learning.

Only a handful of students really are interested in burning and looting their schools. At one great university, only two out of a student body of 6,000 actually participated in a fire-bombing episode.

If, indeed, this tiny minority is typical, then the tragedy at Kent State is all the greater, because a fine institution of higher learning has been closed down. When or whether it reopens in its present form is problematical.

This leads us to look closely at the effects of the past 10 days upon the future of our colleges and universities. I am sure this question is being asked by the administrators and educators—are these venerable and essential institutions to be the victim of a radical minority which is less interested in Vietnam and the Negro and the poor and in reform, than it is in drastic and total change in our form of government?

Is this influence leading us to better universities serving the American people, or rather to totally different universities serving the interests of the radical left?

For instance, I cite a disturbing statement by one announced radical leader among the academic community. He is Dr. Bruce Franklin, of Stanford University, a recognized spokesman for the radical extremists, one of the planners of student riots at Stanford. An avowed Communist, he has been in the forefront of the radical left for a number of years.

At a meeting in Washington, Dr. Franklin stated boldly that his idea of a good university is the Chinese Communist University. I believe he mentioned specifically Peking University.

Let me remind you, Mr. President, that Peking University is run by the Chinese Army. The Chinese Army is in complete control, and total direction of the university is in the hands of the military.

American college administrators, American civil authorities, but most of all American students themselves, have a great deal of thinking to do during the rest of this spring and during the summer ahead.

If it is only a tiny fraction of the students destroying the universities and colleges of America, then it would behoove the rest of the students to consider what is happening to their schools.

If there are sometimes fewer than 100 such radicals in a student body numbering 15,000, then it would seem to me the other 14,900 students have a responsibility to themselves to prevent the takeover of their college by the radicals.

It is time, perhaps, that the radical student left be shown up for what it is, be identified, stripped of the facade of concern for the welfare of our country, and identified as a small fringe group which would have been radical in almost any context and in any time.

Society has never been without such persons. It requires no psychologist to recognize that the great concern of the people of this country over the Vietnamese war and the inequities of the draft has created for the radical left a climate in which they can disrupt our society under the guise of seeking a universal goal.

They will proclaim loudly and fiercely that their destructive actions are intended for an ultimate good. They would

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have you believe that these actions are justified. They would glorify destruction, such as set forth in a newspaper photo this past weekend, showing one of the radical left stomping a television set into submission at the completion of the President's press conference.

The vast majority of the students who came to Washington these past few days came with concern because they saw their hope for their future life plans suddenly in jeopardy under the inflamatory accusations and actions of the radical student left. They came to make their voice heard about the war, and to set forth their concern for preservation of the educational institutions upon which their life hopes and ambitions were based.

They must realize as they return to their schools that the threat of destruction lies not with the Government, but with their enemies among their own people. They must understand that their own responsible actions are the antidote to the radical student left, and the hope for the future.

If they return home with a better understanding of the forces which are being exerted in these turbulent days, if they take with them a determination to expose the radicals, to oust them, and to refuse to be used as pawns in premeditated violence—then the turmoil, destruction, and tragedy will not have been completely in vain.

Again I commend the delegations who visited us in our offices for their thoughtful, forceful presentations, and for their desire to be heard. It is healthy for these young people to voice their feelings and to seek answers. It is my belief that they received straightforward answers while they were here.

I call upon them to consider thoughtfully the results of their visit and to make sound decisions for future action. I call upon them to think for themselves, to recognize that once any group falls into the trap of using violence as a weapon, that violence can escalate rapidly and quickly get out of hand. I call upon them to prevent their own resident radicals from joining the future fomenters of trouple, and to dedicate their efforts to restoring the integrity and security and validity of our great educational institutions.

BUDGET CRISIS IN HEALTH MANPOWER

Mr. KENNEDY. Mr. President, the Nation is faced with a severe and continuing shortage of trained health manpower. Our demands for more and better health care are increasing faster than our supply of health professionals needed to cope with these demands.

Two years ago, the Subcommittee on Health of the Committee on Labor and Public Welfare carefully considered the entire question of the health manpower shortage. As a member of that subcommittee, I had the opportunity to discuss this problem with the representatives of the Department of Health, Education, and Welfare. According to these experts, the United States is faced with a current shortage of more than 50,000 physicians and comparable shortages in the other health professions, including dentistry, osteopathy, optometry, podiatry, pharmacy, and veterinary medicine. The result of our deliberations was the Health Manpower Act of 1968. This act authorized the expenditure of sufficient funds, over a 3-year period, to begin reducing the severe manpower shortages.

Unfortunately, Mr. President, the current administration has not seen fit to request appropriations approaching the levels deemed necessary in 1968. While admitting the existence of the health manpower crisis, the administration has attempted to cut back on the funds needed to meet this crisis.

The Subcommittee on Appropriations for the Departments of Labor and Health, Education, and Welfare and Related Agencies is currently conducting hearings on the budget for fiscal year 1971. Because the budget crisis in health manpower is of concern to all of us in Congress, I ask unanimous consent to place in the Record copies of letters I have recently received from five associations of schools of the health professions. These letters document both the current health manpower shortage and the inadequacy of the administration's budget requests in the health manpower area.

There being no objection, the items were ordered to be printed in the Record, as follows:

Letter From Association of Schools and Colleges of Optometry

President: Spurgeon B. Eure, O.D., Southern College of Optometry, Memphis, Tennessee 38104.

Vice President: Chester H. Pheiffer, Ph. D., University of Houston, Houston, Texas 77004.

Secretary-Treasurer: James F. English, L.H.D., Los Angeles College of Optometry, Los Angeles, California 90007.

April 22, 1970.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: The Association of Schools and Colleges of Optometry (ASCO) of which I am President, in concert with other schools of the health professions, would like to call to your attention the need for full funding of programs authorized by the Health Professions Educational Assistance Act (HPEA) for Fiscal Year 1971. We would also like to review for you the effects of the meager 1970 appropriations and of the President's discretionary spending reductions.

Full funding of programs authorized by HPEA and related legislation is the only way a major financial crisis can be averted in the schools and colleges of the health professions. This is particularly true for the schools and colleges of optometry.

While we are in full accord with the Administration's commendable desire to conserve public funds, we do not believe the public good will be served by cutting back on vital programs designed and authorized to increase the availability of well trained health care professionals.

During the 91st Congress, the Executive branch and the Congress have repeatedly addressed the pressing problems related to better organization and economical delivery of quality health care to every segment of the population. The preparation of more optometrists for practice of their profession is an important factor. Eighteen thousand more optometrists are needed by 1980 to maintain the same level of availability and professional care offered today. This figure takes into account all the factors of attrition, population growth, and utilization.

Earlier legislative steps such as the Health Professions Educational Assistance Act, as extended and modified in the Health Manpower Act of 1968, are only now beginning to show results.

For example, there are today 11 schools and colleges of optometry, capable of graduating 885 new candidates for State licensure each year. Prior to passage of HPEA, there were 10 such schools with the capability of producing 642 new practitioners each year. Similar favorable comparisons can be made in the other primary health care fields of medicine, osteopathy, dentistry, podiatry and veterinary medicine.

Failure to provide full funding of HPEA programs in Fiscal Year 1971 would seriously impede the orderly progress of the health professions toward the high priority goal of training enough health care professionals to meet the ever-increasing needs of a rapidly expanding populace.

Severe cutbacks in support of health education reflected in appropriations for FY 1970 have already had a serious effect on construction of new or additional academic facilities, on general institutional support, and in the areas of student loans and medical library facilities.

To illustrate the extent and consequences of cutbacks in the student loan program, we call your attention to the fact that student loan allocations for optometry students averaged only 31.8% of the amounts requested for the 1969–70 school year. The combined total of funds requested by optometry schools from Fiscal 1970 funds was $1,620,510. Only $515,581 was allotted. The dollar amount actually made available represented a reduction of $370,751 compared with the preceding year. This reduction came at a time when each of the schools and colleges of optometry was making an effort to increase enrollment to capacity levels.

In the case of the Illinois College of Optometry, one of the largest optometry schools, a request was made for $385,000 to provide student loans for the 1969–70 term. Actually allotted was $66,239, less than 20% of the amount requested. This shortage of student loan funds has caused an extreme hardship on a number of students, requiring them to seek or increase income-producing employment.

During Fiscal Year 1969, one-third of all students enrolled in schools of optometry were assisted by the HPEA-authorized student loan program. To remove or appreciably reduce this support could produce a number of dropouts due to financial pressures; other students may find it necessary to reduce their academic workload to permit acceptance of full time employment. The Nation can ill afford such a slowdown in optometric education.

When viewed against the background of Congressional student loan authorizations included in the Health Manpower Act of 1968, the appropriations for Fiscal Year 1970 and the Administration's proposals for 1971 present a dismal picture. The Health Manpower Act authorized $35-million for this purpose in each of those two Fiscal Years. In FY 1970, only $15-million will have been used; and the Administration proposes the appropriation of only $12-million for 1971. In the latter case, this represents a reduction by nearly ⅔ of the amounts Congress had obviously intended be made available for student loans.

Defenders of the Administration's spending policy are quick to point out that students needing financial assistance can turn to the guaranteed student loan program when they find it impossible to obtain direct loans under HPEA. Implementation of the 1968 amendments to the guaranteed student loan program, however, has had no significant effect on the financial problems of optometry students. Largely as a result of the financial difficulties involved, first-year enrollments in schools of optometry for the 1967–70 term were down 8.9% compared with the previous term. This is far short of the annual increases required to meet the projected 1980 needs.

Another aspect of the problem worthy of consideration is the fact that schools of optometry and other health professions have seriously undertaken recruiting of students from minority groups. These qualified candidates for schools of the health professions, typically, are in desperate need for financial help. If the proposed funding levels for Fiscal Year 1971 are sustained by the Congress, there simply will not be enough student loan money available to assist students from the minority groups. Besides the obvious loss of well qualified students, such a situation would constitute another example of modern society promising more than it can or is willing to deliver with respect to minority groups. The health professions cannot afford to pass up potentially good students, nor can society afford the luxury of further alienation of minority groups.

Institutional grants for support of schools of the health professions will also suffer if the Administration's 1971 budget proposals are adopted. The authorization figure for 1970 was $117-million, but only $105-million was appropriated, and only $101-million will have been spent. Authorizations for FY 1971, under the Health Manpower Act of 1968, go up to $168-million, yet the Administration is asking only $113.6-million, an increase scarcely sufficient to keep pace with inflationary pressures.

Virtually the same situation exists with respect to funds authorized by the Congress for construction of teaching facilities in medical, dental and other health schools. FY 1970 authorizations were $170-million, of which $94.5-million was appropriated and will have been spent this fiscal year. In 1971, $225-million is authorized, but the Administration is requesting only $118.1-million. The 1971 request is virtually half the amount the Congress considered necessary and appropriate to achieve the desired effect. If the Administration's 1971 proposal is adopted, planned construction of additional academic facilities in the schools and colleges of optometry will suffer yet another setback, making it impossible to accommodate the added numbers of students necessary to produce enough new practitioners to serve the public by the end of this decade.

It is clear that schools of optometry have been given invaluable assistance under the Health Professions Educational Assistance Act. In the first four years the construction grant program was operational for optometry, five schools received assistance totalling $5,137,307. These funds, combined with amounts raised by the institutions themselves, provided for an increase of 243 first-year optometry students.

Resource and construction grants authorized by the Medical Libraries Assistance Act, recently extended by enactment of Public Law 91–212, deserve and require full funding, to assure that the newest educational resource materials are available in physical settings which make them readily accessible to a maximum number of students in the health professions. Ten-million dollars was authorized for construction of new medical library facilities in 1970, but none was requested by the Administration nor appropriated by the Congress. The authorization for 1971 is $11-million, yet the administration's request includes no funds for this purpose. We urge you to appropriate sufficient funds to permit this important program to be effectively carried on by the National Library of Medicine.

Our Nation is, indeed, in the throes of a major health care crisis, primarily centered on the shortages of health manpower to efficiently deliver needed services. All Americans look to you and your colleagues to approve the appropriations necessary to encourage and promote the urgently needed increase in numbers of health professionals.

We urge that you approve full funding of all health manpower training programs, to the limits authorized by law, for Fiscal Year 1971.

Sincerely,

Spurgeon Eure, O.D.,
President.

Letter from American Osteopathic Association, Council on Federal Health Programs

April 29, 1970.

Cafritz Building, Suite 1009, 1625 Eye Street, NW., Washington, D.C. 20006.

Council members: J. O. Watson, D.O., chairman, Elmer C. Baum, D.O., J. Vincent Murphy, D.O., Donald C. Newell, D.O., J. Edward Sommers, D.O.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Sir: Our profession is aware of your efforts to secure pertinent information relative to the present plight of the schools of the health professions. Recent communications with the deans of our colleges of osteopathic medicine have anxiously expressed their concerns with reference to the plight of their schools and student bodies.

Our osteopathic colleges, like many other health professional schools, are today confronted with a problem of *major proportions*, resulting from the ever increasing national demand for more physician manpower while contemporaneously experiencing a *diminution* of *urgently needed funds.*

The proximate result of the reduction in funds available for student assistance is that our osteopathic colleges cannot begin to meet the needs for financial assistance to their present enrollment, let alone be in a position to meet the needs which are being generated by the increased enrollments demanded.

Our profession is acutely aware of the nation's physician shortage at the present time, 61% of the nation's 12,750 practicing osteopathic physicians are general practitioners, serving the health needs of the nation, especially in the field of family medicine, but our attempts to fill the gap are being thwarted by the unhappy combination of increasing costs in medical education, on the one hand, and decreasing assistance on the other.

We would like to be in a position to admit every academically qualified student who applies to our institutions. Presently, however, the cost of a medical education is simply beyond the reach of many students from lower-middle and disadvantaged families in our country. In fact, funds are now so tight, that even students from relatively affluent backgrounds are hard pressed to secure the necessary funds.

At a time when expansion of the number of persons entering the health professions is so critical and the need for greater representation from traditionally excluded socio-economic groups is so obvious, our efforts to alleviate these problems will be blocked if sources of financial assistance at the Federal and local level are not substantially enlarged.

An immediate result of the reduction will be that many students will not get loans large enough to see them through—some will drop out, others will get jobs, as a result we will have great difficulty in retrieving the drop outs, and those who take jobs will, as has always been true, for lack of time and energy not be able to get maximum benefit from the education they are working so hard to pay for.

An insidious effect of the cut back is that, for the long pull, the level of competence in the healing arts is being determined not by the availability of capability, but by the accessibility of money—loans, scholarships, gifts or other. This, of course, is crucial to the long term development of medicine generally, health care and, in broader terms, science, itself, in America.

Our colleges have attempted to alleviate their students' plight by extending the time for payment of tuition. One of our schools reports that its tuition accounts are now one-quarter of a million dollars in arrears, another, that it is carrying $150,000.00 in "delinquent" accounts. This practice cannot, of course, continue indefinitely. It is obvious, therefore, that some students will be forced to discontinue their studies, unless outside help of some sort is immediately forthcoming.

Not only are individual student careers threatened by the curtailment of funds, but the institutions themselves are experiencing the severe pinch of increasing costs. Our colleges cannot hope to meet the demand for more physicians and, at the same time, maintain a high calibre of professional training when current financial funds do not permit them to support the additional faculty and physical plant required.

We are most grateful for this opportunity to express our most urgent request for immediate financial assistance for our students and institutions.

Health manpower is at a critical crossroads. Unless we can find a means to ease the present financial crisis experienced by students and institutions we cannot meet our nation's goal of providing adequate numbers of qualified health manpower personnel.

Your continued efforts to solve these and related problems toward assuring high quality health care for all Americans are most deeply appreciated.

Sincerely yours,

J. O. Watson, D.O.

Letter From American Association of Colleges of Pharmacy

Raphael O. Bachmann, President (School of Pharmacy, West Virginia University, Morgantown, West Virginia 26506).

Varro E. Tyler, Vice President (School of Pharmacy and Pharmacal Sciences, Purdue University, Lafayette, Indiana 47907).

Jack E. Orr, Chairman, Executive Committee (College of Pharmacy, University of Washington, Seattle, Washington 98105).

Charles W. Bliven, Executive Secretary-Treasurer (850 Sligo Avenue, Silver Spring, Maryland 20910).

April 27, 1970.

Hon. Edward M. Kennedy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Kennedy: It is the purpose of this letter to provide information on the effects on schools of pharmacy and, in some instances, on the health professions schools in general, in the event that health manpower programs are funded on the basis of the fiscal 1971 budget.

Construction of health educational and research facilities.—The 1971 budget provides for $118.1 million for medicine, dentistry, osteopathy, pharmacy, veterinary medicine, podiatry, and optometry. This sum is entirely inadequate. There are approximately 21 projects with a Federal share of $165.5 which have been approved but not funded. Pharmacy has three projects among this group with a Federal share of $4.5 million. In addition, pharmacy has three projects in process pending review with a Federal share of about $7.4 million.

The current total backlog of projects "in process" for all of the health professions mentioned in the above paragraph is about $250 million, with the Federal share for medicine alone amounting to about $180 million. Thus, when one adds to the $250 million the $165.5 million of projects approved but not funded, the $118 million for 1971 is clearly inadequate. Too, it is entirely possible that the shortage of funds will not permit the funding of projects in time to meet the deadlines for the initiation of construction. This will create an unfortunate circumstance and will lead to unanticipated increases in costs of projects.

Institutional support.—The $113.65 million proposed for institutional support includes funds for institutional (basic improvement) grants, special project grants, and $10 million for the Physicians Augmentation Program. The increase of about $2.2 million over the 1970 appropriation appears inadequate in view of the increased number of eligible health professions schools, increased enrollments, and the need for funds to continue special projects now under way as well as to support essential new projects.

For FY 1970 about $49.9 million is available for special projects, $38.8 million to finance continuing grants and about $11.1 million for new grants. But this latter sum is inadequate to finance worthy projects for the 73 schools of pharmacy and 18 schools of veterinary medicine, which are eligible for such grants for the first time in 1970, and to meet the needs for new projects of the 172 schools of medicine, dentistry, osteopathy, podiatry, and optometry.

Sixty-four schools of pharmacy alone submitted proposals totalling about $10 million for special projects for FY 1970. While all of these may not be acceptable projects, it does emphasize the great need of our schools as they attempt to provide additional equipment, strengthen their faculties, remodel laboratories and classrooms, initiate new or improve existing clinical programs, increase salaries for faculty and support staff, and recruit underprivileged and develop programs to assist in their retention.

Thus, it is very evident that the funds which will be available for special projects in FY 1971 will fall short of meeting the needs of the health schools.

Student financial assistance.—The need for financial assistance to students in the health professions is well established; without adequate assistance, the objective of the legislation cannot be achieved.

The President's budget proposes that the number of *loans* to medicine, dentistry, and to other health related groups of pharmacy, optometry, podiatry, and veterinary medicine be reduced by about 25 per cent as compared to FY 1970. And it is to be remembered that the FY 1970 figures were reduced by at least 20 per cent when compared to FY 1969.

While the trend is to encourage the use of guaranteed loans without interest subsidy, there is a very serious question whether or not this program at current high interest rates will fulfill the need for additional student loans. Adequate direct federal loans administered by the schools appear to be the only solution to the loan program.

Schools of pharmacy have been rather conservative in their requests for loan funds, and as a result have received a high percentage of funds requested. In 1970, 76 per cent of the funds requested were allocated. However, many of the other health professions were allocated but 35 to 40 per cent of their expressed needs.

The number of *scholarships* to be awarded in Fy 1971, according to the President's budget (the Appendix issue), will not suffer the marked reductions to be experienced in the loan program. The estimated number of scholarships to be awarded in 1971 to students of medicine, dentistry, pharmacy, podiatry, optometry, and veterinary medicine is 17,666 compared to 18,148 in 1970, a reduction of 2.6 per cent. However, it is expected that scholarship funds for schools of pharmacy will be reduced about 10 per cent.

Of concern is the statement in the President's budget that eligibility for health professions scholarships and loans will be limited to students from family income backgrounds of $10,000 or less. Even though this is understood to mean $10,000 of taxable income as reported to the Federal government, this provision is expected to work hardships on many students, especially in the high-cost programs, e.g., medicine and dentistry. Because of increasing enrollments (including those from disadvantaged groups), a second marked reduction in the funds available for direct loans, and a reduction in scholarship funds, this income restriction will require more students to seek funds through the guaranteed loan program. As indicated previously, this program is considered to have serious shortcomings and will not aid materially in fulfilling health manpower programs.

Sincerely yours,

CHARLES W. BLIVEN,
Executive Secretary.

LETTER FROM AMERICAN ASSOCIATION OF COLLEGES OF PODIATRIC MEDICINE, 20 CHEVY CHASE CIRCLE, N.W., WASHINGTON, D.C.

MAY 1, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The American Association of Colleges of Podiatric Medicine is gravely concerned with the effects of less than full funding of programs authorized by the Health Professions Educational Assistance Act for Fiscal Year 1971. Without full funding podiatric education and the other recognized health professions will most certainly be facing a financial crisis.

Though the Association finds it commendable for the Administration to save on the flow of tax dollars, it does not feel that such cutbacks should jeopardize the output of needed, well trained health personnel.

The expressed need for a vastly increased number of well qualified podiatrists to meet the foot health needs of our Nation, let alone the needs of our military services, has been aptly validated. The American Podiatry Association estimates a potential for utilization of 1 podiatrist for every 10,000 persons. This ratio of 10 podiatrists per 100,000 population indicates a requirement for about 24,000 active podiatrists in 1980 compared with an anticipated supply of 9,900.

In December of 1969, this Association provided your offices with the attached fact sheet for student loans for the Health Professions Educational Assistance Act, which at the time clearly indicated the severity of the problem. The appropriations for Fiscal Year 1970 and the Administrations proposals for 1971, increase the severity of the problem to an even greater degree.

Federal monies which have been earmarked for podiatric education do not reflect the continual escalation of living expenses. During 1969–70, the cost of living increased 6.8% the effect on college budgets means a reduction of purchase power by that percentage. This accrues as each year passes. The net result is that programs in effect will need to be reduced or eliminated, progress in podiatric education will come to a virtual halt.

The American Association of Colleges of Podiatric Medicine urges the Untied States Senate to seriously evaluate the disastrous effects these cutbacks will have on providing the needed health manpower necessary to meet the health needs of our Nation.

Very truly yours,

ROBERT W. OLIVER,
Executive Director.

H.P.E.A.A. STUDENT LOANS FACT SHEET

College	1968–69 requested	1968–69 funded	Number students	1969–70 requested	1969–70 funded	Number students
Ohio	$228, 000	$144, 213	138	$198, 000	$73, 165	165
Pennsylvania	120, 134	75, 790	62	140, 800	38, 097	64
California	130, 000	87, 098	104	141, 480	45, 024	131
Total	478, 134	307, 101	304	480, 280	156, 286	360

NOTES

1968–69—Requested $478,134 to support 304 students. Received $307,101 (64.2 percent), averaging $1,010.20 per student.
1969–70—Requested $480,028 to support 360 students. Will receive $156,286 (32.5 percent), averaging $438.13 per student.
Total funds for 1969–70=50.9 percent of those in 1968–69=49.1 percent cut.
Dollar support per student for 1969–70=43.4 percent of 1968–69=56.6 percent cut per student.

LETTER FROM AMERICAN VETERINARY MEDICAL ASSOCIATION, SUITE 828, 1522 K STREET NW., WASHINGTON, D.C. 20005

APRIL 29, 1970.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The American Veterinary Medical Association (AVMA) and the Association of American Veterinary Medical Colleges (AAVMC) have authorized me to emphasize to you the need for a full funding, in fiscal year 1971, of programs authorized by the Health Professions Educational Assistance Act.

With the current great need for improved health services for the citizens of this country, it is necessary to utilize all of the health personnel available. It is recognized that there is a shortage of such personnel and that measures must be taken to increase our capability for the training of these individuals.

In the passage of the Health Professions Educational Assistance Act (HPEA) Congress recognized that Federal assistance must be given to professional schools, in order that they can expand their facilities and increase the number of students attending and to be graduated. The assistance program, as set out by the HPEA, has provided a big step toward expanding teaching facilities and increasing financial help for the students attending these colleges.

The nation's colleges of veterinary medicine are included, along with the other medical schools, in legislation to provide necessary grants for educational improvement.

There is a growing shortage of veterinarians, not just for private practice, important though this is to the immediate health of our food-producing animals, but for education, research, livestock disease control, meat and poultry inspection, and public health. The role of veterinary medicine in advancing and sustaining human health was, of course, documented, repeatedly, for the Congress in the years before it passed the Health Manpower Act of 1968.

The total health effort is an extremely complicated one, in which health personnel of diverse training are playing increasingly important roles. By its various programs, the Department of Health, Education and Welfare (HEW) has been a major factor in encouraging this trend. The veterinary profession has a role to play in the administration of health services for man in comparative medical research, and in disease prevention, and it is an expanding role.

A number of diseases of wild and domestic animals, such as rabies, brucellosis, tuberculosis, leptospirosis, tularemia, anthrax, and Q fever, to mention a few, are caused by microbiological agents which may infect man. Veterinarians whose practices involve either food-producing animals or companion animals guard against disease transmission by controlling the disease in the animal population, by setting up methods to block the transfer from animals to man, or by constant vigilance for the occurrence of the disease in animals, permitting appropriate safeguards by those potentially exposed.

A most frequent question posed to veterinarians by concerned parents or animal owners relates to the potential hazard of a diseased animal, flock, or herd to the humans associated with them in the household or through recreation, occupation, or food consumption. Veterinarians protect against the transmission of infectious disease in the routine conduct of their work as practitioners, as military officers, as governmental public health and livestock disease control officials, as diagnostic laboratory workers, and as inspectors of meat, poultry, and other animal food products.

The role of veterinarians in consumer protection is well established through the inspection of meats and meat-food products, poultry, and poultry products, to assure that these foods are free from disease, and that they are wholesome. The increased involvement of veterinarians in the work of the Food and Drug Administration (FDA) should be emphasized. The Federal government is the largest single employer of veterinary medical manpower, engaged in a variety of activities dedicated to the improvement of the health and welfare of man.

It is important to note that biomedical research has had substantial support from the Federal government, especially during the last two decades, and a large measure of the research so supported has been done on animals, for the obvious reason that it could not be done on man.

There are hundreds of animal diseases which are close counterparts of disorders in man that provide information which can be extrapolated to help in an understanding of the inter-related mechanisms of human disease.

Unlike human patients, animals can be manipulated experimentally, and even bred to perpetuate and intensify a disease under investigation. Veterinarians are in a position to identify and fully utilize such animal models. A few examples of diseases studied in this way are leukemia and other malignant diseases, cardiovascular diseases, and respiratory diseases, such as emphysema. Many of the current orthopedic devices and procedures were developed by the veterinarians for treating animals, e.g., repair of fractures by the use of metal pins and artificial hip joints.

The technique of using anticoagulant drugs was developed as a result of hemorrhages in cattle after eating sweet-clover hay. Dioumerol was developed, and is currently used, extensively, in the treatment of certain cardiovascular diseases.

It must be emphasized that, since there are only 18 schools of veterinary medicine in operation in this country, they have the full responsibility of providing the veterinary medical manpower for the entire nation. They are, thus, "national resources" and not State or regional resources. As such, they merit full Federal support.

I would like to emphasize that the veterinary colleges are taking necessary steps to increase enrollments, to comply with the provisions of the Health Manpower Act and, thus, continued full Federal funding is necessary for the maintenance of the expansion effort.

The American Veterinary Medical Association, as well as the Association of American Veterinary Medical Colleges, urges that effective action be taken in approving full funding of all Health Manpower training programs, to the limits authorized by law, for fiscal year 1971.

Sincerely,

FRANK A. TODD, D.V.M.,
Washington Representative.

THE EQUAL RIGHTS AMENDMENT

Mr. SCOTT. Mr. President, I was pleased to submit testimony in support of Senate Joint Resolution 61, the Equal Rights Amendment, during the hearings held by the Senate Judiciary Subcommittee on Constitutional Amendments on May 5, 6, and 7. I know this matter is especially of interest to the many women in my Commonwealth.

This proposed amendment to the Constitution, which holds that equal rights under the law shall not be denied or abridged by either the United States or the individual States on account of sex, has been introduced in every Congress since 1923.

Hearings have been held in the Senate Committee on the Judiciary on the Equal Rights Amendment during the 68th, 69th, 71st, 72d, 73d, 75th, 79th, and 84th Congresses. Over two-thirds of the Senate passed this same proposed amendment during both the 81st and 83d Congresses. More than 70 Members of the present Senate are cosponsoring Senate Joint Resolution 61. I was proud to join as one of these cosponsors, but, it is hoped, congressional inaction will not again make this necessary.

I want this measure passed by this Senate and this House of Representatives and sent this year to the States for ratification. Forty-seven years is 47 years too long to delay in providing a Constitutional guarantee of equality for men and women.

Earlier this year, the General Assembly of the Commonwealth of Pennsylvania passed an amendment to the Pennsylvania constitution similar to the measure being considered today. Unfortunately, my Commonwealth is among the minority of the States in taking this much-needed step. In many States, there are still vestiges of the English common law which treated women as inferiors. In many States, a woman cannot pursue a business or profession as freely as a man. In many States, she cannot handle or own property with the same degree of independence as can her husband. In some States, women are classified separately for purposes of jury duty. In many community property States, wives do not share the same rights in the joint property as their husbands. In some States, the inheritance rights of widows differ from that of widowers. In many States, restrictive work laws deny women the right to compete for available jobs.

These State laws are the reason the equal rights amendment has been introduced in Congress after Congress. These State laws are the reason it must be adopted during this Congress.

There is a misconception held by some that this proposed amendment would benefit women only. Nothing could be further from the truth. Many of the State laws I have noted work as much to the detriment of men as to women. For example, in divorce decrees, child custody and support decisions are based on predetermined judgments of who should undertake this responsibility. Under the equal rights amendment, this decision would be based on the child's welfare and who is best able to undertake this responsibility.

Nor does this amendment contemplate that women would be treated in all respects as men. Just as under the 14th amendment, equal rights does not mean identical rights. Under their police power, States would still have the power to enact laws regulating public health and safety using reasonable classifications. Likewise, employment requirements based on physical stamina and strength would be allowed. What would not be allowed to continue is arbitrary classification on the basis of sex.

Nor would the adoption of this amendment mean a lowering of labor standards. State legislatures would be able to raise work standards for men to meet those now set for women. In addition, once women are removed from the same labor standard classification as children, the standards for employing children could be raised without the danger of removing adult women from the labor market through the adoption of strict regulations.

Finally, opponents of this amendment have argued that its adoption would throw many State statutes into the courts. This may prove true in part. The Civil Rights Act of 1964 gave many citizens the right to petition our courts. Should we have said "No, this will create too much work for our judges"? Further, the amendment before us would not become effective until 1 year after its ratification. This would allow most State legislatures the opportunity to consider and pass appropriate revisions of their statutes, thus avoiding future litigation.

I hope that the Subcommittee on Constitutional Amendments will favorably report Senate Joint Resolution 61 to the full Committee on the Judiciary, where I will lend my efforts toward reporting it to the Senate. We cannot in good conscience wait any longer. We have already waited too long to provide this basic right of equality for men and women.

GOVERNMENT BOND MARKET BUCKLES UNDER PRESSURE OF TREASURY

Mr. SYMINGTON. Mr. President, for the first time in modern financial history the U.S. Treasury suffered a near miss in its latest refunding operation in which by the skin of its teeth and after a good deal of admitted arm twisting by the Treasury, it managed to wring $3.6 billion out of a demoralized and dried up market, at the rate of 8 percent.

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More alarming still, the entire financial press is unanimous in reporting that the issue was absorbed only thanks to the most energetic Federal Reserve market supporting operations. The highly respected credit market commentary of the New York banking firm of Salomon Brothers & Hutzler reports in its May 8 issue that the Treasury marketing problem "was compounded when it appeared that in the pricing of the new offering the Treasury had not taken into consideration the impact of the U.S. military campaign in Cambodia."

Clearly the market has been unsettled by its discovery of a disconcerting failure on the part of our strategic policymakers to coordinate their decisions with their financial policymakers.

Meanwhile, back in our all-important credit markets it appears that we have an inflationary Fed support operation in an 8-percent market, which is clearly a throwback to the days when the Fed was an admitted engine of inflation supporting the market at the less costly level of 2 percent.

SENATOR RANDOLPH COMMENTS ON RALPH NADER TASK FORCE AIR POLLUTION REPORT

Mr. RANDOLPH. Mr. President, one of Ralph Nader's "task forces"—this one on air pollution—is said to be issuing another report in the Nader tradition. I expect that it will be a useful document, provided we are able to tear away the excesses of exaggeration and vituperation. It will be useful if we can distill and analyze the facts as they relate to the air pollution problems faced and those still to be faced and solved.

I feel that my colleagues of the Congress will not be surprised by the nature of the Nader task force report. They will expect the chairmen of the committees and subcommittees with jurisdiction over air pollution control legislation—Senate Public Works and House Interstate and Foreign Commerce—to be the objects of Nader task force ridicule. Both chairmen are from West Virginia, the State with the biggest coal tonnage production. Nader and his staff would seem to wish to destroy the coal industry, notwithstanding the great reliance of many of our country's electric generating plants and steel mills on coal as their primary fuel—and notwithstanding the obvious shortage of coal and the apparent impending undersupply of electric energy in important sections of the country.

Mr. Nader and his task force, I understand, are attacking me on the air pollution issue as they did on the coal mine health and safety legislative issue—claiming that I "favor" West Virginia's and the U.S. domestic coal industry. I will acknowledge promptly that such a charge is accurate and is not incompatible with my State's and my country's best interests.

I know what a healthy coal industry means to West Virginia and neighboring States of the Appalachian region—substantial payrolls and prosperous people and a viable economy.

Conversely, I know—and I have seen too often—what a serious downturn in the economy of the coal industry does to the general economy of the State and the region and to many individuals and families. There probably is no distress and poverty in the world worse than that which befalls an isolated coal mining community in the Appalachian Mountain country when the coal economy has gone sour.

I have declared for and will not retreat from working actively for the movement to constantly improve the American standard of living. And this includes adequate supplies of coal and other fuels to fire the plants that generate the electric energy so vital to sustaining and improving the American high standard of living and the public health. And it also includes constantly improving the quality of the air we breathe.

Mr. President, I reject any and all charges that my motives as a Senator from West Virginia and as chairman of the Public Works Committee are based solely on protecting coal operators' or any other producer's profits. The welfare and the health and the prosperity of the coal miner and his family—of the railroader and his family—of all workers and their families—are as important to me as are the economic health of their employers. But destroy the markets and the profits of the company—whatever it produces—and you have a company without ability to provide payrolls and to meet them regularly. This means unemployment and suffering and privation for people, which I abhor vastly more than the criticism I receive from those who misinterpret my actions and impugn my motives as I earnestly work as a Senator from West Virginia and as Public Works Committee chairman.

Coal is a significantly vital element of the West Virginia and Appalachian economy. Coal will continue for a long time to be necessary at many electric generating plants as a fuel to help provide absolutely indispensable large quantities of electric power and steel for the United States. I will labor with vigor to keep the coal industry a viable one in West Virginia, Appalachia, and elsewhere in the United States. It is not easy to accomplish in the face of attacks by those who insist on control of industrial emissions without real relationship to impact on health and welfare.

We can, we must, and we will improve our laws in the interest of better controlling and abating air pollution. But we must have more rapid development of better technology for cleansing the air of both particulate and gaseous impurities. Otherwise, we will have laws setting impossible-to-achieve requirements or the promulgation of regulations which cannot do other than destroy whole industries and consequently create extensive unemployment and hunger and privation without making truly compensatory improvements in air quality and public health.

BUREAU OF MINES' FILM ON OREGON

Mr. METCALF. Mr. President, among the press releases which I have seen recently is one from the Bureau of Mines, announcing the availability of a new film on Oregon and its natural resources.

I am pleased to learn that this 26½ minutes of 16-millimeter sound and color is available from the Bureau's film library.

I am not so pleased at the lines in the Bureau press release which include the words that the film "was made in cooperation with Atlantic Richfield Co., which paid all production costs and provided the Bureau of Mines with prints for nationwide circulation."

It seems to me that if a public agency is going to do a film on public resources in the public interest, the cost of production should be paid by the public instead of by an interest group. I can imagine 26½ minutes of 16-millimeter sound and color on Santa Barbara "made in cooperation with—an oil company—which paid all production costs and provided the Bureau of Mines with prints for nationwide circulation."

Mr. President, I ask unanimous consent that the Interior Department press release, announcing the availability of this film, be printed at this point in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

NATURAL RESOURCES OF OREGON ARE DEPICTED IN NEW MINES BUREAU MOTION PICTURE

The balanced conservation program that has helped a modern western State conserve environmental values while accelerating economic growth is portrayed in "Oregon and its Natural Resources," a new 16 mm sound-and-color motion picture now available from the film library of the Interior Department's Bureau of Mines.

The 26½-minute film was made in cooperation with Atlantic Richfield Company, which paid all production costs and provided the Bureau of Mines with prints for nationwide circulation on free, short-term loan to schools, civic and scientific groups, and other organizations interested in conservation of natural resources.

A scenic opening depicts the natural gifts bestowed on Oregon and shows how each gift presents a challenge for wise development and efficient use. A brief animated sequence orients the viewer to the State's geographical features before the camera shows how Oregon's people have met the challenges presented by the State's widely varying topography.

Systematic control of abundant but poorly distributed water resources is seen as the key to much of Oregon's economic progress. Viewers are shown how a network of dams on the State's rivers controls floods, produces hydroelectric power, and provides irrigation water, and how the reservoirs behind several dams have been made into scenic recreation areas.

Succeeding episodes depict the different sectors of Oregon's economy today: for forestry, scenes of timber management, lumbering, and wood products manufacturing; for agriculture, sequences illustrating the variety of the State's farming operations; for fisheries, views of salmon using fish ladders to bypass dams, and of fish hatchery and stocking practices; for minerals, sequences on aluminum, titanium, zirconium, and nickel ore processing; for leisure-time activities, scenes of Crater Lake National Park, ocean beaches, water sports, along with the Pendleton Roundup, Ashland's Shakespearean Festival, Albany's Timber Carnival, and Portland's Rose Festival. Produced by Audio Productions of New York, the film is a con-

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stant reminder that man must work in harmony with nature to assure wise development and use of natural resources.

Prints of "Oregon and Its Natural Resources" can be obtained on free, short-term loan from Motion Pictures, Bureau of Mines, 4800 Forbes Ave., Pittsburgh, Pa. 15213. Prospective borrowers should state that they have available a 16 mm sound projector and an experienced operator. The Bureau pays outgoing postage; the borrower pays return postage and for any damage to the print other than normal wear.

FEDERAL CIVIL SERVANTS OF THE YEAR—BALTIMORE FEDERAL EXECUTIVE BOARD AWARDS LUNCHEON

Mr. MATHIAS. Mr. President, the difference between what the President of the United States can do and what other men can do is the 6 million hands, the 6 million feet, and the 24 million workday hours of the Federal Civil Service that he can count on.

If the President is to accomplish the reforms that he seeks—whether in the area of welfare or the draft, it will be through the dedicated effort we have come to expect from the civil service.

To the civil servants, we owe the debt of recognition. Last week, I had the pleasure of addressing a luncheon at which seven civil servants out of some 65,000 Federal employees in the State of Maryland were singled out for their achievements in the nonscientific and the scientific career fields.

In the nonscientific field, Mr. Harold Brager of the Baltimore office of the Internal Revenue Service was selected as the Outstanding Federal Civil Servant of the Year. His counterpart on the scientific side was Mr. George Friedman of the Social Security Administration in Baltimore, Md.

I ask unanimous consent that the complete list of the finalists and their sponsors in the Federal civil servant of the year program be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FINALISTS

Nonscientific

Harold Brager. Sponsored by Mr. Irving Machiz, District Director of Internal Revenue, Baltimore District Office.

Joseph W. Hinton. Sponsored by E. L. Perry, Captain, USCG, Commanding Officer, U.S. Coast Guard YARD, Curtis Bay, Maryland.

James R. Thomas. Sponsored by Dr. Victor C. Welch, Hospital Director, Veterans Administration Hospital, Perry Point, Maryland.

Paul K. Shutt. Sponsored by Paul R. Cerar, Colonel, CmlC, Commanding Officer, Department of the Army, Edgewood Arsenal, Edgewood Arsenal, Maryland.

Scientific

George Friedman. Sponsored by Robert M. Ball, Commissioner of Social Security, Social Security Administration, Baltimore, Maryland.

Charles E. Depkin. Sponsored by Paul A. Troup, Jr., Colonel, Infantry, Acting Commander, Department of the Army, Materiel Testing Directorate, Aberdeen Proving Ground, Maryland.

Peter B. Ferrara. Sponsored by Rudolph A. Axelson, Colonel, GS, Commanding Officer, U.S. Army Land Warfare Laboratory, Aberdeen Proving Ground, Maryland.

WALTER REUTHER

Mr. RIBICOFF. Mr. President, the death of Walter Reuther is a great tragedy.

Walter Reuther was involved in every major social issue of his time. And he was ahead of his time on many of them.

As an activist, young people can look upon no better example. To Walter Reuther, the needs of the workingman transcended merely higher wages.

His desire to improve the human condition took him wherever injustice and inequity existed. This passion was in him as a 16-year-old corrugating plant worker in Wheeling, W. Va. It was as strong last month when he was reelected for the 13th time as president of the United Auto Workers.

His vision of how to revitalize not only the American trade union movement, but the entire fabric of society, made him one of the truly great social architects of our time. Walter Reuther's untimely death is a tremendous loss, not only to the 1.8 million working men he led, but also to the poor whose cause he championed with great vigor and understanding.

He appeared as a witness before my Subcommittee on Executive Reorganization, first in the crisis of the cities in 1966, then in health care in 1968.

In both sets of hearings, one found in Walter Reuther a man of deep commitment and a deep passion for the great problems and issues facing this country.

Walter Reuther had a particular appeal to and love for the workingman because he was a great teacher who understood, and genuinely loved, people. It was easy to know and like Walter Reuther. He was an outgoing man. He was a kind and humane man.

I am grieved that we have lost at this critical time in our history so important a national voice.

I ask unanimous consent that an editorial from today's Washington Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WALTER REUTHER

It was hard to resist Walter Reuther. He took you by storm, by charm, by agility in argument, by the unrelenting force of his own certainties, by the infectious exuberance of his personality. Politicians, industrial potentates, peers in the labor movement fought him and usually succumbed to him in one way or another. He left his imprint upon the social and economic life of the United States more indelibly, perhaps, than any political figure in his time, Franklin Roosevelt excepted. He was part labor leader, part social reformer, part evangelist. But it was always through the labor movement, as the responsible head of the United Auto Workers Union, that he functioned. He understood that the welfare of workers was inseparable from the welfare of the national community.

Nothing seemed insurmountable to Walter Reuther. So he was ceaselessly putting forward romantic, imaginative schemes. He proposed when America got into World War II a fantastic idea—which came to be known as the Reuther Plan—for converting the machine tools of the automobile industry into instruments for manufacturing airplanes; it resulted in the greatest air armada ever known. He sought for the workers he represented not merely pay increases but a share in the productivity of industry—a share even in industrial planning—that would ensure for them a full participation in the potentialities of the American economy. He was an extraordinarily shrewd, resourceful and tough bargainer for all sorts of innovations initially derided and resisted by industry—pension plans, productivity raises, profit sharing, long-term contracts, health and welfare benefits, increased leisure time, a guaranteed annual wage.

Reuther made the UAW a fighting force for social ends beyond the special interests of its members. He led it into the acceptance of fair employment formulas; and he made it a spearhead of the drive for civil rights. He appealed to the best instincts of his followers and of his countrymen generally. "The unfinished business of this century," he said, "is the problem of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices and profits . . ."

In short, he thought of labor unions as a movement rather than a business. As president of the Congress of Industrial Organizations as an architect of that group's merger with the American Federation of Labor and as vice-president of the combine, he sought, against rather obdurate odds and with scant success, to revitalize the labor movement and to focus its attention on larger goals than mere wage increases. Failing in this, he took his union out of the AFL–CIO to form a new alliance. He leaves an immense estate to his heirs. There is very little of fortune in it because he valued frugality more than indulgence. But there is a rich bequest of idealism, of optimism, of social statesmanship. And, as always, all Americans are among his beneficiaries.

DEATH OF JOHN J. McMULLEN OF CUMBERLAND, MD.

Mr. MATHIAS. Mr. President, Maryland lost one of her most distinguished residents recently when John J. McMullen of Cumberland passed away.

Mr. McMullen distinguished himself in all that he did, be it as publisher of Cumberland's two daily newspapers or as a member of the State roads commission. A quiet man, he shied away from publicity while working diligently for a number of worthy causes to benefit the Cumberland area. He will be missed by all who knew him and by those who benefited by his tireless efforts on behalf of the community.

I ask unanimous consent that an editorial published at the time of Mr. McMullen's death be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN J. McMULLEN

John J. McMullen, chairman of the board of the *Times and Alleganian Company*, shied away from personal publicity even though he was the publisher of Cumberland's newspapers for many years. Mr. McMullen, who died Monday, enjoyed being the first to know what was going on in the community and he wanted other people to know about it, but he often requested that his name be kept out of a story when in fact he was the most important participant in the event being related.

No one, except his most intimate associates,

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had any conception of the many area betterment projects in which he played a major and decisive role.

One of his behind the scene activities was his interest in the establishment of Allegany Community College. He was an important figure in helping make possible the new campus and was instrumental through his state connections in having Route 40 and Williams Road joined with a modern link so that the college could be reached in easy fashion from two directions.

Mr. McMullen was a "born Democrat" but he never became too immersed in Democratic politics to realize that his party did not always have the best candidates.

If there was any one thing which dominated Mr. McMullen's life in recent years, it was his desire to improve Western Maryland's highway connections with all the major cities.

Both as a member of the Maryland State Roads Commission and as an individual, Mr. McMullen worked hard to reach these goals. He accomplished much of this during his lifetime and was looking forward to the bidding on the phase of the National Freeway contract which would take the road to the Garret County line. The highways of this area will always furnish a monument to his attainments.

He was chairman of the Upper Potomac River Commission, a group which constructed the Savage River Dam. This led to a cleaner and controlled supply of water in the Potomac River and the project was instrumental in the refurbishing of the Luke Mill of Westvaco, Inc. He was also looking forward to construction of the Bloomington Dam.

Mr. McMullen always looked at the "big picture" and never allowed little things to blur the scene. He felt that if something was worth doing and would improve Western Maryland, a way could be found to accomplish the task.

Not the least of Mr. McMullen's traits was his friendliness and his willingness to help people. This was demonstrated by the many times he went out of his way to be of service to someone who needed assistance and to his keen interest in the Allegany County League for Crippled Children.

Mr. McMullen served his community well and will be missed.

ORAL CONTRACEPTIVES

Mr. METCALF. Mr. President, the May 1970 issue of the Progressive inincludes an article, entitled "The Pill and the Public's Right To Know," written by the distinguished reporter Mr. Morton Mintz. The article deals with the 9 days of hearings held early this year by the Small Business Committee's Monopoly Subcommittee under the chairmanship of the junior Senator from Wisconsin (Mr. NELSON).

The primary purpose of the hearings, as stated by the subcommittee chairman, was to determine whether or not women are being given adequate information about oral contraceptives so that they may make an intelligent and informed decision with regard to their use. It is interesting to note that a Gallup poll conducted during the first week in February showed that a startling two-thirds of pill-taking women said they had never been told about the possible hazards by their physicians. On the basis of this, the February 9 issue of Newsweek concluded:

> In light of the (Gallup) survey, the Subcommittee's concern was well founded.

In addition, Dr. Charles C. Edwards, Commissioner of the Food and Drug Administration, stated he had "come to the conclusion that the information being supplied to the patient in the case of oral contraceptives is insufficient and a reevaluation of our present policy is in order." To remedy the situation the FDA will require that a "reminder leaflet" be placed in each package of oral contraceptives going to the user.

Mr. President, I commend the Senator from Wisconsin for his courage and persistence in bringing this vitally important matter to the attention of the public. In my opinion he has, indeed, performed a great service to the American people.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PILL AND THE PUBLIC'S RIGHT TO KNOW

(By Morton Mintz)

During the recent hearings on The Pill, spokesmen for population control organizations charged that vast numbers of women were being scared off the drugs, would become pregnant, and would bear children who, being unwanted, would be beaten by their parents.

Phyllis Piotrow, former executive director of the Population Crisis Committee, went so far as to suggest that there will be a crop of "Nelson babies," in dubious honor of Senator Gaylord A. Nelson, the Wisconsin Democrat who is chairman of the Senate Monopoly Subcommittee. His Republican colleague from Kansas, Senator Robert J. Dole, who can be counted upon by the drug industry for support at climactic moments, came through again. The "Nelson babies" phrase, he said, "is all right with me."

If it really is all right, which it really isn't, then it also is all right, presumably, to personalize any diseases caused by The Pill—say, "Piotrow strokes" or "Dole thromboembolisms."

This means little episode would not be worth recounting were it not for a couple of facts. One is that the "Nelson babies" phrase attracted substantial attention in news media. A second fact is that a troubling impression emerges from a reading of the hearing transcript: that the slur on Nelson was symptomatic of the attitudes of certain population control advocates. They were angry not only at Nelson, who happens to be one of the most ardent and articulate supporters of family planning on Capitol Hill, but also at much of the press and even, far-fetched as it may sound, at the application of democratic process to their particular cause, worthy and important as it is.

Consider Dr. Harold Schulman of Albert Einstein College of Medicine. While denying that he was urging "a type of censorship," he said, "If hearings such as this are going to be held, I believe the committee must carefully plan and screen all individuals who are invited to testify as to the content of their testimony." The ABM, Vietnam, Laos—subjects such as these may be the subject of Congressional hearings but not, he was suggesting, something as sensitive as The Pill.

Dr. Anna L. Southam, of Columbia College of Phyicians & Surgeons, told the Subcommittee, "I beg the press to report accurately or not at all." But she created a strong impression that, deep down, she would prefer no reporting at all to accurate reporting of, say, a statement that The Pill "should be monitored and restricted to women who cannot use other methods effectively." That statement happens to have been made by Dr. Philip A. Corfman, director of the Center for Population Research at the National Institute for Child Health and Human Development. Dr. Southam did not say if she was troubled by the accurate reporting of the uneasiness about widespread use of The Pill acknowledged by Dr. Louis M. Hellman, former chairman of the Food and Drug Administration's outside consultants on contraception.

So far as is known, no one has complained of inaccuracy in the reporting of another authoritative statement: that until recently the effects of The Pill were "inadequately investigated or ignored. . . . No tissue or organ system is free from a biological, functional and/or morphological effect. . . . Many of the changes appear to be reversible after short periods of treatment, but it is impossible to form judgments on the reversibility of some of the changes resulting from prolonged administration." That statement was made by Dr. Hilton A. Salhanik of Harvard and two other scientists who, in behalf of the National Institutes of Health, ran a workshop on the metabolic effects of The Pill.

Dr. Southam also was upset by "non-medical science writers" (possibly including the generalist writing this article), as was Dr. Schulman. This was a way of saying that they disapprove of those reporters who disclosed, among other things, that the safety of The Pill had not been demonstrated before massive use began. In Dr. Southam's view, such reporters do "a disservice to the consumer who should depend on her doctor for advice." Which doctor? Southam or Corfman? Schulman or Salhanik? Perhaps Alan F. Guttmacher, president of Planned Parenthood-World Federation. His case may be the most interesting of the lot.

Physicians have prescribed The Pill for millions of American women—far more than the 8.5 million estimated to be taking it currently. In his prepared statement, Dr. Guttmacher cited a Gallup Poll in the February 9 issue of *Newsweek*. One highly revealing disclosure in the article was that two-thirds of the women quitting The Pill said their doctors had failed to apprise them of the risks—some of which, especially blood-clotting diseases, have been demonstrated. When asked about the disclosure by Senator Nelson, Guttmacher said, "No, I do not remember that."

Guttmacher did not assert that doctors had educated themselves about The Pill before massively prescribing it; indeed, he conceded—under questioning—that "perhaps the American physician has been remiss in not trying to educate himself about the intricacies of The Pill." For such hope as it may offer, his claim was that the medical profession is "educable."

Nelson brought up one of the numerous drug company pamphlets that made blatantly misleading, and sometimes downright false, euphoric statements about safety. Guttmacher agreed, as he had to do, that such statements were far out of line. But he had not, and other population-control advocates had not, protested the pamphlets when protest might have done some good—during the decade of the 1960s when doctors were handing them out by the millions. The protests came from the FDA and the "non-medical science writers" disdained by the Southams and the Schulmans.

It was with poor grace that the population-control leaders laid down a barrage of attacks on Nelson for holding hearings, the entire purpose of which was to determine if women were being adequately informed about known and possible hazards of The Pill. In an exchange with the Senator, Guttmacher did say that the hearings had "served a useful purpose in making the doctor more careful," and General William H. Draper, Jr., honorary chairman of the Population Crisis Committee, predicted that "the long-range effect . . . will be constructive and in the interest of the American people."

But on the whole Guttmacher's performance was badly flawed. He went through the tired and meaningless routine of comparing the fatality rates of women on The Pill and

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women in auto accidents. He kept saying that it hasn't been proved, or that it is "conjecture," that The Pill may cause cancer, heart disease, diabetes, or other diseases. That is true, but he failed to say that the *testing* which would establish whether The Pill does or does not cause these and other dread maladies has not been done.

Last September the FDA's consultants on The Pill produced a report of almost unrelieved grimness. To escape it they came up with a legalistic gimmick. Saying that the law does not define safety, they drew the conclusion that The Pill earns "the designation safe within the intent of the legislation." Dr. Guttmacher approved of that conclusion. It is "verbiage which is difficult to define," he testified. "But at least it is verbiage which does create a certain sense of complacency in the user."

Dr. Guttmacher himself has produced verbiage which tranquilized women so they could be hormonized. Until studies demonstrated a cause-effect relation between The Pill and clotting, he was saying it hadn't been proved that there was such a connection. "It can be stated flatly that the pills do not interfere with a woman's ability to bear children when she stops taking them," he said in a signed article in the February, 1966 issue of *Good Housekeeping*. It can be stated flatly that this statement, challengeable even before he made it, is in error: Some women *do* become infertile.

In the February 9 *Newsweek* article, it was noted that eighteen per cent of the women polled recently had stopped using The Pill, and that only one-third of them, or six per cent, had given as their reason doubts generated by the Nelson hearings. But on February 24, Dr. Elizabeth B. Connell of Columbia, and the next day Dr. Guttmacher, put the blame on Nelson for the entire eighteen per cent. With the eighteen per cent as a base, they made extrapolations about the ultimate number of resulting pregnancies (with scant regard for those women who switched to methods other than The Pill) and child batterings (without acknowledging the lack of an established correlation between children who were unwanted at the time of conception and children who are beaten.) It was even suggested that large numbers of women, because of the hearings, already had become pregnant and were seeking abortions. This suggestion was knocked down by the calendar.

The Nelson hearings began on January 14. Dr. Connell's testimony was figured to have been completed and mailed off to the Subcommittee on February 19. That was five or six days short of the time needed for a number of women to be frightened by the hearings, stop using The Pill, become fertile, conceive, and be reliably tested for pregnancy.

Some other points got buried in the rather fast shuffle in which witnesses such as Dr. Connell engaged. For example, millions of women have given up The Pill over the years because they didn't like the synthetic hormones, or because of other reasons unrelated to criticism of the drugs. Nelson cited a Chicago study showing that within two months of inception of use, forty per cent of a group of women stopped using The Pill.

At one point in the hearings Nelson said in exasperation, "I think there has been a rather great con game played on the American public." But why would such a thing be done? The answer is in significant part that The Pill drove a wedge between "woman" and "women"—between the individual and social engineering, between safety for one person and efficacy among millions.

Once evidence of hazards began to develop and be reported, the population control people were put in a dilemma. How could attention be called to the risks without peril to their cause? How could they call attention to dishonesty in pamphlets published by manufacturers and distributed by doctors without simultaneously faulting, say, an assertion such as one made by Dr. John Rock, in the January, 1968 issue of *Family Circle*, that The Pill "is perfectly safe"? How could they help but be nervous about fair reporting? How could they not be privately terrified by the prospect of Senate hearings intended to elicit literally vital facts, rather than "verbiage" which creates "complacency" in the user?

During an exchange with Guttmacher, Nelson asked, "Do we have a right not to have public hearings and not to make the information available on the ground that all the press may not carry it the way some people think they ought to carry it? Or that it is too complicated for the public to understand? Is this the kind of decision that we have a right to make, to withhold knowledge developed by the [Government itself], or should these matters be made a matter of public knowledge, counting, as it seems we always have to do, upon the ultimate good judgment of the public to come to a reasonable conclusion?

"Very frequently, in a free country, people do not come to reasonable conclusions," Nelson went on. "That is no reason for submitting an arbitrary system. . . . This is one of the risks, it seems to me, of having a free society in which there are many risks."

It is useful to see The Pill first of all as a piece of technology, much as DDT, say, is a piece of technology, albeit in a vastly different area. We did not know what we were doing when we bought The Pill, just as we did not know what we were doing when we bought DDT. The testing of The Pill having been ludicrously inadequate, and massive unscientific and sometimes dishonest promotion of The Pill having proceeded apace despite the inadequacy of testing, we are today, and will remain for a long time, ignorant of the full range of its potentials for pollution of the bodies of millions of human beings. We have not even undertaken the studies which would tell us of possible effects on the offspring of some of those human beings.

The issue is not whether sales of The Pill should be halted (among other things, this would create a bootleg market). Neither is population control the issue (not only because Senator Nelson is for it, but also because the effectiveness of The Pill in controlling world population has been drastically oversold). The issue, rather, is the rational and humane use of technology. It is not easy to forgive a con game in which women who do not need The Pill, because they have acceptable alternatives, are induced to use it in order to provide reassurance to women who do need it.

KENT STATE—TARGET: MIDDLE AMERICA

Mr. FANNIN. Mr. President, the tragedy at Kent State not only has stunned a nation; it has struck so deeply because the campus in our minds is so representative of the quiet countryside of middle America.

However, Fritz Marquardt, editorial page editor of the Arizona Republic, in an editorial entitled "Target: Middle America," published on May 6, 1970, has set forth some discerning facts that might have warned about the tragedy.

The House Committee on Internal Security in its printed record of hearings already has reported that the Kent State campus was a target of the "war" declared by the Students for a Democratic Society—SDS—as early as the 1968–69 academic year.

The editorial cites this public record to include utterances of SDS spokesmen at Kent State in the Spring of 1969 that:

> We'll start blowing up buildings. They used guns at Cornell and they got what they wanted—it will come to that here.

Mr. President, the "quiet countryside of middle America" is the target of those bent on violence and disruption. It is a tragedy when innocents fall victim to their brew.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

TARGET: MIDDLE AMERICA

Students and national guardsmen confronted each other Monday afternoon at Kent State University in Ohio. Four students, including two girls, were killed. They were the first fatalities in the campus unrest that has been plaguing the nation for the last four years.

Today Kent State University is closed. It may be shut down for the remainder of the academic year. Some 19,000 students have gone home, their educations disrupted, perhaps ended, because of the riot.

No one, except the Communists and Nihilists, can take any satisfaction from this tragic event. The nation can only hope that a many-pronged investigation will reveal what really happened at Kent State. Americans are entitled to know exactly what led to this carnage.

In a color story describing the killing ("war" was the word used) the Washington Post News Service said, "This deadly encounter came not at one of the more publicized 'radical' campuses of the East or West coasts, but in the quiet countryside of Middle America."

What the Washington Post didn't say was that Kent State University had been forced to drink the witches' broth of revolution for months. The "war," again to use the Post's term, should have caught no one by surprise. In the academic year of 1968–69 the Students for a Democratic Society (SDS) deliberately turned Kent State into a laboratory for revolution. The story is told in the printed records of hearings held by the House Committee on Internal Security in Washington.

In the winter of 1968–69, according to the testimony of Dr. Robert I. White, president of the university, "The signals coming from SDS were so clear that tensions and concerns were evident throughout the entire campus, even to the most casual observer."

Among the signals noted by the House investigators, was a 10-page mimeographed "Organizer's Manual for the Spring Offensive," which was distributed by the local chapter of SDS. The manual demanded an immediate withdrawal of American forces from Vietnam, an end to Reserve Officers' Training Corps programs in this country, open admission to the university of the Third World (i.e., black and white "working class" members), and so on.

The Organizer's Manual stressed the need for "escalating actions" as follows: "During the course of the struggle it will probably be necessary and helpful to carry out a series of escalating 'mini' actions to help build consciousness and dramatize the issue. Beginning with guerrilla theater actions in dorms we can escalate to disrupting classes, street marches, quick assaults on buildings, etc., before moving to the major confrontation of the struggle."

Whether Monday's action was "the major confrontation" remains to be seen. But this year's demonstrations followed three major disturbances in the spring term of 1969. The first occurred April 8, when 35 to 40 SDS marchers tramped through various university buildings chanting "Ho, Ho, Ho, Ho Chi Minh."

The second disturbance took place on April 16, when 100 supporters of SDS stormed through two sets of locked and chained doors in an effort to disrupt a disciplinary hearing that had grown out of the April 8 disturbance. "Open The Hearings" and "Free All Political Prisoners" were the war cries of the demonstrators.

The final disturbance of the spring of 1969 came on May 22. One witness testified that Rick Skirvin, a speaker at a rally in front of the Student Union Building, said: "We'll start blowing up buildings, we'll do anything to bring this (obscenity for school) down."

Earlier, an SDS spokesman, Joyce Cecora, said, "They used guns at Cornell and they got what they wanted. It will come to that here."

Outsiders played a leading part in preparing for Monday's bloody affray at Kent State. On April 16, 10 demonstrators were identified as non-students. On May 22, of one group of 15 demonstrators, five were identified as students, five were definitely established to be non-students, and the other five were not identified. One SDS leader who showed up at Kent State early in the game was Mark Rudd, the leader of the demonstration at Columbia University.

The Associated Press reported that seven students were convicted of inciting to riot in last year's affair. Four of them, "all local leaders of Students for a Democratic Society," were released from Portage County jail at Ravenna last Thursday. Whether they were back at Kent State for this week's demonstration remains to be seen.

Kent State University obviously is a major target of a revolutionary group that wants to destroy the government of the United States. That group, the Students for a Democratic Society, is taking every possible advantage of rational dissent and turning it into an assault on society.

Where all this might well lead was pointed out by Milton S. Eisenhower, chairman of a Presidential Commission on Violence. Speaking at the Kent State University Commencement exercises in 1968, Eisenhower said: "It is but a short step from licentiousness and persistent violence to anarchy, and the . . . almost inevitable cure for anarchy is dictatorship, of the right or the left."

"The quiet countryside of Middle America," to repeat the words of the Washington Post, is now the goal of the radicals and anarchists who apparently feel they have carved out their empires of destruction on both coasts.

THE SILENT MAJORITY SPEAKS

Mr. HARTKE. Mr. President, last Thursday, May 7, I spoke to a group of Evansville, Ind., businessmen about the present state of the economy. In that speech I expressed my belief that the 270-point stock market decline since December 1968, constitutes a massive vote of nonconfidence by the silent majority in President Nixon's economic policies. It represents their belief that inflation is continuing, not abating as claimed by the administration.

Not only are these investors right but present governmental policies, while failing to curb inflation, make it extremely unlikely that the Government will achieve a much-needed surplus. The present administration's policy of slowing down the economy forgets that the Federal Government is a 50-percent partner with every corporation in this country. When corporation profits decline, so does Government revenue.

I ask unanimous consent that my speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Silent Majority Speaks

The unsilent majority is trying to speak to President Nixon but he refuses to listen.

On Monday, the stock market declined 19.07 points. This was the largest single day's decline since President Kennedy's assassination more than six years ago. The losses were general, including both glamor and blue-chip stocks. This black day on the stock market was merely a continuation of the worst stock market decline since the depression. Since December of 1968, the Dow-Jones average has lost more than 270 points. By Wednesday, stock prices were at a 6½ year low—the lowest since August 9, 1963.

While some of Monday's decline was caused by force-selling to cover margin accounts, most was attributed to a "buyer strike" and selling by institution and mutual funds. The message is clear—the small investors or their agents are getting out and staying out of the stock market. As one stock market analyst remarked, "There is simply no reason to buy stock." President Nixon prides himself on his mystical ability to listen to the silent majority—somewhat comparable to his former talent of helping President Eisenhower make lonely decisions. President Nixon should spend less time listening to the silence and more time listening to the actual voice of the stock market.

The 270 point decline of the stock market constitutes a massive vote of non-confidence by the silent majority in Richard Nixon's economic policies. The 270 point decline in the stock market is an expression of investors' belief that inflation is continuing, not abating as claimed by the Administration. And the investors are right. The stock market is going down as a measure of how inflation is going up. Investors know, if President Nixon does not, that the Cambodian escalation and the mini-withdrawal from Vietnam further aggravates our war-induced inflation.

Meanwhile, back at the White House, President Nixon refuses to either acknowledge or act on the dire warnings of the 270 point decline. Some people apparently view the stock market merely as a gambler's pit with as little impact on the American economy as a French bicycle race. Unquestionably speculative adventure exists in the stock market, but it has been, and remains a thermometer registering the health of the American economy. This thermometer shows that our economy has both a severe chill and a high fever. The 270 point decline reflects what has already happened and foreshadows what will happen in our economy.

The stock market decline merely mirrors what has already occurred in the credit markets. Due to the high interest, tight money policy pursued by this and the previous Administration, the private credit markets have suffered, for the last two years, their own 1929. President Nixon's decision not to change his policy but to continue it has caused a credit back-up stretching from New York City to the towns and townships of Indiana.

The credit capital is New York City, yet that city administration is so out of money that Mayor Lindsay has had to close down three anti-drug centers. When the Mayor of New York City cannot borrow money, the Mayor of Gary will not be able to borrow money for school construction, the Mayor of Portage will not be able to borrow money for sewer construction, the Mayor of South Bend will not be able to borrow money for hospital construction. Some Indiana towns, like Lafayette, unable to obtain credit through usual sources, are borrowing money on the basis of taxes allocated for the next year's operation. The credit crunch is felt throughout the country. $21,440,000 school bonds of Pennsylvania will probably fail to sell because of a 7 per cent ceiling on interest.

High interest policy creates a high roller's game for high priced money between big business and big government, freezing out the small businessman and municipalities. Big business capital expenditures continue to increase and the high interest costs are transferred by tax deductions to the average American taxpayer. Ironically, President Nixon's silent majority, forced from a high-stakes game for credit, ends up paying for it. Money for the construction of a gambling establishment in the Bahamas exists, but increasing numbers of businesses will fail because of lack of credit. 921 businesses failed this March, a 6 per cent increase from last March.

The main concern for most businessmen will not be greater profits but just keeping solvent. There will be a lot of business, but little profit—nothing sticking to the ribs. The businessman and the worker too find themselves on a whirling carousel that is out of control. This is the most frightening fact of the present situation—the economy is completely out of control and the Administration does not know it. They make economic predictions which are discredited within days. The Administration is out of touch with Congress, it is out of touch with business. President Nixon believes in splendid isolationism domestically if not in foreign affairs.

Municipalities need to borrow at reasonable rates to keep taxes in check. Municipalities, unable to borrow at reasonable rates are overburdening an antiquated property tax system. The high interest rate is being transfered to the homeowner, shopkeeper, the gasoline station manager in the form of higher property taxes. Of course, as much as possible, the businessman transfers his increased cost of doing business to the consumer. The high interest rates are freezing the property tax into higher costs for bacon and eggs.

So much for the prosperous past. What does the 270 point decline tell us about the happy future?

(1) It foretells continued business failure.

(2) It foretells continued decline of corporation profits resulting in

(3) substantial government deficit. The present Administration's policy of slowing down the economy forgets that the Federal government is a 50 per cent partner with every corporation in this country. When corporation profits decline, so does government revenue. President Nixon's budget grossly understimated the loss of Federal revenue due to the slowdown of business activities. Because of this and increased government spending, we now face a government deficit in the neighborhood of 8 billion dollars.

It also foretells:

(4) continued high interest rates. Only last Thursday Arthur Burns, the new Chairman of the Federal Reserve Board stated that interest rates have already "passed their peak." Only two business days later, interest on the bond market scored a record high. The price for triple A corporate bonds reached a record high of 9.19 pecent, and yields on Treasury short term bills rose to their highest level in three months. Even for this Administration, this was quick refutation of their predictions. Interest rates will be higher because of the government deficit and its need to refinance $16.6 billion of maturing debts.

(5) Continuing unemployment; the prediction of some economists of 7 per cent unemployment now seems a tragic possibility.

Finally, (6) continued deterioration of our balance of trade because our goods are over priced and in many cases, we cannot finance them.

After almost two years, it is time to admit that the present unselective high interest, tight money policy is ineffective and counterproductive. It is asphyxiating the Federal government and threatening the very existence of state and local governments. Advocates of state rights should be greatly disturbed by the monetary policy of the national government. The present policy fights the economy, not inflation. Money is the basic food for our economy, without it our economy ceases to exist. We should immediately lower interest rates and expand the money supply to about 5 per cent to get the economy going again.

We should undertake measures to immediately increase this country's productivity. One of the most unsettling symptoms affecting our economy is the market fall-off in business productivity. Output per man-hours in 1969 rose at less than one per cent, compared with a 3.3 average since 1945. Productivity is a real test of our strength as a nation, and therefore I fought for a small business and farmer's investment tax credit. Government bureaucrats and academic theorists just do not seem to realize that when business is profitable, workers productive; government prospers.

We should abandon the present oil import quota system which seriously inflates the price of gasoline for every American.

To reduce the severe strain on credit markets, we must balance the budget. Reducing or eliminating unnecessary government expenditures for such things as the SST, a plane for the wealthy only, the ABM, part of our missile-madness, and farm subsidies, among others, will greatly help to balance the budget. I must confess, however, that if President Nixon insists, as he is doing now, on slowing down the economy and speeding up the war, balancing the budget will be impossible.

The tragedy of the Nixon Administration is that when change was so desperately needed both in foreign and economic policy, President Nixon chose a policy of continuity, not change. He has chosen to continue a foreign policy that caused our present economic dislocations. The cost of Vietnam is inflation. He has chosen to continue an economic policy that neither cured nor contained this inflation. President Nixon's failure to make the hard decisions have caused the hard problems of today.

PROBLEMS OF BALTIMORE

Mr. MATHIAS. Mr. President, the Baltimore News American has initiated a campaign to help make Baltimore and vicinity a better place in which to live, work, and do business.

Through a series of articles, the paper plans to "point a finger at those who are doing Baltimore a disservice, deliver a pat on the back to those who are doing it a service and—perhaps most important—awake from lethargy those who are doing nothing."

It is good to see a newspaper roll up its sleeves and commit its energy and resources to solving the crime, dirty air and water, poor housing, falling tax base, and related problems which have beseiged Baltimore and other cities.

Although no one person or institution can do the work needed to rehabilitate our cities, the News American is to be commended for this effort to help Baltimore. It is to be hoped that other institutions will consider starting similar programs to help our Nation's cities in their time of crisis.

I ask unanimous consent that an article which explains the News American's commitment program be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Declaration of This Newspaper's Policy: Commitment

The News American opens today a campaign we are calling Commitment.

It means simply that we are committing ourselves to helping make Baltimore—and its environs—a better place in which to live, work and do business.

It means that The News American is Committed:

To making the leaders and institutions of government respond quickly and effectively to the needs of our people.

To improving our court and penal systems.

To reducing the crime rate.

To reducing environmental pollution.

To improving our educational system.

To reducing the costs and improving the quality of health care.

To improved housing, both public and private.

To eliminating drug abuse.

In this effort we hope to establish a close working relationship with the community improvement organizations and neighborhood action groups which are trying to provide a better Baltimore. We solicit their help and suggestions and earnestly pledge our support.

The crisis of our cities is the major problem facing the United States. Baltimore with its high crime rate, its shrinking economic base, its spreading blight, its inadequate schools, its unresponsive institutions, its racial polarization, and its apathetic and fearful citizenry crystallizes the American dilemma in miniature.

But there is another side to life in the city.

We live in a city full of charm, rich with untapped resources in services, in housing, providing opportunity for all and peopled by colorful, imaginative and vital individuals.

We believe that the deterioration of this city is not an irreversible process and that the News American and its readers can play an important part in this effort.

Through commitment, we hope to point a finger at those who are doing Baltimore a disservice, deliver a pat on the back to those who are doing it a service and—perhaps most important—awake from their lethargy those who are doing nothing.

Neither this newspaper, an institution or an individual person can do the job alone. The commitment must be made by all, working in a united effort toward a common goal—the preservation and enrichment of Baltimore.

Too often in the past we have heard the cry that it is Government that must build better neighborhoods and create a better Baltimore.

But government alone can not do the job. Individual effort is needed by institutions and—most importantly—by people, your neighbors and you.

In his January, 1969 Inaugural address President Nixon underscored the necessity of commitment when he said:

"To a crisis of the spirit we need an answer of the spirit. We are approaching the limits of what government alone can do.

"Our greatest need now is to reach beyond government, to enlist the legions of the concerned and committed. What has to be done, has to be done by government and people together or it will not be done at all."

We do not ascribe to the theory, frequently voiced from the suburbs, that it is too late to save the City.

Baltimore will not disappear and neither will its problems. The danger is as real to those outside its boundaries as it is to those within, for the failure of this city will only mean that its bills must be paid by the people in the 23 counties of this state.

The question of whether or not we should make the effort to save our cities is no longer relevant; the focus now is how.

Commitment will focus its attention in several areas:

What contribution can an individual make that will make a difference in the future of this city?

How can institutions, governmental and private, be made to respond to the needs of the city and its people?

Commitment will concentrate on all aspects of city life—provoking, hopefully, not discussion but action. The program will focus on the positive aspects of city life and attempt to deal with the problems not simply by criticism but by providing constructive alternatives.

Our function will be to spotlight the problem areas and encourage you, our readers, to do something about them.

YOUTH CAMP SAFETY

Mr. RIBICOFF. Mr. President, within a few weeks millions of youngsters will make preparations to spend all or part of the summer at camp. For most, camp will be a healthy and rewarding experience. Tragically, however, for some, it may mean injury or even death.

A careful study has shown that safety regulations affecting camps are generally weak or nonexistent. Most states lack comprehensive camp safety and health laws and over a third of them have no laws on the subject at all.

A timely and informative article in the May issue of the Kiplinger magazine, Changing Times, points out some of the potential hazards of youth camps.

The article stresses that while most camps are safe and well-run organizations there is little reliable information available to the parent seeking to make the right choice.

I have introduced a bill to remedy this situation by establishing nationwide standards for camp safety. The bill (S. 809) would provide a parent a readily available test with which to judge the camp of his choice.

In the absence of such standards, I highly recommend the Changing Times article and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Check the Kids' Summer Camp for Safety

Two years ago in California, four children were killed and 58 others were injured when a flatbed truck driven by a camp counselor overturned on an expressway.

At a camp in Michigan a child learning to scuba dive went down too deep and came up too fast. Surfacing, he forgot to exhale and his lungs burst.

An earlier tragedy that filled the papers still haunts the memories of the families involved. One warm day in July a group of touring American boys paused on their way up an 11,000-foot mountain in Canada's snow-capped Rockies. At 8,600 feet their adult leader dropped out of the climb, but he gave the boys permission to scale the peak that is shunned even by skilled alpinists in warm weather.

Clad lightly, 11 of the 16 youths had struggled to 9,500 feet when sun-softened snow rumbled above them for an instant and then swept seven boys to their deaths 1,000 feet down the mountain.

This year more than 7,000,000 boys and girls will troop off to spend part of their summer at camp. For the vast majority, camping in cabins, cottages and tents alongside lakes and rivers or in forests will be a pleasant adventure, fondly remembered. For a few others it may well mean injury or death, and for survivors like those in the accidents described above, a lifelong memory of tragedy.

True, there is risk in nearly everything we do. Kids properly supervised in a reputable summer camp are probably safer than their friends running around the streets at home. But how can a parent considering summer camp for his youngster tell the good one from the loosely run outfit that entrusts kids' safety to staffers scarcely older or wiser than the campers themselves?

WHAT LAWS, WHERE?

A glance at the camp-safety record of many states proves that the decision is not one to be left to chance.

Most states provide little or no supervision to protect children from the kind of accidents that can cripple or kill. Based on the best information available, the leading cause of camp fatalities is drowning, which kills an estimated 40 youngsters each summer. Yet 40 states have no requirements for counselors who oversee water activities.

In 46 states there simply are no rules governing either the qualifications of vehicle drivers at camps or the types of vehicles that tote campers to and fro.

Nineteen states neither inspect nor regulate children's camps in any way. Although states demand reports on fires, highway accidents and industrial injuries, only a couple require children's camps even to keep medical records of severe illnesses or bad accidents.

Luckily for some campers a few states, such as Michigan and Colorado, have pioneered safety legislation that saves lives. And the American Camping Association (ACA) has developed over the years a set of health and safety standards that camps must meet in order to display the association's emblem. After a camp requests membership, a couple of inspectors trained in ACA standards check the camp's facilities and equipment, leadership, health and safety precautions, and note in writing how well activities are supervised.

Between 14% and 16% of camps applying for accreditation by ACA fail on the first try. Usually, the camp owner or director corrects the deficiency in a jiffy. Still, recommendations by the touring inspectors are just that. If a camp owner balks, all the ACA can do is deny him accreditation.

Only a little over a quarter of the 11,000 or so youth camps belong to the ACA. Most youth agency camps have their own standards or use the ACA's. This leaves the safety of thousands of others strictly up to the owners, directors and managers or to state officials, who often do little more than inspect routinely for adequate sanitation and water purity.

Of course, there are camps that could meet ACA's standards but have never applied, and there are good camps even in states with feeble laws.

But picking one worthy of your trust is not to be done by thumbing through fancy brochures picturing campfire songfests and canoeing on placid lakes.

HOW TO DECIDE ABOUT A CAMP

The best way to judge a camp is to visit the place yourself. Talk to the counselors and director. Notice whether facilities and equipment are well cared for. If a visit is impossible, try to find someone who knows the camp and ask for an appraisal. You might talk to youngsters who've been there; ask the camp to mail you a list of some campers from your area.

You would also be well advised to find out how long the camp has been in business, whether it is ACA-accredited and just what your state camping laws do cover.

Satisfy yourself on as many of the following points as you can, most of which are ACA recommendations. Observations during a visit will take care of many of them.

Personnel

Is the director 25 or over and does he have a college degree related to camping? Has he taken a refresher course within the past three years?

Counselors should be at least 18 years old in day camps, 19 in resident camps. How many counselors for each camper? Be wary on this point. Some camps pad ratios merely by calling every staff member a counselor, even if he doesn't work directly with campers. For a day camp with 8-year-olds a good ratio is one counselor to ten campers. The ratio should be one to eight where the kids range from 6 to 8, and one to six if they are younger.

Campsite, facilities, equipment

The camp should be well back from highways, and foot trails should be as far as possible from traffic. Inspect for such hazards as rocks, hunks of metal and poison ivy. If sleeping accommodations are not all at ground level, are fire escapes and protective devices provided for all other floors? Is the swimming area roped off and is there lifesaving equipment?

Be sure that the waterfront program is always under the direction of an experienced person over 21 years who holds a current American Red Cross water safety instructor's certificate. A certified senior lifesaver should be available for every 25 swimmers.

Can all watercraft be locked up when not in use? If there is a pool, it ought to be fenced. Any potential hazards—rifle and archery ranges, cliffs and the like—should be properly marked off and shooting equipment stored in locked cabinets.

Ask whether the camp is covered by proper accident and liability insurance.

Health

A good camp requires a physical exam for each camper before he checks in, as well as proof of inoculations and vaccinations and a medical history. It has a doctor or registered nurse on the staff or a physician on call.

Be particularly careful here. Some camps rely on the town doctor. If the camp is near a crowded summer resort, the doctor may be too busy when he's needed most.

Sanitation

You want to be certain that the camp complies with state and local health laws, has water that has recently been certified as safe, and stores its milk and food supplies away from obvious sources of contamination.

Transportation

Notice whether transportation equipment appears to be in good shape. Do vehicles provide safe seating for all passengers? Is there a safety-education program for personnel and campers who will use the vehicles?

Don't shy away from asking questions. Remember that a well-run camp should be eager to show you that it measures up to the very best health and safety standards.

ONE FAMILY'S TRAGEDY AND A BILL IN CONGRESS

Five years ago this spring, Mitch Kurman of Westport, Conn., waved his 15-year-old son, David, off to a camp in New York State.

Early in August of 1965 the Kurmans were asked to send money to replace some clothes David had lost overboard while canoeing on the Montreal River in Ontario—the first hint of trouble. Later the same month Kurman and his wife got a phone call, David was lost on the Penobscot River.

The Kurmans flew to Maine and looked with dismay at the west branch of the Penobscot, a churning, white-water rapids used by a paper company to shoot logs downstream. State police and townspeople agreed it was no place for canoes.

"In this stretch where the boy lost his life, below the Ripagenus Dam, logs actually tumble end over end. They don't float," Kurman says.

After the recovery of David's body and a memorial service, Kurman began poking into laws governing the qualifications of camp personnel like the counselors who led the fatal canoeing trip in Maine. To his amazement, he learned that most states neither license youth camps nor set training standards for counselors.

Kurman took his findings to Sen. Abraham A. Ribicoff (D-Conn.), who introduced a bill, called the Youth Camp Safety Act.

The bill would authorize the Secretary of Health, Education and Welfare to set minimum camp-safety standards and reimburse each state adopting the standards half of the administrative costs.

Ribicoff declares: "The bill is aimed at fly-by-night operations and those camps which are unaffiliated and unaccredited by responsible camping organizations.

"I have no desire to take the adventure out of camping, but I see no reason why the benefits of camping cannot be rendered in a safe and healthy atmosphere. Many camps already measure up to the highest safety standards. Others will be given the incentive to improve. Those that fail to provide a safe environment do not belong in business."

The bill was drafted four years ago. Although it has the support of a dozen cosponsors from both parties and the backing of a majority of members of the American Camping Association, it has never been approved.

Some objectors argue that the need for federal legislation has not been shown, ignoring the fact that the only complete survey of camp safety is one done 40 years ago. Yet last summer when the House of Representatives had a chance to order a realistic, modern study, it rejected a bill by Rep. Dominick V. Daniels (D-N.J.) that would simply have authorized a survey of the extent and effectiveness of state camping laws, such as they are.

THE MOST LIKELY MISHAPS

When a camper gets hurt, the injury is most likely to be a cut, bump or bruise from a collision with a tree, a post or another camper or from getting bopped with a ball. Next in order are falls from trees, buildings or horses.

These accidents accounted for nearly 60% of 1,134 camp injuries analyzed by Dr. Arthur E. Gjersten of the State University of New York and reported in *Camping* magazine.

He also found that an accident is most likely to happen on the camper's fifth day, either in the game area or on the waterfront. As you might suspect, boys 10 to 14 ranked at the top of the injury list, having 35% of the injuries, compared with 23% for girls of the same age.

Although most injuries were not serious enough to bar kids from camp activities, Dr. Gjersten says, "there is still a great deal to learn about camping accidents, and a study done on a nationwide scale would go a long way toward providing the answers camp directors and others need."

BOOKS BY CONVICTED ADVOCATES OF VIOLENCE

Mr. FANNIN. Mr. President, the tragic events of the last few days makes clear one thing: Violence feeds on itself and, if not curbed, can escalate into the

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destruction of human life as well as of entire institutions.

Thus, it is with concern and alarm that I call attention to a book written by a convicted advocate of violence, Jerry Rubin, just published by the well-known book publisher, Simon & Schuster.

The publicity given the book by the firm and its blurb on the dust jacket, as described in an article published in the May 9 issue of Human Events, seem to me the height of irresponsibility.

I recall an article published a few weeks ago in the New York Times, stating that every one of those convicted in the Chicago trial had a book contract with a major publishing firm to "tell their story."

If Rubin's book is a sample of what is to come, then I can only agree with the charge that many of America's enterprises, particularly in the field of communications, seem to be concerned solely with profits and provide a real example of "the public good be damned."

I ask unanimous consent that the article from Human Events be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Human Events, May 9, 1970]

BOOKS BY CONVICTED ADVOCATES OF VIOLENCE

In the wake of the violence that swept across the campuses and the country last week, Capitol Hill has become intrigued with a depraved little volume published by Simon and Schuster called *Do It!* Written by Jerry Rubin, one of the "Chicago 7" gang recently convicted of crossing state lines to provoke a riot, the book—aside from being saturated with pornography and obscene language—spells out some of the thinking of America's youthful revolutionaries.

Rubin, indeed, is quite frank. He says the idols of the New Left are Che Guevara, Fidel Castro and the Viet Cong—and he appears to relish the idea of bringing guerrilla warfare to the United States.

Maintaining that "Representative democracy is the enemy," Rubin sees his goal as smashing the existing order. Black Panther Eldridge Cleaver writes in the foreword, in fact, that he "can unite with Jerry around hatred of pig judges, around hatred of capitalism, around the total desire to smash what is now the social order in the United States of Amerika [sic]."

Rubin suggests he approves of virtually any tactic to bring down the Establishment, including sabotage, treason and the killing of cops. "We've combined youth, music, sex, drugs and rebellion with treason—and that's a combination hard to beat," he says at one point.

At still another: "When in doubt, burn. Fire is the revolutionary's god. Burn the flag. Burn churches. Burn, burn, burn." Jerry is also for stealing: "All money is theft," he says. "To steal from the rich," he continues, "is a sacred and religious act. To take what you need is an act of self-love, self liberation. While looting, a man to his own self is true."

The well-known Yippie leader acknowledges that the demands of demonstrators are deliberately unreasonable. The basic bargaining tactic of the revolutionary, he says is: "Give us an inch and we'll take a mile. Satisfy our demands and we got 12 more. The more demands you satisfy, the more we got. . . . Demonstrators are never 'reasonable.' We always put our demands forward in such an obnoxious manner that the power structure can never satisfy us and remain the power structure. Then, we scream, righteously angry, when our demands are not met."

Rubin has lots more, but what is truly incredible is that Simon and Schuster have not only published this evil little tome, but that they are promoting it in a way as though they endorse it.

The back of the book, in fact, carries this "hip" message from the publishers: "DANGER! This book will become a Molotov cocktail in your very hands. Jerry Rubin has written The Communist Manifesto of our era. *Do It!* is a Declaration of War between the generations—calling on kids to leave their homes, burn down their schools and create a new society upon the ashes of the old. . . .

"This book is the most important political statement made by a white revolutionary in America today. Eldridge Cleaver, Black Panther leader in exile, has written an Introduction to it from Algeria . . .*Do It!* is to be danced to. Read aloud. Studied. Memorized. Debated. Burned. Swallowed. Eaten. But most important, after living through the experience of this book, take its final advice: *Do it!*"

Though the publishers are somewhat flippant in tone, their advice still comes through loud and clear. *Do it!;* i.e. join with Jerry to further the destruction of America.

In short, Lenin continues to be proved right in his belief that capitalists—some, at any rate—are willing to peddle almost anything for a few bucks—even if it eventually leads to their own destruction. For those who may disagree with the publisher for pandering to anti-American revolutionaries, we suggest they write to Simon and Schuster, Rockefeller Center, 630 Fifth Avenue, New York, N.Y. 10020.

WALTER REUTHER: A GREAT HUMANITARIAN

Mr. YARBOROUGH. Mr. President, the world was shocked and saddened by the tragic loss of Walter Reuther and his wife on May 9. Not only has the American labor movement lost one of its greatest leaders, but the poor, underprivileged, and suppressed peoples of the world have lost a devoted friend who dedicated his life and his boundless energy to improving their lives. Walter Reuther was more than a labor leader; he was also a humanitarian. He worked to improve the lot of working people all over the world, at home and abroad.

From the day of his birth to the day of his death, Walter Reuther's life was intertwined with the American labor movement. Walter Reuther was born the day before Labor Day, September 1, 1907. His father was an organizer for the United Brewery Workers. He left school at 15 to become a tool-and-die maker. In 1937, at the age of 30, he founded the UAW. His first local had only 78 members, but through his leadership the UAW has grown to its present size of 1.6 million members.

Walter Reuther was an honest and aggressive leader who put the welfare of his members ahead of his own safety and comfort. His legendary achievements as a negotiator provided goals for labor leaders throughout the world. Among his many precedent-setting victories at the bargaining table were:

First, the first profit-sharing plan;

Second, the first guaranteed annual income plan; and

Third, the first management paid pension.

In addition to these innovations, Walter Reuther negotiated for his members wages, hours, medical programs, and vacation benefits that were among the best in America.

Walter Reuther believed that labor must play a constructive role in all facets of American life. Therefore, he fought hard to keep the UAW free of corruption and Communists. His zealous efforts resulted in two attempts being made on his life. Despite the personal danger he constantly lived with, Walter Reuther never retreated in his fight to keep the labor movement from being taken over by those forces that would have destroyed it.

Although his leadership in labor-management relations will long be remembered, it was Walter Reuther's courageous stands on the great human issues of this century which secures his place in history. In the early days of the civil rights movement, before it became a popular and fashionable cause, Walter Reuther spoke out for equal rights and equal opportunity for all Americans. When the migrant workers of the Southwest began their historic struggle for decent wages and working conditions, Walter Reuther and the UAW were quick to give them full support. Walter Reuther was concerned for the poor people of the country and, therefore, was one of the first to advocate a guaranteed annual income for all Americans.

Walter Reuther was particularly concerned about the health of our people. He organized a committee of 100 professional people, labor leaders, and public officials to work for a program of national health insurance. I am privileged to serve on this committee, and I earnestly hope that Congress will act to pass such a program. Nothing could be a more fitting tribute to Walter Reuther.

Walter Reuther was also deeply disturbed by the tragic war in Vietnam. He was one of the first prominent Americans to speak out against the war and call for early settlement of it. To those who argued that the war was necessary to insure full employment, Walter Reuther answered that the urgent needs of this Nation require an all out effort that could utilize the talents and energies of all American workers. In his last appearance before the Labor and Public Welfare Committee, Walter Reuther outlined his plan for the conversion of our present wartime economy to peacetime production without jeopardizing the jobs of our workers.

In the final analysis, Walter Reuther was a maker of history not just an observer. He solved problems rather than created them. Above all else he was a good and just man. As immortal Shakespeare wrote:

> His life was gentle, and the elements
> So mix'd in him that Nature might stand up
> And say to all the World, "This was a man!"

I am grateful that I had the opportunity to know Walter Reuther. The Nation and the world have benefited from his vision, wisdom, leadership, and kindness. He will be missed by all those who love humanity.

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DIRE VIEW OF UNITED STATES FROM ABROAD

Mr. SAXBE. Mr. President, the eminent British historian, Arnold Toynbee, has written a brief commentary entitled "A Dire View of the United States From Abroad." His social and historical expertise has enabled him to incisively capsulize our current image in handling our foreign and domestic problems.

Toynbee has written about the rise and fall of 26 civilizations. As one so expert in the decline and fall of civilizations, it is comforting that, in spite of his dire view, he still sees hope in ours.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Dire View of the United States From Abroad

(By Arnold J. Toynbee)

London.—To most Europeans, I guess, America now looks like the most dangerous country in the world. Since America is unquestionably the most powerful country, the transformation of America's image within the last 30 years is very frightening for Europeans. It is probably still more frightening for the great majority of the human race who are neither Europeans nor North Americans, but are Latin Americans, Asians and Africans. They, I imagine, feel even more insecure than we feel. They feel that, at any moment, America may intervene in their internal affairs with the same appalling consequences as have followed from American intervention in Southeast Asia.

For the world as a whole, the C.I.A. has now become the bogey that Communism has been for America. Wherever there is trouble, violence, suffering, tragedy, the rest of us are now quick to suspect the C.I.A. has a hand in it. Our phobia about the C.I.A. is, no doubt, as fantastically excessive as America's phobia about world Communism; but, in this case, too, there is just enough convincing evidence to make the phobia genuine. In fact, the roles of America and Russia have been reversed in the world's eyes. Today America has become the world's nightmare.

Like Communist Russia, America has committed atrocities in the cause of truth and justice, as she sees them. We believe that American fanaticism, too, is sincere. This makes it all the more alarming.

In terms of the number of lives taken and of lands laid waste, America's score is, unhappily, far higher than any other country's since the end of World War II. Would I rather be a Vietnamese who was being "saved" by the American Army, or be a Czech who was being "saved" by the Russian Army? Of course I would rather be the Czech. The number of lives taken and the amount of devastation caused by the 1968 Russian military intervention in Czechoslovakia were small, measured by the standard of America's record in Vietnam.

How is America dealing with her problems? As we see it, she is failing to deal with them, and this is the most terrifying feature of American life today. The American people seem to us to be moving rapidly toward civil war: middle-aged noncombatants against young men subject to the draft; the affluent against the poor; white against black; students against the National Guard (the most immediately perilous of all these multiple confrontations).

The American home front is more crucial than the ports in Vietnam and Cambodia and Taiwan and Korea and the Middle East. The decision on America's home front is going to decide the fate of the world, and the rest of us can do nothing about it. We have no say, but we, too, are going to be victims of America's domestic agony.

With growing anxiety, we watch a spectacle that we never expected to see. Who would have foreseen that America would repudiate George Washington's warning against entangling alliances? Or that America would cease to be a land of hope? And who would have expected to find himself wishing that America would box the compass for a second time within one lifetime—wishing, I mean, that America would retreat again into the isolation from which we were once so eager to see her emerge?

Is there, then, no hope of reconciliation on America's home front? I catch a gleam of hope when I recall some words that I heard an American officer let fall two years ago in a discussion on the international situation. "There are going to be many more Vietnams," this officer said, "though the mothers of America won't like it."

The mothers of America: This representative of the Pentagon had detected the great power that was going to be the Pentagon's most formidable adversary. The Pentagon versus the mothers of America. In Cambodia we now already have a second Vietnam.

The mothers of America have still to go into action, and I believe this is a battle that the Pentagon cannot win. In the mothers of America I do still see home hope for the world.

THE COST OF THE VIETNAM WAR

Mr. HART. Mr. President, in a speech at Colby College, May 10, the Senator from Maine (Mr. Muskie) put the cost of the Vietnam war this way:

> Can we buy them (the Saigon government) more time? Not if the price is the destruction of fundamental values and relationships in our own country.

Mr. President, I agree with the Senator's position, and I agree with the reasoning which led him to that position.

First, at most our commitment to the Saigon government was to give that government time to build the public support needed to build their own country.

In the words of Senator Muskie:

> We have bought that time at tremendous cost to ourselves—in treasure, in lives, and in the neglect of pressing problems here at home.

Now it is time for the Saigon government to live up to its commitment to us.

Second, and again in the words of the Senator from Maine:

> We who are older must be concerned that the policies for which we are responsible do not cause you to lose faith in our country's purpose and basic humanity. This is the challenge which hangs over all other questions raised by our policy in Southeast Asia.

Having reached the conclusion that "the most important immediate objective of our foreign policy must be to end our military involvement in Southeast Asia," Senator Muskie outlined the resolution he submitted yesterday, which he correctly called a "declaration of peace."

As a cosponsor of that resolution and as one who agrees with the points outlined in Senator Muskie's talk at Colby College, I ask unanimous consent that excerpts from his speech be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From Remarks by U.S. Senator Edmund S. Muskie

I am here today because you asked me to come. And because I believe Americans must talk to each other about our war policy, which divides us so deeply and so bitterly.

We must do so calmly and rationally.

We must do so without attacking each other's motives. And without attacking each other physically.

Our objective is to improve our country—not destroy it.

I know that you share that objective.

I know that, whether you agree or disagree with our policy, you do so because you *care* about what happens to our country.

I have met with hundreds of thousands of young Americans in the last two years—and I know that the one thing you want above all—is that the United States should be wise, humane, compassionate and just. My generation wants that too.

The young people I speak to in every corner of our land are like you—not aliens, but Americans, born in our villages and towns and cities, raised in our families, educated in our schools. You *are* our children, and the only future America has.

We who are older must be concerned that the policies for which we are responsible do not cause you to lose faith in our country's purposes and basic humanity.

This is the challenge which hangs over all other questions raised by our policy in Southeast Asia.

And so I reach what seems to me an inescapable conclusion.

The most important immediate objective of our foreign policy must be to *end* our military involvement in Southeast Asia.

The rights and the wrongs of our intervention in Southeast Asia are the subject of continuing debate and they await the verdict of history.

Simply stated, our purpose was to buy the people of South Vietnam *time* to build a country.

We have bought that time at tremendous cost to ourselves—in treasure, in lives, and in the neglect of pressing problems here at home.

Whether that time has been used as effectively as it might have been—

Whether, indeed, the South Vietnamese people have built a viable country—

Whether they have built something that will survive after we leave—

Questions such as these will be answered only when the South Vietnamese people are completely on their own.

Can we guarantee them success?

Can we afford to buy them more time *Not* if the price is the destruction of fundamental values and relationships in our own country.

And that is the price which faces us.

To avoid paying that price requires that we make a clear, definite, unqualified commitment to our own people to withdraw all our forces from Southeast Asia.

Until April 30th, enough Americans believed that to be our objective to make the President's policy acceptable

—notwithstanding its ambiguities

—notwithstanding its emphasis on military rather than diplomatic initiatives.

The President's Cambodia venture undermined that uneasy support for understandable reasons:

1. Whatever its military justification, it sounded like just another replay of an old record—"if we will just take this one more military step, we can end the war quickly." How many times have we heard that record before as our involvement grew from 16,000 advisers in 1963 to more than 500,000 men in 1968.

2. Just ten days before his Cambodia speech, the President made another speech, announcing the withdrawal of 150,000 more troops in the next twelve months.

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He said he made the decision after "full consultation" with his commanders in the field. He expressed no reservations, no doubts—no security risks to the troops.

And yet, just ten days later, he told us the Cambodian venture was "indispensable" to that troop withdrawal.

And, at his press conference the other night, he told us it was necessary to save "hundreds, if not thousands" of American lives.

3. In the first speech, the President told us that "negotiations" are the "key" to a settlement of the war. Whatever the military outcome of the Cambodia venture, how can it possibly add to the credibility of our commitment to negotiations?

4. It seems obvious—after the terribly divisive two years through which we have moved—that any policy in Indo-China—to be successful—must rest on a base of full public understanding and support. And yet—what was the sequence of events?

The reassuring first speech, expressing confidence that the end is in sight;

The reassuring appearance of the Secretary of State on Capitol Hill;

The failure to give Congress any advance notice whatsoever;

And then, suddenly, like a bolt out of the blue, the Presidential announcement of the Cambodian venture.

In one stroke, the President—

Raised the risks of a deepening and prolonged military involvement;

Reduced the prospects of a negotiated settlement;

Seriously undermined public and Congressional confidence in his policy;

And imposed additional strains upon the bonds of mutual trust and confidence which are essential to our unity as a people.

We in Congress—as a result—are being besieged by pleas to assert our responsibility in shaping Southeast Asia policy.

I cannot recall a similar flow of mail, telegrams, telephone messages, and personal appeals on any issue.

To respond—under our system of divided powers—is not easy.

The President is Commander-in-Chief.

The Constitution does give him dominating authority in the field of foreign policy.

It is a desirable principle that in these areas of responsibility, we have the flexibility to exercise discretion in response to unanticipated contingencies.

Nevertheless, in the unprecedented circumstances in which we find ourselves, we in Congress have a responsibility to find legislative ways—awkward though they may be—to express our views of what our policy ought to be. The effort, whatever the legislative result, should influence our policy in a useful and constructive way.

A number of such proposals have been offered.

Tomorrow, I shall introduce my own resolution which provides the following:

1. That we commit ourselves to seeking a peaceful resolution of our differences with North Vietnam.

2. That we withdraw all our military forces from and cease military operations in Cambodia.

3. That we seek an immediate, standstill ceasefire throughout Indo-China.

4. That we commit ourselves to the withdrawal of all our forces and military personnel in a specified time, not to exceed 18 months.

5. That our delegation in Paris be strengthened with negotiators empowered and directed to facilitate a political settlement.

6. That we encourage a conference of Southeast Asian nations to settle political differences.

7. That we pledge technical and economic assistance to repair the damage of war.

8. That we urge the President to develop a complete withdrawal plan, such withdrawal to be completed within 18 months.

9. That appropriate committees of the Senate submit legislation, not later than July 15, 1970, to implement these objectives.

Such a resolution, if adopted by the Senate, would constitute our declaration of peace.

RED CHINESE SPACE SATELLITE

Mr. THURMOND. Mr. President, May Day, May 1, is the day Communists celebrate their power and May 1, 1970, was significant because the Red Chinese Communist Government has a space satellite circling over America and the remainder of the world.

This achievement by the Red Chinese demonstrates their continuing efforts to become a world power. More serious it gives them the potential to orbit around the earth nuclear or other weapons.

The Communists in Red China have never hesitated to use blackmail to achieve their goals. They are ruthless and power mad.

In the last few years we have seen the Chinese set off a nuclear blast and now this space satellite. Perhaps this latest development may convince some people we need an ABM and defense forces with clear superiority if we are to survive in the remainder of this century and beyond.

An excellent editorial on this subject entitled "Dangerous Combination," was published in the Augusta, Ga., Chronicle of April 28, 1970. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Dangerous Combination

Although Communist China's first manifestation of the capabilities of its newly launched initial earth satellite centered on the broadcast of a revolutionary anthem. "The East is Red," the long-range implications conveyed far less harmony than did this or any other musical composition.

Despite the tremendous potential of earth satellites for the peaceful advancement of mankind's interests, the likelihood is all too great that what Peking aims at is a nuclear club with which to blackmail other nations.

The successful operation of a rocket powerful enough to launch the satellite—probably a multi-stage engine—indicates the strong probability that Mao's scientists and enginers also are developing long-distance ballistic missiles. No matter how much surprise may be felt by complacent Americans who have been eager to strengthen the Communist Chinese economy with trade and diplomatic recognition, it is really no surprise to the Administration in Washington.

It should have been noted more generally that on Feb. 20 of this year Secretary of Defense Melvin R. Laird told a joint session of the Senate's Armed Service Committee and Appropriations Committee that Peking "in the near future" would test either its first intercontinental ballistics missile or its first space satellite. Those who thought this was mere speculation to strengthen the Administration's desire for support of an expanded anti-missile defense system now may see the realism with which Secretary Laird assessed the situation.

Intelligence analysts estimate, in fact, that by mid-1975 Red China may be able to develop and deploy between 10 and 24 ICBMs capable of menacing the United States. It is not hard to foresee the pressure which Senate doves would put on the White House if Peking used the threat of nuclear attack in an attempt to force democratic nations to abandon Southeast Asia to a Communist takeover. The Maoists might thus, without any effective opposition, be able to exploit a rich-growing area that could fed all China while that nation used its own manpower for a program of conquest.

Space capabilities in themselves are not dangerous. When combined, however, with the unrest and the potential propaganda-reaction of a people whom Mao has kept ground down in abject need of the very essentials of life, the mixture could be explosive.

SECRETARY OF THE INTERIOR WALTER J. HICKEL

Mr. MOSS. Mr. President, last week the Washington Post published an editorial about the recent letter from Secretary of the Interior Walter J. Hickel to President Nixon.

The editorial points out that the Post had opposed Mr. Hickel's appointment to the post of Secretary of the Interior but has been impressed with the job he has done since taking office.

I find myself in the same position. I opposed Secretary Hickel for much the same reasons as did the Post, and I find myself today very much impressed with the way in which Secretary Hickel has functioned in the office.

I am also impressed with the courage with which he addressed himself to the President in his recent letter. He saw a need for action on the part of the administration and he said so.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Faithfully Yours, Wally

Such was the controversy over the appointment of Interior Secretary Walter J. Hickel that he was the last of the Nixon Cabinet members to be confirmed. People, ourselves among them, said he was insufficently ardent about conservation. But he began to cross us all up rather quickly, first by becoming the alligator's best friend, then by becoming, pretty much across the board, conservation's friend. Now he has crossed up the critics again by becoming the first Cabinet member to stand up and take issue with this administration, and in the process emerge among his colleagues, as *youth's* best friend.

Since the business of leaking private letters to the President has been carried to a high art lately, it is useless to speculate about how this document came to public attention or whether Mr. Hickel would have written it quite the same way for publication. The important point is that it bears his name, and he stands by it, and it says some things that badly needed saying. It says that this administration, in so many words, "appears to lack appropriate concern for the attitude of a great mass of Americans—our young people." Now some of us have detected a suggestion, shall we say, of this failing for some time, in the remarks of the President, in the general attitude of the administration toward campus protest, and the Moratorium and the Mobe, and universities generally. And of course it has been most apparent in the mindless incitement of the young by the Vice President.

It is still too early to know whether Mr. Hickel's letter betokens something more than

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a profound anxiety over this weekend, an anxiety which might vanish if all goes well, or turn into vindictiveness if it goes badly. Certainly there are signs, noted above, that the administration is approaching the weekend in a more conciliatory and sensitive spirit. There are even reports that a general command to "cool it" has gone out from the White House and that it specifically includes Mr. Agnew. This would make some sense, of course, because there is a very large contradiction between the way the White House is now behaving toward the challenge of this weekend's protest, and the way the Vice President approaches these things.

For now it is enough to hope—and there is a lot of hope in a letter from a Cabinet member urging greater concern for youth upon a President who only last September was saying "under no circumstances will I be affected whatever" by student activity against the war. Signatures on a letter are a formality most of the time but "faithfully yours, Wally" is a particularly appropriate signature for a letter from a member of the Cabinet bearing so much wise counsel, as well as candid criticism, to a President.

WALTER REUTHER

Mr. HARTKE. Mr. President, the organized labor movement has lost one of its most articulate and idealistic leaders. For more than three decades, Walter Reuther acted as the social conscience for organized labor. Now he is dead and it can only be hoped that his concerns will continue to be pursued with the same burning intensity, the same intelligence, and the same vision that he brought to them while he lived.

As president of the United Automobile Workers, Walter Reuther won unprecedented economic gains for his workers while at the same time never losing sight of what he considered the broader goal of the American labor movement: the improvement of the quality of life in this country and around the world. For him the view that a union's only responsibility was to effect improvements in wages, hours, and working conditions was both obsolete and wrong. For Reuther, involvement in social causes seemed both a natural and logical extension of unionism's more traditional objectives.

Clearly, in this time of acute social crisis, organized labor cannot afford to forget the lesson that Walter Reuther taught it. If this Nation is to progress and prosper we must have the help of those in the movement who treasure social improvement as much as they do gains in wages, hours, and working conditions.

CONGRATULATIONS TO NARCE

Mr. MOSS. Mr. President, May 22 of this year marks the 50th anniversary of the date President Woodrow Wilson signed into law the first civil service retirement legislation.

This important date, which marks the first time that Congress has officially taken note of the valuable services provided by civil service employees, is the subject of a celebration this May 13 for the members of the National Association of Retired Civil Employees.

I join with all Americans in my congratulations to NARCE on this anniversary, and I express my personal thanks for the invaluable assistance and support the members of NARCE have given me through the years.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in Retirement Life for February 1970. The article is an excerpt from a statement written by Robert H. Alcorn, fourth national president of NARCE in 1955, marking the 35th anniversary of the signing of the retirement legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE 50TH ANNIVERSARY OF CIVIL SERVICE RETIREMENT

Because it so happened that I was one of those in the thick of the fight, I have been asked for a brief story of the long struggle for a retirement law for civil employees in the service of the United States Government. It was a long, hard, uphill fight. All that space here will permit will be but a few of the highlights as I recall them.

Soon after I entered the Government Service, on March 10, 1910, at the Naval Gun Factory in Washington, D.C., there developed a good deal of talk about retirement. The reason became quite clear as a newcomer observed the many very old employees, quite a few well past the age of 70. Within two years there was formed within the Gun Factory a small body of employees which was given the name of "Retirement Committee." This group set up a plan for raising funds to help in securing all possible information on existing retirement laws, in States and cities and in some industries which had a form of retirement. The Committee sent out subgroups to collect data, and to arrange interviews with some members of Congress. Finally, a sub-committee was appointed to get a bill drafted and introduced in the House and Senate. Copies of the bill were sent out to other employee groups, in Navy Yards, Naval Stations and Arsenals.

During this early period some progress was made by the Naval Gun Factory employees in contacting other groups. Many bills were presented to both House and Senate. Hearings were requested and some were held. But friends in Congress were few. As time went on, the convening of each new Congress saw many proposals for a retirement law. Support of some members was won and they in turn enlisted the support of other members, but they were not enough.

Year after year the fight went on. While it did seem that little progress was being made, there was the heartening fact that sympathetic groups in the Navy Yards, Naval Stations and Postal Service and elsewhere were coming to the front and were increasingly on the job.

Even so, it became increasingly clear that we not only had foes in Congress, but that in our appearances before House and Senate committees there was a deplorable lack of unity in our own ranks. In a hearing before a Senate Committee in 1917 a friendly Senator told us bluntly that we would not get any retirement bill passed until we could get together and work out a plan on which we could all agree. Shortly afterwards a meeting of leaders was called, and not until then was it decided to organize a conference in which all groups would be represented.

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I have at hand no record of the exact date upon which the Joint Conference on Retirement first met. It is of little importance as compared with the fact that it did meet, and that it was truly representative of the Civil Service employees of the United States in their various groupings. A motion was made and carried to appoint a special committee of not more than seven members to seek and recommend a compromise satisfactory to all. The seven members were appointed and approved by the Conference, and in course of time this special committee made its report, with recommendations on a compromise. The plan was approved. A compromise bill was drafted and approved. At last we had moved our forces into a solid front.

WE WIN

A meeting with the Chairman of the Post Office and Civil Service Committee was arranged. They agreed to bring the compromise bill up for hearings when it should be referred. Senator Thomas Sterling of South Dakota and Congressman Frederick R. Lehlbach of New Jersey introduced the bills. This was in 1919. Nine years had passed since early talk in the Naval Gun Factory brought me into my small part in a history-making movement toward higher ground for the civil employees of the United States Government.

After some delay the hearings began. On the whole, the tide was clearly running our way, but the question of cost loomed up in the Senate Committee hearing as a bridge to cross. More data was needed. The Government Actuary and other financial specialists submitted reports.

Finally the Senate bridge was crossed and the Senate bill was reported out. After a hard fight the Sterling Bill was passed. Hearings were still on in the House Committee, but with the news that the retirement bill had passed the Senate, the Committee voted to report the bill out, in form identical with the Senate bill. It passed the House on the 17th of May, 1920. A proposal for the first Civil Service Retirement System in the history of the United States had been approved by both Houses of the Nation's Congress. With the signature of the President affixed, it would be come the law of the land. President Woodrow Wilson signed the bill on May 22, 1920.

Make no mistake—this was no one-man fight. Many loyal members of several groups fought and stood steadfast until victory was won. Many who fought in the great battle have long since passed on. Many members of Congress who helped to get a Retirement Law enacted have passed on. Many loyal, true, faithful friends—my friends, your friends—are still warm in my sweet and trying memories.

RUMANIAN INDEPENDENCE DAY SHOULD HELP INSPIRE SENATE TO RATIFY HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, May 10, 1970, marked the 93d anniversary of Rumanian Independence Day. This day is celebrated as a national holiday by Rumanian people around the world. And to others it is a tribute to the brave Rumanian people, for their unceasing devotion and dedication to the principles of freedom and liberty.

The courage of the people of Rumania in their long struggles for self-determination is legendary, and certainly serves as a sterling example to those of us concerned with the international protection of human rights. I think it fitting today that we recognize this courage, and join with the Rumanian people in their celebration of Rumanian Independence Day.

Throughout history, Rumania has been a crossroads between East and West. Partly for this reason, Rumania remained divided among her neighbors for nearly 400 years until she gained her independence in the second half of the 19th century. During those centuries Rumania was a part of the Ottoman Empire and was ruled by the callous agents of

XUM

the sultans. The Rumanian people suffered a great deal, and they struggled hard for the attainment of their freedom. In 1877, when the Russo-Turkish war was raging in the Balkans, Rumanians cast off the Ottoman yoke and proclaimed their national independence on May 10.

That was a memorable day in Rumanian history. Then, Rumanian forces joined the Russians in the war against the Turks, and at the end of that war their independence was confirmed by the Congress of Berlin. From that time until the First World War they enjoyed their freedom. In that war they fought on the victorious side of the allies, and in the end succeeded in having their lost territory restored to them. Rumanians were also involved, much against their will, in World War II, during which they became victims of Soviet aggression. A Communist government was set up there by Moscow, and to this day Rumanians live under Communist rule.

Today's Communist leaders of Rumania are reluctant to take orders from Moscow and often assert their right to independence within the Socialist-Communist community of nations.

In any event, the Rumanian people will not submit for any length of time to alien rule and will carry on their fight for freedom and human rights for all peoples suffering under foreign domination.

I think this struggle demonstrates just how precious these human rights are. It also demonstrates just how compelling are the arguments in favor of Senate ratification of the human rights conventions.

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URBAN INSTITUTE STUDY USES SOCIAL INDICATORS

Mr. MONDALE. Mr. President, for some time now, an area of deep concern to me has been the state of our society—where we stand with regard to the conditions of life of our people, and how forces, movements, institutions, and circumstances cause our social state to change. This concern resulted in my introducing S. 5, the Full Opportunity Act, which establishes a Council of Social Advisers.

On April 27, the Washington Evening Star carried an article on an unpublished study by the Urban Institute, which is a pioneering attempt to measure social conditions in a metropolitan area. I congratulate the Urban Institute for picking up the ball in a most pressing area of social research need—that of developing meaningful, useful measures of social conditions and social change.

I am glad that this first study on Washington, D.C., will be followed by studies of other areas. I hope that my fellow Senators will recognize the need to give greater priority and financial support to the efforts of our social scientists in this area. My own bill instructs the Council of Social Advisers to develop a series of social indicators for the purpose of analyzing and interpreting social phenomena in our country. The bill has been favorably reported to the full Labor and Public Welfare Committee, and I hope it will soon be considered by the Senate.

The article is of interest because of its summation both of the substantive findings of the report with regard to the Washington metropolitan area, and of the methods used for determining those findings. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RACIAL EQUALITY, JOBS SHOW DETERIORATION

(By Michael Anders)

The Urban Institute analysts have measured for the first time the quality of life of people living and working in metropolitan Washington, with somewhat surprising results.

Their findings showed that there has been an apparent deterioration in several areas, including two—racial equality and employment—which generally were believed to have been bright spots.

The unpublished study marks the first time the quality of life in any U.S. city has been charted on such a broad scale and represents an important breakthrough in the sophisticated field of urban technology. It covers the years 1967 and 1968, the last two years for which data was available.

The study was written by Martin V. Jones and Michael J. Flax in the first of a series planned by the institute. Jones and Flax sought to determine whether living conditions in the Washington area were better or worse than three years ago, how the conditions compared with other urban centers, and if the rate of change was faster or slower than other cities.

An apparent improvement was listed in five areas with little or no change in two others.

The pair used the rapidly spreading technological principle of "social indicators" to measure life-style quality in 14 areas. The study was "limited" in that only one indicator was used for each area studied, although several indicators could have been employed.

Statistics on nonwhite and white employment, for example, were used to gauge racial equality.

Conditions that appear to have worsened, the report said, include crime, social order, air pollution and traffic safety in addition to racial equality and unemployment.

Most of these conditions also fell into a negative category when compared with other cities. Washington, for example, has one of the lowest unemployment rates in the country. But the study said unemployment here is either rising faster or dropping slower than other cities. The rate went from 2.3 percent in 1967 to 2.7 percent in 1968.

When compared with 17 other areas, the report said, social disintegration—as indicated by the narcotics rate—and housing conditions were changing at about the average rate for those cities.

EDUCATION, PARTICIPATION

On the plus side, the report said improvements were apparent in recent years in the areas of personal income level, poverty, health, mental health and community concern.

The study found that there has been little or no change in the area's education status, based on the draft rejection rate, or in citizen participation as indicated by voting in presidential contests. This is about the same pace as other areas are averaging.

The authors stressed they could not "detect significant trends" because the study was a comparison of only two years and several years of social charting would be needed before significant trends could be ascertained.

"We caution about reading into our measures of urban conditions more than we have specified," they said. "At best, we have measured representative qualities of urban life . . . in no case do we contend that our measure is a surrogate of the total quality in the area cited."

"Some experts may feel this report greatly oversimplifies an enormously complex subject," they said. "We believe that (there is) a real need for a simple set of urban quality measures."

BASIS FOR DECISION

Jones said in an interview yesterday that a statistical vacuum exists in the field of human resources and that social indicators would be a major benefit for nontechnical users of their report such as community groups.

When such an approach is fully operational in a few years, Jones said there will be a "good data bank for the people" to make decisions affecting their lives.

"It is better to do it on this basis than to talk to friends or because they had a bad experience at a hospital," he said.

Both Jones, who has a master's degree in economics, and Flax, who holds masters' degrees in economics and engineering, have been with the institute for about one year.

They previously worked for the Mitre Corporation, a non-profit systems analysis organization based in Bedford, Mass.

They presently are working on a study comparing Washington with its contiguous suburbs. It will be completed by early summer.

MR. FRANCIS M. WILSON, U.S. MARSHAL EXTRAORDINARY

Mr. SYMINGTON. Mr. President, I invite the attention of Senators to the outstanding public service given by Mr. Francis M. Wilson during his 9 years as U.S. marshal for western Missouri.

Mr. Wilson performed his administrative and law enforcement duties in such an exemplary manner that many knowledgeable persons considered him as one of the top two or three U.S. marshals in the country. He also established excellent working relations with local and State law enforcement officers. He was so well and favorably known for the type and character of office he conducted that a number of leading newspapers in his district commented upon his contribution as a public servant. The St. Joseph News-Press carried an editorial commending him for his service and a news feature story giving some of the highlights of his 9 years in office. Earlier this year, my colleague from Missouri (Mr. EAGLETON), placed in the RECORD an editorial from the Kansas City Star.

Thanks to action by Congressman WILLIAM R. HULL of Missouri, Mr. Wilson's services in another important capacity, that of field secretary to his Congressman, are still available to Missourians.

I ask unanimous consent that the St. Joseph editorial of February 9 and the article of February 22 on Marshal Wilson be included in the RECORD, together with that newspaper's report of his new position.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the St. Joseph (Mo.) News-Press Feb. 9, 1970]

THE RETIRING MARSHAL

It is fortune of politics, as of war, that there be casualties.

Francis M. Wilson is one of those. A Democrat, he is to be replaced as United States marshal of the western district of Missouri by John Pierpont, a Springfield real estate man.

All federal judges of the sprawling western district will attest to the fact Mr. Wilson has made an excellent record during his nearly nine years as marshal. So, too, will countless lawyers and other persons who have had contact with that office during the period he has served.

First marshal to be named by President Kennedy, first marshal to be reappointed by President Johnson, and last Democratic marshal to survive during the Nixon administration, Mr. Wilson is deserving of congratulations for a job well done.

And to his successor, Mr. Pierpont, we wish the greatest success in his new position. It is a very important post.

Presidents, Prisoners in Lot of Marshal

(By Harold M. Slater)

F. M. Wilson last week wound up a nine-year career as United States marshal of the Western district of Missouri that brought him into contact with Presidents of the United States, others high in government—and some of the most notorious criminals in the nation.

He has served as an escort for Presidents Harry S. Truman, Lyndon B. Johnson and John F. Kennedy, and he has had Black Panthers, Minutemen, and even the famed "Birdman of Alcatraz" in his personal custody.

In the nine years since President Kennedy selected him as the first United States marshal to be named in his administration, Mr. Wilson and his staff have handled more than 25,000 prisoners—some on long trips—without a single one escaping,.

A Democrat, Mr. Wilson was replaced by Republican John Pierpont, Jr., a Springfield real estate man. Federal judges of the western district of Missouri made a valiant effort to have Mr. Wilson retained despite the change in administrations, but politics prevailed.

A resident of Platte City, Mr. Wilson has been active in politics since boyhood, as were his father and grandfather before him.

At a recent testimonial luncheon for the retiring marshal at Kansas City, Chief Judge William Becker of the federal court of the western district of Missouri paid tribute to Mr. Wilson for his devotion to duty, his loyalty, his generosity, his courtesy, friendliness and personal courage.

Where personal danger existed, said Judge Becker, Mr. Wilson personally took over the task and could be found in the center of greatest danger in performance of the duties of the marshal's office.

It brought to mind several incidents. There was the time, for example, about five years ago when an Ozark farmer defied a court order to vacate land the federal government has acquired for the Pomme de Terre dam. The farmer said no one was going to make him move—and he backed up his position with a shotgun and a pack of vicious dogs he maintained on the property.

Marshal Wilson went personally to the scene. He solved the vicious dog problem by throwing hamburgers loaded with tranquilizers to the cannies. They relaxed peacefully. Then he drove over a fence to tackle the shotgun-armed hillbilly. There was no more trouble. The federal government proceeded with the dam project.

One of the prisoners he handled was controversial Maj. Gen. Edwin Walker, who had been ordered to the Springfield medical facility for tests. The order came from a Mississippi federal judge after trouble of a riotous nature in that state. Marshal Wilson took the general to the Springfield hospital.

Several times Marshal Wilson delivered Robert Stroud, the "Birdman of Alcatraz," to federal court in Kansas City. Stroud, then a prisoner at the Springfield medical facility, had filed writs in an effort to secure the right to publish more books.

A convicted murderer who had served more than 50 years in federal prisons, Stroud had won fame by becoming an outstanding authority on bird disease and a widely recognized author on the subject while in prison at Leavenworth and Alcatraz.

Mr. Wilson has one particular memory of "The Birdman"—the food he preferred.

"Stroud had been on prison fare all those years so I asked him when we made stops on the trips to order anything he wanted," Mr. Wilson recalled the other day.

"He always ordered the same thing: A pound of raw hamburger and an apple."

When the late Attorney General Robert F. Kennedy made trips to Kansas City, Marshal Wilson was his escort. One of the places he took him was to Independence for a visit with former President Truman.

The marshal also served as escort for Vice-President Hubert Humphrey, for former United States Senator Wayne Morse, for the attorney general of South Korea, and many times for the United States senators from Missouri, including his close friend, Stuart Symington.

The characters he encountered as marshal are legion. One of those he remembers is a woman who told him she had perfected a special art of stealing.

"She had perfected a trick by which she could place a ham between her knees in a store and then walk out with it," the marshal chuckled. "She wore rather long skirts."

Associates tell of the night Marshal Wilson hid in the bathroom of a Joplin motel and then jumped out into the bedroom of the unit to arrest a man who had just made a sale of 50,000 illegal pills to an undercover agent of the food and drug administration.

Robert DePugh, leader of the Minutemen, has been taken by Marshal Wilson from Leavenworth prison to Kansas City federal courts quite a few times for writ hearings and other court matters.

The marshal and his men have transported federal prisoners to all the major prisons—to Sing Sing, Atlanta, Marion, Alcatraz, and even to Alaska and Hawaii. They have handled bank robbers, kidnapers, dope pushers and slayers.

But handling prisoners and serving the processes of the court are only part of the duties of a marshal. He also handles a variety of financial transactions. In Mr. Wilson's instance close to $1,300,000 was handled by the office each year.

In connection with the paper work, the United States Marshal Bulletin last year gave Marshal Wilson credit for developing a new form for fee collections that now is being used nationally and which is saving the government at least $9,000 a year. Last year, incidentally, Mr. Wilson's office served 7,088 legal papers of the federal courts. The year before the total was 7,289.

With the approval of Robert Kennedy, then U.S. Attorney General, Mr. Wilson named the first Negro ever appointed a deputy marshal in Western Missouri. His choice was William L. Gutheridge, who proved an excellent appointee who served with distinction until his death.

Mr. Wilson integrated federal prisoners in his custody to set a precedent, and also established the first "tank" for federal prisoners exclusively in the Jackson county jail.

As marshal, Mr, Wilson changed the office from strictly partisan to bipartisan, naming or retaining Republicans for half of the deputy posts which in years past had been filled almost entirely by adherents of the national administration in power.

He has had frequent contact with the Buchanan county jail where some federal prisoners are kept. Among the prisoners he kept here overnight was Duane Pope, now under death sentence for the murders of three in a bank robbery at Big Springs, Neb.

The marshal's wife, Mary Kay, was present at the testimonial event in Kansas City recently where F. Russell Millin, former United States district attorney, presided as toastmaster and a host of federal jurists, high state officials, county officials, lawyers and other friends joined in a tribute to him.

Chief Judge Becker at that time said:

"Going from experiences to experiences in this world we see confusion occuring in various organizations. Often we are disappointed in the performance of the human race, but we continue to look and study what keeps this civilization going.

"Then you find somewhere a modest, quiet, intelligent, thoughtful, able, unselfish, kind, respected, dedicated and determined man. He keeps the system going by doing his duties and even more. When I came to the bench here I found such a man in F. M. Wilson, the United States marshal.

"He has the most efficient marshal's office in the United States. He has gone out of his way to be helpful to all of us, and to marshals elsewhere. He has been an able administrator. When there has been personal danger he has placed himself at the point of greatest exposure. He has all the earmarks of fine character, courage and real leadership."

Also, added Judge Becker, Marshal Wilson has never been late with the pay checks of the judges—one of his official duties.

It's things like that that really count, judge.

Mr. and Mrs. Wilson and their four daughters reside in a mansion west of Platte City. He has been named field secretary for Congressman William R. Hull.

Wilson an Aide for Hull Will Serve as Field Secretary

F. M. Wilson was replaced yesterday as United States marshal for the western district of Missouri, but he already has another job.

The Platte City Democrat is being appointed field secretary by Congressman William R. Hull. The appointment will be effective immediately.

The duties will not be new to Mr. Wilson. He was Congressman Hull's field secretary from 1955 until 1961 when President John F. Kennedy tapped him as his first appointee as a United States marshal.

John Pierpont Jr., Springfield real estate man, was sworn in yesterday to succeed Mr. Wilson as marshal. A Republican, he is a son of the man who served as sheriff of Greene county from 1936 to 1944.

Mr. Wilson in his position as field secretary will work out of Congressman Hull's office in Platte City. He will maintain a close contact with Hull's constituents in the 6th district and will assist with problems that arise.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

XUM

Gunman Robs Alexandria Motel, Restaurant

A gunman held up an Alexandria motel and restaurant Sunday, handcuffed, the 87-year-old night manager and escaped with an undetermined amount of money, Alexandria police reported.

A man entered the Lincolnia Motel and Restaurant, 205 Breckinridge Pl., at about 1:20 a.m. Sunday, approached night manager Frank N. Charles behind the desk and asked for a room request form, police said.

When he had filled out the form, Charles asked him for $12 in advance. Charles said the man then drew a revolver, forced him into the kitchen and handcuffed him to a sink.

The gunman then returned to the office where he pried open a file cabinet and removed $400, according to police. He also took the money from the cash register in the office.

Entering the adjacent restaurant, which was closed, the gunman emptied the cash register there and left the premises, Alexandria police said.

Charles freed himself shortly and called police.

In other serious crimes reported by area police up to 6 p.m. yesterday.

STOLEN

A short wave radio, a dictating machine, an electric adding machine, a postage meter machine and $238, with a total value of $663, were stolen between 5:30 p.m. Friday and 10 a.m. Sunday from Dwoskin Inc, 2601 Connecticut Ave. NW.

A television set, an AM–FM short wave radio, a stereo system and equipment, and $100 in pennies, dimes and Kennedy half dollars, with a total worth of $620, were stolen about 11 p.m. Sunday from the basement apartment of Allen Ament, 1817 19th St. NW.

XUM

Approximately $1,000 in cash was stolen sometime between 4 and 8 p.m. Monday from the cash drawer at the Green Velvet grocery store, 2401 Nichols Ave. SE.

VANDALIZED

A classroom at Roosevelt High School, 4301 13th St. NW, was vandalized between 3 and 4 p.m. Saturday by burglars who entered the building after throwing a rock through a front window and unlocking it.

ASSAULTED

George L. Awkward, of Washington, as treated at Walter Reed Army Hospital for a gunshot wound in the leg that he suffered during an attempted holdup. A man approached him at 2d and T Streets NE and demanded, "I want your money." When Awkward replied he had none, the man fired a shot at him and fled.

Louise B. Hackett, of Washington, was knocked unconscious during an attempted robbery in the 500 block of M Street NW. Three youths tried to grab her pocketbook and when she resisted, struck her over the head until she collapsed.

A metal safe containing $700 in cash and numerous papers was stolen from Arrow Cleaners, 6233 Georgia Ave. NW, after a skylight was broken through.

Two hand levels, two sets of torches and an air-conditioner, with a total value of $700, were stolen from a trailer at a construction site at 10th and I Streets SE sometime between 4 p.m. Friday and 7 a.m. yesterday.

Wilmer Trigger, of Washington, was treated at Freedmen's Hospital for facial injuries he suffered when he was attacked by an unidentified assailant about 6 p.m. Saturday at 8th and K Streets NW.

Eugene Holt, of Washington, was treated at Freedmen's Hospital for a gunshot wound in the upper leg that he suffered when two men approached him from the rear as he was walking in the 100 block of Randolph Street NW. "Old man, this is it," one of them said, and Holt began fighting with them. Drawing a gun, one of his assailants fired at Holt, then the pair fled south on Randolph Place NW.

Garrot McMillion, was treated at Providence Hospital for injuries he suffered about 4:40 p.m. Saturday when nine juveniles attacked him in the 2300 block of Bladensburg Road NE, During the struggle, the youths threw bottles at McMillion, wounding him in the head.

Isaiah Howard, of Washington, was treated at Washington Hospital Center after he was hit in the mouth by a youth wielding a bottle who attacked him about 1:30 a.m. Sunday at 14th Street and Columbia Road NW.

A Northwest Washington man was forced to commit an unnatural sex act by a man armed with a revolver who approached him inside a laundromat in the 500 block of Adams Mill Road NW and led him to the 2300 block of 18th Street NW where the assault occurred.

ROBBED

Susan Marie Brill, of Silver Spring, was held up shortly after midnight Sunday by three young men who confronted her in the 1700 block of R Street NW. One of them drew a handgun and demanded Miss Brill's money. Taking her pocketbook containing a large amount of cash, the trio drove off in a black and red car.

Ernest D. Dillon, of Washington, was beaten and robbed about 5 a.m. Sunday by two men who approached him at 15th and H Streets NE. "I want some money," one of them told Dillon and when he refused, the man struck him over the head, knocking him to the ground. The pair removed his money and watch and fled on foot. Dillon was treated at D.C. General Hospital.

Noel Gillespie, of 3060 16th St. NW, was held up about 10:45 p.m. Sunday by three youths who approached him as he entered an elevator in his apartment building. One of them held a knife at his neck while the others took his camera and wallet. The trio stepped from the elevator on the fifth floor.

Scott gas station, 2960 Nichols Ave., SE was held up about 5:25 p.m. Sunday by a man who asked the attendant for change for a $5 bill. As the employe reached into his pocket to get the bills, the man drew an automatic and told him, "I'll take all of it." Taking the bills and change from the attendant's change carrier, the gunman fled into an alley beside the station.

Virginia Mae Williams, of Washington, was held up about 12:15 a.m. by a man brandishing a gun who jumped from the bushes as she walked in the 3000 block of Stanton Road SE. The gunman chased her until she fell to the ground, pointed his handgun at her and said, "Give it to me." Grabbing her wallet containing bills and papers, the gunman fled on foot.

Rose Grondine, of 3380 Erie St. SE, was beaten and robbed as she was walking up her driveway. Two boys approached her from the rear, knocked her to the ground and fled with her purse containing money, keys, credit cards and glasses, heading east on Southern Avenue.

James Alexander Howard, of Washington, was held up shortly after 9 p.m. Saturday as he was walking near his home in the unit block of Ridge Road SE. Three youths grabbed a six-pack of beer from Howard and tried to flee, but he caught them. One of the youths pulled out a knife, held it at Howard's throat and warned, "if you move, I'll cut your throat." Taking his watch, the trio fled on foot.

William Bynum, of Washington was held up about 4 a.m. by two youths in the 300 block of Oakdale Street NW, one of whom said to him, "Hey man, do you know Al?" As Bynum turned to look at them, both youths drew pistols. The gunmen forced him to surrender his ring and cash and fled on foot.

Harry Luther Cooke, of Washington, a vendor for the Brandywine Ice Cream Company, was held up about 4:45 p.m. Sunday while he was selling at the intersection of 8th and Yuma Streets SE. Two young men approached his truck and asked for three ice cream bars. As Cooke turned to get the items, one of them drew a sawed-off shotgun and warned, "Don't turn around and give me all your money." Forcing the vendor to surrender his cash and $50 worth of ice cream, the pair fled west on Yuma Street.

Maude Austin, of Silver Spring, was beaten and robbed about 6:50 p.m. Sunday by seven men who surrounded her in the 600 block of 50th Place SE. "Why are you up here?" one of them asked and, they then knocked her to the ground, tearing her clothing. Forcing Mrs. Austin to give them her pocketbook, the group dispersed.

Wilson McCormick, of Washington, was held up about 9:30 p.m. Sunday by two young men who approached him at Georgia Avenue and Peabody Street NW and told him to give them 50 cents. When McCormick replied he had no money, one of the men pulled out a knife and held him at bay while the unarmed man took his watch and ring.

Ernest D. Younger, of Washington, was robbed in the 300 block of U Street NW by a youth who placed an object in his back about 9:30 p.m. Saturday. "This is a gun. Where is your money?" the youth said to Younger and took the cash from his pocket before running west in the 300 block of U Street.

Barbara Cunningham, of 5739 East Capitol St. SE, was beaten and robbed during a quarrel with a man at her home who hit her before escaping with a wedding and engagement ring set.

Herman Christopher, of 770 Park Rd. NW, was held up in front of his home about 12:45 p.m. Saturday by two young men, one of whom asked him for a cigarette. One of them placed a hard object at Christopher's head and ordered, "Put your hands up and don't move." Taking his wallet containing cash and papers, the pair told Christopher, "Keep going and don't turn around," and fled on foot.

Mary Katherine Smith, of Alexandria, was held up about 11:25 p.m. Sunday by two youths who approached her at 16th and Shepherd Streets NW. One of them drew a gun, demanded her purse containing cash, and papers and fled with his companion.

High's dairy store, 5002 1st St. NW, was help up about 5:30 p.m. Sunday by a man who approached the cashier and told her, "This is a holdup." Forcing her to hand over the money, the lone bandit ran from the store.

Brentwood Valet Shop, 5920 Riggs Rd., Chillum, was robbed at 11:38 a.m. by four men, at least three of whom were armed, who took an undisclosed amount of money from the one employee and then locked her in a bathroom before fleeing.

Washington Police Arrest Suspect in Fatal Beating of Northwest Man

A Northeast Washington man was arrested yesterday morning and charged with murder in the fatal beating of a 62-year-old man on May 2, police reported.

The suspect, Richmond J. Pauls, 47, of 1223 Orren St. NE, was arrested at the home of a friend at 6:30 a.m. and charged in connection with the bludgeoning death of Charles Grayson, of 1236 10th St. NW, who died at 4:35 a.m. yesterday at Freedmen's Hospital, according to reports.

Police said Grayson and a friend, Arrie Barber, 55, were walking in an alley beside Grayson's home on May 2 when a man appeared and attacked them with an unidentified object.

Mrs. Barber was admitted to Freedmen's

Hospital with a broken jaw and other facial injuries she suffered during the struggle, according to police.

In other area court and police actions reported by 6 p.m. yesterday:

SENTENCED

By U.S. District Court Judge Gerhard Gesell: Delbert R. Miller, 25, of Grafton, W. Va., 14 months to 5 years for grand larceny after trust; Joyce Ruffin, 25, of 325 17th Pl. NE, suspended sentence with probation for three years for forgery and uttering; Herbert H. Robinson, 32, of 4750 Benning Rd., five months to two years for inducing a female to engage in prostitution; Flanders Charp, 34, of 1816 New Hampshire Ave. NW, five months to two years for inducing a female to engage in prostitution.

Also: Freddie Trice, 24, of 3030 30th St. SE, six months for petty larceny; Karl Carrington, 22, of 716 13th St. NE, 2 to 10 years for manslaughter; John H. Turner, 33, of 1031 Lamont St. NW, suspended sentence with probation for five years for robbery; Jerome Ivy Sutton, 20, of 3708 Hayes St. NE, 3 to 12 years for armed robbery.

By U.S. District Court Judge Oliver Gasch: Gregory Stewart, 20, of 1536 D St. SE, committed for 10 years under the Youth Corrections Act for armed robbery; Ronald H. Stewart, 21, of 3723 2d St. SE, committed for an indeterminate time under the Youth Corrections Act for robbery; Lynn Bernard Coffee, 20, of 1723 D St. SE, committed for an indeterminate time under the Youth Corrections Act for robbery; Rudolph Mercer, 22, of 2330 15th St. NE, two to eight years for carrying a dangerous weapon; Thomas Bunn, 43, of 2009 2d St. NE, suspended sentence with probation for five years for assault with a dangerous weapon.

Also: Winfield S. Dawson, 22, of 43 Underwood Pl. NW., 20 months to 5 years for transferring marihuana unlawfully, one year for unlawful possession of marihuana, to be served concurrently; Stanley Duell, 19, of 3038 Brightseat Road, committed for an indeterminate time under the Youth Corrections Act for taking indecent liberties with a minor; Lamont Ezell, 18, of 1371 Stevens Rd., SE., suspended sentence with probation for five years for assault with intent to commit robbery; Delano R. Tarlton, 19, of the Lorton Youth Center, one year under the Youth Corrections Act for grand larceny and attempted sodomy; David T. Gray, 22, no address listed, suspended sentence with probation for five years for embezzlement of mail by a postal service employee; John H. Davis, 31, of no fixed address, 3 to 10 years for robbery, 3 to 10 years for manslaughter, to be served concurrently.

By U.S. District Court Judge William B. Bryant: Billy S. Philpot, 19, of 243 Elm St. NW, seven years under the Youth Corrections Act for robbery; Harry Palmer, 25, of 1722 U St. NW, one year for attempted second-degree burglary, one year for attempted first-degree burglary, to be served concurrently; George Willard Bennett, 65, of 3355 16th St. NW, suspended sentence with probation for two years for operating a lottery.

By U.S. District Court Judge John Lewis Smith, Jr.: Meredith E. Reynolds, 28, of 787 Barnaby Rd. SE, one year for negligent homicide.

By U.S. District Court Judge H. Pratt: Evelyn A. Wheeler, 53, of 911 Varney St. SE, suspended sentence with probation for three years for manslaughter.

By U.S. District Court Judge Leonard P. Walsh: Douglas Kearney, 23, of 241 9th St. NE, two to six years for theft of government property.

By U.S. District Court Judge June Green: Walter L. Wright, 18, of no fixed address, committed for an indeterminate period of time under the Youth Corrections Act for robbery; Edward L. Towler, 21, of 2311 Wingate Rd., Suitland, committed under the Youth Corrections Act for attempted robbery.

ARRESTED

Lewis B. Gleason, 19, of 1920 18th St. SE, turned himself in to Prince George's County police at 11:45 a.m. yesterday and was charged with two counts of sale of marihuana and one count of possession of narcotics implements. Gleason was released on $1,500 bond.

Richard W. Grosskurth, 21, of 8609 Vistula Dr., Oxon Hill, turned himself in to Prince George's County police at 11:45 a.m. yesterday and was charged with two counts of marijuana and one count of possession of narcotics implements. Grosskurth was released on $1,500 bond.

Paul Mattingly, 23, of 428 Gwynn Dale Dr., Clinton, turned himself in to Prince George's County police at 1 p.m. yesterday and was charged with sale of Marihuana with his bond being set at $500.

Bernard E. Berton Jr., 22, of Washington, was arrested yesterday by Montgomery County police in Silver Spring and charged with the early afternoon armed robbery of the Jewelry counter at the Hecht Co. store in Silver Spring.

Police said a clerk at the counter was forced at gunpoint to turn over $3,590 in jewelry shortly after 1 p.m. All of the items with the exception of a $200 watch were later recovered on the roof of a building near the Hecht Co. store, police reported. Police said Berton was apprehended by a uniformed policeman as he was running from the store, located at Fenton Road and Ellsworth Drive.

THE RED WOLF: ENDANGERED SPECIES IN THE BIG THICKET

Mr. YARBOROUGH. Mr. President, since 1966 I have sought to save the Big Thicket. I have introduced in this Congress S. 4, my bill to establish a 100,000-acre Big Thicket National Park. This beautiful and unique area of heavy rainfall and dense vegetation which covers parts of Hardin, Polk, Tyler, Liberty, and San Jacinto Counties, near Beaumont, Tex., is one of our country's most valuable regions of biological and ecological development. Until recently, this portion of the Texas gulf plains has remained an unspoiled refuge for rare species of plant and animal life. However, increasing development and exploitation of the area now threatens the existence of the Big Thicket and those endangered species which reside there.

One of these endangered species is the Texas red wolf, *canis rufus rufus*. The Texas red wolf is a small, slender, animal, closely resembling the Cayote. The only region where the Texas red wolf now survives in unmixed form is in the coastal prairie marshes of the gulf coast of Texas. The Bureau of Sport Fisheries and Wildlife of the U.S. Department of the Interior has listed the Texas red wolf as endangered and has recommended that action be taken to obtain additional refuge lands in the coastal prairies areas. This recommendation is found in the Bureau of Sport Fisheries and Wildlife Resource publication No. 34, "Rare and Endangered Fish and Wildlife of the United States," page M–11, December 1968:

> Pure populations of the Texas red wolf today are known only from the coastal prairie marshes of east Texas. All efforts should be made to preserve these marshes in their present state.

Mr. President, we can preserve this endangered species by acting now to establish the 100,000-acre Big Thicket National Park.

THE MORAL IMPACT OF THE WAR IN SOUTHEAST ASIA ON THE AMERICAN PEOPLE

Mr. FULBRIGHT. Mr. President, last Thursday three distinguished theologians, a Protestant, a Catholic, and a Jew, testified before the Foreign Relations Committee concerning the moral impact on our people of the war in Southeast Asia. It was one of the most thoughtful and stimulating hearings that I have participated in during the 25 years I have been in the Senate.

The witnesses were Dr. John C. Bennett, president of Union Theological Seminary, New York; and Bishop John J. Dougherty, Auxiliary Bishop of Newark, N.J., and vice chairman of the Department of International Affairs of the U.S. Catholic Conference; and Rabbi Irving Greenberg, associate professor of history at Yeshiva University and Rabbi of the Riverdale Jewish Center in New York.

Their statements showed deep insight and perceptiveness on what this war has done to our country and our people, and the television networks would render a great public service by allowing Dr. Bennett, Bishop Dougherty, and Rabbi Greenberg to present them to the American people in prime time. It is a sad commentary on our society that the views of able men like these on the basic issues that shape our society receive such scant attention in the news media.

If every American were exposed to the wisdom of their comments on this tragic war, I am confident that there would be far greater demands from the public to put an end to this national tragedy.

I hope that Senators and the general public will read and ponder their statements before the committee. I ask unanimous consent that they be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

The Moral Effects of the War on the Life of Our Country

(Testimony by John C. Bennett)

As background it may be helpful to raise the question as to the point at which the war itself becomes a matter of morality. When do we move beyond the judgment that it is a mistake of giant proportions to the judgment that it is an immoral war? In what I say I am not passing judgment on the personal motives of the various leaders who have initiated or escalated our involvement in Vietnam. However, good intentions based upon illusions can create an objective situation of moral horror and one that leads innumerable individuals into callous or brutal conduct and undermines the moral fiber of a nation and its institutions.

I do not see how we can draw an absolute line between an intellectual mistake and moral failure because when the nation and its leaders persist in the mistake for years, after its consequences for people in this country and in Vietnam are fully revealed, and when it becomes patent that this persistence in destructive error is a concession to the pride of a nation that has never been

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defeated, it is time to see even the mistake in a context that calls for moral judgments.

The traditional thinking about the difference between a just and an unjust war in the churches has always placed great emphasis on two considerations and I believe that both of these are relevant to the discussion of this war. The first is really a common sense view of the degree to which the injury done to societies by the war is out of proportion to the good that can be achieved. One criterion of the just war, which may seem on the surface to suggest a rather craven caution, is that there should be a reasonable chance of success. But seen in the light of the principle of proportionality, this means that a nation should not sacrifice its sons or slaughter the people on the other side or ravage their country when the purpose for doing this cannot be realized. It seems to me that our leaders should have come to see that no amount of fire power from the air or from the land can create a nation in South Vietnam and establish a government around which that nation can rally.

The other emphasis in the discussion of the difference between a just and an unjust war has to do with the conduct of the war by means of policies and acts which are normally wrong in themselves, and here we should have in mind especially the treatment of civilians or helpless persons such as prisoners.

As we look at the record of what has happened in Vietnam, there are these two levels of immorality. One is the cumulative destruction of persons and communities and even nature itself by acts of war which might in individual cases be regarded as inevitable if there is to be a war at all. The body count, the destruction of towns and villages, the uprooting of people from their homes, turning them into refugees by the millions, the ecological damage which is now being seen to have long term effects on the land—these over a period of six years add up to a terrible accumulation of disproportionate evil. This is an evil for both sides but it has a new dimension when we see how the most powerful nation in the world has kept inflicting it on the helpless people of Vietnam and now the people of Laos and Cambodia must be added. The United States seems to be a captive of the momentum of its own destructive power.

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When we move from this cumulative evil to particular acts which in any circumstances are immoral in themselves it is even clearer what the fighting of the war has done to Americans. The recent revelation of the massacres at Song Mai makes vivid the nature of this war as no other single event has done but it differs only in degree from many less publicized episodes involving the killing of non-combatants and the torture of prisoners either by our own people or by proxy by the South Vietnamese. One of the most significant developments in the discussion of Song Mai was the tendency of journalists to raise the question as to the difference between killing helpless people, including children, on the ground at short range when they are seen and the killing of them from the air, at longer range, when they may not be seen in so-called "fire-free" zones. I realize that the psychological difference is very great but how great is the moral difference when it is well known that there will often be many of the same helpless victims?

The most obvious effects of this war on the life of our country are that it has bitterly divided our people and that it has so diverted our attention and so used our national resources that we make no progress in solving national problems that cry to heaven for solution. The decay of our cities continues and tens of millions of our people remain victims of a culture of poverty and many of these of an oppressive racism. At home we seem to be a "pitiful helpless giant" while we try to prove to the world that we are not one by a compulsive aggressiveness.

I shall emphasize here three quite specific effects of the war and I choose these because they are not discussed as often as the two that I have just mentioned.

The first is that our government has set an example of massive and brutal violence to the nation. I know no way of estimating the extent to which the violence on the streets and other forms of violence that have been so much noted is the result of the government's official violence but the only question is the degree to which private violence is the result of the official violence. In this war pictures of violence are brought into our homes, sometimes pictures of such American or South Vietnamese atrocities as the torture of prisoners. Undoubtedly there is a countereffect in that people in large numbers are outraged by what they see. Who knows how much violence will be brought back to this country by those who have been trained in it in Vietnam? The effect of the war in increasing violence at home needs to be combined with some less tangible results: all degrees of callousness and brutalization among people who will never become involved in overt violence of any kind. The collection of ears of Viet Cong by Americans is a symbol of the effect of the war upon people who would often be otherwise normal. This is connected with a habit of seeing people who are different from ourselves in color, size and culture as "gooks," as something less than human. The reports of the attitudes of a majority of Americans (65% in a survey reported in TIME) was discouraging because they seemed to shrug their shoulders rather than express moral shock. I know that much of this was a self-protective reaction stemming from a desire not to become emotionally involved and I do not believe that most Americans will be radically changed in character. There may well be growth in insensitivity to the inflicting of suffering balanced by the moral revulsion that I have mentioned. Sometimes the two may be combined and a small and much publicized minority, in their hatred of the war, may use violence to bring down the system responsible for it.

The second effect of the war upon the life of America is that more than any other single factor it has destroyed the confidence of a large part of our youth in the best institutions of our nation. This effect has been greatly enhanced by the contempt for youth who are critical, expressed by the President and the Vice President. I realize that the widespread alienation of young people has many causes and that some of these are deeply rooted in the culture and even without the war they would have produced some degree of revolt. The war, however, has been responsible for the intensity of emotion that unites so many hundreds of thousands of American youth in their alienation from what they think of as the "system." The feelings of moral outrage against the war on the part of the generation that is expected to do the fighting is by no means a fringe phenomenon but among students it extends from the left to the center. The recent editor of the Yale Daily News, Lanny Davis, said recently that "the war changed the whole atmosphere of the campus. It seemed an immoral enterprise." Former Vice President Truman of Columbia University at the time of the troubles there in 1968 said that there was a question whether university communities could survive if the war had to continue on. (Cox Commission Report, p. 10.) Moral rejection of the war has led to disillusionment about the institutions that have made it possible. The whole political process is now deeply distrusted because no matter who is elected and no matter how much a presidential candidate may be committed to ending the war, the war continues and processes of escalation continue. This disillusionment has had powerful confirmation because of the extension of the war into Cambodia.

The third effect of the war that is closely related to the second is that so many thousands of our young men have been forced to face an intolerable dilemma in their own lives. Should they allow themselves to be drafted and be sent to fight in a war which they regard as gravely immoral or should they run the risk of going to prison for a period of two to five years or should they choose exile in Canada or in some other country. Again this is not a fringe phenomenon. In April 1969 two hundred and fifty-three campus leaders, student body presidents or editors, declared that they would not "participate in a war which we consider immoral and unjust." They were on record as choosing either prison or exile. This is an incredible development among those who can be expected to be leaders in the mainstream of American life in the future. There are tens of thousands of exiles in Canada. What does it mean for America to have so many political prisoners or exiles? It has been all too common in many times and places for a nation to punish its finest and most conscientious citizens as well as its thieves and murderers. But we have always hoped that this would never be a common experience in our country. It will greatly increase the alienation of youth and it will undermine respect for our institutions. It would help to re-establish confidence in the best of our traditions and ways of life if amnesty were to be declared for all who have been so affected by the war.

It may be a summary of all that I have emphasized as the effects of the war on our own national life to say that the tragedy of Indo-China is also the tragedy of America.

Statement by Bishop John J. Dougherty

I address myself to the question of the impact of the war in Vietnam on the moral life of our nation. Since my experience is preponderantly with the catholic segment of our society, I shall essentially restrict my assessment to the impact of the Vietnam war on that segment of our population. First, however, I must make reference to the larger context of the question for American Catholics, namely the teaching of the second Vatican council on war and peace, as stated in the *Pastoral constitution on the church in the modern world,* and the incessant and increasingly urgent pleas for peace of Pope Paul VI.

The *fact* of the deterioration of the moral posture of the American people is well documented by every news bulletin, and need not be substantiated here. What is laborious is the *Interpretation* of the fact, the diagnosis of its causes, and the determination of its remedies. The first assertion of reason must be that the causes are multiple and critically complex, and the first conclusion is that simplistic solutions are senseless. The second conclusion might be that since the progression of the moral illness was gradual, health will not be restored to our society in a day. In his address to the United Nations in 1965 Pope Paul declared, "You are still at the beginnings . . . in changing that selfish and bellicose mentality which, up to now, has been interwoven in so much of history."

In any approach to the moral problems of our people we must be aware of their magnitude, their complexity and their gravity. And we must be aware that they are not isolated from the moral dilemmas of the peoples of the world. Technology has made our world a global village and men everywhere find themselves in an extremely complicated web of interaction involving the economic, the social, the political structures with the resultant psychosociological climate that envelopes the globe and the terrifying element pervading that climate is violence.

What I am saying, in sum, is that the moral problems of the United States are bound up with the moral problems of the globe, and that they are staggering in their magnitude, and baffing in their complexity. We need to bring to bear upon them all the expertise we can summon, and even more we need men of vision with a burning love of justice for all men everywhere.

At the possible expense of burdening you with excessive abstraction may I add this observation before coming to my specific objective. I think it is relevant to the problem confronting us, especially to our youth. It is this, people do not usually get excited about moral principles directly. They get aroused by issues. Moral principles are abstract. Issues are concrete. I have seen no demonstrations for the just war theory. There have been countless demonstrations, violent and nonviolent, over the issue of Vietnam. The relevance of this observation lies in the fact that policy decisions of the Government deal with issues. The issues and the decisions sooner or later dig up the moral principles, and the conscience of the Nation begins to find expression, moderate and immoderate, violent or nonviolent. And among the voices the voice of the churches must be heard, if they are to live up to their responsibility as the conscience of the Nation.

The significance of the impact of the Vietnam war on the moral attitudes of American Catholics is comprehensible through the history of the Catholic community. The distinguished Monsignor John Tracy Ellis, historian of the Catholic Church in the United States, has described the attitudes of the leaders of the Catholic Church up to the 1960's as "unquestioning compliance . . . with their Government's policy in regard to war and peace." He observes that, "the revolutionary decade of the 1960's brought a marked shift of opinion in this regard." He attributes the shift to the influence of the late President Kennedy and Pope John XIII.

In the spiritual leadership of the Catholic church this shift of attitude can be studied in the statements of the National Conference of Catholic Bishops in 1966, 1967, and the pastoral letter, Human Life in Our Day. In the second chapter of this pastoral the bishops, quoting from the second Vatican Council "Call upon American Catholics to evaluate war with an entirely new attitude." The bishops address themselves to the problem of arms control, conscientious objection and the war in Vietnam. In commenting on second chapter of the pastoral letter, James Finn described it "as one of the most significant pastoral letters to be published by the bishops of the United States." (*The Family of Nations*, Ed. J. S. Rausch, p. 8.)

Evidence of the shift of the attitude of the Catholic people is especially noted among the youth. Many have taken the position of selective conscientious objectors, thus subjecting themselves to the probability of trial and imprisonment. Evidence is not lacking of changed attitudes among American Catholics generally, although there is a notable segment of strongly conservative opinion.

The moral implications that I detect in this shift of attitude in a numerous segment of our people, strongly chruch-oriented, is that it widens the gap of the division of our people. A divided people must be the concern of religious leaders as well as government officials. A divided people is a political and social problem; it is aso a moral problem. A certain measure of unity is indispensable to the survival of a civilization. The preservation of that measure of unity is the responsibility of every American, but especially of the elected leadership of our Nation. We may earnestly beseech them to strive to see the moral principles underlying policy decisions of great moment, because they will eventually emerge for our good or ill. The basic moral principle underlying the war in Vietnam is justice, domestic and international justice, and religious leaders would be unfaithful to the prophetic tradition of the Old and New Testaments if they did not ask of our Nation's decisions: is justice thereby served?

The Moral Impact of the War in Indo-China

(Statement by Rabbi Irving Greenberg)

A discussion of the moral effects of the war in Southeast Asia must start with the realization that public life is the primary moral example in the United States today. We still turn to clergymen in some residual notion that they are the teachers and students of the moral questions. However, by and large they have little influence compared to the model of public life and behavior in the United States which is set by the President, the members of Executive, Congress, the judiciary, etc. These actions and these models are broadcast repeatedly and everywhere in the mass media and communication channels. They are perceived by everyone and learned environmentally which means they are more likely picked up, internalized and influence the actions and standards of everyone. Not all the sermons and classes in America reach a fraction of the people reached by one action of the U.S. Army or speech of the President.

This realization points up the moral disaster which is the net effect of the tragic error of the Vietnam war. For the past five or six years the dominant picture has been the continual futile killing, the body count, the use of napalm and civilian destroying projectiles, the desensitization of countless American boys in Vietnam and countless people here to the human qualities of the enemy and of the innocent civilians who make up so large a part of the casualties.

All wars cause some desensitization and killing of conscience. This is why all wars are at best necessary evils. But in this case, the very terms of the war—a civil war, one in which our base of support in the local population is so tenuous—inexorably drives us to excesses in this area. It was in a deeper sense inevitable that direct personal massacres of civilians and torture and shooting of prisoners. Every image of prisoners pushed out of helicopters, or children napalmed becomes a hideous moral example undermining the moral consensus which has united America and given it great strength and moral significance in the world. Each such incident tempts some to support or justify it in the hope that this one last excess will somehow break through to end the ghastly situation while driving others to ever deeper moral alienation from our society which tempts them to despair of our system or to join those who merely tear it down and not correct it. Not the least bad moral effect is on those who stand in the middle and savor the significance without committing themselves but whose moral sensibilities are shaped by it. And the long pause before massacres are identified or prosecuted or even condemned is especially debilitating to the moral authority of society—especially when it is noted that unpopular transgressions of far less direct brutality are quickly and outspokenly condemned by major figures.

These moral effects, however, are by now sadly familiar to all of us. I would like to point out some moral side effects which are less noticed but are having a profound impact on the moral condition of American society. One is the great distortions in personal lives and continual moral conflicts created in our young people. Those who condemn what they think are excesses of identification with the poor by college students should ask themselves some time: is it because they are spoiled members of an affluent class? Or is it not really because of the crushing burden, of the nagging conscience that they were living by draft exemptions while the children of the poor unable to go to college were condemned to serve and die—in a war which the students feel is unjustified and futile? What is the effect on my capacity for objective judgment on people who are dying more because of the effects of their poverty when I am alive and sheltered because of the effects of my affluence!

There are also the countless lives distorted by people who stall their careers and development to stay in careers and studies which exempt them although they are of no long range significance to these young people. And what of the effect on young people who feel the war is unjust but cannot bring themselves to stand up to it because of their fear of the consequences of such acts—and therefore feel like moral betrayers. Or of the emotional costs of acts of defiance and resistance which take so great a toll that they may lead to bitterness, or estrangement from all established society? What of selective conscientious objectors driven to lie and claim universal objection, or to silence their qualms and serve, or to jail and/or criminal status—while countless others watch and see these effects. What of the feeling of lack of understanding which alienates parents and children, old and young, intellectuals and workers and corrodes the organic relationships without which no society or law can retain its legitimacy? What of the thousands of ministers who feel their profession demands moral response who then are cut off from congregations—and what of the thousands who remain silent or in conflict and are one with the congregation but feel like moral eunuchs—or who lose the respect of their young people? These side effects will persist long after this war is ended—if it is ended.

Another side effect of this war has been a tremendous blow to the respect for patriotism, democracy and international responsibility. Without commitment to such concepts, there can be no healthy body politic. They are the life blood of a free society. But these concepts have been invoked for years now in the context of upholding a series of shifting repressive dictatorships in South Vietnam with a weak or non-existent popular base. They have been used in the context of political figures tried kangaroo style and imprisoned or in the image of a police chief shooting a guerrilla prisoner in the head without trial or mercy. The result is a tremendous cynicism and a loss of faith in areas which are significant and which keep society one. Guilt by association with a policy error leads to a denial of the integrity of the valid concept itself. And the fact that statistically the more aggressive supporters of the war have been least responsive to the needs of democracy and redemption at home has only compounded the damage.

This brings me to another distortion which this war has introduced into our society: the distortion of priorities which spends enormous money and lives in a fight for the most questionable kind of freedom abroad but, therefore, lacks funds and resources to bring true freedom to realization at home. We are going to need extraordinary feats of technology to end pollution at home; extraordinary investments of funds and human help to free millions from the curse of poverty, sickness, inadequate education, broken families and lack of self-respect. When one reads of the extraordinary feats of detection, electronic surveillance, training, destruction achieved by our armed forces and technology—one dreams of these talents and funds used in empathy to free our own sufferers. The contrast in the funding and dedication to the war on poverty and the Indo-China war speaks volumes to people about our moral priorities. And every step deeper

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into this war has cruelly disappointed the millions around the world who knowing the evils and hypocrisy of totalitarian systems, without romanticizing, looked to the United States as a moral alternative.

The last and not least cost of the war as moral pedagogue to our society is its revelation of our inability to admit error, or accept the tragic and ironic fate which history now doles out to us as it may do to all men. Let me make clear that the mainstream Jewish tradition is not pacifist. Peace is the highest, the greatest good. But judaism had the moral realism to recognize that under certain circumstances war is a necessary and justifiable evil.

Even opponents of the war would do well to recreate the moral climate of the early days of our intervention. We can freely confess the role of idealism, the feeling of American responsibility for the world order. There was a phase in which we saw Communist China, then in its commune period which seemed to deny the elemental dignity of man, as expansionist and North Vietnam as a pure Chinese satellite. In this phase the fear of another Munich and the conviction that we dare not sell out or be indifferent lest World War II repeat itself colored the judgment of many. But when the pitiless light of events and facts and growing knowledge of Vietnam revealed the falsity of our assumptions, then our might placed a special burden of responsibility on us to recognize our error and withdraw. We should have admitted that Communist China was rent internally, that North Vietnam historically sought its independence from China, that the South Vietnam government could not or would not muster popular support. This inability to admit error has been the tragic force that has driven us deeper and deeper into the mire. Jews and Christians alike have idolized David the King of Biblical fame as the eternal dynasty, as ancestor of the Messiah. Jewish tradition points out that between David and his predecessor, Saul, it was David who made greater mistakes, did more tragic evil things. Then why was Saul stripped of the kingship and David immortalized? Because David could recognize and confess his errors and in most powerful contrition turn from his ways and redress injustice. This is the true strength which a moral leader must have. Saul was too weak, he would only rationalize and justify his errors. Power corrupts and is inevitably abused. Only those who can admit mistakes and accept the iron and tragedy of defeat of the assumptions can be trusted with power. Otherwise, the powerful would inevitably destroy the others. Otherwise, we have a "machismo" conception of manliness which places great emphasis on not being humiliated or defeated—as if the greater humiliation is not in resorting to force to cover up error and the greatest defeat is not in pouring good lives and vast resources into an escalating cruelty of frustration seeking one last knockout. Such a conception violates Jewish and Christian ethics of power alike.

It is true, there is one great force for continuing the war. It is the death of over 40,000 Americans and many times that many Vietnamese. Such is the moral order of the world that any human sacrifice—even for mistaken causes—become great forces for these causes and evoke further sacrifice and response lest we betray those who have gone before. Shall we now go to the parents of the 40,000 and say: we have erred and your children have died in vain? Shall all this patriotism and sacrifice mean nothing? I realize the full force of this dilemma. But the only corresponding answer must be: Shall we condemn another 10,000 Americans and another 50,000 Vietnamese to death rather than not admit? This was the moral weakness of a Vietnamization policy designed to purchase time and not betray the failure of the dead but costing many more lives in the interim. The problem of repentance is that the person who has gone astray feels he has gone so far and it has cost so much that he cannot turn back. Yet we are told: "turn and live." The only answer is the moral courage to confess to the survivors of the dead the good intentions and the mistaken assumptions and the genuine patriotism which motivated their beloved ones death. And a plea to them: that if we can learn from this tragic error, if we can learn to modulate the use of power, if we can set the moral example of voluntary acceptance of defeat where it is the only honest thing to do, then these boys will not have died in vain. They will become part of the sacrifice which brought about a deeper international moral order and a United States tempered by tragedy to use its resources to embrace and heal the world—and itself. I believe our bereaved parents and our people are capable of the response of love and understanding and acceptance which such a confession would evoke.

Judaism has never felt that martyrdom or defeat is intrinsically morally superior to righteous victory. But inability to accept the tragic, the ironic, the possibility of mistake and failure is to be less than fully human. Perhaps this is our national problem. Maybe this explains our lack of empathy for the suffering, deprived and defeated in our own society wherefore we often condemn them to welfare without true charity, deprivation without hope and status without faith or trust in them. Maybe we need to admit error and know defeat before we can triumph over poverty and racism and hatred in our country by confessing our past errors and present defeats in this struggle too.

There is one last moral danger I must warm against. There is the grave danger that growing frustration and radicalization may lead to a new isolationism and a rejection of necessary national sacrifices for world peace. I believe that it is the exhaustion of our resources in a mistaken cause and bottomless pit that leads to the weakening of resolve to help those who want to help themselves. We can avoid the extremes of thoughtless intervention or total irresponsibility by joining together in distinguishing justified help for true democracies seeking their own existence and cooperation with all elements in the world as against inertial support for mistaken causes where there is no moral claim or national interest. What we need in our time is not the dismantling of power but greater and greater precision, calibration and proper direction in its use.

What has saved us from moral disaster is the response of millions of Americans of all kinds who have spoken up, taken responsibility, made moral decisions—some right, some wrong. The covering up of error by polarization, setting person against person, even seizing upon actual abuses to arouse hate, suspicion and repression can only raise the risk of moral disaster. Pitiless and uncharitable denunciation is related to thoughtless shooting of students—and to mindless responses of tearing down or blind destruction. The extension of the war now threatens to overwhelm the frail dikes of moral concern and community which have maintained moral legitimacy and democratic consensus in our country. This final moral disaster must be prevented. All of us must cling together against the demonic and the violence which is now unleashed in our society. We can do so only by becoming one community. Perhaps we can learn how to do this from an ancient Biblical model. On the Day of Atonement, the community, led by its leaders, become one by confessing its errors and sins before God and to those it had harmed. Then it turned together to new ways of life affirmation to overcome the evils of the past. I believe that only in this way can the demons of war, racism and poverty be overcome in our society.

Mr. FULBRIGHT. Mr. President, this morning the Foreign Relation Committee heard Gen. James M. Gavin, one of the most distinguished generals our country has produced. He is now retired from the Army and is head of a great private business.

His statement was followed by perceptive and profound testimony on the matters presently confronting our country in Southeast Asia. It is remarkable that his testimony was so similar in many respects to that of the religious leaders.

I ask that it be also inserted as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JAMES M. GAVIN

It is with heavy heart that I appear once again before your committee. There appears to be little doubt that, since I last appeared before this Committee, in 1966 and 1967, our situation has worsened in Southeast Asia and elsewhere abroad. Domestically, the tragic divisions within our country are too obviously before us all to need comment.

I was Chief of Plans in the Department of the Army, in the Pentagon, in 1954–55, immediately following the French capitulation at Dien Bien Phu, when the Joint Chiefs of Staff considered the various alternatives open to them at that time.

I would like to emphasize that I appear because it seems to me to be a patriotic duty to do so. I have no desire to attack any individual, or any past policies. I hope that I can make a constructive contribution to a better understanding of the involvement we now find ourselves in and what can be done to bring about the changes that we seek.

First, I would like to talk about Vietnam and how we became involved there. This discussion will concentrate entirely upon tactics. Then, I would like to talk about national strategy, if I may, for it seems to me that our confusion begins with a lack of understanding of strategy in the broadest sense. As long as we are uncertain as to our national goals, as to the proper meaning and role of strategy in the modern world, we shall continue to make tactical mistakes in area after area. There is always a military officer somewhere who wants to win a battle by taking one more hill or dropping one more bomb. That is his responsibility, but when the nation's leaders are clear both about their goals and how to bring these goals into reality, when they understand national strategy, then they know when to say "yes" or "no" in any given tactical situation.

I would now like to talk, from the blackboard, of the situation that confronted us in 1954 and 1955. In doing so, I would like to discuss the alternatives, the manner in which we met them and how we arrived at the point where we now are.

For some years I have followed the role of China in international affairs closely. I landed at Inchon with the forces of General MacArthur in October of 1950 and proceeded to Kimpo Airfield. I was with the Assault Marine Battalion when it seized that field. I was surprised to find that it had recently been thoroughly prepared for the introduction of modern air power. Huge U-shaped, freshly constructed revetments to house fighter bombers were newly built and scattered around the periphery of the field. Obviously, the North Koreans expected the intervention of a modern air force, and it most likely would be Chinese. Impressed by what I had seen, I returned to Tokyo within several days and I hastened to call on General Willoughby, MacArthur's G–2, to discuss with him the implications of possible Chinese entry into the war. He was of the belief that they would not enter the war,

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that they had missed their opportunity to do so at Inchon when the landings were taking place. At that very time Chinese field armies were readying themselves to cross the Yalu and move south, which they ultimately did at great cost to us. I have no doubt now that China continues to watch uneasily what we are doing in Southeast Asia. She continues to be concerned lest we renew the plans that we had fifteen years ago to land in the Haiphong-Hanoi area.

I recently listened to a discussion between two Chinese experts on the likelihood of Chinese manpower intervention. They seemed to think it not at all unlikely if Hanoi developed serious manpower problems. I read in yesterday's New York Times an article in which a senior officer of our State Department stated that when the Administration decided to send troops into Cambodia and it believed the possibility of Chinese Communist intervention "was remote enough to accept a calculated risk." It seems to me at this point in our efforts to disengage our forces in Southeast Asia that no risk is acceptable, however carefully calculated. What deeply concerns me now is that out of the frustration and dissatisfaction with the conduct of the war in Southeast Asia, and the inability of our tactical commanders to realize that long sought "victory", there may be those who would be tempted to the ultimate confrontation, the war with Red China. We would then be exactly where we were when General Ridgway made the decision to recommend to President Eisenhower that we not seize Haiphong-Hanoi. The only difference would be, and a very significant one it is, that we already are on land and well established and we could force the confrontation by merely moving north, exactly as we moved west into Cambodia. From the viewpoint of the American people this would be absolutely catastrophic in its implications. To point out but one, I was in Moscow in November to discuss the possibilities of East-West trade, and I discussed the present preoccupation of the Soviets with the Chinese along the southeastern frontier of Siberia. They are quite concerned about it and indeed some feel that a very serious confrontation is inevitable. However, as long as the Chinese are very likely committed to a role in Southeast Asia, there will be little pressure on the Soviet frontier. Indeed, if this condition prevails, the Soviets will be free to pursue their own goals in the Middle East. The war in Southeast Asia is very much in the Soviet interest. And in terms of the Middle East and what may come of that troubled area, is very much not in our interest. One of the most immediate benefits that would come to us from an extrication of our forces from Southeast Asia would be a lessening of tension in the Middle East, in my opinion.

In summary, I would like to emphasize once again the over-riding importance of understanding the strategic strength of the United States, and of building and maintaining that strength. To dissipate that strength through ill-advised and poorly thought-out tactical ventures is certainly contrary to the national interest. There will always be those who will counsel seeking military victory without regard to the outcome of the war on which we have embarked. They confuse the means with the end; and leave unanswered the question, what is the goal we seek in this war? And while we pursue one more tactical victory after another, we lead the country down the road to strategic disaster. Our relations with other nations, the state of our economy, and the domestic condition scream for constructive attention; yet, everything that we are doing is tearing our country apart and alienating us from our best friends. We must bring our Southeast Asian involvement to an end as rapidly as possible, for each day of delay increases the likelihood of the one confrontation we should avoid at all cost, a war with Red China.

Finally, I would recommend that the following specific steps be taken at this time.

First, that an outstanding citizen, not now in government, be designated by the President, and given cabinet rank, with the responsibility to bring about a resolution of the Southeast Asian involvement. The present situation we are in is unworkable. The Department of Defense must on one hand support its forces in Southeast Asia while it develops a plan for their extrication. And the Department of State must continue to maintain relations with our Vietnamese allies to assure them of our continuing support while it seeks to develop plans to bring our Southeast Asian involvement to an end. I presently observed the solution I am proposing in effect in France in 1960–62. In that situation a minister was appointed exclusively for Algerian affairs. All those participating in the Algerian situation reported to him in carrying out his responsibilities and he finally brought that conflagration to an end. Besides, when a problem transcends the interests of several governmental departments, it is good business to put one man in charge of the development of a solution to the problem.

Second, as a matter of highest priority, we must develop plans for the extrication of our forces from Southeast Asia and the cessation of hostilities. Any such plan should be based upon the retention, for some period of time, of the present logistical enclaves that now provide the backbone of our defensive structure in Indochina. These enclaves which I have discussed with this Committee before would give us both a bargaining counter at the peace table, provide for an orderly withdrawal of our forces, and would produce an immediate decline in the casualty rate. I would like to point out that in the resolution of the Algerian conflict, France provided for the retention of such base facilities as Mers-El-Kabir until the ultimate resolution of the Algerian problem. I believe the enclave strategy to be even more valid now than when I first proposed it before this Committee. Certainly, it would have prevented our escalation into Cambodia, and I would be glad at the conclusion of my testimony to answer any questions you may have on this matter.

Third, considering the critical condition of our society, one in which our young people are sent off to give their lives for their country and yet they are not allowed to vote, and one in which we urge them to work within the system, I think it is of the utmost importance that steps be taken without delay to give the right to vote to those 18 years of age.

Fourth, and finally, as soon as these measures have been taken, an all-out effort should be made to coordinate the measure taken to improve our domestic condition. For the same reason that I recommended that an individual of cabinet rank be appointed to deal with Southeast Asia on an ad hoc basis, I would now recommend a cabinet post for the individual charged with dealing with our domestic problems.

HUNGER AND MALNUTRITION

Mr. MONDALE. Mr. President, the true test of this Nation's will to end hunger and malnutrition is whether we can insure an adequate diet to every child in America. We have failed to do so in the past, and the tragedy of hunger and malnutrition in this country is largely a result of this failure.

In an article published in the April 5, 1970, edition of the St. Paul Pioneer Press, Lewis Patterson discusses the extent of malnutrition among our children and the effects of this condition. As Mr. Patterson points out in this excellent article:

> The children of poverty, through generations, have become the parents of poverty. And the studies, here and abroad, indicate what doctors have nodded at all along: that a kid with a distended belly, plus bone-skin arms, is an underfed, under-protein eater. And a front-rank draftee for malnutrition.

Mr. Patterson points to the existence of hunger in my own State, as well as throughout the Nation. He reminds us that hunger and malnutrition is truly a national condition, one that knows no boundary lines.

Mr. President, I ask unanimous consent that this important article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Poor, Hungry Child—Feed Him or Face the Effects of Malnutrition

(By Lewis Patterson)

There is more than mere humanity involved in the upsurge effort in St. Paul and across the nation during the last few months to see that hungry undernourished children are fed—in schools, at day care centers, in hospitals—the latter even before birth.

An increasing number of national and local leaders in government, as well as private citizens, are saying that feeding the poor is the foremost necessary step in breaking the back of poverty.

Several years ago, at the advent of poverty programs, it was believed that teaching job skills to those Americans at the bottom of the economic heap, the low income people and welfare recipients, would solve the problem.

Then it was discovered that a great many of them could not learn.

Why? Malnutrition is the word. Not enough food. Not enough of the right kinds of food.

Dr. Ray Hepner, professor of pediatrics at the University of Maryland, nailed it down last July with the first clear-cut, definitive study in the U.S. of the ultimate effects of malnutrition on kids who are almost always hungry. And there are millions of them, almost everyone now agrees, from local social workers on up to President Nixon.

It would seem to be a solid guess that those who are fighting hardest for enough food for the poor—for an estimated 6.6 million American kids who are candidates to be victims of malnutrition are still basically impelled for humane reasons.

But it seems clear that more and more Americans—for whatever reasons—are beginning to recognize that poverty breeds poverty, and that poverty is costly in terms of welfare appropriations, public medicine, and crime.

You don't have to sit through very many public welfare meetings to get the drift of this idea.

To put it simply: The children of poverty, through generations, have become the parents of poverty. And the studies, here and abroad, indicate what doctors have nodded at all along: that a kid with a distended belly, plus bone-skin arms, is an underfed, under-protein eater. And a front-rank draftee for malnutrition.

It is no secret that the grade school drop out is not going to contribute as much, if anything, to the national economy as the high school or college graduate. And it is no use—in the face of overall statistics—to point out the exceptional poor boy in 100,000 who broke the barrier and rose to fame and fortune is the answer.

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Dr. Hepner informed the U.S. Senate Select Committee on Nutrition and Human Needs of the study he directed which involved one-third of the 300,000 children in the city of Baltimore. Children of the poor were laboratory tested against performance by control groups of children from higher economic levels.

Dr. Hepner said that this only mass study in the U.S. of the effects of hunger and malnutrition showed that the children of the poor had a mean intelligence quotient of 75. This compared with 90 for the other children.

The shocker to Minnesota's Sen. Walter Mondale and other members of the committee—even though they had found shocking hunger conditions first hand in Appalachia and various southern states—was Dr. Hepner's comment on the children of the Baltimore poor:

"It is quite clear (through comparison with similar studies abroad) . . . "that their comparative status is well below that of children of the same age group of Ethiopia, similar to those of children of West Pakistan and bordering on that of children of Thailand and Southeast Asia." All of which are termed underdeveloped countries and all of which have received financial aid from the United States.

Dr. Hepner said further: "Clear evidence in animal studies, and increasingly convincing evidence from child studies overseas, show us that malnutrition of many types during the developmental period of the brain produces permanent intellectual damage."

He said the study was brought on by concern over "the excess need for special education classes" in Baltimore. He also said the chances were less than one in 100 that the low IQs of any of the individual children were caused by reasons other than malnutrition.

How does all this tie with St. Paul and with Minnesota generally?

There has been no such study in Minnesota to measure the number of children who suffer because of lack of food, especially of protein foods—meat, cheese, milk—rather than diets of potatoes and bread.

But there are indicators:

Take the worst for a starter. Some 1,045 Minnesota families representing 4,056 persons—families not on welfare—have take-home pay of $20 a month in cash after rent or mortgage payments, sustained medical costs (such as diabetes), and child care expense for working mothers.

Some 160,000 persons in Minnesota are welfare recipients. But it should be said that some of these will break the barrier because the biggest group are widowed, divorced or abandoned mothers whose children make up more than half the total. The mothers make up about one-third of the total and most of the rest are handicapped persons. But again, if history repeats, as poverty breeds poverty, many of the welfare children will be welfare parents.

But don't people on or off welfare who are eligible for food stamps or commodities they can pick up at the county seat eat well?

Until last October an elderly person with an income of $138 a month—or a welfare recipient receiving that amount—$35 a month was the budget for food. But he could increase this by taking $18 of that $35 to the food stamp center. By handing over the $18 he could get $24 worth of food stamps, a gain of $6—up to $41 a month. In some states he could stand in "the poor lines" at grocery stores and pay for his selections.

So what has happened? Now he can gain $10, instead of $6.

The Senate Select Committee headed by Sen. George McGovern, D-S.D., and including Sen. Mondale, went on a tour of poverty areas, followed by a sizeable crew of reporters. They pointed out poverty conditions, and especially hungry kids.

Mondale, especially, was pretty bitter and pointed out what could be done with the $40 billion a year expended on the Vietnam war. He didn't fail to point out that a Look Magazine writer, a veteran of time spent in Vietnam, wrote that it would make no difference if the United States pulled out now, or two or three years from now, that the situation would be the same, that the Vietnamese had no faith in the South Vietnamese leaders and "would rather American troops went home." And that the magazine backed up its senior editor with an editorial supporting the idea.

But aside from that, Mondale wrote a long letter a year ago to Gov. Harold LeVander outlining what he learned.

"Hunger in Minnesota," Mondale told LeVander, "is as difficult to measure precisely as hunger in the nation as a whole, but some of the general measures make it possible to judge that a problem does exist in our state."

Mondale told LeVander that the Bureau of Labor Statistics concluded that a family of four in an urban area needed $6,000 a year to feed its members properly and still meet other expenses.

He said that an estimated 600,000 Minnesotans live in families that receive $3,000 or less in gross income per year and "must suffer some degree of nutritional deprivation."

Mondale suggested that many poor Minnesotans—the working poor as well as those on welfare—do not go to the county seats to pick up the "surplus" foods commodities handed out, or buy food stamps, because they were shamed, in some cases harassed or discouraged by county officials.

He told LeVander that the basic questions were: How many of the 170,000 school children in schools without school lunch programs are undernourished?

He asked how many children who should, by law, be receiving free school lunches are not. He also asked similar questions concerning welfare recipients and the working poor and added that, "We do not know . . . but we should, and I hope we will find out."

Mondale ended his letter to LeVander with this:

"As public officials, we share responsibility for the pitifully inadequate public efforts to meet the needs of the poor and the hungry in America. But assessing blame will not feed anyone. What we must share in the future instead is a firm resolve to move together in a nonpartisan attack which will draw all of our resources—local, state, federal, and private—into a united drive against hunger. I look forward to working with you in this effort."

A spokesman in Mondale's office said Saturday that LeVander never answered the letter of a year ago. Mondale's letter got fairly wide publicity.

But there has been response to the tour of the Select Committee to poverty areas.

St. Paul has been hailed for its advance in the school lunch program and both state and national officials have praised the work of Mrs. Virginia Ball, in charge of St. Paul's program.

A year ago no St. Paul elementary schools had hot noon lunches. Monday, Prosperity School will join the list of those that do and this will leave 17 elementary schools that do not. Some of these are in poverty areas that need it most. Mrs. Ball said the problem is that six of the remaining schools are to be replaced under the construction program and that the others have no space for either kitchens or serving areas.

Farley Bright, assistant commissioner in the state Education Department, though he highly praised the work of Mrs. Ball, said lack of facilities is no excuse for a school not to have a noon hot lunch program.

He could very well have been thinking of Minneapolis which has been especially laggard. Forty-nine of its 69 elementary schools have no school lunch program.

Many are in poverty areas.

Bright said the government will provide 75 per cent of the cost of providing facilities—kitchens and eating areas.

Mrs. Ball said the problem in St. Paul for the remaining 17 schools, is "poor space, old buildings with no room for kitchens, no room even to serve."

"But we're studying and figuring and we'll come up with some way to do it," she said.

This is not to excuse St. Paul—certainly not Minneapolis—nor any part of the State—but there are still 810 schools in Minnesota that have no school lunch programs.

But the point the critics make is this: How many in those school districts that have no noon lunch programs are kids that don't get much to eat?

Ethel Heaberlin, state nutritionist, shuffling through reports, came on a clipping from a national magazine which included pictures of the now familiar scene of kids in Biafra and India—the distended stomachs and arms and legs with bones covered with skin but little or no flesh.

"There was a little boy in a breakfast program in St. Paul—it wasn't that bad, but it was nearly that bad," she said.

Carl Holt, administrator of the food programs for the state Education Department said he talked to a 5-year-old child at a breakfast program and learned the child had not eaten since the morning before—at the school.

Mrs. Ball said, "The statistics and the paper work can get dull but I always remember the first child who said to me. 'This is the bestest lunch I ever had.'"

Bright commented on an earlier report that Holt was removed from his position at the insistence of the U.S. Agriculture Department, reportedly because Minnesota had to turn back unused funds—not school lunch—but other federally supported programs.

"We have good relations with the Agriculture Department," he said. "The fact is our programs are so increasing that we are doubling the staff. Holt will go out to sell the programs to schools and communities, another man will take over the administration."

This is part of the story, largely in one area of providing food to the poor.

There are many other areas: special milk programs, food stamps and commodity programs, the school breakfast programs in St. Paul and Minnesota generally, food for senior citizens, trying to assure healthy births through feeding and care of pregnant mothers, conditions in Indian schools and on reservations, the whole gamut of kids who are hungry and the amazing number of families who don't have enough to eat and are too proud or too ashamed to ask for food stamps or to go to the county seat to get the handout of so-called "surplus" foods in a nation in which almost all foods are surplus.

LEAD POISONING

Mr. KENNEDY. Mr. President, for a long time, I have been interested in the hazards of lead-based paint poisoning. It is a needless and preventable malady. Lead poisoning in children is caused chiefly by the ingestion of paint chips, plaster, and putty. Usually, in the homes of the poor living in our big cities, walls are caked with coats of lead-based paint that are many years old. The failure to properly maintain these buildings has created a hazard that could be and should be avoided.

Last fall, I introduced S. 3216, which is designed to bring an end to this disease. It is appalling that with modern technology we can completely eliminate lead-poisoning as a hazard to our children, but inadequate and uninforced housing regulations as well as insufficient efforts by health authorities have permitted the disease to run rampant through such communities as Roxbury, Bedford-Stuyvesant, South-Side Chicago, and Anacostia, D.C.

There is evidence that warm summer temperatures contribute to the increase in the number of cases. Apparently, the body stores lead in the bone marrow for indefinite periods. During summer months, metabolic changes cause the lead to be deposited in the blood stream, thereby creating the dangerous and tragic symptoms of physical and mental debilitation. When the disease is not treated early in its course, there can be irreparable damage to the central nervous system. In those cases, victims become a doubly tragic burden to society because their potential as a healthy person is lost to society.

At the same time it costs our health agencies as much as $250,000 throughout the patient's lifetime to provide for proper care and attention. We know, on the other hand, that for less than $2,000 the average home that is a potential source of lead paint poisoning can be completely rehabilitated to remove the danger.

New York City probably has the highest incidence of lead poisoning. Lawrence Altman writes in the New York Times about the unprecedented caseload reported to New York health officials for 1970. He cites efforts made by the city to detect cases in the lead belt.

A lead detecting machine to be used by New York University to help pick out the presence of lead paint in homes may be valuable in the fight to make this hazard a thing of the past. There are also medical tests run on youngsters that are simple and reliable. Treatment may require hospitalization, but when caught in time, victims can be completely cured. The tragedy is that too often youngsters who get the disease and receive treatment, are returned to the same environment that caused the disease in the first place. These same children are likely to get sick again because nothing has been done to remove peeling paint chips from walls of the home. In fact, medical records show that once a youngster has had lead sickness, he is very likely to get it again.

Efforts must be continued to distribute information about lead poisoning in newspapers, magazines, television, through health clinics and in neighborhood centers. Parents, teachers, health aides, and even physicians have got to be made to suspect lead poisoning.

Too often, the disease goes unnoticed because it is unheard of. Repeated emphasis about this hazard through articles such as that in today's New York Times can be helpful.

For that reason, I ask unanimous consent to have printed in the RECORD Lawrence K. Altman's article entitled "Lead Poison Worst Ever at 260 Cases," published in the New York Times on Tuesday, May 12, 1970:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEAD POISON WORST EVER AT 260 CASES

(By Lawrence K. Altman)

Physicians have reported 260 cases of lead poisoning in children to the New York City Health Department during the first four months of this year—more than for any other comparable period.

Health officials attribute the rise in reports to recent increased interest on the part of medical and community leaders in this old medical-social problem. This interest led to a release of city funds allowing the Health Department to test more blood specimens for lead, thereby detecting earlier this preventable disease of the home environment.

Health officials suspect that the higher total represents just a small fraction of the lead-poisoning cases here.

"Our calculations indicate that there are about 8,000 cases here," said Dr. Vincent F. Guinee, head of the city's lead-prevention program. In an interview, Dr. Guinee elaborated as follows on some of the statistics on cases of lead poisoning in recent years:

Ninety-three percent of the lead poisonings occurred among children 1 to 4 years of age.

Although 86 per cent of the cases were among children from black and Spanish-speaking families, youngsters from these groups made up less than half the city's population for that age range.

The 727 cases in 1969 were the highest recorded in the city's history, but the two deaths were the fewest in the last decade. The most deaths from lead poisoning were the 19 in 1960.

None of the 1970 cases reported thus far were fatal.

High rates among young children reflect the fact that they eat the lead paint peeling off the indoor walls of homes built before World War II. Though covered with newer layers, the original lead paint remains on walls in many older homes in poverty areas of New York and other American cities.

Since World War II, laws here and elsewhere in the country have prohibited the use of lead paint indoors. Some outdoor paints still contain lead.

EVEN THE WELL FED DO IT

Studies have shown that half of even well-fed children eat things like paint, clay, plaster, dirt, matches, cigarette butts or crayons that are not food. Doctors call this little-understood phenomenon pica. In zoology, the pica is the genus containing the magpies, which are omnivorous.

Though the pica usually begins about age 1 and disappears by age 5, the American Academy of Pediatrics says that "as many as 50 per cent of mothers of children with pica also have pica themselves."

Because the intestine can absorb only small amounts of lead at any one time, ingestion of tiny amounts of lead over a long time can be more dangerous than eating a larger amount once. Doctors suspect a child must eat lead chips for about three months before symptoms of plumbism—from the Latin for lead poisoning—develop.

Once absorbed, lead can affect almost every system of the body. Most of the heavy metal is stored in bones, and appears as opaque white lines at the end of the wrist and knee bones on X-rays of children with severe lead poisoning.

Because lead interferes with the body's manufacture of hemoglobin, the oxygen-carrying protein in red blood cells, large amounts of lead cause anemia, a deficiency of such cells. When doctors look through a microscope at stained specimens of blood and see blue specks on the red cells they may suspect lead poisoning.

Symptoms may appear insidiously or suddenly. The child, whose gums may become blue, may lose his appetitie for food, vomit, become less alert and more irritable, have temper tantrums, or develop a clumsy, staggered walk. The child may complain of vague abdominal pains, which can become so severe that he doubles up from spasm of the bowel. This symptom, called "lead colic," has fooled doctors into unnecessary surgery such as appendectomies.

Lead can cause tiny hemorrhages in the brain leading to convulsions and coma. The metal may also interfere with functioning of nerves in the arms and leg, causing a paralysis called wrist or foot drop.

Doctors want to detect lead poisoning as early as possible to prevent, rather than treat, these symptoms. That is why the Health Department got an infusion of $1.2-million earlier this year to step up its lead-prevention program.

Action begins when the Health Department receives a report of a case of lead poisoning, either from a practicing physician or from a blood test performed at the department's laboratories.

The most reliable method, Dr. Guinee said is a laboratory test performed by a process called atomic-absorption spectophotometry. The Health Department considers abnormal a blood lead level of 60 micrograms or higher. (A microgram is one-thousandth of a gram.)

Some doctors had hoped that the ALA (for delta amino levulinic acid) would be the easiest screening test for lead-poisoning cases.

The ALA urine test, Dr. Guinee said, is unreliable. A Health Department study, supported by results of similar ones done in Chicago and Baltimore, found that the urine test falsely diagnosed lead poisoning in about 30 per cent of children without the disease and failed to detect about one-third of true lead-poisoning cases.

After receiving a report of a positive lead test, a Health Department representative takes samples of wall paint where the youngster lives.

If any of these samples is positive for lead, the Health Department orders the landlord to begin removing the lead source within five days. If the landlord fails to comply, as has happened about half the time, the city's Emergency Repair Program does the work and bills the landlord.

Dr. Guinee said the Health Department was detecting lead in about one-half of the homes of children suffering from lead poisoning. In the other half, Dr. Guinee said, sampling procedures may have missed the hidden lead paint, or the family may have failed to reveal other homes that the child visited. Mothers who work while on welfare are reticent to reveal this information despite the Health Department's guarantees of confidentiality.

Next month, the Health Department plans to begin using a portable model of a new lead-detecting machine that New York University's department of environmental medicine developed with funds from the city's Health Research Council. It is hoped that this device will enable an inspector to survey an entire housing unit without removing any paint chips and to increase the accuracy of detecting lead paint in homes.

MANAGEMENT OF COASTAL ZONES

Mr. COOK. Mr. President, today our Nation is faced with the massive problem of discussing, studying and ultimately developing a policy for national growth and national land use.

We are beginning to realize that the proper ordering of priorities for the most efficient and effective use of our natural resources will have a profound effect on the redevelopment of our urban areas,

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rural development, and the wise use of our national lands.

An important first step in our attempt to preserve and conserve the area where our continent comes down to the sea is the proper management of our coastal zones. This subject is before the Commerce Committee's Subcommittee on Oceanography now. S. 3183 is the administration's proposal to deal with the unique problems which deserve special attention in the form of a national policy and program.

As proposed in S. 3183, the Department of the Interior, under the leadership of my friend Walter J. Hickel, would assume the role for management of the coastal zone function. This to me is as it should be, for under Secretary Hickel's direction, his department has turned from an "interior" agency to an outward looking agency, whose scope also includes the innerspace of the seas which yields some of the most exciting and challenging areas of human enterprise.

Pending the report of the Ash Council's recommendations and the President's decision on reorganization, the Secretary has moved to establish a Marine Affairs Action Group to study and review the Interior Department's role and programs.

As lead agency, Interior is also directing a coordinated effort with other agencies in Government in oceanographic research to learn more of man's ability to work and live in the sea through Project Tektite II.

As an example of the type of thinking going on in the Department of the Interior these days, I ask unanimous consent to have printed in the RECORD the remarks of the Honorable Hollis M. Dole, Assistant Secretary for Mineral Resources, before the Second Offshore Technology Conference, in Houston, Tex., several days ago. Secretary Dole's remarks on the coastal zone will be of interest to all concerned with the efficient management of our natural resources.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE HOLLIS M. DOLE, ASSISTANT SECRETARY—MINERAL RESOURCES, BEFORE THE SECOND OFFSHORE TECHNOLOGY CONFERENCE, HOUSTON, TEX., APRIL 22–24, 1970

The first thing to be noted about the Coastal Zone—as I view it—is that it is extraordinarily difficult to say just where its limits are. I think any reasonable definition would have to include both land and water elements. Here along the Gulf of Mexico, where the coastal plain sinks gently under the sea to form a wide, shallow shelf, this continuum between land and sea is quite evident.

The long history of litigation as to just where the Louisiana coastline is physically located is a prime example of how difficult it is to separate the land and water modes of this transcendently important part of the earth's surface.

Further obscuring the boundary between the wet and dry sectors of the coastal zone is the extensive exchange of properties between the two. Tidal flats may belong to either one, depending on the time of day. Many forms of marine life enter the estuaries, and some like the salmon and the herring travel far up rivers and streams to spawn and die. Conversely, rivers carry sediments, nutrients, and pollutants that reach the ocean and influence the environment far from shore. Swarms of creatures inhabit the brackish waters of bayous and tidal marshes, belonging fully neither to the sea nor to the dry land behind it.

The biosphere does its best by the coastal zone. Here, as the deep sea shoals to where light is able to penetrate to the bottom, life literally explodes in a profusion of forms and varieties. The near-shore reaches of the sea, containing only a tiny fraction of its total volume, host enormous populations of marine life. And so it is on the dry sector of the littoral as well: Seventy-five percent of the world's 3½ billion people live within a hundred miles of the sea. Civilization was cradled in the sea-kingdoms of Egypt, Minos, Phoenicia, and Greece. For a hundred generations and more, access to the sea and its resources has been the glue of empire, for Carthage and Rome; Byzantium and Venice; Holland and Britain. And it is here, in this narrow, vaguely-defined strip that overlaps the interface between the land and the sea that the great interchange of the world's resources takes place. The harvest of both land and sea meet to be sorted out, processed, and dispatched. As a geologist, I find it intriguing that the long and tenuous belt of great tectonic activity which outlines the continents should correspond to the region of greatest human activity as well.

This intense exploitation of the resources of the littoral, both on and off shore marks the convergence of many separate interests: there are the private interests, that is, the interest of the fisherman, the shipping business, the minerals industries, the tourist and pleasure seekers. The adjacent States and municipalities obviously have a large stake in what happens on their doorsteps. The Federal Government has a broad range of interests which encompass responsibilities for navigation, defense, minerals development, fish and wildlife protection, pollution abatement, regulation of ocean-going traffic, and occasionally acting as the arbiter and honest broker between other competing claimants. The sum of these separate interests is what I would call the national interest. More definitively, perhaps, the national interest in the coastal zone could be stated as the effective development and use of the total resources available in that region for all the purposes the Nation may require.

With so many separate interests to be satisfied it is no wonder that a great many problems involving the use of coastal zone resources have arisen. I do not have to tell those of you who live in this area of the tangled web of separate and often conflicting activities involving fishermen, oil producers, miners, shippers, refinery operators, water quality authorities, and those who derive recreational or esthetic enjoyment from Galveston Bay.

Problems comparable to those of the Galveston Bay area face many other portions of our coastal zone. In the San Francisco Bay area, where pollution and competition between shell-bed mining, shoreline development, biologic resources, and recreational use also exist, there is the additional hazard of earthquakes and landslides on steep slopes. Further north in my home State of Oregon, we were suddenly faced with a different kind of problem several years ago when the Hanford Laboratories began introducing radioactive wastes into the Columbia River which in turn carried them to our beaches and fishing grounds. This occasioned a crash program with our neighbors in the State of Washington, the AEC, and a number of offices in the Department of the Interior. The program is proving reasonably successful, but like most problem-oriented, crash programs will provide only a partial basis for the solution of future, similar problems.

At New York and throughout the East Coast megapolis, urban development, rising land values and zoning restrictions are reducing the availability of sand, gravel, and other construction materials, and have triggered major exploration programs for new sources. Potential new sources are available both landward and seaward of the metropolitan areas. On land, long, high-cost transportation will be required to move the materials; at sea, we remain unsure about the possible effects of large-scale exploitation on the marine environment. The final decisions on development will require consideration of many technical, economic and social factors relating to the deposits of both the land and sea.

Partly because I am a geologist who happens to have significant responsibilities for minerals and their development, and partly because the roster of the sponsoring societies of this Conference indicates a similar professional interest on your part, I would like to address my remaining remarks specifically to the development of the mineral resources of the coastal zone.

Up to this point in time, the history of marine mineral development—aside from the extraction of a few compounds from sea water itself—has been mainly that of oil and gas produced from offshore locations. Even this activity is of relatively recent origin, dating back not much more than twenty years. Thus, it is not surprising that we have barely scratched the surface insofar as tapping the potential oil and gas resources of the Continental Shelf are concerned. Perhaps a few figures will help emphasize my point.

The submerged part of the United States out to a water depth of 200 meters comprises an area of about 800,000 square miles. The U.S. Geological Survey estimates that the rocks underlying this area have potential resources in place ranging from 660 to 780 billion barrels of oil, and between 1,640 and 2,220 trillion cubic feet of gas. The area between the 200-meter and the 2,500-meter isobaths approximates 480,000 miles and is considered to hold resources of the same order as that lying shoreward of the 200-odd meter contour. These figures compare with an estimate of roughly 1300 billion barrels of oil and 3,000 trillion cubic feet of gas orginally in place on shore. The significant difference between the wet and dry provinces is that we have been looking for oil and gas in the onshore regions for a hundred years, and have found the most accessible deposits. But we have only begun to look in the offshore areas.

In fact, only a little more than one percent of the acreage out to the 200-meter isobath has ever been leased for oil and gas exploration, and 60 percent of this has been offshore Louisiana. Twenty-odd years of exploration and development have located less than 6 billion barrels of recoverable oil and 50 trillion cubic feet of gas out of the vast potential resources that are believed to underlie the continental margin. In fact, no production has ever been established offshore the United States other than in Louisiana, Texas, Southern California, and Alaska's Cook Inlet.

Moreover, even after 20 years of development, most of our offshore oil and gas still comes from fields underlying less than a hundred feet of water. This is slowly changing as more wells are drilled in deeper water. But the truth is simply that at depths of 350 to 400 feet we are approaching the practical limits of conventional bottom-supported production platforms. Moreover, the sheer numbers of these offshore structures, which now total more than 1,700 in the Gulf of Mexico, presents a problem to other users of the area.

Almost fortuitously, as it happened, this concentration of structures grew up in the only part of the sea area adjacent to the conterminous United States that is not almost completely claimstaked by other users.

Around the entire length of the remaining coastline, there is hardly a square mile that is not being used for some purpose and usually for more than one purpose.

The chief tenant is the Department of Defense, but not in every case. There are bombing and gunnery ranges, test and calibration ranges, carrier operating areas, submarine operating areas, torpedo firing ranges, transit lanes, and vast and complicated underwater sound surveillance systems tied to each other and to the shore by a network of cables. On the Atlantic and Pacific Coasts there are also a great many more commercial shipping routes than in the Gulf, and the number of clear days is measurably less. There are commercial cables, oyster beds, and fishing shoals to be considered—and a growing number of privately owned submersible craft operating in the relatively shallow waters above the shelf. Moreover, beauty-conscious dwellers along the shore have shown growing impatience with the spectacle of oil rigs working offshore at any point within their range of sight. And because the entire area is already in use, the entry of a new tenant cannot be easily accommodated because of the "domino effect" produced upon adjacent areas.

I'm simply saying that as offshore oil activity expands into these already crowded areas—as I feel it must, eventually—oil men and their government lessors, both State and Federal, are likely to be faced with problems of a kind and dimension that are only now beginning to be encountered in places such as Santa Barbara. Their resolution will take much patient negotiating, and a large measure of tolerance by all concerned. It will also take some significant advances in offshore production technology, looking to the day when all production—and hopefully, drilling as well—can be done on the sea bottom without interfering with the users of the water and air columns above it.

The problems that offshore oil and gas development pose to other users of the coastal zone resources have been made abundantly clear to us all during the past fifteen months. Two incidents, barely a year apart—the spill off Santa Barbara in early 1969 and the recent fire and spill off the Louisiana Coast—have focused public attention on offshore oil operations as nothing else has done in the history of the business.

In the wake of the Santa Barbara spill the Federal regulations and orders governing leasing and drilling on the Outer Continental Shelf were completely overhauled, modernized, and strengthened. Existing requirements of the regulations were more carefully defined and some new requirements were added. Two provisions were of particular significance. A requirement for a full and thorough consideration of all environmental factors in advance of any lease sale was added to the regulations. The existing imposition on the lessee of absolute responsibility for control and total removal of any pollutants resulting from operations which damage, or threaten to damage, marine life, wildlife, or public or private property was clarified.

In response to the obvious need for more effective policing of regulations, the Geological Survey has greatly accelerated its inspection activity, and is in the process of increasing its staff to insure adequate coverage of all oil and gas operations on the Outer Continental Shelf. I think the outlook is clear for everyone to see: regulations on Outer Continental Shelf operations are going to get increasingly more stringent, their enforcement is going to get tougher and more vigilant, and the penalties for violation will get more severe. The public consciousness is strongly focused upon the whole question of pollution, and it has been hypersensitized by the fact that the two largest and most spectacular oil spills in the history of offshore operations occurred within a year of one another. If the oil industry cannot conclusively demonstrate in its future operations that it can and will prevent recurrence of such accidents there is the clear danger that the pressure of an aroused public will make it virtually impossible to continue exploration and development of the petroleum resources of the continental shelf. And this would be a severe blow to our hopes for continuing to supply the bulk of our oil and gas needs from domestic sources as a basic requirement of our national security.

As much as anything else, the public dismay over the two oil spills resulted from the ineffectiveness of the efforts to contain and dispose of the oil before it did extensive damage to property, wildlife, and the aesthetic qualities of the surrounding area. With all our vast inventory of chemical agents, it still turned out that the best and safest absorbant was straw, and it is an open question as to whether the emulsifiers and surfactants available do more harm to the ecology than the oil itself.

The problem of oil spills quickly transcends the limited scope of offshore oil operations. Out of 714 reported oil spills in U.S. waters in 1968, only two were from offshore oil wells. About half of the total incidents—347—were from vessels, most of which were docked at the time. Dry cargo vessels—not tankers—accounted for the greatest number of incidents—112, against 83 for tankers. Nearly 300 spills were caused by shore facilities of various types.

The hazards posed by the breakup of large tankers in the coastal zone belong in a category all by themselves. The Torrey Canyon disaster off the Scilly Isles is well remembered. Eight-hundred thousand barrels of black oil were released to the open ocean, and much of it washed down onto British and French beaches. But the Torrey Canyon was a relatively small ship in comparison with those now being built, and which will be calling at United States ports with increasing frequency. The average size of tankers on order at the end of last year was over one million barrels, and a three-million-barrel tanker was recently laid down in a Japanese yard. With spills of this magnitude included in the risks of the future, the 12,000 barrels released at Santa Barbara, or even the 30,000 barrels spilled into the Gulf of Mexico seem small indeed.

The amendments to the Federal Water Pollution Control Act which became law early this month provide for stiff penalties to ship owners *in the event spills occur*. This may properly be expected to be a burr under the saddle of ship owners to insure that all measures are taken to prevent spills, and is of course a palliative to those damaged by spills which do occur. But despite great efforts we are still far short—in technology, in organization, in procedures—on the most critical element: the prompt and effective collection and disposal of oil which may in fact be spilled, regardless of cause or fault. Our efforts to deal with the problem of oil spills in the coastal zone can never be regarded as satisfactory or complete until we have found a way to minimize damage from these "contingencies of catastrophe."

While I have talked at some length on oil and gas resources in the rocks of the continental margin, there is another ocean mineral resource group that deserves the attention of this audience: this is the group of minerals that are found on the ocean floor in potentially useful concentrations brought about either by physical or chemical oceanographic processes.

The mineral deposits which have been concentrated on the ocean floor by physical processes are the beach placers and are either exposed along the margin of the seas or surmerged on the continental shelf.

These deposits are of heavy minerals and include gold, tin, diamonds, magnetite, ilmenite and chromite, all of which have been mined successfully in some part of the world. They owe their concentration to the oscillating motion of water in waves or currents which tend to winnow the finer and lighter particles and leave behind the coarser and heavier grains.

The deposits formed by chemical oceanographic processes occur on the sea floor from direct chemical precipitation out of sea water.

These deposits are found on the deeper portions of the continental margin or on the deep ocean floor. Although there are a considerable number of these minerals, the most important known today are in the phosphorite nodules and sands and manganese nodules.

To me the most interesting of these deposits are the placers—those found in present beaches or a short distance offshore and to depths of water of 300 to 450 feet. It is these deposits I feel which will lead us from land-oriented to water-oriented mining operations and guide us to the technology that will permit us to operate in even greater water depths.

Like the offshore oil industry that progressed from the swamps to the bayous and bays to the continental margin and is now exploring in water depths greater than a thousand feet, I believe the experience gained from successfully mining the near-shore placers will develop techniques and skills that will enable us to handle the deep water deposits. The importance of deep water deposits lies in their tremendous quantity and the fact that our future mineral requirements will be so huge that all possible sources must be tapped.

Much has to be done to give commercial importance to these minerals which lie on the ocean floor. Extraction is currently limited to only a few items and in limited quantities. Some progress has been made in developing the extraction technology, but here, too, we have barely scratched the surface. But the potential reserves of this group of minerals is huge, and we need to pay greater attention to them if the predicted demand for these metals is to be met.

We need a firm framework of law and practice which will encourage investment in these extraordinarily risky ventures. Logically, the near-shore placers will be mined first, and this will take place under the jurisdiction of the coastal states. As operations proceed seaward, they will enter the zone of Federal control, and if they extend far enough the question if international access must be answered in some way. The legal concern for this group of minerals has just begun, and should receive greater attention, beginning now. It should be directed at all levels—State, national, and international.

The coastal zone where the continents come down to the sea remain the most exciting, the most challenging, and the most important area of human enterprise that I know. Scientifically, it holds the key to many riddles; commercially, it may solve many problems of resource availability; technologically, it challenges the minerals industries to find the keys to unlock the riches of the ocean floor; socially, it summons us all to work together in the pursuit of a common goal: that in harmony and wisdom we can expand the frontiers of Inner Space for the security and benefit of the people.

TREATMENT FOR LEUKEMIA

Mr. YARBOROUGH. Mr. President, one of the cruelest forms of cancer is leukemia, the cancer that most often strikes children. Occasionally its victims are adults, but by and large children are the ones who suffer and die from this dread disease.

Progress has been made in the fight against leukemia, but administration cuts in the funds of the National Cancer

Institute have curtailed a vital and successful project in leukemia. As a result of the cut, the lives of children under treatment may be imperiled.

The cooperative project is based at the Roswell Park Memorial Institute, a major cancer research and treatment center in Buffalo, N.Y. Almost 200 cancer experts and two dozen hospitals are linked together by computer in order to maximize their expertise in the treatment of children suffering from leukemia.

An article published in Look magazine for May 5 describes the progress of this project, but it also says the project is being cut 15 percent in what the White House calls a move against inflation. The article concludes by saying we must not try to pay our economic obligations with our children's lives. I agree, and I think most of the American people do, too.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE HAVE A CHANCE TO BEAT LEUKEMIA NOW

(By Roland H. Berg)

(A fatal disease shows signs of yielding to a cooperative plan of treatment. As more children survive, scientists predict that cure is now a realistic target.) Parents rightfully fear leukemia; no other disease poses a bigger threat to a child's life. Of the ten thousand youngsters stricken annually by this cancerous blood disease, death has come to nine out of ten within a year. Desperately, parents of doomed sons and daughters try to cram a lifetime of loving into brief months, with bittersweet Christmas trees and birthday parties long before their appointed time. Watching, you wonder who bears the greater tragedy: the child whose life is forfeit, or the parents who helplessly watch a young life slip away.

XUM

Now, something wonderful may be happening. Without a miracle drug or a sensational new cure, a special group of leukemia children is defying its one-year death sentence.

The group's scoreboard shows eight out of ten kids surviving more than a year; five out of ten, for more than two years; and four out of ten, more than three years. Indeed, 25 percent of the group will be alive and well after five years, and those five-year survivors will have an even-money chance of normal life-spans.

More than 2,000 youngsters have been treated in a unique cooperative plan, embracing 26 major hospitals, known as Acute Leukemia Group B. The group is not exclusively for childhood leukemia; other types of cancer are treated.

A skinny, shy, 12-year-old, Jimmy Matheson of Newton, N.C., is one child in the group who has already survived five years. With mud-blond hair, and ears that are a bit juglike, Jimmy has a startled expression lighting his wide slate-blue eyes.

When Jimmy was only seven, he began dozing off at odd hours, even while eating. At first, his mother paid little heed. With a husband and seven kids in the house to look after, one small boy falling asleep didn't rate an emergency. But when Jimmy's temperature ran up and down, his glands swelled and he complained of headaches, Mrs. Matheson took him to the doctor for an examination.

A routine blood count warned the physician that Jimmy was sicker than he appeared, and he wisely advised Mrs. Matheson to consult specialists at Bowman Gray School of Medicine, 120 miles away in Winston-Salem.

Quickly, the Bowman Gray staff determined Jimmy had leukemia and told his mother the outlook was poor—Jimmy might live only a year—but they would do their utmost.

In the hospital, Jimmy received intensive treatment—myriad chemical infusions laced with tests and blood transfusions to which he responded rapidly. In a few weeks he was well enough to go home and told to return for continuing therapy. The long biweekly drives to the hospital continued for nearly three years.

For the past two years, Jimmy has needed no more medication. He is back at school, awkward at being the oldest and biggest boy in the second grade, but determined to make up lost years even though some classmates poke fun at him. He sees his local doctor for biweekly checkups, and once a month journeys to Bowman Gray for more elaborate tests.

The leukemia project of which Bowman Gray is a part is the brainchild of cancer specialist Dr. James F. Holland. He got the idea when he was doing clinical research at the Government's National Cancer Institute in Bethesda, Md.

At that time, cancer researchers were painstakingly testing one chemical after another, attempting to find one that will halt the deaths from leukemia. Some drugs seemed more promising than others, and in animal trials, some chemicals worked even better in combinations rather than singly. The results, however, were too fragmentary to mean much. Statistically, the situation demanded a larger, more reliable experience.

Dr. Holland proposed a solution: have as many specialists and hospitals as possible coordinate their treatment of patients with agreed-upon combinations of chemicals. The joint wisdom of the specialists and the larger number of patients would permit more rapid, reliable evaluation of treatment methods.

After studying the proposal, the National Cancer Institute agreed to support Dr. Holland's leukemia-treatment plan. He established the cooperative's base of operations at Roswell Park Memorial Institute, New York's state-run cancer-research and treatment center in Buffalo.

Beginning with a few specialists in key hospitals, the leukemia chain has expanded until it now includes 167 cancer experts in 26 major hospitals throughout the United States and five foreign countries.

Every patient admitted through a member hospital gets a standardized, exhaustive examination. A copy of the findings is sent to Roswell Park headquarters and programmed into a computer. Each record is constantly updated. Within minutes, the computer can sort out the past history and present status of any patient in the 26 hospitals.

Every four months, as many as possible of the cooperative's 167 cancer experts gather for three days at a central location to review their experiences and to discuss proposed changes in treatment.

As of now, the chemicals used in therapy number more than a dozen. Some are generally available, while many are restricted to experimental use. They go by strange names—vincristine, methotrexate, prednisone, 1-asparaginase, 6-mercaptopurine, dactinomycin, procarbazene and cytarabine. Others have names so long, initials are more convenient—BCNU, ICBT and CCNU.

Mainly, these powerful molecules are pumped directly into the patient's bloodstream. Although each chemical's structure is unique, they all seek to destroy the rabid white blood cells characteristic of this type of cancer.

All forms of cancer are difficult to treat, leukemia particularly so, since it affects the blood-producing organs and results in an explosive multiplication of white blood cells. To save the leukemia victim's life, the physician must launch his attack against the patient's own blood.

Normally, blood serves two main purposes, it transports oxygen and nutrients throughout the body, and it destroys infectious invaders. The red cells and plasma, the blood's liquid portion, efficiently perform the first function; white cells capably handle the second chore.

Born in the bone marrow and lymph nodes, white cells are released into the bloodstream when they mature. Compared to the reds, the whites are numerically fewer; the ratio is 1,000 reds to a single white. But when infection threatens, the bone marrow and lymph nodes double and even quadruple their output. As the threat subsides, production slows and returns to normal.

When leukemia strikes, it triggers the marrow and nodes to pour out huge numbers of white cells—10, 20, even 100 times the usual amount. In some strange way, the cancerous process also disrupts the white cells' life cycle and they never mature. They remain juveniles always.

Consequently, hordes of bizarre-looking youthful marauders roam the body, invading and destroying bones and organs in a voracious search for food. By sheer weight of numbers, the hoodlum cells suffocate red cells and platelets, special units that halt hemorrhages by forming clots. Since only mature white cells can fight infection—and mature whites have disappeared—the body is defenseless against lurking germs. Death comes to most leukemia patients from infections that quickly become overwhelming, or from bleeding.

Because the disease is so swift and the outcome seems so certain, parents of children with leukemia often choose the hospital nearest home, where they can be with their youngsters frequently. The convenience of daily visits may be comforting to the family, but is it in the child's best interests?

Dr. Holland thinks not. What the child needs during the acute stage, he says, is treatment in a hospital that has the proper resources. That includes a balanced staff composed of older specialists with the wisdom that years of doing gives them, as well as trained young investigators with fresh ideas.

The institution must also have access to today's chemical weapons. It must have the new equipment that can separate blood into red cells, platelets and white cells, and make each component available for transfusions to sustain the patient's life. Ideally, the hospital should safeguard its patients with laboratories capable of identifying the many infectious organisms that might threaten.

Many institutions keep their actuely ill leukemia patients in laminar-airflow rooms. A constant stream of cleansed air flowing from the wall above the patient's head prevents air contaminations brought in by doctors, nurses and visitors from reaching the patient. Other hospitals encase their patients in glass-walled germproof rooms.

Recent experience proves that acute-phase treatment does not often require months of hospitalization. So effective is combined chemotherapy, plus life-supporting fractional blood transfusions, that most children need only several weeks in the hospital. From then on, they can be managed as outpatients on a once-a-week or once-a-month basis. Between clinic visits, local physicians can keep a close watch on the children.

Although all 26 hospitals in Acute Leukemia Group B fulfill the requirements as centers of excellence, Dr. Holland emphasizes that they are not the only ones competent to care for leukemia patients. Many university-connected institutions, as well as some community hospitals, meet the same standards of excellence.

Recently, I talked with parents who had brought their ill children to Roswell Park Memorial Institute—and were glad they did—for hospitalization during the acute stage, even though it meant traveling more than a hundred miles from home.

Although it was only 10 a.m., Mr. and Mrs. David Hillis and their five-year-old daughter Jody had just driven 200 miles over icy, snow-packed roads from their home in Endicott, N.Y., for Jody's clinic visit.

The young parents—she is 23, he is 25—said their sweet-smiling daughter developed pneumonia nearly two years ago. When they took her to the local hospital, a routine blood count revealed she had leukemia. Her doctors advised immediate transfer to Roswell Park.

After two weeks' intensive therapy in the hospital, Jody was well enough to go home. Now, she returns once a month for additional tests and treatment. Between the one-day visits to the hospital, she sees her local doctor in Endicott.

Mr. and Mrs. Hillis are over the shock of Jody having leukemia. "We live from day to day," confesses Mrs. Hillis, "but we are hopeful."

The mother and father of a cherubic six-year-old, Jacqueline Cummings, said Jackie's illness had started 18 months ago with unexplained fever. When the blood test signaled leukemia, they were stunned. They hastened to take Jackie—youngest of five children—to Roswell Park, as their doctor recommended, even though the hospital was 130 miles away.

Jackie's making good progress and needs therapy only once every two months, so the Cummings are cautiously optimistic. Mr. Cummings, a machinist, confided, "They don't baby you here, they tell you the facts, and you have to face them; but they sure know what they're doing."

When I admired the child's close-cropped blond hair, Mrs. Cummings corrected me. It hadn't been cut, she said. Actually, it was new growth after Jackie had gone almost bald during treatment. Many of the children lose their hair temporarily, as a result of the powerful chemicals coursing through their bodies.

Unlike the other children who cried out or whimpered when the infusion needle bit into their flesh, nine-year-old Wendy Richardson nonchalantly read her comic book during her intravenous medication. Perhaps Wendy's calm comes from seven years of treatment. That's a long time for a small girl to face endless needles, but Wendy does it with unbelievable aplomb. Happily, the treatments are required only at three-week intervals.

Because of her off-and-on illness, Wendy has lost some schooling, but nonetheless is in the fourth grade. The Richardsons, who have four other children and live 125 miles away in Syracuse, N.Y., are active in the local chapter of the Leukemia Society. "It helps to help others," they say. They are proud of Wendy's progress, but realistic about the future.

In the 15 years that the Government has supported the leukemia cooperative, it has spent only about $5 million—a remarkably small investment for so big a payoff in human lives. The entire cost of the program has been considerably more than the Government's share. The individual hospitals and patients foot a portion of the bill

Yet, a short time ago, Dr. Holland—as chairman of the project—received notice that the Government was cutting back its financial aid by 15 percent. It's part of the Administrations' anti-inflation program.

When Dr. Holland toted up the year-to-year increase in the cost of equipment, supplies and salaries, he discovered that the Government's retrenchment actually amounted to a 22 percent reduction in spendable funds. Consequently, new research that had been scheduled this year—including vital metabolic studies that might point the way to more effective drugs—must be abandoned. Because of insufficient funds to meet the payrolls, key technical personnel must be let go. The entire scope of the program must be scaled down at the most promising period in its 16-year history. Some kids whose lives might have been saved will have to die.

Halting inflation is certainly in the nation's best interest, and no one can quarrel with the Administration's goal. But must the price be children's lives?

STATE SUPPORT FOR KETTLE AS "WILD RIVER"

Mr. MONDALE. Mr. President, I recently introduced a bill which would add Minnesota's Kettle River to the National Wild Rivers System. At a time when pure water and the primitive beauty of untouched rivers are being lost to man's civilization, I think that the expansion of our Wild and Scenic Rivers System is of the utmost importance.

The Kettle will be a magnificant addition to this system, and I hope that my proposal receives prompt and favorable action.

Since State and community support for such programs is so important, I ask unanimous consent to have printed in the Record an editorial from the St. Paul Dispatch which strongly supports this proposal.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the St. Paul (Minn.) Dispatch, Apr. 21, 1970]

PRESERVING THE KETTLE

Congress should act favorably on a move by two Minnesotans to include the Kettle River in the National Wild and Scenic Rivers System. Companion bills seeking to preserve the river have been introduced by Sen. Walter Mondale and Rep. John Blatnik.

The Kettle, located approximately midway between the Twin Cities and Duluth, is one of the most picturesque in the state and its waters have been virtually untarnished by human and industrial wastes. In addition, the Kettle flows into the upper St. Croix, which already has been designated as a wild river by Congress.

If the Kettle were designated likewise, it would mean that its waters and shoreline would be used almost exclusively by canoeists, fishermen and hikers. No new roadways could be constructed in the area and a strip of land—approximately 400 feet in from either shoreline—would be protected by easement or acquired by the federal government. Any large campsite, for instance, would have to be built behind the 400-foot zone. Moreover, under the Wild Rivers Act, construction of any kind within 1,300 feet of the river is severely restricted.

Upon completion of the interstate highway between the Twin Cities and Duluth, over two million Minnesotans would be within a 90-minute drive of the Kettle. The nature lovers among them deserve its protection.

APPEAL FOR INTERNATIONAL JUSTICE OF POW'S

Mr. DOLE. Mr. President, the plight of American servicemen who are captives in Vietnam prisons and Vietcong camps is of deep concern to us all. Hundreds of American prisoners of war have relinquished their liberty and their well-being in behalf of freedom for others. There is unmistakable evidence that these American prisoners of war in Southeast Asia are subjected to suffering and degradation without protection of the provisions of the Geneva Conventions. North Vietnam, who in 1957 became a signatory of the Geneva Convention of 1949 relative to the treatment of prisoners of war, proceeds in direct violation of legal obligation to its provisions and in complete disregard for humanitarian standards.

Mr. James K. Anderson, in an illuminating article entitled "They're Men Not Animals!", published in the May 1970, issue of the Veterans of Foreign Wars magazine, attests to the cruel and callous treatment of American prisoners of war in Vietnam.

Rising concern for the well-being of these American servicemen was significantly demonstrated by the recent "Appeal for International Justice" at the DAR Constitution Hall on May 1, 1970. This event was sponsored by the Senate-House "Appeal for International Justice" Committee. What is called for is even greater concern, time, and effort on the part of Congress, Americans, and concerned people throughout the world to make it abundantly clear to Hanoi that inhumane treatment of American prisoners of war is inexcusable in the eyes of the world. Such brutality is both unscrupulous and ineffective as a ploy to influence the policy of the United States toward the Vietnam conflict. The issue is not political but humanitarian.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THEY'RE MEN NOT ANIMALS! BRUTALITY TO U.S. PW'S AN OUTRAGE TO CIVILIZED WORLD

(By James K. Anderson)

Civilized concern for prisoners of war, evidenced by the Geneva Convention calling for their humane treatment, has set modern warfare apart from the savagery of ancient times, bunt 1,450 Americans are being held as virtual hostages by North Vietnam.

What is even worse in Vietnam is the sadistic treatment being accorded the Americans who have fallen into the hands of the North Vietnamese or the Viet Cong.

One of the few freed by North Vietnam, Navy Lt. Robert F. Frishman, described conditions under which the Americans are being forced to live like this:

"I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing exchange of mail to prisoners of war are humane."

To Hanoi's contention that the prisoners' treatment is "humane," the policy toward them "lenient," though the men are regarded as "major criminals" and "air pirates," Frishman reacted, "Hanoi has given the false impressions that all is wine and roses but it isn't so."

One of the few who have managed to escape from captivity, Maj. James N. Rowe, a veteran of five years as a Viet Cong prisoner, called his treatment that of an "animal."

He was kept in leg irons at night and spent his days in a four by four cage, but the lack of food was one of his major problems. He estimated he ate a ton of rice, as well as the foul nuoc nam fish sauce.

During his years as a prisoner, Rowe was

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the constant target of political indoctrination aimed at making him a "peace soldier" useful in the anti-war movement in the United States if he should be released or make his escape.

Isolation, helplessness, convincing a prisoner he is at the mercy of the Communists' laws are all part of the constant pressure applied to men, Rowe related.

Contributing to the feeling of loneliness he said, was the vacuum in which prisoners were kept. "I knew the anti-war movement was larger than in 1963, but it never really occurred to me that the senators and congressmen they (Viet Cong) were quoting as against the war actually were saying these things."

Of the seven other Americans captured with Rowe, three were released through Cambodia, three died of malnutrition and one was executed with another prisoner captured elsewhere.

Best estimates at the first of the year placed the total prisoners at 1,354, with 422 captured or interned in countries surrounding Vietnam, the rest of them, 932, listed as missing in action.

Since then, however, the figure has risen to 1,450 who are prisoners or missing in action, according to Richard G. Capen, Jr., assistant to the secretary of defense, in testimony before the House Armed Services Committee. Of these, he said, only about 430 are known to be prisoners because a few of them have been allowed to write their families.

It is not known how many of the missing have survived long enough to be taken captive.

More than half were flyers or airmen shot down over North Vietnam between 1965 and 1968. Air Force missing total 750, Navy and Coast Guard, 251.

At least 245 soldiers and 108 marines were listed the first of the year as missing or captured, being held in base camps under the conditions described by Rowe in the southern jungles.

Last November it was established that 70 were held in South Vietnam, two in Laos and 341 in North Vietnam.

Despite appeals from neutral sources and the International Red Cross, not to mention personal efforts by the wives of prisoners and Texas billionaire H. Ross Perot, Hanoi has consistently refused to divulge any information about the men.

All of this in the face of North Vietnam's agreement to the 1949 Geneva Convention Relative to the Treatment of Prisoners of War which it signed in 1957. So far the North Vietnamese have not even identified the locations of camps where the prisoners are being held, nor have they allowed neutral inspection of them by the International Red Cross.

Such mail as Hanoi has permitted to be sent from the prisoners has been used for propaganda purposes. Nor has Hanoi allowed the release of more than a handful of Americans.

Capen noted that if Hanoi had observed the Geneva Convention provisions on mail, the families of the men held would receive from 6,000 to 8,000 letters a month instead of the 1,100 in a total of five years.

How many have died as a result of the barbarity of their treatment is not known, though at least 11 have been listed as dead and then only from information pieced together from reports of the released men.

Capen told the Committee that "at least 19 American prisoners have been murdered by the enemy or allowed to die from malnutrition or disease."

One instance of cruelty leading to the death of a prisoner was noted last July when Americans and South Vietnamese attempted to free some prisoners from a VC hospital in Quang Tin province.

According to the Defense Department, one prisoner, captured two months before was "lying just outside the door of a hut bleeding profusely from a fresh wound on the left, top forefront of the skull" as if he had been clubbed by his captors. The man died two weeks later.

As Eric C. Ludvigsen, associate editor of *Army Magazine* commented in its February issue, "if U.S. prisoners no longer threaten the enemy they represent to him a political asset of great value and that is what lies at the heart of the uncompromising attitude of the Hanoi government and the National Liberation Front on the prisoner issue.

"For it is through the prisoners and the anguish of their families that the enemy can hope to reinforce anti-war opinion in this country."

This point has been made also by William H. Sullivan, deputy assistant secretary of state for East Asian and Pacific Affairs, who said "one of the motivations the North Vietnamese have is political, an effort to use the understandable sympathy and concern and worry in this country about these men in a way that will bring pressure to bear on the Administration with respect to actual conduct of military and diplomatic negotiations."

To accept the Communist version that the treatment of the prisoners is "lenient," one has to accept the premise they are "political criminals" taken in an undeclared war and therefore have no rights beyond those accorded them by Vietnamese law, as Ludvigsen wrote.

He pointed out, however, that this argument is "sheer nonsense," and the American and International Red Cross has been saying so for nearly five years.

It is the Red Cross' contention that the National Liberation Front is bound to respect the Geneva Convention because it was signed by North and South Vietnam.

Last September the International conference of the Red Cross in Istanbul unanimously adopted a resolution sponsored by the U.S. calling for respect for the convention. The Soviet Union, Czechoslovakia, Poland and Yugoslavia, from the Communist camp, voted for it.

In Paris, Hanoi's negotiating team refuses to concede even that the U.S. has a right to bring up the question of the prisoners and has rebuffed every attempt of American wives to broach the subject on an official level.

"If Hanoi waits long enough, the reasoning goes, the anxiety and frustration of the prisoners' families will turn into bitterness and resentment against their own government," Ludvigsen wrote.

However, he continued, it is doubtful whether Hanoi's political strategists really comprehend the courage and understanding displayed by these American military families at a time when they could be "forgiven for ceasing to care about anything but the return of their husbands, fathers, sons and brothers."

One of those he cited was Mrs. Donald J. Rander, of Dundalk, Md., who has made two trips to Paris for information about her husband, S/Sgt. Donald J. Rander, captured during the Tet offensive of 1968.

"It's a small step," Mrs. Rander was quoted as saying. "But every step counts and I think we are making some progress. It may not be visible to the naked eye, but I feel that we are."

Once, Mr. Rander noted disgustedly, "we were told to go home and join the peace movement."

While efforts of individuals, the government and the Red Cross so far have availed nothing, the prisoner question has been taken before the United Nations by Mrs. Rita E. Hauser of the U.S. delegation.

"North Vietnam even by the terms of its own arguments cannot escape its obligations," Mrs. Hauser told the U.N. delegates. "The United States understands that every country believes that it is right and its enemy is wrong.

"North Vietnam has said that it is inconceivable that the captured military personnel of the 'wrong' side should be given equal status to its own soldiers, but the Geneva Convention was designed specifically to meet this problem.

"It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard."

V.F.W. Commander-in-Chief Raymond A. Gallagher has been tireless in his efforts to prevail on countries which have diplomatic relations with Hanoi to urge that news of the prisoners, their identities and condition of their health be revealed.

And the V.F.W. was among the first to provide a group of prisoners' wives with a national forum from which to spell out the problem when they appeared at the organization's National Convention in Philadelphia last August.

At the recent Washington Conference, 2,000 members of the V.F.W. signed a petition demanding humane treatment for the prisoners.

By contrast Viet Cong and North Vietnamese prisoners of the South Vietnamese are being held in compliance with the Geneva Convention. There are 33,000 such prisoners of whom 6,500 are North Vietnamese regulars.

Complaints of maltreatment by the South Vietnamese, in contrast with the experience of the Americans held by the Communists, have been taken to the International Red Cross in Saigon and acted upon.

As Mrs. Hauser told the U.N.:

"Let me be clear that we are not claiming a perfect record on this subject. War is ugly and brutal by nature and violations by individuals have occurred.

"The point is, however, that the Allied command has made every effort to ensure that the convention is applied."

Unlike recent past wars when large numbers of prisoners were held by opposing sides and they were given humane care to prevent reprisals against the men held by the enemy, the North Vietnamese apparently have no interest in their own men in southern captivity.

This has made it difficult to effect any kind of an exchange.

Frequently, South Vietnam has freed prisoners, but there never has been any similar response from the North Vietnamese who have even ignored the fact that they had men in the South at all.

While Americans are concerned immediately with the problem of the prisoners of the North Vietnamese and Viet Cong, it should not be forgotten that at the end of Korean truce talks in Pammunjom, 944 Americans were still thought to be held by the enemy.

In the intervening 17 years, more than a third of these continue to be unaccounted for.

The dilemma, of course, is rooted in Communist indifference to human life and the conviction that its system ultimately will prevail.

RESOLUTION 381 PASSED AT 70TH VFW NATIONAL CONVENTION

Whereas, North Vietnam holds thousands of American prisoners; and

Whereas, North Vietnam arrogantly refuses to provide any information on American prisoners, including even naming those whom they have captured, in callous disregard of long-established international rules and all efforts by the International Red Cross

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and other groups and governments to visit and inspect North Vietnamese prison camps to determine if they are meeting the minimum standards of care and treatment embodied in the Geneva Convention; and

Whereas, basic information is being withheld by North Vietnam on the health and well being of these men; and

Whereas, the prisoners deserve the best efforts of all mankind to relieve the agony of prison camps; and

Whereas, there is unbearable suffering by the wives and families of men who are prisoners or are listed as missing; and

Whereas, Secretary General U Thant of the United Nations and the leaders of many nations, including some with Communist governments have expressed a hope that the world organization and the individual leaders of nations can help bring peace and harmony in Southeast Asia; and

Whereas, Communist ruled nations have expressed a desire to take any steps that would bring about detente between East and West to ease the effects of polarization of the world's major social systems; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that President Nixon and Secretary of State Rogers demand that the Secretary General of the United Nations use the full power of his office to have North Vietnam identify all American prisoners and to expedite relief for these prisoners, that they be treated in accordance with the Geneva Convention, and to mobilize world-wide opinion for their immediate release.

STUBBORN SCOURGES: AN ARTICLE BY WILLIAM M. CARLEY, WALL STREET JOURNAL, APRIL 14, 1970, ON THE WAR AGAINST DISEASE AROUND THE WORLD

Mr. YARBOROUGH. Mr. President, the enormous concern which demographers, ecologists, and the public in general have shown in the population explosion is extremely valid. The problems created by our rapidly expanding population are already upon us. And these problems can only get worse before they begin to improve.

The enormous population increases we have witnessed during the 20th century is the result of a progressive worldwide lowering of mortality. The decrease has been particularly dramatic among the underdeveloped countries of this world. This fact is so well known that it has tended to obscure the need to maintain our efforts if we are to continue to progress in this regard or indeed in some cases to hold on to our gains.

The Wall Street Journal of April 14 contained two articles on this very subject which I feel should be brought to the attention of every thinking American. To be sure, the progress against smallpox and measles has been dramatic. Intestinal infections and tuberculosis, however, remain a real threat. And it would seem that science is losing ground in the war against malaria in underdeveloped countries. In addition, little if any progress is being made in the war against trachoma and schistosomiasis. Taken together, malaria, trachoma, and schistosomiasis afflict 800 million people around the world. These diseases are not killers as such but they produce debilitating illnesses which serve to prevent an economically deprived nation from pulling itself up by its own boot straps. The frustrations which come to such a nation as it tries without much success to produce an economically viable economy will force it to experiment with all sorts of political and economic philosophies.

I am convinced of course that we must promote increased international cooperation not only in the field of health but also in the fields of education and labor. Common sense dictates that we do so; our Judeo-Christian ethics would not permit us to do otherwise.

I ask unanimous consent that the two articles from the Wall Street Journal be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 14, 1970]

Stubborn Scourges: Science Loses Ground in War Against Disease in Impoverished Lands; Three Ailments Now Affect 800 Million Around World; Malaria Again on Increase; Mrs. Amaya Scorns a Drug

(By William M. Carley)

HACIENDA SAN ALFREADO, EL SALVADOR.—Five-year-old Berta Amaya lives in a world where good health is the exception, disease the rule.

Her world is a hot cotton plantation here in Central America. The work is hard, disease is everywhere and life is short. Berta is an appealing little girl with big brown eyes and a shy demeanor. At 37, her mother looks aged beyond her years; her front teeth are gone and she appears tired and haggard.

So it wasn't unusual recently when both Berta and her mother became ill with recurrent fever, muscle aches and nausea. After 15 days of unsuccessful self-treatment with the only drug they had, aspirin, both went to a government health center. The diagnosis was malaria.

ON THE INCREASE

Their symptoms disappeared after they took pills for several days, but their chances of escaping eventual reinfection appear slim. Nine other persons share the thatched hut where Berta and her mother live; four have had malaria within the last two years. And this points up a discouraging trend: Some major diseases actually are increasing in undeveloped countries—despite massive, persistent efforts to wipe them out.

The U.S. alone, for example, has contributed about $400 million since 1956 to the world-wide fight against malaria. Yet after dramatic early gains, the disease is on the increase again. Malaria and two other scourges of underdeveloped countries, trachoma and schistosomiasis, now infect 800 million people—almost four times the U.S. population, almost one-fourth the population of the world.

Disease is the often-overlooked obstacle to economic progress in these areas. Although these three diseases usually don't kill outright, their debilitating effects are severe and long lasting. In every underdeveloped country potentially productive people now suffer the headaches and lassitude of chronic malaria, slowly go blind from trachoma or literally waste away as schistosomiasis invades and destroys their body organs.

The toll in suffering is immense. "You can walk through ward after ward in some Brazilian hospitals and see children with their bellies swollen as a result of schistosomiasis," says Charles Dobrovolny, an American who spent years battling the disease in South America.

The economic impact is also great. A rapid increase in schistomosiasis, for example, forced abandonment of a $9 million irrigation project in Rhodesia. Because trachoma has partly obscured the vision of millions of children, they are unable to learn to read; because it has blinded about six million adults, they are unable to do much work. And malaria long has rendered entire regions uninhabitable and thus unavailable for agricultural development.

FADING OPTIMISM

Both the suffering and the economics prompted the U.S. and other developed nations to underwrite a global eradication campaign against malaria in the mid-1950s and to sponsor stepped-up research on schistosomiasis and trachoma. With malaria at least, there seemed to be good reason for optimism that a combination of technology, new "wonder drugs" and insecticides like DDT eventually would carry the day.

Today the optimism has faded. Scientists can point to some impressive gains against malaria and the alleviation of much suffering, but they say eradication appears almost as far away as ever. Research into the causes of schistosomiasis and trachoma have shown the diseases to be more complex than originally supposed. Administrative snarls, graft, budget-cutting and simple ignorance have hampered the scientists' efforts. The fight against malaria illustrates just how frustrating the battle against disease can be.

Much is known about malaria. When a mosquito seeking a meal of blood drives his needle-like proboscis into a man's skin, the insect first injects an anticoagulant that makes the blood flow freely. But the injection also may include the malaria-causing parasite, and if it does the disease itself may appear 10 to 35 days later.

BREAKING THE CYCLE

After World War II scientists found that a single spraying of DDT on house walls could kill mosquitoes for as long as six months. Medical men were elated—a DDT house-spraying program promised to be the first relatively cheap and effective means of breaking the malaria transmission cycle.

But then researchers found some mosquitoes were developing resistance to DDT. The world-wide program raced to eradicate malaria before the mosquitoes could develop enough resistance. At first there was tremendous progress. The disease, in fact, has been wiped out in areas containing 648 million people—nearly 40% of the 1.7 billion who once lived in malarial areas.

But in recent years progress has stopped. The number of people living in malaria-free regions dropped within the last year or so, the first such decline since the eradication program began. In some areas full-scale epidemics have broken out.

Scientists attribute the reverses to several factors. In India, Pakistan, Iran, Iraq and Mexico some mosquitoes have developed resistance not only to DDT but also to the insecticide replacing it. While mosquitoes in most areas seem to bite people indoors, those in Jordan, Columbia, Venezuela and New Guinea often bite humans outdoors, thus avoiding insecticides sprayed on house walls. In some areas researchers have discovered completely different types of mosquitoes within an area of a few miles—necessitating totally different types of eradication campaigns.

In many areas, however, DDT is still being used effectively against mosquitoes. The growing movement to limit use of DDT because of its harmful effects on wildlife and its possible danger to man hasn't significantly restricted usage abroad so far. But even in the areas where DDT is still effective eradication campaigns often go awry for other reasons.

In the Philippines, for example, tidy housewives don't like the white DDT powder on their walls. "They wash off the minute you get around the corner," says one health worker.

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FRUSTRATING SETBACKS

Because of the limitations of DDT, anti-malaria teams here in El Salvador and elsewhere are resorting to drugs to prevent the disease. In El Slavador alone, some 300,000 people are now being given the drugs. But distributing the medicine is a much more complex task than simply spraying homes every six months—and with drugs, too, there are frustrating setbacks.

But some people refuse to take the pills. That's what Berta and her mother did, and that may be why they contracted the disease. Mrs. Amaya explains that she and her daughter didn't like the taste of the medicine.

Administrative and financial problems also disrupt drug prevention programs. An anti-malaria worker says that in one country graft ate up all the money for drugs. Here in El Salvador, disagreements between the U.S. Agency for International Development and the Salvadoran government officials practically halted the country's anti-malaria program for several months in 1966.

For this and other reasons, the number of diagnosed cases in El Salvador shot up to about 83,000 in 1967 from about 15,000 annually in earlier years, according to the World Health Organization. The outbreak is past its peak now, but last year El Salvador still had 25,000 diagnosed cases. No one knows how many cases went undiagnosed.

Time and again, health workers have thought they had malaria eliminated from a particular area, only to have it spring back with frightening speed from a small reservoir of untreated individuals. In Ceylon, health workers could detect only 17 cases a few years ago. But since then the disease has come back explosively; out of a total population of about 13 million, Ceylon has had an estimated four million malaria cases in the last two years.

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NEW BREAKTHROUGH NEEDED

Many scientists now believe that eradicating malaria from the world is impossible under present conditions. Dr. Robert Scholtens, a scientist with the U.S. Communicable Disease Center in Atlanta, argues that anti-malaria programs must be continued to preserve gains made thus far. But he concludes: "Without a breakthrough something like the discovery of DDT, we can't expect much more progress against this disease."

Frustrating as malaria is, even less is known about trachoma, an eye disease that affects about 95% of the population over age three in some areas of Africa, Asia and South America. Until recently, all scientists knew was that for some unexplained reason a victim's eye would become highly inflamed. Later a grayish-white substance would invade the cornea, obscuring and finally obliterating vision.

Scientists suspected that a virus caused trachoma, so they isolated viruses from trachoma victims all over the world. When they thought they had the guilty agent, Harvard researchers developed a vaccine, which was administered to 5,000 children in Saudi Arabia. But it failed to provide lasting protection.

Now scientists have discovered that trachoma is caused by neither virus nor bacteria but rather by a puzzling organism that shares some of the characteristics of each. Some medical men hope to develop a vaccine against this organism, but others feel this will be almost impossible. "In many ways the trachoma agent acts more like a bacteria than a virus, and vaccines against bacterial diseases have almost always been very poor," says Dr. Phillip Thygeson of the University of California medical school in San Francisco.

Today trachoma can be cured by intensive treatment with antibiotics for two or three weeks, and severely scarred corneas can be replaced through corneal transplants. But neither approach is practical for mass treatment in underdeveloped nations. And if the disease isn't wiped out in an entire area, even those cured by antibiotics promptly are reinfected by those who still have the disease.

SNAILS AND WORMS

Scientists have worked for years on ways to stop schistosomiasis, a disease caused by a microscopic parasite that at one stage of its development lives in snails. At the next stage the parasite abandons the snail for streams, canals and rivers. Anyone drinking or bathing in the water runs the risk of infestation. Once the parasites enter the bloodstream as worms, they may produce eggs in the body annually over many years. Some eggs remain in the body and, by producing tissue reactions, destroy vital organs.

One possible approach would be to break the disease chain by killing the snails and scientists have developed a potent snail-killing chemical. However, it also kills other kinds of aquatic life, and to be effective it would have to be used throughout an entire river and its tributaries, a prohibitive expensive undertaking.

Researchers also have discovered a type of snail that doesn't carry the parasite itself but does devour almost everything in sight, including the snails that do. These snails are being tested in Puerto Rico, but scientists are extremely wary about introducing them elsewhere. "Can you imagine what would happen if these snails got into a rice-growing region?" asks one researcher. "They would eat up the crop in no time." Some drugs are useful in treating schistosomiasis once it has been contracted, but the victim can easily be reinfected from local waterways.

Ironically, some efforts to aid underdeveloped lands have set off a rapid spread of schistosomiasis. Irrigation systems, which can quickly become infested with the parasite, are prime examples. After completion of one such system in Egypt, the percentage of the population with schistosomiasis shot to more than 50% from about 3%. Irrigation systems now being built in connection with the Volta Dam in Ghana and the Aswan High Dam in Egypt are "just going to raise the devil with schistosomiasis," worries Dr. Thomas Weller of Harvard's tropical public health department.

VACCINATION DRIVES REDUCE DEATHS FROM TWO "KILLERS"

Public health workers have been far more successful in cutting down certain "killer" diseases in underdeveloped lands than in fighting debilitating illnesses such as malaria, trachoma and schistosomiasis.

Smallpox, a virus disease, killed as many as 24,000 in 1967, it's estimated. But last year only about 9,000 died from the disease. Vaccination campaigns have caused the drop.

Measles has been a major killer of African children. Researchers think the disease has been so deadly on that continent because of malnutrition. But the measles vaccines developed in recent years have greatly reduced deaths.

Some killers, however, remain as major threats. Intestinal infections stemming largely from contaminated water supplies cause the death of an estimated five million infants annually, and tuberculosis still brings death to two or three million annually.

NATIONAL CORPORATION FOR RAIL PASSENGER SERVICE

Mr. PROUTY. Mr. President, last week on the Senate floor we passed an historic piece of legislation which established a national corporation for rail passenger service. I was pleased that this body adopted my proposal which I had fought for in committee and finally after getting unanimous support from all interested parties, I was able to enjoy the fact that by a vote of 78 to 3, my fellow colleagues added their wholehearted support to a pragmatic solution for the problem of declining intercity rail passenger service.

I mention this, Mr. President, because rail transportation is one of the vital parts of our total national transportation system.

Three weeks ago, Mr. President, I was also pleased that this body accepted the report of the conferees, of which I was one, on the amendments to the National Traffic and Motor Vehicle Safety Act of 1966. With those amendments, Mr. President, we were able to strengthen an important piece of legislation affecting the motor vehicle mode of transportation. That legislation will go a long way toward reducing the tremendous loss of life which occurs on our national highways.

Today, Mr. President, we are about to approve the conference report on airport and airways legislation which will significantly improve that mode of transportation.

In general, Mr. President, this Congress has recognized the need for a truly balanced national transportation system. We have endeavored to not only strengthen various modes of transportation, but we have also taken a major step forward in the development of a balanced system.

Mr. President, over the years as a member of the Aviation Subcommittee of the Commerce Committee, I have watched with concern the increase of problems affecting our national airport and airways system. During the last few years my concern has increased as the amount of money available for expenditures under the Federal Airport Act of 1958 has dwindled to almost an insignificant amount.

At the same time, Mr. President, problems affecting our airports and our airways have continued to increase. In fact, I think that it can be fairly said that without major legislation this year, our entire national aviation system would be in such difficulty that reversal of the difficulty would be next to impossible. Fortunately, President Nixon, and the congressional leadership recognized the urgent need to act promptly.

This legislation embodies most of the principals included in S. 2437 which was the administration's proposal for airport-airway development.

I believe a most significant feature of this legislation is the fact that we have utilized an earmarked users tax in order to insure the success of a trust fund devoted entirely to airport development and airway safety.

No longer, Mr. President, will nearly 600 individual airports and 50 individual States have to compete for such a small sum as $30 million.

No longer, Mr. President, will State aviation officials and airport operators have to face the future with an absolute uncertainty caused by constantly shifting priorities and the appropriations process.

Now, Mr. President, national planners, State planners, and local planners can rely on the fact that for the first time in our history a trust fund will exist exclusively for airport development and airway safety.

Now, Mr. President, the creation of any trust fund of necessity requires the imposition of new taxes. The taxes contained in this bill, which were carefully worked out by the Finance Committee of the Senate and the Ways and Means Committee of the House, in my judgment, reflect both an equitable distribution and a fair imposition.

The indirect passenger ticket tax has been increased from 5 to 8 percent. Fuel tax imposed on general aviation has been increased from 2 cents to 7 cents a gallon. In lieu of the passenger ticket tax a $3 headtax is imposed on airplane passengers traveling from this country to another country.

As we all know, aviation has been growing by leaps and bounds. Part of the growth in aviation can be attributed to air cargo. The 5-percent tax on air freight waybills distributes part of the cost of our total aviation system to those who use it for the shipment of freight.

Finally, Mr. President, a $25 annual registration fee was placed on all aircraft with an additional 2 percent per pound tax on piston planes weighing over 25,000 pounds and a 3½ percent per pound tax on all jet aircraft.

Frankly, Mr. President, all of us attempted to allocate the cost of our total aviation system on as fair a basis as possible. At the same time, Mr. President, we recognize that there is a general public benefit from aviation, both in terms of national security and public convenience.

Therefore, let me point out at this point that this legislation clearly contemplates the continued use of general revenue funds for the development and improvement of our national aviation system.

In addition, the bill specifically provides for a cost allocation study so that we in Congress can from time to time adjust the various taxes so as to insure a fair and reasonable cost apportionment between both the users of the aviation system and the Federal Government.

As with any piece of legislation, Mr. President, there were some difficulties in arriving at a consensus which would represent the best possible piece of legislation.

I, for one, was disappointed that the legislation did not more greatly emphasize State participation in the overall planning and development for our national airport system. At the same time, Mr. President, I realize that 28 States already have State channeling laws which insures that those States will continue their vital role in developing an efficient and safe national aviation system. I would hope that the remaining 22 States who do not have State channeling laws would follow the lead of those States which do and promptly enact a State channeling law. I continue to be convinced that only by way of close Federal, State, and local cooperation can a truly effective national airport system be planned and maintained.

I am pleased, Mr. President, that this legislation does provide for up to $15 million a year to be used by State and local agencies for the purposes of planning for the future in cooperation with the Federal Government.

As I have mentioned, this legislation which creates an airport-airways trust fund introduces into our national air transportation system a degree of certainty which was heretofore absent. For example, Mr. President, those involved in airport development can be assured that at least $250 million will be available each year for the development of a better national airport system. All of us can be assured that $250 million per year will be available for improvements in our airways systems thereby relieving much of the congestion that presently exists, and increasing the safety factor considerably.

Because of the certainty inherent in the trust fund concept itself, I for one did not see the need to give the Secretary of Transportation contract authority for airport development. Quite frankly, I am hopeful that the Secretary will not use that authority because it is unnecessary and it represents an end-run-around the normal appropriations process which I believe is a congressional prerogative to be preserved.

Mr. President, while the creation of a trust fund for airport development and airway safety is an important feature of this legislation, it should not overshadow many other significant improvements contained in the bill. For example, we have modified to a considerable extent the method of distributing funds for airport development. Under the formula used in the Federal Airport Act of 1958, funds were allocated to the States on the basis of area and population. This bill uses a threefold method for allocating funds for airport development. One-third of the funds are allocated to the States under the 1958 formula. One-third of the funds can be allocated to airports at the discretion of the Secretary of Transportation. The final third is allocated to airports based on the number of emplanements on scheduled airlines at particular airports.

In this latter category, I was particularly pleased that the conferees agreed to report language which makes it absolutely clear that third-level carriers, which take over operations for a certified airline, shall be considered certified for purposes of sponsor eligibility. For example, in my own State of Vermont, Executive Airlines has taken over many of the routes previously served by Northeast Airlines. Even though Executive Airlines is not a certified carrier emplanements by them on routes previously served by a certified carrier will be counted for purposes of distribution of funds by the Secretary.

Mr. President, as a ranking member of the Aviation Subcommittee of the Senate Commerce Committee, and as one of the conferees on the bill now before us, I can wholeheartedly endorse this bill which will truly be remembered as one of the historic pieces of transportation legislation. I know that in the years to come as both the population and aviation itself continue to grow this bill will be responsible for avoiding many problems which would otherwise accompany such growth.

WORSENING ECONOMIC CRISIS

Mr. MONDALE. Mr. President, amid the overwhelming concern over the recent escalation of the Indochina war, indications of our worsening domestic difficulties were momentarily ignored.

Perhaps it is fortunate that we can tolerate only so much bad news at one time. But I think it is imperative that we maintain our great concern for the dangerous economic state we are in today.

April unemployment reached the highest level in 5 years and took the greatest single-month leap in over 10.

More than 4 million Americans are now without jobs—in an economy where inflation continues with no sure sign of a halt.

The administration's response throughout this worsening economic crisis has been disturbingly reminiscent of the Republican response to the first years of the great depression: a cherry insistence that things are going as well as can be expected and that prosperity is just around the corner. Meanwhile, the average man can tighten his belt or draw his unemployment in the full knowledge that he is in the forefront of the battle for price stability.

"Words of good cheer" and "standing pat" are the administration's major weapons. While business confidence erodes, the stock market collapses, unemployment soars, and real take-home pay dwindles, the administration tells us how much better off we were than 10 to 15 years ago, and that "these things take time."

The current administration has had over a year to take command and at least put forth a concerted attack upon inflation—which will take more imagination than telling business to be firm with labor.

They have had a year to put together a comprehensive program of jobs—not training but jobs—for the millions who are bearing the brunt of our current recession.

Mr. President, the bankruptcy of the administration economic policies are very well revealed in two recent articles; one an article by Hobart Rowen about the isolation of the President from his major economic advisers, and the other an editorial in the New York Times of May 11. I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LACK OF CONTACT WITH NIXON FRUSTRATES ECONOMIC ADVISERS

(By Hobart Rowen)

As expected, Nixon administration officials are going to considerable pains to assure the world that their boss' decision to widen the war will have either no effect or at worst a negible impact on the economy.

But do they know what they are talking about?

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It is becoming painfully clear that Mr. Nixon's economic advisers have been increasingly shut off from direct and private contact with the President and are able to deal, for the most part, only with subordinate members of the White House staff.

One must wonder, therefore, how secure is the analysis given by Treasury Secretary David M. Kennedy to the Senate Foreign Relations Committee that there would be no increase in expenditures this year or next year because of the Cambodian invasion. Budget Director Robert P. Mayo echoed this line, but he may be just guessing, too.

Kennedy and Under Secretary Charles E. Walker are also telling business groups publicly and privately that the administration "game plan" is still on schedule, with no big recession likely, despite the pessimism in the stock market and an unemployment rate which has jumped one-third in four months.

The Treasury Secretary even assured French Finance Minister Valery Giscard d'Estaing at Camp David last weekend that there would be no new inflation accompanying an expected upturn of the economy at the end of 1970. Yet Mr. Kennedy knew then, as he has since said publicly, that the administration's much touted budget surplus—even before the Cambodian complication—has disappeared.

M. Giscard d'Estaing felt reassured by his conversations with Kennedy and later with Federal Reserve Chief Arthur F. Burns. But businessmen are taking all of Mr. Kennedy's, Mr. Mayo's and Mr. Walker's projections with many grains of salt.

The same wonderment is heard down the line in government departments where some of the most talented men in the administration are openly disturbed at the way things are going, and at the way their own agencies have been cut out of the decision-making process.

Only Economic Council Chairman Paul McCracken among key economic advisers does not report to Presidential Assistant John Ehrlichman (who supervises all domestic affairs for Mr. Nixon) or to aide Peter Flanigan.

Secretary Kennedy and Budget Director Mayo have found that they must do business with Flanigan instead of the President. On the rare occasions when they *do* get in to see Mr. Nixon, they are never alone with him: either Ehrlichman, Flanigan, or other aides are present.

FLANIGAN, 46, is a Wall Streeter and personal friend of the President's—but not an economist—who has acquired the authority to summon McCracken, Kennedy, Mayo and their subordinates to meetings on economic policy in his office.

The frustrations of the economic team—which parallel the experience in most other government departments—add to the confusion about what the executive branch is doing and saying.

The sudden nature of the invasion of Cambodia has the business community on edge. It is affected also by the unrest on the campus and in the country generally. Confidence in the dollar itself could wane with a widening home-front conflict.

Thus, there is skepticism among a business community that was counting on Mr. Nixon to rectify the mistakes that it chalked up against Mr. Johnson's record. It doubts that inflation is being brought under control, or that interest rates are coming down, or that we can avoid a fairly serious recession.

Now, it is stunned by Cambodia. That was the last thing that the business community, that likes to think of itself as well-informed, had expected. Now, they don't know what comes next.

JUMP IN UNEMPLOYMENT

Last month the unemployment rate climbed to 4.8 percent—up from 4.4 percent in March and 3.5 percent at the start of the year. There is cause for serious concern both over the speed of the rise in unemployment and over its composition.

Until the April figures were released, Administration spokesmen had been expressing their satisfaction that the rate of unemployment among Negroes and other nonwhites had been rising less than among whites. But last month the unemployment rate for whites rose from 4.1 percent to only 4.3 percent, while the rate for blacks jumped from 7.1 percent to 8.7 percent. Unemployment among youths under twenty has reached almost 16 percent, with a heavy concentration among blacks. Thus, racial disadvantage—and racial discrimination—are again bearing their bitter fruit. If these trends continue, they are bound to aggravate social tensions.

It is true that President Nixon warned months ago that there would be "slowing pains" as a result of his policies to cool off the economy and stop inflation. But the rise in unemployment is coming faster and steeper than his economists predicted, the annual report of the Council of Economic Advisers in January forecast an average rate of unemployment of only 4.3 percent for 1970 as a whole. This will almost certainly be one more example of the Administration's misplaced optimism.

At the same time, inflationary pressures remain strong. While the economic slowdown may have begun to reduce the rate of rise in wholesale prices, the resumption of quite sharp growth in the money supply, the slippage of the budget into deficit, and the escalation of wage demands by labor unions make it far from certain that the inflationary trend will not be intensified rather than moderated in the months ahead. Inflation is bad news both for employers and for workers; by squeezing profits, cost-push inflation forces layoffs of workers.

In his press conference this week, the President sought to reduce over unemployment by forecasting that Gross National Product will pass the trillion-dollar mark by the end of this year. He did not say how much of this would result from inflation. The President and his advisers cling to a hope that the lagged affect of the past slowdown will check future inflation, while the coming rise of G.N.P. will simultaneously check rising unemployment.

Thus the Administration continues to hope to find just the right middle path between too much stimulation and too much restraint and thus simultaneously stop both inflation and unemployment. But the time is rapidly approaching when the Administration must face up to the failure of its forecasts and to the necessity of building a broader program to achieve these conflicting objectives. Besides general control of total demand, the Administration needs two other basic weapons: an income policy to curb inflationary price and wage behavior, and a stronger Federal program to prepare the low skilled for employment, to break job discrimination, and to find or create jobs for those who are the victims of what Mr. Nixon calls "our fight against inflation."

PROBLEMS AND HOPES OF SOUTH VIETNAMESE PEOPLE

Mr. DOLE. Mr. President, Forrest Hintz, a reporter for the Wichita Eagle, Wichita, Kans., traveled with Texas industrialist H. Ross Perot to Southeast Asia this spring. The March trip was one of several Perot has made in an effort to aid our American prisoners of war there.

In an eight-part series, Hintz writes of Perot's efforts; tours a South Vietnamese prison camp—where all inmates have gained weight since capture—discusses the plight of refugees from North Vietnam and describes the manner in which South Vietnam has solved its racial problems.

Hintz, a veteran newsman, focuses his well-written series on the Vietnamese people, their problems, and their hopes.

I ask unanimous consent that the series be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Wichita (Kans.) Eagle, Apr. 26, 1970]

SPONSOR OF VIETNAM MERCY MISSION ISN'T EVEN INTERESTED IN POLITICS: YES, BILLIONAIRE PEROT IS FOR REAL—I

(NOTE.—Eagle staff writer Forrest Hintz recently traveled with Texas billionaire H. Ross Perot to Southeast Asia, where Perot tried again to aid Hanoi-held prisoners of war.)

(By Forrest Hintz)

If H. Ross Perot were a fictional character, no one would believe such a person could exist.

For example, most people find it hard to believe that any man could:

Parlay $1,000 into more than $1 billion in less than seven years.

Decide to spend that money "until the world is flat" to alleviate the suffering or obtain the release of American prisoners held by the North Vietnamese.

Put the North Vietnamese government in an untenable position in the eyes of the world.

Do these things with absolutely no interest in a political career.

In 1962, Perot took $1,000 from his savings and formed Electronic Data Systems Corp., a Dallas-based computer service. The stock skyrocketed until it has become one of the hottest properties on the market.

Of this success, the slightly built, 39-year-old Texan says only "I just happened to be in the right place at the time."

Last year, Perot met a 4-year-old boy who never had seen his father, a prisoner in North Vietnam. Disturbed that such a thing could happen, he formed United We Stand as an organization to do something about it with an estimated $2 million of his own money.

United We Stand sent a planeload of wives of American prisoners to Paris last winter in a fruitless effort to get the Communists to let the prisoners write their families or at least release the names of those interned.

Last Christmas, Perot tried to get the Communists to accept a planeload of food and medical supplies for the prisoners. The request was denied, and even the Russians refused to intervene. The supplies still are in a warehouse in Dallas. They may yet be delivered.

On March 30, Perot boarded a chartered Boeing 707—"The Jolly Green Giant"—and headed once more for Vietnam. With him were the wives of five servicemen believed held by the Communists, a small staff and 63 newsmen from throughout the U.S. and a handful of foreign countries.

Representatives of the Communist-controlled countries had been invited—and had declined.

Perot said he had not discussed his plans with either President Nixon or the State Department prior to leaving Dallas.

"It didn't seem necessary," he said. "This is a move by a private citizen, and if there was anything about it that could harm our country I am sure it would have been stopped before this.

"We know the North Vietnamese have an absolute fascination with public opinion polls in the U.S. Because of this, we have had the Gallup agency take a special poll on this question. It has shown an overwhelming concern for the plight of the prisoners, and the results have been forwarded to Hanoi and other world capitals.

"If we can find a way to let the world see what's going on, we're hopeful Hanoi will relent and abide by the Geneva Conventions regarding the treatment of prisoners of war."

In Saigon, Premier Nguyen Van Thieu expressed his fullest approval of the project and offered the cooperation of his government. He kept his word.

"This, I believe, is unique in the annals of international diplomacy," declared Ambassador Ellsworth Bunker. "You, as newsmen, can perform an invaluable service in bringing this to the attention of the entire world, and an aroused world opinion can have immeasurable effect."

In Paris, a spokesman at the American Embassy said he believed the trip would have an effect on the North Vietnamese.

"Only they know how soon," he said, "but eventually we'll see some results. I'm sure of that. They can't afford to ignore world opinion."

Perot tends to shun personal publicity. An aide was asked if his boss liked a recent story in a national magazine.

"Not really," he said. "Too much on Ross and not enough on what he's trying to do."

At a press conference April 10 in New York, Perot was asked, as he has been so many times, if he has any political aspirations.

"I never have held any political office, either elective or appointive, and I never will," he replied. "Does that answer your question?"

As the story of the flight is told, the eyes of the world are beginning to focus on Hanoi. The Communists are on the spot, and they know it. They also know that H. Ross Perot is not finished with them. Not just yet.

[From the Wichita (Kans.) Eagle,
Apr. 27, 1970]

North Vietnam Loses Face: "Jolly Green Giant" Flight Hailed—II

(By Forrest Hintz)

The flight of the "Jolly Green Giant" was a success.

True, Ross Perot's chartered jet did not get to Hanoi. No Americans were released from North Vietnam prison camps, nor were their names made known. No mail was exchanged.

Still, the flight was a success.

The North Vietnamese, by refusing to show any concern, even for their own men, had lost face in the eyes of the world. To an Oriental, that's a terrible thing.

On March 30, the big Boeing 707 left Love Field in Dallas, bound for Saigon and wherever else necessary. In it were Perot, a small staff, the wives of five men believed held by the North Vietnamese and 63 newsmen from all over the United States and several foreign countries.

"If possible, we want to get into Hanoi and be given an opportunity to visit the prison camps," Perot said. "At the very least, we want to exchange mail and get a list of names of men they have interned. If they won't agree to that, as required by the Geneva Conventions, then we want the whole world to know about it."

Twice before, Perot had tried to get the North Vietnamese to show at least a minimum of humanity for their captives.

Last winter, he sponsored a planeload of wives of missing servicemen on a flight to Paris in an effort to get word of their husbands.

Last Christmas, he tried to deliver a planeload of food and medical supplies for the prisoners.

Both efforts failed. The North Vietnamese flatly rejected the moves. They did say, however, that they might be willing to talk if Perot would show the same interest in their men.

That was the purpose of this trip—to allow the world press to visit all prison camps in the south and to report what they saw without the slightest hint of censorship.

If the North refused to reciprocate—which they did—they would be in an untenable position. They would have shown themselves as having violated the provisions of the Geneva Conventions regarding treatment of prisoners of war and as having absolutely no interest in the fate of their own men.

The cooperation of the South Vietnamese was outstanding. President Nguyen Van Thieu ordered that the newsmen have access to everything in his country. No information was considered "classified."

After visiting the camps in the South, the group went to Laos. There, they visited the refugee camps and saw the pitiful remnants of the thousands of people who have fled from North Vietnamese forces in Laos.

The North Vietnamese Embassy in Vientiane has direct communications with Hanoi, and it was there that the communists first showed their true colors.

Perot and the five women entered a small, tin-roofed shed at one corner of the grounds at 11:20 a.m. They filled out lengthy forms requesting an appointment with the Charge d' Affairs. They had to do it all over again when told the forms were wrong.

In another delaying tactic, a flunky said it was too close to the lunch hour and the Embassy would be closed until 2:30 p.m.

"All we want is a simple 'yes' or 'no' from Hanoi," Perot said. "We'll wait."

It was blistering hot outside, and it must have been terrible in the shed, but they waited.

Infuriated by the presence of newsmen, the North Vietnamese shut the sheet-iron gates in the high walls around the Embassy, forcing everyone to stand on top of the buses to see what was happening.

At 2:30 p.m., Rev. Richard Fernandez, a United Church of Christ minister; Noam Chomsky, professor of linguistics at MIT, and Douglas Dowd, professor of economics at Cornell, showed up. Calling themselves the "Committee for Liaison," they breezed into the embassy with no formalities as if they owned the place. They stayed about two hours, apparently discussing their forthcoming trip to Hanoi.

That stunt made the newsmen boiling mad. The mildest comment was that, by comparison, Benedict Arnold would be considered an outstanding patriot. The rest were unprintable.

One reporter said he asked Fernandez later if he would inquire about American prisoners while in Hanoi. Fernandez reportedly said he would not because, as an American, his hands were dirty.

(On April 17, Fernandez, Chomsky and Dowd were reported to have returned to Vientiane from Hanoi with ". . . the largest single batch of mail yet received from American prisoners of war in North Vietnam."

(It seems likely the release was a face-saving move sparked by the publicity attending Perot's efforts. It is quite possible Hanoi may release more mail in an attempt to counteract world opinion.)

At 6 p.m., Perot walked the 50 yards to the Embassy and knocked on the door. He was quickly escorted back to the shed.

"How much weight you lost, Ross?" someone called, referring to the vigil in the sweatbox shed.

"On a relative basis, I think they've lost more than we have," Perot quipped.

At 7 p.m., nearly eight hours after they entered, the little party left the Embassy grounds.

The next day, the North Vietnamese issued a blistering denunciation of the whole affair. They said the presence of Perot and the five women ". . . violated the security of the Embassy" and that the move would ". . . serve only to appease world opinion and American progressivist opinion."

They also noted that "Perot has unmasked himself as servant of the Nixon policy."

Rebuffed in Vientiane, the party went next to Paris, a 26-hour hop.

Boarding buses at Orly Field in the chill, wet dawn, the group went directly to the headquarters of the North Vietnamese delegation to the Paris Peace talks.

With a lot of horn-blowing, the French gendarmes showed up in force. They unloaded from their little cars like a bunch of Keystone Kops and shoved the newsmen back across the street. Perot and two aides managed to ge through the door in the wall around the compound, but came out almost immediately.

After much arm-waving on the part of the gendarmes, chief negotiator Xuan Thuy scurried from his headquarters with a full motorcycle escort.

The next stop was Viet Cong headquarters on the third floor of a posh apartment house halfway across town. Police cars cruised nearby but did not interfere. The Viet Cong refused to see Perot.

Finally, the group went to the North Vietnamese Embassy, where Perot found his way barred by more gendarmes. The newsmen were stopped a long block away while regular traffic was allowed to continue.

Someone decided the gendarmes were being a bit too protective of the Communists and offered to whip the whole Paris police force. The gendarmes backed down.

"This is almost pathetic," Perot said, "We have tried to give them information about their own men held captive, but they have refused to accept it.

"We found they were afraid of women and children last Christmas. Now, we find they also are afraid of the press.

"I can only conclude that this delegation has no interest in their own men."

From that standpoint, the trip was a success. The North Vietnamese had been put on the defensive in the eyes of the world, something they did not want and seemed unable to handle.

The next move is up to them, but they aren't going to make many points until they can prove to the world that they're treating American prisoners humanely.

Which is exactly what H. Ross Perot had in mind.

[From the Wichita (Kans.) Eagle, Apr. 28, 1970]

Inmates Live "High on Hog" in Vietnam: South Prison Camps Praised—III

(By Forrest Hintz)

Pleiku.—Most of them never had it so good.

The 1,031 North Vietnamese and Viet Cong prisoners held in the II Corps prison camp here generally are living a lot higher on the hog than the local population.

"We may not be fancy by American standards," said Maj. Phan, the camp commander, "but I hope you will view it by Vietnamese standards."

Maj. Phan need not have apologized. The International Red Cross has classified most South Vietnamese prison camps as "model camps."

"We will give you a quick tour of the camp to show you the layout," Maj. Phan said. "Then, you are free to go where you wish and to see everything. We ask only that you do not question prisoners individually or take individual pictures of them as this violates the Geneva Conventions."

As the party approached each building a prisoner would shout a command and the rest would snap to attention. They seemed to be doing it more from respect than fear.

The camp was especially clean; much cleaner than the ordinary Vietnamese hamlet—or Saigon, for that matter. Barracks floors were hard-packed dirt, swept clean, and there was fresh insect powder around the legs of the bunks.

"I know you think they did this just for you," an American adviser said, "but believe me, they keep it this way all the time. They're trying to prove to these guys that they've got something better to offer than the commies.

"You should see these guys when they first come in. They're dirty and about half sick and scared to death. They've been told they'll be killed if they're captured, and they believe it. They're always hungry because they ain't eatin' too good out there in the jungle.

"These people make 'em take a shower—a lot of them never saw one before—and give 'em clean clothes and a decent bunk. They get plenty of food and they change their minds about a lot of things. I'll bet you can't find one of 'em who wants to go back now."

Maj. Phan said the prisoners are classified and barracked according to rank, fingerprinted, photographed, issued the necessary gear and carefully weighed.

"If you would like to see their medical records," he said, "I think you will find that each of them has gained some weight since his capture. It costs 22 piastres (about 20 cents) per day for food, the same as for our troops. Each prisoner is paid eight piastres (about seven cents) per day, which allows him to buy small items at the commissary."

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The prisoners are allowed to visit the camp dispensary any time, and those who become seriously ill are taken to the military hospital in Pleiku. Doctors are in short supply in Vietnam, but they always are available to the prison camps.

Recreational facilities are excellent and the men are required to do a certain amount of work. "Work never is harmful," Maj. Phan said. "Also, this helps keep them in good physical condition."

But the big push seems to be in education. Most of the prisoners are only semi-literate, so they are taught at least the three Rs. They are encouraged to learn trades—one group was learning to make window frames—to fit them for a civilian occupation when they are released.

Each man who has a family in the north can write one postcard per month. Most of these are refused by Hanoi. Captured Viet Cong can write one letter per month. Families can visit their men each week.

All this is in sharp contrast to the treatment of prisoners held by the Communists.

In Dallas, Maj. James N. Rowe, a Special Forces adviser who spent five years in captivity, most of the time in a bamboo cage, told his story.

"From 6 p.m. until morning we were held to the floor by leg irons," he said. "The ability to describe filth is hard to come by. We had a quart of rice and fish heads to eat each day. We had dysentery, beri-beri, hepatitis and a fungus infection over most of our bodies.

"Of eight of us, three died of malnutrition, one was executed, three were released when they were nearly dead, and I escaped just before I was to be executed."

For 4½ years, Maj. Rowe maintained a cover story that kept him alive. His execution was ordered after someone in the U.S. sent Hanoi his full biography. He is understandably bitter at the mention of "peaceniks."

In the San Diego Naval Hospital, Lt. Bob Frishman told how he was shot down over Hanoi Oct. 24, 1967, and spent 683 days as a prisoner.

When he was captured, Lt. Frishman had a compound fracture of his right arm. He was beaten and refused medical treatment until he told the North Vietnamese what they wanted to know. They removed the joint from his right elbow but did not suture the wound. Navy doctors still are trying to repair the butchery.

"I was kept in solitary confinement in a 10x11-foot cell with a tin roof and no windows," he said. "The temperature reached about 140 degrees during the day in there. At 10 a.m. and again at 4 p.m., I got a bowl of pumpkin soup with some pig fat and a piece of bread. You would lose only about 10 pounds a year if you ate everything you got.

"You got constant propaganda, especially what the 'dove' senators were saying, the Chicago convention and the sayings of Dr. Spock. They gave us all the 'good' news—from their point of view."

At the South Vietnamese army's rehabilitation center in Saigon, Maj. Le Van Loi brought in six soldiers who had recently escaped from the Viet Cong.

Pvt. Chieu said he was captured at Hue during the 1968 Tet offensive.

"Since July, 1968, we got only one condensed milk can of rice per day," he said. "The VC got two cans plus fish and fruit. We were beaten.

"When we were interrogated, anyone who answered questions wrong was tied, blindfolded and taken out. We never saw them again. We expected to die."

Pvt. Ngoi was kept tied and chained for the first six months of his captivity. He escaped when he was taken out to catch snakes, frogs and lizards to feed his captors, who were short on food.

Pvts. Trung, Phung and Cuong complained of forced labor, constant hunger and lack of medicine. One said that 31 prisoners were given only six condensed milk cans of rice per day, which they used for a thin soup. Each had only one small bowl of unpurified water per day, which made them sick.

[From the Wichita (Kans.) Eagle, Apr. 29, 1970]

TAUGHT TO HATE ALL AMERICANS: "DEAD" SERGEANT ALIVE IN PRISON—IV

(By Forrest Hintz)

VIENTIANE, LAOS.—Sgt. Nguyen Thanh Long, 19, is, as far as his family knows, dead.

The sergeant is listed only as "missing" on the roster of his North Vietnamese army regiment. But for all practical purposes, he is dead. Only distinction is that his body was not found after the action Feb. 12 on the Plaine des Jarres.

But the stocky little sergeant is one of 88 North Vietnamese prisoners held in Sam Khe prison here by the Royal Laotian Army. Some of the men have been here since 1964.

The regiment had gone down the Ho Chi Minh trail, headed for South Vietnam. As so often happens in a purely political army, someone in the top echelon fouled up the paper work and the troops wandered into the broad Plaine des Jarres in Laotian territory.

A somewhat smaller—but elite—Royal Lao unit zeroed in with heavy artillery fire. Sgt. Long got a shrapnel wound in an arm.

The Lao troops captured him and he expected to die on the spot. After all, his superiors had told him what to expect and they always were right. He had learned that in training.

In that training, he learned to hate all Americans. He learned to handle his rifle, but more importantly, how to give all the right answers about communism when questioned by his superiors. It isn't that he exactly understands what communism is, but he was made a sergeant for saying the right things. That is how it works in his army.

Sgt. Long has not written his family in Hung Chau village, near Hanoi, since he was taken to Sam Khe. He could, but they would not expect him to because he has not written since he joined the army in 1967. His army does not want soldiers to write home. They might start worrying about their families and not be good soldiers.

It is simpler that way, the sergeant thinks. Only his unit knows he is missing and members will not tell his family. When he joined the army, everything about him became the property of the state and the leaders his only real family.

He said he joined the army because the Americans and South Vietnamese started a war of aggression against his country. In 1967 and 1968 he saw the wicked American pilots bomb bridges near Hanoi, he said. No, he didn't see them bomb anything else. Just the bridges.

Sometimes, the planes were shot down and pilots were arrested. They were taken through towns to show the people who the aggressors were. Many of the people wanted to beat the wicked pilots, but the brave North Vietnamese guards protected them. He did not see any prisoners beaten, he added.

Sgt. Long thinks there are more than 2,000 American prisoners in North Vietnam. No, he has not seen them, but his superiors said there were, so it must be so.

He is sure the Americans are being treated better than he is. He said his government knows that Americans like to eat bread and to smoke, so they are given anything they want. His government wants everyone in the world to be as happy as the North Vietnamese are under communism. As soon as they conquer the world, everyone will be happy.

Sgt. Long does not like Sam Khe. He would like to have more food and more clothing, even though he has gained weight since he was captured. The food is getting better now since the Laotian army is letting the prisoners do their own cooking. The Lao people, he said, do not know how to cook rice properly. He is getting medical attention for his arm wound.

For Sgt. Nguyen Thanh Long, the war is over. To the Royal Laotian army, he is a prisoner. To his family, his army and his country, he is dead because he is not fighting for communism.

[From the Wichita (Kans.) Eagle, Apr. 30, 1970]

YANKS ASK HELP TO AID LAOTIANS—V

(By Forrest Hintz)

PAKSANE, LAOS.—Always before, there had been another mountain top. Now they have run out of mountains.

They are the refugees—the pitiful human sacrifices of a war they cannot understand.

Driven by fear of the North Vietnamese army, plagued with malaria and exhausted by constant dysentery, they have left the eastern reaches of Laos. More than 200,000 have fled this year and more than 10,000 have settled in camps in Paksane province.

No one knows how many died along the way, but nearly every family has been touched by death. More will die, but they think it is preferable to being swallowed up by communism.

They know communism from personal experience because they lived with it, saw death from it. They cannot understand it as an ideology, but they know what it does. Simple "slash and burn" farmers, they cleared the land, planted their crops and eked out a meager existence. When the land was exhausted, they move on a few miles and started over again.

But the North Vietnamese came and took their rice and left them to starve and shot those who resisted. They moved on to another mountain and then another until now, they have run out of mountains.

To the refugees, two Americans—"Doc" and "Pop"—are the chief source of hope.

"Doc," Dr. Charles Weldon, who hails from St. James, La., came here seven years ago with his doctor-wife.

"Pop," Edgar Buell, Hoosier farmer from Hamilton, Ind., figured on staying here two or three months when he came here in 1960.

"I wish everybody back home could see just one refugee movement," Pop said. "My God! How would you like to start across the wildest part of the Rocky Mountains on foot at night with your family, knowing you were going to lose a couple of kids or maybe your wife along the way?

"They're that anxious to get away from the Communists. When you can understand that and make the people back home see it, then maybe we can do something about it."

"Here's an example of it," Doc said. "Shortly after I arrived here, there was a serious outbreak of cholera. Pop and I organized an immunization program.

"We heard of a small village that had been visited by the North Vietnamese and that seven people—all old men—had been wounded, so we went up there.

"The North Vietnamese had come into the village and the people had given them food. After they had eaten, they lined up the only adult males, seven old men, and shot each one through the thighs.

"What they were saying was: 'You must obey us or die.' That's communism as these people know it.

"We've seen the same thing happen many times since," Doc continued. "In 1964, about 20,000 of them fled from the Plaine des Jarres. They moved constantly for four days, and Communists killed about 1,200 of them with mortars.

"Those people kept going for 12 days. The old and the small fell by the wayside. Many of them were killed by their own families to keep them from falling into hands of the enemy. They know what communism is to them."

Working for the Agency for International Development and the International Voluntary Service, Doc and Pop earn about $60 per month, but they get by.

Between them, they have managed to establish some 300 medical centers, mostly dispensaries, in the country. They also built a fairly large hospital at Sam Thuong and began training natives as medical aides. The North Vietnamese overran Sam Thuong March 17 and destroyed the hospital and killed 18 patients, including a wounded boy and a deaf mute.

Both men get mad when their already inadequate budget is cut so some congressmen can build a new bridge or a new highway in his home district.

"We've never had more than nine Americans in our program. Pop said, "but we've reached more than a half million people. We don't need people to sit behind a desk. We have enough people; we just need enough funds to keep the program going."

"It's a little disgusting when you think about it," Doc said. "It only costs a nickel for enough cloroquine pills to keep a family of four free of malaria for a week, but first you have to have the nickel.

"We'd really like a little understanding from home because we're proud of our country. I don't think people back there understand what's happening here and that this is a move to dominate the whole world. It's a simple matter of the bad guys and the good guys.

"For the sake of these people, try to get the message over back home."

Still the refugees come. They have just run out of mountains.

[From the Wichita (Kans.) Eagle, May 1, 1970]

VIETNAM'S RACE PROBLEM EASED—VI

(By Forrest Hintz)

PLEIKU.—Few people realize that South Vietnam has a race problem. Fewer still realize that it is being solved with outstanding skill.

For countless centuries, the fierce little Montagnard tribesmen have claimed the central highlands as their own. Armed only with crossbows and deadly arrows, they held their mountains against constant pressure from the Vietnamese.

In a way, the story is almost a copy of what happened when the American West was opened. There was—and is—"gold in them thar hills" and untold amounts of other natural resources. The Vietnamese regarded the Montagnards as little more than animals and began moving in.

The primitive tribesmen fought back because it was their land and, as practicing animists, they believed the wealth belonged to the spirits of the mountains.

When the Communists began coming down the Ho Chi Minh trail into South Vietnam, they used the Montagnards as slave labor. Usually, the tough little mountain men served as porters. When they disobeyed or lost their usefulness, they were shot.

The South Vietnamese played it smart. In their army was Col Ya Ba, a full-blooded Montagnard from the Koho tribe. They made him province chief, something akin to military governor, of Pleiku province and things began to change.

When the word got around, the Montagnards—half of the province's 200,000 population—quit working for the North Vietnamese and left their beloved mountains.

The Bahmar tribe, which lived about 70 kilometers from Pleiku, came here to be protected by the South Vietnamese government. On Dec. 11, 1968, they were settled near here in what was named Plei Brel village, consisting of 11 hamlets.

There are 1,969 persons in the settlement, 416 of them of voting age. They have been granted full citizenship and are being encouraged to vote.

Each family has a plot of land and is being taught to farm. A dispensary provides free medical care, and the Montagnards are being taught at least the rudiments of sanitation. For instance, picture posters show how to use a latrine.

There is free schooling for everyone, and women are learning to weave. After a 20-century delay, civilization is catching up with the Montagnards.

The welcome to the village was warm and memorable. A tribal band of about a dozen men was playing an eerily beautiful piece of music. One of them had a buffalo-hide drum and each of the others a differently-tuned brass gong which he struck in a certain sequence.

Bum, the village chief, drew himself up to his full 4 feet 6 and delivered an oration of welcome. It was translated into Vietnamese and then into English. It undoubtedly lost something along the way, but it obviously was sincere.

His people, Bum said, tired of working for the Communists. They did not want to leave their mountains, but they had to if they were to survive.

"They made us slaves," he said. "They beat and tortured us. They raped our women and killed us when we objected. We could not fight them, so we ran away.

"Many of our people were sick and many died when we came here, but we are well now because they give us medicine." The ones who were coughing, he said, were the old ones who still chewed a green tobacco, but the government people were trying to get them to stop.

"We built our own huts," Bum said, proudly pointing to the bamboo and corrugated iron structures. "The government gave us only the iron and the nails.

"About 15 to 20 of our families were homesick and went back to the mountains, but about two months ago they came back here and we are happy again."

By any standard, the village was primitive. Even so, it was far more modern than anything they had known. There are seven new water wells, a small shop with looms where the women can weave and the community hall that serves as a school and central meeting place.

Many of the men wear only a breechclout and some of the women only a shirt shorter than a high-fashion miniskirt. Some of the small fry don't bother with clothes.

As we left, Bum conferred the greatest honor in his power. Each of us was given a brass bracelet inscribed with a series of V-shaped marks. We were, he said, honorary members of the tribe and the bracelet signified everlasting friendship for us.

To the west, the mountains that had been their home jutted up into the monsoon clouds. The Communists will have to carry their own supplies over those mountains because the South Vietnamese found a way to settle their race problem.

[From the Wichita (Kans.) Eagle, May 2, 1970]

VIETNAM TRAINING SOLDIERS AND FUTURE LEADERS: HILL TRIBE ORPHANS ARE GOOD CADETS—VII

(By Forest Heintz)

PLEIKU.—Capt. Phus is proud of his "men."

"They take much teaching, but they learn well," he said. "They are learning that they do not have to be savages in the jungle any more. They are learning that they are a part of Vietnam."

Capt. Phus is superintendent of the Central Highland Junior Military Academy here. His "men" range in age from 12 to 20 and are sons of Montagnard tribesmen killed by the North Vietnamese and Viet Cong.

The school was started in 1964 in an effort to wean the fierce little tribesmen away from the Communist forces.

"They are very tough people," Capt. Phus said. "They lived in the mountains almost like in the Stone Age.

"The Communists used them for slave labor and when they disobeyed they were killed. Now, we are trying to train the children of those killed. The government in Saigon pays for everything."

There are 296 cadets in the school. Capt. Phus wishes there were more, but "the Montagnards can't realize the need for an education."

"We give them military training and general educational studies from the sixth to ninth grades," he said. "When they can pass the ninth grade tests they are sent on to the advanced school at Vung Tau.

"Twice each year they are allowed to go home for a month if there are any of their people left for them to visit. The rest of the time they must study.

"When their schooling is finished, they are required to serve five years in the army. If they cannot pass the ninth grade tests, they only will be non-commissioned officers."

One of the big problems is teaching the youngsters to read, write and speak Vietnamese. The Montagnards have their own language and eight different dialects are spoken in the present class.

The instructors solved that problem in a way that might not please stateside teachers, but it works well here.

Lessons are written on a blackboard and each boy carefully copies it in his workbook. Then, in unison, they chant the entire lesson aloud several times. Capt. Phus said they generally learn the complex Vietnamese language in about two months.

No one denies that the students get large doses of pro-government propaganda. After centuries of feudalism and foreign domination, South Vietnam is beginning to unify into a nation. The government decided that the primitive Montagnards were important.

"This will be excellent for the long range," Capt. Phus said. "When we can train these boys in all things here, they will be good soldiers in our army. When the war is over, they will go home to their people and train them so they will learn they are a part of Vietnam.

"It will be a good thing for our country."

[From the Wichita (Kans.) Eagle, May 3, 1970]

CHANGE FOLLOWS 20 CENTURIES OF LASSITUDE: NEW SPIRIT EVIDENT IN VIETNAM

(By Forrest Hintz)

Change has come to a country where little had changed in 20 centuries.

Four years ago, Saigon was known as the "Cesspool of Asia." It looked—and smelled—the part. Nearly two million people jammed a town built for a half-million.

It was a happy hunting ground for the Viet Cong, and they made the most of it. They cut the power whenever it suited their fancy and conducted terrorist attacks with considerable regularity. It was their town, and they knew it.

At night, from any second-floor window, you could watch flare shells arching over the city and hear the steady rumble of artillery. The town was full of American troops, all armed, and there were stout barricades around major buildings. There was an 8 p.m. curfew.

It's different now. Saigon still is filthy, but it is less filthy than it was. There are more old women with palm-frond brooms sweeping up the refuse. Few flare shells splash the night and the electric power is dependable.

The barricades have been taken down or moved back around the major buildings. The curfew does not take effect until 1 a.m. There are few American troops on the streets, and most of those are off duty. They go unarmed. There is a saying that the streets of Saigon are safer than the streets of New York City.

There still are terrorist attacks, but they are sporadic and without much effect. The population of the city had dwindled, but no one seems able to give accurate figures.

The government craft shop still is just off Tu Do Street, the main thoroughfare. Four years ago, the shop was filled with exquisite items made by the refugees and sold at prices strictly regulated by the government.

There is not much in the shop now. "We do not have much to offer any more," apologized a pretty young clerk. "Most of the refugees have gone back to their villages because it is safe now."

There still are the B-girls, rapping on nearly every window, but they have fallen upon evil times. The black market still exists, but the "White Mice"—state police—are becoming bothersome. No one grabs your arm and says, "Hey, Joe—you buy?"

But the real change is more apparent out in the boondocks.

Four years ago, the Army of the Republic of Vietnam (ARVN) left a lot to be desired. The army was poorly trained, poorly equipped and poorly led.

Ban Me Thuot, halfway between Saigon and Pleiku, is home base for the ARVN 23rd Infantry, where someone coined the phrase "Tu Tuc, Tu Cuong."

Maj. Nguyen Van Man translated that as meaning "self-starting, self-sustaining."

Faced with the withdrawal of American troops, the 23rd decided it would have to get busy if it was to fight a do-it-yourself war.

That meant training and plenty of it. On a rotating basis, the men went through a rigorous training schedule, all the while getting practical experience in the field.

For the first time, they began to believe they could fight. Last year, they chalked up a four-to-one casualty ratio against the enemy. This year, the proportion is eight-to-one, and they're proud of that.

Maj Man explained the radical change that has come to his country.

"It began with the Tet offensive in 1968," he said. "I am afraid you Americans thought that was a defeat for us, but it wasn't. You see, it made our people mad that the Communists would do such a thing, and now they are behind the government.

"Our Government took back the land the French had stolen from us and gave it back to the people. Land reform was the thing we needed most, and now they're fighting for their own.

"America is very far away and I think too many of your people do not understand this war. You are angry over what some of your men did at My Lai, but you do not realize that was a free-fire zone where there were no known friendlies. Our men might have done the same thing.

"What we cannot understand is how you can be angry over an accident like that and not be angry over what the Communists did deliberately at Hue during Tet."

Maj. Man also had something to say about Vietnamization of the war.

"What you see now is only the beginning, not the end."

The Vietnamese have not yet won their war. They still have an agonizingly long way to go.

But they are beginning to move.

JUSTICE FOR ALASKAN INDIANS AND ESKIMOS

Mr. MONDALE. Mr. President, a bill relating to the Alaska native land claims will be before the Senate in the near future. We will have the opportunity in that bill to treat Alaskan Indians and Eskimos with a justice we never provided for the American Indian of "the lower 48."

The president and council of the King Island Village, located just outside Nome, have put together a most eloquent statement of their feelings on the land claims issue. In that document they state their goal as sharing "in the development of the progress of the State of Alaska as first-class citizens rather than wards of the Government." The natives claim that if that is not possible, "you might as well move us to the moon."

I believe the King Island Village statement provides us with an important insight into the native culture and enables us to better understand the role land plays in their life. I ask unanimous consent that their statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

KING ISLAND VILLAGE COUNCIL

Congressman Howard Pollock and other Congressmen from other States come to Alaska to hear our point of view about Land Claims. The meeting was very short and they did not hear what all the people had to say.

We of King Island Village, as you very well know, have literally been forced to move elsewhere from our Island and have been nomads ever since. And according to Organic Act of 1884 we are entitled to own our title to land used and occupied and claimed, and by Statehood Act our rights are protected. We as occupiers of the land know what we need and use better than anyone else.

So often we have asked ourselves when and where we were originally from. Anthropologists think that we might have come across through what they called the land bridge between Siberia and Alaska in the Bering Straits. If this was true? How long ago did this happen? (Anybody have any idea when or what year that was?) It must have been the time when human beings don't think of claiming what their foot step on, or what you might say when the first persons or beings set their first step on the great land what they called now Alaska. Yes, Alaska is a great land, the last frontier. Our ancestors must have courage in those days otherwise the explorers would not have find Natives in the year 1741.

What the Native did not know was that there was gold in the earth, also oil and other valuable minerals. Just imagine if your ancestors had any knowledge of what was in store in mining and oil products. Would they have let the white man come and take advantage of them? The white man thinks the Native is ignorant, but just see in how many ways to native life he has adapted himself.

As far back as the Eskimo can remember the land has been theirs. They used it to hunt and fish. The land as it was before the white man came and claimed it was sort of developed already. The Natives gathered their stores of greens, several kinds, and also several kinds of berries, for their winter supply. As one Congressman asked us, if we wanted to own the blocks of land we were sitting on, where does he expect us to gather greens and berries, and hunt, for our winter supplies. So the land is of necessity needed by Natives. Land where the subsistences have not already been damaged by the white man.

We want land to live on as others in Lower 48 would live on land. The people down Lower 48 use their land to farm. Up here we can use land just as others would not just by farming but hunting, fishing, berry picking, camping, and land development. The Congressman ask how many of us people would like to have a deed to our houses. He has only one thing in mind. To give us land only in the spot where our houses are built. There are many reasons why we need the land. If the Congress people were in our position and we ask them why they need the land, their reasons for wanting the land would be ten (10) times less than our reasons, not counting the other Villages reasons. Each Village has different reasons because they have different way of doing things.

The younger people don't depend on hunting and fishing for their livelihood, even though they do a lot of hunting, but we are looking forward to obtaining a fair settlement in lands which would be used for economic purposes to untie us from the wardship of the government. We don't see any reason why the Congress would not make a reasonable settlement on land when the money from it would be spend for the benefit of all concern. Without land the Native would not be independent. He would be under Welfare. We all been told by Congressmen that they would like to see Natives become independent of the government, but if we do not get a fair settlement in land we still will be where we began in 1867 and the Organic Act of 1884 will just become one of the many broken acts of the government of the people, for the people, and by the people.

As for the $500 million, we believe it is essential for the development of the land, housing, education, developing industry, legal services and social programs. In the past we have received a lot of social programs from federal and State, but they have not been too effective as all the planning have been done by the man behind the desk that may not be familiar with Village life. The 2% overriding royalty is essential to keep our programs going over the years.

Governor Miller is playing politics with the Land Claims. He is not concerned with Natives, but with his own politics and that the State get all the best of our land. His Land Claims position is unrealistic and unacceptable to us because it does not meet what we need. His using Anchorage and Juneau as examples is unrealistic because land use is different there and has nothing to do with life in the bush. Nome is a Native Village—80% Native! He is wrong about "non-Native Village" people not getting land.

XUM

All Natives should share on land, they are in cities partly because they can't own land in Villages except for small 160 acres. He is wrong about small withdrawals—they should be large to guarantee that we get what we need before the State takes it all. To insure a fair settlement. He is wrong about taxes—land and money should be tax-exempt for a while because it takes time to develop land and for us to learn about taxes, and so land won't be re-possessed putting us back where we were before settlement.

It is not much for what we ask compared to all of the land that will be taken by federal and State. All we ask is 10% of the land (40 million acres) for 20% of the population, and we are willing to let you have the rest of the land for 70-cents per acre ($500 million) and a 2% overriding royalty.

We are asking you to support a fair Land Claims settlement as proposed by our representatives, the Alaska Federation of Natives (AFN) so we can share in the development of the progress of the State of Alaska as first-class citizens rather than wards of the government.

If a fair settlement is not possible, you might as well move us to the moon.

This letter was written and approved by the whole King Island Village people, and signed by our representatives on the Village Council.

In accordance with the desires and request of the people of King Island Village we set our hand hereto:

PETER J. SEEGANNA,
Village Council President.
MIKE SACLAMANNA,
Vice-President.
MARGARET SEEGANNA,
Secretary-Treasurer.
JOHN PULLOCK,
Councilman.
GABRIEL MUKTOYUK,
Councilman.
JOHN TAXAC,
Councilman.

CENTRAL UTAH PROJECT

Mr. BENNETT. Mr. President, the Central Utah project is the key to development of Utah's resources for the next 100 years. It provides for the beneficial use of most of Utah's remaining undeveloped share of Colorado River water.

Essentially, the plan calls for intercepting south-flowing streams on the slopes of the Uintas and channeling available water to croplands and cities in the Uinta Basin and central Utah.

The Bonneville unit is by far the largest and most complex of the authorized units of the Central Utah project. It will make water available to sustain continued economic, industrial, and population growth in Utah.

It has been my privilege for many years to fight to get this project funded at a realistic, economic level. I was delighted, therefore, to learn that President Nixon had recommended a construction program of $12,910,000 in fiscal year 1971 for the Bonneville unit of the Central Utah project.

I fully support this budget request. So that Senators might be aware of how these funds will be used, I ask unanimous consent that the Central Utah Water Conservancy District's resolution supporting the President's budget request be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the President's budget recommends a construction program of $12,910,000 in Fiscal Year 1971 for the Bonneville Unit of the Central Utah Project, and

Whereas, the recommended program provides for the completion of construction on the Water Hollow Tunnel and Open Channel No. 2, acquisition of land and rights for Soldier Creek Dam, Strawberry Reservoir enlargement and collection works; the awarding of contracts for Currant Creek Dam; Currant Creek Road rehabilitation, second reach; relocation of the Forest Service road; Soldier Creek Dam; Water Hollow Diversion Dam, feeder pipe and pipeline; Layout Tunnel and access road; Layout Creek Diversion Dam, pipeline and feeder pipe; Currant Tunnel and access road; Vat Tunnel; and the relocation of U.S. Highway 40 to bypass the enlarged Strawberry reservoir; initial acquisition of land and rights for Jordan Aqueduct System, and the awarding of a contract for construction of Jordan Aqueduct Section No. 1, and for other associated works; and

Whereas, the President's budget includes as a part of the Central Utah Project, $500,000 for the start of construction on the Jensen Unit, $233,000 for the construction of drains on the Vernal Unit, $75,000 to complete construction of the Bottle Hollow Dams and dike, and $270,000 to continue Feasibility Investigations on the Ute Indian Unit;

Now, therefore be it resolved, that the Board of Directors of the Central Utah Water Conservancy District does hereby support the President's Budget and program, and requests the Congress of the United States to appropriate funds as recommended by the President; and,

Be it further resolved, that the Executive Department in the Federal Government make all the appropriated funds available so that the program, as recommended, can be carried out during fiscal year 1971; and

Be it further resolved, that copies of this resolution be forwarded to the President of the United States, Director of the Bureau of the Budget, Secretary of the Interior, Commissioner of Reclamation, Members of the Congressional Appropriations Committees, Governor of the State of Utah, Utah's Congressional Delegation, Executive Director of the Utah Department of Natural Resources, Executive Director of the Upper Colorado River Commission, Director of the Utah Division of Water Resources, Ute Indian Tribe, and other interested parties.

CERTIFICATION

I certify that the foregoing is a true and accurate copy of a resolution adopted by the Board of Directors of the Central Utah Water Conservancy District on April 6, 1970.

LYNN S. LUDLOW,
Secretary.

OPERATION RESCUE LINE—TO AID AMERICAN PRISONERS OF WAR

Mr. MONTOYA. Mr. President, on February 18, 1970, a prisoner of war resolution was passed unanimously expressing the sense of the U.S. Congress in protesting the treatment of U.S. servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calling upon them to comply with the requirements of the Geneva Convention, and approving and endorsing efforts by the U.S. Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

As one who, with like-minded Members of Congress, has long labored to focus world public opinion upon the need for demanding proper protection for prisoners of war, I am indeed gratified at passage of the measure, which embodied the essence of my own Senate resolution protesting these violations of international law.

Senators and Representatives of Congress subsequently joined with thousands of concerned Americans and family members on May 1 in Constitution Hall in Washington to reaffirm a common declaration—that those who have fallen into the hands of the enemy will not be forgotten. It was all the more appropriate that the deeply moving May 1 appeal for international justice should have taken place on Law Day, for this example of North Vietnamese inhumaneness should and must result in the outraged sense of humanitarianism under accepted standards of international law of all nations of the free world.

Our voices must continue to be heard throughout the world in behalf of these prisoners and their families. Among those who are continuing to work in meaningful ways to aid American captives is the Santa Fe wife of an American prisoner of war in North Vietnam—Mrs. Dottie Hughes, the wife of Air Force Col. James Lindberg Hughes.

Last year, I had the opportunity of meeting with a group of POW wives who reside in my State of New Mexico and who are suffering deep mental anguish as they await anxiously the safe return of their loved ones. As a result of my suggestions at those meetings and through subsequent correspondence, Mrs. Hughes has initiated a most commendable campaign to secure release of the hundreds of known American prisoners of war in Southeast Asia and almost a thousand other Americans listed as missing in action. She has established an organization known as "Rescue Line," to accept contributions and channel them into projects that will directly work for the freedom of American captives. Still another purpose of Rescue Line's mission is to urge concerned persons to write national officials in Washington, their congressional delegations, and the North Vietnamese negotiators in Paris.

Mrs. Hughes' efforts are all the more praiseworthy in view of the fact that they are designed to assist the wives and families of American POW's in other parts of the Nation as well. Thus far, people all over New Mexico, as well as elsewhere, have been responding very sympathetically and positively to Rescue Line's objectives.

Mr. President, Dottie Hughes has prepared for me a summerization which sets forth more eloquently than I could the purposes of Rescue Line. I ask unanimous consent to have it printed in the RECORD following the conclusion of my remarks. I also urge Members of both Houses of Congress to publicize the nature of this effort in their periodic newsletters to their constituents, so that all Americans may have an opportunity to take a stand on and assist in behalf of this crucial humane issue.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Background Information on a New Mexico Organization Formed to Work for the Release of the American Military Men Being Held Prisoner in Southeast Asia

During the strangest conflict in history occurring in Southeast Asia, husbands of military families have become trapped in an even stranger diplomatic-political limbo where one government defies all the international rules relative to the treatment of prisoners of war and relegates them to the position of being human hostages. It had taken most families until spring of 1969 to realize that any movement at all would have to come by their own efforts and here in New Mexico where there are at least 20 families in this category, we originated the idea of creating an organization called Rescue Line which is simply a vehicle whereby citizens of the state can participate by contributing to a central working fund which is used to promote projects all over the world in an effort to rescue these trapped men. The project initially began with an advertisement in the Albuquerque Journal during December 1969 and many New Mexicans responded by contributing funds. Almost immediately these funds were used to partially pay for advertisement inserted in a Hong Kong Chinese newspaper—Wah Kiu Yat Po, asking for every point outlined in the International Red Cross Geneva Conventions . . . release of the sick and wounded . . . lists of captured personnel . . . free flow of mail . . . impartial inspection of camps by neutral forces and these ads were directed to the leaders of North Vietnam. Rescue Line also partially paid for another advertisement inserted in the Bangkok Post on February 4th of this year . . . just before the Tet Lunar New Year holiday and this ad was the direct reason for a taped recording of my husband's voice (Lt. Colonel James Lindberg Hughes) which was broadcast over Hanoi Hannah's English speaking program on February 5th and beamed to the troops in Southeast Asia. This was the first indication I had had in nearly two years that he was alive . . . this direct message in his distinctive phraseology.

I feel we have a very important mission to accomplish here in New Mexico . . . we must continue to press for information . . . to probe and confront these people who hold our men as hostages to be used for bargaining power. We must also continue to request funds so that we can continue our New Mexico effort to free all the 1,406 men unaccounted for in Southeast Asia . . . and we will succeed because human compassion is a quality that is so highly contagious that it just might spread from our little embryonic idea here in New Mexico to the far corners of the world.

Mrs. James Lindberg Hughes.

HARD TIMES IN THE COUNTRY—A COMMENTARY ON THE PLIGHT OF THE AMERICAN FARMER

Mr. YARBOROUGH. Mr. President, on April 13, 1970, the National Educational Television network presented a timely and hard-hitting documentary entitled "Hard Times in the Country," which dramatized the difficulties confronting the American farmer and his family.

As the program correctly pointed out, in a time of skyrocketing consumer food prices, the farmer is receiving less profit for his production than he did 20 years ago. The major reason for this decline in farm prices is that large corporations have cornered the farm market and are driving farm prices down while increasing the prices the consumer must pay for such commodities as cereal, meat, and milk. Unless action is taken soon to reverse this alarming trend, farming as a family occupation will become just another page in history. Should this happen, the real losers will be the consumers of this country.

To prevent a complete corporate takeover of farming in America, it is imperative that Congress act immediately on S. 3068, the coalition farm bill. This bill, of which I am proud to be a cosponsor, is designed to insure that the farmer receives a fair return for his products.

However, low farm prices are only part of the problem. To stop the decline in agriculture it is also necessary to encourage more young people to choose farming as a career. One way to stimulate interest in farming is to improve the veterans farm training program so that more young veterans will be attracted to careers in agriculture. To achieve this purpose, I recently introduced S. 3698, which would establish a new veterans farm training program which emphasizes on-the-farm instruction. Both of these bills, S. 3068 and S. 3689, are constructive solutions to our farm dilemma.

The crisis in rural America affects every citizen and every area of the country. Congress must focus its attention on the problems of the American farmer.

I ask unanimous consent that an article entitled "Farmers Hit Price," published in the Washington Post of April 14, 1970, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Farmers Hit Price

America has the most efficient food production and distribution system in the world, yet the farmer is going broke and selling his land and the consumer is paying higher and higher prices for food.

The television documentary, "Hard Times in the Country," viewed last night by channel 26 audiences, fixed most of the blame on the 50 or so corporate giants that control the $100-billion-a-year food industry.

It also blamed a few non-food corporations and conglomerates that are going into the farm belt as a tax shelter and land investment for the future while farmers are making smaller profits than they did 20 years ago.

"They're farming for a loss, for a tax write-off, and we've got to farm for a living, and there's a big difference," one California farmer complained bitterly.

Farmers and ranchers interviewed said they could not compete on the same level with big corporations like Goodyear, duPont, Gulf and Western, Dow Chemical and the Conglomerate, AMK which are buying up big blocks of land from the Rio Grande up middle America to the Canadian border.

The social documentary produced by award-winning NET producer Jack Willis, concluded that milk, meat and cereal prices are kept high by limited competition in an industry dominated by relatively few companies.

Three companies—Kellogg's, General Mills, and General Foods—make more than 80 per cent of all cold cereals, the documentary observed. "They then spend over $90 million on advertising and promotional come-ons to create consumer demand."

The cost is passed to the consumer and the farmer receives less than the price of the box for the grain inside, the program noted. The camera pans a row of flashy cereal boxes, all promising a gimmick inside.

During a branding scene, narrator Philip Sterling declared that chain stores took advantage of increased consumer demand for beef last year to raise the price.

"The top four chains, A&P, Safeway, Kroger's and Acme," he said, "account for over one half the retail sales in the large metropolitan markets. By keeping the wholesale price down and raising the price to the consumer, they can increase their profits.

"In 1969 the retail price of beef rose steadily. By the end of the year the chain stores were paying the wholesaler only one cent more a pound for it—but were charging the consumer 10 cents more a pound."

One farmer, A. Martin, predicted that the trend is leading America toward a feudal set-up, with "peasants" working the land. "When we get to this position in this country, we'll wipe out the middle class."

SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, when President Nixon's statement on school desegregation was released several weeks ago, I remarked that its message to the Nation was to do as little as possible. Over the last year, this has been the theme of the administration's actions, as well as its words. We have increasingly found Justice Department lawyers arguing school desegregation cases on the side of school districts. We have seen the only administration official who demonstrated any enthusiasm for the principle of integrated education, Leon Panetta, fired for trying to fairly enforce the law. We have heard no criticism from the President or his Cabinet for Governor Kirk's defiance of a Federal court order, but we have heard them denounce Federal courts for desegregation decisions which they consider "extreme."

This failure of moral leadership is stunning hypocrisy from gentlemen whose battle cry on other political fronts is "law and order," and it threatens to bear tragic fruit.

An article entitled "Dixie Defiance," on the front page of the April 17, 1970, issue of the Wall Street Journal documents a rising climate of racial violence, centered on opposition to constitutionally required school desegregation, encouraged by the administration's articulated policy and its actions. As the lead paragraphs of the article state:

> The Nixon Administration's easing of Federal pressures for schools integration has rekindled Southern defiance reminiscent of the Dixie of a decade ago.
>
> Gov. Claude Kirk's stand last week in the old orange school building here caught the headlines. But his stance of angry resistance is showing up in statehouses from here to Louisiana. And the new mood is being accompanied by an ugly wave of racist violence—a fast-growing but largely unnoticed outbreak market by bombings and burnings of Negro schools and churches and the reemergence of white hate groups once thought dead.

I note that this climate may be found in northern as well as in southern communities where school desegregation has been required.

I have every confidence that the good sense and decency of the vast majority will prevail. But the willingness of the administration to play politics with an issue which so vitally affects the lives of school children sets a sorry example for those less sensible and less decent.

XUM

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dixie Defiance: Kirk's Stand Points Up Renewal of Resistance to School Integration

(By Neil Maxwell)

Bradenton, Fla.—The Nixon Administration's easing of Federal pressures for school integration has rekindled Southern defiance reminiscent of the Dixie of a decade ago.

Gov. Claude Kirk's stand last week in the old orange school building here caught the headlines. But his stance of angry resistance is showing up in statehouses from here to Louisiana. And the new mood is being accomplished by an ugly wave of racist violence—a fast-growing but largely unnoticed outbreak marked by bombings and burnings of Negro schools and churches and the reemergence of white hate groups once thought dead.

Southern segregationist leaders say Washington's slackening of past efforts to integrate schools has heartened them greatly. They see new hope in reasserting old attitudes of fervent resistance, attitudes that in the past couple of years had been abandoned as futile.

The change has been so marked that the South's old enemies—the Department of Health, Education and Welfare and the Justice Department—are now considered allies in the fight against the remaining foe, the Federal courts.

GOVERNOR KIRK'S NEW FRIEND

The Manatee County case here is one such instance: The Justice Department said last weekend that it would team up with Gov. Kirk to see what could be done in a Federal appeals court to ease the terms of the integration plan a Federal district court imposed here. Both Gov. Kirk and local whites in this Gulf Coast county object heatedly to the court-ordered plan because it calls for busing of whites to predominantly black schools and busing of blacks to mostly white schools—a procedure President Nixon has criticized himself.

Just a few days earlier the Justice Department attacked another Federal court for overzealousness in ordering busing of students in Charlotte, N.C. The criticism followed a statement by President Nixon last month, declaring that he considers school segregation resulting from residential segregation to be "lawful" and rejecting busing to achieve racial balance. The President tossed aside a number of recent decisions by state and Federal courts ordering busing as "untypical" and said he will "not consider them as precedents to guide Administration policy."

The Presidential statement was foreshadowed late last year when the Justice Department moved in court to delay integration in Mississippi. The move surprised and delighted officials of that state.

The Administration hasn't explicitly told the South it is off the hook, but some experts feel that to do so in the face of its actions would be redundant. Leon Panetta, fired recently as the Government's top integration strategist, bitterly suggests Mr. Nixon's policy has gone beyond the "benign neglect" suggested by adviser Daniel P. Moynihan and is now in a state of "malignant retreat."

"SHAKE THIS COUNTRY"

Any doubt about the posture of resistance Southern leaders have assumed is dispelled in a chat with Gov. John McKeithen of Louisiana, whose promises of "defiance" are echoed by others such as Gov. John Bell Williams of Mississippi and Gov. Albert Brewer of Alabama. Mr. McKeithen paces back and forth in the den of the columned governor's mansion in Baton Rouge and adopts the rhetoric of the late Martin Luther King in calling for Southern whites to come forth and man the barricades.

"We're going to shake this country if necessary," declares the governor. "We will not sit at the back of the bus. We're not going to accept second-class citizenship. We'll do whatever we need to do to get justice—including defiance if need be."

"We won't burn and loot and bomb buildings like they do in New York," the governor says, "but we will do whatever it takes . . . short of violence. It looks like the only way you can get justice is defiance."

That's tough talk, but it's also vague. Gov. McKeithen's current strategy, as well as that of some of his counterparts in other Dixie states, seems to be to resist as much as necessary to fend off complete integration, fighting mainly through the courts.

The Nixon Administration has said it will no longer rely on cutoffs of Federal funds to press for integrated schools, a tactic used successfully by Washington over the past several years and one that left Southerners few means to fight back. Instead, the Administration has said that where it faces total local recalcitrance it will use the courts to enforce compliance—an involved, tedious process and one that permits Southern politicians to wage counterattacks. (An Administration official says the Justice Department plans to file five statewide school desegregation suits soon, similar to one filed a few months ago in Georgia. That suit would require a lesser degree of integration than that ordered recently by Federal courts.)

Several Southern states in the past few months have hurriedly passed new laws copied after one in New York State that has the effect of banning busing to achieve integration. Says Gov. McKeithen: "We didn't want to take a chance on ours being ruled unconstitutional, so we made it just like New York's—we even included a grammatical error they made." The Louisiana law passed quickly in a special session of the legislature called for that sole purpose in February.

At the capitol building in Jackson, Miss., Gov. Williams says there's nothing new about his determined defiance to integration, but he new sees new hope. "We don't expect a complete reversal of form or an instant reversal," he says, "but at least we are receiving sympathy where before we were condemned."

Like most Southerners, Gov. Williams first opposed and then embraced "freedom of choice" school enrollment, which theoretically permits any child, white, or black, to choose the school he wants to attend. Freedom of choice was first imposed by the Federal Government as a tool of integration. But invariably it resulted in a perpetuation of predominantly black schools. Some blacks chose white schools, but many, out of fear or preference, did not. Hardly any whites chose black schools. The courts eventually ruled that the policy is insufficient where it does not eliminate segregation.

"Very frankly, we did not think (freedom of choice) would work," says Gov. Williams, "but we've found it to be most acceptable. It leads to as much integration as people want and are willing to accept." The governor is hopeful that in the new atmosphere the courts will be pushed by public pressure into reestablishing freedom of choice as acceptable legal doctrine. "The courts have gone too far for public acceptance around the country," he says.

Gov. Kirk of Florida, whose reliance on direct defiance has apparently paid off, feels the same way. It's true that he failed to get the hearing he had sought before the Supreme Court, which he had predicted would strike down the controversial "cross-busing" order. Nor did his pronouncement that no lower Federal court could control his actions as governor survive for long against the threat from a district court of fines of $10,000 a day. Nonetheless, Gov. Kirk's showy stand of dramatic resistance was followed by the Justice Department's move to join him in seeking an appeals court review of the Manatee County integration plan. That lesson hasn't been lost on Southern politicians elsewhere.

TIRED BUT NOT DEAD

In states such as Alabama and Georgia, whose leaders have long been the staunchest advocates of defiance, observers say there has been an even more militant tone in recent months. Listen to Georgia Gov. Lester Maddox urging defiance in a recent never-say-die speech to an Optimist Club: "If I am held in contempt of court, it will be only because the actions of the court were contemptible. We are tired, but we are not dead. We have lost much, but we have not lost all. God forgive us if we surrender while one of us still stands."

Resistance in Dixie has also been encouraged by the tone of recent articles in the national press—articles regarded by segregationists as sympathetic because they have criticized forced integration. Magazine columnist Stewart Alsop recently questioned the value of continued pressing for integration, and other journalists, in publications both right and left expressed similar doubts. "What they are saying now is confirmation of what us racists and bigots have held all along," William Simmons, executive director of the Citizens Council of America, based in Jackson, Miss., says with a grin.

The racist violence that has accompanied the official defiance across the South has dismayed students of civil rights and Southerners sympathetic to integration.

In Forrest City, Ark., the Negro community center was burned late last month. A few weeks before two nearby Negro churches were burned. A bomb exploded and a cross was burned on the front lawn of a school board member in Forrest City.

Near Greenville, Miss., three Negro churches were burned to the ground one week-end late last month. The incident prompted the Delta Democrat-Times to reflect on the burnings in this fashion: "We thought that Mississippi had passed beyond the day when they would occur. Last weekend proved us wrong."

THE VIOLENT SOUTH

Earlier, bomb threats were received at several largely black schools in the Greenville area, one of which was recently integrated, another which is soon to be integrated. In Maben, Miss., a Negro school was burned the day before the faculty was to integrate in February. Last month a Negro church outside Carthage, Miss., was bombed. A Negro community center in West Point, Miss., recently was burned, and shortly thereafter a bomb exploded at the county courthouse. Police arrested several Negroes, including the director of the burned-out community center, on a conspiracy charge in connection with the bombing.

In Little Rock, Ark., bomb scares recently disrupted several high schools that had been integrated for years with no such threats. Last month there were two bomb threats at Columbus, Miss., junior high schools, and in Jackson there were three cross burnings in one night recently. In Gainesville, Fla., a shotgun blast hit the school superintendent's home and a rash of racial clashes in schools led the sheriff last weekend to threaten to post armed deputies in every classroom and in lavatories to restore order.

In an incident in February, a group of students from largely black Tougaloo College outside Jackson, Miss., were arrested and claimed they were badly beaten after a boycott march in nearby Mendenhall. One student, after his release, reported: "After they had taken me inside of this jailhouse, I asked one (of the officers) for my Constitutional rights. He said, 'Nigger, I'm going to give you your constitutional rights, your marching rights and your civil rights,' and that's when he kicked me and the rest of them commenced to beat me with blackjacks and billy clubs and started kicking me and stomping me."

The Rev. John Perkins, a Negro leader who went to the jail to seek the students' release, says: "I was met at the door by these policemen and the sheriff, and they said, 'This is a different ball game,' and they began to crack me over the head. . . ." Sheriff J. R. Edwards denies the minister and students were beaten. Gov. Williams also says the claims of police violence are "exaggerated."

HATE GROUP REEMERGES

There has been a rash of school clashes between blacks and whites serious enough to make local news in spots such as Dorchester County, S.C., and Sarasota and Jacksonville here in Florida. The Jacksonville outbreak was followed by protest marches by white parents led by a hate group most Southerners thought had faded away—the National States Rights Party.

The American Friends Service Committee is conducting a survey to measure the new upsurge of violence and intimidation across the South. "We feel it's important to call attention nationally to what is happening," says Miss Constance Curry, a Southern field worker for the committee.

Some Southerners fear more violence is likely. "I don't see how it's avoidable," says Paul Anthony, director of the Southern Regional Council in Atlanta. "All the things coming out of Washington these days and the new defiance by leaders just can't help but encourage a greater degree of white resistance—and the only way some people know how to respond is with violence." Mr. Anthony fears the resurgence of violence will be more dangerous than past bloodletting, which was largely onesided, with whites attacking blacks. "Negroes aren't going to take another wave of violence nonviolently," he says. "They are going to give back whatever they get."

That hasn't happened yet, but Negro leaders agree that it may. W. J. Hunter, a black grocery store owner and a member of the county school board in Lamar, S.C., says another incident in that city could trigger real trouble. Whites in Lamar last month overturned buses carrying black children to formerly white schools. Critics of U.S. Rep. Albert W. Watson have since accused him of stiring up hate a few days before the outbreaks in a fiery defiance speech at a freedom of choice rally in the county. Warns Mr. Hunter, the black school board member: "People will only take so much. If (the whites) hurt some kid seriously, then this whole thing will blow off and nobody can stop it."

THE DEATH OF WALTER REUTHER

Mr. McGOVERN. Mr. President, Walter Reuther's death is a staggering loss to the cause of peace and justice.

His life has been a great rallying standard for those who seek economic and civil justice and an end to the tyranny of war.

He said a few months ago during the South Carolina hospital workers' strike:

> Black is beautiful. White is beautiful. But the most beautiful of all are white and black together.

That was the spirit of brotherhood and compassion which guided Walter Reuther's life. And that is the spirit in which we must continue.

Our entire Nation will mourn the loss of both Mr. and Mrs. Reuther and the companions who died with them in the tragic airplane crash. My deepest sympathy goes to the surviving family members, and to Mr. Reuther's special friends in the labor movement.

WHATEVER HAPPENED TO THE BILL OF RIGHTS?

Mr. MONTOYA. Mr. President, we must understand that recent waves of student protest have by and large been a reaffirmation of the right to disagree. Because most of these young people accept what we have taught them, they have sought to tell us of their deep disaffection with the expansion of an endless war. It must not be forgotten that the cause of all this very vocal disagreement was the actual widening of the war in Vietnam into an Indochinese conflict. The students did not go out on strike across the land, mainly peacefully, just for a lark. They were provoked by the purposeful expansion of the war by their Government. There have been excesses, to be sure, on both sides. Yet we must keep in sight the fact that the overwhelming majority of these young people have sought to express their disenchantment with the administration's widening of the war through legitimate means of disagreement provided for under the Constitution of the United States.

I do not want our youth to lose faith in legitimate forms of protest. We should not ignore the causes of such dissent and pretend it does not exist. These young people are the ones whose generation is called upon to fill the ranks. They are the ones who must sacrifice the most in a physical sense. We must recognize that we are destroying our own credibility by not listening to their pleas—for that is what most of their protest really is all about.

A group of law students at the University of New Mexico Law School has succinctly put their position in the form of a statement. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FROM A STATEMENT BY A GROUP OF LAW STUDENTS AT THE UNIVERSITY OF NEW MEXICO SCHOOL OF LAW

Deeply disturbed at the implications of the events at Kent State University, we the students at the University of New Mexico School of Law feel that we can no longer remain silent and only hope that our concern is not too late. Believing that in this moment of crisis, failure to state a position approaches criminal neglect, we must state our beliefs.

There is evidence that many political leaders and a significant portion of the nation's populace view dissent as somehow harmful or evil by its very nature. But our heritage is the right to free speech and assembly. If the right is to survive for us all, it must include the right of a person to express unpopular views without fear of government repression. The events at Kent State seemed to show that freedom of speech has been gravely abused, and that government power has also been gravely abused, with devastating results. The first amendment to the constitution does not condone violent exercise of the right of free expression. Neither is excessive force in the suppression of violence permitted. The wisdom of free expression without violence is again demonstrated when death is the alternative.

Existing tension among the universities, the communities and the governments which support them has been severely aggravated by situations which should not have been allowed to develop. Existing channels of communication, including administration and student government, have been neglected. On the occasion when existing channels have been used, the reaction of campus administration generally has been insufficient to meet legitimate requests of socially conscious students. Requests have become demands, and demands have become unreasonable, to the point where communication in any real sense is crumbling. Government has added to the polarization by statements further alienating the moderate here-to-fore concerned with legitimate goals. The radical arugment that present communication is worthless is becoming more attractive as each reasonable demand is refused. The weapon of the radical is violence, and if society is to avoid violence, it must answer the radical argument, not contribute to its effectiveness.

Existing lines of communication must be used by both sides with increased effectiveness and with open minds. Arguments on both sides must be evaluated on their merits, not based on the character of the speaker or personal prejudice. Violence in the exercise of first amendment rights must be avoided, and the training of governmental forces to quell violence must emphasize the very great danger of overreaction. Because of student response to troops on the campus, all reasonable measures short of their use should be exhausted before this drastic step is taken.

If existing or new means of communication do not begin to work, and very soon, the tragedy of Kent State will be repeated until the university as a source of new ideas will be destroyed. We must recognize that narrowing of the right of student dissent goes to the heart of the fundamental right of free speech for us all.

OMICA AND RUDY JUAREZ, A NONVIOLENT WAY TO EQUALITY

Mr. MONDALE. Mr. President, as chairman of the Subcommittee on Migratory Labor, I have been following closely the careers of emerging leaders among the migrant and seasonal farmworkers and their families.

In this regard, I was pleased to see that the Washington Post of Sunday, April 26, 1970, contained a feature article by reporter Bruce Galphin on Rudy Juarez and OMICA. Like other farmworker leaders throughout the Nation, including Cesar Chavez of the United Farmworkers Organizing Committee, Juarez is devoted to nonviolence as the only method of achieving self-dignity and the respect of others.

OMICA—Organized Migrants in Community Action—is the community organization that Juarez has developed in Florida with the assistance of hundreds of fellow workers and church and labor leads. It is concerning itself with helping migrants deal with State and Federal assistance agencies on issues such as housing, food programs, and health care. It advises laborers on their work rights; it tries to resolve grievances; and, it attempts to overcome discriminatory practices. OMICA is also organizing to obtain coverage for farmworkers that have for so long been excluded from basic social and worker benefit and protective legislation.

I think this kind of community organization, in which migrants themselves are asserting themselves for the solution of their own problems should be encouraged, not discouraged; stimulated, not repressed. We must be aware that every day that we perpetuate the second class citizenship of farmworkers, the greater the strain we place on the commitment to nonviolence to which the members of OMICA have dedicated themselves.

Mr. President, I ask unanimous consent that the article from the Washington Post of April 26, 1970, and the concluding remarks of Rudy Juarez in testimony before our subcommittee last June be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

OMICA: A Nonviolent Way to Equality—"We Want Laws To Let Us Stand Up on Our Own"

(By Bruce Galphin)

Homestead, Fla.—A movie producer probably would not cast Rudolfo Juarez as the leader of a revolution. He's a little too chunky for a mountain guerrilla role; he's generally sunny-tempered; and while he can work up some ardor speaking about the plight of his people, his voice generally is calm and quiet.

But at 31, Rudy Juarez is the emerging champion of one of America's smaller minorities—the 140,000 or so laborers who pick tomatoes and cucumbers in South Florida most of the year, then follow the crops north in late spring.

Some refer to him as "the Cesar Chavez of the Florida migrant workers." And while Juarez is not, like the leader of the California grape harvesters, talking now about unionization or boycotts, he shares with Chavez a belief in nonviolence and a determination to earn the respect of others for his people.

The question among the migrants, most of them Spanish-speaking Americans, is whether change will come through Juarez' peaceful revolution or through violent pressures applied on the system by young militants calling themselves Los Chicanos.

These young people, numbering in the hundreds, are bitter about the treatment of their parents and themselves. Many of the men are military veterans, trained in the use of firearms and explosives, and ready, some say, to use them.

EAGLE ON A BERET

For now, the Chicanos are wearing the eagle emblem of Juarez' OMICA (for Organized Migrants in Community Action) alongside the Chicano pins on their brown berets, and working with OMICA in common cause. But both groups know they may part company somewhere down the road.

"I don't know," said Juarez; "when I was working in the fields, I'd listen to my father. But these kids don't listen any more. They say 'This is the way it's going to be'."

Juarez is a second-generation migrant worker whose family followed the crops across the country from Texas.

"I never stayed in one place long enough to complete my education," Juarez recalled. "I was in 13 schools and got to the third grade."

Juarez married when he was 15; he and his wife have seven children.

NORTH AND SOUTH

Juarez moved to Florida in 1954 and soon was locked into the routine of migrant farm laborers there: About 8½ months on South Florida truck farms, then north in May or June for another 3½ months.

He might never have broken out of that rut, he says, except for "some very helpful VISTA volunteers. They were telling me about a different kind of world, telling me about beaches, telling me about amusement parks . . . there are people here who don't even know there's a beach over there. All they know is the road from Texas and the camp where they're put."

Soon thereafter, Juarez became an investigator for an OEO-funded private agency called South Florida Migrant Legal Services.

ORGANIZED IN SECRET

His work with the legal service, Juarez said, "gave me time to learn and gave me courage."

During his time with the legal service, Juarez and some friends began organizing the migrants. That was 3½ years ago, and they worked for more than a year in secrecy, because association with any organization that had even the hint of a union could cost a worker his job.

OMICA, which is not a union, is concerning itself with helping migrants deal with state and federal assistance agencies, insurance companies, and occasionally police courts; advising laborers of their work rights; trying to resolve grievances of workers against their bosses; and lobbying for legislation that would extend minimum wage and workmen's compensation protection to migrants, and make it easier for them to own decent homes.

It costs $1 to join OMICA, and $6 a year for dues. About 4000 workers are listed as members, and only part of them are regular dues-payers.

The strength of the oragnization, however, Juarez contends, is not in actual membership, but in the respect it has gained among the workers—in the number of people who manage to slip word of trouble in the fields to OMICA representatives.

OMICA's only office is an abandoned store in the little town of Homestead, about 30 miles southwest of Miami. On the glass of the front door is painted a dark hand clasping a light hand in a handshake, and the legend "razas unidas"—races united.

FOUNDATION GRANT

OMICA's financial base is a grant of $17,500 from the Field Foundation. The money is supplemented by dues, church donations and funds raised from fiestas.

"We don't like to stay in the office," Juarez said. "We spend most of our time out in the camps and out in the fields."

Several of his associates came and went, from the office some just listening, others joining in for a while—Joe Alexander, a former labor contractor; James (Jaime) Baldwin, who is sort of office manager; Inez Figueroa, a brown beret Chicano from Tampa; an OEO worker; a radio engineer, others.

Periodically the talk was punctuated by migrants reporting their problems: a child injured at school who had been turned away by a hospital and had to be driven for nearly an hour to a free clinic; a man whose truck had been damaged in a collision and needed help with his insurance papers; an old man baffled by the bureaucratese Spanish of a federal agency; a mother who reported "there were 13 scorpions under my baby's bed."

"It's not charity we want," Juarez says. "We want laws to let us stand up on our own two feet."

"The Congress of the United States is well aware of our problems. No more surveys need to be made."

WHAT MAKES A RESIDENT?

Because of their yearly movement, it is difficult for migrants to establish themselves as legal residents of Florida. "We're here 8½ months a year. A rich man can go to Mexico for six months of the year, and he's still a resident. But a Chicano is gone only 3½ months, and he's not," Juarez said.

Housing is a persistent woe. Few workers can afford to hold a house or apartment during the summer months when they are away. When they return in the fall, there is always a scramble.

In a typical work camp, a family pays $24 a week for a two-room unit—one room 10-by-14 feet and the other 6-by-10 feet, with the nearest running water several hundred feet away. Juarez says:

"We need low-cost housing—individually owned homes. Not just someone coming in and saying 'here they are.' We need to participate in the planning and have the say-so, so we can learn about these things . . .

"We need to be able to negotiate with the farmers, to buy food and homes, to stay in one place and get better-paying jobs."

The threat of mechanization haunts the migrants. There already are mechanical bean-pickers, and there are rumors of machines for harvesting tomatoes and cucumbers.

Many workers would like part-time "regular" jobs but poor education is a barrier, and so is discrimination.

NO JOBS FOR 23

An OEO worker said he recently helped 23 brown people prepare applications for jobs at a new department store. None was hired.

"If you're a migrant, you will always be a migrant," Juarez declared. "And if you're brown, you're a migrant."

"The migrant people are a very peaceful people," Joe Alexander said. "When they are hungry, they don't break in a store. They don't steal money. They just tighten their belts.

"We don't want to destroy property. We don't want to burn the boss' house. But there's a militant in everybody."

"Would they rather have us get our people together," Juarez asked, "and fight and see who has the most guts? Is this what the United States wants? This is what I'm afraid of."

"I'm not afraid," said Figueroa, fingering his brown beret.

Excerpts From Statement of Rodolfo Juarez Before the Senate Subcommittee on Migratory Labor, June 10, 1969

Mr. Chairman, members of this subcommittee, of all things I have said I hope you have paid attention. With all my heart I have presented some of the problems that have existed since past generations and continue to exist to this day. I have lived them, experienced them, and suffered them. This is not hearsay. I am sure that others have told you the same things I have spoke about. Some of you have seen them with your own eyes. We have no reason to lie for we have nothing to loose for we have never had anything. Those who have spoken against us, have because of profits, others for their own personal gain, some have, because they, too, suffer and really don't understand who is to blame and because they misinterpret our needs to charity they tend to be against us.

But more and more people are joining together and soon there will be enough people to keep men in power who will make, pass and enforce laws that will be fair and equal to all Americans, just as there will be enough people to bring down those in power who are favorable to one group only because of personal gain.

Therefore, discriminatory legislation practices should continue no more. The migrant worker should be covered by the National Labor relations act with additional favorable rights as well as workman's compensation laws, unemployment compensation, insur-

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ance laws, Social Security, must be enforced and reinforced. Housing code laws should also be enforced to improve the conditions of housing provided to him. Programs such as housing loans, small business loans which the migrant has never heard about until others who have recently come into this nation.

Let's stop worrying about other nations and do something about our own. Do something about the migrant so he can pull himself out of this repeating cycle.

The men who are in power must fight hard to make real changes in society and society's laws. Change all discriminatory laws and attitudes. The men who are in power must help the powerless to gain power and all rights entitled to him. Bad programs of the establishment must be eliminated for good programs. Those which dispute the powers that be and fight for the poor must be maintained and encouraged in their activities.

If the poor are not given extra encouragement and help in gaining power over their own lives, and influence into the general society in order to eliminate poverty; if the governments, local and national, do not respond to the real needs of the poor through traditional processes, the poor will find other ways to make their needs known and to gain power.

WALTER REUTHER, A MAN OF CONSCIENCE

Mr. PELL. Mr. President, with a deep feeling of sadness I mourn the death of one of the great men of this century, Walter Reuther, president of the United Auto Workers.

While Walter Reuther was probably best known as a courageous and effective leader of the country's largest labor unions, his greatness rested not in the pay raises he secured, but in his acute sense of social conscience which made him ask both unions and management to look beyond the simple pocketbook issues of our time to a concern for brotherhood and peace. He was a deep thinker and a fine man.

In this time of national doubt and moral questioning, the spirit of Walter Reuther will be sorely missed. I know I shall.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be equally taken out of both sides.

The **PRESIDING OFFICER** (Mr. GRAVEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. SCOTT. Mr. President, we have before us the nomination of the Honorable Harry A. Blackmun, who is now a member of the U.S. Court of Appeals for the Eighth Circuit, a position for which he was confirmed by the Senate in 1959.

Judge Blackmun has the rare distinction, among other distinctions, of meeting with the complete approval of all of the judges of his circuit, with the applause still ringing in his ears of the members of the bar who have practiced before him during his service on the bench, with the encomiums of those of all different races who have appeared before him in difficult civil rights cases, for example, and who have said that no matter what the judge's decision, be it for them or against them, they have always felt him to be a fairminded, a just, an able, and a competent judge.

Judge Blackmun is a scholar. He is a man of notable compassion, a man of saving humor, a deligent man who has earned for himself the respect of his community.

He has served in his community of Rochester, Minn., as an adviser to the Mayo Clinic. His contributions to civil life have been numerous. He has come before us with no known and no heard-of objections whatever to his advancement to the highest Court of the land.

I interviewed Judge Blackmun. I made public statements that in view of the length of time that was taken to fill this vacancy, I would not announce my own decision as to whether I would vote for Judge Blackmun or not until I had completely satisfied myself in every way in which it was possible to do so, in depth and through an examination of the record.

Mr. President, I have done that. I am satisfied. I am convinced that Judge Blackmun is well qualified for this position on the High Court.

I do not know what his judgments will be. If they are like the judgments of other Judges on the Supreme Court, there will be many a time when I personally will not agree with them.

I do not know whether he will end up as a strict constructionist or a loose constructionist, because I do not know which is which in some opinions. What I do know is that each matter that comes before Judge Blackmun will be decided by a man whose head is filled with knowledge of the law, whose mind is imbued with wisdom, and whose heart has been touched by the infinite sadness of the injustices which are embodied so often in the course of the legal process and end with the necessity for a decision.

It is said that "upon knowledge is a house builded and with wisdom shall its chamber be filled with all pleasantness and beauteous riches."

I think that saying illustrates the kind of understanding which Judge Blackmun has.

I do not suppose there has ever been a time when understanding, tolerance, and a feeling and a reciprocating of the feeling of this Nation and the trust this Nation has in its High Court has been better exemplified than by this designation.

This is a good man, and the Supreme Court needs good men. This is a wise man, and the Supreme Court needs wisdom. We could use a little here from time to time. It is always welcome. I am sure it will be welcome on the Court.

I believe that this appointment will reflect credit upon the administration, upon the Court, upon the bench, and upon the bar.

This appointment illustrates that while good judges may be hard to find, they are around and they are available. And this appointment indicates that the system works. The system works sometimes with interruptions, but it works. And I am glad of that, because today we hear voices all over America saying, "The system does not work. The establishment has failed us."

And then some of them blame the outcome of their first, early encounters in life on the establishment. The establishment is no more nor less than the society. It is no more nor less than the organism which exists to protect men from each other and from their excesses.

That is why the Supreme Court exists. The Supreme Court is not only the court of last resort, but also of less guess. It exists because men can be protected from their own excesses, from their own tendencies toward evil, and it is a means by which may be channeled its own tendencies—I would not call them residual, but those other tendencies—toward good which exist within the human structure.

Mr. President, I am not going to give up on the system because the system at times falters, because we are bound at times as Members of the Senate to make the most difficult kinds of decisions.

But I feel better about the system when I talk to men like Judge Blackmun because I think the system needs men of honor and of integrity, such as he is; it needs men of scholarly zeal, such as he has; it needs men of articulate capacity and it needs that understanding and compassion which soften the difficulties surrounding the attempts which the system makes to adapt itself to the security of people, to the needs of people, and above everything else, as I said, not only to protect people against each other but also to enable them to continue to live one with another within a societal relationship which can become at least tolerable.

So I use the nomination of Judge Blackmun, in a sense, as a springboard to release some of my own concerns. Those concerns run very deep. I think here in the Senate we should plead for some understanding of the difficulties which confront us and our desire to do what is right, and to find a proper course in our deliberations; and as the chaplain said yesterday, "To contend without being contentious; to disagree without being disagreeable." We must seek somehow to respect what is so disturbing to our people in this country, particularly our young people, and to convince them that even though they cannot always agree with what we are doing, at least we are proceeding from honest motives and a decent regard for their great and deep distress.

Therefore, Mr. President, with a great deal of pleasure I join in advocating the confirmation of the nomination of Honorable Harry A. Blackmun. Here, indeed, is a good and honorable judge. The Senate is to be congratulated. It has this opportunity to vote this afternoon upon his confirmation.

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished minority leader has said. I think he has expressed his concern in a temperate manner and he has made known very well his views relating to the most recent nominee and to the Court as well.

I have never met Judge Blackmun. All I hear about him is good. I would anticipate his confirmation and come the hour of 2:30, when the Senate votes, it may be that he will be confirmed unanimously.

When we vote to confirm a Presidential appointment to the Supreme Court we exercise a tremendous responsibility. Once a nominee is confirmed it is official. In the case of a Justice of the Supreme Court it means office for life; subject to removal only—and I stress only—by impeachment under the most serious circumstances. Those circumstances are few and the cases of removal rare indeed.

Justices of the Supreme Court are—as they should be—independent; they function within the Judiciary, a separate branch apart from the executive and the legislative—and in this instance I stress "the Executive." In short, Justices of the Supreme Court stand at the head of an essential component of the triad which is our Government.

Mr. President, all too often in the past, and I have no reason to think it will be the case with regard to this nominee, Justices of the Supreme Court have maintained relationships that have been too close to Presidents of the United States. In my judgment, a Justice should not become a casual visitor to the White House; he should remember the line of demarcation that is so carefully drawn between the Supreme Court and the White House and the very precise line of demarcation between the Supreme Court and the legislative branch of Government.

I would hope also that these people on whom such great honor is bestowed would consider the possibility of spending more time attending to their duties and that the 3- or 4-month vacation, which has become common and perhaps was understandable in the past, would be ended. Not only Supreme Court Justices but all Federal judges should operate on a year-round basis to eliminate the pileup of cases, to assure speedy trials as is specified in the Constitution and to bring the judiciary up to date.

Mr. President, just as the Senate is becoming an institution operating on a year-round basis so should the Supreme Court, and the lower courts function throughout the year. I hope, with this little stricture, that some of these words may be heard—although I doubt it—by these gentlemen, these Justices, and the judges in the Federal judiciary system that have a year-round responsibility. I would like to see them all stay on the job for 12 or 11 months. I would hope that the work of the courts could be handled more expeditiously. It is work of the highest importance in our society; work that is vital to the strength of all of our institutions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILIES OF POW'S NEED HELP, REASSURANCE, AND COMFORTING

Mr. DOLE. Mr. President, the very serious and heart-rending problem of over 1,500 Americans now being held prisoner by the North Vietnamese has two basic facets to it. The first, and by far the most pressing area of concern is for the men themselves. But there is also the concern we must feel for the wives and families of these men.

These brave and dedicated women are under enormous strain at all times. A great part of this strain lies in the fact that they do not know what has happened to their husbands or sons.

All of us who have been in the Armed Forces ourselves or who have had close friends and relatives in the military understand this business of worrying because we have not heard from our men. There is always that gnawing fear that something has happened to them.

Then, maybe after weeks or months of this kind of strain, we get news, perhaps a letter, or a news dispatch, and the strain eases.

But for these women there is no such lessening of the tension under which they must live and work and hope. There just is no news at all. And for some of them it has not been weeks or months but in some cases up to 6 years since they have heard.

These wives and mothers live with the hope that their husbands are indeed being held prisoner and that they are well. But they actually cannot be sure.

In this the Communists of North Vietnam have shown the most reprehensible disregard for all human decency and humane treatment. Under the Geneva Agreements dealing with prisoners of war, the captors are required to notify the government of the men they have captured and permit at least limited communications between the men and their families.

The North Vietnamese have neither notified the United States Government of the names of the men they hold, nor have they allowed letters to be exchanged between the men and their families.

They have, however, suggested that families might be able to learn more about their loved ones if they took an active role in opposition to our Government's policy in Vietnam.

Although our Government is doing all possible to bring an end to this uncertainty, many of the women are increasingly worried that their situation is being ignored or overlooked.

As individuals we cannot force the Communists to change their pattern of violating the international code of humanity as it pertains to war prisoners. But as individuals we can do much to comfort and to reassure the families of over 1,500 men that they have not been consigned to oblivion but that their plight and their problems are still very much on our minds.

Our first consideration must be for the men themselves and we must, as a Nation, do what we can to ease their lot and return them to their homes. But our second consideration must be for the families of these men.

We must help where and how we can. We must never let them think that theirs is a hopeless cause or that their years of suffering have gone unnoticed.

And this cannot be a once-in-a-while kind of thing. It must be our daily preoccupation, our day-by-day concern.

Therefore, I wish to commend the senior Senator from California (Mr. MURPHY) for his effort to have some Member of this body, either a Republican or a Democratic Member, speak about the prisoners of war and Americans missing in action in Southeast Asia. It is an excellent idea. It at least calls to the attention of the American people, on a daily basis, that there is concern in this body and there is concern across the country and that we will, if at all possible, do everything we can to make certain that those men are treated in accord with the Geneva Conventions of 1949.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask the acting minority leader to yield me not more than 7 minutes.

Mr. GRIFFIN. Mr. President, I am happy to do so.

STUDENT DIALOG WELCOMED

Mr. TALMADGE. Mr. President, last weekend, the Nation's Capital was visited by tens of thousands of students to express their feelings about the war in Vietnam and the expansion of the conflict into Cambodia.

They visited their Senators and Congressmen. Many Georgia students came by my office. I regret very much that because of a longstanding commitment in Georgia I was not here to see all of them. I saw some of them and my staff others. I did carefully study accounts of their visits in the daily press, and I was fully briefed by members of my staff who met with these young men and women.

I believe these young people made a tremendous impression on Capitol Hill last Thursday, Friday, and Saturday morning. A dialog was established. Viewpoints were exchanged. We could not always agree with them, nor they with us.

But, most important, there was the give and take of discussion in reasonable terms, and in voices calm enough to be heard and understood. I for one am glad these students came to Capitol Hill. If the ones who came by my office are an

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example, they did both their cause and their fellow students throughout the Nation a great service. They did us in Congress a service.

I know that many of us, because of our position and generation, are accused of not listening. I might say that in the controversy of the past few years, this is the first time that students have come to my office and asked me to listen. As I say, I am glad they did.

From all the information that I am able to gather, here was an expression of genuine concern:

Concern about a war in Southeast Asia that has dragged on and on for more than 6 years.

Concern about enlarging the scope of the war in Cambodia.

Concern about the fact that they really have been given nothing concrete to indicate, either through Congress or the administration, that there is an end in sight.

I am not talking about the college radicals, militants, or revolutionists who speak with a voice of violence. I am thinking of the millions of American college students and other young people all across the land who I believe were represented by most of the thousands who visited Capitol Hill last week. They stand as an overwhelming majority of the American youth. Their trip to Washington indicated to me that they were interested in speaking and being heard, and that they disdain throwing bombs and setting fires as much as all of us.

Consider how it is that their concern is so intense. Here are 19- and 20-year-old people, who were only 13 or 14 when the United States first started fighting in Vietnam. They have attentively followed progress, or the lack of progress—of the war over the years. They have seen 50,000 Americans lose their lives, and some 275,000 wounded. They have been inundated by promises and pledges, but yet the war goes on.

Now, they are of the age that their Government may well ask them to go halfway around the world and lay down their own lives in a war that they believe should have been brought to a conclusion a long time ago.

I can understand that concern. I, too, believe the war should have been brought to a conclusion a long time ago. I also want the U.S. Government to conclude the war and bring the troops home at the earliest possible moment.

For years, these young people have watched American soldiers sent to fight and die with virtually one hand tied behind them. On the basis of past performance, I can understand their outrage about the prospect of enlarging the boundaries of the war—whatever reasons that may have been given. Not even the Congress of the United States or the Senate was adequately briefed or consulted on the move into Cambodia.

This goes to the point of one of the principal complaints raised by some of the students who visited my office. They asked how they could have confidence in the President's decision on Cambodia, when the President did not appear to have enough confidence in the people to discuss his plans with Members of Congress—who after all are representatives of the people.

They question the President's decision to put American troops on a foreign battlefield in an undeclared war in the absence of congressional consultation and involvement. They ask how it began, and when will it end?

This Senate has questioned such action as well. Last year the Senate adopted Senate Resolution 85, which I supported, expressing the sense of the Senate that the President—not just our present Chief Executive, but any other—not have such a free and easy hand to commit American combat soldiers.

I also can share and understand this concern of the Nation's young people, and I believe an overwhelming majority of our citizens do too.

In sum, I want to congratulate these young people who took the time to make their feelings known on Capitol Hill. This is where decisions have to be made, and not in the streets.

We are willing to listen to young people, and we share their hope for an end to the fighting and killing in Southeast Asia. I hope that they will continue their mission of making their voices heard and their feelings known in peaceful ways. I would be less than candid if I did not say that I also hope they will not speak so loudly as to hear no one's voice but their own.

I, for one, welcome dialog such as that of last weekend, not just about the war in Southeast Asia, but also about any other of the multitude of problems that presently plague American society.

Mr. President, I thank the distinguished acting minority leader for yielding, and I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **HRUSKA**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE STRIKE FORCE

Mr. **HRUSKA**. Mr. President, in the May 1970, issue of the American Bar Association Journal an excellent article appeared entitled, "The Strike Force." This article was written by Thomas J. McKeon, a former Department of Justice attorney, who, while with the Department, was in charge of the Detroit "strike force."

The "strike force" is an organized crime fighting concept utilized by Attorney General John Mitchell and the Department of Justice. It resulted from the years of frustration facing the law enforcement community in its battle against the Mafia and organized crime. Much effort has gone into this fight and little by way of accomplishment has been realized. The Mafia families are as active as ever. But Mr. Mitchell has done more than lament about it. He has taken a major step toward eliminating this threat.

The Department has established "strike forces" or field offices in the major organized crime centers around the Nation. These groups pull together representatives of all Federal law enforcement agencies as well as certain State agencies. Working under the direction of Department of Justice Organized Crime Section attorneys, they coordinate their resources on the cancerous growth we call organized crime.

Thomas J. McKeon now is in private practice in Washington, D.C., but during 1968 and 1969 he was a special assistant in charge of the Attorney General's strike force in Detroit. He was graduated from Fordham University—B.S. 1950—and Georgetown—J.D. 1958. He has served private industry and the Government, in addition to the Department of Justice.

In this article, Mr. McKeon explains how the strike forces operate and why we can hold out a great deal of hope that they will prove a success. Mr. President, I ask unanimous consent that this fine article be printed at this point in the Record.

There being no objection the article was ordered to be printed in the Record, as follows:

The Strike Force

(By Thomas J. McKeon)

(The investigation and prosecution of organized crime is complex and difficult. To meet the challenge, the Federal Government has organized "strike forces", units that bring together and co-ordinate the skills and activities of many agencies. Last year the first fully operational strike force in Detroit obtained its first convictions.)

John N. Mitchell, the Attorney General of the United States, characterizes the current government operation to combat organized crime as "federal racketeering field offices". His predecessor, Ramsey Clark, called them "strike forces". Whatever the name, how do these entities operate and what are the methods being used in the attempt to combat organized crime?

Much has been written about the problem of organized crime as a result of several Congressional investigations and an exhaustive Presidential commission study.[1] The massive organized crime problem is well documented in the reports of these forums and will not be restated here. This article is directed principally to members of the Bar, who should be aware of the concept of a strike force and know where to turn should a client relate a problem with organized crime symptoms.[2] In addition, as an integral part of the leadership cadre in a community, attorneys must act to catalyze their state legislators and elected officials, their newspapers, their chambers of commerce and the public at large to informed and meaningful action to combat organized crime. Without community awareness and local action, this cancer of crime will continue to thrive. What follows is a brief description of the strike force concept.

After a pilot project in Buffalo, which began in December, 1966, the first full-fledged strike force became operational in Detroit in February of 1968. Simply stated, a "strike force" is an integrated investigation and prosecution program with collocated attorneys and investigators. A strike force emphasizes the pooling of criminal intelligence data among investigative agencies and stresses the vigorous prosecution of indictments returned by a specially empaneled federal grand jury.

Footnotes at end of article.

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The Detroit strike force has full-time representatives from eight federal investigative agencies and three state agencies in addition to a Royal Canadian Mounted Police representative. There also are attorneys from the United States Department of Justice. In all, there are eighteen professionals. Although the Federal Bureau of Investigation does not have a full-time representative, its investigative reports provide approximately 75 per cent of the total intelligence available to the strike force regarding organized crime activities. Co-ordination and co-operation with United States attorneys and with state and local law enforcement officials and prosecutors are stressed.

The strike force program begins with an orientation phase with four principal goals. They are (1) the identification of the target groups to be investigated, (2) the indoctrination of the agents and attorneys as to the various statutes available for criminal prosecution, (3) the assessment of methods for developing and exploring heretofore unexploited sources of information and (4) the development of an initial integrated investigative plan and prosecution program.

To define what constitutes "organized crime" is an elusive task. However, a sharp focus has to be drawn at least as to the target groups. The target groups are:

(1) Members of La Cosa Nostra (LCN), who are considered the bull's-eye of an imaginary target.

(2) Criminal associates of LCN members, regardless of their national origin, who are in the concentric circle nearest to the bull's-eye. "White collar" associates of LCN members are also included in this group. Illustrative of this group would be officers or employees of financial institutions, insurance companies and stock brokerage firms.

(3) Labor union officers and management officials doing business with LCN members or their criminal associates are included in the third concentric circle. They are individuals who violate the law in repressing the legitimate rights of their union members or who weaken the free enterprise system by not dealing at arm's length with each other. The LCN has members and associates who have extensive "legitimate" business interests[3] or hold offices in various labor unions.

(4) The area of public corruption is the last of the four target groups. The corrupted public official in whatever position he holds is the central figure of this group. It is axiomatic that organized crime cannot exist without official corruption. In addition to the corrupt, this target group also encompasses the corruptors. Illustrative would be lawyers, accountants or other individuals who attempt to corrupt judges, prosecutors, police officers and other public officials on behalf of organized crime clients.

Prior to the indoctrination of the strike force representatives, it was recognized that statutory authority for investigative jurisdiction had been fragmented by the United States Congress. While extremely knowledgeable about their own agency's area of investigative jurisdiction and techniques, agents usually have only a superficial knowledge of the statutes under which other agencies operate. So, in a sense a part of the indoctrination consists of the removal of jurisdictional blinders through a thorough discussion of all pertinent criminal statutes. Federal grand jury procedures, applicable immunity statutes, contempt problems, the development of evidence for trial and the effect and ramifications of recent Supreme Court decisions are additional topics discussed during the orientation.

CREATIVE APPLICATION OF STATUTES A MUST

Emphasis is placed on innovation and creativity in the application of the statutes to factual circumstances. The representatives are admonished not to be satisfied with the standard approach of "business as usual", which may result in mediocrity. Total commitment and all-out effort are the goals.

Before the strike force reviews available information regarding individuals or entities in the four target groups, the files are stripped of any data which originated through electronic surveillance devices.[4] A reading of investigative or criminal intelligence reports made it apparent that confidential informants were being questioned primarily about violations of concern only to the so-called handling agency. Information concerning the jurisdiction of another federal agency was not being fully exploited, if at all, or else the data were treated as being of secondary interest to the handling agency. We theorized that if a confidential informant was knowledgeable about one type of criminal activity, he should be questioned exhaustively as to all areas of his knowledge of criminal activity. This should be done regardless of the investigative jurisdiction of the particular agency involved.

This theory was translated into an "informant debriefing program". A seven-page checklist was developed to suggest questions to be asked of each informant regarding his knowledge of various types of criminality. The results of such an approach in actual practice are indeed startling. As an extension of this theory, a "jail interview program" of interviewing knowledgeable felons also was initiated. Interviewing felons is not a new technique. However, the systematic and exhaustive identification of knowledgeable felons and their subsequent planned interview by prepared investigators are novel.

An intensive effort to develop additional sources of information is also encouraged. A successful strike force is predicated on the development of a dual cycle of incoming information. One type of information relates to the general activity of organized crime figures and may be accurately termed "criminal intelligence". In the main, this is provided by long-term confidential informants who are unavailable as witnesses.

INVESTIGATIVE ACUMEN NO SUBSTITUTE FOR WITNESSES

Emphasis is given to the development of a second type of source, which may be characterized as the "testifying witness". Witnesses in trials involving organized crime figures are scarce and are subject to many real and, in some instances, imagined fears. The traditional witness protection detail as well as the subsequent geographical relocation of a vital witness and his family are humane incentives in motivating a potential witness to testify. Organized crime figures will not be prosecuted successfully without co-operating witnesses, regardless of the acumen of the investigating agencies. The placing or the reassignment of undercover agents has to be effected. These undercover agents are government employees and are available as testifying witnesses without the limitations of the two types of sources discussed above.

After the orientation phase, strike force representatives work with their own agency on the local level and develop an initial investigative program. The individual programs are integrated into the strike force program in order to minimize overlapping and duplicating investigative activity. Contrary to popular belief, the personnel and financial resources of the Federal Government are limited and sometimes nonexistent. The agency representative is charged with communicating to the strike force the status and progress of investigations being conducted by his agency. He is also the principal communication link to his own agency regarding intelligence data being developed by other participating agencies. These data may be useful in current investigations or for initiating new investigations by his agency. Meaningful communications and mutual trust are the dual keys to a successful effort.

Department of Justice attorneys are assigned to work with designated strike force representatives and their local agencies. The dialogue must be full and complete. The attorneys are instructed to be energetic and prosecution oriented and not to listen passively to a recitation of the facts for background or intelligence purposes. The attorney's initial responsibility is to glean from the plethora of incoming facts what statute is being violated or what statute may be utilized for prosecution. Every criminal statute has a variety of elements that must be proved to sustain a conviction. The elements of the statute that are or may be involved are discussed with the agent by the attorney, who indicates what elements have been proved, what components have to be strengthened and what original investigation has to be undertaken to complete the proofs. This type of purposeful dialogue decreases the time lapse between the initiation of an investigation, the further inquiry by a federal grand jury and the subsequent indictment.

A twenty-three member special federal grand jury was empaneled in Detroit through the co-operation of the chief judge and the entire bench of the district court to sit for an eighteen-month period. Regular federal grand juries usually sit for six consecutive months, and then a new grand jury is empaneled. Organized crime investigations usually are complex, and an investigation exceeding six months is more the rule than the exception. Therefore, the prospective special grand jurors were put on notice by the chief judge that they would sit for the full eighteen-month period.

Over this period and prior to their discharge on September 3, 1969, the grand jury returned forty-nine indictments charging a total of 101 defendants with various federal violations. The indictments ranged from income tax evasion, perjury, counterfeiting, interstate and international gambling, and conspiracy to the smuggling of narcotics and jewels, thefts from interstate commerce, illegal importation of aliens, embezzlement, extortionate loan sharking, sale, possession and illegal transportation of firearms, false ownership of bars, conspiracy to transport obscene matters in foreign commerce and the deprivation of the rights of union members by the use of force and violence. The grand jurors sat biweekly in one- to four-day sessions and subpoenaed documents and heard testimony from hundreds of witnesses.

Upon the return of an indictment by the special grand jury, arrest warrants were issued. Multiple federal agency representatives, including local enforcement officers, usually comprised the arresting team. A picture of unity of purpose and action by both federal and local enforcement officers is not only desirable but necessary.

After arraignment and bail, the cases were set for trial. Mindful of crowded court dockets, a separate trial calendar was established by the federal district court in order to afford these defendants a speedy trial. As of November 1, 1969, twenty-two convictions had been secured.

A new special federal grand jury has been empaneled, and the effort continues. But much remains to be done within and without government. The Federal Government has organized additional strike forces in Boston, Buffalo, Chicago, Miami, New York, Newark, Philadelphia, Brooklyn, Cleveland, Los Angeles and St. Louis. Attorney General Mitchell has stated that a total of twenty is planned. President Nixon has asked the Congress for $50 million to intensify this nationwide campaign.

However, the most crucial part of the effort against organized crime cannot be accomplished by prosecutors and investigators alone. Success in this effort requires the development of a will on the part of the community to eradicate this malignancy. What motivated individuals or communities to take preventive action without personally contracting such ills as poliomyelitis or developing emphysema? Interested individuals with leadership ability recognized the inherent dangers to health and initiated affirmative educational and action programs. Similar action programs on the state and city levels to motivate the various components of our society to combat organized crime are necessary.

FOOTNOTES

[1] Since 1951 several committees have held hearings, and the committees have taken the names of their chairmen—Kefauver, McClellan, Poff and Pepper. See, for a description of organized crime, President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Organized Crime (1967).

[2] The Chamber of Commerce of the United States has published a deskbook on organized crime, which is available from local chambers of commerce. Page 64 states, "As a general rule, the most effective procedure is to let the prosecuting authority decide what, if any, police or investigative units are necessary." Symptoms might be a bankruptcy fraud, loan sharking, labor racketeering, gambling, coercive competitive practices, business takeovers and illegal uses of stocks, bonds and credit cards.

[3] The Chamber of Commerce deskbook gives a partial list of eighty-seven businesses and industries in which organized crime has been active. The following examples from the list reflect a diversity to which most conglomerates might aspire: advertising, banking, chemicals, drugs, insurance, manufacturing, oil and gas leases, public relations, real estate, shopping centers.

[4] President Johnson on June 30, 1965, ordered all executive departments to cease electronic surveillance activities, except in national security matters. Wiretaps now are authorized under 18 U.S.C. §§ 2510–2520, enacted in 1968. The Attorney General personally reviews each application, which must meet the probable cause requirements of *Spinelli* v. *United States*, 393 U.S. 410 (1969), and a federal district judge must review and issue an authorizing order.

ORDER OF BUSINESS

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPREME COURT OF THE UNITED STATES

The Senate, in executive session, continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. HARRIS. Mr. President, on May 4, the Senate Judiciary Committee by a unanimous vote of 17 to 0 recommended approval of the nomination of Judge Harry A. Blackmun for membership on the U.S. Supreme Court.

From every indication Judge Blackmun appears to meet high standards of judicial competence, temperament, and personal integrity. It is important to note that during several days of hearings no one requested to appear before the Judiciary Committee to testify in opposition to this nomination. It is also significant that Judge Blackmun is a "strict constructionist" in the opinion of President Nixon.

His judicial opinions are well written and scholarly, and they show an awareness of the broad social problems of our day and a perception of current trends in the law. The American Bar Association found that, as a judge, he considered and weighed in a fair manner all arguments presented to him. The ABA further stated that:

> Judge Blackmun was interviewed and impressed us as a judge who is sincere, frank, understanding and cooperative, one who conscientiously and with open-mind weighs every reasonable argument with careful knowledge of the record, the arguments, and the law.

Judge Blackmun's qualifications to be an Associate Justice of the Supreme Court are evidenced by his broad general experience in law and business, 11 years service on the Eighth Circuit Court of Appeals, 8 years experience as a professor of law, and 16 years of work as a practicing attorney. Judge Blackmun has the unanimous support of his colleagues on the eighth circuit, as well as that of a former chief judge of that circuit. He also has the backing of judges, lawyers, and law-school deans in the eighth circuit and throughout the country.

Judge Blackmun's financial holdings have been fully disclosed and adequately explained; they show no apparent conflicts of interest. His testimony before the committee was given with great care and full candor.

The Supreme Court serves as the court of final appeals in our judicial system. Individuals appointed to the Court are appointed for life. Consequently, they should measure up to high standards of moral, ethical, and judicial integrity if public trust and confidence are to be promoted and preserved. On the record, the nomination before us meets such standards. Accordingly, I believe the Senate should advise and consent to the nomination of Judge Harry A. Blackmun to be an Associate Justice of the U.S. Supreme Court.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent to proceed as in legislative session, to discuss an amendment to the so-called Church-Cooper amendment.

The PRESIDING OFFICER (Mr. Gravel). Without objection, it is so ordered.

AMENDMENT TO THE FOREIGN MILITARY SALES ACT

AMENDMENT NO. 622

Mr. DOLE. Mr. President, I send to the desk an amendment to the Foreign Military Sales Act (H.R. 15628). I ask unanimous consent that it be printed and ordered to lie on the table. I also ask unanimous consent that the text of the amendment be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed and, without objection, the amendment will lie on the table and will be printed in the Record, as requested by the Senator from Kansas.

(See exhibit 1.)

Mr. DOLE. I may offer this amendment as a substitute for the language of the amendment submitted yesterday by the distinguished Senator from Kentucky (Mr. Cooper), the distinguished Senator from Idaho (Mr. Church), and others, because I feel it would more fully accomplish the aims than that amendment.

Let me point out that I share the concern of the Senator from Kentucky and the Senator from Idaho. They have long distinguished themselves and this body by their sincere dedication to the wise direction of this country's foreign policy. Like them, I, too, have had some misgivings over the recent turn of events in Indochina and am not fully convinced the use of American troops within Cambodia was necessary to protect present U.S. troop positions in Vietnam or to secure the Vietnamization process.

However, I have great faith in President Nixon—in his wisdom, his courage, and his desire to do everything in his power to protect American troops while pursuing their withdrawal at the fastest possible rate.

The Cooper-Church amendment expresses a legitimate congressional concern that the conflict in Vietnam not be broadened or expanded into the surrounding nations and kingdoms. The distinguished Senator from Kentucky said as much in his statement on May 7.

However, I am concerned there be no limitation on the President's power to protect U.S. military forces.

I have therefore chosen language which does clearly state Congress' intention that the war not be expanded and at the same time avoids any possible interpretation which would lead any foreign or domestic party to think the President's power to protect our men has been hamstrung in any fashion.

I am highly concerned that the conflict in Indochina not be broadened or expanded. I am more concerned, however, that nothing can be done to jeopardize the safety of our forces or the President's power to protect them.

This amendment would accomplish the purpose of expressing congressional sentiment. It would also clarify some questions which the Cooper-Church proposal does not fully resolve.

Mr. President, briefly, the amendment would provide, by amending the Foreign Military Sales Act, as follows:

> In line with the expressed intention of the President of the United States, no funds authorized or appropriated pursuant to this Act or any other law shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that the introduction of

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such troops is required, as determined by the President and report promptly to the Congress to protect the lives of American troops remaining within South Vietnam.

Mr. President, I ask and urge the support of my colleagues for this amendment to insure the utmost safety and security for our troops in Vietnam.

Exhibit 1

Amendment No. 622.

Strike out section 7 and insert in lieu thereof the following:

Sec. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

"Sec. 47. Prohibiting Use of American Ground Combat Troops in Laos, Thailand, and Cambodia.—In line with the expressed intention of the President of the United States, no funds authorized or appropriated pursuant to this Act or any other law shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that the introduction of such troops is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR THURMOND

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the vote on Judge Blackmun, the distinguished senior Senator from South Carolina (Mr. Thurmond) be recognized for not to exceed 1 hour and a half.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and, at 12:05 p.m., the Senate recessed, subject to the call of the Chair.

At 1 o'clock and 55 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. Talmadge).

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

Mr. HOLLINGS. Mr. President, at this time, I would like to have printed in the Record, from the record of the Committee on the Judiciary in connection with the nomination of Judge Harry A. Blackmun to be a member of the Supreme Court, substantially those cases filed by the Justice Department on pages 15 and 16, and that portion with reference to the canons on page 16. I ask unanimous consent to have those excerpts printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

In the light of the extended debate over the confirmation of Judge Haynsworth, Judge Blackmun requested the advice of the Department, and requested the Department to call to the attention of the Judiciary Committee, the following specific situations.

Stock in Ford Motor Co. & American Tel. & Tel. In October, 1957, prior to assuming the bench, Judge Blackmun purchased fifty shares of stock in Ford Motor Company, at a total purchase price slightly in excess of $2,500. Approximately six months after becoming a circuit Judge, he participated in the decision of the case of *Hanson* v. *Ford Motor Company*, 278 F.2d 586 (1960). Prior to doing so, Judge Blackmun recalls discussing the matter with then Chief Judge Johnsen of the Court of Appeals for the Eighth Circuit, and concluding that his interest in the case was *de minimis* and that he should not disqualify himself. He wrote the opinion of the Court of Appeals, directing the district court to reinstate a jury verdict in the amount of $24,500 which had been rendered against the Ford Motor Company, but which the district court had set aside.

Four years later Judge Blackmun was a member of a panel of the Court of Appeals which heard and decided the case of *Kotula* v. *Ford Motor Company*, 338 F. 2d 732. In that case, Judge Matthes wrote the opinion of the court, upholding a judgment of the district court which had set aside a jury verdict of $12,500 in favor of the plaintiff.

In January, 1970, Judge Blackmun received notice of his assignment to a case in which a wholly owned subsidiary of Ford Motor Company, Gateway Ford Truck Sales, was a party. In view of the national attention that had focused on the issue of disqualification as a result of the debates over the confirmation of Judge Haynsworth, Judge Blackmun advised Chief Judge Van Oosterhout that he regarded himself as disqualified, and the case was assigned by the Chief Judge to another panel. *Bridgeman* v. *Gateway Ford Truck Sales*, Docket No. 19,749 (Feb. 4, 1970).

During 1963 and 1964, Judge Blackmun acquired 22 shares of American Telephone and Telegraph Company stock, at a total cost of approximately $1,350. In 1967, he participated in the decision by the Court of Appeals of *Mahoney* v. *Northwestern Bell Telephone Company*, 377 F. 2d 549 (1967). In that case, the Court of Appeals in a brief *per curiam* opinion upheld the judgment of the court below which dismissed the plaintiff's complaint for lack of diversity jurisdiction as required by statute. The plaintiff had prayed for $35,000 damages, alleging that he was a citizen of Nebraska and that the defendant Northwestern Bell Telephone Company was, for jurisdictional purposes, an Iowa corporation. The Court of Appeals upheld the district judge's ruling that the defendant was a Nebraska corporation, and therefore both the plaintiff and the defendant were citizens and residents of the same state.

The statute governing disqualification for federal judges is 28 U.S.C. 455, which provides in pertinent part as follows: "Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest. . . ."

The Department of Justice has advised Judge Blackmun that in its opinion he did not have in any of these three cases such a "substantial interest" as would require him to disqualify himself. By any quantitative standards, Judge Blackmun's interest in the two *Ford* cases can only be described as microscopic. In 1960, he owned fifty shares out of more than 16,000,000 issued and outstanding. In 1964, he owned 100 out of more than 52,000,000 shares issued and outstanding common stock. The $24,500 jury award involved in *Hanson* is likewise but a tiny fraction of Ford's 1960 net income of approximately $427,000,000, and the $12,500 award involved in *Kotula* is an even tinier fraction of Ford's 1964 net income of approximately $505,000,000.

Judge Blackmun's holding of 22 shares of American Telephone and Telegraph Company stock in 1967 must be related to the nearly 540,000,000 shares outstanding in 1967. The $35,000 prayed for by the plaintiff in *Mahoney* is an infinitesimal portion of American Telephone and Telegraph Company's 1967 net income of approximately one and one-half billion dollars.

In short, if the word "substantial" in 28 U.S.C. 455 is to be given any meaning at all, Judge Blackmun was not required to disqualify himself in any of these three cases.

* * * * * *

Canon 29, American Bar Association Canons of Judicial Ethics, provides that "a Judge should abstain from performing or taking part in any judicial act in which his personal interests are involved." The term "personal interests" is not defined, though Formal Opinion No. 170 states that a judge who is a stockholder in a corporation which is a party to litigation pending in his court should not perform any judicial function with respect to that law suit which involves an exercise of discretion.

The relationship between the federal statute pertaining to disqualification, 28 U.S.C. 455, and Canon 29 is far from clear. Different language is used in each, and the absence of the adjective "substantial" in the Canon suggests that it may impose a stricter test than the statute. However, in the light of the extremely small amount, both absolutely and proportionally, of Judge Blackmun's holdings in the corporations involved, this would appear to be an appropriate case for the application of the rule of *"de minimis non curat law"* in interpreting Canon 29 and Formal Opinion 170. The *de minimis* principle in no way impairs the safeguarding of both the fact and appearance of impartiality which the Canon rightfully demands of our judges, and yet it permits a common-sense application of the rule where a judge's interest is genuinely insignificant. The underlying question under the Canons is whether Judge Blackmun either acted with partiality or created an appearance of partiality in the above-entitled cases. In the opinion of the Department, he did neither.

Mr. HOLLINGS. Mr. President, I think it is significant in considering this particular nomination, for which I intend to vote, that it brings into issue the same four issues that confronted Judge Clement F. Haynsworth, Jr., in his nomination to be a member of the Supreme Court. The fact is that the Blackmun-Haynsworth parallel is almost word for word, case for case, former clients, interests, and even cases involving the holding of a stock interest.

Significantly, they emphasize further the 3M case—the Minnesota Mining & Manufacturing Co. in which Judge Blackmun had an interest at the time of a ruling—which parallels in large measure the famous Brunswick case involved in the Haynsworth nomination. It will be remembered, Mr. President, that in the Brunswick case, Judge Haynsworth did not hold the stock at the time of the arguments before him or when the decision was made. He purchased the stock thereafter, and at the time a motion for rehearing was considered, he did hold the stock. The very same is true in the 3M case. Of course, the difference is that the opinion was filed, but the fundamental is still there: "Do you now hold the stock?"

As they said, the amount made no difference. No one ever doubted the honesty of Judge Haynsworth. They all asked him to remain as Chief Judge of the fourth circuit, where he now continues to serve with distinction. But the point was the "appearance of impropriety."

Mr. President, I insert these cases in the record to emphasize the double standard employed by my colleagues in the Senate as a body, apparently, on whether or not a judge is from South Carolina or from Minnesota. Apparently, if one is from South Carolina, the standards or qualifications by way of ethics, former client, and interest—substantial or not—are higher than would be required of a Minnesota judge.

I believe—as they all concluded in the Haynsworth case—that Judge Haynsworth adhered to the law, and I believe that Judge Blackmun adhered to the law. The interests were inconsequential. The law says "substantial." However, in the Haynsworth case, my colleagues, consisting of a jury, found otherwise. I am willing to abide by their finding.

In accordance, I had introduced a bill (S. 2994) which provided that any interest or real estate holding whatever by a judge would be disqualification, so there would not be that gray area of judges judging judges or judges judging themselves, as in the case of Judge Haynsworth as the chief judge; but, rather, having it clear for the practicing public and society as a whole.

Obviously, they do not mind, so long as they got rid of Judge Haynsworth. The bill has not been set for a hearing, and no one seemed to concern himself with it in the Judiciary Committee; and overtly now, with the Blackmun nomination that they are presently considering, the entire record is very interesting. I am sure that historians will go back and analyze the fact that they talk about whether it is a "regular client" rather than just a "client" and this "insignificant financial interest"; that is the way they ask the questions—that insignificant interest, no consequence, and if it was of any consequence, "it was an adverse consequence."

We had that same point in the Haynsworth matter, but they said that was not the point; that I did not seem, somehow, to understand that the Court itself was in disrepute in America. The confidence in the U.S. Supreme Court itself had been shaken in this critical time in history. The mere appearance of impropriety, in and of itself, was sufficient to vote against the judge. I took the opposite position, which I shall adhere to in the Blackmun appointment. I shall vote for his confirmation. But I wanted to put this in the record prior to the vote, to see how much the appearance of impropriety will be reflected in the votes of my colleagues.

Mr. HOLLAND. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. HOLLAND. I am very happy that the Senator from South Carolina has placed in the record of this debate that portion of the report of the Justice Department in the matter of the nomination and confirmation of Judge Blackmun who, I hope, will be unanimously approved by the Senate. I certainly expect to vote for him, just as I voted for Judge Haynsworth at the earlier time.

I think it is probably appropriate, if I may, to quote again out of that part of the hearing record of the letter of the Justice Department in this case, three lines which, I think, summarize the whole question. They are the last three lines in the quoted part of the letter from the Department of Justice.

Here they are:

> The underlying question under the canons is whether Judge Blackmun either acted with partiality or created an appearance of partiality in the above-entitled cases. In the opinion of the department, he did neither.

Mr. President, that is exactly what the Department felt was the case in the matter of the nomination of Judge Haynsworth. Like my friend from South Carolina, I regret the fact that some of our distinguished colleagues have followed a double standard in these two cases. I think that just a casual examination of the Haynsworth case will show that enough Senators followed that particular, misleading course to have made the difference between confirmation and nonconfirmation of Judge Haynsworth.

I think that the RECORD should clearly show the situation which will permit any casual reader of the RECORD to go back to the debates of the Haynsworth case and see for himself that various Senators did raise the ethical case on practically identical situations of fact relating to the record of Judge Haynsworth as a judge, which are now clearly here, in the case of Judge Blackmun as a judge, and are held by the Department of Justice. If this be inapplicable to the question of his fitness for the high office of membership to the Supreme Court, I think they well state the real question when they say, and I quote again:

> The underlying question under the canons is whether Judge Blackmun either acted with partiality or created an appearance of partiality in the above-entitled cases. In the opinion of the department, he did neither.

Mr. President, the whole situation is this: It is not in the fact that a judge sits upon a case in which he may have a minor interest that the Senate should be interested, that the public should be interested, or that the Department of Justice was interested, but it is in the question of determining whether impartiality, a clear willingness to apply the rules of justice to the case, was shown by the judge who was acting.

I think that is the test.

I am glad that my distinguished friend from South Carolina has placed this matter in the RECORD at this time.

Mr. HOLLINGS. I thank my distinguished colleague from Florida.

The PRESIDING OFFICER (Mr. TALMADGE). Who yields time?

Mr. MANSFIELD. Mr. President, I yield control of time to the Senator from South Carolina (Mr. HOLLINGS).

Mr. COOK. Mr. President, will the Senator from South Carolina yield to me?

Mr. HOLLINGS. I am happy to yield 1 minute to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 minute.

Mr. COOK. Mr. President, I want to associate myself with the remarks of the distinguished Senator from South Carolina, and merely say that it has been a privilege for our office to prepare an analysis of standards as they apply to these two nominations. It will be our privilege to put them in the RECORD at a later date.

I, too, voted for the confirmation of Judge Haynsworth, and I shall vote today for the confirmation of Judge Blackmun.

I might say it is very interesting to note that in the instant case the stock holdings, or the direct stock holdings in the case of Judge Haynsworth, the stock holdings were holdings in subsidiary companies other than the companies on which the judge was sitting, except for the Brunswick matter.

As you will recall, Mr. President, the purchase of the Brunswick stock was made after the court had held its hearing, after the court had rendered its decision, and after the court was in the process of correcting its opinion, and merely lacked that short period of time upon which a motion for a rehearing could have been made.

I want that to go in the RECORD, because I think there is a distinction between the two. One is by way of standards and one of more severity in the case at point, rather than in the nomination of Judge Haynsworth.

Mr. President, I shall not consume the remainder of my time, but would like again to associate myself with the remarks of the Senator from South Carolina and say to him that I would hope this Senator will be able to put it more in perspective at a later date.

Mr. HOLLINGS. Mr. President, I yield myself a couple of minutes, unless someone else wishes to speak at this moment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I appreciate the observations made by the distinguished Senator from Kentucky relative to the nature of the case, if we would only take one little reference, for example, to the 3M case of Judge Black-

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mun and parallel it to the Brunswick case of Judge Haynsworth.

Everyone hates to be a loser. Everyone hates, more than that, to observe a poor loser. I do not rise as having lost the appointment. However, it was a personal loss that I felt.

I make these comments only to try somewhat to restrict the Senate as a body in being the loser with reference to its well-known reputation as the most deliberative parliamentary body in the entire history of free governments.

The fact is, this type of incident practically rocked the Capitol and ruined everything when it occurred under Judge Haynsworth but is just a little bitty thing here with Judge Blackmun.

Mr. President, on page 46 of the hearing record Judge Blackmun states:

> The opinion was filed on December 1, 1960. I acquired my stock in 3M on December 28th. What happened was that a petition for rehearing was filed by 3M which was the losing party. I cannot give you the exact date because it was filed after the 10 days which I am sure was the period then allowed by our rules. Our clerk automatically grants extensions of time. It came in sometime in January.

I interrupt there to say that he bought his stock December 28, but the motion came up sometime in January.

Continuing reading:

> We promptly denied it and adhered to our decision adverse to 3M. So, if there is any possible consequence to me as an individual in this very small holding—notice, he says a "very small holding"—it was an adverse consequence.

Well, the fact is that Judge Winter came up before the Haynsworth case to explain the Brunswick case and said that Judge Haynsworth did not have a part even though his name was there with the decision, because they automatically took this particular action on this motion.

But there was all this chaos, that the world was going to end even though it was admitted that Judge Haynsworth was distinguished, erudite, and capable.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. HOLLINGS. Mr. President, I yield myself 2 minutes, unless someone else wishes to be recognized.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. HOLLINGS. I believe, Mr. President, that this marks with great clarity the existence of a double standard, a double standard which is, I am afraid, about to be applied, if I follow the newspapers and editorials correctly.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield 1 minute to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. Mr. President, I voted for the confirmation of Judge Haynsworth. If that nomination were before the Senate today, I would glady vote for his confirmation again.

I completely reject the right to hold any man responsible retroactively for any standard of conduct concerning which no one could have any knowledge at the time that it would be wrong.

I did not intend to hold it against Judge Blackmun. I did not hold it against Judge Haynsworth. In this case, I certainly do not intend to vote against Judge Blackmun.

I would quite agree with the Senator from South Carolina in feeling that Judge Haynsworth was not treated quite right.

This case more or less illustrates the problem in which no one could know in advance if one could accuse him of being guilty of any kind of misconduct in doing what Judge Haynsworth was accused of doing. I have been told that even the present Chief Justice has informally told certain people that he has some doubts that the Senate would have confirmed him if it had tried him on the same basis as it did Judge Haynsworth. That was his opinion.

I will not hold this conduct against Judge Blackmun. I felt that it was unfair to try Judge Haynsworth on that basis. It is not fair to try any man on an ex post facto standard of conduct.

Mr. HOLLINGS. Mr. President, I thank the Senator from Louisiana. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. HOLLINGS. Mr. President, the Senator from Louisiana pointed out correctly that it was more or less an ex post facto situation and that Judge Haynsworth was not treated right. But more important, having decided that—not now ex post facto, because we have not voted, but now that we know what the rule is, that standard, and Judiciary Committee knew the new rule, the standard—here comes the most august body, the U.S. Senate, and says that this is the rule.

The President of the United States said:

> That crowd down there is prejudiced. They will not approve a Southerner.

Here they prove that the President is right after all.

I just regret that occurrence, Mr. President, because in that love-in that we had on the Friday after the Carswell nomination was rejected, I made the open statement that certainly a good southerner could be approved by the U.S. Senate.

The distinguished Senator from Louisiana is correct in his statement that the application of the double standard now proves that the President was right in his observation.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. HOLLAND. Mr. President, I call attention again specifically to four lines, the excerpt which has already been placed in the RECORD by my friend, the distinguished Senator from South Carolina.

All of the information from the Justice Department on this point results from the statements that came up in the Haynsworth case.

The PRESIDING OFFICER. All the time of the distinguished majority leader has expired. There remain 17 minutes to the minority leader.

Mr. HOLLAND. Mr. President, will the distinguished acting minority leader yield me 1 minute?

Mr. GRIFFIN. Mr. President, I yield 1 minute to the distinguished senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 1 minute.

Mr. HOLLAND. Mr. President, the statement is contained on page 15 of the report. It has already been placed in the RECORD by the distinguished Senator from South Carolina. I am simply bringing out the point that this portion of the Justice Department report happened because of the trouble that came up during the Haynsworth case.

I read:

> In the light of the extended debates over the confirmation of Judge Haynsworth, Judge Blackmun requested the advice of the department, and requested the department to call to the attention of the Judiciary Committee, the following specific situations.

All of these situations come into this RECORD simply because of the discussion referring to proposed breaches of ethics in the Haynsworth case. They were no such thing. They were instead matters which were clearly approved when they came up in a similar way in the Blackmun case. And I think they should have been as clearly approved in the Haynsworth case.

Mr. President, I thank the Senator for yielding.

Mr. DOLE. Mr. President, the Senate's responsibility to advise and consent to presidential nominations to the Supreme Court is not taken lightly by the Members of this body. The Senate has the duty to assure that those who would sit on the Court reflect the highest standards of integrity, and individual promise.

The Supreme Court is the embodiment of the finest traditions of our Government. Its motto, "Equal Justice under Law," captures the aims and aspirations of the entire Anglo-Saxon legal tradition.

The Senate, through its power over nominations, plays a primary role in insuring that the American people receive equal justice under the law of the United States.

We meet today in a third exercise of our advise and consent power in relation to the vacancy created by the resignation of an Associate Justice nearly a year ago.

The nominee before us is by all accounts a thoroughly respected and highly qualified member of the Federal judiciary. Judge Blackmun has compiled a notable record in his service on the Court of Appeals for the Eighth Circuit. The clarity of his opinions, the breadth of his understanding of the judicial function, and his obvious dedication to the firmest standards of ethics and propriety suit him admirably for service on the Supreme Court.

I have read the hearings of the Committee on the Judiciary. I have discussed the nomination with members of the

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committee. And I have noted editorial and professional opinions from throughout the country.

Certainly, everything in his record commends Judge Blackmun to sit on the Supreme Court, and I shall vote "aye" for his nomination with full confidence that he will further distinguish his career and the Court through his service.

I would add, Mr. President, without the slightest intent to detract from Judge Blackmun's qualifications and fitness, that I am to some extent surprised to see the statements in support of this nominee from several of those Senators who were so vociferous and vigorous in their opposition to the two previous nominees.

Those who raised the hue and cry over Judge Haynsworth's and Judge Carswell's "conflicts of interest," "candor," and "insensitivity" appear to find no difficulties with the practices which have come to light in the present case

I do not wish to imply that these three cases have been precisely similar, but I do feel that neither have the attitudes of certain of my colleagues been precisely similar throughout these three sets of deliberations.

It is fitting and proper that the Senate apply whatever degree of strictness it chooses to nominees for the Supreme Court, but in applying its standards this body owes a duty to itself, the Court, and the American public to maintain a consistency and uniformity of approach to which reasonable men can adhere.

Mr. President, I again offer my endorsement of Judge Blackmun and express my hope the Senate will confirm his nomination unanimously.

Mr. BROOKE. Mr. President, I am very pleased to endorse the nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States. I have reviewed with care the hearings and the final report of the Judiciary Committee, and I am convinced that Mr. Blackmun meets the high standards of judicial excellence that are essential for service on the Supreme Court.

In addition to the committee's recommendation, the American Bar Association, under a new improved system, stated that Judge Blackmun "meets high standards of professional competence, temperament, and integrity." The judge also received the unanimous support of his colleagues from the eighth circuit, and endorsement by the State and county bar associations. Not a single witness appeared in opposition to his confirmation.

A survey of Judge Blackmun's judicial work indicates a range of opinions that are written in a scholarly manner and with a keen sensitivity to current trends of the law. In civil rights matters, Judge Blackmun has a moderate record. Where substantive points of law have allowed, Judge Blackmun has ruled in favor of civil rights litigants. In *Bailey* v. *Henslee*, 287 F. 2d 936 (1961) Judge Blackmun wrote for the court in reversing the decision of the Federal district court and holding that a Negro defendant had made a prima facie case that Negroes had been systematically excluded from the State court jury which tried him. However, in *Neal* v. *System Board of Adjustment*, 348 F. 2d 722 (1965), Judge Blackmun followed the precepts of strict construction in upholding the contention of a railway labor union that Negroes claiming racial discrimination on the part of their union were not entitled to prosecute their claim in the Federal courts because they had not exhausted their remedies within the union.

In other cases regarding civil liberties, Judge Blackmun has been cautious not to overstep what he considers the bounds of the law. In *Kemp* v. *Beasley* No. 19,782 (March 17, 1970) Judge Blackmun wrote for the court upholding part of the Arkansas District Court's judgment, but remanded the portions which had permitted continuation for four "racially identifiable and completely black" elementary schools. In *Jones* v. *Mayer* 379 F. 2d 33 (1967) Judge Blackmun wrote that a civil rights statute passed during Reconstruction days was not a nationwide open-housing law prohibiting private as well as public discrimination. The Supreme Court reversed the Eighth Circuit (392 U.S. 409), holding that the old civil rights statute prohibited even private discrimination in the sale or rental of property.

In criminal law decisions, Judge Blackmun showed a greater readiness to anticipate the direction of the High Court. In *Jackson* v. *Bishop*, 404 F. 2d 571 (1968) Judge Blackmun wrote for the court of appeals in holding that any use of a strap on convicts in the Arkansas State Penitentiary was a cruel and unusual punishment under the Constitution.

In reversing a conviction under the National Firearms Act, Judge Blackmun wrote for the court of appeals in *Deckard* v. *United States*, 381 F. 2d 77 (1967), that the registration provision was unconstitutional because it required self-incrimination in violation of the fifth amendment. The Supreme Court a few months later reached the same conclusion by a vote of 7 to 1 in *Hayes* v. *United States*, 390 U.S. 85 (1968).

I believe that Judge Blackmun has clearly demonstrated the kind of sensitivity and awareness that will allow for constitutional change within a constitutional framework. For these reasons I endorse the nomination of Judge Harry A. Blackmun and will support his confirmation by the U.S. Senate.

Mr. GOODELL. Mr. President, it will be my pleasure and my honor to vote to advise and consent to the nomination of Judge Harry A. Blackmun to the Supreme Court.

In testifying before the Judiciary Committee and in his decisions from the bench, Judge Blackmun has shown a marked personal empathy with the feelings and perceptions of young people disappointed with the failures of our "system," and a sensitivity toward both ethical issues and questions of civil liberties and civil rights.

He has freely made available to the committee information regarding his financial holdings. Before sitting on one case involving a company in which he had a stock interest, the nominee disclosed his interest to the chief judge of the circuit and obtained the chief judge's opinion on the issue of whether he should disqualify himself. In a second such case, he disqualified himself outright. Clearly, Judge Blackmun has displayed an openness and an awareness of ethical issues which well qualifies him to sit upon the Nation's highest court.

By the time of his appointment to the U.S. Circuit Court, 1959, Judge Blackmun had established a reputation as a brilliant attorney. He has been highly regarded by lawyers practicing before his court, and his opinions are scholarly, well written, and perceptive of current trends in the law.

His colleagues in eighth circuit have unanimously endorsed him as highly qualified for the Court, and virtually every lawyer and law school faculty member interviewed by the American Bar Association's Committee on the Federal Judiciary has had the highest praise for his juridical craftsmanship and fairness. His conduct before the Judiciary Committee reinforces the impression which all those who know him testify to: he is unassuming, considerate, and learned.

In short, and in complete contrast with the two previous nominees for the same seat which have been submitted to the Senate by this administration, I find Judge Harry A. Blackmun eminently qualified to sit on the Supreme Court.

Mr. CANNON. Mr. President, the Supreme Court has been functioning with only eight members for a long time. In my opinion, however, the nomination of Judge Harry A. Blackmun has made the delay in filling the vacancy worthwhile.

The Supreme Court needs men of principle, integrity, and professional excellence, and Judge Blackmun meets those qualifications.

He was graduated with honors and distinction from Harvard University and Harvard Law School and practiced law in Minnesota for 16 years, after which he has served on the Eighth Circuit Court of Appeals for 11 years.

Not only was Judge Blackmun given the unanimous approval of the Judiciary Committee, but not a single witness appeared to oppose his nomination.

As early as 1960, before Congress was shocked by cases involving ethics, Judge Blackmun carefully disclosed to the chief judge of his circuit a minor holding in the Ford Motor Co. before participating in the case.

He is fully devoted to the constitutional and statutory precepts which are controlling in Federal courts, and is sensitive to the challenging problems confronting the Court and the United States.

Where change is necessary, Judge Blackmun believes it should be achieved in an orderly manner with proper respect for due process. Basic precepts regarding conduct, nonviolence, and respect for the rights of others are part of Judge Blackmun's credo.

The judge respects the separation of branches—legislative and judicial—and opposes any efforts to create new legislation or modify existing legislation by court decree.

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He also construes the Constitution carefully so as to respect the powers of the States and not usurp those powers by court decision.

The American Bar Association was asked to evaluate the qualifications of Judge Blackmun, and in its letter of response its Committee on the Federal Judiciary expressed the unanimous judgment that Judge Blackmun met high standards of professional competence, temperament, and integrity. That finding represents the ABA's highest recommendation.

I believe that Judge Blackmun's background, excellent education, solid legal and judicial experience, and principles of ethics and integrity superbly equip him for the office of Supreme Court Justice dedicated at one and the same time to the Constitution and the laws of the United States and to the best interests of the public.

I am pleased to give my enthusiastic and unreserved approval to this nomination.

Mr. KENNEDY. Mr. President, the Senator from Indiana (Mr. BAYH) has asked me to point out that the following paragraph was inadvertently omitted, following the first full paragraph on page 10 of his individual views submitted with the report of the Committee on the Judiciary on the nomination of Judge Blackmun, Executive Report No. 91–18:

> Fifth, Judge Blackmun testified that he never sat on a case involving a company of which he was an officer or director. Judge Haynsworth, on the other hand, was a founder and organizer of Carolina Vend-A-Matic, and served as an active director and vice president while he was on the bench and deciding cases involving the company's vital interests.

Mr. COOK. Mr. President, it has been almost 1 year since the current vacancy on the Supreme Court was created by the resignation of former Justice Abe Fortas.

It has been a year of disappointment for two nominees and of tension and frustration for the Senate. Hopefully, we have all learned something about the proper role of the Senate in advising and consenting to Presidential nominations to the Supreme Court. Certainly, I feel I have.

As the Washington Evening Star in an editorial of April 15, 1970, put it:

> Nobody has gained from the Haynsworth-Carswell fiasco except in the narrowest political sense. It is time those two episodes are forgotten, as President, Congress and Court devote their energies to finding solutions to the great issues which trouble our divided people.

I will have more to say later in the week about this era in Supreme Court history and the conclusions I have drawn about the proper role of the Senate in these matters. But this is not the time for such a discourse. Rather, this is the time to congratulate President Nixon on an outstanding nomination. And it is also a time to praise Judge Harry Blackmun for reaching the zenith of his remarkable career, a proper and just reward for an outstanding legal mind.

The American Bar Association has found that Judge Blackmun "meets high standards of professional competence, temperament, and integrity." This is, as we all know, the highest ranking it can give. This rating was achieved after an extensive review of his qualifications, unparalleled in ABA history.

Additional credentials include the publication of three law review articles: "The Marital Deduction and Its Use in Minnesota," Minnesota Law Review, December 1951; "The Physician and His Estate," Minnesota Medicine, October 1953; "Allowance of in Forma Pauperis Appeals in Section 2255 and Habeas Corpus Cases," 43 FRD 343 (1968).

Also, Judge Blackmun is presently chairman of the Advisory Committee on Research to the Federal Judicial Center and a member of the Advisory Committee on the Judge's Function of the American Bar Association Special Committee on Standards for the Administration of Criminal Justice.

With Judge Blackmun's confirmation comes one of the greatest challenges and at the same time, one of the most difficult and complex tasks which can be undertaken by a lawyer.

What must he become as a member of the Supreme Court? Chief Justice Warren described it best and I quote him in closing in the hope that Justice Blackmun will be ever mindful of this through the coming eventful years:

> Our judges are not monks or scientists, but participants in the living stream of our national life, steering the law between the dangers of rigidity on the one hand and of formlessness on the other. Our system faces no theoretical dilemma but a single continuous problem: How to apply to ever-changing conditions the never-changing principles of freedom.

Mr. KENNEDY. Mr. President, I think the Senate can take the full credit both for the quality of this nomination and for the thoroughness and candor with which it was handled by the Justice Department and the American Bar Association.

Because the Members of the Senate let themselves be governed by courage and conscience, and not by region or politics or convenience in voting on the previous two nominees, we now have a nominee whom we can all vote for with pleasure and pride.

There are those in the press and in the Government who have cast aspersions on our motivation and our wisdom in opposing the prior nominees. But we did so for the sake of the Court and of the Nation. The Court has already benefited. And so has the Nation, not only because it will have a better court, but because it has seen that the system—and especially the constitutional sharing of powers among the branches of Government—can work, can respond to the needs of the people, can do what is right. We have maintained many people's faith in the system this way, at a time when such faith was becoming hard to maintain. We will have other opportunities to maintain that faith in the coming days, and for the sake of all of us, I hope we will do as well as we have done here.

I congratulate Judge Blackmun and wish him well in his most difficult task of translating into reality our national pledge of liberty and justice for all.

JUDGE BLACKMUN SHOULD BE CONFIRMED

Mr. YARBOROUGH. Mr. President, it is with pleasure that I declare my support for the confirmation of the nomination of Judge Harry A. Blackmun as an Associate Justice of the Supreme Court of the United States.

The recommendation of the Judiciary Committee that Judge Blackmun's nomination be confirmed and the committee's report influence my decision. A careful study of the hearings before the Judiciary Commitee also has convinced me that the President has finally nominated a gentleman of outstanding ability and of unquestionable integrity to sit on the Supreme Court of the United States.

Twice before, the President has sought to fill this seat on the Supreme Court. In each case, I determined it to be my responsibility as a Member of this distinguished body to withhold my consent from those previous nominations. In each case, the course of least resistance and the more politically popular action would have been to cast my vote for a nominee who I thought was not qualified. In fact, in each of the two previous cases, my vote was not the deciding one, and I could have abdicated my responsibility as a Senator and cast my lot with the political winds.

Mr. President, there is room in this country for those who lack ethical sensitivity, but not on our Supreme Court. There is room in our country for mediocrity, but not on our Supreme Court.

In the previous instances, I made my decision not to confirm a nominee to the Supreme Court who I did not think qualified, and I do not regret my previous decisions.

The President is to be commended for seeking out and nominating a man of stature and integrity such as Judge Blackmun. The U.S. Senate is to be commended for insisting and insisting again that the President fulfill his responsibility to the Amercan people and to our great judicial heritage by nominating such a man.

I urge my fellow Senators to join me in support of the nomination of Judge Harry A. Blackmun as an Associate Justice of the Supreme Court.

The **PRESIDING OFFICER.** Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, the consideration of a President's nomination to the Supreme Court is always a serious and important matter. But the nomination before us today comes at a particular crucial time.

For over a year, intense controversy has surrounded nominees to and members of the Supreme Court. Basic questions have been raised concerning the role of the Court in our society and the qualifications of its members and potential members.

While there has been much disagreement during this period, I am sure that most of us would welcome an end to the controversy. That is why the nomination of Judge Harry A. Blackmun has been greeted not only with enthusiasm, but also with a sense of relief.

There is little if any dispute about the fact that Judge Blackmun is eminently qualified to serve as an Associate Justice of the Supreme Court. His record as a private citizen and as a Federal appeals judge clearly demonstrates that he is uniquely qualified for a position on our Nation's Highest Court.

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Throughout his long career as a lawyer, teacher of law, and member of the Federal bench, Judge Blackmun has invariably been characterized as scholarly and brilliant.

In his 11 years on the Federal Court of Appeals, he has served with great distinction. He is highly regarded by lawyers practicing before this court, and he is known particularly for his expert opinions in complex taxation cases.

His judicial record is one of an able, fair, and understanding judge. His opinions demonstrate logical thinking and a clear respect for judicial precedents.

His record as a private citizen is perhaps best described by his hometown paper, the Rochester Post-Bulletin:

> We know of no man in Rochester, the editorial states, or indeed in Minnesota, who is more respected by close friends and casual acquaintances alike; who has a higher reputation for integrity; whose judgment is more respected.
>
> While his academic and professional record is "a matter of record," so to speak, let it be added that just as a man—a man of personal integrity—none can rate higher.

Based on his past career, I am confident that Judge Blackmun will become a distinguished Associate Justice of the Supreme Court. In recognition of this record, the Committee on the Judiciary unanimously recommended that this nomination be confirmed. I am confident that the Senate will come to the same conclusion.

This nomination is an honor to the State of Minnesota. As a fellow attorney from the State of Minnesota, I wish to say that the unanimous judgment of the State bar association, its practitioners, and all Minnesotans indicates that we are enormously proud of Judge Blackmun. I commend the President for this excellent nomination.

Mr. GRIFFIN. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record my individual views, which appear on pages 12 through 17 of the report.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Individual Views of Mr. Byrd of West Virginia

I support the nomination of Judge Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States, I deem it appropriate to amplify my reasons for supporting the nomination.

A review of Judge Blackmun's opinions as a judge of the United States Court of Appeals for the Eighth Circuit, the testimony given by him at the hearings held by the Judiciary Committee on this nomination, the American Bar Association's recommendation, and my own personal inquiries satisfy me that Judge Blackmun has the legal ability, the personal integrity, and the judicial temperament which qualify him for elevation to the Supreme Court.

He appears to be keenly conscious of the fact that it is the function of the Federal courts to interpret the Constitution and laws of the United States, and that in executing this responsibility it is the duty of judges not to take into account their personal ideas of what constitutes desirable social or economic policy. The chairman of the Judiciary Committee, Senator Eastland, asked the nominee some questions in this regard. I believe that it is pertinent here to quote Senator Eastland's questions and the responses of Judge Blackmun:

"The Chairman. * * * Judge Blackmun, do you believe that the only proper function of a Justice of the Supreme Court is to interpret the Constitution and laws of the United States?

"Judge Blackmun. Of course, the answer to that question, Mr. Chairman, most definitely would be in the affirmative.

"The Chairman. Yes.

"If you do so believe, to what extent, if at all, do you think it proper for a Justice of the Supreme Court, in interpreting the Constitution and laws of the United States to take into account his own personal idea of what constitutes enlightened social, economic, or political policy?

"Judge Blackmun. Of course, this is a changing world. It has been this way since the founding of our Nation. I personally feel that the Constitution is a document of specified words and construction. I would do my best not to have my decision affected by my personal ideas and philosophy, but would attempt to construe that instrument in the light of what I feel is its definite and determined meaning. Of course, many times this is obscure."

Judge Blackmun has also shown that he has great deference for the legislative branch of the Government in legislative matters. For instance, Judge Blackmun testified that he personally is opposed to the imposition of the death penalty. He made it very clear, however, that he believes this question to be a matter for the discretion of the legislative branch of Government, and that he would be most reluctant to use his authority as a Justice of the Supreme Court to interfere with the proper exercise of this legislative discretion.

Senator Fong questioned the nominee about statements attributed to him purporting to state his belief that the death penalty should not be imposed as a punishment for crime. Judge Blackmun responded by making reference to three cases in which he participated as a judge of the court of appeals:

"In the last one, in *Maxwell* v. *Bishop,* I made the gratuitous observation which has caused so much furor, that it was particularly excruciating for one who is not convinced of the rightness of capital punishment as a deterrent in crime. This, Senator Fong, is a personal conclusion on my part. It is a part of personal philosophy. I think the other question of the rightness of legislation, be it by a State legislature, or by Congress in dealing with Federal crimes, to impose the death penalty is an entirely different question. * * *

"And I stated in connection with the observation which the press has latched onto, I think I can quote it verbatim. I also stated that ordinarly the imposition of the death penalty is a matter for the discretion of the legislature. I firmly believe this. One of course can imagine if the legislature were to impose the death penalty on a pedestrian for crossing the street against a red light this might be something else again."

Senator Fong commendably continued to elicit from the nominee his views as to whether a Federal court should interfere with the legislative function in imposing the death penalty as punishment for the commission of crimes, and Judge Blackmun made the following comments:

"* * * My personal feeling about it is on one side, it could change tomorrow.

"My attitude toward the legislative aspect is another thing. I have stated what my initial approach to it is, and certainly I would never want to decide that question without its being frequently briefed and adequately argued. * * *

"* * * If I were a legislator and it came up, probably this is the way I would initially feel depending in part on any overwhelming attitude on the part of my constituents. But otherwise, apart from that, I start with the premise that this is basically a legislative discretionary matter.

"Senator Fong. And if the Legislature says that capital punishment should be imposed you would follow that?

"Judge Blackmun. Certainly, with an exception perhaps in my pedestrial illustration."

Judge Blackmun gave further evidence of his recognition of the nice delineation of powers between the legislative and judicial branches of the Government in answer to a question posed by Senator Hruska. Judge Blackmun stated:

"I strongly believe in our system of checks and balances and in our three-branched system of government. As you point out, the Constitution in Federal cases is always part of the record. I firmly believe in deciding cases on the record. I hope I have never done otherwise.

"I firmly believe that change, if change comes, must come within the framework of the law as we understand it. And not outside the law."

I conceive it to be the first duty of every official of this Government, including Justices of the Supreme Court of the United States, to protect and defend our system from the "new barbarians" who would destroy it. Violent crime must be suppressed and those who commit it must be punished, or no system, including ours, can survive.

I am particularly bothered by the implication that the youth of this Nation are opposed to the so-called system. My knowledge and experience lead to the opposite conclusion. In my opinion, most of our young people believe in our form of constitutional Government and in our democratic institutions. Only a tiny, but highly vocal, minority of them are violent disrupters or revolutionaries. Unfortunately, this small segment of our youth is the group that gets most of the publicity in the news media.

In my questioning of Judge Blackmun before the Judiciary Committee, I expressed these concerns to him and stated my views on these important issues. I was pleased when Judge Blackmun responded in the following manner:

"Senator Byrd, I am too much a product of the same kind of thing to disagree with your comment. I dislike to talk about it, but I did not have very much to start with either, and this is the only system I have ever known. It has been good to me. I do not know of a better one."

Judge Blackmun has demonstrated a high regard for the rights and privileges of all of our citizens, and a belief that for every right and privilege there is a corresponding duty and responsibility. For example, Judge Blackmun wrote the opinion for the eighth circuit in the case of *Esteban* v. *Central Missouri State College*, 415 F. 2d 1077 (1969). This was a case brought by two ex-students at Central Missouri State College who had been suspended for having taken part in a protest demonstration which disrupted activities at the college. The students sued in the U.S. district court under the Federal civil rights statutes to gain readmission to the college. They contended that their suspension was illegal and that their conduct at the protest demonstration was justified.

Speaking for the court, which affirmed the district court's dismissal of the students' complaints, Judge Blackmun made the following general statements which are worthy of being reprinted here:

"College attendance, whether it be a right or a privilege, very definitely entails responsibility. This is fundamental. It rests upon the fact that the student is approaching maturity. His elementary and secondary education is behind him. He already knows, or should know, the basics of decent conduct, of nonviolence, and of respect for the rights of others. He already knows, or should know, that destruction of property, threats to others, frightening passersby, and intrusions upon their rights of travel are unacceptable, if not illegal, and are not worthy of one who would pursue knowledge at the college level.

"These plaintiffs are no longer children. While they may have been minors, they were beyond the age of 18. Their days of accomplishing ends and status by force are at an end. It was time they assumed at least the outward appearance of adulthood and of manhood. The mass denial of rights to others is irresponsible and childish. So is the defiance of proper college administrative authority ('I have the right to be here'; gutter abuse of an official; the dumping of a trash can at a resident's feet; 'I plan on turning this school into a Berkeley if * * *'; and being a part of the proscribed college peace-disturbing and property-destroying demonstration). One might expect this from the spoiled child of tender years. One rightly does not expect it from the college student who has had two decades of life and who, in theory, is close to being 'grown up.'"

In my judgment, Judge Blackmun correctly stated the rights and responsibilities of students under our constitutional form of government. In these trying times, all of us would do well to be guided by these principles.

Judge Blackmun's decisions in the area of criminal law indicate that, when the competing rights of a convicted criminal are weighed in the balance against the rights of society and the victims of crime, he is willing and able to take the rights of society into account in making his decision. Too many of our courts—including, unfortunately, the Supreme Court of the United States—have forgotten or neglected the real and terrible needs of society to have convicted criminals punished under the law. Hopefully, the addition of Judge Blackmun to the Court might help to change this situation.

It is extremely important that members of the Supreme Court of the United States should be guided by the fundamental principle of constitutional interpretation that the Constitution is a document which grants specific enumerated powers to the Federal Government, with all powers not mentioned or delegated reserved to the States or to the people thereof. This constitutional principle is embodied in the 10th amendment to the Constitution. Unfortunately, in recent years, many Justices of the Supreme Court have disregarded this fundamental constitutional principle and have impinged upon the reserved powers of the several States and of the people. Many decisions of the High Court have had the effect of debasing the States and the people and exalting the Federal Government; especially the Federal judiciary.

I am pleased that the senior Senator from Arkansas, Mr. McClellan, asked the nominee about this important 10th amendment in the American Bill of Rights. The question of Senator McClellan and the answer of Judge Blackmun are as follow:

"Senator McCLELLAN. * * * The 10th amendment of the Constitution with which we are all familiar provides that the powers not delegated to the United States by the Constitution or prohibited by it to the States are reserved in the States respectively or in the people. That is a part of this document, this great Constitution of ours, and I have the feeling, and I know many others do, that sometimes that article of the Constitution, or that amendment to the Constitution is either ignored or forgotten. I would like to ask if in the examination of a constitutional issue that may be pending before the Court, if you find the powers attempted to be invoked have in fact not been delegated to the Federal Government by the Constitution, do you believe that the Supreme Court has either the duty or the right to usurp, attempt to confer or apply such powers by court decision or edict which would have the effect of or be tantamount to amending the Constitution of the United States?

"Judge BLACKMUN. Senator McClellan, the answer to that is definitely in the negative, of course."

I am expressing my individual views on this nomination because I believe that future nominees to the U.S. Supreme Court should be put on notice that not only will their financial transactions be careful scrutinized by the Judiciary Committee, but also that their judicial philosophy is going to be put to a greater test than has been the case in the recent past.

Of course, one cannot foresee how a nominee will vote on the Court once his appointment is confirmed by the Senate. We can, largely, only make our judgments as to his judicial philosophy on the basis of his previous judicial record, if he has one, and/or on his statements adduced under questioning and under oath when he appears before the committee. But I, for one, will want to satisfy myself as well as I can be so satisfied, under the circumstances, with respect to his judicial philosophy.

Federal district judges, Federal judges of the courts of appeals, and State court judges might have gotten the impression from the controversy surrounding the preceding two nominations to the Supreme Court that a nominee with a conservative or moderate judicial philosophy might have a very difficult task in getting confirmed by the Senate. One of the motives of certain special interest groups who opposed these nominations may well have been to intimidate Federal and State judges who aspired to appointment to the Supreme Court of the United States to fit into the mold of their own particular judicial philosophy.

As an example of the type of philosophy which we should not want to prevail on the Supreme Court, there is a recent book published by Justice William O. Douglas entitled "Points of Rebellion." In this book, Justice Douglas declares his support of efforts to radically alter the social, economic, and political structure of this Nation.

Justice Douglas also gives expression to his ideas concerning the proper education of our young people. He condemns most colleges and universities as tools of the "Establishment." He then spells out the type of instruction he feels our students should receive:

"Only revolutionary minded faculties would provide a curriculum relevant to either domestic or foreign political problems. Very few faculty members have a revolutionary fervor or insight" (pp. 13–14).

Justice Douglas has a very simple answer to those of us who are concerned about Communist aggression, rampant lawlessness, disorder and riots. He equates us with Adolf Hitler by making the following statements:

"We are witnessing, I think, a new American phenomenon. The two parties have become almost indistinguishable; and each is controlled by the establishment. The modern-day dissenters and protesters are functioning as the loyal opposition functions in England. They are the mounting voice of political opposition to the status quo, calling for revolutionary changes in our institutions.

"Yet the powers-that-be faintly echo Adolf Hitler, who said in 1932:

" 'The streets of our country are in turmoil. The universities are filled with students rebelling and rioting.

" 'Communists are seeking to destroy our country. Russia is threatening us with her might and the Republic is in danger. Yes danger from within and without.

" 'We need law and order.' " (Pp. 57–58.)

Any future nominee for the Supreme Court who holds views identical or similar to those of Mr. Justice Douglas expressed above will merit and should receive the strong opposition of those of us who are concerned about proper judicial philosophy on the Supreme Court.

In my judgment, the philosophical drift of the Supreme Court in recent years has been, in many crucially important respects, in a direction inimical to the welfare of the people and to the preservation of constitutional government.

I am disturbed by a Supreme Court which operates as a continuing constitutional convention and usurps the functions of the legislative branch. I am disturbed by a Supreme Court that gives the criminal the advantage over the law-abiding citizen. I am disturbed by a Supreme Court that enunciates a right of a Communist to work in defense industries and to teach in the public schools. I am disturbed by a Supreme Court that gives a green light to the flow of pornographic smut into the unsuspecting hands of children in the American home. I am disturbed about a Supreme Court that strikes down State-imposed welfare regulations designed to protect the taxpayer against freeloaders. I am disturbed about a Supreme Court that encourages license upon the part of protesters and demonstrators.

In the light of the foregoing concerns, future nominees to the Court ought to understand that they will not be given a free ride by the Judiciary Committee merely on the basis that their nominations are pleasing to the activist community. They ought to have to stand the test of judicial philosophy. If we value our oaths as Senators, as I am sure we do, we have a duty to do all we can to prevent the appointment of individuals to the Court who would substitute judicial activism for judicial restraint and sociological theory for judicial precedent.

I believe Judge Blackmun passes this test.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The hour of 2:30 p.m. having arrived, the Senate, under the previous order, will now proceed to vote on the nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court of the United States. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT) and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 94, nays 0, as follows:

[No. 143 Ex.]

YEAS—94

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—6

Bayh
Goldwater
Gore
Mundt
Russell
Tower

The PRESIDING OFFICER. On this vote, the yeas being 94 and no Senator having voted in the negative, the Senate has advised and consented to the nomination.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina (Mr. THURMOND) is recognized for 1½ hours.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield to me very briefly, so that I may ask the majority leader what the schedule is for the remainder of the week?

Mr. THURMOND. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The Senator from South Carolina has yielded to the Senator from Michigan.

LEGISLATIVE PROGRAM—AUTHORIZATION FOR COMMITTEES TO FILE REPORTS

Mr. GRIFFIN. Mr. President, I ask the majority leader if he would be kind enough to advise us what the schedule may be for the remainder of the day and the remainder of the week.

The PRESIDING OFFICER. The Senate will be in order, so that the majority leader can be heard. Senators will please take their seats or retire from the Chamber.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, first, I ask unanimous consent that from the close of business until midnight tonight, all committees of the Senate be permitted to file their reports together with any minority, individual, and supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Second, it is my understanding that there is a possibility that some time this afternoon the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), and the distinguished chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), with their colleagues on the Republican side, the distinguished Senator from New Hampshire (Mr. COTTON) and the distinguished Senator from Delaware (Mr. WILLIAMS), will call up the airport conference report.

It is not anticipated that there will be any further votes today, although that is not an ironclad guarantee.

Then it is anticipated that one of the four bills on the calendar, beginning on page 8, will be laid before the Senate and made the pending business. When those are disposed of tomorrow, it is anticipated that the Senate will move to the consideration of H.R. 15628, relating to the establishment of ceilings for foreign military sales, with numerous amendments, including the Church-Cooper amendment, which bars funds for U.S. involvement in Cambodia unless specifically authorized by law.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. LONG. Mr. President, we are trying to find the papers on the airport safety and facilities bill, and they are on the way over here. The Senator said there would be no more votes today. I hope he is not precluding a vote on the conference report. We do not anticipate opposition to the conference report. I believe it will be agreed to by a large vote. But I would like the Senator to understand that we hope we will agree to the conference report this afternoon.

Mr. MANSFIELD. May I say that I added a proviso to my anticipatory statement by saying that this was not an ironclad guarantee. Now the Senate is on notice, based on the statement of the distinguished chairman of the Finance Committee, so pay heed.

How long we will be in session this week will depend upon developments. It is hoped that sometime toward the first part or the middle of next week, if conditions warrant it, we will follow consideration of the establishment of ceilings for military foreign sales with the resolution calling for repeal of the Gulf of Tonkin resolution.

That is about it, as I see it now.

Mr. GRIFFIN. I thank the majority leader.

APPOINTMENT BY THE VICE PRESIDENT—23D ASSEMBLY OF WORLD HEALTH ORGANIZATION, GENEVA, SWITZERLAND

The PRESIDING OFFICER (Mr. BELLMON). The Chair, on behalf of the Vice President, appoints the following Senators to attend the 23d Assembly of the World Health Organization, to be held in Geneva, Switzerland, on May 5–22, 1970: The Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. SAXBE).

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from South Carolina is recognized for an hour and a half. The Senator may proceed.

COMMUNISM IN THE UNITED STATES

Mr. THURMOND. Mr. President, Mrs. Julia Brown, a former member of the U.S. Communist Party, is traveling around this country telling a story worthy of our close attention.

Mrs. Brown's recent remarks at an appearance in Columbia, S.C., deserves the attention of Congress and the American people.

She explained how the Communist Party is using various peace and civil rights groups to promote revolution in America and drive wedges between our black and white citizens.

A newspaper report by Charlotte Wyndham, staff writer of the Columbia,

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S.C., State newspaper, on Mrs. Brown's speech appeared in the April 30, 1970, issue of that paper. I ask unanimous consent that this article, entitled "I Came to Columbia To Tell You the Truth," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

I CAME TO COLUMBIA TO TELL YOU THE TRUTH

(By Charlotte Wyndham)

A determined voice in the wilderness belongs to Mrs. Julia Brown, former member of the Communist Party, and now a most outspoken enemy.

A member of the Communist Party in Cleveland, Ohio, Mrs. Brown subsequently became an undercover agent for the FBI for nine years. She was in Columbia recently for a stop on a nationwide speaking tour.

"During those eight months I spent within the Communist Party in 1962 before breaking away, I learned enough to convince me it was a multi-faceted evil." She said in the speech here. "First and foremost, it taught the overthrow of our government by revolution, entailing force and violence. Second, lies, deceit and treachery were tools of its trade.

WILLING TO AID

"Third, a dictatorial few would enslave the many. Fourth, it encouraged immorality in all its most sordid aspects. Fifth, it denied God and all religion. What person of sound mind and honest heart would want any part of it? It had to be destroyed, and I was not only obligated, but willing to aid in its destruction."

She was an undercover agent for the FBI nine years, before "surfacing" to tell her story. In 1962 she went to Washington, D.C., to testify before the House UnAmerican Activities Committee. She named influential members of the Communist Party—over 100 of them—and described how the Party planned to use Negroes as "cannon fodder" in their program of racial agitation. (Mrs. Brown is a Negro.)

To her enthusiastic Columbia audience, made up of whites and Negroes, she explained her years of subterfuge and uncovering the machinations of the party.

YOUTH

"Nearly a decade ago in a booklet entitled, 'Communism: Target: Youth,' J. Edgar Hoover warned that world communism has launched an attack to capture students and youth groups. According to the Leninist and Marxist principles youth will decide the entire struggle to the extent that our young people will abandon their religious and moral principles, their patriotism and their family ties," she said.

"The revolutionaries are using college campuses as a base for their destructive purposes. Openly avowing that their aim is to overthrow the existing order, they hope to smash first our educational structure, the economic system, and finally our government itself."

POLICE BRUTALITY

"Lenin philosophy states that the overthrow of a government can only take place when respect for law enforcement is first impaired. The Communist press has seized on the theme of police brutality, and has led many unsuspected to carry out the Communist program. Police brutality is being blamed for every riot and violent demonstration," she said.

"The physical danger a policeman accepts as part of his job, but he should not be subjected to the thoughtless ridicule and public indifference in an effort to do his job.

"Our nation today is right now witnessing a tremendous drive to glorify Martin Luther King and to raise money for his Southern Christian Leadership Conference. It is a symptom of how far our country has already gone . . . to be deceived to support the memory of a man whom J. Edgar Hoover publicly called the most notorious liar our country has ever witnessed," Mrs. Brown said.

CIVIL RIGHTS

"When I was a Communist for the FBI, we were told that a young man by the name of Martin Luther King would lead the civil rights fight in this country," she said. "It was a well-known fact that King was in their corner. Did King himself know this? I think so.

"I had the opportunity to witness firsthand the effects of the SCLC in a small community in Georgia.

"In the fall of 1969, the SCLC descended upon this town for the purposes of organizing the colored people. They began immediately to search for issues to inflame the people. They decided on the need for more jobs for Negroes in the business district.

"They started marches, picketing and boycotting local merchants hoping to provoke the whites into violence. It was a farce from the beginning, for there were many Negroes employed down town. The Negroes were terrorized when a Negro woman broke the boycott and her home was burned down.

TELL TRUTH

"My whole purpose in coming to Columbia and many other cities is to tell you the truth, so that you can tell others. The voice of truth is not only needed in government but in your neighborhood, right out there on your street among your neighbors and friends," said Mrs. Brown.

"I am a believer in dreams . . .

"My dream is to put an end to the hatred that divides us, and the lies that deceive us.

"We live in perhaps the most exciting times in history. The torch of freedom is in the hands of the people in this nation. Whether we build this torch into a gigantic flame and spread it throughout the world or sit idly by while a monster conspiracy snuffs it out is a decision we must make."

BOOK

Mrs. Brown discussed at length her background, her Communist activities and years with the FBI in her book, "I Testify."

Julia Brown said she was raised in Atlanta, Ga., had never recognized discrimination, prejudice, was befriended by a white family, and was raised by her deeply patriotic parents to believe love of God and country is one and the same.

With strong, conservative background, why did she turn to a revolutionary, Godless organization? She was innocently duped into believing that the civil rights group she was invited to join would be helping her people and other minorities to a better life, she said.

After months of campaigning for Communist candidates, chauffeuring party leaders, attending meetings, and passing out the Daily Worker, she said she had enough.

TACT

What positive program does she recommend for concerned citizens who want to do something to combat this growing menace?

"Everyone who wants to restore fundamental American principles and build a safer, freer, prouder nation should contact his local conservative groups, such as TACT (Truth About Civil Turmoil), which is dedicated to encourage people to learn more about Communist influence in the so-called civil rights movement and to work together with all races to make a better and safer community."

COMMUNIST INFILTRATION OF OUR COLLEGES AND UNIVERSITIES

Mr. THURMOND. Mr. President, in the past 20 years, the Communist element has steadily carried out its policy of infiltrating our colleges and universities. Our country is now experiencing the results of this infiltration.

The Sumter News, one of the most outstanding weekly newspapers in South Carolina, recently carried a fine editorial pointing out this fact. It called for all conscientious citizens to wake up to the fact that we must strongly support the concept of law and order if this country is to remain free for all of its people.

Mr. President, I ask unanimous consent that the editorial from the Sumter News entitled "Classroom Treason" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CLASSROOM TREASON

Immediately after World War II, on orders from Stalin, the communists accelerated their massive drive to infiltrate the schools, colleges and universities of America.

The Word of God tells us that "the fear of the Lord is the beginning of wisdom."

The theories and ideologies of socialism and communism strike at the very heart of the Christian faith, therefore it is to be expected that young, immature minds, subjected to Marxian materialism in the classroom, become poisoned, warped and depraved.

Great institutions of learning, at one time founded by Christian men and Christian money, have slowly but thoroughly become infiltrated with Marxian-minded "educators" who scoff at the Word of God, ridicule the basic principles of decent moral conduct, attack private enterprise and the American way of life and propagandize their captive audiences of inexperienced, easily-led youth in behalf of modernism, socialism, communism and theism, all under the false guise of progress, liberalism, and sex education.

The apathy—the indifference—of Christian patriots allowed all of this to happen.

To an alarming extent, "the little red school house," a citadel of faith, character building and patriotism in years gone by, has degenerated into the big red school house, a breeding place of infidelity, depravity and subversion.

Informed loyal Americans have long been gravely disturbed over communist infiltration into our institutions of learning.

Every good American shares with J. Edgar Hoover, the Director of the FBI, the conviction that, "There is no room in America for communists or communist sympathizers in our educational system."

Bible-loving Christians and liberty-loving Americans have slept too long. We are now just beginning to reap the harvest of our own folly.

The apathy—the indifference—of unconcerned Christians and sleeping patriots has allowed traitors to God and traitors to America to subvert and pollute the minds of great numbers of our young men and women—all across America.

SUPPORT THE PRESIDENT

Mr. THURMOND. Mr. President, it is a pleasure for me to invite attention to an editorial in the May 2, 1970, issue of the News and Courier, in Charleston, S.C., entitled "Support the President." This editorial strongly endorses President Nixon's decision to attack the North Vietnamese sanctuaries in Cambodia. In my judgment, the success of the campaign has proven the President to be correct.

I salute the News and Courier for its

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astute evaluation of the President's action. The editorial makes it clear that President Nixon's course of action was essential to the safety of the U.S. troops and necessary for the success of the Vietnamization and withdrawal plans. I commend the News and Courier for its fine editorial in support of our President. It is noteworthy that the editorial stated that "we are confident he will have the support of the people of South Carolina."

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUPPORT THE PRESIDENT

In ordering U.S. forces to engage in a limited offensive against the North Vietnamese sanctuary inside Cambodia, President Nixon has carried out what he believes to be his responsibility as President and Commander-in-Chief.

This is a course of action which he deems essential to the safety of U.S. troops in South Vietnam. After a searching study, he decided that the policy of Vietnamization of the Southeast Asian conflict could not be accomplished without prompt action against communist military bases in Cambodia.

Only one man in the United States has all the information on the war in Indo-China: the President. He also bears responsibility for action or lack of action. Former President Harry Truman, discussing the presidential responsibility, said the "buck stops" at the Chief Executive's desk.

For this reason, The News and Courier believes that Mr. Nixon is entitled to the support of the American people in his decision on Cambodia. We are confident he will have the support of the people of South Carolina. They supported Presidents Truman, Eisenhower, Kennedy and Johnson in similar crises affecting national security.

When the American people elect a President, they also elect a Commander-in-Chief. In November, 1968, they decided to entrust their safety to Mr. Nixon. We are confident the vast majority of citizens recognize there can be only one President at a time.

Mr. Nixon is acutely aware of the campaign that will be mounted by those who oppose his course of action. A militant minority of protesters will do everything in its power to spread disunity. It is likely that protest won't be confined to marching, but also will take the form of riot, arson and bombs. Disturbing and shocking as such protests might be, they wouldn't be completely new. President Lincoln had to reckon with draft riots in New York City during the Civil War.

We admire Mr. Nixon's courage. We salute him for declaring: "I would rather be a one-term President than to be a two-term President at the cost of seeing America become a second-rate power and see this nation accept the first defeat in its proud 190-year history."

We don't believe the American people will turn their backs on the President. They may be tired of a long and often seemingly futile struggle, but they, too, are unwilling to accept national humiliation and defeat at the hands of a second-rate communist power called North Vietnam.

The President is still committed to Vietnamization, to a dignified, militarily secure plan of withdrawing large numbers of U.S. troops over the year ahead. The Cambodian operation is designed to protect and make feasible that plan. We believe all fair-minded citizens can and should support him in his latest effort. Mr. Nixon will not bug out. In that resolve, the majority surely will be with him.

CONFIRMATION OF JUDGE BLACKMUN'S NOMINATION

Mr. THURMOND. Mr. President, in voting for Judge Harry A. Blackmun to be an Associate Justice for the Supreme Court, the Senate has confirmed the appointment of an able man of high ethical and legal competence.

By this action, the Senate has done more than confirm the appointment of an Associate Justice—it has confirmed its bias against the South.

Since President Nixon took office, he has appointed four men to the Supreme Court—Judges Burger, Haynsworth, Carswell, and Blackmun. All four are distinguished jurists; all four shared the President's philosophy of strict construction of the Constitution; all four are strong supporters of law and order; and all four had previously been approved by the Senate for the second highest Federal court. Yet Judges Burger and Blackmun were confirmed by the Senate for the Supreme Court, and Judges Haynsworth and Carswell were rejected. The distinction between these men is clearly obvious. The two who were rejected were from the South; the two who were confirmed were not.

The relationship of Judge Blackmun's stock holdings to several cases he decided is virtually the same as Judge Haynsworth's. In both instances, this relationship was indirect and insubstantial, yet Judge Haynsworth was charged with dishonesty and insensitivity.

On essentially the same circumstances, the condemners of Judge Haynsworth complimented Judge Blackmun on his high degree of integrity. During the Haynsworth debate, the Fourth Circuit was accused of maintaining lower ethical standards than the rest of the Nation. Yet when a similar situation arose, Judge Blackmun's court, the Eighth Circuit, escaped such unjust criticism. Again the reason for this hypocrisy is obvious. The Fourth Circuit is a southern court; the Eighth Circuit is not.

Mr. President, the civil rights decisions of Judge Blackmun are quite similar to those of Judge Carswell. Yet only Judge Carswell was accused of being a racist. The reason for this is inescapable. Judge Carswell is from the South; Judge Blackmun is not.

My vote has been aye for each man President Nixon has nominated. I have not allowed sectional bias to influence my vote. Had this approach been followed by other Members of the Senate, both Judge Haynsworth and Carswell would have also been confirmed. However, these men were rejected because they were southerners.

The South has never asked for special treatment, only equal treatment. Yet equal treatment has been denied and the South has been used once again as a whipping boy. I call on the Nation to join me in condemning this discrimination against the 50 million loyal Americans who live in the South.

UNITED STATES-JAPAN TRADE RELATIONS AND THE TEXTILE IMPORT PROBLEM

Mr. THURMOND. Mr. President, the refusal of the Government of Japan to negotiate a meaningful agreement with the United States on foreign trade in textile articles has precipitated action in both Houses of Congress. Recently Congressman WILBUR MILLS, chairman of the Ways and Means Committee of the House, and other Members of Congress have introduced bills similar to S. 3615, cosponsored by me along with the minority leaders and Senators COTTON and HRUSKA, which was introduced a month ago. The House committee has given notice that it intends to take up Congressman MILLS' bill in public hearings this week. With the Ways and Means Committee of the House thus committed to early action, the prospects for a legislative solution to the Japanese-American impasse appear excellent. I am pleased by the initiative and leadership in this matter of the distinguished chairman of the Ways and Means Committee and commend him for his action.

A great deal has been written and said about the textile import problem in relation to Japan in recent months. There is a need, however, for this difficult problem to be put into the larger perspective of our total trade relations with Japan. Perhaps then the appropriateness of a legislative solution to the problem will be more clearly understood.

At the outset let us compare the trend in recent years of Japan's balance of trade with the world as a whole with that of the United States. In 1956 the United States made tariff concessions in trade agreement negotiations under the General Agreement on Tariffs and Trade for the benefit of Japan. In other words, we cut our duties in exchange for concessions by European countries to Japan.

In 1958, the year these tariff concessions became effective, Japan had a net deficit in its balance of trade of $156 million, while the United States had a surplus of $5 billion. By the end of 1969, Japan had a net surplus in its balance of trade of $1 billion, while the United States on a CIF—Cost, Insurance and Freight—basis had a deficit $1.3 billion. Therefore, the trade positions of the United States and Japan have just been reversed since 1958, when we generously purchased European trade concessions for the Japanese with tariff cuts on our domestic products. Japan switched from deficit to surplus, and we switched from surplus to deficit.

Mr. President, it is also useful to compare Japan's trade with the United States with her total trade, and vice versa. In 1958 the United States enjoyed a balance of trade surplus of $167.2 million with Japan; however, in 1969 we had a trade deficit of $1.8 billion with Japan.

It is instructive to consider the policies by which Japan has been able to achieve such a dramatic change in her foreign trade position, with the world as a whole, and with the United States. Mr. President, a few months ago Dr. Osamu Shimomura, the highly respected director of

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the Research Institute of Capital Formation of the Japan Development Bank, in a signed article in the Japan Economic Journal, referred to the fact that:

> A big characteristic of Japan's economy is that its growth is being featured by the fact that the elasticity of exports against the gross national product is clearly showing a bigger rise than the elasticity of imports.

How did this come about? Dr. Shimomura explains by saying:

> It is true that the increase in the surplus ratio of exports and the favorable balance in the overall account are being amplified by foreign exchange and import restrictions.

In view of the switch in the balance of trade between Japan and the United States, the question must be asked: Are these restrictions on Japan's imports still needed in 1970 in order to protect Japan's economy? Dr. Shimomura says no, stating that:

> Japan's economy today has finally arrived at the stage of its possessing capacity in which it can subsist even without such props of foreign exchange and import restrictions as a result of the remarkable growth made so far.

In view of the fact that these import barriers are not needed, will Japan actually remove the foreign exchange and import restrictions which protect her competitive industries? Certainly the U.S. Government hopes so, but Japan's efforts in this direction have been painfully small, and slowly taken.

From Japan's point of view these policies have worked wonders for her position in the world economy. Dr. Shimomura has pointed out that:

> If foreign exchange and import restrictions are retained as at present, the time will come when the country will be endowed with a large favorable balance with the passage of the years. It means that the economy has gained that much strength.

Mr. President, what is the purpose of this retention by Japan of her protectionist policies? Dr. Shimomura predicts that by fiscal year 1975, the export surplus "will most probably top $10,000 million." Japan's position will then be dominant in the world economy. Dr. Shimomura predicts that:

> If an economy in which the export surplus tops $10,000 million and the GNP $350,000 million materializes, the yen . . . probably will grow into the . . . strongest currency among the currencies of the various countries in existence at present.

Mr. President, this simply means that in 5 years Japan will become the most important economy in the world. The irony in this story is that the economically strongest country in the world today, the United States, will have literally given away its position of fiscal strength.

Mr. President, the distinguished Japanese economic and monetary expert whom I have been quoting does not himself favor the continued retention by Japan of her protectionist policies. He declares that if Japan does not change her protectionist, restrictive trade policies, "it will stir up an extremely big confusion in respect to international financing of the world."

Now, Mr. President, the moderate adjustment in Japan's textile exports envisaged by the type of agreement the Nixon administration has sought to negotiate and which would be furthered by the Mills bill is correctly seen against this perspective of Dr. Shimomura's analysis not only as not harming Japan's economic interests, but as positively benefiting her and her responsible position in the world trading community.

Let me say here, Mr. President, that I am impressed by the resurgent economic strength of Japan. From a condition of desolation, she has come in little more than two decades to be the second or third strongest nation in the world economically. This is the result of the hopes and aspirations for the Japanese people that constituted Gen. Douglas MacArthur's grand design. Recall with me for a moment his words describing the task which lay before him as he undertook the administration of Japan's affairs at the outset of the American occupation:

> We fed the Japanese, but we didn't intend to feed them forever. I directed my staff to work out the plans we needed to make Japan self-sufficient as soon as it was humanly possible. We had to rebuild the factories that had been bombed. We had to put the machinery in working order. We had to get the trains running and float some kind of a merchant marine. We had to get the telegraph and radio and newspapers in operation. And last of all, we had to get the overseas trade revived. One of the biggest tasks was to give Japan a balanced budget.

Mr. President, the United States took the leadership in supplying Japan with the raw materials needed for its industrial plant, and by deep tariff cuts for her benefit, we opened wide our own vast market and purchased greater access for Japan's products in the markets of Europe. In this we have been generous, patient, and self-sacrificing of important domestic interests. We in the United States place a high value upon the good will and friendship of Japan. That is why we must walk the last mile in our search for amicable solutions to our differences of opinion on economic and political matters with Japan. This applies to the textile import problem no less than issues such as the return of Okinawa.

Mr. President, the essence of the relationship of mutual good will, friendship, and cooperation between Japan and the United States was manifest in the historic discussions which took place in Washington in November 1969 between Prime Minister Eisaku Sato and President Nixon. President Nixon welcomed Prime Minister Sato with the reminder that "whether we have peace and prosperity and progress in the Pacific will depend more than anything else upon the cooperation of the United States and Japan" and assured him that the two heads of state met as both official and personal friends.

On his part, Prime Minister Sato stated that "The relations between Japan and the United States are becoming increasingly closer in recent years" and he declared it to be his "earnest desire to strengthen further the relationship of mutual trust and friendship between our two countries." The purpose of the Prime Minister's visit was, as he stated, "to solve the Okinawa problem—the biggest issue pending between Japan and the United States."

The President, sensitive to Japan's hopes and aspirations in regard to Okinawa, and mindful of the carefully developed relationship of mutual trust and friendship between the two nations, agreed to the early reversion of Okinawa to Japan.

I personally have serious questions about several aspects of the President's agreement with Prime Minister Sato for the reversion of Okinawa to Japan. I developed these at length in an address to this body on April 7, 1970. The point I wish to make today, however, is that the U.S. Government has shown great understanding of the essential interests of Japan in the Okinawa matter and has acceded to Japan's desires at considerable expense to the immediate interests of the United States, As I have explained in my April 7 speech. Now it is appropriate for Japan to show comparably great and sensitive understanding to the essential interests of the United States in the textile import problem and to be prepared to accommodate our problem in the same spirit we manifested in the Okinawa matter.

Mr. President, we are asking Japan to do far less in entering into an agreement on textile imports into the United States than it systematically practices in its own self-interest on a far broader scale through its vast measures for foreign exchange allocation and quantitative import restrictions.

It will aid our understanding of the matter if we briefly consider Japan's import limitation policies.

Japan controls imports both as to volume and content through its allocation of foreign exchange. Monthly the Ministry of International Trade and Industry in Japan issues "import validations" for the specific commodities and amounts for which the Government will make available foreign exchange. A system of "administrative guidance" determines which commodities may be imported through the allocation of foreign exchange and the amount of the selected commodities which may be imported.

One of the guiding principles in this "administrative guidance" system is the protection of Japanese industry from the importation of directly competitive products. The effectiveness of this system in controlling imports into Japan of U.S. products is readily observed by a comparison of Japan's exports to us with our exports to Japan of manufactured articles exported by both countries. The information which I am about to give is based on 1969 trade data.

To supply the perspective against which the data for specific commodities may be evaluated, I point out that for the grand total of all commodities involved in our trade with Japan, 9 percent of our exports went to Japan, while imports from Japan accounted for 14 percent of our total imports, and imports from Japan were equal to 141 percent of our exports to Japan.

Japan is not self-sufficient in agricultural commodities and exports few farm commodities. The United States sends 16 percent of our agricultural exports to Japan, while she accounts for only 1 percent of our imports of agricultural commodities. In nonagricultural commodities, however, Japan takes only 8 percent of our exports, while she supplies 16 percent of our imports. Imports of nonagricultural commodities from Japan are equal to 192 percent of our exports of such commodities from Japan.

In selected commodities Japan's dominance of U.S.-Japan trade relations is so great that the mind boggles in trying to grasp the full significance of the trade data. In iron and steel mill products Japan accepts less than 1 percent of our exports of iron and steel, but supplies 42 percent of our imports. Her iron and steel mill products imported into the United States are equal to 10,650 percent of our exports of such products to Japan. Mr. President, this is the largest imbalance of trade in any product category that we have with Japan.

In textile mill products and apparel Japan accepts only 3 percent of our exports of such articles, but supplies 23 percent of total U.S. imports. Imports of textile products and apparel from Japan are equal to 2,731 percent of U.S. exports to Japan of such articles. This is the second most serious imbalance in our trade with Japan and indicates why the Nixon administration has sought to negotiate voluntary restraint by Japan on her exports of textile and apparel products to the United States. Including manmade fiber primary products, imports of textile and apparel articles accounted for 11 percent of domestic consumption in 1969, in comparison with the similar ratio of 13 percent for iron and steel mill products.

The third highest state of imbalance in United States-Japanese trade is in radios, televisions, and other telecommunication equipment. Japan accepts 4 percent of our exports, but imports from Japan account for 68 percent of total U.S. imports of these products. Imports from Japan of radios, TV's, and other telecommunication products are equal to 2,645 percent of our exports of such products to Japan. In 1969 imports of radios accounted for 73 percent of U.S. consumption, and of TV sets 31 percent of U.S. consumption.

The fourth largest imbalance in United States-Japanese trade is in automotive vehicles and parts. Japan accepts less than 1 percent of our exports, but she accounts for 8 percent of our imports. Imports of automotive vehicles and parts from Japan are equal to 1,164 percent of our exports of such products to Japan. In 1969 imports of automobiles accounted for 13 percent of U.S. consumption.

The fifth largest imbalance in United States-Japanese trade is in the category of musical instruments, phonographs, tape recorders, records, and parts. Japan accepts 11 percent of our exports, but we receive from Japan products in this category equal to 72 percent of total U.S. imports. Imports from Japan are equal to 1,161 percent of our exports to Japan.

The sixth largest imbalance in our trade with Japan is in the category of textile, sewing and leather machinery. Japan takes only 4 percent of our exports, but her products account for 22 percent of our imports. Imports from Japan are equal to 711 percent of our exports to Japan.

Mr. President, these six specific classes of commodities which I have discussed are clearly disaster areas in our trade relations with Japan. They are not the only such heavily impacted areas of manufactured products where Japanese and American industry are keenly competitive, and where the Japanese industries are closing our products substantially out of the Japanese market while they enjoy full access to the American market.

They are illustrative of the problems which have developed under the closed-door policy of Japan and the open-door policy of the United States regarding directly competitive manufactured products. In just these six classes of commodities, the United States had a balance of trade deficit in 1969 of $3.3 billion, and $2.4 billion of that amount was in our trade in these six commodities with Japan. In other words, our trade with Japan accounts for 72 percent of our $3.3 billion deficit in the products of these heavily impacted industries.

If we consider the larger, basic commodity classifications in which our foreign trade statistics are summarized, we find a similar picture. In manufactured goods classified chiefly by materials, Japan takes 5 percent of our exports, but she accounts for 21 percent of our imports. Imports of these manufactured products received from Japan are equal to 753 percent of our exports to Japan.

In nonmetallic mineral manufactures, such as glass and ceramics, Japan takes 8 percent of our exports, but her products account for 37 percent of our imports. Imports from Japan are equal to 334 percent of our exports to Japan.

In metal manufactures not elsewhere classified, Japan accepts only 2 percent of our exports, but Japanese products account for 37 percent of our imports. Imports from Japan are equal to 1,534 percent of our exports to Japan.

In electrical machinery, Japan accepts only 6 percent of our exports, but Japanese products account for 46 percent of our imports. Imports from Japan are equal to 552 percent of our exports to Japan.

In miscellaneous manufactured products, Japan takes only 8 percent of our exports, but her products account for 27 percent of our imports. Imports from Japan are equal to 559 percent of our exports to Japan.

Mr. President, our industries could be highly successful in exporting to Japan. The Japanese maintain high prices in their home market, in sharp contrast to the low, incremental prices which they charge on exports in their drive to penetrate our market and thereby sustain the expansion of their industry.

These facts are well known in the commercial world.

Mr. President, thus far I have described how the Japanese protect their domestic industries from competition with their American counterparts through the allocation of foreign exchange. The administrative guidance practiced through import validation is a subtle process, difficult to detect. Less obvious is Japan's continued maintenance of absolute import quotas on 98 categories of commodities.

Both the restriction of imports through exchange allocation and through the imposition of quotas is a violation of the rights of the United States under article XI of the General Agreement on Tariff and Trade—GATT—which states that—

> No prohibitions or restrictions other than duties, taxes or other charges, whether made effective through quotas, import or export licenses, or other measures, shall be instituted or maintained by any contracting party on the importation of any product of the territory of any other contracting party.

Article XII of GATT provides an exception which permits a contracting party to violate article XI "in order to safeguard its external financial position and its balance of payments." This exception obviously does not apply to Japan today. Yet she persists in exchange control and the use of quotas.

The magnitude of the damage inflicted upon our commerce by Japan's practices is so enormous that our Government cannot and should not delay much longer in protecting our legitimate national interests. The extremely modest step which we have taken in asking Japan to negotiate an overall limitation and rate of increase on imports of textile articles of wool and man-made fiber is small in comparison with the magnitude of the wrongs inflicted on us by Japan.

Consider the 98 categories of commodities which are subject to Japan's mandatory import quotas, Mr. President. The United States exports products in each one of these 98 categories to the world. In 1969 the total value of these exports was $6.7 billion. Japan's quotas allowed only $909 million in value of these commodities into that country.

Included in the 98 categories are antibiotics, which we exported in the amount of $103 million to the world, but only $5 million to Japan; engines for automobiles, which we exported in the value of $151 million to the world, but only $101,000 to Japan; electrical goods and apparatus, including computer controllers, which we exported at $2.7 billion to the world, but only $161 million to Japan; and computers themselves along with peripheral units and parts for computers, which we exported in the value of $786 million, but only $98 million to Japan.

I am afraid, Mr. President, that we have come to a point in our trade relations with Japan where the Japanese have grown accustomed to our extreme consideration and forbearance of her protectionist policies and practices. Moreover, she is determined to oppose our efforts now to protect our own vital national interests at this late date.

The textile case is the logical one to use to demonstrate to Japan that the day has come when she is no longer entitled to a free ride in our markets at the expense of our employment and the economic health of our manufacturing industries. We respect her as a coequal partner with impressive economic strength. She has reciprocal obligations to us which she must honor, and the Mills bill is ideally suited to encourage her in this direction.

Mr. President, the injury to our econ

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omy resulting from Japan's trade policies is magnified by her severe restriction on foreign investment. The latter policy has often been the subject of promises for liberalization, but these have not been meaningful to American interests. It is helpful to the total perspective one needs in considering our trade relations with Japan to understand just how these policies interact upon the business decisions of U.S. corporations, and how they affect employment in the United States.

My friends in this body who are ardent advocates of ever freer trade policies for the United States often embellish their arguments with the suggestion that our Nation's sophisticated industries are well able to export. They also say that, as we exchange ever-widening market opportunities with other nations, we will gain more in high wage employment in our sophisticated, technologically oriented industries than we are losing in our lower wage, labor-intensive industries. Our experience with Japan demonstrates that this is not so. I shall refer to a few examples, because it is imperative that this point be clearly understood, Mr. President.

Remember that Japan limits the foreign exchange which may be used for the importation of automobiles from the United States. Then consider this: The U.S. duty of 4.5 percent will be reduced to 3 percent when the Kennedy round tariff cuts are fully effective on January 1, 1972. This will be applicable to all autos, large and small. The Japanese import duty is 40 percent on small cars and 35 percent on large cars, and the two rates are to be reduced to 30 percent and 17.5 percent, respectively. Under this grossly inequitable difference in United States and Japanese auto tariffs, our auto manufacturers were able to export 4,448 cars to Japan in 1969, while the Japanese exported 260,005 cars to us in that year.

Auto manufacturers in the United States know the handwriting on the wall when they see it. Desiring to have some position in the Japanese market, the three largest firms each have set about to form joint ventures in Japan on any terms that the Japanese Government will approve. Ford offered to make a 20-percent investment in Toyo Kogyo. The Japanese are interested because the tie-up of the two auto-making firms will pave the way for the Japanese firm's swiftly promoting exports of its rotary engine cars to the United States. Ford has to hand over its U.S. dealer network to handle the Japanese cars and promise not to increase its investment over the 20-percent level.

This is not all. Ford has entered into a joint venture with Nissan Motor Co. and Toyo Kogyo Co. in which Ford will supply 50 percent of the capital, but the Japanese firms will control the enterprise for the manufacture of automatic transmissions in Japan. A portion of this production is to be exported to the United States for use by Ford, and to Ford interests in other countries. Neither arrangement seems to promise a boost of U.S. exports of automobiles or transmissions to Japan, but definitely are geared to an increase in U.S. imports of autos and transmissions.

Chrysler has joined the parade to Japan by contracting with Mitsubishi Heavy Industries, Ltd., to set up a joint auto production venture in Japan. Chrysler will put up 35 percent of the capital, while the Japanese name three of the four top executives of the new enterprise. Chrysler's worldwide sales network will handle Japanese exports of Mitsubishi's Gallant passenger car. Efforts will be swiftly taken to sell the Gallant in the United States. The objective is to increase Japanese exports of the Gallant from 14,000 to 46,000 units in 1970. The joint venture hopes also to undertake the assembly of Chrysler's compact, the Valiant, in Japan, but Government approval has not yet been given; and MITI has indicated there is little possibility of its approving the assembly of Chrysler cars in Japan.

General Motors is reported to be following the strategy of seeking permission for a 100-percent investment in a Japanese automaking venture. If this is refused, as seems certain, it will then ask for Japanese tariffs on auto imports to be abolished, which seems unlikely. If, but only if, the Japanese Government agrees to abolish the tariff, General Motors will establish automaking facilities in neighboring Asian countries, such as Taiwan or the Philippines, to produce autos for export to Japan. Notably, General Motors' plans do not seem to include the marketing in Japan of autos produced in the United States.

Only American Motors seems to have made a determined effort to break into the Japanese market with the sale of cars produced in the United States. Commendably, American Motors is reported to believe that it stands to gain more from exporting and selling its assembled autos in Japan than venturing into production ventures in Japan. So far as I am aware, American Motors has received little encouragement from the Japanese Government in this approach. Certainly the height of the tariff alone would prohibit the more, to say nothing of the curtailment of imports through exchange allocation under administrative guidance.

The leading consumer electronic product and semiconductor companies in the United States have reacted in an equally discouraging fashion to the wall of separation which the Japanese Government has erected through exchange control and import quotas against American products in Japan. First of all, the Japanese Ministry of International Trade & Industry has moved quickly following Prime Minister Sato's triumphant trip to Washington to head off any American industry attempts to establish plants on Okinawa to serve the Japanese market. In turn, MITI is fostering the establishment of Japanese electronic firms in Okinawa.

RCA has helped Hitachi, Ltd., build up its computer manufacturing capabilities to the point that the two concerns are reported to be working together to avoid unnecessary overlapping of their research and investment in computer technology. RCA is helping Hitachi to develop a superlarge computer. Hitachi hopes through this association to share jobs with RCA in developing and manufacturing terminal units used for data communications and to supply minicomputers manufactured by Hitachi to RCA for sale in the United States.

This marriage with Hitachi has also produced a contract with RCA under which Hitachi will produce for export to the United States electric cable for the wiring systems of electronic computers and electronic telephone switchboards. Hitachi's power bus cable is priced at only about half the price of American-produced cable.

Mr. President, RCA has steadfastly refused to lend a hand to efforts by domestic electronic product manufacturers to secure administrative or legislative regulation of imports of radios, TV's, and other consumer electronic products. It has generously benefited Japanese companies through technological assistance and purchase contracts in the computer field. One would think that such conduct would give RCA peerless credentials to speak softly yet effectively to Japanese authorities about the urgent need for voluntary restraint on Japanese exports of consumer electronic products to the United States.

RCA's executives recently made such a suggestion to top leaders of Japan's consumer electronic product manufacturing companies. As could be predicted, the Japanese leaders spurned RCA's suggestions. RCA learned that its espousal of reciprocally freer trade was an empty lesson for the single track commercial minds of their counterparts in Japanese industry.

The U.S. industry has blazed the way to progress in semiconductor technology. In this important sector of electronic manufacturing there was an ideal opportunity to test the validity of the theory espoused by my friends in this body who believe that it is at the frontiers of technology, and that we as a nation will triumph in foreign trade.

However, experience has shown that this theory is not valid. The industry leaders—Fairchild Camera & Instruments Co., Texas Instruments, Inc., and General Instrument Corp.—have each seemingly striven to outdo the other. They have turned over their technology to Japanese manufacturers for use in producing semiconductor devices for export to the United States and in electronic hardware for export to the United States.

Not only have they stultified our export potential; they have fostered the manufacture of the latest electronic hardware, such as desktop computers, in Japan for export to the United States and preemption of the establishment of new sectors of electronic hardware manufactured in this country.

Texas Instruments, Inc., set up a joint venture with Sony Corp. for the manufacture of integrated circuits. Fairchild Camera & Instrument Co. has been in negotiation with Koa Denko Co. to the same end. Texas Instruments was brought into a complaint state of mind for its joint venture arrangement with Sony after Japanese companies banded together, with the support and encouragement of MITI, to resist the efforts of Texas Instruments to enforce its patent rights to the integrated circuit.

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Now, the latest generation technology in the integrated circuit field is being made available to Tokyo Sanyo Electric Co. by General Instrument Corp. The new devices will be produced for sale in Japan and for export throughout the world. Specifically, they will be used as the key component in an extra-midget desktop computer for export to the United States, further depressing the opportunity for American production in this new field of electronic technology.

Mr. President, these are dramatic examples of the effect of Japan's restrictive, protectionist, one-sided policies on the business judgment of Ameican industry executives. There are many, many others.

The leading U.S. firm producing automated nail guns has entered into a joint venture in Japan for the production of these articles for export to the United States in substitution of American production.

An effort by a leading American producer of dairy products to establish a joint venture for the marketing of such products was vigorously opposed by Japanese industry organizations, resulting in deferral of action by the Japanese Government on the project.

No less an organization than the Encyclopaedia Britannica has established a joint venture for the printing and publication of a Japanese language version of the Britannica and the production of a variety of educational equipment in Japan.

A number of leading U.S. food product manufacturers have established joint ventures for the production of their food products in Japan. General Mills is involved in such a venture for the protection of cake mixes and a snack cracker. Nestlés and General Foods are involved in another joint venture in Japan to build new large mills to produce various processed foodstuffs including instant coffee. Coca-Cola has established an affiliate in Japan and is building a new factory there to produce the extract for Coca-Cola. Dole Co. is planning a joint venture for production of orange juice in Japan.

A leading U.S. manufacturer of steel desks has agreed with a Japanese manufacturer that the latter will take over its production of steel furniture for marketing in the United States, while the American firm will discontinue its production activities. General Electric has licensed Toshiba of Japan to manufacture a new highly sophisticated type of machine tool numerical control system for export worldwide. Martin Marietta has offered to open up its entire know-how and basic technologies for the systems involved in the Titan series of rockets to a joint venture of Martin Marietta and three Mitsui group firms. Martin Marietta will make available 150 of its specialist engineers to assist the joint venture in development of space engineering products and projects.

Royal Typewriter Co. has agreed to form a joint venture in Japan with Silver Seiko Co. for the production of typewriter parts to be used by Silver Seiko in manufacturing manual and electric typewriters for export to the United States for sale by Royal. United Utilities, Inc., of the United States has made an agreement to sell the United States automatic telephone switchboards manufactured by four Japanese telecommunication equipment producers.

Eastman Kodak Co. has indicated that it would be compelled to take up production and sales of color films in Japan if the Japanese Government continued to impose its 40-percent duty on such films. Eastman, commendably, prefers to export color film produced in the United States, but is prepared to shift its production of film for the Japanese market to Japan if, as seems likely, it is unsuccessful in getting the Japanese tariff reduced.

Mr. President, I mention these illustrative examples of American companies transferring to Japan their technology and production of articles for consumption in the United States, as well as their export potential for consumption in Japan, to dramatize the manner in which Japan's restrictive investment and trade policies are adversely affecting employment and production of goods in the United States.

The Japanese Government holds our exports at bay and lures our manufacturers to set up noncontrolling joint ventures in Japan for the manufacture of goods there that would otherwise be exported from the United States and of goods that would otherwise be produced in the United States for consumption here. At the same time, Japan is moving aggressively in other ways to injure our trading interests.

While Japanese exports of flat glass are contributing to the injury being inflicted upon our domestic flat glass industry, Japanese flat glass producers are expanding their investment in facilities for the exportation of flat glass to the United States from other Asian countries. Our sheet glass industry has been found by the Tariff Commission to be seriously injured, but Japan's response is to step up the pressure on our industry by creating additional production facilities in other low-wage Asian areas for further exploitation of the American market.

Japanese hide and leather companies are closely cooperating with each other in planning their exports to the United States of hides and leather products. This market is already under severe pressure from imports of leather products. Our raw cotton exports to Japan have registered a conspicous decline as Japan's purchases of Mexican cotton displaced American cotton from its earlier primacy. Japan's cotton purchases from the United States in 1969 dropped by 440,000 bales.

American corn farmers continue to be penalized by the tariff quota system and the new surtax with which Japan limits imports of starch-making corn in order to protect Japanese products of potato starch. The basic tariff rate is 10 percent, but the surtax imposed on overquota imports has been raised from 40 percent to nearly 80 percent. Separately, Japan maintains tight import quotas on starches and potato flakes, so that her scheme of protection for her potato starch industry is complete. We exported no potato flakes, and only $32,000 of starches to Japan in 1969.

On April 23, 1970, the Department of Agriculture released its study which indicates that Japan has encouraged other nations to produce agricultural commodities which Japan has purchased previously from the United States. In particular, Japan has stressed the production of corn, grain sorghum, animal feed, and oilseeds by other countries for sale to Japan. In 3 years, the U.S. share of Japan's agricultural imports has dropped from 35 percent to 30 percent, and the Department of Agriculture economists forecast that by 1975 there will be a very significant further decline in the U.S. share of Japan's imports of agricultural commodities.

Thus, notwithstanding her great and growing foreign trade surplus with the United States, Japan, as a matter of positive policy, is sharply reducing her purchases of agricultural commodities from the United States. The injury to the American economy which I am describing, which is being caused by Japan's foreign trade policies, is, therefore, not limited to the manufacturing sector but extends across the entire American economy.

Mr. President, there has not been a developed country in modern times that has practiced such systematic, effective, total protection of her home industries as Japan. Never has a modern commercial nation been so successful in attracting the minority voice-majority investment interest of her overseas competitors in establishing production facilities within her borders and disgorging her latest technology for the benefit of home industries.

Does this success in the artful practice of systematic protection through control of every facet of foreign trade give Japan special status? Does she have the standing to oppose the modest efforts which the Nixon administration has been attempting to make to secure a negotiated solution to our manmade fiber and wool textile import problem? Bear in mind, Mr. President, that we as a nation are not consulted at all by Japan in her steadfast implementation of her system of protection for her home industries. Our sin seems to have been that, rather than acting unilaterally, as Japan does in sector after sector of her protectionist system, we had the courtesy to ask them to sit down and discuss our problem and help us find a reasonable solution. The very invitation seems to have inflamed the passions of Japanese textile industrialists.

Mr. President, what are the realities of the manmade fiber and wool textile import problem of the United States? These sectors are part of the interdependent textile import problem which includes textile articles regardless of fiber content. Because the Long-Term Cotton Textile Arrangement, negotiated with the principal exporting and importing nations under the auspices of the GATT organization, presently provides some limitation on the rate of increase in U.S. imports of cotton textiles, the administration's efforts have been centered upon securing generally similar procedures

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through international agreement for manmade fiber and wool textiles.

Let us first take a look at the dimensions of the overall textile import problem. Then consider the relative size of the manmade fiber and wool segments of the problem. In 1969, imports of all textile articles were equivalent to 1.1 billion pounds, fiber content basis, and accounted for 10.6 percent of domestic consumption of textile articles. To put this import volume into perspective, I point out that during the years 1961 and 1962, when the short-term and then the long-term cotton textile arrangements were executed and entered into effect, total imports of all textile articles were equivalent to an annual average of 487 million pounds, of fiber content basis. This was equivalent to 7 percent of domestic consumption during that 2-year period.

During the years 1963 through 1965, total imports of all textile articles were equivalent to an annual average of 681 million pounds, fiber content basis, accounting for 8.4 percent of domestic consumption. Average annual imports were 40 percent higher than in the 1961–62 period, but average annual consumption of textile articles was only 17 percent higher.

During the years 1966 through 1968, total imports of all textile articles were equivalent to an annual average of 999 million pounds, fiber content basis, and accounted for 10.3 percent of domestic consumption. Average annual imports were 47 percent higher than in the 1963–65 period, but average annual consumption of textile articles was only 20 percent higher.

The year 1969 has been a period of recession for the textile industry. Consumption was 6 percent higher than for the average of the 1966–68 period, but imports were 9 percent higher. The imports accounted for nearly 11 percent of domestic consumption. From the base period of 1961–62, when partial regulation of textile imports went into effect, to 1969, total imports of textile articles increased by 124 percent while consumption increased only by 48 percent. This annual average rate of increase of 18 percent for imports of textile articles, but of only 7 percent for textile consumption, has had an unfavorable impact on the domestic industry. An absolute loss of employment is the most disturbing indicator. Between March 1969 and March 1970, the textile industry lost 50,900 jobs.

From February 1969 to February 1970, the index of industrial production for textile mill products dropped two percentage points, while that for apparel dropped about half as much.

By March of this year the impact of increased imports and the textile recession was so far advanced that more than half of the 247 areas of substantial unemployment in the South and Southwest were communities in which establishments for the production of textile articles are located. In South Carolina 100 percent of the labor surplus areas are communities in which textile mills are a principal source of employment. While unemployment has risen in the United States and is now above 4 percent, in Japan the unemployment rate has dropped steadily, reaching an average of only 1.1 percent in 1969 and an average of less than 1 percent since July of 1969. The textile industry accounted for 17 percent of the total loss of jobs in manufacturing in the United States between March 1969 and March 1970, though the textile industry accounts for less than 13 percent of the total employment in manufacturing. This fact clearly demonstrates the terrible toll on our working people suffered because of foreign textile imports.

The highest level of import penetration in the U.S. textile market exists in wool textiles. It increased from 22 percent in the 1961-62 period to 27 percent in 1969. In cotton textiles, imports accounted for 6 percent of domestic consumption in the 1961–62 period, and this ratio rose to 12 percent in 1969. In manmade fiber textiles, imports accounted for 4.6 percent in 1961–62 and this penetration rose to 8.4 percent in 1969.

Domestic consumption of wool textiles has declined by 24 percent between the average of 1961–62 and 1969. In cotton textiles, domestic consumption has been stagnant, increasing by less than 1 percent between 1961–62 and 1969. Several developments have strongly contributed to growing economic distress in those sectors of the textile industry. These are: The lack of growth in consumption, the persistence of wool textile imports at a high level—in excess of 27 percent of the market—and the continued increase in imports of cotton textiles by 96 percent between 1961–62 and 1969 to a level of 12 percent of the market. In 1969, 35 percent of U.S. imports of wool textiles and 24 percent of imports of cotton textiles were received from Japan.

Only in the man-made fiber sector has there been growth and promise within the textile industry. Consumption increased by 159 percent between 1961–62 and 1969, averaging 22 percent per year. Imports, however, have increased even more rapidly by 368 percent or an average of 52 percent per year. Japan supplied 26 percent of total man-made fiber textile imports in 1969 and 34 percent of the imports of man-made fiber yarn, fabric and apparel.

To show Japan's emerging dominance in this trade, Mr. President, I point out that in 1969 the increase over 1968 in imports of man-made fiber yarn, fabric and apparel from Japan of 24.5 million pounds. Fiber equivalent, was equal to 41.7 percent of the total growth in the use of yarn and fabric in U.S. production of apparel between 1968 and 1969. In other words, Japan is boosting her exports of labor-intensive man-made fiber textile articles at a rate which threatens to take over the major part of the growth in the entire domestic market for such articles. Moreover, Japan supplies a larger share of total U.S. imports of man-made fiber textiles than any other country, larger than all of Western Europe and virtually as large as all of the rest of Asia combined.

In setting out to seek a moderation of the rate of growth of manmade fiber textile imports, the Nixon administration logically decided to start with the country that supplies overwhelmingly the largest part of those imports. Its timing is important, for it is essential that ground rules for future participation in the dynamic manmade fiber textile market be established if foreign and domestic manufacturers and their workers are both to be able to look forward to sharing on some reasonable basis in the future growth of the manmade fiber textile market in the United States.

Bear in mind, Mr. President, that the cotton and wool textile markets are quite depressed, and that Japan supplies the lion's share of imports of cotton and wool textiles. In 1969 Japan supplied 24 percent of cotton textile imports and 35 percent of wool textile imports. But, Mr. President, Japan supplied 33 percent of manmade fiber textile imports from all yarn through the apparel stage. In all Japan supplied more than 1 billion square yards or square yard equivalents of textile products of all fibers and by far the largest quantity was of manmade fiber textile products. Japan supplied 585 million equivalent square yards of manmade fiber textile products, compared with 396 million equivalent square yards of cotton textiles and 60 million equivalent square yards of wool textiles. When we focus on our textile import problem, therefore, we must recognize that Japan supplies the largest amount of total textile imports into the United States and most importantly that she now devotes the largest proportion of her production of textiles for export to manmade fiber textile articles.

It is no mere coincidence that the Japan Chemical Fibres Association is lobbying every member of the Congress with a statistical road show designed to suggest that the manmade fiber textile import problem of the United States is not yet so awesome that action by the Congress is warranted. Their leadership role in the Japanese cause demonstrates that the manmade fiber textile import problem reaches up and down vertically through the entire fiber-textile mill product-apparel complex. The U.S. manmade fiber producers have been patiently explaining to the administration and to the Congress that the fiber content of every manmade fiber textile product whether suits, sweaters, shirts, trousers, hosiery, sheets, fabric, yarn or staple fiber, impacts the fiber producer. To the extent that the fiber producer's customers are impacted by directly competitive imports, the fiber producer is affected because his customer's loss of market is his loss of market, too.

The Japan Chemical Fibres Association confirms this essential truth by its behavior in leading the charge against the domestic textile industry in the halls of Congress. The Japanese industry's statistics are both inaccurate and misleading and need not deter us here. They are inaccurate because they omit manmade fiber primary products such as staple fiber. They are misleading because they exclude all imports except those from Japan, as though only the part of the iceberg visible above the water threatens the shipping lanes. Total im-

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ports, of course, represent the problem threatening the domestic textile industry and its workers. The Japanese portion of the total is the largest.

The main point about the Japan Chemical Fibres Association is that its avowed interest confirms the lesson which our domestic manmade fiber producers have been trying to impart. The manmade fiber textile import problem adversely affects our entire textile industry complex from top to bottom.

The lesson to be learned from my review of United States trade relations is that the United States has become increasingly disadvantaged as a result of widespread, systematic violation of our Nation's rights under our existing trade agreements with Japan by Japanese trade practices. Long ago we could have retaliated to redress the wrongs committed by Japan in restricting access for United States exports to Japan. Long ago we could have imposed countermeasures to discourage the flight of American enterprise into minority-interest Japanese joint ventures for the substitution of Japanese production for United States exports and domestic shipments. Our forbearance as a Nation has earned us the right to special consideration by the Japanese of our most urgent trade problem, textile imports. However, the Japanese have collapsed the trade talks conducted by the administration.

Therefore, Congress must act in a manner proportioned to both the necessities of our problem and the realities of our trade relations with Japan.

The Mills bill is an appropriate instrument for congressional consideration. Its handling by the committees of the House and the Senate and the process of refinement which will be accomplished through debate and floor action will provide ample opportunity to shape its final language to a solution of the textile import problem which is in the best interest of our textile workers and companies.

Mr. President, in this speech I have explored and discussed the commercial relationship between the United States and Japan as it relates to the impact of Japanese goods imported into this country. I have documented many examples of Japan's favorable trade position.

The picture is complex, and as it relates to textiles, the situation is critical.

In my judgment, this Congress must take action now to protect the textile industry. This industry is vital to our national welfare and defense. We simply cannot afford to allow an industry of this importance to be literally destroyed. It ranks second only to steel in the matter of national defense.

Mr. President, the evidence that I have presented constitutes a prima facie case against those who argue the merits of "free trade." Therefore, the burden of showing why the Congress should not act swiftly to protect the American textile industry now rests with the opponents of the Mills bill.

In conclusion, Mr. President, I submit that the case for protection of the American textile industry has been made in no uncertain terms. Now is the time for decisive, positive action. I urge my colleagues to show their support by favorably endorsing and backing the Mills bill.

EXPANSION AND IMPROVEMENT OF THE NATION'S AIRPORT AND AIRWAY SYSTEM—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 91–1074)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

TITLE I OF THE HOUSE BILL

The managers on the part of the House and the managers on the part of the Senate as to title I of the House bill and the amendment of the Senate numbered 1 (except section 306 of such amendment which amended the Tariff Act of 1930) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

PART I—SHORT TITLE, ETC.

SECTION 1. SHORT TITLE.

This title may be cited as the "Airport and Airway Development Act of 1970".

SEC. 2. DECLARATION OF POLICY.

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

That the annual obligational authority during the period July 1, 1970, through June 30, 1980, for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), should be no less than $250,000,000.

That the obligational authority during the period July 1, 1970, through June 30, 1980, for airport assistance under this title should be $2,500,000,000.

SEC. 3. NATIONAL TRANSPORTATION POLICY

(a) FORMULATION OF POLICY.—Within one year after the date of enactment of this title, the Secretary of Transportation shall formulate and recommend to the Congress for approval a national transportation policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

(b) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report shall include the specific actions taken by the Secretary with respect to (1) the coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

SEC. 4. COST ALLOCATION STUDY.

The Secretary of Transportation shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users, and shall identify the cost to the Federal Government that should appropriately be charged to the system and the value to be assigned to any general public benefit, including military, which may be determined to exist. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this title.

PART II—AIRPORT AND AIRWAY DEVELOPMENT

SEC. 11. DEFINITIONS.

As used in this part—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off a such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of in-

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formation and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

(7) "Government aircraft" means aircraft owned and operated by the United States.

(8) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this part is to be used.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

(15) "State" means a State of the United States or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

SEC. 12. NATIONAL AIRPORT SYSTEM PLAN.

(a) FORMULATION OF PLAN.—The Secretary is directed to prepare and publish, within two years after the date of enactment of this part, and thereafter to review and revise as necessary, a national airport system plan for the development of public airports in the United States. The plan shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of airport development eligible for Federal aid under section 14 of this part, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes or categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

(b) CONSIDERATION OF OTHER MODES OF TRANSPORTATION.—In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

(c) FEDERAL, STATE, AND OTHER AGENCIES.—In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies, as appropriate; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to insure that the national airport system plan reflects the product of interstate, State, and local airport planning.

(d) COOPERATION WITH FEDERAL COMMUNICATIONS COMMISSION.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(e) CONSULTATION WITH DEPARTMENT OF DEFENSE.—The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

(f) CONSULTATION CONCERNING ENVIRONMENTAL CHANGES.—In carrying out of this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality. The recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality, with regard to the preservation of environmental quality, shall, to the extent that the Secretary of Transportation determines to be feasible, be incorporated in the national airport system plan.

(g) COOPERATION WITH THE FEDERAL POWER COMMISSION.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(h) AVIATION ADVISORY COMMISSION.—

(1) There is established an Aviation Advisory Commission (hereafter in this subsection referred to as the "Commission"). The Commission shall be composed of nine members appointed by the President from private life as follows:

(A) One person to serve as Chairman of the Commission who is specially qualified to serve as Chairman by virtue of his education, training, or experience.

(B) Eight persons who are specially qualified to serve on such Commission from among representatives of the commercial air carriers, general aviation, aircraft manufacturers, airport sponsors, State aeronautics agencies, and three major organizations concerned with conservation or regional planning.

Not more than five members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Five members shall constitute a quorum.

(2) It shall be the duty of the Commission—

(A) to formulate recommendations concerning the long-range needs of aviation, including but not limited to, future airport requirements and the national airport system plan described in subsection (a) of this section, and recommendations concerning surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(3) Each member of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the President, but not exceeding $100 per day, including travel time; and, while so serving away from his home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(4)(A) The Commission is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(B) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

(C) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(D) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(5) The Commission shall submit to the President and to the Congress, on or before January 1, 1972, a final report containing the recommendations formulated by it under this subsection. The Commission shall cease to exist 60 days after the date of the submission of its final report.

(6) There are authorized to be appropriated from the Airport and Airway Trust Fund such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this subsection.

SEC. 13. PLANNING GRANTS.

(a) AUTHORIZATION TO MAKE GRANTS.—In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

(b) AMOUNT AND APPORTIONMENT OF GRANTS.—The award of grants under subsection (a) of this section is subject to the following limitations:

(1) The total funds obligated for grants under this section may not exceed $75,000,000 and the amount obligated in any one fiscal year may not exceed $15,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 7.5 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

(c) REGULATIONS; COORDINATION WITH SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

SEC. 14. AIRPORT AND AIRWAY DEVELOPMENT PROGRAM.

(a) GENERAL AUTHORITY.—In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized to make grants for airport development by grant agreements with sponsors in aggregated amounts not less than the following:

(1) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation, $250,000,000 for each of the fiscal years 1971 through 1975.

(2) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, $30,000,000 for each of the fiscal years 1971 through 1975.

(b) OBLIGATIONAL AUTHORITY.—To facilitate orderly long-term planning by sponsors, the Secretary is authorized, effective on the date of enactment of this title, to incur obligations to make grants for airport development from funds made available under this part for the fiscal year ending June 30, 1971, and the succeeding four fiscal years in a total amount not to exceed $840,000,000. No obligation shall be incurred under this subsection for a period of more than three fiscal years and no such obligation shall extend beyond June 30, 1975. The Secretary shall not incur more than one obligation under this subsection with respect to any single project for airport development. Obligations incurred under this subsection shall not be liquidated in an aggregate amount exceeding $280,000,000 prior to June 30, 1971, an aggregate amount exceeding $560,000,000 prior to June 30, 1972, and an aggregate amount exceeding $840,000,000 prior to June 30, 1973.

(c) AIRWAY FACILITIES.—For the purpose of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958, the Secretary is authorized, within the limits established in appropriations Acts, to obligate for expenditure not less than $250,000,000 for each of the fiscal years 1971 through 1975.

(d) OTHER EXPENSES.—The balance of the moneys available in the trust fund shall be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a) and (b) of this section, and for the maintenance and operation of air navigation facilities and the conduct of other functions under section 307(b) of the Federal Aviation Act of 1958, not otherwise provided for in subsection (c) of this section, and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958. The initial $50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research and development activities.

SEC. 15. DISTRIBUTION OF FUNDS: STATE APPORTIONMENT.

(a) APPORTIONMENT OF FUNDS.—

(1) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) One-third to be distributed as follows:

(i) 97 per centum of such one-third for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(ii) 3 per centum of such one-third for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(B) One-third to be distributed to sponsors of airports served by air carriers certificated by the Civil Aeronautics Board in the same ratio as the number of passengers enplaned at each airport of the sponsor bears to the total number of passengers enplaned at all such airports.

(C) One-third to be distributed at the discretion of the Secretary.

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) Seventy-three and one-half per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) One and one-half per centum for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 13 per centum, and 15 per centum, respectively.

(C) Twenty-five per centum to be distributed at the discretion of the Secretary.

(3) Each apportioned to a State under paragraph (1)(A)(i) or (2)(A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to a sponsor of an airport under paragraph (1)(B) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located at airports sponsored by it. Any amount apportioned as described in this paragraph which has not been obligated by grant agreement at the expiration of the period of time for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

(4) For the purposes of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be determined by the Secretary pursuant to such regulations as he shall prescribe.

(b) DISCRETIONARY FUND.—(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) of this section, including amounts added to the discretionary fund pursuant to paragraph (3) of such subsection (a), may be used only in accordance with the purposes for which originally appropriated.

(c) NOTICE OF APPORTIONMENT; DEFINITION OF TERMS.—Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

Sec. 16. Submission and Approval of Projects for Airport Development.

(a) Submission.—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

(b) Public Agencies Whose Powers Are Limited by State Law.—Nothing in this part shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

(c) Approval.—

(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this part;

(B) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this part;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this part have been or will be met.

No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

(4) It is declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that any project involving airport location, a major runway extension, or runway location may have on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no such project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

(d) Hearings.—

(1) No airport development project involving the location of an airport, an airport runway, or a runway extension may be approved by the Secretary unless the public agency sponsoring the project certifies to the Secretary that there has been afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

(2) When hearings are held under paragraph (1) of this subsection, the project sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary.

(e) Air and Water Quality.—

(1) The Secretary shall not approve any project application for a project involving airport location, a major runway extension, or runway location unless the Governor of the State in which such project may be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved or where such standards have been promulgated by the Secretary of the Interior or the Secretary of Health, Education, and Welfare, certification shall be obtained from the appropriate Secretary. Notice of certification or of refusal to certify shall be provided within sixty days after the project application is received by the Secretary.

(2) The Secretary shall condition approval of any such project application on compliance during construction and operation with applicable air and water quality standards.

(f) Airport Site Selection.—

(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport, and notify the Secretary of Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

Sec. 17. United States Share of Project Costs.

(a) General Provision.—Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved airport development project submitted under section 16 of this part may not exceed 50 per centum of the allowable project costs.

(b) Projects in Public Land States.—In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

(c) Projects in the Virgin Islands.—The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

(d) Landing Aids.—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 82 per centum of the allowable costs thereof.

Sec. 18. Project Sponsorship.

As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard sys-

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tem of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this part, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this part or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this section.

Sec. 19. Grant Agreements.

Upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

Sec. 20. Project Costs.

(a) Allowable Project Costs.—Except as provided in section 21 of this part, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this part, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amount, and if the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable; except that in no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 13 of this part.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

(b) Costs Not Allowed.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

Sec. 21. Payments Under Grant Agreements.

The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

Sec. 22. Performance of Construction Work.

(a) Regulations.—The construction work on any project for airport development approved by the Secretary pursuant to section 16 of this part shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

(b) Minimum Rates of Wages.—All contracts in excess of $2,000 for work on projects for airport development approved under this part which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

(c) Other Provisions as to Labor.—All contracts for work on projects for airport development approved under this part which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

Sec. 23. Use of Government-Owned Lands.

(a) Requests for Use.—Subject to the provisions of subsection (c) of this section, whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this part, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) Making of Conveyances.—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

(c) Exemption of Certain Lands.—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation.

Sec. 24. Reports to Congress.

On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this part during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

Sec. 25. False Statements.

Any officer, agent, or employee of the United States, or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this part;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this part; or

(3) knowingly makes any false statement or false representation in any report required to be made under this part;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed $10,000, or by both.

Sec. 26. Access to Records.

(a) Recordkeeping Requirements.—Each recipient of a grant under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

(b) Audit and Examination.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to grants received under this part.

(c) Audit Reports.—In any case in which an independent audit is made of the accounts of a recipient of a grant under this part relating to the disposition of the proceeds of such grant or relating to the plan or program in connection with which the grant was given or used, the recipient shall file a certified copy of such audit with the Comptroller General of the United States not later than six months following the close of the fiscal year for which the audit was made. On or before January 3 of each year the Comptroller General shall make a report to the Congress describing the results of each audit conducted or reviewed by him under this section during the preceding fiscal year. The Comptroller General shall prescribe such regulations as he may deem necessary to carry out the provisions of this subsection.

(d) Withholding Information.—Nothing in this section shall authorize the withholding of information by the Secretary or the Comptroller General of the United States, or any officer or employee under the control of either of them, from the duly authorized committees of the Congress.

Sec. 27. General Powers.

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this part, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this part.

Part III—Miscellaneous

Sec. 51. Amendments to Federal Aviation Act of 1958.

(a) (1) Procurement Procedures.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

"NEGOTIATION OF PURCHASES AND CONTRACTS

"(e) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property. The Secretary shall, at the beginning of each fiscal year, report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate all transactions negotiated under this subsection during the preceding fiscal year."

(2) Table of Contents.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading "Sec. 303. Administration of the Agency." is amended by adding at the end thereof the following:

"(e) Negotiation of purchase and contracts.".

(b) (1) Airport Certification.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1431), relating to safety regulation of civil aeronautics, is amended by adding at the end thereof the following new section:

"Airport Operating Certificates

"POWER TO ISSUE

"Sec. 612. (a) The Administrator is empowered to issue airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board and to establish minimum safety standards for the operation of such airports.

"ISSUANCE

"(b) Any person desiring to operate an airport serving air carriers certificated by the Civil Aeronautics Board may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

"(1) the installation, operation, and maintenance of adequate air navigation facilities; and

"(2) the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft."

(2) Table of Contents.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading "Title VI—Safety Regulation of Civil Aeronautics" is amended by adding at the end thereof the following:

"Sec. 612. Airport operating certificates.
"(a) Power to issue.
"(b) Issuance.".

(3) Prohibitions.—Section 610(a) of such Act (49 U.S.C. 1430(a)), relating to prohibitions, is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(8) For any person to operate an airport serving air carriers certificated by the Civil Aeronautics Board without an airport operating certificate, or in violation of the terms of any such certificate."

(4) Effective Date.—The amendments made by paragraph (3) of this subsection shall take effect upon the expiration of the two-year period beginning on the date of their enactment.

Sec. 52. Repeal; Conforming Amendments; Saving Provisions; and Separability.

(a) Repeal.—The Federal Airport Act (49 U.S.C. 1101 et seq.) is repealed as of the close of June 30, 1970.

(b) Conforming Amendments.—

(1) The first section of the Act of March 18, 1950, relating to Department of the Interior Airports (16 U.S.C. 7a), is amended by striking out "Administrator of the Federal Aviation Agency" each place it appears and inserting in lieu thereof at each such place "Secretary of Transportation".

(2) Section 509(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by inserting "Airport and Airway Development Act of 1970;" immediately after "Federal Airport Act;".

(3) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by inserting "section 19 of the Airport and Airway Development Act of 1970;" immediately after "section 12 of the Federal Airport Act;".

(4) The Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) is amended—

(A) by striking out "or by the Federal Airport Act" in section 313(c) and inserting in lieu thereof ", the Federal Airport Act, or the Airport and Airway Development Act of 1970"; and

(B) by striking out "Federal Airport Act" in section 1109(e) and inserting in lieu thereof "Airport and Airway Development Act of 1970".

(5) Section 214(c) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214(c)) is amended by inserting "Airport and Airway Development Act of 1970;" immediately after "Federal Airport Act;".

(6) Section 13(g)(1) of the Surplus Property Act of 1944 (50 App. U.S.C. 1622(g)(1) is amended by striking out "Federal Airport Act (60 Stat. 170)" and inserting in lieu thereof "Airport and Airway Development Act of 1970".

(7) Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) is amended by striking out "and (h)" and inserting in lieu thereof "(h) the Airport and Airway Development Act of 1970; and (i)".

(c) Saving Provisions.—All orders, determinations, rules, regulations, permits, con-

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tracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

(d) SEPARABILITY.—If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons or circumstances is not affected thereby.

And the Senate agree to the same.

WARREN G. MAGNUSON,
VANCE HARTKE,
PHIL HART,
HOWARD W. CANNON,
NORRIS COTTON,
WINSTON P. PROUTY,
JAMES B. PEARSON,
Managers on the Part of the Senate.
HARLEY O. STAGGERS,
SAMUEL M. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
W. L. SPRINGER,
SAM DEVINE,
ALBERT WATSON,
Managers on the Part of the House.

TITLE II OF THE HOUSE BILL

The managers on the part of the House and the managers on the part of the Senate as to title II of the House bill and as to section 306 of the bill as proposed in the amendment of the Senate numbered 1 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 6, 7, 8, 9, 14, 21, 24, 26, 42, 46, 47, 57, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 10, 11, 15, 16, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 45, 48, 49, 59, 60, 61, 63, 66, 67, 69, and 71, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to section 306 of the bill as proposed in the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted in this respect by the Senate amendment, on page 47 of the House engrossed bill, immediately preceding line 1, insert the following new section (as the last section of part III of title I of the bill):

SEC. 53. MAXIMUM CHARGES FOR CERTAIN OVERTIME SERVICES.

(a) Notwithstanding the provisions of section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provisions of law, the maximum amount payable by the owner, operator, or agent of any private aircraft or private vessel for services performed on or after July 1, 1970, upon the request of such owner, operator, or agent, by officers and employees of the Customs Service, by officers and employees of the Immigration and Naturalization Service, by officers and employees (including an independent contractor performing inspectional services) of the Public Health Service, and by officers and employees of the Department of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock antemeridian on a week day, in connection with the arrival in or departure from the United States of such private aircraft or vessel, shall not exceed $25.

(b) Notwithstanding any other provision of law, no payment shall be required for services described in subsection (a) if such services are performed on a week day and an officer or employee stationed on his regular tour of duty at the place of arrival or departure is available to perform such services.

(c) Amounts payable for services described in subsection (a) shall be collected by the Department or agency providing the services and shall be deposited into the Treasury of the United States to the credit of the appropriation of that agency charged with the expense of such services.

(d) As used in this section—

(1) the term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) the term "private vessel" means any civilian vessel not being used (A) to transport persons or property for compensation or hire, or (B) in fishing operations or in processing of fish or fish products.

And the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 203. TAX ON TRANSPORTATION OF PERSONS BY AIR.

"(a) IMPOSITION OF TAX.—Section 4261 (relating to imposition of tax on transportation of persons by air) is amended to read as follows:

"SEC. 4261. IMPOSITION OF TAX.

"(a) IN GENERAL.—There is hereby imposed upon the amount paid for taxable transportation (as defined in section 4262) of any person which begins after June 30, 1970, a tax equal to 8 percent of the amount so paid. In the case of amounts paid outside of the United States for taxable transportation, the tax imposed by this subsection shall apply only if such transportation begins and ends in the United States.

"(b) SEATS, BERTHS, ETC.—There is hereby imposed upon the amount paid for seating or sleeping accommodations in connection with transportation which begins after June 30, 1970, and with respect to which a tax is imposed by subsection (a), a tax equal to 8 percent of the amount so paid.

"(c) USE OF INTERNATIONAL TRAVEL FACILITIES.—There is hereby imposed a tax of $3 upon any amount paid (whether within or without the United States) for any transportation of any person by air, if such transportation begins in the United States and begins after June 30, 1970. This subsection shall not apply to any transportation all of which is taxable under subsection (a) (determined without regard to sections 4281 and 4282).

"(d) BY WHOM PAID.—Except as provided in section 4263(a), the taxes imposed by this section shall be paid by the person making the payment subject to the tax.

"(e) REDUCTION, ETC., OF RATES.—Effective with respect to transportation beginning after June 30, 1980—

"(1) the rate of the taxes imposed by subsections (a) and (b) shall be 5 percent, and

"(2) the tax imposed by subsection (c) shall not apply."

(b) DEFINITION OF TAXABLE TRANSPORTATION.—Section 4262 (relating to definition of taxable transportation) is amended—

(1) by striking out "subchapter" in subsections (a) and (b) and inserting in lieu thereof "part";

(2) by striking out "transportation" in subsection (a)(1) and inserting in lieu thereof "transportation by air";

(3) by striking out "in the case of transportation" in subsection (a)(2) and inserting in lieu thereof "in the case of transportation by air";

(4) by striking out "any transportation which" in subsection (b) and inserting in lieu thereof "any transportation by air which"; and

(5) by adding at the end thereof the following new subsection:

"(d) TRANSPORTATION.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service."

(c) REQUIREMENTS WITH RESPECT TO AIRLINE TICKETS AND ADVERTISING.—

(1) Subchapter B of chapter 75 (relating to other offenses) is amended by adding at the end thereof the following new section:

"SEC. 7275. PENALTY FOR OFFENSES RELATING TO CERTAIN AIRLINE TICKETS AND ADVERTISING.

"(a) TICKETS.—In the case of transportation by air all of which is taxable transportation (as defined in section 4262), the ticket for such transportation—

"(1) shall show the total of (A) the amount paid for such transportation and (B) the taxes imposed by sections 4261 (a) and (b).

"(2) shall not show separately the amount paid for such transportation nor the amount of such taxes, and

"(3) if the ticket shows amounts paid with respect to any segment of such transportation, shall comply with paragraphs (1) and (2) with respect to such segment as well as with respect to the sum of the segments.

"(b) ADVERTISING.—In the case of transportation by air all of which is taxable transportation (as defined in section 4262) or would be taxable transportation if section 4262 did not include subsection (b) thereof, any advertising made by or on behalf of any person furnishing such transportation (or offering to arrange such transportation) which states the cost of such transportation shall—

"(1) state such cost only as the total of (A) the amount to be paid for such transportation, and (B) the taxes imposed by sections 4261 (a), (b), and (c), and

"(2) shall not state separately the amount to be paid for such transportation nor the amount of such taxes.

"(c) Penalty.—Any person who violates any provision of subsection (a) or (b) is, for each violation, guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100."

(2) The table of sections for such subchapter B is amended by adding at the end thereof the following:

"Sec. 7275. Penalty for offenses relating to certain airline tickets and advertising

And the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with the following amendments:

Page 52, line 17, of the Senate engrossed amendments, strike out "404" and insert: "204"

Page 53, line 5, of the Senate engrossed amendments, strike out "April 30" and insert: "June 30"

Page 55, line 2, of the Senate engrossed amendments, strike out "tranportation" and insert: "transportation". And the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "after June 30, 1970,"; and the Senate agree to the same.

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Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "after June 30, 1970,"; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(4) Subparagraph (M) of section 6416(b)(2) (relating to special cases in which tax payments constitute overpayments) is amended to read as follows:

"'(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;'."

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 206. TAX ON USE OF AIRCRAFT.; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

the rate of—

"(1) $25, plus

"(2)(A) in the case of an aircraft (other than a turbine engine powered aircraft) having a maximum certificated takeoff weight of more than 2,500 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight, or (B) in the case of any turbine engine powered aircraft, 3½ cents a pound for each pound of the maximum certificated takeoff weight.

And the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(e) TERMINATION.—On and after July 1, 1980, the tax imposed by subsection (a) shall not apply.

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with the following amendments:

Page 60, line 24, of the Senate engrossed amendments, after "with respect to" insert. "that portion of the tax imposed by section 4491 which is determined under section 4491(a)(2) on"

Page 61, line 8, of the Senate engrossed amendments, after "equal to" insert: "that portion of"

Page 61, line 9, of the Senate engrossed amendments after "such year" insert: "which is determined under section 4491(a)(2)"

Page 61, line 16, of the Senate engrossed amendments, after the period insert:

In the case of the year beginning on July 1, 1970, this subsection shall apply only if the person electing to pay the tentative tax establishes what the tentative tax would have been for such year if section 4491 had taken effect on July 1, 1969.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out.

Insert the matter proposed to be inserted.

And on page 65, line 16, of the House engrossed bill before the period insert:

or the amount to which any person is entitled under this section with respect to any period may be treated by such person as an overpayment which may be credited against the tax imposed by section 4491 with respect to such period

And the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with the following amendments:

Page 63, line 14, of the Senate engrossed amendments strike out "407" and insert: "207"

Page 63, line 24, of the Senate engrossed amendments strike out "March 31," and insert: "June 30,"

Page 64, line 13, of the Senate engrossed amendments strike out "March 31," and insert: "June 30,"

Page 65, line 14, of the Senate engrossed amendments strike out "March 31," and insert: "June 30,"

Page 67, strike out lines 22, 23, 24, and 25 of the Senate engrossed amendments and insert:

"(3) Allowance of credit against income tax.—

"For allowance of credit against the income tax imposed by subtitle A for fuel used or resold by the purchaser, see section 39.

Page 70, line 11, of the Senate engrossed amendments strike out "April 1" and insert: "July 1"

Page 70, line 13, of the Senate engrossed amendments strike out "April 1" and insert: "July 1"

Page 70, line 16, of the Senate engrossed amendments strike out "April 1" and insert: "July 1"

Page 70, line 19, of the Senate engrossed amendments strike out "April 1" and insert: "July 1"

Page 72, line 10, of the Senate engrossed amendments strike out "March 31" and insert: "June 30"

Page 73, line 1, of the Senate engrossed amendments strike out "March 31" and insert: "June 30"

And the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "208"; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1980,"; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1980,"; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1970,"; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1980,"; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970, and before July 1, 1980,"; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "June 30, 1970"; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following "ending after June 30, 1970, and beginning before July 1, 1980, and attributable to use after June 30, 1970, and before July 1, 1980"; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "208(b)"; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "208(b)(3);" and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "209"; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows:

Page 75, line 17, of the Senate engrossed amendments strike out "to be assigned" and insert: "to be appropriately assigned;" and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "210.;" and the Senate agree to the same.

Amendment numbered 75:

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That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SEC. 211. EFFECTIVE DATES.

"(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this title shall take effect on July 1, 1970.

"(b) EXCEPTIONS.—The amendments made by sections 203 and 204 shall apply to transportation beginning after June 30, 1970. The amendments made by subsections (a), (b), and (c) of section 207 shall apply with respect to taxable years ending after June 30, 1970."

And the Senate agree to the same.

RUSSELL B. LONG,
CLINTON ANDERSON,
ALBERT GORE,
JOHN J. WILLIAMS,
CARL T. CURTIS,
Managers on the Part of the Senate.

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JACKSON E. BETTS,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, I move that the Senate agree to the conference report.

Mr. LONG. Mr. President, we have before us the Airport and Airway Revenue Act of 1970 conference report.

Mr. President, I shall direct my attention primarily to title II of the bill before us today, H.R. 14465, the Airport and Airway Revenue Act of 1970. These provisions provide the revenues to finance most of the expenditures authorized in the first title of the bill.

There is one section in title I, however, under the jurisdiction of the Finance Committee and the Ways and Means Committee.

I am happy to report the House receded and concurred in a Senate amendment which is now section 53 of the bill. This amendment establishes a maximum fee of $25 for customs overtime services provided private aircraft landing at international airports at unusual hours. Under the Senate amendment and the conference agreement, those aircraft which are usually charged less than $25 for the cost of servicing their aircraft at irregular hours will continue to pay the lower rates in accordance with the cost of the services rendered. However, those private aircraft owners who have found themselves paying more than $25, sometimes as much as $90, for custom services on a Sunday will now pay at a maximum of $25.

This amendment, coauthored by the chairman of the Commerce Committee, (Mr. MAGNUSON), and the senior Senator from Alaska (Mr. STEVENS), was supported by the Treasury Department and it should relieve private aircraft owners of a financial burden which they now are carrying. It is especially helpful to those returning from Canada or Mexico on a Sunday or holiday.

Mr. President, let me now summarize briefly the conference action on the revenue-raising provisions of H.R. 14465.

First, let me turn to the tax on air passenger travel. The conference adopted the House 8-percent tax on passengers, rather than the Senate tax on the airlines with the provision enabling CAB to pass the tax on to the passengers. However, the conference accepted the general intent of the Senate's tax on the airlines by stating that the airlines, and also the travel agents, in the case of travel all of which is subject to the 8-percent domestic tax are to show on the ticket only the total ticket price, including the 8-percent tax. In the case of advertising also the price shown must include the entire tax in the case of domestic transportation and must not contain a separate listing of the fare or tax. These measures will give assurance that the public will know the total airfare for a particular domestic flight and not be misled into assuming that the fare alone represents the total cost. It also will mean that passengers, upon arriving at the ticket counter will not have to wait in line while separate computations of tax and fare are made. These requirements as to inclusion of the tax do not apply to the new $3 per person tax on international flights or to any travel involving foreign transportation.

The House also accepted the Senate provision of allowing no exemptions from the aviation user taxes. The House version of the bill had provided exemptions for transportation furnished to the Red Cross and international organizations. Thus, all users of civil aviation will pay their share of Federal aviation user taxes when they utilize the airport and airway facilities.

Second, with respect to the cargo tax on airfreight transportation, the conference accepted the Senate version, which provided three very limited exemptions. Exemptions from the cargo tax are provided for charges: First, for excess baggage; second, for the portion of flights to or from Alaska and Hawaii to the extent not over U.S. territory; and, third, for imported airfreight. In the case of imported airfreight, the conferees were unable to devise a satisfactory method of assessing and collecting a cargo tax on imported freight, and as a result it was decided, for the present, to forgo the imposition of a tax on imported freight but to keep this problem under observation should it become a serious competitive problem at any time in the future. I should also point out that both the House and Senate versions had exempted exported freight from the cargo tax.

Third, the conference adopted the House-passed 7-cents-a-gallon tax on aviation fuel used by general aviation, instead of the 6-cents-a-gallon tax as passed by the Senate.

The conferees took this action only after carefully considering the proportion of the total tax burden which would be borne by commercial aviation versus that borne by general aviation. Under the House bill, general aviation in 1971 would have borne 9.2 percent of the total tax burden and by 1980 this would have decreased to 6 percent. Relative to the administration proposal that general aviation bear 11 percent of the burden, the House version looks favorable to general aviation. However, under the version adopted by the Senate, general aviation would have borne only 7.2 percent of the tax in 1971 and 4.7 percent in 1980. The action taken by the conferees represents a compromise between the House and Senate versions. In 1971, the percentage of the total tax borne by general aviation under the conference action will be 8.8 percent and by 1980 this will have decreased to 5.8 percent. While the conferees accepted the House tax rate on the fuel tax, as I will disclose in just a few minutes, it adopted some of the Senate amendments on the annual use tax which have the effect of decreasing below the House version the proportion of the total tax burden borne by general aviation.

Fourth, in the case of the annual aircraft use tax, the conference accepted largely the Senate provision. While the conference retained the basic $25-per-plane tax of the House bill, more significantly, it accepted the Senate's idea of an exemption from the poundage portion of the use tax for small aircraft. The form of the exemption was modified, however, to base the exemption on weight rather than seating capacity. Under the conference action an exemption was provided for piston engine powered aircraft with a "maximum certificated takeoff weight" of 2,500 pounds or less. This will relieve 60 percent of general aviation aircraft from the poundage portion of the use tax. It was felt that an exemption based upon gross takeoff weight would be easier to administer by the Federal Aviation Administration. A poundage exemption also precludes the possibility of an exemption for certain large and more expensive aircraft simply because they happen to have a maximum seating capacity of four or less.

Fifth, the conference accepted the Senate amendments providing a termination date of June 30, 1980—for the increases in aviation user taxes provided by this bill and also for the termination of the new airport and airway trust fund. This will provide Congress an opportunity to review the entire Federal airport and airway program. I might point out that this is consistent with the highway trust funds which also has a termination date.

Finally, Mr. President, the conference adopted July 1, 1970, as the effective date for the new and increased aviation user taxes.

As approved by the conference, the revenue provisions of H.R. 14465 will provide aviation user tax revenues of $665.8 million for fiscal 1971, or $322 million above existing law aviation taxes. By fiscal 1980, the aviation user taxes are expected to yield $1.8 billion, or almost twice the level of the projected revenue of $927 million from existing law aviation taxes.

I ask unanimous consent that a summary table giving a comparison of the estimated revenues under the House, Senate, and conference versions of the bill be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

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TABLE 1.—SUMMARY COMPARISON OF ESTIMATED AVIATION USER TAX REVENUES, H.R. 14465—HOUSE, SENATE, AND CONFERENCE VERSIONS, FISCAL YEARS 1971-74 AND 1979-80

[In millions of dollars]

	1971	1972	1973	1974	1979	1980
A. As passed by the House:						
Total	674.5	747.8	834.4	930.8	1,626.0	1,813.3
Passenger ticket tax, 8 percent	526.2	584.4	653.5	731.7	1,293.2	1,444.2
Waybill tax, 5 percent	42.9	48.9	56.1	63.3	134.3	157.6
Fuel tax, 7 cents a gallon [1]	47.2	50.9	55.1	59.2	81.0	85.4
International flight tax, $3	28.4	31.2	35.0	39.6	68.4	74.5
Aircraft use tax [2]	26.8	29.2	31.4	33.5	44.1	46.3
Taxes on tires and tubes	3.0	3.2	3.3	3.5	5.0	5.3
B. As passed by the Senate:						
Total	661.7	733.9	819.4	915.1	1,604.0	1,789.7
Passenger tax [3]	533.3	592.3	662.3	741.6	1,310.6	1,463.7
Waybill tax, 5 percent [4]	37.4	42.7	49.0	55.3	117.6	138.1
Fuel tax, 6 cents a gallon [1]	40.4	43.6	47.2	50.7	69.4	73.2
International flight tax, $3	28.4	31.2	35.0	39.6	68.4	74.5
Aircraft use tax [5]	19.2	20.9	22.6	24.4	33.0	34.9
Taxes on tires and tubes	3.0	3.2	3.3	3.5	5.0	5.3
C. As approved by the Conference:						
Total	665.8	738.0	823.8	919.1	1,605.6	1,790.1
Passenger ticket tax, 8 percent	526.2	584.4	653.5	731.7	1,293.2	1,444.2
Waybill tax, 5 percent [4]	37.4	42.7	49.0	55.3	117.6	138.1
Fuel tax, 7 cents a gallon [1]	47.2	50.9	55.1	59.2	81.0	85.4
International flight tax, $3	28.4	31.2	35.0	39.6	68.4	74.5
Aircraft use tax [6]	23.6	25.6	27.9	29.8	40.4	42.6
Taxes on tires and tubes	3.0	3.2	3.3	3.5	5.0	5.3

[1] General aviation aircraft.

[2] Annual use tax of $25 for all aircraft plus 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft.

[3] Tax of 7.5 percent of air fare, imposed on airline; assumes full tax is passed on and included in the ticket price.

[4] Revised. Exempts charges for portion of flights to or from Alaska and Hawaii not over U.S. territory, excess baggage, and imported freight.

[5] Annual use tax of 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft with seating capacity of 4 adults or less.

[6] Annual use tax of $25 for all aircraft plus 2 cents a pound for piston-engine aircraft of more than 2,500 pounds maximum certificated takeoff weight and 3½ cents a pound for turbine-engine aircraft.

Source: Department of Transportation, Federal Aviation Administration, Office of Aviation Economics.

Mr. LONG. Mr. President, I urge approval of this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Nevada (Mr. CANNON).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CANNON

Mr. CANNON. Mr. President, I am deeply disappointed that the Conference on the taxation provisions of the Airport/Airways legislation did not follow the Senate amendments on the general aviation fuel tax, and on the annual registration fee.

We of the Commerce Committee worked hard for these amendments. We agreed on a 6¢ fuel tax and the Senate agreed with us. State taxes on aviation fuel already range as high as 8¢ per gallon, and more states are looking into this source of revenue. We are putting too large a burden on the private pilot.

As to the annual registration fee, I had hoped the exemption to general aviation would also be adopted by the Conference, but unfortunately, the Senate receded.

So I am concerned about what we may be doing to our private pilot friends. A fuel tax, a yearly registration fee, pretty soon transponders to go into our larger airports, all this with the states rushing to raise their taxes.

As I stated, I am indeed sorry our Conferees did not approve the Senate Amendments.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. DOMINICK. Mr. President, the Senator will recall that one of the amendments I offered, and which was agreed to by the Senate on a rollcall vote, struck out the $25 annual registration fee. Do I understand the conferees retained that amendment and that no longer do we have an annual registration fee?

Mr. LONG. The $25 registration fee would continue but I am happy to say we were able to prevail with regard to the poundage tax on smaller airplanes, in which the Senator was interested. The poundage tax would not apply to any piston engine powered airplane weighing 2,500 pounds or less.

That is 60 percent of all general aviation airplanes. I am happy to report that, at least with respect to that part of it, we were successful in retaining the concept for which the Senator from Colorado labored and as to which he prevailed on the floor. I regret that we were not able to prevail with regard to the $25 registration fee; but, in terms of dollars, the latter provision is a much larger item, involving an estimated $3.6 million in 1971 and $5.7 million in 1980.

Mr. DOMINICK. I had not understood that. The $25 annual registration fee, on which we had a rollcall vote, was really a nuisance tax as opposed to anything else, as I pointed out. Do I understand that that provision has been put back in the bill at the insistence of the House?

Mr. LONG. The House insisted on it. As the Senator knows, the House adopted the $25 registration fee. It was the Senator's amendment that struck the matter on the floor.

Mr. DOMINICK. That is correct.

Mr. LONG. We tried to prevail in that. The House conferees were rather adamant with respect to it. They would not yield on it, although they were willing to concede to us what I believe is a major item, in terms of money, affecting owners of smaller airplanes. As I have said, the small aircraft exemption would take the poundage tax off 60 percent of the airplanes used by general aviation.

Mr. DOMINICK. I must say I am glad of the latter part, and I think it is very helpful, but I must also say that the $25 registration fee will be a concern and be of intense annoyance throughout the whole country. It does not produce any new revenue. Additional personnel will have to be hired and a bureaucracy will have to be established to ascertain whether anybody has paid the fee. In the meantime, there is a requirement of periodic inspection, at least once a year. So there is an inspection of an airplane when it is originally certificated, which goes through its life, and now apparently a $25 annual fee has to be paid to keep it alive as long as the airplane is around.

Mr. LONG. Of course, it costs $25 for automobile license tags in some States of the Union, and I believe that is true here in the District of Columbia. What made it difficult was that some persons who were lobbying had indicated that they had great political power and that they were going to bring it to bear on the chairman of the Ways and Means Committee of the House, who had shepherded it through the House. I think that is the type of challenge on behalf of that kind of man, who is doing yeoman service for the country, which does not make it easier for the Senate's position when we go to the House and try to make the House yield to a Senate amendment.

I want to assure the Senator that we did not yield on this matter lightly; that we really tried to prevail on it; and it was only when we became convinced that we could not prevail on this item that we finally yielded.

I commend the Senator for his great fight, because he is one of the champions for the operators of small airplanes, and the Senator made a magnificent fight. Well do I know that, because he won, and I, as manager of the bill, lost, on the floor.

Mr. DOMINICK. I thank the Senator. I know that even though the Senator from Louisiana may not be in favor of an amendment, he fights for it when the Senate adopts it.

Mr. LONG. Yielding on that amendment made the House conferees drop the other part of the bill which would have put a heavier tax on the airplanes. The fact that the Senate conferees had to yield on that amendment strengthened their hand in respect to the other part of it that involved these same people—that is, the small aircraft exemption from the poundage tax.

Mr. DOMINICK. I am glad of that. I hope the Senator from Louisiana, as chairman of the Committee on Finance, will take a look at this procedure after it has been in effect a while, because I think he will find that the cost of the added personnel will offset the revenues obtained from the fees. It will not result in added revenue such as would come from automobile fees, because airplanes must be inspected at regular intervals, and so it is highly expensive to comply with the FAA regulations and then have an annual registration fee that is not connected with safety in any way, but which is a harassment—not that the airplane owner cannot pay it. Obviously, if he is flying an airplane, he can afford $25. However, it is a question of building up a bureaucracy which will not result in any net gain in terms of better airports or facilities. That is the point I make.

I thank the Senator for his fight. I am glad it was effective in reducing the tax on weight.

Mr. LONG. I shall be glad to have a report on that matter. As far as I am concerned, the Senator's amendment is the Senate's position. That is the way the Senate voted. I have no doubt that that is the way the Senate would vote again. If the Senator would like to have it, I will ask for a report on this matter. It might help lead to legislation on which we could agree with regard to what the Senate previously agreed to.

Mr. DOMINICK. I would appreciate it if the chairman of the committee would follow through, because I think the Senator will find that the cost of the number of personnel required to carry out this provision will offset what would be received as a result of the tax.

Mr. LONG. I will be happy to undertake that on behalf of the committee.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. LONG. I yield.

Mr. DOMINICK. The other amendment which was adopted——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I ask unanimous consent that, under the same conditions, we may proceed for an additional 5 minutes.

Mr. THURMOND. Mr. President, I yielded for only 4 minutes. I have to finish my speech. I shall be glad to yield 3 minutes of additional time, if the Senator can finish in that time.

Mr. DOMINICK. I thank the Senator. I will try to. Perhaps I can put a statement in the RECORD later which will continue the colloquy.

I offered an amendment to the bill requiring that all new aircraft, when they are manufactured, an *x* number of months after the enactment of the bill, and all used airplanes—and I am talking about fixed-wing prop airplanes—shall carry a device which will help locate them when they go down, called an emergency locator beacon. To my perfect shock, this proposal was first opposed by the FAA in a memorandum signed by the Secretary of the Department of Transportation. I talked with the Secretary about it. He obviously had never heard of it, so obviously it was an FAA procedure, and not the Secretary's.

Since then we have received assurances from both FAA and the Department of Transportation that they support the concept, which is interesting, since the FAA has opposed it for years, in spite of the fact that it has cost $8 million for search and find operations. When a person in an airplane goes down, he cannot be found. We do not know where he is. People will get killed searching for him. So here is a simple device, which now does not cost very much, particularly if it is going to be put on every aircraft, which is going to be invaluable to the owner in case of an emergency.

I understand that provision was knocked out of the bill in terms of some kind of study; is that correct?

Mr. LONG. The House was adamant, I am informed, against this amendment, because of the very considerable cost of it; but I will say to the Senator that I was not a conferee on that part of the bill. That was a part of the bill on which the senior members of the Committee on Commerce conferred. It is my understanding from the chairman of the Committee on Commerce (Mr. MAGNUSON) that he was hopeful that this provision could be agreed to, and he regretted that it could not be. He would support what the Senator wanted to do as separate legislation in the future.

As I understand it, while the amendment has merit, the main reason why it was difficult to get the House conferees to agree to it was the cost. On that particular point, I regret to say I was not in a position to speak for the Senate, and, therefore, I am not as well informed as is the chairman of the Committee on Commerce.

Mr. DOMINICK. I can understand that, and I am sorry.

Mr. LONG. He told me he regretted that he could not prevail on this particular item of which the Senator had won approval, I believe both in the committee and on the floor, and that he hoped that at a future date that we could again act favorably on this measure.

Mr. DOMINICK. I thank the Senator, and I certainly hope we can get moving on it.

For the record, the costs the Senator refers to are original owners' costs. There is no cost as far as the taxpayer is concerned in connection with the amendment.

Mr. COTTON. Mr. President, I wish to join with the distinguished chairman of our Committee on Commerce, Senator MAGNUSON, and the distinguished vice chairman of our Aviation Subcommittee, Senator CANNON, in urging the adoption by the Senate of the conference report on H.R. 14465—the Airport and Airway Development Act of 1970. Mr. President, it is the personal opinion of the senior Senator from New Hampshire that this legislation is the single most important bill to have been acted upon by our Committee on Commerce. It serves to lay the cornerstone to meet our aviation needs for the 1970's and beyond. It provides the legislative formula and requisite financing for the development of our airports and airways in the several States of this Nation.

Mr. President, in this connection I would like to point out that with respect to such development, section 14 of title I provides the general authority and section 15 of the same title, the specific distribution of funds with regard to State apportionments. In both sections, there is terminology concerning "airports served by air carriers certificated by the Civil Aeronautics Board." The senior Senator from New Hampshire has been assured by the managers on the part of the House that in their statement there will be clarification of this quoted terminology to make it crystal clear that the intent of the committee of conference was that an airport sponsor would be eligible for such apportionment if the particular airport serves a point on the route of an air carrier certificated by the Civil Aeronautics Board, including those airports where the certificated carrier may have been authorized by the Board to suspend its scheduled service subject to substitute service being furnished by a carrier exempt from certification, such as is the case with an air taxi operator. This intent, Mr. President, is of considerable importance to such States as my own where service by carriers certificated by the Civil Aeronautics Board has been replaced by service by air carriers providing scheduled substitute service, but which carriers are not required to be certificated by the Civil Aeronautics Board. It is the hope of this Senator that the Secretary of Transportation, in the administration of such provisions of the Airport and Airway Development Act of 1970, will take cognizance of, and abide by, this expressed intention on the part of the committee of conference.

Mr. President, I should like to make one further observation on the report of the committee of conference on H.R. 14465 with respect to the funding levels of the program and related features.

These provisions are to be found in section 14 of the first title of the bill dealing with the program aspects. As passed by the House the bill would have established a 3-year program; as passed by the Senate, a 10-year program. The committee of conference resolved the differences by striking a compromise 5-year program but essentially adopting the enumeration of the Senate version. On this point the Secretary of Transportation, by letter of March 17, 1970, to the distinguished chairman of our Committee on Commerce, expressed some reservations concerning the appearance in this section of establishing priorities for the use of the newly created trust fund moneys. For example, the Secretary expressed some concern that he might be required to spend the first $250 million for airport development; the second, for airways facilities before he, the Secretary, could make expenditures in other vital areas. The net effect would be a limitation on the flexibility of the Secretary's use of trust fund receipts.

Mr. President, the senior Senator from New Hampshire would like to make two points in this regard. First, the use of trust fund moneys was not a matter at issue in the conference between the respective Commerce Committees of both Houses but rather one before the conference of the Senate Finance Committee and the House Ways and Means Committee since the title dealing with financing establishes a trust fund and specifies expenditures which may be made from it. The second point, Mr. President, is that the use of trust fund moneys is subject to annual appropriations by the Congress. It, therefore, is for the Appropriations Committee of the respective Houses to review this program and through appropriations acts establish the necessary priorities.

In conclusion, Mr. President, H.R. 14465—the Airport and Airways Development Act of 1970—is directed toward the development of a safe system for the American traveling public. Safety, therefore, is the keynote and guiding principle for the implementation of this act and I would hope that with this in mind the Secretary of Transportation will administer the act with the requisite authority to insure the safe travel of our

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citizens in the airways and at the airports of our Nation.

Mr. President, subject to the foregoing observations, I urge without reservation the adoption by the Senate of the report of the committee of conference on H.R. 14465 and extend my personal congratulations to the President and our distinguished Secretary of Transportation on a job well done in proposing and advancing this legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the report was agreed to.

Mr. DOMINICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VIEWS OF KENNETH CRAWFORD ON CLEANING OUT CAMBODIAN SANCTUARIES

Mr. ALLOTT. Mr. President, the May 11 issue of Newsweek contained a most valuable column by Kenneth Crawford, an able student of American foreign policy.

It is Mr. Crawford's considered judgment that President Nixon's decision with regard to cleaning out the Cambodian sanctuaries is deserving of the highest praise.

I ask unanimous consent that this column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Newsweek, May 11, 1970]

Profile in Courage

(By Kenneth Crawford)

"To save mankind's future freedom, we must face up to any risk that is necessary. We will always seek peace—but we will never surrender . . . We are Americans, determined to defend the frontiers of freedom . . ."

This is a quotation not from President Richard M. Nixon's televised announcement last week that American and South Vietnamese troops had crossed into Cambodian territory but from a speech President John F. Kennedy delivered in November 1961.

Mr. Nixon paraphrased it and made it his own. Moreover, he set the words to the awesome music of hazardous action. What for President Kennedy had been only inspirational oratory was for President Nixon a solemn commitment already being carried out. After ten years, 40,000 killed-in-action casualties and $100 billion invested, Mr. Nixon was trying by bold military maneuver to bring to a reasonably acceptable conclusion a war Kennedy had tentatively joined by sending American soldiers and equipment to the South Vietnamese.

Some of Kennedy's posthumous interpreters have insisted that, had he lived, he would have refused to escalate American intervention in the Vietnamese war. This is necessarily a guess. There is as much reason to guess that he would have admired what Mr. Nixon has now done. It has in it the stuff celebrated by his book "Profiles in Courage." An American statesman has again done what he thinks right in the face of opposition both formidable and determined.

PREDICAMENT

This was Mr. Nixon's predicament: he had promised to wind down the war and bring American troops home as rapidly as prudent. This promise, and evidence that it was being carried out, had quieted opposition to the war. But impatience with the continued fighting and the weekly casualty figures was growing. Polls showed that both support of the war and of the President himself were suffering attrition. Reasonable critics of Administration policy were asking the pertinent question: "If we couldn't bring the enemy to terms while escalating how could we hope to do it by de-escalating?" Vietnamization was not a wholly persuasive answer.

Military realists recognized that the North Vietnamese and Viet Cong sanctuaries in Cambodia had become, especially after the Communists' Tet disaster in 1968, the key to the enemy's durability. Yet Prince Sihanouk's nominal neutrality and, after his overthrow, the outcry in Congress against "widening the war" seemed to assure continued immunity for the Cambodian hideouts.

Nobody outside of the innermost White House circle thought Mr. Nixon would dare attack these sanctuaries. For this reason, the Senate Foreign Relations Committee, center of the run-sheep-run game now so popular in Congress, concentrated its attention on ways of preventing the President from arming the Cambodians. Meanwhile he was secretly preparing a far more promising initiative. Secrecy was maintained in the hope of achieving surprise on the battlefield. There was no leakage, and initial surprise apparently was achieved.

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It was an audacious move. Mr. Nixon knew it would be accepted reluctantly, given the temper of the times, even by a silent majority, and that it would infuriate his Congressional opposition and in all probability add to it. Even so, it seemed doubtful that Congress would go to the length of forbidding him to pursue the course he had chosen. This was one of the many chances he thought worth running. For the alternatives—doing nothing or trying to shore up the weak Cambodian Army—promised only drift and ultimate humiliation.

Now it is up to the soldiers attacking such a exotically named places as the Parrot's Beak and the Fishhook, sites of Communist command headquarters, staging areas and supply dumps. If the operation goes well, the enemy will have suffered his worst defeat of the war and recovery will be difficult, given his already weakened position in South Vietnam. If, on the other hand, the operation goes badly or the enemy merely retreats deeper into Cambodia and regroups rapidly, the gamble will pay off only in small change.

Whatever the outcome, Richard Nixon deserves reappraisal. Skeptics who have said he is a compromiser incapable of standing up to pressure should, but probably won't, recant. Foreign Offices making the same mistake probably will. The effects may reach far beyond Cambodia. Perhaps Kennedy's words live a little.

RAPID TRANSIT PROGRESS

Mr. ALLOTT. Mr. President, I have said many times that the United States ought to look to Western Europe where sound rapid transit progress is swiftly developing.

We hear a good deal of talk these days about new concepts and new modes of transportation. I am a supporter of research and development in new concepts for long distance transportation.

But, as I have often said, I have grave reservations concerning the economic feasibility of some of the new technology in urban transportation. This is simply true because in an urban transportation system frequent stops are required to make a system viable and convenient. If trains are to stop every four blocks to a mile, then top speeds of over 80 miles an hour are obviously unnecessary.

So, while in America we continue to talk and talk and talk in many of our cities, in Western Europe rapid transit lines are being developed in many major cities.

An excellent presentation by Gunther Gottfeld of the Massachusetts Bay Transportation Authority highlighted these European developments. Mr. Gottfeld's address was delivered to the Joint Rail Transit Conference of the Institute of Rapid Transit of the American Transit Association in Boston on April 22, 1970.

The progress Mr. Gottfeld aptly describes should serve as inspiration to those transit authorities in the United States charged with the responsibility of creating new rapid transit facilities.

Mr. President, I ask unanimous consent that Mr. Gottfeld's remarks be printed in the Record at this point.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Recent Developments in European Rapid Transit Systems

(By Gunther M. Gottfeld)

During May, 1969 as part of a trip to London to attend the Congress of the International Union of Public Transport, I had an opportunity to survey a number of rapid transit systems in England, Sweden, Germany, and the Netherlands. This slide presentation is intended to provide highlights of some of the recent developments in European rapid transit systems. Its purpose is not to be an in-depth analysis of any transit system.

The first city to be looked at is Stockholm. Stockholm, the capital of Sweden, has a population of about 1.3 million people in the metropolitan area. Its subway system dates back to 1950, and was developed when auto ownership was only one car for every 26 persons. The geography of the city with its many islands connected by a limited number of bridges, required the development of a rapid transit system at a much earlier date than other cities of comparable size. It was indeed fortunate that the city fathers had such foresight, because auto ownership today has increased to one car for every 3.5 persons, and orderly growth would have been impossible without good transit. At the present time there are 40 route miles in operation. The existing system adequately serves the city, and carries about 600,000 passengers on an average weekday. Construction is now underway to add 40 additional miles of lines, mostly in growing suburban areas, and to be operational by 1980. The doubling of the Stockholm network to 80 miles in a relatively short time is made possible by grants from the national government, which contributes 95 per cent of the basic construction costs of rapid transit lines. Basic construction consists of most of the fixed costs. It does not include such items as track, power, signalling or rolling stock, which are paid for by the Greater Stockholm Transit Authority.

Recognizing the importance of integrating the automobile with rapid transit, an increasing number of stations have park and ride facilities. Extensions are being built simultaneously with the development of new communities. This policy has been made possible by public ownership of large sections of vacant land which are developed according to a strictly adhered to plan. It assures proper growth and the availability of good public transportation at the time residents move in. One of the outstanding features of the city's planning is the reserving of open space between rapid transit stations in suburban areas. This buffer zone provides a pleasant contrast to the endless sprawl which is so characteristic of many American suburbs.

Graphics play an important role in station interiors. One of the most attractive artistic decorations is the large enamel painting measuring 3000 square feet at station Malarhojden. Many of the newer stations have such graphics designed by leading Swedish artists and architects.

In addition to the rapid transit system, electrified suburban rail service was recently inaugurated between Stockholm and outer suburban points up to 30 miles away. The new trains are of an advanced design with a high rate of acceleration and deceleration, high level platform loading and interiors similar to the subway cars. These commuter trains have replaced many bus routes which used to operate into the center of Stockholm. Buses are now used as feeders to the trains, and their schedules are coordinated to connect with train arrivals and departures.

London has the world's oldest and most extensive underground system in the world. Of special interest today is, of course, the new Victoria Line. This line was built to relieve congestion on other underground lines, and to reduce bus operations in Central London which are costly to operate and subject to numerous traffic delays. The new tube provides a faster and more direct route to the West End in Central London. Construction began in 1962 and completed in early 1969. The line was built entirely by shield driven tunnelling through London's clay. The present route extends for 10½ miles from Walthamstow Central in the northern part of London to Victoria Station in downtown London. An additional 3½ miles are under construction from Victoria to Brixton, and this extension is expected to be completed in 1972.

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The Victoria Line features a number of technological developments.

AUTOMATIC TRAIN OPERATION

The motorman starts the train by pushing two buttons and the train moves automatically at speeds controlled by the signalling system, and also slows down and stops automatically. The opening and closing of doors is done manually by the motorman with the aid of a closed circuit television screen located at the front of the station opposite the motorman's cab. Trains are of eight cars, and operated by one man.

ELECTRONIC FARE COLLECTION

London Transport has a graduated fare system based on the length of journey. As a result of this system, it is necessary to have both entrance and exit controls for fare payment, and this of course requires substantial personnel when handled manually. The Victoria Line is the first one on the London Transport system to be fully equipped with electronic fare collection equipment, which reduces but does not eliminate station personnel. The system works as follows:

1. Passenger purchases a ticket from proper vending machine. Each machine has tickets of a certain value and lists the stations which can be reached for that price. If a journey is to be made for which a ticket cannot be purchased from a machine, the passenger must then buy his ticket from the collector.

2. Passenger inserts magnetically coded ticket into gate and this permits entry into station area.

3. Passenger exiting inserts ticket into exit gate; ticket is swallowed by the machine, and gate opens to permit passenger to exit.

CROSS PLATFORM TRANSFER TO OTHER UNDERGROUND LINES

Four of the Victoria Line stations have cross platforms to enable passengers to transfer to other underground lines at the same level. This is one of the outstanding features of the new line, because of the large number of Victoria Line passengers originating on other underground lines.

Germany has created what we could call a transportation trust fund. In January 1967, gasoline and diesel fuel taxes were increased by three cents per gallon to be placed in a special fund to pay for improved transportation. Sixty per cent of this additional tax is spent for new highways and 40 per cent for mass transit. Except for Berlin, which is a special situation, the funds earmarked for transit are used to pay 50 per cent of the capital costs, and local governments contribute the remaining 50 per cent. This new source of money has permitted an acceleration of rapid transit construction in Germany. Prior to 1968, Berlin and Hamburg were the only German cities to have subways. Since then Frankfurt and Cologne have been added to this list, and new systems are under construction in eight cities, including Munich, Essen, Dortmund, Stuttgart, Hanover, Nuremberg, Dusseldorf, and Bremmen. It is ironic that Germany's rapid motorization is actually helping mass transit because of increasing gas tax revenue being placed into the special fund.

Berlin, as we all know, is divided into two sectors—West and East. The subway system serves both, although it is no longer possible to ride between West and East Berlin. At the end of World War II, Berlin's subway network consisted of 51 route miles. Since 1956, an additional 15 miles have been completed, and 14 miles are under construction. By 1975, the system will have grown from 51 to 80 miles, an increase of 57 per cent. All of the postwar construction has taken place in West Berlin, and it is now 40 years since the last extension opened in what is now East Berlin.

Most of the system has been built by cut-and-cover, which is relatively easy in Berlin because of the sandy subsoil and wide streets. Berlin now spends about $23 million annually for subway construction. This amount is sufficient to increase the network by an average rate of two miles each year. There are two sources of funds:

1. Loans from the German Federal Republic as part of a subsidy to Berlin, because the city cannot be self-supporting.

2. Grants financed by motor vehicle fuel taxes, as previously explained.

Berlin is noted for having exceptionally quiet subway trains. A study made by Operations Research, Inc. a few years ago concluded that Berlin had the lowest noise level of any subway system in the world. There are two major reasons for this. First, the truck of the car is built in such a manner that two steel surfaces never touch, but are separated by vulcanized rubber. Secondly, the track area is heavily ballasted, cushioning exterior noise and vibrations.

Although its subway stations are not as colorful as in Stockholm, the new extension to Mariendorf does include one station with a very attractive display area for chinaware. One of the extensions under construction is to serve a new residential area called Rudow. This large area at the outer edge of the city near the border with East Germany, was vacant until recently. Now high rise apartments are under construction, and the new subway will be ready for its residents in 1972.

Hamburg is Germany's chief port city. A few years ago a new Authority, known as the Hamburger Verkehrsverbund was created to coordinate and integrate public transportation in the Hamburg region. The Authority is a policy making organization. It does not operate any service directly. This function continues to be handled by the nine transit systems, but under supervision of the regional body.

There are two rapid transit systems in Hamburg. The U-Bahn is the city subway operated by the Hamburg Elevated Railway Company. The S-Bahn is the suburban commuter system operated by the German Federal Railways. The new Authority has established a uniform fare structure, based on zones, which makes it possible to transfer between U-Bahn, S-Bahn, and feeder buses without paying separate fares. Buses are now used as feeders to the S-Bahn in addition to the subways in order that rail transit provide the principal means of transportation. These changes have reversed a ten year decline in riding, which was caused by the large increase in automobile ownership.

The rail systems have expanded. Since 1955, 14 miles of subway have been or are nearing completion. The commuter rail system has been expanded by electrifying 38 miles previously operated by steam or diesel, and a four mile downtown distribution subway is being built. When the present construction is completed in 1975, Hamburg will have 56 miles of subway and 55 miles of electrified suburban railways.

Frankfurt is probably Germany's leading commercial center. Although the population is only 700,000, there are 200,000 jobs in the central business area. Its rapid transit is recent, dating back to only October 1968. The initial line is 5.6 miles long, of which 2.5 miles are in subway and 3.1 miles on surface rights-of-way. It provides a link between downtown and a new community in the northwestern part of the city. In addition to the single rapid transit line operated with rapid transit cars, three suburban surface car lines also run in the new subway. These lines are operated with modern articulated cars which have been rebuilt to permit high level loading in the subway. About 74,000 riders use the new subway on an average weekday.

As was mentioned earlier, Frankfurt has a large central area employment. Many of these jobs are held by commuters living in outlying areas. Thus in addition to building subways, a new suburban electric rail network to be known as the S-Bahn, similar to the one in Hamburg, is now being built. This network will serve communities between 9 and 25 miles from the center. Travel times will be reduced by as much as one-third, and the new rolling stock will travel at speeds up to 75 miles per hour. A 3.8 mile downtown distribution tunnel is under construction for this system, part of which will be shared with the city subway on separate tracks. At the two major downtown stations, a cross platform transfer will be possible between the two systems.

Cologne recently opened a one-mile section of subway in the downtown area which is used by four surface car lines. New three-section articulated cars have been purchased for the subway-surface routes. These cars have a capacity of over 200 passengers, and are operated by one man. Extensions are now under construction, which will be opened in stages in the early 1970's.

Rotterdam has become the world's busiest seaport, replacing New York in total gross tonnage handled. As part of an overall plan to facilitate port development, all vehicular, rail and transit movements across the Maas River, the principal waterway in Rotterdam, will eventually be placed in tunnels, replacing the existing bridges. The construction of the subway was the first major step toward goal.

The Rotterdam subway must surely represent one of the great engineering feats in rapid transit construction. The city is under sea level, and hence conventional cut-and-cover was out of the question. As soon as the ground is excavated to a depth of one and one-half feet, the water table is reached. Hence, it was decided to convert two of the city's major streets into temporary canals. Prefabricated sections of tunnel were built in a shipyard, floated down the "canal," and sunk into position. The street was then restored. Rotterdam is fortunate to have wide streets, as this principle could not have worked on a narrow street without extensive

demolition of property. A tunnel was built under the Maas River using the same sunken tube method. After crossing the river, the line is built on a modern concrete aerial structure, similar to the BART structures. The present four mile line began in March, 1968, and riding has exceeded all expectations. An extension from the outer terminal on aerial structure is under construction, which will more than double the length of the present line. Part of this will be opened next year.

Mr. PELL. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I wish to congratulate the Senator for his work in helping those of us who live in urban transportation corridors of population density around the country and for his efforts to help make life a little more agreeable for people in these areas.

I think the Senator from Colorado is correct in saying that new means of transportation are going to come, but in the meantime we must not forget the old means of transportation. While the Senator stresses the importance of the interurban systems or transportation systems within cities, we should not forget what we have developed around the country and what we can do now. In our megalopolises the steel wheels of railroads can exercise the same role as the subways in our major cities.

The difficulty with the concept the Senator has been pushing in his work is that while we may get those systems running in the years ahead, we can too easily forget what must be done in the meantime. If we can do what has been done in Europe and in Japan to give clean, light, and punctual transportation, it would mean a great savings to many people in this country.

Mr. ALLOTT. I thank the distinguished Senator from Rhode Island. He is entirely correct. We do not need speeds of 200 miles an hour to serve a mass transportation system in a city. The speeds I spoke of are adequate with the existing technology we have insofar as existing railroads are concerned and even if existing equipment were operated in a way and manner that they were clean and had schedules which could assure people of their utilization.

We talk about the corridor systems such as the Boston to Richmond corridor and we talk about higher speeds. This is a separate problem, at least the speed to be used and which will be needed in the future. However, to deal with the greater problem, we do not need that speed.

Mr. PELL. It is a different dimension of the same problem because the Boston to Richmond corridor or the Boston to Washington corridor is one city. High speeds would be necessary, just as they should be integrated in local systems. The thought occurs to me that it is really two dimensions of the same problem.

Mr. ALLOTT. It is two dimensions of the same problem. Speaking of the second phase of it, I am speaking of the period I think is coming in America when the airways are simply going to be too crowded to accommodate the necessary transportation in distances of 200 to 300 miles; but by the same token we have no rail service. It is being rapidly diminished.

I hope that in the future the high speed rapid test center and things of that sort will lead to the opening of the eyes of some of the rail people to the needs of this country as they have developed now and will be. We are 5 to 10 years behind.

Mr. PELL. The odd thing is that 75 percent of our urban population live within the 15 corridors that now exist. We in the Northeast are only one corridor, but there are other corridors with which the Senator is more familiar than I, where these problems will be just as acute in 20 to 30 years from now as they are now.

Mr. ALLOTT. The Senator is correct, and I do not think they will have to wait 20 to 30 years.

I thank the Senator for his contribution.

OVERWHELMING SUPPORT FOR PRESIDENT NIXON'S POLICIES IN SOUTHEAST ASIA

Mr. ALLOTT. Mr. President, every major poll which has been taken indicates overwhelming support for President Nixon's policies in Southeast Asia.

Although many of the large daily papers, major television stations and networks have been critical of the President, I think Senators will be interested in the kind of support Mr. Nixon is continuing to receive from respected and established newspapers and radio stations throughout mid-America.

An excellent example of this support can be found in the editorial broadcast over KREX, one of the few 50,000 watt radio stations in the West, and KREX television, a major television outlet on Colorado's western slope. This editorial delivered by Rex Howell expresses vigorous and determined support for our President and our Nation.

Mr. President, I ask unanimous consent that this editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Overwhelming Support for President Nixon's Policies in Southeast Asia

The President of the United States has used this medium to inform the American people of the steps being taken in Cambodia, which the President believes are essential if America is to remain an undefeated world power.

This same medium is quickly being used by the political detractors of the President in an effort to instill doubts, fear and distrust in what the President has told us. We believe our President, we have faith in his integrity, and we decry the actions of those who seem to put politics above the vital interest of the nation.

President Nixon reached his decision after weeks of careful and prayerful study. His detractors did not bother to study the President's message, but rather went into "instant analysis" which is a word for predetermined adverse judgment, crystallized opinion based upon political emotionalism.

The President is used to harsh and critical judgments, nevertheless this must be a day of great discomfort to him as his critics scream invectives and accuse him of "madness."

Wouldn't this be a good time for those of us who believe and trust our President and who are concerned more about the future of America than we are in partisan political battles to express ourselves? Is this not the time for we of the great silent majority to break our silence and express our support for President Nixon? If you agree with the President, why don't you compose a simple telegram or letter . . . right now . . . expressing your support?

We forgot partisan politics and all fought the enemy together in World War II and we were an invincible force! Today we face an enemy whose insidious force has reached within our country to create dissension and doubt. This is the enemy's greatest strength today . . . his ability to divide us into a state of constant turmoil and indecisiveness . . . the method which the enemy confidently expects to render us impotent as a nation.

Now is the time to unite . . . Democrats . . . Republicans . . . whatever our minor variations of political philosophy may be . . . the strength of our nation is far more important!

Let's all write or wire the President today giving him our support and let us in our prayers ask that Divine Guidance be with our nation and its leaders.

CARLOS VILLARREAL ARTICLE "TRANSIT ON THE MOVE"

Mr. ALLOTT. Mr. President, over the years I have had a great deal to say about the Urban Mass Transportation Administration and its various programs. Some newspapers have described me as a critic of the program.

To a limited extent I might be so described, as I have been most disturbed by some of the Administration's programs and policies in research development and demonstrations in past years. However, Mr. President, I have always had the highest praise for the capital grant program which is so ably executed by Mr. William B. Hurd, Assistant UMTA Administrator.

Because of my long support for the capital grant program, I was particularly pleased to read an article entitled, "Transit on the Move—The Federal Capital Grant Program," in the April 1970, issue of Modern Railroads.

The article is written by UMTA Administrator Carlos Villarreal. Mr. Villarreal, more than any previous Administrator, has demonstrated his grasp of the true value of the capital grant program in the total urban transportation picture. Mr. Villarreal has set about the difficult task of at least formulating UMTA policy so that research and development and demonstration projects will eventually lead directly to capital grant projects.

In this article Mr. Villarreal explains how the grant program has been, is being, and will be used by UMTA. I believe Mr. Villarreal has taken great steps forward in making UMTA a truly progressive and viable administration. I commend his remarks to the Senate because this article is an excellent example of how Mr. Villarreal and Transportation Secretary Volpe are helping to remake and reshape America's transportation policies for the better.

Mr. President, I ask unanimous consent that the article by Mr. Villarreal be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

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TRANSIT ON THE MOVE

(By Carlos Villarreal)

The beginning of a new decade traditionally heralds new goals for the years ahead. So this is a good time to look at public transportation.

Improved public transportation, long sought by the weary, abused commuter, has become a national goal for the Seventies. At long last, better rapid transit, better commuter railroad service, and better bus systems are on the way.

We need to proceed with restoration of the environment, control of pollution, rebuilding of our cities and development of new towns. Such traditional objectives as the advancement of science and education and the further application of our considerable technology toward achievement of the good life will continue to receive attention. But all agree we have neglected the user of public transit, and that, during the Seventies, we are going to do significant things about it. What is that we are going to do?

President Nixon has focused national policy and attention on the environment and the imperative to improve the quality of life in America. Public transportation has a high priority in the Seventies. Because the President sees and understands its special impact on our cities, because Secretary of Transportation John A. Volpe believes that the mobility of those who live and work in our urban areas is the first priority of his Department, Congress is being asked to commit resources commensurate with this national priority. There is every indication it will.

There is no longer any doubt about the need for transit improvements. The question for the Seventies is: How do we achieve this national goal?

Secretary Volpe had a reputation for getting things done while he was Governor of Massachusetts, and he is getting things done in transit. My Administration—the Urban Mass Transportation Administration—is responsible for assisting state and local governments in the development and improvement of bus, subway, rapid transit, and commuter systems, so as to bring them into balance with our extensive and continuing investments in our highway and street system, which has in many cases been wholly oriented toward the convenience of the individual automobilist. Our cities, and the people who live and work in them are fortunate that President Nixon and Secretary Volpe are providing such strong national leadership to this program.

The cost will be high. We asked the Institute of Public Transportation to estimate the national requirements for urban transit equipment and facilities over the coming decade. The answer: from $28 to $34 billion.

President Nixon's Public Transportation Assistance Bill, now before Congress, provides for a $10 billion, twelve-year Federal commitment to urban transportation. In his Public Transportation message to Congress, President Nixon said, "Public transportation has suffered from years of neglect in America. In the last 30 years urban transportation systems have experienced a cycle of increasing costs, decreasing funds for replacements, cutbacks in service, and decrease in passengers."

MASS TRANSIT HAS HIGH PRIORITY

Secretary Volpe considers the Public Transportation Assistance Bill a top priority, if not the foremost interest, of his office. He refers to the legislation, and to the need for adequate public transportation, in almost every address he makes.

Last autumn in Los Angeles, the Secretary told the annual meeting of the American Society of Mechanical Engineers, "The . . . Bill could do more to restore and revitalize urban America than any other piece of legislation in the last 20 years."

Three months later, he told the annual meeting of the Central Richmond (Virginia) Association: "(Passage of the Bill) will mean that for the first time we shall be able to apply to public transit the same advanced technology and imaginative thinking that we used in the space program."

The Secretary also plans to apply the urban transportation program toward solving other of our nation's ills. In January, he told the Subcommittee on Energy, Natural Resources and Environment of the Senate Commerce Committee, "I intend to use our Urban Mass Transportation Program as a major element in the fight against pollution."

After nearly two generations of debate, wrangling, and endless discussion of many schemes, it is now obvious that America needs cars and highways and public transportation. Not one. Not the other. Both.

The cost of public transportation is, however, beyond the means of local government, just as the cost of major urban and interurban highways is beyond local tax resources. President Nixon said, "Local governments, faced with demands for many pressing public services and with an inadequate financial base, have been unable to provide sufficient assistance."

Nor is transit just a big city problem. The President recognizes this clearly. "This is not a problem peculiar to our largest cities alone. Indeed, many of our small and medium-sized communities have seen their bus transportation systems simply close down. When the Nation realized the importance and need for improved highways in the last decade, the Congress responded with the Highway Act of 1956. The result has been a magnificent federally-aided highway system. But highways are only one element in a national transportation policy. About a quarter of our population lacks access to a car. For these people—especially the poor, the aged, the very young, and the handicapped—adequate public transportation is the only answer."

The answer lies in providing convenient, comfortable, safe, reliable alternatives to the private automobile: new rapid transit lines where they are needed; improvements in our long-neglected commuter railroads; better equipment for our bus lines; shelters from cold, and snow, and rain—or the mid-day sun; exclusive bus-ways to avoid local traffic jams; integrated multimodal terminals and stations.

These facilities can be provided with the help of UMTA's capital grant program. We are able to finance two-thirds of the capital costs of providing the equipment and facilities needed to meet the coming public transportation needs.

The Senate recently passed President Nixon's Public Transportation Assistance Bill. Hearings will be held by the House Banking and Currency Committee this Spring. We hope to have new legislation by the end of this session of the Congress. The Bill now being considered by the Congress authorizes UMTA to incur obligations totaling $3.1 billion during the next five years to assist state and local governmental units to build and equip new public transportation systems, to extend and rehabilitate old systems, to provide greater mobility in our cities. The requirements that local funds also be available, for one-third of project costs, will result in a total of $4.6 million becoming available for new and improved transit services in the first half of the new decade.

The Senate Banking and Currency Committee has documented the needs of our urban rail systems for capital investment during the Seventies. The Committee report on the hearings says, "Unless the Federal Government is prepared to foreclose any support for the capital costs of fixed-rail systems, an estimate of about $15 billion in total capital requirements for urban public transportation systems over the next decade would seem to be reasonable for policy-making purposes. The condition of the industry points clearly to its inability to meet these needs either from the opening revenues or from new capital raised by the sale of stocks or bonds. Experienced gained from the ongoing Federal aid program supports the conclusion that the gap between 'gross project costs' and 'net project costs,' or that portion of new capital costs that can be supported from the farebox, is small and rapidly diminishing."

The Congress has accepted this challenge. Senate passage of the Public Transportation Assistance Bill, by a vote of 84 ayes to 4 nays, shows bipartisan support for public transportation—from cities of all sizes across the nation.

HOW UMTA PROVIDES FUNDS

UMTA capital grants are made to state or local public agencies for up to two-thirds of that part of the urban transportation project which cannot reasonably be financed from the farebox. This portion of the cost of a project is what the Urban Mass Transportation Act of 1964 calls "net project cost."

The capital grant program started with the passage of the Urban Mass Transportation Act of 1964. Only demonstration grants were made prior to that time, under authority contained in the Housing Act of 1961. Through December 31, 1969, $578.4 million of appropriated funds have been committed to 126 capital grant projects.

In the fiscal year ending June 30, 1970, $132.5 million is available for capital grants; $176 million will be available in fiscal 1971. If Congress enacts the President's Public Transportation Assistance Bill, $3.1 billion will be available in the next five years—and a total of $10 billion by 1982.

Grants under this program make it possible for a community to carry out its long-range plans for improved public transportation. A good example of this is a grant we made in 1964 to the State of New Jersey.

For years, the Central Railroad of New Jersey had operated a ferry link between its Jersey City terminal and Manhattan. The ferries to and from Liberty Street served Jersey Central commuters from the suburbs west of Newark, and New York and Long Branch commuters from the Jersey shore suburbs. The ferry boats were old and slow—on the verge of being condemned under U.S. Coast Guard safety standards—and the service, in any case, was too much of a financial burden for the Jersey Central, despite the State of New Jersey's programs for helping the railroads meet their commuter service deficits.

The State of New Jersey had a plan to meet this dilemma. So in June 1965, one of the first capital grants made under the Urban Mass Transportation Act of 1964 was to help the State of New Jersey implement its "Aldene Plan," named after a junction on the Jersey Central southwest of Newark. The new service went into operation early in 1967.

The Aldene Plan brings Jersey Central and New York and Long Branch trains into Newark's Penn Station, where commuters cross the platform to Port Authority Trans-Hudson (PATH) or Penn Central trains for Manhattan. It eliminates the old ferry service and offers two routes into Manhattan, including a much more convenient ride to mid-town.

The Jersey Central still maintains a shuttle between the new cutoff and Bayonne, but passenger service has been discontinued over the rest of the old route. From Aldene Junction, Jersey Central commuter trains operate over Lehigh Valley trackage to Penn Central junction, a mile south of Newark station.

The New York and Long Branch Railroad's part in the Aldene Plan involved the rerouting of Jersey Central short trains onto Penn Central tracks running northwest from South Amboy to the Penn Central main line at Rahway and then to Newark. Passenger service was discontinued on the New York and Long Branch trackage from South Amboy through Bayonne and into Jersey City.

Rerouting is only part of the story. The State's plan called for the construction of a

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layover yard for Jersey Central trains in the Secaucus Meadows; new commuter stations on the Lehigh Valley part of the route; renovation of Jersey Central coaches; an engine repair shop at Raritan to replace obsolete facilities at Jersey City; grade crossing elimination; and other improvements designed to provide better service for northern New Jersey commuters and to reduce the costs of this essential service.

The implementation of this part of Aldene Plan (only one of the steps the State of New Jersey is taking to improve commuter services) increased the demands upon PATH. After all, not much would be accomplished by depositing passengers at Penn Station Newark if they couldn't complete their journey. The plan required a companion grant to PATH for the purchase of 44 new cars and the renovation of 47 others, improvement of across-the-platform facilities at Newark, new signal equipment, higher capacity power facilities, and an upgrading of the trackage from Newark to the Hudson and Manhattan tunnels.

Today, 14,300 commuters (28,600 rides) use the new route to Manhattan—1,500 more than used the old route via Jersey City.

And what of Jersey City? The ferries are gone, but another UMTA grant is helping PATH develop the Journal Square Transportation Center. The Center is a bus-automobile-PATH transfer station. It provides a new general office building for PATH and sparks the renewal of Journal Square—the heart of Jersey City.

Public transportation needs capital, lots of it. The Aldene Plan is just one example of how our funds are used to stimulate local investment so as to provide better service for commuters. Local funds and self-financed improvements by carriers and business interests have Federal funds working as seed money to speed the day of a better ride for commuters and the redevelopment of our urban areas.

GETTING TO THE AIRPORTS

Airport access—fast transportation from the city to the airport—is a service we need now in almost every major American city. Everyone knows how much time is lost in getting to the airport to catch a plane in New York, Chicago, Los Angeles, Philadelphia, Atlanta, and many other of the nation's transportation hubs.

UMTA helped the Cleveland metropolitan area join a very exclusive transportation club—airport-to-downtown rapid transit service. A capital grant to the Cleveland Transit System helped build a four-mile extension of the CTS rapid to Hopkins International Airport. Only Tokyo and Brussels have a similar service. The Cleveland airport extension opened in November 1968, and already daily ridership exceeds 4000 persons—more than double the expectations of the transportation planners.

Some interesting statistics have come from this new service. Fifteen percent of airport employees and airline passengers use the airport extension. Although only 10 percent of Cleveland Hopkins air travelers want to go to downtown Cleveland, 30 to 40 percent of these travelers are destined to points in and near Cleveland serviced by the CTS rapid transit system.

The airport extension and its intermediate "park and ride" stations serve the needs of rapidly growing residential and industrial areas along its route. This line is not just for one purpose—it is an integral part of the whole transportation plan for the Cleveland area.

This extension has added 7 percent to the total CTS rail service ridership. The unexpected success of the airport extension in Cleveland necessitated more equipment. So in June 1969, UMTA made an additional capital grant to CTS for the purchase of 10 rail cars and the improvement of the electrification and train control system. including a new central power control center and the equipping of the entire line with a cab signal control system, designed to speed operations and insure greater safety for those who use the CTS rapid. It cost $18.6 million to construct the airport connector and provide the additional needed equipment. UMTA paid a full two-thirds, $12.3 million, of the cost through capital grants.

EXTENSIONS IN CHICAGO

The Chicago Transit Authority recently opened two rapid transit extensions, one in the median of the Dan Ryan Expressway and the other in the median of the Kennedy Expressway. We helped finance the construction of 15 miles of extensions and the purchase of 150 rapid transit care for the new service.

Utilization of the median strips of expressways for rapid transit lines is a unique application of transit technology. The idea has been studied elsewhere, and we hope it may be applied in other cities.

Secretary Volpe has noted that the initial three applications of expressway median use for rapid transit lines were in Chicago. (The first, down the middle of the Eisenhower Expressway, was opened in the mid-1950's.)

The Dan Ryan and Kennedy rapid transit extensions cost $58.2 million and $50.1 million respectively. The Dan Ryan was helped by $25.5 million in UMTA capital grants, the Kennedy by $33.5 million in capital grant assistance.

Built with the assistance of another one of our capital grants, the new Ashland rapid transit terminal on Chicago's Englewood line provides a compact rail-bus-automobile connection with both "park and ride" and "kiss and ride" facilities, and special lanes for feeder bus lines and for quick pedestrian movement between transportation modes.

We can improve all forms of transportation by using capital funds to the advantage of more than one mode. A good example of this type of transportation interface is the UMTA capital-demonstration project grant called "Northwest Passage," the first project which combines two kinds of grants.

Northwest Passage will provide weather-protected access between the Chicago and North Western Railway's commuter terminal in downtown Chicago and the CTA's Lake-Clinton Station. And it will help answer an important question in mass transit: Will provision of such a comfort and convenience encourage more persons to use mass transit facilities?

Capital grant funds totalling $288,666 are being used for the rehabilitation of the Lake-Clinton Station, while demonstration project funds provide an experimental connection between the radial lines of the North Western and the distribution facilities of CTA throughout the City of Chicago.

THE OLDEST AND THE NEWEST

In Boston, we are helping to renovate the oldest subway system in the country, while in San Francisco, we are helping build the newest.

In Boston, many MBTA rapid transit stations have a new look. The stations were dingy, dirty, and badly lighted. Vandals had a field day. Under plans developed by MBTA, with financial assistance from UMTA, old walls and ceilings have been covered with bright, new finishes. Bare light bulbs have been replaced with concealed neon tubing that provides greater visibility and greater security for transit patrons. Change booths have been shifted to provide an unobstructed view down corridors and across platforms; prison-type bars have been eliminated; color-coded route maps and directional signs make it easier to locate the right train. Murals give each station its own individual identity and orient the rapid transit rider during his trip and after he leaves the train.

The new rapid transit look in Boston is the product of an architectural and design concept which considers rapid transit stations as something more than simply transport facilities. The work was approved from the standpoint of urban design, suggesting that a city's transit system is not isolated from its structure—that it serves the city's needs, rather than being an end in itself. Forty transit stations will be modernized under this program.

The results in Boston are excellent, but Boston is just the beginning. It is a prototype of what can be done to make an old transit system meet human needs, to make our cities better places for people. Boston, with our help, is constructing 10 miles of new rapid transit lines out into the rapidly-developing South Shore area. We are also helping to pay for the construction of the new 5-mile Haymarket North extension and the Charles River tunnel, which was designed to remove the blighting influence of the Charlestown elevated structure and to improve transit service in the important Reading corridor.

In San Francisco, even though the Bay Area Rapid Transit (BART) system is primarily a locally-financed project authorized before Congress enacted the 1964 Act, the Urban Mass Transportation Administration has committed more than $100 million to improved public transportation.

The Berkeley portion of the line was to have included both subway and aerial structures. It is now being built entirely underground as a result of the initiative taken by the City of Berkeley. UMTA is helping the city to finance the redesign of the system to meet more adequately the goals and objectives of the city's development plan. We are also helping buy the new equipment needed by the Municipal Railway of San Francisco and the Alameda-Contra Costa Transit System to provide coordinated services in the Bay Area when BART begins service in 1972. The development of this plan for coordinated service was assisted by a 1965 UMTA demonstration grant.

In addition, our capital grant funds are helping meet the increased construction costs which BART has experienced because of inflation and because of greater concern for the impact of the system upon its environment since the system was authorized and financed more than ten years ago.

The Aldene Plan; the Cleveland Airporter; rapid transit extensions and other improvements in Chicago and Boston; a new look for the MBTA; a new system in San Francisco; these are typical of UMTA capital grants helping to implement new concepts in rail commuter and rapid transit service and to improve the systems we have.

FUNDS FOR ROLLING STOCK

In addition, capital grants have been used to keep rolling stock rolling. We have helped the purchase of hundreds of cars for railroads and transit systems. And, because we ask for the best and take part of the risk, the new cars are very definitely new.

UMTA provided $23 million to help buy 400 specially-designed subway cars for the New York City Transit Authority; $30 million have been committed to the improvement of the Long Island Rail Road. The State of New Jersey is using a $6.6 million Federal grant to buy 35 new electrified MU cars for the Penn Central, to replace cars more than 40 years old. And $28.4 million will be made available to help purchase 144 new coaches for the Penn Central's New York and Connecticut suburban service. The delivery of 123 new bilevel commuter coaches for the Illinois Central's suburban Chicago commuter service will give the IC essentially the same modern equipment as is now used by the North Western, the Milwaukee, and the Burlington. The Chicago South Suburban Mass Transit District has been formed by the communities served by the IC to assist the railroad in improving service, with the help of a $25 million Federal grant. The passage of the Public Transportation Assistance Bill will permit us to provide additional help in Chicago and other areas that depend heavily upon railroad commuter services.

Capital grants are at work in 28 states, the District of Columbia, and Puerto Rico. Most have been made to cities to help preserve and improve local bus service. More than 90 grants have been made to acquire private bus lines in imminent danger of abandonment and to assist communities in purchasing new buses and in constructing terminals, passenger shelters, administrative offices, and garages.

Federal funds have been made available to improve maintenance and cleaning facilities and to initiate two-way radio communications systems and exact fare programs, which have added to the safety of transit services and have enabled competent management to improve the quality of service it renders. In Pittsburgh, Memphis, and Dallas, among other cities, capital grants have been used to modernize the city's entire bus system.

The objective of our capital grant program—indeed, of any of our programs—is to provide greater mobility for those who live and work in urban areas. But within this context, our programs do even more: They help improve the environment, and provide greater mobility not only for commuters but for automobile drivers as well.

Our program is one of building. But that is just a means. The end we seek is improved quality of life.

Public transportation is for the user, the community.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT OF REPORT NO. 91–841

Mr. HART. Mr. President, I ask unanimous consent that the report of the Committee on the Judiciary entitled "Antitrust and Monopoly Activities, 1969," together with the individual views (Report No. 91–841) be reprinted as a star print to correct two inadvertent errors in the report.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2999) to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 670. An act to amend section 19(a) of the District of Columbia Public Assistance Act of 1962; and

H.R. 16476. An act to make it lawful to set up or fly any kite in the District of Columbia.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 670. An act to amend section 19(a) of the District of Columbia Public Assistance Act of 1962; and

H.R. 16476. An act to make it lawful to set up or fly any kite in the District of Columbia.

SOUTHEAST ASIA

Mr. HANSEN. Mr. President, amid the rhetoric and the speeches, the masses of news columns, the editorials leaning one way or the other, it is difficult to find the clear voice of indisputable reason. I do not wonder that the people of this country are confused as to the issues. Nor am I surprised that some of my esteemed colleagues have been caught up in the combat of words and ideas.

But while I suspect few of us are of dissimilar minds as to the basic idea, I fear some of the methods proposed to bring this about are striking wide of the mark. Thus I was pleased to find in two important newspapers of Washington, D.C., published today, editorials which strike at the heart of the current debate.

"Of maximum concern is the safety of the remaining American troops in Southeast Asia and the development of a national foreign policy," says the Washington Evening Star.

"When the Senate comes to these questions, it should lay aside its emotions and decide on the basis of practical judgment and regard for the welfare of our troops," says the Washington Daily News.

Mr. President, I ask unanimous consent that both of these editorials appear at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Star, May 12, 1970]

CAMBODIA: PROGRESS REPORT

Never in the history of warfare has an army told the other side precisely how far (within a tenth of a mile) it intends to drive, how many troops are involved, and how long the offensive will last. And despite this, the Cambodian campaign—in terms both of light allied casualties and of quantity of war materiel seized—appears to be going very well indeed.

The estimate of 4,324 enemy deaths in Cambodia since the incursions began April 29 may be open to serious question. But allied claims to have captured 6,757 rifles, 1,232 heavy weapons, 865 tons of ammunition, 1,653 tons of rice, 12 tons of medical supplies and 130 trucks should be relatively easy to verify. None of those arms and ammunition, perhaps enough to equip 50 battalions, will be used to kill Americans; none of the rice, enough to feed 6,000 enemy troops for a year, will be used by the Communists.

Everyone has had a good laugh at Vice President Agnew's captured North Vietnamese laundry. But anyone who regrets the seizure of these North Vietnamese supplies can only be disinterested in the shortening of the war and a reduction in American casualties.

The early onset of the monsoon season, the brevity of the campaign, the smallness (36,000) of the allied force involved, the shortage of trucks and the inadequacy of the road net may make it difficult to remove much of the booty. Which is a pity: Some of it would have made an interesting exhibit on the Ellipse, where the debate (if such it can be termed) on the merits of the Cambodian campaign took place last weekend. But at least the captured materiel can be destroyed, and thus permanently denied to the enemy.

There may be pressure on the President, because of the apparent success of the incursions, to extend the limits of the duration and depth of the thrusts. But having set such limits, Mr. Nixon certainly should abide by them.

Terrible as it is to say it about any American, one has the feeling that certain of the President's critics would rather see the campaign fail than have their own dire prophesies disproved. That is just how irrational attitudes toward the Southeast Asian question have become.

Insofar as the mass of Americans are concerned, however, a successful Cambodian campaign coupled with further reductions in the number of Americans in Indochina, is what matters. Mr. Nixon's personal political future is of considerably less concern to us than the safety of the remaining American troops in Southeast Asia and the development of a rational foreign policy.

In this instance, however, broad national goals are inextricably linked with the narrower question of partisan politics. If all continues to go well in Cambodia, it could be a lovely autumn for the Republicans.

[From the Washington Daily News]

FLOUNDERING IN CONGRESS

Whatever anyone may think of U.S. involvement in Vietnam—

Whatever anyone may think of the way the war has been conducted by former President Johnson's Administration, or by President Nixon's Administration—

One thing is clear:

Nobody has any fool proof idea of how to get out of it. Even some in Congress who have been demanding the U.S. pull out, now, seem to have no notion of how to do this gracefully, without absolute surrender, without important and possibly crucial diplomatic or military consequences.

The most vocal of these anti war politicians are just against whatever is being done, whether it was the last administration or this one.

In the House of Representatives, this group has just been defeated on proposals which well could have dangerously crippled our armed forces and quite possibly have cost the lives of many Americans.

On a bill to authorize the armed services to buy $20.2 billion in military equipment, the House voted down feverish attempts to bar U.S. troops entirely from Cambodia, Laos and Thailand, to cut off all aid funds for Vietnamese forces, and a series of similar amendments. The House also rejected proposals to make deep cuts in appropriations for antisubmarine aircraft, naval vessels and military research.

Legislation with the same aims is scheduled for a vote in the Senate this week.

In the frustration of not having any workable answers for withdrawing from the Vietnam war, the senators are proposing to take it out on the armed forces, by withholding funds needed by the fighting units in Indochina. This could be suicidal.

After years of lavishing money on the military, sometimes even exceeding presidential requests, many in Congress now are slashing out almost hysterically at military appropriations.

There is nothing sacred about military appropriations. The Pentagon is just as accountable to the taxpayers as any branch of the government. Every dollar should be made to stand up and fight. And Congress has an obligation to see that the sums it appropriates are well spent.

> But slashes which jeopardize the security of the country cannot be condoned. There is more than Vietnam involved. Our whole defense posture is concerned.
>
> Moreover, the proposals defeated in the House would have tied the hands of the troops in Indochina, reduced their options, critically impaired their ability to take care of themselves and perhaps even disrupted the withdrawal program laid out by President Nixon.
>
> When the Senate comes to these questions, it should lay aside its emotions and political venom, and decide on the basis of practical judgment and regard for the welfare of our troops.

ESCALATION IN INDOCHINA

Mr. HANSEN. Mr. President, earlier in the day I asked if my distinguished colleague and friend from South Dakota (Mr. McGovern) might be present in the Chamber at this time, in order that he could hear the remarks I am now about to make. Because of conflicts the distinguished Senator had, he was unable to be here, but he asked that I proceed anyway.

I refer, therefore, in conformity with my conversation with the Senator from South Dakota, to page 14872 of the Congressional Record for Monday, May 11. I quote from the words of Senator McGovern in the second column, about two-thirds of the way down:

> I suggest, Mr. President, that every time a village like that is destroyed in Southeast Asia—and they have been destroyed by the hundreds and perhaps thousands—we lose another step in this great struggle for the hearts and minds of the people of Southeast Asia.
>
> I cannot ever get out of my mind the picture of those bodies floating down the Mekong River 2 or 3 weeks ago. They were not Communist bodies. They were bodies of citizens of Cambodia who were killed by the armed forces of their own country—probably with armament supplied by us. We did not supply it for that purpose. We supplied it because we thought that the government shared the same purposes we do in Southeast Asia.

I wish to point out, Mr. President, that despite the conclusions that my good friend from South Dakota has reached, the facts are these: The published photographs of the bodies in the river appeared on April 12 and 13 of this year. On the 23d of April, Ron Ziegler announced that South Vietnam was arranging to send a liimted number of Czech AK–47 guns to Cambodian forces. A week or so later, the State Department announced that the United States was "making arrangements" to give them M–1 and M–2 rifles.

Thus it is clear we have given no aid to Sihanouk since 1965, our Ambassador and almost all of the diplomatic mission left that year—some having left before, and some not until after.

Thus the bodies could not have been killed with weapons we or our allies gave to Cambodian forces.

As I said earlier, I regret that the distinguished Senator from South Dakota could not be present. What I have said will appear in the Record, and I certainly would wish to afford him an opportunity to respond, if he chose to do so. I think it is important that we all understand that it is easy to make assumptions based upon the best judgment we have, and I am sure that is precisely what the distinguished Senator from South Dakota did. In this instance, an assumption he made—and he did, I underscore, use the word "probably,' and did not say categorically this was true—does, I think, underscore the fact that what was said does not—despite, I am certain, his firm believe that it was probably true—happen to be the case

I know that he would be as eager as I am to have the Record set straight.

ADJOURNMENT

Mr. HART. Mr. President, if there is no further business to come before the Senate—which I understand is the case—I move that the Senate adjourn in accordance with the previous order.

The motion was agreed to; and (at 4 o'clock and 45 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 13, 1970, at 12 o'clock noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 12, 1970:

Supreme Court of the United States

Harry A. Blackmun, of Minnesota, to be an Associate Justice of the Supreme Court of the United States.

In the Air Force

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of chapters 35 and 837, title 10, of the United States Code:

To be major general

Brig. Gen. Charles W. Sweeney, 011–16–8121FG, Massachusetts Air National Guard.

To be brigadier general

Col. James W. Carter, 415–20–3413FG, Tennessee Air National Guard.

Col. William H. Pendleton, 554–16–1837FG, California Air National Guard.

Col. Robert S. Peterson, 153–18–3002FG, Minnesota Air National Guard.

Col. George H. Taylor, 528–18–7181FG, Utah Air National Guard.

The following officers for appointment in the Air Force Reserve, to the grade indicated, under the provisions of chapters 35 and 837, title 10, of the United States Code:

To be major general

Brig. Gen. Homer I. Lewis, 458–16–5137FV, Air Force Reserve.

Brig. Gen. James L. Murray, 548–50–6223FV, Air Force Reserve.

Brig. Gen. Wendell B. Sell, 551–14–1168FV, Air Force Reserve.

Brig. Gen. Frank H. Spink, Jr., 496–07–7108FV, Air Force Reserve.

To be brigadier general

Col. Stuart G. Haynsworth, 277–16–4169FV, Air Force Reserve.

Col. Robert H. Hutchinson, 360–10–2640FV, Air Force Reserve.

Col. Ralph M. Lain, 444–12–3218FV, Air Force Reserve.

Col. Vorley M. Rexroad, 236–14–9004FV, Air Force Reserve.

Col. Benton C. Tolley, Jr., 224–18–8217FV, Air Force Reserve.

Col. David Waxman, 134–09–4998FV, Air Force Reserve.

Col. Alfred J. Wood, Jr., 187–18–3525FV, Air Force Reserve.

The following officer to be placed on the retired list in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. Lewis L. Mundell, 521–52–0940FR (major general, Regular Air Force), U.S. Air Force.

In the Army

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Earle Gilmore Wheeler, 579–52–7585, Army of the United States (major general, U.S. Army).

The following-named officer, under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. James William Sutherland, Jr., 432–01–3212, Army of the United States (brigadier general, U.S. Army).

In the Navy

Vice Adm. Elmo R. Zumwalt, Jr., U.S. Navy, for appointment as Chief of Naval Operations in the Department of the Navy, with the rank of admiral while so serving, pursuant to title 10, United States Code, section 5081.

Rear Adm. Jerome H. King, Jr., U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

In the Marine Corps

Maj. Gen. William K. Jones and Maj. Gen. Raymond G. Davis, U.S. Marine Corps, having been designated, in accordance with the provisions of title 10, United States Code, section 5232, for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

In the Air Force

The nominations beginning Maclyn Abbott, to be lieutenant colonel, and ending Robert E. Cann, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 16, 1970.

In the Army

The nominations beginning David A. Clarke, to be captain, and ending Stephen C. Rasmussen, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 27, 1970.

In the Marine Corps

The nominations of Gary L. Goff, to be 2d lieutenant, and Patrick J. Glynn, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 13, 1970;

The nominations beginning Kenneth Charles Allison, Jr., to be 2d lieutenant, and ending Gregory C. O'Kelly, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 16, 1970;

The nominations beginning James L. Allingham, to be 1st lieutenant, and ending Gene W. Whitten, to be 2d lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 16, 1970; and

The nominations beginning Jeffrey H. Andrews, to be 1st lieutenant, and ending James C. Zimmerman, to be 1st lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 16, 1970.

HOUSE OF REPRESENTATIVES—*Tuesday, May 12, 1970*

The House met at 12 o'clock noon.

Rev. Reginald R. Gunn, vicar, St. Andrew's Episcopal Church, Douglas, Ga., offered the following prayer:

Almighty God, creator of all men and sustainer of all life, who hast set us in the midst of a changing and perplexing world, we ask Your divine blessing and the spirit of wisdom upon the Members of this Congress, to whom in Thy name we entrust the authority of Government, that, by Thy guidance, their actions may be honorable, just, and well pleasing in Thy sight. Direct and prosper all their consultations that peace, happiness, truth, and justice may be established in our land. Save us from all violence, discord, and confusion; from pride and arrogancy, and from every evil. Defend our liberties and fashion into one truly united people all those who dwell in these United States, that there may be justice and peace, both at home and in the world. All this we ask in the name of Jesus. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5554. An act to provide a special milk program for the children;

H.R. 12858. An act to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States;

H.R. 13816. An act to improve and clarify certain laws affecting the Coast Guard; and

H.R. 14810. An act to amend section 602(3) and section 608c(6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate No. 2 to the bill H.R. 10105 entitled: "An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes."

The message also announced that the Senate receded from its amendment No. 3 and agreed to the amendment of the House to the amendment of the Senate No. 4 to the bill H.R. 10106 entitled: "An act to revise the definition of a 'child' for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 774. An act to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes;

S. 2162. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes; and

S. 2991. An act to extend the act establishing Federal agricultural services to Guam.

THE LATE HONORABLE LLOYD THURSTON

(Mr. KYL asked and was given permission to address the House for 1 minute.)

Mr. KYL. Mr. Speaker, the Honorable Lloyd Thurston, who served with great distinction in this body for seven terms, passed away in the veterans' hospital in Des Moines, Iowa, this weekend and was buried in his hometown of Osceola on Sunday.

Mr. Thurston's contributions to the Nation were many. During the Spanish-American War he enlisted in 1898 as a private in Company 1 of the 51st regiment of the Iowa Volunteer Infantry. He served with this company during the Philippine insurrection and was honorably discharged in 1899. He was a captain in the National Guard of Iowa from 1902 to 1906.

He was prosecuting attorney of Clarke County from 1906 to 1910.

During the First World War he served with the rank of captain in Company C of the 26th Battalion. Then followed a distinguished political career which saw him serve as a member of the State senate for 4 years. He was elected to the 69th and to the six succeeding Congresses. Since that time he practiced law in his home county, Clarke County, Iowa.

Perhaps with all of these impressive commendations it might still be said that Lloyd Thurston's great contributions were as a fine Christian gentleman, a wonderful neighbor, and a friend who did serve his community up to the time of his final illness.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I join with my colleague the gentleman from Iowa (Mr. KYL) in expressing sorrow in the death of one of Iowa's foremost citizens, the Honorable Lloyd Thurston.

Mr. Thurston served his country well, both as a Member of the House of Representatives for 14 years and as a member of the Armed Forces. He was a veteran of the Spanish-American War and returned to duty in World War I.

As a Member of Congress, he was a dedicated, hard-working public servant who served his district, State, and Nation capably and with distinction.

Mrs. Gross joins me in extending heartfelt sympathy to his widow, Louella, and in expressing regrets that we could not be present for the final rites on Sunday, May 10.

Mr. KYL. Mr. Speaker, I know that all of my colleagues join me in sending condolences and sincere best wishes to Louella Thurston who survives her husband.

REV. REGINALD R. GUNN

(Mr. STUCKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUCKEY. Mr. Speaker, it is a special pleasure for me to welcome the Reverend Reginald R. Gunn, vicar of St. Andrew's Episcopal Church in Douglas, Ga., to the House of Representatives, I want to thank Reverend Gunn for his inspiring words to us today.

Reverend Gunn was born and raised in the State of Georgia. He was graduated from the University of Georgia in 1962 with majors in philosophy and religion. He attended Seabury-Western Theological Seminary in Evanston, Ill., where he was graduated in 1965. Reverend Gunn served as chaplain at the University of Minnesota Hospitals in Minneapolis during the summer of 1963.

We are happy and proud that he returned to Georgia where he was ordained by the Right Reverend Albert R. Stuart, bishop of Georgia in May 1965. Reverend Gunn became vicar of Trinity Church in Cochran, St. Peter's in Eastman, and St. Luke's in Hawkinsville. He is presently vicar of St. Andrew's.

In addition to his service to the church we are all proud of Reverend Gunn's service to his community. He has served on the welfare director's board in Bleckley County since 1967. He is a group therapist at Coffee County Alcoholic and Drug Treatment Center.

Reverend Gunn is married to the former Mary Lee Ackerman of Atlanta. They have two children, Richard Stuart and Heather Luise.

HARRY S. TRUMAN DAM AND RESERVOIR

Mr. BOLLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3778) to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Missouri, authorized by the Flood Control Act approved September 3, 1954 (Public Law 83-780), shall hereafter be known as the Harry S. Truman Dam and Reservoir, and any law, regulation, document, or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of "Harry S. Truman Dam and Reservoir".

Mr. HALL. Mr. Speaker, today the House of Representatives has before it legislation to rename the Kaysinger Bluff Dam and Reservoir located in Missouri, after one of our State's most honored citizens, Harry S. Truman. I hope that this body will see fit to give this "unusual" action a resounding vote of approval. I use the word "unusual," for to my knowledge at least, it is not the custom to so honor our illustrious former Presidents while they are still among the living.

It goes without saying that President Harry S. Truman, was not a "usual" man. He was in fact, the very symbol of the American eagle which clutches in one claw the olive branches and in the other a sheaf of arrows.

Most recently, I served as the cochairman of a special event designed to pay tribute to the former President on the eve of his 86th birthday. It was a play, produced in Kansas City, entitled "Give 'Em Hell Harry." This drama offered in vivid detail the turbulent years of the "Fair Deal" and permitted us to relive once again the momentous decisions and actions which were to make the "man from Missouri," a legend in his own time.

Kaysinger Bluff Dam and Reservoir, is located not too far from Independence, Mo., where the former President and his wife Bess, now reside. I can think of no more fitting way to honor one of Missouri's favorite sons, and senior statesmen than by renaming this body of water, surrounded by the land he loved, the Harry S. Truman Dam and Reservoir.

I commend this legislation to you.

Mr. RANDALL. Mr. Speaker, it is my privilege to be one of nine members of the Missouri delegation who joined in H.R. 17378 to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

This dam and reservoir will be the largest in either Missouri or Kansas. The choice to rename this large reservoir for the 32d President of the United States is a suitable one. There are many reasons this is true. As one of the foremost reasons, Mr. Truman is a Missourian first, last, and always. He was born in Lamar, Mo., spent his youth and young manhood in Grandview, Mo., and most of the remainder of his life in Independence, Mo.

This great reservoir will be situated just about equidistant between Lamar and Independence, northeast of Lamar and southeast of Independence. Antoher reason to rename this reservoir is that Mr. Truman has always demonstrated an interest in parks and recreational areas. Back in days when he was a judge of the County Court of Jackson County, Missouri in 1932, he authorized planning for parks and lakes much of which has been carried into completion after he left the court to become a U.S. Senator.

As I remarked in my eulogy on the floor of this House on the eve of Mr. Truman's birthday, Thursday afternoon, May 7, many things have been named for Mr. Truman in Jackson County and in Missouri. A huge sports complex now under construction will be named after Mr. Truman. Then in Independence, there is the Truman High School. It has been repeatedly suggested that the new international airport to serve the Kansas City area be named for Mr. Truman.

As a member of the county court of Jackson County, Mo., early in 1949, after Mr. Truman had been elected President in his own right, in November 1948 it was my privilege to offer a resolution which resulted in an order of that court that 15th Street in Kansas City, Mo., and Van Horn Road in Jackson County, Mo., both be renamed Truman Road. Today this road, carrying his name, is one of the principal east-west thoroughfares or arteries of traffic, in the Kansas City-Independence area.

Back in those days I knew of Mr. Truman's reluctance to have engineering projects, schools or boulevards named after him. It is my opinion he prefers today that nothing more be renamed in his honor during his lifetime. However, there is ample precedent for naming a great engineering project after a living President. In 1930 the giant dam on the Colorado River was named for President Herbert Hoover while he was still in the White House, due to his efforts when he was Secretary of Commerce, which led to the building of that important project.

My only regret is that the House of Representatives did not act either ahead of the Senate, or at least on the same day of the Senate action in this renaming of Truman Reservoir. In order to expedite action the dean of our Missouri delegation, Mr. Bolling, today asked unanimous consent for the immediate consideration of S. 3778, passed by the Senate on Thursday, May 7.

For my part I would have preferred to have introduced my own separate bill. I mention this because it is my privilege and honor to represent in the House of Representatives the city of Independence, in which the man of Independence makes his home. Moreover, in a rather unique situation it is also my privilege to represent the entire area in which the Kaysinger Reservoir, now being renamed the Truman Reservoir, is located. Finally, at the extreme south end of our district is Barton County. The county seat of that county is Lamar, Mo., which is the birthplace of Mr. Truman.

But after conferring with the dean of our delegation, Mr. Bolling, we all agreed it was only fair that participation in this bill to rename Kaysinger as the Truman Reservoir should be shared by all members of the Missouri delegation. Every single member of our Missouri delegation loves the former President, and it was for this reason that it was considered appropriate that the entire delegation join in one single bill, which was H.R. 17378.

Truman Reservoir is an appropriate name. Mr. Truman deserves the honor of this major outdoor improvement being named after him. It will be a memorial which thousands upon thousands of Missourians and others will visit for recreation and pleasure in the years to come. It is a privilege to represent Mr. Truman in the Congress. It is an equally enjoyable privilege to join in renaming Kaysinger the Truman Reservoir.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members, including the gentleman now speaking, be allowed to extend their remarks in the Record on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the State, Justice, Commerce, the Judiciary, and related agencies appropriation bill for fiscal year 1971.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, reserving the right to object; when is it proposed to call up the bill?

Mr. ROONEY of New York. I beg the gentleman's pardon?

Mr. GROSS. When is it proposed to call up the bill?

Mr. ROONEY of New York. I am awaiting instructions. I thought we were going to call the bill up either Thursday or Friday.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS, POLICEMEN, AND FIREMEN

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the proceedings whereby the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1968, and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, was read a third time and passed and laid on the table be vacated.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, I ask unanimous consent for the immediate consideration of the engrossed bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the engrossed bill as follows:

H.R. 17138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1970".

SEC. 102. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823) is amended to read as follows:

"SEC. 101. The annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

SALARY SCHEDULE

	Service step						Longevity step		
Salary class and title	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a)	$8,500	$8,755	$9,180	$9,605	$10,285	$10,965	$11,390	$11,815	$12,240
Fire private. Police private.									
Subclass (b)	9,095	9,350	9,775	10,200	10,880	11,560	11,985	12,410	12,835
Private assigned as: Technician. Plainclothesman. Station clerk. Motorcycle officer. Horsemounted officer.									
Class 2:									
Subclass (a)	9,775	10,340	10,905	11,470			12,035	12,600	13,165
Fire inspector.									
Subclass (b)	10,370	10,935	11,500	12,065			12,630	13,195	13,760
Fire inspector assigned as: Technician.									
Class 3	10,625	11,155	11,685	12,215			12,745	13,275	13,805
Assistant marine engineer. Assistant pilot. Detective.									
Class 4:									
Subclass (a)	11,475	12,050	12,625	13,200			13,775	14,350	14,925
Fire sergeant. Police sergeant.									
Subclass (b)	11,900	12,495	13,090	13,685			14,280	14,875	15,470
Detective sergeant.									
Subclass (c)	12,070	12,645	13,220	13,795			14,370	14,945	15,520
Police sergeant assigned as— Motorcycle officer. Horse mounted officer.									
Class 5	13,300	13,965	14,630	15,295			15,960	16,625	
Fire lieutenant. Police lieutenant.									
Class 6	14,550	15,280	16,010	16,740			17,470	18,200	
Marine engineer. Pilot.									
Class 7	15,800	16,590	17,380	18,170			18,960	19,750	
Captain.									
Class 8	18,500	19,425	20,350	21,275			22,200	23,125	
Battalion fire chief. Police inspector.									
Class 9	21,500	22,575	23,650	24,725			25,800	26,875	
Deputy fire chief. Deputy chief of police.									
Class 10	23,800	24,990	26,480	27,370			29,750	29,750	
Assistant chief of police. Assistant fire chief. Commanding officer of the White House Police. Commanding officer of the U.S. Park Police.									
Class 11	28,500	29,925	31,350	32,775					
Fire chief. Chief of police.									

SEC. 103. The rates of basic compensation of officers and members to whom the amendments made by section 102 of this title apply shall be adjusted as follows: Each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a salary class or subclass in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall receive a rate of basic compensation at the corresponding scheduled service or longevity step in effect on and after the effective date of this title, except that:

(1) Each officer or member who immediately prior to the effective date of this title was assigned as technician I or plainclothesman in subclass (b) of salary class 1 or as technician II, station clerk, or motorcycle officer in subclass (c) of salary class 1 shall on the effective date of this title, be assigned as and receive basic compensation as technician, plainsclothesman, station clerk or motorcycle officer in subclass (b) of salary class 1 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(2) Each officer or member who immediately prior to the effective date of this title was serving as a fire inspector assigned as technician I or technician II in subclass (b) or (c) of salary class 2 shall, on the effective date of this title, be placed and receive basic compensation as fire inspector assigned as technician in subclass (b) of salary class 2 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(3) Each officer or member who immediately prior to the effective date of this title

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was serving in subclass (b) of salary class 9 shall, on the effective date of this title, be placed in and receive basic compensation in salary class 10 at the service step or longevity step corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(4) The Fire Chief and Chief of Police who immediately prior to the effective date of this title were serving in salary class 10 shall, on the effective date of this title, be placed in and receive basic compensation in salary class 11 and each shall be placed at the respective service step in which he was serving immediately prior to the effective date of this title.

(5) Each officer or member of the Metropolitan Police force and United States Park Police force who is performing the duty of a dog handler on or after the effective date of this title shall receive in addition to his basic compensation an additional $595 per annum, except that if a police private is classed as technician in subclass (b) of salary class 1 in the salary schedule in section 101 of the District of Columbia Police and Fireman's Salary Act of 1958 solely on account of his duties as dog handler, such police private shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 104. Section 303(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829(c)) is amended by deleting ", (b), or (c)" and inserting in lieu thereof "or (b)".

SEC. 105. The first sentence of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–830) is amended to read as follows: "Any officer or member who is promoted or transferred to a higher salary class or subclass of a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class or subclass which exceeds his existing rate of compensation by not less than one step increase of the next higher step of the salary class or subclass from which he is promoted or transferred."

SEC. 106. Paragraphs (2) and (3) of section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832(a)) are amended to read as follows:

"(2) Not more than three succesive longevity step increases may be granted to any officer or member in salary classes 1 through 4, and not more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 9.

"(3) In the case of the officers or members serving in salary classes other than salary class 1, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving."

SEC. 107. (a) Each officer and member in active service on the effective date of this title to whom section 103 of this title and the amendment made by section 102 of this title apply, who is receiving basic compensation at one of the scheduled service or longevity steps of a salary class or subclass other than subclass (a) or (b) of salary class 1, and whose latest promotion has been subsequent to January 5, 1963, and prior to the effective date of this title shall (1) be placed in the service or longevity step of his salary class or subclass which provides a salary not less than the amount he would have received as a result of sections 102, 103, and 105 of this title had such promotion occurred on or after the effective date of this title, and (2) receive the appropriate scheduled rate of basic compensation for such step in the salary class or subclass in which he is serving.

(b) The rate of basic compensation received by any officer or member under the provisions of section 103 of this title and the amendment made by section 102 of this title shall not be reduced by reason of the enactment of this section.

(c) Any officer or member who receives additional compensation as a result of the enactment of this section shall be credited with any active service he has rendered in the service or longevity step in which he was serving immediately prior to the effective date of this title for subsequent advancement purposes under the provisions of section 303 or section 401, as the case may be, of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829, sec. 4–832).

(d) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of this title and entitled to receive a pension relief allowance or retirement compensation under the provisions of section 12 of the Policemen and Firemen's Retirement and Disability Act shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

SEC. 108. All retired officers and members of the Metropolitan Police force who at any time prior to October 1, 1956, held the rank of Assistant Superintendent shall be held and considered for the purpose of computing retirement benefits payable on and after the effective date of this title to have retired in the rank of Assistant Chief.

SEC. 109. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protection Service who retired during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this title for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period bginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this title by an officer or member who dies during such period.

(b) For the purposes of this section, services in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 110. (a) Paragraph 3 of section 102 of the Act of November 13, 1966 (D.C. Code, sec. 4–823d–1(3)), is amended by inserting after "5" the following: ", 6, or".

(b) The amendment made by this section shall be effective only with respect to pay periods beginning on or after the effective date of this title.

SEC. 111. For the purpose of determining the amount of insurance for which an individual is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this title.

SEC. 112. This title and the amendments made by this title shall take effect on the first day of the first pay period beginning on or after January 1, 1970.

TITLE II—MISCELLANEOUS PROVISIONS RELATING TO CERTAIN POLICE MATTERS

SEC. 201. Paragraph (5) of section 1 of the Act of February 28, 1901 (D.C. Code, sec. 4–122), is amended by inserting at the end thereof the following new sentence: "The trial board shall be the exclusive body to receive, hear, and determine complaints against officers and members of the Metropolitan Police force."

SEC. 202. (a) The uniform of officers and members of the United States Park Police force, the Executive Protective Service, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch showing the flag of the United States.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the Executive Protective Service, the Capitol Police Board in the case of the Capitol Police, and the Commissioner of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(c) This section shall take effect one hundred and eighty days after the date of enactment of this title.

SEC. 203. All laws of the United States in force on the date of enactment of this title in which reference is made to the White House Police force are amended by substituting "Executive Protective Service" for each such reference.

SEC. 204. The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside", approved July 25, 1956 (D.C. Code, sec. 4–132a) is amended—

(A) by inserting immediately after "(a)" the following: "except as otherwise provided in subsection (b) of this section,";

(B) by striking out ", except as otherwise provided in subsection (b) of this section," in the second sentence;

(C) by striking out "twelve" and inserting in lieu thereof "twenty-five"; and

(D) by amending subsection (b) to read as follows:

"(b) For the purpose of this Act, the Chief of Police of the Metropolitan Police force and the Fire Chief of the Fire Department of the District of Columbia, as the case may be, may in individual cases waive the requirement that an officer or member reside within the Washington, District of Columbia, metropolitan district."

TITLE III—SALARY INCREASE FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 301. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1970".

SEC. 302. The District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501 et seq.) is amended as follows:

(1) Section 1 (D.C. Code, sec. 31–1501) is amended by striking the salary schedules contained therein and inserting in lieu thereof the following:

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Salary class and group	Service step 1	2	3	4	5	6	7	9	9
Class 1:									
Superintendent of schools	$35,000								
Class 2:									
Group A, Deputy superintendent	31,000								
Group B, Associate superintendent	29,000								
Class 3:									
Assistant superintendent	22,190	$22,720	$23,250	$23,780	$24,310	$24,840	$25,370	$25,900	$26,430
Class 4	19,480	19,940	20,400	20,860	21,320	21,780	22,240	22,700	23,160
Director, curriculum.									
Director, staff development.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree	17,600	18,040	184,80	18,920	19,360	19,800	20,240	20,680	21,120
Group B, master's degree	18,380	18,820	19,260	19,700	20,140	20,580	21,020	21,460	21,900
Group C, master's degree plus 30 credit hours	18,770	19,210	19,650	20,090	20,530	20,970	21,410	21,850	22,290
Group D, doctor's degree	19,160	19,600	20,040	20,480	20,920	21,360	21,800	22,240	22,680
Chief examiner.									
Executive assistants to associate superintendents.									
Director of food services.									
Director, industrial and adult education.									
Executive assistant to Deputy superintendent.									
Class 6:									
Group B, master's degree	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level IV, principal	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level III, principal	17,345	17,770	18,195	18,620	19,045	19,470	19,895	20,320	20,745
Level II, principal	16,830	17,255	17,680	18,105	18,530	18,955	19,380	19,805	20,230
Level I, principal	16,315	16,740	17,165	17,590	18,015	18,440	18,865	19,290	19,715
Group C, master's degree plus 30 credit hours	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level IV, principal	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level III, principal	17,735	18,160	18,585	19,010	19,435	19,860	20,285	20,710	21,135
Level II, principal	17,220	17,645	18,070	18,495	18,920	19,345	19,770	20,195	20,620
Level 1, principal	16,705	17,130	17,555	17,980	18,405	18,830	19,255	19,680	20,105
Group D, doctors' degree	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level IV, principal	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level III, principal	18,125	18,550	18,975	19,400	19,825	20,250	20,675	21,100	21,525
Level II, principal	17,610	18,035	18,460	18,885	19,310	19,735	20,160	20,585	21,010
Level I, principal	17,095	17,520	17,945	18,370	18,795	19,220	19,645	20,070	20,495
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent of pupil personnel services.									
Assistant to assistant superintendent (industrial and adult education, vocational education evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans' high school.									
Class 7:									
Group B, master's degree	16,205	16,595	16,985	17,375	17,765	18,155	18,545	18,935	19,325
Group C, master's degree plus 30 credit hours	16,595	16,985	17,375	17,765	18,155	18,545	18,935	19,325	19,715
Group D, doctor's degree	16,985	17,375	17,765	18,155	18,545	18,935	19,325	19,715	20,105
Supervising director, elementary education (supervision and instruction).									
Supervising director, audicvisual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Supervising director, athletics.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									
Class 8:									
Group B, master's degree	14,800	15,175	15,550	15,925	16,300	16,675	17,050	17,425	17,800
Group C, master's degree plus 30 credit hours	15,190	15,565	15,940	16,315	16,690	17,065	17,440	17,815	18,190
Group D, doctor's degree	15,580	15,955	16,330	16,705	17,080	17,455	17,830	18,205	18,580
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree	13,880	14,240	14,600	14,960	15,320	15,680	16,040	16,400	16,760
Group B, master's degree	14,660	15,020	15,380	15,740	16,100	16,460	16,820	17,180	17,540
Group C, master's degree plus 30 credit hours	15,050	15,410	15,770	16,130	16,490	16,850	17,210	17,570	17,930
Group D, doctor's degree	15,440	15,800	16,160	16,520	16,880	17,240	17,600	17,960	18,320
Assistant director, food services.									
Class 10:									
Group B, master's degree	14,095	14,445	14,795	15,145	15,495	15,845	16,195	16,545	16,895
Group C, master's degree plus 30 credit hours	14,485	14,835	15,185	15,535	15,885	16,235	16,585	16,935	17,285
Group D, doctor's degree	14,875	15,225	15,575	15,925	16,275	16,625	16,975	17,325	17,675
Assistant director, audiovisual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									

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Salary class and group	Service step								
	1	2	3	4	5	6	7	8	9
Class 11:									
Group B, master's degree	$13,670	$14,005	$14,340	$14,675	$15,010	$15,345	$15,680	$16,015	$16,350
Group C, master's degree plus 30 credit hours	14,060	14,395	14,730	15,065	15,400	15,735	16,070	16,405	16,740
Group D, doctor's degree	14,450	14,785	15,120	15,445	15,790	16,125	16,460	16,795	17,130
Assistant director, practical nursing.									
Class 12:									
Group B, master's degree	13,200	13,525	13,850	14,175	14,500	14,825	15,150	15,475	15,800
Group C, master's degree plus 30 credit hours	13,590	13,915	14,240	14,565	14,890	15,215	15,540	15,865	16,190
Group D, doctor's degree	13,980	14,305	14,630	14,955	15,280	15,605	15,930	16,255	16,580
Chief attendance officer.									
Clinical psychologist.									
Class 13:									
Group B, master's degree	12,080	12,456	12,850	13,235	13,620	14,005	14,390	14,775	15,160
Group C, master's degree plus 30 credit hours	12,470	12,855	13,240	13,625	14,010	14,395	14,780	15,165	15,550
Group D, doctor's degree	12,860	13,245	13,630	14,015	14,400	14,785	15,170	15,555	15,940
Psychiatric social worker.									

Salary class and group	Service step													Longevity step Y
	1	2	3	4	5	6	7	8	9	10	11	12	13	
Class 14:														
Group A, bachelor's degree	$9,250	$9,660	$10,070	$10,480	$10,890	$11,300	$11,710	$12,120	$12,530	$12,940	$13,350	$13,760	$14,170	
Group B, master's degree	10,030	10,440	10,850	11,260	11,670	12,080	12,490	12,900	13,310	13,720	14,130	14,540	14,950	
Group C, master's degree plus 30 credit hours	10,420	10,830	11,240	11,650	12,060	12,470	12,880	13,290	13,700	14,110	14,520	14,930	15,340	
Group D, doctor's degree	10,810	11,220	11,630	12,040	12,450	12,860	13,270	13,680	14,090	14,500	14,910	15,320	15,730	
Coordinator of practical nursing.														
Census supervisor.														
Class 15:														
Group A, bachelor's degree	7,800	8,115	8,430	8,745	9,060	9,375	9,760	10,145	10,530	10,915	11,300	11,685	12,070	$13,000
Group A-1, bachelor's degree plus 15 credit hours	8,190	8,505	8,820	9,135	9,450	9,765	10,150	10,535	10,920	11,305	11,690	12,075	12,460	13,800
Group B, master's degree	8,580	8,965	9,350	9,735	10,120	10,505	10,990	11,475	11,960	12,445	12,930	13,415	13,900	15,200
Group C, master's degree plus 30 credit hours	8,970	9,355	9,740	10,125	10,510	10,895	11,380	11,865	12,350	12,835	13,320	13,805	14,290	15,600
Group D, master's degree plus 60 credit hours or doctor's degree	9,360	9,745	10,130	10,515	10,900	11,285	11,770	12,255	12,740	13,225	13,710	14,195	14,680	16,100
Teacher, elementary and secondary schools.														
Attendance officer.														
Child labor inspectors.														
Counselor, placement.														
Counselor, elementary and secondary schools.														
Librarian, elementary and secondary schools.														
Research assistant.														
School social worker.														
Speech correctionist.														
School psychologist.														

(2) Section 2(c)(2) (D.C. Code, sec. 31-1511(c)(2)) is amended to read as follows:

"(2) The terms 'plus fifteen credit hours' and 'plus thirty credit hours' mean the equivalent of not less than fifteen graduate semester hours beyond the bachelor's degree or thirty graduate semester hours beyond the master's degree as the case may be in academic, vocational, or professional courses, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the fifteen or thirty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such thirty credit hours. The term 'plus sixty credit hours' means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

(3) Section 3 (D.C. Code, sec. 31-1512) is amended by—

(A) striking out "For" and inserting in lieu thereof "(a) Except as provided in subsection (b), for";

(B) inserting immediately after "position" each time it appears "or salary class"; and

(C) by inserting at the end thereof the following new subsection:

(b) The Board of Education may place in a permanent status any fully qualified employee in salary class 15 having three or more years of satisfactory service, including service in an educational system or institution of recognized standing outside the District of Columbia, as determined by the Board, at any time beginning one year after the commencement of the probationary period of such employee. Any employee appointed to permanent status under this subsection shall be considered an employee of the Board on permanent tenure."

(4) Section 4 (D.C. Code, sec. 31-1521) is amended to read as follows:

"SEC. 4. Any employee of the Board of Education in group A of salary class 15 who possesses a bachelor's degree plus fifteen credit hours shall be transferred in accordance with section 10(a) and (b) to group A-1 of salary class 15."

(5) Section 5 (D.C. Code, sec. 31-1522) is amended by adding at the end thereof the following new subsection:

"(f) Whenever a teacher or school officer is changed to a lower salary class or to a lower level in the same salary class as in the case of school principals in the public school system, the Superintendent of Schools is authorized to fix the rate of compensation at a rate provided for in the salary class or level to which the employee is changed which does not exceed his existing rate of compensation, except that if his existing rate falls between two service steps provided in such lower salary class or level he shall receive the higher of such rates; if he is receiving a rate of basic compensation in excess of the maximum rate provided in such lower salary class or level in which he is to be placed, he will retain his existing rate of compensation and receive one-half of any future increases granted his new salary class or level until such time as his rate of basic compensation is no longer in excess of the maximum rate provided in such lower salary class or level. This subsection shall not apply if such reduction to a lower salary class or level is (1) for personal cause, (2) at the request of such teacher or school officer, (3) as a condition of a previous temporary promotion to a higher grade, or (4) because of a reduction in force brought about by lack of funds or curtailment of work."

(6) Section 6(a)(1) (D.C. Code, sec. 31-1531(a)(1)) is amended to read as follows:

"(1) On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee in salary class 15 who is on service step 13 and has completed 15 years of creditable service shall be assigned to longevity step Y. Each permanent employee in salary class 15 who is in longevity step X, on such effective date, shall be assigned to longevity step Y. In determining years of creditable service in salary classes 3 through 15 for placement on service steps, credit shall be given for previous service in accordance with the provisions of this Act governing the placement of employees who are newly appointed, reappointed, or reassigned or who are brought under this Act in accordance with the provisions of this section."

(7) Section 6(b) (D.C. Code, sec. 31-1531(b)) is amended by striking out the third sentence and inserting in lieu thereof the following: "On July 1 of each year, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each permanent employee who has not reached the highest service step for his group, or, if his salary class has no group, the highest service step for such salary

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class, shall advance one such service step until he reaches the highest service step for such group or salary class. However, the Board of Education, on the written recommendation of the Superintendent of Schools, is authorized to deny any such salary advancement following any school year in which the employee fails to receive a performance rating of 'satisfactory' from his superior officer."

(8) Subsections (a) and (b) of section 10 (D.C. Code, sec. 31–1535 (a) and (b)), respectively, are amended to read as follows:

"(a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, each promotion to group A–1, group B, group C, or group D within a salary class shall become effective—

"(1) on the date of the regular Board meeting of the twelfth month prior to the date of approval of promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree or on the completion of fifteen credit hours beyond the bachelor's degree, as the case may be,

whichever is later.

"(b) Any employee in a position in a salary class in the salary schedules in section 1 of this Act who is promoted to group A–1, group B, group C, or group D of such salary class shall be placed in the same numerical service step in his new group which he would have occupied in the group from which he was promoted."

(9) Section 13(a) (D.C. Code, sec. 31–1542(a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: summer school programs, extended school year programs, adult education programs, and Americanization schools. The pay for teachers, officers, and other education employees in the summer school programs, adult education school programs, and veterans' summer high school centers shall be as follows:

Classification	Per period		
	Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist	$6.86	$7.61	$8.42
Psychiatric social worker	8.02	8.92	9.86
Clinical psychologist	8.35	9.29	10.28
Assistant principal, elementary and secondary school	9.69	10.77	11.92
Supervising director	10.02	11.15	12.33
Principal, elementary and secondary schools	10.69	11.89	13.15
Veterans' summer school centers:			
Teacher	6.86	7.61	8.42
Adult education schools:			
Teacher	7.54	8.38	9.27
Assistant principal	10.66	11.85	13.11
Principal	11.76	13.07	14.46

(10) Section 13(d)(2) (D.C. Code, sec. 31–1542(d)(2)) is amended by striking out "monthly" and inserting in lieu thereof "semimonthly".

(11) Section 14 (D.C. Code, sec. 31–1543) is amended to read as follows:

"SEC. 14. On July 1, 1970, each employee assigned to salary class 15 shall be classified as a teacher for payroll purposes and his annual salary shall be paid in twenty or twenty-four semimonthly installments, at the discretion of such employee, in accordance with existing law. All other employees covered by the provisions of this Act shall have their annual salaries paid in twenty-four semimonthly installments in accordance with existing law. Annual salaries for employees paid in twenty-four semimonthly installments means calendar year for purposes of this section."

SEC. 303. The increase provided in this title for the position of Superintendent of Schools under salary class 1 of the salary schedule shall be effective only with respect to individuals employed in that position on or after the date of the enactment of this title.

SEC. 304. (a) The third paragraph under the paragraph beginnning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of the Act of May 26, 1908, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes" (D.C. Code, sec. 31–609) is amended by striking out ": *Provided*, That the salaries of other teachers shall begin when they enter upon their duties." and inserting in lieu thereof ". However, effective July 1, 1970, the salaries of employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1970, whose services commence with the opening of school and who shall perform their duties, shall begin on the first day of September and shall be paid in twenty semimonthly installments, except that employees in salary class 15 may elect to be paid in twenty-four semimonthly installments. The first payment shall be made on the first day of October, or as near that date as practicable; and the second payment shall be made fifteen days thereafter or as near that date as practicable. Subsequent payments shall be on the first and sixteenth days of the month or as near those date as practicable. The salaries of other employees in salary class 15 shall begin when they enter upon their duties."

(b) The fourth paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of such Act of May 26, 1908 (D.C. Code, sec. 31–630), is amended to read as follows:

"Effective July 1, 1970, the following rules for division of time and computation of pay for services rendered are established: Compensations of all employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act amendments of 1970 shall be paid in twenty semimonthly installments, except that employees in salary class 15 may elect to be paid in twenty-four semimonthly installments. In making payments for a fractional part of a month, one-fifteenth of an installment shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a semimonthly period in connection with the compensation of such employees, each and every semimonthly period shall be held to consist of fifteen days, without regard to the actual number of days in any semimonthly period thus excluding the 31st day of any calendar months from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of such month, both days inclusive; and any person entering such service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many days thereof as there were days elapsed prior to the date of entry. For one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited."

SEC. 305. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date of enactment of this title, except that such retroactive compensation or salary shall be paid (1) to any employee covered in this Act, who retired during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this title, for services rendered during such period, and (2) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which began on or after January 1, 1970, and ending on the date of enactment of this Act, by any such employee who dies during such period.

(b) For purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the municipal government of the District of Columbia.

SEC. 306. The provisions of this title shall take effect on the first day of the first pay period which begins on or after January 1, 1970.

TITLE IV—CERTAIN MATTERS RELATING TO THE ADMINISTRATION OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOL SYSTEM

SEC. 401. The first section of the District of Columbia Teachers' Leave Act of 1949 (D.C. Code, sec. 31–691) is amended by inserting after "for any purpose" the following: "authorized by the Board of Education".

SEC. 402. The Board of Education shall formulate within one year after the date of enactment of this Act, policies, procedures, and rules and regulations governing employee-management relations between the Board of Education and its employees and organizations representing such employees. Such rules and regulations shall include, but shall not be limited to, a clear statement of the rights of employees, procedures with respect to the recognition of labor organizations, determination of appropriate units, consultation and negotiation with labor organizations, approval of agreements, mediation, and impasse resolution, policies and practices regarding consultation with other organizations and associations and individual employees, and standards of conduct for labor organizations. The policies, procedures, and rules and regulations so established by the Board of Education shall be consistent with the provisions of Executive Order 11491, dated October 28, 1969 (relating to labor-management relations in the Federal service); the Labor-Management Reporting and Disclosure Act of 1959; and such other Federal and District of Columbia Government personnel policies as may be required by statute.

TITLE V—AMENDMENTS TO THE DISTRICT OF COLUMBIA REVENUE LAWS

SEC. 501. Section 3 of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1567b(a)) is amended to read as follows:

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"Sec. 3. Imposition of Tax.—In the case of a taxable year beginning after December 31, 1969, there is hereby imposed on the taxable income of every resident a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over $1,000	2% of the taxable income.
Over $1,000 but not over $2,000	$20, plus 3% of excess over $1,000.
Over $2,000 but not over $3,000	$50, plus 4% of excess over $2,000.
Over $3,000 but not over $5,000	$90, plus 5% of excess over $3,000.
Over $5,000 but not over $8,000	$190, plus 6% of excess over $5,000.
Over $8,000 but not over $12,000	$370, plus 7% of excess over $8,000.
Over $12,000 but not over $17,000	$650, plus 8% of excess over $12,000.
Over $17,000 but not over $25,000	$1,050, plus 9% of excess over $17,000.
Over $25,000	$1,770, plus 10% of excess over $25,000."

Sec. 502. (a) Paragraph (3) of section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602) and paragraph (3) of section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) are each amended by inserting after "wines" the following: "for human consumption other than off the premises where such liquors, beer, or wines are sold".

(b) The amendments made by this section shall take effect on the first day of the first month which begins on or after the date of enactment of this Act.

TITLE VI—PAY RATE FOR THE COMMANDING GENERAL OF THE DISTRICT OF COLUMBIA NATIONAL GUARD

Sec. 601. (a) Section 7 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia, and for other purposes", approved March 1, 1889 (D.C. Code, sec. 39-201), is amended (1) by inserting "(a)" immediately after "Sec. 7.", and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), any person serving as the commanding general of the District of Columbia National Guard shall be paid at a rate equal to the minimum rate of basic pay for GS-15 of the General Schedule under section 5332 of title 5 of the United States Code, and shall be subject to the provisions of subchapter IV of chapter 55 of such title.

"(c) Any officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the District of Columbia National Guard shall, while so detailed, be entitled to receive only the pay to which he is entitled as an officer of the Armed Forces."

(b) The paragraph under the center heading "NATIONAL GUARD" in the first section of the District of Columbia Appropriation Act, 1961 (74 Stat. 25), is amended by striking out "at not to exceed $13,300 per annum".

(c) The amendment made by this section shall take effect on the first day of the first pay period beginning on or after the date of enactment of this title.

The engrossed bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VACATING PROCEEDINGS ON S. 2694, SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS, POLICEMEN, AND FIREMEN

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the proceedings whereby the House considered, amended, and passed the bill of the Senate (S. 2694) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teacher's Salary Act of 1955 to increase salaries, and for other purposes, be vacated and that further proceedings on that bill be indefinitely postponed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

TO FURTHER AMEND THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 199) to further amend the Elementary and Secondary Education Act.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 199

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective April 13, 1970, clause (A) in clause (1) of section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended by striking out "at least 10 percentum" and inserting in lieu thereof "at least 6 percentum".

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record.)

Mr. PERKINS. Mr. Speaker, the purpose of Senate Joint Resolution 199 is to correct a typographical error in the recently enacted Public Law 91-230.

On April 1, 1970, the conference report on H.R. 514 was agreed to in the Senate. On April 7, 1970, the conference report was agreed to in the House. The bill was signed into law on April 13, 1970, by the President and is Public Law 91-230. In the conference report on page 41 (H. Rept. 91-937) a change as a result of a Senate amendment was made to the eligibility requirement under Public Law 81-815 which provides for school construction in federally affected areas. The conference report accurately reflected the decision of the conferees with respect to the Senate amendment. However, in printing the Public Law 91-230, on page 37, the 6-percent minimum eligibility was erroneously printed by the Government Printing Office as 10 percent. Indeed, the House and the Senate never intended this change. In fact, the alteration of this figure was not a conference issue.

Senate Joint Resolution 199 would simply correct this typographical error. I would hope that prior to the enactment of this joint resolution the Department of Health, Education, and Welfare would acknowledge that Public Law 91-230 contains this typographical error and would continue to administer Public Law 81-815 as if the printed law was 6 percent rather than 10 percent.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER REUTHER, A LOSS TO THE NATION

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, we are going to miss Walter Reuther.

We will miss him this coming summer, when his personal prestige might have avoided the prolonged strike that now threatens the auto industry.

But more importantly than Walter Reuther the labor leader, we will miss Walter Reuther the responsible American citizen. Rejecting the notion that his duty lay merely in fattening his members' pay checks, Mr. Reuther always felt he could best serve his auto workers by working to improve the world in which we all live. He endorsed the 1963 civil rights march when the AFL-CIO did not. He expressed deep reservations about the Vietnam war when it was unfashionable to do so. He was a strong advocate of consumer protection and consumer education. He consistently worked to decrease international tension and slow the arms race, and he recognized that the economic security of his members and the country will depend in the long run on our ability to convert to a peace economy.

While many labor leaders were becoming indistinguishable from management except by their higher incomes, Mr. Reuther never lost sight of the dangers of selling one's soul to the establishment, and that is something we might all think about occasionally.

PROVIDING FOR A CUTOFF OF FUNDS FOR MILITARY ACTIVITIES IN VIETNAM, CAMBODIA, AND LAOS

(Mr. RIEGLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, last week 17 other Members of the House and I offered a resolution to provide a funds cutoff for military activities in Vietnam, Cambodia, and Laos. In the absence of a declaration of war, or in the absence of other specific congressional authority, it would provide for the safe and orderly withdrawal of all U.S. military forces from Vietnam by the end of June 1971.

Mr. Speaker, I am pleased to announce that today Congressman Frank Horton became the 50th cosponsor in the House, and we now have a total of 54 on the list of Congressmen sponsoring this legislation.

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The resolution is H. Res. 1000. I hope the people of this country will urge their Congressmen to become cosponsors of this resolution.

NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the District of Columbia:

To the Congress of the United States:

Although confronted with the same financial problems during fiscal year 1969 that plagued public housing agencies throughout the nation, the National Capital Housing Authority continued its search for new ways to provide good housing for the low income residents of the District of Columbia. The Authority made progress in many areas toward increasing both the supply and the utility of public housing. Details of this progress are reported in the authority's annual report, which I transmit herewith.

The effort to provide a sound public housing program requires concerted cooperation and coordination among all levels of government, private enterprise, and the community. Under Mayor Washington's leadership, I anticipate that further important progress will be made toward achieving our goal of decent housing and effective community services for all the residents of our Nation's Capital.

RICHARD NIXON.

THE WHITE HOUSE, *May 12, 1970.*

DEDICATION OF THE OMAR N. BRADLEY MUSEUM AT CARLISLE BARRACKS, PA.

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, on May 8, 1970, it was my pleasure to attend the dedication of the Omar N. Bradley Museum at Carlisle Barracks, Pa., quite incidentally the post of my first military duty.

It was significant that this particular date was chosen for the ceremony because it was also the 25th anniversary of V–E Day. May I say that no man did more to make V–E Day possible than did Gen. Omar N. Bradley. After the general cut the ribbon, officially opening the museum, he made this statement:

> Some years ago I was asked to define what FREEDOM means to me. My answer, which I have had occasion to quote recently was: "Freedom—no other word was ever spoken that has held out greater hope, demanded greater sacrifice, needed more to be nurtured, blessed more its giver, damned more its destroyer, or came closer to being God's will on earth. May Americans ever be its protector."

Mr. Speaker, these eloquent words from a great citizen soldier should be heeded by all. For those who are interested in U.S. military history, a visit to the Gen. Omar N. Bradley Museum would certainly prove worth while.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 994 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 994

Resolved, That during the consideration of the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, all points of order against the provisions contained under the following headings are hereby waived: "National Aeronautics and Space Administration" beginning on page 19, line 17 through page 21, line 8; and "National Science Foundation" beginning on page 21, line 13 through page 23, line 14.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 113]

Anderson, Ill.
Anderson, Tenn.
Ashley
Aspinall
Ayres
Baring
Biester
Bingham
Blatnik
Brademas
Brock
Broomfield
Brown, Calif.
Buchanan
Cabell
Carey
Carter
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cohelan
Collins
Conte
Conyers
Corman
Cramer
Culver
Cunningham
Daddario
Davis, Ga.
Dawson
Dickinson
Diggs
Dorn
Dowdy
Edmondson
Fallon
Fish
Fisher
Ford, William D.
Fraser
Frelinghuysen
Gallagher
Gray
Green, Oreg.
Gubser
Halpern
Harrington
Harvey
Hébert
Kee
Keith
Kirwan
Long, La.
Lowenstein
McCarthy
McMillan
Macdonald, Mass.
Mahon
Mann
Meskill
Mollohan
Moorhead
Morse
Morton
Mosher
Murphy, N.Y.
Ottinger
Pollock
Powell
Reid, Ill.
Reid, N.Y.
Reifel
Rosenthal
Ruppe
Scheuer
Schneebeli
Slack
Steiger, Wis.
Stokes
Stratton
Taft
Teague, Tex.
Tunney
Whalen
Wilson, Bob
Wright
Yatron

The SPEAKER. On this rollcall 338 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON POSTAL RATES TO SIT DURING GENERAL DEBATE TODAY

Mr. OLSEN. Mr. Speaker, I ask unanimous consent that the House Subcommittee on Postal Rates may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971

The SPEAKER. The Chair recognizes the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution waives points of order on a couple of sections of the independent offices-Housing and Urban Development appropriation bill for the fiscal year ending June 30, 1971. The waivers are against the provisions under the headings of the National Aeronautics and Space Administration, and the National Science Foundation. These waivers are necessary because the authorization bills are not as yet enacted, although both authorization bills have passed the House.

Does the gentleman from Iowa desire me to yield?

Mr. GROSS. Yes, will the gentleman yield?

Mr. BOLLING. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I wish that the gentleman would rephrase his statement to say that these requests for waivers would have been unnecessary had the legislative committees proceeded with their business in ample time and had the other body acted with less foot-dragging. I do not believe this waiver to be a necessary procedure at all.

It is my understanding that we will get another one of these rules tomorrow in connection with the Department of State, Justice, Commerce, and the Judiciary Appropriation bill requesting waivers of points of order.

If this is going to become the accepted procedure, we might as well throw out the rule book, at least those provisions dealing with orderly procedure of the

House, the rules being that the authorization bills must be passed and signed by the President before the appropriations bills may be considered on the floor of the House.

Let us just throw out that part of the rule book that provides for the passage of the authorizing legislation prior to consideration of the appropriation bills.

Mr. BOLLING. The gentleman from Iowa makes a good point. This is an unusual procedure. It is an unusual procedure which the Committee on Rules is trying to use in a discriminating and frank fashion, with the cooperation of the legislative committees. I believe—and I know in this case, and I believe in every case, our only reason for making these exceptions—and I certainly hope it will not become the rule, but will continue to be exceptions—is to expedite the business of the House, and to encourage all involved in the legislative process to expedite the legislative process.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I am glad to yield further to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am glad to hear the gentleman from Missouri say that this is an unusual procedure, and express the hope that it will not have to be indulged in as a common practice. I wish I could share the gentleman's hope, but we see these waiver procedures being used increasingly and I for one do not like it at all.

Mr. BOLLING. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, may I say that the gentleman from Missouri has adequately explained the resolution, House Resolution 994. It just waives points of order against two sections in the pending appropriation bill so we can proceed and handle that matter on the floor of the House this afternoon.

Mr. Speaker, I urge the adoption of the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EVINS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 3 hours, the time to be equally divided and controlled by the gentleman from North Carolina (Mr. JONAS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17548, with Mr. ANNUNZIO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for 1½ hours and the gentleman from North Carolina (Mr. JONAS) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, we bring you today the Independent Offices and Department of Housing and Urban Development appropriations bill for fiscal 1971.

This bill provides funding for some 20 independent agencies and for the vital and important programs of the Department of Housing and Urban Development.

Hearings on the bill continued for more than 2 months and included many witnesses and extended testimony concerning every facet of every program in every agency before our committee.

The hearings covered more than 5,000 pages of testimony and exhibits in four volumes of published hearings.

Mr. Chairman, this bill has been thoroughly considered and thoroughly discussed.

Let me at the outset, Mr. Chairman, commend and congratulate all members of the subcommittee.

There are 10 members of our subcommittee—all contributed significantly to this bill.

This bill is a product of the entire subcommittee.

Let me commend, in this connection, the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Illinois (Mr. SHIPLEY), the gentleman from Connecticut (Mr. GIAIMO), the gentleman from Virginia (Mr. MARSH), the gentleman from Arkansas (Mr. PRYOR), and the ranking minority member of the committee, the able and genial gentleman from North Carolina (Mr. JONAS), the gentleman from California (Mr. TALCOTT), the gentleman from Pennsylvania (Mr. McDADE) and the gentleman from California (Mr. DEL CLAWSON).

All have made significant contributions to the preparation of the bill in bringing this bill to the floor of the House.

Mr. Chairman permit me also to compliment and commend our three very able and efficient committee clerks—Homer Skarin, Hunter Spillan, and Paul Thomson—they are very valuable and most efficient.

The committee had to set some priorities because of budgetary stringency.

The budget submitted this year is a tight budget—and the reductions provided are not as great as in the past.

We are, of course, cognizant of the demands upon our resources and the budget by the war in Vietnam.

We are also aware of the problem of inflation.

We considered 100 items in this bill—and some 54 items were cut and reduced.

However, we are also aware that the vital functions of Government must be continued and that our cities—large and small—must be assisted in the solution of their problems.

While this bill is a big bill—it is a prudent bill—which responds to the needs of the Nation in these areas.

The Nation's increasing concern over the quality of our life and environment is reflected in this bill.

The Federal Communications Commission is directed in our report on page 5 to "develop sound and effective policies regarding violence and obscenity on television, and to develop the full potential of this medium to enhance the quality of American life."

The Federal Power Commission is urged to be on the alert for possible future power brownouts and blackouts.

The National Science Foundation is urged to proceed with its research into problems of the environment.

The Council on Environmental Quality chaired by Chairman Russell Train is funded in this bill to examine the overall problems of environment and the Federal Government's approach to the solution to these problems—and to recommend policies for protecting and improving the quality of our Nation's environment.

The Appalachian Regional Commission is also concerned with the problem of our environment as evidenced by the reclamation of stripmine areas for park purposes.

The Department of Housing and Urban Development has a number of programs concerned with the environment—including urban renewal, open space land grants, rehabilitation of existing homes and model cities, among others.

SUMMARY OF BILL

There are five titles to this bill.

Title I which includes the Independent Offices.

Title II which includes offices in the Executive Office of the President.

Title III. The Department of Housing and Urban Development.

Title IV. Federal Corporations—in this instance the Federal Home Loan Bank Board.

Title V. General provisions.

As I indicated earlier this is a major appropriations bill and time will not permit a detailed discussion of all items in the bill.

I recommend to all Members the reading of this report, and I commend also the hearings which explain in detail the justification for the budget requests in testimony and exhibits.

For your information at this point I am inserting in the RECORD a summary breakdown by agencies of the amounts recommended in the bill.

The table follows:

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SUMMARY OF ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE BILL

Agency or item	Revised budget estimates	Recommended in bill	Bill compared with budget estimates
Appalachian Regional Commission	$958,000	$958,000	
Appalachian regional development programs	295,500,000	291,500,000	—$4,000,000
Civil Defense (DOD)	73,800,000	72,000,000	—1,800,000
Civil Defense (HEW)	3,755,000	3,500,000	—255,000
Civil Service Commission	97,222,000	94,203,000	—3,019,000
Commission on Government Procurement	1,800,000	1,500,000	—300,000
Council on Environmental Quality	700,000	650,000	—50,000
Disaster relief	65,000,000	65,000,000	
Federal Communications Commission	24,900,000	24,725,000	—175,000
Federal Power Commission	18,450,000	18,210,000	—240,000
Federal Trade Commission	21,375,000	20,500,000	—875,000
General Services Administration	696,593,500	724,916,300	+28,322,800
National Aeronautics and Space Administration	3,333,000,000	3,197,000,000	—136,000,000
National Aeronautics and Space Council	$560,000	$400,000	—$160,000
National Commission on Consumer Finance	500,000	500,000	
National Science Foundation	513,000,000	497,000,000	—16,000,000
Office of Emergency Preparedness	11,835,000	10,215,000	—1,620,000
Office of Science and Technology	2,175,000	2,000,000	—175,000
Renegotiation Board	4,235,000	4,110,000	—125,000
Securities and Exchange Commission	21,916,000	21,716,000	—200,000
Selective Service System	76,000,000	75,000,000	—1,000,000
Veterans Administration	8,960,528,000	8,960,528,000	
Department of Housing and Urban Development	2,993,021,000	2,929,081,000	—63,940,000
Total	17,216,823,500	17,015,212,300	—201,611,200

By way of overall summary, budget requests totaled $17,216,823,500.

Our committee is recommending $17,015,212,300.

This is a net reduction below the budget request of $201,611,200.

Seventy-five percent of the funds appropriated in this bill are for the three largest agencies funded in the bill—the Veterans' Administration, the National Aeronautics and Space Administration, and the Department of Housing and Urban Development.

In addition to appropriations for these important agencies—this bill provides funds for regulatory agencies that are charged with being guardians of the public interest.

Agencies funded in this bill provide an umbrella of protection for consumers and citizens.

For example, the Federal Communications Commission regulates and supervises the radio and television industry standards in an effort to insure that these media will be operated in the public interest.

The Federal Trade Commission shields consumers from unfair and deceptive trade practices and fraud in the marketplace.

The Securities and Exchange Commission regulates the sale of stocks and securities in the open market, with full disclosure required in the public interest.

The Federal Power Commission is charged with the responsibility of protecting the public interest and the consumer with its regulation of natural gas and electric utility rates.

This bill also provides funding for the more than 50 programs of the Department of Housing and Urban Development to aid and assist our cities—large and small—in their programs of growth and progress.

Let me highlight some of the major actions of the committee.

CIVIL SERVICE COMMISSION

The committee recommends $94,203,000 for the Civil Service Commission.

This includes funds for salaries and expenses of the staff of the Commission—the employee health benefits programs—annuities under special acts—and other programs of the Commission.

The bill contains $700,000 to finance the Federal Labor Relations Council established by Executive Order of the President to mediate and settle labor-management disputes in the Federal Government.

FEDERAL COMMUNICATIONS COMMISSION

The committee is recommending an appropriation of $24,725,000 for salaries and expenses of the Federal Communications Commission—a reduction of $175,000 from the budget estimate.

The committee believes there is ample funding provided for the Commission to develop sound and effective policies regarding violence and obscenity on television.

The committee is deeply concerned over the importance of using radio and television in the public interest.

FEDERAL POWER COMMISSION

The committee recommends $18,210,000 for salaries and expenses of the Federal Power Commission—a reduction of $240,000 from the budget request of $18,450,000.

The committee also approved funds for a study and evaluation of the systems of the natural gas industry.

FEDERAL TRADE COMMISSION

The committee recommends an appropriation of $20,500,000 for the work of the important Federal Trade Commission.

GENERAL SERVICES ADMINISTRATION

The committee recommends $724,916,300 for all programs of the General Services Administration.

This is a net increase of $28,322,800 over the budget request due primarily to the method of financing new public building projects included in the budget.

The GSA Administrator recommended the reprograming of $82,725,000 for 13 projects previously funded.

The committee recommends $142,024,300 in new appropriations and $48,473,200 to be reprogramed from eight projects previously funded.

Funds are included for six new construction projects in fiscal 1971—and for three superstructures.

These include the FBI Building in the District of Columbia and Federal buildings in Philadelphia and Chicago.

To repeat: The committee has approved reprograming of eight of 13 projects—and approved the funding of other projects which are smaller in amount and for which immediate capability for construction has been demonstrated.

A list of construction projects funded in the bill may be found on page 7 of the report.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. Mr. Chairman, I will yield to my friend, the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding. I want to get one thing straight as we go along, and perhaps the gentleman has answered it by referring to the building programs. In looking at the reports accompanying this bill, if I am correct, the amount is $1,152 million above the appropriations for the same general purposes in this present fiscal year. Is that correct?

Mr. EVINS of Tennessee. I will say to my friend, the gentleman from Iowa, that this bill is $1,151,966,800 over the 1970 funds that have been appropriated to date. The second supplemental for 1970 has not been taken into consideration, since it has passed the House only last week.

Mr. GROSS. But is the expenditure called for in this bill not $1,151 million-plus above that of last year?

Mr. EVINS of Tennessee. The gentleman is correct, as I have explained.

Mr. JONAS. Mr. Chairman, will the gentleman yield to me so I may expand on that?

Mr. EVINS of Tennessee. I yield to my friend, the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I think right at this point the record should reflect the fact that if we consider the second supplemental that this House passed last week and add those funds to last year's bill, the increase over last year is not $1 billion as the gentleman from Iowa said, but is $255 million. So we have to compare this bill with the total funds that were made available in 1970. When that comparison is made, you will see that our table in the report does not reflect the action of the House on the supplemental. I ask the Chairman if that is not correct.

Mr. EVINS of Tennessee. Yes, I say to my good friend, that is correct.

Mr. GROSS. Mr. Chairman, if I may have just a second or two on that I was not saying these figures were accurate. I was merely asking if these statements and figures in the report reflected the true state of affairs. The gentleman has explained the recently approved supplemental should be added to last year's amount, which I accept, but I do not want the record to show I was saying this was the case.

Mr. EVINS of Tennessee. Mr. Chairman, I thank my friend.

Mr. Chairman, for operating expenses of the Public Buildings Service of GSA the committee is recommending $335,250,000—$8,903,000 below the budget request.

For repair and improvement of public buildings the committee recommends the full budget estimate of $83,280,000.

The backlog in needed repair and maintenance of Federal buildings will continue to grow.

However, the committee recommends that in the next budget GSA develop plans and requests that will begin to reduce this backlog of needed and essential repairs and improvements of federally owned buildings.

The committee recommends $83,346,000 for the Federal Supply Service operated by the General Services Administration.

The GSA operates one of the largest supply systems in the world—providing supplies for both civilian agencies of Government and the Department of Defense.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The budget recommendation for NASA is $3,333,000,000.

The committee recommends $3,197,000,000 for the National Aeronautics and Space Administration for fiscal 1971.

This is a reduction of $136 million below the budget estimate.

The committee recommendation is $403,875,000 below the House authorization and $118,950,000 below the Senate authorization.

We are, therefore, below the House, Senate, and the budget in our recommendation.

The Apollo 11 flight achieved the initial goal of landing men on the moon and returning them safely to earth.

Apollo 12 confirmed our excellence, leadership, and maneuverability in space with a second safe lunar landing and return.

The recent Apollo 13 flight, while not completely successful, confirmed the ability of our great space team—in space and on earth—to overcome terrible obstacles and a critical accident to return our astronauts safely to earth in an improvised and crippled spacecraft.

Following the Apollo 13 accident, our committee held further hearings with Dr. Thomas O. Paine, Administrator of NASA; Dr. Wernher von Braun, Deputy Administrator of NASA; and other officials of the space agency.

It is the view of the committee that the review board which has been appointed will consume considerable time on its study and evaluation of the cause or causes of the Apollo 13 accident.

This obviously will take time—and as we pointed out in our report—the committee wants to give ample time for the study and report on the Apollo 13 problem.

The committee is not reducing NASA's appropriation because of any lack of faith in our astronauts or in the space program—it is the feeling of the committee that there is no compelling reason to proceed with further missions until the review board has reported and appropriate additional safeguards provided.

For research and development for NASA the committee recommends $2,500,000,000, a reduction of $106,100,000 in the budget estimate.

This amount will provide for one Apollo flight in 1971 instead of two flights as originally planned.

The President has recommended initial funding in the 1971 budget for research and program definition for the space shuttle and space station program—also approved by the authorizing committees of the Congress.

Concerning the space station and space shuttle, the funds recommended here will provide for the beginning of research and program definition for this program.

The committee will give further consideration to the funding needs for this program—which represents the major thrust of the space program in the next decade—after program definition has been achieved and a report made to the committee next year.

The committee supports the space shuttle and space station as appropriate programs for the Nation in its next major space effort.

We urge, however, that this program be pursued in a deliberate and precise manner—with proper precautions for safety.

The committee recommends $18,275,000 for construction of facilities—a reduction of $16,325,000 from the budget estimate.

This amount will provide for several important construction projects—but omits certain proposed new laboratories, which the committee believes can be deferred at this time.

For program management the committee recommends $678,725,000—a reduction of $13,575,000 from the amount recommended.

The funding recommended will provide for a viable and ongoing space program.

NATIONAL SCIENCE FOUNDATION

For the National Science Foundation the committee recommends $495,000,000—for fiscal 1971—a cut and reduction of $16,000,000 below the budget request.

This is one of the lowest reductions and smallest cuts made in the past several years in the Foundation's budget and is an increase of $57,000,000 over appropriations provided for the current year.

While the budget proposes an overall decrease in science education assistance, the committee has recommended the present level of support of $23,300,000 for the summer institutes program to provide supplementary training for high school science and mathematics teachers.

The committee considers the summer institutes program to be productive, needed and helpful—and of great benefit to science instruction and students throughout the Nation.

In view of the strong emphasis on environmental research and improving the quality of our life and environment, the committee recommends that excellent existing laboratory facilities at Oak Ridge National Laboratory in Oak Ridge, Tenn., be utilized for environmental research.

The committee feels that since these facilities are available, they should be utilized and avoid duplicating facilities.

It is important to point out that some of the programs of the Foundation represent the cutting edge for new knowledge in our society.

The National Science Foundation is considered by many to be the scientific spearhead into the unknown—uncharted—and unchallenged areas of science and research.

The committee commends the important work and mission of the National Science Foundation.

RENEGOTIATION BOARD

The committee recommends $4,110,000 for the Renegotiation Board which has a constructive record of saving the Government and taxpayers millions of dollars in renegotiated Federal defense-related contracts.

SECURITIES AND EXCHANGE COMMISSION

The committee recommends $21,716,000 for the Securities and Exchange Commission.

The committee is concerned over the continuing decline in the stock market and urges the SEC to be alert in its administration of the securities laws in the public interest.

SELECTIVE SERVICE SYSTEM

The committee recommends $75 million for the Selective Service System—a cut and reduction of $1 million from the budget request.

Draft calls next year are expected to decline.

VETERANS' ADMINISTRATION

The largest single appropriation in the bill is $8,960,528,000 for all programs of the Veterans' Administration.

This is the full budget amount—and the largest appropriation in the history of the Veterans' Administration.

The committee has conducted thorough and extensive hearings with officials of the Veterans' Administration.

As a result of these hearings the committee is convinced that the full amount of the budget request is needed to support the vital and important veterans benefit programs including: compensation and pensions; readjustment benefits, including education and training; medical and hospital care, housing insurance and other benefits and assistance provided by law for our veterans.

For compensation and pensions the bill provides the full budget estimate of $5,456,600,000.

The committee recommends the budget estimate of $1,354,500,000 for readjustment benefits—training and education assistance, and vocational rehabilitation.

For veterans' insurance and indemnities the committee recommends an appropriation of $5,100,000 in addition to a transfer of $7,100,000 from unobligated balances.

For medical and hospital care the

committee recommends the full budget estimate of $1,752,200,000.

The House has just approved $22 million in a pending supplemental bill for medical and hospital care—a $7 million increase over the budget recommendation for medical care.

In addition we are recommending $50 million above the original budget submitted for medical care in 1971. A total of $1,752,200,000 is provided for medical care.

In testimony by Dr. Musser, the Chief Medical Officer of the Veterans' Administration, the committee has been assured that excellent and quality medical care can be provided for our veterans with the additional amounts provided.

Other appropriations for VA also recommended include $59,200,000 for medical and prosthetic research—an increase of $1,579,000 over the comparable amount for 1970; $19,100,000 for medical administration and miscellaneous operating expenses—the budget estimate.

The committee has recommended $59,000,000 in new appropriations for construction of hospital and domiciliary facilities.

In addition, the committee recommended $80,765,000 in unobligated carryover funds—making a total of $139,765,000 available for hospital construction to the Veterans' Administration next year.

This is the third highest level of funding for veterans hospital construction in the history of the Veterans' Administration.

In addition the committee recommends the full budget request of $7,500,000 for grants for construction of State nursing homes.

Veterans officials estimate that 8,164,000 veterans will receive medical and dental treatment on an outpatient basis next year while another 785,000 will receive treatment in the hospitals.

The number of veterans and their dependents and survivors receiving assistance continues to mount.

It is estimated in 1971 the number of veterans receiving pensions will total 1,071,000 while another 2,073,000 will be receiving disability compensation.

In addition an estimated 1,584,000 survivors of veterans will be receiving compensation.

Concerning readjustment benefits, Public Law 91–219 increases the rates of veterans assistance for programs of vocational rehabilitation, education assistance, and special training allowances by approximately 35 percent under the new law recently passed by Congress.

Under this bill and program it is estimated that in 1971 a total of 1,472,000 post-Korean conflict veterans will be receiving benefits, together with 46,600 children of veterans and 21,000 wives and widows of veterans.

In addition some 24,900 veterans are expected to receive vocational rehabilitation.

In summary, I repeat: This bill carries the highest appropriation for veterans benefits in the history of the Veterans' Administration, in excess of $8,960,000,000, and carried one of the highest levels of veterans' hospital construction in history.

TITLE II: EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY

With the problems of pollution accelerating, along with the Nation's concern over the quality of our environment, the committee recommends $650,000 for the new Council on Environmental Quality.

This Council will analyze environmental conditions and trends and provide an overview of the many agencies of Government concerned with the question of pollution and environment.

It will also review and appraise Federal Government programs which have an impact on the environment.

And this Council on Environmental Quality will—as its name indicates—recommend policies to protect and improve the quality of our environment.

NATIONAL AERONAUTICS AND SPACE COUNCIL

The committee recommends $400,000 for the National Aeronautics and Space Council—a reduction of $160,000 from the budget request.

OFFICE OF EMERGENCY PREPAREDNESS

For the Office of Emergency Preparedness the committee recommends a total of $10,215,000.

The primary purpose of the Office of Emergency Preparedness is to provide for nonmilitary emergency preparedness and to assist in the event of national disasters—cooperating with eight departments and agencies throughout Government.

DISASTER RELIEF

The committee recommends the full budget of $65 million to provide for grants to the States for unforeseen disasters that may arise and to which the President must be responsive.

There were 29 major disasters declared in calendar year 1969, the highest number in history.

OFFICE OF SCIENCE AND TECHNOLOGY

The committee recommends $2 million for the Office of Science and Technology.

The Director of the Office is charged with the responsibility of advising the President on scientific matters and in coordinating and overseeing the development and progress of scientific and technological programs in the various agencies of Government.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

The committee recommends $291,500,000 for the programs of the Appalachian Regional Development Commission.

This recommendation includes $175 million requested for the vital and important Appalachian highway and access roads program.

This program is opening the way of industrial development, growth, and progress in Appalachian communities in the 13 States eligible for this assistance.

As a matter of fact, one of the most critical needs of the Appalachian region is access through new highways and roads.

The basic act authorizes construction of 4,300 miles of highways and access roads.

The committee recommends the funding of other Appalachian programs at a level of $116,500,000 which is $4 million below the budget request.

These funds assist in the construction of trade schools, hospitals, health centers, airports, and other needed and essential projects and facilities.

The achievements and beneficial results of these programs can be seen in Appalachian communities as new public facilities set a new tone for progress and provide a new surge of optimism and hope in the several Appalachian States.

This program is now moving forward.

This program is working.

The progress is visible.

And progress builds on progress.

The States, Federal Government, and local communities have joined hands and joined forces in this program to move the Appalachian area ahead in growth and progress.

CIVIL DEFENSE

The committee recommends $72 million for the Office of Civil Defense—including $21,400,000 for grants to States and local civil defense organizations.

The committee is also recommending $3,500,000 to maintain the medical stockpile and the community preparedness activities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The committee recommends $2,929,081,000 for the Department of Housing and Urban Development.

The committee is responding to the needs of our cities, large and small.

And we shall continue to honor our commitments to our cities.

In this connection I want to point out that the amounts appropriated in this bill are only the tip of the iceberg of appropriations for programs for our cities.

The special analysis of the budget points out that the total Federal financial commitment to our cities is estimated to be approximately $44 billion for 1971, including all types of loans, grants, guarantees, and other assistance and commitments.

Our recommendations for 1971 provide for further increases in the four major low-income housing programs of HUD: Public housing, rent supplements, homeownership assistance, and rental housing assistance.

These programs form the major thrust of Secretary Romney's concentrated effort to meet the Nation's housing needs through public housing and federally assisted private housing.

The Department estimates that payments required for new commitments in these programs ultimately will require appropriations ranging from a minimum of $11,666,000,000 to a maximum of $19,872,000,000 over the next 40 years.

So, I repeat: We are providing generous funding for housing for the needy—which together with annual contracts for contributions over the years represent a multibillion-dollar housing program. The cost over the next 30 to 40 years is shown in the following table:

COST OF CONTRACT AUTHORITY UNDER SELECTED HOUSING PROGRAM

	Contract authority	Minimum cost	Maximum cost
Approved 1970 and prior:			
235, 30 years	$160,000,000	$2,188,400,000	$4,800,000,000
236, 40 years	155,000,000	2,605,600,000	6,200,000,000
Public housing, 40 years	804,250,000	25,380,300,000	28,757,500,000
Rent supplements, 40 years	122,000,000	3,635,800,000	4,880,000,000
Subtotal	1,241,250,000	33,810,100,000	44,637,500,000
1970 supplemental bill:			
235	35,000,000	503,475,000	1,050,000,000
236	35,000,000	597,380,000	1,400,000,000
Subtotal	70,000,000	1,100,855,000	2,450,000,000
1971 bill:			
235	$130,000,000	$1,870,050,000	$3,900,000,000
236	135,000,000	2,304,180,000	5,400,000,000
Public housing	170,000,000	4,223,800,000	6,800,000,000
Rent supplements	50,000,000	1,953,400,000	2,000,000,000
Subtotal	485,000,000	10,351,430,000	18,100,000,000
Grand total	1,796,250,000	45,262,385,000	65,187,500,000

RENEWAL AND HOUSING ASSISTANCE

This bill provides $1,770,500,000 for renewal and housing assistance.

This includes $40 million for neighborhood facilities, the amount recommended in the budget; $1 billion for urban renewal including $400 million for conventional urban renewal, $300 million for the neighborhood development programs, $175 million to initiate new conventional urban renewal projects and $125 million for code enforcement, demolition grants and other urban renewal programs.

The bill also provides $35 million for rehabilitation loan funds, and $654,500,000 for annual contributions for low-rent housing, the budget request.

The committee is recommending $7,200,000 for new annual contract authority for college housing—the full amount currently authorized.

METROPOLITAN DEVELOPMENT

The committee recommends a total of $291,500,000 for metropolitan development.

This includes $50 million for comprehensive planning grants, a cut and reduction of $10 million below the budget estimate, and $3,500,000 for community development training and urban fellowship grants programs.

Concerning the new community assistance program, testimony indicates there are 15 or 16 prospective developers of new cities.

Only one has reached the point of funding in the current year.

We are recommending $5 million for this program for next year—double the amount appropriated for the current year.

We are recommending $75 million for open space land grants, the budget request.

For basic water and sewer grants we are recommending $150 million, the full budget request.

We recognize the importance of this program.

This program is basic, essential, and needed.

The committee urges this agency to move forward on the funding of this important program.

In a recent year there was a $15 million carryover on appropriations made available for basic water and sewer grants.

I repeat: The committee recommends the full budget request of $150 million for this basic water and sewer grant program.

MODEL CITIES

The committee recommends the full budget amount of $575 million for the model cities program.

This program—keyed to local initiative and local planning—is beginning to move ahead into the 2d and 3d year action stages—and the committee feels that strong support is crucial at this point.

A total of 150 cities are participating in the model cities program at HUD.

URBAN TECHNOLOGY AND RESEARCH

The committee recommends $30 million for research and development at HUD.

This represents an increase of $5 million over the current year.

Some 200 grants have been made under this program—and the committee is not convinced at this time that the reports made by researchers have been used as effectively as they might have been.

We are more than doubling the amounts provided for this program only a few years ago.

MORTGAGE CREDIT

The committee recommends $168,200,000 in new appropriations and increased annual contract authorizations of $315 million for the mortgage credit programs in fiscal 1971.

For section 235—the homeownership assistance program—the committee recommends $130,000,000 for annual contract authorization.

For section 236—the rental assistance program—the committee recommends $135,000,000, the full budget authorization.

This exhausts the authorization for these programs for fiscal 1971.

We recently provided $10 million each for sections 235 and 236 programs above the budget in a supplemental bill which just passed for the current year.

We have not approved advance funding for these programs for fiscal 1972.

And for rent supplements the committee recommends an increased authorization of $50 million.

In summary the committee has been generous in its funding recommendation for HUD programs for our cities.

Our cities—large and small—are the touchstones of our society—the primary sources of employment—the centers of commerce and industry—the nerve centers of the Nation.

And if our people are to live and work in our cities, the cities themselves must be livable and functional—practical and pleasant.

The funds which we are recommending in this bill for urban renewal, metropolitan development, public housing, mortgage credit, and other programs will go a long way toward advancing these goals.

FEDERAL HOME LOAN BANK BOARD

The committee recommends a limitation of $5,570,000 for administrative expenses of the Home Loan Bank Board.

We also recommend $14,700,000 for nonadministrative expenses to provide for examining and supervising member institutions—and $408,000 for the Federal Savings and Loan Insurance Corporation.

CONCLUSION

In conclusion, Mr. Chairman, we are recommending a total of $17,015,212,300 in appropriations for the several independent agencies and the Department of Housing and Urban Development for 1971.

The three largest items in the bill are for the Veterans' Administration, NASA, and HUD.

We have made only slight reductions and cuts—the lowest cuts in several years—and none in the budget for veterans' programs.

Secretary Romney of HUD has written me as follows:

> **It is with great pleasure to learn that our Appropriations Committee mark-up treated us so well. This budget should help us get a good start towards a successful year.**

Dr. Musser, Chief Medical Officer of the Veterans' Administration, has testified that with the funds here recommended that the Veterans' Administration can provide "excellent" and also "quality" medical care for our veterans.

I understand that some amendments will be offered to the Veterans' Administration and HUD portions of the bill—and so I wanted the Members to know that the officials of these agencies are indeed pleased with the generous amount of funds recommended.

I repeat, Mr. Chairman, this is a major appropriations bill—a well-considered bill—and should be approved.

The members of our committee will be pleased to try to answer any questions that the Members care to ask concerning any details of the bill.

This bill has been well considered.

It is a prudent bill.

I hope that the House will support the committee bill. And, I urge its approval and passage.

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Mr. MARSH. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Virginia, a valued member of the subcommittee.

Mr. MARSH. Mr. Chairman, I thank the chairman of the committee for yielding, and I want to commend him for the statement he has made which I think very accurately and succinctly summarizes the agencies and departments of our Government which are funded in this bill.

I believe it is frequently overlooked, as the gentleman has pointed out, that there are more than 20 different departments and agencies which are funded here, and the bill covers in excess of $17 billion, and ranges from our cities to our space program.

Mr. Chairman, I do not believe that anyone on the committee has worked any harder than the gentleman in the well, and again I certainly want to commend to my colleagues, the bill which the gentleman has brought to the floor of the House.

Mr. EVINS of Tennessee. I thank my friend, the gentleman from Virginia, for his comments.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I thank the gentleman for yielding, and I want to compliment the gentleman, the chairman of the subcommittee, on the great amount of work he has put into this bill, and the effort that he has expended.

He has conducted many, many days of hearings on the bill, and he has compiled hundreds and hundreds of pages of testimony on one of the most difficult appropriation bills that we have in the Congress. Mr. Chairman, I know of his concern about carrying on, and going forward with the model cities program.

There is a concern on the part of the Members of Congress as well as a number of mayors and town officials throughout the United States with respect to the model cities program.

There have been some rumors to the effect that some $500 million would be taken out of the model cities program to implement the President's program on integrating schools—the new program that the President has suggested and recommended some months ago.

I know that the chairman of this committee has received a communication from Secretary Romney of the Department of Housing and Urban Development. I trust that when we go back into the House he will insert that letter in the RECORD.

I wonder if the chairman would dwell on that question for a moment?

Mr. EVINS. of Tennessee. I am very pleased to inform my friend and say that in substance the letter of the Secretary says that this is a plan recommended from some sources—not from the Secretary of Housing and Urban Development, and a final decision has not been made. But it pointed out that even in the event there is a recommendation of the transfer of some of these funds to some other programs that this would require the approval of the Congress.

Mr. BOLAND. I am delighted to get the chairman's assurance on this. As the letter of the Secretary does say it would be necessary to return to the Committee on Appropriations to obtain committee action for any such transfer of funds. I emphasize here that I would oppose such transfer. I appreciate the chairman's response.

Mr. EVINS of Tennessee. The committee has recommended these funds specifically for the model cities program.

Mr. BOLAND. There is another program about which I am concerned. I know the chairman is concerned as are the members of this subcommittee, that is the homeownership program, the section 235 homeownership program for which this committee has provided $130 million for the fiscal year 1971.

The question I raise with respect to section 235 of the homeownership program is directed to the failure on the part of the Department of Housing and Urban Development to provide many dollars for the rehabilitation of homes.

There are a great number of limited dividend and nonprofit organizations that are in the business of rehabilitation of existing homes. A great number of the limited dividend and nonprofit organizations are also sponsoring new homes under the homeownership program.

In my judgment I do not think the Department of Housing and Urban Development is using enough funds under the section 235 program to permit limited dividend and nonprofit organizations to purchase existing homes and rehabilitate the homes.

I think this is an excellent social program, as well as a sound way of producing rapidly some sound, safe, and decent housing. It provides jobs for people in disadvantaged and ghetto areas, under the Housing Act of 1969 it is permissible for the Secretary of Housing and Urban Development to use 20 percent of the funds in this program to acquire existing homes and rehabilitate existing homes.

It is the position of the Secretary that this does not add to the total number of units across the Nation. I would hope the Department would look closely at this program of rehabilitation and that it would express its willingness to increase the funding for the purchase of existing homes.

Mr. EVINS of Tennessee. I share the concern of my colleague. It seems to me it is much better to repair houses rather than to tear them all down. So we have a joint interest in this program and I hope that this program will be given emphasis.

Mr. BOLAND. I appreciate the remarks of the chairman and I thank him very much.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. DENNIS. Could the gentleman tell the Committee how much money is in this bill for the space shuttle and space station program; and how that compares with the authorization that we passed the other day?

Mr. EVINS of Tennessee. I would say to my friend we have not damaged the space shuttle and space station effort. We feel that the program definition should be developed this year and we will look closely at this program next year. However, the Administrator of the National Aeronautics and Space Administration has flexibility in how he chooses to commit the $2,500,000,000 contained in the bill for research and development.

Mr. DENNIS. Mr. Chairman, if the gentleman will yield further, what was the cut in the $2.5 billion?

Mr. EVINS of Tennessee. I say to the gentlemen, we did not specifically allocate the reduction of $106,100,000 from research and development. The Administrator has substantial flexibility as to how the reductions will be applied. There is some slippage in the flight schedule, as we indicate in our report, and the space program is in a period of reorientation and adjustment for the future. The $2,500,000,000 in the bill should support a viable program.

Mr. DENNIS. If the gentleman will yield further, I would just like to express my concern as to this particular field, because while it is outside of my expertise, it seems to me that this particular space shuttle-space station program could be of vital importance to us from a military point of view. I would hate to see any other nation get ahead of us in that particular program. So I hope the committee has it firmly in mind that that is a priority matter.

Mr. EVINS of Tennessee. This Nation is first in space. We have excelled in space and will continue to do so, I will say to my friend. We want to carry on the program properly and safely, and ample funds are provided for that purpose.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Iowa.

Mr. GROSS. This country is also first in debt, too, is it not?

Mr. EVINS of Tennessee. The gentleman may have a point.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Forty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 114]

Anderson,
  Tenn.
Ayres
Baring
Barrett
Berry
Bingham
Blatnik
Boggs
Brademas
Brock
Broomfield
Brown, Calif.
Buchanan
Carter
Celler
Chisholm
Clancy
Clark
Clay
Cohelan
Collins
Conyers
Corman
Cramer
Culver
Cunningham
Davis, Ga.
Dawson
Dickinson
Diggs
Dowdy
Eckhardt
Edmondson
Eilberg
Fallon
Fisher
Ford, Gerald R.
Ford,
  William D.
Fraser
Frelinghuysen

Gallagher
Gray
Green, Oreg.
Gubser
Halpern
Hanna
Hansen, Wash.
Harvey
Hathaway
Hébert
Horton
Hosmer
Kee
Keith
Kirwan
Leggett
Long, La.
Lowenstein
McCarthy
McMillan
Macdonald, Mass.
Mahon
Mathias
Meskill
Mollohan
Morse
Morton
Mosher
Murphy, N.Y.
Ottinger
Patman
Philbin
Podell
Pollock
Powell
Railsback
Rees
Reid, N.Y.
Reifel
Rodino
Rosenthal
Scheuer
Schneebeli
Sikes
Slack
Smith, Calif.
Stokes
Stratton
Teague, Calif.
Teague, Tex.
Tiernan
Tunney
Whalen
Wilson, Bob
Wilson, Charles H.
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANNUNZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17548, and finding itself without a quorum, he had directed the roll to be called, when 334 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from North Carolina (Mr. JONAS) is recognized for 10 minutes.

Mr. JONAS. Mr. Chairman, my distinguished friend the gentleman from Tennessee (Mr. EVINS) has made such a detailed explanation of the bill and has covered it so thoroughly that anything I might say would have to be repetitious. I will, therefore, not undertake to discuss all of the programs funded in the bill before you today and will confine my remarks to emphasizing some of the items I believe will be of particular interest to the membership.

But first, a few preliminary remarks might be in order. For example, this is one of the largest single appropriation bills you will be called upon to consider during the session. It provides $17,015,212,300 in new obligational authority for the Department of Housing and Urban Development and 20 separate and independent agencies of the Government.

The amount appropriated in the bill is $201,611,200 less than was requested in the budget. But it is $1,151,966,800 more than was appropriated for the same department and agencies in last year's bill.

The increases over last year include: $310,055,000 for the HUD; $1,255,336,000 for the Veterans' Administration; $57,000,000 for the National Science Administration; and $178,507,300 for the General Services Administration.

Not included in the above totals is the second supplemental for 1970, which passed the House last week. The total amount in that bill applicable to last year is $896,485,700. When you apply this supplemental amount, the bill before you today is only $255,481,000 over the amounts made available in 1970.

There are other, though smaller, increases over last year's appropriation scattered through the bill. They are all identified on a line item basis in the tables appearing on pages 24 through 43 in the committee report which is available for all Members at the Clerk's desk in this Chamber.

I have previously stated that the bill appropriates $201,611,200 less than was requested in the budget and is $255,481,000 above amounts appropriated for 1970 including the supplemental. I have just itemized some of the larger increases over last year, and they alone will add up to more of an increase over last year than I have said the bill contains.

The explanation for this is, of course, found in the fact that scattered through the bill are many decreases below the budget and indeed many decreases below the appropriation levels in last year's bill. Some of the substantial decreases below the budget are: $63,940,000 for HUD; $2,005,000 for the Executive Office of the President; $16,000,000 for NSF; and $136,000,000 for NASA.

Other reductions in smaller amounts are shown in the tables incorporated in the report.

Some of the substantial decreases below last year's bill are: $62,325,500 for the Civil Service Commission; $499,633,000 for NASA; and $96,000,000 in funds appropriated to the President for various functions funded through his office.

After doing all of the balancing off of increases and decreases in specific line items, we come up with the totals first mentioned and which I will repeat here for emphasis:

The bill before you today appropriates $17,015,212,300.

This amount is $201,611,200 below the 1971 budget.

It is $255,481,000 above the sums appropriated for fiscal year 1970, including the supplemental the House passed last week.

In making up this bill the committee considered 100 separate line items, including appropriating items and spending limitations. Reductions are recommended by the committee in 54 of these items. In considering the budget requests for these 20 independent offices and agencies and the Department of HUD, the committee heard testimony from 389 witnesses and their testimony and the interrogations of these witnesses by committee members cover 5,000 pages of hearings which are contained in four separate volumes.

With these preliminaries out of the way, let me now turn to a discussion of some of the more significant items in the bill. First let us consider title III which contains the appropriation for the Department of HUD.

HUD

For this department the bill contains $2,929,081,000 in direct appropriations. It also includes $135,275,000 in the form of limitations on amounts of corporate funds that may be expended by HUD for administrative and nonadministrative expenses.

Some of the better known programs administered by HUD in its mortgaging financing operations are rent supplements, homeownership assistance—section 235—and rental housing assistance—section 236.

You will observe from the bill and the table on pages 39 and 40 of the report that HUD is being granted new contract authority for these programs as follows: Rent supplements, $50,000,000; homeownership assistance, $130,000,000; and rental housing assistance, $135,000,000.

In addition to this new contract authority for the three programs just mentioned, HUD has backdoor spending authority for the public housing program provided under permanent legislation which grants new contract authority for use in 1971 amounting to $170,000,000.

There are some additional facts with respect to the four programs just mentioned which need to be known in order to understand the magnitude of the tax burden being imposed upon the taxpayers of the country by these programs. Let me outline these additional facts for the information of all concerned.

RENT SUPPLEMENTS

The $50,000,000 in new contract authority for rent supplements provided in this bill means that HUD is authorized to enter into new contracts obligating the Government to disburse $50,000,000 a year for 40 years, or a total of $2,000,000,000 under this one item of the bill.

If the rent supplement program should be abandoned at the end of 1971, the cost to the taxpayers for rent supplements will be between $5,589,200,000 as a minimum and $6,880,000,000 as a maximum.

HOMEOWNERSHIP ASSISTANCE—SECTION 235

The $130,000,000 in new contract authority granted in the bill for this program means that HUD is authorized to enter into new homeownership assistance contracts obligating the Government to disburse $130,000,000 a year for 30 years, or a total of $3,900,000,000 under this one item of the bill.

If this program should be abandoned at the end of 1971, the cost to the taxpayers for homeownership assistance will be between $4,561,925,000 as a minimum and $9,750,000,000 as a maximum.

RENTAL ASSISTANCE—SECTION 236

The $135,000,000 in new contract authority granted in the bill for this program means that HUD is authorized to enter into new rental assistance contracts obligating the Government to disburse $135,000,000 a year for 40 years, or a total of $5,400,000,000 under this one item in the bill.

If this program should be abandoned at the end of 1971, the cost to the taxpayers of the rental assistance program will be between $5,507,160,000 as a minimum and $13,000,000,000 as a maximum.

PUBLIC HOUSING

The other low income housing program is known as public housing. It is even more expensive than the programs previously discussed. These contracts also run for 40 years. The bill under consideration today includes $654,500,000 to pay the subsidy for this one year on the 900,000 public housing units now under contract. The sum mentioned is only one year's cost of this program.

HUD has authority under permanent legislation to enter into these contracts and the only role Congress has to play is to pick up the check. The new contract authority for public housing in 1971 amounts to $170,000,000 and when the contracts are signed the taxpayers are

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stuck for $170,000,000 a year for 40 years, or a total of $6,800,000,000, by this one action.

If the public housing program should be abandoned at the end of 1971, the cost to the taxpayers under existing contracts would be between $29,604,100,000 as a minimum and $35,557,500,000 as a maximum.

SUMMARY

For the four programs just discussed—if all should be abandoned at the end of 1971—the cost to the taxpayers will be as follows:

	Minimum	Maximum
Rent supplements	$5,589,200,000	$6,880,000,000
Homeownership assistance	4,561,925,000	9,750,000,000
Rental assistance	5,507,160,000	13,000,000,000
Public housing	29,604,100,000	35,557,500,000
Total	45,262,385,000	65,187,500,000

PUBLIC HOUSING PROGRAM

In addition to the fantastic first cost of this program, which as I have already indicated will be between $29 and $35 billion if no contracts are signed beyond 1971, the program is in deep financial trouble in 469 communities across the country. That number of public housing authorities had operating deficiencies last year and had to dip into reserves to meet operating expenses. Unfortunately some of the LHA's have exhausted their reserves built up over the past years. Notable among those is the one in the District of Columbia. Last year HUD had to advance the National Capital Housing Authority $850,000 to keep it from going bankrupt.

Included in the $654 million provided in this bill is $13 million which HUD estimates it will have to advance to various local housing authorities to cover their deficiencies for 1971. By deficiencies I mean the amounts by which rent collected fail to cover operating expenses—exclusive of debt service which is paid by the U.S. Government by way of subsidy.

The causes for these serious financial difficulties are varied. Some of it is caused by poor management. One housing authority which HUD forced to reorganize by refusing to take over operations made a dramatic turn around after a management service was engaged resulting in the elimination of 100 unnecessary jobs and a generally more efficient operation on a business-like basis.

Another cause is the ever-increasing cost of maintenance, caused partly by inflation but partly also by deterioration, vandalism, and so forth.

It is pertinent to note that in the District of Columbia, where we are constantly being told that the housing shortage is acute, there are 600 public housing units empty right now. Witnesses testified in the hearings that most of these units are vacant because excessive vandalism has made them uninhabitable.

OTHER HUD PROGRAMS

There are a variety of other HUD programs funded in this bill. A mere listing of them will indicate the magnitude of HUD's contributions toward the solving of the problems of the cities:

Urban renewal, $1,000,000,000; model cities, $575,000,000; grants for neighborhood facilities, $40,000,000; rehabilitation loan fund, $35,000,000.

Metropolitan development programs designed to assist States, cities, and towns to improve community planning and environment and to provide necessary services and facilities, $291,500,000.

Urban research and technology, $30,000,000.

Mortgage credit programs—these include rent supplements, homeownership assistance, rental assistance, and public housing which have been discussed heretofore and only totals are included here for information: New appropriations, $168,200,000; new contract authority, $315,000,000.

The programs administered by HUD constitute only a small fraction of the total involvement of the Federal Government in the effort to solve the urban problems of the Nation. The Bureau of the Budget states that the total Federal financial commitment for urban, social, and community development programs will be about $44 billion in 1971.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Minnesota.

Mr. ZWACH. I thank the gentleman for yielding.

I believe the gentleman said there was about $3 billion provided in this bill for housing?

Mr. JONAS. That is for the entire Department of HUD in direct appropriations.

Mr. ZWACH. I have gone through this bill. I am sure the gentleman realizes a major share of the poor housing and low incomes is in countryside America. I cannot find any designation. I wonder how much of this $3 billion will wind up as housing assistance in countryside America.

Mr. JONAS. What does the gentleman mean by "countryside America"?

Mr. ZWACH. I mean rural America, outside the metropolitan areas.

Mr. JONAS. The Farmers Home Administration handles rural housing programs and funds are allocated to FHA by HUD out of the funds appropriated in this bill to HUD.

We do not have any conventional public housing in rural areas, but we do have rural housing programs administered by Farmers Home Administration.

Mr. ZWACH. The FHA appropriation is not in this bill?

Mr. JONAS. The FHA we are talking about is the Farmers Home Administration instead of Federal Housing Administration. The farmer gets its housing money out of funds appropriated in this bill for HUD.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Under the procedure worked out between the Department of Housing and Urban Development and the Department of Agriculture any request for sewerage or water loans, in communities of less than 5,500 is referred by HUD to the Department of Agriculture.

Mr. ZWACH. Mr. Chairman, will the gentleman yield further?

Mr. JONAS. I yield further.

Mr. ZWACH. Part of the $3 billion, then, goes for this purpose to FHA, or does it?

Mr. JONAS. There is $150,000,000 in this bill for water and sewer facilities, but that is not housing. The money for rural housing will come out of funds appropriated to HUD.

Mr. ZWACH. I am familiar with that section.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Georgia.

Mr. STEPHENS. The problem is in respect to the allotment of the money. Money is allotted for housing development, but there is not an appropriation to the Farmers Home Administration, as the gentleman has said.

Mr. JONAS. That is right. Part of the funds provided for HUD are allocated.

Mr. STEPHENS. They are allocated. We took the ceiling off the amount that could be allocated about 2 years ago. It used to be $300 million, then we made it an insurance program and added approximately $300 million to it.

After that we took the ceiling off of it and Farmers Home gets what the Department of HUD allocates to it.

Mr. JONAS. When I said it was administered by the Farmers Home Administration, I should have added that the Farmers Home Administration administers the farmer's home program, but the funds are allocated out of this appropriation by the Department of HUD.

Mr. ZWACH. I thank the gentleman for yielding.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am happy to yield to the chairman of the subcommittee.

Mr. EVINS of Tennessee. The gentleman is making a most significant and most important point. It should be emphasized to those who think we are not doing enough for the cities in the housing program. If you take all of the contract authority over the history of the program, it is estimated that it could cost $65,189,000,000.

In the legislation before the authorizing committee there is legislation to phase the rent supplement program into other programs, as the gentleman is well aware.

GENERAL SERVICES ADMINISTRATION

Mr. JONAS. I wish to say a word or so about several activities of the General Services Administration. GSA of course is known as the housekeeping agency of the Government. GSA does all of the procurement for the Government except for the Defense Department, manages, maintains, and constructs all public buildings; manages the strategic stockpiles; operates the Archives and Record Service; provides transportation and communications service for all Government agencies; disposes of surplus property by transfer, donation, utilization, and sale; to name a few of the major functions.

These activities are discussed in the committee report and I will only add by

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way of summary that the bill provides GSA with new obligational authority for 1971 in the amount of $724,916,300—an increase over the budget of $28,322,800, attributable primarily to the fact that the committee believes GSA should go forward with new or additional funding on 19 public building construction projects. These include six new projects, three major superstructures, and additional funding to complete 10 projects for which additional funds are required.

And now I would like to make passing reference to three GSA programs I feel will be of general interest.

FIGHT ON POLLUTION

In an effort to improve the air we breathe, GSA is engaged in an experiment to test the effectiveness of dual-fuel systems in automobiles. GSA is in a unique position to make this test because currently it operates 97 motor pools around the country.

So far the results have been encouraging. If this record continues to show the feasibility of conversion, GSA will install dual-fuel equipment in all of their cars and 1,200 cars in motor pools will already have been converted by the end of this year.

It costs about $300 to convert a car to a dual-fuel system. The problem is refueling since one tank of natural gas will be sufficient for only about 80 to 90 miles. This indicates it will be more efficient for in-city travel. GSA reports that the conversion cost is low in comparison with benefits derived. In addition to contributing to cleaner air, there is a financial saving since results to date show that, after conversion, the natural gas costs about 40 percent less per mile traveled than gasoline.

GSA has also embarked on another program, pursuant to an agreement with Ford Motor Co., for a motor vehicle emission control test experiment designed to control pollutants in the exhaust of older vehicles now on the road and which contribute measurably to smog in the cities. If this test is successful, millions of automobiles can be tuned to new specifications or equipped with emission control devices.

Thus the Federal Government is setting a rapid pace in the mounting attack on air pollution.

PROPERTY DISPOSAL

GSA has also stepped up its surplus property disposal program. This effort is being made at home and also abroad. It is estimated that this drive will result in sales of excess property valued at $768 million in 1971 as compared with sales of $240 million in 1970. These sales of course are made only of items actually in surplus supply after all agencies of Government are screened to determine they are not needed.

It may interest you to know that the value of 20,202 Federal buildings and installations around the country amounts to $69 billion. This value is based on acquisition cost.

The value of personal property to be screened by GSA in 1971 for transfer, donation, utilization, or sale will be $6 billion.

MOTOR POOL OPERATIONS

I have always had a special interest in the motor pool operation by GSA since I was the author of the legislation which authorized GSA to operate these pools.

It therefore gives me special pleasure to report that the operation of these pools continues to produce substantial savings to the taxpayers. There are now 97 pools in operation in as many localities in the country. GSA identifies savings of $25,910,000 through the operation of these pools for 1969 alone and cumulative savings of $159,595,000 since the enactment of my motor pool bill.

NASA

This bill before you today appropriates $3,197,000 for 1971 operations by NASA.

This is a reduction of $136,000,000 under the funds requested in the budget.

It is $499,633,000 below the sum appropriated last year.

The committee believes that the manned space flight to the moon scheduled for late this year should be postponed until 1971, in order to give adequate time to identify the causes for the recent near disaster to Apollo 13. In addition, this recommendation is based upon a realization of the necessity of stretching out the program to meet the requirements for budgetary restraint.

The bill provides $2,500,000,000 for continued research and development. This is a reduction of $106,100,000 from the budget request. The funds provided will finance one Apollo flight instead of two in 1971.

The bill also includes $18,275,000 for construction. This is a reduction of $16,325,000 from the budget request.

The third item in NASA's budget is called research and program management. The bill provides $678,725,000 for this activity. This is a reduction of $13,575,000 from the amount requested. This is the fund from which operations are financed and the committee feels that the level of operations be retained at current levels, instead of increasing that level.

VETERANS' ADMINISTRATION

This bill includes $8,960,528,000 to finance operations of the Veterans' Administration during 1971. This is the full budget request and is the largest amount ever appropriated for the VA in the history of the Veterans' Administration. Following is a breakout of the various VA programs which will use these funds.

Compensation and pensions, $5,456,600,000: The pension rolls continue to increase and in 1971 a total of 1,071,000 veterans will be receiving pensions and 2,073,000 veterans will be receiving disability compensation. Compensation also will be paid to 1,584,000 survivors of veterans.

Readjustment benefits, $1,354,500,000: In 1971, 1,472,000 post-Korean veterans, 46,600 children of veterans, and 21,000 wives of veterans will qualify for these benefits. In addition, some 24,900 veterans will receive vocational rehabilitation.

Insurance and indemnities, $5,100,000: This is in addition to $7,000,000 to be transferred from unobligated balances in other insurance accounts.

Medical care, $1,752,200,000: In the second supplemental bill approved by the House last week, $22,000,000 was provided for program increases in addition to funds included in the fiscal year 1970 bill. In addition the committee is recommending $50,000,000 as requested in a revised budget estimate.

The committee has been assured by the VA that the sum appropriated in this bill for medical care will provide quality medical care for a projected caseload of 8,164,000 outpatients and dental treatments. An estimated 785,000 patients are expected to receive medical care in VA hospitals during 1971.

Medical and prosthetic research, $59,200,000.

Medical administration and miscellaneous operating expenses, $19,100,000.

General operating expenses, $239,200,000.

Construction of hospital and domiciliary facilities, $59,000,000.

This sum, in addition to other funds available, will provide for total obligations of $120,418,000 in 1971 for hospital construction of hospital and domiciliary facilities. This is an increase of $88,281,000 above the level provided last year.

Grant for construction of State nursing homes, $7,500,000: Matching funds are provided by the States where these homes are built.

Grant to the Republic of the Philippines, $2,000,000.

Payment of participation sales deficiencies—subsidy on sold mortgages under a program now discontinued—$6,128,000.

Loan guarantee revolving fund, $350,000,000.

As previously stated, this bill provides $8,960,258,000 for veteran programs. This is the largest sum ever appropriated for these purposes in history. It is $1,255,336,000 more than was appropriated for VA programs last year.

Truly it can be said that Congress is living up to every responsibility to provide for the veterans who have worn our country's uniform.

Mr. EVINS of Tennessee. Mr. Chairman, we have no further requests for time on this side, and we are ready to read.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I have some requests for time.

Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I thank the gentleman for yielding to me.

I was privileged to serve on the subcommittee of the House Committee on Appropriations which considered the proposed fiscal year 1971 budget of the Veterans' Administration, which among other independent agencies and HUD, is now before the House for action.

The $8.9 billion in new budget authority recommended by the committee is the full budget amount. It represents the largest appropriation request in the history of the Veterans' Administration.

While it is not an austere budget—as

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some have termed it—this budget is by no means unrealistically generous. On the contrary, it reflects the increasing responsibilities of the Veterans' Administration to provide benefits and services for an expanding veteran population which now numbers approximately 27.3 million and is growing as Vietnam era servicemen return to civilian life at the rate of about 85,000 a month.

Before summarizing briefly these responsibilities—most of which are statutory obligations which the Congress has established—may I take this opportunity to commend the Administrator of Veterans' Affairs, Donald E. Johnson, and his associates in the Veterans' Administration for their very complete but concise budget presentation.

As the Members know, not only is the Administrator serving his first year in office, but so are the other top officials of the VA, including the Deputy Administrator, Fred B. Rhodes, the Associate Deputy Administrator, Rufus H. Wilson; the Chief Benefits Director, Olney B. Owen; the Chief Medical Director, Dr. Mark J. Musser; and the VA's General Counsel, John J. Cocoran.

I think they are to be congratulated for their very thorough grasp of the VA's programs and responsibilities.

It is particularly gratifying that while they appreciate the complexity and comprehensiveness of the benefits and services we in the Congress have structured for our Nation's veterans, their dependents and survivors, they also understand the priority importance of two other "C's" which have always motivated the Congress; compassion and concern for our Nation's veterans, particularly for the ill and service-disabled, and for those veterans and their dependents and survivors in need.

What are the specific benefits and services which this recommended budget will enable the Veterans' Administration to provide?

In brief they are as follows:

$5,456,600,000 for the payment of compensation and pensions. As the Members realize, I am certain, the total number of veterans and survivors on the VA's compensation and pension rolls continues to rise. It is estimated that in fiscal year 1971 approximately 1,071,000 disabled and needy veterans will be receiving pensions. Another 2,073,000 service-disabled veterans will be receiving disability compensation. And an estimated 1,584,000 survivors of veterans will be receiving service-connected death compensation payments.

The recent action of the Congress which increased VA education and training assistance allowances for veterans and eligible sons, daughters, widows, and wives of veterans who died or are permanently and totally disabled as the result of service attests to our appreciation of the value to our Nation as well as to those benefited of GI bill and other education programs.

The committee recommends approval of the full budget estimate of $1,354,500,000 for veterans readjustment benefits. These funds will enable the Veterans' Administration to pay the congressionally authorized, increased educational assistance allowances to an estimated 1,472,000 post-Korean and Vietnam era veterans in fiscal year 1971; to an estimated 24,900 disabled veterans expected to receive vocational rehabilitation training; to 46,600 eligible sons and daughters, and to 21,000 eligible widows and wives.

Mr. Chairman, I will not take the Members' time to review every item in the recommended fiscal year 1971 budget for the Veterans' Administration. The committee, after thorough questioning of VA officials during our hearings on this budget, and only after careful examination and study of the proposed budget submitted by the President on behalf of the Veterans' Administration, is satisfied that the funds requested for such important veterans benefits and services as insurance and indemnities, home loan guarantees, construction of hospital and domiciliary facilities, medical and prosthetic research, and general administrative and operating expenses are reasonable and necessary.

I would point out to the Members that while general administrative and operating expenses would appear to cover routine, unglamorous activities, in fact one of the most exciting, unique, and rewarding programs in the history of the Veterans' Administration is included under this heading.

I refer, of course, to the VA's innovative and most successful "Outreach" program through which more than 1,200,000 American servicemen in Vietnam have been given first-time-in-history battlefield briefing by VA representatives on their veteran benefits.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I would ask the gentleman did the subcommittee put one penny in the bill for the outreach program?

Mr. TALCOTT. There is no specific money in the bill for the outreach program, not any additional amount.

Mr. TEAGUE of Texas. If I understand the appropriation, there is not one single, solitary dime in the bill for the outreach program.

Mr. TALCOTT. There is money for the outreach program. These services are being provided through the military budget as well as through the Veterans' Administration budget.

There is also the companion program being conducted by the county Veterans' Administration service offices.

Mr. TEAGUE of Texas. The gentleman well knows that we have had a contact program for years, but we have a new outreach program that we just enacted into law. We asked for $11 million and there is not one single, solitary cent in the bill for that program.

Mr. TALCOTT. I am under the impression that there is some money in the bill that can be and is used for this purpose.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman.

Mr. JONAS. There is not in a line item that identifies the money for this specific purpose. But they have $329 million for general operating expenses, which is $18 million more than was provided last year and it is out of this money that the project in question is to be financed.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield further?

Mr. TALCOTT. I yield to the gentleman.

Mr. TEAGUE of Texas. We all know that VA can transfer money. Veterans' Administration has had to transfer money for equipment and money for other things has been transferred into the hospital program.

Sure, as the gentleman on the other side has just said, you can take money from one place and put it in another place. But there is not one single, solitary cent in this bill for the new outreach program.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman.

Mr. EVINS of Tennessee. The gentleman from Texas, the distinguished chairman of the Committee on Veterans' Affairs, has been talking of general operating expenses. The general operating expense appropriation is generally available for all salaries and expenses of VA programs except the medical program.

The VA presently has contact offices in major cities throughout the United States. It is proposed to expand this program further.

The number of offices were cut back some time ago because they had too many. About 3 years ago they started to establish telephone service in many cities where free toll service is provided for calls to VA regional offices. A veteran just picks up the phone to call the Veterans' Administration.

There was no budget estimate for this so-called outreach program as submitted to the committee. VA has had contact offices and telephone service for some time.

I think if the Veterans' Administration wanted to fund it, they would and could use some of their money in expanding the contact program.

Mr. TEAGUE of Texas. The gentleman is correct. There is not a line item of any funds for outreach because there is no budget request for this program to provide more contact service and free telephone service and additional toll service in the cities through the VA contact offices.

Mr. JONAS. Mr. Chairman, will the gentleman yield further?

Mr. TALCOTT. I yield to the gentleman.

Mr. JONAS. While we are on this particular point, the gentleman from Tennessee mentioned, I think, and I think it ought to be noted, that we increased the bill by $18 million over last year for general operating expenses. So far as the item of the outreach program, it would be funded in any event out of that fund.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield for one further comment?

Mr. TALCOTT. I yield to the gentleman.

Mr. TEAGUE of Texas. I think the Veterans' Administration has done a good

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job on contact, when they put the contact service over into Vietnam and when they are going to put them in South Korea and when they are going to put them into Germany.

But our committee went to conference with the other body this year and we passed a bill, H.R. 11959 which the President signed, and out in California the President deplored the fact that more veterans were not taking advantage of the veterans' programs.

We put in this outreach program and there is not one dime in this bill for it.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. TALCOTT. I yield to the gentleman.

Mr. EVINS of Tennessee. I believe this bill was passed subsequent to the submission of the budget and there is presently no request for expanding the contact services.

Mr. TEAGUE of Texas. That is very true. But I would not expect this Congress to be a rubber stamp for everything the Bureau of the Budget does. I would expect the Congress to be independent and to do what is right for the veterans.

I commend the Veterans' Administration for what they have done. I do not necessarily agree with the outreach program. But do not come in here and tell us that you have done a lot on the outreach program when you have done nothing.

Mr. TALCOTT. According to my information, if the gentleman will permit me to say, there are more than 1,500,000 servicemen who have received predischarge veteran benefits briefing at separation points, while nearly 280,000 ill and disabled servicemen in stateside military hospitals have been given indepth, personalized bedside counseling on their veteran benefits, particularly disability compensation, hospital and medical care and vocational rehabilitation training.

These totals, of course, do not include the hundreds of thousands of veterans interviewed and helped by representatives at U.S. Veterans Assistance Centers throughout the country, nor the 85,000 veterans each month who receive a personalized letter from the VA reminding them of their benefits.

I think there is a good effort to counsel veterans.

Mr. TEAGUE of Texas. The gentleman is exactly right. So will you tell the President that and not let him come back and criticize us for not having done more?

Mr. TALCOTT. Mr. Chairman, permit me to mention however, with special emphasis on the requested and recommended budget for the Veterans' Administration's hospital and medical care program.

In light of recent comments here in the Congress, by the national news media, and from other quarters, it is appropriate I believe to place the record-high $1,752,000,000 budget requested for this program for fiscal year 1971 in proper perspective.

Contrary to charges that have been made, this record-high budget request, coming as it does on top of the present alltime high budget already appropriated for the VA hospital and medical care program in the current 1970 fiscal year, this request cannot be fairly construed as a belated recognition by this administration or this committee that our ill and disabled veterans have not been receiving quality medical care.

The fact is, Mr. Speaker, that they have been receiving, are now receiving, and will continue to receive the quality medical care they need and deserve.

And they will do so in increasing numbers.

Under the medical care program, a projected caseload of 8,164,000 outpatient and dental treatments are expected and an estimated 785,000 patients are expected to receive care in VA hospitals.

The construction of hospitals and domiciliary facilities in 1971 will be the largest VA construction program since 1950 and the third largest in VA history. A total of $120,418,000 will be obligated for construction in 1971.

There has been a great deal of concern for the medical care program for 1970 and 1971. The second supplemental appropriation bill which passed the House last week included $22 million in additional funds for this program plus funds for the pay raise for medical care personnel.

Much has been said in criticism of VA hospitals over the last year.

Much of this is unwarranted and unjustified—based on partial truths and an effort by one network to arouse controversy. Those few complaints that have merit are a miniscule minority and are being corrected promptly whenever known. However, any system will always be imperfect so long as human beings deal with human beings. The VA medical program is no exception. Abuses can arise in any hospital, or hospital system, in like manner.

The VA hospitals provide medical care that is second to none in the world.

A needy veteran—any needy veteran who is unable to pay for hospital care—need only sign a statement that he is unable to pay for needed medical care, and it is provided—free. Any citizen in any other nation would think this incredible, but it is true.

About two thirds of those cared for in veterans' hospitals are nonservice connected cases. About 8 percent are Vietnam veterans. Of course, veterans with service-connected disability receive priority treatment.

The VA maintains 166 hospitals throughout the country and Puerto Rico. They provide the highest type of medical care of any system in the world.

For 1971 the committee recommends over $1.75 billion for these hospitals. There will be 95,261 operating beds in 1971. VA will care for 785,000 patients during the year, an increase of 4,300 over the current year. Nursing home care is also provided in many communities.

The funds provided for these hospitals has grown every year, and will again in 1971. Any hospital can use more money. There is no limit to what could be provided. Everybody would like to have more money, but in balance, our Nation is good and considerate to our veterans—not only the service connected—but also the nonservice connected veteran who states that he needs but cannot pay for medical care.

Our Nation has been good to veterans in providing many kinds of benefits that total $8.9 billion in 1971—the largest appropriation in VA history.

The appropriations for the VA have increased from $4,946,470,500 in 1962 to $8.960 billion in 1971. Benefits cover not only veterans, but survivors and veterans' dependents. The total for medical care alone increased from $955 million in 1962 to $1,752,200,000 in the last 10 years.

Of 166 VA hospitals, about one-half are adjacent to and operated in close association with university medical schools.

The VA system has participated in the development of and provides all, of the many improved medical services available in our best hospitals today. Hemodialysis units—intensive coronary care units—alcoholic treatment units—epilepsy centers—spinal cord treatment centers—open heart surgery, organ replacement centers, pulmonary emphysema units and labs—prosthetic appliances, to name a few of the high quality services.

These are available without charge to needy veterans—service connected or not. There is one exception that should be corrected, but to date has not been—if a needy veteran has a hospitalization policy he cannot go to a veterans hospital. His insurance policy will not pay for it.

If you have visited any VA hospital you should be impressed and proud of it. Some are older than others—but these are being continually modernized or replaced.

Some are multistoried structures on beautiful sites in cities—others are on the outskirts of towns with spacious grounds. Many have recreational facilities and niceties that private hospitals do not have—but always—these hospitals are available to provide free medical care for needy veterans throughout our land when they cannot afford to pay for it.

I should specially mention the dental care program provided by VA, which has experienced some delays and backlogs during the current year that are now being corrected.

A backlog has developed in the last year due to the rapid discharge of Vietnam veterans. No one objects to these accelerated discharges. However, the military normally would provide necessary medical and dental care before discharging a veteran. However, with the acceleration of discharge they found this could not be done, and have told servicemen to go to the VA rather than delaying their discharge. The discharges have increased from 800,000 to 1 million per year rate.

A backlog of from 40,000 to 45,000—or about 2 months—is expected on June 30 of this year. The increased funding provided in the recent Supplemental is bringing this unexpected backlog under control.

There are some other VA programs that contribute to improved medical care. VA is spending $100 million for training

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purposes in VA hospitals in 1971. Its research program—which is additional to medical care funding—is over $59 million next year.

The original budget request for medical care was $1,702,200,000. The President submitted an amended request for an additional $50 million making the total request $1,752,200,000. The committee is deeply concerned about the quality of medical care for our veterans and we questioned the VA officials very intensely in this connection. On page 709 of part 4 of our hearings, in response to questions about the medical program, Dr. Musser informed the committee as follows:

> Yes, sir. In addition to covering the pay increase, the amended budget will provide for activation of three new hospitals, improving of staffing ratios in existing hospitals, establishment of specialized medical services in many locations, allowances for increased usage and cost of drugs, medicine, utilities, et cetera, and a reduction in equipment and maintenance and repair backlogs.
>
> The $50 million includes funds for 3,600 additional average employment which together with the 2,123 increase provided in the original fiscal year 1971 budget should raise our staffing ratio to about 1 to 1 in NP hospitals and 1.60 employees per patient in general hospitals. The $50 million increase is exactly what I requested and was based on our best estimate of a realistic recruitment potential. With these staffing ratios I believe V.A. will provide excellent medical care.

The increase in medical outpatient staff visits are expected to increase from 6,195,000 in 1970 to 6,662,000 in 1971, an increase of 467,000 visits. The patients treated in VA hospitals are expected to increase 4,300 from 780,487 in 1970 to 784,788 in 1971.

The Veterans' Administration in 1971 anticipates adding 5,284 permanent full-time positions to the medical care program, for a total of 127,348 full-time positions. This will provide 1.6 employees to 1 patient in their general medical and surgical hospitals.

Administrator Johnson informed the committee that while an ideal staffing ratio may be somewhat higher, the 1.6 to 1 ratio is the best goal for 1971 "with the limitations in recruitability".

Some feel that the ideal staffing ratio should be 2 to 1. However, it takes a substantial amount of time to recruit and train quality personnel. It just cannot be done in 1 or 2 years.

We feel that quality medical care must be provided for our veterans and we have recommended the full amount requested in the budget to insure that quality medical care is provided.

I believe that the Congress, as well as the President, is determined that America's veterans, especially our returning disabled Vietnam veterans, shall receive the highest quality medical care.

The compassion, the concern, the dedication and skill of the more than 142,000 men and women who staff and carry out the VA's hospital and medical care program are a matter of record. A record, I submit, in which they and we in the Congress can take justified pride.

The budget the committee has recommended, and which the administration requested, will enable VA to add to its distinguished record of quality medical care for America's ill and disabled veterans.

Mr. JONAS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania (Mr. McDADE).

Mr. McDADE. Mr. Chairman, I think that the chairman of the subcommittee and the ranking Republican from North Carolina have done their usual outstanding job in trying to indicate to the Members of this body some of the ramifications of this bill and some of the very technical problems and agreements and disagreements that are contained in the legislative process in bringing this bill to the floor. As an individual Member, I generally support all of the provisions of the bill. It does not agree 100 percent with my philosophy, any more than it does, I suppose, with that of any other member of the subcommittee.

It was of necessity a matter of compromise, and I hope that the bill will be passed.

I did want to take just a few moments to dwell on one aspect of the bill and tell you about some language that appears on line 5 of our report under the account for the Federal Communications Commission. There are roughly 10 sentences that have been added to this lengthy report at my request, and I must say added unanimously in the language of this report as a direction to the Federal Communications Commission, I should like to read them:

> The Committee is concerned that too small a part of the resources of the Federal Communications Commission may be devoted to comprehensive policy planning to attack major problems confronting the Commission and the communications industry. Our attention has been particularly drawn to the need to insure optimum use of the spectrum in the public interest, to develop sound and effective policies regarding violence and obscenity on television, and to develop the full potential of this medium to enhance the quality of American life. The Committee is of the opinion that the funds recommended herein for appropriation will adequately support an increased effort in this regard.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I am delighted to yield to the gentleman from Connecticut.

Mr. GIAIMO. I would like to commend the gentleman for pointing out these facts about the Federal Communications Commission. I think the gentleman will agree that for several years, at least, the subcommittee has been consistently asking the Federal Communications Commission to concern itself with these problems, to concern itself with the problems of the spectrum, and reallocations thereof. For years we have been promised that there would be action in this area. For years we have been told that there were studies being made.

Yet, I believe, for a period of 30 years there has been no reallocation of the spectrum. The time is long past due when this reallocation must take place. There is need in the spectrum for reallocations, particularly for land mobile users, for citizens users, and for various nonbroadcast purposes and nongovernmental usages which business and commerce demand.

Also in the area of the quality of television and problems of violence and obscenity, it seems to me, a great deal must be done.

I agree with the gentleman and I join with the gentleman in expressing concern that the Federal Communications Commission is not doing the job as it should be done, and it must get on with the tremendous job which confronts it and come up with suggestions and answers and recommendations.

Mr. McDADE. Mr. Chairman, I thank my colleague, the gentleman from Connecticut. He has been one who has been consistently interested in this problem. I deeply appreciate his comments.

I think those of us who serve in this body have to recognize a little something of the problem we face. In doing that, if we begin to try to focus in on some of the national concern that is arising over the problems confronting the communications industry, we can begin to put our problems a little bit more in perspective.

The President in his recent message to the Congress on education, pointed out what to me was a tremendously important and, indeed, almost startling statistic. He pointed out that the average student spends more time watching TV than he spends actually in the schools of this Nation. He pointed out that, in getting a high school diploma, the average student spends about 11,000 hours, whereas in the same period of time he will spend something like 16,000 hours watching television.

All of us in this House are and have been concerned about the problems throughout the Nation concerning obscenity. Recently we passed a bill to deal with obscenity as it affects the children of this country and the adults of the United States by proscribing the use of our postal facilities. But think how much more difficulty there is, and think how much more important it is, and think how much more powerful a media television is, and think how it can contribute a positive or negative influence on this problem. We must ask ourselves if we have devoted any kind of sufficient attention to this particular problem.

We have noted too that there have been questions raised about possible censorship either by the networks or by someone else because of a person's political views. Those in the FCC and in this Congress are charged with the responsibility for a real interest in trying to see this problem examined in greater detail.

As my colleague, the gentleman from Connecticut pointed out, there is increasing utilization of the spectrum which calls for additional studies to be developed in order to take advantage of what is a tremendously important national resource.

We also have to be aware that we have to get the communications industry, and our delegate agency is supposed to be the FCC, to try to figure out how to get the industry to use the spectrum as a more positive force in this Nation.

In my judgment there has been probably no greater contribution to television programing than the advent of "Sesame Street," which is an effort at least to begin to present preschooling advantages to the preschool-age children of this Nation and maybe to draw their attention for just a few moments away from the many programs that are dominated by violence and other things that may or may not be producing a generation of children addicted to the most powerful communications media ever developed by mankind.

I do not think it is an acceptable answer either for those of us who serve in this body to find the Bureau of the Budget or people in the Federal Communications Commission pleading poverty when we say they should make an effort to try to find out what is happening in these areas. Estimates that were given to us in the committee are that total revenues directly regulated by the FCC approximate $30 billion. This is just direct regulation. It does not include all the other indirect business related to the communications industry that we do not even begin to regulate or to touch.

I suppose to me the most significant comment that was made about the value of the permission that is given to use the public spectrum was made clear when it was estimated in the hearings by the FCC that if someone wanted to talk about purchasing WCBS-TV in New York City, they would be starting with an opening price of approximately $100 million.

That would be a beginning bargaining price to discuss the purchase of a single television station in the city of New York.

Now, the total indirect impact of this industry on our gross national product really cannot be estimated. I do not believe it is fruitful for us to accept either from the FCC or the Bureau of the Budget or anybody else the position that we do not have enough money to begin to examine questions like how we deal with the problem of violence, or how we deal with the problem of obscenity, or how we deal with the question of the efficient use of this important national asset, the spectrum, for the benefit of all the people who live in this great Nation of ours.

I believe the hearings will show to anybody who might be interested in looking at them—that there are areas of FCC responsibility where there are no standards at all. None has been developed. None is in the planning stage.

I believe it is about time that the FCC began to answer some of the very basic questions I am raising here today and which every member of the subcommittee raised when we had this most important hearing on the FCC budget.

They do not have any policy at all, for example, on the degree to which networks have a right to exercise censorship.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. TALCOTT. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. McDADE. Mr. Chairman, not only do they not have a policy, but also they really have not even considered the matter of network censorship, or whether or not there ought to be any sort of guideline laid down in a meeting between the FCC and industry as to exactly how the matter should be treated.

They do not have a mechanism for monitoring quality, or indeed even basic decency in TV programs.

Not only do they not have standards, but also they have not tried, so far as the hearings demonstrate, to begin to try to get over to the Hill to answer the questions.

There are no priorities for the allocating of the new portion of the spectrum that is going to become available to this Nation because of increased technology. Nowhere have they begun to decide what might be the optimum use of that spectrum for the benefit of the people of this Nation.

I believe we have to recognize that one of the great events for good or for evil that has happened in this Nation has been the development of a vast communications network centered around the television industry. It can be and ought to be a magnificent use of a public asset, that is, the spectrum, as regulated by our delegated agencies in such fashion that we will not have to ask questions about whether or not it does contribute to the incidence of violence or whether or not it has an impact on the children of this Nation, or whether indeed we are using that national asset to try to get through to and to reach the children in an affirmative way, as I suggest to you that "Sesame Street" is now doing.

I hope the networks will take note and begin to get into this kind of programing, as was recently suggested by the Chairman of the Federal Communications Commission in a speech in Los Angeles. They have an enormous responsibility to the people of this Nation in an area like this and I hope we can look forward to some new and better programing.

Mr. Chairman, I should like also to comment on another matter.

As noted in the Appropriations Committee report, the bill includes $291,500,000 for Appalachian regional development programs. This includes $175,000,000 for the highways program.

I concur in this recommendation, but do so only in reliance upon certain assurances which were given in the record during hearings on the bill. The Appalachian Regional Commission has assured the committee that it will be able to reprogram sufficient funds to meet emergency situations which may arise as a result of new outbreaks of the mine fires and subsidences which continually plague certain areas of the country.

In this connection, I include in the RECORD at this point a letter from John B. Waters, Jr., Federal Cochairman of the Appalachian Regional Commission, which sets forth these assurances in greater detail:

THE APPALACHIAN REGIONAL COMMISSION,
Washington, D.C., March 25, 1970.

HON. JOSEPH M. MCDADE,
House of Representatives,
Washington, D.C.

DEAR MR. MCDADE: This letter is in further response to questions which were raised during the hearings on the Appalachian Regional Commission's 1971 appropriation request with respect to funding mine fire extinguishment and subsidence under Section 205 of the Appalachian Regional Development Act of 1965.

1. Funds appropriated in 1970 and requested for 1971 would surely be available to fight mine fires and to alleviate subsidence problems. While both the 1970 and 1971 requests were predicated on estimates that the funds would be primarily utilized for surface area restoration, they *would* be available for mine fire and subsidence projects if such projects were requested by the Commonwealth of Pennsylvania and were otherwise permissible by law and regulation.

2. There are at the present time uncommitted funds under Section 205 which would be available for mine fire or subsidence work if the project were to be submitted by any State in the Region.

3. Should, in the future, a State desire to submit mine fire or subsidence projects for approval rather than a surface restoration project, such a mine fire project could be approved by the Commission.

4. In the event of a mine fire or subsidence project of an emergency nature, the Commission could reprogram funds to meet such situations, except that funds provided under contract authority for the Section 201 Highway program would not be available for reprogramming. I believe that we have the necessary resources and authority, and am confident we would use them in such an emergency.

If any further information is needed, I will be pleased to be of further assistance.

Sincerely,

JOHN B. WATERS, JR.,
Federal Cochairman.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from California.

Mr. HOLIFIELD. I commend the gentleman on his remarks, and I should like to bring in one item of information on this particular matter.

One of the largest television stations in Los Angeles, KHJ, has voluntarily announced that it will no longer cover these riots and demonstrations which have so much violence in them. They are voluntarily stopping that. It seems to me this is something that could be emulated by other television stations.

Mr. TALCOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, about 3 weeks ago the authorization bill for the National Aeronautics and Space Administration came before the House. If I remember correctly, that bill called for some $3.6 billion, and it was approved by the House carrying about $3.6 billion. This committee, as I understand it, has reduced the funds for the moon-doggle to about $3.1 billion—and I am dealing now in round figures—or a cut of some $404 million. I commend the committee for making this cut and I wish it was far more, but I wonder what some of the Members are going to do today, especially some of those on the Republican side of the aisle who talk economy yet they walked through the teller line and tied the vote at 53 to 53 defeating Mr. KARTH's amendment to cut $240 million out of that bill. I wonder if they are going to be here today to offer amendments to put at least $240 million back in. I await with interest this afternoon to see what happens.

Now, Mr. Chairman, I want to ask a few questions about the money in this bill for the National Science Foundation, the authorization for which we had before the House only yesterday. I note in the committee hearings, in response to a question by Mr. Jonas, Mr. Sisco responded to the gentleman from North Carolina, by saying:

> The unobligated balance of fiscal year 1970 funds available for obligation as of January 1, 1970, was $264 million and the total funds unexpended on that date was $573 million.

The House approved the authorizations yesterday in the neighborhood of $525 million, plus $2 million in foreign currencies. The Appropriation Committee, in my opinion very properly reduced the amount to $495 million.

My question to someone on the committee is how in the world could the National Science Foundation spend $573 million from January 1 to the end of this fiscal year and do it with any degree of responsibility and sanity in the expenditure of public funds?

Mr. EVINS of Tennessee. I will say to my good friend that the National Science Foundation makes research grants and contracts with colleges and universities for upgrading science facilities and equipment, and many other purposes.

Mr. GROSS. I know what they do.

Mr. EVINS of Tennessee. Many of these contracts are for 3-year periods. The gentleman has indicated there is an unexpended carryover, but there are commitments and obligations. When you enter into a contract for a 3-year period, you have an obligation, and that is why the Foundation has this large unexpended balance.

Mr. GROSS. But how can they possibly ladle out $573 million? It must take more than an ordinary shovel. It has to be a scoop shovel when they start dishing it out at that rate.

Mr. EVINS of Tennessee. The National Science Foundation, in addition to the grants programs, also operates five research centers of their own. In addition the Mansfield amendment, which in effect says that no appropriation for research shall go to the Department of Defense unless it is defense related, has caused the Department of Defense to transfer to NSF certain of their research functions.

Mr. GROSS. Yes, the Department of Defense is cutting down on research and so is NIH as well as NASA as a result of a cut in funds. So, the unemployed are simply walking across the street and getting a job with this outfit, the National Science Foundation.

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield further, we have made a $16 million cut below the budget.

Mr. JONAS. Mr. Chairman, will the gentleman yield to me?

Mr. GROSS. Of course, I am glad to yield to the gentleman from North Carolina.

Mr. JONAS. May I add one comment to those made by the chairman of the subcommittee?

The gentleman from Iowa makes a very good point. The only trouble about it is that the gentleman is talking about outlays and spending of money. We do not deal with that in this bill. We deal in obligational authority. There are estimated to be $234 billion in 1970 and $250 billion in 1971 of unexpended funds in various executive agencies of the Government that has previously been appropriated but unexpended. So, you cannot compare outlays with appropriations.

As the gentleman from Tennessee (Mr. Evins) said, some of these contracts run for 3 years and there will be incremental expenditures as the obligations become due under those contracts.

Mr. GROSS. I know, but their guidelines are from fiscal year to fiscal year, are they not?

Mr. JONAS. That is correct.

Mr. GROSS. They get money every fiscal year?

Mr. JONAS. They came in with a budget request of $16 million above this bill.

Mr. GROSS. Well, I do not have to tell my friend from North Carolina—he has been around here too long—that when you start overstuffing these agencies with money, that is when they waste it, hand over fist.

Let me continue with another excerpt from your hearings. The gentleman from Tennessee (Mr. Evins) is speaking now and he says:

> The scientists are going to discover the framework for review of contemporary inflation.

It does not say they are going to solve it. This is something new for the National Science Foundation to go into the field of studying, with a special commission, contemporary inflation. I ask the gentleman from Tennessee two questions:

What is the difference between "inflation" and "contemporary inflation"?

Mr. EVINS of Tennessee. I will say to my friend I wish I knew the answer to both of those questions.

Mr. GROSS. So they plan to go into a study of inflation when the Lord knows every agency of this Government is studying inflation and the evils thereof.

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield further, if the National Science Foundation could in some way contribute toward solving the problem of inflation and the problems of our cities, they would be making a significant contribution to our country. It is our sincere hope that they may be able to find a solution.

However, at the present time they are unable to process and follow up on only a fraction of the number of applications which they receive in the fields of mathematics, chemistry, biology, and the social sciences.

Mr. GROSS. They use another word for it but I do not recall exactly. It is something like "societale."

Let us look briefly at another subject about which the gentleman from Tennessee was directly involved, and which appears on page 607 of the hearings:

> Mr. Evins. You are launching out on some big, long-range, costly programs.
>
> Here is another one, "Arctic research programs." How much will it cost and what is the timespan?
>
> Dr. Jones. I can't tell you for sure, Mr. Chairman, how long it will last. It will depend a little on the life of the oilfields up in the north.
>
> Mr. Evins. What is your planning?
>
> Dr. Jones. Ten to 15 years.
>
> Mr. Evins. How much is the estimated cost?
>
> Dr. Jones. $2 million next year and it will probably expand to a total over the next 10 years of $10 million per year.

In other words, if the "oilfields up in the north" lasted for 100 years we would be expected to spend $10 million or more a year on "arctic research programs."

Mr. EVINS of Tennessee. I will say to my friend from Iowa that our committee is watching these expenditures very closely. A year or so ago we had testimony that they had actually located some oil in their oceanographic exploration. I asked, "What did you do?" They said they did not want to run the risk of polluting the area and plugged the hole.

So, they have proven they know how to discover oil. Maybe they can find some there to help with the budget problems with which our country is confronted.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GROSS. Mr. Chairman, will the gentleman from North Carolina yield me 3 additional minutes?

Mr. JONAS. Mr. Chairman, I yield 3 additional minutes to the gentleman from Iowa, and I would like to ask the gentleman from Iowa to yield to me for one moment.

I would say to the gentleman from Iowa to at least give this subcommittee credit for stopping "mohole".

Mr. GROSS. Did the gentleman say for not stopping mohole?

Mr. JONAS. For stopping mohole.

Mr. GROSS. Yes. I certainly do, and I certainly give the committee credit for the cuts it made in programs in this bill that badly needed to be cut even more.

On page 699 of the hearings, Mr. Evins asked:

> Doctor, how many grants were made in the social science field last year?
>
> Dr. Hines. 474.
>
> Mr. Evins. How many do you estimate for next year?
>
> Dr. Hines. I suspect it will be about the same number.
>
> Mr. Evins. What was the largest grant?
>
> Dr. Hines. There were a few, about $250,000.
>
> Mr. Evins. To whom and what for?
>
> Dr. Hines. One was a study on the attitudes of the American people toward violence.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Then Mr. Evins said:

> I can tell you the attitude, they don't like it.

There are already dozens of commissions and committees around here studying environmental attitudes and violence. And still the National Science Foundation goes into this field to the tune of at least $250,000. Where did this grant go? To the University of Michigan which has already obtained millions of dollars in grants through the foreign aid program.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

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Mr. GROSS. Yes, I will yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I was hoping the gentleman from Iowa would read the response of Dr. Levin, who said that they are not planning to investigate the attitude of the public toward violence. They know that the public is opposed to violence. What they propose doing is studying the things that make these people engage in violence. And if they can come up with an answer to that that will help us find a way to stop these people from engaging in violence then I think the money will be well spent.

Mr. GROSS. There are 535 Members of Congress who ought to do something about the violence that is rampant in the country.

Mr. JONAS. Yes, but we have not been able to be very successful in our efforts.

Mr. GROSS. How much more expert in that field are these people?

Mr. JONAS. I just do not know. I would just be willing to give them a chance to come up with some answers, and I would applaud them if they can find out what motivation there is that causes people to engage in violence.

Mr. GROSS. People have been engaging in violence for since the beginning of time, have they not?

Mr. JONAS. Not quite as much as they are doing today.

Mr. GROSS. It is inconceivable that with all the money that has been spent on the study of violence and crime through the years there is no worthwhile report gathering dust on some shelf.

I do not know what else there is to finance around here. Is there any rock unturned?

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield, the gentleman is one of the great Members of the House, one of the great economizers of the House, and one who has done a great deal in this direction. We want to compliment the gentleman for his helpfulness, and for his great capability. We appreciate his ability in being able to screen these expenditures.

Mr. GROSS. I thank the gentleman, but let me tell him that I am having a page count conducted on the hearings conducted by his committee that were made available only a few days ago. There are either eight or 10 thick volumes of hearings from the gentleman's committee, and from the committee chaired by the gentleman from New York (Mr. ROONEY) on State, Justice, and the Judiciary, and other agencies.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. GROSS. Mr. Chairman, will the gentleman yield me 1 additional minute?

Mr. JONAS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding me the additional time.

Mr. Chairman, I think there were four volumes from this committee that were made available only yesterday or the day before and that is not sufficient time to provide an opportunity to look through these thousands of pages, especially, when the bills are called up immediately after the hearings are released for public consumption. I wish the committee chairmen would make the hearings available a couple of weeks before the bills are called up so that we might do even more with the information that is obtained from those who are spending the money.

Mr. EVINS of Tennessee. If the gentleman will yield. The gentleman recognizes the monumental task before the committee. We began hearings in early February, and have spent 3 months in examination of the top officials of all these agencies of the Government. We have tried to hold the line and cut out exorbitant expenditures. We want to give you the benefit of these hearings so that all of the information is available to you.

Mr. GROSS. I commend the committee for what it has done. But why not release these hearings, since they are so voluminous—why not release them as they become available—as the hearings on one department agency are completed and so give us a little time to go into them deeper than we do.

Mr. EVINS of Tennessee. We try to get the hearings printed just as soon as possible. The job is so monumental that the Printing Office broke down. We commend the gentleman for his scrutiny, his survey, his review, and his excellent examination of these hearings.

Mr. GROSS. I thank the gentleman.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. JONAS. I think at this point it would be worth pointing out that we are committed within the committee, and this has some application to what the gentleman said about the rule that we asked for on this bill—we are committed to completing action on an appropriation bill before the new fiscal year begins.

Mr. GROSS. I am not criticizing the Appropriations Committee for the waiver of points of order on this bill—not at all.

Mr. Chairman, I am only pointing out, in view of the fact that you are conducting these extensive hearings, that there is no way the ordinary Member of Congress can profit therefrom unless the hearings are released sometime in advance of consideration on the House floor.

Mr. JONAS. They only became available recently, and the only way we could have made more time available would have been to delay the consideration of the bill, and we do not want to do that.

Mr. GROSS. No, what I am suggesting to the gentleman is the release of these volumes as they each become available; as they are completed.

Mr. JONAS. That is, instead of waiting to complete all of the hearings?

Mr. GROSS. That is right.

Mr. JONAS. That is a very good suggestion.

Mr. GROSS. Mr. Chairman, I wish that I could support this bill but I cannot and for the reason, among others, that I am convinced the appropriation for the National Aeronautics and Space Administration ought to be cut by at least another $1 billion and the National Science Foundation ought to be cut considerably deeper. I could not justify to those I represent in Congress a vote for more explorations of the moon and the funding of more commissions and councils to suggest ways and means of spending more money when the Treasury is already barren.

Mr. MINISH. Mr. Chairman, I am greatly dismayed by the independent offices-Department of Housing and Urban Development appropriation bill for the fiscal year 1971. This legislation represents a glaring example of the lopsided priorities presently prevailing in our Federal budget.

Under the bill as reported by the Committee on Appropriations, the Department of Housing and Urban Development receives $2.929 billion, while the appropriation for the National Aeronautics and Space Administration is $3.197 billion. HUD's appropriation represents only 63 percent of its total authorization, while 89 percent of the authorization is to be allocated to NASA. Thus, HUD, a Department charged with responsibility over many of the most pressing and immediate problems of urban America, is to receive $268 million less than NASA, whose programs and goals, while laudable, are hardly of immediate concern or in need of prompt attention. I shall vigorously support amendments to H.R. 17548 to reduce the NASA appropriations and to increase the appropriations for the Department of Housing and Urban Development. It is more important for us to put Americans in decent housing than to continue to put men on the moon and other planets.

Regarding the housing appropriations, I am particularly disappointed that the bill provides only $1 billion of an authorized $1.7 billion for urban renewal. Secretary Romney himself has pointed out that this coming July 1 there will be a $3 billion backlog of urban renewal project applications from the financially impoverished cities of America. Obviously, more funds are necessary if our cities are to accomplish an effective rebuilding program.

In another instance, the bill provides no funds whatsoever for tenants services despite a $45 million authorization by Congress and a $5 million request from the administration. Funds for water and sewer grants are $350 million under the authorized amount.

Model Cities constitutes one of the most promising programs ever developed to assist blight-ridden urban centers. As originally conceived the program called for a comprehensive approach—a total attack—on the myraid problems which have adversely affected the quality of life in American cities. Unfortunately, due to inadequate funding, model cities has yet to fulfill the great expectations which accompanied its enactment in 1966. The legislation before us continues the practice of underfunding this worthwhile program. Of an authorization for fiscal 1971 of $1.6 billion for model cities, only $575 million is appropriated.

In conclusion, Mr. Chairman, I urge the House to reverse the priorities established in this bill and to give top priority to those programs which attempt to assist our cities and our people toward a better life.

Mr. FREY. Mr. Chairman, included in the Department of Housing and Urban Development section of the bill we are considering are fiscal year 1971 proposals for $130,000,000 in contract authority for section 235 of the 1968 Housing and Urban Development Act and another $115,100,000 for payments on existing contracts for both the 235 and 236 sections of this legislation. Congress reaffirmed the national goal of "a decent home and suitable living environment for every American family" in its declaration of policy in the 1968 act. I agree wholeheartedly that the highest priority should be given to decent housing for all Americans. However, I would like to publicly state my opposition to the manner in which the section 235 program is being administered, at least within my congressional district by the FHA regional director in Tampa. Hundreds of reservations have been issued for the speculative production of these homes without, in my opinion, any consideration being given to the status of the various housing markets. Let me read from a letter written last September to give you an example:

> We live in a neighborhood where our existing homes were built two to five years ago and were purchased for $20,000–$26,000. Due to the space program cutbacks at Cape Kennedy, many people are being forced to leave the area and since the start of this 235 development a few weeks ago, potential buyers will not even come to look at the homes in our neighborhood. More and more each day the owners of these homes, most of them insured by FHA and VA, will have no recourse but to leave them and let them be foreclosed. It is hard to understand why the same Federal department would allow one program (Section 235) to destroy the value of a property insured by them under another program.

It is hard for me to understand also. At the time there were, and this is a conservative estimate, some 750 vacant homes in the northern section of Brevard County, Fla., where this homeowner lives. It took me 3 full months of correspondence and meetings with FHA officials before a decision was announced halting the issuance of conditional commitments for the speculative production of new homes until the housing market situation justified additions.

But regardless of the housing market, it seems to me that FHA regional directors have an obligation to all homeowners in an area in that the Federal Government is insuring the greater majority of homes. And it is also my belief that while this particular program is primarily intended to stimulate the production of new or rehabilitated units, its limited application to existing housing should be broadened in that this has proven a successful and useful part of the program. Why should new homes be constructed when vacant, new, or used homes which fit the requirements of this program are in existence?

Another thing about this program amazes me. The maximum subsidy payment to which a low-income homeowner is entitled leaves him with a monthly payment obligation such as he would have under a mortgage with a 1-percent interest rate. The Internal Revenue Service has ruled that families receiving these assistance payments do not have to report them as income, and they are allowed to deduct on their income tax all of the interest and taxes paid on their behalf by the Federal Government.

It is my hope that the Federal Housing Administration will carefully review this program and its various aspects and issue strict guidelines to the Federal Housing Administration regional directors, whose autonomous power, in at least one instance, is doing anything but helping the housing situation in this country.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of H.R. 17548, a bill making appropriations for sundry independent offices and the Department of Housing and Urban Development.

I am particularly pleased that the committee has provided $6,089,000 in funds for the construction of the new Federal building, West Palm Beach, Fla.

The citizens of Palm Beach County and the city of West Palm Beach have been looking forward to this facility for a long time and I am pleased that we will soon be able to move forward with the construction before the year is out, assuming the Senate concurs with the House provisions for this facility.

Mr. ROTH. Mr. Chairman, today is a very important day for our city of Wilmington. Important because it represents a giant step forward in the realization of a project of crucial importance to the revitalization of our community.

I want to express my appreciation to the House and especially to the members of the Committee on Appropriations on both sides of the political aisle who have included $9,127,000 for a Federal building in Wilmington.

Several years ago, Wilmington citizens, business, labor, and community leaders, as well as leaders of both political parties banded together to redevelop our largest city. The key link in this multimillion-dollar downtown development program has been this Federal building. Timewise, there is no Federal project that has been on the books longer than the project for the Wilmington Federal building, which was originally authorized in 1959, but was never funded.

As I have indicated, many people, both Republicans and Democrats, have played a key role in this project. There are too many to mention each by name. During my first term of office, however, I worked closely on the project with the late Governor Terry, who took a great interest in its realization. Likewise, a great Delawarean, the late Henry B. duPont devoted his great talent and energies to this matter. In part, due to a request from him, I discussed the project at length with the President at a White House breakfast, as well as with his staff. We in the Washington delegation have also had the strong help and support of Governor Peterson, Mayor Haskell, as well as his predecessor, Mayor Babiarz.

It was a great day for Delaware when the President included funds for this new Federal building as part of his General Services budget. Today is another great day as the project moves closer to reality.

There are many reasons why this facility is of such importance to our community. It will help enable this building to be coordinated with the construction of other private and public buildings in accordance with a general design concept. I believe better service may be provided our citizens through locating all Federal agencies in one centrally located building. It has also been estimated that savings will result because of the high cost of renting office space in the city. And, finally, we believe this step forward will help expedite the many other projects, public and private, now on planning boards or under consideration. In brief, the appropriation of these funds means more than merely a new Federal building. It is a significant step in improving the quality of life in the city of Wilmington.

Mr. FALLON. Mr. Chairman, I take this time to commend the Subcommittee on Independent Offices Appropriation, chaired by the distinguished chairman the gentleman from Tennessee (Mr. EVINS), for their inclusion in the present bill before us today of the sum of $3,716,000 which will get underway much needed construction for a new U.S. court house and Federal office building in the city of Baltimore.

The need for this new building has been well documented by the General Services Administration and the authorization for the building was approved by the Committee on Public Works, of which I have the honor to be chairman. I appreciate the speedy manner in which funds have been provided to begin construction of the Baltimore building so soon after its authorization by the Public Works Committees of the House and Senate.

Baltimore is the largest, most important city in the State of Maryland. It is the seventh largest city in the United States, and is the second most important seaport in foreign trade tonnage on the Atlantic seaboard.

The size and importance of the city of Baltimore make it quite clear that proper facilities should be available for the Federal agencies and Federal courts which are located within the city. It has been apparent for some time that the existing buildings housing the court facilities and agencies that are to be housed in this new building are inadequate. For this reason, the Committee on Public Works, at my request, directed the General Services Administration to survey Federal building needs in Baltimore. That survey is a basis for the authorization for the appropriation we are considering today.

I am delighted with the rapid manner in which both the authorization and initial funding for the Federal building we are considering today has moved.

Mr. BARRETT. Mr. Chairman, I rise in support of the bill H.R. 17548, the independent offices-HUD appropriations bill for fiscal year 1971. Although the Appropriations Committee did not

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fund all of the various HUD programs as much as I would like to have seen, I can endorse the work of this great committee in providing adequate funds to meet the needs for housing our citizens under the various Federal housing programs. In particular, I congratulate the committee for approving all of the contact authorization remaining for the sections 235, homeownership program in the amount of $130 million, and 236, rental housing programs in the amount of $135 million. These two programs have now proved to be the most successful and innovative programs that the Congress has approved in all of the Federal housing programs. They have won the endorsement and vigorous support of many diverse interest groups and is a testament to the Democratic administration which proposed them.

I am pleased that at least $50 million was provided for the rent supplement program, although I would like to have seen the full appropriation of the $100 million authorized. I am disappointed that the section 312 rehabilitation loan program was not funded adequately; only $35 million is provided in this bill, when the needs of cities, such as my own home city of Philadelphia, could probably use the whole appropriated amount. Large cities, such as Philadelphia, find the 312 program an extremely important way of salvaging existing structures in our cities.

The urban renewal program remains one of the most important programs for revitalizing our cities, both large and small. The requests for grants under urban renewal are much greater than the committee has approved in this bill. I would like to have seen a full $1.6 billion appropriated, especially since the neighborhood development program needs additional funds in order that cities might rapidly use the renewal funds more effectively.

The denial of funds for the tenants services programs is the most serious defect in this appropriations bill. Time and again, Subcommittee on Housing, of which I am chairman, has heard testimony that such a program to educate, train, and aid tenants in public housing is a vital necessity if proper management of our local authorities is to be maintained. I do not agree with the committee report which states that these services are being adequately provided by local authorities, churches, fraternal, labor, volunteer, and civil groups. These groups simply do not have the funds to provide the needed services.

I intend to support the amendment to be offered by Mr. STEPHENS of Georgia, and my distinguished colleague the ranking minority member of the Banking and Currency Committee, Mr. WIDNALL, to provide full appropriations for the water and sewer facilities program. The administration requested only $150 million for this very important program. I believe that the need is such that $500 million should be appropriated. I am sorry to see that the administration recommended only $575 million for the Model Cities program, the same amount as was requested in last year's budget. With the administration intent on grabbing Model Cities funds for other purposes, I would have hoped that the committee would have recommended the full authorization of approximately $1.6 billion. I was disappointed that the committee did not recommend a full $11.3 million for fair housing and equal opportunity that the administration requested. The committee recommended only $7 million for this vital program and I would hope that the additional $4.3 million is added to the bill.

I heartily endorse the committee's recommendation of $30 million for urban technology and research. The committee report language states that it is important for Congress that the results of these research programs, particularly Operation Breakthrough, develop more supporting material so that we know more of what Breakthrough is accomplishing.

Mr. Chairman, I am most pleased that the committee has approved the funds needed for the superstructure of the Federal courthouse and office building in Philadelphia. The funds for the substructure had been appropriated several years ago and that portion of the building is well underway. The funds included in this bill, $61.8 million, will allow an orderly continuation of construction for completion of the entire building.

I urge the passage of this appropriation bill.

Mr. TEAGUE of Texas. Mr. Chairman, the Committee on Science and Astronautics, during the process of authorizing funds for the National Aeronautics and Space Administration, gave detailed consideration to all aspects of the programs conducted by NASA. The Manned Space Flight Subcommittee and the full committee, after receiving testimony from NASA Centers, key industrial contractors, and senior officials of NASA, added additional funds to the Apollo and the space flight operations line items. This was done with the intent of assuring that when Saturn V production is resumed later in the 1970's the leadtime required to build these vehicles will be reduced, and that the expertise and know-how to build such vehicles will not be lost. Funds were also added to provide for additional scientific payloads on the last of the currently scheduled Apollo lunar exploration flights. In the area of space flight operations, funds were added to gain more benefit from the flight of the orbital workshop, now called the Skylab, scheduled for 1972 and which will be utilized in two additional missions in 1973. Funds were also provided to further explore the technology associated with the low-cost shuttle and space station so that the Congress and the Executive will be provided with the information necessary to make decisions in future years as to the pace and direction of our efforts in the shuttle and space station fields. It should be pointed out that the NASA budget request to the Bureau of the Budget for fiscal year 1971 was $535,000,000 more than the bill which came to this Congress. The increases recommended by the Science and Astronautics Committee, under the distinguished leadership of our chairman, the gentleman from California (Mr. MILLER), represented a total increase of approximately $298 million over the administration request. The appropriations bill before us today negates, at least in part, the thorough and thoughtful effort given to the NASA programs for fiscal year 1971. However, I commend the distinguished gentleman from Tennessee (Mr. EVINS) and his committee for their endorsement of a thorough study of the low-cost space shuttle and space station.

The Subcommittee on NASA Oversight, which I am privileged to chair, undertook a study in late 1969 which reviewed the posture of our manned space flight effort and spoke specifically to the question of costs and schedules and the future of manned space flight. This study was published under the title "Manned Space Flight—Present and Future" in January of this year. In the light of the Appropriatons Committee's action with respect to manned space flight, it seems important to me to review the findings of this study.

First, as is well known to the Members of this body, our national space program has been in precipitous decline since the fiscal year 1966. After 1974, the United States will no longer have the capability of lifting manned payload in excess of 60,000 pounds into earth orbit or deep space unless Saturn V production is resumed. It was also a finding of this study that a launch rate of less than two manned vehicles per year could materially increase the risk of mission success in space flight. This study and the subsequent action of the committee also endorses the view of the Appropriations Committee that adequate definition of a low-cost shuttle and space station are of major importance to the future of our national space program. However, the deletion of $106.1 million from the NASA budget, coupled with recommending the postponement of the Apollo 14 flight until next year, can only serve to further weaken our national space effort.

Therefore, it would seem important that this $106.1 million reduction be restored to the NASA budget so that NASA may adequately schedule the lunar exploration flights consistent with changes associated with the Apollo 13 experience and consistent with minimizing risk of mission success, this will allow sufficient flights to exercise launch operations recovery and supporting personnel and facilities in the manned space flight program.

THE NASA BUDGET

The NASA fiscal year 1971 authorization and appropriation request was $3.333 billion. This figure is $522 million below a comparable figure for 1970. NASA's estimated expenditure for fiscal year 1971 is approximately $3.4 billion, which is over $2.5 billion below NASA's peak expenditures in 1966. This reduction in space budget has required major cutbacks and deferrals in the number of programs. NASA's peak employment was 420,000 people, which will have declined by the end of fiscal year 1971 to approximately 144,000 people. It is a tribute to the management of NASA that so much has been achieved in our national space program while forcing expenditures to an ever lower level. We spent $25 million in 8 years to develop the manned space flight capability that we have today. At the same time we spent over $600 billion on health, education, and welfare programs in the Federal Government. Again, I believe it is a tribute to the NASA and industrial personnel in the space program that they achieved so much within the level of funds that we have provided. The appropriations bill before you is $404 million less than the funds authorized for NASA for fiscal year 1971. The ability to conduct adequate programs in the 1970's could easily be compromised by this major reduction.

RESEARCH AND DEVELOPMENT

The appropriations bill before us today represents a $106.1 million reduction in research and development from the NASA request for fiscal year 1971. NASA has made the decision based on the Apollo 13 experience to schedule the Apollo 14 launch no earlier than December 1970. The reduction of $106.1 million will far exceed the cost of deferral of the Apollo 14 flight from October to December of this year. In fact, the deferred costs are of the order of $10 to $20 million while the remaining $86 to $96 million will have to be absorbed by NASA in current programs. I know the Members of this body are well aware of the drastic reductions that NASA has had to take in the space program to operate within the budget proposed for the next fiscal year. The closing of the Electronics Research Center in Boston, Mass., is well known to everyone. The manned space flight program of NASA will cease to exist after 1974 unless sufficient work is done to initiate adequate programs in that area. Saturn V production has been terminated, the lunar exploration missions have been stretched out and our first orbital workshop, a precursor to a space station in the 1970's, has been most recently delayed by 4 months and previously delayed by over a year and a half. The flight of automated scientific satellites, particularly the applications technology satellites F and G have been deferred and the Viking Mars mission postponed until 1975.

The net effect of this reduction will not be further deferrals and delays but likely the termination of programs in which we have already invested substantial amounts of money. Surely this works against the findings of the President's Space Task Force recommendations made in September of last year to the President. If we are to maintain an adequate national space effort, the recommendations of this report must be heeded.

RESEARCH AND PROGRAM MANAGEMENT

As the total cadre of people in industry and within NASA has declined, it has become increasingly important that NASA maintain in-house laboratory test and development personnel, the know-how and capability to meet the problems of current programs and plan and direct future national space effort. The reduction included in this appropriation bill in the research and program management area of $13,575,000 can only serve to weaken NASA's capability to meet the needs in its current and future programs. Approximately 1,950 civil service personnel will be removed from NASA in the reduction in force based on this decreased budget as contained in this bill. A reduction in force, as the Members know, causes, many dislocations within an organization, shifting of people from one job to another is required. Therefore, it is not only a net reduction in total available people, but also a substantial dislocation of people from one job to another within the agency. This can only serve to reduce NASA's capability to cope with problems such as the Apollo 13 accident and to maintain continuity in the complex and difficult programs which they manage.

It is estimated by NASA that at least 20 percent of their total work force will suffer disruptive influences because of the reduction in force procedures. This problem is further aggravated by the fact that NASA will not be able to hire new professional employees during this period of time. It is important that new college graduates be brought into the space program if the vitality and technical expertise of the agency is to be maintained in the years ahead.

The President's 1971 budget includes plans to reduce the NASA end year civil service strength by 800 from the planned end year 1970 strength. Of these, 600 are related to the closing of the Electronics Research Center as a NASA installation, with the balance to be accomplished through personnel attrition. However, a reduction of the magnitude proposed by the Appropriations Committee would require NASA to resort to reduction-in-force — RIF — procedures. The current estimate of total separations of permanent civil service personnel in 1971 is 1,250 spread throughout the year—exclusive of the 800 positions to be abolished at ERC, Headquarters, MSFC, KSC, and MSC. If no replacements whatever were made in 1971 the maximum savings from the 1971 budget level would be only about $4 million.

There are several reasons why we cannot rely on attrition for further 1971 reductions. First, continued reliance in attrition would compound already serious problems. Between July 1967 and June 1971, NASA will have reduced its strength in permanent positions by 1,655 people in 1968, 1,338 in 1959, 798 in 1970 and a planned 800 in 1971, which, exclusive of the adjustments for conversion of service contracts, totals 4,591. Except for the planned 1971 reduction, these reductions have been taken almost entirely by attrition during this period. We have replaced only about 50 percent of our total actual separations. Because of our restricted ability to hire for the past several years and the wide difference between separation rates of occupational groups, a maldistribution of skills exists in the current work force. While the patterns vary somewhat from center to center, the overall agency separation rate of 4.9 percent in 1970 is the cumulative result of separation rates of 3.0 percent for scientists and engineers, 5.0 percent for administrative professionals, 13.7 percent for clerical employees and 3.1 percent for technicians and wage board. It is not expected that this pattern will change significantly in the future.

CONSTRUCTION OF FACILITIES

The NASA fiscal year 1971 budget proposal for construction of facilities requested the amount of $34.6 million. The bill before us today is $16,325,000 below that proposed level. The effect of the bill is to deny all but 2 of 11 small but significant projects proposed by NASA. In addition, effort devoted to the facility planning and design would be drastically reduced. NASA has reached sufficient maturity in facilities construction so that if these facilities are to be maintained in good working order it is necessary to undertake a reasonable level of rehabilitation and modification to existing plants. It is a shortsighted view if sufficient funds are not provided to maintain the substantial investment this Nation has in the facilities devoted to the space program. In addition to this, certain small but new facilities are required if NASA is to efficiently undertake current and future programs. During hearings on the authorization of funds for NASA for fiscal year 1971 the construction of facilities items received a searching and thorough review. The $34.6 million request of NASA for construction of facilities would be a prudent investment for this Nation, not only in maintenance of facilities but for limited new construction necessary to maintain NASA's technological vitality.

SPACE SHUTTLE

Mr. Chairman, we are all for economy in Government. We all wish to see a maximum return from the investment that the Government makes in any program. This Nation has invested over $38 million in our national space program. It is an investment that is paying dividends at the present time. We have learned much since the fateful days since the launch of the first Sputnik, when we, as a nation, were far behind in pursuing the potential of space.

The Saturn V launch vehicle, the only large payload vehicle available to this Nation, is successfully carrying on lunar exploration missions, but we are nearing the end of the road in manned space flight effort. This Nation will have no manned space flight capability after 1974 with the exception of one or two smaller S–IB vehicles. Between now and 1974 seven vehicles will have flown to the moon and have made outstanding contributions to our scientific knowledge of the earth, the moon, and the solar system.

We will have launched, in 1973, an orbital workshop now called Skylab and will have made visits to Skylab on three missions. All of these things are of major significance. But decisions have not been made on going beyond 1974 in manned space flight. If we are to realize the return on investment in our national space effort from the tremendous investment that has already been made, it is important that we develop a low cost transportation system to space. This will serve not only manned space flight but also automated space flight programs. Such a vehicle will reduce the cost of placing men and equipment in space from $1,000 or more to an estimated cost of less than $100 per pound once the low cost transportation system—called a shuttle—is

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developed. The moneys included in the current authorization bill provide for the design of such a low cost transportation system. It is the major element of the total NASA plan in the 1970's which offers promise of a reduced cost in the space program.

The shuttle, in my view, brings together more closely than ever before the manned and unmanned programs of the National Aeronautics and Space Administration. It provides not only a means of placing men in orbit at a lower cost but also the means of examining, retrieving, and repairing automated space vehicles in near earth orbit. This same low cost transportation system will be able to take one or more automated spacecraft to orbit at a low cost. It provides the means of resupplying a manned space station planned for development in the late 1970's.

Again such a space station requires a low cost transportation system if man is to be able to utilize and experiment in space on a long-term basis at a reasonable cost. This same low cost shuttle will also reduce the inventory of vehicles necessary in our national space program.

It is likely that in 1977–78, when such a shuttle becomes operational, that only the very small Scout vehicle used for the smaller satellites and the very large Saturn V vehicle required for deep space missions and lifting payloads in excess of 60,000 pounds of weight into orbit, will be required. The shuttle also offers the opportunity for developing a true rescue system in that it is able to be launched quickly and returned intact to its original launch site. This will allow the retrieval of men and equipment from space on short notice. The low cost shuttle is a key element in the total NASA plan to develop space stations, continue lunar exploration and in support of planetary exploration in the late 1970's and early 1980's.

The shuttle also offers promise, once developed, of being an economical vehicle allowing other nations to participate fully in space programs. The cost of such participation will have been brought to a sufficiently low level to allow increased international cooperation in placing satellites in orbit or providing multinational crews and experimenters. With the shuttle in operation it will not always be necessary that an entire compliment of an earth orbital station be manned by highly trained astronauts. Since the vehicle flies much like a commercial aircraft, taking off vertically and landing horizontally, on an air field, it will be possible to take technicians, observers, and scientists to orbit to perform useful work.

The low cost shuttle also is a significant stimulus to our aeronautical research. The shuttle is the marriage of a rocket and aircraft systems. It has elements of both. There is no question that our aeronautics industry will be improved by the development of such a vehicle.

In summary, the low cost space shuttle offers this Nation the opportunity to provide a major cost reduction in operating in near space in the middle and late 1970's. It supports both automated and manned space flight and reduces the inventory of rockets and spacecraft models that will be necessary in future space effort. It provides the beginning of a true space rescue capability and is a key element in planned future programs of NASA. It provides a new avenue for international cooperation in space and acts as a stimulant to the development of our aeronautics industry.

The funds included in this bill for fiscal year 1971 provide sufficient money to detail requirements for a space shuttle. This is the information the administration and the Congress needs to make decisions for a commitment for the final development of a low cost shuttle.

Therefore, I must commend the members of the Committee on Appropriations for their strong endorsement of studies for a space shuttle and space station which as the words of the report on the bill before us today stated:

> The Committee supports the Space Shuttle and Station as the nation's next step in space.

Mr. DONOHUE. Mr. Chairman, this bill before us, H.R. 17548, is certainly and necessarily expansive and complex including, as it does, requested appropriations for some 20 independent executive agencies and the vitally important Department of Housing and Urban Development. Surely the esteemed chairman and his associate members of the Appropriations Committee deserve the gratitude of the House and the country for their diligent and painstaking efforts to prepare and present a prudent and reasonable measure for our determination.

I know that the entire bill will be given the most thorough examination by all Members, but I most earnestly hope that your most concentrated and sympathetic attention and consideration will be granted to the provisions of title III of the bill, containing the appropriations recommended for the Department of Housing and Urban Development, because I very deeply feel it is imperatively urgent for this House to insure that the Department's wholesome programs for model cities, basic water and sewer facilities, urban planning, urban renewal, and related activities be adequately funded for full operation.

There is no question that the origin and continuation of the model cities programs throughout the country, as in my own home city of Worcester, Mass., have become increasingly important in the promotion of local and national unity and they effectively and wholesomely serve to give material assistance, hope, and encouragement to the less fortunate among us.

It is quite clear, Mr. Chairman, to all of us, I am sure, from our own experience and contacts with city and State officials that, without adequate Federal aid, our communities and our commonwealths throughout the country cannot, by themselves, assume the tremendous financial burdens that the fulfillment of these programs require. Therefore, if anything, the committee-recommended appropriations should be increased, in particular areas, as I hope they definitely will be, for instance, in the recommendation for grants for basic water and sewer facilities, but under no circumstances should any of the items be reduced.

In practically all instances, the committee recommendations constitute a bare minimum of continued operational efficiency, and any reduction action would be tantamount to a contradiction and betrayal of our past words and deeds in this House to help the poor, rehabilitate our cities, expand the opportunities for public, low and middle income housing, encourage home ownership and otherwise make it possible for all of our citizens, of whatever race or color or circumstance, to share in the blessings of our national heritage.

Inherent, or course, in this departmental appropriation is the intent and desire to stimulate the production of housing, which is vitally urgent and desperately needed, by reducing down payments on home mortgages, streamlining Federal Housing Administration programs, eliminating unnecessary and burdensome bureaucratic requirements and establishing more uniform criteria for low and middle income housing construction. If we have any hope at all of ever meeting the accelerating demand, in this inflationary period, for decent housing, it is absolutely essential that we begin now to provide the means to close the rapidly growing gap between supply and demand.

Mr. Chairman, in its overall concept and provisions, this measure is prudent and reasonable and represents a priority national investment designed to improve the quality of life for all Americans, and I hope that, with pertinent amendments, it will reecive the overwhelming approval of the House.

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Mr. SYMINGTON. Mr. Chairman, it is tempting, particularly for the layman including Congressmen, to say, "Away with the space program, who needs it? Whoever needed it?" Tempting, but not wise. The technology derived from our space effort to date may have more relevance to spaceship earth's survival prospects than any single development since the discovery of electricity.

This new technology or spinoff from man's quest into the unknown benefits mankind in three ways; through direct application of space systems, through new products and processes transferred from the general fund of technology developed by the space program, and through a fresh understanding of our environment from the perspective of the space traveler.

Improved weather forecasting, and the potential of weather control or modification, is one of the best known and most appreciated of all direct applications of space systems. Besides forecasting the overall weather picture, perhaps the most dramatic impact of weather satellites is their ability to keep a watch on storms, hurricanes, and threatening weather patterns, and to do this early enough and precisely enough to permit timely warnings.

Hurricane Camille, for example, was first observed and then tracked by satellite. The hurricane's path, force, and extent were predicted early and accurately enough to permit authorities to evacuate some 70,000 people from the gulf coast. The ESSA estimates that without early warning, without tracking, without the credibility provided by actual satellite pictures and data, 50,000 people might have perished in this devastating storm. On the other side of the coin, in November of 1969 Hurricane Laurie also threatened the gulf coast. Observations and tracking by satellite provided the basis for safely predicting that Laurie would not strike the coast. The savings here from the decision not to evacuate and not to protect property are estimated to have exceeded $3 million.

These are but a few examples; since 1966, in fact, U.S. weather satellites have watched every major storm threatening the Nation. In 1969 alone, 12 Atlantic hurricanes, 10 eastern Pacific hurricanes, and 17 western Pacific typhoons were identified and tracked by satellites. Color television cloud pictures from NASA's experimental Applications Technology Satellite—ATS—in stationary orbit are now being used in near-real time. The Navy uses weather satellite pictures for ice patrols and to schedule antarctic resupply. Airline pilots routinely receive a weather photo of their route.

Since April of last year, a new infrared spectrometer on the weather satellite, Nimbus III, has been measuring the vertical temperature of the atmosphere. It provides every day, electronically, from orbit the equivalent of 10,000 conventional atmospheric soundings by balloon or sounding rocket. Satellites and weather are inherently global systems and the extension of these applications to other nations cannot be overlooked. By using automatic readout systems, every nation in the world can benefit from the automatic picture taking—APT—systems onboard U.S. weather satellites. Over 50 countries already view daily weather patterns over their own territory in this way. These same countries also benefit from cloud picture mosaics, built up from individual weather photos and processed by computer, routinely made available by the U.S. Weather Bureau. And soon, Navsat satellites will provide precise navigation for world shipping, and traffic control for aircraft.

The communications satellites will be able to bring into the remotest corners of earth, knowledge, information and education geared to the economic needs, language and culture of every family. Perhaps one day, using simultaneous translation, a weekly conversation between representatives of all the earth's great philosophers can bring into every home a new awareness of the joint venture we are engaged in, survival, reducing fear and mistrust, and just possibly the barren machinations and weapons systems they generate.

Looking to the future, one of the important new developments of great potential is NASA's Earth Resources Technology Satellite program. The first steps in this program are experimental, aimed at learning what can be monitored from space.

Multispectral photographs and sensor data from Apollo flights and from specially fitted aircraft are providing the initial inputs. By combining the information capabilities of space systems, the data transmission capabilities of satellites, and the high speed data processing and large memory of the computer, these promising first experiments may someday develop into a new global environmental information system geared to human decision processes at every level.

Such a system can have major economic value. Hydrologists can monitor melting snow and ice and make important decisions regarding impounding of water in reservoirs, and its effective release for irrigation; knowing the magnitude of the spring runoff will also make possible effective flood control.

Geologists will be assisted in mineral and petroleum exploration, and their understanding of the internal mechanics of the earth will be improved to make possible prediction of earthquakes and volcanic activity.

Farmers of the world could be told of soil needs, which could ultimately save, according to the Department of Agriculture, a billion or more dollars a year in farming costs in the United States alone, one quarter the current annual cost of the whole space program. It will monitor the oceans as well. It is estimated that the value of the world's fishing catch and mineral royalties will be increased by $2 billion each through satellite ocean surveys. Moreover, they will warn man against the depredations of his fishing and oil industries which disturb the life cycle of the sea, possibly even jeopardizing the orderly process of oceanic photosynthesis from which most of our oxygen is derived.

In the field of communications NASA is presently developing a new type of Comsat called the broadcast satellite. This is a system that can send its signal directly to individual television sets or to a community antenna, bypassing the intervening complex of ground facilities needed by the point to point Comsat. By utilizing the energy of the sun the broadcast satellite can become the primary power source, thus eliminating the high cost ground station previously required. The first of these new satellites, the application technology satellite F, is to be launched in mid-1972. It will be placed over India with low cost receivers to be set up by the Indian Government in some 5,000 villages, thereby enabling educational programs on population control and improvement in agriculture practices to be viewed by hundreds of thousands of people.

Less dramatic and in some cases practically unknown are the derived benefits, which stem from general technological advances generated by the demand for performance and reliability of the manned space program.

To foster technological transfer, and shorten the time gap between the development of new technology and its effective utilization, NASA has created the Biomedical Applications Teams, and the Technology Utilization program.

In the medical field, spray-on electrodes and miniaturized sensing devices have contributed new techniques to health care. Sensors monitor tracheotomy tubes inserted in windpipes to insure that they do not get clogged. Sensors, smaller than the head of a pin, can be inserted into a vein to measure blood pressure without interfering with the patient's circulation. A central control station in a hospital can now continuously measure the pulse, respiration rates, temperature, and blood pressure of many patients simultaneously by utilizing sensors and spray-on electrodes. The development of a sight switch to give astronauts an extra pair of arms has been adapted for use by people suffering from paralysis. With this spinoff item a patient can manipulate a motor-driven wheelchair with only the movement of his eyes.

The lunar gravity simulator has been modified to rehabilitate the physically handicapped.

Sealed capsules of radioactive isotopes, built by Monsanto Research Corp., to supply the heat energy that powers thermoelectric generators for satellites, have already been adapted as energy sources for cardiac pacers. Soon these capsules may power blood pumps to replace failed hearts, which are in advanced stages of development. The advantages are reliability and attention-free operating life.

Laser technology developed originally for defense and space use is being adapted for delicate and precise use in medicine. Aerospace engineers, particularly McDonnell-Douglas personnel, have been working since 1962 with medical research teams to find new ways to use lasers in "knifeless surgery" and as diagnostic tools. Lasers are being evaluated in dermatology, organ repair, amputation, and in microbiological studies.

Industrial spinoff from the space program has produced many dividends. Most familiar of the new advances are hand-size television cameras, Teflon, and fire resistant paints, and materials. Industrial spinoff is being used by a number of firms in the St. Louis area. The Angelica Corp. is applying flameproofing techniques learned from NASA to such garments as nurses' and doctors' uniforms. The Killebrew Engineering Co. is developing better welding techniques, based on information developed for NASA. Hussman Refrigerating Co. is improving their products with information from NASA's technology utilization program. Other companies utilizing this transferred technology are: Radcliffe Industries, Modern Engineering Co., Guarantee Electrical Co., Conductron Corp., and the U.S. Paint and Lacquer and Chemical Co.

Now, what of man in space? Recently on Earth Day, I met hundreds of students and academicians who voiced the firm opinion that all investments in space should cease at once in favor of investments on earth. Yet, a curiously dominant thread ran through their prescription for earth: Population control, and the need for government to take a more active part in achieving it. It is clear that those who reject the importance of space technology claim with equal fervor that the effort to keep earth livable cannot possibly succeed unaccompanied by firmly enforced worldwide population management. Man's curiosity concerning the limits of his environment begins as random probing, but can become a directed effort should the current environment prove too confining for his numbers or his spirit.

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In the meantime there is another relevance to manned programs difficult to tag with a price. It comes in two perspectives: The earth as seen by man in space, and the man in space as seen from earth. The earth was seen and described on this floor by the first man from the far side of the moon—Frank Borman—as a tiny ball hanging in the black stillness of space, with no sustaining help from the galaxies, entirely dependent on man's own initiative, and, as Borman said, his sense of brotherhood. Not a bad perspective, while cities burn, hungry reach up in Biafra, and bodies float down the Mekong.

The second perspective we saw last week in a space shot that failed. Or did it in all respects? How do we measure failure, and how success? If an aborted effort to land and return men from the moon was failure, we failed indeed. But the world was used to success. Would success in that limited sense have focused the prayers, hopes, and yearnings of men too deep to describe? Or did it take failure to do it? All of us were on that ship, in the LEM, in the command module. And we wanted to come home safe. That tiny struggle in the sky meant more to the watching world than any part of its own anatomy of chaos down here. It succeeded in suggesting that great ventures should be joint ventures. And I would hope that as we look ahead to more Apollo flights, consideration be given to initiatives to incorporate a Soviet experiment if not a scientist-astronaut on one of them or one soon thereafter. The more we link hands in realizing the joint dreams of man, the fewer hands we will have free to fight with, and the less inclination to do so. Great wars cost great sums—hardly compensated by the concomitant reductions in population. What price then may we place on small embraces between great powers? If men on earth should work together to make their planet spaceship more livable, and less likely to blow out a panel, or dissipate its oxygen, maybe that lesson must come from men in space. Heaven knows it has not come from men on earth.

As Teilhard de Chardin holds, "Things rising converge." Perhaps that is true of the hopes of man.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise to express my deep concern about recent reports that the administration is considering diverting the sum of $500 million from the model cities program for other purposes. I strongly oppose such a step because I believe it would be devastating to the hopes of many and to the effort to revive our dying cities.

I am well aware that the Secretary of Housing and Urban Development last week asked the House Appropriations Committee to approve the administration's full 1971 budget request for model cities, which was subsequently approved. This act I applaud. However, Secretary Romney pointed out that "no final decision has been made" regarding the diversion of model cities funds. It is reported that the administration is still studying the possible transfer of these funds. I do not think Secretary Romney approves the transfer.

I hope these reports are nothing more than a "trial balloon" which can be deflated through my efforts, and through those of other Members. I urge my colleagues in Congress to register their own concern.

I must vigorously protest any diversion of model cities funds. It is somewhat consoling to me that the Appropriations Committee would have to approve such a transfer if it were requested by the administration. But I think that to request this diversion of funds would be reneging on an administration pledge to meet the urgent needs of the cities and model cities.

This pledge exists by virtue of the earmarking in the proposed administration budget for fiscal 1971 of the sum of $575 million to assist local model cities boards in supplementing their existing programs. It is obvious that a cut of $500 million would force model cities to operate at a greatly reduced level. I can easily predict the discouragement, and the strong public frustration, which would result from a severe cutback at exactly the time when this promising program is beginning to take hold. Model cities needs these funds. To allow this crippling blow would surely set back our efforts to eradicate urban blight for years to come.

As we consider the HUD appropriations bill today, I hope this body will consider the urgent need for full funding of model cities.

Since I have been closely involved with the start of a model cities program in Fall River, Mass., in my district, I am keenly aware of the extensive citizen involvement in this program and of the hopes and expectations which rest in model cities.

Fall River, with a population of about 99,000, is not a prosperous city. It suffered a severe economic blow with the loss of a great textile industry in the decades preceding World War II.

Model cities represents a new hope for Fall River. In January 1969, it was chosen as one of 150 American cities which now have model cities programs. The site selected for model cities redevelopment is a 616-acre residential area of depressed housing and underprivileged families. While the area includes about 15 percent of the population, it has an unemployment rate nearly double that of the rest of the city. It has serious problems of inadequate transportation, a shortage of health-care services, a heavy school dropout rate. The testing of schoolchildren revealed that 83 percent needed dental care and that a majority were near the anemia level. These are among the problems which model cities seeks to resolve.

Fall River moved enthusiastically ahead with its model cities planning. This year HUD declared that the sum of $1.9 million had been reserved for Fall River's model cities when its first year action plan had been received and approved, and further that HUD could support plans for major new park and recreation facilities.

Fall River has met its timetables under the program. Its mayor and city council, its citizens, and the deprived residents of the model cities area, have been deeply involved in the program to launch model cities.

Fall River is on the threshold where its planning effort will produce visible results. Is this effort now to be crippled, these hopes shattered?

The President has stated that he does not want to inspire expectations that cannot be fulfilled. To cripple model cities at this time would be devastating to the hopes of many persons in many cities. The provision of adequate housing is another integral part of model cities, and I recall the words of the recent report on national housing goals which the President transmitted on April 1 to the Congress:

> As our population grows, geometry will force us to expand ever farther beyond the crowded centers of our cities. This expansion must be accomplished without leaving the center cities as islands of decay, tenanted mainly by lower income families and stripped of adequate public services by the lack of a sufficient tax base.

I feel that there are other less critical parts of the budget from which these funds could be obtained.

There is little hope for our cities if we retreat from programs whereby we have planted the seeds for urban resurrection. The problems which we postpone today are multiplied many times as we delay; in time, they may well be beyond the possibility of solution.

This is not the time to bury hopes. This is not the time to decimate the expectations placed in model cities, or to deny the continued Federal support to the cities which will make this survival possible.

I urge the provision of full funding for model cities as requested by Secretary Romney. I would hope that further consideration of any diversion of these funds would be dropped by the administration. Should such a request be made, I hope it will be rejected by the Appropriations Committee.

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of this amendment. There has been a steady erosion over the past several years of the support that has been appropriated to NASA. This has been based more upon irrelevancies than upon basic fact.

RESEARCH AND DEVELOPMENT

The Subcommittee on Advanced Research and Technology is particularly sensitive to the reductions in research and development. Advanced research, the least mission-oriented of NASA's operations, has been subject to the exigencies that have occurred in both manned and unmanned space flight programs which demand money. It has been unfortunate, therefore, that advanced research and technology has been forced to contribute to that need through the reprograming process. The fact is that reductions in funding in advanced research and technology will result eventually—and in the not too distant future—in an inability to meet the scientific needs of an ongoing and well-funded program of space exploration. Advanced research provides the seedstock of knowledge on which necessary applied space technologies will sorely depend.

The Subcommittee on Advanced Research and Technology has responsibility

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not only for those scientific investigations contributing to our space program, but also has jurisdiction over the other statutory responsibility of NASA, Aeronautics. The Committee on Science and Astronautics has consistently accepted the subcommittee's recommendations that aeronautical research be bolstered and expanded to meet the Nation's needs, both civilian and military. It has been an uphill fight which has been reasonably successful.

However, I cannot conceive how NASA can accept a reduction of $106 million in research and development for fiscal year 1971 without reflecting that reduction across the board. It is undeniably true that small cuts in research and development funds associated with NASA manned and unmanned space flight programs would be major ones for advanced research and technology. Time and again we have been made aware of rising budget restrictions in our national economy. It seems very illogical to allow those restrictions to debilitate the principal source of our scientific strength in NASA. If I may draw an analogy, it is comparable to the farmer who is forced to eat his seedstock. He can be sure he will have no crop next year. Such is the case here. We have to decide whether we will have a program in space that is continuing and viable. Pressing as present day exigencies are, we must not let them negate the wisdom demonstrated by Congress in years passed in its support of our national space program.

In response to a query, NASA was unable to give us exactly what this effect would be. However, they did indicate that this reduction would require NASA to examine all of its programs with a view toward further delays and terminations. It is evident, therefore, that this is a serious reduction in the NASA program. Further, from what I have said above it is evident that the advanced research and technology programs in NASA have continued to decline over the past several years and that they are not now adequately funding programs in addition to the aeronautics mentioned above. These programs include chemical propulsion, basic research effort, and electronics work which we have encouraged in order to improve safety in aircraft flight, as well as the aeronautical vehicles program which has been so valuable to our country.

RESEARCH AND PROGRAM MANAGEMENT

The amendment would restore $11,275,000 to the NASA appropriation for research and program management. The cut recommended by the Appropriations Committee would lead to an additional reduction of about 1,000 people beyond the 800 decrease already planned.

There are several important reasons for my objections to the cut:

First. The NASA budget request has already been pared down extensively—this is not a matter of "fat" being trimmed off. It is cutting into the core of an important technological asset of this Nation.

Second. An increasingly acute problem is NASA's inability to employ newly graduated professional employees. This has been getting worse for several years. In 1965, NASA hired 965 graduating college students; in 1969, new hires were down to 253—and, before taking the appropriations cut into account, the number is expected to fall to 180.

One serious impact of this trend is the rising average age of the NASA professional work force: it has been going up at the rate of eight-tenths of a year per year, and the average age at most NASA centers is now in the mid-40's. The inevitable result is a decreasing vitality and choking off of new talent; our national capability can be seriously damaged by this trend.

A third reason is related to the second. The Science and Astronautics Committee has been attempting to alert the House to a problem which can seriously affect the economic well-being and security of our Nation. Our position in aviation and aeronautics is being impaired to a near-tragic degree by the lack of people educated in appropriate research and development.

We have been No. 1 in the world in civil aviation, but we will not stay there if we continue to neglect the means by which we achieved this superiority in the first place: a strong technological capability based on innovative people. This cut will further degrade NASA's capability in aeronautics—at a time when we have been striving to build up our capability. If we seriously damage the basis for our technological strength, we can forget about economic progress to finance all the other things that people want to do.

CONSTRUCTION OF FACILITIES

The action of the Appropriations Committee contained in this bill was to reduce the construction of facilities item within NASA by approximately 47.5 percent. Further, the report accompanying this bill specifically delineated the areas for which NASA had spent the recommended amounts and then, and I quote "denied the funds requested for other construction projects at this time." Mr. Chairman, this action came after the House Authorizing Committee had approved these construction items as being essential for funding in fiscal year 1971.

For example, if the action of the Appropriations Committee were sustained, the nuclear test stand at the nuclear rocket development station in Nevada would not be funded at all this year. This engine test stand is an essential item in the development of this nuclear rocket but furthermore, this test stand is a major item of equipment, of which the $3.5 million requested in fiscal year 1971 is only the first increment. This increment is needed this year to buy long leadtime items of equipment which will allow the test to be carried out in the proper sequence of development of the nuclear rocket. We have a development program for this rocket which is in proper time phase to meet a use requirement during the latter part of this decade. I may say that already due to reduced funding there has been an increase of approximately $50 million in this total development because of insufficient funding at the right time. This is exactly the sequence that will occur in the event we do not allow NASA to buy the essential long leadtime items needed this year for this test stand. We are faced with a similar circumstance in respect of the 210-foot antenna facility at Goldstone, which was deleted in this bill. In order to carry out the planetary missions which are currently scheduled, NASA must have this additional power available at Goldstone to operate this antenna. The facility could only operate at unacceptable low power levels and NASA would be unable to carry out the missions successfully.

This same situation prevails for the relocation of a transportable facility to be located in Chile in support of the Apollo applications program, Skylab. In view of the long leadtime required for construction overseas, it is essential that funds be authorized this year to support the Skylab which will be launched in 1972.

Also, we are confronted with the deletion of an isotope thermoelectric system laboratory which is absolutely necessary for checking out future unmanned spacecraft in our planetary program. This facility is needed for preliminary checkouts by midcalendar year 1972 and the Polymer Research Laboratory, which is sorely needed at the Ames Research Center in California to consolidate and handle hazardous chemical research work there.

Mr. Chairman, we appreciate the action of the Committee on Appropriations to reduce funding wherever possible, and I assure all of my colleagues that we have been meticulous in our review of the budget request for these items. We have been particularly sensitive to construction items since NASA has found it necessary to close down some of their existing facilities because of decreased mission requirements.

We feel, however, that the justification presented only covered essential construction in fiscal year 1971. Further, this was the lowest construction budget ever submitted by NASA in the history of the space program.

I am willing in this case to support the restoration of only 50 percent of the reduction imposed by the Appropriations Committee action—under conditions, however, that would allow NASA the freedom of establishing the priorities for expenditures within this area. I am willing to restrict the funds for construction, therefore, only if NASA is then allowed to commence construction on those items having the highest priority in the program and the greatest need in their program. I ask the gentleman from Tennessee if he is then willing to compromise the language contained on page 10 of the report accompanying this bill which would allow NASA this freedom. I believe this to be a proven and necessary action in view of the severity of this reduction in construction funds. I, therefore, encourage support of this amendment.

Mr. JONAS. Mr. Chairman, we have no further requests for time.

Mr. EVINS of Tennessee. Mr. Chairman, we have no further requests for time, and I ask that the Clerk do now read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMISSION ON GOVERNMENT PROCUREMENT

SALARIES AND EXPENSES

For necessary expenses of the Commission on Government Procurement, $1,500,000, to remain available until June 30, 1972: *Provided*, That $1,250,000 of the foregoing amount shall not become available without submission of a program and financial plan by the Commission and approval thereof by the Committees on Appropriations of the Senate and House of Representatives.

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, I rise for the purpose of making a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. O'HARA. Mr. Chairman, I make a point of order against the proviso beginning on line 19, page 5 and extending through line 23 on page 5 on the ground that it is legislation in a general appropriation bill.

The CHAIRMAN. Does the gentleman from Tennessee (Mr. Evins) desire to be heard?

Mr. EVINS of Tennessee. Mr. Chairman, we recognize the point that the gentleman has raised.

We only wanted the Commission to advise us as to how they were to use the funds for this program. We have been assured by the distinguished chairman, the gentleman from California (Mr. Holifield) and other members of the Commission, members in whom we have great confidence, that they will keep the committee and the Congress informed as they proceed with this new commission.

So, Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded.

The Chair sustains the point of order.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I believe the point of order is appropriate in the interests of consistency with the ruling of the Chair on May 7 in a similar situation, and to maintain the customary distinction between legislative and appropriation matters.

Let me assure the Committee of the Whole and the Committee on Appropriations that the Commission on Government Procurement will submit the required information as promptly as possible. I say this as a member of the Commission and its Vice Chairman.

Unfortunately, the Commission was late in getting started. The enabling legislation was signed by the President on November 26, 1969, but his appointments were not announced until April 3, 1970. The Commission had its first organizational meeting on April 22, and steps are being taken to recruit the staff and develop the plan of work. The Chairman of the Commission, E. Perkins McGuire, has communicated with the gentleman from Tennessee (Mr. Evins), the chairman of the Subcommittee on Independent Offices Appropriations, and has assured him, as I am now assuring the Committee, that the desired information will be forthcoming as promptly as possible. I am confident that the Commission will submit to the Appropriations Committee the programatic schedule and the financial plan long before any part of these funds would be expended.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. HORTON. As the other Member of the House on the Procurement Commission, I would like to concur with the gentleman from California and also to assure my colleagues on the committee that it is my understanding, as it is the understanding of the gentleman from California, that this program will be submitted to the committee and it will be forthcoming as soon as possible.

Mr. HOLIFIELD. That is correct. I thank the gentleman. We are holding interviews now, and I might say to the committee and the House that we have had some tremendously well-qualified people attracted to this program. They have come to us with great backgrounds in the procurement field. They are very interested. They see an opportunity in this study of our procurement practices and procedures to save the Government a great deal of money. The Commission appointed by the President, the Vice President and the other members that have already been appointed by the Speaker and the statutory member, Mr. Staats, the Comptroller General, have met.

We have appointed an executive board, and the chairman is interviewing people now to put the staff together and to divide up the work that has to be done.

I have tremendous hopes that we will be able to justify the confidence of the House in supporting the study of our procurement practices.

I thank the subcommittee chairman, Mr. Evins, and the members of the subcommittee for their support and their understanding of the purposes of the Procurement Commission.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

No part of any appropriation contained in this Act shall be used for the payment of rental on lease agreements for the accommodation of Federal agencies in buildings and improvements which are to be erected by the lessor for such agencies at an estimated cost of construction in excess of $200,000 or for the payment of the salary of any person who executes such a lease agreement: *Provided*, That the foregoing proviso shall not be applicable to projects for which a prospectus for the lease construction of space has been submitted to the Congress and approval made in the same manner as for the public buildings construction projects pursuant to the Public Buildings Act of 1959.

Mr. TEAGUE of Texas. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Thirty-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 115]

Addabbo
Albert
Anderson, Tenn.
Ashley
Ayres
Baring
Barrett
Beall, Md.
Bingham
Blatnik
Brademas
Brown, Calif.
Buchanan
Carter
Chisholm
Clancy
Clark
Clay
Cohelan
Collier
Collins
Conyers
Corbett
Cramer
Culver
Cunningham
Davis, Ga.
Dawson

Dickinson
Diggs
Dulski
Edmondson
Fallon
Fisher
Foley
Ford, William D.
Fraser
Frelinghuysen
Gray
Green, Oreg.
Gubser
Halpern
Hansen, Wash.
Hébert
Jones, Ala.
Kee
Keith
Kirwan
Leggett
Long, La.
Lowenstein
McCarthy
McMillan
Macdonald, Mass.
Mahon

Meskill
Mollohan
Morse
Morton
Mosher
Murphy, N.Y.
O'Neill, Mass.
Ottinger
Railsback
Reid, N.Y.
Reifel
St Germain
Scheuer
Schneebeli
Slack
Stokes
Stratton
Thompson, N.J.
Tunney
Weicker
Whalen
Wiggins
Wilson, Bob
Yatron

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Annunzio, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17548, and finding itself without a quorum, he had directed the roll to be called, when 350 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Research and Development

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, and alteration of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, $2,500,000,000, to remain available until expended.

AMENDMENTS OFFERED BY MR. FULTON OF PENNSYLVANIA

Mr. FULTON of Pennsylvania. Mr. Chairman, I offer an amendment, which consists of several amendments on page 20, and I ask unanimous consent that the amendments be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. Fulton of Pennsylvania: On page 20, line 1, strike the amount "$2,500,000,000" and insert in lieu thereof the amount "$2,537,975,000".

On page 20, line 7, strike the amount "$18,275,000" and insert in lieu thereof the amount "$27,025,000".

On page 20, line 19, strike the amount "$678,725,000" and insert in lieu thereof the amount "$690,000,000".

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that his amendments be considered en bloc?

There was no objection.

Mr. FULTON of Pennsylvania. I offer amendments which are on the Clerk's desk which would restore $58 million to the Independent Office Appropriations Act insofar as it pertains to the National Aeronautics and Space Administration budget for fiscal year 1971 and ask unanimous consent that the amendments be considered in bloc.

If my amendment is adopted the amount to be appropriated in this bill will still be $78 million below the budget request of $3,333 million.

I offer this amendment since in my judgment, as well as in the judgments of my colleagues, the reduction of $136 million to the already reduced NASA appropriation will seriously affect the NASA program for the forthcoming fiscal year. As the Members of the House are well aware, having previously considered the fiscal year 1971 NASA authorization bill, the budget submitted by NASA had already been trimmed by the Bureau of the Budget by some $1.2 billion below that recommended by the President's Space Task Group.

Mr. Chairman, if the Committee will check into my amendments, Members will find I am restoring $58 million of the cut proposed by the Appropriations Committee of $136 million in the NASA budget. The reason is that the NASA budget is only 19 percent of the total of $17.2 billion included in this bill, but NASA has taken 65 percent of the total cut. This is too big a cut for our space program.

A substantial reduction in the space budget for fiscal year 1971 was deemed necessary by the Administration in a time of rising inflation and urgent domestic needs. Even though the $3.333 billion fiscal year 1971 budget is $522 million below the comparable figure for 1970, and expenditures in fiscal year 1971 will be more than $2.5 billion below the Nation's peak for space in 1966, a balanced space program is envisioned for the next decade.

The final fiscal year 1971 budget was the result of months of effort on the part of NASA designed to arrive at a sound starting point for the post-Apollo era. The President's Space Task Group—STGG—developed near- and long-term options for future space flight. Considering the current economic climate and technological capabilities, NASA and the STG recommended a budget level to implement the recommended course of action—a solid approach to space exploration, but without the pitfalls of a crash program.

NASA submitted to the Bureau of the Budget a fiscal year 1971 budget request of $4.497 billion. This was ultimately reduced, in view of competing demands within the Government, to $3.333 billion. The substantial reductions to NASA's original request had the following impact: Cancellation of Apollo 20 and stretchout of the remaining Apollo schedule; phasedown of the major Apollo test and production sites at Mississippi and Michoud; slipping of Skylab's first Saturn workshop by 4 months, suspension of follow-on Saturn V production; suspension of lunar flights during operation with Skylab; deferral of applications technology satellites F and G; slipping of Viking Mars mission to 1975, and the planned closing of the Electronics Research Center, which will now be taken over by the Department of Transportation.

While NASA has received substantial cuts from its initial request, the agency still feels that the current level of $3.333 billion does support the STG recommended plan, but at a somewhat reduced pace. It is to NASA's credit that it was able to put together the essential elements of the STG's recommendation under such severe budgetary constraints. A further reduction of $136 million as recommended by this bill may seriously affect NASA's ability to move forward with a sound program for the next decade. In view of all the prior history of cuts already made during the budgetary process, any further cuts would undoubtedly require NASA to examine all of its future programs for possible delays or terminations. In view of these cuts and NASA's record of accomplishments, I would support a recommended level of funding at or slightly below the budget request.

Consequently, Mr. Chairman, I feel that we must take some action to restore part of the funds cut from the fiscal year 1971 budget as reflected in the bill now before us. It appears that certain things that have been cut are essential to the success of NASA's activities for the fiscal year 1971.

In the research and development area NASA requested $2,606,100,000. The House Appropriations Committee recommendation would reduce this amount to $2,500,000,000, a reduction of $106.1 million. In reviewing the impact of this cut it is my considered judgment that this action taken will seriously impair the Apollo program.

The reduction of $106.1 million in R. & D. was recommended in the context of a recommendation that Apollo launches during fiscal year 1971 be reduced from two to one. I believe this reduction to one launch per year is wasteful of personnel and installations and costs more in the long run.

Such a reduction in Apollo launches from two to one in fiscal year 1971 by shifting the Apollo 14 launch to early calendar year 1971 and delaying Apollo 15 until after fiscal year 1971 would not result in significant cost savings to NASA during fiscal year 1971. All of the hardware for Apollo 14, with the exception of the components to be modified because of the Apollo 13 accident, is at Cape Kennedy undergoing prelaunch checkout processing. The hardware for Apollo 15 has been completely fabricated and is either in test or storage preparatory to shipment to Cape Kennedy.

Consequently, the savings to be realized would only amount to from $10 to $20 million. These savings would only be realized from fuels and other consumables; overtime at the launch site; repair pad damage; mission special documentation; and deployment of recovery forces. As a result the other $86 million to $96 million would have to be absorbed by cutting or terminating other programs.

Therefore, I am recommending that the research and development program contained in H.R. 17548 be increased by $37,975,000.

The reason is this. While the NASA Review Board on Apollo 13 has not yet finished its review, it is apparent there are going to have to be extensive modifications to Apollo 14 and Apollo 15.

After some little research and study I have come to the figure of $30 million for those modifications and $7,975,000 for other supporting costs incident to these modifications.

We must make sure our astronauts are safe. We, therefore, should have the money in advance for changing over Apollo 14 and Apollo 15.

In addition to that, Members will see in construction of facilities I have increased the amount by $8,750,000. The committee itself has made a 50-percent cut, and mine is taking it back not even halfway.

In the area of construction of facilities, NASA had requested $34,600,000. The Appropriations Committee recommendation is that this amount be reduced by $16,325,000 which would eliminate 10 of the 14 projects recommended.

I think I should call the attention of my colleagues to the fact that the total construction requirement costs by NASA for fiscal year 1971 exceeded $100,000,000. The administration has done an excellent job of cutting this program down to bare minimums. Only those projects considered urgent and well justified were included in the agency's request.

I have carefully reviewed those projects proposed for deletion by the Appropriations Committee. I consider it essential five of the projects should be restored in total and one in part. My reasoning for this is as follows:

The Polymer Research Laboratory at the Ames Research Center at a cost of $1,525,000 is an urgent requirement in order for research on aircraft safety. The project is necessary to move forward in materials research related to nonflammable castings for aircraft cabins, to reduce potential hazards, toxic fumes, and so forth, in existing aircraft.

The Calibration Laboratory at Houston, which was deleted by the Appropriations Committee at a cost of $900,000, is an absolutely essential project to provide facilities for accurate calibration of all instruments necessary for spacecraft testing. This is another project involving the safety of our astronauts.

The Earth Resources Technology Laboratory at Goddard Space Flight Center in the amount of $2,050,000 was deleted by the Appropriations Committee, a really practical program. This is an addition to the existing building which is required to provide space for experimental satellite control, telemetry, data processing and related support functions. The Earth Resources Technology Laboratory is most important in the interest of deriving benefits to mankind. This project should be restored.

I would agree with the committee on one of their reductions.

They have cut $3.5 million from the test stand of NERVA, that is the nuclear space rocket. I believe that can be cut $500,000, so I would restore only $3 million of the $3.5 million cut in that particular field.

At the Nuclear Rocket Development

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Station is the first increment of a ground test stand for the NERVA space nuclear power program in the amount of $3,500,000. There is some flexibility in this estimate and I believe that some reduction can be absorbed. Therefore, my amendment would add $3 million to the committee action.

Two other projects, both essential to tracking and data acquisition, in connection with the safety of our astronauts, were deleted by the Appropriations Committee. These are a power plant extension at Goldstone for the 210-foot dish in the amount of $750,000 and a relocation of a transportable telemetry receiver facility in the amount of $525,000. I recommend strongly these projects should be restored.

The total that would be added to the bill now under consideration for the critically needed construction of facilities amounts to $8,750,000.

One further point is this: On the Apollos 14 and 15, we have to modify the oxygen tanks, because we found that the teflon used as wire coverings in those tanks has caused a short, and the valves and the fittings probably have to be taken out of the tanks and modified. I feel that should be done thoroughly, because it is a matter of astronauts' safety. There is where most of my amendment would be applied—$37 million.

I want to finish by saying that the Space Administration itself has taken one of the biggest cuts of any of the agencies so far this year, and compared to previous years it is down by billions of dollars. It is $2.5 billion below our 1966 space program.

The research and program management appropriation on page 10 of the committee report provides for the costs of operating and maintaining our field centers throughout NASA. The House Committee on Appropriations has recommended that the administration's request be reduced by $13,575,000 to $678,725,000 from $692,300,000. The largest portion of the reduction would have to be applied to personnel since over 70 percent of this appropriation goes for personnel compensation and benefits.

To accommodate a reduction of this magnitude would require a reduction in force of 1,300 employees. This cut in people would be in addition to the 800 positions already cut by the administration before the request was submitted to Congress. A cut of an additional 1,300 personnel would have serious impact in many areas of our country. It is for these reasons that my amendment would add $11,275,000 making the total $690 million. This would still require a reduction and firing of 200 NASA personnel which would bring the total reduction to 1,000 NASA people when considering the 800 positions already affected by the administration.

The space agency itself had cut 800 employees in its budget as submitted to this Congress. In addition to that, if we take the cut of $13 million plus which the committee is now proposing, taking down the funds further, we will find there will be another 1,300 employees laid off and fired. That means over 2,000 employees in this particular year being fired by the National Aeronautics and Space Administration. I feel that is hurting the agency.

Finally, I should like to say to the committee, in its report, we who serve on the Committee on Science and Astronautics feel that the scientists and the people in charge of NASA should do the scheduling.

If I may have the attention of the gentleman from North Carolina (Mr. JONAS), I believe it is on page 9 of your report that you recommend there be a deferment of Apollo 14. According to the latest estimate I have had from NASA, the Apollo 14 flight is not going to take place before December 3. Once we get the countdown going from this distance it becomes very hard and very expensive to revise the launch schedule, because we are recruiting people all around the world and deploying recovery forces.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. FULTON of Pennsylvania was allowed to proceed for 1 additional minute.)

Mr. FULTON of Pennsylvania. Mr. Chairman, I therefore feel that because of the particular position of the moon, the launch windows, and all that, we in the House should not be trying to specifically set the times of these launchings. Would the gentleman from North Carolina agree with me on that?

Mr. JONAS. Mr. Chairman, if the gentleman will yield, we are not telling them when to launch. We are just saying they ought to launch but one manned flight in 1971, any time they want to launch it. We are not cutting down on the number of launches they plan. We just say we do not believe they will be ready to launch in December. We do not believe they ought to launch another this year, because it will take longer than they anticipate to find out what the trouble was.

Mr. FULTON of Pennsylvania. I should like to ask the ranking minority member of the subcommittee, as well as the chairman, a question. Does this leave NASA open, on its own engineering judgment, to decide the time?

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. FULTON of Pennsylvania was allowed to proceed for 1 additional minute.)

Mr. FULTON of Pennsylvania. May I ask the chairman of the subcommittee whether this report leaves NASA open to make the decision on its own engineering and scientific research judgment, as to the times of launch? I do not believe that we in the House are setting, nor should we be trying to set the time, and thus take over this engineering function. Is that correct?

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield, the gentleman from North Carolina answered correctly. The committee is not attempting to say when the flights should be. We do not think there should be a flight before they look into the causes of the accident and recommendations for correction are made.

We have suggested one flight next year, rather than two. We agree that we cannot say when the windows are open or when the weather will be good. We are merely suggesting one flight.

Mr. FULTON of Pennsylvania. I thank the gentleman. That has been the position of the Committee on Science and Astronautics as well.

I should like to read the following letter from NASA which is their official position on the impact of the reductions which this bill will leave on their programs:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., May 11, 1970.

HON. JAMES G. FULTON,
House of Representatives,
Washington, D.C.

DEAR MR. FULTON: This is in response to your request for our appraisal of the impact of a reduction of $106 million in FY 1971 R&D funding for NASA, as recommended by the House Committee on Appropriations. This reduction was recommended in the context of a suggestion that Apollo launches during FY 1971 be reduced from two to one.

Such a reduction in Apollo launches from two to one in FY 1971 by shifting the Apollo 14 launch to early CY 1971 and delaying Apollo 15 until after FY 1971 would not result in significant cost savings to NASA during FY 1971. All of the hardware for Apollo 14, with the exception of the components to be modified because of the Apollo 13 accident, is at Cape Kennedy undergoing prelaunch checkout processing. The hardware for Apollo 15 has been completely fabricated and is either in test or storage preparatory to shipment to Cape Kennedy.

In view of the status of the hardware and since the operational elements of the Apollo program have already been sized down to a minimum level representing a basic capability, the only effect that would be achieved by this delay in schedule is the deferring of incremental costs associated with the actual launch, e.g., fuels and other consumables; overtime at the launch site, mission operation centers and tracking stations; repair of pad damage; mission peculiar documentations; and deployment of recovery forces. The maximum cost of these activities is estimated to be from $10 to $20 million depending on actual scheduling.

Since the indicated reduction of $106 million far exceeds the cost deferrals that might accrue during FY 1971 from the shift at the Apollo 14 launch date until CY 1971—and a decision has already been made to prepare for a launch of Apollo 14 no earlier than December 3, 1970, in order to utilize effectively the base-line capability and meet launch window requirements—actions would have to be taken to reduce or eliminate activities in Apollo and other NASA programs to accommodate the reduced funding.

NASA's budget for 1971 is over one-half billion dollars less than the current fiscal year—marking the fifth consecutive year of significant budget reductions. The FY 1971 budget level required NASA to take significant actions to reduce all major space activities (except space applications) including: the decision to close the Electronics Research Center (which, as you know, will now be transferred to DOT); the phasedown of the major Apollo test and production sites at Mississippi and Michoud; the suspension of the Saturn V launch vehicle production; the stretchout of the Apollo lunar missions to maximum intervals; the deferral of Skylab; the suspension of lunar flights during operations with Skylab; the deferral of the Applications Technology Satellites F and G; and the deferral of Viking Mars mission to 1975. In view of these actions, addition reductions of the magnitude recommended by the House Appropria-

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tions Committee would undoubtedly require NASA to take further actions of program delays or termination.

In summary, a reduction of $106 million in R&D cannot be accommodated by merely adjusting the Apollo launch scheduling; such a reduction would require NASA to examine *all* of its R&D programs with a view toward further delays and terminations.

Sincerely yours,

GEORGE M. LOW,
Deputy Administrator.

Likewise I would like to insert in the RECORD at this point an excerpt from the Space Committee's hearings on February 17, 1970, which contains Dr. Thomas Paine's response to my questions:

Mr. FULTON. Then, is there a good balance between NASA's manned programs and unmanned space programs in space exploration? And is this an economical and efficient NASA budget for the Fiscal Year 1971? I would like to take some cuts, maybe $25 million, $50 million. If you would apply those to the program and see what the adjustments would have to be.

What was the original figure of presentation by NASA to the Bureau of the Budget as its optimum and recommended program? And was this done on one set of suppositions or in the alternative? Is your moon exploration worth the cost? I think we have to justify that to the public. And is the planned rate of launch of these programs, which you have given us on sheets 11 and 12, 13 and 14, the optimum rate or is it the most efficient and best rate?

(Material requested for the record follows:)

"The FY 1971 budget request is based on a program which, although forward looking, is very austere. To arrive at this program level required a number of hard choices as outlined in Dr. Paine's testimony including program deferrals, suspension of Saturn V production and closing of the Electronics Research Center. Any further reduction in our funding level for FY 1971 will require a reshaping of the program with some further difficult choices on deferral or deletion of activities important to continuation of a progressive space program in the early 1970's, based on the manner in which such reductions occurred, their timing, and the status of our programs at the time the reductions were being absorbed.

"NASA's original recommendation to the Bureau of the Budget provided for implementation of Program Option II in the Space Task Group Report. The budget authority for FY 1971 requested to implement this option was $4,497.4 million. This recommendation did not represent the upper bound of the programs considered technically achievable, but was considered by NASA to be an optimum balance between technical progress and the government-wide fiscal constraints. A comparison of the budget based on this recommendation and the budget request now before Congress which totals $3,333.0 million is summarized on the attached chart."

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—SUMMARY OF FISCAL YEAR 1971 BUDGET AUTHORITY REQUESTED AND FINAL ALLOWANCE

[Millions of dollars]

Appropriation and program	NASA request to BOB	Final allowance	Difference from request
Research and development:			
Manned space flight	2,109.2	1,474.2	−635.0
Apollo	1,178.5	956.5	−222.0
Space flight operations	928.2	515.2	−413.0
Advanced missions	2.5	2.5	
Space science and applications	893.0	565.7	−327.3
Physics and astronomy	125.0	116.0	−9.0
Lunar and planetary exploration	365.9	144.9	−221.0
Bioscience	16.4	12.9	−3.5
Space applications	219.0	167.0	−52.0
Launch vehicle procurement	166.7	124.9	−41.8
Advanced research and technology	349.0	264.2	−84.8
Basic research	23.0	17.6	−5.4
Space vehicle systems	42.3	30.0	−12.3
Electronics systems	36.4	22.4	−14.0
Human factor systems	33.0	17.9	−15.1
Space power and electric propulsion systems	32.8	30.9	−1.9
Nuclear rockets	60.0	38.0	−22.0
Chemical propulsion	20.4	20.3	−.1
Aeronautical vehicles	101.1	87.1	−14.0
Tracking and data acquisition	318.0	298.0	−20.0
Sustaining university program	26.0		−26.0
Technology utilization	5.0	4.0	−1.0
Total, research and development	3,700.2	2,606.1	−1,094.1
Construction of facilities	90.2	34.6	−55.6
Research and program management	707.0	692.3	−14.7
Total, budget authority (NOA)	4,497.4	3,333.0	−1,164.4

Likewise, here is how Dr. Paine testified on February 17, 1970, at the Science and Astronautics Committee hearings as to how NASA has cut the budget but yet tried to achieve a balanced program:

In order to preserve this balanced program oriented strongly to the future, we have had to make hard choices and take prompt actions to reduce our previously planned programs and our institutional base.

The most significant actions include:

Reducing our broad electronics research programs and closing NASA's new Electronics Research Center in Cambridge, Massachusetts.

Suspending, for an indefinite period, production of Saturn V after the original 15 vehicles are completed.

Placing the NASA Mississippi Test Facility in a mothballed status in 1971 after the final Saturn V test in December 1970, unless alternative uses can be found in the next year, and reducing the workforce of the Michoud Assembly Facility in New Orleans to the minimum necessary to support Saturn flights.

Canceling the Apollo 20 lunar mission and suspending production of Lunar and Command and Service Modules related to follow-on Saturn V vehicles.

Delaying the initial AAP flight by about 4 months, to late 1972.

Delaying the Apollo 18 and 19 lunar missions until 1974—after the AAP workshop missions.

Rescheduling the Viking Mars missions from the 1973 launch window to the 1975 opportunity.

Slipping the launch of Applications Technology Satellites F and G by about 12 months.

Canceling the NASA Sustaining University Program.

In taking these actions, we must plan carefully, and implement precisely, so that we retain those skills and programmatic building blocks that will be essential to execute the projects of the coming decades.

Therefore, Mr. Chairman, I strongly recommend the adoption of my amendment which would add $58 million to the amount contained in H.R. 17548 which is less than one-half of the amount—$136 million—proposed by this bill.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Pennsylvania.

The gentleman from Pennsylvania is a very articulate and knowledgeable Member, but I would remind the gentleman that there is $3.197 billion in this bill for the NASA program.

The bill provides $2.5 billion for research and development. The funds are not specifically earmarked by the various programs within the total. The hardware for Apollo has been largely procured, so funding for this program is declining. An increase is proposed in the Apollo applications program. There are other increases and decreases in the overall program, and the review of the last Apollo 13 flight will take time and probably require some adjustments.

In regard to construction of facilities, we provided for a new facility at Cape Kennedy for electrical utilities maintenance personnel. We also included funds to finish the solar simulator modifications at Jet Propulsion Laboratory, for the rehabilitation and modification of existing facilities, and $2 million for planning and design for future facilities

The committee did not approve the funds requested for several new laboratories. NASA has done well with the existing laboratories it has and we feel these new laboratories can be deferred at this time.

Now, with respect to the third item in the bill, research and program management, the gentleman from Pennsylvania alluded to the reason for the reduction. NASA is closing its Electronics Research Center at Cambridge, Mass., and the whole facility will be operated by the Department of Transportation. The National Aeronautics and Space Administration is giving up 600 jobs at that location. NASA plans to have a total of 30,550 jobs in 1971 and we have provided the funds for necessary personnel. NASA spends $7 million each year in overtime. We commend them for spending this money, if it is necessary to make their manned flights safe, but since there is no urgency in speeding up these space shots, is it necessary to use this much overtime? In addition to that, there is close to $4 million which is reimbursable to other agencies for employees assigned to NASA. There are many similar items in the budget.

We think the cuts are reasonable. The

committee gave great consideration to the amount of money needed and made a complete evaluation of it. I believe the committee was unanimous in this respect.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman.

Mr. GROSS. The gentleman from Pennsylvania (Mr. FULTON) spoke of the necessity of restoring some of these millions because of the tolerances of tools. I wonder when the gentleman from Pennsylvania will display the same tolerance for the taxpayers of this country.

Mr. JONAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall take only about 1 minute to concur in what the gentleman from Tennessee has said.

The committee was unanimous on this cut. We had extensive hearings on it. It reflects the collective judgment of the committee.

I would say to my friend from Pennsylvania that I am surprised that he would seek to increase this item. I personally thought the committee was overly generous when it recommended $3.197 billion for NASA for 1971. There is a substantial body of opinion in the country that feels we are spending more money than the country can afford at this time. I would recommend that he be satisfied with the committee bill because if we get in a big fight over it today the result might well be a cut instead of an increase.

Mr. ROUDEBUSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is one aspect of this bill that causes me great concern. The Committee on Appropriations has recommended a reduction of $106 million in the funding for NASA's research and development programs. In its report, the committee suggests that this reduction should be absorbed by reducing from two to one the number of lunar missions in fiscal year 1971. There are several reasons why I seriously question the wisdom of this action.

In the first place, in my view, it is a mistake to make decisions in an appropriation bill on a complicated subject like the space flight schedule. Over the years, the complex matter of launch schedules and mission phasing has always been considered very carefully in the hearings and studies of the Committee on Science and Astronautics, with the final decisions left to NASA to determine within broad program guidelines and the available resources.

For example, last fall and winter the staff of our committee conducted an intensive study, which considered in great detail the factors affecting flight rates, both in Apollo and in the programs proposed for the 1970's. This study, entitled "Manned Space Flight; Present and Future," was published on February 12, 1970.

During the consideration of the NASA authorization request, the Manned Space Flight Subcommittee, under the leadership of Chairman TEAGUE, examined this matter in great detail, both in hearings in Washington and in hearings and summaries at nearly a dozen locations where work on the space program is in progress throughout the United States. After completion of these very extensive studies, our committee determined that two flights a year to the moon is the proper rate; and this determination was incorporated in the NASA authorization for fiscal year 1971. The House passed this measure on April 23. Let me mention a few of the considerations underlying the determination.

One is safety. Testimony by officials of the National Aeronautics and Space Administration reflects a concern that a considerable slowing of flight schedules might result in difficulty in maintaining the high degree of motivation and morale that has contributed to success in our manned space flights. They feel that prolonged periods of idleness between flights would not be consistent with the essential efficiency and effectiveness of the worldwide ground-support team.

NASA officials are also concerned that a major slowdown in the program might affect ground crew proficiency and equipment reliability enough to reduce the likelihood of mission success. The razor-sharp alertness and high motivation of the ground crews—so magnificently demonstrated during Apollo 13—cannot be maintained over long periods with such inactivity.

Along with the consideration of ground crew proficiency is the effect of celestial mechanics on the launch schedule. When we plan a mission to a specific site on the lunar surface, we are limited to a certain period in a particular month when we can launch. For some sites of scientific interest there may only be 1 month during a calendar year when a launch can be attempted. These "launch windows," as they are called, are controlled strictly by nature and any schedule adjustment must take them into account.

I think it should also be pointed out that this bill would appropriate an amount $400 million below the authorization passed less than 3 weeks ago and it is also over $800 million below what the President's Space Task Group recommended for fiscal year 1971 and $1.3 billion below what the space agency originally requested from the Bureau of the Budget.

In exploring the moon, with the limited number of Apollo vehicles paid for and available, our committee feels strongly that the program should be carried out at a rate that provides maximum returns in knowledge from the Apollo investment.

From the Apollo 8 mission of December 1968, and the first lunar landing, Apollo 11 last July, four missions were conducted at intervals of about 2 months. Immediately after the successful first mission, this interval was increased to 4 months to make the scientific effort more effective, and the Apollo 12 mission was conducted in November 1969. When it was found that a 4-month interval was still not optimum for scientific analysis, this interval was increased to 6 months and the work forces, materiel flow, contracts and other operations were adjusted to reflect this schedule. NASA has also implemented a plan wherein the trained manufacture and launch teams are being retained only on a very selective basis. A stretchout of the launch rate to one per year would seriously jeopardize this phasing at contractor, subcontractor and vendor plants, as the committee's studies in launch rates points out.

In summary, Mr. Chairman, NASA has been cut deeply in their fiscal year 1971 request. They have an austere program—one designed to provide maximum benefits for the resources invested. I do not think it appropriate for the Appropriations Committee to attempt to restructure launch schedules and program phasing. And because I feel that NASA has been cut enough I would vote for appropriations at the budget request.

Mr. Chairman, I would like to ask for clarification of a question that was previously posed to the chairman of the subcommittee by the gentleman from Pennsylvania concerning the scheduling of Apollo shots.

Now, Mr. Chairman, I am seriously concerned about the language that appears in the report of the Appropriations Committee. The scheduling of these Apollo shots or moon shots—we already have the hardware—becomes quite a problem because of the relative location of the moon with reference to the earth, the "window" in which to approach the moon. I believe the scientists call it celestial mechanics.

I know that Congress can regulate many things, but it is almost impossible for Congress to regulate the position of the moon and earth. I wonder if the Appropriations Committee is aware of the hardship they are wishing on NASA and I wonder if the gentleman would agree to this—if the review committee does finish its study of the Apollo 13 shot and they are perfectly convinced that Apollo 14 vehicle is ready in its entirety to be launched, would there be objection on the part of the Appropriations Committee for NASA to take advantage of a favorable season of the year during which to launch?

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. In answer to my friend, I believe it was pointed out in the press recently that NASA announced they have moved Apollo 14 from October to December.

We suggest that there not be another flight in 1970. We do not propose to schedule the flight. We do not know when the windows are open or what the weather problem will be.

I will read the language of the report:

> In view of the investigation and study of the Apollo 13 flight and the time required for the evaluation of the problems and recommendations, the Committee recommends that the Apollo 14 flight, tentatively scheduled for October, 1970, be deferred until after the first of the calendar year 1971. This is not meant to limit the number of lunar landings presently recommended by NASA, but to give ample time for the study, report, and correction of the Apollo 13 problems.

Mr. ROUDEBUSH. I thank the chairman and I think this partially answers my question. The shot about which you are speaking in October is now scheduled for December. This is the same shot, the Apollo 14 shot. Then, the committee has no objection to NASA using its own best judgment and proceeding as soon as there is the surety that the safety problems and so forth have been met?

Mr. EVINS of Tennessee. We expect NASA to use their own best judgment and there is money in here for the flight.

Mr. ROUDEBUSH. I thank the gentleman very much for his response.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, it was with some dismay that we learned the House Appropriations Committee had reduced the House authorization some $403,000,000 from $3.6 to $3.197 billion. This was $136 million below the President's budget request of $3.333 billion. $373 million was cut in the research and development program, $15.7 million from the constructions facilities program and $14.9 million from the research and management portion.

On the positive side, I applaud the committee for the strongest statement favoring the space shuttle that has been made anywhere when it stated:

> The Committee supports the Space Shuttle and Space Station as the nation's next steps in space, but urges that we pursue a careful and deliberate schedule for safety and position.

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I applaud the committee for their foresight in this matter.

Mr. Chairman, I am opposed to the cuts proposed by the Appropriations Committee. NASA's budget for 1971 is over a half billion dollars less than the current fiscal year, marking the fifth consecutive year's budget reductions.

The fiscal 1971 budget level required NASA to take significant action to reduce all major space activities, except space applications, including the decision to close the Electronics Research Center, to phase down the major Apollo test productions sites at Mississippi and Michoud, the suspension of Saturn 5 launch vehicle production, the stretching out of the Apollo lunar missions to the maximum intervals, a 4-month delay in the Sky Lab program, the suspension of lunar flights during operations with Sky Lab, the deferral of the applications technological satellites F and G, and the deferral of the Mars mission.

These actions were all required without the additional reduction of $106.1 million in the R. & D. budget as recommended by the Appropriations Committee. The apparent rationale for this reduction is an adjustment of the Apollo schedule and launch of only one moon mission during fiscal 1971.

However, by shifting the Apollo 14 launch to sometime after the beginning of calendar year 1971, and delaying Apollo 15 until after the end of fiscal 1971, no significant cost saving would result. All the hardware for Apollo 14, with the exception of the components to be modified because of the Apollo 13 accident, is at Cape Kennedy undergoing prelaunch checkout processing. The hardware for Apollo 15 has been completely fabricated for shipment to Cape Kennedy.

In view of the status of the hardware and since the operational elements of the Apollo program have already been sized down to a minimum level representing a basic capability, the only effect that would be achieved by this delay is the deferring of incremental cost associated with the actual launch such as fuel and other combustibles, overtime at the launch site, mission operations centers, and tracking centers, repair of pad damage, and deployment of recovery force.

The minimum cost of these activities is estimated from $10 to $20 million depending on the scheduling. The reduction of $106.1 million far exceeds the cost of referral and, therefore, NASA would not be required just to shift the Apollo program but would require to examine all of its R. & D. programs with a view toward further delays and termination.

We are at a minimum point today. Any further reduction is uneconomical and unsafe. The same rationale can be said regarding the research and program management and construction of facilities.

For instance, the reduction in the research and program management of approximately $13.5 million would cause the reduction of about 1,300 employees in addition to the reductions already planned in the 1971 budget. These constant reductions have caused an acute problem in NASA's inability to employ newly graduated professional employees. For instance, NASA hired 965 graduating college students in 1966 and in 1970 the number is estimated at 180.

To carry out the riff required by the Appropriations Committee's actions, NASA would have to make a major realinement in its organizational structure. NASA has been cut to the bone and cannot afford to be cut any further.

The NASA fiscal 1971 construction facilities estimate was a minimum request. During the hearings the question was constantly asked, "Are these essential?" And everything that was not essential was eliminated. The total initial requirements were approximately $350 million submitted by NASA field centers. These construction requirements submitted by NASA are necessary to meet specific program needs to reduce hazards and to improve basic operational facilities and key activities.

For instance, the $2 million Earth Resources and Technological Laboratory at the Goddard Space Flight Center in Maryland is being eliminated. Yet, this new addition is required to provide space for experimental satellite controlled telemetry data processing and related support functions. This requirement is urgent since these functions support the experimental ERTS A and B satellites, the first of which is scheduled for launch in April 1972. The other projects are of the same significance and importance.

Mr. Chairman, the space program has been cut over the last 5 years more than any other program. Under this bill, the space program represents approximately 19 percent of the total money appropriated. Yet of all the agencies, NASA has received approximately 65 percent of the cuts. I do not believe that by these cuts we are making proper use of the facilities, the personnel, and the wonderful team that has been built up. They are operating at a minimum level at best. Let us give this team of Government and industry the support that they have so richly earned.

Mr. TEAGUE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wish it were possible to know the right amount of money to place in this bill. I do not know. There is no one on this floor in my judgment who does know. Surely it is right and proper that we place an amount of money in this bill that will keep our country as the No. 1 nation in the space field. That is what our committee tried to do. We talked with the most knowledgeable people in this country insofar as space is concerned and the President appointed a very distinguished panel that recommended nearly $1 billion more than is contained in this bill.

Our committee cut that just about in half, and we placed that money in the bill. Now, the committee, whom I am sure have the same desire that we have to keep our country No. 1 in space, made the decision to cut it another $106 million. The gentleman from Pennsylvania (Mr. FULTON) is attempting to put back approximately half of that. It will be many years before we know what was the right thing to do. I think the money should be put back in.

Mr. HECHLER of West Virginia. Mr. Chairman, will be gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I would ask the gentleman from Texas if it is not true that the amendment offered by the gentleman from Pennsylvania (Mr. FULTON) still would cut the total amount below the recommendation in the President's budget?

Mr. TEAGUE of Texas. Even with the funds in the amendment offered by the gentleman from Pennsylvania, the amount of money in the bill will be below the recommendation in the President's budget.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank the gentleman.

Mr. FULTON of Pennsylvania. Mr. Chairman, if the gentleman will yield, it would be $78 million below the President's budget.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have no great criticism of the subcommittee. I know that they acted in good faith, but I wonder if they were familiar with some of the cuts that they have made.

Permit me to say that the present bill

is $201,611,000 below the President's recommendation. Of this amount of $201 million, $136 million is taken out of the space program. Sixty-five percent of the cut in the space effort is being asked for in the bill, and the space effort is only about 19 percent of the total of the bill. This was brought out very well by the gentleman from Tennessee.

Some of the things we would like to see returned would be—and I may say that it was said that there were a number of new laboratories. In effect, these are not new laboratories, they are new facilities in the established laboratories. For instance, there is an item for $1,525,000 for the Polymer Research Laboratory in the Ames Research Center. This is in the interest of aeronautics, the testing of paints and other things that are so necessary in making the airplane you fly in safer for you. I think that this is something that we are going to need information on, and we are going to need it very badly as these bigger planes come into being.

The Earth Resources Laboratory—and all of the money has been taken out for it—this is a very important part of the space effort, and it is one that will give us the payoff in the space effort—the immediate payoff.

Going down the line, I notice that the power complex and the new antenna for the 210-foot disc at Goldstone has been knocked out—$750,000 in one place, and $525,000 in another.

These are important because this is one of the great radar complexes that we find so necessary in tracking these stations, and tracking the new work that NASA has done.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. Mr. Chairman, I am happy to yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I think it is worthy to be noted that this bill does not represent the final word on this subject during this Congress. I anticipate that NASA will attempt to recoup some of these cuts in the Senate. The other body will get a different version, and we will be in conference. If it can be established that we have made too drastic cuts there will have to be some adjustment.

Mr. MILLER of California. I appreciate that this is a possibility. But I will say to the gentleman that he has a responsibility, and I have a responsibility, and I want to exercise and take care of my responsibility and not leave it to the other body.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to my good and congenial friend, the gentleman from Tennessee.

Mr. EVINS of Tennessee. The distinguished gentleman from California is the chairman of the Committee on Science and Astronautics, and we recognize and respect him immensely for his point of view.

The determination of the proper amount for NASA programs is not a simple matter.

As the gentleman said, the program is being reappraised at this time. Substantial sums are involved. The gentleman from Texas indicated he did not know for sure what the correct amount should be. In evaluating the demands for funds as represented by many programs, our committee approved a total of $3,197,000,000 in support of the space programs in 1971. This should provide for continued and substantial progress while the program is being reappraised. We feel that the amendment should be defeated.

Mr. MILLER of California. I want to say, I disagree with my good friend, the gentleman from Tennessee.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman.

Mr. TEAGUE of Texas. I wonder if the gentleman from Tennessee is sure that he knows the right amount.

Mr. EVINS of Tennessee. No one can be absolutely sure, as the gentleman knows. We are recommending what we think is a proper amount. It is the considered recommendation of our subcommittee and of our full committee.

Mr. TEAGUE of Texas. That is what we did in our full committee.

Mr. MILLER of California. I understand the gentleman's position, because we made an investigation, and we came to another conclusion.

Mr. Chairman, I ask that the amendment be supported.

Mr. MILLER of California. Mr. Chairman, I include at this point the material which I have previously referred to:

National Aeronautics and Space
Administration,
Washington, D.C., May 21, 1970.
Hon. George P. Miller,
Chairman, Committee on Science and Astronautics, House of Representatives, Washington, D.C.

Dear Mr. Chairman: In response to your request I am enclosing statements of our present assessment of the impact of the reductions to the Research and Development, Construction of Facilities, and Research and Program Management FY 1971 requests, as recommended by the House Committee on Appropriations.

If I can provide additional information, please let me know.

Sincerely yours,

George M. Low,
Deputy Administrator.

Research and Program Management

The House Committee on Appropriations has recommended an appropriation for R&PM of $678,725,000, a reduction of $13,575,000 from NASA's 1971 budget request. Such a reduction would impact all functional areas of cost covered by this appropriation account, but the largest portion of the reduction would have to be applied to personnel (over $10 million) since over 70% of the R&PM goes for personnel compensation and related costs. We estimate that a reduction of about 1,300 employees in addition to the reductions planned in the 1971 budget would be required.

The President's 1971 budget includes plans to reduce the NASA end year civil service strength by 800 from the planned end year 1970 strength. Of these, 600 are related to the closing of the Electronics Research Center as a NASA installation, with the balance to be accomplished through personnel attrition. However, a reduction of the magnitude proposed by the Appropriations Committee would require NASA to resort to reduction-in-force (RIF) procedures. The current estimate for total separations of permanent civil service personnel in 1971 is 1,250 spread throughout the year (exclusive of the 800 positions to be abolished at ERC, Headquarters, MSFC, KSC and MSC). If *no* replacements whatever were made in 1971 the maximum savings from the 1971 budget level would be only about $4 million.

There are several reasons why we cannot rely on attrition for further 1971 reductions. First, continued reliance in attrition would compound already serious problems. Between July 1967 and June 1971, NASA will have reduced its strength in permanent positions by 1,655 people in 1968, 1,338, in 1969, 798 in 1970 and a planned 800 in 1971, which, exclusive of the adjustments for conversion of service contracts, totals 4,591. Except for the planned 1971 reduction, these reductions have been taken almost entirely by attrition during this period. We have replaced only about 50% of our total actual separations. Because of our restricted ability to hire for the past several years and the wide difference between separation rates of occupational groups, a maldistribution of skills exists in the current work force. While the patterns vary somewhat from center to center, the overall agency separation rate of 4.9 percent in 1970 is the cumulative result of separation rates of 3.0 percent for scientists and engineers, 5.0 percent for administrative professionals, 13.7 percent for clerical employees and 3.1 percent for technicians and wage board. We do not expect that this pattern will change significantly in the future.

An even more acute problem is our inability to employ newly graduated professional employees and the resulting aging of the work force. The average age of NASA employees is increasing at 8/10 of a year each year. While NASA hired 965 graduating college students in 1966, the number dropped to 738 in 1967, 567 in 1968, 253 in 1969 and is estimated to be 180 in 1970. Further reduction of the work force by attrition will eliminate the intake of young college graduates which is so essential to the vitality of an effective technical agency and accelerate the aging of the remaining force.

In carrying out a RIF of the magnitude necessitated by the Appropriations Committee's action, NASA would have to make a major re-alinement in its organizational structure. The planning, implementation and execution of such an organizational re-alinement and the concomitant RIF action would require at least three months to accomplish. We estimate that on the average the Government's liability for severance pay and terminal leave for those employees fired would equal 13 weeks pay for each. Our estimate that it would be necessary to fire 1,300 people is based on these factors and the estimated man year costs for personnel to be separated.

The impact on NASA's workforce would not be limited to the people who ultimately lose their jobs. In carrying out a RIF it can be anticipated that about 3 to 4 times the number of people fired will be subjected to an adverse action. Thus, about 20% of NASA's workforce would suffer the disruptive influence of a RIF procedure.

We cannot say in advance exactly what the effort of such a RIF would be on NASA's ability to carry forward the programs that have been approved. The loss in capability and morale is incalculable; but there is little question that a major blow would be dealt to our in-house capability—the underlying strength of current and future national space and aeronautics activities.

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Research and Development

The reduction of $106.1 million in R&D was recommended in the context of a suggestion that Apollo launches during FY 1971 be reduced from two to one.

Such a reduction in Apollo launches from two to one in FY 1971 by shifting the Apollo 14 launch to early CY 1971 and delaying Apollo 15 until after FY 1971 would not result in significant cost savings to NASA during FY 1971. All of the hardware for Apollo 14, with the exception of the components to be modified because of the Apollo 13 accident, is at Cape Kennedy undergoing prelaunch checkout processing. The hardware for Apollo 15 has been completely fabricated and is either in test or storage preparatory to shipment to Cape Kennedy.

In view of the status of the hardware and since the operational elements of the Apollo program have already been sized down to a minimum level representing a basic capability, the only effect that would be achieved by this delay in schedule is the deferring of incremental costs associated with the actual launch, e.g., fuels and other consumables; overtime at the launch site, mission operation centers and tracking stations; repair of pad damage; mission peculiar documentation; and deployment of recovery forces. The maximum cost of these activities is estimated to be from $10 million to $20 million depending on actual scheduling.

A decision has already been made to prepare for a launch of Apollo 14 no earlier than December 3, 1970. This decision was based on the required changes, identified to date, resulting from the Apollo 13 accident.

The proposed reduction of $106.1 million far exceeds the cost deferrals that might accrue during FY 1971 from the shift of the Apollo 14 launch date until CY 1971. Therefore, other actions would have to be taken to reduce or eliminate activities in Apollo and other NASA programs to accommodate the reduced funding.

NASA's budget for 1971 is over one-half billion dollars less than the current fiscal year—marking the fifth consecutive year of significant budget reductions. The FY 1971 budget level required NASA to take significant actions to reduce all major space activities (except space applications) including: the decision to close the Electronics Research Center (which, as you know, will now be transferred to DOT); the phase-down of the major Apollo test and production sites at Mississippi and Michoud; the suspension of the Saturn V launch vehicle production; the stretchout of the Apollo lunar missions to maximum intervals; a four-month delay in the Skylab program; the suspension of lunar flights during operations with Skylab; the deferral of the Applications Technology Satellites F and G; and the deferral of Viking Mars mission to 1975. In view of these actions, a reduction of $106.1 million in R&D, which cannot be accommodated by merely adjusting the Apollo launch scheduling, would require NASA to examine *all* of its R&D programs with a view toward further delays and terminations.

Construction of Facilities

The NASA FY 1971 Construction of Facilities request was for $34.6 million. House Appropriation Committee action provides a total of $18,275,000, or $16,325,000 below the proposed level.

The NASA FY 1971 Construction of Facilities estimates as submitted, represented a minimum requirement. This request reflected only the most essential items out of requirements totalling more than $850 million submitted by NASA field centers.

The House Appropriations Committee action would deny appropriations at this time for all but two of eleven small but important construction projects proposed by NASA. The action also drastically reduces appropriations for the essential facility planning and design effort. The construction requirements submitted by NASA for FY 1971 are necessary to meet specific programmatic needs, to reduce hazards, or to improve basic operational efficiency in key activities.

The following "briefs" summarize the requirements for each project:

Ames Research Center, California, Polymer Research Laboratory, $1,525,000. New facility is needed as soon as possible to move forward in materials research related to nonflammable castings for aircraft cabins, as well as commercial applications. Facility is also required to reduce potential hazards, toxic fumes, etc., present in existing makeshift quarters.

Goddard Space Flight Center, Maryland, Earth Resources Technology Laboratory, $2,050,000. This addition is required to provide space for experimental satellite control, telemetry, data processing and related support functions. The requirement is urgent since these functions support the experimental ERTS "A" and "B" satellites the first of which is scheduled for launch in April 1972. Subsequently these facilities will be used to provide NASA assistance to the user agency and therefore there will be a continued need for these facilities.

Marshall Space Flight Center, Alabama, Multi-Spectral Photographic Laboratory, $525,000. This is the replacement of an inadequate facility—the continued use of which involves diluted operational effectiveness, as well as the need to make expenditures in repair and improvisation which could better be allocated to a new facility. This facility is in need in FY 1971 to improve Center capability to support the scientific experiments of SKYLAB and future missions. Some of this capability does not now exist and would be expensive to incorporate in the existing facilty.

Jet Propulsion Laboratory, California, Isotope Thermoelectric Systems Applications Laboratory, $1,250,000. This new facility is needed in mid CY 1972 to support technology and the development of new power systems required by planetary spacecraft. New power systems, using radio isotopes, will be required for planned unmanned missions to the outer planets. Development lead times require that this facility by started during FY 1971.

Manned Spacecraft Center, Texas, Calibration Laboratory, $900,000. Spacecraft testing requires frequent and accurate calibration of all instruments. Existing makeshift facilties are inadequate for this purpose.

Goldstone Complex, California, Power Plant Addition, 210' Antenna Facility (Goldstone), $750,000. The new high powered transmitter on the Goldstone, California, 210' antenna requires additional electrical power. Without the added power the new antenna is operable only at unacceptable reduced levels. This project must be provided in FY 1971 to support approved longer range planetary missions in CY 1972.

Western Test Range, California, Alterations to Launch Complex 2, $3,300,000. Beginning with the ITOS–D mission in November 1971, all future Thor stages (first stage of the Delta Launch Vehicle) will be delivered for launching with a standard boat-tail configuration, designed to accept combinations of 3, 6, or 9 solid propellant strap-on boosters for thrust augmentation as required for specific spacecraft weights orbits.

Major changes to the launch complex required to accommodate this new vehicle configuration include: new umbilical tower; service structure platform cutouts to adapt to the muti-solid installation; launch platform plumbing; wiring rearrangements to load propellants from the bottom of new boat-tail; rearrangement and upgrading of the cryogenic system; and launch control consoles and instrumentation.

Nuclear Rocket Development Station, Nevada, Engine/Stage Test Stand No. 2, $3,500,000. This project is for the initial increment of a ground test facility needed to develop and qualify a nuclear rocket stage for flight. In addition, the steam generation capability (for altitude simulation) provided increases the capability of ETS–1. This capability is required in FY 1971 to accommodate the planned long-duration testing of the NERVA engine.

Various Locations, Facility Planning and Design, $5,000,000. The requested $5.0 million for FY 1971 would be reduced to $2.0 million by the proposed action. The initial request was made up of two segments: (1) $3.5 million for regular needs associated with engineering reports, studies, master planning and the development of facility plans and specifications; (2) $1.5 million for continuing planning associated with large complex future facility projects such as those relating to the space shuttle or NERVA Engine/Stage Test Stand No. 2, NRDS, Nevada. The importance of these activities in support of potential future construction of facility requirements is evident. The returns in terms of savings and economy from efforts timely advance planning and design efforts are great. The design lead-time associated with facility projects is long and better planning must be done to insure the ultimate best in design, cost estimating, and scheduling.

Santiago Tracking and Data Acquisition Station, Chile, Relocation of Transportable Tracking Facilities, $525,000. SKYLAB requires a tracking and telemetry facility further south than any of the existing manned space flight tracking stations. The relocation of an existing transportable flight station from Grand Bahama Islands to the Santiago, Chile site (used until now only for unmanned satellites) provides this capability by the most economical means. FY 1971 funding is required to meet SKYLAB schedules.

The CHAIRMAN. The question is on the amendments offered en bloc by the gentleman from Pennsylvania (Mr. FULTON).

The question was taken; and on a division (demanded by Mr. MILLER of California), there were—ayes 24, noes 67.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Not to exceed $35,000 of the appropriation "Research and Program Management" in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it seems to me that $35,000 is a rather substantial entertainment allowance for NASA. I do not know of any other single agency of Government that gets $35,000. On what basis do they get this $35,000? Most of them get $2,500 for wining and dining.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. EVINS of Tennessee. I will say to my friend, the gentleman from Iowa, that I think I get the thrust of his suggestion. This is the same amount that has been provided for the past several years. With regard to our tracking stations, we have international commitments and it is necessary to have these scientific consultations.

Mr. GROSS. The $35,000 would not

begin to cover the transportation of people to the various tracking stations around the world.

Is this where they got the money to haul those planeloads of people down to Cape Canaveral last year for one of those moondoggles?

Mr. EVINS of Tennessee. The agency also has scientific consultations frequently with our allies.

Mr. GROSS. I am still curious to know who paid the bill for those planes that went down to Florida with all the junketing Members of Congress; I probably will never find out. I am not going to pursue the subject at this point, but I hope the committee will slice this entertainment allowance down to size next year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans' Administration including care and treatment in facilities not under the jurisdiction of the Veterans' Administration, and furnishing recreational facilities, supplies, and equipment; maintenance and operation of farms and burial grounds; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowance therefor as authorized by law (5 U.S.C. 5901–5902); and aid to State homes as authorized by law (38 U.S.C. 641): $1,752,200,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Public Health Service of the Department of Health, Education, and Welfare, and the Army, Navy, and Air Force of the Department of Defense, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration.

AMENDMENT OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVINS of Tennessee: On page 26, line 8, strike out "$1,752,200,000" and insert "$1,777,200,000".

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. EVINS of Tennessee. Mr. Chairman, this is a committee amendment that has been thoughtfully considered. We have held extensive hearings on all the programs of the Veterans' Administration. As pointed out earlier, in my opening remarks, we have provided the full budget for compensation and pensions, medical care, hospital construction, and all the programs of the Veterans' Administration. This year the appropriations for the Veterans' Administration reach the highest level in its history, $8,960,528,000. In 1970, for medical care alone, we provided a $17.6 million increase above the amended budget. That was over the Nixon budget.

In the second supplemental which the House passed recently we added $7 million above the budget request for a total supplemental of $113.5 million in medical care. In the present bill the administration added a $50 million amendment for medical care.

Our amendment raises the total by $25 million to $1,777,200,000. So we have reached the highest level ever in the medical care program.

We had the testimony of the Chief Medical Officer, Dr. Musser, that the funds requested would provide excellent medical care, quality medical care. With this increase the best of medical care should be assured.

We know that some hospitals are efficiently run, and we know that some are not well run. We urge that the latter be improved.

I wish to commend the distinguished gentleman from Florida (Mr. HALEY) who is chairman of the Hospital Subcommittee. He has worked hard on this matter of providing adequate funds for hospitals. I wish also to commend Chairman TEAGUE of the full committee for his concientious effort. Our committee is equally concerned that the best possible medical care for the veterans be provided, and we think we are providing funds for that purpose.

Mr. HALEY. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Florida.

Mr. HALEY. I wish to thank my friend for offering the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee (Mr. EVINS) to add $25 million to the item for medical care in the Veterans' Administration's 1971 budget. As I told my colleagues last week when we were successful in getting $4 million in stopgap supplemental funding for the 1970 VA medical care budget, the VA hospital system has some major problems. At the direction of Chairman TEAGUE, a full-scale investigation was undertaken last December in an effort to determine the total dimension of the funding and staffing problems in the VA medical care program. The committee has received a number of complaints from many sources indicating that the VA hospital system was not properly staffed even though most of the needed personnel were available but they could not be employed because of inadequate funds. As a result of the comprehensive questionnaire which was sent to each of the 166 VA hospital directors, we confirmed that practically all of the VA hospitals had inadequate funds and inadequate personnel to care for our hospitalized veterans. Many old and chronically ill veterans who applied for hospitalization were either given outpatient treatment rather than the total care they needed and deserve or else their application for hospitalization was denied altogether and the veteran had to seek treatment elsewhere. Currently the VA is denying approximately 40 percent of veterans' applications for hospitalization. Many veterans in need of community nursing home care could not get this care because VA hospitals lacked the funds to place eligible veterans in this program. Soaring drug costs and increased demand caused a shortage of funds at many hospitals and it was necessary, in some cases, for hospital directors to place an arbitrary limit on the time a veteran outpatient could receive needed medications at VA expense.

Mr. Chairman, our Hospital Subcommittee held hearings just a few weeks ago in Tampa, Fla. We had all of the Florida hospital directors and officers from the major veterans organizations as well as State and county veteran officials as witnesses. The committee learned that Florida VA hospitals have a capacity to operate almost 500 more beds than they are being allowed to operate, yet, the State service officer presented testimony indicating that over 1,000 veterans are on various kinds of waiting lists for treatment. At one of Florida's VA hospitals we found an incredible bed occupancy rate of 99 percent, and this same hospital had one of the lowest staffing ratios of any hospital in the VA system—only 1.1 employees to each patient whereas the average national ratio throughout the VA system approximates 1.5 employees to each patient, and this latter ratio is totally inadequate—it should be at least two employees for each patient in order to deliver effective care. At two other VA hospitals in Florida, it was determined that although they were newly constructed they had not been fully activated due to inadequate funding. It appears that complete activation at these two hospitals may be stretched out over another year to 18 months. At another hospital the orthopedic section has been closed since last November because of the retirement of key personnel and the lack of funds to recruit a replacement.

Mr. Chairman, if the VA medical program around the country is like what we found in Florida, and it appears that it is, there is cause for concern and there is more than ample justification for adding $25 million to the 1971 medical care appropriation in H.R. 17548 for the VA hospital program.

Mr. TEAGUE of Texas. Mr. Chairman, many factors, individuals, and groups played important roles in the result here today, and to all those known and unknown the appreciation of our committee and of the veterans of this country, I am sure. I would be sadly remiss in my duty, however, if I did not specifically express my appreciation as chairman of the Committee on Veterans' Affairs to the distinguished subcommittee chairman, the gentleman from Florida (Mr. HALEY), who heads our Subcommittee on Hospitals. He and his colleagues have played a vital role in this entire undertaking and have spent many hours, some of which I fear were tedious. Under his leadership and diligence we have the happy result achieved here today. My special thanks to the subcommittee chairman and to his colleagues on that subcommittee who are the gentleman from Nevada (Mr. BARING), the gentleman from New York (Mr. DULSKI), the gentleman from Texas (Mr. ROBERTS), the gentleman from California (Mr. BROWN), the gentleman from South Carolina (Mr. DORN), the gentleman from Virginia (Mr. SATTERFIELD), the gentleman from Illinois (Mr. PUCINSKI), the gentleman from California (Mr. ROYBAL), the gentleman from Mississippi (Mr. MONTGOMERY), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Ohio (Mr. AYRES), the gentleman from Indiana (Mr. ADAIR), the gentleman from Pennsylvania (Mr. SAYLOR), the gentleman from New York (Mr. HALPERN), the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the gentlewoman from Massachusetts (Mrs. HECKLER), the gentleman from Minnesota (Mr. ZWACH), and the gentleman from Nebraska (Mr. DENNEY.)

Mr. Chairman, my amendment adds $30 million to the 1971 medical care appropriation of the Veterans' Administration hospital system, which is caring for wounded and sick disabled veterans.

My colleagues will recall that just last week I sought and the Appropriations Committee agreed to add a stopgap amount of $4 million for medical care to help the veterans' medical program through the balance of fiscal year 1970.

Mr. Chairman, for over 4 months the Veterans' Affairs Committee has been conducting a comprehensive investigation into the level of funding and staffing of all our VA hospitals. We found the largest hospital system in the world grossly underfunded and understaffed—a situation which has been developing over a number of years—and it was reaching a crisis level at the time our investigation was initiated. The investigation disclosed that:

First, special medical units costing over $20 million were not being used because of inadequate funds to staff them. These were units used for intensive care, coronary care, kidney dialysis, emphysema, alcohol treatment, and other such vital special care units;

Second, VA's entire construction program was deferred in fiscal year 1970, including some new hospitals, major additions to others, several air conditioning and modernization projects where plans were ready to be advertised for construction bids;

Third, an intolerable dental backlog existed involving thousands upon thousands of returning Vietnam veterans who were having to wait from 4 to 8 months to have their teeth fixed because of inadequate funding;

Fourth, drugs for patients on outpatient status were being arbitrarily curtailed and VA mail-order prescriptions were running weeks behind normal schedules because of inadequate funding and staffing;

Fifth, approximately 12,000 hospital beds had been planned for closing in fiscal years 1970 and 1971 mostly due to lack of funds;

Sixth, the VA medical program was being required to absorb over $26 million during 1970 to cover Federal pay raises including $17.5 million for wage board increases for its blue collar employees and other legislation enacted by this Congress and signed by the President for sick and disabled veterans;

Seventh, hospital directors were deferring hiring of medical personnel of all types. Over 4,000 authorized vacancies existed and personnel were available to fill the vacancies but the VA lacked the necessary funds;

Eighth, equipment purchases and maintenance and repair projects at practically all VA hospitals were being canceled or deferred so that these funds could be used for daily operating costs; and

Ninth, the VA medical program was operating at the lowest employment level since June 30, 1966, at the same time it had the highest medical caseload in history.

Mr. Chairman, it is a fact that the 1971 proposed VA medical care budget, which the President revised upward by $50 million as our investigation began to disclose glaring deficiencies, is higher than previous years' budgets, but so are the costs of operating the hospital system because of higher costs and soaring workloads brought on by the Vietnam war. Last year, the Veterans' Administration became responsible for almost 1 million new veterans who came out of the service and their medical care and other benefits are more costly than those of veterans who served in prior wars. The war wounded are more severely disabled because back during World War II and Korea many casualties of the battlefield died there. Today, the rapid treatment given on the battlefield and rapid evacuation to field hospitals saves many lives which would have previously been lost.

Mr. Chairman, a great deal has been said about how much higher the 1971 budget is than previous years' budgets. What has not been pointed out is where it is seriously deficient in its ability to provide the kind of medical care our Nation's veterans need and deserve. Here are some of these areas:

First. When the 1971 VA medical care budget was submitted to the Bureau of the Budget, it was reviewed and the Bureau reduced it by about $50 million, which is the amount the President restored in making his April 2 announcement. The President said, in part, at that time:

> The Veterans Administration hospital system has been experiencing increasing difficulties in providing a full range of services for the care of sick and disabled veterans—

And that—

> The ability of the VA hospital system to meet future needs has been seriously impaired.

So in submitting an amended figure to his January budget for VA medical care he merely restored funds that the Bureau of the Budget had cut out in the first place—it did not represent a bonanza of extra money. In addition, there is another consideration in this connection. When the Chief Medical Director submitted his recommended budget to the agency head, he asked for over $76,000,000 more for medical care than the amount that was approved by the agency head to be submitted to the Bureau of the Budget.

Second. Even with the appropriation of almost $10 million extra dollars in fiscal year 1970, there will still be an enormous backlog of dental cases pending at the end of this June. The administration has testified that about 40,000 dental cases will still be backlogged, which means that this program will be $3½ million short going into 1971. With the discharge rate of about 1 million veterans per year from the military services, there is every reason to believe that many veterans will have to wait long periods of time to get their teeth fixed because dental care was not available to them while they were in the military service.

Third. The VA hospital system is divided into five geographical regions and each region has a physician and a staff which oversees the activities of the hospital in each region. The regional medical directors report to the Chief Medical Director about conditions and problems within their regions. During 1970, while our committee investigation was in progress which revealed deficiencies of over $99 million, the regional medical directors agreed with the hospital directors that over $69 million were vitally needed and these became known as "approved" deficiencies; however, because of a shortage of funds only about $18 million of these deficiencies were actually funded. This meant that the "approved" deficiencies totaling more than $51 million went unfunded in 1970 representing an underfunding of approximately 74 percent of what the system needed according to the physicians who have a prime responsibility to properly and efficiently operate the VA medical program. The same kind of a situation exists in the 1971 budget—there are many hospital personnel which are needed that cannot be hired because of inadequate funds—there are many items of modern new equipment which are needed which cannot be purchased because of lack of funds—and there are many modernization projects in existing hospitals which cannot proceed because of inadequate funds.

Fourth. The ratio of employees to patients is far below what you find in private sector community hospitals. The last figures available to our committee indicated that most private sector community hospitals had an average staff ratio of 2.72 employees for each patient while the Veterans' Administration has a ratio of about 1.5 employees to each patient in its general medical and surgical hospitals. At many university hospitals operated in connection with medical schools, the ratios are even higher and range from three to four employees for each patient. Even with the $50 million in extra medical funds proposed by the President this ratio will only improve from about 1.5 to about 1.6. This increased ratio has not been brought about entirely by increased funding as the Veterans' Administration has either closed in 1970 or has plans to close in 1971 a total of about 12,000 hospital beds which it has been claimed are not needed; however, there is some serious doubt about this as it appears that because of a shortage of funds many chronically ill veterans who would normally be hospitalized for the total medical care they need are treated on an outpatient basis or their applications are rejected completely and they have to seek treatment elsewhere.

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While I am pleased to see this increase, it is wholly inadequate and it means that many hospitalized veterans are not receiving the level of care they deserve and need. Based on testimony which has been given by a number of independent medical experts, it is my opinion that the staffing ratio in most general medical hospitals should be about two employees for each patient.

Throughout the VA system this would require something over 28,000 additional employees and the 166 VA hospital directors reported that about 25,000 of these employees were recruitable at the salary scale which prevailed in December 1969 and since then we have had a 6-percent pay hike which should somewhat improve recruiting problems. The full-time permanent positions in the VA medical program as of June 30, 1966, totaled 128,512. The Administrator testified before our Hospital Subcommittee that with the additional funding they expected a full-time permanent strength at the end of fiscal year 1971 of 127,348 which is still 1,150 positions below the 1966 level at a time when all workload facets of the medical program are considerably higher.

Mr. Chairman, the amendment which I offered is for $30 million which I feel, after 4 months of intensive and searching investigation, is the very minimum amount which must be added to the administration's request for 1971 VA medical care. The figure should be higher, but I realize that we cannot do the entire job in 1 year—but to do less than what I have recommended will break faith with those wounded, sick, and disabled veterans who must reply upon Veterans' Administration hospitals for their medical care.

Mr. Chairman, my amendment has the support of all the major veterans organizations, and I insert at this point in the RECORD the communications of support which they have sent to me:

VETERANS OF FOREIGN WARS,
Washington, D.C., May 12, 1970.
Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to the appropriation for the Veterans Administration for fiscal year 1971, as embodied in H.R. 17548, scheduled for consideration and vote by the House today.

The Veterans of Foreign Wars is deeply alarmed concerning the deteriorating conditions in Veterans Administration Hospitals caused by inadequate budgets and staff. The study by your Committee of the 166 Veterans Hospitals throughout the nation demonstrated overwhelmingly there are critical shortages which are facing Veterans Hospital Managers on a daily basis.

The Veterans of Foreign Wars through its State Commanders visited one or more of the VA Hospitals in each State of the Union that has a hospital. We called it Project Alarm, and their reports indicate that all observed conditions which must be taken care of this year, or it will be too late.

The Veterans of Foreign Wars has always maintained that the question of adequate funds for the VA is basically a matter of national priorities. The Veterans Administration is the single principal agency charged with the responsibility of caring for the nation's wounded and the aftermath of the Vietnam and previous wars. Accordingly, there should be no budgetary or personnel restrictions on the Veterans Administration.

With that in mind, the V.F.W. is extremely pleased with the additional money which was approved by the House last week in the Second Supplemental Bill (H.R. 17399) which has added $22 million to the Veterans Administration appropriation for the rest of this year of 1970. You and your Committee and all others in the Congress who participated in the successful restoration of the $22 million to the 1970 VA appropriation deserve the highest commendation.

Unfortunately, fiscal year 1971 is close at hand. There is much to be done in the long road ahead before the Veterans Administration Hospital System is put back in a condition where everyone will agree that it is providing a quality of medical care second to none. The VA budget for medical care for 1971 is slightly up from last year. The President, in his statement of April 2, 1970 on veterans medical care, has recommended another $50 million for veterans medical care for next year. The $50 million is part of the VA appropriation before the House for consideration today.

Again, the V.F.W. commends the President for taking note of the deteriorating situation which was facing VA Hospitals throughout the nation. He has taken affirmative action by recommending that $50 million be provided in addition to the amount he recommended when he sent his 1971 budget to the Congress early this year.

The V.F.W., however, holds that this is insufficient. There are just too many problems and too many crises which VA Hospital Managers face on a daily basis for them to live within their tight and often inadequate budgets. The VA Hospital Managers are doing an extremely effective job, and the V.F.W. commends all of the dedicated personnel of the VA for doing an excellent job, despite many restrictions and restraints.

A few of the acute problems facing VA Hospitals today which must be resolved in the next few months are as follows:

1. More personnel;
2. Purchasing of new equipment, and making necessary repairs, which have been deferred because of the high cost of personnel, drugs, and medical supplies;
3. Staffing special life-saving medical services, many of which have been idle because of the lack of money to hire personnel;
4. Full implementation of the community nursing home care program for veterans;
5. Denying some veterans much needed hospitalization because it has been more economical to take care of such veterans on an out-patient basis;
6. More money to further reduce the dental backlog for Vietnam veterans;
7. Full scale resumption of the VA construction, renovation, and modernization programs;
8. Additional funds for drugs and prescriptions for veterans with serious health problems, which have reached crisis proportions during this current year; and
9. Forcing the VA to absorb increases in pay for its personnel and the assistance and benefits for needy, sick and disabled veterans, as provided in new laws approved by the 91st Congress.

The Veterans of Foreign Wars, therefore, strongly agrees with the amendment which you propose to offer today to the VA Appropriation Bill which will add another $30 million for veterans medical care this coming year.

The V.F.W. commends you and all members of your Committee for the study of the 166 VA Hospitals, which study has produced evidence of deteriorating medical care for veterans, which cannot be ignored or denied.

Approval of the additional $30 million for veterans medical care for next year will be most helpful in the effort to have all Veterans Hospitals provide medical care for veterans which is indeed second to none.

The approval of your amendment to the Appropriation Bill will be deeply appreciated by the more than 1,500,000 members of the Veterans of Foreign Wars of the United States.

Sincerely,
FRANCIS W. STOVER,
Director, National Legislative Service.

PARALYZED VETERANS OF AMERICA,
Washington, D.C., May 12, 1971.
Hon. OLIN E. TEAGUE,
Chairman, Veterans' Affairs Committee, House of Representatives, Washington, D.C.:

This is to advise that Paralyzed Veterans of America strongly support your amendment adding $30 million to the 1971 medical care appropriation for Veterans' Administration.

WAYNE L. CAPSON,
President.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, Cannon House Office Building:

The American Legion strongly supports your proposal to amend H.R. 17548 to increase the FY 1971 budget for VA medical and hospital care. We commend you and your colleagues for your untiring efforts to assure that the Nation's commitment of providing first-class medical and hospital care for its war wounded and disabled is fulfilled.

J. MILTON PATRICK,
American Legion National Commander.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, Rayburn House Office Building:

AMVETS strongly support your proposal for amendment to H.R. 17548 calling for increase of 30 million dollars for 1971 medical care appropriation bill for Veterans' Administration. AMVETS do not believe that America's veterans should be deprived of the best medical care available and we wholeheartedly support your amendment.

ROBERT B. GOMULINSKI,
National Commander.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, D.C.:

The Veterans of World War I wholeheartedly support your amendment to H.R. 17548 to increase by 30 million dollars the 1971 VA hospital program of the Veterans' Administration.

EDGAR BURKHART,
National Commander.

DISABLED AMERICAN VETERANS,
May 12, 1970.
Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, Cannon House Office Building, Washington, D.C.

DEAR CHAIRMAN TEAGUE: The Disabled American Veterans shares your concern over the deterioration of the VA hospital and medical programs, and we commend you for your efforts to secure increased supplemental appropriations to improve the quality of medical care provided for our nation's sick and disabled veterans.

At a time when the total eligible veteran population is increasing tremendously, when the war in Vietnam is producing casualties at a rate of approximately 100,000 annually, and when the VA Department of Medicine and Surgery is ultimately charged with the care of many of these cases, it seems tragic that budgetary considerations and unrealistic economy measures have forced the Veterans Administration into reductions of patient care facilities.

The DAV recognizes that fiscal and monetary restraint in the domestic economy are necessary to help defeat inflation. We find it hard, however, to accept a level of funding

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which is insufficient for the medical care and treatment of those who have suffered disabilities as a result of service in the armed forces of their country.

Like you, Mr. Chairman, we think that these deficiencies should be corrected forthwith; and we strongly support your amendment to H.R. 17548 which will provide an additional $30 million for the Veterans Administration's medical care program in Fiscal Year 1971.

Respectfully yours,

CHARLES L. HUBER,
National Director of Legislation.

Mr. Chairman, on April 16, 1970, I advised the Appropriations Subcommittee, which has jurisdiction over VA appropriations, of the findings of this committee's 4-month-long investigation in terms of the 1971 funding I felt was needed to insure proper medical care and other services for America's veterans including returning Vietnam veterans who are being discharged at the rate of about 1 million annually. The Appropriations Committee has ignored the recommendations contained in my April 16 communication although they were well documented. I had asked that $32,500,000 be added to the administration's 1971 request for VA medical care. In view of our findings that deficiencies existed far in excess of this amount, I felt that my request was most conservative. My amendment to H.R. 17548 calls for $30 million to be added to the VA medical care appropriation which I feel is the minimum amount I can recommend and keep any degree of faith with America's sick and disabled veterans.

The $30 million which I am requesting would be used for the following purposes:

Equipment	$10,000,000
Dental care	3,000,000
Hospital staffing (1,000 positions)	10,000,000
Resident and intern staffing	3,500,000
Expansion of physician assistant and rehabilitation technician program	2,500,000
Training of additional nurse technicians for specialized medical services (intensive care, kidney dialysis, emphysema units, etc.)	1,000,000
Total	30,000,000

Mr. Chairman, I desire to insert at this point in the RECORD the full text of my April 16, 1970, letter to the Appropriations Subcommittee on Independent Offices.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., April 16, 1970.

Hon. JOE L. EVINS,
Chairman, Subcommittee on Independent Offices, Housing and Urban Development, Appropriations Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On March 26, 1970, Public Law 91–219 was approved. Chapter 34 of Title 38 includes a new provision to extend the Veterans Outreach Service Program. The following reference was made to this program as part of the Statement of the Managers in the Conference Report:

"The veterans outreach service program which would be established by this subchapter represents a clear congressional determination that a more extensive and intensive program of veterans benefits counseling, contact and outreach effort is badly needed. Such a program can be of great service, not only to the educationally disadvantaged veteran, but also to any veteran who is unclear about the extent of his entitlement and where his future lies. This subchapter provides clear authority for the use of special telephone tielines to provide outreach services to cities and communities removed from Veterans' Administration offices and contact centers. This subchapter also encourages the expansion of Veterans' Administration contact offices into major communities and population centers where Veterans' Administration offices and services are not readily available or where there are large concentrations of veterans, such as disadvantaged veterans with specialized problems. It is expected that the Veterans' Administration will immediately proceed to survey its contact and outreach facilities and develop plans for expanding these services in line with the provisions of this subchapter. It is expected that Veterans' Administration will develop these plans promptly for submission to appropriate committees of Congress in order that this expanded program may receive approriate budgetary support in fiscal year 1971 budget.

"The agreed-on conference language eliminated the provisions for a relocation assistance allowance for veterans in need of job assistance. The removal of this provision by the conferees should not be construed to imply a lack of interest on the part of the conferees in job placement assistance for returning veterans. It may be that some of these provisions are appropriate for insertion in general manpower and training legislation. On the other hand, the veterans' employment service is presently operated on a very modest scale and should be supported to the extent necessary to give effective assistance to returning veterans in need of job placement assistance. Additional support of the veterans employment service and identification of the veterans special needs through general manpower and training legislation could greatly improve the prospects for returning servicemen obtaining jobs."

Prior to the passage of this legislation, this Committee conducted an extensive survey on how this outreach program could best be implemented especially to meet the new demands of the returning Vietnam veterans. It was concluded that establishment of 29 new Contact offices in cities of substantial size, which do not now have Veterans Administration service, and the establishment of 74 new special FX telephone systems, which would bring telephone contact with the VA within the reach of millions of veterans without a toll charge, would be the most efficient and economical method of implementing this program. These expanded facilities would cover standard metropolitan statistical population areas of a population exceeding 40 million. I recommend that $11,000,000 be added to General Operating Expenses of the 1971 VA budget to fund this program.

In testimony before the Subcommittee on Hospitals on April 14, 1970, the Administrator of Veterans Affairs indicated that despite the request for $9.8 million in Supplemental 1970 funds for free dental care, a backlog of approximately 40,000 cases would still exist as of June 30, 1970. It has been the experience of this Committee that from the time a veteran applies for dental care until he is actually treated ranges from four to six months which is entirely too long a period of time to wait. Accordingly, I recommend that an additional $3,000,000 be added to the 1971 VA Medical Care request to give more timely dental care to our returning Vietnam veterans.

The investigation which this Committee has been conducting indicates that almost all VA hospitals are seriously understaffed. I referred to this matter in some detail in my April 7, 1970 letter to your Committee requesting an increase in the 1970 Supplemental Appropriation. At the end of February 1970, the number of full-time permanent positions in the Medical Care program totaled 120,028. Testimony given yesterday by the Chief Medical Director before the Hospital Subcommittee indicated that even with the $50 million additional funding requested by the President on April 2nd over the original budget submitted to the Congress in January, VA could raise the full-time permanent employment level to only 127,348 which is 1,164 FTP positions below the FTP employment level of the Department of Medicine and Surgery as of June 30, 1966—the employment level roll back date called for in the Revenue and Expenditures & Control Act of 1968. Accordingly I recommend that $9,000,000 be added to the VA Medical Care budget request to provide for approximately 1,000 additional FTP positions which our investigation discloses are recruitable. This will help bring the hospital staffing level up to a more reasonable level to treat an estimated 780,500 veterans in 1971, which is almost 50,000 more than were treated in 1966.

Our investigation has also disclosed that due to lack of funds, in the 1971 budget request, as amended by the President on April 2, 1970, it has been necessary for the Veterans Administration to plan a 10% cut back on its commitments for residents and intern house-staff employees who are directly involved in patient care. Such a cut back would seriously impair the quality of care for our hospitalized veterans. I therefore recommend that $3.5 million be restored to the 1971 Medical Care budget request for this purpose.

Our investigation has also disclosed a need for the expansion of the Veterans Administration Rehabilitation Technician Training Program which deals primarily with veterans who are fitted with prosthetic devices. The high rate of limb loss among returning Vietnam veterans requires an accelerated expansion of this program which is not provided for in the current VA Medical Care budget. It is recommended that $500,000 be added thereto for this purpose.

Both the President and the Secretary of Health, Education, and Welfare have decried the current "medical manpower crisis" and have recommended a program to train physician assistants to help augment hospital staffing. The 1971 Medical Care budget for the Veterans Administration for this purpose is totally inadequate and at least $2,000,000 should be added for FY 1971.

A review of the 1971 VA budget request also discloses that a 10% reduction was made in their request in training programs for technicians in the Paramedical and Allied Health Services field. This directly relates to the "massive medical manpower crisis" which the Administration indicates needs most urgent attention. Accordingly, I recommend that the 1971 VA Medical Care budget be increased by $3,000,000 for this purpose. For the same reasons, it is recommended that $1,000,000 be added to the Medical Care budget to expand the training program for Nurse Technicians to staff "Specialized Medical Services" such as coronary care, and other intensive care, hemodialysis, organ replacement, pulmonary emphysema and pulmonary function units.

I also recommend that $250,000 be added to Medical Care in the 1971 VA budget to properly fund the Biomedical Instrumentation Technician Program. Personnel for this specialty are in very short supply and are vitally needed to deliver proper medical care for our seriously sick and disabled veterans.

As you know from my April 7th letter, millions of dollars of equipment and maintenance funds in the Veterans Administration have been diverted to pay staffing and other operating costs over the past few years.

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New treatment techniques and procedures which have developed at a rapid rate in the past five to seven years require use of this new equipment to save and prolong lives. Because of inflation and other reasons, the VA has not been able to keep up with the purchase of this new type equipment nor has it been able to properly maintain the physical plants of many of its hospitals so as to insure the best of medical care for America's veterans. In testimony before our Committee on April 14th, the Administrator of Veterans Affairs indicated that an equipment backlog existed of over $49,000,000. While I have already asked that $5,000,000 be added to the 1970 Supplemental for equipment, I believe that another $10,000,000 should be added to the 1971 Medical Care budget to give the most urgently needed relief to this serious backlog.

In summation, I recommend amendments to the 1971 Veterans' Administration budget as follows:

MEDICAL CARE

Equipment	$10,000,000
Dental care	3,000,000
Hospital staffing	9,000,000
Resident and intern house staffing	3,500,000
Expansion of rehabilitation technician training program	500,000
Expansion of physician assistant training program	2,000,000
Restore funds for training of paramedical and allied service program	3,000,000
Expansion of training program for nurse technicians for specialized medical services	1,000,000
Biomedical instrumentation technicians program	250,000
Total	32,250,000

GENERAL OPERATING EXPENSE

To implement new "Outreach" provision of Public Law 91-219	11,000,000
Total	43,250,000

I strongly recommend your support of these items which are so urgently needed to provide America's veterans with better medical care and more prompt service on claims which our returning Vietnam veterans are filing with the Veterans Administration.

Sincerely,

OLIN E. TEAGUE,
Chairman.

Mr. Chairman, I am attaching statements by doctors and nurses which we have received:

AMERICAN NURSES' ASSOCIATION STATEMENT TO THE HOUSE COMMITTEE ON VETERANS' AFFAIRS, APRIL 29, 1970

Here at the Veterans Administration Hospital, the morale of nursing personnel is the lowest in the history of this hospital. The nursing care is terrible. The basic cause is lack of personnel.

At a VA hospital—at one time, this was an excellent hospital in every way. Our main interest was in good patient care and the patients did get the best care. The nurses' and nursing assistants' morale was high. Now with the shortage of nurses and nursing assistants and the increase in the number of doctors the morale couldn't be lower and the patient care poorer.

Morale of the nursing personnel is low because when we leave our ward we feel that there are so many things we should have done but just didn't have the time. We feel that our patients aren't getting the care that they should.

On and on the letters reveal a basic problem, i.e., shortage of adequate staff.

On a recent weekend I was sent from my own unit to act as charge nurse on a urological ward. I was assigned three non-professional GS-3 nursing assistants as my only help. A large percentage of the patients on this ward have in-dwelling bladder catheters which require frequent irrigations to minimize danger of infections and clotting. Many of them also have wound dressings which should be changed frequently. Since GS-3 nursing assistants are not qualified to perform either of these procedures, I was, therefore, solely responsible. In addition, (I was) the only staff member able to pass scheduled medicines every two hours, give intermittent PRN pain medications, transcribe doctors' orders, prepare requisitions, hang intravenous feedings, give IPPB breathing treatments, administer soaks and attempt to evaluate the conditions of patients with whom I was unfamiliar to begin with. Obviously, some patients had to be left with soiled dressings when they asked me to change them, and others did not receive the catheter irrigations they should have. It was not until one patient in particular began moaning in pain that I discovered his catheter was completely occluded with blood clots, and he had to be scheduled for repeat surgery the following morning to evacuate the clots. All of which could have been prevented had I had some nursing or secretarial assistance.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 11, 1970.

Hon. OLIN E. TEAGUE,
Chairman, Veterans' Affairs Committee, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Enclosed is a copy of a letter which I have received from doctors at the Veterans' Administration Hospital in Providence, Rhode Island.

I am sure that you will be interested in the points which they make and know that you will give them careful consideration in your planning for remedial action.

Let me assure you of my appreciation for your efforts to assure first-rate medical care for our veterans, and of my gratitude for what you are doing for Rhode Island veterans in particular.

Yours sincerely,

FERNAND J. ST GERMAIN,
Member of Congress.

PROVIDENCE, R.I.,
March 5, 1970.

Hon. FERNAND J. ST GERMAIN,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR MR. ST GERMAIN: Enclosed with this letter is a clipping which appeared on page 2 of the February 1 edition of *U.S. Medicine*, a newspaper that is distributed semimonthly to U.S. Government Hospitals throughout the United States and overseas.

We are writing you in support of the position taken by The Honorable Olin Teague, Representative from Texas and Chairman of the House Committee on Veterans Affairs, and are questioning the accuracy of statements made by the Administrator of the Veterans Administration.

This letter is being written by us as informed and concerned private citizens of Rhode Island who are painfully aware of the constant erosion of the quality of medical care that is being provided for the disabled veterans of all our wars due to a policy of slow financial strangulation, especially evident since March 1969, but which began prior to that date.

Although we cannot speak from experience for other hospitals outside Rhode Island, we believe this malady is common to all V.A. medical facilities from conversations we have had at professional meetings with colleagues from all over the United States.

We do not doubt that the statements made by the Administrator are true in the light of the information available to him. However, it is our firm belief that his opinions are based upon data obtained through the chain of command. It is obvious to any veteran that the Veterans' Administration has at least one of the organizational defects of the armed forces, i.e., inspections are always conducted in a formal atmosphere *with the local commandant present*. Thus, in the services the mess hall always serves meals that would do honor to Escoffier on the day of inspection, and officially, our soldiers are the best fed, best dressed, best treated, best disciplined, most highly motivated and happiest soldiers in the world, and they will make do with what is provided no matter how offensive, inadequate or defective the material provided may be, because good soldiers must always carry on with a stiff upper lip and they must *always* go through channels.

It is also well known that reports which must follow a chain of command are universally favorable because an unfavorable report from an inferior reflects on the competency of his immediate superior and his ability to make do with what is provided.

To refute the Administrator's position we would like to cite the following examples:

1. At present, there is at least $130,000 worth of recently acquired diagnostic and patient care equipment laying idle at the Providence VA Hospital because:

a. Since the personnel freeze and cutback, there is an inadequate number of nurses and technicians to apply and supervise the use of the equipment.

b. All plans for the general intensive care unit and a coronary intensive care unit were shelved in April of 1969 upon Veterans' Administration Central Office orders when the budget freeze was decreed, even though many thousands of man hours and dollars had been poured into planning the projects. The VA Hospital is the only hospital in Rhode Island without federal funds for such projects. Thus, the indigent veteran without prepaid health insurance is denied the recent advances made in medical care, and our already dangerously low nursing and medical personnel is further diluted.

c. The ratio of clinically oriented physician to patient is so critically low that no personnel is available for teaching the use of the monitoring and diagnostic equipment.

2. The implementation of the order to reduce personnel to the June 30, 1965 level has been left to local option. This has led to a policy arrived at without consultation with clinically knowledgeable personnel, which has eventuated in a decimation of the working professional staff because the desired patient to personnel ratio can most easily be achieved with the greatest financial saving by not replacing the most highly skilled persons. One nurse lost will amount to an annual saving of $13,000, whereas one janitor or laborer not replaced will only save $6,000 to $7,000 per annum. This policy leads to clean halls and dirty patients.

Not infrequently we have the potentially hazardous situation of one registered nurse and one nurse's aide working an 8-hour shift and caring for 43 to 45 acutely ill medical or surgical patients. This personnel to patient ratio does not meet federal standards to a Medicare approved *nursing home.*

3. Because of the frustrations which arise from seeing what needs to be done but what cannot be done because of understaffing, physicians and nurses are leaving the V.A. in geometrically increasing numbers. We are now approaching the verge of a downward spiral where more and more people will leave because the disadvantages of Federal Employment far outweigh the advantages.

We have reached the point where dedicated physicians and nurses who would previously forego the financial rewards of private employment can no longer be recruited, because the intangible advantage of practicing the best kind of medicine in an academic environment free of pecuniary considerations which was once the great attraction of V.A. medicine no longer exists. We are being left gradually with older persons who cannot afford to leave the V.A. for various personal reasons as our sole means of providing continuity of patient care. We predict soon that we will reach a nadir comparable to that which existed when General Omar Bradley was asked to reorganize the V.A. in 1947 after W.W. II.

It would appear that the blandishments of the A.M.A. resisted by all Presidents from Mr. Truman to Mr. Johnson, have finally found a sympathetic soul, and in exchange for A.M.A support in the 1968 elections, Mr. Nixon has assented to the destruction of the V.A. Hospital System by financial strangulation. The A.M.A. has never ceased its campaign to discredit and destroy the V.A. Hospitals; it has only awaited the opportune time.

Are Dr. Knowles, the Regional Medical Programs and the V.A. Hospitals all parts of the same deal?

What is next?

N.I.H.?

Medicare?

We are in full accord with the objective of curtailment of needless spending by all departments in government and think the principle should be applied rigorously to Defense, H.E.W., V.A., State, Transportation, Interior, etc. However, it is our contention that strangulation of the V.A Hospital program is not an economizing measure.

Since the advent of Medicare and Medicaid, many V.A. beds are filled with nursing home type patients which could be placed in such for less than $25.00 per patient day. At the same time, acute medical and surgical veteran patients go to privately endowed federally subsidized hospitals which charge $60–75.00 per day for semi-private accommodations, exclusive of medications, special treatments and physician fees. (It had been demonstrated unequivocally that the same all inclusive care can be provided in V.A. Hospitals for less than 350.00/patient day, even when staffing is relatively adequate.) The reason for this shift in preference of the veteran patients, we believe, has been that they and their families believe that they can no longer receive adequate care in the underfinanced and understaffed V.A. Hospitals.

We have written this letter to inform you of a condition that exists in your state. If you doubt its verity, we invite you to visit the Providence VA Hospital at any time, and after paying your respects to the Director, to interview the medical, surgical and nursing staff *in private* for confirmation. After you are satisfied, we respectfully request you to forward this letter with your endorsement to your colleague in the House who chairs the Committee on Veterans Affairs.

Sincerely yours,

———— ————.

The Ad Hoc Committee,
Boston VA Hospital,
Jamaica Plain, Mass., February 21, 1970.

Hon. Olin E. Teague,
Chairman, Committee on Veterans' Affairs, House of Representatives, Cannon House Office Building, Washington, D.C.

Dear Congressman Teague: The House Staff and other interested employees of the Boston Veterans Administration Hospital have prepared a letter and list of demands for reform which we have submitted to our Hospital Director, Dr. Francis B. Carroll.

Enclosed is a copy of that letter and an abstraction which is to serve as a press release.

We appreciate your interest in the V.A. Hospital system and will be glad to assist you in your efforts in any way possible.

Sincerely,

Robert C. Saunders, M.D.,
(For the Ad Hoc Committee).

February 17, 1970.

Francis B. Carroll, M.D.
Hospital Director,
Veterans' Administration Hospital,
Boston, Mass.

Dear Sir: We the undersigned employees of the Boston Veterans Administration Hospital have long felt the health care provided to be inadequate and now realize that the conditions will only deteriorate further unless we insist on major improvements, and refuse to settle for less. The wards are inadequately staffed in nurses, nurses assistants, and ward clerical personnel with many active medical and surgical wards operating with less than one-third the prescribed personnel. The laboratory and x-ray units are hopelessly undermanned, with vacancies that have gone unfilled for months.

It is impossible to render adequate health care to our patients in this situation. We are attempting, futilely, to make up for these deficiencies, and as a result are suffering a breakdown in morale and a sapping of energy which further aggravates the problem.

These conditions have arisen in part as a result of budget cuts and inadequate funding, superimposed on an already unrealistically low operating budget. We *do not* accept the explanation that there is no money available because we know that funds can and should be made available for people's basic health needs. Certainly veterans of our armed services should have "health care second to none", the VAH motto.

In order to remedy some of these deficiencies, the following demands are being made:

1. Doctors have been called all too often to see critically ill patients whose blood pressure and pulse have not been taken at the ordered intervals and found them to have suffered a dramatic change in condition. Frequently complications could have been averted had the doctor been notified of the changes earlier. There is often only one nurse responsible for forty patients, if an emergency situation develops, the other thirty-nine patients may go unseen for an hour or more. To have two emergencies at the same time, a not infrequent occurrence, can only be described as utter, tragic chaos. In the intensive care unit the personnel shortage defeats the purpose of such facilities, with our ICU using only one-half its space and even closing altogether for a few days in December, thus wasting thousands of dollars worth of equipment and space. Therefore, we demand three nurses and three nursing assistants per ward on days and two nurses and two aides on evening and night shifts. An administrative assistant to the head nurse shall be hired in order to free time for nurses to devote to nursing activities. Licensed Practical Nurses are an integral part of most hospital nursing staffs, our hospital fails to attract LPN's because the VAH pay scales are far below community standards; therefore we recommend a review of the policy regarding this practice. We are demanding that ward staffing be raised to minimum standards necessary for patient care.

2. Acutely ill patients are admitted twenty four hours a day even though there is no emergency ward. Rapidly available, comprehensive laboratory tests are indispensable. At the present time only an inadequate minimum of laboratory studies are available after daytime hours, and even during the day; performance and reporting of laboratory test is sporadic and inaccurate due to a lack of personnel. Out of fifty recommended technicians there are 36, a deficiency of thirty per cent. Such a lack of staff results in unnecessary risks to patients, prolonged hospital stays and compromise in diagnosis and treatment. We demand that the Laboratory Service be brought up to full capabilities so that the doctors can do their jobs.

3. At the present time ECG and x-ray written reports are available three to six weeks after being submitted. The result of this delay in essential data is either poor diagnostic evaluation of many seriously ill patients and often delay of appropriate therapy. We demand that steps be taken to insure that all ECG and x-ray written reports are on the wards within 24 hours of submission.

4. As in the laboratory, the x-ray department must provide both around the clock emergency service and the full complement of diagnostic radiology if adequate medical care is to be provided. Presently, the x-ray scheduling is greatly delayed, films are of poor quality and many studies cannot be done due to lack of technicians time. We demand that more x-ray technicians be hired to bring that unit to minimum standards of modern patient care.

5. X-rays are lost or unavailable at the time when they are needed to care for seriously ill patients, due to the current lack of two-thirds of the filing clerks in the x-ray department's file room. We demand that the needed clerks be hired and the positions be upgraded.

6. The hospital's paging system is ineffective. The need for a paging system in an active hospital is beyond question. Innumerable cases of compromise of patient care could be cited. A portable electronic paging system must be made available to all doctors involved in primary care of patients.

7. In this hospital a team of staff physicians evaluate all patients for admission. There is an average of three and one-half doctors who see an average of 60 patients per day. Because of time limitations, the screening of patients is incomplete, and therefore, subject to error. Our demand is for two more admitting physicians, as recommended by the chief of admitting.

8. Many other services have serious deficiencies for similar reasons and therefore we list them here in order to save time and avoid repetition, but they are equal in importance to the above: telephone operators, inhalation therapy, clerical, dietetics, housekeeping and laundry. In fact it is fair to say that every service in the hospital is understaffed, thus contributing to the substandard conditions. All of these areas should be brought to full strength, paid competitively, and properly equipped if this hospital is to meet its responsibility to its patients.

9. Surprisingly, the elevator system in this fourteen story building is one of the leading sources of inefficiency. On an average day, an employee might spend one-half to one hour a day waiting for and riding in elevators. At least maximum use must be made of existing elevators which means that the two manually operated elevators function until 10 P.M. daily, actively carrying passengers.

10. This 920 bed hospital has attempted to provide emergency professional services at night in some vital services with on duty officers taking calls from outside the hospital. The result has been that they are often not available in a practical sense. We demand that all services provide in-hospital night coverage, if they do not already do so, such as radiology, anesthesia, and psychiatry.*

11. The Veterans Administration Hospital System does not provide follow-up out patient care for non-service connected illness The result of this policy is inefficient use of the health care dollar and many cases of unnecessary illness secondary to failure to deliver early treatment. Patients leave the hospital upon recovery from their acute illness with no provision for follow-up care except an uncertain referral to the private physician or a very informal appointment to see the ward physician, which usually fails due to lack of the needed clerical and ancillary personnel. A majority of our patients have chronic diseases where early treatment of minor complications can frequently prevent hospitalizations. We strongly recommend

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* This demand to be worked out between the departments involved.

that steps be taken to create a follow-up out patient department.

We submit our demands with the stipulation that steps be taken to satisfy each of them, and that proof of action be shown—not just promises—or we will take further steps. It is clear that all VA Hospitals across the country share the same problem. Our intention is to join forces with interested parties elsewhere to insure the prompt action that is needed to avoid a crisis in the VA system.

Mr. Chairman, there follows copies of press items relating to the VA hospital program:

WASHINGTON.—Patients at the Veterans Administration Hospital in Los Angeles often die unattended in their own filth and critically ill patients have "literally dragged themselves home" just to get away, VA doctors charged today.

Saying they were trying to present their case with "restraint," the two doctors on the staff of the Wadsworth VA Hospital blamed the deaths of many patients on inadequate staffing and facilities.

The doctors, Bernhard A. Votteri and J. Gary Davidson, testified before the Senate Veterans Affairs Subcommittee in behalf of all the resident physicians and interns of the VA Hospital.

Among the problems, the doctors said, was a shortage of nurses that sometimes results in one nurse trying to take care of up to 120 patients at a time.

Also describing the hospital as understaffed, under-equipped and "dirty and filthy" was Sam Bottone, Project Director for the California Nurses Association.

Bottone said, for example, the extended care unit at Wadsworth did not meet the State standards for staffing by nurses.

"If this unit were not a Federal facility, it would not be licensed to operate in California," he said.

Votteri said lack of nurses and equipment had resulted in patients dying of pneumonia resulting from "breathing in their own secretions." Others had bled to death and some simply fell out of bed, he said.

"They have all occurred," he said, "and we have signed statements by attending physicians."

Vottari said veterans also had died because of the lack of special bags costing $45 each that are used for patients who have stopped breathing. Lacking the bags, he said, both nurses and doctors had exposed themselves to "great danger" by rendering mouth-to-mouth resuscitation to patients with tuberculosis and other diseases.

Davidson said the life of one 21-year-old Air Force veteran suffering from encephalitis had been saved by the youth's mother, a former nurse who happened to be visiting him.

The mother, he said, had removed secretions from an opening in his throat to provide air for lungs.

"What would have happened if she had not happened to be there?" asked Chairman Alan Cranston, D-Calif.

"He would have died," the doctor answered simply.

Cranston, in opening the hearings, said such conditions existed at other VA hospitals but that the testimony was intended merely to "focus on one, quite typical VA hospital and its patient care situation."

[From the Washigton (D.C.), Evening Star, Apr. 29, 1970]

VETERANS HOSPITALS ASSAILED IN TESTIMONY BY TWO DOCTORS

(By Judith Randal)

The federal government is risking lawsuits because the care in many Veterans Administration hospitals is not as good as what typical community institutions offer, two young doctors have told the Senate.

In testimony yesterday before the Senate subcommittee on veterans affairs, Drs. Bernhard A. Vottari and J. Gary Davidson told of VA hospital wards where there is only one nurse for 40 patients during the day and 120 patients at night.

They also charged that some VA facilities are so filthy that the means "for preventing the spread of infection can best be described as medieval."

Vottari and Davidson said they were describing the situation at the Wadsworth VA hospital in Los Angeles. But subcommittee chairman Alan Cranston, D-Calif., said that conditions are comparable in VA hospitals in such cities as Philadelphia, New York, Miami, and Boston.

At Wadsworth, the young doctors said, much of the hospital has not been thoroughly cleaned in at least three years and the physician in charge of the orthopedic service mops the floor of the room where casts are applied.

When surgeons recently sought to use the operating room at night for an emergency, they found the water turned off and X-ray equipment that would not work.

In one instance, Vottari said, a mother visiting her Vietnam veteran son was able to save him from drowning in his own secretions after his illness had necessitated a tracheotomy (opening in the windpipe). Otherwise, he surely would have died, as have several others, because of the personnel shortage, Vottari said.

VA Administrator Donald E. Johnson today called the charges totally irresponsible and untrue.

Johnson said that Dr. Charles F. Modica, director of the Los Angeles hospital, had assured him that the ratio of doctors and nurses to patients is higher than ever before.

Modica said he had never received a report of deaths such as described by the two young physicians.

Vottari and Davidson presented notarized statements from other Wadsworth physicians attesting to needless deaths and pictures of the hospital showing dirty dishes and bedpans stacked together on food trays and washrooms doubling as storage closets.

Votari and Davidson said the staff would be fully capable of providing first class care if the government would give them the wherewithal.

They were asked if the $50 million increase in the VA hospital budget sought by the Nixon administration for fiscal 1971 would alleviate the situation. They said most of the rise would be eaten by pay increases and would not be available for improving patient care.

Johnson said today that the Los Angeles hospital received a primary fund allocation for this fiscal year of $43,743,549, $2,257,000 more than the previous year's allotment. He quoted Modica as saying that lack of money had never been a barrier to hiring physicians and nurses.

[From the Washington (D.C.) Post, Dec. 17, 1969]

VIETNAM VETERAN SCORES VA DELAYS

(By Stuart Auerbach)

It took only 45 minutes for an evacuation helicopter to fly Max Cleland from Khesanh, where he lost both his legs and his right arm in an accidental grenade explosion, to a hospital in Vietnam where three surgeons treated him immediately.

Then it took him 18 months to persuade doctors at the Veterans Administration Hospital here to fit him with artificial legs because they thought he would never walk again, Cleland told a Senate subcommittee yesterday.

Cleland, 27, who won a Silver Star for gallantry in Vietnam, walked into the hearing room on his new legs.

"There is no doubt in my mind that my rehabilitation time could have been cut in half. To me there was nothing so special in my being a triple amputee. I always assumed I would make it," he said.

"Unfortunately, I did not find that the up-to-date, rapidly applied medical techniques used in saving men on the battlefield had their counterparts in my rehabilitation."

Cleland, a former army captain who served with the First Cavalry Division in Vietnam, charged that the Veterans Administration uses World War II and Korean War methods to rehabilitate Vietnam veterans.

"The Vietnam veteran is aggressive, highly motivated and young. He is not an average patient in any sense," said Cleland, who once worked as a Congressman's aide on Capitol Hill.

"We don't send out emotional pansies to Vietnam. We expect the best treatment and every benefit of the doubt. It's a bit discouraging when we don't get it."

He said he got his legs only after learning that the VA center in New York was more responsive than the hospital here, where rehabilitation activities consisted of carving chess sets or making boxes.

What he really wanted, Cleland said, was to learn how to drive a car specially equipped with hand controls—which he now does.

He also complained that the VA didn't guide him to the best hospital, didn't get him a wheelchair of his own for a year and kept him without pay for two months after he left the Army.

"More effort has to be made, especially by the VA, to insure that the small but select minority of Vietnam returnees in VA hospitals have adequate social, recreational and psychological activities to help them in readjusting to American life," he said.

Aside from the problem of crippling wounds, Cleland said, "is the added psychological weight that it may not have been worth it; that the war may have been a cruel hoax, an American tragedy, that left a small minority of young American males holding the bag."

Earlier at the hearing before the Senate subcommittee on veterans' affairs, Peter L. Lassen charged that the VA is "letting down—or giving up" on crippled Vietnam veterans.

Lassen, 30, who lost the use of both legs in Vietnam, is executive director of Paralyzed Veterans of America.

He said that VA rehabilitation for paraplegic veterans has fallen down and that they are often forced to undergo questionable surgical procedures.

[From the Sunday Oregonian, Dec. 28, 1969]

DOCTORS CHARGE CARE IN VA HOSPITALS HAMPERED BY LACK OF FUNDS

(By Stuart Auerbach)

WASHINGTON.—A doctor who specializes in the care of paraplegics says the Veterans Administration treated patients paralyzed by spinal cord injuries better in 1946 than it does now.

In Miami, young doctors at the VA hospital charge that veterans suffer a "tragic lack of care" there because the hospital is "grossly understaffed."

Psychiatric services at many VA hospitals, once considered very good, "have been falling steadily behind what is available elsewhere in the community," says Dr. Louis Jolyon West, chairman of the Department of Psychiatry at the University of California at Los Angeles, and a VA consultant.

These statements reflect a growing concern in Congress, veterans' organizations and among doctors that the nation's 166 VA hospitals are so underfinanced that the quality of medical care will begin slipping very shortly—if the slide has not already started.

"I don't think we could last over a year" as a top-quality hospital without more money

XUM

for staff and innovative new medical programs, says Dr. Arthur J. Klippen, director of the VA hospital in Minneapolis, one of the best in the country.

"There is real danger that the administration and Congress are about to see veterans' hospitals revert to the mediocre status of the 1920s and the 1930s, when tired physicians and political job holders provided the care for the defenders of our country," warns Dr. Stewart Wolf, a professor of medicine at the University of Oklahoma.

While admitting the VA hospitals could use more money, Donald E. Johnson, the Nixon appointee who heads the VA, insists that veterans still receive top quality care—"care second to none."

"They receive good care, compassionate care and good service. The doctors and nurses they have are top flight. We can handle the mission," says Johnson.

Rep. Olin E. Teague, D-Tex., chairman of the House Veterans Affairs Committee, disagrees. He accuses the Nixon administration of reducing the medical care in VA hospitals "to a second class status." He asked for a meeting with President Nixon to discuss the VA hospitals.

BUDGET EXPLAINED

Interviews and congressional testimony indicate that there is little wrong with the VA hospitals that more money wouldn't cure. The budget for VA hospitals is currently $1.9 billion.

Dr. Ernest H. J. Bors, who is about to retire as head of the spinal cord injury center at the VA hospital in Long Beach, Calif., blames lack of people for the deterioration over the past 20 years in the care of paraplegics.

"We don't have the hands to do the job," he says. "It boils down to a matter of the budget."

Dr. Douglas J. Stewart, a second year resident of Miami's VA hospital, says staff shortages there mean that patients with bleeding uclers wait hours to get needed blood transfusions.

"It's a risk," he says. "You are walking a thin line."

He also says that expensive, sophisticated lifesaving equipment bought for the year-old, $22 million hospital sits unused because there are not enough trained staff members available. Only 688 of the 1,020 beds in the hospital are currently open for use.

But Miami isn't in any worse shape than other VA hospitals scattered around the country. It has about 1.56 staff members for each patient—right about at the national average for VA hospitals.

This compares to the average of 2.72 employes for each patient in the nation's community hospitals and three employes per patient in university and teaching hospitals.

Rep. Teague wants to increase the staff-patient ratio to two-to-one. This means adding 28,000 more employes at an annual cost of $240 million.

"If we had a two-to-one ratio, I think we could compete in the quality of medical care with any hospital in the area, even though they have three or four employes for every patient," says Dr. R. H. Kaplan, chief of staff at the VA hospital in Washington, D.C.

The VA hospitals have been hit by a triple financial crunch. The yearly increases in their budgets haven't kept up with either the nation's inflationary trend or the rising cost of medical care—which leads the cost-of-living index.

With 80 per cent of the budget going for salaries, the increases have barely matched four raises that Congress has voted for federal workers, says Oliver E. Meadows, the staff director of the House Veterans Affairs Committee.

VIETNAM EFFECT FIGHT

And, with the cost of medical care in the private sector rising so high, more and more veterans are forced to go to VA hospitals because they can't afford to get treatment on the outside.

Added to all that, the Nixon administration trimmed the budget for hospitals by $70 million this year as part of its fight against inflation.

Congress, however, returned half of that to the VA and indications are that the Bureau of the Budget will allow that money to be spent. VA officials are counting on that money to open $20 million in unused facilities in hospitals across the country.

Surprisingly, the Vietnam war with its 132,000 hospitalized casualties has had little effect on the VA hospitals.

About five per cent of the VA's 800,000 patients last year were Vietnam veterans. The number is growing, though; this year the VA expects to treat more than 60,000 Vietnam veterans.

Many of the Vietnam wounded never get to VA hospitals. They are treated and discharged directly from military hospitals. When casualties are high, however, the military moves patients out to the VA in order to open beds for newly wounded servicemen.

The Vietnam veterans are causing a special problem for the VA. They are young, impatient and demand speedy treatment. Capt. Max Cleland, a Silver Star winner who lost his right arm and both legs in Vietnam, complained that it took him twice as long as it should have to get artificial limbs.

Dr. Bors notes that paraplegics from Vietnam are rehabilitated in about half the time of his other patients.

WAR MOST CRIPPLING

This is important because, as Sen. Alan Cranston, D-Calif., points out, Vietnam is the most crippling war America has fought.

Testimony before Cranston's Senate Veterans Affairs Sub-Committee shows that servicemen are being crippled in Vietnam at twice the rate of the Korean war and three times the rate of World War II.

Started after World War I to care for the war wounds of veterans, the VA hospitals' mission has gradually been increased until today only one-third of their patients suffer from service connected ailments.

Any veteran can be admitted to a VA hospital if he cannot afford medical care elsewhere—with the highest priority going to service-connected cases.

The VA hospitals also play a large part in medical research and training. More than 90 of the hospitals are affiliated with medical schools and half the doctors in the country received some part of their training in VA hospitals.

All this, the experts say, requires money. Johnson, the VA administrator, says that it appears as if the veterans' hospitals will receive a hefty increase in the 1971 budget, currently in preparation.

"If the funds are low, the quality of medical care goes down," says Dr. Kaplan of Washington's VA hospital. "That affects recruitment. It's a vicious cycle."

[From the Sunday Orgeonian, Dec. 28, 1969]

SPEEDY EVACUATION PROCEDURES MEAN MORE BADLY WOUNDED SOLDIERS LIVE

(By Don Oberdorfer)

WASHINGTON.—On Oct. 31, Pfc. Ronnie Boggress was leading a squad down a trail near Song Be in the Cambodian border region of South Vietnam when he walked into a murderous crossfire from enemy troops hidden in ambush positions on either side. His left leg was blown away, his left arm was shattered and a bullet tore away a large chunk of his left shoulder.

In an earlier war, this 20-year-old soldier would probably have died on the spot. Thanks to the helicopter and to intensive battlefield medicine and to the Army's evacuation procedures, he could grin back at a visitor last week from amid the holiday decorations of Ward 34 of Walter Reed Army Hospital.

The nation is very conscious of the 40,000 Americans killed in action in Vietnam since the decade began, but the fate of the badly-wounded survivors has received less attention. Lately a Senate subcommittee headed by Sen. Alan Cranston, D-Calif., has been digging into the story, and what it has been finding is not calculated to fill anyone with cheer at this or any other season.

MANY U.S. WOUNDED

More than 260,000 men—a quarter of a million—have been wounded in Vietnam, about half of them badly enough to require hospitalization. A substantial number of these—precisely how many is yet undisclosed—have been very severely wounded.

According to Sen. Cranston, the fighting in Vietnam is producing total disability cases at a rate nearly double that of the Korean War and almost triple that of World War II. Out of every 100 veterans receiving compensation for wounds received in action in Vietnam, Cranston says, some 12.4 per cent are totally disabled—compared to 6.7 per cent during the Korean War and 4.4 per cent in World War II.

An Army study of 1,000 men separated from the service for disability because of Vietnam wounds disclosed that 28 per cent were amputees, 25 per cent suffer from paralysis of extremities, and 14 per cent suffer from what is termed "impairment of sense organs." These are much higher percentages than in previous wars. A witness from the Blinded Veterans Association told the Cranston subcommittee that the rate of blindness from the Vietnam War is triple that of World War II.

TREATMENT EXCELLENT

Like Pfc. Boggess, many of these men have received superb medical treatment on the field of battle and excellent medical treatment in an Army hospital such as Walter Reed when they have been evacuated to the U.S.A. In the military hospitals, they are important people—men from the front—but ultimately they are reassigned to the Veterans Administration hospitals for long-term treatment, and that is where the difficulty begins.

The VA hospital system is geared to the older veterans of earlier wars, and it is greatly overburdened by a failure to grow with a growing challenge. Because of congressional action, the VA was forced in 1968 to reduce its personnel back to the 1966 level, when the Vietnam casualties were just beginning to arrive in large numbers. After the congressional cutback was lifted, the Nixon administration continued the ceiling as part of its battle against inflation.

The result, according to the Senate testimony, is that the VA is overworked, understaffed and to a considerable degree behind the times. The wounded veteran of Vietnam combat goes from a helicopter-jet plane era of medicine in the war zone to a Model-T era in the VA hospitals.

Dr. Louis J. West, a member of VA's National Advisory Committee on psychiatry, testified that many mental patients are being kept tranquilized in "chemical cocoons" in VA hospitals because of insufficient professional staff to deal with the real problems. Other witnesses described obsolete equipment and outdated procedures facing Vietnam veterans and others in VA hospitals.

The tragic history of the Vietnam War has been that the nation was willing to wage it, but not to pay for it. In the case of wounded veterans, this is particularly tragic and indefensible.

Whatever one thinks of the merits or demerits of the war, surely the men who are sent to fight are entitled to the best medical care and the best chance for complete recovery and rehabilitation.

Mr. HECHLER of West Virginia. Mr. Chairman, I am proud to support this amendment to add $25 million for much-needed medical care for our veterans in the hospitals throughout the Nation. Likewise, I was proud and honored to be present, to speak, and vote for the funds which the House added last week when we passed the supplemental appropriation bill with $7 million above the President's budget to serve the same purpose in the period between now and July 1, 1970.

Actually, $25 million is not enough to take care of the additional needs of veterans during the fiscal year 1971. When I came to the floor today, I was hoping that the committee would accept a $30 million increase, but I am pleased that there is agreement on the great need for a substantial increase in the appropriation for veterans' hospitals.

NEEDS OF WEST VIRGINIA HOSPITALS

I have talked this question over many times with the able chairman of the Veterans Affairs Committee, the Honorable Olin Teague, of Texas, with whom I am honored to serve on the House Committee on Science and Astronautics. "Tiger" Teague and I recently completed a videotape for use in West Virginia, during which we reviewed the needs of the four veterans' hospitals in West Virginia. These hospitals are located at Huntington, Clarksburg, Martinsburg, and Beckley, and they will all benefit, not only by the amendment we are considering today, but also by the additional amount appropriated just last week in the supplemental appropriation bill.

STAFF RATIOS OF VA HOSPITALS

Chairman Teague has quite properly pointed out that whereas university hospitals have a staff ratio of over three employees for each patient, and general medical community hospitals and State and local government hospitals have an average staff ratio of 2.72 employees for each patient, the staff ratio in veterans' hospitals is only 1.5 staff for each patient. At Beckley, the staff ratio is 1.55 employees per patient; at Huntington, 1.5, and at Martinsburg, 1.34. At Clarksburg, in order to achieve the optimum staff ratio of two employees per patient, it would be necessary to add 78 full-time permanent positions at an annual cost of $699,000.

All in all, the VA hospitals in West Virginia are approximately 765 positions short of needed staff. These additional positions would cost about $6.7 million annually. I have obtained the following figures indicating that the following unfunded urgent or critical items of equipment or maintenance and repairs are seriously affecting the efficiency of operation and a proper level of patient care:

Huntington	$145, 242
Clarksburg	34, 837
Beckley	150, 215
Total	330, 294

In February 1970, the West Virginia hospital directors reported to the Veterans' Affairs Committee that approximately $244,000 had been received to apply against the $1.2 million fund deficiency reported to the committee in December 1969.

BECKLEY VA HOSPITAL

Dr. Henry L. Butler, director of the Beckley VA hospital reported to the Veterans' Affairs Committee in December 1969, that he was approximately $132,000 short of personnel funds and $14,500 short of other hospital operating funds for fiscal year 1970. The Beckley director also advised the committee of a deficiency approximating $88,000 for maintenance and repair projects and equipment acquisitions because these funds were being diverted to pay employees salaries during the 1970 fiscal year. The Beckley hospital director also advised the committee that funds for the community nursing home care program were deficient by almost $11,000. Despite the additional funding it will still be necessary to divert practically all of the 1970 maintenance and repair funds and equipment funds in order to pay salaries at the Beckley hospital.

The staffing ratio at Beckley is 1.55 employees to each patient. In order to achieve the ratio of two employees per patient, approximately 122 additional full-time permanent positions would be needed at an annual cost of about $1 million. The hospital director reported that all but seven of these positions could be filled at the present time if funds were made available by VA Central Office.

CLARKSBURG VA HOSPITAL

After receiving $32,000 in additional funds—$25,000 for staff and $7,000 for community nursing care—Hospital Director Joseph C. Mackney at Clarksburg, stated:

> The $25,000 to sustain current year employment is totally inadequate. In December 1969, the hospital director had projected a funding deficiency for salaries of approximately $147,500. The remaining additional funding of $7,000 was earmarked for the community nursing home care program which provides nursing care in private nursing homes at VA expense for veterans who have received maximum hospital care and who now need less expensive care in nursing homes. In December 1969 the Clarksburg hospital director advised the Committee that he was almost $99,000 short of funds for other hospital operating expenses which included such items as drugs, medical and chemical supplies, dental supplies, blood and blood products, and prosthetics such as artificial limbs, eyes and other sensory aids needed for seriously disabled veterans. To make up for this deficit it will be necessary to divert approximately $50,000 from equipment and maintenance and repair funds during FY 1970. In commenting on the receipt of additional funding for FY 1970, the hospital director said, "We are still faced with the minimum deficit in the 4th quarter of FY 1970 of $31,900. As yet we have not determined what we can do to resolve this situation."

HUNTINGTON VA HOSPITAL

After receiving $132,250 in additional fiscal year 1970 funds from VA Central Office, Dr. Lucius L. Powell, director of the Huntington hospital, reported that he was still short of personnel funds in the amount of $270,000 for fiscal year 1970. He indicated that in order to partially make up for this deficit it would be necessary for him to divert more than $103,000 in equipment and maintenance and repair funds in order to pay onduty personnel salaries, and the balance of the deficiency will be made up by not filling vacant positions requiring the hospital to operate at any employment level below fiscal year 1969 even though there had been an increased workload. The hospital director also advised the committee that $10,000 in additional funding had been received to apply toward a $72,000 deficiency in the community nursing home care program and $12,250 had been received to apply against a $74,000 estimated dental care deficiency mostly for Vietnam veterans.

In commenting on the additional funding Dr. Powell stated:

> It is our opinion that the total amount allocated this hospital for FY 70 in its Target Allowance, plus the additional allotment of $110,000 received on January 27, 1970, will only enable us to provide our patients with minimal essential requirements. Additional funds and ceiling are urgently required to improve our staffing, particularly in direct patient care areas (i.e. nurses, nursing assistants, physicians, etc.) in order to provide our patients with the care and treatment to which they are entitled. Because of inadequate financial support in the past, this hospital has been unable to accomplish required *essential* maintenance and repair of buildings, grounds and other facilities. As a result, the physical plant has deteriorated markedly during the past few years. In addition, it has been practically impossible (because of budgetary restrictions) to purchase sorely needed additional equipment or to replace equipment that has become obsolete or completely worn out years beyond its normal life expectancy.

In order to achieve the optimum ratio of two employees per patient, approximately 75 additional full-time permanent positions would be needed at an annual cost of about $642,000.

MARTINSBURG VA HOSPITAL

At Martinsburg, Hospital Director Hal Jaffrey reported to the Veterans' Affairs Committee in December 1969 a deficiency of $52,500 to pay salaries for hospital personnel during fiscal year 1970, and a shortage of community nursing home care funds of approximately $21,000. On February 30, the hospital director advised the Veterans' Affairs Committee that $32,472 in additional fiscal year 1970 funding had been received by the Martinsburg hospital for the community nursing home program. In order to make up the $52,000 salary deficiency a number of vacant positions will not be filled during fiscal year 1970.

In order to achieve the optimum ratio of two employees per patient, approximately 490 additional full-time permanent positions would be needed at an annual cost of $4.3 million. According to Hospital Director Jaffrey all of these positions are recruitable at present salary scales at Martinsburg if funds were made available by VA Central Office.

Many individuals and organizations have been helpful in calling attention to the need for additional veterans hospital funds, including the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the State Veterans Bureau. I wish to particularly congratulate the State commander of the Veterans of Foreign Wars, William Smallridge, of Huntington, for his role in highlighting the need for strengthening and improving medical care for veterans. Certainly those who have borne the burden of battle deserve nothing but the best, and I intend to keep on striving to make sure that West Virginia's veterans who have served their country nobly are not shortchanged in needed medical care in our veterans hospitals.

Mr. FREY. Mr. Chairman, I rise in support of the amendment proposed by the gentleman from Tennessee (Mr. EVINS). It is my sincere belief that the $25 million proposed by the amendment is urgently needed by the Veterans' Administration hospital system. There can be no doubt that the Veterans' Administration hospital and medical program has encountered some acute problems in attempting to fulfill its obligation to provide the best in medical care for every eligible veteran. President Nixon took note of these problems on April 2, 1970, when he recommended an additional $50 million for fiscal year 1971. Past decisions, such as a 1968 law which required the VA to reduce its staff to the mid-1966 level, have seriously impaired the VA hospital system's ability to provide a full range of services for the care of sick and disabled veterans. Several thousand workers in all categories of health services were cut from the payrolls by this law, at a time when VA requirements for this type of personnel were growing steadily. Even more health services personnel will be needed in the immediate future to care for the increasing number of veterans from the Vietnam conflict who need medical care. As the President pointed out, the annual rate of separations has increased from 531,000 in 1965 to 958,000 last year and this rate will climb well above 1 million this year and next.

Currently 7 percent of the patients in VA hospitals and 9 percent of the VA outpatient treatment cases are Vietnam veterans. These percentages will rise. Also, all Vietnam era veterans are entitled to dental care in the year following their separation from service.

This amendment would provide funds in the critical areas of hospital personnel, equipment, and dental care. I strongly urge its adoption.

Mr. WAGGONNER. Mr. Chairman, the Veterans' Administration finds itself today in the inenviable situation of having a number of expensive pieces of equipment of the life saving variety, or at least life prolonging, which stand idle because funds have had to be diverted for other more pressing needs. If there were no other shortages involved in the VA medical system this alone would warrant the support which I intend to give to the action of the gentleman from Texas, the chairman of the Committee on Veterans' Affairs, Mr. TEAGUE, in asking that $30 million be added to this budget for fiscal year 1971.

I know from my own experience in my own State that funds for maintenance of equipment and maintenance of facilities has been diverted in such a fashion as to create a serious problem and every penny additional that we can vote for medical care is going to correct some of these deplorable conditions and to provide a higher standard of care than the veterans today receive.

Admittedly, there is a great shortage of professional and paramedical personnel in the country today. This is attested by the fact that in 1971 we will graduate only 8,500 physicians—only 400 more than the previous year. We will only have 54,000 nurses graduating to meet a shortage which is estimated in the neighborhood of 200,000 if not more.

Salaries of professional personnel and paramedical personnel in hospitals has increased so much that I do not see how anyone on this floor today needs to have the point emphasized but these increases carry over into the public sector and cannot be ignored if the Congress is to meet its responsibilities in providing medical care which use to be described as second to none for our veterans. The pacemaker heart operation was largely developed under VA auspices. The fact that we have a declining rate in the disease of tuberculosis is also due to activities in the Veterans' Administration. These two examples, and many more which could be added, have benefited all mankind and not just the veterans who fought in one of America's wars. But all of these developments cost money and they cost increasing amounts, and we have to meet our responsibilities here today by voting adequate funds for this agency.

One of the life saving programs which is in great demand and use throughout the United States is the so-called kidney machine, more properly known as the hemodialysis program. The Veterans' Administration's Department of Medicine and Surgery has more units operating than any other system in the country. Yet this is a very expensive treatment, sometimes running as high as $8,000 to $10,000 a year. Personnel service for this one program for the first 3 months of this year amounted to over $1 million and yet, I am sure, that any of us who had a loved one who needed this sort of care would think whatever the cost involved would have to be met. Those who can afford to do this to the tune of $8,000 to $10,000 a year are a very limited and fortunate group of people. This is just one example of why we should support this amendment today, and which should have the support of the overwhelming majority of this House.

Mr. GRIFFIN. Mr. Chairman, the Committee on Veterans' Affairs has in recent weeks made a State-by-State survey, station-by-station, of the needs and requirements and general condition of the Veterans' Administration hospital and medical program. Each of the 166 stations has been surveyed in depth as to their needs and requirements. If we are to provide something above a minimum type of care to which the veterans of this country are entitled we must provide adequate funding.

I do not think that there is any individual on the floor today, with all due respect to the expertise and knowledge of some of our distinguished colleagues, who has as much detailed information, who has visited personally as many hospitals, who has had as much personal experience in service hospitals, as has the distinguished chairman of the Committee on Veterans' Affairs. The record shows that since the gentleman from Texas became chairman of the Committee on Veterans' Affairs he has been in the forefront of enacting constructive and responsible legislation and has never lent his support to any request for funds or other programs which could not be fully documented and supported by facts. His request today for an increase of $30 million in the medical care budget of the Veterans' Administration is in my judgment a minimum, but unless we do at least this much we are, I am sure, in for serious trouble in the VA hospital field. All the veterans organizations are supporting this minimum request and well they should be.

Mr. Chairman, the Department of Medicine and Surgery originally requested for this fiscal year which begins next July 1, $1,828,243,000. The President first requested $1,702,200,000, and later requested a supplemental amount of $50 million to make a total budget request of $1,752,200,000. As I have already indicated, this amendment of the gentleman from Texas would increase the budget amount by $30 million, and I know from my own investigation that this is fully warranted. I hope that this amendment may have the overwhelming support of the House.

Mr. Chairman, I want to give my strongest support to the amendment of the gentleman from Texas (Mr. TEAGUE) who is seeking to increase the amount of funds available for medical care in the Veterans' Administration budget for the fiscal year 1971 by $30 million. I must say that I think the gentleman is being a bit on the conservative side. I see stories in the paper about hospital experiences costing over a 4-year period of $57,000 for the treatment of one child and estimates of future hospital costs running as high as $1,000 a day. I hope that we are not playing the game with regard to our veterans of too little and too late. We recently dealt with a case where a young man was paying $350 a day for intensive care after an accident.

The latest per diem cost in VA hospitals on an overall average is $38.59. This involves care in both general hospitals and neuropsychiatric hospitals, and includes the services of physicians. Care in community hospitals far exceeds that rate today for room and board alone. I hope that Members will keep these facts in mind when they consider the need for our VA hospitals.

Certainly, Mr. Chairman, in this day of widening foreign responsibilities with the casualties we have already sustained in Vietnam, we cannot afford to economize on the care of veterans who have borne the brunt of battle. I am aware, Mr. Chairman, that the present budget for the Veterans' Administration medical program is the highest in its history. I am also aware, from studying the record, that it is not enough in this day of greatly increased medical costs of higher salaries for professional personnel, paramedical technicians, and for wage board employees. Medical care has increased at nearly twice the rate for other items which make up the cost of living. For example, in 1960 it was 108.1; in 1970 it is 160.1. Unfortunately from a fiscal standpoint we have to run to stand still in the medical field, and that is why, Mr. Speaker, I feel dutybound to support

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the amendment of the gentleman from Texas (Mr. TEAGUE).

Mr. ROBERTS. Mr. Chairman, the Veterans' Administration has not been properly funded or staffed for several years and I support completely the amendment which Chairman TEAGUE has offered which would add $30 million to the medical care budget for the Veterans' Administration for the balance of fiscal 1970. Practically every Veterans' Administration hospital has been caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funding and staffing allocations. Throughout the VA hospital system there is a vast need for more personnel. At the end of February of this year, the VA medical program was operating with fewer full-time permanent positions than were employed on June 30, 1966—and yet, their medical case load was at record heights.

Mr. Chairman, the staffing ratios in most private sector general community hospitals is about 2.72 employees for each patient while the Veterans' Administration has a ratio of only 1.5 employees for each patient. There is a great deal of dissension growing among the personnel who are working in VA hospitals—especially the nurses—who are vastly overworked. Clerical employees are also of short supply because of personnel ceilings and funding problems and many nurses are being forced to do clerical work in connection with patient charts, and the patients the nurses are trained to care for are not receiving the care which they need. In many VA hospitals where they have ward clerks, they have them for only the day shift. In the evenings and on weekends when they are needed the most—that is when most patients have visitors—they are not available to help direct visitors to patients. Here again the task falls to the nursing service and patients' care suffers. It is not the fault of the many dedicated nurses who are working for the Veterans' Administration—it is the lack of funds to properly staff the hospitals. I know that many hospital directors have for many years been using their equipment and maintenance money to help fund on-duty staff personnel and the result has been that their hospitals have not been able to keep pace with the newest equipment required to provide modern medical care to our Nation's veterans.

Mr. Chairman, it appears to me that Chairman TEAGUE's amendment will help correct this situation and when it is passed it means that the VA can get started right away with the job rather than waiting. The need is clear and I support the amendment.

Mr. DORN. Mr. Chairman, I support the very able and distinguished chairman of the Committee on Veterans' Affairs to add $30 million to the Veterans' Administration medical care appropriation for 1971. As a member of the Hospital Subcommittee, I have seen ample evidence from the information gathered as a result of the 4 month long investigation ordered by Chairman TEAGUE that practically all of the hospitals have serious problems because they have been and still are underfunded and understaffed. I know from personal experience that this situation exists in my home State of South Carolina. As I pointed out last week to my colleagues, the Charleston VA hospital has an intensive care unit which they cannot open because they do not have the funds to hire the staff for it. The Columbia hospital is badly in need of modernization and air conditioning and it does not have enough funds or staff to render a proper level of patient care to those veterans who are either hospitalized there or who receive outpatient care. The demands for care are greater because we are getting about 1 million new veterans each year from the Vietnam war. The cost of medical care is higher and even though the budget requested this year is higher than last year, it is insufficient to meet the essential medical needs of America's veterans. Accordingly, I support Chairman TEAGUE's amendment to H.R. 17548 to add $30 million to the medical care budget of the Veterans' Administration for 1971.

Mr. HOGAN. Mr. Chairman, I would like to associate myself with the remarks made by the gentleman from Tennessee (Mr. EVINS) in support of the committee appropriations for the Veterans' Administration.

This $8,960,528,000 appropriation is the full amount requested in the Federal budget and it is also the largest appropriation in the history of the Veterans' Administration.

While requests for increased appropriations are anathema in our inflationary economy, we must recognize that the high cost of living in our economy is in part due to our involvement in the Vietnam war. Recognizing this, I believe we should also be prepared to care adequately for our returning veterans and for the families of the deceased and disabled.

I would like to share with my colleagues some facts from a recent report submitted to me by my Task Force on Military and Veterans' Affairs and completed under the able guidance of its chairman, Mr. B. A. Nolan, Jr.

This report cited the serious problems existing within the Veterans' Administration medical and hospital program because of inadequate funding and personnel limitations. A major contributing factor to this problem was the personnel ceiling imposed by the Revenue and Expenditures Control Act of 1968, enacted during the previous administration which forced the VA to cut back to its June 1966 employment level.

Because of the proximity of the VA hospital in Washington, D.C., to my own district, I would like to point out the problems at that institution as being symptomatic of the deficiencies existing throughout the 165 hospitals in the VA system.

A comparison of staffing ratios between VA hospitals and general community medical facilities in illustrative of the inadequacies. The Washington VA hospital has a staff of 1.48 to each patient while the Washington Hospital Center, only a few hundred yards down the street from the VA hospital, has a staff of 3.3 to each patient. The national staffing ratio average in general medical community and State and local government hospitals is 2.72.

To staff the Washington VA hospital at a minimal acceptable ratio of 2.0 staff to each patient, it has been estimated that the facility, at the present time, would need 14 more physicians, 94 more nurses and nursing attendants, 16 more lab and pharmacy personnel, 64 more medical administrative and supply personnel, three more social workers, two more inhalation therapists, and 10 more maintenance personnel.

Mr. Chairman, this is an example which is symptomatic of the whole Veterans' Administration hospital system. I firmly believe that if we are to support the President's efforts in Southeast Asia then we must be prepared to care for our returning military men. I strongly urge my colleagues to support the request of the administration and the committee to appropriate the full budget request of $8,960,528,000, as well as the proposed amendment which would authorize an additional $25 million for medical care.

Mr. RANDALL. Mr. Chairman, I will support H.R. 17548 as amended by the addition of $25 million in funds for the Veterans' Administration medical program.

It was my privilege back about the middle of April this year to visit the Veterans' Administration hospital which is situated in the eastern edge of Kansas City, Mo., and in our congressional district. I was in company with a member of the House Veterans Affairs Hospital Subcommittee, the gentleman from Texas (Mr. ROBERTS). We spent the day with the director of that hospital and with his principal assistant, the associate director, inspecting the facility and the staff of that hospital. We found that they did not have access to enough funding to purchase all the equipment needed, nor have enough funds to hire a sufficient number of doctors, nurses, and other health personnel.

Not only has there been some deterioration in the quality of care in the Veterans' Administration hospital in Kansas City, but also in the nearby Veterans' Administration hospitals on the other side of the Kansas line where our constituents become patients, and about which we are knowledgeable.

Now, Mr. Chairman, all of us want to reduce Federal spending just as much as possible. Only yesterday I supported a motion to recommit which would have cut $25 million from programs exceeding the President's budget in the National Science Foundation appropriations. I hope I have never been regarded as a spender. In supporting this increase today, I cannot regard this as reckless spending. Instead, I regard this as simply the faithful discharge of a commitment that Americans have made to our veterans, that they have access to hospital and medical care of the highest quality.

The distinguished chairman of the House Veterans Affairs Committee, the gentleman from Texas (Mr. TEAGUE), is to be commended for the comprehensive investigation which he has initiated into the needs of the Veterans' Administra-

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tion medical program. More funds would be justified than just the $25 million because of the steady deterioration of the quality of care in many of our Veterans' Administration hospitals due largely to inadequate staffing. This addition is not extravagant or wasteful spending. Every penny of it is needed and more, too. It is not extravagant because all of it will be used to purchase needed equipment and more adequate staffing. Then, who can say any money spent for high quality care for our American veterans is wasteful? The men who will receive this care are the men who gave of themselves in the defense of their country in one or more of its wars. It is not simply just the better thing to do or the preferable thing to do. Instead, it is imperative that enough funds be made available as soon as possible to assure that all American veterans have access to hospital and medical care of the very highest quality.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that the House will speedily and overwhelmingly approve this pending amendment to increase the medical care appropriations item for the Veterans' Administration hospital system by $30 million.

We have heard the distinguished chairman of the House Veterans' Affairs Committee testify that his committee has been conducting, for several months, a diligent and comprehensive investigation of the level of funding and staffing within all of our Veterans' Administration hospitals. We have heard his further testimony that the investigation had unfortunately but clearly revealed that the largest hospital system in the most affluent country in the world was grossly underfunded and understaffed, that this situation has been developing over a number of years and it has now reached a critical level that cannot be corrected except through and by the use of the additional funding increase being requested in the amendment.

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Mr. Chairman, just a short time ago the officials of the Veterans' Administration hospitals in my own State of Massachusetts unanimously agreed, in testimony, that substantially increased funding for this coming fiscal year was absolutely necessary to provide complete and modern hospital treatment and medical services to Massachusetts veterans, particularly those veterans returning from the Vietnam war. From the additional information and advice presented here today it is obvious that the situation in Massachusetts is similar to that in every other area of the country.

Mr. Chairman, I have stated here many times before and I will state it again now, my conviction that the extension of complete and competent hospital and medical treatment and services to our veterans is a vitally important factor in sustaining the high morale of our people, essential for the accomplishment of our own domestic tranquillity and world leadership for peace. This is obviously a matter of special concern to the young people in the Nation today as well as the disabled veterans, and their families, of all wars.

In my judgment, to permit any deterioration in the medical and hospital care of our veterans would be a major disaster to this country. It would specially represent an incredible and intolerable neglect of our disabled Vietnam veterans who are tragically, held to be the most "unwept, unhonored, and unsung" war heroes in all our history. The tragedy of their courageous war service would be compounded by any national betrayal of our moral commitment to them. We can never permit it to come to pass that those Vietnam war veterans who have been the least honored should also be the most neglected.

Therefore, Mr. Chairman, I believe that adequate appropriations to insure proper, up-to-date hospital treatment and medical care of our veterans should be placed among the very highest priorities of our national budget in order that this country and this Congress shall rightfully fulfill our common moral commitment to care for those who have borne the burden of battle. Let us unanimously approve this amendment, in the national interest, and let us do it quickly without extended delay.

GENERAL LEAVE TO EXTEND

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all Members may be permitted to revise and extend their remarks at this point in the RECORD on the subject of increased medical care for veterans.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. EVINS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY

SALARIES AND EXPENSES

For expenses necessary for the Council on Environmental Quality, in carrying out its functions under the National Environmental Policy Act of 1969 (Public Law 91-190), including partial support of the Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality, $650,000.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, what difference is there between this Council on Environmental Quality and the Commission on Environment and Technology? How many of these setups are we getting anyway?

Mr. EVINS of Tennessee. Mr. Chairman, I will say to my friend, the gentleman from Iowa, I tried to point out in my earlier remarks that many agencies of the Government have come to the Appropriations Committee and stressed the necessity of the antipollution work and the preservation of the environment. Congress has created this special Council to take on overall look at all the programs so there will not be duplication or overlapping and so there will be more efficient operation. This Council is under the direction of Mr. Russell Train, who has been named by the President. His authority is almost unlimited to oversee all agencies of the Government in the work they are doing in preservation of the environment.

Mr. GROSS. Mr. Chairman, is the gentleman saying this Council on Environmental Quality is going to accomplish this?

Mr. EVINS of Tennessee. This is what we hope will be accomplished. This is the goal and objective. It is my view there is a great deal of duplication of effort, and this particular commission will have an overview responsibility. This money will go for the staff of this particular Council.

Mr. GROSS. I have no doubt that it will take about $650,000 to pay for almost any staff around here nowadays. That is what I fear about the resolution which is coming before the House in the not-distant future; that it will require several hundreds of thousands of dollars on another staff to deal with the environment.

This environment business is getting to be an umbrella, a canopy to cover just about anything you can think of. I hope the Committee will watch carefully to see what happens as a result of this expenditure. You do not put $650,000 together without tapping a great many ordinary taxpayers.

Mr. EVINS of Tennessee. Mr. Chairman, the expressed wishes of the gentleman from Iowa are also the same wishes of the committee in recommending that they do a proper job indeed.

Mr. GROSS. Mr. Chairman, while I have the floor, on the next page—page 21—there is the National Aeronautics and Space Council. What in the world does it do?

Mr. EVINS of Tennessee. The National Aeronautics and Space Council is under the direction of Astronaut Anders. The Vice President is chairman of this Council which advises the President on aeronautical and space activities. At one time we recommended that this Council be consolidated with the Office of Science Technology, but the administration recommended against it. Maybe both the President and the Vice President need a science adviser. I think this Council has written some of the noteworthy speeches the Vice President has made.

Mr. GROSS. Mr. Chairman, we have had commissions and boards running out of our ears, and now we seem to be going to councils. Everything seems to be a council nowadays—that is "council," not "counsel."

Mr. EVINS of Tennessee. We have many.

Mr. GROSS. Do they all hire passengers to ride on the gravy train, or what happens?

Mr. EVINS of Tennessee. We have recommended some consolidations, but thus far have been unable to accomplish this.

Mr. GROSS. Incidentally, does the Government supply automobiles for them to drive?

Mr. EVINS of Tennessee. At the present time they are calling on the GSA motor pool.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the requisite number of words.

I wish to make some calm and constructive remarks about the work of the National Aeronautics and Space Council, which has been with us for a long time—in fact it was established during the Eisenhower administration in 1958 under the authority of the National Aeronautics and Space Act of that year. Since 1961, this Council has been located in the Executive Office of the President. So this strategic Council is no Johnny-come-lately in the business of space or bureaucracy, and it is a very lean and highly effective nerve center. The Council advises the President on key decisions involving aeronautics and space activities, and helps resolve interagency differences, helps develop new policies, and coordinates Government and industry action.

It will surprise some to learn the gigantic size of the staff, which numbers less than 25 employees. It is a highly effective, dedicated and hard-working staff of well-trained people. Contrary to some comments which have been made, these are not speechwriters, but they are technicians and policymakers in the fields of space and aeronautics.

I cannot speak too highly of the dedicated leadership of the Executive Secretary of the Council, former astronaut Col. William Anders. I vividly recall one evening I spent with Colonel Anders and his staff at dinner, followed by an extended discussion at the Council offices. These men frequently spend their evening hours and weekends catching up and staying on top of their vital work. I know of no group which is more conscientious in its devotion to duty. I am very sorry to learn that the committee has recommended a slash of 25 percent in the budgeted funds, and hope that the other body will restore this cut because the Council is in a rare position of leadership which cannot only coordinate but also save and eliminate unnecessary expenditures.

Mr. Chairman, I should like to commend the gentleman from Tennessee and his committee for developing an excellent hearing record on the National Aeronautics and Space Council. I should like to call attention to pages 32 to 38 of the hearings. The Executive Secretary of the National Aeronautics and Space Council, William Anders, testified the strong support for aeronautics which was being given by the Council. I quote one or two sentences:

> One of the things which I would like to underscore at the outset is the significance of aeronautics, as well as space, in our task and in our national perspective. . . . I think this Nation needs more clearly stated national goals in aeronautics and it would be my attempt to try to help the President formulate these goals.

I should like to ask the gentleman from Tennessee if he does not believe that aeronautics has perhaps been overlooked in the very large expenditure for space. This would further justify strengthening an agency like the National Aeronautics and Space Council.

Mr. EVINS of Tennessee. The gentleman is correct. The Council has a dual role. Not only do they advise as in space matters, but they also advise as in aeronautics and safety in the air. I agree with the gentleman. If we could put a little more emphasis in this area at this time it might be money well spent. We do have a concern in the Federal Aviation Administration for safety, and in the Department of Transportation. This is to advise in the field of aeronautics and safety, as well as space matters.

Mr. HECHLER of West Virginia. I appreciate what the gentleman from Tennessee has said. He confirms what Colonel Anders himself told the committee, in the following words:

> I think it has been assumed in the past that the National Aeronautics and Space Council had a parallel interest with NASA with respect to aeronautics. NASA's role has classically been a research and development one. It is my view that you cannot separate aeronautics R. & D. from those things that might sometimes be referred to as aviation. I think this is more than just a semantical point. I think that the R. & D. that NASA does must consider the requirements of the Department of Defense, must consider the requirements of FAA, the airlines, and aviation industry and therefore in building up my staff to address the question of aeronautics, I am trying to find people who are knowledgeable, not just in R. & D., but in operations and in the military aspects of aeronautics. Certainly the environmental factors of aviation that you mentioned, pollution and noise, are very important and we are working with aeronautical specialists, but also in coordination with the President's Council on Environmental Quality and with the Office of Science and Technology.
>
> We would like to address aeronautics across the entire spectrum as our capabilities will permit. That is my long-range plan.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Iowa.

Mr. GROSS. If I remember correctly, some 2,000 miles of roads are authorized to be improved in Appalachia, and up to this point only about 200 of the 2,000 miles have been improved. The gentleman comes from that area of the country. I should think he would prefer to spend the money on roads in Appalachia, rather than to spend it on this moondoggle, to get a few more rocks and more dust from the moon. We cannot have both, I would say to the gentleman.

Mr. HECHLER of West Virginia. I would certainly emphasize to the gentleman from Iowa that the developing form of a sound transportation system for the future includes not only highways but also airports and aviation. We desperately need a large regional airport between Charleston and Huntington to open up the economy of the Kanawha and Ohio valleys, plus southern West Virginia, eastern Ohio, and Kentucky. We are also interested in short-takeoff-and-landing planes, which I believe will mean a great deal in helping to develop intercity connections in Appalachia. I do believe the National Aeronautics and Space Council is providing leadership, as the gentleman from Tennessee indicated. Highways are important, but the development of aeronautics and aviation are equally important. Now I agree with the gentleman from Iowa to the extent that we cannot put all our eggs in the space basket, and in fact the space budget this year is the lowest since 1962. But the point I want to make is that under the leadership of Colonel Anders, the National Aeronautics and Space Council is placing increasing emphasis on aeronautics as well as space, and this is of increasing importance in Appalachia.

I would also like to stress that unless America wakes up and starts to place more emphasis on aeronautics, we will lose our preeminence in the entire field of aviation. To retain leadership in the world, we cannot afford to shortchange aeronautics, and I commend the National Aeronautics and Space Council for its valuable work in this field.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COLLEGE HOUSING

For payments authorized by section 1705 of the Housing and Urban Development Act of 1968, the unobligated balance of funds appropriated for this purpose in fiscal year 1970 shall remain available until June 30, 1971: *Provided*, That the limitation otherwise applicable to the total payments that may be required in any fiscal year by all contracts entered into under such section is increased by $7,200,000.

AMENDMENT OFFERED BY MR. SCHERLE

Mr. SCHERLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: Page 36, at the end of line 22, strike the period and insert the following: "*And provided further*, that none of the funds appropriated by this act for payments authorized by section 1705 of the Housing and Urban Development Act of 1968, shall be used to formulate or carry out any grant or loan to any institution of higher education unless such institution shall be in full compliance with section 504 of Public Law 90–575.

Mr. SCHERLE. Mr. Chairman, this amendment is identical to the one which the House adopted by an overwhelming vote of 329 to 61 in the supplemental appropriation bill passed last year. It simply states that no institution of higher learning shall be eligible for college housing funds from section 1705 of the Housing and Urban Development Act of 1968 unless such institution shall be in full compliance with section 504 of the Higher Education Facilities Act as amended by Public Law 90–575.

Members of the House, section 504 is very explicit in its interpretation. It simply states that any person convicted by a court of law or under rules and regulations established by any college or university shall have his student aid automatically cut off. It is that simple, with no more to it than that.

I do not think that it is necessary to research the problems we have had in this country in the last 2 weeks, 2 months, or 2 years. It seems to me that it is less difficult to perform heart surgery than it is to put a little starch into the backbones of some of our school administrators. I heard a tape recording Sunday night by a Kent State student who said that if the administrators would only communicate with the students, this terrible tragedy could possibly have been avoided. I do not know whether or not it could have been. However, on Sunday night I also watched television and saw Robin Fleming of Michigan and

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Kingman Brewster of Yale blame the problems of youth and the country on everyone else but themselves. It was almost irrational as far as their view was concerned. I feel this Nation and its educational institutions must survive. As long as the administrators of our colleges and universities are reluctant to enforce the law and to discipline their charges, particularly the radicals and malcontents, then it is the prime responsibility of this body to become involved. We do not need more work. As Members of Congress we have all we need. However, the interests of the taxpayers of this country must be preserved and protected. As far as the objectives of students are concerned who are sincere in their efforts to obtain an education, they must be allowed to attend colleges and universities so that they can compete in our society today.

Mr. Chairman, this amendment is very simple. All it does is encourage the administrators of our colleges to enforce section 504A which cuts off student aid to those who have no interest in or no business in attending colleges of our great country. As I said a moment ago, it passed last year by a vote of 329 to 61. And, I ask the Members of this House to consider this amendment at this time in that light.

I appreciate the diligent work which has been done by the Subcommittee on Appropriations. They have an amendment in the bill that does nothing more than taking care of Federal employees. It says nothing about the cutting off of student aid. It says nothing about forcing the administrators of our colleges to take any action.

I think, simply, ladies and gentlemen, this amendment will help. Last year, for instance, because of this amendment as contained in section 504(a)(b) of the Higher Educational Facilities Act almost 700 students had their aid cut off because they were convicted in a court of record for willfully idsobeying rules and regulations implemented by the colleges. We did not do it. We did not interfere or intervene. The colleges themselves did this to their own students.

Now, is it asking too much, to let the students of this country continue their educational pursuits, by giving administrators this leverage, if this is what they need? You can call it courage if you want. But for heaven's sakes I think we ought to pass it if we care about the youth of our country. This is the least we can do.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this section of the bill deals with debt service contracts for the building of college dormitories. The Department of Housing and Urban Development has commitments or contracts with universities. The amendment deals with rioting and would impair the advancement of college housing. I do not believe the amendment to which the gentleman has alluded, section 504 of Public Law 90–575 needs further amendment. It is presently public law. there is no need of repeating it. I do not feel there is any need of adding it as a rider to every bill or section of the bill which this body considers.

Mr. Chairman, I would refer the gentleman to section 511 of the bill, which begins at the bottom of page 53 and continues over on page 54.

Mr. Chairman, this language already deals generally with the matter. This proposed language is surplusage and not necessary. For that reason I oppose the amendment.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to my friend from Iowa.

Mr. SCHERLE. I thank the chairman for yielding.

However, the amendment that was referred to by the subcommittee chairman, the gentleman from Tennessee, does not cover the same subject matter. This refers solely to Federal employees. Students attending colleges are not employees. They are there because of the generosity of the taxpayers and receive Federal aid for an education—not employment.

Mr. Chairman, when we stop and consider the fact that only 1 out of 4 attend college, this means 75 percent do not attend college but pay the bill. I think it is important that these 75 percent have someone to speak for them. This amendment to which the gentleman from Tennessee referred does not cover the same subject and should be adopted.

Mr. LANDGREBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the remarks made by my colleague, the gentleman from Iowa (Mr. SCHERLE).

I believe that the campus riots have reached a stage where this Congress has an obligation to take action and to help stop them. I, certainly, want to do anything that I can. In fact, I would look favorably upon legislation that would freeze all Federal funds allocated to colleges and universities that tolerate riots, vandalism, and violence on their campuses. Why these conditions are permitted on our campuses is more than I can understand.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The question was taken; and on a division (demanded by Mr. SCHERLE) there were—ayes 24, noes 38.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES, RENEWAL AND HOUSING ASSISTANCE

For necessary administrative expenses of programs of renewal and housing assistance, not otherwise provided for, $41,000,000.

Mr. CASEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the distinguished chairman of the subcommittee a question, and I do so for the purpose of seeking information.

Mr. Chairman, on the Operation Breakthrough program, I notice in the report you say that there is no increase. How much money is in here for this Operation Breakthrough, does the gentleman know?

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield, there is $30 million in the bill for research, including Operation Breakthrough. It is $25 million in the current fiscal year. Next year we are providing a $5 million increase.

In 1954, the Congress provided $125,000 for housing research, in 1962, we provided $375,000, and in 1966, $750,000.

Now we have it up to $30 million, $5 million more than last year. When we reviewed the budget with the Department we received a lot of generalities and a lot of speculation. They have made a lot of press releases about Operation Breakthrough.

Mr. Chairman, I want to say that there were 200 grants or contracts made to various institutions to come up with ways to improve housing. The resulting reports have all laid on the shelf, and have not been used. We think these studies should be used.

This activity has gone from $125,000 in 1954 to the $30,000,000 recommended in the bill for 1971. We think the funds are adequate and sufficient.

Mr. CASEY. Mr. Chairman, the gentleman might be surprised, but I agree with the gentleman. In fact, I think maybe you were over generous with them because, like you, I cannot find out what they are doing. Evidently they have announced one in my district, and I have yet to find out the the details of what they plan to do down there.

Mr. EVINS of Tennessee. 200 grants have been made, and the committee has not been able to find out what they are doing with them and yet they asked for $55 million more to give away. I think the amount is more than adequate, until they tell us specifically what they are going to use these funds for.

Mr. CASEY. Mr. Chairman, if I had known the gentleman felt that way I might have offered an amendment to reduce it, because frankly I tell you, Mr. Chairman, I cannot find out what they are planning to do down there. My constituents cannot find out what they are planning to do down there. They have them all wrought up. If you can get anything out of them I would be deeply appreciative.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one section of the bill where I did not agree with the subcommittee.

As the chairman of the committee, the distinguished gentleman from Tennessee, has indicated, the request by the Department of Housing and Urban Development for urban research and technology was $55 million. Of the $55 million requested by the Department, $35 million was for Operation Breakthrough.

The committee in this bill is recommending $30 million or $5 million more than last year.

Operation Breakthrough is the program that was announced by the Department of Housing and Urban Development some time ago. Ten sites have been selected, and I presume one of the sites is in the gentleman's district.

Mr. CASEY. I did not request it.

Mr. BOLAND. You probably did not request it, but I am sure the mayor of your city did. An application for Operation Breakthrough was filed and approved for Houston.

Mr. CASEY. The Republicans are putting it in down there and causing all this trouble.

Mr. BOLAND. I think that most Members who are familiar with the housing problems in America would agree that Urban Technology and Research is not being adequately funded.

The gentleman knows that $35 million of the $55 million requested was for Operation Breakthrough. The sites have been selected and the $35 million for this program is to implement Operation Breakthrough. In my judgment, I think the Operation Breakthrough is being scuttled by not providing adequate funding for the demonstration and evaluation of this new and challenging project.

We are never going to solve the housing problem in America if we do not have adequate research.

We spend billions of dollars on research in many fields of Government activity. Yet, in the area of housing, we are pennywise and pound foolish Research in housing has been, and is, inadequate.

I am sure the Secretary of the Department, Mr. Romney, deeply believes that Operation Breakthrough can help dramatically to meet the housing needs. There is no way in which it can be resolved unless you have demonstrated programs.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. CASEY. Do you think you are solving the housing problem when you cut the space program? That means you are reducing jobs in the space program and they are trying to put a Breakthrough operation down in the NASA area where people are trying to sell their homes. Do you think that is smart? I do not.

Mr. BOLAND. It is perfectly possible for an Operation Breakthrough demonstration program in that area to come up with some ideas as to what is the best housing in order to meet the deficiencies that exist now in America in housing all over the land. The fact is that the Houston area did consider housing a serious problem for its application to HUD clearly indicates this.

This is a program that the Secretary of the Department sincerely believes can help solve the dire housing needs in America. I am willing to give him that opportunity.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. EVINS of Tennessee. We have almost tripled the amount since 1969. It is a giveaway program which has not produced much of anything other than reports—over 200 of them.

Mr. BOLAND. Let me respond by saying that it is awfully difficult to answer an argument that uses expressions that appeal to emotion—such as "giveaway program."

But that is simply not so. The fact of the matter is that reputable sponsors were selected from many proposals.

Housing is the most important problem confronting America today, outside of the war in Vietnam. If we do not solve the housing problem, we will not solve the problems in the cities that have given so much unrest and tension.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. WIDNALL. I heard mentioned by the gentleman from Tennessee the fact that this program has been going on for years.

Operation Breakthrough started when Secretary Romney took office. That is about 1½ years. I do not know what comparison he is making, and with what other person, who is involved in housing. But this is an entirely new program, originated under this administration. It is going to do some things that will be very helpful for construction and building of homes in America. I do not think your comparison is right.

Mr. EVINS of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. EVINS of Tennessee. In response to the gentleman, I should like to point out that the original authorization for research money for HUD has gone up tremendously in the last few years. It has more than doubled in the last 2 years. Operation Breakthrough is a research program. There has been a fanfare announcement with press releases, but it is still research in housing. They also have over 200 research studies on the shelf which they are not fully utilizing at the present time.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Texas.

Mr. CASEY. It may be a good program, but my problem is that I cannot get any information on it. I have a petition from 1,350 families down in my area. Those people say they do not want it because they do not know what is in it. It may be great, but they certainly have done a very poor job in explaining what the project is. I would just as soon they move it out. I do not want to be honored by such a project.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS FOR BASIC WATER AND SEWER FACILITIES

For grants authorized by section 702 of the Housing and Urban Development Act of 1965 (41 U.S.C. 3102), $150,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. STEPHENS

Mr. STEPHENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: On page 38, line 18, strike out "$150,000,000" and insert in lieu thereof "$500,000,000".

Mr. REUSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred two Members are present, a quorum.

The gentleman from Georgia is recognized for 5 minutes.

Mr. STEPHENS. Mr. Chairman and Members of the House, there is authorized to be appropriated by section 702 of the Housing and Urban Development Act of 1965 $500 million for the fiscal year 1971. President Nixon in his budget message recommended an appropriation of only $150 million. My amendment is to fund the full $500 million by adding $350 million to the President's recommendation.

We have talked about all kinds of pollution. We continue to talk about air pollution, noise pollution, pesticide pollution, literature, but we have not yet made a real dent in the basic and historic problem, which is water and human waste pollution.

I will give you an example of what the Georgia Water Quality Control Board said, as far as my State is concerned, and you can multiply this by all the States of the Union. In Urban Georgia which is published by the Municipal Association, it is stated that:

> 250 million gallons of industrial waste and 225 million gallons of raw sewage are being dumped daily into Georgia streams.
>
> Only about 50 percent of Georgia's population is on public sewerage. And, only about one-half of them are connected to systems which provide adequate sewage treatment.
>
> Georgia has 4,202 miles of interstate and intrastate streams. Though only about 800 of these miles can be characterized as severely polluted, virtually all of this pollution is located just below our cities and towns.
>
> These facts are just another way of substantiating that pollution in Georgia is essentially localized and urban created.

The Department of Housing and Urban Development is authorized to make grants to communities for basic water and sewer facilities. With a limited exception for the small communities faced with critical unemployment problems, these grants pay presently up to 50 percent of the cost of new projects or enlarging and improving existing facilities.

The House in the past has authorized $1,165,000,000 for water and sewer lines for HUD. In the past up to the present we have appropriated only $665 million, which leaves $500 million of authorized appropriations for water and sewer lines unappropriated.

This year the recommendation has been again to underfinance water and sewer appropriation recommendations. I have only asked that we bring it back to what is the full amount of the appropriation.

Every recent application from my district—and I have had many members tell me the same thing—has been turned down. HUD says there are no funds. The Farmers Home Administration says there are no funds. Here is an opportunity to vote some funds.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, I commend the gentleman from Georgia and the gentleman from New Jersey (Mr.

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WIDNALL) for cosponsoring this excellent amendment. This is the environment decade, but here, unless we pass the gentleman's amendment, we would be badly shortchanging the very water and sewer lines without which we cannot conquer a dirty environment.

Mr. STEPHENS. That is correct.

Mr. REUSS. There are plenty of spaces to cut this budget and plenty of spaces where by the budget we are actually polluting the environment in the amount of $300 million or more.

I hope the amendment will pass.

Mr. STEPHENS. Mr. Chairman, I thank the gentleman from Wisconsin.

We have appropriated $800 million for sewage treatment plants. That is in a different appropriation. This is the location for appropriation of money. It seems to me that it is silly to appropriate money for sewage treatment plants but not have the lines that go into the sewage treatment plants. What we have done is like a cartoon I saw the other day. The vice president of the company told the boss:

> "We have put $5,000 into the cure for pollution, and we have put about $200,000 into bragging about what we have done."

That is what we have done. We are putting $650,000 into an Environment Council, which is about a half million dollars, which we could spend on the water and sewer lines.

Mr. Chairman, I ask that my amendment be supported.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

It is with reluctance that I oppose the amendment offered by my esteemed friend, the gentleman from Georgia. He is a member of the committee that authorized this program, and knows this subject well.

However, I will say to my friend he has not seemingly taken into account that there are many programs for water grants throughout the Government. HUD has requested $150 million in new money for 1971. They told us recently they have about $43 million uncommitted at this time. For fiscal year 1971, the Economic Development Administration in the Department of Commerce has funds of $73 million, and the Farmers Home Administration, which makes grants for areas under 5,500 population, has $150 million. We appropriated $800 million for the Department of Interior for use in 1970. There are also programs in the Corps of Engineers, the Appalachian Regional Commission, and in other agencies.

We have been quite concerned about this program. Our committee has pushed it and urged it. This is a very popular program with all the Members, and throughout the country. In fiscal year 1969, we gave them $15 million more than was requested. This $15 million was frozen by the Bureau of the Budget.

The best estimates that we have available indicate that $43 million is presently available in the Department and added to the $150 million in the bill provides $193 for this program between now and June 30, 1971. Many cities have not voted the bonds and have not been able to contribute their local share. They are not ready to move. Other projects, totaling about $75 million, have been referred to the Farmers Home Administration.

I called the Department yesterday and asked them to please advise the committee how much money they could efficiently utilize in the grants for basic water and sewer facilities. I have a letter dated yesterday, signed by Under Secretary Richard C. Van Dusen, in which he points out the work in process. He says there is a backlog of 254 full applications which could move, that these are firm projects and that these applications seek funds of $135 million.

Then he says that on the basis of full applications of $135 million, on the measurement of efficient use, "this requires balancing the water and sewer grant program against the demands of other programs." He said further:

> On the basis, and considering the overriding need to maintain a sound fiscal posture to combat inflation, we cannot recommend the appropriation to the water and sewer program of more than the $150 million requested in the President's budget.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Georgia.

Mr. STEPHENS. If what they say is true, why is it we are continually told there are no funds, when my applicants come to me and want me to help them?

Mr. EVINS of Tennessee. I, too, have asked for projects and have been told there are no funds.

We have provided increases before and asked them to use more money, but they did not spend the money and it was held in reserve.

I am just giving the gentleman the facts about this very popular program. I like the program and would not be adverse to providing more money for the program. But $150 million is all the Department will support, and what they say they will be permitted to spend.

Mr. JONAS. Mr. Chairman, I move to strike the last three words.

I should like to make it very clear that I support this program. I believe it is one of the best programs we have. We have been fighting for it in the committee.

I remember fussing with Dr. Weaver when he was Secretary because it seemed to me that he was downgrading this program when he refused to spend all the money we had appropriated for it during that year. That was a time when he was putting all the emphasis on model cities.

I do not believe more money than the committee recommends could efficiently be spent next year, but the level of spending could be increased if the preliminary work could be expedited. We have to remember that the cities or municipalities which participate in this program have to sell their bonds. They are finding it exceedingly difficult to move their bonds today at the current high rates of interest they have to pay. They have to get the bond issues adopted by the communities, and then they have to sell the bonds. They have to get their money in hand before they can put up matching funds.

We have been running along at a level of about $150 million a year. One year, as I previously pointed out, our committee put up $165 million for this program, and the administration did not spend it. One year the sum got down to $135 million. It has been ranging between $135 million and $150 million a year.

I do not believe this program ought to be on a prince and pauper basis. We should agree on the level of funding and then we ought to stick to about that level in order that the municipalities will have some idea as to what will be available.

To just suddenly here, after having $150 million in this program last year, come up with $500 million and turn it over to HUD to obligate in one year, is something I do not believe they can do efficiently. I do not believe they are geared up to do it effectively. I believe we will be doing the program an injustice to insist on this amendment for that reason and for another reason.

If this amendment is adopted in the Committee of the Whole today, it will be exceeding the President's budget by $173 million in this one bill.

The committee labored long and hard to try to produce a bill that is satisfactory and which we thought would be satisfactory to all concerned. This bill is more than a billion dollars higher than the bill we adopted last year. The cuts have been lower than previously. I did not hear anybody undertaking, as we read the previous sections of the bill, to reduce model cities and put that money into the water and sewer grants. I did not hear anybody try to transfer urban renewal funds to this program. There is $1 billion in this bill for urban renewal and $575 million for model cities. Maybe some of that money might properly be transferred to this program. I think this program is just as good as any other program in the bill. But I do not think that we should now, after we have passed over all of these other items and cannot make any adjustments adopt an amendment that will add $350 million to the bill the committee labored so long and so hard to perfect. If we do that we will be breaking the budget by $173 million. I do not think we can afford to do that. We have to borrow this money. You are going to drive this budget up, up, and up, and instead of having a surplus next year, you are going to wind up with a tremendous deficit.

I urge the committee to stay with the Committee on Appropriations on this, because we think we have done a good job on this bill. We think it deserves the support of all the Members.

I will be glad to yield to my good friend from Missouri.

Mr. WIDNALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and Members of the House, this program is one that has been very close to my heart. I was one of the original sponsors of the program when it passed the House of Representatives, and I have been watching over it ever since. I have been instrumental in offering the raises in authorization that have taken place within the House of Representatives on this program. It concerns me to hear people say they

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have not used the money that has been appropriated. How many of you realize how the previous administration and this administration have been discouraging applications? They have been saying, why, we cannot get rid of the money that we have. They had a backlog in the previous administration of almost $4 billion in applications. Then they set out to try to parcel this out into other areas of the Government, to the Farmers Home Administration I believe for one, and several others, in order to try to cut down the backlog so that the figures would not look so bad and the pressure would not be so great. They have done everything they could to try to make it impossible for people to qualify for some of these grants. It is a 50–50 matching fund program. And, I find that the municipalities with which I am acquainted throughout the Nation very strongly want to continue the program with the ability to fund adequately the number of applications that are on hand, and this can be if they are not discouraged by the administration.

I think the only reason that Congress did not vote funds for this program is the lack of information about it and the need that very surely exists. I and the members of my staff have undertaken periodic investigations of the need in the various congressional districts and armed with our findings we have taken the matter up with Members of the House who in the past have never seemed to want to adequately and fully support this program. I just cannot understand why this Congress has been unable to obtain the funds necessary with which to bring the appropriations up to the authorized amount at a time when the Nation is concerned so much with pollution, water pollution, waste disposal, areas of absolute priority as far as this country is concerned. Many who decry efforts to fully fund are not aware of the absolute need.

Mr. Chairman, I know the cost of sewer construction. I know the fact that they have not been able to get help from the Federal Government has meant that many towns have had to carry the entire burden themselves. They have been under State order or under county order to clean up the necessary sewerage disposal problem or else face very severe penalties.

Mr. Chairman, they are desperately in need of the funds. I say this because many of them are bonded up to the hilt. Yet they still have to bond in order to meet the 50–50 matching part of this program. However, the 50 part that the Government can give will make available sufficient funds in order to enable these communities to do the job and to really help clean up pollution in America.

Mr. Chairman, I very strongly urge the Congress meet this critical need.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I appreciate very much the interest of the gentleman from New Jersey in cosponsoring and in supporting this amendment.

I would like to make one observation that the gentleman from Missouri made to the effect that you cannot take the horse to the water and make him drink. That is not what we are trying to do. We are trying to take the water to the horse.

Mr. WIDNALL. Yes, and have it pure enough to drink.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from New Jersey.

Mr. SANDMAN. As the gentleman from New Jersey knows, the State that he and I come from has made available through a referendum of the people $272 million which is State-matching money for this purpose. I say this in response to the remarks of the gentleman from North Carolina. So, in one State in the Union we could absorb almost the entire amount of money sought to be made available under this amendment.

Mr. HANNA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join the gentleman from New Jersey and the gentleman from Georgia in urging that this Committee support this amendment.

I am a member of the Banking and Currency Committee and I can assure you that the type of testimony that was required to get the authorization indicated that we were far below the needs when we set the authorization. However, we tried to be as realistic as possible. The fact that money has not been flowing from HUD is the fact that money has not been flowing from many of the agencies because of the freeze.

Mr. Chairman, the question of freeze and the question of budget controlling the priorities in the United States, I suggest that the budget cannot establish the priorities of the United States. The Congress has to do that, sitting in committee such as this one. We have to do that. It seems to me, that if this Congress at this time fails to come up with appropriations consistent with the authorizations which were so very tortuously arrived at to provide money for these kinds of programs so basic to our environment, that there has been certainly nothing but rhetoric during the discussions which we have had having to do with environment.

Mr. Chairman, it seems to me that it represents a sad state of affairs when we cannot provide this very minute kind of assistance as a start toward the solution of some of these problems.

There are applications which are ready to move, but what is the assurance that there will be funding, which I can assure you is very frustrating to these cities. They have to go through all of the problems of setting up their proposals, going through all the costs of doing the engineering and making the studies to get their systems moving, and then they are told that they have to wait, wait, wait in line, because these programs are not moving in the administration that is supposed to move them. I think they can move these programs without a whole lot of excuse because they have got the ability to do it instead of having our people stand in the wings anxiously wanting to use this money.

The people over there who have been talking about sharing some of the Federal moneys with the local governments, here is a place where you can begin, and make that sharing meaningful. Let us not be put off by the fact that we are going to have a deficit in the budget because we will never have a surplus in the budget anyway. There is going to have to be a deficit to be dealt with. You should know that, and we should know that. We should be ready and willing to deal with that deficit. That is the responsibility of the Congress. I do not believe that you are going to be able to get off the hook by simply saying you want to protect the people because of your concern of the budget. We are going to have to change the priorities around, and we are going to have to make more cuts in some other programs, but certainly not a cut in the priority that exists here.

The gentleman from New Jersey is absolutely one who knows more about this subject than anybody. He has persuaded because of the studies that he has made, and because of the facts that he has presented, the Committee on Banking and Currency. We are the ones who are supposed to come up with a policy decision here. We made that decision. I do not see any reason why the appropriations portion of our responsibility, or the budget portion of the responsibility should negate what has been so well done on behalf of justifying this program.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to my colleague, the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I want to compliment the gentleman from California very much on the remarks that he has made. I know the gentleman knows the critical problem we have in San Francisco Bay, and along the coast in California. We have been trying to do the job to satisfy the needs that have presented themselves in this ecological renaissance that is sweeping our States.

Mr. Chairman, I would like to ask the gentleman is it not a fact that when the deferrals were made last year in the order of $800 million, the President did not say that this was a cut in the budget, he said it was a deferral, did he not?

Mr. HANNA. Exactly. He said it was a deferral. Only it looks now as though the deferrals are going to go on and on. That is certainly an easy way to cop out on our responsibility.

Mr. LEGGETT. And is it also not a fact that after the $150 million item was put in the budget early this year, that the President sent a message to this Congress stating that he was for a massive $10 billion antipollution effort over the next 5 or 6 years, which would tend then to negate the original budget that they submitted?

Mr. HANNA. I would say that that is exactly correct.

Mr. Chairman, I yield back the balance of my time.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge the adoption of this amendment.

Let us go back a little bit. As I look

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around this Hall I see most of the Members who were here in 1965. In 1965 the House Committee on Banking and Currency brought forth a program which was the result of a national demand that Congress do something to help the communities of this country to meet a very pressing problem. That problem was to do something about their sewer systems and about their waste systems.

At that time, if my memory serves me correctly, people on both sides of the aisle rose and said, "At long last the Federal Government is measuring up to its responsibility. Then they set a program. Part of that program calls for the expenditure this coming fiscal year of the exact amount that is in the amendment offered here by our colleague, the gentleman from Georgia (Mr. STEPHENS) and cosponsored by our colleague the gentleman from New Jersey (Mr. WIDNALL).

As a result of the Congress having made the commitment to the States, the States went out and told the local communities that you represent, get busy and make your applications; send them to Washington; and the Federal Government will give you half of the money.

That is what you did in 1965 under a prior administration.

In 1970, from coast to coast and from border to border, this country is suddenly realizing what we have done to our country in the last 150 years. The people are demanding that it be cleaned up, and money provided for water supply and sewage treatment.

Helping to clean up our environment will be accomplished by eliminating one of our prime pollution problems—sewage treatment and adequate water supply.

To show you that the Congress is not irresponsible, we also put in another act which we passed; a requirement that this has to be done in cooperation with our sewage disposal plants because it does not do much good to build a collection system and dump raw sewage in the rivers, harbors, or lakes.

You have to treat the sewage before it gets there. Water supply systems and sewage treatment plants have to work together.

I admit to my colleagues that this is a lot of money, but the issue involved here is not dollars and cents. The issue that is involved is survival. It is survival in North Carolina and it is survival in Pennsylvana as well as keeping faith with the American people.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from North Carolina.

Mr. JONAS. Is it not true that you first build your treatment plants and your interceptors before you are ready to proceed with building your waterlines?

Mr. SAYLOR. Absolutely not.

Mr. JONAS. All right. Now we are not talking about sewage disposal treatment plants or interceptors. We are talking about this program—only about waterlines that lead to these plants.

Now we are saying that we are going forward with an $800 million program for interceptors and treatment plants and eventually we may need that amount of money to build the waterlines. But not at the same time—or not simultaneously. Therefore, we think this part of the program can well be deferred until we get further along with the interceptors and the treatment plants.

Mr. SAYLOR. That is like saying to the American people that you can grow half an apple. You cannot grow half an apple. You either have a whole apple or you do not have any apple. You have to have both of these together. That is what the Congress said, and everybody around here voted for it at that time. Now the time has come to pay the piper. Now the time has come to keep the faith with the American people. Now is the time to keep the faith with your constituents and your communities who have been thwarted from taking the necessary steps to comply with State laws, Federal laws and filing requests to construct water systems.

You heard the gentleman from New Jersey tell you about both the prior and present administrations' efforts to scatter these various applications among the sundry Federal agencies. They put them everywhere—under the rug—they have done everything to discourage communities. They have gone to people and said, "Do not file your application."

There are enough applications in my State—and that is only one State—to take care of this increase.

We again heard the gentleman from New Jersey say that there are enough applications in his State to take care of this increase. When you multiply that by 50, to take care of the applications now in this country, the trouble is that $800 million in this amendment is hardly enough.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman.

Mr. JONAS. I would like to disabuse the gentleman of that idea because there are only $135 million in firm applications from all over the United States.

Mr. SAYLOR. You adopt this amendment and you will find there will be more than enough applications to take care of all of the money in this amendment.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this appears to be an amendment from the Banking and Currency Committee, and I would like to say to the members thereof that there might be some money to spend on some of these projects if you, the members of the Banking and Currency Committee, would stop approving bills to beef up, to the tune of hundreds of millions of dollars, the capital of so-called international lending institutions. It is reported that you are about to produce still another one that will cost hundreds of millions, if not a couple of billions of dollars.

If you get off that kick, as they say, of taking the money of the taxpayers of this country to beef up international banks so they can dish out 40- and 50-year loans with little or no interest—loans that will never be collected—there might be a little money left in this country to spend on projects of this kind.

Mr. OBEY. Mr. Chairman, I rise in support of this amendment to increase grants under this act for basic water and sewer facilities.

Mr. Chairman, there is no single problem in my district more serious than adequate funding for this program. The backlog of applications in my district for water and sewer funds under the HUD program makes it obvious to me that much more is needed if this program is to be a success.

In the past I have supported efforts on this floor—along with a majority of the Congress—to increase funds for sewage treatment plants. I plan to do so again when the 1971 appropriation for this program reaches this floor. But we would only be doing half the job if we acted to provide more adequate funding for sewage treatment plants and then neglected to provide enough funds to build the sewer and water lines which make a sewage treatment plant effective.

I do recognize that the committee has done an excellent job in dealing with the priorities which are posed by this legislation. I do feel, however, that full funding for basic water and sewer facilities must appear at the top of any list of priorities.

It is for these reasons, then, that I fully support the amendment now before this House, and urge my colleagues to do the same.

Mr. HANLEY. Mr. Chairman, I rise in support of this amendment which will increase to $500 million the Federal commitment to local communities for assistance with the costs of constructing basic water and sewer facilities.

This program is one of the most popular of the various Federal programs of aid to local governments, and it is woefully underfunded. I know that this increase will be helpful.

Many communities in my district are faced with the necessity of constructing extensive water and sewer facilities, and in many cases these facilities are urgently needed to abate pollution of lakes and streams. The costs are very great, and the burden presently rests on local governments' principal revenue raiser, the property tax.

I do not wish to be critical of the Department of Housing and Urban Development's administration of this program, because the paucity of funds has combined with great popular demand to put unusual pressures on the program. The agency has been forced to develop intricate and complex formulas to arrive at a method of ranking applications. Some are assisted, but most are left out in the cold.

I am hopeful that Congress will move to expand this helpful program of Federal assistance at least to the extent where all applicant communities can receive a modest share of Federal aid toward the cost of the total project.

I urge the House adopt this amendment.

Mr. BARRETT. Mr. Chairman, I rise in support of the amendment proposed by the gentleman from Georgia (Mr. STEPHENS) and the gentleman from New Jersey (Mr. WIDNALL) to raise from $150 million to $500 million the funds for grants for basic water and sewer facili-

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ties authorized by section 702, of the Housing and Urban Development Act of 1965. Presently there is now $500 million of unappropriated authorizations for the water and sewer grant program. This amendment provides full funding for this program.

All of us are well aware of the need to provide funds to make our environment more livable. We all know if our rivers, lakes, and streams are to be safe and sanitary, a greatly increased program of sewage treatment must be begun immediately. HUD's section 702 grant program for water and sewer facilities is necessary if we are to be successful in cleaning up our environment. This is a chance for Congress to act and not merely talk about the pollution problem. The $500 million proposed in this amendment barely covers the backlog of applications for water and sewer grants presently pending in the Washington Office of the Department of Housing Urban Development. Another billion dollars in grant applications are presently pending in the HUD regional offices.

I urge all Members to support this amendment to increase the funds for water and sewer facilities to $500 million.

Mr. DONOHUE. Mr. Chairman, it is my earnest belief that the House should, and my sincere hope that it will, adopt the amendment to H.R. 17548 presently under consideration, which would appropriate the full amount authorized, $500 million, for basic water and sewer facilities.

I am sure we all recognize, Mr. Chairman, how closely connected this program is to improvement in the quality of our environment. Last year I advocated and supported a successful move to increase greatly—from $315 million to $800 million—the appropriation for sewage treatment plant construction grants. Our objective, then as now, was to halt the deterioration of our Nation's waterways. If we are to progress toward that goal, we must insure that the water and sewer lines leading to the new, improved sewage treatment plants are adequate and sufficient to perform the more demanding tasks they are being assigned.

And, certainly, Mr. Chairman, we cannot allow this added burden to fall on the already sloping shoulders of our towns and cities. In Massachusetts, and I am sure in all the States, the local taxpayers are laboring under almost impossible financial hardship, while municipal governments are sorely strapped for funds merely to cover existing programs and services. Small communities throughout the country, like those bordering on the Blackstone River and other tributaries in my own area, are in genuine need of greater assistance, if more and better water and sewer lines are to be constructed. That is why I have consistently appealed for increases in Federal assistance for these purposes, until these imperative local and national objectives have been achieved.

Mr. Chairman, the problem is at least as large as the $500 million that this amendment would appropriate. We are informed that there is a backlog of approved projects in the Washington Office of HUD which is at least equal to this amount. There is no danger that the money would be spent haphazardly. In fact, members of the committee heard reliable estimates that there is another full $1 billion worth of applications now in various stages of processing in the field offices of HUD. And although these inflationary times tend to make suspect the spending of even one Federal dollar, we should not shirk our responsibility to establish as one of the very first priorities the preservation and protection of our environment.

As I have pointed out in the past, Mr. Chairman, the control and improvement in our environment has become as urgent as life itself, and as nonpartisan as eventual death. Therefore, I would hope that my colleagues from both parties would adopt overwhelmingly this amendment to H.R. 17548.

Mr. VANIK. Mr. Chairman, I rise in support of the amendment being offered to increase the appropriation for water and sewer facilities construction grants from $150 million to the authorized level of $500 million.

The Department of Housing and Urban Development is expected to receive 1,000 preliminary applications for water and sewer facilities grants during 1970. If we appropriate only $150 million dollars for this program, some 700 of these applications will have to be denied and vital construction projects delayed. If this amendment is accepted and the full amount authorized is appropriated, then we can move against the backlog of applications and take a major step forward in the struggle against pollution.

The full funding of this program is vital to America's major urban centers—particularly our older cities which are faced with the nearly constant breakdown of water and sewer systems nearly a century old. In Cleveland, Ohio, we have been plagued with massive breakdowns of the city's sewer lines with the result that literally millions upon millions of gallons of untreated sewage have been allowed to flow into the already critically polluted Lake Erie.

In addition, full funding of this program will permit the rapid construction of area-wide sewage line networks which will enable the consolidation of sewage treatment works into more efficient central facilities.

Mr. Chairman, this administration has produced a great deal of rhetoric about the need to stop pollution—it has produced very little action. We need $500 million for this water and sewer construction program, yet this administration has asked for only $150 million. The environmental crisis cannot be solved by empty words; it is our duty today to provide the funds necessary to construct the Nation's needed sewer facilities.

Mr. HECHLER of West Virginia. Mr. Chairman, I strongly support the amendment of the gentleman from Georgia (Mr. Stephens) which would increase from $150 million to $500 million the appropriation for water and sewer grants. In the past few months, the Nation has been alerted to the grave dangers of pollution. The discussion and dialog culminating in Earth Day on April 22 have alerted everyone to the need for a concerted attack on pollution of all types.

The Interior Department's program for building sewage treatment plants fits in with the pending program of the Department of Housing and Urban Development to construct sewer and water lines. This program is of particular value and importance in West Virginia, where we have a backlog of need for these Federal grants for water and sewer lines.

The appropriation of the full amount of the $500 million authorization is a national priority which must be met if we are to march forward in the struggle against pollution. I hope that the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Stephens).

Mr. STEPHENS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Stephens and Mr. Evins of Tennessee.

The Committee divided, and the tellers reported that there were—ayes 73, noes 63.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL INSURANCE ADMINISTRATION

Flood Insurance

For necessary administrative expenses, not otherwise provided for, in carry out the National Flood Insurance Act of 1968 (82 Stat. 572), $5,000,000.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. Are there any points of order on this portion of the bill?

The Chair hears none.

AMENDMENT OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Howard: On page 42, line 5, after the comma delete "5,000,000" and insert in lieu thereof "$6,050,000".

Mr. HOWARD. Mr. Chairman, after the concern shown by the House in the last amendment, concern for the plight of so many millions of Americans to the tune of adding $350 million to our appropriation, I would like to state that to do something else for millions of Americans, the House need only concern itself about one three-hundred-fiftieths as much as it did on the last amendment. What this amendment does is add only $1,050,000 to the appropriation for the Federal Insurance Administration to carry out the provisions of flood insurance legislation that has been passed in the last Congress.

The lack of flood insurance has been a problem for small businessmen and individuals for many, many years. A pro-

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gram to have the Federal Government assist in this area so that people will be able to afford to buy insurance has been promoted for many years. My colleague, the gentleman from New Jersey (Mr. WIDNALL), in the 1950's, worked very diligently to get such a program going, and it died in the late fifties. A program for a flood insurance study passed the other body in the 87th Congress with no result in this body. And in the 88th, it passed the other body, with no result. It was not until the 89th Congress that both Houses passed a flood insurance study program. Now we have a program. The only logjam is in Washington, in approving communities so that many millions of businessmen and homeowners may purchase insurance.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Chairman, I commend the gentleman on the amendment he has offered. I understand there is only a half million dollars for administrative purposes.

Mr. HOWARD. Only to the amount the agency said it can effectively use in the coming year.

Mr. BOGGS. The gentleman has pointed out how, despite the fact that the program has been in effect now for well over a year, a very small number of communities have been able to qualify. Is that correct?

Mr. HOWARD. The gentleman from Louisiana is correct.

Mr. BOGGS. The gentleman I am sure is aware of the fact that had communities suffering from the hurricane devastation, such as Hurricane Camille, been under this program, they would have been able to offset losses by flood insurance. Is that correct?

Mr. HOWARD. That is correct. It would have saved the Government many millions of dollars, because the insurance would have covered this, and we would not have had to come up with a Federal Disaster Act and spend money to help these people.

Mr. BOGGS. Mr. Chairman, I hope the gentleman's amendment is adopted.

Mr. HOWARD. Mr. Chairman, I thank the gentleman from Louisiana.

Mr. Chairman, this is not an expenditure. This is an investment. If we want to save millions of dollars for the taxpayer, we can do it by adopting this simple amendment. I hope the amendment will be approved.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from New Jersey who, along with the other gentleman from New Jersey (Mr. SANDMAN), has helped sponsor this amendment.

Mr. ROE. Mr. Chairman, I am pleased to join my colleague, the gentleman from New Jersey (Mr. HOWARD), in supporting this amendment to request this increase in the appropriation. I think it is important to point out in this House that the Congress is called upon on many occasions to authorize different projects and, under the schedule of public works, it takes many years for these projects to be authorized and for proper appropriations to be provided. It seems to me in our State of New Jersey only recently—in 1968—as my colleagues from New Jersey know, we had a catastrophic flood which amounted to $130 million in damages. Most of it was noncompensable.

Mr. Chairman, I urge this body to support this particular amendment for added flood insurance funding.

Mr. Chairman, it has taken 36 years to get this program going.

In support of my contention that expanded appropriations be provided for national flood insurance as an interim step in aiding our States and citizens by providing some measure of security in the event of flood damage until comprehensive flood control programs can be properly implemented to enable the insurance companies throughout the country to assume these risks for the individual, I submit the following information on my home State of New Jersey as a graphic illustration of the essential need for this national flood insurance relief.

In view of the fact that New Jersey is now the most urban State in the Nation, with a population in excess of 7 million people, estimated at over 900 persons per square mile, we are the most densely populated State in the Nation. The greatest concentration of our population is in the northeastern quadrant of the State and roughly 80 percent live in the 11 counties which form a rather narrow strip running between New York and Philadelphia. The ever-increasing exodus of people and industry from the urban centers into the suburban and rural areas is creating an ever-counting pressure on our national resources along with enormous competition for the use of our land.

In attempting to establish priorities, it is fully recognized that the order of magnitude of our capital investment requirements literally covers the widest possible elements of the "rebirth" of our State. Of all of these priorities, no matter how we equate or measure our future investment—by whatever standard applied—short of the air we breathe, there is no element more basic or critically essential to the sustenance and life of our people and the economic vitality of our State than the quantity and quality of our water supply. In recognition that total water management in our State evolves around water quality, water supply, flood control, flood insurance, and flood plain zoning, it is important to note that major water supply-flood control studies are intensively being carried out on the Passaic River Basin and the Delaware River Basin. A substantive flood plan delineation program has recently been committed and is underway for the Raritan Basin. Additional flood control studies are being carried out on some of our southern New Jersey rivers.

A flood damage problem of staggering proportions exists today in the Passaic River Basin. The problem has resulted over the years from a complete abuse of this natural resource. The Passaic River has been characterized, as the result of many engineering studies, as one of the filthiest and most unpredictable treacherous rivers in the northeastern part of the Nation. The ever-increasing extreme danger of the flood damage potential of the Passaic River Basin was clearly manifested and exemplified in the catastrophy of substantive proportions that which is considered on the overall magnitude of the problem as being a relatively minor flood—affecting five counties, but particularly severe in the Passaic River Basin, with the attendant loss of a number of lives and enormous property damage costing yet undetermined millions of dollars for rehabilitation—but what price can be affixed to the misery, heartbreak and personal tragedy of the people directly affected. For anyone to dismiss these ravages of nature by labeling them as unavoidable acts of the Almighty would indeed be a travesty and fraud against the people of the flood stricken areas. The national concern now being expressed for the intregity of our environment stems from the confrontation between man's need and capacity to use his environment for economic purposes as well as basic survival of mankind and the need and capacity of the natural resources and the ecosystem to adjust to the changes and consequences.

As a result of the May 1968 flood, Governor Richard J. Hughes, of the State of New Jersey, issued Executive Order No. 43, in part, stating, as follows:

> A request has been made that the President of the United States declare that same area to be a disaster area within the meaning of Public Law 875, which request is presently under consideration.

Governor Hughes in a telegram to President Lyndon B. Johnson stated as follows:

> As Governor, I certify the need for disaster assistance in the State of New Jersey. The northern section of the State, including portions of Bergen, Essex, Middlesex, Morris, Passaic, Somerset and Union Counties have suffered an estimated $150 million in damages from extreme flooding and strong winds. Of this, it is estimated a $133 million loss has been experienced by industry and private home owners. The balance of damage has occurred to roads, bridges and appurtenances thereto; water and sewer systems; mosquito control systems; educational facilities and the collection of debris creating unusual health hazards, including possible infestation of vermin.

The President of the United States, through the Office of Emergency Preparedness, under Public Law 875—disaster relief law—declared this Passaic River Basin area to be a disaster area and made available an immediate appropriation of $3 million to cover emergency repairs and temporary replacement for essential public facilities.

Governor Hughes signed into law Senate bill No. 822 which provided a State appropriation of $5 million to help relieve damages in flood stricken municipalities and counties specifically and particularly for the repair, reconstruction, and replacement of public roads, works, facilities, and structures damaged or destroyed during or as a result of the severe flooding.

The Federal Small Business Administration approved and provided loans in the amount of $1.2 million to accommodate the rehabilitation needs of 191 businesses and homeowners who suffered damages as a result of this flood.

In addition, and most significant to my vigorous support of expanded flood insurance program it is important to note that extensive private property damage was noncompensable under any existing State or Federal flood rehabilitation programs causing considerable economic and personal hardship to the citizens of the flood-stricken area.

The U.S. Army Corps of Engineers, New York district, has been conducting indepth engineering studies and evaluation of the Passaic River Basin at considerable public expense for over a 30-year period. In August 1969 the State division of water policy and supply, the State water policy and supply council, and the State department of conservation and economic development formally adopted and declared the comprehensive plan III of the Passaic River Basin flood control-water resources management and development program as prepared under authorization of the Congress of the United States by the U.S. Army Corps of Engineers, New York district, in conjunction with the New Jersey State Department of Conservation and Economic Development for and on behalf of the State on New Jersey as an integral part of the State's overall water development master plan as the best plan for water resources and flood control management in the interest of the safety, health, and general welfare of the people of the Passaic River Basin region of the State and provided that all future development or redevelopment within the Passaic River Basin region as it relates to the integrity, vitality and the effective implementation of this flood control-water resources management and development program shall be in strict compliance with, and conform to the criteria established by this comprehensive plan.

In his communication on behalf of the State of New Jersey to Col. James W. Barnett, district engineer, New York Corps of Engineers, Gov. Richard J. Hughes stated:

> In view of the seriousness of the problem of the Passaic Valley and the realization that delay in the completion of a comprehensive water management-flood control program as embodied in Plan III will result in increasing hardships to the people of the basin, the State of New Jersey and an escalation of costs, it is requested that every effort be extended to expedite all phases of your work so as to permit authorization of the project and funding by the Congress at the earliest possible date. Continued close cooperation between the Corps of Engineers and all levels of New Jersey government is essential in order that this most vital improvement can be realized.

In view of the great deal of time that will be consumed between the approval and authorization by the Congress and the ultimate funding through an appropriations bill for any public works projects, in view of the additional time-consuming procedures that must be followed after funds become available until the construction of the projects, and in view of the exigencies involved and the severity of the situation relating to the capability of our natural resources in sustaining the ever-increasing growth developing in the river basins throughout the United States, the only protection to the citizen is the flood insurance program.

I believe that the people who live in the areas affected ought to be entitled to equal justice and to have adequate flood insurance protection.

Mr. WIDNALL. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I should like to compliment the gentleman from New Jersey on this amendment. This is the amount which was asked for by the administration. It is something which can help vastly in an area too long neglected.

With the program underway, developing now, it needs additional funds.

I certainly will support the amendment.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from New Jersey.

Mr. PATTEN. I rise in support of the gentleman's amendment.

Mr. SANDMAN. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from New Jersey.

Mr. SANDMAN. Mr. Chairman, I should like to point out that, as the gentleman said, this is an investment for the future.

As a result of the bad storm in my State, in 1962 President Kennedy declared a state of emergency. Because there was not any flood insurance for the area, there was an appropriation made by this House, and extended to New Jersey, in the amount of $28 million.

This becomes a reality, and flood insurance will be purchasable throughout the land, and such great expenditures will not be necessary.

I should like to join in the remarks of the gentleman in the well, and I support the amendment.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Let us have the facts on this matter. Congress authorized a program of flood insurance. We have a flood insurance program now. The insurance companies provide insurance and the Government guarantees the insurance companies.

These funds are to be used for studies and for surveying and mapping the flood areas.

In 1970, we provided $2.4 million, and this year we recommend $5 million. We have given more than a 100-percent increase over 1970. We have more than doubled the amount provided in last year's bill.

This is not for flood insurance; this is for studies and administrative expenses. We believe the funds recommended in the bill are quite adequate. It is more than double last year.

We ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOWARD).

The question was taken; and on a division (demanded by Mr. HOWARD) there were—ayes 38, noes 54.

So the amendment was rejected.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANNUNZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, pursuant to House Resolution 994, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks on the bill just passed and that I may be permitted to include tables.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GENERAL LEAVE ON STEPHENS AMENDMENT

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the Stephens amendment adopted in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS OF 1970

Mr. STAGGERS submitted the following conference report and statement on

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the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 91-1074)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

TITLE I OF THE HOUSE BILL

The managers on the part of the House and the managers on the part of the Senate as to title I of the House bill and the amendment of the Senate numbered 1 (except section 306 of such amendment which amended the Tariff Act of 1930) having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

PART I—SHORT TITLE, ETC.

SECTION 1. SHORT TITLE.

This title may be cited as the "Airport and Airway Development Act of 1970".

SEC. 2. DECLARATION OF POLICY.

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

That the annual obligational authority during the period July 1, 1970, through June 30, 1980, for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), should be no less than $250,000,000.

That the obligational authority during the period July 1, 1970, through June 30, 1980, for airport assistance under this title should be $2,500,000,000.

SEC. 3. NATIONAL TRANSPORTATION POLICY.

(a) FORMULATION OF POLICY.—Within one year after the date of enactment of this title the Secretary of Transportation shall formulate and recommend to the Congress for approval a national transportation policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

(b) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report shall include the specific actions taken by the Secretary with respect to (1) the coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this title relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

SEC. 4. COST ALLOCATIONS STUDY.

The Secretary of Transportation shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users, and shall identify the cost to the Federal Government that should appropriately be charged to the system and the value to be assigned to any general public benefit, including military, which may be determined to exist. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this title.

PART II—AIRPORT AND AIRWAY DEVELOPMENT

SEC. 11. DEFINITIONS.

As used in this part—

(1) "Airport" means any area of land or water which is used; or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids, used by aircraft landing at, or taking off from, a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

(7) "Government aircraft" means aircraft owned and operated by the United States.

(8) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this part is to be used.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

(15) "State" means a State of the United States or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

SEC. 12. NATIONAL AIRPORT SYSTEM PLAN.

(a) FORMULATION OF PLAN.—The Secretary is directed to prepare and publish, within two years after the date of enactment of this part, and thereafter to review and revise as necessary, a national airport system plan for the development of public airports in the United States. The plan shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of airport development eligible for Federal aid under section 14 of this part, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes or categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

(b) CONSIDERATION OF OTHER MODES OF TRANSPORTATION.—In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

(c) Federal, State, and Other Agencies.—In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies, as appropriate; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to insure that the national airport system plan reflects the product of interstate, State, and local airport planning.

(d) Cooperation With Federal Communications Commission.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(e) Consultation With Department of Defense.—The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense, shall indicate the extent to which military airports and airport facilities will be available for civil use.

(f) Consultation Concerning Environmental Changes.—In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality. The recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, the Secretary of Agriculture, and the National Council on Environmental Quality, with regard to the preservation of environmental quality, shall, to the extent that the Secretary of Transportation determines to be feasible, be incorporated in the national airport system plan.

(g) Cooperation With the Federal Power Commission.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(h) Aviation Advisory Commission.—

(1) There is established an Aviation Advisory Commission (hereafter in this subsection referred to as the "Commission"). The Commission shall be composed of nine members appointed by the President from private life as follows:

(A) One person to serve as Chairman of the Commission who is specially qualified to serve as Chairman by virtue of his education, training, or experience.

(B) Eight persons who are specially qualified to serve on such Commission from among representatives of the commercial air carriers, general aviation, aircraft manufacturers, airport sponsors, State aeronautics agencies, and three major organizations concerned with conservation or regional planning.

Not more than five members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations. Five members shall constitute a quorum.

(2) It shall be the duty of the Commission—

(A) to formulate recommendations concerning the long-range needs of aviation, including but not limited to, future airport requirements and the national airport system plan described in subsection (a) of this section, and recommendations concerning surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(3) Each member of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the President, but not exceeding $100 per day, including travel time; and, while so serving away from his home or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(4)(A) The Commission is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 by section 5332 of such title.

(B) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

(C) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(D) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(5) The Commission shall submit to the President and to the Congress, on or before January 1, 1972, a final report containing the recommendations formulated by it under this subsection. The Commission shall cease to exist 60 days after the date of the submission of its final report.

(6) There are authorized to be appropriated from the Airport and Airway Trust Fund such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this subsection.

Sec. 13. Planning Grants.

(a) Authorization To Make Grants.—In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

(b) Amount and Apportionment of Grants.—The award of grants under subsection (a) of this section is subject to the following limitations:

(1) The total funds obligated for grants under this section may not exceed $75,000,000 and the amount obligated in any one fiscal year may not exceed $15,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 7.5 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

(c) Regulations; Coordination With Secretary of Housing and Urban Development.—The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

Sec. 14. Airport and Airway Development Program

(a) General Authority.—In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized to make grants for airport development by grant agreements with sponsors in aggregate amounts not less than the following:

(1) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation, $250,000,000 for each of the fiscal years 1971 through 1975.

(2) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, $30,000,000 for each of the fiscal years 1971 through 1975.

(b) Obligational Authority.—To facilitate orderly long-term planning by sponsors, the Secretary is authorized, effective on the date of enactment of this title, to incur obligations to make grants for airport development from funds made available under this part for the fiscal year ending June 30, 1971, and the succeeding four fiscal years in a total amount not to exceed $840,000,000. No obligation shall be incurred under this subsection for a period of more than three fiscal years and no such obligation shall extend beyond June 30, 1975. The Secretary shall not incur more than one obligation under this subsection with respect to any single project for airport development. Ob-

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ligations incurred under this subsection shall not be liquidated in an aggregate amount exceeding $280,000,000 prior to June 30, 1971, an aggregate amount exceeding $560,000,000 prior to June 30, 1972, and an aggregate amount exceeding $840,000,000 prior to June 30, 1973.

(c) Airway Facilities.—For the purpose of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958, the Secretary is authorized, within the limits established in appropriations Acts, to obligate for expenditure not less than $250,000,000 for each of the fiscal years 1971 through 1975.

(d) Other Expenses.—The balance of the moneys available in the trust fund shall be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a) and (b) of this section, and for the maintenance and operation of air navigation facilities and the conduct of other functions under section 307(b) of the Federal Aviation Act of 1958, not otherwise provided for in subsection (c) of this section, and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958. The initial $50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 208 of the Airport and Airway Revenue Act of 1970 shall be allocated to such research and development activities.

Sec. 15 Distribution of Funds; State Apportionment.

(a) Apportionment of Funds.—

(1) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) One-third to be distributed as follows:

(i) 97 per centum of such one-third for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(ii) 3 per centum of such one-third for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(B) One-third to be distributed to sponsors of airports served by air carriers certificated by the Civil Aeronautics Board in the same ratio as the number of passengers enplaned at each airport of the sponsor bears to the total number of passengers enplaned at all such airports.

(C) One-third to be distributed at the discretion of the Secretary.

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 14(a) of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) Seventy-three and one-half per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) One and one-half per centum for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(C) Twenty-five per centum to be distributed at the discretion of the Secretary.

(3) Each amount apportioned to a State under paragraph (1)(A)(i) or (2)(A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to a sponsor of an airport under paragraph (1)(B) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located at airports sponsored by it. Any amount apportioned as described in this paragraph which has not been obligated by grant agreement at the expiration of the period of time for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

(4) For the purpose of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be determined by the Secretary pursuant to such regulations as he shall prescribe.

(b) Discretionary Fund.—(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) of this section, including amounts added to the discretionary fund pursuant to paragraph (3) of such subsection (a), may be used only in accordance with the purposes for which originally appropriated.

(c) Notice of Apportionment; Definition of Terms.— Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

Sec. 16. Submission and Approval of Projects for Airport Development.

(a) Submission.—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

(b) Public Agencies Whose Powers Are Limited by State Law.—Nothing in this part shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

(c) Approval.—

(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this part;

(B) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this part;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this part have been or will be met.

No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

(4) It is declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that any project involving airport location, a major runway extension, or runway location may have on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no such project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

(d) Hearings.—

(1) No airport development project involving the location of an airport, an airport runway, or a runway extension may be approved by the Secretary unless the public agency sponsoring the project certifies to the Secretary that there has been afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

(2) When hearings are held under paragraph (1) of this subsection, the project

sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary.

(e) Air and Water Quality.—

(1) The Secretary shall not approve any project application for a project involving airport location, a major runway extension, or runway location unless the Governor of the State in which such project may be located certifies in writing to the Secretary that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved or where such standards have been promulgated by the Secretary of the Interior or the Secretary of Health, Education, and Welfare, certification shall be obtained from the appropriate Secretary. Notice of certification or of refusal to certify shall be provided within sixty days after the project application is received by the Secretary.

(2) The Secretary shall condition approval of any such project application on compliance during construction and operation with applicable air and water quality standards.

(f) Airport Site Selection.—

(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

Sec. 17. United States Share of Project Costs.

(a) General Provision.—Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved airport development project submitted under section 16 of this part may not exceed 50 per centum of the allowable project costs.

(b) Projects in Public Land States.—In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

(c) Projects in the Virgin Islands.—The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

(d) Landing Aids.—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 82 per centum of the allowable costs thereof.

Sec. 18. Project Sponsorship.

As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the the terms of this part, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this part or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this section.

Sec. 19. Grant Agreements.

Upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

Sec. 20. Project Costs.

(a) Allowable Project Costs.—Except as provided in section 21 of this part, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this part, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amount, and if the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable; except that in no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 13 of this part.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

(b) Costs Not Allowed.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

SEC. 21. PAYMENTS UNDER GRANT AGREEMENTS.

The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

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SEC. 22. PERFORMANCE OF CONSTRUCTION WORK.

(a) REGULATIONS.—The construction work on any project for airport development approved by the Secretary pursuant to section 16 of this part shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

(b) MINIMUM RATES OF WAGES.—All contracts in excess of $2,000 for work on projects for airport development approved under this part which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

(c) OTHER PROVISIONS AS TO LABOR.—All contracts for work on projects for airport development approved under this part which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 App. U.S.C. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

SEC. 23. USE OF GOVERNMENT-OWNED LANDS.

(a) REQUESTS FOR USE.—Subject to the provisions of subsection (c) of this section, whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this part, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) MAKING OF CONVEYANCES.—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the Unitel States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

(c) EXEMPTION OF CERTAIN LANDS.—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation.

SEC. 24. REPORTS TO CONGRESS.

On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this part during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

SEC. 25. FALSE STATEMENTS.

Any officer, agent, or employee of the United States, or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this part;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this part; or

(3) knowingly makes any false statement or false representation in any report required to be made under this part;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed $10,000, or by both.

SEC. 26. ACCESS TO RECORDS.

(a) RECORDKEEPING REQUIREMENTS.—Each recipient of a grant under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

(b) AUDIT AND EXAMINATION.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to grants received under this part.

(c) AUDIT REPORTS.—In any case in which an independent audit is made of the accounts of a recipient of a grant under this part relating to the disposition of the proceeds of such grant or relating to the plan or program in connection with which the grant was given or used, the recipient shall file a certified copy of such audit with the Comptroller General of the United States not later than six months following the close of the fiscal year for which the audit was made. On or before January 3 of each year the Comptroller General shall make a report to the Congress describing the results of each audit conducted or reviewed by him under this section during the preceding fiscal year. The Comptroller General shall prescribe such regulations as he may deem necessary to carry out the provisions of this subsection.

(d) WITHHOLDING INFORMATION.—Nothing in this section shall authorize the withholding of information by the Secretary of the Comptroller General of the United States, or any officer or employee under the control of either of them, from the duly authorized committees of the Congress.

SEC. 27. GENERAL POWERS.

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this part, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this part.

PART III—MISCELLANEOUS

SEC. 51. AMENDMENTS TO FEDERAL AVIATION ACT OF 1958.

(a)(1) PROCUREMENT PROCEDURES.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

"NEGOTIATION OF PURCHASES AND CONTRACTS

"(e) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property. The Secretary shall, at the beginning of each fiscal year, report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate all transactions negotiated under this subsection during the preceding fiscal year."

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading "Sec. 303. Administration of the Agency" is amended by adding at the end thereof the following:

"(e) Negotiation of purchases and contracts"

(b)(1) AIRPORT CERTIFICATION.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1431), relating to safety regulation of civil aeronautics, is amended by adding at the end thereof the following new section:

"AIRPORT OPERATING CERTIFICATES

"POWER TO ISSUE

"SEC. 612. (a) The Administrator is empowered to issue airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board and to establish minimum safety standards for the operation of such airports.

"ISSUANCE

"(b) Any person desiring to operate an airport serving air carriers certificated by the Civil Aeronautics Board may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

"(1) the installation, operation, and maintenance of adequate air navigation facilities; and

"(2) the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft."

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading "TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS" is amended by adding at the end thereof the following:

"Sec. 612. Airport operating certificates.
"(a) Power to issue.
"(b) Issuance.".

(3) PROHIBITIONS.—Section 610(a) of such Act (49 U.S.C. 1430(a)), relating to prohibitions, is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(8) For any person to operate an airport serving air carriers certificated by the Civil Aeronautics Board without an airport operating certificate, or in violation of the terms of any such certificate."

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) of this subsection shall take effect upon the expiration of the two-year period beginning on the date of their enactment.

SEC. 52. REPEAL; CONFORMING AMENDMENTS; SAVING PROVISIONS; AND SEPARABILITY.

(a) REPEAL.—The Federal Airport Act (49 U.S.C. 1101 et seq.) is repealed as of the close of June 30, 1970.

(b) CONFORMING AMENDMENTS.—

(1) The first section of the Act of March 18, 1950, relating to Department of the Interior Airports (16 U.S.C. 7a), is amended by striking out "Administrator of the Federal Aviation Agency" each place it appears and inserting in lieu thereof at each such "Secretary of Transportation."

(2) Section 509(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188a) is amended by inserting "Airport and Airway Development Act of 1970;" immediately after "Federal Airport Act;".

(3) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by inserting "section 19 of the Airport and Airway Development Act of 1970;" immediately after "section 12 of the Federal Airport Act;".

(4) The Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.) is amended—

(A) by striking out "or by the Federal Airport Act" in section 313(c) and inserting in lieu thereof ", the Federal Airport Act, or the Airport and Airway Development Act of 1970"; and

(B) by striking out "Federal Airport Act" in section 1109(e) and inserting in lieu thereof "Airport and Airway Development Act of 1970".

(5) Section 214(c) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214(c)) is amended by inserting "Airport and Airway Development Act of 1970;" immediately after "Federal Airport Act;".

(6) Section 13(g)(1) of the Surplus Property Act of 1944 (50 App. U.S.C. 1622(g)(1)) is amended by striking out "Federal Airport Act (60 Stat. 170)" and inserting in lieu thereof "Airport and Airway Development Act of 1970".

(7) Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) is amended by striking out "and (h)" and inserting in lieu thereof "(h) the Airport and Airway Development Act of 1970; and (i)".

(c) SAVING PROVISIONS.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

(d) SEPARABILITY.—If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons or circumstances is not affected thereby.

And the Senate agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
W. L. SPRINGER,
SAM DEVINE,
ALBERT WATSON,
Managers on the Part of the House.

WARREN G. MAGNUSON,
VANCE HARTKE,
PHIL HART,
HOWARD W. CANNON,
NORRIS COTTON,
WINSTON PROUTY,
JAMES B. PEARSON,
Managers on the Part of the Senate.

TITLE II OF THE HOUSE BILL

The managers on the part of the House and the managers on the part of the Senate as to title II of the House bill and as to section 306 of the bill as proposed in the amendment of the Senate numbered 1 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 4, 6, 7, 8, 9, 14, 21, 24, 26, 42, 46, 47, 57, and 74.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 10, 11, 15, 16, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 45, 48, 49, 59, 60, 61, 63, 66, 67, 69, and 71, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to section 306 of the bill as proposed in the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted in this respect by the Senate amendment, on page 47 of the House engrossed bill, immediately preceding line 1, insert the following new section (as the last section of part III of title I of the bill):

SEC. 53. MAXIMUM CHARGES FOR CERTAIN OVERTIME SERVICES.

(a) Notwithstanding the provisions of section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provisions of law, the maximum amount payable by the owner, operator, or agent of any private aircraft or private vessel for services performed on or after July 1, 1970, upon the request of such owner, operator, or agent, by officers and employees of the Customs Service, by officers and employees of the Immigration and Naturalization Service, by officers and employees (including an independent contractor performing inspectional services) of the Public Health Service, and by officers and employees of the Department of Agriculture, on a Sunday or holiday, or at any time after 5 o'clock postmeridian or before 8 o'clock antemeridian on a week day, in connection with the arrival in or departure from the United States of such private aircraft or vessel, shall not exceed $25.

(b) Notwithstanding any other provision of law, no payment shall be required for services described in subsection (a) if such services are performed on a week day and an officer or employee stationed on his regular tour of duty at the place of arrival or departure is available to perform such services.

(c) Amounts payable for services described in subsection (a) shall be collected by the Department or agency providing the services and shall be deposited into the Treasury of the United States to the credit of the appropriation of that agency charged with the expense of such services.

(d) As used in this section—

(1) the term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) the term "private vessel" means any civilian vessel not being used (A) to transport persons or property for compensation or hire, or (B) in fishing operations or in processing of fish or fish products.

And the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 203. TAX ON TRANSPORTATION OF PERSONS BY AIR.

(a) IMPOSITION OF TAX.—Section 4261 (relating to imposition of tax on transportation of persons by air) is amended to read as follows:

"SEC. 4261. IMPOSITION OF TAX.

"(a) IN GENERAL.—There is hereby imposed upon the amount paid for taxable transportation (as defined in section 4262) of any person which begins after June 30, 1970, a tax equal to 8 percent of the amount so paid. In the case of amounts paid outside of the United States for taxable transportation, the tax imposed by this subsection shall apply only if such transportation begins and ends in the United States.

"(b) SEATS, BERTHS. ETC.—There is hereby imposed upon the amount paid for seating or sleeping accommodations in connection with transportation which begins after June 30, 1970, and with respect to which a tax is imposed by subsection (a), a tax equal to 8 percent of the amount so paid.

"(c) USE OF INTERNATIONAL TRAVEL FACILITIES.—There is hereby imposed a tax of $3 upon any amount paid (whether within or without the United States) for any transportation of any person by air, if such transportation begins in the United States and begins after June 30, 1970. This subsection shall not apply to any transportation all of which is taxable under subsection (a) (determined without regard to sections 4281 and 4282).

"(d) BY WHOM PAID.—Except as provided in section 4263 (a), the taxes imposed by this section shall be paid by the person making the payment subject to the tax.

"(e) REDUCTION, ETC., OF RATES.—Effective with respect to transportation beginning after June 30, 1980—

"(1) the rate of the taxes imposed by subsections (a) and (b) shall be 5 percent, and

"(2) the tax imposed by subsection (c) shall not apply."

(b) DEFINITION OF TAXABLE TRANSPORTATION.—Section 4262 (relating to definition of taxable transportation) is amended—

(1) by striking out "subchapter" in subsections (a) and (b) and inserting in lieu thereof "part";

(2) by striking out "transportation" in subsection (a) (1) and inserting in lieu thereof "transportation by air";

(3) by striking out "in the case of transportation" in subsection (a) (2) and inserting in lieu thereof "in the case of transportation by air";

(4) by striking out "any transportation which" in subsection (b) and inserting in lieu thereof "any transportation by air which"; and

(5) by adding at the end thereof the following new subsection:

"(d) TRANSPORTATION.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service."

(c) REQUIREMENTS WITH RESPECT TO AIRLINE TICKETS AND ADVERTISING.—

(1) Subchapter B of chapter 75 (relating to other offenses) is amended by adding at the end thereof the following new section:

"SEC. 7275. PENALTY FOR OFFENSES RELATING TO CERTAIN AIRLINE TICKETS AND ADVERTISING.

"(a) TICKETS.—In the case of transportation by air all of which is taxable transportation (as defined in section 4262), the ticket for such transportation—

"(1) shall show the total of (A) the amount paid for such transportation and (B) the taxes imposed by sections 4261 (a) and (b),

"(2) shall not show separately the amount paid for such transportation nor the amount of such taxes, and

"(3) if the ticket shows amounts paid with respect to any segment of such transportation, shall comply with paragraphs (1) and (2) with respect to such segment as well as with respect to the sum of the segments.

"(b) ADVERTISING.—In the case of transportation by air all of which is taxable transportation (as defined in section 4262) or would be taxable transportation if section 4262 did not include subsection (b) thereof, any advertising made by or on behalf of any person furnishing such transportation (or offering to arrange such transportation) which states the cost of such transportation shall—

"(1) state such cost only as the total of (A) the amount to be paid for such transportation, and (B) the taxes imposed by sections 4261 (a), (b), and (c), and

"(2) shall not state separately the amount to be paid for such transportation nor the amount of such taxes.

"(c) Penalty.—Any person who violates any provision of subsection (a) or (b) is, for each violation, guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100."

(2) The table of sections for such subchapter B is amended by adding at the end thereof the following:

"Sec. 7275. Penalty for offenses relating to certain airline tickets and advertising."

And the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with the following amendments:

Page 52, line 17, of the Senate engrossed amendments, strike out "404" and insert: 204

Page 53, line 5, of the Senate engrossed amendments, strike out "April 30" and insert: June 30

Page 55, line 2, of the Senate engrossed amendments, strike out "transportation" and insert: transportation

And the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: after June 30, 1970, ; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: after June 30, 1970,; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(4) Subparagraph (M) of section 6416(b) (2) (relating to special cases in which tax payments constitute overpayments) is amended to read as follows:

"(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;".

And the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 206. TAX ON USE OF AIRCRAFT.

And the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

the rate of—

"(1) $25, plus

"(2) (A) in the case of an aircraft (other than a turbine engine powered aircraft) having a maximum certificated takeoff weight of more than 2,500 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight, or (B) in the case of any turbine engine powered aircraft, 3½ cents a pound for each pound of the maximum certificated takeoff weight.

And the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(e) TERMINATION.—On and after July 1, 1980, the tax imposed by subsection (a) shall not apply.

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with the following amendments:

Page 60, line 24, of the Senate engrossed amendments, after "with respect to" insert: that portion of the tax imposed by section 4491 which is determined under section 4491(a) (2) on

Page 61, line 8, of the Senate engrossed amendments, after "equal to" insert: that portion of

Page 61, line 9, of the Senate engrossed amendments after "such year" insert: which is determined under section 4491(a) (2)

Page 61, line 16, of the Senate engrossed amendments, after the period insert:

In the case of the year beginning on July 1, 1970, this subsection shall apply only if the person electing to pay the tentative tax establishes what the tentative tax would have been for such year if section 4491 had taken effect on July 1, 1969.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out.

Insert the matter proposed to be inserted.

And on page 65, line 16, of the House engrossed bill before the period insert:

or the amount to which any person is entitled under this section with respect to any period may be treated by such person as an overpayment which may be credited against the tax imposed by section 4491 with respect to such period

And the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with the following amendments:

Page 63, line 14, of the Senate engrossed amendments strike out "407" and insert: 207

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Page 63, line 24, of the Senate engrossed amendments strike out "March 31," and insert: June 30,

Page 64, line 13, of the Senate engrossed amendments strike out "March 31," and insert: June 30,

Page 65, line 14, of the Senate engrossed amendments strike out "March 31," and insert: June 30,

Page 67, strike out lines 22, 23, 24, and 25 of the Senate engrossed amendments and insert:

"(3) ALLOWANCE OF CREDIT AGAINST INCOME TAX

"For allowance of credit against the income tax imposed by subtitle A for fuel used or resold by the purchaser, see section 39.

Page 70, line 11, of the Senate engrossed amendments strike out "April 1" and insert: July 1

Page 70, line 13, of the Senate engrossed amendments strike out "April 1" and insert: July 1

Page 70, line 16, of the Senate engrossed amendments strike out "April 1" and insert: July 1

Page 70, line 19, of the Senate engrossed amendments strike out "April 1" and insert: July 1

Page 72, line 10, of the Senate engrossed amendments strike out "March 31" and insert: June 30

Page 73, line 1, of the Senate engrossed amendments strike out "March 31" and insert: June 30

And the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: 208.; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 30, 1970, and before July 1, 1980,; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 30, 1970, and before July 1, 1980; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 30, 1970, and before July 1, 1980,; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 30, 1970, and before July 1, 1980,; and the Senate agreed to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 30, 1970, and before July 1, 1980; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: June 30, 1970; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: ending after June 30, 1970, and beginning before July 1, 1980, and attributable to use after June 30, 1970, and before July 1, 1980; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: 208(b); and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: 208(b)(3); and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: 209.; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72 and agree to the same with an amendment as follows:

Page 75, line 17, of the Senate engrossed amendments strike out "to be assigned" and insert: to be appropriately assigned; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: 210.; and the Senate agree to the same.

Amendment numbered 75:

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 211. EFFECTIVE DATES.

(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this title shall take effect on July 1, 1970.

(b) EXCEPTIONS.—The amendments made by sections 203 and 204 shall apply to transportation beginning after June 30, 1970. The amendments made by subsections (a), (b), and (c) of section 207 shall apply with respect to taxable years ending after June 30, 1970.

And the Senate agree to the same.

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JACKSON E. BETTS,
Managers on the Part of the House.
RUSSELL B. LONG,
CLINTON ANDERSON,
ALBERT GORE,
JOHN J. WILLIAMS,
CARL T. CURTIS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

TITLE I

The managers on the part of the House as to title I of the House bill submit the following statement in explanation of the effect of the action agreed upon by the conferees as to title I of the House bill and recommended in the accompanying conference report:

Amendment No. 1: Senate amendment numbered 1 struck out all of title I of the House bill and inserted a substitute text consisting of three titles.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to title I of the House bill, with an amendment which is a substitute for both title I of the House bill and Senate amendment numbered 1 (except for section 306 of such amendment which amended the Tariff Act of 1930).

The major differences between title I of the House bill, the amendment of the Senate numbered 1, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

Part I—Short title, etc.

Short Title

Section 1 of the House bill provided that the legislation could be cited as the "Aviation Facilities Expansion Act of 1969".

The first section of the Senate amendment provided that the legislation could be cited as the "Airport and Airways Development Act of 1970".

Section 1 of the conference agreement provides that title I may be cited as the "Airport and Airway Development Act of 1970".

Declaration of Policy

Section 2 of the House bill contained findings and declarations by the Congress that the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation; and that substantial expansion and improvement is required to meet the demands of civil aviation, the postal system, and the national defense. This section further declared that the annual expenditure for ten years for improvement of the airway system should not be less than $250,000,000 and that the ten-year expenditure for airport assistance should be $2,500,000,000.

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Section 2 of the Senate amendment also set forth findings of the Congress that the Nation's airport and airway system is inadequate to meet current and projected growth in aviation; and that substantial expansion and improvement is required to meet the demands of interstate commerce, the postal service, and the national defense. In addition, this section contained findings that the civil users of air transportation are capable of making a greater contribution to the expansion and improvement of the system through increased user fees, but that revenues obtained from the general taxpayer will continue to be required to pay for the actual use of the system by the United States Government and for the value to the national defense and the general public in having a safe, efficient system in being and fully operational in the event of war or national emergency.

Section 2 of the conference agreement follows the House version except that the broader term "interstate commerce" is substituted for the term "civil aviation" so that the finding and declaration by the Congress reads that substantial expansion and improvement of the airport and airway system is required to meet the demands of interstate commerce, the postal service, and the national defense.

As stated, this legislation refers specifically to the need for the expansion and improvement of the national airport and airway system, in accordance with a national airport system plan, to meet the needs of interstate commerce, the postal service, and the national defense. Because this legislation relates primarily to the development of the national system, it proposes to levy only such user fees as are necessary to meet the Federal responsibility to expand and improve the national airport and airway system.

The managers on the part of the House are aware of the fact that there are needs for expansion and improvement of airport and airway facilities to meet interstate needs outside the national system contemplated by this legislation. In this connection, the managers on the part of the House recognize that many States have created State aeronautical agencies which not only cooperate with the Federal Government in the planning, development, and operation of the national system, but also effectively engage in the planning, development, and operation of needed airport and airway facilities not included in the national airport system, and would encourage the States to continue and expand their activities in this respect.

National Transportation Policy

Section 3 of the House bill required the Secretary of Transportation to formulate and recommend to the Congress for approval a national transportation policy within one year after the enactment of the House bill. The Secretary was required to take into consideration the coordinated development of all modes of transportation and the priority to be assigned to the development of each mode, and the coordination of recommendations relating to airport and airway development with recommendations for the development of the national transportation system. This section also required the Secretary to submit an annual report to the Congress on the implementation of the national transportation policy formulated under this section.

The Senate amendment contained no corresponding provision.

Section 3 of the conference agreement follows the House version.

Cost Allocation Study; Study and Report by the Secretary of Transportation

Section 4 of the House bill required the Secretary of Transportation to conduct a study of the appropriate method for allocating the cost of the airport and airway system among the various users, and to identify the cost to the Federal Government that should be charged to the system and the value which should be assigned to any general public benefit, including military. The Secretary was required in the conduct of the study to consult with and give consideration to the views of the users of the system. The Secretary was required to report the results of the study to the Congress within two years after the enactment of the House bill.

Section 101 of the Senate amendment required the Secretary to conduct a study of the appropriateness of the method of allocating and apportioning funds under sections 204 and 205 of the Senate amendment for meeting the needs of the airport and airways system during the five-year period beginning July 1, 1975. The Senate amendment also required the Secretary in the conduct of the study to consult with and give consideration to the views of the users of the system. The Secretary was required to report the results of the study to the Congress not later than February 1, 1975.

Section 4 of the conference agreement follows the House version.

Submission of Schedules Study

Section 102 of the Senate amendment required the Department of Transportation to conduct a study, in cooperation with the Civil Aeronautics Board, to determine the feasibility of requiring a commercial air carrier to submit a schedule of service as a condition precedent to the issuance of any certificate to such carrier by the Board, and authorizing the Board to require such carrier to revise such schedule in order to avoid undue congestion at major airports. The Department was required to complete the study within one year after the enactment of the Senate amendment and submit a report to the Congress.

The House bill contained no corresponding provision.

This provision of the Senate amendment is omitted from the conference agreement.

Part II—Airport and airway development

Definitions

Section 11 of the House bill and section 201 of the Senate amendment both contained definitions of terms for the purposes of the airport assistance program. Except as noted below, the definitions of both the House bill and the Senate amendment were the same or similar.

Airport development

Section 11(2) of the House bill defined the term "airport development" as any work involved in constructing, improving, or repairing any portion of a public airport, including the removal, relocation, and marking of airport hazards, and including navigation aids used by aircraft operating to or from the airport, and also any acquisition of land (including land for future airport development) or easement in airspace necessary to permit such work or to remove or prevent airport hazards. In addition, the definition contained in the House bill included safety equipment required for airport certification under section 612 of the Federal Aviation Act of 1958 (as added by section 51(b) of the House bill).

Section 201(2) of the Senate amendment contained a similar definition of the same term, with two exceptions. First, it did not include safety equipment required for airport certification as provided by the House bill. Second, unlike the House bill, it did include work involved in the construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings.

Section 11(2) of the conference agreement follows the House version.

Application for site approval

Section 201(6) of the Senate amendment defined the term "application for site approval" as a preliminary request by a sponsor for approval of a site selection submitted before any requests for aid.

The House bill contained no corresponding provision.

The conference agreement omits the definition of this term because it is not used in the language agreed upon by the conferees.

Military aircraft; Government aircraft

Section 11(7) of the House bill defined the term "military aircraft" to include all aircraft owned and operated by the Armed Forces of the United States.

Section 201(8) of the Senate amendment defined the term "Government aircraft" to include all aircraft owned and operated by the United States.

Section 11(7) of the conference agreement follows the Senate version.

Planning agency

Section 11(8) of the House bill defined the term "planning agency" as any planning agency designated by the Secretary of Transportation which is authorized by the laws of the State (including Puerto Rico, the Virgin Islands, and Guam) or political subdivision concerned to engage in areawide planning for the area in which Federal airport aid is to be used.

Section 201(9) of the Senate amendment defined the same term as meaning any State (including Puerto Rico, the Virginia Islands, and Guam) or political subdivision thereof or any other agency authorized by law to engage in airport system planning. The term "airport system planning" was defined by both the House bill and the Senate amendment to mean the development for planning purposes of information to determine the extent, type, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports.

Section 11(8) of the conference agreement follows the House version.

Public agency

Section 11(11) of the House bill defined the term "public agency" as a State, Puerto Rico, the Virgin Islands, or Guam, or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

Section 201(12) of the Senate amendment contained a similar definition of the same term except that, under the Senate amendment, the term also included the United States Government or any agency thereof.

Section 11(11) of the conference agreement follows the House version and omits any reference to the United States Government or any agency thereof because, under the agreement reached by the conferees, no United States agency can act as a sponsor of a project for airport development under the Airport and Airway Development Act of 1970. It was necessary to omit the reference to United States agencies in this definition because the definition of the term "sponsor" uses the term "public agency".

Request for aid

Section 201(14) of the Senate amendment defined the term "request for aid", for the purposes of section 206(d) of the Senate amendment dealing with approval of projects, as the first written request for assistance submitted to the Secretary of Transportation in which the project is outlined in detail in accordance with standardized procedures.

The House bill contained no corresponding provision.

The conference agreement omits the definition of this term because it is not used in the language agreed upon by the conferees.

National Airport System Plan

Formulation of plan

Section 12(a) of the House bill required the Secretary of Transportation to prepare and publish, within two years after the enactment of the airport and airway development program under this legislation, a national airport system plan for the development of public airports in the United States, and to review and revise such plan as necessary. The plan was required to follow the mandatory guidelines developed by a National Air System Guidelines Commission and set forth the airport needs for at least a ten-year period.

Section 202(a) of the Senate amendment contained similar provisions with respect to the formulation of a national airport plan, except that the Secretary of Transportation was required to revise the plan at least every two years and the Secretary was not required to follow any mandatory guidelines as provided by the House bill.

Section 12(a) of the conference agreement follows the House version except that the Secretary is not required to follow any mandatory guidelines.

Consultation with Federal, State, and other agencies

Section 12(c) of the House bill required the Secretary of Transportation, in preparing the national airport system plan, to consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies. as appropriate; with State agencies designated under section 22 of the House bill; with planning agencies and various representatives of the aviation industry.

Section 202(c) of the Senate amendment contained similar requirements with respect to consultation by the Secretary in the formulation of the national airport system plan, except that there was no specific requirement that he consult with the Department of the Interior concerning conservation and natural resource values and no requirement to consult with specific State agencies designated under the House bill. The Senate amendment did not contain a provision for designated State agencies such as that contained in section 22 of the House bill.

Section 12(c) of the conference agreement follows the House version except that the reference to State agencies designated pursuant to section 22 of the House bill is deleted because that section was omitted from the language agreed upon by the conferees.

Consultation concerning environmental changes

Section 12(f) of the House bill required the Secretary of Transportation to consult with the Secretaries of Interior, Health, Education, and Welfare, and Agriculture, and, to the extent the Secretary of Transportation determined to be feasible, to incorporate their recommendations with regard to the preservation of environmental quality in the national airport system plan.

Section 201(f) of the Senate amendment contained similar requirements except that consultation with the National Council on Environmental Quality was required in lieu of consultation with the Secretary of Agriculture and the recommendations with regard to the preservation of environmental quality were required to be incorporated in the national airport system plan to the maximum degree feasible.

Section 12(f) of the conference agreement combines the provision of the House bill and the provision of the Senate amendment by requiring consultation with the Secretaries of Interior, Health, Education, and Welfare, and Agriculture, and with the National Council on Environmental Quality. Their recommendations with regard to the preservation of environmental quality are required to be incorporated in the national airport system plan to the extent that the Secretary of Transportation determines to be feasible.

National Air System Guidelines Commission; Aviation Advisory Commission

Section 12(h) of the House bill created a National Air System Guidelines Commission composed of nine members appointed by the President from private life who were specially qualified by reason of training or experience, including representatives from aviation interests and organizations concerned with conservation or regional planning. The Commission was required to formulate mandatory guidelines for the national airport system plan and for surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan. The guidelines formulated by the Commission were required to be reported to the President and to the Congress not later than January 1, 1971, and the Commission would cease to exist 60 days after its final report. Not to exceed $2 million was authorized to be appropriated from the Airport and Airway Trust Fund to carry out this provision.

Section 301 of the Senate amendment created an Aviation Advisory Commission composed of 15 members appointed by the Secretary of Transportation, including individuals drawn from Federal and State Governments as well as representatives from aviation interests and organizations concerned with conservation and regional planning. The duty of the Commission was to advise, consult with, and make recommendations to the Secretary of Transportation concerning the long-range needs of aviation, including but not limited to future airport requirements and the national airport system plan. There was no specific termination date for the Commission nor was there any specific limitation on the amount of funds available for its expenses.

Section 12(h) of the conference agreement provides for an Aviation Advisory Commission generally following the structure of the Commission created by the House bill. The name of the Commission is taken from the Senate version and the duty of the Commission is modified so that it no longer is required to formulate mandatory guidelines, but is required to formulate recommendations (which will be advisory only) concerning the long-range needs of aviation, including, but not limited to, future airport requirements and the national airport system plan, and recommendations concerning surrounding land uses, ground access, airways, air service, and aircraft compatible with the national airport system plan. The reporting date for the Commission is changed from January 1, 1971, to January 1, 1972. It will cease to exist 60 days after it files its final report and not more than $2 million is authorized to be appropriated from the Airport and Airway Trust Fund for its expenses.

Planning Grants

Section 13 of the House bill authorized the Secretary of Transportation to make grants of funds to planning agencies for airport system planning and to public agencies for airport master planning. This authority was limited to a maximum of $50 million at the rate of not more than $10 million per year. Not more than 10 percent of the funds made available in any one year could be allocated for projects in a single State.

Section 203 of the Senate amendment contained similar authority except that it was limited to a maximum of $150 million at the rate of not more than $15 million per year. Not more than 5 percent of the funds made available in any one year could be allocated for projects in a single State.

Section 13 of the conference agreement authorizes a maximum of $75 million for planning grants at the rate of not more than $15 million per year. Not more than 7.5 percent of the funds made available in any one year can be allocated for projects in a single State.

Airport and Airway Development Program

General authority

Section 14 of the House bill authorized the Secretary of Transportation to make grants (within the limits established in appropriation Acts) for airport development in aggregate amounts not to exceed the following:

(1) For air carrier and reliever airports in the States, Puerto Rico, the Virgin Islands, and Guam, not to exceed $150 million for fiscal year 1970, $180 million for fiscal year 1971, and $240 million for fiscal year 1972.

(2) For general aviation airports in the States, Puerto Rico, the Virgin Islands, and Guam, not to exceed $25 million for each of the fiscal years 1970, 1971, and 1972.

Section 204(a) of the Senate amendment authorized the Secretary of Transportation to make grants for airport development in aggregate amounts not less than the following:

(1) For air carrier and reliever airports in the States, Puerto Rico, and the Virgin Islands, not less than $270 million for each of the fiscal years 1971 through 1980.

(2) For general aviation airports in the States, Puerto Rico, and the Virgin Islands, not less than $30 million for each of the fiscal years 1971 through 1980.

Section 14(a) of the conference agreement provides for a five-year airport development program and authorizes the Secretary of Transportation to make grants for airport development in aggregate amounts not less than the following:

(1) For air carrier and reliever airports in the States, Puerto Rico, Guam, and the Virgin Islands, not less than $250 million for each of the fiscal years 1971 through 1975.

(2) For general aviation airports in the States, Puerto Rico, Guam, and the Virgin Islands, not less than $30 million for each of the fiscal years 1971 through 1975.

Long-term obligational authority

Section 204(b) of the Senate amendment authorized the Secretary of Transportation to incur obligations to make grants, beginning on the date of enactment of the Senate amendment, for the fiscal year 1971 and the succeeding four fiscal years in an aggregate amount not to exceed $1.5 billion. Appropriations were authorized to liquidate obligations incurred as follows: not to exceed $300 million before June 30, 1971; not to exceed an aggregate of $600 million before June 30, 1972; not to exceed an aggregate of $900 million before June 30, 1973; not to exceed an aggregate of $1.2 billion before June 30, 1974; and not to exceed an aggregate of $1.5 billion before June 30, 1975. For the fiscal year ending June 30, 1976, and the four succeeding fiscal years the Secretary was authorized to make grants for the purposes of this section within the limits established in Appropriation Acts.

The House bill contained no corresponding provision.

Section 14(b) of the conference agreement provides for a five-year program of obligational authority in an aggregate amount not to exceed $840 million. No obligation can be incurred for a period of more than three fiscal years and no such obligation can extend beyond June 30, 1975. The Secretary of Transportation is prohibited from incurring more than one such obligation with respect to any single project for airport development. Obligations incurred under this authority cannot be liquidated in an aggregate amount exceeding $280 million before June 30, 1971, an aggregate amount exceeding $560 million before June 30, 1972, and an aggregate amount exceeding $840 million before June 30, 1973.

The modified provision reduces the term

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and amount of the authority, restricts each obligation to a period of not longer than three years, restricts the number of obligations which can be incurred with respect to a single project, and prohibits the liquidation of the aggregate amount of the authorized obligations before the expiration of the first three years.

Airway facilities

Section 204(c) of the Senate amendment authorized the Secretary of Transportation to obligate for expenditure (within the limits established in appropriation Acts) not less than $250 million for each of the fiscal years 1971 through 1980 to acquire, establish, and improve air navigation facilities under section 307(b) of the Federal Aviation Act of 1958.

The House bill contained no corresponding provision.

Section 14(c) of the conference agreement follows the Senate version except that the program is reduced to five years. The Secretary of Transportation is authorized, within the limits established in appropriation Acts, to obligate for expenditure not less than $250 million for each of the fiscal years 1971 through 1975.

Other expenses; research and development activities

Section 204(d) of the Senate amendment required that the balance of the moneys available in the Airport and Airway Trust Fund be allocated for administrative expenses of the airport program, for the maintenance and operation of air navigation facilities and other functions under section 307(b) of the Federal Aviation Act of 1958 not otherwise provided for under the preceding section of the Senate amendment (section 204(c)) relating to airway facilities, and for research and development activities under section 312(c) of the Federal Aviation Act of 1958 (as it relates to safety in air navigation). The first $50 million appropriated to the trust fund from general revenues was required to be allocated to such research and development activities.

The House bill contained no corresponding provision.

Section 14(d) of the conference agreement follows the Senate version.

Distribution of Funds; State Appointment

Air carrier and reliever airports

Section 15(a)(1) of the House bill required the Secretary of Transportation to apportion funds made available for air carrier and reliever airports, as soon as possible after July 1 of each year, as follows:

(1) For the several States on the basis of an area-population formula, $48.5 million for the fiscal year 1970, $58.2 million for the fiscal year 1971, and $77.6 million for the fiscal year 1972.

(2) For Hawaii, Puerto Rico, Guam, and the Virgin Islands in shares of 35 percent, 35 percent, 15 percent, and 15 percent, respectively, $1.5 million for the fiscal year 1970, $1.8 million for the fiscal year 1971, and $2.4 million for the fiscal year 1972.

(3) For sponsors of air carrier airports on the basis of the number of enplaned passengers at each airport of the sponsor, $50 million for the fiscal year 1970, $60 million for the fiscal year 1971, and $80 million for the fiscal year 1972.

(4) For distribution at the discretion of the Secretary, $50 million for the fiscal year 1970; $60 million for the fiscal year 1971, and $80 million for the fiscal year 1972.

Section 205(a)(1) of the Senate amendment required the Secretary of Transportation to apportion funds made available for air carrier and reliever airports in any fiscal year as follows:

(1) One-third of the amount available to the several States on the basis of an area-population formula, except that, before such apportionment, 3 percent of such funds would be available for Hawaii, Puerto Rico, and the Virgin Islands in shares 40 percent, 40 percent, and 20 percent, respectively.

(2) One-third of the amount available to sponsors of airports in areas designated by the Civil Aeronautics Board as large hubs, medium hubs, or small hubs on the basis of the number of enplaned passengers in each hub.

(3) One-third of the amount available would be distributed at the discretion of the Secretary.

Section 15(a)(1) of the conference agreement is a combination of the House and Senate versions and requires the Secretary to apportion funds made available for air carrier and reliever airports in any fiscal year, as soon as possible after July 1 of each such year, as follows:

(1) One-third of the amount made available to be distributed as follows:

(A) 97 percent of such one-third for the several States on the basis of an area-population formula.

(B) 3 percent of such one-third for Hawaii, Puerto Rico, Guam, and the Virgin Islands in shares of 35 percent, 35 percent, 15 percent, and 15 percent, respectively.

(2) One-third of the amount made available for sponsors of air carrier airports on the basis of the number of enplaned passengers at each airport of the sponsor.

(3) One-third of the amount made available to be distributed at the discretion of the Secretary of Transportation.

It was the intent of the committee of conference that an airport sponsor will be eligible for an apportionment under this section if the airport involved serves a point on the route of an air carrier certificated by the Civil Aeronautics Board. This would include the case of an airport with respect to which the air carrier certificated by the Civil Aeronautics Board is authorized to suspend its scheduled service temporarily on the condition that such service is furnished by an air taxi operator, which is an air carrier exempt from certification by the Civil Aeronautics Board.

General aviation airports

Section 15(a)(2) of the House bill required the Secretary of Transportation to apportion funds made available for general aviation airports, as soon as possible after July 1 of each year, as follows:

(1) $18.375 million for the several States on the basis of an area-population formula.

(2) $375 thousand for Hawaii, Puerto Rico, Guam, and the Virgin Islands in shares of 35 percent, 35 percent, 15 percent, and 15 percent, respectively.

(3) $6.25 million for distribution at the discretion of the Secretary.

If the amounts available for apportionment for any year were less than the amounts stated above, the House bill required that such lesser amounts be apportioned in accordance with the ratios indicated by the stated amounts.

Section 205(a)(2) of the Senate amendment required the Secretary of Transportation to apportion funds made available for general aviation airports for any fiscal year as follows:

(1) Seventy-three and one-half percent of the amount made available for the several States on the basis of an area-population formula.

(2) One and one-half percent of the amount made available for Hawaii, Puerto Rico, and the Virgin Islands in shares of 40 percent, 40 percent, and 20 percent, respectively.

(3) Twenty-five percent of the amount made available to be distributed at the discretion of the Secretary.

Section 15(a)(2) of the conference agreement is a combination of the House and Senate versions and requires the Secretary of Transportation to apportion funds made available for general aviation airports in any fiscal year, as soon as possible after July 1 of each such year, as follows:

(1) Seventy-three and one-half percent of the amount made available for the several States on the basis of an area-population formula.

(2) One and one-half percent of the amount made available for Hawaii, Puerto Rico, Guam, and the Virgin Islands in shares of 35 percent, 35 percent, 15 percent, and 15 percent, respectively.

(3) Twenty-five percent of the amount made available to be distributed at the discretion of the Secretary.

In exercising his authority with respect to the distribution of discretionary funds under section 15 of the conference agreement, the committee of conference feels that the Secretary of Transportation should give particular consideration to the requirements of smaller airports and, to the extent feasible, make every attempt to meet such requirements.

Availability of apportioned funds

Section 15(a)(4) of the House bill provided that amounts apportioned to a State for air carrier and reliever airports and for general aviation airports under the area-population formula would remain available for approved airport development projects in that State, or sponsored by that State but located in an adjoining State, for a period of two fiscal years. Thereafter, any amount remaining unobligated would be added to the discretionary fund established under section 15(b) of the House bill. Each amount apportioned to an airport sponsor would remain available for approved airport development projects at airports sponsored by it for a period of three fiscal years. Thereafter, any amount remaining unobligated would be added to the discretionary fund established under section 15(b) of the House bill.

Section 205(a)(3) of the Senate amendment provided that amounts apportioned to a State would remain available for obligation by that State for a period of three fiscal years and, thereafter, any amount remaining unobligated would be added to the discretionary fund.

Section 205(a)(4) of the Senate amendment provided that each hub area be credited with its apportionment each year and, to the extent that credit exceeded the total payments from such apportionment to airport sponsors in that hub area in the current year, the excess would remain to the credit of that hub area for the two succeeding years. If the Secretary approved a project for airport development in that hub area within the three-year period described, the accumulated amount remaining to the credit of that hub area would be available to the sponsor of the approved project as a grant for such project. If no project was approved in such three-year period, the amount credited to that hub area would be added to the discretionary fund.

Section 15(a)(3) of the conference agreement is a combination of the House and Senate versions and provides that amounts apportioned to a State for air carrier and reliever airports and for general aviation airports under the area-population formula will remain available for approved airport development projects in that State, or sponsored by that State but located in an adjoining State, for a period of two fiscal years. Thereafter, any amount remaining unobligated by grant agreement will be added to the discretionary fund. Each amount apportioned to an airport sponsor will remain available for approved projects at airports sponsored by it for a period of three fiscal years. Thereafter, any amount remaining unobligated by grant agreement will be added to the discretionary fund.

Enplaned passengers

Section 15(a)(5) of the House bill required the Civil Aeronautics Board to compile statistical information concerning the numbers of enplaned passengers for the purpose of the airport sponsor apportionment required under section 15(a)(1)(C) of the House bill.

The last paragraph of section 205(a) of the Senate amendment required the Secretary of Transportation to determine the numbers of enplaned passengers pursuant to regulations prescribed by him for the purpose of the hub apportionment required under section 205(a)(1)(B) of the Senate amendment.

Section 15(a)(4) of the conference agreement follows the Senate version of determining the numbers of enplaned passengers for the purpose of the airport sponsor apportionment required under section 15(a)(1)(B) of the conference agreement.

Projects in national parks and recreation areas

Section 205(b)(3) of the Senate amendment provided that amounts available for distribution at the discretion of the Secretary of Transportation for general aviation airport development projects would be available for approved projects for airport development sponsored by the United States or any agency thereof in national parks and national recreation areas, national monuments, national forests, and special reservations for Government purposes as the Secretary considered appropriate for carrying out the national airport system plan.

The House bill contained no corresponding provision.

In accordance with the agreement reached by the conferees that no United States agency can sponsor a project for airport development under the Airport and Airway Development Act of 1970, this provision of the Senate amendment is omitted from the conference agreement.

Submission and Approval of Projects for Airport Development

Section 16 of the House bill and section 206 of the Senate amendment contained a number of similar provisions dealing with the submission to, and approval by, the Secretary of Transportation of projects for airport development. In large part, the conference agreement follows the House version. The major differences between the House bill and the conference agreement are noted below.

Applications by Federal agencies

Section 206(b) of the Senate amendment provided that nothing in the Senate amendment would authorize the submission of a project application by the United States or any agency thereof, except in the case of a project in Puerto Rico, the Virgin Islands, Guam, or in, or in close proximity to, a national park, national recreation area, or national monument, or in a national forest, or a special reservation for Government purposes.

The House bill contained no corresponding provision.

In accordance with the agreement reached by the conferees that no United States agency can act as a sponsor of an airport development project under the Airport and Airway Development Act of 1970, this provision of the Senate amendment is omitted from the conference agreement.

Approval

Section 16(c)(3) of the House bill prohibited the Secretary from approving any airport development project unless he was satisfied that fair consideration had been given to the interest of communities in or near which the project would be located.

Section 16(c)(4) of the House bill declared it to be national policy that airport development projects should provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary was required to consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect a project might have on natural resources and other factors affecting the environment. The Secretary was prohibited from authorizing any project found to have adverse effect unless he rendered a finding, in writing, after a full and complete review which was required to be a matter of public record, that no feasible and prudent alternative existed and that all possible steps had been taken to minimize such adverse effect.

Section 206(d)(3) of the Senate amendment declared it to be national policy that airport development projects should provide for the protection of the natural resources and the quality of environment of the Nation. In implementing this policy the Secretary was required to consider the effect of each project on factors of environmental significance. The Secretary was prohibited from approving any project unless he was satisfied that adequate consideration had been given to the preservation of the environment and to the interest of the communities in or near which the project would be located.

Sections 16(c) (3) and (4) of the conference agreement follow the House version except that the application of the provisions of paragraph (4) relating to consultation concerning the protection and enhancement of natural resources and the quality of environment of the Nation is limited to major projects involving airport location, a major runway extension, or runway location. This will obviate the necessity of applying such provisions to minor projects which, in many cases, may amount to nothing more than maintenance operations having no effect on natural resources or on the quality of the environment.

Air and water quality

Section 206(g) of the Senate amendment contained special provisions relating to air and water quality standards. It prohibited the Secretary from approving any airport application unless the Governor of the State in which the project would be located certified in writing to the Secretary that there was reasonable assurance that the project would be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. Where such standards had not been approved or had been promulgated by the Secretary of the Interior or by the Secretary of Health, Education, and Welfare, the certification was required to be obtained from the appropriate Secretary. Certification was required to be obtained within sixty days after the project application was received by the Secretary of Transportation. The Secretary of Transportation was required to condition his approval of any project on compliance during construction and operation with applicable air and water quality standards.

The House bill contained no corresponding provision.

Section 16(e) of the conference agreement follows the Senate version except that its application is limited to major projects involving airport location, a major runway extension, or runway location. As in the case of the provisions concerning consultation on environmental effects discussed above, this will obviate the necessity of applying these provisions to minor projects which, in many cases, may be nothing more than maintenance operations having no effect on air or water quality.

United States Share of Project Costs

Landing aids

Section 17(d) of the House bill provided that to the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share should be not to exceed 90 percent of the allowable cost thereof.

Section 207(d) of the Senate amendment provided that the United States share should be not to exceed 75 percent of the same costs.

Section 17(d) of the conference agreement provides that the United States share shall not exceed 82 percent of such costs.

Project Sponsorship

Section 18(5) of the House bill provided that, as a condition precedent to his approval of an airport development project, the Secretary of Transportation must receive assurances in writing, satisfactory to him, that all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft would be available to the United States for use by military aircraft in common with other aircraft at all times without charge, except, if the use by military aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used.

Section 208(5) of the Senate amendment contained a similar provision except that it used the term "Government aircraft" in lieu of the term "military aircraft". The term "Government aircraft" is broader than the term "military aircraft" and is defined in section 11(7) of the conference agreement to mean aircraft owned and operated by the United States. This would include not only military aircraft but also aircraft owned and operated by civilian agencies.

Section 18(5) of the conference agreement follows the Senate version.

Project Costs

Costs not allowed

Section 20(b) of the House bill provided that the following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hanger or of any part of an airport building except such of those buildings of parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport. The House bill continued unchanged the practice under existing law of prohibiting Federal financial aid for airport terminal buildings except those housing facilities or activities directly related to the safety of persons at the airport.

Section 210(b) of the Senate amendment contained provisions similar to those of the House bill except that it also contained additional language permitting Federal financial assistance to terminal buildings directly related to the handling of passengers or their baggage at the airport. With respect to these additional terminal facilities, the Secretary could not furnish Federal financial assistance unless he found that no reasonable financial alternative existed. His finding was required to be based upon consideration of the feasibility and extent of other sources of financial participation, the financial condition of the airport sponsor, and any other factors relevant to such determination.

Section 20(b) of the conference agreement follows the House version.

State Agencies

Section 22 of the House bill authorized the Secretary of Transportation to make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out State programs for airport planning and development. A five-year program was contemplated. The total funds obligated under this section could not exceed $25 million. The total funds obligated in any one fiscal year could not exceed $5 million.

To be eligible to receive a grant, a State agency was required to be empowered to acquire property necessary to establish or develop airports, prepare a statewide airport system plan, undertake airport development or provide financial assistance for carrying out such development to public agencies within the State, and disburse to sponsors within the State payments made pursuant to grant agreements under section 19 of the House bill. Funds available each fiscal year for the purpose of making grants under this section were required to be apportioned among the States in accordance with an allocation formula based on State population and area. Amounts apportioned to a State which were not obligated by grant agreement at the expiration of the fiscal year for which it was apportioned, were required to be added to the fund available for distribution at the discretion of the Secretary to make grants for the development of air carrier and reliever airports. Not more than $80 thousand made available to any one State in any fiscal year could be used for administrative expenses. For the purposes of this section, the term "State" was defined to include Puerto Rico, the Virgin Islands, and Guam, as well as the several States and the District of Columbia.

The Senate amendment contained no corresponding provision.

This section of the House bill is omitted from the conference agreement.

The agreement to delete section 22 of the House bill was made with the understanding that it is anticipated that the Secretary will continue to cooperate fully with, and seek the cooperation of, the several State agencies. The omission of this provision should not be taken as an indication of any intent to lessen the existing role of State agencies in the planning, development, and operation of airports. The managers on the part of the House feel that the role of State agencies in the planning, development, and operation of airports should be encouraged.

Use of Government-Owned Lands

Section 24 of the House bill provided that the Secretary of Transportation could request the head of any Federal agency having control over lands reasonably necessary for carrying out a project for airport development or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, to convey necessary property interests therein to the public agency sponsoring the project in question or owning or controlling the airport. The agency head receiving such a request, upon determining that the requested conveyance was not inconsistent with the needs of his agency, would be required, with the approval of the President and the Attorney General, to execute any instruments necessary to make the requested conveyance. At the option of the Secretary, property so conveyed would revert to the United States in the event it was not developed for airport purposes or not used in a manner consistent with the terms of the conveyance. In a case where only a part of the property interest conveyed was not developed for airport purposes, or not used in a manner consistent with the terms of the conveyance, only that particular part would, at the option of the Secretary revert to the United States. This continues, with minor modifications, the policy contained in existing law.

The House bill, however, added language which provided that, except where otherwise specifically provided by law, the provisions of this section would not apply with respect to lands owned or controlled by the United States within areas such as national parks and recreation areas, units of the National Wildlife Refuge System, or within any national forest or Indian reservation.

Section 213 of the Senate amendment contained provisions similar to section 24 of the House bill except that it did not contain the language added by the House bill and described in the preceding paragraph.

Section 23 of the conference agreement follows the House version.

Access to records

Audit reports

Section 27(c) of the House bill required that whenever an independent audit is made of the accounts of a grant recipient, he must file a certified copy of the audit with the Comptroller General. The Comptroller General was required to make an annual report to the Congress describing the results of each audit conducted or reviewed by him under this section. The Comptroller General was also authorized to prescribe necessary regulations to carry out the provisions of this section.

The Senate amendment contained no corresponding provision.

Section 26(c) of the conference agreement follows the House version.

Withholding information

Section 27(d) of the House bill provided that nothing in section 27 of the House bill relating to access to records would authorize the withholding of information from the duly authorized committees of the Congress.

The Senate amendment contained no corresponding provision.

Section 26(d) of the conference agreement follows the House version.

PART III—MISCELLANEOUS

Amendments to the Federal Aviation Act of 1958

Procurement procedures

Section 51(a) of the House bill amended section 303 of the Federal Aviation Act of 1958 to authorize the Secretary of Transportation to negotiate, without advertising, purchases and contracts for technical or special property related to, or in support of, air navigation, which property he determined would require substantial initial investment or an extended period of preparation for manufacture, and with respect to which he determined that formal advertising would likely result in additional cost to the Federal Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property.

The House bill also contained language which required the Secretary to report at the beginning of each fiscal year to the Committee on Interstate and Foreign Commerce of the House of Representatives and to the Committee on Commerce of the Senate all transactions negotiated under this provision during the preceding fiscal year.

Section 302 of the Senate amendment contained a similar amendment to section 303 of the Federal Aviation Act of 1958 except that it did not contain the language relating to the reporting requirements imposed by the language of the House bill described in the preceding paragraph.

Section 51(a) of the conference agreement follows the House version.

Airport certification

Section 51(b) of the House bill amended title VI of the Federal Aviation Act of 1958 to provide for the certification of air carrier airports and to make it unlawful to operate an air carrier airport without certification or in violation of the certificate. The Administrator of the Federal Aviation Administration was empowered to issue airport operating certificates to air carrier airports and to establish minimum safety standards for the operation of such airports. If the Administrator found, after investigation, that the applicant was adequately equipped and able to conduct a safe operation in accordance with the Federal Aviation Act of 1958 and rules prescribed thereunder, he was required to issue a certificate. Each certificate was required to contain such terms and conditions as might be reasonably necessary to assure safety in air transportation. Such terms and conditions must include terms and conditions relating to installation, operation, and maintenance of adequate air navigation facilities and terms and conditions relating to the operation and maintenance of adequate safety equipment, such as firefighting and rescue equipment. It would not be unlawful to operate an air carrier airport without a certificate or in violation of its terms, nor would any penalties be incurred under title IX of the Federal Aviation Act of 1958, until the expiration of the two-year period beginning on the date of enactment of the amendment. This gave the Administrator two years within which to certificate existing airports.

The Senate amendment contained no corresponding provision.

Section 51(b) of the conference agreement follows the House version with a clarifying change to make it clear that the term "air carrier airports" means airports serving air carriers "certificated by the Civil Aeronautics Board". This clarification will make it unnecessary to require certification of a small airport that may be served by an air taxi but not by a scheduled air carrier certificated by the Civil Aeronautics Board. An air taxi operator is an air carrier by definition under the Federal Aviation Act of 1958, but operates under an exemption issued by the Civil Aeronautics Board and is not an "air carrier certificated by the Civil Aeronautics Board".

Repeal; Conforming Amendments; Saving Provisions; and Separability

Conforming amendments

Section 303 of the Senate amendment contained conforming amendments to change language in existing law to bring it into conformity with definitions and the short title of the Airport and Airway Development Act of 1970. The provisions of existing law amended by such section were as follows:

(1) The first section, section 3, and section 5 of the Act of March 18, 1950, relating to Department of the Interior Airports.

(2) Section 509(c) of the Public Works and Economic Development Act of 1965.

(3) Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966.

(4) Sections 313(c) and 1109(e) of the Federal Aviation Act of 1958.

(5) Section 214(c) of the Appalachian Regional Development Act of 1965.

(6) Section 13(g)(1) of the Surplus Property Act of 1944.

(7) Reorganization Plan Numbered 14 of 1950.

The House bill contained no corresponding provision.

Section 52(b) of the conference agreement follows the Senate version with technical and conforming changes. The technical changes are merely drafting changes to conform the Senate version to the drafting style of the conference agreement.

The conforming changes omit all the amendments to the Act of March 18, 1950, relating to the Department of the Interior Airports, except the amendment to the first section of that Act substituting the term "Secretary of Transportation" in lieu of the term "Administrator of the Federal Aviation Agency". The other amendments to such first section proposed to substitute the terms "national airport system plan" and "Airport and Airway Development Act of 1970" in lieu of the terms "national airport plan" and "Federal Airport Act", respectively. Under such first section, no airport can be acquired,

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established, or constructed by the Secretary of the Interior unless it is included in the then current revision of the "national airport plan" formulated under the "Federal Airport Act". The amendments to the first section of such Act which are omitted from the conference agreement conform to the agreement reached by the conferees that no United States Agency can sponsor an airport development project under the Airport and Airway Development Act of 1970. Omitting these amendments will permit the completion of any grant agreement lawfully executed under the Federal Airport Act (which is not repealed under the conference agreement until the close of June 30, 1970), and to which the Secretary of the Interior was a party, in accordance with the provisions of the Federal Airport Act as it existed at the time any such grant agreement was executed.

Under section 3 of such Act of March 18, 1950, the Secretary of the Interior is authorized to sponsor certain airport development projects under the Federal Airport Act either independently or jointly with other public agencies. The Senate version proposed to add the Airport and Airway Development Act of 1970 as a conforming change. This proposed amendment is also omitted from the conference agreement to conform with the agreement reached by the conferees that no United States agency can act as a sponsor of an airport development project under the Airport and Airway Development Act of 1970.

Section 5 of such Act of March 18, 1950, provides that certain terms, including the terms "public agency" and "sponsor", shall have the same meanings prescribed in the Federal Airport Act. The Senate version proposed to substitute the term "Airport and Airway Development Act of 1970" in lieu of the term "Federal Airport Act". This proposed amendment is also omitted from the conference agreement because, under the conference agreement, no United States agency can sponsor an airport development project under the Airport and Airway Development Act of 1970. Also, the conference agreement changes the definition of the term "public agency" so as to exclude the United States or any agency thereof. This change affects the definition of the term "sponsor" because, under the Federal Airport Act and under the Airport and Airway Development Act of 1970, only a public agency can act as a sponsor. Omitting this amendment from the conference agreement will permit the Secretary of the Interior to continue to act as a public agency under the Federal Airport Act in order to be a sponsor of an airport development project pursuant to a lawfully executed grant agreement entered into by him before the repeal of the Federal Airport Act.

Downed Aircraft Rescue Transmitters

Section 307 of the Senate amendment amended section 601 of the Federal Aviation Act of 1958 to provide that minimum standards issued under that section must include a requirement that downed aircraft rescue transmitters would be required to be installed on certain aircraft used in air commerce after one year following the date of enactment of this provision and on any aircraft used in air transportation after three years following such date of enactment.

The House bill contained no corresponding provision.

This provision of the Senate amendment is omitted from the conference agreement.

The managers on the part of the House agreed with the managers on the part of the Senate that the omission of this provision of the Senate amendment should not be taken as an indication that there is a lessening of interest on the part of either House of the Congress with respect to the development of safety devices and procedures in the field of aviation. The committee of conference realizes that the Administrator of the Federal Aviation Administration has ample authority under the Federal Aviation Act of 1958 to prescribe safety devices and procedures and would urge him to exercise such authority in an expeditious manner in the interest of public safety. This existing authority, of course, includes safety devices such as downed aircraft rescue transmitters.

Harley O. Staggers,
Samuel N. Friedel,
John D. Dingell,
J. J. Pickle,
W. L. Springer,
Sam Devine,
Albert Watson,
Managers on the Part of the House.

TITLE II

The managers on the part of the House as to title II of the House bill and as to section 306 of the bill as proposed in the amendment of the Senate numbered 1 submit the following explanation of the effect of the action agreed upon by the conferees as to such title II and such section 306 and recommended in the accompanying conference report:

The following amendments made technical, clerical, clarifying, or conforming changes: 2, 3, 4, 5, 6, 10, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 45, 46, 47, 48, 49, 50, 52, 57, 59, 60, 61, 63, 65, 66, 67, 68, 69, 70, and 73. With respect to these amendments (1) the House either recedes or recedes with amendments which are technical, clerical, clarifying, or conforming in nature, or (2) the Senate recedes in order to conform to other action agreed upon by the committee of conference.

So much of amendment numbered 1 (proposed section 306) as relates to maximum overtime charges for customs, and so forth, services: Section 306 of the bill, as added by Senate amendment numbered 1, places a $25 ceiling on overtime charges for certain services in connection with the arrival in or departure from the United States of any private aircraft or private vessel.

Under the conference agreement a new section 53 is added at the end of part III of title I of the bill. This new section 53 contains the substance of the proposed section 306 in placing a $25 ceiling on overtime charges for the services of officers and employees of the Customs Service, of the Immigration and Naturalization Service, of the Public Health Service, and of the Department of Agriculture in connection with the arrival in or departure from the United States of any private aircraft or private vessel. However, technical changes are made in the language of this provision.

Amendments numbered 7, 8, and 9: The House bill inserted a new section 4041(c) in the 1954 Code under paragraph (1) of which a tax of 7 cents a gallon was imposed on any liquid (other than gasoline) sold for use, or used, as a fuel in aircraft in noncommercial aviation. Under the House bill (paragraph (2) of the new section 4041(c)) a tax (which was additional to the tax imposed by section 4081 of the Code) was imposed on gasoline sold for use, or used, as a fuel in aircraft in noncommercial aviation at a rate which, combined with the section 4081 tax, equaled 7 cents a gallon. Under the Senate amendments, the rate of the tax imposed by paragraph (1) of the new section 4041(c), and the combined rate resulting from the additional tax imposed by paragraph (2) of that section plus the tax on gasoline imposed by section 4081, is 6 cents a gallon.

Under the conference agreement, the rate of the tax imposed by paragraph (1) of the new section 4041(c), and the combined rate resulting from the additional tax imposed by paragraph (2) of that section plus the tax on gasoline imposed by section 4081, is 7 cents a gallon.

Amendment numbered 11: This amendment adds a paragraph (5) to the new section 4041(c) inserted in the 1954 Code by the House bill. Under this paragraph (5) the taxes imposed on fuel for noncommercial aviation by paragraphs (1) and (2) of the new section 4041(c) are not to apply after June 30, 1980.

The House recedes.

Amendment numbered 12: The House bill increased the existing taxes on amounts paid for the taxable transportation of persons by air (and on amounts paid for seating or sleeping accommodations in connection with such transportation) from 5 to 8 percent, effective with respect to transportation beginning on or after January 1, 1970. Under the House bill, as under existing law, the amount of tax was computed on the amount paid exclusive of tax and was in general payable by the person paying for the transportation or accommodations.

Under Senate amendment No. 12 tax is imposed at the rate of 7.5 percent on taxable transportation (and on amounts paid for seating or sleeping accommodations in connection with such transportation), effective with respect to transportation beginning after April 30, 1970. Under the Senate amendment the amount of these taxes is computed on the total payment (for transportation and for tax) and the taxes are payable by the person receiving the payment for the transportation or accommodations. The Senate amendment also provided for a reduction in these taxes, from 7.5 to 4.8 percent, with respect to transportation beginning after June 30, 1980.

Under both the House bill and the Senate amendment, a new $3 tax is imposed on the transportation of any person by air which begins in the United States, unless such transportation is fully taxable at the rates described in the preceding paragraphs.

Under the conference agreement, the tax on taxable transportation of persons by air is imposed, as under the House bill, on the amount paid for the transportation and is imposed on the person making the payment subject to tax. The rate of such tax is increased to 8 percent effective with respect to transportation beginning after June 30, 1970, but is to return to the existing 5 percent rate effective with respect to transportation beginning after June 30, 1980.

Under the conference agreement, the new $3 tax on transportation of persons by air is effective with respect to transportation beginning after June 30, 1970, and, as under the Senate amendment, will not apply to transportation which begins after June 30, 1980. In the case of a round trip from a location outside the United States to the United States and back (but not necessarily back to the point of origin) the new $3 tax is to apply with respect to the return trip from the United States.

Under the conference agreement, a new section 7275 is added to the Code setting forth certain requirements with respect to airline tickets and advertising. Under the new section 7275, in the case of a ticket for air transportation all of which is taxable transportation (as defined in section 4262 of the Code), the ticket must show only the total amount, including the tax, paid for the transportation. If the cost of various segments of the transportation is shown separately, each must be shown as the total amount, including tax, attributable to that segment.

Under the new section 7275, if in an advertisement of air transportation, all of which is taxable transportation or is transportation between Alaska or Hawaii and the 48 contiguous States, the cost of the transportation is stated, then such cost must be stated as the total amount, including taxes imposed under section 4261 of the Code, which is payable for the transportation.

Amendment numbered 13: The House bill added a new section 4271 to the Code which

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imposed a tax on the amount paid for the transportation of property by air from one point in the United States to another. The tax was 5 percent of the amount so paid. The House bill also imposed a tax equal to 5 percent of the amount paid for transportation by air from a point outside the United States to a point within the United States. Under the House bill, both these taxes were effective with respect to transportation beginning after December 31, 1969.

Under Senate amendment numbered 13 a tax is imposed on amounts paid for the taxable transportation (as defined in the new section 4272) of property equal to 5 percent of the amount paid for such transportation.

The amendment differs from the House bill in—

(1) adding a subsection (c) to the new section 4271 of the Code providing a rule for determining the tax in certain cases where joint services which include taxable transportation are provided,

(2) defining taxable transportation (see the new section 4272(a) of the Code added by the amendment) as meaning transportation by air which begins and ends in the United States, thereby making the tax inapplicable with respect to transportation which begins outside the United States and ends within the United States,

(3) providing (in the new section 4272(b)) that in the case of Alaska and Hawaii the tax is not to apply to transportation which meets the requirements of paragraphs (1), (2), (3), and (4) of section 4262(b) (generally speaking, this excludes that portion of the transportation which is outside the United States), and

(4) providing (in the new section 4272(c)) that the term "property" does not include excess baggage accompanying a passenger traveling on an established line.

Under the Senate amendment, this tax applies to transportation which begins after April 30, 1970, and before July 1, 1980.

The conference agreement follows the substance of Senate amendment numbered 13 but provides that the tax on the transportation by air of property is to apply with respect to transportation which begins after June 30, 1970, and before July 1, 1980.

Amendment numbered 18: Under the air-transportation taxes imposed by sections 4261 and 4271 did not apply to international organizations or to the Red Cross.

Senate amendment numbered 18 struck out this exemption.

The House recedes.

Amendment numbered 40: Under the House bill, a tax was imposed on the use of any taxable civil aircraft during any year at the rate of $25 plus 2 cents a pound (3½ cents a pound for turbine engine powered aircraft) for each pound of the maximum certificated takeoff weight of the aircraft.

Senate amendment numbered 40 (1) removed the $25 portion of the tax, (2) retained the 2 cents (and 3½ cents) a pound portion of the tax, but (3) made the tax based on poundage applicable only in the case of an aircraft capable of providing a seating capacity for more than 4 adult individuals (including the crew).

Under the conference agreement, the House recedes with an amendment which (1) restores the $25 portion of the tax, (2) imposes a tax of 2 cents a pound for each pound of the maximum certificated takeoff weight in the case of an aircraft (other than a turbine engine powered aircraft) having a maximum certificated takeoff weight of more than 2,500 pounds, and (3) imposes a tax of 3½ cents a pound for each pound of the maximum certificated takeoff weight in the case of any turbine engine powered aircraft.

Amendment numbered 43: Under the House bill, the tax on the use of civil aircraft applied to the use of such aircraft after December 31, 1969. Under Senate amendment numbered 43, this tax applies to uses after March 31, 1970, and before July 1, 1980.

Under the conference agreement, the tax on the use of civil aircraft applies to use after June 30, 1970 (see amendment No. 75) and before July 1, 1980.

For purposes of the tax on use of civil aircraft, the conferees do not intend the term "use" to include use by a manufacturer, dealer, wholesaler, or retailer for demonstration, testing, or delivery purposes. Personal or other use of the aircraft, however, will give rise to the imposition of tax.

Amendment numbered 44: This amendment adds a new section 4493 to the 1954 Code providing two special rules relating to the payment of the tax on the use of civil aircraft. The first of these rules provides for the payment of the tax by lessees in certain cases. The second of these provides that a significant user of taxable civil aircraft in foreign air commerce for the preceding taxable year may elect to pay a tentative tax, based on the refund experience of the taxpayer for the preceding taxable year, and then settle the net use tax liability at the end of the year.

The House recedes with technical changes.

Amendment numbered 51: This amendment provides procedures for the payment of amounts (under a new section 6427 of the Code) or for the crediting against income tax (under the existing section 39 of the Code) in the case of the retailers excise taxes on gasoline and special fuels. These procedures are similar to the existing procedures in the case of the manufacturers excise taxes on gasoline and lubricating oil.

The amendment also provides that, in general, the time for filing claims for credit under section 39, and the time for filing full-year claims by governmental bodies or exempt organizations for excise tax payments under specified sections of the Code, will be comparable to the time in which claim for credit or refund of income taxes may be filed.

The House recedes with technical changes.

Amendments numbered 53, 54, 55, 56, 58, 62, and 64: The House bill took effect with respect to appropriations to, expenditures from, and transfers from the airport and airway trust fund on or after January 1, 1970. These amendments postpone such taking effect to April 1, 1970, and also terminate the trust fund as of June 30, 1980. Under the conference agreement these amendments take effect on July 1, 1970.

Amendment numbered 71: The House bill directed the Secretary of Transportation (in cooperation with such other Federal officers and agencies as may be designated by the President) to make a study of the tax burden of the airport and airway system.

Senate amendment numbered 71 provides that this study should be made through full consultation with and consideration of the views of the users of the system.

The House recedes.

Amendment numbered 72: This amendment provides that, with respect to the tax burden of the airport and airway system, the Secretary of Transportation is to identify the costs to the Federal Government that should appropriately be charged to the system and the value to be assigned to the general public benefit.

The House recedes with a clarifying amendment.

Amendment numbered 74: This amendment requires the Civil Aeronautics Board to direct the air carriers to file with the Board such passenger transportation fare changes as may be necessary so that the fares after reduction for tax will be equal to the fares in effect for transportation by air beginning on April 30, 1970. The CAB's right to accept or reject all (or any part) of the fare change is not to be affected by this provision. The amendment also contains a provision for reflecting in the rate structure future changes in the taxes imposed by section 4261 (a) and (b) of the Code.

The Senate recedes.

Amendment numbered 75: Under the House bill the revenue amendments in general took effect on January 1, 1970, except that the ticket and cargo tax changes applied to transportation beginning on or after January 1, 1970. This amendment changes these effective dates from January 1, 1970, to April 1 and May 1, 1970. Under the conference agreement, these effective dates are July 1, 1970.

W. D. Mills,
Hale Boggs,
John C. Watts,
John W. Byrnes,
Jackson E. Betts,
Managers on the Part of the House.

DRASTIC INCREASE OF MILITARY FURLOUGH TRANSPORTATION FARES

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RIVERS. Mr. Speaker, the May 13 issue of the Air Force Times called my attention to another attempt on the part of the transportation industry to kick the military by increasing furlough travel fares.

Braniff and United Airlines together received almost $70 million from the Military Airlift Command during the last fiscal year to move military personnel, their dependents and cargo traveling on Government travel orders. Apparently this was not enough because they are now petitioning the Civil Aeronautics Board for an unjustified 20-percent increase in fares charged military personnel traveling on furlough or official leave at their own expense.

These two airlines are following the example recently set by the railroads who received a furlough fare increase from the Interstate Commerce Commission totaling almost 15 percent.

In the case of the railroads and the ICC, the Department of Defense was not even allowed sufficient time to file official protests to the proposed fare increase.

Mr. Speaker, this is the second attempt in recent months on the part of the scheduled airlines of this country to eliminate or drastically reduce a transportation benefit of members of the Armed Forces. Several months ago, the Civil Aeronautics Board was petitioned to restrict or in effect eliminate the military dependent charter flights. This proposed regulation is still being examined by the Civil Aeronautics Board and hopefully will be rejected.

I have requested the House Interstate and Foreign Commerce Committee to investigate the recent action of the railroads and the Interstate Commerce Commission. I am considering reestablishing the Special Subcommittee of the House Armed Services Committee—that investigated the commercial airlines treatment of service personnel traveling on authorized leave—to review the proposal by the two carriers. Both are participants of the Civil Reserve Air Fleet program and thereby beneficiaries of millions of dollars of military contract business.

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Chairman STAGGERS has assured me of his support and sincere interest in our service personnel and their dependents. I commend the gentleman from West Virginia for his interest and welcome the support of our outstanding chairman on transportation matters.

I assure the Members of this House and the servicemen of our country that I will not stand idly by and observe further deterioration or erosion of the long-standing benefits previously accorded men and women of our Armed Forces in recognition of their service to this Nation.

WALTER REUTHER

(Mr. BURTON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, many tributes have been paid the late Walter Reuther by a nation which is saddened and shocked by his tragic and sudden death.

Like so many of the greats of our time, I am sure that he would much prefer the tribute of actions, not words.

As Martin Luther King, with whom Walter Reuther stood side by side in the civil rights movement, had to leave the fulfillment of his dream to others, so too is the vision of social and economic justice of Walter Reuther now entrusted to the hands of those who share that vision.

These dreams, these visions, the "never world" to which Robert Kennedy challenged us are still goals which appeal to the best in us and in our society.

Walter Reuther was involved in the struggle to achieve all of these goals, and the most fitting tribute we can pay to him is to carry on with the work of perfecting this grand experiment in democracy which is ours.

Walter Reuther was among the giants of the labor movement and among the great of our time.

When applied to Walter Reuther, the words of Euripides seem particularly apt:

> When good men die, their goodness does not perish but lives through when they are gone.

Millions of our citizens will continue to reap the bounty of the efforts of this good man who will be sorely missed.

CONFLICT OF INTEREST IMPAIRS TRUTH

(Mr. RARICK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, Members of this body are now being grouped by skillfully manipulated methods in an obvious design to undermine public confidence, not only in the Members and in Congress but in our system of government.

"Exposures" of Member lists of lawyers, doctors, bankers, investors, insurance men, farmers are now followed by a suit attacking the several patriotic Members who have retained their military reserve status.

Concerted efforts seem directed toward creating an image of conflict of interest between the Members, their constituents, and the American people. The inference raised being that a Member so identified is suspect of special interest representation. Followed to a logical conclusion, we may next expect to hear that taxpayer Members should not vote on tax bills, Members from poor constituencies should not vote on poverty matters, city Members should not vote on HUD bills nor labor union Members vote on labor bills.

Noteworthy, the impressive sounding "ethical" committees that espouse such statistics and the communications people who "interpret" such disclosures do not themselves feel constrained to disclose to the American people their full sources of revenue, interlocking operations with additional outside funding, gifts nor favors and subsidies. Who raises the possible conflict of interest between opinion makers, news, and the first amendment right of the American people to get the truth? Credibility can be judged by the people only if they have the facts.

I refer not to salaries but expressly to grants and stipends from tax-free foundations, wealthy benefactors, and so-called responsible organizations with announced goals for radical change against the wishes of the American people, be it by thought control, loss of confidence in our system of government, and in some cases, even through violence.

Ethics requires a full disclosure of conflicts of interest by those in Government but it should also extend to the communications media so the American people can evaluate bias and distortion and arrive at the truth.

The purveyors of public opinion owe it to the public to announce, in the interest of impartiality, their outside interests and financial backers. The accusers and the prejudgers of ethics should willingly stand the same rigid examination of ethics as the Members of this House.

The failure to do so may well explain distortions, bias, and in some fields of communication, deliberate suppression.

I include a newsclipping at this point:

[From the Washington Post, May 12, 1970]

PEACE GROUP SUES TO EXPEL LAWMAKERS FROM RESERVES

(By Peter Osnos)

A group of armed forces reservists opposed to the war in Southeast Asia filed suit in federal court here yesterday to have 122 congressmen and senators expelled from Reserves and National Guard.

The suit challenges the congressional membership in the military on constitutional grounds, contending that a conflict exists between the role of independent legislator and servant of the armed forces.

The constitutional provision in question is Article I Section 6, which holds that "no person holding any office under the United States shall be a member of either house during his continuance in office."

In a statement accompanying the action, the Reservists Committee to Stop the War said that at times throughout the nation's history, Congress has required its members to give up military commissions.

NEVER TESTED IN COURT

However, the statement adds, the issue has never been tested in court before. The Reservists Committee, which is based in Berkeley, Calif., filed its suit on behalf of all persons who "share its views and aims."

These are described as "opposition to U.S. military involvement in Vietnam and . . . use of legal means, including communication with and persuasion of members of Congress to end that involvement."

Congressional membership in the Reserves, the suit argues, deprives all such antiwar persons "the unbiased consideration by the Congress . . . of measures affecting the military establishment. . ."

On the conflict question, the suit notes that commissioned officers of the Reserves are appointed by the President, making a lawmaker beholden as an officer of the Executive Branch.

"POSSIBILITY OF INFLUENCE"

"Membership in the Reserves subjects a member of Congress . . . to the possibility of influence and or retaliation by the President," or various top Defense officials, the suit adds.

As of April 16, there were two members of Congress in ready Reserve status and 33 in active standby Reserve status. There were 24 members of Congress in inactive standby Reserve status. And, as of March 9 there were 63 congressmen in retired Reserve status.

Two of the highest-ranking former reservists are Sens. Barry Goldwater (R-Ariz.) and Strom Thurmond (R-S.C.) who are both major generals. Of the 59 Reserve officers who have not resigned their commissions, 20 hold ranks equivalent to colonel or above.

Among the senators with Reserve or retired Reserve status are Charles McC. Mathias (R-Md.), Hiram L. Fong (R-Hawaii), Howard Baker (R-Tenn.), Howard Cannon (D-Nevada) and Harry F. Byrd Jr. (D-Va.).

Among the House members are three members of the House Armed Services Committee, Samuel Stratton (D-N.Y.), Robert T. Stafford (R-Vt.), and William S. Mailliard (R-Calif.).

The suit alleges that the reservists constitute a "dominant minority" in the Armed Services Committees of House and Senate, the House Foreign Affairs Committee, the House Veterans Affairs Committee and others.

THE LATE HONORABLE WILLIAM ST. ONGE

The SPEAKER pro tempore (Mr. HECHLER of West Virginia). Under a previous order of the House the gentleman from Connecticut (Mr. MONAGAN) is recognized for 60 minutes.

(Mr. MONAGAN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, last week I had the sad duty of informing the House of the death on May 1 of our dear friend and colleague, the gentleman from Connecticut, Mr. ST. ONGE. I stated then that I would request that time be set aside for those who were friends of BILL ST. ONGE to place upon the record their eulogies of his life and work, and for this reason I have asked for this special order today which is dedicated to BILL's memory.

I was privileged to act as chairman of the congressional delegation which flew to Putnam, Conn., on Tuesday, to attend BILL's funeral and to be present at his burial. The occasion was a sorrowful one, as one would expect in the case where a beloved person has suddenly been snatched from among his family and friends. The shock of his sudden death had clearly left its mark upon his wife, children, and family and yet, at the same time, one sensed an all-pervading and sympathetic warmth in the gathering in that crowded church and one could not help but feel that Bill's life had been a well-rounded whole of achievement and that sorrow of his passing was joined by pride and satisfaction in the accomplishment that his life represented.

To have the wholehearted and affectionate support of the thousands of people of his community, his district, and his State many of whom thronged to Putnam to attend his funeral, was a tribute which few could achieve. In addition, the eloquent eulogy of Bishop Hines in its sincerity and scope was a tremendous and admirable memorial to Bill and one of which any one could be justly proud.

Bill's passing will be a loss to the people of his town and district, and it will also be a serious loss to the House of Representatives because in these difficult days we need in our national legislature people with the integrity, the maturity, and the judgment which Bill possessed. He was rapidly rising to a position of authority on the important Committee on the Judiciary and in that sphere, as well as in the broader area of general legislation and policy, the Nation can ill afford to lose his wise and reliable counsel.

I have worked closely with Bill since his coming to Washington in 1963, but during his last week I saw more of him than I had for a long time since we dined together on Wednesday, had lunch together on Thursday, and flew to Connecticut in the same plane the evening before his death. For these reasons, his passing was a particularly stunning shock to me.

Bill was devoted to his constituents and he set a high standard of performance in carrying out his congressional duties and it is significant that death came to him when at the end of a busy week in Washington he had gone home and was driving to a formal launching ceremony at a shipyard in his district. It can truly be asserted, therefore, that he died in the active performance of his duties and in striving for that excellence which he always held as his goal.

One could not close an appreciation of Bill without referring to his kindness. One of our colleagues in discussing him recently said he had never heard him say an unkind word about anyone and I am certain that this appraisal would be agreed to by all who knew him. He really practiced the virtue of charity, a practice which is not notably characteristic of today's world.

Bill leaves his devoted wife Dot, who cheerfully shared the trials of a public family, and their five children who are following their careers in exemplary fashion. I realize that Bill's death came as a great shock to them and that the void which his passing created will be impossible to fill. Nevertheless, I hope and believe that the wonderful memories and the outstanding reputation which Bill leaves behind will be a source of great pride and eventual consolation to them.

I express my deepest sympathy to Mrs. St. Onge and to Bill's entire family and, in doing so, I am confident that I express the sentiments of the leadership on both sides and of all the Members of the House of Representatives.

Mr. DADDARIO. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Speaker, with the death of Congressman William L. St. Onge, the State of Connecticut lost an extraordinary and extremely competent representative. May I extend my deepest sympathy to his wife and family.

Mr. St. Onge brought to the House of Representatives an excitement about what he was doing and a breadth of ideas about how to accomplish his goals that will be difficult to replace. His sense of purpose and his ability to rise above special interests allowed him to effectively propose a higher quality of life for his State and the Nation.

A native of Putnam, Conn., Bill was educated in Putnam public and parochial schools. He studied at St. Thomas Seminary for 2 years and studied in France for another 3 years acquiring a language facility which was later to serve him well. He returned to the United States to complete his education at Tufts University, graduating in 1941 when he enlisted in the U.S. Army. After distinguished service in the North African and European campaigns he was discharged in September 1945.

Immediately following his release from the service, Bill married Dorothy Hughes of Bridgeport, Conn., and soon thereafter entered the University of Connecticut School of Law. After being admitted to the Connecticut bar in 1948, Bill returned to his hometown to establish a law practice and enter into civic and governmental life of the community. His legal ability was soon recognized with his election as corporation counsel and prosecutor of the city court, judge of the city court, and judge of probate. Bill was also active as a member of the board of education and served as chairman and executive director of the redevelopment agency for the city. Having served his community in the courts, in education and in its redevelopment effort, Bill was readily elected State representative and then mayor of Putnam. After an unsuccessful first attempt in 1960, Bill was elected to the U.S. Congress in 1962 and has returned with increasing ease since.

All his friends and many of those with whom Bill disagreed will remember his quick mind and keen wit. His ready intelligence enabled him to grasp the essence of any problem or proposal. He would restate the problem in half the words with humor added. He sought and became involved in the problems of his community, the State, and the country because he genuinely cared for the condition of those around him. He analyzed the problems of our society with acuity, compassion, and enough balancing humor to make the difficulties seem just a little less great and their solutions a little more hopeful.

In a day when many call for more love in the world and paint the word on city walls, Bill St. Onge was one man whose deep compassion leavened by his wit seemed to live guided by that regard for his fellow men. This ability was noted by the Most Reverend Vincent J. Hines, bishop of Norwich, who said:

> He had love—for his family, for the community, for the people of the four counties of Eastern Connecticut, and he had love for the nation he served in time of war. He loved his church and drew from it the moral strength to live a life of complete integrity.

Beyond all that, Bill St. Onge was my close and dear friend. For many years we found that a mutuality of thought and concern about our State and Nation brought us together. We have had friends in common—and this was expressly true in Middlesex County, which had been my home for so many years. It is never possible to forget the warmth of a man—and Bill St. Onge was a warm and friendly man—but he was much more than that—for he combined in wisdom and in character those essential ingredients of greatness. He has shown that by the heritage he has left us, for the work he has done has woven itself into the very fabric of our society. And because of that his memory will linger with us as we go about our work from day to day.

To his wife, Dorothy, and to his children—William H., Mary, Suzanne, Constance, and Anne—Mrs. Daddario and I extend our deepest sympathy and everlasting friendship.

Mr. MONAGAN. I thank the gentleman.

Mr. SMITH of New York. Mr. Speaker, will the gentleman yield?

Mr. DADDARIO. I yield to the gentleman.

Mr. SMITH of New York. Mr. Speaker, I want to join with the gentleman in expressing my respect and my sadness on the passing of Bill St. Onge. I never knew Bill as well as I would like to have known him. But he was a valuable member of our Committee on the Judiciary and I did find him always, as the gentleman has said, to be a remarkably kind person—always a gentleman. I enjoyed my association with Bill and wish that it could have been more and deeper. We shall miss him.

Mr. MONAGAN. I thank my colleague.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman.

Mr. GIAIMO. Mr. Speaker, it is sad to lose a colleague; it is tragic to lose a friend. I speak today, therefore, with profound and heartfelt sorrow, for Bill St. Onge was my friend.

We mourn the loss of a man who was admired by all who knew him in Congress, a man who was loved and respected in his beloved home of Putnam and throughout his native State of Connecticut, a man of character and compassion, a dedicated public servant.

Yet words alone cannot do him justice, Mr. Speaker, for words alone cannot describe the aura of warmth and understanding which Bill St. Onge brought to this Chamber every day. This warmth and understanding was what made Bill St. Onge someone special; someone to admire and emulate. Those of us who were especially privileged to serve with him in the Connecticut delegation know how much Congress and the Nation will miss him.

There were other things, too, that endeared Bill St. Onge to us. Here was a man who endured serious illness and literally gave his life in order to serve his people. Here was a man who embodied that rare combination of strong conviction and genuine tolerance. Here was a man without the slightest trace of pomposity or arrogance or hate. Here was a man who was never so troubled that he could not manage a warm smile and friendly greeting: a man never so angry that he could not be courteous and kind.

In short, Bill St. Onge was, in every sense of the word, a gentleman. His untimely and tragic death has left a void in this House and in Connecticut which can never be filled.

I wish to extend my deepest sympathy to Bill's widow Dorothy and to his fine children—William, Mary, Suzanne, Constance, and Anne.

Remembering that Bill St. Onge spent 3 years of his life as a student in France, I thought it appropriate to close with a brief expression in French, an expression made more meaningful because, above all, Bill St. Onge was a man of peace.

Que Dieu donne le repos a son ami, Bill St. Onge. Rest in peace, my friend.

Mr. MONAGAN. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. Patten).

Mr. PATTEN. Mr. Speaker, I would like to join in tribute to our late colleague William St. Onge. Surely this would be a wonderful world if all of us could have the character he possessed. He came from Middlesex, Conn.; I am from Middlesex, N.J. From that point we became good friends. We would even sit together here in the House. We had much in common. I shall miss him. Ann and I express our deep sympathy to Mrs. St. Onge and to the rest of the family.

Mr. MONAGAN. I thank the gentleman for his comments.

I yield to the majority leader, the gentleman from Oklahoma (Mr. Albert).

Mr. ALBERT. Mr. Speaker, I join my colleagues from Connecticut and others in the House in paying a final tribute to our distinguished colleague and my dear friend, Bill St. Onge, whose life ended so tragically while he was en route with his wife and staff members to a submarine launching in New London, Conn., in his district.

It is fitting that Bill should have spent his final day on this earth doing his job. No Member took his duties more seriously and none devoted himself more completely to meeting all the myriad demands of his office. Bill St. Onge did not work by a stopwatch or a calendar. He was continually occupied with the business of representing his district. He was not, however, a parochial man. He had a well-informed and well-developed political and social conscience. The judgments he brought to bear on the issues were those of a thoughtful, responsible, and contemporary man, and his concerns embraced both the needs of his constituents and his country.

As has been stated, Bill was a highly decorated veteran of World War II, a lawyer, a civil servant, a judge, a prosecutor, a former member of the Connecticut Legislature, and a former mayor. He was goal oriented and had a busy, fruitful life. I hope that it may be a consolation to his widow and his children that his life has been marked by many great accomplishments.

Bill was held in the highest regard by his colleagues. Our respect for his ability and integrity is outshone only by the affection we held for him.

I extend to his widow and his children the deepest sympathy of Mrs. Albert and myself. May the Lord in his mercy comfort and support them.

Mr. MONAGAN. I thank the majority leader for his comments.

I yield to the gentleman from California (Mr. Leggett).

Mr. LEGGETT. I thank the gentleman for yielding.

Mr. Speaker, this Nation of ours has got to mourn the loss of Bill St. Onge of Connecticut who untimely met His Maker last week.

Bill was a reliable liberal and representative of people. He asked nothing for his vote except a knowledge that the country and people would benefit.

Bill came to Congress with me in the 88th Congress in 1963. He represented well the shipping interests of his home State on the Merchant Marine and Fisheries Committee, on which we jointly served.

I will personally miss Bill St. Onge's counsel and fraternity on the House floor.

In these critical times, this country does not have Bill St Onges to lose.

Mr. MONAGAN. I thank the gentleman for his remarks.

Mr. McCORMACK. Mr. Speaker, I was deeply saddened to learn of the death of my dear friend Bill St. Onge and will miss him very much. Bill St. Onge was a good man and a great man. He was possessed of great strength and courage. I admired, very much, the goodness which surrounded him. He was a happy man who enriched the lives of all of us who were fortunate enough to know him. Congressman St. Onge worked long and diligently for the people of his district and represented them in the halls of Congress with great distinction. His people, his State, and his Nation will miss Congressman St. Onge, for his was a dedicated life. Mrs. McCormack and I extend to Mrs. St. Onge and her loved ones our deep sympathy in their great loss and sorrow.

Mr. TIERNAN. Mr. Speaker, a man of peace, a man of God, a good friend, a helpful neighbor, a man of quiet courage and noble service, a devoted husband and father—Bill St. Onge was all of these. Now he is no longer with us and we are so much poorer for this loss. "Only the good die young" is so true a saying in his passing from our midst.

Bill St. Onge and I shared an identical district boundary—the Connecticut-Rhode Island State line. The districts have the same numerical listing as they travel southward from Massachusetts to the Atlantic Ocean. Many of my constituents worked in Bill's district and on a number of occasions we discussed the various problems and issues that affected the people we represented. Bill was never too busy to give assistance when it was needed.

Bill St. Onge had known the complete political experience. In his first race for Congress 10 years ago, Bill became a last-minute candidate when the incumbent, Chester Bowles, decided not to stand for reelection. Bill had only 2 months in which to campaign and an opponent who previously represented the district for 10 years. Bill lost the race by less than 500 votes but 2 years later came back to win a difficult victory. Success at the polls for a Democrat in Connecticut's Second District is never an easy accomplishment and Bill worked hard and long for the honor to represent this district in the Congress of the United States.

Bill was always willing to be of help whenever called upon and the people of his district have indeed suffered a severe blow in his death.

I shall miss his friendly smile and his thoughtful manner. I shall miss also the pleasant and fruitful times we spent together in this Chamber. But most of all, I shall miss Bill St. Onge because he was a good and kindly man.

Mr. PHILBIN. Mr. Speaker, all of us in the House who knew, admired and loved Congressman William L. St. Onge, and his many friends everywhere were greatly shocked and deeply grieved to learn of his sudden passing while engaged in vital work in his district last Friday.

Bill St. Onge was one of the greatest Members ever to serve in this body. He was highly trained for his work, and deeply dedicated to it, and in every sense he died as a soldier stricken in the service of his country.

Congressman St. Onge was superbly trained and educated, and was a man of many accomplishments.

He was also a natural-born leader, blessed with a fine mind, and great understanding of public questions and the principles and objectives of our Government.

His work in the Congress was outstanding and dedicated, and he will be long remembered in his district and State, and in the Nation, as well as in this historic body, for the great contributions that he rendered to the cause of good, forward-looking government and the preservation of American values, security and freedom.

He had enjoyed a very remarkable career in public service, and served with greatest distinction as mayor of the city of Putnam, Conn., judge of probate, and also as director of the Putnam Redevelopment Agency in 1956 after the flood of 1955, and rendered innumerable, extensive, praiseworthy services in all the positions he held.

His congressional career was marked by extraordinary performances of public service.

He was deeply devoted to his work and assisted very many people with their problems.

He was a man of strong convictions and never hesitated to express them. He stood staunchly for the measures he deemed best for the people and the country.

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The work he did here, and the magnificent record he made in public life, will long be gratefully remembered by the people of his district, and by the Members of this House, who served with him and knew, respected, admired, and loved him, as we of the House all did on both sides of the aisle.

He was a leader of great ability, enthusiasm and integrity, a warmhearted human being with profound interest and loyalty to the country and his constituency who was unalterably committed to the cause of the people.

Bill was endowed with many God-given blessings of character, fitness, capacity, and talent and was deeply beloved by all of us who knew him as a warm helpful friend, whose word was his bond, and whose loyalty to his principles was truly inspiring.

I was greatly saddened by his sudden passing, and I extend to his gracious wife, his lovely daughters, and devoted family my most heartfelt sympathy in the very tragic, shocking loss that they have sustained, which I and many others so prayerfully and sorrowfully share with them.

My heart goes out to all his dear ones in their sorrow, and irreparable loss, and for my family and myself, with a heavy heart, I tender them our prayers and deepest sympathy in their very sad bereavement from those of us who knew and loved, this great American leader, Bill St. Onge.

Faithful and dedicated to the end, and true to the people, and the things in which he so devoutly believed, may our dear, gentle, and beloved friend, Bill St. Onge find eternal rest and peace in his heavenly home. And may the good Lord bless and comfort his dear ones.

Mr. WEICKER. Mr. Speaker, on Friday, May 1, while in Marlborough, Conn., I learned of the death of my friend and colleague, Bill St. Onge. Certainly, others in the Connecticut delegation and in the Congress had known Bill far longer than I. However, I would like to express as best I can my feelings about a man whom this freshman Congressman came to truly respect and hold in the deepest affection.

Upon coming to the Congress, I had only heard of Bill St. Onge by name and knew that he had courageously undergone a series of operations on his heart. I expected, therefore, to meet a man who would be conserving himself in the performance of his duties and who would have a rather reserved outlook on a new Member of Congress. Instead, I met a man who threw himself into his Nation's business with a vigor that few of us display. I met a man who always smiled, who was always responsive to my questions and who always had the time to sit down and discuss the issues, not as Democrat to Republican, but as friend to friend.

In short, what I am trying to say is that Bill St. Onge had that rare combination of boundless energy, a gentle humor, and a keen mind. Legislation was not a party or philosophical matter to him. Whenever discussed, it was always in terms of its effect on people.

When Bill St. Onge assured the people of his district that he would serve them without thought to the history of his health, he meant it. Sadly, that is what brings me to the well of the House this morning. To his wife and family, I wish God's strength in their hour of sadness. I know that as he spent his life caring for others, our Father now cares for him.

Mr. GARMATZ. Mr. Speaker, I wish to join my many colleagues in the House in paying final tribute to our departed Member, William L. St. Onge.

Although I shall miss him, I feel fortunate and privileged to have known him personally—both as a Congressman, and as a person. I came to know him well in both capacities, since he was a member of my Committee on Merchant Marine and Fisheries.

As a Congressman, Mr. St. Onge served on the committee with the same devotion, sincerity, and warmth that characterized him as a man.

Here was a man whose life, though far too short, was exceptionally full and productive; he was a man of many interests, talents, and accomplishments. In his short life-span, he became a much-decorated World War II veteran, a teacher, a lawyer, a judge, and mayor of his native city before becoming a U.S. Congressman. He made many other contributions, and I know many of his colleagues will relate them here today, on the floor of this great body of Congress, which Mr. St. Onge served so ably.

But more important than all the titles was the man himself. I can sincerely say that I have never known a more warm, thoughtful, and dedicated human being.

Mr. Speaker, that feeling is deeply and unanimously shared by all members of my committee, and we have expressed that sentiment in a committee resolution, which will be presented to Mrs. St. Onge. Under unanimous consent, I wish to insert at this point in the Record a verbatim copy of that resolution, since I feel no finer tribute can be made. The resolution follows:

Resolution on the Death of Hon. William L. St. Onge

Resolved, That members of the Committee on Merchant Marine and Fisheries of the House of Representatives hereby express their profound grief and sense of loss upon the tragic and untimely death of their beloved colleague and Committee associate, the Honorable William L. St. Onge, and order the Clerk of the Committee to spread upon its permanent records this heartfelt resolution to his memory.

Mr. St. Onge was first elected to Congress in November, 1962, and, beginning January, 1963, has faithfully and ably served his District, his native State of Connecticut and his Nation.

Recognizing the vital importance of ocean transportation, Oceanography and Coast Guard, Coast and Geodetic Survey and Navigation, to his State and to the Nation, Mr. St. Onge requested election to the Committee; as a Committee member, he served with distinction and devotion to his many difficult and important assignments. In addition to those duties, he was also a member of the Board of Visitors to the U.S. Coast Guard Academy.

The passing of William L. St. Onge is a serious and grievous loss to our Committee. He will be mourned for many years and the product of his efforts will be undying.

Mr. St. Onge was a warm and friendly man. His quiet, soft-spoken manner, his genuine sincerity and his deep-seated, honest convictions, endeared him to all who knew him—whatever may have been their station or walk of life, or political conviction.

William L. St. Onge embodied the most inspiring attributes of the true public servant. He served in this great body of the House of Representatives for more than seven years before his master called him to a still higher service. His public career began with the government of his beloved State of Connecticut, to whose purposes he devoted himself with increasing distinction until he was chosen to come to Congress.

But this is only part of his story. During World War II, he resigned from his elected post as a State representative to join the Army Air Corps. Once again, he displayed complete dedication to his duty and loyalty to his country, winning five battle stars during 19 months of overseas duty.

After returning to his home State, Mr. St. Onge resumed his career as a dedicated public servant, first in various State positions of responsibility, and then in the House of Representatives. In both capacities, he worked tirelessly and made outstanding contributions, especially in producing legislation designed to promote education, better housing, aid to veterans, the sick and the elderly, and to bettter the lot of his fellow man.

We are fortunate to have been privileged to serve with William L. St. Onge. Our lives are richer thereby.

The Committee members wish to extend their sincere condolence to his beloved wife, Dorothy, and to their five children, William H., Mary, Suzanne, Constance and Anne.

Resolved, that a copy of this resolution be sent to Mrs. St. Onge.

Mr. FREY. Mr. Speaker, it was with great sadness that I learned of the passing of our colleague, Bill St. Onge. As a freshman in the Congress, I had the opportunity to serve with Bill on the Merchant Marine Committee. Although we were on opposite sides of the aisle, his leadership and dedication to what was best for America soon became apparent. He was not afraid to say what he thought or stand up to the hard questions. It is men like Bill St. Onge who have made this a great country.

With a deep sense of loss, we mourn his passing.

Mr. ROSTENKOWSKI. Mr. Speaker, we talk today of a truly great American, Congressman William L. St. Onge. In many respects Bill was a quiet man, not quiet in the sense that his voice was not heard, for Bill had much to contribute when he spoke. He gave us reason to think deeply about positions he had taken in his contributions of the molding of American history.

He had qualities that are rare in a man. In everything Bill did there was a sincerity that could make us envious. His feelings for the direction this country was to take were only made available to those of us who served with him after he had truly studied his position carefully.

To have served with him for the short time that he was here, and I consider the 7½ years to be a short time, for there was so much more he could do to help us in a legative body guide this great ship we call the United States, is indeed an honor.

I had the privilege of attending the funeral at Putnam, Conn., a beautiful countryside where those who visited, could not help but witness the esteem in which Bill was held by his neighbors. He will be sorely missed not only by the

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residents of the Second District of Connecticut, but by all of us who served with him in the Congress.

To his wonderful companion, Mrs. Dorothy St. Onge, and his children, my wife LaVerne joins me in expressing our deepest sympathies.

Mr. FARBSTEIN. Mr. Speaker, I wish to join my colleagues in expressing my shock and sadness at the sudden death, on May 1, of Bill St. Onge. Bill was a skillful attorney and a good and conscientious Congressman. He was unfailing in his courtesy to his colleagues and always helpful to his many friends. It has been my privilege to work closely with him on many issues and I have found his counsel to be good, his decisions sound, and his sympathy always present. We, and indeed the entire country, shall miss him sorely. He was a man who had much to contribute and his untimely death deprived us all of an able and kindly human being.

I only hope that his wife and family will derive some consolation from the esteem in which he was held and from the fondness with which he will be remembered.

Mr. CORMAN. Mr. Speaker, I join with my colleagues in the tributes to my good friend, Bill St. Onge, whose premature death last week was a deep shock and source of great sorrow to us all.

Bill and I served together on the House Judiciary Committee and had a most enjoyable and cooperative relationship. His record of service in his committees and in behalf of his constituents in these past years is impressive, and I know that he will be sorely missed by the people of Connecticut, whom he served so ably and with deep dedication. The depth of his understanding of the problems and needs, not only of his district, but of the State of Connecticut and the Nation as well, is reflected in Bill's efforts and accomplishments in the House.

Bill St. Onge was one of the kindest and most courteous men it has been my pleasure to know. The Members of both Houses of the Congress had the greatest respect and regard for him. His loss will be felt, not only by those in the House with whom he worked so closely, but especially by those of us who had the warmth of his friendship.

My deepest sympathy is extended to Mrs. St. Onge and her children. I hope that the esteem with which Bill was regarded by his colleagues in the House and by his many friends will in some small way help to ease their sorrow.

Mr. HATHAWAY. Mr. Speaker, on Friday, May 1, my good friend and colleague, the Honorable William L. St. Onge, was taken from us. Bill was one of the first Members I met when I arrived in Washington in January 1965. We served together on the Merchant Marine and Fisheries Committee. It was a pleasure to know him and an honor to serve with him in this body. He represented the people of the Second District of Connecticut with distinction since his election to the 88th Congress. A promising legislative career has come to an abrupt end. I am sure we shall all feel the loss created by Bill's absence. I know I shall miss him deeply.

To Mrs. St. Onge and the children I extend my sincerest sympathy.

Mr. MIKVA. Mr. Speaker, William L. St. Onge was a unique Member of this body. Both the ready smile and the unflappable urbanity were melded to some very firm commitments on the issues. Bill St. Onge was a "get along" Congressman; he was not a "go along" Congressman. His consistent liberalism and passion for constitutional rights made him a tower of strength on the Judiciary Committee and in the House as a whole. His colleagues will miss William St. Onge; so will the country. There will always be a shortage in this country of men whose commitment to their own beliefs is so strong that they can respect and defend those who march to different drummers.

Mr. RODINO. Mr. Speaker, I was shocked and saddened to learn of the passing of my dear and good friend, Bill St. Onge.

For his genuine compassion, his sense of purpose and dedication, he endeared himself to all who knew him as colleague and friend.

It is with a deep sense of loss that I mourn Bill's passing and extend my heartfelt sympathy to his family. While there is little one can say to ease their sorrow, I know that they can take consolation in the knowledge that his warmth and service touched all who knew him, and made all our lives more meaningful.

Mr. HUNGATE. Mr. Speaker, I suppose there is a short-hand description we conjure up, upon the mention of any Member's name. Such a description, of course, is inadequate to portray fully his work and character, but, perhaps, includes the more salient features of his personality.

Patience and compassion are the qualities Bill St. Onge calls to my mind. In the nearly 6 years I was privileged to know and work with him on the Judiciary Committee I can never recall seeing him lose his temper or indulge in the explosive outbursts to which some of us are prone under the stress of congressional service. When he disagreed with legislation or people, his reaction was more one of disappointment than anger.

Every Member of Congress and the people of the United States lost a good friend with the passing of Bill St. Onge.

Mr. HELSTOSKI. Mr. Speaker, it was with great sadness that I learned of the death of our colleague, William L. St. Onge.

The counsel of Bill St. Onge and his dedication to his duties and his fellowmen will be sorely missed in this very trying period in the history of our Nation. He made his mark on the history of the House of Representatives through his hard work, dedicated service, and his unswerving honor.

In this particular era, we need strong men of intellect, determination, courage, and honor. Bill St. Onge was such a man and it is indeed unfortunate that Our Maker took him from our midst when so many important decisions must be made for the good of all mankind all over the world.

I will particularly miss Bill St. Onge for he was one of the first Members that I came to know after my arrival in Washington early in 1965. Through 2 years of service with him on the Merchant Marine and Fisheries Committee I got to know him well and fully respected him and his judgment. His counseling of me was of the highest order and in keeping with his outstanding character.

I extend my deepest sympathy to the family of Bill St. Onge, and do pray that through this trying period the spirits of his wife and children will be lifted by the memories of a devoted husband and father and the deeds he accomplished.

Mr. KYROS. Mr. Speaker, in behalf of the Maine citizens who I represent, I join in mourning the untimely death of our colleague, William St. Onge. In doing so, I must also express my own grief, upon the passing of a friend.

Since his election to the Congress in 1962, Bill St. Onge has shared the interests of many, many, residents of my own State. He was constantly seeking improved means of permitting elderly citizens to better enjoy their well-earned retirement. He was concerned about the need for clean air, and clean water. Through his distinguished service upon the Committee on the Judiciary, he reflected a sound knowledge and great respect for the law. As a member of the Committee on Merchant Marine and Fisheries and a member of the Board of Visitors to the U.S. Coast Guard Academy, he worked for greater realization of our Nation's maritime role.

Most important to me personally is the kindness and basic sense of decency for which I will always remember Bill St. Onge. Approximately half a million residents of the State of Connecticut were fortunate to have William St. Onge as their Congressman. Many of them, and many of us were even more fortunate to have Bill as a friend. He was a gentle and good man, and we shall miss him.

Mr. ROGERS of Florida. Mr. Speaker, I wish to join my colleagues in expressing my sincere sorrow at the passing of my good friend and colleague, Bill St. Onge.

Bill has served his country well during his many years of service as a member of the armed services, as a probate and city judge, as a mayor and board of education member, as a State representative in Connecticut, and finally as a Member of the House of Representatives. Along with all of his accomplishments and his distinguished service as a leader and loyal American, we will always remember him for his interest and dedication. He served on the Judiciary Committee with distinction. I will always value my association with Bill on the Merchant Marine and Fisheries Committee and will continue to remember his many contributions to committee work.

Bill St. Onge's worth never was measured by narrow or partisan standards. He served always as a statesman and not as a politician, thinking the most important thing to consider was the interests of the Nation.

We will miss him in this Chamber and

I know the people of the Second District of Connecticut will miss his leadership.

My wife and I both offer our sympathy in this hour to his wife, Dorothy, and his children, Bill Jr., Mary, Suzanne, Constance, and Anne.

Mr. BIAGGI. Mr. Speaker, the death of an active Member of Congress always evokes expression of sympathy from colleagues and friends. However, the passing of Representative William L. St. Onge of Connecticut leaves me with a particularly strong sense of grief.

His sincere friendship, especially during my first few months in Congress, was of such depth and warmth that it eased my burdens as a freshman Congressman. He was no less to his many other friends and fellow legislators.

On Tuesday, May 5, I was privileged to participate in Bill St. Onge's funeral as a member of the Congressional Funeral Committee. It was an experience I shall long remember. The tremendous outpouring of genuine and heartfelt sympathy by the people of Putnam, Conn., Congressman St. Onge's hometown, was an extraordinary tribute to this wonderful man.

As a public servant, Bill St. Onge dedicated his entire adult life to the promotion of democracy in America at all levels and sectors of government. His outstanding war record during World War II, his service as mayor, judge, and State legislator prior to his election to the U.S. House of Representatives in 1963, attests to Bill's singular devotion to the people of his State and his country.

His sincerity, his exemplary public service, and his humanitarian nature made him a unique man among men.

As a friend and respected colleague, I offer my deepest sympathy to his wife Dorothy and his five fine children. His family, the State of Connecticut and this Congress will sorely miss Representative William St. Onge, one of the few truly "beautiful" persons of our time.

Mr. FUQUA. Mr. Speaker, the passing of William Leon St. Onge removes from our midst one of the most popular and able men serving in the U.S. House of Representatives.

His passing was particularly felt by me as I considered him to be a personal friend after meeting him as we were both elected to begin our service in the 88th Congress. The fact that he did an outstanding job for his people is evidenced by the fact that they returned him for three more terms and I am certain if he had been permitted to live, he would have been easily reelected for a fifth term.

It is always distressing when someone you feel close to passes away and of all those I first entered the Congress with, Bill St. Onge is the first of our group to pass away in office.

I knew him to be a quiet and conscientious legislator. He had profound convictions and he was very effective in the work of the House. He was one of those people who could get things done without making a great deal of noise or attracting attention to himself.

A native of Putnam, Conn., where he still resided, he was a graduate of Tufts College and the University of Connecticut Law School. He served in North Africa and Europe in World War II in the U.S. Army and returned to his home to begin a distinguished public career.

He served as the mayor of Putnam and in many other positions of responsibility. It was this record of service that caused him to seek and win election to the Congress.

To his wife and five children, I extend my deepest sympathy. Theirs is a loss which none of us can fill, but I know it is comforting to them to know of the genuine respect and admiration in which he was held by his colleagues.

Mr. KASTENMEIER. Mr. Speaker, Bill St. Onge came to the House of Representatives in January 1963 as a newly elected Member of the 88th Congress and he served the House with honor and distinction for the rest of his life. He was well prepared for congressional service, having been elected to executive, judicial, and legislative positions at State and local levels. He interrupted his service as a member of the Connecticut Legislature when he waived his draft exemption to volunteer in World War II.

For many years preceding his election to the House, Bill had been actively interested in education and housing. In the latter area he became director and vice president of the Connecticut Urban Renewal Association. These interests also tended to qualify him for the national legislature.

As a lawyer, he was eligible for and was elected to the Committee on the Judiciary, where he was appointed to Subcommittee No. 3, the subcommittee dealing with patents, trademarks, and copyrights and other legislation on assignment. In his second term in Congress, Bill continued to serve on the Judiciary Committee and was also elected to the Committee on Merchant Marine and Fisheries, becoming a member of three subcommittees of that group.

My own association and friendship with Bill St. Onge, however, grew out of our service on Subcommittee No. 3 of Judiciary. Ed Willis was the chairman. When he left Congress, the chairmanship fell to me. And it is my hope that these brief remarks about Bill may reflect not only my feelings but also the feelings of our subcommittee colleagues who worked with Bill at the time of his death.

Mr. Speaker, Bill St. Onge was a modest man and he was a gentle man, yet he combined these qualities in rare proportions with diligence and determination. His searching questions to witnesses at hearings, quietly propounded, probed to the crux of problems and elicited answers that often clarified the issues for his colleagues. So, too, in executive sessions we came to count on his insights and contributions.

In the area of the subcommittee's specialty Bill introduced and worked for the enactment of important copyright and related bills and the subcommittee found his contributions invaluable.

Bill was a liberal in the best sense of the word. He was a balanced man. A devoted humanist, he pursued reason and could not be deflected from the search for truth.

I feel that the real essence of Bill St. Onge's service is best summed up by the title of an award that was given him in 1968 by the American Hellenic Educational Progressive Association—AHEPA:

> For dedicated public service and steadfast pursuit of legislative excellence in promoting the enduring interest of nation and state and devotion to the dignity and rights of men.

Though plagued in recent years by recurrent ill health, Bill did not complain. He bore his troubles quietly and continued to deliver his best efforts. We sorely miss him, his gentle humor, his devoted support, but his memory remains and it is an inspiration to us.

Mr. BINGHAM. Mr. Speaker, I often referred—with affection and pride—to Bill St. Onge as "my Congressman." I could say this because I have spent at least part of each summer in the lovely Salem Valley which was a part of his district.

I did not have the good fortune to work closely with Bill in the Congress, or even to spend any great amount of time with him. But I always enjoyed our brief encounters, and I was deeply pleased when he kept winning his battles—for reelection and for life—against long odds.

I should like to say to his colleagues from my native State, and to his family, just this: I loved Bill St. Onge and I shall miss him very much.

Mr. EILBERG. Mr. Speaker, the recent death of my good friend and close associate, Representative William St. Onge of Connecticut, has removed from our midst a man who had distinguished himself in all phases of public service.

Bill was a fine American, dedicated and hardworking, who performed his duties to his district, his State, and his country in the finest traditions of public service. He might be described as a "generalist"—a person who could make judgments and take action on the basis of an understanding of the overall considerations, human and political, as well as those requiring a highly developed critical intelligence applied to complex data.

It was my privilege to serve with Representative St. Onge on the House Judiciary Committee. There I came to know that his was a strong character, a warm personality, and of his firm patriotism and integrity.

In the House, he also served with distinction on the Merchant Marine and Fisheries Committee. He had been the Mayor of Putnam, Conn., and a practicing lawyer, a judge, and a State representative.

I ever valued his warm friendship and his cool judgment. He contributed greatly to his country's causes. We may say of him that "at the going down of the sun and in the morning, we shall remember him."

We have lost a valued colleague. To Mrs. St. Onge and her children, I extend my deepest sympathy.

Mr. JOHNSON of California. Mr. Speaker, the House of Representatives, the State of Connecticut, and the Nation was saddened by the passing of our colleague, WILLIAM LEON ST. ONGE.

Since the 88th Congress this outstanding legislator has served his country in a dedicated, admirable, and capable manner. As a member of the Committee on the Judiciary and the Committee on Merchant Marine and Fisheries he was in a position to work on matters vitally affecting the welfare of our Nation.

BILL's stature as a person will be long remembered.

Mrs. Johnson joins me in extending deepest sympathy to Mrs. St. Onge and their children.

Mrs. HANSEN of Washington. Mr. Speaker, I join with Mr. MONAGAN and the other distinguished members of the Connecticut delegation in expressing my sorrow and regret at the death of Congressman BILL ST. ONGE.

He was a respected and able colleague and one of the nicest people I knew.

His life has been filled with service to his hometown, district, State, and Nation. Shortly after he completed college, he served his Nation in World War II and followed that with active participation in law and affairs of our Government. His work in Congress was distinguished. His thoughts and counsel will be missed—more than that, his smile and friendship are missed. Connecticut has lost a distinguished and able citizen. We have all lost a friend and the world is a poorer place for his going.

I extend my deepest and heartfelt sympathy to Mrs. St. Onge and her children.

Mr. POFF. Mr. Speaker, I want to add my voice to those who pay tribute to our distinguished former colleague, Hon. WILLIAM L. ST. ONGE.

I have had a special opportunity to come to know BILL. We have served together on the full Committee on the Judiciary and on subcommittee No. 3, which has special jurisdiction over patents and copyrights. In the day-to-day, shirt-sleeve work of the subcommittee, one sees at firsthand the qualities his colleagues bring to their jobs.

I soon came to know BILL ST. ONGE as a man of brilliant dimensions, perceptive insight, and deep compassion. He was disciplined by a keen instinct for equity in all things. Always patient, always methodical, always faithful in his attendance and his attention to tedious detail, he was firm in his convictions and yet ever-tolerant of the viewpoints of others.

And all that he did was graced by an ever-present good humor. His benign wit was always waiting just beneath the surface of a composed, tranquil personality to burst forth and illuminate issues and harmonize conflicts.

He will be sorely missed here in the Congress. My profound sympathy goes out to his loved ones who bear the burden of this tormented time.

Mr. ANNUNZIO. Mr. Speaker, I wish to join my colleagues in expressing my sorrow and condolences to the family of my good friend, WILLIAM L. ST. ONGE, who passed away suddenly on May 1.

The contributions BILL made during his active and very successful political career are well known to all of us, and his family can be justifiably proud of his distinguished record of public service.

BILL was first elected to the U.S. House of Representatives in 1962 and represented the Second District of Connecticut which includes the four eastern counties of that State. He was a valued and highly regarded member of the Connecticut congressional delegation, the House Judiciary Committee, and the House Merchant Marine and Fisheries Committee.

I had the privilege of serving with him on the Merchant Marine and Fisheries Committee and know firsthand of the outstanding contributions he made to the legislative proposals which have come before our committee.

Congressman ST. ONGE was a graduate of Tufts College, and received his law degree from the University of Connecticut Law School. He served as a State representative, probate judge, prosecutor, chairman of the housing authority, director of the redevelopment agency, and finally as mayor of Putnam, Conn., before being elected to the Congress of the United States.

It is a tragedy that BILL ST. ONGE passed away at the comparatively young age of 55. His skill in the legislative field, and his keen insight and sensitivity to the needs and wants of the American people, will be missed not only by his colleagues but also by his constituents whom he had served so well during the 88th, 89th, 90th, and 91st Congresses.

Mrs. Annunzio joins me in extending to his widow, Mrs. Dorothy St. Onge, and to his five children, our personal and deepest sympathies on the loss of their beloved husband and father.

Mr. McCLORY. Mr. Speaker, it is a sad duty which I feel impelled to perform in paying final tribute to my beloved colleague—Representative BILL ST. ONGE of Connecticut.

This soft-spoken, yet thoughtful and intense, lawmaker served with me on the House Judiciary Committee during the past 5 years.

Representative ST. ONGE's contributions to the work of our committee were always constructive and meaningful.

Representative ST. ONGE's personal qualities endeared him to all of his colleagues. His infectious smile, his persuasive speech, and his personable manner truly characterized him as a beloved man whose friendships were numerous on both sides of the political aisle. Representative BILL ST. ONGE's passing has come as a shock to those of us who have had frequent contact with him. My wife, Doris, joins me in extending to his wife, Dorothy, and to other members of his family our deep sympathy.

Mr. KLUCZYNSKI. Mr. Speaker, WILLIAM LEON ST. ONGE was a great but quiet man. Educated at Tufts College, by profession a skillful lawyer, a veteran of the north African and European campaigns during World War II, BILL ST. ONGE brought the rare combination of intellectuality and compassion and the capacity for rational judgment to his role as national legislator. He was also a great family man, whose loving wife and five children will sorely miss his strength and confidence.

In these irrational times of strident debate and destructive reaction, WILLIAM ST. ONGE is the sort of man whom this country most needs. He was never a shouter. He never operated on the assumption that he must prove himself to be anything other than just the sort of man he was: quiet, rational, unafraid. We could do no better than to emulate the character of Congressman ST. ONGE during these days of crisis. He moved among men with the spirit of the counselor and the conciliator; he never threatened what he could not produce. The Halls of this Congress never rang with his loud denunciations or castigations of any class of people, rich or poor, old or young. He never sought to repress the feelings of others with whom he did not agree. No, BILL ST. ONGE was rather a model of love, quietude, and tolerance. Let us not only mourn BILL ST. ONGE, but also strive to emulate him.

Mr. WOLFF. Mr. Speaker, I join my colleagues in mourning the untimely death of our distinguished and able colleague, WILLIAM ST. ONGE.

When the news came this weekend of BILL ST. ONGE's passing, I immediately thought of how helpful and constructive he was on the many projects on which we worked together. Foremost among these was conservation of Long Island Sound. Perhaps it is an important insight into this man's foresight and sensitivity that he was active in matters of conservation long before this became a popular public issue.

I also thought how BILL ST. ONGE was an excellent Congressman, not only for his constituents in Connecticut but for the entire Nation. Congressman ST. ONGE has a sweeping view of national issues and was in the forefront of many public undertakings of importance to the United States.

What was especially appealing about Congressman ST. ONGE was that he combined his intensity on public issues with a congenial personality that made him one of the best liked men in this body.

I will miss, and I know my colleagues will miss, BILL ST. ONGE who had the drive to continue following a difficult schedule even though he was sometimes in ill health. I wish to extend my most sincere and deepest condolences to his family along with the assurance that in his life Congressman WILLIAM ST. ONGE made many positive and lasting contributions to American life.

Mr. PICKLE. Mr. Speaker, I take this opportunity to join my colleagues in paying tribute to a man who added much to the dignity of this distinguished body, who contributed to the events of our time honorably and significantly by his actions in this Chamber, who earned the love and respect of his colleagues and the people of his district, and who will be greatly missed—Honorable WILLIAM ST. ONGE.

Congressman ONGE, serving his fourth term in office, died as we all would probably wish—still in the harness and performing his duties. But it saddens me that a man should be taken in his prime when he had so much to contribute.

The list of honors accorded him is long, but no less than a man of his mettle would deserve, for WILLIAM ST. ONGE

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was a dedicated public servant in every sense of the word, giving of his time and efforts for the betterment of all mankind.

William St. Onge was an able attorney, an educator, a civic-minded, public-spirited citizen who served his country in World War II with distinction, then returned home to serve his native city of Putnam as probate judge, prosecuting attorney, judge of the city court, chairman of the Putnam Housing Authority, director of the Putnam Redevelopment Agency and mayor before a successful bid for Congress.

All our lives have been enriched because we knew William St. Onge, and it is a privilege for me to pay tribute to a man whom I admired and respected. I know my feelings are shared by all Members when I say the death of William St. Onge is a deep loss to the House of Representatives.

Mr. SCHWENGEL. Mr. Speaker, may I join my colleagues in expressing my sorrow and profound sense of loss at the death of our friend and associate, Bill St. Onge. The passing of someone with whom you have worked and shared the burdens and sense of accomplishment of daily legislative endeavor toward common goals always comes as a tragic shock, and I think this is especially so in case of our late colleague, William Leon St. Onge of Connecticut.

Across party lines and regional differences of perspective, there are bonds that link all of us together as Members of our national legislature with shared purposes and traditions. Bill's untimely passing is thus a double loss—of a unique and wonderful friend, and of an admired and respected colleague whose wisdom and dedicated service to the public will be greatly missed by all of us.

Bill spent his entire adult life in service to his community, his State, and his country. As a lawyer, he drew on his expertise and experience to make an outstanding contribution to the work of the House Judiciary and Merchant Marine Committees. His achievements in community leadership earned the loyalty and gratitude of his constituents in Connecticut, who returned him to Congress in every election since the one that brought him to the House of Representatives in 1962.

It is a terrible loss to the country when a fine man and great public servant like William St. Onge passes away. But in his lifetime he set an example of devotion to public service and leadership which inspired those around him to finer efforts and others, perhaps, to follow in his path. Our country can truly take pride in the kind of citizenship that he demonstrated, for it was in the tradition that has made this the greatest Nation in the world.

To Bill's bereaved family, I extend my deepest sympathy. Their grief and sorrow is shared by everyone who knew him.

Mr. MURPHY of Illinois. Mr. Speaker, it is a privilege to join with my colleagues in paying tribute to our late colleague and friend, William L. St. Onge, who represented the Second District of Connecticut in the U.S. House of Representatives.

Prior to his election to the Congress in 1961, Mr. St. Onge had a varied and distinguished career as a State representative, mayor of the city of Putnam, probate judge, judge of Putnam City Court, prosecutor of Putnam City Court, and chairman of Putnam Redevelopment Agency. During World War II, Mr. St. Onge served his country as a member of the Army Air Corps. While in service, he won five battle stars during his 19 months of overseas service in North Africa and Europe.

Throughout his career in the House of Representatives, he demonstrated a deep commitment to both the people of the Second Congressional District in Connecticut and to the Nation. Those of us who knew and worked with him respected him not only for his dedication and hard work as a legislator, but also for his warmth and friendliness as an individual.

His death deprives Congress and the State of Connecticut of a valuable public servant. His colleagues have lost a good friend.

Mrs. Murphy joins me in extending our deepest sympathy to his wife Dorothy and their five children on their great loss.

Mrs. MINK. Mr. Speaker, I was deeply saddened by the death of Representative William L. St. Onge, of Connecticut.

Representative St. Onge enjoyed the respect and friendship of every Member of this House. I know that I have had occasion to work with him on numerous occasions on legislation of mutual interest, and his contribution to the Congress was both profound and distinguished.

As a member of the House Committee on Merchant Marine and Fisheries, his committee work was of great importance to the people of my State which is dependent on merchant marine transportation and has a large fishing industry. We are all thankful for the many times when Representative St. Onge took actions favorable to the interests of our respective States and the Nation as a whole.

In his beliefs, he represented what I construe to be the finest ideals of America—the concept of freedom of the individual, equality, and justice for all. He worked ceaselessly on behalf of the poor and hungry and oppressed of this country, and his efforts were rewarded by the knowledge that he had made significant accomplishments for our people.

It is a cruel twist of fate that the residents of his district are deprived of his continued service, and the Members of this House lose a respected and effective colleague. It is a tremendous loss to our entire Nation, and I devoutly feel that we can ill afford to lose a man of the stature of William L. St. Onge.

Yet we will continue to benefit from the inspirational example provided by this most exemplary Congressman whose dedicated, visionary achievements will always stand in cherished memory. Let us always be proud to have known him, and follow in the idealistic spirit of Representative William L. St. Onge.

Mr. EDWARDS of California. Mr. Speaker, for the past 6 years, Bill St. Onge and I sat together on the Judiciary Committee, where he was my immediate senior. I had a keen admiration for his ability. In his quiet, logical way, he was very effective. But more than that, I got to know him as a human being, and came to respect him deeply for his goodness. He was a very human man who exhibited a tremendous concern for his constituents in Connecticut's Second District and an extraordinary feeling for his family. Our own sense of loss at his death, deep as it is, must be small compared to theirs. My sympathies are with his wife, Dorothy, and their five fine children.

Mrs. HECKLER of Massachusetts. Mr. Speaker, it was with a sense of profound grief that I learned of the untimely death of Bill St. Onge. As a fellow New Englander and colleague, I knew Bill as an able statesman and warm and trusted friend. His overwhelming commitment to his country, his devotion to constituents, and profound dedication to Congress served as a source of inspiration to us all. In the present time of national dilemma and dissent in which we find ourselves, the loss of Bill's leadership and example is particularly hard to bear. No eulogy to Bill St. Onge could serve as adequate testimony to this noble Congressman from Connecticut. We in the House of Representatives shall miss him, and we take this opportunity to extend our heartfelt sympathy to his family in their bereavement.

Mr. UDALL. Mr. Speaker, I am proud to join the many colleagues and friends of Bill St. Onge in paying tribute to a magnificent man and an unusually gifted legislator. As a lawyer, public official, and Member of Congress he rendered great service to his State and country. His gentle manner, pleasant and cooperative disposition, and quiet courage were attributes which gave him a special place in the affections of his colleagues in this House. I shall miss him, and I extend to his family my deepest sympathy on their personal loss.

Mr. MILLER of Ohio. Mr. Speaker, I am very grieved at the loss of Bill St. Onge of Connecticut. As I join the House leaders and membership today in expressing our sorrow at his passing, I want to say that I had nothing but the highest regard for his actions as a Member of this body.

Bill St. Onge was always well versed on the subject under discussion and above all was courteous and fair to everyone. These attributes coupled with the many others he possessed will indeed be missed. The St. Onge family has lost a devoted husband and father and the Nation has lost an outstanding public servant.

Mr. FEIGHAN. Mr. Speaker, it is with deep regret that I join with my colleagues to pay tribute to our departed colleague Bill St. Onge, whose sudden passing shocked and saddened us all.

It was my privilege to serve with Bill on two committees, which afforded me an opportunity to benefit from his friendliness and his keen insight into problems and issues we faced.

Bill was a man of sterling character and dedication to the highest principles which always motivated him. Bill was a devoted worker for peaceful and humanitarian causes and we shall miss him.

I extend to Mrs. St. Onge and their children my sincere sympathy.

Mr. DERWINSKI. Mr. Speaker, we Members of the House and the constituents he so ably represented were saddened by the death last week of our good friend and colleague, WILLIAM ST. ONGE.

BILL will be remembered by all of us since he was a good friend and one of the most respected Members of this body. Those of us who knew him well realize that BILL ST. ONGE had recovered from previous physical setbacks and that he constantly provided service to his constituents even when setting a slower pace might have been more expedient for him.

It has been a privilege for me to have known and worked with such an outstanding public servant as BILL ST. ONGE who will be long missed by all of us and long remembered by us.

Mrs. Derwinski joins me in extending our deepest sympathy to his wife Dorothy and their son and daughters.

Mr. BROOKS. Mr. Speaker, the Honorable WILLIAM ST. ONGE was one of the most gracious men with whom I have ever served. The gentleman from Connecticut had a keen, incisive mind and wit. He had a very perceptive understanding of people, effectively combined with a deep concern for their well-being. Added to this was his knowledge of the inner workings of Congress and his objective appreciation of its deliberations, all of which made him a highly competent and extremely effective Member of Congress. He was a diligent legislator and his concern was always doing his utmost for his District, his State, and his Nation.

BILL ST. ONGE was a man of absolute integrity for which I and all of his fellow Members in Congress held him in the highest regard. I extend to his wife and children my deepest condolences at this time of sorrow with the thought that his long dedication and efforts on behalf of his family and country are of some solace.

Mr. WHALEN. Mr. Speaker, I would like to join the gentleman from Connecticut (Mr. MONAGAN) and the other Members of the House in pausing this afternoon to recognize the service to this House and the Nation of our late colleague, BILL ST. ONGE.

Mr. Speaker, I did not have an opportunity to get to know BILL well during the little more than 3 years we served together. However, I was especially impressed by his experiences in housing and redevelopment which were particularly helpful to those of us who represent urban areas. I also was impressed by the pleasant and amicable manner he always extended to Members on both sides of the aisle.

Too, I believe we should recognize the distinguished service which he rendered as a member of the House Judiciary and Merchant Marine and Fisheries Committees.

To his wife and five children, I extend my deepest sympathy. May he rest in peace.

Mr. MATSUNAGA. Mr. Speaker, I rise on this sad occasion to join with others in paying tribute to our dear friend and late colleague, the Honorable WILLIAM L. ST. ONGE.

BILL and I came to Congress in 1963 as freshman Members of the 88th Congress, and for nearly 8 years I was privileged to enjoy his friendship. He and I occupied offices in adjoining hallways of the Cannon House Office Building, and I found our sharing of views on various matters both stimulating and enlightening.

BILL was highly knowledgeable as a legislator, and he was particularly well informed on matters relating to his work as a member of the Committee on the Judiciary and the Committee on Merchant Marine and Fisheries. Only a day before his death, I had occasion to confer with BILL on a maritime matter of vital importance to our Island State. As always, he was highly discerning in his judgment and very considerate of my request. Indeed, Hawaii has lost a valued friend, the State of Connecticut a great Congressman, and the Nation a distinguished leader.

BILL's service in Congress was marked by integrity and devotion to duty. In fact, death came to BILL St. ONGE while he was engaged in the performance of his duties. He was being driven to a submarine launching ceremeny in his home State of Connecticut when he suffered a cardiac arrest that was to end his life. As our distinguished colleague from Connecticut (Mr. MONAGAN) pointed out when he informed the House of the sudden death of BILL ST. ONGE:

> So he died in the pursuit of his duty, as I am sure he would have been proud to do.

Mr. Speaker, together with the Members of the House, I mourn BILL ST. ONGE's passing, and extend to his bereaved family my deepest sympathy. May there be some measure of consolation for them in knowing that he met death while pursuing the work he loved best—service to his country.

Mr. BOLAND. Mr. Speaker, I would like to join my colleagues in paying tribute to the late WILLIAM ST. ONGE, one of this body's most able and astute Members. BILL ST. ONGE was known throughout the Congress for his dedication, for his legislative skill, for his remarkable ability to get things done swiftly and expertly. A host of friends all the way from his hometown of Putnam, Conn., to Washington, D.C., can testify to his striking success as Representative for Connecticut's Second District.

Educated at Tufts College and the University of Connecticut School of Law, BILL began practicing law shortly after his admission to the bar in 1948. Earlier—between 1941 and 1945—he served with the U.S. Army in Europe and North Africa. After the war he served his native region of Connecticut in a wide diversity of posts: probate judge, State representative, mayor of Putnam, judge of Putnam's city court, chairman and executive director of the city's redevelopment agency.

Elected to Congress in 1962, he served with distinction on the House Judiciary Committee and the Committee on Merchant Marine and Fisheries.

BILL will be missed—and missed greatly—by his colleagues on Capital Hill and his constitutents in Connecticut.

I extend my deepest sympathy to his family.

Mr. MESKILL. Mr. Speaker, the death last week of Congressman BILL ST. ONGE came as a shock to me.

BILL was a good friend whose service to the people of his district and to the residents of Connecticut will long be remembered. Serving together on the Judiciary Committee, I had an opportunity to observe BILL at work. I quickly learned that he was a hard working, effective Member of Congress. He was one of the best liked Members who had friends on both sides of the aisle.

BILL's knowledge of and experience with the workings of Congress were a great help last year in securing the House passage of the Connecticut-New York Railroad Passenger Transportation Compact. He performed yeoman service in rounding up support for this important legislation which enabled the two States to proceed with a comprehensive railroad modernization program.

BILL's concern for the future of education was well known in Connecticut. He worked continuously for increased funding of the aid to impacted areas program.

He was also concerned about the world refugee problems and supported increases in the immigration quotas to permit refugees to enter the United States.

BILL was a sincere man of great compassion. His kindness, his humility, his dedication, his devotion to duty—to serving his constituents, his State, and his Nation—are an indication of this kind of man that BILL ST. ONGE was. All who knew him respected and admired him as a man of high standards and great integrity.

BILL was a credit to the Congress, and the Congress will sorely mourn his passing.

In closing, I wish to express my deepest sympathy to BILL's widow, Dorothy, and the members of his family.

Mr. RYAN. Mr. Speaker, "if men be good," wrote William Penn, "government cannot be bad." These words may serve as a tribute to the life and career of our departed colleague, Congressman WILLIAM L. ST. ONGE, whose sudden passing has profoundly affected this House. We all feel a sense of genuine loss. Conscientious, diligent, resourceful, unfailingly good-natured, he faithfully upheld the highest traditions of public service.

Deeply attached to his home State of Connecticut, BILL ST. ONGE served her as judge of probate and State representative, always with dedication and integrity. He enjoyed the distinction of being elected mayor of his hometown and birthplace, Putnam, Conn., indicating the confidence he inspired in those who knew him best.

In 1962 he won election to the 88th Congress and was reelected to each succeeding Congress. In the House his record is well known. He was a member of the House Judiciary Committee and of the Merchant Marine and Fisheries Committee.

I was privileged to serve with BILL ST. ONGE on the House Judiciary Committee where he earned the respect and admiration of his colleagues. I valued his friend-

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ship and will miss him. His unassuming personality and quiet wit always made it a delight to be with him.

To his wife and to his five children I extend my deepest sympathy and that of my family for a loss which, while especially grievous for them, will also long be felt by us, his friends and colleagues. I am sure that the enduring memory of his life will be for his family, as for all of us, a continuing consolation and inspiration.

Mr. MURPHY of New York. Mr. Speaker, Bill St. Onge was more to me than just a colleague. He was a friend.

His passing was a particular shock to me. As a fellow member of the House Merchant Marine and Fisheries Committee, he was a wise counselor to me in the formation of important legislation. As a colleague in the House, his sage advice was always welcome. As a fellow Democrat, he was a politician's politician, and as a friend, his quiet confidence and good humor were inspirational.

William Leon St. Onge was many things: lawyer, combat veteran, probate judge, State representative, mayor of Putnam, city court judge, prosecutor, board of education member, corporation counsel, and U.S. Representative from Connecticut's Second District. All of these things he did well.

He died while engaged in the work of his office, serving the people of his district. Bill was driving to a launching ceremony at the time of his death. His wife, Dorothy, was with him and members of his staff were with him. So he died in pursuit of his duty. That is how Bill St. Onge would have wanted it.

All of us in the House, particularly those of us who served closely with him in the committee, will always have in mind his courtesy, kindness, his devotion to his constituents, his high standards of individual integrity, and his dedication to excellence in the performance of his congressional duties. I know that I will miss him.

Mr. HANLEY. Mr. Speaker, I join with my colleagues today in expressing my shock and regret over the untimely death of Bill St. Onge. A finer human being never graced the Chambers of the House of Representatives.

Bill was one of the first Members I met when I was elected to the Congress, and our friendship grew greatly during the intervening years. I often sought him out when I had matters pending before both the Judiciary and Merchant Marine Committees, and he was always helpful.

Although we were all aware of his health problem, we were also amazed at the way in which he plunged into his work, more interested in the plight of his constituents than in his own well-being. He was a dedicated Member of Congress and a true representative of his people. Connecticut will miss his firm voice here in the House. His colleagues will miss his wisdom and his wit. Most of all, however, Mr. Speaker, his family will miss a loving husband and a dedicated father. I extend to his family my deepest personal regrets.

Mr. ANDERSON of California. Mr. Speaker, although I knew the Honorable William St. Onge only briefly, I grew to respect and admire both the man and his work. He was well liked, I feel sure, by not only his friends, but his adversary as well, due to his warm, sincere manner. He always had a smile, he always had humility, and he always had reverence. Congressman St. Onge's genuine empathy for his fellowman was evident in his speech and in his conduct. I feel certain that the people of the Second District of Connecticut, no matter what their political affiliation, feel that they have lost a very good friend.

Congressman St. Onge's stand on the issues was always supported by his thorough knowledge of the subject to which he addressed himself. When he spoke, he had the knack of pinpointing the problem, and he had the ability to present lucid, logical solutions that hit at the heart of the matter.

It seems inadequate to merely extend words of sympathy to his wife and family, but I am sure that their experience and life with him has been of such quality that it makes up for the inadequacy of these expressions.

Mr. MAILLIARD. Mr. Speaker, on May 1, 1970 the United States lost a devoted public servant.

Congressman William Leon St. Onge spent most of his adult life in service to his country. His public career spanned the three branches of government at the local, State, and Federal levels. Bill St. Onge was a city prosecutor, a judge, a mayor, a State legislator, and, finally, a U.S. Congressman.

It was my good fortune to have the opportunity to work with this dedicated and able man on the Committee on Merchant Marine and Fisheries. His constructive contributions to that committee were invaluable.

Mr. Speaker, because of his outstanding record of service and his gentle nature, Bill St. Onge will be profoundly missed in this Chamber.

My wife and family join me in expressing our deep sympathy to Mrs. St. Onge, her children, and other members of the St. Onge family.

Mr. NEDZI. Mr. Speaker, It was with deep regret that I learned of the sudden passing of our colleague William St. Onge.

It is a pity that Bill St. Onge was taken from us while still in the prime of his public life. He was a dedicated public servant in the highest sense of those words. He was unassuming, ethical, and industrious in his preparations.

His pattern of public service promised a solid contribution to the affairs of the U.S. Congress. He was successively a judge of probate in his hometown of Putnam, Conn., State representative, mayor, prosecutor, corporation counsel, and then a Member of Congress.

We who are in politics cherish the good men who honorably practice this profession. As Andrew Oliver said in Boston more than 150 years ago:

> Politics is the most hazardous of all professions. There is not another in which a man can hope to do so much good to his fellow creatures; neither is there any in which, by a mere loss of nerve, he may do such widespread harm; nor is there another in which he may so easily lose his own soul; nor is there another in which a positive and strict veracity is so difficult. But danger is the inseparable companion of honor. With all the temptations and degradations that beset it, politics is still the noblest career any man can choose.

When I think of William St. Onge, I will think of those words. We will miss him greatly.

Mr. HALPERN. Mr. Speaker, with a deep sense of personal regret, I would take this occasion to pay my respects to the memory of the Honorable William L. St. Onge of the Connecticut Second District. His conscientious spirit, while serving as a Member of the House of Representatives, placed him in the forefront of those public officials truly concerned with the requirements of Government. Astute, energetic, and remarkably capable in a hundred different ways, he was one of the best of us, and we shall miss him to an extraordinary extent.

As a member of the Judiciary Committee, Bill St. Onge displayed at all times a forceful knowledge of the law, acquired in large part at the Connecticut University Law School. He also was fully aware of human needs in general and could always be counted on to serve as the representative of justice.

Bill St. Onge was a native of Connecticut and a graduate of Tufts College. Entering politics at an early age, he was elected State representative but resigned to serve in North Africa and Europe as a member of the Army Air Corps. In this capacity he was awarded five battle stars during these months service overseas. Returning home, he studied law, was admitted to the bar, and entered upon his career at Putnam, Conn., where he was elected and appointed to a vast array of public offices, ranging from probate judge to city prosecutor and city judge, to chairman of the housing authority, director of the redevelopment agency, and mayor, before being elected to Congress. In addition to his legal abilities, Bill St. Onge was always interested in nautical matters, and upon his arrival in Washington was at once appointed to the Committee on Merchant Marine and Fisheries. In keeping with this development, he was selected as a member of the Board of Visitors of the U.S. Coast Guard Academy.

During my years in Washington, I never had the pleasure of working with anyone more concerned, conscientious, or able than Bill St. Onge, who served his district and the country with a special zeal and ability deserving of the highest commendation.

The loss of Congressman St. Onge is a serious blow not only to his friends and relatives, but to his constituents, his colleagues, his party, and the Congress itself.

Mr. FASCELL. Mr. Speaker, the passing of our friend and colleague, William St. Onge, has moved many of us to express publicly our sense of loss, the sorrow we feel for his family, and the deep respect in which his memory is held by all who knew him. It is my privilege to share in this expression of tribute to a man whose public and private lives were united by his personal integrity and sense of civic responsibility.

His career in this House had, in a sense only begun. He came here in 1962, and in his 8 years of service served with distinc-

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tion on the Judiciary Committee and the Merchant Marine and Fisheries Committee. His previous career had prepared him well for his work in this House. Attorney and judge, mayor and State representative, he understood the life process of popular government at the local and State level, and he brought to the Congress a wealth of insight into the problems of American democracy. He was deeply sensitive to the cause of justice and that respect for the law which is the basis of any free society.

To his wife and children I extend my heartfelt sympathy, knowing that their strength in their loss, today and in the years to come, will be found in the memory of his life.

Mr. EVINS of Tennessee. Mr. Speaker, recently when I saw the flag flying at half-mast over the Capitol I inquired of a colleague as to the reason and was deeply saddened to learn of the untimely passing of our colleague and friend, the gentleman from Connecticut, the late Representative William L. St. Onge.

I want to take this means of joining with the Members from Connecticut and others in paying a brief but sincere tribute to the memory of this fine man—a scholarly gentleman, able, genial, kindly—a man beloved by his colleagues.

Bill served ably and well as a Member of the 88th and succeeding Congresses. He served his district, State, and Nation faithfully and diligently. His work on the Committee of the Judiciary and Merchant Marine and Fisheries Committee was outstanding.

I also want to take this means of extending to Mrs. St. Onge and their five wonderful children and other members of the family this expression of my deepest and most sincere sympathy in their loss and bereavement.

Mr. KOCH. Mr. Speaker, I am a freshman Member of this House and I remember that when I came to Washington one of the first Members to befriend me was Bill St. Onge.

To a new Member, the House is sometimes overwhelming because of its tradition and history. Bill St. Onge, recognizing and understanding the anxieties of a freshman, went out of his way to be helpful to me.

Bill was a sensitive and modest person with a gentle but wry sense of humor. I always will remember his consideration and many kindnesses—and particularly the help and encouragement he gave me when one of my bills was the subject of a hearing before his subcommittee.

I am so sorry for his family and can only say to them that the Members of this House who knew him mourn with them. We shall miss his warm friendship but remember his singular commitment to his fellow man.

Mr. ADDABBO. Mr. Speaker, we have lost a friend whose warm personality and kind nature endeared him to all who knew him. Our colleague from the State of Connecticut, William St. Onge, was a colleague in every sense of that word and his premature passing will leave a feeling of emptyness in this Chamber which can never be filled.

I join in extending my sympathies to Mrs. St. Onge and to their five children, who must take comfort in the unblemished reputation which Bill earned for himself and for them while serving his constituents. Few men reach that height of admiration and respect but Bill was such a man.

Bill St. Onge was a man who really cared about people and their problems and perhaps for that reason, people sincerely cared about Bill. They will share the burden of his passing and they will be better human beings because of their concern.

Mr. BYRNE of Pennsylvania. Mr. Speaker, we have all lost a treasured colleague and I a close and dear personal friend with the untimely death of Representative William Leon St. Onge.

During our joint service on the Merchant Marine and Fisheries Committee, I had the opportunity of seeing Bill St. Onge in action, to recognize those qualities of leadership and scholarship that made him an outstanding Member of this body.

His service in the 88th, 89th, 90th, and 91st Congresses climaxed a life of community and public service, cut short at the age of 55.

After graduating from Tufts College in 1941, he enlisted in the U.S. Army and served with distinction in the North African and European theaters. Discharged in September 1945, Bill began a career of marriage with his lovely and devoted wife, Dorothy, and a career in law by entering the University of Connecticut Law School. Three years later, he received his degree and began his distinguished life in public service.

His preeminence in law and public affairs was well recognized by his native city of Putnam, which he served as mayor, judge, corporation counsel, prosecuter, State representative, and chairman and executive director of its redevelopment authority.

Upon his election to the Congress in 1962, the counties of Middlesex, New London, Tolland, and Windham received a hard-working, devoted, and conscientious Representative; and the Congress received youthful, dynamic leadership.

Our hearts go out to Bill's devoted Dorothy and their five wonderful children, Bill, Suzanne, Constance, Anne, and Mary, for the loss of a loving husband and father.

At the same time, we must reflect on the great loss suffered by this body with the death of our brilliant colleague and friend. We will miss his counsel and leadership.

Mr. CONTE. Mr. Speaker, I appreciate having the opportunity at this time to honor the memory and devoted service of one of our most distinguished colleagues, Bill St. Onge. His death marks the loss of not only a great friend and colleague, but also a fine man who worked tirelessly in this body for the good of the Nation and his constituents.

As we know, one does not gain the honor of being elected to this body without hard work and dedication to duty. These traits were paramount in Bill St. Onge's life. After compiling a distinguished record as a student in both the United States and France, and as a soldier in World War II, Bill returned to Connecticut to make outstanding contributions to his community and State as an attorney, judge, and professor.

Bill's superiority in his performance of these duties, as well as his qualities as a fine person, made him an ideal congressional candidate from the Second District of Connecticut. This came about in 1963 when William L. St. Onge was elected to the House of Representatives as a Member of the 88th Congress. Bill was with us from then until his sad passing last week. His margin of victory in each succeeding election from 1962 until his last election in 1968 was larger every time, a firm indication of the faith the citizens of Connecticut's Second District invested in his total ability as their Representative. That faith and confidence was not restricted to his constituency, however, for he was held in high esteem by his colleagues and all of those in the Capitol that knew him.

Bill continued to work in Congress on his intense interest in and concern for more adequate housing and conservation programs. His responsiveness to the changing needs of the country and his district was a subject of admiration for all of us. In short, Mr. Speaker, this was an exceptional representative, statesman, and person who has passed so tragically from our midst. It is only fitting that we have a moment of silence in memory of my fellow Congressman from New England. The honor of working with this fine man for over 7 years is superseded only by the sad prospect of having to go on working without him.

Mr. CLEVELAND. Mr. Speaker, I was deeply saddened when I heard of the passing of our fellow colleague from Connecticut, Bill St. Onge. Bill was a good Congressman who worked hard and ably for the people of his district and New England. His presence on the floor of this great assemblage and his initiatives to institute fair and equitable legislation will be greatly missed by us and the constituents of the Second Congressional District of Connecticut.

His deep concern for the consumers of his district, New England, and the entire country exemplifies Bill's efforts for a better country in which to live. Last month Bill joined myself and 61 other colleagues in cosponsoring the Conte-Reuss bipartisan oil import resolution pertaining to the Oil Import Task Force report in an attempt to bring some relief to the homeowners in this country who heat their homes with No. 2 heating oil. Bill recognized this problem and the inflation of spiraling oil heat costs in his district and throughout the country, and was quick to respond to the pressing need for immediate action. This is but one example of his ability to responsively face one of the countless problems confronting us today.

Bill's long and distinguished career in public service should serve as an inspiration to those of us who knew him well and to the people of his district. His career is a perfect example of a concerned citizen getting something done for his community, his country, and the world. Although we sometimes disagreed, Bill St. Onge represented the people of his district effectively and well.

The House of Representatives is grieved by the loss of our dedicated col-

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league and good friend, Bill St. Onge. I extend by heartfelt condolences to Bill's family, friends, and staff.

Mr. O'NEILL of Massachusetts. Mr. Speaker, it is my honor to join my distinguished colleague in paying tribute to the Honorable William L. St. Onge, late a Representative of the Second District of Connecticut. At a time when our Nation needs all of its good men, the loss of Bill St. Onge is felt most deeply. Now, in the midst of growing crisis, the absence of Bill St. Onge is felt strongly by every Member of the House.

Bill was a dedicated and determined public servant. His name was not often in the headlines, for he was a quiet man. Bill's satisfaction came from knowing that he was accomplishing a great deal for the people of his district, and indeed for the entire Nation. Bill was interested in enacting programs that would provide for the needs of all people in America, and in enabling them to progress and develop.

Bill's concern was for the growth and progress of the Nation and its people, for equality of opportunity, and for the protection of civil and economic rights. In the Halls of Congress, Bill St. Onge produced a legislative record that reflects that concern.

As a man who wanted a decent standard of living for all Americans, Bill actively and vigorously supported medicare, social security increases, the food stamp program, and many other social programs. As a man who wanted to enlarge the cultural horizons of the American public, Bill was an avid supporter of the Arts and Humanities Foundation.

In every fight to improve the quality of American life, Bill St. Onge was there—quiet but forcefully determined.

Bill's personal qualities, his integrity, his humor, and his dedication, brought honor to this House and his colleagues. His family, though grieved, must take some solace from that fact and from the great work that Bill accomplished here.

I knew Bill best from our work on matters affecting the New England region. The New England delegation is a cooperative one, and Bill was one of its hardest and most dedicated workers. He readily saw the complexity of issues and was eager to find the solutions to problems.

Bill was always a faithful and hardworking Representative of his district. His office was always open to those who had problems, who needed help.

I am grieved at our loss. I extend my deepest sympathy to Bill's lovely wife, to their five children, and to all his friends.

Mr. ZABLOCKI. Mr. Speaker, the passing of a competent and compassionate man is all the more distressing during difficult times such as these.

Congressman William St. Onge combined in his life ability and dedication as a public servant with extraordinary warmth and humanity. In often heated debates on controversial issues he refused to resort to pettiness and personal attacks. His balanced view of the questions he faced reflected both his conviction in the public good and his tolerance for others.

His presence in the House will be sorely missed.

Thus, we mourn the untimely death of Congressman St. Onge and extend our sympathy to his wife and children.

At the same time we know that his loved ones can take pride in the fact that his life was a full one which was distinguished by dedicated service to his country.

Mr. WILLIAM D. FORD. Mr. Speaker, the untimely death of Representative William L. St. Onge has taken from this Congress an effective legislator, a patriotic American, and an exceptionally fine human being.

Since my earliest days as a Member of the House, I had found Bill St. Onge to be a warm and friendly person, always willing to cooperate and always willing to offer advice and assistance to newer members.

As a dedicated public official, Bill St. Onge was always ready to stand and be counted on the issues. He was also willing to hear all arguments and listen to all sides. This quality made him a valuable and influential member of the House.

During his relatively short lifetime of 55 years, Bill St. Onge accomplished much, and left an impressive record. He was an attorney, a soldier, probate judge, state representative, mayor, prosecuting attorney and member of the board of education.

I consider myself priviliged to have known Bill St. Onge as a colleague and a friend. I offer my warm condolences to his wife and five children, who are buoyed in their sorrow, I am sure, by the knowledge that he lived a full and rewarding life.

Mr. BURTON of California. Mr. Speaker, the Members of this House were saddened to learn of the death of our colleague, William L. St. Onge.

He was a dedicated public servant and a fine and warm human being. He served the people of his district, State, and the Nation ably with a deep personal concern and commitment. His voice and his presence will be missed in this Chamber.

I join with my colleagues in expressing regret and most sincere sympathy to his family.

Mr. ROSENTHAL. Mr. Speaker, I was deeply saddened by the sudden death of my good friend and colleague, William L. St. Onge, of Connecticut.

The House of Representatives has lost one of its most active and respected Members with his death.

I felt a certain kinship with Bill St. Onge, as we had served together in Congress for 8 years. I had come to know him quite well, and greatly admired him for his dedication to his work, and his obvious devotion to his family.

He served his State and country to the best of his ability—first in the State legislature, then in the military service, and subsequently in the House of Representatives where he ably demonstrated his talents and his desires to serve others even at the cost to self.

His conduct was exemplary during his years as a Representative from the State of Connecticut, and I am certain that his influence will continue to be felt by us in the Halls of Congress for many years to come.

He was warm and outgoing, and he will be sorely missed by all of us who had the privilege of knowing him, for even a short time.

I extend to his lovely wife and wonderful family my deepest sympathies, and I pray that they will be comforted in their sorrow.

GENERAL LEAVE

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life and service of our late beloved colleague William St. Onge.

The SPEAKER pro tempore (Mr. Hechler of West Virginia). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore (Mr. Hechler of West Virginia). Under a previous order of the House, the gentleman from Ohio (Mr. Miller) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the world's largest manufacturer of men's leather footwear. In 1966 the United States manufactured 125,900,000 pairs of men's shoes compared to 51,257,000 pairs by Czechoslovakia, the second ranked nation.

ISRAELI INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, May 11, 1970, marks the 22d anniversary of the State of Israel. In its 22 years of existence as a nation, Israel has grown and prospered. It has done this in the midst of a constant struggle with the surrounding Arab States.

For 22 years, Israel has sought peace with its neighbors. But to no avail. The Arabs still dream of annihilating Israel and what it stands for. Three times in 22 years the Arab dream of destroying Israel has turned into the bitter nightmare of defeat.

Israel today is an example to all the people of the world that the Jewish people, representing Israel's majority, will no longer stand by while their basic human rights are violated. That is finished forever.

Officially Israel has existed for 22 years. But the idea, the promise, the hope of Israel has existed throughout Jewish history. Today the progress that Israel has made has surpassed our fondest dreams.

In looking toward Israel's bright future we must not forget the constant peril that threatens this brave little nation. It is the duty of all freedom-loving men to support the only democracy in the Middle East today. To forsake Israel is to forsake the very principles that this Nation is founded on—love of freedom and liberty, and the pursuit of happiness.

It is my hope that Israel's future will be characterized by continued prosperity and lasting and meaningful peace. With God's help I am certain this will come about.

THE KENT STATE TRAGEDY: WHERE LIES THE BLAME?

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the search for an answer to the question "who is to blame for the Kent State tragedy," will surely go on for many months, if not years. With the outpouring of grief, shock, claim, and counterclaim, surely an answer will be found. But will we like the answer?

Lawrence Lee, columnist for the Pittsburgh Press, has pointed a direction for our individual inquiries. In an article entitled "Blindness to Anarchy Killed Kent Students," Mr. Lee makes a good case for laying the blame on ourselves. He notes in brief:

> We are all guilty for seeing in every act of violence some excusable aspect favorable to the perpetrators of the violence.

In our preoccupation with insuring the protection of the law to the demonstrator, we have forgotten that the majority of society also has a right to protection. This overemphasis on the "right to dissent" leads Mr. Lee to conclude that we are in the "last seconds" where reason can prevail over riot and ruin.

Mr. Lee's foreboding analysis of the cause of the Kent State tragedy is worthy of consideration by all free men; I have included his article here for our colleagues' attention:

[From the Pittsburgh (Pa.) Press, May 10, 1970]

BLINDNESS TO ANARCHY KILLED KENT STUDENTS

(By Lawrence Lee)

"And therefore never send to know for whom the bell tolls; it tolls for thee."

John Donne (1573–1631), English poet and theologian, wrote the lines.

Ernest Hemingway renewed the fame of the short devotion by printing it as the epigraph to his novel, "For Whom the Bell Tolls."

As a sermon it is also poetry. As all significant poetry, it spoke for the moment and for all moments thereafter in which the same loss to the human spirit occurred.

With Kent State University, a part of the continent was lost. We were all injured. We were all shamed.

Part of all of us went mad and raged as a massive, mindless mob.

Part of us pulled the triggers and fired the shots.

Part of us lies dead with the innocent and the guilty.

It would be shallow cynicism to designate the Ohio National Guard as the guilty party and then turn away in relieved evasiveness, smugly content with our own guilty selves.

We are all guilty for having failed in the last years to know what is happening to our country.

We are all guilty for seeing in every act of violence some excusable aspect favorable to the perpetrators of the violence.

Youths who blow apart their families' homes and destroy themselves in an anarchistic dream of instant reform are celebrated as heroes.

Racial minorities in paramilitary uniforms are idols whose trials for crime can summon multitudes and gain the praise of college presidents.

SOCIETY DROPOUTS

Defectors from the obligations of society, in its responsibilities and in its errors, invoke the approval of mayors.

And so it is wondrously convenient to have small soldiers, who in units of 30 are reported to have faced missile-throwing mobs of 2,000, at which to look in blame.

We are all to blame.

University students who became a raging mob are guilty with all of us. The faculties who taught them are guilty with the mob.

It has been reported that more than 100 professors at Kent State met after the catastrophe and declared, following their meeting, that they do not desire to teach at a place which permits its students to be killed in this fashion.

ACT, DON'T TALK

Their publicized self-righteousness is not worth one fig for the welfare of mankind. If they mean it, they will act on it, not talk about it.

Who permitted it more than they? Who sensed the growing spirit of rebellion and failed to direct expression and sincere search into the ways of reason rather than riot?

Do not point at other youths suddenly summoned into uniform. You, more than they, pulled the triggers and fired the killing shots when you did not advocate and insist upon reason and the counsels of reason.

CRIES FROM THE LEFT

The Left cries that fascism will come. The temper of the times is such that we may have it. And the Left will have brought it into being.

Ambassadors have been murdered when governments refused to ransom political prisoners.

Young dynamiters have boasted that returning military men will join them.

Mob actions on our campuses are permitted to assume the holy air of high-minded causes.

Is this not the mood and atmosphere of the storm trooper and the bully?

Anarchy achieves nothing for the perpetrator nor for mankind except destruction.

We are perhaps in the last seconds where reason and reasonable procedures may be used. If we do not use them, dissolution and chaos will follow.

IRS SUPPORTS ACTION TO CONTROL SECRET FOREIGN BANK ACCOUNTS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, yesterday the Internal Revenue Service announced that it would require taxpayers to disclose on their 1970 tax returns whether they have foreign bank accounts.

The Commissioner of the Internal Service, Randolph W. Thrower, is to be commended for taking this step. The reporting of these accounts on the tax return will be another help in the effort to control the use of foreign bank accounts for illegal purposes.

The tax return, of course, will provide only the fact that such an account is maintained. It will not carry with it any recordkeeping requirements which are, of course, necessary for the proper control of the use of these accounts.

As the House knows, the Banking and Currency Committee has reported out H.R. 15073 which will require the maintenance of records of transactions involving secret foreign bank accounts. This legislation is the biggest step that has been taken in providing law enforcement officials with the necessary tools in controlling crime which has been aided and abetted by the availability of secret foreign bank accounts. Mr. Thrower's decision to include the disclosure on the tax return will be an excellent supplement to this vital legislation.

Mr. Speaker, I understand that H.R. 15073 will be coming up for action on the floor of the House very soon. And I hope it will have the support of Members on both sides of the aisle. The Banking and Currency Committee conducted lengthy hearings into the abuses and misuses of these foreign bank accounts, and H.R. 15073 is badly needed. I regard Mr. Thrower's decision as a recognition of the need for this legislation and I congratulate him on his action.

THE CONGRESS SHOULD ACT ON HOLDING COMPANY LEGISLATION NOW

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in the next few months, I hope that the 91st Congress will put the final touches on legislation to control and regulate one-bank holding companies.

The legislation, which the House passed on a record vote of 351 to 24 on November 5, 1969, is now pending before the Senate Banking and Currency Committee which opens hearings Tuesday.

By using a loophole in the 1956 Holding Company Act, the one-bank holding companies have swallowed up thousands of small businesses around the Nation and have greatly increased the danger of a sharp concentration of economic power in the hands of a few. The Congress cannot afford to delay enactment of this vital legislation. Our very economic system is at stake.

Mr. Speaker, I addressed a meeting of the National Association of Insurance Agents on April 28 in Dallas and outlined the dangers of the unregulated one-bank holding companies and the need for immediate legislative action. Mr. Speaker, I place a copy of this speech in the RECORD:

REMARKS OF HON. WRIGHT PATMAN TO THE NATIONAL DIRECTORS OF THE NATIONAL ASSOCIATION OF INSURANCE AGENTS

Thank you very much for inviting me here today.

I know that one subject—the one-bank holding company bill—is uppermost in the minds of all of us. We are now in the critical stages of this issue. Time is moving rapidly and it remains touch and go whether we will enact legislation to control one-bank holding companies in the 91st Congress.

The stakes are high. The pressures are some of the greatest that have ever been brought to bear on banking legislation in this century. The outcome will decide—for years—the nature of banking and its rela-

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tionship to the business community. The outcome will decide—I am convinced—whether we continue to have a competitive enterprise system that allows room for the small independent businessman.

Only in recent months has the national press began to realize the significance and the depth of the issues involved. Originally, many regarded this as another complex piece of banking legislation, affecting only a narrow segment of the economy. Today, the holding company issue looms as one of the biggest economic decisions facing the Nation.

It is the only issue before the Congress that really touches the basic structure on which the entire enterprise system hangs. If the one-bank holding company bill fails—and the existing holding company law is weakened—we will see a drastic change in our economic life.

To their credit, the big banks have been rather candid in their actions and statements. They have made no bones about it—they plan massive seizures of other business enterprises if the Congress turns on the green light. There simply is no question about this fact. The banks' intentions are clear. They are convinced that they are right and that their boardinghouse reach across the economy is good for the Nation. In the boardrooms of the big banks, this comes under the category of "divine right."

The big question is not the banks' intentions, but the intentions of the Congress and the Administration. In the final analysis, will the Congress decide that the small businessman—the independent enterpriser—is a thing of the past? Will the Congress vote a major change in our economic structure, deciding that our system is better run from a handful of boardrooms and with most enterprises tied closely to a major banking institution?

In the coming months, every effort will be made to cloud these issues, to hide them behind smokescreens, to obscure and to minimize them. The supporters of the banks' position do not want to face the fundamental economic issues. But, the issues are there and they will not go away—even at the urging of the bank lobbyists and public relations pitchmen.

You in the insurance agency business understand the issue. You know first-hand that the banks intend to take over your business. You simply won't exist unless there is meaningful regulation of bank holding companies. In fact, in many areas the destruction of the independent insurance agent has already been accomplished by these holding companies.

For the insurance agent, this is not a theoretical issue to be faced years hence. It's here right now and your survival depends on the Congress having the courage to stand up to the bank lobby.

The insurance agents have done a magnificent job of putting their story over to the Congress. You have been persistent; you have kept the issue in front of the Members of Congress and the Administration. I have been greatly impressed by your Washington representatives and the willingness of individual insurance agents to come to Washington to personally present their case.

Your people in Washington have persisted in the face of some pretty bitter attacks by politicians who don't sympathize with your position. When you step on the toes of the big boys you can expect to be attacked, and as President Truman used to say, "If you can't stand the heat, stay out of the kitchen."

But the issue is much broader than any single segment of our business community. I do not come here today as a special advocate for any group—whether it is insurance agents, travel agents, data processors, leasing companies or anything else. I do champion—without apology—the small businessman; and I am convinced that the continued existence of the independent enterpriser is essential to the public interest. The small businessman has every right to exist, the power of the banks notwithstanding.

It would be a mistake, however, to paint this simply as an issue involving a fight between the small businessman and the banks. As important as this is, the issue is much more complex and involves much more.

The banks are not limiting themselves just to small businessmen. The takeovers cut a wide swath across the economy and include a number of huge complexes—businesses like the far-flung loan company empire of CIT Fnancial Corporation, the Sperry and Hutchinson conglomerate; and the huge General American Transportation Corporation. The list fills page after page and involves billions of dollars of assets. Nothing is exempt from the bank raids—whether it's manufacturing insurance companies, pizza parlors, retail stores, transportation, or car rentals . . .

The list grows every day while we await final Congressional action. In the absence of regulation, it is difficult to keep track of these new movements by the one-bank holding companies, but my staff has identified more than 100 one-bank holding company creations and non-bank acquisitions just in the past year. And the regulated holding companies—those with two or more banks—also are moving into a position to take advantage of any weakening of the present holding company regulatory structure. The Federal Reserve reports that activity involving applications for multi-bank holding companies increased two-fold last year and is up 500 per cent above the 1965 filings.

Today, there are more than 900 known one-bank holding companies. The banks in these holding companies have total deposits of more than $180 billion—about 43% of all commercial bank deposits in the United States.

All of this spells out a massive concentration of economic power. Unfortunately, we have some people in this country who do not care deeply for the American way of life. These people quite readily accept a shift from a competitive, free enterprise system to a tightly controlled and concentrated economy.

Happily, the great majority of the American people believe in our system and are adamantly opposed to a concentration of economic power in the hands of a few.

A few years ago, Mr. William H. Orrick, Jr., who served as Assistant Attorney General for Antitrust in the Kennedy Administration, and who is regarded as one of the Nation's top experts in this field, said:

"Concentration of economic power has always been regarded as a threat to our most important social and political institutions. *Can anyone doubt that the pre-war experiences of Germany, Japan, and Italy have proven the wisdom of this Nation's concern over concentration of economic power?*

Such concern obviously goes far beyond the interests of a single segment of the business community. It reaches into every area of American life and the political and social implications may eventually far outweigh the obvious economic consequences of a concentration of economic power. Concentration of economic power—economic fascism—threatens every free democratic institution in America.

And for the consumer, a concentration of economic power would invariably mean higher prices, poorer products and services, fewer choices—not to mention a general loss of freedom for the entire nation.

Recognizing the growing seriousness of the problem, the House of Representatives, last November 5, moved to control the one-bank holding companies. The House, in my opinion, acted with great courage in the face of one of the most bitter and well-financed lobbying campaigns ever pushed by the banks.

The House-passed bill is good legislation. It firmly separates banking from non-banking business and puts an end to the one-bank holding companies' boardinghouse reach into other areas of the economy.

The House bill is being attacked because it is a no-nonsense piece of legislation that regulates without special interest loopholes. For example, the House refused to play favorites with a grandfather clause. The House-passed bill says the regulation will apply to all one-bank holding companies which have been formed since the original bank holding company bill was passed in 1956. Any one-bank holding company formed prior to that time with more than $30 million in banking assets or $10 million in non-banking assets would, likewise, be subject to regulation.

This means that a one-bank holding company won't be allowed to go unregulated simply because it made a non-banking acquisition a few days or a few months ahead of some other holding company. It treats them all equally; the regulations will apply across the board without favoritism.

The House bill also shores up some of the key areas of the 1956 Holding Compay Act. The 1956 Act said that a holding company didn't control a bank until it owned 25 per cent or more of the stock and, as a result, a great number of holding companies went out and acquired 24.9 per cent of a series of banks. Thus, this neat little loophole kept them out from under regulation. This loophole has been used often right here in the State of Texas.

So, in the House bill we moved to close this loophole by allowing the Federal Reserve to make a finding of "actual control" regardless of the amount of stock held by the holding company. The House bill also requires the Federal Reserve to determine that a holding company acquisition is not "anti-competitive" *before* it is approved.

As soon as they had recovered from the shock of the passage of the bill in the House of Representatives, the bank lobbyists started making the rounds trying to discredit the legislation. The lobbyists insisted that the bill was "extreme" and "anti-bank."

These lobbyists have never explained just what was "extreme" about suggesting that a banker be a banker and not an insurance agent, a car rental expert, a travel agent, a furniture manufacturer, a transportation mogul or a pizza parlor operator.

Banking is a very lucrative and powerful industry. So I wonder why a banker suddenly feels so mistreated when the Congress suggests that he stay in the banking business.

Unfortunately, some of the press has inadvertently picked up the line and major publications have, on occasion, described the House bill as "highly restrictive," "stringent," and "extreme." I hope that these publications will look carefully at the issue.

The House-passed bill does nothing more than apply to one-bank holding companies the same standards under which the rest of the banking community has been required to exist for decades. Since the banks' involvement in the securities scandals of the Great Depression, the Congress has always insisted on a firm separation of banks from non-banking enterprises. That was the thrust of the 1956 Holding Company Act and it is the basic tenet of the House-passed one-bank holding company bill. I am at a loss to explain why anyone would regard this as "highly restrictive."

What the press, the public—and sometimes Members of Congress—forget is the fact that banks are not like the rest of the business community. They are unique with great powers and monopoly privileges. These privileges are fine—when used in the public interest—but no one ever intended for the banks to be allowed to use these special powers to compete unfairly with the rest of the business community.

Every business in the United States depends on credit, and when the principal source of that credit—a bank—becomes a

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competitor through a holding company, the independent business does not have a chance. The banks' use of their great power to grant or withhold credit can drive any non-bank competitor to the wall.

There are an endless variety of credit "tie-in" arrangements that the bank holding companies can employ to put their competitors out of business. They can force their bank customers to use many services of the holding company subsidiaries in order to obtain needed credit. For example, in order to obtain vital credit from a bank, a businessman may also be forced to buy his insurance from another of the bank holding company's subsidiaries; have all of his data processing done by another bank subsidiary; book travel for his salesmen from another subsidiary; and lease his equipment from still another subsidiary.

Under such tie-ins, there simply can be no competition. No competitor of these bank subsidiaries has a chance against this kind of economic pressure.

In addition, banks have access to a tremendous amount of "confidential" business information obtained in the process of considering credit applications. This information can be used by a bank holding company to provide an unfair competitive advantage over other businesses.

It is as clear today as it was in the wake of the great depression that the business of banking should be exclusively banking. It should be firmly separated from non-banking enterprises. The banks have a lucrative franchise in their loan-making powers and these powers should be used to promote competitive enterprise and not to stifle it.

Surely, no one denies that the banks have tremendous power and influence. What public good is served by allowing the one-bank holding company devices to extend this power into every corner of American business? What public good is served by expanding the power of Chase Manhattan National Bank, the Bank of America, the Continental-Illinois National Bank, or any of the other banking giants?

What public good is served by extending the power and the influence of a David Rockefeller over American life? Surely a Rockefeller has enough power already without the Congress granting even more.

Why do the banks need more powers? It can't be a need for more profits. Bank profits are already at record levels with the major banks showing a 13% increase in net income in 1969. Some banks had profit increases of 40, 50 and even 60%.

So, obviously, an unregulated holding company device is not needed to keep the banks out of the poorhouse.

Some of the bank apologists have put out the line that the banks need an unregulated holding company so that they may provide "innovation." This has got to be one of the more ludicrous claims in this fight. The banking industry has always been the conservative, "moss-back", status quo element of our economic system. And now they tell us that the banks are going to provide innovation if we will just let them have this holding company device. Hogwash!

What innovation will the banks bring to the insurance agency business? What innovation does a bank bring to the furniture manufacturing business? Maybe it's that some unknown banker has a new recipe for those bank-owned pizza parlors. Maybe that is the innovation everyone is talking about.

Despite the absurdities of the banks' claims, we still face a tremendous fight before enactment of a decent regulatory law. The banks have friends—friends in high places—whose influence is great. It is still a fifty-fifty proposition whether the 91st Congress and the Nixon Administration will allow your businesses to survive.

This issue is too serious to become a partisan matter, but the facts have to be faced without pulling any punches.

My friends, I am deeply concerned about the maneuvering that has gone on inside the Nixon Administration on this issue. I am deeply concerned that the bankers are still calling the shots. The Treasury Department, in my opinion, is rapidly becoming nothing more than the second branch of the American Bankers Association and this is largely due to the influence of Mr. Charles Walker. Mr. Walker, of course, was the Executive Director of the American Bankers Association, and his actions indicate that his heart and soul are still with the American Bankers Association.

It is an open secret in Washington that Charlie Walker wanted to delay the hearings on the one-bank holding company legislation in the Senate. He wanted them to be delayed long enough for the House bill to die with the adjournment of the 91st Congress. He wanted to require that the House begin all over again in the 92d Congress and try to rewrite legislation in the teeth of a fully-prepared bank lobby.

To his great credit, Senator John Sparkman did not follow this line. Senator Sparkman has called hearings for May 12 and this is very encouraging to me and I am sure it is to you. I commend Chairman Sparkman for bringing this matter to a head.

But, you must remember that Charlie Walker and his allies are still lurking in the background and that they will leave no stone unturned to kill this legislation or to force through the weakest kind of bill. I am convinced that Mr. Walker was the mover behind the strange letter that came forth from the White House last Tuesday, when the Senate Banking and Currency Committee met to consider hearings.

That letter was signed by President Nixon. It talked about the new Commission on Financial Structure and Regulation and then dropped in some very broad hints about the Commission being used as a delaying tactic for the one-bank holding company bill. If you follow the timetable of the President's letter, it woud mean that the legislation would be delayed almost to the final day of this session of Congress, too late for final action.

I was shocked that the President sent this letter to Chairman Sparkman on the day that the Senate Banking and Currency Committee met. I was surprised that the President would lend his name to such a transparent device. Such action does nothing but demean the highest office in this land. I regret it greatly and I can only think that the President has been given poor advice. And I have little doubt in my mind where that advice came from.

The President's letter is a direct contrast to what he told the Congress only about a year ago—on March 24, 1969. At that time, he said:

"Legislation in this area is important because there has been a disturbing trend in the past year toward erosion of the traditional separation of powers between the suppliers of money—the banks—and the users of money—commerce and industry.

"To protect competition and the separation of economic powers, I strongly endorse the extension of Federal regulation to one-bank holding companies and urge the Congress to take prompt and appropriate action."

That was a clear and unmistakable statement for action on this legislation in the 91st Congress—commissions and studies notwithstanding.

And only last month, I corresponded with the President and received from him a further assurance that the Administration was still behind passage of one-bank holding company legislation.

Now—under date of April 21—comes a letter from the President suggesting that we all sit back and wait until his new commission comes forth with an "interim report." He says it might be ready in two or three months after the Commission begins work on June 1. The President might as well have said that it would be ready in 1980 for all the good it would do for passage of an effective one-bank holding company bill.

Even more disappointing is the fact that a major bank lobbyist walked the halls of Congress describing the contents of President Nixon's letter more than 24 hours before it reached Senator Sparkman. The office of President of the United States is an office that belongs to all of the people and this is true regardless of what party occupies that great office. The correspondence of the President of the United States should not be revealed first to the bank lobbyists.

If this legislation—for any reason—is delayed and killed in the 91st Congress, it may mean the end of any chance for regulation of one-bank holding companies. It would be a long uphill fight to revive this bill in the 92nd Congress. I am not sure that it could be done. It must go forward in this Congress if we are to be assured of the right kind of law.

And even should it be revived in the 92nd Congress, the delay would be so great that it would have little meaning for many of you. The bank holding companies are waiting, ready to spring. If there is a delay, they will intensify their campaign to grab off non-banking enterprises across the nation. Many of your insurance agencies will be gone if there is a delay of a year or two in the enactment of a one-bank holding company bill.

Over the past 15 months, your organizations have put on a tremendous battle to protect your rights. You can be proud of your efforts. But the real hard fighting is still in front of you and I hope none of you are planning to let your guard down now. Everything that we have accomplished would be lost if there is a slackening of the effort to get a good, effective, public interest holding company bill in this Congress. Your organizations as well as other small business groups must continue and intensify the fight until victory is achieved.

Thank you very much for inviting me.

MICHIGAN CREDIT UNION LEAGUE HELPS SOLVE HOUSING PROBLEM

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, one of the major problems facing the housing industry today is not only the drastically reduced number of new housing starts, but also the limited number of moderately priced homes that are being built.

For the most part, the only new homes that are being constructed are those for individuals with large incomes. In some areas, there are so few new homes in the $15,000 to $20,000 range that many moderate-income families may never be able to own their own home.

There has been a great deal of talk about ways to solve the problem but the Michigan Credit Union League, one of the most progressive credit union leagues in the country, has taken action to correct the situation. The league has moved into the cooperative housing field and as its first project is constructing 2,000 units of housing composed of 1,500 townhouses, 300 garden-type apartments for the elderly, and 500 single-family units.

Eventually, the league hopes to operate a housing business of between $50 million to $100 million a year.

The first project is a development of a 425-acre site about 35 minutes by expressway from downtown Detroit and it is planned that the project will be in the selling stage by early summer.

The full story on the Michigan league's new venture is contained in the April issue of the Credit Union magazine and it is my hope that other credit union leagues throughout the country, reading this article, will also move into the cooperative housing field and start home construction back on the road to recovery. Mr. Speaker, I am including a copy of the article in my remarks since it does provide a positive course of action to helping the housing problem:

Michigan League Moves Into Co-op Housing

Housing is in trouble. In most parts of the continent, adequate housing is out of reach for people earning $7,500 to $12,500 annually.

In the United States alone, the current 10-year goal for new housing units is 26 million, and last year's share was 2.6 million. Only half of those were actually started.

Anguish among young and older families in search for housing describes the scene as the Michigan Credit Union League plans massive housing developments for middle-income families, who make up 80 per cent of southern Michigan's credit union members.

Sidney Barnes, who as league counsel developed the league's first plans for factory-built cooperative housing, is enthusiastic about the program. "We're going to have housing with all the 'millionaire' advantages, but costs of 15 to 20 per cent less than monthly occupancy rates for ordinary housing."

The league is now developing a first project of 2,000 family units on 425 acres of prime land ("one of the most desirable land parcels available"), located in Avon township, south of Rochester, Michigan. Its selling price at about $5,000 an acre is substantially less than the price on the open market.

"This land has everything—a slight upward slope from edges, providing excellent views, good soil and drainage, proximity to shopping, churches, superhighways, and a location near the employment sites of 135,000 families," Barnes explained.

"It's located across the way from a small college, is within two miles of a new major university and a junior college, and is 35 minutes by expressway from downtown Detroit. A state-maintained swimming lake is only three miles to the northeast, and there are state parks two miles and 10 miles away. ("Don't forget," he interjected, "we're talking about urban land.")

Actual construction on one of four sections of the land should begin before the end of May, and Barnes believes that section will be completed in two years. The entire acreage should be developed within five years.

"When that time comes, you'll see what we mean by 'millionaire' facilities," he added.

The property was rezoned for planned neighborhood development to allow as many as 5.6 buildings per acre on the over-all acreage. This, in turn, will allow generous open spaces for recreation and beauty in some areas. There'll be tree-lined walkways, bike paths, a multi-purpose community center, tennis courts, swim pools, a gym, nursery schools, and a large shaded area.

Self-contained schools and a day care center are also planned, and the development contains 10 acres of commercial property.

The project will have 2,000 units—1,500 townhouses; 300 garden-type apartments for the elderly; and 500 single-family units.

"This development is just a beginning," noted Barnes. "We see no reason that housing couldn't become a $50 to $100 million-a-year business under league sponsorship. The need for it appears virtually unlimited."

To prepare for such activity, in fact, specialist Sidney Blitz was appointed in August to direct the league's cooperative housing program. Blitz has more than 13 years' administrative experience, nearly two as manager of a 2,000-apartment cooperative housing development in New York. For seven years he directed education and research for the New York State Credit Union League. Most recently, he headed Boston's Action for Community Development agency.

Actually, league staff involved with housing numbers three, with Blitz, Barnes, and Jim Fisher, who works in sales. Major development work will be contracted.

"We see our role as a seeding agent," said Barnes. "We hire an architect and a lawyer, arrange the purchase of land and make a down payment, then keep our eyes on developments. In short, we get the ball rolling."

To date, the league has spent $310,000 as a down payment on the $2,175,000 Avon township acreage, bought under a seven-year contract at 6½ per cent interest. Interest payments start after the first year.

All money has come from a fund to which Michigan's state-chartered credit unions can lend 1 per cent of their capital. While this could amount to $7 million, at present 120 credit unions have contributed $2 million. Plans are also being made to permit participation by federal credit unions.

In addition, under a 1967 amendment to the state credit union act, state-chartered credit unions may now advance as seed capital for cooperative housing up to 5 per cent of their total capital.

Barnes doubted that anywhere near the fund's $35 million potential will be needed. Of actual developmental costs (an estimated $50 to $60 million for the Avon Township project), 3 to 10 per cent will come from individual down payments, the balance through mortgages. And once mortgages are negotiated, pilot funds may be returned to the credit unions.

The Avon project should be ready "to take to the people" in an extensive pre-selling period by early summer, Barnes said. Credit union members will have first choice. Virtually anyone, of course, can join either of the two community credit unions in the Detroit area. Non-members, too, will be accepted later.

So far, all is on schedule. A detailed master plan on the first section was completed in January. Municipal approval has also been granted, and construction will be started by installing underground pipes, pavings and roads.

While the league looks for other potential sites for housing, "we're not pushing right now," Barnes said. "Money is tight." Credit union loans to the league are paid the highest interest possible, now in the range of 6 to 7 per cent.

One of Blitz' big hopes is that the league be given the opportunity to develop cooperative housing for Detroit's impoverished inner city. Notably, the league is only one of nearly 1,300 groups to file application for such development with the Detroit Housing Commission.

Most applicants, however, represent individual neighborhoods or churches. Blitz believes that if development is split up in the inner core, "it will be difficult to do something really worthwhile. A large program in the inner city has the best chance of success from the standpoint of cost, design, and community facilities."

"We could handle a big development like that," Barnes added confidently. "We might also have the opportunity to give everybody a free membership in the New Detroit Consumers Credit Union."

The league also plans to propose a housing project for senior citizens to the Federal Housing Administration.

"Either of these projects could move quickly, once we receive the right word," said Barnes. "We're on the way now."

The Michigan league recently announced its co-sponsorship of four additional cooperative housing projects, three of which are still in preliminary talking stages.

The Auto Body Credit Union of Lansing, Mich., is reported to be ready to sponsor a 180-unit development. Construction may depend on receiving authority to use a part of the $250 million in tax-exempt 6-per-cent revenue bonds now being requested by Governor William Millikin for the Michigan State Housing Authority.

The projects being discussed are in central Detroit by Detroit Teacher Federal Credit Union and projects for credit union members in the Benton Harbor and Escanaba areas.

Economies Cited in Developing Co-op Housing

Six cost-saving features emerge through the large-scale development of cooperative housing, such as that in Michigan.

Production by factory methods. The league recently signed a contract with Levitt and Sons, the world's largest builder of housing and now a subsidiary of International Telephone and Telegraph.

Although this firm has yet to start building by factory methods, it is far advanced in the technology, having long engaged in research and having developed a sophisticated way to combine pre-constructed units. The firm plans to build a plant in Michigan, and quality controls can be exercised at the plant, as well as on the site.

Levitt, as an extremely large buyer, can also get materials and manufactured goods at the largest discounts possible. In addition, it can cut down on waste in such items as carpeting, where wastage ordinarily accounts for a quarter to a third of the price.

The volume factor. Most important of all, in Sidney Barnes' view, a large project can be planned over several years, allowing production to be scheduled with no loss of labor or productive facilities. This decreases costs appreciably.

Land banking. The elimination of intermediate speculative profits in the sale of a large parcel of land is another significant factor. Property can be purchased before speculation begins. Barnes calculated that the residential property purchased last September has already increased in value by about $500,000, despite the depressed condition of the market. In five years, the 10 acres of commercial property purchased for about $5,000 an acre will likely be worth more than 10 times that amount.

In addition, the property in Avon township might have cost substantially more if it had been rezoned before sale.

Cost of mortgage money. This may be reduced about 25 per cent if the program is designated under Michigan law as one having broad social objectives. Under this designation, the law provides for financing through tax-exempt, state-floated bonds. Other leverages to reduce the cost of money may become available through credit union activity in the money markets, and because of the program's scale.

Elimination of non-productive costs. These include such factors as closing costs on the sale of individual properties, processing, legal, inspection, and other fees. These will be eliminated or reduced through involvement of the league's technical staff.

Development of communities. Finally, Barnes noted, "it is our intent not to develop on a subdivision-by-subdivision basis, but to produce total communities designed for the needs of people, to maximize cultural, recreational, and educational factors. We start with existing groups, and our sole motivation is to serve them on a non-profit basis.

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Our goal is to achieve the best family living possible at the least possible cost."

STATEMENT ON CAMBODIA BY AUSTRALIAN PRIME MINISTER GORTON

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, few men have as capable a grasp of Asian affairs as Australian Prime Minister John Gorton. It was with special interest, therefore, that I noted remarks on the Cambodian situation made recently by Mr. Gorton in the Australian House of Representatives.

Speaking of President Nixon's decision to make a sweep into the Communist sanctuaries in Cambodia, Mr. Gorton declared that this action was taken "on operational military grounds and was designed to protect the lives of Allied servicemen."

Citing criticism of the President's decision by the opposition party in the Australian House, Mr. Gorton commented:

> We find it odd that the Leader of the Opposition should, on behalf of his Party, viciously criticize that action. It is worth noting that so far as I know not one member of the Opposition, at any time, has criticized the violation of Cambodian neutrality during the last 5 years by the North Vietnamese.

Mr. Gorton said he cannot understand those who "are prepared to subject Allied forces to military threat and to endanger the lives of soldiers in action."

Mr. Speaker, I believe all Members of the House would benefit from reading Mr. Gorton's speech. His address follows:

EMBASSY OF AUSTRALIA,
May 5, 1970.

STATEMENT ON CAMBODIA

The Australian Prime Minister, Mr. John Gorton, made the following statement on the situation in Cambodia in the Australian House of Representatives on Tuesday, 5 May.

For some years North Vietnamese regular forces, and other forces controlled by North Vietnam, have been withdrawing across the Cambodian border after battles in South Vietnam. The North Vietnamese have built, in Cambodia, base camps in which their forces could rest, refit, regroup, and be prepared for further military action against allied troops in South Vietnam.

This military disadvantage was endured with great forbearance by United States and South Vietnamese forces—for even though the neutrality of Cambodia was being violated by the Communists, the allies continued to hope that the protests of the Cambodian Government might lead to a cessation of the North Vietnamese invasion.

This was a vain hope and since the displacement of the Sihanouk Government by the Lon Nol Government in Cambodia, North Vietnamese and forces controlled by them have extended and expanded their invasion of Cambodia's neutrality.

There has been a gradually increasing violation of this neutrality a violation which was grossly wrong in itself—which was carried out by a nation which had signed the Geneva Agreement to respect Cambodia's neutrality and which increasingly gave a military advantage to the enemy and posed growing military danger to allied forces in South Vietnam.

The North Vietnamese have extended westward from the bases they had been occupying. They have attacked, in Cambodia, administration centres, communications and populated areas in Eastern and South Eastern Cambodia. And along with this increasingly cynical and increasingly overt invasion, they have taken steps designed to create a zone in Cambodia, occupied by them, along virtually the entire length of the South Vietnamese border with Cambodia. As President Nixon pointed out, they have embarked on a programme to make Cambodia a vast enemy staging area, and a springboard for attacks on South Vietnam along 600 miles of frontier.

They have in fact begun a wider invasion, and embarked on a course which poses greater military dangers to allied forces than before. This new military threat, increased in gravity, has led to South Vietnamese and United States forces taking action to protect themselves by crossing the border into Cambodian territory occupied by the North Vietnamese.

The decision, reached by the President of the United States, was taken on operational military grounds and was designed to protect the lives of allied servicemen.

Those who condemn this decision, as the Government does not, must either argue that there has not been an increased threat to allied forces as a result of North Vietnamese action—and this is scarcely arguable or tenable—or they must hold that it does not matter whether there has been an increased threat or not—that regardless of increased danger allied forces should be left in that danger from the flank and should not try to prevent it. We do not accept this.

Our own Australian forces are not engaged in this operation and I see no prospect that they will be. But the effect of the operation could well be to make all allied forces in South Vietnam, including our own, more safe.

Our own objective for Cambodia is known. We wish to see a neutral Cambodia—a country which is not used by anyone as a base or a battleground; a country which enjoys in truth that freedom from interference, that real neutrality which it was guaranteed under the Geneva Agreement and which was breached by North Vietnam.

We will try by diplomatic means to bring this about—and to bring about a method of international inspection designed to ensure that respect for the neutrality of Cambodia is real and is continuing.

For let me make this clear. We do seek a Cambodia whose neutrality is respected in fact and in truth. We do not seek a Cambodia which is called neutral but which is occupied in greater or lesser part by North Vietnam. For this would be a continuance of the pretence which has prevailed. It would not mean that the neutrality of Cambodia was real. And it would mean that South Vietnam was endangered.

In the Government's view this is the situation. The neutrality of Cambodia has been consistently and progressively violated by North Vietnam.

The increasing tempo of the violation has posed an increasingly grave military threat to the lives of allied servicemen. It has also, by widening and escalating the war, threatened to prolong it, and to delay Vietnamisation and to delay the time when allied forces could be withdrawn.

The action taken by the United States and South Vietnam was action to protect the servicemen against attack by an enemy which was increasingly occupying a neutral nation.

We understand the reason for their action and we find it odd that the Leader of the Opposition (Mr. Whitlam) should, on behalf of his Party, viciously criticise that action. It is worth noting that so far as I know not one member of the Opposition, at any time, has criticised the violation of Cambodian neutrality during the last 5 years by the North Vietnamese. There have been no claims that these Communist actions were 'fatefully widening the war' or that their increasing invasion of Cambodia ought to be condemned. There were no fulminations from the Opposition against that violation of neutrality. Those were Communist actions and immune to criticism from the Opposition.

But now that counter action has occurred, our allies are criticised by the Opposition—they, we are told, have widened the war, they, we are told, have engaged in escalation; they are in the wrong now that this has happened.

Such comments I believe are support for the theory that Communist forces should be allowed to operate as and when they like; that they should be excused for invading and occupying neutral countries; and that it is wrong for action to be taken to stop them; and that such comments, by giving that support, to me, show a willingness, even a desire, to accept the defeat or surrender of allied forces in South Vietnam.

I can understand—though strongly disagree with—but I can understand—those who wish to surrender in Vietnam, and abandon the South Vietnamese, and let aggression succeed. But I cannot understand those who, while the struggle continues, are prepared to subject allied forces to military threat and to endanger the lives of soldiers in action.

We entirely reject this attitude. We will continue to work for a truly neutral Cambodia by all means we can. But we will not excuse our enemies and attack our allies in our joint endeavours to bring peace and self-government to South Vietnam in the way the Opposition has done.

PROFILE IN COURAGE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, certainly nobody would accuse Kenneth Crawford, longtime Newsweek columnist, of being a Nixon apologist. It was therefore with great interest that I read Mr. Crawford's analysis of President Nixon's Cambodia decision in the May 11 issue of Newsweek. Mr. Crawford aptly characterizes the President's Cambodia action as a decision requiring great personal courage and Newsweek appropriately headlined the Crawford column, "Profile in Courage." Now that congressional tempers have cooled somewhat, it would be well for all Members of Congress to read a reasoned analysis of the President's Cambodia decision by a man who has approached it with an open mind, Mr. Kenneth Crawford. Mr. Crawford's column follows:

[From Newsweek, May 11, 1970]

PROFILE IN COURAGE

"To save mankind's future freedom, we must face up to any risk that is necessary. We will always seek peace—but we will never surrender . . . We are Americans, determined to defend the frontiers of freedom . . ."

This is a quotation not from President Richard M. Nixon's televised announcement last week that American and South Vietnamese troops had crossed into Cambodia territory but from a speech President John F. Kennedy delivered in November 1961.

Mr. Nixon paraphrased it and made it his own. Moreover, he set the words to the awesome music of hazardous action. What for President Kennedy had been only inspirational oratory was for President Nixon a solemn commitment already being carried out.

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After ten years, 40,000 killed-in-action casualties and $100 billion invested, Mr. Nixon was trying by bold military maneuver to bring to a reasonably acceptable conclusion a war Kennedy had tentatively joined by sending American soldiers and equipment to the South Vietnamese.

Some of Kennedy's posthumous interpreters have insisted that, had he lived, he would have refused to escalate American intervention in the Vietnamese war. This is necessarily a guess. There is as much reason to guess that he would have admired what Mr. Nixon has now done. It has in it the stuff celebrated by his book "Profiles in Courage." An American statesman has again done what he thinks right in the face of opposition both formidable and determined.

PREDICAMENT

This was Mr. Nixon's predicament: he had promised to wind down the war and bring American troops home as rapidly as prudent. This promise, and evidence that it was being carried out, had quieted opposition to the war. But impatience with the continued fighting and the weekly casualty figures was growing. Polls showed that both support of the war and of the President himself were suffering attrition. Reasonable critics of Administration policy were asking the pertinent question: "If we couldn't bring the enemy to terms while escalating how could we hope to do it by de-escalating?" Vietnamization was not a wholly persuasive answer.

Military realists recognized that the North Vietnamese and Viet Cong sanctuaries in Cambodia had become, especially after the Communists' Tet disaster in 1968, the key to the enemy's durability. Yet Prince Sihanouk's nominal neutrality and, after his overthrow, the outcry in Congress against "widening the war" seemed to assure continued immunity for the Cambodian hideouts.

Nobody outside of the innermost White House circle thought Mr. Nixon would dare attack these sanctuaries. For this reason, the Senate Foreign Relations Committee, center of the run-sheep-run game now so popular in Congress, concentrated its attention on ways of preventing the President from arming the Cambodians. Meanwhile, he was secretly preparing a far more promising initiative. Secrecy was maintained in the hope of achieving surprise on the battlefield. There was no leakage, and initial surprise apparently was achieved.

COURSE

It was an audacious move. Mr. Nixon knew it would be accepted reluctantly, given the temper of the times, even by a silent majority, and that it would infuriate his Congressional opposition and in all probability add to it. Even so, it seemed doubtful that Congress would go to the length of forbidding him to pursue the course he had chosen. This was one of the many chances he thought worth running. For the alternatives—doing nothing or trying to shore up the weak Cambodian Army—promised only drift and ultimate humiliation.

Now it is up to the soldiers attacking such exotically named places as the Parrot's Beak and the Fishhook, sites of Communist command headquarters, staging areas and supply dumps. If the operation goes well, the enemy will have suffered his worst defeat of the war and recovery will be difficult, given his already weakened position in South Vietnam. If, on the other hand, the operation goes badly or the enemy merely retreats deeper into Cambodia and regroups rapidly, the gamble will pay off only in small change.

Whatever the outcome, Richard Nixon deserves reappraisal. Skeptics who have said he is a compromiser incapable of standing up to pressure should, but probably won't, recant. Foreign Offices making the same mistake probably will. The effects may reach far beyond Cambodia. Perhaps Kennedy's words live a little.

MURRAY L. WEIDENBAUM

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, President Nixon's appointment of Murray L. Weidenbaum to be Assistant Secretary of the Treasury for Economic Policy, has proved in my estimation at least, to be a stroke of genius.

In my years as a Member of this body I have read and listened to many dissertations by many qualified and learned economists, but none, to my knowledge, has the ability to make themselves understood as well as Murray Weidenbaum. He has that rare knack of being able to say what he means in simple, down to earth, readable language, while at the same time portraying his considered judgments in a most erudite way.

Secretary Weidenbaum recently spoke before the National Association of Mutual Savings Banks in New York City. His talk dealt with the American economy for 1970. For those who are concerned about the inroads of inflation, and the outlook for controlling it, I offer Mr. Weidenbaum's remarks.

The speech follows:

THE AMERICAN ECONOMY IN 1970

(Address by Hon. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy)

For me, it is a very personal pleasure to be here. It must be well over 35 years ago that, as a school boy, I opened my first bank account with one of the member banks of this distinguished association. That early relationship with a thrift institution really had a lasting effect on my savings ratio. Ever since, I have always made my personal contribution to combating inflation.

I am also here to express our appreciation for the forthright anti-inflationary stand that the National Association of Mutual Savings Bank consistently has taken. That has been most welcome support.

SOME ECONOMIC PERSPECTIVE

I would like to offer some observations on the American economy. Perhaps you will find that my remarks follow that old jingle—something old, something new, something borrowed, something blue. To begin with, some perspective is useful: the long-run economic objectives of the Administration are threefold—reasonable price stability, high employment, and a healthy rate of growth. But in the short run, the strength and persistence of inflation temporarily makes that our number one economic problem.

Until prices are rising much less rapidly than they are now, the economy must be kept under mild restraint, which is what we are doing. Output has been declining, and there has been some rise in unemployment. These are unwanted—but unavoidable—side effects of bringing inflation under control. I do not know of any quick and easy cure once inflationary momentum has been allowed to build up—and it certainly was allowed to during those critical years—1965, 1966, 1967, and 1968. But since 1969, we have been applying the fundamental corrections; and they are beginning to work.

This Administration inherited a difficult economic situation, a sort of economic hangover resulting from the spending spree that culminated in the massive $25 billion budget deficit in 1968. We had some choices to make in setting our economic policy.

One solution—to let the inflation run its course—was really no solution at all. Inflation had to be brought under control; it certainly would not cure itself. Another solution—to aim deliberately for recession—had little to recommend it. Even with expanded unemployment compensation and similar offsets, the cost of unemployment would be high. Furthermore, a sharp contraction followed by rapid expansion might still leave prices rising too rapidly.

The workable and sensible solution seemed to lie between the two extremes. A policy of firm economic restraint was needed, but not one that would be carried so quickly or so far as to cause deep recession. Instead, total demand for the Nation's output would have to be held below our total productivity capacity, and for an extended period of time. Only then could a moderate expansion be resumed without setting off renewed inflation. This is the undramatic and somewhat painful course that was chosen. I believe that it was, and is, the right and responsible course to follow.

A PROGRESS REPORT

What are the accomplishments to date? Let me be quite frank; they fall short of our more optimistic expectations. We are running about on track in terms of slowing down the economy, that is, the behavior of total spending and output. But we are running behind schedule in terms of visible relief from inflation; yet, we are making progress. First of all, the acceleration in the rate of price increases has been stopped. That was a critical, although often overlooked, development in the fight against inflation. Now there are signs of the important next stage—the actual slowing down in the rate of inflation. There has been some progress, but we are still plagued by rapidly rising costs and prices. Obviously, even though the tide may be turning, the battle against inflation is hardly over nor yet has it been won.

The fact that total demand is no longer excessive does mean that we have passed through a vital first phase. The application of fiscal and monetary restraint throughout last year was successful in slowing down the rate of total spending. Until that occurred, there was little prospect of lasting relief from inflation.

In the first quarter of this year, there were rather clear signs that demand was no longer excessive:

In physical volume—what economists call "real terms," that is, after correction for price changes—total production in the United States fell slightly in the first there months of 1970; meanwhile, prices continued to rise at about the same rate as in late 1969.

Retail sales have moved up only moderately this year; industrial production had been in a down-trend before edging up in March; and the unemployment rate averaged 4.3 percent in the first four months of 1970, up from a low 3.6 percent in the last four months of 1969.

But, even with the economy moving slowly, prices are still under strong upward pressure from the cost side. This is the natural sequence after a period of prolonged inflation. Costs and prices continue to rise for a time on their own momentum. But this "operation bootstrap" cannot continue indefinitely if total spending is kept in check.

Are we really better off now, having exchanged "demand-pull" inflation of 1968 for the "cost-push" inflation of 1970? I think that we are far better off. As long as total demand was excessive, costs and prices were bound to continue rising. Under those circumstances, no relief could be expected. However, once demand is restrained, cost-price pressures could eventually diminish. There are lags in this economic adjustment process, as we know all too well. But with demand restrained, the conditions have been established whereby inflation can recede.

What are the tangible signs that inflation is, in fact, coming under control? They may not exactly overwhelm you, but here are some recent favorable signs:

Although the Consumer Price Index rose at a hefty 6 percent annual rate in the first three months of 1970, on a seasonally adjusted basis, the rise was successively less in each month so far this year.

The wholesale price index rose at about a 5 percent annual rate in the first three months of 1970, but by successively less in each month. The preliminary report for April shows an actual decline of one-tenth of one percent. Personally, I do not attach nearly as much weight to the small fraction of one percent price decline in just one month as I do to the cumulative slowing down pattern in the price indices.

Not all of the economic news is that favorable. For example, the productivity and unit labor cost statistics for the first quarter of 1970 were somewhat less encouraging:

Output per man-hour apparently edged down fractionally, after rising in the fourth quarter 1969.

With compensation per man-hour rising at a 7.7 percent annual rate, unit labor costs rose at nearly an 8½ percent annual rate.

On the basis of past experience, however, we would expect sharp rises in productivity when the economy once again begins to expand. This would help to dampen cost-price pressures.

It obviously is going to take awhile longer before the inflationary process can be unwound. For a time, we may still find that there will be risks on either side: excessive slowdown or premature speedup. It will be particularly important in the period immediately ahead to keep the policy dials on a fairly steady setting. This may mean something like an "even keel" for fiscal policy. I do not believe that it is wise to rush in with new policy proposals each time some erratic economic indicator turns for the worse or for the better.

THE BUDGETARY SITUATION

In the present economic environment, the maintenance of a strong budgetary position is extremely important. Certainly in the absence of any sharp reversals of the apparent trends in the private sector, the Federal budget should be kept in the neighborhood of balance during the next few years. In order to achieve that, the Administration is finding it necessary to follow a policy of holding the line on expenditures.

Now that does not mean that every single request for increasing spending is automatically turned down. Economic policy is not set on automatic pilot. The needs of economic stabilization inevitably must be reconciled with the pressing needs of programs given high priority. The important element is to maintain the overall posture of budgetary restraint, to make the hard choices which are necessary in rejecting a good many of the available and attractive candidates for government spending. Thus, while there have been some well-publicized "pluses" on the expenditure side, there will be some compensating "minuses" as well. For example, the Administration intends to absorb a good part of the Federal pay raise, keeping its full impact from raising expenditures.

Some lessons learned from recent experience may help in keeping the economy on a steadier path of expansion. Many of our present difficulties can be traced to the large budget deficits which emerged after 1965. There is general agreement on the need to avoid large and destablizing swings in the budget. But some argue whether the swing of a few billion dollars from surplus into deficit really matters in a trillion dollar economy.

Although I relish academic disputations as much as any other economist who has earned his Ph.D., frankly I just do not think that this is the pertinent question in the present environment. As I see it, the key point now is the need to maintain budgetary restraint in order to dampen down the continuing inflationary pressures. To the extent that the Federal Government can continue to slow down the rise in Government spending, to that extent we can expect the private sector to exercise similar restraint.

In contrast, if revenues do not come up to expectations because economic restraint takes hold in some sectors more rapidly or fully than anticipated, this in itself does not strike me as a cause for economic concern. This is the well-known, built-in automatic stabilizers at work, a phenomenon which is welcomed by economists of all political persuasions.

The present does not impress me as the appropriate time to relax the downward pressure on the expenditure side of the budget. To be sure, no budget is ever "set in concrete." A budget is an action document, modified from time to time.

Even after taking account of the modifications which have occurred to date, the Federal budget for the fiscal year 1970 is a restrictive one. In "real terms"—adjusting the actual figures for the effects of inflation—Federal spending is declining between the fiscal years 1969 and 1970. On the basis of present policy, "real" spending will decline again in the fiscal year 1971.

In fact, some extremely capable economists outside of the Federal Government contend that a more sophisticated analysis—that using the so-called "full employment budget surplus" concept—would show that the degree of economic restraint may even become greater than they would care to see. While I do not share their confidence in the exactness of such calculations, they do tend to reinforce my own evaluation of continuing Federal fiscal restraint.

In recent days, I have been asked what, if any, is the impact of developments in Southeast Asia on the budgetary outlook. My reply is that the Treasury Department has been assured that the recently taken actions in Cambodia will utilize existing and available forces and equipment. On that basis, the existing budget estimates take account of these developments.

At this point, I think it might be useful if I report on an effort under way which indicates our continuing concern with improving the effectiveness of governmental budgeting and financial planning. A subcommittee of the Cabinet Committee on Economic Policy has been studying the operation of the unified budget—that budget concept which resulted from the recommendations of the Commission on Budget Concepts.

An area of particular interest is the operation of the various types of Federal credit programs. These programs include direct loans by Federal agencies, which are in the budget, and Federally-assisted credit extended either by Government-sponsored (and now privately owned) institutions or by entirely private organizations with a Federal guarantee.

In recent years, the amount of Federally-assisted credit, which is financed outside of the budget proper, has been expanding rapidly, particularly as agencies (such as Fannie Mae) which had been partially Federally owned became privately owned, although with some continuing Federal involvement or relationship.

We are now at the point where the volume of borrowings to finance Federally-assisted credit programs is roughly equal in size to the total corporate bond market and is about twice as large as the municipal bond market. Thus, our subcommittee is taking a fresh look at some of the implications for financial markets as well as the overall impact of these programs on the economy.

As chairman of this activity, I would like to be in a position to report that we have come up with a sure fire solution. However, that is not the case, at least not yet. In a positive way, we have been exploring alternative methods whereby the various forms of Federally-assisted credit can be reviewed in a more comprehensive manner so as to permit more effective allocation of credit resources. Certainly, it would be desirable to provide greater attention to these programs, both those "in" and "out" of the budget, in the formulation of overall fiscal and monetary policy.

The Economic Outlook

The first half of 1970 is not likely to be a period of any significant expansion in the economy as a whole. Of course, in dollar terms, the economy is rising and will likely continue to rise. The measures of personal income, money supply, gross national product, etc., all are likely to continue going up all through 1970. However, in physical volume terms, the economy is marking time right now as inflationary pressures and psychology are being reduced.

Even though I would like to be obliging, I just cannot confidently predict the exact extent to which inflationary pressures will be brought down. In our society, that will depend on actions in both the private sector as well as in the public sector. To a major extent, the public sector itself was the basic source of the current inflation. The Administration has taken important actions to put our public sector house in order. The maintenance of fiscal restraint, of course, will continue to be needed in order both to make further progress in bringing down the rate of inflation and to demonstrate that we are serious about bringing inflation under control.

Yet, there is a division of labor in the American economy. We are primarily a private sector oriented economy. In good measure, the responsibility for fighting inflation also now lies in the private sector, for business, labor, and consumers alike to conduct their economic affairs in that manner characterized by enlightened self-interest which will avoid a new round of inflation.

The expectations for 1971 are somewhat brighter than those for 1970. However, 1971 is not likely to be a boom year. We do not want a repetition of the 1967 experience, when a pause in the economy led to overreaction by Washington and then to another major burst of inflation.

In 1971, inflation should be rising more slowly than in 1970. In 1971 and the years following, we should be obtaining the payoff for the necessary economic medicine that we have been taking during the past year.

With the continued use of a proper combination of monetary and fiscal policies, we should be able to achieve that reduction in the rate of inflation which will set the stage for achieving our more fundamental economic objectives, which are the expansion of production, employment, and living standards.

The slow going of the past several months will then appear in a somewhat different perspective. But for the time being, we must complete the job of reducing the rate of price increase to much more tolerable proportions. Thus, the economic medicine that we have been taking should yield many vintage years later in the decade of the 1970's.

REPRESENTATIVE WILLIAM ST. ONGE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, there have been many expressions of loss and appreciation in the press of our State

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for **Bill St. Onge**, but two of these I believe to be worthy of reprinting.

The first, is a more traditional and restrained editorial entitled, "**William L. St. Onge**," which appeared in the Waterbury Republican on May 4, 1970. This editorial with its brevity and spareness well describes the career of **Bill St. Onge** and provides an appropriate epitaph for him.

The second, from the Norwich Bulletin by Arthur Mattson is a particularly sensitive and observant column written with a unique force and eloquence.

For the appreciation of Members of the House, I append these articles to my remarks:

[From the Waterbury (Conn.) Republican, May 4, 1970]

William L. St. Onge

U.S. Rep. William L. St. Onge rose from political obscurity in Eastern Connecticut to become a distinguished congressman representing the Second Congressional District. His sudden death from a heart attack deprives his district and the entire state of a congressional representative who has served well.

He comes from a religious family—his brother is a monsignor and his sister, a mother superior. He started in politics in Putnam, his home town, early in life. He was elected to the Board of Education while still attending college.

He was elected to the legislature in 1941 but entered the Air Corps. He received his law degree after the war and later was elected mayor of Putnam. In 1962 he was elected to Congress in the Second District which covers all of Eastern Connecticut.

St. Onge always maintained a special interest in education. For four years he was an instructor at the College of Pharmacy at the University of Connecticut.

He had a special feeling for the needs of the people. Among the issues which he fought were funding for refugees in Europe, elimination of artificial restrictions on aid to dependent children and tax relief for communities with major defense industries. St. Onge made his mark in Congress and in Connecticut politics, not by being flamboyant, but by being sincere.

He had previously suffered a series of heart attacks, but his health had improved and he was preparing to run for a fifth term in Congress. His sudden death at the age of 55 is a tragic loss to his family and to the entire state. Both political parties will have to look hard to find candidates who are as competent to run for his seat.

[From the Norwich (Conn.) Bulletin, May 3, 1970]

Campaign, 1970

(By Art Mattson)

"The courage of life is often a less dramatic spectacle than the courage of a final moment; but it is no less a magnificent mixture of triumph and tragedy. A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human mortality."

That passage from John F. Kennedy's "Profiles in Courage" best typifies the life and service of U.S. Rep. William L. St. Onge of Putnam, whose untimely death Friday marks a void in a record of dedicated public service to his community, his country and more importantly to his constituents in Eastern Connecticut.

Congressman St. Onge was a different breed of representative on Capitol Hill. He was not a mover and shaker of the tight-knit club membership in the House, but his quiet and efficient involvement in the affairs of his office did make a dent, and often a refreshing dent, in the staid workings of Congress.

At the time of his death Friday afternoon, we were just putting the finishing touches on this week's column . . . a column that noted the loss Connecticut would receive this year with the entry of three of Connecticut's congressmen into the state political arena. We had noted that of the three congressmen seeking re-election this year (U.S. Reps. John S. Monagan, Robert N. Giaimo, and St. Onge), there was a total of 32 years of seniority . . . and now that figure has dropped to 24, with passing of Bill St. Onge and his eight years of service in Washington.

We had noted the futility of the absolute "rule of seniority" in the House, which would in all likelihood deny him the chance for a chairmanship of a House committee. Bill St. Onge knew of this futility, but would not be deterred from his prime objective . . . that being to service the needs of his constituents in the machinations of Washington, and to represent them in the affairs of their country.

He was content in Congress, and gave little, if any thought, of seeking higher public office. It was in the House, he felt, where, he could be of service to his constituents, and it was this need, overwhelming desire, that perhaps contributed to his death.

Bill St. Onge had suffered several heart attacks during his third term in Congress and had undergone serious heart surgery in the Spring of 1968. On his return home for a period of recuperation, we met with him in his unpretentious Putnam home for a long talk about his plans for re-election that year, and his views on the state of the nation.

He was well prepared for that interview, having spent most of his time in Cleveland reading and contemplating the affairs of state. One of the items that concerned him most at the time was the escalating war picture in the Asian nation of Vietnam, and it was during this period of time that Bill St. Onge developed a "dovish" position on the Vietnam War and urged the need for a re-evaluation of his nation's role in that war.

His hopes at that time were for a withdrawal of American forces from that land, leading him to support the "peace plank" in the party's platform at the 1968 Democratic National Convention in Chicago.

1968 was a rough year for the congressman, still recuperating from his heart surgery, he embarked on what was to be the toughest campaign of his political career. But the surgeons in Cleveland had done their work well, and the rigors of that campaign were not as great upon the candidate as they had been in prior years.

But one thing we noticed in that campaign was the amount of tension that develops within a candidate . . . and the tension we saw in the Fall of 1968 was visible at this early date in 1970. This was to be a bad year for candidate St. Onge, he would have to work hard to regain re-election in November, and he was hard at work when he died.

St. Onge's appointment with his God came while he was on his way to a launching of a submarine in Groton, but that was not the last stop in his schedule for the day, he had several more stops to go before the day was over, and Saturday and Sunday offered no respite.

It was this kind of activity, piled on top of being a good congressman seven days a week that eventually took its toll. Dining with St. Onge in Washington seven days ago, we could visibly discern that tension and the tired look, one that doctors had advised him to forego.

But, Bill St. Onge was a Congressman, and to him that meant service to his constituents day and night, seven days a week, without regard for personal consequences and dangers.

To the end, Bill St. Onge was representing his people . . . he had not forgotten who he was, where he came from . . . and most importantly . . . who had sent him.

In brief, the life and service of Congressman William L. St. Onge can best be written with what Virgil called the tears of things:

> "Now the trumpet summons
> And he will tread these paths no more
> But by his example he has set the mark
> For him who would follow a star."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. **Edmondson** (at the request of Mr. **Boggs**), for today and tomorrow, on account of family illness.

Mr. **Cohelan** (at the request of Mr. **Ichord**), on account of official business.

Mr. **Reifel** (at the request of Mr. **Gerald R. Ford**), for May 12 and 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. **Patten**) to revise and extend their remarks and include extraneous matter:)

Mr. **Gonzalez**, for 10 minutes, today.

Mr. **Farbstein**, for 20 minutes, today.

Mr. **Lowenstein**, for 30 minutes, on May 14.

(The following Member (at the request of Mr. **Hogan**) to revise and extend his remarks and include extraneous matter:)

Mr. **Miller** of Ohio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous content, permission to revise and extend remarks was granted to:

Mr. **Perkins** immediately prior to the adoption of Senate Joint Resolution 199 today.

Mr. **McDade**, and to include extraneous material today during consideration of H.R. 17548 in the Committee of the Whole.

Mr. **Miller** of California to revise and extend his remarks made in Committee of the Whole and include extraneous matter.

Mr. **Hechler** of West Virginia to revise and extend his remarks made in Committee of the Whole and include extraneous matter.

(The following Members (at the request of Mr. **Hogan**) and to include extraneous matter:)

Mr. **Gerald R. Ford** in two instances.

Mr. **Roudebush** in two instances.

Mr. **Scherle** in two instances.

Mr. **Schadeberg** in two instances.

Mr. **Widnall** in two instances.

Mr. **Ashbrook** in two instances.

Mr. **Del Clawson**.

Mr. **Myers**.

Mr. **Johnson** of Pennsylvania.

Mr. **Talcott** in two instances.

Mr. **Burke** of Florida.

Mr. **Wyman** in two instances.

Mr. **Edwards** of Alabama.

Mr. **Duncan**.

Mr. **Conte**.

Mr. **Burton** of Utah in five instances.

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Mr. Bray in three instances.

Mr. Price of Texas in three instances.

Mr. Arends.

Mr. Smith of New York.

Mr. Dellenback.

Mr. Frey in two instances.

Mr. Meskill in two instances.

Mrs. Heckler of Massachusetts.

(The following Members (at the request of Mr. Patten) and to include extraneous matter:)

Mr. Pepper in two instances.

Mr. Podell in three instances.

Mr. Cohelan in two instances.

Mr. Purcell in two instances.

Mr. Clay in six instances.

Mr. Leggett in two instances.

Mr. Rarick in two instances.

Mr. Ichord in two instances.

Mr. Gonzalez in two instances.

Mr. Burke of Massachusetts.

Mr. Downing in three instances.

Mr. Powell.

Mr. Johnson of California in two instances.

Mr. Carey.

Mr. Wolff.

Mr. Ryan in three instances.

Mr. Edwards of California in two instances.

Mr. O'Neill of Massachusetts in three instances.

Mr. Dorn in two instances.

Mr. Anderson of California.

Mr. Gaydos in three instances.

Mr. Gilbert in three instances.

Mr. Symington.

Mr. William D. Ford.

Mr. Annunzio.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 774. An act to authorize the mortgaging of tribal lands on the Fort Berthold Reservation for certain purposes; to the Committee on Interior and Insular Affairs.

S. 2162. An act to provide for special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2991. An act to extend the Act establishing Federal agricultural services to Guam; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation;

H.R. 10105. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes; and

H.R. 10106. An act to amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.

SENATE ENROLLED BILL AND A JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged by a nonprofit corporation or association; and

Senate Joint Resolution 199. Joint resolution to further amend the Elementary and Secondary Education Act.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 9477. To provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation;

H.R. 10105. To amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal years 1970, 1971, and 1972, and for other purposes; and

H.R. 10106. To amend title 38, United States Code, to revise the definition of the term "child" to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 13, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2052. A letter from the Secretary of State, transmitting a report on the implementation of section 620(u) of the Foreign Assistance Act of 1961, as amended, concerning aid-recipient countries which are in arrears in payments of dues, assessments and other obligations to the United Nations; to the Committee on Foreign Affairs.

2053. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements pertaining to insurance operations of the Federal Housing Administration, fiscal year 1969. Department of Housing and Urban Development (H. Doc. No. 91–336); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROONEY of New York: Committee on Appropriations. H.R. 17575. A bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes. (Rept. No. 91–1072). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15424. A bill to amend the Merchant Marine Act, 1936; with an amendment (Rept. No. 91–1073). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 14465 (Rept. No. 91–1074). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROONEY of New York:

H.R. 17575. A bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. ADDABBO:

H.R. 17576. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. BERRY:

H.R. 17577. A bill to provide for the transfer of certain functions relating to animal damage control from the Department of the Interior to the Department of Agriculture; to the Committee on Agriculture.

By Mr. BUSH:

H.R. 17578. A bill to supply the manpower needs of the Armed Forces of the United States through a voluntary system of enlistments, to further improve, upgrade, and strengthen the Armed Forces, and for other purposes; to the Committee on Rules.

By Mr. CLEVELAND:

H.R. 17579. A bill to amend the Trade Expansion Act of 1962 with respect to determining the effects on national security of imports of articles; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 17580. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. O'NEAL of Georgia:

H.R. 17581. A bill to amend the peanut marketing quota provisions to make permanent certain provisions thereunder, and for other purposes; to the Committee on Agriculture.

H.R. 17582. A bill to amend the peanut marketing quota provisions to make permanent certain provisions thereunder; to the Committee on Agriculture.

By Mr. PATMAN (for himself and Mr. Mollohan):

H.R. 17583. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. PATMAN (for himself and Mr. Ottinger):

H.R. 17584. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. PODELL:

H.R. 17585. A bill to establish a Federal Broker-Dealer Insurance Corporation; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 17586. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 17587. A bill to provide for orderly

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trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. PATMAN (for himself and Mr. Eilberg):

H.R. 17588. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. PATMAN (for himself and Mr. Fraser):

H.R. 17589. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. WOLFF:

H.R. 17590. A bill to provide for a study of the feasibility of the establishment of a quasi-public corporation for oceanographic research and development; to the Committee on Merchant Marine and Fisheries.

By Mr. RIEGLE (for himself, Mr. McCloskey, Mr. Bingham, Mr. Boland, Mr. Brown of California, Mrs. Chisholm, Mr. Clay, Mr. Eilberg, Mr. Farbstein, Mr. Hawkins, Mr. Horton, Mr. Kastenmeier, Mr. Kyros, Mr. Podell, Mr. Ryan, Mr. Scheuer, Mr. Shipley, Mr. Stokes, and Mr. Vanik):

H. Res. 1003. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

380. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to block education grants from the Federal Government, which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

SAN GABRIEL VALLEY STUDENTS CRUSADE FOR CLEAN ENVIRONMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. BROWN of California. Mr. Speaker, it is one thing to be concerned about environmental pollution, but it is something else when lives are directly affected by such hazards.

For students in the San Gabriel Valley—which is part of the 29th Congressional District—smog already endangers their future.

The following Los Angeles Times article describes the current situation:

Increase Smog Threat to Prep Sports Activities

(By Earl Gustkey)

"Attention, all students! The current ozone reading is 0.37. Today's track meet is postponed."

A prank? No, it's an announcement that students in almost 500 Southern California schools may soon be hearing frequently. Athletic events will be smogged out as well as rained out because doctors are becoming increasingly worried about the effects of polluted air on athletes.

A year ago, the Los Angeles County Medical Assn. unanimously passed a resolution stating, in part:

"Smog is an increasing health hazard which may seriously affect the lungs of young people, and the committee on envionmental health of the LACMA strongly recommends that when the forecast concentration of ozone (oxidants) in the atmosphere reaches 0.35 parts per million, students should be excused from strenuous indoor and outdoor activities.

SERIOUS HAZARD

Alarmed, Ken Fagans, commissioner of the 441-school California Interscholastic Federation, appointed Ken Bullock, San Marino High School principal, to head a committee to investigate the problem.

Bullock's committee met first with the Los Angeles Air Pollution Control District and then with the county's environmental health committee.

"We came away from those meetings feeling that we should consider smog as a very serious hazard to not just our athletes but to all our students," said Bullock.

The LACMA warning, he said, also referred to physical education classes.

OFFICIALS NOT DISTRESSED

Athletes and students in physical education classes have complained for years about smog-produced burning throats and labored breathing. But until the Medical Assn. warning there was no widespread distress among school officials.

Now, Fagans says he will advise all CIF schools "to be prepared next year to cope with athletic postponements due to smog."

Postponements due to smog are not new in the CIF, according to the commissioner. Some events have been called off by local school authorities. But now, he says, "we have a method of knowing just when athletics or physical education should not be conducted."

The method is a Hoagan-Smit-Bradley ozone detection device, an inexpensive ($2 per test) means of measuring smog. According to Robert Barsky, deputy air pollution control officer of the APCD, any high school chemistry teacher can operate the system.

The device consists of special compounded rubber strips which are sensitized to ozone and packaged in airtight containers. A strip is exposed to the air, observed through a jeweler's eyepiece and timed with a stopwatch. The time it takes for the ozone in the air to make the rubber start cracking indicates the ozone concentration. The actual figure is calculated by using a chart.

Bullock's committee will soon recommend that all CIF schools obtain the device.

Smog-belt schools like San Marino, Arcadia and San Gabriel are particularly concerned about the problem, says Fagans. All Rio Hondo League B football games last season were switched from daytime kickoffs to 5:45 p.m. to take advantage of lower nighttime ozone readings. Class C games were moved from 3 to 4 p.m.

Dr. Clark Lauder, a team physician for Arcadia High, says he was happy to see the CIF display alarm.

"With a heavy ozone count, you don't get proper amounts of oxygen and you can't oxygenate your muscles properly when engaged in exercise and the harder you breathe the more pollutants you're inhaling—that has to be causing some kind of damage," said Dr. Lauder.

An attempt was made in the early 1960s to determine if smog actually reduced an athlete's performance. The investigation, supported by the U.S. Public Health Service, concentrated on cross country and track runners at San Marino High from 1959 to 1964.

The findings, published in the Journal of the American Medical Assn. in 1967, weren't conclusive but did suggest that smog hampers long distance running performance.

OXIDANT LEVEL

"The four meets in which the average team time did not improve were the four worst days of the series for air pollution as measured by oxidant level in the hour before the race," the report said.

The report also stated, "The percent of team members who failed to improve their performance is highly correlated to the level of oxidant in the air."

Dr. Hurley Motley, who helped write LACMA's warning a year ago, admits that doctors are worried about the cumulative effects of smog on athletes and physical education students.

"An athlete, depending on what activity he's participating in, can breathe up to five times harder than normal and that means he's inhaling five times as many irritants. We just aren't sure what long-range effects this might have on our young people, but it's not doing their lungs any good."

Indoor sports like basketball will also be subject to postponement because the medical association said it believes there isn't much difference between indoor and outdoor ozone density.

QUICK COMMUNICATION

The 48 Los Angeles city schools are prepared to eliminate vigorous activities from their PE programs on short notice and to postpone athletic events. So far, however, the only two smog-alert days since July were non-school days.

The L.A. schools are connected with the APCD via a radio network and can be notified of a smog alert within minutes.

Apparently, no other metropolitan area has L.A.'s problem. San Francisco and San Diego sections of the CIF reported they were not concerned over air pollution in connection with high school athletic and PE programs.

Mr. Speaker, but, of course, smog is not the only pollution endangering the San Gabriel Valley, and students there recently have begun mobilizing against the whole range of environmental hazards.

In addition, they have taken the time to write me, as their Representative in Congress, expressing their views of these dangers and asking what is being done to safeguard their future.

Today I would like to insert into the Record some of the letters I have received from these students. These are only a selection of the letters since the total amount of such letters reached well over 150. As I do this, again I remind my colleagues that the lives of these students, indeed, is in our trust, and that we cannot procrastinate any longer in dealing with these important questions.

The letters follow:

Monterey Vista School,
Monterey Park, Calif.

Hon. George E. Brown, Jr.:

We have been studying about pollution in our city. We have found pollution in air, water and litter along our highways. We feel that pollution is not good for mankind. We feel that there should be a stop to pollution. We have made signs and posters calling

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peoples attention to the problem. We would like you to help us stop pollution.

Respectfully yours,

Jesse Montancz,
Class Secretary.

We, the Undersigned, Want To See Pollution Stopped Now

Danny Hernandez, Alan Chappell, Alex Solorzano, Anthony Osuna, Donnie, Arturo Meza, Vincent Marciel, Paul Wirhemthee, Victoria Rubio, Dana Moody, Benito Jimeney Jr.

John Cano, Janet Sabbagh, Karen Chase, John Montetonzo, Jerry Del Rosal, Cynthia Myers, Claudio A. Lana, Esther Bustamante, Teddy Kimbro, Jesse Inontany, Dale Mause, Luis H. Trujillo Jr., Mandy Holguin, Margaret Jimeney.

Tony Rios, Linda Miller, Michele Vella, Colleen Gallagher, Darwin Longwell, Norine Rubia Calb, Carla L. McGeligan, Cynthia Gibson, Mrs. Patricia Brau, Peter Cautak, Esther Nunez.

Shirley Bosco, Grensted David, Gilbert Martinez, Maria Mendoza, Alfred Lopez, Reneé Rivadeneyra, Tracy Nieto, Danny Del Rosal, Gwen Kobzi, Shelley Uhrmann, Rosemary Gutirvez, Susan Kurakazu, Barbara Fraley, Carol Perez.

Laura Rubio, Debbie Smith, Jodi Jones, Phillip Cormstock, Debbie Hahn, Gallardo Victor, Teri Cekunsky, Miss J. E. Hirth, Sandra Chase, Diana Orce.

Teri Thomas, Anna Talavea, Janice Bell, Christi Abe, Palma Akesson, Sheila Estep, Robert St. Marie, Denise Fisher, Bob Sato, Stephen Arce, Larry Montoya, Sophia Rior, Christina Moore, Karen Carno, Peter Csutak.

Robert Laviwa, Vivian Bell, Richard Villa, Joana Bojic, Jimmy Arroyo, John Osuna, Mark Blancke, Shirley Johnson, Anna Petter, Ronny Robledo.

Alex Leal, Rhonda Mannia, Vicky Bustamante, Robert Jaquez, Vicky Van Meter, Cynthia Denise, John Van Meter, Jounne Arigudo, Mary Moore, Rosa Aguilar, Cynthia Del Rosal, Eugenia Ortiz, Rhonda Brake, Kathy Miller.

Estella Gutierrez, Tammy Forrester, Robin Brackenbury, Sonia Cobos, Norma Guerrero, Debbie Rios, Yvonne Mijia, Nancy Smith, Mrs. Solis, Felicia Villa, Esther Martinez, Liz Talavera, Susan Morrison.

Ruby Moreno, Carol Martinez, Randy Morgan, Charles Munoz, Patti French, Louie Morales, Diana Greene, Trudy O'Gorman, Chris Cobos, Carlos Cobos, Oscar Montanez, Kathy Verdugo.

Mike Buckhard, Mr. Johnny Ramirez, Ervin Hartung, Mario Allen, Joe Danzelo, Darwin Longwell, Frank Jinerey, Tony Becke, Ray Theys, Donald Logo, Steven Pina, Kimberly Compeau, Kimberly Ige.

San Gabriel, Calif.,
April 22, 1970.

Hon. George Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: The only thing I have to say is "breathe clean air." I can't afford to take the breath to say anything more.

Tell me, can you. . . .

All choked up,

Alonna De Angelis.

Alahambra, Calif.,
April 22, 1970.

Hon. George Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: As you may have noticed it is getting harder to see our mountains out here in the San Gabriel Valley.

I wish to be able to see these mountains, let alone breathe.

Please, sir, I ask you. Support any legislation to clean up our dirtied air, our water and our bodies. Thank you. I can breathe more deeply now.

Sincerely yours,

Melissa Egan.

San Gabriel, Calif.,
April 23, 1970.

Hon. George Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: I am writing you this letter because I am concerned about the smog problem we are having in Los Angeles. What are we going to do when the smog gets so bad that people cannot even live in Los Angeles. I have moved here in Los Angeles about two years ago and the first few days I thought I was going to die of smog. There has got to be something you or any other official can do. By at least 1980 you can just forget about the people in this city. We will probably all be doomed. At our school we are trying to stop smog by riding bicycles to school. But two or three schools can't stop smog entirely you must help us. Support from you is what we need and I hope very much that you can help us.

Sincerely yours,

Tony Pomponio.

Alhambra, Calif.,
April 22, 1970.

Hon. George Brown,
House of Representatives,
Washington, D.C.

Dear Honorable Sir: In the nineteenth century and early twentieth, people were induced to move out West because of the beautiful climate and salubrious air; especially people with incurable diseases. At present, the beautiful climate in unquestionable. I wish the same could be said for the air.

I have a slight case of asthma. On heavy smog days, any strenuous exercise will cause me to become short-winded and tired. I pity those unfortunate people who have severe case of asthma or other respiratory ailment. The presence of smog in the air does not help their condition any. I know it doesn't help mine.

Please, I urge you to enforce any measure that will eliminate, or at least control air pollution. It will make a lot of people happier to have clearer skies and cleaner air.

Sincerely yours,

Steve Priolo.

San Gabriel, Calif.,
April 22, 1970.

Hon. George Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Brown: America is no longer the beautiful. Today, our "spacious skies" are filled with smog, the "amber waves of grain" are hidden under a cloud of DDT, and cur "shining seas" are clogged with multiplying bacteria.

America is steadily becoming a garbage heap, and no one seems to care. Unless we act now, things will get worse.

It is time to wake up and take our heads out of the sand. Scientists predict that in the next ten years, if nothing is done to stop it, we will pollute ourselves out of our environment entirely.

This is our future and we want a change. Life is beautiful, why must we destroy it?

Sincerely yours,

Judy Kelly.

April 22, 1970.

Hon. George Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: For the past six years I have been living in the community of San Gabriel, California. Also in the past six years I have suffered from the effects of smog.

For people who have an affliction such as "Asthma", it is very annoying to have to *gasp* every time you want a breath of *air*: especially during very smoggy months. I too have Asthma and find it quite difficult to breathe on smoggy days. It is coming to be such a problem for us that anywhere we go now a days, there is smog.

At my school, San Gabriel High School, we are setting up programs to help fight smog.

What can you do to help us? Won't you please help?

I understand that there are several pamphlets available to the public on the SMOG situation. Why not distribute them and let everyone know the problem. Please our survival is very important to us and to you.

Sincerely yours,

Martha A. Bezucha.

San Gabriel, Calif.,
April 22, 1970.

Hon. George E. Brown, Jr.,
House of Representatives,
Washington, D.C.

My Dear Mr. Brown: As the daughter of two of your constituents, I feel that I should write to you concerning the problems of pollution.

As a minor, I have no voice in our government at the moment, therefore I ask you to represent myself and others in our government.

There is much legislation needed to help solve many of our pollution problems, and I think you are the man to help us get some of the legislation passed.

The problems are many. Trees are dying all along the Angeles Crest Highway and up at Big Bear and Lake Arrowhead. The beaches of Southern California are fast becoming unuseable. But worst of all, I think is the fact that our San Gabriel Valley is becoming more and more polluted with smog every day.

I think you know the problems. I am depending on your wise judgement to do what is best in fighting the problems of pollution.

Very truly yours,

Miss Sandy Houk.

San Gabriel, Calif.,
April 22, 1970.

Hon. George Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: There is a problem that has come to notice in the last week, this problem as you well know is pollution. I don't know all the facts about pollution but I do know that if we don't hurry up and do something about it we will probably die.

Last summer on a smoggy day we played a game of baseball. Afterwards everyone sat down and couldn't hardly breathe. This is what pollution is and it's not too cool.

When you receive this letter you probably won't read it because it's from a high school student and he doesn't know what he is talking about. This is true but at least we are making people stand up and notice this problem and I think you should do the same.

Sincerely,

Jay Stouse.

San Gabriel, Calif.

Hon. George Brown, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: What is happening to our air, our waters, our people?

Would you believe that the air around isn't fit to breathe.

We're almost choking death. If you like to know (we're) is supposed to stand for the people that live on this land.

Now how about our waters? It's just awful what is happening, to them. They're filled with unmentionables. It's just awful because we can't even drink or even be in the water.

Is the moon exploration really that important? Isn't the land important enough? God, with the war that's going on, the moon exploration and with this pollution bit, we just have to decide on what's more important.

Sincerely,

ROSARIO PEREZ.

HON. GEORGE BROWN, Jr.,
House of Representatives,
Washington, D.C.

DEAR SIR: As a young person today I am concerned about the pollution and population problems.

I have no suggestions to offer about solving these problems since I'm inexperienced and young. (Being only in high school) and I certainly can't write you a letter and say—Stop pollution!, and expect you to do it. Even the President can't do that.

So I have a different request. I'd like to know what I and my friends can do about the pollution problem. Are there any groups we can join that are dedicated to stopping pollution? Just how bad is the population problems? What steps do people go through to adopt a young child (say, seven to ten years old) if they decide to adopt instead of having their own? This is about all I have to ask, but if there is any way I can get the information I'd like to be told.

Thank you.

SANDRA CRAFT.

HON. GEORGE BROWN, JR.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BROWN: Do you think the public is really aware of the pressing problems of pollution and population growth? Does the public know what the study of ecology is really about? My reply to these questions is a definite "No."

Until the E-Day movement on April 22, 1970 at San Gabriel High School, I along with others were not fully aware of the situation our environment has been placed in. So I write to you for assistance in finding out what our government can do to bring about public awareness on this serious situation.

At San Gabriel High we've done quite alot the past month to show our support and interest in this matter and make all students aware of it. But now we need the help of you, our House of Representatives, to help us spread the word on the ecology problem to the public. For only when the people are aware of the disaster our deteriorating environment is headed for will they begin to do something about it.

Please give us your support in any way possible!

Sincerely yours,

MARGIE WELLES.

ROSEMEAD, CALIF.

HON. GEORGE BROWN, JR.:

I recently wasn't too concerned with the problem of air, water, and breathing problem that pollution was causing in the world today. In the last month I finally realized the effect it was having on me. Recently I was in my physical education class the problem of breathing hit me. Then one day when I was coming home from work I found that I couldn't drink the water because it was polluted. Now I am concerned with this problem and I hope that this letter brings thought to your mind at your next meeting so new laws can be brought against pollution.

Sincerely,

JOE VALDEZ.

ALHAMBRA, CALIF.,
April 21, 1970.

GEORGE BROWN,
House of Representatives,
Washington, D.C.

DEAR SIR: May I suggest that legislation be passed to require auto manufacturers to stop emission from their cars.

I'm sure they possess the technology and money to do so. They do have a kind of monopoly over us because our society's transportation is structured around the automobile.

I believe a person should have all the freedom he can unless that freedom infringes on the freedoms of other people.

Auto manufacturers will not change their cars drastically unless they are forced to do so. Change costs money.

Once again I believe that in a close and crowded society sacrifices must be made and a government control on pollutants is not dictatorial in this case.

Sincerely,

DEE ANDERSON.

APRIL 21, 1970.

HON. GEORGE BROWN, JR.,
House of Representatives,
Washington, D.C.:

I'm writing to ask you what you can do as a great power in our government to stop pollution.

I go to San Gabriel High School, and our school has been having a campaign building up to "Earth Day," April 22. For about three weeks now our students have been riding bikes, rollerskates, skate boards, and walking to school. By doing this some of us have stopped the pollution machines, better known as automobiles. Many students have been going along beaches, mountains, and our own community to collect aluminum cans to put in our "can pen."

Our school has been taking steps and what we do doesn't really have enough power to influence people as you do. We are paying for your job and I think and hope you want us to stay alive, but you're not doing anything so far.

Now this letter, I hope, should hit your conscience a little, for we people are concerned enough to live and are trying to do something, now please let's see you exercise your power.

Thank you for reading this!

Sincerely yours,

DONNA SPEAKMAN.

DEAR MR. BROWN: All my life, I have been breathing polluted air, drinking dirty water and being overcrowded. If these problems are let go, soon the world will be unfit for human life. I do not want the same life I have had for my children and I want to be assured there will be a life for my grandchildren.

I can do very little on my own to solve our ecological problems. The solutions must come from the government. Please take bold, creative action in expediting the end of pollution, overpopulation, etc. Show the American people you are with them.

Sincerely,

MARY HAACKE.

SAN GABRIEL, CALIF.

LOS ANGELES, CALIF.

HON. GEORGE BROWN, JR.,
House of Representatives,
Washington, D.C.

DEAR SIR: I am writing this letter to tell you how I feel about pollution. People had to come to Los Angeles for their health and now they're leaving for their health. (Cough)

The smog, trash and water pollution is getting worse every day. I'm dying slowly. (Cough) I'm dying! Build more trash cans. Cough Cough.

Yours truly,

ROBERT J. CONTRERCES.

SAN GABRIEL, CALIF.,
April 22, 1970.

HON. GEORGE BROWN, JR.,
House of Representatives,
Washington, D.C.

HON. GEORGE BROWN, JR.: I feel that you might be able to do something for myself and our country. If you would merely go out of your office or look out the window you would see, maybe, if you were lucky, a clean sky. That is a awful thing to say, that you are lucky if you see something besides dirt and smog. I hope for your sake and your country's sake that you will be able to help this land that so dearly needs it.

Respectfully yours,

CHARLES P. ERICKSON.

APRIL 22, 1970.

DEAR CONGRESSMAN BROWN: I am a student at San Gabriel High School, and am very concerned about the air around us. It is very difficult to live in an environment such as ours—polluted. And what's worse, is that our legislative bodies are not doing anything about it. May I ask the simple question—"Why?" We, the people, elected the government officials to do a job, and in my opinion, you are not carrying out your responsibilities. The students at San Gabriel are trying to do their part in the fight against air pollution. For instance, we either ride bikes, walk, or roller skate to school. This in itself is a small effort, but we at least are doing something about our environment. I strongly urge you to do the same and yield to the will and voice of the people.

Sincerely,

PATTY RAMOS.

ATOMIC ENERGY COMMISSION

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 12, 1970

Mr. GRAVEL. Mr. President, the Atomic Energy Commission has made an extremely significant decision, which has gone unappreciated.

Sometime between April 6 and 13, the Commission withdrew its request to conduct a mammoth nuclear excavation explosion, scheduled for Nevada this spring. That test, which was named Sturtevant, would have been one of its peaceful bomb tests in the Plowshare program, and it needed only the approval of the National Security Council's Undersecretaries' Committee.

Nuclear excavation experiments of that type—the sort which might blast harbors and canals—always release great quantities of their radioactivity into the environment.

The last time the Atomic Energy tried one, it released much more radioactivity than expected, and levels of air contamination temporarily soared from Phoenix to Spokane, peaking in Boise, Idaho. No one asked the people of these States if they wanted this experiment conducted. And no one has told them yet what kind of exposure they received.

XUM

Although the radioactive release from this kind of test is only a small—and secret—part of the bomb's total load, it still amounts to a great deal.

At hearings in November on S. 3042, several eminent scientists expressed outright alarm over this kind of environmental contamination. People, animals, and plants receive exposure not only from the radioactive cloud, but also later from the radionuclides as they pass through the food chain over and over.

Some witnesses at the November hearings said that the permissible population dose under which such tests are conducted is set at least 10 times too high.

The canceled springtime test, which the AEC had planned for over a year, would have been eight times more powerful than the Hiroshima bomb.

Although the AEC never put out a single news release about the proposed test, people who study congressional hearings found out about it in time.

The national coordinator of Earth Day, Denis Hayes, testifying before the House Government Operations Subcommittee on Conservation and Natural Resources, called the proposed test outrageous.

Both the Sierra Club and Sane notified their members about the test in widely circulated newsletters, which I also received, and there may have been others.

I, too, expressed concern over Sturtevant directly to AEC Chairman Glenn Seaborg. Furthermore, I described the planned test to a conference of 1,000 editors of college newspapers, to whom I submitted remarks, which also appeared in the RECORD on April 6.

Then some of the biologists on the Panama Canal Study Commission warned that radiation hazards would be far too great to permit blasting a new canal with nuclear explosives.

The AEC seems to have responded to this outside concern, and I am gratified.

But basically, I am dismayed that a major environmental event—the biggest nuclear excavation explosion ever attempted—came to the very brink of execution without any attempt to assess publicly its risks or compensating benefits.

I believe that the Sturtevant story, suddenly terminated, is just another example of the urgent need for an independent commission—as proposed by my measures S. 3042, Senate Joint Resolution 155, and Senate Joint Resolution 108—to review in the open certain AEC activities which affect our environment.

The cancellation of this single test, Sturtevant, is not the whole story. The AEC has requested a special appropriation of $5 million in fiscal 1971 to continue research on special explosives for future excavation bombs. A bill which would allow the AEC to create a commercial explosion service is also in the works.

When nuclear energy is involved, the stakes are very high. Nuclear contamination is not just another pollution problem. It is fundamentally different, because if we continue to contaminate this planet radioactively, no amount of money or goodwill can clean it up later. It is impossible to turn radioactivity off once you have turned it on. You just have to wait for it to decay at its own unchangeable rate.

Some radioactive elements like plutonium—which is a basic ingredient in the nuclear program now under development—last many times longer than their half-lives; for one kind of plutonium, the half-life is 24,000 years.

We must use extreme caution to be sure that we do not contaminate this planet forever. Radioactivity requires our consideration now, before the problem becomes any more explicit through predictable dire results. The wait-and-see attitude with which we have dealt with lethal chemical pollutants is simply out of the question when we consider the permanence of so many radioactive contaminants.

Nuclear energy offers potential benefits; I am urgently warning, however, that there needs to be a full and honest and public disclosure of its menace too.

EDITORIAL ON PRESIDENT NIXON'S CAMBODIAN DECISION

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. DEL CLAWSON. Mr. Speaker, so much of the rhetoric directed at the President's decision to strike against the Cambodian sanctuaries ignores several important factors, that it is refreshing to note that there are some leaders of opinion with the common sense to resist the hysterical tide. The Daily Signal published in Huntington Park, Calif., contains an editorial in the latter category, and I commend it to the attention of my colleagues. At this point in the RECORD I include the column from the May 4 issue of the Daily Signal by the editor, Mr. Tom Hageman:

ANOTHER LOOK AT THE NEWS

(By Tom Hageman)

"Inscrutable" was our most often used description of orientals in the relatively quiet days prior to World War II. Of course we have come a long way since those days and in the course of becoming the leading world power (certainly not second rate) we have developed an ability to understand all things in all corners of the globe that we dominate.

Does that last thought sound like "bunk" to you? It should.

Let's get back to that word "inscrutable" as it used to apply to the Orient. Webster defines inscrutable as "incapable of being investigated and understood."

That, I think, pretty well sums up the feelings of most Americans as to the events in Cambodia and Vietnam in the past five days.

We are bombarded by apparent contradictions. President Nixon has successfully reversed a six-year trend in the Vietnam war. He launched and has expanded a program of withdrawal of U.S. forces from that unhappy land. He has consistently asked that Communist forces make similar concessions.

Now, quite suddenly, we have two nations from which we can withdraw.

The largely guerrilla war in Southeast Asia, particularly as Cambadia, relates to Vietnam, has been going on for years. And as we punch into the guerrilla camps in Cambodia they will disperse and regroup again, perhaps behind us.

This sounds very much like Chinese checkers played with hand grenades for it is really no game at all. And unless it is our military plan to stay in Cambodia indefinitely there is absolutely no way to stop the North and South Vietnam guerrillas from regrouping there.

So, on the one hand, it would appear that the mess in Southeast Asia has grown and that the President has listened to the generals and advocates of brinkmanship.

But there is another view in this incredible situation. The President is a political man. He does not act without thinking ahead and his previous actions prove this.

In announcing the decision to move into Cambodia, President Nixon said "We take this action not for the purpose of expanding the war into Cambodia, but for the purpose of ending the war in Vietnam.

The President made it clear that the information available to him indicated that the safety of 400,000 Americans and thousands of Vietnamese civilians was in grave danger by the Red buildup in Cambodia.

We all know that the President has access to relevant facts not available to each and every citizen or even members of the United States Senate.

In effect President Nixon has asked that we trust his judgment in reviewing the facts. Unless events prove otherwise the President deserves, and should receive the trust he asks.

And what of the fighting men we have delivered to Vietnam? How can we possibly turn our back on them?

All Americans, just as the President, wish with all our hearts that the present military action had not become necessary. But the action has been taken and let us put the blame squarely where it belongs—right in the laps of the Communist tyrants who think free men are weak and unwilling to take a strong stand for what is right.

THE COMMITTEE TO END AID TO THE SOVIET ENEMY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. BURKE of Florida. Mr. Speaker, I have been a supporter of CEASE—the Committee To End Aid to the Soviet Enemy—from its inception several years ago. This organization has assisted the Congress in preventing persistent attempts to expand trade with the Soviet Union which is supplying most of the weapons and armaments that are used to kill and maim our soldiers in Southeast Asia.

I, like many other Members of the House and Senate, am one of the sponsors of CEASE. A former Member of the House, John Davis Lodge, now our Ambassador to Argentina, was the first chairman of CEASE and Adm. Arthur Radford is the present chairman.

Like so many Americans, I have been disturbed for a long time over the gullibility of a certain small, but important group of American businessmen who, for profit, wish to trade with the Communists despite the fact that they encourage war and internal revolutions with their announced aim of world domination.

XUM

Perhaps Mr. Henry Ford II should take another look at the consequences that might develop if the Ford Motor Co. carries forth its suggested giant heavy-duty truck plant in the Soviet Union as announced by him. Perhaps it is proper that he take a second look at world conditions and the dissension that the Soviet Union has caused in all parts of the world. He should look at the arms and weaponry supplies the Soviet Union has contributed that have been killing Americans in Vietnam, and he should look at the tension and military arms given to the Arab States by the Soviet Union in the Middle East which has prevented peace in that area. He should remember the Soviet's assistance to Cuba and to other Latin American countries in its phony so-called attempts at having world peace—which obviously means Soviet domination of the free world.

In view of this I believe that CEASE—the Committee To End Aid to the Soviet Enemy—should be commended in its efforts to end aid to the Soviet enemy. I believe it is performing a very useful service to our country in calling attention to the dangers by its press release of Tuesday, May 12, 1970, which reads as follows:

The Committee to End Aid to the Soviet Enemy

Henry Ford II announced from Moscow recently that the Ford Motor Company is considering participation in a giant heavy-truck plant in the Soviet Union, plus technical assistance to the Soviets on equipment like gas-turbine engines.

"I'm a free trader. On non-military grounds, there is no reason why we shouldn't trade with the U.S.S.R.," Mr. Ford was quoted by the Washington Post as saying.

Doesn't Mr. Ford know that Soviet industry is supplying most of the weapons killing Americans in Cambodia and Vietnam?

Doesn't Mr. Ford know that an auto or engine factory can make weapons and, in any case, strengthen the industrial base of aggressive Red Russia?

Isn't Mr. Ford aware that Soviet Russia is arming Israel's declared enemies and manning some of the weapons?

In view of Soviet Russia's massive efforts to dominate the world and in view of our own internal revolution, it is suggested that Mr. Ford read the words of V. Lenin whose anniversary is being celebrated worldwide this year by Communists, their dupes and sympathizers.

Lenin said: "When we prepare to hang the last capitalists, they will be trying to sell us the rope."

We suggest that Mr. Ford consider carefully before trying to make money out of the blood of young Americans, Czechs and Israelis.

XUM

SCHOOL DISCIPLINE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 12, 1970

Mr. THURMOND. Mr. President, all of us are concerned about the lack of respect for authority among a small percent of our young people. It is even more disturbing how this minority misleads the majority of our youth with ideas which run counter to a free society.

There are obviously many reasons for this condition, but one most certainly is the breakdown of discipline in some of our schools.

An interesting and informative article on this subject titled "School Discipline Today: What Discipline?" has been written by Jim Bishop and was published in the Augusta, Ga., Chronicle of May 3, 1970. I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

School Discipline Today: What Discipline?

(By Jim Bishop)

There was a Jesuit who once made a speech in which he said that education was 30 per cent information and 70 per cent discipline. I almost walked out on his speech, but my wife kept a grim grip on my sleeve. He has died, and gone to whatever reward accrues to men who are equipped with iron-clad opinions.

And yet. And yet. And yet. . . .

He was not as far wrong as I thought. I now believe that education, as disseminated in this country—and I include almost all schools in this indictment—is superficial. What is taught today is forgotten tomorrow. Some of what is taught today is better forgotten.

Discipline is a joke. High school classes amount to neatly assorted chunks of time in which teachers often ramble in deadly monotone about their personal problems or joys. Students raise their hands to ask questions designed to embarass the teacher. The class laughs uproariously.

In a minority of schools, some teachers retain control of the behavior of children, but we must bear in mind that if the parents have lost control of their expensive and rebellious youngsters, the teachers have less chance of maintaining class decorum.

Fat girls in mini skirt play with their hair. Boys with long matted hair hanging down over dirty collars refuse to get it trimmed on the grounds that this is a free country. Some wait until teach begins to speak and then roll a pencil up and down the top of the desk. Others yawn; some pretend to be beset by inescapable sneezing spells.

Others wait until the teacher makes a point and then stand to lounge with a hip out of joint and drawl: "Tell you where you're wrong, teach. . . ." Should an educator reach the point of a nervous breakdown and slap a child, the parents will be there in the morning to call him a "fascist" and demand his dismissal.

Discipline has dissipated. Now the teachers are beginning to surrender. They pretend not to notice insolence. Swimming lessons have become part of readin', writin' and arithmetic. Next month my two high school girls are being taken with their classmates to see the movie Doctor Zhivago.

Why? Within the narrow purview of the teachers, Zhivago is integral to the study of the Russian revolution. It is also a classic study in cruelty, and jumping into bed with the wrong woman. Both girls get passing grades in hopping over parallel bars in a gymnasium, but neither one can tell me which way is north.

They are well-behaved girls; they apply themselves to study, and they get good marks. But somewhere along the line, the schools of America dropped the fundamentalism of education. What good is knowing the square of seven if you don't know why—or its future use?

The boards of education play politics with budgets and principals, cowing teachers and superintendents, acting the part of "Big Brother" to instructors who know that their every move is being watched and often reported in an unfavorable light. Most boards of education are elective, and the members know less about the nuances of education than when they attended school.

In some schools, teachers do not teach. In a Spanish class, for example, the teacher says: "Turn to page 141 in your Spanish book. There are nine steps you must learn. If you need any help, I'll be up here." No one ever taught himself a language by reading it; it must be heard.

Anyone with a memory for names, dates and events can get a good mark in history. It isn't necessary for the student to understand what happened in the French and Indian Wars—only to remember that General Montcalm fell on the Plains of Abraham and the British won the battle.

What is missing from mathematics, history, et al, is not that two and two makes four, but why. Teachers are underpaid and, with frayed nerves, they undernourish the students. I have interviewed college graduates who cannot tell you the length or breadth of the United States, or even name the states. At dinner, students sit in sullen silence waiting for a parent to take a stand, then they espouse the opposite view merely to show how big and wise they are.

A complete education is the building of a skyscraper in the mind. If the bottom courses of bricks are out of line, it will not be noticed at once. But, in later years, the mental building will look like the leaning Tower of Pisa.

Our schools need discipline and fundamentals, not in the ratio espoused by the old Jesuit. Perhaps 70 per cent information and 30 per cent discipline would do it. Otherwise, this nation is going to spawn millions of educated orang-utans. . . .

HOT ACTION, COOL RHETORIC

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, President Nixon's role as a strong, but understanding leader of our Nation has never been seen more clearly than during the past weekend of antiwar demonstrations in Washington and campus disturbances around the country.

Emotions were running high at this time, and the pressures on the President were great. But, as an editorial in the Washington Daily News of May 9, 1970, states, the President, "kept his cool," as well as his confidence and his perspective.

Mr. Nixon's press conference Friday night showed his understanding of those who disagree with his policies, and even those who demonstrate against his administration. But at the same time, it showed his confidence in what he believes needs to be done to bring the war in Indochina to an end.

I insert the editorial entitled "Hot Action; Cool Rhetoric" in the RECORD at this point:

Hot Action; Cool Rhetoric

In his press conference last night, one thing seemed especially clear about President Nixon:

He is keeping his cool. As well as his confidence and his perspective.

On the eve of the monster antiwar, anti-Nixon rally being staged almost literally under his nose, the President was understanding of the students who are disrupting their own education to belabor and deride him for attempting, as he sees it, to protect our troops in Vietnam, to shorten the war, and thus bring the troops home more rapidly.

He was even understanding of the members of Congress who oppose his efforts in the Vietnam War. He is a former senator and a former House member, and in his day indulged in similar criticism of the then President, as he acknowledged. Which contributed to his present understanding stance of his critics.

But those who have been faulting him have the "luxury of criticism," he said, and "I don't have that luxury."

Mr. Nixon is not likely to placate the throngs which have swarmed into Washington—or demonstrated elsewhere. Not, at least, the more reckless and rabid ones. But not because he isn't trying. He said, quite correctly, that he and the protesters have the same goals: End the war, bring home the troops.

Nobody can honestly doubt that these are Mr. Nixon's top-priority aims. Achieving these ends, of course, is not as easy as stating them. Which is the big difference between him and the demonstrators: He has the job; they are mainly concerned with protest and dissent.

In the face of the tumult, though, the President was a model of restraint.

He said he hoped everybody on his side of the fence would keep in mind the principle he was plainly applying to himself:

"When the action is hot, keep the rhetoric cool."

This would be useful policy on the other side of the fence, too. Dissent and protest can serve a constructive purpose; violence and rashness lead only to nonsensical destruction.

RESULTS SEEM TO JUSTIFY NIXON'S CAMBODIA RISK

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. TALCOTT. Mr. Speaker, President Nixon's decision to send troops to Cambodia to invade the Communist sanctuaries is proving to be sound, both from the standpoints of American lives saved and the strengthening of the South Vietnamese army.

Los Angeles Times reporter, William J. Coughlin, outlined the results of just 1 week's actions, and these results are indeed spectacular. Mr. Coughlin, writing from Saigon, reported that "millions of rounds of ammunition and thousands of weapons already taken" have indeed won extra time for South Vietnamese forces, perhaps even more than the President's "conservative" estimate of 6 to 8 months.

The American people are supporting their President's actions, too, as shown in a poll taken by the Chicago Tribune, which found that 80 percent of the people questioned supported the President.

I ask to insert these two articles in the RECORD at this point. It is quite important, in my judgment, that the American people have a balanced and objective report concerning these very crucial issues during times of crisis.

The articles follow:

[From the Los Angeles Times, May 10, 1970]

RESULTS SEEM TO JUSTIFY NIXON'S CAMBODIA RISK; MILLIONS OF AMMUNITION ROUNDS, STORES OF GUNS SEIZED MAY SET REDS BACK YEAR

(By William J. Coughlin)

SAIGON.—Little more than a week after American troops crossed the border, President Nixon appears to have won his gamble in the invasion of Communist sanctuaries in Cambodia.

The millions of rounds of ammunition and thousands of weapons already taken apparently justify military claims that the Cambodian invasion will cripple North Vietnamese and Viet Cong forces in South Vietnam for many months.

Mr. Nixon's own press conference statement that the Cambodian operation has won six to eight months of additional training time for South Vietnamese military forces may be conservative. When the final count is made, that figure may be closer to a year.

THE 2.5 MILLION ROUNDS

As of Saturday night, allied troops in Cambodia had uncovered 2.5 million rounds of small-arms ammunition, more than 10,000 mortar and rocket rounds, 40,000 pounds of explosives, 5,415 individual weapons and more than 500 machine guns and antiaircraft weapons, according to figures released here. Nearly 1,000 tons of rice have been found. The task of extracting all these supplies from Cambodia has begun.

Furthermore, this is only the beginning. The exploration of The City, the major base supply complex seized by the 1st Battalion, 5th Cavalry, is just starting. Military commanders on the scene believe it may extend for many miles in every direction. There are other Communist rear-area bases as yet unexplored.

The North Vietnamese decision to withdraw rather than fight major battles with the invading allied troops has kept casualties low. There were exceptions to this during the past week, with severe fighting in some widely scattered areas. But even this was falling off Saturday.

CASUALTIES COUNTED

In the 10 days since the President announced the six-front campaign, fewer than 100 American lives have been lost, with the number of South Vietnamese killed in action at about 200. This is astonishingly low for an airborne and armored assault involving more than 40,000 men.

While the North Vietnamese decision means Communist forces have survived to fight another day, it also means low allied casualties will make the President's Cambodian invasion more palatable politically at home.

It has been said that, by withdrawing, the North Vietnamese will be able to wait until American forces are pulled out by the end of June, then return to the sanctuaries to be resupplied. There are two arguments against this. First, the coming monsoon will make such resupply difficult with access to southern ports hampered if not cut off entirely.

More important, the North Vietnamese have no assurance that their previous sanctuaries will not be hit again. They will not be able to repeat the five-year buildup of supplies in areas within an hour's walk of the border.

Whether the operation finds the Communist COSVN (Central Office of South Vietnam) headquarters is immaterial at this point. COSVN has lost its sanctuaries and, even more damaging, it has lost its major base supplies which supported Communist operations in III and IV Corps areas in South Vietnam. No one expected to capture the COSVN officers themselves, except by blind luck.

A major benefit of the Cambodian campaign has been the boost in morale of both American and South Vietnamese troops.

Largely overlooked also has been the vast improvement in morale and effectiveness of South Vietnamese forces, not long ago derided as troops afraid of the dark but now winning spirited battles from their North Vietnamese and Viet Cong opponents. As a test of the Vietnamization campaign, Cambodia is a definite plus.

[From the Chicago Tribute, May 9, 1970]

POLL SHOWS 80 PERCENT BACK NIXON ON CAMBODIA

Final results of THE TRIBUNE poll to determine reaction to President Nixon's decision to send American troops into Cambodia showed overwhelming support for the President.

A total of 39,792 ballots were returned. Of these, 31,887, or 80 per cent supported the President, and, 7,905, or 20 per cent, expressed opposition to increased military action in southeast Asia.

TRIBUNE READERS RESPOND

Public response to the Cambodian move was sought for three days following President Nixon's message to the nation last week. The results reflected opinions of TRIBUNE readers in Chicago, its suburbs and surrounding states.

"I am convinced that those who protest so loudly are afraid of the possibility that the war could be terminated by an American victory," wrote Mrs. Olin Berridge of Michigan City, Ind.

Duane Johnson, an army veteran from De Kalb wrote: "With administrative decisions made without the consent of the people I may have to someday tell my sons two years in prison is a small price to pay to help avert an American nazism."

INDIANA READERS WRITE

"Mayor Daley expressed our thought when he said we have only one President and should stand beside him, for we feel he knows things better than those protesting everywhere," wrote Mr. and Mrs. Roscoe Laod of Highland, Ind.

Joseph L. Mantel of St. Cloud, Minn., protested the Cambodia military action saying: "What can be done to take the powers away from the President so that such decisions will no longer be able to be made. There must be something in our Constitution that should be changed and prevent the President from making another grave mistake."

"Nixon is to be commended for his decision to do the required job," wrote Charles Love of Lemont. "His efforts will bring this situation to a conclusion. We want no more Korean type settlements."

PROBLEMS FACING THIS NATION'S FISHING INDUSTRY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. DOWNING. Mr. Speaker, among the worst problems facing this Nation's fishing industry is the continuing presence of foreign fleets just outside the 12-mile limit along our Atlantic coast and the steady depletion of one of our greatest natural resources. The fishing industry on the Chesapeake Bay, with which I am most concerned, as well as their counterparts up and down the coast from New England to below Cape Hatteras are feeling drastic effects of unrestricted fishing by foreign fleets.

One by one, herring fishermen in the

area of the Chesapeake Bay are being forced out of business because of the tremendous herring catches made by these fleets.

With the increase of the Cuban fishing fleet, our fishery along the coast of the Gulf of Mexico may soon be faced with the same situation.

I realize, of course, that as the law now stands, there is nothing that can be done to stop this wanton destruction of marine resources. We have now reached the point where our only protection may be to extend our fishery jurisdiction beyond the 12-mile limit.

I feel that the Congress, generally, is unaware of the gravity of the situation. In order that all of us may be properly alerted to the size of these fleets which fish regularly along our Atlantic coast, I insert, herewith, "the Foreign Fishing Vessel Surveillance Off the Atlantic Coast" from the Fishery Market News Report of the Bureau of Commercial Fisheries, Division of Statistics and Market News, April 30, 1970. This is neither an unusual nor isolated report.

The report follows:

FOREIGN FISHING VESSEL SURVEILLANCE OFF ATLANTIC COAST

Following are the reports of the Bureau's Fisheries Management Agents on the April 8 and April 13, 1970 enforcement and surveillance flights with the U.S. Coast Guard to observe foreign fishing activities off the Atlantic Coast.

On April 8, flight coverage included areas of the expired (April 1) Red Hake-Silver Hake Management Area and the U.S./U.S.S.R. and U.S./Poland Mid-Atlantic Bilateral Agreements.

A total of 131 foreign fishing and support vessels (120 Soviet, 7 Polish, 3 East German and 1 Spanish) was sighted. The Soviet fleet was comprised of 6 factory stern trawlers, 113 medium side trawlers and 1 factory base ship. The Polish vessels were identified as 2 stern trawlers, 4 large side trawlers and 1 factory base ship; East German as 1 freezer stern trawler and 2 side trawlers; and a single Spanish stern trawler. These vessels were divided into two main groupings.

The first group of 9 vessels (4 Soviet, 3 East German, 1 Spanish and 1 Polish) was wide scattered over a 50-mile area from 55 to 75 miles south of Montauk Pt., Long Island, eastward to 60 to 70 miles south of Martha's Vineyard. Moderate catches of herring were observed on board both Soviet and Polish vessels. No catches were noted on either the Spanish or East German vessels.

The second and largest concentration of 122 vessels (116 Soviet and 6 Polish) was located in a 30-mile area, 60 to 65 miles east and southeast of Atlantic City, N.J. (centered well within expired mid-Atlantic "no fishing" zone). Moderate to heavy catches of herring and mackerel filled the open deck spaces of the majority of trawlers. In many instances, fish in storage was canvas-covered as a protective from the sun and wind. The Polish stern trawlers in particular had exceptional catches in the trawl estimated to exceed 50 tons. Numerous trawlers were alongside support vessels offloading fish. Many others were standing by and proceeding to the nearby base ships.

The apparent excellent fishing by this fleet is perhaps attested to by the fact that factory base ships and fish carriers too had huge amounts of fish in open deck storage areas waiting to be processed.

On the April 13 flight, coverage included the Red Hake-Silver Hake Management Area of ICNAF, Subarea 5, the U.S./U.S.S.R. and U.S./Poland Mid-Atlantic Fisheries Agreement areas. Also included were areas along the 20 and 30 fathom curve of the Mid-Atlantic west of the "no fishing" zone. As of April 1, restrictions on red hake-silver hake management area and "no fishing" zone are suspended. Flight conditions were good over calm seas with good visibility.

A total of 172 foreign fishing and support vessels (154 Soviet, 14 Polish, 2 East German, 1 West German and 1 Spanish) was sighted. The Soviet fleet was comprised of 128 side trawlers, 21 stern trawlers, 3 refrigerated fish transports and 2 factory base ships; Polish 5 side trawlers, 5 stern trawlers, 3 refrigerated fish transports, 1 factory base ship; East German 2 stern trawlers; West German 1 stern trawler; and Spanish 1 side trawler. The largest part of this fleet was dispersed in one general area 60 miles east of Atlantic City, N.J. The remaining smaller groups were scattered along the 50 to 75 fathom curve from south of Nantucket to south of Long Island and two groups were conducting loading operations, one off New Jersey and one off Long Island.

The main concentration of vessels was located in a staggered line formation parallel with the coast of New Jersey, beginning 60 miles southeast of Ship Bottom, N.J. and extending to 65 miles southeast of Cape May, N.J., a distance of approximately 65 miles. Vessels were spread either side of a line at varying distances up to 10 miles. This fleet, consisting mostly of Soviet side trawlers, appeared to be having moderate success. Catches were light to moderate on many of the vessels and heavy on a few at the southern most part of the area. Catches appeared to be herring and/or mackerel on many of the vessels. However, several of the vessels operating more to the west appeared to be taking hake. Although the majority of the vessels were fishing or set up for fishing, a sufficient number were steaming (mostly southerly) to indicate a movement in this direction by part of the fleet. Factory base ships had side trawlers alongside and support operations were underway.

The remaining smaller groups fishing along the 50 to 75 fathom curve from 60 miles south of Nantucket to 70 miles south of Montauk Pt., Long Island, were mostly stern trawlers. Limited catches exposed on deck were hake. Dehydration plants were working on most of those equipped.

One group of vessels conducting support operations was Polish and located 15 miles east of Great Egg Inlet, N.J. This group was comprised of 1 factory base ship, 3 refrigerated fish transports and 4 side trawlers. The other was Soviet and located in the loading zone of Moriches Inlet, L.I. This group was comprised of 1 refrigerated fish transport and 2 stern trawlers.

MAO IN THE WHITE HOUSE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. LEGGETT. Mr. Speaker, I have long held that our Southeast Asian military involvement could not have had more disastrous political, economic, and military effects upon our country if it had been planned by our worst enemies.

Stanley Karnow, the Washington Post's China expert, appears to hold a similar view of the Cambodian venture in particular. The thesis of his column in today's Washington Post is that we are doing exactly what the Chinese would like us to do.

I insert the column from the Washington Post of May 11, 1970, entitled "Nixon's Expansion of the War Seems To Delight Chinese" in the RECORD at this point:

NIXON'S EXPANSION OF THE WAR SEEMS TO DELIGHT CHINESE

(By Stanley Karnow)

HONG KONG.—China experts here have finally figured out Mao Tse-tung's whereabouts during his recent long absence from public view. He was secretly ensconced in the White House, advising President Nixon to send American troops into Cambodia.

The circumstantial evidence to support that intelligence is reflected in the fact that nobody has been displaying greater delight at the widening war in Indochina than the Chinese Communists.

Mao and his associates are not crazy. On the contrary, they are tough, shrewd and, despite their apparent adherence to rigid doctrines, extraordinarily flexible.

Most of all, they are patient enough to have played a cautious waiting game in the hope that Mr. Nixon would accommodate them by stumbling into Cambodia.

For the conflict now spreading throughout the Indochinese peninsula serves their cause in several ways. And, barring the unlikely prospect of its spilling over into China itself, this welcome development is costing them next to nothing.

In terms of their own strategic ambitions, the Chinese have three inter-related objectives in Southeast Asia.

First and foremost, they want to oust American military power, partly because they are concerned with their security and partly because a U.S. presence thwarts their other aims in the area.

Second, they want to curb the influence in the region of the Soviet Union, which they also see as a potential military threat as well as an ideological rival.

Third, they want a future Southeast Asia composed of frail states that pose no challenge to Chinese hegemony but, as in centuries past, pay tribute to the rule of the "Middle Kingdom" in Peking.

The American involvement in Vietnam, they perceive with obvious pleasure, has bogged down the United States in a situation it cannot win and refuses to lose. Therefore, they calculate, an extension of the conflict will only drain U.S. resources further.

Besides stirring dissent in the United States and thus fulfilling their dogma that the "masses" inevitably rise against their "fascist masters" the Indochina mess also appears to the Chinese to be an opportunity to "isolate" America internationally.

By no coincidence, consequently, they have invited a French cabinet minister to visit China this summer for the first time since France recognized Peking in 1954. Moreover, they are improving their ties with Britain and Yugoslavia, and progressing toward diplomatic relations with Canada and Italy.

In the meantime, just as Mao wished, the specter of a bigger Indochina war is weakening the Soviet position in the area as the Russians waver between trying to promote the modernization they really prefer and backing Communist escalation in order to assert their revolutionary credentials.

One sign of Soviet confusion has been apparent in the Kremlin's delay in recognizing Prince Sihanouk's Peking sponsored government-in-exile. As a result, Moscow has clearly lost ground to the Chinese in Hanoi.

Meanwhile, with no indication from Washington that they can expect to gain anything from 25 years of struggle, the Vietnamese Communists are settling down to "protracted war."

Again, this suits Peking's long-range dreams, since it augurs an exhausted Vietnam that the Chinese are convinced they can eventually dominate.

In an unusually candid talk with an American some time ago, a Hanoi official stressed this point. "You think you are blocking China by fighting us," he said, "but in fact, you are destroying a barrier to Chinese expansion in Southeast Asia if you destroy us."

Mao himself emphasized a similar point when, a few years back, a Japanese visitor to Peking apologized to him for Japan's aggression against China in the 1930s.

"The Japanese invasion inspired the Chinese people to rise and fight," Mao reportedly told his visitor. "Our army grew by a million men, and our support grew to include one hundred million people.

"So, instead of your apologizing to me, perhaps I should thank you."

It would be tragic if Mao repeated those same lines to an American visitor to Peking years hence. The way things are going, that possibility is not inconceivable.

WALTER REUTHER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 12, 1970

Mr. METCALF. Mr. President:

I dreamed I saw Joe Hill last night
Alive as you and me.
Says I, "But Joe, you're ten years dead."
"I never died," says he,
"I never died," says he.

"Joe Hill ain't dead," he says to me,
Joe Hill ain't never died.
Where workingmen are out on strike
Joe Hill is at their side,
Joe Hill is at their side.

"From San Diego up to Maine
In every mine and mill,
Where workers strike and organize"
Says he, "You'll find Joe Hill,"
Says he, "You'll find Joe Hill."

The death of Walter Reuther in a tragic airplane accident ends an unparalleled era of labor leadership. Of course, Walter Reuther was more than a labor leader. He was a statesman, a diplomat, a fighter, an organizer, a conservationist, a negotiator, and many, many more. Probably he was the most multifaceted personality on the American scene. There is hardly an area of advancement in America where Walter Reuther was not involved. If you are interested in pensions, fringe benefits, longevity rights, Walter Reuther's footsteps are in the sand.

If you are concerned with safety regulations or welfare benefits or guaranteed annual wage, Walter Reuther was ahead of you.

Are you interested in preservation of wilderness, creation of recreation areas, conservation of resources? Walter Reuther was there.

But always Walter Reuther worked within the framework of labor. His dedication to improving the conditions under which men worked, the share of industrial production that the workers received and the social and economic environment in which they lived caused him to take part in activities that seemed as if they were beyond those of the union interest. But always Reuther looked to the ultimate benefit and welfare of his membership and in doing so he helped all of America.

As much as any man of his time, he caused America to take stock of herself, to assess inequities and appraise abuses. Then he attempted to alleviate the abuses, convert the inequities and improve the general social circumstances.

But wherever negotiations are held, wherever organization of workers is needed, wherever men are on strike, Walter Reuther will be there in spirit and example.

Even more, wherever there is injustice or wrongs or waste or exploitation, the spirit and example of Walter Reuther will be there.

He did not die in an airplane accident. Walter Reuther is immortal.

TRIBUTE TO HERB SHRINER

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ROUDEBUSH. Mr. Speaker, the people of the State of Indiana were saddened recently by the death of Herb Shriner in a traffic accident in Florida.

Shriner had established himself as one of the Hoosier State's favorite sons and was much beloved in our State.

The qualities and contributions which made Herb Shriner an outstanding entertainer and a spokesman for Indiana have been eloquently eulogized by Mr. John A. Scott, editor and publisher of the Lafayette, Ind., Journal and Courier.

I wish to bring this fine article to the attention of the Congress.

Mr. Scott has put his finger on the magnetism and personality of Herb Shriner that so pleased and delighted his Hoosier friends.

The article follows:

INDIANA HAS LOST ITS GENTLE COMEDIAN; STATE, FOLKS HE TOLD ABOUT STILL HERE

(By John A. Scott)

The death last week by automobile of Herb Shriner, the Hoosier humorist, and his wife caused an unusual bereavement for a state.

Governor Whitcomb said so in a cable from Japan. But beyond the collective formal grief there are many hundreds in Indiana who had grown affectionate and possessive abcut the modest Hoosier who made a career of poking gentle fun at his home state.

Born in Ohio, Shriner moved as a child to Indiana, to a place near Fort Wayne so small that for excitement on Saturday nights he "would go downtown and watch haircuts."

"Harmonica Herb" he was called at first when nobody would listen. He never gave up the harmonica or Indiana, even though he could have opened up some wider territory for his satire. He might have thrown away the harmonica, hired some writers and become a latter-day Will Rogers.

But Herb wrote his own stuff, scribbling his monologues, memorizing them, then tossing them out in a low-key style with little accent unless there is one that is spoken on the Maumee River. He was a material man, depending on his quick wit to come through a slow delivery.

The obituaries had him peaking in the 50's with a national television program named "Two for the Money." But back home in Indiana he was a big star for life. If he didn't love the state, he pretended well because he returned often to pledge allegiance.

Hoosiers, as Westbrook Pegler pointed out in a classic column, put a high value on loyalty to the commonwealth. They are, Pegler wrote "an entirely distinct breed of cats, and Hoosiery is comparable, in a harmless way, to the Germanism of the chosen people of the master race. They migrate freely, far and wide, few of them ever go back to Indiana except to strut their city clothes, in which they still look like Hoosiers, and they guard their racial purity . . . they may take out citizenship in other states . . . but they never become assimilated or naturalized."

Herb Shriner could have been the model for Pegler's essay. "A Hoosier has Hoosier written all over him, but if other signs fail you can always tell him by the way he ties his necktie. The most expensive tie in the world looks like a two-bit necktie on a Hoosier . . . but Hoosiery is not an affectation at all. It is something in the blood and bone and spirit of the breed. They speak of people as 'folks' and they never remain strangers long anywhere."

It was this kind of easy friendliness and absence of arrogance or vanity that made his fellow citizens proud of Shriner's fame. But they also recognized that he spoke of ancient, simple virtues that still reside in the state. While Shriner poked fun at the past, the past still is around to see in countless communities where grace is said before meals and the kids honor and obey their parents and the threshers eat pie for breakfast.

There even may be places where haircuts are available on Saturday nights and kids watch them for excitement. For Indiana changes gently and tends to cling to what it thinks are important values. One of them was Herb Shriner.

TRIBUTE TO WALTER REUTHER

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. COHELAN. Mr. Speaker, it is with a great sense of loss and sadness that I join with many of my colleagues and the Nation in mourning the death of Walter Philip Reuther, president of the United Automobile Workers Union.

Walter Reuther was a leader of the labor movement whose impact on the social, political, and economic elements of today was deeply felt. His contributions to the fulfillment of the American dream—the fulfillment of just and equal opportunities for all—will long be remembered and admired.

Working as a bench hand at the age of 16, Walter Reuther continued to rise through the ranks of the labor movement until his tragic death. His leadership went beyond the 1.6 million members of the UAW and the Congress of Industrial Organizations. He was not a labor leader interested solely in higher wages but rather Mr. Reuther believed that labor must be a vital force to help solve many of the Nation's social problems so that both laborer and employer could have a better life.

Walter Reuther was a man of the times well ahead of his times. A strong negotiator, a firm believer in racial equality, and an astute strike strategist, Walter

XUM

Reuther's bargaining techniques and trade union organizing have made a unique and lasting contribution to the Nation as well as the labor movement. His dynamic leadership and dedication made Walter Reuther a central figure in the development of America's modern industrial state.

The achievements of Walter Reuther are many and his loss will be felt by many. Mr. Speaker, I join in expressing my most heartfelt and sincere condolences to the family of Walter Reuther, a great leader, a good friend, and a remarkable man.

A POIGNANT AND PERTINENT LETTER

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ICHORD. Mr. Speaker, at a time when the riotous protest of some of our college and university students threatens to destroy the entire structure of higher education in America, I want to share, with this House, the words of one of my constituents whose letter is one of the most moving I have ever received from a member of the "Now" generation.

The author is Miss Terri Breher, a 1969 graduate of Herculaneum High School, and a resident of nearby Imperial, Mo.

Miss Breher had visited my office here in Washington when her senior class toured this city and I was impressed with the earnestness and relative maturity demonstrated by this young lady and her classmates.

Because of economic limitations in a large family, she must work and wait for her chance to get a college education. Consequently, what she sees happening on so many campuses this spring obviously causes her both deep hurt and anxiety.

Anyone dedicated to the principles and objectives of our Nation's great and generous educational system will find Miss Breher's letter both poignant and pertinent.

The letter follows:

IMPERIAL, MO.,
May 6, 1970.

DEAR MR. ICHORD: First of all, I want to tell you a little bit about myself. I am a 1969 graduate of Herculaneum High School. There are 7 kids in our family and I am the oldest of the 3 left at home. Dad makes an average income.

When all this stuff (moratorium march, R.O.T.C.) happened I remembered the letter I received from you on May 20, 1969. You had a part in it that stated, "but as a high school graduate of 1969, you are offered the advantages of far greater horizons and more abundant promises for future personal successes than any other generation." I realize that we 1969 graduates have it better than the 1945 Graduates, but I wonder what the Graduates of the next generation are going to have. What are my children going to have to face?

I also remember when we went to your office on our Senior Trip and you told us, that if we had any questions to feel free to write. That's why I'm writing now.

I started one letter when they had the Moratorium March downtown. It really burned me up, but I never did get around to mailing it. (After a while I thought it was stupid and threw it away.)

Those kids that marched downtown St. Louis that day, really made me mad.

How many of them were only thinking about themselves or their boyfriends? How many of them realize why we're fighting in Vietnam.

I listened to Nixon's speech on T.V. and he really made me think. How many of the kids that marched listened to his speech with an open mind? I realize I might have felt his speech was good, because I feel they need us over there, but I feel a lot of the ones that marched are afraid to face it. Afraid they will have to go over and fight. I feel fear is the main reason, not because we're not getting anywhere over there. A lot of the ones that marched were long-haired hippies. I have nothing against kids with long hair, but I hated them.

Another thing that got to me was the petition you were to sign. It stated are you against the war in Vietnam. Yes or No. (No maybes about it.) Then they would walk up and ask you to sign it, but then, of course, "we'd prefer for you to sign yes." I watched gobs of people walk right on by them and not sign it. What good is that petition? People don't want to be bothered, or were afraid to sign "no." I know a lot of older people were furious, but wouldn't sign the paper "no." Then those that were one-half and one-half had no place to sign.

Now, on to today's issue. The R.O.T.C. and the burning of the College.

I can see young people trying to state what they don't like, but I feel it should be in an orderly manner.

This burns me up though. Do the kids really know what they want? I feel they ought to leave R.O.T.C. alone. If it were a must, I'd understand, but that's an extra.

To me College is a very touchy subject. I've wanted to go ever since I graduated but Mom and Dad say I have to make it on my own. I want to go for General Education. As of yet, I still don't have the money, but hope to some day.

How many of the kids that are burning down Colleges and rioting have the money dished to them left and right from their parents?

Why is it the ones that have the money have to cause trouble. They say the wealthy rules the world and I'm beginning to believe it.

How many of the kids that have to work and wait to go to College are out there burning them down? I'm willing to bet none. (Not one single one.) When you have to work your way to something, you appreciate it a lot more than those that have it handed to them.

How many of the kids that could care less whether they go to college or not are given the money to go (to get the kids out of your hair) or forced to go. You can bet they aren't deprived of the right to go. Heck they've got the money let them go, & whatever they make of college is their fault & their free choice.

Now, what about us? Here we'd do anything in the world to go & would make the best out of it, and these that get the money 1, 2, 3, go & burn it down. Here we are being deprived because of them. It's bad enough being deprived of the right because of money, but also being deprived of the right to go because kids want publicity & want "to have a little fun" is a bit too much.

This is a mixed up world & there doesn't really seem to be much that can be done.

We average people will have to work 10 times harder to get what we want out of life because of the wealthy. That is the way it seems anyway.

You may say this is from a stupid, mixed up teenager who doesn't know what she is talking about. A mixed up teenager, I am. That's why I'm writing you!

I want you to realize more of how a person who has to work for the things they want, treasure what they get far more from those that have it handed to them.

Maybe you can look more into a College Education for the poorer ones. Or at least try harder to settle what is happening on the campuses today.

As for the War in Vietnam, I feel more & more kids would be willing to fight if there were more patriotic assemblies in High School. We've had several at Herky. One we had a contest on "What America means to me." The whole school wrote speeches & the top 6 were read in the assembly. The best got a $10 Bond & the other 5 got honorable mentioning. There were really some nice ones. Second we had a lady that came over from Cuba. She told us what the flag meant to her. She brought a lot of tears in our eyes & made us to respect the flag a lot more & several other ones.

Those assemblies really help a lot.

Better go for now. Hope I didn't bore you too much.

A fellow citizen,

TERRI BREHER.

P.S.—I would be glad to hear from you.

My address is:

Miss Terri Breher, Rt. 2, Box 353. Imperial, Mo. 63052.

HERBLOCK LAYS TWO CRACKED EGGS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. GERALD R. FORD. Mr. Speaker, cartoonist Herb Block of the Washington Post is usually most incisive in his graphic comments. He is also at times most unfair and sometimes downright irrational. The Detroit News in an editorial of May 6 has caught Mr. Block in one of his most irrational moments. The News points out that Mr. Block accuses the United States of widening the Indochina war on the one hand and of faltering in the Mideast through its attempt to halt the arms race there. Neither Mr. Block nor anyone else can have it both ways. The Detroit News editorial follows:

HERBLOCK LAYS TWO CRACKED EGGS

The Washington Post's popular but biting syndicated cartoonist, Herb Block, whose work appears in The News from time to time, really has laid a couple of cracked eggs in the cartoon accompanying this editorial.

Herblock, as he signs his cartoons, long has been representative of liberal opinion which has been critical of President Nixon (and President Johnson) for U.S. efforts in Vietnam and Indochina.

But in this cartoon Herblock not only equates the United States' action in going into Cambodia with the Soviet action in sending pilots into Egypt, which is bad enough, but he then contends the Soviet move stemmed from "U.S. faltering in Middle East."

It is curious that liberals such as Herblock cannot see that the same forces which endanger the independence of a small independent nation, Israel, in the Middle East are also endangering the independence of small independent nations—Vietnam, Laos and Cambodia—in Indochina.

Yet in the one case the U.S. action in widening the Indochina war is criticized as "U.S. over-involvement" while in the other the U.S. action in trying to maintain a balance in the Middle East is regarded as evidence of "U.S. faltering."

Herblock, in other words, joins the New Left in holding the United States responsible for most of the troubles in these two parts of the world and conveniently ignores the common Communist threat to the independence of small nations in Southeast Asia and in the Middle East.

TESTIMONY FOR APPROPRIATION FOR SCHOOL GUIDANCE SERVICES

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call to the attention of the Members of the House of Representatives the recent testimony of Mr. Maurice J. Downey, director of guidance for the Boston public schools, and three-term past president of the Large Cities Directors of Guidance Association. Mr. Downey appeared before the Senate Appropriation's Subcommittee on Labor-HEW and the text of his statement follows:

TESTIMONY FOR APPROPRIATION FOR SCHOOL GUIDANCE SERVICES

(By Maurice J. Downey)

Mr. Chairman and Members of the Committee: I should like to thank you for the privilege and the opportunity to testify before you today.

May I introduce myself, I am Maurice J. Downey, the Director of Guidance for the Boston Public Schools, and a three-term past president of the Large Cities Directors of Guidance Association. I am also a member of the faculty of the Harvard Graduate School of Education. My purpose in being here today is to plead with you to increase the appropriation for school guidance services under Title III contained in H.R. 16916. May I now address myself to the specific problems that exist in my own city of Boston—problems which, I assure you, are typical of those which prevail in the other large cities throughout the country.

Gentlemen, Boston is once again an island. Not an island surrounded by water as it was in the pre-revolutionary days, but an island completely surrounded by bedroom communities. Much of the affluence which would normally accrue to a larger city, much of the strong interest in education and in the guidance of children which should be an integral part of every home, much of the willingness and desire to spend resources in encouraging rewarding careers for children; all of these benefits have fled the core city and are now in the suburbs. Right now as we enter the decade of the 70's, we are largely a city of the poor and the elderly, the hapless and the needy; a city many of whose youngsters, are just starving for educational and vocational guidance simply because their parents, willing as they are, do not have the knowledge, nor do the schools have the financial resources to provide it.

I speak to you today not for a city of skyscrapers, not for a city teeming with commerce and industry, not even for myself or for my own chosen profession of guidance counseling. I plead with you today solely for the interests of the school children of Boston and for similar children in the large cities of America.

There is right now, I am certain, as we meet here, a twelve-year old youngster standing on a street corner of South Boston, or of Dorchester, or Roslindale who is disoriented, discouraged and what is most pathetic, both confused and frustrated. This unfortunate youngster most likely comes from a home in which the father is forced to work two jobs simply to provide adequate food and shelter for his family and in which the mother seems totally unable to understand her son who is just about to become a teenager. Since early childhood this boy has been told repeatedly about the absolute necessity and importance of a good education, about the need to prepare for a productive job, and especially about the multiple benefits of earning a high school diploma, and even a college degree has been mentioned. But all of these ideas are so abstract, so remote, so distant and so unreal to him that never once do they enter into his sphere of comprehension. This particular youngster of whom we speak does not know an oak tree from an elm tree but can readily identify a joint of marijuana. He has seldom, if ever, visited his local library, but he knows by rote the name of every neighborhood tavern; in his sauntering and loitering, he has often met and had dealings with local policemen, the school attendance officer, and the probation officer attached to the district courthouse.

But, sad to say, he has not met the one person who could possibly help him—I refer of course to a professionally trained and dedicated guidance counselor.

The guidance counselor is the one person who is trained to help this youngster understand just how his school studies are related to the world of work, how terribly important it is for him to attend school regularly; the one person with the acquired skills to help motivate this youngster to want to go to school, but he has not met this person for the simple reason that right now, for him, he does not exist. Why is this so, you ask. Simply because our large cities do not have the funds necessary to hire guidance counselors in all levels of our school systems. It is an established fact that existing municipal taxes cannot provide for the hiring of experts so badly needed to help this youngster and the thousands of his counterparts living in the large cities of America.

Gentlemen, I respectfully submit to you that our large city school systems are desperately in need of increased federal funds if they are to attempt to provide even minimal guidance counseling for their pupils—and what is most important, they need them right now.

To bolster my plea, please permit me to cite just a few statistics. In the city of Boston we have just a few short of 100,000 pupils in our schools. To provide guidance services for these future citizens, we have just about 100 professionally trained and dedicated guidance counselors. That gives us a pupil-counselor ratio of approximately 1,000–1.

Dr. Conant, the former President of Harvard, after making an intensive study of the American school system, stated categorically that the pupil-counselor ratio should never be less than 250–1. In our high schools we do manage to maintain a ratio of 400–1. It is in our junior high schools and especially in our elementary schools that we are hurting. We have about 64,000 junior high school and elementary school students and only 37 counselors to serve them. Our most desperate need is in our elementary schools, 56 in number, where we have only one guidance counselor and he is conducting a pilot program.

Mr. Chairman and Honorable Members of the Committee, as you can see, I simply do not have the staff to help these young people, we are crying for assistance. As the figures show, I need four times as many counselors as I have at present. If sufficient funds were made available, I could reach the desired ratio of 250–1. We need counselors and we need support for them right now. In Boston alone, we need federal funds in the amount of $4,000,000.

Mr. Chairman and Honorable members of your committee, today, in government, we are especially fond of one word and that word is "priority." When representatives of the armed forces come before committees of Congress, they speak of billions and of high priority, and gentlemen, they are right. When NASA comes before Congress they, too, speak of billions and of high priority, and again, they too are right. For who would question the need for defense or for space explorations? We are here today not to speak of war, not to speak of missiles, not to speak of space ships, but to speak for, and to highlight the needs of our children; and in doing so, we as educators speak of the highest priority, and we are convinced that we are right.

Can there possibly be a higher priority than our children? Their needs and their problems have been identified. With your help, let me assure you that we stand ready to solve them.

HE LOVES AND RESPECTS THE AMERICAN FLAG

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ARENDS. Mr. Speaker, under leave to revise and extend my remarks I am inserting in the RECORD a letter to the editor written by John A. Delizza, a naturalized citizen of the United States, which appeared in the Washington Evening Star of April 28.

He loves America. He loves and respects the American flag. He explains why. Anyone who reads his letter cannot but be inspired, and also feel ashamed that there are those who enjoy the freedom and opportunity our country offers and who, at the same time, burn the American flag.

The letter follows:

I WAS SHAMED

SIR: Twenty six years ago I was in a small town outside Salerno, Italy. It was around the end of World War II. The town had been completely destroyed, deserted by all the inhabitants—smoke, ruins, flame and destruction were all around us.

I was a young boy then. My friends and I were looking around for food; we were starving and scared. The Germans were all around us. All of a sudden we heard the terrible noise of machines—tanks were coming our way. We were scared; we embraced each other from fear. Who was the enemy? Were they Germans? If they were, they would certainly kill us.

Suddenly, in all these clouds of smoke we saw a flag; we saw a flag standing up straight, full of pride and honor. You should have been there; it was the most beautiful sight any man could have wished for. The tanks were getting closer; we didn't know what to do. We kept looking at that flag, looking, looking; and all of a sudden a smile was coming back to our face, first slowly and then bigger, bigger and deeper. It was the American flag, the American flag; and we cried and screamed with joy in our heart. The fear was gone, there were no more soldiers to kill us.

"It's the American flag; the Americans, the

Americans are here," we cried. "We are free; freedom is here at last." And we ran down the hills, we ran to our mothers hiding in the hills, in caves, even in wells. We ran with the scene of that beautiful flag we had just seen in these clouds in our eyes. . . . The Americans, the Americans are here. Boy! What a joy it was; what a sight to remember.

We cried; we cried in our mothers' arms with joy; and I remember saying to my mother: "We are not going to be killed any more, mother, the Americans are here."

How I have learned to love that flag ever since. How beautiful it was to see the sight of those American soldiers coming to our town to bring us justice, liberty, peace. How we learned to love those soldiers standing there outside of their tanks, beside the American flag. What men they were; what heroes.

Now, after twenty-six years, I am living in America. I have lived here for 24 years and have been a citizen for 20 years. I have learned to love and respect that flag more and more; and, today, I feel just as strong about it as when I first saw that flag on the hills of Salerno. But the other day, when I saw on television, in the Capital of this great nation, a young American burning the American flag in the middle of Dupont Circle and waving the Communist flag straight up in the air, I could not feel anything but horror. I was shamed, broken-hearted. Then tears came down to my face. "Man," I said, "you are not an American. Your father could not be the same soldier that gave me life, freedom and justice on these far hills of Salerno. You are not an American. You don't really know what freedom means. If you believe so deeply that your country is wrong and the enemy is right, then go there. Go to China, to Russia, wherever you think that you want to be. I will pay your one-way ticket.

"I am sure that down deep there are many Americans that would be more than willing to help you and other people like you with a one way ticket out of this country; but don't come running back home to us because you didn't find running water."

To burn the American flag is treason. Ignoring the act is worse.

John A. Delizza.

INCREASED TRADE ESSENTIAL FOR WORLD PEACE, DECLARES SECRETARY OF TRANSPORTATION JOHN A. VOLPE IN ADDRESS BEFORE THE EUROPEAN FREE TRADE ASSOCIATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 12, 1970

Mr. RANDOLPH. Mr. President, "increased trade is the essential foundation of prosperity and world peace," declared John A. Volpe, Secretary of Transportation, in a significant address on May 5, 1970, in Washington, D.C., before the European Free Trade Association.

I ask unanimous consent that portions of his remarks be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Remarks by Secretary of Transportation John A. Volpe Before the European Free Trade Association, Washington, D.C., May 5, 1970

Increased trade is the essential foundation of prosperity and world peace. And how we organize our transportation resources will determine the effectiveness of our export activity during the crucial years ahead.

In addition to our DOT Administrations for aviation, railroads, urban mass transportation and highways, this Department also has charge of the St. Lawrence Seaway, which has opened up the industrial heartland of this country to European vessel-borne trade and given our shippers there increased access to overseas markets. We include the Coast Guard—a foremost authority on the safety of life and property at sea.

I think that I would be safe in saying that the record trade levels of the sixties will be out-distanced in the decade ahead. The productivity of trade could soar if we fully exploit emerging technology, new procedures and better organization.

You can't open the newspapers without seeing one story after another about "containers", "intermodality", "port concentrations", "interfaces", "feeder service", "multimodal terminals", and so on. The gleam of massive cost cutting is in every entrepreneur's eye. These changes—once well under way—can mean substantial increases in the productivity of capital and labor and quantum jumps in the speed of through movements.

Even the projected 10 percent annual increase in trade between Europe and the United States may be surpassed. I see only one dark cloud on the horizon. The mechanics of trade, frankly, are still largely Victorian in an age which demands flexibility, speed, and strict economy of operations.

It costs an average of $163 to complete the paperwork for each American export shipment. It's no wonder. It takes a roll of 101 Government documents some 103 feet long to process a shipment or a vessel or a passenger clearance before sailing. You start with the Shipper's Export Declaration for intransit goods and end with the shipping articles 103 feet later.

This paper empire costs the United States economy $1.8 billion every year. That represents much too large a percentage of our $50 billion annual trade. We hope to help sweep away much of this debris.

The Trade Simplification Bill we sent up to Congress endorses the use of a through Bill of Lading which will consolidate as many as a dozen of the most troublesome forms into one comprehensive document permitting rapid through shipment of goods. We think of it as our "international rapid transit bill."

The challenge of technology in the next decade will be enormous, and it is largely unanticipated, even by some experts. The new wide-bodied airplanes alone could make air freight practical for thousands of shippers who must now rely upon ocean-going vessels.

The commercial version of the C-5A will carry 120 cars at a time—that's 150 tons of net payload. With capacity like that, manufacturers of products with a high value per ton—not just per pound—are going to take to air freight.

There are tough problems to solve—such as how many airports can handle these planes, who will insure them, how will we finance the expanded air navigation and control systems to handle the traffic, how can we speed up the movement of passengers and freight on the ground.

From the historic point of view such problems as we face today will seem insignificant and short-lived. The potential for the further growth of trade and tourism between Europe and the United States is so rich that only the most limited kind of self-interest can impede it for long. I foresee a golden age of trade developing in the seventies and through the next years of this century.

Containerization, simplified paperwork and passports, Customs reform, giant new planes, ocean-going hovercraft, automated cargo ships, rational and gradually lowered tariffs—all seem possible consequences of an irresistible trend of technology and systems-building throughout the commercial world.

Rational, balanced, and integrated systems of transportation—both within and among nations—will contribute to a much more productive, safer, cleaner and harmonious environment for mankind than those we are accustomed to today. The consequences for our standard of living, for the exchange of ideas, for the enrichment and cross-fertilizing of values, and for better understanding among peoples are beyond calculation.

President Nixon's foremost objective is a new world of peace, progress and justice. This is the fondest hope of the American people. Man's technical ingenuity, applied to transportation and international trade, can make a most significant contribution to that goal.

UNFORTUNATE INCIDENT AT THE BLAINE PEACE ARCH

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. MEEDS. Mr. Speaker, 1971 will mark the 50th anniversary of the building of the Peace Arch at Blaine, Wash. This Peace Arch was built in 1921 to commemorate the longest international border existing unguarded for not only the longest distance, but for the longest time.

Unfortunately, Mr. Speaker, over the weekend an incident occurred at this Peace Arch which was far from peaceful. Some 500 Canadian students swarmed across the border and into the city of Blaine, Wash., where they tore the American flag from the post office staff, and burned other American flags. They were chased out of town by the citizens there. They then went to a railroad siding where they threw rocks through the windows of automobiles sitting on railroad freight cars, causing some $60,000 in damage by the estimates of the Burlington & Northern officials in that area, damaging 90 out of 107 cars.

Mr. Speaker, I have spoken to newsmen on the scene, and have been informed by credible people that this was an openly hostile, radical group of people who came across the border and performed these acts.

After this, Mr. Speaker, they went back to the Peace Arch which is at the international border in that area. Then they painted graffiti and signs all over this Peace Arch, which has been a symbol of the cooperation and the affinity of American citizens and Canadian citizens.

Mr. Speaker, I think it is deplorable that this act has occurred. I would hope that tempers remain cool, and that we have no further incidents such as took place there.

Mr. Speaker, I am today asking the Department of State to investigate this matter, and to call upon the Canadian Government to commence an investigation on their side of the border to determine what really happened, why it happened, and to take appropriate steps to see that it does not happen again.

MAY—SENIOR CITIZENS MONTH

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. GILBERT. Mr. Speaker, this is Senior Citizens Month so I rise to salute our elderly citizens, the men and women who helped our Nation win two world wars and overcome the great depression of the 1930's.

During the depression, the men and women now age 65 or over, lost jobs, savings, and homes but they never lost faith in our great country. Instead, they helped usher in a period of unprecedented prosperity and technological achievement capable of sending men to the moon and return them safely to earth.

Unfortunately, a great many seniors have not shared the abundance they helped create. For these unfortunate citizens, and there are millions of them, the great depression never ended.

Even with the 15-percent social security increase that became payable in April, social security benefits average $1,392 a year for an individual at age 65 and $2,088 a year for a couple, both age 65.

This is woefully short of the $2,920 a year the U.S. Labor Department considers the very least a retired couple needs to stay above the poverty line. The Labor Department considers $4,215 a year as the amount required by a retired couple to enjoy a moderate style of living and $6,465 a year as the amount necessary to have a fuller share of the Nation's abundance.

When you consider that the 17,000,000 getting social security retirement benefits receive less than the $2,068 benefit average, it is evident there is an urgent need for a massive increase in social security benefits as proposed under H.R. 14430 which I introduced along with 50 cosponsors.

This bill has the support of the National Council of Senior Citizens, the AFL–CIO, and other groups concerned with the desperate poverty that engulfs millions of older Americans.

The provisions of H.R. 14430 are well known—it calls for 15 significant improvements in the Social Security Act—so I will not discuss them.

It is unfortunate that, since 1963 when President Kennedy first proclaimed Senior Citizens Month, America has not done more for citizens of retirement age.

True, we have enacted medicare, the health insurance program for those age 65 or over, and it is a godsend for the elderly. However, medicare pays less than half—46 percent—of the health expenditures of those age 65 or over. Medicare coinsurance and deductible features deprive large numbers of low-income elderly modern health care.

Since 1963, Congress has voted three increases in social security benefits but vast numbers of older Americans still find themselves financially hard pressed.

Three of every 10 men and women age 65 or over are sunk in poverty.

More Americans are spending more years in retirement. The overwhelming proportion of people retiring today must make do on incomes ranging from 20 to 40 percent of their average earnings while they were in the labor force, experts on the financial problems of the elderly report.

This is no temporary thing. All indications are this situation is worsening year by year.

Unless this trend is reversed, the great majority of today's working population faces a grim prospect when the time comes for them to retire, Nelson H. Cruikshank, president of the National Council of Senior Citizens, points out in a newly published document, "The Stake of Today's Workers in Retirement Security," issued by the Senate Special Committee on Aging.

When enacted 35 years ago, the social security program was a bold step, coming as it did at the height of the Great Depression. However, steps to improve the program have been anything but bold, being intended chiefly to catch up with rising prices.

H.R. 14430 seeks to remedy this neglect.

Congress intended the social security system to replace family income lost due to retirement, disability, and death.

Quite clearly, it has not done so. The purpose of H.R. 14430 is to implement the policy envisioned by Congress when it passed the Social Security Act.

I think Americans can be proud of the fact that our social security system is and always has been actuarially sound.

H.R. 14430 would keep it so. It would finance the many improvements it seeks by applying the social security payroll tax to earnings up to $15,000 a year—instead of $7,800 at present—and by gradually increasing the contribution from Federal general revenue until this represents approximately a third of the cost of the social security system.

There is ample justification for drawing more heavily on the Federal general fund to finance social security and medicare. As you are aware, neither the worker nor his employer contributed more than a small part of the benefits of early social security retirees. Congress made this a deferred obligation and I submit this obligation should be borne by all taxpayers and not just by workers with wages up to $7,800 a year.

The kind of reform sought under H.R. 14430 woud bring living standards of today's retirees nearer what these retirees had when employed and, at the same time, it would assure today's workers a much better deal in their retirement years than present retirees get.

Mr. Speaker, as we celebrate Senior Citizens Month, I hope we can generate support for action to assure retirees reasonable financial security in the years remaining to them and to enable today's workers to look forward to the retirement years with confidence.

In addition to financal security in retirement, seniors are entitled to decent housing at prices they can afford, and gainful employment for those able and willing to work.

First and foremost, however, they need a solid floor of financial security and I hope we can provide this for them.

As and when we do, we will have a great deal more to celebrate during future Senior Citizens Months.

ECOLOGICAL EFFECTS OF THE WAR IN VIETNAM

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. DELLENBACK. Mr. Speaker, the most recent issue of Science Magazine contains an article of profound significance for those of us in the Congress concerned with the use of chemical defoliants in Vietnam. Dr. Gordon H. Orians and Dr. E. W. Pfeiffer, who traveled to Vietnam in 1969, have reported their findings in an article entitled "Ecological Effects of the War in Vietnam," which I append to my remarks.

After viewing acres of defoliated forests and visiting many ruined rubber plantations, these scientists are very concerned about the severe ecological damage that has resulted from the extensive use of chemicals in Vietnam. In addition, they point out that chemical defoliants are not the only source of environmental damage. Huge craters, the results of thousands of bombing missions, scar the landscape, making farming difficult and providing breeding grounds for mosquitoes. Shrapnel from artillery fire embedded in trees is bringing the country's lumber industry to a grinding halt. Furthermore, the subtle effects of defoliation on the countryside is threatening the animal population of the entire region.

Orians and Pfeiffer conclude with the warning that unless scientists begin to study the ecological effects of the Vietnam war immediately, the future of that country is in peril. I find this suggestion most enlightening. Today, I addressed a letter to the President, urging that, along with this administration's recent and very constructive step of restricting the use of 2,4,5T, he establish a Vietnam Ecology Commission consisting of prominent American and Vietnamese scientists. This commission would use its expertise to prepare a detailed report on the ecological conditions of that region and also to recommend the proper steps that should be taken to insure a stable and healthy environment for post-war Vietnam.

The article from Science Magazine follows:

[From the Science magazine, May 1, 1970]

ECOLOGICAL EFFECTS OF THE WAR IN VIETNAM

(By Gordon H. Orians and E. W. Pfeiffer)

(Effects of defoliation, bombing, and other military activities on the ecology of Vietnam are described.)

Wars are always destructive of environments, but never before have the ecological effects of a war been a major issue. For the past several years there has been widespread concern among scientists about the massive use of chemicals for defoliation and corp destruction in Vietnam. Because these chemicals have never before been used in military operations, there are no data upon which to predict the effects of such use. However, J. S.

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Foster, Director of Defense Research and Engineering, Department of Defense, has stated that the Department of Defense would not use these chemicals if it judged that seriously adverse ecological consequences would occur. The basis upon which this judgment was made is not clear in view of the fact that the report of the Midwest Research Institute (sponsored by the Department of Defense) on the ecological effects of herbicides [1] points out that predictions based on civilian uses are not valid. This is because the military application of herbicides in Vietnam is carried out under conditions that are not comparable to the civilian situation.

Recognizing that there were no data on the ecological effects of the military use of herbicides in Vietnam, the Department of State sent F. H. Tschirley, a U.S. Department of Agriculture plant ecologist, to Vietnam in March 1968, to make a 30-day assessment of the ecological effects of defoliation. His report [2] indicates that the defoliation program is having a profound effect on plant life in Vietnam. He was, however, unable to get first-hand data on many aspects of the problem, including effects on animal life. Accordingly, the Society for Social Responsibility in Science decided to sponsor a trip in March 1969, with the objective of supplementing Tschirley's observations with those of zoologists. Unfortunately both of these visits have been made in the dry season.

SOURCES OF INFORMATION

We gathered information and impressions from interviews with military personnel involved with both field operations and policy decisions. We traveled by helicopter over areas damaged by B-52 bombing raids, and we flew on spray missions with the C-123 aircraft which have been modified for spray application. We were also able to take a 2-hour, 40-minute (104 kilometers) trip by Navy patrol boat through the Rung Sat Special Zone, an extensive region of mangroves on the Nha Be River, which has been heavily defoliated. The main shipping channel to Saigon passes through the area and widespread defoliation has been used to reduce the incidence of rocket and mortar attacks on vessels coming up the river. We are grateful to the U.S. Embassy, Army, Navy, and Air Force, the Rubber Research Institute of Vietnam, Plantations Michelin, and the many Vietnamese biologists, both in governmental and nongovernmental positions in their country, for their cooperation and hospitality. All information which we requested from the Department of Defense that did not carry a security classification was made available to us.

Because rubber plantations are one of the most important sources of foreign capital in Vietnam and since the rubber tree *Hevea brasiliensis* is particularly susceptible to damage by defoliants, especially 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) [3], we interviewed plantation owners concerning defoliation damage. The planters themselves have not carried out systematic studies of the physiological effects of defoliants on rubber trees, but they have been very much interested in estimating their losses. The Rubber Research Institute of Vietnam, a private research corporation, has made careful observations of the nature and extent of damage to rubber trees and has carried out some experiments to find ways of minimizing the loss to defoliants. The data in the files and publications of the Institute, kindly made available to us by the director, Jean-Paul Poliniere, were invaluable to us in learning more about effects of defoliation on rubber trees. Also, during a visit to the research station of the Institute, we were able to observe recent damage to trees by defoliants and to view pictures of trees damaged and killed by previous defoliations. Officials of the Michelin Plantations also provided us with data from their files on the nature and extent of herbicide damage to rubber trees on one of their plantations.

The Faculty of Science, University of Saigon, and government agencies concerned with plants and animals, such as Ministries of Fisheries, Forestry, and Agriculture, are staffed with biologists trained primarily in France and the United States. These people are knowledgeable and concerned about the ecological effects of the war in their country. By means of interviews with them we were able to assess their concerns, find out what kinds of studies have been initiated, explore ways of helping them launch future studies, and to gather information they had collected which was relevant to our mission.

Wartime conditions prevented us from making ground observations in heavily defoliated forests, but we were able to discuss damage with B. R. Flamm, Chief, Forestry Branch, U.S. Agency for International Development, Saigon, and to examine photographs he took inside forests receiving one and two applications of defoliants. In addition, one of us (G.H.O.) visited some of the sites in Puerto Rico, which have been used to test defoliants under tropical conditions, in April 1969, for a closer look at vegetation recovery and animal populations.

Because previous work on the effects of defoliation in the field have dealt almost entirely with direct effects upon plants, we made a special effort to observe animals in all the areas we visited and to ask as many questions as we could about changes in the status of animals. Because our own knowledge was most extensive about birds we learned the most about them, but we did gather some information on other taxa through interviews. Because of the short duration of our visit we were unable to obtain definitive answers to some of the most important questions which have been raised by the American scientific community about the ecological effects of the war, but we feel that the material we gathered forms a significant contribution to continuing efforts to assess the impact of modern warfare upon the environment in which man must live.

OPERATIONAL ASPECTS OF THE DEFOLIATION PROGRAM

Inasmuch as it is the widespread use of herbicides in Vietnam that has been of greatest concern to American scientists, we gave top priority to learning about the effects of the defoliation program in Vietnam. Defoliants have been used in Vietnam by the United States since 1962. The program started modestly but increased sharply after 1965 (Table 1). A peak was reached in 1967 followed by a slight reduction of total area sprayed with defoliants in 1968 as a result of the reassignment of equipment for other missions following the Tet Offensive.[4] The bulk of the spraying is directed against forests and brush, but a signicant proportion is directed against cropland in the mountainous parts of the country.[4] The U.S. military authorities believe the food grown in the mountainous areas is used to feed the forces of the National Liberation Front. They deny using defoliants on rice crops in the delta region. Much of the defoliation is along roads and rivers and around military establishments, and border areas (near Laos and Cambodia) are extensively defoliated. Forested regions north and northwest of Saigon in Tay Ninh, Binh Long, Binh Duong, Phuoc Long, and Long Khanh provinces have been very hard hit. This area contains some of the most valuable timber lands in the country. In most cases, broad forest areas have not been repeatedly defoliated, though possibly 20 to 25 percent of the forests of the country have been sprayed more than once. Roadsides and riverbanks are subjected to multiple defoliation at regular intervals.

TABLE 1.—ESTIMATED AREA TREATED WITH HERBICIDES IN VIETNAM

Actual area sprayed is not known accurately because some areas are resprayed. Areas are estimated from the number of spray missions flown, the calibrated spray rates, and the width of spray swath covered. (From Department of Defense data.) 1 acre equals 0.4 hectare]

Year	Defoliation (acres)	Crop destruction (acres)
1962	17,119	717
1963	34,517	297
1964	53,873	10,136
1965	94,726	49,637
1966	775,894	112,678
1967	1,486,446	221,312
1968	1,297,244	87,064

Officially the defoliation program is a Vietnamese program with the assistance of the United States. The initial request for defoliation may be made by either a district or a province chief with the support of his American advisor. Included in the request must be the claim that the targeted area is under control of the National Liberation Front or of the North Vietnamese. The chief must also pledge to reimburse his people if there is any accidental damage to their crops by windblown spray or other causes. The request also must contain a promise to inform people in the target area that it will be sprayed, giving them the reasons for the spraying, and offering them the opportunity to change their allegiances if they so desire. Plans are supposed to be made in advance to handle any refugees which might result from the operation.

This request then goes to the division tactical zone commander and his American advisor, then to the Corps commander and his advisor, and then to the Vietnamese Joint General Staff and its American advisors in Saigon. In Saigon the request is circulated among a broad spectrum of groups dealing with pacification operations, intelligence, psychological warfare, and chemical warfare. Finally, permission must be given by the commanding general and the United States Ambassador to Vietnam.

Despite this formal arrangement, in Vietnam the program is generally considered to be an American one, and military justification of it is always given in terms of the American lives it saves. Moreover, there is evidence that the many precautions specified by the procedures are neglected regularly. For example, aerial reconnaissance of the target area prior to the decision to spray it, is omitted if the schedule is busy, and in enemy-held areas there is often no warning given.

To reduce transfer of herbicides by the wind and to improve the kill on the desired target, the military authorities have established regulations governing conditions under which defoliation may take place. Missions are to be flown only when the temperature is less than 85°F (29.4°C) and the wind is less than 10 knots. This restricts aerial spraying to morning hours, though usually an attempt is made to fly two successive missions each morning.

The defoliants used in Vietnam, the concentrations used, and those used in U.S. civilian operations, and the purposes for which they are best suited are given in Table 2. In the region of Saigon, where wind-blown and gaseous herbicides pose threats to cropland, agent White is now preferred because of its lower volatility and persistence but in regions where there is little agriculture, Orange is the preferred agent because it is most economical. Presently in Vietnam, Orange constitutes about 50 percent of the total herbicide used, White 35 percent, and Blue 15 percent, the latter being used primarily against mountain rice crops.[4]

Footnotes at end of article.

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EFFECTS OF DEFOLIANTS ON TREES

It was impossible for us to visit defoliated forests on foot or by means of ground transportation. We, therefore, are unable to add much to what has already been reported on the direct effects of defoliants on forest trees. We can confirm Tschirley's report [2] that the trees which are collectively known as mangroves are extremely susceptible to the action of defoliants and that one application at the normal rate employed in Vietnam is sufficient to kill most of the trees. Most of the areas we visited by boat on the Rung Sat Peninsula were still completely barren even though some of the areas had been sprayed several years earlier. Only in occasional places was there any regeneration of mangrove trees. We observed no growth of the saltwater fern *Achrosticum aureaum* which often invades mangrove areas.

Mangrove vegetation is floristically simple, the forests in Vietnam being dominated by *Avicennia marina*, *A. intermedia*, *Rhizophora conjugata*, *Bruguiera parviflora*, *B. gymnorhiza*, *Ceriops candoleana*, and *Nipa fruitcans*, the latter species also forming dense stands along most rivers in the delta region where they are subject to tidal influence. The normal pattern of vegetation succession in mangrove areas has been reviewed by Tschirley [2] who suggests that about 20 years would be required for the reestablishment of the dominant *Rhizophora-Bruguiera* forest. This estimate is based upon the assumption of immediate redistribution of seeds to the defoliated areas and the presence of suitable germination conditions when they arrive. Although our observations were limited to what we could see from the boats with binoculars, there is reason to believe that the timetable may be somewhat longer than this. Possibly conditions for seed germination are not now very good in the defoliated forests. The unusual soil conditions of mangrove forests may result in a failure of the herbicides to be decomposed. If the molecules remain bound to the soil particles they might influence seed germination for a long time. Alternatively, seed dispersal into the areas in which mature trees have been killed. Many of the areas, as a result of continued soil deposition under the trees, are flooded only at the highest of high tides, and seeds must be transported for long distances from the river channels under very unfavorable conditions. It cannot be excluded that reestablishment of the original forest may be impossible except along the edges of the river channels and backwaters.

Military operations in Vietnam provide an opportunity to study the effects of unusually high rates of application of herbicides. For example, before jet pods were installed in the C-123 aircraft, the planes were unable to remain aloft in case of engine trouble. In such a contingency, the crew could jettison the entire contents of the tank (1000 gallons; 3.79 kiloliters), in slightly less than 30 seconds, whereas normal spray time is about 4 minutes. Although such contingencies are said to occur less frequently now, they do continue to happen. On the spray mission which one of us (E.W.P.) accompanied as observer, the spray nozzles of one plane failed to work properly, and the entire tank was unloaded at the end of the target. Because the locations of targets are pinpointed very precisely, and because reports are made of all unusual activities during a spraying mission, it should be possible to keep a record of such occurrences. It is most important that all such incidents be recorded in order to enable biologists, in the future, to investigate the sites of concentrated defoliant applications.

EFFECTS OF DEFOLIATION ON UPLAND FORESTS

Our observations on upland forests that were sprayed directly were limited to aerial reconnaissance. Regrettably we have nothing to add to the published studies about the short-term effect of defoliants on tropical forest trees after single applications of herbicides.[1 2 3] The area in northern Long Khanh province that one of us (G.H.O.) observed from the air had been sprayed previously, and many of the trees on the actual target of the mission already appeared to be dead. Except for the wetter spots which were covered with bamboo, the ground was clearly visible in most areas from the low-flying aircraft. Many areas in War Zones C and D have been sprayed more than once, and this multiple spraying is also associated with coverage of wide areas. Vegetative recovery as judged from the air was limited to the growth of bamboo and understory trees rather than to refoliation of the canopy dominants.

Observations of defoliated upland forests were made from the ground by Tschirley [2] and Flamm.[6] They visited defoliated forests near Special Forces camps in Tay Ninh and Binh Long provinces northwest of Saigon, a region of gray podzolic soils. According to these studies, after defoliation, on sites sprayed once, there appears to be a modest kill of canopy trees, but understory seedlings and saplings survive and forest regeneration begins fairly rapidly. However, on sites that received two sprayings roughly 1 year apart, a heavy kill of all woody plants, including seedlings, is reported. Two or three spray applications may kill approximately 50 percent of commercially valuable timber in such forests. These areas are being invaded by grasses which are resistant to forest defoliants and which may arrest succession by preventing the reestablishment of tree seedlings for a long time. Even if this does not occur, it will take many decades before a mature forest grows. Subtle effects, such as changes in the species composition and forest physiognomy, may persist for much longer than that.

A year after spraying, timber is still in good condition, and could be harvested for commercial use, if equipment and markets are available. However shrapnel will be a serious problem for the Vietnamese lumber industry for many years. Most sawmills report that they lose from 1 to 3 hours each day because shrapnel in the logs severely damages the saw blades. The forestry program is looking for suitable metal detection equipment that might help to reduce this damage.

A variety of herbicides, including picloram, bromacil, isopropylamine, prometone, dicamba, divron, and fenac have been tested for their effects under tropical conditions in Puerto Rico since 1962.[7] The plots visited in April 1969 were located at an elevation of 540 meters in the Luquillo Experimental Forest in northeastern Puerto Rico. They had been sprayed in 1965 with a Hiller 12-5 helicopter which delivers the spray over a standard swath 35 feet (10.7 meters) wide. The plots were 60 by 80 feet (18 by 24 meters) separated by buffer zones 20 feet (6 meters) wide and there were three replications, ordered in a randomized block design, with 50-foot (15-meter) buffer zones between the strips. The extent of defoliation had been measured 1 year after treatment, the percentage of defoliation on each tree being estimated visually. Apparently there had been no recent ground visits to the sites because all the trails were overgrown and the boundaries of the plots were almost impossible to find. There has been little interest in the continuing effects of the herbicide treatments. This is unfortunate for some areas received very high rates of herbicide application [27 pounds acid equivalent per acre (30.2 kilograms per hectare)]. Assays of growth rate and germination of cucumbers, made in soils up to 1 year after application of the herbicides, revealed relatively high concentrations of picloram, although this technique does not provide precise quantitative measures.

TABLE 2.—CHEMICAL COMPOSITION, RATES OF APPLICATION, AND USES OF MILITARY HERBICIDES FROM DATA SUPPLIED BY THE U.S. DEPARTMENTS OF DEFENSE AND AGRICULTURE. 1 POUND PER GALLON, ACID EQUIVALENT (AE) EQUALS 114 GRAMS PER LITER. 1 POUND PER ACRE EQUALS 1.12 KILOGRAMS PER HECTARE.

Agent	Composition (Percent)	Concentration (lb./gal. AE)	Rate of application (lb./acre)		Use
			Vietnam	United States	
Orange	n-Butyl ester 2,4-D 50 n-Butyl ester 2,4,5-T 50	4.2 3.7	27.0	2.0	General defoliation of forest, brush, and broad-leaved crops.
Purple	n-Butyl ester 2,4-D 50 n-Butyl ester 2,4,5-T 30 Isobutyl ester 2,4,5-T 20	4.2 2.2 1.5			General defoliation agent used interchangeably with agent Orange.
White	Triisopropanolamine salt, 2,4-D Triisopropanolamine salt, picloram	2.0 0.54	6.0 1.5	.5-2	Forest defoliation where longer term control is desired.
Blue	Sodium cacodylate 27.7 Free cacodylic acid 4.8 Water, sodium chloride balance.	3.1	9.3	5-7.5	Rapid short-term defoliation. Good for grass control and use on rice.

There is a possible serious source of error in the visual estimates of the speed of refoliation in these Puerto Rican rain forest plots. At the higher rates of herbicide application, it was clear that most of the trees had been either killed or severely damaged. However, these plots had been invaded by vines which climbed the trunks of the dead trees and spread out over the former canopy. On fore of the plots nearly all of the greenery above 3 meters was contributed by vines and not by refoliation of the original trees. Nevertheless, a quick visual estimate, particularly if it were made from a helicopter, might be taken to indicate that extensive refoliation of trees had occurred. The vine-choked plots will not return to their former state as rapidly as they might otherwise, because the dead trunks will probably collapse under the weight of the vines in a few years, creating a low, vine-covered mat through which regeneration could be very difficult. We urge that continued studies of vegetation succession on these and other Puerto Rican test plots be undertaken so that the time required to reestablish the original forest and the factors influencing the pattern of succession can be determined.

Some vine invasion was also characteristic of plots receiving lesser amounts of herbicides, but a severe setback in these forests did not appear to have taken place. Seedlings of mahogany, *Swietenia macrophylla*, and Caribbean pine, *Pinus caribaea*, which had been planted in some of the plots a month after defoliation were surviving quite well.

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EFFECTS OF DEFOLIANTS ON ANIMALS

Tschirley obtained no direct information on the effects that killing the mangroves had on animal populations, but he cited statistics that the fish catch in the Republic of Vietnam had been increasing. Because many factors influence total fish catch and because most of the fish are caught in regions not directly exposed to defoliation, the significance of these data is unclear. Therefore, we attempted to learn as much as we could about animal populations in the defoliated mangrove forests.

As might be expected, the almost complete killing of all the vegetations of the mangrove areas by herbicides has had a severe effect upon the animals living there. During our tour of the defoliated areas we did not see a single species of insectivorous or frugivorous birds with the exception of barn swallows, *Hirundo rustica*, which are migrants from the north. Although no data regarding the bird populations in the Rung Sat prior to defoliation exist, our experiences in mangrove areas in tropical America indicate that there should have been large numbers of land birds. For example, in Panama as many species of birds were found in a pure red mangrove (*Rhizophora mangle*) forest as would be expected on the basis of the leaf height profile (density of leaves per unit volume as a function of height of forest) of the stand,[8] and in a brief census of a similar mangrove forest (primarily *Rhizophora*) in Costa Rica, 44 species of land birds which appeared to be resident and breeding were recorded.[9] Mangrove areas throughout the tropics are rich in bird species,[10] many of them restricted to that type vegetation, and the Southeast Asian mangroves are no exception.

Fish-eating birds seem to have suffered less severely, but even their numbers were much fewer than we expected. The species of birds and the number of individuals per species that we observed during a 2-hour period in the defoliated areas, are: oriental darter (*Anhinga melanogaster*), 2; grey heron (*Ardea cinerea*), 13; large egret (*Egret-taalba*), 3; little agret (*E. garzetta*), 12; intermediate egret (*E. intermedia*), 1; javan pond heron (*Ardeola speciosa*, 6; stork (*Leptoptilos* sp.), 2; black-winged kite (*Elanus caeruleus*), 1; osprey (*Pandion haliaetus*), 9; whimbrel (*Numenius phaeopus*), 3; little tern (*Sterna albifrons*), 10; and white-breasted kingfisher (*Halcyon smyrnensis*), 2. All except the kite, which feeds on small mammals, are fish-eating birds. This suggests, as would be expected, that aquatic food chains in the mangroves may have been less severely affected by defoliation than the terrestrial ones. The only other vertebrate we saw in the defoliated areas was a large crocodile *Crocodylus* on the bank of a small channel.

Of all the areas in Vietnam, the mangroves in the delta of the Saigon River have probably been most severely affected by defoliation. The area treated has been very extensive, covering many square kilometers, the vegetation is extremely sensitive to herbicides, and many of the species of animals inhabiting mangroves are restricted to that type of vegetation. These animals are therefore inhabitants of "islands" surrounded by unsuitable habitat and as such are expected to have higher rates of extinction even under normal conditions than species of more continuous habitats.[11] These same properties make them more susceptible to local and complete extermination by disturbance and destruction of habitat than are species of upland habitats. Long-term studies of the ecology of the Rung Sat should be given a high priority, including investigation of the status of such invertebrates as crustaceans.

Birds were scarce in the heavily defoliated plots in Puerto Rico, but in the more lightly treated areas both species composition and general population density were comparable to that found in untreated areas in the general vicinity. There was not time to conduct a complete census, but it is doubtful whether such studies would be worthwhile since the plots are so small that they are less than the average size of most bird territories. Therefore, the effects of the tests on bird populations should in any event be minimum. It is important to remember, however, that results from spraying of very small areas cannot be assumed to apply to extensively treated areas.

TOXICITY OF HERBICIDES

The problem of the toxicity of herbicides to animals is not yet resolved. Nearly all studies are short term, and results are contradictory. Some reports[1] suggest that at the prevailing concentrations herbicides are not directly toxic to animals, and Tschirley[2] states: "There is no evidence to suggest that the herbicides used in Vietnam will cause toxicity problems for man or animals." However, according to Holden[12] 2,4-dichlorophenoxyacetic acid (2,4–D) may constitute a potential danger to fish even in normal use. The LD$_{50}$ value for salmonids during a 24-hour exposure to 2,4–D is 0.5 part per million. Thus, a concentration of 4 pounds of active constitutent per gallon (458 grams per liter) in a small [10 cubic feet (0.28 cubic meter) per second] stream would expose fish to about 100 times the LD$_{50}$. It should be recalled that the rate of application of 2,4–D in Vietnam is slightly greater than this. According to Holden, the toxicity of 2,4,5–T is about one-half that of 2,4–D.

Another possible source of toxicity to animals from defoliation is an indirect effect of the activity of 2,4–D in plants. Stahler and Whitehead[13] reported that there are several cases of cattle becoming ill or dying after eating certain species of weeds that had been treated with 2,4–D. These authors present data that clearly indicate that sublethal dosages of 2,4–D may markedly affect the metabolism of certain plant species so that toxic quantities of nitrates accumulate in the treated plants. In the animals the nitrates are changed to nitrites which are absorbed into the blood producing methemoglobin which results in oxygen deficiency to the tissues. This condition may cause death or illness resulting in abortion. Leaves of sugar beets that had been treated with 2,4–D were shown to have amounts of nitrate well above the minimum lethal concentration. A recent statement[14] by an American agricultural specialist emphasizes that "Dairy cows should not be grazed on irrigated pasture for seven days after application of 2,4–D at the one-half pound and over rate of application."

To our knowledge there are no studies of the effects of agent Orange on Vietnamese forage plants to determine whether these plants become toxic to animals due to nitrate accumulation following defoliation with Orange. Determination of nitrate concentration in leaves should be made in defoliated and control areas, and the hemoglobins of animals which feed on exposed plants should be studied.

A recent study of the teratogenicity of 2,4-D and 2,4,5-T[15] shows that the latter compound is highly teratogenic in rats and mice at dosages that are possible of ingestion by humans in Vietnam.

We uncovered little evidence of direct toxic effects on animals. The Tan Son Nhut air base in Saigon is sprayed by hand with agent Blue several times each year and nonetheless has a serious rat problem. A trapping crew every night puts out 100 snap traps and 30 live traps, baited with bacon. From 3 January 1969 to 19 March 1969, they had trapped 613 rats and 8 viverrids of at least two species. We netted and observed birds on a previously sprayed brushy area near Bien Hoa on two different mornings and found birds very common. We saw much territorial defense and singing as would be expected at the end of the dry season in the tropics.

We did receive one report of many sick and dying birds and mammals in forests following defoliation and two reports of death of large numbers of small pigs near Saigon, but were unable to follow up either report. The Ministry of Agriculture has received no bona fide claims of animal damage from defoliants. Nevertheless, we must not forget that habitat destruction, which defoliation regularly accomplishes, is in most cases the equivalent of death for animals. The widespread view that animals can move to other nearby areas is untenable because recent ecological evidence suggests that tropical forests hold the maximum number of individuals of most species that the resources will support. Reduction of forest habitats will decrease the populations of forest animals by an equivalent amount. Nor is it true that forest species can live successfully in the greatly modified conditions which prevail in even partially defoliated forests. Species characteristic of successional stages will, of course, be expected to move into the disturbed areas, but even they may have to wait until the basic food resources, such as insects and fruit, have built up again, and we do not know how long this will take.

A phenomenon that should be investigated immediately is a widespread sickness which appears at the beginning of the rainy season in commercially important freshwater fishes. The symptoms are many small, round, dark spots in the muscles. The taste of the fish is also adversely affected. Poor people continue to eat the fish even though they are diseased. This disease has always been characteristic of that time of the year in Vietnam, but the director of the Institute of Fisheries has received reports which suggest that the incidence is now higher than before. Conditions in the shallow water of the fields are ideal for concentration of herbicides. The Vietnamese fisheries people, who are qualified and presently have greater mobility in the country than Americans, are in a position to initiate such studies now. The Minister has already circulated a letter among his representatives in the provinces asking for any information they may have, and we agreed to help formulate a more detailed questionnaire for future circulation.

Some insight into the possible harmful effects of the herbicides now in use in Vietnam may be gained by consulting the labels which give directions for their uses. Dow Chemical Co., makers of agents Orange and White, warn that these chemicals should be kept out of reach of children and animals. The label on agent White states: "Do not allow material to contaminate water used for irrigation, drinking, or other domestic purposes." Dow Chemical Co. also recommends that no grazing be allowed on treated areas for 2 years after treatment and that some broadleafed crops may show damage 3 years after application.

Ansul Chemical Co., makers of agent Blue, state that when an individual is exposed (to cacodylic acid) daily for extended periods, the inspection of skin sensitivity should be supplemented by monthly urinalysis for arsenic. Symptoms of acute poisoning from cacodylic acid are headache, vomiting, diarrhea, dizziness, stupor convulsions, general paralysis, and death. The dosage required to cause these symptoms may be as little as one ounce (28 grams) of cacodylic acid per human adult.

EFFECTS OF DEFOLIANTS ON RUBBER CULTURE

Most studies of the effects of defoliants on forest trees have been confined to observation of the percentage of defoliation after relatively short intervals following single ap-

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plications of herbicides. Studies of the effects of defoliation on rubber trees have been initiated by the Rubber Research Institute of Malaya and by the Rubber Research Institute of Vietnam because of the economic importance of rubber trees to Vietnam and because of the widespread damage to plantations from military spraying. Although these studies contain the best available data, they have been limited by the shortage of funds and difficulties of field work in a country during wartime.

Damage to rubber trees in Vietnam has been extensive. During 1967–68, the Institute staff visited over 200 different plantations in the provinces of Bien Hoa, Binh Duong, Gia Dinh, Hau Nghia, Long Khanh, Phuoc Tuy, Tay Ninh, and Binh Long. (This covers most of the area between the rice-growing areas of the Saigon and Mekong River deltas and the mountainous central part of the country.) On this extensive area of approximately 130 by 40 kilometers, all plantations reported damage by defoliants. More than 40,000 hectares planted with rubber trees were defoliated at least to the extent of 10 percent. It is difficult to estimate the total amount of damage resulting from defoliation. Plantation owners might possibly submit exaggerated claims, but there is no doubt that the damage has been considerable. For example, Plantation de Dautieng of the Michelin Company has been affected by defoliants three times since 1965. In all cases, the defoliant has not been applied directly to the rubber trees, but has been carried by the wind from applications in the general area. No trees were killed, but, by measuring the drop in latex production due to stoppage of tapping, decreased yield of lightly damaged trees, and costs of cutting and trimming back partially killed trees, the company estimates that the damage amounted to $27,835 in 1965, $37,479 in 1966, and $27,844 in 1967.

The yield of rubber per hectare is decreasing. In 1960, rubber plantations in Vietnam yielded 1066 kilograms of dry rubber per hectare (on plantations of more than 25 hectares). In 1967, the yield had dropped to 793 kilograms per hectare. In contrast, in Malaysia the yield in 1960 was 758 kilograms of dry rubber per hectare, but had risen to 1007 kilograms per hectare in 1966. The decrease in yield in Vietnam is due to a combination of circumstances such as the cessation of tapping forced by military action, less experienced labor and less thorough control in the field, herbicide damage, lack of general upkeep of plantations, and the cutting of rubber trees along roads where about 3000 hectares have already been cut. The relative importance of each factor seems impossible to assess. It is a fact that they are all the consequence of the war.

The total yield of rubber in Vietnam has also declined. In 1960, 77,560 tons of dry rubber were produced. Rubber exports amounted to $48,000,000, which was 56 percent of South Vietnam's total exports for that year. In 1967, the yield had dropped to 42,510 tons of dry rubber, which, considering the devaluation of the piaster, amounted only to $12,800,000. Inasmuch as other exports suffered even more heavily, this diminished amount (26 percent of the 1960 exports) made up 72 percent of South Vietnam's exports, which had decreased to $17,800,000, or 20.8 percent of the 1960 exports.[16]

If a rubber tree is completely defoliated by herbicides, the Institute recommends that planters stop tapping until its new leaves are fully grown. Because it takes a month for a new leaf to grow to full size from the time of breaking of bud dormancy and because dormancy is not usually broken immediately after defoliation, the minimum period of stopping is about 2 months. The maximum period of stoppage is, of course, permanent if the tree is killed. If tapping is not stopped while the tree is defoliated, there is competition between growth of new leaves and yield within the tree, and the future health of the tree is jeopardized. In a number of cases where trees were not killed, tapping has been stopped for as long as 1 year. If only some of the leaves are lost, tapping can be continued, but there is a drop in latex production after a lag of about 1 month. The loss, over a period of a year, has been estimated to be sometimes as much as 30 percent of the normal yield of latex. At current prices that amount of loss reduces profit from about $90 per hectare per year to nothing. As a consequence, most of the small plantations have been unable to stay in business. Only the large planters, with solid financial backing, can afford to remain in operation despite the war.

According to studies by Dow Chemical Company (as reported to us by the Rubber Research Institute), the defoliant is absorbed through the leaves of the trees and is carried down through the phloem within 24-hours, and symptoms of defoliation appear within a few weeks after spraying. The distance the defoliant travels down the tree is a function of the dosage received, and the Institute people have assessed this by the simple device of cutting into the trunk of the trees at different heights to investigate the flow of latex. Necroses are also clearly visible in the sectioned trunks, many of which we examined in the laboratories of the Institute. As might be expected, the smaller the rubber tree, the more readily it is killed by defoliants. Research in Malaysia has shown that a wide range of concentrations of the *n*-butyl ester of 2,4,5-T killed rubber seedlings in 6 weeks (*3*). Accidental defoliations in Vietnam indicate that trees less than 7 years old can be killed by the dosages used in military operations, but that older trees normally recover. Nevertheless, all trees on 100 hectares on Plantation Ben Cui were killed by herbicides in 1965, despite the fact that the trees were 33 years old. From such occurrences, the Rubber Research Institute concluded that repeated defoliations threaten the very existence of rubber culture in Vietnam.[17]

In spite of such evidence, Chemical Operations Division, United States Army, claims that rubber trees cannot be killed by defoliants. According to our observations, although we do not claim expertise in this field, damage to rubber production is severe. The Rubber Research Institute, which does not itself maintain any plantations and cannot be accused of bias on that account, seems to be in an excellent position to conduct further research into the physiological effects of defoliants on trees. Funds are urgently needed for this purpose.

EFFECTS OF ACCIDENTAL DEFOLIATION

The extent of damage resulting from wind-blown and gaseous herbicides has been much debated. Agent Orange is classified as a volatile herbicide by plant physiologists, but physical chemists regard it as nonvolatile. Under proper weather conditions nearly all of the spray is deposited on the vegetation or ground within a minute after release from the aircraft. Those vapors formed during fall of droplets subsequently diffuse according to the laws of gaseous diffusion. Therefore, it has been concluded that "The rate of downwind movement of vapors, and therefore the duration of exposure of plants to the vapors, is dependent upon wind speed in the first few minutes subsequent to spray release. *While no quantitative data are available,* it is our considered judgment, based on the above reasoning, that vapors arising during the actual spray operation, as usually carried out, can be dismissed as a source of herbicides for crop damage outside target areas"[18] (emphasis added by us). This assumes the existence of inversion conditions and that transport of the liquid spray droplets by the wind is negligible. Our direct observations and interviews suggest that the seriousness of this problem has been greatly underestimated.

We were able to observe defoliation damage to several species of trees far removed from target areas. On 25 March, in the village of Ho-Nai, we observed many fruit trees that had recently been damaged by defoliants. The characteristic sign was the presence of curled, dead leaves on the trees. Damage seemed excessive on the south side of the trees, which suggests that the spray was carried into the village by a southerly or southeasterly wind. Villagers informed us that spray had hit them about 1 week previously. Chemical Operations Division, United States Army, reported to us that a defoliation aircraft had had to jettison its chemicals at the time of takeoff from nearby Bien Hoa Air Base, approximately at the time when the Ho-Nai residents had observed the spray. The most severe damage was to jack fruit (*Artocarpus heterophyllus*, Moraceae) which is also a producer of a milky sap. The residents of Ho-Nai claimed to have been affected by defoliation missions seven times within the past year.

On 23 March, in a residential area between Saigon and the U.S. Air Base at Bien Hoa, we examined and photographed many diseased mango trees. The owner, a biologist trained in the United States, claimed that the trees suffered defoliation 3 years ago, after which they became infected and had not since flowered or produced fruit. In other areas we subsequently observed the same symptoms in mango and other trees. According to the Rubber Research Institute, latex-producing trees seem to be more susceptible to herbicide damage than other species.

Every Vietnamese biologist we talked to explained that actual herbicide damage has been frequent and regular over much of the delta region. In the Ministry of Agriculture we were shown photographs of damaged jack fruit, manioc, and rubber and were told that many guava trees had been killed. The Ministry has attempted in a preliminary way to assess the total damage reported and found it to be so extensive that adequate financial compensation to the owners of damaged trees would probably be impossible. The experimental station of the College of Agriculture of the University of Saigon at Tu Duc has been affected by windblown defoliants several times, usually with almost complete kill of vegetables.

It is difficult to determine the amount of claims actually submitted to or paid by the Vietnamese government. Funds for the payment of defoliation claims are provided by the United States, but the claims are handled by the Political Warfare Department of the Air Force of the Republic of Vietnam under the Military Civil Assistance Program. Damage claims are considered and paid by province officials under guidelines established by the central government. Everyone we talked with agreed that payments are minimum. We were told by Vietnamese that people who file claims with the government are often threatened with imprisonment if they continue to press their claims. Many others do not attempt to file claims because they feel it will be of no use. United States officials argue that most claims are fraudulent.

It is our opinion that significant quantities of defoliants are regularly carried by the wind over broad areas of cropland in the Republic of Vietnam. Even given the difficulties of making first-hand observations in a war zone, it would be possible for independent observers to verify or disprove many of the conflicting claims. Such a study is urgently needed. Rising damage claims in 1967 caused a serious review of the defoliation program at that time.[19] Serious contro-

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versies over damage caused by wind-blown spray had arisen, and the psychological impact on the Vietnamese was great. It is noteworthy (and substantiates the claims of widespread crop damage) that the United States now has changed its policy and uses primarily agent White in the delta region because its volatility is lower than that of the other available agents. Nevertheless, we encountered many reports of very recent damage in that area.

CROP DESTRUCTION

Direct and deliberate application of agent Blue to cropland has been restricted to the highland regions of the country which are held by the National Liberation Front. Consequently, scientists of the Republic of Vietnam and those of the United States are unable to make first-hand studies at present. American officials consider the program very successful because many captured soldiers from these areas are seriously undernourished; some to the extent of being stretcher cases at the time of capture. These reports might suggest that the "resource denial" program has been successful, but there are strong reasons for believing that food shortages affect women, children, and elderly people much more than they affect soldiers.[20]

EFFECT OF B-52 BOMBING

Although it has not attracted the concern of American scientists, the damage caused by raids with B-52 bombers is of considerable ecological significance. The 500- and 750-pound bombs dropped by these aircraft leave craters as much as 30 feet deep and 45 feet across. Most of these are filled with water even late in the dry season. The army does not disclose the total number of bombs dropped, and the total area affected cannot be calculated accurately. However, the magnitude of the effect can be estimated from the following facts. A standard load for a B-52 is 108 500-pound bombs or nearly 30 tons of explosives. Normally, a "mission" consists of 3 to 12 aircraft. In 1967, 982 missions were flown over the Republic of Vietnam. In 1968, 3022 missions were flown (Table 3). If one assumes an average of eight planes per mission, then one can estimate that about 848,000 craters were formed in 1967 and 2,600,000 craters in 1968. As one Vietnamese put it, we are making the country look like the surface of the moon. Unless heavy earth-moving equipment can be brought to the sites to fill the craters they will remain a permanent feature of the Vietnamese landscape. Areas such as War Zones C and D, which have been heavily hit by B-52 attacks, are riddled by craters.

TABLE 3.—MISSIONS FLOWN BY B-52 BOMBERS OVER VIETNAM

Month	I Corps	II Corps	III Corps	IV Corps	DMZ		North Vietnam	Month	I Corps	II Corps	III Corps	IV Corps	DMZ		North Vietnam
					N	S							N	S	
1967								1968							
January	18	14	27	1	2	7		January	59	22	23			4	1
February	23	30	30	1	1			February	204	53	34				
March	45	23	32					March	222	58	27	4		6	
April	55	13	22	2	2	4		April	173	66	19	7		2	
May	55	27	23	1	1	3		May	71	123	27	10		13	1
June	45	28	25	1				June	24	87	171	11	4	6	
July	44	31	22	3		3	3	July	28	34	152	26	7		45
August	26	28	24			24	1	August	71	55	161	13	8	8	8
September	13	9	6			57	15	September	51	55	167	18	1	10	8
October	17	15	20			30	27	October	86	33	128	25	2	1	15
November	13	47	16	1		12	9	November	45	36	109	17			
December	6	19	22			27	8	December	53	22	125	17			

Since most of the attacks have occurred in militarily contested areas it has not been possible for scientists to investigate heavily cratered areas to determine the effects on local ecology. Obviously, they are potential breeding grounds for mosquitoes; they may possibly be fish-breeding ponds; they may also render many agricultural areas difficult to utilize.

MISCELLANEOUS EFFECTS

The prolonged military activty in Vietnam is causing other ecological upheavals. Not the least are the major sociological changes that are taking place in the country, such as the amazingly rapid rate of urbanization of the population. This results as people flee from war-torn countryside or are forcibly transported to the city. Within the last decade Saigon has changed from a quiet city of 250,000 to an overcrowded city of 3,000,000 inhabitants. The tremendous infusion of American capital has also resulted in rapid increase in the number of motorized vehicles in the streets. Japanese motor bikes and small cars of Japanese or Italian manufacture seem to be prevalent. Traffic accidents are common. Saigon's air pollution problem due to fumes from the mixture of gasoline and oil which serves as fuel is so severe that many trees along the major arterials in the city are dead or dying. (It is possible that the winddrift of defoliants has contributed to weakening the trees, but it is likely that the major cause is fumes from motor vehicles.) There are no immediate prospects for any improvement as the population of the city continues to grow and creation of an adequate municipal transportation system seems improbable.

A major cause of forest destruction in Vietnam today is fire. Some fires are started deliberately by the Vietnamese army and some are caused by artillery shells. Over 40 percent of the pine plantations in the country have been burned recently; the extent of destruction of the mixed forests is unknown. We were unable to estimate the total area involved.

Because of the war, all hunting in the Republic of Vietnam has been officially discontinued. Nevertheless, there are large numbers of armed men in the forest, many of whom are poorly nourished. Presumably, they regularly shoot all suitable food animals. Tigers, on the other hand, seem to have benefitted from the war. In the past 24 years, they have learned to associate the sounds of gunfire with the presence of dead and wounded human beings in the vicinity. As a result, tigers rapidly move toward gunfire and apparently consume large numbers of battle casualties. Although there are no accurate statistics on the tiger populations past or present, it is likely that the tiger population has increased much as the wolf population in Poland increased during World War II.

SUMMARY AND CONCLUSIONS

In Vietnam the chemical weapons of a technologically advanced society are being used massively for the first time in a guerrilla war. In this conflict there are no battle lines, no secure territory, and no fixed, permanent military installations which can serve as targets for attack. Rather, the military efforts are aimed at increasing the toll of fatalities, denying food to the enemy, and depriving him of the cover and concealment afforded by natural growth. This type of warfare is, therefore, extremely destructive, both of human lives and environment. Our own observations showed the profound effects of denuding the country of growth. The military is emphatic about the effectiveness of defoliation in reducing American casualties significantly. The demand for the services of 12th Air Commando Squadron greatly exceeds their ability to supply them. Although the total number of requests for defoliation missions was not disclosed, we were told that even if no further requests were made, the defoliation crews would be kept busy for years by the present backlog. The current extent of the defoliation program is not determined by military demand nor by any considerations of saving the ecology and viability of the land and natural resources of Vietnam, but solely by competition for equipment and personnel.

With general agreement among military experts that defoliation is a potent weapon in guerrilla warfare, it is to be expected that in any future wars of this nature more extensive use will be made of it. At the end of their war against the Vietnamese, the French discovered the usefulness of helicopters as field combat aircraft, but they had only about a dozen at their disposal. There are now several thousand helicopters in Vietnam as a major component of our offensive air power. Making a realistic appraisal of defoliation and its ecological consequences, we must, therefore, consider not only the present extent of use but also anticipate greatly expanded defoliation actions in the future.

We consider that the ecological consequences of defoliation are severe. Enough is now known to reveal that a significant fraction of mature trees in most forests are killed by single applications of herbicides and that almost complete kill, including destruction of seedlings and saplings, is to be expected if repeated sprayings are made. Because of military demands for respraying, we must expect virtual elimination of woody vegetation of defoliated sites as a common result of the military use of herbicides.

It is evident that the most stringent regulations for the application of defoliants cannot prevent the widespread dispersal of herbicides to areas far beyond those that were intended to be defoliated. We found abundant evidence of repeated moderate to severe defoliation of trees and herbs in areas many miles removed from sites of direct application. Every responsible Vietnamese person we met confirmed this. Moreover, a pilot in a war zone will jettison his load of defoliant, rather than jeopardize the safety of his crew and plane, and a spray plane will not return to its base with a full tank because its crew found the temperature or the wind velocity higher in the target area than anticipated. Military use of defoliants will inevitably result in herbicide damage to areas that are far more extensive than those specified as targets.

It is evident that the defoliation program

Footnotes at end of article.

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has had tremendous psychological impact upon the Vietnamese people and has profoundly affected their attitude toward Americans. A farmer whose entire crop has been destroyed by herbicides, whose fruit trees do not bear fruit for 3 years, will inevitably be resentful. We were told repeatedly, though politely, that a significant deterioration of attitudes toward Americans has resulted from the massive use of defoliants. The claim that defoliation is more humane than other weapons of war because it does not directly cause human casualties, may appeal to those whose land has not been defoliated, but hardly to those whose food supply or property has been destroyed. A realistic assessment of the effects of defoliation must take into account the psychological effects upon the people.

The politically sensitive nature of effects of defoliation is fully recognized by the military authorities. Although they claim that defoliants produce no long-term effects on the environment, they have instituted the most stringent regulations to govern their use. The Army claims that it is more difficult to get permission for the defoliation of trees in Vietnam than for killing persons, and permission to spray rubber trees has never been granted, according to military sources, even when enemy forces were "known" to use plantations for concealment It seems that preferential treatment of the politically powerful rubber interests in Vietnam has added to the hostility of the poorer Vietnamese.

The secrecy surrounding the use of defoliants in Vietnam has also contributed to the feelings we have reported above. The government of the Republic of Vietnam and American officials have not disclosed information to the Vietnamese about the agents used, areas sprayed, and the nature of the chemical action of defoliants and herbicides. The most concerned Vietnamese scientists did not know the chemical composition of the herbicides even though they have tried to ascertain it from their government.

RECOMMENDATIONS

American scientists will want to know what investigations might be immediately possible to sift facts from among so many conflicting claims regarding the ecological effects of defoliants and to stem the tide of increasing mistrust between the Vietnamese and the Americans. Support for research projects should be initiated by the American scientific community without delay. In Vietnam there are scientists, well-trained at American and European universities, who are deeply concerned about the effects of the war on their country. They are eager to conduct research that is necessary for the rehabilitation of their ravaged land. The flora and fauna of the country are well known. The Rubber Research Institute of Vietnam continues to function, although it has once been displaced by military action. It is capable of expanded research into the physiological effects of defoliants on rubber trees and other species. Its staff is interested in investigating the possibilities of diversifying so that it can advise rubber planters on avoiding complete dependence upon rubber. A modest investment of funds for Vietnamese scientists is likely to produce important research results. It would also improve Vietnamese relations with American scientists.

Although long-term studies, such as following vegetational succession on heavily defoliated areas, would be impossible for Vietnamese (Saigon) or American investigators, there are no insuperable barriers to the investigation of fish diseases, of methods of minimizing herbicide damage to commercially important trees which have been deliberately or inadvertently sprayed, and of further studies of toxicity to animals. It should also be possible to gather soil samples from areas that have been subjected to different treatments to learn more about the fate of arsenical compounds, their effects on soil microorganisms, and possible accumulation in the soil of the more persistent herbicides such as picloram. We urge that such studies be initiated now rather than be delayed until hostilities cease, although obviously the difficulties are great. We recommend most strongly that the American Association for the Advancement of Science, in accordance with its resolutions of 1966 and 1968,[21] take the initiative in setting up an international research program on the long-range effects of the military use of herbicides in Vietnam. We believe that such action is necessary if United States scientists wish to maintain (or regain) the respect of scientists in Southeast Asia.

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A REFRESHING CONTRAST

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. SCHERLE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Washington Daily News, May 11, 1970]

A REFRESHING CONTRAST

Texas A & M student body president Gerald Geisweidt delighted a Parents Day audience by promising there would be no strikes or protests at the school, predominantly a military one. "Texas A & M and its student body is and will continue to be a staunch bastion of sanity, maturity and pride," he said.

CURTIS W. TARR—WATCH HIM

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. JOHNSON of California. Mr. Speaker, one of the finest experiences of my career here in the House of Representatives has been my friendship with Curtis W. Tarr who has recently been installed as Director of the Selective Service System.

I first knew Curtis some 12 years ago during my first campaign for election to the House of Representatives, at which time he was the Republican nominee. I was impressed with him at that time as a fine, dedicated American. As is indicated in a recent biography published in the Chico Enterprise-Record, he was indeed young, energetic, scholarly and experienced in the ways of government—and his star was definitely on the rise.

His star has continued to rise through a succession of academic and public service posts to the position which he now holds as Director of Selective Service. I have every confidence that Curtis Tarr will be an outstanding Director—one who is fair, understanding, conscientious, and dedicated to the welfare of the Nation.

So that my colleagues here in the House may share this background and what makes Curtis Tarr tick, I want to insert in the CONGRESSIONAL RECORD at this point the Enterprise-Record report by Bill Earle, "Curtis W. Tarr . . . 'Watch Him' ":

CURTIS W. TARR—"WATCH HIM"—DAD'S PREDICTION: DRAFT CHIEF WILL BE CONSCIENTIOUS

(By Bill Earle)

When Curtis W. Tarr was a 12-year-old schoolboy in Alameda, he was fired as the school's traffic squad captain.

The teacher who did the firing thought he'd set a bad example to his fellow pupils by risking injury to retrieve a ball from a tree after climbing another boy's back to gain a foothold in the high branches.

Ester Tarr, Curtis' mother felt the punishment was unfair. She complained to the teacher, a woman.

The teacher acknowledged to Mrs. Tarr that "Curtis might amount to something someday," but she quickly added, "You have to watch him."

To say that Curtis Tarr finally amounted to something is an understatement. The former Chicagoan went on to become a top student, energetic businessman, federal government troubleshooter, politician, college teacher and administrator, university president, assistant secretary of the Air Force and—early this month—Selective Service director.

The teacher's comment that "you have to watch him" may have been prophetic. For Tarr, sworn in April 6 by Supreme Court Justice Potter Stewart as sucecssor to the aging Gen. Lewis B. Hershey, surely will be watched in his sensitive new post, mainly by men of draft age or approaching it.

Tarr's father, Florence, and mother, who reside at 2475 Pillsbury Road, discussed their son's life and distinguished career during a recent interview.

Although justifiably proud of his selection by President Richard Nixon as draft director, they couldn't conceal their disappointment that he accepted the high position.

They knew he'd been completely happy as assistant Air Force secretary in charge of manpower and reserve affairs and were somewhat distressed to have him relinquish a job that gave him such pleasure.

The elder Tarr said he asked his son about the Selective Service assignment during a recent telephone conversation.

"Listen, Pop," he quoted Curtis, "when the President of the United States asks you to do something, you don't stand around arguing with him about it."

"Curtis will be conscientious in every decision he makes," Tarr predicted. "You can be sure of that. He won't make a decision until he's got all the facts in front of him."

The 45-year-old draft director quickly fulfiled his father's prophecy, telling Washington newsmen after his swearing in that he plans to visit state Selective Service officials and local draft boards, collect ideas and "get a feeling" of their problems before Congress starts hearings on draft reform. He said he intends to be "fair and firm" in the job.

Curtis Tarr was born Sept. 18, 1924, in Stockton, where his dad was an auditor for the Holt Co., predecessor of the Caterpillar Tractor Co.

"He was a very good baby," his mother called, "but not a well child by any means. He was quite frail."

The family moved to Alameda when Curtis was 2, remaining there for a decade while the head of the household worked for a San Francisco accounting firm.

Curtis liked to play baseball and Mrs. Tarr has vivid memories of hauling him and other "sweaty little boys" around town to games in her car.

Once, during the depth of the great depression, Curtis asked his father for a new baseball mitt and was turned down because "money isn't very plentiful just now and we can't spend any more than we have to."

Not to be put off, the boy made the first major sales pitch of his life, pointing out that the janitor in the local barbershop—a poor man—had just bought his son a new mitt.

"That did it," Mrs. Tarr said. "You know who got a new mitt—quick!"

Young Tarr was a Boy Scout during the Alameda days and developed a fondness for animals that he holds to this day.

In 1937 the Tarrs moved to Reno, staying 2½ years before coming to Chico. It was in Reno that the elder Tarr established the Sierra Tractor and Equipment Co.

"It was a little tough for Curtis to make the move from Alameda," Mrs. Tarr said, "but I think it was even harder on our girls."

The Tarrs have two daughters, Muriel, now Mrs. John W. Kurtz, and Marian, now Mrs. George Schreiter. Both now reside in Sacramento. Muriel is older than Curtis and Marian is the youngest member of the family.

"We were a very close family," Mrs. Tarr recalled. "We did everything together. And being the only boy, Curtis was very close to his father. He worked after school and weekends at his dad's story in Reno, getting 50 cents for evening work and $1 for fulltime work on Saturdays."

"He'd run errands, sweep out the display room and dust up the equipment on the display floor," Tarr said. "He even learned to drive the heavy equipment."

"Curtis was a great favorite with the mechanics and the salesmen. Some of them used to take him fishing."

The opportunity to take over a larger Caterpillar dealership lured Tarr to Chico. He opened his Sierra Tractor and Equipment Co. office here in August 1939. The following month, just turning 15, Curtis entered Chico High School.

Aside from several periods of ill health, the Chico years were happy ones for the future government official.

He was a consistent honor roll student and, in his senior year, edited the high school yearbook and shared valedictorian honors with a girl classmate at the Class of 1942's commencement exercises.

During his high school years the family lived at 346 W. Legion Ave. in the Mansion Park district.

"There were several vacant lots around our house," Mrs. Tarr remembers. "Gopher snakes would crawl into our yard from the surrounding properties and I'd ask Curtis to go out and kill them.

"But he'd tell me, 'Mother, you know I wouldn't kill a snake.' So he'd carry those snakes away over his shoulder, on a stick, and leave them near the creek. He's always been very tender. He's anything but a hawk."

His father said Curtis is "the only man I know who's read Emily Post from cover to cover."

Explaining this, Mrs. Tarr said her son at one time came under criticism by his sister Muriel for his manners, "so he got hold of a copy of Emily Post and read it all the way through."

The future draft director entered Stanford University in September 1942, but had to drop out six months later because, like so many of his World War II contemporaries, he was drafted into the Army.

Inducted at Ft. Ord despite his 6-foot-7 height (by stooping a bit, he passed himself off as 6-foot-6), Tarr took basic training at Camp Roberts and later was assigned to the 11th Armored Division.

The bunks on the troopship that carried him to England were too short, so he got special permission to bed down on the deck in a sleeping bag.

A technical sergeant and field artilleryman, Tarr fought with Gen. George Patton's Third Army in the Battle of the Bulge. His outfit liberated prisoners of the Nazis from several concentration camps in Europe.

"Curtis never said very much about it," his mother related. "He didn't like to talk about the war."

Discharged from the Army at Camp Beale in February 1946, Tarr resumed his studies at Stanford. An economics major, he was graduated with distinction in June 1948.

He enrolled in the Harvard University School of Business that fall and received his master's degree in business administration in 1950, again graduating with distinction.

Tarr remained at Harvard for another year as a research assistant, then accepted a one-year appointment as an instructor in the university's business school.

By the spring of 1952 he was ready to come home to Chico.

"Curtis phoned on Easter morning that year to say he wanted to help me at Sierra Tractor," his father said. "I made him vice president in charge of sales and he did a very good job."

The young business executive soon was plunging into local civic and governmental affairs, becoming a Chico Rotary Club director, vice president of the YMCA's Mountain District and chairman of the Butte County Probation Committee (now the Juvenile Justice Commission).

He also served as a lay leader in the Shasta District of the Methodist Church, participated in several Governor's Conferences on Youth in Sacramento and was a parttime lecturer in business at Chico State College.

It was during this period that he accepted appointment to the Department of Defense section of the second Hoover Commission on reorganization of the federal government's executive branch.

These duties required his presence in Washington for extended periods, as did his additional service as consultant to the Army's chief of ordnance.

On May 7, 1955, Tarr was married in Quincy's Methodist Church to Elizabeth May Myers, a Chico State College graduate and daughter of a U.S. Forest Service official in Plumas County. An accomplished musician, she plays the piano and organ and does very well on the harpsichord her husband bought her while on a trip to Germany.

The couple has two daughters, Cynthia, "Cindy," now 11, and Pamela "Pamie," now 13.

In 1958 Congressman Clair Engle, the peppery little Democrat from Red Bluff, gave up his Second District seat to wage a successful campaign for the U.S. Senate in California.

The district's Republican leaders saw in Curtis Tarr a golden opportunity to recapture from the Democrats the seat so long denied to GOP candidates. He was young, energetic, scholarly and experienced in the ways of government—and his star was definitely on the rise.

Tarr and his father were at Sierra Tractor's Redding office when the phone rang and the voice at the other end asked for Curtis. The caller was a Redding lumber executive and influential Republican.

When the conversation was over, Curtis turned to his father and gasped, "He wants me to run for Congress!"

As the elder Tarr recalls it, his son broke into a grin and added, "I thought the guy was going to buy about five tractors."

"His mother and I weren't too enthusiastic about him running for Congress," Tarr said. "I even told him, 'Don't do anything crazy like that!'"

But crazy or not, Curtis took the plunge. He waged a vigorous flying campaign throughout the sprawling congressional district against a veteran Democratic campaigner, state Sen. Harold T. "Bizz" Johnson of Roseville.

Those were the days of cross-filing, and Tarr beat Johnson handily for the Republican nomination while Johnson far outdistanced him for the Democratic nod.

In the November runoff it was Johnson over Tarr by more than 32,000 votes—a bitter pill for the ambitious young businessman to swallow. To this day, however, he and Rep. Johnson remain fast friends and see each other frequently.

"That disappointment was a turning point for Curtis," his father said. "He wanted to go back to Stanford and get his Ph.D. I told him, 'Suit yourself. I want you to do what you're happy doing.'"

The next five years in Palo Alto were busy ones for Tarr. Not only did he receive a Ph.D. in history from Stanford (his doctoral dissertation concerned proposals for unifying the U.S. armed forces), but the university also tapped him for service on its administrative staff.

He served variously as assistant to the vice president, assistant dean of humanities and science and director of the Stanford Summer School.

"It wasn't an easy time for him," his father said. "He had to work awfully hard. He carried a big load."

Then, in 1963, fate struck again. Attending an educational conference in Arizona, Tarr met and favorably impressed several trustees of Lawrence University in Appleton, Wis.

Dr. Douglas Knight, the president of Lawrence, was resigning and they were seeking a man to replace him. Interested, Tarr conferred later with the trustees in Chicago and ultimately was selected for the post from a field of 70 candidates.

Tarr and his family, thoroughly comfortable in academic surroundings after their five years in Palo Alto, settled into Lawrence's newly remodeled, three-story president's mansion (it has seven fireplaces) in September 1963. The trustees had agreed to remodel and redecorate the Victorian relic to the Tarrs' specifications at a cost of $18,000.

The new occupants did much entertaining in the mansion over the next six years. They obtained many handsome pieces of antique furniture for the house, some of them acquired from Downer College, a select girls' school whose merger with Lawrence was one of Tarr's first tasks as president.

Life at the university was pleasant—up to a point. And that point was reached early in 1969 when a small but vociferous band of student dissidents staged a major confrontation. They seized Tarr's office and occupied it for an entire night. Other heckling students, about 100 strong, demonstrated in the yard and on the porch of his home.

Through it all, Tarr remained relatively unruffled and, at times, even managed to display touches of his well-known sense of humor. In his own family he has a reputation for being something of a comedian.

According to his father, his wife Betty once remarked facetiously, "I'll never forgive Curtis for taking a job as a college president when he could have been another Danny Kaye or Dick Van Dyke."

To Chicoans who know Tarr personally or by reputation it came as no surprise when, early in February 1969, Air Force Secretary Robert Seamans announced at a Washington news conference that Tarr had been named assistant secretary in charge of manpower and reserve affairs.

Commenting to newsmen about his acceptance of the post, Tarr said at the time, "Clearly, here was an opportunity to work on some of the same problems we have at Lawrence, but in a new and perhaps more crucial setting. It was an opportunity I could not set aside, despite my strong attachment to Lawrence and its good people."

The Tarrs purchased a home in Arlington, Va., just across the Potomac River from the nation's capital, and in mid-June of last year Tarr was administered his oath of office by Defense Secretary Melvin S. Laird.

Part of his responsibilities related to the question of restructuring or replacing Selective Service, the continuing concern for civil rights and integrated housing for Air Force personnel and the educational programs of the Air Force.

"He really liked that job," his mother said. "It even took him to Vietnam last September for a one-week inspection tour."

But Tarr was not destined to hold the Air Force position for long. President Richard Nixon was seeking a successor to Gen. Hershey for the $38,000-a-year job of Selective Service director.

Washington reports said the President was ready to name Charles DiBona, president of the Center for Naval Analysis in Arlington, Va. But DiBona reportedly met opposition from key members of the Senate Armed Services Committee before his nomination was formally submitted. One objection was that he favored an all-volunteer Army.

And so the search continued, with President Nixon reportedly looking for a man who would appeal to today's youth, understand their opposition to the draft and, at the same time, have expertise in defense and manpower problems.

Tarr's name, which had popped up earlier, again was mentioned. Washington sources described him as an "ideal mix" because of his acquaintance with campus life and Pentagon needs.

Finally the choice was made. Tarr was formally nominated last month after conferring with the President. He won early—and unanimous—approval by the Senate Armed Services Committee and, on March 20, his nomination was confirmed by the full Senate by voice vote and without dissent.

"He seems to be a capable man and he has a background of valuable experience in administration," Sen. John Stennis, D-Miss., Armed Services Committee chairman, said of Tarr.

In his pre-confirmation testimony before the committee, according to United Press International, Tarr endorsed proposals to end most college draft deferments, pledged that the draft would not be used to punish antiwar demonstrators and said that "eventually" he might favor an all-volunteer Army.

It is not generally known that Tarr went to the White House as early as last December to be interviewed for the Selective Service job by a specal screening committee.

After the interview he phoned his father in Chico and said "I told them frankly that I'd rather stay where I am (with the Air Force). I'm happy with my work."

Nobody expects the lanky former Chicoan to remain the director of Selective Service as long as Gen. Hershey did (almost 30 years) and nobody is predicting publicly where he'll go next.

But as his grammar school teacher told his mother many years ago, "You have to watch him."

POLLUTION AND THE SST

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 12, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Pollution and the SST," published in the Richmond Times-Dispatch of Saturday, May 9, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POLLUTION AND THE SST

Rep. Henry S. Reuss of Wisconsin says that the supersonic transport plane (SST) would be an environmental outrage.

He told a congressional committee in Washington Thursday:

"We are being asked to spend $1.3 billion of the public's money, and more likely $3 billion or $4 billion before we are through, on a plane that will serve only a minute fraction of American taxpayers, while millions of others pay the penalty for this folly in the form of increased airport noise, sonic booms, air pollution and potentially harmful weather changes."

Virginia's Sen. Harry F. Byrd Jr. has spoken out strongly against this costly, totally unneeded, project.

He sees no reason for the taxpayers to be bearing the major burden of developing an aircraft which supposedly will fly at speeds of up to 1,800 miles an hour, carrying 300 passengers. The project, he says, simply adds to the inflationary spiral without serving any important national purpose. It is not essential either to our security or our national welfare, he declares.

The noise pollution from the aircraft could constitute far more than just a nuisance. It could be damaging to health and property. Sponsors of the SST contend it won't be permitted to fly at boom-producing speeds over land areas, but does anyone really expect that there won't eventually be tremendous pressure to allow the craft to utilize its great speed over land as well as over the oceans?

As an anti-pollution, money-saving move to benefit the nation, Congress should rescind its earlier approval of this project of highly dubious economic soundness. As Sen. Byrd puts it: "There may come a time for development of a supersonic transport. That time is not now."

PROFILE IN COURAGE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. MYERS. Mr. Speaker, much credit is due President Nixon for his courageous decision-making in the difficult Indochina situation—particularly the momentous decision he made to send forces to Cambodia in order that American lives would be saved and the Vietnamese conflict shortened.

And although the critics are coming forth with their expected predictions of doom, more realistic observers are praising the President's actions, as well as his forthright explanation of these actions to the American people.

A column carried in Newsweek by Kenneth Crawford says that this President has shown us his own "profile in courage," and commends the President's "audacious move." I commend this column to the attention of colleagues:

[From the Newsweek, May 11, 1970]

PROFILE IN COURAGE

(By Kenneth Crawford)

"To save mankind's future freedom, we must face up to any risk that is necessary. We will always seek peace—but we will never surrender . . . We are Americans, determined to defend the frontiers of freedom . . ."

This is a quotation not from President Richard M. Nixon's televised announcement last week that American and South Vietnamese troops had crossed into Cambodian territory but from a speech President John F. Kennedy delivered in November 1961.

Mr. Nixon paraphrased it and made it his own. Moreover, he set the words to the awesome music of hazardous action. What for President Kennedy had been only inspirational oratory was for President Nixon a solemn commitment already being carried out. After ten years, 40,000 killed-in-action casualties and $100 billion invested, Mr. Nixon was trying by bold military maneuver to bring to a reasonably acceptable conclusion a war Kennedy had tentatively joined by sending American soldiers and equipment to the South Vietnamese.

Some of Kennedy's posthumous interpreters have insisted that, had he lived, he would have refused to escalate American intervention in the Vietnamese war. This is necessarily a guess. There is as much reason to guess that he would have admired what Mr. Nixon has now done. It has in it the stuff celebrated by his book "Profiles in Courage." An American statesman has again done what he thinks right in the face of opposition both formidable and determined.

PREDICAMENT

This was Mr. Nixon's predicament: he had promised to wind down the war and bring American troops home as rapidly as prudent. This promise, and evidence that it was be-

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ing carried out, had quieted opposition to the war. But impatience with the continued fighting and the weekly casualty figures was growing. Polls showed that both support of the war and of the President himself were suffering attrition. Reasonable critics of Administration policy were asking the pertinent question: "If we couldn't bring the enemy to terms while escalating how could we hope to do it by de-escalating?" Vietnamization was not a wholly persuasive answer.

Military realists recognized that the North Vietnamese and Viet Cong sanctuaries in Cambodia had become, especially after the Communists' Tet disaster in 1968, the key to the enemy's durability. Yet Prince Sihanouk's nominal neutrality and, after his overthrow, the outcry in Congress against "widening the war" seemed to assure continued immunity for the Cambodian hideouts.

Nobody outside of the innermost White House circle thought Mr. Nixon would dare attack these sanctuaries. For this reason, the Senate Foreign Relations Committee, center of the run-sheep-run game now so popular in Congress, concentrated its attention on ways of preventing the President from arming the Cambodians. Meanwhile, he was secretly preparing a far more promising initiative. Secrecy was maintained in the hope of achieving surprise on the battlefield. There was no leakage, and initial surprise apparently was achieved.

COURSE

It was an audacious move. Mr. Nixon knew it would be accepted reluctantly, given the temper of the times, even by a silent majority, and that it would infuriate his Congressional opposition and in all probability add to it. Even so, it seemed doubtful that Congress would go to the length of forbidding him to pursue the course he had chosen. This was one of the many chances he thought worth running. For the alternatives—doing nothing or trying to shore up the weak Cambodian Army—promised only drift and ultimate humiliation.

Now it is up to the soldiers attacking such exotically named places as the Parrot's Beak and the Fishhook, sites of Communist command headquarters, staging areas and supply dumps. If the operation goes well, the enemy will have suffered his worst defeat of the war and recovery will be difficult, given his already weakened position in South Vietnam. If, on the other hand, the operation goes badly or the enemy merely retreats deeper into Cambodia and regroups rapidly, the gamble will pay off only in small change.

Whatever the outcome, Richard Nixon deserves reappraisal. Skeptics who have said he is a compromiser incapable of standing up to pressure should, but probably won't, recant. Foreign Offices making the same mistake probably will. The effects may reach far beyond Cambodia. Perhaps Kennedy's words live a little.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

EDITORIALS ON JUSTICE DOUGLAS' IMPEACHMENT

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. GERALD R. FORD. Mr. Speaker, I insert following these remarks the editorial comments of three eminent newspapers in different parts of the Nation, on a matter of interest to Members of this body. These are the views of the Cheyenne, Wyo., Tribune; the Columbia, S.C., State; and the Winona, Minn., News.

The comments follow:

[From the Cheyenne (Wyo.) Tribune, Apr. 21, 1970]

AND WHY NOT IMPEACH DOUGLAS?

In the uproar over the Supreme Court's newest controversy involving Associate Justice William O. Douglas, no one seems to have yet detected the irony that it is a Carswell-Haynsworth situation in reverse.

The conservatives who were trying to get the two southerners onto the Court now are trying to get its arch-liberal impeached; and the liberals who successfully kept President Nixon's "strict constructionists" from being confirmed on the Court are trying to save Mr. Justice Douglas' judicial hide.

In the effort to knock down House Republican Leader Gerald Ford's impeachment move, the pro-Douglas people are demanding to know what arguments for his removal from the Court are available other than Douglas' attitudes. Typical is a current comment by Don Oakley of the Newspaper Enterprise Association: "There is plenty about Douglas that rubs a lot of Americans the wrong way—his part in the Court's dismantling of the country's sexual censorship and its alleged 'coddling' of criminals, his acceptance of a fee from a foundation associated with gambling interests, his penchant for young wives, his authorship of anti-establishment articles in magazines noted more for eroticism than erudition.

"But," writes Oakley, "unless Ford and his colleagues can come up with more solid complaints than these—which in reality amount to a little more than a formless dislike and fear of Douglas' 'dangerous opinions' they may only make themselves look foolish and could do far more damage to the good name of the Court than anyone has yet charged Douglas with doing."

Where was Mr. Oakley when two esteemed judges of the United States Court of Appeals who suffered the misfortune of being nominated to the Supreme Court were being smeared and pilloried by the same people who already are falling over themselves to organize a defense for Mr. Justice Douglas? Two jurists, it might be noted, who were attacked for their opinions and beliefs?

The liberals of both the media and the Senate whipped themselves into a lather about Judge Haynsworth's alleged "conflicts of interest" which never could be proven. Yet there has been a provable conflict of interest by Mr. Justiçe Douglas who has been on the Supreme Court for 30 years. The same individuals and interests who worked themselves up into a holy frenzy of inquisitorial torture on both Haynsworth and Carswell, turn around and say: "How could you be so brutal as to challenge poor Justice Douglas' integrity!"

Douglas has drawn a substantial stipend—that he dropped when it was exposed—from a foundation that operated Las Vegas casino interests; and he also has had interesting connections with an outfit called Center for the Study of Democratic Institutions at Santa Barbara, Calif., to which Douglas was named official consultant.

Another foundation called Fund for the Republic fosters the Center for the Study of Democratic Institutions and over two years ago Alice Widener wrote on an unusual conference of student revolutionaries held at the Center in late August, 1967, which on the basis of some of the papers presented apparently turned into a planning session for campus revolt.

Miss Widener wrote, anent a report published of this meeting: "In the report is a paper presented to the conference by student Stephen Saltonstall of Yale University, who entitled his work, 'Toward a Strategy of Disruption.' What Mr. Saltonstall wishes to disrupt is our society and he calls for small, disciplined groups of student 'shock troops' to achieve his aims. In print, at U.S. taxpayers' sufferance, the Fund for the Republic's Center permits Stephen Saltonstall to call for the 'intimidation and humiliation' of public figures such as Vice President Humphrey and Defense Secretary McNamara. What has 'intimidation' to do with democratic procedures and institutions? Intimidation is the weapon of autocracy and tyranny."

In his recently-published volume, "Points of Rebellion," Mr. Justice Douglas wrote: "We must now realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also the revolution."

In the liberals' view, Judge Carswell was some sort of monster because he once made a speech over 20 years ago approving segregation which then was still the law of the land; and Judge Haynsworth was unfit to sit on the Supreme Court because he owned stocks in corporations that might have provided a conflict of interest in his renderings from that high tribunal. But it is heresy to suggest that an associate justice of the same Court should be challenged for making utterances suggesting revolution against the very government which he serves in high capacity, for being part of an organization which organizes meetings of campus revolutionaries and publishes their utterances, or draws a salary from a corporation with ownership connections in a city where gambling is the economic mainstay.

Isn't there something wrong here? Isn't this the rankest sort of double standard that ever existed? Isn't this the most invidious hypocrisy and double-dealing conceivable in men?

If Douglas wants to preach revolution, if he wants to serve as a consultant to organizations like the Center for the Study of Democratic Institutions, or as the $12,000 a year head of a foundation that operates Las Vegas gambling concerns, all very well—but he should do so off the U.S. Supreme Court.

[From the Columbia (S.C.) State, Apr. 23, 1970]

THE CASE AGAINST DOUGLAS

Judged strictly on the legal issues, the case against William O. Douglas, the swinging Justice, is sufficient to require impeachment by the House. Whether it is strong enough to require removal is something else—something we shall never discover, in all probability, unless the House impeaches and sends the case to the Senate, where full testimony can be taken under oath.

As Rep. Gerald Ford was at pains to show, the function of the House in an impeachment proceeding is to serve in the capacity of a grand jury. It hears the adverse evidence. It decides whether this evidence constitutes a prima facie case against the accused. That is, in the language of the legal definition, is the case against the accused strong enough to condemn him unless it is refuted. If rebutting evidence is required,

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impeachment is the only constitutional course, for the actual trial is the responsibility of the Senate.

The case against Mr. Justice Douglas, taken at face value, constitutes just such evidence of malfeasance. It is not even necessary to show, as Mr. Ford attempted to show, that the Framers of the Constitution contemplated removal of federal judges for anything short of "good behavior." Mr. Ford has made a prima facie case of illegal conduct—and not just illegal conduct, but precisely the kind of illegal conduct the Constitution speaks of as grounds for impeachment and removal from office.

On two separate occasions, Mr. Justice Douglas is alleged to have engaged illegally in the practice of law. Once, according to Albert Parvin, Mr. Justice Douglas assisted in drafting the articles of incorporation for the Albert Parvin Foundation, whose directors subsequently named him president at a salary of $12,000 a year, plus expenses.

On a second occasion, just a year ago, Mr. Justice Douglas is reported to have written Parvin about the foundation's tax-exempt status, then under review by the Internal Revenue Service. In a letter to Parvin, according to published accounts, the Justice gave legal advice on how the foundation might avoid further difficulties with the IRS.

If these allegations are true, Mr. Justice Douglas twice has violated Title 28 of the U.S. Code, which prohibits Justices of the Supreme Court from practicing law. And note the wording: "Any justice or judge appointed under authority of the United States who engages in the practice of law is guilty of a high misdemeanor." Not simply a misdemeanor, but a "high misdemeanor." This is all but identical to the language of the Constitution, which speaks of removal after impeachment of "treason, bribery or other high crimes and misdemeanors."

Mr. Justice Douglas ultimately may be cleared of these charges. The fact remains: Mr. Ford has made his prima facie case, and thus has fulfilled the constitutional requirement. What the House will decide remains to be seen, but the constitutional command is plain. Mr. Justice Douglas stands accused of disqualifying conduct. He should be impeached.

[From the Winona (Minn.) News, Apr. 27, 1970]

REPRESENTATIVE FORD TAKES ON JUSTICE DOUGLAS

The biggest hurdle that Rep. Gerald R. Ford has in pressing for impeachment of Justice William Douglas is the unusualness of the proposed action. In our history only nine federal judges, including one associate justice of the Supreme Court, have been impeached by the House and tried by the Senate: four were acquitted, four convicted and removed from office and one resigned during the trial.

To help the members of the House accept the procedure as something less than extraordinary, despite its rarity, he emphasizes:

1. Justices do not have life appointments. Article III of the Constitution—"The judges, both of the supreme and inferior courts, shall hold their offices during good behavior"; that is, as Rep. Ford contends, their unspecified term of office is based on "good behaviour," which he then goes on to define as being an offense that need not be criminally indictable. A justice should not, says Ford, be impeached for his legal views, for a minor or isolated mistake, or for his personal life. Ultimately, he concludes, an impeachable offense is "whatever a majority of the House considers to be at a given moment in history."

2. Impeachment may resemble a regular criminal indictment and trial but it is not the same thing. It relates solely to the accused's right to hold civil office, not the many other rights which are his as a citizen and which protect him in the court of law." This is reinforced by the constitutional denial of jury trial—perhaps the most fundamental of all constitutional protection—in impeachment proceedings.

Rep. Ford's case against Justice Douglas includes the well-aired charges of his monetary associations with the Albert Parvin Foundation, now terminated; his writing for Ralph Ginzburg's pornographic magazines while sitting on Supreme Court cases in which Ginzburg was involved; a recent book, "Points of Rebellion," which says there are two ways by which grievances of citizens can be redressed—"one is lawful procedure and one is violent protest, riot and revolution;" and his authorization of the appearance of excerpts from the book in the April 1970 Evergreen magazine which consists in the main of nude photographs; and his recent association with the Center for the Study of Democratic Institutions, "the birthplace for the very excesses which he applauds in his latest book."

It is Rep. Ford's contention that Douglas's "blunt message to the American people and their representatives in the Congress is that he does not give a tinker's damn what we think of him and his behavior on the bench. He believes he sits there by some divine right and that he can do and say anything he pleases without being questioned and with complete immunity."

Rep. Ford holds that Abe Fortas resigned from the court after revelation of financial arrangements akin to those of Justice Douglas and that the standards of conduct demanded of President Nixon's two rejected nominees are not exemplified by Douglas. Should there be two standards for justices, one on appointment, one on retention? the representative asks.

The questions are good ones.

Justice Douglas has been on the bench since 1939 and has given the court an admirable flavor with his zest for life and his independent thought. Now that he is nearing his 72nd birthday, he no longer is taking those 50-mile hikes; in fact, his health is less than superb. It is sad that at the end of such long public service he should be confronted with forceful removal from office, yet it is clear that there has been some deterioration in his standards of conduct. He is less than sensitive, to borrow a word from the Judge Haynsworth controversy, about judicial conduct. If he finds it embarrassing to be verbally assaulted by the House leader—and the proceeding might well fall short of impeachment by the House, let alone conviction by the Senate—he shares in the situation. His mistake was made when he resigned from the Albert Parvin Foundation; it should have been the Supreme Court.

UNIVERSITY OF CALIFORNIA EMPHASIZES ENVIRONMENTAL RESEARCH

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. LEGGETT. Mr. Speaker, the University of California regents have approved plans for a $16,500,000 applied research program aimed at providing practical solutions to our Nation's environmental problems, specifically California's air pollution crisis.

At a time when a large segment of the student community and the community at large has expressed their strong moral indignation at the emphasis placed on research for destructive purposes, it is encouraging to see the California University system turn its attention to the pressing need to maintain and improve the quality of life.

The University Bulletin contains the following description of this notable and worthy research program:

[From the University Bulletin, Apr. 6, 1970]

PLANS APPROVED FOR MASSIVE UNIVERSITY OF CALIFORNIA PROGRAM AIMED AT CALIFORNIA'S AIR POLLUTION CRISIS

The University of California Regents have approved plans for a $16,470,000 applied research program aimed at providing practical solutions to California's air pollution crisis.

The three-year research and development effort—called Project Clear Air—will involve some 200 UC scientists in short and medium term projects in seven separate research areas.

UC President Charles J. Hitch was authorized by the Regents to seek funds for Project Clean Air from state sources, and advanced the Project $50,000 to meet immediate needs.

Project Clean Air will act as an evaluator of technical data and serve the state government by providing knowledge and recommendations for legislative decisions on air quality control, Hitch said.

INTEGRATED

It will also organize the University's capabilities in scientific, technological, economic, sociological and medical areas and direct them in an integrated effort to reduce air pollution.

In addition it will provide technical assistance to keep state and local agencies informed on existing knowledge on air pollution problems, and aid them with administrative problems as air pollution legislation develops.

The $50,000 advance will be used to assess current knowledge about air pollution, outline future applied research needs and analyze alternatives for action in dealing with air pollution problems.

Included in short term research projects to be undertaken in the coming year are:

EMISSIONS

A study on the reduction of emissions by improved combustion and fuel composition (engine development)

Study the effects of air pollutants on human performance under conditions of multiple stress, such as those occurring during occupation or recreational exertion (Human Health Effects)

The role of the courts in air pollution control (Social Sciences)

Development of photochemical and meteorological simulation models of air pollution (Simulation Models)

Improved combustion methods for solid waste disposal (Power, Industry, Agriculture)

Determine the costs and benefits of a wide-scale monitoring of vehicle emissions (Instrumentation Development)

Study the effects of pollution on the state's meteorological conditions (Chemistry, Physics and Meteorology)

"These are just a few examples," S. W. Edmunds, Dean of the Graduate School of Administration at UC Riverside and chairman of a nine-campus committee which developed the Project Clean Air proposal, said. "Actually, we received a number of proposals from interested faculty and as our research progresses many additional research projects will get underway."

FUNDINGS

Project Clean Air, proposed by a special nine campus committee in January of this year, will begin operations July 1. Funding under the three-year project approved by the Regents continues through June 30, 1973.

Edmunds said the $16 million project was "a milestone in the history of University research."

"This is the first time the research resources of the University have been pulled together in a coordinated effort aimed at solving or alleviating a major environmental problem." he said.

More than $3 million of the allocation will be used for carrying out short term research projects which Edmunds said "will provide immediate, practical information for use by state agencies and the state government in developing legislation on pollution."

"Assistance to the Legislature and other state agencies," Edmunds said, "will be offered formally in progress reports, and informally in small meetings."

CHAOS ON THE CAMPUSES

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. DOWNING. Mr. Speaker, the Time-Herald, the afternoon newspaper published in my home city of Newport News, Va., last week printed what I consider a most timely editorial reflecting on current events. I include it in the RECORD so that all of the Members might have an opportunity to share it:

CHAOS ON THE CAMPUSES

In the name of God, what is happening in the United States?

Political, social and labor disorders are erupting across the country. Important, vitally necessary segments of the economy are aiding and abetting the rupture of lawful relations between members of our society. The pattern of life in this free country is suddenly splashed with blind, illogical violence.

American citizens are shooting at each other over the right to drive a truck. An embattled American President, risking his political life to force peace negotiations with the North Vietnamese, finds himself the target of opportunistic snipers. The anarchist's torch destroys a Kansas library, another at New Haven, and reduces to rubble the scholarly works of a dozen intellectuals at Stanford. At Yale, a university president weasels back and forth between the pans of the scales of justice. At Penn State, a university president flees his home before an attack by cavemen using rocks in the dead of night. At Kent State in Ohio, the civil militia excusably loses its cool before a student rabble that has descended to depths seldom touched by gutter-bound kids, and inexcusably fires on the rock-throwing, obscenities-spewing mob.

There is a virus abroad in the land, and it is the disease of anarchy, of nihilism, of total disregard for lawful agreements, legally arrived at.

Among adults, the truckers, the postal workers, the air traffic controllers have set an example.

The students, blaming the President for expanding the war illegally, without the consent of Congress, are using his alleged wrong as an excuse to reel off one illegal act after another, egged on by their militant leaders, the radicals in search of a cause, and politicians in search of votes.

Each, in his own way, has attempted to destroy for his own ends the set of values upon which a civilized society must build and function.

More than 100 colleges and universities have seized upon the disquieting turn of events to find new tactics of dissent. This was the startling admission of the officials of the National Students Association. One doesn't sit-in the objects of one's protests any more: one burns it down! New tactics! Ignore the law where it does not suit one's immediate purpose!

While the likes of Yale's chaplain William Sloan Coffin is urging on the mob, we would recall the words of another clergyman writing a century ago, Nathaniel Burton: "There is not a liberty worth anything which is not a liberty under law."

If we ignore lawlessness, then it becomes terribly possible that the government, with the enthusiastic support of the vast majority of law-abiding citizens, approaches, despotism in its efforts to curtail those who take the law into their own hands.

This is a risk of the highest order, and it occurs that the students and their opportunistic leaders ought to be aware of the great body of public opinion that is sick at heart and soul of the shocking loss of order in our society.

Society protects its institutions against invaders through the use of force, which we have seen most shockingly and unnecessarily used at Kent State. If necessary, order will be restored through force, and the right of dissent will truly suffer.

But what of the next step? Shall a generation be penalized because of the cruelly vicious behavior of anarchists bent on flaming destruction? Since they have no goal, since they have nothing of value to offer in their continuing demands for change, what will turn them off at a given point in time?

Perhaps some return to the traditional virtues of mutual respect for talent, for honesty, for justice. How, then, to achieve this desirable state of affairs? Not through an inflexible structure. Not through capricious mis-use of time and opportunity. Not through adoption of the assumption that if we enjoy the benefits of an ordered society, then we must also generously recognize and accept those who would bring it down into chaos.

But how, again? A positive, collective answer simply does not appear on the horizon of this permissive society.

Having sown the wind, in the words of the prophet Hoesa, we are truly reaping the whirlwind.

NIXON'S CRITICAL DECISION

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ROUDEBUSH. Mr. Speaker, the Fort Wayne News-Sentinel has published a perceptive and highly competent commentary on the Cambodian decision and I offer it for examination of the entire Congress.

The editorial follows:

[From the News-Sentinel, May 2, 1970]

NIXON'S CRITICAL DECISION

Almost needless to say, a comparison of American troop movements in the past 48 hours is shockingly ironic. Just as President Nixon announced that an initial 2,000 United States ground troops had moved into Cambodia in support of South Vietnamese forces, the Defense Department announced it will send 4,000 marines and paratroopers into New England to save a university—at least in part from itself.

And the lesser deployment is overwhelmingly the more significant operation!

From this point on, it can never be said that the President lacked fortitude in an hour of crisis, for in ordering combat forces into Cambodia, he placed his entire future as an American leader on the line. As Nixon himself, said, his decision is not comparable to that of the late President John F. Kennedy in the confrontation with Russia over missiles in its long-range import to the Nation. However, it is by nature a comparable kind of decision, and its bearing on the status of the decisionmaker may be even more critical.

In directing a clearing-out of North Vietnamese sanctuaries along the Cambodian-South Vietnamese frontier, the President undertook a military operation which virtually all military authorities would have deemed mandatory many months, and even years ago. The presence of those sanctuaries are, perhaps, the greatest single element which has inured to the benefit of Hanoi in the war and the reason that the North Vietnamese have been able to keep a military presence in the Mekong Delta after they have all but abandoned the rest of South Vietnam.

Although the operation was presented solely as an undertaking in protecting the Vietnamese flank, it serves to put the Communist troops in Cambodia in a nutcracker situation between the Cambodians at Phnom Penh and the American and South Vietnamese on the East, with the possibility that the Communist avenues of supply from the North will be cut off.

The real question, of course, is whether or not it will work. It is more than clear that the western part of the nutcracker—the Cambodian army—is not strong. If the North Vietnamese fall back to the West, defeat the Cambodians, and return to the sanctuaries after the onset of the monsoon season, preserving their supply routes, it will have been a failure.

But if casualties in Vietnam decline after the withdrawal of the American and South Vietnamese forces, or if, perchance, it brings the North Vietnamese to more serious negotiations in the Paris Peace talks, it will have succeeded. Certainly Americans, in consideration of the lives of their sons and brothers and fathers fighting in Vietnam, must hope that it succeeds.

One thing is certain—by midsummer, the judgment and wisdom of the President of the United States will look very good, or it will look very bad!

THE CAMBODIAN DECISION

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. PODELL. Mr. Speaker, we live in an age characterized by the presence of rapid social change, automatic abundance, and a preoccupation with the issue of violence. As Kenneth Keniston said, "It is an open style characterized by fluidity, flux, change, and movement." The events and the actions of the last 2 weeks make these words ring truer than ever.

Yet, paradoxically, some things have not changed. The ideas of some of our political leaders remain mired in the past. Mr. Nixon's speech of last week clearly indicated that America's foreign policy continues to be based on the erroneous premise of yesterday's world. The conflict in South Vietnam and now in Cambodia is still being billed as the crucial test of American will and the ultimate test of the viability of American values.

The motives of those who disagree with the premises and the content of the decision to send troops to Cambodia continue to be sadly misunderstood. In the space of 6 months, the "effete snobs" of our Nation have suddenly changed into

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"campus bums." This superficial change of epithet fails to hide the tone with which both statements were issued. The practice of flippantly classifying people on the basis of their beliefs, while misjudging the depth of student and citizen commitment is too apparent and too familiar. I would not be lying if I said it was expected. This time however, it was the President who was doing the classifying and the President who was guilty of misjudgment.

This week saw Mr. Nixon issue a misguided decision to extend the Vietnam war into Cambodia. It witnessed the tragedy of four student deaths at Kent State University and the outpouring of despair and anger by our students on campuses across the Nation. It witnessed the preoccupation with violence both at home and abroad. It left in its wake constitutional and moral crises that will not be easily resolved and the most serious loss of credibility this Nation has witnessed.

The decision followed on the heels of two earlier statements that led to a precipitous rise of expectations by the general public and the Congress. Through Secretary of State, William Rogers, the Congress was assured that it would be consulted in future decision. Then the President announced that 150,000 troops would be withdrawn from Vietnam.

A constitutional crisis was precipitated last Thursday when the President announced on national television that he was sending troops—without congressional approval—to fight the war in Cambodia. We were told only that the President consulted with some "unnamed advisers." Yet, judging from the content of the decision, it appeared as if the advisers had just recently stepped from a time capsule that had been sealed for 5 years.

We were told that only through escalation could the United States achieve victory. If we failed, we would become a "second-rate power." For those living outside the time capsule, watching the course of events over the last 5 years, and witnessing the mistakes, the words sounded incredible. The tragic mistakes of Vietnam, the deepening divisions within our country were omitted. Instead, we were told that to extricate America and to vindicate the lives already lost, we would have to shed more blood. Death would be vindicated only by more death. The specter of the silent majority was then invoked to add legitimacy to the President's statements.

Yet, if Congress is to become a national forum for the discussion and the resolution of the issues of the day, the specter of the silent majority will have to be removed from the political scene. Congress must redefine its role in the changing context of American politics. The President must not be granted the sole power to educate public opinion—and congressional approval of decisions cannot be foregone conclusions.

At the moment, as witnessed by the Thursday broadcast, the President is the only individual granted access to the minds and conscience of the American people. The weight of Presidential authority was most evident Wednesday, when in a nonrecorded vote, I was joined by only 69 of my colleagues in voting for an amendment to cut off funds for American operations in Cambodia, Laos, and Thailand.

The serious errors of Presidential judgment must be exploded in an open forum where a point-by-point rebuttal can be made to the people and in a Congress unrestricted by closed votes and closed hearings and closed minds.

Events and decisions have precipitated a deep soul searching by many Americans, and especially by the young. We are in the middle of a moral crisis in which means and ends are being questioned and values are being subject to intense scrutiny. What are the values of a society that send National Guards to universities with live ammunition in their rifles? Four deaths at Kent State University are testimony that something is desperately wrong. Must we indefinitely support governments abroad that lack the support of their own people?

American youth today is turning outward to confront the issues of our time. They have the advantage of being a generation well placed for action. Society is getting younger, and youth feels the potential of their numbers as never before.

This potential can be used to precipitate doctrinaire violence with resulting counterviolence, or it can be used to change and mold institutions and opinions. I unequivocally choose the latter method.

My experience in the last week confirms my belief in the role that the young are going to play in closing the gap that now exists between American thought and American action and between designated means to achieve designated ends. New tactics of political action that increase political awareness and lead to a politics of dialog and participation must be forthcoming.

The American system is flexible enough to meet and resolve the demands for change. The active citizen can organize forums of discussion on the streets, in homes, at meetings. The ultimate most effective weapon remains the vote.

Although there will be a carefully orchestrated campaign to discredit such action—after all, what can we expect from an administration whose initial reaction to Kent State read like an apology for the National Guard—through nonviolent action and well-channeled activity, the voices of freedom and of peace will be heard and they will be effective.

HORSE CENTS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ROGERS of Florida. Mr. Speaker, although April 15 has come and gone, I am sure that there are many Americans who are still trying to recover from the paperwork, scribbling, and general frustrations associated with the filing of their 1040's.

Confusion is often the birthplace of humor, and so it is that Byron S. Adams Printing, Inc., 1213 K Street NW., Washington, D.C., has found such humor in the IRS form and its accompanying instructions. An article, "Horse Cents," appeared in the April 1970 edition of Impressions, published by that firm, and I include it at this point in the RECORD for the benefit of my colleagues and all U.S. taxpayers:

HORSE CENTS

We hope that this valuable hint on how to—

"Go to Sch. T. to figure tax and surcharge if you itemize deductions; or claim retirement income credit, foreign tax credit or investment credit; or if you owe self-employment tax or tax from recomputing prior year investment credit. (Omit lines 16 and 17). If neither of above two items applies, go to Tax Tables instead of Sch. T. Complete lines 16 and 17."

avoid a severe penalty due to a claim on your 1040 that the Internal—

"Subtract line 3 from line 2. Enter difference (if less than zero, enter zero)."

Revenue Service has said it will not admit is not received too late—

"Line 17—Tax From Recomputing Prior Year Investment Credit.—Enter the amount by which the credit taken in a prior year or years exceeds the credit as recomputed due to early disposition of property. Attach Form 4255."

to be of assistance.

"What it is, is this, and we read it right out of a book—

"Enter total of lines 16 and 17 OR amount from Schedule T, line 18, if applicable (check if from Tax Table A—, B—, C—; Tax Rate Sch.—, Sch. D—, or Sch. G—."

by an eminent authority: You cannot deduct—

"Total tax (add lines 15, 16, and 17). Enter here and on line 18, Form 1040 (make no entry on line 16 or 17, Form 1040). Attach Sch. T to Form 1040 only if you made an entry on line 14, 16, or 17 above."

the value of a saddle horse that dies as the result of—

"Note.—Gross profits from farming are the total of the gross profits from Schedule F, line 28 (cash method), or line 67 (accrual method), plus the distributive share of gross profits from farm partnerships as explained in instructions for Schedule SE.

eating a silk hat!

"Honest, that's what the man said!"

POSTSCRIPT TO MOTHER'S DAY

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. BURTON of Utah. Mr. Speaker, I submit for those who may have missed it Bill Gold's tribute to his mother which appeared in the May 8 issue of the Washington Post:

SHE SURE WAS A MEAN MOTHER

Business firms are very high on mothers, and at this time of the year they remind us to show appreciation for our mothers.

Their advice covers mothers generally, so I'm not sure they would have approved of my own mother, specifically, or any of her breed.

Modern standards require that mothers read books about raising children, and let the children do as they please. But my mother was an authoritarian. Very mean.

One of my earliest memories of her is a

scene that would have melted any normal person's heart. There I was, crying my eyes out for a piece of candy, but she was so unconcerned she didn't even raise her voice. She just said: "You know very well we're going to have dinner in about five minutes, so this is not the proper time for candy. Crying won't get you what you want, so you might as well stop it."

How do you like that? My little heart was breaking, but she just didn't care.

She continued to be mean to me all through my childhood. She forced me to hang up my clothes, and brush my teeth whether they needed it or not, and study when other kids were playing, and take music lessons, and wash up before I came to the table—all sorts of stuff like that. It was really dreadful.

If I wanted to go out at night, you'd have thought she was the Gestapo the way she interrogated me. Where was I going, for what purpose, when would I get back, and other ridiculous questions. I guess she just didn't realize how embarrassing it was when she asked my friends to come into the house so she could meet them instead of their just hollering for me from outside.

I couldn't wait to grow up and get out of a house run by a woman who thought people should always be polite and never lose their tempers, even when they were being repressed and not permitted to live their own lives.

You don't know what I went through being dragged to art galleries and religious services and Fourth of July speeches and junk like that. And having a portion of my microscopic allowance practically confiscated from me for the poor box. And being forced to spend half my life washing up. Many a time I was tempted to report that woman to the authorities.

However, now that she is safe from all earthly travail, God rest her soul, I'm awfully glad that I was never in any real doubt about her, or the role she played in my life. She was my liaison with all of the good things that man had learned since venturing out of his caves. She was civilization's personal representative to me; and if I was to benefit from what previous generations had learned, it would have to be primarily through her. The meanness I complained about wasn't her lack of compassion but my lack of understanding.

Besides, even if she really had raised me all wrong, it wouldn't have been her fault. She didn't have a book of instructions for guidance. She had to figure things out for herself, and didn't realize she was being so mean.

THE DEATH OF WALTER REUTHER

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. GILBERT. Mr. Speaker, I would like to add my voice to the millions of American workingmen who mourn today the tragic death of Walter Reuther, who died Saturday night in a plane crash.

Few men have made the impact upon this Nation as Mr. Reuther did. Truly a man of his time, he was more than a labor leader. He was a man dedicated to all the people who live and work, wherever they might be and whatever their occupation.

He cared about the poor, the hungry, and the ill. Under his stewardship, the American auto workers led numerous battles for better pay and better working conditions of the people it served. But beyond those basics, Walter Reuther had a vision of America where all people could stand tall and proud, sure of their future and free to go as far as their abilities would carry them.

This Nation lost a true servant when Walter Reuther passed away. It lost a candle of hope, a reservoir of tireless energy toward social causes and a strident voice opposed to degradation in any form. We shall miss him sorely.

ISRAEL—STILL IN DANGER

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. GIAIMO. Mr. Speaker, this week the State of Israel celebrates its 22d anniversary. I wish I could report that this remarkable nation won its long struggle for existence and for peace in the Middle East during the past 12 months. Unfortunately, I cannot, for the situation in the Middle East has grown more ominous since May 1969.

The past year has seen the Government of France send jet planes to Libya in a reckless attempt to gain economic and political influence in the Middle East. Knowing full well that these planes would be used by other Arab Nations to wage war against Israel, France went ahead with the sale and gravely threatened the precarious balance of power in that area.

The past year has seen the Soviet Union escalate big power involvement in the Israeli-Arab dispute by sending pilots and other military personnel to the United Arab Republic. This callous action has inflamed an already tense situation and has increased the possibility of a major confrontation in that part of the world.

Most unfortunately, the past year has seen a marked increase in anti-Israel and anti-Semitic propaganda, not by the hatemongers of the right but by the revolutionaries and racists of the left. The overt support of Arab guerillas by certain radical groups in this country, the neo-Nazi preachings of black revolutionaries, and the ridiculous charges of American imperialism all endanger liberal support for Israel and blind many young people to the real situation in the Middle East.

Finally, the past year has seen a curious shift in administration policy toward the Middle East. Efforts by the administration to impose a peace settlement rather than encouraging direct negotiations and administration refusal to maintain the balance of power through the sale of badly needed aircraft to Israel are signs that the traditional policy of friendship toward Israel may be compromised.

Thus, Mr. Speaker, the outlook for peace in the Middle East is bleak. It is bleak because we have not adhered to the basic principles upon which lasting peace must be built, principles as relevant today as they were 22 years ago.

There will never be lasting peace in the Middle East unless the Arab States recognize the right of Israel to exist as an independent nation. As long as the Arabs believe that they can destroy Israel, peace will be impossible.

There will never be lasting peace in the Middle East unless outside powers, both great and small, end their economic and political adventures in that area and thus help maintain the balance of power.

There will never be lasting peace in the Middle East unless the big powers stop trying to impose peace settlements on the parties involved in the conflict. For 22 years, outside powers have attempted to impose solutions and for 22 years they have failed. The time has come to realize that direct, face-to-face negotiations between Israel and her Arab neighbors are the only means by which lasting peace can be achieved.

If we adhere to these principles, if we proclaim as never before our support for the Israeli people, we may have something better to report about the Middle East in May 1971. Let us pray that the Middle East, the cradle of civilization, can someday become the showcase of peace in this troubled world.

FEDERATION OF HOMEMAKERS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the other day I received a letter from Mrs. Gordon B. Desmond, who resides in my district, asking that I publicize the resolution of the Federation of Homemakers:

RESOLUTION

Whereas, the paramount objective of the Federal Food, Drug and Cosmetic Act is protection of the consuming public, and

Whereas, Congress has recognized that, since it is impossible to establish safe levels for carcinogens, that objective will be realized only if the Food and Drug Administration takes all action that is necessary to protect consumers from the ingestion of substances and additives that are established to be carcinogens in either humans or animals (the so-called Delaney Amendment), and

Whereas, from the recommendations of both the White House Conference on Food, Nutrition and Health, and the Mark Commission on Pesticides and their Relationship to Environmental Health, and the recent public statements of Secretary Finch, it appears that the Administration is about to launch a concerted effort directed at watering-down that Congressional statement of national policy, Now Therefore

Be it Resolved that the Board of Management of the Federation of Homemakers declares its unalterable opposition to any changes in policy which would sanction the ingestion by American consumers of carcinogens and urges the Congress to reject any such proposed changes.

In witness whereof, we, a quorum of the Board of Management, have hereunto set

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our hands at Alexandria, Virginia, this 20th day of April, 1970.

RUTH GRAHAM DESMOND,
MAME V. GLASCOCK,
Treasurer.
VIRGINIA FAGG SINGER,
Secretary.
DOROTHY TUGGLE,
Board Member.
JANET DESMOND COBB,
Board Member.

RUMANIAN INDEPENDENCE

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. MESKILL. Mr. Speaker, May 10 stands out as a landmark in the proud history of the Rumanian people. It was on this date in 1866 that Charles, Prince of Hohenzollern was proclaimed the Prince of Rumania, in Bucharest, thus founding the first Rumanian dynasty.

Eleven years later, on the same date, the Rumanians, having joined forces with the Russian armies against the Turks, declared their independence from the Ottoman Empire. These brave Rumanians, rebelling against the once-powerful Turkish regime, assisted the victorious Russian armies in the Russo-Turkish war.

Although czarist Russia betrayed their new ally at the Berlin Conference of 1878 by forcing the secession of Bessarabia from Rumania, the freedom-loving Rumanian patriots were able to secure their independence. Three years later, on the 10th of May 1881, Charles I was crowned King of Rumania, and over three decades of stable government followed.

It is indeed ironic that Russia, which played such a significant role in helping Rumania gain her hard-won independence, should also be the nation to take away that self-government.

At the end of World War II, Rumania, like the other states of Eastern Europe, was occupied by the Red army. The elections of 1946 finalized Communist control of this Eastern European country. The declaration of the Rumanian Peoples Republic followed shortly.

Recently the Rumanian regime has been moving toward the reassertion of national sovereignty and striving for greater independence from Soviet domination. Recollections of the brutal invasion of Czechoslovakia by Warsaw Pact Troops, however, certainly dimmed the hopes of any such nationalistic movement. Nevertheless, the Rumanian people have still been able to preserve a sense of nation, heritage, and identity.

It is in a spirit of great friendship that we, as Americans, extend our best wishes to all Rumanians as they celebrate their nation's independence. Both in World War I and in the latter days of World War II, Rumanians fought bravely on the side of the United States. And we can certainly not forget the warm welcome with which the Rumanians greeted President Nixon during his visit in their country last year.

Thus, it is with the deepest sense of commitment that we, as well as all those who cherish freedom the world over, renew our hopes that the spirit of liberty may once again be extended to the Rumanian people.

THE REAL PLOT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. WOLFF. Mr. Speaker, I would like to extend my remarks to include an editorial from the outstanding weekly paper within my district called the Locust Valley Leader. Mrs. Edith Wyckoff has presented an editorial which I believe should give us all reason to pause. It follows:

THE REAL PLOT

There was a time, many years ago, when our leaders understood that the keystone of the communist plot to destroy the United States is to lure it into a series of undeclared wars all over the world, slowly draining all of our resources, manpower and wealth. As time passed our leaders lost sight of this simple strategy and deluded themselves that by fighting these undeclared wars they were fulfilling their mission which is to save the world from communism. Having the new mission to blind us to the real communist plot, we have allowed ourselves to be sucked into a series of expensive, degrading and debilitating wars that have solved nothing for us or the rest of the world but have served the communist plot very well.

Our country, now a badly kept house, is crying out for attention in every shabby corner. Our air, streams, lakes, rivers and oceans are so polluted they threaten our sources of food and water. Our cities are rotting from inattention, our transportation systems are at virtual standstills, our airports are clogged and dangerous, there is no planning, no correlation of ideas, no looking ahead. When these and thousands of other problems such as narcotics, welfare, education and the inadequacies of the whole system are brought before responsible persons the whole dizzying panorama is so overwhelming that the immediate response is to throw up the hands and say, "what can I do? And even if I knew what to do it will take too long."

Everyone can do something. If enough individuals let elected officials know what they want it will be done. By nature the democratic system is slow which is good reason to begin today. The longer we wait the longer it will take. While we are waiting and while we are saying there is nothing we can do, the heart of our nation is being sucked away by an aimless, immoral conflict more than half way around the world. What is happening is like cutting slowly into the human body until the life slowly ebbs away.

It should be obvious by now that the communists do not want us out of Asia. Every time we show signs of leaving, they do something calculated to keep us there because our presence serves their purpose. And when we have fallen deeper and deeper into their trap, carrying the war beyond the boundaries of south Viet Nam, supporting a government that cannot take care of itself and that jails its dissenters, as we squander more and more of our best young men and the cream of our wealth in this kind of ineffectual battle, our own nation is slowly slipping away, drowning in pollution and filth, in crumbling cities and in bankruptcy as the cost of survival goes higher and higher. When this kind of disintegration takes over then the communists truly will have won their battle of half a century because we will be easy prey for them and it no longer will be of even academic interest to anyone how things are going in Asia.

THE 22D ANNIVERSARY OF ISRAEL'S INDEPENDENCE

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. MESKILL. Mr. Speaker, 22 years ago, Israel became a free and independent nation. It was not easy then; it is not easy now. Israel had to fight for her independence in 1948 and the fight to remain an independent nation in the turbulent Middle East goes on daily.

During all of this period, Israel has been a model of courage and tenacity. While facing the hostility of her neighbors, she has prospered and developed in the face of almost insurmountable odds. In spite of the ever-present threat at her borders, Israel remains undeterred from her course which she embarked upon 22 years ago.

Faith, courage, and belief in their purpose have inspired the people of Israel to defend their new nation. This deep commitment on the part of the people of Israel to succeed in their cause is responsible for their many achievements in social, economic, and political areas.

Through hard work and concentrated effort the Israelis have transformed sterile wasteland into fertile farm country. They have developed a solid economy. And they have maintained a functioning democratic political process, despite the presence of near war-like conditions for the last 22 years.

Israel has paid a high price for the right of survival. As we join in celebrating her 22d year of independence, we extend to her our wish for continued success. We salute her courage and her perseverance and her dedication to the ideals of freedom, justice, and independence. We wish her continued growth and prosperity. And finally, we hope that peace may soon settle over this part of the world.

The U.S. commitment to the free nation of Israel is a deep and longstanding one. It is our fervent hope that Arab and Israel leaders will sit down at the negotiating table and hammer out a long-term settlement that will bring peace and security to this troubled part of the world. Such a settlement is long overdue.

The cornerstone of our policy is and continues to be the protection of the independent nation of Israel.

As we celebrate Israel's independence, let it be clear to any nation who seeks to violate Israel's borders that our commitment is not susceptible to compromise. While we are making every effort for peace, we intend to insure Israel's ability to defend herself.

Mr. Speaker, as we honor Israel's independence, let us renew our commitment to her safety and security.

A SCHOOL DESIGNED FOR KIDS

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. SCHADEBERG. Mr. Speaker, I would like to share a recent article from the Saturday Review with my colleagues. The article concerns an innovative school, the Beloit-Turner Middle School in my district, which has been recognized for its concern with children and the true experience of learning.

Built with no Federal, State, or foundation funds, I believe the local citizens are to be commended for their personal commitment to the future of education.

The article, as mentioned, follows:

A School Designed for Kids

(By James Cass)

Most schools are designed for adults, for the comfort and convenience of faculty and administration. The Beloit-Turner Middle School in Wisconsin, by contrast, was clearly conceived as a place for kids—or, more accurately, it was artfully designed to house a program based on the special nature and needs of early adolescents.

The visitor's first impression of the school is one of openness—of wide-open, visually attractive space. His second impression is one of almost constant movement, relatively quiet, purposeful, and relaxed, but unceasing. Only later in the day does he realize that he has heard no bells ringing to signal the end of class periods, and that classes of various sizes have met for differing lengths of time, and then have dissolved and reformed with a minimum of disturbance.

The heart of the school consists of three large classrooms—or pods, as they are called—each serving as a homeroom for 125 to 150 students, and as a classroom for varying numbers of students throughout the day. These pods are arranged in a U-shape around a central core of administrative and special service offices, and a large, open instructional materials center. The remainder of this central core consists of an ingeniously tiered cafeteria/commons, which connects the two side pods at the open end of the U, and doubles as a classroom for either large or small groups, as well as a "socializing center" for students. Divisions between the various open areas are marked only by the different colors of carpeting that covers virtually all the floors in the school—including the cafeteria. Adjacent areas house the auditorium, gymnasium, and facilities for music, art, home economics, and industrial arts.

Designed by architect Jack Reif of John J. Flad & Associates (Madison, Wisconsin), the school incorporates elements of open design that are by no means new, but are employed with a sensitivity that not only makes it possible for an unusual educational program to function, but actively supplements and enhances it.

The program itself is based on the assumption that sixth, seventh, and eighth-graders have special interests, needs, and objectives—and that the school should work with these special qualities rather than against them. Conceived by Professor Rolland Callaway of the University of Wisconsin-Milwaukee, the program specifically asumes that these early adolescents need an active, social school environment, because they are deeply involved in questioning who they are and in exploring the nature of their relationship to everyone and everything. Consequently, this is not the age at which a child is ready to confine his study to the separate, highly organized disciplines. Rather, his study should draw upon the disciplines, and he should begin to develop varied academic skills, but the emphasis should be placed on the exploration of social issues and problems, with particular attention to the development of individual interests, values, and attitudes.

To keep the program as flexible as possible, the day is divided into three large blocks of time devoted to an equal number of broad objectives. One half of the day is allotted to "Developing Social Sensitivity and Understanding" (which draws on the social studies, English, and foreign languages), one quarter of the day to the "Physical Environment" (which focuses on science and math), and the remainder of the day to "Developing Creative Interests and Abilities" (which offers students freedom to develop their own interests in art, music, home economics, and industrial arts). Each large group of students works with a team of teachers, teaching assistants, student teachers, and interns, as well as with specialists. The instructional program itself is not predetermined, but is "relegated to on-the-spot, day-by-day, week-by-week planning of the teaching team and the students." The part of the day devoted to the creative arts leaves the student free to choose his own area of interest—and to change it at will.

The school was opened just last September, and all facilities were not completed until early December, but both the school and its program appear to enjoy substantial community support. Although located in a typical Midwestern rural-suburban area that is far from affluent, no federal, state, or foundation funds were involved. It was purely a community effort that has, perhaps, been characterized best by former board of education president William D. Behling, executive director of the Beloit *Daily News*. "The Turner Middle School," Mr. Behling says, "is the remarkably successful result of an uninhibited effort by an improbable group of people who sought only to find a better way of meeting the educational needs of the early adolescent."

It is far too early to assess the ultimate success of the school, but teachers and students are enthusiastic. The teachers, to be sure, are rather more restrained in their judgments—not least, perhaps, because they find it less easy to adjust to the openness and the constant movement, and because their responsibility for developing an effective instructional program is so much greater than it would be in a traditional school. Yet nearly all are firmly committed to the concept of the school and seem to have reservations primarily about whether they have discovered how best to employ their professional skills in the unfamiliar environment.

But the children have no doubts. "It's the freedom that's so great," they say, "you can do what you want." And they add: "Yes, we learn just as much as we did last year—we learn more. Sure, we still have to study science and math, but it's different." The ways in which it differs may vary for individuals, but they have a common theme that echoes Professor Callaway's assertion that, when we enforce rules of quiet conformity on students, we "foist behavior patterns on youngsters in our schools which we, as adults, would not live with."

"The teachers don't push you into learning," a diminutive sixth-grader explains, "they let you come in by yourself and do it the way you want. We learn more because we want to—and it's so great because after you've done your work nobody cares if you visit with your friends." Three eighth-grade girls, alternately studying and talking in a little corner formed by movable tables with low tack-board backs, agree with their sixth-grade colleague. "It's better when you can get the latest gossip while you study," they say. And one adds: "You only really learn when you want to." A seventh-grader is entranced by the freedom allowed him to go play chess when he has finished his math lesson. And others clearly share his pleasure—two or three chess games are in progress at almost any time of the day, a dozen during the noon hour.

But Danny, a bright, articulate eighth-grader who has been a serious discipline problem in the past, sums it up: "You can't help but learn more, there are so many things to do—and in the afternoon [during the time allotted to creative interest] you can do anything you want." However, Danny's friend, who has a similar history, has had more difficulty in adjusting to freedom—and provides the counterpoint. "Last year when you did something you weren't supposed to do, and got away with it, you had a feeling of accomplishment. This year nobody cares. Take gum. They say go ahead and chew gum in class—so I lost my taste for it. Nobody chews gum any more—maybe two or three guys in the whole school."

It will take much more time to get a final reading on the Beloit-Turner Middle School. The program is still evolving, and its eventual success will depend in large measure on the skill and the dedication of the teachers who implement it. But perhaps the best interim assessment has already been made by the students themselves. As a result of their demand, the school is open seven days a week. It's the most interesting place in town.

RUMANIAN INDEPENDENCE DAY

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. BUCHANAN. Mr. Speaker, the 10th of May is the national holiday of the Rumanian people, commemorating three great events of its history. It is indeed a privilege for me to join in the observance of this day and in the expression of support by millions of Americans for the struggle for freedom by the brave people of Rumania.

On May 10, 1866, Charles, Prince of Hohenzollern-Sigmaringen—a scion of the Southern and Catholic branch of the Prussian royal family—was proclaimed in Bucharest Prince of Rumania, and thus founded the Rumanian dynasty. This was the successful outcome of the nation's long struggle to acquire the right of electing as its sovereign a member of one of the Western reigning families and thus put an end to the strifes and rivalries among native candidates to the throne.

Eleven years later, on May 10, 1877, during the turmoil of the Russo-Turkish War, the Principality of Rumania proclaimed her independence by severing the old and outdated bonds that linked her with the Ottoman Empire. Until that time, Rumania had been nominally a vassel of the Sulton. This independence had to be fought out on the battlefields and was officially confirmed by the Congress of Berlin of 1878.

Four years after the Rumanian people had proclaimed their independence, a further step was taken as they decided to raise their country to the rank of a kingdom. On May 10, 1881, Charles I was crowned, by the will of his people, King of Rumania. A prosperous era, which lasted over six decades, opened on that day for the nation.

This occasion serves as a vivid reminder to us that the people of Rumania and the other captive nations of the U.S.S.R. still live in captivity under the tyranny of Communist rule. The repression to which they are subject is a deep source of concern to freedom-loving people everywhere. As those of us who are privileged to live in a great free nation join in the observance of Rumania's independence Day, it is my profound hope that the brave people of Rumania will be encouraged to maintain their spirit through our expressions of support and that we can indeed bring the force of world opinion to bear on behalf of their freedom.

DISTINGUISHED HUMANITARIAN

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, it was a great disappointment to me that I could not be in Taunton, Mass., on Sunday evening, May 3, 1970, to join with my friends and constituents to pay tribute to Henry G. Crapo, register of deeds for North Bristol County.

Mr. Crapo has distinguished himself among the citizens of southeastern Massachusetts for his dedication to duty and civic causes. In his profession, he is widely admired for the efficient administration of his office, his expertise, and his service to the Registers' Association. He has worked tirelessly in behalf of charitable groups, and he has contributed much time and energy to youth organizations.

For the benefit of my colleagues, I include in the RECORD a full account of the dinner honoring Henry G. Crapo, as reported by the Taunton Daily Gazette, as well as a passage in tribute to him as "Distinguished Humanitarian—Public Servant":

[From the Taunton Gazette, May 4, 1970]

MORE THAN 450 ATTEND TESTIMONIAL TO CRAPO

More than 450 Bristol County residents attended a testimonial dinner Sunday evening at Lewis Lodge for North Bristol Register of Deeds Henry G. Crapo.

Robert R. Gallagher, register of deeds for Worcester County, was principal speaker. In his remarks, Gallagher praised Crapo for his work with the Registers' Association and stated that Crapo held the unique distinction of serving as president of the association longer than any other individual.

Gallagher also commented on world affairs and called upon his audience to support their state and national leaders.

"It is easy to be a critic," said Gallagher, "and find fault with everything our leaders do. But they are the people who try to do what's best, and continual criticism, violence and attack on government, might well bring on anarchy, and then dictatorship."

The Worcester County register, who is a graduate of Holy Cross College, and served for 35 months in the United States Navy during World War Two, also asked for support of the police. "Without civilian support of our police," he said, "great trouble can come to this nation," he asserted.

Other speakers included Mayor Joseph E. Flood, who spoke of his many years of working with Crapo when he was an assessor and Crapo was employed by the Taunton Board of Health.

"Henry Crapo," said Mayor Flood, "has been a life-long friend, and a splendid servant."

Rev. Bento Fraga, assistant to the pastor of St. Joseph's Church in Taunton, also spoke. Father Braga told of his boyhood days in the Crapo neighborhood and the closeness of the Crapo and Fraga families and his great respect for the guest of honor.

County Commissioner Charles Frates of New Bedford reminded the audience of Register Crapo's able service over 12 years as register of deeds and his co-operation with the county commissioners on many important matters.

"Henry Crapo is a fine human being," said Frates. "The people know he operates an efficient office, and on behalf of the county commissioners, I am pleased to make public recognition of his efforts."

Presentations were made by Joseph C. Murray, president of the Taunton Co-operative Bank and also President of the Taunton Area Chamber of Commerce. Murray presented a scroll from Governor Francis W. Sargent and also gave a personal gift to Crapo—gold cuff links, bearing the State Seal, "From your long-time friend, Frank Sargent."

Louis V. Cook, secretary of the Taunton Lodge of Elks, presented an inscribed plaque to Crapo, setting forth that the Taunton register was a "humanitarian and an outstanding public servant." Cook commented that "Crapo's success in life was his genius for helping others."

Comments were made by Rabbi Baruch Korff of Congregation Agudath Achim, which conveyed the efforts by Crapo over 30 years in many charitable and civic efforts for the young people of Taunton.

The program for the evening outlined Crapo's leadership in many fields of civic endeavor, including his chairmanship of the Taunton Boys' Club drive which reached a goal of $261,000 to rebuild the club and construct a swimming pool.

Guests included Reps. Charles L. Flannery, Walter W. O'Brien and Theodore Aleixo. Also present were a number of registers of deeds from surrounding communities, including Joseph Hanify, Fall River; Philip Norton, Dukes County; Richard Holmes, Plymouth County; Barry Hanon, Norfolk County.

Assistant Registers Charles Ross, Norfolk; Frank Parris, Plymouth; and Frank O'Brien, Fall River, were also present, along with Harold A. Goff, retired North Bristol register.

In his remarks, Register Crapo thanked the audience for "making this night one of the most eventful in my life." Crapo spoke of the many persons who had helped him down through the years.

"Without the assistance of so many friends and the co-operation of the people of Taunton," he said, "we would never have raised the money for the Boys' Club, the crippled childrens' programs and other outstanding charitable enterprises."

Crapo also thanked his wife, Rachel, and his family for their support and affection, "These are the things that are most important in life," he said.

Sen. John F. Parker was master of ceremonies and in his opening remarks called Crapo a "builder, who has constructed many bridges for the young."

Edward D. Duffy served as general chairman of the large committee which worked on the testimonial. Thomas Whittaker sang the Star Spangled Banner, and invocation and benediction were given by Rev. Samuel J. Riggs, pastor of North Taunton Baptist Church. Robert Phillips was organist.

HENRY G. CRAPO: DISTINGUISHED HUMANITARIAN—PUBLIC SERVANT

It is good that this world is populated by men like Henry G. Crapo.

These are the kind of people, in every community across the globe, who take on the difficult jobs, and with heart, mind and love for their fellow man, do the things that need to be done.

Henry G. Crapo is a modest man. His roots go back to the ancient beginnings of Taunton and Bristol County. That is why this splendid man has so much affection for all that America stands for and in particular a deep-seated love for his home town of Taunton.

This man's story of his life upon this earth is a diary of a sincere individual, who can never say "no" when a program needs guidance and which is designed to aid a fellow human being.

To chronicle Henry Crapo's achievements would take more space than is alloted here. Suffice to say that his hand and his heart, have been ever-ready and open to aid the downtrodden, the crippled, and the unfortunate. To bring light and happiness and joy is his way of life, and the measure of what he has done for more than 30 years can be found in the voices of those whom he has helped and who say in unison, "Without Henry Crapo, our cause would have been lost."

These causes and great charitable undertakings generated by Henry Crapo for the Kiwanis, the Elks, the Y.M.C.A., the Red Cross, United Fund, Heart Fund, Boy Scouts and other movements gave "Hank" opportunities to ease the burdens of those less fortunate than we.

His most magnificent project in recent years, was as General Chairman of the Taunton Boys' Club Fund drive in 1966, which reached a goal of $261,000. His leadership in this drive will never be forgotten.

Twelve years ago, the people of this area, in appreciation for his unselfish civic work, elected Henry G. Crapo, Register of Deeds. His stature in this important post earned for him recognition as President of the Register's Association. He also became District Deputy of the Order of Elks.

In whatever he does, "Hank" Crapo adds to his luster as a man, a civic leader and public official. He is a credit to his family and to his people.

Those who know and love "Hank", open their hearts to honor him at this testimonial tonight.

PROGRAM

Invocation: Rev. Samuel J. Riggs, Pastor, North Taunton Baptist Church.
Star Spangled Banner: Thomas Whittaker.
Welcome: Edward D. Duffy.
Master of Ceremonies: Senator John F. Parker.
Greetings: Hon. Joseph E. Flood, Mayor of Taunton.
Remarks: Rev. Bento Fraga, Assistant, St. Joseph's Church, Taunton.
Introduction of Guests.
Speaker: Hon. Robert R. Gallagher, Register of Deeds, Worcester District.
Presentations: Louis V. Cook, Joseph C. Murray.
Response: Henry G. Crapo.
Benediction: Rabbi Baruch Korff, Congregation Agudath Achim; Robert Phillips, Organist.

VETERANS SUPPORT THE PRESIDENT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. DORN. Mr. Speaker, I was particularly proud that Voiture 435 La Societe Des Quarante Hommes et Huit

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Chevaux in my hometown of Greenwood, S.C., has adopted a splendid resolution supporting our President in his actions in Cambodia. I was very pleased to receive this resolution from this great and patriotic organization, and I commend it to the attention of my colleagues:

RESOLUTION OF VOITURE 435 LA SOCIETE DES QUARANTE HOMMES ET HUIT CHEVAUX, GREENWOOD, S.C.

Be it resolved by Voiture 435 La Societe des Quarante Hommes et Huit Chevaux Greenwood, South Carolina, in meeting assembled this 6th day of May, 1970:

1. That, it does hereby endorse and commend the Honorable Richard M. Nixon, President of the United States and as Commander-in-Chief of the Armed Forces of the United States for his decision to protect the Armed Forces of the United States in South Vietnam by directing our Forces to enter that portion of Cambodia which is and has been a sanctuary and a base of operations for the North Vietnamese in carrying on their unwarranted invasion against the people of South Vietnam, and neutralize the area.

2. Be it further resolved, that it is believed that such action on the part of our Commander-in-Chief is in keeping with the plan for the Vietnamization of the South Vietnamese and the withdrawal of the Armed Forces of the United States from South Vietnam on the basis of a fair and just peace for the area.

3. Be it further resolved, that it is felt that the action of the President in this respect is in furtherance of a just peace for South Vietnam and in the world.

I, W. H. Cothran, do hereby certify that the above Resolution was duly adopted this 6th day of May, 1970.

By W. H. COTHRAN,
Acting Correspondent.

THE THOUSAND-DAYS PEACE PLAN

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. SMITH of New York. Mr. Speaker, I want to bring to the attention of the Members of the House a concept of limited peace which, in itself or in one or more variants or modifications, may be a useful tool in the dialog between nations concerning world peace.

The 1,000 Days Peace Plan was conceived in 1967 by a young acquaintance of mine, Lord David Eley, who now lives in Washington, D.C. It calls for every nation signing a no-war agreement with every other nation stating that no signatory nation would, for the period of the next consecutive 1,000 days, engage in any manner of warfare including giving, lending, selling, exchanging men and/or materials of war in any form, manner, capacity, or nature and that every nation then presently engaged in any manner of warfare would call an official truce lasting for the next consecutive 1,000 days. During the thousand days, groups of peace emissaries would travel to every nation encouraging the people of the world to refuse to engage in acts of war in the future.

Mr. Speaker, I think that the conception of a limited time of peace is a very interesting one. It may seem naive, but it just might work. I think the concept of eternal peace is one which the average man may not be able to understand or embrace. It may be that as the reformed alcoholic says, "today I will not drink, and tomorrow must take care of itself," so mankind, reeling and bloodied by ages of warfare and killing, may find that health lies in saying "for 1,000 days we shall not make war."

I bring this idea to the attention of the House because it is just possible that some day it might prove to be a tool that mankind could agree on and use.

SOME STRAIGHT TALK ABOUT DRUGS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. PEPPER. Mr. Speaker, we who serve on the Select Committee on Crime have spent many days examining the dangers of drugs, because we have found that addicts not only diminish themselves but place a heavy burden on our society. Addict-committed crime counts for much of the violation of our laws and our individual rights. I was, therefore, especially gratified to read a thoughtful and persuasive analysis offered by the distinguished PETER N. KYROS, of the First District of Maine, in the Maine Sunday Telegram of May 10.

Our able colleague is a valued member of the Subcommittee on Public Health and Welfare of the House Interstate and Foreign Commerce Committee. He reports on the knowledge gained in the hearings of that committee, in his personal investigation among our military personnel in Vietnam, and in his own research.

Understandably, his appeal for sanity is aimed at his Maine constituents. Because all of us face the same challenge to educate our people, I commend Mr. KYROS' statement to the attention of all Members:

SOME STRAIGHT TALK ABOUT DRUGS

(By Congressman PETER N. KYROS)

WASHINGTON.—Credibility has been the first casualty in the current epidemic of drug use in our nation. Many adults, however well-intentioned, have so exaggerated the effects of drug use that even the most legitimate warnings now go unheeded by many young people. Some drug users, in turn, have so glorified their culture and so minimized the dangers of drug abuse that even junior high school students are tempted to experiment with their very lives.

While young people in Maine are not yet as deeply involved in drugs as their counterparts in more urban areas, there is absolutely no reason to assume that our State carries any natural immunity to this problem. The use of marijuana is already widespread in Maine. And more dangerous drugs are also circulating with alarming frequency among our young people.

As a member of the Health Subcommittee in the House of Representatives, I have listened to many, many hours of testimony regarding drugs. The initial purpose in these hearings has been to obtain the facts necessary for enacting national drug legislation. At the same time, however, the knowledge which I have gained through these hearings and my own reading compels me to speak out to Maine's residents on this subject.

I should point out first that alcohol is the drug most frequently abused in this country. This substance has produced six million alcoholics in the United States. Alcohol abuse is responsible for about one-half the highway fatalities suffered each year by Americans, as well as about one-fourth the serious home accidents. The heightened egotism and aggressiveness which even a few drinks brings out in many persons is viewed with dismay and distaste by many people, particularly young people.

Tobacco is a second substance used by many millions of Americans, with health hazards generally recognized as serious. While the Congress has recently prohibited television and radio advertising of cigarettes as of 1971, there is no doubt but that a large portion of our population will remain addicted to tobacco use.

There are other drugs, such as tranquilizers and barbiturates, which are abused more by middle-aged Americans than by younger persons. Amphetamines are abused by young and old alike.

These facts should dissuade adults from lecturing to the young in sanctimonious terms about the dangers of drug abuse. This does not mean, however, that we should adopt a permissive attitude towards the widespread use of additional drugs in our society.

The drug most frequently discussed at present is marijuana. While this substance appears to be the least harmful of the drugs being used by young people, its use is widespread. Officials of the National Institute of Mental Health estimate that 12 million Americans have at least experimented with marijuana. The Select Committee on Crime in the House of Representatives recently reported that "it seems likely that last year more than $850 million was spent by a growing army of illicit marijuana users in the United States."

When I traveled to Vietnam this March to investigate the use of drugs by U.S. military personnel, I found that between 30 and 50 percent of our servicemen had used marijuana. While this drug is available nearly everywhere in Vietnam at a minimal cost, the high level of marijuana use among our servicemen is primarily a reflection of the extent to which this drug is used among young civilians in the United States. The majority of servicemen who used marijuana in Vietnam had first done so before arrival in that country.

I am frequently asked, because of my interest in drugs, whether I have ever smoked marijuana. I have not. I don't believe it is necessary for a person to try every drug in order to know something about it, any more than it is necessary for a doctor to have experienced the illnesses he is treating.

I have however heard many medical experts report their findings on the physical effects of marijuana. This drug has not been found to be physically addicting, or organically damaging. Its widespread use suggests that many persons enjoy the sensations, particular the dreamlike euphoria, which often occur among users.

My advice to young people in Maine on the subject of marijuana begins with the rather obvious statement that no person has voluntarily become addicted to drugs. Think about this for a moment, though. Experimentation with marijuana will probably not lead you to use other, more dangerous drugs. I stress the word probably. The National Institute of Mental Health experts believe that approximately ten percent of those who have tried marijuana have become habitual users, or "potheads," who consider the use of marijuana one of the most important factors in their lives. Furthermore, one-third to one-half of these chronic marijuana users go on to try amphetamines and barbiturates, with nearly 5 per cent of the chronic marijuana users also experimenting with heroin.

You have no guarantee that you will not

be one of the individuals who experiments with marijuana and then becomes involved with other drugs. Think seriously about it.

Marijuana is a drug about which medical scientists have insufficient knowledge. Many of my colleagues in the Congress are joined with me in seeking appointment of a high-level commission to study the effects of this drug. However, scientists have only recently been able to isolate and synthetically reproduce tetrahydrocannabinol, or THC, which is the active ingredient in marijuana. While certain disturbing facts are known regarding this substance, such as the evidence that it can be transmitted through the placental barrier to an unborn child, not enough is known. Is it responsible to affect your body with a chemical about which relatively little is known? Think seriously about it.

With regard to most other drugs, I believe that they are abused only because individuals are not aware of the danger involved. Young people may know that the amphetamines, such as benzedrine, dexedrine, and methedrine, are stimulants which give the user a heightened sense of physical energy. They should also know that "Coming down" or "crashing" after the use of these drugs usually results in depression, with the result that amphetamine users often try to stay "high" by using additional drugs. This sustained use of amphetamines is quite harmful physically, as result of the hyperactivity and loss of appetite undergone while using this drug. It also leads to extreme paranoia, or "freaking out." The amphetamines are known as "speed"; even those persons who use other drugs ostracize the "speed freaks" and warn that "speed kills." These warnings should be heeded. They are true.

Barbiturates are prescribed medically for use as sleeping pills or sedatives. When used in excess, however, they become physically addictive, a habitual user requires increasingly greater quantities, and the withdrawal experience from these drugs can be extremely difficult. In other words, don't "pop" pills. You can get hooked.

Many of the persons who take the strong hallucinogens, such as LSD, mescaline, and psilocybin, do so in search of a mind-altering, sort of religious experience. I don't think the quest for such an experience is worth the risks involved, particularly when many of those who claim to have reached such a mystical awareness also believe that the same understanding can be achieved through meditation, without drugs. Persons using the strong hallucinogens run a significant risk of developing psychiatric disorders. There is also incomplete but disturbing evidence indicating the possibility of chromosome damage and genetic mutations, which will perhaps show up only in future generations, as result of these drugs.

Of all drug abuse, that which gives me most concern is the use of heroin. This drug is highly addictive, and reduces the user to a state where he or she feels "almost totally worthless," in the words of one drug counselor. Many users resort to crime in order to support their expensive addiction. Yet despite the universally strong warnings which have been issued against experimentation with heroin, its use is increasing.

While I have just set forth my own warnings with regard to various drugs, it is obvious that more than just warnings are necessary to meet the growing problem of drug abuse.

Together, we can meet this problem.

The Congress will soon pass the legislation being worked on in my Health Subcommittee, which will provide the tools for controlling the distribution of dangerous drugs. Federal law enforcement officials are confident that the supply of heroin in this country can be virtually dried up by the legislation which we hope to pass. The bill which we are working on will be extremely tough on the professional criminals who traffic in narcotics and dangerous drugs, while giving compassionate treatment to the more innocent user. Our legislation deals with all varieties of dangerous drugs, from heroin to tranquilizers to codeine cough syrup. This legislation has already passed the Senate.

At such time as the Senate passes the Drug Abuse Education Act passed by the House of Representatives last year, our school and community officials will be able to receive considerable federal assistance in setting up effective programs to counter drug abuse. Assistance will be made available in getting printed matter, films, teaching outlines, and other technical assistance to educators, community organizations, police officials, parents, and all others seeking to set forth the specific dangers involved in the use of drugs.

Research is being expanded in the medical fields dealing with drug control. While methadone treatment of heroin addicts is not totally satisfactory approach, it offers hope for other medical means of treating drug addiction and abuse.

Officials in our Maine State Government are well aware of the increasing problem of drug abuse, and have recently strengthened the administrative organization necessary to help meet this problem. The ultimate responsibility in questions of drug use, however, rests with the individuals most directly involved: our young people, and their parents.

To the parents of Maine's young citizens, I suggest an understanding approach to the question of drug use. Most of us use too many drugs ourselves, and consume too much poison in the form of alcohol and tobacco, to preach to our children about the dangers of drugs. However, you might wish to seek more common interests with your children, and be less concerned about providing for their material demands. Many instances of drug abuse result from a desire of young persons to receive parental attention which may have been denied in the past. Show your concern for your children, not just in terms of what they are doing, or achieving, but for who they are, as sensitive human beings. If you believe that a drug abuse problem exists in your family, you might first discuss this problem in calm terms with your family doctor.

To the young men and women of Maine, my ultimate advice on drugs consists of four words: "You Don't Need Them." Our State has too much to offer, particularly in terms of challenging outdoor activity, for you to turn to the unreal world of drug use. In the fight against environmental pollution, we are realizing the fallacy of the slogan "Better Living Through Chemistry." Don't pollute your greatest natural resource—your mind—with chemicals, either. Don't let the problems which your elders have created in the world force you into "Copping out" with drugs. You will soon inherit this country, and be able to do whatever you wish with it. Don't weaken your abilities in the meantime.

If any of you have any questions or problem about drugs, please don't hesitate to write to me personally, at my Washington office or my Portland or Rockland offices. I don't have all the answers, but I promise you that I know where I can try to get them for you.

WALTER REUTHER PASSES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. O'HARA. Mr. Speaker, a great American has been taken from our midst, and it may be a long time before the Nation and the State of Michigan see his like again.

Whether you were a friend of Walter Reuther, as I was; or one of his bitter critics—and he had many—there will be unanimity today that this one man, by his energy, his vision, and his organizing ability made a major impact upon our times. In all these attributes, Walter Reuther was a giant among men.

But in another way, and in a way which attracted less attention, he was also a man among giants. He headed a massive labor organization. Yet Walter Reuther successfully resisted the temptation to become the "bureaucrat." He retained his compassion, his ability to perceive a mission beyond his current problems, beyond the immediate interests of his own organization. He was an intensely alive human being, who left a very personal stamp on everything he did.

My community, my State, my country will be a better place because Walter Reuther lived among us.

WALTER REUTHER: A MAN AHEAD OF HIS TIME

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, the sudden and tragically premature death of Walter Reuther is a cause of deep sadness to all Americans who are concerned about human dignity and the quality of life for citizens of this land. He was first and foremost a great and dedicated leader of all working people. His tenure as leader of the United Auto Workers saw that union rise to a membership level of 1.6 million, while their wages rose to decently high levels. Benefits, including pension plans, health insurance plans, and unemployment insurance safeguards, became a large and vital part of the workers' remarkable gains.

It was rarely an easy struggle. Throughout all of the tumultuous stages of the union movement, Walter Reuther was always up front, defending the rights and dignity of his fellow workers against whatever onslaughts were placed in their path. That his skill as a bargainer was consistently unrivaled was conceded by virtually all high-ranking members of both the labor and management organizations. During his more than one-quarter century as an outstanding labor leader, he constantly offered effective and determined leadership throughout difficult periods, when it was most needed.

But he was far more than just a worker, just a leader or just a bargainer. He possessed a keen sense of equal justice and of human rights. Walter Reuther's vision of what the union movement could be, in terms of using its strength and solidarity to advance the cause of human dignity, guided him throughout his career. He viewed union leadership not merely as a matter of dollars and cents, but as a vehicle by which all Americans, particularly minority groups and disadvantaged persons, could realize a better life and greater fulfillment as individuals.

His guiding philosophy rested on the belief that the union movement must not become fat, complacent and self-serving. Instead, it must continually seek to infuse into its leaders and membership a concern for their fellow human beings, as well as for the attitudes and institutions of their Nation. The strength and success of the union movement was meant to encourage not uncaring security, but an obligation to bring an equal share of the good life to all men everywhere. President Reuther has curiously paralleled his own lifetime in passing ahead of his time, for his ideas were consistently ahead of their time.

Like many great leaders in recent years, Walter Reuther has been lost to us, and to the vast membership of the union he so courageously led, at a time when his followers and his country most needed him. He will be mourned and missed by all who shared his goals of peace, brotherhood and a finer world for all men, the goals to which he was devoted throughout his life. May his foresight and relentless dedication guide us in our efforts to bring to reality the dreams he held for our people and our Nation.

SCHOOL DESEGREGATION PROGRESSING

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. BURTON of Utah. Mr. Speaker, it is to be hoped that the President's comprehensive message on elementary and secondary school desegregation, issued on March 24, will help clarify the essential points and discredit any intemperance which might arise on either side of a complex issue.

Fifteen years ago, the Supreme Court ruled in the Brown case that de jure segregation was unconstitutional. Subsequent Federal court decisions have made clear that the obligation to end legally sanctioned discrimination was an affirmative one.

Doubts have been expressed by some as to whether the administration is going to enforce the law. I believe the President in his statement made clear his intent to fully observe and carry out the mandate of the Federal courts with respect to school desegregation.

In brief, former dual school systems must meet their constitutional obligation effectively to eliminate discrimination, and it must be done without further delay. The President reaffirmed that:

> Deliberate racial segregation of pupils by official action is unlawful, wherever it exists. In the words of the Supreme Court, it must be eliminated "root and branch"—and it must be eliminated at once.

The President also recognized that legally required desegregation must take account of educational need. In fact, he believes that the process of desegregation need not disrupt education and should serve to enhance educational opportunity. To a considerable extent, whether desegregation succeeds as an educational process depends upon the local leadership. If school officials are determined to meet the requirements of the law, and are just as determined to preserve the quality of public schooling, then solutions to the complex problem of desegregation will be found and the necessary adjustments will be made. This has been the experience of hundreds of school districts that have fulfilled their commitment to the law and to education.

President Nixon has come down strongly on the side of equal application of the law, North and South. Where discrimination or illegal segregation is practiced, the Government will require that such a situation be remedied, in accordance with the decisions of the courts. The Constitution and the Civil Rights Act of 1964 reach situations of discrimination without regard to geography, and the law will be enforced on a nationwide basis.

In summary, the President has set forth policies and proposals in this difficult area that are legally and educationally sound. With determination and a sense of unity I am confident that the President's statement will set the stage for progress in this complex area.

COMMISSION ON THE POPULATION GROWTH AND THE AMERICAN FUTURE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. BUSH. Mr. Speaker, as chairman of the House Republican Task Force on Earth Resources and Population, I have been very much involved in the establishment and formation of the President's Commission on Population Growth and the American Future because of my firm belief that this Commission and its activities must be relevant to the young people of our country.

I am very pleased to have received a letter from Daniel P. Moynihan, Counselor to the President, assuring me that there have been several young adults appointed to the Commission whose names will be announced very shortly.

This is so very important. It is expected that there will be over 8 million more young adults between the ages of 20 to 29 years in America during the 1970's—a larger increase than any other age group—and it is these young people who will determine the direction and extent of our population growth in the remainder of this century.

I am delighted that this Commission on Population Growth and the American Future will be relevant to our young adults. The following letter is the one which I received from Mr. Moynihan:

THE WHITE HOUSE,
Washington, D.C., May 6, 1970.

Hon. GEORGE BUSH,
House of Representatives,
Washington, D.C.

DEAR GEORGE: My apologies for the inexcusable delay in responding to your note of March 17th. The selection of the members for the Population Commission is nearly done, and I am pleased to report that it looks as though it will contain a respectable representation of young America. I quite agree that it makes a lot of sense, and it will happen.

Cordially,

DANIEL P. MOYNIHAN,
Counselor to the President.

ST. LOUIS PHYSICIAN PONDERS HOW HE SHALL PROTEST WAR AND CAMBODIAN DECISION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. CLAY. Mr. Speaker, the students, the yippies, and the so-called bums clearly do not hold a monopoly on antiwar sentiment. Since the President's announcement of his Cambodian invasion, I have received hundreds of letters from soft-spoken, concerned American citizens of all ages who write to state their deep and sincere opposition to the war and to the distressing state of affairs which seeks to make dissent of any sort a "dishonorable, un-American act."

I am particularly moved by the following letter from my congressional district written by Dr. G. H. Lawrence, M.D. Dr. Lawrence has articulated a view representative, I believe, of many Americans who have never been counted in the crowds of protesters. Their absence from the streets should not be interpreted as support for the President and their views should no longer be overlooked by this administration.

I commend to the attention of my colleagues the following letter with particular reference to Dr. Lawrence's view of the responsibilities each Member of Congress must shoulder during this time of tragic turmoil. The letter follows:

ST. LOUIS, MO.,
May 4, 1970.

Hon. WILLIAM CLAY,
House Office Building,
Washington, D.C.

DEAR MR. CLAY: This is written to express my total opposition to the war and is finally prompted by the recent shocking extension into Cambodia. I have publicly viewed opinions on diverse issues in the past few years in the local newspapers, but never on the war and, hopefully, it will be more to the point to write my representatives in the Federal Legislative Branch of government rather than author one more letter to a paper.

Soon I will start my twentieth year in private practice in St. Louis. I am an assistant professor of neurology and psychiatry at St. Louis University School of Medicine, am a past president of the local psychiatric group, and have been active in committee work at the St. Louis Medical Society, including three years on the grievance committee.

There are many reasons to oppose this

conflict, and the Patton-types who seemingly control the Pentagon and perhaps far more, but the simplest one is that it isn't working, and if it could be made to work, surely the way would have been found by now. Among my acquaintances only the rightists who find a communist behind every tree support the whole ugly business.

Since it now seems clear that the President isn't going to stop it, the country's salvation can only come from congress. If the congress will not act, there is the question of what should a middle-aged doctor, who is a former navy doctor and was at Iwo Jima, then do. Since I am not the type to demonstrate in the streets, and certainly don't want a revolution, I will have to seriously consider refusing to pay at least a portion of my federal income tax. If it comes to this, I shall try to get maximum publicity in the hope that others might follow.

The "domino theory" is utter nonsense, and we have to quit. It is already far beyond the point of being the most gigantic blunder in military history.

It is further my opinion that this present crisis puts on every member of congress a responsibility which far transcends all other obligations, ties and considerations of practical politics. Any member of congress who considers his or her political future in making a decision on this war flatly does not deserve to be in Washington.

I appreciate the privilege of communicating my views to you.

Sincerely yours,

G. H. LAWRENCE, M.D.

WE SUPPORT THE PRESIDENT

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. QUILLEN. Mr. Speaker, I am one member of the U.S. House of Representatives who believes that the President's Vietnamization plan will result in a just and honorable peace in Southeast Asia. I have been of this opinion ever since it was announced that we would begin bringing our American fighting men home.

However, we are now on a new and different horizon in our concerted efforts to turn back the Communists at every crossroads. Our latest involvement in this conflict came recently when the President ordered American troops sent into Cambodia.

Naturally, as a Member of Congress, I have heard the views of many persons on their reaction to the President's announcement. I have heard from his critics and I have heard from those who support him. I am pleased to report that the majority of the persons with whom I have discussed this issue support the President.

A page 1 editorial, titled "We Support the President," appeared in the Greeneville Sun, one of the most outstanding and highly reputable daily newspapers in the First Congressional District which I represent. It was written by John M. Jones, editor and general manager, who has presented the news to his readers fairly and impartially for many years.

I feel I would be correct to say that his editorial also reflects the opinions of a large majority of his readers. Therefore, I feel it is appropriate that Mr. Jones' editorial be made available to readers of the RECORD:

WE SUPPORT THE PRESIDENT

The decision to eliminate the pockets along the Cambodian-Vietnamese border which have been used for years as a sanctuary by the North Vietnamese and the Viet Cong to attack and kill Americans and South Vietnamese makes sense to us.

We do not want a wider war in Vietnam. The President obviously wants a solution to this war. It must have been an extremely hard decision for him to make. It was a courageous decision and, in our judgment, should have been made several years ago when it might have been far more effective in bringing a solution to this terrible war.

President Nixon did not start the Vietnam War. He inherited a war which had been escalated from the standpoint of the numbers of U.S. troops involved for several years. He has begun a program of Vietnamization which has already brought thousands of U.S. troops home, and he obviously feels that the removal of these sanctuaries—some as close as 33 miles from Saigon—will enable the South Vietnamese to have a breather and will give more protection to the lives of Americans and South Vietnamese.

The monsoon rains are due to begin within a very few weeks. When this happens, everything comes to a halt until the rains cease around the first of November. The planning of the President's move was obviously to deny these sanctuary spaces to the Communists during the monsoon season and indirectly to give support to the government of Cambodia.

In our judgment, this war would have been ended a long time ago had it not been for the lack of support of the President and our government by men in high places. You can expect the Communists in Russia and in China to applaud dissent as expressed by some of our senators in high places during recent years. The price we have paid for this lack of support in these quarters has been to give hope to the Communists that we would pull out if they held on a little longer.

It is impossible to negotiate peace from a position of weakness. What do we have to offer if we are going to unilaterally pull out and leave the North Vietnamese and the Viet Cong to decimate South Vietnam at will and place on it a yoke of terror which they have already imposed in other areas?

Who weeps for those in South Vietnam who have suffered hundreds of thousands of atrocities on children, women, and civilians, in a calculated campaign of terror? Yet an instance of allied misjudgment or overreaction brings denunciations so broad as to blacken the motives and records of our heroic forces fighting only for the rights of a small nation to survive the attacks of a predatory neighbor.

The United States has not been and will not be defeated militarily in this conflict. If we are defeated, it will be at home where disunity removes the chance of a fair and honorable solution to a conflict that has already cost far, far too much.

The President was right to take this action to defend U.S. soldiers more effectively. We should remove these pockets and sanctuaries which have already cost many American lives, and we should make it clear that we want peace, but not at the price of the wholesale slaughter of those South Vietnamese who have trusted us and for whom we have already shed so much blood.

The merit or lack of merit of the judgment of those who made our commitment in Vietnam is not in question today. The question is how do we find an honorable way to disengage ourselves from a war which we all abhor. The President promised to bring our troops home, and he has started this program quite effectively. He is, after all, commander in chief of our armed forces, and he needs and deserves the confidence and support of the people of this nation who want their boys back home. And this is written by the father of one now with our armed forces in that tragic area.

EAGLE SCOUTS

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. PURCELL. Mr. Speaker, at this time when headlines are distressing, it is my pleasure to share with you and my colleagues the following piece of good news. This article is from a little town in my district, Olney, Tex., where on June 6, 22 young men will be advanced to the rank of Eagle Scout.

These and other young men in the scouting program in Olney have made for themselves an impressive record, demonstrating the patriotism and high quality of achievement of which most of our young Americans are capable.

I enter into the RECORD the following news item:

EAGLE SCOUTS

Olney, Texas, population about 4,000 is a small West Texas town. This is not an astounding statement.

June 6, 1970, what is probably a World's Record in Scouting will probably be set. On that date 22 or more boys will be advanced to the rank of Eagle Scout at one time. These young men and young men of their type are the hope of this community and nation.

This is the background leading to this most unusual event.

Troop 584, Butterfield Trail District, Longhorn Council, Region 9, Boy Scouts of America, is sponsored by the First United Methodist Church of Olney, Texas.

It is fully integrated and non-sectarian and was first chartered in May, 1967. Olney also has a Cub Pack and another Scout Troop with a total of over 120 boys involved in some phase of Scouting.

Troop 584 has 39 boys presently enrolled. Their ages range from 11 to 18. Most of them are in Junior High School or Freshmen in High School. Among their many accomplishments are some of the following:

1. 9 have a "combined perfect attendance" record of over 100 years in their respective Sunday School classes,
2. 26 have earned from one to three varsity letters in football, basketball, and track.
3. they are individually active in FFA, 4–H, Riding Clubs, their churches, and many school organizations both social and academic,
4. they have a combined total of over 600 Scout Merit Badges to their credit,
5. at least six have been "tapped out" for the Scouting Order of the Arrow,
6. none have ever been arrested for anything other than a very minor traffic violation.

These 22 or more young men are all gentlemen, intelligent, they are "rugged"—ask some of the older men who have tried to keep up with them on hikes and 72 mile canoe trips. Each and everyone richly deserved to be promoted to the rank of Eagle Scout. Money cannot buy the rank of Eagle Scout.

Perhaps, the people in the various forms of news media will want to cover this event. *It may not be news*—there will be no unusually long haired Eagles, there will be no pot, no speed, no narcotics, no protests, no demonstrations for the violent overthrowal of the government, no racial, religious, or political overtones, and no police except to assist visitors in finding a parking place.

There will be public prayer, there will be respect for the flag of this nation, there will be mutual respect for parents and children, and there will be an opportunity for a community to show its respect for and to these fine young men.

YOUTH FRANCHISE COALITION STATEMENT ON 18-YEAR-OLD VOTE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. MIKVA. Mr. Speaker, one of the most heartening aspects of the current drive to obtain the enfranchisement of our 18-, 19-, and 20-year-old citizens is that that these young people themselves are playing an important role in that effort. A group which has made a tremendous contribution to rallying support of young people and others throughout the Nation—and to focusing the attention of the Congress on the issue—is the Youth Franchise Coalition.

The YFC recently released a cogent and comprehensive statement on the desirability of a Federal statute to obtain the 18-year-old vote. I take great pleasure in placing that statement, and an accompanying memorandum on the probability of a prompt judicial test for the 18-year-old vote, in the RECORD for the benefit of my colleagues and readers of the CONGRESSIONAL RECORD.

The statement referred to follows:

THE DESIRABILITY OF A FEDERAL STATUTE TO OBTAIN THE 18 YEAR OLD VOTE

The Youth Franchise Coalition is a nonprofit, non-partisan alliance of independent national, state, and local youth and adult organizations working to lower the voting age to 18. The Coalition combines the efforts of 53 organizations, including blacks and whites, liberals and conservatives, students and teachers, the disenfranchised and the franchised. The goals of the YFC are to obtain the 18-year old vote through Federal statute, constitutional amendment or independent state action.

To obtain the 18-year old vote by federal action would insure national uniformity on this basic *political issue*. The *right to vote* is the most important privilege in a democratic society. Yet in the past, state action in this area has led to an uneven pattern of unjustified variations. For example, Georgia and Kentucky have established the minimum voting age at 18, Alaska at 19, and Hawaii at 20.

Overriding considerations point to the desirability of achieving the goal through federal statute as opposed to a constitutional amendment. Granted, the constitutional amendment approach insures wide discussion on such an important issue. But, Congress and the states have been debating the merits of this issue for 23 years. It is clear then that the goal of widespread discussion has been achieved. It may also be pointed out that a constitutional amendment is necessary for deep and fundamental structural changes in our system of government. However, unlike proposals such as the direct popular election of the President, reducing the voting age does not require this type of change. The statutory change in the age requirement for voting is analogous to the statutory changes in voting requirements enacted in the Voting Rights Act of 1965.

The question then arises as to whether Congress has authority under the Constitution to achieve this change by statute. There can be no question, of course, that the Constitution (Article 1, Section 2) grants to the states the primary authority to establish qualifications for voting, but that authority is not exclusive. It must be interpreted in light of all other provisions of the Constitution, including the Fourteenth Amendment. Within the scope of the Equal Protection clause of the United States Constitution, Congress may legislate voting qualification under section 5 of the Fourteenth Amendment. In a 1966 case, ***Katzenbach* v. *Morgan***, the Supreme Court clearly recognized the broad power of Congress to legislate under the Equal Protection clause, in the area of state voting qualifications.

The *Morgan* Case indicated that the courts are not exclusive judges of what voting qualifications are included under the Equal Protection clause. In that case, the Supreme Court sustained the constitutionality of Section 4-e of the Voting Rights Act of 1965, abolishing literacy tests, although the Court would not have held that the English literacy test was unconstitutional in the absence of a declaration by Congress. In essence, the Morgan case strengthens the proposition that Congress has broad powers to weigh the facts and make its own determination under the Equal Protection Clause. Indeed, the Court specifically stated: "It is not for us to review the Congressional resolution of these factors. It is enough that we are able to perceive a basis upon which the congress might resolve the conflict as it did." If the Supreme Court determines that there is a reasonable basis for legislation by Congress in the area of voting qualifications then the legislation will be sustained.

In the case of extending the franchise to 18–21 year olds, certainly that basis exists. They work, pay taxes, raise families, are subject to military service, and are treated as adults by criminal law. Yet, they are treated as unqualified children when it comes to the most basic right of all—the right to vote.

It is important to note that basically these same constitutional arguments must be employed by the Administration to justify the nationwide ban on state literacy tests and residence requirements.

These arguments have received impressive support among noted constitutional experts, including professor Paul Freund, the most renowned Constitutional authority in America, and Professor Archibald Cox, the Solicitor General of the United States under Presidents Kennedy and Johnson.

In short, there is no real constitutional restriction to a federal statute establishing the 18-year old vote simply because the states have the primary powers in this area. As Chief Justice John Marshall, in considering the Necessary and Proper clause, declared in the historic *McCulloch v. Maryland* case: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional."

PROBABILITY OF A PROMPT JUDICIAL TEST FOR THE 18-YEAR-OLD VOTE

President Nixon's recent challenge of the legislation that would lower the voting age to 18 was based primarily on a fear that any legal contest to such a law might not be reached before 1972 and thus would jeopardize the proceedings of the Presidential elections to be held that year. However, from extensive legal, research and a brief review of the provisions of the legislation, it is reasonable, to conclude that a court case on the validity of an 18-year old voting statute will be initiated and resolved before January 1, 1971, the date the legislation goes into effect.

Several possible approaches could be employed to achieve a test case. For all of these alternatives, the courts would be justified in ruling on the validity of the provisions if elements of an actual controversy were present. Thus, a test case could be sarted once the bill was signed into law.

In one approach a case arising between a state and the Attorney General, the Supreme Court would have original jurisdiction. The State could file a complaint with the Supreme Court requesting a declaratory judgment that the provision is unconstitutional and an injunction against its enforcement. South Carolina followed this procedure in 1965 when it questioned the validity of the Voting Rights Act through *South Carolina v. Katzenbach*, 383 V.S. 301 (1966). The basic problem was registration of voters under the Federal provisions. Obviously, the situation will present itself again when 18-year olds try to register for local elections after the bill is passed.

Another alternative would have the Attorney General file a complaint against a specific State challenging the validity of the state law setting the voting age at 21. Section 303 of the Senate-passed version of the Voting Rights Act clearly gives the Justice Department this power, authorizing the Attorney General to begin proceedings involving States or political subdivisions. Indeed this procedure was successfully tried in *United States v. Alabama*, 252 F. Supp. 95 (1966), to enforce the poll tax provision of the 1965 Voting Rights Act. Using this method, the action would initiate before a special three-judge Federal district court and be appealed directly to the Supreme Court for final deliberations.

A third possibility would arise if state officials filed suit against the Attorney General challenging the constitutionality of the voting age section of the statute. As in the preceding alternative, the decision of a special three-judge court would be appealed directly to the Supreme Court.

Finally an individual could file suit against State or local election officials if they denied him the right to register to vote. The individual could cooperate with the Attorney General which would test the constitutionality of the State law setting the voting age at 21. This was the method used in ***Harper* v. *Virginia Board of Elections***, 383 U.S. 653 (1966), when a group of Virginia residents challenged the constitutionality of Virginia's poll tax.

The question of constitutionality should easily be decided by January 1, 1971. Even if the test case were initiated in the three-judge court procedure, there would be no greater delay than if proceedings originated directly in the Supreme Court. The case would be argued during the Supreme Court's summer recess and presented to the Court when it returns in October.

It is important to note that quick judicial decisions have been vital for social problems several times during the past five years, and in each case action was successfully completed in a short time period. One important example concerns the already mentioned *South Carolina* v. *Katzenbach*. Since this case tested the 1965 Voting Rights Act the necessity of an early decision was nearly exactly analogous to the present instance. Total proceedings on the bill took less than six months. In another instance, ***Williams* v. *Rhodes***, 393 U.S. 23 (1968) George Wallace's American Independent Party attempted to gain a spot on the Ohio ballot for the 1968 Presidential election. The case took less than a month after Supreme Court review was sought. Just last fall ***Alexander* v. *Holmes County Board of Education***, 396 U.S. 19 (1966) sought immediate school integration. In this instance a decision was rendered in a little more than a month after the case was filed.

In short it is clear that ample precedents are available for a prompt test of the constitutionality of the statutory approach to the 18-year old vote. Little justification exists for employing the fear of disturbing the 1972 elections in order to continue to deny the franchise to 11 million young Americans qualified to vote. They have waited too long already, and to fail to act now would return the issue to a legislative route that has kept it bogged down in Congress for 28 years. Since the constitutionality should be left to the courts your vote will be counted as a true test of your sentiments on the issue.

WILL PACIFIC PALISADES BE ANOTHER SANTA BARBARA?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. BROWN of California. Mr. Speaker, last year's Santa Barbara Channel oil tragedy was intensified because it could have been prevented if the Government had not been so greedy for marginal offshore revenues that it overlooked the potential dangers of drilling in that key area.

The lesson was bitter.

It should not be repeated.

But, it may be.

No one doubts that the oil riches along the California coast are vast and plentiful. Yet, that should not be the only point of consideration made before drilling operations are approved. Go-ahead decisions should only be made after a complete range of variables are explored—and only when the chances of future hazards are very, very slim.

Today, these questions are quite important in the Pacific Palisades area of West Los Angeles. There, Occidental Petroleum plans to start drilling in an area near the site of recent massive landslides. The following story from the March 14 Los Angeles Times outlines the situation:

OIL FIRM PLANS PACIFIC PALISADES TEST WELL NEAR LANDSLIDE AREA—26 CITY-OWNED ACRES AND LARGE TRACTS OF PRIVATE PROPERTY SOUGHT FOR SITE

(By Robert A. Rosenblatt)

Occidental Petroleum Co. plans to drill for oil in the Pacific Palisades area near the site of massive landslides.

The company is carrying out a major land acquisition program to obtain 26 city-owned acres and large tracts of private property in Pacific Palisades.

Occidental plans an exploratory hole on a two-acre site between the Pacific Coast Highway and the Palisades. The land is just south of a section of the old highway that was covered by landslides about 10 years ago, according to Arthur O. Spaulding, petroleum administrator for the city.

But there is "not a real danger" of pollution problems from drilling because the area has settled since the landslides, Spaulding said.

The city and the petroleum company are on the verge of completing a swap arrangement that would give Occidental the two acres and $175,000. In return, the city would get a piece of Occidental property which would extend Palisades Park down to the beach.

TWENTY-FOUR-ACRE LEASE SOUGHT

In addition, the petroleum firm wants to lease 24 city-owned acres running from above the drilling site back to Via de las Olas in Pacific Palisades. This area, said Spaulding, was condemned and acquired by Los Angeles years ago after being ravaged by landslides.

Occidental also has been taking a "strong position" in Pacific Palisades by leasing from private property owners, Spaulding confirmed.

The swap arrangement for the drilling site is in escrow and should be finished soon, said Spaulding.

After obtaining the land, Occidental would file a drilling application and ask for the designation of a drilling district before it could start work. The City Council has the power to create such districts, Spaulding said.

* * * * *

The petroleum company now operates a well in West Los Angeles, and reportedly is confident that a geological fault running towards the sea means large amounts of petroleum are present.

Discoveries would lead to development wells. Pipes from these wells on the two-acre site would go down and slant back underneath the 24-acre site to be leased from the city. The larger site is bounded by Via de las Olas on the north, Mount Holyoke Ave. on the northwest and Friends St. on the southeast.

Well pipes also would slant back and north under land belonging to private individuals in Pacific Palisades who have leased mineral rights to Occidental.

In a related action, the City Planning Commission has recommended rezoning the offshore areas at Pacific Palisades. The zoning would be changed to SL (submerged lands), the designation on other off-shore areas, such as San Pedro, where drilling is taking place.

Although zoned by the city, the offshore areas are owned by the state. The zoning change from the present R-1 (residential) would bring this area into conformity with other off-shore sections, Spaulding said.

Occidental, or another oil firm, could then apply to the state for permission to drill in the waters off Pacific Palisades.

The new zoning designation would allow the development of harbor facilities, the installation of oil storage tanks or similar activities, according to Roger Diamond, an area resident who opposed the zoning change at a recent planning commission hearing.

Mr. Speaker, controversy over the efficacy of such drilling has raged for over 4 years now, and, suffice to note, there are penetrating arguments put forth both favoring and opposing the Occidental operation.

I have gone over these differing viewpoints, and I now believe that the dangers posed by this drilling site, as well as the ugliness it would bring to the area, are great enough that I shall give my support to the forces calling for a halt in the drilling plans.

This, of course, is a local issue; the Federal Government is not involved. But the ramifications of the Pacific Palisades controversy are broad.

I have recently been made an honorary member of No Oil, Inc., a citizen's organization in the Palisades area which is fighting the drilling plans. And it took very little incentive for me to join; all I had to do was remember Santa Barbara.

REORGANIZATION PLAN NO. 2

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. CONTE. Mr. Speaker, this body will soon be debating reorganization plan No. 2. The question will be on House Resolution 960 which disapproves that plan.

I strongly support the President's plan to reorganize the executive offices. In brief, it sets up a Cabinet-level Domestic Council chaired by the President. This mechanism, in my opinion, represents a necessary and important step toward a more coherent way of formulating domestic policies and programs.

The plan also establishes an Office of Management and Budget to which the President will delegate all the functions of the Bureau of the Budget. The Office will focus increased attention and personnel on those management activities needed to put programs into action.

In this regard, Mr. Speaker, the New York Times ran an excellent editorial on May 11. I would like to include it in the RECORD now in order to bring it to the attention of my colleagues and the Nation:

[From the New York Times, May 11, 1970]

WHY BLOCK REFORM?

Unless Congress takes action this week to block President Nixon's proposal for streamlining the Executive Branch of the government, an effective reform will automatically go into operation this summer. The plan was developed by an advisory council, drawing on the work of earlier commissions. The need to give more form to what has become an administrative sprawl is glaringly apparent. And the recommendations themselves appear to make excellent sense.

The heart of the proposal is to give the President two institutional arms for the performance of his staggering responsibilities. A National Domestic Council, composed of appropriate Cabinet officers and agency heads and supported by a staff and executive director, would advise the President on the entire range of domestic policy, integrating its various aspects into a coherent pattern and providing a sense of continuity.

An Office of Management and Budget would do more than take over the present Budget Bureau's function of preparing the annual budget and taking a financial hand in recommended legislation, it would be the President's field reporter in determining whether Federal programs were being carried out efficiently, economically and effectively—in short, whether the public was getting its money's worth.

A major reorganization of this sort is bound to have aspects of varying appeal. We wonder, for example, if the Budget Bureau has not already grown too powerful. But if its scope would perhaps be broadened still further under the President's plan, it would also be brought under closer public scrutiny, with accountability more firmly fixed. The Domestic Council would give Cabinet officers, some of whom are now smarting from a sense of Presidential neglect, a greater opportunity to contribute to the over-all policies of the Administration.

The arrangement whereby such changes as these are left to the Executive, subject only to Congressional veto, shows where the responsibility for effective administration really lies. Congress should leave it there.

IMPACTED AREA SCHOOL FUND PROGRAM NEEDS A SWEEPING OVERHAUL

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. COLLIER. Mr. Speaker, although Montgomery County, Md., has the second

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highest per household income among our approximately 3,000 counties, it receives millions of dollars annually from the National Government in the form of "impacted" aid.

The following letter by Edward K. Russell, who is a resident of Montgomery County, as well as a Federal employee, gives some reasons for overhauling the impacted aid program.

[From the Rockville (Md.) Advertiser]

GOES TO BAT FOR UNCLE SAM

(By Edward K. Russell)

Leo Paulin, in the April 29th issue of The Advertiser, concerning replacing federal impact funds with a tax on federal installations, leaves quite a bit to be desired.

As a Montgomery County resident and a federal employee I feel that the County is getting too much federal benefit already, not only in the form of outright payments, but also in the expansion of present as well as location of new federal facilities within Montgomery County.

Why should the federal government pay "tax on federal installations at the same rate any office building pays"? I'm not qualified to speak on all federal facilities, but I'm well aware of the situation at the National Institutes of Health. The federal government provides its own guards and security for all buildings and property; no county police are involved. The federal government provides its own fire equipment and men; no County help is needed. The federal government maintains its own roads within a reservation; no County funds are needed. The government provides its own sanitation and waste disposal; no County Suburban Sanitation is needed. The federal government is basically non-profit; why should a research facility like NIH or a hospital like the Clinical Center which provides benefit to all mankind be taxed? The federal government provides many Montgomery County residents employment and hence these people pay piggy-back taxes, real estate taxes etc. The federal government tends to attract many young people; secretaries, and young married couples who have no school age children: these people are tax assets, not tax liabilities. The federal government indirectly "discriminates" in favor of Montgomery County by having more federal employees proportionally than most, if not any other County, in the country due to the many federal installations located here; why should Montgomery County be shown this favoritism while other states are denied a fair share of government installations and federal employment?

Maybe it is time that Montgomery County started paying the federal government a tax as a "thank you" for locating here and providing the many jobs for federal employees who do pay their fair share of tax to the County.

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CONGRESSMAN ANNUNZIO SUPPORTS ADDITIONAL FUNDS FOR MEDICAL CARE FOR AMERICA'S VETERANS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ANNUNZIO. Mr. Speaker, I want to commend the distinguished chairman of the House Appropriations Committee, Hon. GEORGE H. MAHON, of Texas, for his support of the amendment to the second supplemental appropriations bill which provided $4 million in increased funds for medical care for our Nation's loyal veterans. This was a step in the right direction, but the need is great, and this additional funding must be continued during fiscal year 1971 in order to provide up-to-date medical care for our returning Vietnam war veterans.

Therefore, I urge that the House give favorable consideration to the amendment proposed by the distinguished chairman of the Veterans' Affairs Committee, Hon. OLIN E. TEAGUE, of Texas, who has devoted so many years of effort to better the lot of veterans who have served in all wars. Chairman TEAGUE's amendment to the 1971 independent offices appropriation bill calls for an additional $30 million for medical care for our Nation's veterans. These additional moneys are needed desperately by Veterans' Administration hospitals throughout our country, and I can speak personally for the need in my own State of Illinois. Let me briefly describe the funding deficiencies that are prevalent in the six Veterans' Administration hospitals that are located in the State of Illinois:

First. Hospital Director Charles M. Turner at the Veterans' Administration Chicago research 500-bed hospital reported a funding deficiency of approximately $266,000 for fiscal year 1970.

Second. At Chicago's 500-bed West Side hospital, located in my own Seventh Illinois Congressional District, Director Joseph J. Frankel reported funding deficiencies of more than $1½ million for fiscal year 1970.

Third. Director Marvin A. Chapman of the 1,500-bed Veterans' Administration hospital at Danville reported a deficiency of about $1 million for fiscal year 1970.

Fourth. Dr. William W. Bourke, director of the Veterans' Administration's largest psychiatric hospital, the 2,487-bed facility at Downey, Ill., reported a funding deficiency of more than $227,000 for fiscal year 1970.

Fifth. Dr. Lee H. Schlesinger, director of the Hines Veterans' Administration Hospital, reported a funding deficiency in excess of $900,000 to operate his 1,500-bed hospital.

Sixth. L. M. Frazier, Jr., director of the Veterans' Administration's 176-bed hospital at Marion, Ill., reported a funding deficiency in fiscal year 1970 of more than $370,000.

All these figures add up to the staggering fact that the six Veterans' Administration hospitals serving the Illinois veterans faced funding deficiencies in fiscal year 1970 of more than $4 million to operate about 6,700 hospital beds serving one and a half million Illinois veterans.

When you multiply the funding deficiencies prevalent in the State of Illinois by the funding deficiencies prevalent in almost every other State in our country, the results are astounding. The plight of the Illinois Veterans' Administration hospitals is the same as the plight of Veterans' Administration hospitals throughout the rest of our Nation.

Let us not destroy what has long been recognized as one of the finest hospital systems in the world—our Veterans' Administration hospital system. We cannot achieve a first-rate job with a second-rate budget allocation.

Once again, I urge bipartisan support for Chairman TEAGUE's amendment to increase the funding for the Veterans' Administration medical program by $30 million.

My remarks on this legislation appear in the Extensions of Remarks, rather than in the general debate on H.R. 17548 because of Speaker of the House of Representatives today appointed me as Chairman of the Committee of the Whole House. As Chairman, I presided over the debate on H.R. 17548, the Independent Offices and Department of Housing and Urban Development appropriations bill for 1971, and therefore, it was not possible for me to participate in the general debate.

POWER AND DUTY OF CONGRESS TO ACT TO STOP WAR IN SOUTHEAST ASIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. FRASER. Mr. Speaker, an excellent brief has been prepared by students of the University of Minnesota Law School to show that Congress has both the power and the duty to act to stop the war in Southeast Asia.

I hereby enter this brief in the RECORD. The authors, Daniel D. Polsby, president-elect of the Minnesota Law Review, Patricia Lydon, editor-elect of the Minnesota Law Review and John Hunter are to be complimented for their valuable work:

BRIEF OF THE MINNESOTA LAW STUDENTS' APPEAL TO WASHINGTON TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE UNITED STATES

I. THE POLICY OF THE UNITED STATES IN INDOCHINA

According to the Position Paper of the United States State Department dated November 19, 1965, the military presence of the United States in Vietnam rests upon three principal assertions:

1. American military intervention is furnished at the request of the government of South Vietnam:

2. The purpose of the intervention is to thwart the aggression of the government of North Vietnam;

3. The purpose of the intervention is limited narrowly to that defensive goal, and does not extend to acquiring territory from, or destroying the government in, North Vietnam.

II. THE LEGAL BASIS OF AMERICAN POLICY

The military presence of the United States in southeast Asia came about by executive fiat through a long and continuing course of conduct. In support of this executive conduct, several legal justifications have been advanced.

1. Under the Constitution, the President is commander-in-chief of the armed forces. U.S. Const. Art. 2, sec. 2, cl. 1. As commander-in-chief, the President has often used the armed forces of the United States in emergent situations where the vital interests of the United States were concerned without obtaining the prior permission of the Congress.

A. The Tonkin Resolution (Joint Res. 169, 11 *Cong. Rec.* 18414, August 6, 1964) has been cited as a Congressional ratification of Presidential action in southeast Asia.

B. Yearly appropriations bills, which have furnished money for the prosecution of war in southeast Asia have also been cited as tantamount to Congressional ratification of Presidential initiatives in southeast Asia.

2. The Multilateral Southeast Asia Collective Defense Treaty (SEATO treaty) has also been cited as a source of authority for United States intervention in southeast Asia.

A. Art. IV (1) of the SEATO treaty states that the signatories are free to respond to aggression by means of armed attack, unilaterally if need be, so long as such response is reported to the Security Council of the United Nations.

B. Art. IV (2) of the SEATO treaty states that the signatories shall consult immediately in response to dangers arising other than from armed attack, in order to agree upon measures to be taken in the interests of common defense.

3. The Charter of the United Nations, Art. 51, gives nations the right to engage in collective self-defense. The Rio Pact, Art. 3 (1) and the NATO treaty, Art. V, are both explicitly grounded in Art. 51 of the U.N. Charter; both of the latter treaties permit initial unilateral determination of whether or not armed force is necessary in a given situation, and, if it is, the proper scope of such force.

It is not the purpose of this Brief to take direct issue with the policy of the United States as such in Indochina, or with the legal basis of that policy. Rather, we will argue

1. Assuming that the President's actions with respect to South Vietnam have been legal, can the Congress nevertheless arrest those actions and require the President to disengage American troops from southeast Asia?

2. If Congress does have the power to require a United States withdrawal from southeast Asia, would it be desirable for it to exercise that power?

III. CONGRESS HAS THE POWER TO END OR LIMIT THE INDOCHINA WAR

While it is conceded that the President, as commander-in-chief, has the power to order United States troops into armed conflict without the prior permission of the Congress, it is not conceded that the President always uses this power with wisdom or intelligence. The discretion vested in the President by Art. 2, sec. 2 of the Constitution is not without limit; if the Congress believes that the actions of the President under Art. 2, sec. 2 are not in the best interests of the United States, it may adopt several means of channeling his discretion and cabining his power.

1. Art. 1, sec. 8, cl. 14 of the Constitution gives to the Congress the power "to make rules for the government of the land and naval forces" of the United States. This language plainly suggests that the threshold policies governing the use of armed force are in the Congress rather than in the President. While this clause has generally been interpreted in connection with the authority of courts-martial—see, e.g., Kinsella v. Krueger, 354 U.S. 1 (1957)—there is no reason why custom alone should annihilate a clear constitutional grant of authority. "The President as Commander-in-Chief of the Army and Navy has plenary authority in matters of control except to the extent to which he is limited by acts of Congress." Overseas Media Corp. v. McNamara, 259 F. Supp. 162 (D.D.C. 1966). The Congress might therefore enact a law which required the President to remove United States military forces from Southeast Asia. "While the President is made Commander-in-Chief by the Constitution Congress has the right to legislate for the Army, not impairing his efficiency as such Commander-in-Chief, and when a law is passed for the regulation of the Army, having that constitutional qualification, he becomes as to that law an executive officer, and is limited in the discharge of his duty by the statute." McBlair v. United States, 19 Ct. Cl. 541 (1884).

As a practical matter, a statute limiting presidential prerogatives in southeast Asia would require two-thirds support in both houses of Congress in order to survive the President's certain veto, but this fact does not go to the ultimate propriety of the Congressional Action itself. "The Constitution does not subject [the] lawmaking power of Congress to presidential or military supervision or control." Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 588 (1952).

2. Congress may limit or terminate the United States involvement in southeast Asia by refusing to appropriate money to be used in the prosecution of the Indochina war. The appropriation of money is the exclusive dominion of the Congress. U.S. Const. Art. 1 sec. 9, cl. 7. Such a use of legislative power would be well within the established purview of Congressional decision-making. In the Constitutional Convention, Thomas Jefferson said: "We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay." Quoted in 389 U.S. at 937.

3. Congress may, by majority vote, revoke the Joint Resolution which has been cited in justification of the United States military intervention in southeast Asia. In addition, the Congress may by Joint Resolution disapprove of the President's conduct of United States business in southeast Asia, and insist upon the prompt termination of all warlike activities.

4. The Congress may bring articles of impeachment against the President. U.S. Const. Art. 1, sec. 2, cl. 5; sec. 3, cl. 6.

IV. CONGRESS HAS THE DUTY TO ACT

In a memorable opinion, a great American judge wrote: "[The Founders] rested the structure of our central government on the system of checks and balances. For them, the doctrine of separation of powers was not mere theory; it was a felt necessity. Not so long ago, it was fashionable to find our system of checks and balances obstructive to effective government. It was easy to ridicule that system of government as outmoded—to easy. The experience through which the world has passed in our own day has made vivid the realization that the Framers of our Constitution were not inexperienced doctrinaires. These long-headed statesmen had no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power. . . . The accretion of dangerous power does not come in a day. It comes, however, slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority." Youngstown Sheet & Tube Co. v. Sawyer, opinion of Frankfurter, J., concurring, 343 U.S. at 593 (1952).

A government of checks and balances presupposes that each branch will jealously guard its authority. See Hull & Novogrod, *Law and Vietnam* 186 (1968). The hypothesis that the power of the President as commander-in-chief is unlimited should be anathema to a free people; and when the President goes beyond what is proper or wise, it is the business of the Congress to check him.

The Indochina war has been justified on the basis of Vietnam's strategic proximity to China and the policy of containment; it has also been said that there is at stake in Vietnam a question of our national honor, or the credibility of our military deterrence, or the fact that America has never in 190 years lost a shooting war. Even if these considerations were conceded to be appropriate premises for the use or continued use of armed force, the physical pain and fiscal grief which America has endured this long decade past has been outrageously disproportionate to the goods sought. American interests never justified American actions in Vietnam.

But in the light of President Nixon's decision to use American power to interdict North Vietnamese sanctuaries in Cambodia, the Indochina war has assumed dimensions which transcend questions of relative national priorities or the wise conduct of our foreign affairs. The question now has become one of overconcentration of power in the single office of President, and in the abuse of that power by the incumbent officer.

In the last analysis, the people have a right to have government managed by those who will respond to their needs and wishes. The months of watchful waiting and guarded hopefulness have come to an end. Congress' time has come. An issue more crucial to American democracy could scarcely be imagined. The Senate and the House of Representatives have a duty immediately to act.

DANIEL D. POLSBY,
President-elect, Minnesota Law Review.
PATRICIA LYDON,
Editor-elect, Minnesota Law Review.
JOHN HUNTER,
For the Minnesota Law Students' Appeal to Washington.

(NOTE.—Titles for purposes of identification only. The Law Review takes no position in this matter.)

WELFARE REFORM REVISITED

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. PRICE of Texas. Mr. Speaker, when the proposed Family Assistance Act of 1970 came before the House last month, I voted against it. As I stated at the time, my decision was based on three factors: The overwhelming sentiment of the voters in my congressional district, my belief that the issue of welfare reform had been turned into a political football and as such was destined to become a source of potential embarrassment for the President, and my fundamental reservations about the act itself.

The reasons I voiced then are still just as valid today. My constituents are still communicating their opposition to the House passed welfare reforms. Some Senators have started playing political football with the President's good faith efforts to reform the national welfare scandal. And, the reforms are still designed to provide individuals "something for nothing," an approach which I believe is the least effective means of helping individuals help themselves.

Today, Mr. Speaker, I received a letter of support for my position from the distinguished Governor of California, Ronald Reagan. I would like to share Governor Reagan's thoughts with my colleagues, for I believe his views on the proposed welfare reforms merit full and thoughtful consideration. In this connection, I was particularly interested in Governor Reagan's statement that—

> It seems to me that the Act passed by the House does not eliminate the possibility of making more from welfare than from wages. In California, it would be entirely possible for a family in which the father is fully employed to have less income than a family

in which the father is working only part time—and only slightly more income than if the father were not working at all.

This was a basic defect in the act that was pointed out by the Senate Finance Committee. This defect was of such a fundamental nature that it has caused the sponsors of the welfare reforms to agree to rethink and rewrite the act.

Governor Reagan discusses the workfare issue and other aspects of the reform proposals. His comments are lucid and to the point. I commend them to the attention of my colleagues:

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, Calif., May 4, 1970.
Hon. ROBERT D. PRICE,
Member of Congress, House Office Building, Washington, D.C.

DEAR CONGRESSMAN PRICE: I was pleased and gratified to note your vote against the Welfare Reform Act (HR-16311) on April 16, even though the bill itself was passed. As you know, I admire anyone who votes his conscience and convictions, no matter what the odds are against being on the winning side.

During the secret sessions of the Ways and Means Committee in January and February, we were, of course, unable to get enough firm information to analyze or project the effects of the final bill on California. As soon as it was available to us in March, we began a detailed analysis, which my staff has just completed.

Since it appears likely that some version of this bill will return from the Senate to the House for consideration of differences, you may have an opportunity to make your views known to members of the Senate. Therefore, I am taking this opportunity to acquaint you with my concerns, and to provide you with some of our conclusions regarding the probable effects of this bill on California.

My opposition to the Welfare Reform Act stems from a deep, philosophical antipathy toward a government-guaranteed income and increasing federal intervention into state operations. In addition, I have a real apprehension that the costs of the Act will be excessive at a time when the taxpayer is already struggling to make ends meet, and at a time when there are such heavy demands in other areas such as education and environment.

Let me set forth some of my specific concerns:

WORK INCENTIVE

The President's original message to Congress (the goals of which met with my approval) said, "I propose that we make available an addition to the incomes of the 'working poor' to encourage them to go on working and to eliminate the possibility of making more from welfare than from wages."

It seems to me that the Act as passed by the House does *not* eliminate the possibility of making more from welfare than wages. In California, it would be entirely possible for a family in which the father is fully employed to have less income than a family in which the father is working only part time—and only slightly more income than if the father were not working at all. If you wish, we can supply specific data to support this statement.

Further, the Act would encourage many now working their way off of the welfare rolls to fall back into a state of federal dependency.

FAMILY SOLIDARITY

The President's message to Congress also said, "The new plan rejects a policy that undermines family life. It would end the substantial financial incentives to desertion." This is an objective which I support wholeheartedly.

But, under the welfare reform bill as amended and passed by the House, very substantial incentives for desertion would remain. The bill could actually weaken incentives to maintain traditional family relationships and in some cases, may encourage dissolution of families.

COSTS

The Act, as it came out of the House, appears to have all the earmarks of the open-ended welfare programs of the '60s—such as Medicare and Medicaid—whose costs have escalated beyond even the wildest sums predicted by their original opponents. Some of our staff predict—as do others in both the public and private sector—that the costs of this Act could run as high as $15 billion per year. California taxpayers' share would exceed $450 million a year, at precisely the time we will be needing so desperately to have more funds available here for education, environmental protection, etc.

I am convinced that, unless the Welfare Reform Act provides for funding solely from a specific surtax or dedicated tax, the taxpayers will be unaware of the extent of the real costs of the program and these costs will soon outpace any benefits which might be derived.

GOVERNMENT GUARANTEED INCOME

Although proponents of the new Act claim it does not provide a government-guaranteed income, under this bill, no work-qualified head of household need actually work. He, or she, is simply required to state a need and agree to work or train for work in order to receive the benefits. This is, in fact, a guaranteed income. I must oppose such a proposal.

FEDERAL CONTROLS

The bill provides greater savings for those states which turn over administration of the program to the federal government than to those who administer the program themselves. This whole idea runs counter to the President's "New Federalism." Those states which are able and which desire to administer the program themselves should be paid rather than penalized for performing services for a federal program. Those states which are unable to administer their own programs, or do not desire to do so, should be charged —not rewarded—for having the federal government perform the services for them.

The Act delegates to the Departments of Health, Education, and Welfare and Labor unprecedented administrative powers. This makes it impossible to assess how various provisions are to be applied, and what impact these will have on state operations now and in the future.

It seems to me that one of the stultifying effects of the Act will be to impede, in some cases destroy, the growing and creative efforts being put forth by the private sector. This will stifle ingenuity and freeze failure; and this is completely out of phase with emerging programs to solve these problems at the local level. It is of deep concern that there are no provisions permitting the states to engage in, or continue, pilot projects which might prove more responsive to state or local needs. Some of the most imaginative and promising of these are in California.

In order to support a healthier relationship between the federal and state governments—and the President's efforts to limit the expansion of bureaucracy—the Act should be amended to prohibit the formation of any new administrative organization except that which is necessary to audit and reimburse those states which administer their own programs, and to provide administrative services for those states which do not. This latter organization should be only as large as can be funded by the charges collected from those states which are serviced.

In summary, the President's original proposal sought to reduce the welfare rolls; the bill passed by the House does not even mention this as a goal or purpose. Instead, it will add 12 to 15 million more persons to the system, with no significant reduction in sight, based on HEW estimates of continually rising costs. In California, one out of every twelve persons is now on welfare. The new bill will increase this ratio to one of every seven, with every indication that it could deteriorate even farther.

The federal administration is constantly instituting new efforts to reduce welfare costs (this goal is not mentioned in the new Act); but this program will cost additional billions, even more than the projected costs of the present program, based on HEW estimates.

The President's message to Congress specifically rejected the concept of a guaranteed income; the new bill provides every family with an income floor.

Proponents of the bill claim that its manpower programs are designed to get individuals off of welfare and on to payrolls; yet many, if not most, of the "working poor" to be added to the rolls under the House-amended bill live in rural areas where there are no training facilities and where there are, in fact, no jobs to train for.

It may be that something can still be done to remove the evils and correct the weaknesses of the House-passed bill, and I offer my assistance.

If you have any comments or suggestions, I would sincerely appreciate hearing from you. Our Washington Office, under Jim Jenkins, can supply you with any further details or information you may require and, if you wish, keep you briefed on developments as they occur.

Again, congratulations on your courageous stand of April 16. Regardless of the final outcome, I'm sure you will find it to be a source of pride for a long time to come.

Sincerely,

RONALD REAGAN,
Governor.

HUB HOCKEY CAPITAL OF UNITED STATES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on Sunday, May 10, 1970, the Stanley Cup came home again. Forty seconds into sudden death overtime the Boston "Golden Boy," Bobby Orr, fired the winning goal. At the jam packed garden 15,000 fans went wild, a million more toasted victory in home and pub. Hockey Town U.S.A. had won its first title in 29 years.

No team has ever worked so hard or been so persistent in its drive to be No. 1. In the words of the Boston Herald Traveler editorial:

The Bruins won more than a loving cup at the Garden yesterday (Sunday). They won a 29-year battle with despair, frustration, misfortune and grief. And while the world of professional sports doesn't always relate to the world of reality, in this case it does.

By capturing the Stanley Cup for the first time since 1941, the Bruins have proven that no task is too hopeless, no goal too remote if we only persevere.

For all of those 29 years, the Bruins didn't even reach the National Hockey League playoffs. Six times they finished in last place, five of those dismal years, from 1960–61 through 1964–65, in succession. Their best young prospects failed, their big trades backfired, their teams grew worse instead of better. Even at the start of this season, they lost their star defenseman, Ted Green, because of a fractured skull.

But the Bruins persevered, and for this above all we salute them today. At a time when despair, frustration, misfortune and grief fill our lives, they have shown us the way to eventual victory.

I want to extend my warm congratulations to this hockey team on a job well done.

Further, I would also like to include in the RECORD an article written by a visiting writer to the Hub. His name is Mr. John Wolf, a staff writer for the Los Angeles Times. He was a visitor to Boston for the first time and makes some warm observations on our Nation's hockey capital. The article is as follows:

HUB HOCKEY CAPITAL OF U.S.

(By John Wolf)

The youngster swung his hockey stick and slapped the puck into the makeshift goal in the middle of a South Boston street. "Just like Bobby Orr," he yelled to his playmates.

During my first visit to Boston I saw this scene repeated in several communities. I saw motorists stop to watch these games even though they were blocking through traffic.

Such scenes as these left me firmly convinced that Boston is the nation's hockey capital and that Boston fans are among the most avid.

Owning the equipment to play hockey is as important to a Boston youngster as having a baseball bat and glove or a pair of swimming trunks is to young Californians.

A first visitor to our country could easily think hockey is the national pastime if his first stop was Boston. The population is totally involved with the Bruins.

There are signs along Commonwealth Avenue in shop windows spelling out "Go Bruins," "Bruins Shop Here" or "Bruins Eat Here."

There were vendors circulating in Kenmore Square selling every kind of Bruin souvenir. In the West, that kind of scene is found only in the stadiums.

Tickets to the Bruins games are practically sold out before the season starts. Boston is one of the few cities where management can afford to televise home games and not worry about getting hurt at the box office.

But even the fans who are shut out of Boston Garden get into the act. Not all fans stay home to watch the games. They go to restaurants and bars to cheer their heroes.

I was sitting in a Beacon Street restaurant. We were seated behind a partition and unable to see the television set. Just before game time people came streaming in.

In less than 15 minutes what had been an empty room was jammed. The fans were so enthusiastic you would think the game wasn't going on in back of the partition. The game ended and the room emptied. The entire city is electric over the Bruins.

In Los Angeles, Boston's beloved pastime is played before empty seats. Westerners just aren't ready to give the game a break.

Early in the week, I visited Fenway Park with American League publicist Jack Sheehan.

It's no wonder the park is known as "Chummy" Fenway. The only advertisement in the park was for the Jimmy Fund. It was the first park I had ever seen without advertisements. The fans were wild, jumping to their feet for every Red Sox player's announcement. Then there's the inviting left-field wall. Foul balls are "whooped" down the backstop screen. Where else has a game drawn 25,600 on a week day in the past few seasons?

One day I caught the Boston University spring football game and a crew race down the Charles River.

The crew race was really something. I went down to the finish line and was amazed to see so many people. It was like a picnic. I noticed how some fought off the cold with a taste of the grape. It was a happy group.

Then Harvard's heavyweight eight appeared, winning with ease and the crowd yelled. They were with it all the way. I don't know much about crew, but it was easy to tell the Harvard rowers were masterful the way they worked together.

One of the most fascinating things I saw in my short visit was the L Street Brownies. I didn't think I'd get the chance because of the cold weather and the Atlantic water was even cooler. But one man ran out of the bathhouse in his figleaf, dove into the ocean and swam with such vigor that I thought he might be headed for the other side of Boston Harbor.

I was amazed at the media coverage given the Boston Marathon. It gets six paragraphs on an inside page in Los Angeles.

In the West, Boston is recognized as the birthplace of our country. I stopped and looked around as I boarded the plane to head home and thought, "You've come a long way, baby."

STUDENT VISITS BEHIND IRON CURTAIN

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, for the last 10 days we have heard several voices of the young criticizing the present American view toward communism. A few of these young students believe that the principles of communism are the answer to all the problems in America. Through equal division of the wealth, all poverty, starvation, injustice, and deprivation will be eliminated.

In fostering this position, they argue against taking any action to stop the spread of communism. In fact, many feel that the people of the U.S.S.R. and other Communist countries like North Vietnam and Red China are probably better off than some people in the United States.

Well, occasionally, Mr. Speaker, one of those students who disagrees with this position does speak up. Today I would like to share with you a letter addressed to me from one of my younger constituents.

The writer, Miss Patricia Forrest, of Mobile, Ala., is 21 years old and a junior at the University of South Alabama, also in the first district. Last fall, she attended the University of Rome to study art for one quarter. During her stay in Europe, she had the opportunity to visit several of the surrounding countries on her weekends and holidays.

Her present letter discusses a trip that she and three other students took to Czechoslovakia. Her comments and reflections on her visit to that country and on her conversations with one of the inhabitants are very pertinent at this time. I urge all the Members to read it carefully:

MAY 2, 1970.

Hon. JACK EDWARDS,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EDWARDS: Recently, I had the experience of traveling behind the iron curtain into Czechoslovakia. This experience has changed my attitude towards my government and my country. This experience I would like to relate to you and my thoughts about it.

In Prague, under very strange circumstances, the four members of our group came in contact with an English speaking Czechoslovakian. After taking us to the major points of interest in the city (including the room of Dubcek's downfall), he asked us to his apartment. There he told us that he had nothing to lose by talking to Americans because he felt he would shortly be put in prison as his daughtér had defected the country shortly before the border closed. There in his dining room the five of us exchanged ideas concerning the basic difference between the U.S.S.R. and the United States, that of communism vs. democracy.

He told us how the government owned every flower and newspaper stand to every "modern" department store. He told us how he used to own a factory, how it was taken away from him and how he and his wife are now forced to work manually. He told us how he listens to *both* Radio Free Europe and the Voice of America, and how his wife writes many of these broadcasts down. He told us how he would not trust his grandmother any more than the man next door. In short, he said he would not trust anyone.

I could go on about all the things he said but I won't. There is something horrible and shocking here. Everything about this way of life is just like the teacher said. Everything she said was true. In our group of four there was one or two of us that held the view that "communism can't be all bad". All of us were overwhelmed including these two. Everything about the place was depressing, there was a very different feel in the air. All of us came away a little older and a little wiser. Seeing is believing, but I just hope that everyone in this country does not have to see it to believe it.

This man also told us how he felt about Vietnam. He knew that the United States was trying to stop communism. He said his people look to us, the United States, as the last hope. His point was that someone had to stop it somewhere. First Korea, then Vietnam and since I've returned, Cambodia. Where will it stop and what will stop it?

As much as I believe that communism should be stopped, I am against the extremist view. What is the middle of the road way? I don't want the boys I know to die in Vietnam, or anyone for that matter. But sometimes I think we (the young as well as the older generation) are only concerned with the immediate present. Do we have the right to determine how future generations will live? I think that if I have no feelings for what will come after me, then I have no right to take part in the continuation of the human race.

You, as First District congressman, have taken upon yourself the responsibility of representing the individuals in the First District. I see the position you are in. I would hate to be in your shoes even for a day.

As long as this letter is, I feel that each part is necessary because I want you to know how I feel and why I feel this way.

I am thankful that you are willing to represent and as in the past, be of help to me.

Thank you for your time.

Sincerely,

PAT FORREST.

MOBILE, ALA.

XUM

A WORD TO THE WISE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ASHBROOK. Mr. Speaker, in a little over a week from now an unusual collection of leftists of various persuasions, Communists and possibly some dupes will meet in Toronto, Canada, to launch a widespread attack on the United States and its involvement in so-called war crimes. Sponsored by the Lawyers Committee on American Policy Towards Vietnam, the conference at York University in Toronto on May 22, 23, and 24 will surely be impartial and objective judging from the backgrounds of some of those invited.

The Lawyers Committee has indicated that among the conferees will be a delegation of Hanoi jurists and lawyers and possibly Tran Cong Tuong, vice president of the People's Supreme Court in Hanoi and a veteran North Vietnamese Communist leader, friend, and adviser to the late Ho Chi Minh.

It comes as no surprise that the National Lawyers Guild, a U.S. left-wing outfit cited as a Communist front some years ago, will have members in attendance, possibly to learn, among other things, how our judicial system can profit from the superior mechanisms of jurisprudence which are the boast of Hanoi.

It also is not surprising that the Clergy and Laymen Concerned About Vietnam and the Law Center for Constitutional Rights also figure in this latest propaganda drive to discredit the United States. The Law Center, along with the National Committee for a Citizens Commission on Inquiry on United States War Crimes in Vietnam, and the Education/Action Conference on U.S. Crimes of War in Vietnam, have been invited to the conference to document their findings on U.S. war crimes.

Being objective and fair-minded U.S. citizens, it is presumed that after clobbering the United States, members of these groups will ask the North Vietnamese jurists and lawyers to what extent Hanoi has commited war crimes against the people of both North and South Vietnam. Or perhaps at a later date these groups will set the record straight by documenting the war crimes perpetrated by Hanoi.

The May 17, 1970, issue of Twin Circle, a national Catholic publication, carried an exclusive story by John H. Vincent on the coming conference. Formerly a newspaperman and college professor, Mr. Vincent has followed the various areas of Communist subversion for many years. I insert at this point the article "U.S. Leftists To Hold Parley on U.S. 'War Crimes,' ":

U.S. LEFTISTS TO HOLD PARLEY ON U.S. "WAR CRIMES"

(By John H. Vincent)

TORONTO, CANADA.—United States Congressional investigators should look into the Lawyers Committee on American Policy Towards Vietnam, a group of U.S. citizens which has scheduled a cozy, hitherto little publicized conference at York University here for May 22, 23, and 24.

The Committee boasts that this conference will be attended by, among others, the first group from North Vietnam—a delegation of Hanoi jurists and lawyers—to visit the North American continent. Since its founding in 1965, the Committee has consistently attacked the United States' defense of South Vietnam, but never, never the naked, brutal aggression against South Vietnam by the North Vietnamese Communists and their southern partners, the Vietcong.

The Toronto meeting is expected to continue the Lawyers Committee's never changing policy of denouncing the American position in Southeast Asia. By a strange coincidence, this is the same policy or objective of the worldwide Communist propaganda apparatus directed by the Communist Party of the Soviet Union and its front organization, the U.S.S.R.

The Toronto conference agenda tells the reason why. Here are some of the subjects to be discussed, as listed by the Committee itself: "Illegality and Immorality of Vietnamization and Pacification Programs," "Historical Distortions of President Nixon's November 3 Speech," and "A Realistic Program to End the War."

Also to be discussed: "Application of Nürnberg Principles to Vietnam War," "Biological and Chemical Warfare—Biocide—in Vietnam," "Does the Saigon Government Qualify as Legitimate Under International Law?", "Legitimacy of the Provisional Revolutionary Government of South Vietnam and Belligerent Rights of its Supporters," "Reparations and Its Application to Vietnam."

After studying the agenda, those knowledgeable about Marxism-Leninism expect the conference to make every effort to:

1) Help induce the United States to quit Southeast Asia entirely so it could be liberated more easily by the Communists.

2) Establish a "legal and international basis" for "indicting" the U.S.A., President Nixon, and other American leaders, both political and military, as "war criminals," alleging the precedent of the Nürnberg trials of August, 1945.

3) Prepare the groundwork for "trying" hundreds of American servicemen, now prisoners-of-war in North Vietnam, also as "war criminals."

4) Prepare the way for the North Vietnam Communists to demand "Reparations from the United States" for all "damages" done to Vietnam, Laos, Cambodia and perhaps Thailand by U.S. forces during the present war.

The conference was originally billed as "The World Jurist Conference On Vietnam." However, its organizers recently changed its name to "The Lawyers Conference on Vietnam, Laos and Cambodia." The conference is being sponsored "jointly" by the Lawyers' Committee and, according to the Committee Chairman William L. Standard, by a "comparable committee of Canadian lawyers." Two weeks ago, Standard, a well-known Marxist-Leninist, didn't know the name of the Canadian committee. Perhaps he's gotten the word by now.

Originally announced publicly at the 31st annual convention of the National Lawyers Guild at Washington, D.C., last February, the conference, Standard claims, will be attended by an estimated 100 American lawyers and about 50 from North Vietnam and other foreign countries. It is expected that many (perhaps most of the Americans) will be Marxist-Leninists, Marxist-Socialists, or fellow-travelers, especially if they belong to the National Lawyers Guild.

Former U.S. Attorney General Herbert Brownell once called the Guild the legal mouthpiece of the Communist Party, U.S.A. A Congressional committee has described the Guild as "the foremost legal bulwark of the Communist Party, its front organizations and controlled unions." In other words, there are indications that the American Marxist-Leninists, Marxist-Socialists, fellow-travelers and just plain dupes in this gathering will strive hard to denigrate their homeland, and this on foreign soil while some of their fellow Americans are dying in Southeast Asia.

They will be joined in denouncing the United States at the "conference" by a galaxy of foreign lawyers and "war experts," all birds of the same red feather. The prize catch, if he shows up, will be Tran Cong Tuong, vice president of the 'Peoples' Supreme Court in Hanoi, veteran North Vietnamese Communist leader and close friend and advisor to the late Ho Chi Minh, formerly Hanoi's top man. Standard says Tran Cong Tuong has accepted the Committee's invitation to attend.

Toronto also might provide the Lawyers Committee with an opportunity to further villify the United States by inviting three groups, all seemingly anxious to discredit their country, to disclose of the "conference" some of the "evidence" they're trying so hard to get of further "alleged" American "atrocities" in Vietnam.

One of the groups is the two-year-old Law Center for Constitutional Rights, a New York based leftist-oriented organization that concerns itself, among other things, with the legal aspects of defending such characters as the Chicago 7 and the Black Panthers.

At the National Lawyers Guild Convention last February, the Law Center announced it had been "commissioned" by Clergy and Laymen Concerned About Vietnam to conduct an inquiry about "the lawlessness of our official policies in Vietnam," especially "the brutalizing effect of the war on American GI's, as well as the proposition that the war was being conducted in daily violation of the laws of war by which this government (meaning the United States) professes to consider itself bound."

Guild members were asked to take depositions or affidavits from persons in their geographical areas "having knowledge of atrocities, etc." The request was signed for the Law Center by two veteran Leftists: Chairman Peter Weiss and Morton Stavis. Standard also signed. (Weiss is the husband of Cora Weiss who, with self-admitted Communist David Dellinger, is cochairman of the Committee on Liaison which works with the Hanoi government to propagandize the wives of American prisoners of war to work against the best interests of their country.)

The second Leftist group working hard to compile alleged Vietnam "atrocity" data is the self-appointed National Committee for a Citizens Commission of Inquiry on United States War Crimes in Vietnam. Its personnel includes some of the most notorious Leftists in the United States. Among them, to mention only a few, are Dr. Howard Levy, Noam Chomsky, Ralph Schoenman, a leader of the Stockholm War Crimes Trial of 1967, and Eric Seitz, executive director of the National Lawyers Guild.

Newest of the three groups is the Education/Action Conference on U.S. Crimes of War in Vietnam, formed just a few weeks ago as the outgrowth of meeting in February between officials of the Clergy and Laymen Concerned About Vietnam and the American Friends Service Committee. Its steering committee includes some of the leaders of the other two committees, with which it works in close liaison.

It would be interesting, therefore, if U.S. Congressional investigators would try to determine what connection, if any, the Lawyers Committee On American Policy Towards

Vietnam has with two well-established international Communist fronts, the World Peace Council and the International Association of Democratic Lawyers. (Tran Cong Tuong is a former secretary of the latter.) All three organizations seem to have the same objectives.

The International Communist propaganda barrage against the United States' defense of South Vietnam opened in July, 1967, when the International Coordinating Committee, a creature of the World Peace Council, sponsored a "conference" in Stockholm on "international law and the war in Vietnam."

Since then at least seven or eight other international conferences have been staged at Stockholm, Cairo, East Berlin, Montreal and elsewhere on the same subject by Communist controlled groups. Tass, the Soviet News Agency, reported that the latest was held March 29–30, 1970, also at Stockholm. An "authoritative" commission was set up to "investigate" American "war crimes."

The upcoming Toronto conference seems to fit into this anti-U.S.A. pattern, the objective of which was implied in the May, 1970, issue of "Soviet Life," published by the Embassy of the U.S.S.R. in Washington, D.C.

Prominently displayed in this issue are pictures of Nazi atrocities and excerpts from the charter of the International War Crimes Tribunal at Nürnberg.

Get the point?

REPRESENT YOUTH IN THE EXECUTIVE BRANCH

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. PEPPER. Mr. Speaker, during the past days we have been witness to incredible happenings across our country—incredible but not unpredictable.

We should feel no surprise at the methods of expression the youth of today have chosen. They have shown us many times before that they feel demonstrations are their only way to be recognized and heard. They have told us we have continually denied them an ear to their grievances and a voice in their future. And they are correct.

On May 8 I sent a telegram to President Nixon suggesting that he establish, by Executive order, a Cabinet-level youth representative and give his support to the proposal which I and 51 cosponsors have introduced in the House to create a Cabinet Department of Youth Affairs.

The President chose to name only a temporary youth adviser.

The Congress must, therefore, take the initiative and show our youth, which form a sizable portion of the constituency which we represent, that they do indeed have a legitimate and officially recognized voice in the executive branch of their Nation, that the changes they wish to make can be realized through present institutions, and that they will be heard and taken seriously.

I request that a copy of my telegram to President Nixon and a copy of my bill, H.R. 6259, be included in the RECORD and that other Members of this body join in sponsoring this urgently needed legislation.

MAY 8, 1970.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At this critical time when so much of the youth of our Nation feels that its voice, however earnest and sincere, is not heard at the highest levels in the Nation's Government, I respectfully urge upon you that in your press conference tonight you announce that you are immediately setting up, by Executive order, at the Cabinet level a youth representative and that you are recommending to the Congress the speedy enactment of H.R. 6259, introduced in the House of Representatives by a bipartisan group of 51 other Representatives and me, including Honorable John Blatnick, Chairman of the House Subcommittee on Executive and Legislative Reorganization of the House Government Operations Committee, providing for a Department of Youth Affairs presided over by a Secretary of Youth Affairs in the Cabinet of the President and providing for a youth advisory council in such department. Such an announcement by you would immediately stir the hope of the young people of this country to recognize that they will have a voice which can directly reach the President and the Congress with the concerns and frustrations of the Nation's youth. I would welcome the opportunity to meet with you or your representatives at the earliest moment to further the progress of H.R. 6259 which is so vital to the Nation's unity and strength.

CLAUDE PEPPER,
Member of Congress.

H.R. 6259

A bill to create a Department of Youth Affairs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT

SECTION 1. There is hereby established an executive department which shall be known as the Department of Youth Affairs (hereafter in this Act referred to as the "Department").

OFFICERS OF DEPARTMENT

SEC. 2. (a) There shall be at the head of the Department a Secretary of Youth Affairs (hereafter in this Act referred to as the "Secretary") who shall be appointed by the the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed by law for the heads of executive departments. The Department shall be administered under the supervision and direction of the Secretary.

(b) There shall be in the Department an Under Secretary of Youth Affairs and such Assistant Secretaries as shall be determined by the President to be necessary, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, shall perform such functions and duties as the Secretary may prescribe, and shall receive compensation at the rate provided by law for under secretaries and assistant secretaries, respectively, of executive departments. The Under Secretary (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of the Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe) shall act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

TRANSFER OF FUNCTIONS

SEC. 3. The functions of—

(1) the Secretary of State under the Peace Corps Act,

(2) the Director of the Office of Economic Opportunity under title VIII of the Economic Opportunity Act of 1964 (relating to VISTA), and

(3) the Commissioner of Education under subpart 1 of part B of title V of the Higher Education Act of 1965 (relating to the Teacher Corps), are hereby transferred to the Secretary of Youth Affairs.

TRANSFER OF RECORDS, PERSONNEL, ETC.

SEC. 4. There are hereby transferred to the Secretary all personnel, property, records, obligations, and commitments of, and all unexpended balances of appropriations, allocations, and other funds available (or to be made available) to—

(1) the Secretary of State under the Peace Corps Act,

(2) the Director of the Office of Economic Opportunity under title VIII of the Economic Opportunity Act of 1964, and

(3) the Commissioner of Education under subpart 1 of part B of title V of the Higher Education Act of 1965.

REFERENCES

SEC. 5. Any reference to—

(1) the Secretary of State under the Peace Corps Act,

(2) the Director of the Office of Economic Opportunity under title VIII of the Economic Opportunity Act of 1964, and

(3) the Commissioner of Education under subpart 1 of part B of title V of the Higher Education Act of 1965,

in any other law, rule, regulation, certificate, directive, instruction, or other official paper in force on, or which will become effective after, the date of the enactment of this Act shall be deemed to refer and apply to the Secretary of Youth Affairs.

EFFECT ON EXISTING OFFICIAL ACTIONS

SEC. 6. (a) Notwithstanding the preceding sections of this Act, all delegations of authority, orders, regulations, certificates, directives, issuances, and other official actions of—

(1) the Secretary of State under the Peace Corps Act,

(2) the Director of the Office of Economic Opportunity under title VIII of the Economic Opportunity Act of 1964, and

(3) the Commissioner of Education under subpart 1 of part B of title V of the Higher Education Act of 1965,

which are in force on the date of the enactment of this Act shall continue in full force and effect until modified, amended, superseded, or revoked by the Secretary.

(b) Notwithstanding the preceding sections of this Act, all boards, councils, committees, and similar organizations and groups established by—

(1) the Secretary of State under the Peace Corps Act,

(2) the Director of the Office of Economic Opportunity under title VIII of the Economic Opportunity Act of 1964, and

(3) the Commissioner of Education under subpart 1 of part B of title V of the Higher Education Act of 1965,

pursuant to law may be abolished or continued by action of the Secretary.

OFFICE OF YOUTH PARTICIPATION

SEC. 7. (a) There is additionally established in the Department of Youth Affairs a United States Office of Youth Participation (hereinafter referred to as the "Official").

(b) The Director of the Office shall be appointed by the Secretary and shall be compensated at the rate prescribed for level 5 under section 5316 of title 5, United States Code. There shall be a Deputy Director of the Office who shall be compensated at a rate not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5.

(c) At least half of the employees of the

Office, classified in grade GS-7 and above, pursuant to section 5104 of title 5, United States Code, shall be persons between the ages of sixteen and twenty-four at the time of their appointments to their positions, and the Office shall establish a personnel policy which encourages the maintenance of this proportion. The Director shall establish a policy which assures that employees of the Office are representatives of a broad range of experience, background, and personal characteristics, with respect to sex, educational attainment, residence, occupation, ethnic origin, and age within the age limits prescribed in the preceding sentence.

(d) The Office of Youth Participation shall—

(1) establish and administer a program of grants-in-aid to public agencies and nonprofit private organizations which shall be made available on application and under terms prescribed by the Office for—

(A) the establishment of similar Offices of Youth Participation and Commissions on Youth Participation under the supervision of governments of the States and the District of Columbia, which will perform at the State level those functions specified in this section;

(B) the development and administration, by such public agencies and nonprofit private organizations, of programs designed to recruit, select, train, and employ youth up to age twenty-four as paid and nonpaid volunteers in social and economic programs of benefit to local communities, especially programs which concern youth generally and programs aimed at reducing poverty and physical blight, improving health, education, and welfare, ending racial discrimination, and achieving equal justice under law for all citizens;

(C) the development of coherent plans and programs, by such public agencies and private nonprofit organizations, which ensure the meaningful participation of youth up to age twenty-four in policymaking bodies of governmental and private organizations which administer social and economic programs, especially programs which concern youth generally and programs aimed at reducing poverty and physical blight, improving health, education, and welfare, ending racial discrimination, and achieving equal justice under law for all citizens;

(2) establish jointly with other Federal agencies administering programs which concern youth generally and programs aimed at reducing poverty and physical blight, improving health, education, and welfare, ending racial discrimination, and achieving equal justice under law for all citizens, a national program under which youth up to age twenty-four shall be recruited, selected, trained, and employed as volunteers in paid and nonpaid positions in such programs.

(c) The Director of the Office shall establish with the heads of Volunteers in Service to America, the Peace Corps, the Teacher Corps, the Job Corps, the Neighborhood Youth Corps, the President's Council on Youth Opportunity and other Federal agencies concerned with youth participation, cooperative administrative arrangements which insure that such agencies assist in furthering the objectives of this section, including the establishment of means for the exchange of information about volunteer opportunities and applicants for volunteer positions.

(f) In volunteer programs assisted under this section, the Office shall insure, to the greatest extent possible, that such programs—

(1) are planned and administered by public agencies and nonprofit organizations which are composed of youth up to age twenty-four, or which show evidence of substantial participation of such youth;

(2) engage volunteers in ways that permit and encourage them to assist in the planning, administration, and evaluation of policies and programs;

(3) where appropriate, assign volunteers to work directly with clients and beneficiaries of programs;

(4) provide experience which leads to careers for volunteers in the fields in which they work; and

(5) where appropriate, make use of expert technical assistance in planning and administering such programs.

(g) Volunteers in any program assisted pursuant to this section—

(1) shall not be deemed to be Federal employees, except as provided by the Secretary of Youth Affairs, after consultation with the Civil Service Commission; and

(2) shall be compensated, including necessary expenses, as determined by the Secretary of Youth Affairs, except that in the case of Federal volunteer programs the Secretary shall consult with the head of the Federal agency concerned before establishing rates of compensation and expenses.

ADVISORY COMMISSION ON YOUTH PATICIPATION

SEC. 8. (a) The Secretary of Youth Affairs shall appoint an Advisory Commission on Youth Participation (hereinafter referred to as the "Commission"), which shall be composed of nine members, at least five of whom shall be persons between the ages of eighteen and twenty-four at the time of their appointments. The Director of the Office shall be an ex officio member of the Commission.

(b) The Secretary of Youth Affairs shall seek recommendations as to the membership of the Commission from youth organizations in schools, colleges, and universities, and from other youth organizations, and shall appoint members of the Commission for two-year terms, except that the terms of the members first appointed may be for a greater or lesser period in order to assure that the terms of not more than three members shall expire at the same time. In appointing members of the Commission, the Secretary shall seek to insure that they are representative of a broad range of experience, background, and personal characteristics, with respect to sex, educational attainment, residence, occupation, ethnic origin, and between the ages of eighteen and twenty-four at the time of their appointments.

(c) Members of the Commission shall select from their number a Chairman and Cochairman, who shall serve in those positions for one year.

(d) Members of the Commission shall be compensated, including necessary expenses, as determined by the Secretary of Youth Affairs. The Secretary shall provide the Commission with necessary staff support.

(e) The Commission shall—

(1) advise the Secretary of Youth Affairs with respect to policy matters concerning the administration of this section and with respect to ways of increasing the involvement of youth;

(2) consult with and advise the heads of Federal agencies administering programs which directly affect the lives of young people, including, but not limited to, the Selective Service System, the Justice Department, and the Office of Economic Opportunity, as to ways of improving such programs and making them more responsive to the needs and concerns of young people; and

(3) hold and publish hearings, and conduct and publish studies, on problems and issues of concern to youth in American society, and make recommendations from time to time for additional means of incorporating young people more fully in meaningful and responsible roles in the American society and economy.

ADDITIONAL TRANSFERS

SEC. 9. The President is authorized to transfer to the Secretary any other functions relating primarily to youth in the areas of health, education, military service, employment, and related areas not otherwise transferred by this Act, together with such personal property, records, obligations, commitments, appropriations, allocations, and other funds as he determines necessary to carry out any function so transferred under authority of this section.

DELEGATION OF FUNCTIONS

SEC. 10. The Secretary may authorize the performance of any of the functions vested in him by this Act by any other officer or employee of the Department.

SEAL

SEC. 11. The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

EFFECTIVE DATE

SEC. 12. This Act, and the amendments made by it, shall take effect when specified by Executive order of the President, but in no case later than one year after the date of its enactment.

POW'S—IF WE DO NOT WIN, THEY LOSE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. RARICK. Mr. Speaker, Americans who remember Korea watch intently the present administration's actions in Vietnam. Those who remember other wars know full well that all captured fighting men are never recovered by a country that loses a war—be it by surrender or withdrawal. They also understand that in war, a nation either wins or it loses. If it does not win—it loses.

I have received numerous inquiries about missing POW's from the Korean conflict as well as inquiry about U.S. prisoners of war in camps in the Soviet Union. The March 1970, American Opinion magazine carries an interesting story, "The Prisoners—Why Does American Abandon Her Own?" written by the author, producer, and consultant, Alan Stang.

I attended the little-publicized Washington rally on May 2 for the representatives and families of U.S. prisoners and MIA's in Vietnam. The meeting was understandably in a suppressed atmosphere because of apprehension by the families that action for other than humanitarian pleas for popular support might result in retaliation by the inhuman captors in North Vietnam.

The refreshing incident of the entire rally was the audience's spontaneous applause to a comment made by Navy Lt. Robert F. Frischman, a former Communist prisoner in Vietnam when he appealed for support from all Americans be they liberals or those who wanted to bomb Hanoi.

Because abandonment and loss of prisoners of war—the forgotten hero, presumed dead—is the tragically proven consequence by a defeated or "nonwinning" country, I have made inquiry of the President and the State Department for the denial or verification of the disposition of our prisoners of war from the Korean and other conflicts. I include in the Record the State Department reply, along with several letters, and clippings:

Department of State,
Washington, May 8, 1970.

Hon. John R. Rarick,
House of Representatives,
Washington, D.C.

Dear Congressman Rarick: Secretary Rogers has asked me to reply on his behalf to your letter of April 29 concerning the correspondence sent to you by the "Help for Those without Hope Committee" of Illinois. The Committee stated that there may be American prisoners of war in the Soviet Union.

In cooperation with other agencies of the United States Government, the Department of State and U.S. missions overseas thoroughly investigate all reports concerning the alleged detention of American citizens in any foreign country. To the best of our knowledge there are no American prisoners of war in the Soviet Union. The only Americans in detention in the USSR at this time are two young men convicted of smuggling narcotics and given sentences of up to three years in labor camps.

The Department received several unconfirmed reports during the early 1950's that American airmen might possibly be detained in the Soviet Union. Such reports may have been based upon a misunderstanding of a statement released by the Department of State on December 12, 1951. In this statement, the Department estimated that 5,009 persons who might possibly have some claim to American citizenship were residing at that time either in the Soviet Union, or in Albania, Bulgaria, Czechoslovakia, Hungary, Poland and Rumania. The Department did not state or imply that these persons were necessarily being held in prison or in labor camps. As a result of more liberal emigration policies in subsequent years, many of these 5,009 persons were allowed to leave these countries.

Following the cessation of hostilities in Korea, the Communist side failed to give a satisfactory accounting for 944 U.S. servicemen who we believed might at one time have been alive in the hands of Communist forces. The number of Americans missing and unaccounted for was later reduced to 389, largely through the efforts of our Graves Registration units working in Korea. Neither the Department of Defense nor the Department of State has ever received any reliable information or intelligence to indicate that any of the 389 men might be alive and held prisoner by the North Koreans, the Chinese Communists, the Soviet Union or any other Communist country. In the absence of any evidence that these men might have been alive, the Department of Defense made a finding of presumptive death for each of them. This action was necessary in order to settle estates and to pay insurance and other benefits to survivors.

I hope that this information is of use to you in replying to the "Help for Those without Hope Committee." If I can be of any further assistance, please do not hesitate to call upon me.

Sincerely yours,
David M. Abshire,
Assistant Secretary for Congressional Relations.

March 1970.

Dear Congressman Rarick: The recent influx of inquiries caught us before completion of a synopsis of the world-wide prisoner situation. This will be published and forwarded to you as pending information makes publication possible.

In the interim, we enclose a letter and other materials which explain the thrust of Committee concern and activities of officers.

If you have contributed to these efforts you will find receipt enclosed. If not, may we encourage your support at this time.

We have recently learned from a former prisoner in the Soviet Union's Vorkuta complex, some 200 camps and from 2,000 to 10,000 prisoners in each camp, some startling news. In 1955 our State Department stated to this man that they knew of 5,009 Americans held in the Soviet camps. They showed him a list of between 600–700 American servicemen's names, with rank, serial number and the exact camp location of these men, asking if he had met any of them or knew of any changes in location of our men. Some of these men were servicemen from the Korean conflict—most were servicemen from WW II, captured by the Germans and held in compounds subsequently falling into Russian occupation, as a result then being shipped off to the Soviet Union.

We are beginning to receive information from all parts of the world. The continuation of these lines of information and subsequent efforts of the Committee is dependent upon your dedicated support.

We thank you deeply for your concern,

Very sincerely,
James M. Stewart,
Executive Director.

The American Legion,
Toledo, Ohio, April 17, 1970.

Dear Congressman: The State Department claims there is no evidence that any of our unaccounted for prisoners of the Korean War are alive. Others claim there is no evidence of death and that many were known to be alive in enemy prison camps and that our nation should do everything possible to repatriate them.

This matter has been of great concern to Legionnaires in our area for a number of years. We have had the usual "form letter" treatment from the State Department.

Our resolution calls "upon all Senators, Congressmen, and the President to take appropriate action" for their release.

We'll be interested in your views. We would like to be advised of any action you take in response to our resolution.

Very truly yours,
William Love,
Commander.

Korean Prisoners of War

Whereas, Many of the 389 American servicemen unaccounted for since the Korean War were known to be alive and in prisoner of war camps of the Communists, and

Whereas, Recurring stories appear in magazines (Argosy, 1959—Saga, 1964) that America has abandoned these men into Communist slavery, and

Whereas, President Dwight Eisenhower stated at a news conference in 1959 that "we have had a long, serious, and even continuing discussion with the Chinese Communists trying to make them disclose where our prisoners were held" and "there are still some left there", and

Whereas, President John F. Kennedy stated at a news conference in 1961 that Chinese Communists were detaining Americans, "some of them way back since 1951", and

Whereas, there has been absolutely no evidence of the death of any of the 389 servicemen,

Now, therefore be it resolved, that Lucas County Council, The First District, the Department of Ohio, and the National American Legion call upon all Senators, Congressmen, and the President to take appropriate action to effect the repatriation of these servicemen.

The above resolution was adopted at a regular meeting of Lucas County Council, The American Legion of Ohio, held Monday, June 2, 1969 in the clubhouse of Argonne Post, 43 East Central Avenue, Toledo, Ohio.

Clement C. Dombrowski,
County Commander.
Lou F. Stephens,
Acting Adjutant.

[From the Evening Star, May 2, 1970]

Reds' Tactics on POWs Assailed at Rally Here

Vice President Agnew, senators, representatives and families of American servicemen held prisoner or missing in action in Southeast Asia filled Constitution Hall last night to "express their indignation at the moral and legal enormity of the North Vietnamese and Viet Cong cruelty" to American POWs.

That was how Sen. ———, phrased the cause that united a bipartisan group of congressmen to sponsor the "appeal for international justice." ——— was master of ceremonies.

——— repeated charges that the North Vietnamese and Viet Cong "refuse to identify American prisoners . . . they refuse to forward mail . . . they refuse to exchange presents and food. . . . We sense the anguish of these families in the question they repeated to the North Vietnamese in Paris: "Am I a wife, or a widow?"

MANY FROM FAMILIES

Shortly after Mayor Walter E. Washington delivered what he called a "symbolic welcome," ——— asked the wives, children and parents of American POWs or men missing in action to stand up. Nearly all those seated on the main floor, about 1,000 persons, rose. Some 1,500 men are believed held captive by the Communists.

Standing ovations by the more than 3,000 persons present went to Mrs. James B. Stockdale, wife of a Navy captain held prisoner since 1965, and other wives of missing and captive servicemen who spoke.

The loudest and longest applause was for Vice President Spiro T. Agnew, who made an appearance near the end of the program.

Noting the spirit of common cause that prevailed when the world awaited the return of the imperiled Apollo 13 crew, Agnew urged "an identical kind of hope and fear for the lives of husbands and sons" in the face of "intransigent, totalitarian and callous" Communist treatment.

Capt. James A. Lovell Jr., commander of the Apollo 13 crew, had said a moment before: "If, as we have found, we can be united in these troubled times, I ask that now the people of the world unite again with prayer and with pressure to bring these people home."

H. Ross Perot, the Texas millionaire who traveled around the world to dramatize the POW issue, Hollywood actor Bob Cummings, several members of Congress and returned POWs spoke of North and South Vietnam and Laos.

GOLDWATER CITES ACTION

No one mentioned Cambodia until Sen. Barry Goldwater, R-Ariz., referred obliquely to U.S. action in that country.

Goldwater spoke of a cowboy who used to strike his mules with 2-by-4 boards because, he said, "you have to get their attention."

"I think last night (Thursday) our President hit the mule over the head with a 2-by-4," Goldwater said to great applause. "And if that doesn't work," he continued, "I have an 8-by-8."

Agnew apparently referred to the Cambodia action, saying he believes "every decision that our President makes is a decision that will help bring an end to the suffering . . . and bring the prisoners home."

[From the Manchester (N.H.) Union Leader, May 6, 1970]

POW KIN "MISLED" BY REDS

(By Edith K. Roosevelt)

WASHINGTON.—A retired Army captain who heads the largest and oldest kith and kin organization for American prisoners of war said today that the relatives of U.S. soldiers captured by the Communists were being misled about the future of their men.

Capt. Eugene Guild of Glenwood Springs, Colo., who heads "The Fighting Home Folks of Fighting Men," dismissed the attempt to appeal to world opinion as used by U.S. Senators who conducted a POW rally here recently as "nothing but a pleasant pipe dream" and a "public relations gimmick."

The meeting, which was held in Constitution Hall in Washington, D.C., was planned more than a month ago by Sen. ———, a staunch Administration supporter. ———, along with a bipartisan group of Congressmen, helped arrange for the gathering, attended by several hundred wives and relatives of U.S. servicemen who are POWs or missing in action in Vietnam.

The rally was attended by leading Administration figures including Vice President Spiro T. Agnew and is part of a program to bring the pressure of world opinion on the Communists so that they become ashamed of their cruelty to the POWs and release them.

More than 1,450 Americans are listed as missing or captured, and despite repeated American efforts, official and unofficial, Hanoi consistently refuses to provide any information about the prisoners or even early release of seriously sick and wounded POW's.

In Guild's view, however, "the idea of scolding the Reds . . . is nothing but a gimmick to pacify the wives of POWs and get them off the Congressmen's back." He declared in an interview with the Manchester Union Leader:

"This is nothing more than a fraud perpetuated on these poor women in an effort to take them in by the pomp, circumstances and big politicians strutting about."

HAS PROPOSAL

Capt. Guild, who founded his organization 20 years ago after his Marine son was killed in action in Korea, has an alternative plan which was presented to President Nixon last July but never acknowledged. His proposal is to have the President require the Communists to release a proportionate percentage of our POWS for each increment of troops withdrawn from Vietnam.

"Aside from military victory, there is one way of getting our POWS back," he said. "Give the Reds something they want in exchange. The reason the technique of scolding the Reds is being pushed is because it does not risk the loss of dove and peacenik votes for politicians, while the Fighting Homefolks' proposal does have a risk if the Reds balk. Then the President would have to take resolute action which the doves do not want. They just want out of Vietnam and the devil take our POWS—they are expendable."

MOVE REBUFFED

Guild said he had written Sen. ——— asking permission to speak at the rally and present his proposal for freeing the POWS. The Kansas Republican replied in a letter dated April 20 that "the program for the tribute is already planned and I cannot accept any additions at this time." Guild said ——— administrative aide repeated this to him again when he attempted to see the Senator and make a last minute plea to be able to plead the cause of the POWS as he views it at the rally.

Although denied an opportunity to address the rally, Guild placed himself squarely in front of the speaker's platform and managed to interject a question to Sen. ——— and some of the Administration figures beside him on the dais between the speeches. Guild asked loudly:

"It is not possible that your campaign to impress the Communists with our love and concern for our POWS is raising the blackmail price to be demanded for their return after we withdraw out troops?"

——— did not reply to Guild's question.

Obviously, the idea of letting the Reds know how much we care has the Administration's blessing. Some of the wives were flown here at taxpayer expense in Air National Guard planes. Military as well as commercial buses were used to transport the women to the Rayburn Building for a banquet prior to the rally which was called by the National League of American Prisoners in South East Asia. The League's coordinators, who were also honorary chairmen of the rally, are H. Ross Perot, the Texas millionaire who traveled around the world to dramatize the POW issue, and Mrs. James B. Stockdale of Coronado, Calif., wife of a Navy captain held prisoner since 1965.

Defense Secretary Melvin Laird, who spoke at the rally, assured the women that the keystone of any negotiations with the Communists is the requirement for the return of the POWs and information on the missing persons who have been involved in the conflict.

Other speakers included Secretary of State William P. Rogers who told the women that it was quite clear that Hanoi is "barbaric" and Gen. William B. Westmoreland and Adm. Thomas H. Moorer, who praised the courage of the missing men.

Agnew, in an apparent reference to the Cambodia action, said he believed that "every decision that our President makes is a decision that will help bring an end to the suffering . . . and bring the prisoners home."

Terry Runyan of Sumter, S.C., whose husband, Lt. Col. Albert E. Runyan, has been a prisoner for four years, handed out leaflets in the crowd asking everyone to write a letter to the President of the Democratic Republic of Vietnam, urging that "in the name of humanity" all injured prisoners be released as quickly as possible; the names of all prisoners be published; prisoners be allowed to exchange mail with their families and prisoners receive proper diet and medical care.

She said the leaders of North Vietnam had shown that they are "sensitive to world and U.S. public opinion."

Her optimism was not shared by Mrs. Lionel Parra Jr. of Birmingham, Ala., who said she had had no word of her Marine Corps captain husband missing in action since July 1968.

Meanwhile, Guild sought while at the rally to collect as many names of the relatives of the missing and captured men as he could. He said he had tried without success to get a complete list of the names from the Pentagon.

The retired Navy captain said Rep. John Rarick (D-La.) was the only legislator who endorsed his plan. He said California Governor Ronald Reagan had written him two weeks ago a signed letter saying "I am delighted to see what you are doing."

[From the Washington Post, May 2, 1970]

SUPPORT FOR FAMILIES OF HANOI'S CAPTIVES

(By Marie Smith)

An estimated 1,000 wives, mothers, fiancees and children of American servicemen who are either prisoners of war or missing in action in Vietnam stood shoulder to shoulder and chest to back in a banquet room of the Rayburn Office Building last night. They were hoping to hear words of encouragement about their men from a battery of top administration officials.

Some came away smiling and hopeful. For others, it was more of the same words of praise for their courage and indefinite promises for the future that they have heard before.

The gathering was planned more than a month ago by Sen. ———, staunch administration supporter, who helped organize and arrange for the women to fly here from throughout the country as a show to the nation and the world of the administration's concern for their missing men.

Some were flown here at taxpayer expense in Air National Guard planes, others came by bus and car.

Both chartered commercial buses and military buses were used to transport the women to the Rayburn Building for a roast beef and baked ham buffet before they went on to a rally at Constitution Hall called by the League of Families, a group composed of more than 700 relatives of prisoners of war.

However, the women, said they paid for their meals and hotel.

One wife, Mary Kay Russell, said a group of wives of prisoners of war went to ——— office on March 6 and "he told us what to do." Then they set about inviting other wives to the rally by letter, word of mouth and telephone calls, some as recently as Thursday morning.

Secretary of Defense Melvin Laird, first of the officials to speak, told the women their "loved ones" are not forgotten and that President Nixon's actions earlier this week in sending troops into Cambodia was "to save American lives in Vietnam.

"It was a course of action," he explained "to destroy the sanctuary area in Cambodia that has been responsible for many of the casualties . . . and had an adverse affect on the course of the war in Vietnam."

He added that the keystone in any negotiations with the Communists is the requirement for the return of prisoners of war and information on missing persons who have been involved in the conflict.

"If we are going to be successful in negotiating a settlement," he added, "this resolve and determination of the President must be understood here at home and throughout the world."

"Every effort will be made on the part of this administration," he promised, "to bring the weight of public opinion (on Hanoi) so these men are returned to you and are part of your family again."

One of the women, Mrs. Theodore W. Gostas, of Sheridan, Wyo., whose Army major husband has been a prisoner of the Viet Cong in South Vietnam since 1968, said she was telephoned at 9 o'clock Thursday morning by her "Army adviser" and told she had two hours to decide if she wanted to come to Washington for last night's rally.

She was flown here by the Wyoming Air National Guard and said she came because she hopes "it will show that a lot of people care about the men, and that we are supporting President Nixon. If a lot of people get behind us, maybe it will have some influence on Hanoi," she added.

Secretary of State William P. Rogers told the women that it is "quite clear" that Hanoi is "barbaric" in its way of dealing with prisoners of war and those missing and added that "there is no excuse" for such action.

He said the United States government is "very conscious every hour of the day of the responsibility we have" to the families of these men, and promised to do "everything we can to assist you."

"We do many things we don't have time to tell you," he said, adding that "I hope one of these days we will have good news for you."

Gen. William B. Westmoreland told the women "your husbands were men of courage and you ladies are people of courage. Your husbands have done their duty unlike others who have shirked their duty."

Adm. Thomas H. Moorer, newly designated chairman of the Joint Chiefs of Staff, added in the same vein that at a time when "so many people are talking about what they are against, your husbands have showed the world what they are for. I add my prayers to those of Secretary Laird that they can be safely returned."

Marine Commandant, Gen. Leonard Chapman, added a word for each Marine wife saying "you're still in the Marine Corps and the Marine Corps intends to devote every effort to see that your husband is safely returned to you."

Mrs. Robert Lender, a mother whose son is missing, noting the frequent references to wives, asked "why don't they say something about mothers? They only talk about wives."

One smiling mother was Mrs. Virgil O'Connor, of Warren, Mich., whose son, Warrant Officer Michael O'Connor, an Army helicopter pilot, has been a prisoner for 26 months.

She was one of dozens that Secretary Laird spoke to personally as he pushed his way through the crowd to the microphone. She said he told her that he thinks it looks "better for our sons getting home sooner" as a result of the President's latest move in Cambodia. "They were very consoling words," she added.

Mrs. David Holmes, of Billings, Mont., whose husband has been missing in action for four years, also was flown here by the Wyoming Air National Guard. She said "I am very much hopeful that he is alive somewhere and that I will see him again."

Becky Otts, of Virginia Beach, Va., who came with her fiance's mother, Mrs. Robert Fant, of Anderson, S.C., proudly reported they both had received letters from Navy Lt. Fant last week. "It was our second letter. We heard on Dec. 22 also. It was a general letter and we were encouraged and so happy he is alive. He was missing for 16 months," she said.

Many of the women said they learned their husbands are prisoners of war from other prisoners who escaped and told of those left behind.

Terry Runyan, of Sumter, S.C., whose husband, Lt. Col. Albert E. Runyan, has been a prisoner for four years, said she got a letter last week with some water color pictures enclosed. "I'd like him to know I got them," she said.

She handed out leaflets in the crowd asking everyone to write a letter to the Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam (via Hong Kong) urging that "in the name of humanity," all injured prisoners be released as quickly as possible; the names of all prisoners be published; prisoners be allowed to exchange mail with their families, and prisoners receive proper diet and medical care.

She said the leaders of North Vietnam have shown that they are "sensitive to world and U.S. public opinion."

Mrs. Lionel Parra, Jr., of Birmingham, Ala., who has had no word of her Marine Corps captain husband missing in action since July 1968, said she writes once a week to the North Vietnamese leaders and has done so for more than a year. "I have yet to receive a reply."

She showed little encouragement from the rally. "I'm pessimistic. I've been in this so long I'm discouraged," she said sadly. "But you feel like anything's worth a try. Right now, I'd write to the devil. It beats doing nothing."

THE PRISONERS: WHY DOES AMERICA ABANDON HER OWN?

(By Alan Stang)

"I spent two minutes on the floor and repeated over and over the phrase . . . the phrase, 'I love you, Rose.' I thought this would keep my mind off what was going to happen. At the end of two minutes they asked me again if I was ready to sign. I said I would not sign. Then he told the officer at my side to move, apparently so that when I was shot, and the bullet passed through my head, it would not hit the officer standing in front of me.

"Then the colonel said: 'Kill the son of a bitch!' So the gun was clicked. Then the interpreter said, 'Well, it was a misfire. You will have another two minutes. You were lucky the last time." I had fully expected to be shot, but when the slide was drawn back, presumably to insert another bullet, and I did not hear any bullet hit the floor, I knew it was a game they were playing with me, and they weren't going to kill me.

"The two minutes went by and I refused to confess. Then the colonel said I wasn't worth a bullet, and I would be beaten to death. They turned-to and beat me and kicked me, and they worked me over real good. They beat me to the floor, and I lost consciousness after a few minutes. . . .

"Then I was carried out to my room and thrown on the bed. . . . I asked permission to go to the bathroom, and they marched me to the head. All I could urinate was blood."

Late that night, the Communists came back and took Commander Lloyd Bucher, skipper of the *Pueblo*, to another part of the building: "A South Korean was there with a strap around his chest, strapped to the wall. They explained to me that he was a South Korean spy. He was alive, but had been through a terrible ordeal. He had a compound fracture of the upper right arm. The bone was sticking out. He was stripped to the waist. He had completely bitten through his lower lip, and his lower lip was hanging down from the side of his mouth. His right eye had been put out. His head was hanging down. There was a lot of . . . black matter which had run out of his eye and down his right cheek . . ."

AMERICANS HELD BY THE REDS

Now that we're in the mood to understand what it means to be a prisoner of the Communists, it is important to realize that the current furore about the Americans held by the Vietcong is the beginning of a ghastly reenactment of what has happened time and time before. General Mark W. Clark, U.N. commander during the Korean War, writes (*From the Danube to the Yalu*, Harper & Brothers, New York, 1954) that "we had solid evidence after all the returns were in from Big Switch that the Communists still held 3,404 men prisoner, including 944 Americans." Syngman Rhee, late President of South Korea, wrote at the time that "thousands of Americans and ROK soldiers are still held by the Communists."

And John H. Noble, an American who at the time was a slave in a Russian concentration camp, writes (*New York Times*, April 5, 1955): "From other prisoners I heard some startling news. Laborers coming to Vorkuta from camps in Taishet, and Irkutsk and Omsk in Siberia, and Magadan in the Far East told me there were American G.I.s and officers and South Korean soldiers working as slaves in their camps. They had been taken prisoners by the Reds during the Korean War and shipped to the Soviet Union."

Indeed, Yuri Rastvorov, a Soviet intelligence officer who defected in Tokyo, described those shipments to American agents. At last word, the American victims not proved dead number 389—and there may be more.

Captain Eugene Guild, U.S.A. (ret.) is the founder of Fighting Homefolks of Fighting Men, at Glenwood Springs, Colorado, which for years has done what it can to help free captive American servicemen. He writes: "Evidence? There always has been plenty of evidence. Repatriated POWs saw hundreds of Americans travelling north toward Soviet Manchuria in open trucks, instead of south, toward the exchange site. An English-speaking Red Korean testified that he saw and listened to a trainload of Americans leaving the town of Man Choulee for Manchuria.

". . . At least 389 other servicemen have been seen alive from days to months after capture by the North Koreans and Chinese. Freed POWs told of speaking with them in prison camps. Red Chinese and North Korean broadcasts repeatedly mentioned them by name and serial number; letters were written by prisoners attesting they were in Red Chinese camps. Relatives even received Communist magazines containing articles with pictures and text about their boy's capture!"

For instance, on September 9, 1950, the North Korean Communists shot down the B–29 piloted by Major Samuel P. Logan of Nashville. Shortly thereafter, Logan's name was found written on the wall of a jail. Seeking more details, his mother visited Eastfoto, the Soviet photograph agency in New York, where she saw two pictures of her son displayed on the wall, as samples of the photographs available. One showed Logan beside his wrecked plane. The caption on the other called him a "prisoner of the People's Republic of Korea." Mrs. Logan bought copies and sent them to Washington, and our delegate showed them to his Communist counterpart at Panmunjom, and asked where Logan was.

"That case is closed," was the answer.

At seven a.m. on October 27, 1952, the liaison plane piloted by Captain Harry D. Moreland Jr. was shot down. Returning prisoners verified he had been captured. On November 15, 1952, he was seen in a Red Chinese military hospital, where he lost a leg.

On November 14, 1952, at 12:15 a.m., just north of Simmak, North Korea, B–26 #44-34699A was shot down. The crew parachuted safely, was captured, and like all captured fliers taken not to regular P.O.W. stockades but kept incommunicado in mud huts. Lieutenant Andrew W. Schmidt, the pilot, later repatriated, said that on January 25, 1953, he was interrogated by an English-speaking Chinese major, who told him that his navigator, Second Lieutenant Edward S. Guthrie Jr., was a prisoner as well. And things the Chinese knew about Guthrie showed it was true. Indeed, other repatriated P.O.W.'s later gave Guthrie's mother evidence that her son was in Kanggye, farther north in Red Korea.

On November 30, 1952, Corporal Ronald Van Wees, of the 179th Infantry, disappeared during an attack on an enemy entrenchment at Songnaedoing, Korea. His parents were notified that he was "missing and presumed dead." But in 1953 photographs of American P.O.W.'s marching into Communist stockades appeared in the American press. Ronald was in one.

Later, his mother heard from an underground agent—a White Russian who sabotaged Nazi installations during World War II, and now works with Russians who pose as Communists and have access to Siberian prisons. She gave him a description and a photograph of her son. On April 4, 1960, the agent wrote from Athens, in purple ink, in Russian, on the margin of a Russian newspaper. "They have seen your friend R. in September, 1959. He is alive, healthy and works as a tractor driver together with his countryman in the District of Krasnoyarskaya Oblast (Northwest) near Turinskaya Kultbaza. He also was in Kalkn, Muya, Kuskomda, Chara—of the District Vitmo-Olekminskaya Oblast."

Captain Guild went to Athens to gauge the agent's veracity, was satisfied—and was told that other agents had seen "hundreds of young Americans working in Siberian slave camps."

Of course, we can be absolutely sure that the Russian Communists have for years been holding our men, because Henry Cabot Lodge and the federal government say so.

XUM

On July 29, 1953, Russian MIGs shot down a B–50 over international waters, and the crew parachuted into the sea. On October 11, 1954, then U.N. delegate Lodge wrote to the President of the Security Council about it, saying that the United States Government "must conclude that these persons were either picked up alive by surface vessels of the Soviet Government in the area in which they hit the water, or that in due course, dead or alive, they were carried by the prevailing currents to Soviet-held territory and into the Soviet Government's custody. . . ."

Indeed, said Lodge: "Those that were alive when they came into the custody of the Soviet Government, the United States Government finds and charges, suffered in addition injuries and anguish caused by their long detention by the Soviet Government, by the failure of the Soviet Government to inform the United States Government with respect to their whereabouts and their condition or to permit them to communicate with United States Government authorities."

And on July 16, 1956, the American Embassy in Moscow delivered a note from the State Department to the Soviet Foreign Ministry, in which we read that reports of American servicemen being held in Russia "have now become so persistent and detailed and so credible. . . ."

Our government, we are told, "is informed and is compelled to believe that the Soviet Government has had and continues to have under detention the following:

"1. One or more members of the crew of a United States Navy Privateer-type aircraft which came down in the Baltic Sea area on April 8, 1950. The United States Government has since that time received reports that various members of the crew of this United States aircraft were, and are, detained in Soviet detention places in the Far Eastern area of the Soviet Union. In particular, it is informed, and believes, that in 1950 and in October, 1953, at least one American military aviation person, believed to be a member of the crew of this United States Navy Privateer, was held at Camp No. 20 allegedly near Taishet, and Collective Farm No. 25, approximately 54 kilometers from Taishet, said to be under sentence for alleged espionage. This American national was described as being suffered burns on the face and legs in the crash of his aircraft and using crutches or a cane.

"Reports have been received from former prisoners of the Soviet Government at Vorkuta that in September, 1950, as many as eight American nationals . . . had been seen in the area of Vorkuta and specifically, that one person who was interned at Vorkuta in September, 1950, stated that he was serving a twenty-five year espionage sentence and had been a member of a downed United States aircraft."

Could this be Major Sam Logan, shot down on September 9, 1950?

"2. One or more members of the crew of a United States Air Force B–29 which came down on June 13, 1952, either over the Sea of Japan or near the Kamchatka area of the Soviet Union. An officer, believed by the United States Government to have been a member of this crew, was observed in October 1953 in a Soviet hospital north of Magadan. . . ."

Indeed, says Lodge, "it may well be that the Soviet Government has in its custody members of the crews of other United States aircraft, particularly crew members of aircraft engaged on behalf of the United Nations Command side of the military action in Korea since 1950."

And Benjamin Fleck, head of the Korean desk at the State Department, grudgingly admitted recently to the Reverend Paul D. Lindstrom, founder of the Remember The Pueblo Committee, that North Korea still holds 389 of our men.

So observe first that the people who run our government know and admit that many Americans are in Communist hands—and, second, that it is the "mild, mellowing" Russian Communists who are shooting down American planes and holding our men.

Indeed, the Reverend Lindstrom, whose authoritative government sources have yet to be wrong, reports that the EC–121 we lost in April, 1969—which, by the way, was a flying *Pueblo*, packed with the latest electronic equipment—was shot down by fighters which took off from Vladivostok, in Russia, and that the Communists captured seven survivors.

Over the years, the Russian Communists have shot down about 35 of our planes, containing almost 150 men.

As for the Communists in China, they have been holding civilians John Downey and Richard Fecteau since 1952. They were shot down while flying from Korea to Japan. They have held businessman Hugh Redmond Jr. since his arrest in Shanghai in 1951. They have held Bishop James Walsh, a Maryknoll Brother, almost as long. In 1965, Air Force Major Philip Smith strayed over China while on Vietnam duty, was downed and captured. The same thing happened to Navy Lieutenant Robert Flynn in 1967.

On February 14, 1968, Navy Lieutenant Joseph P. Dunn, flying an unarmed, propeller-driven A–1 Skyraider in a group of two, strayed to five miles off Communist China's Hainan Island and was shot down. Communist China claims a twelve-mile limit. The other pilot saw his parchute open and that the water was alive with Communist vessels. And others heard Dunn's manually operated beeper, a device designed to help rescuers locate downed pilots, indicating that Dunn was alive in the sea. Joe Dunn vanished and presumably is a prisoner of Communist China.

Eleven American flyers have been held by Communist Armenians since 1958. Forty-six Americans are imprisoned in Communist Romania. More than a thousand American civilians and their dependents are being held in Communist Cuba. Almost a thousand American servicemen are missing and possibly prisoners in Vietnam. More than four hundred others are definitely known to be prisoners. Late last year, Lindstrom's sources delivered a list of ninety-seven Americans held in North Korea and North Vietnam. After shaking free of a government tail, the Reverend Lindstrom found the list, as advised, in a bag on a pew in a Montreal church. On it was the name of pilot James A. Van Fleet Jr., shot down eighteen years ago, and the son of the then commander of U.N. ground forces in Korea.

THE WAY IT IS

It was this way, writes Don Crawford (*Pueblo Intrigue*, Tyndale House, Wheaton, Illinois, 1969) for another member of the *Pueblo* crew:

"The pain started in the web of flesh between thumb and forefinger of Ginther's hands where the weight of the chair rested; it spread into his knuckles, swollen from his tense grasp; then traveled through his wrists, seared the muscles of his arms, inched across his shoulder blades and cascaded down his spine into whirlpool of agony in the small of his back. His knees ground into the rough floor and his toes numbed from his weight resting on them as he tried to keep the chair in position. At last, as he—and the waiting Koreans—knew he must, he relaxed his grip and the chair began its slow descent.

"Ginther heard the gloat from the interrogator. The guard was ready. His heavy boot tore into Ginther's right arm. With a grunt Ginther lifted the chair, but now it was harder to hold because of the added pain in his arm. He had no idea how often he repeated the scene. Eventually the muscles would burst with pain, he would lose control of them, and the chair would drop. Automatically the boot would jab, sometimes into the arm, sometimes the ribs, sometimes the side of the head. More slowly and with greater effort each time, Ginther would lift the chair. On one attempt, when it had seemed impossible to lift again, Ginther muttered, 'God! Please help me.'

"With an oath, the interrogator grabbed the belt from the table and whipped it across Ginther's face. As the buckle cracked against the sailor's temple, he heard a hollow pop as if from inside his skull. For a second everything was darkness, followed immediately by a fireworks' burst of brightness . . . Then he could hear the voices, and the sound reverberated inside his head. One of the officers was yelling in English, 'Kill him! Kill him!' Another slapped him across the face with a ruler. The interrogator used the belt again. The guard was kicking, but it no longer mattered."

And this of course is standard operating procedure for the Communists. A liberated veteran described the murder, by Korean Communists, of eight hundred helpless wounded in 1950 as follows (*New York Times*, April 30, 1953): "Then they bayonetted them. The wounded were screaming. They couldn't do anything."

The atrocity victims number almost thirty thousand, we read. Roger M. Kyes, Deputy Secretary of Defense at the time, wrote the State Department (*New York Times*, November 29, 1953): "The prisoners were shot down in cold blood, were burned alive in prison buildings, were beaten to death—all in total disregard of the rules and customs of war or of an elementary sense of common decency." In a Defense Department report, Sergeant Glen J. Oliver tells what happened at Prison Camp Five: "Men in poor condition were placed outdoors with little or no clothing and eaten by flies and worms. I saw at least fifteen men given injections of an unknown type of fluid and they would die within five minutes."

General Clark writes: "There was evidence that the Communists used POWs as human guinea pigs for medical experiments. One returned doctor said he was forced to use inadequate quantities of drugs or take measures of which he disapproved. Some prisoners said chicken livers and other parts of animals were implanted beneath the skin of sick prisoners as experiments in healing techniques."

Indeed, says then Major John J. Dunn, a P.O.W. for more than three years in twelve different camps during the Korean War (Tom Tiede, N.E.A., January 27, 1969): "They worked on me from start to finish. They were very cruel. I remember one guy in a camp, he was a Jewish survivor of Buchenwald, and he said the Korean camps were worse than anything the Nazis had.

"The Koreans knew a lot of little tricks. One was to get two men side by side and then smash their heads together. One guard did it while the others urged him on by yelling 'Harder, harder.'"

Today in Vietnam in one form of torture (*U.S. News & World Report*, July 15, 1968), "a man's ankles are bound and his legs pulled up behind him. The other end of the rope is looped around his neck. A man who struggles or tries to straighten his cramped legs runs the risk of strangling himself."

Lieutenant Dieter Dengler, who later escaped, was forced to watch (U.P.I., July 25, 1966) as the Vietcong beheaded another Navy pilot. On the next day, the Cong executed six wounded Marines. During his captivity, Dengler was (U.P.I., September 13, 1966) tied upside down to a tree with ants placed on his face; was dragged behind water buffaloes; and was beaten. In the mornings, the guards shot at the prisoners as they ran to a latrine.

And Navy Lieutenant Robert F. Frishman,

who spent almost two years as a prisoner in Vietnam, reported recently (*The Review Of The News*, September 10, 1969) that the Vietcong use solitary confinement, forced statements, and fingernail removal. They keep men in cages for years, put them in straps, don't allow them to sleep or eat, hang them from ceilings and drag them along the ground with broken limbs. For instance, he says, they yanked out Lieutenant Commander Richard A. Stratton's fingernails. They strung him up by the wrists with straps. Lieutenant Commander John S. McCain III, son of our Pacific Command Admiral, has been kept in solitary confinement for more than a year with many broken bones.

The suffering of these men's families is different, but in its own way almost as bad. Mrs. Rita Van Wees, Ronald's mother, has gone almost completely blind "from grief and sorrow." Over the years, she has visited innumerable government offices and written letter after letter. She still does. Her son was nineteen when he enlisted, and was sent to Germany, where he was safe. She begged him not to, but he volunteered for Korea (where he won a Silver Star), saying that if he was going to be a soldier, he wanted to fight. Today, after all these years, he is only thirty-six.

All this is frightfully corny, of course—inexcusably unsophisticated, maudlin, emotional, and subjective; I understand that—but I am sure Secretary of State Rogers would like to know.

Then there is Mrs. C.L. Hanson, whose husband, a helicopter pilot, was shot down over South Vietnam three years ago, and is listed as Missing in Action. In an open letter of February 24, 1969, Mrs. Hanson writes as follows: "No additional information has been obtained in all this time. Words cannot describe the difficulty in trying to meet each day, week after week, month after month with no knowledge whatsoever as to whether he is being treated humanely, is sick or well—or even if he is alive or dead.

"For each of us in this situation it is as if you are suddenly thrust into a state of limbo, not knowing how long will be the wait or what its outcome will be. You think if only you could receive some word, some small sign to indicate his well-being—and your prayers continue."

I asked Joe Dunn's wife, Maureen, what it's like. "It's living death," she replied. Indeed, the imagination of a mere clam would be sufficient to understand the anguish of these women. Are they wives? Or have they unknowingly been widows for years? Would it be wrong if they remarry? Would they be disloyal if they date other men, as a substitute for the companionship of the husbands for whom they yearn? Maybe Secretary of State Rogers could issue a ruling.

All of us have seen those motion pictures—usually on the late show and thirty or thirty-five years old—in which a scientist or an explorer or a salesman selling rotisseries to the cannibals, disappears; seven years pass, his wife remarries, and then the first husband reappears. They are always comedies. Some, as you will recall, are remarkably amusing. Yet, when I tried to ask Mrs. Dunn about the matter, it wasn't funny. I was embarrassed. I could imagine no way to do it that wasn't clumsy.

Mrs. Dunn put me at ease. "I can't marry again," she said brightly, explaining that even if she wanted to the military will not declare her husband dead, because they did so in similar cases during World War II and were embarrassed when some husbands returned to find their wives remarried; and, therefore, that the courts would not grant her a divorce.

That solves the problem, doesn't it?

KNIFE IN THE BACK

You probably already know it, but in case you don't, the story of Teddy Roosevelt is worth repeating. T.R. had his faults, of course—who doesn't?—but he did do the job he was hired for: protecting the people of the United States. It seems a naturalized American of Greek extraction, a chap named Ion Perdicaris, was kidnapped by a North African bandit named Raisuli. Teddy Roosevelt did not apologize. He did not beg to negotiate. He did not offer "most favored nation" status and a loan. He sent a gunboat—and a telegram, which read: "Perdicaris alive, or Raisuli dead."

They say Raisuli got Perdicaris aboard that gunboat quicker than a bureaucrat jumps at a promotion. Teddy Roosevelt used the full force of the United States Government to rescue a single, lone naturalized American.

It was Dwight Eisenhower who changed all that. His name may be vaguely familiar, probably because, for instance, the author of Eisenhower's *Crusade In Europe* was Soviet agent Joseph Fels Barnes. Eisenhower was also an expert on repatriation. As commanding general after World War II, he conducted what our soldiers called Operation Keelhaul, in which millions of Poles and Hungarians and others—including women, children, and men who had served in *our* army in *our* uniform—were forcibly shipped in boxcars to Stalin, prepaid.

Speaking of Korea, Eisenhower said that "some prisoners are still left there." But, of course, Mr. Eisenhower did nothing. Mrs. Van Wees represented Fighting Homefolks of Fighting Men, after its attorney suddenly dropped the case, when it tried to sue then President Eisenhower for "illegally abandoning to the Red enemy at least 400 servicemen whom they still hold." Naturally the suit was unsuccessful.

And the conspirators who manipulate the United States Government have rigidly followed the Eisenhower tradition. On May 27, 1957, then Deputy Assistant Secretary of Defense Stephen S. Jackson told a subcommittee of the House Committee on Foreign Affairs, which was investigating the prisoner problem: ". . . While the possibility exists that there may still be some personnel held, alive and against their will, we do not have any further positive information or intelligence from any source that such is the case. . . ."

Yet, as we have seen, the evidence has always been abundant. The people who run the government just ignore it. For instance, Mrs. Van Wees sent the State and Defense Departments her proof. She got the usual form letter in return.

But observe that, in 1957, Defense is still admitting a "possibility."

In a letter dated January 6, 1965, Robert E. Lee, Acting Assistant Secretary of State for Congressional Relations, spoke of the 944 Americans "who we had reason to believe had at one time been alive in the hands of the Communist forces. . . ." Observe the oblique admission that the Communists kept our men.

But, Assistant Secretary Lee said: "Neither the Department of Defense nor the Department of State has ever received any reliable information or intelligence to indicate that any of the men listed as unaccounted for may yet be alive and held prisoner by the Soviet Communists, the Chinese Communists, or the North Korean Communists. . . ."

Which, of course, is simply a lie.

By September 19, 1969, in another letter, Louis J. Link, of the State Department's Office of Public Services, wrote as follows: ". . . In the absence of any evidence that any of the 389 men might be alive, the Department of Defense made a finding of presumptive death for each of them. This action was necessary in order to settle estates and to pay insurance and other benefits to survivors."

On October 23, 1969, Acting Assistant Secretary of State for Congressional Relations H. G. Torbert Jr. wrote to Senator John O. Pastore: ". . . To the knowledge of the Department of State, the only American citizens presently imprisoned in the Soviet Union are three young men who were convicted recently of narcotics smuggling. In the absence of any convincing evidence to the contrary, the men downed in the 1950 and 1952 incidents have been presumed to be dead."

Why? Isn't this the wrong way round? Shouldn't we assume they are *alive*—still in Communist hands—"in the absence of any convincing evidence to the contrary"? Why put the burden of proof on the victims? Why risk abandoning them? Why make it easy for the Communists?

Two weeks before the 1960 Presidential election, Captain Guild wrote John F. Kennedy about the situation. Kennedy answered immediately as follows: "Of course, I shall do everything possible to obtain the release of these victims of the cold war struggle. It is disgraceful that more has not been done to make free these unjustly detained individuals." On November 4, 1960, Mr. Kennedy wrote essentially the same thing to Mrs. Van Wees.

On February 17, 1961, Guild wrote Kennedy again, asking what he intended to do.

President Kennedy never answered.

The government apparently also falsifies the figures. Captain Guild writes ". . . The Defense Department's Final Report of Korean Casualties listed 4735 men missing and presumed dead. Then casualty officers said 2944 bodies returned by the Reds in the Operation Glory exchange had reduced the number of missing men. This story seems plausible. But it isn't true. The 2944 bodies were not those of missing GIs. These remains were GIs already buried by Americans in North Korea and dug up by the Communists after recapturing the territory."

The Reverend Lindstrom mentions parents who received a sealed coffin from the government. The father paid off the funeral director and broke the seal, which apparently is some sort of violation, and found inside nothing but a small bag containing a few bones. These few bones were supposed to be his son.

Captain Guild describes the treatment of other parents as follows: ". . . If the mother was docile, she was treated with cordiality and sympathy at government agencies. If a mother protested, she was met with brusqueness, misinformation and intimidation. The standard Pentagon operating procedure has been to ask the protesting mother a loaded question. In December, 1953, a colonel told Mrs. John Schuab: 'Really, now, madam, do you want to start another war and sacrifice more lives just to save your son? If you keep this up, the Communists might *kill* your son.'

"Other mothers were visited and questioned by the FBI. Military officers threatened them into silence. Women in New York and San Antonio were threatened with prosecution for writing and illustrating their protests on postcards. A Bronx politician told a mother to shut up about Korea or she would be arrested. A mother in Iowa was threatened with loss of her job as a schoolteacher. Two women with radio programs were fired when pressure was applied on the radio stations."

Eighty-three mothers and wives went to the U.N. in New York. Their men, after all, had been U.N. personnel. They had an appointment with Secretary-General Dag Hammarskjold, waited three hours in the lobby, but he wouldn't see them. The U.N. police shoved them off the sidewalk and forced them to remove ribbons bearing the names of heir men.

On May 23, 1969, Senator Margaret Chase Smith introduced S. Con. Res. 27, asking that "a more determined effort be made by our State Department to obtain the release and freedom from captivity of those American fighting men of the Korean conflict. . . ." This resolution and all others like it have been stifled by the Department.

On May 27, 1957, Stephen S. Jackson, of the Defense Department, testified as follows: ". . . In support of the efforts of the Department of State, the Department of Defense and the military services have concentrated on an intensive effort to collect every scrap of information and intelligence regarding the unaccounted for 450. The military services, under a quarterly report requirement, have been producing individual dossiers on each case. . . ."

And in a letter dated December 20, 1969, Hobart Luppi, Director of the State Department's Office of Special Consular Services, declared: "While this office is concerned with the general welfare of American citizens abroad, including those who are arrested, we do not maintain a central listing of all those under detention. Changes in the status of individual cases worldwide would preclude an accurate account. Also, many citizens imprisoned abroad do not wish such to be known—even by their closest relatives . . ."

Mr. Luppi apparently does not know how to reach the Department of Defense. Would someone please explain it to him? Observe his expert use of the Conspiracy's classic weapon: a stupidity so obvious it is insulting. *Of course* individual cases change; and when that happens you change the record. You don't say there's no point in keeping a record. And is it even remotely possible that many Americans imprisoned abroad want to keep it a secret?

On January 6, 1965, Robert E. Lee, of the State Department, wrote as follows: ". . . During the Geneva Conference of 1954 the United States delegation requested the assistance of the International Committee of the Red Cross on behalf of the missing men. The Central Tracing Agency of the International Red Cross made inquiries. . . ."

In his letter of September 19, 1969, Louis J. Link of the State Department said the same thing.

But, in 1963, Captain Guild asked Marcel Junod, Vice President of the International Red Cross, what his outfit was doing about the missing 389.

"Nothing," Dr. Junod said, "nothing. Your government has never once even asked us to check on a prisoner. It's part of our mission, to locate prisoners, but we haven't received one request."

Yes, Virginia, there *is* a Conspiracy.

And Mrs. Joe Dunn had the same problem. Five Commanders assured her that the Navy Department would ask the International Red Cross about her husband. Some time later, she asked them herself. She was told that hers was the first request—that no one in our government had asked about her husband. Instead, the State Department told her that the more she does about it, the more she'll hurt her husband. "I've been given the polite runaround," she says. Indeed, in an attempt to prove it is trying to free her husband, the Navy Department once wrote Mrs. Dunn that it had sent a telegram of inquiry to the Chinese Red Cross on February 12, 1968—*two days before he was shot down.*

And, believe it or not, there is more. When Joe Dunn was shot down, the Commander of the Seventh Fleet ordered ships to the rescue. But, an order came from Washington forbidding the ships to go closer than twenty miles from Hainan—to be sure to honor the twelve-mile limit the Chinese claim.

Yet in his statement to the Security Council on October 11, 1954, U.N. delegate Henry Cabot Lodge declared: ". . . the United States Government takes this opportunity again to inform the Soviet Government that it does not recognize the claim of the Soviet Government to territorial waters in excess of three miles from its coast. In the opinion of the United States Government there is no obligation under international law to recognize claims to territorial waters in excess of three miles from the coast."

So, according to stated American policy, Joe Dunn, shot down five miles at sea, was as much as two miles in international waters—and yet the people who run our government ordered that he be left to the nonexistent mercies of the Communists.

Then there is the mother of Ed Guthrie, who in 1955 was told by the State Department that her son was among the then approximately 450 Americans for whose release we were allegedly negotiating with the Chinese Reds in Geneva, but that there is no hope of getting him back. A State Department officer told her: "The reason we're not making any concrete move for the prisoners' return is the United States has nothing they are willing to trade for these men."

Harry Moreland's family wrote him many letters. All were rejected, not by the Communists but by the United States. They were returned by the Defense Department with the statement that "there are no facilities for delivering letters over there." Both the State and Defense Departments promised Moreland's father "whatever information they learned." In March of 1956 the Red Chinese admitted to State that they had held Moreland, and State asked where he was. "He escaped," the Chinese said—quite a feat, because by then Moreland had lost both legs. The Moreland family was told nothing about this admission. State and Defense reiterated that they had "not received a word of information." In January of 1957, ten months later, President Eisenhower said of Moreland: "Our last reliable report is sometime in November, 1952 . . . nothing further, official or unofficial, has been obtainable since then despite our ceaseless efforts."

Later that year, Moreland Sr. testified at the House Hearings held to placate angry parents, and heard Stephen Jackson of the Defense Department describe the case of an unnamed P.O.W. closely resembling his son. Jackson was apparently trying to take the heat off the Department by showing how the Communists won't cooperate.

Moreland asked whether Jackson was speaking of his son.

"The answer is yes," Jackson said.

As we have seen, the Communists in Russia are holding hundreds of our men. Indeed, as we have seen, the fighters that shot down our EC–121 came from Vladivostok—in Russia—and the Communists in Russia took seven more prisoners.

Yet, on October 23, 1969, H. G. Torbert, of the State Department, wrote as follows to Senator Pastore: ". . . The Soviet Union, at our request, ordered two of its ships to assist in the search for survivors. The Soviets were instrumental in recovering some of the wreckage."

I asked Specialist Herman Hofstatter, a member of the crew of the OH–23 helicopter the North Koreans captured last August when they shot it down, how the Communists had treated him in prison. He answered that Army Intelligence had ordered him to sign a promise not to discuss that subject or his meetings with Army Intelligence. I said the American people would surely want to know how he was treated and asked why Army Intelligence did this. Hofstatter said he wonders too. I said they apparently wanted to keep the information secret because it would make Americans mad. He's in the clear, Army Intelligence. He did not not answer. He just chuckled. I got the definite feeling he was *with* me.

And in the *Pueblo* case, the people who run the government told the families of the crew to shut up, and refused to release the names and addresses of the crew so the families could communicate. Benjamin Fleck of the State Department told the Reverend Paul Lindstrom that the only thing the government was doing was talking at Panmunjom and including the case in its yearly protest note to North Korea.

It is amazing to note that on June 21, 1968, Dean Rusk announced: "If anyone wants to organize a committee to remember the *Pueblo,* I am a charter member." Lindstrom promptly made Rusk a charter member of the Remember the Pueblo Committee and personally presented Rusk a charter membership certificate in his office. Soon thereafter, the Reverend Lindstrom circulated a resolution excoriating "continued vacillation and inaction on the part of or leaders who are charged with protecting American lives, property and honor." On September 20, 1968, Deputy Assistant Secretary of State for Public Affairs Richard I. Phillips wrote Lindstrom on orders from Rusk, and asked that Rusk's name be removed from Committee stationery.

Lindstrom replied that he would do so only after Rusk publicly withdrew his name in a press conference and returned the charter membership certificate.

THE HARD TRUTH

What should we conclude? What should we think about such people as Dean Rusk? The words now at my fingertips, Anglo-Saxon in origin, pungent in effect, would be deleted anyway by our elderly managing editor, so there's no point in recording them.

The hard truth is that the conspirators who manipulate our government *don't want* these men back. They would prefer that the entire crew of the EC–121 be at the bottom of the sea; that the crew of the *Pueblo* still be in Korea; that the enslaved 389 never be heard from again. Each man who returns, you see, is capable of exposing the Socialist inferno the conspirators who manipulate our government love.

And this makes their crime even worse than that of the Communists. The Communists, after all, *admit* they are our enemies. But the conspirators who manipulate our government actively publicize the lie that the Russian Communists—who hold hundreds of our men in slave camps—are mild and "mellowing." Trade restrictions with Communist Europe recently were eased. Indeed, we recently relaxed restrictions on "trade" with Red China. And now we are beginning our retreat from Vietnam, leaving our men captive there as we did in Korea.

It is a court-martial offense—punishable even by death—for a commanding officer to abandon his men.

We should never leave Vietnam until our men are returned.

James M. Stewart is a Chicago advertising man, and Director of the American Defense Fund, which was active in the defense of Otto Otepka, and specializes in freeing political prisoners—of the General Edwin Walker variety—wrongfully imprisoned in the United States. He and the Reverend Lindstrom have recently joined forces to form the Help for Those Without Hope Committee, which is doing what it can to find and free Americans held for years in various Communist countries. The new Committee is tax-exempt. Its address is P.O. Box 277, Prospect Heights, Illinois, 60070. Its telephone numbers are 312–392–6026 and 312–358–2213.

They and our forgotten soldiers need your help.

LEAD CONTINUES TO POISON CHILDREN

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. RYAN. Mr. Speaker, today's New York Times has an article by Lawrence

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K. Altman, "Lead Poison Worst Ever at 260 Cases," which relates that doctors have reported 260 cases of this childhood disease to the New York City, Department of Health during the first 4 months of 1970—more than in any other 4-month period.

More than a year ago, I introduced bills aimed at preventing such an alarming rate of lead poisoning cases. I pointed out then, as I do now, that lead poisoning is a curable disease. We know how the children become infected, and we know how to cure them.

Yet, as the New York Times story illustrates, children continue to become poisoned and at a high rate.

In our urban centers young children, who will eat anything they can get their hands on, find the chips of lead-based paint is closest at hand.

Unfortnuately, lead poisoning cases are seldom reported. The symptoms of the disease are a great deal like those of flu or virus, and often are not brought to the attention of a physician until the disease has reached the acute stage. At this point, it can result in brain damage, mental retardation, cerebral palsy, epilepsy, and sometimes death.

The purpose of my legislation is to prevent children from being afflicted with this disease. Over 20 of my colleagues share this concern and have cosponsored the bills. In the Senate, Senator KENNEDY has introduced similar legislation with 19 cosponsors.

H.R. 9191 (H.R. 13256 and 14736 with cosponsors) establishes a fund from which the Secretary of Health, Education, and Welfare can make grants to local governments to develop programs to identify and treat individuals afflicted with lead poisoning.

H.R. 9192 (H.R. 13254 and 14736 with cosponsors) authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paints and to require that owners and landlords remove it from interior walls and surfaces.

H.R. 11699 (H.R. 13255 and 14734 with cosponsors) reqires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition for receiving any Federal funds for housing code enforcement or rehabilitation and that the plans must be enforced.

These bills are presently pending in committee awaiting hearings. In the wake of the New York Times story, I do not think we can continue to put off doing something about this disease. We have the means to prevent other children from being afflicted.

We must not ignore our responsibility; we must pass the bills.

I am inserting in the RECORD Lawrence Altman's, "Lead Poison Worst Ever at 260 Cases," which appeared in today's New York Times:

[From the New York Times, May 12, 1970]

LEAD POISON WORST EVER AT 260 CASES

(By Lawrence K. Altman)

Physicians have reported 260 cases of lead poisoning in children to the New York City Health Department during the first four months of this year—more than for any other comparable period.

Health officials attribute the rise in reports to recent increased interest on the part of medical and community leaders in this old medical-social problem. This interest led to a release of city funds allowing the Health Department to test more blood specimens for lead, thereby detecting earlier this preventable disease of the home environment.

Health officials suspect that the higher total represents just a small fraction of the lead-poisoning cases here.

"Our calculations indicate that there are about 8,000 cases here," said Dr. Vincent F. Guinee, head of the city's lead-prevention program. In an interview, Dr. Guinee elaborated as follows on some of the statistics on cases of lead poisoning in recent years:

Ninety-three per cent of the lead poisonings occurred among children 1 to 4 years of age.

Although 86 per cent of the cases were among children from black and Spanish-speaking families, youngsters from these groups made up less than half the city's population for that age range.

The 727 cases in 1969 were the highest recorded in the city's history, but the two deaths were the fewest in the last decade. The most deaths from lead poisoning were the 19 in 1960.

None of the 1970 cases reported thus far were fatal.

High rates among young children reflect the fact that they eat the lead paint peeling off the indoor walls of homes built before World War II. Though covered with newer layers, the original lead paint remains on walls in many older homes in poverty areas of New York and other American cities.

Since World War II, laws here and elsewhere in the country have prohibited the use of lead paint indoors. Some outdoor paints still contain lead.

EVEN THE WELL-FED DO IT

Studies have shown that half of even well-fed children eat things like paint, clay, plaster, dirt, matches, cigarette butts or crayons that are not food. Doctors call this little understood phenomenon pica. In zoology, the pica is the genus containing the magpies, which are omnivorous.

Though pica usually begins about age 1 and disappears by age 5, the American Academy of Pediatrics says that "as many as 50 per cent of mothers of children with pica also have pica themselves."

Because the intestine can absorb only small amounts of lead at any one time, ingestion of tiny amounts of lead over a long time can be more dangerous than eating a larger amount once. Doctors suspect a child must eat lead chips for about three months before symptoms of plumbism—from the Latin for lead poisoning—develop.

Once absorbed, lead can affect almost every system of the body. Most of the heavy metal is stored in bones, and appears as opaque white lines at the end of the wrist and knee bones on X-rays of children with severe lead poisoning.

Because lead interferes with the body's manufacture of hemoglobin, the oxygen-carrying protein in red blood cells, large amounts of lead cause anemia, a deficiency of such cells. When doctors look through a microscope at stained specimens of blood and see blue specks on the red cells they may suspect lead poisoning.

Symptoms may appear insidiously or suddenly. The child, whose gums may become blue, may lose his appetite for food, vomit, become less alert and more irritable, have temper tantrums, or develop a clumsy, staggered walk. The child may complain of vague abdominal pains, which can become so severe that he doubles up from spasm of the bowel. This symptom, called "lead colic," has fooled doctors into unnecessary surgery such as appendectomies.

Lead can cause tiny hemorrhages in the brain leading to convulsions and coma. The metal may also interfere with functioning of nerves in the arm and leg, causing a paralysis called wrist or foot drop.

Doctors want to detect lead poisoning as early as possible to prevent, rather than treat, these symptoms. That is why the Health Department got an infusion of $1.2-million earlier this year to step up its lead-prevention program.

Action begins when the Health Department receives a report of a case of lead poisoning, either from a practicing physician or from a blood test performed at the department's laboratories.

The most reliable method, Dr. Guinee said, is a laboratory test performed by a process called atomic-absorption spectophotometry. The Health Department considers abnormal a blood lead level of 60 micrograms or higher. (A microgram is one-thousandth of a gram.)

Some doctors had hoped that the ALA (for delta amino levulinic acid) would be the easiest screening test for lead-poisoning cases.

The ALA urine test, Dr. Guinee said, is unreliable. A Health Department study, supported by results of similar ones done in Chicago and Baltimore, found that the urine test falsely diagnosed lead poisoning in about 30 per cent of children without the disease and failed to detect about one-third of true lead-poisoning cases.

After receiving a report of a positive lead test, a Health Department representative takes samples of wall paint where the youngster lives.

If any of these samples is positive for lead, the Health Department orders the landlord to begin removing the lead source within five days. If the landlord fails to comply, as has happened about half the time, the city's Emergency Repair Program does the work and bills the landlord.

Dr. Guinee said the Health Department was detecting lead in about one-half of the homes of children suffering from lead poisoning. In the other half, Dr. Guinee said, sampling procedures may have missed the hidden lead paint, or the family may have failed to reveal other homes that the child visited. Mothers who work while on welfare are reticent to reveal this information despite the Health Department's guarantees of confidentiality.

Next month, the Health Department plans to begin using a portable model of a new lead-detecting machine that New York University's department of environmental medicine developed with funds from the city's Health Research Council. It is hoped that this device will enable an inspector to survey an entire housing unit without removing any paint chips and to increase the accuracy of detecting lead paint in homes.

ISRAEL'S 22D BIRTHDAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. ROONEY of New York. Mr. Speaker, 22 years ago a new nation—Israel—joined the world community of free men. Israel's birth was not easy, nor were her first years. And it is not easy in Israel today. But free men, both Jew and Gentile, rejoice for the people of Israel today. We rejoice and we give prayers of thanksgiving for this tiny nation which has had the spirit and the courage to live and indeed prosper against nearly impossible odds.

American Jewry in particular is happy this day for American Jews look upon Israel with a certain amount of justifiable paternal pride. I think it reasonable to say that without the zeal and continued support of the United Jewish Appeal in this country where would be no Israel today. This is true, too, of the efforts of the many other fine and dedicated Jewish organizations in the country and of the many, many selfless and generous individuals in America who believed in a Jewish national homeland in Israel.

Over the 22 years that Israel has been a nation, I have been fortunate to work closely both here and in Israel with the leaders of the effort to preserve Israel. I am grateful for the help they have given us here in Congress to insure the continued assistance of this government to Israel. I was actively interested in the establishment of the Government of Israel long before 1948.

Israel today, of coure, is still living in a state of modified siege as her neighbors refuse to take the hand offered to them so many times by Israeli leaders. Yet for all this, a visitor to Israel has a hard time believing what he sees. Throbbing, vibrant cities, a network of highways, fertile farms, and orchards where once there was only desert sand. I have visited Israel a number of times and been proud to visit institutions of learning that were established by gifts from Americans and from funds voted by this body. I have talked with many students in Israel and one cannot help but be electrified by their earnestness and enthusiasm and their thirst for knowledge. In the past year I have met in this country with Israel's Prime Minister, Mrs. Golda Meir, and Foreign Minister Abba Eban. As always, it was a thrill and a privilege to converse with these two giants of our times. If only now we could get the Arab nations to sit down and talk peace. We are all concerned with the extremely touchy situation in the Near East and we wince at the thought of what could be brought about by either unwise or irresponsible action in that area not only by the Arab nations, or Israel, but by the other powers of the world. Let us make no mistake about it, the situation there could easily be the cradle of World War III.

We must be constantly alert to the dangers faced by Israel and the implications of those dangers. We must keep continually informed and we cannot ever allow the scale to be tipped by any action in the Mideast by anybody. Israel has earned our congratulations and we hail with a fond affection her and her wonderful people. We wish them many years of growth and prosperity and we also congratulate the many fine Jewish organizations in this country who have so helped Israel and gave us a chance to share in Israel's 22d birthday.

THE HONORABLE JOHN DOWDY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. TEAGUE of Texas. Mr. Speaker, our good friend and colleague the Honorable John Dowdy has been experiencing some legal difficulties of late and his name has been the subject of some mild headlines recently in the Washington news media. Recently, however, in the May 4 edition of the Washington Post there appeared an article written by David Boldt on my colleague who represents the neighboring congressional district to mine in Texas which I believe more than adequately describes this mild-mannered gentleman whom I believe has never possessed an illegal or dishonest thought in his life.

Under leave to extend my remarks in the Record, I wish to include this article and to extend my sincere hopes to Mr. Dowdy and his wife that in spite of the travails ahead, that the truth will out and that all of his friends are behind him:

They Love Dowdy—Texans Rally to Congressman, Call Bribe Case a Frameup

(By David R. Boldt)

Lufkin, Tex. May 3.— Jerry (J.C.) Lumpkin, a local lumberdealer, says "it's strictly a frame" when he speaks of the federal grand jury indictment charging his congressman, Rep. John Dowdy, with accepting a $25,000 bribe.

Lumpkin believes that eastern "ultraliberals" have been bankrolling the campaigns of Dowdy's opponents for years. The indictment, he's convinced, is just their latest tactic.

Whether or not they believe in a conspiracy, most people here believe in John Dowdy. "I just love him," said Mrs. Beatrice Berry, taking time out from her perusal of rose bushes at a shopping center here. "He stands for all the good things."

"If he took money, I'm sure he hasn't pocketed it," added Mrs. Berry's shopping companion, Bertha M. Smith.

Who elects Dowdy and why? How do his constituents react when their congressman is charged with accepting a bribe? The answers may provide an insight into the congressman, a key member of the House District Committee, rarely seen by the Washingtonians he governs.

To be sure, not everyone down here is a booster of Democrat Dowdy. The indictment charging that he took the bribe to help two officers of a Washington home improvement firm while they were being prosecuted in an alleged swindle, and that he lied about his role to the grand jury, was front-page news all over his East Texas district.

The Kountze (Tex.) News, which admitted that it never has liked Dowdy much, editorialized, ". . . (if guilty) let us hope he is stuck so far back in prison they have to shoot beans to him with a cannon."

And many people want to wait and see the result of his trial before saying anything. "A man's innocent until proven guilty, isn't he?" asks a waitress in May's Cafe, a few miles south of Dowdy's hometown of Athens, Tex.

In Saturday's Texas Democratic primary, in which Dowdy ran unopposed, a few voters crossed Dowdy's name off the ballot. But returns showed his total running about even with that of other unopposed candidates.

Dowdy's will be the only name on the ballot again in November, although there is expected to be write-in opposition.

One reaosn he is unopposed may be that the filing date had passed when the indictment was announced and Dowdy had looked unbeatable at filing time. But one East Texas politician thinks a race against Dowdy would be uphill even with the indictment. "It's ungentlemanly in East Texas to kick a man when he's down," he explains.

Hundreds of letters vowing support have poured into Dowdy's Washington office, along with a telegram signed by 500 Lufkinites (rallied by Jerry Lumpkin), all vowing support.

Dowdy supporters have set up a Dowdy Defense Fund, into which, they say, contributions are coming from all over the South.

The Liberty Lobby, self-styled "largest conservative political action organization in the nation," has jumped on the Dowdy bandwagon.

The Lobby is asking that contributions for Dowdy's defense to be sent to its ad hoc Emergency Committee to Support Victims of Political Persecution "to save a gallant public servant from a possible rigged trial and the setting of a precedent of legal lynching. . . ."

John Dowdy, a man regarded by his own campaign staffers as an uninspiring orator and colorless campaigner, has apparently achieved a zenith of sorts in political success: electability so secure it's unshaken even by criminal prosecution.

The reason, supporters and opponents agree, is that, ever more than most congressmen, John Dowdy mirrors the people he represents.

"Dowdy Country" is lovely this time of year. Yellow orange, purple and blue wild flowers alternately carpet the roadsides. In the tall pines, shafts of hot early summer sun cut down toward the forest floor.

The Texas second congressional district is an irregular 1,600-square-mile crescent of East Texas east and north of Houston. It starts in the southeast at Orange County on the Gulf of Mexico, runs 150 miles up the Louisiana-Texas border, and then west to within 40 miles of Dallas.

Driving eastward into it from Dallas, the plains of central Texas rumple into rolling hills. The soil, black on the plains, changes first to tan, then to the red clay earth that distinguishes the region, as much as its history, as part of the Old South.

The cotton fields are gone from East Texas today, though that's what people originally came here to grow. An East Texan who grew cotton recalls, almost nostalgically, "11 crop failures in 10 years." In the 1930s, East Texas gave up on cotton.

While the cotton is gone, traditional attitudes linger.

Around 20 per cent of the population of East Texas is black. Negro leaders say there's been recent progress here in desgregating schools and in widening job opportunities.

Today, East Texans work in petrochemical plants, sawmills and paper mills, furniture factories, logging crews, on farms and cattle ranches. Enough of them join unions to make the labor vote important.

A 1969 study of Nacogdoches County, one of 18 in Dowdy's district (and not the poorest), showed 55 per cent of the families received less than $3,000 a year, the federally defined poverty line. Personal income in all Dowdy's counties was below the Texas average in 1960. But many people here think East Texas is a nice place to live. Bob Atherton, a native Ohioan and now a Nacogdoches radio station manager and a Dowdy campaign lieutenant, says he and his wife decided to stay "when we started to think where else could we bring up our children where life would be more wholesome."

East Texas is "dry," a tribute to the influence of the Baptist and Methodist churches.

Most drinking, by whites anyway, is done in "private" clubs that aren't particularly exclusive. The Holiday Inn desk clerk, for instance, hands guests a "membership card" in the motel's "Castile Club" as they sign in.

Nobody can point to any panoply of federal projects that John Dowdy has won for his district, and nobody seems much to mind. "Federal money is tainted money here," says Joe Murray, editor of the Lufkin News.

John Dowdy's great-grandfather came to Texas in the early 1800's, when it was the Republic of Texas. John Dowdy was born in Cherokee County, East Texas, in 1912. He worked his way through two years of study at College of Marshall, (now East Texas Baptist College, in Marshall, Tex.) learned typing and shorthand, worked in law offices and as a court stenographer, and "read law" under local lawyers.

In June, 1940, he got the highest test score of the 176 candidates taking the Texas Bar Examination.

Five years later, Dowdy won election as prosecutor of the Texas Third Judicial District, covering a circuit of three county seats. People who knew him then recall John Dowdy as an earnest young man, who regularly attended church services and prayer meetings.

J. B. Sallas, a Crockett, Tex., lawyer who successfully defended a number of clients against Dowdy, recalls him as "a methodical, but not very vigorous prosecutor," who was in many cases agreeable to a light sentence in exchange for a guilty plea.

Today, Dowdy says, "When I believed I had a case, I prosecuted it hard, but first they had to convince me a man was guilty."

Dowdy did get the death sentence for an accused Negro rapist named Richardson, telling the jury:

"This Negro is a lustful animal without anything to transform to any kind of valuable citizen, because he lacks the very elements of mankind. You cannot gather dates from thorns, nor can you get dates from thistles; you cannot get a nightingale from a goose egg, nor can you make a gentleman out of a jackass."

The Texas Court of Criminal Appeals in 1953, after Dowdy had gone to Congress, ordered a new trial, saying Texas law "provides for and presumes a fair trial free from such arguments."

In August, 1946, John Dowdy married his present wife, Johnnie Deana Riley. His first wife and mother of his two children had died in 1943. The present Mrs. Dowdy was the elected clerk of Henderson County, one of the county seats in Dowdy's district, and a successful politician in her own right.

Her ability to swing the women's organizations behind her husband is given a large share of the credit for his victory in a six-candidate special election in 1952 to fill the House seat vacated by Thomas Pickett. Pickett had resigned to become a lobbyist.

Since that victory Dowdy has won nine times.

John Dowdy, the people around him say, has never forgotten what it was like to be poor. He still puts the stubs of cigars in his pipe to finish them off.

Staffers in his office say Mrs. Dowdy has difficulty persuading her husband to purchase new suits. Some of his, the staff is sure, are 10 years old. But he maintains they have "plenty of wear left."

The only sign of extravagance the Dowdys have shown, according to a politician who concedes he's been looking for one, is a mink jacket and hat Mrs. Dowdy sometimes wears.

In Washington, the Dowdys live modestly in a third-floor apartment of a Capitol Hill town house. Back home, their two-story frame house just outside Athens could use a new coat of white paint, but is pleasant enough, with a swing hanging from a tree in the backyard, and blue flowers blooming along the front walk.

Methodist Dowdy takes an occasional drink. Mrs. Dowdy doesn't. But she sometimes slips out for a cigarette during nerve-wearing campaign appearances.

Mrs. Dowdy is on her husband's office staff, and together the Dowdys currently draw more than $61,000 a year in salary, a statistic his opponents mention to the electorate every two years. (Mrs. Dowdy was working before passage of the law forbidding the hiring of relatives.)

Dowdy's political career in East Texas is laced with contradictions. The most visible anomaly was the East Texans had—until last Saturday—turned out with equal enthusiasm for both archconservative Dowdy and Sen. Ralph W. Yarborough (D-Tex.). The two legislators' views on civil rights, other social legislation, and the regulatory role of the federal government are opposite. (But Yarborough lost his bid for re-election in Saturday's primary to his conservative rival, millionaire Lloyd Bentsen, a former congressman.)

In his 18 years in office, John Dowdy has done favors for an astounding number of East Texans such as getting social security benefits straightened out and clearing the way for sick relatives to get into Veterans Administration hospitals.

His office is renowned for never failing to send notes of condolence to survivors of persons whose obituaries appear in East Texas papers. Recipients have included, according to one East Texas story, a man who shotgunned his wife to death and announced publicly that he was glad to be rid of her. He is said to have received Dowdy's note in jail.

Dowdy also wins support of conservative-minded East Texans by voting their way. Even a lawyer who thinks Dowdy is a "lightweight," says he votes for him "because he votes the way I would."

Dowdy's conservatism gets its sternest test on Social Security, which is a major source of income in much of East Texas.

Only one, C. Benton Musselwhite, former SMU football star, Eagle Scout, and Sunday School teacher, has ever come close to winning. Musselwhite lost by 41 votes in 1962. But two years later Dowdy whipped him by 11,000 votes in a rematch.

Charles Wilson, a liberal state senator from Diboll, contends that an "economic liberal" like himself or Yarborough can put together the labor vote, the black vote, and enough other votes to win, so long as race is out of the campaign.

Dowdy's success, he says, is in getting race into the campaign.

Asked if he thinks race is the central issue in his campaign, Dowdy says, "I don't think so. I have never considered race in my dealings with people."

Nevertheless, back in that second tilt with Musselwhite, Dowdy made it clear where he stood on the 1964 Civil Rights Act, then before Congress.

"This vicious bill," he wrote in his column that several East Texas papers carry, ". . . would destroy freedom for all of us and put shackles on liberty." He also called it "totalitarian."

Musselwhite, according to Dowdy aides felt differently. Musselwhite, in fact, would cancel Social Security and old age assistance "unless you surrender to the demands of the NAACP."

On the eve of the election, Bob Atherton, Dowdy's campaign aide, went on television and gave a speech that may have decided the election for Dowdy, and which, in any event, is still admiringly regarded by East Texas politicos as a classic of its kind.

Atherton recalls that he said something like this:

"Now Mr. Musselwhite and others have said there is one thing I can't talk about—the racial question. Well, I can."

He urged all viewers, white and colored, to call friends and urge them to listen to the last 11 minutes of his speech in which he was going to discuss it.

In the last 11 minutes, as good as his word, Atherton told his galvanized audience that he believed Musselwhite was going to win because he would get the black "bloc vote." He urged blacks to be moderate, and asked whites not to panic. In two years, the situation could be corrected.

The white voters, according to the theory, decided not to wait two years. Musselwhite lost even his home county.

Atherton's pre-election "concession," and the charges in the Dowdy ads illustrate another reason why many East Texans have been unimpressed by news of the indictment. Scandalous charges and counter charges, often apocryphal, together with dramatic political ploys, are an integral part of East Texas politics.

EASTERN "PURGE" CHARGED

The Musselwhite campaign provided the origin of the currently popular theory in East Texas that Dowdy is being "purged" by the Eastern liberal establishment.

A fund-raising cocktail party was held for Musselwhite in Washington, and that party became a major subtheme in the campaign.

Dowdy ads announced that the party was attended by a "group of wealthy Socialists who are all out for forcing mixing of the races."

Among them were representatives of the American Civil Liberties Union, "the organization which actively opposed my subcommittee's investigation of the activities of the Mattachine Society" the national organization of homosexuals.

In 1963, Dowdy had attempted, unsuccessfully, to enact legislation stripping the Mattachine Society of its tax-exempt status in the District of Columbia as a charitable organization. "If these people are a charitable organization . . .," he said at one hearing, "I've grown up in the wrong age."

Dowdy's vendetta against the Mattachine Society, and his bill (never enacted) to ban pornographic books and movies here, are almost the only activities of his as a member of the House District Committee that are known to his constituents.

Which prompted State Sen. Wilson to comment, somewhat sourly: "He's against Negroes and queers—and down here that's unbeatable."

SILENT MAJORITY

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. SCHADEBERG. Mr. Speaker, I recently received a letter from a constituent which demands more than a reply from me, it demands the attention of all of my colleagues. The only comment I wish to make is that the "silent majority" is raising its voice in frustration for having to foot the bill for making America a better place in which to live, and for not experiencing any return on their efforts.

The letter follows:

MARCH 19, 1970.

HENRY C. SCHADEBERG,
House of Representatives,
Congress of the United States.

DEAR CONGRESSMAN: This letter is long overdue. I have postponed writing it for a variety of reasons. One being, I thought of myself as perhaps an isolated case. After filling out my income tax and reading the morning paper I have decided that if I am an isolated case, then, so is the whole middle class in this country. After you read this letter I wonder if you or your colleagues will reach the same conclusion as I? That being, we of the middle class are the real bait for Communism.

My husband and I have eight children, we are buying a home, educating our children, paying taxes and living within the law. Our combined income is less than $10,000 per year. We pay Federal, Wisconsin State and Illinois State income taxes, plus real estate taxes. All of these amount to a nice tidy sum. Now I don't intend to cry "Poor Mouth", and I don't expect anyone to give me charity. However, I do expect justice, and here is where the problem lies. It seems to me that "Justice" comes in two varieties. One is packaged for the rich man, who can pay any price for it and, the other is packaged for the poor man who stands and waits for his "cause" to pay off. That is not to say there are not poor and needy people who are worthy of causes. However, I do suggest that many of these recipients of causes are no worse off than many of the poor and needy working middle class who pay for them with their toil and taxes and yet receive none of the benefits. To me, it appears the major difference is a thing called "pride and self respect". These two things are what comprise the Middle class, and these two things are being drained from us and, I might add, what will eventually make us fair game for Communism.

The trend of our country on the social and economic level is literally aimed at wiping out the Middle class. We are being forced to do one of two things . . . join the rich, if we can, or become one of the causes. Which really leaves us no choice this side of the law. The law too, is virtually effected in the same way. I shall cite a traffic offense as an example. The rich man sends his lawyer to court instead of taking time off from his job. The poor man doesn't care anyhow . . . he has no job and in jail he can be fed and sit around while the taxpayers pay for his vacation. The middle man can't afford the lawyer and his self respect keeps him from going to jail . . . so, he takes time off to go to court and pays his fine, whether he feels he is guilty or not.

I have used this example because it has been my only experience with the law. I received a traffic ticket once in my life and needless to say I didn't forget it. It was a lesson well learned for it cost me $25 which is what I net for one week working at my part time job. I had no argument with the law, I broke it and I was willing to pay, but, what I observed in court during the two hours I waited to have my case called, made me aware of the injustices that are perpetuated at the economic levels. To prove my point all one has to do is pick up a newspaper and read.

The law is aimed at the majority, which is the Middle class. They are expected to observe it and pay for it while the rest walk around it. I believe the President addressed the Middle class when he spoke of the "Silent Majority" . . . but how long can we remain silent?

Inflation too, is aimed at us. My family gave up the choice cuts of meat long ago, but today we can't even afford what used to be the cheaper grades of meat. In fact, I would be willing to wage a week's food bill that we don't eat as well as people on welfare. Still we work and pay high taxes. We are a family of ten living on less than $10,000 a year and fighting for the individual right to live with pride and self respect, to raise our children with the same values. The values that say, "To make it on your own takes true grit and entails sacrifice, but the reward is honest pride and self respect. This lesson becomes harder to teach when we realize we are constantly being fined for our efforts. For instance, the interest on our mortgage is 6½% . . . unless we are late, then it's raised to 7½%, yet at the same time a new family bought a home across the street with the aid of a government loan . . . this family has fewer members and a higher income. Then too, there is the Welfare recipient ahead of us in a super market . . his basket is filled with foods we can't afford to buy. Let us not forget the article we read in a recent periodical about the rich man who has his lawyers beat the income tax. We all know him, he lives on the other side of the mountain where kids aren't bussed and no one knows the living problems connected with integration for both black and white.

Maybe, all of this has a ring of incredibility, and maybe I am wrong in my evaluation of myself and many others like me. Maybe there is no Middle Class, just rich and poor and we, who think we are in-between are just waiting for the curtain to fall and divide us into one or the other. But if and when that happens you can be assured that the curtain falling will be an "Iron" curtain and it's name will be Communism . . . that which makes all men equal without a choice. Then phrases like "pride and self respect" will become archiac and obsolete definitions in a dictionary.

I have stated that I postponed writing this letter for variety of reasons and stated one . . . perhaps another is that I don't believe in wasting time . . . Can you tell me, Mr. Congressman? Is this letter a waste of time? Can a member of the "silent majority" step out of it's role just once if only to say . . . "the sound you hear is the echo of our death gasp!"?

Very truly yours,

MRS. VIRGINIA M. TATGE.

POSTAL REFORM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, yesterday, on May 11, 1970, the House Post Office and Civil Service Committee voted to report to the House a postal reform bill, H.R. 17070, with important amendments.

I want to mention two amendments in particular which I believe are especially important in assuring equitable treatment for postal employees.

The first, which I offered, requires the Postal Service to establish area wage scales comparable to those paid for comparable work in private industry.

The second provides an 8-percent pay increase for postal employees effective upon enactment and retroactive to April 16.

I think the need for area wage scales is clear. During the recent postal work stoppage, one of the most frequently aired grievances was the frustration of trying to live on wages, that are not only lower than comparable levels for private industry, but also bear no reasonable relationship to the wages for a given area. In the area which I represent, the postal worker lives with the difficult reality that his wages are considerably less than workers in comparable jobs in private industry. For any postal reform bill to realistically meet 20th century postal needs, an area wage provision is necessary. Therefore, I am especially pleased that the committee accepted the amendment which I offered.

The amendment setting a definite effective date for an 8-percent postal salary increase is equally important. We were handicapped in our efforts to achieve postal reform by the administration's stated intention to delay salary increases until the bill proposed by the administration was signed into law. Putting in an effective date for the salary increase guarantees that postal workers will receive the same amount regardless of when the postal reform bill is finally enacted into law and signed by the President.

The bill which we reported out of committee yesterday protects the right of each worker to decide for himself which union he will have represent him. The freedom for each man to pick his own bargaining representative is retained. Under this bill, any union which can win a majority of the votes in a unit can represent the employees. This principle has long been an accepted tenet of the American labor movement and the bill as amended does no more than continue this principle.

The committee had spent many days in working on amendments to improve the original version of H.R. 17070. Once again, as in March, there was a surprise effort to obliterate all the work of the committee by offering a complete substitute for the long work of the committee. This trick had been used before and I was not surprised to see it used again. However, by a close vote, the stratagem was defeated and the bill with amendments supported by the majority of the committee was reported out.

Not surprisingly, Postmaster General Blount was unhappy that his surprise trick did not work on the committee. However, I cannot say that I am unhappy. Cute tricks and backstage tactics are no substitute for meeting real and crucial issues head-on.

Now that the bill has been reported out of the committee, it is up to the administration to take the ball and bring the issue to a speedy vote. I hope that when the bill is brought before the Rules Committee, we do not find administration spokesmen again working behind the scenes. If the administration, through the Postmaster General or his representatives seek to delay or even make impossible the full House's consideration of the vital issues involved in reform of the postal system, they should not be surprised to find that we may have another postal strike on our hands.

I would certainly understand the frustration and bitterness that would lead postal workers to again take such a step. The spectacle of a political shell-game blocking a long-overdue pay raise is a hard pill to swallow.

WALTER REUTHER: AHEAD OF HIS TIME

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, regardless of what one thought of Walter Reuther, his words or his actions, he was indisputably a man whose thinking was usually ahead of his time. The labor movement has lost a towering figure. He was a remarkable person, and I join in expressing regret at his untimely death.

He fought many battles, not only for the working men and women whom he represented but on behalf of the rights of all Americans for improved housing, improved education, and improved health care. He was an innovative thinker and a crusader. While he led the United Auto Workers for 24 years, he was admired by almost every union member and was a worldwide symbol of American labor. He was a legendary figure in his lifetime, and this legend will continue to grow.

The death of Walter Reuther has cut down a giant. I grieve for the surviving members of his family and the working man who trusted him and loved him. Walter Reuther will not be forgotten.

I am inserting an editorial from today's Boston Globe in the Record, as follows:

[From the Boston Globe, May 12, 1970]

THE DEATH OF WALTER REUTHER

The labor movement never before had seen the like of Walter P. Reuther and it never may again. He was of course vitally interested in and constantly working for better wages, shorter hours and improved working conditions for the members of the United Automobile Workers Union which he helped found and which he headed as president for 24 years.

But Mr. Reuther's largest concern was the human condition. Hunger, privation, inequities and imbalances in the American society distressed him as they should distress all men. But unlike many of us, he worked ceaselessly to right wrongs. Although early in his career he was maligned for this and widely but incorrectly called a Communist (this man who drove Communists out of all positions of influence in his union), he ultimately came to be regarded in both government and industrial circles for precisely what he was—a good and dedicated man whose contributions to the general welfare were great indeed. The comment of one of his intimates aptly describes both the width and depth of his concerns and his wisdom:

"Walter is the only man I know who can reminisce about the future . . . Ask him what time it is, and he will tell you how watches are made."

Those who worry today about student protests and demonstrations and clashes with the police would do well to go back and read about the sit-ins of the Thirties. They, too, were often violent, and men were shot and killed. Yet out of it, somehow, came progress, and industrial unionism was on its way.

Mr. Reuther brought more than decent wages, pensions, medical plans and paid vacations to working men. He brought idealism of a very high order to unionism. There had been some signs that he was losing in this area to hard-nosed pragmatists even before his death. If labor union idealism dies now, its passing will compound the tragedy of the death of Walter himself.

HOUSE OF REPRESENTATIVES—*Wednesday, May 13, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If thou shalt seek the Lord thy God, thou shalt find Him, if thou seek Him with all thy heart and with all thy soul.—Deuteronomy 4: 29.

Almighty and Eternal God, without whom no one can live wisely and well, reveal to us Thy will and show us Thy way amid the problems of this perplexing period. As we draw near to Thee in prayer, so do Thou draw near to us, that in all the decisions we make we may be mindful of Thy presence, eager to do Thy will, and ready to walk in Thy way for the good of our beloved United States of America. Enlighten our understanding, purify our desires, strengthen every noble purpose, and make us diligent among the demanding duties of this disquieting day.

Give to these Members of Congress the willingness to listen to the voices of our day and with that the greater willingness to listen to the voice of the ages as we seek what is right and good for our country and endeavor to lead our people in the ways of peace and good will. To this end may our lips praise Thee, our lives bless Thee, our works glorify Thee, for Thy name's sake. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on May 9, 1970, the President approved and signed bills of the House of the following titles:

H.R. 13106. An act to extend for 4 years the period of time during which certain requirements shall continue to apply with respect to applications for a license for an activity which may affect the resources of the Hudson Riverway, and for other purposes;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife;

H.R. 13959. An act to provide for the striking of medals in commemoration of the many contributions to the founding and early development of the State of Texas and the city of San Antonio by Jose Antonio Navarro; and

H.R. 14896. An act to amend the act of October 15, 1966 (80 Stat. 915), establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) entitled "An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes."

PARKER COUNTY, TEX., SUPPORTS GOVERNMENT'S POLICY

(Mr. POAGE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. POAGE. Mr. Speaker, in the midst of all the turmoil caused by protesters against the Vietnam conflict it should be pointed out that a great segment of this country still supports its Government's policies and condemns the anarchy which is depriving thousands of students of the education they seek.

It is time the so-called silent majority take every opportunity to voice its disapproval of the rash and destructive activities of these violent radicals, and in that vein I am proud to cite the bipartisan move of the Democrats and Republicans of Parker County in my congressional district. At their county conventions in Weatherford on May 9 they cosponsored and adopted identical resolutions expressing their sentiments.

The resolutions, signed by Mrs. Jack L. Eidson, chairman of the Parker County Republican Party, and Gabe Vick, chairman of the Parker County Democrat Party, follow:

Resolved that this Convention of the Parker County Democrat (Republican) Party affirm its support of the National administration's Cambodian policy as the option which it is hoped will bring the Vietnam involvement of the United States to an early conclusion with a minimum loss of American lives.

Resolved, That this Convention of the Parker County Republican (Democrat) Party urge state and national public administrators and public educational administrators to adopt a firm policy in support of the rights of the education of students uninterrupted by the disruptive actions of nonstudents, students, and faculty.

THIRD ANNUAL YOUTH LEADER CAMP

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, beginning June 18, the District of Columbia National Guard in cooperation with the Metropolitan Washington Board of Trade will begin the third annual youth leader camp at Aberdeen Proving Ground, Md. The highly successful 10-day event will be for the benefit of some 150 young boys between the ages of 14 and 17. The young men will be selected from among male student leaders in 34 public and parochial schools in Washington and Prince Georges and Arlington Counties and city of Alexandria.

The purpose of the camp is to recognize and reward boys who have demonstrated their understanding of good citizenship and exhibit potential for leadership in their schools and communities. Maj. Gen.

Charles Southward, Commanding General of the District of Columbia National Guard, started this most successful program 2 years ago. The cost of the camp is paid by business firms in the Washington area.

Camp activities are centered around character guidance, athletics, personal hygiene, and general knowledge of the National Guard. Professional players from the Washington Redskins and Washington Senators freely give of their time to direct the sports program at the camp.

Mr. Speaker, I know my colleagues will join with me in offering congratulations and sincere thanks to General Southward and his staff, the metropolitan Washington Board of Trade and its member firms, and the professional athletes of the Washington area for providing a program that will make the youth of this area better citizens and the leaders of tomorrow.

SEVENTH ANNUAL REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

As required by law, I transmit to the Congress the Seventh Annual Report on Special International Exhibitions conducted during Fiscal Year 1969 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

RICHARD NIXON.

THE WHITE HOUSE, *May 13, 1970*.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 116]

Abbitt
Anderson, Tenn.
Ashley
Baring
Biaggi
Bingham
Blatnik
Brademas
Broomfield
Brown, Calif.
Carter
Celler
Clark
Clay
Cohelan
Collier
Colmer
Conyers
Culver
Cunningham
Daddario
Dawson
Dickinson
Diggs
Edmondson
Edwards, Ala.
Fallon
Fish
Fisher
Flowers
Ford, William D.
Fraser
Frelinghuysen
Gallagher
Giaimo
Gilbert
Green, Oreg.
Gubser
Halpern
Hathaway
Hawkins
Hébert
Karth
Kee
Keith
Kirwan
Kuykendall
Long, La.
Lowenstein
McCarthy
McCloskey
McEwen
McFall
McMillan
Mollohan
Moorhead
Morse
Morton
Mosher
Nedzi
O'Hara
O'Neill, Mass.
Ottinger
Powell
Price, Tex.
Pucinski
Reid, N.Y.
Reifel
Rostenkowski
Ruppe
Scheuer
Schneebeli
Slack
Stokes
Stratton
Tunney
Whalen
Wilson, Bob
Winn
Yatron

The SPEAKER. On this rollcall 349 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 17575, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. MADDEN, from the Committee on Rules, reported the following privileged resolution (H. Res. 1004, Rept. No. 91–1075), which was referred to the House Calendar and ordered to be printed:

H. RES. 1004

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of Rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, and Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and all points of order against the provisions contained under the following headings are hereby waived: "Law Enforcement Assistance Administration" beginning on page 19, line 14 through line 19; "Economic Development Administration" beginning on page 23, line 5 through line 23; "National Bureau of Standards" beginning on page 29, line 7 through line 16; "Maritime Administration" beginning on page 30, line 13 through page 33, line 12; "Arms Control and Disarmament Agency" beginning on page 43, line 8 through line 12; "Commission on Civil Rights" beginning on page 43, line 14 through line 17; and "Small Business Administration" beginning on page 45, line 17 through page 46, line 10,

PROPOSAL TO ESTABLISH A COMMISSION TO EXAMINE RECENT EVENTS AT KENT STATE AND OTHER COLLEGE CAMPUSES

(Mr. STANTON asked and was given permission to address the House for 1 minute.)

Mr. STANTON. Mr. Speaker, recent events culminating in the tragic deaths of four Kent State University students have focused national attention on the college campus.

Kent State University in Kent, Ohio, is in my Congressional District. It is where it happened and thus, I am in a most particular and personal sense concerned with these events. But the echoing "Why?" has reverberated from the commons at Kent State to every college in the Nation and to the heart and mind of every American.

We must put aside the reactions of emotion and rhetoric. Now is the time for searching recovery. It is a time for us to rely on reason and logic in order to look to the future. We must find the answers through a thorough examination of the 4 days at Kent and hopefully, learn what positive and constructive steps we may take as a Nation to prevent this terrible thing from ever happening again.

Next Tuesday, I plan to introduce a concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses. The purpose of my resolution is to give the Members of the House an opportunity to express their desire to see the President move on this matter of national concern.

I cannot conceive that there is a parent in America with a student in college or about to go to college who would not be personally interested in promoting this resolution. It has the full support of the President of Kent State University and the hundreds of college students with whom I have talked in the last few days.

I welcome the support of my colleagues in the House.

JUSTICE WILLIAM O. DOUGLAS

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FREY. Mr. Speaker, if the allegations in the recent petition concerning Supreme Court Justice William O. Douglas are true, he should be impeached. I would certainly vote for impeachment.

I did not sign the petition because certain facts were stated about which I had no direct knowledge.

However, it was my clear understanding that an investigation would be quickly made and a report filed with the House of Representatives. This has not yet been done. This issue must be faced and cannot be buried.

It is a time of crisis in our country and only men of the highest caliber deserve to serve on the courts, especially the U.S. Supreme Court. I do not believe Justice Douglas meets these standards. However, it is my obligation to ascertain the facts and not be swayed by personal feelings. I urge the Committee on the Judiciary to report before the end of May to this House so we can all stand and be counted on this most important issue.

CONFERENCE REPORT ON H.R. 14465, AIRPORT AND AIRWAY DEVELOPMENT AND REVENUE ACTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House for title I of the bill be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 12, 1970.)

Mr. STAGGERS. Mr. Speaker, this House passed the original bill on November 6 by a vote of 337 to 6. We had four conferences with the other body before we were able to work out our differences. The House conferees prevailed in most every instance. I am, therefore, happy to bring this conference report back to the House and say that this is a good bill and one that deserves the vote of each Member of this House.

As I look back over my years in Congress, I am caused to mark today as one of the most memorable days of my career as a Member of Congress and as chairman of the House Committee on Interstate and Foreign Commerce.

With the able assistance of both my Democratic and Republican committee colleagues, and I might particularly mention with the great cooperation of Mr. Springer, the ranking minority member of the committee, we reported a bill (H.R. 14465), which will permit aviation to grow and prosper and serve the Nation in the safest possible manner.

I congratulate and commend my fellow members of the conference, and also each member of the Committee on Interstate and Foreign Commerce. The airlines, general aviation, and more importantly, all of the citizens of the Nation should benefit materially by the implementation of this legislation:

Authorization for air carrier and reliever airports: House, $150 million, $180 million and $240 million over a 3-year period.

Senate, $270 million a year for 10 years.

Conference agreement, $250 million for each of 5 years.

Authorization for general aviation airports: House, $25 million a year for 3 years.

Senate, $30 million a year for 10 years.

Conference agreement, $30 million a year for 5 years.

Long-term obligational authority: House, none.

Senate, proposed $1½ billion over a 10-year period.

Conference agreement, 5-year limitation with no obligation for more than 3 years and a ceiling of $840 million over the 5-year period and not more than one obligation can be incurred for any single project.

Terminal facilities: House continued the existing requirements that Federal funds not be used for terminal construction.

Senate would have permitted limited use of Federal funds for certain areas of terminals such as baggage handling.

Conference agreement, the Senate receded.

Airport certification: House, the House version proposed for the first time air carrier airports be certified as meeting FAA safety requirements.

Senate, the Senate had no provision for airport certification.

Conference agreement, the House conferees prevailed as to this airport certification provision.

I support this legislation and recommend adoption of the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Yes, I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman please restate what the funding was in this bill as it left the House?

Mr. STAGGERS. It is $150 million, $180 million and $240 million over a 3-year period. I might say to the gentleman from Iowa that it is contemplated after the first year that more than $500 million will be generated and expended in the whole program, but our committee did not have anything to do with the actual raising of revenue. That is done, as you know, by creating a fund for which the users will be taxed. Chairman Mills, I am sure, will explain the taxes.

Mr. GROSS. Yes, but we are asked here today to approve a conference report dealing with x number of dollars.

Mr. STAGGERS. The gentleman is correct.

Mr. GROSS. I am trying to find out what happened to this bill after it passed the House and went to conference.

Mr. STAGGERS. I think I understand what the gentleman is trying to get at, and it was in the first statement that I made that this is for air carriers and reliever airports, also an airways program, too.

I might elaborate just a little bit more. The House bill included $150 million, $180 million, and $240 million for the 3 years that we had allotted these funds.

Mr. GROSS. Yes.

Mr. STAGGERS. Because we want to take a look at it, as the gentleman knows. The Senate version set it up at $270 million a year for a period of 10 years.

Mr. GROSS. Did the gentleman say $270 million?

Mr. STAGGERS. Two hundred and seventy million dollars for each of 10 years.

Mr. GROSS. So you compromised at $250 million?

Mr. STAGGERS. Two hundred and fifty million dollars for a 5-year period.

Mr. GROSS. So on the basis of the bill as it passed the House, the expenditure for a 5-year period is going to be more than that which the House approved. Is that correct?

Mr. STAGGERS. Yes. However, it is less than the Senate proposed and only for 5 years as against 10. In addition, the $250 million a year figure is in line with the amounts approved by the House in the declaration of policy.

Mr. GROSS. Well, 3 years at $250 million must be more than 3 years at $150 million, $180 million, or whatever those figures are that the gentleman gave.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I may be able to help the gentleman concerning the revenues that will be raised by the user taxes that are imposed by title 2 of the bill. I think that is what the gentleman is really addressing himself to. These revenues are placed in the trust fund created by this bill, and this trust fund is dedicated to the basic purposes of this bill.

In the bill as it passed the House last November, the revenue that was to be produced in fiscal year 1971 was $674 million. Under the conference bill it will be $665.8 million. In 1972 the House bill provided $747.8 million, while the conference-approved bill provides $738 million. It was estimated that the House bill would produce $834.4 million in 1973, while the conference bill will produce $823.8 million.

I can give the projections for additional years if the gentleman would like it, but I think it does show that this is very, very close to the revenue that would be produced under the House bill as we passed it last November.

I would say that as far as the type of taxes imposed for raising these funds is concerned, the position of the House prevailed 99 percent in the conference.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I will be glad to yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I thank the gentleman for yielding.

I think there are four or five things that the House ought to know in addition to what the distinguished chairman has already outlined.

I think the impact and the thrust of this bill is that the general taxpayer has now under this bill stopped paying the cost for the citizen who uses aviation.

Whether you are flying from here to Chicago or to San Francisco—or whether you use your own plane to fly from here to Chicago or San Francisco, you will now pay your cost for doing so.

That is the thrust of this bill.

The Committee on Ways and Means, in the raising of revenue, created a trust fund similar to the highway trust fund of 1954 for the Interstate Highway System.

This money cannot be spent for anything except what is designated in this bill.

It is, therefore, a pay-as-you-go measure and the people who fly are the people who pay.

Now the second thing—we put into effect in 1962 a change in the whole theory of airport financing. Until then we contributed to every facet of the construction of an airport including the terminal building and everything that went into it.

In 1962 we changed that to provide that the Federal Government would be responsible for two things. First, the runways and airport facilities to the terminal door. The exception in the terminal were the safety devices such as the tower, which was provided by the FAA.

Terminals are financed entirely by funds that are not federally contributed, which means in effect that bonds are issued and paid for and guaranteed by the local airport authorities, such as I have in my district. Last Sunday in Decatur I dedicated their new fire protection building, and all of the equipment that went into it. That was paid for by

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the taxing authority of the Decatur Park Board.

The same is true in Mattoon, Ill., by virtue of the Coles County Airport Authority.

We now pay only up to the terminal door. We continue that theory in this bill.

The airlines wanted us to assist with terminal facilities such as baggage and ticket offices but we did not change our theory.

These are the two most important things, I think, that come out of this bill, other than the question of the amount of money.

We did change the formula slightly and this is pretty important as every Member would know who has an airport in his district.

The formula for apportionment is based on one-third area and population; one-third total enplanements; and one-third discretionary with the Secretary of Transportation.

The House version was accepted.

The Senate version used hubs instead of enplanements to apportion the second one-third of grant funds. This would concentrate the money in a few large places, and we rejected it.

One thing we did lose.

The gentleman from Texas (Mr. PICKLE) put up a great fight for the provision of the House bill which provided money directly to the States for authorization by them. All that the provision supported by the distinguished gentleman from Texas (Mr. PICKLE) proposed was $5 million per year to the local States. This turned out to be one thing to which the other body was unalterably opposed, that is, the granting of money to the States which they, in turn, could grant to the local communities.

The House conferees reluctantly receded. Other provisions which were retained should compensate for this loss.

One thing in the House bill that we did retain was the requirement for the certification of airports.

The House version included most airports but the Senate had no provision of any kind on this at all. As agreed upon it will apply to air carrier airports.

I think with these few additions to what the chairman has already outlined, we have covered the main features of the conference agreement and given some picture of where we are going in the future with reference to airport expansion, aviation facilities and improvements of all kinds pertaining to air travel.

This will be the first large amount of money for air facilities. I believe last year our allotment for airport construction was $75 million. Beginning at the end of the first year, the new taxes will bring in between $600 and $800 million. Some of you who are flying into the large airports, such as Kennedy, LaGuardia, Newark, O'Hare in Chicago, Los Angeles, San Francisco, New Orleans, and Dulles—not too bad, may I say, at Dulles—but at National, you will find that this money is going to be used, I believe for something that is really needed.

Finally, I come back again to a repetition of the one point, and that is we are now on a pay-as-you-go basis, and the people who pay are you who get on the airplanes or you who fly your own airplanes here on Monday morning and fly out on Friday afternoon.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Iowa.

Mr. GROSS. Does that mean that the taxpayers are relieved of the annual gouge of about $7.5 million to make up the deficit at Dulles?

Mr. SPRINGER. This is for construction only.

Mr. GROSS. I am disappointed.

Mr. STAGGERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I join my colleagues in support of this important legislation. The Airport and Airways Development Act of 1970 is a strong bill that provides long-needed aid and direction for our expanding aviation industry. It is time that our legislation comes of age and is as modern as air travel itself. For safety's sake alone, the Congress is compelled to update its laws affecting aviation. It was for that reason I had introduced a similar bill in the early days of this session.

Mr. Speaker, for the first time in at least 15 years, Congress is providing a reasonable sum of money to begin to do what we had long since failed to do—solve our aviation crisis. Some of the long needed things this bill provides are:

First. This bill sets up a trust fund similar to the system that has worked so well for our national highway development;

Second. The bill sets aside $250 million per year for development of airport facilities and $250 million a year for airway facilities;

Third. $30 million dollars is to be spent on general aviation facilities;

Fourth. $15 million is to be spent per year on planning of new facilities;

Fifth. We have authorized contracting authority for 3 years;

Sixth. Money from the trust fund can be spent for research and development projects;

Seventh. The Secretary of Transportation is required to submit to Congress within 1 year a recommendation for a national transportation policy. Such a policy is necessary because transportation has become so complicated and integrated and we need to have our goals set forth clearly so that our efforts will be in accord with our goals.

I am concerned, however, with some aspects of this bill; in some cases we have not gone far enough. Specifically, this bill today glosses over an important aspect of State and Federal cooperation.

In the House version of this bill, we had provided under section 22 that the States would be entitled to grant money for both planning and construction in the amount of $5 million per year for a period of 5 years, or a total of $25 million provided the State could qualify as an official agency of the State. We intended this to help and encourage the States to build local facilities and to coordinate with the huge interstate system. We were requiring an increase in ticket excises, freight way bills, foreign travel, general revenue appropriations and mainly we had put on a 7-cent per gallon jet fuel tax on general aviation, and a limited registration fee. For these specific taxes, we felt general or local aviation would be entitled to grant money, just as we were helping the scheduled carriers in the development of large airfields.

The amount appropriated under the House version was modest—$5 million per year. It was the right and fair thing to do. The Senate deleted this provision from their bill—and the conferees agreed to go along with the Senate version. I fought that deletion as hard as I could. I regret it was taken out. I think it was a mistake. I think it will spark a great deal of controversy throughout the country. We have made the big air fields bigger, the rich airfields richer, the congested airfields more congested. We have made it more difficult for the Department of Transportation to deal with or help the smaller or rural airfields. Under this bill, General aviation is helped in the same manner or formula as in the past. More funds are provided for planning and development, but the smaller airfield or smaller cities may not be able to qualify. The big cities will be able to submit a well-prepared plan. The smaller cities will be left as a last resort. Thus, the big will become bigger.

It is hard to believe that some members of the other body would be so afraid or opposed to State authorities that they would delete this grant money from the bill. In my judgment, there ought to be a proper partnership between the Federal Government, the carriers involved—all types and kinds of them—and the State authorities. We have weakened the role of State authorities by this measure except for the relief given in the language of the statement of the conferees. It is significant that we are reminded of that language now, because it might have great bearing on the development of interstate facilities later.

Let me refer you to the conference committee report langauge in which the purpose of the bill is briefly described:

> As stated, this legislation refers specifically to the need for the expansion and improvement of the national airport and airway system, in accordance with a national airport system plan to meet the needs of interstate commerce, the postal service, and the national defense.

Mr. Speaker, to my thinking, we could have easily gone one step further and created the machinery to bring about better liaison between the State and Federal governments. Although this bill is an excellent piece of legislation in many ways, it overlooks and leaves undefined the specific State's role in aviation planning. As it presently stands, this act relates only to the Federal responsibility in the development of the Nation's airport system and fails to clearly define the role which the States are to provide air transportation to the Nation.

To support my position, I would again refer you to the conference committee report which says:

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> The managers on the part of the House are aware of the fact that there are needs for expansion and improvement of airport and airway facilities to meet interstate needs outside the national system contemplated by this legislation. In this connection, the managers on the part of the House recognize that many States have created State aeronautical agencies which not only cooperate with the Federal Government in the planning, development, and operation of the national system, but also effectively engage in the planning, development and operation of needed airport and airway facilities not included in the national airport system, and would encourage the States to continue and expand their activities in this respect.

Mr. Speaker, if this legislation is to create only an interstate system, then it should be made abundantly clear to the Governors and the State legislatures that the cost for the development of that part which is intrastate and not interstate is their responsibility. The States should know that the Congress hopes and expects them to do more in this field.

To my thinking, this bill has a blindspot in it and overlooks a vital role that could be played by the State agencies. While we are looking at the whole picture of aviation nationally, we are ignoring the important piece of the whole—intrastate air travel.

If we are to open up the underdeveloped areas and smaller communities to the benefits of air transportation, and if we ever hope to link these small towns to the metropolitan areas, then it will have to be done at the State level, or coordinated at the State level.

The explosive growth in the number of general aviation aircraft accentuates the magnitude of intrastate air transportation. This is highlighted even further when we consider the expanding commuter and air taxi services in these areas.

Mr. Speaker, general aviation is here and growing. Without proper cooperation between the State and the Federal levels, it will grow like Topsy, and the progress we are making with this bill will later come back to haunt us through this oversight. To illustrate my point, let me quote briefly from an article written in the April edition of Texas Business Review by Dr. Charles Zlatkovitch of the University of Texas:

> A large part of overall air transportation in Texas and the United States is general aviation, which includes all flying other than military and commercial airline service. A few statistics illustrate the importance of general aviation in Texas. The total number of civil (general-commercial) and joint-use (civil-military) airports in Texas on record with the F.A.A. at the end of 1967 was 900, including 26 heliports and 8 seaplane bases. Only 29 of these Texas airports were used by commercial airlines. Of the 9,030 civil aircraft registered in Texas in 1967, all but 147 were in the general-aviation category. Only 2,117 of the 45,167 active pilot certificates held by Texans were outside the general-aviation category. General aviation will thus be an important part of air transportation in the 1970's just as private automobiles and trucks will be important in highway transportation.

Mr. Speaker, I am fully aware that the tall tales from Texas are legend. But these are irrefutable facts—facts that can be just as easily developed in other States, such as California, which include a large amount of intrastate air transportation.

However, while I point out a few negative aspects of this bill, I do not want to detract from the progress it makes in aviation. The bill today puts wings on the seven league boots because we have taken giant strides in the right direction. This bill should be considered as important to the aviation industry as the highway trust fund has been to our ground transportation.

For example, the bill authorizes grants for airports to serve certified air carriers at $250 million a year for 5 years, and $30 million a year for 5 years in construction of general aviation facilities. I was particularly pleased to see that general aviation was recognized as something more than a stepbrother to the carrier airlines.

However, this $30 million is only a recognition by the Federal Government of its obligation toward that part of general aviation that is primarily interstate. This recognition by the Federal Government only emphasizes the responsibility of State governments for the largest portion of general aviation and other types of aviation that are primarily intrastate.

Although the provision of this bill that authorizes $250 million a year for airports that serve certified carriers will be a great boon to those who use the commercial airlines, I was disappointed that the bill did not allow any of the funds to be used for the construction of terminals. Although I agree that safe runways should be our first concern, the need for terminals that can handle passengers and baggage quickly and safely are of utmost importance to the development of our overall national airport system. Even though the present bill does not presently provide terminal funds, it is at least a framework upon which we can build. We all agree that the main problem here is one of a legal nature: Can the Federal Government spend funds for the improvement of privately owned facilities?

Within the mechanics of this bill are the viable provisions that create effective cooperation between the local airport authorities receiving grants and the Department of Transportation. We have included a provision that would allow the Secretary to make grants for up to 3 years running, rather than the old year-by-year basis. This contracting authority provision is very necessary in order for local authorities to sell securities to finance their portion of the matching funds. And, I do not suppose the local airport authorities will miss the drama of wondering each year if they will be renewed by DOT—rather, this 3-year provision will allow more efficient planning and use of funds. I supported strongly this contract authorization provision. The certificated carriers were entitled to this help and the local authorities had to have it. Costs of financing had become too burdensome to handle under the old system.

Mr. Speaker, this bill creates one very significant and tangible spin-off on the plus side. Although they are not mentioned specifically as a group, in the bill, the air traffic controllers have been following this legislation very closely, I would imagine. The larger and safer airports that are going to be built by this trust fund will certainly improve the controller's working conditions as they shepherd the skies.

And the taxpayers can find some solace in this bill. The general taxpayer will be relieved that the greatest portion of the cost of this program will be carried by the users of these new airports. The cost will be borne by the people who derive the benefits of safety, speed, and convenience.

Although we are a long way from perfection with this bill, I am proud that the Interstate and Foreign Commerce Committee has successfully come to grips with a modern problem and successfully come up with a solution.

Mr. GUDE. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Texas and commend the gentleman for his interest and effort in regard to this legislation generally, and in particular, for his efforts to retain funds in the bill which could be used by State aviation authorities to develop State airport systems.

It has been my view that this legislation should provide for a more balanced approach to meeting our total airport needs. Comprehensive planning for airports as provided under the State programs would give a better balance of facilities, one which would serve general aviation airports as well as the major airports. Such an approach would better accommodate the growing communities and businesses away from the metropolitan centers. Comprehensive planning at the State and local level, which would have been stimulated by the authorization of these funds, would yield more balanced plans, taking into account environmental factors such as congestion, noise and safety to the public. The satellite airport system would be constructively assisted by such a program and I regret the loss of those funds in the Senate.

I have had continuing concern with the need for the proper coordination of development and operation of the major Metropolitan Washington airports, particularly in the efficient use of the airport in which we already have such a substantial Federal investment, namely Dulles. With this legislation we must continue to pursue those plans which will provide the maximum in safety and service to the entire citizenry.

Mr. PICKLE. Mr. Speaker, I thank the gentleman from Maryland for his comment.

We must build these satellite fields. We must make the smaller rural airfields more useful and tie them in with the whole interstate system.

The opposition, I may say, came from the other body, not from the conferees on the part of the House as such. It was from the other side. They were com-

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mitted or obligated or were afraid to go along with State authorities. Let us hope that we can obtain more participation with the States later as we go along.

Mr. STAGGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. DEVINE) a member of the committee.

Mr. DEVINE. Mr. Speaker, as one of the conferees I am happy to concur in the conference report which accompanies H.R. 14465. However, I feel compelled to point out several items important to the general public in connection with this matter.

I am deeply and increasingly concerned about the heavy burdens placed on the airline passenger resulting from higher fares and now the "user" charge. For example, in 1969, the Civil Aeronautics Board increased fares by two separate actions, a total of 10.6 percent. Now with this legislation, the passenger will pay an additional 8 percent. In other words, in less than 1 year the airline passenger must pay 18.6 percent more to travel by air.

It seems to me the commercial air transport industry and the Congress should take some initiative to halt this continuing increase in cost to the passenger.

I presume that in the pending passenger fare investigations by the Civil Aeronautics Board the airlines' efforts to keep costs down; overscheduling primarily for competition purposes; overbuying of equipment again primarily for competition purposes, will be exhaustively pursued by the Board. I am not convinced that the need for larger airports and associated facilities are based on handling larger equipment such as 747's, but is primarily due to the growth in traffic of all types.

The commercial air transport industry, it seems to me, would be well advised to thoroughly study the legality and feasibility of setting up a Comsat-type corporation to handle airports and air terminals throughout the country. Such a corporation could be organized and yet not adversely affect the primary responsibility of the Federal Aviation Administration and the Civil Aeronautics Board, and I feel Congress would be favorable to any proper proposals to implement the activities of such a corporation. Congress did so with respect to Comsat, and I know of no reason why we should feel differently disposed as it relates to aviation, particularly in light of the success of Comsat.

Even if the airlines found they could not set up such a corporation for legal or other reasons, I am confident Members of this body would feel better knowing that the airlines had at least tried to do something about the problem, which undoubtedly will get worse before it gets better.

To date, the airlines have looked rather successfully to the traveling public, the Civil Aeronautics Board, the Federal Aviation Administration, and the Congress for financial and other relief, rather than acting positively itself in a tangible way. If they do not begin to so respond, public opinion might bring reactions which could be adverse to the airlines.

The present appeal of the passenger fare increase by 38 of my colleagues should be an indication of public opinion. After all, these Members, as well as all Members of Congress, must be aware of public opinion while properly representing their constituency.

As I say, Mr. Speaker, I concur in the conference report; however, we must not turn our back and walk away from the fare-increase situation.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me this brief period of time.

I support the conference report, as one of the conferees. I regard it as a good accomplishment in the public interest. I hope my colleagues will support it.

Mr. Speaker, I strongly support the conference report on H.R. 14465, the Airport and Airway Development Act of 1970, and urge its adoption.

As the Member of this body who drafted the amendment to H.R. 14465 requiring the Secretary of the Department of Transportation to formulate and recommend to Congress for approval a national transportation policy—said amendment being offered in committee on my behalf by my good friend Mr. Moss of California—and as original author and manager in the House of the National Environmental Policy Act of 1969, I wish to make it very clear that the relevant sections of these two pieces of legislation are to be interpreted together.

That is, the national transportation policy required under H.R. 14465 is to be interpreted in harmony with the policy stated in the National Environmental Policy Act. Provisions were added to H.R. 14465 during consideration in the Committee on Interstate and Foreign Commerce which make it completely clear that activities authorized by the Airport and Airway Development Act shall be conducted in such a fashion as to fully take into consideration the protection of fish and wildlife values, as well as other environmental values.

Mr. STAGGERS. Mr. Speaker, again I want to say I thank especially the conferees who helped to work out the differences in the bill, and all members of the committee, and I thank WILBUR MILLS, the chairman of the Committee on Ways and Means, and JOHN BYRNES, for their cooperation in helping to work out this whole bill, and I also thank the ranking minority member of the Committee on Ways and Means for his explanation a few moments ago of the monetary fund.

Mr. Speaker, at this time I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House for title II of the bill be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 12, 1970.)

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement of the managers on the part of the House for title II of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, we have before us today the conference report on H.R. 14465, the Airport and Airway Development Act of 1970. My discussion is directed primarily to title II of the bill—the Airport and Airway Revenue Act of 1970. Title II provides the tax revenues to finance most of the expenditures authorized in the first title of the bill, which was considered by the conferees from the Committee on Interstate and Foreign Commerce.

There is one section in title I, however, which was considered by the conferees from the Committee on Ways and Means and the Senate Committee on Finance. The conference accepted the Senate amendment, section 53 of the bill, which provides that the maximum overtime charge for customs services performed for private aircraft or vessels returning from a visit to a foreign nation—such as Canada or Mexico—may not exceed $25. Presently, as I understand it, if only one or two private aircraft or vessels use the customs services during an overtime period—for example, on a holiday, Sunday, or night shift—the owner could be charged an amount approaching $100. If more use is made of the customs services, then the overtime cost is prorated among the several users—thereby reducing the charge to each user. Thus, after the enactment of this bill an individual aircraft owner will only have to pay up to a maximum charge of $25.

Mr. Speaker, I would now like to briefly summarize the conference decisions relating to the revenue-raising provisions of H.R. 14465.

First, let me discuss the tax on air passenger travel. The conference accepted essentially the House provision raising the 5-percent ticket tax on passengers to 8 percent rather than the Senate's tax directly on the airline, with a slight modification that requires the airlines, or ticket agents, in the case of domestic transportation to advertise a total airfare that includes the 8-percent tax. Also, in the case of transportation fully subject to the domestic tax, the passenger air ticket must show the total ticket price, including the 8-percent tax, and must not contain a separate listing of the tax or before-tax fare. The public will, therefore, be aware of the total airfare for a particular domestic flight before arriving at the ticket counter. These provisions with respect to advertising or stating a tax-included airfare do not apply to the new $3 per person tax on international flights leaving the United States or to foreign transportation.

As my colleagues will recall, the House bill generally removed all exemptions from the air transportation user taxes. We did not, however, remove the exemptions for transportation furnished to the

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Red Cross and international organizations. The conference adopted the Senate amendment which also removes these two exemptions. Now, all users of civil aviation will pay a share of Federal aviation user taxes.

Second, with respect to the cargo tax on air freight transporation in the conference accepted the Senate amendments, which provided three minor exemptions. These exemptions from the cargo tax are charges made for: First, excess baggage accompanying the passenger as "baggage," and not classified as "freight" by the airline; second, the portion of flights to or from Alaska and Hawaii not over U.S. territory, the same exemption as provided in existing law under the passenger ticket tax; and third, imported air freight. In the case of the exemption for imported air freight, the conferees were unable to devise a practical and equitable method of assessing and collecting a cargo tax on imported freight. As a result, it was decided not to impose a tax on imported freight at the present time, but to continue to observe the problem in case it should become a serious competitive problem. I should also point out that both the House and Senate versions had exempted exported freight from the cargo tax.

Third, the conference accepted the House 7-cents-a-gallon tax on aviation fuel used by general aviation, rather than the 6-cents-a-gallon tax as passed by the Senate.

Fourth, in the case of the annual aircraft use tax, the conference accepted the House provision for an annual $25 basic tax for all taxable civil aircraft plus a poundage tax—2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft. The conference also adopted, however, a modified form of the Senate small aircraft exemption from the poundage tax—basing the exemption on gross weight rather than seating capacity as the Senate version would have provided. Under the Conference action, an exemption from the poundage tax is provided for piston-engine aircraft with a "maximum certificated takeoff weight" of 2,500 pounds or less. It was felt that an exemption based upon gross weight would be easier to administer by the Federal Aviation Administration and the Internal Revenue Service. This small aircraft exemption will relieve 60 percent of general aviation aircraft from the poundage portion of the use tax.

The conference took the action I have described under the fuel tax and the aircraft use tax after considering the proportion of the total aviation user tax burden to be borne by general aviation versus commercial aviation. Under the House bill, general aviation's share of the total user taxes raised in 1971 would have been 9.2 percent and by 1980 this would have been expected to decrease to 6 percent. However, under the Senate version, general aviation's share would have been only 7.2 percent in 1971 and 4.7 percent in 1980. The conference action represents a compromise between the House and Senate versions. In 1971, general aviation's share of the total user tax under the conference action will be 8.8 percent and by 1980 it is expected that this will have decreased to 5.8 percent.

Fifth, the conference adopted the Senate amendments providing a termination date of June 30, 1980—for the new and increased aviation user taxes provided by this bill and also for the termination of the new airport and airway trust fund created by this bill. This will provide Congress a specific date to review the entire Federal airport and airway program. I should point out that this is consistent with the highway trust fund program which also has a termination date.

Finally, Mr. Speaker, the conference adopted July 1, 1970, as the effective date for the new and increased aviation user taxes and the start of the new airport and airway trust fund.

As approved by the conference, the revenue provisions of H.R. 14465 will provide aviation user tax revenues of $665.8 million for fiscal 1971, or $322 million above existing law aviation tax revenues. By fiscal 1980, the aviation user taxes are projected to yield $1.8 billion annually, or almost twice the level of the estimated revenue of $927 million from existing law aviation taxes.

Mr. Speaker, I ask unanimous consent that a summary table giving a comparison of the estimated aviation user tax revenues under the House, Senate, and conference versions of the bill be inserted at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The table referred to follows:

TABLE 1.—SUMMARY COMPARISON OF ESTIMATED AVIATION USER TAX REVENUES, H.R. 14465—HOUSE, SENATE, AND CONFERENCE VERSIONS, FISCAL YEARS 1971–74 AND 1979–80

[Millions of dollars]

	1971	1972	1973	1974	1979	1980
A. As passed by the House: Total	674.5	747.8	834.4	930.8	1,626.0	1,813.3
Passenger ticket tax, 8 percent	526.2	584.4	653.5	731.7	1,293.2	1,444.2
Waybill tax, 5 percent	42.9	48.9	56.1	63.3	134.3	157.6
Fuel tax, 7 percent a gallon [1]	47.2	50.9	55.1	59.2	81.0	85.4
International tax, $3	28.4	31.2	35.0	39.6	68.4	74.5
Aircraft use tax [2]	26.8	29.2	31.4	33.5	44.1	46.3
Taxes on tires and tubes	3.0	3.2	3.3	3.5	5.0	5.3
B. As passed by the Senate: Total	661.7	733.9	819.4	915.1	1,604.0	1,789.7
Passenger tax [3]	533.3	592.3	662.3	741.6	1,310.6	1,463.7
Waybill tax, 5 percent [4]	37.4	42.7	49.0	55.3	117.6	138.1
Fuel tax, 6 cents a gallon [1]	40.4	43.6	47.2	50.7	69.4	73.2
International tax $3	28.4	31.2	35.0	39.6	68.4	74.5
Aircraft use tax [5]	19.2	20.9	22.6	24.4	33.0	34.9
Taxes on tires and tubes	3.0	3.2	3.3	3.5	5.0	5.3
C. As approved by the Conference: Total	665.8	738.0	823.8	919.1	1,605.6	1,790.1
Passenger ticket tax, 8 percent	526.2	584.4	653.5	731.7	1,293.2	1,444.2
Waybill tax, 5 percent [4]	37.4	42.7	49.0	55.3	117.6	138.1
Fuel tax, 7 cents a gallon [1]	47.2	50.9	55.1	59.2	81.0	85.4
International tax, $3	28.4	31.2	35.0	39.6	68.4	74.5
Aircraft use tax [6]	23.6	25.6	27.9	29.8	40.4	42.6
Taxes on tires and tubes	3.0	3.2	3.3	3.5	5.0	5.3

[1] General aviation aircraft.

[2] Annual use tax of $25 for all aircraft plus 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engined aircraft.

[3] Tax at 7.5 percent of air fare, imposed on airline; assumes full tax is passed on in the ticket price.

[4] Revised. Exempts charges for portion of flights to or from Alaska and Hawaii not over U.S. territory, excess baggage, and imported frieght.

[5] Annual use tax of 2 cents a pound for piston-engine aircraft and 3½ cents a pound for turbine-engine aircraft with seating capacity of 4 adults or less.

[6] Annual use tax of $25 for all aircraft plus 2 cents a pound for piston-engine aircraft of more than 2,500 pounds "maximum certificated takeoff weight" and 3½ cents a pound for turbine-engine aircraft.

Source: Department of Transportation, Federal Aviation Administration, Office of Aviation Economics.

Mr. MILLS. Mr. Speaker, I urge approval of title II of the conference report as well as title I.

Does the gentleman from Wisconsin (Mr. BYRNES) desire some time? I yield to the gentleman from Wisconsin such time as he may consume.

Mr. BYRNES of Wisconsin. Mr. Speaker, it is not my intention to speak at any great length on this conference report. I do, however, urge the adoption of the conference report.

The financial aspects of this legislation, as the House knows, was developed by the Ways and Means Committee and the Finance Committee in the Senate. Members from these committees comprised the conference committee that worked out the revenue provisions. The conferees were unanimous in their agreement on the revenue aspects.

Mr. Speaker, as the chairman has pointed out and as I earlier pointed out, the taxing and financing aspects of the conference agreements is, with a minor exception, practically identical to the bill the House originally agreed to.

Let me emphasize this Mr. Speaker: I think this is landmark legislation comparable to the Highway Act that we passed some years ago. We are today approaching a crisis situation as far as aviation and our capacity to meet our air transport needs are concerned. This bill, with the financing provided and the substantive changes included, should enable us to act effectively to cope with the growing problems that we face. It should assure the public a growing and improved air transportation capability in this country.

I think this can mark a turning point

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in the air transportation problems we face. As a result of this legislation, we assure the basic funds required to meet the needs of this growing form of transportation, with its increases in sophistication, and its growing needs for navigational aids and safety equipment. I think this bill provides the basic framework for providing for a sound and safe growth in our air transport capacity over the next decade.

Mr. MILLS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 362, nays 3, not voting 64, as follows:

[Roll No. 117]

YEAS—362

Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Carey
Casey
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Farbstein
Fascell
Feighan
Findley
Flood
Flynt
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Kluczynski
Koch
Kyl
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Monagan
Montgomery
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
Obey
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—3

Foley
Hicks
Leggett

NOT VOTING—64

Abbitt
Anderson, Tenn.
Baring
Biaggi
Bingham
Blatnik
Brademas
Brown, Calif.
Carter
Clay
Cohelan
Collier
Conyers
Culver
Cunningham
Daddario
Dawson
Dickinson
Edmondson
Edwards, Ala.
Fallon
Fish
Fisher
Flowers
Fraser
Frelinghuysen
Gilbert
Green, Oreg.
Gubser
Halpern
Hébert
Keith
Kirwan
Kuykendall
Kyros
Long, La.
Lowenstein
McCarthy
McFall
McMillan
Mollohan
Moorhead
Morse
Morton
Mosher
Nedzi
O'Hara
Ottinger
Pucinski
Reid, N.Y.
Reifel
Rostenkowski
Scheuer
Schneebeli
Slack
Smith, Calif.
Stokes
Stratton
Tunney
Udall
Whalen
Wilson, Bob
Winn
Yatron

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Gilbert with Mr. Halpern.
Mr. Daddario with Mr. Fish.
Mr. Moorhead with Mr. Keith.
Mr. Long of Louisiana with Mr. Carter.
Mr. Biaggi with Mr. Mosher.
Mr. Blatnik with Mr. Kuykendall.
Mr. Brademas with Mr. Collier.
Mr. Edmondson with Mr. Frelinghuysen.
Mr. Pucinski with Mr. Reid of New York.
Mr. Rotsenkowski with Mr. Morse.
Mr. Hébert with Mr. Smith of California.
Mr. Fisher with Mr. Edwards of Alabama.
Mr. O'Hara with Mr. Morton.
Mr. McFall with Mr. Bob Wilson.
Mr. Culver with Mr. Schneebeli.
Mr. Flowers with Mr. Dickinson.
Mr. Fraser with Mr. Whalen.
Mrs. Green of Oregon, with Mr. Cunningham.
Mr. Slack with Mr. Gubser.
Mr. Mollohan with Mr. Reifel.
Mr. Kyros with Mr. Winn.
Mr. McMillan with Mr. Udall.
Mr. Anderson of Tennessee with Mr. Baring.
Mr. Abbitt with Mr. Kirwan.
Mr. Brown of California with Mr. Stokes.
Mr. Ottinger with Mr. Clay.
Mr. Lowenstein with Mr. Conyers.
Mr. McCarthy with Mr. Yatron.
Mr. Cohelan with Mr. Bingham.
Mr. Stratton with Mr. Tunney.
Mr. Nedzi with Mr. Scheuer.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 16516, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. Miller of California, Teague of Texas, Karth, Hechler of West Virginia, Fulton of Pennsylvania, Mosher, and Roudebush.

DISAPPROVING REORGANIZATION PLAN NO. 2 OF 1970

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 960, disapproving Reorganization Plan No. 2 of 1970; and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the resolution may continue not to exceed 4 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. Erlenborn) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 960, with Mr. HUNGATE in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement the gentleman from California (Mr. HOLIFIELD) will be recognized for 2 hours and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 2 hours.

The chair recognizes the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, although the time of general debate agreement between the gentleman from Illinois (Mr. ERLENBORN) and myself has been set at 4 hours, both of us desire to handle this bill as expeditiously as possible. We shall strive, if we are not interrupted by quorum calls or excessive desires by Members to speak, to make the time shorter.

I intend to take time to cover this matter rather thoroughly because I believe this is a very important resolution that is now pending before us, a resolution to disapprove Reorganization Plan No. 2 of 1970.

I do not approach the disapproval of the presidential reorganization plan lightly or in a bipartisan way. I believe that I will show my good faith by saying that if this resolution is approved that the gentleman from Minnesota (Mr. BLATNIK), the chairman of the committee, and I, have introduced a resolution which will give the President all of the assistance that he needs, but at the same time it will form a structure of Government which is not behind the cloak of executive privilege and executive secrecy where the Congress cannot get to the individuals that are going to be charged with very heavy responsibilities of evaluating the programs and policies, coordinating the programs and policies and setting our national priorities on those programs and policies. And it is because the reorganization plan forms a layer of some 90 staff and other executive directors that will be in the position of noncompetitive, noncivil service, and non-Senate approved and nonstatutorily appointed to be responsive to the Congress that we disapprove this plan and ask for a favorable vote on the disapproval resolution.

Mr. Chairman, Reorganization Plan No. 2 of 1970 was transmitted by President Nixon to the Congress on March 12, 1970. The plan and the accompanying message are printed in House Document 91-275. These documents were included with other descriptive material in my remarks on Thursday, May 7, which appear in the CONGRESSIONAL RECORD of that date, commencing at page 14627. A fact sheet explaining the plan and a critique also were included.

Briefly, the plan renames the Bureau of the Budget as the Office of Management and Budget, authorizes six new high-level positions for the office, creates a Domestic Council to encompass most of the Cabinet members and others whom the President may designate, and provides for an Executive Director to head the staff of the Domestic Council.

If the Congress does not disapprove the plan, it will take effect, according to its terms, on July 1, 1970. However, the 60-day period for congressional review provided in the Reorganization Act requires the Congress to take action before May 16, in deciding whether to approve or disapprove the plan.

House Resolution 960, introduced by the gentleman from Minnesota (Mr. BLATNIK), is a disapproving resolution. Hearings were held by the Subcommittee on Executive and Legislative Reorganization, and the full Committee on Government Operations recommends disapproval in accordance with the resolution. Under the parliamentary situation, therefore, an aye vote is requested on the disapproved resolution. The committee's views, together with separate and dissenting views of several members of the committee, are set forth in House Report 91-1066.

I might add, Mr. Chairman, that the gentleman from Minnesota, who chairs the subcommittee and has introduced the disapproving resolution, is unavoidably absent on official business for the committee.

In opposing Reorganization Plan No. 2 of 1970, I want to make it clear that the committee is not taking a negative position. Legislation has been introduced (H.R. 17376) which embodies the worthwhile features of the plan while eliminating its defects. If this plan is rejected by adoption of the disapproving resolution, then I can assure the Members that our committee will report out legislation to accomplish the objectives of the plan which help the President without interfering with vital congressional responsibilities.

The fact that our committee will report out legislation on this subject is an earnest of our good will. In opposing the plan it is not our purpose to attack President Nixon. There is nothing personal in the committee's decision to endorse the disapproving resolution after careful study. We believe simply that the plan has serious flaws and that its objectives could be better accomplished by legislation.

As a matter of information, let me note that this plan is the first public product of the President's Advisory Council on Executive Organization, known as the Ash Council after its chairman, Roy L. Ash, president of Litton Industries. Mr. Ash appeared before the subcommittee in support of his brainchild, along with Frederick R. Kappel, former chairman of the board, American Telephone & Telegraph Co.

OBJECTIVES OF THE PLAN

What are the objectives of the plan? In essence, this is a plan to increase staff assistance to the President in two ways: First, by authorizing six high-level—Executive-V—positions in the Bureau of the Budget, which is renamed the Office of Management and Budget under the plan; and second, by creating a Cabinet secretariat, officially estimated at 90 persons—see House Report 91-1066, page 54—to be headed by an Executive Director who is one of the Presidential assistants.

Essentially, this is what the plan does—it creates a large new staff in the Executive Office of the President. The rest is window dressing or technicalities, and the members would not be misled by the high-blown rhetoric and gobbledegook usually accompanying such reorganizations.

Please understand, this is not a reorganization plan, in any real sense of the word, for the President's office. The assorted councils, committees, commissions and offices within the Executive Office will remain largely undisturbed. According to the President's message accompanying the plan, the Domestic Council will absorb a few nonstatutory committees—the Urban and Rural Affairs Councils and the Cabinet Committee on the Environment—but these will be merely reformed as subcommittees of the Domestic Council. In fact, the Council will accomplish much of its work, as the President's message says, "by temporary, ad hoc project committees"—House Document 91-275, page 4.

STAFFING OF EXECUTIVE OFFICE

How many staff people are there now within the confines of the Executive Office? That is a good question, but nobody seems to know precisely the answer. It depends, in part, on how we define the Executive Office. For example, when the Congress created the Office of Economic Opportunity by Public Law 88-452, it decreed, in its wisdom, that OEO would be located within the Executive Office of the President. OEO alone has 2,502 permanent positions. The Peace Corps is not formally listed within the Executive Office, but its funds are appropriated to the President, and it lists 1,165 employees. The Central Intelligence Agency comes under the National Security Council, both of which are in the Executive Office, but of course there is no public listing for the employment roles of the CIA. We know from the Budget figures—and in all cases I am referring to the 1971 budget estimates—that the Bureau of the Budget has 585 permanent positions, the Office of Emergency Preparedness 233, the Office of Telecommunications Policy 117, the National Security Council 75, the Office of Science and Technology 57, the Council of Economic Advisers 51, and so on down the line. Among the smaller agencies in the Executive Office is the Office of the Special Representative for Trade Negotiations. This office, in which, as you may recall, Murray M. Chotiner served as General Counsel for a time, has 35 permanent positions.

Then there is the White House Office, which is a separate part of the Executive Office. It carries a permanent staff of 548—including details from Federal agencies which, under the 1971 budget request, are to be shifted directly to the White House payroll. Besides this staff, there are additional White House staffs provided for the Executive Mansion upkeep, for special jobs assigned by the

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President, and for a variety of other Presidential tasks deriving from special funds appropriated to the President, including the emergency fund.

The United States Government Organization Manual for 1969–70 lists 13 components of the Executive Office of the President. It includes the CIA but does not show the recently created Council on Environmental Quality and various less formal or temporary groups attached to or working within the Executive Office. Information obtained from the Budget document and elsewhere permits the generalization that the Executive Office of the President employs well in excess of 4,000 persons, not counting the CIA, whose employment is not made public, and such organizations as the Peace Corps, whose funds are appropriated to the President.

We are told that the President needs more staff. He is beset by world-shaking problems abroad and by domestic disorder and crises at home. He needs help in identifying national goals and setting national priorities. We sympathize with the President's needs, and I for one am perfectly willing to see that he gets all the help he needs in grappling with the problems that afflict the Nation today.

THE CENTRAL ISSUE

There is no need, however, for the President to get this expanded staff at the expense of congressional prerogatives and responsibilities. That is the big issue, the central issue as far as I am concerned. If this plan is adopted, the President will acquire vast new powers to assign and reassign functions throughout the Government. He will have a congressionally-authorized Cabinet secretariat to develop policies and programs, beholden to him alone, unavailable to appear before congressional committees or to provide documentary information to the Congress.

This is the major vice of Reorganization Plan No. 2 of 1970. It seeks a worthwhile objective by questionable means. It would alter the constitutional balance of powers against the Congress, in favor of the Executive. This may be the consequence rather than the intent of the plan, but the result is no less pernicious.

Let me explain what I mean. Section 101 of the plan transfers to the President all functions vested by law in the Bureau of the Budget or its Director. There are at least 58 statutory provisions—laws enacted by the Congress—which apply in one particular or another to the Bureau of the Budget. This plan in one fell swoop gathers up all those statutory functions and puts them in the hands of the President.

Why is this transfer necessary? Well, the answer seems to be, based on the testimony and other explanatory material submitted by administration witnesses, that to effect a reorganization, under the Reorganization Act of 1949 as amended—the basic enabling legislation for reorganization plans—it was necessary to move governmental functions from one place to another. Remember what I said a moment ago—that this plan essentially expands the staff of the President's Executive Office. Expansion of staff by itself is not a reorganization under the terms of the law. So to make the plan legitimate, the administration planners concocted the idea of transferring all the statutory functions vested in the Bureau of the Budget or its Directors to the President himself.

PLAN IS ILLEGALLY DRAWN

This transfer has far-reaching and very serious implications, which I will develop in a moment. The interesting thing, however, is that the effort to make the plan legitimate did not quite succeed. The drafting was sloppy and the drafters overlooked a key provision of the Reorganization Act of 1949 as amended. This provision says, in essence, that if certain new positions are required in a reorganization, appointments to these positions either must be in the competitive civil service or be confirmed by the Senate.

You will note in section 203 of the plan that a new office or position is created, that of Executive Director of the Domestic Council. Section 203 says that the Executive Director shall be an assistant to the President. In other words, one of the President's assistants is designated Executive Director. He wears another hat. Nevertheless, he would be filling a new office created under the plan, and since a Presidential assistant is neither in the competitive service nor confirmed by the President, this is a clear and obvious violation of the terms of the Reorganization Act of 1949 as amended.

The plan is not, I repeat not, legally drawn. The Comptroller General has confirmed the committee's finding. His letter is printed in the appendix to House Report 91–1066, which is the committee report accompanying the disapproving resolution, see page 56.

The administration witnesses consulted with Department of Justice parties and received a memorandum which goes contrary to the Comptroller General's opinion. This was followed by a letter from Attorney General John W. Mitchell to the chairman of our subcommittee, the gentleman from Minnesota (Mr. BLATNIK), saying the same thing with more words. Both of the Department of Justice statements also are printed in the appendix to House Report 91–1066, see pages 59–64.

I might note, incidentally, that this is a rather unusual course—for the Attorney General to tender directly to a committee or subcommittee his legal opinion on an executive action. The Department of Justice traditionally considers itself as lawyer for the executive branch and frequently, in the past, it has refused to give legal opinions to the Congress. We have our own lawyer, of course, the Comptroller General. In many ways, his legal opinions carry more weight than those of the Attorney General, for the Comptroller General makes rulings practically every day on the legality of expenditures, and these rulings are binding on the executive branch. If expenditures are made in a manner which the Comptroller General finds to be illegal or unauthorized, he has powers conferred by the Congress to disallow such expenditures.

CONFLICT OF LEGAL OPINIONS

This 180-degree difference of opinion by two great legal centers—the counsel for the executive branch and the counsel for the legislative branch—at the very least casts a cloud of uncertainty over the plan. Our committee in good conscience cannot approve a plan which we believe to be in violation of the Reorganization Act, and which the Comptroller General believes to be in violation by what he terms a reading of the "plain words" of the statute.

The Attorney General happens to disagree, and while I do not for a moment impute any political motivations to Mr. Mitchell, it strikes me as a layman that his opinion does not make good law. The Attorney General's opinion says in substance that the Executive Director receives his authority from the President by virtue of legislation outside the plan; namely, legislation which authorizes the President to appoint six administrative assistants—section 106 of title 3, United States Code. I look at the plan and in section 203 I see that it provides for the staff of the Domestic Council to be headed by an Executive Director. The Attorney General tells us that this Executive Director is really outside the plan, not inside the plan. This gets to be legal legerdemain.

A MANAGEMENT PRINCIPLE CARRIED TOO FAR

Let me come back to the point about the transfer of functions from the Bureau of the Budget and its Director to the President. As I have already explained, this was a technical device to effect a "reorganization" by means of which the President would be enabled to expand his staff resources. Proponents of the plan then have gone on to argue that the President should have the right to organize his own Office, that this is simply a principle of good administrative management put forth by the Hoover Commission and many students of Government administration. This principle has merit, but let us not get carried away with it. The fact is that when the first Hoover Commission put forth this principle more than two decades ago—in 1949—the Federal budget was only $40 billion compared to $200 billion today, and Government was a lot less complicated. Today, the Executive Office of the President has many offices and councils and other organizational units, as I have already observed. Some of these are authorized by law, some were created by reorganization plan, and others owe their existence simply to Presidential order or announcement.

We can no longer dispose of the issue of Executive Office organization by saying, "Let the President do it." The Executive Office represents something far more complex than the President's "personal staff." The Congress has seen fit, again in its wisdom, to establish many components of the Executive Office by law and to prescribe their duties by law. Furthermore, the heads of the important components of the Executive Office are confirmed by the Senate. No less than eight heads of agencies in the Executive Office are subject to Senate confirmation. These agencies are Central Intelligence Agency, Office of Economic

Opportunity, Council of Economic Advisers, Office of Science and Technology, Office of Emergency Preparedness, Office of Telecommunications Policy, Office of Special Representative for Trade Negotiations, and the Council on Environmental Quality.

If the logic of the principle were carried far enough—if the President were to have transferred to him all the statutory powers of all the statutory agencies in the Executive Office, with power to reassign or redelegate at will, you can see what this means from the standpoint of the Congress.

It means that the Congress would be relinquishing to the President its constitutional power to prescribe departmental organization and to determine the locus of the appointing power. Even in the case of the great departments of Government, the Congress has been unwilling to leave complete discretionary authority in the department heads to organize and reorganize, to assign and reassign, as they see fit. The Secretary of Defense, for example, has considerable authority along this line, but major reorganizations of designated types have to be submitted to the Congress for approval. The Department of Transportation, the Department of Housing and Urban Development—in these and other cases, the Congress has prescribed to a certain extent the internal organization of the department, so that the head of the department cannot simply rearrange things according to his own judgment or whim.

CONGRESS IS CUT OUT OF THE PATTERN

Under this reorganization plan the Congress gets cut out of the pattern in some ways that are obvious and some ways that are subtle. Consider first the Bureau of the Budget. The Congress enacted some 58 statutory provisions, listed in our report—see House Report 91-1066, page 36—which apply to the Bureau of the Budget or its Director. The plan transfers these functions to the President. The President promises to delegate them back to the Bureau under its new name, Office of Management and Budget. At a later date, the President may decide to transfer some or all of these functions elsewhere in the Government. The plan gives him a free-floating mandate in this respect. Once the authority is lodged in the President rather than in the Bureau, he can do with it what he will. And this is more than a matter of reorganizing the Presidential office. The McCormack Act—section 301 of title 3, U.S. Code—enables the President to delegate functions, under specified conditions, to agency heads or other statutory officers throughout the Government. Testimony of witnesses before the subcommittee made it plain that the President might very well decide to retrieve some of the functions he would redelegate to the Office of Management and Budget, and assign them to other Government agencies.

Here we come to one of the subtleties of the situation. When the Congress enacts a law directing the Bureau of the Budget to perform specified functions, to discharge certain duties and responsibilities, then the Congress expects that the Director of the Budget, just as the head of any other Government agency, will report from time to time and give an account of his performance. It cannot expect quite the same response when the statutory functions are vested in the President, for the President represents the head of a separate branch of Government, whereas the Congress has constitutional authority to prescribe the departmental organization of Government and to vest appointing authority as it sees fit.

ILLUSTRATING THE SHIFT OF AUTHORITY

To illustrate the point that the statutory function vested in the Bureau of the Budget or its Director is something different from the same statutory function transferred to the President, consider section 20 of title 31, United States Code. It provides:

> The Bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue or appropriations, furnish the committee such aid and information as it may request.

Substitute "President" for "Bureau" and you have at once a different order of obligation and responsibility. The Congress cannot command the President like it does the Bureau of the Budget. Besides the specific statutory requirement to supply assistance and information to the designated committees, the Bureau of the Budget also is called upon by many other committees of Congress for advice and information on pending legislation and other matters of mutual interest. The Committee on Government Operations, for example, has frequent occasion to consult with Bureau officials concerning such matters as reorganization plans, accounting methods in the Federal departments and agencies, Federal property management, and legislation concerning administrative expenses or operations in the Government.

If we examined the numerous statutes enacted over the years with reference to the Bureau of the Budget, we would find that the statutory relationships of Congress with the Bureau involve such committees as Post Office and Civil Service, Armed Services, Veterans' Affairs, District of Columbia, Education and Labor, Interstate and Foreign Commerce, Public Works, and Foreign Affairs. These are just the committees with a statutory relationship, where the Bureau promulgates regulations. All committees, of course, are interested in the activities of the Bureau of the Budget because all programs go through a budget process, and all legislation goes through a clearance process in the Bureau.

Administration witnesses contended that such relationships with the Congress would remain unimpared despite the statutory transfer of powers to the President. This is not likely to be the case. Subtle differences develop when the law directed to a specific agency is handed to the President and injected into the aura of the Presidency. Sensitivities develop on the part of Executive Office officials as to what is privileged and what is not privileged, and the benefit of the doubt is given to the side of privilege for fear of embarrassing the President or prematurely making some statement which has not been approved or finally settled by the White House.

DOMESTIC COUNCIL BEYOND CONGRESSIONAL REACH

If the effect of the transfer of functions to the President is to place the Bureau of the Budget several steps farther away from the Congress, what shall we say of the Domestic Council as constituted under the plan? The Executive Director would be a Presidential assistant, and that relationship by itself is enough to move White House bureaucrats to put the stamp of privilge on the documents or deliberations of the Council. The committee was assured by administration witnesses that the individual members of the Council, that is to say, the department and other agency heads who might be designated to participate, would be available, as usual, to testify before committees and to supply information to the Congress. This is only seeming assurance. In fact, the department heads and others would be less inclined to discuss their problems freely before the Congress because of the likelihood that all important policies would be continuing matters of concern and consideration in the Domestic Council.

This is not to say that the Council itself would be the actual policymaking instrument. The active work would be done by the 90-member secretariat headed by the Presidential Assistant/Executive Director. The Council in the nature of the case would not meet frequently. The department heads are too busy to spend much time at it, and at best they would be a review rather than a policy-forming group. The basic work would be done by the Executive Director working through the secretariat and the ad hoc committees and subcommittees. Since the major justification offered for the Council and the secretariat is the importance of examining domestic policies and problems which cut across numerous agencies and the need to do a better job of coordination and coherence in policy development, then it is obvious that the veil of secrecy will be spread over larger and larger areas of Government policy-making. What such a Council distinctively has to offer will be withheld from the Congress. No administration witness was prepared to say that the Executive Director would be willing or be permitted to make an appearance before committees of the Congress or make any report or document of the Council available to these committees.

The distinction made in the President's message between policy formulation and policy implementation, assigning the first responsibility to the Domestic Council and the second to the Office of Management and Budget, accentuates the problem of congressional access. We believe that for many purposes, including the purposes of this plan, the distinction is naive and artificial to the extent that it is, or can be, applied in practice. It not only diminishes the importance of the budget agency but it gathers into the policy domain—the most important part—many matters associated with budget-making. These become less accessible to the Congress than if they were retained in the budget agency.

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REVERSAL OF ACCESS PRINCIPLE

It is curious and somewhat ironic that Reorganization Plan No. 2 of 1970 would cut Congress out of the pattern of access to basic information on domestic policy formation when, theoretically, the existence of a reorganization plan—having the force and effect of law—can be said to strengthen congressional access. This was the rationale put forward in asking the Congress to approve Reorganization Plan No. 2 of 1962, creating the Office of Science and Technology. Thus, President Kennedy, in submitting the OST plan, said it would "permit some strengthening of the staff and consultant resources now available to the President in respect of scientific and technical factors affecting executive branch policies and will also facilitate communication with the Congress."

Testifying in behalf of the 1962 plan, Elmer B. Staats, then Deputy Director of the Bureau of the Budget—now Comptroller General—said, in part:

> We recognize that the Congress at times will desire the testimony of an official who can speak authoritatively on the Government's scientific activities from an overall, rather than departmental, point of view.
>
> The Director of the Office of Science and Technology, in the same way as the Budget Director and the Chairman of the Council of Economic Advisers, will be free to appear before congressional committees.

Administration witnesses were quick to point out that the 1962 plan and the 1970 plan were somewhat different in content and purpose. Nevertheless, the principle is valid and should be be consistently maintained; namely, that when the Congress gives, through approval of a reorganization plan, statutory underpinning to a component of the Executive Office of the President, congressional access should be enhanced rather than retarded. I repeat that none of the administration witnesses was prepared to state that the Executive Director of the Domestic Council would be available to appear before congressional committees or to supply requested documents or other information concerning the work of the Council.

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CUTTING INTO CIVIL SERVICE COMMISSION

There are other features of this reorganization plan which raise serious questions. Although the plan does not spell out details, the President's message informs us that the renamed and expanded Office of Management and Budget, among other things, "will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of the civil service, in the broadest sense of that term." The message goes on to say that the OMB will not itself deal with individuals, but will depend on the Civil Service Commission and the employing departments and agencies to administer this program. These are intended to be words of assurance that the OMB will not take away from the Civil Service Commission its important program for the development of Federal executive talent. The words have not been reassuring enough. The subcommittee received testimony from the American Federation of Government Employees—AFL–CIO—and the National Federation of Federal Employees, which are unequivocally opposed to the personnel features of the reorganization plan because of the perceived threat to the role of the Civil Service Commission. Several other experts, including our former colleague, the Honorable Robert Ramspeck, also a former Chairman of the Civil Service Commission and a noted authority in Federal personnel affairs, took issue with this aspect of the plan.

Their concerns are not imaginary. If the OMB is made responsible for career personnel development in the manner indicated by the President's message, then the Civil Service Commission's program for career development will shrivel up and its standing in the Government permanently impaired. Split responsibilities are prejudicial to progress in this field. And remember that the OMB functions will be delegated by the President under the plan, so that inevitably the OMB participation in executive career development will be tinged with Presidential politics. The vexing problem of proper relationships between the Civil Service Commision and the White House, and the old argument whether the Chairman of the Commission should be formally constituted as a personnel adviser to the President, are revived in a new way by this plan. No less than the integrity of the Civil Service Commission as a professional, nonpolitical agency for advancement of the Federal career service is at stake.

ANOTHER ANOMALY

Among the anomalies in the personnel provisions of this plan is the following: on the one hand the OMB would reach into the jurisdiction of the Civil Service Commission with adverse consequences; on the other hand, the six high-level—Executive-V—positions which the OMB would acquire under the plan are in the competitive civil service. The appointees would be blanketed into permanent civil service positions, which a succeeding administration would have to accept. Our committee does not believe, nor do I, that such high-level policy positions should be in the competitive civil service. A new President should be able to select whom he desires for such policymaking responsibilities.

The anomaly derives from the fact that since the positions were created as a consequence of the "reorganization" concocted by the plan, the Reorganization Act requires that they be either in the competitive civil service or subject to Senate confirmation. In other words, we may presume that the drafters of the plan did not necessarily want to place these positions in the competitive civil service, but they believed they had no alternative.

Incidentally, it is not clear from the testimony precisely why these positions are needed or what responsibilities will be assigned. There was some discussion before our committee, and earlier before the Appropriations Committee, about the desire of the Bureau of the Budget to place functionaries in the field to serve as problem solvers or ombudsmen. On several occasions, as I understand, requests for field functionaries in the Bureau of the Budget have been rejected by the Congress. I am sure that every Member of Congress would want to know what kind of ombudsman services the Bureau has in mind for their districts and how many and what types of personnel would be involved.

OBJECTIONS IN SUMMARY

In summary, then, we disapprove Reorganization Plan No. 2 of 1970 for the following reasons:

First. The plan is not a genuine reorganization of the executive branch.

Second. The plan is not legally drawn.

Third. The plan would give the President a free-floating mandate to make further reorganizations without congressional approval.

Fourth. The plan would put the policy reins of Government in the hands of a faceless bureaucracy in the Executive Office beyond the reach of the Congress.

Fifth. The plan would blanket six new high-level positions for the Office of Management and Budget into the competitive civil service.

Sixth. The plan would threaten the integrity of the Civil Service Commission by permitting duplicative functions in the Office of Management and Budget for executive career development.

LEGISLATION AS ALTERNATIVE

In the bill, H.R. 17376, which we have introduced as an alternative to the plan, and which we promise to report out timely from the committee, the major objections to the plan are overcome. There is no transfer of functions from the Bureau of the Budget directly to the President. The Domestic Council is provided for, but its Executive Director would be subject to Senate confirmation, just as are the heads of eight other offices or councils within the Executive Office of the President. The bill also requires that the Executive Director submit an annual report to the Congress and provide the Congress with such other information as may be requested. Finally, the Domestic Council, under the bill, would have a tenure until June 30, 1973. In this way it could be determined whether experience warrants the continuation of the Council. Also, if a new President is elected in 1972, he would not necessarily be faced with a statutory organization he did not want to utilize. Under the plan, despite the emphasis on flexibility, the organization of the Domestic Council is frozen into permanence.

As you know, a reorganization plan must be voted up or down without amendment. The bill will give the Congress an opportunity to present amendments and to work its will on a complex and controversial matter.

In conclusion, I therefore request an "aye" vote on the resolution of disapproval which is before the committee.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. JONES of Alabama. In 1949 the members of the Hoover Commission made a report on this subject and it was not accepted by the Congress. It was discredited and it was not even entertained as being a valid proposal.

Mr. HOLIFIELD. I think this plan reflects a similar principle; it is practically the same.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from New York.

Mr. ROSENTHAL. Does the gentleman have an opinion as to why the President did not see fit under this plan to have the head of this proposed agency confirmed by the Senate?

Mr. HOLIFIELD. I can only make my deductions from what the Executive Director can do. The Executive Director will be the head of a staff of 90. He will not be confirmed by the Senate, nor will the 90 members of his staff be under civil service. Therefore, they can exert the claim of executive privilege and refuse to come before any committee of the House or of the Senate to testify as to their functions. Yet their functions are very important. They have to evaluate the programs. They have to coordinate the programs. They have to set the national priorities on these programs, in recommendations which they send to the President. The President can then send this to the Bureau of the Budget, and direct the Bureau of the Budget to implement it.

Mr. ROSENTHAL. It seems to me additionally, if the President sent such a nomination to the Senate, the proposed nominee would be subject to questioning as to his philosophy in the operation of this office. It may well be the President did not want that to take place.

Mr. HOLIFIELD. Well, that is one of the possibilities, although I think it is relatively unimportant, when we consider the more important fact that he will be behind the cloak of executive privilege and will not be responsive to congressional inquiries as to how and why he made certain recommendations, which we only see surfaced after the President makes his recommendations to the Bureau of the Budget and the Bureau of the Budget follows out the recommendations.

Let me say again, regarding this Domestic Council, the Director of the Budget is not on the Council, so he will not be privy by firsthand information and participation to the reasoning and the arguments that go behind the policies which they recommend, and the setting of the priorities on the programs which are before this group of political appointees.

Mr. ROSENTHAL. If the gentleman will yield further, it does seem strange to me that the head of the Office of Emergency Preparedness, which was organized by reorganization plan, the head of the Office of Science and Technology, which was organized by reorganization plan, and the head of the Office of Telecommunications Policy, which was organized by reorganization plan, are all subject to Senate confirmation.

Mr. HOLIFIELD. And the heads of other agencies, of which there are several, which I just read.

Mr. ROSENTHAL. It seems to me painfully obvious that the head of this proposed agency has a far more important function, in the light of congressional responsibility, than the head of any one of these other offices. If the President and the Congress saw fit for the heads of these other offices to be confirmed by the Senate, then serious questions are raised as to why this man was shielded from Senate confirmation and the questioning of the Senate. This is such a vitally important proposal.

Mr. HOLIFIELD. Let me say I agree with the gentleman when he says that this position is far more important, for instance, than the Office of Telecommunications Policy, or any of the other offices mentioned, because this Executive Director and his staff of 90 are going to be looking at the full domestic system in the United States.

They are going to be evaluating some 400 programs.

Mr. ROSENTHAL. All of the programs that will be enacted will be the ones that will be evaluated. Yet this office which deals with a very narrow field has to be confirmed by the Senate. There is a deep and serious question raised in my mind as to why the Senate saw fit to shield this proposed head of the agency from Senate inquiry.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I understand from the questioning of the gentleman from New York and the answers of the gentleman from California, as well as the position that the gentleman from California took in committee and the bill he has referred to which has been introduced and which is now resting in the subcommittee, that he makes some comparisons between the Executive Director of the proposed Domestic Counsel, and other heads of agencies within the Executive Office of the President some of whom are confirmed by the Senate, as you pointed out. I would like to comment that most of those you have discussed—not all of them but most of them—head up operating agencies such as the Office of Emergency Preparedness, the Peace Corps, the CIA, and others. Let us make another comparison here, however. We have the Director of the Bureau of the Budget, who is certainly one of the most powerful figures in the Office of the President. I think the gentleman from California would agree he is not subject to confirmation by the Senate.

Mr. HOLIFIELD. Oh, but I must stop the gentleman at that point and tell the gentleman that there is a statute which makes the Director of the Bureau of the Budget available to the Congress. There is a direct statute in the law that overcomes the fact that he is not confirmed by the Senate.

Mr. ERLENBORN. Will the gentleman yield further?

Mr. HOLIFIELD. I yield.

Mr. ERLENBORN. I am aware that that is true, but I thought the gentleman from New York was making the point that a man who is subject to Senate confirmation can then be posed a question as to his political philosophy. It seems to me what the gentleman from New York implies—and I guess the gentleman from California agrees with him—that the man who serves the Cabinet as well as the President in formulating domestic policy should be in tune with the political philosophy of the Senate rather than the President and his Cabinet, and that seems to make very little sense to me.

Mr. HOLIFIELD. No. I do not take that position. I say that the man who has such a powerful position as this is going to be a man with a big staff layered between the President and the Congress and that I believe he should be responsible to congressional inquiry as to his functions and decisions. If the President wants to keep this man within his own staff, which is the permanent staff that he has in his office, behind the cloak of Executive privilege, with all of the confidentiality that can be given to this man, that is one thing. When you take him out of the President's office as a presidential assistant and put him over here into a statutory body created by the Congress, then I submit you are doing a completely different thing.

Therefore, if the Congress creates by statute, it should have the right to inquire as to the functions of the individual. I had this experience with the Office of Science and Technology in a Democratic administration, I might say. We had an adviser to the President making decisions which were tremendously important in respect of different weapons defense systems, massive systems, with a great economic effect on the country. We could never find out why he advised that we should use system A as against system B. So I supported the reorganization plan which established the Office of Science and Technology as a statutory body and which requires the director of that office, Mr. Dubridge at the present time, to be confirmed by the Senate.

And, just 2 weeks ago before the Joint Committee on Atomic Energy, Dr. DuBridge appeared and testified as to the impact of atomic energy development on electrical generating plants, and what his ideas were with reference thereto. His testimony was most valuable and I was very glad that he did not have the cloak of Executive privilege surrounding him.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I would like to raise one other point because of the questions about the responsibilities of the Bureau of the Budget under section 101 of the reorganization plan, the transfer of functions to the President which reads as follows:

> There are hereby transferred to the President of the United States all functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget.

This means, in effect, that the Bureau of the Budget could be, if it has been transferred to the President, given to the Executive Director of the Domestic Council as one of his functions to operate as part of his responsibilities as

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Executive Director of the Domestic Council and as supervisor of this staff of people who will be developing domestic policy and further insulate the Bureau of the Budget from contact with the Congress.

Mr. HOLIFIELD. Well, of course, that is the basic question. The gentleman has hit upon the basic point. Do we as the Congress want to isolate a powerful staff of 90 people in the pocket of the President—and I say this most respectfully—in the immediate Office of the President, with all of the powerful decisions that have to be made relating to the selection of programs and functions and assignments and powers? Do we want to isolate them and insulate them against congressional contact?

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, let me just point out the fact that we know there are some 58 statutory connections between the Bureau of the Budget and the Congress. Now, as one who has grown unfortunately accustomed to being a Member of the minority in this Congress, I like to have that statutory connection between the Bureau of the Budget and hate to see it go and disappear completely from the authority of the Congress to the total authority of the President.

I say this because the day may come when we do not have a President who happens to believe and share the same political philosophy as the minority Members of Congress. Then the minority Members of Congress would be in a worse position, vis-a-vis the Bureau of the Budget than they are at a time when the Presidency is in the control of another party. But, the Bureau of the Budget still has a statutory connection with the Members of Congress.

Mr. HOLIFIELD. That is right. The gentleman has brought up the fact of the statutory functions, and this is in the report, the listing of 58 statutory functions which the Congress placed in the Bureau of the Budget. Did the Congress act idly in so doing? My opinion is that the Congress acted with deliberation in placing them in the Bureau of the Budget and insofar as I know Congress wants them to remain there.

I want to be completely fair. If they are transferred to the President, the President can transfer all of them back, but he does not have to do so. He can transfer half of them back and retain the other half, or he can take the other half or any portion thereof and transfer them to another agency.

In each case here he would exercise the power that would be given in the plan to do this. He would transcend the will of the Congress as expressed in placing those 58 statutes in the permanent receptacle of a statutory body created by the Congress with a permanent institutional memory, where we can go to the Bureau of the Budget on the basis of a straight statute that says they have to give this information to the congressional committees.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

I do not have the concern that some people do that the head of this Domestic Council be confirmed by the U.S. Senate.

Mr. HOLIFIELD. Not the Domestic Council, but the Executive Director.

Mr. WAGGONNER. Well, that the Domestic Director be confirmed by the Senate. I am not too concerned as to the civil service status of the supergrades because I at times have been critical of the supergrades and their policymaking authority which is immune from the will of any administration.

But I am concerned about the function of the Domestic Council and this is what I want to try to get clear. Is this Domestic Council in any way to be, if the presidential reorganization plan is approved, an operational agency?

Mr. HOLIFIELD. What meaning does the gentleman put on the word operational? They will operate, let me say it in this way, they will evaluate problems.

Mr. WAGGONNER. Which some programs need.

Mr. HOLIFIELD. Yes, indeed; yes, indeed; they do need. But they will also coordinate programs which I admit some programs need. But they will also set the national priorities.

Let us say that program A which the gentleman is very much interested in, has No. 1 priority in the eyes of the Congress that created this particular program, and suppose that this Council acting through its Executive Director and its 90 staff members should advocate that it be given priority No. 11 in place of priority No. 1, and this recommendation would go to the President. The President could direct the Budget Bureau Director to assign that priority to it in the allocation of the funds.

Mr. WAGGONNER. Can he not do that now to a point?

Mr. HOLIFIELD. Pardon?

Mr. WAGGONNER. Can he not do exactly that now to a point in establishing priorities?

Mr. HOLIFIELD. He can do it to a point, but we can call the Bureau of the Budget Director before us, and we can say, "Why was this changed from priority No. 1 to priority No. 11? What is the thinking behind it? What was the reason for this coordination?"

Maybe this decision coordinates the program across several different agencies. Would we then have to go to each one of these departmental heads and ask them, many of whom were not present when the decision was made by the staff of the Council, although they may have approved them, to get the information? And should we not be able to call the Executive Director before us and say, "Why did you do this?"

Mr. WAGGONNER. Is the approval of the Domestic Council required to administer or set into play any legislative act? Let us be specific. Let us talk about something I am very much interested in, which is public works. Is approval of the Domestic Council ever at any point in time required to gain approval of public works projects in addition to what the Bureau of the Budget presently does?

Mr. HOLIFIELD. I am going to let Mr. JONES of Alabama, a member of the subcommittee, who is on the Committee on Public Works, answer that.

Mr. JONES of Alabama. Mr. Chairman, the gentleman from California has been very explicit, and it says that priorities will be escalated through this superimposed body that will determine the priorities and needs of capital improvements in this country. So the consequences of that are that we are losing or we are lessening our capabilities as Members of Congress to determine the priorities and the needs and the geographical requirements of our country so that lessens what we have just been talking about. I concur with what the gentleman from California has said——

Mr. HOLIFIELD. It puts a layer of decision between the Bureau of the Budget and the President with the right to recommend to the President priorities on programs and policies.

Mr. JONES of Alabama. This will be a retardation of all the efforts that we have made.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield, let me ask one other question, if I may.

Could the President if given the authority he requests in this Reorganization Plan No. 2 transfer for example say, without being specific, functions of the Corps of Engineers to the Department of the Interior?

Mr. HOLIFIELD. I am not prepared to answer that from a legal standpoint.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I will yield to the gentleman in just a moment.

Out of the 58 statutes that are in the Bureau of the Budget, I do not believe any of those refer to the Corps of Engineers, but I might be wrong on that.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield again to the gentleman from Alabama.

Mr. JONES of Alabama. The question is not so much as to whether or not the Corps of Engineers will continue to exist, or another department or the Department of the Interior will continue. But there might be a reassignment of programs that are contained in the Corps of Engineers.

Mr. HOLIFIELD. That is as to the setting of national priorities.

Mr. JONES of Alabama. The Department of the Interior projects may be assigned to the Corps of Engineers.

What you are talking about is not a reorganization plan, as we sense it. It is a question of the functions of government. That is the total question we are examining here today. I hope and I plead that we will not retard the functions of government to be supplemented with a superimposed obligation to go through something more than they have to at the present time.

Mr. HOLIFIELD. I want to be as candid as possible and explain what I believe about the Corps of Engineers. I do not believe any of the functions of the Corps of Engineers would be disturbed by the President under this plan except in the field of setting priorities for projects which they handle. That setting of priorities is clearly set out in the testimony we have, that this super layer of 90 people will set national priorities.

Now they cannot impose them, but they recommend them to the President and the President recommends to the Bureau of the Budget, which sets the levels according to these determinations by this Domestic Council.

Now the thing that I do not like about that is—you cannot get to the Council—the Congress cannot come to the Council to find out why the President told the Bureau of the Budget Director to put a certain priority on a certain project—for example, to set it back 5 years or 7 years—and put something else up, which is more attractive to the staff of the Council.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. BROWN of Ohio. I think the gentleman is discussing the whole point of this plan, and that is that the Department of Transportation, for example, could develop its own policy recommendations within the department and then go into the Domestic Council where its recommendations along with the recommendations of other departments are filtered through the staff of the Domestic Council, the 90 people—who may either take it then into account or ignore it or develop its own recommendations on any facts and figures or any other matter.

You have presiding over the staff of that Domestic Council, which comes up with policy, a man who is also the assistant to the President.

So here is policy being developed literally over the heads of Cabinet officers—a man who takes that in to the President for his consideration and who is the President's personal adviser. That is the problem. Because when the Department of Transportation then comes before, for example, the Interstate and Foreign Commerce to discuss this, he is discussing not a policy developed within the Department of Transportation but rather a policy developed—vetoed, modified, or changed—by the staff of the Domestic Council.

Now, whom do you get before the Committee on Interstate and Foreign Commerce, to come out with and name all of the inputs—or who can put together all of the inputs that went into the policy development within the staff of the Domestic Council?

The answer is "No one." Because this is a decision of the Executive Director and the Domestic Council has the cloak of executive privilege.

So really what you are doing is extending the cloak of executive privilege throughout the policymaking functions of the executive branch of Government.

Mr. HOLIFIELD. I find that this colloquy with my colleagues is taking a great deal of my time and I did want to get on to some other important points.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. ERLENBORN. I thank my colleague for yielding.

Mr. Chairman, let me just very quickly make one or two points.

First of all, the plan we are considering does not add to or diminish the powers of the Office of the Presidency or of the Bureau of the Budget.

Second, we are talking of the formation of policy. This is now done, in part, by channeling suggestions from the various departments or agencies through the assistants to the President—those who have been described as the nameless and faceless people who make these policy decisions.

What we really would be doing with the Domestic Council is to allow the various Cabinet officers and agency heads to come in and participate in this process in a far more orderly and effective manner instead of trying to fight for the ear of the President through the assistants to the President.

Last, let me disabuse anyone if they have the idea that the Domestic Council is in any way going to be in the process of deciding the priorities for your particular public works project. It may be making recommendations to the President on such things as whether we should delay construction of Federal buildings, or something like that. But, it will permit consideration in a more effective way than is now done in an uncoordinated manner with the advice of his assistants and not in the formalized manner of having all the different agencies and Cabinet heads having an opportunity to participate in making recommendations.

Mr. HOLIFIELD. I thank the gentleman.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I am very intrigued by the nature of the lobbying that has gone on with the use of appropriated funds on behalf of this reorganization plan.

I am sure all Members of Congress have received letters from six members of the President's Advisory Council on Executive Organization, on the stationery of that advisory council, mailed under the frank, apparently rototyped by two different people, because three are from identical typewriters and the other three are from identical typewriters, urging all Members of Congress to support the reorganization plan and to reject a motion to disapprove that plan.

I should like to get the opinion of the gentleman from California as to the use of appropriated funds from the President's Council on Executive Organization for this form of lobbying. It seems to me that this might well be either a violation of a statute or certainly a very improper way to approach the Congress.

Mr. HOLIFIELD. Will the gentleman from New York (Mr. ROSENTHAL) read the statute? I believe it will answer the gentleman's question.

Mr. ROSENTHAL. If the gentleman from California will yield, 18 U.S.C. 1913 reads as follows under the title "Lobbying With Appropriated Moneys":

> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Then it goes on and suggests a fine.

Mr. HOLIFIELD. I believe the statute answers the gentleman very clearly.

I believe all the Members of Congress received these letters. The men are some of the finest businessmen we have in the United States. I do not believe that they knowingly violated the statute in regard to lobbying Members of Congress with money furnished by the appropriations process. I do not believe that they knew about this law.

As I have talked with them, I have found that in many fields they are very wise in their business proceedings, and that they are a little bit naive in governmental affairs.

They have probably innocently violated this statute, and I would certainly not ascribe any ill motives to them. They worked hard to prepare this plan. They were very anxious to put it over. I believe undue zeal on their part caused them to write these letters.

Therefore, I will let the facts stand as they do stand on that matter.

The CHAIRMAN. The gentleman from California has consumed 1 hour.

Mr. HOLIFIELD. Mr. Chairman, I reserve the remainder of my time.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for one question, in preparation for his remarks?

Mr. ERLENBORN. I yield to the gentleman from New York.

Mr. ROSENTHAL. I believe the gentleman from California raised an interesting point. Whether or not Members of the House are offended by the lobbying is a question for their own individual concern, but I believe the gentleman did raise a point that the men who are on the Presidential Commission are all distinguished men and they are dedicated to making the Government and particularly the executive branch more efficient. On the other hand, they do not have, it seems to me, the same commitment to the congressional responsibility. They do not have the same understanding, presumably, that we do of the equality between the President and the Congress.

I wonder if at some point in the gentleman's comments he might direct him-

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self to the imbalance, I think, created by this plan between the President and the Congress and the erosion of Congressional oversight responsibility.

Mr. ERLENBORN. I intend to do that, in answer to the gentleman from New York.

My first comment, to deviate somewhat from what I intended to say first, is that I noticed a lot of eyebrows up over there on the other side of the aisle, as though they are really quite surprised that the President would like to see his plan adopted and that the executive branch of this Government would try to influence Members of Congress to support something. I know this has never been done in the past and it is a new attempt that really catches these gentlemen by surprise.

Now, Mr. Chairman, on June 27, 1968, Richard Nixon, who was then a candidate for the Presidency, said that he favored the appointment of a Commission on Government Reorganization to set in motion a searching fundamental reappraisal of our whole structure of Government. He made it clear that he felt the need was not to dismantle the Government but to reorganize it. In furtherance of this objective, the President in April of 1969 established the Advisory Council on Executive Organization. The chairman named by the President was Roy L. Ash, president of Litton Industries, Inc. Other members are George Baker, dean of Harvard School of Business Administration, former Texas Governor John B. Connally, and a member of the same political party as the gentleman from California, the gentleman from West Virginia, and the gentleman from New York; Frederick Kappel, chairman of the executive committee of American Telephone & Telegraph; Richard M. Paget, a member of the New York management consulting firm; and Walter Thayer, the president of Whitney Communications Corp. The Council was asked to make a thorough review of the structure of the executive branch and to recommend to the President solutions to the organizational problems of the maze of Federal departments and agencies and offices created throughout the years. The need for such a review is apparent when one realizes the last thorough review in restructuring of the Executive Office of the President was accomplished in the 1930's culminating with the passage of the Reorganization Act of 1939. It was by virtue of this act that the Bureau of the Budget became an integral part of the Executive Office of the President, which was created by that act. Since 1939, as we are all aware, new Cabinet-level departments have been created as well as innumerable agencies and offices. In addition, literally hundreds of programs requiring executive administration have been established. Most of them require coordination among several agencies with the State and local governments as well.

Yet, in the face of the increased complexity of management of the executive branch, no basic restructuring of the Executive Office of the President has been accomplished. It was this basic problem which seemed to be the key in the opinion of the Ash Council to the several reforms in the executive management field and the executive structure that are so desperately needed to meet the needs of today. Thus Reorganization Plan No. 2 was suggested by the Council and enthusiastically adopted and recommended by the President. The resolution we are considering today would deny to the President the reorganization of his own Executive Office, which he and many others believe to be the cornerstone of the entire much-needed modernization.

The means to formulate policy; conduct proper mangaement of programs; resolve conflicts in administration; conduct oversight, which is so badly needed, and evaluation of existing programs; and in general to make the promises of legislative enactment possible of attainment.

The plan would do two things. It has been fairly well explained in the report of the committee, and to a certain extent it has been explained by the gentleman from California in his presentation.

First of all, it would create the Office of Management and Budget. The gentleman from California has pointed out the functions now assigned to the office of the Bureau of the Budget would be transferred to the President, and he has stated in his message it would be his intention to redelegate them to the Office of Management and Budget.

Now, I shall address myself a little bit later as to the reason for this and the rationale behind it. But this would leave the Office of Management and Budget as the Bureau of the Budget is now to perform the same functions.

In addition, the plan would call for the creation of a Domestic Council. I think it is important to understand that the kinds of decisions which will be made by the Domestic Council will aid the President in making his decisions rather than as they are now being made.

We are not giving the President any additional power by this plan. The President now must make policy and recommendations without a formal structure for its formulation. The plan would for the first time formulate a structure within which there can be discussion at the Cabinet level before policy decisions are made. Also, as the Council and as the President referred to it, there would be some institutional memory of the organization itself. Yes, today, we have the President getting advice from the different Cabinet-level departments and agencies. I know we are all aware of some administration Cabinet officer feeling that he does not have the ear of the President, that he has to go through some assistant to the President, and he can only get his story across by doing this. So, who today is it that performs the functions the Domestic Council would perform? The various assistants to the President who may at one time or another gain ascendancy in the estimation of the President and be able to filter the information that reaches the President.

So, what difference would there be with the Domestic Council? We would have a formal structure where the Cabinet members themselves could meet with the President as the chairman of this Council to discuss these problems so that the Cabinet officers would be making the decision as to what information the President should have about their departments and what they think should be the domestic policy of this country, rather than to have this filter through an assistant to the President as it has been done by President after President.

So, rather than consider the Domestic Council as some sort of structure that will insulate the President from the advice of his Cabinet, it is exactly the opposite. He is now so insulated by the assistants to the President who perform this function. The Domestic Council would provide a formal opportunity for Cabinet officers and agency heads to participate in meeting with and getting the information to the President and the alternatives which are available as to what is going on in the various departments and to give him alternative judgments upon which he can make determinations as to domestic policy.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Yes, I yield to the gentleman from New York.

Mr. ROSENTHAL. I do not view this plan in any partisan light at all. Having said that, let me say this: I was very intrigued by what Mr. Hickel said on television last night to the effect that he had great difficulty in seeing the President. It would seem to me that would be a matter of a relationship which could be straightened out by telephone.

The gentleman has suggested it would make it easier for Mr. Hickel to meet with the President, but we would be doing that at the cost of eroding congressional responsibility and oversight. It seems that is the problem we are faced with here today.

Mr. ERLENBORN. I shall be happy to answer the gentleman and to answer other questions which will be posed later, but I will address myself to that point right now because it seems to be the recurring theme of the opposition.

We know from the bill that has been introduced by the gentleman from California and the chairman of our subcommittee, the gentleman from Minnesota, what they would like to do as an alternative. Their bill would create a Domestic Council.

So I guess we are in agreement. I guess we do not have to argue the fact that we need a Domestic Council because they say in their legislation, "Yes, let us create a Domestic Council." So they must see some value to this as organizational structure. Their real complaints about the Domestic Council is first that the chief staff man, the Executive Director will not be confirmed by the Senate and second that the Executive Director and the staff of the Domestic Council will not be responsible to Congress.

The gentleman from California and the gentleman from Minnesota have gone so far as to suggest that the policymaking arm of the Presidency be subject to making annual reports to the Congress. The gentleman from New York suggests that the chief staff man who serves the Cabinet officers and the President in their formulation of domestic policy should be subject to interrogation by the Senate to determine whether or not his political policy is in conformity with theirs. Now how ridiculous can you be? Presently you do not have the assistants to the President who are performing this function subject to interrogation by the Senate before they are appointed assistants to the President. Presently, you do not have anyone in the administration subject to a searching inquiry as to what all the various suggestions may have been that have gone into the Office of the President in the formulation of domestic or international policy by the administration. And to suggest that somehow or other Congress should reach into the Office of the President and control the staff of the President in helping him formulate domestic policy seems to me to be utter folly and nonsense, and yet this seems to be what they suggest we should do.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would ask the gentleman do not Cabinet officers today get a review on a senatorial basis as to their approach in the policy development role, and yet the Senate does not draw a line between whether the Senate and the Presidency are held by the same political party? It is the prerogative of Congress to get into the policymaking areas. And if the Executive Director of this Domestic Council is going to supervise 90 people who will have a hand in the policymaking decision area it seems to me it is not such a ridiculous suggestion that he be confirmed by the Senate anymore than it is for a Cabinet officer.

Mr. ERLENBORN. I would suggest to the gentleman from Ohio in answering his question that policy is formulated probably in more than one place. It is not formulated only by the President. I think Congress has a role in formulating policy. I think the President has a role in making recommendations as to the formulation of that policy. And I do not know of any President who has suggested since we are working together, the executive and legislative branches, in the joint formulation of policies that the President ought to have some say as to who we hire on our staff in our job of making policy or that the President ought to have our staff reporting to him annually so that he knows what is going on in the legislative branch on the formulation of policy here in Congress.

Now I would like to go through the several objections that have been raised and try to answer them one by one. I do not think that anything new has been raised in the debate so far on the floor that was not in the report of the committee.

First of all it has been suggested in that report and here on the floor that all that needs to be done can be done more properly by the introduction of legislation. And some legislation has been introduced.

First of all I think that time is a factor. I think the job of reorganizing the Office of the President to make the Presidency as an institution more responsive and able and capable of performing its functions is upon us. I do not think there is any assurance, in fact I think hardly anyone would believe that we could complete legislative action in passing such a bill this year.

Second, I think the suggestions for the bill, as I have seen them, would probably make the contents of the bill less than acceptable to the President.

For instance, and this one item that I have already mentioned—the confirmation of the Executive Secretary of the Domestic Council by the Senate and the reporting by the Domestic Council annually to the Congress.

I know that this reorganization cannot be accomplished as timely, via legislation. Nor do I think the legislation would be effective in doing what the President ought to be able to do.

The point has been made by the subcommittee and the full comittee and reiterated in the report and again on the floor of the House here today, that somehow or other this plan violates the Reorganization Act. This can be a complicated legal argument, and I hope I will not get that deeply involved in it.

First of all, let me say there are two conflicting opinions, as the gentleman from California pointed out—one from the General Accounting Office and one from the Attorney General. The gentleman from California seemed to be surprised that the Attorney General would be issuing legal opinions. Of course, if he had not, we would only have one opinion from the General Accounting Office, and it was requested by the gentleman from California and it was favorable to the position that he held. So, let us be thankful, the Attorney General has rendered an opinion so a competing viewpoint can be heard.

The provision that the gentleman from California claims is contrary to the Reorganization Act and, therefore, makes the plan illegal, is the reference to the Executive Director of the Council.

I would like to read the language of the Reorganization Act that the gentleman relies upon. I will do this by leaving out some language which I do not consider to be necessary in the interpretation, so that it will only be a portion of the language, but it is, I think, the operative portion.

This is in section 904, subparagraph (2) of the Reorganization Act, United States Code 901–913, Reorganization Act of 1949, as amended.

It reads:

> A plan may provide appointment and pay for the head of one or more officers of an agency * * *.

Then it goes on later to say:

> The head so provided may be an individual or it may be a commission or board with more than one member * * *.

The very next sentence says:

> In the case of such an appointment * * *.

And that is in the singular and I would suggest that that refers back to the preceding sentence which talks of the head of an agency.

But it reads:

> In the case of such an appointment, if the appointment is not to be in a position in the competitive service, it shall be by the President with the advice and consent of the Senate.

I submit that what this requires is that a head of an agency created by the plan must be competitive service or be confirmed by the Senate.

Under the interpretatian put upon it by the General Accounting Office attorneys and by the gentleman from California, it is that all officers must be either in the competitive service or subject to confirmation by the Senate.

Even if this were true, I submit that there is no office created by this plan of the Executive Director. It provides an assistant to the President—an existing office, a person appointed by other provisions of the law—shall serve as the chief of the staff of the Domestic Council.

There is no provision in this plan for the pay of an assistant to the President and the Attorney General has so ruled—that the President has power under existing law to appoint an assistant to the President and to fix his compensation and to delegate to him whatever functions he wishes him to perform.

There is merely an acknowledgement in this plan that the President intends to delegate functions of the Executive Director of the Council to an existing official that he has the power to appoint—and that is the assistant to the President.

So I submit that the argument is not sound, that this violates the Reorganization Act. I think the reorganization plan before us conforms in all respects to the Reorganization Act.

The objection also is raised that the existing functions of the Bureau of the Budget are transferred to the President.

The President in his message indicated that he would redelegate these to the Office of Management and Budget.

Let me read here recommendation No. 3 for the executive, recommendations of the first Hoover Commission.

> The President should not be prevented by statute from reorganizing the President's Office and from transferring functions and personnel from one part of it to another.

I think what is suggested here is in keeping with that recommendation.

It is also recommended in the first Hoover Commission report, and I think it was repeated in the second Hoover Commission report, that the head of a department or an agency should be the one in whom functions reside, and he could then delegate to his subordinates the power to perform those functions. The Hoover Commission has warned us against creating separate authority in a subordinate of an agency. That again is a parallel to what we are doing in this plan.

The head of the Executive Office of the President obviously is the President. In him the function should reside. People who serve in the Executive Office of the President should not exercise independently power that is given to them, but this should flow through the President, and that is what the plan would do, and it conforms with the substance of the recommendation of the Hoover Commissions.

I think I have already pretty well covered the objection that the Executive Director of the Domestic Council and his staff would not be accountable to Congress.

Let me just suggest one other thing about that, however. It has been suggested that you would not be able to get the Executive Director up here to testify, to justify the policy recommendations of the President or of the administration. I think that this is only right. The Executive Director would be one in the position of doing the staff work for the Domestic Council composed of Cabinet officers. The Council would make recommendations to the President for domestic policy that might then become the administration's policy. That policy should be supported by the different Cabinet heads and agency heads, not by some sort of super secretary for domestic affairs.

If the Executive Director were to be subject to being called before the committees of Congress on all domestic affairs, he would not have time to do anything but be here on the Hill testifying before the committees. The mere fact that you had such a person who could be called upon by the committees would downgrade the importance of the Cabinet officers who are the ones who should come here to justify the policies that have been recommended by the administration within the scope of their departments. So that I think it would be a sad mistake to have this sort of super secretary subject to testifying on all domestic policy and downgrading the importance of all the Cabinet officers.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. MOSS. I wonder if I misheard the gentleman. The gentleman stated, as my notes indicate, that we would have this important new position doing the staff work of the Cabinet officers.

Mr. ERLENBORN. Doing the staff work for the Domestic Council, which is composed of Cabinet officers and agency heads.

Mr. MOSS. I believe the gentleman's words were "Cabinet officers."

Mr. ERLENBORN. I would hope the gentleman would not argue about semantics. The Domestic Council is composed of Cabinet officers and agency heads and those that the President may call in from time to time on an ad hoc basis. The staff work of the Domestic Council is to be performed by the Executive Director and those on the staff under his direction.

Mr. MOSS. I hope the gentleman would not feel I was indulging in semantics. I submit it would be a substantive difference between having the staff work done for the Cabinet and having some of the members of the Council doing that staff work or substituting. That is very different.

Mr. ERLENBORN. I hope the gentleman is reassured.

One of the other objections that has been raised and I do not think has been discussed very much on the floor here today—and I shall discuss it—is the question of the six new Executive Level V positions in the Office of Budget and Management. The point is made, somewhat contrary I think to other arguments at other times in the same controversy by those who oppose the plan, the point is made that these people are rather frozen in. These are going to be career civil servants. It seems to me the gentleman from California was arguing that the Reorganization Act required an Executive Director of the Domestic Council to be in the career service to conform with the reorganization plan of 1949.

But, that aside, I do not see any problem with an Executive Level V in the Office of Management and Budget. Yes, these are career positions. We already have executive level personnel in career positions in the Bureau of the Budget. This is nothing new. And I would point out that any of these people who are in executive level positions are not protected in their jobs. The civil service protection does not say this man holding this job will be forever in that job.

Yes, these are positions in the Office of the President, and the President ought to be able to change them—and he can under the civil service laws. The man is protected at his level. He can be shifted to another job. If someone is appointed to take his position in the Bureau of the Budget, he can be placed in another similar position—but he is not protected in the job.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, of course, in my opinion, this is the point, which is that we are creating six new Level V positons at $34,500, placing them in there with civil service tenure, and when the bumping process starts, that can mean he can bump lower grade people all down the line and retain his standing. They may be assigned to different jobs, I agree to that, but we are taking six political appointees and blanketing them in at Executive Level V with all the bumping privileges of career people who have been there for 20 or 25 years.

Mr. ERLENBORN. The gentleman may have some objection to the present civil service laws. I would only submit again we already have executive career people in the Bureau of the Budget, and there is no difference at all in that situation from this. They are entitled to the same bumping process.

Mr. HOLIFIELD. If the gentleman will yield again, they are in their places by longtime service, and these are political appointees who are set in above them. That is the point I am making.

Mr. ERLENBORN. The gentleman may differ with me, but my understanding of the civil service laws is that the executive level people now in the Bureau of the Budget are just as much political appointments. They have not necessarily come up any career ladder. It may, in fact, be they came up a career ladder, but the executive level appointments are not in the competitive service, and they do have to rise through that competitive service. So I think the situation the gentleman complains of exists today in the Bureau of the Budget, and if the gentleman wants to change the civil service laws, I think he will have to go to another committee.

Let me say, an objection was made in committee, and I have not heard too much objection about it on the floor, but I will anticipate those who read the report of the committee or may have this question on their minds—the objection was to downgrading the position of the Civil Service Commission in the formulation of programs for the attracting of career civil servants on the executive level of the civil service and training them and developing their careers and retraining them in the career civil service.

The plan does make reference, or the message of the President transmitting the plan does, to a function of this sort to be performed by the Office of Management. As a matter of fact, one of the things this plan would do would be to put greater emphasis on management. It would put greater emphasis on the management functions the Bureau of the Budget presently has—and many people do not realize it has presently those management functions. They look upon the Bureau of the Budget as merely a bookkeeping and budget operation.

I think it is important that we do take a greater degree of interest in management in the executive branch of this Government. As I pointed out earlier, I think the only way the things we promise to the people in the legislative enactments can ever be fulfilled is if we have good management.

But let me, to forestall any fears that the Bureau of the Budget or the Office of Management and Budget will be taking over from the Civil Service Commission, just point out this, which is not denied, I am sure, by anyone who is familiar with the Reorganization Act: No new duties can be created by a reorganization plan. No new functions are created by this plan. The only things the Office of Management and the Executive Office of the President can do if this plan is adopted are those things that they are presently authorized to do. No functions of the Civil Service Commission can be taken away by this plan. The Civil Service Commission is not even mentioned in the plan.

To again set at rest any fears anyone may have, let me point out that on the very last page of the report issued by the committee, there is a letter to the chairman of our subcommittee from the Chairman of the U.S. Civil Service Commission, Robert E. Hampton, endorsing this plan. Certainly he would not be endorsing a plan which would downgrade the importance of or the functions of the Civil Service Commission.

Mr. Jones, now in the Bureau of the Budget, the former Chairman of the Civil Service Commission, who is very knowledgeable in the field of management, testified before our subcommittee and did an excellent job of explaining the reasons why this plan should be adopted. He, as a former Chairman of the Civil Service Commission, explained that no diminution of the powers of the Civil Service Commission could be or were contemplated by this plan.

I believe I have answered each objection, one by one. Let me sum up by saying if there is any place the President of the United States should have some freedom of deciding what the organizational structure should be, so that an agency can operate and function properly, it ought to be in the Executive Office of the President.

The President should be allowed to have this plan go into effect. The work of the Ash Council should be endorsed by a rejection of the resolution of disapproval.

The National League of Cities, as Members probably all know, supports this. I do not believe anyone is going to object to their lobbying by sending letters to Members of Congress. I believe each Member of Congress got a letter from the National League of Cities strongly endorsing this plan. The National Conference of Mayors endorses this plan. An editorial in the New York Times, I believe on Monday of this week, strongly endorsed this plan.

We have, I consider, a very good reason to reject the resolution of disapproval, to allow the President to have the kind of reorganization that will upgrade the functions of his office so that he can perform the necessary duties of his office.

I hope all Members will join with me in rejecting the resolution of disapproval.

Mrs. DWYER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Chairman, I rise in support of Reorganization Plan No. 2. I believe it is a definitive step in the right direction in management in our Government. The people are asking for this kind of plan.

I associate myself with the remarks of the gentleman from Illinois, the able chairman of our Subcommittee on Executive and Legislative Reorganization.

It seems to me of utmost importance that we should today reject House Resolution 960, and approve President Nixon's sound and timely plan to exercise management responsibility.

Never before has a President been confronted with domestic issues of such vastness and complexity. Never before has the need for an Executive structure adequate to effectively plan, coordinate and evaluate domestic policy been as critical.

By his appointment of an Advisory Council on Executive Organization, the President redeemed his campaign pledge "to set in motion a searching fundamental reappraisal of our whole structure of government."

This plan is the first fruit of that reappraisal and gives promise of enabling the President to strengthen his control of the biggest, most sprawling executive branch in history.

I reject the arguments that have been advanced against the plan, but I do believe that much of the criticism could have been blunted had congressional input to the plan been possible earlier in its development. On the first day of this Congress I introduced H.R. 423 which would establish, on a continuing basis, a Commission on the Organization and Operation of the Executive Branch of the Government. I, and scores of other Members, have introduced such bills in previous Congresses as well. This type of commission which would include congressional Members has not been viewed with favor by any administration since Truman presumably because the Executive would prefer to keep control. However, congressional participation on the advisory panel might well have anticipated and obviated some of the objections heard now and, by the same token, a nucleus of bipartisan congressional support for the plan would be in existence before the plan was transmitted to the Congress.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois.

Mr. FINDLEY. I should like to compliment my colleague from Illinois for a very thorough and skillful presentation of the arguments for the reorganization plan.

Further, I should like to clarify a point. Am I correct that the President has enough authority to effect the substantive changes which are contemplated by this reorganization plan without reference to Congress? This means except for actual name change, and that alone.

Mr. ERLENBORN. I believe the answer to that, honestly, is "Yes." Most of the substantive changes which the plan would bring about the President could do by Executive order or internal reorganization. As to the creation of the council, many councils have been formed by Executive order or by informal action of the President.

I believe it is all to the credit of President Nixon that he sent up in the way of a formal plan so we could consider it.

Mr. FINDLEY. It is a demonstration of good faith toward the legislative branch, would the gentleman not say?

Mr. ERLENBORN. I would agree.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. As a former member of the Committee on Government Operations, I have listened with great interest and appreciation to the extremely lucid presentation of the gentleman from Illinois. I certainly want to congratulate him for his statements of fact today and to associate myself with his remarks, and also to thank him for his memorandum or letter of May 12, 1970, which I believe he addressed to each Member of the House, in which he undertook to answer point by point some of the objections that have been raised. Certainly he has succeeded in convincing me of the wisdom of adopting this plan.

I noted with great interest the various endorsements it has received. I would ask the gentleman am I not correct that Mr. Joseph Califano also, who was at one time the chief domestic officer in the White House under President Johnson, has endorsed this particular reorganization?

Mr. ERLENBORN. The gentleman is correct. Mr. Califano last Friday in an appearance before the Committee on Government Operations in the other body gave a very strong endorsement to this plan. Certainly this is a man who is well aware from experience of the problems that the President faces in the organization of his office and the kind of structure his office should have.

I would also point out that Mr. Califano made a similar recommendation for the Domestic Council many years ago. This is not a novel idea that was thought up by the Ash Council. Many people, including Mr. Califano, have suggested this sort of reorganization years ago.

Mr. ANDERSON of Illinois. If the gentleman will yield further, I thank him again for his explanation and join him in support of the reorganization plan.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I was interested in the response that the gentleman from Illinois gave to the question of the gentleman from Illinois (Mr. FINDLEY) concerning the power of the President to carry out these changes without this plan which we are considering here. I gather, then, that all we are really doing today is authorizing this 90-member staff. Is that correct?

Mr. ERLENBORN. No. I could certainly not agree with the gentleman on that. I said most of the basic things done by this plan the President could do. The creation of the domestic council, for instance. As a matter of fact, I do not think it would take any particular authority from the Congress to authorize the staff. I do not think that is really the basic point of this plan. The President has additional staff people in the Executive Office from time to time without affirmative authorizing action by legislative committees. I think that is more a budgetary matter. So I could not agree with the gentleman that that is the substance of the plan.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from New York.

Mr. ROSENTHAL. Is it the gentleman's position that if we permitted this plan to become law, it is an empty gesture and there is no requirement for it?

Mr. ERLENBORN. Hardly. The gentleman knows that I do not consider it anything like an empty gesture. I think it is an exciting proposal for a reorganization that is long overdue. I think it is a very important thing to give the tools to the President to perform those functions which we expect him to perform.

I know that people across this land are getting disenchanted with Government because it is apparently not responsive to their needs. We know that mayors find there are too many points of contact and young people feel that nobody is listening to their voices and there is criticism that there seems to be no coherent policy in Government. It is the tools of management that are sought by this plan and the additional powers that the President will be seeking in the Executive Office and other executive departments that are going to make the

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executive branch of this Government responsive to these demands across the country for better execution of our laws and the fulfillment of the promises that we make.

I think time after time we have passed legislation here holding out the promise of solving the problems of people and then they get bogged down in administration to the point where there is great disappointment with them. People get disillusioned. The promises are not fulfilled. It is only through better organization and a better executive branch that we will be able to avoid that pitfall in the future.

Mr. ROSENTHAL. Will the gentleman yield again?

Mr. ERLENBORN. I will be happy to yield to the gentleman.

Mr. ROSENTHAL. Am I correct in understanding the gentleman's response to the gentleman from Illinois (Mr. FINDLEY) was that the President could have done all of these things he seeks to do in this plan without the plan? He already has existing the statutory authority to do everything?

Mr. ERLENBORN. No. The gentleman misunderstands. I said most of the substance of it could be done by Executive order.

Mr. ROSENTHAL. Could the gentleman tell us what he could not have done that he seeks to do with the use of this plan?

Mr. ERLENBORN. Well, I do not know that I need to go into all of that. There are a few things that could be done only by a reorganization plan. One is to accomplish the recommendations of the Hoover Commission which focuses the responsibility for the exercise of authority in the head of the particular agency or department. There are several others.

Mr. ROSENTHAL. I am getting the feeling from the dialog that is going on here—not that we are being used in this thing—but the gentleman may well be correct that the President did not even need this plan and that this is some kind of response to the needs of the country for better management and this was the manner in which the President sought to do this.

Mr. ERLENBORN. I cannot agree with the gentleman. I think anyone who read the message of the President in transmitting this plan would know he feels the need for this reorganization and he wants the cooperation of this Congress in giving him the kind of structure in his office that will be responsive to the needs of the people.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. HENDERSON), the chairman of the Subcommittee on Manpower of the Post Office and Civil Service Committee.

Mr. HENDERSON. Mr. Chairman, I want to thank the chairman of the subcommittee for yielding to me and especially at this time in the debate.

I have not given attention to and do not feel qualified to talk, perhaps, on the merits of Reorganization Plan No. 2. But I feel compelled to point out what, in my opinion, is going to happen to our civil service system.

Mr. Chairman, I rise in support of House Resolution 960.

As a Member of Congress and as vice chairman of the House Committee on Post Office and Civil Service, I oppose the President's Reorganization Plan No. 2 because I feel it could be used as a basis for downgrading the statutory authority of the Civil Service Commission, endangering the nonpolitical nature of the civil service system and making the system subservient to the Executive Office of the President.

In his message transmitting the plan, the President stated:

> The new Office will also take the lead in devising programs for the development of career executive talent throughout the Government. Not the least of the President's needs as Chief Executive is direct capability in the Executive Office for insuring that talented executives are used to the full extent of their abilities. Effective, coordinated efforts for executive manpower development have been hampered by the lack of a system for forecasting the needs for executive talent and appraising leadership potential. Both are crucial to the success of an enterprise—whether private or public.
>
> The Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of civil service, in the broadest sense of that term.

Mr. Chairman, what does this mean? I fear that it simply means that, in time, a political patronage system, controlled by the White House, in which appointments and promotions to the top career positions in the executive branch would be politically motivated. Maybe President Nixon does not have this in mind; but the possibilities are always at hand.

We were disturbed at times during the Kennedy and Johnson administrations by a Presidential appointee serving in the dual capacity of Chairman of the Civil Service Commission and also as talent scout for top political jobs for the White House. Then too, there were brief rumblings of discontent when the word went out in 1967 that newly appointed career civil service supergrade personnel, people in the top Classification Act jobs GS–16, GS–17, and GS–18 had been invited to the White House for tea.

I regard the above as minor in comparison to what might well evolve from the plan, as detailed by President Nixon, in his message of March 12, 1970, to the Congress.

We have in the Federal Government's executive branch some 8,100 positions in the salary range of career executives, GS–16 level and above, plus about 22,000 employees who are in Grade GS–15. It is from the Grade 15 that many of our replacements go into the supergrade positions. My point here is that there is considerable personnel turnover every year. There are needs for overall control of our merit system.

The House Committee on Post Office and Civil Service, charged by the Congress with the preservation of the merit system in recruiting, hiring, training, promotions, and use of civilian personnel, in turn, looks to the Civil Service Commisson for monitorship. Reorganization Plan No. 2 simply takes from the Civil Service Commission a significant degree of such authority. Congress under the proposed plan would lose that degree of control over the employment and retention of thousands of high level Federal personnel.

For this important reason, Mr. Chairman, I must vigorously oppose Reorganization Plan No. 2, as it is now proposed. Plans for more control or better control of the vast operations of our departments and agencies, provided by this reorganization plan, are for naught if we also by such reorganization open the door for "buddyism" instead of the merit system.

Mr. Chairman, at this time, with numerous and varying personnel problems throughout the departments and agencies of the Federal Government, I believe our Government would be much better off by investing more responsibilities, personnel know-how, and funds in the Civil Service Commission rather than weakening this "watchdog" agency.

Mr. Chairman, in conclusion may I add that during the course of the public hearings on this plan—a former Member of this body, a former chairman of the House Committee on Civil Service, and later Chairman of the Civil Service Commission, Mr. Robert Ramspeck, spoke out strongly against any plan to take from the Civil Service Commission control of top positions in the Federal Government. National presidents of two of our largest Federal employee organizations, Mr. John Griner and Dr. Nate Wolkomir, each strongly oppose the plan.

Mr. FINDLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the resolution of disapproval. I would like to observe that what I think the young people, and people generally, are crying out for today is a little independence in their legislators and a little more definitive defense of the legislative prerogatives.

Mr. Chairman, seldom is it necessary for a President to avail himself of the unique opportunity provided by the Reorganization Act to bypass both the leadership and the legislative committees of the Congress with a reorganization package not subject to amendment.

The record will show that the most common form of reorganization is by statute, by positive substantive law, reviewed by the appropriate committees, and amended as the Congress sees fit.

Why did the President choose the less usual unamendable reorganization plan route for this particular package today? The answer should be obvious. Statutory reorganizations are open to amendment, and this plan, repugnant and damaging in some of its aspects to congressional prerogatives, would never survive the legislative process intact.

The question was asked by the gentleman from New York (Mr. ROSENTHAL) about what things this plan does or accomplishes that could not be accomplished simply by Executive order.

If the gentleman will look at the additional views that I have submitted in the committee report in connection with this reorganization plan, he will find them listed on page 20 and they are as follows:

First, the plan changes the name of the Bureau of the Budget to the Office of Management and Budget in order to convey a greater sense of commitment to the management needs of Government.

Second, this plan is necessary to overcome the limitations of the Russell amendment which places some limitations on funded interagency committees and similar units created by Executive order.

Third, to create six executive level V positions in the Office of Management and Budget, the plan is required.

Finally, the plan is absolutely necessary to authorize the President to receive total discretion in redelegating Bureau of the Budget functions to whatever agency or individual he chooses.

The objectionable aspects of the plan are pointed out in the committee report and effectively summarized on page 3.

I would only highlight a few of them here.

In the first place, as the committee report indicates, this plan violates the statutory requirement of the reorganization Act that officers authorized by reorganization plans be either confirmed by the Senate or be in the competitive civil service.

In disregard of this requirement of law, Reorganization Plan No. 2 provides that the Executive Director of the Domestic Council shall be an assistant to the President who, thus, is neither in the competitive service nor subject to Senate confirmation. As a Presidential assistant, he becomes cloaked in a silent shroud of executive privilege.

The plan may in fact name the nameless—but named or not, the Executive Director is still voiceless so far as the Congress is concerned.

If the basic Reorganization Act itself of 1949 which is used as authority for this reorganization plan is not an unconstitutional abdication to the President of essential legislative functions with which Congress is invested, it is at least a reversal of the constitutionally prescribed legislative process and is, to the degree that it strengthens the hand of the President vis-a-vis the Congress, in derogation of the power of Congress. As such, the Reorganization Act should always be strictly construed.

And this is not the first time that the administration has sought to stretch the limits of delegation under the Reorganization Act. For example, Reorganization Plan No. 1 of 1969 had the effect of authorizing an agency to exercise a function not expressly authorized by law despite the proscription of the Reorganization Act in this regard. The Interstate Commerce Act, under which the Interstate Commerce Commission was established, made no provision for selection of a chairman, yet plan No. 1 authorized the President to designate the chairman. In attempting to validate this apparent illegality, a previous violation to the same effect was cited by the administration spokesman as a precedent. That is a sad commentary on this process.

So it will be if we sanctify this illegality, it will become a precedent for the next violation.

Second, by permitting the transfer of all of the existing functions of the Bureau of the Budget to the President with almost unlimited power to redelegate, we will sanction the further obscuring from Congress of large and important areas now under our cognizance.

The establishment of the Domestic Council, chaired by the President, does not in itself concern me.

The President already chairs meetings of his Cabinet, or of such members thereof as he chooses to convene, such as the Urban Affairs Council and the Rural Council. But Reorganization Plan No. 2 freezes this structure into law for all future Presidents. Thus, I am more concerned about the effect of the plan in rendering unaccountable to Congress and beyond the power of Congress to question the Executive Director of the Domestic Council and his large staff who are charged with supporting policy development.

Moreover, the Domestic Council will find itself sandwiched between the upper and nether millstones of a Presidential assistant advising the President on policy decisions on the one hand and acting as Executive Director of the Domestic Council, developing policy recommendations, on the other hand. Incredibly enough, these two responsibilities will be exercised by the same person.

While wearing the hat of Assistant to the President, the President's chief aide will continue to be interposed between the President and his domestic Cabinet. He can mute the voices of the very Cabinet officers who are entitled to be heard by the President on the great domestic issues that concern them, and make it more difficult for Cabinet secretaries to respond to congresssional committee jurisdiction over their departments.

When this omnipresent individual puts on his other hat as Executive Director of the Domestic Council staff, he will insulate the Cabinet officers from their own departments as he and his staff filter information flows and alternative proposals from the departments and, in effect, control policy formation. Initiative could be impeded, alternatives blocked, and originality stifled as a strong staff director hammers out a consensus.

In thus bestowing additional power and prestige upon his principal assistant, the President may be aggravating problems which have already occasioned widespread concern. Evidences of this concern are revealed in a number of recent articles which I shall place in the Record following my remarks.

Let me quote the headline of only one of them, and that is the May 8th copy of the Wall Street Journal, which states, "An Inaccessible Nixon Stirs Anger and Despair Within the Administration. Aides Charged With Isolating the President. Some Officials Are Talking of Resigning."

The question raised here is whether or not the administration—the President—who has the ultimate responsibility—the man at whose desk the buck stops—is going to be more insulated from his Cabinet officers by this plan or whether his administration will be more available to those people who are actually charged in connection with the congressional process with the policy development responsibilities that Cabinet officers have traditionally had.

The burden of these articles is that Cabinet officers are insulated from the President by his aides. To elevate one of these aides to an even higher level of influence could only serve to further diminish each Cabinet officer while increasingly shutting off direct and private contact with the President.

Finally, it is very difficult to give a strong answer to the argument that the President should be permitted to reorganize his own personal office. However, that argument is not appropriately applied to this reorganization plan today. More than the President's Office is involved. We are asked to sanction today fundamental changes in the power structure of Government—the relationship of Congress to the Bureau of the Budget and the various Cabinet departments.

I think it is not too strong a statement to say that we are being asked to approve in this irregular reorganization plan procedure, the creation of a nonelected vice president for domestic affairs. While that idea may not be all bad, Congress, through appropriate committees of jurisdiction, should have been able to make its input to such reorganization.

To that end, then, the idea of an effective reorganization, I support legislation which has been introduced to authorize a number of the desirable aspects of the proposed reorganization plan. It is my hope that this legislation will be moved along rapidly and it will provide each Member a reasonable opportunity to pass upon the merits and demerits of such proposal as opposed to the nonamendable reorganization plan approach.

Contrary to those who are critical of this action of disapproval, I am not seeking to deny the President his right to run his affairs. We are instead seeking to exercise our constitutional right as a legislative body to work with him cooperatively to establish the structure best suited to safeguard and advance the rights of our mutual constituencies.

Mr. Chairman, I include at this point the newspaper articles I referred to:

[From the Wall Street Journal, May 8, 1970]

An Inaccessible Nixon Stirs Anger and Despair Within Administration—Aides Charged With Isolating President; Some Officials Are Talking of Resigning—White House Staff's Defense: Turmoil at the Top

(By Richard F. Janssen)

Washington.—A deepening malaise grips the highest levels of the Nixon Administration, as many of the men the President picked to help him run the Government find themselves increasingly cut off from access to the Chief Executive himself.

Cabinet members and sub-Cabinet officials complain that Mr. Nixon is insulated from them by a screen of elite aides; information and competing opinions fail to filter through to the lonely Oval Office. Issues pile up awaiting decision. When a decision does finally emerge, the Cabinet men and their top lieutenants may find it unrecognizable; their counsel has been overruled by the men in the tiny innermost circle.

Morale sags. Men who planned to stay the course now talk of leaving, and men who planned to leave at the end of the year talk of leaving now.

MANY ISSUES OF INVOLVED

The troubling situation can hardly be overstated. The unhappiness and disillusionment is deep and wide, predating Cambodia and Kent State and encompassing a range of domestic and foreign issues. Interior Secretary Walter Hickel's plaintive bid for the Presidential ear—a Cabinet member forced to write a letter and leak it to the press in order to obtain the President's attention—is merely the most dramatic and public evidence.

Consider these other examples:

Secretary of State William Rogers and Defense Secretary Melvin Laird have been caught off guard by some of the most momentous Nixon decisions regarding the Southeast Asian war, in part because of White House fear that their departments can't keep secrets.

Housing Secretary George Romney, reading the papers while on vacation in Hawaii, learned for the first time that the White House was contemplating deep cuts in his Model Cities budget. He is now back here—"hopping mad," according to a top aide—demanding a face-to-face confrontation with the President before a final decision is made.

A high Commerce Department official with a pressing question about a vital foreign trade policy problem strove in vain for one whole year to obtain an audience with the appropriate White House staffers.

A Transportation Department chieftain needing a Presidential yes or no on a plan for preserving rail passenger service was sidetracked so long that he toyed with the idea of stomping into the White House and setting up an electric train to dramatize his frustration.

AN OLD COMPLAINT

Disappointment over lack of access to a President is nothing new in Washington; a common capital cliche has it that the scarcest commodity in the world is the time of the President of the United States. But Nixon appointees can recite that cliche with unusual feeling—and now that Cambodia and the campus are such overriding concerns, officials handling less dramatic matters can expect to find the President even less accessible than before.

The lack of Presidential attention and the absence of clear policy positions result in frustrated floundering by administrators in such fields as budget and taxes, foreign trade, consumer protection, farm price props, school desegregation, urban improvements and the war on poverty.

Recent weeks have produced some agonizing economic developments, ones that presumably should have been receiving top-level attention and analysis. Yet at one time or another four key economic policy-makers—Treasury Secretary David Kennedy, Budget Director Robert Mayo, Commerce Secretary Maurice Stans and Federal Reserve Board Chairman Arthur Burns—were out of the capital on assorted missions in South America. Aides suggested, only partly in jest, that their bosses all figured they would be having no greater impact on policy remaining in Washington than traveling abroad.

BACK TO THE UNIVERSITY

Numerous second-level Administration men talk in private about cutting short their service in the Government. One sub-Cabinet-rank official who had expected to have a major role in making economic policy feels sufficiently shut out to be thinking now of leaving by the end of the year, rather than staying the whole four years. Another sub-Cabinet member begins stressing his university's desire to have him back teaching in February; associates are convinced he wouldn't be paying much attention to that deadline if he found his present work more rewarding. Speculation grows that some Cabinet men may quit after November's Congressional elections, if not before.

In December 1968, introducing his 12 Cabinet members to the American people on television, President-elect Nixon promised that "every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decision we can possibly reach." Yet today only four of those men—Attorney General John Mitchell, Secretaries Laird and Rogers and Labor Secretary George Shultz—are said to have ready access to the boss.

Mr. Mitchell, the bond-market lawyer who managed the Nixon election campaign, wields paramount influence; even the other three sometimes find themselves in the dark about what's on the Nixon mind. Only four days before the President announced the commitment of troops to Cambodia. Mr. Rogers was telling Congressmen such a course would mean "our whole program (of Vietnamization) is defeated." Earlier, Mr. Laird didn't know up to the last minute that the President would announce a decision to pull 150,000 troops out of Vietnam within 12 months; the Defense Secretary kept right on talking almost to the very end about 40,000 to 50,000 troops within four months.

In general, frustrated would-be policymakers concede high regard for the intelligence of the key men around the President. But there's deep resentment and growing concern about what is felt to be his overreliance on them. Besides Mr. Mitchell, the names most mentioned as part of the inner circle are John Ehrlichman, majordomo for domestic affairs; Henry Kissinger, the foreign-affairs counterpart; H. R. Haldeman, who decides which persons and papers get through to the President, and Peter Flanigan, general troubleshooter.

Frequently, however, a Cabinet member can't even penetrate to anybody in this inner circle, let alone to the President himself. White House men confirm that it's quite common for the head of a Cabinet department to be denied an audience with Mr. Ehrlichman and instead be shunted to one of his half-dozen deputies—even though the deputy may be half as old as the Cabinet member and far less experienced.

The official current defense of this procedure seems far removed from Mr. Nixon's December 1968 promise of easy access. "We can't have a lot of Cabinet guys running in to the President," a White House insider asserts, "or he'd never have a question refined to where it's worth his making a decision."

A NEAT SYSTEM

Another Nixon intimate rejects the suggestion that this emphasis on orderly processes denies the President any real feeling for what's going on around him and in the nation at large. Through memos and talks with the top staff aides, he insists, the President gets a very full understanding of what the Cabinet departments are urging. Even more important, this man argues, the present system somehow tends to keep the President from becoming overly preoccupied and immersed in any one problem—"He's not going down to the war room in his slippers like LBJ."

Views may quite legitimately differ, of course, on what subjects are vital enough to warrant speedy Presidential attention and decision. But many Government men complain that the current White House team often fails to recognize how important some matters are.

According to insiders, the "Railpax" plan for passenger service was mired for months outside the President's office, kept there by Presidental aides concerned over the potential budget impact. Finally, to force the issue, frustrated Transportation Department officials leaked a report that the plan had received the Nixon blessing. Some accuse Mr. Ehrlichman of recognizing this pressure attempt and retaliating by holding a decision back still longer. Now an impatient Congress has devised a costlier plan of its own—which the President is expected to accept.

The Commerce Department official (a Nixon appointee) needing guidance about possible expansion of trade with the Soviet bloc says he tried all through 1969 to obtain an audience with Henry Kissinger. He failed, and now others observe that, in the absence of a crystallized Administration position, Congress has done only minor tinkering instead of major "bridge-building" between East and West.

TAX INCENTIVE PLAN

The White House staff stalled for almost a year on details of a Presidential proposal for wealthy nations to give tariff preference to poorer countries. In the end, the original plan was approved, but meantime other key nations had impatiently gone ahead with plans of their own, and pessimists here fear it now may be impossible to get everybody in step.

A prime casualty of White House delays is the idea of tax incentives to business for helping solve social problems—training the hardcore unemployed and locating plants in poverty areas to create jobs there. In the 1968 election campaign, Mr. Nixon portrayed this approach as a cornerstone of domestic strategy. Even when the costs and complexities loomed larger and the once-sweeping schemes were pared down to pilot projects, Presidential Counselor Arthur Burns kept the concept alive.

When Mr. Burns moved to the Federal Reserve in February, however, nobody at the White House wanted to take over the idea. Instead, it was handed—without any Presidential guidance, and with instructions to do whatever they wanted—to two unenthusiastic Treasury men, tax policy chief Edwin S. Cohen and Internal Revenue Service Commissioner Randolph Thrower. Predictably, they have let the package languish. "Between Carswell and Cambodia, I doubt this ever came to the President's attention," asserts a disappointed advocate of the tax-incentive approach.

Even at the Budget Bureau, long the all-powerful overseer of all Presidential legislative proposals, the aura of cool command is fading. "The bureau was completely in the dark" about a Presidential effort to shape a major piece of labor law, says an official of another agency. "They were asking us who to contact at the White House to find out what was going on."

AN OVERLOOKED MATTER

White House aides may even be undercutting the Budget Bureau's most basic role—helping slice the fiscal pie. It was after the President brainstormed with his immediate staff that he suddenly decided to sweeten his school desegregation statement with a promise to divert $500 million from other domestic programs to help schools cope with racial problems. Nobody could say precisely where the money was to come from, however, because budget chief Mayo didn't even know of his huge new chore until he read about it in the papers. And the decision as to where the money is to come from still hasn't been made, six weeks later.

While that left-out feeling is perhaps most painful in such traditional Government power centers as the Budget Bureau, it is also demoralizing in less pivotal departments. Housing Secretary Romney hasn't minded admitting that programs to stimulate home-building must remain low in priority until inflation is checked, but he was stung to read while on his Hawaiian vacation that a big chunk of the extra school money was likely

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to be provided out of his already depressed urban programs.

"That's really an affront to a Cabinet member," observes one Romney aide. Another finds the slight all too typical of that "bunch of whiz kids" at the White House. Besides resenting the way the decision is being made, the HUD Secretary himself views the likely slashes in his budget as fresh evidence of something more troubling: A deep disdain for urban problems among politically oriented men in the White House.

UPSTAGED BY AGNEW

The Administration's school desegregation policy still is far from clear to the Government officials who must work in this field, even though the problem has received at least passing Presidential attention. In part, this confusion may stem from the fact that Health, Education and Welfare Secretary Robert Finch, the logical man to handle the matter, has been upstaged by a special White House panel headed by Vice President Agnew, and its workings remain obscure. The panel's staff chief, Robert Mardian, so diligently avoids reporters that down-the-line agencies despair even of learning about policy through the press. HEW's old-line Office of Education is in turn upstaged by Mr. Finch, and reports abound of Commissioner James Allen's early departure.

An Allen aide, Anthony J. Moffett, 25-year-old director of the Office of Students and Youth, announced his resignation just yesterday. Assailing recent Nixon and Agnew statements about young people and campus disturbances, Mr. Moffett said: "The President and his most trusted advisers do not view themselves as leaders of *all* of the American people."

Poverty-warriors in the Office of Economic Opportunity grumble that they face the ultimate embarrassment of a bureaucrat—decisions so sluggish that unspent funds may have to be turned back to the Treasury when the fiscal year expires June 30. The Ehrlichman operation comes in for criticism among HEW's welfare planners, too. They complain that the White House staffers simply don't know enough about the details to make decisions on crucial changes required by the Senate in the President's massive welfare reform plan. Veteran HEW experts would be happy to help, but no one asks. Says one with a shrug: "I guess the White House just doesn't trust us."

[From the New York Times, May 8, 1970]

HICKEL'S ADVISERS TELL WHY HE ACTED

(By E. W. Kenworthy)

WASHINGTON.—"Why Wally Hickel?"

That was the question asked all over this city today. How was it that Secretary of the Interior Walter J. Hickel—a former Governor of Alaska, a self-made millionaire, a heating and plumbing contractor, owner of shopping centers, motels and expensive housing developments—how was it that this man, so apparently square, should be the one member of the Cabinet to write a letter to President Nixon saying bluntly that his Administration was consciously alienating the young people of America by failing to communicate with them?

"It came right from the heart and it was meant for the President," said one Interior Department official today who is a trusted adviser to the Secretary.

The official went on to express regret that the letter had somehow leaked to the press, but he volunteered the feeling that, however much the White House might be angered by this leak and however much pressure was put on Mr. Hickel, the Secretary would not recant or retreat from his deeply held conviction that leaders of the nation had an obligation "to communicate with our youths and listen to their ideas and problems."

There was no doubt here, considering the risks to his political career, that Mr. Hickel had spoken from the heart. And there was not much doubt that he would not recant—his stubbornness is a byword.

But what had made him believe he must carry his dissent to the President? What influences had reenforced his own feelings? What events had preceded the sending of the letter?

To these questions, there came answers today from some of Mr. Hickel's closest associates who spoke freely but not for attribution.

And their answers served to dispel some cynical rumors here that the letter had been stage-managed by the White House, presumably in an effort to establish a belated Presidential liaison with the young people.

One man who has long been close to the Secretary gave this account today of the genesis of the letter.

"First," he said, "there was Hickel's own feelings about the Vietnam war. He has been increasingly turned off by it. He has said repeatedly [to friends]that 'If it comes to a choice between continuing the war in order to win it and the risk of increasing the contention in the country, with people set against people, I'm in favor of pulling out even if we lose it.' "

Second, this aide said, Mr. Hickel has undoubtedly been considerably influenced by three young assistants—Malcolm Roberts; Michael Levett, a graduate of the University of California law school at Los Angeles and a White House Fellow on assignment to the Interior Department; and Pat Ryan, formerly Mr. Hickel's special assistant when he was Governor of Alaska.

All of these assistants, it was said, have grave doubts about Vietnam policy and all have a sympathetic understanding of the problems of the young. Mr. Levett, for example, was once an assistant to former Senator Ernest L. Gruening, Democrat of Alaska, one of the earliest and most implacable critics of the war.

MEETINGS WITH STUDENTS

Third, according to this informant, Mr. Hickel has talked with a large number of college students who came to the Interior Department in connection with SCOPE (Student Councils on Pollution and Environment), a program sponsored by the Interior Department over the Christmas holidays. He saw many more in connection with Interior's participation in earth day on April 22.

"He's sensitive and perceptive to things he's seen and heard around him," one of his aides said today. On one occasion, he talked with nine students [in connection with SCOPE] for four hours. He became convinced of the seriousness and purpose of the young people."

Another aide said of these meetings with young people: "They had a real impact. He feels they are good kids, idealistic kids."

This associate said that the events in the last few days brought the Secretary's concern to the point of resolution.

THE CAMBODIAN DECISION

"Before the President's speech announcing the Cambodian invasion last Thursday night," the aide said, "the President briefed the Cabinet. Hickel was very disturbed by the escalation. He was also disturbed by the President's statement in his speech about 'great universities being systematically destroyed,' and his off-hand characterization of student dissenters the next day as 'bums.'

"After the Cambodian invasion," the aide went on, "there was a regularly scheduled staff meeting at Interior in which there was much discussion of the President's move. As a result of the discussion, Hickel got this thing that he had to go to the White House and talk to the President personally and make him see the error of his ways."

On Monday, the day of the Kent College killings, Mr. Hickel called the two eldest of his six sons—Walter, 21 years old, at the University of Alaska, and Jack, at the University of San Francisco.

"They were very upset," the aide related, adding that the Secretary has been very close to his sons. "After the telephone calls, he made up his mind he had to do something," the aide said, continuing:

"Through Pat Ryan, he tried to set up an appointment with the President. He was turned down, presumably by a White House aide. He then tried to see John Ehrlichman [Presidential assistant for domestic affairs] and he was out of town.

"Wally felt he just had to get it off his chest, and he called Rogers on Tuesday and said, 'I've just got to talk to you.' And Bill Rogers said, 'Come on over.' When he finished talking, he said, Rogers said to him, 'I agree with you.' "

When Mr. Hickel returned to his office, the aide said, he decided that, if Secretary of State Rogers agreed with him, he would write a letter to the President. He wrote a rough draft before going home and worked on it at home that night. Then on Wednesday, May 6, after talking with some of his advisers, he revised it and sent it off.

"ENGLAND'S CAMBODIA"

The aide related that Mr. Hickel, in order to make certain of his point about the youthfulness of the leaders of the "violent" colonial protest against England preceding the Revolution, had one of his assistants look up ages of Patrick Henry, Thomas Jefferson, James Madison and James Monroe. The aide also said that in the early draft of the letter, Mr. Hickel called the American Revolution "England's Cambodia."

The first reaction of the White House to the letter and the leak, the aide said, was one of anger. A White House assistant, it was related, called Mr. Ryan, the Secretary's personal assistant, and said: "If you find the S.O.B. responsible for leaking that letter I want you to fire him." To which Mr. Ryan was said to have replied: "If you find the S.O.B. responsible for not letting Hickel see the President, I want you to fire him." This afternoon the Interior Department issued a statement saying the department had been "swamped" with telegrams and telephone calls on the Secretary's letter, and that the comments were "overwhelmingly favorable."

"ANOTHER RIGHT ARM"

There was one call that indicated that the White House was fully aware of the impact of the letter and was attempting to convert the Secretary's new popularity into a line of communication between the President and the young.

John Ehrlichman, it was learned, called Mr. Hickel and said he was "offering him another right arm—the President's."

Mr. Hickel likes man-to-man dealings, and this, his friends say, accounts for his suggestion to the President yesterday that "you consider meeting, on an individual and conversational basis, with members of your Cabinet." He has seen the President privately only twice in 15 months.

He also chafes at restraints. Since Henry A. Kissinger, the President's foreign affairs adviser in the White House, has twice blocked his acceptance of an invitation by the Soviet Government to visit Russia, Mr. Hickel is not much enamoured by Mr. Kissinger, according to his friends.

Mr. Hickel often talks like an unreconstructed 19th-century, laissez-faire capitalist, and he has been an aggressive entrepreneur. But, his friends all attest, he thinks of himself as a populist, and he sometimes acts like one.

For example, when Governor, he got through the legislature a bill authorizing him to build a small state-owned refinery on the Kenai Peninsula sufficient for the state's own fuel needs. The state takes "in kind" the 12.5 per cent royalty due it from oil produced in the area, refines the crude and saves money. Mr. Hickel shrugged off charges that this was "socialism."

One friend said that Mr. Hickel, ever since he entered public life, has refused to attack opponents personally, insisting on trying to open communications with them and "bring out the best in them." That, his friend said today, was the reason he was appalled at what he views as Vice President Agnew's confrontation tactics, imputation of motives, and intemperate language.

[From the New York Times, May 8, 1970]

Washington: Who Advises the President?

(By James Reston)

Washington.—One of the most surprising things about the violent opposition in the Congress and the universities to the invasion of Cambodia is that President Nixon was genuinely surprised by it.

He was forewarned time and again by his own people about what would happen if he invaded Cambodia, but he was astonished when the warnings came true, and this is not the first time. He misjudged the opposition to his Supreme Court nominations of Judges Haynsworth and Carswell as much as he misjudged the opposition to his adventure in Cambodia, and this raises questions not only about his personal judgment but about where he is getting the advice he chooses to follow.

THE REJECTED FRIENDS

Paradoxically, his decisive advice is not coming from his oldest friends in the Cabinet. He has been closer personally to William Rogers, his Secretary of State, and to Robert Finch, his Secretary of Health, Education and Welfare, over the last fifteen or twenty years than to anybody else in his Cabinet or on his White House staff, but there is no evidence that they are his principal advisers on foreign or domestic affairs. In fact, they are probably more unhappy about the present plight of the Administration than anybody else in Washington tonight.

The Nixon Cabinet is clearly not playing the powerful role Mr. Nixon said he wanted it to perform at the beginning of his Administration. He was quite specific about what he expected from them during and after the Presidential campaign of 1968.

During the campaign he said: "The President cannot isolate himself from the great intellectual ferments of his time. On the contrary, he must consciously and deliberately place himself at their center. . . . This is one reason why I don't want a Government of yes-men. . . ."

When he introduced his Cabinet on television at the beginning of the Administration he said, "Every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decisions we could possibly reach."

But the Cabinet has not worked that way under President Nixon, any more than it did under Presidents Johnson and Kennedy. Increasingly, and earlier than in most Administrations, Mr. Nixon has isolated himself with a few members of his White House staff and followed the advice of Attorney General Mitchell and Vice President Agnew.

Thus, by the accident of a newspaper "leak," we now find Secretary of Interior Walter J. Hickel complaining in a private letter to the President that the Administration appears to lack an appropriate concern for the attitude of young Americans, and appealing to the President to keep in touch with his own Cabinet.

THE NIXON PARADOX

"Permit me to suggest," Secretary Hickel wrote, "that you consider meeting, on an individual and conversational basis, with members of your Cabinet. Perhaps through such conversations, we can gain greater insight into the problems confronting us all. . . ."

This helps explain what has been going on here behind the scenes. The President, for all his talk of "teamwork," has not been using to the full his Cabinet, whose members are in touch with the realities of the problems in their areas of responsibility, but has increasingly been closeted with his White House staff, who are more isolated from the people at home and abroad than almost anybody else in the Administration.

The result is that the President now finds himself precisely where he said he would not be: isolated from the great intellectual ferments of his time, and even from his own dissenting Cabinet members, and acting on assumptions which turn out to be false.

Accordingly, he is now in a dangerous situation, both at home and abroad. By his lunge into Cambodia, he has not destroyed the enemy or wiped out the sanctuaries, but aroused such a protest at home that he has committed himself to withdraw within seven weeks from Cambodia, thereby inviting the enemy to establish new sanctuaries in an area which includes the Cambodian capital.

In the process, he has not only divided his own Cabinet and party, but almost achieved the impossible goal of reviving the confused and incoherent antiwar movement and uniting the Democratic party.

This is clearly not what he intended, and it is amazing that it has happened to Richard Nixon. For he is a cautious man, who says he believes in careful staff work, getting the facts before he moves, organizing the Cabinet and listening to their views before he acts; but he didn't do it, and is now in a jam because he broke all his own rules about getting the facts and never being surprised.

[From the Washington Post, May 10, 1970]

Lack of Contact With Nixon Frustrates Economic Advisers

(By Hobart Rowen)

As expected, Nixon administration officials are going to considerable pains to assure the world that their boss' decision to widen the war will have either no effect or at worst a negligible impact on the economy.

But do they know what they are talking about?

It is becoming painfully clear that Mr. Nixon's economic advisers have been increasingly shut off from direct and private contact with the President and are able to deal, for the most part, only with subordinate members of the White House staff.

One must wonder, therefore, how secure is the analysis given by Treasury Secretary David M. Kennedy to the Senate Foreign Relations Committee that there would be no increase in expenditures this year or next year because of the Cambodian invasion. Budget Director Robert P. Mayo echoed this line, but he may be just guessing, too.

Kennedy and Under Secretary Charls E. Walker are also telling business groups publicly and privately that the administration "game plan" is still on schedule, with no big recession likely, despite the pessimism in the stock market and an unemployment rate which has jumped one-third in four months.

The Treasury Secretary even assured French Finance Minister Valery Giscard d'Estaing at Camp David last weekend that there would be no new inflation accompanying an expected upturn of the economy at the end of 1970. Yet Mr. Kennedy knew then, as he has since said publicly, that the administration's much touted budget surplus—even before the Cambodian complication—has disappeared.

M. Giscard d'Estaing felt re-assured by his conversations with Kennedy and later with Federal Reserve Chief Arthur F. Burns. But businessmen are taking all of Mr. Kennedy's, Mr. Mayo's and Mr. Walker's projections with many grains of salt.

The same wonderment is heard down the line in government departments where some of the most talented men in the administration are openly disturbed at the way things are going, and at the way their own agencies have been cut out of the decision-making process.

Only Economic Council Chairman Paul McCracken among key economic advisers does not report to Presidential Assistant John Ehrlichman (who supervises all domestic affairs for Mr. Nixon) or to aide Peter Flanigan.

Secretary Kennedy and Budget Director Mayo have found that they must do business with Flanigan instead of the President. On the rare occasions when they *do* get in to see Mr. Nixon, they are never alone with him; either Ehrlichman, Flanigan, or other aides are present.

Flanigan, 46, is a Wall Streeter and personal friend of the President's—but not an economist—who has acquired the authority to summon McCracken, Kennedy, Mayo and their subordinates to meetings on economic policy in his office.

The frustrations of the economic team—which parallel the experience in most other government departments—add to the confusion about what the executive branch is doing and saying.

The sudden nature of the invasion of Cambodia has the business community on edge. It is affected also by the unrest on the campus and in the country generally. Confidence in the dollar itself could wane with a widening home-front conflict.

Thus, there is skepticism among a business community that was counting on Mr. Nixon to rectify the mistakes that it chalked up against Mr. Johnson's record. It doubts that inflation is being brought under control, or that interest rates are coming down, or that we can avoid a fairly serious recession.

Now, it is stunned by Cambodia. That was the last thing that the business community, that likes to think of itself as a well-informed, had expected. Now, they don't know what comes next.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ERLENBORN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. Mr. Chairman, I thank the gentleman from Ohio for yielding, and I congratulate him on this effective opposition to the reorganization plan.

I would only ask that the gentleman consider for a moment and respond if he will to the thought that he and others who support this rejection of the reorganization plan have expressed great concern about the lost prerogatives of Congress or the jeopardy that the prerogatives are being placed in by this particular plan. Would the gentleman agree that which has long since been abandoned, namely, the prerogative of the Congress to initiate legislation and actually apply the oversight which it is charged with, has long since occurred, and it would be in the nature of locking the barn after the horse is gone to raise that issue at this point?

Mr. BROWN of Ohio. That is a concession, I might say to the gentleman from Arizona, that I am not ready to make. Otherwise I would not be serving

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in this body. Probably I would be at home writing nasty newspaper articles, as I was before serving in this body.

I do not think we are ready to accept that the legislative function is one that can be undertaken lightly in our Government today. We have a prerogative, it seems to me, which should be exercised, and that, I might say to the gentleman from Arizona, is the very reason I stand here today taking the position that I do. As I pointed out earlier in colloquy with the gentleman from California (Mr. Holifield), I have observed that administrations come and administrations go, and Members of Congress come and Members of Congress go, but the functions of the two responsibilities, it seems to me, ought to be kept pretty much in balance.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman from Ohio 2 additional minutes.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentleman from Ohio (Mr. Brown). He has made a splendid statement in opposition to the pending plan to reorganize the office of the President. The gentleman from Ohio is also a member of the subcommittee which I have the honor to chair. He also acquits himself well on that committee.

The gentleman from Ohio does not know it, but when we acted on this legislation before the full Government Operations Committee, I told the acting chairman, the distinguished gentleman from California (Mr. Holifield), that I reserved the right to vote against this disapproving resolution and for the reorganization plan because I am one of those who believes the President should have the power to appropriately reorganize the Executive Office. In some way, he should be closer to all of the agencies of Government and better prepared to direct their operations. He must have all the necessary tools to enable him to more effectively carry out his job. Not being a member of the subcommittee, I had not had a chance to examine either the hearings or the committee report when this matter came up in the committee.

After carefully examining the reorganization proposal, I have serious reservations about it, certainly, in its present form. Regrettably, the plan cannot be amended by the House. It must be accepted or rejected as it is. The gentleman from Ohio articulates very clearly the dangers of separating policy from administration, and policy from fiscal and management responsibilities.

I think it rather dangerous to place so much responsibility in the hands of a so-called Domestic Council composed of men already serving so many agencies and on so many committees and commissions that they will of necessity have to leave the basic responsibility for Council work and decisions in the hands of the Council's executive director and those who work under him. And the director will be immune from congressional probing, since there is no requirement that his appointment be confirmed by the Senate. I am also concerned over the question raised by my colleague from North Carolina (Mr. Anderson).

A professional staff, responsible only to the President, would be assuming responsibility as Mr. Brown so well said:

> For defining national goals, identifying priorities, recommending policy . . . and overseeing agency conduct and reviewing the administration of programs.

This "heart of Government operations" should not be handled in this way.

A so-called super cabinet composed of Cabinet members who have too little time now to perform responsibilities they already have, is not the answer.

I think the gentleman from Ohio has performed a great service, not only by the fine statement he has just completed, but through his separate views in the report of the committee. His fine discussion has had tremendous weight with me in the decision I have made to vote for the disapproving resolution and against the plan in its present form. I am fearful it has not been read by enough Members.

I am concerned that we cannot amend the reorganization plan. If we could appropriately do so I would have no hesitation in supporting it, because the President needs the right kind of help.

Mr. BROWN of Ohio. Mr. Chairman, I appreciate the sentiments of the gentleman from North Carolina (Mr. Fountain).

The point was made that this reorganization plan was recommended by an appointed commission, the Ash Commission, and the indication was that that made it something special. The gentleman knows, in the Government Operations Committee, we are looking into the inordinate use of separate commissions. It seems to me that also is a yielding of our congressional prerogative to a degree and something we ought to give consideration to.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. Jones).

Mr. HORTON. Mr. Chairman, will the gentlemen yield?

Mr. JONES of Alabama. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I rise in opposition to the resolution and in favor of the reorganization plan.

Mr. JONES of Alabama. Mr. Chairman, in the consideration of this proposition I believe that we should take some common basis of reasoning for what we are trying to decide; that is, whether or not the reorganization plan, even if effected, would be a helpful instrument or a helpful agency for the President of the United States to better carry out his occupation.

There is not a single thing this reorganization proposal has in it that the President does not already possess. It only represents a divestiture of legislative responsibilities which we possess now, which we would yield to the executive branch of the Government.

What we are seeking to do is to make the Bureau of the Budget a more responsive agency, an agency that will give us a reaction, will give us responses, will give us analyses, and will give us proportions on the various and going programs and schemes of the Federal Government.

If we impose on the Bureau of the Budget another executive agency which is going to take into account the priorities, the needs, the use and the disposition of the Federal Government, then we will less heed the needs of our people and our constituents.

It seems to me at this stage of the game, when we have been talking about bureaucracy, talking about overlaying in operations of the Federal Government and the frailties of the Federal Government in not responding to the people, that here we would engage another agency to make another and harder hurdle for the people who want to transact business with the Government.

Let us reason again. Let us talk about the functions of Government.

We had the reorganization under the first Hoover Commission report. This is just one of the propositions that was included in the Hoover Commission report in 1949. It was so totally discredited that the people on that side of the aisle would not accept it. It was looked upon and frowned upon as being a distraughtful thing, a frightening thing to the people who had to deal with the Bureau of the Budget.

Now we come along and we say we are only going to give the Bureau of the Budget the right to make priorities in use of all the public laws we have enacted, and we are going to superimpose another function on them, to give them the guidelines and to make this association of one agency to the other.

Under the provisions of this reorganization plan the functions of Government will be transferred. The legitimacy of that is set up. So we do not know where we stand or what the ultimate results might be if we transfer one activity or one agency from one department to another. It is not like saying that you are going to transfer the Corps of Engineers to the Department of the Interior. This is a question as to whether you want to transfer the functions of those agencies.

Now, the functions of Government are the most important thing that we have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. JONES of Alabama. We have invested in all of our public laws the responsibilities dealing with every agency of the Government. Those reviews must be cumulative and must be presented to the Bureau of the Budget so that they can receive expenditures, receive approval and approbation, and meet whatever other requirements are necessary. However, here we not only give that extended right, but we make a greater enlargement on it so that they can transfer the functions from one agency to another.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. Yes; I yield to the gentleman.

Mr. ERLENBORN. Let me reassure the gentleman that there is nothing in this plan that gives the President or anyone else the power to transfer functions from one agency to the other. There is nothing in this plan that disturbs the present status of the Corps of Engineers. None of the fears expressed by the gentleman are incorporated in this plan.

Mr. JONES of Alabama. I disagree totally with the gentleman that those activities cannot be traded under this arrangement. The question is not the organization of the agency but the functions of the agency can be transferred from one to the other. That is where the harshness of this whole transaction comes in. We are laboring under the notion that we are going to have a reorganization here. Why do we have to have a reorganization when every agency of the Government is responsible to the Bureau of the Budget, when all of its reports, all of its examinations, and all of its credentials must be examined there? Why do we want to come up here now and say that the Bureau of the Budget is incapable or is lacking in its capabilities for making an examination and then transmitting this to the Congress for the purpose of making national policy?

It seems to me that if we are going to do anything at all, it is to fortify the amount of money made necessary for the Bureau of the Budget rather than to create a superimposed agency to direct the Congress, the Bureau of the Budget, and the President and all other activities of the Federal Establishment.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

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Mr. Chairman, I take this time now to reiterate what I just told the gentleman from Alabama; namely, that there is nothing in this plan that would in any way derogate the powers, the functions, or the structure, including the functions of the Corps of Engineers or any other agency.

I would at this moment like to yield to the gentleman from California (Mr. HOLIFIELD). If I could have the gentleman's attention, I would ask the gentleman from California—and I will yield to him for the purpose of answering this question—in your opinion, is there anything in this plan that would allow the transfer of the functions of the Corps of Engineers or any other agency from one to the other; that is, anything outside of the Executive Office of the President?

Mr. HOLIFIELD. Well, all of the present functions of the Bureau of the Budget are transferred to the President. And, then, there is a separate law known as the "McCormack Act" whereby he can delegate throughout the Government. I also happen to know that there are other plans being prepared by the Ashe Council. I am not sure what those plans are.

So, I think the language is unclear, it is ambiguous. I think it is subject to different interpretation as was proven by the fact that the Attorney General and the Comptroller General, one gave an opinion that it was illegal and one gave an opinion that it was legal.

Mr. ERLENBORN. I must interrupt the gentleman at this point but I shall yield to him again in just a moment. I wish the gentleman would be responsive to my question.

Mr. HOLIFIELD. I thought I was.

Mr. ERLENBORN. I hope the gentleman will honestly answer this: Is there anything in this plan that will allow the President to transfer any of the functions of the Corps of Engineers?

Mr. HOLIFIELD. I do not believe so. I said that when I was in the well of the House, that I did not think it would be. I said also that the Domestic Council, acting through the Executive Director, could make program recommendations to the President setting up priorities on national programs, which, in turn, could be effective against projects of the Army Engineers.

Mr. ERLENBORN. Let me just wind up by saying that I wish to assure the gentleman from Alabama (Mr. JONES) that the understanding of the gentleman from California (Mr. HOLIFIELD) and my understanding is the same and that is the fact that the Army Corps of Engineers is not affected by this reorganization plan in any way whatsoever. The gentleman from California is right. Some other day—tomorrow, the next day or Saturday at some other time in the future—this question may come up and this Congress may have to pass on it either through substantive legislation or through a reorganization plan. But no powers of the Corps of Engineers are involved in this plan.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield further to the gentleman from Alabama.

Mr. JONES of Alabama. The gentleman from Illinois apparently is not acquainted with the law of 1899 in which that authority is vested in the President. So, consequently, in this reorganization plan, he does have that power and that authority.

Mr. ERLENBORN. Well, I decline to yield further to the gentleman from Alabama.

Let me again say that there is nothing in this plan to that effect. If there is some preexisting law that gives the President the right to do this, that stands on its own two feet. If the President has the power to do it today, he will have the power to do it tomorrow or Saturday if this plan becomes effective. But I understand that there are members of the Public Works Committee who have been given cause for thinking that something was going to be taken away from the Corps of Engineers or that their personal projects would have to be cleared through the new Domestic Council.

I want to reiterate once again that this plan does not do any of those things. These fears which are being spread may help defeat the reorganization plan, but the fears are totally unfounded. These tactics should not be used to defeat the plan. Arguments against it should be based on fact.

Mr. JONES of Alabama. Mr. Chairman, if the gentleman will yield further, I am pleased that the gentleman is making this legislative record because I think it is noteworthy. After all we are apprehensive not only as to this Budget Director but as to all past Budget Directors that we would receive proper consideration.

Mr. ERLENBORN. Well, I hope that I have been able to help allay the fears of the gentleman from Alabama.

Mr. JONES of Alabama. I will say to the gentleman further, if he will yield——

Mr. ERLENBORN. I yield further to the gentleman from Alabama.

Mr. JONES of Alabama. There have been great disappointments on the part of those who have worked so long and so hard and earnestly in the field of water resources development and we hate to see a superimposed authority over the Bureau of the Budget.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman from Illinois for yielding.

I would simply comment, in light of the gentleman's very explicit discussion of the strawman just raised, I would like to point at another one, if I may, Mr. Chairman, and that is the fear that we are insulating for all time a President who by nature is difficult to get to see.

As stated by the gentleman from Ohio and by several other Members who also support the disapproval resolution, this President is a difficult person to see. In my short memory and in my own short political memory, I can think of no President who was easy to see and simple to see.

It occurs to me that no matter what structure you erect or what structure is not erected a President who wishes to remain insular will remain insular and one who seeks out certain counsel is going to seek out that counsel regardless of the reorganizational plan you present or adopt.

So I submit that a few of the basic objections to the reorganizational plan simply will not stand examination. We recognize the need for some type of reorganization plan and I would hope that we could reject this disapproval resolution in order that we might get on with the business of reorganizing the executive branch.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been much argument this afternoon valid and very constructive, both for and against the Reorganization Plan No. 2 for 1970. I shall support the reorganization plan and vote "no" on the House Resolution 960.

Our Nation today is beset with many problems both domestic and international. The hue and cry today is for the President and for government including the Members of this Congress to find solutions to these difficult problems, and yet much of the blame from within Congress and from the public is directed to the President, that he must find solutions to our serious problems. That is what the President is asking for here—new opportunities, new legislation and a new working framework that he might use to develop better solutions to our serious problems rather than the cumbersome system that has been used in the past and up to the decade of the seventies. We need new ideas and new solutions.

For many years Members of the Congress from both sides of the aisle, for that matter, along with various task forces, study groups and independent scholars have called for reform in the Executive Office of the President. They have called for reform because they realized that the responsibilities of the President overburdened the machinery which he has to meet those responsibilities. They called for reform because they were unsatisfied with ad hoc and piecemeal arrangements with which one President after another has tried to fill this organizational gap. And the reforms they called for—again from both sides of the aisle—are by and large the same reforms which are contained in President Nixon's recommendation for a reorganization plan.

This reorganization plan has been a year in the making. It was prepared with the greatest amount of care, piece by piece and step by step. It was based on thorough and careful consultation with scholars, administrators, businessmen, Government officials both Democrat and Republican, from the present and the past, and Members of the Congress as well. From the vast array of studies which have been made about this matter, in and out of Government, the President's Advisory Council on Executive Organization drew out the very best ideas, refined them, brought them up to date and put them together in a reorganization plan which has been hailed from one end of the country to the other as the long awaited answer to a pressing governmental problem.

Now, at the end of this full year of study and work, a year of work which brought together the results of so many additional years of study by so many other people, in and out of Government, now at the end of all of this the Members of the House of Representatives are being asked by some to kill the plan after only a few hours or a few days of cursory examination. I do not believe that this is in the best interest of better Government. I hope the Members of this body will agree with me.

The cursory nature of the opposition's examination is evidenced by the many mistakes they have made in criticizing the bill presented here this afternoon. To mention just one example, some of the opponents this afternoon said this will change the powers of the Civil Service Commission. In truth the plan will not really change the powers of the Civil Service Commission in any way. In fact it gives the new Office of Management and Budget no power whatsoever to recruit, evaluate or train any individuals. When the critics make this argument, they are wrong on the facts and their error dramatizes the superficial nature of their analysis.

Or take another argument—the argument that department and agency heads will be downgraded by a new domestic head of the Domestic Council. In fact, the plan achieves just the opposite effect—it will enhance the role of the Department and agency heads, who will, after all, be the permanent members of this Council. Those who worry about the power given a new domestic head expose a weakness of their own argument by suggesting at the same time that the head of the Domestic Council be made responsible to the Congress. If there is any way to make this official less the servant of the President and the Cabinet officers and more independent and powerful, it seems to me it is removing him from the staff role and giving him an independent status.

The list of specific points of refutation could go on and on. Suffice it to say that the critics of the plan have not studied it at length, nor have they arrived at sound and reasonable objections to it so far as I can see.

I urge the Congress not to bend to this opposition but rather to uphold a program which is the result of thorough and lengthy study and which—for very good reasons—has drawn wide support within the Government and throughout the Nation.

The gentleman from New York suggested a member of the President's Cabinet was not available for the President and that statement was made, I understand, on a recent television program by the Cabinet member.

It seems to me, this is additional evidence that we need a program like this. I think this is additional evidence that we need a streamlining of the Cabinet and we need a streamlining of the executive department so that we can get decisions more quickly and increase the effectiveness of the executive.

Also, the gentleman from Louisiana a moment ago said, and it has been brought up again, that the responsibility and jobs of the Corps of Engineers are being delegated to the Department of the Interior by this reorganization plan.

It seems to me here again we are going to eliminate this very thing by this Council. Because we are going to have an organization that is going to bring the executive effort together to be sure that we do not have duplications of effort and responsibility. So far as I know, today it is possible for the Corps of Engineers and the Department of the Interior to be looking at one valley for a reservoir and up to the time of land acquisitions and advanced planning not know of the others interest. They might both be spending lots of money looking and planning for the same area.

For that matter, the Office of Economic Opportunity through some program such as Green Thumb might be looking to plant trees out there. The Department of the Interior might also be looking for a place where they might have a national landmark. The Department of Agriculture might be considering a small watershed project. There would be four executive agencies each spending money and time on one project without any knowledge of the other. So it seems to me, we would be eliminating these very things. Coordination is essential for efficient and effective government.

Then, finally, the gentleman from Ohio made mention of the young people of our Nation, that the young people had problems and want to see better government and new responses from the Government. They want to see an independent attitude of Government, especially of their legislators.

What is the cry today of the young people? Reform—reform and progress. If there is one word that typifies our American society, I suppose that one word would be "change".

I say that today if you vote to not allow the President to reorganize the executive branch in the decade of the seventies, are you being progressive? Are you living up to the dynamic changes that exist in our society?

Or are you being the progressives and reformers that the young people want to see?

If we really want to solve the problems of the seventies and be prepared for the problems of the eighties, we had better make some changes in government so that we can keep up with them and you have the opportunity today to do just that.

If you believe in reform, change, and progress, you will vote "no."

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I oppose Reorganization Plan No. 2 of 1970 and shall vote for the disapproval resolution. This will be with some regret, because certain objectives of the plan are conceptually appealing. For instance, I find merit in the proposition that the Bureau of the Budget should be changed so as to strengthen its management functions. Unfortunately, the course which the President's plan would follow is far too uncertain.

Part I of the plan starts out by transferring to the President all the functions that Congress has vested in the present Bureau of the Budget or its Director. The Bureau would not be abolished but just renamed as the Office of Management and Budget. For at least a moment, though, it would be an entity in suspended animation without powers or duties.

According to the President's message, he intends to delegate his newly acquired functions to the Office of Management and Budget as soon as the plan takes effect. The reason for this procedure, as the Bureau of the Budget explains, is that "by vesting all Bureau functions in the President, it will be possible for him to make subsequent delegations of unrelated functions to appropriate agencies."

The Bureau also tells us that the transferred functions which might be redelegated by the President would be "ministerial," like setting per diem or uniform allowances. But nothing in the plan nor in other law requires that the functions subject to redelegation by the President to the head of another Federal agency shall be limited to any particular type. Presumably, the Bureau's reference to ministerial functions means those which involve no exercise of discretion. But we must not forget that these may include matters of great con-

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sequence and complexity requiring a large measure of ability, judgment, and experience for their resolution.

The present Bureau of the Budget carries a heavy cargo of important statutory functions. The Congress loaded this cargo, just as the Congress also created the Bureau itself and in 1921 and then in 1939 allowed its transfer from the Treasury Department to the Executive Office of the President. When President Franklin Roosevelt proposed this transfer he spoke of the purpose in his message. He stated there that many of the Bureau's activities would be facilitated if the Bureau were not part of one of the executive agencies. Thus, the very reason for the Bureau's present location is that it should be able to maintain its separate functional identity.

A list drawn up by the Bureau of the Budget shows 58 of the statutory functions that would be transferred under the plan. This list, which does not include all statutory references to congressionally imposed functions, appears at page 36 in House Report No. 91-1066 on House Resolution 960.

The diversity and significance of many of these functions may be shown, I think, by some of the subjects they cover:

(1) Agency reviews of their operations.

(2) Comparability of Federal and private salaries.

(3) Travel and subsistence expenses.

(4) The Agricultural Trade, Development, and Assistance Act of 1954.

(5) Department of Defense stock funds.

(6) Disputes concerning prison-industries products.

(7) Organization and management of the Executive Branch.

(8) Collection and dissemination of statistical information.

(9) Servicemen's Group Life Insurance.

(10) Post Office Department fund transfers.

(11) Reimbursements for excess property transfers.

(12) Fiscal and policy control of automatic data processing.

(13) The Demonstration Cities Act.

(14) Specialized or technical services for States and local governments.

(15) Coordinating Federal information collection.

(16) Fund transfers to or from the CIA.

In dealing with this plan we confront the possibility that under it any President, not merely the incumbent, could parcel out any or all of the transferred functions to the head of almost any executive agency. It is easy to imagine that persuasive grounds might be advanced to make any number of transfers from the Presidency or from the Office of Management and Budget to other agencies. Let us look at some possible examples: Fiscal and policy controls over automatic data processing—to the General Services Administration or the Department of Defense. Regulation of per diem allowances—to the Civil Service Commission. Designation of specialized or technical services—to the General Services Administration or the Department of Health, Education, and Welfare. Comparability of Federal salaries with those of private enterprise—to the Department of Labor or the Civil Service Commission. Coordination of collecting Federal information under the Federal Reports Act—to the National Archives.

Mr. Chairman, I am not ready to endorse a plan which in effect would deny Congress a voice in making changes like these.

At least 12 standing committees of the House have interests which directly relate to one or more of the 58 Bureau functions I mentioned before. The breadth of this interest adds to the gravity of the choice the plan requires us to make because of its omnibus transfer of Bureau functions to the President.

I believe there is a compelling need for further consideration of this issue by the Congress. During the committee hearings on House Resolution 960, the Assistant Director of the Bureau of the Budget was asked about the opportunity Members of Congress were given to comment on the plan before it was formally submitted. Here is how he replied:

> Well, we unfortunately were not able to reach everyone that we had wanted to reach in the time that we wanted to reach them. We did make every effort we could to talk with people before it came up. I would agree with Mr. Brown that it would have been desirable, however, to have had more time.

Mr. Chairman, I am pleased that this needed time can now be obtained—even though the plan is rejected—as a result of the introduction of legislation to enact many of the features of the plan. It is my understanding that the majority of the Committee on Government Operations intends to report out such a bill. In this way each Member of Congress will have the opportunity to make his own constructive contribution to the achievement of the worthy objectives of Reorganization Plan No. 2.

Mr. Chairman, I am also alarmed about the President's plans for the Civil Service. There are many, like the gentleman from North Carolina (Mr. HENDERSON), who feel the merit system, so laboriously built by the Congress over the years, is being endangered by this reorganization.

During our hearings, representatives of the major Government employee organizations testified. John F. Griner, the president of the American Federation of Government Employees, claiming representation of 650,000 Federal employees, said that part 1 of the reorganization plan "would seriously undermine and, perhaps, irreparably shatter the still uncompleted structure of the Federal employee merit system." He was referring, of course, to the section dealing with the new Office of Management and Budget and the President's intention to give it a key role in recruiting, motivating, deploying, training, and evaluating career executive talent throughout the Government.

Mr. Griner's alarm was shared by Nathan T. Wolkomir, president of the National Federation of Federal Employees, another large group of Federal workers. He said his organization stood unequivocally against the plan and "We are naturally concerned if there is any possibility for having a spoils system even if only limited to the top ranks of the Civil Service." He spoke also of the fact that executive manpower development is a function now being carried out by the Civil Service Commission and that it should remain in the Commission.

A former Assistant Postmaster General, not now in the Government, strongly opposed this aspect of the plan, stating that he saw no reason why the management career service should be separated from the rest of the Civil Service and transferred over into the White House. He said he was well aware of the pressures that can be brought upon personnel officials of the Government by people on the President's staff to take certain actions not necessarily in the best interest of the Federal Government or the senior career service.

Probably the most telling advice on this matter was given by our former colleague Robert Ramspeck, who was at one time chairman of the Committee on Post Office and Civil Service and later a Chairman of the U.S. Civil Service Commission.

Bob Ramspeck said the only way we can have a merit system in the Government is to have a bipartisan commission and he could not support that part of the plan that would put the recruitment and training of people in the Budget Office.

These are powerful voices raised in behalf of the merit system in Government. I, for one, cannot support a reorganization plan that would reverse the clear trend toward a nonpartisan, professional career Civil Service uninfluenced by White House politics.

Mr. Chairman, I think there are important substantive objections to the plan and I think we have been kind of fencing a little bit this afternoon.

I wonder if I can try to put this, at least so far as I am concerned, in focus.

Very candidly, there was a discussion about the question of the members of the Council, Mr. Ash and his colleagues using Government appropriated funds in lobbying Members of Congress on the value of this plan.

I personally am not very offended by that. I think perhaps if I had been the author of the plan, I might have with some degree of zeal urged the Members of the House to support the position that I had taken.

But the point that was made that the members of this Commission who are all substantial executives in their field have a kind of enamored view of executives and executive departments.

I do not think that they have the understanding of the role of Congress that all of us have, nor do I think that they have a commitment to the integrity of Congress that all of us have. I remember learning in school that we are coequal branches of Government, and all of us grew up understanding that this meant some degree of equal responsibility and equal ability to act.

What has developed in the recent past is a technological imbalance. The fact that the President has at his command the tools and techniques of the mass media, television, his ability to call instant press conferences, and things of that sort gives him a unique advantage over us, over the Congress. That is something that the Constitution did not intend.

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What this plan does is to continue to rivet into the coffin of the Congress the weakness that the growing bureaucracy of the Executive has. I do not suggest that this is particularly true of the present incumbent of the White House, but it is a system that we have permitted to grow. Up until now we have found that the Bureau of the Budget, by statute, is a very responsive body. They have residing with them today 58 functions that Congress specifically gave to them, and under this plan these 58 functions will be transferred to the President for his disposal to other areas of Executive responsibility; additionally, the Executive Director of the Domestic Council, who will in fact be the domestic czar and be the boss of the Cabinet officers who are participating in major decisions affecting the future of legislation, will be totally unresponsive to the Congress.

This plan, if we go forward with it—and I am beginning to doubt that we will—will voluntarily give away more of the congressional responsibility than any single piece of legislation we have considered in the last half dozen years. We are almost illicitly strengthening the hand of the Government in the claim to efficiency. Now, efficiency is a very nice thing to have around. But if you are going to make more efficient a former coequal, but now someone in much greater strength and magnitude, then you have destroyed the whole constitutional system under which we have operated.

My other very strong objection to this plan is that it does not make for open government. My very good friend from Indiana and my good friend from Illinois have talked about the demand of students for reform, and they have talked about the winds of the change. But the one thing that they forgot to mention is that if this plan moves forward it makes for more closed government. It is opposed to open government. This again is another classic example of the one thing we have learned in the last 6 or 7 years, that Congress, by forfeiting its responsibility, lets the Executive on occasion—and I use this word very, very cautiously—almost run amok. We are continuing to let the Executive gain strength at our loss, and we are giving up review of 58 statutory functions that we have specifically delegated to the Bureau of the Budget. We are forgoing the opportunity to question under congressional scrutiny the head of the Bureau of the Budget.

My friend from Indiana has suggested that the President is inaccessible. He has raised that issue. There has been conversation about the inaccessibility of the President. I do not suggest that this President is more or less inaccessible than any other President, but we are contributing to the bureaucracy that prevents us from having accessibility to the President.

I think it is a fact, and I would like to put it in the RECORD and will ask to do so when we go back into the House some recent comments in the press.

The May 8 Wall Street Journal says: "Turmoil at the Top; an Inaccessible Nixon Stirs Anger and Despair Within Administration; Aide Charged With Isolation of President; Some Officials Are Talking of Resigning."

In the Washington Post the headline says: "Lack of Contact With Nixon Frustrates Technical Advisers."

The New York Times of May 1970 says: "Nixon Too Aloof, Officials Charge, Complaints of Inaccessibility Growing in Washington."

What we are doing here is hurting the President and building another superbureaucracy to prevent any accessibility to him.

What we are trying to do is not only destroy congressional prerogatives, but also destroy the Presidency. How much further can we continue to isolate the President from the realities of our society? We are having a super-duper Director of a super Council direct the Cabinet officers and prevent them from consulting with the President and seeking his assistance on the programs they want.

How can we intelligently call ourselves legislators if we are going to participate in the most hypocritical action of efficiency I have ever seen.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I do not agree that the President is going to remove himself from anyone. He is a part of this Council. He is going to be bringing all the effort of the Executive toward solving one problem, assuring that we are not duplicating efforts, and exerting all our efforts on the problem and finding quick solutions.

Mr. ROSENTHAL. Mr. Chairman, I include certain editorials at this point for the information of the Members:

[From the New York Times, May 10, 1970]

Nixon Too Aloof, Officials Charge, Complaints of Inaccessibility Growing in Washington

(By E. W. Kenworthy)

WASHINGTON, May 9.—"The White House has paid damned little attention to our report or to working with those who wrote it," a member of the staff of the National Commission of the Causes and Prevention of Violence asserted recently.

The top aide of the commission added that, when the report was completed last December, President Nixon at first showed some interest in it. But, the staff member said, the President delegated the whole matter to John D. Ehrlichman, his assistant on domestic affairs, and Mr. Ehrlichman in turn delegated it to Egil Krogh, one of his assistants.

What upset the commission staff member about the alleged White House neglect was that the studies prepared for the violence commission contained recommendations on how to respond to the dissent and disaffection of the young.

But, he went on, the President and his closest advisers "did not turn to us. They had made up their minds simply that the kids are wrong and everything is a matter of law enforcement. Now they are paying the price of having lost faith and trust in the academic community and the young."

TYPICAL OF GRIEVANCES

This complaint about the purported inaccessibility of President Nixon to all but a few of his inner circle of personal advisers in the White House was typical of the grievances privately voiced by high officials in the wake of the disclosure of a critical letter sent to the President by Secretary of the Interior Walter J. Hickel.

In the letter, Mr. Hickel pleaded with the President to open channels of communication not only with the young but also with his own Cabinet. Perhaps through such conversations," Mr. Hickel wrote, "we can gain greater insight into the problems confronting us all, and, most important, into the solutions of these problems."

What seemed peculiarly ironic to many observers in Washington and in the academic community was that Mr. Hickel was begging the President to do what he had pledged himself to do during his 1968 campaign.

In a speech on his concept of the Presidency, Mr. Nixon had said that a President "should not delude himself into thinking that he can do everything himself, or even make all the decisions himself. America today cannot afford vest-pocket government, no matter who wears the vest."

BROADEST POSSIBLE BASE

For that reason, the President continued, he did not want a Cabinet of "yes-men," but one with the broadest possible base whose advice to him would be filtered through the best thought in the country. Because "the lamps of enlightenment are lit by the spark of controversy," he said, "dissenters would be brought into policy discussions to insure a true ferment of ideas."

To judge from the high-level complaints of what has been described as the President's isolation, his practice has fallen far short of his prescription.

The most startling revelations of the President's decision-making process and the closeness with which he holds his decisions involved Secretary of Defense Melvin R. Laird and Secretary of State Willliam P. Rogers.

Mr. Laird did not know until the last moment that the President had decided to announce that 150,000 men would be brought home from South Vietnam over the next year. Mr. Laird had confidently told associates and key members of the Senate and House Armed Services Committees that Mr. Nixon would announce the withdrawal of 40,000 to 50,000 troops over four months.

CONTRADICTIONS FOUND

Mr. Rogers told a House Appropriations subcommittee on April 23 that "we have no incentive to escalate" the war, and that any diversion of troops into Cambodia would defeat "our whole program" of Vietnamization. Five days later, South Vietnamese troops, with United States advisers and the support of American aircraft, struck across the Cambodian border; seven days later, United States troops attacked in the Fishhook area.

Instances of failures in communication—either as a result of the President's self-imposed isolation or the zeal with which he is protected by the concentric White House rings around Mr. Ehrlichman and Henry A. Kissinger, the foreign affairs adviser—are plentiful.

For example, George Romney, Secretary of Housing and Urban Development, has complained that for long stretches he has not been able to reach the President by telephone. And Mr. Romney learned while on vacation in Hawaii of White House plans to take money from his Model Cities program to help finance the program to improve some schools in Negro areas and to desegregate others.

Lack of Contact With Nixon Frustrates Economics Advisers

(By Hobart Rowen)

As expected, Nixon administration officials are going to considerable pains to assure the world that their boss' decision to widen the war will have either no effect or at worst a negligible impact on the economy.

But do they know what they are talking about?

It is becoming painfully clear that Mr. Nixon's economic advisers have been increasingly shut off from direct and private contact with the President and are able to deal, for the most part, only with subordinate members of the White House staff.

One must wonder, therefore, how secure is the analysis given by Treasury Secretary David M. Kennedy to the Senate Foreign Relations Committee that there would be no increase in expenditures this year or next year because of the Cambodian invasion. Budget Director Robert P. Mayo echoed this line, but he may be just guessing, too.

Kennedy and Under Secretary Charls E. Walker are also telling business groups publicly and privately that the administration "game plan" is still on schedule, with no big recession likely, despite the pessimism in the stock market and an unemployment rate which has jumped one-third in four months.

The Treasury Secretary even assured French Finance Minister Valery Giscard d'Estaing at Camp David last weekend that there would be no new inflation accompanying an expected upturn of the economy at the end of 1970. Yet Mr. Kennedy knew then, as he has since said publicly, that the administration's much touted budget surplus—even before the Cambodian complication—has disappeared.

M. Giscard d'Estaing felt re-assured by his conversations with Kennedy and later with Federal Reserve Chief Arthur F. Burns. But businessmen are taking all of Mr. Kennedy's, Mr. Mayo's and Mr. Walker's projections with many grains of salt.

The same wonderment is heard down the line in government departments where some of the most talented men in the administration are openly disturbed at the way things are going, and at the way their own agencies have been cut out and of the decision-making process.

Only Economic Council Chairman Paul McCracken among key economic advisers does not report to Presidential Assistant John Ehrlichman (who supervises all domestic affairs for Mr. Nixon) or to aide Peter Flanigan.

Secretary Kennedy and Budget Director Mayo have found that they must do business with Flanigan instead of the President. On the rare occasions when they do get in to see Mr. Nixon, they are never alone with him: either Ehrlichman, Flanigan, or other aides are present.

Flanigan, 46, is a Wall Streeter and personal friend of the President's—but not an economist—who has acquired the authority to summon McCracken, Kennedy, Mayo and their subordinates to meetings on economic policy in his office.

The frustrations of the economic team—which parallel the experience in most other government departments—add to the confusion about what the executive branch is doing and saying.

The sudden nature of the invasion of Cambodia has the business community on edge. It is affected also by the unrest on the campus and in the country generally. Confidence in the dollar itself could wane with a widening home-front conflict.

Thus, there is skepticism among a business community that was counting on Mr. Nixon to rectify the mistakes that it chalked up against Mr. Johnson's record. It doubts that inflation is being brought under control, or that interest rates are coming down, or that we can avoid a fairly serious recession.

Now, it is stunned by Cambodia. That was the last thing that the business community, that likes to think of itself as well-informed, had expected. Now, they don't know what comes next.

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TURMOIL AT THE TOP: AN INACCESSIBLE NIXON STIRS ANGER AND DESPAIR WITHIN ADMINISTRATION; AIDES CHARGED WITH ISOLATING PRESIDENT; SOME OFFICIALS ARE TALKING OF RESIGNING; WHITE HOUSE STAFF'S DEFENSE

(By Richard F. Janssen)

WASHINGTON.—A deepening malaise grips the highest levels of the Nixon Administration, as many of the men the President picked to help him run the Government find themselves increasingly cut off from access to the Chief Executive himself.

Cabinet members and sub-Cabinet officials complain that Mr. Nixon is insulated from them by a screen of elite aides; information and competing opinions fail to filter through to the lonely Oval Office. Issues pile up awaiting decision. When a decision does finally emerge, the Cabinet men and their top lieutenants may find it unrecognizable; their counsel has been overruled by the men in the tiny innermost circle.

Morale sags. Men who planned to stay the course now talk of leaving, and men who planned to leave at the end of the year talk of leaving now.

MANY ISSUES INVOLVED

The troubling situation can hardly be overstated. The unhappiness and disillusionment is deep and wide, predating Cambodia and Kent State and encompassing a range of domestic and foreign issues. Interior Secretary Walter Hickel's plaintive bid for the Presidential ear—a Cabinet member forced to write a letter and leak it to the press in order to obtain the President's attention—is merely the most dramatic and public evidence.

Consider these other examples:

Secretary of State William Rogers and Defense Secretary Melvin Laird have been caught off guard by some of the most momentous Nixon decisions regarding the Southeast Asian war, in part because of While House fear that their departments can't keep secrets.

Housing Secretary George Romney, reading the papers while on vacation in Hawaii, learned for the first time that the White House was contemplating deep cuts in his Model Cities budget. He is now back here—"hopping mad," according to a top aide—demanding a face-to-face confrontation with the President before a final decision is made.

A high Commerce Department official with a pressing question about a vital foreign trade policy problem strove in vain for one whole year to obtain an audience with the appropriate White House staffers.

A Transportation Department chieftain needing a Presidential yes or no on a plan for preserving rail passenger service was sidetracked so long that he toyed with the idea of stomping into the White House and setting up an electric train to dramatize his frustration.

AN OLD COMPLAINT

Disappointment over lack of access to a President is nothing new in Washington; a common capital cliche has it that the scarcest commodity in the world is the time of the President of the United States. But Nixon appointees can recite that cliche with unusual feeling—and now that Cambodia and the campus are such overriding concerns, officials handling less dramatic matters can expect to find the President even less accessible than before.

The lack of Presidential attention and the absence of clear policy positions result in frustrated foundering by administrators in such fields as budget and taxes, foreign trade, consumer protection, farm price props, school desegregation, urban improvements and the war on poverty.

Recent weeks have produced some agonizing economic developments, ones that presumably should have been receiving top-level attention and analysis. Yet at one time or another four key economic policy-makers—Treasury Secretary David Kennedy, Budget Director Robert Mayo, Commerce Secretary Maurice Stans and Federal Reserve Board Chairman Arthur Burns—were out of the capital on assorted missions in South America. Aides suggested, only partly in jest, that their bosses all figured they would be having no greater impact on policy remaining in Washington than traveling abroad.

BACK TO THE UNIVERSITY

Numerous second-level Administration men talk in private about cutting short their service in the Government. One sub-Cabinet-rank official who had expected to have a major role in making economic policy feels sufficiently shut out to be thinking now of leaving by the end of the year, rather than staying the whole four years. Another sub-Cabinet member begins stressing his university's desire to have him back teaching in February; associates are convinced he wouldn't be paying much attention to that deadline if he found his present work more rewarding. Speculation grows that some Cabinet men may quit after November's Congressional elections, if not before.

In December 1968, introducing his 12 Cabinet members to the American people on television, President-elect Nixon promised that "every man in this Cabinet will be urged to speak out in the Cabinet and within the Administration on all the great issues so that the decisions we make will be the best decision we can possibly reach." Yet today only four of those men—Attorney General John Mitchell, Secretaries Laird and Rogers and Labor Secretary George Shultz—are said to have ready access to the boss.

Mr. Mitchell, the bond-market lawyer who managed the Nixon election campaign, wields paramount influence; even the other three sometimes find themselves in the dark about what's on the Nixon mind. Only four days before the President announced the commitment of troops to Cambodia, Mr. Rogers was telling Congressmen such a course would mean "our whole program (of Vietnamization) is defeated." Earlier, Mr. Laird didn't know up to the last minute that the President would announce a decision to pull 150,000 troops out of Vietnam within 12 months; the Defense Secretary kept right on talking almost to the very end about 40,000 to 50,000 troops within four months.

In general, frustrated would-be policy makers concede high regard for the intelligence of the key men around the President. But there's deep resentment and growing concern about what is felt to be his overreliance on them. Besides Mr. Mitchell, the names most mentioned as part of the inner circle are John Ehrlichman, majordomo for domestic affairs; Henry Kissinger, the foreign-affairs counterpart; H. R. Haldeman, who decides which persons and papers get through to the President, and Peter Flanigan, general troubleshooter.

Frequently, however, a Cabinet member can't even penetrate to anybody in this inner circle, let alone to the President himself. White House men confirm that it's quite common for the head of a Cabinet department to be denied an audience with Mr. Ehrlichman and instead be shunted to one of his half-dozen deputies—even though the deputy may be half as old as the Cabinet member and far less experienced.

The official current defense of this procedure seems far removed from Mr. Nixon's December 1968 promise of easy access. "We can't have a lot of Cabinet guys running in to the President," a White House insider asserts, "or he'd never have a question refined to where it's worth his making a decision."

A NEAT SYSTEM

Another Nixon intimate rejects the suggestion that this emphasis on orderly processes denies the President any real feeling for what's going on around him and in the nation at large. Through memos and talks with the top staff aides, he insists, the President gets a very full understanding of what the Cabinet departments are urging. Even more important, this man argues, the present system somehow tends to keep the President from becoming overly preoccupied and immersed in any one problem—"He's not going down to the war room in his slippers like LBJ."

Views may quite legitimately differ, of course, on what subjects are vital enough to warrant speedy Presidential attention and decision. But many Government men complain that the current White House team often fails to recognize how important some matters are.

According to insiders, the "Railpax" plan or passenger service was mired for months outside the President's office, kept there by Presidential aides concerned over the potential budget impact. Finally, to force the issue, frustrated Transportation Department officials leaked a report that the plan had received the Nixon blessing. Some accuse Mr. Ehrlichman of recognizing this pressure attempt and retaliating by holding a decision back still longer. Now an impatient Congress has devised a costlier plan of its own—which the President is expected to accept.

The Commerce Department official (a Nixon appointee) needing guidance about possible expansion of trade with the Soviet bloc says he tried all through 1969 to obtain an audience with Henry Kissinger. He failed, and now others observe that, in the absence of a crystallized Administration position. Congress has done only minor tinkering instead of major "bridge-building" between East and West.

TAX INCENTIVE PLAN

The White House staff stalled for almost a year on details of a Presidential proposal for wealthy nations to give tariff preference to poorer countries. In the end, the original plan was approved, but meantime other key nations had impatiently gone ahead with plans of their own, and pessimists here fear it now may be impossible to get everybody in step.

A prime casuality of White House delays is the idea of tax incentives to business for helping solve social problems—training the hard-core unemployed and locating plants in poverty areas to create jobs there. In the 1968 election campaign, Mr. Nixon portrayed this approach as a cornerstone of domestic strategy. Even when the costs and complexities loomed larger and the once-sweeping schemes were pared down to pilot projects, Presidential Counselor Arthur Burns kept the concept alive.

When Mr. Burns moved to the Federal Reserve in February, however, nobody at the White House wanted to take over the idea. Instead, it was handed—without any Presidential guidance, and with instructions to do whatever they wanted—to two unenthusiastic Treasury men, tax policy chief Edwin S. Cohen and Internal Revenue Service Commissioner Randolph Thrower. Predictably, they have let the package languish. "Between Carswell and Cambodia, I doubt this ever came to the President's attention," asserts a disappointed advocate of the tax-incentive approach.

Even at the Budget Bureau, long the all-powerful overseer of all Presidential legislative proposals, the aura of cool command is fading. "The bureau was completely in the dark" about a Presidential effort to shape a major piece of labor law, says an official of another agency. "They were asking us who to contact at the White House to find out what was going on."

AN OVERLOOKED MATTER

White House aides may even be undercutting the Budget Bureau's most basic role—helping slice the fiscal pie. It was after the President brainstormed with his immediate staff that he suddenly decided to sweeten his school desegregation statement with a promise to divert $500 million from other domestic programs to help schools cope with racial problems. Nobody could say precisely where the money was to come from, however, because budget chief Mayo didn't even know of his huge new chore until he read about it in the papers. And the decision as to where the money is to come from still hasn't been made, six weeks later.

While that left-out feeling is perhaps most painful in such traditional Government power centers as the Budget Bureau, it is also demoralizing in less pivotal departments. Housing Secretary Romney hasn't minded admitting that programs to stimulate homebuilding must remain low in priority until inflation is checked, but he was stung to read while on his Hawaiian vacation that a big chunk of the extra school money was likely to be provided out of his already depressed urban programs.

"That's really an affront to a Cabinet member," observes one Romney aide. Another finds the slight all too typical of that "bunch of whiz kids" at the White House. Besides resenting the way the decision is being made, the HUD Secretary himself views the likely slashes in his budget as fresh evidence of something more troubling: A deep disdain for urban problems among politically oriented men in the White House.

UPSTAGED BY AGNEW

The Administration's school desegregation policy still is far from clear to the Government officials who must work in this field, even though the problem has received at least passing Presidential attention. In part, this confusion may stem from the fact that Health, Education, and Welfare Secretary Robert Finch, the logical man to handle the matter, has been upstaged by a special White House panel headed by Vice President Agnew, and its workings remain obscure. The panel's staff chief, Robert Mardian, so diligently avoids reporters that down-the-line agencies despair even of learning about policy through the press. HEW's old-line Office of Education is in turn upstaged by Mr. Finch, and reports abound of Commissioner James Allen's early departure.

An Allen aide, Anthony J. Moffett, 25-year-old director of the Office of Students and Youth, announced his resignation just yesterday. Assailing recent Nixon and Agnew statements about young people and campus disturbances, Mr. Moffett said: "The President and his most trusted advisers do not view themselves as leaders of *all* of the American people."

Poverty-warriors in the Office of Economic Opportunity grumble that they face the ultimate embarrassment of a bureaucrat—decisions so sluggish that unspent funds may have to be turned back to the Treasury when the fiscal year expires June 30. The Ehrlichman operation comes in for criticism among HEW's welfare planners, too. They complain that the White House staffers simply don't know enough about the details to make decisions on crucial changes required by the Senate in the President's massive welfare reform plan. Veteran HEW experts would be happy to help, but no one asks. Says one with a shrug: "I guess the White House just doesn't trust us."

Mr. ERLENBORN. Mr. Chairman, I yield to the gentleman from Michigan (Mr. Gerald R. Ford), such time as he may consume.

Mr. GERALD R. FORD. Mr. Chairman, when we get into the House of Representatives, I will ask unanimous consent to include in my remarks certain letters from members of the President's Advisory Council on Executive Organization.

Mr. Chairman, the gentleman from New York (Mr. Rosenthal), has made several observations and comments which are critical of the President's plan. I would like to respond to those particular charges or allegations.

One, the question of inaccessibility: I think the gentleman from New York knows very well that the chairman of the Domestic Council will be the President of the United States and in that capacity he will be sitting with members of the Council and will be counseling with them on the matters that are before the Council. Contrary to the belief of Mr. Rosenthal, the President will be more accessible to the members of the Domestic Council, and they will have a better opportunity to express their views to him in person, and each of them along with the President will have a better opportunity for an exchange of views in this atmosphere.

I think it is fair to say that the President will be more accessible rather than more inaccessible.

What particularly bothers me is the allegation or the implication perhaps that the group of eminent citizens who make up the President's Advisory Council on Executive Organization, have performed their assignment in a rather cavalier way and did not dig into the problems confronting a President in the management of his Office and the executive branch of the Government on the domestic side.

I have personally talked with four of the members of that Advisory Council, I have read with care the letters which they have sent to me and, I gather, to all Members of the House. It seems to me that they have thoroughly analyzed the problems facing a President and their endorsement of the reorganization plan is very persuasive to me.

Let me read off, for the benefit of those who have not taken the time, the names of the individuals who serve on the Advisory Council and their positions of responsibility.

Mr. Roy L. Ash, president of Litton Industries, Inc., a person who I believe, by any standards, is a management expert. He wholeheartedly endorses the proposal.

The letter is as follows:

Executive Office of the
President,
President's Advisory Council on
Executive Organization,
Washington, D.C., May 11, 1970.

Hon. Gerald R. Ford,
House of Representatives,
Washington, D.C.

Dear Congressman Ford: You will be voting sometime this week upon House Resolution 960 which disapproves Reorganization Plan No. 2 of 1970. I am writing to call to your attention the significance of that Plan and to express my hope that Congress will allow its enactment.

As you may know, I am Chairman of the President's Advisory Council on Executive Organization. In part, my interest in Plan No. 2 is based on our Council's intensive study of the President's Office made last year. For a long time prior to my work on the Council, however, I have been deeply con-

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cerned about the increasingly complex management problems of the Executive Branch, especially those in the Executive Office of the President.

The proposals in the President's Plan are not exceedingly novel. Rather, they are a distillation and synthesis of ideas developed over the years by members of both parties in the Congress as well as the Executive Branch. The steps proposed for the President's Office are specifically designed to allow greater delegation and to enhance the effectiveness of the entire Executive Branch.

In brief, the Reorganization Plan sets up a Cabinet Level Domestic Council chaired by the President. The Council with its staff represents a formal mechanism to help the President deal with the proliferating number of domestic programs which frequently involve six or seven agencies or more. We have all recognized the need for a more coherent way of formulating domestic policies and programs—a way to insure that Department and agency heads retain their prime role in the development of program alternatives. I firmly believe the Domestic Council represents an important and necessary mechanism to accomplish these ends.

The President's Plan also establishes an Office of Management and Budget to which he will delegate all the functions of the Bureau of the Budget. As indicated by its name, the Office will focus increased attention and personnel on those management activities needed to put programs into action. No longer can either Congress or the President assume that programs once legislated and funded will automatically produce the desired results. Plan No. 2 indicates the President's desire to use other important management tools in conjunction with the budget to make sure that Federal programs operate effectively.

Sound organization and management are essential if the federal government is to fulfill its missions and this is what the Plan provides for the Presidency. I hope you agree that the President needs better means to formulate integrated programs and achieve in actions, the results that he and the Congress intend.

I urge you to vote against Resolution 960 so that Reorganization Plan No. 2 may take effect.

Sincerely,

ROY L. ASH,
President,
Litton Industries, Inc.

Another member of the Council is John B. Connally, a former Governor of the State of Texas and a former Secretary of the Navy under the Kennedy administration. He very vehemently urges the House of Representatives to support Reorganization Plan No. 2, and he urges that the President be given these new tools for the purpose of improving the efficiency and effectiveness of the executive branch and particularly his own office.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,
Washington, D.C., May 11, 1970.
Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: Sometime this week, Congress will be considering Reorganization Plan No. 2. I am writing to you to voice my strong support for the Plan.

The President's Advisory Council for Executive Organization was in large measure responsible for formulating the Plan now before you. As a member of the Council, I was particularly interested in insuring that organizational changes were recommended to correct the serious problems of managing Federal programs on the state level. The Division of Program Coordination—proposed by the Plan—would establish a Washington-based staff, active in the field, to identify and help remedy interagency program bottlenecks.

The Reorganization Plan sets up a Cabinet Level Domestic Council chaired by the President. From my experience, the President faces almost insurmountable problems in managing domestic programs. In the past, a small White House staff has dealt with these matters on an ad-hoc, worst-first basis. There has been no systematic way for the President to reach out and formulate solutions to problems before they reach crisis proportions. Reorganization Plan No. 2 establishes a formal body and provides sufficient staff for this purpose. The Domestic Council which is comprised of the domestic agency heads, will address domestic problems through ad hoc task forces, headed by individual Cabinet members.

Reorganization Plan No. 2 also establishes an Office of Management and Budget. This Office will broaden the role of the Bureau of the Budget emphasizing long term program evaluation and other important nonbudgetary functions in addition to year-to-year budgeting. The President can no longer assume that programs once legislated and funded will automatically produce the desired results. Plan No. 2 provides the President with the management tools, in addition to the budget, to ensure that federal programs operate effectively.

I urge you to approve Reorganization Plan No. 2.

Sincerely,

JOHN B. CONNALLY,
Partner,
Vinson, Elkins, Searls and Connally.

Another member of the Advisory Council on Executive Organization is Mr. Walter Thayer, president of Whitney Communications Corp. Mr. Thayer's reputation as a businessman I believe is well known to all who are cognizant of top executives in the business community. He, like the others, has urged me, as well as other Members of the House, to support the President's reorganization plan.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,
Washington, D.C., May 11, 1970.
Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: As you may know, I am a member of the President's Advisory Council whose recommendations have formed the basis for Reorganization Plan No. 2 of 1970. I am writing you, however, to voice individually my strong support for the Plan.

There is a great need to provide the Presidency with an organizational structure to assure that our domestic programs do not remain in an inconsistent patchwork pattern. At the same time we must recognize that each administration must have flexibility in shaping the complicated network of inter-related, interagency domestic programs. I am confident the Domestic Council proposed in the President's Plan will provide these answers. Moreover, such a Council will reverse the trend of policy and program issues moving toward the White House informal staff, since working sub-groups of the Council will permit Department and agency heads to participate more fully in the policy making process.

Even so, program development and execution must be aided by more attention to the organizational and management implications of program decisions. We must be able to learn quickly whether programs are really achieving the objectives intended by Congress. Such knowledge will come from the better information system contemplated. Also, the Office of Management and Budget, proposed in the Plan, will provide needed emphasis on *managing—not just housekeeping.*

In short, the President needs these management tools to discharge the responsibilities of his Office—he needs the organizational structure that will permit him to delegate more confidently to the agencies the overwhelming tasks of the Executive Branch. I earnestly hope that you and the other members of Congress will help this President—and future Presidents—to avail themselves of the organizational structure which will best serve the cause of government as we think this will.

With kind personal regards,

WALTER N. THAYER,
President,
Whitney Communications Corp.

Then we go to the academic world. Dr. George P. Baker, dean emeritus, Graduate School of Business Administration, Harvard University, also by letter has urged Members of the House to approve the President's Reorganization Plan No. 2.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,
Washington, D.C., May 11, 1970.
Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: I am writing you to express my strong personal support for Reorganization Plan No. 2 which is currently being considered by the Congress. My interest in the organizational problems of the government is a long standing one and I consider it a rare privilege to be presently serving on the President's Advisory Council on Executive Organization. As you probably know, this Council's recommendations to the President resulted in the Reorganization Plan which is now before you.

The real question is one of making the President's job manageable by providing him with the necessary organizational mechanisms. A President can no longer rely on the informal workings of the White House to deal with the complicated interagency questions of domestic programs. A more rigorous procedure for developing the various program alternatives is needed, and the Department and agency heads must reclaim their rightful role in this process. The Domestic Council proposed in Plan No. 2 will provide the kind of flexible structure needed by the Presidency.

Making the President's job more manageable also demands improvement in the mechanisms that provide him with information and evaluation about the government's programs. He needs a better way to resolve operating problems between agencies in the field. He must cut the "red tape" which inhibits the effectiveness of so many programs. It is these kinds of functions that will be emphasized in the Office of Management and Budget proposed in Plan No. 2.

Every administeration must cope with the same overpowering tasks. Reorganization Plan No. 2 is not a Plan for President Nixon alone. It will serve every President, just as it will serve every Congress. Better management of the Federal government is everybody's concern. I urge you to support this major step forward in the battle for effective federal programs.

Sincerely,

DR. GEORGE P. BAKER,
Dean Emeritus, Graduate School of Business Administration, Harvard University.

Mr. Richard M. Paget, president of Cresap, McCormick & Paget, a member of the Advisory Council on Executive Organization, likewise strongly feels the President's reorganization plan should be approved.

EXECUTIVE OFFICE OF THE PRESIDENT, PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,
Washington, D.C., May 11, 1970.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FORD: I understand you will soon be considering Reorganization Plan No. 2. As a management consultant I have spent many years working on the management problems of both government and private business. As a result, I have been pleased to have the opportunity of participating as a member of the President's Advisory Council on Executive Organization. I and our Council firmly believe that improving the operation of the President's Office can lead the way to vast improvement in the management of the whole Executive Branch.

I have become particularly aware that no matter how well conceived a program may be, it can easily fail if inadequate attention is given to its implementation or if it falls victim to government "red tape." The President's Plan recognizes this by proposing to establish an Office of Management and Budget which will not only continue the fine work of the Bureau of the Budget, but will also afford long overdue attention to the important role of good management in making programs work. There will be increased emphasis on program coordination—unsnarling interagency bottlenecks that occur in the field. There will be significant efforts devoted to developing better management information, of use to the Congress as well as to the Executive Branch. There will be on-going attention to ensure that agency organization keeps in tune with program requirements.

In turn, these strengthened management functions along with the present budgeting activity can feed back into the process of policy and program formulation. The Domestic Council proposed by the Plan can work to ensure that full advantage is taken of the creative ideas and knowledge generated in the Office of Management and Budget. Yet since the OMB will report directly to the President, he will retain the benefit of an independent relationship with this organization.

I sincerely hope you will support Reorganization Plan No. 2 by voting against House Resolution No. 960—a resolution that would deny our nation the chance for a significant modernization of governmental management that could serve future administrations as well as this one.

Sincerely,

RICHARD M. PAGET,
President,
Cresap, McCormick & Paget.

There is also a most significant communication from Mr. Frederick R. Kappel, chairman of the executive committee, American Telephone & Telegraph Co., a member of the President's Advisory Council on Executive Organization. Most Americans would agree that A.T. & T. is a sizable, efficiently organized corporate organization. It has affiliates in most of our States. I believe it does a good job. It has been a leader in moving ahead in the communications field. I believe it has given us good service at a reasonable price, and has been able to do this because of its efficient management.

It seems to me that the views and opinions of Mr. Kappel ought to be given consideration by the House. As I said, he has urged that we act affirmatively on the President's program.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, PRESIDENT'S ADVISORY COUNCIL ON EXECUTIVE ORGANIZATION,
Washington, D.C., May 11, 1970.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: I am writing to call your attention to House Resolution 960 which would deny the President the important management improvements he needs to achieve the results we all expect from our Federal Government. As you know, H.R. 960 disapproves of the President's Reorganization Plan No. 2 of 1970 which is based on recommendations from the President's Council on Executive Organization of which I am privileged to be a member.

The Council's thorough study of the Executive Office has convinced me that at long last Plan No. 2 gives us a chance to take a major stride in updating the managerial effectiveness of our Federal government—important steps that will serve as well for many years to come. In the proposed Office of Management and Budget I applaud the emphasis stated in the President's message on such functions as program coordination, attention to management systems and program evaluation.

Personally, I have always felt strongly about the importance of good executives. This should be a prime concern of any top manager. As you know, one of the groups in the Office of Management and Budget would be devoted to the stimulation of career executive development throughout the Executive Branch.

This group would not recruit, evaluate or train any individuals. Rather it would spend its time thinking about the kind of programs needed to attract and retain competent career executives and to ensure that they are used to the full limit of their capabilities. This group would act as an energizer to encourage the activities of the Civil Service Commission and the agencies in all important areas. Frankly, the Commission has done some excellent work on executive development, but it is heavily burdened by the weight of its other regulatory and administrative duties. There is a great need to coordinate the many different personnel systems that exist in addition to the Civil Service System.

Moreover, executive manpower planning is in a primitive state. It desperately needs to be plugged into the other important management activities emphasized in the Office of Management and Budget.

I also heartily endorse the establishment of the Domestic Council proposed by Plan No. 2. It shows great promise of finally bringing some order to the jumbled processes of interagency program development.

I sincerely urge you to take this chance to endorse the President's concern with improving the management of his office and the resulting benefits for the operation of the whole Executive Branch. It would be a tragic commentary if the Congress were to pass House Resolution 960 and forgo the opportunity for better management in the Federal government afforded by Reorganization Plan No. 2.

Sincerely,

FREDERICK R. KAPPEL,
Chairman, Executive Committee, American Telephone & Telegraph.

The charge has also been made that the Bureau of the Budget is being downgraded, that its role or responsibility will be minimized to some extent. There is a letter which was sent to me, dated May 11, from the present Director of the Bureau of the Budget. He, as others have, urges favorable action on the reorganization plan.

The letter is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 11, 1970.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR JERRY: Your letter of May 7 requests my views on the role of the Bureau of the Budget as conceived under Reorganization Plan No. 2 of 1970.

I reject the allegations that have been made that the reorganization plan somehow downgrades the role and operations of the present Bureau of the Budget. I believe that the plan will pave the way for giving this agency a significant new focus and thrust in major areas of management and for strengthening its role and operations.

Very briefly, the reorganization plan designates the Bureau as the Office of Management and Budget, transfers the Bureau's statutory functions to the President, provides for six new Level V positions in the Office and establishes a Cabinet-level Domestic Council over which the President would preside. The Office and the Council would perform such functions as the President would delegate or assign from time to time.

The basic role of the Office of Management and Budget will be the same as that of the Bureau of the Budget—that is, to provide advice and assistance to the President. The major activities of this agency are, and will remain, in support of responsibilities and authorities, such as the preparation of the budget and insuring effective management, which are vested in the President.

Because its basic role is to assist and advise, I believe it is appropriate that the Bureau's statutory functions—as a constituent part of the Executive Office of the President—be vested in the President himself.

The President has stated specifically in his message transmitting Reorganization Plan No. 2 that the statutory functions of the Bureau which are transferred to him will be delegated to the Office of Management and Budget. Thus, the new Office will start off with the same set of basic activities—with the same role—as the existing Bureau.

But, it is not the intent of the President or of the plan that the Office simply be a continuation of the Bureau. In my view and the President's view the plan provides the basis for a major new thrust by the Office in a number of key management areas. The Office's role and resources will be expanded and strengthened primarily in the following areas: (1) modernizing organization and management systems to eliminate out-of-date procedures and processes and cut down on delays, red-tape and unnecessary administrative requirements in new and old programs; (2) providing for better coordination of programs, particularly in the field, where there is a need to focus on short-range operational problems that trouble systems for the delivery of Federal assistance; (3) establishing the management information systems necessary to support decision-making at all levels both in the executive and legislative branches; (4) evaluating the effectiveness of program expenditures in meeting national goals; and (5) developing programs for the recruitment, training, motivation, deployment and evaluation of top career executives. That is one of the principal objectives of the plan, better management.

One of the more serious allegations made about the plan is that, by establishing the Domestic Council, it is placing an inaccessible policy-making layer between this agency and the President. I think not. In the first place, the Council will not decide policy: the President will decide policy, as he now does. The Council, like the Office of Management and Budget, will be advisory. It will not, and cannot cut off access by this agency to the President. One of the reasons why I believe the Director of the Office should not be a permanent member of the Council is to preserve the Office's role as an independent source of advice to the President.

In its role of exploring domestic issues and options, I believe the Council can be of real assistance to this agency. It should, for example, provide a means for reaching better and earlier decisions on budget priorities. It should also be able to flag significant management implications of various program choices. At the same time, the Office of Management and Budget should be of invaluable assistance to the Council in providing data and advice on matters before the Council and, in most cases, participating in its work. The two agencies should cooperate very closely in the domestic area.

In sum, I do not agree with the fears expressed regarding the plan. In my view the role of this agency will be enhanced in many areas under the plan and, through interaction with the new Domestic Council, it should be in a better position to advise the President, as his key management agency, in a more timely and more effective manner.

Sincerely,

ROBERT P. MAYO,
Director.

I believe one of the most significant letters is one from the National League of Cities and the U.S. Conference of Mayors. It is signed by Patrick Healy, executive vice president of the National League of Cities, and John J. Gunther, executive director of the U.S. Conference of Mayors:

May 11, 1970.

Hon. WILLIAM A. DAWSON,
Chairman, Government Operations Committee, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN DAWSON: We write to urge your support and that of the House of Representatives for the proposed Reorganization Plan Number II which would create a Domestic Affairs Council and strengthen the management responsibility of the Bureau of the Budget.

The Plan represents a sound, timely exercise of management responsibility by the President. Never in our governmental history has the press of domestic business so clearly dictated an executive structure adequate to effectively plan, coordinate and evaluate the nation's domestic policy. If anything, the Plan approaches being too late considering the rapid development of sweeping social, economic and environmental problems. Therefore, machinery designed to bring rational order to the Federal Government's participation in domestic programs is absolutely essential to new progress in overcoming these problems.

The cities have a great stake in the principle of this Plan for no level of government acting singularly, can achieve lasting solutions to the problems of urbanization and other factors which affect our citizens. The cities, especially, must work vigorously with the states and Federal Government to assemble adequate resources for comprehensive attacks on our problems. Yet, at this crucial time, the Federal Government is still without a clearly defined set of domestic priorities and a rational National Urban Policy. And all too often, the Federal Government's administrative machinery seems to creak and grind towards urgently needed responses to our problems often winding up with duplicative, uncoordinated programs.

The evidence is clearly in favor of approval of this Plan. While we respect the recommendations of the Government Operations Committee in this matter, we feel that further delay in execution of the Plan could be fatal to establishing machinery that was needed yesterday.

We, therefore, do urge your support and that of your colleagues for the Plan and ask that the resolution recommending disapproval of the Plan be defeated.

Sincerely,

PATRICK HEALY,
Executive Vice President, National League of Cities.

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

I will put this letter into the RECORD when we get back into the House, because I think it is a powerful recommendation for the President's proposal.

So, Mr. Chairman, I say to the Members on this side of the aisle I think this is something that should be supported not only by them but hopefully by a majority of the Members of the House as a whole.

I am now glad to yield to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. I thank the gentleman for yielding.

The point I was trying to make, although perhaps I did not make it successfully, is that all of the men whose names you read off are very distinguished men and they led their corporate structures to great heights, although I might expect that some people in New York might take exception to the geneleman's remarks on telephone service. But putting that aside—

Mr. GERALD R. FORD. There may be reasons other than their desire to improve the service that prevented them from doing it.

Mr. ROSENTHAL. It may well be that. All of these men, I think, clearly understood executive responsibility and their experience of dealing with it in terms of the President. None of them understood our responsibility. They have all had great success in unilateral operations, and their only responsibility was to a board of directors. However, we are a constitutional body and have equal prerogatives and responsibilities. While I think they probably did a very good job from their point of view, I do not think any of them understood the nature of the responsibility that Congress has to maintain serious oversight in the executive branch. I think we have done a very good job in this area, and to give away another 58 statutory oversights really distresses me.

Mr. GERALD R. FORD. Let me respond by saying that all of the men that served on this advisory council are as dedicated to the basic concept of the coordinate relationship between the executive branch and the legislative branch as anyone. They understand it is a basic fundamental concept that makes our system work well. They are not in favor of undermining that relationship.

Second, they were given the job of finding how administratively the President's Office and the executive branch could work on the domestic side. I think they have come up with a good formula.

It has been indicated here by Members who have studied the plan and understand the role of Congress that if we approve this plan we as a legislative body will not be giving up some of our responsibility in our relationship with the executive branch of the Government. The ones that I have listened to and have been impressed by do not think this very important relationship between the executive on the one hand and the legislative on the other hand is being destroyed. Others—obviously the gentleman from New York to some extent—believe that. But there are persuasive arguments as far as I am concerned that convince me that the role of the Congress in the management of our Government will not be hurt at all that the opportunity to improve the administrative side in the White House and in the executive branch will be greatly improved. For that reason I support Reorganization Plan No. 2.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman.

Mr. WYDLER. Mr. Chairman, at a time when the responsiveness of American institutions is under attack more than at any time in recent decades, it is the responsibility of every public official to do everything in his power to make those institutions more responsive. The reorganization plan for the Executive Office of the President is designed to do precisely that. The Congress should not stand in the way of this important reform.

When the committee report on this measure was released recently, the New York Times described the action this way: The committee on Government Operations, it said, has "dealt a blow to President Nixon's plans for increasing efficiency." What a sad comment on the ability of our governmental system to reform itself. What a sad thing for young Americans to read as they wonder about the viability of our system of government. And what a sad situation it would be if the entire House of Representatives now joined in making that blow to efficiency a fatal blow by rejecting the plan of reorganization.

The President's plan has two parts. First, a new Domestic Council would replace the present Rural Affairs and Urban Affairs Councils and the Cabinet Committee on the Environment. It would provide staff support for the President comparable to that which the National Security Council provides in foreign affairs. The new Domestic Council would provide a professional mechanism through which the President could get

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the "big picture" on the domestic front—a big picture which is essential if our national priorities are to be structured in any informed and intelligent manner.

The second part of the President's plan calls for a new Office of Management and Budget to replace the present Bureau of the Budget. While the Domestic Council worries about planning new programs, the new Office of Management and Budget would worry about carrying out existing programs. It will provide a professional mechanism through which the President could direct the activities of the executive branch more effectively and more efficiently—so that administrative performance might at long last begin to match legislative promise.

The hallmark of this reorganization plan is that it finally provides executive machinery which is commensurate with the responsibility the President bears in domestic affairs. He, after all, is held responsible if his program is not formulated as well as it might be. And he is held responsible if the executive branch does not administer programs the way it should. The reorganiztion plan which is now before us will finally make it possible for the President to carry out his responsibilities as fully and completely as possible.

As we act on this plan, we should also remember that it does concern the Executive Office of the President and is, therefore, in something of a special category. For in this plan, the President is telling us how he wants to set up his own Office so that he can carry out the work which the Congress and the Constitution have assigned to him. It would seem to me that within reasonable limits, the President should be allowed to run his own Office the way he wants to run it, and that he should receive the benefit of any doubt concerning the organization of that Office. I would urge the Members of the House of Representatives to act in accordance with this philosophy as they approach this vital question.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MONAGAN).

Mr. Chairman, I rise at this time because the subcommittee which I chair, the House Committee on Government Operations, has for some time been studying the question of advisory committees in government and the role that these committees play as well as some of the problems that arise from the appointment of such committees and their proliferation as well as the fact that there is an absence of coordination between them. I am referring to commissions in the executive branch. Since the Domestic Council is one such unit I believe that the results of these studies are pertinent and even though I cannot detail them at any length in the time I have available, I have extended my remarks in the hearings and will do so here.

Nevertheless, I would like to simply mention a few highlights that might be of interest.

The subcommittee of the House Government Operations Committee which I am privileged to chair, held 3 days of hearings on March 12, 17, and 19 on the subject of advisory committees, interdepartmental and public, especially those within the Presidential advisory system, obtaining testimony from Members of Congress, the Comptroller General, Council officials, the executive branch, including officials from the Bureau of the Budget and the Presidential Advisory Council on Executive Organization, academia, and others. The subcommittee plans to complete the initial phase of its study of advisory committees with several days of hearings this month. In our undertaking, we researched and studied much of the Presidential advisory system. As some of our subject matter relates to matters presently before the House, I should like to discuss some of our research data, the use and function of councils, and questions which the reorganization plan raises.

INTERAGENCY—INTERDEPARTMENTAL—AND ADVISORY COMMITTEES

The subcommittee's study discloses that over the years the Presidency has not been strong in policy planning, development, and analysis, its informational and communication network, monitoring the effectiveness of the many agency operations and programs; and controlling or managing governmental entities. To attempt to overcome many of these weaknesses, Presidents have utilized the interagency committee for communication, coordination, and governmental interaction and the advisory committee or task force for communication, information, policy advice, and evaluation.

The use of Presidential interagency and advisory committees is not novel. They have existed throughout the history of our Federal Government. But with each passing year, their number steadily increases. However, little or no attention has been paid to their management, efficiency of operation, use, contribution. The consequences of their use as to Federal policies and operations are largely unknown. I refer not only to how the unit functions but how the result—the potential useful product—is obtained. In a good number of instances, it is lost or ignored; other times it is not even assembled for evaluation. But in any event, very little of the efforts of most of these committees ever reaches the President. There is, at present, no means to gage, filter, assimilate, and evaluate such advice throughout the executive branch and present it to the President and/or the Cabinet for consideration. It is also difficult for Cabinet members to present their advice or policy decisions to the President.

The subcommittee found that no comprehensive information system exists within the executive branch relating to interagency and advisory committees. There is no place in the Executive Office of the President to provide supervision over the requirements for establishing, operating, reporting, and terminating public advisory committees.

The subcommittee determined from its hearings and questionnaire that the Federal Government has about 900 purely interagency committees. We received reports on 1,519 public advisory committees with an estimated annual operating cost of about $65,000,000. We believe this number and amount to be understated by about 15 percent because we were unable to get reports on all existing committees. Taking this into consideration, the annual operating cost of the public advisory committees would be approximately $75,000,000 and the number of such committees would be in excess of 1,750. Our reported estimated annual cost of operating Presidential advisory committees was about $50,000,000 or about 75 percent of the overall cost of operating advisory committees.

At best, efforts to provide Federal oversight over committees have been sporadic and recent. But even these efforts usually do not carry over to Presidential-appointed groups or those which advise the President. It is easy to create advisory or coordinating councils. It implies that an administration is naming someone to take charge of a problem and that results will be forthcoming. Each is given a mission, possibly to coordinate, definitely to provide information and obviously to advise. The group may start off well. Today's Federal governmental environment is cluttered with committees that surely never would be missed. It is difficult to abolish atrophied or redundant committees, particularly at the Cabinet or Presidential level as they acquire an aura of inviolability, prestige, and the possibility of untouchability.

Many councils and committees exist throughout the Federal Government, usually with different names, but possessing the same or overlapping functions. The operation of these committees lead to duplication of effort, a waste of money and personnel resources. The subcommittee identified by category a large number of such committees. Such an example, identified by the category, "Status of Women," contains the following committees: Citizens Advisory Council on the Status of Women, Interdepartmental Committee on the Status of Women, President's Study Group on Careers for Women, and Task Force on Women's Rights and Responsibilities. Councils or committees have attempted to dictate and usurp operational functions which Congress has delegated to agencies of the various departments.

Congress should not spend time tracking down obsolete and redundant executive branch committees. Congress should make constructive recommendations, clarify the legislative intent as to executive reorganization law, create administrative guidelines and a workable management structure in order that the President and the departments may execute the law.

INTERDEPARTMENTAL COMMITTEES HAVING TWO OR MORE CABINET MEMBERS

Recognizing the great number of existing committees and the present desire to create a Domestic Council composed of Cabinet members, the subcommittee staff attempted to determine how many committees or councils on which two or more Cabinet officers serve. The information was not available in the Executive Office of the President. Accordingly, the subcommittee questioned all the departments and agencies possessing a designated Cabinet member.

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We found that most departments did not know or have adequate records to disclose what committees their top operating official served on and that in many cases, they did not possess the correct name or title of the committee. However, from the data submitted, we have been able to compile a list of 73 interdepartmental committees having two or more Cabinet members serving on them.

There are five units on which two or more Cabinet members serve solely as a trustee; 10 of the 73 are active subpanels of the Urban Affairs Council. These units are more active than many of the committees. As the subpanels of the Rural Affairs Council were not reported, together with our finding that there was a lack of full or effective reporting by the departments, our total could easily be 85 or more interdepartmental councils on which two or more Cabinet members serve.

From submitted incomplete data, we found that the Secretary of Agriculture is a member of at least 43 in interdepartmental committees and chairs six. The Secretary of Commerce is also a member of 43 such committees and chairs seven. The total does not include committees that they chair within their own Departments. Given the departmental operating responsibility, either the Secretary has little or no time for his Department or little time for his committees. The use of high-level groups of Cabinet members to achieve results is overdone and in many areas, the councils are ineffective. Therefore, we must ask ourselves whether the Domestic Council is not just another council or tier in the bureaucracy of the Executive Office of the President, and whether efficiency in the operation of committees will be achieved through the abolition and coordination of existing councils and committees.

DOMESTIC COUNCIL

The Domestic Council of Reorganization Plan No. 2 will be chaired by the President and composed of the Vice President and all the members of the Cabinet except the standing Cabinet members—Secretaries of State and Defense—of the National Security Council. The Council will be supported by an institutional staff under the Executive Director.

The highest current interdepartmental committee is the Cabinet, which is neither statutory nor constitutional. A President may use his Cabinet in any way he pleases. President Eisenhower used his Cabinet as a Domestic Council dealing with domestic executive branch business other than national security matters which were taken up by the National Security Council. Effective use of the Cabinet depends on good staff and advanced staff work. An Eisenhower Cabinet Secretariat was established consisting of two professionals. The Secretariat reviewed proposed items to determine if Presidential action was needed, attended Cabinet committee meetings as observers, prepared agenda, assigned tasks to agencies, monitored the progress of the assignments, assessed quality, attempted to create an information base, insights, perspectives, and alternatives.

Witnesses before our committee who were experienced in the operation of the Eisenhower Cabinet Secretariat and in reviewing and participating in committee operations concluded that the most effective Secretariat is one which is small, modest, and does not itself become involved in policy functions or get in the lines of communication between the President and the members of the Cabinet. An elaborate network of staff, utilizing departmental aides responsible to the secretaries, was designed around the Secretary for Cabinet Affairs to achieve followthrough and maximum departmental involvement. This experience suggests that the present request for a large Secretariat or institutionalized staff to service the Domestic Council could prove to be impractical and that such a staff could create barriers between the President and Cabinet.

One must ask what would be the relationship between the Domestic Council and, first, the Cabinet; second, the departments and agencies; third, the existing Cabinet-level interdepartmental committees functioning in areas of domestic policy such as the President's Committee on Consumer Interests, the President's Council on Physical Fitness and Sports, and others; and, fourth, existing high-level interagency committees or statutory committees functioning in areas of domestic policy such as the Council of Economic Advisors and the Council on Environmental Quality which have a statutory mandate of advising the President directly.

How will the Domestic Council work with existing operating agencies? Will the policy alternatives be made by the Council and then passed to the agencies for implementation? Will the Cabinet members report to minor Presidential assistants rather than the President? Will the real policymakers be responsive to the Congress or be cloaked in executive privilege? The President's message mentions that the Council for Urban Affairs, the Environmental Quality Council and the Council for Rural Affairs will be consolidated into the Domestic Council as subcommittees. This would mean that the many subcommittees of these councils will now be subcommittees of the new Council that another tier has been added to the present structure? The plan should have provided guidelines which would answer such questions.

The message states that much of the Council's work will be done by temporary, ad hoc project committees, such as task forces, planning groups, or advisory bodies. This statement further suggests the possibility of an additional layer of bureaucracy prior to decisionmaking as well as accelerated proliferation of Government by committees. At present, at any given time, there are approximately 200 interagency and public advisory committees, either appointed by or advising the President. Consolidation and suggested realinement of these 200 committees, especially the 70 or more Cabinet-level interdepartmental committees, is a necessity in order to create efficiency, economy, and order in governmental operations and to carry out the purpose of the Reorganization Act.

I believe the plan should have been more specific in order that considered judgments may be made by the Congress, not only as to what is presently asked for but, also, as to the use of the continued statutory delegation of power under the plan.

In some respects, Reorganization Plan No. 2 will create greater confusion in carrying out its proposed objectives through the proliferation of committees, the creation of a new bureaucratic tier in the decisionmaking process, and conflict in the control and command structure.

Good structure contributes to making the job of a President manageable. However, the Council arrangement called for in Reorganization Plan No. 2 should be clarified so that its guidelines and the intent of its direction are known. It is the function of the Government Operations Committee to evaluate the effect of this law, to make sure that efficiency and economy of operation of Government activities will be achieved, and to assure that the executive branch is responsive to the Congress. I, therefore, support the disapproval resolution and urge my colleagues to join me in voting for the disapproval resolution.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I am glad to yield to the gentleman from California.

Mr. HOLIFIELD. The figures that the gentleman is putting in the RECORD are very important. I can testify to an experience that I had recently when the Federal Radiation Council, composed of members of the Cabinet, and who very, very seldom meet—in fact, I do not have any record of them meeting—nevertheless one member of that Council who happened to be a Democrat and head of a department formulated in his own mind some standards with reference to radiation and went around and got the acquiescence of the rest of the Cabinet, a committee composed of Cabinet members, he was unable to get a meeting of that committee on his suggestions.

In the face of the numbers that the gentleman is giving to the House at this time and with all fidelity, this is not said in a derogatory sense, these men just cannot be in that many places in view of the rest of their duties which they have to perform. I am thinking very seriously of bringing up some legislation to change the Federal Radiation Council so we can change some of the incumbent members on that council and so we can have real participation and real influence.

Mr. MONAGAN. I think the point the gentleman has made is very important and raises the question that if the members of the Cabinet cannot serve effectively, they are in effect an impedance to carrying out these functions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLIFIELD. Mr. Chairman, I yield 3 additional minutes to the gentleman from Connecticut.

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Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

The question I have is whether or not the gentleman's study is going into the question of whether the work of the commissions and the councils that have been formed are being done by the members of those councils themselves or, in fact, as the gentleman is pointing out, by the staffs of those councils.

Mr. MONAGAN. That is exactly the point that I would make, and I thank the gentleman for calling it to our attention.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. MONAGAN. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I thank the gentleman for yielding.

I would ask the gentleman is it not a fact that in most instances where a Secretary or Cabinet member is a member of some board, as described in the gentleman's statement concerning the Secretary of Agriculture, that he actually appoints someone from his Department to serve in his stead. Is that right?

Mr. MONAGAN. Physically I do not see how he could do otherwise. But the claim is made for the Domestic Council that it would be this great functioning active body, and I suggest that that would not be the case.

Mr. ERLENBORN. Mr. Chairman, I yield to the gentleman from Alabama (Mr. BUCHANAN), such time as he may consume.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the passage of House Resolution 960, which would formally disapprove Reorganization Plan No. 2 of 1970. As a member of the House Committee on Government Operations, which has reported out this resolution of disapproval, I have had considerable opportunity to study the provisions of Reorganization Plan No. 2. Having, as a result of this study, come to the conclusion that these provisions are absolutely essential for the efficient and responsive management of an executive branch which is operating within an organizational structure no longer adequate in meeting its vast responsibilities, I joined in the minority report and fully support this reorganization plan.

To me it would be more than ironic should this body prove willing to throw out such a major effort toward greatly improving and modernizing the functions of the executive branch at the very time when so many Americans—including many of us here in the Congress—are expressing increasing dismay over the inefficiency with which the Federal Government handles its vastly expanded functions. It is ironic, too, that, at a time when there is developing within this country a situation approaching a crisis of confidence because so many perceive a lack of responsiveness on the part of the Government to the needs of the people, the Congress would defeat a major effort toward insuring that the executive branch can be responsive to these needs.

The irony of this situation is revealed even more clearly by the action yesterday of the House Rules Committee, which gave its approval to a comprehensive measure aimed at reforming and updating the operations and procedures of the legislative branch. To my knowledge, there are few in this body who have denied the need for some such congressional reform or who have expressed unwillingness to bring about reform in the legislative branch.

The outcry for reform and improvement has been directed toward all three branches of the Federal Government, and there is widespread agreement that the functions and duties of the Federal Government have in the past several decades far outpaced the organizational structures set up at an earlier time to meet them. The time for action, as proposed in the President's Reorganization Plan No. 2, is, in my judgment, long past due.

This proposal is not the result of some sudden whim on the part of the President or his advisers. It came after exhaustive study by the President's Advisory Council on Executive Organization, a group of distinguished representatives of the business and government communities, who have had many years of experience working with management problems of both government and private business. Nor are the council's thoroughly studied recommendations without precedent. In making its recommendations, the council drew heavily upon the work of similar bodies which preceded it—including the pioneering Brownlow Committee of 1936, the two Hoover Commissions, the Rockefeller Committee and other presidential task forces.

In my considered judgment, the President's proposal goes to the very heart of the problem of government; that is, first, how can a President get the right information at the right time in order to make the right decisions? and, second, once policy is made, how can it best be evaluated?

As Members of that governmental body which performs the function of transforming ideas and programs into law, I am sure that we have all become acutely aware of the fact that no matter how well written a law may be or how well conceived a program may be, it can easily fail if inadequate attention is given to its implementation or if it falls victim to Government redtape.

The President's plan recognizes this by proposing to establish an Office of Management and Budget which will not only continue the work of the Bureau of the Budget, but will also afford a long overdue attention to the important role of good management in making programs work. The plan would transfer all of the existing statutory functions of the Bureau of the Budget to the President. The President would be authorized by this plan to delegate his statutory functions only to agency heads and to officers appointed by the President with the consent of the Senate. The name of the Bureau of the Budget would be changed to the Office of Management and Budget, and the Director of this new Office would be authorized with the approval of the President up to six new Executive Level V officers in that Office.

Through this new office there will be increased emphasis on program coordination, particularly with respect to interagency bottlenecks. There will be significant efforts devoted to developing better management information, of use to the Congress as well as to the executive branch. There will also be on-going attention to insure that agency organization keeps in tune with program requirements.

While the Office of Management and Budget will be concerned primarily with how programs are to be implemented and how well this implementation serves the purposes of the programs, the Domestic Council proposed in Reorganization Plan No. 2 will be primarily concerned with the what of executive branch functions. The Domestic Council proposed in the plan would consist of the President of the United States; the Vice President; the Attorney General; the Secretaries of Agriculture, Commerce, Health, Education, and Welfare, Housing and Urban Development, Interior, Labor, Transportation, and Treasury; and such other officers of the executive branch as the President may from time to time direct.

The Domestic Council would be assisted with a professional staff and, to a considerable degree, would be a domestic counterpart to the National Security Council. This Council would enable the President to assess national needs, collect information, and develop forecasts in order to define national goals and objectives. It would identify alternative ways of achieving the above objectives and recommend consistent, integrated sets of policy choices. The President would be able to provide rapid response to needs for policy advice on crucial domestic issues and to better establish national priorities for the allocation of available resources. Through the Council a continuous review of ongoing programs could also be maintained.

Mr. Chairman, let me reiterate my firm conviction that this reorganization plan goes to the heart of modern and efficient Government management. If we are to demand of one man the almost impossible task of managing the vast and confusing bureaucracy which has grown up within the Federal Government and of meeting the needs of some 200 million people, surely we must enable him to fulfill these functions with the best possible organizational and management tools. I, therefore, urge the defeat of House Resolution 960 and the implementation of Reorganization Plan No. 2.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, the effects of Reorganization Plan No. 2 are:

First. Changes the name of the Burueau of the Budget (BOB) to the Office of Management and Budget (OMB) for the purpose of accenting the need for greater stress on management functions.

Second. Authorizes the Director to appoint six additional Level 5 executive

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officers in OMB in order to provide added executive management direction.

Third. Assigns to the President the functions of BOB so that the President may delegate them as he believes necessary for most effective operations. The President indicates that he intends to delegate these functions to OMB, but it has been indicated that subsequently some functions may be transferred to other agencies where the President believes the most effective operations can be carried on.

Fourth. In the message accompanying the plan, it is pointed out that, while OMB will continue to assist the President in annual budgetary measures, the purpose of the reorganization is to promote far greater emphasis on fiscal analysis, program evaluation and coordination, improved executive branch organization, expanded information and management systems, and development of executive talent.

Fifth. Establishes a Domestic Council, composed of the President, Vice President, and Cabinet heads responsible for domestic policy.

Sixth. The Domestic Council shall be assisted by an executive director, appointed by the President, who shall head the Council staff.

Seventh. The Domestic Council shall perform such functions as the President shall assign. The President's message indicates that the Council shall become involved in the following specific functions: assessing national needs, collecting information, and developing forecasts for purposes of defining national goals and objectives, identifying alternative ways of achieving such objectives, recommending consistent and integrated sets of policy choices, coordinating the establishment of national priorities for the allocation of available resources, and maintaining a continuous review of the conduct of ongoing programs from a policy standpoint and proposing needed reforms.

I will summarize the merits of the plan as follows:

This is a reorganization of the President's own office. He should have the right to reorganize as he sees fit in order to do the best job possible.

We complain that the organization and operation of the Government are inefficient and uneconomical. Are we going to prevent the President from providing more effective management and administration of the Government?

It is complained that inadequate direction and attention go into policymaking, program evaluation, fiscal analysis, and the solving of domestic crises. How can we deny the President the opportunity to improve the means to cope with these problems?

We place upon the President primary responsibility for solving all our social and economic ills—crime, inflation, inequality, inadequate housing, unemployment, high taxes, and so forth. Yet, here we are seeking to prevent him from performing his responsibilities in the most efficient way possible. Regardless of one's personal feelings toward a President, the Congress in particular should be fair, reasonable, and understanding of a President's needs since Congress can appreciate the burdens of that office.

There are those who maintain that the President is placing an unnecessary additional structure of administration in the White House. To the contrary, he is seeking to remodel, simplify, and make more efficient the White House operations. A number of existing councils and committees are to be merged into the Domestic Council, a professional staff is to be assembled, and the structure is going to be established to make the White House more responsive to Congress, the executive branch agencies, and to the public.

Those who complain of the White House existing lack of responsiveness can reject this plan only at their own risk. Thereafter, let them not complain of management mistakes in the White House.

The Domestic Council will facilitate the Cabinet officers' ability to transmit their views to the President. It will permit a broad coordination, evaluation and analysis of competitive agency policies and programs. It will permit the elimination of duplication and agency bickering. It will enable lesser disputes to be solved more rapidly and amicably.

Creation of the Domestic Council will not downgrade the O.M.B.'s functions, nor those of the Council of Economic Advisers. It is still intended that their views will continue to be submitted directly and independently to the White House. That is why these agencies were not specifically included as members of the Domestic Council. But, their views and assistance will be regularly called upon by the President and staff who would not and could not operate without them.

It is the President's duty to make policy. This reorganization plan will enable him to make it more rapidly and effectively. This plan takes away authority from no one. But, if it did, is that not the President's prerogative since we place upon him the obligation to make policy? Should he not have the right to organize his office in a way which will help him in making the best policy?

Does not this same reasoning apply to authorizing the President to develop the most effective machinery to manage and administer the agencies of the executive branch?

It is said that the President is seeking to somehow downgrade the authority of the Congress through this reorganization. How can this be since this plan is only directed at reorganizing the President's own office which he has a right to organize as he chooses? Moreover, it cannot be stressed too strongly that a reorganization plan cannot create legal authority or functions that do not already exist.

We hear much about executive branch infringement of congressional rights and prerogatives. What could be a greater infringement on the rights of a sister branch than the effort here to deny the President the right to restructure his own office?

Instead of downgrading the role of Congress, the President has demonstrated his desire to work with the Congress by effectuating this reorganization through a formal plan. Most of what is proposed in the plan could have been carried out by internal reorganization or by Executive order.

It is maintained that the plan will somehow place the OMB in authority over the recruitment and training of career executives—a function that now resides in the Civil Service Commission. If the President is able to do this under the plan, then he could do it now since a reorganization plan can create no new functions or authority. The fact is, however, that the President is not seeking to usurp the authority of the CSC. Rather, he is seeking to enlist the help of the OMB in devising plans to aid him, the CSC, and the other agencies of Government in attracting and developing able career executives. The complicated nature of Government and the demands of the times can require no less.

The OMB will continue to perform its able budgetary role. Something more than this is required, however. Instead of downgrading the OMB, as some charge, the reorganization plan intends to give it greater responsibility. If we are to spend the taxpayer's money wisely, we need to devise modern management tools and to be in a position to evaluate which programs are worth funding. A brief examination of the hodgepodge of government agencies and programs should convince everyone of the need for improved administration. Authority already rests in the BOB to perform this role, but lack of direction and personnel has precluded the required emphasis that needs to be exercised.

Some believe that the executive director of the Domestic Council should be confirmed by the Senate and that the Domestic Council should report annually to the Congress. The confirmation requirement is an unprecedented invasion of the President's constitutional right to be assisted by a personal staff of his own choosing. As for an annual report, does not Congress receive enough reports from the President and others without requiring one more?

A bill is pending before the Government Operations Committee which contains some provisions which are included in the present plan. The bill also contains a number of objectionable features, however. Even if it were perfect, the chances of getting enacted into law this Congress are about nil. Why not permit this plan to go into effect? Then, if Congress is not totally satisfied with the workings of the plan, it can always enact legislation subsequently to make changes.

It is argued that the plan is not legally drafted because section 904(2) of the Reorganization Act has not been complied with regarding the naming of the head of the Domestic Council; to wit, that such head must be either confirmed by the Senate or be holding the position in the competitive civil service. Those who hold this view maintain that the head of the council is the executive director who does not meet either requirement. The fact is, though, that the President—not the executive director—will head the council. Since he already holds his position under the Constitution he need not otherwise have to qualify to head his own council. Moreover, by the President heading the council, an appointment does not take place since he is merely assigning himself another function. Finally, the establishment of the council does not constitute a new agency under the Reorganization Act—requiring an appointment by confirmation or in the competitive service—but rather merely the creation of a new unit within an existing agency, the White House.

Mr. ERLENBORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, the question before this body is House Resolution 960 disapproving Reorganization Plan No. 2 of 1970. I strongly support the reorganization plan, and I made this clear at page 15272 of the Record for May 12. At that time, I included a New York Times editorial of May 11 in the Record in support of the plan.

Among other things, the editorial said:

> The need to give more form to what has become an administrative sprawl is glaringly apparent. And the recommendations themselves appear to make excellent sense.

During hearings before the Treasury-Post Office Subcommittee of the Appropriations Committee, I talked to the Director of the Bureau of the Budget, Robert Mayo, and others about the proposed reorganization. I am convinced that the proposal is long overdue and that it will go a long way toward making a more efficient Executive Office system.

The plan sets up a Cabinet-level Domestic Council chaired by the President. The Council, with its staff, represents a formal mechanism to help the President deal with the ever-increasing number of domestic programs. Many of these programs involve more than six agencies.

It should be obvious to all my colleagues that a central clearinghouse to coordinate these domestic programs is necessary. I think the new Council would serve that purpose and provide a more coherent way of formulating domestic policies and programs.

The President's plan also establishes an Office of Management and Budget to which he will delegate all the functions of the Bureau of the Budget. This Office will focus increased attention and personnel on those management activities needed to put programs into action. There will be increased emphasis on program coordination—eliminating interagency bottlenecks that occur in the field. There will be significant efforts devoted to developing better management information. There will be ongoing attention to insure that agency organization keeps in tune with program requirements.

I urge my colleagues to vote against House Resolution 960. Such a vote would be a vote for more efficient government.

I commend the President and the Ash Council for coming forth with this reorganization plan.

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Mayne).

Mr. MAYNE. Mr. Chairman, the gentleman from Alabama (Mr. Jones) made some reference to a previous time when there were differing views held on a matter of reform, on opposite sides of the aisle. But that, I am happy to say, is certainly not the case here because Reorganization Plan No. 2 has broad bipartisan support. This is in no sense a partisan issue and certainly partisanship has not been injected into this debate by any Member.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. Before yielding to the gentleman, I want to make it clear that I did not suggest in any way that the gentleman from Alabama was injecting any partisanship into this debate. But I believe in referring to some earlier consideration of the Hoover Commission report he made a reference to Members on one side of the aisle taking a different view than the other side.

I yield to my colleague, the gentleman from Alabama (Mr. Jones).

Mr. JONES of Alabama. Mr. Chairman, I think that is an historical fact and I only made mention of it in the debate because the gentleman from Ohio, Mr. Brown's father, served on that commission and I think his observations are noteworthy. The fact is that the gentleman from Ohio is taking a position that his father took in 1949. So I did not hope to gain any partisan favor in my observations of the consideration of the subject matter that we have under discussion.

Mr. MAYNE. I thank the gentleman.

I sincerely hope that no Members will be confused and fall into the misapprehension that the kind of reform we are talking of today is congressional reform because I realize there is a deep-seated reluctance on the part of some Members to come to grips with that thorny issue.

This is not congressional reform. This is the President and the executive branch trying to do a better job and to improve their ability to serve the American people.

This House unfortunately has a rather unenviable record on the amount of progress which we have been able to make in recent years toward congressional reform. I, of course, am a relatively new Member here. But I know that in all of the time I have been here—in the 90th and 91st Congress, congressional reform has been on dead center. It has been languishing in the Committee on Rules for more than 3 years, but I am very encouraged to hear it is about to emerge therefrom. So perhaps we will yet reluctantly permit ourselves to be dragged into the 20th century here in the House of Representatives by eliminating some of our archaic and inefficient procedures before the century is completed.

Perhaps a case can be made that Members with great seniority and long experience in the legislative process are especially well qualified to rule on the merits of congressional reform as such.

Perhaps they do have particular knowledge and expertise insofar as our own House is concerned. But it is one thing to say that the old ways, the familiar ways of doing things are the best, when trying to block change in an area with which we are familiar in our own particular province of responsibility. But it is quite another to use such an argument to block earnest and worthy attempts to change and improve another branch of Government in which we have no actual experience or expertise whatsoever.

My good friend, the gentleman from New York (Mr. Rosenthal) expressed his dedication to the principle of the two branches being coequal—I hope that he did not mean he felt it would be unfair for the executive branch to be permitted to progress and modernize and meet the challenges of today, when we by our own inaction have been unwilling to make such progress in the legislative branch.

Now just because we have proved reluctant to set our own house in order does not mean, my colleagues, that we are justified in adopting a dog-in-the-manger attitude and refusing to let improvement be achieved in the executive branch of the Government in the manner provided by Reorganization Plan No. 2.

Many Members of this body—and I am one of them—have inveighed heavily against the inefficiencies of the proliferating bureaucracy in the executive department. Here is an opportunity to do something about it along sound business lines, to make the executive responsive to the needs of the dynamic country of opportunity and challenge which the United States is today.

A very careful study by the President's Advisory Council on Executive Reorganization has produced Reorganization Plan No. 2, which offers an opportunity to make a great step forward in the field of executive reform. The distinguished minority leader has mentioned some of the outstanding business leaders who have worked on this for a long period of time, such men as Fred Kappel, the distinguished former president and board chairman of A.T. & T., former Dean George Baker of Harvard Business School, and Roy L. Ash, president of Litton Industries. It would be a tragic blunder for this House to reject the recommendations on which they have worked so long and hard. The executive branch and the country badly need the proven business techniques and procedures outlined in their report. The time is long past due when the executive department should be run on a businesslike basis rather than a political basis.

Reorganization Plan No. 2 will provide the President with the strong new management tools he needs in his office, and at the same time will permit the reorganization of his own office so as to provide a more responsive and systematic method of establishing domestic policy.

The plan sets up a Cabinet-level Domestic Council chaired by the President. The Council with its staff would provide the President with a formal mechanism for dealing with the proliferating number of domestic programs which frequently involve six or more agencies, in recognition of the need for a more coherent means of domestic policy formulation. It would protect fully the retention of the prime role of respective department and agency heads in developing program alternatives. The President through the Domestic Council would have for the first time a systematic way to reach out and formulate solutions to domestic problems before they reach crisis proportions, instead of having White House staffers deal with these matters on an ad hoc, worst-first basis.

The reorganization plan would also establish an Office of Management and Budget which would broaden the present role played by the Bureau of the Budget. In addition to year-to-year budgeting, emphasis would be given important nonhousekeeping, management functions including long-term program evaluation and reporting to the President whether Federal programs were being carried out efficiently, economically, and effectively in order to give the taxpayer his money's worth, and the stimulation of career executive development throughout the executive branch.

I intend to vote "no" and respectfully urge my colleagues on both sides of the aisle to approve Reorganization Plan No. 2 by voting down this resolution.

Mr. HOLIFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, as an alumnus of the Bureau of the Budget, Administrative Management Division; as an alumnus of the White House staff, 4 years with President Truman and 4 months with President Eisenhower before I was discovered and fired; as one who has had several conversations with the late President Hoover on executive branch reorganization; and as one who has had the pleasure of teaching the subject of public administration, I have always been fascinated by, and have taken part in, formulating proposals to improve the efficiency of the executive branch of Government. We have been debating this resolution for over 3 hours, but as a matter of priority I regret that 3 years have elapsed since the Joint Committee on the Organization of Congress recommended improvements in the legislative branch which have not yet been acted upon.

The gentleman from Michigan (Mr. GERALD R. FORD) may be correct that the eminent members of the President's Advisory Council on Executive Organization are deeply devoted to the coordinate relationship between the executive and the legislative branches. Basically, I really do not have any quarrel with the sending of these letters under the frank, although I must say that I do rather resent, as a Member of Congress, receiving letters written on the same typewriter, letters that are obviously not written or thought out by the writers. They all arrived at the same time, and I am sure that a man of the stature of Frederick R. Kappel, whose name is attached to a great postal reform proposal, would not knowingly send out junk mail.

But as the gentleman from Illinois (Mr. ERLENBORN) stated, every President wants to get his own plan adopted and has a perfect right to lobby.

What really concerns me is that, if this is the type of product that is going to come out of the Domestic Council and the pending reorganization plan, then I would view the plan as a step farther away from individual human liberty and the prerogatives of Congress, more toward a computerized type of efficiency.

I cry out as a lonely voice on behalf of individual human beings and against the type of think-machine in the executive branch which produced these letters. Many years ago Louis Dembitz Brandeis wrote a book entitled "The Curse of Bigness." I think what Brandeis described in that book was only a very, very small percentage of what we are going to get from this 90-member staff of the Domestic Council, with the J. Walter Thompson types working to computerize Congress in their own image.

It really disturbs me that this is a step away from the power of the people as expressed in the legislative branch of the Government. We have seen the tragic erosion of the power of the legislative branch with respect to Cambodia, and the frustration of Congress at the unconstitutional use of the President's power to invade a neutral nation. The President does not need stronger tools to protect his constitutional powers. This reorganization plan moves toward the kind of highly computerized operation which has been practiced by these great corporations, the presidents of whom have signed these letters. The letters have themselves been robotyped and sent out to Members of Congress in franked envelopes—and we are expected to swallow them.

I, therefore, urge that we vote in support of Resolution 960 and disapprove Reorganization Plan No. 2.

Mr. HOLIFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I was pleased to hear my colleague on the Post Office and Civil Service Committee, the gentleman from North Carolina (Mr. HENDERSON) mention the wearers of two hats in the past administration and the "teas" that were held at the White House for certain of the supergrades.

I protested many times both of these activities, and I do not want to see a repetition of it in the Nixon administration.

I would say to those who support this reorganization plan, since they have quoted Mr. Califano several times this afternoon, that if memory serves me correctly, he was one of those who had a hand in promoting those "teas" at the White House in the past administration.

Mr. Chairman, I rise in support of House Resolution 960.

My opposition to the President's plan is based on several reasons, some of which are rather well detailed in Government Operations Committee's Report No. 91-1066.

In the first place, I feel that this plan can lead to less congressional control over the merit system. The President in his message to the Congress proposing the reorganization has indicated that the Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and elevate the men and women in the top ranks of the civil service. I saw enough of the recruiting, motivating, and deploying of top personnel people during the previous administration to realize the dangers of more of such personnel actions, much less an extension of the same. The gentleman from Illinois (Mr. ERLENBORN) says the plan provides nothing new in the civil service system, but he must admit the personnel additions will be new and expensive.

I was impressed by a statement made by a former Chairman of the Civil Service Commission, and former Member of this body, the Honorable Robert Ramspeck, who indicated in his testimony last month before the Government Operations Committee that an effective merit system in our Federal Government requires bipartisan operations. I think Mr. Ramspeck was correct and I feel that this reorganization plan might well reduce that bipartisan control.

Another reason why I oppose this plan is the fact that I feel it would give the President a wide delegation of power to restructure the administration in several areas without proper action or review by Congress. For example, I understand the Executive Director of the Domestic Council would not be accountable to Congress. We already have enough attempts for a "rubberstamp Congress" without this additional proposal.

My third objection to the plan is the fact that the reorganization calls for more than 100 additional top jobs—70 more in the Office of Management and Budget and 40 in the Domestic Council—at a time when we are talking about economy. I have been impressed with the fact that President Eisenhower in 1955 had a staff in his Executive Office of 1,191 and that staff has now grown to some 4,116 employees. In fact, this reorganization plan provides that there will be six new positions paying $36,000 a year, which would be blanketed into the civil service, with tenure rights, making it difficult for this or any succeeding President to replace them. That is not good personnel management.

Mr. Chairman, Reorganization Plan No. 2 has just too many imperfections for me to accept. The plan provides for considerably more top paying jobs and, in turn, reduces congressional control over those positions we already have in the Federal Government.

It is a further delegation of power to the Executive and I urge its defeat.

Mr. HOLIFIELD. Mr. Chairman, does the gentleman from Illinois have other speakers?

Mr. ERLENBORN. At this time I do not have another Member who desires to speak.

Mr. HOLIFIELD. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. MOSS) to close the debate.

Mr. MOSS. Mr. Chairman, this is a very simple issue, really. Does the Congress want to permit the erection of a very effective barrier between it and its access to information it must have to perform its legislative duties?

If Members feel that type of additional barrier is appropriate, that it should become more difficult for the Congress to get the basic information it needs to perform its functions, then by all means they should vote to adopt, to approve, Reorganization Plan No. 2. But if they feel, as I do, that what the people are complaining about in this Nation today, what causes their disenchantment, is not that the Congress has done too much but rather it is doing too little, and has given up too much of its authority, has given up too much of its responsibility, has delegated away far too much power, and should start now to recapture that power, they should vote for the resolution of disapproval.

The very process by which this legislation reaches the floor of this House, where we must take it in its entirety or reject it in its entirety is, in my judgment, another example of the dilution of the power and the prestige of the Congress.

The distinguished minority leader discussed the question raised of the inaccessibility of the President, and he stated that by the creation of this Domestic Council somehow or other the accessibility would be increased, because the President theoretically would chair it.

The President, I thought, had a Cabinet. I also understood that if the Cabinet met as it did many years ago, on a regular basis, the President would then have the opportunity for close liaison with the heads of the executive departments and agencies of Government, and that there would be the necessary exchange of views, and it would not require this large layer of additional top positions in Government. No man in this Chamber today can tell us how or where they will be used, the scope of the authority they will exercise. No one can tell us that, because no one knows; not the witnesses who appeared before the committee, nor the Members who have taken this well and advocated the adoption of the reorganization proposal.

Now, granted there was a group of very distinguished Americans, all executives, who studied the executive branch of the Government. I submit that that kind of a study by men who were not well grounded in the fundamentals of government is not too meaningful. Frequently the bulk of the work is done by staff employed by them and they merely ratify proposals. Meaningful reorganization, in my judgment, will come about when this Congress undertakes the responsibility of studying reorganization on its own part and initiating the moves to reorganize the executive agencies of the Government.

There are a great many things I might say about this proposal, but I want to summarize the position of the committee in urging that the plan be disapproved, that is, that the resolution of disapproval be adopted.

In summary, then, Mr. Chairman, we disapprove the reorganization plan for the following reasons: The plan is not a genuine reorganization of the executive branch. Second, the plan is not legally drawn. The plan will give the President a free floating mandate to make further reorganizations without congressional approval. The plan would put the policy reins of Government in the hands of a faceless bureaucracy in the Executive Office and beyond the reach of the Congress. It would blanket six new high-level positions for the Office of Management and Budget into the competitive civil service. The plan would threaten the integrity of the Civil Service Commission by permitting duplicative functions in the Office of Management and Budget for executive career development.

There has been a bill, H.R. 17376, which the committee has introduced as an alternative to this plan. We have promised to report out on a timely schedule from the committee that legislation. The major objections to this plan will be overcome by that proposal, and the Members of this Congress will be given the right to work their will. There is no transfer of functions directly from the Bureau of the Budget to the President in the legislation. The Domestic Council is provided for, but its Executive Director would be subject to Senate confirmation just as are the heads of the other offices in the Office of the President. The bill also requires that the Executive Director submit an annual report to the Congress and provide the Congress with such other information as may be requested. Finally, the Domestic Council under the bill would have a tenure until June 30, 1973.

I think it might be very interesting to you to point out right here that in the appropriation hearings which were reported to this House on April 6 from the committee chaired by the gentleman from Oklahoma (Mr. STEED) we learned that the very documentation of the Commission which made the study and submitted the recommendation for this reorganization to the Congress is itself fully classified and unavailable to the committees of this Congress be they appropriation or oversight committees. I think we can expect a proliferation of that if this House fails to act with wisdom in defense of the privileges and prerogatives of the Congress and in consonance with the intent of the framers of the Constitution that we have in fact three coequal branches of Government.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to take up much time of the Committee now. I think we have all heard enough argument.

I just want to sum up by saying that the only objections seem to be reiterated time after time as was done by the gentleman who just spoke to the effect that somehow or other the creation of the Domestic Council is supported by a staff that has not been approved by Congress and is going to deny information and knowledge to the Congress. I think that is just so much hogwash.

The question here is not a question of whether information will be denied to the Congress. Not one whit of information is going to be denied that is properly the subject of congressional inquiry. We are talking here about a council composed of Cabinet members who will sort out their various ideas as to what domestic policy should be and which is going to debate this, is going to make recommendations to the President, and then ultimately we will have administration policy.

I do not think that it has ever been the prerogative of the Congress to go into the executive branch and say, "Now, tell us all of the various different proposals that may have been made by your different Cabinet heads before you came up with this as administration policy."

That has not been the practice in the past. It would not be a good practice and I submit it should not be the practice in the future.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. Yes; I yield to the gentleman from California.

Mr. MOSS. The gentleman has stated that my contention that there would be an additional barrier to information was hogwash. For 15 years I have chaired the Subcommittee on Information——

Mr. ERLENBORN. The gentleman is incorrect. I do not yield to him any further. I do not say the gentleman's contention was hogwash. I said that the contention that you should have the information as to what goes into the formulation of policy at the executive level, is hogwash.

Mr. MOSS. I wish the gentleman was equally well informed.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time but I yield myself such time as I may consume.

Mr. Chairman, I may have had a misunderstanding with my colleague on the committee, the gentleman from Illinois (Mr. ERLENBORN), because I asked the gentleman if he had any further speakers to whom he wished to yield and he responded that he did not. It is customary for the majority speaker to close the debate but I see that there must have been some misunderstanding between us on that matter. However, Mr. Chairman, I shall not press the point.

Mr. GRIFFIN. Mr. Chairman, I have given careful study to Reorganization Plan No. 2 submitted by President Nixon. I am in sympathy with his intentions to improve the efficiency of his office by reorganizing it to meet modern day needs.

However, Mr. Chairman, I am disturbed over the possible portent of this reorganization plan as it affects the Corps of Engineers. Reorganization Plan No. 2, if approved, could authorize the transfer of the functions of the Corps of Engineers to the Department of the Interior as recommended by the original Hoover Commission over 20 years ago.

The Mississippi River Commission, Vicksburg Engineer District and the Waterways Experiment Station are all located in the Third Congressional District of Mississippi which I have the honor to represent. While I do not know whether these Corps of Engineer functions will be adversely affected in the event this reorganization plan is approved, I am constrained to vote against it in order to give these functions all the protection within my capability.

As I read the reorganization plan, the President could transfer the functions of any Federal agency to any other agency without review or approval by Congress. This amounts to giving the President unlimited power and further weakens the voice and wishes of the people as expressed through their Representatives and Senators in the Congress.

Mr. Chairman, I favor the creation of an Office of Program Evaluation within

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the Office of the President. This would be very helpful to the President in obtaining objective information on federally financed and administered programs. There are other features which I approve, but, on balance, I feel that the best interests of the public would be served by defeating Reorganization Plan No. 2.

The CHAIRMAN. There being no further requests for time, the Clerk will report the resolution.

The Clerk read as follows:

H. Res. 960

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 2 of 1970 transmitted to the Congress by the President on March 12, 1970.

Mr. HOLIFIELD. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be agreed to.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Hungate, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 960, expressing the disapproval of the House of Representatives of Reorganization Plan No. 2, had directed him to report the resolution back to the House with the recommendation that the resolution be agreed to.

The Clerk reported the resolution.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker for the information of the Members of the House, is it true a vote of "aye" on the resolution is a vote against Reorganization Plan No. 2 and that a vote of "nay" is a vote to approve the President's reorganization plan?

The SPEAKER. In response to the parliamentary inquiry, the Chair will state that a vote of "aye" on the pending resolution is a vote against Reorganization Plan No. 2 and a vote of "nay" is a vote for the reorganization plan.

The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ERLENBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 164, nays 193, not voting 73, as follows:

[Roll No. 118]

YEAS—164

Addabbo
Albert
Alexander
Anderson, Calif.
Annunzio
Ashbrook
Aspinall
Bennett
Bevill
Blanton
Boggs
Boland
Bolling
Brasco
Brooks
Brown, Ohio
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Byrne, Pa.
Cabell
Caffery
Carey
Celler
Chappell
Chisholm
Clark
Clay
Corman
Daniels, N.J.
Davis, Ga.
Delaney
Dent
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evins, Tenn.
Fascell
Feighan
Flood
Flynt
Foley
Fountain
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Pa.
Griffin
Gross
Hagan
Hall
Hanley
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hechler, W. Va.
Helstoski
Henderson
Hicks
Holifield
Howard
Hull
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kyl
Leggett
Lennon
Long, Md.
Macdonald, Mass.
Madden
Mahon
Mann
Matsunaga
Mikva
Miller, Calif.
Mills
Mink
Monagan
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patman
Patten
Pepper
Perkins
Philbin
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Randall
Rarick
Reuss
Rivers
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ryan
St Germain
Scherle
Shipley
Sikes
Sisk
Smith, Iowa
Staggers
Stubblefield
Sullivan
Symington
Taylor
Teague, Tex.
Thompson, N.J.
Tiernan
Ullman
Van Deerlin
Vanik
Waldie
Whitten
Wilson, Charles H.
Wolff
Wright
Yates
Young
Zablocki

NAYS—193

Abbitt
Abernethy
Adair
Adams
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ayres
Beall, Md.
Belcher
Bell, Calif.
Berry
Betts
Biester
Blackburn
Bow
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burton, Utah
Bush
Byrnes, Wis.
Camp
Casey
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins
Colmer
Conable
Conte
Corbett
Coughlin
Cowger
Cramer
Daniel, Va.
Davis, Wis.
de la Garza
Dellenback
Denney
Dennis
Derwinski
Devine
Dowdy
Duncan
Dwyer
Edwards, La.
Erlenborn
Eshleman
Findley
Fish
Ford, Gerald R.
Foreman
Frey
Fulton, Pa.
Goldwater
Goodling
Grover
Gude
Haley
Hamilton
Hammerschmidt
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Heckler, Mass.
Hogan
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Keith
King
Kleppe
Koch
Landgrebe
Landrum
Langen
Latta
Lloyd
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Mailliard
Marsh
Martin
Mathias
May
Mayne
Meeds
Melcher
Michel
Miller, Ohio
Minish
Minshall
Mize
Mizell
Montgomery
Myers
Nelsen
O'Konski
Passman
Pelly
Pettis
Pickle
Pike
Pirnie
Poff
Pollock
Price, Tex.
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reifel
Rhodes
Riegle
Roberts
Robison
Rogers, Colo.
Roth
Roudebush
Ruppe
Ruth
Sandman
Satterfield
Schadeberg
Schwengel
Scott
Sebelius
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Taft
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Udall
Vander Jagt
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
White
Whitehurst
Widnall
Wiggins
Williams
Wold
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NOT VOTING—73

Anderson, Tenn.
Ashley
Baring
Barrett
Biaggi
Bingham
Blatnik
Brademas
Brown, Calif.
Button
Carter
Cohelan
Collier
Conyers
Crane
Culver
Cunningham
Daddario
Dawson
Dickinson
Edmondson
Edwards, Ala.
Esch
Evans, Colo.
Fallon
Farbstein
Fisher
Flowers
Ford, William D.
Fraser
Frelinghuysen
Green, Oreg.
Griffiths
Gubser
Halpern
Hays
Hébert
Horton
Jacobs
Kirwan
Kluczynski
Kuykendall
Kyros
Long, La.
Lowenstein
McCarthy
McFall
McMillan
MacGregor
Meskill
Mollohan
Moorhead
Morse
Morton
Mosher
Nedzi
Ottinger
Pucinski
Reid, N.Y.
Rostenkowski
Saylor
Scheuer
Schneebeli
Slack
Stokes
Stratton
Tunney
Whalen
Whalley
Wilson, Bob
Winn
Yatron

So the resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Horton against.

Mr. Biaggi for, with Mr. Frelinghuysen against.

Mr. Pucinski for, with Mr. Button against.

Mr. Saylor for, with Mr. Esch against.

Mr. Barrett for, with Mr. Cunningham against.

Mr. Blatnik for, with Mr. Morse of Massachusetts against.

Mr. Brademas for, with Mr. Bob Wilson against.

Mr. Cohelan for, with Mr. Morton against.

Mr. Daddario for, with Mr. Winn against.

Mr. Fallon for, with Mr. Kuykendall against.

Mr. Kluczynski for, with Mr. Meskill against.

Mr. Farbstein for, with Mr. Reid of New York against.

Mr. McFall for, with Mr. Edwards of Alabama against.

Mr. Moorhead for, with Mr. Mosher against.

Mr. Rostenkowski for, with Mr. Whalen against.

Mr. Ashley for, with Mr. Schneebeli against.

Mr. Stokes for, with Mr. Halpern against.

Mr. Edmondson for, with Mr. Gubser against.

Mr. Stratton for, with Mr. Carter against.

Mr. Ottinger for, with Mr. Crane against.

Mr. McCarthy for, with Mr. Whalley against.

Mr. Yatron for, with Mr. Dickinson against.

Mr. Conyers for, with Mr. Collier against.

Mr. Lowenstein for, with Mr. MacGregor against.

Mr. Nedzi with Mr. Mollohan.

Mr. Culver with Mr. Brown of California.

Mr. Kyros with Mr. Bingham.

Mr. Anderson of Tennessee with Mr. Baring.

Mr. Jacobs with Mr. McMillan.

Mr. William D. Ford with Mr. Long of Louisiana.

Mr. Fraser with Mr. Hébert.

Mrs. Griffiths with Mr. Slack.

Mrs. Green of Oregon with Mr. Flowers.

Mr. Evans of Colorado with Mr. Fisher.

Mr. Scheuer with Mr. Dawson.

Mr. Kirwan with Mr. Tunney.

Messrs. MIKVA and TEAGUE of Texas changed their votes from "nay" to "yea."

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Messrs. **MINSHALL**, **HALEY**, and **ROBERTS** changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just rejected.

The **SPEAKER.** Is there objection to the request of the gentleman from California?

There was no objection.

THE WARMAKING AUTHORITY

(Mr. **FASCELL** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, the last 2 weeks have brought us closer to a major constitutional crisis over who has the warmaking authority under our Constitution. Some assert that the power is solely that of the Congress, as set forth under article 1, section 8 of the Constitution which empowers the Congress to declare war, raise and support armies, and make rules for the Government and regulation of the land and naval forces. Others tell us that this power by implication belongs to the President as Commander in Chief as set forth in article 2, section 2. Still others assert that the power is shared.

What is clear, Mr. Speaker, is that in this grave area of war or peace, there is not now any law which generally limits what a President can do with our Armed Forces. Conversely, the President is empowered to veto a bill or resolution of the Congress relating to the Armed Forces.

To begin a discussion of the grave issues involved in who should have the authority to commit the Armed Forces of the United States to battle, I am today introducing a bill which asserts congressional authority over this entire area. I do so not to challenge the President's decision in Southeast Asia, but to begin a dialog which hopefully will result in a clear definition of respective congressional and Presidential authority over issues of war and peace.

In introducing this bill I am aware that, in its present form, it may not be constitutional. But even if full discussion of all aspects of this problem shows that the goals of the bill are not even desirable, the bill will have served a useful purpose. It is discussion and resolution of this issue which is vital, not this particular proposal. To continue with today's confused and conflicting constitutional claims of authority invites a future recurrence of the deep division we face today. If this Nation must ever go to war again, it must do so only when every opportunity for consultation with the Congress has been taken.

Mr. Speaker, my bill is straightforward in its approach. In concept it limits the authority of the President to send American troops abroad for other than peaceful purposes unless the Congress has specifically consented through a treaty or by law or the United States itself were threatened with imminent attack. Our Armed Forces could be sent overseas only if the United States itself were attacked, a specific treaty obligation invoked, or the Congress declared war. The President would continue to have the authority to send forces abroad for peaceful purposes, whether ceremonial or humanitarian.

The bill reads as follows:

> A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall not deploy Armed Forces of the United States outside the United States or any territory subject to its jurisdiction, for other than peaceful purposes, without the advice and consent of the Senate in connection with a treaty, or unless the Congress, by law, specifically authorizes the deployment of such Armed Forces by the President; except that the President is authorized to deploy such Armed Forces at his sole discretion—
>
> (1) when he finds that the territory of the United States is under attack or imminent threat of attack; or
>
> (2) when he finds that deployment of such Armed Forces fulfill a specific treaty obligation of the United States; or
>
> (3) pursuant to a declaration of war by the Congress except that such Armed Forces may be deployed only in committee specifically authorized by such declaration of war unless the President finds that the safety of American or allied Armed Forces requires deployment of American Armed Forces in other countries.
>
> The President shall notify the Congress within twenty-four hours after any such finding of all action he has taken at this sole discretion pursuant to such finding. In the event the Congress is not in session, the President shall convene the Congress in an extraordinary session within twenty-four hours after such finding.

Mr. Speaker, it is not my intention that this bill affect the present situation in Southeast Asia but, in my opinion, it would have prevented many of the major steps of escalation from occurring without specific congressional approval. It would have prevented a major intervention in Vietnam without our approval because we had no "specific treaty obligation" to commit forces to that country. It would have prevented the invasion of Cambodia unless there had been a declaration of war by Congress, and even then it would have required the President to place the issue before Congress.

But, Mr. Speaker, it is not the intention of this bill to affect the war in Southeast Asia. It is aimed at the future—at making certain that any future war will come only after serious deliberation of the issue of war or peace by the Congress.

As I said in the beginning of my remarks this bill is designed to serve as a catalyst for a discussion of war-making power under the Constitution, not as a final recommendation from a lengthy study of this grave issue.

It is obvious, for example, that in a nuclear age the President must have full authority under certain conditions to act at his sole discretion. This bill leaves him with that power unimpaired, but it does require that when there is time, the President use that time to seek broad national agreement in the Congress on what should be done.

Mr. Speaker, there are, in fact, many aspects of this problem which are not touched on directly in this bill but deserve full consideration. The most important of these is how such a law could be enforced. The original draft of this bill had a section enabling the Congress to bring impeachment proceedings for violation, but I am not convinced that this would be the ideal or even a good remedy. There must, however, be some form of enforcement.

Another issue is under what conditions we want to enable the President to intervene abroad to safeguard American lives and property. Is that a peaceful use of American Armed Forces?

Is the sending of American advisers a peaceful use of our forces?

Another issue is whether we want to make the limit on deployment only effective for over a specific number such as 100—as 1,000.

Still another issue is what new rules, if any, would the House and Senate need to insure prompt and full response to a Presidential notification of the commitment of U.S. forces under any of the conditions specified in the bill?

Mr. Speaker, it is the people of this country who must ultimately fight our wars. As their elected representatives we have an obligation to voice their will and exercise our judgments on issues of war and peace. To leave this most serious decision solely to the President, except when absolutely required, would make a mockery of our democratic form of government.

In introducing this bill it is my hope that the Congress will soon undertake an indepth study of this entire study. Our experience in Asia and our experiences here at home make it essential that we come to grips with this difficult yet vital constitutional issue.

FUNERALS FOR DECEASED WAR VETERANS AND MEMBERS OF THE ARMED FORCES

(Mr. **ADAIR** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, I was quite surprised recently to learn that the armed services do not, in all cases, provide upon request a ceremonial detail to render final military honors at the burial of veterans whose last service terminated honorably. This assistance, I am informed, is limited by the requirement that service on ceremonial details not interfere with the regular duties of the members of the detail. Unfortunately, there are situations where manpower restrictions prevent the Army from rendering such assistance.

Upon inquiry, the Secretary of the Army has advised me that the Army has for several years been working closely with veterans organizations and has encouraged local veterans organizations to form their own ceremonial units, and that these units are frequently trained and assisted by personnel from military installations.

I can appreciate the fact, Mr. Speaker, that many military installations do not have adequate personnel to honor all requests for military honors. Therefore, this cooperative effort between the Army and the Nation's veterans' organizations to resolve this problem is most commendable. The American Legion's Department of Indiana, Fourth District, has called to my attention an apparent inequity in existing law which could serve as a deterrent to the full-scale participation by veterans' organizations' ceremonial units in rendering final honors to their deceased comrades-in-arms.

Existing law, I am informed, authorizes Federal employees who are veterans to be excused from duty without loss of pay or reduction in annual leave for a period of not more than 4 hours to participate as a pallbearer or a member of a ceremonial unit in funeral ceremonies for those servicemen whose remains are returned from abroad for final interment in the United States. The law does not permit such excused absence for the funeral of a war veteran or even an active duty serviceman who dies in the United States. Now, Mr. Speaker, it is somewhat incongruous for the Army to cite their dependence upon ceremonial units of veterans organizations in rendering final honors to war veterans, when a Federal statute permits excused absence only in very limited circumstances for Federal employees who are members of such units.

I have worked very closely with the American Legion National Headquarters is exploring this entire subject and at the request of that splendid organization, I am today introducing a bill that will authorize such excused absences for Federal employees who are veterans to participate in funerals for deceased war veterans and members of the Armed Forces.

The text of the bill follows:

A bill to authorize the participation by certain Federal employees in funerals for deceased war veterans and members of the Armed Forces.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 6321 of Title 5, U.S. Code is amended to read as follows: "An employee in or under an executive agency who is a veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be excused from duty without loss of pay or reduction from annual leave for the time necessary, not to exceed four hours in any one day, to enable him to participate as an active pallbearer or as a member of a firing squad or a guard of honor in a funeral ceremony for a member of the Armed Forces of the United States or for a deceased honorably discharged veteran of a war, or of a campaign or expedition for which a campaign badge has been authorized.

EDA BOONDOGGLE

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Speaker, I wish to call to the attention of the Members of the House an example of where, under Department of Commerce Appropriations, the taxpayers money has been misused. I cite today an Economic Development Administration grant which has been made to the town, Yakutat, Alaska. The community consists of some 300 native people who earn their living chiefly by fishing which they market through a privately owned freezing plant, the Marine Foods Packing Co., in which, as I understand, its owners have invested some $200,000 of their own money.

Now, the Federal Government is stepping in and has allowed the town $1,800,000 grant for a new fish freezing plant which will be leased to another concern and operated in competition with the private firm already in business.

Those familiar with the fishery resources of Alaska including the commissioner of Alaska's Fish and Game Department say the area will only support one fish freezing plant and, in short, it means that the privately financed and owned existing plant will not be able to compete and they will be forced out of business.

That, under our free enterprise system, is not fair.

For the record, here are the facts:

On March 2, 1970, I sent a letter to Robert A. Podesta, Assistant Secretary for Economic Development, stating that the plans for this plant had been approved by EDA. I also informed him that I knew that no feasibility study had been made; that there were no surplus fish or crabs in adjacent waters; and that the natives themselves were opposed to the project. I urged reconsideration of EDA's plans for allowing this plant to be constructed.

Four days after my request for reconsideration, the grant was approved. Although even after I repeated my request for a delay, I was not informed of this approval. It was immediately after my protest that the bureaucracy quietly took control and proceeded.

Mr. Speaker, let me say that I am speaking as a representative of all parties concerned. The owners of the present plant in Yakutat have their office in my district, as do not only the lessee of the proposed plant, but also the construction company that will build it. My position is one of criticizing the bureaucracy that would authorize such a projcet in spite of facts that prove it is unnecessary, unwanted, and harmful to private industry.

I am not pointing my finger at any official although someone at the top should have looked into the economic feasibility. My complaint is that this is a boondoggle and a waste of taxpayers' money. Some bureaucrats at lower level of Government are to blame. The case of the plant at Yakutat is an example of Government disregard for free enterprise and although I realize that this project may have proceeded beyond the point of no return, I wish to call this absolutely inexcusable case to the attention of my colleagues at a time when we are asked to appropriate operational funds for the Department of Commerce. This is just an example of how $1,800,000 of the taxpayers' dollars are being put to use; to compete with private enterprise and quite possibly stifle or eliminate a private industry.

The Congress through its appropriate committee should investigate the EDA grant and others because I have heard there are similar plants financed by Federal Government which are in trouble. I urge a full investigation.

SELECTIVE SERVICE REGULATIONS

(Mr. ESCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ESCH. Mr. Speaker, each year I have the privilege of congratulating hundreds of young men and women from Michigan's Second District on their graduation from high school. I attempt at that time to inform the young men of their responsibilities under the Selective Service Act. I shall include the listing of selective service regulations which I have compiled at this point in the CONGRESSIONAL RECORD.

Every young man has military obligations to the United States under the Selective Service Act. However, the military does not need all the young men who are available and the selective service system has been established to select those who must serve. Under the new lottery system, each man is vulnerable to the draft for only 1 year. The order of induction is determined by a lottery drawing in November or December for the following year. All young men will be eligible for induction either in the year following their attainment of the age 19 or in the year after they leave school or otherwise cease to be deferred.

Under new regulations recently announced by the President, deferments are no longer available for occupational, agricultural or paternity reasons. The President has also asked for authority to abolish student deferments. Congress has not yet considered this proposal. However, I am hopeful that it will be taken up this year. I expect to give it my strong support since I believe that all young men should be on an equal footing with regard to the draft.

The President has also proposed national calls rather than the present quota system. This would assure that all men born on the same day and with the same priority number would be called at the same time, regardless of their local board. Such a system would remove the inequities which sometimes occur under the present system of assigning quotas to local boards. It would assure that no matter where a man is registered, he will face equal vulnerability to the draft with every other man in the Nation.

I strongly support both of these measures as part of the effort to make

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the draft as fair as possible. It is difficult to predict at this point, however, just when these proposals might come before the Congress for approval. The information which follows, therefore, outlines selective service regulations as of the present time.

Most selective service troubles arise because of, first the registrant's ignorance of, or carelessness about, his rights—especially the right of appealing any new classification given by the local board; and second the registrant's failure to keep his local board informed of changes in status, qualification, and location.

All contact with the appeals to your local Draft Board should be put in writing. Registrants should keep copies of all correspondence with their local board and should put in writing for inclusion in their file all verbal communication with the local board, including telephone calls and summaries of personal appearances. This reduced the chance of misunderstanding.

The following are the general rules and regulations of the Selective Service System at the present time. If questions arise, you should contact your draft board immediately. My office will also be glad to provide you with assistance and information, although I have absolutely no power to make a determination on your specific case.

General Rules and Regulations

1. A Selective Service local board places a registrant in a deferred class when it determines that the national interest would be best served by continuing the individual registrant temporarily in a civilian status.

After the young man registers at the age of 18, his local board mails him a Classification Questionnaire. The information submitted in this and subsequent questionnaires is the foundation for classification; but the registrant, may submit new or supplemental information.

2. A registrant has the right to request a personal appearance before his board within 30 days of the date of mailing of any notice of classification by the local board. Following such personal appearance, he will be given a new classification card, and will have the right to appeal that classification within 30 days. A personal appearance before the local board is not required, and any registrant may bypass this step and make a direct request for appeal. However, he forfeits his right to a personal appearance if he appeals before requesting a personal appearance.

Along with the Classification Notice mailed to registrants classified in Classes I–A, I–A–O and I–O, there will be forwarded information that a Government Appeal Agent is available to them for legal advice on Selective Service matters, particularly in connection with appeals.

A request for a personal appearance or for an appeal should be sent to the local board. Requests for appeal should be accompanied by supporting letters and documents from teachers, employers, dependents, or others to justify the registrant's claim.

A *personal appearance* can be made only before the registrant's own local board. However, a registrant has the right to request a transfer of his *appeal* to the appeal board having jurisdiction over his principal place of employment or place of residence, if his local board is in a different state or jurisdictional area. The request for transfer must be made at the same time that the appeal is requested. The local board will forward the entire file to the appeal board, which may change or sustain the classification given the registrant.

3. Denial of deferment at the state level may be appealed to the President within 30 days if the vote of the appeal board was split. If the vote was unanimous, the registrant, an employer, a school, or a disinterested agency such as the Scientific Manpower Commission, may seek review at State Selective Service Headquarters and following that review, may seek further review at National Selective Service Headquarters in Washington, D.C. The State Director in the local board state, the State Drlector in the appeal board state, or the National Director of Selective Service may take an appeal to the President following unanimous classification by the appeal board.

4. A registrant cannot be inducted during the time any appeal is pending. No local board may deny an appeal.

5. No deferment is valid for a period longer than one year. However, most deferments may be renewed. The registrant and his employer or his school should apply for a continuation of the deferred classification prior to its expiration. The registrant is responsible for keeping his local board up-to-date on his status. In the case of undergraduate students, the request for continued deferment should be made on Form 104 and must be supported by Form 109, or any revised versions thereof that may be issued.

6. If an induction order has not been issued, the local board may be asked to reopen a classification if new information is supplied by the registrant or others in his behalf. The local board *must* reopen only when the new information, if true, would require placing the registrant in a new classification (such as I–S), or if ordered to reopen by the State or National Director of Selective Service. They *may* re-open when the new information would justify a change in classification, and was not considered in previous classification, action. When a classification is re-opened and considered anew by the local board, rights of appeal are reestablished.

7. Registrants who have passed their 26th birthday without fulfilling their military obligation are dropped next to the bottom of the call list. Registrants deferred under authority of regulations issued by the President remain liable for service until they are 35 years old.

STUDENT DEFERMENT

As noted above, the President has asked Congress for the authority to abolish student deferments so that all men will face equal vulnerability to the draft. However, it is now uncertain whether or when the Congress will act on this request. Until such time as the Congress does act, the following regulations will be in effect:

HIGH SCHOOL AND 2 YEAR COLLEGE STUDENTS

8. The full-time, satisfactory high school student who is ordered for induction shall be deferred in Class I–S. This deferment classification ends when he graduates or reaches age 20 or ceases satisfactorily to pursue a full-time course of study. The student seeking this deferment should ask the school principal to write to the local board giving the pertinent information. School principals should notify their students that such deferment is available.

Students in a two year college program not leading to a baccalaureate degree may be deferred in Class II–A.

UNDERGRADUATES

9. Present regulations provide that any undergraduate student who is satisfactorily pursuing a full-time course of instruction at a college or university shall be deferred at his request until he completes his baccalaureate degree, fails to pursue satisfactorily a full-time course of study, or attains the age of 24, whichever occurs first. The student must request such deferment in order to be placed in Class II–S, and in so doing he forfeits his right to deferment for fatherhood after completing his education, unless his induction would create a hardship for his dependents.

College students under age 19 should not request student deferment, since the student is not currently subject to induction and should not incur the liabilities of II–S classification until he needs the deferment to stay in school, and has successfully completed his freshman year.

The student must provide his local board each year with evidence that he is satisfactorily pursuing his full-time course of study.

10. The undergraduate student who elects not to request student deferment, or who is not found eligible for student deferment, and who is ordered for induction during a school year, shall be placed in Class I–S(C) if he is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, provided he has not previously been placed in Class I–S(C). He will be retained in this classification until the end of his academic year, or until he ceases satisfactorily to pursue such course of instruction, whichever is earlier. He is not prohibited from later classification in II–S if he is otherwise eligible.

At the expiration of the I–S(C) classification, a student is subject to induction in the regular order of call unless he is further deferred. If calls are placed by age group, he will be subject to call in the prime age group, but his right to fatherhood deferment is not forfeited.

11. A student's academic year includes the 12-month period following the beginning of his course of study or its anniversary.

A full-time course of instruction requires that the student earn within one calendar year a sufficient number of credits to represent a direct proportion of his total required number of credits. For example, a student in a four-year baccalaureate course should have earned one-fourth of the credits required for his degree at the end of his first academic year, half at the end of his second academic year, and three-fourths at the end of his third academic year.

GRADUATE STUDENTS

12. A student shall be placed in Class II–S if he is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, optometry, osteopathy, or such other subjects necessary to the maintenance of the national health, safety, or interest as are identified by the Director of Selective Service upon advice of the National Security Council. In February 1968, the NSC found that no other subject areas were essential, at that time. A new appraisal may be made later.

13. The I–S(C) classification is not available for students who have been deferred as undergraduates in Class II–S after June 30th, 1967, and have completed their baccalaureate degree. Students deferred in II–S only as graduate students after June 30, 1967 may be eligible for I–S(C) classification. District Courts have ruled both for and against their eligibility. Students not eligible for deferment who begin a school term and are ordered for induction during that term should request postponement of induction till the end of the quarter or semester.

OCCUPATIONAL DEFERMENTS

14. As of April 23, 1970, occupational deferments are confined to those jobs which are strictly national in scope or effect. Occupational deferments which are already in effect or for which applications have been

made prior to April 23 can be continued. All registrants seeking deferment after this date will be subject to the discretion of the Direction of Selective Service and/or the National Security Council. Those occupations previously deferred at the local level by the local draft boards will no longer be considered.

In effect, this order eliminates occupational deferments for all but the very highest jobs of great national importance.

AGRICULTURAL DEFERMENTS

15. The President's Executive Order of April 23 also eliminates the category of agricultural deferments except for those which were already in effect prior to that date. No local board will consider a deferment for agricultural reasons from this point on.

PATERNITY DEFERMENTS

16. Also under Executive order, any registrant who prior to April 23, 1970 submitted to his local draft board information establishing eligibility for deferment on the grounds of fatherhood under those regulations in effect prior to this date, or who is classified III–A prior to this date, and who continues to maintain and support a family relationship with child or children may be classified III–A. All other registrants seeking future classification in Class III–A will be denied such classification unless such denial would bring about extreme hardship to that registrant and his dependents.

ROTC STUDENTS

17. ROTC *students* are deferred in Class I–D until completion of college work. There is no such thing as permanent deferment or exemption from service for ROTC *graduates*, except under conditions of extreme personal or community hardship which cannot be alleviated by temporary delay.

RESERVISTS

18. There are two branches of the Reserve—the Ready Reserve and the Standby Reserve. The Ready Reserve may be called up on very short notice. Generally, Standby reservists would be called up only after all Ready Reserve Units were called.

19. Under current screening regulations, reservists who have critical civilian occupations but do not have critical military skills are screened as a matter of regular policy from the Ready Reserve to the Standby Reserve, with the following exceptions. Reservists who have served only their active duty for training—a period of six months or less—and reservists who have signed a Ready Reserve agreement may not be screened into the Standby Reserves.

In all cases, the possession of critical military skills overrides the possession of critical occupational skills as listed by the Department of Commerce.

20. Members of the Standby Reserve are under the jurisdiction of the Director of Selective Service, and are further screened as I–R (available) or II–R (working in a critical occupation).

Any member of the Standby Reserve who has not completed his obligated period of military service in the Ready Reserve may be re-transferred to the Ready Reserve whenever the reason for his transfer to the Standby Reserve no longer exists.

21. Both employers and reservists should make certain that the reservist has been properly screened. Applications for screening should be made prior to the issuance of alert orders or orders to active duty.

Requests for screening should be made as follows: Army Reservists should write to the Commanding Officer, U.S. Army Administrative Center (Attn.: AGAC–RA–X) 9700 Page Blvd., St. Louis, Mo. 63132. In the Navy, application should be made to the Naval District in which the reservist resides. Air Force reservists should apply to the major Air Command of jurisdiction. Marine requests should be addressed to the Commandant, Marine Corps, Washington, D.C.; and Coast Guard reservists should write to the Commandant, Coast Guard, Washington, D.C. Both Army and Air National Guard should address application for screening to the State Adjutant General.

22. Members of the Ready Reserve may be assigned to an active unit or they may be members of the Ready Reserve pool. Those reservists who are not assigned to an active unit are subject to individual call to active duty.

Reservists assigned to an active unit, but who are not in good standing in that unit and who have from nine to twenty-four months of active duty may be transferred to their draft boards where they can be drafted for two years up to age 35.

23. A registrant may enlist in a Reserve unit at any time prior to the issuance of orders for him to report for induction, or prior to his scheduled date of induction if a determination has been made by the Governor of the state (for the National Guard) or the President (for the Regular Reserve) that the strength of the Ready Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction. A reservist shall be classified in I–D and shall remain eligible for that classification so long as he serves satisfactorily as a member of an organized unit of the Ready Reserve or the National Guard.

REDUCED AIR FARES FOR THE ELDERLY

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROTH. Mr. Speaker, I am today introducing a bill to amend the Federal Aviation Act of 1958 to authorize reduced rates for air transportation by our elderly.

My bill authorizes lower air fares for the broad sector of our population that is 65 years of age or older or on a space available basis.

Our elderly persons appear to have become a forgotten group in providing special air fare levels. Last year, the Members will recall, there was a proposal to terminate special low standby fares for young people and students. There were many bills introduced in Congress which would have required the Civil Aeronautics Board to retain youth fares. Most, if not all of these legislative proposals included provisions for reduced fares for the elderly. However, in August 1969, the Board decided to retain the youth fares, and most of the pressure for legislation was dissipated.

This, unfortunately, left the elderly group high and dry.

Mr. Speaker, if it were proper to propose special low air fares for our older population last year, it is equally so in 1970. And I maintain that it is entirely proper to grant them special consideration for several reasons.

First, bear in mind that they will be accommodated on a space-available basis. If a plane is taking off and has 20 empty seats, those seats are earning nothing to cover the overall expense of the flight. A reduced fare, on a space-available basis, means utilization of some of these unused seats, and a contribution toward overall costs.

In connection with the capacity and load factor element involved, it should be borne in mind that we are entering a period of considerably larger aircraft. It stands to reason that, day in and day out, the increase in the number of seats available on a given flight will result in an increase in the number of unused, non-revenue-producing seats. It is only good economics to create and develop a market to utilize some of this unused capacity.

In 1964, the Board staff established certain criteria to follow in reviewing discount fares. The fundamental points have been described in the following paragraph:

> Discount fares are generally offered for a basic service to improve a carrier's net income by filling seats that would not otherwise be occupied. Their economic justification is that when they are not fully self-supporting, they can improve net earnings by reducing costs through a more even distribution of traffic, and/or generating traffic, provided the diversion of revenues from existing basic-fare traffic is more than offset by the cost savings and additional revenues. Thus, discount fares should meet direct costs and make some contribution to overhead expenses, maximize revenues, enhance the carriers' profit position and ultimately afford a basis for reductions in the general fare level.

Second, it is doubtful if there will be any considerable transfer from a higher to a lower fare category. Older people are generally on fixed income, and one which frequently allows for no expenditures for air travel at standard-fare levels. Accordingly, such trips will be forgone, unless special provision is made to make them possible.

Third, it seems to me that there is a special sense of fitness in extending this coverage to our senior citizens. They have worked for many long years and are enjoying an abundance of leisure time, perhaps for the first time. Their children and friends are often located in distant places. How worthwhile it would be to be able to travel to see them occasionally. This is why I feel that there is justifiable propriety reflected in my bill.

Fourth, it is unlikely that any valid claim of unjust discrimination against other fare levels or other classes of passengers would be sustained. In its decision to permit the continuation of youth special standby fares in 1969, the Board determined that such fares are not unjustly discriminatory.

Mr. Speaker, these reasons have motivated me to introduce a bill permitting the Board to allow reduced rates to the older segment of our population. I urge my colleagues to give it their earnest consideration.

The text of the bill follows:

H.R. 17606

A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **That (a) the last sentence of section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)) is amended by inserting "and elderly people" immediately after "ministers of religion".**

(b) Such section 403(b) is amended by adding at the end thereof the following new sentence: "As used in the preceding sentence, the term 'elderly people' means individuals aged sixty-five and older."

KENT STATE UNIVERSITY INCIDENT

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, in order that a balanced story of the Kent State University affair be made available, I am submitting the WMNI commentary, broadcast in Columbus, Ohio, on May 11, 1970.

Some of the news telecasters and so-called "anchormen" were so carried away with emotionalism, they were just unable to tell but one side of the story.

I commend the attached for whatever evaluation one may wish to make:

WMNI COMMENTARY, MAY 11, 1970

Somebody has their thinking all mixed up. Ever since that tragedy that befell Kent State University, law enforcement agencies have been taking it on the "chin". This time, it's the National Guard troops who were trying to keep Kent State open for the responsible students of that university. We deplore violence as a means to an end as much as anybody but let's set the record straight and put the blame for those four needless deaths where it belongs.

We submit, those 30 troops who were forced to fire into a mob of about three or four thousand screaming, rock-tossing students are guilty of nothing more than trying to preserve law and order and their own lives. If there is any blame, it must rest with the "pious peaceniks" who ignored repeated warnings and persisted in roaming the campus disrupting the whole college routine and endangering the lives of all 19-thousand K–S–U students.

Sure, it was the National Guard Troops who pulled the triggers of those guns. But what would you have done in a similar situation. These troops reacted as any human, or animal for that matter, would react when life is at stake, they tried to defend themselves. Three thousand to 30 odds are rather awesome, to say the very least.

At Friday's rally on the statehouse grounds, speaker after speaker called the National Guard Troops "murderers" . . . libelous at the most. However, we repeat, the real murderers are those "radical" students and faculty members who continue to incite the crowd to tear down the establishment. They are the ones who should be undergoing an investigation at this time.

They are the ones who know how to whip a disinterested crowd into a raging mob. They are the ones who are teaching open revolution right in our college classrooms. They are the ones who should be held accountable for the deaths, injuries and the millions of dollars of damage to taxpayer property.

Until our great colleges and universities rid themselves of these revolutionaries, there will continue to be trouble and the needless waste of innocent blood. In most cases not the blood of the troublemakers but the so-called curious bystander who has been made a prat of the "mob" by these "merchants of violence".

We repeat, they are the real killers of those four students at Kent State University. We rest our case.

FAIR LABOR STANDARDS AMENDMENTS OF 1970

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, I am today introducing a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate, to provide for an automatic increase in wage rates based on the increases in the price index, and to extend the coverage of the act to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes. In doing so I have had to take into consideration the very serious problem that we are now facing in the fair labor standards of this country in that we have embarked on a so-called family maintenance plan which is a guaranteed yearly wage, in effect. Under present conditions, under the fair labor standards, a worker working as many hours as is allowable, which is very seldom done in any instance, would be earning $740 less per year than the family maintenance plan would pay him out of the Treasury with any combination of earnings plus the welfare payment. So I have tried to devise a plan for a minimum wage which will be based on the classification of the job performed rather than upon a single minimum wage base. We can no longer adjust our salaries and work schedules in this country to meet the needs of the industrial worker and the needs of the farmworker and the needs of the small business worker at the same time. Therefore, in looking at the past history of our wage economics and job economics in this country, I have come to the conclusion that we must have a classified minimum wage which will be fair to all levels of employers and still give some measure of a guarantee of a wage level to the person who works, which will be a small percentage above the welfare payment.

I doubt if we can ever get people to work for less than they will get under the family maintenance plan, and while we can never reach the magnitude of forcing an employer to pay the amount of money that the family maintenance plan guarantees a family of eight, nine, or 10, we must at least pass legislation that will make a comparison between the earned rates while working to those unearned rates when a person with a family of four qualifies for family maintenance.

I would appreciate it if all of you would pick up a copy of this act as soon as it is printed to give me your views.

Mr. Speaker, the Fair Labor Standards Amendments of 1966 provided increases in the minimum wage rate to $1.60 an hour. In the case of employees newly covered by those amendments, other than agricultural employees, the presently applicable minimum hourly wage is $1.45, and will not reach $1.60 until next February 1. Those agricultural workers covered by the amendments are subject to the applicable minimum hourly wage of $1.30. In spite of the breadth of those amendments in terms of additional coverage, a great body of workers still remains outside the provisions of the Fair Labor Standards Act.

My bill would provide universal minimum wage coverage to all employees, except those employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman. It would, however, retain exemptions from overtime coverage for those employees presently exempt from such coverage.

My bill would establish four employee wage schedules. Each schedule would encompass a category of employee coverage and require the payment of specified minimum wage rates. The schedule follows:

First. Those employees who were covered before the amendments of 1966 would be subject to a minimum wage rate of $2 an hour beginning January 1, 1971, and $2.50 an hour beginning January 1, 1972.

Second. Those employees who were first covered by the Fair Labor Standards Amendments of 1966—except agricultural employees—would be subject to a minimum wage rate of $1.75 an hour beginning January 1, 1971, and $2 an hour beginning January 1, 1972.

Third. Those agricultural employees first covered by the Fair Labor Standards Amendments of 1966 would be subject to a minimum wage rate of $1.50 an hour beginning January 1, 1971, and $1.75 an hour beginning January 1, 1972.

Fourth. Those employees covered for the first time by the Fair Labor Standards Amendments of 1970 would be subject to a minimum wage rate of $1 an hour beginning January 1, 1971; $1.25 an hour beginning January 1, 1972, and $1.50 an hour beginning January 1, 1973.

Effective January 1, 1971, the minimum wage rate for each schedule may be raised because of an increase in the price index. The mechanical procedure would parallel that used to adjust annuities received by Federal employees, including retired military personnel. The Secretary of Labor is required to monitor increases in the Consumer Price Index and make appropriate adjustments in the various minimum wage rates.

The problem of the impact of imports on employment is dealt with in a proposed new title II of the act. Upon the request of the President or the Congress or upon application of a representative of any employee organization, in a domestic industry, or an interested party, or on his own motion, the Secretary of Labor would be required to make an investigation as to whether any product is being imported into the United States which is causing or substantially contributing to serious impairment or threat of impairment to the health, efficiency, and general well-being of any group of workers in the United States or the economic welfare of the community in which any such group of workers is employed.

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Should the Secretary of Labor find that an imported product is causing such consequences, he will promptly report to the President and publish his findings. Upon receiving the Secretary's report, the President may take such action as he deems appropriate.

After the effective date of the amendments, any Federal contract over $10,000 for the manufacture or furnishing of materials, supplies, or equipment which is performed outside a State, but is for use within the State shall require: First, that all persons employed by the contractor in carrying out the contract be employed on terms and conditions which are not substantially less favorable to his employees than those which would be required under the act; and second, that the contractor make such reports, as are necessary to enable the contracting agency to insure that the provisions of this title are compiled with.

Mr. Speaker, I am realistic enough to know this bill will not be universally heralded in our business and industrial community; nor will organized labor rise up in unified support. It is, in fact, a departure from the theory of "minimum wage"—a single wage below which no employee should be forced to work. But the reality of our economy is such that a small retail or service establishment cannot afford to pay its employees at the same rate as can some of our giant industrial complexes. And, unfortunately, every time we have acted to increase the minimum wage rate, we have generally done so by fixing it to an amount the least able in our economy were able to pay. Consequently, marginal enterprises have managed to dictate what the minimum wage rate would be for all covered employees by their ability to pay. We have also had to sacrifice universal coverage in the process, and I believe that to be at least as essential as any wage increase.

Because of the requirement that minimum wage increases occur by legislative mandate, and because that process is not always immediately responsive to existing or anticipated needs, we are constantly left with a minimum wage rate that bears little resemblance to any notion of economic survival for the worker. Granted, the rates set forth in my bill are subject to the same tests of inadequacy when they become effective. But the mechanism of automatic increases based on the price index will certainly be more responsive to the economic realities of the moment.

Mr. Speaker, I have had this notion of minimum wage rates in my mind for some time. I have discussed it extensively with my colleagues and with interested parties. I can make good arguments in support of it, and good arguments can be made in criticism of it. But I thought this concept should be given public consideration, and it is for this reason I have introduced it. I am not wedded to it or any other proposal at this time. I only believe changes are urgently needed in the Fair Labor Standards Act, and that a dialog on appropriate changes should begin.

I would, therefore, like to announce that the general Subcommittee on Labor will commence public hearings on amendments to the Fair Labor Standards Act late this month or early in June. We will not hear witnesses outside the administration or the Congress until June. Hopefully, we will hear the views of the administration and Members of Congress beginning about May 21.

The hearings will not be confined to any particular bill, but instead to all legislation presently before the subcommittee which would amend the Fair Labor Standards Act. At this time, I would like to invite anyone wishing to present views on this matter before the subcommittee, to communicate with the staff and arrange for a hearing date.

WASHINGTON METROPOLITAN AIRPORT AUTHORITY

The SPEAKER pro tempore (Mr. MATSUNAGA). Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, today I have introduced a joint resolution which expresses the will of the Congress that the States of Maryland and Virginia enter into a compact along with the District of Columbia to establish a Washington Metropolitan Airport Authority.

It is obvious that large metropolitan areas have created transportation problems which can only be solved by a central, coordinating authority which plans, directs and supervises integrated transportation services upon which the whole area must depend.

The greater Washington area is a case in point.

Recognizing that surface transportation must be coordinated and systematically planned, the District of Columbia has entered into a compact with the States of Maryland and Virginia to create a central authority. I think it is evident that air transportation must also come under a similar concept.

The need for such a central authority was motivated by my concern over the problems related to a controversial airport site in my district at Bowie, Md. This brought home to me the fact that there is a need for a coordinated and well-planned system of airports to serve this vast metropolitan area today and in the future.

The question of jammed airspace, which not only constitutes a flight hazard but also an inconvenience to passengers, is well known. To add to the ever-growing hazard by a willy-nilly and at-random construction of airport sites in this area will not solve but compound the problem.

Therefore, now is the time to establish a central authority which will be able to prevent chaos by careful planning and regulating airports geared to the needs of the communities of metropolitan Washington.

Flight safety requires that ample airspace be set aside to prevent landing or takeoff patterns from being in hazardous conflict.

Ground safety requires that the people who live and work near an airport be protected against distracting and disrupting aircraft noise and that a clear area around an airport be rigidly maintained to reduce these perils to a community.

It is doubtful that local authorities would have sufficient knowledge of aircraft operations to select a suitable site. They may find themselves in conflict with other air installations as the proposed Prince Georges County airpark conflicts with Andrews Air Force Base. Or, they may concern themselves with only their own local needs and thus come into a conflict with the area requirements or the plans of other communities in the metropolitan area.

To avoid such conflicts, a central authority would be able to anticipate a particular need and see how it relates to a far broader metropolitan need. This would reduce duplication of effort and prevent a dangerous proliferation of airports which would, eventually, reduce not increase, air operations because of increased hazards.

Recently, the President sent a message to Congress recommending an increase of Federal funds for the expansion and improvement of our airways system including construction and improvement of airports. The message recognizes that a serious problem exists today, to a dangerous degree, and that, unless action is taken now to correct the problems, the future of air transportation might be chaotic. The message stated that the "growth in the next decade must be more orderly—it must be kept safe. And it must not permit congestion and inadequate facilities to defeat the basic purpose of air transportation: to save time."

To maintain orderly growth it is necessary to have a responsible overall plan for metropolitan areas and a central authority to integrate needs not only for the safety of the public but also for the growing demands of private pilots and commercial aviation as well.

My proposed compact for a Metropolitan Airport Authority is intended to accomplish this result.

Often, local communities in their eagerness to meet demands of general aviation and with an eager eye toward scheduled air carriers, will hastily plan an airport site which, when viewed from the standpoint of the larger area in which it is located, will accomplish neither purpose because it is not part of an integrated plan of airports. Situated elsewhere, as part of an overall plan, such a local airport could be of service and be of great benefit to the communities it is intended to serve. Above all, it would be more safe.

Such planning, as my resolution anticipates, can only enhance business and industry served by general aviation.

Along with this philosophy of a metropolitan authority, it would follow that the needed technology and equipment would become part of one system so that all of the airports would be under one system and would benefit equally. As it now stands, some of our surrounding airports serving general aviation do not

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have the necessary equipment to adequately regulate flight operations in this day of rapid jet operations and all-weather flying.

Under the proposed compact, the sovereign States of Virginia and Maryland would have representatives appointed by their respective Governors as members of the authority, Commissioner of the District of Columbia, or his representative, would participate on behalf of the District of Columbia, and the Federal Government would participate through its representatives appointed by the President.

Such an authority would include staff experts on engineering, flight safety and equipment, and all others needed to plan and regulate airports and flight operations.

Any further at-random planning for air transportation is foolhardy. Large areas require order and that can be accomplished only by a central authority which can oversee and foresee. It can be more efficient in its forecast of needs and better able to plan effectively to meet them.

The metropolitan area of Greater Washington, the Nation's Capital, should lead the way. Along with improvement in equipment, material and safety devices in airport construction, must come control. And this control will only come from the establishment of the type of authority this compact would create.

Before more air disasters result, I urge speedy consideration of this resolution. I hope the Congress will demonstrate more concern about this problem than the Federal Aviation Agency. I sent a copy of my resolution to the FAA on July 22, 1969, but unfortunately they have not yet responded.

The text of the resolution is set forth hereafter:

H.J. Res. 1231

Joint resolution granting the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority

Whereas a compact has been entered into between the States of Virginia and Maryland and the District of Columbia, and consented to by the Congress, relating to a coordinated system of ground transportation in the National Capital area; and

Whereas the problems of aviation in the National Capital area are reaching crisis proportions; and

Whereas a comprehensive, coordinated approach is needed to solve this problem on a metropolitan area basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the conditions of section 3 of this Act, the consent of the Congress is hereby given to the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact with respect to the establishment of a Washington Metropolitan Airport Authority with adequate authority to provide for comprehensive and coordinated planning with respect to the location and operation of aviation facilities in the metropolitan area of the District of Columbia.

Sec. 2. The Commissioner of the District of Columbia is authorized, on behalf of the District of Columbia, to negotiate and enter into such compact.

Sec. 3. Such consent is given upon the following conditions:

(1) A representative of the United States, who shall be appointed by the President of the United States, shall participate in such negotiations with authority to act on behalf of the United States with respect to Federal aviation facilities for civil aviation located in the metropolitan area of the District of Columbia and shall make a report to the President and to the Congress of the proceedings and of any compact entered into.

(2) Such compact shall not be binding or obligatory upon the States of Maryland or Virginia or the District of Columbia unless and until it has been ratified by the legislature of each State and consented to by the Congress of the United States.

Sec. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

UNITED STATES STILL TRAINING MILITARY PERSONNEL FROM SIX ARAB COUNTRIES UNFRIENDLY TO US

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. Wolff) is recognized for 10 minutes.

Mr. WOLFF. Mr. Speaker, at a time when we are supposed to be defusing the crisis in the Middle East I am amazed at the continuation of extensive military training programs conducted by the United States, largely at our expense, for men from six Arab countries several of which are unfriendly toward the United States.

There are hundreds of military personnel, mostly airmen, in these training programs for Jordan, Lebanon, Libya, Morocco, Saudia Arabia, and Tunisia. Most of these men are being trained at U.S. expense under the military assistance program—MAP.

At the same time, as part of the sales agreement for the Phantom jets currently being sold to Israel at the request of Congress, we are training approximately 50 Israel airmen. All of these men are being trained at Israel's expense under the foreign military sales—FMS—program.

Mr. Speaker, I would remind the Members that in 1967 we voted to prohibit training Arab military personnel from countries that had broken relations with the United States. While we do have some formal diplomatic relations with the Arab countries involved in the current training programs there are certain basic questions about our policy that must be asked:

First. What steps are being taken to prevent nationals from the countries prohibited from receiving U.S. military training from penetrating the ranks of those countries who have men here? I have received unconfirmed reports that this sort of infiltration is going on.

Second. How can we possibly justify training men from Libya considering that that country threw us out of our Air Force base in Libya in violation of a legal agreement? Do we reward those who slap us in the face?

Third. Is it really in the best interests of the United States to continue training men from Jordan even though we have been asked to recall our Ambassador to the country?

Fourth. When will we recognize that we cannot endlessly attempt to "woo" totalitarian Arab regimes that have always alined themselves against the United States?

Fifth. Are not certain of these men receiving their primary training in the United States and their advanced training in the Soviet Union?

Sixth. Are we disrupting the balance of power in the Middle East by requiring a small number of Israelis to pay for their training and giving that same training to a large number of Arabs?

Seventh. What efforts are now underway with France and the Soviet Union to secure an overall arms embargo for the Middle East?

Eighth. Why is there such a lack of frankness in the State Department as evidenced by self-contradictory testimony on the Middle East recently offered to a Subcommittee of the House Foreign Affairs Committee?

Mr. Speaker, these important questions must be answered. I believe we in the Congress should immediately look into this situation with particular attention to the size and cost to the United States of the training programs for military personnel from the six listed Arab countries.

We must not lose sight of the fact that Israel is our only real ally and the only democracy in the Middle East.

Also, Mr. Speaker, I must comment on what I consider a lack of candor on the crisis in the Middle East in the State Department. There is a problem of not clearly defining where American interests really are in this part of the world, and the impact at the Soviet intrusion.

Finally, I have been in contact with the Department of Defense to get complete information on the size, nature, and cost to us of these training programs. We must get the answers and the State Department must implement the procedures that will bring a real and lasting peace.

THE NEW YORK STATE COURT OF APPEALS DECISION ON LAW STUDENTS' EXAMINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, I deeply regret the ruling yesterday by the New York State Court of Appeals that law students must complete final examinations to be eligible to take the State bar examination. This decision has implications not only for students attending New York law schools, but for those throughout the country who may wish to practice law in the State of New York. It effectively pulls the rug from under their efforts to use the governmental system to petition for an end to the war in Cambodia and Vietnam, for it would require them to return to their schools.

Our governmental system is on trial, whether it is capable of accommodating those who strongly dissent from a fundamental policy which has torn this Nation almost to its foundations. I fear that if the students are denied the opportunity to see their efforts through to their culmination, it will be a demonstration to many of our youth of the system's inflexibility to accommodate them, and will cause them to turn away from it.

I have sent a telegram to the Attorney General of New York, the Honorable Louis J. Lefkowitz, urging hin. to intervene, as the State's chief legal officer, on behalf of the students in request to the court of appeals to reconsider its decision.

We have witnessed a most exciting development in the last week following the President's announcement on Cambodia. Instead of violence and bloodshed, we have seen hundreds of students from campuses across the country attempting to express their opposition constructively by using the system to petition the Congress. No Congressman has escaped these students who have come well dressed and well informed, and most persuasive. I believe their efforts will have a significant effect. I hope it will not be stifled as a result of the court decision, and that the court will reconsider and reverse itself.

The students of the 10 law schools in New York State met last night to assess the impact of the court decision and decided to ask for the court to reconsider its action. I insert at this point in the RECORD the text of the law students resolution, my telegram to the attorney general, and a New York Times article on the court decision:

RESOLUTION PASSED BY REPRESENTATIVES OF THE 10 LAW SCHOOLS IN NEW YORK, NEW YORK UNIVERSITY LAW SCHOOL, MAY 12, 1970

We the student bodies of the law schools of the State of New York in accordance with the decision of our respective faculties do hereby reaffirm our collective moral stand. We, both students and faculty, have actively participated in what we truly believe to be a moral commitment by engaging in the democratic processes in a manner dictated by the consciousnesses of each individual student.

We therefore ask that those proposals passed by the respective law schools concerning the suspension of "business as usual", at this time, be immediately reappraised by the Court of Appeals with a mind towards respecting those ideals of orderly processes of law in which each of the undersigned concurs.

Moreover, we find that the opinion of the Court of Appeals contravenes both the academic freedom which has always been the backbone of our society and our right to free and orderly dissent as guaranteed by the Constitution of the United States.

What we ask at this point is that the Court immediately reconvene for a hearing in order to both reevaluate its recent decision interpreting the rules of the Court of Appeals and to consider the wishes and desires of the future leaders of the legal community.

We have therefore called for a moratorium on examinations until such time as the Court of Appeals shall reconvene to give this issue a full and adequate hearing.

MAY 13, 1970.

HON. LOUIS J. LEFKOWITZ,
Attorney General,
State Office Building, New York, N.Y.:

At request of graduating law students at New York's ten schools urge you to request court of appeals to reconsider and reappraise yesterday's decision and permit law schools to waive final examinations for graduating students and permit these students to take bar examination.

LEONARD FARBSTEIN,
Member of Congress.

[From the New York Times, May 13, 1970]

COURT RULES THAT LAW STUDENTS MUST COMPLETE CLASSWORK TO TAKE BAR EXAMS; WAR PROTESTS CONTINUE; COLLEGES POORLY ATTENDED

(By Paul L. Montgomery)

The State Court of Appeals in Albany ruled yesterday that law students must complete the specified number of classroom hours and take final examinations to be eligible for the State Bar examinations.

The ruling by the court, which oversees legal education in the state, would force students on strike at New York University law school and elsewhere to return to classes if they wished to take the bar examinations in July.

An N.Y.U. spokesman had said last week that law students who wished to stay away from classes to protest United States incursions in Cambodia could choose to take no final examinations and receive course credits.

The court stated yesterday that students at the state's ten law schools, or out-of-state law students, must establish that they had attended an approved school and "successfully completed its program" to be eligible for the bar examination.

The court said that successful completion required a program of not less than 1,152 classroom periods and final examinations "whenever such examinations are appropriate to test the student's understanding of the content of the course."

STUDENT STRIKES CONTINUE

Elsewhere, at universities in New York, New Jersey and Connecticut, student strikes to protest the war continued with varying force. Attendance was small at many of the larger colleges in the metropolitan area, including New York University, Columbia, City College, Long Island University, Hunter College and Brooklyn College.

Most of the striking students, who were aroused last week by the killing of four Kent State undergraduates by National Guard members, engaged in activities aimed at curbing the war in Vietnam and its extensions.

The activists, in many cases performed in an atmosphere of urgency, ranged from attending "liberation classes" on social and political themes to collecting signatures on petitions supporting the various attempts in Congress to curtail the war.

GUERRILLA THEATER SKITS

On the lawns at Brooklyn College, students put on guerrilla theater skits about the state of the nation. At City College, students talked with construction workers at lunchtime to attempt to bring them into sympathy with the radical cause. At New York University, students and faculty members began a project aimed at correcting what they regard as biased reporting in the media of the plans of youth.

At Cornell University, students laid seige to the headquarters of the R.O.T.C. with a "peace tank" that fired candy and flowers. At the University of Connecticut at Storrs, students occupied the R.O.T.C. building and redecorated it green, blue, yellow, orange and pink psychodelic designs. The students want to make the building a day-care center for children.

At Hunter College, which has been troubled by a variety of issues over the last two months, 150 students from the Third World Coalition closed all the entrances and exits to the building last night to protest Hunter's not having shut down in response to the killing of six blacks in Augusta, Ga., in a riot on Monday. Mrs. Jacqueline G. Wexler, the president of the college, later announced that classes would be canceled today.

Classes at Manhattan Community College were also suspended yesterday because of student protests.

At Livingston College of Rutgers University in New Brunswick, the police were investigating the firebombing early yesterday of the police science building. The building, a wooden structure formerly used as a barracks, was destroyed. A wine bottle half filled with gasoline was found six feet from the building.

In Albany, about 1,000 college students from the area stood six deep around two Federal buildings for most of the day. The buildings house the central post office and military recruiting stations. The human barricade curtailed recruiting and most mail deliveries in the city.

DISTRICT OF COLUMBIA'S PET BOLSHEVIK

Mr. RARICK. Mr. Speaker, Washington's "Cafe-society" Communist, Anatoly Dobrynin, makes his home in our Nation's Capital along with a small army of KGB's and other comrades at the Soviet Embassy, 1125 16th Street NW.

A most flattering account of the pet boleshevik appeared recently in Washington's leading pro-Soviet newspaper, the Washington Post.

The story and several related incidents follow:

[From the Washington Post, May 10, 1970]

THE CAPITAL'S PET BOLSHEVIK

(By Henry Brandon)

There is little doubt that Anatoly F. Dobrynin, the Soviet envoy to the United States, is Washington's most important ambassador. American officials and other foreign envoys bestow this accolade not only because he represents the other superpower (with its almost total reliance on traditional diplomatic channels for communicating with the American government) but also because he has a reputation as a man of sharp intellect with a shrewd understanding of the American scene. American officials are more at ease with him and respect him for being a civilized, intelligent and thoughtful man.

Why, though, is Dobrynin more a man of the world than Malik or Menshikov or Zorin? Averell Harriman, the elder statesman, who has a long memory and greater experience of the Russians than most, says, after a long pause for thought: "Perhaps because Dobrynin knows that it is important for him in order to succeed in his job.

"He always speaks with confidence—maybe he is more secure with the men in the Politburo. Certainly not since the days of Ambassador Maxim Litvinoff has a Soviet ambassador had the standing in Washington Dobrynin enjoys, and Litvinoff's was primarily based on having been part of the Bolshevik Revolution."

Harriman considers him a professional, a technician of great skill, not a politician but a decent, civilized, pleasant man who sincerely believes in better understanding between the United States and the Soviet Union and who conveys his good will without overstepping the position set by his government.

"He is not a petty or malicious or obnoxious man. He does not give anything away he shouldn't, but to have a man in this job who makes a genuine effort to understand this country is already a great plus."

ALL DOORS OPEN

As a consequence, Dobrynin has developed easy access to almost everybody in the American government, unique for a Soviet ambassador and in sharp contrast to the treatment of the American ambassador in Moscow. Not only can he see the highest officials at very short notice, but he can also reach them by telephone whenever necessary. If at rare occasions he requests an audience with the President, he has no difficulty seeing him either.

It speaks for his gift of establishing personal relationships, but it also shows good judgment on the part of American officials. His relations are informal enough that, for instance, when Henry Kissinger visited an exhibition of Soviet photography the other day and could not take his eyes off a blown-up photograph of a perplexed veterinarian with stethoscope around his neck getting his hypodermic needle ready for a petrified-looking boxer pup—an intensely human situation—it arrived in his basement office a few days later with the inscription: "Don't be too serious. Take it easy and relax. (Signed) Anatoly."

Dobrynin is tall, almost towering, and his appearance—soft, sensitive face, high forehead and gold-rimmed spectacles—combines with a shy charm to make him seem more a romantic musician rather than an experienced participant in the roughhouse of superpower diplomacy.

Those who do business with him consider him a diplomat par excellence. They say that he is always in command of whatever subject is under discussion, is easy to talk to when the occasion is right, and, when it is not, he resorts to what has come to be called in the State Department the "squid trick," a protective retreat behind a cloud of impenetrable generalities or flanneled inconsequences.

When a subject is brought up that touches a raw nerve, say Czechoslovakia, then his easy smile dies instantly and his blue eyes become cold and steely, but he will not lose his composure and always remains a gentleman.

The highest officials prefer dealing with him more than with any of his predecessors because he sounds more pragmatic and less ideological than most Russian officials. Some of these who deal with him believe that, just as he presents the Soviet point of view to Americans in a quiet, unprovocative way, so also he explains the American point of view to his superiors in Moscow, intelligently and without necessarily feeling that he has to make it palatable by passing it through some kind of party filter.

He can even be frank at times about some of his own problems in talking to Americans.

"I don't know what Dobrynin really thinks," Harriman says, "but he has tremendous pride in his own country. I don't know, for instance, what he really feels about the invasion of Czechoslovakia or intellectual freedom in the Soviet Union, but I think what matters to him most is that his country attains decent living conditions."

Dobrynin has the reputation of being greatly respected and listened to in Moscow. There is apparently sufficient evidence to think that at times Dobrynin has disagreed with his superiors in his dispatches, and when he later proved to be right, it enhanced his influence.

He has been heard to say that he knows every member of the Politburo and that he has ways of communicating with them directly should the situation require it. When he returns to Moscow for consultations, he says, he is usually given the opportunity of talking informally and individually with various members of the Politburo about the situation in the United States and offering policy recommendations.

He himself is an alternate member of the Central Committee, which gives him the right to participate in debates but not to vote. He holds the Order of Lenin, the highest decoration, to which the Red Banner of Labor was added on his 50th birthday last year.

A PRICKLY SYSTEM

Like all Soviet officials, however, he is subject to the limitations of the Soviet system and Soviet diplomacy. Like most ambassadors, he is the prisoner of his government's policies, and negotiations with him can be spiked with as many frustrations as there are quills on a porcupine.

Some American officials who have had experience with him in negotiating clinches—for instance, in such tough affairs as the Middle East—say that "you don't negotiate with Russians and they don't negotiate with you. Oral persuasiveness does not matter, even with Dobrynin. It is more a cumbersome movement of one piece of paper or another."

It may be that Robert Kennedy's remarks about the removal of the missiles from Turkey made it easier for Khrushchev to make the right decision, but if it did, he did not say so in his message; nor was it assumed in Washington that this was the decisive factor. In fairness, one ought to add that in Dobrynin's view, the most important aspect of the missile crisis was not any part he may have played but the fact that when each of the superpowers feared the other was about to do something very dangerous, each had nerve and courage enough to use reason.

Changing styles of Soviet government affect the operational methods of an ambassador. In those years, according to Dobrynin, Khrushchev would often make decisions without consulting anybody or would simply make certain that his own would prevail. If he could be presented with a good case while winding himself up to a decision, he might be influenced; but once he became emotionally committed to anything, it was exceedingly difficult to have an effect.

Dobrynin says that by contrast, today's regime of collective leadership and majority rule makes its decisions only after wide-ranging discussions, and it is not impossible to contribute to these from the outside, for instance, from where he sits.

Dobrynin was born in Moscow, the only child of a plumber who worked in a metallurgical factory. His parents had never gone to school, but Anatoly was given a complete education. He entered the Institute for Aviation to become an engineer and on graduation got a job in a Moscow aircraft factory where he participated in designing the famous fighter plane the Yakolev, the Russian equivalent of Britain's redoubtable Spitfire. At this factory he met his wife Irena, an expert in aerodynamics.

In 1944, his career was given an unexpected turn. A governmental committee selecting recruits for the diplomatic service included him among 22 aeronautical engineers intended for the loftier reaches of diplomacy. The assumption was that such men had brains, a sense of responsibility and the training to handle people.

A JOB IN WASHINGTON

After a year's training, he joined a Foreign Office department dealing mainly with European and disarmament questions. He remained a sort of backroom boy until 1952, when he was sent on his first foreign assignment—as it happened to the Washington embassy.

From 1955, Dobrynin had another two years back in Moscow before he was again sent overseas, this time to join the staff of Dag Hammarskjöld, the United Nations Secretary General, as Under Secretary of Security Affairs. The experience deepened his understanding of the United States and of diplomacy on a broad international scale.

He was there five years, and then went back to Moscow to become head of the American department. In 1962, he took another ticket to the States, but this time as ambassador.

The guidelines that he has set himself he defines as follows: to have the courage to tell the facts as they are, and report to his superiors as true and fair a picture as possible; to provide them, when necessary, with honest proposals for action, and to warn them, again courageously if need be, what reactions they must expect to follow certain decisions. He tries, he says, to anticipate questions, for by the time a government asks for advice, it can already be too late.

Nevertheless, they say, Dobrynin tries to avoid the Russian tendency to become contentious and polemical. He admits that if he finds the other side getting stubborn, then he gets stubborn, too, but says he also tries to put himself into the other man's shoes. When things get tense, he says, he likes to ease the acrimony by cracking a joke or telling a good story. He thinks it is extremely important to preserve a sense of humor.

When Dobrynin was asked recently whether he thought the American negotiators' impression that Vasily Kuznetsov, Deputy Foreign Minister, seemed to have more leeway in the Middle East negotiations than the ambassador was a just one, Dobrynin assured the questioner that he and Kuznetsov were working under exactly the same instructions. Then, smiling puckishly, he added: "Maybe, though, Mr. Kuznetsov is a better diplomat than I am."

Still, he has his own ideas on what makes a good diplomat: he must have an ability to listen, to understand and to present his own case. Those who know him well say that he is highly skilled at all three. "I never had to repeat anything twice to him," McGeorge Bundy, the former national security aide to Presidents Kennedy and Johnson, recalls, "and he is also very skilled in presenting his own case in a reasonable way."

ABSOLVED BY KENNEDYS

The most critical period in the nine years of his appointment has been the Cuban missile crisis, of course. Robert Kennedy in "Thirteen Days," his account of that suspenseful period, recalls how Dobrynin reassured him about a week before President Kennedy imposed the ship quarantine that Chairman Khrushchev would not want to embarrass the President and that something like placing ground-to-ground missiles in Cuba "would never happen."

That this proved false did not damage Dobrynin's standing with the Kennedys; they remained in close touch with him, convinced that he had not, in fact, known of the missile plot. They were less hesitant about whether there had been deceit on Gromyko's part. They could not imagine the Foreign Secretary's being kept in ignorance of so bold an initiative.

Dobrynin now thinks that an offer which Robert Kennedy hinted at in his book helped considerably to influence Khrushchev's decisions. Kennedy describes a conversation he had with Dobrynin, who "raised the question of our removing the missiles from Turkey. I said that there could be no quid pro quo or any arrangement made under this kind of threat or pressure, and that in the last analysis this was a decision that would have to be made by NATO. However, I said, President Kennedy had been anxious to remove those missiles from Turkey and Italy for a long period of time. He had ordered their removal some time ago, and it was our judgment that, within a short time after this crisis was over, those missiles would be gone."

Dobrynin confesses that essentially he is an optimist, even if he does not expect any spectacular agreements in the near future. One of the problems that complicate Soviet-American relations, he feels, is that often they concern matters that are not simply bilateral but (as in the case of the Middle East) involve other countries also.

The essential need, he says, is to recognize what is negotiable and what is not and not to confuse them. What matters is to understand which circumstances may make something more or less difficult.

He does not believe in the theory that

capitalism and communism will gradually converge. The two will go their own ways, and, he is, of course, convinced that communism in some form or other will prevail.

THE GOLD OF SILENCE

Dobrynin engages in little public speechmaking. There have been periods, he says, when he found it wiser not to talk at all. He delivered about 10 speeches in 1969 and 16 the previous year, but no copies of the texts are available at the embassy's press office.

When Dobrynin was invited to appear earlier this year before the august Council of Foreign Relations in New York, he was expected to deliver an off-the-record speech. He arrived without one, but agreed to answer questions. According to some of those present, the audience felt that nothing was said to augment their knowledge of Soviet affairs, while the speaker may well have felt that he preserved his cool better than some of his questioners did.

The Soviet Union is the United States' most powerful antagonist, and not even Dobrynin's civility will make Americans forget it. But after nine years as ambassador, he has sufficient American friends to sustain his social life, he says, even in the rougher periods of Soviet-American relations.

Dobrynin usually likes to keep his official social engagements to a minimum; he prefers small gatherings in private homes. Here he enjoys proposing a toast, often one reflecting his optimism that Soviet-American relations will stay peaceful even though many basic differences will remain unresolved.

On these occasions, too, his blond, good-looking and vivacious wife, if pressed hard enough, will play the piano and sing Russian songs. She can also be quite combative in political arguments, usually to emphasize a point made by her husband. Their only child, a daughter of 21, is married, lives in Moscow and the first grandchild is on its way.

A HIJACKING PRECAUTION

Averell Harriman calls Dobrynin "my favorite Bolshevik." The Dobrynins dine there occasionally and last spring they visited the Harrimans' dacha at Florida's Hobe Sound, that exclusive enclave of American capitalism. (Harriman suggested that they fly together so that if the plane was hijacked to Cuba, Dobrynin could introduce him to Castro. Dobrynin readily agreed, but no hijackers obliged.)

Over the years, the Dobrynins have visited most states, traveling by plane, train and bus coast-to-coast and up and down both the Pacific and the Eastern seaboards. Once they took a bus all the way from Phoenix to New York.

Of all places they have seen, they like New York best for its imposing glass buildings—a style of architecture that appeals to the ambassador—its long avenues, its dynamism and vitality. He finds San Francisco beautiful, but New York more exciting. He rarely has time to visit the city just for pleasure, but when on business trips, he likes to take in a musical if he can. That is for him the most typically American art form. His favorite is "Westside Story"; the most recent he has seen is "Man of La Mancha."

He is fascinated by the militancy and the pressure for change that American youth is exerting, but when you suggest to him that a revolutionary situation may exist in the United States, he smiles a little charitably. He admits that there is a great deal of social turmoil here, but has to confess, not without a burst of passion, that he, a child of the Russian Revolution, finds it impossible to apply the word "revolutionary."

For a Communist, he explains, that means the complete overthrow of the government and the prevailing political system; whereas what is going on in the United States has, in his view, more of a surface and temporary quality. This observation, coming as it does from so expert an observer, may be of considerable comfort to many Americans.

[From the Washington Post, May 9, 1970]

FOREIGN DIPLOMATS DISCUSS WAR IN CAMBODIA

(By Dorothy McCardle)

A majority of foreign diplomats are feeling neglected because only a small minority of their number have been briefed by the State Department on the widening of the war in Vietnam into Cambodia.

Diplomats from Asia, Europe and Africa were not included in a briefing for Latin American diplomats conducted Thursday by Marshall Green, assistant secretary of State for East Asian and Pacific Affairs.

Ambassadors from the bypassed countries compared notes last night at a reception at the Soviet Embassy held to celebrate the 25th anniversary of the defeat of the Nazis.

The Russians could claim to be one up on the majority of the diplomats. They had had a briefing of their own at the Soviet Embassy two nights before when Dr. Henry A. Kissinger, President Nixon's advisor on National Security Affairs, met there with nine academicians from Moscow.

Minister Counselor Yuly M. Vorontsov, acted as host in the continued absence of Soviet Ambassador Anatoliy F. Dobrynin, who is in Moscow. Ambassador Dobrynin had been expected home for the VE Day party, and the invitations were sent out in his name.

Some of the diplomats speculated that Dobrynin had been asked to stay on in Moscow as a result of the Cambodian crisis.

Few of the diplomats were willing to comment on the crisis. This went for the British Ambassador John Freeman and the French Ambassador Charles Lucet.

The dean of the diplomatic corps, Nicaragua's Ambassador Guillermo Sevilla-Sacasa, made no comment on Cambodia, either, except to say that the State department briefings for the diplomats from his area had "been very important, indeed."

Polish Ambassador Jerzy Michalowski said he was "sad" about the Cambodia situation, and Yugoslav Ambassador Rogdan Crnobrnja commented that he was "very unhappy."

Ambassador John J. Akar, of Sierra Leone spoke this way of the crisis:

"If President Nixon's calculations succeed, he will be the bravest man of this century. But if they fail, I shudder to think what will happen."

Cleveland businessman Cyrus Eaton, who recently returned from his third trip in a year to the Soviet Union, called the President's Cambodia venture a "fatal mistake."

"The Russians and Communist Chinese are now faced by the largest standing army in the world," he said. "And we faced two bears—the Russian bear and a bear market on the stock exchange."

Top administration guest at the party was Assistant Secretary of State Joseph Sisco, just back from the Middle East.

Former U.S. Ambassador to the Paris Peace talks W. Averell Harriman, expressed the hope that "some day soon", the Russians and Americans will get back to the same kind of understanding and partnership they shared 25 years ago.

[From the Washington Post, May 13, 1970]

JUDGE PUTS ON PROBATION 19 ANTI-SOVIET PROTESTERS

Nineteen students involved in recent protests against alleged anti-Semitism in the Soviet Union were placed on six months unsupervised probation yesterday by Judge Alfred Burka of the D.C. Court of General Sessions.

Seventeen of the students, members of the Philadelphia Committee for Human Rights Now, were arrested here after they had chained themselves to the Soviet Embassy on April 9. All but one is a student at the University of Pennsylvania.

The remaining two students, from American University and George Washington University, were arrested with three juveniles while pouring blood on the embassy steps on April 21.

The students pleaded no contest, which means that they accepted the facts as presented by the prosecution, but did not plead guilty.

CHANCELLOR OF CITY UNIVERSITY OF NEW YORK DECRIES POINTLESS CLOSING OF UNIVERSITIES

(Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, over the weekend, Dr. Albert H. Bowker, chancellor of the City University of New York, decried as "pointless" the closing of universities and colleges in protest over the war in Southeast Asia.

In light of the weak-kneed tactics of some university administrators, who would rather shutter the halls of academic freedom in appeasement to anarchists, Dr. Bowker's courageous stand is to be congratulated.

As Dr. Bowker so fittingly declared, pointless closures undermine the institutions irreparably and have no appreciable effect on national policy. He said it would be tragic to close the city's 17 schools because suspension of classes would be a "severe hardship for thousands of students" who want to attend classes.

In effect, Dr. Bowker has emphasized that when the wisdom of leadership is hidden, followers will trample themselves in dark confusion. Genuine student unrest on a campus comes from poor leadership. Universities are vaults of knowledge, and places of wisdom, when they function properly. That depends on leadership. And leadership toward the university purpose is the responsibility of professors, administrators, and trustees.

As the New York Daily News editorialized the other day:

> Much of the anti-Vietnam activity centers on the nation's campuses, where students have been told for five years by radical peers and some elders who should have more sense and judgment that the right to protest knows no bounds.

I believe that Dr. Bowker is one of those responsible academic administrators who will not kow-tow to campus extremists posing as educational reformers. He has emphasized that unless there is school, there will be no degrees.

Shortly after issuing his statement, Dr. Bowker met with the board of higher education, which later called on all City University units to open and all faculty members to "meet with and teach their students to pursue the academic mission of their colleges."

THE ROLE OF THE PRESS IN A TROUBLED SOCIETY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

XUM

Mr. FASCELL. Mr. Speaker, John S. Knight, by any measurement, is an outstanding newspaperman. His several newspapers exemplify the finest traditions of journalism, as well as being eminently successful enterprises.

Recently, he attained recognition of his initiatives and strong sense of public responsibility when he was awarded the Carr Van Anda Award for "enduring contributions to journalism" at Ohio University.

In his remarks accepting this award, John Knight expresses his personal philosophy and his guidelines for the management of, and the purposes of, a newspaper. He speaks fearlessly, candidly, with great reason and perspective.

What he says in his "John S. Knight's Notebook" of May 10, 1970, is extremely vital and timely. It is important not only to the role of the newsman and his newspaper but also to the conduct of our Government, the problems besetting this country, and our individual attitudes and responsibilities.

I feel it is important to include this column in the permanent RECORD and make it available to all Members and other persons interested in a thoughtful, sensitive, forceful, and balanced view:

JOHN S. KNIGHT'S NOTEBOOK: THE ROLE OF THE PRESS IN A TROUBLED SOCIETY

The historians of journalism consider Carr Van Anda "the greatest mangaging editor who ever lived." He—with his perceptive news sense and tremendous talent for organizing a story—and his publisher, the great Adolph Ochs, have been rightly described as the perfect combination of news and business management.

I have been asked about my own publishing philosophy and the future role of journalism.

My late father, the wholly remarkable Charles L. Knight, was best known for his penetrating and oft acidulous editorials. He detested sham and hypocrisy, fought for the underdog and feared no man.

He jarred his community out of complacency by the use of invective, metaphor, parable and reason but invariably gained his objective by making people think.

And that is what vibrant journalism is all about.

BASIC PHILOSOPHY

My philosophy of newspaper publishing centers upon these basic points:

The Knight newspapers strive to meet the highest standards of journalism. We try to keep our news columns factual and unbiased, reserving our opinions for the editorial page where they belong.

We have no entangling alliances. We are not beholden to any political party, faction or special interest.

Our chief executives and policy officers studiously avoid conflicts of interest. They serve on no corporate boards or committees other than appropriate civic organizations or committees in the fields of education and communications.

True, we have our critics who take issue with aggressive editorial performance. But the truly distinguished newspapers in this country are those which have dared to face public wrath and displeasure.

WHICH NEWS MEDIA?

Before discussing the future of journalism, it would seem appropriate to comment on the journalism of today—both print and electronic.

The government, which has long suffered from a credibility gap of its own, is now attempting under the Nixon administration to destroy the credibility of what you read and hear.

Following Mr. Nixon's election, he asked for "constructive criticism" from the press. But as it grew with the unfolding of events, the Vice President began belaboring the "news media" for offering precisely what the President had requested.

Well, what are the news media—The Washington Post or The Columbus Dispatch, the national networks or a rabid segregationist on a 250-watt radio station in Mississippi?

The indiscriminate lumping together of such disparate philosophies and means of dissemination provides an easy mark for the extremists—both right and left—who in their zeal for pet causes lose all sense of proportion.

When I have decried some of Mr. Agnew's fulminations against the press, what is known simplistically as "the silent majority" rises to protest that the Vice President has a right to be heard.

Well, no rational person would deny him that right. But what about the right of reply? Isn't that right quite as precious to the individual who disagrees with Mr. Agnew?

ETERNAL VIGILANCE

The role of the press vis-a-vis the government is essentially that of eternal vigilance.

Today this is a difficult assignment. According to the Associated Press, our government's public relations and information programs represent more than double the combined outlay for newsgathering by the two major U.S. news services, the three major television networks and the 10 largest American newspapers.

Yet it was the press—remember?—which exposed the optimistic and uninformed pronouncements on Vietnam by Gen. Maxwell Taylor, Gen. Paul Harkins, Henry Cabot Lodge, Adm. Harry Felt and former Defense Secretary Robert McNamara.

If you will permit an immodest personal reference, I warned on April 25, 1954, that the United States was headed toward another war through the pattern of gradual involvement.

"Intervention in Indochina," I wrote, "would find us fighting another dead end war with virtually no support from our Allies."

For my pains, I was assailed as an un-American appeaser and a pro-Communist sympathizer for the next 12 years. My believability suffered steady erosion until the Fulbright hearings of 1966–67 when the American people came to the shocking realization that they had been duped.

On Jan. 8, 1961, I said we should be concerned over "the possibility of U.S. intervention in Laos since it contains the same ingredients of future trouble as Vietnam."

NOW, CAMBODIA

We come now to Cambodia, where thousands of American troops are searching for what the President has called "a major Communist staging and communications area."

The military reasons given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.

Within the past week, Robert S. Boyd of the Knight Newspapers, who is the only U.S. reporter presently in North Vietnam, witnessed U.S. bombing on enemy territory by more than 100 planes.

Yet the public had been told that bombing raids north of the 17th parallel were discontinued in Lyndon Johnson's time.

In an editorial a few days ago, The San Francisco Chronicle said: "We hold the suspicions that the massive 120-plane bombings of the weekend would not have been made public had not Robert S. Boyd, who was in North Vietnam, witnessed a 50-minute raid and reported it."

It is now admitted by our government that areas in Cambodia had been bombed months ago. Previously the U.S. Command in Saigon denied such attacks.

For 16 years, the newspapers over which I have the honor to preside as editorial chairman have vigorously opposed every step of our involvement in Southeast Asia.

Yet the great United States Senate—aside from a mere handful of courageous members—has stood mute through the times when Vietnam should have been debated. Had such a debate been conducted, the course of our history might well have been changed and the tremendous loss of life and treasure averted.

As a fervent advocate of free speech and the right to dissent, I confess my utter dismay and perturbation over the lawlessness and breakdown of constituted authority on our college and university campuses.

Undergraduates enjoy the freedom to learn, to inquire, develop independence of thought, to dissent and not be subjected to disciplinary action without due process.

Conversely, the student's freedoms do not convey the right to tyrannize those who may not agree, to disrupt by force, to translate aversion into anarchy.

You may oppose the war—as I do—but what was the price of hurling rocks through merchants' windows and disrupting the downtown business district as was done at Kent State within the last week?

Inability of local law enforcement officers to quiet the rampage brought a call for the National Guard.

A campus confrontation with the students at Kent State became inevitable when they refused to disperse. The Guard, under attack and largely untrained in riot procedures, opened fire with the tragic results that have made headlines throughout the world.

So there will be an investigation. But investigations do not bring back the young people who fell victim to rifle fire, nor will investigations solve the physical and psychological problems of those who were wounded.

BRANDING UNFAIR

No, this is not the way. The imperiousness of the revolutionary cult defiles our democratic system and revolts every freedom loving citizen.

And, ironically, the anarchists who abuse our constitutional liberties would find themselves prisoners of the police state in the authoritarian world to which they give such frenetic devotion.

Yet it is grossly unfair, as so many are doing, to brand today's youth generation as a mass of irresponsibility.

Quite to the contrary, today's youth is not only better educated and more perceptive than their elders but put the graybeard generation to shame in their concern over the stresses and strains of our society.

And even from those who bring about so much turmoil may emerge the strongest and most thoughtful leaders of tomorrow as they acquire a balance of individual freedom and social responsibility.

THE SAFEGUARD

Finally, I see the role of a free press in a democratic society as a commitment to total involvement in and dedication to the problems which beset that society.

As with all of us, a free and responsible press should invest its faith in that greatest of all government documents—the United States Constitution—which provides ample safeguards against tyranny and injustice.

What more can we ask?

THE LATE HERB SHRINER

(Mr. ADAIR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ADAIR. Mr. Speaker, I rise to pay tribute to the memory of a man who did much to immortalize the humor in everyday life. I am referring to Herb Shriner, the homespun Hoosier humorist who, together with his wife, was killed in an auto accident near Delray Beach, Fla., on April 23.

Herb Shriner grew up in Fort Wayne, Ind. At 12 he decided to run away and built himself a raft to float out of town on a stream. "But all the streams run in circles around Fort Wayne, and I just floated right on back," Mr. Shriner said.

He began in show business at 17, playing the harmonica with a group he formed in high school, and later went on a brief vaudeville stint.

Later, the entire Nation was to laugh with this "second Will Rogers" as he became one of television's most popular humorists.

The sentiments of Hoosiers everywhere were well-expressed in a Fort Wayne News-Sentinel editorial and in a column by John A. Scott, editor and publisher of the Lafayette Journal and Courier.

The editorial and column follow:

[From the Fort Wayne (Ind.) News-Sentinel]

LAST OF THE HOOSIER HUMORISTS?

The death of any of Indiana's famous sons, natural or adopted, is a cause of sorrow to Hoosiers. The death of adopted son Herb Shriner in a Florida auto accident last Thursday night is an especially deep and grievous loss. It is so because Shriner quite possibly was the last of a great series of comics and humorists whose product had those particular qualities which distinguished it as "Hoosier humor."

What is "Hoosier humor?" Obviously it is not easy to define. Let's say that it is a kind of simple, direct humor which is, at one and the same time, both pithy and blunt; a humor appropriate to the frontier; a humor which is never self-sparing, and a humor which reflects, even in its sharpest moments, a benign and kindly attitude toward the victim and the world in general. Above all, it was a provinical kind of humor which leaned almost completely upon locale for its effectiveness.

That element of provincialism may well prove to be the fatal flow of Hoosier humor and the reason there cannot be another great Hoosier humorist or another Herb Shriner. Provincial humor must lose its meaning in a world, a country and a state which are no longer provincial. Provincialism simply cannot continue indefinitely in a world of automobiles and airplanes, and of radio and television—the very mediums by which Shriner came to fame.

It is one of life's paradoxes that his great capacity for humor and for making other people laugh only deepens the sadness of the humorist's friends at his demise.

Our sympathies go to the three Shriner children who have lost their parents in this untimely accident.

[From the Lafayette, Ind., Journal and Courier, May 2, 1970]

INDIANA HAS LOST ITS GENTLE COMEDIAN; STATE, FOLKS HE TOLD ABOUT STILL HERE

(By John A. Scott)

The death last week by automobile of Herb Shriner, the Hoosier humorist, and his wife caused an unusual bereavement for a state. Governor Whitcomb said so in a cable from Japan. But beyond the collective formal grief there are many hundreds in Indiana who had grown affectionate and possessive about the modest Hoosier who made a career of poking gentle fun at his home state.

Born in Ohio, Shriner moved as a child to Indiana, to a place near Fort Wayne so small that for excitement on Saturday nights he "would go downtown and watch haircuts."

"Harmonica Herb" he was called at first when nobody would listen. He never gave up the harmonica or Indiana, even though he could have opened up some wider territory for his satire. He might have thrown away the harmonica, hired some writers and become a latter-day Will Rogers.

But Herb wrote his own stuff, scribbling his monologues, memorizing them, then tossing them out in a low-key style with little accent unless there is one that is spoken on the Maumee River. He was a material man, depending on his quick wit to come through a slow delivery.

The obituaries had him peaking in the 50's with a national television program named "Two for the Money." But back home in Indiana he was a big star for life. If he didn't love the state, he pretended well because he returned often to pledge allegiance.

Hoosiers, as Westbrook Pegler pointed out in a classic column, put a high value on loyalty to the commonwealth. They are, Pegler wrote, "an entirely distinct breed of cats, and Hoosiery is comparable, in a harmless way, to the Germanism of the chosen people of the master race. They migrate freely, far and wide, few of them ever go back to Indiana except to strut their city clothes, in which they still look like Hoosiers, and they guard their racial purity . . . they may take out citizenship in other states . . . but they never become assimilated or naturalized."

Herb Shriner could have been the model for Pegler's essay: "A Hoosier has Hoosier written all over him, but if other signs fail you can always tell him by the way he ties his necktie. The most expensive tie in the world looks like a two-bit necktie on a Hoosier . . . but Hoosiery is not an affectation at all. It is something in the blood and bone and spirit of the breed. They speak of people as 'folks' and they never remain strangers long anywhere."

It was this kind of easy friendliness and absence of arrogance or vanity that made his fellow citizens proud of Shriner's fame. But they also recognized that he spoke of ancient, simple virtues that still reside in the state. While Shriner poked fun at the past, the past still is around to see in countless communities where grace is said before meals and the kids honor and obey their parents and the threshers eat pie for breakfast.

There even may be places where haircuts are available on Saturday nights and kids watch them for excitement. For Indiana changes gently and tends to cling to what it thinks are important values. One of them was Herb Shriner.

THE 39TH ANNUAL AMERICANIZATION DAY CELEBRATION IN NEW JERSEY

(Mr. DANIELS of New Jersey asked and was given permission to revise and extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, on Sunday, April 26, 1970, I was privileged to take part in the 39th annual Americanization Day celebration in Jersey City, N.J., a great city which I am honored to represent.

The celebration and parade was sponsored by the Capt. Clinton E. Fisk Post 132 of the Veterans of Foreign Wars.

We were honored to have with us, Maj. Gen. James H. Weyhenmeyer, commanding general of the 50th Armored Division and Maj. Gen. John G. Cassidy, former commanding general of New Jersey's 78th Division—Training—U.S. Army Reserves.

Both General Weyhenmeyer and General Cassidy, in their respective speeches to the thousands who gathered at Pershing Field in Jersey City, spoke of the great patriotism demonstrated by the people of New Jersey and emphasized the contribution made by the National Guard to the community.

Because of the high esteem in which my colleagues hold the National Guard and the importance they give to expressions of patriotism today, I have included the remarks of General Weyhenmeyer and General Cassidy in the RECORD, along with my own. The remarks follow:

REMARKS OF MAJ. GEN. JOHN G. CASSIDY

Reverend clergy, Senator Guarini, Congressman Daniels, honored guests, friends, and loyal Americans here assembled for the review of the 39th Annual Americanization Day Parade, sponsored by the Capt. Clinton E. Fisk Post, VFW and the city of Jersey City. This parade is being dedicated to United States Army Reserve Month and I, as a former Commanding General of the 78th Division (Training) am honored to again take part in this great event.

I would like to detail a few particulars about the Army Reserve and why we, who have served in the Army Reserve, and those who continue to serve as our citizen-soldiers feel proud to be a part of this community and to take part in the daily civic activities, let me at this time relate a few facts about the Army Reserve, what it is and who the members are and what they do for the community.

The United States is a complex country. We are old, yet young; we are inventors and innovators and yet we have traditions stretching back to the years of our birth in revolution. As a nation we prefer "business as usual" and yet we have fought hard wars well.

Our military traditions are based upon this complexity. One of the fundamental military ideals in this country is that of the citizen-soldier—the man who, although a civilian, maintains a military proficiency through active participation in a reserve force so that in time of national emergency he will be ready to serve his Nation as a full time soldier.

We in the Army Reserve fit into this category. Though officially organized in 1908, we continue the 200 year old tradition of the Minutemen of Concord and Lexington.

Five times since 1908, we have left our peaceful pursuits, donned uniforms and picked up the weapons of war . . . during World War I, World War II, the Korean conflict, the 1961 Berlin crisis, and most recently, during the Vietnam mobilization of May 1968. In 1968, 45 Army Reserve units were called to serve. Ten supported our strategic forces in the United States and 35 Army Reserve units went to Vietnam and served with distinction.

Now, all Army Reserve units are home in Army Reserve status in their home towns, ready to serve again if needed, but glad to be home. Their record was impressive. Reservists won one Silver Star, five Legions of Merit, 280 Bronze Star medals, 779 Army Commendation medals, 20 Purple Hearts, six air medals and 272 certificates of achievement while serving in Vietnam.

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There are a total of 12 army reserve units in this area with 2,000 citizen-soldiers in their ranks. These men and women are much like you. We have the Hornsteins and Giordanos, all of whom put on army reserve uniforms once a week to train, learn and practice their military skills. The citizen-soldier ideal is the same as at Concord but times have changed—as you've undoubtedly noticed.

No longer it is a matter of a rifle hung over the fireplace and the cry in the night that "the red coats are coming." No longer do we assemble on the village green or in fields ready to fight, as they did at Bennington and at the Brandywine. Our growth as a nation sends our army—and army reservists—overseas today. The musket is in a museum, and its replacement may be a tank, a computer—or a missile capable of reaching an enemy's heartland.

These local units are part of the 3,478 highly trained units that comprise the ready reserve. Approximately 260,000 men and women are members of these units, which vary in mission all the way from combat, combat service and service-support to maneuver-support and training. An additional 903,000 men and women form the individual ready reserve, which, in case of war, would be used to reinforce units of the regular army, the army reserve and army national guard. Some of the officers assigned to this individual ready reserve, have been pre-selected to fill special positions at selected army headquarters because of their civilian specialty or military training. These officers, called mobilization designees, serve a minimum of two weeks each year at the headquarters in the positions they would fill in time of war.

Rounding out the army reserve picture are 231,000 members of the standby reserve and 274,000 members of the retired reserve. These men and women do not serve and train with any unit, but may be called to active duty in time of war or national emergency declared by Congress.

Just as the army reserve has changed, so has the individual in it. Today, we have probably the best educated army reserve in history. In addition, many thousands attend army reserve schools each year to graduate their military skills.

But, like the minutemen, today's reservist takes his obligation as a responsibility of good citizenship.

It's no wonder that the army reservists of this community have once again decided to commemorate April, the army reserve's anniversary month, as community month and will spend the period participating in projects aimed at achieving closer ties in this community.

We celebrate community month here, in Jersey City, for several reasons, the most important is because this is one way we can thank you for your cooperation during the past year, for the time off you have given us, for training and for summer camp we know that you've had to operate shorthanded, that family functions have had to go on without us, that business has had to continue "as usual" without us—while we were learning and perfecting our military skills. Community month is one way of letting you know that we appreciate your support, and are grateful.

We also celebrate community month to let you know that we are part of Jersey City and that we are proud to be your neighbors. We want you to know that our patriotism . . . and service . . . and interests are not only aimed in the sphere of national defense but also in the betterment of our own community. That's why we are participating in these community activities.

Some of our community month activities will be aimed at familiarizing you with what we do as reservisits. For example, we hope that you will visit us at the army reserve training center at kearny so you can see, with your own eyes, who we are, what we do and how we do it. We think you may be surprised and pleased. We also hope you will join with us in the other activities we'll be sponsoring during community month here.

In closing, I would like to thank you on behalf of Army reservists here in Jersey City for your help, your encouragement and your cooperation during the past year. We need your help and when we get it, as you have given it so generously—we are appreciative. To know that our families, our friends, our employers, our business associates and neighbors support us in our task is very gratifying and comforting.

We, who serve in the Army reserve in this community are firmly convinced that by helping to keep our nation strong, we are helping to make this a better world for all of us who share it.

Thank you.

Remarks of Maj. Gen. James H. Weyhenmeyer

We hear a great deal about the need for a return to patriotism these days. But what do we mean by patriotism in the context of our times?

I think we mean a sense of national responsibility which will enable America to remain the master of her power; to walk with it in serenity and wisdom, with self respect and the respect of all mankind; a patriotism which puts country ahead of self; a patriotism which does not consist of sporadic frenzied outbursts of emotion but which is the tranquil steady dedication of a lifetime.

These are of course easy words to utter—but it involves a mighty assignment. For it is so much easier to fight for principles than to live up to them.

Today when we are faced with excessive demands from the extremes in our society we must measure them in terms of their service to or conflict with the public interest which must remain always the paramount interest.

But during my lifetime of service to my country I've come to believe that in 99 cases out of 100 the American people will make the right decision—if and when they are in possession of the essential facts about any given issue.

Certainly, every nation has an instinctive pride in it's blood and soil but we in America have something else. We have an ideal of freedom which makes our love of country a more dynamic force than mere instinctive national pieties.

But to love our country truly, we must also know how to love mankind—and that means mankind throughout this earth—mankind afflicted by war, hunger, poverty and oppression.

We must realize as never before that freedom is not something the government guarantees. It is not something that is either won or lost in the world's capitals or on it's battlefields, or that can be preserved by law.

The freedom that counts is what is in the minds and hearts of millions of people.

The test of our values and our ideals today calls out for greatness in ourselves—to speak for freedom and to make a renewed and profound affirmation in the American way of life.

Remarks of Congressman Dominick V. Daniels

Mr. Chairman, Reverend Wagner, distinguished guests, ladies, and gentlemen: In celebrating this 39th Americanization Day today we also pay great homage to the Army Reserve and to its members, who this month are paying even greater attention than ever to community assistance projects.

I can think of no more worthwhile and fitting group of brave young men who should be so honored this year. The men of the Army Reserve in these last few decades of crisis have stood as the bulwark of our freedom against those who thought us too weak and distinterested to respond quickly to the defense of freedom.

On January 20, 1953, the great President Dwight David Eisenhower stated in his inaugural address: "Since this century's beginning, a time of tempest has seemed to come upon the continents of the earth." But he went on to say, "in the final choice a soldier's pack is not so heavy as prisoner's chains."

And I say to you today that it is the brave men in America's reserves who in this "Time of Tempest," which has not passed, keep us safe from "Prisoner's Chains."

Last week, President Nixon announced that he would withdraw 150,000 troops from Vietnam over the next year. Our American soldiers over there who fought and are fighting do not fight in vain, nor have those who died, died in vain. They, and you who have also sacrificed, have bought precious time to allow for the creation, development, and now the deployment of a modern Vietnamese army capable of defending their own country against the Communist oppression of North Vietnam.

I want you to know that I support the President in his conclusion that, in the last analysis, we alone cannot win this battle *for* the Vietnamese people. Rather, we could only provide *them* with the physical ability and the training to defend their own country with their own energies and their own lives. We have done everything any freedom loving people can possibly do to provide the necessary time and aid for the people of South Vietnam. In the words of Thomas Paine, writing about our American revolution against tyranny: "Those who expect to reap the blessings of freedom must . . . undergo the fatigue of supporting it." So it is with us. So it must be with them.

I want to congratulate the Captain Clinton E. Fisk Post of the V.F.W. for their sponsorship of the Americanization Day programs for the last 39 years. These days, more than ever before, expressions of patriotism are most welcome and most necessary to show the great love and deep loyalty we have for America.

THE LEAD POISONING OF CHILDREN INCREASING

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, recently I introduced a bill, H.R. 17260, to provide Federal financial assistance to help cities and communities in this country to carry out intensive programs to eliminate the cause of lead-based paint poisoning, and to require an effective plan for the elimination of lead-based paint poisoning as a condition of Federal assistance under certain other Federal programs.

Tuesday, May 12, the New York Times contained a shocking story revealing that the lead poisoning of children due to the ingestion of lead-based paints has increased into the highest rate ever. Physicians in New York City have reported 260 cases of lead poisoning in children in New York City. The New York City health officials stated that the higher total represents just a small fraction of the lead poisoning cases. The statistics reveal that 97 percent of lead poisoning occurs in children 1 to 4 years of age.

The high rates of lead poisoning among young children reflect the fact

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that they eat the lead paint peeling off the indoor walls of homes built before World War II. Although the walls might be covered with layers of newer paints, the original lead paint remains on the walls in many older homes in poverty areas of our American cities. Since the end of World War II, laws have been passed by our local communities to prohibit the use of lead paint indoors.

Doctors warn that warm summer temperatures contribute to the increase of the number of lead poisoning cases. The body stores the increased lead in the bone marrow for indefinite periods and during the summer months, metabolic changes cause the lead to be deposited in the blood stream creating dangerous and tragic symptoms of physical and mental debilitation. When not treated early, irrefutable damage is done to the central nervous system. If the child develops severe symptoms of lead poisoning, it would cost our health services as much as $250,000 over the patient's life time to provide adequate care. For less than $2,000 for the average home, the source of lead paint poisoning can be removed.

Mr. Speaker, when the Subcommittee on Housing meets in June to consider a housing bill, I intend to offer my bill at that time as part of the general housing bill in order to provide assistance to eliminate lead-based paint poisoning.

I include the New York Times article following my statement:

[From the New York Times, May 12, 1970]

LEAD POISON WORST EVER AT 260 CASES

(By Lawrence K. Altman)

Physicians have reported 260 cases of lead poisoning in children to the New York City Health Department during the first four months of this year—more than for any other comparable period.

Health officials attribute the rise in reports to recent increased interest on the part of medical and community leaders in this old medical-social problem. This interest led to a release of city funds allowing the Health Department to test more blood specimens for lead, thereby detecting earlier this preventable disease of the home environment.

Health officials suspect that the higher total represents just a small fraction of the lead-poisoning cases here.

"Our calculations indicate that there are about 8,000 cases here," said Dr. Vincent F. Guinee, head of the city's lead-prevention program. In an interview, Dr. Guinee elaborated as follows on some of the statistics on cases of lead poisoning in recent years:

Ninety-three per cent of the lead poisonings occurred among children 1 to 4 years of age.

Although 86 per cent of the cases were among children from black and Spanish-speaking families, youngsters from these groups made up less than half the city's population for that age range.

The 727 cases in 1969 were the highest recorded in the city's history, but the two deaths were the fewest in the last decade. The most deaths from lead poisoning were the 19 in 1960.

None of the 1970 cases reported thus far were fatal.

High rates among young children reflect the fact that they eat the lead paint peeling off the indoor walls of homes built before World War II. Though covered with newer layers, the original lead paint remains on walls in many older homes in poverty areas of New York and other American cities.

Since World War II, laws here and elsewhere in the country have prohibited the use of lead paint indoors. Some outdoor paints still contain lead.

EVEN THE WELL-FED DO IT

Studies have shown that half of even well-fed children eat things like paint, clay, plaster, dirt, matches, cigarette butts or crayons that are not food. Doctors call this little-understood phenomenon pica. In zoology, the pica is the genus containing the magpies, which are omnivorous.

Though pica usually begins about age 1 and disappears by age 5, the American Academy of Pediatrics says that "as many as 50 per cent of mothers of children with pica also have pica themselves."

Because the intestine can absorb only small amounts of lead at any one time, ingestion of tiny amounts of lead over a long time can be more dangerous than eating a larger amount once. Doctors suspect a child must eat lead chips for about three months before symptoms of plumbism—from the Latin for lead poisoning—develop.

Once absorbed, lead can affect almost every system of the body. Most of the heavy metal is stored in bones, and appears as opaque white lines at the end of the wrist and knee bones on X-rays of children with severe lead poisoning.

Because lead interferes with arm and leg, causing a paralysis called wrist or foot drop.

Doctors want to detect lead poisoning as early as possible to prevent, rather than treat, these symptoms. That is why the Health Department got an infusion of $1.2-million earlier this year to step up its lead-prevention program.

Action begins when the Health Department receives a report of a case of lead poisoning, either from a practicing physician or from a blood test performed at the department's laboratories.

The most reliable method, Dr. Guinee said, is a laboratory test performed by a process called atomic-absorption spectrophotometry. The Health Department considers abnormal a blood lead level of 60 micrograms or higher. (A microgram is one-thousandth of a gram.)

Some doctors had hoped that the ALA (for delta amino levulinic acid) would be the easiest screening test for lead-poisoning cases.

The ALA urine test, Dr. Guinee said, is unreliable. A Health Department study, supported by results of similar ones done in Chicago and Baltimore, found that the urine test falsely diagnosed lead poisoning in about 30 per cent of children without the disease and failed to detect about one-third of true lead-poisoning cases.

After receiving a report of a positive lead test, a Health Department representative takes samples of wall paint where the youngster lives.

If any of these samples is positive for lead, the Health Department orders the landlord to begin removing the lead source within five days. If the landlord fails to comply, as has happened about half the time, the city's Emergency Repair Program does the work and bills the landlord.

Dr. Guinee said the Health Department was detecting lead in about one-half of the homes of children suffering from lead poisoning. In the other half, Dr. Guinee said, sampling procedures may have missed the hidden lead paint, or the family may have failed to reveal other homes that the child visited. Mothers who work while on welfare are reticent to reveal this information despite the Health Department's guarantees of confidentiality.

Next month, the Health Department plans to begin using a portable model of a new lead-detecting machine that New York University's department of environmental medicine developed with funds from the city's Health Research Council. It is hoped that this device will enable an inspector to survey an entire housing unit without removing any paint chips and to increase the accuracy of detcting lead paint in homes.

THE LATE WALTER REUTHER

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DINGELL. Mr. Speaker, the American labor movement, the people of the United States—particularly the downtrodden, the unfortunate, the hungry, the suffering—feel a great loss today.

The plane crash that killed Walter Reuther silenced the voice of a man of great courage and unique dedication. A man whose vision contributed much to the people of the United States and the world.

Walter Reuther's great monument will be that long list of accomplishments which he built up within the labor movement and through his efforts on behalf of social reform and social justice.

Walter Reuther was a vigorous democrat and a man of complete personal honesty and dedication to the public interest. Under his able direction the United Automobile Workers gave new meaning to the rights of the American workingman, assuring him of benefits unheard of previously. Through his leadership the UAW was purged of the influence of Communists and racketeers. Under his guidance the UAW not only fulfilled its role as a great labor organization but it also became a great force for the general good. Walter Reuther's vision led the UAW to fight for legislation and governmental action adequate to meet the needs of our time. His goal was to build a just society for all of our people.

Walter Reuther will be sorely missed not only by the members of the United Automobile Workers and the labor movement, but beyond this, Americans in every walk of life will mourn his passing and feel the absence of his dedication to the public interest.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States has more commercial passenger airplanes than any other country. In 1966 there were 16,277 commercial passenger airplanes in the United States compared to 483 in France, the second ranked nation.

SETTING STRAIGHT THE RHODESIAN STORY

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I have, as you know, addressed the House

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on a number of occasions concerning the deplorable part this Nation has played in the sanctions and other actions designed to topple the government of our only real friend in Africa, Rhodesia. It remains a bewilderment to me that, all facts to the contrary, free and independent Rhodesia continues to be the target of this Nation's attack on the basis of discrimination against the native blacks.

I and others have defused these lies, debunked this propaganda, and repeated over and over that there is more freedom for blacks in Rhodesia than in any nation in the world; in some respects, more than can be found here in the United States. But all this has fallen on deaf ears at the State Department and the White House.

I do not intend to give up, in spite of the adamant refusal of some to admit the truth. I intend to continue debunking. To that end, I would like to make a part of today's RECORD this interview conducted by Dean Manion with Mrs. Bernadine Bailey, world traveler, author, and lecturer, author of "The Captive Nations" and a recent traveler in Rhodesia. This is the text of Dean Manion's broadcast of May 3:

DEAN MANION. Back with me here at the microphone today is Mrs. Bernadine Bailey, who was here some months ago talking then about her new book called "The Captive Nations." Mrs. Bailey is the author of 94 published books dealing with practically all of the countries of the world. She has just returned from an extensive visit to Rhodesia, a country that is very much in our news these days and quite properly so.

Mrs. Bailey, welcome back to the Manion Forum.

Mrs. BAILEY. Thank you, Dean Manion. I'm happy to be back.

DEAN MANION. Before we talk about Rhodesia, tell me about your book. How is it going?

Mrs. BAILEY. It's going very well. I was particularly gratified when the publisher told me that he had sold it to Allied News Company who will distribute it throughout the newsstands.

DEAN MANION. Look for it ladies and gentlemen, "The Captive Nations," by Bernadine Bailey on the newsstands.

We want to be alerted about the upcoming Captive Nations Week next July. Usually as friends of the Captive Nations—more than a billion slave people encased behind the Iron and Bamboo curtains around the world—we wait too late to get active about these Captive Nations observances, with the result that sometimes the President isn't prodded into proposing the proper kind of a Captive Nations Resolution. We miss the boat by waiting, so let's all be alerted now to the upcoming Captive Nations Week next July and see how we can use it to get us out of our difficulties with the Communists.

Now, Mrs. Bailey, how did you happen to go to Rhodesia?

Mrs. BAILEY. I went to find out what the real situation was, Mr. Manion. I had a feeling that we were being misinformed, and I found out that we were grossly misinformed.

DEAN MANION. Yes, from my own experience in Rhodesia I know that we have been misinformed. In this country we are told repetitiously that in Rhodesia the white population is oppressing the black population and for that reason we have crossed them off our list as far as diplomatic representation is concerned now and previously with economic sanctions. Did you find that this discrimination is actually taking place?

Mrs. BAILEY. No, nothing could be further from the truth. You see there are five million black people there and only 250,000 whites, but they don't discriminate against the blacks. They have every opportunity to advance and to study, to make a success economically.

DEAN MANION. What about voting?

Mrs. BAILEY. They are absolutely equal in the voting. There is no discrimination. In fact, their own government publication says in large type: "In Rhodesia the franchise and all seats in Parliament are open on an equal basis to everyone."

DEAN MANION. Who can vote in Rhodesia?

Mrs. BAILEY. Everyone who pays an income tax, black or white.

DEAN MANION. What percentage of the black population pays an income tax?

Mrs. BAILEY. About one per cent now. That's about 50,000 people?

DEAN MANION. That means that those blacks who are gainfully employed, so as to get wages, salaries and income, amount to one per cent of the black population. I assume that the rest of the black population is living in the tribal areas under tribal conditions, bartering and exchanging their produce one to another, and apparently not getting on the tax rolls.

Mrs. BAILEY. That's right, and aren't they lucky!

DEAN MANION. And, of course, all of the white people are working for wages, for dollars and cents. So a larger percentage of the white people, naturally, are paying income tax and, consequently voting.

Mrs. BAILEY. Yes, and not only that but they are supporting all these benefits that are given to the black people, like public housing, athletic facilities, hospitals, schools and that sort of thing.

DEAN MANION. You say there are approximately five million blacks in Rhodesia now, how many were in Rhodesia when the English first came there?

Mrs. BAILEY. About four hundred thousand.

DEAN MANION. Then, obviously, tremendously large numbers of blacks have been coming into Rhodesia ever since.

Mrs. BAILEY. Yes, and that is just since 1890, eighty years ago. They have come because they like it there. They like the setup that gives them an opportunity.

DEAN MANION. It seems to me that if discrimination has been practiced against the blacks during all these years the movement would have been in the other direction. They would have been leaving Rhodesia instead of going in. They have been voting with their feet, in other words, whether they have voted at the polls or not. Right?

Mrs. BAILEY. Yes, and that's the most important vote.

DEAN MANION. It's interesting to observe, and from your experience in having visited all the Captive Nations in the world, you know what would happen if the people in the Captive Nations had a chance to move. In which direction would they go?

Mrs. BAILEY. They would go out just as fast as they are able. They are not very often able.

DEAN MANION. No, they are encased, jailed within the confines of the Communist country. But, the best proof of equal conditions or better is the fact that these people go into Rhodesia rather than out of it. And the black people have been coming into Rhodesia by the thousands and are still coming in.

Mrs. BAILEY. That's right, they are.

FREEDOM OF MOVEMENT

DEAN MANION. Aside from the lack of discrimination in the voting privilege, are the blacks able to move about freely and go anywhere, to hotels and to theaters or wherever else they want to go?

Mrs. BAILEY. Just as freely as they do in this country. They are seen every place—in the theaters and the hotels, the restaurants, the movies, every place.

DEAN MANION. They don't have to live in any separate place?

Mrs. BAILEY. No, they don't have to. Most of them choose to live among their own people. They prefer that, and they live in what are called townships, which are areas that are set up apart for them. But, that is because they can then have their own social life, follow their own customs, live and eat the way they like and they have their own beer halls there which are very popular. I was there on a Saturday afternoon and they were really doing a big business.

DEAN MANION. When I was there, I saw some of these merchants and dealers in these black townships and they told me that they were protected from white competition in these areas; that they had the exclusive market. A white man couldn't go into a black area and set up a store in competition with a black merchant.

Mrs. BAILEY. That's right.

DEAN MANION. Are there any black members of the Rhodesian Parliament?

Mrs. BAILEY. Yes, there are sixteen.

DEAN. MANION. They have been elected?

Mrs. BAILEY. Yes.

DEAN MANION. What about the civil service?

Mrs. BAILEY. Oh, there are thousands in the civil service. There are 1,700 who are on the permanent staff and there are 4,000 in the middle grades of civil service and 12,000 in the lower grades. Then there are about 15,000 Africans who have their own private trading enterprises in the rural areas.

DEAN MANION. Well, then what is all the hue and cry about discrimination?

Mrs. BAILEY I'd like to know I don't see any reason for it.

DEAN MANION. On the face of it, it looks as though we have worked a great disadvantage against Rhodesia by quarantining it and cutting off diplomatic relations with that country, but are there any disadvantages moving in the other direction? Are there any disadvantages to us growing out of this situation?

Mrs. BAILEY. We have cut off our nose to spite our face. For example, we now have to buy chrome from Russia and pay twice as much as when we bought it from Rhodesia. Furthermore, we get a lower grade of chrome and Russia can cut off the supply at any moment.

DEAN MANION. And aside from Rhodesia, I understand, that Russia is the principal source of our chrome which is needed for our national defense today? And by cutting trade with Rhodesia we have made it necessary for us to get our defense materials from Russia, against whom we are trying to build up our defenses.

Mrs. BAILEY. Sounds idiotic, doesn't it?

DEAN MANION. It's certainly ironic, to say the least. I notice you have a letter there from Senator Eastland. What does he say?

Mrs. BAILEY. Well, he says: "Rhodesia has made a valiant fight for its independence and there is a marked resemblance to America's own war of independence back in 1776. Rhodesia is our friend on the vital continent of Africa and our ally in the worldwide struggle against Communism. The American policy is clearly in direct conflict with the best interests in the United States and its citizens."

DEAN MANION. That's interesting, because I have a clipping here with me today in which Senator Eastland says substantially the same thing and announces that he has submitted a "sense of the Senate" resolution, urging recognition of Rhodesia in the face of economic sanctions imposed by the United Nations because of Rhodesia's alleged policy of racial separation.

The resolution which the Senator has introduced raises an interesting legal question because while Congress cannot arrange diplomatic relations of the country, that being an Executive function, Congress can, however, and is obliged under the Constitution to regulate foreign and interstate commerce. I hope the resolution that Senator Eastland is talking about is aimed at that because we could through congressional action, re-establish economic association and relationships with Rhodesia in spite of the State Department.

SANCTIONS SPUR GROWTH

Mrs. Bailey. It would certainly be to our advantage to do so. But, here is the amazing thing. These sanctions have acted as a spur to economic growth in Rhodesia and the Prime Minister told me that they have really accomplished in three or four years what would normally take twenty years, as far as their economic progress is concerned. They have made a virtue of necessity.

Dean Manion. Mrs. Bailey, you have been in practically all of the countries of the world. What other African countries have you visited?

Mrs. Bailey. Quite a few. I spent several weeks in the Congo a few years ago and then I have also been in Kenya, Ghana, Nigeria, Senegal, Ivory Coast and Liberia, as well, of course, as Libya and Morocco and Egypt.

Dean Manion. Well, Liberia is interesting. We are objecting to Rhodesia because they don't employ the "one-man, one-vote rule," and yet we recognize and deal with and subsidize Liberia where only black people can vote, in spite of the fact that loads of white people live there, the Firestones and others, and pay huge taxes. Nevertheless a white man cannot vote in Liberia, and Liberia is consequently violating the one-man, one-vote principle but the United Nations doesn't impose any sanctions on Liberia.

Mrs. Bailey. Also in Liberia there is serious unemployment and a great deal of corruption and maladministration. President Tubman had the Constitution changed so that he could succeed himself in office and more or less perpetuate his dictatorship. Also, in those black countries our foreign aid instead of going to help the people or the country as a whole usually goes in the pockets of the head of the country and to build a palatial home for him. I saw those all over Africa. It's common for them to spend five to ten million dollars in building a Presidential palace.

Dean Manion. Well, those palaces are built by the man who has been elected by the one-man, one-vote principle.

Mrs. Bailey. Yes. One-man, one-vote, once only.

Dean Manion. Oh yes, "once only." Once elected he stays elected. Thereafter he becomes a dictator.

Mrs. Bailey. That's right, until the military has a coup and topples him and puts another dictator in.

Dean Manion. Mrs. Bailey, what about tourism and immigration? Does Rhodesia ask for them and are we still free to go there and travel and live there if we choose to do so?

Mrs. Bailey. We are quite free to go there and they are very happy to have Americans visit there. They are most hospitable and gracious. I was entertained by people I'd never even heard of before, and as for immigrants, that is almost a necessity. You see with such a small white population they want people with training and experience and ability. Such people are very much in demand and the advertisements in the paper show that. And, they make special inducement for immigration. For example, after you have been there six months, your cost of coming will be refunded, and then during the first two years most of your taxes are refunded, too. They want to make it attractive for immigrants.

Dean Manion. Mrs. Bailey, I notice that in a letter you wrote to the paper since you got home you said this: "Nowhere in the world, not even in the United States, does the black man have it so good as in Rhodesia." Now, that surprises me. What does the black man have in Rhodesia that he doesn't have in the United States?

Mrs. Bailey. He doesn't have any hostile white population—none of that hostility that you find over here. And there is no hostility on the part of the blacks against the whites over there either. That's why the country is so prosperous and successful and why law and order is the order of the day there. You don't need to be afraid of walking around any place at anytime, day or night. In fact, it's one of the few places in the world where that can be said now.

Dean Manion. I noticed that the police didn't carry pistols. Do they still go around unarmed?

Mrs. Bailey. That's right, they still do.

Dean Manion. Thank you very much, Mrs. Bailey, for coming back to the Manion Forum with this interesting account of Rhodesia.

Ladies and gentlemen, watch for Mrs. Bailey's new book, "The Captive Nations" on the newsstands. She knows all of these nations from firsthand visitation and experience.

Now, a final word about Rhodesia. Our discriminatory sanctions against Rhodesia started back in 1967 with a proclamation by the U.N. to quarantine Rhodesia. Why the quarantine? The U.N. maintained that Rhodesia was threatening the peace and provoking military aggression in Africa. But Rhodesia was and is threatening nobody. What the U.N. meant, but didn't say, was that Rhodesia's progress and prosperity was making its African neighboring nations jealous and because of that jealousy these neighboring African nations might attack Rhodesia and thus start a war on the continent.

In other words, because Rhodesia was succeeding, she would have to be starved back to the point where she would no longer be envied by her black neighbors. This, believe it or not, is what our quarrel with friendly Rhodesia is all about.

TRAGIC CASE OF KENT STATE

(Mr. PHILBIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PHILBIN. Mr. Speaker, I was greatly shocked by the tragic events at Kent State College in Ohio, which stunned and saddened the Nation, and I am deeply sympathtic with the parents and families of the stricken victims.

The right of dissent is a constitutionally protected right, which we all enjoy under our form of government.

Every person has the right to dissent and to express his views, when he dissents in a lawful manner. Violence, threats or injury to persons and human life, damage to property and illegal disturbance of order and stability, and urging the overthrow of the Government, are not protected by the Constitution.

Where organized violence occurs in connection with dissent, it is truly regrettable. It arouses bitter feelings and retaliation, and cannot be legally tolerated, if we are to avoid serious dangers of the breakdown of law in this country.

When violence gets beyond the control of local authorities, first, the State, and then, the National Government, may be called upon to assist in restoring order and enforcement of the law.

But this procedure, designed to maintain security and safety, and provide respect for law, cannot and must not be pursued in ways that are illegal, and result in needless injury and sacrifice of human life.

I am certainly not satisfied with the explanations that I have read in the press and heard over communications media about the shooting of innocent student protest participants at Kent State, who were not shown to have committed any illegal act, and I urge that the Federal Government make a thorough investigation to take every necessary action to get to the bottom of this terrible occurrence, and make sure that such tragic measures are not repeated.

Lawful dissent must be protected, and violence and disorder must be checked.

But this Nation cannot tolerate the shooting down of innocent, helpless people.

I extend my deepest sympathy to the parents and families of the victims and the officials and students of Kent State.

SENIOR CITIZENS MONTH

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, May marks Senior Citizens Month. We, in Congress, can pause and reflect with pride on the extensive legislation and the many programs that have been enacted to meet the needs of this constantly growing group. But we must, at the same time, reflect on those needs that remain neglected.

We are aware of many of the needs and unique problems of income, health, and housing which beset the elderly, and, despite the great strides made by Congress, much remains to be done.

There is another area of acute need—the need for nourishing, well-balanced meals in a social setting—and today I have introduced legislation that would, for the first time, institute a program to meet those needs on a nationwide basis.

The elderly person who finds himself robbed of friends, close relatives, and neighbors by death, time, and change, has been the subject of intensive research in this area. Mrs. Sandra Howell, project director for the Gerontological Society, described the results of inadequate diet in testimony before the Select Committee on Nutrition and Human Needs last fall:

> When poor nutrition exists and persists in the older adult, it serves to intensify the severity of other conditions which accompany the processes of aging. By not specifically dealing with the problems of adequate diet in the elderly (we encourage) the spiral of chronic disease, physical and psychic disability, and ultimate institutionalization.

The hearings of this committee resulted in a strong recommendation for legislation that would provide a comprehensive nutrition program in a social setting. Among the programs discussed in the hearings were the demonstrational projects conducted by the Administration on Aging under title IV—research and development grants, which evidenced

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not only their desirability, but their feasibility. Twenty-seven projects were carried out during a 3-year period in 17 States and were concluded in the fall of 1969.

The bill I have introduced today will implement this recommendation and will meet the acute need for a national policy aimed at providing the elderly with low-cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact, ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

This bill provides for Federal, State, and local funding on a matching basis, including the utilization of surplus commodity programs for the preparation of at least one hot meal per day at a reasonable low cost to the participant.

I urge earnest consideration of my bill and welcome all who wish to join with me as cosponsors. Today's senior citizens, after a lifetime of hard work, a career interrupted by the Great Depression and war, faces a future of existing on a sum which is only 20 to 40 percent of his former earnings. Even with the medicare legislation, the older American sees medical costs looming large in their budget. For many persons living on a fixed income, the only flexible portion of their budget is food. Rent and taxes must be paid; medical costs are given high priority and consequently money must come from the already skimpy food budget. Not all are aware that medicine does little good to a body consistently deprived of the proper nourishment, and those who do know this often are in no position to do anything about it. My bill, which I now submit for the RECORD, offers Congress an opportunity to do something about it:

H.R. 17612

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

SEC. 2. Section 102(1) of the Older Americans Act of 1965 is amended by deleting the (;) and inserting a (,) and inserting immediately thereafter the words "except for the purposes of title VII where the term 'Secretary' shall mean the Secretary of Agriculture."

SEC. 3. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY"

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the Research and Development Grants, Title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems, and old age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools and other public or private nonprofit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) create a new division within the Food and Nutrition Service of the Department of Agriculture, under the Assistant Secretary for Marketing and Consumer Services, for the administration of the program;

"(2) make full utilization of the existing services within the Department including but not limited to the Federal Extension Service under the Director of Science and Education; and

"(3) Consult with the Administration on Aging, Department of Health, Education, and Welfare.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703. (a)(1) From the sum appropriated for a fiscal year under section 708(A) the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall be allotted an amount equal to one-fourth of 1 per centum of such sum and (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum.

"(2) From the remainder of the sum so appropriated for a fiscal year each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty-five or over in such State bears to the population aged 65 or over in all of the States, as determined by the Secretary on the basis of the most recent satisfactory data available to him.

"(3) A State's allotment for a fiscal year under this title shall be equal to the sum of the amounts allotted to it under paragraphs (1) and (2).

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such years as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such estimates such State needs and will be able to use for such year; and State's whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty-five or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any state under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 705 and approved by such State in accordance with its State plan approved under section 705. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum or more, as the case may be, from funds within the State.

"(d) If, in any State, the State agency is not permitted by law to disburse the funds paid to it under this title in the State, or is not permitted by law to match Federal funds made available for use by such public or private nonprofit institution or organization, agency, or political subdivision of a State, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State in accordance with the provisions of this title, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds from sources within the State.

"PAYMENTS TO STATES

"SEC. 704. (a) Funds allotted to any State pursuant to section 703 during a fiscal year shall be available for payment to such State for disbursement by the State agency in accordance with such agreements not inconsistent with the provisions of this title as may be entered into by the Secretary and such State agency, for the purposes of carrying out the provisions of this title, during such fiscal year in supplying—

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"(1) agriculture commodities and other foods for consumption by persons aged sixty-five or over, and

"(2) nonfood assistance in furtherance of the programs authorized under this title.

"(b) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which—

"(1) establishes or designated a single State agency as the sole agency for administering or supervising the administration of the plan, which agency shall be the agency primarily responsible for coordination of State programs and activities related to the purposes of this title;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"A. to make grants in cash or in kind to any public or private nonprofit institution or organization, agency or political subdivision of a State (hereinafter referred to 'recipient of a grant or contract')—

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty-five or over. Recipients of grants or contracts may charge participating individuals for meals furnished but such charge shall not exceed a per meal limit to be established by each state agency, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipient of a grant or a contract.

"(iii) to provide such supporting services as may be absolutely necessary such as the costs of social services and local public transportation to and from the residences of participating individuals which costs are not provided by grants for these services from the Administration on Aging, Department of Transportation, Office of Economic Opportunity, or other Federal agency.

"B. to provide for the proper and efficient administration of the State plan; provided, that the amount expended for such administration and planning shall not exceed a sum which shall be agreed upon between the Secretary and the State agency.

"(1) in making report, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of the objective measurements required by section 706, and keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) in providing satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provides such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be).

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The Court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a program (hereinafter referred to as a 'nutrition program') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences—National Research Council.

"(2) to provide such nutrition program for individuals aged sixty-five or over (hereinafter referred to as 'eligible individuals').

"(3) to furnish a site for such nutrition program in as close proximity to the majority of eligible individuals' residences as feasible, and, preferably within walking distance.

"(4) to utilize methods of administration including outreach which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition program.

"(5) to provide a setting conducive to expanding the nutritional program to include recreational activities, informational, health and welfare counseling and referral services.

"(6) to include such training as may be necessary to enable the personnel to carry out the provisions of this title.

"(7) to establish and administer the nutritional program with the advice of persons competent in the field of service in which the nutrition program is being provided, and of persons who are knowledgeable with regard to the needs of elderly persons.

"(8) to provide an opportunity to evaluate the effectiveness, feasibility and cost of each particular type of such program.

"(9) to give preference to persons aged sixty-five or over for any staff positions, full or part-time, for which such persons qualify.

"SURPLUS COMMODITIES

"SEC. 707. Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the local area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"APPROPRIATIONS AUTHORIZED

"SEC. 708. (a) The Secretary may utilize the programs authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774; 7 U.S.C. 614c).

"(b) In addition to any other funds which may be available, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"PROGRAM EXPENDITURES

"SEC. 709. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 708 of this title, not to exceed $50,000,000 shall be made available for the fiscal year ending June 30, 1972, not to exceed $100,000,000 for the fiscal year ending June 30, 1973, not to exceed $150,000,000 for the fiscal year ending June 30, 1974, for grants-in-aid pursuant to the provisions of this title, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this title;

"(2) direct expenditures by the Secretary for agricultural commodities and other foods to be distributed among the States and such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State, participating in the nutrition program under this title.

"RELATIONSHIP TO OTHER LAWS

"SEC. 710. No part of the cost of any program under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 711. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement with a profitmaking organization to carry out the provisions and purposes of this title."

REMARKS OF CONGRESSMAN FRED SCHWENGEL REGARDING CERTAIN PROPOSED LEGISLATIVE ACTIONS INVOLVING CONSERVATION WORK AND POLLUTION ABATEMENT

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, President Nixon has called the agricultural sector one of the principal areas in which effective pollution controls must be adopted in order to restore the quality of the Nation's environment.

This Congress has established in the National Environmental Policy Act of 1969 certain policy and procedural standards and guidelines for all public programs which have or should have environmental impacts.

I can testify before this body that the farmers, ranchers, and woodland owners of America have long been concerned with and doing much to prevent or alleviate the problems of environmental deterioration, of which all of us have rightfully become so concerned. They have, with the help of our great public conservation programs, held countless tons of polluting sediments and associated chemicals and organisms on the land where they belong, and out of our road ditches, streams, reservoirs, and harbors. They have created conservation patterns which have beautified our landscapes. They have enhanced wildlife habitat and outdoor recreational opportunities on rural lands and waters for the benefit and enjoyment of all of us.

These reassuring facts were again brought home to me some weeks ago when I met in the First District of Iowa with the locally elected farmer committeemen of the area. They were planning how they could even more effectively direct agricultural program resources—which the Congress has wisely committed to their administration—and encourage more of their farmer neighbors toward the safest farming methods and the most effective old and new conservation and pollution abating practices. They were eagerly seeking new research results and new conservation technology for the good of their communities, as well as of the farms upon which their communities and most of our economy so much depend.

I know, too, that many of the best pollution control and abatement measures that farmers install cost a lot of money and repay little, if any, returns to the farmer who installs them. When pollution control measures are installed by an industrial concern, the costs are passed on to the users through traditional "cost plus" charges for its products and services. But farmers and their families have—almost as traditionally, unfortunately—had to expend the extra labor, mine their lands, and get little or none of the price rewards that simple justice would require.

The public, through the Congress, has not been totally unmindful of this situation. It has provided two programs which are, fortunately, available on eligible lands and projects throughout the Nation. These two—the tested and proved agricultural conservation program—or ACP—and watershed protection and flood prevention—or Public Law 566—program—have particular potentials for economical, partnership investments between farmers and their Government. The resources of these programs plus the farmers' matching contributions quite effectively accomplish conservation and other environmental quality goals that the public interest requires.

On the basis of new authority provided by this Congress last fall—in line with the request of this administration—the agricultural conservation program has added in 1970 a battery of new direct pollution abatement practices.

These are already beginning to help participating farmers install additional water, air, and soil pollution abating measures. Some of these practices help deal with one of the problems common to most sections of the Nation, and especially to the Midwest: utilizing or disposing of farm feedlot wastes. These feedlots are essential in the production and distribution of the red meats on which the nutrition and health standards of modern America largely depend. The waste produced by 1,000 cattle in a farm feedlot is equivalent to that of the people of a city of 15,000 to 20,000. These animal wastes must be managed so that they will not pollute our air and water and thereby jeopardize our health and well-being.

Yet, consumer costs of these red meats are high enough. And there is an effective, economical way to help hold these costs in check, especially in the interest of those citizens least able to pay. A continuation of the investment by the public in the agricultural conservation program—actually only about $1 per person per year—can assure the continuation of the many past public benefits of this program, plus a good share of the various pollution abatement benefits to which I have alluded.

Two simple amendments to legislation authorizing procedures regarding the agricultural conservation program and others to that authorizing Public Law 566 watershed projects are needed, though, to help those programs continue to serve their public-benefit purposes more efficiently. I intend, Mr. Speaker, to introduce those amendments at an early date, along with a related concurrent resolution.

The bill that I shall introduce will, upon enactment, amend:

First. Public Law 83–566 with respect to equitable assistance for works of improvement for water quality management and related benefits and for acquiring needed sites under Public Law 566 small watershed projects. I believe the needs for these amendments are self-evident.

Second. The Soil Conservation and Domestic Allotment Act to permit the Secretary of Agriculture to enter into term agreements with farmers—in addition to the usual annual approvals.

Third. The Agricultural Adjustment Act of 1938 to permit paying cost shares throughout the year when the practices are performed.

The Secretary could share costs under these term agreements with farmers who in accordance with farm plans and technical specifications, carry out a series of approved conservation and pollution abating practices which have community as well as on-site benefits. This would be especially helpful in special conservation project areas; for example, Public Law 566 watersheds.

The concurrent resolution will reiterate and reemphasize the sense of this Congress with respect to some of the priorities for the operation of important conservation and pollution abatement programs, as they relate to our rural lands and waters.

It is significant that the National Association of Conservation Districts has adopted resolutions essentially in line with most of these needed actions. Also, some of our important farm and other natural resource-oriented groups have endorsed parallel or comparable goals. I am convinced, Mr. Speaker, that the time has come for this House to act and the Congress to authorize these forward steps. This will insure another urgently needed advance toward maintaining and enhancing the quality of our ailing environment.

FLORIDA STATE SENATE RESOLUTION REQUESTING NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TO DESIGNATE CAPE KENNEDY AS OPERATIONAL BASE FOR SHUTTLE SYSTEM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Cape Kennedy, Fla., which has been the launching site for all of our space vehicles and which has so magnificently conducted all these momentous operations, is, I think, all should agree, the natural operational base for the space shuttle system which is in prospect as a part of our space program.

I am very much pleased, therefore, to present to the House, and to the Congress, in connection with my remarks, Senate Concurrent Resolution No. 503 adopted by the Florida State Senate, requesting the National Aeronautics and Space Administration to designate Cape Kennedy as operational base for the shuttle system and I ask that this concurrent resolution appear in full following my remarks:

FLORIDA STATE SENATE CONCURRENT RESOLUTION No. 503

A concurrent resolution requesting the National Aeronautics and Space Administration to designate Cape Kennedy as the operational base for the space shuttle system

Whereas, the space shuttle—a reusable low-cost rocket for ferrying men and materials back and forth between earth and space stations—is the next big essential piece of hardware for the U.S. space exploration program; and

Whereas, the Kennedy Space Center is the most modern and complete space port in the world; and

Whereas, over 2½ billion dollars is already invested in the extensive facilities at the Kennedy Space Center and down range facilities; and

Whereas, these facilities include extensive assembly, pre-launch checkout, cryogenic hydrogen and oxygen storage, launch and support capabilities; and

Whereas, a down range tracking capability exists at the nearby Eastern Test Range facility; and

Whereas, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence; and

Whereas, a high skilled team of 18,000 operations, maintenance and assembly personnel are at the Cape; and

Whereas, the launch of space shuttles over the water add immeasurably to the safety of development flights of the system; and

Whereas, advantage can be taken of existing facilities for assembly of vehicles after delivery and refurbishment of vehicles after each flight; and

Whereas, Cape Kennedy is easily accessible by all modes of transportation; and

Whereas, construction costs in the area are cheaper than other areas of the country which might be possibly considered; and

Whereas, there are 88,000 acres of government land available for expansion if needed; and

Whereas, Florida Industry received over 422 million dollars in income from the sale of goods and services to the Kennedy Space Center last year; and

Whereas, the educational support and opportunities provided by higher educational institutions in the immediate area and throughout Florida have and will continue to contribute significantly to the success of NASA and industry; and

Whereas, the Kennedy Space Center offers a unique aggregate of facilities which are not available at any other possible site for development and operational flights of the space shuttle system at minimum cost to the U.S. taxpayer; and

Whereas, the Science and Astronautics Committee of the United States House of Representatives in its report on the Fiscal 1970 budget states that "maximum use should be made of existing facilities to support the space shuttle program" and that "the extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration": Now therefore,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the National Aeronautics and Space Administration is hereby requested to designate Cape Kennedy as the operational base for the space shuttle system.

Be It Further Resolved that copies of this resolution be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, President of the United States Senate, Speaker of the United States House of Representatives and to each member of the Appropriations and Aeronautical and Space Sciences Committees of the United States Senate and the Appropriations and Science and Astronautics Committees of the United States House of Representatives.

Attest:

E. S. FRASER,
Secretary of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL, for May 14 and 15, on account of official business in Seventh Congressional District of Missouri.

Mr. HORTON (at the request of Mr. GERALD R. FORD), for from 4 o'clock p.m. today through May 14, on account of official business as a member of the House Select Committee on Small Business.

Mr. BUTTON (at the request of Mr. GERALD R. FORD), for from 4 o'clock p.m. today through May 14, on account of official business as a member of the House Select Committee on Small Business.

Mr. KYROS (at the request of Mr. McCORMACK), for today and the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOGAN (at the request of Mr. HAMMERSCHMIDT), for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. PREYER of North Carolina) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. WOLFF, for 10 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. FARBSTEIN, for 30 minutes, today.
Mr. RARICK, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT in two instances and to include extraneous matter.

Mr. ROSENTHAL and to include extraneous matter during general debate on House Resolution 960.

Mr. HOLIFIELD during his remarks in general debate on House Resolution 960.

Mr. GERALD R. FORD and to include extraneous material in the Committee of the Whole today.

(The following Members (at the request of Mr. HAMMERSCHMIDT) and to include extraneous matter:)

Mr. BROCK.
Mr. ZWACH in three instances.
Mr. PELLY.
Mr. ADAIR.
Mr. GUDE.
Mr. WYMAN in two instances.
Mr. SCHERLE.
Mr. RAILSBACK in two instances.
Mr. ROTH.
Mr. BETTS.
Mr. HUNT in two instances.
Mr. COLLINS in five instances.
Mr. ANDERSON of Illinois.
Mr. BROTZMAN.
Mr. GOLDWATER in two instances.
Mr. SCOTT.
Mr. PRICE of Texas in two instances.
Mr. BOW in two instances.
Mr. CRANE.
Mr. RUPPE.
Mr. HALPERN.
Mr. FULTON of Pennsylvania in five instances.
Mr. FISH.
Mr. BUSH.
Mrs. HECKLER of Massachusetts.
Mr. SCHWENGEL.
Mr. ARENDS.
Mr. REIFEL.
Mr. McCLOSKEY.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. FRASER in eight instances.
Mr. FALLON in two instances.
Mr. OTTINGER in two instances.
Mr. HAMILTON in 10 instances.
Mr. MATSUNAGA in two instances.
Mr. WOLFF.
Mr. CELLER.
Mr. ROONEY of New York.
Mr. THOMPSON of New Jersey in two instances.
Mr. GARMATZ.
Mr. GILBERT in two instances.
Mr. MIKVA in six instances.
Mr. PRYOR of Arkansas.
Mr. ROE.
Mr. ANDERSON of California in four instances.
Mr. REUSS in six instances.
Mr. HAYS in two instances.
Mr. MOORHEAD.
Mr. DINGELL in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. FOUNTAIN in two instances.
Mr. HAGAN in two instances.
Mr. GONZALEZ in two instances.
Mr. CLARK in two instances.
Mr. O'HARA.
Mr. DIGGS in two instances.
Mr. WILLIAM D. FORD.
Mr. RARICK in two instances.
Mr. FRIEDEL in two instances.
Mr. GRIFFIN.
Mr. EVINS of Tennessee.
Mr. BURKE of Massachusetts.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3778. An act to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at (6 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, May 14, 1970, at 12 o'clock noon.

XUM

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2054. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notification of the intention of the Department of the Navy to transfer the submarine *Cavalla* to the U.S. Submarine Veterans World War II—Texas, Inc., pursuant to the provisions of 10 U.S.C. 7308(c); to the Committee on Armed Services.

2055. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the intention of the Department of the Navy to transfer the submarine *Cobia* to the Manitowoc Submarine Memorial Association, Inc., Manitowoc, Wis., pursuant to the provisions of 10 U.S.C. 7308 (c); to the Committee on Armed Services.

2056. A letter from the Assistant Secretary of State (Congressional Relations), transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on Foreign Affairs.

2057. A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Civil Service Retirement laws to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MADDEN: Committee on Rules. House Resolution 1004. Resolution for consideration of H.R. 17575, a bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1075). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 8512. A bill to suspend for a temporary period the import duty on L-Dopa; with an amendment (Rept. No. 91–1076). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 14720. A bill to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products (Rept. No. 91–1077). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 16199. A bill to establish a working capital fund for the Department of the Treasury (Rept. No. 91–1078). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 16940. A bill to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum (Rept. No. 91–1079). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 17241. A bill to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper (Rept. No. 91–1080). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. The Environmental Decade (Action Proposals For the 1970's) (Rept. No. 91–1082). Referred to the Committee of the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Company's high voltage line (Rept. No. 91–1083). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELS of New Jersey: Committee on Post Office and Civil Service. H.R. 16968. A bill to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes (Rept. No. 91–1084). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service. Statistical activities of the Federal Government, 1969 (Rept. No. 91–1085). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURKE of Massachusetts: Committee on Ways and Means. H.R. 6854. A bill to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass. (Rept. No. 91–1081). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 17591. A bill to authorize the participation by certain Federal employees in funerals for deceased war veterans and members of the Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 17592. A bill to amend chapter 31 of title 38, United States Code, to authorize additional training or education for certain veterans who are no longer eligible for training, in order to restore employability lost due to technological changes; to the Committee on Veterans' Affairs.

H.R. 17593. A bill to amend chapter 34 of title 38, United States Code, in order to restore entitlement to educational benefits to veterans of World War II and the Korean conflict, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 17594. A bill to amend chapter 35 of title 38, United States Code, to permit eligible persons to receive educational assistance while pursuing secondary school training; to the Committee on Veterans' Affairs.

By Mr. CELLER:

H.R. 17595. A bill to prevent the unauthorized manufacture and use of the character "Johnny Horizon", and for other purposes; to the Committee on the Judiciary.

By Mr. DENT:

H.R. 17596. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate, to provide for an automatic increase in such wage rate based on increases in the price index to extend the coverage of such act, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes; to the Committee on Education and Labor.

By Mr. EILBERG:

H.R. 17597. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 17598. A bill to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress; to the Committee on Foreign Affairs.

By Mr. FEIGHAN:

H.R. 17599. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLOWERS:

H.R. 17600. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. HOGAN (for himself, Mr. FUQUA, and Mr. BROYHILL of Virginia):

H.R. 17601. A bill to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MESKILL:

H.R. 17602. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself and Mr. CASEY):

H.R. 17603. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by requiring the designation of certain water and submerged lands areas where the depositing of certain waste materials will be permitted, to authorize the establishment of standards with respect to such deposits, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RIVERS:

H.R. 17604. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania (for himself, Mr. DENT, Mr. KING, Mr. DUNCAN, Mr. FULTON of Pennsylvania, and Mr. FISH):

H.R. 17605. A bill to amend the Antidumping Act, 1921, as amended; to the Committee on Ways and Means.

By Mr. ROTH:

H.R. 17606. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STUBBLEFIELD:

H.R. 17607. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide financial assistance to States for the construction of correctional institutions and facilities; to the Committee on the Judiciary.

By Mr. ZWACH:

H.R. 17608. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. CEDERBERG (for himself, Mr. ANDREWS of North Dakota, Mr. HARVEY, Mr. KLEPPE, Mr. LANGEN, and Mr. LATTA):

H.R. 17609. A bill to provide for orderly trade in sugar beet molasses, and for other purposes; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 17610. A bill to authorize the Secretary of the Interior to defer construction charges to become due on certain lands in the Greater Wenatchee irrigation district, Greater Wenatchee division, Chief Joseph Dam project, Wash.; to the Committee on Interior and Insular Affairs.

By Mr. OLSEN:

H.R. 17611. A bill to amend title 5, United States Code, to correct unfair labor practices and inequities with respect to the computation of duty time and overtime, night, holiday and Sunday pay of certain employees engaged in negotiations of labor-management contracts based on statute or Executive order; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H.R. 17612. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBERTS:

H.R. 17613. A bill to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; to the Committee on Veterans' Affairs.

By Mrs. SULLIVAN (by request):

H.R. 17614. A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama; to the Committee on Merchant Marine and Fisheries.

By Mr. ROBERTS (for himself and Mr. Albert):

H.R. 17615. A bill to require the Secretary of the Army to permit the use of recreational areas at Lake Texoma for nontransient mobile homes; to the Committee on Public Works.

By Mr. ANDERSON of Illinois:

H.J. Res. 1229. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DIGGS:

H.J. Res. 1230. Joint resolution designating May 25 of each year as "African Liberation Day"; to the Committee on the Judiciary.

By Mr. HOGAN (for himself and Mr. Broyhill of Virginia):

H.J. Res. 1231. Joint resolution granting the consent of the Congress for the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact relating to the establishment and authority of a Washington Metropolitan Airport Authority; to the Committee on the District of Columbia.

By Mr. ANDERSON of Illinois (for himself, Mr. Andrews of North Dakota, Mr. Frelinghuysen, Mr. Fulton of Pennsylvania, Mr. Grover, Mr. King, Mr. Leggett, Mr. McKneally, Mr. Preyer of North Carolina, Mr. Ruppe, Mr. Smith of New York, Mr. Stanton, Mr. Wydler, Mr. Yatron, Mr. Harrington, and Mr. McDade):

H. Con Res. 610. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. PIRNIE:

H. Con. Res. 611. Concurrent resolution to modify certain tariff concessions granted by the United States; to the Committee on Ways and Means.

By Mr. SKUBITZ (for himself, Mr. Carter, Mr. Mize, and Mr. Shriver):

H. Con. Res. 612. Concurrent resolution; the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of peace and war; to the Committee on Foreign Affairs.

By Mr. QUIE:

H. Con. Res. 613. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease-fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Res. 1005. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. ICHORD:

H. Res. 1006. Resolution authorizing the printing of additional copies of hearings entitled "Investigation of Students for a Democratic Society, part 7–A (Return of Prisoners of War, and Data Concerning Camera News, Inc., "Newsreel"); to the Committee on House Administration.

By Mr. MONTGOMERY (for himself, Mr. Caffery, Mr. Goldwater, Mr. Rogers of Florida, Mr. Lennon, Mr. Jones of North Carolina, Mr. McMillan, and Mr. Pickle):

H. Res. 1007. Resolution to establish a select committee to study U.S. involvement in Southeast Asia and then report its findings to the House of Representatives of its adoption; to the Committee on Rules.

By Mr. RIEGLE (for himself, Mr. McCloskey, Mr. Blatnik, Mr. Burton of California, Mr. Dulski, Mr. Gilbert, Mr. Green of Pennsylvania, Mrs. Mink, and Mr. Moss):

H. Res. 1008. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ZWACH:

H. Res. 1009. Resolution to express the sense of the House of Representatives with respect to travel at Government expense by Members of the House who have been defeated, resigned, or retired; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 17616. A bill for the relief of Rolando Ferrer Landon; to the Committee on the Judiciary.

By Mr. CORBETT:

H.R. 17617. A bill for the relief of Lee T. Sellars; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 17618. A bill for the relief of Michael Burton; to the Committee on the Judiciary.

SENATE—*Wednesday, May 13, 1970*

The Senate met at 12 o'clock noon and was called to order by Hon. Harold E. Hughes, a Senator from the State of Iowa.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Eternal Father, who watches over men and nations, may the soul of this Nation and all people in it heed the ancient summons, "if my people who are called by my name humble themselves, and pray and seek my face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land." Draw together in united repentance, cleansing and renewal, those who serve Thee in government and those served by the Government, that we may become day by day a worthier instrument for justice and righteousness in our troubled world. Guide Thy servants here through the daily stresses and strains that their actions may be for the welfare of all the people and the advancement of Thy kingdom on earth.

In the name of Him who is King of Kings and Lord of Lords. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 13, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Harold E. Hughes, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

Richard B. Russell,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON SPECIAL INTERNATIONAL EXHIBITIONS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. Hughes) laid before the Senate the following message from the President of the United States, which, with the accompanying report was referred to the Committee on Foreign Relations:

To the Congress of the United States:

As required by law, I transmit to the Congress the Seventh Annual Report on Special International Exhibitions conducted during Fiscal Year 1969 under the authority of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256).

This report covers exhibits presented abroad by the U.S. Information Agency at international fairs and under East-West Cultural Exchange agreements, exhibits and labor missions presented abroad by the Department of Labor, and trade missions organized and sent overseas by the Department of Commerce.

Richard Nixon.

The White House, *May 13, 1970.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. HUGHES) laid before the Senate a message from the President of the United States submitting the nomination of Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission, which was referred to the Committee on Banking and Currency.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 12, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ACCOMMODATION TO SENATORS WHO WISH TO SPEAK FOR A LONGER PERIOD THAN 3 MINUTES

Mr. MANSFIELD. Mr. President, if Senators wish to speak at any length beyond the 3-minute limitation, I would suggest that they kindly contact the joint leadership, because we are always willing to have the Senate meet earlier than the usual convening hour to accommodate them by giving them the time they desire.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10:30 O'CLOCK TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES OF IOWA TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the prayer, the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed one-half hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY OF ILLINOIS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech by the distinguished Senator from Iowa (Mr. HUGHES) tomorrow, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 45 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TALMADGE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech by the distinguished Senator from Illinois (Mr. PERCY) tomorrow, the distinguished Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISTRICT OF COLUMBIA HOUSING REVOLVING FUND ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 855 and 858.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The first measure will be stated.

The LEGISLATIVE CLERK. S. 3011, to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the District of Columbia with amendments, on page 4, line 6, after the word "Columbia", strike out "Disposition of"; in line 13, after the word "Columbia", strike out "Disposition of"; in line 16, after the word "the", strike out "Disposition of" and insert "District of Columbia"; and on page 8, line 23, after the word "deposit;", strike out "or presented the pass book or other similar evidence of the deposit for the crediting of interest;"; so as to make the bill read:

TITLE I—DISTRICT OF COLUMBIA HOUSING REVOLVING FUND ACT

SEC. 101. This title may be cited as the "District of Columbia Housing Revolving Fund Act".

DEFINITIONS

SEC. 102. As used in this title, the term—

(a) "Commissioner" means the Commissioner of the District of Columbia, or his delegate.

(b) "Preconstruction costs" means the costs approved by the Commissioner for the necessary expenses, prior to construction, in planning, and obtaining financing for, the rehabilitation or construction of housing for low-income or moderate-income persons, including but not limited to: (1) expenses for surveys as to need and for market analysis; (2) fees for preliminary feasibility studies, and advances for planning, engineering, and architectural work; (3) site acquisition costs; (4) necessary application and other fees to Federal and District agencies; and (5) such other expenses incurred by the nonprofit sponsor as the Commissioner may deem appropriate to effectuate the purposes of this title.

(c) "District" means the District of Columbia.

(d) "Federally aided mortgage" means any mortgage with respect to which financial assistance of any kind is provided under one or more of the several Federal programs for housing for families of individuals of low or moderate income.

(e) "Fund" means the District of Columbia housing revolving fund created by this title.

(f) "Housing project" means a specific work or improvement financed by a federally aided mortgage or privately financed and undertaken by a nonprofit sponsor to provide dwelling accommodations for low-income or moderate-income persons in the District of Columbia, including the acquisition, construction, or rehabilitation of lands, buildings, and improvements, and such social, recreational, community, or other nonhousing facilities as may be incidental or appurtenant thereto.

(g) "Low-income or moderate-income persons" means those persons and families having an annual income in such an amount as to make them eligible, by reason of regulations promulgated by the Secretary of Housing and Urban Development, or his delegate, for occupany of dwelling units within any housing project assisted by a federally aided mortgage. Such term shall also mean those persons and families made eligible, by reason of regulations promulgated by the District of Columbia Council, for occupancy of dwellings in any housing project assisted by private financing.

(h) "Nonprofit sponsor" means any nonprofit corporation, association, cooperative, or other organization.

HOUSING REVOLVING FUND

SEC. 103. (a) There is hereby created and established in the Treasury a revolving fund to be known as the District of Columbia housing revolving fund.

(b) There shall be paid into the fund (1) any moneys appropriated pursuant to the authorization contained in this title; (2) any moneys which the Commissioner may receive in repayment of advances made by him pursuant to this title; and (3) any other moneys which may be made available to the Commissioner from any other source or sources for the purpose of the fund.

(c) Notwithstanding any other provision of law, the Commissioner is authorized to deposit in the fund moneys received by him pursuant to the District of Columbia Unclaimed Property Act other than the moneys deposited into the separate trust fund established pursuant to such Act. The Commissioner is further authorized from time to time to transfer to such trust fund moneys held in the housing revolving fund whenever the trust fund contains insufficient moneys to satisfy any claim or claims duly allowed pursuant to the District of Columbia Unclaimed Property Act. If from time to time the amount in the housing revolving fund or in the trust fund established pursuant to the District of Columbia Unclaimed Property Act is insufficient to satisfy such claim or claims, then in such event there is hereby authorized to be appropriated for deposit in the latter fund such amount as may be necessary to meet any such deficiency.

ADVANCES FOR HOUSING

SEC. 104. (a) The Commissioner is hereby authorized to use the moneys held in the fund to make non-interest-bearing short-term advances, in accordance with the provisions of this title, to nonprofit sponsors for

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housing projects owned or to be owned by such sponsors.

(b) No such advance shall be made unless the Commissioner determines that there is need for the housing project and that the devolpment of the housing project for low-income or moderate-income persons is feasible.

(c) Moneys of the funds advanced by the Commissioner to a nonprofit sponsor shall be used only to defray the preconstruction costs of the housing project. Each advance shall be repaid in full to the Commissioner by the nonprofit sponsor under such terms and conditions as may be required by regulations promulgated by the District of Columbia Council. Such repayment shall be made upon completion of the housing project or sooner. The Commissioner may cancel any part or all of a loan as he may determine cannot be recovered from the proceeds of any permanent loan made to finance the rehabilitation or construction of the housing project.

DELEGATIONS OF AUTHORITY

SEC. 105. (a) The District of Columbia Council is hereby authorized to make such rules, regulations, and orders as it may deem necessary to effectuate the purposes of this title. Such rules and regulations may require any nonprofit sponsor, as a condition precedent to receiving an advance from the fund, to enter into an agreement with the Commissioner regulating the operation of the housing project with respect to (1) the maximum rental charges, (2) the eligibility of tenants, (3) the disposal of any property or accumulated profits of the nonprofit sponsor, (4) the dissolution of the nonprofit sponsor, (5) the examination of the records and accounts of the nonprofit sponsor or of any housing project owned by the nonprofit sponsor, and (6) any other matter relating to the operation, maintenance, or function of the housing project or the nonprofit sponsor.

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(b) The Commissioner is hereby authorized to delegate to any officer, employee, or agency of the District government, except the courts thereof, any function authorized by this title.

APPROPRIATIONS AUTHORIZED

SEC. 106. Appropriations are hereby authorized to carry out the purposes of this title.

TITLE II—DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

SEC. 201. This title may be cited as the "District of Columbia Unclaimed Property Act".

DEFINITIONS

SEC. 202. As used in this title, unless the context otherwise requires:

(a) "Banking organization" means any bank, trust company, saving banks, or a private banker engaged in business in the District of Columbia.

(b) "Business association" means any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals.

(c) "Commissioner" means the Commissioner of the District or his delegate.

(d) "District" means the District of Columbia.

(e) "Financial organization" means any savings and loan association, building and loan association, credit union, or investment company, engaged in business in the District.

(f) "Holder" means any person in possession of property subject to this title belonging to another, or who is trustee in case of a trust, or is indebted to another on an obligation subject to this title.

(g) "Life insurance corporation" means any association or corporation transacting within the District the business of insurance on the lives of persons or insurance appertaining thereto, including, without limitation, endowments and annuities.

(h) "Owner" means a depositor in case of a deposit, a beneficiary in case of a trust, a creditor, claimant, or payee in case of other choses in action, or any person having a legal or equitable interest in property subject to this legal representative.

(i) "Person" means any individual, business association, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(j) "Utility" means any person who owns or operates within the District, for public use, any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing or electricity, water, steam, or gas.

PROPERTY HELD BY BANKING OR FINANCIAL ORGANIZATIONS OR BY BUSINESS ASSOCIATIONS

SEC. 203. The following property held or owing by a banking or financial organization or by a business association is presumed abandoned:

(a) Any demand, savings, or matured time deposit made in the District with a banking organization, together with any interest or dividend thereon, excluding any charges that may lawfully be withheld, unless the owner has, within seven years:

(1) Increased or decreased the amount of the deposit; or

(2) Corresponded in writing with the banking organization concerning the deposit; or

(3) Otherwise indicated an interest in the deposit as evidenced by a memorandum on file with the banking organization.

(b) Any funds paid in the District toward the purchase of shares or other interest in a financial organization or any deposit made therewith in the District, and any interest or dividends thereon, excluding any charges that may lawfully be withheld, unless the owner has within seven years:

(1) Increased or decreased the amount of the funds or deposit, or presented an appropriate record for the crediting of interest or dividends; or

(2) Corresponded in writing with the financial organization concerning the funds or deposit; or

(3) Otherwise indicated an interest in the funds or deposit as evidenced by a memorandum on file with the financial organization.

(c) Any sum payable on checks certified in the District or on written instruments issued in the District on which a banking or financial organization or business association is directly liable, including, by way of illustration but not of limitation, certificates of deposit, drafts, money orders, and travelers checks, that, with the exception of travelers checks, has been outstanding for more than seven years from the date it was payable or from the date of its issuance if payable on demand, or, in the case of travelers checks, that has been outstanding for more than fifteen years from the date of its issuance, unless the owner has within seven years, or within fifteen years in the case of travelers checks, corresponded in writing with the banking or financial organization or business association concerning it, or otherwise indicated an interest as evidenced by a memorandum on file with the banking or financial organization or business association.

(d) Any funds or other personal property, tangible or intangible, removed from a safe deposit or any other safekeeping repository in the District on which the lease or rental period has expired due to nonpayment of rental charges or other reason, or any surplus amounts arising from the sale thereof pursuant to law, that have been unclaimed by the owner for more than seven years from the date on which the lease or rental period expired.

UNCLAIMED FUNDS HELD BY LIFE INSURANCE CORPORATIONS

SEC. 204. (a) Unclaimed funds, as defined in this section, held and owing by a life insurance corporation, shall be presumed abandoned if the last known address, according to the records of the corporation, of the person entitled to the funds is within the District. If a person other than the insured or annuitant is entitled to the funds and no address of such person is known to the corporation or if it is not definite and certain from the records of the corporation what person is entitled to the funds, it is presumed that the last known address of the person entitled to the funds is the same as the last known address of the insured or annuitant according to the records of the corporation.

(b) "Unclaimed funds", as used in this section, means all moneys held and owing by any life insurance corporation unclaimed and unpaid for more than seven years after the moneys became due and payable as established from the records of the corporation under any life or endowment insurance policy or any annuitant contract which has matured or terminated. A life insurance policy not matured by actual proof of the death of the insured is deemed to be matured and the proceeds thereof are deemed to be due and payable if such policy was in force when the insured attained the limiting age under the mortality table on which the reserve is based, unless the person appearing entitled thereto has within the preceding seven years (1) assigned, readjusted, or paid premiums on the policy, or subjected the policy to loan, or (2) corresponded in writing with the life insurance corporation concerning the policy. Moneys, otherwise payable according to the records of the corporation are deemed due and payable although the policy or contract has not been surrendered as required.

DEPOSITS AND REFUNDS HELD BY UTILITIES

SEC. 205. The following funds held or owing by any utility are presumed abandoned:

(a) Any deposit made by a subscriber with a utility to secure payment for, or any sum paid in advance for, utility services to be furnished in the District, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the termination of the services for which the deposit or advanced payment was made.

(b) Any sum which a utility has been ordered to refund and which was received for utility services rendered in the District, together with any interest thereon, less any lawful deductions, that has remained unclaimed by the person appearing on the records of the utility entitled thereto for more than seven years after the date it became payable in accordance with the final determination or order providing for the refund.

UNDISTRIBUTED DIVIDENDS AND DISTRIBUTIONS OF BUSINESS ASSOCIATIONS

SEC. 206. Any stock or other certificate of ownership, or any dividend, profit, distribution, interest, payment on principal, or other sum held or owing by a business association for or to a shareholder, certificate holder, member, bondholder, or other security holder, or a participating patron of a cooperative, who has not claimed it, or corresponding in writing with the business association concerning it, within seven years after the date prescribed for payment or delivery, is presumed abandoned if—

(a) it is held or owing by a business association organized under the laws of or created in the District; or

(b) it is held or owing by a business association doing business in the District, but not organized under the laws of or created in the District, and the records of the business association indicate that the last known address of the person entitled thereto is in the District.

PROPERTY OF BUSINESS ASSOCIATIONS AND BANKING OR FINANCIAL ORGANIZATIONS HELD IN COURSE OF DISSOLUTION

SEC. 207. All intangible personal property distributable in the course of a voluntary dissolution of a business association, banking organization, or financial organization organized under the laws of or created in the District, that is unclaimed by the owner within two years after the date for final distribution, is presumed abandoned.

PROPERTY HELD BY FIDUCIARIES

SEC. 208. All intangible personal property and any income or increment thereon, held in a fiduciary capacity for the benefit of another person is presumed abandoned unless the owner has, within seven years after it becomes payable or distributable, increased or decreased the principal, accepted payment of principal or income, corresponded in writing concerning the property, or otherwise indicated an interest as evidenced by a memorandum on file with the fiduciary:

(a) If the property is held by a banking organization or a financial organization, or by a business association organized under the laws of or created in the District; or

(b) If it is held by a business association, doing business in the District, but not organized under the laws of or created in the District, and the records of the business association indicate that the last known address of the person entitled thereto is in the District; or

(c) If it is held in the District by any other person.

PROPERTY HELD BY THE COURTS AND PUBLIC OFFICERS AND AGENCIES

SEC. 209. All intangible personal property held for the owner by any court, public corporation, public authority, or public officer of the District, that has remained unclaimed by the owner for more than seven years is presumed abandoned.

MISCELLANEOUS PERSONAL PROPERTY HELD FOR ANOTHER PERSON

SEC. 210. All intangible personal property, not otherwise covered by this title, including any income or increment thereon and deducting any lawful charges, that is held or owing in the District in the ordinary course of the holder's business and has remained unclaimed by the owner for more than seven years after it became payable or distributable is presumed abandoned.

RECIPROCITY FOR PROPERTY PRESUMED ABANDONED OR ESCHEATED UNDER THE LAWS OF A STATE

SEC. 211. If specific property which is subject to the provisions of sections 203, 206, 207, 208, and 210 is held for or owed or distributed to an owner whose last known address is in a State by a holder who is subject to the jurisdiction of that State, the specific property is not presumed abandoned in the District and subject to this title if:

(a) it may be claimed as abandoned or escheated under the laws of such State; and

(b) the laws of such State make reciprocal provision that similar specific property is not presumed abandoned or escreatable by such State when held for or owned or distributable to an owner whose last known address is within the District by a holder who is subject to the jurisdiction of the District.

REPORT OF ABANDONED PROPERTY

SEC. 212. (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under this title shall report to the Commissioner with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include;

(1) except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of such value as the District of Columbia Council shall by rule prescribe, or more, presumed abandoned under this title;

(2) in case of unclaimed funds of life insurance corporations, the full name of the insured or annuitant and his last known address according to the life insurance corporation's records;

(3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under $3 each may be reported in aggregate;

(4) the date when the property became payable, demandable, or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) other information which the District of Columbia Council may prescribe by rule as necessary for the administration of this title.

(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding. The Commissioner may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under this Act knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, communicate with the owner and take necessary steps to prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the whereabouts of the owner.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer; and if made by a public corporation, by its chief fiscal officer.

(g) The initial report filed under this title shall include all items of property that would have been presumed abandoned if this title had been in effect during the ten-year period preceding its effective date.

NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY

SEC. 213. (a) Within one hundred and twenty days from the filing of the report required by section 212, the Commissioner shall cause notice to be published at least once each week for two successive weeks in an English language newspaper of general circulation in the District.

(b) The published notice shall be entitled "Notice of Names of Persons Appearing To Be Owners of Abandoned Property", and shall contain:

(1) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice as hereinbefore specified.

(2) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the Commissioner.

(3) A statement that if proof of claim is not presented by the owner to the holder and if the owner's right to receive the property is not established to the holder's satisfaction within sixty-five days from the date of the second published notice, the abandoned property will be placed not later than eighty-five days after such publication date in the custody of the Commissioner to whom all further claims must thereafter be directed.

(c) The Commissioner is not required to publish in such notice any item of less than $25 unless he deems such publication to be in the public interest.

(d) Within one hundred and twenty days from the receipt of the report required by section 212, the Commissioner shall mail a notice to each person having an address listed therein who appears to be entitled to property of the value of $25 or more presumed abandoned under this title.

(e) The mailed notice shall contain:

(1) A statement that, according to a report filed with the Commissioner, property is being held to which the addressee appears entitled.

(2) The name and address of the person holding the property and any necessary information regarding changes of name and address of the holder.

(3) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the Commissioner to whom all further claims must be directed.

(f) This section is not applicable to sums payable on travelers checks or money orders presumed abandoned under section 103.

PAYMENT OR DELIVERY OF ABANDONED PROPERTY

SEC. 214. Every person who has filed a report under section 212, within twenty days after the time specified in section 213 for claiming the property from the holder, or in the case of sums payable on travelers checks or money orders presumed abandoned under section 203 within twenty days after the filing of the report, shall pay or deliver to the Commissioner all abandoned property specified in the report, except that if the owner within the time specified in section 213 establishes his right to receive the abandoned property to the satisfaction of the holder, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the Commissioner, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

RELIEF FROM LIABILITY BY PAYMENT OR DELIVERY

SEC. 215. Upon the payment or delivery of abandoned property to the Commissioner, the District shall assume custody and shall be responsible for the safekeeping thereof. Any person who pays or delivers abandoned property to the Commissioner under this title is relieved of all liability to the extent of the value of the property so paid or delivered for any claim which then exists or which thereafter may arise or be made in respect to the property. Any holder who has paid moneys to the Commissioner pursuant to this title may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the Commissioner shall forthwith reimburse the holder for the payment.

INCOME ACCRUING AFTER PAYMENT OR DELIVERY

SEC. 216. When property is paid or delivered to the Commissioner under this title, the owner is not entitled to receive income or other increments accruing thereafter.

PERIODS OF LIMITATION NOT A BAR

SEC. 217. The expiration of any period of time specified by statute or court order, during which an action or proceeding may be commenced or enforced to obtain payment of a claim of money or recovery of property, shall not prevent the money or property from being presumed abandoned property, nor affect any duty to file a report required by this title or to pay or deliver abandoned property to the Commissioner.

SALE OF ABANDONED PROPERTY

Sec. 218. (a) All abandoned property other than money delivered to the Commissioner under this title shall within one year after the delivery be sold by him to the highest bidder at public sale. The Commissioner may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

(b) Any sale held under this section shall be preceded by at least a single publication of notice thereof, at least three weeks in advance of sale in an English language newspaper of general circulation in the District.

(c) The purchaser at any sale conducted by the Commissioner pursuant to this title shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The Commissioner shall execute all documents necessary to complete the transfer of title.

DEPOSIT OF FUNDS

Sec. 219. (a) All funds received under this title, including the proceeds from the sale of abandoned property under section 218, shall forthwith be deposited by the Commissioner in the general fund of the District, except that the Commissioner shall retain in a separate trust fund an amount not exceeding $25,000 from which he shall make prompt payment of claims duly allowed by him as hereinafter provided. Before making the deposit the Commissioner shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and of the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

(b) Before making any deposit to the credit of the general fund of the District, the Commissioner may deduct: (1) any costs in connection with the sale of abandoned property, (2) any costs of mailing and publication in connection with any abandoned property, and (3) reasonable service charges.

CLAIM FOR ABANDONED PROPERTY PAID OR DELIVERED

Sec. 220. Any person claiming an interest in any property delivered to the District under this title may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the Commissioner.

DETERMINATION OF CLAIMS

Sec. 221. (a) The Commissioner shall consider any claim filed under this title and may hold a hearing and receive evidence concerning it. If a hearing is held, the Commissioner shall prepare a finding and a decision in writing on each claim filed, stating the substance of any evidence heard by him and the reasons for his decision. The decision shall be a public record.

(b) If the claim is allowed, the Commissioner shall make payment forthwith. The claim shall be paid without deduction for costs of notices or sale or for service charges.

JUDICIAL ACTION UPON DETERMINATION

Sec. 222. Any person aggrieved by a decision of the Commissioner or as to whose claim the Commissioner has failed to act within ninety days after the filing of the claim, may commence an action in the District of Columbia Court of General Sessions to establish his claim. The proceeding shall be brought within ninety days after the decision of the Commissioner or within one hundred and eighty days from the filing of the claim if the Commissioner fails to act. The action shall be tried de novo without a jury.

ELECTION TO TAKE PAYMENT OR DELIVERY

Sec. 223. The Commissioner, after receiving reports of property deemed abandoned pursuant to this title, may decline to receive any property reported which he deems to have a value less than the cost of giving notice and holding sale, or he may, if he deems it desirable because of the small sum involved, postpone taking possession until a sufficient sum accumulates. Unless the holder of the property is notified to the contrary within one hundred and twenty days after filing the report required under section 212, the Commissioner shall be deemed to have elected to receive the custody of the property.

EXAMINATION OF RECORDS

Sec. 224. The Commissioner may at reasonable times and upon reasonable notice examine the records of any person if he has reason to believe that such person has failed to report property that should have been reported pursuant to this title.

PROCEEDING TO COMPEL DELIVERY OF ABANDONED PROPERTY

Sec. 225. If any person refuses to deliver property to the Commissioner as required under this title, he may bring an action in the District of Columbia Court of General Sessions to enforce such delivery.

PENALTIES

Sec. 226. (a) Any person who willfully fails to render any report or perform any other duty required under this title shall be punished by a fine of not more than $100 for each day such report is withheld or for each day he refuses to perform the required duty, but not more than $1,000.

(b) Any person who willfully refuses to pay or deliver abandoned property to the Commissioner as required under this title shall be punished by a fine of not more than $300 or imprisonment for not more than ninety days, or both.

(c) All prosecutions for violations of this title, or regulations made pursuant thereto, shall be conducted in the name of the District of Columbia by the Corporation Counsel or any of his assistants.

RULES AND REGULATIONS

Sec. 227. The District of Columbia Council is authorized to make such rules, regulations, and orders as may be necessary in order to effectuate the purposes of this title. Such rules, regulations, and orders may specify, without limitation, the kinds and character of property which may be excluded from the coverage of this title, and may authorize the Commissioner to join with the appropriate official of a State in equitably apportioning, between the District and such State, all amounts which are presumed, under this title, to be abandoned in the District and subject to this title and also are presumed, under a corresponding law of such State, to be abandoned in such State and subject to its said law.

DELEGATION OF AUTHORITY

Sec. 228. (a) The Council is hereby authorized to delegate to the Commissioner or, subject to the concurrence of the Commissioner, to any officer, employee, or agency of the District government except the courts thereof any function authorized by this title.

(b) The Commissioner is hereby authorized to delegate to any officer, employee, or agency of the District government except the courts thereof any function authorized by this title.

AUTHORIZATION OF APPROPRIATIONS

Sec. 229. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

EFFECT OF LAWS OF ANY STATE

Sec. 230. This title shall not apply to any property that has been presumed abandoned or escheated under the laws of any State prior to the effective date of this title.

SEVERABILITY

Sec. 231. If any provision of this title or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–854), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of S. 3011 is to establish in the District of Columbia a revolving fund for planning housing for low- and moderate-income families to help the critical housing shortage in the Nation's Capital.

Title I, to be cited as the District of Columbia Housing Revolving Fund Act, establishes a fund within the District government consisting of appropriated moneys and sums from any other source, including the unclaimed intangible property in the custody of the District of Columbia government. From this fund, noninterest bearing short-term advances could be made to nonprofit housing developers for planning purposes only. No money from this fund could be loaned for actual housing construction.

Title II, to be cited as the District of Columbia Unclaimed Property Act, would make the government of the District of Columbia custodian of unclaimed intangible property in the District. The provisions of this title are consistent with those adopted by the National Conference of Commissioners on Uniform State Laws in 1966, and enacted in 18 States.

COMMITTEE AMENDMENTS

Committee amendments on page 4 are technical in nature to conform certain language on that page to the context of the language in the rest of the bill.

The amendment on page 8 was recommended by the District of Columbia Bankers' Association, which suggested that passbooks are falling into increasing disuse and hence the language deleted might soon be obsolete.

NEED FOR LEGISLATION

District of Columbia Housing Revolving Fund Act

One of the most pressing problems now facing the District of Columbia is the need for decent, safe, and sanitary housing for persons of low or moderate income. An approach to providing such housing showing significant promise for alleviating the housing shortage for those most in need is through existing federally aided mortgage programs which enable nonprofit organizations to enter the housing development field. To some extent there has been encouraging activity in the District of Columbia on the part of nonprofit groups which indicates that through private initiative much can be accomplished in meeting these needs. Nevertheless, there is clearly an urgent demand for many additional housing units to be developed under the sponsorship of nonprofit organizations.

It has been estimated that approximately 51,600 households in the District consists of

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low- or moderate-income families that would qualify for housing constructed under existing federally aided programs. However, the difficulty that has been encountered in attempts to develop additional housing units for low- or moderate-income families, under the existing Federal mortgage programs, has been the inability of potential nonprofit sponsors of such housing to obtain needed funds prior to construction so that such organizations can move forward with worthwhile housing plans. This inability to obtain so-called seed money frequently frustrates attempts to develop this vitally needed housing.

The housing crisis in the District cannot be overstated, and the development of new housing nonprofit sponsors under existing federally aided mortgage programs could make a large contribution toward alleviating the distressing conditions of low- and moderate-income persons and families. By establishing the proposed revolving fund to provide the preconstruction capital for such sponsors, a major step would be achieved in the direction of meeting these urgent needs.

DISTRICT OF COLUMBIA UNCLAIMED PROPERTY ACT

Enactment for the District of Columbia, as proposed by this bill, of the 1966 revision of the Uniform Disposition of Unclaimed Property Act approved in 1955 by the National Conference of Commissioners on Uniform State Laws, and by the American Bar Association, already in effect in 18 States, would provide a fair and adequate basis for dealing with the problem of unclaimed intangible property.

Under provisions of this title intangible property would include dormant bank accounts, unclaimed funds held by life insurance companies, deposits and refunds held by utilities, undistributed dividends and distributions of business associations, property of business associations and banking or financial organizations held in the course of dissolution, property held by fiduciaries, property held by the courts and by public officers and agencies, and miscellaneous personal property held for another person. This title also deals with the matter of multiple liability on the part of a holder of unclaimed property over which two or more jurisdictions seek to assert a claim. Finally, the title makes it possible for those persons who have unclaimed property in their possession to close out the account relating to it, thereby relieving themselves from maintaining a current record of the property.

The owner of any such property would be deprived of his rights in it. The Uniform Disposition of Unclaimed Property Act is custodial in its nature, and its operation does not result in the loss of the property rights of the owner of the unclaimed property which is made subject to the provisions of the act. Under title II, the District of Columbia would, after a specified period of time, take custody of the property and remain the custodian in perpetuity. This means, of course, that the District would have to keep a record of the property on a permanent basis, so that if the owner of the unclaimed property should present a claim for it, his claim would be honored. In this respect, the proposed legislation differs from the escheat type of statute, under which the right of the owner of the property is foreclosed.

The District of Columbia Unclaimed Property Act, if enacted, will serve to protect the interest of owners; relieve the holders of such property from annoyance, expense, and liability; preclude multiple liability on the part of the holders of such property; and give the District the use of considerable sums of money that otherwise will remain dormant and unproductive.

HISTORY OF THE LEGISLATION

S. 3011 was introduced on January 20, 1970, at the request of the District of Columbia government. During public hearings held February 12, 1970, by the full committee, the bill was endorsed by the Deputy Mayor-Commissioner of the District, the Vice Chairman of the District of Columbia City Council, the Mayor's special assistant for housing, the Washington Board of Realtors, the Mortgage Bankers Association of the District of Columbia, the Washington Real Estate Brokers Association, the District of Columbia Chamber of Commerce, and the United Planning Organization.

The bill was ordered favorably reported by the committee March 18, 1970.

FEASIBILITY AND DESIRABILITY OF A NATIONAL LAKESHORE ON LAKE TAHOE, STATE OF NEVADA

The Senate proceeded to consider the bill, S. 2208, to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the State of Nevada, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 3, after the word "preserving", strike out "all or"; in line 5, after the word "waters", strike out "in Nevada"; on page 2, line 2, after the word "the", insert "Tahoe Regional Planning Agency and other"; in line 7, after the word "Basin." insert "Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for purposes of the study."; and in line 13, after the word "within", strike out "2 years" and insert "one year"; so as to make the bill read:

S. 2208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to consider preserving appropriate segments of the lakeshore of Lake Tahoe and adjoining lands and waters in their natural condition for public outdoor recreation, the Secretary of the Interior (hereafter referred to as the "Secretary") shall study, investigate and formulate recommendations on the feasibility and desirability of establishing such areas as a national lakeshore. The Secretary shall consult with the Secretary of Agriculture; the Chief of Engineers, Department of the Army; and any other interested Federal agencies, as well as the Tahoe Regional Planning Agency and other State and local bodies and officials involved; and shall coordinate the study with applicable outdoor recreation plans, pollution control plans, highway plans, and other planning activities relating to the Lake Tahoe Basin. Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports, and other material as the Secretary may deem necessary for purposes of the study.

SEC. 2. The Secretary shall submit to the Congress, within one year after the date of this Act, a report of his findings and recommendations The report of the Secretary shall contain, but not be limited to, findings with respect to—

(a) the scenic, scientific, historic, outdoor recreation, and natural values of the water, lakeshore, and related upland resources involved, including their use for driving for pleasure, walking, hiking, riding, bicycling, boating, swimming, picknicking, camping, forest management, fish and wildlife management, scenic and historic site preservation, hunting, fishing, and winter sports;

(b) the potential alternative beneficial uses of the water, lakeshore, and related upland resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services;

(c) the type of Federal, State, and local programs that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values identified; and

(d) the relationship of any recommended national lakeshore to existing or proposed Federal, State, and local programs to manage in the public interest the natural resources of the entire Lake Tahoe Basin.

SEC. 3. Pending submission of the report of the Secretary to the Congress, the heads of Federal agencies having administrative jurisdiction over the Federal lands within the area referred to in section 1 of this Act shall, consistent with the purposes for which the lands were acquired or set aside by the United States and to the extent authorized by law, encourage and provide maximum opportunities for the types of recreation use of such lands referred to in section 2(a) of this Act.

SEC. 4. There are authorized to be appropriated such sums as may be necesary to carry out the provisions of this Act.

Mr. BIBLE. Mr. President, Lake Tahoe, the subject of the bill before us, is synonymous with scenic beauty. The pristine clarity of its waters is legendary. The majesty of its mountain setting high in the Sierra is unsurpassed in North America. But this priceless—and fragile—scenic treasure is threatened by massive urban development that has sprung up in recent years. There is a very real and very urgent need for decisive action to preserve and protect this resource now—before it is too late.

The States of California and Nevada which share the Lake Tahoe Basin, recognized the value of this resource and the urgency of the need to protect it by adopting the Tahoe regional planning compact. This compact, granted the consent of Congress last year, provides coordinated regional authority for controlling land and water use and for conserving the basin's resources. My bill to authorize a Federal study into the feasibility of establishing a national lakeshore or similar program for public recreation and conservation is the logical second step toward the goal of saving Lake Tahoe's remaining unspoiled scenic reaches. Senators may recall that a third step—providing broader Federal land acquisition authority at the lake—has already been approved by this body and now awaits action in the House of Representatives. It has been my honor and my privilege to introduce the legislation to implement these three important steps, and I urge the Senate to act promptly on the bill before us so that this entire program can become a reality before the year is out.

Considerable planning is already underway at Lake Tahoe. The Tahoe Regional Planning Agency created by the California-Nevada compact is scheduled to adopt within 18 months a basinwide plan for land use controls, transporta-

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tion, public services, and recreation facilities. The U.S. Forest Service, which supervises three national forests in the basin, is designating a team of specialists to assist in environmental planning and resource management. The study proposed in my bill would be conducted by the Secretary of the Interior and would be developed in close cooperation with concerned State, regional, and the Federal agencies. It would be directed primarily at determining which lands and resources should be converted to public ownership and how these lands should be managed. The State of Nevada, which has already acquired nearly 6,000 acres for a State park, has pledged to cooperating closely in this effort.

Clearly, the job is too big for the States of California and Nevada to handle alone. Whether recreation and resource management becomes a Federal-State responsibility or is administered by a Federal agency is a question the study should answer. The study should also tell us whether it is best to establish a national lakeshore under the Park Service or a national recreation area under the Forest Service.

I will not attempt here to detail the history and geological-environmental features of Lake Tahoe. The report of the Interior Committee covers these aspects well, and I recommend it for thorough reading.

It should be noted, however, that the original bill I introduced has been changed in some respects. Acting on my proposals, the committee adopted amendments that would broaden the scope of the study to embrace California as well as Nevada regions of the basin. This has the support of the Secretary of Interior and the Senator from California (Mr. CRANSTON), who, along with my colleague from Nevada (Mr. CANNON), is cosponsoring this measure. It is felt, rightly, I think, that the recreation and resource management needs of the entire basin should be covered by, and benefit from, the study authorization.

Language has also been inserted that is designed to promote full cooperation among Federal agencies consulting in the study and to require completion of the study in 1 year instead of 2. Other minor changes I recommended and the committee adopted are perfecting in nature and are explained fully in the report.

Mr. President, both State and Federal Governments are already moving forward in the areas covered by this bill. The State of Nevada, as I noted, has acquired extensive holdings with the assistance of Land and Water Conservation Fund allocations. The U.S. Forest Service is expanding its holdings in the Toiyabe National Forest within existing boundaries with appropriations from the same fund. And extensive planning is underway at several levels. The feasibility study authorized by this bill is badly needed now to provide the public policy and the Federal-State coordination required to insure that the scenic grandeur of Lake Tahoe is carefully and effectively protected for generations of Americans to come.

I urge the passage of this bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–855), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

In recent years a series of studies have been prepared offering recommendations for the preservation of this superlative lake and the adjoining basin. Currently, a number of planning groups are working on the completion of up-to-date articles on the region. Public law 91–148 provided the consent of Congress to the Tahoe regional planning compact, with the condition for Federal representation and authorization, for the Secretaries of Agriculture and Interior to cooperate with said Tahoe Regional Planning Agency. This Agency is to adopt, within 18 months, a regional plan for the Lake Tahoe Basin consisting of, at least, the following: plans for land use, transportation, conservation, and public service and recreational facilities.

The U.S. Forest Service is designating a team of specialists to complete intensive environmental planning for the management of national forest lands in the basin. This group—to consist of men skilled in ecology, hydrology, geology, forestry, and landscape and regional planning—will cooperate with the Tahoe Regional Planning Agency to assure that the projects and plans for management meet the requirements of the basin as a whole.

In view of the foregoing, it is obvious that any study authorized by S. 2208 must be fully coordinated with the activities of the Tahoe Regional Planning Agency and other Federal or State groups who can contribute to the project.

About one-half of the total land area of the basin (23,500 acres) is in Nevada and within the boundaries of the Toiyabe National Forest. This includes about 5,200 acres which are owned by the United States and administered as a national forest. An additional 800 acres are under option to purchase by the Forest Service. The State of Nevada owns about 5,800 acres within the basin, which are administered as a State park. Expanded public landownership is vital in protecting natural conditions and preserving environmental quality within the basin.

Lake Tahoe is a "young lake," a scooped-out granite bowl, unproductive as yet, of plant and animal organisms that markedly impair its purity and if human and chemical pollutants could be kept from it, its continued purity as a water source probably would be assured. But a small amount of raw sewage is still leaking into the lake, an increasing summer season usage of the lake for visitor viewing, swimming, boating, picnicking, camping, home occupancy, and commercial enterprises spells more pollution. With local streams and wells furnishing only a small percentage of the water used in the basin, the continued purity of Lake Tahoe water for domestic uses becomes even more essential.

Tahoe's geology is the basic determinant of its past, present, and future. We transgress that geology in what we do at our peril, for the very continued existence of the lake depends on it and gives the area the unique character it possesses. The spectacular mountains surrounding Lake Tahoe are living today, and their proof of life shows up as they change shape, create water-holding ponds and new water-courses, combine with changing climatic seasons to perform miracles of snow and ice, falling waters, and floods. Mountains are the setting of such changes, and in their own altered shapes, sizes, and composition are exerting both a shortrun and long-effect upon all that lives and has its being, plant, animal and man, within the basin itself. It is these geologically formed masses that must be listened to, taken into account, and served by people, as we seek to make reasonable uses of the basin which they form and maintain.

Water is the most precious commodity in Tahoe Basin. Despite the vast amount of it in Lake Tahoe and the tremendous gallons produced by each year's snow and rain falling on the mountains and carried by more than 60 streams and rivulets into the lake, the threat of too little water for domestic uses is a growing one and could become a major determinant of how many people the basin can allow to visit or live there.

The water of Lake Tahoe is dedicated by law to several uses. There is the need to maintain a certain level of water in the lake even in the height of the greatest use and driest period of the year. The Federal water master releases lake water down the Truckee River outlet on a legally scheduled volume basis for the uses of communities, cities, and farms. Finally, by very old treaty arrangements with the Indians holding tribal rights to the water's ultimate destination in Nevada's Pyramid Lake, an up-to-now inviolate first right to a major volume of Lake Tahoe water rests with them. A California-Nevada-U.S. Government compact is now being considered to fix these various volumes and destination in law. The outcome is very much in doubt, but in this process the Tahoe planning agencies have no jurisdiction and must deal with whatever amount of water the compact determines can be used in Lake Tahoe Basin. The rate of increase of uses there prompts the chairman of the California planning agency to tell me that in the near foreseeable future there will be insufficient water to meet the domestic needs of the basin's people.

THE NEED

The great beauty and other attractions of Lake Tahoe and the basin continue to attract an ever increasing number of people. National forest beaches, campsites, picnic areas, lake fishing, boating, swimming, and general enjoyment of the out-of-doors provide for a major segment of the recreational activities available to the expanding mass of visitors.

There is a generally accepted conservative figure of 313,000 people that will be using the Tahoe lakeshore seasonally during the next 10 years. So rapid is the growth that, within 20 years, the projections estimate of over half a million people "living" at the lake during the summer period. Approximately one-third of these will be permanent residents.

The population pressure on the Tahoe Basin is seasonal, the resident population being swollen up to triple its number by those who come to visit or stay an average vacation of 2 weeks some time during the 3 months of John Muir's "perfect Sierra days" from mid-June to Labor Day, when schools convene again. With two interstate highways leading into the basin, No. 50 directly and No. 80 by a 12-mile drive along the Truckee River, both year-round roads, Tahoe also experiences a considerable and growing stop-over visit of travelers.

Winter sports are interesting more people in the lake area. Squaw Valley on the Truckee Roadway was considered good enough to become the site of the 1960 World Winter Olympics. There are presently three commercially operated ski lifts right on the lakeside, some of which have multiple runs, and two more just outside the lake area. Their users are mostly weekenders from the more populated communities of California and Nevada, and they must have heated accommodations, which they find available for the off-season demand is much less than the capacity of motels and hotels geared to meet summer's peak needs.

AMENDMENTS

In order to broaden the scope of the proposed feasibility study (Lake Tahoe National Lakeshore) the following amendments were submitted to and approved by the Senate Interior and Insular Affairs Committee:

On Page 1, delete from the title of the bill the words "State of Nevada" and substitute the words "States of California and Nevada"; and in line 5, delete the words "in Nevada."

This amendment makes clear that the study will include the California portion of Lake Tahoe as well as the Nevada side. In order to explore fully the range of possibilities for providing public access and use of the outdoor recreation facilities of Lake Tahoe and adjoining areas, it is recommended that the study should include the entire Lake Tahoe Basin as contemplated in section 2d of the bill.

In line 3, delete the words "all or" because they are not needed. Use of *all* of the shoreline would not be possible. Page 2, line 2, before the word "State"; insert the following: "Tahoe Regional Planning Agency".

In conducting the study it will be necessary to work with said planning agency and other groups who are in the process, or have completed, important studies of the Lake Tahoe region.

Page 2, line 6, the following new sentence is added to insure a coordinated, cooperative study: "Federal departments and agencies are authorized and directed to cooperate with the Secretary and, to the extent permitted by law, to furnish such statistics, data, reports and other materials as the Secretary may deem necessary for purposes of the study."

The study period is reduced from 2 years to 1. Contact with principals of the Bureau of Outdoor Recreation revealed that 12 months was definitely enough time. In fact, the more rigid time limitation would probably be helpful in the study priority area. Also they intended to take full advantage of the many reports and examinations available on the area.

COST

The Bureau of Outdoor Recreation, which has conducted a number of feasibility studies on both national parks and recreational projects, estimates that the cost of conducting an in-depth feasibility study of the Lake Tahoe National Lakeshore project, to be $50,000. Again, this undertaking would be effectively coordinated with the Tahoe planning group and appropriate Federal and State agencies.

COMMITTEE RECOMMENDATIONS

The Senate Interior and Insular Affairs Committee favorably reports S. 2208 and urges early approval of the bill.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes."

ATOMIC ENERGY AUTHORIZATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business, Calendar No. 857, S. 3818, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. The bill will be stated.

The LEGISLATIVE CLERK. S. 3818, to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection the Senator's request is agreed to.

Mr. MANSFIELD. Mr. President, that will be the pending business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

MURDER AT KENT STATE UNIVERSITY

Mr. YOUNG of Ohio. Mr. President, it is stated that there are 40 or more FBI agents in Kent and on the campus of Kent State University and, in addition, Adj. Gen. S. T. Del Corso, who holds his office as a political appointee of Governor Rhodes, is spearheading a group giving out unconfirmed rumors, and with the assistance of other militia officers including his so-called administrative aide, Lieutenant Colonel McCann, now comes forward with the claim that the militia opened fire after a sniper began shooting. As the first concoction of the imagination and result of frantic efforts, following guardsmen shooting to kill, it was reported by Maj. Gen. Winston Wilson that he had an unconfirmed rumor of a girl dashing out of a dormitory door and firing four shots from a rifle at the National Guardsmen. Then Lieutenant Colonel McCann, so-called administrative aide to the adjutant general, yesterday reading from a prepared statement, reported that two handguns and two rifles had been taken from persons arrested in Kent the day of the killing of four students and wounding others by rifle fire from Ohio National Guardsmen or militiamen.

Officers of the State highway patrol, who flew helicopters above the Kent University area on May 6, 7, and 8 have previously reported that they saw no sniper on the roof of any building and that there were no shots fired from any sniper on Monday, May 4. Now one of Del Corso's handymen comes forth with a statement that some nun engaged in graduate work at the university reported a bullet crashed through a window in her room early Monday afternoon. That could certainly have occurred. Some of the militia ordered by their lieutenant to fire on the milling crowd of girls and boys without a doubt fired their guns into the air. Unfortunately, too few fired into the air. Of course, then Del Corso's man makes a statement that the bullet crashed at an angle indicating it came from a rooftop or other elevated position. As a trial lawyer I know that it would require an expert following a scientific investigation to make a determination regarding from whence that rifle was probably fired. All this just goes to show the fanstatic efforts being made under Del Corso's direction following a time militia under his command committed murder.

How insignificant and meaningless are all these efforts when the facts are that not one guardsman of the 107th Armored Cavalry Regiment, 2d Squadron, and the 1st Battalion, 145th Infantry was a casualty on Monday, May 4. Not one even received first-aid treatment. Without a doubt within the next day or so some claim will be made that some of the militiamen were in fact bruised by being struck with a tear gas canister hurled back at them from boys in the crowd on the campus or injured by stones thrown. Many eyewitnesses who were students and also guardsmen on active duty at that time and place have given statements to me that the distance separating the guard outfit and the students confronting them was such that they saw no stones strike any guardsman and no partially filled tear gas canisters first hurled by the guardsmen and then rolled along the ground into the front group of students and immediately thrown back hit any guardsman. The distance was too great. They would roll close to the guardsmen spewing out some tear gas which had remained in the canisters. Only one spectator said he believed he saw one of these canisters strike a guardsman. Of the platoon that fired a volley from their guns on the students not one was injured on that Monday. Not one required first-aid treatment. One fainted and another dropped down due to a heart attack. Can it be claimed even by Del Corso that students who riot and throw stones should be shot at and killed?

Governor Rhodes expressed his sorrow about the killing of four students and serious wounding of others, one of whom is in critical condition and paralyzed from the waist down. The Governor said that Monday, May 4, was the saddest day of his life. However, not one word of sorrow nor of sympathy for the fathers and mothers and loved ones of those students who were killed and wounded has been made by Adjutant General Del Corso or Major General Wilson, Chief of the National Guard Bureau.

In Life of May 15, "Tragedy at Kent" is featured. The picture shows clearly an officer of the National Guard apparently firing his handgun and it clearly portrays approximately 40 guardsmen aiming and firing their weapons. Underneath the picture is the statement, "Retreating to a knoll, the guardsmen leveled their guns and aimed and fired into the crowd of students. At the fore was a soldier with a .45-caliber service automatic. Witnesses said the shooting stopped when a man in a fatigue cap—under umbrella at rear—ran out and yelled, 'Cease-fire!' The guard's commanding officer estimated later that, in all, about 36 shots were fired by his men." Then in the rear the officer who shouted "cease-fire" is said to be Brigadier General Canterbury, deputy adjutant general.

No matter whether spent bullets or other articles such as spikes may be planted on the university common, or allegedly found in dormitory rooms and no matter what further fantastic actions are taken under Del Corso's direction, it is crystal clear just as Vice President Agnew stated that the National Guard overreacted and that there is probable cause to charge the officer who gave the order to fire with murder. Vice President Agnew stated that would not be murder in the first degree. That is true. I fully agree with the Vice President's statement.

According to the laws of my State of Ohio there is a probable cause that the lieutenant commanding this platoon is guilty of murder in the second degree. The soldiers who obeyed orders could not be chargeable. They obeyed orders.

On the preceding Saturday night in Kent some students in downtown streets fought with some of our National Guardsmen. Some guardsmen sustained bruises and required first-aid treatment and some students were injured by the guard. Undoubtedly, due to incidents in Kent Saturday and Sunday ill feeling was engendered on the part of guardsmen against students. Also these same outfits had been on riot duty shortly before at another college. I have the statement of a student whose arm and elbow were severely injured when a guardsman broke a club over his elbow. I saw the swelling and black and blue marks corroborating this. No claim is made even by Del Corso that a guardsman sustained an injury at any time Monday, May 4. If such a claim should now be made, it would mean nothing. It is a well-known rule of criminal law that any person assaulted may use only such force as is required to defend himself. Is Del Corso so cruel and stupid as to claim that if guardsmen were struck by stones thrown at them that justifies killing four students, two of whom were girls?

Adjutant General Del Corso should resign. If he is so insensitive and in event Governor Rhodes does not ask his resignation, I report with pleasure that he will be out of his political-military job early next January.

In my opinion the U.S. attorney for the northern district of Ohio, Hon. Robert Krupansky, will direct in the very near future a Federal grand jury investigation of the Kent State University tragedy. He will have available to him all information collected by the FBI agents. Also, Mr. President, I shall gladly turn over to U.S. Attorney Krupansky all of the many statements I have taken from Kent students and guardsmen who were eye witnesses on that sad day Monday, May 4, and shall give him the names and addresses of others I interviewed but from whom I did not obtain signed statements.

Mr. President, this morning I received a letter from Ohio. Accompanying this letter was a foreword from a lawyer who is my personal friend. He wrote, "Senator, I know the young man who wrote this letter. He is wise beyond his years. I think this letter should be helpful." Naturally, he and I agreed he should not sign his name but if later he were subpenaed as a witness, he would, of course, respond. I read this young man's letter:

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Hon. Stephen M. Young,
U.S. Senator:

Having been in the National Guard for the past four and one half years, I am not surprised at the results of Monday's confrontation at Kent State University. The problem is a result of the structure and composition within the leadership of the National Guard. The leadership positions, sergeant and above, are literally given to men who have spent more than six years in the guard. The men who stay more than six years usually will do so to supplement income. Typically they resent the fact that many of their troops are college graduates, believe more in the power of peace than in war, and think the national guard is a political tool. They oppose change in the status quo and label dissent from the students as communist inspired.

It is my contention that these men should by no means be in command of any civil military force. The only way to face the campus problem and the race relations problem is by communication. Attempt to understand what the students and minorities believe. From the Governor, to the Adjutant General, to the Company Commanders, to the Sergeant there has been no attempt to listen, only repress.

I hope it is obvious why I can not sign this letter. The axe would surely fall. I assure you that there are many of us within the National Guard who are disgusted. There is no better time than now, in the election year, for change and recognition of inadequate solutions.

It is tragic that the Kent State episode is being used to solicit your attention in this letter. But I am afraid that if we do nothing, many more lives will be wasted.

The problems within the National Guard have been pointed out before by several of this nation's larger magazines. Concerned citizens should demand congressional investigation and require the newly elected candidates to propose revision. Money has been wasted on the National Guard for years. Money is one thing, human life is another.

A Concerned Citizen,
A Member of Ohio National Guard.

AUTHORIZATION, IN THE DISTRICT OF COLUMBIA, FOR THE GIFT OF ALL OR PART OF A HUMAN BODY AFTER DEATH FOR SPECIFIED PURPOSES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2999.

The ACTING PRESIDENT pro tempore (Mr. Hughes) laid before the Senate the amendment of the House of Representatives to the bill (S. 2999) to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, which was on page 12, line 6, strike out "(e)" and insert "(f)".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House. I understand it is very technical in substance. It changes the letter "(e)" to "(f)."

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DISAPPEARANCE OF 1,500 AMERICANS

Mr. MILLER. Mr. President, once again I address myself to the question of American servicemen held prisoner by the North Vietnamese. There are approximately 1,500 such Americans, who, as a result of deliberate violations of the Geneva Convention by North Vietnam, has disappeared. Nothing has been heard about them or from them since their capture.

These Americans were captured individually or in small groups over a protracted period of time. Thus, the impact of their disappearance has not been as dramatic as the *Pueblo* incident, for example.

But let us remember that the majority of small towns and villages in the United States have fewer than 1,500 people in them. Suppose a small town simply disappeared?

Can you imagine the furor this would create, the stories in the papers? Has anyone forgotten Lidice? About 160 people died there.

Suppose an entire American unit of 1,500 men was captured at one time, and disappeared into North Vietnamese prison compounds without a word.

That, too, would cause enormous reactions, and strong denunciations of the cruel and illegal policies toward POW's adopted by the North Vietnamese.

Let us then try to think of these unfortunate American servicemen in such terms, and resolve to continue to press their case on every front. In this way we may force their captors to give the required information as to the fate and condition and whereabouts of these 1,500 brave men.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore (Mr. Hughes):

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged by a nonprofit corporation or association;

S. 3778. An act to change the name of the

Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.; and

S.J. Res. 199. Joint resolution to further amend the Elementary and Secondary Education Act.

HOUSE BILL REFERRED

The bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following communication and letter, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE DEPARTMENT OF THE INTERIOR (S. Doc. No. 91-81)

A communication from the President of the United States, transmitting amendments to the request for appropriations transmitted in the budget for fiscal year 1971, in the amount of $194,100,000 in new budget authority and a proposed transfer of $37,000, which will not increase budget authority, for the Department of the Interior, Bureau of Indian Affairs (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

CORRECTION OF DEPARTMENT OF THE INTERIOR COMMUNICATIONS

A letter from the Legislative Counsel, Office of the Solicitor, Department of the Interior, transmitting with reference to Department letters under date of April 20 and April 30, the information that an error occurred in both letters pertaining to clearance obtained from the Bureau of the Budget. The last paragraph of both letters should read "The Bureau of the Budget has advised that there is no objection to submission of this legislative proposal from the standpoint of the administration's program"; to the Committee on Interior and Insular Affairs.

PETITIONS AND A MEMORIAL

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HUGHES):

A resolution adopted by International Good Neighbor Council, of Monterey, Mexico, expressing concern regarding any legislation that may be introduced that would adversely affect the United States-Mexico border industrialization program; to the Committee on Finance.

A resolution adopted by the board of supervisors, county of Los Angeles, Calif., remonstrating against the action of the President in ordering American troops into Cambodia; to the Committee on Foreign Relations.

A resolution adopted by the Council of Polish Societies and Clubs in the State of Delaware, Wilmington, Del., praying for action to be taken by the General Assembly of the United Nations to seek action before the International World Court of Justice against the Union of Soviet Socialist Republics for committing a crime at Katyn Forest, U.S.S.R.; to the Committee on Foreign Relations.

AMENDMENT OF FEDERAL YOUTH CORRECTIONS ACT—REPORT OF A COMMITTEE (S. REPT. NO. 91-866)

Mr. HRUSKA. Mr. President, from the Committee on the Judiciary, I report favorably, without amendment, the bill (S. 3564) to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders, and I submit a report thereon. The bill seeks to amend the Youth Corrections Act by authorizing the use of examiners to conduct interviews of youthful offenders who have been committed to Federal institutions.

The Youth Corrections Act provided for the establishment of a special division of the Board of Parole to deal with problems peculiar to youthful offenders. This Youth Corrections Division, composed of members of the Board of Parole, makes recommendations concerning the treatment and corrections policies for committed young offenders; it orders the release of offenders on parole; it orders the return to custody of offenders when appropriate; and it orders the unconditional release of those who have successfully completed 1 year on parole.

It also provides that the members of the Division will conduct interviews of young offenders after initial commitment and upon return to custody. Since the Division is located in Washington, D.C., it is unavailable to conduct these interviews in many cases until long after a particular offender has been taken into custody. Examiners have been used to conduct these interviews, as they do for adult offenders, but only when the offender waives his right to be interviewed by a member. If, however, the young offender refuses to sign a waiver, the interview must wait until a member of the Division is available. This often results in substantial delays, which may minimize the value of these interviews. The amendment remedies this problem by allowing examiners to conduct the interviews while members of the Division remain in Washington.

This amendment was recommended by the Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice, and is designed to make the operation of the Board of Parole and the Youth Corrections Division much more effective and efficient.

The PRESIDING OFFICER (Mr. SCHWEIKER). The report will be received and the bill will be placed on the calendar; and the report will be printed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents;

Lutrelle F. Parker, of Virginia, to be an examiner in chief, U.S. Patent Office; and

Donald D. Hill, of California, to be U.S. marshal for the southern district of California.

TAX CONVENTION WITH THE REPUBLIC OF FINLAND, AND SUPPLEMENTARY CONVENTION ON EXTRADITION WITH FRANCE—REMOVAL OF INJUNCTION OF SECRECY

Mr. FULBRIGHT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive E, 91st Congress, second session, a tax convention with the Republic of Finland, and Executive F, 91st Congress, second session, a supplementary convention on extradition with France, transmitted to the Senate today by the President of the United States, and that the conventions, together with the President's messages, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, its is so ordered.

The messages from the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the convention between the United States of America and the Republic of Finland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property, signed at Washington on March 6, 1970.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

The existing income-tax convention of March 3, 1952 with Finland would be terminated and replaced by the new convention upon the coming into effect of the latter. Provisions of the 1952 convention would cease to have effect from the date on which the corresponding provisions of the new convention shall for the first time have effect according to its stipulations.

A revision of the existing convention has been considered desirable because of developments since 1952 in relations between the two countries and changes in the tax laws of both countries and in tax treaty policy. The new convention follows in general the pattern of bilateral income-tax conventions now in force between the United States and a number of other countries. In particular, it reflects tax treaty policies established in recent revisions of conventions with France, the Federal Republic of Germany, the Netherlands, and the United Kingdom. It also reflects to some extent the 1963 model income-tax convention of the Organization for Economic Cooperation and Development.

The convention has the approval of the Department of State and the Department of the Treasury.

I recommend that the Senate give early and favorable consideration to the convention.

RICHARD NIXON.

THE WHITE HOUSE, *May 13, 1970.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a supplementary

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convention on extradition between the United States and France, together with two related exchanges of letters, signed at Paris on February 12, 1970.

The convention, the second of a new series of extradition treaties being negotiated by the United States, significantly updates the present extradition relations between the United States and France by adding the offense of aircraft hijacking and by clarifying and expanding the offense relating to narcotics, adding hallucinogenic drugs.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention.

I recommend that the Senate give early and favorable consideration to the convention, together with the two exchanges of letters, submitted herewith and give its advice and consent to ratification.

Richard Nixon.

The White House, *May 13, 1970*.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3830. A bill to amend the Public Health Service Act by establishing a new title X to such act to provide Federal assistance to develop local comprehensive health service systems, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Javits when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MILLER:

S. 3831. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Finance.

(The remarks of Mr. Miller when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. SPARKMAN:

S. 3832. A bill to prohibit false statements on loan and credit applications to institutions insured by the Federal Deposit Insurance Corporation and by the Federal Savings and Loan Insurance Corporation; and

S. 3833. A bill to amend the Federal bank robbery statute to prohibit the destruction of banks or savings and loan associations; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 3834. A bill for the relief of Milenka Vuksanovich; to the Committee on the Judiciary.

By Mr. MOSS:

S. J. Res. 200. Joint resolution to provide for a study by the Federal Trade Commission of the relationship between advertising and drug abuse in the United States; to the Committee on Commerce.

(The remarks of Mr. Moss when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 3830—INTRODUCTION OF LOCAL COMPREHENSIVE HEALTH SERVICES SYSTEMS ACT OF 1970

Mr. JAVITS. Mr. President, I send to the desk a bill called the Local Comprehensive Health Services Systems Act of 1970, dealing with the reform of local health care delivery systems. This bill is essential if we are to head toward a national health insurance scheme. I have introduced a bill with that purpose. Other bills have been introduced in the other body implementing the ideas of the AFL–CIO and the distinguished work done in this field by the late, lamented Walter Reuther, heading a major citizens committee for the same purpose.

In order to have prepaid health care for all our citizens, we have to transfer the debate from the university lecture halls to the congressional hearing rooms. There, the first question should be, If we want to rationalize medical care and service and facilities, do we have the systems, the means, with which to do it? Obviously the answer is "No."

Question: What can we do to begin to establish those systems even as we prepare for some plan, even if it is the plan of the American Medical Association—which has a plan being considered—which will give a higher level of care, with greater equity and without discrimination because of economic status or physical location, to our people?

Mr. President, to assure all Americans—whatever their economic status—accessible, quality health care and to provide form and direction to change the dangerously haphazard organization of health care in America, I recently introduced the National Health Insurance and Health Services Improvement Act of 1970, S. 3711.

This legislation, I believe, will mark the beginning of an extensive examination of mandatory prepaid health care for all our citizens—an idea whose time has been too long in coming—and will transfer the national health insurance debate from university lecture halls to congressional hearing rooms.

To implement a national health insurance system, it is vital to proceed immediately with the rationalization of medical-care services and facilities.

The bill I introduce today, the Local Comprehensive Health Service Systems Act of 1970, is designed to accomplish that end by putting into motion initiatives that ultimately will reshape the inequities and hardships of our presently anachronistic national health-care system—a system aggravated by duplication, waste, overlap and poor coordination. Health manpower and resources are now in short supply, often resulting in priority care to patients on the basis of ability to pay rather than the most pressing need for services.

We must begin a process of revolutionary change in medical care systems and stimulate the delivery of comprehensive quality health care to every American in need. Although we spend more money than any other country in the world on health care, the quality of care remains uneven—and for many—particularly the poor—it is abysmally low, if not nonexistent.

Although the United States leads the world in many branches of medical service, there is a national disparity in health services between the rich and the poor, between black and white.

In the disadvantaged areas we find the following tragic statistics and unchallenged facts:

First. The poor suffer six times as many deaths from pregnancy complications, 3½ times more deaths from diseases in early infancy, four times more deaths from TB, five times more deaths from syphilis, 1½ times more deaths from cervical cancer, three times as much heart disease, seven times as many eye defects, and five times as much mental retardation.

Second. The life expectancy of a nonwhite American is 7 years less than his white counterpart, infant mortality rates are twice as great for nonwhites as for whites, and nonwhite maternal mortality is four times as great as the rate for whites.

Third. According to an estimate made by the department of health, there is one doctor in private practice per 740 persons in New York State. Yet, in Harlem, with a population of 185,000 persons, there are a mere 30 physicians in private practice relating to the local population.

I believe the enactment of this legislation would be most important in developing comprehensive health care centers in disadvantaged areas and an excellent mechanism for meeting the ghetto's needs and combating the tragic statistics I have just cited. Also I would emphasize that my bill provides for community involvement and participation—significant factors in developing programs for satellite health centers.

What is needed is an innovative medical care delivery system, and toward this end, my bill would:

First, authorize the Secretary of Health, Education, and Welfare to make loans and grants and provide technical assistance to enable comprehensive health service systems to plan and develop comprehensive health care programs and assist them to become self-supporting.

Second, establish the criteria for systems seeking financial and technical assistance from the Government for the purposes of developing comprehensive health-service systems. Such systems would be required, among other things, to enter into an agreement with the Secretary to provide or arrange to provide services authorized by medicare. In addition to certain requirements concerning enrollment of beneficiaries in such systems, comprehensive health-service systems would have to develop preventive health-care programs, train and employ allied health personnel, be organized in a manner consistent with the State's overall comprehensive health-care plan, and emphasize local consumer and community involvement in its planning, development, and operation.

Third, authorize the Secretary of Health, Education, and Welfare to make grants to public or nonprofit hospitals, medical schools, any insurance carriers or nonprofit prepayment plans or nonprofit community group to pay 80 percent of the cost of planning and development of comprehensive health-service systems. Applications for assistance under this title would have to be approved by a State health planning agency.

Fourth, authorize the Secretary to contract with an approved comprehensive health-service system to pay as much of administrative, operating, and maintenance costs of such system as exceed its income for the first 5 years after approval. The contract would require the system to make efforts to enroll members, control costs and utilization of services, and otherwise maximize income and minimize costs. The Secretary may see fit to terminate a contract after giving 6 months' notice. The Secretary would be authorized to make grants to a system for programs of capital development in an amount not to exceed 80 percent of non-Federal contributions otherwise required for construction and modernization of hospital, and so forth, under title 6 of the Public Health Service Act. The awarding of such a grant would depend upon approval of the proposed project by the responsible State health planning agency.

Fifth, identify a comprehensive health service system as one providing health care to an identified population group in a primary service area on the basis of contractual arrangements which embody group practice, established by a medical school, hospital medical staff, or medical center or other entity among the participating providers of services.

Sixth, define comprehensive health service systems as those which provide at least all services specified in title 18, Social Security Act—hospital and physician benefits—and include annual physical checkups, provision of maintenance prescription drugs, and dental services for children under 8 years of age. Other appropriate preventive and comprehensive health care would be required by the Secretary.

Seventh, authorize "such sums as may be necessary" to carry out the purposes of this act.

If we in the Congress are to soothe, not stir the angry feelings of frustration about health care in America, let us not depend upon an already overburdened health-care system to provide medical services. Let us begin now to make positive efforts to improve and preserve quality health care; develop the capacity in the health-care system to provide medical services; and reorganize health-care systems to benefit all Americans.

Therefore, Mr. President, I send the bill to the desk for appropriate reference, and ask unanimous consent that the bill may be printed in the Record.

The ACTING PRESIDENT pro tempore (Mr. Hughes). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3830) to amend the Public Health Service Act by establishing a new title X to such act to provide Federal assistance to develop local comprehensive health service systems, and for other purposes, introduced by Mr. Javits, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 3830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This act may be cited as the "Local Comprehensive Health Services Systems Act of 1970".

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

Sec. 2. (a) The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE X—FEDERAL AID TO ESTABLISH LOCAL COMPREHENSIVE HEALTH SERVICE SYSTEMS

FINDINGS AND DECLARATION OF PURPOSE

"Sec. 1001. (a)(1) The Congress hereby finds and declares that improving the provision and the delivery of health care is of critical importance and of the highest national priority and that present programs of health services do not provide for continuing, efficient and comprehensive health care, and lead to an unnecessary duplication of facilities, equipment, and personnel.

"(2) The Congress further finds and declares that the establishment of a system of health insurance for every American must not only increase purchasing power and equalize access to quality health care but must also bring about significant change in the health care system.

"(b) It is the purpose of this title to provide financial and technical assistance through loans, grants, supplementary financing and otherwise to health service institutions and organizations which will stimulate and enable such institutions and organizations to plan, develop and implement comprehensive systems for the delivery and provision of health care.

"BASIC AUTHORITY

"Sec. 1002. The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the 'Secretary,) is authorized to make loans and grants and to provide technical assistance, as provided by this title, to enable comprehensive health service systems (as defined in section 1007) to plan and develop comprehensive health care programs in accordance with the purpose of this title, and to assist them to become self-supporting.

"ELIGIBILITY FOR ASSISTANCE

"Sec. 1003. (a) A comprehensive health service system (as defined in section 1007 of this title) is eligible for assistance under section 1005 of this title if—

"(1) such system assures the provision of health services to all its members by a contract or contracts with the Secretary, or by such a contract and subcontracts entered into by one or more providers of services (as defined in section 1861(u) of the Social Security Act) and other persons furnishing health services, or by a health insurance carrier or nonprofit prepayment plan, or by a combination of the foregoing;

"(2) such system is designed, to the maximum extent feasible, to make all health services readily accessible to persons residing in the specified primary service area and will pay for transportation where reasonable accessibility to persons in that area cannot otherwise be assured;

"(3) all persons, whether or not residing within the primary service area, are eligible to become members of such system, except that (A) the number of members may be limited, with or without giving preference to persons living within the primary service area, to avoid overtaxing the resources of the system, and (B) such restrictions upon enrollment may be imposed as are approved by the Secretary as necessary to prevent undue adverse selection; and the system is so designed and operated as to encourage enrollment from as broad as practicable a range of income and social groups;

"(4) all health services are provided by providers or other persons who meet the standards imposed by or pursuant to title XVIII of the Social Security Act for the respective services;

"(5) such system encourages increased health education of its members and the development and use of preventive health services, and provides for a group of physicians (such as a committee of medical school faculty, of a hospital medical staff, or of a group practice organization), approved by the Secretary for this purpose, consulting periodically with representatives of the membership, to fix the professional policies of the system, to oversee the professional aspects of the delivery of services, and to review the utilization of all health services, drugs and supplies;

"(6) such system shall, to the extent practicable and consistent with good medical practice, train and employ allied health personnel and subprofessional and lay persons in the rendering of services;

"(7) any participating extended care facility is affiliated with a hospital or with a group practice or similar organization and the medical staff of the hospital or the group practice organization assumes responsibility for rendering or supervising professional services in the facility;

"(8) premiums charged by such system for services not paid for under title XVIII of the Social Security Act are reasonable; and

"(9) the establishment of such system shall be consistent with any comprehensive State health plan developed pursuant to section 314(a) of the Public Health Service Act, as amended, and shall be approved by the State planning agency designated or established pursuant to that section, and, where appropriate, shall be in accord with areawide health planning carried out pursuant to section 314(b) of that Act;

"(b) In administering this title, the Secretary shall emphasize local initiative and consumer and community involvement of the planning, development and operation of such comprehensive health service systems, and shall seek to insure prompt response to local initiative, and maximum flexibility in the planning, development and operation of such systems. Appropriate Federal departments and agencies shall provide maximum coordination of other Federal assistance with the operation of this title.

"FINANCIAL AND TECHNICAL ASSISTANCE FOR PLANNING COMPREHENSIVE HEALTH SERVICE SYSTEMS

"Sec. 1004. (a) The Secretary is authorized to make grants to, and to contract with, any public or nonprofit hospital, or any medical school or other institution of higher education, or any insurance carrier or nonprofit prepayment plan providing health coverage, or any nonprofit community organization, or any community group organized for this purpose in a geographically defined primary service area and representing a broad range of income and social groups, or any combination of two or more such entities, to pay 80 percent of the cost of planning and developing a plan for a comprehensive health service system (as defined in section 1007) which will meet the requirements of section 1003. The Secretary is also authorized to undertake such activities as he determines to be desirable to provide, either directly or by contracts or other arrangements, technical assistance to such entities for the development of plans for such comprehensive health service systems.

"(b) Financial and technical assistance for planning such a system will be provided under this section only if the application for such assistance has been approved by the State health planning agency designated or established pursuant to section 314(a) of the Public Health Service Act, as amended.

"FINANCIAL AND TECHNICAL ASSISTANCE FOR THE OPERATION OF APPROVED COMPREHENSIVE HEALTH SERVICE SYSTEMS

"Sec. 1005. (a) The Secretary is authorized to approve a plan for a comprehensive health service system (as defined in section 407) if, after review of the plan, he determines that such plan satisfies the criteria set forth in section 1003.

"(b) The Secretary is authorized to contract, in accordance with section 1003(a)(1), with a comprehensive health service system, if he has approved the plan for such system, to pay so much of the administrative, operating, and maintenance costs of such system as exceed its income for the first five years of operation after approval under this section. Any such contract shall require the system to make all reasonable efforts to enroll members, to control costs and the utilization of services, facilities, and supplies, and otherwise to maximize its income and minimize its costs. If at any time the Secretary finds that the system in not making reasonable progress toward becoming self-supporting, he may, after hearing, terminate the contract on not less than six months' notice.

"(c) To assist a comprehensive health service system to carry out programs of capital development which the Secretary finds necessary for the purposes of this title, the Secretary is authorized to make a grant to such system of not to exceed 80 percent of the amount of non-Federal contribution otherwise required for the construction or modernization of hospitals and other medical facilities assisted under title VI of the Public Health Service Act, as amended: *Provided*, That such project has been approved by the State agency under that title and is consistent with the approved State plan, other than the provisions thereof respecting priorities.

"(d) In connection with any project of an approved comprehensive health service system for the modernization, rehabilitation, or construction of ambulatory care facilities which the Secretary finds necessary for the purposes of this title, the Secretary is authorized, in lieu of assistance under any other Federal program or under subsection (c) of this section, to make a grant for up to 50 percent of the cost of such project and to make a loan, on such terms as he shall prescribe, except that the rate shall not exceed 3 percent per annum, for the remaining cost of the project.

"(e) The Secretary is authorized to contract to make periodic interest reduction payments on behalf of any group practice or other ambulatory care facility, nonprofit hospital or nursing home which is operated or to be operated as part of an approved comprehensive health service system, such interest reduction to be accomplished through payments to the holder of a mortgage insured under Title XI, or Section 232, or Section 242, of the National Housing Act. Interest reduction payments with respect to a facility shall be made during such time as the facility is operated as part of the approved comprehensive health service system. The interest reduction payments shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the owner of the facility is obliged to pay under the mortgage, and the monthly payment for such purposes which the owner would be obliged to pay if the mortgage bore interest at the rate of 1 percent per annum.

"(f) Of the sums appropriated pursuant to section 406 for any fiscal year, 2 per centum shall be available for grants by the Secretary to pay 100 per centum of the costs (but in no case to exceed $100,000) of projects, in areas designated by the Secretary as urban or rural poverty areas, for assessing local needs for comprehensive health service systems, obtaining local financial and professional assistance and support for local comprehensive health service systems, or for comprehensive health service system projects which, in his judgment, are of national significance because they will assist in meeting the needs of the disadvantaged for comprehensive health services systems or demonstrate new or particularly effective or efficient methods of delivery of health care through comprehensive health service systems.

"APPROPRIATIONS

"SEC. 1006. There are authorized to be appropriated for the fiscal year ending June 30, 1970, and for each of the four fiscal years thereafter, such sums as may be necessary to carry out the purposes of this title.

DEFINITIONS

"SEC. 1007. As used in this title, the term "comprehensive service system" means a system providing health care to an identified population group in a primary service area and its environs enrolled as members, on the basis of contractual arrangements (which embody group practice, are established by a medical school, a hospital medical staff or a medical center, or similar arrangements) among participating providers of service and other persons organized so as to—

"(1) assure continuity of care and the ready referral and transfer of patients where medically appropriate;

"(2) provide comprehensive health services, which shall include dental services for children under 8 years of age, annual physical checkups, maintenance prescription drugs and at least all services specified in title XVIII of the Social Security Act (such services to be provided except as authorized by the Secretary, without deductibles, coinsurance, or copayment), drugs prescribed for ambulatory patients, one hundred days of extended care services (which are not post-hospital extended care services) in any spell of illness, and necessary immunization, and may include other health services which are approved by the Secretary as appropriate to the particular comprehensive health service system."

(b) Section 1 of the Public Health Service Act is amended to read as follows:

"Section 1, Titles I to X, inclusive, of this Act may be cited as the 'Public Health Service Act'."

(c) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title X (as in effect prior to the enactment of this Act) as title XI, and by renumbering sections 1001 through 1014 (as in effect prior to the enactment of this Act), and references thereto, as sections 1101 through 1114, respectively.

S. 3831—INTRODUCTION OF A BILL TO REVISE THE QUOTA-CONTROL SYSTEM ON THE IMPORTATION OF CERTAIN MEAT AND MEAT PRODUCTS

Mr. MILLER. Mr. President, I introduce, for printing and appropriate reference, a bill to revise the quota control system on the importation of certain meat and meat products. I do not intend to make a detailed explanation of this bill other than to say that it is the same as the meat quota bill introduced by the senior Senator from Nebraska (Mr. HRUSKA) on June 12, 1969—S. 2400—except that my bill also includes fresh, chilled, or frozen pork and prepared or preserved pork products except sausage. Since Iowa is the No. 1 pork producing State in the Nation, I believe it is appropriate that I introduce a bill to include pork and pork products, including canned items, in the meat quota law—especially since Midwest hog prices recently sank to the lowest point since their May 1969 level.

Mr. President, a serious situation is developing in the case of imports covered by the meat quota law. Under the 1964 law, the present quota for 1970 is 998.8 million pounds. This quota is not triggered, however, unless actual meat imports subject to the law exceed the quota by 10 percent; in other words, reach 1,098 million pounds. Each of the major supplying countries has agreed to voluntary limits which, for 1970, amount to 1,061 million pounds. If the limits were adhered to for this year, imports would not exceed the quota by 10 percent and, therefore, the quota would not be triggered.

However, for the period of January through March this year, the U.S. imports of meat subject to the meat quota law totaled 337 million pounds—47 percent more than the same period in 1969. It is my understanding that the estimate for April is about 100 million pounds for a total through April of this year of about 437 million pounds. This is an annual rate of around 1,300 to 1,350 million pounds—far in excess of the trigger point of 1,098 million pounds.

On March 10, 1970, 16 other Senators and I signed a letter to President Nixon urging him to issue an Executive order, which he presently has under consideration, to prohibit the entry of meat except on through bills of lading which act as meat import certificates. This would put a stop to the practice of shipping meat from Australia and New Zealand to Canada and then transshipping it across the border for the purpose of evading our quota system. Although the amount involved is not large, it is significant. I once again urge the President to issue this Executive order. Such action will make it clear that evasion of the intent of Congress will not be permitted.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred.

The bill (S. 3831) to revise the quota-control system on the importation of certain meat and meat products, introduced by Mr. MILLER, was received, read twice by its title, and referred to the Committee on Finance.

SENATE JOINT RESOLUTION 200—INTRODUCTION OF A JOINT RESOLUTION TO PROVIDE FOR A STUDY OF THE RELATIONSHIP BETWEEN ADVERTISING AND DRUG ABUSE

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a joint resolution directing the Federal Trade Commission, together with the National Institute of Mental Health and in cooperation with the advertising industry, to undertake a comprehensive study and investigation of the relationship between advertising and drug abuse in the United States. Under the terms of the resolution the FTC would be directed to formulate guidelines designed to help advertisers avoid themes and techniques which contribute to or promote drug abuse. The Commission would also be directed to make such recommendations to Congress and the President as it deems appropriate.

To most of us, until very recently—drug abuse was perceived, as a remote concern—a problem of the racial ghettos, an aspect of the criminal subculture or an aberration of alien societies.

Then drug abuse burst upon the American consciousness. Suddenly, it was the children of the suburbs, not the children

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of the ghettos—"our children" not "their children" who had become trapped in the descending spiral of alienation, despair, and death which are the grim byproducts of drug addiction.

There are model schools in which marihuana passes freely in the seventh grade. In New York City the death rate stemming from heroin abuse now approaches the homicide rate. A psychiatrist warns suburban school boards that heroin strikes susceptible high school populations "like an epidemic" spreading with infestious speed throughout the school.

To most of us this revelation provokes surprise and shock.

Yet, if we had been alert, we could have seen all around us signs of the phenomenal growth of what has come to be known as America's "drug culture."

We could have seen that parents, who now react in shock and horror to the discovery that their son or daughter has become an addict, have themselves fallen prey to lesser, but related, addictions—sleeping tablets to ease the burdens of the night; two cups of coffee "to get started in the morning"; Benzedrine tablets "to get through the day"; tranquilizers to "ease the tension"; and, of course, at the end of the day, a couple of cocktails to "wind down."

But the drug culture finds its fullest flowering in the portrait of American society which can be pieced together out of hundreds of thousands of advertisements and commercials. It is advertising which mounts so graphically the message that pills turn rain to sunshine, gloom to joy, depression to euphoria; solve problems, dispel doubt.

Not just pills; cigarette and cigar ads; soft drink, coffee, tea, and beer ads—all portray the key to happiness as things to swallow, inhale, chew, drink, and eat.

Does advertising merely reflect the growth of a drug culture initiated and stimulated by other economic and social forces? Or is advertising itself a cause, a promoter of the drug culture?

I do not think we know now. But many Americans, including many professionals who are responsible for seeking paths out of the drug culture, are deeply concerned about the role of advertising.

For example, a distinguished Miami pediatrician, Dr. Richard C. Adler, has called for an end to drug advertising:

> There is no reason to advertise drugs. People can shop for them in drug stores or ask their doctors.

The advertising industry itself is clearly troubled by the growing concern with potential antisocial byproducts of its advertising and its techniques. Advertisers, like their audiences, have never before adequately considered the social consequences of advertising campaigns designed with the singleminded objective of selling goods and services.

Today they are alerted. The distinguished member of the House Public Health and Welfare Subcommittee, Congressman ROGERS of Florida, in a recent letter to broadcasters urged them "to consider restricting mood drug advertising in television."

The news account of a recent gathering of broadcasters meeting to consider the implications of advertising's role in drug abuse was headlined by Advertising Age "'Why don't FTC, FDA help us?' Ads pushing pills that stimulate, tranquillize worry broadcasters".

Before we in public life and those in the advertising industry itself can come to grips with this problem and begin to prescribe remedies, we must acquire knowledge and understanding of the precise role of advertising in drug abuse.

Congress and the country was not able adequately to respond to the growing concern over the hazards of smoking until we had the insight gained through the study by the Surgeon General's Advisory Committee on Smoking and Health and the intensive scrutiny and analysis of cigarette advertising practices performed by the Federal Trade Commission.

Similarly, the time is now ripe for exhaustive study and comprehensive analysis of the impact of specific advertising themes and techniques upon the attitudes and behavior of the potential victims of drug abuse. Among other studies, we need content analyses and the utilization of sophisticated marketing techniques to reveal the implicit as well as the explicit messages of those advertisements which trouble us. We need to know the differing susceptibilities of varying age groups to the impact of advertising themes and techniques. We are told that between the ages of 0 and 5 the child learns most of what he is going to learn throughout his life. What is the impact of hundreds and hundreds of advertising messages which the infant receives from a TV set that may be a more constant companion to him than his mother?

We need to learn how to differentiate between the necessary freedom to utilize the techniques of communication to attract customers and exploitation of so-called "crutch advertising" that sells, not the virtues of the product, but escape from reality.

Mr. President, there is no doubt in my mind that Congress should proceed with extreme caution when tampering with market mechanisms. This resolution does not contemplate that it will be necessary to impose any additional regulatory burdens upon advertising content. It is based, instead, upon the belief that the advertising industry, as much as families and communities afflicted by the spread of drugs, need and will welcome a clear understanding of the dangerous, though unintended, byproducts of certain forms of advertising, and will welcome guidelines which will enable them to avoid these tragic effects.

I ask unanimous consent that an editorial for Advertising Age of May 11, 1970, be printed at this point and that full text of the joint resolution also be printed in the RECORD.

The PRESIDING OFFICER (Mr. STENNIS). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and editorial will be printed in the RECORD.

The joint resolution (S.J. Res. 200) to provide for a study by the Federal Trade Commission of the relationship between advertising and drug abuse in the United States, introduced by Mr. Moss, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S.J. RES. 200

Whereas recent action by the Congress, banning cigarette advertising from the broadcast media, reflects its concern with the potential antisocial impact of certain advertising practices on American society;

Whereas there is mounting concern over increasing drug abuse by young people;

Whereas certain advertising themes and techniques employed in the promotion of drugs and other products appear unintentionally to promote or stimulate drug abuse among the young; and

Whereas the Congress and the President need accurate information and an informed judgment regarding the impact of advertising on the initiation of drug abuse: Now therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Federal Trade Commission, in cooperation with the National Institute of Mental Health and the advertising industry, is authorized and directed to undertake a thorough study and investigation of the relationship between advertising and drug abuse in the United States;

(2) the Federal Trade Commission, at the conclusion of such study, shall publish guidelines for advertisers designed to avoid advertising themes and techniques which contribute to or promote the abuse of drugs; and

(3) the Federal Trade Commission shall report to the Congress and the President its findings, including the guidelines published pursuant to this joint resolution, conclusions, and recommendations, not later than January 1, 1972.

SEC. 2. In conducting such study and investigation the Federal Trade Commission shall have all powers conferred upon it by section 6 of the Federal Trade Commission Act (15 U.S.C. 46), and shall be subject to the limitations imposed upon it by subsection (f) of that section. The provisions of sections 9 and 10 of that Act (15 U.S.C. 49, 50) shall apply with respect to studies made by the Federal Trade Commission under this joint resolution.

SEC. 3. There are authorized to be appropriated not to exceed $1,000,000 to carry out the provisions of this joint resolution.

The editorial, presented by Mr. Moss, is as follows:

[From Advertising Age, May 11, 1970]

DRUGS, PILLS AND PROBLEMS

There is a steadily mounting concern over the increased use of drugs—both the legal and illegal varieties—in our society, and not the least concerned by any means are the pharmaceutical manufacturers, the television networks and stations, and the National Assn. of Broadcasters.

In a story in last week's issue of Advertising Age it was noted that some people have written to television stations and networks complaining that advertising for such over-the-counter stimulants as Vivarin and Viv and No Doz makes it increasingly difficult for parents today to keep their children from experimenting with some of the not-so-easily-obtainable drugs which can eventually lead to drug addiction.

With an estimated $289,000,000 being spent annually on TV advertising of medicines, this serious question is being raised: Is the flood of advertising for such medicine so pervasive that it is convincing viewers that there is a medical panacea for any and all their problems, medical and otherwise? Are we being so consistently bombarded with pills for this and pills for that and pills for the other thing that we have developed a sort of Pavlovian reaction which makes us reach for a pill every time we are faced with an anxious moment, be it of physical or psychic origin?

In a recent letter to Vincent Wasilewski, president of the NAB, and to pharmaceutical companies and TV networks, Rep. Paul O. Rogers (R., Fla.) said he felt that the growing tendency to promote drugs in TV commercials as mood changers "has given young viewers a sense of acceptability to taking pills." Television, understandably, comes in for the brunt of the criticism as the carrier of these pill commercials because it is the primary medium for this type of advertising, and also, more importantly, because it reaches vast numbers of young people who are not exposed to anywhere near as much print advertising. But ads for these products are evident in radio and in newspapers and magazines, as well as in other media.

Leaving aside for the moment, however, the impact on TV and all other mass media on people of all ages, we wonder if we haven't all grown up in a terribly medically conscious era. From the time a baby is born in our society he is subjected to all kinds of inoculations, vaccinations, external medical applications, pill, powder and liquid ingestions, until it becomes second nature for a person to engage in all forms of "self medication," if that is the proper term, to alleviate any and all problems that arise, whatever their nature.

Partly because of this great preoccupation we have with the use of various drugs, both legal and illegal, we think the pharmaceutical industry and the television industry are facing one of their most crucial problems: What to do about future drug advertising on television. In replying to Rep. Rogers' letter, Mr. Wasilewski said that the NAB TV code board meeting in Washington May 26–27 will be reviewing the entire issue of proprietary advertising in general. And in New York last week both the TV network censors and the NAB code authority officials talked about possibly setting up new or revised copy clearance.

ADDITIONAL COSPONSORS OF BILLS

S. 3

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Michigan (Mr. Hart) be added as a cosponsor of S. 3, to authorize the Attorney General to provide a group life insurance program for State and local government law-enforcement officers.

The PRESIDING OFFICER (Mr. McGovern). Without objection, it is so ordered.

S. 2293

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. Yarborough) and the Senator from Vermont (Mr. Prouty) be added as cosponsors of S. 2293, to amend the National Sea Grant College and Program Act of 1966 in order to extend the authorizations for the purposes of such act.

The PRESIDING OFFICER (Mr. Cranston). Without objection it is so ordered.

S. 3215

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Texas (Mr. Yarborough), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Minnesota (Mr. Mondale), and the Senator from Vermont (Mr. Prouty) be added as cosponsors of S. 3215, to amend the National Foundation on the Arts and the Humanities Act of 1965 to provide for a permanent authorization for programs under such act.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

S. 3739

Mr. MILLER. Mr. President, at the request of the Senator from Kansas (Mr. Dole), I ask unanimous consent that, at the next printing, the names of the Senator from West Virginia (Mr. Randolph) and the Senator from New Mexico (Mr. Montoya) be added as cosponsors of S. 3739, to amend the Small Business Act to increase the availability of management counseling to small business concerns.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3758

Mr. MILLER. Mr. President, at the request of the Senator from New York (Mr. Goodell), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. Williams) be added as a cosponsor of S. 3758, a bill to require the heads of the respective executive agencies to provide Congress with advance notice of certain planned organization and other changes or actions which would affect Federal civilian employment, and for other purposes.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3822

Mr. MILLER. Mr. President, at the request of the Senator from Utah (Mr. Bennett), I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. Anderson) be added as a cosponsor of S. 3822, to provide insurance for member accounts in State and federally chartered credit unions, and for other purposes.

The PRESIDING OFFICER (Mr. Schweiker). Without obejction, it is so ordered.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 187

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. Javits) be added as a cosponsor of Senate Joint Resolution 187, the resolution to authorize the President to designate the third Sunday in June of each year as Father's Day.

The PRESIDING OFFICER. (Mr. Schweiker). Without objection, it is so ordered.

SENATE RESOLUTION 408—REPORTED RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 408); which was referred to the Committee on Rules and Administration:

S. Res. 408

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend, from the contingent fund of the Senate, $20,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 309, Ninety-first Congress, agreed to February 16, 1970.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 13, 1970, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 1458. An act to prohibit the business of debt adjusting in the District of Columbia except as an incident to the lawful practice of law or as an activity engaged by a nonprofit corporation or association; and

S. J. Res. 199. Joint resolution to further amend the Elementary and Secretary Education Act.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. HRUSKA. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary: Jose A. Lopez, of Puerto Rico, to be U.S. marshal for the District of Puerto Rico for the term of 4 years, vice Santos Buxo, Jr., term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, May 20, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

POSTPONEMENT OF HEARING ON INTERIOR DEPARTMENT PLANS TO DEVELOP OIL SHALE RESERVES

Mr. MOSS. Mr. President, a public hearing on Department of Interior plans to develop oil shale reserves in the Western United States was set for 10 a.m. tomorrow, May 14, 1970, before the Minerals, Materials, and Fuels Subcommittee of the Interior Committee. Most unfortunately, I was advised this morning that the Secretary of the Interior, the Under Secretary of the Interior, and both Assistant Secretaries with knowledge of the subject matter of the hearing would be out of Washington and could not appear. Moreover, no person at the Department of Interior is available who is authorized to discuss the oil shale development program.

Therefore, I announce that the hearing has been postponed for 1 week—until May 21, 1970, at 10 a.m. in room 3120 of the New Senate Office Building.

It is expected that the Secretary of the Interior will appear and testify at that time.

It is personally frustrating to me to

have this matter postponed. For several years, I have tried to gain authorization of a development program for oil shale to add to our country's energy reserve. Secretary Udall announced a leasing proposal to stimulate development, but it did not succeed.

In January of this year, I received a letter from the then Under Secretary of the Interior Russell Train in response to an inquiry I had initiated the previous October. Under Secretary Train wrote me under date of January 5, 1970:

> Various alternatives are under active discussion and consideration, but because of the many complex interrelationships between the technical, economic, and policy alternatives, no date can be as yet set for further Departmental action.

I ask unanimous consent, Mr. President, that the full text of the letter from the Under Secretary of the Interior to me be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., January 5, 1970.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: This is in further reply to your letter of October 25, in which you requested a comprehensive report on the oil shale situation.

There is enclosed a new publication by the Bureau of Mines, RI 7303, which presents the results of tests run during the period 1964 to 1966 at the Anvil Points facilities near Rifle, Colorado. However, the report dated May 1968, also enclosed, still represents this Department's technical judgment with respect to the "state-of-the-art" and the costs associated with the various processes that have been proposed for shale oil production. No new data have been published which would significantly alter the technical and economic conclusions reached in Chapter 4 of this report.

Numerous factors other than technology have affected the timing of the development of an oil shale industry. A copy of a paper is attached which was presented at the AIME in February of this year. This paper assesses some of the many factors which will be important in determining the initiation of an oil shale industry.

The oil shale leases offered in December 1968 did not result in bids sufficiently high to warrant issuing the leases. Among the many factors that might have caused such low bids were the lease terms and conditions. However, so many other important factors, such as those outlined in the AIME paper were involved that a good estimate cannot be made on the effect on the bids of the lease terms.

The Department has been working diligently to clear the clouds on the title of the Federal oil shale deposits. A task force of 19 employees located in Denver are engaged in this program. The state of title clearance is shown in detail in Attachment A.

Consideration is now being given as to the alternative actions that might be considered with respect to the oil shale lands during the period when ownership is still being contested.

Other than title clearance activities, the Department continues to be active in developing new geologic knowledge of the oil shale deposits in research and development of basic mining techniques which will be valuable when oil shale deposits are mined, an increasing knowledge of both in-situ and above-ground retorting. Other activities involve surveying of environmental aspects that would be associated with either surface developments or underground nuclear stimulation. The River Salinity Management Program for the Colorado River include studies of leaching of shale by surface and ground waters under conditions of a developing oil shale industry. Studies of the impact of a new oil shale industry on wildlife and recreational areas, and other resource uses has also been undertaken.

Some preliminary discussions have been held of whether changes in the Minerals Leasing Act are desirable or necessary to encourage the development of an oil shale industry, but no conclusions have yet been reached.

The oil shale study of 1968, the offer of leases and the lack of response by industry to these offers have made it necessary for the Department to reconsider what policies and programs it should follow with respect to oil shale. The various alternatives are under active discussion and consideration but because of the many complex interrelationships between the technical, economic and policy alternatives, no date can as yet be set for further Departmental action.

Sincerely yours,
RUSSELL E. TRAIN,
Under Secretary of the Interior.

ATTACHMENT: TITLE CLEARANCE

The Supreme Court, in *Ickes* v. *Virginia-Colorado Development Co.,* 295 U.S. 639 (1935) held that the Department could not cancel claims for failure to perform assessment work, as it had attempted to do.

In the late 1950's and early 1960's applications were made for patents to claims cancelled in decisions rendered in the above-mentioned earlier contests which were not thereafter appealed. The Department refused to consider the applications and, while it acknowledged that the earlier decisions may have been based upon an erroneous legal theory, held, in *Union Oil Company of California, et al.,* 71 I.D. 169 (1964), that after 30 odd years the application would be denied because of the long passage of time, on grounds of finality of administrative action, estoppel by adjudication, and *res judicate.*

In an action for judicial review of the Department's decision, the United States District Court for the District of Colorado disagreed with the Department and held that the Department may not rely on the old cancellation in disposing of pending applications involving mining claims so cancelled. The District Court's decision was affirmed by the United States Court of Appeals for the 10th Circuit in *Udall* v. *The Oil Shale Corporation, et al.,* 406 F 2d 759 (1969). The Government has filed a petition for a writ of certiorari to the Supreme Court to review the judgment of the United States Court of Appeals for the 10th Circuit, and the Supreme Court has agreed to hear the case.

Should the Court affirm the judgment of the lower courts, the Government's present title clearance program for the oil shale lands of Colorado, Utah and Wyoming will be made more difficult. The project to clear the public lands of long dormant, unpatented mining claims will involve thousands of claims, with many more thousands of locators, many of whose identity and locations, because of the passage of time, are now unknown, covering millions of acres of public lands. The Government still would have the right to challenge the claims on the grounds there was no discovery of a valuable mineral. It is estimated that it will cost the Government many millions of dollars to search out present owners of such claims, examine the lands covered by each claim for possible mineral outcrops and conduct administrative hearings.

As a consequence of administrative proceedings commenced against oil shale mining claims, one firm within the last few weeks relinquished 31 oil shale claims. In contest Nos. 359 and 360 (Colorado), the Government is seeking to establish the invalidity of certain oil shale claims on the basis that oil shale never was, and still is not, a valuable mineral within the purview of the United States mining laws. Extensive hearings were held and briefs have been submitted by the parties. The case is under consideration by a hearing examiner of the Bureau of Land Management. Should the final administrative decision of the Department be adverse to the claimants it is likely that they will seek judicial review. Should the ultimate decision on this issue be that oil shale was not, and is not, a valuable mineral within the ambit of the United States mining laws, such a determination, if judicially fixed, would probably be dispositive of all existing unpatented oil shale mining claims. However, it is unlikely that the issue will be resolved other than by a decision of the Supreme Court of the United States. In Colorado contest No. 260, the issues involved include the question of whether oil shale was and is a valuable mineral within the purview of the United States mining laws, whether the claims have been abandoned, and whether there is sufficient evidence of discovery of the mineral on the claims.

In addition, the Department has initiated administrative proceedings by way of contest against 2911 dawsonite claims on the basis that dawsonite is not a locatable mineral.

Mr. MOSS. Although the Interior Department had stated to me that it was not in a position to take action, reports were rife on the Hill and in the oil industry that a program had in fact been pretty well worked out. As indicative of this fact, I ask unanimous consent that the text of a memorandum to me from a member of the professional staff of the Interior Committee who has been working with me on mineral resource development appear in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON OIL SHALE

JANUARY 19, 1970.

To: Senator Moss, Chairman, Subcommittee on Minerals, Materials, and Fuels.
From: Stewart French.
Subject: Oil Shale Program.

A new oil shale leasing program is being developed in the Interior Department, and announcement is expected within the next week or so.

Basically, the program adapts procedures from the Outer Continental Shelf leasing act in that interested parties may make nominations of tracts to be put up for leasing by competitive bidding. A three-stage procedure is planned.

1. Bona fide potential developers may obtain exploration permits and do core drilling and other prospecting. Results of the exploration must be made available to the Department on a "commercial confidential" basis.

2. The second stage will be a period of evaluation, for Interior as well as for the potential industry, of the data, and, based on it, a determination as to lease terms.

3. The actual leasing itself, based on the information and evaluation.

Patents for processes and inventions will be the exclusive property of the inventor and developer for a period of five years, after which they must be made available for licensing.

Thus, the new proposal appears to meet some of the valid objections to previous proposals, both on the part of those against development by private enterprise and those who felt the previous lease terms far too stringent to live with. That is, both the government and the private entrepreneur will be able to have a pretty good idea of the potential value of a tract, and the problems connected with development before rights accrue and huge investments are made. Royalty and other terms can be realistic. Efficiency and good luck will not be penalized, as in the Udall proposals. And inventive genius will have some opportunity to attain some rewards.

Also, and highly important, the leases will require careful control over all types of pollution and any other threats to environmental quality.

Mr. MOSS. Mr. President, the need for development of new sources of energy within our country is a very pressing one. The oil shale deposits on the public lands in Utah, Colorado, and Wyoming, are a very great potential source of this needed energy.

It is the subcommittee's earnest hope that the administration will be able to discuss with it the situation with respect to oil shale development next week, so that we can have the facts as a basis for action.

ADDITIONAL STATEMENTS OF SENATORS

HOLLIS ENGINEERING IS HONORED

Mr. McINTYRE. Mr. President, the Hollis Engineering Corp. of Nashua, N.H., has been honored by the President's "E" award. I wish to take this occasion to pay personal tribute to the corporation and its founder, Howard Wegener, for exemplifying the best in our Nation.

As chairman of the Small Business Subcommittee of the Committee on Banking and Currency, and as a member of the Select Subcommittee on Small Business, I follow the development of small business with keen interest. Rarely have I come across a small business success story so classically American as the story of Hollis Engineering.

Ten years ago Howard Wegener began manufacturing automatic wave soldering systems in his garage.

In the short span of a single decade, his corporation has become the undisputed leader in sales of automatic wave soldering systems, doubling its sales every single year.

By now Hollis has installed no less than 3,000 such systems in locations throughout the world, and numbers among its clients such giants as IBM, Motorola, Control Data, Sanders, and many others.

Until 1966 Hollis confined its sales network to the continental United States. Indeed, no representative of the firm had so much as taken a trip outside this country.

But realizing the value of the export market, Hollis began working with the Department of Commerce and in the fall of 1967 sent representatives to the Department's show in Milan, Italy. Encouraged by the success of the show, Hollis representatives made a month-long trip through Europe to establish a sales and distribution network there. Since then a sales and service office has been established in Switzerland to support continental distributors and representatives.

In 1968 Hollis duplicated its European effort in Japan, Hong Kong, and Taiwan, and in the past year and a half sales representatives have been established in Mexico and in every country in South America.

Now the export program is producing no less than 40 percent of Hollis' total annual sales, and last year overseas sales totaled more than a million dollars.

Hollis now advertises in local trade publications in every nation, has its manuals printed in many foreign languages, and this year will participate in more than 20 trade shows outside this country.

Mr. President, the success of Hollis Engineering is truly remarkable, considering its humble beginnings, but it demonstrates once again how dedication, perseverence, initiative and ingenuity will not be denied in our free enterprise system.

Best of all, Mr. President, the company's growing success has meant more and more jobs for the people of New Hampshire.

BIASED REPORTING BY NETWORK TELEVISION

Mr. DOLE. Mr. President, it is a never-ending task to keep up with the irresponsible and biased reporting by network television.

A column by Henry J. Taylor, in which he discusses recent CBS coverage of Abbie Hoffman and Jerry Rubin, has been brought to my attention.

If what Mr. Taylor says is true, it makes pale, by comparison, CBS' attempt to distort the resignation of a holdover Democrat in a fifth-level HEW civil service position as a setback of major proportions to the Nixon administration.

I refer, of course, to Toby Moffett, an $11,200-a-year aide to Education Commissioner Allen, whom the networks have attempted to bill as a consultant to the President. This kind of distorted reporting serves only to make heroes out of malcontents, loudmouths, and rabble-rousers. Such reporting will eventually destroy public faith in the news media if it does not destroy our country first.

I ask unanimous consent that Mr. Taylor's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PIGS ON TV

(By Henry J. Taylor)

The pigs are in the pasture on TV, weakening America around the clock, and if we don't see thru this vicious and deliberate push we need our heads examined.

CBS, NBC and ABC are obviously infiltrated. Haven't these fast-buck money machines, getting a free ride on the public's airwaves, any responsibility at all?

A full hour that CBS handed over to convicted "Chicago Seven" riot instigator Abbie Hoffman on the Merv Griffin show was hardly off the air when CBS unabashedly pushed another convicted criminal's venomous propaganda into the nation's homes. This time it was infamous Jerry Rubin on the Joseph Benti program—three days in a row during a single week,

Under the subterfuge, as usual, of "news," CBS aired Rubin's all-out pitch for revolution, murder, city burning, the destruction of the police, and violence of every kind. "Thank you for coming," said Joseph Benti—three days in a row.

Benti deliberately injected the subject of LSD into the Rubin propaganda and shares with CBS the responsibility for Rubin's praise of this destructive drug as a joyful, harmless source of euphoria. "It'll give you kicks, baby, and you'll like it." Rubin told the listening millions. Can the CBS moguls contend they are not accessories to promoting a dangerous drug by the oldest device known to snake-oil medicine men—the personal testimonial?

Why doesn't infiltrated CBS just sell advertising time to an LSD pusher and pick up the money, besides?

The neanderthal standards of the networks are so low and so resented that we were told we should create the National Educational Television (NET) network to raise them.

Well, NET started right out with an inexcusable thing called "Day of Absence." The entire cast consisted of about 100 Negroes demanding violence, topped off by a vicious adolescent shouting, "I'm for violence, because we've pled with 'whitey' too long." OR did you see that network's "Report on Iron Mountain?"

This atrocious blasphemy contrived a fictional war and then anonymously ridiculed the United States and our fighting men in Vietnam in scathing criticism, helped to do so by a grant from the Ford Foundation.

The National Educational Television network gives us impeccable offsets like "The Forsythe Saga" and then pushes three attempts to whitewash Castro's Red dictatorship in Cuba: "Report from Cuba," "Three Faces of Cuba" and "Fidel!"

With the cards stacked as they are, your only effective influence on CBS, NBC and ABC is to hit them where it hurts—their pocketbooks.

A roaring shout should go out—by pen and paper—from across our victimized country. Write the sponsors of every program you see that teaches or stimulates destruction, whether it is violence in our streets or against America's institutions.

The pen is a mighty weapon. Get busy!

THE CAMBODIAN FORAYS

Mr. EAGLETON. Mr. President, we are asked to believe that our Cambodian forays are for a limited objective, using limited force for a specific time period; but all the evidence suggests that in reality the President's policy is to assure the survival of a non-Communist Cambodia, whether under Lon Nol or someone else.

The domino theory came through loud and clear between the lines of President Nixon's April 30 speech—this time to explain why we are militarily involved in Cambodia.

Cambodia, so it goes, is the domino whose fall will bring South Vietnam down, too. Noting increased enemy activity, President Nixon concluded:

> If the enemy succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops will return from combat without fear of retaliation. . . North Vietnamese men and supplies could then be poured into the country, jeopardizing not only the lives of our own men but the people of South Vietnam as well.

Temporarily eliminating border sanctuaries will not solve that problem.

On Cambodia, the new Nixon sounds tragically like the old Johnson, who on July 28, 1965, raised the American ante in Vietnam from 75,000 to 120,000 troops stating that this step, "like our actions in the past, is carefully measured to do what must be done to bring about an end to aggression and a peaceful settlement."

It is an all-too-familiar story. Limited involvement grows. Commitments spring up where none existed. Original rationales disappear, and new ones sprout. More U.S. forces are needed, first as advisers to South Vietnamese invading the Parrot's Beak section, then as combat troops in the Fish Hook area, now 20,000 U.S. soldiers are in Cambodia.

The U.S. Navy forces are needed to go up the Mekong River, and South Vietnam's forces go to Phnom Penh and beyond for the ostensible and tragically ironic purpose of rescuing Cambodian citizens of Vietnamese descent from calculated persecution by our incipient minion, the Lon Nol government. And now we hear of a blockade on the Cambodian coast—of whose shipping?—by what right?

The American people are being led, blindly, into another open-ended commitment. Before we undertake such a commitment, the isssue and its implications should be laid before the American people and debated in Congress.

I have supported President Nixon as he withdrew troops. I did not ask that the United States unilaterally withdraw from Vietnam. On July 2, 1969, in a colloquy with the Senator from South Dakota (Mr. McGOVERN), I stated:

> I would have to say that I am not prepared at this juncture to adopt the ultimate recommendation of the Senator from South Dakota: Namely, that the United States should unilaterally withdraw its forces from South Vietnam. Before we reach that decision, I should like to exhaust such other remedies as a standfast ceasefire. I should like to exert more muscle on the Thieu-Ky regime to have it broaden its base considerably so as to include neutralists. I should like to have an opportunity to exhaust remedies such as these and have them shown to be fruitless before adopting the ultimate conclusion.

I am now ready to accept that ultimate conclusion.

As long as we are embroiled militarily in Southeast Asia, I fear the logic of military escalation will prevail, as it obviously has in Cambodia.

American involvement in Southeast Asia was and is a mistake—a disastrous one. It should be terminated as rapidly as possible consistent with the safety of American troops.

Enoch Powell, a right-wing figure in the Conservative Party of Britain, an unsentimental man, a man utterly opposed to communism, recently stated of the American involvement in Southeast Asia:

> American military power cannot secure any specific political result in Southeast Asia. This is a war in which the United States can win, if it wishes, every battle; but it is a war which the United States is bound to lose.
>
> I have no doubt that the United States forces can eliminate the Vietcong base which has so long flourished—of course it has—in Cambodia. But when the operation is over, the underlying facts of the situation reassert themselves like the tide washing out footmarks in the sand.
>
> The ultimate fact reasserts itself: The Americans do not live there; everyone knows that their presence is destined to be temporary; everyone knows the realities which will prevail over them.

It is past time to recognize those realities in Southeast Asia.

It is time we let the Southeast Asians decide their own destiny, free of American interference.

I am, therefore, joining the Senator from South Dakota (Mr. McGOVERN), the Senator from Oregon (Mr. HATFIELD), and other Senators in cosponsoring their amendment to end the war.

Mr. President, I ask unanimous consent that a speech on this same subject, which I delivered at Washington University, St. Louis, Mo., on May 9, 1970, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR EAGLETON

The political course of this nation, since its inception almost 200 years ago, has been one of moderation in politics and social change. With some noteworthy exceptions, we have not been beset by the violent wrenchings which have been part of the 19th and 20th century history in other nations.

There are many reasons—economic, social, educational, political—for this gradual evolution. Our general affluence has tended to insure continuity. Our political processes, especially the two-party system, have helped channel philosophical diversity toward widely accepted consensus. Pragmatism and idealism have tempered each other in our public life.

On occasion, however, this tenuous mix has been disrupted. The Civil War wrenched the nation violently, and placed this country irrevocably on a different course. The Great Depression of the 1930s permanently altered the role of government on the domestic scene as profoundly as if we had thrown out our old Constitution and drawn up another. In both cases, the lives and expectations of individuals were as severely disrupted as the structure of society itself.

The emergence of the United States as a world power through two world wars was another of these epochal changes. After World War I, President Wilson attempted to utilize our new-found power through the League of Nations; but we were not ready to accept our new and necessary role, and instead reverted to isolationism.

World War II once again thrust us upon the global scene. This time, in an age of atomic weapons, we could no longer leave the fate of the world to others. No longer could we remain aloof, smugly satisfied by the protection of the Atlantic and Pacific Oceans. Erstwhile isolationists like Arthur Vandenburg became avid internationalists. We embarked on the Acheson-Dulles era of foreign policy—a totally new game in an unfamiliar arena . . . a game with few rules except the law of the jungle . . . a game fraught with new fears and uncertainties.

But just as we had blindly underreacted after World War I, we zealously overreacted after World War II. In response to our fears—some well grounded, some not—of Soviet intentions, the United States set itself up as the conservator of the non-communist world. We felt we had to guide, control . . . indeed, if we could, to remake . . . the world in our image.

The success in Europe of the Marshall Plan and the Truman Doctrine spawned a gospel of protective intervention to be applied around the world, wherever opportunity beckoned. We became "treaty happy" and intervention prone. No area of the world was too small or too remote for us to protect by our advice, by our dollars and, if called upon, by our armies.

Perhaps it can be argued that our motivation was noble. Many of our actions in Europe and elsewhere were surely necessary. But in Southeast Asia we have gone too far—far beyond the demands of our own security . . . far beyond what the prudent concern for world peace permits.

As the French were expelled, we intruded. As the North Vietnamese expanded their operations, we escalated. As the Laotian government weakened, we bombed. As the new Cambodian government faltered we invaded.

The consequence is the Second War in Indochina (for that is what it is now), a bitter, bloody travesty of American internationalism.

A seemingly innocuous venture in 1954 has brought America to another great watershed. The customary and historical evolutionary political process of our nation has once again been wrenched. The results may well equal the Civil War, the Depression or the World Wars in their impact on the lives of all of us.

We might have absorbed the countable costs of the war in Southeast Asia—fifty thousand dead . . . 400 thousand wounded . . . 110 billion dollars for health care and education diverted to war.

But this war has been far more insidiously destructive to us than that. After years of honest hopes and false promises . . . of public pleas for support for decisions secretly made . . . it has weakened the faith of all Americans in our political processes and institutions. Most of all, it has putrified the idealism which has given this government its purpose.

The credibility of the Presidency has been weakened . . . and the electoral process by which we choose our leadership has failed to change an outmoded policy. It is tragic to recall the words of President Lyndon B. Johnson as he spoke in New York during his campaign for the Presidency on August 12, 1964:

"Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job Asian boys should do. They ask us to take reckless action which might risk the lives of millions and engulf much of Asia and certainly threaten the peace of the entire world. Moreover, such actions would offer no solution at all to the real problem of Vietnam."

Nor is it difficult to remember the words of Richard M. Nixon, when the told this country four years later as he ran for the Presidency, "I have a plan for peace" . . . and the hopes of those who voted for "a change."

The credibility of the military has also grossly deteriorated. Can it be retrieved?

Congress, itself, as a partner in the governmental process, has been found wanting . . . has failed to stop a runaway foreign policy . . . has failed to restore the humane priorities this nation was created to serve. Can Congress act?

Many of the people—young and old—have lost faith in our system. How and when can confidence be regained?

The measure of a people—the measure of the American people—is not its aggregate wealth of its military hardware.

The measure of a people—the measure of the American people—is its ability to meet adversity, to recognize it, to surmount it.

The measure of a people—the measure of the American people—is to recognize the blunders of the past and to shed their crippling burden . . . not to press on like a blind and helpless giant crushing villages and crippling ourselves in a futile, meaningless quest to "save face."

Our repeated pledge to support "the defense of freedom and self-determination for the peoples of Vietnam," in addition to being grandiose, was the result of an emotional reaction to fear of "communism"—a fear which caused the United States to assist the French in their struggle to re-establish colonialism in Indo-China and then to provide money, materiel, and men to a series of unrepresentative and unresponsive governments which ruled through military strength and with United States support.

For over 14 years, the United States has fought for the governments of Diem, Minh, Tho, Khanh, Huong, Oanh, Quat, Ky and Thieu, in order to assure a non-communist regime in South Vietnam. Must Americans now learn a still longer litany of unfamiliar names as we struggle vainly to support regime after regime in Cambodia?

Vietnam was and is a mistake.

Some of us have tried to sanitize it by pleading for the reform of the Thieu-Ky regime. Some of us have pleaded for a standfast ceasefire. Some of us have asked for a graduated, but firm, timetable of withdrawal. Our pleas have not been heeded.

Since January 20, 1969 when President Nixon took office, over 13,000 Americans have died. We still continue to blunder ahead . . . now into Cambodia, tomorrow perhaps beyond. On the one hand, the President announces a policy of "Vietnamization," a policy of gradual—ever so gradual—withdrawal. On the other hand, he escalates our involvement in Laos. He expects to find peace through negotiation, but renews a fruitless policy of bombing in North Vietnam.

How much longer, how many more American lives, how much more divisiveness will it take before we recognize that Vietnam is a problem that only the Vietnamese can settle?

The situation in Indo-China is hopeless as far as the U.S. is concerned. It is an endless nightmare. No conceivable outcome can possibly justify the risks of deeper involvement. No longer is there even a realistic possibility that we can "save face."

The face we must now save is not the face of past foreign policy blunders. The face we must save is the face of a nation facing the future. It is time for the President to stop talking about saving face and start talking about saving lives.

The future is heavily upon us. It is an uncertain, turbulent future.

We must move into it swiftly and convincingly, unshackled from the Vietnamese cancer.

Therefore, I urge that we withdraw immediately from Cambodia, discontinue our sortees in Laos, and withdraw our forces from Vietnam on a fixed and urgent schedule commensurate with the safety of our troops.

INCREASED AUTO SAFETY IS EVERYBODY'S CONCERN

Mr. HRUSKA. Mr. President, in 1960 there were 38,137 traffic deaths. Within 10 years the annual total has reached 56,400. This comes to more than 1,000 each week. Hence, all of us must be relieved when official statistics reveal that certain States and cities have shown a remarkable and significant decrease in motor vehicle deaths for the recent months of January and February, 1970.

South Dakota, Oklahoma, Nebraska, and Kansas, a consecutive block of States in the great breadbasket of America, showed in this period a significant drop in fatal accidents of 55 percent, 37 percent, 29 percent, and 5 percent, respectively. Sixteen other States in all parts of this Nation also experienced decreases ranging all the way up to 36 percent. Naturally, we hope that all forms of traffic accidents will be reduced materially and that each of the 50 States will continue its efforts to do so.

But hope alone is not sufficient. What is required is greater coordinated efforts to develop safer streets and highways, safer and properly repaired motor vehicles, and safer and self-disciplined drivers.

These three all-important aspects of traffic safety can be improved only if a united effort is made by government, civic, and religious organizations, business, labor, agriculture and other segments of our economy, and by the general public. Everyone must get into the act.

The Federal, State, and local governments, including legislative, executive, judicial, and law enforcement branches, have a most important role in achieving safer highways, safer automobiles, and safer drivers. Space does not permit a detailed explanation of the methods necessary to fulfill these objectives, but they are well known.

Mr. President, the role of the community and the general public is just as important. Recently, I received an important letter from Leslie Weber, writing on behalf of the entire senior class of Friend High School in Friend, Nebr. He stated:

> I am writing on behalf of a very concerned group of Seniors from Friend High School. As of late, there has been a mounting concern over car safety in our class. They asked me to write and urge you to help make our highways safer by introducing or supporting bills that would help cut down on highway accidents. There are some areas which we feel need to be examined carefully. One such area is drunk drivers. We feel that there should be stiffer penalties when driving under the influence of alcohol, especially when drivers are involved in an accident. We would appreciate it very much if you would do all you could in helping to reduce traffic fatalities. Thank you.

This letter expresses the community concern for this problem. I hope it will act as a catalyst arousing the interest of every senior high school and college, as well as other groups of citizens, so that grassroots efforts will help us drastically reduce traffic accidents in every town, city, county, and State.

Each area may have a special problem to solve. It may be the unsafe highways, undetected unsafe automobiles, unsafe and undisciplined drivers, or a combination of these factors.

Community action can correct these traffic difficulties just as community action has corrected other serious problems affecting the safety and health of the public. I congratulated my young friends at Friend High School for their community spirit. I sent them a CONGRESSIONAL RECORD reprint of my pre-Christmas traffic safety appeal which included excerpts from the report of our mutual friend, Gov. Howard Pyle, president of the National Safety Council. The report contained specific data in the fight to curb traffic accidents. I also sent them the late Senator Dirksen's CONGRESSIONAL RECORD reprint of a traffic safety project which was inaugurated by the minority as a result of the data received in the automobile insurance hearings conducted by the Subcommittee on Antitrust and Monopoly, on which I now serve as the ranking Republican.

But as I reflected more on the thoughts in this letter sent by my constituents from Friend, Nebr., I knew that more could be done by Members of Congress and other public officials and that more also could be done by an inspired and dedicated citizenry.

Mr. President, let me itemize a few of the benefits of more dedicated efforts by all of us:

First, reduction of the 56,400 auto deaths annually;

Second, reduction of the millions of auto-related injuries to citizens;

Third, reduction of the economic loss of $13 billion each year;

Fourth, reduction of automobile insurance premiums which have been increased because of the increasing number of accidents occurring each year;

Fifth, reduction of heartaches and personal or family suffering caused by these auto-related deaths, injuries, and economic losses;

Sixth, last but not least, citizen action, by young and old, could do much to reduce the startling statistics which show that 50 percent of the motor-vehicle-related deaths are in the age group of our young people under 30 years of age; that 42 percent of fatal traffic accidents involve only one automobile; 33 percent of accidents on high-speed roads are due to sleepy drivers; and 50 percent of the annual auto fatalities are due to or connected with alcohol use.

Hence, parents and youth have an added incentive to crusade for traffic safety. The parents must make their 16- to 25-year-olds understand that automobile accidents are the No. 1 cause of death for that age group. Further, the family auto insurance premium is almost doubled because of the driving habits of a segment of our youth, which automatically places all young drivers in the high insurance premium classification.

The youth have their important responsibility. Millions have watched Father Keller's Christopher television program exemplifying what one person can do. We then can project what an inspired youth group can do in the area of traffic safety, especially when statistics show that youth has the most to gain; the under-30 age group comprises 50 percent of the automobile accident fatalities. That adds up to 28,000 annually, or over 280,000 in 10 years, and represents a great tragedy.

How our young people go about such projects will depend upon the traffic accident problems of the community involved. However, one approach is universal—our young must convince each other of the importance of careful, alert and safe driving for their own safety and preservation.

The adults, who should participate in traffic safety projects of their own, certainly will respond to any call upon them from the youth of America to support youth programs to curb auto accidents. This should be especially true of adults who serve as directors of the driver training classes in the schools.

Mr. President, I close my remarks with some encouraging statistics which would indicate that aggressive programs to curb automobile accidents may prove very successful and reduce the projected 60,000 automobile deaths in 1970. Auto fatalities for the 1963–1967 period showed approximately a 3,000 annual increase. The increase from 1968 to 1969 was 1,200 auto fatalities which is a great drop in the annual upward curve. This is good to note.

These factors may be responsible: the use of seat belts, which it is believed can save 10,000 auto deaths annually; safer highways and safer automobiles as a result of the 1966 Federal statutes; and greater government and general public efforts to convince the drivers that automobile accidents on our highways can be avoided by careful and self-disciplined driving habits. More can be done and should be done by all segments of our society, including each individual driver.

AMENDMENT NO. 609—AMENDMENT TO END THE WAR

Mr. GOODELL. Mr. President, a bipartisan group of Senators purchased prime television time to explain the amendment to end the war—amendment No. 609 to H.R. 17123—to the American public and to seek support for it.

The half-hour broadcast marks the first time that a congressional group has produced such a nationwide program.

The program—"The Amendment to End the War"—was broadcast on Tuesday, May 12, at 7:30 p.m. over the NBC television network.

Senators George McGovern, Mark Hatfield, Harold Hughes, Frank Church, and I participated in the program.

The amendment to end the war was drafted by Senators McGovern, Hatfield, Hughes, and me and was introduced on May 5, 1970. It states that unless Congress shall have declared war, no moneys appropriated under the act to which it is attached, or under any other law, shall be used in Vietnam after December 30, 1970, except for the withdrawal of all American forces. It requires that the withdrawal of American forces from Vietnam be completed—that all American military personnel be pulled out—by June 1971, unless the President of the United States requests and Congress passes a joint resolution extending that deadline.

The amendment provides that no money shall be used for military operations in Laos after December 1970. And it provides that no moneys shall be authorized for any military operations in Cambodia or for military aid for that country 30 days following the adoption of the amendment.

I ask unanimous consent that the transcript of the program be printed in the Record.

Mr. President, last week the St. Louis Post-Dispatch carried an excellent editorial commenting upon the Cambodian invasion and the amendment to end the war.

I ask unanimous consent that the editorial and the text of the amendment be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

The Amendment To End the War: A Network Television Broadcast, May 12, 1970, NBC

(Participants: Senator George McGovern, Senator Mark O. Hatfield, Senator Charles E. Goodell, Senator Harold E. Hughes, Senator Frank Church)

Narration. Today, in the bright springtime of 1970, the United States of America has been ripped apart. Citizens bludgeon each other in the streets of New York. Students die in a campus eruption. Buildings explode. Banks burn. The Nation's colleges are shut down. The population is polarized, and there are parades of protest everywhere. Not since the days of the Civil War have Americans treated each other like this.

At the heart of the trouble lies the war in Vietnam. It is a strange war—a war that we have to keep explaining to ourselves year after year after year. And it is a difficult war to explain—particularly to the people who have to go and fight on its inconclusive battlefields.

But while all the talk goes on, the war goes on, too. It continues tonight, as it has continued for a decade. Tonight, Americans will die in Vietnam. Tonight, Americans will die in Cambodia.

What can we do?

Last week, amendment No. 609 was introduced on the floor of the United States Senate. It was co-sponsored by a bi-partisan coalition of twenty Senators. These Republicans and Democrats call it *the amendment to end the war*. They regard it as a realistic new thrust for peace. The Senate debate on it will begin in just a few days.

In the next half hour, five of these Senators will make a case for this amendment. If the American people can effectively urge its passage upon the Members of the House and Senate, if "the amendment to end the war" is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress—where it belongs.

Through protest . . . petition . . . and an act of *law*, we shall have at last ended the Vietnam war.

And now, Senator George McGovern of South Dakota.

Senator McGovern. There is no way under the Constitution by which the Congress of the United States can act either to continue this war or to end it, except by a decision on whether we will appropriate funds to finance the war.

Article I, Section 8 of the Constitution reads as follows: "The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

Senator Hatfield. Our amendment to end the war fulfills the obligations that we have under the Constitution. The amendment clearly states that unless the Congress shall have declared war, that no monies appropriated on the act to which we attach the amendment, or any other law, shall be used in Vietnam after December the 30th, 1970, except for the withdrawal of American troops and other provisions.

It provides that no money shall be used for military operations in the country of Laos after December of 1970. It provides that no monies shall be authorized for the use of any military operations in Cambodia, thirty days following the adoption of the Amendment; and that all troops shall be withdrawn from Vietnam, all American troops, by June 1971 unless the President of the United States shall deem that it is important enough to extend that time by requesting the Congress to pass a Joint Resolution authorizing such extension time.

Senator Hughes. The Amendment to End the War provides continuing funding for full protection of American troops during the total period of our withdrawal. It also provides adequate funding to provide political asylum for all those South Vietnamese and other civilians for which there may be great concern about a bloodbath; and there are adequate provisions that these civilians may be placed in other places for their own protection.

It also provides for a continuing negotiation of exchange of prisoners.

Senator Church. Very soon the Senate will be acting on another Amendment offered by Senator Cooper and myself, which is addressed to the Cambodian situation and sets the limits on that adventure to those declared by the President.

But this End the War Amendment takes the full step, and provides an orderly method for the extrication of the United States from the war in Vietnam, itself.

Senator McGovern. And so what we're looking for is a reasonable way to accomplish that withdrawal, and I think that the principal stumbling block now is that we're somehow worried about losing face. We're worried about embarrassing the policy makers that sent us in there. We're worried about admitting that perhaps we made a mistake.

Actually, I think it would contribute to the greatness of the United States if, as a free people, we could just admit that we're capable of making a mistake; and then do the best we can to put an early end to it.

Senator Hughes. Vietnamization is not a change in policy at all. It's a continuation of the old, old policy. It is dedicated to war, not to peace. It means that the war will go on and continue to go on for years to come. It means that there has been no one speaking, in this Administration or the last, of an end to our support commitment in Vietnam.

It means that we can look into the future for at least a decade, in all probability, to a quarter of a million men involved in Vietnam. I think every mother and father in America who has a son right now that's five, or six, or seven years old, or anywhere up to 15 or 16, should well realize that that boy is going to be involved in our future commitment in Vietnam under existing policy.

Senator Goodell. We have come to the point where we realize, and I think the President realized when he went into Cambodia, that Vietnamization will not work; and it was an admission of the failure of Vietnamization.

I think it's time that the American people recognize that the President doesn't have the power to declare war or make war, alone. He can ask Congress to declare that power; and I think that's why what we are discussing here, and urging support from the American people for, is so important.

Congress can do this, and it's not an irresponsible action; and with the walls all falling down around American prestige and power in the world if we decide we're going to get out. Congress would simply be saying, "Okay, we've fought for seven years, we've bled and died, and we've spent our resources on this; and now the time has come to say to the South Vietnamese, 'take it over. We'll give you time. Over a period of time we're going to be withdrawing and you can go on getting aid if you fight for yourself in your own civil war. We're not going to stay there and fight and bleed and die for you any longer.' "

Senator Hatfield. But the point is simply this: It's no longer the opinion of Presidents, and no longer the opinion of Senators; it's the evidence of history, of over 40,000 deaths, and this amount of resource expended that has proven each one of those escalations to be wrong. And I say, how

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many more American men have to be heaped upon that funeral pyre of war to disapprove a theory or a doctrine of military action that has been proven wrong each time that it's been acted upon.

Senator Church. After all, the United States is not going to impose any permanent solution in Asia to settle Asian problems among Asian people on the Asian mainland. Now, the idea that we are going to do that is—runs against the whole current of history.

Now, what's happening in Asia is that the western powers are moving out, and that the Asians are taking over for themselves; and Vietnamization, as it's been pointed out here, is not the method for extricating us from this morass. It will merely perpetuate our involvement in this war. Half of the troops may come home; the other half will stay indefinitely; and it does not serve the interests of the United States to maintain a permanent military base in Southeast Asia.

Senator Goodell. The President reiterated the other night that he was going to continue to bring back these 150,000 men in the next 12 months. Now, many Americans may feel that that means they're all going to be coming back, and nobody's going to be going.

Under a policy of bringing back 150,000 men in the next 12 months, we will send to South Vietnam 276,000 men who are not there now, who are now in the military or about to go into the military; and we'll bring back more, 150,000 more than we send, but in the rotation process there will be this 276,000 men go over there to fight, and perhaps die.

Senator McGovern. And what would we have accomplished, or what evidence is there based on past history, to lead us to believe that we would be in any better position, or that South Vietnam would be in any better position, 1 year or 5 years or 10 years hence, after tens of thousands of additional Americans have been killed, than we are now? What would we have gained?

Senator Church. We have created a "crisis of confidence," and a deep disillusionment and an alienation that doesn't just affect a narrow fringe of radicals on campus. Anyone who goes to the campuses knows that this feeling extends to millions of young Americans.

Now, if they grow up without a belief in this system, that, it seems to me, has far greater bearing upon the future of the United States than anything we have now, or have ever had at stake out in Indochina.

Senator Hughes. I think one of the great, tragic byproducts of all of this has been the spiritual scarring of our own people. The questioning in our own minds of why we're involved in a body-count war with total military supremacy, with indiscriminate bombing and far-ranging effects on the ecology of those nations by spraying chemicals and driving the people off of the land into the cities, completely changing the complex of that little nation involving sixteen to eighteen million people.

And we ask ourselves, can we be happy about the fact that we've killed 10,000 Vietnamese and suffered 300 deaths ourselves and in the process that this complete psychology that we have of destroying life, you know, at any expense, and what the results of it are—

Senator Church. It's brutalizing our own society.

Senator Hughes. It's brutalizing us internally, and we find our young people turning away from it, fleeing to Canada to avoid a war they consider immoral and attitudes that they consider unrealistic in a time, in an age when we really are questioning ourselves to find national purpose again.

Senator McGovern. What we need to understand is that there is no way to separate the cost of this war in Asia, from the cost of our own society. Now, there were stories in the press recently that some of our poor people, some of the black citizens and other minority groups, have shied away from participating in protests against the war on the ground that their concerns are with hunger and with racism and with poverty.

But what I think all of our fellow Americans need to understand is that the answer to these other problems will not come until we put this war behind us, and the enormous drain that it's taking here in our society. The person who's worried about inflation ought to realize that war is a principal cause of it. The man who's worried about the stock market skidding ought to realize that the stock market jitters are associated, to a great extent, with the war.

And as you've said so many times, the Governors and the city councilmen and the others who are worried about where the money is going to come from for those new schools or new sewage projects or other things, they have to understand that the war is robbing them of those possibilities.

Senator Hughes. We're talking about 16 to 18 million people in South Vietnam. There are 23 million blacks in America who have not been able to find justice in this great country. Untold thousands of American Indians who have never been brought to their fulfillment. You who have worked so long and so energetically in the field of hunger in America, and poverty, with some 35 million people living in poverty, with the very foundations shaking of every major city in the Nation, with the great, basic, undergirding of this Nation that has always kept it stable, with those minorities is now being drained off and siphoned off in the name of somehow saving face in Southeast Asia, you know.

So when we talk, I think you would agree that there seems to be a great paradox in this.

Senator Goodell. The cost of the war last year was $23 billion, so you can say in just about specific terms that 1 year's cost of this war would clean up all our waters in the United States.

Senator Hatfield. The half hour that this program is being telecast to the American people, to reduce that or to translate that into terms of the cost of the war; the Federal Government will be spending $1 million just in this one-half hour period.

Senator Goodell. In Vietnam.

Senator Hatfield. In Vietnam. Just in Vietnam.

Senator Church. Mark, you know the argument is made that the world will think we're weak if we withdraw from Vietnam. I think that of all the arguments that are made, that is the least impressive. Actually, the world knows that we have the power to exterminate every living inhabitant of Vietnam. If we unleashed that power we could salt it over the way Rome salted over Carthage.

It's not our power that's in question out there. It's the wisdom of our policy; and the world sees the biggest, richest, strongest nation dropping more bombs on North Vietnam than we dropped on all Europe in the Second World War. They see this tremendous disproportion of strength and wealth, and that puts us in a very bad light in the world.

In fact, this war has done more to undermine America's moral leadership in the world than anything that's ever happened to us, and the faster we put the matter right in Southeast Asia and end this war, the sooner we will begin to win back again the respect that this country ought to have throughout the world.

Senator Hughes. What do you say to people who are really concerned, and I know they're concerned, about the fact that we'll lose face in the world, you know, that we'll really not be a first rate power, as has been implied by our Chief Executives in the past and in the present? And the concern of honest Americans who want to get out of the war, who want to stop the killing and the dying, and yet they say this is America's place in the world, that unless we accept this challenge we're somehow failing in world leadership.

I think this is the question in the minds of millions of Americans today.

Senator Hatfield. What constitutes leadership. Not just power of armament, but power of ideals. And I say that we are losing in the world today by continuing to be in Vietnam.

It's not a matter of national price. It's a matter of whether we're practicing what we preach. It's a matter of whether our ideals that were embodied in the Constitution, in the hearts of the American people, are really at the center of our policy, or whether we're out here with some peripheral object of face-saving, and so forth. I say, if it's to be humiliated to admit we're wrong and to save lives, then the sooner we do this, the better it's going to be for our nation. But I don't consider it humiliation. I consider it greatness, because only the powerful can take the chance of admitting error, and we're that powerful today.

Senator Goodell. And most civilizations that have died, have died from within; and that is happening now in the United States of America if we don't get out of this war.

Senator Church. We clothe this war in the sacred words of "justice" and "freedom" and "peace." But justice and freedom and peace aren't at stake out there. You know, the Government that we're supporting is not a democratic government, it's an incompetent and corrupt military dictatorship; and it's involved in a war with another dictatorship. This is a war between two dictatorships for control of Vietnam.

So I think we make a grave mistake when we try to clothe such a war in terms of the ideals for which this country should stand. Freedom is not at issue for the people of Vietnam. One way or the other, the kind of freedom that we know is not going to be the gift of this war out there.

Senator Hughes. I think the gut question, though, Frank, and particularly George, when we're talking about this Amendment to End the War, to most Americans is, how can I support this Amendment and at the same time support my country in an involvement we've had over the last 15 years. And I think if people could resolve this in their own minds, you know, they'd very willingly bring this war to an end through this Amendment.

Senator McGovern. Now, the President said the other night that if we leave Vietnam now, we're going to be through, or I think he said we're going to be finished as a peacemaker in Asia. Well now, I think we ought to quit trying to be the policeman for Asia. Let's quit trying to be a solo policeman and banker and pacifier in Asia alone. How ironic it would be if at long last we succeeded in pacifying Southeast Asia and couldn't pacify our own society.

Senator Hughes. The invasion of Cambodia, I think, was truly the straw that broke the camel's back. They're writing to me at about 8 to 10 to one against the President's posture right now in Southeast Asia; and in the belief and the hope that the Senate of the United States will offer the leadership, you know, to alter this posture.

Senator Goodell. Everything we have said here tonight is completely unpartisan. I think we have all been as critical of the Democratic Presidents as we have of Republican Presidents, and we should not be considering this in terms of political or partisan advantage one way or the other. This war transcends partisanship, and I know a great many Republicans as well as Democrats who think our policy now is wrong, and we ought

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to get out. I think the overwhelming number of all Americans, whatever their political party, believe this.

Senator McGovern. I think what we're trying to do with our Amendment to End the War, is to say that that is too important a decision to place on the shoulders of one man. It's too big a risk to ask one man to decide alone. The President ought not to have to make that judgment alone, and under the Constitution, he's not supposed to make that decision alone.

What we're proposing to do is to share that responsibility, and whatever political risk, whatever opportunity, whatever hazard is involved in making the decision to end this war, we're prepared, as elected officials, to stand up on that question and answer yes or no, and then take whatever blame or whatever credit is involved.

Senator Goodell. In effect, we're providing a situation where the President can withdraw faster, where he can make a determination the war is going to end by a fixed date, and he will not bear the whole onus, himself. We recognize that when you've made such a tragic mistake, there's no painless way to get out of that mistake. We're saying, "We'll share that pain, we'll share that responsibility. But let's recognize the mistake and get out of it."

Senator Hughes. What do we say to the American parents who have sons fighting in Vietnam? Is this a patriotic move that we are taking in this Amendment to End the War? Is this support of their sons and of our fighting men in Vietnam?

Senator Goodell. There is no better way to protect the young men who are fighting over there than to bring them home; and I don't know of any military person in any responsible position, who doubts that if we made our declaration, "we're coming out," that they would be brought home safely then.

As long as we stay there, the casualties are going to go up, and if President Nixon's program works, over the next three years, we are talking about a minimum of 5,000 more American dead, and probably closer to 20,000. Four or five times that many casualties, and four or five times that many Vietnamese deaths in the process. Not to mention the billions of dollars involved.

Senator McGovern. But now what we're proposing is not a disorganized and uncoordinated outcry. We're proposing a specific legislative Act that will have the full force of law, and it will say in effect, no more money for Southeast Asia for any purpose other than arranging for the systematic and safe withdrawal of our forces, for the exchange of prisoners, for asylum for those people that might be threatened by our withdrawal. It's an orderly, Constitutional procedure for bringing about an end to this war.

Senator Church. Now, this brings the Congress back to the role that it should have been playing all along. It asks the Congress to assume its responsibility to the American people, and it brings our democratic system back to life again in a balanced, Constitutional manner; and that in itself is as important in the long run to the life of this Republic as ending the war in Vietnam.

Senator Hatfield. What do we say to the American people who have been watching, and who would say, "Well, we agree with you, but our voice is not very loud. I'm only one person, I'm just a little person, so-called little person." You hear that many times. Does that voice have a place in this whole great issue of war and peace?

They say, "We're tired of speeches. We want some action." A lot of the young people say this to us. A lot of the older people say, "All right, turn it off. We agree with you, but what have you done about it? What can you do about it, what can we do?"

Senator Church. We're asking people to make their views known responsibly to their Congressmen, and we are asking the Congress and the Senate of the United States particularly, to begin to assume its responsibility under the Constitution. For years and years now we've abdicated. We've given all the power to the President when it came to war. We've sat on our hands and done nothing, and hoped that the people would look the other way.

Well, the time has come to reassert our responsibility and to stand up and vote on the question of war or peace.

Senator Hatfield. You know, we've sort of enshrined silence as the virtue of patriotism in the last year or so; and actually, I think the highest patriotic duty that any citizen has is to speak up, to speak his convictions and his mind. That's the hope that we've got to give to all American people. That there is this method, there is this channel open to them, and that we, and others like us on this end of the power structure, so to speak, are receptive. We're not only receptive, but we're inviting them to participate in this Amendment to end the War.

Senator Hughes. This is what we must do. We need their help. Even if we had 40 Senators presently on this Amendment, we need the help of the people of the United States. There's no other way that we can succeed; and the voice of the people counts in the final analysis. If I'm to exercise my judgment and to follow my conscience in a position of responsibility, I must tell the people when I think we're right, and I must tell them when I think we're wrong; and expect them to support those positions, or to oppose them. But for Lord's sake, don't be quiet. Write, support or oppose, but do something in this critical time.

Senator Hatfield. If you want to cast your vote to end the war in Indochina, there is something you must do in the next few days. Write to your Congressman or your Senator, just the simple words, "I vote for the Amendment to End the War in Southeast Asia."

Senator Goodell. And there's something else you can do. Take a sheet of paper and write on the top, "We, the undersigned, favor the Amendment to End the War." Leave room for names and addresses; and then go out to work, to the church, to the supermarket, where ever you can collect signatures, and get people to sign who agree with you. Send those petitions to your Congressman and to your Senators.

Senator Hughes. The President of the United States rightfully can command all media to bring a message to the people of the United States any time he deems he has a message of importance. For those of us who have differing viewpoints, and wish to express those to you, the American people, it requires that we seek your assistance.

Senator Church. Remember that 66 cents out of every tax dollar now goes for war. A dollar for peace could go a long way. So send your contribution, whatever it may be, in order that we can continue to speak out. Make your checks out to "Amendment to End the War," post office Box 1A, Ben Franklin Station, Washington, D.C. 20044.

Senator McGovern. Let me close this broadcast on a very concrete and specific point. What we are proposing here is that for the first time in the long history of this war, the Senate of the United States stand up and be counted yes or no, on the question of whether we wish the war to continue, or to be ended. We propose to do that in a vote that will come in a very short time. We pledge you that that vote will be held. This is not a sense of the Congress Resolution, it is not a debator's point; it is an act of law, which if carried, will put an end to this war in a systematic way. We ask earnestly tonight for your support in that effort.

President Nixon. Strive in every area of the world——

General Westmoreland. In 1968, a new phase is now starting.

President Johnson. General Westmoreland's strategy is producing results.

General Westmoreland. The enemy's hopes are dim.

President Nixon. If, when the chips are down, the world's most powerful nation acts like a pitiful, helpless giant——

Closing Narration. In just a few days, debate on the amendment to end the war will begin on the floor of the United States Senate.

If the American people can effectively urge its passage upon the Members of the House and Senate, if the amendment to end the war is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress—where it belongs.

Through protest, petition, and an act of law, we shall have at last ended the Vietnam war.

Amendment No. 609 to the Military Procurement Authorization Bill (H.R. 17123)

Sec. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: Provided, That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces: And provided further, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

[From the St. Louis Post-Dispatch, May 3, 1970]

A Cut-Off Date for War Funds

President Nixon now has his own Indochina war and his own credibility gap. Neither one is inherited any longer. In asking the American people to support the expansion of the Vietnam war to Cambodia, as he has already expanded it to Laos, he asks them to believe the same false promises which have repeatedly betrayed them against their will into ever deeper involvement on the mainland of Asia.

They are asked to seek peace by making war; to seek withdrawal of our troops by enlarging the arena of combat; to diminish American casualties by sending more young men to their death; to save the lives of 450,000 American troops by one more round of escalation. And all this Mr. Nixon asks in the name of preserving the credibility of America as a great power!

Such an exercise in double-think and double-talk would be unbelievable if the whole nation had not seen an uneasy President floundering in illogic and misrepresentation before its very eyes. It is still hard to understand how a President who saw his predecessor destroyed by manipulating the people into an unwanted war would now attempt to manipulate them into enlarging the war he promised to end.

When all of Mr. Nixon's patchwork rationalizations are stripped away, it is quite clear what has happened. His policy of Vietnamization is a failure. It always was a fatuous assumption that as American troops withdrew the South Vietnamese would become stronger and Hanoi would be intimidated into accepting defeat. Now that the assumption has been exposed as false—now that the Communists refuse to give up fighting on Mr. Nixon's command—the Pentagon has sold him the bill of goods that escalation will rescue a bankrupt policy.

It is the same bill of goods, slightly worn, that the generals sold Lyndon Johnson. First they promised that a merciless air war would bring Hanoi to its knees; and it didn't. Then. 500,000 ground troops would cow the Viet Cong; and they didn't. Now, "cleaning out" the bases on the Cambodian border, which our forces have lived with for five years, will suddenly win the war—and who can believe, honestly, that it will?

Nor can rational men honestly believe that sending American troops into Cambodia is necessary to save the lives of our garrison in Vietnam. The 450,000 men there, equipped and armed to the hilt, are perfectly able to protect themselves and Mr. Nixon knows it. So he fuzzes up the argument by saying that the object is to protect the lives of those Americans who will be left in Vietnam after mid-1971, when the current withdrawal schedule has been fulfilled.

This adds up to an interesting confession that Mr. Nixon intends to leave some 300,000 troops in Vietnam after his third year in office, but it is no more persuasive than the other. The plain truth is that Vietnamization has failed, the withdrawal schedule is threatened, Mr. Nixon because of his marriage to the Thieu-Ky regime refuses to negotiate a compromise political settlement, and so he buys the old, battered nostrum of escalation.

Until now many Americans have been disposed to give the President every benefit of the doubt, to support his withdrawal schedule and Vietnamization policy as sincere efforts to end the war. Now increasing numbers of them must feel like Republican Senator Aiken of Vermont, who after pleading with Senators for months to back the President on faith is compelled to acknowledge the "greatest disappointment in my life."

It is no wonder that moderate and thoughtful men like Republican Senator Mark Hatfield of Oregon are coming to the conclusion that the only way left to carry out the public will is to exercise the constitutional powers of Congress in a way that guarantees an end to the war. Like Republican Senator Goodell of New York, Senator Hatfield is proposing that Congress stipulate a cut-off date after which no more funds will be appropriated for military operations in Indochina.

We favor such a measure. The cut-off date could be set far enough ahead to avoid any perils of precipitate withdrawal. It would not interfere with, but would reinforce, an orderly and secure disengagement. It would do no more than to write into law what Mr. Nixon claims to be his policy of ending the war. Its most immediate effect, we imagine, would be to compel Mr. Nixon to negotiate a reasonable political settlement based on a coalition government, to be followed by elections in which the Vietnamese people determine their own future. And what is wrong with that?

CREDIBILITY GAP IN TELEVISION BROADCASTING BUSINESS

Mr. DOLE. Mr. President, a column written by Richard Wilson and published in the Washington Evening Star of May 11, 1970, points out the growing credibility gap in the television broadcasting business.

Mr. Wilson, himself a member of our much criticized news media, discusses the refusal of the Columbia Broadcasting System to supply the Department of Defense with information which might help to determine whether war crimes have been committed in Vietnam.

The columnist mentions three CBS news segments filmed in Vietnam which have been under investigation for allegedly being "faked."

I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CBS Stand in War News Probe Is Questioned

(By Richard Wilson)

The Columbia Broadcasting System has been under investigation for allegedly faking horror scenes from Vietnam but is standing its ground in refusing to supply the Defense Department with requested information which might help to determine if war crimes were committed.

There are some fine points here but CBS's judgment can be questioned in not cooperating, both as a matter of self-examination and in the interest of punishing American officers for any complicity in war crimes.

Freedom of press and speech is not so much involved as the integrity of television broadcasting which is already suffering from a credibility gap. The view inside the Nixon administration is somewhat more drastic. CBS is considered to be totally irresponsible, indefensibly hiding behind a freedom-of-the-press screen, a bald fraud on the public.

That view need not be adopted in order to see the weakness in CBS's position in not in itself wishing to get to the bottom, or at least letting the public get to the bottom, of how much fakery there is on TV and where showmanship ends and falsification begins.

Three incidents in particular have been under recent investigation. In one, CBS Evening News on Feb. 17, 1970, showed South Vietnamese soldiers covering the face of a prisoner with a towel and pouring water on it to bring the victim to the verge of suffocation and thus persuade him to talk. A U.S. adviser was pictured watching.

CBS Evening News on Oct. 9, 1967, reported an incident in which a soldier attempted to cut off the ear of a dead enemy soldier. Two CBS people, Don Webster and John Smith, were involved in reporting the incident. They were subpoenaed at the trial of Spec. 4 George A. Pawlasky but neither appeared, both being absent from the Republic of Vietnam at the time of the trial.

Pawlasky was found guilty in the ear-cutting incident. At the request of the American Embassy, no further action was taken against Smith, who was listed as a principal in the case for having supplied the knife for the ear cutting.

The third incident appeared on CBS Evening News on Nov. 3, 1969, and was narrated by the same Don Webster who reported the ear-cutting matter. The third incident involved the stabbing of a captured Viet Cong by a South Vietnamese in the presence of U.S. personnel. Its authenticity was challenged in a report from the American Embassy in Vietnam on Nov. 13 as a "cut and paste" job involving different locales and personnel and including an Australian helicopter as well as some U.S. training film.

In all these instances efforts were made by the directorate of defense information to get from CBS information or unused film (called "outtakes") other than had appeared in any of the broadcasts. The president of CBS News, Richard S. Salant, advised the Defense Department that it would not risk compromising its news sources and its news personnel in Saigon by revealing more information than was broadcast.

Salant was asked to reconsider but he refused. "Outtakes," like a reporter's notebook, are sacrosanct, Salant contended. And he observed that the Defense Department, with its widespread facilities, does not have to rely on CBS News in order to carry out its investigation of a war incident.

The latter may be quite true but it does not adequately explain why CBS, like any newspaper, would not support the authenticity of its own reports by more than merely asserting that they were true.

There undoubtedly will be some kind of a judicial determination, growing out of other cases, on whether or not reporters can refuse to supply their raw notes which might or might not support evidence of the commission of a crime.

And, of course, this question becomes sharper when reporters or photographers, as in the case of the Vietnam incidents, may be called upon to supply information against people who might have cooperated with them in production of a television feature. These people might conceivably be their friends, while reporters turning over their notes on demonstrators and protesters might not know the persons involved.

There are really two separate questions, the integrity of television broadcasting and the matter of the inviolability of a reporter's news sources. The courts can decide the latter. But the public wishes to know if what it is seeing on TV is authentic, exaggerated showmanship or just plain fakery, and it is much in the long-range interest of CBS to reassure the public on this point, either by proof of the authenticity of its reporting or corrective action against fakery.

WALTER REUTHER

Mr. HUGHES. Mr. President, in remembering Walter Reuther, I would rather speak of the great gains that came to our society because such a man lived, rather than to dwell on the immeasurable tragedy to America of his sudden loss. Walter was too vital a man to lend himself to obituaries.

My personal impression of Walter Reuther was one of sudden sunlight and

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quick lightening. Within him were the contrasts of greatness. He was the toughest of fighters against injustice, and at the same time a compassionate and prophetic planner for human betterment.

His passionate commitment to the great causes of this democratic society and of all humanity kept him youthful, looking into his early sixties.

It was my privilege to have a long visit with him by telephone on the Friday afternoon before his untimely death.

Out of this conversation, I received the same sparks of vision and leadership I have always gathered from my contacts with this great American. I would not presume to guess how many individuals in public life have gained strength and encouragement from Walter Reuther to sustain them in the never-ending job of building a just and better society. He was always the builder, never the iconoclast.

He was a brilliant leader among the brilliant men of his times. More than this, he had passion and faith. Equipped with them, man can move mountains. Walter Reuther did.

It was of no consequence to him that a cause might be unpopular, if he believed it was right.

He was one of the early crusaders for peace, despite the extensive involvement of his union in war industries. In recent months, he was an outspoken opponent of the ABM and of the extension of our Asian involvement into Cambodia.

He was the fearless advocate of the open society—open unions, open political parties, the unified American society in which there would be no exclusions or polarizations for reasons of age, ethnic origin, creed or economic status.

He was a pioneer among labor leaders for equal opportunity and the elimination of racial prejudice.

He entered the lists for these broad human goals with the same unquenchable zeal that he had brought to winning equitable wages and working conditions for the 1.3 million members of his union.

No one who knew Walter Reuther could doubt the memorial that he would want—the continuation by organized labor of his unique campaign, beyond the traditional bread and butter issues rightly prized by the workers, to the broader goals of building a stronger democratic nation and a peaceful world community.

I, for one, believe that the leadership of the United Auto Workers and other great units of organized labor will keep faith with Walter Reuther and build him the kind of living memorial he would have wanted.

ISRAEL INDEPENDENCE DAY

Mr. HRUSKA. Mr. President, this week the Nation of Israel celebrates the 22d anniversary of its Proclamation of Statehood. On May 14, 1948, Mr. David Ben-Gurion read the proclamation to a group of tearful but happy Jews gathered in Tel Aviv, and a few hours later, at midnight, the State of Israel came into existence. It was a paradox of history that this Nation, one of the oldest on the earth with a history of almost 4,000 years, should be welcomed into the family of nations in 1948 as a new member. In the intervening 22 years, the Israelis have demonstrated that they are a young and dynamic nation, worthy inheritors of the wisdom and industry of their forefathers.

Because of Israel's long and close relationship with the United States, it is fitting that we should note the anniversary of its statehood and take the occasion to reflect upon the growth and achievements of this young and vital nation.

In the few short years of its existence, Israel has successfully absorbed countless thousands of immigrants from lands as diverse as Yemen and the Soviet Union. Under conditions of extreme physical hardship, a State has been built that rivals any in the world for its industry, its creativity, and the dedication of its people.

In every field of endeavor, the Israelis have shown an uncommon capability to provide new insights, to seek new approaches, to devise new methods. It is perhaps this innovative spirit which has made the State of Israel so prominent in so many enterprises. But unfortunately, for all the initiative invention of the Israeli people, they have not been able to find the formula for peace in their land.

It is regrettable and tragic that the constant threat of escalating conflict continues to hang heavy over the Middle East. It is difficult to replace bitter enmity and rancor with candor and conversation, but peace and prosperity are worth pursuing and must be pursued despite the difficulty of the task.

It is my belief that the nations of the Middle East must mutually recognize the right of each other to live in peace as sovereign nations with secure boundaries. The United States does not propose that Israel withdraw from occupied Arab territory except in the context of a mutually accepted peace and measure to insure the security of both sides. While the President has said it would be a "grave mistake" for Israel to take final and formal possession of the occupied territories, he has also stated "it is not realistic to expect Israel to surrender vital bargaining counters in the absence of a genuine peace and effective guarantees." I am certainly in agreement with him on this point. What virtually the entire world is saying to both sides is that peace and withdrawal are inseparable. There will be no peace without withdrawal; there should be no withdrawal without peace. This has been the constant position of the United States since 1967 and is the essence of the November 1967 Security Council Resolution.

The most recent developments and their relation to the arms balance do, however, serve as a serious reminder of the depth of the Soviet commitment to the Arab countries. It is in this context that President Nixon observed that

> When one gets an enormous advantage over another, or a significant advantage, the danger of war coming escalates. That is why our policy has to be to try to maintain a balance so that neither is encouraged to embark on an aggressive course.

In a recent speech the President reaffirmed the commitment which he made to Israel last year in a speech to the B'nai B'rith convention. Senators may recall these words:

> Israel must possess sufficient military power to deter an attack. As long as the threat of Arab attack remains direct and imminent, sufficient power means the balance must be tipped in Israel's favor. . . . For that reason—to provide Israel a valid self-defense—I support a policy that would give Israel a technological military margin to more than offset her hostile neighbors' numerical superiority. . . .

The President recently emphasized:

> The United States is prepared to supply military equipment necessary to the efforts of friendly governments like Israel's to defend the safety of their people. We would prefer restraint in the shipment of arms to this area. But we are maintaining a careful watch on the relative strength of the forces there, and we will not hesitate to provide arms to friendly states as the need arises.

As the conflict continues, the world is becoming increasingly aware of the trials faced by the State of Israel. The wars between the Israelis and their Arab neighbors in the past two decades, have drained vital energy, wealth, and time from the Israeli people. It is important to note, however, that the pride of Israelis has never been lost. The pride they have in their young people who have been sent off to battle, retarding the process of nation building, should be an example to us all. In spite of the burdens which have faced this young nation, the Israelis have amassed one of the most astonishing records of growth and development of any nation in the history of the world. The Israeli triumph over adversity is truly one of the miracles of our time.

On the occasion of the anniversary of Israel's independence, we join the many friends of Israel around the world in offering our heartiest congratulations and expressing the hope that the next celebration in Israel shall be for a permanent and meaningful peace.

THE 22D ANNIVERSARY OF ISRAEL

Mr. McGOVERN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from New Jersey (Mr. WILLIAMS).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ISRAEL AT 22

Mr. WILLIAMS of New Jersey. Mr. President, this week the State of Israel is celebrating the twenty-second anniversary of its independence. On Independence Day, one would expect a national leader to recite, in prepared speeches, all the right nationalistic slogans, raising the Nation to the highest peaks of patriotism. This especially would appear to be the case for a country at war. One would expect that, in a country like Israel, the entire day would be devoted to glamorizing Israel's heroic victory in the Six-Day War of June, 1967.

Instead, we cannot help but notice the sober tones and mature international attitude of this young nation, as reflected by the Independence Day speech of that remarkable woman, Golda Meir, the Prime Minister of Israel. Instead of reflecting the attitude of a victorious warrior, Mrs. Meir assured the world that Israel would negotiate a peace "without preconditions" and with "full consideration for Arab dignity and legitimate rights."

This generous statement comes from the leader of a nation created by the survivors of history's worst example of the refusal to recognize the dignity of man and his legitimate rights. Out of the holocaust of World War II, a nation was reborn. All it claimed for itself was a tiny and physically not very desirable piece of the earth's surface. Few objective viewers would have given that handful of people much chance in their fight against the sun-baked wasteland. Fewer would have believed that they could protect that land and their own lives against the armed invasion of an Arab world outnumbering her 40 to 1 in population, and even more so in weaponry.

Twenty-two years and three wars later, Israel still lives and thrives. She lives on her strength of character, on her will to survive, on her dedication to a fruitful and productive life in the Jewish homeland.

But today, Israel faces a new threat. Indeed, the entire free world faces a new threat in the escalating Middle East crisis.

As I have stated previously, the recent escalation by the Soviet Union strikingly demonstrates the error made by the Administration two months ago in refusing to sell Israel American aircraft. Although we all abhor further arms escalation, in these circumstances we cannot delay for even one more day agreeing to sell Israel the aircraft she desperately needs in order to survive.

LUTHERAN MEDICAL CENTER AND REVITALIZATION OF SUNSET PARK IN BROOKLYN, N.Y.

Mr. GOODELL. Mr. President, last December 19 my distinguished colleague from New York (Mr. Javits) spoke eloquently of the Lutheran Medical Center in Brooklyn, N.Y., and its pioneering efforts to improve a seriously blighted urban area. I should like today to bring Members of Congress up to date on the progress that has been made by that hospital in the community of Sunset Park.

During the last 12 months, what was a diverse and fragmented neighborhood has united on the common ground of the hospital and in the hope of possibly revitalizing their neighborhood. In essence, the Lutheran Medical Center is attempting to create a bridge between its neighbors and their local, State, and Federal governments. It is trying to articulate for those who can help, the needs and hopes of the people in Sunset Park. It is working at bringing together the diverse groups to encourage a unified neighborhood. It is acting as an instrument to bring about change in their area.

The Lutheran Medical Center is seeking to be the focal point for other community forces to gather and create a strong neighborhood voice. It means to give support to existing community organizations by providing the talents of its staff, the use of its physical facilities, and the prestige of its institutions. It will help them with their functions, or operate neighborhood services in partnership with them, or design health services with their advice. In short, the Lutheran Medical Center is endeavoring to draw the attention of all to the plight of Sunset Park, and to weld the power of government and the power of the people into a positive force to improve the quality of life in their neighborhood.

There is evidence that this program of community advocacy is beginning to work. The following examples would give one hope that a community institution—serving the people and intimately involved with them, a major employer of neighborhood residents—can effectively serve as a community advocate.

The Lutheran Medical Center runs an Office of Economic Opportunity-sponsored neighborhood family health center, in its third year of operation.

The Lutheran Medical Center, in partnership with its community, runs a food distribution center.

As a result of interest generated in the community in support of using the hospital as the instrument for change, and in partnership with the city of New York, the Sunset Park redevelopment committee, a group of 16 community residents, representatives of the various ethnic, political, social points of view, was formed to work together to develop a broad plan for the redevelopment of their neighborhood. The result of this committee is a 120-page document that addresses itself to the needs and desires of a community, with community, hospital and city input—a far-reaching cooperative effort that has the kind of power necessary to bring it all to fruition. However, the Lutheran Medical Center is absolutely essential to the success of the urban plan.

The hospital has therefore applied to the New York State Department of Health for a loan under the State's loan program for voluntary hospitals. In this regard I was gratified that the Lutheran Medical Center—particularly through the efforts of Mrs. Bonnie Kraig, assistant to the president of the center—was able to steer through to enactment by the New York State Legislature a bill that is vital to the whole redevelopment program.

I think what is particularly exciting and innovative about the story of the Lutheran Medical Center is the effort being made by an indigenous institution to look beyond its own self interests, and see its role as concerning itself with the total health needs of its community. In a day when most institutions are fleeing the city, this one chooses to remain and create a momentum of positive action.

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Is there further morning business? If not, morning business is closed.

ATOMIC ENERGY AUTHORIZATIONS, 1971

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business which will be stated by title.

The Legislative Clerk. A bill (S. 3818) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The Senate proceeded to consider the bill.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, the reason for my asking for the quorum call was to alert Senators to the fact that new business is pending, it being Calendar No. 857, S. 3818, a bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Mr. President, I wish to point out that the authorization bill we are presenting today to the Senate is the result of 9 days of hearings by the Joint Committee on Atomic Energy, and additional probing questions by our committee and its staff regarding the authorization bill and the details of the atomic energy program as approved for inclusion in the President's budget for fiscal year 1971.

The bill reported out by the Joint Committee is the result of several months of careful consideration and the resolution of all differences among the members of our committee. The Joint Committee unanimously supports S. 3818.

S. 3818 would authorize appropriations to the Atomic Energy Commission totaling $2,290,907,000. This amount covers both "Operating expenses" and "Plant and capital equipment." This total amount is less than last year's authorization for the AEC by over $150 million, or over 6 percent less. If escallation is taken into account the actual effort for fiscal year 1971 is reduced over 11 percent.

Section 101(a) of S. 3818 would authorize appropriations of $2,013,307,000 for "Operating expenses" of the Atomic Energy Commission. A table summarizing the operating expenses for the AEC's major programs is set forth in the Joint Committee's report accompanying the bill.

I ask unanimous consent that that table be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

AUTHORIZATION OF OPERATING EXPENSES[1]

[In thousands of dollars]

Program	AEC authorization request	Committee recommendations	Change	Page No.
Raw materials	18,016	18,016		9
Special nuclear materials	348,518	348,518		10
Weapons	841,760	833,260	−8,500	14
Reactor development:				
Civilian power reactors	130,000	130,600	+600	16
Cooperative power	43,000	43,000		23
General reactor technology	42,000	42,000		27
Nuclear safety	35,940	37,300	+1,360	27
Operational services	1,890	1,890		28
Subtotal, civilian power-related	252,830	254,790	+1,960	
Space nuclear propulsion	43,000	43,000		28
Space electric power development	33,395	33,055	−340	30
Terrestrial electric power development	2,200	900	−1,300	31
Naval propulsion	132,000	136,800	+4,800	32
Total, reactor development	463,425	468,545	+5,120	
Physical research:				
High-energy physics	119,450	119,450		35
Medium-energy physics	13,140	13,140		36
Low-energy physics	27,860	27,860		37
Mathematics and computer	5,410	5,410		37
Chemistry	51,980	51,980		37
Metallurgy and materials	26,980	26,980		38
Controlled thermonuclear	29,610	28,610	−1,000	38
Total, physical research	274,430	273,430	−1,000	
Biology and medicine	88,300	88,440	+140	39
Training, education, and information	12,780	12,780		41
Isotopes development	6,000	6,920	+920	42
Civilian applications of nuclear explosives	8,000	7,500	−500	43
Community	7,844	7,844		45
Regulation	12,672	13,572	+900	46
Program direction and administration	111,128	110,828	−300	47
Security investigations	8,370	8,370		49
Cost of work for others	24,246	24,246		49
Revenues applied	−227,357	−227,357		50
Changes in selected resources	19,768	18,495	−1,273	51
Unobligated balance brought forward				51
Total	2,017,900	2,013,407	−4,493	
Less reduction for foreign travel		−100	−100	
Net authorization	2,017,900	2,013,307	−4,593	

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[1] A table showing the Atomic Energy Commission's appropriations request for operating expenses for fiscal year 1971 and the effects of the authorization recommendations of the Joint Committee on this appropriations request, is set forth as an appendix to this report on p. 65.

Mr. PASTORE. The table also shows the Joint Committee's recommended changes in the amounts requested; these reflect the committee's judgment respecting the funding necessary to maintain AEC's higher priority programs at an appropriate level.

The Joint Committee has recommended a reduction of $8,500,000 in the weapons program to adjust an imbalance it considered to exist among the AEC's 14 program areas. The committee has recommended utilizing this amount in AEC's civilian programs.

Several other reductions were made by the committee, including $1.3 million in the program for terrestrial electric power development, and $1 million in the controlled thermonuclear research program.

In the high-energy-physics program, the committee left unchanged the administration's request for $119,450,000 for operating expenses. As is generally known, the AEC serves as executive agent on behalf of the entire Federal Establishment for high-energy physics. As such, the Commission provides more than 90 percent of the funding from all sources for this program.

In talking about the high-energy-physics program, I am talking about the accelerators at Cambridge, at Princeton, at Argonne, and at Brookhaven, the 200-Bev. accelerator under construction at Batavia, Ill., the Stanford linear accelerator, and also the Berkeley bevatron.

The committee has added $4.8 million to the $132 million requested of the Congress by the administration for operating expenses for Admiral Rickover's naval propulsion program. The $4.8 million is a partial restoration of the $6.2 million reduction effected during the administration's budget review process. The total amount recommended by the Joint Committee will enable the Commission to proceed with its development program for advanced submarine nuclear propulsion reactors. The committee is deeply concerned about the budgetary actions taken to reduce the advanced development program for submarine naval propulsion reactors, particularly in view of the massive resources that the Soviet Union is continuing to apply toward the design, construction, and operation of its nuclear submarines.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the language in the committee report beginning under the heading "Naval propulsion" on page 32, to the conclusion of the dissertation on that subject; that is, down to the heading "Physical research" on page 34.

There being no objection, the excerpt from the committee report (No. 91–852) was ordered to be printed in the RECORD, as follows:

(9) NAVAL PROPULSION

A. AEC REQUEST

The AEC requested $132 million in operating funds for the naval propulsion reactors program for fiscal year 1971. This represents an increase of $11,145,000 over the estimated costs for fiscal year 1970. This increase is primarily due to continued effort on the development and testing of a high-powered, long-fuel-life reactor for propulsion of two-reactor nuclear-powered aircraft carriers and on the development of advanced reactors and cores for higher performance nuclear attack submarines.

In addition, the AEC requested authorization of $18,550,000 for plant and capital equipment. Of this amount, $1,800,000 is for general plant projects and $16,750,000 for capital equipment not related to construction. The latter amount includes $12,750,000 to complete the procurement of advanced computer systems for naval reactor development work.

B. COMMITTEE ACTION

The Joint Committee recommends authorization of $136,800,000 for the operating costs of this program in fiscal year 1971, an increase of $4,800,000 over the funds included in the President's budget request. The $4.8 million increase partially restores the reduction of $6.2 million made during the administration's budget review process for development work on improved nuclear submarine propulsion plants. These additional funds will enable the Commission to proceed with its development program for advanced submarine nuclear propulsion reactors. The committee also recommends the full amount requested for plant and capital equipment in order to provide the tools and facilities to support the research and development work.

The Joint Committee in hearings earlier this year reviewed the status of the naval nuclear propulsion program with particular regard to the advancements made by the Soviets in their nuclear submarine program. On the basis of this review, the committee believes that the U.S. naval reactors program, considered in its entirety, has achieved remarkable results in the field of submarines and surface warships. It continues to provide effective and reliable power reactors for both defense and peaceful uses of atomic energy all of which directly benefit our national well-being. However, the committee is deeply concerned about the budgetary actions taken against the advanced development program for submarine naval propulsion reactors. A reduction of $4 million was made in last year's budget which delayed the same development projects as those affected by this year's $6.2 million budget cut. The restoration of $4.8 million will help alleviate some of the delay in reaching the vitally important goal of maintaining superiority or at least parity with the Soviets in this field so critical to our national security. To continue to delay such work will, in the committee's opinion, jeopardize our future technological advantage in the field of nuclear submarine propulsion. Nothing is of greater importance than to maintain this advantage, particularly in light of the unprecedented challenge we face from Soviet nuclear submarines.

The classified testimony received by this committee confirms that tremendous resources continue to be applied by the Soviet Union to submarine design, construction, and operation. According to unclassified data, the Soviets now have a force of about 350 submarines, all of which were built since World War II. More than 70 of these are nuclear powered. The United States has 146 operational submarines, 87 of which are nuclear powered and the remainder diesel powered. Most of the diesel units are of pre-World War II vintage. In total numbers the Soviets have an advantage of 350 to 146. What is even more disturbing is that the numerical lead, so long enjoyed by the United States, in nuclear submarines is likely to vanish by the end of 1970. Considering the large-scale construction program underway in the Soviet Union, the United States will experience a growing nuclear submarine deficit in the years to come.

In the case of ballistic missile submarines, the Soviets have assigned top priority to surpassing our U.S. Polaris fleet. They are building nuclear-powered submarines similar to our Polaris types at a rate which will equal our fleet by 1973 or 1974. We can assume that already these submarines are patrolling the ocean—each with its 16 ballistic missiles targeted on U.S. cities.

The Soviets have also introduced a number of new design nuclear submarines having a wide variety of capabilities. They have made large-scale commitments to submarine design, development, and construction that far surpass our efforts in the United States. Unless we continue to move ahead in submarine propulsion plant development, the United States may well find that in future years it will be as far behind in quality of submarines as it is today in numbers.

In light of these consideration, the Joint Committee strongly supports the advanced development work for submarine nuclear propulsion plants and recommends that the Congress authorize an additional $4.8 million for this purpose. The committee also strongly supports a continuing nuclear submarine construction program which should include as a minimum this fiscal year, authorization of funds necessary to complete four high-speed SSN 688 class nuclear attack submarines and advance funding for two more. In this regard the committee wishes to express its deep concern over the continued delay by the Department of Defense in assigning to the SSN 688 class the highest industrial priority. The Congress has consistently supported a vigorous submarine construction program because of the vital part it plays in countering the Soviet submarine threat. The urgency of this program has not diminished and the Department of Defense should take prompt action to assign to the SSN 688 class the high priority it clearly deserves.

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The Joint Committee, in addition to urging the support of a vigorous nuclear submarine development and construction program, wishes to commend to the Congress a strong nuclear surface warship development and construction program. As the United States continues to reduce its oversea bases and to lay up over-age ships, and as the Soviet capabilities at sea continue to accelerate, the need for nuclear-powered warships in our fleet is of increasing importance. The nuclear-powered attack carrier and nuclear frigate programs are of vital importance to provide the mobility and tactical flexibility needed in our naval striking forces. Secretary of Defense Laird summarized the importance of nuclear-powered surface striking forces at the keel laying of the nuclear frigate *California* on January 23, 1970, as follows:

"What we are doing here today is to begin a vitally needed and continuing program of ship construction to improve the Navy of the United States. We are building nuclear-powered frigates for the Navy of the 1970's, the 1980's, and the 1990's * * *.

"The *California* will be equipped with antisubmarine, antiair and antisurface weapons. These will enable her to operate, either independently or in concert with other units, and in any or all of these important roles.

"As an escort to nuclear aircraft carriers of the present and future, the *California* and her successors which have been authorized by the Congress will greatly extend the range of attack carrier striking forces throughout the world.

"The additional radius of action which the *California* and her successors will provide to naval forces will be of great value to the defense of our country and the defense of our allies. This is particularly important as we face the inescapable reality of what the Soviet Navy is doing in expanding seapower throughout the world. The Soviet Navy is now second in power only to our own."

Mr. PASTORE. Mr. President, one of the difficulties of a member of the Joint Committee on Atomic Energy is the fact that he sits, hour by hour, day by day, listening to these very sensitive classified briefings, which are very compelling. Then, of course, I am put in the position that, when I come to the floor, because it is restricted information, because it is classified information, I cannot reveal it. I am inhibited from telling the American people just what is happening. For that reason, I lose all the dramatization of the points that should be made in order to explain the actions of the committee.

I have been in contact with the offices downtown, to see if I could not be given the authority to reveal some of this information so as to dramatize exactly what is happening, that is, as to our development in the submarine naval fleet as against what the Russians are doing, and the kind of new designs that they are developing, and the kind of maneuverability and performance that they are developing, and that, unless we meet our challenge, we could turn out to be second best.

We have always said that our Polaris nuclear submarines constitute our first line of defense. I hope we will never lose that position.

In response to my inquiry, this is what they authorized me to say. It is rather innocuous, but this is all I can say:

> For years, the Soviets have concentrated on developing high speed nuclear submarines. We know that several new classes of Soviet nuclear powered submarines are of an improved design, incorporating high speed and high performance capability.

All I can do is ask my colleagues to please infer from this what we are talking about. I sometimes think that is a shameful situation, because we just cannot make the American people understand what we are up against unless we give them the facts; but everytime we try to give them the facts, we are told by the Defense Department, by the State Department, and by others that it is classified information and we cannot reveal it.

So I hope that Senators will read very carefully all these words that are inserted here, and reach their own conclusions. If they have any doubts, they can come and ask me, and I will whisper it in their ears.

Mr. MILLER. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. MILLER. I commend the Senator from Rhode Island for what he has just said. I do think this raises a question as to whether he has any indication, or any information of any indication, on the part of the Soviets that they have any intention of possibly slowing down this submarine program of theirs, which he refers to in the report as an unprecedented challenge, and especially whether or not this might be within the area of negotiation during the SALT talks.

Mr. PASTORE. Well, it could be part of the negotiations during the SALT talks, but from my experience, the Russians are not fools. Since I became a member of the Committee on Atomic Energy in 1952, I have made a study of the whole history of progress in this area.

We started out in 1946 by trying to internationalize control over the atomic bomb. That is when we had it alone. The Soviets told us, "Nyet."

In 1949, they had their own explosion. They had a nuclear device, and then in 1953 they had a hydrogen bomb.

Then, of course, we were trying for the longest time to bring about a nuclear test ban treaty. We did not achieve a partial nuclear test ban treaty until 1963. I was one of those who were sent by President Kennedy to Moscow to witness the signing of this agreement.

What am I trying to say? When we agreed, in 1963, the Russians had already developed an antiballistic missile.

Now we have more nuclear submarines than they have. We have 41 Polaris and 46 attack nuclear submarines. We know, do not ask me how I found out, because I cannot tell you, I can whisper it in your ear, but I cannot tell you publicly on the floor, but we know that they have now developed their own construction capability in such a way that if we stand still and they keep going, in a few years they are going to catch up with us in all types of nuclear submarines, and maybe even pass us. Perhaps after they have caught up with us and passed us, then they will agree at the SALT talks. That has always been the history. But if you ask me at the moment, I would say "No." They will agree, on anything we are ahead on, that we stop.

But in anything in which they are ahead on, they will never agree to stop. They never agree to stop when they are behind, only when they have caught up or are ahead. That is what we are up against. Fundamentally, I can understand that. After all, you do not expect anybody to agree to something where they are going to be the underdog. They are not going to agree to that. No one ever is going to agree to that, and we would be foolish to think so.

But to answer the Senator's question as to whether they will stop their submarine construction, design, and development at this point, when we have more than they have, I doubt it very, very much.

As to the information I have, I received briefings from the CIA, from the intelligence community, and from the Defense Department; and, frankly, I have no place else to go. If I cannot believe them, then God help us.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. MILLER. I appreciate very much the Senator's response. May I say that his information is the same information I have received from the same sources.

I wanted to get the Senator's reaction to the possibility of the Soviets slowing down this program, the possibility that they might be in the area of negotiations.

Mr. PASTORE. I hope so.

Mr. MILLER. I know the Senator

hopes so. I recognize that he is being realistic and tough minded in his answer.

The next question that comes up, the argument we all hear, is this: If we continue to move ahead on our own nuclear submarine fleet, this is just going to cause further escalation on the part of the Soviet Union. I would like to know what the Senator from Rhode Island has to say in response to that argument.

Mr. PASTORE. I am not asking at this time that we build more subs, although I think we should. It has been recommended by Admiral Rickover.

What I am asking for today is a small increase in the amount of money for our research in developing a nuclear reactor for a submarine that the enemy cannot catch. Do I make that clear? That the enemy cannot catch. That is what I am talking about. Because if they can catch us, then our submarine is absolutely obsolete as a weapon.

The idea here is that you have to outdistance them. If they are faster than you are, as in anything else, they win the race. And they are going to blow up our subs if they can catch us. Yet, if we can go faster than they can, we make them No. 2 and we remain No. 1. That is the challenge. One may go along with that concept or not. But I think the Senator goes along with it. I know pretty much how he feels about these things, and I know his concern.

I am not trying to minimize the concern of other Members of the Senate. But it must be realized that we are in a very sensitive area here. The bear has not fallen asleep yet.

I am hopeful that we can reach an agreement at the SALT talks. The only answer to the madness in the world today is a disarmament agreement that can be enforced. That is the only answer. But until that day comes, let us not be fooled by any Trojan horse.

Mr. MILLER. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. MILLER. The Senator, in effect, has said, if I understand him correctly, that our strategy or our policy should be to try to develop something that will be so advanced that the Soviets cannot catch up, and that they will recognize this; and, having recognized it, then they may be amenable to negotiations or some kind of disarmament arrangement.

Mr. PASTORE. That is correct. That is my opinion. What we are talking about here is maneuverability, not quantity.

Mr. MILLER. We are talking about being in a position in which the Soviets will recognize that they cannot catch up—at least, without perhaps an inordinate amount of use of their resources—and that when they do recognize that they cannot catch up, they will then be more amenable to negotiations and to disarmament agreements than they are now.

Mr. PASTORE. That is correct.

I do not want our nuclear fleet or submarines to become sitting ducks. I think everybody understands that.

Mr. MILLER. The Senator recognizes this, I am sure—and I hope he will understand that I am perhaps taking the part of the devil's advocate in this—but I think it is important to bring out the fact that there are some who will then say we are sort of begging the question when we say they will never catch up and that the Soviet mind will react by saying, "We will indeed catch up," and that this will provide a further escalation of the arms race.

Mr. PASTORE. There is certain validity to that argument. There is no question about that.

As I said earlier, this thing can escalate and escalate and escalate, and I am not for it. I look at the present picture. I am not talking about the future. I am talking about the present picture. We know enough about the nuclear submarine development of the Soviet Union to know that unless we get going on an advanced design, as to increased maneuverability of our submarines, we could become second-rate insofar as quality and maneuverability are concerned. That is all I am saying.

As to the speculation regarding how this will affect the SALT talks, how the Soviet Union might look at it with respect to reaching a disarmament agreement, I cannot answer that question. I can speculate, and I quite agree with some of the theses that have been developed by the Senator. I would hope that in this particular case we would not get into that matter, because the Senator will find that just as many people disagree with him on that subject.

Mr. MILLER. The point the Senator makes, however, is that we do not know what the Soviet mind is going to do, what its reaction is going to be. We may hope that it will have a certain reaction, but we had better not take a chance on America's security.

Mr. PASTORE. That is correct. In the meantime, keep your powder dry. But, truly, "Don't shoot until you see the whites of their eyes."

Mr. MILLER. I appreciate the Senator's response. I know that he has had a vast amount of experience on a very key and sensitive committee, and I think his opinion is worth a great deal of weight.

Mr. PASTORE. I thank the Senator.

The following appears on page 33 of the report:

> What is even more disturbing is that the numerical lead, so long enjoyed by the United States, in nuclear submarines is likely to vanish by the end of 1970.

Imagine that: The end of 1970.

> Considering the large-scale construction program underway in the Soviet Union, the United States will experience a growing nuclear submarine deficit in the years to come.

That has reference to numbers. I am now talking about maneuverability and performance. We have learned that every time we made a new nuclear submarine, it was better than the one before; and the one who makes the last one always makes the best one.

I now continue with my statement, Mr. President.

The Joint Committee has also recommended additional funds for four programs in biology and medicine and isotopes development fields. In the biology and medicine field, the committee's recommended increase of $140,000 would apply to the Commission's food irradiation activities. These efforts will enhance the vigor of the food irradiation program and will materially contribute to its potential for success.

Under the biology and medicine program, the committee has strongly recommended the addition of $2 million in plant and capital equipment funds under section 101(b) of the bill to construct an addition to the physics building at Argonne National Laboratory to house a newly created Center for Human Radiobiology. During the Joint Committee's extensive hearings in the fall of 1969 and in January and February of this year on the environmental effects of producing electric power, there was repeated emphasis on the desirability of acquiring increased knowledge concerning the effects of chronic low-level irradiation on humans.

It is very important that, wherever possible, study and research programs learn as much as possible from actual exposures. The unfortunate experience of the radium dial watch painters, whose exposures occurred during the first third of this century, has provided considerable scientific data, but much more can be learned from examinations of affected individuals. The Joint Committee believes it is important that everything possible be done to assure that as many of the victims as possible participate in the study and research program, that the medical teams engaged in this important endeavor receive appropriate support, and that suitable facilities be provided to permit the study and research efforts to proceed systematically. The $2 million authorization added by the Joint Committee for the "Plant and capital equipment" category will make this possible.

To the isotopes development programs, the Joint Committee added $120,000 for work on radiation preservation of foods, and $800,000—and this is quite important, Mr. President—to begin the development of a power converter for an isotopic heart pump. The artificial heart program is being worked on cooperatively by the AEC and the National Heart and Lung Institute of the National Institutes of Health. This, I think, is an admirable program.

Included in "Operating expenses" is $254,790,000 for the civilian reactor development program of the AEC. For the nuclear safety category, the joint committee has recommended an increase of $1.3 million. The major fraction of the increase recommended by the committee would be utilized in reactor safety work pertinent to the liquid metal fast breeder reactor program. This breeder program is the highest priority civilian nuclear reactor program of this Nation. In the judgment of the Joint Committee, it is of major importance to the general welfare of this country, and it may well be essential to satisfy the need for adequate, safe, reliable, and economical energy. It will also assist in reducing environmental pollution.

There is a total of $71 million in

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this budget for the conduct of research and development on the effects of radiation on man and his environment, and related matters. It is with great pride that I point to the fact that the Joint Committee on Atomic Energy and the Congress have continued from the inception of the Atomic Energy Act in 1946 to date to see to it that radiation is controlled, regulated, and understood as completely and comprehensively as the human mind and human resources reasonably permit.

The Joint Committee has added $16.1 million to the $5 million requested by the administration for the cascade improvement program required for our uranium enrichment facilities. It is well to point out that the AEC originally requested $170 million for this program. Our Nation's enrichment facilities represent a vital national asset for all the people. It is extremely important that the capacity of these facilities be kept fully improved and augmented to fulfill our great need for special nuclear material in this country and to permit us to meet our commitments abroad.

Here, again, I am talking about peaceful use of atomic energy. I want the United States of America to be the merchants of these great new developments in atomic energy.

Section 106 of the bill before you would provide the authorization requested by the administration for the Commission to enter into a definitive cooperative arrangement for a liquid metal fast breeder reactor powerplant demonstration project. The demonstration project would entail research and development, design, construction, and operation of an LMFBR powerplant in cooperation with a reactor manufacturer-utility team. The opening phase of this demonstration program was authorized in fiscal year 1970 by section 106 of Public Law 91–44, AEC's authorization act for fiscal year 1970.

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The Joint Committee firmly believes that LMFBR demonstration plants will be a major and indispensable building block in the successful accomplishment of the breeder program—which program may well be essential if the needs of this country for an adequate supply of safe, reliable, economical energy are to be met.

The amounts of Government assistance authorized in section 106 of the bill are precisely those requested of the Congress. They are, essentially, $43 million, plus commitments of up to $20 million for Commission-furnished services, facilities, or equipment which the Commission has available or is planning to have available to it under its civilian base program, plus a total of up to $10 million in the form of waiver of the Commission's use charges for special materials.

Now, Mr. President, in conclusion, I have discussed some of the highlights of the principal provisions of the bill. The Joint Committee's report accompanying the bill discusses the features of the bill in considerable detail. Unless my colleagues have any questions, I shall dispense with further explanation of the provisions of the bill. I ask unanimous consent to have printed in the RECORD excerpts from the committee report No. 91–852 showing the section-by-section analysis of the bill.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

SECTION 101

Section 101 of the bill authorizes appropriations to the Atomic Energy Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, for "Operating expenses" and "Plant and capital equipment."

Section 101(a) of the bill deals with the authorization of appropriations for "Operating expenses." The Commission's authorization request under this heading was presented to the committee in terms of costs to be incurred during fiscal year 1971, adjusted in total to the obligations to be incurred during the fiscal year.

The Joint Committee is recommending authorization of $2,013,307,000 for "Operating expenses," not to exceed $119,450,000 in operating costs for the high-energy physics program category. It is the Joint Committee's intent that the amount specified for any program or category shall be exceeded only in accordance with specific arrangements which have been developed between the Commission and the committee. These arrangements include provisions for periodic reporting to the committee of changes in estimates of authorized programs. These informal procedures, embodied in an exchange of correspondence between the Atomic Energy Commission and the committee, have operated efficiently. It is the Joint Committee's belief that legislative measures or other formal devices that would impose legal limitations upon the reprograming of Commission funds are not necessary at this time. It is the committee's intent that the procedures specified in this exchange of correspondence shall remain in effect during fiscal year 1971.

It is intended that costs incurred pursuant to the authorization contained in this act shall be generally in accordance with the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC's fiscal year 1971 authorization bill.

Plant and capital equipment obligations are provided in two sections of the bill. Under section 101(b), authorization is provided for new construction projects and capital equipment not related to construction. This authorization, together with the change in a prior-year project authorization provided for in section 105, comprise the total authorization for plant and capital equipment provided in this bill. The AEC's request for authorization for these purposes was presented on the basis of new obligational authority required. New construction projects authorized under subsections (1) through (7) of section 101(b) of the bill total $95 million.

It is intended that the projects under this authorization be related, as in previous years, to the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC authorization bill. It is not intended to prevent technical and engineering changes which are considered necessary or desirable by the Commission consistent with the scope and purpose of the project concerned.

Pursuant to section 101(b)(8), appropriations are authorized for capital equipment not related to construction in the amount of $173,050,000. This equipment is necessary to replace obsolete or wornout equipment at AEC installations. Additional equipment is required to meet the needs of expanding programs and changing technology. Examples of typical equipment include machine tools, computers, and office equipment. The Joint Committee expects to receive a report from the Commission at least semiannually on obligations incurred pursuant to this authorization.

SECTION 102

Section 102 of the bill provides limitations similar to those in prior authorization acts.

Subsection (a) provides that the Commission is authorized to start projects set forth in certain subsections of section 101 only if the currently estimated cost of the project does not exceed by more than 25 percent the estimated cost for that project set forth in the bill.

Subsection (b) provides similar limitations for projects in other subsections of section 101, except that the increase may not exceed 10 percent of the estimated cost shown in the bill.

Subsection (c) provides limitations on general plant projects authorized by subsection 101(b)(7), whereby the Commission may start such projects only if the currently estimated cost of such project does not exceed $500,000 and the maximum currently estimated cost of any building included in such project does not exceed $100,000; provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy. Additionally, section 102(c) provides that the total cost of all general plant projects shall not exceed the estimated cost set forth in subsection 101(b)(7) by more than 10 percent.

Under arrangements previously agreed to by the Commission and the Joint Committee, the Commission shall report to the Joint Committee and the Appropriations Committees after the close of each fiscal year concerning the use of general plant project funds, and such report shall identify each project for which the proposed new authority has been utilized.

SECTION 103

Section 103 of the bill authorizes the Commission to undertake engineering design (titles I and II) on construction projects which have been included in a proposed authorization bill transmitted to the Congress by the Commission. It is understood that this work would be undertaken on projects which the Commission deems are of such urgency that physical construction should be initiated as soon as appropriations for the project have been approved.

SECTION 104

Section 104 of the bill provides authorization for the transfer of amounts between the "Operating expenses" and the "Plant and capital equipment" appropriations as provided in the appropriation acts. The AEC appropriation acts have, in past years, provided that not to exceed 5 percent of the appropriations for "Operating expenses" and "Plant and capital equipment" could be transferred between such appropriations, provided, however, that neither appropriation could be increased by more than 5 percent by any such transfer. It is understood that any such transfer shall be reported promptly to the Joint Committee on Atomic Energy.

SECTION 105

Section 105 of the bill amends prior AEC authorization acts as follows:

(*a*) Subsection 110(f) of Public Law 86–50, as amended, is further amended by adding at the end thereof the following: "*And provided further,* that waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

(*b*) Subsection 101(b) of Public Law 89–32, as amended, is further amended by adding to paragraph (4) for project 66–4–a, sodium pump test facility, the qualifying words "for design and Phase I construction."

(*c*) Subsection 101(b) of Public Law 91–44 is amended by increasing the authorization for project 70-1-c, waste encapsulation storage facilities, Richland, Washington, by $9,550,000, to $10,750,000 and by removing the restriction to architect and engineering services only.

SECTION 106

Section 106 of the bill authorizes the Commission to continue the project definition phase (authorized by section 106 of Public Law 91-44) and to enter into a definitive cooperative arrangement for the research and development, design, construction, and operation of a demonstration liquid metal fast breeder reactor (LMFBR) powerplant. The bill increases the previous authorization (for the project definition phase only) from $7 million to $50 million, which increase is included in section 101. In addition the Commission is granted the discretionary authority to provide up to $20 million in the form of Commission-furnished items and, further, to wave fuel use charges up to a total of $10 million. The participation by the Commission is authorized without regard to sections 53 and 169 of the Atomic Energy Act. Any cooperative arrangement agreed upon must be submitted to and lie before the Joint Committee on Atomic Energy for a period of forty-five days.

Mr. PASTORE. Mr. President, the Joint Committee on Atomic Energy unanimously urges enactment of S. 3818 in its present form.

Mr. AIKEN. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, the distinguished Senator from Rhode Island has done such an excellent job of explaining the pending bill that he does not leave much of anything for me to say.

The Senator from Rhode Island is one of the best chairmen we have ever had on the Joint Committee on Atomic Energy. He is conscientious in his work and accurate in his descriptions.

I do not know that I can say anything more than that. As I have already said, he has given us a thorough explanation of the bill.

Mr. President, in case other members of the committee have something to say on the pending bill, I suggest the absence of a quorum, in order to alert them.

The PRESIDING OFFICER (Mr. STENNIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I associate myself with the remarks of the distinguished Senator from Rhode Island (Mr. PASTORE), particularly with what he has had to say about the defense of our country, especially with reference to nuclear powered naval vessels.

We must keep in mind the long lead time that is necessary in a program of this kind. It takes many years at the best. We would be derelict in our duty today in failing to provide for the defense of the country, and the ill effects of that course of action would perhaps not show up for many years—at a time when perhaps some of us would be no longer serving in the Senate.

It calls for conscientious and sometimes courageous action to support defense measures. Congress is charged with the responsibility of providing for the national defense. We should not be tempted to neglect that responsibility for any reason whatsoever.

Strength in the hands of a peace-loving country such as the United States is strength built up and exerted to prevent war rather than to invite it.

Mr. President, there were a couple of other items in the authorization bill upon which I should like to comment. I am very much interested in the food irradiation program. The program of food irradiation is a means of preserving food.

A great portion of the population of the world is not only hungry but also without refrigeration. In order that those people might be reached and provided with a proper diet, including protein, anything that advances the preservation of food is a humanitarian enterprise. In addition, it will greatly expand the markets of the United States.

We know from what has already been accomplished in the way of food irradiation that fresh fruit, such as berries, can be treated with irradiation and instead of spoiling within 1 or 2 days, perhaps their life will be extended for 10 days or so.

That means that the producers of that product have a greater market and a wider market area. That is also true in reference to the market for red meat.

The total amount requested by the Bureau of the Budget for the food irradiation program was only enough to barely keep it alive but not enough to insure a significant contribution to the world effort in this field. The Joint Committee has recommended additional authorization for the two phases of the AEC's program—isotopes development and biology and medicine studies—which essentially double the level of effort for the coming year over that requested. At that, the total amount involved is still only $540,000. That is a minimum the committee deems essential for a meaningful program in low-level radiation of food products which is now approaching fruition. This program, together with the Army's high-level radiation sterilization program, will provide a balanced effort to help the United States retain its position of world leadership in this field.

That position is in jeopardy even now. Our country has approved only two products—wheat and potatoes—for consumption after radiation treatment. Israel has also approved two, but Canada has three and Russia has nine products on the approved list. Many other countries—The Netherlands, France, Denmark, West Germany, Spain, Hungary, England—all have programs to develop this technology which is going to be the food preservation method of the future. They look to us for guidance and leadership both in technology and commitment. The amounts recommended by the committee should be adequate for us to continue in a worthwhile fashion.

Mr. President, my State of Nebraska is vitally interested in this program.

The State of Nebraska, including the industrial resources division of the State government and the University of Nebraska and many other agencies, have made contributions to the program of food irradiation.

We do this for two reasons. First, we are convinced that it will be a means of helping to feed the people of the world. Second, and very frankly, it will widen the markets available to the farmers of America.

Some day the turmoil in the country will subside. We will always have problems, but we will not always be in an emotional crisis such as now.

When that time comes, this program will aid rural America by adding to its income. It will help to build a stronger rural America. Any program that offers better and wider markets for the products of our farms will be welcome.

Such a program will serve two great purposes. It will add to the greater potential of rural America and make a contribution in the feeding of the whole world.

There is another item in the bill that I should like to mention. I refer to the subject the distinguished Senator from Rhode Island spoke of—the artificial heart research program. This is very important. It is one avenue that promises great hope in connection with saving lives that are now lost because of heart failure.

We have had some miraculous things happen in the way of heart transplants. Actually, however, there are not enough timely donors to scratch the surface. Furthermore, it has not been demonstrated as yet that the transplant of a human heart is a lifesaving process for very long. The procedure is limited by the length of time that the benefits accrue to the recipients of the heart transplants. The recipient is assured of living for a while, but not for too long. There are many problems yet to be overcome. So, we must turn our attention to other methods.

Several studies made by the National Heart and Lung Institute and others indicate that of the some three-quarters of a million people who have died annually from heart disease, about 100,000 might have been saved had a circulatory support system been available.

The Atomic Energy Commission and the National Heart and Lung Institute have divided the research efforts on a radioisotopic powered artificial heart program.

The present program entails current and proposed research on an isotopic heat source, a power converter, a power transmission system, and the heart pump. The AEC's fiscal year 1971 budget contains $500,000 for continuation of the program of fuels—medical grade plutonium-238—and radiation measurements research. I consider that this sum $500,000, constitutes a minimum level of effort to obtain meaningful progress in the development of the heat source.

In fiscal year 1970, the joint committee recommended authorization of, and the Congress appropriated, $800,000 to start research on the second item of the system—the power converter. Those funds were lost to the AEC during an administration application of an unallocated congressional reduction of $22 million in the fiscal year 1970 budget.

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I strongly recommend that $800,000 be authorized for fiscal year 1971 so that the AEC can begin research on this extremely vital project, the power converter.

Successful development of an isotopic powered artificial heart will result in a longer and better life for thousands of Americans.

Mr. President, in yielding the floor, I wish again to commend the distinguished Senator from Rhode Island for the service he rendered and the leadership he provided in this very important program that is represented in this authorization bill.

GASEOUS DIFFUSION PLANTS

Mr. GORE. Mr. President, in the entire Atomic Energy budget, the decision of the Joint Committee which has the most significant impact is that relative to the Government-owned gaseous diffusion plants which are the sole source of enriched uranium for fuel to power nuclear reactors. Enriched uranium is also used in nuclear weapons. The committee is recommending the addition of $16.1 million in construction funds to initiate the so-called Cascade improvement program known as the CIP.

As many Senators know, uranium is enriched, that is, the percentage of fissionable material is increased, by means of a gaseous diffusion process which remains highly classified. Developments in the technology associated with this process have provided us with the ability to increase the production capacity of the three existing plants by improving the Cascades—the actual diffusion machinery—without increasing the electric power level at which they are operated.

The CIP is the first of several steps which must be taken to increase our capacity to meet the rapidly growing demand for enriched uranium. It is a large-scale project which will take many years to complete, but it will provide additional capacity at the lowest cost of any means presently available.

Our gaseous diffusion plants provide a source of material for our nuclear weapons, but such uses draw on only a very small percentage of the plant capacity. By far—and I mean well over 95 percent—of the enriched uranium is used as fuel in domestic and foreign nuclear powerplants. The capacity of the diffusion plants has a finite limit and estimates of the demands upon that capacity, both foreign and domestic, indicate that such capacity will be exceeded by demand by the mid-1970's. In fact, the greatest proportion of the capacity will be committed by the end of this year. The AEC has estimated that, by the end of 1978, the demand will outstrip AEC's ability to supply all customers from both current production and preproduced inventory.

Notwithstanding these facts, the administration has for the second consecutive year refused the request of the Atomic Energy Commission to seek authorization of funds to initiate the Cascade improvement program. Last year the Commission asked for $138 million, but the administration rejected it. This year the AEC asked that $170 million be authorized and $61 million appropriated. Instead, the budget submitted contained only $5 million for architect-engineering work. This small amount for A–E work would provide no assurance that the administration will eventually get on with the job of increasing the capacity of these plants. Certainly installation of the CIP would be delayed for at least 1 more year.

It is the considered judgment of the Joint Committee that we cannot afford this continued procrastination and delay.

This decision was reached unanimously by the committee.

I pause in this discourse to thank the distinguished and able senior Senator from Rhode Island for his leadership and his support in this field, and to the chairman of the Joint Committee, Representative HOLIFIELD, and to each member thereof. It is clearly recognized by everyone knowledgeable in this field, including the administration, that the existing facilities must be improved, and that notwithstanding such improvement there will be a need for a new enrichment facility by the end of this decade. In the judgment of the Joint Committee the time to commence the improvement of these plants is now. Ideally, it should have been started last year.

It should have been started last year because, unless we do proceed with the improvement of this source of nuclear fuel this country faces a crisis in energy both at home and with respect to the demands upon our country from abroad.

The effect of the recommended addition of $16.1 million is to permit not only the necessary planning but also the initial construction and long leadtime procurement for the production support facilities necessary to effectuate improvement of these plans and, further, to permit the design and procurement necessary for actual installation of improvements to the first 80 stages by December 1974. Authorization of such activity this year advances by about 6 months the completion of the CIP. More important, this initial commitment will provide the necessary assurance that the U.S. gaseous diffusion plants would continue to have sufficient capacity to meet the needs of all qualified customers, both domestic and foreign. It will enhance the prospects for continued sale of U.S.-type reactors abroad with the attendant trade and balance-of-payments advantages. Moreover, it will assist in minimizing the risk of further proliferation of nuclear weapons.

Mr. President, I noticed with interest and approval today the testimony of Secretary of State Rogers that the administration was vigorously seeking a voluntary agreement with Japan and other nations with respect to textile imports into the United States. This has become an acute problem. I have watched with interest the bill introduced by the distinguished chairman of the Ways and Means Committee, Representative MILLS, and I hope that the administration will proceed with vigor and that its efforts will succeed in the conclusion of a voluntary agreement.

Unless this is done, I wish to call to the attention of the nations exporting to the United States the necessity for the Congress to consider their refusal to enter into a reasonable voluntary agreement, should they so refuse. But here is an opportunity to sell reactors abroad, to export reactor parts, to export fuel to be used in those power reactors. This is a field in which the United States has no competitors. Indeed, it is a demand which we have agreed to supply in consequence of the adherence to the Nonproliferation Treaty by many nations that are in political affinity with the United States.

In order to meet those demands abroad and in order to reap the rewards of the added trade, the benefits to our balance of payments, jobs to Americans, it is necessary to start now an expansion of the plants necessary to produce the fuel.

Let me reiterate, there is no dispute that this work must be done. The administration is seeking again to put off the inevitable. The Joint Committee has exhaustively studied this program in extensive hearings over the past 2 years and is of the firm belief that we must go forward now. Let me remind my colleagues of earlier occasions when the Joint Committee stood before the Congress urging that the legislative branch provide the necessary leadership to accomplish significant national objectives. The most outstanding example was in the development of the H-bomb. Perhaps of equal significance was the development of the nuclear submarine which today provides one of our most effective deterrents against war.

Indeed, as we consider the whole question of deployment of deterrent nuclear weapons, the most secure weapon we have now, the weapon in which we can place most confidence, the weapon about which a potential enemy would be most concerned, is the nuclear submarine.

The improvement of the Nation's only uranium enrichment facilities stands with these two examples in its import to the national well-being.

I need not remind the members of this body of the crisis our Nation faces in providing an adequate supply of low-cost electric energy.

The distinguished senior Senator from Vermont, the beloved Senator AIKEN, has spoken many times in this vital field. He has shown the way by pointing to the need by our country of sources of reasonably priced electrical energy.

Nuclear powerplants will play a major role in solving that crisis—but not without the enriched uranium they need as fuel. Without the timely improvement of the gaseous diffusion plants, there will not be adequate nuclear fuel for those electric powerplants. Already we have had to reduce the scope of our guarantee to supply fuel to foreign countries for their reactors. The United States has had to limit from 5 years to 3 years the period within which construction must begin on foreign reactors in order to qualify them for inclusion in a fuel commitment. Our continued capacity to supply low-cost nuclear fuel is an important economic factor in deterring other nations from development of their own enrichment capability. With such capability comes the attendant increases in the potential proliferation of nuclear weapons. In addition, our inability to supply the fuel for foreign reactors will represent the loss of a very substantial foreign market. A commitment to the CIP must be made now to avoid these problems in the near, and I emphasize near, future. I urge support of the Joint Committee's recommendation to move forward with this program before it is too late.

Not only do I urge approval of the authorization, but I beseech the Appropriations Committee to make available the full appropriation herein authorized.

Mr. MILLER. Mr. President, the distinguished Senator from Rhode Island indicated that he would be pleased to answer questions. I have a few questions I would like to ask him. If perchance some of them get into classified answers, I shall be pleased to consult him without having any of that information made public.

I would like to refer to the committee report, copies of which are on our desks. On page 35, at the bottom of the page, there is a reference to the plan of the Atomic Energy Commission to phase out the Princeton-Pennsylvania accelerator during the latter part of fiscal year 1971. The report indicates that that is most disturbing to the Joint Committee. The report indicates that that facility cost the taxpayers of this country approximately $40 million, and that it has only been in full operation during the past 5 years.

I wonder if the Senator would be good enough to tell us what that plan is and why there is such a plan, because the committee is obviously concerned about it. May I say that the Senator from Iowa is concerned about it.

Mr. PASTORE. It is the old story—budgetary stringencies. I do not quite go along with it. We have invested so much money in it that I think it is next to folly to cut it out. Of course, other facilities are being built at Batavia, Ill. We were critical of the witnesses who appeared before the committee, not of their personality or character, but of their judgment in phasing out this particular facility. It has to do with high energy physics. It has to do with basic knowledge in science. It is regrettable that, after we put in the amount of money that we have put into it, it is said that it must be cut off a bit here and a bit there. May I say that it is a case of biting off your nose to spite your face.

That is the best answer I can give the Senator.

Mr. MILLER. The report states that the committee strongly recommends that steps toward termination be deferred to see whether or not sufficient funds can be obtained to permit continued use of the facility. What did the committee have in mind as to the source of "sufficient funds"?

Mr. PASTORE. We have made money available for fiscal year 1971. We requested $2 million to allow orderly phaseout during fiscal year 1971. I think we ought to keep it up in years subsequent to fiscal year 1971.

Mr. MILLER. The Senator, in effect, is saying that these "sufficient funds" could come from the Atomic Energy Commission, but the report refers to efforts by Princeton University and the University of Pennsylvania also. Is there some possibility of funds being raised by the universities to move into this?

Mr. PASTORE. I would hope they would not stop operation. As a matter of fact, Princeton is quite an area of scientific activity, as the Senator knows. I do not think they want to lose it.

Mr. MILLER. If this is phased out, what will happen to it?

Mr. PASTORE. It will not be used; it will just be there. It would be like putting a ship in mothballs. It would be there, but it would be in mothballs. That is about the size of it.

Mr. MILLER. There would not be any opportunity to sell it to a private organization, to realize some return?

Mr. PASTORE. I do not think so. This has to do with basic research.

The private people who go there are scientists and professors who use the facility to conduct their experiments. Many times, of course, industry is interested as well; but if this takes a commitment, I doubt very much if any one industry would undertake the expense.

Mr. MILLER. How much does it cost to operate this a year?

Mr. PASTORE. I will have to put that in the RECORD later. I have no off-hand figure.

Mr. MILLER. One thing that I would wonder is, if the Atomic Energy Commission simply phases out its costing of the program, it would seem that possibly the universities concerned might just go ahead and operate it themselves. There are 15 universities, as I see in the report, which make use of this facility.

Mr. PASTORE. That is right. There has just been handed to me the information that the cost to operate the Princeton-Pennsylvania accelerator is projected at about $4 million for fiscal year 1970. It can be operated for as little as $2 million per year.

Mr. MILLER. I thank the Senator for his answer.

I refer to page 37 of the committee report, under the item "Chemistry research." The report says:

> The Joint Committee notes that this total research effort will be reduced $1,990,000 below the estimated costs of $53,970,000 for fiscal year 1970. Also, many offsite (university) contracts will be canceled during fiscal years 1970 and 1971.

Does the Senator have any information readily available to him, either from his own files or from the files of the committee staff, which suggest what this is going to mean as far as university contracts are concerned, what universities will be affected and what amounts?

Mr. PASTORE. I do not have much information. I would assume they would be cut, but I think we should put the available information in the RECORD later.

Mr. MILLER. If the Senator could have the committee staff get that information and supply it for the RECORD, I would appreciate it.

Mr. PASTORE. All right.

There being no objection, the presently available information was ordered to be printed in the RECORD, as follows:

OVERALL EFFECTS OF BUDGET RESTRICTIONS ON AEC CHEMISTRY RESEARCH PROGRAM

At the national laboratories, the primary impact of budget restrictions has been in the area of employment. At Argonne, a total of 55 staff and support personnel have been terminated in 1969 and 1970. At Lawrence Radiation Laboratory, reductions will result in the loss of about 10 scientific personnel and an equal number of supporting staff. The pattern is similar for Oak Ridge (39 lost since 1969) and Brookhaven (30 lost since 1967).

In other cases, budget restrictions have resulted in the Chemistry program assuming an increased share of facility operating costs. For example, at Brookhaven the reduction in support of the cyclotron provided by the Physics Department will impose 90% of the costs on chemistry in FY 1971, compared to 40% in FY 1969 and 75% in FY 1970.

At Notre Dame, all of the programs in physical and inorganic chemistry, including spectroscopy and spectrometry, will be terminated and activities will be confined to needs of the radiation chemistry program.

In the off-site program, it will be necessary to terminate approximately 26 contracts totalling roughly $550,000 during FY 1970 and FY 1971. Although every effort is being made to minimize the impact of these actions, the net effect will be a reduction in the level of chemistry research at off-site locations.

DISTRIBUTION OF BUDGET REDUCTIONS

The overall philosophy in distributing budget reductions has been to continue to work in each area that is considered of highest relevance to AEC programs and to use the major facilities available for this work. Within the areas of research, i.e., Nuclear, Structural and Inorganic, Radiation, Isotope and Physical Chemistry, and Systems and Materials Chemistry, the reductions have been roughly proportional to the program and it is within the fields in an area that the increases and decreases are to be taken. In the special projects area, efforts will be made to insure the expeditious analysis of samples and to reduce the R&D efforts. In the area of preparation and purification of special isotopes for research, the major cost is the operation of the high Flux Isotope Reactor and the Transuranium Processing Plant to prepare transplutonium elements. This must be continued at a level which insures the continued operation of the reactor to get maximum production of transplutonium isotopes which decay during any shutdown of the reactor. Increases in the cost of this operation will be offset by a reduction in R&D for target preparation and other special isotopes.

In the areas of Nuclear, Structural and Inorganic Chemistry, the nuclear and heavy element program will be kept as near to current levels as possible, and reduction will be made in inorganic, high temperature, and structural and theoretical chemistry. In the field of structural and theoretical, the emphasis will be on structural (neutron diffraction) with greater reduction in the theoretical work.

In the area of Radiation, Isotope and Physical Chemistry, the radiation and hot atom chemistry reduction will be kept at a minimum, which means that the effort in isotopic effects, physical and analytical chemistry will be cut back.

In the area of Systems and Materials Chemistry, the balance between fields will be maintained at approximately the current program.

The off-site program will be reduced proportionately more than the on-site. The distribution of reductions between off-site and on-site is to a great extent determined by such factors as the need at the national laboratories to maintain balanced chemistry programs with expertise in many fields in order to insure the vitality of the laboratory. Each laboratory chemistry division has its special character determined by the staff, the overall laboratory programs and the unique facilities of the laboratory. Some examples are: Lawrence Radiation Laboratory in 1971 will have the Improved Heavy Ion Linear Accelerator and is a prominent center for heavy ion research. Argonne has a new pulsed electron accelerator for radiation chemistry, Oak Ridge has a program of heavy element chemistry; and Brookhaven specializes in hot atom chemistry.

In the off-site program the individual projects are usually carried out in chemistry departments at universities where other research is going on without AEC support. Therefore, the selection of work does not have the consideration of overall balance of the program of the department and each project can be considered on the basis of its importance to the AEC. In the case of nuclear chemistry and radiation chemistry, the AEC is the principal source of support for such work.

LIST OF PROGRAMS SEVERELY CURTAILED

High-temperature and molten salt studies will be reduced at Ames and Argonne, and inorganic chemistry and analytical chemistry research will be severely curtailed at all of the laboratories and in the off-site program. A reduction will be effected in physical chemistry support in the off-site program by the termination of a number of contracts where the relevance to AEC interests exists but is less pronounced than in other areas. The Notre Dame Radiation Laboratory will completely eliminate all physical and inorganic chemistry research in favor of radiation chemistry studies. All of the National Laboratories will cut back on the support of postdoctoral research associates and Argonne will eliminate its summer research participation program.

Since the major facilities available to the Chemistry Programs are not numerous and almost exclusively on-site, and since programs and the use of such facilities are emphasized, no shutdown of major facilities is being contemplated.

Mr. MILLER. On page 39 of the committee report, under "Biology and medicine," in the middle of the page, there is a statement that:

> The Joint Committee recommends that the increase in operating expenses of $140,000 be applied to the food irradiation program. The committee believes that these additional funds are necessary in order to carry out the work required to assure approval of planned petitions to the Food and Drug Administration (FDA) on irradiation preserved foods.

I am interested in this subject, because a year or two ago I had considerable correspondence with the Defense Department on the use of irradiated foods for the armed services. I take it what this relates to, however, is the use of such foods in a commercial sense rather than an armed services sense; is that correct?

Mr. PASTORE. That is correct.

Mr. MILLER. I ask the Senator whether or not the work done by the Defense Department could not have been utilized as a basis for FDA approval.

Mr. PASTORE. I think they participate now.

Mr. MILLER. I would hope that they participate.

Mr. PASTORE. They have a tremendous interest in this.

Mr. MILLER. But I wonder what this work is that is supopsed to be done with this money, to assure approval of planned petitions.

Mr. PASTORE. Say that again, please.

Mr. MILLER. The committee report says:

> The committee believes that these additional funds are necessary in order to carry out the work required to assure approval of planned petitions.

I must say I am not at all clear on what kind of work that would be.

Mr. PASTORE. Well, it runs the whole gamut, feeding studies and radiation studies, things of that kind. It goes to the acceptability of the product.

Mr. MILLER. In other words, this is work done by the Atomic Energy Commission?

Mr. PASTORE. Under the auspices of the Atomic Energy Commission, that is right.

Mr. MILLER. Either directly or through contract?

Mr. PASTORE. That is right. It is done under contract.

Mr. MILLER. Then the results of this work are turned over to FDA, for FDA to use in evaluating products?

Mr. PASTORE. That is right, in determining whether or not they will accept it. Many products—such as, the Senator will remember, the fishmeal we have talked about here in the Senate many times—are acceptable in many countries of the world, but it is hard to get them accepted here in the United States through the Food and Drug Administration.

I will say this: I do not think the American eating public is ready for irradiated food. Not today. I think the time will come when it will be acceptable, but, as the Senator from Nebraska brought out, there are a lot of people throughout the world who are on the edge of starvation. They are hungry, and while there is a remote possibility that this may not meet the acceptability standards of the American palate, it certainly would go a long way for people who have not eaten for days; and that is where you get your first acceptability.

The food is absolutely pure and absolutely safe, but sometimes, of course, there may be a little bit of a change that comes about in the taste of food, and you have to get used to it. It is like one cigarette against another cigarette. I do not smoke, but they have so many brands to satisfy so many people that there must be a difference among them, and it is the same way with food.

For example, you eat bacon, and bacon has a certain taste for you. If you irradiate bacon, it may change the taste a little bit. It is just as good and just as nourishing, yet you may have to get used to the new taste.

Mr. MILLER. The Senator from Iowa appreciates that, and he is very much in favor of it.

Mr. PASTORE. Yes, I know that.

Mr. MILLER. But I do not know, for example, why this money is not authorized and being expended by the Food and Drug Administration, if this is something that is supposed to enable FDA to give approval of petitions filed with FDA.

Mr. PASTORE. Well, because they do not do that sort of thing. They do not perform the research and then pass judgment on their own work. I think that is what we are up against.

The Senator must realize, here, that much of the impetus on these programs comes chiefly from the Joint Committee—I can say that with due pride, and yet in full modesty—even more so, sometimes, than the Atomic Energy Commission itself. Many times they come up here with a weakened position until we fortify it for them. I will tell the Senator frankly, I have never met a group of 18 Members of Congress who were more energetic, more devoted, more dedicated, or more hard working than the 18 members of that committee. Sometimes, because of our multitudinous responsibilities in the Senate, we do not attend as many of the meetings as some of the Members of the House of Representatives, although we try to go as often as we can.

The fact still remains that I have never seen anything quite like it. There is no ballyhoo about the committee; no fanfare about the committee. Most of its work is done behind closed doors. But this is the committee which got for America its first nuclear submarine. This is the committee which gave America the first hydrogen bomb. This is the committee that has always been on the alert. Time and time again—we could write a book on this subject.

So when the Senator asks me, "Why do you not give it to the Food and Drug?" I reply, "because it may die on the vine. Leave it where it is now, and something will come of it."

Mr. MILLER. The Senator from Iowa appreciates the great work of this committee, and I think it can be said that a considerable amount of it is attributable to the leadership the committee has had.

However, I take it that the Senator from Rhode Island is saying that there is no problem as far as the relationship and the cooperation between the Atomic Energy Commission and FDA is concerned.

Mr. PASTORE. Absolutely none. Absolutely none.

Mr. MILLER. On page 41 of the committee report, the committee notes that:

> The field of ecology has recently become a topic of great popular interest. The Commission's research program in this area predates this recent upsurge of interest. The overall funding for ecological studies in the fiscal year 1971 AEC budget is in excess of $18 million for the biology and medicine program.

I take it that this interest of the Commission in ecology has gone back, probably, a number of years. Are there any reports that the Commission has issued on the problem of pollution from atomic devices?

Mr. PASTORE. We have had extensive hearings. We have volumes of hearings testimony before our committee, and reports.

Mr. MILLER. But has there been anything beyond the hearings?

Mr. PASTORE. We have issued reports.

Mr. MILLER. The committee itself has issued reports?

Mr. PASTORE. We ourselves.

Mr. MILLER. May I ask how recently one might have been issued?

Mr. PASTORE. I am told about 3 months ago. I will see that the Senator gets a copy.

Mr. MILLER. I would appreciate it. I

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think, Mr. President, that it would be well for the work of the Atomic Energy Commission on this subject to be popularized a little more, because there are a great many people who are not familiar with the fact that the Commission, and no doubt the committee, too, have been on top of this thing for quite some time.

Mr. PASTORE. The Senator comes from a State that has an acquaintanceship with the entire development of atomic energy. I can say to him that insofar as the record of safety of the atomic energy activity of this Nation is concerned, there is no record quite like it, particularly when we realize the the vastness of our participation, the types of weapons we have developed, the number of bombs we have produced, and the number of reactors we have throughout the country—research, experimental, and actual power producing reactors, in various parts of the country. When one realizes that more people were affected through painting the watch dials with radium in the 1920's than through the development of the whole atomic energy program, he says to himself what a marvelous record that is. We have always been on top of safety. That is our primary concern.

I do not know whether the Senator has ever visited one of these places where you have to put covers on your shoes and they give you coveralls to put on, and when you come out they give you a thorough check with the Geiger counter. You say to yourself, "We can't afford to ever become careless or negligent." We have always been exceedingly careful.

I am gratified that we have maintained such a fine record of safety in this industry. It is a primary concern, because we are dealing here with radiation. There is no question about it. If man becomes complacent, one can imagine how serious it can become.

The Senator ask me whether or not we have been interested in pollution in this connection. This dates back to the beginning of our atomic energy program. We have to be interested in it. There is no question about it. We have to be interested in what comes out of that stack, what comes out of that reactor, and what gets into the water. Otherwise, the whole program could be jeopardized.

Mr. MILLER. I think the Senator appreciates the fact that there are some who talk about the ecology program as though certain committees in Congress have never heard of such a thing. While I realize that the Public Works Committee, of which I was a member at the time, got into the Water Pollution Control Act back in 1962, the Atomic Energy Commission has been working on this for a much longer period of time.

Mr. PASTORE. Yes.

Mr. MILLER. I think it would be very useful for many people to obtain copies of the reports to which the Senator has referred.

I would like to drop down to the next section, "Training, Education, and Information," on page 41. The statement is made:

> Program efforts are directed toward assistance to colleges and universities in establishing nuclear curricula.

Could the Senator tell us how much of this authorization is proposed to go to this type of activity?

Mr. PASTORE. $12,780,000 was requested for training, education, and information operating funds.

Mr. MILLER. That is correct. But I take it that the program efforts for provision of assistance to colleges and universities would be only a portion of that.

Mr. PASTORE. A portion of it, about $6.8 million out of the total of $12.8 million, would go for the purpose stated by the Senator.

Mr. MILLER. Would it be feasible for the Senator to put a breakdown in the RECORD, not only showing how much is going for this particular aspect, but also how many colleges and perhaps what their names are?

Mr. PASTORE. We will do that. We will put it in the RECORD when we get the information.

Mr. MILLER. I will appreciate that very much.

Mr. President, I would like to go over to page 44. Here, as I said earlier, if I am getting into a sensitive area, I hope the Senator will so indicate.

A great many of us who are not privileged to serve on this committee were rather hopeful at the time the Senate ratified the Nuclear Nonproliferation Treaty that there would be prompt action to implement some of its provisions. The committee is very much aware of this, obviously, and it states:

> It seems reasonable that the policy of our Government should be clearly stated on this interrelated matter as soon as possible. The Joint Committee recommends that the AEC accelerate its work with the Department of State and other responsible agencies to develop such a policy.

May I ask what the Atomic Energy Commission has done already, since the time we ratified the Nonproliferation Treaty? The committee talks about its work and it wants to accelerate its work, but I want to know what its work has been.

Mr. PASTORE. We have proceeded with the exploration for natural gas and oil and things of that kind utilizing nuclear explosives as mentioned in article V of the Nonproliferation Treaty.

Mr. MILLER. The Senator is talking about peaceful uses.

Mr. PASTORE. The peaceful uses of atomic energy for what AEC calls underground engineering.

Mr. MILLER. What about inspection?

Mr. PASTORE. Inspection of what?

Mr. MILLER. Inspection of atomic installations, which is one of the areas——

Mr. PASTORE. Does the Senator mean throughout the world?

Mr. MILLER. Yes. In other nations.

Mr. PASTORE. We have essentially delegated that to the International Atomic Energy Agency which has its headquarters in Vienna, Austria. We do that on a cooperative basis. We started out with bilateral agreements, but we have been turning inspection activities under the bilaterals over to the Agency for independent inspection. We feel that that is the better way to do it. We have been very careful about this, to make sure that any of the material that is given and any of the assistance that is given is not diverted to weaponry.

Mr. MILLER. Of course, that was called for by the treaty.

Mr. PASTORE. That is correct. And we make sure. We follow through.

Mr. MILLER. I am wondering just what the Atomic Energy Commission's work has been, for example, with the international agency to which the Senator has referred.

Mr. PASTORE. They develop standards. They develop methods of inspection. They——

Mr. MILLER. Has there been real momentum on this?

Mr. PASTORE. Of course there has been.

The civilian nuclear power program has been slightly slowed down in America. As the Senator knows, up until recently the United States was going along very speedily. We have many, many reactors on order now. But there has been slight resistance in some localities because of the siting situation. That has not been with respect to atomic energy alone. It has even been so with respect to conventional plants. That is one of the problems we are wrestling with now.

Everybody knows we have to have enough electricity to meet our demands. Everybody wants to turn on that light, to make sure it burns when he hits the switch. Everybody wants to put in a plug and make sure the electricity is there. When they turn on their air conditioner, they want to make sure the electricity is there. On the other hand, we do have blackouts and brownouts, and sometimes we have a paucity of electricity.

As a matter of fact, our study shows that every 7 to 10 years, our demand for electricity doubles. Our big question will be how we are going to meet this big demand.

One of the big subjects we have today is the matter of siting. Some people want island siting, where a plant of, let us say, 1,000 megawatts would be built, a big one, and then convey the electricity ashore. Many suggestions are being made. The remarkable thing about it is that there has been some resistance on the part of some citizenry as to the construction of these atomic plants in certain parts of the country. We have received resistance. It never existed before, but it has developed, and I suppose this has developed in other countries as well. This more or less has slowed down the whole operation.

It grieves me, because I think the future of a second source of energy lies in atomic energy, and we need a second source of energy. We are told that by the end of this century, there is a serious question as to whether or not we will have any oil left. We have a tremendous amount of coal, but I understand that the coal they burn in Illinois comes from Montana. These problems are becoming serious.

There is only so much coal and so much oil in the ground. We cannot manufacture more of it. It is just there. Once we exhaust it, it is gone, never to come back again, as the song would go.

What we have to do is to develop another source of energy. We are an industrial Nation. We are the most industrialized nation in the world. We consume 50 percent of the goods and the natural resources of the world. We control 40 percent of the wealth of the world. We represent only 6 percent of the population of the world and 7 percent of its land mass. Yet, here we are, superior and supreme. Why? Because we have the oil. We have the gas. We have the coal. We have the methods to use them. We have the means of industrial production. If all energy goes, then we will lose our industrial superiority.

The United States has pioneered in the field of atomic energy. We were the first to utilize the energy of the atom. We were also the first to get into the business of peaceful uses of atomic energy.

I therefore hope that we would pursue our development of a second source of energy. I know that there are risks involved as well as many problems connected with it.

I do not want to mention a cliche this afternoon, but any nation that can put a man on the moon, any nation that can return three men to earth, who possibly, because of an accident, did not get to the moon as we did the last time, certainly such a nation can solve some of these problems.

Mr. MILLER. The Senator has very well expressed the thought I have on this, but I would like to get into something in which I am interested by asking this question of the Senator.

In the Nonproliferation Treaty, one of the highlights of it was that it laid down the framework for the "have" nations to pass on to the "have not" nations some of our nuclear resources so that they could develop them for peaceful uses.

Does the Senator from Rhode Island know whether, since the Proliferation Treaty was ratified, the United States, or any other "have" nation, has transferred nuclear equipment or resources to any of the "have not" nations?

Mr. PASTORE. As a matter of policy, there is no nation in the world in the nuclear club which has shared its nuclear largess with the people of the world more than the United States of America. I mean it has been the policy of this country, so much so that it has been, sometimes, criticized by some Members of Congress.

Mr. AIKEN. If the Senator would yield, let me say that we are one of the three signatories who already possess nuclear weapons and we do not have to submit to inspection. However, we voluntarily do submit to it.

Mr. MILLER. Of our plants?

Mr. PASTORE. We have then come to places like the Yankee Atomic Power Plant in Massachusetts. We do not want them to go to places where sensitive, military activities are in progress. We have entered into bilateral agreements with other nations. We were responsible for the installation of the reactor in India. That is an American reactor. We have also cooperated with Israel. We have bilateral agreements with many nations in the world, but up to now it has been on power and research reactors.

Mr. MILLER. I am talking about the type of equipment or materiel that was referred to in the Nonproliferation Treaty. If the Senator could provide for the RECORD within the framework——

Mr. PASTORE. An actual electrical generating nuclear reactor?

Mr. MILLER. An explosive device for peaceful purposes.

Mr. PASTORE. Oh, no; we have not done that.

Mr. MILLER. My question was whether the Senator knew whether the United States or any other of the "have" nations have, within the ambit of the Nonproliferation Treaty, supplied the "have not" nations with any nuclear device which was covered by the treaty.

Mr. PASTORE. No, no. We have not done that, for the simple reason that we have not even done it in this country on a commercial basis.

What we have to do with one of these devices is to explode it without getting it into the atmosphere within the limits of the NPT. We hope to be ready to provide the service when the time comes. We have done it only on an experimental basis. It has not been perfected and there has not been a call for it.

Mr. MILLER. I wish I had a copy of the treaty with me——

Mr. PASTORE. I know what the Senator means.

Mr. MILLER. As it is covered by the treaty. I am interested in knowing whether any of the nuclear nations have transferred any of the devices to nonnuclear nations which are covered by the treaty and which, in turn, are subject to an international inspection team. That is another aspect of the treaty.

Mr. PASTORE. When the Senator says "nuclear devices," he is talking about something different, which is a nuclear device, a bomb.

Mr. MILLER. I am talking about peaceful uses.

Mr. PASTORE. It is a bomb with a peaceful use. But it is a bomb. When we talk about creating a harbor, we are essentially talking about a bomb which is exploded. In this case, it blows up sand and water. However, we have to be careful that we do not blow up people at the same time, and that we do not contaminate the atmosphere. We have not done that, but we have developed reactors to generate electricity.

Mr. MILLER. Is that subject to an international inspection team as covered by the treaty?

Mr. PASTORE. Yes; but not yet by the Nonproliferation Treaty. That is now covered by a bilateral or trilateral treaty to make sure that the fuel they get to support the reactor is not used to make a bomb.

Mr. MILLER. Now the Senator is on the same wavelength that I am. The next question I have is to what extent have the inspection teams been developed which were covered by the treaty?

Mr. PASTORE. The authority for these teams exists in the International Atomic Energy Agency for the peaceful uses of atomic energy. That is its job.

Mr. MILLER. All right now——

Mr. PASTORE. That is the Agency's job. It has developed standards as to the disposal of waste and things of that kind. It has developed techniques of inspection. As a matter of fact, the last time I was in Vienna, some time back, we were briefed on the subject of what they were doing. That was several years ago.

Mr. MILLER. I am particularly interested in what has been developed since the Nonproliferation Treaty.

Mr. PASTORE. What we should do is to have the staff communicate with the AEC on this and find out specifically whether there has been a request for any of these devices. I doubt it, because we have not used the devices in our own country except for underground testing, and for experimental projects, that is all.

Mr. MILLER. Really, what I am asking of my colleague from Rhode Island is to give us some indication as to what the work of the AEC has been on——

Mr. PASTORE. All right. Fine.

Mr. MILLER. If we do not want the AEC to accelerate this work, I want to know what its work has been.

Mr. PASTORE. We will research that and place it in the RECORD. There is no fast answer to that this afternoon.

Mr. MILLER. That would be fine.

Mr. PASTORE. All right, sir.

Mr. MILLER. I have one or two more questions. On page 45, on the authorization for community spending, the Senator from Rhode Island, I am sure, is aware of the bind that some of the military airbases got into over Federal aid to schools—impacted aid. Has there been any similar development of any of these atomic energy sites with respect to the impacted aid program, or something analogous to the problem, like the one at Bellevue, Nebr., where they were going to close down the schools because they were not getting adequate funds for the schools?

Mr. PASTORE. These are communities which the AEC owns. We have been careful about that. We have not been unfair. Many times, of course, they find out in their own Government, and things of that kind, that there should be a separation. We do provide for a termination period; but, frankly, I think the AEC has been much more generous than we have been on our other Federal impacted area programs.

Mr. MILLER. I thank my colleague. Now, my last question relates to the security investigations portion of the report on page 49. Is the Senator able to tell us how many security investigations were made by the AEC during fiscal year 1970?

Mr. PASTORE. I will have to put that in the RECORD.

Mr. MILLER. And how many they expect to make for fiscal year 1971.

Mr. PASTORE. We will have to put that in the RECORD.

Mr. MILLER. Would the Senator provide for the RECORD how many security investigations resulted in turndowns of the applications?

Mr. PASTORE. Yes, if possible we will put that in the RECORD.

Mr. MILLER. I think that would be helpful, if the Senator could do that, subject, of course, to its not being classified information.

Mr. PASTORE. Of course.

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Mr. MILLER. I thank my colleague for his indulgence.

Mr. PASTORE. I thank the Senator very much.

Mr. BAKER. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. BAKER. Would my distinguished colleague give me the benefit of his knowledge and information, as I am not a member of the Joint Committee, on the prospect for the development of the liquid metal fast breeder reactor or an alternate breeder reactor, as he judges that situation?

Mr. PASTORE. That is of first priority, as the Senator well knows. We have slowed down—in fact, we have brought to a halt AEC assistance with reference to boiling water and pressurized water reactors, because we feel that we have done enough. That is essentially a commercialized thing today.

On the breeder reactor, of course, we are engaged in research and development there for the simple reason that we think that is the complete answer to the future atomic energy for the generation of electricity. And we are going along as fast as we can.

I would hope that the Senator would be on the floor when the appropriation bill comes up, because I think we will have a little trouble in having the Appropriations Committee go along with the full amount of the authorization. I would hope the Senator would give us a hand on that.

Mr. BAKER. Mr. President, I commend my colleague from Rhode Island for his participation in the project and his support of the program in general.

I will indeed make an effort to be on the floor to support that bill when it is before the Senate.

I agree that the breeder program is of the highest priority.

I agree that the liquid metal fast breeder reactor is the first logical choice.

I am concerned over the breeder reactor concept on page 24 of the report, paragraph 4. There is a reference there to the liquid metal fast breeder reactor as an alternate. There are perhaps references to other concepts. But there is no reference to the molten salt breeder project that I have spoken of.

Mr. PASTORE. Please look at page 22. It states:

> The Joint Committee continues to support this important program and recommends the full funding requested in the President's budget.
>
> The committee also continues to endorse the ongoing effort in the development of molten salt breeder reactor technology which is directed toward an evaluation of the industrial potential of this system for economic central station power production. However, the committee is dissatisfied that the austere budget does not permit further development of the molten salt breeder and other promising reactor concepts.

Mr. BAKER. Mr. President, I agree with my colleague that the statement is accurate. And I agree with the intent for whatever it is worth. I have tried to see if the Bureau of the Budget would make a request to permit us to go ahead with the molten salt breeder project—that would be the construction of the next phase—and ultimately the MSBR.

I think it is a most promising breeder concept. At the very least, it is a most promising converter. I think that the Joint Committee, which so often takes the lead in this field, even to a greater extent at times than the Commission itself, would do well to consider the additional funding and additional emphasis on this molten salt breeder program.

I would hasten to say that I have more knowledge of this program than any of the other breeder concepts because most, if not all, of the work in that program is going on in my State, at Oak Ridge. But I disclaim any parochial concern, because I do believe that the program will stand on its own.

Mr. PASTORE. Mr. President, has the Senator talked to any members of the Commission with respect to the financing of this molten salt breeder program? Did they give him any promising reaction, or did they act the way they acted with us when they said, "We don't have the money, and we have to concentrate on other things?"

Mr. BAKER. Mr. President, I have talked with some members of the Commission, and with some people in the Bureau of the Budget. I must say that the stringency of the budget was the argument used. The argument is also used that the importance of the breeder program is so great that even in the most austere budget, I would hope, we would find adequate funding and even more than adequate funding to go ahead with the primary breeder program, the liquid metal fast breeder reactor, as well as the full range of alternatives, including the molten salt program.

I have one additional question to ask the distinguished Senator from Rhode Island, and that concerns the funding level of research on controlled nuclear fusion.

I note that the report indicates that there is a recommendation by the committee that there be a reevaluation of several techniques now being studied, especially in view of the stated claims of the Soviet Union with their Tokamak machines, and similar efforts demonstrated in the United States with the Tokamak machines.

I would say, as I have said before on the floor, that our urgent pursuit of controlled nuclear fusion has been rather leisurely. That is not meant as a criticism of the joint committee, but rather because of the stark reality that the Soviet Union is spending many times the amount of our present investment in demonstrating the feasibility of the contained, sustained fusion reactors. And they have the first demonstrable quantum in their Tokamak machine. The United States is now in the business of imitating the results produced at Novosibirsk, Russia.

Mr. PASTORE. Mr. President, I agree. It is disturbing to me that we have to reduce items such as this in the budget. I heard a very influential member of the House Appropriations Committee, who is no longer a member of the House committee—as a matter of fact, he has passed on to his eternal rest—say that we ought to knock everything out of the budget on cancer because we have not yet found its cure. That is the attitude of some people. They fail to realize that nuclear fusion is a very, very exotic and very complex problem.

Mr. BAKER. But it is one that holds infinite promise.

Mr. PASTORE. When we got that infinite power for a fraction of a second, we are amazed that we were able to get it. We do not yet get the duration that we need. But unless we try it and keep at it, we may lose out on something that ultimately may be the answer to our future power needs.

Mr. BAKER. Mr. President, I agree. There is no validity to the argument that because we have not harnessed the controlled fusion process we should not try to develop it.

I really believe that we ought to consider a very substantial increase in the spending level for our controlled thermonuclear program.

I would point out, first, that the Russians with their Tokamak experiment have produced the densities and temperature and confinement times that are theoretically necessary to sustain fusion reaction.

I point out also that these are barely in the range of sustained fusion reactions. But they are verified by an independent team of researchers from the United Kingdom. They are not just Russian claims.

I would point out as well that we of the United States, the leaders in the field, are rapidly building our own versions of the Russian Tokamak. We call them the Ormak, and also there is a range of other devices.

We are now playing catch-up ball in this field. The advantages of controlled nuclear fusion are such that not only will we produce, in effect, limitless power from limitness resources at a very attractive price, but it also eliminates the risk of nuclear accident.

Mr. PASTORE. And eliminates pollution.

Mr. BAKER. The Senator is correct. And pollution and thermal problems and sizes.

The indications are that the requirements for the building of a reactor of this type will be at least as low or possibly much lower in cost than that of the breeder reactors. I do not say that as an argument against the development of the breeder reactors or the liquid metal fast breeder reactors.

I say it because I think there is a tendency to lose sight of the enormous importance of developing controlled nuclear fusion.

Mr. PASTORE. Mr. President, I could not agree more. As a matter of fact, I see more importance in putting money in the development of thermonuclear fusion and the promise of unlimited power that it would give us, tremendous power, the most potent power of nature, than in putting money in another flight to the moon, because I think after you have gone to the moon the second, third, and fourth time how much have you done for mankind? Maybe a few more rocks will be picked up to bring back so that scien-

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tists can chisel on them. But controlled thermonuclear fusion will give power and we need power. I would rather put my money there than on another flight to the moon, but flights to the moon are dramatic and you do not have any trouble in the Senate on them.

Mr. BAKER. Mr. President, I agree with the Senator from Rhode Island. But if we examine the verities of our basic thinking we will conclude that the richness of this Nation or of any nation depends not on its gold reserves or its gross national product but on the energy it produces.

Mr. PASTORE. I absolutely agree with the Senator from Tennessee.

Mr. BAKER. I am not one of those who feels that to solve the worries of the world we have to reduce our gross national product. We do not. We need to increase it but at the same time increase the quality of our life, and the way we have the greatest possibility for eliminating abject poverty from the earth and drastically increasing the quality of life on this planet is not by any of the half measures we are compelled to take now, such as in pollution and so forth, but by abundant energy from nuclear fission.

Mr. PASTORE. I agree with the Senator.

Mr. BAKER. Mr. President, I will join the committee and the Senator from Rhode Island in an effort to see that we have substantial increases in the funding in this field. I believe that in years to come historians will record that our progress or our lack of progress in this specific area of research perhaps had more to do with the life of this Nation than any other single piece of legislation we are likely to undertake.

Mr. PASTORE. I thank the Senator. He will have a good strong supporter in the Senator from Rhode Island.

NATIONAL NUCLEAR SCIENCE INFORMATION CENTER, OAK RIDGE, TENN.

Mr. GORE. Mr. President, the pending bill authorizes an important facility which will accomplish three objectives: it will house the American Museum of Atomic Energy; it will provide a National Conference Center; and it will establish a National Library for Physics and Atomic Energy.

It is eminently reasonable that such a center be located at Oak Ridge, Tenn. The present atomic museum is inadequate to perform this important educational function. The structure was erected in 1943 as a "temporary" cafeteria and resembles a wartime barracks building rather than an appropriate repository for some of man's most significant achievements in science, medicine, and technology.

The potential contribution of the National Conference Center to the exchange of valuable information and ideas among top scientists from throughout the world is difficult to delineate. Unquestionably, the Oak Ridge community represents a considerable cadre of this Nation's topflight nuclear scientists and their access to a means of free, open, and convenient communication with their counterparts from other nations must rate as a significant factor in furthering peaceful utilization of nuclear technology. This center, with its auditoriums, seminar rooms, and simultaneous translation facilities, should substantially accommodate this exchange of information so important to furthering the cause of mutually beneficial scientific activity.

The National Library for Physics and Atomic Energy will fill a void long apparent among the scientific community by providing a central repository for key scientific data and papers in the field of nuclear physics and engineering. Such facilities have existed for some time in the fields of medicine and the agricultural sciences. Consolidation with the AEC's computerized documentation center will provide a central location for efficient application of scientific research endeavors.

THE ATOM: ITS DANGEROUS AFTERMATH, PART V—JOINT COMMITTEE STRESSES IMPORTANCE OF THE ENVIRONMENT IN ATOMIC POWER DEVELOPMENT

Mr. CHURCH. Mr. President, today we have under consideration the authorization legislation of the Atomic Energy Commission for the coming fiscal year. As many in this Chamber know, I have stressed for some time now the importance to our Nation of a viable and safe atomic power industry. It is essential to provide for our power needs in the decade ahead. I have also expressed concern that perhaps, in our rush toward the development of atomic power, we have not given enough concern to the environmental problems which attend the production of atomic power. That is why I am especially pleased to note that the Joint Committee on Atomic Energy has authorized the expenditure of $1,360,000 above the original AEC request in the area of atomic reactor safety programs. This is a step in the right direction on the long road before us which can lead to safe and salable atomic power in the future.

I am also pleased to note that the Joint Committee has stressed in their report the extreme importance of environmental considerations in the atomic power industry.

The report quotes Dr. Lee A. DuBridge, the President's Science Advisor and Director of the Office of Science and Technology, on the subject of nuclear power safety. Dr. DuBridge makes clear that we can solve the environmental problems associated with nuclear power production if we choose to do so. He says:

> Nuclear power plants, to my mind, pose no environmental threat which is beyond our technical competence. There are technical solutions to minimizing these (atomic waste disposal) problems. However, these technical solutions will cost money, increasing the cost of electricity or taxes, or both.

We all know that solutions to these perplexing technical problems will not be either easy or inexpensive but it is a price we must pay if we are not to repeat the same mistakes with regard to nuclear fuels that we have made with conventional fuels. We must, as the Joint Committee suggests, embark upon a coordinated and ongoing research program to solve the problems which, Dr. DuBridge so properly points out, may be solved with a commitment of purpose and funding to do so.

The Joint Committee states in the clearest terms:

> This country has the dual need to safeguard the quality of our environment and to provide sufficient energy to meet the requirements of our industrialized civilization.

At page 18 of the report, the committee further comments:

> Research and development and related efforts on a comprehensive and systematic basis must be carefully mounted and brought to bear against all environmental problems.

As one who has repeatedly called for such a research effort, I am pleased to see the recognition given to this concept by the Joint Committee on Atomic Energy in its report. However, although the committee points out the AEC is expending $18 million this year on research programs in this area, I respectfully submit that when compared with the overall AEC budget this is a small amount to devote to such an effort. It totals less than 1 percent of the total AEC budget for 1971. I strongly feel that more funding is necessary in this vital matter.

In terms of specifics contained in the report, I am glad to see that the AEC has requested and the Joint Committee approved $1,400,000 for work related to radioactive contamination control improvements at the National Reactor Testing Station in Idaho. In the past, I have called upon the AEC to initiate programs to improve atomic waste disposal methods at NRTS. This additional funding authority to conduct such work in Idaho is welcome. I stress again, however, that much more needs to be done. Such programs are in the long-range interest of our people, our Government, the nuclear power industry and the AEC itself.

I am gratified that the Joint Committee has indicated its interest in the type of long-range research program of environmental problems of atomic power which I suggested in February of this year. I am hopeful that the AEC will lend every effort toward making such a program a reality.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Mississippi (Mr.

STENNIS). If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote, "nay." Therefore, I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from New York (Mr. GOODELL) and the Senator from Texas (Mr. TOWER), are detained on official business.

I further announce that, if present and voting, the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 83, nays 1, as follows:

[No. 144 Leg.]

YEAS—83

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Murphy
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Thurmond
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—1

Fulbright

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—15

Bayh
Dodd
Goldwater
Goodell
Harris
McCarthy
Mundt
Nelson
Ribicoff
Russell
Saxbe
Stennis
Tower
Tydings
Williams, N.J.

So the bill (S. 3818) was passed, as follows:

S. 3818

A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,013,307,000, not to exceed $119,450,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 71–1–a, contaminated storm water runoff control facilities, Savannah River, South Carolina, $900,000.

Project 71–1–b, in-tank waste solidification systems, Richland, Washington, $6,300,000.

Project 71–1–c, storage and waste transfer facilities, Richland, Washington, $1,700,000.

Project 71–1–d, radioactive contamination control improvements, National Reactor Testing Station, Idaho, $1,400,000.

Project 71–1–e, gaseous diffusion production support facilities, $14,700,000.

Project 71–1–f, process equipment modifications, gaseous diffusion plants, $6,400,000.

(2) ATOMIC WEAPONS.—

Project 71–2–a, weapons production, development and test installations, $10,000,000.

(3) REACTOR DEVELOPMENT.—

Project 71–3–a, modifications to reactors, $2,000,000.

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

Project 71–3–c, modifications to EBR–II and related facilities, National Reactor Testing Station, Idaho, $2,000,000.

(4) PHYSICAL RESEARCH.—

Project 71–4–a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $900,000.

Project 71–4–b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $925,000.

Project 71–4–c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, $825,000.

Project 71–4–d, accelerator improvements, Stanford Linear Accelerator Center, California, $950,000.

Project 71–4–e, accelerator improvements, medium and low energy physics, $400,000.

(5) BIOLOGY AND MEDICINE.—

Project 71–5–a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(6) TRAINING, EDUCATION AND INFORMATION.—

Project 71–6–a, National Nuclear Science Information Center (AE only), Oak Ridge, Tennessee, $600,000.

(7) GENERAL PLANT PROJECTS.—$42,000,000.

(8) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, $173,050,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (5) and (6) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b)(7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 110 of Public Law 86–50, as amended, is further amended by adding the following at the end of the present text of subsection (f) of said section: "*And Provided further,* That waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

(b) Section 101 of Public Law 89–32, as amended, is further amended by adding to subsection (b)(4) for project 66–4–a, a sodium pump test facility, the words "for design and Phase I construction."

(c) Section 101 of Public Law 91–44 is amended by striking from subsection (b) (1), project 70–1–c, waste encapsulation and storage facilities, Richland, Washington, the words "(AE only)" and further striking the figure "$1,200,000" and substituting therefor the figure $10,750,000".

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—FOURTH ROUND.—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and referred to in section 106 of Public Law 91–44, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the Commission is further authorized to continue to conduct the Project Definition Phase subsequent to the aforementioned cooperative arrangement. Appropriations totalling $50,000,000 are hereby authorized for the aforementioned cooperative arrangement and for the Project Definition Phase authorized by section 106 of Public Law 91–44 and this section, said total amount to include the sum authorized by section 106 of Public Law 91–44. The Commission is also authorized hereby, without regard to the provisions of section 3679 of the Revised Statutes, as amended, to agree under said cooperative arrangement to provide assistance up to a total amount of $50,000,000 less the subs available to the Commission and utilized for the Project Definition Phase contracts authorized pursuant to section 106 of Public Law 91–44 and this section; and, in addition to said total amount, in the

XUM

Commission's discretion, to provide assistance up to a total amount of $20,000,000 in the form of Commission-furnished services, facilities or equipment otherwise available to or planned by the Commission under its civilian base program: *Provided*, That said ceiling amounts shall not be deemed to include assistance in the form of waiver of use charges during the term of the cooperative arrangement and the Commission may agree to provide such assistance without regard to the provisions of section 53 of the Atomic Energy Act, as amended, by waiving use charges in an amount not to exceed $10,000,000.

(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than 15 per centum.

XUM

Mr. MANSFIELD. Mr. President, the senior Senator from Rhode Island (Mr. PASTORE), who so very ably chairs the Joint Committee on Atomic Energy on behalf of the Senate, has again demonstrated his outstanding legislative skill and ability. With his handling of this year's AEC authorization, he again brought to the Senate his clear and convincing understanding of a program for which he has provided the leadership since its very inception. Its overwhelming acceptance speaks loudly and clearly the thanks of a grateful Senate. This achievement adds another to an already abundant list of outstanding accomplishments. Senator PASTORE's record of public service is one built upon devotion and dedication unexcelled in this body.

Joining Senator PASTORE in steering the bill so expeditiously and efficiently through the Senate was the distinguished senior Senator from Vermont (Mr. AIKEN), the dean of Senate Republicans. His willing and constructive assistance was certainly typical. His strong support in guiding this measure through was indispensable to this success. The Senate is deeply grateful.

The distinguished Senators from Tennessee (Mr. GORE), from Nebraska (Mr. CURTIS), and from Iowa (Mr. MILLER) are deserving of special recognition also. They, too, contributed greatly to the overall high quality of the debate. They and the other Senators who joined the discussion are to be thanked for offering their most thoughtful views and comments.

Finally, the Senate as a whole deserves a special vote of thanks from the leadership for the cooperation and attention given on this measure. Its swift acceptance with full consideration for the views of every Senator is a fine tribute to this entire body.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 868, H.R. 15628, I do this so that the bill will become the pending business.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments.

ORDER OF BUSINESS

Mr. FULBRIGHT obtained the floor.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from South Carolina.

Mr. THURMOND. I thank the Senator for yielding.

SALUTE TO THE ARMED FORCES

Mr. THURMOND. Mr. President, it is an honor to salute America's men and women in uniform on Armed Forces Day, May 16, 1970. Never before have our Armed Forces served our Nation with such dedication in the face of so much unjust criticism by certain elements of our society. If this undermining continues, both our Armed Forces and the American people will suffer the consequences.

Unstinting support and understanding of our Armed Forces by our citizens are vital to the strength, vigor, and morale of our uniformed forces. We can be thankful that the diffusion of this support has not broken the bond between the American people and our Armed Forces.

Mr. President, this mutual trust must not be eroded. It has propelled our forces to victory for almost two centuries. Our Armed Forces have never failed our country on the field of battle or in the years of peace.

Armed Forces Day provides an appropriate time for the American people to reaffirm their support of the men and women who faithfully serve their country. Some 3½ million of our courageous and loyal servicemen are on duty throughout the world in the cause of freedom. Many are enduring the privations of hardship conditions. Thousand face peril in the service of their Nation, and they do their duty without complaint. They are there because their Nation sent them there. In my view, their allegiance, their loyalty and their devotion to duty should be matched by the American people.

Mr. President, our soldiers, sailors, marines, airmen, and coastguardsmen exist to serve the American people. But if they ever believe that their service is not appreciated, as some critics in this country would have them believe, then their morale would deteriorate, their effectiveness would be weakened and their loyalty diverted. This would be another milestone achievement of the Communists and leftwing extremists.

There are those in our society who deliberately attempt to achieve this by undermining the Military Establishment and by violent antimilitary demonstrations.

They are the ones who give aid and comfort to the enemy.

They are the ones who raise Communist flags in our country.

They are the ones who chant "Ho, Ho, Ho Chi Minh."

They are the ones who replace the pictures of Washington with Lenin.

They are the ones who have the flag of the enemy that has killed over 40,000 Americans.

They are the ones who burn down our college ROTC buildings.

They are the ones who would accept national humiliation and defeat.

They are the ones who prolong the inhumane treatment of American prisoners of war.

They are the ones who are encouraged and incited by some people in high places in our country.

Mr. President, honest disagreement has always been a vital part of our national heritage. Our Armed Forces honor this tradition. They are dedicated to its survival. Yet, those who have faced the dangers of the battlefield, and in some cases sacrificed their lives or suffered inhumane captivity to preserve this precious heritage, have been perplexed and shocked by those American citizens who sympathize with the enemy and urge our servicemen to disobey their officers.

It is my fervent hope that on Armed Forces Day America will demonstrate renewed support of our Armed Forces. The American people should take this opportunity to pay tribute to our men and women in uniform who are protecting our freedom. The real strength of our Nation lies in all of the dedicated individuals who proudly wear the uniform and support the flag of our country. Americans may well be thankful that our Armed Forces have had the strength to stand off the advances of communism for the past 25 years. Otherwise the security of every free nation would have been threatened by unchecked aggression.

In my view, our Armed Forces in Vietnam and Cambodia are continuing this long struggle to contain aggression. The President's decision for a bold thrust into Cambodia was another successful effort to halt Communist advances, and to shorten the war, protect our Armed

Forces, and insure continued progress of Vietnamization.

Mr. President, on Armed Forces Day, I urge all Americans to salute this recent success and to honor our Armed Forces. I join my fellow Americans in paying tribute to our Armed Forces for their courage and devotion to the preservation of American ideals and our freedom.

PRINCETON OPENS WAR ON CONGRESSIONAL HAWKS

Mr. THURMOND. Mr. President, I would like to call the attention of the Senate to an article which appeared in the May 8 edition of the Detroit Free Press entitled "Princeton Opens War on Congressional Hawks." I would like to quote a few passages from this interesting article:

> Princeton antiwar students, with support from the university and its political science facilities, have launched a campaign to elect doves and defeat hawks in Congress.
>
> The Princeton idea is novel because the research facilities, the students, and even the computers at the university's Woodrow Wilson School of Public and International Affairs, will be turned from academic politics to actual campaigning. And it is being done with official faculty support.
>
> The faculty approved all student proposals, voted to back the political campaigns, and for the first time put Princeton officially on record condemning the expansion of the war.

Mr. President, there is another source I would like to quote from at this point—section 501(c)(3) of the Internal Revenue Code of 1954, the section under which Princeton has been granted a favored income tax exempt status. Subsection (c) lists various organizations which qualify, and the pertinent portions of paragraph (3) are as follows:

> Corporations . . . organized and operated exclusively for . . . educational purposes, . . . no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

Mr. President, I feel that there is a serious question here as to whether or not Princeton can legally sponsor this project and provide facilities to aid in its success while maintaining a tax-exempt status under section 501(c)(3). I intend to ask the Treasury Department to investigate this matter thoroughly to determine what action should be taken.

Mr. President, I ask unanimous consent that the article entitled "Princeton Opens War on Congressional Hawks" be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Princeton Opens War on Congressional Hawks

(By Saul Friedman)

> Washington.—Princeton antiwar students, with support from the university and its political science facilities, have launched a campaign to elect doves and defeat hawks in Congress.
>
> Their initial effort will be aimed at local races in New Jersey and nearby Pennsylvania, but there are indications the campaign will spread nationwide.
>
> The novel idea is one of the few concrete proposals students have come up with amid their frustrated calls for strikes. Students, like politicians, have been confused over the sudden expansion of the Indochina war.
>
> The Princeton idea is novel because the research facilities, the students, and even the computers at the university's Woodrow Wilson School of Public and International Affairs, will be turned from academic politics to actual campaigning. And it is being done with official faculty support.
>
> The campaign is called the Princeton Movement for a New Congress. On Saturday, while students in Washington and elsewhere will be marching and demonstrating, its leaders will meet with representatives from other schools in New York to make their movement a national effort.
>
> Hundreds of students have volunteered to enlist in the campaign.
>
> Monday night and Tuesday, in long and heated meetings, the faculty approved all the student proposals, voted to back the political campaigns, and for the first time put Princeton officially on record condemning the expansion of the war.
>
> Coordinator of the student effort is James Browning, 20, of Fairfax, Va., a junior studying urban affairs and the son of an Army colonel.
>
> Browning, who says his politics is somewhere between liberal and radical, hopes the Princeton movement's efforts can elect five more doves to the Senate and perhaps 15 in the House.
>
> "Maybe Congress can't change the system the way it needs changing," he said, "but it will be more possible to make changes if we can elect liberals. A lot of issues, like the antiballistic missile, have been decided by just a few votes in the Senate.
>
> "The House is very conservative, but even if we can get 15 more liberals elected, we would be able to insure that at least they would have to be reckoned with.
>
> "The fact is, that despite what we may think of the system, Congress continues to vote on important questions."
>
> Leaders of the Princeton movement have scheduled a meeting Saturday in New York with students from Harvard, Yale, Amherst, and Stanford to initiate similar organizations at those schools.
>
> "Our hope is that we can make this a national thing, so that university facilities and students all over the country are fanning out to help in congressional elections this fall," said Robert Vandervelde, an administrator of the Woodrow Wilson School and a former colonel in Army intelligence.

PARTICIPATION BY THE FEDERAL GOVERNMENT IN INTERNATIONAL EXPOSITIONS

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 856.

The PRESIDING OFFICER (Mr. Cranston) laid before the Senate the amendment of the House of Representatives to the bill (S. 856) to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes, which was on page 6, strike out lines 5 through 7 inclusive, and insert:

> Sec. 8. There are authorized to be appropriated such sums, not to exceed $200,000 in any fiscal year, as may be necessary to carry out the purposes of this Act.

Mr. FULBRIGHT. Mr. President, the only difference between the Senate and the House with respect to S. 856 is a simple one. The Senate had authorized to be appropriated "such sums as may be necessary" to carry out the purposes of the act. The House, in lieu thereof. authorized the appropriation of not to exceed $200,000 in any fiscal year for these purposes.

The Department of Commerce, as the principal agency interested in this bill, had testified before the Foreign Relations Committee that it expected enactment of the bill to result in additional expenditures of $100,000 to $150,000 a year. Thus, the $200,000 ceiling voted by the House is entirely reasonable and I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER (Mr. Schweiker). The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

CAMBODIA—DELUGE OF MAIL AND PETITIONS RECEIVED IN OPPOSITION TO PRESIDENT NIXON'S ACTION

Mr. FULBRIGHT. Mr. President, in the past 10 days I have received more letters, telegrams, and phone calls than in any comparable period since I came to the Senate.

The mail is being delivered by the bag and only with the assistance of young volunteers am I able to get it all opened. It is arriving in such quantities that it is impossible to keep an up-to-the-minute tabulation. However, at the last report, about 28,000 telegrams and 43,000 letters had been counted—and they are continuing to arrive at that rate.

Mr. President, in that connection, it is interesting to note that I received this morning a letter addressed to me by the majority and minority leaders, dated May 7. That was 6 days ago. It was supposed to be internal mail, but it took 6 days to get from the majority leader's office to my office in the New Senate Office Building. I say this only to illustrate how difficult it is to handle this kind of volume of mail.

Although I would certainly not claim that the communications I receive are representative of overall public sentiment, it is highly significant to note that a count of telegrams showed 25,697 opposed to widening and continuing the war in Indochina, while only 556 favored the President's position. Of the letters I have received, 38,825 are in opposition to the administration's policies in Southeast Asia, while 2,133 support the President. Additionally, I have received petitions bearing 47,031 names: 46,984, or all but 89, opposed the President's actions. None of these were solicited in any way.

Many of the petitions I have received have contained hundreds of names, although the great bulk of the letters and telegrams are from individuals or small groups. I did receive one large group of letters—about 10,000—collected by students at Dalton High School in New York in 1 day. Two young ladies, Miss Nancy Troy and Miss Katherine Shea, brought knapsacks full of the letters to Washington and personally delivered them to me.

Because of the volume of mail, it is

simply impossible for me to provide individual responses to all those who have sent communications to me. However, I would like to acknowledge some of the petitions and letters I have received and call them to the attention of the Senate and the public. Among them are:

A petition signed by more than 2,100 undergraduates at Harvard and Radcliffe Colleges.

A petition signed by 32 staff members of the Psychiatric Social Service Department of the Albert Einstein College of Medicine, Bronx, N.Y.

More than 1,000 letters collected by students at the Wurzweiler School of Social Work, Yeshiva University, New York.

A petition from 2,300 students and faculty members at the University of Denver.

Petitions from members of Hamline University's Urban Studies Team, St. Paul, Minn.; the Democratic party caucus, Weld County, Colo.; students at the College of the Redwoods, Eureka, Calif.; 913 signatures on petitions "protesting nonviolently President Nixon's present policy in Southeast Asia" from Lowell High School, San Francisco, Calif.; 4,339 signatures on petitions from members of the Queens College Community, N.Y., protesting "President Nixon's unconstitutional escalation in Indochina" and "the killing of Kent State students" and reaffirming "the right of peaceful dissent."

A petition signed by 43 members of the faculty of Alfred University.

A petition from 40 members of the faculty of the School of Social Service Administration at the University of Chicago urging "the immediate termination of the Cambodian invasion and prompt steps to disengage American troops from hostilities throughout Southeast Asia."

A petition with names of 92 registered voters from 22 States at the Colgate Rochester Divinity School, supporting the move to rescind the Tonkin Gulf resolution.

A petition from 117 employees of the Practicing Law Institute, New York City.

A petition with 75 signatures from members of Tau Epsilon Phi Fraternity, Drexel University.

A petition from 777 members of the Wellesley College community, Wellesley, Mass., supporting the move to rescind the Tonkin Gulf resolution.

A petition from 87 employees of the division of engineering and applied physics at Harvard University.

A petition from 98 students, faculty, and staff of the Columbia University Graduate School of Journalism calling for "congressional action to bring a rapid end to America's senseless involvement in Southeast Asia."

Letters from 48 students at Monmouth College, West Long Branch, N.J.

Nine thousand two hundred and forty-one signatures collected by the East Bay Women for Peace, Berkeley, Calif., urging rapid withdrawal of our forces from Southeast Asia.

One thousand one hundred signatures on petitions "deploring President Nixon's expansion of the undeclared war in Southeast Asia" from Scripps, Pitzer, and Pomona Colleges and others in the Claremont, Calif., area.

A petition from 189 doctors, medical students, and nursing students at Cornell University Medical College protesting the President's policies.

A petition from 21 members of the staff of the Mid Westchester YM & YWHA, Scarsdale, N.Y. deploring "prolongation of our involvement in Southeast Asia resulting in tragic military and student deaths."

A petition with 125 signatures from students and faculty at San Francisco College for Women "strongly opposed to the use of American combat troops in Cambodia and renewed bombing in North Vietnam."

A petition from 203 students of Palomar College, San Marcos, Calif.

Petitions with 378 signatures from the San Francisco area, calling for "the immediate cessation of the invasion of Cambodia; immediate withdrawal from Indochina" and "no further military action by the President without the advice and consent of the Congress."

A petition from 300 students and faculty members at the Belmont Hill School, Belmont, Mass.

A resolution passed at an open meeting of the Wilson College community, Chambersburg, Pa., signed by 275 students and faculty. The resolution concludes:

> Because we deplore the murder of human beings anywhere in the world and can only see the recent decisions of the Administration regarding Southeast Asia leading us not to peace but to increasing violence at home and abroad, we urge you to support any measure which can bring about withdrawal from Indochina. As voters and future voters, we support a law which would make illegal the use of Congressional funds for an undeclared war.

Two hundred and seventy-five signatures on petitions from the Harpur College community "expressing vigorous support of your recent efforts to stop the Nixon administration's policy of continued and expanding involvement in Southeast Asia."

A total of 678 signatures from "responsible citizens who wish to voice opposition to the expansion of the Southeast Asian war," mostly collected by students from Brooklyn College, Brooklyn, N.Y.

A letter signed by 1,000 students at Stanford University, representing nearly every State, supporting "congressional action to cut off further funds for the Southeast Asian conflict except for the purposes of withdrawing our troops."

Petitions from 547 citizens of Massachusetts supporting the move to rescind the Tonkin Gulf resolution.

A petition from 51 faculty, students, and staff of the Hopkins Marine Station of Stanford University, Pacific Grove, Calif., calling for "an end to our involvement in this war" and giving "national priority to the worsening economic crisis, domestic strife, and deterioration of the environment."

A petition from 144 faculty and staff at Kingsborough Community College, Brooklyn, N.Y., urging repeal of the Tonkin Gulf resolution, stating that—

> The situation at home and abroad has now reached the stage at which we cannot support the United States acting as the policeman of the world . . . unless the situation directly and immediately threatens the safety of this nation.

A petition from the New York City Government Employees Against the War, signed by 610 persons opposing our country's involvement in Southeast Asia and supporting the right of every American to protest this involvement.

Petitions from 85 dentists in the Boston area calling for withdrawal of our forces from Cambodia.

A petition with 37 signatures from the Harvard Medical School department of physiology calling for "more rapid withdrawal of American forces from Southeast Asia."

A petition with 138 signatures from science and engineering students, staff and faculty at California Institute of Technology, Pasadena, calling for "an end to the U.S. invasion of Cambodia and a rapid conclusion of U.S. involvement in Indochina."

A petition with 312 names from Wabash College, Crawfordsville, Ind., stating:

> We cannot support these acts of escalation in the Southeast Asian conflict and we call upon Congress to act in response to the recent policies of the President. We believe it is now time to end the war in Vietnam and for American troops to be brought home.

A petition from Great Neck, N.Y., with 32 signatures of persons opposed to "any military involvement in Cambodia."

A petition from 450 students and 50 faculty and staff members at Whitman Colege, Walla Walla, Wash. The accompanying letter read, in part:

> We are very discouraged, as millions of other Americans are, about the possibilities which exist for stopping Nixon's war. But we are not yet in total despair. Those of us who led the petition drive here still believe that there is a chance that Congress, especially the Senate, can bring back some sanity to our Government.

A petition signed by 1,900 members of the faculty, staff, and students of the University of California, Riverside, including a request for "the immediate withdrawal of all American military and paramilitary forces from Southeast Asia" and "that Congress shall make no appropriations which permit offensive military operations anywhere in Southeast Asia."

A petition signed by 20 employees of the Ski Hut, Berkeley, Calif.

A petition from 100 students and faculty of the English Department, University of California, Berkeley.

A petition from a group of 15 citizens from Connecticut and Massachusetts.

A petition with 170 signatures from students and faculty of Duke University School of Law, Durham, N.C., opposing the President's "conduct of military operations in Indochina" and the "divisive tenor" of the administration's approach to domestic dissent.

Signatures from 84 participants at the Lower Income Housing Development Conference at Berkeley, Calif., opposed to U.S. military involvement in Cambodia, "especially at a time when re-

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sources are so desperately needed for domestic programs."

A petition from 22 members of the Hartford Seminary Foundation faculty, Hartford, Conn., who—

> Deplore and protest the invasion of Cambodia, the renewed bombing of North Vietnam, the continued war in South Vietnam, the insensitivity of our government to peaceful protest at home, and the contributions of our government to violence and death in our society.

Petitions from 19 faculty and staff members and graduate students at Cornell University and from the faculty and staff of the English for foreign students program at the University of California, Berkeley.

A petition from 37 members of the staff of the Modern Language Association of America.

A petition from Salina, Kans., signed by 53 persons.

A petition signed by 16 persons from the Boston area urging the Congress to reaffirm its constitutional responsibility and "reverse this latest tragedy in U.S. foreign policy."

Forty-six signatures on a petition from Los Angeles, protesting the "escalation of the war" which is "dividing our country."

A petition containing 94 signatures of first year medical students at the UCLA School of Medicine, Los Angeles, expressing "abject disapproval of U.S. military involvement in Asia."

A petition signed by 26 residents of Staten Island, N.Y., opposing "the escalation of the war by the presence of American troops in Cambodia."

Seven hundred and eighty-five signatures on a petition from Bryn Mawr College, Pennsylvania calling upon Members of Congress to exercise their lawful authority, in this time of national stress, in curbing Presidential decisions which commit U.S. Armed Forces to Southeast Asia."

Petitions signed by 75 members of the "aware majority" in Chicopee, Mass.

One hundred and forty-one signatures from workers, patients and others at Beth Abraham Hospital, Bronx, N.Y., protesting the expansion of the war, calling for a shifting of national priorities, and deploring "the murder of Kent State students."

A petition from 16 citizens of Canton, Ohio, who stated:

> The plummeting stock market and the disorders and four tragic deaths at Kent are only a few signs that we as a nation can no longer bear the stress and strains of this war.

Two hundred and ninety-one signatures from students and faculty at Peabody Conservatory of Music, Baltimore, voicing distress and concern about the deepening American military involvement in Indochina and stating:

> No war has been legally declared; the Congress has not been adequately consulted by the President. The disproportionate investment of American tax money in military commitments has interfered with the fulfillment of far more urgent human needs. The loss of life is intolerable.

Petitions with 1,266 signatures from residents of Orange County, Calif., saying the war is unconstitutional, divisive and disrupting the economy and causing widespread unrest and disregard for the American principles of justice and humanity. They ask for withdrawal of U.S. forces from Cambodia, Thailand, and Laos and legislation cutting off funds for continuing the war in South Vietnam.

Petitions from 513 citizens of the Berkeley, Calif., area asking a "cessation of the invasion of Cambodia"; "withdrawal from Indochina" and that the President take no further military action without the advice and consent of the Congress and the people."

Four hundred and ninety-six signatures on petitions from the New Democratic Coalition of New York "fully supporting the Senate Foreign Relations Committee's position against any military involvement in Cambodia," and saying "the tragic experience of Vietnam must not be repeated in Cambodia."

A petition with signatures of 550 students and faculty at Nebraska Wesleyan University, Lincoln, Nebr. The petition reads:

> We . . . regret that the Nixon Administration has extended United States involvement in Indochina by sending United States troops into Cambodia and by resuming bombing of North Vietnam. We ask that the Senate exercise its constitutional obligation and review these dangerous actions immediately.

Two thousand nine hundred signatures on petitions from citizens of the San Francisco area collected by the New Mobilization Committee To End the War in Vietnam.

A letter from seven high school teachers in Madison, Wis., who wrote:

> How many times has it been said that we must learn from history? Vietnam is not yet history and we have apparently ignored all the lessons it offers.

A petition from 26 persons at the Department of Genetics, Stanford University School of Medicine "as Americans interested in bringing peace to a part of the world too long in war and as citizens eager to rechannel the anger in our country toward a constructive solution to our own problems."

Petitions bearing 300 signatures collected by Midwood Women Strike for Peace, New York, stating that "sending U.S. troops into Cambodia expands the war and endangers American lives and world peace."

Petitions from 414 New York area residents supporting the position of the Foreign Relations Committee and the Cooper-Church amendment.

A petition from 51 doctors and other medical personnel in San Francisco protesting "the further involvement of American men and materials in Cambodia and other Southeast Asian countries."

A petition from 17 ladies in Los Angeles strongly opposed to U.S. involvement in Cambodia.

A petition from 39 residents of an apartment building in Mount Vernon, N.Y., urging deescalation and "a negotiated settlement of the war—at the earliest possible date."

A petition with 10 signatures from Castro Valley, Calif.

A petition from 14 persons in the Denver area urging "legislation ending funding of all U.S. military activity in Southeast Asia except withdrawal of forces."

Twenty-seven signatures on a petition from Los Angeles strongly opposing our involvement in Cambodia.

A petition with 91 names from Concord, Pittsburg, and other California communities protesting the expanded war.

A petition from 65 employees of Time magazine which included a call for withholding military funds until all American forces have been withdrawn from Cambodia and Laos, an immediate halt to the bombing of Laos, and an investigation of the conduct of the Vietnam War.

A petition signed by 27 residents of New York which stated, in part:

> The appalling sacrifice of lives, the terrible dollar drain away from our over-riding domestic priorities demand that we speak out. We cannot urge you enough to expend every possible effort to end the war immediately.

Thirty-four signatures on a petition from the Westport-New Haven, Conn., area urging support for the McGovern-Hatfield amendment to the military authorization bill.

From citizens of the Santa Cruz, Calif., area 1,060 signatures, and 45 names on a petition from Los Gatos, Calif., which stated:

> The rationale of the President . . . is a continuation of the fruitless policies and baseless justification made by previous administrations and can only result in the perpetuation and extension, rather than the end, of the Vietnamese War.

Some 239 signatures from members of the Brooklyn College faculty "condemning President Nixon's decision to invade Cambodia and the resumption of bombing in North Vietnam" and urging the Senate Foreign Relations Committee "to take every possible measure to reverse this dangerous widening of the war."

A petition from 94 members of the All-University Department of Physics, New York University, supporting—

> The recent initiatives in Congress to repeal the Gulf of Tonkin Resolution, reaffirm the constitutional prerogative of Congress to declare war, and put a swift and immediate end to the war.

A petition from 33 residents of Seattle, Wash., urging Congress to work for a quick end to the war.

The 240 signatures on petitions from Glenside, Pa., asking Congress "to assert its constitutional powers."

A petition from 17 members of the staff of James Weldon Johnson Community Center, Inc., New York.

A petition from 319 Long Beach, Calif., residents calling upon Congress to assert its constitutional authority.

A petition from 39 members of the faculty of Finch College, New York, stating:

> We . . . condemn the extension of the war . . . and the killing of students in Ohio by National Guard troops, because every lawless action on the international level has the effect of still further tearing apart the social fabric of the United States. Therefore, we urge that Congress reassert its constitutional responsibilities . . .

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The 1,048 signatures from members of the faculty, administration, and student body of State University College, New Paltz, N.Y., on a petition which concluded:

> Please help us stop this senseless waste of American lives and resources and help us safeguard our Constitution.

A resolution signed by 120 people associated with the Department of Chemistry, University of Minnesota, deploring the escalation and calling for withdrawal of all U.S. troops from Southeast Asia.

The 287 signatures on petitions from residents of Minneapolis and St. Paul expressing unqualified opposition to the most recent escalation of the war.

The 2,225 signatures on petitions collected by graduate students and faculty members of the City University of New York from residents of the New York area. They express deep dismay at the expansion of the war "as well as the killings of Americans by Americans at home" and offer support for the Cooper-Church and Hatfield-McGovern amendments.

Mr. President, let me reemphasize that these are only some of the petitions I have received, and they are continuing to arrive. I did want to acknowledge these, however, and summarize them briefly for the Senate.

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I would like to point out that although they come from citizens of all ages and from all parts of the country, a number of them were gathered by students and young people. I think this is an indication that many of them are endeavoring to work through the system to bring about change.

I am sure that nearly every Member of the Senate has talked with young people in recent days who have been here lobbying for a cause they believe in. I had a most interesting session several days ago with students from Arkansas and others representing about 35 colleges and universities around the country.

I advised them, as I have advised the students from my own State who have contacted me, not to give up on democracy, and not to give up their efforts to bring an end to the war.

There are ample possibilities for a strategy of dissent through the processes of American democracy. In addition to lobbying for peace through the legislative process, there is an obvious and promising strategy in this election year: to take to the political hustings and to work in an efficient and organized way for candidates who favor peace.

Ringing doorbells and passing out handbills are neither as dramatic nor as cathartic as a march on Washington or a student strike, but they speak the language that politicians understand: the language of votes.

Discouraging though it may seem at times for those who want change, peaceful political dissent at home is the most powerful incentive our policymakers have for bringing the war in Indochina to an end. The real impact of orderly, democratic dissent in America is not on the policymakers in Hanoi, as people who support the present course are fond of asserting, but on the policymakers in Washington. That, no doubt, is why they object to dissent, and that is why those of us who oppose this war must sustain it.

Mr. President, although I do not intend to fill the RECORD with the texts and signatures from all the petitions that I have received, I would like to place in the RECORD a few of the letters which accompanied the petitions and which were of special interest. I, therefore, ask unanimous consent to have printed in the RECORD letters from Stanford University, Harvard University, and Mr. Kurt Stone of Santa Cruz, Calif.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STANFORD, CALIF.,
May 5, 1970.

Hon. J. W. FULBRIGHT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: We, the undersigned of Stanford University, strongly urge your support for the congressional action to cut off further funds for the Southeast Asian conflict except for the purposes of withdrawing our troops. Specifically, we refer to an amendment to the military authorization bill limiting future American actions in Vietnam, Cambodia, and Laos. Funds would be authorized only to cover the withdrawal of our forces, the exchange of prisoners, and asylum for Vietnamese who might feel threatened by our withdrawal. This amendment is being offered by Senators Hatfield, Goodell, Hughes, Cranston, and McGovern. We ask that you, too, go on record against further funding of a war whose continuance means more slaughter and destruction on all sides, a war whose constitutionality is questionable, a war which is being tragically escalated by President Nixon. This escalation has resulted in worldwide anti-American sentiment, internal strife and a stronger alliance of Red Chinese, Russian, and Vietnamese Communists against the United States.

CAMBRIDGE, MASS.,
May 6, 1970.

Hon. J. WILLIAM FULBRIGHT,
U.S. Senate,
Washington, D.C.

SIR: I write this letter to accompany a petition which has been signed by more than 2100 undergraduates at Harvard and Radcliffe Colleges.

The majority of the students at Harvard and Radcliffe Colleges favor the conclusion of American intervention in Southeast Asian affairs. For many years we listened and believed the promises that this country's political leadership foisted upon us. For most of us now, however, the bankruptcy and futility of our nation's expressed aims in fighting this war have become starkly apparent. Concurrent with this realization has come recognition of the fact that each life, American and Asian, that is lost in this conflict is inevitably lost in vain. Tragic as well is the increasing polarization between government and students, and the new levels of intensity of dissent and repression which are being reached in our country. Today, four students lie dead from gunshot wounds suffered while protesting this war. Sadly, their deaths are the result of the unleashed fury of American officers sworn to uphold the law that makes this a free society. Provocation may indeed have been intense; nevertheless, firing into an unarmed crowd of students, many of whom, it now appears, were but observers, is unjustified and unmitigated barbarity.

It was because of these disturbing events that I drafted and circulated this petition. I believe strongly that students should express their dissent against the policy that our President has chosen for our country with respect to Southeast Asia. I believe as well and as strongly that students have an obligation to make such expressions of dissent both peaceful and lawful. In a time of rapidly escalating rhetoric and increasingly violent confrontations as well as a growing disenchantment among students with the ability of government to deal morally with the problems of society, I drew up this petition to offer an alternative which I felt that everyone in the Harvard Community could support in good conscience. Moreover, my ethical inclinations led me to believe most emphatically that we, as members of a privileged intellectual community, should get on record as being opposed to the further prosecution of the war.

I am proud that this petition contains the signatures of well over a third of all the undergraduate community of Harvard University; I am even prouder of the fact that of those who read the petition, some 80–90% signed it. That we have only as many signatures as are here is a function of the inadequacies of our signature collection methods and not of our moral fibre. We sincerely hope that our faith in the efficacy of peaceful dissent and our indignation over the recent actions taken by our President will not remain unvindicated.

For your tireless efforts to restore a degree of sanity to the conduct of the foreign policy of my nation, I salute you.

Sincerely,

HAYWOOD TORRENCE, JR.

SANTA CRUZ, CALIF.,
May 2, 1970.

DEAR SENATOR FULBRIGHT: Although the military consequences of American involvement in Cambodia are not known at this time, there is one severe societal consequence that is as apparent as it is damaging: that deep underlying feeling of helplessness that I spoke of in my last letter to you. I don't know what I can do as a student—I do not want to throw bricks. Yesterday however, I decided that the least I could do was to show some solidarity for your position when you meet with the President on Tuesday. I wrote up the enclosed petition yesterday, Saturday, May 2, and circulated it amongst the students, professors and residents of Santa Cruz, a retirement community that has in the past overwhelmingly supported the President in his foreign policy. The 1,000 plus signatures enclosed represents only three hours work; the percentage of those, when asked, that signed is about 85%. At Berkeley yesterday, 7,000 names were gathered in the same three hour period. I do not know if these names can serve as anything more than a symbolic gesture; however, as I said, it was the least I could do.

The language of the petition is not strong; indeed, it even approaches being milktoast. However, I feel that the people who signed it knew what they were doing. I trust that by this time, people from all over the country have sent you similar signs of solidarity.

I trust that these names reach you before your Tuesday meeting with President Nixon. In the event that they do not, rest assured that when you go into conference, the American people will be supporting you all the way. May your strength and wisdom not fail you in this most important hour. Hopefully, our sense of helplessness will not turn to apathy and a lessening of our desire to be the vanguard among peace-seeking nations.

This letter can best be concluded with a quote from William Penn that expresses my feelings towards the Nixon administration: ". . . politics made obsolete by new accidents are as unsafe to follow as antiquated clothes are ridiculous to wear."

America stands behind you. In sincere trust and friendship, I am

Very truly yours,

KURT F. STONE.

Mr. FULBRIGHT. Mr. President, among the thousands of individual letters I have received, one of the most interesting is from a decorated veteran of Vietnam who is now a student at Cornell University. Mr. Richard Dunham received the Silver Star and an Oak Leaf Cluster, the Bronze Star and the Army Commendation Medal for Heroism. Because of his experience as both a soldier and student, I think his views are of particular interest, and I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ITHACA, N.Y.,
May 6, 1970.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SIR: I would like to register my complete support of your attempts to extricate this nation from its tragic involvement in Southeast Asia. I am appalled by our invasion of Cambodia; the deceptive rhetoric employed by the Administration and its supporters has brought many of us near despair. Our insane foreign policy must cease—at once! To facilitate this return to sanity, the United States Congress must assert its constitutional prerogatives.

I am a sudent at Cornell University; I am also a veteran of two years of duty in Southeast Asia as a non-commissioned officer in the United States Army. I can list among my decorations two awards of the Silver Star, one award of the Bronze Star and one award of the Army Commendation Medal for Heroism. I rejected an offer of a battlefield commission. I saw many good men killed and maimed; included among them were soldiers of the Democratic Republic of Vietnam and the National Liberation Front, as well as American soldiers. Though constantly engaged in combat, some of my men actually expressed to me disgust and remorse at being charged with the execution of an unjust policy. These men were members of an organization which considered it unmanly to attack and destroy other men with anything less than intense zeal and a sense of satisfaction. My men were not blind; they saw the peasants of the Mekong Delta defer to the soldiers of the Army of the Republic of Vietnam as one would to an army of occupation—the ARVN troops excelled in that role.

I choked as I watched President Nixon deliver his rambling treatise on "patriotism" in the corridors of the Pentagon last week. It demonstrated a perversity which I had never expected: American soldiers are tall men; radical students are bums. I am a student. Three years of Army service has radicalized me. Hence, I was a tall man, yet, now I am a bum. Two days later the President's venomous tongue-lashing was supplemented with the fierce authority of lashing bullets. This is part of the continuing war against rationality on the home front. It is a logical extension of this country's foreign policy.

Professor George Kahin of the Department of Asian Studies at Cornell University has informed me of an organized, methodical campaign mounted by the Pentagon to undercut your political effectiveness. I find the assumption of such a role by the Pentagon repugnant and counter to the best interests of this nation and those of all mankind.

Our egomaniacal Administration must be restrained. Demonstrate to the American people that they have recourse to the United States Congress in their quest for a sane foreign policy.

I have enclosed copies of Department of Defense documents which testify as to the extent and nature of my military service.

Hopefully yours,
RICHARD K. DUNHAM.

Mr. FULBRIGHT. Mr. President, I have seen a number of thoughtful, reasoned and moving editorials in recent days. One of particular interest to me appeared in an Arkansas paper, the Arkansas Democrat of Little Rock. The editorial is entitled "What Does It Take?" and asks "What does it take to convince a President we really mean it?" I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT DOES IT TAKE?

Lyndon Johnson was elected President because he opposed a bigger war in Vietnam.

Lyndon Johnson made a bigger war.

Lyndon Johnson became so unpopular he didn't run for reelection.

Richard Nixon was elected President because he promised to get our troops out of Vietnam.

Richard Nixon is making a bigger war by spreading it to Cambodia.

What does it take to convince a president we really mean it?

It shouldn't take demonstrations, peaceful or violent.

It certainly shouldn't take the martyrdom of college students.

The vote against Hubert Humphrey, Johnson's vice president, should have been enough.

And people are still saying that the ballot box is the only way to make changes.

The reports from the Cambodian invasion continue. 25,000 American troops are involved.

On April 23, Secretary of State William P. Rogers said, "We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program is defeated."

Rogers also said, "I think the one lesson the war in Vietnam has taught us is that if you are going to fight a war of this kind satisfactorily you need public support and congressional support."

Thousands of students demonstrate against the sending of troops to Cambodia. Congressional leaders threaten to cut off funds for the war.

In Philadelphia an organist refused to play "Onward Christian Soldiers Marching as to War."

At John F. Kennedy High School in Wheaton, Md., an American flag is burned by students who support the move into Cambodia. The flag had been flying at half mast because of the death of Allison Krause, a graduate of the school. Allison was shot to death by a National Guardsman in the Kent State University Massacre.

The flag was burned in a wastebasket on the second floor of the school.

The top National Guard officer said of the guardsmen at Kent, "Those people did the job they were told to do."

They were given rifle bullets to do the job with. The adjutant general of the Arkansas National Guard said this state's guardsmen are sometimes given rifle bullets when employed at demonstrations by civilians. He didn't say why.

The Ohio adjutant general said the guardsmen were given ammunition to use if they felt their lives were in danger. Four students were killed. 100 guardsmen were bruised by rocks.

The Kent campus is quiet, the school closed.

Troops continue to push into Cambodia, where it is reported 10 Americans were killed in a barrage.

In Cambodia allied troops are burning villages, destroying rubber trees and crops, slaughtering livestock, clearing out civilians as well as enemy forces.

In the United States, students are burning and vandalizing ROTC buildings, the handy military symbols.

The growing civil war is not a war of symbols.

It involves real people who violently oppose our involvement in Indochina. And people who violently oppose the opposers.

The longer the President delays getting us uninvolved in the war over there, the worse the war over here will get.

The war over here is now a war of bullets, too.

What does it take to end the war?

It should not take the martyrdom of college students.

It shouldn't even take the burning of a flag in a wastebasket on the second floor of John F. Kennedy High School.

Mr. FULBRIGHT. Further, Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Arkansas Democrat of May 8, entitled "A War-Peace Dialog at Conway," which reports on discussions among students and faculty members at Hendrix College in Arkansas.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A WAR-PEACE DIALOG AT CONWAY

(By Tim Hackler)

CONWAY.—Students at Hendrix College here Thursday evening reflected the nationwide student frustration over having a cause, but not knowing just what to do about it.

A march had been planned for 6 p.m. on Conway's new federal building to protest the Cambodian invasion and the killing of four students at Kent State University. But leaders called off the march, deciding that it could provoke violence and that it would only increase the polarity over the war and student demonstrations.

About 250 students, some 25 from State College of Arkansas across town, had assembled for the march at the library plaza on the Hendrix campus when they heard of the cancellation. For nearly an hour students took turns speaking at a portable lectern on the march, the merits of peaceful rather than violent demonstration, the publicity they were receiving, and what tact the protest movement should take.

The students, having failed to come up with any satisfactory plans, were clearly as frustrated after the informal exchange about what to do as they had been when they assembled.

Pat Goss of North Little Rock, one of the organizers of recent peaceful demonstrations at Hendrix, explained why the march had been called off.

"It looks like we may be turning the corner on this peace movement right now," he said, and the students shouldn't jeopardize the movement's effectiveness by encouraging confrontation and polarity.

Goss emphasized that neither the Hendrix administration nor Conway officials had put any pressure on the students. "This is not a cop-out," he said. "We simply thought we came up with something better."

Goss and another student, Larry Pearce of Magnolia, announced plans for a "telelecture" from Washington next week, during which Sen. J. William Fulbright would answer questions over a telephone circuit posed to him by Hendrix students. Goss encouraged his audience to be prepared with intelligent questions about what course student protest should take.

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Pearce had talked during the day with Fulbright and said the senator had cautioned against violence that would only bring repression.

Pearce and Goss also announced that Hendrix would be the Arkansas communications center for a nationwide project initiated at Williams College in Williams, Mass., to conduct a one-hour work stoppage May 20.

Goss turned the lecture over to anyone who wanted to speak. Most of the students supported the decision not to march, although there were some dissenters. There were also some personal testimonies.

One student said that he had looked forward to marching downtown singing "We Shall Overcome," but that he understood the decision not to march. "We won't stoop to violence like they do," he said.

Some American cities will "burn" this summer, predicted one student. "Why?" he asked. "Why not?" he answered. Peaceful demonstrations have not worked, he said, but violence has. "The government doesn't listen to you any other way."

But another student argued that violence was not the answer. "That's what we're here to stop," he said.

One student came to the lectern to explain why he was carrying an upside down American flag. It is a sign of distress for a country that is in a "pitiful" condition, he said.

A State College student argued that the march should be conducted to show Conway people student feelings against the country's foreign and domestic policies. "Conway has never seen a march," he said. "They just see us sitting in our libraries."

But another student argued that there was not much point in conducting the march because Conway businesses had closed and the television crew had left.

Thomas Slinkard, a history instructor, said he thought that the march would accomplish little, adding that he had been on several marches, including the march from Selma to Birmingham, Ala., in 1965. He suggested that the students' energy be channeled through a campaign to oppose the announced efforts of Jim Johnson to recall Fulbright. Such an effort would also provide an opportunity for students to talk with older people, he said, "maybe even your parents."

One student, who said he was attending his first protest demonstration, agreed that the students would be most effective by working politically against unsympathetic congressmen and by talking to their parents.

"If my mom and dad knew that I was talking to you now, they would try to understand," he said. "They might not agree right away, but they'd try to understand."

He also admitted sheepishly that he was the roommate of the student who had harassed a protest meeting on the campus Tuesday night by playing loud patriotic music from his dormitory window.

One student suggested that college administrators be pressured into making public their feelings about the war. And another urged that State College and Hendrix students work together. He noted that it had taken a peace demonstration to get students from the traditionally rival schools together.

The last speaker urged the students not to let their longing to do something fade away. "We finally appear to be getting something going here," he said, "and we shouldn't let it die."

By the end of the night, 300 students had signed a petition against the war, and two carloads of students had left for Saturday's mass protests in Washington.

RESOLUTION ON VIETNAM BY CITY COUNCIL OF PHILADELPHIA

Mr. FULBRIGHT. Mr. President, on March 5 the city council of Philadelphia, by unanimous vote, adopted a resolution memorializing "the President and Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam so as to give priorities to meeting the domestic needs of our own people."

The members of the city council of Philadelphia are to be commended for taking this official action in protest against continuation of the war. I hope that the council's recommendation will help to impress upon administration officials the urgent need to end this tragic war and reorder our national priorities to place the needs of our own people first once more.

I ask unanimous consent to have the text of the resolution printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Memorializing the President and Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam

Whereas, The war in Vietnam is consuming $30 billion a year in public funds and has caused the deaths of over 45,000 American fighting men and countless more Vietnamese; and

Whereas, Apart from the war in Vietnam, the military expenditures of the federal government far exceed any rational defense needs of this country and tend only to serve to inflate American prestige abroad and to make American soldiers policemen for the world; and

Whereas, In an effort to bring an end to the arms race and to make possible the peaceful resolution of international disputes, it would be more meaningful to strive toward arms control and disarmament; and

Whereas, We earnestly request that our national priorities be realigned to give first preference to meeting the domestic needs of our own people in such fields as education, housing, health, public safety, transportation, environmental improvements and recreation, and to removing the injustices which are responsible for the widening divisions in our society; therefore

Resolved, by the Council of the City of Philadelphia, That we hereby memorialize the President and the Congress of the United States to act immediately to end the tragic waste of American lives and resources in Vietnam so as to give priorities to meeting the domestic needs of our own people.

Resolved, That certified copies of this Resolution be forwarded to the President of the United States, Vice-President, Speaker of the House, President Pro Tempore of the Senate, United States Senators from Pennsylvania and Congressmen from Philadelphia, as evidence of the sentiments of this legislative body.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be treated as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT subsequently said: Mr. President, a few minutes ago I asked unanimous consent that the committee amendments be agreed to en bloc.

The distinguished Senator from Michigan (Mr. GRIFFIN) was under obligation to object and was in the process of objecting but he did not catch the eye of the Presiding Officer in the chair, who announced that the amendments were agreed to en bloc.

I now would like to ask unanimous consent that that unanimous-consent agreement be rescinded.

The PRESIDING OFFICER (Mr. SCHWEIKER). Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, I want to thank the Senator from Arkansas very much for his kindness and cooperation in this regard. The Chair, ordinarily, would have asked, "Is there objection?" under those circumstances, and would then have said, "Without objection, it is so ordered."

Both the Chair and the Senator from Michigan now realize that I should have objected. I was under the obligation to object, and I appreciate very much that the Senator from Arkansas realizes that.

If, on tomorrow, he wants to renew his request, after I have had an opportunity to discuss it with some of my colleagues, then I think it will be appropriate.

Mr. FULBRIGHT. Let me reassure the Senator from Michigan it is sort of a tradition around here. I had no idea there would be any objection, or I would have objected myself. I do not believe that we can operate the Senate on that kind of inadvertence.

Mr. President, it is with both a sense of great reluctance and a feeling of guarded accomplishment that I present this bill to extend the foreign military sales program to the Senate.

My reluctance derives from the fact that I take no pride in asking my colleagues to approve the portion of this bill which contributes to the spread of conventional military hardware. On the other hand, there is a feeling of accomplishment because of the committee's adoption of a number of significant amendments, including the prohibition on further involvement in Cambodia and a number of restrictions on the military aid and sales programs.

The basic purpose of this bill is to authorize continuation of the military credit sales program for fiscal years 1970 and 1971.

It would authorize credit sales of $300 million in military arms and equipment for each of those years and would authorize the appropriation of $250 million each year to finance the sales. The sales financed under this program are made primarily to less developed countries. Credit sales to rich countries are generally financed either through commercial channels or the Export-Import Bank.

But the credit sales program must be viewed in the context of the total picture of U.S. arms exports. The Department of Defense estimates that in the current fiscal year the United States will sell abroad a total of about $1.9 billion in arms and military equipment. Of that, $300 million will be financed under authority of the Foreign Military Sales Act. In addition to the sales volume, the United States will supply $392 million in arms through the military grant aid program and will have an additional $166 million in surplus arms and equipment—valued at one-fourth of acquisition cost—to give away. Thus, the United States will sell or give away nearly $2.5 billion in military materials this fiscal year.

I point out also that there are some $9 billion worth of surplus arms and military equipment now available for the Department of Defense to give away—even to Cambodia—without any congressional limits. And the total is mounting rapidly as U.S. forces are withdrawn from Vietnam. In addition to the excess arms, the funds available under the regular grant aid and sales program, the President may, under section 506 of the Foreign Assistance Act, give other nations up to $300 million of arms and equipment out of the Department of Defense's stock if he considers it vital to our national security. The sources of U.S. arms are many and the volume is vast. The credit sales program authorized by this bill is only the tip of the iceberg.

All of these programs add up to the fact that the United States is the world's largest producer and exporter of military equipment. And in this global context, I call attention to the grim reminder that for the period from 1964 to 1969 total military outlays around the world amounted to over $1 trillion. According to the Arms Control and Disarmament Agency, this sum when measured against available economic resources exceeds the value of all goods and services produced in the United States in the past year; it is more than 2 years' income for the world's developing countries in which 2½ billion people live; and it is equal to as much money as was spent by all governments on all forms of public education and health care in the 6-year period.

Few would disagree that this is a pretty sad commentary on the priorities set by governments around the world. But the future is even more bleak. Drawing on a recent United Nation study, the Christian Science Monitor graphically reported recently:

> If one silver dollar coin was dropped every second, it will take 126,000 years to exhaust the amount of money that will be spent on world armaments in the next 10 years.

As a practical matter there is little that the committee can do to change the outlook for that forecast. But it did act to try to control the contribution the Pentagon planned to make toward making the prediction a reality. It made a number of substantive changes that may help to stem the flow of American weapons abroad. I would like to describe briefly the most significant actions taken.

Nothing was more indicative of the Pentagon's blatant disregard for the intent of Congress than its giving away of some $140 million in surplus military equipment to Taiwan following Congress' refusal to appropriate $54.5 million in additional military aid above the amount authorized. As a result of this attempt to increase appropriations over the authorization level, and the Pentagon's attempt to make an end run around the Congress by using the surplus program, two amendments have been added to this bill to prevent such developments in the future.

The first, dealing with the excess property issue, restricts the Department of Defense's authority by imposing a $35 million ceiling on the amount of surplus military arms or equipment that may be given away in any fiscal year. A portion of the original cost of any surplus material given away above that amount would be deducted from the funds available for grant military aid.

The second, relating to appropriations, simply states that any appropriation above the amount authorized cannot be used and that any appropriation for which there is not an authorization cannot be expended. This amendment writes into law the principle, supported by the Senate in two votes last year, that the appropriation of funds which are not authorized is bad practice and, if carried to extremes, could seriously undermine the authority of all legislative committees.

In addition to these two amendments, the bill contains provisions which require: that recipients of military grant aid, including surplus equipment, pay in their local currency 50 percent of the value of the grants, the funds to be used to meet U.S. obligations in the country and to finance educational and cultural exchange programs; that the United States not approve requests by foreign countries to transfer military equipment, supplied under the grant or sales program, to any country to which the United States would not supply the arms directly; that the President be given explicit control over successive transfers of military equipment supplied under Government-financed programs; and that sales or grants of the International Fighter aircraft, except for those given to Vietnam or sold through commercial channels, be authorized under the regular military grant aid or sales programs.

Mr. President, the fact that the committee felt compelled to adopt these restrictions serves only to emphasize the failure of policies which have resulted in making the United States the world's leading arms merchant. This policy, which places such great reliance on arms as a means of solving problems of human and national relationships evidences a type of national illness.

It is the kind of illness that has spread deceptively and insidiously for many years and now permeates our entire body politic.

It is an illness that blinds both policymakers and public to our Nation's basic traditions and values to produce a kind of "Doublespeak" where lives are saved by sending more men into combat; villages are destroyed in order to save them; and risks for peace are taken by buying more weapons of destruction.

It is the kind of illness that has drawn us into Vietnam; that has nurtured our adventure in Laos; and that has brought us to the brink of a far wider war throughout Indochina.

In short, it is the kind of illness that prostitutes and distorts. It is the kind of illness that must be cured if we are to ever achieve peace abroad or at home.

The Church-Cooper-Aiken-Mansfield amendment, to prevent any further U.S. involvement in Cambodia, is a small, but important step in the recovery process.

Last year, by a vote of 70 to 16, the Senate adopted the national commitments resolution expressing the sense of the Senate that "a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the U.S. Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment." By its action of April 1970 in initiating hostilities within the territory of Cambodia without the consent or even the prior knowledge of Congress or any of its committees, the executive branch has shown disregard not only for the national commitments resolution but for the constitutional principles in which that resolution is rooted. In the wake of recent events, there is reason to reassert, with renewed conviction, a statement made in the Foreign Relations Committee's report of April 16, 1969, on the national commitments resolution:

> Our country has come far toward the concentration in its national executive of unchecked power over foreign relations, particularly over the disposition and use of the Armed Forces. So far has this process advanced that, in the committee's view, it is no longer accurate to characterize our Government, in matters of foreign relations, as one of separated powers checked and balanced against each other.

The notion that the authority to commit the United States to war is an Executive prerogative, or even a divided or uncertain one, is one which has grown up only in recent decades. It is the result primarily of a series of emergencies or alleged emergencies which have enhanced Executive power, fostered attitudes of urgency and anxiety, and given rise to a general disregard for constitutional procedure.

In fact, there was neither uncertainty nor ambiguity on the part of the framers of the Constitution as to their determination to vest the war power exclusively in the Congress. As Thomas Jefferson wrote in a letter to Madison in 1789:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

As to the powers of the President as Commander in Chief, Alexander Hamilton, an advocate of strong executive power, wrote in Federalist No. 69:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy, while that of the British king extends to the declaring of war and to the raising and

> regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

The present administration's view of the President's power as Commander in Chief is almost the polar opposite of Hamilton's. In its comments of March 10, 1969, on the then pending national commitments resolution, the Department of State made the following assertion:

> As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

Like a number of its predecessors, the present administration is basing its claim to war powers on either a greatly inflated concept of the President's authority as Commander in Chief, or in some vague doctrine of inherent powers of the Presidency, or both. Another possibility is that the matter simply has not been given much thought.

Whatever the explanation may be, the fact remains that the Executive is conducting a constitutionally unauthorized, Presidential war in Indochina. The commitment without the consent or knowledge of Congress of thousands of American soldiers to fight in Cambodia—a country which has formally renounced the offer of protection extended to it as a protocol state under the SEATO Treaty, and to which, therefore, we are under no binding obligation whatever—evidences a conviction by the Executive that it is at liberty to ignore the national commitments resolution and to take over both the war and treaty powers of Congress when congressional authority in these areas becomes inconvenient.

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It is noteworthy that, in his address to the Nation of April 30 explaining his decision to send American troops to Cambodia, the President did not think it necessary to explain what he believed to be the legal ground on which he was acting, other than to refer to his powers as Commander in Chief of the Armed Forces. Equally noteworthy was the President's repeated assertion in his press conference of May 8 that he—and he alone—as Commander in Chief was responsible for the conduct of the war and the safety of our troops. This sweeping assertion of the President's authority as Commander in Chief amounts to the repudiation of those provisions of article I, section 8 of the Constitution, which empower Congress not only to "declare war" but to "raise and support armies," "provide and maintain a Navy," and "make rules for the Government and regulation of the land and naval forces." It is true, of course, that the present administration's attitude in this area hardly differs from that of its predecessors—except that preceding administrations took no special pride, as the present administration does, in adherence to a "strict construction" of the Constitution.

The Senate's adoption of the Church-Cooper-Aiken-Mansfield amendment will be a significant step toward restoring the health of our constitutional system of checks and balances. Both its purpose and language are simple and straightforward. Its purpose is simply to prevent involvement by the United States in a wider war in Asia by insuring that our forces are withdrawn from Cambodia and that the United States does not end up fighting a war in behalf of Cambodia. I will not go into the several points of the amendment since the sponsors of it will discuss its details in their presentations.

Mr. President, I believe that, with the amendments adopted by the committee, this is a good bill and I hope that the Senate will approve the committee's recommendations.

AN EXPLANATION OF THE COOPER-CHURCH AMENDMENT

Mr. CHURCH. Mr. President, first, I want to commend the distinguished chairman of the Committee on Foreign Relations for the excellent explanation he has made of the military sales bill, as recommended to the Senate by the committee, and the endorsement he has given to the Cooper-Church amendment, which I should like to explain further at this time.

The United States is still stuck fast in the longest war of its history in the former French properties known as Indochina. Three Presidents, representing both political parties, have been unwilling to put an end to the American involvement in this Asian war.

Throughout this protracted period, the Congress of the United States has permitted each President to exercise blank-check powers. In so doing, we have shrunk from the use of our own authority under section 8 of article 1 of the Constitution, which vests in Congress the purse strings, together with the power to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. Our failure to make effective use of any of these powers, while the war was passed from one President to another, is one for which historians may judge us harshly.

Within the past 2 weeks, another front has been opened in this interminable war—again as the result of a Presidential decision taken without so much as a bow to Congress. The dispatch of American troops into Cambodia, though presently limited in scope, could easily become the first step toward committing the United States to the defense of still another government in Southeast Asia. Sobering as this specter should be, in light of our experience in Vietnam, it nonetheless presents Congress with a historic opportunity to draw the limits on American intervention in Indochina. This is the purpose of the amendment that Senator COOPER and I, joined by Senators MANSFIELD and AIKEN, urge the Senate to approve. If enacted into law, it would draw the purse strings tight against a deepening American involvement in Cambodia.

There is a precedent for what we are asking the Senate to do. It lies in the action taken last December when, you will recall, the Senate adopted overwhelmingly a modification I proposed to an amendment offered by Senators COOPER and MANSFIELD to the military appropriations bill for fiscal year 1970. It provided that "none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand." There is reason to believe that this amendment, which became law, had a restraining effect on our newest venture, because the President is said to have rejected recommendations that the current operation include Laos as well as Cambodia. To have done otherwise, might well have placed the President in the untenable position of breaking the law.

We now seek to do for Cambodia what our earlier amendment did for Laos. But since American forces have already entered Cambodia, the amendment we propose would set limits on their intervention, prevent them from remaining in Cambodia, and preclude any military entanglement on our part with the government of that country.

Unquestionably, Congress has the power to accomplish these objectives. But this power, so little used in recent years, amounts to so much idle talk, unless a majority proves willing to invoke it. Our amendment is drafted in such manner as to invite, and offered in the hope that it will attract, majority support.

Some have argued that it is useless for the Senate to legislate limits, when the House of Representatives has already backed away from them. I do not agree. Nor do I believe the Senate should be put off on such a pretext. If the amendment were affixed to a House passed bill, such as the Military Sales Act now pending before the Senate, and then strongly backed by the Senate as a whole, the vote would provide our conferees with a mandate to insist that the amendment be retained in any final version of the bill.

The amendment itself is a realistic one. It is no exercise in futility; it does not attempt to undo what has been done. Instead, it is addressed to the immediate need of preventing the United States from bogging down in Cambodia, and from committing itself to the defense of another Asian government on a new front.

It does this by: First, denying funds for the retention of American forces in Cambodia; second, prohibiting funds for the instruction of Cambodian military forces or for hiring mercenaries to fight for Cambodia; and, third, forbidding the use of any appropriation for conducting combat activity in the air above Cambodia in support of Cambodian forces.

In sum, the amendment is directed against those very activities which led to our entrapment in Vietnam. Its adoption would erect a legal barrier against further penetration of American forces into the jungles of Southeast Asia and help expedite the withdrawal of our troops from Vietnam.

Mr. President, legislative action is needed now, not only to make certain that the avowed perimeters of our attack upon Cambodian sanctuaries are not exceeded, but also to bar the beginnings of an escalating military assistance program to the new Cambodian regime. We owe nothing to the generals who have seized power in Phnom Penh. We have made them no promises. For once in our lives, we stand unfettered by any treaty obligations. We have no duty to furnish them with arms, let alone to come to their defense.

Still, it takes no exercise of the imagination to forecast, now that the Cambodian boundary has been breached and our gunboats ply the Mekong, that pressures will soon develop for sending an American military mission to Phnom Penh which, in turn, would generate a whole set of American obligations to the new Cambodian regime. This very sequence of events led us ever deeper into the morass in Vietnam. We must not travel down that tragic trail again.

This war has already stretched the generation gap so wide that it threatens to pull the country apart. The new generation never saw in Vietnam the demons that our generation perceived. Unlike American Presidents, who were mesmerized by the "lessons" of World War II, our brightest young people never believed that Ho Chi Minh was Adolf Hitler in disguise, or that our failure to send in our own troops to fight for the government we subsidized in Saigon would amount to another "Munich." They knew that Vietnam really had nothing to do with the security of the United States, the safety of the American people, or the well-being of our society. And so they soon came to view the war as an unwarranted intrusion on our part in a Vietnamese struggle which we should never have made our affair.

It does no good to tell these young people that our "will and character are being tested," that we shall not be humiliated or accept our first defeat. They do not believe a mistaken war should be won. They believe it should be stopped. That, for them, is the path of honor.

Little wonder, then, that our generation has lost communication with young America. We move in two different worlds; we speak two different tongues. We would pass each other by, like two ships in the night, were it not for the collision course we oldsters have charted: we keep drafting them to fight our war. We persist in that course, even at the price of alienating millions of young Americans.

The deep disillusionment of college students in their country and its institutions has its roots in Vietnam. When the power of the State is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in the angry uprisings on campuses from coast to coast. Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the Government is rejected on an issue so fundamental as an unacceptable war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule and repudiation. Cauldrons of anarchy soon begin to boil.

So it has happened that our country is coming unstuck. The crisis in our land, the deepening divisions among our people, the festering, unattended problems at home, bear far more importantly upon the future of the Republic than anything we have now, or have ever had, at stake in Indochina. That is why the time has come for Congress to draw the line against an expanded American involvement in this widening war.

Too much blood has been lost, too much patience gone unrewarded, while the war continues to poison our society. If the executive branch will not take the initiative, then the Congress and the people must.

LIST OF COSPONSORS

Mr. President, when the amendment was originally offered, Senators Mansfield and Aiken joined Senator Cooper of Kentucky and myself in recommending it to the Committee on Foreign Relations. The committee adopted the amendment by a vote of 9 to 5 and affixed it to the Foreign Military Sales Act now pending before the Senate.

Since the committee took that action, many other Senators have asked to be listed as cosponsors of the amendment.

Mr. President, I ask unanimous consent that their names be affixed as cosponsors.

The full list of cosponsors is:

Senator Aiken of Vermont; Senator Bayh of Indiana; Senator Brooke of Massachusetts; Senator Case of New Jersey; Senator Church of Idaho; Senator Cooper of Kentucky; Senator Cranston of California; Senator Fulbright of Arkansas; Senator Goodell of New York; Senator Harris of Oklahoma; Senator Hart of Michigan; Senator Hatfield of Oregon; Senator Javits of New York; Senator Mansfield of Montana; Senator Mathias of Maryland; Senator Mondale of Minnesota; Senator Moss of Utah; Senator Pearson of Kansas; Senator Pell of Rhode Island; Senator Proxmire of Wisconsin; Senator Ribicoff of Connecticut; Senator Saxbe of Ohio; Senator Schweiker of Pennsylvania; Senator Symington of Missouri; Senator Tydings of Maryland; Senator Williams of New Jersey; Senator Young of Ohio; Senator McGovern of South Dakota; Senator Hughes of Iowa; and Senator Gravel of Alaska.

Mr. President, as of now, the total number of Senators sponsoring the amendment is 30.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. CHURCH. Mr. President, I also ask that a text of the amendment in its revised form, as reported from the Committee on Foreign Relations, be printed at this point in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

Church-Cooper Amendment

Sec. 7. The Foreign Military Sales Act is amended by adding at the end thereof the following new section:

"Sec. 47. Prohibition of assistance to Cambodia.—In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces."

Mr. CHURCH. Mr. President, I am pleased to share with my colleagues a petition signed by students from my home State of Idaho attending Harvard University who protest against the U.S. invasion of Cambodia.

I ask unanimous consent that this petition, together with the names of the students who signed it, be printed at this point in the Record.

There being no objection, the petition with list of names, was ordered to be printed in the Record, as follows:

May 8, 1970.

Honorable Frank Church: We, Idaho students attending Harvard University, wish to register our opposition to President Nixon's policy in Southeast Asia. We strongly feel that the immediate, complete withdrawal of United States troops from Indochina is essential for the fulfillment of our national goals. Therefore, we urge you to take any steps necessary to disengage the United States from this unfortunate war.

Mike E. Brandeberry, Boise, Tom Ambrose, Wendell, Daniel F. Brandeberry, Boise, Irene Kelly, Jerome, Ralph J. Coates, Buhl, Craig Ipsen, Montpelier, Matthew Berman, Moscow, Larry D. Bishop, Boise, Del Ray Maughan, Boise, Robert T. Horten, Coeur d'Alene, Robert Stevens, Pocatello, Julian R. Birnbaum, Caldwell, Marie Kelly, Jerome, Melanie York, Boise, Richard Smith, Caldwell, Steve Mikesell, Boise.

Mr. CHURCH. Finally, Mr. President, an excellent and perceptive article appeared in the New York Times of Sunday, May 10, 1970, written by the distinguished columnist Harrison E. Salisbury.

In the article Mr. Salisbury points out that the initial political reaction to our movement into Cambodia has been to draw the Soviet Union and Red China closer together, the first time this has happened in a number of years.

A few days ago, when members of the Senate Foreign Relations and the House Foreign Affairs Committees attended a briefing in the White House on the Cambodian venture, I came away convinced that the President of the United States had launched a large gamble for small stakes.

After listening closely to the President's explanation and to the answers he gave to the many questions asked, I felt that if he were to win the gamble, he would gain no more than a temporary removal of certain border bases to which the enemy would soon return; if he lost the gamble, the enemy reprisals might well take the form of a Communist take-over of Laos or Cambodia or both, and beyond Indochina, the repercussions might tend to resolidify the fractured Communist world. That indeed seems to be what is happening.

Let me read to the Senate portions of this very perceptive article by Mr. Salisbury. He points up what very large losses may be entailed for the United States as a result of a military venture which, at best, can produce only the most limited and temporary of benefits.

Mr. Salisbury writes:

> The United States action in Cambodia has touched off a swift Chinese diplomatic offensive which is radically altering Sino-Soviet-American relationships and may open the way to temporary easing of Sino-Soviet tensions.
>
> The Chinese moves were undertaken at a moment when the Sino-Soviet conflict had touched a new height of violence. They came in the face of major new Soviet troop movements to the disputed frontier with China.
>
> Now, however, as a result of the personal intervention of Chairman Mao Tse-tung the principal Soviet diplomatic negotiator, Deputy Foreign Minister V. V. Kuznetsov, has returned to Peking amid rumors that Moscow and Peking may be willing to lay aside, in part and for the time being, their bitter quarrel.
>
> Premier Chou En-lai moving with remarkable deftness, has managed to seize for China the leadership in the Communist response to the United States action. He has managed to put China at the head of an emerging coalition of Indochinese powers and may have stalemated the Soviet Union in what might have been a new escalation of the Sino-Soviet quarrel.
>
> ### WARNING TO U.S.
>
> In the process the Chinese have delivered a low-key warning to the United States that escalation of the war in Indochina might bring about their intervention; made an offer of "volunteers" to Prince Sihanouk (which he graciously declined); blocked the Russians almost completely out of the direct relations with any of the Indochina countries; re-established warmer and closer relations with bristly North Korea; and laid the foundation for a possible "united front" of China, the Indochina states and North Korea against "U.S. aggression."
>
> The consequences to future United States and future Soviet policy of the Chinese diplomatic blitzkreig may be far-reaching.
>
> The United States is scheduled to meet with Communist Chinese delegates in Warsaw May 20 for a renewal of two-power discussions designed to lead to a new basic American-Chinese relationship. Diplomats now wonder whether the meeting will actually be held. They rate its chances for progress as something less than zero.
>
> At the same time the specter emerged of increasing difficulties with the Soviet Union, particularly in the critical SALT talks under way in Vienna. Premier Aleksei Kosygin himself raised the question of confidence in this connection in his Moscow press conference.
>
> The effect of the United States action on the critical confrontation in the Middle East was still uncertain. One Washington theory was that the President believed a display of "muscle" in Cambodia would deter the Soviet Union from stepping up its military support of Egypt. The validity of this hypothesis remains to be tested.
>
> ### TOUCH OF IRONY
>
> The principal power to suffer in the rapid sequence of events appeared to be the United States. Instead of a diplomatic horizon marked by escalating rhetoric and menacing military moves by the two Communist powers the prospect emerged of a new if shaky "cool" between Moscow and Peking.
>
> An ironic touch was the fact that as of early April Russia and China had come to another derailment in their long, harsh disagreement. Mr. Kuznetsov had been ordered to return to Moscow. New Soviet military units were ordered up to the China frontier. Polemics, suspended since the inception of the Peking talks in late October, had begun again.
>
> The propaganda war took a major turn April 22, the 100th anniversary of Vladimir Lenin's birth, when the Chinese published the most slashing assault they had ever delivered against Moscow—a declaration comparing Party Secretary Leonid Brezhnev to Adolf Hitler, Soviet Russia to Nazi Germany—complete with Nazi racist overtones. They charged Russia with contemplating a Nazi blitzkreig against China.
>
> Moscow retaliated by spewing into the airwaves personal vilification of Chairman Mao Tse-tung, charging him with complicity in the murder of his first wife, the death of his eldest son, and a wide catalogue of crimes and misdemeanors.
>
> But, with the mounting escalation of the United States action in Cambodia, a simultaneous escalation of the Sino-Soviet conflict became increasingly embarrassing to both Peking and Moscow. Neither side was prepared to abandon the deep-rooted quarrel but there was rising urgency to lay it to one side for a while—if possible.
>
> ### QUARREL PUT ASIDE
>
> Premier Chou En-lai went into action, providing patronage for the Indochina powers conference, promising support and "volunteers" if necessary. On May Day Chairman Mao Tse-tung himself, ignoring Soviet personal attacks, sought out a Soviet diplomat, V. G. Gankovsky, and urged that the Sino-Soviet talks resume.
>
> By week's end the well-oiled propaganda machinery in Moscow and Peking was swinging into line. China attacks on Moscow ceased. Russian propaganda against Peking began to taper off—but did not cease completely.
>
> Moscow was still stung by China's emergence as the chief protecting power in Indochina and by Peking's obvious effort to shoulder Russia aside in that part of the world. But faced with a Chinese *fait accompli* and the critical implications of United States action in Cambodia it seemed that Russia would, for the moment, put aside the China quarrel for the sake of over-all opposition to the United States.

Mr. President, I offer this article as evidence of how much we stand to lose diplomatically and strategically as a result of the attack we have made into Cambodia. I think that the risks involved for the United States, if it permits itself to be drawn still more deeply into this war, are so immense that we must no longer put off the responsibility we have, as representatives of the people, to assert powers which are vested by the Constitution in the Congress.

The purpose of this amendment is to set the outer limits of American penetration into Cambodia. We take the President of the United States at his word that the present operation is limited in scope, that it is confined to the capture of particular border sanctuaries, and that, as soon as this objective is accomplished, American forces will be withdrawn.

The amendment simply says, in effect, that Congress undertakes to set the outer limits of American involvement in Cambodia. As soon as the bases are captured, as soon as the objectives of the operation are achieved, then no further funds are available for retaining American forces in Cambodia. That is the first objective of the amendment.

The second objective is to lay down a legislative barrier against the kind of escalating military assistance program which, once commenced, can easily lead this country into an entangling alliance with the new regime in Phnom Penh.

We know from our experience in Vietnam that what commences as a limited military aid program can readily expand into a much more extensive program; that small arms soon lead to more sophisticated armaments; and that these weapons, in turn, lead to the necessity for introducing American instructors and advisers who, once committed, create pressures for the final commitment of American combat troops. That was the sequence of events in Vietnam, and we must make certain it does not become the sequence of events in Cambodia.

The adoption of this amendment would prevent this from happening. If future developments were to lead the President to advocate a renewal of our attack upon Cambodian territory, or a more extensive occupation of that country, then he would be obliged to come to Congress, make his case before us, and ask the Congress to lift its prohibition against such an expanded war.

Now, Mr. President, we should have done this a long, long time ago. For too long, we have abdicated away our authority to the President, sitting on our hands hoping the American people would look the other way, while this war has gone on and on, while casualties have mounted inconclusively, until today our involvement in Vietnam has become the longest war of our history and one of the costliest. Still there is no end in sight. The time has come for the Senate to assume its responsibility under the Constitution, drawing outer limits on this latest involvement, and insisting that if the President intends in the future to expand still further our participation in this war, he come back to the Congress, make his case, and ask Congress for the consent that the Constitution intended us either to grant or to withhold.

I hope in the coming days of debate that we can clearly set forth the constitutional issue involved here. I hope that we can encourage the Senate to adopt this amendment as a proper assertion of congressional authority.

Last December, we took the first step, Mr. President, when the Senate adopted overwhelmingly an amendment of mine, made a part of the military appropriations bill for fiscal year 1970, that prohibited the introduction of American ground combat forces into Laos or Thailand. That represented the first instance, in the whole long course of this war, that Congress had undertaken to use the purse strings to draw a line. At the time, the President said it was in conformity with his own policy. He did not raise questions about undermining his authority as Commander in Chief; he accepted the decision of Congress, as consistent with its responsibility in determining how and where public moneys shall be spent.

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No different principle is posed by this amendment. If the earlier amendment was acceptable to the President, it escapes me why this amendment should not be, for each rests upon the right of Congress, under the Constitution, to control the spending of public money, and each is pointed toward the necessity of establishing limits to the American involvement in a wider Indochina war. I think it is the second step, a necessary and logical step to take, in view of the developments of the last 2 weeks, to reassure the American people that Congress is alive and living in Washington, D.C.

So I hope, when the debate has been completed, that the Senate will support the amendment.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield to the Senator from Tennessee.

Mr. GORE. I congratulate the Senator upon a very able address and upon the many praiseworthy efforts he has made in this field.

I wanted to suggest the possibility of an amendment. I do not ask the Senator to give his reaction now, nor do I wish to offer an amendment now, but I would like to call it to his attention. He may wish to think about it, or if he wishes to respond now, fine.

On lines 5 and 6, if we strike the words "expedite the withdrawal of American forces from," and substitute instead, "to facilitate a negotiated peace in," this would make the first clause of the sentence beginning on line 4 read as follows:

> In order to avoid the involvement of the United States in a wider war in Indochina and to facilitate a negotiated peace in Vietnam.

What I seek to do by this possible amendment is to draw a clear distinction between "Vietnamization" and a negotiated peace. As the able Senator knows, I have not, from the day Vietnamization was announced, believed that it could work or would work to bring an early peace, to bring an early end to the war. Indeed, I do not believe it is designed to bring an early end to the war. It is a formula, not to end the war, but to prolong the war. It is a phased withdrawal, having as its purpose sustaining the Thieu-Ky regime in power in Vietnam. "Vietnamization," therefore, is contradictory to and incompatible with a negotiated settlement.

A witness before the Foreign Relations Committee this morning said that only in the past 2 years had priority been given to the ability of the Saigon government to defend itself. Well, I suppose he was talking about defending itself against its own people as well as its neighbors in North Vietnam.

What seems to me should be our top priority is not sustaining Thieu and Ky in power, but achieving a negotiated settlement. In my view, this means a compromised peace based upon a coalition government, or a compromised government, or an agreed government—use whatever term one likes—in Saigon.

It is the purpose of this amendment to draw a distinction between a phased withdrawal—which is "Vietnamization"—and a negotiated peace, which would permit not a long, drawn-out piecemeal withdrawal, but disengagement, a cease-fire, peace, and the bringing of all of our sons home.

Mr. CHURCH. Let me say to the distinguished Senator that, of course, I would give very serious attention to any amendment he might propose. He and I both share the same skepticism about the President's policy of Vietnamization. I agree fully with the Senator from Tennessee that this policy, as it has been explained to us, is not one that will take the United States out of the war in Vietnam, but, rather, one that is designed to keep us in the war for years to come. All that Vietnamization will accomplish is a reduction in the number of American forces——

Mr. GORE. Unilateral reduction.

Mr. CHURHCH. Yes, a unilateral reduction in the number of American forces, bringing, according to the President's announced intentions, the total down to about half of what it was at the time that Mr. Nixon became President, from something over half a million men to something close to a quarter of a million men; and those remaining will continue to fight the war. They will continue to give aerial support, artillery support, combat engineer support, logistical support——

Mr. GORE. Infantry.

Mr. CHURCH. Even infantry, to secure our own remaining forces; and they are scheduled to give that support indefinitely, as long as it is necessary to keep them there in order to sustain in power the government in Saigon.

So I agree wholeheartedly that Vietnamization is not an acceptable method for extricating the United States from its involvement in Indochina, but nothing in this amendment is meant in any way to express the approval of the Senate as regards the Vietnamization policy. All that this amendment does is to set the limits on the new American venture in Cambodia, to make certain that we neither bog down in Cambodia nor establish an elaborate military assistance program that commits us to the defense of the new regime in Cambodia.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. GORE. Of course, since Vietnamization is the only program we have, other than the recent widening and reescalation of the war, all of us must hope that it will prove successful; but I must say that I have never thought that a unilateral withdrawal, or unilateral reduction, of U.S. forces while the other side increases, augments, builds up, deploys greater and larger forces, could possibly lead to other than a reescalation, which we now have had, or the danger of a slaughter of the American forces remaining there.

After all, how long can one side reduce while the other side increases, without facing a catastrophe?

Obviously, the administration recognized that further reductions would present a hazard. It was inevitable that this would occur. It is inevitable that it will recur, unless it be that, by some unusual change of circumstances, South Vietnam becomes able to master its own situation.

It appears now that a program is underway to "Vietnamize" Cambodia. I am not sure how this is going to turn out.

I wish to draw a clear distinction between a negotiated peace, which is the goal I wish to see achieved, and "Vietnamization," which I am not sure I wish to approve.

The Senator says the proposed resolution does not constitute an approval of Vietnamization. I wish to approve a negotiated settlement. This, it seems to me, should be the first goal. I shall leave this in the RECORD, and we can consider it further.

Mr. CHURCH. I appreciate that. The Senator and I are kindred spirits, and I am confident that it will be possible for us to reach an accord with regard to the intended aim which will fully satisfy the Senator.

Mr. President, I yield the floor.

OPERATION OF LARGER JETS AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, the recent action by the Federal Aviation Administration to allow larger jets to operate at National Airport not only contradicts assurances given to me and other Senators, but totally ignores the community interest in seeing reasonable limits established at that facility.

In making this decision, it appears that the FAA consulted only the airlines whose convenience and profit would be served. The people over whose homes these aircraft fly and whose communities are blighted by this overburdened airport are left to take the consequences.

Mr. President, the FAA claims to be acting in the true public interest, but it has not once asked what the public thought or let its voice be heard. In the one case in which the public was offered a forum to express its views on congestion at National Airport—the Civil Aeronautics Board's Washington-Baltimore airport investigation—the FAA was instrumental in having that case discontinued even before a formal hearing was held. Is it any wonder that public confidence in government is so low?

Mr. President, I have introduced a bill which would remove National and Dulles Airports from the control of the FAA and give the communities affected a strong voice in their future operation.

In this connection, I ask unanimous consent to have printed in the RECORD three recent editorials: "Airport Logic," published in the Norfolk Virginian Pilot of May 3, 1970; "Bigger Jets at National," published in the Washington Post of May 4, 1970; and "Stretching the Rules," published in the Washington Evening Star of May 12, 1970.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Norfolk Virginian Pilot, May 3, 1970]

AIRPORT LOGIC

A single management for the airports at the Nation's capital is as logical as a single management for the port terminals in

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Hampton Roads. This is a part of the thrust of a bill introduced by U.S. Senator William B. Spong Jr.

Senator Spong's bill also would get the Federal Government out of the commercial airport business. The Federal Aviation Administration owns and operates both Washington National and Dulles International, and critics contend that the FAA runs them for the benefit of the airlines exclusively.

The Senator's bill would create an authority—made up of representatives from Virginia, Maryland, and the District of Columbia—which would hire a staff to run the airports.

The authority would give the communities a voice in the airports' operations and assure greater efficiency by channeling some of the overload at Washington National to the relatively empty runways at Dulles International.

Senator Spong's bill, introduced last November, was prompted by the Civil Aeronautics Board's failure to hold a single public hearing or take any action in an investigation of the crowded conditions at Washington National. The CAB last week formally dropped the investigation after almost three years.

Fortunately, a hearing on the Spong bill, called by the Senate Commerce Committee's Aviation Subcommittee June 9–10, seems destined to do the CAB's job of investigating Senator Spong's charge that "the FAA has been operating these facilities as though they were its private property."

The Federal agencies' apparent lack of concern over present congestion is even more alarming in the face of an expected threefold growth in air traffic to the Capital by 1980.

[From the Washington Post, May 4, 1970]

Bigger Jets at National

Every once in a while, it seems, the airlines and the Federal Aviation Administration have to be reminded that they should be working to make Dulles and Friendship this area's major airports, not National. Senator Spong dropped in that reminder last week when he discovered that the FAA is permitting stretched 727s to land at National. These are the long versions of one of the two-engine jet models allowed there, and their additional passenger capacity alone (170 as compared with 131) is sufficient to keep them out.

What happened was that the FAA "temporarily" lifted the ban on these planes during the semi-strike of the air controllers. It did so for a perfectly good reason—more people could be moved in fewer planes, thus easing the load on the air traffic control system. But this "temporary" action has outlived the strike and, as we unhappily learned with the jets, once you let a particular type of plane land at National you have all kinds of problems barring it subsequently.

The trouble with National, as far as this community is concerned, consists of noise, dirt and congestion. The hope of eliminating it as an airport seems gone, although that would be the proper step, and the only part of the problem which can still be controlled is congestion. The place is too crowded now and bringing in bigger planes with more passengers is only going to make it worse. The best way to get passengers out of National and out to Dulles, where they can be accommodated better, is to get airplanes out to Dulles. Allowing bigger 727s into National only postpones that day and it has already been postponed far too long.

[From the Washington Star, May 12, 1970]

Stretching the Rules

In the public interest, during the recent air controller slowdown, the Federal Aviation Administration relaxed its rules to allow the so-called "stretch" jets to operate at Washington National Airport. Now, with the slowdown over, the larger jets remain. And timely protests have been registered by both Virginia's Senator Spong and Representative Gude of Maryland.

John H. Shaffer, the FAA chief, defended the rule stretchout in a speech the other day, in which he also repudiated the continuing demands that National be shut down altogether.

On the latter point, we're in his corner. The air capacity of National provides a vital, logical service to the Nation's Capital. Its value, in the years ahead, will become even more apparent. And we doubt that the shrillest of the airport's opponents really believes there is the slightest chance that this facility, in view of the spiraling pace of air travel, will be closed.

But Shaffer, for his part, doesn't seem to understand that he is undermining his own cause by slipping in little extras sought by the airlines—of which the stretch jets are a prime example—at every opportunity. In fact, according to Spong, the decision contradicts the specific recommendation of a confidential study by the FAA itself, which concluded that the use of the stretch 727s would violate the intent of operational restraints imposed by the agency on National more than two years ago.

In his argument, Shaffer said that Dulles Airport, in time, will join National in handling all the traffic it can bear. No doubt he is right, and the time to start looking elsewhere in earnest for further airport capacity is already overdue.

But Dulles is by no means at a point of congestion. And that is where the larger jets, with their increased passenger loads, ought to be routed now—rather than to impose new pressures on facilities at National which already are jammed.

ADDRESS BY SENATOR KENNEDY ON FORMER CHIEF JUSTICE WARREN AND THE CURRENT CRISIS IN CIVIL LIBERTIES

Mr. HART. Mr. President, for the past 5 years, the J.F.K. Lodge of B'nai B'rith has honored great Americans by presenting them with its Profiles in Courage Award. On April 28, the sixth of these awards, the award for 1970, was made to former Chief Justice Earl Warren. I believe that the lodge honors itself by having made this choice, and its action should be noted in this Record.

Further, Mr. President, I believe the Record should contain the address given on that occasion by the able senior Senator from Massachusetts (Mr. Kennedy). It is a moving eulogy to a magnificent Chief Justice. I believe that the widest possible circulation of this address is desirable, both for those who admire the Chief Justice and those who seek even greater respect for the Supreme Court.

Therefore, Mr. President, I ask unanimous consent that the speech of Senator Kennedy be printed in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks of Senator Edward M. Kennedy

Just five years ago I was pleased to be with you to honor the memory of the first recipient of the Profiles in Courage award, Edward R. Morrow. In the four years since then, the winners have been giants in American life and American liberty, Judge Simon Sobeloff, Charles Weltner, Paul Douglas, and Ramsey Clark. And today that proud tradition continues as we pay tribute to Chief Justice Earl Warren.

I feel a deep sense of privilege and awe in performing my role tonight. For the life of the Warren Court spanned my entire adult life. I was 21 when Earl Warren became Chief Justice, and perhaps my generation will be the last to understand from personal experience why the Warren Court was the subject of so much controversy and so much emotion.

Indeed, for many of us, the key rulings of the Warren Court have already come to seem in retrospect merely the necessary articulation of self-evident constitutional percepts. It hardly seems radical to have decided nearly 90 years after the 13th, 14th and 15th Amendments, that officially forced separation of citizens by skin color was unacceptable. It is not surprising that after 175 years of increasingly irrational legislative apportionment, the Court decided that "Legislators represent people, not acres or trees." It certainly does not shock us now to hear that poor defendants are entitled to the same Constitutional protections as rich ones, that these protections accrue as soon as a suspect is deprived of his liberty, and that the suspect must be told of his rights before he can be assumed to have waived them.

These, stripped to their essentials, are the three major, and most controversial, decisional lines of the court which Earl Warren led for 16 years, and it is a sign of that Court's impact on national life that today most of us take them for granted.

Yet the fact is that each of these developments in the law was earthshaking in its day, and reflected the courage and confidence of Chief Justice Warren and his fellow justices.

For in those days the constitutional promises of equality and liberty and justice were often shams in the courts, in the legislatures, in the precinct houses, and in the schools and public facilities. And few with the power to act had been willing to recognize those shams, to mark them for what they were, to destroy them, and to replace them. The legislative branch would not. The executive branch could not. And the judicial branch had failed to appreciate that by refusing to decide cases, or by deciding to acquiesce in the status quo, it was exercising its power as fully as if it took cases and altered the status quo. It would not admit that by choosing not to address problems which it could have addressed, it assumed a share of the responsibility for those problems. There appeared to be a judicial code of silence on many great issues and hard issues, a code which said if the problem is difficult and complex and the correct judicial solution would raise its own difficulties, then the courts had better abstain from seeking a solution, no matter how pressing the need for change. The theme seemed to be that only easy problems with easy answers were fit for judicial solution, and that drastic problems with difficult answers should remain unsolved. Judicial restraint became judicial abdication, and since there were no other sources of relief, judicial abdication became the last step in America's toleration of constitutional hypocrisy.

But within a year after he joined the Court, Earl Warren changed all that. With the Chief Justice as catalyst and spokesman, the Court's unanimous opinion in *Brown* showed forcefully that the Court was prepared to address large issues and hard issues, and to tear away the Constitutional facade behind which we had been living.

The first years of the Warren Court were historic not merely for the advances in judicial responsiveness which they marked, but perhaps more strikingly for the political context in which they occurred. In Congress, where an effective combination of political forces was resisting all social progress and

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generating novel legislative dilutions of liberty, there had developed a pattern of individual demogoguery and fear-mongering that threatened to destroy any person or any institution working in the public interest, and especially those who sought to strengthen and promote and avail themselves of Constitutional liberties and individual freedoms. In the Executive, there was not just a benign neglect of pressing national challenges, but a benighted preference for low profile government which would not make waves—even when it saw that the waters were already troubled. And the public quietly accepted this attitude. Tired from two wars, cowed by McCarthyism, worried by the first time since World War II about their pocketbooks, the nation did not have the emotion or inclination for social activism. Even those who suffered most, and most directly, from the system's failures—the black, the city dwellers, the poor, the ignorant—suffered in comparative silence—without demonstrations, without violence, without rebellion, with just an occasional lawsuit seeking to test the honesty and validity of the system.

So it was left to the courts, and with Earl Warren at their apex, the courts responded. They responded carefully and judiciously, step-by-step, and with attention to pragmatics. The reach of *Brown* was expanded cautiously in a logical series of holdings that has not yet reached its end. *Mallory* merely elaborated on *McNabb* and *Upshaw*. *Miranda*, as the dissents in earlier cases pointed out, was only the inescapable application of the careful progression of *Gideon*, *Hamilton*, *White*, *Massiah*, and *Escobedo*. And even *Baker* v. *Carr* was written with enough restraint so that its strongest critic could opine that the Court had merely "opened a colloquy, posing to the political institutions of Tennessee the question of apportionment, not answering it for them."

Earl Warren had been a great and successful politician. He had been elected district attorney, attorney general, and 3 times, Governor of California. He knew the Nation and its people. He knew what they wanted and what they needed, and what they would accept. He knew that politics was the art of the possible, but he also recognized, in the words of a quote which Congressman John F. Kennedy saved and used, that "the best politics is to do the right thing." Earl Warren's vision of "the right thing" changed over time. What seemed necessary to him in 1941, probably seemed inconceivable in 1961. But it was this growth and perspective which gave him strength.

He knew what he wanted the Supreme Court to be. While he did not find it necessary to articulate a comprehensive theory of how the Court should go about deciding cases, his record on the Court spoke deep and thoughtful messages about his philosophy of judicial behavior. Jim Clayton has summarized the Frankfurter and Warren philosophies this way: "Frankfurter saw it as a Court in which only principles were established; Warren often sees it as a place where justice is done." But I think that contrast does not stand up, and does not fairly reflect the meaning and importance of the Warren philosophy. For when a supreme instrument of government does justice, it also establishes principles. It demonstrates that the government, the institutions of organized life, the Establishment, if you will, is alive and well, is responsive and responsible, is vital and functioning. It restates the principle that justice can be done and should be done and must be done by all instruments of government. It keeps alive the faith of the people in the system, stimulates them to seek more justice from the system, shows them how the system should operate so that they will recognize its malfunctions.

It broadcasts the clear lesson that the Constitution is not just a piece of parchment to be kept in helium at the Archives for schoolchildren to look at, and for lawyers to genuflect to, but that the Constitution is a living force, a guide for finding contemporary answers to contemporary questions, a working tool for every citizen, meant to be used, and strengthened by use.

And when the instrument which establishes these principles is the Supreme Court, they have special meaning. For when the Supreme Court finds it necessary to intervene, that is a strong warning to other institutions of government that they may be failing in their own responsibilities.

Of course, that warning came through loud and clear from the Warren Court, first to the Executive Branch, and then to the Congress. The first change of Administrations during the Warren era found a new commitment to social justice. The Executive worked in tandem with the judiciary, taking strong initiatives in civil rights, and laying the groundwork for an upheaval in criminal and civil justice by focusing on the problems, ventilating them, and proposing administrative and legislative reforms. By the end of the first decade of the Warren Court, Congress also began to complete what the Court had started. The civil rights acts of 1960, 1964, and 1965, provided massive legislative solutions which facilitated or replaced the excruciating case-by-case pursuit of equality. The Criminal Justice Act, Narcotics Addict Rehabilitation Act, Bail Reform Act, the Law Enforcement Assistance Act, and others recognized the need for overhauling the machinery of justice. With OEC, education, health, and manpower legislation the Congress assumed even broader responsibilities for social progress. A misguided effort in Congress to turn the clock back on *Baker* v. *Carr* was rebuffed not once but twice, and the Court's demand for equality of representation remained intact.

And so, as the Warren era drew to its close, our national government was strong enough to withstand the twin challenges of urban violence and political dissent. By and large the institutions of order, especially at the Federal level were able to respond firmly when necessary, but with flexibility, compassion, and due respect for legitimate rights. I think it is a mark of the contribution of the Warren Court that we were able to get through the last half of the decade of the Sixties with our liberties and our institutions intact.

Now I fear that we are entering another era of crisis, an era of inaction and retrogression and repression easily matching that which faced Chief Justice Warren when he arrived in Washington, an era which will demand frequent profiles in courage if we are to survive as a free people. Many of the signs are small, but they are ominous. Taken separately, some may not seem unbearable or worth fighting about. But taken together they suggest a trend and a pattern which could lead to an ever faster circle of repression and reaction with no conceivable end. They are gnawing at the precious foundations of our freedom, chipping away piece by piece the barriers against tyranny and oppression which the framers of the Constitution erected.

Even to recite calmly a list of the symptoms is to give the impression that 1984 may be less than 14 years away, and that "Z" could happen here:

More wiretapping in more kinds of cases, and assertion of the absolute power to bug dissenters without court orders.

Pressures for no-knock searchers and for detention without bail.

The use of scare tactics to discourage attendance at protest gatherings, and the obsessive focus on the few lawbreakers in peaceful crowds of tens of thousands.

Growing use of domestic spys—in schools, in political groups, at public meetings, of informants who sometimes help to foment the very acts they are supposed to be investigating.

Verbal harrassment of dissenters by political leaders, not on the merits of the issues involved, but through guilt by association and exaggerated codewords.

Total lack of sensitivity by those leaders to the issues involved—the Attorney General trying to tell jokes about his wiretapping to an audience that is quite seriously concerned about his wiretapping; the Vice President and the President making light of their affinity to "Dixie" at a time when the nation's stability may depend on whether that affinity outweighs their affinity to justice.

The new application form for Washington demonstration permits with blanks for everything from philosophy to arrest records.

A new attempt to prevent disagreeable protests near the White House altogether.

The installation in the White House of a journalist with carte blanche to fish through federal tax files and other confidential materials.

Executive resistance to a bill to eliminate an anachronistic and frightening provision for federal detention camps, resistance which melted only when it became publically embarrassing.

Serious consideration being given to a proposal to remove 5 and 6 year old children from their homes into correctional camps on the basis of tests of their potential for later criminality.

Federal stockpiling of huge amounts of teargas, and equipping of federal marshals with shotguns that they do not need or want.

Sharp curtailment of the availability of federal parole, the best incentive known to give prisoners hope and a goal as they are rehabilitated.

Refusal to support extension of the Voting Rights Act of 1965, the most successful contribution to universal suffrage since the 19th Amendment.

Federal encouragement of continued resistance to Constitutionally required school desegregation.

Court nominees chosen for their willingness to resist Constitutional mandates, rather than for eminence or leadership.

Official solicitation of letters of endorsement of a Court nominee from federal employees and judges, but investigating and threatening of government funded lawyers who write letters opposing the nominee.

Attempts to ease non-conformist employees out of the civil service by applying political tests and by reinvestigating their backgrounds for past participation in protest activities.

Inspection of incoming foreign mail by federal authorities.

A concerted effort to interfere with the freedom of the press, led by the Number Two man in the Administration.

Harassing calls to the networks by the Chairman of the Federal Communications Commission, and to local media by a member of the Subversive Activities Control Board and by our nation's first information czar.

Harassment of the national educational T.V. network by the Internal Revenue Service.

A constant effort to blame the nation's ills on scapegoats such as the previous Attorney General.

Each of you can probably add to that list, from your own knowledge, items which the public is not yet aware of, and there are others I have omitted.

Nevertheless, it is a shocking and terrifying list. It betrays a total lack of respect for our heritage of freedom and constitutes an immediate threat to our system. The most disturbing element is perhaps the rhetoric which accompanies these symptoms of incipient Contitutional retrograde. The innuendoes are those of the '50's. The implica-

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tion is that anyone who believes in the principles of the Bill of Rights or the 14th Amendment is somehow unpatriotic, that the Twentieth Century cannot afford the luxury of liberty, that we should go on a diet that dispenses with the frosting of freedom on America's cake. And the results of such rhetoric are unmistakable. A reporter walks the street with the text of the Declaration of Independence on July 4th and has a hard time finding anyone willing to sign it. A network poll shows a substantial proportion of Americans willing to have their constitutional protections taken away.

The Constitution protects us, but we sometimes forget that it does not and cannot protect itself. It will atrophy if it remains unused. It will be eroded if it is not defended at every opportunity. It will come into public disrepute if politicians are allowed to go unchallenged as they pander to, and exploit, and act out, the basest instincts of human character, playing man against man, group against group, region against region, and generation against generation.

And if the Constitution withers away the nation will wither away—or will disappear in an orgy of violence. For the Constitution is the hope and strength of all Americans of all philosophies. Today those of one ideology may feel they can do without Constitutional protection because they have political protection. But the political shoe changes quickly from foot to foot, and on the next go around they may be the ones who need the Constitution most.

And so all of us must speak up for freedom. All of us must be advocates for justice. All of us must be executors and conservators of the valuable estate left to us by Thomas Jefferson and Alexander Hamilton and Benjamin Franklin and their associates. They were men of courage and foresight. And if their testament to us is to be preserved, our times will have to produce citizens of courage and foresight.

There was ample proof this month that courage still abounds in the land. Just when the outlook for government responsiveness looked bleakest, the U.S. Senate responded to the national need by rejecting a Supreme Court nominee who would have been an insult to the Constitution and the Court which enforces the Constitution. That response was possible only because citizens and lawyers and Senators had the courage to place conscience above convenience. Thus, there is hope. There are Americans who can carry on the fight for justice which Earl Warren led so bravely. But they must step forward now, for it is late in the game.

When Earl Warren stepped down from the Bench, he said, "We serve only the public interest as we see it, guided only by the Constitution and our own consciences, and conscience is a very severe task master." And so we have seen his courage not just in profile but in full face, for he has devoted his whole being to liberty and to justice, for all and forever. There was always something very special about the Chief's courage. Archie Cox described it this way: "not merely the will to decide and decide according to his convictions but the courage that preserves equanimity, tolerance, and good nature in the face of provocation." That kind of courage is welcome in any man, vital for a good Justice, and absolutely essential in a great Chief Justice. Earl Warren had it and that is why we are proud to honor him today.

ISRAEL'S 22D ANNIVERSARY

Mr. HART. Mr. President, on May 11, 1970, the Senator from Maine (Mr. Muskie) spoke at the American-Israel Public Affairs Committee Luncheon, in honor of Israel's 22d anniversary.

Senator Muskie's message was an eloquent one, and I believe it deserves a wider audience. I ask unanimous consent that it be printed in the Record at this point.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks by Senator Edmund S. Muskie at a Luncheon in Honor of Israel's 22d Anniversary, May 11, 1970

Our presence here today bears witness to the continued vitality of a national and religious impulse that has persisted for three thousand years.

Our presence is also testimony that we stand firmly in support of Israel, for we all share her commitment to freedom and the sanctity of life.

I feel privileged to be able to share with you today some thoughts about the establishment of Israel and her role in the world today.

In 1948 a nation was born. Since then, Israel's spirit, character, and accomplishments have established her as perhaps the most gifted and vital new member of the family of nations. Her achievements take on even greater proportions when one considers they took place and were preserved despite great natural and political difficulties.

Only three years ago the world watched anxiously as war erupted. But the book of judges still lived, and Israel's safety was again assured by her citizen army and the brilliant planning and foresight of her chief of staff.

Today, however, Israel's very existence is challenged anew.

Recent emplacement of Russian SAM-3 missiles coupled with the use of Soviet pilots in the United Arab Republic, clearly indicate that Israel does not need praise for past accomplishments, but present assurances that democracies like the United States will firmly support her basic right to exist.

In this time of crisis neither Israelis or Arabs can afford to disregard the importance of peace. But the goal of peace can only be approached if we first recognize both the paramount needs of national security and the overriding considerations of pestige and self-respect.

The Arab-Israeli problem may be the most difficult to confront statesmen in this century. It must, however, be successfully resolved. Failure would be catastrophic for the future of civilization in the Middle East. It could even write the final chapter to the story of mankind.

I am convinced, however, that the problem is not insoluble.

In moments of doubt I take heart in Israeli's almost miraculous creation which we are now celebrating, and which not long ago would also have seemed visionary and unrealistic.

I then can read, as a hopeful message for our times, and the future these words of Isaiah:

"In that day Israel will be with Egypt and Assyria a blessing in the midst of the earth, whom the Lord of Hosts has blessed saying, 'blessed be Egypt my people, and Assyria the work of my hands, and Israel my heritage.' "

CBS HANDLING OF NEWS FROM CAMBODIA

Mr. DOLE. Mr. President, last week I included in the Record a transcript of a report from South Vietnam by Gary Shephard, a Columbia Broadcasting System correspondent who was covering the strikes into the Cambodian sanctuaries of the North Vietnamese.

At that time, I said that it appeared to me that Mr. Shephard was literally attempting to incite mutiny among the troops. Certainly he was playing on the fears and uncertainties that always affect soldiers when they go into combat.

At the time I was not aware that about 500 station executives from CBS affiliates were watching Walter Cronkite air the CBS evening news live from studio 33 at CBS Television Studio in Hollywood.

Nor was I aware that as part of that program Mr. Shephard was shown conducting this infamous interview.

I am told that many in the audience were shocked, distressed, and angered by this kind of reporting and protested it to Richard Salant, who heads CBS's news operation.

I do not know if those protests had any effect, or if mine did, or if those of other Americans around the country who joined in the protests.

But I do know that we suddenly have a different story from Mr. Shephard, who appears to have mended his ways, at least temporarily, or maybe has found a situation he just cannot ignore. I ask unanimous consent to have a transcript of Mr. Shephard's broadcast of last Monday night printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Alpha Division (?) of the U.S. first Air Cavalry Division was one of the first units to uncover this vast enemy supply depot, the largest of the Vietnam war. Despite the protests at home against the movement of U.S. forces into Cambodia, the GI's here generally think the decision was the right one.

"I think it's alright. I'm scared everywhere I go, but I think we are definitely putting the hurt on Chuck. So, I think it's worth it, you know. I don't think it's worth it in lives. I mean if we put the hurt to them as much as we can to try and stop the war, you know. It's been going on too long."

How do you feel about being inside of Cambodia like this?

"Well, it's quite a change after three tours of Vietnam to come over here and to find a lot of good weapons and a lot of ammunition that could be used against us. I'm glad that we are. We haven't been finding too much in Vietnam lately and the more we find over here the less they can use against us. When you come right down to it, I'm glad we are over here."

Are you glad to be here?

"No, I'm not glad to be here, but I think it's necessary to do it. I think it will probably save lives in the long run being here. I think we are fighting the war in the right way finding all this stuff cause some of these bullets probably will have some of our names on them otherwise."

Are you happy you found all of these weapons and ammunition?

"Yeah, it's better they can't use them on us you know, cause we got them and they don't. I don't like fighting at a disadvantage, but if we have the upper hand, I like it. If we're even, I don't."

So far 6½ million rounds of 51 caliber machine bullets have been uncovered and in addition to rifle, rockets, mortar and radios everything the enemy needs to fight the Vietnam war. There is no question the discovery of this vast supply depot has dealt the Communists war efforts supply a devastating blow.

Gary Shephard, CBS News with the U.S. First Air Cavalry Division inside Cambodia—9:36 P.M.

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Mr. DOLE. I point out, Mr. President, that in this CBS report of Monday evening, Mr. Shephard interviews some of the young men who are now in Cambodia. I cite just one example of a comment made by a soldier there:

> Well, it's quite a change after three tours of Vietnam to come over here and to find a lot of good weapons and a lot of ammunition that could be used against us. I'm glad that we are here. We haven't been finding too much in Vietnam lately and the more we find over here the less they can use against us. When you come right down to it, I'm glad we are over here.

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the call.

Mr. MILLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

Mr. MILLER. Mr. President, I furnish, for the RECORD, the results of the Cambodian sanctuary operation as of 8 a.m., May 13, 1970, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESULTS OF THE CAMBODIAN SANCTUARY OPERATION AS OF 08:00 A.M., MAY 13, 1970

TOTAL OPERATIONS

Individual Weapons, 7,274.
Crew Served Weapons, 1,012.
Bunkers Destroyed, 3,294.
Small Arms Ammunition (Rounds), 8,375-925.
Machine Gun Rounds, 6,861,388.
Rifle Rounds, 1,514,537.
Grenades, 12,761.
Anti-Aircraft Rounds 4,072.
Mortar Rounds, 13,231.
Large Rocket Rounds, 869.
Smaller Rocket Rounds, 8,156.
Recoilless Rifle Rounds, 9,362.
Rice (lbs), 4,780,000.
Man Months, 105,160.
Vehicles, 171.
Boats, 40.
Enemy KIA, 5,178.
POWs (Includes Detainees), 1,399.
Mines, 1,200.

LESS AMERICAN FOOD FOR EUROPE

Mr. MILLER. Mr. President, in the Commonwealth Quarterly known as the Round Table, for April 1970, is a very knowledgeable article by Harald Malmgren entitled "Less American Food for Europe." This scholarly and knowledgeable article discusses the common agricultural policy of the Common Market and its implications for U.S. agricultural exports. In addition, it discusses the problems, both for Britain and other members of the community and other countries, of Britain's entry into the Common Market, with particular emphasis on agricultural trade.

I believe that a reading of this article would be most helpful and informative to my colleagues in the Senate and, in fact, to all who read the CONGRESSIONAL RECORD, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LESS AMERICAN FOOD FOR EUROPE; GROWING DISILLUSION WITH THE COMMON MARKET

(By Harald B. Malmgren)

Originally, there were many reasons for American encouragement of European unification. Early supporters ranged from those primarily interested in military security to those interested in stabilizing the relations between the national and factional interests in Europe. There were differences of view about the best forms of integration, but there was a central theme, A Grand Design: Unification should be both political and economic, and it should lead both to greater interdependence and to coordination of policies with the rest of the world. In other words, unification should be complete, and it should result in outward looking policies.

At that time in the United States, economic union was thought to be a desirable development because it was considered a means toward political union. At the present time, however, the political thrust is weak and it does not appear to be gaining strength. Moreover, there are many Europeans who are increasingly willing to share the Gaullist view in public remarks of their own. There are many who doubt whether political unification ought to be central. And there are those who have been rethinking, and concluding that the whole approach has been wrong, as did Dr. Erhard a year ago: [1]

Unification, let alone the unity of Europe, remains blocked so long as we are not prepared to make a clear distinction between economic and political integration, between economic community and the formation of a state. A European state, however organized, may lie at the end of the road. But it was an obvious mistake to try to give the European Economic Community, in its initial stages, the character of a political as well as an economic union. Not only did this idea generate opposition even inside the Community, but it was precisely the emphasis of this aspect which made it hard for outside countries (and, in particular, for the United Kingdom) to agree in advance to an increasingly extensive sacrifice of sovereign rights and powers.

He went on to point out the even greater problems caused for other European nations by this conception of unity.

Today, there are very few political achievements in the history of the European Communities which one can point to, and several examples of disruptive nationalistic decisions, which even ignored the established economic rules and consultative procedures which provide that modest degree of cohesion which exists. When France, for example, found herself in May, 1968, in a trade and payments crisis because of the general strike, she resorted to a series of restrictive trade and capital measures without any prior consultation with her partners in the EEC, and without any reference to the provisions of the Treaty of Rome. Later, when France, and then Germany, were forced to adjust their exchange rates, the implications for the economic adjustments in agriculture amongst the Six were essentially treated as secondary matters.

Thus, realistically, the United States has to change its conception of what unification is all about, in the light of experience and its assessment of its own interests. Pragmatically, we can make a case that economic union is still desirable *if* it provides greater opportunity for reconciliation of European political stresses and strains, *and if* the emerging union is outward-looking in its policies. A restrictive, inward-looking *bloc* would not be desirable, especially if it harms legitimate foreign commercial interests, while ignoring the need for continuous internal adjustment in relation to the interests of other nations. This pragmatic approach leads to the need of an ever more careful assessment of the economic stakes.

A MONSTROUS ECONOMIC MACHINE

The major political achievement of the Common Market has clearly been the unification of agriculture under the Common Agricultural Policy (CAP). For the negotiators of the Treaty of Rome, and for many of the Ministers meeting in Brussels over the years, it has been a great political success. But it has also been the source of continuous quarreling, and it has become a costly, monstrous economic machine which devours great chunks of national budgets, as well as funds which would otherwise go to those budgets. The CAP, correctly has become the central focus of most studies of the cost of entry for the United Kingdom and other countries.

The administration of the CAP must be of great concern to the United States, because agriculture represents a very important part of American exports. While the popular conception of the great American technological export engine is partially valid, it is often overlooked that agricultural exports currently represent nearly 20 per cent of total U.S. exports. Commercial, non-concessional agricultural sales are over 15 per cent of the total commercial exports. Looked at from the domestic point of view, the production of one out of every four or five acres goes into export. A very high proportion of the total production of our great foreign exchange earners, soybeans and wheat, goes into exports: soybeans exports usually represent about 40 per cent of home production. Wheat exports were down to 34 per cent in 1969, as compared with 62 percent in the period 1963–5. It should also be added that the U.S. is one of the most efficient producers in the world of wheat, feedgrains, and soybeans.

While new industrial protection and discrimination arising out of the integration of the Six has been modest, and has been offset by general income growth and the Kennedy Round tariff negotiations, the CAP has become increasingly protectionist. The CAP was brought to near-completion in the 1966–7 period. With the variable import levy, the protection now is about treble what it was eight or nine years ago.[2]

Defenders of the CAP have sometimes argued that the level of exports from the U.S. and other countries would continue to rise, in spite of the system. They believed internal damage would continue to grow fast enough to offset the damaging effects of the import levies. Until 1965–6 this did in fact happen. But subsequently, after the full system fell into place for many products, there has been a reversal. In the last three years, U.S. farm exports to the E.E.C. have fallen nearly 20 per cent. The item subject to the variable import levy system amounted to $736 million in 1965–6; in 1968–9 they were $441 million. They fell, in other words, by 40 per cent.

This is not the whole picture, however. The price support levels within the E.E.C.

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[1] Dr. Ludwig Erhard, "Prospects for European Integration", *Lloyds Bank Review*, January, 1969, pages 1–2.

[2] H. B. Malmgren and D. L. Schlechty, "Technology and Neo-Mercantilism in International Agricultural Trade", *American Journal of Agricultural Economics*, American Agricultural Economics Association, December 1969.

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lies far above world market prices. For example, the E.E.C. price per metric ton for soft wheat is about 86 per cent above the world market price; corn is about 60 per cent above; butter is over two-and-a-half times higher. Moreover, the CAP does not provide for production controls, and its administrators are strongly opposed to any quantitative limitations on output. The mechanism of the CAP was originally designed to provide a financial bridge up to the internal price levels through the variable levy import system, and a financial bridge down to world prices for exports through the restitution (subsidy) system. The restitutions were theoretically to be established to offset the effects of import charges, so that an exported ham or chicken would not have to bear the inflated costs of imported feedstuffs, or the inflated domestic price levels. In practice, in the day-to-day administration of the restitution system, this conception has been lost, the regulations have often been rewritten or reinterpreted, and the export subsidies are simply set so as to meet export competition and clear the internal market of surpluses.

The production stimulation has been far-reaching. For example, in 1969–70, West Germany will probably become a net exporter of wheat and flour for the first time in her history. The unrestrained growth of production has resulted in an increasing need to unload surpluses in world markets at heavily subsidized, distress prices. Often the subsidies are larger than the value of the product itself. These aggressive export pricing policies have damaged United States interests in many markets, and have proven very disruptive for such countries as Denmark, Canada, Australia, and New Zealand. It means increased competition for all exporters in remaining markets and a downward pressure on world prices.

The trade distorting effects of the CAP are thus found not only in its import protection system, but in the stimulus to production and its export restitutions. Most of the studies of the effects of the CAP ignore the latter elements.

THREE LAYERS OF COSTS

The consequent costs of the agricultural system to the member countries are extremely high. The direct costs of the CAP system, as administered in Brussels, is about $2.5 billion (U.S.) now, and rising. Behind that figure, however, lies the national expenditures. The national budgetary costs to member countries for agriculture is about $5.5 billion *in addition to* the CAP expenditures. The total public expenditure of $8 billion on farm programs is larger in absolute terms than the total of the whole United States. Moreover, the Common Market forces its consumers to pay out an additional vast amount in the form of prices well above world markets. One U.S. government estimate puts the consumer cost at about $7 billion annually.[3]

The E.E.C., however, is not alone in its tendency towards further trade distortions in agriculture. The Japanese, protected by a series of quantitative import restrictions inconsistent with the General Agreement on Tariffs and Trade (the G.A.T.T.), and holding to a price support treble the world market, are finding themselves with a rapidly increasing rice surplus and mounting budgetary costs. This creates pressure to maintain import restrictions on other temperate commodities to make way for domestic diversification. Japan is now also trying to unload some of its mountain of high-cost rice in the form of food aid, disrupting the rice markets for developing country exporters. Denmark, finding itself squeezed by widespread subsidization in world markets, adopted its large-scale Home Market Scheme, a euphemism for export subsidy program. Australia and Canada have felt the pressures, particularly in declining wheat prices during the last year or so (witness the political turmoil in Canada's western provinces). In part this was a result of the past unwillingness of the Canadian and Australian governments and wheat producers to recognize that they must share in controlling world production by restraining their own output, or else face general deterioration in world grains prices, the International Grains Arrangement notwithstanding.

The United Kingdom has also turned in the direction of increasing protection, justified in policy statements by balance of payments considerations. Both political parties in the U.K. advocate increased self-sufficiency in agriculture. The minimum import price scheme, which was introduced in 1964 for grains, is highly protective. The Economic Development Committee for Agriculture was established to develop import-saving policies. The Ministry of Agriculture has followed its general proposals to stimulate home production and cut back imports, in order to save about $400 million annually by 1972–3. While there have been some difficulties in moving toward increased self-sufficiency, and whereas the costs are high both to the government and the U.K. consumer, there is no doubt that the direction of policy is towards increasing self-sufficiency.

These developments in the major commercial markets come at a time when the developing nations are finally in a position to step up their rates of growth of agricultural production as a result of the Green Revolution in rice and wheat. Some of them are not only becoming self-sufficient, but they are also pinning hopes on potential commercial exports. This, at the very time when the developed countries together are pressing each other's prices downward through protectionism, artificially stimulated production, and export subsidization. It is in this context, of worldwide downward pressures on grain prices, and a resurgence of mercantilism in some of the major developed nations, that the consequences of the CAP and of further unification of Europe must be viewed.

For the United States, increasing discrimination against its exports, and increasing competition arising out of unreasonable production and export pricing policies, will have both adverse economic and political effects. The U.S. political reaction can directly affect European interests.

For example, many of the pressures in the United States Congress for troop reductions in Europe come from members who represent farm states. It is not in Europe's interest to see a unilateral military withdrawal of the United States, without some type of agreed adjustment in Eastern Europe and some further understandings about American intentions for the future. Unilateral moves leave Western Europe with little bargaining leverage. Yet an aggressive mercantilistic policy in European agriculture is the quickest way to step up domestic pressure on American members of Congress to withdraw anything which can be construed as assistance.

In the trade field alone, European agricultural policies are increasingly affecting the thinking of the Congress. Even Senator Javits, an internationalist, free trader, and champion of further steps toward economic integration wherever possible, made a strong speech on the Senate floor criticizing the policies of the Common Market in the autumn of 1969. His concern, shared by many Americans who favor trade expansion, is intensified by the experience of the last few years in Congress, when American farm interests have been among the strongest opponents of protectionist trade legislation, and have saved the day on several occasions when new trade restrictions came close to enactment in legislation. Senator Javits said:

> If pursued, the CAP's policies of high agricultural support prices combined with no limitations on production could score a knockout punch not only to the world agricultural market structure, as we presently know it, but also to the possibility of the United States continuing the liberal trade policies that this Nation had pursued over the past 25 years.

Thus, as far as Europe is concerned, its industrial exports could eventually be at stake, because of American reaction to inward-looking agricultural policies in Europe.

PAYING THE COSTS OF BRITISH ENTRY

Looking more specifically at the economic costs of British entry into the E.E.C., an American must be struck by the fact that almost every study assumes an adverse effect on U.S. agricultural exports, at least in the short run. Some of the studies come out with a relatively small short-run impact, but argue that the long-run changes will bring about general improvement. There is a tendency in such studies to make three sets of assumptions: the CAP as it now exists is the relevant force to consider, the costs of the CAP would be a restraining force on further distortions, and the agricultural policies of the rest of the world will continue exactly as in the past.

The present coverage of the CAP leaves out soybeans (and its derivative products), tobacco, and canned fruits and vegetables. These are major American export earners in the U.K. and the E.E.C., amounting to $600–$700 million in the E.E.C. alone. Moreover, soybean products and soybeans have for several years been one of the best growth performers in overall U.S. exports, both industrial and agricultural. With the U.S. trade balance faring badly, growth exports become critical. The intention of the Common Market Commission is to introduce the CAP, or other trade restrictions with similar effect, for these products. Thus, the question of where the Market is heading is just as important, or more so, than the present coverage of the CAP.

As for the costs of the CAP, these, though high, have not yet brought about any major changes in policy. No serious attempt has yet been made to alter the basic system of farm income support. That system is based upon unlimited production coupled with unlimited guarantees on price supports. The Mansholt Plan for restructuring European agriculture may look adventurous and expensive (it is both), but the key issue of removing the causes of the overproduction and high costs has not so far been faced. Most of the political arguments within the Six instead revolve around whether or not to raise support prices, and how to distribute the financial costs.

As for the present worldwide situation in temperate agriculture, it is simply nonviable, and adjustments will have to be made somewhere.

Would British entry *automatically* reduce the problems for third countries, or alter the basic tendencies of the CAP? The answer is clearly no.

The British trend, to date, has been towards increasing self-sufficiency. Entry will not itself change this, except for accelerating the restrictive effects on imports from third countries, including the U.S., Canada, and Australia. Broadening the coverage of the CAP would not itself be a matter for major concern in the U.K., except perhaps for its tobacco manufacturers, so that here too there would be no automatic shift in the balance of pressures.

Since, as even M. Pisani admits, the U.K. would have to bear about half the total costs of the CAP if she accepts the Treaty of Rome and the present rules as they stand, the financing problem would become easier for the other members with the British in. Moreover, they all could assume that some of the grains surplus, as well as that of other products, would sooner or later be absorbed by the United Kingdom, as supplies from other areas became displaced by the variable levy (which would make Continental grains and other products relatively cheap in the U.K.).

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[3] G. R. Kruer and B. Bernston, "Cost of the Common Agricultural Policy to the European Community", *Foreign Agricultural Trade of the United States*, U. S. Department of Agriculture, October 1969.

Can Britain afford simply to set aside the real costs of entry in the search for the abstract political benefits of a formal, unified superstructure? The cost to the U.K. will be high initially, both to consumers and to the government. Low estimates (to be found in certain newspapers) based upon butter price differences and marginal adjustments from the *status quo* simply fail to take into account the trends in overall E.E.C. costs, the changing international production picture, and the downward price tendencies in the world market for temperate products. Can the United Kingdom afford a deal which will offset its last devaluation, on top of its present national rise in costs per unit of output of over 6 per cent per year, without a change in E.E.C. policies in sight?

Would rapid entry without carefully negotiating the terms allow Britain to change E.E.C. policies after entry? Yes, but only after several years during which the rest of the Community would utilise the financial relief provided by the United Kingdom to adjust their own costly predicaments. During that period, an unhappy America would be reassessing its political interests, and an unhappy British Treasury would be wondering how to increase revenues from non-agricultural sources at home and abroad to pay for the romantic affair with European farming.

THE IMPACT OF DANISH ENTRY

American assessments must not stop here, however. The question of entry of other European countries must be considered. If the terms of entry for each is the same—namely, adoption of the system as it stands (with perhaps provision for an adjustment period)—the United States is likely to face ever-increasing difficulties with the import, production and export distortions which would inevitably occur. Internally, for example, Denmark will take away some of the American market; externally Denmark will become an even more aggressive competitor. Politically, Americans are not a particularly patient people. If the so-called short-term effects are adverse, and last for a decade or more, the political mood will be justifiably bad.

Should an American therefore conclude that British entry is no longer desirable, and should be discouraged? I think the answer here must depend upon the approach taken by all the countries concerned. First of all, the U.S. will inevitably have to be much more aggressive in defending its own commercial interests than it might have been a few years ago, when formal political unification looked to be the central objective. Any E.E.C. arrangement with the U.K. which was preferential but without full economic union, or which altered our existing G.A.T.T. rights, would have to be opposed with vigor. That has already been made clear by the U.S. government. Moreover, tariff concessions made to the U.S. in the past trade negotiations will have to be paid for in so far as U.K. entry alters them.

In defending its interests more aggressively, the U.S. would also be assisting the interests of Commonwealth countries, who face similar problems, even though they have increasingly become less dependent upon the U.K. market. Again, it must be emphasized that the issue for them, or any agricultural exporter outside the CAP system, is not only import protection, but also the consequent production stimulus and export subsidization.

But it is not enough to threaten trade conflicts. This alone would only lead to more political friction, without simultaneously enhancing the prospects for rationalizing the difficulties faced by all the parties concerned.

The questions for the U.S., and all of the major countries, ought to be put more broadly. Further steps in international cooperation are necessary, but there are many alternative institutional forms for carrying this out. As Francis Bator argued in the well-known policy review, *Agenda for the Nation*, the evolution of a new relationship with the United States is really a matter of process, not of structure. That process ought to be a continuous search for, and exploration of, areas of mutual interest.

It seems to me that this is the right perspective, whether the problems are viewed from London, Brussels, Paris, Bonn, or Washington. It really is time for a pragmatic reexamination on all sides, with special attention to the mutual interests where they exist, considering the costs and benefits of the various alternative ways of capitalizing on that mutuality. The formal institutional framework is a secondary matter.

INTERNATIONAL PARTICIPATION IN E.E.C. REFORM

It is a moment of confrontation and potential conflict, and in such situations good governments should quickly turn to the search for common interests. There do exist many mutual interests at this time, and here I include the interests of the Commonwealth, Japan, and the trading countries. Consider the question of agriculture in Europe alone. The cost of the CAP must inevitably bring about a change in the nature of the system itself, fairly soon, unless outside financial relief is found. There is already much discussion within the Six of some kind of shift to the concept of income support which combines some limited degree of price guarantee with direct income supplements and penalties for excessive production. Although finance ministers have in the past wrung their hands at the costs of the CAP, they have only recently interested themselves in the actual farm pricing decisions made by their agricultural colleagues. This interest is bound to affect price decisions, and even decisions on the details of the restitution system, eventually. Moreover, the mood among many Continental farmers is changing. There is now realistic recognition by a number of key producer groups that domestic farm policies and trade policies interact, and that international coordination and national production restraints are needed. This major change in attitude has led to some remarkable international agreement on resolutions passed by the International Federation of Agricultural Producers in Tokyo in late October, 1969, favoring production controls and international coordination of farm policies. It has led to extraordinary discussions between representatives of leading E.E.C. agricultural organizations with the major American farm groups in Washington in 1970, to examine means of resolving the current chaotic conditions in temperate agriculture.

This alteration in the mood of farmers should be explored by governments. New policies should be allowed to emerge, instead of further defining and firming up the present rules and practices of the CAP. Since British farm interests, and those of the Commonwealth, are also involved in some degree of rethinking, the conditions are right for a gradual reassessment of what might constitute reasonable terms of accession and a reasonable change in the workings of the CAP itself.

An opportunity for finding new means of policy coordination can also be found in the present wheat situation. On the U.S. side, and for the Canadians and Australians, there is much interest in modifying the world policies which have led during 1969 to the collapse of the pricing provisions of the International Wheat Trade Convention. Since the E.E.C. itself has argued hard and often about the desirability of commodity arrangements and the need for creating order in world agricultural markets, an opportunity exists for the E.E.C. to shift to positive initiatives in the wheat area. In the absence of progress in wheat and grains policies, there will be no renewal of the wheat agreement. Due to some complex past bilateral negotiations with the U.S., Australia, Canada, and Argentina, failure to renew would in turn create problems for the U.K. farm program and the minimum import price scheme.[4] Secretary Hardin and other members of the present administration have argued that the U.S. could not go on carrying the whole world grains market by restraining production by itself, and that the restraints would have to be shared. The alternative, of course, is for the U.S. to let its mighty agricultural engine run unrestrained, which would be very painful indeed to Britain, the E.E.C., and everbody else in the long run.

Similarly, the mountain of butter in the Six must eventually become such an embarrassment that a major reshuffle of feed, wheat, dairy, and beef relationships will have to be undertaken, in addition to price reductions and production controls. Feeding butter back to cows (which is now being done) simply dramatizes the absurdity of the situation to the layman.

MONETARY COOPERATION IN THE EEC

In this context, and with increasing recognition among producers in all exporting nations that international coordination of national policies is a necessary ingredient in rationalizing world trade and production, there ought to be a common interest in the Six, in Britain, in the E.F.T.A. countries, Canada, Australia, and the United States for parallel, broader discussions. British entry, and the process of talks involved, could become an opening, rather than a closing operation. The possible damage to the Six and to Britain could be averted by transforming the talks into discussions of coordinating changes in domestic and border policies on both sides, leading toward international rationalization on a broader scale.

Since some degree of new monetary cooperation in the Common Market will be required on British entry, to help Britain and the Sterling countries through the costly adjustment, an opportunity could be found in genuine new methods of cooperation within the Common Market. To date, there has been only one modest step forward, with the 1970 E.E.C. agreement on short-term monetary cooperation. A major political step would be an agreement on long-term (over six months) mutual monetary assistance linked to, or broadened by, British entry. Alternatively, if a major new financing operation for British entry is not mounted by the members concerned, there is no reason why outsiders such as the U.S. should come to the rescue financially. Indeed, from the U.S. point of view, anything less than a major new financial arrangement would be harmful, while on the other hand a breakthrough on European monetary cooperation could be positively helpful.

In its institutional processes, the E.E.C. has not been very sensitive to external influences and pressures The elaborate negotiating process which ties up ministers in agonizing conflicts over agriculture leaves little flexibility to Commission officials in their dealings with other countries. The routine administration of the CAP and ne-

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[4] The U.S. has duty-free "binding", or tariff commitments, in the U.K. which are temporarily waived during the life of the wheat agreement.

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gotiations for discriminatory arrangements with selected associated countries (Yaounde Convention countries, Maghreb countries, Spain, Israel, Greece, Turkey, etc.) take up a tremendous amount of time. Important decisions on agriculture are often made at low levels, because the sheer quantity of regulations and restitution decisions is far too large for the senior officials who technically approve them.

In part this problem lies in the institutional structure of the Commission, in part in the political disarray among the Six themselves, and in part in the complicated machinery of the CAP which as presently constructed defies detailed supervision by high level officials with foreign affairs responsibilities. There is no "Foreign Office" in the Six to defend the interests of the outsider, and no easy way to bring about coordinated resolution of international conflicts through approaches to the member states individually.

British entry could provide an opportunity to alter the institutional structure and the administrative and policy procedures, so as to make the Community more outward-looking. The alternative is leaving the system intact, or even further fractionating it in the desire to make room for additional officials from the U.K., creating new bureaus, and more titles. There ought to be a general common interest here: The U.K. ought to want a viable system which is sensitive to outside interests, because external pressures will help it in its own problems. The internationalist elements and those conscious of the costs of the CAP inside the Six ought to want more, not less, outside pressure, in order to strengthen their own internal bargaining role in reducing the costs of the CAP. The U.S., consistent with its long-term objective, would welcome improvement in the power and responsibility of the foreign affairs side of the Community, even if it only were to encompass commercial and financial matters.

MORE INTENSE ECONOMIC ACTIVITIES

Looked at in this broader way, countries on both sides of the Atlantic, and the Pacific powers, should be continuously looking for new means of economic cooperation and new economic negotiations. There are many mutual interests at stake, and the process of informal talks, formal consultations, or negotiation should be engaged wherever possible. Instead of standing back, and leaving Britain to carry the whole international adjustment on its own through its entry talks, the other countries should continue and intensify their economic activities in other forums. This would be the best insurance against protectionist retrenchment in the U.S. or any other country.

Interdependence in agriculture, trade generally, and finance are all at stake. Moreover, the process of meaningful discussion and coordination on several multilateral levels should lead, in the final result, to the same end objective as that of The Grand Design: the coordination and harmonization of conflicting national policies.

From the point of view of Britain, and Europe, and Washington, I cannot help thinking that a slow, methodical negotiation between Britain and the E.E.C., eschewing glamorous political pronouncements, would be the best for all concerned. A very slow process of negotiation which allows time for maturation of present political and cost developments, and which relates to developments initiated on other fronts, would be least costly economically and politically, and would ultimately help the E.E.C. itself. And if the entry does not after all take place, the world will not automatically fall into chaos. There are alternatives. A rapid and mad embrace will not lead to a satisfactory marriage, and it will certainly lead to very angry relatives and friends.

The politics of agriculture in particular must be dealt with carefully, lest commercial conflict or political reaction emerge on a grand scale, and the security of Europe consequently become an uncertain piece in the great game of war and peace. As I have indicated, the United States cannot be expected to look at Europe in the same way as it did a few years ago when the dream of political unity was near to fulfillment. In an article in *The Times* that angered a handful of prominent people on both sides of the Atlantic, but which did convey the new mood Europe must sooner or later contend with, Mr. Edwin Dale said, very simply: [5]

> Of all the grand and sad dreams of American foreign policy in the last 20 years, one of the two or three grandest and saddest is 'European unity,' . . . The girl looked gorgeous for a while. But now she is all warts. It is all very human but the time has come to cut our losses.

Mr. Dale it should be remembered was once a major advocate of European unity, and he is a very astute observer of the American mood in economic matters.

The answer to this must lie in a more sophisticated diplomacy, and a recognition in Europe that it too has responsibilities, now that it has grown up. Agriculture is a critical part of those responsibilities.

A positive and wise appeal was recently made by the Deputy Undersecretary of State, Mr. Samuels:

> Our continued and constructive relationships with the European Economic Community require each of us to look beyond the parochial nature of our interests and to raise the level of these relationships to that of high policy in an interdependent and economically expanding world. . . . Our thoughts should turn to the harmonization of policies rather than the compromising of conflicts.

From conflict resolution to positive, creative policies for international economic cooperation: Can it be done?

INDOCHINA: THE CONSTITUTIONAL CRISIS

Mr. McGOVERN. Mr. President, there are two profound issues involved in the amendments which have been proposed to limit U.S. activities in Southeast Asia.

The merits of whether it is politically, militarily, or morally sound for us to be entangled in that conflict will be debated at length, as they have been debated for many years. Most of us have strong opinions.

The other issue has received less attention, and for that reason alone it deserves a special focus. Regardless of how any Senator feels about the wisdom of our involvement, he has good reason for deep interest in the procedures through which it has come about, and particularly in the role Congress has or has not played. Concern has been expressed about a possible constitutional crisis over the war power. In truth that crisis already exists, and the Vietnam war is the best possible illustration of that fact.

The complementary amendments introduced by Senators Church and Cooper, on Cambodia, and by Senators Hatfield, Goodell, Hughes, Cranston, myself, and other Senators on Vietnam, Cambodia, and Laos, are practical attempts to assert proper congressional involvement. In fact, they use the only vehicle—limitations on spending appropriated funds—that we have available to enforce our decisions on the use of American military power abroad. Moreover, it is a vehicle which the founders of our Republic believed should be vigorously employed.

In this connection, Mr. President, I would like to make available to Members of the Senate an analysis of the constitutional issues broached by these amendments. Entitled "Indochina: The Constitutional Crisis," it supplies an excellent historical description of the war power and a concise discussion of the legislative actions which have been used to justify our posture in Southeast Asia.

With respect to our amendment, it concludes that:

> Proposed restrictive provisions (such as those advanced by Senators McGovern, Hatfield, Hughes, Goodell and Cranston) are not only a legitimate exercise of Congress' money power, but pose no danger of inflexibly committing our policy to a hazardous course because (1) they include exceptions which insure the safety of our forces and (2) they may be overridden by future congressional action if circumstances change.

Mr. President, the authors of this memorandum include prominent legal scholars and former government officials. I should like to read their names:

Alexander M. Bickel, Professor of Law, Yale Law School.

Bruce Bromley, Attorney, New York City; former Judge, New York Court of Appeals.

Elias Clark, Professor of Law, Yale Law School.

Ramsey Clark, former Attorney General.

William T. Coleman, Attorney, Philadelphia, Pa.

John Doar, President, Bedford-Stuyvesant D&S Corporation, Brooklyn; former Assistant Attorney General.

John W. Douglas, former Assistant Attorney General.

George N. Lindsay, Attorney, New York City.

Burke Marshall, Professor of Law, Yale Law School; former Assistant Attorney General.

Louis F. Oberdorfer, former Assistant Attorney General.

Robert M. Pennoyer, Attorney, New York City.

Stephen J. Pollak, former Assistant Attorney General.

Paul C. Warnke, former Assistant Secretary of Defense.

Edwin M. Zimmerman, former Assistant Attorney General.

In addition, Mr. President, I want to note that the basic research and drafting for the memorandum was done by the 12 Yale Law School students: David Cooke, Reid L. Feldman, Gary Fontana, Frank Hamsher, Gertrude Hamsher, Howard O. Hunter III, Christopher Lunding, David Marks, Jeffrey Orleans, Randall Shepard, Eric Stauffer and John M. Townsend.

Their outstanding work on this project provides a graphic demonstration of how students are doing important, useful, and constructive work on behalf of the peace effort.

I ask unanimous consent that the memorandum to which I have referred be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

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[5] "The American Dreams that Went Wrong," *The Times*, September 24, 1969.

INDOCHINA: THE CONSTITUTIONAL CRISIS

The dispatch of American troops into Cambodia by the President, without specific authorization by Congress, raises serious questions about the constitutional allocation of power between the legislative and executive branches. The most significant factor in the resolution of such questions is the presence or absence of action by each branch.

The power to commit American forces to combat was originally entrusted to Congress, which retained it almost unchallenged for over a century. But in the twentieth century, Congress has passively allowed the effective ability to engage the United States in hostile actions abroad to be assumed almost entirely by the Presidency.

Proposals now before Congress invoke the money power as a means of asserting control over the Indochinese War. If Congress exercises its money power to prohibit specific uses of the armed forces, it will reassert its long dormant capacity firmly and constitutionally to limit the President's ability to use the armed forces for purposes which Congress does not approve.

I. THE LANGUAGE OF THE CONSTITUTION

The power to commit American troops to battle was allocated by the Constitution between the President and Congress. (The relevant clauses of the Constitution are quoted in the Appendix.) The President is entrusted with the executive power,[1] made Commander in Chief of the Army and Navy,[2] and, with the advice and consent of the Senate, empowered to make treaties and appoint ambassadors.[3] The Congress is empowered to lay taxes to provide for the common defense,[4] to define and punish offenses against the law of nations,[5] to declare war,[6] to raise and support armies (but not to finance them for more than two years at a time),[7] to provide and maintain a navy,[8] to make rules for the land and naval forces,[9] and to provide for calling up and organizing the militia.[10]

II. THE ORIGINAL UNDERSTANDING

The Constitution does not say explicitly whether the army may be sent into battle when Congress has not declared war, or if it may, under what circumstances and by whose decision. In interpreting the Constitution on this point, it is helpful to look at the intent of the Framers and to the understanding of the men who first put the Constitution into practice.[11]

The Constitutional Convention debated the clause giving Congress the power to declare war on August 17, 1787.[12] The clause originally empowered Congress "to make war." [13] Some delegates objected that the power should lie with the executive, as it did in England.[14] Most of the Convention seemed firmly of the opinion that the power should lie with Congress, but that the President should have the power to defend against a sudden attack. The Convention decided to "insert 'declare,' striking out 'make' war, leaving to the executive the power to repel sudden attacks." [15] The Framers had in mind a division of functions. The President, as Commander in Chief, was charged with the conduct of hostilities after they are legally begun. He was also expected to take measures to repel any actual attack upon the United States, as an incident of his executive power. But the power to initiate hostilities was clearly meant to be reserved to the Congress, with the President participating in that initiative only so far as his signature was necessary to complete an act of Congress. Thus, *the President, unless his veto is overridden, may prevent war, but he cannot constitutionally act alone to begin a war.*

The judicial branch was also quick to conclude that Congress alone can declare war. Delivering the opinion of the Supreme Court in an 1801 prize case, Chief Justice John Marshall concluded that the "whole powers of war" were "vested in Congress." [16]

There may, however, be hostilities which fall short of requiring an actual declaration of war. Ten years after the adoption of the Constitution, the naval trouble between the United States and France which had begun under Washington became so acute that American shipping was greatly endangered.[17] President Adams had to decide what to do. Alexander Hamilton advised the administration against action without Congressional authority:

> "In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President." [18]

Adams decided to wait for Congress to act, and it passed laws authorizing him to protect American commerce.[19] Similarly in 1801, President Jefferson was faced with hostilities on the Barbary Coast, but felt that he could order only defensive measures until Congress authorized him to commit forces to offensive action.[20]

In the first two limited wars in which the United States found itself, both Adams and Jefferson had the means to order retaliatory action immediately. Perhaps some lives and property would have been saved had they done so. But both clearly felt that the decision to commit American forces was not constitutionally theirs to make, and preferred the preservation of the Constitutional process to the pursuit of a temporary military advantage.

III. HISTORICAL DEVELOPMENT OF THE WAR POWER

A. Wars and limited wars in the nineteenth century

If the President's power to engage American forces in hostilities on his own initiative is limited to defensive action by a strict construction of the Constitution, the question of the proper role of Congress arises. Congress clearly has the power to engage the United States in formal war, as it did in 1812 with the President reluctantly assenting. [21] It may declare war at the request of the President.[22] And Congress may also ratify after the fact hostilities begun by the President.[23]

The executive branch very early recognized the exclusive power of Congress to declare war. In the course of a dispute with Spain in 1805, President Jefferson told Congress:

> Considering that Congress alone is constitutionally invested with the power of changing our position from peace to war, I have thought it my duty to await their authority before using force in any degree which could be avoided.[24]

Similar deference to the sole power of Congress to make any decision to commit the United States to war was voiced by President James Monroe,[25] Secretary of State John Quincy Adams,[26] and Secretary of State Daniel Webster.[27]

The Congress itself was jealously aware of its war power, and on one occasion nearly censured the President for invading it. In 1846 it had declared, after the fact, that a state of war existed with Mexico. But the debate was bitter and the war unpopular. At the end of the war, the House of Representatives voted its thanks to General Taylor, but amended its resolution to note that he had won.

> A war unnecessarily and unconstitutionally begun by the President of the United States.[28]

Among the Congressmen supporting the amendment were former President John Quincy Adams and future President Abraham Lincoln.

Congress also has considerable power, short of a declaration of war, to authorize and regulate limited hostilities, as it has done on a number of occasions, with and without executive approval, since 1798.[29]

During the nineteenth century, the executive branch frequently recognized the need for congressional authorization even for limited military actions. In 1857 the Secretary of State refused to send ships to help a British expedition in China, because he lacked congressional authority to do so.[30] The next year President Buchanan pleaded with Congress for authority to protect transit across the isthmus of Panama, but refused to act without it.[31] Nor in 1876 would the State Department use force to help Americans in Mexico, because it felt it lacked the power to do so.[32] As late as 1911 President William Howard Taft felt that he had enough power to move troops to the Mexican border, to be ready in case Congress told him to protect American lives and property endangered by the revolution there, but refused to send them in on his own authority.[33]

B. Erosion of the congressional war-making power in the 20th century

In the early part of the twentieth century, the executive began to exercise greater discretion in the use of American armed forces abroad. For instance, without specific congressional approval, President Theodore Roosevelt sent American troops into Panama in 1903 and President Wilson sent troops into Mexico in 1916 in pursuit of the Pancho Villa bandits.[34]

Since 1945, the executive has regularly used military force abroad as a tool of diplomacy. Aside from Indochina, the greatest use of American force was in Korea, where several hundred thousand troops were committed to combat and major casualties were incurred. There was neither a formal declaration of war, nor any other specific congressional sanction for the Korean conflict.[35] American forces were sent into the Formosan Strait in 1955, into Lebanon in 1958, and into the Dominican Republic in 1965. The Navy was used to blockade Cuba during the missile crisis in 1962. And, most recently, naval vessels were dispatched to the vicinity of Haiti and Trinidad in response to internal conflicts in those countries. Prior congressional resolutions were obtained by the President for the Formosan and Lebanese actions, but both the validity of those resolutions and the degree to which President Eisenhower relied on them has been questioned.[36]

The application of prior historical precedents to unilateral executive use of armed force abroad in the mid-twentieth century can, however, be misleading. For instance, as precedents for the Vietnam War, a State Department Memorandum cites a long series of military actions ordered by the President alone.[37] The majority of the cited military actions undertaken by the executive without congressional approval took place in the nineteenth century. Most of them were not actions that involved conflicts with foreign states; rather, the bulk of them involved the protection of individuals, police actions against pirates or actions against primitive peoples. Furthermore, the United States did not have a significant standing army during peacetime until after 1945, and the President was limited in the military actions that he could take by the need to approach Congress to ask for any increase in the size of the armed forces. *Today, with a tremendous military machine and modern transport at his immediate disposal, the President is under little practical pressure to seek congressional authorization for his actions, and therefore he is unlikely to seek it unless Congress insists that he do so.*[38]

IV. THE THEORETICAL BASES FOR UNILATERAL PRESIDENTIAL ACTION

The theories on which various Presidents have relied for the use of military force abroad without congressional approval may

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Footnotes at end of article.

be divided into three general categories: (1) the sudden attack theory; (2) the neutrality theory; and (3) the collective security theory.[39]

(1) *The Sudden Attack Theory.*—The President as the Chief Executive has the inherent power to defend the sovereignty and integrity of the nation itself and to respond to an armed attack on the territory of the United States without requesting congressional approval. For example, we do not question the constitutional authority of the President to order a retaliatory strike in the event of an atomic attack on the territory of the United States. In the absence of an armed attack on American territory proper, the power of the President is more closely circumscribed.[40]

(2) *The Neutrality Theory.*—Also known as "interposition," the neutrality theory was developed during the nineteenth century as a justification for American military involvement aboard to protect American citizens and property. When American armed forces were sent into a foreign nation, their presence was supposed to be "neutral" with respect to any conflicts there. *The executive, in taking such action, was not necessarily "making war" but merely dispatching troops to act as security guards for American citizens and their property. The real difficulty, clearly, was in remaining neutral and avoiding conflict.*[41]

(3) *The Collective Security Theory.*—Since 1945, the United States has entered into many security treaties with foreign nations. Many of these agreements have clauses which indicate that the security of each signatory is vital to the security of each other signatory. Unilateral presidential action under these agreements may be justified as necessary for the protection of American security even though the conflict may arise thousands of miles from American shores, but, *carried to its extreme, the collective security theory would justify almost any unilateral presidential use of armed force abroad,*[42] *a result contrary to Constitutional standards.*

V. THE JUSTIFICATIONS FOR UNILATERAL EXECUTIVE ACTION IN INDOCHINA

The involvement of the United States in Vietnam, the commencement of an air war in Laos, and the expansion of the ground war into Cambodia have resulted almost entirely from executive decisions and actions. The executive branch of the government has justified its action primarily on the grounds of: (1) the presidential prerogative to protect American security interests abroad by whatever means necessary. (2) the SEATO treaty; and (3) the Gulf of Tonkin Resolution.[43] *It cannot be said that the recent actions by the executive in Cambodia or the earlier actions in both Vietnam and Laos are clearly contrary to the Constitution. However, the expansion of the war into Cambodia is the latest in a long series of acts which, taken together, have nearly stripped Congress of its war power.*

(1) *The Presidential Prerogative.*—Undoubtedly, the speed with which crises develop in the modern world necessitates a strong executive who can respond quickly to such crises. The need for a speedy response, the need for secrecy, the need to protect American citizens and property abroad, and the need to protect American security interests in the balance of power are all used to legitimize the use by the executive, without congressional approval, of American armed forces abroad. Recent United States actions, especially in Korea and Indochina, are cited to support great executive discretion in the use of American military force abroad. The recent invasion of Cambodia without prior congressional approval or even notice is not without historical precedent and not without justification under a broad interpretation of the collective security theory.[44]

However, the real question is whether the balance has shifted too far in favor of the executive.[45] A war, such as the one in Indochina, requires great sacrifices on the part of great numbers of the American people. It is difficult, if not impossible, to predict the ultimate outcome of any American intervention. Consequently, when there is a possibility of large scale American involvement and even a limited risk of war, Congress should pass on the desirability of American military action.[46]

The executive has also placed reliance on the power of the President as chief formulator of foreign policy and as Commander in Chief of the armed forces. *Granted that the President does have primary responsibility in the modern world for the handling of foreign policy, he should not have the discretion to initiate war as an instrument of foreign policy.*

Finally, the Commander in Chief provision of the Constitution is an expression of civilian control over the military; it does not give the war power to the President.[47]

(2) *The SEATO Treaty.*—The Southeast Asia Treaty Organization is one of the many multilateral collective security treaties which the United States has signed. Neither South Vietnam nor Cambodia is a signatory, but both countries are within "protocol areas" which the signatories consider to be vital to their security interests.[48] The terms of the treaty are ambiguous, and it is at least questionable whether the United States was obligated by the terms of the treaty to come to the aid of South Vietnam.[49]

More importantly, the SEATO agreement cannot help answer the constitutional questions, because it specifically states that action by a signatory in response to an attack on another signatory or a "protocol country" is to be made only after a decision made according to the "constitutional processes" of the signatory.[50]

The more relevant issue is the power of the President to involve American forces in foreign combat on the basis of a treaty. The Constitution requires that the Senate must give its advice and consent to any treaty before it can become effective.[51] Once approved, the treaty is of the same nature as any other duly passed law which the executive is bound to execute faithfully.[52] If, however, the war power is a congressional prerogative, the decisions regarding the initiation of war should be made by both houses of Congress and not just the Senate.[53]

(3) *The Tonkin Gulf Resolution.*—Following reported attacks on American naval vessels in the Gulf of Tonkin in August of 1964, Congress passed a joint resolution which gave the President broad discretion to respond to "aggression" in Southeast Asia.[54] Congressional action which does not amount to a formal declaration of war may be a valid congressional authorization of hostilities,[55] and some commentators think that the Tonkin Gulf Resolution is an adequate congressional authorization for the Vietnamese War.[56]

There are two factors, however, which make the Tonkin Gulf Resolution an invalid basis for continued Congressional inaction. First, it was passed with great speed and in the heat of emotion that resulted from the reported attack on American naval vessels in the Tonkin Gulf.[57] Secondly, there were few American troops in Vietnam in the American ground combat forces there.[58]

It has also been argued that congressional inaction and failure to repeal the Tonkin Gulf Resolution give implicit authorization to the Indochinese War. The logical outcome of such an argument is that the President can do whatever he wishes and the Congress has the affirmative duty to try to stop him. This shifts the presumption of the Framers in favor of congressional control over war-making and gives the initial and continued upper hand to the executive.[59]

VI. THE OPPORTUNITIES FOR REASSERTION OF CONGRESSIONAL POWER

The power of the purse is the last bastion of popular control of the government.[60] Congress now has the opportunity to use this power to restore the constitutional balance by including in authorization acts any of a number of restrictions on the use of American funds and forces in Indochina. More forcefully than a resolution of one or both houses,[60a] enacting specific restrictions on the use of our military forces in Indochina and directing their withdrawal would effectively assert congressional control of the limited war in which we are now engaged. Proposed restrictive provisions (such as those advanced by Senators McGovern, Hatfield, Hughes, Goodell and Cranston)[61] are not only a legitimate exercise of Congress' money power, but pose no danger of inflexibility committing our policy to a hazardous course because (1) they include exceptions which insure the safety of our forces and (2) they may be overridden by future congressional action if circumstances change.

A. Specifically restricting the use to which military forces may be put is a legitimate exercise of congressional power

There is no doubt that under the Constitution Congress has complete control over governmental use of funds. Historical precedent, textual analysis of the Constitution, the intent of the Framers, and judicial construction unambiguously indicate that the money power may be used to restrict the President's control of the armed forces.

Past congressional success in the restriction of military policy through the use of specific provisions in money acts offers conclusive support for the legitimacy of such a measure to control the military actions of the President. Riders and amendments on appropriation and authorization acts traditionally have been a device favored by Congress to restrict and to control executive action.[61a] The most recent example is Section 643 of the Defense Appropriation Act for the current fiscal year, passed in 1969, which states that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos and Thailand." [62] *Last year's rider alone serves as clear precedent for similar restrictions on use of forces or funds in Cambodia or in Vietnam itself.*

An almost identical restriction was enacted by Congress in the Selective Service and Training Act of 1940, which included the proviso that:

"Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands." [63]

It appears that in the past Presidents have always complied with such restrictions, even when they originally expressed an intention to ignore them.[64] Compliance by the executive is, in fact, clearly dictated by the Constitution.

The general grant to the President of the executive power [65] is qualified by the admonition that "he shall take care that the laws be faithfully executed." [66] The powers of Congress to raise and appropriate revenues, to raise and support armies, and to provide and maintain a navy, are all law-making powers.[67] *An appropriation rider enacted into law would therefore impose a clear constitutional obligation on the President to abide by its provisions.*[68] In addition, it would constitute a *pro tanto* repeal of previous statutes granting the President discretion to use funds for military purposes.

Footnotes at end of article.

The President's power as Commander in Chief does not free him from enacted restrictions. The Constitution has granted to Congress the fundamental power to create the resources employed by the branches of the government. *The Commander in Chief clause merely entitles the President to the supreme command of the armed forces within the limits established by the legislation which created those forces,* provided the limits are reasonable.[69]

The fundamental importance of the money power is evident from the determination of the Framers to place this power firmly in the hands of Congress. Particular care was taken to maintain under congressional control the use of funds for military purposes, as indicated by the constitutional provision that no money may be appropriated for the army "for a longer term than two years."[70] The rationale for the allocation of power made by the Framers of the Constitution is basic to our concept of democracy: that the legislators, as representatives of the people, should have complete control over the nation's resources. Madison described the money power in these terms:

"This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people."[71]

The wisdom of this grant of power is borne out by recent history. The conduct of the Indochina War has precipitated a widespread disillusionment with the government, and attendant loss of respect for law. *If the people, through their representatives, have no control over the commitment of their resources to war-making, the result is inconsistent with the democratic principles of the Constitution.*

The Supreme Court spoke most directly to the issue in the *Steel Seizure Case*,[72] concluding that the powers of the President, both as Commander in Chief and in his executive capacity, were not unlimited and could be restrained by another branch of the government.[73] All the Justices in the majority indicated that the extent to which Congress had acted to control the action taken by the President, seizure of most of the nation's steel mills, was significant in determining the constitutionality of his action.[74] The opinions imply that *When Congress speaks on the question of what form executive action may take, such power to act alone as the President may have will be circumscribed*. In the *Steel Seizure Case*, the Justices disagreed on the proper interpretation of Congress' failure to act on relevant legislation; in contrast, *if Congress enacts a clear prohibition on military action in specified areas of Indochina, the meaning would be clear, and presidential power would be effectively limited.*

B. Continuing congressional control and the inclusion of adequate exceptions to restrictions on military action insure that military policy will remain flexible

There is, of course, a possibility that changed circumstances will force a reconsideration of the wisdom of certain specific limitations. But the assertion of congressional control by enacting the proposed restrictions merely shifts from the President to Congress power over future military involvement in Indochina.

The President would retain the power to engage in immediate self-defense under the executive power to repel sudden attacks. In addition, exceptions to the restrictions of the McGovern - Hatfield - Hughes - Goodell-Cranston proposal permit full executive freedom to protect our troops and prisoners during withdrawal.[75] *But major decisions would be reserved for Congress, which is fully capable of making major decisions quickly and competently. And by asserting its proper role in decisions of war-making, Congress would act to re-establish the traditional constitutional balance.*

VII. CONCLUSION

The current unlimited freedom enjoyed by the executive to engage in military action is largely the result of inaction by Congresses past. As Supreme Court Justice Jackson stated:

"We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers."[76]

FOOTNOTES

[1] Constitution of the United States of America, Article 2, § 1.

[2] *Ibid.* Article 2, § 2, cl. 1.

[3] *Ibid*, Article 2, § 2, cl. 2.

[4] *Ibid.* Article 1, § 8, cl. 1.

[5] *Ibid.* Article 1, § 8, cl. 10.

[6] *Ibid.* Article 1, § 8, cl. 11.

[7] *Ibid.* Article 1, §8, cl. 12.

[8] *Ibid.* Article 1, § 8, cl. 13.

[9] *Ibid.* Article 1, § 8, cl. 14.

[10] *Ibid.* Article 1, § 8, cl. 15 and cl. 16.

[11] For an exhaustive analysis of the historical development of the war power see the article by Francis D. Wormuth, "The Vietnam War: The President versus the Constitution," on which this paper draws heavily. It is reprinted in Falk, ed., *The Vietnam War and International Law,* Princeton University Press, 1969.

[12] James Madison, *Notes of Debates in the Federal Convention,* Ohio University Press edition, 1966.

A transcript of Madison's notes on the debate on the war power is included in the appendix to this paper.

[13] *Ibid.*, debate of August 17, 1787 (Ohio edition page 476).

[14] *Ibid.*, remarks of Mr. Butler (see appendix). For a discussion of the English allocation of power, still accurate when the Constitution was written, see John Locke, *Second Treatise on Government* (1960), chapters 12 and 13, § 145.

Mr. Gerry remarked that he "never expected to hear in a republic a motion to empower the Executive alone to declare war."

[15] *Ibid.*, the motion passed eight states to one, Massachusetts absent. (see appendix).

[16] *The Amelia,* 1 Cranch (5 U.S.) 1 (1801). Chief Justice Marshall wrote:

"The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry."

The case involved a ship whose seizure would have been legal under the President's privateering proclamation, but whose seizure the Court held was illegal under the terms of the Act of Congress which authorized the proclamation. The privateer was made to pay damages to the ship's owner.

[17] After the outbreak of the war between France and England in 1792, American shipping was molested by the blockades of both nations. President Washington met the challenge with his famous Neutrality Proclamation, which kept the United States out of the conflict. By 1798, however, French depradations on American commerce had become so menacing that action was needed to protect it. The question was whether President Adams could do so on his own authority or whether he needed the authority of Congress.

[18] Alexander Hamilton to James McHenry, the Secretary of War, May 17, 1798 (quoted in Wormuth, *op. cit.*)

[19] Congress suspended commercial intercourse with France in the Act of June 13, 1798, augmented by the Act of February 9, 1799. (1 Stat. 565, 1 Stat. 613).

It denounced the treaty with France in the Act of July 7, 1798 (1 Stat. 578).

It created the Department of the Navy by the Act of April 27, 1798 (1 Stat. 553).

And it established the Marine Corps by the Act of July 11, 1798 (1 Stat. 594).

The controversy with France is described in note 17, above.

[20] The Barbary States, particularly Tripoli, had been marauding American shipping, in an attempt to exact a payment of tribute from the United States. When the promised tribute was not paid, Tripoli declared war on the United States. President Jefferson sent ships to the Mediterranean, but authorized them only to defend themselves and other American ships. The Navy captured a Tripolitan ship, but released it after disarming it, as the President told Congress:

"Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries."

Thomas Jefferson, First Annual Message, December 8, 1801, *Messages and Papers of the Presidents* (1908) vol. I, p. 326.

[21] Act of June 18, 1812 (2 Stat. 155).

[22] Act of April 20, 1898 (30 Stat. 738), containing the ultimatum to Spain, and the Act of April 25, 1898 (30 Stat. 364), declaring that a state of war had existed since April 21.

[23] Act of May 13, 1846 (Stat.), and Act of August 6, 1861 (12 Stat. 326).

[24] *Messages and Papers of the Presidents,* vol. I, p. 389.

[25] In 1824 Colombia notified the United States that it was threatened by France, and asked for protection. The Monroe Doctrine had been announced the year before, but the administration would not commit itself to defend Colombia. President Monroe wrote to Former President Madison that:

"The Executive has no right to compromit the nation in any question of war."

Letter of August 2, 1824, quoted in Wormuth, *op. cit.*

[26] Three days after Monroe's letter to Madison, Secretary of State Adams formally wrote to the Minister of Colombia to the United States:

"By the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government."

John Quincy Adams to Jose Maria Salazar, August 6, 1824.

[27] In 1851 Hawaii asked the United States for protection from France. Secretary of State Daniel Webster refused to help:

"I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another."

J. B. Moore, *Digest of International Law,* Washington, G.P.O. vol. 7, p. 163.

[28] *Congressional Globe*, 30th Congress, 1st Session, page 95, January 3, 1848.

The Mexican War had been precipitated in 1846 by President Polk's dispatch of American troops into a territory whose possession was disputed with Mexico. After hostilities erupted, Congress reluctantly declared that a state of war existed between the United States and Mexico.

The resolution referred to was a vote of thanks to General Zachary Taylor, the Commander of the successful American forces. The clause censuring the President was moved as an amendment to that resolution. The amendment was adopted on January 3, but was dropped when the resolution came up for a final vote.

[29] For the 1798 legislation, see note 19. above.

Congress authorized the President to act against Tripoli in the Act of February 6, 1802 (2 Stat. 129).

In 1839, in the course of a dispute over the boundary of Maine, Congress authorized the use of force against England in the Act of March 3, 1839 (5 Stat. 355). Force was never needed.

In 1890 the Congress passed an act, which became law without the President's signature, authorizing the use of force to extract an indemnity for the seizure of American ships off Venezuela. Act of June 17, 1890 (26 Stat. 674). The indemnity was secured by arbitration.

[30] Secretary of State Lewis Cass wrote the British Government that:

"Under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken. . . . Military expeditions into the Chinese territory cannot be undertaken without the authority of the National Legislature."

Moore, *op. cit.* vol. 7, p. 164.

[31] President Buchanan told Congress that:

The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks.

Messages and Papers of the Presidents, vol. 5, p. 616: Message of December 6, 1858.

[32] Acting Secretary of State Hunter wrote:

"The President is not authorized to order or approve an act of war in a country with which we are at peace, except in self-defense. This is a peculiarity of our form of government, which at times may be inconvenient, but which is believed to have proved and will in the future be found in the long run to be wise and essential to the public welfare."

Moore, *op. cit.* vol. 7, p. 167.

[33] In his Third Annual Message, President Taft told Congress:

"The assumption by the press that I contemplate intervention on Mexican Soil to protect American lives or property is of course gratuitous, because I seriously doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express congressional approval."

Despite presidential protestations to the contrary, a diluted but similar recognition of the need for Congressional approval of limited hostilities lay behind the requests for the Formosa Resolution of 1954, the Middle East Resolution of 1957, and the Gulf of Tonkin Resolution of 1964.

[34] See generally, Reveley, "Presidential War-Making: Constitutional Prerogative or Usurpation?" 55 Va. L. Rev. 1243, 1257–63 (1969).

President Wilson sent American troops into Vera Cruz in 1914 on his own authority, but he had asked Congress for an enabling act the day before the troops were used, and the day after the landing Congress ratified his action.

[35] See, "Congress, The President and the Power to Commit Forces to Combat," in *The Vietnam War and International Law*, v. 2 (Falk ed. 1969) at 616, 636–37. This article originally appeared as a Note in the Harvard Law Review, 81 Harv. L. Rev. 1771 (1968). Much of the content and many of the arguments in this memorandum have been drawn from this Note. Hereinafter it will be cited as the "Harv. Note" with page citations to the Falk collection.

[36] See, Moore, "The National Executive and the Use of Armed Forces Abroad," in Falk, supra (n. 35) at 809, 817. This was originally an address given by Professor Moore at the Naval War College on Oct. 11, 1968. (Hereinafter cited as "Moore Address" with page citations to the Falk collection); and see Harv. Note at 637.

[37] U.S. Department of State, "The Legality of United States Participation in the Defense of Viet-Nam," 54 Department of State Bulletin 474 (1966), reprinted in "Symposium—Legality of United States Participation in the Viet Nam Conflict," 75 Yale L.J. 1084 (1966). [Hereinafter cited as State Department Memo.]

[38] As precedent for Vietnam, however, the majority of the nineteenth century uses of force do not survive close scrutiny. Most were minor undertakings, designed to protect American citizens or property, or to revenge a slight to national honor, and most involved no combat, or even its likelihood, with forces of another state. To use force abroad on a notable scale, the President would of necessity have had to request Congress to augment the standing army and navy.

Reveley, supra, n. 8, at 1258.

[39] See generally, Harv. Note.

[40] See generally Harv. Note at 624, 631.

In the event of an armed attack on the territory of the United States proper, there is little question that the executive possesses the power to respond with all means at his disposal. Congressional approval of such action would probably be immediate. When, on the other hand, an attack is made on American persons or property abroad, then the response should generally be proportional to the attack. The recent "Pueblo Incident" is a striking example of the fact that not every use of force against the United States is an act which places the country at war and that a variety of factors should enter into the development of an appropriate response. Short of an attack which threatens the life of the country, therefore, it seems that the President's power under the sudden attack theory is fairly limited.

There is also the danger of provocation, either planned or accidental. The mere presence of American forces near a hostile nation may provoke a "sudden attack." Consider, for instance, the U–2 incident in 1960, the various RB–47 incidents, then the "Pueblo Incident." If the response to such an attack is not limited, then the country may become involved in a much larger conflict with little or no executive-legislative collaboration.

[41] See generally, Harv. Note at 634; Reveley, supra (n. 34) at 1257 et seq.; and Velvel, "The War in Viet Nam: Unconstitutional, Justiciable and Jurisdictionally Attackable," 16 Kan. L. Rev. 449 (1968). (Caveat: Prof. Velvel's article is highly one-sided.)

Modern analogies of the "neutrality theory" were the landing of troops in the Dominican Republic in 1965 and the recent dispatch of American naval vessels to the area around Haiti and Trinidad.

The real problem with the neutrality theory is remaining neutral. "Interposition" may easily lead to "intervention" and the Congress may be faced with a fait accompli. President Roosevelt accomplished an actual "intervention" in Panama in 1903 by "interposing" American troops there under an executive order, ostensibly to protect American property and citizens, but actually to support a friendly government.

However, American citizens who live or own property abroad probably should be able to expect some degree of aid from their government in time of conflict. But if the President has an unfettered right to employ the American military anywhere at anytime to protect American property, Congress may be left without an opportunity to assert its views. And, in many cases, the risks of deployment may be greater than the risks of restraint.

[42] See generally, State Department Memo; Alford, "The Legality of American Military Involvement in Viet Nam: A Broader Perspective," 75 Yale L.J. 1109 (1966); Harv. Note at 627 et seq.; cf., Memorandum of Lawyers' Committee on American Policy toward Viet Nam, CONGRESSIONAL RECORD, vol. 112, pt. 2, pp. 2665–2673.

Almost every national in the world has become classified as friendly, hostile, or neutral, and conflicts which might have seemed minor fifty or a hundred years ago are now often viewed as dangerous because they tend to upset the precarious world order and balance of power. Consequently, the idea of American security has expanded greatly so that an armed conflict in a far part of the world may appear to be a threat to the security of the United States itself. Unilateral Presidential employment of armed forces abroad, under the collective security theory has, therefore, been justified on much the same grounds as unilateral executive action under the sudden attack theory. The physical territory of the United States may be in no immediate, or even distant, danger. There may be no immediate threat to American forces, citizens, or property, but a conflict may seem to endanger the worldwide security system of the United States. The argument for Presidential action under the collective security theory is that the executive must have the power to respond quickly and forcefully to attacks which are considered important, for a variety of reasons, to the maintenance of the balance of power.

The executive action in Indochina has been premised largely on the collective security theory. The Indochinese War and other recent American military actions serve to indicate that the neutrality theory is no longer viable. In a world which is divided into friendly, hostile, and neutral countries, most armed conflicts will probably affect the existing order. It is difficult, if not impossible, therefore, for American intervention in such conflicts to remain wholly neutral.

The notion that the United States possesses extraterritorial security interests is not novel. The Monroe Doctrine of 1823 is a clear example. But the proliferation of bilateral and multilateral security agreements since the end of World War II has widened American security interests to include most of the world.

Accepting the general premise of the collective security theory, the question is: who determines when the security interest of the United States is threatened, the President or Congress? And who determines what response is to be taken to protect that interest?

[43] See generally, State Department Memo.

[44] See Text and notes, supra.

[45] If the balance has shifted too far in favor of the executive, then Congress must share the blame for its failure to act in the past. Is there any real concern or is it acceptable for the President to have primary responsibility for the use of American forces abroad?

There is certainly a strong argument in favor of giving the executive the ability to respond with speed and force to crises which constitute a *direct* threat to the security of the United States. (See Harv. Note at 640.) But, there are equally strong, if not stronger, arguments in favor of increased congressional control over executive actions which may involve the United States in lengthy conflicts that are costly both in terms of lives and economic resources.

[46] See generally, Moore Address.

[47] Velvel, supra (n. 41) at 457.

[48] The full text of the SEATO Treaty may be found in 6 U.S. Treaties 81; T.I.A.S., No. 3170; 209 U.N. Treaty Series 28; and Falk, supra (n. 35) at 561 and seq. The signatories were: Australia, France, New Zealand, Pakistan, Philippines, Thailand, the United Kingdom, and the United States.

The Protocol to the SEATO Treaty provides in pertinent part that:

"The parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the states of Cambodia and Laos and the free territory under the jurisdiction of the state of Vietnam."

6 U.S. Treaties 87; T.I.A.S., No. 3170; 209 U.N. Treaty Series 36; Falk, supra (n. 35) at 564.

Laos was removed from the "protocol area" by the Geneva Accords of 1962. See: Protocol to the Declaration on the Neutrality of Laos, T.I.A.S. 5410; Falk, supra (no. 35) at 568.

Article IV goes to the core of the collective security agreement:

"1. Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any state or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

"2. If, in the opinion of any of the parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any party in the treaty area or of any other state or territory to which the provisions of paragraph 1 of this article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

"3. It is understood that no action on the territory of any state designated by unanimous agreement under paragraph 1 of this article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned."

[49] See generally, Falk, "International Law and the United States Role in the Viet Nam War," 75 Yale L.J. (1966); Falk, "International Law and the United States Role in Viet Nam: A Response to Professor Moore," 76 Yale L.J. 1095 (1967); but cf. Moore, "International Law and the United States Role in Vietnam: A Reply," 76 Yale L.J. 1051 (1967).

[50] Art. IV, ¶1 of SEATO Treaty, supra (n. 48).

[51] Constitution, Art. 2, § 2, cl. 2.

[52] Id, Art. 2, § 3.

However, the treaty is rendered of no effect if it conflicts with subsequent legislation, since the lawmaking power of Congress is equally as potent as the treaty power.

"A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. *The Cherokee Tobacco*, 78 U.S. (11 Wall.) 616, 621 (1870); accord. *Pigeon River Co.* v. *Cox Co.*, 291 U.S. 138, 160 (1934); *Moser* v. *United States*, 341 U.S. 41, 45 (1951).

[53] See Harv. Note at 643–46.

The possibility of giving the war power to the Senate alone was specifically considered and rejected by the Framers. See, Appendix on the debate in the Constitutional Convention.

[54] Southeast Asia Resolution, Aug. 10, 1964, Public Law 88–408 (H.J. Res. 1145); 78 Stat. 384. The Resolution is also reprinted in Falk, supra (n. 35) at 579.

[55] See e.g. opinion of Chief Justice Marshall in *Talbot* v. *Seeman*, 5 U.S. (1 Cr.) 1, 25 (1801). And, as former Secretary of Defense McNamara has said, "There has not been a formal declaration of war—anywhere in the world—since World War II." Address to American Society of Newspaper Editors, May 18, 1966, *New York Times*, May 19, 1966, p. C–11, col. 1 (city edn.) at col 2.

[56] See generally, Moore Address; Alford, supra, (n. 42); Moore and Falk articles, supra (n. 49).

Whether the Tonkin Resolution is sufficient authority for the Cambodian invasion and the air action in Laos has not been considered by the legal commentators thus far, but the language of the Resolution is so broad that it could, arguably, authorize almost any American action in the Western Pacific area. See, remarks of Senators Fulbright and Cooper during debate on the Resolution, 11 Cong. Rec. 18409–410 (1964).

[57] One commentator, however, does argue that Congress had sufficient information to form a reasonable opinion about the possible consequences of the Resolution, and that it was perhaps an unfortunate, but not unconstitutional abdication of responsibility. See, Moore Address at 821, and see generally, Moore and Underwood, "The Lawfulness of United States Assistance to the Republic of Viet Nam," CONGRESSIONAL RECORD, vol. 112, pt. 12, pp. 15519–15567.

[58] It is at least questionable whether a resolution passed in response to a relatively minor attack on American warships was sufficient authorization for a war which has resulted in more American casualties than any war except the Civil War and World Wars I and II.

It has also been argued that Congress has given its implied approval to the Indochinese War because it has passed military authorization bills for the area. The argument based on enactment of military appropriations legislation is specious. The authorization of expenditures for the support of the soldiers in Southeast Asia War necessitated by the executive fait accompli in dispatching forces there. And, if the Framers had thought that the money power by itself gave Congress sufficient control over the military, there would have been no need to grant Congress the explicit war power. See generally, Harv. Note at 646.

[59] Harv. Note at 646.

[60] The power of the purse was the weapon used by the English parliament to combat the exercise of despotic power by Charles I and James II. The Framers of the Constitution were certainly aware of its utility as a guarantee of the powers and privileges of the legislature.

[60a] The resolutions now before Congress, though carrying important political impact, would affect the constitutionality of subsequent executive action. If a resolution were made before the initiation of hostilities, Presidential commitment of American forces or significant expansion of the war would be precluded because the resolution would be a clear assertion of the primacy of Congress in the making of war. See *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952) (Jackson, J., concurring). Once forces were involved in combat the resolution would prohibit expansion of hostilities.

[61] Such restrictions should be distinguished from the so-called "legislative veto," which reserves to Congress or one of its components the right to determine the actual effect of the restriction by subsequent action falling short of actual legislation, such as disapproval by committee action or a resolution of one or both houses.

It is arguable that the inclusion of specific dates on which these restrictions take effect is an invasion of the inherent powers of the President as Commander in Chief. According to a strict construction of the Constitution, the President's inherent power may be limited to the power to repel sudden attacks only by immediate and temporary action. The expansion of his power through its unopposed exercise may be determinative of its constitutionality when Congress does not act, but it may be limited by Congressional action. The important question is whether the proposed limitation is reasonable. Since there is no indication that compliance with these restrictions is not fully feasible, there is no reason why the will of Congress should not be respected on this issue. The authors thus reject the argument.

[61a] Harris, *Congressional Control of Administration*, 213–215 (1964); Huzar, *The Purse and the Sword*, 211, 220, 240 (1950).

[62] 83 Stat. 469 (1969).

The inclusion of the phrase "in line with the expressed intention of the President of the United States," whatever its value as a face-saving device for the President, detracts not at all from the force of this proviso. The full text of the amendment reads:

"In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

[63] Act of September 16, 1940 (54 Stat. 885).

[64] In 1955, for instance, Congress attached a rider, § 638, to the Defense Appropriation Act prohibiting use of funds appropriated therein "for the disposal or transfer by contract or otherwise of work that has been . . . performed by civilian personnel of the Department of Defense unless justified to the Appropriations Committee(s) . . . ." 69 Stat. 321 (1955). A threat to Congress' constitutional powers arose when, in a message to Congress, the President stated that § 638 was unconstitutional and declared that "to the extent that this section seeks to give to the Appropriations Committees of the Senate and the House of Representatives authority to veto or prevent executive action, such section will be regarded as invalid by the executive branch of the government . . . unless otherwise determined by a court of competent jurisdiction." 101 Cong. Rec. 10459–60, 10416, 84th Cong., 1st Session (July 13, 1955).

But despite this threat, the Defense Department complied in full with the provisions of Section 638. The Department reported, as required by the Act, and agreed to delay action to accommodate Congress. And after the Armed Services Subcommittee of the House Appropriations Committee formally denied permission to dispose of several operations employing civilians, the President and the Defense Department followed its directions during the time that § 638 remained law. Carper, *The Defense Appropriation Rider* (1960).

The response of the Comptroller General to this crisis adds further support to the position of Congress. A month after the President had made his threat, the Comptroller General informed Congress that—

"On the fundamental basis that it is for Congress to say how and on what conditions public monies should be spent, the position of the GAO, as the agent of Congress, must be, in this case and always, to accord full effect to the clear meaning of an enactment by the Congress so long as it remains unchanged by legislative action and unimpaired by judicial interpretation. *Id.*"

Therefore, he concluded, where a violation were found he would exercise his power as Comptroller General to disallow credits in the agencies accounts and hold the officers personally liable for the cost of the illegal activity. *Id.* Although § 638 was an example of the use of the legislative veto, it serves as a valid indication of expectable executive response to an uneqivocal restriction, particularly since the legislative veto is open to possible attack as a circumvention of the constitutionally required lawmaking process.

[65] U.S. Constitution, Art. II, § 1.

[66] U.S. Constitution, Art II, §3.

[67] U.S. Constitution, Art. I, §§ 8, 9.

[68] Even if the President acts beyond the constitutional limits of his powers, "Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution in the Government of the United States, or any Department of officer thereof." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 588–89 (1952).

Whatever the merits of the arguments

about the President's power to impound funds, such practices under which the executive exercises discretion within the limits set by Congress in appropriations acts can be clearly distinguished from a more clearly unconstitutional breach by the executive of restrictions on positive action. See, e.g., Fisher, "Presidential Improundment of Funds," 38 Geo. Wash. L. Rev. 124, 130 (1969); Davis, "Constitutional Power to Require Defense Expenditures," 33 Fordham L. Rev. 39, 40-41, 55 (1964).

[69] In the words of Justice Black:

"The Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control. . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times."

Youngstown Sheet & Tube Co. v. *Sawyer*, 343 U.S. 579, 587-89 (1952).

Other judicial pronouncements on the "raise and support" and appropriations clauses have construed them to give Congress power to control the creation of military forces. One early opinion stated the argument succinctly:

"The power of congress to raise and support armies . . . is clear and undisputable. The language used in the constitution in making this grant of power is so plain, precise and comprehensive, as to leave no room for doubt or controversy, as to where the supreme control over the military force of the country resides."

In re Griver, 16 Wisc. 423, 431 (1863).

Another court has stated the conclusion more forcefully:

"The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same."

Spaulding v. *Douglas Aircraft Co.*, 60 F. Supp. 985, 988 (S.D. Cal. 1945), affirmed 154 F. 2d 419 (9th Cir. 1946).

[70] U.S. Constitution, Art. I, § 8.

[71] *The Federalist*.

[72] *Youngstown Sheet & Tube* v. *Sawyer*, 343 U.S. 579 (1952).

[73] For instance, Justice Frankfurter felt that the absence of Presidential power would have been beyond contention "had Congress explicitly negated such authority in formal legislation." *Id.* at 602.

Rejecting the view that the Commander in Chief clause supports "any Presidential action, internal or external, involving the use of force," Justice Jackson concluded that "Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement." *Id.* at 643.

[74] The much-noted concurring opinion of Justice Jackson stated the proposition in more detail:

"Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress. . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb. . . . Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting on the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for, what is at stake is the equilibrium established by our constitutional system. *Id.* at 635-638."

[75] Exceptions broader than these are not required by the Constitution, since Congress could authorize at any time military action beyond immediate self-defense.

[76] *Youngstown Sheet & Tube Co.* v. *Sawyer*. 343 U.S. 579, 654 (1952).

THE CONSTITUTION OF THE UNITED STATES

(Clauses related to war)

ARTICLE I

Section 1. All legislative power herein granted shall be vested in a Congress of the United States . . .

Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to . . . provide for the common Defence . . .

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant letters of Marque and Reprisal, and make rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of money to that Use shall be for a longer term than Two years;

To provide and maintain a Navy;

To make rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia . . .

To provide for organizing, arming, and disciplining the Militia . . .

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, . . .

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. . . .

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the Several States when called into the actual service of the United States; . . .

He shall have power, by and with the advice and consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors . . . and all other Officers of the United States . . .

(The appropriations clause)

ARTICLE I

Section 9. No money shall be drawn from the Treasury, but in consequence of Appropriations made by law; . . .

THE DEBATE ON THE WAR POWER IN THE CONSTITUTIONAL CONVENTION

(From Madison's notes)

Friday August 17th in Convention.

"To make war"

Mr. PINKNEY opposed the vesting this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in the Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war, and another peace.

Mr. BUTLER. The objections against the Legislature lie in great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. MADISON and Mr. GERRY moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.

Mr. SHARMAN thought it stood very well. The Executive should be able to repeal and not to commerce war. "Make" better than "declare" the latter narrowing the power too much.

Mr. GERRY never expected to hear in a republic a motion to empower the Executive alone to declare war.

Mr. ELLSWORTH. There is a material difference between the cases of making *war* and making *peace*. It should be more easy to get out of war than into it. War also is a simple and overt declaration, peace attended with intricate and secret negotiations.

Mr. MASON was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred "declare" to "make."

On the motion to insert *declare*—in place to *make*, it was agreed to.

N.H. no.
Mas. absent
Cont. no (On the remark by Mr. King that "make" war might be understood to "conduct" it which was an Executive function, Mr. Ellsworth gave up his objection, and the vote of Connecticut was changed to—ay.)
Pa. ay.
Del. ay.
Md. ay.
Va. ay.
N.C. ay.
S.C. ay.
Geo. ay.

Mr Pinkney's motion to strike out the whole clause, disagreed to without call of States.

COMMENTS ON THE ROLE OF CONGRESS AND THE PRESIDENT IN MILITARY AND FOREIGN AFFAIRS

JAMES MADISON: "The management of foreign relations appears to be the most susceptible of abuse of all the trusts committed to a government, because they can be concealed or disclosed in such parts and at such times as will best suit particular views; and because the body of the people are less capable of judging, and are more under the influence of prejudices, on that branch of their affairs, than of any other. Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."—Letter to Jefferson, May 13, 1798.

THOMAS JEFFERSON: "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided."—Message to Congress, December 6, 1805.

JOHN MARSHALL: "The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry."—Opinion in *The Amelia*, 1801.

Justice SAMUEL P. CHASE: "Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time. If a general war is declared, its extent and operations are only restricted and regulated by the *jus belli*, forming a part of the law of nations; but if a partial war is waged, its extent and operation depend on our municipal laws.—Opinion in *Bas v. Tingey*, 1800.

DANIEL WEBSTER: "In the first place, I have to say that the war-making power in this Government rests entirely with Congress; and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another. We are bound to regard both France and Hawaii as independent states, and equally independent, and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the constitutional power of the President; and still less is it within the power of any sub-

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ordinated agent of government, civil or military."—Statement while Secretary of State, 1851.

JAMES BUCHANAN: "The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua even to prevent the destruction of the transit and to protect the lives and property of our own citizens on their passage. It is true that on a sudden emergency of this character the President would direct any armed force in the vicinity to march to their relief, but in doing this he would act upon his own responsibility."—Message to Congress, December 6, 1858.

ABRAHAM LINCOLN: "Let me first state what I understand to be your position. It is that if it shall become necessary to repel invasion, the President may, without violation of the Constitution, cross the line and invite the territory of another country, and that whether such necessity exists in any given case the President is the sole judge. . . .

. . . Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose. . . .

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."—Letter to Herndon while in Congress.

ENVIRONMENTAL TEACH-INS

Mr. McGOVERN. Mr. President, when he proposed last fall that environmental teach-ins be held across the Nation on the same day, Wisconsin Senator GAYLORD NELSON was hopeful that 25 to 40 campuses would participate. Instead, Earth Day produced a gigantic swelling of public concern with environmental teach-ins at 2,000 colleges and universities, 10,000 high schools, and additional thousands of communities.

As Senator NELSON has pointed out, Earth Day can—must—be the beginning of a nationwide movement to halt the tide of environmental destruction. It will be a long, tough struggle, and will require a continued commitment on the part of millions of citizens.

We must establish specific goals, declare and implement new national policies, form environmental action groups in every community.

An analysis by reporter James G. Driscoll in the National Observer captures the sweep and the meaning of this unique and nationally significant event—Earth Day—and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR NELSON'S WEEK: AFTER ITS EARTH DAY, A MOVEMENT TAKES STOCK

(By James G. Driscoll)

Less emphasis on increasing the gross national product. More attention to improving the quality of life.

Last week's Earth Day carried that broad meaning for the day's originator, Sen. Gaylord Nelson, Wisconsin Democrat.

Earth Day was a variegated burst of activity, with mock burials of automobile engines, processions of students wearing gas masks to protest air pollution, and the signing in Philadelphia of a "Declaration of Interdependence" to illustrate that all the earth's creatures depend on one another for survival. Though some ecologists plan to make Earth Day an annual event on the third Wednesday in April, there is uncertainty over the direction of the movement and its ability to keep up the momentum generated last week.

AN ECOLOGY CONGRESS

Senator Nelson, a long-time advocate of conservation and environmental improvement, realizes that rhetoric and mock burials can accomplish little. He has proposed a comprehensive plan for Federal action and suggests that environment-minded citizens organize nonpartisan political-action groups in each community. Then, he urges: elect an "ecology Congress" this fall; support local candidates who are "right" on the environment issue; and keep this "big picture" in mind:

"We live on a finite planet with a limited capacity to support life. It is a closed system, like the system on an Apollo space ship. There is just so much water and land, encased in a relatively thin envelope of air." Man, asserts the senator, has intruded into the fragile system and damaged it.

Without question, the evidence of pollution—in fouled streams, murky air, and ill-used land—has made environmental quality a tempting political concern. Congress, for example, shut down for Earth Day so many of its members could hurry home to address rallies.

Congressmen, governors, mayors, ecologists, students—they all attacked the problem with words, millions of them. In New York City, Sen. Charles E. Goodell spoke at New York University while a leaflet was passed out by some of his detractors describing his speech as "the biggest cause of air pollution."

THE ISSUE IS FUZZY

If public officials have difficulty in coming to grips with the ecology issue, it is because the issue is fuzzy. It includes antilitter campaigns as well as birth control. And newcomers to the subject often are astonished by its scope.

Senator Nelson last week made a dozen speeches, zig-zagging across the country from Boston to Bloomington, Ind., to Denver to Berkeley. To enthusiastic crowds, he described the environmental "crisis," and offered some specific solutions.

On his home grounds in Madison, Wis., the senator told a cheering audience of 5,000 in the University of Wisconsin stock pavilion that "we need to change our attitude toward nature and nature's works. . . . Man is just one of the creatures that the Lord put on this earth and is not more important than all the rest."

Mr. Nelson called for a "new American ethic" that values quality of living over quantity of production. He received support from Boyd Gibbons, secretary to President Nixon's Council on Environmental Quality, who told the Madison audience that a "land ethic" is needed.

"We viewed the land as an infinite commodity," Mr. Gibbons asserted. "We lost respect for the land. . . . Decisions on land use are judged in traditional economic terms with no thought of ecological consequences."

Mr. Gibbons finds no one in particular to blame for this. Widespread pollution "is less a design of men of ill will than of outmoded approaches" toward use of resources, he contended. Ralph Nader, the consumer advocate, was more direct. Speaking in Philadelphia, he asserted that industries are the worst pollution offenders and that it will take a "radical militant ethic" to end pollution.

Senator Nelson outlined a dozen "national policies" that he says are necessary to reverse the degradation of the environment. Among them:

A policy on air and water quality "that says very simply that every municipality and industry shall install equipment that meets the highest state of the art in cleaning dirty air and water." This would be enforced by fines. As a corrollary, Mr. Nelson argues that the internal-combustion engine must be outlawed unless it can be made essentially pollution free—and he thinks that is impossible.

A policy on minerals that would, for example, prohibit oil drilling in the seabed "until we have the technology to extract it without the risk of an environmental disaster."

A policy on land use that would, for instance, prohibit strip mining unless the mine operator restored the top soil, contoured the land, seeded it, planted trees, and refrained from polluting nearby waterways.

A policy on herbicides and pesticides that would precent their use unless they had been proved harmless to the environment. "We're medicating the whole world with these dangerous substances without the world's consent."

A policy on energy and power plants that would concentrate on research into new, cleaner ways of creating electric power.

A policy on transportation that would downgrade the highway and the car and upgrade mass transit via pollution-free vehicles.

A policy on recycling waste products that would require, for instance, that old cars—no longer in running condition—be recycled through plants that would reduce them to their basic metal elements. Then the metals would be used again.

Many of those proposals are either being considered, or advocated, by the Nixon Administration, usually at a slower pace and on a more modest scale than Mr. Nelson would like. And all the proposals are related to population control. Senator Nelson notes that since the United States cannot effectively dispose of the waste produced by 200,000,000 residents, it is unlikely to be able to do so for a population of 300,000,000 that may come in 30 years.

He urged the limitation of births to one or two per family. "I hope those who want five or six children go out and adopt some," Mr. Nelson said. He has three children.

The senator has introduced 18 bills in this Congress covering most of his ideas on the environment. He advocates that the Government spend huge amounts of money on improving the environment—$25 billion a year immediately and $40 billion or $50 billion soon.

The mood of Earth Day in such cities as Madison, Milwaukee, Bloomington, and Denver was serious, with occasional moments of lightheartedness. In Madison, a jittery City Council canceled a parade of nonpolluting vehicles for fear of disorders; the previous week an antiwar march had turned into rioting, which resulted in $100,000 damage to downtown stores.

The ecology enthusiasts, however, seemed uninterested in violence. Many showed up for the parade because they had not heard of the City Council's action two hours earlier. A few blocked traffic on State Street, yelling "pedestrian power," but were quickly dispersed by police, without problems.

In Bloomington, an ecology fair was held in sunny Dunn Meadow on the Indiana University campus. Students manning booths showed how individuals could help clean up the environment. Ride bicycles—they don't pollute. Buy beer and soft drinks in returnable bottles—they don't end up as litter. Reynolds Metals Co. sent trucks last week to 18 colleges in 14 states to pick up aluminum cans that students had collected; the cans will be recycled by Reynolds and the aluminum used again.

POLLUTER OF THE MONTH

Here in Denver, an ecology teach-in was held in the new, modernistic Currigan Exhibition Hall downtown. A "polluter of the month" award was given to the Atomic Energy Commission for the underground explosions it has conducted in Colorado.

About the only critical note about Earth Day came from the convention of the Daughters of the American Revolution (DAR). Meeting in Washington, D.C., the organization passed a resolution saying that "the real problem of pollution . . . is being distorted and exaggerated by emotional declarations and by intensive propaganda." It said that "pollution of the mind" is the real danger to society, and urged the Federal Government to refrain from "unnecessary and harmful programs which the nation would later regret."

Though few observers were criticizing the ecology movement, some were questioning its staying power. A conference of 250 persons who were leaders in Earth Day is scheduled to deal with this question in June at Black Lake, Mich. Sponsored by the United Auto Workers Union, the conference will try to produce an agreement on specific actions to take in the coming months.

Dr. Kenneth, E. Watt, a zoology professor at the University of California in Davis, talked about the movement's staying power in a speech last week at Swarthmore College in Pennsylvania.

"The history of movements like this is not very promising," he said. "We had great movements on civil rights and the Vietnamese War. The problems are still with us, but the movements have died away . . . But about five years from now it will become increasingly clear . . . that what we ecologists are saying now is true, and then the political pressure for change will become inexorable."

THE 22D ANNIVERSARY OF INDEPENDENCE OF ISRAEL

Mr. KENNEDY. Mr. President, this week marks the 22d anniversary of Israel's independence. A great deal will be said about the trying history of this country. A great deal will be said about her tremendous progress and her contributions to the cause of freedom—about the democratic spirit of her people—about their extraordinary courage and stamina and industriousness—and about their desire to live in peace with their neighbors. Few Americans will quibble with such appraisals of Israel, and our national hopes for her progress and security have been a matter of record since her founding in 1948.

But despite her national character and strength, which has won the admiration of people throughout the world, Israel remains a beleaguered country. And her continued progress and security—as well as the prospects for general peace in the area—are being jeopardized more today than ever before.

I do not feel it necessary to burden the Record with a lengthy discussion on the immediate causes for this situation. We read about them daily in the press. All of us are familiar with the ominous signs that time is running out for the cause of peace in the Middle East.

Sporadic violence across borders continues with growing intensity—reinforcing the bitterness and hatreds and suspicions that have thrived in the area for years—causing untold anguish and fear, which knows no borders, among the people on both sides of the conflict.

The arms race continues as well. Nations which need all available resources to further the economic and social advancement of their peoples are caught up in a senseless competition to acquire the means of war and to divert large numbers of their men into military pursuits. The reported participation of Soviet pilots in the military activities of the United Arab Republic is only the latest in a number of moves by the Soviet Union which are contributing significantly to this competition.

The situation is ominous, Mr. President (Mr. McGovern), because the prospects for peace, and the long term security of Israel, are being steadily swept away—in a tide of daily events which seem of little concern to our national leadership, at a time when this concern is so vitally needed.

The point is debatable perhaps—but a case can be made that the Soviet Union has increased its military activities in the Middle East, because of ambivalence and weakness on the part of the administration in its general policy toward this area. On the specific question of jets to Israel, the administration has chosen, for the present at least, to reject Israel's request for help. The President's initial announcement on this issue was made only days after the Soviet's introduction of Sam–III missiles into the area, suggesting in many quarters a lack of American concern over the significance of this development. Even after the subsequent disclosure of Soviet pilots in the United Arab Republic, the administration's position—as outlined by the President last Friday night—remains the same.

It is easy to deplore Soviet military activities in the Middle East. It is easy to deplore the increasing level of violence throughout the area. It is easy to proclaim a policy view supporting a military balance between the parties to the conflict. It is easy to advocate meaningful steps toward peace.

But rhetoric is no alternative to decisive action. In light of deteriorating conditions in the Middle East, meaningful steps must be taken by our Government, so that all the world, especially the Soviet Union, will understand that America's commitment to assist Israel's defense of nationhood is a firm one—but also, that our goal of peace will not be pushed aside in the process.

To these ends, I recommend two steps. First of all, our Government should announce immediately that it will permit the sale of jets to Israel in sufficient numbers to help maintain her defensive capacity and the maintenance of a military balance vis-a-vis her Arab neighbors. In this connection, our Government should also exercise more flexibility and generosity in responding to Israel's economic needs.

Second, it is not enough, however, that we contribute to Israel's defense and the maintenance of an arms balance in the area. The time has also come to reverse the process of military escalation on both sides, to halt the drift into a new round of full-scale warfare, and to head off a potentially dangerous confrontation among the great powers.

The time has come, I feel, for a major diplomatic initiative by the United States—most appropriately, by the President himself. Such initiative at the highest level of our Government will not only underscore the importance we attach to what is chronically called the Middle East crisis; but it will also underscore the urgency we attach toward removing this crisis from the business-as-usual doldrums of routine diplomacy. Before time has run out, every effort must be made to bring about a reduction in the level of violence—if not its end—and to stop the senseless arms race, which can only lead to catastrophe for all mankind.

The elements of a major U.S. diplomatic initiative should include at least the following:

First, an immediate effort to secure a cease-fire—a binding moratorium—under international auspices;

Second, an agreement among parties concerned to establish a substantial international emergency peacekeeping force, under international auspices and commensurate with the legitimate security interests of both Israel and her Arab neighbors;

Third, the creation of a special international commission to supervise and monitor the moratorium arrangements; and

Fourth, in close cooperation with Israel and her Arab neighbors, the convening by the United Nations Secretary General of the actual and potential arms-supplying nations involved in Middle East arms traffic, to make necessary arrangements for reducing the flow of arms into the area and for declaring the Middle East a nuclear-free zone.

Mr. President, I strongly believe—and feel that this view is shared by many Americans—that progress on the urgent issue of bringing about a military disengagement in the Middle East crisis will hopefully generate the atmosphere and set the stage for fruitful efforts in the direct negotiation of longstanding differences between the parties immediately involved in the Arab-Israel conflict.

Let us leave no stone unturned in accomplishing this objective. But let us do so with meaningful action to meet immediate needs, and with the urgency that a truly serious crisis demands.

PRESIDENTIAL POWERS

Mr. MILLER. Mr. President, an editorial in today's Evening Star entitled "Presidential Powers" expresses the view that passage of the Cooper-Church amendment in its present form would be unwise.

I ask unanimous consent that the edi-

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torial to which I have referred be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

PRESIDENTIAL POWERS

The Cooper-Church amendment, passed this week by the Senate Foreign Relations Committee, if approved by both houses, would cut off funds for future American military activities in Cambodia. The Senate and the House should give extremely careful consideration to all of the implications of the proposal.

Since the amendment could not come into force before the President's July 1 deadline for the return of all American troops from Cambodia, the proposal's supporters may be motivated by one or more of the following convictions:

1. They may fear that the President intends to violate his own deadline.
2. They may suspect that, if the Cambodian incursions are as successful as they appear to be, Mr. Nixon may be tempted to repeat the move at a later date.
3. They may feel that there is domestic political capital to be made out of a move which could be unconstitutional and in any event would be difficult administratively to enforce, and hence would be of little effect.
4. In an attempt to preserve and enhance senatorial prerogatives, they may wish to challenge the President's power to wage undeclared wars anywhere on the globe without prior congressional approval.

Both the State Department and the Pentagon are leery of the proposal, as well they might be. They see it as restricting the President's power as Commander in Chief and endangering his ability (in the State Department's words) "to take action to protect the lives of American troops within the Republic of Vietnam."

The issue is too complex to be dealt with adequately in this space. As a preliminary judgment, however, it is our view that passage of the Cooper-Church amendment in its present form would be unwise. The alternative to an undeclared war in at least some situations would be not peace, but a declared war. The existence of secret treaties between the nuclear powers and their client states under such circumstances would greatly increase the chances of a global holocaust.

And that is something no thinking person wants.

PRESIDENT'S WAR POWER THREATENED

Mr. MILLER. Mr. President, also in today's Washington Evening Star there appears an article by the distinguished columnist, David Lawrence, entitled "President's War Power Threatened." It is a short commentary on the Church-Cooper amendment.

I ask unanimous consent that this article also be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

PRESIDENT'S WAR POWER THREATENED

(By David Lawrence)

For the first time in American history, the Senate Foreign Relations Committee has ignored not only the spirit but also the letter of the Constitution. It has approved an amendment to a bill which, if accepted by the Senate and the House, would deprive the commander-in-chief of the armed forces—namely, the President—of his power to conduct military operations. In the midst of a war, a congressional committee recommends a law to withhold funds unless its methods and restrictions are followed.

The principle is important to the security of the United States, which has joined with other countries—twice in Europe and twice in Asia—to prevent communism from taking over small countries and eventually dominating the free world.

By a vote of 9 to 4, the Senate committee has begun to say to the President that no matter what contingencies may arise, he must pursue a specified course with respect to Cambodia. He is being told to follow the rules outlined by the committee in connection with operations that the President feels are necessary to protect the remaining American troops in South Vietnam. Other senators are proposing modifications, and administration supporters are suggesting some, too.

Assistant Secretary of State David M. Abshire, in a letter to the committee, said that, while the amendment reported out by the committee coincides with the intention of the President concerning the limited role of American forces in Cambodia, "we do not consider it desirable that actions of the commander-in-chief should be subject to statutory restrictions."

Nobody knows just what the North Vietnamese may do after a substantial number of American combat troops have been withdrawn from South Vietnam. There is a possibility that attacks will be launched from bases in Cambodia and North Vietnam, and that the South Vietnamese will need all the help they can get in thwarting them. The President, as commander-in-chief, needs a free hand in dealing with military contingencies. This has always been the rule.

The amendment voted by the Senate Foreign Relations Committee would bar not only the use of U.S. combat troops in Cambodia but the employment of American advisers and instructors. The President, however, has to look at the problem on a long-range basis. He must be sure that the American troops who are left in Vietnam for the time being are not threatened by any major offensive, for this could mean the loss of many lives.

Nixon has said that by July 1 our troops will be out of Cambodia. The enemy has not started any offensives that could interfere with such a decision, but in a war, nobody knows when or from what direction an attack may come. This is why the commander-in-chief must have the widest discretion in the use of troops and equipment.

Interference by Congress in the actual operation of the armed forces is a serious thing at any time. But nowadays the Communists can derive much encouragement from such a situation. They may feel inclined to take chances on the theory that the President will not dare to return any troops to Vietnam once they have been removed. A big assault might therefore be launched by Hanoi against the remaining Americans and the South Vietnamese after a major part of the U.S. forces have been withdrawn.

There has been plenty of opposition in Congress by isolationists before wars began. But during a war no attempts have been made actually to impair military movements on the use of armies or navies. This has been left to the judgment of the commander-in-chief.

It may be that if a constitutional convention is called some day, as has been proposed in recent years, a new amendment will be offered to restrict the powers of Congress so that there can be no possible right to interfere with the flow of appropriations necessary to maintain a military operation in the midst of a war. For once the commander-in-chief has committed troops in an expedition designed to thwart an international enemy like the Communists and to prevent eventual attacks on the United States itself, the power to deal instantly with developments must be, as heretofore, within the discretion of the President.

POSITIVE THINKING ON NIXON'S CAMBODIA MOVE

Mr. MILLER. Mr. President, in today's Washington Evening Star is another article, written by the distinguished and knowledgeable columnist, Richard Wilson, entitled "Positive Thinking on Nixon's Cambodia Move."

I ask unanimous consent that this article also be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

POSITIVE THINKING ON NIXON'S CAMBODIA MOVE

(By Richard Wilson)

The protesters have come and gone, rhetoric has cooled and President Nixon is preparing to announce that the Cambodian operation is a success. This announcement will be based on the volume of arms and supplies captured and the hope that further Communist aggressive action in South Vietnam has been set back for a year.

How much of a success was the Cambodian thrust will continue to be argued, and it will play a part in the congressional campaign. But Nixon thus far, at least, has managed to keep control of the operation.

This matter of control has been the problem from the first. There are reports that early in considering the strike Nixon doubted he could maintain control. That is to say, a complex of circumstances including American public reaction, the military reaction from the Communist side, the difficulty of limiting any military operation once it has begun, would converge to defeat the operation.

Probably the decisive factor was Nixon's final judgment that he could keep American opinion under control long enough to permit a 60-day operation which could be very damaging to the Communists.

This required an accurate judgment on the depth of the reaction in American public opinion and Nixon measured that correctly. It required an accurate judgment on the Communist reaction and, up to now, that has been measured correctly.

Some things may not prove to have been measured correctly, including the search for the Communist headquarters for Vietnam operations (COSVN) which may be buried somewhere deep underground in the areas the Americans are sweeping. If the Americans do not find that control center many questions will rise in Congress and it might have been better if Nixon had not mentioned it in his justification for the Cambodian incursion. There were other reasons which were just as good.

Perhaps one of the most significant aspects of this critical period was the reluctance of Congressional members who were attacking the President to join in the youth protest, and there were good reasons for this. A score of senators and congressmen who endorsed the first mobilization against the war in October and participated to some extent in the November turnout in Washington shunned the festivities last Saturday although their cause for participating might have been greater than before.

The protest Saturday was on a scale probably about one-third of the Nov. 14–15 Mobilization for Peace and it may be that this way of expressing public opinion is no longer, if it ever was, an effective instrument for influencing public policy.

When congressmen up for re-election stay away from such festivities it can be taken for granted that they see no advantage in that kind of political identification. The effectiveness of such pressure can be measured also by Nixon's decision to treat it indulgently as not really a threat but just something to be gotten through with the least trouble.

This is, in fact, what happened. The rally did not influence anyone. It was wasted effort.

Nixon, in fact, "improved his position" with those who think it has been pointless to take a defiant and name-calling attitude toward student protest.

In the longer range, if the Cambodian operation is, or can be termed, a success the results will not be merely militarily and diplomatically favorable.

These circumstances, coming into focus and after midsummer, would give the President a firm platform for another forthcoming intervention, a political intervention. Nixon needs more strength in Congress if he is to carry through his very extensive program of reform in the next couple of years.

His hand would be greatly strengthened in appealing for a Republican congress if Cambodia has proved to be a success. Perhaps that contributed, too, to the lack of interest in Congress in last week's demonstrations.

ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment in accordance with the previous order, until 10:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 13 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 14, 1970, at 10:30 a.m.

NOMINATION

Executive nomination received by the Senate May 13, 1970:

SECURITIES AND EXCHANGE COMMISSION

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1975; reappointment.

EXTENSIONS OF REMARKS

FEDERAL JUDGE ROBERT E. MAXWELL DELIVERS SIGNIFICANT ADDRESS ON DIVISIVENESS IN AMERICA—ASKS AMERICAN LEGION "IS AMERICA WORTH SAVING?"—EMPHASIZES TYRANNY CANNOT BE DISGUISED

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. RANDOLPH. Mr. President, the Honorable Robert E. Maxwell, judge of the U.S. District Court for the Northern District of West Virginia, in an address recently in Morgantown, W. Va., before the 40 and 8 of the American Legion, discussed aspects of the crisis facing us regarding the divisiveness in America.

Judge Maxwell indicated that there are many citizens who see the serenity of the college campus disrupted and buildings destroyed, the peace and the use of our streets disturbed with blockades, the dignity of man grossly diminished, and they wonder whether we have lost our way.

Judge Maxwell said:

> The human condition has been so appallingly distorted by irrationality and emotional unreason that a surprisingly large cross-section of America is beginning to wonder whether "The politics of violence" or "The strategy of confrontation" presented with a noisy, ill-tempered and bad-mannered dialogue isn't the essence of a new emerging public philosophy.

He noted, and asked his listeners:

> It is important for America to recognize that the presently disruptive wave which crosses America does not represent the majority opinion of this vast and outspoken land of ours. The disrupters represent only a fractional part of the body politic and they take unwarranted advantage of the freedoms guaranteed by the Bill of Rights.
>
> Is America Worth Saving?

Judge Maxwell said that during the past quarter of a century we have suffered three serious wars with violent inflation as one of the results. He warned:

> We are now in the middle of a racial revolution as incendiary in its ultimate meaning as the Civil War. We are in the throes of a continuing scientific revolution that is much more fundamental than the industrial revolution of a hundred years ago. We are witnessing a population explosion, the consequences of which we can hardly begin to understand. And, we are in the middle of some type of revolution in personal morals, which is causing many in our land, we as well as across the world, to wonder whether the family as the basic unit of our social structure is in fact losing its vitality.

Maxwell contends that what many people who are reaching out fail to understand as they look at the violent world around them is that change in its many dimensions is not a recent manifestation of the human race. Change, he points out, has been a part of the process of living since man was first identified as man.

Some 200 years ago, Edmund Burke said:

> To complain of the age we live in, to murmur at the present possessors of power, to lament the past, to conceive extravagant hopes of the future, are the common dispositions of the greater part of mankind.

The judge stressed that the magnitude as well as the cadence of change which we are experiencing today is where the difference lies:

> In the life span of most of us, America has moved from a predominantly agricultural society to an industrial one—from an economy of scarcity and privation to an economy of abundance and influence—and from a labor-job oriented society to one increasingly aimed toward the utilization of leisure time.

Commenting on those who feel that revolution is the only alternative, Judge Maxwell said those critics of our system, who would advocate destruction as the only acceptable means of alteration, charge that our system is impersonal, disinterested, hypocritical, disenchanted, and that the noble experiment of self-government is not worth saving are wrong.

He said these distortions of facts must be challenged. Maxwell emphasized:

> America must be heard to say in a loud and clear voice that our system today possesses the same honor, decency, integrity and dignity as it possessed when it was created by the most lucid minds of that marvelously lucid age some 200 years ago.

Maxwell said:

> Today, in the questioning dialogue which wells up daily from the campuses and streets of America, we must ask ourselves again what quality of life we want, not only as consumers and producers, but as citizens of a great republic. No preordained destiny decrees that America shall have all the soft options. Our present greatness and our affluence do not give us a special license to take a short cut to an imagined Utopia.

Adding:

> Thus, for the first time in history, a Nation is so inherently rich in the material things that we frequently believe we can afford the luxury of taking a holiday from aspiring for the horizons of the heretofore unattainable.

Early in the Civil War, President Lincoln wrote his secretary, John Hay:

> For my part, I consider the central idea pervading this struggle as proving that popular government is not an absurdity. We must settle this question now, whether in a free government the minority have the right to break up the government whenever they choose. If we fail, it will go far to prove the incapability of the people to govern themselves.

Judge Maxwell said that these plain, simple, timeless remarks are as appropriate then as now, as forceful and moving today as they will be tomorrow.

ISRAELI INVOLVEMENT IN LEBANON

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. RARICK. Mr. Speaker, Israeli armed forces have now invaded the territory of neutral Lebanon. The meager news reports play down the invasion of Lebanon as the crisis and tension escalate. Perhaps the feeling is that the supporters of President Nixon's U.S. policy in Cambodia can ill afford to denounce this latest Middle East invasion. Yet one wonders at the silence of those so extremely reactionary to the Cambodian campaign.

For the apologists overlook the action taken by President Nixon's predecessor, Gen. Dwight D. Eisenhower, in sending 5,000 U.S. Marines into Lebanon to protect its ancient and peaceful territorial integrity.

Nor can the Lebanese situation be compared with that in Cambodia; for Cambodia was threatened with complete Communist occupation precipitating a coup. The military action by the United States was taken without opposition by the Cambodians—in fact, at their invitation.

The Middle East situation truly boils. Does the official policy of the United States in the Middle East under the Nixon administration adhere to the precedent of Ike's Middle East policy—one of strict neutrality except to deter aggression by protecting territorial integrity? To many, U.S. foreign policy appears designed to recruit for the Red bloc.

The United Nations organization—for whatever value it is worth—has again convened. We can probably expect the sixth reprimand from the Red Bloc vote which will deter nothing. Some saber rattling country, which does not own a saber, will again call for a peace keeping force.

The war-weary mothers and fathers of the United States are awaiting one decision. That is the pronouncement of our U.S. position under the latest crisis. They want no U.S. involvement.

I include several news clippings in the Record at this point:

[From the Washington Daily News, May 12, 1970]

Middle East Crisis Goes Before U.N.

The Arabs said 100 Israeli tanks and 2,000 infantrymen struck into Lebanon today in a two-pronged drive against Arab guerrilla bases and that three Arab nations—Jordan, Syria and Iraq—were fighting back in the biggest Mideast battle since the 1967 war.

The UN Security Council was called into urgent sessions today to consider the new crisis in the Middle East. The meeting was requested by Lebanon and Israel.

Planes, tanks, artillery and infantrymen were reported engaged in the Marjayoun area of Lebanon six to seven miles inside the Lebanon frontier and 32 miles southeast of Beirut. Israel said it shot down three Syrian MIG17s in dogfights over the Golan Heights.

There was no immediate reaction from Egypt, but Cairo said its commandos struck across the Suez Canal shortly after midnight and Israel said it hurled them back. King Hussein of Jordan telephoned Lebanese President Charles Helou and offered full support, Beirut dispatches said.

"HEAVY FIGHTING"

Nine hours after the attack began, a Lebanese military spokesman said "heavy fighting is still going on" and that Lebanon had inflicted heavy losses on the Israelis in a counterattack. A spokesman in Beirut said helicopters could be seen removing Israeli wounded.

The Lebanese spokesman said the Israelis were trying to isolate the Al-Arkoub area near Marjayoun and that the Israelis bombed bridges to cut roads and stop reinforcements coming in.

A military spokesman in Damascus said Syrian troops and armor had joined the battle and that its MIGs were battling the Israeli Phantom jets and Skyhawks over the Golan Heights. Syria said one Israeli Phantom was shot down, but Israel said all its planes returned safely.

Military sources in Beirut said the 2,000 men and 100 tanks supported by aircraft and artillery were the highest number of troops used in a single operation since the war. The last similar large scale drive came in March, 1968, against Karameh in the southern Jordan Valley but that involved only Israeli and Jordanian troops.

Both Al-Fatha, the largest Arab guerrilla group, and the Syrian-backed Al-Saiqah, were involved in today's fighting, they said.

Saiqah said its guerrillas knocked out five tanks and Al-Fatah said its men shot down an Israeli Phantom and destroyed six tanks and four half tracks. The Lebanese army said it destroyed seven tanks and seven half tracks.

Israel said it sent its forces into Lebanon to wipe out guerrilla bases from which Al Fatah and other groups repeatedly hit the border town of Shemona at the northern tip of Israel and just west of the Golan Heights.

Baghdad Radio, in a dramatic announcement to "the Iraqi people and the Arab nation" said Iraqi artillery "went into action against the enemy today to defend the land of Arabism."

Military observers in Beirut said the Iraqi gunners apparently were stationed in north Jordan from where they could shell Israelis in the Golan Heights of Syria or in South Lebanon.

A Syrian military spokesman in Damascus said Syrian tanks and artillery were battling the Israeli raiding force, but the Israeli spokesman made no mention of the raiding troops meeting Syrian opposition on the ground.

The Israeli spokesman said the Israeli attack—the biggest mounted against Lebanon—would continue until sunset.

The report of three Syrian MIGs shot down brought to 112 the number of Arab warplanes Israel says it has downed since the 1967 war, 89 of them Egyptian and 23 Syrian. The last Israeli-Syrian air battle came April 2 when Israel said it shot down three MIG21s and Syria said it shot down an Israeli Phantom jet.

Russia Keeping Hands Off?

London.—The Soviet Union will let Israel and the Arabs fight it out on the Suez canal without intervening—at least for the present—authoritative communist diplomatic sources said today.

But Russia is ready to fight from the ground and with Soviet-piloted MIG jets any Israeli attacks on Egypts rear area, they said.

The Russians will "hit back" if key Egyptian centers and Soviet installations behind the Suez canal are attacked by Israeli planes, they said.

The sources, usually well informed on Kremlin major policy moves, left little doubt Moscow has taken a firm decision to intervene directly in any clash that could endanger Russian SAM3 ground-to-air missile sites, its new radar installations and MIG planes, as well as such key targets like the Aswan DAM and probably also shipping in the key ports of Port Said and Alexandria where Soviet vessels are crowding the overworked facilities.

Russia cannot allow the Israelis to attack these installations let alone risk the loss of valuable new Soviet air defense equipment, much of it still on the secret list and never before operated abroad, the sources indicated.

[From the Evening Star, May 12, 1970]

Arabs of Three Nations Fight Israeli Attack

Two spearheads of 100 Israeli tanks and 1,000 infantrymen drove into southern Lebanon to wipe out Arab guerrilla bases and ran into air and tank battles with the Lebanese and Syrian armies, Iraqi artillery opened up on the Israelis from bases in Jordan.

A military spokesman in Tel Aviv said the Israeli air force shot down three Syrian MIG17s. It appeared to be the biggest battle since the 1967 Middle East war and the first time since then that Israel had fought three Arab nations in one area.

Both Israel and Lebanon asked for an urgent meeting of the U.N. Security Council. A session was called in New York this morning.

The Beirut government said its ground gunners shot down one Israeli Phantom fighter-bomber. Israel denied it.

MOUNT HERMON AREA HIT

The Israeli attack hit the Mount Hermon area of southeastern Lebanon near the occupied Golan Heights where the borders of Syria, Lebanon, Jordan, and Israel converge. It was reported stalled at 1 p.m. after seven hours of heavy fighting.

Baghdad radio, in a dramatic announcement to "The Iraqi people and the Arab nation" said Iraqi artillery "went into action against the enemy today to defend the land of arabism."

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"The atmosphere is an atmosphere of war," the speaker of the Lebanese house, Sabri Hamade, said after an emergency cabinet meeting in Lebanon.

A Lebanese communique issued 6½ hours into the battle said five Israeli tanks and seven half-tracks had been destroyed out of the columns that crossed the border from the Israeli-occupied Golan Heights of Syria.

The two spearheads were said to have begun their drives at 5 a.m. and 7:30 a.m. behind heavy Israeli air and artillery strikes.

ADVANCE DECLARED STOPPED

Lebanon said its troops stopped the advance at a cluster of three villages—Arnoun, Al-Hamra and Marjayoun—eight miles inside the border. Israeli planes, it said, were stepping up their attacks to cover the withdrawal of damaged tanks.

No personnel casualties were released.

Israel, giving only scanty details, said the twin thrusts came in retaliation for 61 Arab guerrilla attacks from Lebanon against 22 Israeli settlements in the past 40 days.

Military spokesmen in Tel Aviv said the strike, aimed at cleaning out Arab guerrilla bivouacs on the slopes of Mount Hermon, "is going according to plan and should be completed by sunset. The Israeli forces definitely will withdraw today."

Israeli troops passed out leaflets to Lebanese villagers appealing to them to help drive out the guerrillas. The leaflets began with a proverb: "He who sows thorns will not harvest grapes, and he who lights fires may be burned."

PLANES OPEN ATTACK

The Lebanese account said Israeli fighter-bombers and artillery opened the attacks, with the troops and tanks advancing half an hour later.

Lebanon said its men turned back Israeli troops from the village of Al-Khreybeh, three miles inside the border from the Golan Heights, and were fighting to defend defensive positions at nearby Marjayoun.

President Charles Helou of Lebanon called his cabinet into emergency session at 7 a.m., Beirut radio said. His government had been warned to curb Arab guerrilla attacks from Lebanon into Israel or face the consequences.

Guerrilla rockets fired from southern Lebanon had killed three Israelis in the border settlement at Kiriyat Shmona since Wednesday. The Israeli Premier, Golda Meir, spent part of her Independence Day holiday at the village Sunday vowing the Arab attacks would not go unpunished.

HUNDREDS OF GUERRILLAS

"The area on the southwestern slopes of Mount Hermon east of the Hasbani River has become known as Al Fatah land," an Israeli military spokesman said, referring to the Arab guerrilla group Al Fatah. He said there were hundreds of guerrillas in the area.

Today's raid was Israel's 13th land strike into Lebanon. The biggest until now had been the Dec. 28, 1968, commando raid that destroyed 13 airlines at Beirut International Airport in reprisal for an Arab guerrilla attack on an Israeli airliner at Zurich.

Israeli troops last crossed into Lebanon April 13 when an army unit blew up a house one mile across the border. The last major strike was Dec. 3, 1969, when helicopter-riding Israeli paratroopers attacked guerrilla bases.

THE MIDDLE EAST SITUATION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. SCOTT. Mr. President, an article written by Roscoe and Geoffrey Drummond was published in the Philadelphia Inquirer last week. The article deals with the Middle East situation and draws a parallel with the Cuban missile crisis of the early 1960's.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIDEAST SITUATION PARALLELS THE CUBAN MISSILE CRISIS

WASHINGTON.—President Nixon's bold action in Cambodia needs to be followed by bold action in the Mideast—for the same purposes.

What's happening in Indochina is important to the United States.

What's happening in the Middle East is vital to the United States.

We cannot afford to leave the Soviet challenge to the survival of Israel unmet because it would invite massive expansion of Soviet power and risk an unwanted war which could engulf both the U.S. and Russia.

Moscow has to be shown that further Soviet brinksmanship in the Middle East is perilous and cannot be safely employed on the assumption that the United States is in a mood to abandon its responsibility for the peace almost anywhere in the world.

Anticipating that the United States is too divided and distracted to react, here is what Moscow is now doing:

It is taking over the defense of the bulk of Egyptian air space with Soviet arms and Soviet personnel. It is manning the newly installed Soviet SAM sites with Soviet technicians. It is supplying the experts to handle the control towers and deep radar and it is providing Soviet pilots to fly Soviet planes in part to free Egyptian forces to expand their war against Israel.

Its purposes are evident.

It aims to erase totally U.S. influence in the Middle East.

It aims to establish the Soviet Union as the dominating, all-powerful force in the Moslem world.

Its strategic aim is to reopen the Suez Canal so that Soviet ships and arms can move easier and faster to all of Southeast Asia, where its goal is Soviet dominance.

To all of these ends it is apparently willing to go just as far as it can without rousing the United States to any effective counteraction.

The Kremlin is now confronting President Nixon with the equivalent of the Cuban missile crisis with which Khrushchev confronted President Kennedy in 1962. This is Mr. Nixon's Middle Eastern "Cuban Crisis" and it rests on the calculation that he'll blink and look away.

We doubt that he will do so. He gave the reason for not doing so in his address on Cambodia:

"If when the chips are down the U.S. acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world."

It is reasonable to expect that the President:

Will warn the Soviets that we do not intend to leave Israel exposed to mounting Russian military power in Egypt.

Will implement that warning by meeting Israel's request to buy U.S. jet fighters to counter the Soviet threat.

The U.S. refrained from providing these planes a few weeks ago, hoping our restraint would be matched by Soviet restraint. It wasn't. The President felt the superior skill of Israeli pilots against superior numbers kept the balance of air power at least equal. Now Moscow is upsetting that balance by manning Soviet planes with skilled Soviet pilots

Israel is the perfect application of the Nixon Doctrine—that short of combat aid, the U.S. will help others to help themselves. Here is an independent, democratic nation, created by the U.N., determined and able to defend itself if we will supply some of the means. It has never asked for and doesn't want a single foreign soldier to help. It will die before it will give up its life as a nation.

The U.S. will be defending its own survival.

DRUGS ARE NOT FOR JOKING

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROE. Mr. Speaker, Mrs. Dorothy Patterson, distinguished correspondent, in a recent comprehensive news report entitled, "Drugs Are Not for Joking," that appeared in the April 14, 1970, edition of the Paterson News, Paterson, N.J., brought into sharp focus a nationwide campaign being sponsored and carried out by the Fidelians of America for the express purpose of eliminating the kidding and joking over the airways of the Nation by TV and radio entertainers glamorizing and making light of the severity of the drug crisis facing our Nation.

The report follows:

DRUGS ARE NOT FOR JOKING

J. Monte Moschetto, chairman of the project, says the Fidelians are moving in this area in an attempt to halt the "kidding and joking about drugs" by TV comedians and entertainers, and the popular songs with subliminal inducements to enter the drug scene.

"There's too much kidding and joking about drugs," says Moschetto. He said recent popular talk shows have been making light of drugs, kidding about "getting high," and one of the major comedians cracked about his mother smoking marijuana.

"They wouldn't joke about cancer," he said, "and narcotics is even more deadly than cancer since it kills not only the user but spreads its evil through every level of society."

The Fidelians, said Moschetto, plan to call on the Service Club Council to schedule a meeting of area service clubs to seek their cooperation in this campaign.

ASK COOPERATION

He said the club is asking those who see and hear comedians making light of drugs, to write letters of protest to the networks and the sponsors of the shows registering their objections.

"We would ask also, that they send a copy of their letters to our club so that we can use them as weighted evidence to induce action by the entire broadcast-television industry.

Moschetto said that some time ago, certain TV underworld dramas pictured all mobsters as Italians, and that this practice was halted in the face of strong protests by Italian-American nationals and groups.

He said the same thing was true of jokes about minority groups, and noted that these are no longer heard.

"If these practices could be halted by mass protest, then there is no reason why we cannot put an end to the current "drug jokes."

Barring voluntary compliance, he said the club will press for legislation to ban drug jokes and drug music from the networks.

He said the U.S. government has stood up against the combined forces of the powerful tobacco industry to ban cigarette commercials next year, "then it can also take the same stand against drugs."

The Fidelians, he explained, are hoping to win the cooperation of all area service clubs to launch a campaign also aimed at presenting the true story of drugs in a series of TV commercials, similar to those now being used against smoking by the Cancer and Heart Associations.

"We will seek the cooperation of every media," he said, "every group and association, including the American Medical Association, the Advertising Council and the press.

He said that many popular recordings carry messages about the pleasures of drug usage, of flying high and taking trips, but say nothing of the "horrors of drug addiction."

"TV is an important media and carries a lot of weight with the kids. If they are constantly bombarded with inducements to try drugs and by comedians who make drug addiction seem something light and laughable, we can expect more of them to become enslaved to this deadly habit," he stated.

Moschetto said the Fidelians will try to promote the cooperation of the television media in presenting the picture of drugs "like it is."

He recommended commercials showing prominent athletes sunk into degradation because of drugs, beautiful girls like the daughter of Art Linkletter and their broken bodies, pre-teen age children caught in the horrors of drug addiction.

"Let's not glorify drugs," he said.

"Let's not joke about it. It may be too late to salvage the youngsters already being destroyed by narcotics but let's do what we can to prevent others from becoming enslaved. The age for drug-addiction is dropping steadily. Now it's the 12-year-olds. Where parents once were thrilled to see their little ones toddle off to kindergarten, soon we will be watching them go off with fear in our hearts, knowing these might be their first steps along the road to narcotics addiction.

The committee leading the campaign to "kill drug jokes before they kill our children," includes:

John Suberati, president, Tom Piccolli,

XUM

former Freeholder Sam Bruno. Joseph Leograndle and Bruno Vivino.

Communications addressed to the Fidelians may be sent to P.O. Box 1369, Fidelians of America, Paterson, N.J.

PRESERVATION OF THE ENVIRONMENT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. SCHWEIKER. Mr. President, during his nearly 12 years as U.S. Senator from Pennsylvania, HUGH SCOTT has compiled an impressive record in his fight to preserve the environment. I ask unanimous consent that a summary of Senator SCOTT's efforts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATOR HUGH SCOTT ON CONSERVATION

LEGISLATION 1970

Environmental quality package for the 1970's

Senator Scott introduced the Administration's 7 environmental quality bills in the Senate on February 18. These bills would amend the Clean Air Act to provide national air quality standards, regulate dangerous emissions from stationary sources, and improve controls over motor vehicle emissions. They would establish an Environmental Financing Authority to aid financing of water treatment facilities, authorize the Council on Environmental Quality to make recommendations concerning the reclamation and recycling of solid waste materials and amend the Federal Water Pollution Control Act to clean up the nation's waterways.

Environmental quality administration act

Senator Scott introduced S. 3388 on February 4. This bill would consolidate Federal programs in the three basic areas of air, water, and solid waste disposal by transfering programs now administered by the Departments of Health, Education and Welfare, Housing and Urban Development and Interior into a new Environmental Quality Administration.

Health hazards of Pollution Act

Senator Scott, on January 25, co-sponsored S. 3316, which would require an immediate in-depth study by the Department of Health, Education and Welfare of the hazards posed by pollution to the Nation's health to determine what *immediate* steps can be taken to reduce these hazards while longer terms programs are being developed.

Resource conservation amendments

Senator Scott, on March 17, co-sponsored S. 3598, which would authorize Federal assistance through the Department of Agriculture for land ultilization programs to promote fish, wildlife, and recreation development. The Senate has passed S. 3598 and sent it to the House of Representatives for action.

Federal low emission vehicle procurement act

Senator Scott co-sponsored S. 3261 on March 9. This bill would stimulate the development, production and distribution in interstate commerce of low-emission motor vehicles in order to provide the public with increased protection against the hazards of vehicular exhaust.

Small business environment action

Senator Scott co-sponsored S. 3528 on March 2. This bill would help small business concerns to effect conversions required to meet Federal or State pollution control standards.

Great Lakes Disposal Act

Senator Scott co-sponsored S. 3763 on April 23. This bill prohibits open water disposal of pollution dredge spoil which is destroying the few remaining fresh water fishery sources in the Great Lakes.

(NOTE.—Legislation introduced or co-sponsored by Senator Scott during 1969 which has not been enacted into law will continue to be considered during 1970.)

LEGISLATION, 1969

Susquehanna River Basin Compact

Senator Scott, on February 19, introduced a bill to develop the Susquehanna River Basin. This bill creates a Commission composed of representatives of Pennsylvania, New York, and Maryland plus a direct representative of the President. This Commission would be charged with the responsibility of developing comprehensive water resources programs. These programs would deal with such matters as water supply, water quality management and control, recreation, fish and wildlife protection, and the preservation of scenic sites. Senator Scott has been named as Republican member of a special subcommittee to expedite hearings.

Amendment to Federal Water Pollution Control Act

Senator Scott co-sponsored a bill to provide tough policing and penalty provisions for owners of offshore facilities, vessels, and onshore facilities that discharge oil into navigible waters. The final bill included the Scott Amendment, providing for training of waste treatment plant operators. Enacted into law as P.L. 91–224.

Endangered Species Preservation Act

Senator Scott co-sponsored and testified in support of a bill to protect fish and wildlife in danger of extinction. Enacted into law as P.L. 91–135.

Environmental Quality Improvement Act

Senator Scott co-sponsored S. 2391 on June 12. This bill provides for the more effective coordination of Federal air quality, water quality, and solid waste disposal programs. It would coordinate all Federal research programs which improve knowledge of environmental modifications resulting from increased urban concentration.

Environmental Reclamation Education Act of 1969

Senator Scott co-sponsored S. 3237 on December 11. The bill would authorize the Secretary of Health, Education, and Welfare to make grants to conduct special educational programs and activities concerning ecological-environmental education and to establish a National Advisory Commission on Technology and the Environment.

VOTES

Senator Scott voted for a top level *Council on Environmental Quality* to review national resources and the environment. Conservationist Russell Train has been appointed Chairman of this Council. Enacted into law as P.L. 91–190.

Senator Scott voted for an amendment to the *Clean Air Act* to extend research activities to curb air pollution from motor vehicles. Enacted into law as P.L. 91–137.

Senator Scott voted for a full $1 billion appropriation for the *Federal Clean Water Program*. The final appropriation of $800 million is almost four times that for 1968 and the $47.5 million allocated for Pennsylvania should guarantee funds for all 73 pollution-control projects pending in the Commonwealth. Enacted into law as P.L. 91–144.

LEGISLATION, 1968

Potomac National River

Senator Scott co-sponsored S–3157 to establish the Potomac National River Basin. This bill would have increased water pollution control efforts along the length of the river by giving the Department of the Interior greater authority in this area.

VOTES

Senator Scott voted against amendments to the Land Water Conservation Fund Act which would have stripped the program of funds and crippled its effectiveness.

Senator Scott voted to allow farmers an amortized tax deduction for assessments levied by soil and water conservation districts.

LEGISLATION, 1967

National mining and minerals policy

Senator Scott co-sponsored S–522 to establish a national mining and minerals policy.

Land and Water Conservation Act Amendments

Senator Scott co-sponsored a bill to use fees collected for the use of outdoor recreation facilities in the Land and Water Conservation Fund Program. Enacted into law as P.L. 90–401.

Delaware Water Gap National Recreation Area

Senator Scott co-sponsored S–729 to give the Secretary of the Interior the authority to acquire additional land in the Delaware Water Gap area.

Pollution Abatement Incentive Act of 1967

Senator Scott co-sponsored S–734 to allow a tax credit for expenditures incurred in the construction of air and water pollution control facilities.

Great Lakes River Basin Compact

Senator Scott co-sponsored a bill to register the consent of Congress to the Great Lakes Basin Compact. Enacted into law as P.L. 90–419 it established a Great Lakes Commission to study water conservation problems.

National Water Commission Act

Senator Scott co-sponsored S–20 to establish a Commission composed of 7 members to study water pollution problems and coordinate the activities of existing Federal agencies. Enacted into law as P.L. 90–515.

U.S. tidal and Great Lakes shoreline authorization for appraisal

Senator Scott co-sponsored S–1262 authorizing the Army Corps of Engineers to initiate a 3-year appraisal report of our national tidal and Great Lakes shoreline.

National Park Service Natural Science Research Act

Senator Scott co-sponsored S–1684 to establish an office of Natural Science Research in the National Park Service and to create a system of fellowships for the support of research in the natural sciences.

Wild and Scenic Rivers Act

Senator Scott co-sponsored the Wild and Scenic Rivers Act. Enacted into law October 2, 1968. It designates certain rivers as "scenic" rivers. These rivers are to be preserved in their free flowing state. The act also authorizes the Secretary of the Interior to study other rivers with the object of including them in the program at some future date. Pennsylvania rivers designated for this study are the Allegheny, Clarion, Delaware, Youghiogheny, and Pine Creek.

Research in the Great Lakes

Senator Scott introduced S–2344 to provide for research to devise means of control over those species of aquatic life which adversely affect the fish resources and ecological balance of the Great Lakes.

Redwood National Park

Senator Scott co-sponsored a bill to provide for the establishment of the Redwood National Park in California. Enacted into law as P.L. 90–545.

VOTES

Senator Scott voted for increased appropriations for the Interior Department.

Senator Scott voted in favor of the Air Quality Act of 1967.

XUM

LEGISLATION, 1966

Water and air pollution—investment credit for private industry

Senator Scott co-sponsored S-2857 to increase the investment credit allowed to private industry for their air and water pollution control expenditures. This bill was designed to encourage private air and water pollution control efforts.

Great Lakes Basin Compact

Senator Scott co-sponsored S-2922 granting the consent of Congress to the Great Lakes Basin Compact.

Amendment to the Water Quality Act of 1965

Senator Scott co-sponsored S-2947 to improve the "Clean Water" program. Enacted into law as P.L. 89-753.

Redwood National Park in California

Senator Scott co-sponsored S-2962 to establish the Redwood National Park.

Independence National Historical Park

Senator Scott co-sponsored S-3095 to authorize the acquisition of property for the Independence National Historical Park.

National Water Commission

Senator Scott co-sponsored S-3107 to provide a comprehensive review of national water resources problems and programs.

Extension of Independence National Historical Park

Senator Scott co-sponsored a bill to extend the Independence National Historical Park.

Mining and Minerals Policy Act of 1966

Senator Scott co-sponsored S-3636 to establish a national mining and minerals policy.

Acquisition of land for the Delaware Gap Recreation Area

Senator Scott co-sponsored S-3717 to provide authority for the acquisition of land in the Delaware Water Gap area.

VOTES

Senator Scott voted for the Wild Rivers Act.

Senator Scott supported passage of the Clean Air Act Amendments.

Senator Scott voted for the Federal Water Pollution Control Act Amendments and the Clean Rivers Restoration Act of 1966.

LEGISLATION, 1965

Appalachian Region Development Act

Senator Scott co-sponsored S-3 to stimulate the economic development of the Appalachian Region. Enacted into law as P.L. 89-195. Pennsylvania has received $20 million for land restoration under this act.

Assateague Island National Seashore

Senator Scott co-sponsored S-20 to establish the Assateague Island National Seashore in Maryland and Virginia. Enacted into law.

Tocks Island National Recreation Area

Senator Scott co-sponsored S-36 to establish the Tocks Island National Recreation Area in Pennsylvania and New Jersey. Enacted into law as P.L. 89-158.

Appalachian Trail

Senator Scott co-sponsored S-622 to promote Federal, State, local, and private cooperation for the Maintenance and preservation of the scenic Appalachian Trail.

Highways coordinated for protection of fishing, hunting and recreation

Senator Scott introduced S-2074 to establish a procedure for the protection of wildlife and recreation areas threatened by Federal highway construction programs.

Scenic development and road beautification

Senator Scott co-sponsored S-2084 to provide for the scenic development and road beautification of the Federal-aid highway systems. Enacted into law.

Water pollution construction reimbursement

Senator Scott co-sponsored S-2636 to make construction grants available for State and local water pollution control construction. Enacted into law as Public Law 89-753.

VOTES

Senator Scott voted for the Water Quality Act of 1965.

Senator Scott supported passage of the Appalachian Region Development Act of 1965.

Senator Scott supported the passage of S-2084 providing funds for scenic development and beautification of the Federal-aid highway system.

VOTES, 1964

Senator Scott voted in favor of conservation amendments to the Interim Convention on Conservation of North Pacific Fur Seals.

Senator Scott voted for ratification of the International Convention for Prevention of Pollution of the Sea by Oil.

Senator Scott voted for passage of the Appalachian Region Development Act.

LEGISLATION, 1963

Tocks Island national recreation area

Senator Scott co-sponsored S-606 to establish the Tocks Island National Recreation Area.

Prohibit foreign fishing in U.S. waters

Senator Scott co-sponsored S-1988 to prohibit foreign fishing interest from diminishing the supply of fish in U.S. territorial waters.

Johnstown Flood National Monument

Senator Scott introduced S-3305 to establish the Allegheny National Historic Site and the Johnstown Flood National Memorial.

Wildlife agencies consultation

Senator Scott co-sponsored S-2150 to provide for advance consultation with the Fish and Wildlife Service and with State Wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological control.

VOTES

Senator Scott supported passage of the Wilderness Act of 1963.

Senator Scott voted for the Federal Water Pollution Control Act Amendments.

LEGISLATION, 1962

Anthracite conservation

Senator Scott introduced a bill to amend the 1955 act and increase the effectiveness of national anthracite coal resources programs.

Tocks Island National Recreation Area

Senator Scott co-sponsored S-3530 to authorize the establishment of the Tocks Island National Recreation Area. The bill was introduced in a subsequent Congress. Enacted into law 1965.

Susquehanna River Basin

Senator Scott co-sponsored this bill to create a regional intergovernmental compact relating to the Susquehanna River Basin.

LEGISLATION, 1961

National wilderness preservation system

Senator Scott co-sponsored S-174 to establish a National Wilderness Preservation System.

Public hearings on air pollution

Senator Scott co-sponsored S-455 to provide for public hearings on air pollution problems.

Delaware River Basin

Senator Scott co-sponsored S-656 to create a regional inter-governmental compact for the Delaware River Basin.

National fuels study

Senator Scott co-sponsored S. Res. 105 to create a special committee to study the national fuels picture.

Water resources planning

Senator Scott co-sponsored S-1629 to provide financial assistance to the States for comprehensive water resources planning.

VOTES

Senator Scott voted for ratification of the Columbia River Basin Treaty.

Senator Scott voted to ratify the International Convention for the Prevention of Pollution of the Sea by Oil.

Senator Scott supported passage of a bill authorizing the purchase of wetlands for the conservation of migratory birds.

Senator Scott voted in favor of S-174 which established a National Wilderness Preservation System.

LEGISLATION, 1960

Air pollution

Senator Scott co-sponsored S-3108 to provide for public hearings on air pollution problems of more than local significance, and to extend the duration of the Federal Air Pollution Control Law.

Fort Necessity battlefield site

Senator Scott introduced S-3438 to provide additional land for the battlefield site.

VOTES

Senator Scott voted to increase Interior Department appropriations and provide more funds for the improvement of wildlife preservation and public recreation facilities.

LEGISLATION, 1959

Great Lakes Basin Compact

Senator Scott co-sponsored S-548 to grant the consent of Congress to the Great Lakes River Basin Compact.

Study of strip mining in the United States

Senator Scott introduced S-1097 to authorize the Secretary of the Interior to study strip mining operations and report his findings to Congress.

Marine sciences

Senator Scott co-sponsored S-2692 to provide a 10 year program of research and construction designed to advance the marine sciences.

MORE ON BEEF IMPORTS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. PRICE of Texas. Mr. Speaker, last month, New York Mayor John V. Lindsay took what I thought was a rather bizarre step. He contacted the New York congressional delegation and suggested, in effect, that consumer welfare would be advanced by increasing beef imports and allowing vast quantities of cheap foreign beef to glut the domestic markets.

I was stunned to say the least that the mayor, who is obviously unable to govern the largest city in the Nation effectively, would turn his attention away from pressing problems of New York and attempt to establish himself as a self-styled expert on the beef-import issue.

After informing myself as to his position on beef imports, however, all I can say is I fervently hope Mr. Lindsay is more informed on New York problems than he is on beef-import problems. For, if the basis upon which he discharges his obligations as mayor are no more firm than the basis upon which he makes his case for increasing beef imports, then I can well understand why the problems of New York City have reached such crisis proportions.

My strong feelings on this matter are shared by the American National Cattlemen's Association, whose very able president, William D. Farr, personally communicated with Mayor Lindsay, and attempted to apprise him of the true picture of the domestic situation with respect to beef production, pricing, and consumption.

Mr. Speaker, I would like at this time to place the text of Mr. Farr's letter in the RECORD. I consider it must reading for those who desire to increase their knowledge and understanding of this important matter. In addition, I am accompanying Mr. Farr's letter with a table of livestock and meat statistics drawn from the 16th biennial edition of Business Statistics. These figures clearly indicate that there is no shortage of domestically produced beef in this country, and that the per capita consumption of beef is at record levels.

The letter follows:

AMERICAN NATIONAL
CATTLEMEN'S ASSOCIATION,
Denver, Colo., April 24, 1970.

Hon. JOHN LINDSAY,
Mayor of New York City,
New York, N.Y.

DEAR SIR: It is unbelievable that you, holding a respected and high office, would write a letter full of erroneous information such as contained in your April 19, 1970 communication directed to the New York City congressional delegation. It also is unbelievable that you should attack the largest segment of American agriculture, representing approximately 25 percent of the sales of all agricultural products, which has operated free of government subsidies, therefore never being a drag on the nation's taxpayers.

Whoever supplied your Commission on Inflation and Economic Welfare with statistical information did not have the right facts. For example, you state ". . . in 1964, the only year in the last eight in which domestic production rose more rapidly than domestic consumption." I call your attention to a table attached to this letter . . . dating back to 1940 . . . illustrating beef cow population, commercial beef production, and beef per capita consumption.

Note particularly the column on beef per capita consumption. In 1964, the year you cite, consumption was 100.1 pounds. It dropped one-half pound in 1965 and has steadily shown an increase since that time. Also please refer to the annual increase in commercial beef production. This shows a steady increase in every year since 1951!

These figures factually prove beef production has risen at a more rapid rate than human population and this is why there has been a continual rise in per capita consumption.

You also cite the American National Cattlemen's Association as being "arrogant." Obviously, the quote attributed to our organization, when appearing before a subcommittee of the House Government Operations Committee, was taken out of context. Our testimony made very clear the beef cattle industry since 1951 generally has not been making a net profit. Inasmuch as we operate in the free-market system, free of price support programs, we must rely solely on supply and demand to establish our price. Since this is the case, our recommendation to the cattlemen of the nation . . . millions of them . . . was to voluntarily cut back on beef tonnage . . . not numbers . . . thereby accomplishing two things: 1) Balancing supply with demand, just as any other soundly run business would do; and 2) cutting down on the over-finishing of cattle which would provide the consumer with a more desirable product as it would be more lean and have less waste fat. How can anyone find fault with those recommendations?

Your statement with respect to the relative cost of porterhouse steak and hamburger is "hyperbole" and nothing more. Please refer to the April 4, 1970 Wall Street Journal where a story appeared with respect to retailing. Quoting from the story, a retailer made the following statement: "There is more profit in hamburger than sirloin steak." Has it occurred to you that you are blaming the wrong industry when your April 19 letter said: ". . . inflated profits for the nation's ranchers exacted at the expense of the nation's consumers"?

The average return on investment for the nation's basic beef cattle producers is somewhere around 1.5 percent annually. Do you consider this an "inflated profit"? I ask you to look only around the City of New York where you will find almost every business expecting and insisting upon a return on investment far in excess of 1.5 percent.

The retail price of beef has increased far less than the cost of other consumer services or goods. From U.S. Department of Commerce and U.S. Department of Agriculture figures, using 1957–1959 as a base of 100 percent, in 1969 public transportation was 148.9 percent; medical care—155 percent; reading and recreation—135.5 percent, while retail beef prices were 124.4 percent. This was in 1969! And, I strongly suspect that with the transportation difficulties you have experienced in New York City your public cost of transportation is far in excess of the 148.9 figure now. Meanwhile, beef prices are unquestionably lower nationally today than the average for 1969.

You should also be aware of a serious consequence contained in your letter which could be the basis of a critical crippling of the food supply of the United States in the future should the intent, at least as you implied, be carried out. You said: "We will establish better trading relations with our allies in Australia, New Zealand, and Ireland, and we will bring about the streamlining of the domestic meat industry through the elimination of non-competitive fringe producers . . ."

The only assumption from the above is that you favor the elimination of "smaller" beef cattle producers, many of whom are of the family-type. It occurs to me that if this were the case you merely are asking for a compounding of the problems currently existing in the metropolitan areas of the U.S., including New York City, where the mass immigration of rural people who have been put out of business has been causing many of these city's financial problems. It is better for these smaller operators to continue to operate without the unfair competition created by excessive beef imports, and thus automatically eliminate many of the city problems, by allowing them to remain on the farm or ranch.

Finally, I want you to be perfectly aware of the facts as to the consist or "mix" of the beef being shipped into the United States. You have been led to believe that the beef arriving here is of so-called manufacturing quality. I am sure you will find that the importers are bringing in cuts of beef which do not find their way into hamburger or frankfurters. This compounds the problem of hamburger and frankfurter prices, as you cite. Due to the importer's own selfishness, they are handling as much as 40 percent of the beef imports in the form of cuts because they can obtain much wider margins and profits on this type of product. If this problem alone were eliminated, you would find hamburger prices should respond accordingly.

Because of your high office and responsibility to the public, we implore you to look at the facts before permitting your name to be placed on a letter that is extremely damaging and not factual. The long range implications are great. The U.S. domestic beef cattle industry is pledged to producing supplies of the finest quality, most wholesome beef available anywhere in the world at reasonable prices. There is only one critical factor . . . the economic incentive which made America so great . . . is the basis of our industry. If unlimited beef imports are permitted, the economic and psychological incentives to produce beef cattle are destroyed. Because of this, in the long run, it will be the U.S. consumer who will suffer the consequences of unrestricted imports.

Sincerely,

W. D. FARR, *President*.

Year	Total beef cows 2 years and older [1]	Percent of change [1]	Annual change in commercial beef production [1]	Percent of change [2]	Total beef per capita consumption-pounds [3]	Percent of change [3]	U.S. population [4]	Percent of change [4]
1940	10,676	+6.9	6,948	+2.4	54.9	+.4	132,594	+1.2
1941	11,366	+6.5	7,858	+13.0	60.9	−11.0	133,894	+1.0
1942	12,578	+10.7	8,592	+9.3	61.2	+.5	135,361	+1.1
1943	13,980	+11.2	8,306	−3.3	53.3	+13.0	137,250	+1.4
1944	15,521	+10.2	8,801	+6.0	55.6	+4.3	138,916	+1.2
1945	16,456	+6.0	9,936	+12.9	59.4	+6.9	140,468	+1.1
1946	16,408	−.3	9,010	−9.3	61.6	+3.7	141,936	+1.1
1947	16,488	+.5	10,096	+12.0	69.6	+13.0	144,698	+1.9
1948	16,010	−.3	8,766	−13.2	63.1	−9.3	147,208	+1.7
1949	15,919	−.6	9,142	+4.3	63.9	+1.3	149,767	+1.7
1950	16,743	+5.2	9,248	+1.2	63.4	−.8	152,271	+1.7
1951	18,526	+10.6	8,549	−7.6	56.1	−11.5	154,878	+1.7
1952	20,863	+12.6	9,337	+9.2	62.2	+10.9	157,553	+1.7
1953	23,291	+11.6	12,055	+29.1	77.6	+24.8	160,184	+1.7
1954	25,050	+7.6	12,601	+4.5	80.1	+3.2	163,026	+1.8
1955	25,659	+2.4	13,213	+4.9	82.0	+2.4	165,931	+9.8
1956	25,371	−1.1	14,090	+6.6	85.4	+4.1	168,903	+1.8
1957	24,534	−3.3	13,852	−1.7	84.6	−.9	171,984	+1.8
1958	24,165	−1.5	12,983	−6.3	80.5	−4.8	174,882	+1.7
1959	25,112	+3.9	13,233	+1.9	81.4	+1.1	177,830	+1.7
1960	26,344	+5.0	14,374	+8.6	85.2	+4.7	180,684	+1.6
1961	27,102	+2.8	14,930	+3.9	88.0	+3.3	183,756	+1.7
1962	28,305	+4.4	14,931	+.1	89.1	+1.3	186,656	+1.6
1963	29,960	+5.9	16,049	+7.5	94.6	+6.2	189,417	+1.5
1964	32,794	+9.5	18,037	+12.4	100.1	+5.8	192,120	+1.4
1965	34,238	+4.4	18,325	+1.6	99.6	−.8	194,590	+1.3
1966	34,433	+.6	19,493	+6.4	104.2	+4.2	196,920	+1.2
1967	34,685	+.7	19,991	+2.6	106.3	+2.0	199,100	+1.1
1968	35,300	+2.1	20,662	+3.4	109.0	+2.5	201,100	+1.0
1969	36,227	+2.3	20,953	+1.4	110.0	+1.0	203,200	+1.0
1970	37,433	+3.2						

[1] Livestock and Meat Statistics, 1962, table 7.
[2] Livestock and Meat Statistics, 1962, table 113.
[3] Livestock and Meat Statistics, 1962, table 209.
[4] Business Statistics, 16 biennial edition, 1967, p. 65.

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LEGAL OPPRESSION IN THE REPUBLIC OF SOUTH AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. DIGGS. Mr. Speaker, the Government of South Africa's policy of apartheid is one of the most demeaning forms of domination in the world. It builds the prosperity of the South African white minority while it continuously oppresses the black majority in South Africa.

Like most states in the world, the Republic of South Africa is a country governed by laws. However the laws of South Africa are unique. These laws have caused concern throughout the world and have been formally denounced by the United Nations. South Africa is a country composed of approximately 3½ million whites to about 15 million blacks. Yet the laws of the Republic are laws created by the white man, enacted by the white man, and utilized by the white man for the benefit of the white man alone. The laws in South Africa are in effect and in reality instruments of inequity and oppression.

On April 20, 1970, Mr. Joel Carlson, a South African attorney, delivered an address at the University of Witwatersrand, Johannesburg, South Africa, entitled "Arbitrary Detention and Its Implications." I include this address in the RECORD to emphasize to the American people the virus of racialism officially and formally manufactured by the authorities in South Africa:

ARBITRARY DETENTION AND ITS IMPLICATIONS

(By Joel Carlson)

Mr. Chairman, Ladies and Gentlemen, Fellow students and informers—the paid professionals, the part-timers and those who act in a fit of pique and run to the police with these stories.

Firstly, let me say how honoured I am to be asked by the Students' Representative Council of this University to speak to you today. So in this small way, I am associated with the many great thinkers, leaders and fighters this University has produced. I mention only a few: Hofmeyer, Schreiner, Mandela, Sobukwe and Macrone. I am proud to be part of this great University which itself has struggled against great odds to fight for and keep what little freedom remains. The people of this University have remained alert, alive and active especially since 11 years ago the right of academic freedom was lost. The University never failed to protest against the actions taken against it. Its courage and persistence and its voice of protest, heard clearly and loudly in the University and far beyond, gives hope to all the people in South Africa that the struggle for a freer society is not yet lost: a society where people will be free to learn what they want to learn in pursuit of the truth, free to move about without restriction, and be free of fear of arbitrary police action, and even free one day to enjoy all the fundamental freedoms outlined in the Declaration of Human Rights.

When I was a student here, about a quarter of a century ago, I was taught that a fundamental understanding of South African affairs could only be gained by studying Black/White relations. This, of course, was true and is still true today.

But as a student I spent most of my time out of classrooms, happily and leisurely mixing with all the people who were then allowed to come to this University and we relaxed as friends and talked and thought and acted together as equals.

Then I joined the Government Service and worked in those Courts concerned solely with applying the laws affecting Africans. We worked six days a week and for the first time the reality of Black/White relations shocked me into a realisation of the truth. I did not read books and listen to words. I saw people—grandfathers and grandmothers, husbands and wives, young men and women and some children, mothers carrying babies on their backs feeding them and struggling to keep them clean in custody without nappies and with primitive toilet facilities. These were not superfluous appendages, or labour units, whether productive or unproductive but human beings imprisoned, punished and suffering as the laws of the country, THE PASS LAWS, were enforced.

The PASS LAWS are the greatest single cause of disruption of race relations in our society creating more hatred and fear, sewing more suspicion and causing more insecurity than any other single cause of injustice in South Africa. The PASS LAWS are a cancerous growth, causing the depersonalisation of human beings, and degrading not only the persons suffering under them, but also those enforcing them.

It is because of these laws that we are able to pass and enforce all the other unjust laws; laws which we would not pass in Parliament or apply in practice if we considered the voteless, voiceless persons to whom they apply as human beings. The laws do not apply "to us", they only apply "to them".

How false is the cry of complaint now heard from those politicians who in Parliament voted to give the Security Police the extraordinary powers they exercise. These people did not complain when these laws were applied to "others". Now that these arbitrary laws are applied to themselves, they squeel in dismay. These are stupid men who do not appreciate that laws conferring arbitrary powers on the executive are arbitrarily applied by those in power. They are ignorant of the age old concepts learnt and stated long ago. Aristotle said: "The Rule of Law is preferable to that of any individual . . . He who bids the law rule may be deemed to bid God and reason alone rule, but he who bids a man rule adds an element of the beast; for desire is as a wild beast and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire". (Politics, III, 16)

This year, 1970, marks a hundred years of the application of the Pass Laws. They were first applied in the Transvaal Republic in 1870. How false were the promises made when the laws were introduced. It was said they were "for the protection of the Natives" entitling Natives to the "full protection of the law" and guaranteeing travel freely throughout the Republic, and being no more than an identification certificate. (Article 12) In 1918 after 48 years of their application, Dr. D. F. Malan said: "I hope that more Natives become better educated . . . more civilised . . . so that it may be possible to remove the Pass Laws". He also promised to grant more and more exemptions. In 1942 Colonel Reitz, the Minister of Native Affairs, was suddenly appalled when he learnt that the previous year nearly 300,000 Africans had suffered under these laws. He said in Parliament: "I hope the conscience of the White man in South Africa will be awakened because this is an appalling indictment of our handling of the Native problem". He told the Senate he would recommend their abolition. Every Commission sitting from 1905 to 1948, recommended in strongly worded language their abolition but what happened? Some years back, only 750 people were arrested every day seven days a week—then the figure doubled; and a few years back it was only 1,500 people a day. Today, we are not sure of the figure but it is at least 2,500 people arrested every day. A parliamentarian in Parliament last year commented on the number of Africans arrested for pass offences and said that it had reached an appalling level, causing grievous human suffering—a heavy price to pay in pursuit of the unrealistic aim of apartheid. He quoted alleged contraventions of pass laws in 1967/68 as being 1,777,662. (R.D.M. 20/4/69—Mr. M. Mitchell) The average time for a case heard by a Court is 2 minutes and this has been demonstrated time and again.

From PASS LAWS to arbitrary arrest and detention without trial, to practising sensory deprivation on persons held indefinitely in solitary confinement is but a stone's throw. The stones were thrown at Sharpeville ten years ago. Instead of a ripple on the water, the reaction was dramatic and violent. In a society practising racial discrimination as a way of life and a philosophy, and enforcing it in its law, the fear that one race might overtake the other controls the actions of the men in power who feel perpetually threatened. After Sharpeville the reaction was to deal with a violence threatened, by enacting even more violent laws.

Learning of the General Law Amendment Act of 1963 the Johannesburg Bar Council protested "at those provisions which in its view have as their consequence the virtual abrogation of the Rule of Law in South Africa". Assault upon assault on the Rule of Law was then made culminating in the Terrorism Act of 1967 and the Boss Act of 1969 (now under investigation).

The Bar of the City of New York, representing professional men in the greatest metropolitan complex in the world, saw fit to pass a Resolution condemning the Terrorism Act and the first trial under it.

"Resolved, that The Association of the Bar of the City of New York hereby records its deep concern and its protest over the actions of the Republic of South Africa in applying its own law and judicial process extraterritorially to inhabitants of South West Africa by prosecuting thirty-seven South West Africans under South Africa's Terrorism Act of 1967, in that:

1. The Terrorism Act of 1967 offends basic concepts of justice, due process, and the rule of law accepted by civilized nations and violates the Universal Declaration of Human Rights. . . ."

It then goes on to itemize specific reasons for its objections to the Act and its application and finally resolved to call upon South African jurists to join the New York Association and all others concerned with the Rule of Law to speak out and protest.

Abhorrent features of the laws passed by Parliament and eroding the Rule of Law in South Africa have justified jurists here and everywhere in the world in claiming that in South Africa there has been virtual abrogation of the Rule of Law. The significant parts of our law on which such a claim can be based are these:

1. *Retrospective effect of legislation:* This means that crimes which were not crimes yesterday and acts which were lawful when they were committed and were therefore entitled to be committed are made crimes today and for this crime you may be hanged—The Terrorism Act. Similar provisions exist in the Suppression of Communism Act and General Law Amendment Act (sec. 23, Act 62 of 1966).

2. *The wide definition of offenses:* Certain statutes provide such wide definitions that they virtually enable the executive authority or the security police to act at their discretion and at their convenience. The Lord Chancellor of England, Lord Gardener, said of the definition of "Communism": "If you were a Communist 40 years ago, you are a Communist today . . . Whether you are a Communist or not, you are a Communist if the State says so."

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The *Criminal Law Amendment Act*, No. 8 of 1953, which provides penalties of three years and whipping for any offence (no matter how minor) "committed by way of protest or in support of any campaign . . . for the repeal or modification of any law".

The *Sabotage Act*, No. 76 of 1962 (sec. 21(1) and (2)) states it is an offence punishable by hanging in contravention of "any law to enter upon any land or building to further or encourage the achievement of any political aim, including the bringing about of any social or economic change in the Republic".

The *Terrorism Act*, No. 83 of 1967, which provides definitions of terrorism so wide that they go far beyond what the Common Law considers as treason. It punishes by death an act which had or is likely to have had the result of embarrassing "the administration of the affairs of the State" or furthering or encouraging "the achievement of any political aim, including the bringing about of any social or economic change . . . in co-operation with or with the assistance of any foreign or international body or institution". The minimum punishment is five years imprisonment.

3. *Shifting the burden of proof:* The Criminal Law Amendment Act No. 8 of 1953 says simply: "An offence is presumed to have been committed as alleged if an accused acted at the same time and place and in company with two or more persons similarly charged". (Such as a protest) The punishment under this Act is five years and whipping. Numerous Acts such as the Sabotage Act and the Terrorism Act have shifted the burden of proof to make the accused guilty until he is proved innocent.

A renowned South African jurist summarised the position by saying:

"The onus is virtually on the accused to prove his innocence beyond a reasonable doubt."

(Arthur Suzman, South Africa and the Rule of Law, S.A.L.J. II, August, 1968)

4. *Double jeopardy:* After having been acquitted of the charges brought against you, sec. 5(h) of the Terrorism Act provides that you can be re-arrested and charged again. Also sec. 21(4)(g) of the General Law Amendment Act of 1962. Therefore, if an accused is found not guilty and is acquitted, that is not the end of the matter. This, of course, happened more recently when 22 accused held in detention without trial for 5½ months were brought to trial and were acquitted on 16th February, 1970 and immediately rearrested in Court and detained under the Terrorism Act. Their future is not known and the Attorney-General admits to having no information about the matter. We do not know what will happen to them.

Having the privilege of a trial and being convicted and serving a sentence is not an end of the matter. You can still be arbitrarily further punished without any trial by being banned or banished, or house arrested or held in detention.

5. *Place of trial:* Although it is normal to try accused persons at the place where the crime was committed, a number of our laws provide that you may be tried anywhere, even if it's 2,000 miles away from the place of the crime or the place from which you come where your relatives and friends are where your possible witnesses may be.

6. *Detention and imprisonment for police interrogation:* Proclamation 400 in the Transkei was imposed in 1960 during the emergency. It has remained a permanent part of the law of the Transkei; it provides for indefinite detention without trial.

The 90-day clause provided for arrest and detention to question a detainee until he gives satisfactory answers to his police questioners. This was followed by the 180-day clause when the 90-day clause was suspended.

The Terrorism Act, sec. 6, provides for indefinite detention without trial. A man or woman may be detained indefinitely, held incommunicado, kept in solitary confinement and given no access to anyone but his interrogators. No Court can question the validity of any action taken, no wife, no lawyer, no Minister of Religion has any access to a detainee, but "if circumstances permit, he may be visited by a Magistrate once a fortnight".

"A person under this Act may thus simply vanish and no one be accorded any information as to his fate or whereabouts". (A. Suzman)

In the inquest proceedings held into the death of the detainee detained on 5th March, 1969, the lawyers for the widow called the widow to give evidence in Court. This is how the Record reads:

"Court: Is she the widow of the deceased?

"Yes.

"Court: Is there anything special in her heart she wants to tell the Court.

"Yes. My husband was arrested. After his arrest I received a message that he was dead. He was arrested on the 5th March—in the middle of the night. We were already asleep. My husband slept with me in the same room on one bed. I heard a knock on the window as well as on the door. I woke my husband. My husband got up and went to the door of the room to open the door. I grabbed him and held him—I told him he must not open the door before he heard who was knocking on it. I then went to a window and drew the curtain—I saw a White man standing. A short thick set man. I asked 'Who is it?' He replied: 'It's the police'. My husband opened the door and I stood behind him and I heard the voice of a man outside the door—I saw two hands appear and they grabbed my husband and the hands pulled him outside. Then I screamed—"

The widow then described in detail what went on during that short time she and her husband got dressed. Then the Record reads:

"Court: Did they then take her husband away?

My husband went to put on his shoes in the bedroom and they went with him.

"Court: Is that all she wants to tell the Court?

I am not finished yet. I again went to stand by the window and looked outside. I saw three motor vehicles. There were two private cars and a pick-up van. The pick-up van was in the front and the two motor cars behind it. My husband climbed into the middle car. They closed the door. All the vehicles rode off. ———"

Then the widow told the Court how first some six or seven days later the police came to look for her husband's pass and to ask her for her husband's belt. She went on to say:

"On Thursday I went to town. When I returned from town the neighbors told me that the police had been and that my husband was dead. As a result of this news, I was shocked and felt faint". (p. 287 onwards—Inquest James Lenkoe)

Time does not permit me to tell you more of this tragic and significant matter.

Prof. Arthur Larson of Duke University, a man who was one of Eisenhower's personal advisers, and who attended as observer at the terrorism trial in Pretoria for the Lutheran World Federation and the World Council of Churches, told the American Bar Association at Philadelphia in 1968:

"If you pass a statute which gives the police and the executive authorities free rein to do almost anything they please in the way of violation of human rights, and then excuse this by saying that you will of course relay on the discretion of the authorities not to abuse this power, you have for all practical purposes thrown away law and substituted unlimited personal tyranny."

Another famous American jurist and Judge of the Supreme Court, Mr. Justice Frankfurter, observed in a famous American case (McNabb v. United States (318 U.S. 332 at 347 (1943)):

"The history of liberty has largely been the history of observance of procedural safeguards".

What does our law provide as safeguards of personal liberty? Has law been discarded and have we substituted unlimited personal tyranny? Again, we can examine the record of the inquest proceedings of the first detainee "who hanged himself". The record shows that he was arrested in Cape Town on 20th August, 1963. Evidence was given that he was found hanging in his prison cell in Pretoria on the night of September 4th/5th, 1963. According to the record, he was detained in solitary confinement in a cell 12′ by 12′ and in the cell there was a coco mat, about 1″ thick, on which he slept on the cement floor (pages 94/5–103). There was no stool and no table in the cell. He was given nothing to read and no writing material and he spent 23 or 23½ hours a day alone in his cell doing nothing (Page 171/2). His food was mielie pap and meat (Page 175) (in this respect he was privileged as other prisoners did not receive meat (Page 172). Another detainee alleged in the same proceedings that he only received bread and water (Pages 180/2).

This detainee "who hanged himself", the police said, was a key figure, a leader. He had been questioned many times but refused to answer questions or give information. The evidence given by his interrogators was that suddenly on the afternoon of the 4th September he changed his mind and agreed to give a statement. The interrogators said: "Suddenly the man became a coward" (Page 75). The experience of these interrogators was, they said, that there was a sudden change and a brave man would become a coward. (Page 75 of the Record).

What is the effect of this detention and interrogation on people? This question was put to the Major in charge of the detainees being interrogated at Pretoria (at Page 163 of the Record): "Q. Would you agree with this then? . . . all the evidence indicates that a person during his period of solitary confinement should not be considered to be normal. A. I cannot deny it".

A study of the effects of solitary confinement was made, particularly by American psychologists and psychiatrists arising out of the treatment of American prisoners in Korea.

It was found, and this is still true today, that individuals who spend even a short time in solitary confinement, even a few days, can suffer various bizarre experiences, distortion of motivation and affect a change in intellectual ability, and distorted social relationships.

"Sufficiently prolonged isolation from society or deprivation of sensory stimuli can produce mental abnormalities in the form of hallucinations, anxiety states, depression and paranoid symptoms. Conditions likely to induce these phenomena occur . . . in prisoners kept in solitary confinement. . . ." (Ziskind 1958).

Confinement alone without any form of physical assault or torture, is an extremely severe form of treatment. It can be expected to produce dramatic changes. The type of change has been examined carefully and can actually be scheduled.

Initially on arrest, there is fear and uncertainty. After one to three days in detention, there is bewilderment and discouragement followed by over-alertness, expectancy, rejection of food and attempts at fraternisation. From between three and ten days there is anxiety, sleeplessness, compliance, increasing loneliness, boredom, fatigue and weight loss. From ten days to three weeks, there is increasing dejection, repetitive acts, intense fatigue, constipation, craving for companionship, humiliation and loss of all self-respect. From three to six weeks, there is despair, inactivity, filth, soiling, mental dulling, loss of discrimination, muttering, weeping, need for companionship and the detainee is highly suggestible and easily grasps at any help. The American authors (Hinkle and Wilff, 1957) maintain that a typical subject would require twelve weeks (nearly 90 days) from time of first incarceration to final "confession". The distinction between truth and fiction cannot be demarcated. They said that skillful interrogators utilise the prisoner's need to talk and craving for human association by discussing with him apparently innocent details of his past life. This cements a bond of companionship between the two that can be one of the most effective tools of the interrogator.

On reading the record of the inquest where the interrogators were questioned on their method of interrogation, it is clear that these skills were effectively used by the interrogators on the detainees. The Chief Interrogation Officer of South Africa, Rhodesia and South West Africa, said during an interview with the Star—1969, "In many ways our methods are the same as the Communists, psychologically speaking, but for a different reason". The detainee is left to suffer the effects of his isolation and then is questioned time and again (at Page 149 of the record). At the inquest the following question was put to the chief interrogating officer:

"What do you think he would have been brought up for on so many occasions?"

A. "For questioning".

Q. "To try and get him to talk?"

A. "Well, that's the reason why he was questioned . . .".

Q. "If a detainee, this man or any other on being interrogated after he has been detained, says 'I am not under any circumstances prepared to give you any information whatsoever' do you leave him alone or do you take further steps?"

A. "Well, he's got to be asked again."

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "I see. The idea being to wear him down I suppose?"

A. "I make no comment".

Q. "Well what is the idea, you give me your comment?"

A. "Well, he is there to give information, that's why he is detained".

Q. "But he's already told you two or three times he won't talk?"

A. "Then he'll eventually let go".

Q. "But the idea is to keep on questioning him is to see whether he will change his mind?"

A. "Yes".

And at Page 152 of that record this was said:

"You see, we are concerned in these proceedings with finding out what motivated the deceased in committing suicide, if he did commit suicide, and that is why I'm asking you these questions".

At Page 154/5, the following is said:

"Well then supposing you had a case of a suspect who was detained because you, the Police, genuinely believed that he could give certain information, and if in fact your belief "was wrong and this man couldn't give information, would you keep on questioning him ever and over again?"

A. "I would question him, yes".

Q. "You would, over and over again?"

A. "Yes".

Q. "That would be a dreadful thing to happen to a man wouldn't it, if in fact you were wrong?"

A. "Yes".

Q. "It would be. And all that that man would be able to see as far as his future is concerned would be an endless vista of imprisonment coupled with repeated questioning?"

A. "Yes".

It was submitted in that case that not only was there sensory deprivation but that there was evidence that the detainees were tortured, that they were stripped, made to do unusual exercises, blindfolded, electrically shocked and otherwise assaulted. It was said that there were 20 such witnesses who could be brought to Court to testify to such tortures. One witness was called and his evidence was recorded. Objection was then taken as to whether such evidence was relevant in investigating the cause of death of the detainee. At Page 291 the learned presiding officer said:

"At the last hearing Counsel intimated that he intended calling a number of witnesses, 90-day detainees, to testify that they were, putting it mildly, ill-treated by the Police; he intends asking the Court to come to the conclusion, as an irresistible inference, from that evidence, that the deceased committed suicide as a result of such treatment . . .".

He went on to say:

"The question of relevancy of this evidence arises. We are not sitting here as a tribunal, investigating the general circumstances of detension of 90-day detainees—that is common cause".

And concluded:

"In the circumstances the evidence it is intended to call is not considered relevant. Counsel's request cannot be granted".

It was said that the inquest was not a trial but an enquiry under a specific Act for a specific purpose. However, before the evidence was ruled irrelevant, not only did one detainee give evidence under oath about this torture, but Counsel advised the Court and read into the record a summary of the evidence that would have been given had the Court permitted the witnesses to be called. The witnesses were ready and able to give such evidence and endure cross-examination.

That was the position in 1963. Has the position changed? On the 15th December 1969, a State witness was called to give evidence in the Supreme Court in Pretoria. She refused but said this to the Court under oath:

"I have been in solitary confinement for the past six months. . . . I have slept on the floor. . . . Although we should have half an hour's exercise every day, there were many times when we had no exercise at all. . . ."

Q. "Could you tell his Lordship briefly under what circumstances you came to make the statement?"

A. "I was interrogated, I was forced to make certain admissions because I couldn't stand the strain of standing on my feet for hours and hours."

Q. "Can you estimate for His Lordship the approximate period that you were made to stand?"

A. "I lost track of time completely. It is difficult to say. My mind went completely blank at times. . . . And as a result. . . ."

Q. "Yes?"

A. "Also I was threatened with detention of my whole family."

Q. "Now, as a result of the prolonged period of standing, can you describe the particular events that took place and that affected you, to his Lordship?"

A. "My mind went completely blank and I went to sleep standing and I had a sort of a dream in which I was actually speaking to the officers who were interrogating me, in my sleep, and afterwards when I had sort of regained my senses, I was interrogated on this dream I had which was complete nonsense. It had absolutely nothing to do with any. . . ." (Court intervenes.)

By the court:

"I am afraid I am not with you at the moment. You fell asleep standing and you had a dream?"

A. "My mind went blank, I had a sort of a dream."

Q. "You dreamt?"

A. "Yes, and in this dream I was speaking to the officer who was interrogating me."

Q. "Yes, and then?"

A. "And when I regained my senses I was interrogated on this dream."

Q. "Can you tell his Lordship if it is at all possible, by way of estimate or otherwise, how long this interrogation."

Q. "The interrogation went on for five days without any sleep."

(Page 351 onwards of Record in State v. Ndou).

Where people simply vanish—where there is a virtual abrogation of the Rule of Law—inevitably, there is abuse and tyranny. In circumstances where the laws give such extraordinary powers to the police and the executive authorities and they can do almost anything, then indeed there is grave concern and good reason for alarm, when no less than 14 people have died while being detained without trial.

Seven of these, according to the findings of inquest Courts, were suicidal deaths. One detainee jumped from a 7th floor window of a room where he was being interrogated. Magistrates have on occasion expressed doubts on the cause of death. In some cases, the deaths are recorded as "due to natural causes"—these have included detainees who have died as a result of "falling in the shower", "falling down stairs", "slipping on a piece of soap". The records of all these deaths speak for themselves. Except in one case where the record merely reads:

"An unknown man died on an unknown date of cause unknown".

His death was disclosed without detail in Parliament.

Although solitary confinement is itself a punishment, again and again allegations have been made in Court that detainees have been tortured after their arrest and during their interrogation by the Security Police. Only a few cases are referred to here:

1. In the *State* v. *Tuhadeleni*, at Pages 599/600, such an allegation was made by Counsel but as it was not strictly relevant to the issues before the Court, no enquiry was made into the allegation.

2. A 68-year-old grandfather, *Gabriel Mbindi*, was detained in May, 1967. In December 1967, it was alleged in Court proceedings by numerous of the detainees who had come from South West Africa, that they had been cruelly and brutally assaulted, suspended from a height and electrically shocked by members of the Security Police and they said that Gabriel had told them that he was assaulted in a similar way. Two months after the proceedings were brought, Gabriel was released and filed an Affidavit concerning the allegations. Shortly before the case was to be heard in Court, the State paid R3,000.00 to avoid further costs of litigation but none of the allegations concerning assault were withdrawn and the State persisted in its denials of these allegations.

3. In 1966 *Stephanie Kemp* sued for alleged assault during interrogation. In an out-of-Court settlement, she was paid R1,000.00 by the State.

One cannot detail here all the information on the subject, but one must ask if procedural safeguards protecting liberty were wanted, why were they not written into the law? Perhaps one can only conclude with the principle of law that a man intends the natural and foreseeable consequences of his actions. Numerous requests to appoint a Commission of Enquiry into these alleged abuses of police power have been rejected although today Commissions of Enquiry have been appointed almost at the drop of a hat.

The lesson of the PASS LAWS was that people become unpeople. Detainees are not looked upon as people, as human beings, but as threats to peace and security and it would seem that there is no great concern for their treatment. But what are these threats to peace? What do the facts disclose?

1. In April 1968, scores of people were arrested in Victoria West. The most serious allegations were made against them. After ten had been convicted by the Magistrate in November, an appeal was lodged. The Judge President in acquitting all these people, severely criticised the Magistrate for accepting State evidence which was anything but convincing and for wrongly rejecting defence evidence (Page 65 R.R. Survey 1969).

2. 24 other accused from the same place charged with sabotage, were acquitted in September 1969, as the State had insufficient evidence. The Judge in condemning a Security Police spy, X54, said: "It made a person shudder to think that someone like X54 could be placed in a position where he had an interest in the arrest of members of the public."

It did not compensate the accused for all the losses and suffering they had sustained for 17 months.

3. Tribesmen from Hebron near Pretoria were arrested and detained in late 1968. (Of the 11 arrested, two died, one slipped on soap and a doctor found the other to have "sjambok and other wounds of assault on him"). Three were released and six were charged under the Sabotage Act. The Judge in acquitting all of them commented on the poor material the State had to prove its case.

4. Also at the end of 1968, numerous tribesmen were arrested and when allegations of unlawful assaults were made implicating the police, the charges against them were withdrawn and they were detained under the Terrorism Act. In September 1969, ten were charged under the Terrorism Act but one died on the night before the trial (it was stated that his death was due to natural causes). Of the remaining nine, three were acquitted on all charges and six pleaded guilty to attempted murder, a simple common law crime for which they received an effective one year's imprisonment.

5. The most serious and important case brought under the Terrorism Act was the trial of the 37 South West Africans. They were arrested during 1966 and 1967. Ministers of the government disclosed that they were aware of certain violence planned (Rand Daily Mail 1/11/66)—they could well have been aware of this as a result of the very arrest and interrogation of these South West Africans. Nevertheless, on June 21st, 1967, the Terrorism Act was promulgated. On June 22nd the Attorney-General announced that persons would be charged and five days later 37 South West Africans were charged. They were handed a foolscap typed book, 41 pages in length, listing offences going back as far as June, 1962. In view of the fact that they had already been arrested prior to the passing of the Act, one cannot understand why this Act was passed and needed to deal with the accused. Professor Larson pointed out:

"No one has attempted to deny the fact that this Act (the Terrorism Act) was specifically passed in order to prosecute these particular defendants—all of whose alleged offences were committed long before the bill was even introduced—the idea than an Act can be passed specifically in order to hang a man for his past conduct is so intensely repellant to elementary concepts of law, no amount of outside condemnation can add much to the self condemnation of the statute itself".

Could one have a stronger condemnation of a law? Can there have been any justification for such a law? Well, listen to the words of the Judge who presided in that very case. In announcing sentence, he said, and I quote:

"But in my opinion, all the accused, except Nos. 21, 22 and 23, are guilty of *common law crimes* apart from any earlier legislation that has made such action punishable".

Previously, he had underlined the fact that he regarded their crime as common law crimes and ignored the terrorism charge. He said:

"I will . . . take into account the Common Law offences which the accused have been proved to have committed in the assessment of the appropriate sentence, *although they were not so charged*".

Concerning the extent of the threat of the actions of the accused, the Judge said they "were feeble and without the slightest hope of success". Therefore, when parliament considered and enacted the Terrorism Act in 1967, the Minister of Justice must have known he already had ample evidence to convict these defendants of Common Law crimes under laws already in existence. If the Terrorism Act was not required in order to deal with precisely those defendants against whom the Act was passed and whom the Government most widely billed as Terrorists, why was the Act necessary and why was it passed?

May one not, with reason, ask: Is the Act itself not an act of terror?

The rights of White and Black people today are sacrificed to a secret police force enjoying ever widening immunity from judicial restraint and enquiry.

These powers are given to the police and executive authorities not as temporary powers to meet a temporary emergency. These acts are now part of the permanent law in South Africa. They can be enforced and acted upon at the discretion or the whim of the police or the executive authorities:

"Under a system which renders any citizen liable to interrogation on the mere suspicion of a police officer, abuse and tyranny are inevitable.

"Where the jurisdiction of the Courts to enquire into the detention is completely ousted, the danger is extreme that a police officer will become a local tyrant, misusing his powers for political or personal ends, and that the way will be opened to blackmail and the evil of false informers".

(Johannesburg Bar Council, April 29th, 1963).

Detention without trial has been used time and again for persons convicted of common law crimes.

Today those political opponents on the right of the Government, who now fear that these arbitrary powers will be used against them, rightly express their fears. All of us have reason to fear the abrogation of the Rule of Law as this will result inevitably in totalitarianism.

My function hereto today is to assist you as far as I am able to in the search for the truth. I believe that one must work hard to ascertain the facts and to find the truth. If in this talk I have made you aware of some facts, I have achieved my objective. Furthermore, if I also provoke you into investigating further for yourselves, I have achieved more success than I could have hoped for and if you investigate for yourself, I submit to you that you, too, will be very disturbed by what you find.

You must determine what you can do. You can show others the truth and tell them what you have learned. You and all of you can and must take all lawful action of every kind to spread the truth and express your wholehearted condemnation of the evil that exists in South Africa. By your word and your action you must encourage others to join in unity with you to bring about whatever changes you lawfully can.

Should you fail to act or even refuse to act, your inaction and your silence is tantamount to condonation and approval and you make yourself a party to the wrongs perpetrated.

If you disapprove of the wrongs committed, then you must act. To vote against the Government takes but 5 minutes. To obtain and publish the truth takes longer. To organise protests, to join others and encourage all lawful protests using all the lawful means left to us, involves you and commits you to a hard and long struggle.

It is a struggle with which you may become impatient and it will require your dedication, a struggle in which you may not see results and you will require faith. Above all, you need courage and determination to go on.

But to know that such evil exists and to do nothing is soul destroying. Change will not come about by people wishing for it, but if we persist, with courage, we shall overcome.

STATEMENT OF MR. TONY BOYLE, PRESIDENT OF UNITED MINE WORKERS

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. CLARK. Mr. Speaker, I insert a statement of Mr. Tony Boyle, president of the United Mine Workers, which I feel every Member should be aware of:

STATEMENT BY W. A. "TONY" BOYLE

W. A. (Tony) Boyle, president, United Mine Workers of America, today accused the Department of Interior of an "underhanded and vicious attempt to gut the Federal Coal Mine Health and Safety Act."

Boyle's accusation followed publication in the Federal Register of Thursday, May 7, 1970 of a new set of regulations reducing fines for first violations of the act to an insignificant token level.

The UMW president noted that on March 28, 1970 the Federal Register carried a schedule calling for fines of $500 per day for the first violation of the act that results in imminent danger to miners; a $100 fine for a first violation resulting from unwarrantable failure and a fine of $25 each for any other first violation. He pointed out that the May 7 change in regulations has reduced the fines to $20, $4 and $1 respectively for first violations during the period between March 30, 1970 and September 30, 1970.

"It is clear that the pressures of the big coal operators are prevailing in the Department of the Interior. These regulations were signed by Fred J. Russell, Under Secretary of the Interior, and apparently were promulgated over the opposition of responsible and knowledgeable officials within the Bureau of Mines. This switch in regulations is contrary to both the legislative history and the spirit of the act," the UMW president charged.

Boyle stated that the Federal Coal Mine Health and Safety Act permits penalties up to $10,000 for each violation. He said that the establishment of token fines creates a dangerous precedent and predicted that if they are permitted to stand, "tokenism will continue to be the hallmark of enforcement."

"This newest example of benign neglect subjects the lives of miners to continued grave danger and tends to reduce the Federal Coal Mine Health and Safety Act to so many useless words upon the statute books. The United Mine Workers will not hold still for this kind of performance. We urge the Congress to look into the matter without delay to determine why its legislative mandate is being subverted. Coal mine health and safety will never be assured through any system of token fines," Boyle said.

XUM

INTERNATIONAL COMMISSION ON RADIOLOGICAL PROTECTION

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. GRAVEL. Mr. President, this week, the International Commission on Radiological Protection will be meeting in London.

The significance of this meeting could touch us all intimately, for this Commission will be discussing permissible levels of exposure to nuclear radiation.

These deliberations come at a time when American electric utilities are considering "going nuclear" in a big way, and at a time when scientific and moral controversy in this country is heating up over the safety of the legally permissible dose of radiation to the population.

The recommendations of the ICRP will constitute an important voice in this discussion. In the past, at least, the Federal Radiation Council in this country has based its radiation guidelines, with very little modification, on the ICRP recommendations.

Up until recently, we all assumed—myself included—that the permissible radiation dose established by the Federal Radiation Council for the American public must be a safe dose. This was because of the natural desire of the public to trust in the benevolence and wisdom of its Government, and because of a one-sided public relations campaign on the part of the Atomic Energy Commission to convince the public that none of its activities presents a hazard to public health.

Every time the safety of the exposure guidelines is questioned, two counterfeit arguments are put forth.

The first is this: Since we are all exposed to a radiation dose from cosmic rays and from rocks containing natural radioactivity, it is absurd to worry about a permissible dose from manmade radioactivity of about the same magnitude. The implication is that it is safe to double the dose—the natural dose plus an equal manmade dose.

The fact is that both natural nuclear radiation and manmade nuclear radiation are harmful. Let me elaborate.

Karl Z. Morgan, the eminent head of the AEC's Health Physics Division at Oak Ridge, and also a member of the ICRP, estimates that at least 8,000 genetic deaths are caused every year in the American population by natural radiation, whose average dose he estimates at 100 millirems annually. These figures do not include deformed and retarded babies who survive, or cancer cases. They are just genetic deaths.

Now, the presently permissible dose of additional manmade radiation for the population would not simply increase this so-called harmless natural dose by 100 percent, but it would increase it by 170 percent for the general population. If we all received it at a steady rate, we could expect about 13,000 additional genetic deaths in America every year, and if we received it from a single. accidental extra genetic deaths. That is Morgan's estimate.

The ICRP's latest report says that, in the absence of proof, we might suppose that the extra number of seriously defective offspring in the first generation exposure, we could expect up to 81,000 might be of the same order as the extra number of fatal cancers induced in their parents by an equivalent dose. Although the fatality of cancer is hard to predict, the latter figure is estimated by Drs. Gofman and Tamplin at 32,000 additional cancers in America every year, if we all received the presently permissible dose of radiation.

The final absurdity in the comparison of natural radiation doses with manmade doses is that we are talking about a whole new set of elements whose radioactivity has been artificially induced by man, and which have never existed radioactively in nature. Their paths through the body, their metabolism in the body, their locations in the body, are frequently completely different from those of the few naturally radioactive elements. It is a new ball game, physiologically.

In short, the comparison of the permissible dose with the average dose from natural radiation provides no comfort at all. On the contrary. Both doses are harmful.

It is appalling to discover how little is known about the actual doses received by particular organs from particular radioactive elements. The AEC recently told me that it cannot monitor internal doses very well in mice, much less in human beings. The new ICRP report states that it is extremely difficult if not impossible to assess the comparative sensitivity of different kinds of body tissue to radiation. Both pieces of news certainly undermine confidence in the permissible-dose concept even further.

The second spurious argument is this: Since we have never known anyone to die from a low dose of radiation, low doses must be safe after all. Some argue that we should start using commonsense and stop feeling alarm over mere statistical calculation.

Since statistical projections are fundamental to the concept of public health protection, I am against dismissing them lightly. We cannot afford to refuse to consider dire predictions and refuse to take preventive measures because they are mere calculations.

It is occasionally argued that, when it comes to radiation effects, we should pay more attention to laboratory scientists than to computer calculations.

There are several flaws in such an argument.

In the first place, lab experiments do not necessarily detect a low-dose radiation hazard if it hurts all subjects a little, or hurts one in 10,000 seriously. You would need 10,000 mice to observe just one bad case, and you might not detect the lesser cases at all.

Yet both possibilities represent large public health hazards for humans—either a general reduction in the health and viability of life, or 20,000 lives seriously damaged in a population the size of the United States.

To assume that low doses of radiation are harmless, until labor experiments at low doses directly prove otherwise, would be to court disaster. We must depend on calculations, because it will probably never be possible to prove the injury-rate from low-doses empirically. Let me quote from an AEC document:

> Studies which would give the required information are practically impossible to conduct. They would require millions of experimental animals, decades of time, and sensitive criteria of damage.

The question of time is crucial when it comes to arguments about safe radiation doses. As we are learning from the survivors of Hiroshima and Nagasaki, cancer induced by radiation may not show up for 20 years.

The AEC asserts that there is no instance in which human injury as a result of radiation from Nevada bomb testing has been established. Since those atmospheric tests released enormous quantities of radioactivity, such an assertion is supposed to reassure the public about all lesser contamination, too.

The assertion is not a lie, but it is a half-truth. The fact is that when the effects of radiation show up years—even generations—later, it is difficult to prove that it was fallout which caused the injury. First of all, individuals do not know when they have been irradiated. Even a lethal dose of radiation is painless at the moment when it is received.

In the second place, the delayed effects of radiation—such as cancer, or deformed and retarded children—can be caused by other agents, too. It takes careful records and control to sort out the particular causes of injury, and we do not now have such a system.

One must suspect all suggestions that low doses of radiation are harmless. In fact, when we deal with public exposure to radiation at any level, we are dealing in genetic pollution. I quote from another AEC document:

> There is no safe amount of radiation insofar as genetic effects are concerned.
>
> No matter how small a dosage, this will be reflected in a proportionately increased likelihood of mutated sex cells with effects that will show up in succeeding generations.
>
> However small the quantity of radiation absorbed, mankind must be prepared to pay the price in a corresponding increase of the genetic load.

In view of the very low probability of ever observing direct injury from low doses of radiation, it was rather disturbing to me to learn from the AEC about a new study made on a small group of Eskimos in my home State.

Preliminary results indicate that this group is experiencing chromosome damage at fallout doses which have been below the permissible radiation dose. This is observed cell damage, not just theory.

Plutonium contamination levels are another issue which is far more than academic. It has been pointed out that commercial production of radioactive plutonium may be up to 30 tons per year by 1980. If the AEC gets a billion or two dollars for developing a fast breeder reactor, production of plutonium may be up to 100 tons annually by the year 2000. A few tons may not sound like much of a quantity, until one learns that human tolerance-levels are measured in billionths of a gram per person.

The warning signs about the so-called safe doses keep coming in. Just a few weeks ago, in a paper called "Plutonium and Public Health," their safety and meaning were questioned by Donald P. Geesaman, a scientist at the AEC's Lawrence Radiation Laboratory.

I think I should pass along, for the Senate's consideration, Dr. Geesaman's warning:

> The health and safety of public and workers are protected by a set of standards for plutonium acknowledged to be meaningless. Such things make a travesty of public health, and raise serious questions about a hurried acceptance of nuclear energy.

A similar warning from two other respected scientists was made about 6 months ago. Their extrapolations from data on human cancers, not mouse cancers, induced by radiation indicate that cancer would increase 10 percent if we all receive the legally permissible radiation dose.

I have tried to indicate today that we are deluded if we assume that we are protected by the permissible radiation doses.

Setting new exposure limits for the population is not a problem which can be postponed. The nuclear reactor designs we accept this year will determine the exposures received 5, 10, 25 years—and also centuries—from now.

A decision to make the exposure of the entire population permissible at any preestablished level is a decision of the highest moral and political implications. We in Congress must ask: Is it really has ever really been tried. I am also fully directly to cancer, to physical deformity, or to mental incapacity in the population?

Deliberations about the permissible levels of exposure are being held in closed councils, far from public view, right now in the United States. This week, the International Commission is taking up deliberations, which will be more open, I hope.

It is time that the public is told what level of risk is implied for them and their descendants by the so-called safe-levels. There are indications that the health of infants may be in trouble already.

We have polluted the earth with several powerful carcinogens and mutagens. There is evidence of synergistic effects of these agents upon each other. What I am urging is extreme caution before we rush into nuclear power programs which will add more of the most deadly waste of all to the heritage for future generations.

It is time also that the public is told just how slim is the information base in nuclear energy programs. For instance, there is no inventory kept of the total radioactive releases to the environment; there is little idea about how much bomb fallout is still going to descend on us; there is ignorance about the ecological transfer of radioactive contaminants and it is impossible to predict when or where a radioactive release will return; there is even greater ignorance about the effects of radiation on other forms of life; there is ignorance about the actual amount of manmade radioactivity already in each of us; and very great ignorance about the effects of this radioactive burden.

The fundamental question which urgently needs to be resolved is this: Can the web of life—already threatened by conventional pollutants—survive a permanent assault by deranged and radioactive atoms? The problem of nuclear fission—both in reactors and in bombs—may be the most serious challenge which mankind has ever faced. Therefore, consider this proposition:

Let there be no level of radiation exposure which is automatically permissible. Let us set the new permissible guidelines for nuclear radiation at zero. Let us require those who want exemptions from this rule to negotiate for permission to contaminate, and let them present their case openly to the public. Let all sides be heard and the costs and benefits be explicitly arrayed.

I am fully aware that nothing like this has ever really been tried. I am also fully aware that there has never been a threat so permanent and powerful as the irrevocable contamination of this planet and all life upon it.

Our descendants will be unable to forgive fainthearted measures.

TRIBUTE TO NICHOLAS ZOROTOVICH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ANDERSON of California. Mr. Speaker, on May 23, 1970, the community of San Pedro, Calif., will be honoring Nicholas Zorotovich upon his coming retirement after 42 years of teaching in the Los Angeles Harbor area. I wish to take this opportunity to commend him and share with my colleagues the following information about this noteworthy man:

Nicholas Zorotovich was born on the island of Vis, September 7, 1905. The island of Vis at that time was part of the Austro-Hungarian Empire and at the present time is part of Yugoslavia. This island, which maintains a population largely devoted to fishing, has sent a significant number of its sons and daughters to the United States where many have congregated in San Pedro, Calif., and are engaged in the fishing industry.

Nicholas' parents were John Zorotovich and Lucy Pincetich Zorotovich. Before coming to the United States, John Zorotovich spent some time in Australia, returned to Yugoslavia, and then came originally to Baker, Wash. While working in the State of Washington, he was joined by his wife and small son, Nicholas, in 1909. Eventually the family consisted of four younger brothers and sisters: John, Mitchell, Rose, and Lucretia. The family moved to San Pedro in 1917 where the father died in 1924. The rest of the family is still well and living.

Young Nicholas graduated from San Pedro High School in 1924, where he was one of the outstanding tennis players in the high schools of southern California. Upon graduating, he attended the University of California, Los Angeles, on the campus of what is now Los Angeles City College, where he graduated in 1927, having majored in history and minored in political science and economics. One of his classmates at that time was Dr. Ralph B. Bunche, now one of the leaders in the United Nations. In 1949 Nicholas Zorotovich secured his master's degree in history from the University of Southern California, and since that time has continued his studies at the University of California, Berkley, and Stanford University.

On June 29, 1929, Nicholas married Betty Mae McCall in San Gabriel, Calif. They later had two children, Virginia Mae, and Nicholas Dale. Virginia is now married to Comdr. Jack Hyde and has given the Zorotovichs four grandchildren: Jack Elgin, Nicholas Craig, Leslie, and David. Nicholas Dale has followed in his father's footsteps, and presently teaches at the San Pedro High School and has also given his parents four grandchildren: Pamela, Nicholas Scott, Kathi Ann, and John Patrick.

In 1928 Nicholas became a teacher at Dana Junior High School in San Pedro and transferred to San Pedro High School, where he continued teaching from 1929 to 1949. He taught history and various other subjects, and for 15 years was a tennis coach of a series of successful tennis teams for the high school. In 1949 he transferred to Los Angeles Harbor College where he has been a professor of history, and department chairman of social sciences from 1949, until his retirement this June in 1970.

During the 1930's, Nicholas was active in political affairs in this community as president of Ephebian Society in 1934. He was active in sponsoring the candidacy of Upton Sinclair, candidate for Governor of California under the EPIC plan. He later was a member of the 68th Assembly District Democratic Central Committee. Since the 1930's his direct activities in politics have diminished, but his interest has remained high, and from time to time he has taken an active role in the campaigns of a large number of candidates.

In 1957 he took a sabbatical leave, and with his wife, Betty, toured Italy, France, Belgium, Holland, Yugoslavia, Austria, Switzerland, West Germany, Denmark, Sweden, Norway, Scotland, England, and Spain. In 1963 he published "Wish You Were Here," a book about their travels in Europe.

His community services include being a member of the San Pedro Boys' Club, board of directors for 28 years, and president for 3 years. During that period, the boys' club raised sufficient funds to build one of the finest facilities for boys in southern California.

He is a longtime member of the Elks Club and is chairman of their scholarship committee. He is a longtime member of the San Pedro Yugoslav-American Club and served as president from 1965 to 1966. He is a longtime member of the San Pedro Rotary Club and has served as its president. He was a member of the San Pedro Toastmasters Club and served as its president. He has served as chairman of a large number of community chest drives. He has been chairman of the San Pedro Coordinating Council.

Nicholas' plans for retirement include some travel, especially in Mexico, and the possible writing of several books that he has contemplated writing for some time.

I wish to join the entire community of San Pedro in commending Nicholas Zorotovich for his outstanding contribution to his community and wish him many years of fruitful and happy retirement.

ECONOMIC CONSEQUENCES OF THE VIETNAM WAR

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. MOSS. Mr. President, a celebrated citizen of Utah, Mr. Marriner Eccles, has, since 1965, been warning Americans about the economic consequences of the Vietnam war. A recent column in the Deseret News, written by its business editor, Don C. Woodward, sums up the views of Mr. Eccles. At this time of expanded concern over our action in Southeast Asia, I urge Senators to read carefully this well-written article. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Deseret News, May 1970]

THE BILL FOR WAR

(By Don. C. Woodward)

Marriner Eccles wasn't in the audience when Louis Lundborg, chairman of the world's largest bank, the Bank of America, spoke out against the war in Vietnam recently. He should have been.

In fact, Lundborg later confided to the Eccles family that he had been thinking of Marriner when he faced his own stockholders.

Marriner Eccles, one of Utah's most distinguished bankers, was also one of the first prominent businessmen to attack the war. He began his campaign back in 1965, speaking, writing and warning the nation that "under no circumstances should we escalate the war in Vietnam. Our position there is indefensible."

PREDICTED INFLATION

He also warned, in early 1966, that "inflationary pressures will greatly increase and the position of the dollar in the world market will be further jeopardized . . . if our leaders insist on escalating this war to a finish, it is likely to be the most disastrous of the wars we have fought, measured by cost, loss of life and prestige throughout the world . . . with all our domestic problems—mass poverty, unemployment, riots in our cities and the highest rate of juvenile delinquency and crime throughout the world, who are we to be the world's policeman?"

Today, more than four years later, Eccles draws little consolation from the fact that events proved him right. "I feel I've been vindicated," he said this week. "But I haven't said a darned thing about this war for the past year or year and a half. I got discouraged. I fought so long, and it gets worse instead of better."

Eccles was made chairman of the Federal Reserve Board back in the Depression days of 1935 and held the post until 1948, then resigned the board in 1951. He now is chairman of the First Security Corp., Amalgamated Sugar Co. and Utah Construction & Mining Co.

CHANGE PRESIDENTS

The purpose of his first early attacks on the war was to "get Johnson out," he said, in the hopes that a new president would then be able to withdraw U.S. troops. Johnson's out now, but Eccles isn't happy with Nixon's performance either. "He leaves a lot of gaps for us to stay in," he said.

Eccles continues to blame the Vietnam war—and war in general for that matter—for our economic problems. In that respect Lundborg's opposition and his are similar.

"The public doesn't realize that we can't possibly deal with inflation and tight money as long as we are spending $600 million a week in Vietnam," said Eccles. "That's the economic issue, aside from the fact that we've killed 41,000 boys and have a quarter of a million of them in hospitals."

War costs will continue to be a burden, he added. Veteran pensions are now $10 billion a year plus more than $2 billion for veteran's hospitals. "So, financially, war never ends," he said. "All you're doing is building up a permanent liability requiring huge annual payments."

INTEREST ON DEBT

He pointed out that interest on the public debt is running at $19 billion a year, and then said, "As a matter of fact, the public debt is almost entirely due to wars. The First and Second World Wars, the Korean War and the present war—without them, you would have no public debt."

Although he hasn't given any speeches recently on the war, he and his brother George Eccles inserted a paragraph in First Security's annual report pointing out the economics consequences of the war. That statement said:

"It distorts the American economy. It is the primary contributor to inflation. It draws on billions of resources which could be put to work solving the critical social and economic problems facing the nation."

First Security's report added that all of the country's domestic problems, of poverty, hunger, crime, education, housing, pollution and transportation, are interlocked and "cannot be brought under control until the Vietnam War is ended . . . this makes the ending of the Vietnam War imperative at the earliest possible date."

While many of his business companions have not agreed with Eccles in his firm and early opposition to the war, they have to admit that he told them four years ago what was going to happen to the economy.

A MEMBER OF THE ACADEMIC COMMUNITY SPEAKS OUT

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ADAIR. Mr. Speaker, in these troubled days, some feel that our Nation is greatly divided, but I am more optimistic about America. It has withstood many vicissitudes of at least equal magnitude. Prof. James D. Atkinson, of Georgetown University, recently wrote to President Nixon recalling the dark days of 1864 that former President Lincoln had to face. Professor Atkinson does not speak from just an academic tower. He is no stranger to war, having fought in World War II, and for a time was a prisoner of the Germans. My feeling is that he speaks for a number of our members of the academic community who ordinarily are not heard. Therefore, I commend his letter to the attention of my colleagues:

GEORGETOWN UNIVERSITY,
Washington, D.C., May 5, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Not since the administration of Abraham Lincoln has a President of the United States been the recipient of such below-the-belt attacks as those following your attempts to end the war in Vietnam by helping Cambodia.

In the summer of 1864 the opposition to the Civil War was, in the North, at a high peak. Vilification of Lincoln by the Northern Copperheads and other dissident groups was mounting in intensity. Yet Lincoln never swerved from the course he had set as Commander-in-Chief to preserve our society.

Carl Sandburg has written of those perilous Civil War times in words reminiscent of the dissidence and violence in America today. Of the attacks on Lincoln at that time, Sandburg quoted a Washington newspaper in terms that apply to the present: "Through all the vicissitudes of a social upheaval such as never before perhaps convulsed a nation, he has kept one purpose steadily in view, that of preserving the integrity of the national life."

Today, in 1970, you are doing the same thing. Your words that you would prefer to be a one-term President rather than to see America become a second-rate Power place you alongside Abraham Lincoln and all of our other great Presidents who put honor and the "integrity of the national life" above personal and political considerations.

Those members of the academic community who write in a spirit of honest scholarship—and I believe they constitute the vast majority—will rightly record that this was your finest hour.

Respectfully yours,
JAMES D. ATKINSON, Ph. D.,
Professor of Government.

ABUSE OF TRAVEL PRIVILEGES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ZWACH. Mr. Speaker, I am today introducing legislation to provide that no Federal funds be used to pay for expenses of foreign travel of any Representative after he has been defeated for election to a seat in the House, or after the adjournment of the last session of a retiring Member.

Certainly our taxpayers, already overburdened on the Federal, State, and local level, should not be expected to pay the bill for globe-circling Congressmen.

It is bad enough to abuse this travel privilege under the guise of "official investigations," but absolutely nothing can be gained by sending a solon on a free vacation after he will no longer serve in Congress.

In these troubled times, Congress could well assess its own image. Certainly it is beneath the dignity of the House of Representatives to use taxpayers' money for these trips.

NATIONAL GROWTH POLICY AND TRANSPORTATION

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BROTZMAN. Mr. Speaker, "BosWash," "ChiPitts," "SanSan," and "JaMi" are not household words today for the average American. But these strange sounding place names are facts of life with which all Americans will have to contend unless effective action is taken to develop what the President called in his state of the Union message "a national growth policy."

"BosWash," "ChiPitts," "SanSan," and "JaMi" are the way Secretary of Commerce Stans designated four gigantic clusters of metropolitan areas which we are likely to have in the year 2000. By that time, 85 percent of our population of 300 million will be urban dwellers, if present trends continue. The Secretary has accurately stated these unbroken areas of people, homes, factories, highways, railroads, and powerlines will each constitute a new phenomenom on this earth, posing megaton problems that will make solving our present difficulties look like simple exercises.

If we act now, we can avoid an America engulfed by megalopolis. All of us should, therefore, be placing a priority, as is the President, on the development of a national growth policy. If such a policy is not developed, we will find ourselves, our children, and grandchildren enmeshed in a "ChiPitts," or "SanSan" with our quality of life having deteriorated.

The President has correctly taken the initiative through programs such as revenue sharing to begin the decentralization of government that will make it feasible to decentralize our population and reverse the migration to metropolitan areas. As Chairman of the House Republican Task Force on Transportation, I believe that transportation—balanced transportation—has a vital role to play in the process of decentralization. The Federal highway programs have already demonstrated the substantial impact transportation has on the distribution of our population. The new national-growth policy must, I believe, provide a substantial role for improved and balanced transportation.

Transportation is not an end in itself. It is, however, an effective means to achieve the improved quality of life we all seek.

I want to commend to my colleagues the timely speech by Secretary of Commerce Stans, sponsored by the Center for the Study of Private Enterprise, on February 24, 1970, at the American University. I insert the speech and a New York Times article concerning the speech:

ADDRESS BY THE HONORABLE, MAURICE H. STANS

It is indeed a pleasure to join in this continuing discussion of the relationship between business and government.

We all know that a strengthening of this relationship is of transcending importance if we are to solve our mounting social and economic problems. The harsh experience of the 1960's demonstrates that government fails when it attempts to solve them alone. Billions of dollars have been spent on countless programs, but the problems remain, as vexing as ever.

The fact is that government's neglect to develop a viable, working partnership with the private sector is one of the root causes of this trouble. Government can guide by setting priorities and providing incentives. But only business has the managerial, organizational and technical skills required to get the job done. The Nixon Administration is dedicated to enlisting the full range of these talents in attacking our problems.

So this series of lectures, which is shedding new light on the evolving business-government relationship, has our warmest endorsement. The sponsors, American University and the firm of Hill and Knowlton, are to be commended for this public service undertaking.

SECRETARY'S RESPONSIBILITY

As Secretary of Commerce, I especially welcome the new insights these lectures are providing. For the man in my job has the primary responsibility for nurturing the business-government relationship. He must guide it along constructive lines and enlist business' greater involvement in public problem solving. He must help prevent business from committing abuses and from being abused. Above all, he must see to it that the interaction between these two great segments of society contributes to the advancement of the free enterprise system, which has given us everything we have and can give us everything we want.

I also appreciate the opportunity to discuss the topic of this year's lectures "Private Enterprise and the Urban Crisis."

For one thing, I am personally involved in seeking solutions to urban problems as a member of the President's Urban Affairs Council, Rural Affairs Council and the Cabinet Committee on the Environment, all Cabinet-level bodies.

Second, the subject has just taken on a new timeliness and significance. It was only a month ago that President Nixon made a historic proposal that for the first time offers hope for a comprehensive and lasting solution to our urban problems.

NATIONAL GROWTH POLICY

"I propose," the President said in his State of the Union Address, "that before these problems become insoluble, the Nation develop a national growth policy. Our purpose will be to find those means by which federal, state and local government can influence the course of urban settlement and growth, so as positively to affect the quality of American life."

The President's far-sighted proposal recognizes that there is not just one urban crisis, but two.

The first has been tearing the fabric of society for a decade.

It is compounded of the long-festering problems of slums, crime, unemployment, air pollution, traffic congestion, and substandard schools and health facilities.

Many efforts, public and private, are underway to solve these problems. Among the outstanding programs of the private sector is that of the National Alliance of Businessmen in hiring the hard-core unemployed. In the area of equal opportunity, many business corporations and associations have joined our recent efforts to help minority members to become owners of their own businesses. American business has also addressed itself in many other voluntary and unheralded ways, as a matter of social responsibility, in dealing with problems of pollution and assuring the consumer fair value.

This first urban crisis is of enormous dimension, but we must not conclude that there is something suddenly wrong with the historic concept of the city.

CITY'S IMPORTANCE

From time immemorial, cities have represented the highest achievements of civilization. They are our most visible symbols of wealth and power. They are the centers of art, culture, commerce, finance, science, industry and government. And it is to the cities that men have always flocked in search of the good life. This was true when Athens was the "mother city"—the metropolis—during the Golden Age of Greece, and it has been true in our own time. Has something suddenly changed all this?

The answer is no, but there are some new factors in the equation that we must take account of.

POPULATION CONCENTRATION

The first is the degree of urbanization.

In 1790, ninety-five percent of America's 3.9 million population was rural.

Today about 73 percent of our 205 million people live in urban areas.

This means that these 73 percent, or about 150 million, live on just slightly more than one percent of the land.

The other 27 percent, or about 55 million, are rattling around over the remaining 99 percent of the land.

It's as though we owned a vast mansion, with hundreds of rooms, but most of us have decided to live in the closets.

To make matters worse, we like to move around a lot, most of us in our own personal vehicle—the automobile. In some places we provide this device with more space than we allot to people. For example, two-thirds of downtown Los Angeles is said to be given over to streets, highways, parking lots and filling stations.

But that isn't all. We also have the problem in cities of extreme concentrations of waste products of an advanced industrial society.

Together, all these things have placed a burden on land, air, water, man-made facilities, and human beings themselves, that is all but intolerable. We are engulfed by noise, congestion and pollution of every kind.

MIGRATION OF BLACKS

Another new factor in the equation is the new concentration of poor black people in our great cities. During the past 20 years, more than 3 million Negroes have migrated from rural to urban areas, mainly to the inner core of the metropolis. Displaced from their farm jobs by rapid mechanization, they came looking for new opportunity, but they were equipped with little education and new skills. Instead of opportunity, they found the bitterness and frustration of the slum that finally erupted in rage and riots.

They found that many of the jobs in the inner city, like those on the farm, had disappeared under the impact of technological change. Industries once housed in the lofts of the central business district had been attracted to the suburbs by improved transportation facilities and ample space for more efficient one-story plants.

At the same time the poor blacks were moving in, the more affluent whites were moving to the suburbs. Their higher skills enabled them to get the better-paying jobs in the newly-established industries there, while patterns of housing discrimination helped to keep out the blacks.

TAX REVENUE DOWN

Compounding the problem was the loss of revenue to city government as industry and the affluent whites moved beyond its tax jurisdiction. In 1932, for example, municipalities collected 25 percent of all tax revenue; today they collect 6 percent. This is why President Nixon wants to share some of the Federal Government's tax revenue with cities and states. Because the more the problems of the inner city have grown, the less financially able has been the city to cope with them. Until today, as the President said, "the violent and decayed central cities of our great metropolitan complexes are the most conspicuous area of failure in American life."

The Administration's programs on food and nutrition, family assistance, housing, crime, transportation and education are all designed to deal with the problems of this first urban crisis. I believe they can go far toward remedying most of today's difficulties. But even if they are all successful in alleviating today's crisis, there still remains the impending second urban crisis.

TIME BOMB

This second crisis is less spectacular at the moment. But it is a time bomb ticking away with the ominous potential of producing a chaotic urban growth whose problems would dwarf those of the present.

We are alerted to this danger by a single basic statistic: In the next thirty years, more than 100 million people will be added to the population.

As President Nixon said about the children making up this increase: "Where they grow up—and how—will more than any one thing, measure the quality of American life in the years ahead."

It is to defuse this second urban crisis and help assure these children the best life that any Americans have ever had, that the President has called for a national growth policy. And it is on this long-range problem that I would like to focus primarily tonight, with emphasis on how business and government can develop new patterns of cooperation to cope with it.

The solution to future urban problems will only be found if overwhelming population pressures on our present metropolitan areas can be avoided. And this can only be done through the better urban-rural balance that a national growth policy would achieve.

MEGALOPOLIS

By the year 2000, eighty-five percent of our population of 300 million will be urban.

Picture, if you will, four gigantic clusters of metropolitan areas in the Nation—what the urban scholar Jean Gottmann so aptly called Megalopolis. There's BosWash, an unbroken stretch of people, homes, factories, highways, railroads and power lines from Boston to Washington; there's ChiPitts, a solid belt of heavy industry from Chicago to Pittsburgh; there's SanSan, from San Francisco to San Diego, and there's JaMi, the fourth megalopolis along Florida's east coast from Jacksonville to Miami.

Each will constitute a new phenomenon on this earth—a human agglomeration of a size, density and complexity never before known. And in combination these vast megalopoli will have the potential of posing megaton problems that will make solving our present difficulties look like child's play.

It is not very pleasant to contemplate what such an anthill society would mean to this Nation.

THREAT TO CHARACTER

What, for instance, would it do to the American people?

What would dirt, congestion, polluted air and water, traffic jams, noise, slums, crime, and violence—on a scale never before experienced—do to the American existence?

Will we fear increasingly to walk our streets? Will this fear turn into hate, divisiveness, polarization?

Will our young people feel even more alienated, rootless? Reared in great metropolitan areas, will they lose entirely their sense of belonging, and therefore their sense of loyalty, duty and obligation to society?

Frederick Jackson Turner said in 1893 that it was the challenges and opportunities offered in the advancing frontier that had imparted the dynamic quality to the American character.

What quality will the pressures, frustrations and congestion of megalopolis impart to the character of future Americans? Will they be the same productive, optimistic, friendly, outgoing, dynamic people who have traditionally populated this Nation?

MEGALOPOLITAN GOVERNMENT

Next, what kind of government would megalopolis require?

Would our extreme concentrations of population make it impossible for government to provide adequate and reliable public service? Would our trash collection stoppages, breakdowns in fire and police protection, power failures, water shortages, substandard education and health facilities all be multiplied?

To try to cope with these mounting problems, would megalopolitan government grow even larger, with topheavy administration costs and a vast and unmanageable bureaucracy? Would countless government agencies, many with overlapping jurisdictions, each with its own separate budget, its own narrow mission, its own set of criteria, be demanding more and more funds? Would countless regulations and reams of red tape engulf us?

Would the opportunities for graft and corruption mushroom, and organized crime flourish as never before?

Would the result be steadily worsening government at an ever-increasing cost—government for which our citizens would have only contempt?

Would a complete disintegration of authority be an ever-present menace? Would the only way to govern such an anthill society be through a megalopolitan government with sweeping powers approaching those of a police state?

FREE ENTERPRISE SYSTEM

Finally, how would the free enterprise system fare in megalopolis?

Would it become so enmeshed in governmental regulations that it would lose the creativity that is the heart of the system?

Would the skyrocketing cost of public services drain so much tax revenue from the private sector that we would have virtually a state-controlled economy?

President Nixon warned against such a development in a recent press conference, when he said:

"Approximately 35 to 37 percent of the total income of the United States goes to taxes—that is, federal, state and local taxes. I believe that amount is high enough. I believe that when a Nation takes a substantially larger portion of the national income than that for taxes, then that Nation loses its character as a free private enterprise economy and turns over and becomes a primarily a state-controlled and oriented economy."

Can there be doubt that other costs, as well as those of public services, will go up in megalopolis, that land prices will soar, and the cost of labor rise because of the higher costs of living and the intensified use of labor, which increases bargaining power?

All this raises the question of the future productive efficiency of American industry and its ability to compete in the world market in the years ahead. Will inefficient patterns of urban growth have the effect of locking industry into obsolescent and unproductive nationwide layout?

Under all these conditions, will our manufacturers be able to compete in an integrated world market as well as with foreign imports in our own domestic market?

ALTERNATIVES

All of these questions boil down to one.

The overriding question before the Nation is this: Shall we let haphazard and chaotic urban growth create almost insoluble problems for our people, for government and for industry? Or shall we adopt the President's farsighted proposal for a national growth policy?

Under the first alternative, every man is for himself, without regard to the effect on others or to the total effect that the combined actions of all have on us all.

Under the second alternative, business and government at all levels—federal, state and local—cooperate under fair rules equitably applied, to build an urban system that is not only productive, but also enhances the quality of life for our people and their children into and beyond the year 2000.

We know which of these crossroads to take, and the President has suggested ways government can help lead.

"In the future," he said, "government decisions . . . should be made with a clear objective of aiding a balanced growth.

"In particular, the Federal Government must be in a position to assist in the building of new cities and the rebuilding of old ones."

The policy thus recognizes that the disadvantages of megalopolis clearly do not apply to cities of viable, manageable size. Such a modern metropolis could offer society opportunities for intellectual, cultural and material progress obtainable nowhere else.

The key words here are "cities of viable, manageable size," and that is something quite different from what we can expect if things are allowed to continue on the past course.

ADVANTAGES OF METROPOLIS

Consider what the good qualities of life can be if future cities do not grow beyond such "viable, manageable size."

Through personal contacts, its residents benefit from the exchange of ideas and experiences. As consumers, they enjoy greater freedom of choice in products, and as workers they have a wider choice of occupations. And they can enjoy a greater variety of cultural and recreational facilities.

For business, the metropolis offers a wide range of specialized skills and services unobtainable in small towns. Business can draw on a pool of talent in management, law, accounting, marketing, science and technology. All are essential for business success in the increasingly complex industrial process.

To preserve these advantages of the city without incurring the liabilities of megalopolis, we will not only build new cities from the ground up but also undertake to expand our present small cities into much larger entities. We cannot assume that there will be a need for keeping very many people back on the farm. And we should not want to have the large cities get larger.

A report by the National Commission on Urban Growth has suggested the creation of 100 new communities averaging 100,000 people each, and ten new cities averaging at least one million persons. That's a total of 20 million people—only one-fifth of the 100 million we expect in the coming 30 years. If we built new cities for all those 100 million, we'd have to build a city of 250,000—about the size of Tulsa, Oklahoma—every month between now and the year 2000.

PLANT LOCATION

In dealing with where industry chooses to locate new plants, we come to the very heart of the urbanization process. For the modern

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city will remain, above all, an economic unit organized by the commercial and industrial process. It is a gigantic labor saving device which vastly increases man's productive capacity. As it grows, it is held together by many other social and cultural forces, but its primary focus is as a place to produce or to provide services.

As far as I know, it has never been decided which comes first—whether people go where the jobs are or industry locates where the people are. But we do know that the two go together—and the policies of both public and private agencies must be coordinated to bring them together on a common meeting ground that is best for them, as well as the Nation as a whole.

GOVERNMENT ASSISTANCE

Now how can government contribute toward this end? What are some of the policy instruments it can use to influence the location of people and industry so as to develop a healthy pattern of urbanization?

Already, several government programs promote such a development. Our Commerce Department's Economic Development Administration helps through loans and grants to build industrial parks and to help industries get started in selected growth centers. So do its Regional Commissions, with somewhat wider concepts of economic development. The Small Business Administration also provides assistance to business in developing areas.

Realistically, if we are to expect business to help achieve population dispersal, government should help assure it an opportunity to make a fair profit in such locations. Possible new incentives include investment tax credits, liberalized depreciation allowances, and manpower training supplements. Business expenditures for new plant and equipment even now are running at an annual rate of nearly $80 billion. If such incentives could channel an increasing portion of future investment into areas that would help achieve a better balance in urban growth, the whole Nation would benefit. The incentives themselves would constitute a national investment in higher productivity that would pay handsome dividends indefinitely.

Another important assist is highway building, which serves the transportation needs of both industry and employees. Our great Interstate System, begun under the farsighted leadership of President Eisenhower, has already helped in dispersing industry. And its impact will grow, as it is completed in the next four years. Extension of the System in conjunction with other transportation facilities will probably need to be a basic part of the Nation's future urban growth policies.

Third, government might locate its own facilities and buildings so as to influence healthy urban growth. Many government activities have already been decentralized, and this trend should continue according to a carefully drawn plan.

NEW COMMUNITIES

Finally, there is the exciting potential for government assistance in the building of entirely new communities. The Administration has recently made its first move of this type in Jonathan, Minnesota.

In the beginning of our history, the settlers developed a strong tradition of building carefully planned new communities. Here on this virgin continent was the opportunity to correct the accumulated mistakes of centuries of unplanned city building in Europe. William Penn in Philadelphia; General Ogelthorpe in Savannah, Georgia; George Washington and Thomas Jefferson in our Nation's Capital, were among the farsighted men who ordered the development of streets and parks and living space according to master plans.

But during the last century and a half, this tradition was allowed to lapse, and most of our cities grew without design. Today, our mushrooming population has stimulated a revival in this long-dormant art of city planning and building. There are several notable recent examples in California and around Washington, D.C. I am convinced that this movement to construct entirely new communities offers great promise in achieving balance in the Nation's development. Government should encourage its acceleration in every way possible.

POLICY DIRECTIONS

These, then, are the three directions in which our national growth policy should develop:

First, the building of new cities away from today's great metropolitan areas.

Second, planned expansion of our present small cities in ways that will not result in their linking up to form additional unwieldly concentrations.

And third, discouragement of further growth of present large cities so that they can be modernized to meet the needs of the next century.

In combination, these three developments will enable us to provide constructive answers to many of the questions I have raised about the consequences of unplanned megalopolitan growth.

We can more easily contain crime and make our streets safe for all our people.

We can restore in our young people a sense of pride in America, a feeling of community and belonging.

We can preserve open spaces for recreational purposes.

We can more readily cope with air and water pollution.

We can ease traffic congestion.

We can develop strong, responsive, and efficient local government that can better provide adequate public services such as fire and police protection, waste disposal, power and water facilities, schools and health facilities.

We can prevent the wasteful diseconomies of unmanageable local government, and hold tax collections within reasonable bounds.

We can better preserve the creative character of the free enterprise system by preventing its entanglement in the red tape of bigger regulatory agencies.

And we can enhance the competitive ability of American industry by maximizing our productivity potential through a more efficient distribution of the industrial process.

BUSINESS RESPONSIBILITIES

In meeting these tasks, there are unprecedented challenges and opportunities for American business.

The first—and probably foremost—is business' contribution to the building of new cities and renovation of old ones. Urban development offers a wide and growing market for new corporate starts, and new directions for established companies which are seeking additional opportunities. Some of this is already taking place.

Second, to meet the challenge of city building, business should emphasize more than ever the values of research and technological development. Its major thrust should be in the field of civilian technology, concentrating on systems and products which will be required for quality in urban living.

Third, business must expect to be more cognizant of the necessities for protecting the environment from pollution, and from a depletion of our minerals and other natural resources. The wise location of new industrial plants can make a major contribution in this area.

Fourth, business should be more keenly aware that its many new products for the consumer must maintain the highest standards of safety and reliability, always within a price range that the consumer can afford. A balance must be struck, of course, in order to prevent unrealistic standards from defeating the needs of both the consumer and the producer.

Finally business should engage in longer range planning to cope with a shifting economy. Annual budgets and five-year plans are inadequate in an age of such complexity and change. Today's rocket speed requires that our foresight illuminate the future not years but decades ahead.

Nowhere is this foresight more urgently needed than in planning for a balanced distribution of the 300 million Americans in the year 2000. In his bold proposal for a national growth policy, President Nixon has placed this among our highest priorities. Now it is up to business and government at every level—federal, state and local—to implement and carry forward this farsighted policy.

ATHENIAN OATH

Can we accomplish this challenging and critical task? That depends on whether each of us individually and collectively in his own city, is willing to make this resolve:

"We will ever strive for the ideals and sacred things of the city, both alone and with many; we will unceasingly seek to quicken the sense of public duty; we will revere and obey the city's laws; we will transmit this city not only not less, but greater, better, and more beautiful than it was transmitted to us."

The men of Athens who took this oath two thousand years ago had as their objective the building of one city. In accomplishing it, they also created the Golden Age of Pericles and laid the foundation for Western civilization.

CONCLUSION

Our objective is also city-building. We know that science and technology have multiplied our strength a thousand-fold over that of the Athenians.

But do we have the wisdom, the resolve, the capacity for cooperation, the love of country, that will not only enable us to build the city—the livable city—but to light the way for the march of civilization into the third millenium?

That is the principal question before America today. It can be answered only by the full collaboration of enlightened government and the constructive potential of American business.

[From the New York Times, Feb. 25, 1970]

STANS WARNS OF "ANTHILL SOCIETY"—HE URGES COHERENT GROWTH POLICY FOR BUILDING CENTER

(By Jack Rosenthal)

WASHINGTON, February 24.—By the year 2000, Americans will be jammed together in an "anthill society" unless government and business join in a coherent national growth policy, Secretary of Commerce Maurice H. Stans said in a lecture prepared for delivery tonight.

Mr. Stans proposed such a policy in the first development of a theme expressed by President Nixon in his State of the Union Message.

Mr. Stans said the following steps were required:

Discouragement of further growth in megalopolises—urban corridors already dense with population.

Planned expansion of smaller cities.

Construction of entirely new cities, away from present urban concentrations.

Mr. Stans said such a policy was essential if the nation was to solve two urban

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crises. One is the present crisis of race, space and pollution in tax-poor cities.

The other, which he described as an ominous time bomb, is the addition of more than 100 million people to the population.

While Mr. Stan's lecture was described by an aide as "a personal statement" a White House source said it had been clearly understood that Mr. Stans and his department would play a central role in the Administration's activity concerning population growth.

The lecture was scheduled in one of a series on "private enterprise and the Urban Crisis" at the American University here.

The nation's population will total 300 million by the year 2000, Mr. Stans said, and 85 per cent will be urban.

4 GIGANTIC CLUSTERS

He called on his audience to imagine the following four gigantic clusters:

BosWash, an unbroken stretch of people, homes, factories, highways, railroads and power lines from Boston to Washington.

"ChiPitts, a solid belt of heavy industry from Chicago to Pittsburgh.

"SanSan, from San Francisco to San Diego.

"JaMi, the fourth megalopolis, along Florida's east coast from Jacksonville to Miami."

Mr. Stans said the problems of "these vast megalopoli" might well dwarf present urban worries. "It is not very pleasant to contemplate what such an anthill society would mean to this nation."

He suggested that sharp increases were likely in congestion, pollution, crimes and youthful alienation and then asked:

"What quality will the pressures, frustrations and congestion of megalopolis impart to the character of future Americans?"

Mr. Stans also intimated that local governments would become increasingly unable to deliver services and perhaps would even disintegrate, leading to "a megalopolitan government with sweeping power approaching those of a police state."

And he said that skyrocketing costs of public services could drain so much tax revenue as to produce virtually a state-controlled economy.

The sensible alternative is an urban growth policy based on the concept of "cities of viable, manageable size," Mr. Stans said.

These could avoid the mammoth problems of scale already facing megalopolises, he said, while still providing the intellectual, cultural and material opportunities that underlie the historic concept of the city.

Mr. Stans did not closely define "viable, manageable size" but made it clear that he regarded dense megalopolitan corridors as outside the definition.

There are three ways to achieve the goal of "viable, manageable size," he said. One is to build new cities from the group up. To accommodate the 100 million projected population increase in this way alone, however, would require building a city the size of Tulsa, Okla., every month until the year 2000, he explained.

"We will not only [need to] build new cities from the ground up, but also undertake to expand our present small cities into much larger entities," Mr. Stans said.

The third solution is to discourage further growth of present large cities, he said, "so that they can be modernized to meet the needs of the next century."

This would not be negative discouragement, but would result from positive incentives to encourage growth of present small cities and establishment of new ones.

Government can contribute, Mr. Stans said, through such incentives as investment tax credits, liberalized depreciation allowances, highways that help disperse population, planned decentralization of government facilities and continued assistance to new communities.

At the same time, business has responsibilities, too, Mr. Stans said. He urged private construction of new cities, development of "civilian technology, concentrating on systems and products that will be required for quality in urban living," pollution control and longer-range planning.

Mr. Stan's proposal is the most detailed expression of the Nixon Administration's already evident concern over urban growth.

Last year, Vice President Agnew contributed an introduction to "new city," the report of a bipartisan private National Committee on Urban Growth Policy.

"The constant growth of our population confronts us with a desperate race against time," Mr. Agnew said, "if we are to preserve our environment and keep our culture from disintegrating."

The President also has asked Congress to establish a National Commission on Population Growth and the American Future in a bill expected to be enacted next year.

Last month, in his State of the Union Message, the President called for a national growth policy—to find those means by which Government at all levels can influence the course of urban growth and "positively to affect the quality of American life."

THANK YOU AMERICA

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ZWACH. Mr. Speaker, in these days of riots, turmoil, strife, and attacks on America and its institutions, it is very refreshing to hear someone stand up for our beloved Nation, to catalog its greatness.

The Granite Falls Tribune, in our Minnesota Sixth Congressional District, printed a letter last week that I would like to share with my colleagues and all of those who read the CONGRESSIONAL RECORD.

This letter, written by a Canadian, should make all of us pause to reflect and then join with our Canadian admirer in saying, "Thank you, America:"

THANK YOU AMERICA!

(By Patricia Young, Vancouver, B.C.)

Permit me, a Canadian, to express a long overdue "thank you America"—not only for putting men on the moon, but for almost 200 years of contributing to the betterment of mankind. For the airplane, radio, cotton gin, phonograph, elevator, movie machine, typewriter, polio vaccine, safety razor, ballpoint pen and zipper!

No other land in all the world has, in so brief a history, contributed so much and asked so little—only that we live together in peace and freedom.

From the days of Washington and Lincoln, you have demonstrated the creativity, invention and progress of free men living in a free society—where ideas and aspirations may be promoted to the extent of man's willingness to work and build a "better mousetrap" with commensurate rewards.

Thank you for upholding the principles and rights of freedom and liberty; for the American Constitution and Bill of Rights and for protecting those rights even when it results in the burning of your flag and the murder of your President.

Thank you for those who helped defend freedom on foreign soil in two world wars—a debt we have been able to pay in small measure by way of some 10,000 Canadian volunteers who stand and fight with you in Vietnam; for the foreign aid you give even when your hand is bitten and your motives impugned; for keeping your dignity in the face of insults from nations still wet behind the ears; for your patience with those who seek to steal the world and enslave its people; for keeping your cool even when the Trojan horse mounts the steps of the White House to insolently spew forth its treason.

Thank you for keeping alive the concept of individual liberty and faith in God in a world wallowing in humanistic collectivism.

For these reasons and so much more, I say: "Thank you America and God bless you."

INVITING TRAGEDY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. SCOTT. Mr. Speaker, both bodies of Congress are, of course, concerned and disturbed by recent actions on college campuses and I am sure individual Members are searching for answers in their own way.

One editor's point of view was expressed last week in the Potomac News, a weekly newspaper published in Prince William County, Va., within my congressional district.

I was impressed with the portion of the editorial indicating that even persons charged with the responsibility of law enforcement have a breaking point and the major responsibility for tragedy must be placed upon those who resort to violence and court tragedy.

The editorial in its entirety is inserted at this point:

INVITING TRAGEDY

President Richard Nixon put the deaths of the four Kent State students in proper perspective in asserting: "When dissent turns to violence, it invites tragedy."

Throughout the college year, dissenters in countless colleges throughout the nation have been inviting the tragedy which occurred Monday. Time and again, in college demonstrations, the tactic has been to push the forces charged with preserving public order to the brink—by everything from filthy epiteths and reckless disruptions to violent takeovers, arson and rock-throwings.

Their partisans will argue that the people charged with maintaining order should be able to keep their cool under such provations. From hindsight, they will criticize the Ohio National Guard for not firing over the students' heads. But the stark fact is that the people maintain order are human, too. They can become scared. Everyone has a breaking point.

And when the result is tragedy, the major blame must be placed on those who chose to court the tragedy.

College dissent has taken an ugly turn. Increasingly encouraged by knee-jerk liberals among their elders, both within the faculties and without, revolution-minded students appear intent on disruption for disruption's sake. They shop around for an issue, if they can't find one on campus, there are plenty of

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national ones. There's always Vietnam, and if that's not enough, then the California grapes, the Chicago Seven or the Black Panthers.

Their apologists idolize them for what they see as a new spirit of inquiry, a rejection of hypocrisy and conformity. But so much of it is a sham. Instead of inquiry, those who might proffer an opposing view are shouted down. And hypocrisy? A rock-throwing dirty-mouthed "peace" demonstrator provides your answer. As for conformity, how dare one of the "in" crowd put in a good word for patriotism.

In this country of ours, there is great need for improvement. There is a great need to shear away hypocrisies. And the nation's students can play a vital role in prodding their elders on reforms.

But there is nothing to be gained in going from bad to worse.

MEDICAL CARE AND VETERANS

HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROTH. Mr. Speaker, in the past year or so, there has been a great deal of concern expressed here in Congress, in the press, and on televison over the level of medical care being provided for our veterans. Possibly, there is some room for debate as to just how bad the situation is, but there is, I think, no question that a serious problem does exist. Mr. Donald Johnson, the Administrator of Veterans' Affairs, recently described the funding difficulties faced by the VA medical care system in these terms:

> We have recognized from the beginning of our tenure last June, that we were approaching the critical point in care, that the crunch or the vise that was being manufactured for us of inflation on one side and increasing demand on the other, not only out of Vietnam but because of the age of World War II veterans increasing—and that is the big number of veterans—that we would soon get caught.

I would like to congratulate the Committee on Veterans' Affairs who, under the leadership of their distinguished chairman, Mr. TEAGUE of Texas, undertook a thorough investigation of the allegations of deficiencies in the VA medical system. That committee has surveyed VA medical facilities throughout the Nation to find out just how bad a problem we have.

If the response the committee received from the VA hospital in Wilmington, Del., is typical—and I understand that it is—then it is quite clear that we must take prompt and adequate corrective action to assure that badly needed funds are made available.

Dr. Harry E. Walkup, the director of the Wilmington hospital, reported to the Committee on Veterans' Affairs a funding shortage of a quarter of a million dollars. Of this, $58,000 was needed to support the hospital's authorized level of full-time employment; $96,000 was needed for annual operating supplies and materials; $40,000 which had been budgeted for needed equipment and maintenance had to be diverted to meet payroll costs. Other areas with serious funding shortages included the dental care program and the community nursing home program.

About $70,000 in additional funds was later made available to the Wilmington hospital, but this still leaves a funding shortage of very serious proportions.

The bill passed on May 7 will go a long way toward meeting these deficiencies in the Veterans' Administration hospital system. As reported, H.R. 17399 called for an increase of $109,500,000 in the medical care category. The bulk of that amount simply reflects the higher pay scales resulting from the Federal pay raise of last year, but $18 million will go toward improving the level of medical and dental care provided for our veterans. This is $3 million more than the $15 million supplemental appropriation which President Nixon has requested, but it is $4 million less than the $22 million which was to be offered under an amendment by the gentleman from Texas (Mr. TEAGUE).

I intended to vote in favor of that amendment, but am glad this committee accepted the increase without a vote. We have as a Nation recognized an obligation—a debt of honor—to assure those who have served us in time of war the very best medical care that can be provided. We have attempted to fulfill that obligation by establishing within the Veterans' Administration a medical care system of unparalleled size and excellence. This increase will help maintain—or restore—that excellence.

While I have no doubt that the proposals of the administration and of the Committee on Appropriations represent their best judgments as to what is needed to serve the interests of our veterans, I think greater weight must be given to the conclusions reached as a result of the intensive survey conducted by the Committee on Veterans' Affairs. In some cases, where there are differing estimates from authoritative sources, one might be inclined to go along with the lowest estimate or, at least, to steer a middle course. But we cannot do that when the point at issue is the adequacy of the medical care which we will provide our veterans.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

PUBLIC WORKS COMMITTEE CONCERNED WITH ENVIRONMENT AND DEVELOPMENT

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FALLON. Mr. Speaker, I have stated on numerous occasions that the Public Works Committee is basically concerned with environment and development. In the minds of some people these two areas are diametrically opposed. We know, however, that to provide the food, water, transportation, and economic well-being necessary for our growing population that development is necessary. We take as our approach that reasoned development is essential—development which considers environmental values in relationship with public need.

A splendid example of this concept in action is the announcement today of Edward B. Hinman, president and chief executive officer of the International Paper Co. Mr. Hinman announced that his company will expend the sum of $101 million over the next 4 years to complete its ongoing program to control air and water pollution of the company's U.S. mills and plants which are located in the States of South Carolina, Florida, Alabama, Mississippi, New York, and Maine.

Although we sometimes overexaggerate the Federal role in water pollution control, it nevertheless has become a very significant one. But the solution to the problems of water pollution control, air pollution, and other measures of environmental protection depends in the final analysis on close cooperation with State and local units of government and industry. By working together and applying their respective capabilities the job to protect our Nation's environment can and will be done.

I wish to compliment Mr. Hinman and the International Paper Co., for this forward step they have taken, and I would anticipate that many, many other large industrial concerns will follow their lead.

I include in the RECORD at this point a copy of Mr. Hinman's announcement:

EDWARD B. HINMAN'S ANNOUNCEMENT

NEW YORK, May 13.—International Paper Company will spend $101 million over the next four years to complete its program to control air and water pollution at all of the company's U.S. mills and plants, Edward B. Hinman, President and Chief Executive Officer, announced today at the annual meeting of shareholders here.

The company-wide program will provide every operating mill with primary and secondary waste water treatment systems, utilize the latest technology to remove from the air over 99% of all particulate matter coming from its pulp and paper mills, and adapt new technical developments to control mill odors.

Mr. Hinman pointed out that in the last five years alone the company has spent more than $23 million at existing mills and plants on facilities designed solely to improve water and air conditions. Many other capital investments for projects other than those specifically for pollution control have had related beneficial impact on environmental conditions, he added.

One such program, for example, involves the construction of a $76 million pulp and paper mill in Ticonderoga, New York, to replace an old mill there.

The new Ticonderoga mill will include the most modern water and air treatment facilities ever installed in North America. Purified water from the treatment system will be diffused in Lake Champlain in such a way that the biological and esthetic values will not be altered. The mill is also expected to be virtually odor-free. The old Ticonderoga pulp mill will be shut down by the end of 1970 as the new mill starts up. Remaining operations at the old mill will be phased out late in 1971.

The company said that by 1974, highly efficient water treatment systems will be installed at all of the company's operating pulp and paper mills in the United States. These treatment systems will remove all settleable solids from waste water and enable the company to meet standards for biological oxygen demand. Water so treated does not adversely affect the complicated life chain in natural waters from bacteria to plankton to plants and fish life.

The company reported that projects totaling $33 million of the $101 million program have actually started. As a result of programs conducted in past years, I-P now has primary water treatment at 12 of its 18 mills and some form of secondary treatment at 6 mills. Projects now under way include secondary treatment systems to be installed at I-P mills in Georgetown, South Carolina; Panama City, Florida; Mobile, Alabama; Moss Point, Mississippi; Corinth, New York; and Jay, Maine. A secondary water treatment system has just been completed at the company's mill in Pine Bluff, Arkansas.

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Programs related to air improvement to be started this year will involve mills at Natchez, Mississippi; Tonawanda, New York; Panama City, Mobile, Georgetown, and Jay.

Between 1971 and 1974 similar water and air treatment will be installed or modernized at the other operating mills of the company in the United States. Of the $101 million program announced today the company expects that a total of $45 million will have been invested in water treatment systems and that an additional $56 million will have been invested in applying the latest technological developments to the control of all emissions to the air, including the pungent odor characteristic of kraft paper mills.

Mr. Hinman told shareholders today, "All of these activities are part of your company's commitment to a cleaner, better America. Our program is not designed merely to meet the requirements of existing legislation—this is a program to do what is right as industrial citizens in our communities and our nation—in keeping with our stated policy. We believe that we can complete this program for a better environment without interrupting our planned growth or adversely affecting achievement of our profit objectives."

In discussing I-P's programs in support of the national search for a quality environment, Mr. Hinman also noted that the company was deeply involved in environment and ecology in its role as owner and manager of millions of acres of timberland.

He said that the company has a staff of professional foresters who are trained ecologists and conservationists.

"Good forest management, which is their job, is good environmental practice," Mr. Hinman said. "Well managed tree farms, in addition to producing the continuous crops of trees essential to our business, provide many environmental benefits as well. Under our programs of multiple use many of the benefits of the managed forest are available to be shared by the public."

Among these benefits he listed are: the role of the forest in preventing erosion, collecting rainfall for later release as pure water into streams and lakes; the food and shelter provided by young, growing forests for wildlife; the road systems built and maintained by the company, which provide forest access for recreationists as well as protection against forest fires; the natural beauty of the company's widespread forest areas, and the lesser known function of a forest in its normal growth process of absorbing carbon dioxide from the air and releasing oxygen.

KENT STATE INCIDENT: TWO STUDENTS' OBSERVATIONS

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BETTS. Mr. Speaker, much has been written about the violence at Kent State University on May 4. Two residents of Shelby, Ohio, in my district who are students at Kent observed the events of that day and have given their impressions to the Shelby Daily Globe. In the interest of better understanding of what actually happened leading up to the shooting of four Kent State students, I suggest my colleagues read this article published in the Shelby Daily Globe, May 7, 1970:

SHELBY KENT STUDENTS SAY EVERYONE HAD FAIR WARNING

(By Donna Malainy)

"By Monday afternoon there were no longer any 'innocent bystanders'—people who remained on the scene had had plenty of warnings," said Kent State University student Ted Byers today, as he and his brother, Terry, a senior at Kent State, related the experiences they had witnessed firsthand at Kent State last weekend and on Monday.

Ted and Terry, sons of Mr. and Mrs. Lee Byers, 50 Louise Drive, are relaxing at home this week after Kent State was closed following Monday's shootings. Terry is a journalism major who will graduate next March and is enrolled in the campus ROTC program. Ted is a sophomore, majoring in advertising.

Both men agreed that news coverage of the event has been distorted, at least insofar as the shooting of the four KSU students was concerned. Terry, formerly news director of the university radio station, remarked, "It hasn't been established how the students were killed or what killed them." He spoke critically of news reports that have blamed the deaths on National Guardsmen. "These four people were in the crowd of demonstrators that had not dispersed," Ted explained. "They weren't in the roped-off, or 'safe' area—anything that happened to them was their own fault," he went on to say.

The brothers explained that a year ago there had been a disturbance on campus and subsequently four students, members of the Students for Democratic Society (SDS), had been arrested, convicted and were serving a seven months' jail sentence in the Portage County Jail. "Things had been quiet ever since until these four men were to be released Friday—there were no rumors that anything was going to happen," Ted reported.

Both Ted and Terry believe these four men, after their release from jail, were influential in starting the campus disturbances. "We think they brought in outside agitators, professionals," the brothers explained.

The sequence of events was described in detail by Ted, who explained that the disturbance began Friday evening when a motorcycle gang from Akron arrived in Kent. "All the bars in town closed at 8 p.m. and that left 2000 to 5000 students on the streets with nothing to do—a fight broke out and the crowds began breaking up the town," Ted related. "The group had broken at least 47 store windows and was headed for the campus when police broke up the crowd with tear gas." He went on to say that although the city curfew went into effect at 8 p.m., the campus curfew was set at 1 a.m. The group re-assembled on the campus that night, but were dispersed again with tear gas about 1 a.m.

Ted went on to report that outsiders, some people who had reportedly been seen on campuses at Cleveland State and Ohio State University, had called a rally for Saturday night. He estimated that about 30 to 50 Kent State students were involved with the rally, the rest being "outsiders." "At this point, the group was protesting the 8 p.m. city curfew and had not said anything about Cambodia or the President's stand," Ted recalled.

The small group went to the freshmen complex and gained many supporters there. "There are always those," Ted explained later, "who will follow a cause, any cause is good enough." The larger group then went back to the campus commons where a few people gave talks. The demonstrators then marched to the campus Army ROTC building (there are three ROTC buildings on campus) where they broke windows, threw flares inside the building and a Molotov cocktail which ignited and started the fire.

"When the fire department arrived, demonstrators cut the fire hoses—the police hadn't yet arrived and the firemen had no protection," Ted went on.

In the meantime, gasoline had been poured along one side of the ROTC building and then lit and, with fire hoses cut, firemen were unable to extinguish the spreading fire. "There were about 3000 rounds of ammunition stored inside the building, and when these were ignited, the building was leveled," Ted stated.

At this point, National Guardsmen, who had been quartered at the Akron Rubber Bowl in the event of trouble with the Teamsters' strike, were called in and dispersed the crowd. Guardsmen brought in jeeps, armored personnel carriers, trucks and three helicopters. The helicopters patrolled the city, looking for crowds as did one State Highway Patrol helicopter.

"By Sunday morning, everything was calm again," Ted explained. The area of the burned ROTC building and three other buildings in the immediate area had been cornered off. Terry, an ROTC member, had attempted to enter one of the buildings on Sunday afternoon and had been refused entrance. "I had to wait until Monday to get in," Terry reported.

The men went on to say that people were milling about, taking pictures most of Sunday. Then about 8 o'clock Sunday night demonstrators began to gather, ringing the school victory bell. "They again marched around Eastway Center, a freshman complex, and into another area, to get supporters—finally they had a group of about 5000 students," Ted added, saying, "Most of the freshmen had never been in a demonstration before."

At the music building, the crowd was confronted by about 20 National Guardsmen who fired tear gas bombs into the crowd, dispersing it for awhile. "The group re-convened and went back to the commons, then headed for downtown Kent, which had been marked out of bounds," Ted reported. He stated that the group had gone about a block when they were, again, dispersed with tear gas about 11:30 Sunday night.

Again, Ted recalled, things were fine on Monday morning until a rumor was circulated that the protestors would stage a meeting at noon. "This was when the Cambodia issue first came into it," Ted explained.

Terry added, "I had worked for the Air Force (ROTC) that morning—we had published orders for Air Force cadets. Those of us who were seniors or officers had ID cards and had been able to get through the National Guard lines. At noon we went outdoors, and about ten of us watched the proceedings."

Terry went on to say that from inside his roped-off area, he observed the National Guardsmen, equipped with three jeeps and radios, begin to make announcements to the people gathered around that they must disperse.

Ted added that at that time, he was standing with the groups of 5,000 to 10,000 onlookers. "There might have been about 500 to 1000 actual demonstrators in the commons, though many onlookers were close enough that it was difficult to distinguish between them," Ted explained.

Terry went on to say that he, personally, heard National Guardsmen announce at least four times that the crowd must disperse and that the university was under martial law and that no assembly outside would be permitted. "They asked that people please leave the commons area or action would be taken," Terry related. "They announced it from the picket lines, then drove in jeeps making the announcements, so that all people would be sure to hear it," he added.

"Then, about 12:30 p.m. on Monday, the National Guard read the riot act to the crowd, after which National Guard reinforcements were brought in," he recalled. "The crowd didn't do anything and the Guardsmen began firing tear gas bombs."

Ted added that agitators within the crowd kept yelling that the Guardsmen were equipped with blanks, not live ammunition. "But we could see that they had live ammunition on their uniform blouses," he added.

Terry remained outside the ROTC building—"It was safe for us there in that roped-off area," he explained. The brothers reported that Guardsmen fired tear gas bombs into the crowds for about ten minutes.

The tear gas reacts differently on different people, the brothers explained, causing some people to pass out because of difficulty in breathing. "It makes you nauseated, you cry, and cough, the gas burns your eyes," Ted reported. He brought along a tear gas cartridge that had been fired into a building from which he was observing the riots.

After this many of the onlookers had left and again a small group started to gather on the commons. Terry left by way of a back door in the ROTC building and returned to his apartment off campus. As he arrived home, his wife told him that word had just been broadcast on the radio that the campus was closed and students could return to their homes.

"Parents had come after students before 8 o'clock that night, for after that time, no one could enter Kent or leave it, Terry explained.

The brothers returned to Shelby Tuesday morning though both are hopeful that classes will be resumed by next Monday.

"The crowd moved, but didn't disperse," Ted went on to say, and National Guardsmen then affixed bayonets to their rifles. "At this point there were still about 500 hard-core demonstrators who stayed," the brothers revealed.

The Guardsmen were forcing the crowd into the old practice football field, then as the Guardsmen began to return to the picket lines, the demonstrators began hurling broken bottles, bricks and rocks at them. Ted and Jerry explained that this area is a construction site and there were plenty of projectiles around to be picked up.

"We saw the National Guard stop and from our viewpoint, saw them raise their guns and fire in the air," the men reported Ted, in his vantage point overlooking the Guard, reported that by this time Guardsmen were at the corner of Taylor Hall, located at the top of a hill.

"We don't agree with the newspaper accounts—one paper cited the example of a quarter-inch steel sculpture near Taylor Hall which had been pierced with a bullet. But the bullet entered from the south and the Guardsmen were firing to the north and northeast," Ted revealed.

Both men agreed that there were snipers in the crowd and speculated whether the students that were killed might have been hit by snipers' fire.

"I don't think the Guardsmen panicked," Ted stated. "They fired only once, for about three seconds, and fired 35 rounds," he added.

His brother remarked, "Ted and I are both disturbed that UPI and the Cleveland stations have come out and said that National Guardsmen slayed the four students—they haven't established that, in my opinion."

Terry also described an incident that happened near him. "A National guardsman about 100 ft. away from me fell suddenly and clutched his stomach—I haven't heard anything about him or what might have happened to him." He added that the man had been taken away in an ambulance.

After the Guardsmen fired, they came back to the perimeter of the ROTC buildings and about five minutes later the report came through that someone had been shot.

ANNIVERSARY OF ISRAEL

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. GILBERT. Mr. Speaker, most of us accept the notion that time heals all wounds. And if that is true, we can rejoice a little more today on this 22d anniversary of the founding of Israel than we could last year or the year before.

Despite the ominous clouds that hang over the Middle East today, Israel is the glimmer of hope that keeps millions of people around the globe hopeful mankind can survive. As long as Israel exists, man's chance of living in peace with his neighbors cannot be ignored.

We do not underestimate the dangers facing that tiny nation and her brave people today. Indeed, recent events within neighboring states have increased her peril to a point where not only Israel but the world at large is also threatened.

But the people of Israel have proved once again that a tiny band of dedicated people can rebuild their lives out of horror, that they can withstand the cruelest deprivations and that they can protect themselves and their nation from overwhelming odds. The Israel people have come to represent the finest that is within mankind.

And so, as that embattled nation celebrates yet another anniversary of its independence, all of us who believe man is capable of more than warring on his neighbors bask in her glory.

Let the United States be the friend of all nations of this world where people want only to live in peace and harmony with their neighbors. Let us do what we can to restore peace in the Middle East so that not only the people of Israel but all the nations of the Middle East may devote their lives to better causes than killing.

Time does heal wounds, though not easily and not quickly. May we all resolve in this year ahead to give time a helping hand.

MOSCOW'S GOAL

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. HAYS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an article from the New York Times of Wednesday, May 13, entitled "Moscow's Goal: Isolation of United States."

It seems to me that every American should read this and wake up to what the Soviets are trying to do to the United States and are apparently succeeding in doing:

[From the New York Times, May 13, 1970]

MOSCOW'S GOAL: ISOLATION OF UNITED STATES: EROSION OF INFLUENCE ON WORLD SCENE IS TERMED AIM

(By Bernard Gwertzman)

MOSCOW, May 12.—The Soviet Union appears to have chosen, for the moment, to mask in ambiguity its course of action in both the Middle East and Southeast Asia, Western diplomats have no firm information on what the sending of Soviet pilots to the United Arab Republic portends nor what, if anything, the Kremlin will do to counter the American troops in Cambodia.

But if, tactically, the Soviet Union is deliberately unclear, thereby keeping open all its political and military options—and Premier Aleksei N. Kosygin's message of "sympathy and support" to Prince Norodom Sihanouk today did not change this—western diplomats feel that they are less in the dark on current Soviet strategic aims.

These aims, according to the best thinking here, appear to include the isolation of the United States and the gradual erosion of its influence on the world scene.

This the Russians have attempted before, but what has aroused the interest of diplomats here now is the successes Moscow appears to be achieving.

SOVIET PRESTIGE RISING

Most diplomats seem to agree that Soviet prestige and influence are discernibly on the rise, at minimum cost to Moscow. The United States, wracked by disorders at home and dissension in the highest places, seems from Moscow to be definitely on the defensive.

It now seems clear that Premier Kosygin's news conference last week was called not so much to express Soviet unhappiness over Cambodia as to arouse what he described as "all peace-loving forces through out the world" against the United States.

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The conference touched off an anti-American campaign around the Soviet Union, and the Soviet press is gleefully reporting every manifestation of anti-Americanism anywhere in the world.

Izvestia, the Soviet Government newspaper, said editorially today that Washington's decision to send troops into Cambodia "has led to the still greater isolation of the United States in the world arena."

SOVIET BLAMES UNITED STATES

In the Soviet interpretation of world events these days, Moscow is the center of the forces of peace, and Washington, of war. The disorder in Southeast Asia is pictured as caused solely by United States "aggression," the crisis in the Middle East could be ended, in the Soviet view, if Washington would end its support of "Zionist aggression." Tensions in Europe would be eased, it is held, if American forces left the continent. Such ideas are repeated daily in the Soviet media and stressed by Soviet diplomats abroad.

In Asia, the Russians appear to have adopted a low-key approach, stressing the need for Asians to govern their own affairs and establish their own security alliances while continuing to give aid to North Vietnam. Soviet influence in India seems to have reached a high, and the Russians appear to have succeeded in dampening tensions with Communist China and in giving many Asians the impression that Peking is responsible for the troubles.

From what Soviet officials say about Southeast Asia, diplomats believe that the Kremlin is certain that, over the long run, the United States will be forced out of the area, leaving Soviet influence unimpaired and its many years of aiding North Vietnam paying off in ideological and political dividends. The announcement by President Nixon last Friday that American forces will be pulled out of Cambodia by the end of next month appears to reduce the urgency of any concrete Soviet move.

FULL BACKING FOR ARABS

In the Middle East, by giving full support to the Arab cause, Moscow has replaced the Western nations as the predominant foreign power along the southern shores of the Mediterranean. By refusing to alter its negotiating position, and repeatedly charging Israeli intransigence Moscow appears here to have succeeded in eroding much of Israel's support in Europe.

The dispatch of Soviet weapons and forces to the United Arab Republic, including the much-discussed pilots, has caused concern in the United States, but has never been admitted here, although Mr. Kosygin in his news conference conceded that Soviet military advisers were present in Egypt. The pilots are said to be flying defensive missions in central Egypt, not on the Suez front, and have not clashed with Israeli planes.

Western diplomats tend to view Washington's initial response as an exaggerated one. They see no new Soviet "hard line" in the Middle East, merely the same "hard line" Moscow has followed toward that area, doing everything necessary to shore up Egypt's defenses against Israel.

DOMINANT ROLE SOUGHT

In Europe, the Russians appear to have recovered from the setback caused by the invasion in 1968 and to have resumed their active courtship of Western European powers, including West Germany. Moscow's European policy seems primarily directed at reducing American influence on the continent and preparing the way for a gradual breaking up of the North Atlantic Treaty organization, leaving Moscow as the unchallenged power on the continent.

These political moves, which include expansion of diplomatic ties in Latin America, have been accompanied by a major increase in Soviet military power, particularly in missilery and naval forces.

But, perhaps more important, they have taken place within a framework in which Communism has been extolled as superior to capitalism. Thus, despite occasional gestures of goodwill to the United States, Soviet policy, by a combination of ideological and political considerations, has become quite anti-American.

TRIBUTE TO DR. WILLIAM PECORA

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. REIFEL. Mr. Speaker, throughout my 8 years of service on the Appropriations Subcommittee on the Interior it has been my pleasure to work with Dr. William Pecora in regard to appropriations for the Geological Survey. During this period, I have always been favorably impressed with Dr. Pecora's vast knowledge and administrative ability regarding the Geological Survey. He is quick in adopting the latest scientific techniques and in utilizing such developments in their practical application.

One such program is the earth resources observation satellite project. Sioux Falls, S. Dak., is most fortunate with its designation as the major reception center for the EROS project. This facility will enable our State to combine the advances in agriculture with the advances of the space age to promote not only our own development, but the continued development of our Nation. Recently, Dr. Pecora was in Sioux Falls in conjunction with EROS project activities. He was most favorably received there.

I would like to thank Mr. Al Schock, president of the Sioux Falls Industrial and Development Foundation, for bringing to my attention an article written in the Sioux Falls Suburban News by Pablo, an anonymous columnist, about a brilliant administrator and my good friend, Dr. William Pecora.

The article, which was published April 30, 1970, follows:

FROM PABLO'S PATIO

Sioux Falls had a visitor last week. That is not news because Sioux Falls has lots of visitors every week. He was a distinguished visitor. So what! Many distinguished persons have visited our City. This man, though, had something about him that to Ol' Pablo made him strangely different from all the other visitors I have seen and heard and met. He is a very rare type of individual composed of, it seems, several differing characters all maintained in a close and delicate balance.

This visitor is recognized as one of the world's leading scientists in his field, a highly trained expert—yet he is able to communicate to laymen, to translate his technical knowledge and ideas into terms understood by Mr. Average Citizen. He heads up the United States Geological Survey Division of the Department of the Interior—yet, in appearance and action, he could be the operator of the corner grocery or owner of the local drug store. He is a dreamer of almost impossible dreams, or an acceptor of someone else's dream—yet he possesses a down-to-earth practical-type approach that translates these dreams into possibilities, then into probabilities, then into problems whose solutions convert the dreams into realities. He lives in a world of space technology, of rapid scientific advancement, of politics, of project funding, of unending pressures—yet his vision of the goal of all our progress in the realm of science and technology is how best to apply these things for the betterment of life for every man, woman and child living on the face of this old world of ours.

This is the Dr. William Pecora that Ol' Pablo saw last Thursday as some 450 persons attended a luncheon meeting of the Industrial Foundation to hear some of the details of the EROS project outlined by Dr. Pecora. I was particularly impressed with the manner in which he closed his discussion of the project's ultimate development. He evidenced a deep and sincere conviction that the technical data and information that will be amassed here in Sioux Falls will be capable of being used to change the "have not" nations of the world into "have" nations with an acceptable standard of living, a comfortable economy, and a happy citizenry, which will remove the tension spots that are now troublesome areas. This will help generate the element of dignity in and for every individual member of the human race; it will help restore respect for the United States in all countries; and it could make possible the complete elimination of wars of all sizes and kinds. This is a dream that Dr. Pecora is convinced can become a reality, and each of us is being allowed to have a part in the process.

'Til Next Time—be thankful we live today where things happen.—*Pablo.*

VENEREAL DISEASE: A PLAGUE ON OUR HOUSE

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 13, 1970

Mr. SCOTT. Mr. President, venereal disease has reached epidemic proportions throughout the country and in some cities is reported to be out of control. Lack of public awareness about the causes of venereal disease, its prevention, and the availability of treatment are factors contributing to the current VD crisis.

A special television program entitled "VD: A Plague on Our House" probes the growing menace of venereal disease to the health of the Nation and explores the efforts of public health authorities, physicians, and medical research in helping to combat this crucial problem.

Pfizer Pharmaceuticals is sponsoring this important television documentary as a part of a nationwide VD education and information program designed to focus public attention on the rapidly growing VD epidemic. I urge all Senators to view this important program which will be broadcast in the Washington area Friday, May 15, from 10 to 11 p.m. on WRC–TV Channel 4.

TEXARKANA HIGH SCHOOL STUDENT CLEANUP DAY

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, today I want to take the opportunity to commend the young people of America for taking up our national concern for environmental-control and making it a cause for which they are willing to work in a constructive manner. I am referring, in particular, to the efforts of more than 1,100 Texarkana high school students from both Texas and Arkansas.

Mr. Speaker, these hard-working high school students both initiated and organized a community-wide trash pickup day for Saturday, April 19. With the young men and women swarming the city in a manner described as "a giant vacuum cleaner," the all-out campaign against litter saved local residents an estimated thousands of dollars, according to figures released by the Texarkana, Ark., Public Works Department and the Texas Highway Department. According to one highway official, the litter pick-up along Bowie County highways in Texas cost more than $23,000 in tax dollars in 1969. This is the same money that could have been used in that county to better roads or even to build new highways.

The project was an all-day event. Students on one side filled up a truck which was 14 cubic yards square, an amount which does not include the litter that many of the students took directly to the landfill.

Texas students filled 1,000 large plastic bags before running out, while Arkansas students filled more than 750 of the disposable sacks. Although students were assigned to areas all over town, many areas were not covered because the students ran out of time and supplies. However, participants were go-getters, expressing their desires to extend the project beyond that single day in April. Actions such as this show how much young people do care about their community.

Mr. Speaker, we must continue to encourage such cooperative and aggressive efforts on the part of our teenagers. At this beginning of a new decade, they have adopted America's national conscience. These students realize that there is a pressing need to work to preserve all of nature's beauty so that it might continue to complement the beauty of our manmade edifices. There is no place for litter on our highways nor is there a place for trash in our gutters.

The student leaders of Texarkana have been commended repeatedly since the project began on their deep, sincere enthusiasm for doing a job that needs to be done. But the way that they have handled the details and the actual work deserves an even bigger round of applause from the adult community.

It is now our responsibility as adults not to allow their efforts to be wasted. We cannot allow these students to be discouraged by their efforts. We must follow the example set by the Texarkana students. We must work together to keep both our community and rural areas clean and free of litter.

SBA AND NATIONAL DISASTER RELIEF

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. PRICE of Texas. Mr. Speaker, on April 23, 1970, I discussed the President's efforts to reform national disaster relief assistance. I also discussed some of the national disaster relief efforts being directed to the Texas Panhandle to help that area recover from the devastating effects of two killer storms.

Yesterday disaster struck again in Texas. The south plains city of Lubbock, the home of the distinguished chairman of the House Appropriations Committee (Mr. MAHON), was devastated by the most destructive tornado to hit the area in recent memory. According to current reports, the storm killed at least 28 individuals, injured more than 300, and left approximately 10,000 people homeless. Damages to personal and real property may well exceed $30 million.

The President has focused Federal national disaster relief efforts by declaring that several north Texas counties have been subjected to a major natural disaster and that he is authorizing the use of Federal funds to supplement State and local relief measures. Federal, State, and local coordination will center on several north Texas counties damaged by tornadoes during the last 30 days.

On another front, the Small Business Administration, under the capable leadership of Hilary Sandoval, has declared the stricken areas to be eligible for disaster loans and is accepting applications for long-term, low-interest loans for housing, small businesses, and nonprofit institutions affected by recent tornadoes. Residents of Texas have come to expect such immediate and effective responses from the Small Business Administration, because Hilary Sandoval and his fine staff have dedicated themselves and the SBA to responsive community service.

The activities of Mr. Sandoval have been the subject of a recent editorial appearing in the Lubbock, Tex., Avalanche-Journal. I commend the remarks of this fine paper to the attention of my colleagues.

The article of April 23, 1970, follows:

A STOUT FELLOW

> Although he has come and gone after doing his job on the ground, it is not too late to give a friendly slap on the back to Hilary Sandoval, head man of the Small Business Administration.
>
> He didn't call on an assistant to come to West Texas and investigate the losses of the twin tornadoes which spread death, injury and destruction over a wide area last week. He came, himself, and personally traveled the affected places.
>
> He didn't leave it to aides to set up temporary SBA offices so storm victims could get the same service right at home that they could get in the Lubbock Regional headquarters. He did that job himself, too.
>
> Stout fellow, Hilary Sandoval, who accepts his responsibilities as they come.
>
> This young, personable El Pasoan who holds the highest government post yet assigned an American of Mexican ancestry, Mr. Sandoval is tireless when it comes to keeping up with his job. He goes where the action is, whether to New York to cancel out a loan to a Mafia-dominated business approved by a predecessor of earlier administrations, or to investigate whether or not discrimination has been practiced following a Gulf Coast hurricane. Mr. Sandoval doesn't "let George do it." He does it—and he does it well.
>
> All of us who live in West Texas may be proud that our area has contributed the services of this young man to the nation. Unafraid of critical commentators, willing to tangle with power-hungry politicians if that must be and preferring to go back to his own profitable business rather than do something he knows isn't right, he is a breath of fresh air in official Washington.
>
> He's quite a guy and he shows it at every turn.

ON THE CONSTITUTIONALITY OF CONGRESS LOWERING THE VOTING AGE TO 18 BY STATUTE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RAILSBACK. Mr. Speaker, recently President Nixon sent a letter to leaders of the House of Representatives in which he questioned the constitutionality of Congress lowering the voting age to 18 by statute. I would remind my colleagues that this is not a new question. The constitutionality of proceeding to accomplish the result of lowering the voting age by act of Congress has been debated, researched, and discussed during Senate hearings and during the floor debate in the Senate. The final upshot was that after considering the question, the Senate passed the statutory provision by a nearly 4-to-1 margin of 64 to 17. Mr. Speaker, experts disagree on nearly every bona fide question. I wish to share with my colleagues my disagreement with the President and those who share his views on this particular question.

First, I would like to call to the attention of my colleagues the testimony presented on March 10, 1970, to the Subcommittee on Constitutional Amendments of the Senate Judiciary Committee by Assistant Attorney General William H. Rehnquist. In his testimony, the Assistant Attorney General stated as follows:

> Certainly constitutional law, especially that pertaining to the Fourteenth Amendment, has changed substantially in recent years, and no informed observer could state

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> unequivocally that the statutory approach would not pass muster with the Supreme Court. But even more surely, no informed observer can affirmatively state that the statutory approach would pass muster with the Supreme Court. Characterizing the chances of success as best I can, in my opinion, I would have to say that they are uncertain and dubious.

Later in his testimony Mr. Rehnquist summarized the situation facing Congress in the following words:

> The practical question facing this Committee, and which will ultimately face the Congress as a whole, is whether to proceed by the statutory route because of the shorter time involved, rather than proceeding by the constitutional route because of the greater certainty involved.

I accept such a summary of the question which will face my colleagues. And I will candidly state that, like the lopsided vote in the Senate clearly stated its decision, my decision is that the "practical" answer to this "practical" question is to support the statutory route.

I do believe that a strong case can be made for the constitutionality of all of the provisions of the Senate-passed Voting Rights Act, including the nationwide uniform residency requirements, the nationwide literacy test ban, and the provision to lower the voting age. Prof. Archibald Cox, a former Solicitor General of the United States, testified before a Senate committee that Congress could lower the voting age by statute. Prof. Paul Freund likewise is of the opinion that Congress has the power to lower the voting age by statute. And 64 U.S. Senators are on record in support of this judgment.

In his letter to you, Mr. Speaker, the President says that Congress cannot act because the Constitution vests such power in the States. To quote from the President's letter:

> On many things the Constitution is ambiguous. On the power to set voting qualifications, however, the Constitution is clear and precise; within certain specified limits, this power belongs to the States.

And the President advises that accordingly only the States can act unless Congress acts by constitutional amendment. I would remind my colleagues that the President seemingly limits this rationale to the voting age portion of the pending legislation. That voting qualifications are to be left to the States is his message. Yet there is a portion of this same legislation, the residency requirements, dealing with voting qualifications which was offered on behalf of the administration, and it is apparently permissible for Congress to act by statute on this item. I suggest to my colleagues that if Congress, in its wisdom, determines to act by statute with regard to voting qualifications, whether such qualifications pertain to literacy, residence or age, the judicial branch of our Government will give proper recognition to the act of the legislative branch. If the administration's residency requirement provisions are a proper statutory exercise of congressional power, then so also with respect to the voting age provisions.

In two memorandums which the Justice Department presented to Congress to justify the administration amendments concerning literacy tests and residency requirements, the Department relied upon a Supreme Court case, *Katzenbach* v. *Morgan*, 384 U.S. 641. As the Justice Department states:

> The Court held that the power of Congress under Section 5 of the Fourteenth Amendment to enact legislation prohibiting enforcement of a state law is not limited to situations where the state law is unconstitutional.

I believe the very same case and the very same principle provides the very same justification for the constitutionality of lowering the voting age by statute as it does for changing other voting qualifications by statute. In its opinion in the Morgan case, the Court ruled that Congress has broad power to exercise its discretion in determining the need for and the nature of legislation to secure 14th amendment guarantees. In the Morgan case, the Supreme Court took notice of section 5 of the 14th amendment, which states: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." The Court stated at page 649 that:

> Without regard to whether the judiciary would find that the Equal Protection Clause itself nullifies New York's English literacy requirement as so applied, could Congress prohibit the enforcement of the state law by legislating under Section 5 of the Fourteenth Amendment? In answering this question, our task is limited to determining whether such legislation is, as required by Section 5, appropriate legislation to enforce the Equal Protection Clause.
>
> By including Section 5 the draftsmen sought to grant to Congress, by a specific provision applicable to the Fourteenth Amendment, the same broad powers expressed in the Necessary and Proper Clause, Art. I, Section 8, clause 18. The classic formulation of the reach of those powers was established by Chief Justice Marshall in *McCulloch* v. *Maryland*, 4 Wheat 316, 421:
>
> "'Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional.'"

The Supreme Court went on to state, at page 651, that:

> Thus the *McCulloch* v. *Maryland* standard is the measure of what constitutes "appropriate legislation" under Section 5 of the Fourteenth Amendment. Correctly viewed, Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment.

The issue then which would be before the Court in a test of the power of Congress to lower the voting age by statute will be analogous to that in the Morgan case; that is, whether the congressional action is "appropriate legislation" under section 5 of the 14th amendment. If, therefore, Congress finds that the equal protection clause is best served by extending the voting franchise rather than restricting the franchise, and if there is a reasonable basis for this finding, the Congress has the power to change the law by statute and grant the vote to 18-year-olds, even though, in the absence of action by Congress, the Supreme Court might have upheld State laws setting the voting age at 21.

In its opinion in the Morgan case, the Supreme Court stated at page 652 that section 4(e) of the Voting Rights Act of 1965 was, first, "an enactment to enforce the equal protection clause," and, second, "plainly adapted" to furthering these aims of the equal protection clause. Continuing, at page 653, the Court stated:

> Section 4(e) thereby enables the Puerto Rican minority better to obtain "perfect equality of civil rights and equal protection of the laws." It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did."

The President suggests that if Congress passes the pending legislation (H.R. 4249 as passed the Senate) and the 18-year-old vote provisions are later declared unconstitutional by the courts, it will have "immense and possibly disastrous effects." I do not agree with such a conclusion. In fact, I would caution my colleagues that needing only to simply agree with the Senate-passed language, we would probably bring forth far more dissent and disruption among our already frustrated young people if we failed to act favorably at this time. It is no secret that constitutional amendment proposals for lowering the voting age have languished in this Congress and previous Congresses. I am a sponsor of such a proposal, House Joint Resolution 865.

It is perfectly clear to me that the Voting Rights Act is the only realistic hope of challenging our youth to work within the system rather than turning them aside to be picked up and used by those who seek to destroy the system through violence. The youth of today are better educated, physically superior, and better prepared to take the responsibility of the vote at 18 than ever before. We have before us the chance to challenge them to participate or we can say that we are sorry, but we prefer to go about our business in the same old way and someday they may be given the vote. I believe it would be several years in coming, under the constitutional amendment route. It would be next January 1, under the pending legislation.

Finally, to those whose doubts remain, I would say that the legislation is ideally constituted to make possible a prompt review of the constitutionality of the action by Congress. Section 303 provides for an expeditious review of the cases brought, and I frankly feel that the Attorney General can take appropriate action to bring a test case which could be presented to the Supreme Court for final determination of the constitutional issue

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without substantially jeopardizing any National or State election, particularly the presidential election of 1972.

I commend to the attention of my colleagues an editorial which appeared in the Washington Evening Star on April 29. The Star concludes that:

> Given the present circumstances, the best course would be to pass the bill and to force a court test at the earliest possible moment. If the law survives the judicial test, the job is done. If it is thrown out, then the slow but sure method of amendment can be adopted to reach the goal that the House, the Senate and the President all profess to seek.

I insert the editorial in its entirety at this point in the Record.

NIXON AND THE TEENAGERS

The President's suggestion to the House leaders that legislation giving the vote to 18-year-olds should be rejected as based on the proposition that a constitutional amendment would be a surer and quite possibly a faster route to the same goal. Mr. Nixon is half right.

There is no doubt that the legislative route raises serious constitutional questions. Respected legal opinion differs over whether or not the Supreme Court will accept so massive a federal invasion of the constitutionally sanctioned right of the states to set voters' qualifications. No prudent man would wager heavily that the legislation could survive its first court test.

But the presidential argument that a constitutional amendment could be the quickest way to deliever the vote to the teenagers is something less than sound.

An amendment requires a two-thirds approval of the House and Senate and ratification by three-fourths of the states. Congressional approval of an amendment seems sure enough, but the approval by 38 state legislatures before the 1972 elections is doubtful. Many states will resist the federal intrusion on their sacred preserve. Most legislatures are not now in session. And the fact that the amendment giving the vote to the District passed in 11 months is no guarantee that as has been suggested, the 30 months remaining before the 1972 election is ample time. The D.C. vote was of no great concern to the legislators; the vote within their own states is.

The President also argued that the questionable legality of the Senate bill could, if voted into law, drag on through the courts beyond the 1972 elections, leaving the outcome of the election in doubt for months. The prospect is a chilling one—no doubt about that. But the likelihood of its ever being realized is approximately nil.

The Senate bill provides for an immediate test of the legislation in District Court. In addition, it would be possible for any state, as soon as the legislation takes effect on January 1, 1971, to initiate action directly in the Supreme Court. And there is no reason at all to suppose that the court would refuse to hear without delay a case of such obvious national importance.

It might have been wiser, at the outset, to go after a constitutional amendment. But now the 1972 election is drawing near. The legislation has passed the Senate and will, if allowed to reach the floor, pass the House. Given the present circumstances, the best course would be to pass the bill and to force a court test at the earliest possible moment. If the law survives the judicial test, the job is done. If it is thrown out, then the slow but sure method of amendment can be adopted to reach the goal that the House, the Senate and the President all profess to seek.

SPAULDING ADVOCATES MORE BLACK REPRESENTATION ON BOARD OF DIRECTORS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. DIGGS. Mr. Speaker, Asa T. Spaulding, retired president of the North Carolina Mutual Life Insurance Co., and a director of W. T. Grant Co., a bank, and a savings and loan association, and a trustee of two universities and a technical institute, is pushing for more black representation on the board of directors of the Nation's leading business and industrial corporations.

In a letter to the president and/or chairman of the board of 109 of the country's leading and most respected corporations, Spaulding said:

> I can think of nothing which I believe would be a more convincing proof of your total commitment in this area (equal opportunity employment), and increase minority and public confidence in your determination to provide forward looking leadership all the way, than for your company to put a competent and responsible Negro on its Board of Directors.
>
> Such action would definitely place your company in the *vanguard* of the major corporations on the *wave* of the future. Furthermore, such a person could bring to your deliberations a point of view and interpretation which might not otherwise be adequately understood, and considered in proper perspective.
>
> Good racial attitudes and relations may well be one of the *essential* keys to the stability of our form of government and to the economic progress of the country in the years ahead.

Spaulding has already received replies from 62 of the 109 companies written. The first two replies came within a week and read in part as follows:

> Number 1. I suspect that every member of our Board would agree with the sentiment expressed in your letter of February 4. Would you be good enough to suggest six or more able and responsible Negroes whom I might bring to the attention of the Board?
>
> Number 2. If you have in mind any Negroes who you think are worthy of consideration, I would be delighted to have their names.

Mr. Spaulding says the responses have been so favorable that he senses the need for developing a kind of "bank" of qualified blacks and other minorities for corporate directorships and other top level positions, and from which business and industry might draw. This is now being considered

He also says:

> It is anticipated that only capable, knowledgeable, and otherwise qualified persons with balanced judgment for making policy decisions would be considered for Board memberships. An unqualified person would not only be a disservice to a corporation but would also defeat the objectives and purposes envisioned.
>
> On the other hand, a well qualified minority member might bring an additional dimension to a Board. And his "input" during these times of social upheaval, which threaten our form of government as well as the private enterprise system, might help Board deliberations and decisions to be more relevant and result in better protection of shareholder and consumer interests.

Spaulding says he is not certain as to how imminent action is but that many of the corporations have indicated serious intentions, and several have requested the submission of from three to six names of persons for review and for a determination if a suitable selection might be made.

KATYN MASSACRE MEMORIAL HELD IN HAMMOND, IND.

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. MADDEN. Mr. Speaker, on Sunday, May 3, I addressed the 30th Anniversary Memorial Observance of the Katyn Forest Massacre, one of the great international crimes in world history. This observance was sponsored by Thomas Sech, president of the Indiana Division of the Polish American Congress.

In the 82d Congress, the House of Representatives created a select congressional committee to investigate this massacre of over 14,000 Polish leaders at the beginning of World War II during the winter of 1939 and 1940. This special congressional committee, of which I had the honor to be chairman, held hearings in this country, London, and Europe and recorded for posterity testimony which established and revealed to the people of the world the barbarous methods used by the Communist leaders in exterminating innocent victims in order to establish Communist domination and tyranny over all the nations on the globe.

It has been estimated that since the days of Lenin, over 40 million humans have been murdered, massacred, and starved to death by reason of the insane methods of Communist tyrants to inflict tyranny upon free people.

Mr. Speaker, I include with my remarks a resolution which was unanimously adopted at the 30th anniversary ceremony by the Polish American Congress mass meeting at Hammond, Ind., on the afternoon of May 3, 1970.

I also wish to call the Members' attention to a dispatch in this morning's Washington Post announcing the death of Gen. Wladyslaw Anders, one of the most outstanding Polish military leaders and statesmen of this century. He passed away yesterday in London, suffering from a heart attack.

At the time of the Katyn Forest massacre, General Anders was incarcerated, in solitary confinement, in a Moscow prison where he had spent 20 months. He was freed after the German invasion in 1941 and became commander of Polish forces in Russia for the remainder of the war.

General Anders organized an army of freed Polish war prisoners and brought the troops to the Middle East. The Polish II Corps, as the army was called, fought alongside the Allies in Africa and Italy.

General Anders was honored by the American, English, and French Governments for his service.

In 1946 the Polish Communist government stripped General Anders of his nationality, accusing him of "activities detrimental to the state."

Mr. Speaker, General Anders devoted his life to the cause of Poland and he was a great aid to our committee when we held hearings in London and Europe exposing the true facts regarding the Katyn Forest massacre.

Mr. Speaker, I include with my remarks a letter written to me on June 8, 1959, by General Anders which further reveals his patriotic devotion to a Free Poland and the necessity of continuing the fight for future freedom.

Resolution adopted at the 30th Anniversary Observance of the Katyn Massacre.

Assembled at the commemoration of a tragic event, which has become known throughout the civilized world as the Katyn Massacre, we submit the following:

1. In accordance with the Soviet-German treaty of August 25, 1939, the Russian Army invaded Poland on September 17, 1939, when the Polish Army was bleeding in its valiant struggle against the armored might of Germany.

After the complete occupation of Poland by the German and Soviet forces, approximately 250,000 Polish soldiers were made prisoners of war in the Soviet zone of occupation. 15,000 Polish officers were placed in the prisoner of war camps in Ostashkow, Starobiels and Kozielsk in Russia.

These officers were wantonly murdered on the orders of the Soviet government—4,500 at the Katyn Forest, the remainder in heretofore unknown locality.

The International Tribunal of Nurenberg punished Germans guilty of crimes of genocide, but failed to hold hearings and pass judgement on the crimes of genocide perpetrated by the Soviet Union, which to this date enslaves smaller nations.

Indeed, the Soviet leaders guilty of genocide were instead accorded wide ranging concessions at Yalta, where these Soviet war criminals were given the right to conquest in East Central Europe. This in turn, enabled them to organize a vast empire, which today threatens the security of the free world.

2. According to press reports, confirmed by the State Department, NATO has worked out a strategic plan which provides for a nuclear attack on Poland and Czechoslovakia in case of Soviet aggression against Western Europe. Its purpose is to induce them to discontinue their invasion of Western Europe. The plan precludes nuclear attack against Russia itself.

Thus a nation guilty of genocide and conquest of many peoples, a nation which wages war against this country in Viet Nam and which openly declared its intention to destroy America, is to be saved from nuclear attack at the cost of the people of Poland and Czechoslovakia, who have always demonstrated their friendship toward the United States.

The nuclear barrage across Poland and Czechoslovakia would in effect be the complete destruction of both nations, innocent as they are.

Within this context, the nuclear strategy of NATO constitutes planned genocide, this time conceived by the nations which proudly proclaim the superiority of ethical values of our Christian heritage and Western culture.

3. We Americans of Polish descent, assembled here at the solemn commemoration of the 30th Anniversary of the Katyn Forest Massacre, request the President, the Senate and the House of Representatives of the United States of America, and the entire American nation:

To implement the Congressional Resolution of 1952, which established Russia's responsibility for the Katyn Massacre;

To disavow the NATO nuclear plan against Poland and Czechoslovakia; and finally

To initiate United States policy, which would lead to the liberation of the people of Poland, Czechoslovakia and all other nations of East-Central Europe, from Soviet enslavement.

THOMAS SECH,
President, Indiana Division, Polish American Congress.

HELEN RZEPKA,
Chairman, Civic Alertness Committee, Polish American Congress, Indiana Division.

JUNE 8, 1959.

Hon. Congressman R. J. MADDEN,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR MR. MADDEN: I read with great interest that you have raised the Katyn question in the Congress and that you are "preparing information for the State Department and the President concerning the Katyn Forest Massacre which will be helpful in a Summit Conference tentatively planned for this Summer."

At this occasion, may I express my most sincere gratitude for your constant effort in the pursuit of truth and justice as regards the tragic lot of Polish prisoners of war who, in the Spring of 1940, were murdered by the Soviets in Katyn and other as yet undiscovered places of execution.

I also wish to assure you that my countrymen, as well as myself, are well aware of the gravity of issues resulting from the work of the Congress Katyn Committee under your most efficient Chairmanship. We also attach great importance to the conclusions submitted to the President of the United States by this Committee following its valuable investigation of the case in 1952. Those conclusions, quite rightly and in accordance with the laws recognized in the World of today, requested that the Katyn case should be directed first to UNO and then to the Hague International Tribunal.

Next year, in the Spring of 1960, twenty years will have passed since the Katyn murder. The memory of this anniversary will be present in the minds of all Poles and we shall appeal again to the public opinion of Free Nations in order that justice should be applied to the criminals. We do not doubt that our American friends, and you Mr. Congressman in the first place, will raise their greatly valued voices in this important matter.

With kindest regards and all best personal wishes,

Yours very sincerely,
GENERAL W. ANDERS.

TORRANCE FIRM SELECTED AS SMALL BUSINESS SUBCONTRACTOR OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ANDERSON of California. Mr. Speaker, each year the Small Business Administration selects a Small Business Subcontractor of the Year. For the first time, a California business—Thiem Industries, Inc.—has won the award.

Thiem Industries, Inc., a firm located in Torrance, Calif., was rated first among the nominees of the west coast and later competed against entries in nine other SBA regions for the national honor.

Thiem Industries, Inc. was founded by Henry J. Thiem in March 1955 and incorporated in December 1955. The business was organized for the manufacture of precision metal assemblies and operations were begun in a small, leased building in Gardena, Calif., with five employees. In the first 12 months of business, Theim Industries had sales of less than $75,000. Today, 15 years after its modest beginning, the company employs nearly 200 people and has sales of $5 million per year.

Thiem Industries has enjoyed a steady growth over the years as a result of industrious and conservative management, a team of talented and dedicated employees and customers who have been loyal to a firm that has supplied them with quality products on a timely basis.

This company has been honored on numerous occasions in the past by its customers for its quality and performance. Among the outstanding honors bestowed upon the company was the nomination by the Norair Division of the Northrop Corp. for the 1967 Small Business Subcontractor of the Year Award and the nomination by the Fullerton Division of the Hughes Aircraft Co. in 1968. The high point of honors, of course, is the nomination for 1969 by the Aircraft Division of the Northrop Corp. which resulted in Thiem Industries being selected for the national award as the Small Business Subcontractor of the Year.

Mr. Speaker, I am exceedingly proud of Mr. Thiem and his firm and the quality products that they produce. In addition, I am proud of the contribution he and the members of his business have made to the community.

I would like to join with those who admire initiative, hard work, and pride in accomplishment in saluting the management and employees of Thiem Industries.

IT IS TIME TO END APPEASEMENT ON COLLEGE CAMPUSES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. HUNT. Mr. Speaker, an editorial appeared in the May 5 issue of the Camden Courier-Post clearly spells out the dangers to our educational system and calls for the restoration of order on college campuses if academic freedom is to prevail. I urge your attention to the message contained in the editorial.

No editor could have written a more

sensible editorial. I commend him for it—straight forward to the point.

The editorial follows:

ORDER ON THE CAMPUS

Pampering of demonstrators on college campuses, with calls for amnesty for even the most violent radicals, had gone far enough, we thought, as weak-kneed administrators seemed to compete among themselves for quickest capitulation.

But now comes a phenomenon in which a college president not only capitulates but seemingly joins the ranks of the protesters.

Kingman Brewster, president of Yale University, got right into the disorderly swim as students and others showed their support of the Black Panthers charged with murder in an impending trial in New Haven.

"I am appalled and ashamed that things should have come to such a pass that I am skeptical of the ability of black revolutionaries to achieve a fair trial anywhere in the United States," said this college head.

In large part, Brewster says, the atmosphere has been created by police action and prosecution against the Panthers in many parts of the country. For all that he makes it sound like a reign of terror, it has been noted that there hasn't been a single federal conviction of a Black Panther.

The agitation in New Haven is in protest of the trial of Bobby Seale and eight other Panthers charged with murder and kidnaping in the slaying of Alex Rackley, an alleged Panther turned police informer whose body was found in a swamp last May.

Yale University, which had no part in the sponsorship or organization of the rallies, opened its doors to the demonstrators who were fed and housed, and treated for tear gas irritation.

Bob Hope had a light-touch answer for Brewester's fear over a fair trial in this country. Why don't they go to Russia and try to get a fair trial, Hope wanted to know. But the question also had been answered adequately earlier in another Panther trial. ABC commentator Howard K. Smith wondered if the Panthers disrupting the New York court were white right-wingers instead of black left-wingers there would not be summary actions against their disruption.

So the Yale president's statement is pretty silly. He can sympathize with the defendants if he wants to. But the trial in New Haven is not a political trial and in no way equates with the Chicago 7 trial. In New Haven it's murder.

A fair trial comes with calm, dispassionate reason, not with the kind of hullabaloo demonstrators have raised at Yale. That's more dangerous in precluding a fair trial.

The time indeed has come for an end to appeasement on the college campuses. Hard answers don't come through appeasement and capitulation. A concise and clear set of rules for campus conduct might well be established. And suspension or ultimate expulsion for violators would be precisely in order.

There certainly should be no amnesty for lawlessness and violence. Penn State University president Eric Walker held his ground on that score recently even after he and his wife were driven from their home by rock-throwing students.

Such courageous administrators, along with the majority of professors and students on college campuses who practice good order and want to get on with the process of education, are to be commended and supported.

This is not to say there isn't a place for demonstrations. Anti-war feelings obviously are high on many campuses, with young men the ones who face the prospect of fighting in Southeast Asia in a war they do not support.

But their feelings are not best demonstrated when they turn to violence. Their concern does not permit them to burn down ROTC buildings. Attacks such as these smack of despised fascist tactics.

The death of four students and wounding of 11 others at Kent State University tragically points up the dreaded end result of demonstrations which turn to violence. Reason must come to the Ohio campus and to others where sporadic outbreaks of disorder have occurred.

Order must be restored on the campuses if academic freedom and the right of free—and peaceful—expression are to prevail.

THE DONKEY STILL KICKS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROONEY of New York. Mr. Speaker, much has been made of late of the malaise affecting the Democratic Party. In some circles it is known as a severe case of the shorts and while it is inconvenient, to say the least, it is rarely fatal. The Honorable James A. Farley, one of the greats of the American political scene, apparently thinks this way, too, and is not hesitant about saying so in print. Under the permission heretofore unanimously granted me I include a newspaper article carried in the Sacramento Bee, the Fresno Bee, and the Modesto Bee, written by Edward H. Dickson, entitled "The Farley Way in Politics":

THE FARLEY WAY IN POLITICS

(By Edward H. Dickson)

DEBT

Much ado is being made these days about the $9 million debt inherited by the present Democratic National Committee from the close-but-still-losing 1968 presidential campaign.

Some are going so far as to predict the party's death like that of the Whigs.

But there are dissenters who say that while the Democratic donkey might have a severe bad financial glanders or heaves, there is a potent kick in the old boy yet.

VETERAN

One of those who is not ready to roll over and play dead for the benefit of the Republicans is Rep. John J. Rooney of Brooklyn, NY, a congressional pepper pot if there ever was one.

"The pundits around the country," Rooney told his colleagues, "are trying to bury the Democratic party without even a decent wake.

"They say the party is leaderless, out of touch with the people and broke—that it cannot win in 1970 or 1972 and in fact may not even be in existence by then.

"This, like most punditing, is just pure bunk. The party owes money but it can win in 1970 and 1972 and once again prove it is the party of the people."

WITNESS

As a supporting witness for his viewpoint, Rooney cited James A. Farley, still sharp and active in the business world and one of the political geniuses of United States history.

It was Farley who packed a suitcase in the 1930's and traveled throughout the nation gathering delegates for Gov. Franklin D. Roosevelt, a fellow New Yorker, for the Democratic presidential nomination in 1932.

Farley has an almost uncanny memory for names and faces, boundless energy and a high regard for political loyalty.

FDR appointed Farley postmaster general at the same time he was serving as chairman of both the Democratic National Committee and the New State Committee.

He performed all his tasks well but the hostile Republican press referred to him as "three-job Farley" which disturbed the amicable Farley not in the least as he enjoyed wearing all three hats.

There was a story around Washington during early New Deal days that while Farley was not vindictive about punishing any of the administration's enemies, he thoroughly enjoyed rewarding his friends.

KEEN INTEREST

All things being equal as to qualifications for a job, Farley showed keen interest in knowing whether the favor seeker was "BC"—meaning not the calendar but a supporter of FDR "Before Chicago" where he was nominated.

Anybody who might have doubted Farley's political ability had to be thoroughly convinced by his management of Roosevelt's 1936 reelection campaign which he won by carrying every state except the then traditionally Republican states of Maine and Vermont.

Rooney pointed out Farley remembers 1928 when Democrat Alfred E. Smith was defeated badly by Herbert Hoover in an election which saw several of the then "Solid South" states go into the Republican instead of Democratic column. The political wiseacres expressed the belief the Democrats would be out of power for 25 years.

RECALLED

But Farley also recalled the Democrats bounced back in 1932 and it was they, not the Republicans, who held the White House for 20 years.

As to the leadership, Farley had kind words for both Hubert Humphrey and US Sen. Edmund S. Muskie of Maine.

He observed the election was close, that the McCarthy and Kennedy camps delayed too late in aiding the ticket and that Humphrey and Muskie would have won if the campaign had gone another week.

He said Muskie made an "extremely good impression, is knowledgeable and a good public speaker who never makes extravagant statements."

NATIONAL COLLEGE OF ECOLOGICAL AND ENVIRONMENTAL STUDIES

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population, of which I am chairman, has spent the past year studying the population growth problem, and related environmental issues. One of the most salient observations that we have made during this past year, is the necessity for increased programs that will enable our young people to deal with the problems that threaten the environment.

On April 21, Mr. Skip Spensley, the

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director of Environment in Washington, appeared before our task force, and presented an excellent discription of the work done by his group. Mr. Spensley aptly demonstrated the interest expressed by young people in the problems of our environment, and their desire to provide responsible action and leadership. At the Environment Teach-In on April 22, our staff was once again impressed by the seriousness and urgency with which young people have approached these problems. Later that week, one of our task force staff members delivered a speech at Ritchie Elementary School and was surprised that even children at this age have a foreboding concern for the future of the earth, and eagerly await the chance to make contributions to a saving effort.

On April 8, I introduced H.R. 16847, a bill to establish a National College of Ecological and Environmental Studies, which I strongly feel will aid in providing our young people with the opportunities that they so earnestly desire. The college would be established within the National Science Foundation for the purpose of encouraging the pursuit of ecological and environmental studies and vocations. It would be funded with seed money from Federal funds, but the bulk of the cost would be provided by the private and commercial sectors of the country. The bill has been referred to the Committee on Science and Astronautics, and we are hoping to receive a favorable report from this committee in the near future.

NEW HOPE FOR THE DEAF

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, I am calling to the attention of the Congress, HEW, our educators, and the medical profession the amazing results under new methodology of Dr. Petar Gubarina for erasing deafness developed at the Dr. Guberina Rehabilitation Center for the Deaf and Hard of Hearing at the University of Zagreb in Yugoslavia.

I submit in my remarks the two excellent letters on this program, and the recommendations of our outstanding Pennsylvania official, Dr. Neal V. Musmanus the competent and highly respected deputy secretary of the Department of Education of the Commonwealth of Pennsylvania.

The letters follow:

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION,
Harrisburg, Pa., April 9, 1970.

HON. RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

MY DEAR MR. PRESIDENT: You will be pleased to know that twenty-one American educators just returned from an education mission to three selected European countries—Poland, Romania and Yugoslavia—with stopovers in Hungary, Austria and Switzerland. Among the twenty-one educators were nineteen chief school administrators from that many states throughout our Nation, one college professor and one Deputy State Secretary of Education.

This special education mission was sponsored by the American Association of School Administrators with Dr. Arnold Salisbury as President and Dr. John Wilcox as Associate Secretary, planned and arranged by the National Education Association's Division of Educational Travel under the direction of Mr. William C. Becker; Mr. Gilmer R. Terry, Assistant Director; and Mrs. Lois M. Weinbach, Registration Manager.

It was my pleasure to serve as director of this educational mission and I respectfully write you to let you know of the wonderful reception we received in all these countries.

Wherever we went in Poland, Romania and Yugoslavia and where we stopped briefly in Hungary, Austria and Switzerland, we were received with genuine devotion and respect for the United States of America. They inquired about our President and asked us to extend our best wishes. They were especially enthusiastic in Romania where they remember your special visit with love and admiration.

We not only spoke with the ministers of education and other leading education officials in these countries, but conversed with the school administrators, teachers and students in the many schools we visited and with citizens in the cities and villages as well.

In each of the countries a small American flag was provided to grace our tables when we dined. This not only filled each of us with great pride for our beloved country but elicited respectful attention and admiration from the natives and others in the many dining rooms as well.

It is our feeling that this education mission sponsored by the American Association of School Administrators and the National Education Association did much to encourage friendly relationships and good will with our neighbors across the seas. I would particularly like to commend Mr. Becker, Mr. Terry, Mrs. Weinbach and others of the National Education Association staff, as well as Dr. Salisbury and Dr. Wilcox who made this rewarding experience possible. Special commendations are also due the educator members of the education mission for the exemplary manner in which they conducted themselves to bring increased admiration and respect for our beloved country. We were privileged to visit the American Embassies and speak with the Embassies' staffs in several of these countries and we were always received and treated most cordially.

This education study mission provided an introduction to the educational systems in these Central and East European countries, as well as to exchange ideas and methodology which would be of mutual interest and value to all of us.

We were particularly impressed and overwhelmed by an innovative program to rehabilitate the deaf and hard of hearing and actually erase deafness in children and adults as well which we had the opportunity to observe in Zagreb, Yugoslavia. This fantastic, unbelievable, new methodology referred to as "Verbotonal" was invented and developed by a distinguished professor in the University of Zagreb and truly a new genius in the world today—Dr. Petar Guberina. We shall make every effort to bring his findings and methodology to America for the benefit of so many handicapped children and adults.

I apologize for writing you at such great length but we know of your devoted interest in education and how much you would personally appreciate hearing about our education mission and the great respect the natives of these Central and East European Countries have for American educators and the President of the United States, Richard M. Nixon.

I am also writing to the Honorable William P. Rogers, Secretary of State; Honorable Hugh Scott and Honorable Richard S. Schweiker, the senior and junior United States Senators from Pennsylvania; our Governor, the Honorable Raymond P. Shafer; and to our State Secretary of Education, Dr. David H. Kurtzman so that they may know of the extraordinary, wonderful treatment we received and also of the devoted expressions to you.

Most respectfully,
NEAL V. MUSMANNO.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF EDUCATION,
Harrisburg, Pa., April 10, 1970.

Dr. JAMES E. ALLEN, Jr.,
Assistant Secretary of Education and U.S. Commissioner of Education, Washington, D.C.

DEAR COMMISSIONER ALLEN: With the thought that it may be of interest to you, I am pleased to send you a copy of a letter I have written to the President concerning a special Education Mission to three European countries—Poland, Romania and Yugoslavia.

As director of this Education Mission, from which we have just returned, I am happy to share this with you.

I especially refer you to the third from the last paragraph on the second page of my letter to the President in which I write about Dr. Petar Guberina and his unbelievable methodology for erasing deafness. You will recall my discussions with you, with Dr. James Gallagher and with others of your staff concerning this new technique which has finally been designed and cast into a project proposal from the State of Pennsylvania and, as you recall from my personal visit to your office Monday morning, March 9, 1970, presented officially to your Bureau of Education for the Handicapped under the title *An Investigation of the Verbotonal Method With Preschool Deaf Children.* The proposal has been designated as No. 23-2322, and the project officer assigned from your staff is Mr. Melville J. Appell as indicated by Mr. L. J. Capossela, Grants Management Specialist, Division of Research, Bureau of Education for the Handicapped.

I write this letter to you not only as a courtesy and with the utmost admiration for your educational leadership in our Nation, but also as a report on this unbelievable new methodology in the treatment and rehabilitation of the deaf and hard of hearing. I would be most grateful if my letter might be used as an addendum to our Project Proposal No. 23-2322 and could be circulated to the readers you select for our proposal.

As indicated in my letter to President Nixon, 21 American educators participated in this special Education Mission to Central and Eastern Europe, which is described in my letter. Although the visit to the University of Zagreb in Yugoslavia and the Dr. Guberina Rehabilitation Center for the Deaf and Hard of Hearing was not officially on the original schedule of the Education Mission, once we visited there, all of the chief school administrators, the college professor and myself were absolutely overwhelmed by the results of what we saw. Specifically, profoundly deaf children ranging in age from two through ten years—in fact, Dr. Guberina treats persons at early age to age 90 in adult groups—are now not only able to hear their language and understanding is impeccable. You would be thrilled, I am sure, to see and hear a deaf child speak so clearly, so plainly and so perfectly without any off-key intonation. After the profoundly deaf children are with him for periods of time ranging from two to three years, they are placed in regular classroom situations and can hear and speak beyond belief.

I should like to quote briefly from some of the reports of the chief school administrators who were members of the official Education Mission.

Dr. G. E. Ebbertt—Chief School Administrator, Anderson, Indiana: "The highlight of the entire tour was the visit to the "School for the Rehabilitation of the Deaf" in Zagreb, Yugoslavia. Dr. Petar Guberina has introduced the theory of "Verbo-tonal" in rehabilitating deaf students and adults. His patience in providing the time to demonstrate his work and success was most generous. Dr. Guberina is one of the great geniuses of this day. We Americans should do everything possible to help expand the work of this great man. Many children relegated to a life of audio darkness can be restored to a near normal status and will be able to enjoy the normal way of life. To see this great display of a genius at work with little children and to see them changed to happy normal children was emotionally disturbing."

Dr. H. M. Landrum—Chief School Administrator, Spring Branch School District, Houston, Texas:

"We found an innovative practice in Yugoslavia that should be broadly introduced in the U.S. This is the method and technique of instructing deaf children to the point to which they can attend regular classes after a few years training under this program. It was developed by Professor P. Guberina who has both a superior talent and determination. We saw the program in action and the success achieved appeared far superior to anything now existing in the United States. H.E.W. should immediately develop a sustained interest in both Professor Guberina and his technique."

Dr. R. Thomas Jannarone—Chief School Administrator, Hazlet Township Public Schools, Hazlet, New Jersey:

"Although the visit to Dr. Petar Guberina's school for the deaf was not on the official itinerary, I feel obliged to report my amazement at the results of this theory and system. I saw the results as the children answered the teacher in a clear voice that is not typical of deaf children taught to speak by other means. Dr. Guberina's theory seems so reasonable after one sees it work. I would suggest that our government make funds available on expansion of the program in the U.S. Dr. Guberina and his staff were so enthusiastic and dedicated to their work that it is contagious. It was probably the most important thing we saw on our entire mission in Europe."

Dr. Peter Vukad—Chief School Administrator, Hamilton, Montana:

"One of the highlights of our tour was the visit to Dr. Guberina's Rehabilitation School for the Deaf. Certainly this should be pointed out to the AASA and our congressional delegations in Washington as a very worthwhile effort that will bear watching."

Dr. Clarke N. Johnsen—Superintendent, Tooele School District, Tooele, Utah:

"I was overwhelmed with the work being done by Dr. Guberina and his staff at the Center of Rehabilitation for the Deaf at Zagreb. The system and the techniques of teaching were tremendous."

I trust that I have not imposed too much on your valuable time with such a lengthy letter, but I wanted to share with you some of the enthusiastic expressions of the American chief school administrators on the Education Mission regarding this outstanding innovative educational program to help handicapped children and adults. Knowing of your devotion to these matters, I am sure you will be interested in the strong impressions made by Dr. Guberina's work on all of us.

I am indeed grateful for the interest and attention that you and your staff have given the Pennsylvania State proposal. I know that Dr. Kurtzman and Governor Shafer feel the same way. We look forward hopefully to an affirmative response, as we are most anxious to get this important work under way as soon as possible.

Sincerely,

NEAL V. MUSMANNO.

ROOT-TILDEN SCHOLARS OPPOSE WAR

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRASER. Mr. Speaker, the recent actions in Indochina have caused great concern and alarm among many college students. The gravity of that concern is shown by this letter from the Root-Tilden Scholars of New York University School of Law.

These students see the need for a more drastic form of protest than that they have previously supported. They commit themselves and urge other students to enter the political system more directly. They fully support the many organizations designed to alter the direction of U.S. involvement. I am pleased to place this letter in the RECORD. It was endorsed by the student body of the law school. The letter follows:

ROOT-TILDEN RESOLUTION

We, the Root-Tilden Scholars at New York University School of Law, have been asked to dedicate a major part of our lives to the ideal of serving the public interest. We met last night because that ideal required it.

The escalation of the war in Cambodia and Vietnam, undertaken without public discussion or consultation with the Congress, without legal or constitutional authority, and after a national election in which the electorate indicated its desire for an end to the war, seems to us to strike at the heart of democratic government and the rule of law.

For the past five years, the Vietnam war has continued unabated in the face of every form of traditional dissent. Faced with this major new escalation, we therefore cannot recommend merely public statements, or letters to the editor, or teach-ins and workshops, or even marches. Those methods have already been tried and each time have been discounted or ignored.

For us the time has come when we can no longer meet our obligation to public service by sitting in the library with friends and legal niceties. That obligation now compels us to devote our time to action where it will be effective—in the communities, in Washington, or in organizations designed to change the tragic direction our nation has taken.

After the most serious discussion, we have concluded, by a vote of 38–7–4, that the school should be closed and our efforts directed full time along the channels we propose below. For us to recommend a form of protest as drastic as closing the school is itself an indication of how serious our situation is, and how inadequate our efforts in the past have been. But for us to propose something less than this is to urge the adoption of methods which have proved ineffective in the past, and thus, in effect, to propose nothing.

Great demands upon the time of both faculty and students are now being made by the pressures of the approaching examination period. But to devote even minimal time to those examinations now is to be derelict in our obligations as citizens. The intellect and the manpower of this great faculty and student body must be brought to bear upon this most severe national crisis. This can only be accomplished if this institution now takes the step of freeing that faculty and student body for duties which far transcend routine legal work as contributions to our national well-being.

MAY 4, 1970.

Root-Tilden Scholarships are awarded annually to two students from each judicial circuit in the country who show promise of becoming lawyers dedicated to public service. The Program currently includes students from the following states:

Alabama, California, Colorado, Connecticut, Florida, Kansas, Illinois, Indiana, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, Washington, West Virginia and Wisconsin.

THE ANTIWAR LOBBY

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RYAN. Mr. Speaker, for the last week students from throughout the country have been filling the Halls of Congress to lobby against the President's policy in Vietnam and the extension of the war into Cambodia.

These students have remained in Washington to convey to their Senators and Congressmen the concern of college students and faculties about the administration's present course in Southeast Asia and recent events in the United States.

The young people are attempting to achieve their goal of ending the war in Vietnam by making use of our present political system.

I hope that all Members of the House will join me in praising the responsible work of these young Americans.

I am inserting in the RECORD a letter which was delivered to my office on behalf of the students, faculty, administration, and staff of Bryn Mawr College.

We in Congress should acknowledge the views of those lobbying in the Nation's Capitol this week. They represent an important part of our constituency, and their voices should be heard.

The letter follows:

MAY 5, 1970.

DEAR CONGRESSMAN: Many members of the Bryn Mawr College Community are deeply distressed at the decision of President Nixon to send American armed forces into Cambodia. We think that one of the most effective means of expressing our concern is through a petition, which we circulated

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among the College Community from Monday morning, 4 May 1970, through Tuesday evening, 5 May 1970. The statement of the petition follows:

"We, the undersigned members of the Bryn Mawr College Community, as members of that Community and individually, deplore the decision of President Nixon to send members of the armed forces of the United States into Cambodia.

"His action, taken without prior consultation with Congress, raises serious questions concerning the abuse of Presidential power. To many Americans, this decision disregards a basic principle of the Constitution, namely that of representative government.

"We therefore call upon the members of Congress to exercise their lawful authority, in this time of national stress, in curbing Presidential decisions which commit United States armed forces to Southeast Asa. The war in which we are there engaged can surely no longer be called the "War in Vietnam," but the "War in Indochina." We, the undersigned, believe that the Congress of the United States will meet its responsibility in this respect."

We intend to present the original petition, with its 785 signatures, to the office of President Nixon. We have tabulated the numbers and percentages of those members of the Bryn Mawr College Community who have signed the petition. They fall into the following categories:

	Undergraduate students (472)	Graduate students (121)	Faculty members (73)	Staff (63)
Total number of students	718	485	[1] 180.0	Alumnae on campus 3.
Percentage who signed	66	21	40.5	Status not indicated 9.
				Administration 3.

[1] Approximate.

Note: Percentages for staff, alumnae, administration, and those whose status was not indicated are not available.

We feel that these figures are particularly impressive, because the petition was circulated within such a brief period of time. We are not attempting to make a statement for the entire College Community, but rather we have allowed individuals within the Community to express their opinion through this petition.

We ask that you consider carefully the statement of this petition as the expression of 785 individuals within a small college who would like to see the policies of President Nixon challenged by each member of Congress.

Please direct your responses to: Jean Eros, '71 (undergraduate), Pembroke West, Bryn Mawr College, Bryn Mawr, Pennsylvania 19010.

(Home address: 355 Tyler Avenue, Washington, Pennsylvania 15301).

PESTICIDES—SOME ALTERNATIVES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. OBEY. Mr. Speaker, as more research is completed, and more evidence comes rolling in showing the chilling effects to our environment from the massive use of hard chemical pesticides, it is obvious that action is needed to curb the indiscriminate use of these hard pesticides throughout the Nation.

As a well researched and thoughtful article in the recent issue of Bio-Science points out, approximately 300 pesticides were in general use in 1966, in 10,000 different formulations. That article summarizes many of the facts which we now know about pesticides: How they affect even the outer reaches of the earth like the Antarctic, far from the sites where they were first used, how they concentrate in the tissues of man and animals, and how they have seriously impaired the reproductive capacities of numerous species of birds. That article also estimated that pesticides may poison up to 30,000 persons each year seriously enough to require medical attention.

Pesticides, of course, are not all evil. They have increased crop productions, controlled nuisance pests, and freed millions of persons throughout the world from insect-borne diseases.

But the use of hard pesticides for many years has made many insects highly resistant to certain compounds. As a result we must use more and more of them, in higher and higher concentrations, or we must devise alternative methods to deal with the problem. The knowledge we have gained in the past few years about pesticides and how they affect our environment clearly indicates that it would be foolish to simply increase our use and concentrations of them.

There are alternatives.

Certainly less harmful pesticides can replace more harmful ones in some instances. Research should be accelerated in the biological control of pests. At the present time the USDA has admitted that its budget for the next fiscal year lacks more than $7 million that could effectively be used for research on improved means of nonchemical pest control. Such pest control research is currently underfunded by at least $4 million for this fiscal year.

One such method of pest control is sterilization of pests to prevent their reproduction. As another article in the recent Bio-Science points out, it is certainly feasible and to our advantage economically and ecologically to begin to use sterilization control methods on pests which now pose a problem to man.

Sterilization and other types of biological control programs are now being studied at the USDA and elsewhere. Clearly, it is incumbent upon us to continue and even accelerate this type of research. If increased funding is needed, it is well worth the cost.

The articles mentioned appear below:

TOWARD SAFER USE OF PESTICIDES

(By Sheila A. Moats and William A. Moats)

The widespread use of new synthetic organic pesticides has introduced an unprecedented array of chemicals in the environment. According to Mitchell (1966), in 1966, approximately 300 organic pesticide chemicals were in general use—as insecticides, miticides, herbicides, fungicides, and for other miscellaneous purposes—in 10,000 different formulations. These chemicals were developed for control of specific pests and with so great an array of compounds, it is impossible to fully evaluate their effects on all possible nontarget organisms. It may be expected that in so diverse a group of chemicals, the undesirable biological side effects will be quite variable. Information is gradually accumulating which enables us to appreciate the nature of these side effects.

The general public first became aware of the potential hazards of pesticides in 1962 from Rachel Carson's book *Silent Spring* (1962). This book aroused a storm of criticism but did bring public awareness of a need for more study of the possible hazards of these compounds.

Pesticides are generally recognized to be indispensable in modern agriculture although the benefits may sometimes be overestimated. The spectacular successes of insecticides in controlling diseases spread by insect vectors are also well established. Despite progress in biological control, pesticides are likely to remain our first line of defense against various types of pests for some time to come. However, Headley and Lewis (1967) point out that all too many discussions of the use of pesticides are written from a defensive point of view, and they point out the need for a more sophisticated economic approach to the use of pesticides.

SOME COSTS AND BENEFITS OF PESTICIDES

Benefits of pesticides may fall into several categories: increases in crop production resulting from applications of insecticides, herbicides, fungicides, etc.; preservation of other materials from attack by insects, fungi, etc.; control of nuisance-type insects; or reduction of deaths and illness from diseases through control of insect vectors.

Costs include the cost of the pesticide itself plus the cost of application, deleterious effects to human and nontarget plant and animal life, costs of monitoring for residues, and losses from destruction of foods which contain levels of residues considered to be excessive. Some costs and benefits may be estimated economically while others may be difficult to evaluate in monetary terms but are perhaps no less important. It is, for example, difficult to set a monetary value on human lives saved or lost through pesticide use or even on the positive or negative effects on human health.

Wild mammals, fish, birds, and other wild creatures are attractive esthetically and are perhaps of more economic importance than is generally realized. Apart from purely esthetic considerations, annual expenditures of hunters and fishermen are estimated by the U.S. Fish and Wildlife Service to be of the order of four billion dollars (Headley and Lewis, 1967): To put this figure in proper perspective, it approximately equals the farm value of all the corn produced in the United States and is nearly twice the farm value of cotton (USDA, 1967a). We can add to this the substantial expenditures of birdwatchers, hikers, and other nature-centered activities of millions of people. In addition, wild game and fish may provide an important source of quality protein food. Therefore, it is evident that fish and wildlife must be given adequate consideration in any cost/benefit analysis of pesticide use.

INJURIOUS EFFECTS

Examination of the literature indicates that injurious effects of pesticides are confined mainly to a limited number of compounds. Environmental contamination and most of the injurious effects of fish and wildlife reported result from the use or misuse of a small number of organochlorine insecti-

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cides. Although the older arsenicals apparently still cause more deaths annually (Hayes and Pirkle, 1966), most human illnesses and deaths from the newer synthetic pesticides are attributed to parathion and other highly toxic organophosphate insecticides through accidents or misuse, suicides, etc. The organochlorine insecticides and parathion also happen to be the cheapest to use and are, therefore, used extensively (Mitchell, 1966). It may appear that more injurious effects are found with these compounds simply because they are used so widely. However, they have certain properties which make them inherently more hazardous than many other insecticides. Parathion, which is highly toxic to warm-blooded animals including man (Mitchell, 1966; USDA, 1967b), is a significant hazard to agricultural workers. It breaks down rapidly, however, and seems to present little hazard in the environment or in foods. Many organochlorine insecticides are quite persistent and break down slowly. Their main hazard is not that they are persistent, as often stated, but that they are biologically concentrated. Were it not for this concentration, trace amounts in the environment would be of little concern. With the potential for concentration, very low levels may build up to injurious levels in certain organisms.

EFFECTS ON HUMAN HEALTH

Data on human illnesses and deaths from pesticides are not systematically tabulated for most areas. Hayes and Pirkle (1966) showed 111 accidental deaths attributed to pesticides in 1961 in the United States. This figure may be compared with 328 accidental deaths in one year from barbiturate poisoning (Headley and Lewis, 1967). More than half of the deaths attributed to pesticides were caused by pre-DDT pesticides, mainly arsenicals, and a substantial portion of the deaths occurred among small children. Dade County, Florida, reported 68 deaths from pesticides in the period 1956–65, 40 of which were caused by organophosphate insecticides (Davis et al., 1966). Some of these deaths were homicides or suicides, and the rest resulted mainly from accidents or misuse. For 1960–63, California reported 800–1100 cases annually of occupational illnesses from pesticide use among agricultural workers. These data do not cover the one-third of agricultural workers who are self-employed and do not include illnesses caused by pesticides among the general public.

In California, the rate of occupational illness among agricultural workers is reported to be higher than for any other industry (West and Milby, 1965). Many factors other than pesticides are involved; however, the incidence of workman's compensation awards for conditions resulting from inhalation, absorption, and swallowing of pesticides was three times higher than for all industry in 1961 (Kay, 1965). A quotation from Barnes (1966) gives an idea of the situation in some other parts of the world.

"A recent report to WHO indicates what is happening in one small country of Central America where parathion and methyl parathion are being used on cotton. To quote an excerpt:

'The Departmental Hospitals at U- and S- each see up to 300 serious intoxications a month during the cotton growth season (about 6 months) with 2-3 deaths per month. Still more cases are treated in the field by foremen, administrators, and friends. . . .' "

While most accidental deaths and illnesses result from carelessness and misuse, West (1966) cites about 400 illnesses among fruit pickers reported to have been caused by parathion residues on the leaves. In this case, the parathion was presumably applied according to accepted procedures.

From the California data, we may hazard a guess at the incidence of pesticide poisoning cases nationwide which required medical treatment. California uses about 10% of the total pesticides used in the United States (Andrilenas et al., 1969). There are 15,000 cases of poisoning among agricultural workers reported annually in the nation. Since the California data do not cover the one-third self-employed agricultural workers, we can assume that rather than the previously stated 800-1100 figure, there are about 1500 cases of poisoning that occur annually in California. About half the reported accidental deaths attributed to pesticides are among nonagricultural workers (Headley and Lewis, 1967). Therefore, it is reasonable to suppose that as many cases of serious poisoning occur among nonagricultural workers, giving us a total of 30,000 cases nationwide sufficiently serious to require medical attention. Considering that California makes a more active effort to control pesticide use than many other areas (Rudd, 1964; West and Milby, 1965), the figure of 30,000 illnesses requiring medical treatment annually appears conservative. West and Milby (1965) describe a special study made in Dade County, Florida, which showed 13 deaths from pesticides in 1963 alone—eight accidental and five suicides. If the special study had not been made, eight of the 13 deaths would have been attributed to causes other than pesticides. These figures, if representative for the nation, suggest that the number of 111 accidental deaths annually reported by Hayes (Hayes and Pirkle, 1966) for 1961 may be low by a factor of 2–3. It is difficult to reconcile a report of eight accidental deaths in one Florida county in one year with a nationwide total of only 111 annually.

It has been reported that acute or chronic poisoning by organophosphate insecticides sometimes results in long-term neurologic, disorders (Faerman, 1967; West, 1968). West and Milby (1965) report that agricultural workers heavily exposed to pesticides are considered poor risks around machinery even if they do not show obvious symptoms of poisoning.

While few, if any, illnesses or deaths occur among users of pesticides who follow instructions and wear proper protective clothing, there is little margin for error with the highly toxic organophosphate insecticides. These compounds are frequently handled by people who have no appreciation of their toxicity (West and Milby, 1965). In selecting pesticides, one must consider their safety under actual, as well as ideal, conditions of use. Allowance should be made for the possibility that they might be handled carelessly or misused.

HUMAN LOADS OF CHLORINATED PESTICIDES

Great emphasis has been put on pesticide residues in foods with the results that they are generally relatively low (Hayes, 1966). Loads of pesticide residues in human body fat have been estimated to be 12 ppm for DDT and related compounds in the United States (West, 1966) and about 3 ppm of these compounds in Great Britain (Abbott et al., 1968) and Belgium (Maes and Heyndrickx, 1966). Small amounts of several other organochlorine pesticides were also found. Average levels of DDT and related compounds have remained constant in the United States since 1950 (Hayes, 1966) and have decreased slightly in recent years in Great Britain (Abbott et al., 1968). A summary by Robinson (1969) of human residue loads shows the wide variations found in different individuals. Human residue loads are generally far below levels known to cause intoxication (Hunter, 1968). Data from Hayes et al. (1958) indicate that levels of DDT and related compounds were only about 25% of the average in strict vegetarians, indicating that animal products are the main source of residues in human body fat. The only pesticides occurring in significant amounts in animal products are organochlorine compounds.

There is no direct evidence that present levels of pesticide residues in the human diet or in human body fat are harmful. However, it has been found that comparatively low levels of DDT and dieldrin in the diet induce an increase of microsomal enzymes (Durham, 1968, Kupfer, 1968) in the liver, which affect drug and steroid metabolism. These effects have been noted at levels of as little as 2.5 ppm DDT in the diets of rats (Fillette, 1968). The increases in microsomal enzymes are produced by many other chemicals besides pesticides and are evidently detoxification mechanisms. (The main significance in man appears to be that an increased rate of drug metabolism can reduce human response to the drugs.)

The o,p isomer of DDD has been found to depress the functioning of the adrenal cortex in a number of species, including man. The compound has been used successfully to treat Cushing's syndrome, a condition characterized by oversecretion of adrenal cortical hormones (Kupfer, 1968). The pesticide o,p-DDD was found to block the action of vitamin D_3 in mobilizing calcium in rachitic chicks, (Sallis and Holdsworth, 1962) which may be significant in light of recent evidence, discussed further on, of disturbance of calcium metabolism in some species of raptorial birds. Reports that o,p-DDT has estrogenic activity were recently confirmed by Bitman et al. (1968). Technical DDT contains about 20% of the o,p isomer (Gunther and Jeppson, 1960). The pesticide p,p-DDT can be converted to p,p-DDD in rat livers (Datta et al., 1964), and it is likely that the o,p isomer can undergo similar conversion. Unfortunately, most published residue analysis for DDT, DDD, and DDE are based on the p,p isomers so there is no way of assessing the practical importance of residues of the o,p isomers in biological systems.

EFFECTS OF FISH AND WILDLIFE

Most reported injurious effects of pesticides to fish and wildlife have involved a small group of organochlorine insecticides. In considering hazards to wildlife, we may distinguish the effects of wildlife in areas directly treated with pesticides from those resulting from general environmental contamination. Direct treatment may be disastrous to wildlife in the area treated but does not endanger wildlife generally. If treatment is discontinued, and the area treated is not too large, complete recovery may be expected in a few years. Where more extensive areas are treated, as was the case in the fire and control program, recovery may be slow (Rudd, 1964). Effects on wildlife from general environmental contamination, on the other hand, could be more serious since much larger areas are involved. The very existence of affected species may be threatened, and the contamination cannot be controlled.

The classic example of the effects of treating an aquatic ecosystem with an organochlorine insecticide (DDD) was described by Hunt and Bishoff (1960) and has been summarized by a number of authors. Clear Lake, California, was treated with low levels of this pesticide to control midges. Extensive concentration of this pesticide occurred in the food chain resulting in levels of up to 2500 ppm in the visceral fat of fish and extensive poisoning of grebes (*Aechmophorus occidentalis*) inhabiting the lake. Concentrations of pesticide in the edible flesh of some fish approached 200 ppm, far above legal tolerances. There have been numerous reports of severe poisoning of birds, particularly robins (*Turdus migratorius*), in areas heavily treated with DDT to control Dutch elm disease. These are summarized by Wurster et al. (1965). Poisoning is thought to result mainly from accumulations in insects and worms on which the birds feed. On the other hand, purple grackles (*Quiscalus quiscula*) and red wing blackbirds (*Agelaius phoeniceus*), both of which may be agricultural pests, were reported to be unaffected in areas heavily treated with DDT (Walley et al., 1966).

Carson (1962) and Rudd (1964) have summarized the adverse affects on wildlife and domestic animals of heavy pesticide treatments used in fire ant and Japanese beetle control programs.

Organochlorine insecticides are quite stable in the environment and are readily transported in air, on dust particles (Cohen and Pinkerton, 1966), or in water, either dissolved or adsorbed on particles of suspended organic matter (Keith, 1966). Their dissemination in the environment is, therefore, widespread and uncontrollable. Living organisms have a tremendous capacity to concentrate organochlorine pesticides, especially in food chains where successive concentration occurs as small organisms are consumed by larger ones. Therefore, low concentrations in the environment cannot be assumed to be harmless. Hunt (1966) cites a number of examples of such concentration in natural systems to levels injurious to organisms at the top of food chains, mainly fish-eating birds. In the Clear Lake example (Hunt, 1966) mentioned previously, concentrations in the fat of fish-eating birds were 100,000 times those applied to lake water; a number of instances have been noted where organochlorine insecticides have been concentrated several thousandfold. The dynamics of concentration of organochlorine pesticides have been discussed by Robinson (1967) and involve an equilibrium between intake, metabolism, and excretion. The equilibrium level attained at a given intake of pesticide depends on the physiology of the particular organism involved. Aquatic ecosystems are particularly susceptible since the food chains are more complex than in terrestrial systems and the opportunity for biological concentration of pesticides is, therefore, greater. Wide dissemination of organochlorine insecticides—particularly DDT and metabolites—and dieldrin is shown by findings of substantial concentrations in seals and porpoises in the North Atlantic (Holden and Marsden, 1967), in seabirds off California (Risebrough et al., 1967), and even in penguins and seals in the Antarctic (Sladen et al., 1966).

Robinson et al. (1967) observed that only HEOD (dieldrin) and p,p-DDE were found in significant amounts in marine organisms. They observed seasonal fluctuations in storage of these compounds, showing that results of single analyses from one season must be interpreted cautiously.

Consideration of DDT to near-toxic levels has been reported in a Long Island salt marsh, and the biota of this area might be significantly affected (Woodwell et al., 1967). A number of fish kills have been observed resulting from pesticide runoff into streams (Rudd, 1964). Ferguson (1967) has found that some organisms such as mosquito fish (*Gambusia affinis*) have become resistant to endrin and can accumulate sufficient pesticide in their bodies to poison predators feeding on them. He notes that large-mouth bass have disappeared in areas where such resistant fish occur, indicating that the effect may be ecologically significant. Resistance to endrin has also been found in sunfish (*Lepomis* sp.), thus presumably presenting a potential hazard to anyone unfortunate enough to eat one.

EFFECTS ON REPRODUCTION

Where animals are not directly poisoned, reproduction may be affected, this can be as serious as direct poisoning. DeWitt (1955) found that viability of pheasant (*Phasianus colchicus*) and quail (*Colinus virginianus*) eggs was affected by levels of DDT and dieldrin in the diets which did not harm the adults. Where eggs hatched, chicks frequently died a few days after hatching. Environmental levels of organochlorine insecticides appear to be high enough to have effected the reproduction of some species of birds. The evidence is summarized by Wurster and Wingate (1968) and by Hickey and Anderson (1968). Declines in reproductive rates have been noted in gulls (*Larus argentatus*), the Bermuda petrel (*Pterodroma cahow*), and several species of hawks and eagles. The existence of some species of hawks and eagles including the osprey (*Pandion haliaetus*) and the bald eagle (*Haliaeetus leucocephalus*) appears threatened by these reproductive failures. One species, the peregrine falcon (*Falco peregrinus*) has already been exterminated over a large portion of its former range (Hickey and Anderson, 1968). The declines began coincident with large scale use of DDT. A concomitant decrease in eggshell thickness occurred concurrently with this decline indicating derangement of mineral metabolism (Hickey and Anderson, 1968; Ratcliffe, 1967). DDT and other organochlorine insecticides are known to affect steroid metabolism in various species (Kupfer, 1968) and are thus prime suspects (Hickey and Anderson, 1968). Residues of p,p-DDE in eggs of peregrine falcons and sparrow hawks (*Accipiter nisus*) in Great Britain, both species which are declining, were found by Walker et al. (1967) to be higher than for most other species sampled. These results may reflect differences in metabolism or greater exposure from food sources. Declines in reproduction with ospreys were shown to be proportional to pesticide levels in the eggs (Ames, 1966). The evidence, therefore, points to chlorinated hydrocarbon pesticides as prime factors in the recent declines of these species. The species affected are all predators at the top of food chains; thus, the opportunity for exposure to concentrations of residues magnified biologically is at a maximum. It has been noted recently that polychlorinated biphenyls, industrial chemicals, are also widely distributed in the environment and also induce proliferation of microsomal enzymes. Risebrough et al. (1968) have found that concentrations of polychlorinated biphenyls in living organisms are somewhat lower than p,p-DDE, but these chemicals may also be involved in the declines noted in raptorial birds.

The viability of fish eggs was also found to be affected adversely by DDT. Losses of newly hatched fry of lake trout in a New York State hatchery were traced to DDT residues in the eggs (Burdick et al., 1967). The effects on reproduction of wild fish populations have not been reported but could be significant in some cases.

Crayfish are a by-product of rice growing and sometimes are more valuable than the rice. However, residues of aldrin and dieldrin in the crayfish (Procamberus clarkii) were found to be higher than could be permitted in interstate commerce. Residues appeared to result from environmental contamination rather than treatment of rice seeds used in the fields studied (Hendrick et al., 1966).

SOME PROS AND CONS OF DDT

The spectacular results obtained by using DDT to control insect disease vectors have been well documented (Jukes, 1963) and one can scarcely criticize this use of DDT. At the time these programs were undertaken, there were few alternative pesticides and there was no other feasible method of controlling these diseases so rapidly and effectively. However, because DDT was the best method of controlling insect-borne disease in the 1940's, does not necessarily imply that it is still the method of choice. The diseases have been reduced greatly but not eradicated; resistance of insects to DDT is widespread, and many alternative pesticides are available today.

Use of heavy DDT sprays to control Dutch elm disease is an example of benefits that are purely esthetic. Elm trees provide neither food nor fiber, and human illness is not involved. Elm trees are merely pretty to look at. The value of birds is also mainly esthetic, though it may be argued that they eat insects. It is difficult to justify saving elm trees by a method known to kill large numbers of birds (Wurster et al., 1965). The use of an alternative pesticide, methoxychlor, has been reported to be as effective as DDT in controlling Dutch elm disease with much less hazard to birds and other wildlife (Whitten and Swingle, 1964). Prompt destruction of dead or dying elm trees has been reported by Mathysse (1959) to be effective in control of the disease. Whitten and Swingle (1964), however, conclude that this method was of little value. Consideration of benefits vs. costs would indicate to us that the use of DDT was unjustified in this case because of its injurious effects. Use of methoxychlor is more expensive but is largely free of injurious effects. Sanitation, if successful, would be cheaper than a method using pesticides because dead or dying trees would have to be removed sooner or later anyhow. Of course, sanitation is completely free of injurious side effects.

SOME SUGGESTIONS FOR ACTION

We have considered, up to this point, some of the most serious examples of injurious effects known to be caused by pesticides, or for which there is strong evidence that they are caused by pesticides. Can these injurious effects be reduced or eliminated without losing the benefits of pesticides? It is likely that they can be, in many cases, simply by selecting alternative pesticides. The alternative pesticides are likely to be more expensive when only the cost of the pesticide material is considered and they may be slightly less effective against given pests. Realistic consideration of the true costs of any pesticide must consider any injurious effects, accidental or not, as part of the true cost of use of a pesticide. With organochlorine insecticides, costs of monitoring for environmental residues must be considered. With highly toxic pesticides, the costs of medical treatment and time lost through illness must be considered. A realistic cost/benefit assessment using this approach will tend to favor the use of nonpersistent pesticides of low toxicity to man. We have already discussed the substitution of methoxychlor for DDT for control of Dutch elm disease. The USDA Guide to the Use of Insecticides (1967b) lists several alternative insecticides for most applications, showing that it is frequently feasible, on the basis of present knowledge, to substitute pesticides of low persistence and toxicity. The dairy industry has successfully eliminated the use of persistent organochlorine insecticides in production of feeds and forages and in the control of insects affecting daiy cattle. The USDA (1965) has also eliminated broadcast applications of organochlorine insecticides from many of its pest control programs; for example, low-volume malathion sprays have been substituted for dieldrin for grasshopper control. In many cases, it has proved necessary to find alternatives to organochlorine insecticides because target insects have become resistant to them.

Ample information is now available on problems of pesticide usage to provide a basis for specific action to reduce injurious effects. Some specific suggestions for action are:

1) Restrict use of DDT and dieldrin, which are the most serious environmental contaminants. Regulatory agencies should restrict their use of these compounds to situations where such usage is of significant

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benefit to human welfare and where it can be shown that no alternative method of insect control is feasible. Cautious use in public health programs might, for example, be justified. Protection of purely ornamental plants would not be essential. Such action would significantly reduce environmental contamination without totally precluding the use of these compounds where such usage is absolutely essential. Similar action should be considered for other chlorinated pesticides. Steps to implement this approach have already been taken by the U.S. Department of Agriculture and several states.

2) Restrict use of highly toxic organophosphorus insecticides, such as parathion, until it is demonstrated that they can be used reasonably safely under actual conditions with some margin for error.

3) The Public Health Service should systematically collect data on pesticide poisonings which are clearly a significant public health problem. Such data would provide a more accurate appraisal of the magnitude of the problem and provide a rational basis for corrective action.

4) While steps are taken to reduce pesticide hazards, research on biological control should, at the same time, be accelerated. The question arises as to whether we can safely and effectively eliminate the use of pesticides. At the same time, we must substitute biological control cautiously, making sure at every stage that the balance of nature is undisturbed.

Analysis of costs and benefits of pesticide use is very complex, and judgments must be continually modified on the basis of experience and new research findings. Where evidence is presented, indicating that pesticides may be producing injurious effects, it seems reasonable that the burden of proof of safety should lie with the user or those who advocate the use of the pesticide in question. We believe that public policy can best be developed through free and open discussion of controversial issues from various points of view and hope that this paper will make a contribution toward the safer use of pesticides.

SUMMARY

About 300 pesticide chemicals with very diverse properties were reported to be in use in 1966. Some are inherently more hazardous to fish and wildlife and to man than others. Highly toxic organophosphate insecticides are very hazardous to agricultural workers since they allow little margin for carelessness or misuse. Human illnesses and deaths from pesticides could be reduced by substituting less toxic compounds where they will serve the purpose. Reported injurious effects of pesticides to fish and wildlife result mainly from a limited number of organochlorine insecticides, especially DDT and related compounds. Heavy applications of DDT to control Dutch elm disease have been shown to cause severe losses of birds in the area of application. Use of the less toxic pesticide, methoxychlor, or sanitation, to control the disease, can reduce or eliminate the hazards to birds. Environmental contamination by organochlorine insecticides is of concern because these compounds can be, and have been, biologically concentrated to injurious levels in a number of cases. Levels harmless to adults can adversely affect hatchability of eggs of birds and fish. There is considerable evidence linking environmental contamination with DDT and derivatives to reproductive failures in certain species of hawks and eagles, resulting in sharp declines in numbers. In many instances, alternative pesticides are available, which may be used with substantially less hazard to man and his environment.

NOTE

Chemical names of pesticides mentioned in this paper are: p,p-DDD—1,1 dicholoro-2,2-bis(p - cholorophenyl) ethane, o,p - DDD—1,1 dichloro-2-(o-chlorophenyl) - 2 - (p - chlorophenyl) ethane, p,p-DDE—1,1-dichloro - 2,2-bis(p-chlorophenyl) ethylene, p,p - DDT—1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane, o,p-DDT—1,1,1-trichloro-2(o-chlorophenyl)-2-(p-chlorophenyl) ethane, Dieldrin—1,2,3,4,10,10-hexachloro-*exo*-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro - 1,4,5,8 - *endo*, *exo* - dimethanonaphthalene, Endrin—1,2,3,4,10,10-hexachloro-*exo*-6.7,-epoxy-1,4,4a,5,6,7,8,8a,-octahydro-1,4,5,8-*endo*, *endo*-dimethanonaphthalene, parathion—0,0-diethyl 0-p-nitrophenyl phosphorothioate, methyl parathion — 0 - 0 - dimethyl, 0-p-nitrophenyl phosphorothioate, methoxy-chlor—1,1,1 trichloro - 2,2 - bis (p-methoxyphenyl) ethane.

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SUPPRESSION OF PEST LEPIDOPTERA BY RELEASING PARTIALLY STERILE MALES: A THEORETICAL APPRAISAL

(By E. F. Knipling)

Scientists at many institutions are investigating the effects of atomic radiation and chemosterilants on reproduction in Lepidoptera. These insects include some of the most destructive pests of agriculture. The ultimate purpose is to utilize sterilized insects to control populations as is now being done with the screw-worm fly, *Cochliomyia hominivorax,* and certain tephridid fruit flies. Early attempts to sterilize Lepidoptera and other orders of insects emphasized methods that would assure 100% sterility in the insects intended for release.

However, the adverse effects of high doses of radiation on the mating competitiveness and behavior of many insects, including Lepidoptera, have caused researchers to concentrate greater effort in recent years on the use of minimum doses that produce a high degree of sterility but not necessarily complete sterility.

Proverbs (1962) first observed that substerilizing doses of gamma radiation administered to male codling moths, *Laseyrisca pomonella,* and subsequently mated to normal females resulted in reduced numbers of F_1 progeny that were predominantly males possessing a high level of sterility. Other investigators working on Lepidoptera have since obtained similar effects on F_1 progeny and have conducted studies to determine the effects of substerilizing doses to subsequent generations. In such studies, North and Holt (1968a, b), Proshold and Bartell (in press), Walker and Quintana (1968), Walker (1968), and others have shown that substerilizing doses of radiation to male parents can cause various levels of sterility in the F_1 progeny that do complete development. In addition, the writer has been furnished with unpublished data on delayed sterility in Lepidoptera obtained by D. T. North, G. G. Holt, F. I. Proshold, and M. T. Ouye. These data show that substerilizing doses of gamma radiation are capable of producing genetic damage in the cabbage looper, *Trichoplusia ni,* the tobacco budworm, *Heliothis virescens,* and the pink bollworm, *Pectinophora gossypiella,* that may be transmitted as sterility effects to F_1 progeny that are successful in completing development to the adult stage. Of special significance, the level of sterility and other lethal factors are higher in both sexes of the F_1 progeny than in the treated male parent. (Investigations by Bauer (1967) offer an explanation of the cytogenetic mechanisms involved in the delayed sterility effects of irradiation on Lepidoptera).

Calculations by the writer, based on the published and unpublished data obtained by the cited investigators at Fargo, N.D., indicate that high levels of sterility in F_1 populations resulting from the release of males receiving only a moderate sterilizing dose of radiation would, theoretically, produce more effective suppression of populations than the release of 100% sterile moths. The higher level of suppression would be in addition to the greater suppression that can be expected because of increased mating competitiveness and greater competitiveness of sperms of moths receiving the lower doses.

It seems important to record the results of these calculations and then make an appraisal of the significance of these genetic effects in suppressing reproduction in natural insect populations subjected to the release of partially sterile insects.

The practical significance of basic data on sterility in insects can easily be overlooked or remain obscure unless such data are carefully evaluated in terms of practical use for the control of insects. The theoretical biomathematical approach can project the general magnitude of effects to be expected if released insects carrying known lethal genetic factors are programmed into hypothetical normal insect population models. However, if such calculations are to be realistic and meaningful, they must be based on a reasonably good understanding of the biology, behavior, population dynamics, and natural densities of the insects that are to be controlled by the suppression method under consideration.

There are obvious limitations to such a theoretical approach since detailed information on important parameters, such as the natural population density and relative behavior of released and natural moths, may be lacking. Yet, the theoretical approach may be the only feasible way to make initial appraisals of the potential value of different methods of insect control. Research resources are generally inadequate to undertake a series of large-scale field experiments that would be desirable or necessary to determine the impact of various suppression methods, especially when the methods involve genetic manipulations that may not have maximum impact until one or more generations have elapsed. Many of the insects in question are capable of flying hundreds of miles during their lifespan. Thus, testing has to be done in very large areas or with isolated populations to determine what degree of suppression will result. Even when testing on small islands is feasible, there may be no comparable island populations to use in comparing the effects of different types of treatments, including untreated populations. Thus, the theoretical biomathematical approach, though limited, is an important way to appraise the merits and limitations of different methods of insect suppression and can guide laboratory and field investigations to the methods that are most likely to be effective and practical. Of course, adequate field trials will still be essential as a final step in the development of any insect suppression method.

This paper appraises the role that releases of partially sterile insects capable of transmitting sterility effects to the F_1 generation can play in the suppression of certain pest Lepidoptera. Population models will be used to calculate the theoretical suppression of reproduction achieved by introducing insects carrying certain assumed sterility factors. The calculated degree of suppression will be compared with the reproductive potential of a hypothetical normal population and also with a population subjected to the release of moths treated with a conventional 100% sterilizing dose. Similiar theoretical calculations have been used previously (Knipling, 1964, 1966; Knipling and McGuire, 1966, 1968) to appraise the potential value of methods of suppressing insect populations.

ASSUMED EFFECTS OF SUBSTERILIZING DOSES OF RADIATION

As noted, information on inherited sterility in *H. virescens* and *T. ni* obtained at the Metabolism and Radiation Research Laboratory indicates that substerilizing doses of radiation applied to males will cause genetic damage in progeny that result from mates with normal females. Additional information on the nature and magnitude of these effects is needed, but current information indicates that 15 kr doses of gamma radiation applied to male insects will cause of the order of 60% sterility. However, the progeny that result from eggs that do hatch are virtually 100% sterile. Some egg hatch may occur when the F_1 moths mate with normal moths of the opposite sex, but the mortality in larvae, pupae, and adults is higher than for normal insects. Moreover, any adult progeny that are produced show some sterility when mated to normal moths. For the purpose of this theoretical appraisal, complete suppression of reproduction is assumed for F_1 moths that develop from mating between treated male parents and normal female parents.

It is also assumed, for the purpose of the study, that all treated moths, regardless of the dose of radiation, and all progeny carrying inherited genetic damage have mating competitiveness equivalent to that of normal insects. Moths receiving low doses of radiation are known to approach the mating competitiveness of normal moths, but some reduction in competitiveness is likely to occur even with the reduced doses. Therefore, in releasing moths for practical control, it may be necessary to increase the number of released moths to overcome any decrease in competitiveness that would result from the treatment.

TREND OF A NORMAL POPULATION OF MOTHS

Before calculating the suppressive effects of releasing insects that transmit sterility to the F_1 progeny, it is first necessary to establish a reference model that depicts the trend of a normal population. The writer assumes a fivefold increase per generation for several successive generations as reasonably representative of the average normal rate of increase of an uncontrolled low density population. The hypothetical population is assumed to start at a density level of 1000 moths per square mile in the first generation. Although a constant rate of increase in each generation cannot be expected to occur in nature, it will simplify calculations to apply a constant fivefold increase rate until the population stabilizes at the maximum density that the environment will maintain. If a normal low density is 1000 moths per square mile, we might expect the maximum density to be of the order of 125,000 moths per square mile per generation.

With certain multigeneration Lepidoptera, the density of a population that causes economically important damage to a crop (the economic threshold) is not likely to be reached until about the third generation. Therefore, the assumption is made that for practical suppression, the populations must be kept well below 25,000. The normal uncontrolled population is assumed to develop as follows:

Generation	Number of insects of both sexes
Parent	1,000
F_1	5,000
F_2 (economic threshold)	25,000
F_3 (maximum density)	125,000
F_4	125,000

TREND OF A POPULATION OF MOTHS RECEIVING A RELEASE OF 100% STERILE MALES

As already noted, past appraisals of the feasibility of the genetic approach to the control of insects have been based largely on suppression to be expected from the release of completely sterile insects. It, therefore, seems appropriate to first project the theoretical effect to be expected from release of 100% sterile moths for one generation. For suppression of 90% of the reproduction in a population consisting of 1000 insects, it would be necessary to release 900 fully competitive sterile insects of both sexes or 4500 sterile males. (When insects are completely sterile, it is generally accepted that the release of both sexes has the same effect as the sterile males only.) The theoretical effect produced by releasing these completely sterile but fully competitive moths during the first generation is shown in the following model:

Generation	Natural population number of insects of both sexes	Number of 100 percent sterile males released
Parent (500 males and 500 females)	1,000	
F_1	500	None.
F_2	2,500	None.
F_3	12,500	None.
F_4	62,500	None.

The calculations necessary to estimate the trend of a population after the release of sterile insects are rather simple. If 4500 sterile males are competing with 500 normal males for 500 normal females, which results in a 9:1 sterile to fertile male ratio, only 10% or 50 of the normal females will be expected to mate with normal males. However, according to our basic parameter, the insects that do make normal matings will produce a fivefold increase in their number. Thus, if 50 normal females mate with 50 normal males in the initial natural population, 500 normal progeny can be expected. Since no additional releases are programmed and since the sterile moths that are released will not survive to affect the next generation, the surviving fertile population can be expected to continue to increase fivefold per generation.

The release during the first generation of 100% sterile males that are fully competitive from the standpoint of mating behavior and sperm activity will have a marked suppressive effect compared with an uncontrolled population. However, unless such releases are continued in subsequent generations, the population increases quickly after the initial reduction. By the F_4 generation, 62,500 moths will have developed, and maximum density can be expected by the F_5 generation. In contrast, and as already noted, the uncontrolled population will reach maximum density in the F_3 generation.

TREND OF A POPULATION OF MOTHS RECEIVING A RELEASE OF PARTIALLY STERILIZED MALES DURING ONE GENERATION

The trend of a hypothetical population of moths receiving a release of partial sterile males to compete with the parent generation will not be projected. The number released is the same as the number of completely sterile moths released. The theoretical population through the F_1 generations is calculated on the basis of the assumed suppressive effects already discussed. Partially sterile males are assumed to suppress reproduction by 60% when they mate with normal females, and the eggs that hatch are assumed to develop into moths of normal vigor and competitiveness. The F_1 progeny developing from 40% of the eggs that hatch are assumed to be completely sterile because of the accumulative suppression of reproduction due to sterile eggs, increased larval mortality, increased pupal mortality, increased ratios of males to females, and finally a substantial level of sterility in adults that do survive.

The trend of the hypothetical natural population of 100 moths (500 males and 500 females) receiving a release of 4500 60% sterile males is as follows:

Generation	Natural population Number of insects of both sexes [1]	Partially sterile males released
Parent (500 males and 500 females)	1,000	4,500
F_1	2,300	None
F_2	540	None
F_3	2,700	None
F_4	13,500	None

[1] See explanation in appendix of the method followed in calculating the results presented in each generation.

The natural moths subjected to the release of 100% sterile males, as already noted, would reach a theoretical population of 62,500 by the F_4 generation. In marked contrast, the population subjected to the release of partially sterile males would reach a theoretical population of only 13,500 by the F_4 generation. The reduced population is due to the suppressive effects in both the parent and F_1 generations. On the basis of the parameters established, 1800 of the 2300 moths in the F_1 generation would be sterile. The regular fivefold increase rate is assumed to occur in the F_2 and F_3 generations because of the absence of competing sterile moths in the populations.

The greater suppressive effect produced by the release of partially sterile males can perhaps be more readily appreciated by pointing out that it would be necessary to release about four times as many completely sterile as partially sterile males during the parent generation to have the same suppressive effect. It is emphasized that the higher degree of suppression of reproduction is calculated for the release of partially sterile males does not take into account the greater mating competitiveness of moths receiving of the order of 15 kr radiation as compared with moths that receive of the order of 35 kr radiation required to assure 100% sterility.

TREND OF A POPULATION OF MOTHS RECEIVING RELEASES OF PARTIALLY STERILIZED MALES DURING TWO GENERATIONS

In the suppression of multigeneration moth populations for the purpose of assuring protection of crops from significant damage, the release of treated moths for one generation only probably would not be adequate. A number of important lepidopterous insects, especially in warmer climates, may have five generations or more during a crop-growing season. Therefore, another hypothetical model is established to show the suppression to be expected from the release of partially sterile moths for two generations. The releases will be programmed for the parent, or first generation, and for the F_2, or third generation. The partially sterile males will be released at the rate of 4500 during each of the two generations. The trend of a hypothetical population through the F_5 generation when partially sterile moths are released during the parent and F_2 generations is shown below:

Generation	Natural population, number of insects of both sexes [1]	Partially sterile moths released
Parent	1,000	4,500
F_1 (500 normal, 1,800 sterile)	2,300	None
F_2	540	4,500
F_3 (150 normal, 1,020 sterile)	1,170	None
F_4	90	None
F_5	450	None

[1] See explanation in appendix of the method followed in calculating the results presented in the table.

If the results show for the hypothetical population are reasonably representative of the results that would be obtained in practical release programs, a noneconomic population would be virtually assured by releasing partially sterile insects in ratios indicated. The maximum number of fertile moths present in the release area would remain far below the assumed economic damage threshold throughout a season. Calculations are not shown, but if 100% sterile moths were released for two generations (release during the parent and F_1 generations would produce the greatest impact), the F_5 population could be expected to reach a level of about 16,500 moths. While this, too, would be below the assumed economic density threshold of 25,000 moths, the theoretical number produced is much higher than for the hypothetical populations subjected to the release of partially sterile males. These results further confirm the potential superiority of the partially sterile males over completely sterile males for the suppression of moth populations.

POSSIBLE PRACTICAL USE OF DELAYED STERILITY FOR THE SUPPRESSION OF LEPIDOPTEROUS INSECT PESTS

As noted earlier, certain species of Lepidoptera are among the most destructive insects affecting agriculture and forestry. Broad spectrum insecticides are currently used for their control, which cause adverse side effects to insect parasites, insect predators, and other beneficial organisms. Moreover, some species have become resistant to insecticides, which makes the continued use of such insecticides costly and uncertain. There is, therefore, an urgent need to strive for more effective, more economical, and more acceptable methods of control.

Such pests as the corn earworm (bollworm on cotton), the tobacco budworm, the cabbage looper, and the fall armyworm, *Spodoptera frugiperda*, are capable of spreading into regions several hundred miles from known areas of winter survival and increasing there into economically important populations. Thus, more and more of the attention of the Entomology Research Division is now being devoted to ecological research designed to determine where the adults migrate, how many moths are present in a given area, and how far they spread in a season. The ultimate goal is to apply suppressive measures against the populations when they are at their lowest level and when the range of distribution and the host plants, both cultivated and wild, are most restricted. Otherwise, control must be applied later on larger acreages of crops and also when the insects are likely to be more abundant. The intent of such an approach is not eradication but suppression to the extent necessary to prevent or substantially reduce economic losses.

Information about the distribution and abundance of many of the more important Lepidoptera during periods of scarcity is obviously of special importance to the concept of population suppression by sterility or by other genetic manipulation. Luginbill (1928) reported many years ago that in the eastern United States, the fall armyworm survives the winter only in southern Florida, although in the summer and fall it often spreads throughout the entire eastern United States. Recent studies also indicate that the area of winter survival of the cabbage looper in the East may be restricted to Florida and the warmer coastal areas along the Gulf Coast and the southern Atlantic seaboard. The cotton leafworm, *Alabama argillacea*, a potentially important pest of cotton in the United States, especially in the southwest, has long been known to survive the winter only in Mexico and Central America. Even the widespread and damaging corn earworm and tobacco budworm may overwinter in an area that is only one-half as large as the range these insects occupy as pests during the warmer months of the year. Catches in light traps and studies of egg and larval abundance indicate that during the early spring months populations in these areas are generally less than 5% as high as during the periods of greatest abundance in the late summer and early fall.

These features of the population densities, distribution, dispersal behavior, and population dynamics of some of the lepidopterous insects are highly relevant to the practical application of the genetic approach to the control of these insects. The new findings on delayed sterility in lepidopterous insects could be of special significance in utilizing the sterility approach to the suppression of some of our strong flying lepidopterous insects.

Additional information is needed on the magnitude of the effects of delayed sterility in different species of Lepidoptera. There is also a need for more precise information on the size and distribution of overwintered populations of many of the more important species. However, the genetic approach to population suppression seems to offer sufficient potential to justify an appraisal of the possibilities based on available information. As examples, we will consider the feasibility of using partially sterile male releases to suppress the cabbage looper in the eastern United States and the corn earworm in California.

CABBAGE LOOPER IN THE EASTERN UNITED STATES

The cabbage looper, one of the important vegetable pests in the United States, also attacks other crops including cotton and tobacco. Insecticides are presently the only practical means of control. Precise information is lacking about the costs of control in the eastern United States and the extent of crop losses. However, conservative estimates would be $5 million annually for control and an annual loss of $20 million. Moreover, the insect is highly resistant to certain insecticides, and alternate methods are urgently needed. Thus, if virtually complete suppression of the population in the East could be achieved, an annual investment of as much as $25 million would be justified. The possibilities of achieving control of the insect in this area by using inherited sterility are therefore examined.

Efforts being made to obtain reliable estimates of the abundance and distribution of the cabbage looper in the Southeast during the period of greatest scarcity are not yet complete. However, preliminary estimates made in consultation with T. J. Henneberry and C. R. Gentry suggest that an average density of 500 adult cabbage loopers per square mile would be a reasonably conservative figure for the generation of lowest abundance and most restricted distribution. In addition, there are indications that the cabbage looper in the East survives the winter only in Florida and possibly in parts of adjacent states. Thus, we will assume a winter survival area of 100,000 square miles with an average density of 500 moths per square mile. If these estimates are realistic, it would be necessary to deal with a natural population of 50 million insects—25 million males and 25 million females.

The hypothetical model (p. 467) suggests that an initial overflooding ratio in the parent generation of nine partially sterile males to one natural male, followed by the release of a like number of partially sterile moths in the F_2 generation, will keep a population suppressed to a relatively low level through five generations. If 500 million cabbage loopers were reared to provide 250 million partially sterile males for the releases during the first generation, this would provide an initial ratio of 10 partially sterile to one normal fertile male. Then if the same number were reared and released during the F_2 generation, the total requirements for moths would be one billion. This would provide 500 million males for partial sterilization and release. On such large scale, it is believed that it would be possible to rear, treat, and release the moths at a cost of $2.5 million. The separation of sexes, if necessary, would probably increase the estimated cost, but there is a good possibility that differential sterility methods for the females by the use of hormones or other sterility agents could be developed.

It must be emphasized that these hypothetical projections are based on limited information concerning the overall suppressive effects that would result from the release of partially sterile males. Also, precise information about the size of the natural population and the cost of rearing and releasing moths is lacking. Therefore, the projections on requirements and costs could be too low. On the other hand, there is probably an equal chance that some projections are too conservative. It may not be necessary to release the projected number of insects to hold the population below the economic threshold. Also, it may be possible to employ other suppressive measures the first year to reduce populations in limited areas of high concentrations so as to lower the overall population to a level that could then be more readily managed by the release of moths. If the entire natural population can be effectively suppressed throughout the first year, it should be possible to maintain suppression in subsequent years at much lower cost because of the reduced natural population. Thus, if the cost for the first year is higher than estimated, the average costs over a period of several years might be lower. It should be noted, however, that even if the average annual cost of this genetic approach to the suppression of the cabbage looper in the eastern part of the United States were two times as high as projected, the total cost of $5 million would still be no higher than the estimated annual cost of control with insecticides. More important, if the insects were suppressed to subeconomic levels throughout the area, the estimated $20 million annual loss to crop owners in the eastern states would not occur, and the environmental pollution resulting from the use of insecticides would be avoided.

CORN EARWORM IN CALIFORNIA

The corn earworm (*H. zea*) is perhaps the most damaging insect in the United States. It has wide distribution and becomes abundant throughout most of the nation during favorable seasons. The number of insects existing in an area during the generation of lowest abundance is not known. However, investigators in the Entomology Research Division have obtained sufficient information to suggest that a population density estimate of 1000 moths of both sexes per square mile would be a reasonably valid estimate (Snow et al., in press). Therefore, in this appraisal, an average density of 1000 moths of both sexes per square mile will be assumed for the generation having the lowest density and the estimate will be applied to a reasonably well-isolated ecological region, the Central Valley of California, where California agriculture is largely concentrated. The Valley and the foothill regions comprise an area that probably does not exceed 25,000 square miles and is bounded on the west by mountains and the ocean, on the north by mountains and forests, on the east by mountain ranges, and on the south by extensive semiarid lands.

According to estimates issued by the California Department of Agriculture in 1967, the corn earworm in that state caused losses to agriculture aggregating $31,378,940. In addition, an estimated $12,962,708 was spent for control with insecticides. Therefore, the total loss to agriculture due to this pest in California in 1967 was about $45 million. Against this background, the possibility of achieving and maintaining suppression of the insect by the use of reared and released moths that transmit sterility will be considered as before.

On the basis of an average density of 1000 moths per square mile in an area of 25,000 square miles, the initial natural population is 25 million moths of both sexes. The insects are probably concentrated in specific localities within the total area where they survive the winter, but an assumed average density will be used as a basis for the calculations. The production, treatment, and release of 125 million male moths for the initial releases would provide a 10:1 ratio of released native males. A like number will be projected for release during the F_2 generation. Thus, 500 million moths would have to be reared to release 250 million males for one season. The rearing of corn earworm moths is likely to be more costly than for the cabbage looper. If rearing, sterilizing, releasing, and other costs amount to $5.00 per 1000 moths or $5000 per million, the total cost would be $2.5 million. As with the cabbage looper in the eastern United States, an extra investment might have to be made in other means of control on a regional basis to reduce the national populations to manageable levels during the first year. However, as with the looper, if the population can be largely suppressed for one season, continued suppression should be possible at substantially less cost in subsequent years. If complete economic control of *H. zea* could be achieved in California for an average annual investment of as little as $2.5 million, the savings in this state alone would be over $40 million per year. Perhaps such efficiency is too much to hope for, but even if the estimated average annual cost of suppression is low by a fivefold factor, an average annual cost of $12.5 million per year would contrast with the approximately $13 million now spent for control with insecticides. Moreover, if this method suppressed the insect below the level of economic damage, the net savings to the agricultural industry of the state would be about $30 million per year, and there would be the additional benefits of a method of control that is highly selective and thus would avoid the side effects that result from the use of insecticides. On the basis of this appraisal, the genetic approach to the area suppression of the corn earworm offers unusual promise, and adequate support of the intensive research still necessary to develop the method would seem to be justified.

OTHER LEPIDOPTEROUS INSECTS

Two important species of Lepidoptera in two different ecological situations were chosen as examples to appraise the potential of the partial sterility technique for suppressing populations on a regional basis. If the technique can be perfected for practical application and control of these species at costs that even approach those estimated, there is every reason to believe that the same approach could be developed and applied, with comparable advantages over current methods of control, to other important Lepidoptera including codling moths, pink bollworms, sugarcane borers, tobacco budworms, tobacco hornworms, and fall armyworms, as well as others. The development of the conventional 100% sterility method to control the codling moth and the pink bollworm moth is already well advanced. The release of partially sterile moths to transmit sterility factors to the F_1 generation may increase the chances of success in the use of the sterility method for controlling these two important pests.

Losses to the agricultural economy in the United States due to Lepidoptera probably amounts to a billion dollars per year. Obviously, all the species may not be amenable to genetic control and even with species that appear to be candidates, much additional research will have to be done on sterilization and other genetic effects and on mass rearing methods and various ecological investigations before it can be perfected and applied. Nevertheless, the results of the appraisals made here indicate that the sterility method offers outstanding possibilities for the suppression of a number of the most damaging pest Lepidoptera.

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APPENDIX

In calculating the suppressive effects that would result from the release of partially sterile moths that transmit sterility to the subsequent generation, it is necessary to consider the type and number of mating combinations expected to occur each generation. The number of progeny in relation to normal matings are calculated on the basis of the suppressive effects assumed for each mating combination. Although some females of most species of moths mate more than one time, this factor is not considered because it is assumed that sperms are fully competitive and multiple matings will not change the overall suppressive effects in a population.

The basic assumptions are as follows:

(1) The natural parent population consists of 1000 moths (500 males and 500 females).

(2) Release for one generation consists of 4500 males that have received a substerilizing treatment.

(3) Treated parent males mating with normal females produce 60% fewer progeny than normal parent matings.

(4) F_1 progeny of treated males × normal females are assumed to be completely sterile or if immature progeny are produced, they will not survive. Intramatings between F_1 moths carrying the inherited sterility factors will also produce no progeny.

(5) Matings between normal moths result in 10 normal adult progeny (fivefold increase). The number of progeny from matings between males receiving the 60% sterilizing dosage will be 40% of the number produced from normal matings. Thus, each mating between a treated male and a normal female will result in the production of four sterile moths.

(6) Symbol designations: N = normal moths; T = moths carrying the genetic lethal factors either induced as in the parent males or inherited from the parent male.

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TRIBUTE TO WALTER REUTHER

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, the plane crash that took the life of Walter Reuther has deprived America of a forceful, effective leader whose concepts of social responsibility soared far beyond his role as a trade union activist.

I knew Walter Reuther as a vigorous union leader, a warm friend, and a far-sighted and compassionate human being.

Walter Reuther devoted his life to the trade union movement attempting to get an ever expanding share of the national wealth not only for his own auto workers but for all unionists. He pioneered in securing profit sharing agreements, employer contributions to unemployment compensation, and other supplemental benefits to the point where senior employees can now have a guaranteed annual wage.

The development of a management-paid pension plan in the auto industry and greatly improved retirement system were the direct results of Mr. Reuther's energies and negotiating skills. His expertise and competence in negotiating agreements were immense.

Walter Reuther was an exceptionally gifted man, but to me perhaps his most outstanding asset was a sense of social sensitivity and concern. He took time to concern himself with the daily problems facing his workers and set out to raise basic living standards while at the same time increasing the workers' sense of self-respect and dignity.

The role of the labor movement, as Reuther saw it, was to become significantly involved in social issues and problems affecting not only itself but workers, students, minorities, and the less affluent who find themselves without a powerful voice to redress their grievances through the existing establishment.

The effect which Walter Reuther has had on the scope and direction of labor-management relations in America is almost immeasurable. If some of his ideas have not yet been accepted, he has at least established a solid platform from which others can continue to debate the merits of the direction in which Reuther felt labor should move.

Mr. Speaker, as this House continues to discuss labor-management problems, student concern, and the plight of the less affluent Americans, I hope we shall continue to bear in mind the goals and ideals set by Walter Reuther for himself, the labor movement, and indeed for all America.

JESSE BESSER

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RUPPE. Mr. Speaker, on May 3, the leading citizen of Alpena, Mich. and one of the great citizen-leaders of the State of Michigan died, just a few days before his 88th birthday. Jesse Besser was an engineer and inventor, a civic leader, a major benefactor, and an humanitarian of rare vision.

At the age of 22 his creative mind

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brought the world the concrete block machine, which revolutionized the construction industry throughout the world. Over the years his inventiveness did not diminish, and he proceeded to refine his machine and to develop better machines for the production of high-quality concrete masonry units. His contribution to the housing and construction industry cannot be over-emphasized.

His fortune made, Mr. Besser turned his attentions to civic and philanthropic activities, along with those of his growing business. With his late wife Anna, he looked for ways to share his fortune and established the Besser Foundation. The record of achievements, both by the foundation and by Mr. Besser himself, is great. Hospitals have been built and added to; schools have seen completion and expansion, and the Community College in Alpena received all the land and the majority of its funds from Mr. Besser. His philanthrophy was also felt by churches of all denominations, by scouting groups, and by conservation organizations. He contributed more than just his means and often was the leader and chief organizer of a given community project.

While Mr. Besser's hometown of Alpena was the chief beneficiary of his largesse, his presence was felt all over the State. In 1960 he was named Michigan Citizen of the Year. In 1963, he received the Michigan Citizen Leadership Award from Governor Romney. The awards and recognition of his services to the community and to the State are too numerous to list.

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Mr. Besser was a man of great achievement and great humility; he had great vitality and energy, yet he, in a certain sense, was serene. He was a great competitor and businessman and became known for his warm spirit and generosity. Jesse Besser was, in the words of his good friend, Phil Richards, editor of the Alpena News, "The man of the century in this part of the world."

I join with the citizens of Alpena and northern Michigan in mourning his death.

NO NEWS TO BLACK PEOPLE—NIXON RETREAT ON CIVIL RIGHTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. CLAY. Mr. Speaker, the black population of America has never required an explanation of the Nixon policy on civil rights. Since the President himself requested he be judged by his deeds and not by his words, we have so evaluated him.

His action on the Voting Rights Act, his position on school desegregation, his Supreme Court nominations of two Southern racists, his veto of Federal education funds, and his refusal to place a priority on the domestic concerns of hunger, housing, poverty, and employment testify to his position not only toward black people—but toward poor people. In this stint of the Nixon reign, if you are both poor and black, which is a high probability then you do not need to be told that you are at the bottom of the totem pole so far as this society under the leadership of the Nixon administration is concerned.

It is interesting, nevertheless, that one administration spokesman recently made the policy official. I commend to the attention of my colleagues the following editorial from the St. Louis Post Dispatch of April 29, 1970:

PROUD OF RETREAT

A speech by Assistant Attorney General William H. Rehnquist acknowledges what must be the worst-kept secret in Washington: that the Nixon Administration and Attorney General John Mitchell are leading a deliberate retreat on civil rights and individual liberties.

As reported by James C. Millstone, Mr. Rehnquist told a University of Arizona audience that public opinion supported backing up on aggressive civil rights policies. He deferred similarly to the elective process as reason enough for Mr. Mitchell's other notions such as preventive detention and, we would suppose, broader wire-tapping and no-knock police raids.

It takes some doing to turn such repressive measures into reasons for boasting, but that is what Mr. Rehnquist appears to be doing, evidently on the ground that that is what the public wants. This seems questionable enough; even so, it is strange to hear a Federal officer subject equal rights, invasions of privacy and trial procedures to a test of opinion. That may be good politics, but it is rotten legal policy.

MOSCOW'S MILITARY MACHINE: THE BEST OF EVERYTHING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. CRANE. Mr. Speaker, the editors of Time magazine devoted a large portion of their May 4 issue to a consideration of various aspects of the contemporary Soviet Union. One of these articles dealt with the military capability of the Soviet Union. This article was particularly significant because it appeared in a general circulation news magazine, rather than a specialized publication of limited readership. Another noteworthy aspect of this article is the accompanying color photographs, which very graphically portray the military might of the Soviet Union. I regret that the CONGRESSIONAL RECORD cannot reproduce photographs, as it seems to me that in a case such as this a picture is indeed worth a thousand words.

Several points are particularly worthy of comment:

First. While the United States has been spending a decreasing share of its budget on defense needs, the Soviet Union has been "engaged in a massive and costly military buildup."

Second. In foreign policy, the Soviets are relying ever more on military presence and displays of armed might to tighten their control over East Europe and to influence uncommitted countries farther afield.

Third. The Soviet Union's annual military budget is estimated at $70 billion. This is an almost dollar-for-dollar match with what the United States is currently spending, but the crucial difference is that the gross national product of the Soviet Union is only two-thirds that of the United States. Thus, the Soviet Union is proportionately spending more than the United States on defense.

A conclusion which Time draws from this graphic presentation is that the Russians, with their new power, "may be emboldened to become less wary about facing down the United States in isolated instances abroad."

I commend to my colleagues this very penetrating and sobering article on the growing military might of the Soviet Union:

MOSCOW'S MILITARY MACHINE THE BEST OF EVERYTHING

While Moscow was celebrating Lenin's centennial with pomp and rhetoric, the Soviet military marked the occasion in a more dramatic way. Fanning out across three oceans and nine seas, more than 200 Soviet warships staged the greatest naval maneuvers in the world's history. At the same time, hundreds of medium- and long-range Russian bombers ventured far beyond the borders of the Soviet Union. The U.S. reported 500 separate sightings as far apart as Japan and Iceland.

It was an impressive display. As part of Operation *Okean* (for ocean), an attack force of eight vessels built around the new 18,000-ton helicopter carrier *Leningrad* moved through the North Atlantic toward the Norwegian Sea. There, two larger Soviet task forces lay in wait to conduct a mock defense near the straits of Skagerrak and Kattegat, the approaches to the Baltic. In the Mediterranean, 45 ships conducted antisubmarine exercises. From the icy Barents and Okhotsk seas to the warmer reaches of the Indian and Pacific oceans, sleek Russian cruisers and black-hulled submarines carried out simultaneous exercises.

During the past eight years, the Soviets have been engaged in a massive and costly military buildup. They have been motivated both by a desire to overtake the U.S. and by deep fear of a possible war with China, an anxiety that is certain to intensify with the launching of Pekings' first satellite (*see story, page 47*). At home and abroad, the Russian military has become an increasingly important factor. In foreign policy, the Soviets are relying ever more on military presence and displays of armed might to tighten their control over East Europe or to influence uncommitted countries farther afield. Within Russia, the military's immense influence has been greatly enhanced by the threat of war with China and the Czechoslovak invasion. The importance of the military was only underscored when Communist Party Boss Leonid Brezhnev flew to Minsk recently for the massive Dvina maneuvers, and stood on the reviewing stand alongside Defense Minister Marshal Andrei Grechko, 66. The unmistakable message for Soviet televiewers was that all was harmonious between the chiefs of the Communist Party and the military establishment.

GUARANTEEING ALLEGIANCE

An austere, erect, onetime cavalry commander, Grechko has become the Kremlin's most effective enforcer. As Soviet commander in East Germany in 1953, he put down the first East bloc revolt against Communism. In 1968 his forces put an end to Czechoslovakia's "Springtime of Freedom," and he personally visited Prague the following year to oversee the removal of Reformer Alexander Dubcek from the leadership of the party. Czechoslovaks bitterly refer to the bullet-pocked facade of Prague's National Museum as "a fresco a la Grechko."

From his office in the former Czarist Cadets College just off Moscow's broad Kalinin Prospect, Grechko directs a mammoth military machine that employs 3,220,000 people, commands the talent of the Soviet Union's best technical brains, and annually spends an estimated $70 billion. Thus, even though the Soviet gross national product is only two-thirds as large as the U.S.'s. Russia virtually matches the U.S. ruble for dollar in defense outlays. Through a network of some 15,300 advisers. Soviet military influence reaches directly into many countries far beyond the East bloc, including the two main U.S. trouble spots. North Viet Nam and Cuba (*see map*). Under the Warsaw Pact, Soviet troops are stationed in four Eastern European countries to guarantee their allegiance to Moscow.

Within the Soviet hierarchy, Grechko speaks directly to the political leaders without any civilian intermediaries to challenge his recommendations. At least once a month, he meets with the Politburo's defense subcommittee headed by Brezhnev. Their relationship is believed to be extremely cordial, if not close.

Today, 90% of the officers are members either of the party or of the Communist youth organization. Grechko and 22 other top commanders serve on the party's Central Committee as well. In the outlying districts, the commanders almost always participate in the top party leadership of those areas.

Every company size unit of 150 or so men has its own political officer, who reports through a separate chain of command to General Aleksei Yepishev, the party watchdog. Each week the political officer conducts at least four hours of indoctrination for both officers and men. The KGB (secret police) also keeps a close watch on the military.

AN ELITIST ELEMENT

Within Soviet society, the army remains a distinct and elitist element. Its role is greatly augmented because of the public's overriding preoccupation with security. Of course the Russians, who lost 20 million people in World War II, have a legitimate concern about defense. But the Soviet government and especially the military publications have intensified Russian fears by purposefully keeping alive the memories of World War II and the specter of a rearmed, vengeful West Germany. The Russians still regard themselves as endangered by enemies, notably China. Given such a national psychology, the military understandably gets largely what it wants for the country's defense.

One look at the shape of the Soviet military machine shows that Grechko and his colleagues get quite a lot, indeed. The lineup.

The Strategic Missile Force, an independent branch in the Soviet setup, has grown dramatically. In 1965, the Soviets had only 220 ICBM's and were outnumbered more than 4 to 1 by the U.S. While the number of U.S. intercontinental missiles has grown only slightly to 1,054, the Soviet total is now roughly 1,350 and is still increasing by about 250 a year. The workhorse is the 1-megaton SS–11 (800 operational or under construction). But the Soviet missile that most alarms U.S. defense planners is the awesome SS–9 (220 operational, 60 launch sites under construction). The SS–9 is so powerful that it can carry a single 25-megaton warhead or three separate 5-megaton warheads, each capable of knocking out a hardened American underground silo. Thus, U.S. Defense Secretary Melvin Laird warns that 450 SS–9s with triplet warheads could knock out 90% of the U.S.'s ICBM force. However, though the Soviets lead in the number and megatonnage of ICBMs, the U.S., with its larger fleets of H-bombers and Polaris subs, retains a substantial edge in the overall number of deliverable warheads.

DUTY AND SACRIFICE

Brezhnev's concern with the military is understandable, because the Soviet military establishment exerts a far greater influence on Russian life and on the formation of Soviet public opinion than is generally realized in the West. The Soviet Defense Ministry runs one of Russia's largest publishing houses, which turns out 15 million copies of pamphlets and books each year. In Moscow alone, the Defense Ministry publishes no fewer than 40 periodicals and newspapers. *Red Star,* the official army newspaper, trails only *Pravda, Isvestia* and the trade union paper *Trud* in circulation in the entire Soviet Union.

From his earliest years, a Soviet child is exposed to the influence of the military. Soviet schoolchildren are raised on films that glorify the concepts of duty and sacrifice for the homeland. Sample: During World War II, a 13-year-old boy runs away to the front, and by the time his age is discovered, he has become a hero by spying behind German lines. His reward? Despite his tender years, he is allowed to remain at the front. Schoolchildren are regularly escorted by military guides on tours of World War II battlefields.

PARTY CONTROLS

The 1967 draft reform, which reduced the length of service by one year, expanded compulsory military training for teen-agers. During the last four years in high school, Soviet officers and reservists teach Russian youngsters how to put on a gas mask, attack a bridge and kill a sentry. The students also learn how to fire automatic rifles and perform basic infantry tactics. In addition, they master at least one handy military skill, such as operating a radio or riding a motorcycle. Some boys even learn how to parachute, fly aircraft and use scuba diving gear.

With its vast organization and rigid hierarchy, the Soviet military is a glaring contradiction of the early Communist belief that armies, like the state, would soon wither and die. When Lenin founded the Red Army of Workers and Peasants in 1918 under the command of Leon Trotsky, the force reflected its revolutionary origins. Rank was abolished, leaders were elected, recruitment was voluntary and orders could be questioned. Even so, as Washington Sovietologist Roman Kolkowicz points out in *The Soviet Military and the Communist Party,* some military characteristics asserted themselves, and all clashed sharply with Communist doctrine: the army's elitism v. the party's egalitarianism, professional autonomy v. subordination to ideology, nationalism v. proletarian internationalism, heroic symbolism v. anonymity.

From the first, the Communist Party regarded the army as both a vital necessity—and a potential rival. During the civil war, political commissars had the power to countermand orders made by the military commanders, a practice that was not completely abolished until 1943. Grechko was chosen largely because he showed no signs of political ambition. In fact, Marshal Georgy Zhukov is the only general who ever openly expressed political ambitions—and the only military professional who ever served on the Politburo. He lasted a bare four months as full member of the Politburo before Khrushchev fired him for "Bonapartism" in 1957.

The U.S. holds an ever greater edge in the latest breakthrough in missile weaponry. That is the development of multiple warheads that are carried by a single missile. There are two types. The simpler ones are called MRVs (for multiple re-entry vehicles). They land in a pre-planned pattern, but they cannot be steered to widely separated targets. The SS–9 is of this type, carrying three warheads designed to land in a "footprint" similar to the layout of U.S. Minuteman silos. But the U.S. is already installing a much more advanced version of these weapons called MIRVs (for multiple independently targeted re-entry vehicles). Since each MIRV warhead has its own guidance system, a cluster of the weapons carried by one missile can hit an array of targets scattered over a wide area. While the Pentagon has evidence that the Soviets are testing MIRVs, it will probably take Moscow at least two or three years to perfect and install the devices. If the U.S. speeds up the conversion of its land-based ICBM and Polaris force to MIRVs, it can virtually triple its offensive capacity, but such action is certain to evoke a Soviet countermove, thus adding more momentum to the arms spiral.

The Navy, the world's second largest, has 465,000 men sailing 25 cruisers, 77 destroyers, 400 seagoing and coastal vessels, 280 minesweepers, 150 Osa- and Komar-class boats. and 350 patrol craft. In addition, the navy has two new helicopter carriers, the *Moskva* and *Leningrad*. The Soviets also possess by far the world's largest undersea force—350 submarines, 80 of which are nuclear-powered. At the present rate of construction, the Soviet fleet or twelve missile-bearing nuclear subs could outnumber the U.S. fleet of 41 Polaris subs by 1973–74. The Soviet navy's ships are newer and often faster than the U.S. navy's; only 1% of Russian naval ships are 20 years old, while 60% of American vessels have been in service for two decades or more. Nonetheless, U.S. craft have superior electronic devices to detect and destroy enemy ships and planes. The Soviet navy's air arm, operating from land bases, includes 300 TU–16 Badger medium bombers and 50 TU–20 Bear reconnaissance planes.

The Army, which was neglected by Khruschev, has climbed back to 1,500,000, partly because of the China border dispute. Khruschev's successors, who reversed his one-sided reliance on rocketry, have placed great emphasis on the modernization of the army. Now a mobile, fast-striking force, the army is fully motorized and possesses the world's largest array of tanks—about 40,000. Geared to fighting over vast continental masses laced by countless rivers, the Russians have far better mobile bridge-building equipment than the U.S., and many of the tanks are equipped with six-foot snorkels for fording rivers.

The Air Force is composed of 9,900 planes and 400,000 people. The Soviets have 200 strategic bombers that can make round trips to the U.S. There are some 700 medium bombers (range: 3,000 miles); the U.S. has had none since the B–47 was phased out. The Soviet tactical air force includes 4,800 planes, mainly attack bombers such as the YAK–28 and fighters (MIG–21s and SU–7s), which can be used for lowlevel bombing and strafing missions. There are also some 1,700 transport aircraft, including an estimated 20 of the monstrous Antonov–22s, which can carry 720 troops. Despite the Soviet advantage in numbers, most experts rate the U.S. Air Force superior to the Russian in every important category because of superior U.S. equipment and pilot combat experience.

The Air Defense Command, also a separate branch, has 500,000 men. It has 3,400 interceptor aircraft, mostly MIG-19s and MIG-21s, and a number of giant TU-114s, which patrol Soviet borders as early-warning radar aircraft. Long-range antiaircraft SA-5 missiles are installed on the Tallinn Line along the Gulf of Finland. Around Moscow the Soviets have deployed the world's first ABM system, consisting of 64 Galosh missiles, which carry a 1- or 2-megaton warhead and have a range of several hundred miles. Because the Soviets halted deployment of the Galoshes three years ago, many Americans felt that the system was being abandoned as technically unfeasible. The Pentagon maintains, however, that the Soviets have developed an improved version. In addition, the Russians have embarked on the nationwide installation of their Hen House radar stations (so called because they look like large rectangular cages), designed to track incoming missiles for the Soviet ABM system. The Pentagon cites the Soviet developments as a reason for pressing ahead with the next phase of the U.S.'s Safeguard program. Should one side develop an effective ABM system first, it would upset the balance of nuclear terror. In the dreadful scenario of nuclear war, the country that first has ABMs might be tempted to launch a nuclear attack against the other side, since it would itself be protected from the stricken foe's retaliatory strike.

FILCHING APPLES

In research and development, the Soviets now spend $16 billion *v.* the U.S.'s $13 billion. Much of this effort is defensive. To blind American radar, the Soviets have developed a metallic radar chaff that forms an impenetrable curtain in the air. When the invasion of Czechoslovakia began, the Russians used this "metallic mist" to blind Western radar while Soviet transports swept into Prague airport. The Soviets are working on an anti-satellite that can examine U.S. spies-in-the-sky and knock them down. They are putting into service a Mach 3 twin-finned MIG-23, primarily a bomber killer, and are developing three classes of quieter and faster attack submarines whose mission will be to seek out and destroy submarines. Also under development: a second-generation "coasting" or "loitering" ABM, which would linger in the anticipated flight path of an incoming enemy missile and pounce on it from above.

But the Soviet R&D effort is not all defense-oriented. The Russians have developed a swing-wing bomber and a fractional orbital bombing system (FOBS), using ICBMs that are fired on a low trajectory and would approach the U.S. from its blind side: the Southwest, where American radar coverage is still scant. At the Sary-Shagan test site in Kazakhstan, the world's largest missile impact range, the Russians are also developing a longer-range sub-fired missile for its new Yankee class submarines: one of them is already on patrol off the U.S.'s Atlantic coast.

Impressive as it is, the Soviet military has serious deficiencies. It lacks an efficient logistics system, as Czechoslovakia proved when Moscow had to press civilian trucks into service and when Soviet soldiers ran out of rations and water after a few days. Russian soldiers are trained, however, to live off the land; some did so in Prague by trying to filch apples from the garden at the American embassy.

Despite improvements, Soviet submarines do not run as deeply and quietly as U.S. subs and are thus easier to detect and catch. Soviet surface ships lack air cover when they venture outside Russian waters. The Soviet navy is now trying to remedy that failing through the installation of shipboard antiaircraft missiles.

The Soviets have two other severe handicaps. One is the questionable reliability of their Warsaw Pact allies, who in the event of an emergency might not prove too helpful to the Communist cause. An even more serious failing is lack of experience. For better or worse, the U.S. has fought two major wars in the past two decades. An entire generation of Soviet officers and N.C.O.'s, however, have never been subjected to the crucible of combat.

For all its ominous overtones, the Soviet military buildup has had one positive result. If the Soviets had not gained parity with their old rival, they undoubtedly would have refused to participate in the Strategic Arms Limitation Talks (SALT), which started in Vienna two weeks ago. For the U.S., however, the question is when—or whether—the Soviets will halt their missile momentum. In his speech last week, Laird emphasized that if Soviet strength were to level off, Washington would not be alarmed. But if the Kremlin sought to move from parity to superiority, the Secretary of Defense added, the U.S. would have to launch its own buildup. It is no secret that Gerald Smith, the chief U.S. negotiator at SALT, and Secretary of State William Rogers would have preferred not to draw public attention to the Soviet buildup. But President Nixon felt otherwise and, as Laird explained privately, "If I don't give this speech, the President will have to."

Critics of the Pentagon, who recall past U.S. overreaction to a supposed Soviet bomber threat in the late '50s and an imaginary "missile gap" in the early '60s, fear that Laird is overdramatizing the Soviet menace. Senator William Proxmire, for example, accuses the Defense Department of resorting to scare tactics to coax more funds out of Congress. Many critics regret that the Nixon Administration refused to heed the Senate's advice to propose to the Soviets an immediate mutual moratorium on the deployment of defensive and offensive strategic weapons, including MIRV and ABM. As these critics see it, this approach would have involved no serious risks for U.S. security. Their argument is that the U.S. deterrent is capable of dealing with any contingency and that the Polaris fleet remains invulnerable to Soviet countermeasures. Thus, Moscow's missile buildup has not yet approached the point where it could alter the nuclear balance.

Yet, if a new action-reaction cycle is set in motion with the deployment of ABMs and MIRVs, the present balance of terror could be upset. Warns M.I.T.'s George Rathjens: "The American deployment of the MIRVs is not in our own national interest and is a threat to both countries." His point is that, as a countermeasure, the Soviets may feel compelled to link the firing of their own ICBMs to a radar warning system. That would leave the decision to launch with a machine, which could suffer a short circuit and set off World War III. Rathjens and many other American intellectuals, notably Columbia's Marshall Shulman, feel that U.S. security would be better served by holding off on MIRV deployments while trying to seek a mutual ban on the weapons with the Soviets at SALT.

Aside from SALT, the Soviet military surge worries U.S. and NATO defense planners because of the new flexibility it gives the Kremlin. Present Soviet military doctrine warns that the imperialists are plotting to unleash a nuclear war and stresses that the Russians must be ready to deliver "a timely rebuff to the aggressors." Despite this purposely vague formula, the Russians reject the idea of starting an unprovoked nuclear war themselves. As Sovietologist Raymond L. Garthoff, now an adviser to the U.S. delegation at SALT, pointed out in his 1966 book, *Soviet Military Policy:* "Communist doctrine *does* inject unusually strong hostility and suspicion into Soviet policymaking, but Marxism-Leninism does not propel the Soviet Union blindly toward war or the witting assumption of great risks." Communist doctrine does, however, impel them toward a global competition short of direct U.S.-Soviet warfare.

ECONOMIC DILEMMA

What will the Russians do with their power? For one thing, they may be emboldened to become less wary about facing down the U.S. in isolated instances abroad. Equally important, the U.S. may become more cautious about situations that could lead to a confrontation. With Soviet ships all over the Mediterranean, a U.S. landing in Lebanon of the 1958 variety would be virtually out of the question today. The main thrust of Soviet power, however, is almost certain to be toward undermining the confidence of U.S. allies in the value of American protection and to move into areas where the West's influence is either marginal or declining.

In Western Europe, the Soviets are attempting to capitalize on fears about the declining effectiveness of the U.S. nuclear umbrella and the likely departure of large numbers of U.S. troops. In this anxious situation, the Soviets obviously hope that their own growing power will persuade the Western Europeans to be less closely aligned with the U.S.

In the Middle East, the Russians now have some 12,000 advisers, and they have supplied the Arabs with at least $3 billion in arms aid since the 1967 Arab-Israeli war. Earlier this month, Soviet landing craft loaded with Egyptian and perhaps Syrian troops simulated a landing south of Tel Aviv, while some 50 Soviet warships were strung out across the Mediterranean from Libya to Greece as a blocking force against NATO fleets. A Soviet flotilla regularly patrols the Indian Ocean, until recently a British and American preserve, and Soviet naval activity in the Pacific has doubled in the past few years. Along the Sino-Soviet border, the Russians have doubled their troops to 300,000, brought up medium-range missiles (MRMs), and established a new area command to coordinate the defense efforts.

The Soviets have paid a high price for their military buildup. Though they have assembled an impressive array of military might, they have done so at the cost of neglecting important sectors of their economy. The heavy emphasis on defense spending is one main reason why large sectors of Soviet industry have lagged so far behind in modernization. The Soviets have given up a whole array of consumer goods that other people in other countries, even within Eastern Europe, take for granted.

In the coming months, Russia's military machine may well pose a crucial dilemma for Leonid Brezhnev. If he does indeed depend on the generals for vital support, he will naturally be extremely wary of cutting into military expenditures. On the other hand, since he has staked his political reputation on his ability to improve the Soviet economy, he will be under increasing pressure to carry out a reordering of Soviet priorities.

Life in the Soviet Army

"A standing army is an army divorced from the people."

That statement by Lenin referred to the czarist forces of Nicholas II. The Soviet army of today is still isolated, though not much more so than armies of other major powers. Perhaps the greatest difference is that it enjoys far higher prestige and power within its country than its Western counterparts do in theirs. Though bureaucracy and inertia beset much of Soviet society, the highly trained military is less inefficient than many other sectors of Soviet life.

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By law, every able-bodied Soviet youth becomes eligible for military duty at 18, and can be called any time until he reaches 27. Deferments are rare. In any army, a recruit's life is uncomfortable at best. The Soviet army is no exception. The new recruit sleeps in tents in summer. In winter he sleeps in bleak barracks where he has a bunk, night table and a tiny cupboard for toilet articles. Once a week, many platoons visit the nearby steam bath (the traditional Russian form of bathing).

With a starting wage of three rubles a month ($3.33), the recruit usually spends most of it at his unit's *bufet* on candies and cookies to liven up his nourishing but dull diet. Breakfast usually consists of *kasha* (cereal porridge), bread and tea. Lunch, the main meal, may include herring, onions, a bowl of potato or vegetable soup with a chunk of meat in it, macaroni or beans, and more bread. Supper may be mashed potatoes and perhaps cabbage or cauliflower—and more bread. A Russian soldier consumes an average of 1½ lbs. of bread a day, one reason that most draftees put on six to eight pounds during their tour of duty.

The soldier's day begins at 6 a.m., ends with lights out at 10 p.m., and is filled with rigorous training, physical exercise and equally vigorous political indoctrination. Each unit has a "Lenin room" in its barracks, where there are propaganda displays, such as pictures of racial troubles in the U.S. and political literature. The Soviet soldier is instilled with a sense of dedication to the Communist cause, a readiness to defend the motherland and a xenophobic dread of foreign subversion.

In their few hours of spare time, soldiers are put through a wide variety of well-organized activities such as acrobatics, choral groups, folk dancing and sports. Draftees are allowed to leave the camp on Sunday, and get a ten-day leave once during a two-year tour. While off base, they are forbidden to drink anything stronger than beer. The punishment for tippling is ten to 15 days in the stockade. Though the sentence may be suspended after a day or two of confinement, the unexpired term is tacked onto the tour of duty. Heavy drinkers have been known to serve 50 or 100 days beyond their discharge date.

Whereas the draftee returns to civilian life, the Soviet officer is a professional soldier. The officer corps tends to be proud, cliquish and self-perpetuating. There are special cadet schools for all services, where the sons of officers are trained to take their place in the military elite. Officers are paid about 25% more than civilians of similar age and skill. A senior lieutenant earns 140 rubles ($155) a month, a colonel 500 rubles, a marshal 2,000. Along with the money goes the right to shop in special military stores; some generals and marshals and their wives are also entitled to use the exclusive Section 200 in Moscow's GUM department store, which is reserved for top party and government officials.

Nearly 50% of all officers are either engineers or technicians, and the officers pride themselves on a high degree of competence. In Moscow the armed forces have their own theater, ice-hockey rink, officers' club and special park with basketball and tennis courts and boating facilities. Throughout the country, the military maintains special hunting lodges, ski resorts and summer vacation houses. The rigid strictures against drinking do not apply to officers. One marveling U.S. officer remembers a dinner in East Germany during which Marshal Grechko's first deputy, Marshal Ivan Yakubovsky, drank 18 successive vodka toasts.

The officer corps is itself highly stratified. Generals are given cars and drivers as well as large apartments and summer dachas at nominal rents. While Grechko was Soviet Commander in East Germany, for example, he and his wife Klavdiya had a town house in East Berlin and a secluded complex of five villas in the East Berlin suburb of Wünsdorf, attended by a small army of Russian maids and orderlies. Now he owns a spacious dacha in the Moscow suburb of Arkhangelskoye. When his schedule permits, he also indulges his love for hunting with frequent trips to military duck-hunting lodges. To be sure, the prerequisites of the officer corps are no greater than those enjoyed by officers in many other armies. Still, the Soviet military is not doing badly at all for an organization that until 1946 humbly called itself the Red Army of Workers and Peasants.

Balance of power

NUCLEAR	
ICBM:	
United States	1,054
U.S.S.R.	1,350
SLBM:	
United States (Polaris)	656
U.S.S.R.	280
Long-range bombers:	
United States	550
U.S.S.R.	200
Medium-range bombers:	
United States	0
U.S.S.R.	700
MRBM and IRBM:	
United States	0
U.S.S.R.	700
CONVENTIONAL	
Army	
United States (millions)	1.4
U.S.S.R. (millions)	1.5
Navy	
Attack carriers:	
United States	15
U.S.S.R.	0
U.S. helicopter and support carriers	10
U.S.S.R. helicopter and support carriers	10
U.S. cruisers, destroyers, and frigates	185
U.S.S.R. cruisers and destroyers	96
Nuclear-powered submarines:	
United States	86
U.S.S.R.	80
Other submarines:	
United States	60
U.S.S.R.	270
Air Force	
Tactical:	
United States	8,500
U.S.S.R.	4,800
Transport:	
United States	647
U.S.S.R.	1,700
Air Defense	
Interceptors:	
United States	1,000
U.S.S.R.	3,400

PHYSICS DEPARTMENT OF NYU AGAINST INDOCHINA POLICY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRASER. Mr. Speaker, I would like to place in the RECORD a letter signed by both students and faculty of the New York University physics department. They express their dismay at the recent actions in Cambodia and on the campus of Kent State. This letter is an excellent example of the depth of feeling that is to be found on our campuses. Congress should respond by asserting itself in altering the present U.S. policies in Southeast Asia.

The letter follows:

NEW YORK UNIVERSITY,
New York, N.Y., May 8, 1970.

DEAR REPRESENTATIVE: The undersigned members of the All-University Department of Physics of New York University (faculty, staff, and students) would like to express their deepest opposition to the war in Viet Nam and to its recent escalation. We believe that this war is a violation of the U.S. Constitution, and we are certain that it violates civilized international behavior and moral law.

We are appalled at the insensitivity of some government leaders towards the ideals and well-being of students. The tragic events at Kent State University are an outgrowth of a policy which does not comprehend the justified anguish of youth. We endorse the statement of President Hester and of other university presidents, and in the name of humanity we urge our national leaders to make an immediate change of policy.

To this end we strongly support the recent initiatives in Congress to repeal the Gulf of Tonkin Resolution, reaffirm the constitutional prerogative of Congress to declare war, and put a swift and immediate end to the war.

A. Sirlin (professor of physics), L. Spruch (professor of physics), Steven A. Winter (student), Martin Pope (research scientist), Paul T. Kliauga (student), Sidney J. Fox (student), E. L. Schucking (professor of cosmology), Faith Novick (secretary), George Basbas (research scientist), Kenneth Stanton (student), Jacqueline Ellis (administrative assistant), Jay Newman (student), Leonard Yarmus (associate professor of physics), Frank Bloomfield (administrative assistant), A. E. Glassgold (head of the department), Joseph Buschi (student), Robert W. Richardson (associate professor of physics), Robert L. Jennette (student), Jonathan Cross (secretary), Sherry S. Bass (secretary), Benjamin Bederson (professor of physics), Thomas DeCanio (student), Solomon S. Goldberg (student), J. Melamed (lecturer), Y. Solowiejczyk (student).

M. Lieber (associate research scientist), Otto Hinckelmann (student), J. Rosenthal (associate professor of physics), H. Hartmann (associate professor of physics), Freda Robbins (student), Irving Robbins (student), Hulan E. Jack, Jr. (lecturer), John H. DuHart, III (student), Domenic G. Pepe (student), Diana Norton (student), Lee Brevard (secretary), Ronald Mueller (student), Gary Weissman (student), M. Baum (student), James Frost (student), Joseph F. Becker (student), David Friedlander (student), Ryness A. Doherty, Jr. (student), Harvey Weinstock (student), Pat Myers (secretary), Phyllis Kronhaus (student), Roman Laubert (student), Werner Brandt (professor of physics), Hsi Fong Waung (student), Sheldon Roth (student), Steven Meyerson (student).

Joseph P. Wright (student), Lily Galdi (student), Gottfried Durr (student), William J. Marciano (student), Kenneth Dunkley (student), Robert Simon (student), Edward Light (student), Robert Pai (student), Stephen

XUM

Tolchin (student), Stephen A. Myers (student), Robert Molof (student), Howard H. Brown (associate professor of physics), Irving Poss (student), Abraham Kasdan (student), Robert Kogan (student), Carlos Marino (student), Ronald D. Winter (student), Arthur Luger (student), Edward B. Brown (student), Louis Uffer (student), Paul Moskowitz (student), Richard Dobrin (student), Leonard Rosenberg (associate professor of physics), Peter M. Levy (associate professor of physics), Jerome S. Epstein (student), I. L. Klavan (student).

R. Alan Fox (student), Lawrence A. Bornstein (chairman, University College physics department), Morris H. Shamos (chairman, Washington Square College physics department), Edward J. Robinson (associate professor of physics), B. A. Lippmann (professor of physics), T. Miller (instructor), Madeleine Green (secretary), Jason Wilkenfeld (student), A. W. Landers (student), E. Mejia (student), R. Granet (student), Alfredo A. Monge (student), Heins-Zieter Carstanjien (student), Paul Otterson (associate research scientist), K. F. Etzold (student), James T. O'Neill (student), Art Jaimides (staff).

A TRIBUTE TO WALTER REUTHER, LABOR STATESMAN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. OTTINGER. Mr. Speaker, along with Americans in every walk of life, I mourn the tragic passing of one of the outstanding labor leaders of our times. The accident that snuffed out Walter Reuther's life took away from the working people of this Nation an individual who has been in the forefront of every battle for human welfare and dignity in the last three decades, and he will be deeply missed.

There was no cause concerning the quality of life which did not enlist the talents and dedication of this formidable man, who set standards of conviction for us all by unhesitatingly placing his life on the line time after time for what he believed in. There can be no question that the high standard of life of the workingman in America today, of the dignity and productivity of countless lives has been profoundly influenced by Walter Reuther, whose career and principles have drawn the highest praise from even those who were his adversaries across the bargaining table.

Walter Reuther's breadth of action on behalf of social causes—the elimination of poverty, improved health care for all Americans, a decent wage, pension plans—has enriched the welfare of all of us. No monument in stone is needed, for this progressive national leader will live in the hearts of those he led up from the indignities of sweatshop toil in the 1930's to a share in the national affluence. We can pay Walter Reuther no higher tribute than to carry forward the work of enhancing the quality of life for all Americans which he so ably championed.

PITTSBURGH'S PLAN FOR RAPID TRANSIT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. MOORHEAD. Mr. Speaker, Pittsburgh and Allegheny County are anxiously awaiting the green light from the Department of Transportation to implement the early action program of the Port Authority of Allegheny County.

In an excellent series of articles, April 12–17, 1970, the Pittsburgh Press narrated the merits of this innovative system and how it would work to serve the needs of the commuter.

I am proud of Pittsburgh's response to meet the challenges of urban mass transit and ask unanimous consent to include the series of articles at this point in the RECORD for the attention of my colleagues:

PROJECT: SKYBUS—"IT WILL WORK," TRANSITMEN SAY

[Preliminary engineering reports indicate the controversial Skybus will work as a passenger line. This is the first in a series of articles condensing the engineers' findings and discussing possible effects on riding habits of Pittsburgh area commuters.]

(By Ralph Brem and Sam Spatter)

A fast, light modern "train" will glide out of South Hills Village some time in the summer of 1975, and head for downtown Pittsburgh, about 10.5 miles away.

The trip should take about 23 minutes, even with nine stops along the way.

This will be the start of the Transit Expressway Revenue Line, sometimes known as TERL, but called Skybus by most.

And if all goes well, part of Allegheny County's transit woes may be answered.

At least that's the picture conjured up in the $494,000 preliminary engineering plan released last week by the Port Authority of Allegheny County (PAT).

OPTIMISM VOICED

According to the firms which conducted the study—started in 1968—Skybus will work.

And its impact on the area will be great . . . especially by the year 2010.

To start off, PAT has been told the area will receive $2.10 in benefits for each $1 invested in the system.

Skybus, once it is in full operation in the South Hills, will furnish fast round-the-clock service daily to 24,718 one-way passengers in 1976.

These passengers—there should be 28,717 one-way trips daily by 1985—will save thousands of hours of commuting time. And this saving also will be felt by other PAT bus riders, motorists and truckers, now trapped in daily congestions on roads throughout the South Hills.

BUSES AS "FEEDERS"

The report predicts new bus routes will be developed by PAT, since buses will not be needed to carry all of the South Hills commuters into town. Instead, they will feed passengers into Skybus, and go back to pick up more.

Since 6,345 autos are expected to stay home instead of adding to the downtown congestion, about 500 to 625 tons of pollutants will not enter the atmosphere each year.

And the noise level should be reduced with fewer autos converging toward town.

There will be an estimated $25 million in savings on new parking garage construction, because of fewer autos entering downtown.

And downtown will be able to continue its growth as a major office employment center, instead of being choked by endless lines of auto traffic.

Downtown now provides 103,000 jobs and with an increase yearly of 2,000 jobs, the total could climb to 125,000 downtown jobs by the end of the 1970s.

The South Hills is expected to benefit—as did San Francisco, Montreal and Toronto—with extensive real estate developments along the line.

The authors of the report expect the Skybus route will stimulate $160 million in new investments by 1980, primarily at or near the 11 stations.

There will be improved transportation service available for college students, teachers and other persons—particularly those with low or modest incomes—to local colleges and educational institutions.

FEW IF ANY FIRINGS

Just building the line will be a financial boom for both workers and local suppliers of equipment.

During the 5½-year period of Skybus construction, an average of 860 craftsmen and general laborers, with wage payments of about $72 million over the term of construction, will be generated.

Top work force year will be in 1973 when 1,220 are on the job.

The unattended feature of Skybus will not mean loss of jobs for present PAT drivers or employees. This work force will be distributed to handle other duties such as shuttle bus operations, surveillance and inspection functions as well as systems maintenance.

And Skybus will open the employment door to many of the area's unemployed or underemployed persons. It will permit them to reach job opportunities in the South Hills.

FEWER CAR CRASHES?

While there are slide rules and calculators to determine measurable benefits from a Skybus transit system, the study's reporters also found some non-measurable types.

Such as how it might counter the negative features of urban sprawl and help preserve the viability of downtown Pittsburgh.

Or how TERL will reduce costs arising from auto accidents and tend to slow the rise in insurance costs.

The Skybus ride itself could well be a recreational opportunity for local residents all over the community—and for tourists.

Views from the aerial structures and the varied terrain could match, at times, the attraction of the cable cars in San Francisco.

TRANSFERS TO PARK

Through use of transfers, people could ride Skybus and then go by a bus to South Park.

The Midtown Plaza downtown terminal of Skybus will be within walking distance of three downtown universities—Duquesne, Robert Morris and Point Park.

Perhaps the biggest financial matter to be considered by taxpayers is how much new investment Skybus will generate. After all, taxes from these investments will help pay the local government bill.

Outside Pittsburgh, at six stations along the line, an increase in demand for up to 1.5 million square feet of office space, 350,000 square feet of apartment space and 230,000 square feet of retail space will be created

XUM

within a 10-year period after the system is operating.

Put into money, that means about $60 million in new developments.

TAX REVENUE BOOM

As for Pittsburgh, about $100 million in new real estate projects are anticipated by 1985. This does not include the air rights above the tracks.

Based on the 1969 millage picture in the county and city, this $160 million in new development would bring back $5,484,000 in taxes alone.

Over a 35 year span the study said a conservative estimate indicates there will be about $50 million in increased tax revenues within Pittsburgh and $28.5 million along Skybus stations outside of Pittsburgh.

In conclusion, the report adds that one of the greatest advantages of Skybus is its dependability. It will run in all weather and on time.

PROJECT: SKYBUS—TWO, FOUR, AND 15 "WINNERS" FOR RAPID TRANSIT COMMUTERS

[Preliminary engineering reports indicate the controversial Skybus will work as a passenger line. This is the second in a series of articles condensing the engineers' findings and discussing possible effects on riding habits of Pittsburgh area commuters.]

(By Ralph Brem and Sam Spatter)

The old picture of a commuter standing in a station fumbling with a timetable to see when the next train leaves will die here in the next few years.

If Skybus comes off the drawing boards and onto its own right-of-way, the need for time schedules will be obsolete.

All the rider will have to remember is the numbers two, four and 15, according to the engineers who have reported the rapid transit expressway concept is sound.

6 TO 10 IS "2"

If he rides between 6 a.m. and 10 p.m., the magic number is "Two." There'll be a train coming along every two minutes—or less.

Between 5 a.m. and 6 a.m. and from 10 p.m. to 2 am., the number to recall is "Four" That'll be the time span between comfortable, airconditioned, lightweight trains.

If he's on the go between 2 a.m. and 5 a.m., the waiting time will be 15 minutes.

In future years, the trains could run every 90 seconds in complete safety during the peak hours. And if the operators want to make it every two minutes around the clock, they can do so with a modest increase in cost, the engineers maintain.

Maximum speeds for the trains on the Transit Expressway Revenue Line (TERL) would be 55 miles an hour.

Average speed, including the times the trains are stopped in stations, would be about 27 miles an hour.

SOME WILL STAND

The top speed was picked as best for the trains after the engineers considered such things as distance between stations, size and cost of motors, power consumption and terrain over which the system would run.

Each car on the train will have 26 seats, and it will take 25 trains—which could be anything from one to 10 cars—to run the system on an every-two-minutes time schedule.

It doesn't mean everybody will get a seat, however.

Each car is designed with standing room only space for anywhere from 26 to 40 passengers.

"Normally, passengers will be required to stand only during the weekday peak hours," says the preliminary engineering report.

In its first phase, on the South Hills run, Skybus would be a "stub-end" system.

This means that the trains would reverse direction in the yards at South Hills Village and the Penn Central station downtown.

The engineers took in all sorts of ideas in making their preliminary studies.

Taking part were Westinghouse Electric Corp., Richardson, Gordon and Associates, Kaiser Engineers, Inc., Okamoto-Liskamm, Parsons, Brinckerhoff, Quade and Douglas, and MPC Corp.

One thing they were quick to point out was that TERL—wonder how long it will be before someone nicknames it Tertle?—needs a link with surrounding neighborhoods.

FEEDER BUSES

"PAT has designed an extensive feeder bus network to accomplish this, and TERL stations have been designed to accommodate feeder and through buses," the report, which contains detailed maps of this feeder system, says.

Also, absolutely essential, the report says, will be ample parking space at the outer stations.

These should provide, ultimately, 200 parking spots at the Beechview stop; 200 at Shiras Avenue; 200 at Dormont; 450 at McFarland Road; 200 in Mount Lebanon; 930 at Castle Shannon; 1,000 at Bethel Park, and 1,725 at South Hills Village.

Those at Mount Lebanon, Castle Shannon, Bethel Park and South Hills Village should be surface lots, while the others should be parking structures.

Recommended would be 3,000 spots when the line first opens; 4,905 later.

One goal was paramount as the engineers designed the line—passenger safety.

If anything goes wrong, the engineers maintain, the system will "revert to a state known to be safe."

PROJECT: SKYBUS—COME RIGHT ALONG FOR A (SIMULATED) RIDE ON DISTRICT'S PROJECTED RAPID TRANSIT

(By Ralph Brem and Sam Spatter)

Let's take a 22-minute ride on the Transit Expressway Revenue Line (TERL) from Upper St. Clair to downtown Pittsburgh.

Your guides will be the engineers who did the preliminary planning report.

First off, you'll either park in one of the 1,725 spots provided for you near South Hills Village, hop off a feeder bus, or give your favorite chauffeur a kiss and run for the train.

It's in the station two floors above the parking lot; in time it could be in a lobby of an apartment building. The trains run so quietly—and there aren't any exhaust fumes—so it's possible.

The station attendant—there'll be one on duty at all times in all stations—will greet you as you pay your fare, and bump through the turnstile.

FREQUENT RUNS

"No need to rush, sir. There'll be another along in two minutes," says the attendant. But you make this one.

You slip through doors similar to those on elevators. If anything touches the leading edge, they bounce back.

And you pick a seat so you can look out the window; other seats face inward.

Now, with scarcely a whisper, the train moves out of the station as you sit in airconditioned comfort. A television camera keeps an eye on the passengers.

You notice that there's a phone to call train control in an emergency, and a voice comes over the loudspeaker:

"Next stop, Bethel Park, in three minutes."

As you look out the window, the train goes over Fort Couch Road, and accelerates along a 3,000-foot stretch before swinging onto the old PAT trolley right-of-way.

AN AERIAL STATION

The train goes under Highland Road after passing north of the Bethel Park School and pulls into the Bethel Park station just south of Connor Road and the Castle Shannon Borough line.

After leaving the station, the train runs along the old PAT right-of-way into Castle Shannon and you look down on Connor Road, Smith Street, Rockwood Avenue and Willow before turning left into Castle Shannon station.

Castle Shannon, like Bethel Park, is an "aerial station," and it sits above the ground near the intersection of Castle Shannon and Mount Lebanon boulevards.

And, as with most of the stations, the waiting platform is relatively small. Since the trains run so often, there's little need for vast platforms to stack up passengers.

The train moves on as it crosses over Mount Lebanon Boulevard and Cooke Lane and "comes to earth" again for about a half mile before going above Poplar Street and Castle Shannon Boulevard.

A SHOWPLACE STOP

It makes a gentle swing to the right and slides into the Mount Lebanon station which is partly elevated at the Alfred Street end.

You've been under way about seven minutes, now; and as the train leaves that station and tunnels 400 feet under Washington Road and Shady Drive West, you start wishing you had taken an express.

Almost as if the control center could read mind, the announcement comes that the next stop will be Beechview in "six minutes and 33 seconds."

The stores and buildings west of Washington Road flash by and you fly over Florence Place, Oak Way, Bower Hill Road, Church Place and McFarland Road.

Now you feel the car bend into a left turn and outside your window is the ultramodern McFarland Road station.

This is one of the showplaces on the $180 million system.

A FEEDER LINK

Dormonters are among the best mass transit riders in the area, and this station is the jumping off spot for several feeder bus lines.

And the station, above the street and an integral part of new development in the area has helped revitalize the district.

There's a new 450-car parking structure here and new shops and offices.

But you swing on through, over Biltmore Street, Raleigh, Park Boulevard and Dormont Avenue.

The train—now hitting close to its top speed of 55 miles an hour—rushes over Dell Street, Alabama and Hillsdale Avenue and into the Dormont station over Potomac Avenue.

Quick as a wink, that's behind you as the train skims on along the PAT right-of-way down the center of Broadway, then goes over Lasalle and Wenzell avenues.

You're now crossing the border into Pittsburg.

You're still on the old right-of-way as the train crosses over Neeld Avenue and joins a new right-of-way that takes it into the Shiras Avenue station above Crosby Avenue.

A FEW STAND

You're through the station and into a quick right turn onto a new, steep hillside run of track.

And you're looking out on Boustead, Belasco, Rutherford and Coast avenues as the train slows.

"Beechview, Beechview station next," says the voice on the speaker, and you see that the last three streets are closed to cars and trucks for pedestrian safety.

The car coasts along the 350-foot platform and stops. The doors slide back and people come aboard.

By now, a few are standing.

There's room for 26 to stand, 26 to sit. In a rush hour, 40 can stand comfortably, according to the engineers who designed this.

"Next stop, Midtown Plaza, Midtown Plaza. In seven minutes and 34 seconds."

That's about four miles away. And you do it in less than eight minutes. Downhill all the way.

Over Dagmar and Cape May avenues, along Andich Way, and into a 450-foot tunnel under the Beechview playground.

You feel like you're in a lowflying airplane as the car shoots out of the tunnel and you're 100 feet above Crane Avenue.

It's still downhill as the train skirts Seldom Seen, crosses over the Norfolk & Western Railroad tracks and Saw Mill Run Boulevard on a high trestle and shoots into the old Wabash Railroad Tunnel.

Seconds later, you're out of the tunnel.

There's the Monongahela River and the Golden Triangle on your left as the train slows down in a hard right turn and curves back over the Penn Central tracks and glides into the Carson Street station.

This is another major stop as the Monongahela River Incline is a big passenger deliverer. Puts them right in the station.

Today, though, you don't stop.

The train goes through and turns out over the river onto the old Panhandle Railroad Bridge and goes underground into the new Midtown Plaza.

You get off and walk past the shops and up onto Grant Street.

Behind you, the train pulls out and runs another minute into its terminal at Penn Central.

XUM

Project: Skybus—New Rapid Transit Here To Speed in Air, Via Tunnels, Over River

(By Ralph Brem and Sam Spatter)

It will take three new, short tunnels and the use of two existing railroad tunnels—one of them abandoned in the late 1940s—to make the proposed Skybus system work.

According to the engineers who wrote the preliminary plans, the three new tubes will be handled by the "cut-and-cover" method.

That means they dig a ditch, put the tracks and other gear in place and roof the whole thing over much like the tunnel between Gateway Center and the Hilton Hotel was "dug."

There's no need for any new bridges, the engineers maintain.

One of the new tunnels would be a 400-foot double-track cut under Washington Road just north of the Mount Lebanon station at Alfred Street.

While building this, the diggers would also put in a separate pedestrian passageway running parallel to the Washington Road tunnel.

USE WABASH TUNNEL

Another new tunnel—a 450-foot double-track job—would go under Beechview Playground.

Getting through Mount Washington means using the abandoned 3350-foot Wabash Railroad tunnel.

This tunnel used to handle a double-track, standard-gauge, steam railroad line which crossed the Monongahela River to serve warehouses and a passenger depot where Gateway Four stands now.

Even with a new 18-inch concrete tunnel liner, the old tunnel is wide enough to take a double-track road carrying the Transit Expressway Revenue Line (TERL).

Once into—or under—the Golden Triangle, the lightweight, air-conditioned trains will use the Penn Central tunnel.

But it's strictly a one-way deal at present since the section running through the basement of the new U.S. Steel Building won't take a double track.

NEW BY-PASS TUNNEL

So, the inbound roadway will go around the building in a new by-pass tunnel.

Both the U.S. Steel section and the new by-pass tunnel will join up with the existing Penn Central Co. tunnel which will need rehabilitation.

No new bridges will be needed since the system will use the existing Penn Central Co. Panhandle Division bridge to get across the Mon.

Now a one-track bridge, it will be made two-way to take Skybus.

Working on the report were the MPC Corp.; Westinghouse Electric Corp.; Kaiser Engineers, Inc.; Richardson, Gordon & Associates; Okamoto-Liskamm, who handled the preliminary station design, and Parsons, Brinckerhoff, Quade and Douglas.

Kaiser Engineers and Michael Baker Jr., a firm in Rochester, Pa., are designing the final system on which work should start later this year.

It's estimated that it will take 5½ years to build the South Hills Expressway segment at a cost of about $180,716,000.

TERL—or Skybus, as it has become known—will be a major transit link in the South Hills as it serves passengers south of the Mon between Saw Mill Run Boulevard and Banksville Road.

Presently, passengers in this area ride four street car lines, eight bus lines that go downtown and six feeder or local bus routes.

The engineers figure there'll be 36,000 riders a day on TERL in the first full year of operation; and 50,700 by 1985.

The controversial "switch" that has been much debated in planning will get a real workout in the new system.

There will be at least 22 of them on the line—and more if you count the ones in the yards—all "concealed within the roadway structure so that the TERL's clean and unobtrusive appearance is not impaired," says the report.

Trains will be put together in the yards just beyond South Hills Village.

It will be done automatically with no passengers on board, the report maintains, and off the main line.

THE NERVE CENTER

This yard is the nerve center, and the storage yards.

Here, too, cars should be cleaned daily, inside and out, the engineers say.

There'll be room enough to store 90 vehicles in one section and 111 in another.

And all yard roadways will be heated to break up snow delays.

No de-icing compounds will be used on any of the roadway running surfaces.

Because of the frequent passage of trains, very little snow should pile up on the running surfaces.

This has been proved already in experiments at the South Park testing grounds.

LANDSCAPING, TOO

It won't make much difference in critical section of the roadway—electric heating elements buried in the concrete will melt the ice and snow.

Some structural statistics:

If a train is disabled, passengers can walk to safety on walkways either in or alongside the roadbed.

About 60,000 lineal feet of the roadway will be aerial—on "slim, tapered columns"—and range from eight feet above the ground to 105.

The engineers believe most of the aerial routes will be 30 feet or less above the ground and will blend into the neighborhoods.

And areas under the high trackways will be "landscaped with smooth contouring, and planted to minimize any intrusive effects on the neighborhoods," the report says.

Projects Skybus—A Seat for (Nearly) Every Rider One of Biggest Rapid Transit Aims

(By Ralph Brem and Sam Spatter)

Skybus may be near a breakthrough of Pittsburgh's old rapid transit problem of providing a seat for every passenger.

The secret is simply to keep the cars running every two minutes. And when peak rush hours are present, add more cars to the Skybus train.

Planners of the Transit Expressway Revenue Line (TERL)—best known as Skybus—contend the no-standing possibility probably won't hold true during peak rush hours.

But those who stand will find they have more space than they do today on Port Authority's Transit's (PAT) buses and trolleys.

Each Skybus vehicle will have 26 seats, arranged in a pattern that reminds one of the Montreal trains and future San Francisco cars. Double seats will face either forward or backward with some single seats facing the center aisle.

WILL AVOID JERKS

During peak rush hours, the planners believe each Skybus car can accommodate 52 passengers, including 26 who stand. They've provided each standee with 6.4 square feet of floor space.

The cars have the capacity to carry 66 passengers, and this would give standees only 4.2 square feet of space.

Stanchions and handrails will be on the cars so that standees will have adequate support as the train runs along the Skybus trail.

In off-peak hours, there should be seats for all.

And built into the car's power package is a control that will hold acceleration and jerks to a minimum of passenger discomfort, the planners have stated.

Their views are listed in a feasibility report issued last week by PAT.

DOORS WILL LOCK

A closer look at the vehicle itself shows two sets of doors rather than the one now evident on the demonstration model which has been circling the Skybus test track at South Park.

Because a second door was added, the car South Hills residents ride will be longer than its present prototype.

Doors will operate quietly and smoothly, according to the report.

When closed, the doors will be secured with a locking device. But when the Skybus reaches the station, the doors will open automatically and remain open for the predetermined stop time, then automatically close.

For those rushing to get through the door before it closes, just touch the leading edge of the door and it will swing open again.

And through the equipment placed along the route, power to start the Skybus on its way won't be unleashed until the doors are closed and locked.

A maintenance man will be able to open and close each door from both inside or outside, using a doorkey switch or other appropriate means.

There will be a way to open the doors if power fails. Inside the vehicle will be an emergency lever near each door.

This lever, placed behind a small door to discourage tampering, will allow manual operation of the doors.

NONGLARE LIGHTS

Once the lever is used, the train stops and the doors can be pushed open. The lever overrides all other power systems.

Uniform temperature is automatically maintained inside the car regardless of the weather outside.

And filtered air will circulate throughout the car with a huge chunk of the fresh air pulled in from outside.

Non-glare fluorescent lighting will brighten up the interior. In case of power failure, battery-operated incandescent lights will switch on automatically.

In case of an electrical fire, every car will have a fire extinguisher. And all material used in the car is fireproof or fire resistant, cutting down the risks of accidents or fires.

Noise will be at a whisper. Engineering advances will permit even the air-conditioning units to be quiet.

And vibrations of all kinds—from doors, windows and even seats—are expected to be absent.

The cars will be clean, the report states, because plans call for daily use of cyclone-type cleaners inside the vehicle.

For the passenger who must talk with Skybus control, each car will be equipped with a handset or speaker box with a push-to-talk button. This permits the passenger to speak to the man on duty.

SAFETY GUARDED

Communications will be a major part of the security and safety features of TERL.

All stations will have a public address system to serve the public.

Closed circuit TV cameras and monitors will be located at each passenger station. The cameras will include in their vigil remote fare-collecting areas and bus and auto loading areas.

As has been noted before, the Skybus will be locked to the roadway. Steel safety discs, mounted above pneumatic, rubber-tired guide wheels, will tie into the roadway guide beam and provide the positive lock-on feature, the report adds.

Fully automatic vehicle braking will be done through a combination air and electric dynamic system.

A WALKWAY, TOO

Friction brakes are used at low speeds to achieve precision stopping during all weather conditions, the planners state.

Since the Skybus will be automatically controlled—without the need of a driver or attendant—extra safety precautions have been instituted to insure safe operation.

To prevent possible collisions of trains, the system has the wayside (at the roadway bed) controls which monitor each car, controlling its speed, and forcing it to stop if there is any malfunction or problem ahead.

There is also protection built in to detect and stop any train roll back.

Electronic detectors also will stop trains if doors are opened or certain key functions fail either on board or in the wayside equipment.

And in case the passenger has to get off Skybus and walk to the station, a continuous walkway will be built along the roadway structures.

To prevent anyone from falling off the aerial roadway sections, the walkway is between the two inner roadway slabs in double roadway sections, and on one side of the structure in single roadway sections.

TRANSIT CONSTRUCTION DELAY BLAMED IN DRIVING UP COST

(By Ralph Brem and Sam Spatter)

Port Authority of Allegheny County (PAT) is nearly four months behind its projected construction time schedule on the Early Action Program.

And every day that construction is delayed means higher costs.

The planners projected their financing and construction program on a "go ahead" date of last January, according to a feasibility study just released on the Skybus program.

AWAIT U.S. APPROVAL

And until that "go ahead" is given by Washington with approval of federal funds, the $33.6 million put aside for "escalation" may evaporate before the entire 10.6 mile Skybus line is built.

Even the $18.1 million set aside for contingencies—those unexpected structural and financing charges not anticipated today—might not be enough to finish the job.

But looking at the Skybus costs—$180.7 million—the breakdown in financing shows: Federal, $120,477,333 (two-thirds); state and county, $30,119,500 each (one-sixth each).

The entire Early Action Program will cost $228 million when the PATway system is included. These are the South and East PATways—those exclusive bus-only lanes.

PAT's cash obligation of $30,119,334, plus about $385,000 working capital in 1975, will be financed through a $31 million bond issue, the study states.

AMORTIZATION PLAN

The plan calls for issuing $15 million of the bonds this June to be amortized serially over 25 years beginning in 1971. A $16 million issue will be let in January, 1973, and amortized serially over a 25-year period beginning 1974.

These bonds would be retired from annual appropriations by the county—a commitment which already has been confirmed by the commissioners.

The draw on the funds will leave some unused money at the end of each of the first five years and these funds will be re-invested in short-term notes to offset partially interest requirements on the bonds.

Under the present arrangements, the flow of construction cash should run as follows: 1970—$11,381,000; 1971—$16,186,000; 1972—$38,033,000; 1973—$64,783,000; 1974—$49,037,000 and 1975—$1,296,000.

WILL BE PHASED IN

Construction of the Transit Expressway Revenue Line (TERL)—the official name for Skybus—will be phased with the building of the South PATway (exclusive bus-only lane) and various highway projects.

This phasing will be done to provide through-service during construction between Library, Drake, Castle Shannon and downtown Pittsburgh.

Based on 1969 prices, the study reflects the cost of building the system as $41,375,000 for just the structures and roadway. Next highest expenditure is for passenger stations, $17,829,000.

The cost to buy 145 Skybus vehicles is projected at $16,238,000. Right-of-way acquisition has a $14 million tab and the Port Authority's board chairman, William Henry, said PAT will follow federal regulations and not permit any family to move until a replacement home is available.

OTHER COST ITEMS

PAT has said it would spend about $1.1 million to buy 271 residential (including 20 trailers) homes and 64 businesses for Early Action.

Other top cost items for Skybus include $10.6 million for electrification; $8.8 million for engineering; $7,245,000 for automatic train operation and communications; $6.6 million for maintenance shops and storage yards and $4.6 million for construction management.

The study's planners anticipate a sharp cost increase over the next five yars. And they believe it will run from 5 per cent annually for vehicles and automatic operation and control to 8 per cent yearly on rights-of-way costs.

Also tied up in the financing is the cost for engineering services on both the Skybus and PATway lines.

Kaiser Engineers, which will handle the Skybus, will be paid on the basis of 2.1 or 1.8 times its wage and salary costs, depending on the type of service rendered. The sum, however, will not exceed $15,480,000.

Michael Baker Jr., PAT's engineering consultants, will get 1.25 per cent of the estimated construction costs of Skybus during the period of design and ¾ per cent during actual construction—with the total not to exceed $2,564,500.

Baker also will get 2.1 per cent or 1.8 times of its wage and salary costs on the PATways, but the total can not exceed $3.1 million. However, their total compensation on PATways will be reduced to the extent to which the Pennsylvania Department of Highways participates in the project.

INCOME EXPECTED

But the best financing news is pictured in the projected income PAT believes Skybus will bring into the authority.

The study contends the only losing years will be the first two—1975 and 1976. A loss of about $85,662 is expected in '75 and $30,025 in '76.

After that—with the cost of the feeder bus service to Skybus included—the income is expected to exceed expenses.

By 1985, income should reach one million dollars and by 1991 the two million dollar mark will have been attained.

The income will be closing in on $3 million by mid-1990's, according to the report.

Westinghouse Electric Corp., sponsor of the Skybus system, headed the team which prepared the technical study on which this series was based.

Others involved were Richardson, Gordon and Associates; Kaiser Engineers; Okamoto-Liskamm; Parsons, Brinckerhoff, Quade and Douglas and MPC Corp.

COMPANIES ESTABLISH PUBLIC PARKS, RECREATIONAL AREAS AND WILDLIFE PRESERVES

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GOLDWATER. Mr. Speaker, in recent times, the question of environmental improvement has been a key issue on the tongues of nearly every public official in America. I think that it is sometimes important to point out the fine work that private enterprise is doing to preserve our environment and making lands available for the public to enjoy. I, therefore, wish to insert in the RECORD an article from the action report of the Chase Manhattan Bank. It describes the things that major corporations have done to provide more parks for the public. This kind of action certainly deserves our congratulations; the article is as follows:

COMPANIES ESTABLISH PUBLIC PARKS, RECREATIONAL AREAS AND WILDLIFE PRESERVES

From coast to coast this year, thousands of Americans will be camping, fishing, hiking, swimming, and sight-seeing on land prepared for public use by manufacturing companies. Until recently, most of these companies never considered themselves in the recreation business and had not organized for it. Now several of them have established recreation development divisions. The new trend is a response to the growing public demand for outdoor recreational facilities—a demand that budget-burdened cities and states can only partially satisfy.

Weyerhauser Company, which was the first large tree-farming corporation to set up a formal organization for public recreation, maintains some 20 parks on its vast timberlands in the northwest and other parts of the country. It supervises hunting and trapping in the parks as well as family recreation.

In 1967 Boise Cascade Corporation undertook a five-year recreational development program. In wooded canyons in Washington, the company maintains a series of campgrounds, and hundreds of miles of logging roads are open to hunters and fishermen the year round except during periods of extreme fire danger or in active logging areas. These company-built roads provide access to 700 miles of streams and 84 lakes—all in all, more than 152,000 acres of fishing waters. "We don't pretend to compete with the many federal and state agencies which manage vast areas of timberland for recreational use," said Don Coldwell, the company's timber and logging manager, "but we try, along with many other responsible industrial timber owners, to do our share on our own land."

One of the most extensive snow-mobiling areas in Minnesota is a 60-mile network of 27 marked trails maintained by Boise Cascade on the Kabetogama Peninsula. The company is also developing many miles of streams to 17 interior lakes on the Peninsula so that canoers can reach them.

Not all the parks and recreation areas contributed by industry are in open lands. One leading wildlife preserve is located in an industrial section of Philadelphia, with heavy automobile and truck traffic along its sides and airlines passing overhead on their way to International Airport.

Tinicum Wildlife Preserve is on 205 acres of rich marshland teeming with muskrat, turtles and other inhabitants of watery lowlands. The area was donated to the City of Philadelphia by Gulf Oil Corporation, with the company retaining rights-of-way for its pipelines from tanker docks to inland storage tanks.

Gulf also played a major role in an unusual wildlife transplant. After conducting studies of waterfowl in the southern hemisphere Florida's Game and Fresh Water Fish Commission wanted to introduce *patos reales*, a black game duck in South America to the forested swamps of Florida.

Learning of the Commission's desire, executives at Gulf arranged for an expedition into the wilds of Venezuela in search of *patos reales*. With the help of local hunters, Gulf captured 100 of the prized ducks and sent them to Miami by air freight. Groups of them were then distributed to preserves in Florida for study and propagation.

In Tampa, Florida a well-known wildlife preserve is operated and maintained by Anheuser-Busch, Inc. This preserve, Busch Gardens, is stocked by colorful herds from the African veldt—lions, elephants, zebras, giraffes, rhinos, hippos, and many others. From a skyrail car, visitors can view the animals roaming free in lands similar to their ancestral habitats. Many varieties of tropical birds also live by pools in the Gardens or in the Adolphus Busch Space Frame.

Another company that has contributed to the establishment of parks and recreation areas in Georgia-Pacific Corp. In what was acclaimed as "the largest single gift ever made for conservation purposes" last year, Georgia-Pacific gave two groves of California redwoods to Nature Conservancy, a conservation group in Washington, D.C. The gift, valued at about $6 million is now a California state park.

GENERAL GELSTON: STRONG MAN OF PEACE

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRIEDEL. Mr. Speaker, in these troubled times with so much unrest, violent dissent, and undesirable racial tensions, I wish to invite the attention of my colleagues in the Congress to a truly great man who knew how to handle them. That man was Maj. Gen. George M. Gelston, who, unfortunately, passed away a few months ago.

The late General Gelston was a model of a dedicated public servant who used his talents, intellect, and qualities of leadership to contain and resolve explosive situations in Maryland. In recognition of such significant achievements the Westinghouse Broadcasting Co.'s Group W station in Baltimore, WJZ–TV 13, presented an editorial by Mr. John Rohrbach, general manager, regarding his services to our State. Because of its importance today, I include it in the pages of the CONGRESSIONAL RECORD. It is as follows:

GENERAL GELSTON: STRONG MAN OF PEACE

In 1963 when a National Guard unit was sent to Cambridge, Maryland, few citizens had heard of Brigadier General George M. Gelston. As commander of the unit, his basic task was to keep the peace in the racially troubled city. Instead his quiet physical courage and his surprisingly acute sense of fairness thrust him into the role of mediator and peacemaker. Soon everyone had heard of General Gelston.

In 1966, promoted to Major General, he was appointed Adjutant-General of Maryland. He had barely taken over when there was another emergency. The Baltimore Police Department was wracked with scandal and Governor Tawes asked George Gelston to serve as interim commissioner. Immediately he took the necessary steps to restore public confidence in the department and its men. He acquired the respect of black leadership, both locally and nationally, at a time when they were becoming resentful toward the police. When Commissioner Donald Pomerleau took over, to begin a methodical upgrading, the crisis of confidence had been solved by the talents of General Gelston.

In 1968, Baltimore's ghetto was torn with riots. General Gelston moved in with the National Guard and Federal troops. Even in this most severe of crises, he remained the voice of reason, resisting the "shoot-first" extremists and yet moving firmly to shut off the torrent of rage.

In that same year Group W decided to devote three hours of evening television time to a study of the American racial problem, called "One Nation, Indivisible." One segment was to be on the role of the National Guard. The guard of any state could have been selected. The producers chose Maryland for one reason—the enlightened leadership of General Gelston.

This week Major General George M. Gelston died. The people of Maryland will long remember this fine soldier who won his greatest laurels as a strong man of peace.

EFFECTS OF POLLUTION ON OUR ENVIRONMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the American public is increasingly aware of the shocking and tragic effects of pollution on our environment. Most of these effects are all too obvious—we have only to look at the mountains of scrap and waste outside so many of our large cities, or the signs prohibiting fishing and swimming in our sewage ridden rivers and streams.

One pollution problem, which only becomes obvious when it reaches crisis proportions, is the pollution of the air we breathe. It has been predicted that Americans living in major metropolitan areas 30 years from now will have to wear gas masks when they venture from their homes.

Every 24 hours in the United States, over 390,000 tons of refuse are poured into the air, and this figure increases every year. Approximately half this waste is produced by the more than 80 million automobiles which travel our Nation's highways. The other half is largely produced by those industries which burn coal and oil products as sources of fuel.

The effects of air pollution may be obvious only when reaching danger levels, but they are nevertheless continuous and affect everything from buildings and garments, to trees and plant life—to say nothing of the effect on our health.

Medical studies have shown higher rates of lung cancer in those areas of heavy pollution, and plant life and vegetation in these areas have been visibly affected. In some instances, farmers have had to leave their farms because of the effects of air pollution on their crops.

Normally, air pollution goes largely unnoticed because the waste products are dissipated into the atmosphere. But certain weather conditions can prevent this dissipation and cover a particular area with a blanket of choking smog. This process is known as inversion, and basically occurs when a warm mass of air passes over a cooler mass of ground air and prevents it from rising.

When this happens, we become immediately aware of the volume of filth we pour into the air, because we are forced to try and breathe it. If this condition persists, illness and even death can result.

Is it always man's fate to realize his mistakes only when they reach such intolerable levels?

In relation to the growing economic losses and dangers to health caused by the problems of air pollution, an insuffi-

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cient amount of money is being spent on its eradication. In 1966, it was estimated that only 58 percent of our urban population in the United States was served by local air pollution programs. Only 42 agencies spent above $50,000 a year, "a bare minimum program budget." Of the total amount, 40 percent was spent in California, where the population growth quickly outpaced the amount of money being spent on pollution problems.

Another area demanding immediate attention is the systematic desecration of our lakes, rivers, and streams. The once lovely Lake Erie has become a gigantic cesspool, which would require decades to clean up even if we started today. Lake Michigan and Lake Huron are fast approaching the same condition. Other lakes and rivers throughout the country are choked and clogged with industrial waste and human refuse.

Admittedly, the past few years have seen forward strides in the direction of pollution control. The automobile industry has taken steps to reduce exhaust emissions from automobiles. The Federal Government has played a substantial role in providing research programs and reducing the pollution output of various Government-related agencies. And over $300 million a year is being spent on control devices to reduce industrial pollution.

Still, a great deal needs to be done. Congress must realize the gravity of the problem. We must help in the development of new methods to cease pollution and begin repairing the damage already done. Industry must recognize its responsibility in sharing the burden of pollution control.

Local and State governments, acting in cooperation, can implement effective responses to regional aspects of the problems of pollution, and community action groups can play an increasingly important role in calling attention to their local needs.

The young people of this Nation, who must live in this polluted environment we have created, are already aware of the grim future they face. During the past few months, I have received thousands of letters from students of all ages, urging that action be taken now. They ask what they can do to help, and ask what is being done. What can I tell them?

The late Adlai Stevenson made a very perceptive analogy of the problems we face long before pollution became the issue it is today:

> We travel together, passengers on a little spaceship, dependent on its vulnerable supplies of air and soil . . . preserved from annihilation only by the care, the work, the love we give our fragile craft.

Mr. Speaker, the time is late, very late. And the problem is very real. A nation that can spend billions of dollars to put men on the moon, and spend billions to fight a war in far-off Southeast Asia, can certainly allocate a larger share of its resources and energy to give future generations the clean and beautiful land that our fathers gave us.

VIOLATION OF RIGHT TO PRIVACY OF RETURNS OF FEDERAL INCOME TAXPAYERS DRAWS CRITICISM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the disclosure of examinations of citizens' individual income tax returns by officials of the White House is condemned and should be stopped.

Many feel that this is a violation of the right of individual privacy and of Federal law and Treasury regulations governing the confidential nature of such returns.

In this connection a news release setting forth the views of Chairman Lawrence F. O'Brien of the Democratic National Committee on this matter is herewith placed in the RECORD because of the interest of my colleagues and the American people in this matter.

The news release and a letter to Mr. O'Brien follows:

O'BRIEN CHARGES VIOLATION OF FEDERAL LAW BY NIXON ADMINISTRATION IN MOLLENHOFF ACCESS TO INCOME TAX RETURNS

WASHINGTON, D.C., April 11, 1970.—Lawrence F. O'Brien, Chairman of the Democratic National Committee, today charged that the Nixon Administration's practice of turning over confidential federal income tax returns to a White House aide violates federal law and Treasury Department regulations governing the confidentiality of tax returns.

"Federal law and regulations protect the individual taxpayer's right to privacy and such indiscriminate access by a political operative in the White House is a clear violation of the legal rights of American citizens," O'Brien said.

"I call upon President Nixon to terminate immediately this illegal access of his personal staff to confidential tax returns of 80 million Americans," O'Brien said.

"If this action is not taken voluntarily," O'Brien added, "we are prepared to initiate legal action that will end this practice."

O'Brien's statement was based on a legal opinion signed by Mortimer M. Caplin and Sheldon S. Cohen, former commissioners of the Internal Revenue Service, and Mitchell Rogovin, former Assistant Attorney General for Tax Division and former Chief Counsel, Internal Revenue Service.

The full text of the legal opinion submitted by Caplin, Cohen, and Rogovin to O'Brien is attached.

"I asked for this opinion upon learning of the Internal Revenue Service's practice of turning over confidential income tax returns to Clark Mollenhoff, special counsel to the President, on a 'need-to-know' basis," O'Brien said. "The views of these recognized tax experts leave little doubt as to the illegality of the procedures which now are being followed."

"It is particularly troublesome to learn of this practice when so many millions of Americans are at this moment poring over their individual income tax returns and are candidly disclosing personal information of the utmost sensitivity," O'Brien said.

"Only immediate action by President Nixon to stop these illegal procedures will restore the American people's confidence in the Internal Revenue Service, as well as demonstrate the willingness of the Nixon Administration to obey federal law and regulations in the conduct of its own affairs," O'Brien concluded.

APRIL 9, 1970.

Mr. LAWRENCE F. O'BRIEN,
Chairman, Democratic National Committee,
Washington, D.C.

DEAR MR. O'BRIEN: It has been reported that an aide to the President currently has access to federal income tax returns upon his written request.[1] You have asked for a legal opinion on whether this reported arrangement with the Internal Revenue Service comports with existing law and regulations. It is our legal opinion that such access is not in conformity with existing law and regulations relating to disclosures of tax returns.

Section 6103 of the Internal Revenue Code sets up the statutory procedures necessary to insure that tax returns and the confidential information appearing thereon are not made available to people who have no legitimate interest in the return. First enacted in 1910, this central provision of our present law provides that returns will be open for inspection "only upon order of the President and under rules and regulations prescribed by the Secretary or his delegate and approved by the President."[2] The inviolate nature of tax information is fundamental to our tax system, not only in the name of privacy, but also to insure increased and more accurate taxpayer compliance. As to the latter, more accurate reporting on income tax returns appears to bear a close relationship to the degree of confidence in which the information is held by the Internal Revenue Service.

The regulations promulgated under section 6103 provides in detail, the manner and circumstances under which tax returns may be legally inspected by the public[3] state tax officials,[4] Treasury officials,[5] Executive Department officials,[6] U.S. Attorneys and Department of Justice attorneys,[7] Executive Branch agencies,[8] and Congressional Committees.[9] Specific requirements for inspection of federal income tax returns have been prescribed in the regulations to intentionally make it burdensome to secure inspection of such returns. This is in order to maintain the confidentiality of such returns except in unusual circumstances, melding the legitimate needs of government with the right to privacy of the individual. For example, with respect to inspection of returns by executive departments' officials other than the Treasury Department, the request must be in writing, it must be made by the head of the Agency requesting the opportunity to inspect the return,[10] the request must relate to a matter officially before the Agency head, it must specify the taxpayer's name and address, the kind of tax reported, the taxable period covered, the reason why inspection is requested, and the name and official designation of the person by whom inspection is to be made.[11]

The federal official in the news report is Special Counsel to the President and as such, he is an employee of the Executive Office of the President. Reg. Sec. 301.6103(a)—1(f) covers access to tax returns by such an employee. Under this regulation, the President would be the only Executive Branch official with the authority to request the Commissioner to make tax returns available to employees of the Executive Office of the President. Each a Presidential request would presumably have to comply with the various requirements of the regulations detailed above.

It has been suggested that since the employee in question acts as agent for the

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Footnotes at end of article.

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President in matters of investigation, no written request by the President is required. We are unaware of any theory of law which would support such an argument. Indeed, this type of argument has been specifically rejected by the very language of the regulation.

The criminal sanction relating to the disclosure of confidential tax information is found in section 7213 of the Code. It makes it a misdemeanor for any federal employee to divulge tax information except as provided by law.

If tax returns are made available in a manner not in conformity with section 6103 of the Code and the regulations, it would appear that such divulgence of tax information is not as provided by law.

A copy of section 6103 and the pertinent regulations are attached for your convenience.

Sincerely,

MORTIMER M. CAPLIN.
SHELDON S. COHEN.
MITCHELL ROGOVIN.

FOOTNOTES

[1] Washington Post, April 4, 1970, p. 2, col. 1.

[2] The Tariff Act of 1909, which imposed a corporate excise tax, provided that corporate returns were open to public inspection. Payne-Aldrich Tariff Act § 38, 36 Stat. 112 (1909). Congress quickly reversed this action and inserted a provision in the Appropriations Act of 1910 so as to allow inspection only upon the order of the President, under rules and regulations prescribed by the Secretary and approved by the President. Act of June 17, 1910, 36 Stat. 468, 494.

[4] Reg. Sec. 301.6103(a)—1(d)

[4] Reg. Sec. 301.6103(a)—1(d)

[5] Reg. Sec. 301.6103(a)—1(e)

[6] Reg. Sec. 301.6103(a)—1(f)

[7] Reg. Sec. 301.6103(a)—1(g)

[8] Reg. Sec. 301.6103(a)—102 to 106

[9] Reg. Sec. 301.6103(a)—101

[10] In the past, the Internal Revenue Service has denied the request of a Cabinet member to inspect returns when a written request bore a facsimile signature rather than the genuine signature of the Cabinet member.

[11] Reg. Sec. 301.6103(a)—1(f)

MISS ROSE MARIE TAMURA—"ABILITY COUNTS" ESSAY WINNER FROM HAWAII

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. MATSUNAGA. Mr. Speaker, a delightful interlude in which I indulge myself here on Capitol Hill whenever the opportunity arises is to meet with young people from Hawaii. I recently had this pleasure when I had as my guest for lunch in the U.S. Capitol an outstanding young senior at Kapaa High School, from my home island of Kauai, Miss Rose Marie Tamura.

Miss Tamura, the daughter of Mr. and Mrs. Misao Tamura of Kilauea, Hawaii, came to Washington after winning top honors in the 1970 "Ability Counts" essay contest sponsored in Hawaii by the Governor's Committee on Employment of the Handicapped. Miss Tamura was accompanied by Miss Josephine Malecke, her teacher who inspired and encouraged her to enter the contest.

The Governor's Committee on Employment of the Handicapped has done an impressive job in promoting employment opportunities for persons in our society who, though handicapped, are capable of doing top-quality work. The "Ability Counts" essay contest gives our students an opportunity to emphasize the benefits of employing the handicapped and it is indeed a most worthwhile project.

In her prize-winning essay, Miss Tamura focuses attention on the disabled veteran as a manpower resource in her community. It is interesting to note here that the Garden Island of Kauai, while abounding in beauty and natural resources, has experienced a decline in manpower resources in the last few decades in the 20 to 40 age bracket. It is this group which represents Kauai's labor force for the sugar plantations, the pineapple canneries, the skilled and service businesses, and the rapidly expanding visitor industry.

Miss Tamura's essay points to the need for the services of the disabled veteran in her community, and emphasizes the increasingly vital role that he can play in contributing to the manpower resources on Kauai.

I read Miss Hamura's essay and found it most informative and inspiring. I submit it for inclusion in the CONGRESSIONAL RECORD in order that others may also have the opportunity of reading her essay.

Our country builds its future on young citizens like Rose Marie Tamura. I know that my colleagues would wish to join me in congratulating this talented young lady on her accomplishment, and in wishing her well in her future endeavors.

The prize-winning essay, "The Disabled Veteran as a Manpower Resource in My Community," by Miss Rose Marie Tamura, follows:

THE DISABLED VETERAN AS A MANPOWER RESOURCE IN MY COMMUNITY

The wars that have raged for too many years have drawn much manpower from the national labor resources. Some men return alive and well, some draped in mourning and the rest hampered by service-connected disabilities. The concern, then, is for the disabled veteran who faces the problem of readjustment and acceptance into the working force of his community.

Kauai, Hawaii, in the last few decades, has experienced a decline in population—an especially critical decrease in the 20–40 age bracket. This group represents Kauai's labor force for the sugar plantations, the pineapple canneries, the skilled and service businesses, and the rapidly expanding visitor industry. There are presently 2,192 hotel units with an estimated increase of 100% expected by 1972 through the Blackfield Corporation and Eagle County Development Corporation resort development projects. With the acute labor shortage, hotels and their supplementary services are in great need of people to man necessary positions. The disabled veteran, then, with his skills and desire, has a valuable, potential contribution for Kauai.

Since 1920, the Disabled American Veterans (DAV) has been organized (and congressionally chartered in 1932) "to work for the physical, mental, social, and economic rehabilitation of the more than 2,000,000 wounded and disabled veterans who have returned from battlefields since World War I."

With the DAV, the Veterans Administration, and other state and federal agencies including the State Employment Service and the Department of Vocational Rehabilitation, anxious and ready to serve him, the disabled veteran has much guidance and counseling for his transitional period of readjustment into the community. When he is desirous to contribute his abilities, his "veteran preference" assures him extra help in location of a suitable position. Rehabilitation Unlimited of Kauai also works to help him through employment and training related to his interests and capabilities.

Motivation is essentially the major contributor to the disabled veteran's desire to work. It is more important than monetary gains for he is already awarded by the federal govenment. When he realizes that he is wanted, that he is needed and that, moreover, he is appreciated, the disabled veteran faces a more personally meaningful life. His work brings dignity and he triumphs over the challenge of a handicap. With understanding and respect, he will produce to his utmost. Employers have discovered that the handicapped are not more delinquent in areas of sick leave and absences than normal employees. All rests in motivation and a real desire to work.

Statistics from records of the State Employment Service on Kauai reveal that there are disabled veterans in the community that are willing to face the new life of employment. Below are listed the numbers of disabled veterans interviewed and placed by the Employment Service:

Number interviewed:	
1965	13
1966	19
1967	12
1968	19
1969	32
Number placed:	
1965	9
1966	13
1967	5
1968	6
1969	4

Figures on the right do not include those who sought and gained their employment or those who were referred to other agencies.

There is a need and a place for the disabled veteran on Kauai. His manpower contribution is of increasingly vital importance to the economy of an island that lacks the substantial human resources. Although the disabled veteran receives financial compensation for his disabilities, he shall never meet the challenge of overcoming his weaknesses until he has the chance to exercise and emphasize his strengths.

Employment and work are means of personal, spiritual compensation that teach men to accept their capabilities and produce their best by accenting their assets. Financial comfort and social dependability are a dear price to pay for the rewards of independence, self-sufficiency, and victory over total disability and uselessness. The future is bright and rewarding for the disabled veteran that takes his life into his own hands and lives it as a challenge!

RADICAL DEMAGOGS?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. WOLFF. Mr. Speaker, in this period of great national confusion, it is vital that we look to those who present sane and reasonable discussions of the

Nation's plight. Mr. Jack Valenti, former White House special consultant to former President Johnson, has offered us such a reason to give pause.

I would therefore like to extend my remarks today to include a most important article by this outstanding gentleman. I believe each one of us should consider carefully the thoughts he has to present.

The article follows:

RADICAL DEMAGOGS?

(By Jack Valenti)

There is an edge of the demagogue among the radical young as surely as it resides within their more traditional-minded elders. To cry "revolution" today is to make it known you are clear-eyed and idealistic, fed up to here with the "system" and therefore committed to its destruction. Ergo, revolution.

A number of men some of us might describe as wise have looked at this revolution thing and have some observations worthy of pondering. Albert Camus (whose credentials as an anti-establishmentarian are well known) put it this way: "The rebel begins by demanding justice and ends by wanting to wear a crown." This is a well known defect in revolutionaries who win.

George Bernard Shaw, whose distaste for traditional procedures could never be described as mild, looked at insurrections and said: "Revolutions have never lightened the burden of tyranny; they have only shifted it to another shoulder."

The prime point in this line of reasoning is a truth which was ancient when Lord Action gave it brilliant brevity and it is that power corrupts. It corrupts the young as it does their older kin. It is an elixir few men can drink without feeling the effect. That one starts out loving and kind of passionately involved in justice is of no matter. Every revolution in history that was started by those determined to pull down the city always ended in despotism and iron-handed power wielders, as brutal as what had been experienced before, sometimes more so.

To cite the American Revolution as an example of beneficent change through revolt is to disfigure facts. The American brand of revolution was unique, generated by the wellborn and the high stationed, by those with the most to lose. The leaders of the American Rebellion had no intention of tearing down anything. They rather liked their society the way it was. They just wanted to order their own kind of government, free of non-resident arbitrary decrees. They fretted that the British government intruded on the colonies, and so they threw the rascals out. But by no stretch of historical or emotional imagery can one catalogue the American revolt as a revolution in the current accepted sense of the word.

The glorious revolution of 1688 in Britain came, according to Historian G. M. Trevelyan, not to overthrow the law, but to confirm it against a law-breaking king. It was at once liberal and conservative; Most revolutions, said Trevelyan, are neither one nor the other, but overturn the laws and then tolerate no way of thinking save one.

The French Revolution ravaged France. The mass of people, tired of Bourbon stupidity, triggered the revolt, but it quickly fell into the hands of demogogues and terrorists and we know what happened there.

The Russian Revolution needs no restirring to make the point that for whatever noble and understandable reason the revolution begins, when it savages the society and destroys both structure and rational good sense, the result is always more tyranny, more usually than what was once in authority.

When a tyrant first appears, said Plato in his "Republic," he is in the guise of a protector. This and no other is the form from which the dictator springs.

It seems strange that some of the most educated of our young people should be the loudest shouters for violent revolution. They need only investigate history to find what they are advocating is an illusion, a cruel, misshaped mirage, always shattered against reality. One can imagine what would happen if some of the weathermen types, really succeeded in revolting and winning. If they won't let speakers with an opposite view say their piece now, what, pray God would they do if they possesseed total power?

If some of our educated young truly believe revolution is the answer, they are sadly lacking in historical perspective. And if they know the truth and still bloody their words with cries of destruction then demagoguery is a disease not limited to the old.

If we were all to be honest we would have to admit that playing at revolution is quite an exciting adventure. It is a form of togetherness, a sense of belonging to a special commune which is a powerful and beckoning force to sincere young people alienated from an unheeding (to them) civic authority, but, alas, to achieve change, change that is sorely needed, to construct new designs for more decent, saner living, demands work, tough, wearying, tedious work. It means canvassing a thousand neighborhoods to elect competent, compassionate public officials. It means giving these men the kind of support they need to do what needs to be done. It means patient endless explaining and incitment to those who are lethargic and set in their ruts it means putting in long days and nights to make the legislation work where it should, among those who need its hope and help.

That is why the wisest of the young (like Sam Brown, David Hawk and David Mixner and hundreds more like them) will surely surface as the most durable leaders because they are the ones who have inspected the future and found it hospitable to change, the ones who are not afraid or bored by the prospect of laboring for what they believe in within the rules and order of a lawful society. Only beasts and gods can live outside an organized society, and only fools would try to repeal this truth.

STUDENT PETITIONS TO CONGRESSMAN McCLOSKEY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. McCLOSKEY. Mr. Speaker, there are three community colleges in my district, and also the Catholic College of Notre Dame.

In keeping with the general desire of the Congress to listen to today's students, I am pleased to insert in the RECORD at this point a petition recently adopted by the associated students of Notre Dame and a second petition, signed and transmitted to me by the students, faculty, and board of trustees of the College of San Mateo:

ASSOCIATED STUDENTS,
COLLEGE OF NOTRE DAME,
Belmont, Calif., May 8, 1970.

Congressman PAUL N. MCCLOSKEY, JR.,
House Office Building,
Washington, D.C.

HONORABLE CONGRESSMAN: At a Student Body meeting held on May 7, 1970, in order that we might discuss the recent developments in Southeast Asia and the suppression of anti-war demonstrators on United States campuses, the following resolution was passed by the Associated Students of the College of Notre Dame, Belmont, California.

The Resolution reads as follows:

Whereas, in view of recent developments in Southeast Asia, United States infiltration into Cambodia, and the subsequent deaths of four students at Kent State, Ohio;

Therefore, be it resolved, that the Associated Students of the College of Notre Dame, Belmont, California, request the Congress of the United States to adopt a resolution calling for complete withdrawal of American servicemen and personnel to begin immediately from Cambodia, Vietnam and all of Southeast Asia.

Sincerely,

LINDA DEMELLO,
ASCND President.

RESOLUTION TO PRESIDENT NIXON URGING TIMELY STEPS LEADING TO WITHDRAWAL OF AMERICAN MILITARY PRESENCE IN SOUTHEAST ASIA

Whereas, the continued commitment of American military forces in Southeast Asia is seriously draining the human and material resources of the nation and the community;

Whereas, a curtailment—rather than an extension—of this commitment is essential to avert a tragic disservice to the American people;

And whereas, any decision in this matter has a direct local bearing on the future of many present and prospective students of the Colleges of San Mateo Junior College District, as well as upon the welfare of the communities served by the Colleges;

Therefore, be it resolved that: The Board of Trustees of San Mateo Junior College District does hereby urge the President of the United States and the Congress to take timely steps leading to the withdrawal of America's military presence in Southeast Asia.

CLIFFORD G. ERICKSON,
Chancellor-Superintendent.
FRANCIS W. PEARSON, JR.,
President.
ROBERT A. TARVER,
Clerk.
ELIO A. FONTANA,
Trustee.
ELEANORE D. NETTLE,
Trustee.
CARL E. WARD,
Trustee.

We, students and faculty of College of San Mateo urge our board of trustees to petition the President of The United States and our elected representatives to prepare for an immediate withdrawal of our military presence in South East Asia. The spirit of this petition should recognize that this war is a mistake and a terrible drain on the human and material resources of the nation and community. This petition should tell the President that as administrators of a financially pressed educational system they, the board, feel that the urgent needs of our youth in San Mateo make the continuance and extension of this war a tragic disservice to the American people.

WHO SPEAKS FOR THE YOUNG?

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GOLDWATER. Mr. Speaker, in the recent issue of Look magazine, Mr.

Leo Rosten has performed a valuable service by writing what I consider to be one of the most cogent and incisive articles written to date on student disorders. The article is as follows:

WHO SPEAKS FOR THE YOUNG?

(By Leo Rosten)

I have read a slew of articles by the young—about their (and our) problems. The writers are bright, articulate, unfailingly earnest. Their grievances, as distinguished from either their knowledge or their reasoning, are often legitimate and moving.

But what strikes me is that those who speak "for" their generation, and extol "participatory democracy," are neither typical nor participatory nor democratic, as we shall see. This does not mean they are wrong (many a minority has turned out to be right); nor does it mean they are right.

We must not mistake noise for weight, anger for argument, militance for virtue, passion for sense, or gripes for principles. Hate makes more rebels than Hegel.

There is plenty wrong in this muddled, unjust, horrid world. But our problems are outrageously oversimplified by the glib (old or young), and by airy assumptions that money can solve everything, can solve it painlessly, can solve it swiftly. The panaceas of demagogues and self-dramatizers have proved so disastrous in this century, and have taken so tragic a toll in human lives and freedom, that only fanatics can rush to repeat both the mistakes and the horrors.

What idealists ignore are the objective consequences of their reforms. (Southern farm labor thronged North, into already explosive metropolitan slums, when relief payments were raised there; minimum-wage laws created unemployment among those—unskilled, dropouts, minorities—they tried to help.) Many noble-minded reforms fail because of the subterranean complexity of our problems; others, because of our God-given inability to obtain omniscience.

I hasten to add, for the benefit of those who read and run (or riot), that "solutions" to problems much simpler than ours have proven disastrous failures in "non-exploiting" Socialist heavens—Russia, China, Poland, Cuba, emerging Africa.

Youth is impatient; its "leaders," intractable. Do they have the faintest notion of the terrible punishment *any* revolution imposes—even on the faithful? While the faithful dream of the brotherhood of man, their idols institute the grim, deadly processes by which they can get what *they* want. This is done through killings, torture, propaganda and terror.

No one can foresee where violence will end. The Robespierres (and Madame Rolands) die on the guillotine; the Slanskys perish in dungeons; the Trotskys end in exile/murder. Revolutions *do* devour their own. After 53 years of total power, Russia sends pacific poets and novelists to slave labor; Castro has restored executions without trial, forces city "volunteers" into backbreaking harvests, and has failed to achieve *every successive "plan"*; and even sainted Mao now admits that iron and steel "could not walk" but needed transportation his lofty plan failed to anticipate.

Now: Who speaks for our young? *According to every poll or study I have seen* (Fortune, Adelson-Douvan, Harris, Lipset, Bengston, Nisbet, etc.) of college students or those under 30, the vast majority of America's young *do not support self-selected "spokesmen."* Militants make the headlines; they dominate television; they paralyze schools; they terrorize teachers; they force police to use force to make martyrs; but at the polls, youth's "leaders" are consistently rejected by their "followers." Item: in 1968, the proportion of voters under 30 who voted for George Wallace (in and out of the South) greatly exceeded the proportion over 30. (God spare us extremists—left or right.)

As for the "generation gap," it is much smaller than we assume. Samuel Lubell's careful interviews with college youth revealed "around ten percent" in disagreement with their parents: "We found much less rebellion . . . than is popularly imagined."

Here are some typical charges of the young that cry out for rebuttal:

The cynicism of your generation divided fathers and sons.

Nonsense. *Some* sons say *their* fathers are "cynical." But fathers may not be so much "cynical" as sensible—or experienced or stupid or unsure or chastened by reality or wearied by their efforts to "communicate" with the dogmatic and impassioned young.

When the young say you are not "communicating," it may mean they do not understand what you are saying. Extremists think "communication" means agreeing with them. If you don't agree with them, you are not "communicating." If they don't agree with you, that shows you are wrong. In Logic, this is called *chutzpa*.

I, for one, can't be as cocksure about anything as adolescents are about everything. But it strikes me that what is tearing *some* parents and children apart is not the "cynicism" of the fathers but the unbelievable, savage cynicism of their children. We may blame fathers for their irresolution, their misguided propitiation, their fear of losing Missy's or Junior's love. But to all the fearful questions of our tormented age, honest fathers can give only troubled, halting answers; slick, superficial ones are indefensible, and may prove catastrophic.

We are *all* battered by daily revelations of men's recurrent bestiality (whatever their color); by the horrors of Vietnam; by the persistent intractability of poverty and slums; by the discovery among American whites of the frightful price American blacks have paid for living in this land.

Yet our domestic problems are being ameliorated, and at a rate unprecedented in history. Our political temperature is made explosive by rabble-rousers who pander to the young, by neurotic orators who have neither the discipline, the knowledge, nor the judgment to comprehend, much less clarify or solve, problems of confounding magnitude.

"Cynicism?" Where is it more virulent than among the ill-informed young, who mock the efforts, despise the motives, ignore the heartbreak of their parents?

Material prosperity does not bring happiness!

Affluence has not brought happiness to many who assumed it would. But the discontents of the young are often the legacy of their parents (liberal or once-radical), who passed on to their children their own bitterness over ideals not realized, their disillusionment with gods who "betrayed" them (Stalin, Henry Wallace, Eugene McCarthy); above all, their guilt over having "sold out" their dreams or "compromised" their principles.

But the dreams were hopelessly utopian, and the principles were foredoomed because they rested on cockeyed economics and a startling blindness to the boundaries of what was *possible*. Crusaders for mankind are forever disillusioned by reality, or the "selfish" responses of men.

As for affluence: I, for one, doubt that money actually *hampers* happiness (except among masochists, a flourishing group). But money has clearly not suffused its possessors with that sublime peace of mind, that preening affirmation of virtue, for which they hunger. Men can be soured by success, as they are embittered by failure. For man really does not live by bread alone. (That is a quotation. It is from the Bible, an "irrelevant" old book that might be scanned before you reach 30.)

We'll have no leaders who enjoy handing out medals to war widows.

Did John F. Kennedy enjoy handing medals to widows? Did Roosevelt, Eisenhower, Lincoln, Jefferson?

Che, Mao, Ho Chi Minh—whose goals and methods I detest—also gave medals to mothers and fathers and widows; but I would be ashamed to sneer that they enjoyed it.

We must free ourselves of the stereotypes, the greed, the anxieties and vapid status symbols of our society.

How noble. But what modern society, anywhere, does not contain "stereotypes, greed, anxiety, status symbols"? Social organization is a pyramid of power, status, respect—and resentment.

And where are stereotypes or status symbols more conspicuous than among our young? A mare's nest of vapid ideas characterizes youth's "spokesmen." They spout pacific idealism—with murderous egocentrism. How many factions split SDS? The lust for power drives radicals no less than dictators.

Planned obsolescents can no longer run the country.

But immaturity and inexperience must push an intricate economy into chaos. Not one country ruled by putative visionaries offers the slightest comfort to any who value their food and their freedom.

A rebel with a toothache goes to a dentist, not a demagogue. Rebels show less sense about politics, which is more complex than cavities.

We will not waste our time debating whether we should have a useless anti-missile system to protect us from imaginary enemies.

How, *without* debate, can you possibly know that an anti-missile system is "useless"?

As for "imaginary enemies": I shudder to think how many millions of human beings were starved, tortured, castrated, disemboweled, burned, slaughtered, from 1939–45 because sweet soothsayers assured us the Nazi threat was "imaginary." (See Leonard Mosley's remarkable *On Borrowed Time*. It will chill your blood. It should.)

I call it madness to *assume* that our enemies are "imaginary." Khrushchev said Communism would "bury" us—and threatened war if Hungary was helped, or Suez taken. Mao has said he can absorb 300,000,000 (!) casualties—and Red China will have 35 to 45 intercontinental missiles by 1975.

The writings of neo-Marxists burst with references to sabotage, revolution, "the annihilation of capitalism." Who would be fool enough to gamble our children's lives on daydreams about "imaginary" dangers?

Besides, enemies become more "real" as the defenses against them seem ineffective. Weakness invites (and sometimes guarantees) aggression. Ask any Austrian, Pole, Hungarian, Congolese. What happened to Tibet? Finland? Czechoslovakia?

You smash powerless children on the picket line, but it will be a new game when the children assume control of the country.

But when today's children assume control, will they *still be* children? Why do youth's mouthpieces assume their peers will never change, or learn anything? I think they will. I respect intelligence, experience and maturer response to future crises more than do the prophlets of idiot nihilism.

If everyone got and gave a daily, loving massage, wars would be over.

The Romans adored massages and warred with gusto. Nero strolled from massages to arenas and fed unmassaged Christians to lions. To correlate muscle tone with peace is nuts.

Pot is more harmless than whiskey. What hypocrisy to punish us!

Pot is illegal; whiskey is not. *I want pot made legal*—to take it out of the hands of the monsters who are "pushers"; then marijuana's content and distribution can be *supervised*.

But *is* pot "harmless"? Medical experts warn *we do not know what pot's long-term effects will be.* It took 30 years to demonstrate the effects, on some, of cigarettes. Many marijuana users insist pot led them to frightful, nearly fatal drugs. Today's pot often contains deadlier stuff. Beware.

We will call off the debate on the phantom political issues that divided us in the past.

Anyone who talks of "phantom" political issues knows nothing about American history. Or politics. Or economics. Or the democratic process.

This system sponsors violence: therefore, our violence is justified to overthrow it!

Not as long as the system has legal, flexible, peaceful (albeit slow) methods by which it can be changed—as, in fact, it *has* been changed, in the long, great bloodless revolution since 1932, and dramatically these past few years. Public protest stopped the bombing of North Vietnam. (Where, by the way, are those peace-making responses by Hanoi—in Paris, on the battlefields, in Laos—we were assured would follow?) Public pressure forced troop withdrawals in Vietnam.

Those who gleefully cite Jefferson's line about periodic rebellion forget that he also said: "It is the first duty of every citizen to obey the laws."

After what happened at Chicago in 1968, the "pigs" have to go!!

I hold no brief for savagery—by the police or those who snipe, throw rocks, Molotov cocktails or bags of urine at them. Tom Wicker of the New York *Times* wrote a threnody on the Chicago demonstrations: "But these are our children!" True. And every Nazi had a mother. So do the policemen, firemen, students, bystanders hurt in planned "days of rage."

And if "the pigs go," who will protect you from the wrath of your opponents—many of whom are as violent and sadistic as you?

Your damn Reason has betrayed us! Intellect is not enough!

Reason "betrays" only those who do not reason well, or do not know what reason is.

Of *course* intellect is not "enough." But who says reason excludes compassion, decency, justice? And how can we know why and where we disagree if we reject reason? And what can we substitute for it? Vilification? Ignorance? Fanaticism? Concentration camps? Goring said, "We think with our blood." Think twice.

Man can no longer allow color television to suck his intellect down to the lowest common denominator.

Some TV is superb, most is as banal as its viewers. Was man's "intellect" higher *before* TV? Did "the people" spend their leisure discussing Plato, Mozart, Gresham's Law?

Five million preschool children who watched TV's *Sesame Street* made gains two-and-a-half times as great as children who did not—in understanding numbers, letters, geometric forms, etc. And the children came from poor homes. And the gains were made after only six weeks.

How it offends intellectuals that the masses love TV! Why shouldn't they? They are free men. And must TV cater to *you*? And why do you watch it?

Incidentally, *who* will no longer allow" TV to show its programs? What a word for libertarians to use. Censors of the world, unite.

Our children will not be bound by the constraint of the mind that bind us. They will know instinctively what freedom is.

"Instinctively"? Dear God! Instinctively, children are greedy, aggressive, selfish, impulsive, intemperate. Any nursery school can edify the starry-eyed who can learn from evidence.

I did not say that is *all* that children are. Our capacity for learning, for sharing, for repressing our instinctual drives, for *deferring gratification*, has kept the human race going.

As for "constraints of the mind"—they are not unique to this system. Restraints make human societies possible; they are the core of civilization. Men *must* restrain their infantile demands. Freedom for Jack is possible only when Jill's instincts *are* "constrained." And vice versa.

We of the young generation still have not come to understand ourselves. We have been too nervous, too anxious, too guilt-ridden to really know what we are all about.

And knowing that you don't know what you are all about. O brave young knights, why not try to learn? Scorn is no substitute for insight.

Therapists tell us that many rebels are driven by a "social conscience" that masks their personal, inchoate rage, and try to deny their secret sense of unworth by the psychological mechanism called "projection." (Wife to husband at cocktail party: "Don't you think you ought to stop drinking, dear? Your face is already beginning to look fuzzy.")

This immoral system is run by nincompoops who are nothing but politicians.

In Venice, transportation depends on "nothing but" gondoliers.

The politician serves an essential function in a free land. He represents groups and interests. He is a technician. He mediates between inevitable conflicts of interest. The alternative to politicans is what?

Every group seeks power or influence—at the final (if concealed) expense of others. "Politics" is not a demon spawned by "this wicked system." Politics is a process. It thrives in a labor union, a garden club, the Black Panthers or the Museum of Modern Art. In some lands, the political stakes are life itself. Here, the defeated are free to seek power again.

As for "nincompoops," I will match the intelligence (so say nothing of the common sense) of the Senate against that of any college faculty you choose. (I have taught at five.)

We sleep around; adults commit adultery. What's the difference?

Age. Emotional capacity. Risk. In the *young*, sex without love extracts a special price. A sense of "emptiness," and tormenting doubts about masculinity (or femininity), often follow when sexual partners are too easily available, or are, as the hippies proclaim, "indiscriminate." (I say nothing about venereal disease, illegitimate births, abortions, abandoned mothers.) What lifelong tragedies attend youth's harsh new "freedom"!

Those who fornicate without commitment, who spurn the "outmoded rituals" of love (and making love), do something perilous to their psyches. They split imagination from fulfillment, separate sex from love. They subject emotion to physiology. They sacrifice empathy to infantile narcissism.

How can you defend a system where there is so much misery?

Because the system does not create all the misery (and I can't find Eldorado): witness the suicide, alcoholism, divorce and delinquency rates in other systems or countries.

Misery (among young or old) not only loves company, it rages against irrelevant villains. But not *every* discontent is the fault of "the system" or parents or schools or the mass media or the Pentagon or "blood-thirsty corporations" or laws against violence, terrorism and blackmail.

Some of the sources of your discontent surely fester within yourselves—through youth's inevitable frustrations and inadequacies.

SERMON

I find it tragic to see students rampage like mindless buffaloes. It is heartrending to see "mind-freeing" drugs induce—a premature senility. I think obscenity is neither art, liberation nor "honesty." ("Hypocrisy" is often only gentleness, compassion, decorum.) It is mind-boggling to see yammering young herds lockstep to the tyranny of gurus who say "Do your own thing," but mean "Conform to our eccentricities."

Tune in to truth. Turn on—to free yourself from the platitudes, the hysteria, the delusions of your sad and (I think) sick "spokesmen."

THE MERCHANT MARINE—STEPCHILD OF THE ECONOMY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GARMATZ. Mr. Speaker, for some years the members of the Merchant Marine and Fisheries Committee have been greatly concerned about our diminishing sea power and have endeavored to gain support for the rebuilding of our merchant fleet. A very strong case for this cause was made by the chairman of the Federal Maritime Commission, Mrs. Helen Delich Bentley, before the first annual President's Luncheon of the Committee on Women in Public Relations, in New York City, yesterday.

I strongly urge all Members to read these remarks very carefully, and to be guided accordingly when the bill recently reported out by our committee covering the long-range merchant shipbuilding program comes before the House, which we hope will be within the next few weeks.

Mrs. Bentley's remarks follow:

THE MERCHANT MARINE—STEPCHILD OF THE ECONOMY

I am delighted to be present and honored to have been asked to speak on this occasion, inaugurating as it does the "Presidents' Luncheon," to be held annually by the Committee on Women in Public Relations. My sincere congratulations go to those who conceived the idea and followed it through to today's culmination.

Glancing around this gathering, it is easy to see that "communication" is not lacking between the executive officers of many of America's top corporations and their women executives in the field otherwise for the essence of public relations is "communication," and the basis of successful management rests firmly on the ability to communicate with others.

Such a happy marriage, however, does not exist universally, for there are many areas in business, the professions and government where it can truly be said that "sex rears its ugly head" in discrimination where job equality is involved. This is a simple statement of fact in many instances in business, but one I shall not pursue except to ask of those present that within their own organizations equal opportunity continue to be given the responsible businesswoman to develop her capabilities to their full potential, with the attendant rewards of promotion where it is deserved.

Under other circumstances, I might have considered confirming the subject of my remarks today to that of equality for women in business, the professions and government. With those present, however, I deem it neither appropriate nor warranted. Had I done so, the title of my remarks might have been keyed to catch the attention of the press—something like "Off With the Bras!"

This should have brought out the inevitable TV cameras and the newspaper photographers, to achieve national network coverage on TV and radio and make the front pages of newspapers across the country. What an opportunity missed!

But then the purpose of this luncheon is not to "get headlines or achieve sensationalism, is it? Rather, it is to honor the chief executives of the corporations of which the members of the Committee on Women in Public Relations are a part. That, and to spend a pleasant hour or two in "breaking bread" together, with no one sitting below the salt.

In view of this purpose and of the present company, to what, then, shall I address my remarks? In this I admit to having been in something of a quandry. Certainly, by choice of subject I do not desire to appear in the role of Banquos ghost, but neither can I confine myself solely to generalities or pleasantries when there is so much today that begs to be said for the future of the Nation.

Thus, ladies and gentlemen, with your indulgence I shall speak to a subject of which I have intimate knowledge—and which I hold to be of major importance not only to the Nation's overall economy, but to its defense posture as well. I refer to the American Merchant Marine, truly the stepchild of the American economy.

That statement could not be made in referring to the merchant marines of other nations for, big or small, they give full recognition to their reliance upon ships of their own flag. Certainly, among major powers it is only the people of the United States—our fellow Americans—who fail in such recognition of the vital role of our own merchant ships in maintaining and developing our peacetime economy, while serving to bolster our defense. Indeed, I have found that the average American, regardless of his position in the business world or his geographic locale, has little awareness of the national purpose served by U. S. flag ships.

It has not always been so. The very foundations of our history are built on and by shipping. America's economic and military strength were established, nourished and grew to greatness through our shipbuilding and shipping enterprise.

From the Arctic to the Anarctic, from Horn to Cape, for generations our ships ranged the oceans. The Bering Strait, the Baltic, the Mediterranean, the Bay of Bengal, the China Sea, all came in time to know them well. Yet there are those who say we have no "maritime tradition."

With passing time marking increasing trade, more ships were built and sailed with the products of this new continent, to return carrying the wealth of east and west, of north and south. The fortunes of war—blockades, embargoes, navigation acts, impressment of seamen—found our merchant seamen and the ships they sailed ready to meet the challenge. With guns mounted and their crews turned to privateering, they ravaged the enemy men-of-war that towered above them, gained and kept our freedom, and taught the world to respect the new and doughty flag they flew. With salt water in the veins of its merchants and trade in the blood of the seamen, it is small wonder that this country's early fortunes followed so closely on the wake of its ships! No "maritime tradition", indeed!

But a people, a nation, and industry cannot live on tradition, unless that tradition is maintained. Sad to relate, our Nation has not maintained it, for decades letting the American Merchant Marine go by the board and losing our standing among maritime nations by default.

So much for the past, may it not be prologue to the future.

Nor need it be, for legislation proposed by the Nixon Administration intended to reverse the downward trend of our shipping is before the Congress, with every indication looking toward Congressional acceptance. The need is great, for over two-thirds of our privately owned merchant ships are pushing 25 years of age, or over. More than 600 of the 975 privately owned ships under our flag are heading straight for the shipbreakers. Without the reversal called for in the Administion's new program, we would drop from some 15,522,000 tons of privately owned ships to about 9,500,000 by 1975.

Yet we are the world's greatest trading nation, our exports-imports accounting for some 15% of the world total. Despite this, today we are no more than fifth in tonnage among nations, with Russia closely pressing us. Liberia, Norway, the United Kingdom and Japan out-tonnage us. While in number of ships, we rank seventh, behind the others named plus Greece and Russia. Indeed, Russia is now third in the world, with some 1,670 ships.

Of our better than $70 billion in export-import trade—more than $40 billion of which is oceanborne—we carry a bare 6% in ships of our own flag. The balance is carried by ships of other nations, a whopping 94%. In effect, American business has placed the delivery of its goods in the hands of its competitors. Would Macy's use Gimbel's trucks?

Yet there are those who say—some of them in high places—why do we need ships so long as foreign owners not only provide service but compete to carry our cargoes?

The reasons are many.

In raw materials, for example, we are a "have not" nation. Our whole economy, our productivity relies upon the raw materials we import from other countries—and 96% of that type cargo is carried aboard foreign ships. Our productive capacity and the jobs of millions of Americans is totally dependent upon our access to and imports of many basic metals in their raw state. Millions of tons or iron ore, bauxite, petroleum, manganese ore, tin, lead, copper, rubber, nickel, zinc and many other vital and strategic materials annually are imported to maintain our industrial output. Our steel mills, our auto, our electronic industries are dependent either directly or indirectly upon these imports. There would have been no U.S. moon shots, and our defense industries would be crippled without them.

So much for raw materials imported. Certainly the need for ships to maintain these imports is self-evident. It would also appear self-evident that wisdom dictates in today's world that total reliance for such imports should not be placed on ships of other nations, with no meaningful capacity of our own.

What, then, of the need for ships for our export trade? No one can question the importance of that trade to the peacetime economy of the Nation, or its importance of linking our economy with the economies of other Free World nations. Indeed, the goods we export provide the means by which we are able to purchase the raw materials we import, and maintain our balance of payments position.

Granted that our export trade is essential, why then do we need ships of our own to carry it? Why not let the foreign flag ships continue to serve us? Ships cost money to build and operate, why spend our own?

Once again the answer should be based on what is the part of wisdom. Can we expect the relationship of the nations of the world to remain static, the attitudes and policies toward us to remain forever unchanged? If the answer is "yes," then there is no cause for concern. But if there is any doubt, then the part of wisdom is to provide against the time of need. And if we are going to need ships tomorrow, we must build them today. Besides, what guarantee have we of remaining competitive in world markets if we subject ourselves to the interests of our competitors by using their ships to deliver our goods? Again, would Macy's use Gimbel's trucks, and if so, which cost of delivery per package would be the cheaper, and which delivery would get priority?

All of the above mind you is apart from our defense needs. To supply our forces in Vietnam, for example, we have been forced to turn to our aging ships out of our reserve fleets, but the ships of many of our friends go to Haiphong. Indeed there have been instances where ships of friendly nations have been denied us. In other instances, crews of foreign flag ships have refused to sail them with our military supplies aboard. So, when the chips were down, on who could we rely? Our own ships, and our own American seamen!

Nor can cargo planes replace the ships. Indeed, with all the planes in service to the Far East, 97 per cent of our supplies for South Vienam go by ship.

Apart from emergency need, however, a modern, peacetime American Merchant Marine composed of productive ships serves many national purposes.

First, in balance of payments, the use of our own ships provides either a gain or a savings. As such, shipping constitutes the export of a service. The British, for example, estimate carriage of cargo on their own ships equal to 4% of their total exports. Even the Russians turn to capitalistic terms when speaking of their ships earning foreign exchange.

Second, American ships contribute to the gross national product. They provide jobs for tens of thousands of Americans not only in the shipyards but in supplying industries in their building, and of course in their operation. They provide the U.S. Treasury with tax revenue, from both corporate profits and employee earnings. Unlike foreign flag ships, which pay the bulk of their taxes back home and purchase little in this country, American ships are major customers for foodstuffs, bunkers, light bulbs—you name it.

Third, American flag shipping companies maintain offices abroad to aid our exporters in developing new markets for their products, for new markets for their customers mean more cargoes for their own ships.

Fourth, U.S. flag ships guarantee access to our foreign markets at fair and reasonable rates. What is more, if we can gain them in sufficient numbers, they can also guarantee our access to the essential raw materials we import.

Finally, history shows that no nation achieves greatness nor maintains it without also being a major maritime power. In this regard, let me quote a passage from a book written by Dr. Edmund A. Walsh, the Vice President of Georgetown University and a recognized authority on maritime matters, back in 1934:

"History is . . . eloquent in demonstrating that any nation which takes the easy way of permitting its commerce to be carried by foreign flag ships—which rents the service and space it is too lazy or too short sighted to provide—is embarked on a policy of dependency that has ended every time with the nation in question becoming a second-rate power."

This quotation appears on page 12 of "Ships and National Safety—The Role of a Merchant Marine in a Balanced Economy."

In this regard, it is not only a paradox, but frightening, that this nation, which was once a major seapower, has turned from the sea in its complacency, while Russia, a land power by tradition, has turned to the sea in the last decade. Competitors not only for the minds of men but for their adherence to our economies, we and the Russians during the last ten years have been 180 degrees out of phase in regard to the importance we attach to a merchant marine. They are 100% right and we 100% wrong in our positions, or they are wrong in counting a merchant marine of importance to their national purpose and we are right to have neglected it. It is to be noted that they now appear to agree with Dr. Walsh's assessment of the importance of one's own shipping capability.

The Russians should know, for they learned the hard way. Lacking in ships necessary to their national needs, at the time of the Cuban confrontation the Russians paid fantastic charter rates to others to carry out their Cuban adventure. At that time, Russia itself had only 5 million tons of merchant shipping. Today they have over 13 million and are continuing to build at the rate of one million tons a year. Officials of the USSR have stated their goal to be 16.5 to 18 million tons of new merchant shipping by 1975.

In shipping, they speak of the profits made by their ships in trade with the world. They speak of the "foreign exchange" their ships garner for Russia. They speak of the extension of their services to the ports of the world, and boast of the cementing of friendship with the people of other countries by Russian seamen, advancing the Communist ideology among the people of other nations. They speak of prestige for Russia of having their ships in the ports of the world. They speak of their ships serving to develop trade ties with the developing nations.

What they do not speak of is the extent to which they are now beginning to use their ships as an inherent instrument of national policy in undercutting world shipping rates. Their ships today are even engaging in third-flag trade, never touching Russian ports. They now maintain a service between Japan and Canada, undercutting American flag and other ships between Japan and the West Coast of the United States.

To bring the matter even closer home, within the last two weeks the Far Eastern Steamship Company, a Russian shipping line with headquarters in Vladivostok, filed a schedule of tariffs with the Federal Maritime Commission contemplating institution of service between Japan and the West Coast of the United States. The rates filed appear to be below those now offered by American or Japanese ships, or the vessels of other nations now carrying cargoes in that service who are members of the Trans-Pacific Freight Conference of Japan. The Russians indicate it is their desire to extend their present service between Japan and Canada to calls at Seattle, Portland and San Francisco effective June 1st.

I can speak no further to the matter at the moment, since there are determinations required of the Federal Maritime Commission. I do, however, note the fact that the schedule of rates published by the Far Eastern Steamship Company on their three ships contemplated for the trade appear to be below those now in effect on the ships of our own flag and those of other nations now providing service.

Let me add one more point regarding Russia's massive maritime buildup. No nation builds ships merely for the sake of building them. Is it not logical then to assume that as its merchant fleet grows, its ships in turn will enter increasingly into economic competition with not only our own, but the ships of the other Free World maritime nations? What of the economic effect of such competition?

Nor should we ignore the evidence of growing fleets of modern ships under the flags of other nations. Of these, Japan is a prime example. By 1975, it is anticipated that Japanese merchant ships will carry 60% of the country's exports, and 70% of its imports. To provide the ships to meet this national desired target, Japan has been building ships for its own flag at an accelerated rate, and plans some 2000 additional ships of 29 million gross tons for construction in Japanese shipyards by 1975.

The determination for such an expansion was made as a matter of national policy, and followed the creation of a specially created industry advisory group, the Shipping Policy Division, to "conduct studies on a policy from the National Economic viewpoint for the growth of the Japanese shipping industry." The special group was given the task by the Japanese Ministry of Transport and the Shipping and Shipbuilding Rationalization Council.

Among the conclusions reached, according to a Tokyo publication, were the following:

1. It is essential to expand the Japanese merchant marine for improvement of the shipping payments position. (What of our balance of payments position?)

2. It is necessary to work out measures for having access to funds needed for expansion of the Japanese fleet of oceangoing ships and for the training of more seamen. (Compare this statement with the comparative paucity of funds requested for our own merchant marine by the past two Administrations.)

3. Government subsidies are needed to strengthen the Japanese shipping industry's business standing and to augment its international competitiveness. (How does this jive with the position taken by many American economists that shipping is just an industry and should "go it alone?")

The only logical conclusion I can come to is that we have been dead wrong and for too long!

Without any intention to beat a political drum, I can say with some sense of relief that the present Administration recognizes the dangers inherent in the policy of past years of drift and decay for the American Merchant Marine. As a candidate for the presidency, Richard Nixon said: "To overcome the present maritime crisis, I recognize that we have an opportunity and an obligation to reverse the gross deficiencies that have marked the . . . performance in this field."

As President, in a message to the Congress prior to transmittal of proposed legislation to achieve this rehabilitation for American-flag shipping, he said in part: "We must begin immediately to rebuild our merchant fleet and make it more competitive . . . and restore this country to a proud position in the shipping lanes of the world . . . Our program is one of challenge and opportunity. We will challenge the American shipbuilding industry to show that it can rebuild our Merchant Marine at reasonable expense. We will challenge American ship operators and seamen to move toward less dependence on government subsidy. And, through a substantially revised and better administered government program, we will create the opportunity to meet that challenge."

In short, we are now on the move. It is anticipated that with the passage of enabling legislation we will build 30 new, modern, highly productive cargo ships a year over the period of the next ten years. Larger, faster, with major technological advances permitting fast turnaround in port, each ship will be capable of an annual carrying capacity three to five times that of conventional breakbulk cargo ships of the present fleet. The result of this program should give this nation a modern fleet equal to the productive capability of 1,200 to 1,500 of today's ships.

It is the Nixon Administration's intention that we not continue to be dead wrong much longer.

STUDENTS HAVE RIGHTS TO PURSUE ACADEMIC CAREERS

HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BROCK. Mr. Speaker, over the past weekend the national television networks gave considerable attention to the rights of students to dissent, but little attention was paid to the rights of students to pursue their academic careers.

I was gratified to read in the Chattanooga, Tenn., papers that Chancellor William H. Masterson of the University of Tennessee at Chattanooga recognized and preserved this basic contractual right of students at the university.

On Friday, May 8, in the face of demands from a very small minority of the students that all classes be closed, Chancellor Masterson showed sound judgment in refusing to do so. The chancellor permitted the use of the university chapel for memorial services for the four students who died at Kent State University. However, he recognized the predominant wish of the great majority of the students to continue their education schedule without interruption, thus keeping the university open.

The admirable handling of this situation at the University of Tennessee at Chattanooga to preserve the rights of students to an education is typical of the actions at most institutions of higher learning, yet these have not been given national exposure. I, therefore, include the following article from the Chattanooga News-Free Press, May 8, 1970, at this point in the Record:

35 Students Protest UTC Class Meets

Some 35 students at the University of Tennessee at Chattanooga moved from a rally around the flagpole on the quadrangle into the hall of the administration building this morning to protest the recent deaths of four Kent State University students and their dissatisfaction with Chancellor William H. Masterson's refusal to close classes in observance of a day of mourning.

The students were orderly and took pains not to obstruct pedestrian traffic or interrupt administrative functions, Chuck Johnson administrative assistant to the chancellor, pointed out.

The group seated themselves around the doorway to the chancellor's office and hummed "America the Beautiful" and "Taps."

The "sit-in" occurred after a small delegation of students conferred with Chancellor Masterson.

Dr. Masterson reiterated his previous announcement "that the predominant wish of the great majority of students" was "to continue their educational schedule without interruption" and again said that those who wished to do so would be permitted to attend a memorial service set for noon today in the university chapel.

The request for closing of classes was initiated nationally by the National Student Association to protest the deaths of the Kent State students and President Nixon's decision to send troops into Cambodia.

Yesterday 25 UTC students, planning to participate in the memorial services were denied a meeting with the chancellor to discuss his refusal to dismiss classes.

The students lowered the school flag to half-mast and congregated around the flagstaff before requesting a talk with the chancellor.

He refused, through an assistant, to join the students around the flagstaff for a discussion. He did offer to meet two or three representatives of the group in his office.

The attempt to get Dr. Masterson to dismiss Friday classes came as a result of his statement, released earlier in the day, in which he declared classes would be scheduled with attendance to be a discretion exercised by individuals.

The memorial service, scheduled for noon at Patten Chapel, and the lowering of the school flag to half-mast was approved by Dr. Masterson.

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Some students claimed the language of the administration statement on memorial services for the slain Kent State students was appeasing in tone and not as decisive as it should have been.

A university spokesman, in pointing out Dr. Masterson's responsibility to all students, said, "The chancellor has tried to balance his response to the situation appropriately for both sides. This faction (the students on the lawn) obviously isn't satisfied, but the chancellor has done what he felt he had to do."

The spokesman also said Dr. Masterson had refused to talk with the students on the lawn, "because he knew how they felt and knew he could not tell them what they wanted to hear."

WHAT EARTHLY GOOD IS SPACE?

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. MILLER of California. Mr. Speaker, our colleague, the Honorable Jerry L. Pettis of California, was recently invited to give the keynote address at the NASA conference on materials for improved fire safety, at Houston, Tex. The title of his speech was "What Earthly Good Is Space?"

I am honored and privileged to insert his remarks in the Congressional Record that all may learn from them.

Congressman Pettis, until quite recently when he was elected a member of the Ways and Means Committee, served on the Committee on Science and Astronautics where he did an outstanding job. I, together with many of my colleagues, are proud to call him friend.

The speech follows:

What Earthly Good Is Space?

(Keynote address by the Honorable Jerry L. Pettis)

Thank you, Mr. Bolger. Dr. Gilruth, distinguished guests, official representatives from Government and industry, ladies and gentlemen—

I am grateful for the opportunity to serve as keynoter for such a significant NASA Conference. I am vitally interested in the purpose and in the technological progress that is being revealed. This Conference is a major milestone. It is a very historic achievement—worthy of national—and international, recognition.

We live in an open society. The world audience knows our plans for space exploration. Even our failures are public domain and our detractors can make the most of them. They had a field day—for a *while*—on Apollo 13.

I was down here during the last hours of the Apollo re-entry and—together with your magnificent ground crew in Apollo Mission Control—I experienced the flawless splashdown and witnessed the recovery of our great astronauts.

Do you remember what President Nixon said about the Apollo 11 lunar landing—that for a few moments, the entire world was one? Well—Apollo 13 caused that global unity to be strengthened—and sustained for several days—until our astronauts were safe again. I believe more people prayed in a sincere and selfless global communion than at any time in history. And I also believe that Apollo 13—will probably turn out to be one of our greater blessings.

Ours *is* an open society. That policy pays off. We could ask no more of the correspondents who make such effective use of mass media around the world, than that they give equal time—and space—to our *successes*.

This conference is a major success (so you can relax, Mr. Bolger)—because it was planned, the plan was carried out—and you're all here to prove it. It *is* a "milestone" because it was conceived to make available to the public—a vital area of new technology, developed by NASA—new technology that NASA management realizes can have a revolutionary impact on society. Much of this new technology was paid for out of public funds. And it is appropriate that it be made available for the public good—as soon as possible.

This conference should set a new trend. It should make many good, new friends for research and development—and for NASA. And I might add—both R&D and NASA could use some *good* new friends.

My positions of responsibility over the years on several closely related Congressional Committees have provided me with privileged exposure to the many scientific discoveries and technical achievements resulting from the national space program.

At the same time, we who are friends of space science and technology are often hard pressed to justify the public investment in Space, in view of other urgent and competing national priorities.

The problems of our cities—poverty, crime, drugs, or militant unrest—the problem of environmental pollution—of adequate housing or equal educational opportunity—without neglecting our nation's security in a very troubled, sometimes explosive world—all these requirements have their champions. All get a share of publicity.

So more and more are asking "What Earthly Good is Space?" And we must be able to answer. This conference—and others in the future similarly organized and motivated—will provide eloquent and understandable answers. What Earthly Good is Space?

Well! What good is new experience? Or new knowledge? *None* of it is any "earthly good"—unless it is *applied* to the *common* good.

And that's why today's conference is dedicated to the preservation of human life—through the development and application of more effective fireproof materials.

A breakthrough in fireproofing technology has been achieved. The successful R&D program conducted by NASA in the field of nonmetallic fireproof materials has produced a "quantum jump" that can greatly affect many major industries and has profound life-preserving implications. This rapid development in materials technology is the result of NASA's dedicated effort to eliminate the possibility of any recurrence of the Apollo 204 fire.

Sometimes—it seems—it takes a tragedy to motivate our best effort—or to force us to focus talents and energies to solving vital human problems.

The progress being revealed here in impressive because it is so readily applicable to social need and to the increased safety of our daily lives. I am sure the entire world will recognize the enormous value of this new technology.

We believe that these developments in new materials will become a growing and everlasting memorial to Astronauts Chaffee, Grissom and White. The fireproofing technology—created in the wake of their tragic loss—can save the lives of many thousands in the future.

I know that many of you are interested in what these new materials can do for aviation. So am I

It's interesting to me that we had to get into space to get a really good look at planet Earth. For the first time, we were able to see our globe—as a "heavenly body" against the backdrop of the stars. We *saw* planet Earth—as a beautiful "spaceship"—colorful—with oceans, lands and skies. It was meant to be a viable system—a living organism—when it was designed and developed by the Super Systems Manager—a long, long time ago.

We are just beginning to realize that we live on this planet together—and share its bounties. Lo and behold, we discover that it's a "closed ecological system" and we no longer want to litter it with beer cans, and oil slicks—or with corpses anymore.

We celebrate Earth Day. We are aware of a global environment. Why don't we see Space as an essential part of our earthy environment—or, more accurately, recognize this planet Earth as a living part of the Space environment? What's wrong with our perspective? Actually Space isn't outside "our environment". We are moving—at terrific velocity—on a "Grand Tour" through an unexplored area of the Universe that we call "Outer Space". We call it "hostile" too. But if it weren't friendly why are we still here—free to wonder and debate about it? Really it's bigger than we are.

But, in viewing Space—from a more down-to-Earth perspective where we compete daily for the dollar—too many critics still see the space program as just another "vast expenditure." They could see the pay-offs—if they even looked as far as Houston—this morning.

Today, NASA is declaring a substantial dividend from our Space Investment. The profiting stockholders are the American taxpayers—who can share these benefits with our planetary neighbors if they want to—especially with our good neighbors. This is one kind of "sharing the wealth" that could make economic sense.

We can share what we have learned. We can make the knowledge available. We can identify useful applications. We can demonstrate the creative productivity of a free enterprise system. We can eliminate the necessity for anyone to re-invent the wheel—or to go without wheels altogether.

Wouldn't it seem that *everyone* would be interested in fireproof materials—for homes and automobiles, schools, boats or aircraft? Everyone would have something to gain—except fire insurance salesmen.

NASA's perennially optimistic prophet, Dr. von Braun, points out that never before in human history has a nation invested so much money for research and development—applied its finest scientists and engineers—and achieved so much technological progress in so short a time—for purely peaceful purposes.

We live in a competitive world. Unfortunately, throughout history, man has chosen, much too often, to express his competitive nature destructively—in costly combat. Could we discover, define and develop a *moral* equivalent to war?

Could we compete—or even better yet cooperate—in peaceful exploration of our space environment—and let humanity benefit from Space Age by-products? This would be the most profitable dividend that our space investment could possibly earn.

We've always been willing to risk a lot to save our way of life—or even lives in danger. We have risked much—we have risked men—to get our nation into space.

How much would we risk to make life on Earth worth living—and more secure—for more people on the planet? This is what the Space Age could make possible.

First, we viewed our Earth from Space—and really saw it for the first time.

Then we realized we had learned so many things of value in a short time that others could use too. We had even learned to discover and invent—on *schedule*.

Could we help to make our planet a more viable system—where people could live—and move around and have their being—in peace with freedom?

No? Haven't we reached that point in time—and Space? We can't do it by ourselves—not without cooperation. The potential is there—the vision has been seen. We can't keep on becoming more competitive—when cooperation is much more economical—and so much safer too.

We haven't all seen the vision. When Apollo 13 took off, many were complacent. The networks didn't give much build up—a half-hour before liftoff they picked up the countdown. The Apollo 13 launch didn't sell many papers. The headlines were small.

But something happened. Apollo 13 "made news." By the time "Lucky 13" came home—and the "global village" saw three billowing parachutes—and three courageous crewmen lifted from the spacecraft—it was the Age of Aquarius all over again. Of course, the method of landing was embarrassing—for pilots. Jules Verne had his "astronauts" splash down that way over a hundred years ago.

In a recent policy speech, President Nixon identified three main purposes for our continued national efforts in Space. The first was related to the tradition of exploration—the second acknowledged our continued need for new knowledge and the third involved the process of application—translating new knowledge into useful technology for the benefit of society. He stressed that all of these—like our initial lunar landing—would be pursued to "benefit mankind"—and, if possible, would reflect a growing degree of international cooperation.

Perhaps the most important of the three is the timely application.

Fortunately, the National Space Program and the impetus that it provides for advanced research, experimentation and development affords us a unique opportunity to translate knowledge and to transfer technology into social benefits. It does require imagination, an open access to new information, some "Yankee Ingenuity" and a desire to be of service to our fellow man. The last consideration may be the key to serendipity.

You hear a lot about manned vs unmanned space programs—and really we should view it as an integrated program—but when a man's life is involved, we in America have always tried harder, worked better and produced more reliably. For manned space systems, 99% reliability wasn't good enough. We care about the value of a life. If we'd lost an *unmanned* satellite in the Apollo fire, we wouldn't have achieved a breakthrough in materials for Improved Fire Safety.

It was *because* our men were involved in the mission that the state of the art has been pushed ahead so fast in so many scientific areas and technical disciplines. Our motive was to preserve the lives of the astronauts—and other lives are saved as a result. Because we had to be sure we have learned to improve our entire R&D management system—we have accelerated technical development and produced a broad spectrum of spin-offs to enhance man's life on Earth.

The subject matter of this conference is one example only of what NASA has produced in many fields. You will be thoroughly exposed to that example—in depth—so I'd like to identify briefly a few of the other areas of that new technology spectrum that have spun-off from National Space Programs.

The acceleration of scientific and technical progress, propelled by the space exploration mission, has touched every field of science, every body of knowledge, all aspects of civilization—and every human life on Earth will ultimately feel its impact. We hope this impact will be beneficial and that the weapon system technology that laid the foundation for the Age of Space—both for the Soviets and for us—will prove, historically, to be only the solid technical base upon which we could build for the benefit of all.

If we have learned from our experience we know that space exploration can increase human knowledge and enhance national prestige—as did Sputnik, and the Apollo program. We know that the challenge of Space when met and conquered, can uplift the minds and aspirations of mankind everywhere—and can provide an outlet for international competition which may serve to relieve the pressures that tend toward global war. Toward such an objective, space programs could provide the catalyst to encourage international cooperation on a scale unprecedented in history. Space exploration can provide dramatized examples of what man can do when properly motivated, organized, and supported to accomplish specific goals.

As a direct result, advances in science, technology, education, and industry will be stimulated to yield a new world of benefits.

Some critics ask "What Earthly Good is Space" in honest ignorance of all that has been accomplished. Other critics, who should know better, have chosen to disregard the spin-offs—or to assume that such spectacular progress "would have happened anyway".

Recently, one of my senior colleagues on the Hill rather irresponsibly implied that nothing of any real value had yet come out of the Space Program. He was answered with a long list of documented items—but the second speaker doesn't often make the headlines. Let's review part of the record.

There are some who don't consider national security as a "human benefit." Its difficult to understand their point of view. The space program has greatly improved the development of electronics and communications, vital to any nation's defense. It has provided advanced communications satellites, both strategic and tactical, many types of early warning systems and new navigation satellites with possibilities for use by fast-moving aircraft—and with potential for the prevention of mid-air collisions as congestion of our air lanes and municipal airports continues to grow.

Jointly with the Department of Defense, NASA is developing a space shuttle system—in essence a reusable space vehicle that mates the airplane and the rocket in an operational spacecraft that will retain the best features of both. A shuttle could put satellites into orbit, service satellites operating in space, supply a manned space station or even assist in the rescue of astronauts from space emergencies. We became intensely aware of our need for such a rescue capability during the flight of Apollo 13. With the shuttle, for the first time, people other than astronauts, technicians and specialized observers will be able to fly into space.

The ability to forecast weather accurately two weeks in advance could result in savings to farmers, fuel producers and public utilities alone of about $2 billion annually. Nimbus III can photograph and transmit pictures of cloud cover, and also record and transmit temperatures at various altitudes over 80% of the Earth's atmosphere. A later version will soon be measuring humidity as well.

The use of satellites in forest fire detection in the United States could save more than $30 million annually. The source of water pollution can be located and monitored by satellite, mineral and fuel sources can be uncovered, helping to solve problems that could become acute within the next few years.

Perhaps no one has yet estimated the fantastic influence that computer technology has had on our civilization. The space mission requirements motivated development of computers with greater speed and reliability, as well as smaller size and weight, and caused advances in programming techniques.

The Chief of Army R&D, Lt. General Betts, told Congress recently that the Soviets might have beaten us to the Moon if they had possessed our computer ability. He testified "we know that the Soviet Union has caught up with us in most technological fields. Its generally agreed that only because of their lag in computer technology did they fail to beat us the Moon."

The emerging science and technology of management is still rather intangible to most of us—even to some managers. You might think of it as—our knowledge of applied leadership to accomplish desired goals.

Management technology has come of age with the Space Program. The Editor-in-Chief of Aviation Week and Space Technology magazine, Bob Hotz, wrote in a recent editorial, "This country seems slow to comprehend that the greatest asset it gained from the Apollo program was not the new technology it produced, valuable though that may be. The greatest asset was the development of new and effective managerial techniques and managers who were able to marshal a wide variety of talents and resources to solve a problem of unprecedented magnitude."

The quality of management is more apparent when the mission is less than "nominal". Apollo 13 was an outstanding example of creative, disciplined, courageous, and dedicated management challenged with unexpected problems and performing like inspired and mature professionals. To manage others we must first learn to manage ourselves. Our capability for applied leadership in the face of crisis was obvious to the world.

Prior to the space age we used the polar

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regions and the deserts to test the "character" of our men and their machinery. The moon was a different matter. If life can be supported in Space it can survive anything the Earth has to offer—at its worst. So we have materials for heat shields that can withstand over 5,000° F, batteries that don't weaken at −100° and gloves enabling a man to hold an object for five minutes at any temperatures from −170° to 250°. Insulated clothing, made of flexible fabrics, had to be fireproof as well.

New sensors of all types—new sealants, super glues, now available in hardware stores—new lubricants to serve efficiently under unprecedented environmental conditions—new instruments for measurements unimagined a few years ago—testing techniques for materials, components and systems in simulated space environments.

Fresh meat is now packaged in polyester film 1/2000th of an inch thick, originally developed for the Echo satellites. The very popular heat and cold resistant pyroceram ware, originally a material for re-entering nose cones, is now used in our kitchens to cook vegetables. You've all heard of Teflon. Space is for the housewife too.

Tiny nickel-cadmium batteries to power electric watches—razor blade cutting edges from thin films developed through molecular electronics research—new fabrics—new chemistry—and new technical optics to revolutionize the printing industry.

What Earthly Good is Space? We have only just begun to discover how to apply what we are learning to improve our processes and standards of living. To the application process—the translation of information and technology—that's where we need to turn our attention and our talents. But we *have* begun.

Lt. General Sam Phillips, well known to you in the Apollo Program, now Commander of the Air Force Space and Missile Systems Organization, recently spoke to a management group in Chicago on the subject of "Space and the National Future".

General Phillips says: "Of some 12,000 new products and techniques which have come into being in the last decade, a very large percentage are directly attributable to space and missile developments.

The examples are legion; an electromagnetic hammer, developed for rocket production, which makes metals flow like soft plastic, allowing smoothing and shaping without weakening, is now being used widely in shipbuilding and auto production.

New fiber-reinforced composite materials being investigated not only for auto and truck bodies, but for stronger and lighter weight artificial arms and legs, longer bridges than now exist, even dental fillings and plates.

The fuel cell development which was dormant for many years, was reactivated as a source of power in space. Now 30 public utility companies have a $27 million program for the adaptation of the fuel cell for home power units. It is also being developed for possible use in smog-free automobiles.

There is so much more. General Phillips even advertised today's Conference in his Chicago address.

Space technology is revolutionizing the global educational environment. Last September the United States signed an agreement with India for the use of an Applications Technology Satellite which we plan to launch in 1972. A special antenna and transmitter three times as powerful as those on present commercial satellites will broadcast—from a hovering orbit over 22,000 miles high—programs on family planning, hygiene, agriculture, basic production skills, etc., that can be received at a small cost in more than 5,000 widely scattered Indian villages.

Closer to home, table television, using space satellite relays, could bring a college education into your living room for a cost of about $61.00 a year.

The search for food to feed the planetary population can be greatly simplified by using orbiting satellites. Infrared photographs show the size and maturity of crops, spotting plant disease before it's visible to the farmer. Even schools of fish can be located and tracked by infrared sensors. Can you imagine detecting the heat given off by a lot of cold fish?

The launch of an Earth Resources Technology Satellite is planned for 1972. My colleague, Joe Karth of Minnesota, estimates that the economic benefits from this one system alone could add more than $6 billion a year to our economy. Maybe NASA should be reorganized to permit it to pay for itself by licensing processes and products developed by public funds. That's free enterprise too.

I've saved for the last a few representative examples of what space research is doing for the field of health and medicine.

An EKG transmitting system using "spray-on electrodes" can transmit a heart patient's cardiogram from a moving ambulance to a hospital so that the receiving doctors and technicians can be prepared with a better understanding of the case. Now if they can just include documentation of the patient's "fiscal condition" as well, he'd be sure of a warmer reception.

A cardiac catheter, with a sensor smaller than the head of a pin, can be inserted into a blood vessel to measure pressure without interfering with circulation.

An "eyeball switch", designed for the astronauts when high G forces might limit arm and leg movement, has been adopted for partially paralyzed patients or for paraplegics to guide themselves in wheel chairs, turn on TV or turn book pages.

A valve designed by a NASA engineer is being adapted to relieve fluid build up in cranial cavities, as with hydracephalus patients. An implantable model is being fabricated to restore urinary control to incontinent patients. A NASA Biomedical Application Team is testing a new method for the early detection and cure of cystic fibrosis.

To conclude the biomedical examples, perhaps you are aware of a recent disclosure by the Head of NASA's Molecular Biophysics Lab at Langley. Clarence D. Cone, Jr., described his theory on cell division to the Science Writers Seminar of the American Cancer Society in San Antonio about six weeks ago. It sounded like big news to me. Cone has devised and demonstrated a theory which helps to explain the source of uncontrolled malignant growth. The theory indicates short cuts to the development of chemical countermeasures against cancer and provides an explanation of the functional connection between two major features of cancer causing its deadlines—uncontrollable growth of cells and their ability to spread into normal tissue. Previously there had been no known relationship between the two characteristics, although they always occur together. Observations imply that the two are intimately related.

Langley studies concerned with space radiation blockage of cell division revealed that cells with large negative electrical voltages seldom divide, while cells with small negative charges divide at maximum rates.

Cone's theory proposes a central mechanism for control of body cell division which could provide a new basis for research on many problems such as human conception, birth defects, growth, aging and particularly cancer. What's that worth to the world?

To bring the conference back to today's subject of fireproofing materials is only to remind us once more of our search for the improvement and the preservation of human life.

Those pre-space age skeptics who ask us to prove the social value of our research before we fund it—may just be the descendants of those doubters of the past who questioned the feasibility of the "heavier-than-air flying machine."

Let us continue to make the dividends of space investment available to the American stockholders—and to our friendly neighbors.

Perhaps the "spin-offs" from space technology will become the primary products of our effort. They will be essential ingredients to create an improved standard of living for the passengers on Spaceship Earth.

You are all trained members of the crew—managers and scientists—engineers, inventors and experienced technicians. You can all communicate.

If Spaceship Earth is to achieve ultimate mission success during its Grand Tour through space—we'd better man our stations, get on with the task and pass the word—with the same kind of intelligent dedication, resourcefulness, courage and faith that brought Apollo 13 home.

Become Space Age converts. Become believers in the social benefits of space spin-offs. Become disciples of space research and development. Be evangelistic about helping NASA find more creative ways to apply the new technology.

If you get a good idea, let someone know who will take some action. If you do—others will too—and the space program will become our "Mutual Fund" of the future, the most profitable investment that man has ever made.

LET US END THE FEAR OF TGE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RAILSBACK. Mr. Speaker, the May issue of Prairie Farmer, a widely circulated and respected farm publication, contains an editorial concerning the need to find a cure for the baby pig killer disease transmissible gastroenteritis—TGE.

My colleague from Illinois, PAUL FINDLEY, has taken the lead in working for greater funding for TGE research. In March, I wrote to the Secretary of Agriculture, Clifford M. Hardin, advising him that I shared Congressman FINDLEY's concern and that I supported the call for more USDA attention and support for research efforts concerning TGE.

The Prairie Farmer editorial adds that respected publication's voice calling for more intense research into this disease which has produced crippling financial losses for farmers. I call to the attention of my colleagues the editorial, which follows:

LET'S END THE FEAR OF TGE

Efforts are being made to find a cure for the baby pig killer disease transmissible gastroenteritis (TGE). But for farmers who have suffered severe TGE losses over the past couple of years present efforts are not adequate.

Pork producers have made personal appeals to the secretary of agriculture for stepped up research to find an answer.

Rep. Paul Findley (R-Ill.) has taken the

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lead in investigating the possibilities of heavier funding for TGE research. And this may be the problem. With pressure on to curb spending, any requests for USDA funds is bound to get a cold reception.

"But," said Congressman Findley to Secretary Hardin, "somehow we must find immediate funding to finance the long past due research for a cure for TGE. A small project is being carried on by the USDA near Ames, Ia., and some research continues at the University of Illinois, but funds are very low."

We would like to add our voice to that of the producers and Congressman Findley. More intense research needs to be done on TGE. The crippling financial losses have been severely demoralizing to many farmers.

It is hoped that the department of agriculture will look with favor on these appeals and somehow find the money necessary to end the fear of TGE.

COLUMBIA LEGAL SOCIETIES CONDEMN CAMBODIA INVASION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROSENTHAL. Mr. Speaker, international law experts at Columbia University assert that the United States acted illegally when its military forces entered Cambodia. The Columbia Society of International Law and the Columbia Journal of Transnational Law have drafted a memorandum which outlines in detail the treaties and other international agreements that the United States violated.

The memorandum follows:

MEMORANDUM

Throughout history, and especially since World War II, the United States has been a leading proponent and defender of freedom and independence for all nations of the world. It has helped initiate and has supported efforts to establish a system and a world community based upon respect for international law, for the right of self-determination of all peoples of the world, for the peaceful settlement of disputes and for all the principles of the United Nations Charter.

UNITED NATIONS CHARTER

In the Preamble to the U.N. Charter we affirmed our determination "to save succeeding generations from the scourge of war . . . to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained . . . and for these ends . . . to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest. . . ."

Article One states that one of the purposes of the United Nations is ". . . to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace. . . ." Most importantly, in Article Two we agreed to act in accordance with the principles that "All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

By unilaterally sending United States military units into the neutral territory of Cambodia, without the invitation or consent of the Cambodian government, and without consulting the Security Council, the United States has committed a grave breach of international law. This decision seriously threatens the principles of the United Nations, the principles which in the past the United States has staunchly supported.

This intervention also violates the domestic law of the United States. After due ratification, the United States Constitution declares that a treaty becomes the "Supreme Law of the Land." No action short of total withdrawal from and renunciation of the Charter can terminate our obligation to act in accordance with every one of its terms. Since we have not renounced or withdrawn our ratification of the United Nations Charter, our actions are unconstitutional and unjustified violation of United States Law. Clearly, the U.N. Charter is in full force as law of the United States, and just as clearly, we have violated its provisions and its spirit.

SEATO TREATY

Under the South-East Asia Collective Defense Treaty, Secretary of State Dulles told the Committee on Foreign Relations in 1954 that action would be taken by the United States only "in accordance with its constitutional processes." This, he explained, meant that action would be taken only after consultation with Congress. In approving the SEATO Pact, it is clear that Congress expected to be consulted prior to each United States military intervention in a country covered by the Treaty.

Cambodia did not become a member of the SEATO pact. The SEATO signatories, however, included Cambodia as a protocol party and not as a member of the organization. Cambodia has renounced its protocol status and has proclaimed its neutrality for many years. But even the SEATO Treaty itself, which accords to its members a unique power of unilateral intervention in the territory of a protocol party as well as members, specifically states that "no action shall be taken except at the invitation or with the consent" of the government. The United States has violated this provision by initiating military action without obtaining Cambodia's prior consent.

UNITED STATES POLICY

The State Department has repeatedly justified our involvement in Vietnam on the basis of the SEATO Treaty, and has said that additional legal support was given to this position by the Joint Resolution of Congress of August 10, 1964 (The Tonkin Gulf Resolution). Section 2 of that Resolution, however, affirms that the minimum condition for military engagement on the soil of a non-belligerent nation is the request of the other government. It states that ". . . the United States is . . . prepared . . . to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty *requesting assistance* in defense of its freedom."

The fact that our administration has failed to cite any request for armed intervention shows that it has failed to satisfy the most basic requirements of the Tonkin Gulf Resolution as well as of the SEATO Treaty. It is inconsistent and hypocritical for this country to condemn the Soviet Union for invading Czechoslovakia and then to invade Cambodia without the invitation of the Cambodian government.

It has been suggested that although Cambodia did not invite the United States to enter its sovereign soil in force, it has ratified our intervention by subsequent actions. The belated acquiescence in or "appreciation" or our intervention by the weak and unstable Cambodian government, faced with a military *fait accompli* by the world's greatest military power, cannot detract from the fact that the United States invaded a small country without its consent or invitation, in total disregard of its sovereign rights.

The United States is in fact applying the very kind of power politics for which we condemn the Soviet Union. But the consequences of their invasion of Czechoslovakia cannot compare to the devastation and prolonged civil war which will now engulf this defenseless country. Our latest military expansion is likely to lead to direct confrontation with the other major powers in an area in which China has particularly strong regional interests, at least as strong as those claimed by the United States in the Western Hemisphere.

If we are opposed to anarchy and contempt for the law domestically, we should also be opposed to it internationally. Recently, Under-Secretary of State Richardson announced the doctrine of spheres of mutual restraint. The breach of our own doctrine would encourage other powers to act unilaterally in the areas in which they have superior conventional power. What we do, we cannot expect other nations to refrain from doing.

The President has attempted to justify American actions as necessary to protect American troops and the Vietnamization program. It is clear, however, that this is not a valid exercise of the right of self-defense embodied in Article 51 of the U.N. Charter. It has long been accepted, and was affirmed by the Nuremberg Tribunal, that invasion of a neutral territory for self-protection is justified only if there is a necessity for self-defense, instant, overwhelming and leaving no choice of means and no moment for deliberation. The United States' massive, unannounced strike into Cambodia failed to meet this standard at the outset—and reports from Cambodia fail to disclose evidence of a threat sufficient to satisfy the requirement of overwhelming necessity.

The administration has made no effort to justify its actions in the light of international law. Not even lip service was given to law when our troops crossed the Cambodian border. Just five days before Operation Total Victory began, Secretary of State Rogers censured North Vietnam for violating its treaty commitments to respect Cambodia's neutrality. He went on to say, "A more explicit and unprovoked violation of the fundamental provisions of the Charter of the United Nations and of additional specific international obligations to respect the territory of others could hardly be imagined." The Secretary's words describe exactly our invasion of Cambodia. This action is demonstrative of the administration's contempt for and disregard of international law.

CONGRESSIONAL RESPONSIBILITY

It has been asserted that the President has sole decision-making power in this area as Commander-in-Chief. Although, by an evolutionary process, the Executive has gained the power to use the military in the conduct of foreign affairs *short of war*, the Congress still retains the sole power to declare war and to appropriate funds to support any military involvement.

Inherent in the power to declare war is the power to limit war activities and to declare the end to wars. The recent Resolution on Laos and Thailand was an expression

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of this power in declaring that the geographical extent of our ground involvement in Southeast Asia would stop at the borders of those countries. This was not an attempt to limit the Executive's power to conduct foreign in those areas, but was an expression of Congress' sole responsibility to declare and limit war. Congress has the power to exercise the same responsibility in regard to our action in Cambodia.

We request the Congress of the United States to resolve that United States forces be immediately withdrawn from Cambodia, and to reaffirm our intention to respect the principles of the United Nations Charter and of international law.

HOUSE BANKING BILL WOULD INCREASE RECORDKEEPING COSTS AND INVADE INDIVIDUAL PRIVACY

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BURTON of Utah. Mr. Speaker, a speech by the Assistant Secretary of the Treasury for Enforcement and Operations, the Honorable Eugene T. Rossides, has been brought to my attention by a concerned constituent. The speech is an excellent one pertaining to the administration reform program to combat the use of secret foreign bank accounts in order to violate our Federal Tax—and other—laws. The speech describes the administration action being taken in this area to circumvent the present use of foreign bank accounts as repositories for moneys representing income not reported on U.S. tax returns. However, the speech also details what Secretary Rossides believes to be an unnecessary increase in recordkeeping procedures contained in a bill reported by the Banking and Currency Committee, which procedures would increase costs and invade individual privacy. The speech follows:

THE NIXON ADMINISTRATION'S REFORM PROGRAM TO COMBAT THE ILLEGAL USE OF SECRET FOREIGN BANK ACCOUNTS

(By Hon. Eugene T. Rossides)

Tonight I want to discuss with you the Nixon Administration's reform program to combat the use of secret foreign bank accounts by organized crime and white collar crime to violate U.S. tax and other laws.

When this Administration took office, it decided to do something about this problem. We point out with pride that this is the first Administration seriously to study the matter and recommend action designed for correction of this long-standing problem area. We take further pride in the fact that the Treasury is in the forefront of this effort. Treasury organized a Task Force to attack the problem on a concerted basis. It is the first of its kind of which we are aware.

Our overall aim is to build a system to deter and to prevent the use of secret foreign bank accounts for tax fraud, their use to screen from view a wide variety of criminally related financial activities, and their use to conceal and cleanse criminal wealth. Our immediate aim is to combat organized crime and white collar crime in their use of foreign banks to achieve criminal objectives.

This Administration recognizes the widespread moral decay that would result if these practices are permitted to continue and expand. We are determined to do something about them.

The Administration has acted in four interrelated areas:

First: The development of solutions has been elevated from an ad hoc case-by-case approach to the foreign policy level. Treaty discussions have been undertaken with the Swiss authorities and we are in the process of contacting other governments.

Second: The Treasury is carrying out a comprehensive administrative review of current procedures and an analysis of what further can be done under existing statutory authority.

Third: The Treasury has made, on behalf of the Administration, certain legislative proposals regarding this problem.

Fourth: The Treasury is working with the private sector to develop cooperative measures against this illegal activity.

Before discussing our actions in these four areas, I must emphasize three fundamental concerns that predominate in formulating Treasury's enforcement approach to this problem.

First, the United States dollar is the principal reserve and transactions currency of the world. Foreign holdings of U.S. dollars are huge, amounting to some $43 billion in liquid form. This fact itself is a mark of the confidence which others have in the political and economic stability of the United States and is a tribute to the success of the international trade and payments system we have been creating—a system of progressively fewer restrictions to the flow of goods and capital. The overwhelming bulk of the rapidly growing volume of international transactions by Americans and foreigners alike are not only legitimate business and personal transactions, but serve the larger interests of the United States in effective monetary arrangements and freely flowing trade and payments. It has, therefore, been of paramount concern to us that the proposals we are making will in no way restrict the regular and efficient flow of domestic and international business, or personal transactions, or diminish the willingness of foreigners to hold and use the U.S. dollar.

The second consideration is that consistent with our determination to deter tax and other evasion by U.S. persons involving foreign financial transactions, we have sought to develop proposals under which the benefits to our tax collections and to our law enforcement objectives exceed the direct and indirect costs which these proposals bring about.

Finally, we have not lost sight of traditional freedoms, many of which are set forth in our Constitution, others which have become identified with our way of life. In strengthening enforcement, we must not jeopardize these principles.

BACKGROUND

Just what is a secret foreign bank account? It is an account maintained in a foreign banking institution in a country which has laws which strictly limit the conditions under which information concerning an account will be made known to governmental authorities.

There is no certainty as to the exact dimension of the use of foreign bank accounts by U.S. citizens and residents, or the number being used for illegal purposes or the size of the tax fraud and other criminal violations shielded by such accounts. Even though the number of persons involved and the amounts of tax fraudulently evaded by these means may be small in comparison to total U.S. taxpayers and tax collections, the principle involved is central to proper tax administration: any tax fraud scheme must be attacked vigorously.

We all have the right to demand that all Americans pay their proper amount of taxes as determined under the revenue laws. If tax fraud fostered through the illegal use of foreign bank accounts is not curbed, our self-assessment system of taxation could be seriously impeded.

Rapid means of international transportation and communication have greatly facilitated the free flow of funds and commerce across what were once thought to be great distances. These technological advances have added to the problem of tax fraud through the use of secret foreign bank accounts.

The anonymity offered by foreign accounts has been used to conceal income made in connection with various crimes that have international features. They include the smuggling of narcotics, black market currency operations in Southeast Asia, and illegal trading in gold. These illegal undertakings frequently involve tax fraud.

USE BY ORGANIZED CRIME

Racketeer Money: There is strong evidence of a substantial flow of funds from racketeers in this country, particularly those associated with gambling, to certain foreign banks. Some of these funds appear to have been brought back into the U.S. under the guise of loans from foreign sources. This may be providing a substantial source of funds for investment by the criminal element in legitimate business in the U.S.

Money from Narcotics: In March, 1969, Treasury Agents of the Bureau of Customs broke up a major international heroin smuggling scheme by intercepting 115 pounds of heroin in New York City. Cash transfers of this organized crime enterprise were run through secret foreign bank accounts. One of the defendants alone admitted to forwarding half a million dollars from the United States to Geneva.

If adulterated at the usual ratio of five to one, the 115 pounds of pure heroin would have yielded 690 pounds of diluted heroin mixture. It is estimated that one such pound will yield 7,000 one-grain doses. The 690 pounds would have put 4.83 million one-grain doses into the hands of pushers on the streets with a total value of about $24,000,000 ($5.00 per dose). I am sure that you can understand why we feel so strongly that something must be done.

USE IN CONNECTION WITH WHITE COLLAR CRIME

Foreign bank accounts are opened to facilitate tax fraud by some people who otherwise appear respectable and law abiding. They are used in an effort to hide unreported income from commercial operations in the United States or income from investments made through a foreign bank.

Personal Accounts: Accounts in foreign banks are used as repositories for money representing income not reported on United States tax returns, much in the same way as bank safety deposit boxes have been used in this country. For information on the existence and nature of the accounts, dependence has been placed upon informants and the subsequent tracing of transactions through banks in this country.

"Arrangements" with Foreign Customers and Suppliers: In some cases, United States taxpayers have arranged with their foreign customers or foreign suppliers for the preparation of false commercial documents overstating amounts received from the United States taxpayers or understating amounts paid to them. The funds placed in the hands of the foreign conspirators as a result of these falsifications are deposited with banks in bank-secrecy countries for the credit of the United States taxpayers.

Transactions in Securities: Taxpayers, by

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opening accounts with foreign banks and financial institutions, have been able to buy and sell on the United States stock markets without disclosing their interest in, or taxable income from, such transactions.

Let me now turn to the Nixon Administration's reform program.

FOREIGN POLICY—SWISS TREATY NEGOTIATIONS

The recent discussions with Swiss officials have centered upon the development of a proposed mutual assistance treaty to provide information and judicial records, locate witnesses and provide other aid in criminal matters. However, the U.S. and Switzerland already are parties to a convention for the avoidance of double taxation with respect to income taxes which is relevant to bilateral cooperation for obtaining bank records to prosecute tax fraud. Article XVI of this latter treaty provides for the exchange of information for the prevention of *fraud or the like* in relation to income taxes which are the subject of the convention.

We have only recently become aware that Swiss law makes an important distinction between simple tax evasion and tax fraud, which is an aggravated form of tax evasion. Whereas individuals guilty of simple tax evasion under Swiss law are not considered to have committed "crimes" as we know the term, and thus are not subject to jail sentences, tax fraud in connection with the Swiss federal withholding tax on interest and dividends and the income tax laws of sixteen of the twenty-five Swiss cantons, including the economically more important cantons, is deemed a criminal offense which can result in the imposition of jail sentences and which is handled in criminal rather than administrative proceedings.

This distinction between tax evasion and tax fraud becomes of essential importance because under Swiss law the obligation of a bank to observe secrecy about the affairs of its depositors is superseded by the duty to furnish information, give testimony, or produce documents in criminal proceedings which include tax fraud proceedings.

Speaking on behalf of this Administration, I can assure you that we are actively exploring with the Swiss authorities the obtaining of the same information, including bank records, as can be made available to Swiss authorities.

ADMINISTRATIVE REFORM

I believe that a primary responsibility upon taking office is to determine how current law is being administered and whether administration can be improved. In early 1969, in conjunction with work for discussions with Switzerland, I authorized a review of existing practice and statutory authority to see what improvements and additional action could be taken administratively. It was concluded that much along the following lines could be done to combat this problem even without legislation.

No matter what treaty, legislation, or regulations might be implemented, efficient and effective prosecution of law evaders is an important element in curbing the illegal use of foreign bank accounts. Law enforcement agencies are increasing efforts to uncover individuals who have made illegal use of foreign bank accounts. The new United States Attorney for the Southern District of New York, Whitney N. Seymour, Jr., has been in close contact with key officials in Washington to implement a vigorous attack against individual offenders.

The Internal Revenue Service presently is thoroughly reviewing its operations, including its audit procedures, to develop more effective internal procedures for uncovering cases of tax fraud involving the use of foreign bank accounts, as well as for compiling and constructing solid evidentiary records in these cases. New guidelines are being established to aid Treasury Agents of the Internal Revenue Service in handling investigations of taxpayers who employ or are believed to employ secret foreign bank accounts.

New Regulations and Administrative Practices:

Another means of attacking the problem under existing law is to implement new effective regulations and administrative practices.

One significant measure that this Administration has already taken under existing authority will be to require on next year's tax return that U.S. citizens, residents, and certain other persons effectively doing business in the United States identify their direct or indirect interests in foreign bank accounts. I believe that this will be an effective deterrent to the use of these accounts to evade taxes, since the failure to reveal the existence of such interests will result in the imposition of criminal penalties apart from those otherwise applicable to the filing of fraudulent tax returns.

In conjunction with this disclosure requirement, this Administration has under consideration a proposal that, pursuant to regulations, taxpayers with interests in foreign bank accounts be required to maintain specified records of transactions they have with these accounts.

Another related proposal which is being given consideration is that taxpayers who report interests in foreign bank accounts on their tax returns at the same time personally would authorize the foreign financial institutions in which the accounts are maintained to forward any information which might be requested by U.S. law enforcement officers pursuant to the same legal process required to obtain bank records in the United States.

Still one more area being thoroughly considered by the Treasury Task Force is the extent to which evidentiary presumptions could be implemented through regulations which would make funds flowing through foreign bank accounts be deemed to be untaxed income unless taxpayers provided sufficient information and records to the contrary. This area is very closely related to comparable legislative proposals which I shall mention shortly.

I believe that this recitation of what already has been done by this Administration with respect to administrative measures and regulations, and to further international assistance to curb the illegal uses of foreign bank accounts clearly demonstrates our seriousness of purpose and that we have accomplished more than ever before. Even apart from the legislation on this subject presently before this Congress, administrative action and international cooperation hold promise of substantially curbing the illegal use of these foreign accounts.

LEGISLATION

This is the first Administration in recent history to support the concept of development of effective legislation which would provide valuable additional statutory tools to counter the illegal use of secret bank accounts. In this connection, this Administration has strongly supported the objectives of those aspects of the legislation of the House Banking and Currency Committee chaired by Congressman Wright Patman, H.R. 15073, that are intended to ameliorate this problem. However, in my testimony before the House Banking and Currency Committee on March 2, 1970, I pointed out several key changes of H.R. 15073 which were necessary to make it responsive to this problem, only some of which were implemented by the Committee before it reported the bill out at the end of March.

As originally introduced, H.R. 15073 suffered from numerous and obvious shortcomings. In general, it maximized burdens upon the public and the economy while minimizing enforcement effectiveness. More specifically, the bill would have made mandatory the photocopying, at least once and possibly twice, of every check written in the United States—at least 20 billion and possibly 40 billion items annually—and it further would have permitted uninhibited official government rummaging through the records of certain banks without regard for the privacy safeguards provided by established discovery procedures.

We presented to the Committee amendments and, later, a substitute bill. Our proposals would have maximized enforcement and minimized burdens and offered further advantages of brevity, clarity, ease of application and flexibility not shared by H.R. 15073. Our proposals would have strengthened the bill in several ways, including amendments to lessen wasteful and counterproductive recordkeeping, and limit incursions upon the right of privacy.

Those amendments to the Patman legislation suggested by the Treasury, which were accepted, considerably improved H.R. 15073 as it was initially introduced. For example, key amendments of H.R. 15073 broadened recordkeeping requirements to encompass various types of other financial institutions engaged in international transfers of funds, as well as commercial banks.

In my testimony before the House Banking and Currency Committee on March 2, 1970, I specified records of types of international transfers which the Treasury Department recommended be maintained by these institutions pursuant to regulations issued by the Secretary of the Treasury for a period of six years. These included records of remittance transferring funds to and from the United States, both records of checks negotiated abroad and foreign credit card purchases in excess of $1,000, records of foreign checks transmitted abroad for collection, records of foreign drafts, and records of international letters of credit and documentary collections.

I believe that the Committee should have adopted a number of desirable suggestions made by the Treasury which are needed to limit the scope of the legislation to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings.

The Treasury recommended recordkeeping, reporting and disclosure requirements which would have a high degree of usefulness in criminal, tax, on regulatory investigations, and which were directly related to the problem of the illegal use of secret bank accounts.

It has only recently come to the fore that the legislation is intended to deal not only to some extent with the problem of secret foreign bank accounts, but that a basically separate problem area with which H.R. 15073 also is concerned is the trend on the part of domestic banks not to maintain microfilm records of all checks drawn on them.

The Treasury Department urged amendments that would have limited *all* recordkeeping and reporting requirements of H.R. 15073 to those which are likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

However, the Committee adopted this significant limitation only in connection with the recordkeeping requirements imposed upon banks and other financial institutions. It failed to accept the same standard with reference to the reporting requirements imposed.

This refusal is significant, especially in view of the growing concern in America over possible incursions by Government into individual privacy. I believe it is generally accepted that the right of privacy is not absolute, but must be balanced against the need for information inherent in the governing process. For example, few of us would quarrel with the need for the Government to require individuals to file tax returns which, to some extent, of course, contain private information. Nevertheless, this right of privacy must be protected against any unnecessary incursions.

However, the reporting requirements of the Patman Committee legislation possibly could result in unnecessary inroads into this right of privacy. For example, consider the requirement of reporting domestic currency transactions in the Patman legislation. An analogy can be made between reporting of such transactions by financial institutions to the Government and searches through the records of these institutions without the transactions of a particular taxpayer in mind.

If such reporting requirements are limited, as the Treasury recommended, to those transactions likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, the potential unnecessary incursions on personal privacy would be limited; such might not be the case under the present H.R. 15073 language which permits the requiring of reports of any domestic currency transactions without any comparable limitation.

The Patman Committee testimony indicated that H.R. 15073 would require the microfilming of at least twenty billion checks per year. There have been conflicting and unsupported views expressed as to the cost of such a requirement, as well as to the additional number of checks which would have to be microfilmed, in addition to those presently being copied. However, there was no substantial testimony indicating that the records of such checks would be of sufficient value to counter the additional recordkeeping costs whatever they, in fact, may be. The cost of any burdensome recordkeeping or reporting requirements would be likely to be passed on to the public, including everyone with a checking account.

This apparent willingness of the Committee to enact legislation with only meager study or factual basis is even clearer with respect to Title III of H.R. 15073 which would extend the applicability of margin requirements under section 7 of the Securities Exchange Act to the purchasers of stock as well as to broker-dealers and financial institutions who lend money for that purpose. This significant provision was added to H.R. 15073 only in March, over three months after the original bill was introduced, and was accepted by the Committee without any testimony being presented on it by concerned parties.

One legislative proposal which the Treasury Department has been fully considering (if the remedy, as I discussed earlier, cannot be achieved administratively), which we believe could be of significant assistance in curbing the illegal use of foreign bank accounts, and which would not pose any conflict with a right of personal privacy, is the establishment in the Internal Revenue Code of rebuttable presumptions that U.S. citizens, residents, and certain other taxpayers engaging in certain foreign transactions, and not furnishing upon request adequate information to the Secretary of the Treasury or his delegate, are dealing with their own untaxed income. As an alternative proposal, Treasury also has under consideration an excise tax which would be applied in situations where no adequate information of the foreign transactions is provided by the taxpayer.

The presumptions would be in the nature of evidentiary presumptions which could form the basis for a determination of civil tax liability (including interest and penalties) unless the taxpayer establishes by the clear preponderance of the evidence that his untaxed income is not involved.

It is the Government's understanding that most persons who use foreign financial institutions, even in countries where bank secrecy is strictly observed, can themselves obtain full information about their accounts and transactions. Therefore, it is assumed that U.S. taxpayers will be able, without difficulty, to satisfy the Secretary of the Treasury or his delegate as to his foreign transactions so as to avoid the application of either the presumption or excise tax if either is implemented.

COOPERATION OF THE PRIVATE SECTOR

As is true in developing any public policy as expressed by legislation or administrative rule-making, final action is taken only after securing views, information, and—hopefully—cooperation from those sectors that would be primarily affected. In the instant case, in developing a legislative and administrative approach to this problem affecting primarily the financial community, we believed it incumbent upon us to work with representatives of the banking industry, brokerage houses, and other related businesses involved in the transmittal of funds to and from foreign secret bank accounts. As stated in a December 27, 1969, *Washington Post* editorial referring to the Patman bill as originally introduced:

"This is a subject, of course, on which bankers ought to have their say. The strange thing is that they had not been consulted while the bill was being drafted. Though it is of great importance to curb the misuse of hidden bank accounts abroad, it is equally vital to protect the free flow of international commerce and to avoid the imposition of unnecessary burdens upon the banks."

I would be remiss not to publicly thank these members of the business community for the high level of cooperation we received, and I would especially like to thank the large banks which are members of the New York Clearing House. They provided us with much valuable background information on possible avenues of illicit activities, on foreign banking operations, and they offered many new and constructive suggestions on more effective legislative and administrative approaches that would benefit our enforcement efforts.

Clearing House member banks further indicated that on a voluntary basis, even before any legislative or regulatory action, they will comply with almost all of the recordkeeping requirements in connection with international transfers of funds that we desire, which records would, of course, only be available to governmental representatives in accordance with existing discovery procedures. I believe that this spirit of cooperation between the public and private sectors will continue to grow, and that working together we shall effectively meet this priority enforcement problem.

To sum up, the Nixon Administration has acted to attack this critical enforcement problem in four interrelated areas:

First: The development of solutions has been elevated from an ad hoc case-by-case approach to the foreign policy level. Treaty discussions have been undertaken with the Swiss authorities and we are in the process of contacting other governments.

Second: The Treasury is carrying out a comprehensive administrative review of current procedures and an analysis of what further can be done under existing statutory authority.

Third: The Treasury has made, on behalf of the Administration, certain legislative proposals regarding this problem.

Fourth: The Treasury is working with the private sector to develop cooperative measures against this illegal activity.

This is the first Administration to support the development of effective legislation which would provide additional authority to deal with the illegal use of secret foreign bank accounts. My major concern is that the legislation should be responsive to the problem and be limited in scope to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings. If limited as I have stated, there should be no concern over possible incursions by government into individual privacy.

In closing, I also wish to restate the three fundamental concerns of the Treasury which are foremost in its consideration of this issue:

1. The proposals should in no way restrict the regular and efficient flow of domestic and international business, or personal transactions, or diminish the willingness of foreigners to hold and use U.S. dollars.

2. The proposals should deter tax and other evasion by U.S. persons in such a way that the benefits to law enforcement objectives exceed the direct and indirect costs that the proposals would bring about.

3. In strengthening enforcement, the proposals should not jeopardize traditional American freedoms.

THE DEATH OF MRS. ANNA KIRZON

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GILBERT. Mr. Speaker, the residents of my district, the 22d Congressional District, Bronx, recently suffered a grievous loss with the death of Mrs. Anna Kirzon at the age of 70 years.

Few people suffered the tragedies that beset Mrs. Kirzon in her lifetime, yet few would have been able to recover sufficiently to accomplish all that she did during her long and useful life.

The mother of a young daughter, Ruth, who was stricken with a brain tumor and who died after two extensive operations during which she remained crippled and blind before dying at the age of 12, Mrs. Kirzon dedicated the rest of her life to helping crippled and handicapped children.

Organized as the Ruth Kirzon Group in 1946, the volunteer organization had more than 400 members when Mrs. Kirzon died on April 29.

These women gave of their services selflessly to young people suffering from physical or emotional disabilities. Members went into homes of severely handicapped children and spent time with them, giving them comfort and helping them to laugh. For some of the children, it was the first real pleasure they had known during their first early years.

There is no doubt, Mr. Speaker, that the good works of the Ruth Kirzon Group will continue without their organizer and spiritual leader. But no one has ever talked with Mrs. Kirzon could go away without being inspired and deeply moved. I would think that the best memorial Mrs. Kirzon would like to

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be remembered for are the happy faces of the children as the volunteers arrived each day to brighten their sheltered lives. I would like, if I may, to recite just some of the many projects undertaken by the group.

The Ruth Kirzon Group has a visiting children's service. Members go into the homes of severely handicapped children and spend time with them. They take the children out in groups for a day in the country, for a picnic or a boat ride, or for the joys of a circus or a rodeo. They take children to movies, planetariums, or the theater. They introduce these handicapped young people to opportunities they perhaps never had in their lives. They bring these children out of the shells in which many of them live and expose them to the outside world.

Twenty years ago the Ruth Kirzon Group established a scholarship committee, to enable talented high school graduates to go on to higher education, despite their physical or emotional handicaps. The scholarships have assisted in maintenance, books, equipment, transportation, and tuition for young people. The group is proud that, among its scholarship recipients, there are now doctors, lawyers, accountants, speech therapists, engineers, journalists, and commercial artists.

I would also note that the Ruth Kirzon Group sends more than 100 children each summer to specialized camps for handicapped young people for not less than 3 weeks. Under the proper supervision, the children learn to play ball, swim, and participate in other activities, though hobbled by crutches or confined in wheelchairs. The group has also provided therapeutic swimming pools, special equipment, and made other major physical contributions to its summer program for handicapped children.

Born out of tragedy, the Ruth Kirzon Group attracted the best talents available within my district. Mrs. Kirzon, of course, was highly beloved of all those who knew her but it is in tribute to her that her work will continue. And the many handicapped children living today and those yet to be born, will learn to live better lives because of Mrs. Kirzon.

The least that can be said of her is that she lived a life devoted to those less fortunate than herself. Her work brought her joy but it brought hope to thousands of our young handicapped people.

AMERICAN LEGION EXPRESSES "WHOLEHEARTED SUPPORT" OF PRESIDENT NIXON'S CAMBODIA DECISION

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ARENDS. Mr. Speaker, under leave to revise and extend my remarks I take pride in inserting in the Congressional Record the resolution adopted last week by the national executive committee of the American Legion expressing "wholehearted support" of President Nixon's decision with respect to the Communist military sanctuaries in Cambodia.

The resolution follows:

Resolution No. 26—Statement of Policy on Vietnam

Whereas, Negotiations with the North Vietnamese and Vietcong delegations in Paris for a political settlement of the Vietnam conflict have failed to produce any results whatever; and

Whereas, The enemy has not only greatly stepped up its offensive military action in South Vietnam, but has also expanded the area of its aggressive operations into Laos and Cambodia; and

Whereas, The enemy's intensification of the conflict in the whole of Indochina seriously endangers the success of our Vietnamization program and threatens the safety of the remaining American and allied troops in South Vietnam; and

Whereas, The President of the United States has initiated a program for the elimination of enemy sanctuaries presently enjoyed and utilized to a high degree, thwarting our efforts to achieve victory in Vietnam; Now, therefore, be it

Resolved, That the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 6–7, 1970, express the wholehearted support of The American Legion of the President's decision to eliminate Communist military sanctuaries in Cambodia and we call upon the members of Congress and the American people as a whole to give it the same support; and, be it

Further resolved: That The American Legion urges the President to take further action, as and when he deems it essential to the safety of our troops in South Vietnam and to the successful prosecution of that conflict, to eliminate, by military action all enemy sanctuaries, installations and areas wherever situated that afford actual or potential bases for enemy action against our forces and those of our allies; and, be it

Further resolved: That the necessary military action be taken for the sole purpose of hastening the cessation of fighting and inducing the acceleration of those political conversations that will secure a lasting and honorable peace.

AID TO ISRAEL IMPERATIVE SAYS REPUBLICAN LEADER GERALD R. FORD

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. CELLER. Mr. Speaker, on Monday, May 11, 1970, Republican Leader Gerald R. Ford made a most cogent address at the American-Israel Affairs Committee luncheon wherein he demonstrated U.S. vital interest in the Middle East. I commend Representative Ford's statement to the thoughtful attention of every Member.

The text of the statement follows:

Last year I had the honor of standing before a similar luncheon of this committee here at the U.S. Capitol. We then commemorated the 21st anniversary of Israel's independence. A year has passed.

Many changes have transpired. We are living in a time of anxiety, tension, and transition. But there are some factors that remain constant. The main factor that I would like to reaffirm today is the continuing sincerity of American friendship for the State of Israel. Last year I told this group that "I firmly believe that the fate of Israel is linked with the national security interests of the United States." Today I reiterate that conviction.

Last year I said that I could not conceive of a situation "in which the U.S. Administration will sell Israel down the Nile." That will not happen—now or in the future.

We are well aware of the dedication of the Administration to withdrawal from Indo-China under conditions of peace with honor. We have also carefully noted that our recent pre-occupation with the "privileged sanctuaries" in Cambodia is being exploited by the Soviet Union. Moscow is cynically escalating tensions in the Middle East. The Russians have committed the Soviet Air Force to an active role in Egypt along with missile troops, SAM–3 missiles, and other elements of military power. The Russians appear determined to screen the Nasser regime with a protective umbrella, creating a privileged sanctuary from which Egypt might sally forth with continued violations of the United Nations cease-fire.

I noted that Israeli Defense Minister Moshe Dayan a few days ago announced that Israel has halted deep penetration raids into Egypt to avoid possible clashes with Soviet air and anti-aircraft forces. He asserted readiness to re-establish an unconditional and unlimited cease-fire.

The only response the Arabs have made is an increase in artillery barrages and guerrilla attacks. Soviet Premier Kosygin has now confirmed Soviet military involvement in Egypt. The commitment of Russian military forces is a negation of the Soviet pretensions to pursuit of peace in the region. The commitment of weapons and troops is no way to reduce tensions.

Our government announced on March 23 that additional jet sales to Israel would be temporarily withheld. It was indicated by the Department of State that this policy of restraint was really a signal to Moscow that the United States wanted to cool down the arms race; we were taking the first step so that the Russians would know our peaceful intentions and similarly exercise restraint. Instead, the Russians ignored our example. An entirely new and dangerous role was undertaken by Russian military forces in Egypt.

The Soviet aim is exploitation of the Arab-Israeli conflict in a bid for Communist penetration and predominance in the Middle East. Moscow has arrogantly and flagrantly embarked on a drive to dominate the Mediterranean, undermine the southern flank of NATO, and expand Russian influence across Africa from the Indian Ocean to the South Atlantic. Moscow's moves coincide with American preoccupation in Indo-China. We are trying to end one war. They are cynically escalating another war and introducing new elements, bringing dangerous risks of expansion of an already tragic conflict.

Let me state my own opinion. We cannot permit a situation in which the Russians would cover by its own military forces the unrelenting war of attrition by Arab military and guerrilla forces, the war of liquidation against Israel. The Russian military power play is a matter of grave concern. It is vital that Moscow avoid a fatal miscalculation.

I use the words "grave concern" with careful deliberation. President Nixon stated on February 18 that "the United States would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern." He warned against the exploitation of local conflict by an outside

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power for its own advantage. He pledged arms to friendly states as the need arises.

It is now apparent to me that the Soviet escalation has changed the balance of power. Need now exists for the immediate sale of additional Phantom jets and other arms to Israel. This is one action that will notify the Russians that we are neither copping out on our friends nor surrendering the region to the forces of aggression.

Israel must not become another Czechoslovakia . . . or another Hungary. Our prompt action to provide additional jets would help restore a deteriorating situation, avert the spreading of the war, and serve notice to the Kremlin that we will confront Communist aggression in the Middle East as well as in Southeast Asia.

We have witnessed dangerous brinksmanship by the Soviet Union in Egypt. I would urge the Russians to heed with special care a certain portion of President Nixon's remarks of April 30. I would also urge the American people to pay heed. I refer to the President's statement that "small nations all over the world find themselves under attack from within and without. If when the chips are down the world's most powerful nation—the United States of America—acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world." This strong statement I would interpret as having worldwide application.

I place great emphasis on the need for early action to provide the additional Phantom jets required by Israel. It would allow Israel to maintain a strong defensive capability without the need for involvement of American personnel. I do not think the Russians will be too ready to tackle an armed, and determined, and courageous nation—especially if that nation is the State of Israel, a symbol of man's hope and redemption.

If we were to allow the Soviet Union, through brutal application of its own military force, to crush Israel, this would mean the end of hope for all free nations of the Mediterranean and even Western Europe.

Russia has involved herself with no intention to preserve the cease-fire. This is more than a threat to Israel. I have no patience with those who say that we must appease Russia by abandoning Israel. Israel is an asset to America, not a liability. The Russian target today may be the aircraft of Israel. Tomorrow the target of the new Soviet Egyptian air bases is obviously the United States 6th Fleet. Moscow is converting Egypt into an unsinkable aircraft carrier.

There is a whole new ball game in the Middle East. It is a very grim kind of game. Human lives and human freedom are involved. The balance of power has been altered in a drastic manner. A wider war is threatened. The best way to avert such a catastrophe is to immediately redress the balance of power.

We must dramatize the credibility of American intentions. I believe that our naval vessels should, from time to time, pay courtesy calls at the ports of friendly foreign nations. I would be delighted to hear that a powerful ship of the U.S. 6th Fleet made such a call on an Israeli seaport. It would reassure our friends and might prevent our enemies from miscalculating.

We believe in peace and are dedicated to promoting peace in the Middle East and throughout the world. We remember the horrors of World War II and—when we think of the Warsaw Ghetto and the concentration camps—we recall the price paid for appeasement and vacillation. I say to you today: *Israel must not become another Warsaw Ghetto!*

President Nixon is well aware of the need to preserve freedom in the Middle East. He pointed out that Israel's enemies can afford to fight a war and lose. They can come back to fight again. But Israel cannot afford to lose even once. President Nixon said, "America knows that, and America is determined that Israel is here in the family of nations to stay."

The real interests of Arabs and Israelis, of Russians and Americans, require peaceful coexistence. The United States is committed to peaceful and honorable dealings with all men, at home and abroad. We are doing everything we can as men of conscience and integrity, to promote peace.

And in Israel, that land where the prophets dreamed that nation should not lift up sword against nation, let there be peace.

For Israel, a nation of people whose suffering merits a life more creative than perpetual service in an armed camp, let there be peace. For the Arabs, whose poverty and frustration require schools and hospitals and a decent life rather than the endless purchase of jets and guns, let there be peace.

Israel could be a light unto the nations of that region if the Arabs would accept fellow human beings of the Jewish faith as entitled to nationhood as any other people. The genius and productivity of the Israelis could help others make their deserts blossom.

Instead of the cradle of civilization becoming its grave, let the cradle of civilization give rise to two peoples, Arab and Jewish, each in their own countries, with commerce and travel flowing across peaceful borders, and with a new sense of mutual respect in keeping with our dream of the brotherhood of man under the fatherhood of God.

I want to add a special and very personal word to this audience. Many of you have devoted your lives to the Israeli cause. You have seen in Israel a redemption of freedom and human dignity, the rebirth of a people. But we are now witnessing painful days, tragic days, in which the powers and political trends and pressures of the world appear to be converging on the Middle East.

Israel was reborn in blood and fire. Israel is today struggling in an ordeal of blood and fire. But this time it is different. The State of Israel has proved its mettle. Israel is a nation among the nations.

You can take pride, as dedicated supporters of Israel, in the nation you have helped build. But the watchman of Israel does not sleep.

Trying days lie ahead. Yet, in your heart of hearts, you can draw faith and sustenance and reassurance from one fact: this is the United States of America. This is our country and we, Jews and non-Jews, peoples of all parts of this country, the silent Americans and the articulate Americans, will not let Israel down.

INTERNATIONAL PAPER CO. ANNOUNCES MAJOR POLLUTION CONTROL EFFORT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BENNETT. Mr. Speaker, I am pleased to learn that the International Paper Co. will spend $101 million over the next 4 years to complete its program to control air and water pollution at all of the company's U.S. mills and plants. The announcement was made by Edward B. Hinman, president and chief executive officer today at the annual meeting of shareholders in New York City.

International Paper Co., is the largest paper company in the world and is one of the largest landowners in the State of Florida. My former legislative assistant, John Tyson, is now assistant director of government relations for the company, which makes this action to help clean up our environment doubly pleasing to me. Mr. Tyson brought these matters to my attention.

The company-wide program will provide every operating mill with primary and secondary waste water treatment systems, utilize the latest technology to remove from the air over 99 percent of all particulate matter coming from its pulp and paper mills, and adapt new technical developments to control mill odors.

Mr. Hinman pointed out that in the last 5 years alone the company has spent more than $23 million at existing mills and plants on facilities designed solely to improve water and air conditions. Many other capital investments for projects other than those specifically for pollution control have had related beneficial impact on environmental conditions, he added.

One such program, for example, involves the construction of a $76 million pulp and paper mill in Ticonderoga, N.Y., to replace an old mill there.

The new Ticonderoga mill will include the most modern water and air treatment facilities ever installed in North America. Purified water from the treatment system will be diffused in Lake Champlain in such a way that the biological and esthetic values will not be altered. The mill is also expected to be virtually odor free. The old Ticonderoga pulp mill will be shut down by the end of 1970 as the new mill starts up. Remaining operations at the old mill will be phased out late in 1971.

The company said that by 1974, highly efficient water treatment systems will be installed at all of the company's operating pulp and paper mills in the United States. These treatment systems will remove all settleable solids from waste water and enable the company to meet standards for biological oxygen demand. Water so treated does not adversely affect the complicated life chain in natural waters from bacteria to plankton to plants and fish life.

The company reported that projects totaling $33 million of the $101 million program have actually started. As a result of programs conducted in past years, I–P now has primary water treatment at 12 of its 18 mills and some form of secondary treatment at six mills. Projects now underway include secondary treatment systems to be installed at I–P mills in Georgetown, S.C.; Panama City, Fla.; Mobile, Ala.; Moss Point, Miss.; Corinth, N.Y.; and Jay, Maine. A secondary water treatment system has just been completed at the company's mill in Pine Bluff, Ark.

Programs related to air improvement to be started this year will involve mills at Natchez, Miss.; Tonawanda, N.Y.; Panama City, Mobile, Georgetown, and Jay.

Between 1971 and 1974 similar water

and air treatment will be installed or modernized at the other operating mills of the company in the United States. Of the $101 million program announced today the company expects that a total of $45 million will have been invested in water treatment systems and that an additional $56 million will have been invested in applying the latest technological developments to the control of all emissions to the air, including the pungent odor characteristic of kraft paper mills.

Mr. Hinman has told the company's shareholders:

> All of these activities are part of your company's commitment to a cleaner, better America. Our program is not designed merely to meet the requirements of existing legislation—this is a program to do what is right as industrial citizens in our communities and our nation—in keeping with our stated policy. We believe that we can complete this program for a better environment without interrupting our planned growth of adversely affecting achievement of our profit objectives.

In discussing I-P's programs in support of the national search for a quality environment, Mr. Hinman also noted that the company was deeply involved in environment and ecology in its role as owner and manager of millions of acres of timberland.

He said that the company has a staff of professional foresters who are trained ecologists and conservationists.

"Good forest management, which is their job, is good environmental practice," Mr. Hinman said. "Well managed tree farms, in addition to producing the continuous crops of trees essential to our business, provide many environmental benefits as well. Under our programs of multiple use many of the benefits of the managed forest are available to be shared by the public."

Among these benefits he listed are: The role of the forest in preventing erosion, collecting rainfall for later release as pure water into streams and lakes; the food and shelter provided by young, growing forests for wildlife; the road systems built and maintained by the company, which provide forest access for recreationists as well as protection against forest fires; the natural beauty of the company's widespread forest areas, and the lesser known function of a forest in its normal growth process of absorbing carbon dioxide from the air and releasing oxygen.

FREEDOM'S CHALLENGE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GUDE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary sponsors a Voice of Democracy Contest. This year, more than 400,000 students participated by writing speeches on the theme "Freedom's Challenge." The winning address from the District of Columbia was delivered by Joanne Renee Crosson, a student at Theodore Roosevelt High School. She concluded with the thought that acceptance of freedom's challenge means doing justice to one's brother. I am pleased to commend her remarks to the attention of my colleagues, as follows:

FREEDOM'S CHALLENGE

Today, my good friends, it is my privilege to give you my views of "freedom's challenge".

To many people, "freedom" has many different meanings. To a child, and to those with childish, immature minds, "freedom" may mean having the privilege of doing the countless things that children do, without restraint. To a mother, "freedom" may mean the right to watch and guide her offspring as they grow and mature under her guidance. The challenge of loving and protecting his family in any manner in which he sees fit, may be "freedom" to a father.

But, these definitions are only those of people who live in a "free" country. How would a person who lives in a country where "freedom" is only a long dead myth, define "freedom"? Would he die for his country, of his own "free" will? I think not, for such a person would never have felt the joy of saying: "This is my life, I am free to live it in any manner in which "I" see fit! This is my mind, I am "free" to think what I wish, for my thoughts are my own"! Such a person would never be able to say: "I am born free, I will stay "free", and I will die free." How could such a person accept the challenges of "freedom"? How could he accept that which he has never known?

Are the challenges of "freedom" accepted by waging battle, are they accepted by instituting protective governments, or are they accepted by opening one's heart, one's mind to his brother? Is there really a specific way to accept "freedom's challenge", and then to win "freedom"?

Examine the countless battles that have taken place since the beginning of time. In most cases there were the oppressed and the oppressor. The oppressed were accepting "freedom's challenge" in the best manner in which they knew. The way of warfare, which was and still is a method of accepting "freedom's challenge". When the oppressed did gain "freedom" they then instituted a government among themselves. By this action, they, the oppressed became the oppressor, for how does one rule his subjects completely if he does not "control" them to some measure?

I think, that time and many deaths have shown, or are trying to show us that warfare, and harsh undemocratic governments are not the most effective methods of accepting "freedom's challenges". We still have not learned how to accept these challenges but we have learned how not to accept them.

In my opinion, the only method for man to accept "freedom's challenge" is; to attempt to love his brother, to open his heart, his mind to his fellow man, to live his life, and let others live theirs without his interference, to be just toward all, and bear malice toward none, to give liberty to all, and not force his will on others. When we are ready to accept these challenges, we will be able to accept "freedom's challenge" of doing that for which we are to be qualified, of giving in sound mind that which we are able to give. Only when we have accepted these challenges, of controlled "freedom", can we accept what freedom—real freedom has to offer. These, my friends, are "freedom's challenges". They challenge you—accept these challenges, and they will accept you.

RUSS NEUGEBAUER HEADS NATIONAL SCHOOL OF CONSERVATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 13, 1970

Mr. REUSS. Mr. Speaker, one of the prime needs in this environmental decade is the need for dedicated men and women to work in the field of conservation. It is estimated that, in this decade alone, as many as 100,000 new jobs in the field of conservation will be opening up.

The National School of Conservation in Washington is training men and women to fill these jobs. A description of the National School of Conservation by its Director, Russ Neugebauer, follows:

THE NATIONAL SCHOOL OF CONSERVATION

All who have just joined the fight for conservation have a vast welcoming committee waiting to greet them.

The concerned citizen, state and local officials, the industrial companies which are finally doing something about pollution—all owe a debt of gratitude to the conservation workers who have been on the job for years.

By the thousands, men from every state have dedicated their lives to the cause of conservation. Game wardens . . . forest rangers . . . range and soil conservationists . . . and many other categories of outdoor men are working to keep streams clean . . . and to prevent the erosion of valuable land. They are planting and protecting green woodlands and actively improving both the quantity and quality of America's fish and game.

We may not realize how numerous these unsung heroes are because we seldom rub shoulders with them on crowded city streets. They work close to nature, under the sun and stars, within sight and sound of rushing streams and hooting owls.

Many of these outdoor men are receiving their training through highly respected correspondence schools. Typical of these schools is one right here in Washington, the National School of Conservation. From its headquarters at 2000 "P" Street, Northwest, this school trains men in every state of the nation. Lesson material is mailed direct to the students' homes, then returned for careful grading.

The National School of Conservation supplements its homestudy program with actual field training on a conservation area in the northwoods of Wisconsin. The school issues diplomas and maintains a placement service which is performing valuable work in filling job openings with Federal and State agencies throughout the nation.

Right at this minute there are millions of acres of waters, parks, forests and rangelands sorely in need of immediate and intensive conservation programs. America must rely on an adequate corps of trained, dedicated conservation workers to safeguard our green areas while progress goes on and to return badly marred resources to usable condition.

Plans already drawn up by the Department of the Interior and by farsighted state and country officials lay the groundwork for the preservation and development of countless thousands of acres of recreational land. At least 60,000 new jobs in conservation should be opening up in this decade. Some experts say the figure is closer to 100,000 jobs. There should be no shortage of men of goodwill to fill these jobs. Protecting America's natural resources is not only the highest form of patriotism; it is also personally and financially rewarding to those who work in the front lines of conservation.

ALL WE WANT IS EVOLUTION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, yesterday I received a letter from a constituent of mine, a 21-year-old college student named Marcia Cass. Her letter was obviously written shortly after the tragedy at Kent State University and I think it is fair to say that it reflects the sentiments of a vast majority of our responsible young college students who are deeply upset about the state of the world they will soon inherit. Miss Cass writes in very moving terms about her concern for our country, her belief in peaceful dissent, her abhorrence of violence, and her dedication to evolutionary change as opposed to revolution.

The thoughts which she expresses are not unlike those conveyed to me by scores of students over the past week—students who believe in working through the system, students who do not want to see our country torn apart, students who are begging us to listen and help bring our country back together.

XUM

At this point in the RECORD I include the letter from Miss Cass and urge all my colleagues to read and ponder its message. The letter follows:

DEAR CONGRESSMAN ANDERSON: I am a college student, 21 years old, and am very concerned with what is happening to our country.

I am active in demonstrating and saying what I believe in, but I am definitely against violence, as are most kids. All we wanted was to be heard but the government did not listen until four . . . innocent people died at Kent U.

I feel bad that older people do not consider me and others like me as the "All-American Girl or Boy." Just because I do not fit the profile of "my country right or wrong," or "Mom, apple pie, the flag," or "Love America or Leave It," I am then considered against my country and a hippy radical. An "All-American" kid should be one who is involved and concerned in what's happening, not satisfied.

All we want is evolution, not revolution. This system's process is too slow for the complexity that this society is now faced with. We wait til people die before we act or listen. It's been the same for the black people.

Please, Congressman Anderson, curb the war machine. We kids aren't stupid. Most of us read about South East (Asian) history and our involvement since the 60's. Tell us the Truth. This war is not and cannot be justified, thus my fiance and I, along with many others, can not and will not support a war of injustice and ignorance of the American people.

Please listen and talk or write us. Do not alienate us any more.

Thank you for reading this sir. . . . Peace be with us All.

Sincerely,

MARCIA CASS.

ROCKFORD, ILL.

KANSAS CITY'S SECOND CONSTRUCTION STRIKE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. WINN. Mr. Speaker, last year the Kansas City area was paralyzed for a period of 4 months by a construction strike and the economy of Greater Kansas City has really not fully recovered from that extensive walkout. Yet, today the second Kansas City construction strike goes into its second month. It is time for the Department of Labor to reevaluate its "handsoff" attitude in what it prefers to term an "area dispute" because in the final analysis the solution, if there is one, must come from Washington. A recent editorial in the Kansas City Star points out the problem we are facing and more important the problem facing Kansas City's construction workers who will be the real losers in this annual battle.

The editorial follows:

IT IS TIME TO ASSESS CITY'S STAKE IN CONSTRUCTION TIE-UP

In less than a week the second Kansas City construction strike in a year will be a month old. Worse, no end is in sight. It is beginning to look more and more as though each side in the dispute has resigned itself to the kind of paralysis that closed down the building industry here for four months last year.

Labor and management are talking—but only when the federal mediation service calls a meeting. The first meeting in two weeks with the unions considered to be the key to the impasse, the Laborers, will be held Tuesday morning. Since bargaining takes time, it is doubtful that this session will produce any dramatic results. Particularly in view of the fact that the status of the key union leader, Jerry Irving, business manager of Laborers local No. 264, remains unsettled, since he faces re-election in June.

Is it any wonder then that many here are asking questions about what this strike is going to cost and who is going to be hurt by it?

It is clear that virtually all construction workers will feel the impact of the strike first, since the absence of laborers slowly strangles jobs. Already between 10,000 and 12,000 workers—more than a third of the total construction work force here—are out of work. Ultimately up to 30,000 workers and their families could suffer economic hardships.

When that many residents of an area suffer, so does the entire area. A long strike almost certainly would be worse this year than last because of the nationwide belt-tightening that has been going on during the last 12 months. This suggests that not as many Kansas City construction workers would be able to find out-of-town jobs now as they did in 1969. This would be particularly true of the least skilled, the striking laborers.

The economic impact of another long strike could be even more disastrous to area business than the marathon dispute a year ago. The economy of Greater Kansas City has not recovered from that traumatic experience. It is all too obvious that another prolonged construction shutdown so soon would be terribly costly to the community.

By settling just for the sake of ending the walkout could be as costly in the long run. Meeting the present demands of the Laborers, who are the low men on the wage totem pole, would leapfrog them over such highly paid skills as the Iron Workers. It is unlikely that the Iron Workers and other trades near the top would stand still for this. They have already said as much.

Thus giving the Laborers what they are asking would undoubtedly mean restructuring wage scales of all the crafts so that the old pay differentiations would be maintained. This could virtually price the construction industry—and the employees in it—out of business. Or at least cripple it to a critical point.

The dilemma of Kansas City is widely shared. More than 70 construction unions are off their jobs in at least nine major cities, the nearest being St. Louis. In short, the zooming wage-price spiral of the building industry affects the entire nation. Surely this alarming trend requires a close watch by the Nixon administration for its nationwide implications. Meanwhile, the time nears when local civic leaders and city officials ought to start assessing the situation and consider what pressure might be brought to bear in the public interest.

WALTER REUTHER

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 11, 1970

Mr. O'HARA. Mr. Speaker, the following editorial needs no introductory comments. It is from the Detroit Free Press and it is about Walter Reuther. I am glad to share it with my colleagues:

WALTER REUTHER'S STAMP IS ON HIS MEN, HIS CITY

It would be hard to name any one single person who has had a more profound effect on Detroit and the American labor movement in the last 30 years than Walter Reuther. The stamp of his personality and ideals is on the city. He was more than a mighty man of labor. He tried to be the city's conscience and many times he succeeded.

Not everyone loved him, of course. He was a tenacious adversary and he never hesitated to lead his people out on the bricks when the bargaining seemed to require it.

But he will be long enshrined in the affections of those for whom he labored. He got them a living wage, job security, pensions and improved working conditions. He brought them dignity.

Reuther was somewhat of an enigma to those who had to tangle with him. They could never figure out what was in it for Walter. He lived for years in an unpretentious Detroit home until he was shot in his kitchen and decided to move to a rural area where security could be more easily enforced.

His salary was modest by industry standards. The United Auto Workers under his leadership was run almost puritanically. There were no sweetheart contracts. No deals. Union officials whose conduct was suspect found themselves back tightening bolts.

In the field of race relations there are few unions who can claim to match the record of Reuther's UAW. He flung open the doors of union membership to white and black alike and there were no double pay scales, either.

Reuther was no enigma, really. He was pretty much what he appeared to be; an idealist, a man with a mission to help the working man, a man with an overpowering sense of social conscience.

He thought about his people all the time. He wanted them to have that little bit of extra, so the poets and the philosophers and the artists could rise above grubbing for a living. How many of them did, nobody knows. But many a man put himself through school on factory wages, and many more were able to educate their families.

Reuther was interested in more than the economic issues.

His UAW has worked for years on running night schools, conducting art contests. The UAW was deeply involved in such things as the salvation of Belle Isle's Blue Heron Lagoon, the fate of the Rouge River and the quality of the atmosphere long before ecology became a household word.

But most of all those who saw Big Red in action will never forget his zest for the struggle, his good humor under trying circumstances. He could even come up with some wry jests about being manhandled by Ford's company police in the old days.

He would stumble out of an all-night negotiating session, change his shirt, take a shower, and be back in an hour with the light of battle in his eye and a go-to-hell smile on his face. Sometimes he ground down the opposition merely by being able to stay on his feet longest.

The auto worker in Detroit can justly look around his home and smell the chicken in the kitchen and think of the car in the driveway and the clothes on the backs of his kids and say under his breath, thanks, Walter.

And because his vision was so much broader than narrow self-interest, Detroit and the nation say thanks too.

FACTSHEETS ISSUED BY COMMITTEE OF CONCERNED ASIAN SCHOLARS AT HARVARD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRASER. Mr. Speaker, three factsheets on Cambodia have been issued by the Committee of Concerned Asian Scholars at Harvard University, As these scholars point out the United States has been guilty of violating the neutrality of Cambodia for the past decade. The invasion of Cambodia has been the latest act in a history of direct and indirect attacks on Cambodian neutrality. The action has served to pave the way for Communist gains in rural Cambodian public opinion.

The factsheets also summarize the general arguments for each alternative for U.S. policy in Southeast Asia. I include these valuable documents in the RECORD at this point:

CAMBODIA

HISTORICAL BACKGROUND

For centuries, Cambodia has sought to preserve its independence and neutrality. Since the 1600's Cambodian territory has been the center of big-power rivalry in Southeast Asia. In 1884, King Norodom was compelled to abandon independence by placing his country under the control of France in order to prevent Cambodia's partition between Vietnam and Thailand.

It was not until 1953 that Cambodia, under the leadership of Prince Norodom Sihanouk, became free. Sihanouk abdicated his throne in 1955, organized a political party, won an overwhelming majority in national elections, and brought his country into the United Nations.

Sihanouk was convinced that too close an association with one side in the cold war would entail the risk of provoking hostilities from the other side as well as diminish Cambodia's independence in foreign and domestic affairs. He therefore waged a ceaseless and brilliant political effort to repel the advances of both the Communists in Indochina and right-wing forces encouraged by the US. As a result, Cambodia survived and acquired prestige and influence far in excess of what the mere size and strength of the country would seem to have justified.

In the process of maintaining neutrality, Sihanouk found it necessary to sever relations with the US when it appeared that the CIA was seeking to overthrow him. He renounced US aid, even though he thereby ran the risk of increased domestic pressure due to the resultant economic austerity. On the other hand, Sihanouk in 1967 denounced Communist Chinese intervention into Cambodian affairs and announced the withdrawal of the Cambodian embassy in Peking. In 1968, he rejected an offer of substantial direct aid from China because too many strings were attached. Last year, after prolonged negotiations, Sihanouk resumed diplomatic negotiations with the US after Washington finally agreed to recognize Cambodia's frontiers and territorial integrity.

In carrying out this balancing act in order to preserve a policy of virtually unarmed neutrality, Sihanouk unwillingly was forced to submit to a modicum of foreign military intervention. On one hand, the Viet Cong used portions of Cambodia's eastern provinces for logistical purposes. On the other hand, the CIA and Green Berets recruited, paid, and trained Cambodian mercenaries to fight the Communists in Vietnam.

RECENT DEVELOPMENTS

From 1966 on, Sihanouk's policies came under increasing attack from the right-of-center General Lon Nol, who exploited the Cambodian Army's discontent with economic austerity necessitated by Sihanouk's rejection of foreign aid. For the Army, this policy meant aggravating cutbacks in military spending. To strengthen his hand, Lon Nol played up the issue of the Viet Cong in Cambodia in order to force Sihanouk to abandon neutrality in favor of a more militaristic approach which would step up the flow of funds into the hands of Cambodia's generals.

In the absence of any American or international support for his policy of neutrality, Sihanouk felt compelled last summer to establish Lon Nol as premier of Cambodia. Once in a position of political power, Lon Nol soon took steps to increase Army salaries and attempted to remove foreign policy from Sihanouk's control. This past March, in an attempt to further Cambodia's neutralism, Sihanouk traveled to Moscow and Peking to seek support for reducing the Viet Cong presence on Cambodian soil. While he was away, Lon Nol instigated riots against the North Vietnamese and Chinese Embassies in Phnom Penh in an attempt to embarrass Sihanouk. Then, aware of Washington's long-standing coolness toward Sihanouk, and relying upon the US to support an anti-neutralist coup, Lon Nol overthrew Sihanouk's government and launched a massacre of Vietnam residents of Cambodia (most of whom were not Communists, but nationals of the Saigon government).

The US response to the end of nearly two decades of Cambodian neutrality was to mount an invasion of Cambodia.

WHERE DO WE STAND IN CAMBODIA?

By relying, as we have for the past ten years, on arms rather than diplomacy, we have destroyed the possibility of Cambodian neutrality—which, for all its shortcomings, was greatly in our interest. —Sihanouk has been forced to accept the support of Peking and Hanoi for an all-Indochina front against the U.S.—The Lon Nol regime, unable to remain in power without outside help, has discredited itself internationally and has turned to us for support.

The invasion has exposed our troops and our nation to greater danger. If we leave Cambodia, the border areas will be reoccupied by the other side. If we stay, they will simply move a few miles west, while our forces are spread even thinner. In the meantime, our invasion has not destroyed or even located the alleged enemy headquarters, but instead has devastated the Cambodian countryside, paving the way for Communist mobilization of rural Cambodian opinion against the U.S.

THE GENEVA CONFERENCE OF 1954

The conference met from April to July 1954. Participants were France, Great Britain, Russia, China, Cambodia, Laos, and Vietnam (Communist and non-Communist representatives). The U.S. participated in observer status.

The Agreements consisted of two parts: (1) *ceasefire accords* between France and the Vietminh in relation to Vietnam, Cambodia, and Laos. Temporary zones for military regroupment were established at the 17th parallel. A ban was instituted on the introduction of military supplies or personnel, the establishment of military alliances or bases. (2) An unsigned declaration was issued noting the political conditions of the ceasefire—no permanent political division of Vietnam, elections to reunify the country in two years.

Comments: The Vietminh on the verge of a military victory accepted a political compromise forced on them by Russia and China with the understanding that reunification would come after elections. The U.S. disliked the conference results but pledged not to disrupt them by the threat or the use of force. Laos and Cambodia were recognized as independent, non-Communist neutral states.

SOUTHEAST ASIA TREATY ORGANIZATION

The treaty was signed in September 1954 by Australia, France New Zealand, Pakistan, the Philippines, Thailand, Britain, and the U.S. Its *purpose* was to counter alleged threat of Communist aggression in Southeast Asia through collective self-defense. Cambodia, Laos, and South Vietnam were designated by SEATO as areas of concern where aggression would trigger response.

Comments: Conceived by Dulles as a link in the chain of anti-Communist alliances, SEATO has long been moribund. The Treaty has served as a legal cover for American intervention in Southeast Asia.

THE GENEVA CONFERENCE ON LAOS, 1962

The conference met from May 1961 to July 1962. Fourteen nations participated including the U.S., Russia, Britain, France, China, and Laos.

The *Agreements* consisted of two parts: (1) A *Declaration* respecting the independence and neutrality of Laos and pledging no military intervention. (This followed the establishment of a coalition government under Souvanna Phouma); (2) A *Protocol* regulating the withdrawal of foreign forces (U.S., North Vietnamese) from Laos.

Comments: The settlement represented a great-power effort to defuse an explosive situation in Laos where internal factions were receiving foreign support (U.S., Soviet, North Vietnamese). The settlement was abortive, however, because the coalition government was unstable and soon broke down. Political and military conflict resumed. The U.S. and North Vietnam soon became actively involved militarily in Laos.

CAMBODIA'S INTERNATIONAL RELATIONS

Under Sihanouk from 1956 to March 1970 Cambodia sought to maintain its independence in a position of neutrality by balancing between the U.S. and its allies (Thailand and South Vietnam which were Cambodia's traditional enemies) and China and North Vietnam. Cambodia broke off relations with the U.S. in 1964 because of alleged American support for internal dissidents and the failure of U.S. allies to guarantee Cambodian independence and territorial integrity. Relations were resumed last year.

Cambodia tolerated the existence along its borders of Vietnamese Communist bases which did not pose a threat to internal peace. Since the March coup Cambodia has abandoned its neutrality and moved to align itself with the anti-Communist position in Southeast Asia. In response China has broken relations with the Lon Nol regime and recognized Sihanouk's government-in-exile. Russia is expected to follow. North Vietnam and the Viet Cong has also severed relations with the Lon Nol regime.

The CCAS will provide further fact sheets, as well as orientation seminars for canvassers, as needed: CCAS, Room 305, 1737 Cambridge Street, Cambridge, Mass. 354-1959.

ALTERNATIVES FOR U.S. POLICY IN INDOCHINA

What are the alternatives for the U.S. in Indochina today? What are the pros and cons of the various alternatives?

1. Step up military pressure on the Communists, bombing or invading their sanctuaries, to force them to respect South Vietnam's territorial integrity.

Pro. The U.S. should not accept a military defeat. We have overwhelming power which can be brought to bear in order to save our world prestige. Anything less than victory will encourage communists around the world to attempt aggression and subversion.

Con. The U.S. has no national interest in Vietnam. The only reason to step up military investment in that area is to save face. The cost in lives and money, in domestic dissent and inflation is too great when the purpose is so minor. Bombing has proved to harden rather than weaken the resolve of the North Vietnamese while an invasion of the North is likely to cause China to enter the war against us, a war we could never win. It is not true that our withdrawal from Vietnam would cause other nations to lose respect for us; rather our present policy is losing us friends throughout the world. The loss of Vietnam or all of Indochina does not affect one way or another the problem of aggression and subversion elsewhere in the world.

2. Withdraw most of the U.S. forces in Vietnam, leaving about 200,000 U.S. troops to support the South Vietnamese army to fight the communists (Vietnamization).

Pro. This will prevent a communist takeover of South Vietnam. It will demonstrate the U.S. determination to keep its commitments around the world and will enhance our national prestige.

Con. This policy will simply mean an indefinite continuation of the war in Vietnam. Despite U.S. government propaganda, Vietnamization has been shown to be a failure by the use of U.S. troops to invade Cambodia even though the III Corps area from which the invasion was launched was supposedly fully Vietnamized. The South Vietnamese army has proven incapable of defeating the Viet Con and the North Vietnamese with U.S. help and so could hardly do so without it. The continued U.S. presence will simply add to the Viet Cong's nationalist appeal. The open-ended involvement will constitute a continuing drain on our national resources and will continue to cause domestic dissent. Furthermore, the 200,000 young Americans in Vietnam will be hostages to the Viet Cong and the North Vietnamese army, who might eventually outnumber and surround them.

3. Withdraw slowly (over two years or so) and completely.

Pro. This will give the South Vietnamese an adequate opportunity to pull themselves together and thus demonstrate that the U.S. will keep its commitments to its allies. By withdrawing slowly, we can plan our moves in such a way as to guarantee the safety of the U.S. troops who remain near the end. Even if the National Liberation Front does win as a result of this policy, it will not harm the national interest. Fears of a bloodbath are highly exaggerated since there was no bloodbath when the Viet Minh took over North Vietnam, rumors to the contrary notwithstanding. If South Vietnam cannot stand on its own within two years, the U.S. cannot do anything about it.

Con. 1. The ultimate result of this policy will be a communist takeover and a bloodbath of those South Vietnamese who associated themselves with us. This will harm U.S. prestige around the world.

2. There is no point delaying our withdrawal for another two years unless this is going to lead to a better result than would an immediate withdrawal. But Vietnamization is a sham. The South Vietnamese have had their chance and they obviously are not interested enough in defeating the Viet Cong to get together and do it. Meanwhile the cost in lives and dollars continues to mount. (See also Pro argument for alternative 4.)

4. Withdraw immediately.

Pro. We lost the war in Vietnam long ago and there is no way to win it now. It is not worth a single life to prolong our presence there as a way of trying to paper over the fact that we have lost. The Vietnamization policy simply prolongs the destruction of Vietnam's society and people which has been the result of U.S. policy all along. China and North Vietnam have a legitimate concern with South Vietnam because it lies on their borders; the U.S. intervention has always been unjustified. The sooner we recognize this and get out, the better. The South Vietnamese people are now concerned only with peace and security and not with the specific nature of the regime which rules them.

Con. The U.S. will suffer a severe loss of face if it withdraws from South Vietnam immediately, and our friends in that country will be purged by the communists.

5. Seek a negotiated settlement.

Pro. The U.S. seeks no territory in Southeast Asia but only wished to guarantee the South Vietnamese people the right to live under a regime of their own choice. The North Vietnamese ought to be willing to agree to this. Furthermore, it is only in the context of negotiations that the U.S. can withdraw from Vietnam without a severe loss of prestige.

Con. Our government has not negotiated in good faith. The National Liberation Front suggested a coalition government but our negotiators have insisted on backing the Thieu-Ky regime. Our military policy convinces the North Vietnamese that the negotiations are merely a sham, an attempt to buy time in which to strengthen the Saigon regime. The North Vietnamese have already defeated us on the battlefield in the sense that we have not been able to defeat them. Negotiations could only succeed if our government recognized that it has no way to force the North Vietnamese to give up at the conference table what they have already won in South Vietnam.

The CCAS will provide further fact sheets, as well as orientation seminars for canvassers, as needed: CCAS, 1737 Cambridge Street, Room 305, Telephone 354-1959.

STANLEY CUP CHAMPS

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today in praise of the Boston Bruins hockey team, who I am sure my colleagues are aware, on Sunday, May 10, 1970, won the Stanley Cup for the first time in 29 years. Eight months to the day that Boston began training for this hockey season, the championship was brought home.

Throughout the season the Bruins showed the results of hard work, team spirit, and unexcelled talent which brought them and Boston this well-deserved victory.

The St. Louis Blues played a valiant game and they are a good team, but never for a moment did any of us doubt that Boston would win the coveted award.

This faith was well rewarded when after 40 seconds of overtime Bobby Orr thrilled all of those watching by smashing in the winning goal.

The pride and heartfelt gratitude of all of us go out to Bobby and his teammates who gave us a job well done.

Mr. Speaker, at this time I include several articles which appeared in local papers describing this momentous game as well as a list of the players for the Bruins, each of whom deserves mention and thanks:

BOSTON BRUINS HOCKEY CLUB: 1969-70 STANLEY CUP WINNERS

SINDEN CONFIDENT

The Bruins have shown steady improvement in the three years since Harry Sinden took over as coach. They finished, last, third, and second in the East Division, and took Montreal to six games in the East's Stanley Cup final round, a year ago.

Harry is looking for the B's to continue that improvement this year by topping the East Division and making the Stanley Cup finals.

At 35, Sinden is the second oldest coach in the NHL, from point of service. Only Chicago's Billy Reay has been at the job longer.

Although he never played in the NHL, Harry was an outstanding amateur defenseman and starred for the Whitby Dunlops, the last Canadian team to beat the Russians and win the world's amateur title back in 1958.

He joined the Bruins organization as a defenseman for Kingston in the old Eastern League, later became playing coach and moved with the team to Minneapolis and Oklahoma City in the Central League, before coming to Boston in 1966.

MEET THE BRUINS

Ed Johnston, goal, No. 1

Eddie Johnston, now in his seventh season with the Bruins, obtained from the Montreal farm system in 1962-63, a 33-year-old veteran, is happy to be around.

XUM

A year ago his career almost ended when he was hit on the head by a puck in pregame warmup at Detroit, Oct. 31. Eddie was out of action for two months. It was feared for a time that he might not play again.

But, he made a great comeback and enjoyed another fine training session this fall.

Gerry Cheevers, goal, No. 30

Gerry Cheevers certainly should be well-known to Bruins fans after his great performance in the play-offs against Toronto and Montreal.

He registered consecutive shutouts against Toronto to put the Bruins into the East Division finals, against Canadiens. He took the eventual Stanley Cup winners into three overtimes before they successfully defended their title against St. Louis.

In the off-season Cheevers is a keen student of horse racing, hoping eventually to become a trainer. He worked the past summer as a public relations man for the Ontario Jockey Club, at Woodbine and Fort Erie Tracks.

Bobby Orr, defense, No. 4

Bobby Orr was only 19 when he was awarded the Calder Trophy as Rookie of the Year, in 1967. New York's Harry Howell was named the winner of the Norris Trophy as the outstanding defenseman.

"I'm very happy," said Howell, "because after this it will be known as the Bobby Orr Trophy."

Howell was quite a prophet. Despite knee injuries, two operations and limited to 46 games in his sophomore season, Orr was named to first all-Star team and voted the Norris Trophy. Last year, he came back from his knee problems to play in 67 games. He set scoring records for a defenseman, 21 goals and 43 assists for 64 points, retained his all-Star rating and repeated as Norris Trophy winner.

Phil Esposito, center, No. 7

Phil Esposito can claim the sorest feet in hockey but also can claim the greatest scoring feat, in N.H.L. history after last year's 126 points.

This made the Bruins' center the first player ever to score more than 100 points in the N.H.L. He set a new mark for assists, 77, and 144 points for regular season and playoffs. With linemates Ken Hodge and Ron Murphy he shared in most points by a line with 263. His 49 goals and his 77 assists were most by a center. He won the Hart Trophy as N.H.L. Most Valuable Player and first all-Star center.

Ken Hodge, right wing, No. 8

An appendectomy the fourth day of training camp threatened to delay Ken Hodge's bid to break his personal scoring record of 45 goals of last year. But, the handsome 200 pound right wing made a rapid recovery.

In his first two years as a pro with Chicago, Ken totaled only 16 goals. But in his first year with the Bruins after the big trade of 1967-68 he blasted home 25 goals for the Bruins and, after a slow start last year, he almost doubled that output. Only three players in the league outscored him.

John Bucyk, left wing, No. 9

After 12 years in a Bruins uniform, Johnny Bucyk sets a record every time he steps on the ice. He holds several all-time club records. He has played the most games of any player in Bruins' history and has scored more goals and assists than any other Bruin player.

To earn these records, he had to erase the marks set by B's general manager Milt Schmidt and he has become one of the most popular players ever to wear a Boston uniform.

Two years ago, the fans gave him a "night" that turned out to be one of the biggest ever given a local hockey player.

Rick Smith, defense, No. 10

Four years ago, when the Bruins had Detroit's choice in the first universal junior draft, they had the Red Wings pick Rick Smith. Although he had two years of junior eligibility remaining, the Bruins thought he had NHL potential and he showed it last year.

He started the season with the B's, when Ted Green was late reporting to camp. He went to Oklahoma City when Green was in condition to return to the lineup. Rick returned to the B's when Gary Doak was sidelined with mononucleosis and a bad back. He proved he could handle himself against more experienced opponents.

Wayne Cashman, right wing, No. 12

Versatility could make Wayne Cashman one of the Bruins' key players this season—provided he escapes injury.

The 24-year-old forward can't be termed injury prone, but in past two seasons he has been victimized by freak accidents.

Two seasons ago he suffered a broken collarbone and last year in the Stanley Cup playoffs he was sidelined with a fractured right hand.

Although a right hand shot, he also can play left wing and filled in both spots during emergency last year.

Garnet Bailey, left wing, No. 14

This is Garnet Bailey's third year as a professional and the 21-year-old, left-hand shot from Lloydminster, Sask. is rated an outstanding prospect in the Bruins' organization.

The 5-11, 180-pound wing made an instant hit with Boston fans last November, when he was called up from Hershey and showed an aggressive style of play.

Sent back to Hershey, he scored 21 goals and had 32 assists for 53 points. Returning to the Bruins late in the season he scored two goals and two assists, in the 11-3 rout of Toronto.

The Bruins picked up Bailey from Detroit three years ago when he was 17 years old and playing for the Edmondton Oil Kings Juniors.

Derek Sanderson, center, No. 16

Derek Sanderson is becoming one of the most colorful players in the N.H.L. Not only because Sandy has preference for muttonchop sideburns and mod clothes, but he's one of the league's outstanding centers as proved the past two seasons.

He was named Rookie of the Year, scoring 24 goals and 25 assists his first year and last year was credited with 26 goals and 22 assists, breaking the sophomore jinx.

This year he has set a goal of "around 40" goals for himself but, really just wants to play as much as possible.

Fred Stanfield, center, No. 17

Probably the most underrated of the Bruins in 1968-69 was Fred Stanfield. The 25-year-old center came to the Bruins from Chicago with Ken Hodge and Phil Esposito

Stanfield scored 25 goals and 29 assists last year. But, he is such a quiet and unspectacular workman there is a tendency to overlook his contributions to the team.

A good two-way skater, Fred also is an outstanding playmaker. When necessary he uses his 175 pounds with effectiveness, but spends little time in the penalty box.

Ed Westfall, right wing, No. 18

A jack-of-all positions and master of the "shadowing" technique, Eddie Westfall finally established himself as regular right wing for the Bruins last season.

Westfall came to Bruins in 1961, an outstanding defenseman from Niagara Falls Flyers. He was up and down for a year at Kingston and Providence.

Finally joining the Bruins in 1964-65 he was mainly a penalty killer and general utility man.

Three years ago Harry Sinden put him on right wing for Derek Sanderson. In the playoffs he and Sanderson teamed to score five times while the Bruins were a man short. Eddie scored two of the goals.

John McKenzie, right wing, No. 19

The big deal for the Bruins in recent years was the swap that brought Phil Esposito, Ken Hodge and Fred Stanfield from Chicago. But there is another deal that should not be forgotten. That's the trade of Reg Fleming to New York for Johnny McKenzie.

In the 3½ years he has been with the Bruins, McKenzie has scored 87 of his 124 lifetime goals in the NHL, despite the fact that is is only 5-9 and weighs but 170 pounds.

Johnny gave up his off-season hobby of roping calves at rodeos around Calgary two years ago at the request of the Bruins front office and spent the past summer as an instructor at several hockey schools in Western Canada.

Dallas Smith, defense, No. 20

Dallas Smith, the most underrated of the Bruins regulars is paired on defense with Bobby Orr and so, receives little attention from fans or press. But, he is well-appreciated by Harry Sinden and his teammates.

So, steady and cool at his position he actually permits Orr to play the style of game that has made Bobby one of the most spectacular in the NHL. Dallas is one of the toughest men in the league for a rival puck-carrier to beat, he is an exceptional skater and can carry the puck out of his own zone as well as anyone in the league.

Jim Lorentz, center, No. 22

Jim Lorentz, a prize newcomer to the Bruins is a native of Niagara Falls, Ont. The 5-11 center dominated Central League scoring the past two seasons for Oklahoma City. He paced the individual scorers with 110-plus points in both seasons, even though last year he spent some time up with the B's and was ill the last few weeks of the season.

He was the CHL's Rookie of the Year in 1967-68 and last year was named the loop's Most Valuable Player and all-Star center. He has moved up the Bruins' ladder from Waterloo Junior through Junior A, at Niagara Falls.

Bill Speer, defense, No. 24

Bill Speer came to the Bruins unexpectedly last June, after Pittsburgh drafted Glen Sather from the B's. A 27-year-old native of Lindsay, Ont., Speer played 68 games for the Penguins in 1967-68.

Last year he spent much of his time traveling between Pittsburgh, Baltimore and Amarillo, Texas. He made his presence felt in the Bruins training camp after Teddy Green was seriously injured.

A sturdy 5-11, 210-pounder, Speer has a reputation as a "hitter". Because of this, he may be caught out of position at times but, he keeps the opponents honest.

Gary Doak, defense, No. 25

Injuries and illness have plagued Gary Doak ever since he joined the Bruins. But, this season the 23-year-old defenseman is hopeful of breaking the hex and justifying the Bruins' confidence in protecting him from last summer's draft.

In 20 games with the B's, after coming from the Red Wings in 1965-66 Doak showed great potential. Before the start of the following season he fractured an ankle. He played only 17 games that year, at Oklahoma City.

Last season he was plagued with a nagging backache, followed by mononucleosis and was sidelined for the season, after appearing in but 22 games.

Don Awrey, defense, No. 26

Durability is the trademark of veteran defenseman Don Awrey. In the last four seasons, three with the Bruins and one with Hershey in the A.H.L. the 26-year-old, 195-pounder has missed only three games, due to injury, or illness.

Oddly enough, he was sidelined in all of those games last season when the Bruins made their strongest bid for the Stanley Cup in 10 years. A shot on his ankle sidelined him for three games.

Don was first spotted by the Bruins playing Junior B hockey at Waterloo and sent to Niagara Falls. After two seasons with the Bruins he went to Hershey, 1966–67, and finally found himself.

He came back to play and stay.

Ron Murphy, left wing, No. 28

With 16 goals and 38 assists for 54 points Ron Murphy enjoyed the most productive of his 15 seasons in the N.H.L.

He hit the 200-goal figure and, teaming with Phil Esposito and Ken Hodge, he helped smash the previous NHL scoring record for one line. Having passed his 36th birthday the veteran left wing from Hamilton, Ont., decided to call it quits.

He had done this before, after being traded to the Bruins, but over the summer he once again reconsidered and reported to training camp at London, Ont., in September.

Don Marcotte, left wing, No. 29

Don is only 22 and last year was considered the outstanding left wing in the American League, playing at Hershey. At 5–10 and 183 pounds he has reached physical maturity and still is improving as a hockey player.

In junior A with Niagara Falls he was teamed at left wing for Derek Sanderson and Sandy still is one of his greatest boosters. In his first professional season with Hershey he scored 31 goals. Last year he added four more to that total.

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BOSTON BRUINS 1969–1970 ROSTER

							1968–69 record		
No.	Players	Height	Weight	Age	1968–69 Club		Goals	Assists	Points
	Forwards:								
14	Garnet Bailey	5'11"	192	21	Boston-Oklahoma City		24	35	59
9	John Bucyk	6'0"	214	34	Boston		24	42	66
12	Wayne Cashman	6'1"	192	24	Boston		8	23	31
7	Phil Esposito	6'1"	208	27	Boston		49	77	126
21	Jim Harrison	5'11"	196	22	Oklahoma City		13	13	26
8	Ken Hodge	6'2"	216	25	Boston		45	45	90
22	Jim Lorentz	5'11"	195	22	Oklahoma City		33	68	101
19	John McKenzie	5'9"	177	32	Boston		29	27	56
28	Ron Murphy	5'11"	192	36	Boston		16	38	54
16	Derek Sanderson	6'0"	168	23	Boston		26	22	48
17	Fred Stanfield	5'10"	184	25	Boston		25	29	54
18	Ed Westfall	6'1"	200	29	Boston		18	24	42
	Defensemen:								
26	Don Awrey	6'0"	194	26	Boston		0	13	13
25	Gary Doak	5'11"	188	23	Boston		3	3	6
6	Ted Green	5'10"	200	29	Boston		8	38	46
4	Bobby Orr	5'11"	180	21	Boston		21	43	64
20	Dallas Smith	5'11"	180	28	Boston		4	24	28
10	Rick Smith	5'11"	196	21	Boston		0	5	5
						Min Pl	GA	SO	Avg.
	Goalkeepers:								
30	Gerry Cheevers	5'11"	193	29	Boston	3112	145	3	2.80
1	Ed Johnston	5'10"	190	34	Boston	1440	72	2	3.00

General Manager—Milt Schmidt.
Coach—Harry Sinden.
Trainers—Dan Canney and John Forristall.
Colors—Black, Gold and White.

[From the Boston Herald Traveler, May 11, 1970]

"I TOLD THOSE GUYS TO DO IT," BEAMS BUCYK

(By Tim Horgan)

"I told those guys," said Johnny Bucyk, "I didn't want to go back on the ice again. Fifteen years is long enough. Fifteen years is a long, long time."

And so "those guys," Bobby Orr and Derek Sanderson, saluted the Chief smartly, wheeled onto the Garden rink and in just 40 seconds combined to beat the incomparable Glenn Hall in the first sudden death overtime period of the fourth game of the third round . . . aw, forget it.

The Stanley Cup is back in town after, not 15, but 29 years. And if that's an unconscionably long time between drinks from this mug, it was clearly worth the wait.

If the Red Sox locker room after the final game of the 1967 season was sheer bedlam, the Bruins' quarters yesterday was all of that plus utter chaos.

The way they slugged champagne from the huge silver bin they'd just won, the Bruins' 29-year drought will be followed by a 30-year hangover.

"I never thought it would happen," said Milton Conrad Schmidt, who as player, coach and general manager, has been plugging after this loving cup all of those 29 years.

"But it did," said Milty. "And now they can't take it away from us, ever."

Not that anybody would dare try, the way the B's clutched the Cup from hand to hand, mouth to mouth. But Milt had fallen into the embrace of Weston Adams, Sr., who as co-owner, president and chairman of the board, had also lavished 29 years of his life in pursuit of this grail.

That's the beautiful part of the odyssey that ended yesterday with Orr slamming the puck, point-blank, past Hall and then himself sailing head-first across the goal mouth and into a corner.

No team ever worked harder for any prize than the Bruins did for the Stanley Cup. No team ever suffered more years in the dungeons of the NHL, in the tundras of Canada looking for raw material, in the vestibule of the throne room while the Montreal Canadians hoarded the treasure.

And even this final victory came hard. The St. Louis Blues, to their everlasting credit, fought the Bruins for this game before they finally yielded, 4–3.

"But that's the way to win it," said Ted Green, radiant in a raspberry jacket and a huge grin. "If the score had been 6–1, we wouldn't enjoy it as much."

The Bruins couldn't have enjoyed it more. Two hours after Orr's shot slid past Hall, the celebration raged, sloshed, slithered through their jam-packed quarters.

"It's been such a long time, I'm going to enjoy this a long time," said Eddie Westfall, who has spent nine years chasing the Cup up and down the Garden ice.

"I still can't believe it," said Eddie. "I keep waiting for the coach to go to the blackboard and write, 'Practice 10 A.M. Tomorrow.'"

The Bruins, however, will spend today parading around town, reliving the season, replaying that goal.

"I didn't even see the puck go in," said Bucyk, who was handed the Cup by NHL President Clarence Campbell in honor of spending 13 of his 15 NHL seasons with the Bruins. "But I saw Bobby's stick go up in the air, and that was enough for me. I knew we'd won it."

Bobby didn't even know his stick had flown into the air, didn't know much of anything except sheer ecstasy.

"I think I was tripped from behind after I shot," he burbled, resplendent in a golden jersey bearing the Bruins' emblem, and the legend "1970 Stanley Cup Champions," which all the players wore during the game. "But I really don't know what I did."

What Bobby did was put the finishing touch, the coup de grace, on a saga that'll be remembered as long as ice hockey is played.

[From the Boston Herald Traveler, May 11, 1970]

BRUINS WIN STANLEY CUP—15,000 ROAR IN HOT GARDEN

(By Jack McCarthy)

The Cup is back. At 5:10 p.m. yesterday in the steaming Boston Garden, Bobby Orr flew horizontally past the St. Louis Blues' net, the puck flew past goalie Glenn Hall and the Bruins had won the Stanley Cup, 4–3, at 40 seconds of overtime.

This flashing goal, on a pass from the other Bruins' kid, Derek Sanderson, gave the Bruins the final series over the Blues, four games to none.

The Cup was home after 29 years. And, as 15,000 people went berserk and organist John Kiley belted out "Paree," Capt. Johnny Bucyk accepted the Cup from League President Clarence Campbell and skated it around the ice in absolute bedlam.

The Bruins had to come from behind twice to win, and Bucyk had tied it once and Phil Esposito had tied it once. Ricky Smith had saved his first goal of the playoffs to give Boston an early lead, but despite some out-of-this-world stuff by Gerry Cheevers in the Boston net, here it was in overtime.

The Bruins forced the play in the Blues' end, and the puck came loose along the boards to Hall's left. Larry Keenan was after it for the Blues when Orr made the decision to go for it. He beat the Blue, passed to Sanderson at the backboards and broke for the net.

The Turk gave him a perfect return pass and as Orr flashed past Hall, he flipped it in, even as he was tripped by Noel Picard. Orr landed on all fours and slid along the ice with a wide grin on his face. He was then subjected to the most severe punishment as the Bruins steamed from their bench and leaped on him, body piled on body.

It was a tough loss for the Blues, who

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failed to win a game in the final for the third straight year. St. Louis played its best game of the series and at times it seemed the series would move back West. The Blues forechecked well, pressed the Bruins hard, and it was only some great work by Cheevers that kept Boston in the game over the first period and a half.

The Blues' scorers were Red Berenson, Gary Sabourin and Keenan, and once again St. Louis got a fine game from the veteran Hall in the cage.

It was the 10th straight play-off victory for the Bruins and for Cheevers, and it brought them $3,000 per man to add to the $4,000 won previously by victories in earlier rounds over the Chicago Black Hawks and the New York Rangers. The Blues got $1,500 as runners-up, after earlier victories over Minnesota and Pittsburgh.

Boston also preserved the Eastern division's record of never having lost a game in the Cup final to the expansion West. St. Louis lost in the past two years to Canadiens in the final 4–0 each time.

The Bruins set a few records in their match to the Cup. Cheevers won 12 games and lost 1. The Bruins and Cheevers won 10 straight. This is believed to be a record for a goaltender. The total for the team is only one off the Canadiens' 11 straight. Esposito's goal gave him 13, a record for a playoff year. Orr's goal gave him nine and 20 points, adding to records for a playoff for a defenseman, already set by him. The Bucyk-John McKenzie-Fred Stanfield line got two points yesterday, giving them 52 points—a new line mark.

This was the fourth Stanley Cup for the Bruins, and their first since the Schmidt-Dumart-Bauer days of 1940–41. The others were 1938–39, and 1928–29.

The first score of the game came on a three-on-three situation with Orr, McKenzie, Ecclestone and Picard in the box for a roughing spree. Sanderson made one of his patented sweep checks to get the puck to Ricky Smith on Hall's right about 30 feet out. Rick found the upper left hand corner over Hall's shoulder at 5:28, and Boston led, 1–0.

Cheevers dominated the rest of the period after an early glitterer off Berenson, in alone. Along the way, Gerry stopped Berenson, again, Bill McCreary, Tim Ecclestone, Phil Goyette and Bob Plager. He came way out on a breakaway by McCreary to catch a hard shot in his glove for the gem of the day.

With 1:43 left in the first, and Andre Boudrias and Stanfield off for roughing, Bob Plager's sweeping backhand was saved by Cheevers, but Berenson was close up to poke in the rebound at 19:17 and tie it.

The Bruins did not look anything like world champs during this spell. They were uncertain and tight against the good forechecking of the Blues. And when Sabourin pounced on a free puck to tie it at 3:22 of the second period, things did not look good. St. Marseille rushed into the Boston end and Dallas Smith rode him off the puck, which was left unattended. Sabourin stepped up and whanged a 35-footer into the far corner to give the Blues a 2–1 lead.

Boston apparently scored at the seven-minute mark, but referee Bruce Hood ruled that on Espo's tip of Stanfield's slap shot past Hall, Phil's stick was too high.

The Bruins now began applying heavy pressure, but couldn't get the good shot until Espo won a faceoff in the Blues end and the puck went to Ken Hodge. The big wing slid it back to Espo, who snapped a 20-footer into the near side at 14:22 to tie it again and break the record.

Still fighting, the Blues took the lead agan with only 19 seconds gone in the third period. They swarmed in the Boston end, and Ab McDonald fanned on a great chance just outside the crease. Keenan grabbed the puck and backhanded it in off Cheevers' face mask for the 3–2 lead. Cheevers went down on the play, but continued after treatment.

In the third period, Hall made a fine stop off Sanderson and foiled Bucyk on a great chance when John couldn't lift the disc over him.

But the Chief was back again in a moment on the end of a nifty scoring play with Ricky Smith and McKenzie. Smith flipped the puck off the boards on the right to little John and he made a perfect feed to Bucyk in front of Hall. John got this one up and in, and the score was tied.

Neither team could put it in thereafter and the overtime was set up, and with it, Orr's finishing touch to Sanderson's pass and a big season for Boston.

Scraping the ice—The humidity was high in the Garden and everyone was in shirt sleeves. Many women wore summer dresses . . . The thermometer registered 93 degrees on the Garden roof . . . The last overtime goal for Boston in a Cup final was by Jack McIntyre against Terry Sawchuk of Detroit at the Garden, March 29, 1953. Boston won that game, 2–1. . . Jean Beliveau beat Boston in the second overtime of the sixth game here last year.

The city will fete the Bruins today with a parade at 12:45. The route will be from the Statler-Hilton in Park Square to City Hall . . . The NHL board of governors will announce today the winner of the Conn Smythe Trophy, given to the outstanding player in Stanley Cup play.

Milt Schmidt was thrown in the showers by the players, new suit and all.

[From the Boston Herald Traveler, May 11, 1970]

HAPPY BEDLAM HITS THE CITY

(By Jack Kelley)

The lighted billboard atop North Station blinked 95 degrees. That in itself might have been sufficient reason for the crowd on the sidewalk below to be bathing one another in cold beer.

But the temperature would have made little difference to the thousands of "Garden faithful" cascading down the concrete ramp to Causeway street.

It was a Christmas-carnival mood. Everybody loved everybody else. Strangers embraced, pounded one another on the back and shook every hand in sight.

In the bars the shirtsleeved, shouting fans watched televised locker room interviews, drowning out the audio with tumultuous salutes to their hockey-playing heroes.

In the Iron Horse everyone from Bobby Orr's mother to the man who clears the Garden ice was toasted by a burly fan pouring champagne with the abandon of a millionaire.

Outside, the familiar shout of "We're Number One!" echoed through the streets, taverns and restaurants of the North End, eclipsing even the rumble of the trolleys passing overhead.

The crowd surged into the street thumping cars and reaching in open windows to ruffle the hair of the passengers and drivers.

When a Cadillac and Oldsmobile slammed bumpers amid the tangle, the two drivers stopped just long enough to back off, exchange victory signs and roll away.

Sidewalk merchants hawked Bruins buttons and color photos and the crowd gobbled them up.

Fathers boosted poster-waving children to their shoulders and as each picture appeared above the crowd, a new roar rocked the streets.

The cheering, chanting crowd pressed into a circle and fans of all ages hopped and danced around the fringes like Indians wishing for rain.

Residents of nearby apartments filled the air with makeshift confetti. One woman emptied a quart bottle of orange soda out her third-floor window.

Before long, police moved in and cleared the clogged streets. The men in blue formed a circle and the fans ringed them, worked up another frenzy, and swarmed back into the roadway.

Several arrests were made, mostly for "over-exuberance" on the part of fans who had apparently quenched their thirsts excessively.

"We've waited 29 years for this" shouted one barroom fan, who looked like he had indeed been waiting that long.

Another carried a cardboard and tinfoil mock Stanley Cup from table to table, happily draining the creation as fast as generous patrons could fill it.

But even jubilation has its moments of irony. "The Red Sox will go all the way, too," exulted one glass-waving celebrant, to which another promptly rejoined: "Who the hell are they?"

[From the Boston Record-American, May 11, 1970]

BRUINS CHAMPIONS, 4–3, ON ORR'S OVERTIME GOAL

(By Joe Driscoll)

Happy hysteria gripped some 800 Cup-crazy Bruins fans yesterday as the clinching victory sent them shouting and laughing into the echoing, girder-lined canyon that is Causeway st.

Those who shouted themselves hoarse with the chant of "We're number one," augmented their joy with noisemakers rapidly being sold by the souvenir vendors outside Boston Garden.

The rumbling of the MBTA trains overhead seemed to lend an unexpectedly gay bass to the impassioned singing of "Bobby Orr, Bobby Orr," to the tune of "Wyatt Earp."

The crucial role of the Bruins' great defenseman had been anticipated by fan Edward Butryn of Cambridge.

"When it went into overtime," Butryn said, during the after-game celebration, "I was thinking to myself, 'I hope Orr gets the puck and makes one of his tremendous rushes and scores'.

"And that's just what happened."

The word "fantastic" was repeated over and over again by Bruins' followers almost dazed by the magnitude of their heroes' accomplishment.

Bruce Roberts of Chatham opined. "This is the greatest thing that ever happened to Boston." "The Chief (Bruins player John Bucyk) is finally getting the credit he deserves."

As the bars filled to overflowing with cheer-thirsted celebrants, some of the team's long-time loyalists remembered the lean seasons when the Stanley Cup seemed as remote as the Golden Fleece.

"I've waited a long time for this," said Frank Newton of Quincy, "and then to win it in a sudden-death overtime—well, you couldn't ask for a more exciting finale."

John Kaminski of Cambridge, agreed: "I've followed the Bs through the lean years and this makes it all worthwhile."

[From the Boston Record American, May 11, 1970]

ONLY ORR COULD HAVE DONE IT—SINDEN

(By Pat Horne)

"No other defenseman in hockey could have made that play," coach Harry Sinden declared of Bobby Orr's Stanley Cup-winning goal.

Forty seconds into the overtime period Orr and Derek Sanderson combined to do the trick. The most important goal in nearly 30 years for Boston.

The much-decorated Orr conceded this to be the "greatest day of my life."

Sinden was all smiles. His happy warriors had soaked him with a mixture of champagne and beer. He tried to wipe his face dry and blurt out a word picture of the crucial tally.

"He saw the opening . . . the only defenseman in the league who could have done it . . . Derek fed it to him just perfect . . . Bang . . . That was it," the coach declared as he slapped his hands together like a set of symbols.

The Boston coach agreed it was a big gamble for his ace defenseman to be buried so deeply in St. Louis territory.

He continued, "Yeah it was a big gamble . . . for any defenseman except Orr.

"If he didn't get the shot he still could have recovered in time to get back there on defense."

In answer to Sinden's plea that they not lay back and wait for a break, the Bruins roared into overtime play with fire in their eyes. "We lost two overtime games to Montreal in the playoffs last year because we waited," the coach recalled.

The flamboyant Sanderson was much better at recreating the situation than Orr. Mr. Everything of the NHL, was straining against the tears of happiness, retaining his ultra-modest character.

"Bobby took the puck away from Larry Keenan and passed it in to me . . . I saw him break for the cage so I just flipped it over Picard's (defenseman Noel) and Bobby was right there . . . perfect. He did it," the mod-leader of the Bruins recalled.

Explaining the payoff end of the goal that made it a 4–3 victory, Orr bubbled, "I didn't know if it was going to get in there. I was flying through the air and when I pushed the puck . . . it went between Glenn's (goalie Hall) legs as he came out . . . I didn't know if it would get in there."

Within seconds, Orr was enveloped in a sea of teammates.

"Once Espo (Phil Esposito) got that goal which broke the record, every guy on the team wanted Orr to get the winner," Sinden said.

It didn't make any difference to the modest defenseman. Just as long as the Bruins won the Stanley Cup.

Engulfed in the outburst of enthusiasm, it took Orr a few moments to gain his freedom. Just as soon as he did, he skated for the boards near the Boston bench. Why?

"My father was sitting there and I wanted to see him. But, he ran out because he was crying." Orr explained and then wiped at each eye with the back of his right hand.

It was poetic justice that Orr scored the game winning goal. He's done just about everything else for the Bruins during this explosive 1969–70 campaign.

Forgetting the emotional overtime goal for a second, Orr thought about what went on in the Bruins' dressing room at the end of regulation time.

"We didn't talk about anything special . . . but I couldn't help thinking about the fact we lost two overtime games to Montreal last year and I didn't want that to happen again," he offered.

Beyond this, Orr said, "I thought about how things were when I first joined this team and all the talk in the newspapers about what I was going to do.

"I was scared stiff . . . I didn't know if I would play with these guys . . . I was scared. I went to my room and these guys came after me and made me stay with them . . . they're the greatest bunch of guys in the world."

Getting back to the bedlam of the present, Orr was back in character. He was thinking about the other guys, but jumping up and down in an unusual emotional display.

"This is fantastic . . . just fantastic. But isn't it great for guys like Eddie Westfall . . . 'n John McKenzie . . . 'n Espo . . . 'n Chief (Johnny Bucyk). They've been around for a few years and it's just great to have the Stanley Cup for them." Orr suggested.

Bobby Orr vows he will never forget the goal that brought Boston its first Stanley Cup in 29 years. There is no way Boston can ever forget Bobby Orr.

[From the Boston Record American, May 11, 1970]

ORR'S OVERTIME SHOT WINS CUP FOR BRUINS

(By D. Leo Monahan)

Bobby Orr, ah, that Bobby Orr, he sure does get to a guy. It was Robert Gordon Orr, the pride of Parry Sound, Ont., and hockey's Golden Boy, who streaked in from the blue line to convert Derek Sanderson's goal-mouth feed for an overtime goal that brought Boston a 4–3 victory and the Bruins the Stanley Cup for the first time in 29 years.

Orr's goal, scored just 40 seconds after the game went into overtime, triggered one of the wildest, pulsating demonstrations this town ever has known in sports and the champagne corks popped happily in the jubilant dressing room. Thus the Bruins swept the St. Louis in four-straight, but they had to struggle for their 10th playoff victory in a row; since 38-year-old Glenn Hall, playing his 112th playoff game in the Blues' nets, gave them one very rough time indeed.

The dressing room? It was sheer chaos. Wayne Cashman kept tossing champagne out of the treasured Stanley Cup as if it were a birdbath. Coach Harry Sinden, his tie askew and a big grin on his kisser, was soaking wet; his players tossed him and B's President Weston Adams, Jr., into the shower.

Johnny "Pie" McKenzie had a magnum of champagne, let it fizz and then showered all and sundry with it as if it were a fire hose. Gerry Cheevers, his Long Johns soaked with perspiration from a very trying afternoon, had a cigaret in one hand and a bottle of giggly in the other.

All over the room, players tripped over equipment, reporters and television cables in an effort to hug teammates. Goodness, the celebration could last for days.

Orr's goal came with amazing quickness. He broke in from his own blue line and headed straight for the net. Sanderson adroitly held his pass until the 22-year-old defenseman was expertly positioned. Then he slipped him the puck.

Orr rapped the shot between Hall's legs and the 14,835 fans let loose a great roar that shook the North Station and Boston Garden to its very foundations.

"I don't know where the shot went," said Orr. "I just know it was in."

"Look," he said, displaying a shirt he had on under his jersey. It read: "Boston Bruins, 1970 Stanley Cup Champions."

"Should be pretty good, eh?"

Around Bobby swirled his teammates. Garnet "Ace" Bailey sat on a hamper dumping beer on anybody's head that happened to pass by. Phil Esposito, who set a NHL record with his 13th playoff goal in one year, was drenched in beer and champagne.

Orr fell over a St. Louis defenseman an instant after the red light went on. He was still sprawled on the ice when all hell broke loose. His teammates swarmed him and fell on him. Sinden came skidding out to join the celebration. So did a swarm of youngsters.

The ice was littered with hats, streamers, beer cans, cups, papers, and a lot of other bric-a-brac. Name it and it probably came raining out of the stands.

Clarence Campbell, president of the National Hockey League, presented the Cup to the four alternate Boston captains: Esposito, Johnny Bucyk, who scored the goal to tie the game at 3–3 late in the contest; Eddie Westfall and Teddy Green, who was in civvies.

Bucyk, 35, the senior member of the staff, then was given the enjoyable chore of carrying the Cup—the oldest trophy in North American sport—around the rink. He received a thunderous ovation and a big grin creased his dark features. It has been a long, long wait for The "Chief," Westfall, Eddie Johnston and a few of the other Old Guard who knew the trying last-place days of Boston's hockey fortunes.

The best way to describe the dressing room and the building itself is chaos, sheer and absolute chaos. There are people who have been coming to hockey games in this town for 12, 15, 25 years hoping for this day. Yesterday they had their celebration—and how!

Sid Solomon III, vice-president of the Blues, came in to pay his respects and won a well-round of good wishes from all. St. Louis fought the good fight. It just didn't have enough ammunition to keep the Bruins from sweeping.

Game No. 4, however, was a helluva lot tougher than the first three for the B's.

"The Bruins," said a Toronto writer after the second period, "have a bad case of the slows."

That they had. They had to rally from a 2–1 deficit on Esposito's goal and then Bucyk scored at 13:28 to keep the game "alive," just when it looked like the Blues' defense would cling tenaciously to its one-goal lead.

Rick Smith opened the scoring for the B's on a 3-vs.-3 situation at 5:28 of the first period. Sanderson—who else?—made the big play on this one, too, as he swept the puck out from behind the St. Louis net to Rick, who rifled a 25-ft. shot into the top right corner.

"Red" Berenson tied the score at 19:17 when he converted Bob Plager's rebound.

Gary Sabourin created a 2–1 lead at 3:22 of the second period. Frank St. Marseille and Dallas Smith were tangled along the boards. Sabourin picked up a loose puck at St. Marseille's feet and drilled a low slap shot to the far corner.

Esposito's record-breaking goal came at 14:22 of the second period to tie the game, 2–2. Espo won a faceoff with Andre Boudrias and slid it over to Ken Hodge. Big Ken made the return pass and Espo beat Hall to the far corner (stick side).

Previously, Espo had been tied with two of the all-time greats, Maurice "Rocket" Richard and Jean Beliveau, both of Les Canadiens, for the most goals in a single playoff year. His 13th snapped that deadlock and Hodge obliged by getting the puck for Phil as a keepsake.

When Larry Keenan scored on a backhander after just 19 seconds of the third period, it looked like curtains for the B's. Keenan, an injury-prone winger, has had a knack of getting big goals in the playoffs. This time his backhander caromed off the head of Goalie Gerry Cheevers and popped into the cage. Phil Goyette was screening the netminder at the time.

It was tug and haul, and for an agonizing long time it didn't seem the Bruins were going to pull off the big job. However, Little Johnny McKenzie took care of that. He did some deft digging and stickhandling along the right boards and finally snapped across a pass that Bucyk deflected into the rigging at 13:28.

Mr. Orr took it from there.

Today there will be a ticker-tape parade in downtown Boston and the winner of the Conn Smythe Trophy as the Most Valuable Player in the playoffs (Orr?) will be announced.

But that, as they were saying about this series anyway, will be an anti-climax.

ICE PICKINGS

Bruce Hood worked a rather odd game, but nobody's complaining. He called some needless penalties—Boudruas and Fred Stanfield for roughing—but he then let another go. For instance, Tim Ecclestone rapped Don Awrey in the head with his stick and dazed

XUM

the B's defenseman late in the game. No penalty . . . There were a number of new signs about the building. One of the biggest read: "Bruins We Luv Ya." . . . Mrs. George Page and Mrs. Sam Videtta of Colonial CC showed up wearing Bruins' jersey with guess what number on the back? No. 4, you silly goose . . . Bob Plager hit Sanderson with a jolting check almost at the outset to establish the game . . . Esposito scored another goal on the power play in the second period, but Hood disallowed it. He claimed Espo tipped in Stanfield's shot while his stick was held above his shoulders.

BRUINS PLAYOFF SCORING

	GP	G	A	Pts.	PIM
Phil Esposito	14	13	14	27	16
Bobby Orr	14	9	11	20	14
Johnny Bucyk	14	11	8	19	2
Johnny McKenzie	14	5	12	17	35
Fred Stanfield	14	4	12	16	6
Ken Hodge	14	3	10	13	17
Wayne Cashman	14	5	4	9	50
Eddie Westfall	14	3	5	8	4
Derek Sanderson	14	5	4	9	72
Wayne Carleton	14	2	4	6	14
Don Awrey	14	0	5	5	32
Dallas Smith	14	0	3	3	19
Don Marcotte	14	2	0	2	11
Rick Smith	13	1	3	4	17
Bill Speer	7	1	0	1	4
Jim Lorentz	11	1	0	1	4
Gerry Cheevers	13	0	1	1	2
Dan Schock	1	0	0	0	0
Bill Lessuk	2	0	0	0	0
Gary Doak	8	0	0	0	9
Eddie Johnston	1	0	0	0	2

St. Louis	1	1	1	0—3
Boston	1	1	1	1—4

First period: 1, Boston, R. Smith 1 (Sanderson) 5:28; 2, St. Louis, Berenson 7 (R. Plager, Ecclestone) 19:17. Penalties—Sanderson 0:40; Fortin 4:41; Picard 4:41; Ecclestone 4:41; Orr 4:41; McKenzie 4:41; McKenzie 7:13; Picard 8:07; Stanfield 12:58; Awrey 16:04; Boudrias 18:36; Stanfield 18:36.

Second period: 3, St. Louis, Sabourin 5 (St. Marseille) 3:22; 4, Boston, Esposito 13 (Hodge) 14:22. Penalties—Sanderson 4:21; Berenson 6:32; McKenzie 11:55; D. Smith 18:52.

Third period: 5, St. Louis, Keenan 7 (Goyette, Roberts) 0:19; 6, Boston, Bucyk 11 (McKenzie, R. Smith) 13:28. Penalties—Esposito 6:15; Fortin 6:15; R. Plager 8:25.

Overtime period: 7, Boston, Orr 9 (Sanderson) 0:40.

Shots on goal by:

St. Louis	14	7	10	0—31
Boston	10	8	13	1—32

A—14,835.

[From the Boston Record American, May 11, 1970]

We've Waited a Long Time—Schmidt

(By Ed Gillooly)

Hysteria, pandemonium, lunacy. Call it what you will because no words can come close to aptly describing the wildest and wettest scene that took place in the Bruins dressing room for more than two hours yesterday after they captured the elusive Stanley Cup.

Beer and champagne were sprayed endlessly as the players drenched one and all with the foamy and bubbly stuff in an unbelievable display of uncontrolled joy and ecstacy.

"The celebration in 1941 was a wake compared to this," exclaimed Gen. Mgr. Milt Schmidt who was a member of the last Bruins team to win the coveted Stanley Cup.

"But you have to consider we've waited a long time (29-years) for this one," he added.

When the beer and champagne supply was nearly exhausted about an hour after the celebration began, the players then started dunking everyone in the shower and Schmidt, fully clothed, was one of the first. One by one, from Weston Adams, Jr., to the writers who covered the team all season, everyone was carried to the showers by the players, especially Wayne Carleton and Rick Smith.

Bruins captain Teddy Green who missed the season because of the brain injury entered the dressing room neatly attired but before long he was running around in his tee shirt and undershorts.

The four-foot tall sterling silver Stanley Cup was passed from player to player and each took a turn drinking champagne from the top of the trophy.

It would be impossible to single out any one player who was more excited than Mr. Excitement himself, Bobby Orr, the B's super-star who scored the winning goal.

The young super-star, who kept pounding his fists on the lockers and praising his teammates, had the numerical experts working.

"Number four scored the winning goal at 40 seconds of the fourth period of the fourth game in his fourth season with the Bruins," one explained as though he were going to play all fours in the number Monday.

"If they wrote a script, you couldn't have asked for a better ending," goalie Eddie Johnston remarked referring to Orr's scoring the winning tally.

"We finally got it," Eddie Westfall chanted as he poured a bottle of beer on his pal Johnny (Chief) Bucyk, a couple of veterans who have waited a long time for a beer and champagne celebration.

"It felt just great," Bucyk replied when asked his feelings while carrying the Stanley Cup around the ice for the fans to view.

Coach Harry Sindeen, dunked in the showers twice, summed up the bedlam in the dressing room stating. "Nothing can compare with the feeling you get winning the championship the first time."

Orr almost gagged when he was drinking champagne from the Stanley Cup and Westfall said. "Bobby, if you could only skate and shoot, you might make this team."

Garnet "Ace" Bailey, who missed the playoffs because of an injury, also stripped to his shorts and tee shirt and joined in on the celebration.

After a while, he raced from the main part of the dressing room spraying beer and shouting, "These guys aren't nuts, they're crazy."

Down the hall in the Celtics dressing room, the champagne was flowing freely but none of it was being wasted. The wives were toasting their champions.

Lift Suspension on B's Green

Ted Green, the Bruins' defenseman who underwent brain surgery after a high sticking incident with Wayne Maki on Sept. 21, has finished his 13-game suspension and is eligible to play next season.

NHL President Clarence Campbell informed B's Gen. Mgr. Milt Schmidt of the news in a letter.

"This will confirm my oral advice to you that I have received the reports of Dr. Michel Richard, neurosurgeon of Ottawa who was in charge of Green following his injury and of Dr. Robet Gojemann, head neurologist of the Mass. General Hospital, who has examined and tested Green on several occasions during the past six months.

"Both these medical experts have expressed the opinion that Green was physically fit to play hockey at the end of March. Accordingly, I have established April 1, 1970 as the date on which Green's suspension of 13 games took effect."

Since that date the B's have played three regular season games and 14 playoff games.

[From the Quincy Patriot Ledger, May 11, 1970]

One More Trophy for Orr Mantel

Boston.—Bobby Orr, the Boston Bruins spectacular defenseman, became the first player in National Hockey League history to win four major trophies today as he was awarded the Conn Smythe trophy as the most valuable player in the Stanley Cup playoffs.

Earlier, Orr received the Art Ross trophy for leading the NHL in scoring with 120 points, the Hart trophy as the league's most valuable player and the Norris trophy for a third straight year as the league's top defenseman.

Orr's scoring of the Stanley Cup winning goal in overtime yesterday, which gave the Bruins a 4–3 victory over the St. Louis Blues, dispelled uncertainties in the minds of several voters because of the number of worthy candidates.

The modest Orr remained a modest man yesterday, even after the most thrilling goal of his career. He insisted that the part he played in the win was secondary to that of the rest of the team.

"They did all the work," he said, "Like on that winnning goal. Derek Sanderson made the play, all I did was just put the puck in the net."

[From the Quincy Patriot Ledger, May 11, 1970]

No Disputing Bruins' Possession of Stanley Cup

(By Roger Barry)

Boston.—There's no dispute about the Bruins' right to the Stanley Cup, but there'll be controversy indefinitely about tactics used by their last two opponents, the Chicago Black Hawks and St. Louis Blues.

First Billy Reay, the Chicago coach, permitted the Bruins to put the handcuffs on Bobby Hull, the heavyweight forward who scores more goals per season than anyone ever.

The Bruins' Ed Westfall checked Hull so thoroughly, with help from his teammates, that he outscored the great scorer as well as outshooting him.

Then Scotty Bowman, the St. Louis coach, did two things which will continue to be questioned:

He used both Jacques Plante and Ernie Wakely as goalkeepers before using Glenn (Mr. Goalie) Hall in the third game of the four-game final series.

And before using Hall, he committed himself to a one-on-one defense against Bob Orr which seemed destined to failure from the start because of the inferior St. Louis personnel. It failed.

Why didn't Bowman play Hall against the Bruins from the start? Before the start he said, "I'll continue to rotate my goalkeepers as I have been, which means I'll probably use Plante, Wakely and Hall in that order."

Said Montreal coach Claude Ruel yesterday, "In a series like this you go with your best. You have to go with your best. Who is their best goalkeeper? Hall is."

The Blues played their two best games—yesterday's was their best—in front of Hall, even though both games were played in Boston Garden. Had Hall been in the series from the start, he might have made a difference.

How much difference? The series might have gone six games, but the Bruins probably would have won, anyway.

Reay, who was here yesterday, has been questioned so much about the Hull business he's not interested in hearing any more about it. Bowman will probably be as fed up with questions about defensing Orr and not using Hall more before long.

ICE CUBES

The winner of the Conn Smythe Trophy as the outstanding player in the playoffs, by vote of the National Hockey League's Board of Governors, was scheduled to be announced this noon. The winner was scheduled to be Mr. Orr. Bob's scoring of the Cup-winning goal disspelled uncertainty in the minds of several voters, because of the number of worthy candidates. Harry Sinden, the Bruins' coach, admitted after the game he was concerned early in the first period when Noel Picard came off the St. Louis bench to grab Orr in a flareup caused by Don Awrey and the Blues' Tim Ecclestone. "I was afraid maybe Picard was being sent out to get him," said Sinden. Picard is a 225-pound former police officer acquired by St. Louis in 1967 primarily for his fighting ability, but he has become a pretty good defenseman. He didn't get Orr.

Bob beat Larry Keenan to a loose puck, passed to Derek Sanderson against the end boards, then flipped Sandy's return pass between Hall's pad for the winning goal at 40 seconds of the overtime period. It was the Bruins' first overtime win in a playoff game since March 27, 1958, when Jerry Toppazzini scored at 4:46 to beat the Rangers in New York by the same score, 4–3. It was their first overtime win here since March 29, 1953, when Jack McIntyre scored at 12:29 to beat Detroit and Terry Sawchuk here, 2–1. And the Bruins' all-time playoff record for overtime games is now 17 wins, 24 losses and three ties. So there.

Ted Green to Eddie Johnston: "This is the only way to win something like this, with a real smash ending. This is something to remember. A 6–1 game or something like that wouldn't mean as much." The Bruins have been informed by NHL president Clarence S. Campbell that Green's 13-game suspension for his fall altercation with Wayne Maki of St. Louis has been completed. Ted will remain here the remainder of this week for the team's parties and some golf before returning to his home in Transcona, near Winnipeg.

Sinden: "I'm glad for guys like the Chief (Johnny Bucyk) and Eddie Jay (Johnston) and Eddie Westfall and who else—Greenie. They're good hockey players, and after my first year here (1966–67), when we finished away down in the mud, I said to them, Your day will come. This is the way it should be for guys like them." . . . Bucyk: "It took me a little while (15 seasons) to get a piece of it, but I was sure we would this time. We're a good team."

Don Awrey: "This was by far the best game St. Louis played. Boy, they were tough. I'd say maybe this was the toughest game of all we've had. But we weren't completely surprised. They were pretty tough to play during the season, too." . . . Phil Esposito deflected a Fred Stanfield shot into the St. Louis goal at 7:30 of the second period, but referee Bruce Hood ruled no goal, that Esposito's stick had been above his shoulders. Thus Phil's record-breaking goal four minutes later was a more satisfactory way for him to make the record book. "That's now," said the long-armed center. "At the time (of the deflection) I was just thinking about winning, not records."

Detroit Coach Ned Harkness and Gordie Howe were here for television roles with Red Kelly. Also here were two Bruins of the 1940s, Bep Guidolin and Ken Smith, and Toronto's Mike Walton. The girls wearing Bruins' No. 4 jerseys were Mrs. George Page and Mrs. Sam Videtta, wife of the hospitalized Colonial Country Club goal professional. "Bobby dared them to wear them," said Page, "and they took him up. They were both melting after one period."

[From the Quincy Patriot Ledger, May 1, 1970]

MAY 10 WAS THE GREATEST DAY FOR ALL OF THEM

(By Joe Gordon)

BOSTON.—Harry Sinden stared at the small gathering in his office, just outside the main dressing quarters of the Bruins' dressing room.

He stared, but he didn't see who was there. "What day is this," he asked. Somebody told him it was May 10, 1970. He turned slowly and a smile began to form on his lips.

"May 10," he repeated. "That's eight months to the day that we started training camp this season. This is a day I'm never going to forget. It's the greatest day of my life.

"It's the greatest day in their lives, too," he said, pointing toward the Bruins who were on a wild celebrating rampage in their dressing room.

"It's the greatest day for everybody on this team because none of them have ever had their name engraved on that thing before."

"That thing" was the Stanley Cup. Now Ken Hodge ran through the corridor leading to trainer Dan Canney's room carrying the massive piece of silverware on his shoulders. Now Wayne Carleton poured a mixture of beer and champagne into the bowl perched atop the trophy that is so important to every professional hockey player.

Now Milt Schmidt (Bruins' general manager) and Sinden are carried with all their clothes on into the shower room for the traditional dousing.

Sinden came back to his office, the joyous mob still gaining momentum in the background saying, "Sure, there are going to be many more of these kinds of days in Boston, but none of them will ever be like this one and that's because it's the first one for them." And for Sinden, as well.

"I feel so happy for guys like Chief (Johnny Bucyk) and Eddie Westfall," Sinden went on. "They went through so much hell when they were losing year after year, especially Bucyk. He deserves this. I know what it's like because I was through it one year, too.

"But not now. I think this is the best Boston Bruins team that there ever was. What other team had a guy like Bobby Orr? What other team had a guy like Orr and then a guy like Phil Esposito on top of that."

The "mob" had run out of people in the main room to throw in the shower. They infiltrated the peaceful confines of Sinden's office. Carleton carried the TV voice of the Bruins, Don Earle of Channel 38, into the shower and then came back for Doug Orr, Bobby's father. Harold Sanderson, Derek's father, along with Fred Stanfield's father, already had had their trips.

In contrast to the wild scene in the Bruins' room, the scene in the St. Louis Blues' room was funereal.

Of all the players on the Blues, only rookie goaltender Ernie Wakely was in a talking mood. Wakely played extremely well during the season for the Blues, with Glenn Hall and Jacques Plante as "tutors".

"There's no way of actually telling how much it has helped me to come up with a team that has two of the best all-time goalies playing on it," said Wakely, who played 30 regular-season games and then lost all four playoff games he appeared in.

"All I know is they have been very helpful," he went on. "Especially Jacques. He has pointed out things that I've been doing wrong and tries to help me straighten them out.

"I have tried to pattern myself after the best part of each one's style." If Wakely should succeed in attaining that goal of picking up the best of both goalies' styles, the Blues won't have to worry about losing any more Stanley Cup finals in four straight games.

Eddie Johnston, one of the veterans of the lean years with the Bruins, had nothing but praise for the job turned in by Gerry Cheevers during the playoffs. Johnston and Cheevers split the goaltending chores during the regular season, but Cheevers was 12-1 and Johnston 0-1 in the playoffs.

"He was great and he's one of the big reasons we won this thing," said Johnston. "He kept us in there when he had to. Of course, Bobby Orr was the big one again."

Orr doesn't say very much in the way of quotable quotes. He's not the flashy personality that Sanderson is, and yesterday was no different. He insisted that the part he played in the win was secondary to that of the rest of the team.

"They did all the work," he said, "like on that winning goal. Sandy made the play; all I did was just put the puck in the net."

There are those who hope Bobby never changes. They hope he remains modest and keeps putting the puck in the net.

Score by periods

St. Louis	1	1	1	0—3
Boston	1	1	1	1—4

First Period: 1, Boston, R. Smith 1 (Sanderson) 5:28; 2, St. Louis, Berenson 7 (R. Plager, Ecclestone) 19:17.

Penalties—Sanderson 0:40; Fortin 4:41; Picard 4:41; Ecclestone 4:41; Orr 4:41; McKenzie 4:41; McKenzie 7:13; Picard 8:07; Stanfield 12:58; Awrey 16:04; Boudrias 18:36; Stanfield 18:36.

Second Period: 3, St. Louis, Sabourin 5 (St. Marseille) 3:22; 4, Boston, Esposito 13 (Hodge) 14:22.

Penalties—Sanderson 4:21; Berenson 6:32; McKenzie 11:55; D. Smith 18:52.

Third Period: 5, St. Louis, Keenan 7 (Goyette, Roberts) 0:19; 6, Boston, Bucyk 11 (McKenzie, R. Smith) 13:28.

Penalties—Esposito 6:15; Fortin 6:15; R. Plager 8:25.

Overtime Period: 7, Boston, Orr 9 (Sanderson) 0:40.

Shots on goal by:

St. Louis	14	7	10	0—31
Boston	10	8	13	1—32

Attendance: 14,835.

[From the Quincy Patriot Ledger, May 11, 1970]

MUCH GREEN FOR BLUES

(By Joe Gordon)

BOSTON.—Scotty Bowman wouldn't admit to any frustration yesterday in the St. Louis Blues dressing room after the Bruins had won a sudden-death overtime game to take the final Stanley Cup series in four straight games.

Bowman, coach and general manager of the Blues, surprisingly balked at the thought of frustration, despite the fact that his club has reached the Stanley Cup finals three consecutive years, and has seen the cup fade away in 12 straight games, or three sweeps. Yesterday's score was 4–3.

"Everybody knows they're a better club," said Bowman, referring to the Bruins, "so why should we be frustrated because we lost to them? Besides, the $8,500 dollars we won is a lot of consolation. When you figure we've won that amount three times now, it's a lot of money we've made."

Bowman said it again. "They're a better team than we are." He said it in St. Louis after the Bruins won the first game of the series, and he never stopped saying it.

From the looks on the Blues' faces as they sat in the visitors' dressing room, they did not share Bowman's lack of frustration. Veteran goalie Glenn Hall, who played the two games in Boston and who kept the Blues in yesterday's game with his excellent goaltending, had no intention of discussing the series with any writer.

He dressed hurriedly and left even faster. Red Berenson, a high-scoring center ice man, followed suit as did most of the other Blus. They didn't act like men who felt no frustration.

Bowman was perfectly willing to discuss the series. "This was our best game, no doubt about that," he offered. "We usually get outshot pretty badly here (at Boston Garden), but it was even today." Even after three periods until Bobby Orr scored after 40 seconds of overtime.

"We were going to gamble in that overtime period if we got the chance," said Bowman. "We didn't even get the puck out of our end. You can see now why we don't play overtimes during the season—the strong just get stronger.

"I'm proud of what my team did today," Bowman went on. "We were getting very close to humiliation until today, but we stood up to them pretty good. No one can laugh at us now."

Speaking of gambles, Orr's winning goal, had the puck not gone in, might have resulted in a St. Louis breakaway. Orr gambled when he worked a give-and-go play with Derek Sanderson in the corner.

"I wasn't surprised one bit by Orr's goal," commented Bowman. "Sure, it was a gamble for him, but that kid would have gotten back on time if he hadn't put the puck in the net. Believe me, he would have been back to cover up."

The Blues, of course, had their backs to the wall yesterday, but Bowman figured the Bruins might be a little tight as well as going into the game.

"Of course they wanted to win it in four and win it at home," he said. "So that had an effect on our strategy. We tried to play it more aggressively in their end. We had plenty of good chances, too, but we coudn't score. That's the difference between the two divisions.

"The trouble with playing against the Bruins is that they have so many players you have to contain. They get goals from all their lines, and their defensemen score, too. That's too much to stop."

[From the Quincy Patriot Ledger, May 11, 1970]

THREE FORMER CHAMPIONS CELEBRATE RETURN OF CUP

(By Roger Barry)

BOSTON.—Three men who played for the Bruins' Stanley Cup Champions of 1939 and 1941 joined in celebrating the end of a drought which lasted 29 years last night.

Participating in the merriment in and around the Bruins' dressing room were Milt Schmidt, Johnny Crawford and Dit Clapper.

Schmidt is here regularly, for he's the Bruins' general manager, whose judgment of talent has been responsible for the assembly of the new champions. He was a star center for the pre-World War II winners.

Clapper, a right wing as a youngster for the champion Bruins of 1929, was a star defenseman for the two pre-war winners. Now 63 years old, he's tanned and trim and in business in Peterborough, Ontario.

Crawford was also a star defenseman and as Bruins' captain he succeeded Clapper and preceded Schmidt. Johnny has lived for many years in Centerville and operates an extensive wholesale paper business in Southeastern Massachusetts.

Said Clapper, "It's always great to see your team win a game and even greater when you see them win the Stanley Cup. My heart has always been with the people here, where I've had so many wonderful friends, and I'm delighted for these great fans."

Said Crawford, who also played for Clapper when Dit coached the Bruins, "That kid (Bob Orr) is just absolutely unbelievable. I've never seen anything like him, or even close. He's just always on the net with that shot. Some of these other guys should copy him."

Extracting a pen from his suit jacket, Crawford pushed his 250 pounds ("I'm only five pounds over my playing weight of 195") into the mass in the pulsating room, saying, "I've never been in here before but I've gotta get his autograph."

Schmidt, an intense player, retained his intensity after becoming the Bruins' coach. And as general manager he is a mass of perspiration after most games.

But he was damper than usual less than an hour after Orr's winning goal, for his players gave him a ride into the showers, expensive suit and all.

As Orr began his winning play Schmidt was apprehensive first, he admitted afterward. He thought the agile young defenseman was about to be trapped deep in the St. Louis zone, leaving Don Awrey back against a two-man St. Louis break.

"We got trapped like that once in overtime," he said grinning. "In 1938, I think, against Toronto, and George Parsons scored the winning goal against us.

"In the dressing room Ross (Art, Bruins' coach at the time) said, the Krauts (Woody Dumart, Bobby Bauer, Schmidt) will start; we'll see if we can surprise them with a quick one.

"We did, all right," chortled Milt, "We got trapped!"

Ross was manager, Cooney Weiland coach of the Bruins' last Stanley Cup champions, Ross, Bauer and Win Green, the trainer, are deceased.

The Bruins defensemen besides Clapper and Crawford were Des Smith, father of Oakland's Gary, and Jack Shewchuk. They had two other playoff lines besides the Krauts, Art Jackson playing with Roy Conacher and Eddie Wiseman and Pat McReavy with Herb Cain and Terry Reardon. Art Jackson and Mel (Sudden Death) Hill, were reserve forwards, Flash Hollett the busy handyman, playing defense, forward and killing penalties. The goalkeeper was Frank Brimsek.

Bill Cowley, who centered for Conacher and Wiseman, was the NHL scoring champion but he played little in the playoffs because of a knee injury, Jackson substituting for him.

Smith is involved in trotting track operations in Ottawa and Shewchuk has a car agency in Brantford. Dumart, Schmidt's neighbor in Needham, has his own sporting goods business and Cowley operates a hotel and grill in Ottawa. Conacher is a sale representative in Toronto, Wiseman and Hill both established in business in the Far West, Wiseman as an insurance broker, Hill as a cola distributor.

Reardon is general manager of the American League's Baltimore Clippers, McReavy employed by a wholesale distributor in North Bay. Jackson is in the production department of a St. Catharines industrial plant, Hollett with a Toronto investments firm.

Brimsek is a railroad engineer in Eveleth, Minnesota, Weiland coach of the Harvard University hockey team.

The Bruins won their last Stanley Cup before yesterday by beating Toronto in seven games then beating the Detroit Red Wings in four. Of those who wrote of their feats Herb Ralby is the Bruins' publicist, Henry McKenna recovering from a severe hip injury, Bill King in another business. Arthur Siegel, Web Morse, Vic Jones, Doc Mooney, Bill Grimes, John Gillooly and Jimmy Bagley are deceased. So is Frank Ryan, the play-by-play radio announcer, whose standard phrases still live in Johnny Pesky's imitations.

VOCATIONAL EDUCATION ACCLAIMED

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BURTON of Utah. Mr. Speaker, one of my good friends in the building industry, Richards Prows of Murray, Utah, has talked to me a number of times about a subject which concerns him greatly; that is, providing alternatives to academic higher education. While I do not agree with all of Mr. Prows' conclusions, I believe he makes some valid points in a recent letter, from which I quote:

> I am past the point of asking that proper attention be given to the providing of *alternatives* to academic higher education facilities . . . I am demanding it in the interest of my own youngsters, who may or may not want to go to college (academic), the youngsters who drop out of our academic colleges (two-thirds of all who enter) and those who don't get the opportunity.
>
> In the face of rising technical needs, we should become vocationally and technically oriented rather than academic. We already have more than adequate institutions to satisfy the academic side of education. It's about time that the total "world of work" be given proper attention and recognition. This means the funding of vocational programs already authorized, public relations programs that will improve the "image" of the vocational or technical worker and the encouragement of local school systems to introduce our young people to the vocations at an early age.
>
> I feel the state of Utah is particularly guilty of overemphasis on the academic side to the disadvantage of our economy and the social welfare of our people. I am now convinced that the best way to attract industry (as evidenced by the inquiries companies make as they consider locating in our state) is to become a vocational-technical oriented state . . . this will result in benefits to our state from an economic standpoint . . . providing new jobs, etc., and will have a great social impact, particularly as images are improved and pride develops in those who work with their hands.
>
> Further . . . our current labor laws are destructive to our young people. The minimum wage precludes young people, who must have something productive to do in their free time, from getting jobs that will teach them how to work and feel that they are doing something beneficial. Employers can't be blamed for not wanting to pay sums not commensurate with production. This problem also prevents youngsters from the educational experience of being exposed to work.
>
> "We are unable to hire in our industry (construction) young men until they are eighteen. By this time, many have not yet had the work opportunities that prepare them for permanent employment or even apprenticing. No wonder we are having problems with many of our young people. I consider it a national disgrace.

Mr. Speaker, in the May 3, 1970 issue of Parade, there was an article entitled "Youth Notes" by Pamela Swift. It appears to support Dick Prows' contentions, and I include it, therefore, at this point:

YOUTH NOTES

(By Pamela Swift)

JOBS

Did you know that restaurants desperately need good, trained chefs? Did you know that chefs earn $200 a week, that executive chefs often earn $20,000 a year and more?

Did you know that vending machine repairmen are in such short supply that they can work wherever they want to at $4 an hour and up?

Did you know that demand far exceeds the supply for TV repairmen, auto mechanics, assistant librarians, printers, bookbinders, diesel mechanics and cosmetologists? Jobs like these go begging, largely because young people just don't know about them.

At Los Angeles Trade-Technical College, 400 West Washington Blvd. in Los Angeles, Calif., however, they do. "We average approximately 6000 job requests per year," states Philip Smith, coordinator of public information for the college, "and of this number all we can usually fill are 2000."

Trade-Tech is part of the Los Angeles public school system. It offers two-year training courses in 72 different trades, plus evening courses for those who want to retrain or upgrade their skills. Tuition is free to California residents, $195 per semester for out-of-staters. Anyone who is 18 or has a high school diploma is eligible.

After two years of training at L.A. Trade-Tech, TV repairmen and auto mechanics earn $200–$300 a week; cosmetologists earn $150 a week; printers, bookbinders, Diesel engineers and assistant librarians earn from $4 to $6 an hour

If none of these jobs suits your talents, Trade-Tech teaches courses in other trades which offer plenty of job openings. Many companies need more machinists, for instance. "Industry can easily find punch press operators," explains Smith, "but it desperately needs technicians who understand the machine, who can read blueprints, and make it work."

There is also a growing demand in the U.S. for metallurgists, men trained in the science of metals. Machinists and metallurgists earn $4 and up per hour.

A Trade-Tech course called Radio Communication teaches the maintenance and upkeep of private radio systems, such as those used by police departments and taxi fleets. "We can offer every radio communication graduate from three to five job openings, earning 650–$750 a month to start," claims Mr. Smith. "That's a better salary than many four-year college graduates get."

Many supermarkets now include their own bakeries. As a result bakers are in high demand. While in school, student bakers can earn $3.50 an hour. After graduating they earn $5.00 an hour.

"Surprisingly enough," relates Smith, "we can't fill the calls for secretaries. Our graduates earn from $500 to $700 a month."

If you are interested in courses in any of the forementioned fields, write to the guidance center at Los Angeles Trade- Technical College and request a brochure. "Our only requirement for admission," says Smith, "is that you sincerely want to learn a vocation. If you do we'll find you a part-time job and do everything we can to help you stay in school."

While it is one of the biggest and best vocational schools in the country, Los Angeles Trade-Tech is not the only one. If you can't come to Los Angeles, inquire about vocational schools and job training in your home area. Any guidance counselor at a nearby school or college, or the local office of the U.S. Department of Labor should be able to help you.

FARM SUBSIDIES—A PART OF THE "RECONVERSION ISSUE"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. BROWN of California. Mr. Speaker, never before in the Nation's history have the American people and the Congress been so conscious of national priorities and the expenditure of the Federal dollar. One area in which this issue is evident is that of farm subsidies. In 1969, $659,327,827 was spent on payments to U.S. farmers. Think of how many schools that money could build; how much food could be bought to fill empty stomachs; how many slums could be torn down and replaced by livable tenements, and so forth. We talk about "reconverting" our defense dollar into meaningful domestic expenditures; reconversion should not be limited to the Defense Department but must include all Federal money—as farm subsidies—which is not being spent on the real needs of America and the American people.

The more we talk about this sacred—rarely touched—issue and bring it to the attention of the American people, the faster the money could be "reconverted." Mr. Felix Rodriguez has written an excellent article in the publication called "Organized Labor"—the official newspaper of the Building and Construction Trades Council of San Francisco. We need more of these articles in order to increase the dialog and awareness of this area. I commend Mr. Rodriguez.

I include in the RECORD a copy of Mr. Rodriguez's article.

CRYSTAL BAWLING

(By Felix Rodriguez)

FREE MONEY

You hear so much about farm subsidies. Everybody complains about how the most successful farmers pick up extra spending money from the taxpayers for not producing or for converting their lands from one produce to another.

It's like everybody complaining about the war: The taxpayers whose money is disappearing and families whose young men are also disappearing.

And both, farm subsidies and war, continue to escalate to a point of no return. In this here piece, let's examine the subsidy program; it probably won't bring me as much trouble as mentioning the dirty word—Peace.

In preparation for this, I have just spent more than an hour reading recent copies of the Congressional Record: you can look at it without getting emotionally upset.

The first thing that comes to mind after reading figures is that not enough members in Congress are listening to the farm workers, the most economically deprived sector of the American economy and only because their faces have changed over the past decades of farming operations, they are not as racially deprived as the blacks.

How does this grab you? In California alone, the Government pays out in subsidies to farmers enough to buy school lunches for every child of a farm worker's family, plus a second hand car for each such family.

Considering that the farm worker is limited to seasonal work, you will find him no better off than the welfare recipient.

ASKS LIMIT

Congressman Paul Findley of Illinois has, again, introduced a bill to limit subsidy payments to $20,000 for each farm. (Findley's bill last session passed the House but was shouted down, very conveniently, in the Senate, so that Congress could adjourn for Christmas. Senator James Eastland, wearing a Santa Claus suit, announced he had stockings to fill.)

Findley's limit proposal, he said, would save the taxpayers more than $300 million a year. How public education would have liked a bit of that! To say nothing of the farm workers who are having a hard enough time trying to be recognized as people.

Findley's disclosures (a matter of record) are quite revealing. They are suggested reading for Governor Reagan and Senator Murphy who this week urged full speed ahead for the Murphy Bill that would outlaw strikes on farms, except when there is little or no need for workers. Like telling a carpenter he cannot go on strike once he has started construction work.

The J. G. Boswell Co. of Kings County has accepted a check of $4,370,657 in 1969 farm subsidies. It does not take a stretch of the imagination to see that, at the moment of accepting the government gift, the firm was not thinking of a tattered farm child who went to bed hungry, tired of not-belonging and with a dread of facing more endless days of pretending.

Findley's figures show subsidies of $659,327,827 for 1969 payments to U.S. farmers. The names are given of all those who were paid over $15,000. They number hundreds. Those paid under $15,000 number thousands and bring the total to hundreds of millions of dollars more. And it must be remembered, too, that the subsidies are paid principally to farmers for the use or non-use of their lands, not for crop losses.

FARMERS, WHO?

We should apologize to farm workers for saying that farmers receive the subsidies. Actually, the word farmers, in this instance, is a misnomer. Many of them do their harvesting by remote control from the plush offices in the agricultural capital of the world, San Francisco's Montgomery Street. This farm work is referred to as agri-business.

Here are some of Findley's figures (you can guess how the gifts would have helped the undernourished bodies and minds of children.):

$609,327,827, paid to farmers receiving checks of $15,000 or more. Figures are not available for the millions paid in lesser amounts.

The eight farmers receiving the highest payments in the U.S. All, incidentally, are from California counties:

J. G. Boswell Co., Corcoran, $4,370,657.
Giffen, Inc., Fresno, $3,333,385.
South Lake Farms, Fresno, $1,788,052.
Salyer Land Co., Corcoran, $1,637,961.
Mt. Whitney Farms, Five Points, $1,152,294.
Kern County Land Co., Bakersfield, $974,163.
A. Camp Farms Co., Shafter, $928,917.
Vista Del Llano Farms, Firebaugh, $778,624.

The California farms are mentioned here first because they represent the highest payments. More important, they give evidence that California farms are the largest in the country. While farm production is higher, the number of California farms is now about half the number of a few years ago.

But there are other, most revealing figures. Here are the top three states receiving highest subsidies (totals for payments of $15.000 or more):

Texas—$176,981,133.
California—$76,337,801.
Mississippi—$66,291,101.

For comparison purpose, New York state received $378,043.

These payments do not include those for sugar and wool.

Texas, California and Mississippi received 38 per cent of the total subsidies for all 50 states.

Mississippi's huge support payments should be understandable. That State's Senator James Eastland is chairman of the Senate's Agricultural Committtee and he is the godfather of the present subsidy program. Is it any wonder, then, that his Eastland Plantation in Sunflower County, Mississippi, received $146,792 for 1969?

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TEXAS, TOO

To repeat, the figures given are only for farms receiving $15,000 or more (1969 payments were considerably higher than in 1969). Texas had a far larger number of farms receiving payments, although California farms received larger individual checks. Texas for 1969 received about 29 per cent of all payments above $15,000.

The payments of some $609 million of the nation's farms would more than double with the addition of the smaller farms under $15,000. Findley's saving of $300,000 would only reduce the largest payments.

I have not tried to study the significance of the figures showing that all of California's large payments, mostly in Kings, Kern and Fresno counties, are in southern part of the state. The largest recipient of all is Kern County where in Delano the farm workers have centered their struggle for recognition. Some of them are grape growers.

BAY AREA MONEY

Subsidy payments for the nine-county San Francisco Bay Area were almost negligible. The longest farm area, Santa Clara County was not listed among those receiving $15,000 or more. Only Contra Costa and Solano counties were listed:

Contra Costa County
A. J. Al Porto—$19,136.
E. Girsky—$16,170.
Solano County
Peter Cook, Jr.—$44,618.
Moore Bros.—$31,1220.
George Struve, Jr.—$27,624.
Arnold Collier—$24,147.
E. A. Anderson & Sons—$20,028.
Gnos Bros.—$19,198.
Mayhood Ranches—$18,612.
Solano Farms, Inc.—$17,193.
Tom Abel—$16,699.
Floyd Bonnified—$21,077.
Wallace McCormack—$20,416.

WORKERS' BEEF

The struggle of farm workers, then, is far more than a mere demand for decent wages. It seems that when new laws are passed affecting farm production, farm workers are usually bypassed. They want dignity and fairness, too.

The farm workers do not argue the policy that, especially in California, result in small farms disappearing. Large farms gobgle them, and get bigger and richer thanks to the free government money. Farm workers do not argue about the additional millions of dollars it costs for administration of the program.

But farm workers do argue that they do not have the same rights for unionism and government protection that other Americans do. They argue against the labor contractors who hold them subservient to theirs and the growers conditions of contracts and servitude. They argue against the government farm labor offices that are established for the benefit of the growers. They argue against the attacks made regularly by conservative politicians against their rights to legal services, principally against attacks on the Rural Legal Assistance.

VIVA LA CAUSA

The figures contained in this article are from official records. The comments on conditions are my own, from actual experience. Many of the ranch conditions have not changed since I worked for many years, starting as a boy of eight picking and cutting fruit and missing many days of school. We were always at the mercy of standing and improvised rules imposed upon us by grower and/or labor contractor. Often at the end of a day's work the handkerchief from my nose would show evidence of dust and pesticides. Often before going to work in the cool mornings I could literally jump into my pants, they were so stiff from the previous day's prunepicking juices. Modesty would tell us to hide behind a tree for a toilet, always careful at the next picking not to trespass over the same area. Insect bites were occupational hazards. The pay was as lousy as the creatures and, in addition, there were deductions for this and that. And beware of strike talk—there were the town vigilantes. All this only within a few miles of the Bay Area.

GERMAN SOCIALISTS WANT U.S. TROOPS OUT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RARICK. Mr. Speaker, Willy Brandt's Social Democrats have deliberated demanding withdrawal of U.S. forces from Cambodia and Vietnam—but not Germany.

Many will remember that Willy, alias Herbert Karl Frahme, campaigned as an anti-American candidate against incumbent Chancellor Keissenger and was shoehorned into power through a minority coalition.

Since Herr Brandt's direction is more pro-East than pro-West, the hostile attitude of his political party toward the safety and welfare of U.S. fightingmen should remind us that some 70,000 U.S. troops serve as "hostages" in West Germany to assure Brandt's political establishment bargaining power in his dealings with Moscow and the Red dictatorship of East Germany.

The Social Democratic demands for withdrawal of our troops should also remind us that VE Day was 25 years ago and that many of the justifications for an occupation force no longer exist. American parents are tired of having their sons drafted to serve as quasi-mercenaries and then be exploited by an ungrateful anti-United States political party.

Brandt, Wehner, and the Social Democrats would not suffer economic loss by removal of our military men. A new occupation force and economic aid exists with the international bankers, Rand, the Fords, and the new international intellectual community garrisoned at Wissenschafiszentrum Berlin.

In the interests of economy as well as bolstering the possibility of an all-volunteer army, U.S. troops should be withdrawn from West Germany.

We should thank Herr Brandt and his little group of anti-United States Socialists for reminding us.

Mr. Speaker, I include several related news items as follow:

[From the Washington (D.C.) Post, May 12, 1970]

BRANDT PARTY CONDEMNS U.S. RAIDS IN CAMBODIA

(By John M. Goshko)

SAARBRUECKEN, WEST GERMANY, May 11.—The national convention of Chancellor Brandt's Social Democratic Party erupted today in an angry debate over Cambodia that resulted in adoption of a resolution "condemning" the escalation of the Vietnam war into "the Indonesia war."

The resolution, which called for support of Britain's appeal to convoke an Indochina conference, came as a relatively mild climax to the acrimonious debate that preceded it.

Several left-wing Social Democrats had pressed for adoption of resolutions embodying far harsher criticism of the U.S. intervention in Cambodia.

These resolutions referred to "creeping fascism" in the United States, demanded an immediate withdrawal of all U.S. forces from Cambodia and Vietnam, called for the Social Democratic faction in the West German parliament to initiate a debate on Indochina and sought an end to offset payments by the West German government that help cover the costs of U.S. troops stationed in Germany.

These demands were rejected in favor of the more moderately worded resolution offered by the Brandt-controlled party leadership.

Adoption of the motion by a show of hands was made by a sizable majority of the delegates.

The resolution condemned the war and expressed deep regret over the decisions of President Nixon to send troops into Cambodia and to resume the bombing of North Vietnam. It then went on to "appeal to the direct and indirect parties to heed the British government in its call for a new convening of the general conference on Indochina."

Brandt had to intervene personally in the debate with a plea for a more reasonable tone.

The chancellor said that he was deeply concerned by events in Indochina and that his government had made this clear.

However, he objected to the term "creepig fascism" in the resolutions and said the delegates should avoid one-sided judgments as beyond the scope of the convention.

He voiced support for the British proposal and said the war in Indochina should not become grounds for dissension within the Social Democratic Party.

The debate over Indochina came as the Social Democrats assembled in annual convention with one of their members in the chancellor's office for the first time in more than 40 years.

Today's opening session started at a leisurely, almost bored pace.

Party leaders who spoke at the opening ceremonies received only perfunctory applause. Even the entrance of Brandt into the huge Saar International Fair Hall hardly caused a stir.

Only tonight, when the delegates turned to foreign policy resolutions, did the atmosphere become charged with emotion. It was on the Indochina situation that restive members of the party leftwing chose to train their fire.

Speaker after speaker rose to denounce the 'imperialistic" policies of the U.S. government, to deliver personal attacks on President Nixon and to claim that he had neither the support of the American people nor the U.S. Congress in his Indochina action.

[From the Washington Post, May 11, 1970]

BERLIN "THINK TANK" STIRS OPPOSITION

(By John M. Goshko)

BERLIN.—A plan to establish a social sciences research center in West Berlin has confronted this city's already turbulent and divided intellectual community with a bitter new controversy.

At issue is the Wissenschaftszentrum Berlin (Berlin Science Center), an organization founded last year that exists only on paper. However, its backers are working to build an ambitious American-style "think tank" that would attract social scientists from all over the world.

The idea, they say, is to inject new blood into the intellectual life of this Western en-

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clave 110 miles inside Communist East Germany. Their hope is to reinforce West Berlin's fading reputation as the intellectual center of Germany and help the city maintain a viable independent life.

The trouble is that most intellectuals in Berlin do not share this enthusiasm. The project has drawn fire from the administrations of the city's two universities, large segments of their faculties and almost all of their students.

CAPITALIST VEHICLE

The center has been variously denounced as a vehicle of capitalism-imperialism, an illegal diversion of public funds to private use and an attempt to usurp university functions.

Its supporters denounce these charges as malicious, false or misinformed and argue that the present system in Berlin does not allow independent research free from control by government or academic pressure groups.

Recently this issue has become an obsession within West Berlin's academic community. It has been the subject of television debates, of mass "teach-in" student rallies and of almost every discussion at the Free University of Berlin and the Berlin Technical University.

The center was the brainchild of Gerd Brand, a 49-year-old ex-diplomat and former director of the West German government's foundation for developing countries. Brand, an admirer of the multi-disciplinary kind of research pioneered by such U.S. organizations as the RAND corporation, thinks there is a need for similar organizations in Europe.

Accordingly, with the backing of a board of political and business leaders, he won what he claims are hard promises of financial support from the West German federal government and the Berlin city government.

AMERICAN DIRECTOR

Brand is now pressing to get the center's first two institutes functioning—one for management and public administration and one for the study of war and peace.

James E. Howell, associate dean of the graduate business school at Stanford University, was recently named to become director of the management institute this summer.

Many students and younger faculty, however, view the center with hostility because it would be beyond their control and unresponsive to their ideas at just the time Germany's archaic universities are becoming a trifle more open.

Brand argues that the center is needed to keep research free from the mob rule of unqualified students, especially Berlin's far-left student groups.

The far left paraded its views at a recent "teach in" at the Technical University. For five hours, a procession of speakers read long papers contending that the science center was the creation of the capitalist establishment, that its research would propagate the system and that it would be the handmaiden of the U.S. military-industrial complex and the CIA.

FORD PLOT

One of the papers noted that Howell is from the Stanford Business School, whose dean is Arjay Miller, former president of the Ford Motor Co. Ford, the argument went, will therefore try to extend its sway over the Berlin economy.

While such arguments draw snickers in respectable academic circles, more serious is the question of whether an essentially private and independent organization should be supported by public funds.

For this reason, a number of respected academicians who approve the basic principle of a research center oppose this project.

EMPIRE BUILDING

Some note that both universities already have eminent social scientists, that these professors usually have insufficient funds for their research and that they should have first call on any government research funds.

Supporters of the center dismiss this argument as an attempted justification for empire building on the part of the universities and say the center would complement the universities and share revenues, facilities and personnel.

There are those who agree with the concept of an independent research center but caution that true independence means going someplace other than to the public treasury for financing.

Brand replies that Germany has a long tradition of government financing, and adds that the center has sufficient backing both in the Bonn and Berlin governments to deliver the funds. The center's opponents are just as optimistic that Brand will lose.

Either way, the project to revitalize West Berlin intellectually seems only to have contributed to its division. Notes Brand sadly, "The thing I really fear is that this controversy will frighten away the top-quality people that we wanted. If that happens, the idea will have failed."

[From the Bonn (Germany) Bulletin, Apr. 14, 1970]

BRANDT-NIXON TALKS: DÉTENTE AND PEACE CITED AS COMMON GOALS

Chancellor Willy Brandt has returned from his week-long visit to the United States firmly convinced that his talks with President Richard M. Nixon have helped to re-affirm and strengthen German-American partnership.

At a time when the Bonn Government is seeking to pursue a policy of rapprochement with the countries of Eastern Europe, Brandt said on his return that "our most important common aim is international détente and the strengthening of peace."

MUTUAL RESPECT OF AIMS

In talks with President Nixon both Germany's East European policy and America's efforts to open negotiations with the Soviet Union on limiting strategic armament were discussed at length. Brandt re-affirmed that the Atlantic alliance would continue to be the basis of all approaches to Eastern Europe. The U.S. President shared Brandt's view that, for this reason, nothing should be done that would undermine the alliance.

Brandt arrived back in Bonn with an assurance from President Nixon that the United States would not negotiate with the Soviet Union on any subject at West Germany's expense. For his part, Chancellor Brandt has given Washington the assurance that Bonn would not come to any agreements with the Soviet Union, Poland or East Germany that would weaken the Atlantic alliance.

Apart from relations with Eastern Europe, a second important topic has been the United States' relations with the European Economic Community (EEC or Common Market). Brandt has stressed that commerce across the Atlantic should be as liberal as possible to ensure that economy and industry on both continents develops optimally. The Federal Government was, therefore, not in favour of new trade barriers. On the contrary, it would wish existing ones to be dismantled.

A comment in the Bonn *General-Anzeiger* said Brandt had brought back two positive results from Washington:

He had helped to reduce U.S. skepticism on efforts being made to unify Europe.

He had succeeded in winning vital support from the leading Western power for Bonn's policy of détente in Eastern Europe.

COUNTERING EEC DISADVANTAGES

In Washington, Brandt assured President Nixon that he would seek to use his influence to keep the disadvantages the United States might suffer from European political and economic unification to a minimum. It was also agreed that co-operation between the United States and an expanding EEC should be as close as possible.

Nixon is reported to have noted with approval the connection formed by Bonn between current negotiations with Moscow, Warsaw and East Berlin, although these should be seen separately from the United States' own efforts to seek a settlement with the East Bloc.

FOUR-POWER TALKS ON BERLIN

With regard to the current negotiations between the Western powers and the Soviet Union on improving the status of West Berlin, Washington and Bonn see signs that the Soviet Union is showing a certain interest in relaxing the situation in Berlin, although no solutions are in sight. Detailed German proposals are to be put to a four-power working committee.

Aid to the developing countries was also discussed by Nixon and Brandt. The Chancellor gave an assurance that West Germany would increase foreign-aid funds, especially to the International Development Agency (IDA), as part of intensified multilateral co-operation among the industrialized nations.

WATCHED APOLLO LAUNCH

Brandt's visit to the United States (from April 4–11) began at the Andrew's Air Force Base, where he learned of the assassination of Count von Spreti, the German Ambassador to Guatemala. He inspected West German training units at El Paso. On April 11, he witnessed the Apollo 13 launch at Cape Kennedy.

On April 10, between talks with President Nixon, the Chancellor addressed the National Press Club in Washington.

PRIORITY NO. 1

He said that German-American friendship had remained firm over the past 20 years. The Bonn Government would play its part in safeguarding this partnership, in policy towards the East Bloc, in questions of joint defense in trade policy and in technology, in particular. He warned, however, that the way to a peaceful settlement between the blocs would be long.

Brandt described close relations with the United States as priority No. 1 in Bonn's foreign policy and said that the continued presence of American troops in the Federal Republic was vital.

THE LATE HONORABLE WILLIAM ST. ONGE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 12, 1970

Mr. ROONEY of New York. Mr. Speaker, I was shocked to learn of the death of the Honorable WILLIAM ST. ONGE and I share with my colleagues their grief at his passing. BILL ST. ONGE was a gentleman, a dedicated and hard working legislator and a very fine human. His career of public service was a long and rewarding one—decorated soldier, judge, prosecutor, State legislator, and mayor and for the past seven and a half years the able and diligent representative of the people of the Second Congressional District of Connecticut. We shall all miss BILL. His lovely wife and children have my deepest sympathy and prayers in their time of loss.

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CAMBODIA

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ROYBAL. Mr. Speaker, I was deeply concerned and strongly opposed to the President's recent unilateral decision to send American ground combat troops into neutralist Cambodia, thereby expanding the tragic Vietnamese conflict into what now appears to be fast becoming a full-fledged regional war engulfing the entire Indochinese peninsula.

As one of the earliest opponents of U.S. military involvement in Vietnam, and before the President made his Cambodia announcement, I joined with some 60 of my fellow Members of Congress in introducing a sense of the House resolution—House Resolution 964—urgently requesting that the administration refrain from any military action in Cambodia.

Since that time, I have taken several steps in an effort to clarify my position on this most disturbing development in international affairs.

On hearing the Chief Executive's announcement, I sent a telegram to the President protesting American intervention and escalation of the war to this new level of intensity. The wire read in part:

> Such involvement runs counter to your expressed purpose of reducing our commitments in Southeast Asia. After five years of futility in Vietnam, what policy lures us to intervene in Cambodia? This decision will result in increased suffering and loss of life, and will also increase the tensions and divisions within our own country. . . . It is clear that the end-solution in Southeast Asia can only be one that is worked out by the Asians themselves, not an American settlement.

In addition, I introduced a second resolution, House Resolution 986, to cut off funds in the fiscal year 1971 budget from being used to finance the operation of any U.S. combat or support troops in Cambodia or Laos, and to limit fiscal year 1971 Defense expenditures in South Vietnam to only that amount required to carry out the safe and orderly withdrawal of all American combat and support troops from South Vietnam by the end of the fiscal year—June 30, 1971.

Finally, as a further expression of my continuing opposition to the President's expansionist course of action in Indochina, I voted against H.R. 17123, the $20.2 billion military procurement authorization for fiscal year 1971.

Mr. Speaker, these recent actions I have taken are entirely consistent with my long-held conviction that America should move to disengage from direct military involvement on the Asia mainland, while making an effort to restrict our participation in Asian affairs to providing, in conjunction with an interested world community of nations, indirect assistance to affected countries in order to enable them to conduct their own affairs free from outside interference or domination.

Among the earlier actions I have taken along these lines are: the introduction of House Concurrent Resolution 187 on March 26, 1969, to express the sense of Congress that the United States should reduce its military involvement in Vietnam; joint sponsorship a year before that, on March 28, 1968, of House Concurrent Resolution 747, to repeal the Tonkin Gulf resolution of 1964; an urgent letter to the President on October 12, 1967, asking for a halt to the bombing of North Vietnam; followed by a sense of Congress resolution on October 25, 1967—House Concurrent Resolution 556—requesting the United Nations Security Council or General Assembly to support an immediate cessation of hostilities by all parties in Vietnam, and asking for the convening of an international conference to reach a permanent settlement to assure lasting peace in Southeast Asia.

On December 20, 1966, I wrote the President urging an extended cease-fire in Vietnam in an effort to create an atmosphere in which peace talks could begin and the war could be terminated on an honorable basis. Earlier that year, on January 19, I had issued a strong protest against the resumption of bombing of North Vietnam following a month-long bombing pause, which had been part of a worldwide diplomatic peace offensive.

And on June 3, 1965, shortly after the first major escalation of the U.S. military effort in Vietnam, I joined with 28 Members of the House in a letter to the chairman of the Foreign Affairs Committee to request that he initiate open, public hearings on the entire question of American involvement in Southeast Asia, with specific emphasis on the constitutional role of Congress in matters of war and peace, and in the development and implementation of U.S. foreign policy.

Mr. Speaker, I have listed this series of actions I have taken over a 5-year period because I think it is important to know that Congress has been working actively since the very beginning of this tragic conflict to prevent the expansion of the war, and to try to find means to bring the conflict to an end through a negotiated settlement that would allow the people of South Vietnam to determine the affairs of their nation in their own way.

At this time, I believe it is more important than ever for the Congress to reassert its constitutional prerogatives in the vital areas of military and diplomatic policy.

We can no longer afford to sit by and allow the Executive to make major foreign policy decisons, and carry out significant new military initiatives, with far-reaching implications for every citizen, without so much as consulting, or even informing Congress.

It is vital that the legislative branch of our Federal Government assume its rightful role as an active participant in the formulation and execution of all government policies and programs, in the foreign as well as domestic area.

In addition, I believe it is important for all Americans, including the President, to realize, once and for all, that the United States cannot be a policeman to the world.

If there ever was a time when this was possible, or even desirable, that time has long since passed.

For instance, the problem of achieving political stability in the former French colonial states of Indochina is basically a local and regional problem.

Outside countries may be able to provide economic or military assistance to help these states help themselves.

Neighboring nations in the Pacific-Southeast Asia region should be willing to shoulder much of the responsibility for regional defense.

And the world community, acting through the United Nations, a new Geneva conference, or some other international mechanism, should be in a position to help guarantee the freedom and independence of Laos, Cambodia, and Vietnam.

In all of these local, regional, and worldwide efforts, the United States has been, and continues to be, ready and willing to assist.

But, without the primary efforts of the people of Southeast Asia themselves, and the support of like-minded neighboring nations, we cannot be expected to—and cannot—bear the major burden of maintaining peace and security in an area halfway around the globe from us.

This is not a form of neoisolationism, nor a return to the discredited doctrine of fortress America.

Rather, it is a realistic view of the world as it is—a sober evaluation of the absolute necessity for close international cooperation in today's nuclear space era.

No nation can operate alone. No nation can single-handedly reorder the universe to its own liking. But, together, the nations of a region can, and must, unite to achieve the basis of an enduring and workable peace in their part of the world.

In this way, we can join in working with the people of a Southeast Asia no longer ravaged by the terrible scourge of war, to turn the tremendous resources and energies of this entire area away from conflict, and toward the creative task of building a more secure foundation for a better way of life in the future.

SHAKOPEE FIRM SPARKS COMMUNITY CLEANUP

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. NELSEN. Mr. Speaker, the Interstate and Foreign Commerce Committee on which I serve has been studying ways to improve our solid waste disposal program this month, and we hope to bring this important legislation before the full House of Representatives as soon as possible.

Our studies and hearings have revealed that the Nation has a real problem on its hands in finding ways to cycle and recycle solid waste materials that clutter

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the landscape, adding to environmental decay.

So I have been particularly pleased to learn of a progressive company in my district which is moving independently to provide community leadership in cleaning up the cluttered outdoors. The Midland Glass Co., of Shakopee, Minn., on this Saturday will hold its second communitywide drive to collect used bottles from along roads, parks, and other public terrain. The company is paying for all bottles collected and will recycle the glass in its Shakopee plant.

I wish to express my thanks and appreciation to the management and employees of the Midland Glass Co. for their active concern and leadership in this enterprise. They are setting a fine example, and it is a pleasure to bring their endeavor to public attention as a means of encouraging similar activities elsewhere in the Nation.

As a further explanation of the Midland Glass Co.'s effort toward pollution control, I insert in the Record at this point a descriptive news release obtained from the Shakopee plant manager, Mr. H. D. Spurling:

Shakopee, Minn.—Midland Glass Company will hold a second "Recycling Program Day" at its Shakopee plant on Saturday, May 16, 1970, from 9:00 a.m. to 4 p.m.

Midland will again offer ½ cent for each small glass bottle (16 oz. or under) and 1 cent for the larger bottles brought to the collection center located in the parking lot of their plant on Highway 101, 2 miles east of Shakopee. These bottles should be either amber or flint (clear glass) and free of the aluminum ring found on the Alcoa type caps (twist-off).

Midland's purpose in this program is twofold. One is designed to attack that segment of solid waste disposal which relates to the highway and the community outdoors—litter. Midland is thus offering this nominal fee to encourage groups and organizations to hold clean up days and bring the glass to their plant, so the second phase of their program can be instituted.

The company realizes that glass is ideally suited for recycling; and the means of accomplishing this efficiently must be worked out. The glass will be recycled by reducing beer and soft drink bottles to crushed glass and remelted in the glass furnace. (This is why the glass must be free of foreign material.)

Midland feels that recycling their product offers one practical method to control and balance the influence of glass in waste, while also conserving a natural resource.

Midland's first recycling day generated very little results; however, since then numerous organizations have pledged their support, and the company appreciates this encouragement. Midland believes, though, that for this type program to be a success, in the glass industry, or any other, that it has got to be a "grass roots" endeavor. Everyone has got to be concerned and act to do their part in resolving this catastrophic problem of solid wastes.

CHAIRMAN EMANUEL CELLER CELEBRATES BIRTHDAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 6, 1970

Mr. RODINO. Mr. Speaker, the distinguished chairman of the House Committee on the Judiciary, the Honorable Emanuel Celler, recently celebrated his 82d birthday.

Especially as one who has worked closely with him, I have been an admirer of his intellectual integrity, his strength of character, and his devotion to the pursuit of justice.

Mr. Celler is a man who cares deeply for his fellow man. He transcends the boundaries of city and Nation. He is truly a man of all seasons and of all generations.

Mr. Speaker, Mr. Celler's dedicated service and commitment to the rights of man continue to touch all who know him.

I extend my very warmest congratulations to him upon reaching this milestone and for the continued enjoyment of life's blessings and many more years of service to the people.

MANIPULATING THE STUDENTS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ASHBROOK. Mr. Speaker, it would be amusing, if it were not so serious, to read references in the press to the serene, pastoral atmosphere at Kent State prior to the recent tragedy on that campus. Actually, during the 1968–69 academic year, Kent State had been the scene of four disturbances, two of which were violent, instigated by the Students for a Democratic Society—SDS. The Kent State disruptions had been the subject of investigation by the House Internal Security Committee, and a résumé of its hearing appears in the Congressional Record of May 4, 1970, on page 14038. Testimony by school officials divulged that no more than 15 to 25 "hard core" members of SDS out of an enrollment of 21,000 were responsible for the disruptions. This small number was supplied with films, pamphlets, newsletters, and directives by the Ohio regional SDS office in Cleveland, some 30 miles away. Here was an eloquent example, repeated too frequently in recent years, of the manner in which a small, calculating, militant group can cause disorder among a peaceful, unsuspecting student body many times its size. The chief victims, of course, were the students who lost collectively many school hours for which they had contracted.

Without prejudging the cause or possible instigation of the demonstrations which resulted in the deaths of the four Kent State students, it is safe to say that, although small in comparison to the four lives lost, the educational progress of thousands of students has been set back. No classes are at present being conducted at Kent State; students have returned to their homes, some in other States; and classes will not be resumed until the summer sessions in June. As in the case of the first disruptions at Kent State, a minority of students and possibly outsiders were responsible for the disorders that began on the Friday before the Monday tragedy.

On Monday, May 11, the Washington Star carried an article by Donald Smith which further emphasizes how unsuspecting students are deceived by clever manipulators whose purpose is to cause trouble and alienation between young people and those in authority.

The scene was near the George Washington University here in Washington and the time was late at night. When militants threw fire bombs, rocks, and chunks of concrete and cinderblock at the police, the police responded with tear gas which enveloped students nearby. While the militants disappeared into the night, the students tried to disperse. The article states:

> Screaming in fear, anger and disbelief at what to them seemed an unprovoked attack, the students fled.

Later the militants remarked that:

> The next time, a lot of those people who got gassed will join us at the barricade. . . . We'll be back.

Here again, a small minority of radicals had seized an opportunity to pit unsuspecting students against authority, hoping to alienate an increasing number of young people and prepare them for future disorder.

It is important for the mass of sincere students in this Nation to realize that there are cool, scheming, vicious elements abroad in our land who will use and manipulate them to further their own violent ends. Without the aid of unknowing or deluded young people, the militants cannot succeed. Such groups or individuals must be quarantined within the school community, singled out and effectively removed from educational institutions. But the first step lies with the students: They must ask themselves just who are behind a particular demonstration, are they using the student body for their own devious purposes, and how far will their education be set back if the demonstrators succeed or get out of hand.

I insert in the Record at this point the article, "A Midnight Encounter with Three Revolutionaries," by Donald Smith, which appeared in the May 11 issue of the Washington Star:

A Midnight Encounter With Three Revolutionaries

(By Donald Smith)

It was after midnight. The three appeared suddenly out of the shadows. A short time before they had been hurling molotov cocktails over a flaming barricade they had erected on H Street NW near the George Washington University campus.

Their target was a force of policemen gathering about a block away at 21st Street.

Now it was quieter. "This is the beginning of a revolution here," the one in the buckskin jacket said. "I'm ready to lay down my life if I can take a couple of them with me."

It was Sunday morning, after the miniature battle of GWU had been decided. Small bands of youths, many of them students driven from their dormitories and rooming houses by tear gas, were seeking refuge in back alleys and hotel lobbies, trying to avoid the helmented squads of policemen that were grimly mopping up the streets of the urban campus.

These three, flushed and breathless, were searching a deserted gas station on Virginia Avenue for a soft drink vending machine that worked.

Less than an hour before, they had been part of a group, eight or ten strong, that had overturned a panel truck in the middle of H Street and set it afire. Then they had carried wooden benches to the street and arranged them in a chain and ignited them with their cocktails, which made splashing, liquid noises as they hit the pavement and broke and erupted in wide swaths of flames.

It was as if their only purpose had been to attract the riot-equipped policemen, who soon began to assemble at the corner.

About two blocks down H Street behind the barricade, unaware of exactly what was taking place on the darkened street except for the fact that there were flames, was a mass of three or four hundred GW students. Some were milling about in the street, having just come from a concert at Lisner Auditorium featuring Bo Diddley and Chuck Berry.

A tightly packed group of about a hundred was standing on the first-floor balcony of the Student Union building with Allen Ginsberg, the poet. He was leading them in chanting the syllable "Om," the hummed monotone that Hindus say is the sound the universe makes as it goes about its eternal work, at peace with itself.

Silently, the revolutionaries hurled their remaining three fire bombs at the police line, barely visible in the dark distance. Then they began picking up rocks and chunks of concrete and cinderblock from the debris-littered street and heaved them over the still-burning barricade and truck.

There was some commotion in the police line. White helmets ducked and scattered.

"Om," the sound continued from the opposite direction. "Ommmmm."

The police charged, sweeping around the truck and past the barricade, hurling tear gas grenades and firing them high into the air, over the heads of the mass of students, with blunt, shotgun like grenade launchers.

Screaming in fear, anger and disbelief at what to them seemed an unprovoked attack, the students fled. Some stumbled and fell to the street amid exploding gas canisters. The air was thick with steel missiles, arcing overhead, sputtering and exploding.

Ginsberg and many who had been with him escaped inside the student union building, carrying the thick, stinging tear gas inside with them. A few, blinded, were led to water fountains where others helped them flush their eyes.

Later, down on Virginia Avenue, the young revolutionary in the buckskin jacket pushed coins into the gas station vending machine and said, "this is the beginning. The next time, a lot of those people who got gassed will join us at the barricade.

"We'd much prefer not to have violence, but we don't have any choice. We tried being nonviolent for five years, and where did it get us? We're right back where we started, only this time it's Cambodia instead of Vietnam. Nothing's changed at all."

The speaker was taller than the other two. He appeared to be in his early 20s. The other two were in their late teens. One was wearing a T-shirt bearing the word "Strike" in red letters. The other, who appeared to be of Latin American birth, was wearing a blue windbreaker. All said they were college students from New York.

The vending machines failed to produce any soft drinks. The three youths headed back toward campus, keeping an eye out for police and talking as they walked.

"This is just like the whisky rebellion," said the buckskin jacket. "The people rebelled because the government was abusing them. Troops came in and killed a lot of people and won. But this time, I think there are more people than troops."

As he spoke, the T-shirt picked up a fist-sized rock and hurled it through the window of an office building. It was a casual gesture, as one would light a cigarette.

Noticing the blue and silver sign in front of the building, the blue windbreaker said: "Hey! That's the State Detpartment!"

"Man!" said the T-shirt. He picked up two more rocks and shattered two more windows. Down the street someone who had heard the sound of the breaking glass shouted: "For Gods' sake, stop it. That's no way, brother."

The three ignored him and continued walking.

"We want to replace the people in government and to reform it," said the buckskin jacket. "That's what we mean by revolution."

"We're not part of a group," the T-shirt claimed in reply to a question. He quoted a line from a Bob Dylan song, "Subterranean Homesick Blues," the same song that contains the line that gave the Weathermen their title:

"You don't need a weatherman to tell which way the wind is blowing."

"'Don't follow the leaders. Watch your parking meters,'" the T-shirt quoted. "That means you should take individual action and not stay in one place too long."

They left the street abruptly and headed toward a building near 21st and F Streets N.W. before they disappeared inside, the buckskin jacket said:

"We're withdrawing."

"Watch your parking meters," the T-shirt repeated. The buckskin jacket smiled.

"We'll be back."

TEXAN ATTENDS U.N. COMMISSION ON STATUS OF WOMEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. PICKLE. Mr. Speaker, at the recent meeting of the United Nations Commission on the Status of Women in Geneva, Mrs. Evangeline Swift, a Texan who is an attorney with the Equal Employment Opportunities Commission, was a public member of the U.S. delegation, assisting Elizabeth Koontz, Director of the Women's Bureau of the Department of Labor.

Her remarks before the Commission are noteworthy and point out another facet of women's roles in the United States—a role that is uniquely American in its makeup and one which might be given further consideration within the context of the recent push for women's rights—volunteer service.

Mrs. Swift pointed out that—

> Voluntary service, or work done without compensation by women, can be an effective means to enhance the status of women and to include them more fully in their nation's life. It provides necessary experience that has not always been available to women through executive management training, as they participate and hold office in these organizations.
>
> These organizations can serve as an agency to bring together those segments of society with varying viewpoints in order to communicate their needs to individuals who can assist them in taking the necessary actions. Among the rewards of voluntary service cited by Mrs. Swift, would be the service experience itself accruing to the individual and used in lieu of employment experience should the woman decide to join the labor force.

Though many other countries have volunteer organizations, they are usually tied to charitable causes and many countries have "compulsory" volunteerism.

I think the United States can well be proud of the outstanding work that women in this country perform outside the paid labor force and the contributions they are making to their communities. Certainly voluntary services should be encouraged by the Government and the public.

But even as the Commission found that the United States is far ahead of other countries in utilizing this important aspect of women's abilities to create a better society, it pointed out that the United States is far behind many other countries in developing the proper atmosphere for the participation of women in traditionally male-dominated fields such as the legal and medical professions.

At this point, I would like to insert the following in the RECORD:

[From the Dallas (Tex.) Morning News, May 2, 1970]

AMERICAN APPROACH UNIQUE: TEXAN ATTENDS U.N. COMMISSION ON STATUS OF WOMEN

(By Merikaye Presley)

WASHINGTON.—Volunteerism is uniquely American, Texas Van Swift learned when she attended the United Nations Commission on the Status of Women meeting in Geneva last month.

Back in Washington and at her job as attorney in the Equal Employment Opportunity Commission, Mrs. Swift discussed her role as a public member representing the United States at the world meeting.

She assisted the U.S. representative, Elizabeth Koontz, who is director of the Women's Bureau of the Department of Labor.

Mrs. Swift gave a speech at the meeting on the benefits of voluntary service by women and found that the representatives of other nations had a hard time understanding the American approach to volunteerism.

"We're the only nation in the world that has at its background this concept of voluntary service," she said.

Few countries have volunteer programs for women, she said, and those that do usually tie volunteer efforts with charitable causes. Other countries require women to perform "voluntary" service for a certain period of time.

This kind of service did not fit Mrs. Swift's definition of volunteerism. She noted that the representatives from Spain said they had so-called voluntary service, but said a woman couldn't get a passport or driver's license without performing this service.

She said most of the delegates from other countries wholeheartedly supported voluntary service, but they thought it should be compulsory. "To me, these two words are completely different," she said.

She pointed out, "in our country (volunteerism) is so much a part of the system, it built the whole west." She cited such things as barn raisings and quilting bees as examples.

The participation of men in voluntary service is also uniquely American, she learned from the discussion.

During her remark before the conference, Mrs. Swift said, "even though voluntary activity is not part of a given culture, it should be encouraged. Voluntary service or work done without compensation by women can be an effective means to enhance the status of women and to include them more fully in their nation's life."

She continued, "women often times have the intuitiveness and concern necessary to identify and help solve a nation's existing problems. This 'untapped resource' can through voluntary organizations, draw attention to common issues and assure the awareness by the general public of their concerns."

She said one benefit of voluntary service is that it can bring women from all segments of society together. By working together and exchanging their varying viewpoints, they can learn from each other, she said.

She also noted that voluntary service by women in America 50 years ago resulted in women's suffrage.

Mrs. Swift was astonished to learn that not all countries have women's suffrage. Even in such a developed nation as Switzerland, women cannot vote in all elections.

She learned that the United States is far above most countries in legislation benefiting women, such as the equal pay act of 1963.

On the other hand, the U.S. is behind many other countries, even developing nations, in the participation of women in certain traditionally male-dominated fields. In several smaller and younger countries, from 25 to 50 per cent of the doctors and lawyers are women.

As special assistant to Dr. Luther Holcomb, vice-chairman of the Equal Employment Opportunities Commission, Mrs. Swift is closely involved with the Civil Rights Act of 1964, especially sex discrimination. Her experience in this area made her a knowledgeable member of the U.S. delegation to the 32-nation meet.

And she counts her participation in the meeting as valuable experience. "It gives one a completely different perspective to look at your country through someone else's eyes," she said.

She also admitted her first venture into international relations taught her a thing or two about the beliefs and philosophies of the other peoples of the world.

REMARKS BY MRS. EVANGELINE SWIFT, PUBLIC MEMBER OF THE U.S. DELEGATION TO THE STATUS OF WOMEN

Madame Chairman, during the opening session, the delegate from the United States stated that "This Commission is looked to for leadership if it will accept the charge." If we are to accept this challenge, the Commission can indeed lead the way by providing its great expertise and able assistance so necessary in making a major impact in this very essential area of the status of women.

One way to do this is to examine thoroughly the issue on today's agenda, Women's Service as a means of enabling Women to work gratuitously for the benefit of the Community. Even though voluntary activity is not part of a given culture, it should be encouraged. Voluntary service or work done without compensation by women can be an effective means to enhance the status of women and to include them more fully in their nation's life. It provides necessary experience that has not always been available to women through executive management training as they participate and hold office in these organizations. Women often times have the intuitiveness and concern necessary to identify and help solve a nation's existing problems. This "untapped resource" can through voluntary organizations, draw attention to common issues and assure the awareness by the general public of their concerns. In order to accomplish this, governments should provide major encouragement to these organizations to provide services that otherwise would not be available and to support on a voluntary basis existing government programs.

They can work in many ways. Voluntary organizations can serve as an agency to bring together those segments of society with varying viewpoints; in helping people help themselves and to understand their own needs; and in communicating those needs to individuals who can assist them in making the necessary actions.

I have worked with volunteers helping with pre-school children that needed assistance in order to more fully participate in educational activities. The benefits flowing to the children were many but the results that occurred with the volunteers from the local communities were very exciting to me. One could see a beginning sense of pride and achievement in learning how to articulate what their problems were in their community affecting their children and how to communicate effectively about those problems.

All women from all segments of society can participate in these organizations. The most illiterate can articulate her desires for family and self; is able to contribute her talent toward the total effort.

Whether this service is provided through personal services by religious organizations or professional groups, by activities relating to education or health or in the political process, the key is the *service* which is beneficial to each society and its goals.

I also noted with interest that the distinguished delegate of the U.A.R. said that among Egyptian women, volunteers' service was a way in which they entered into the political process.

Voluntary organizations in the U.S. are encouraged among men and women because we believe that men should be urged to take an equal interest and rule with women in voluntary service.

In the United States, the voluntary service of a small group of women set off the large-scale effort of women to obtain the right to vote. And 1970 marks the 50th Anniversary of woman's suffrage in the U.S. It is also the 50th Anniversary of the Woman's Bureau and the 50th Anniversary of the League of Women Voters whose purpose is to encourage women to participate in political affairs.

The President has shown his acknowledgement of the importance of volunteer organizations by establishing a special voluntary action program as a clearing house for organizations and individuals to gain information on how certain programs were begun, structured and operated, and succeeded.

It has been proven that voluntary organizations of men and women can not only serve as a forum to vocalize issues affecting the whole population, but volunteer organizations for women specifically can also provide the platform for women to speak to issues from all sides, concerning women in our changing world as seen by women themselves. For example, these organizations can be utilized as vehicles to help or educate women to understand the effect of their under-utilization and to change attitudes of men about the role of women in society while at the same time providing leadership and information that help raise standards of living.

The distinguished delegate from Liberia stated yesterday, "Ways must be found to show that women can fill jobs formerly performed by men." Participating in voluntary service can provide the evidence that women can perform many jobs that have been closed to them in the past and therefore serve as a training ground or first step toward full and equal opportunity with men.

The voluntary organization could bring before women role models to discuss how they had achieved a certain goal or how they advanced in their chosen field. Such a forum can bring women together to demonstrate to them what can be done in the area of child care in their communities. Further advantages of such a forum are the personally performed services under group sponsorship such as a) organized welcome activities to newcomers by location of markets, public services, bus schedules and the like; b) providing intergroup neighborhood plans for care of children needed to free women periodically for involvement as she works for other means of providing the service; c) providing tutoring service from woman to woman or women where media does not permit; and d) helping with the problem of being able to volunteer due to lack of adequate transportation.

Voluntary organizations must be directed or assisted in most instances, by professional staff and even volunteers must sometimes have financial assistance for transportation and for food in order to share their talents.

On an individual basis, there can be other rewards to voluntary work such as the service experience itself being used in lieu of employment experience if a woman wished to re-enter the work force after her child rearing years are over or before if circumstances so demand. For example, voluntary service in hospitals can lead to becoming a technician, a nurse or a doctor. Church work can lead to paid employment in industry and a school aid or teacher's aid can lead to a career as a teacher. Child care at school can lead to becoming a director of such a facility and civic efforts can lead to a job in industry or interest in running for and holding public office.

International organizations should be urged to advantageously use their scope in encouraging greater participation by volunteers and by providing training education and tutorial service whenever possible, and by providing technical assistance in the know-how of organizing, if necessary.

I stress that evidence is available in our country that voluntary service, performed by women is a most effective way in which women can prepare for and enter the mainstream of their nation's life and break through barriers to non-traditionally held positions and jobs.

This Commission can be the key in assisting countries that endeavor to help women participate more fully—both collectively and as individuals in their societies.

SLEEPING BEAR DUNES NATIONAL LAKESHORE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. DINGELL. Mr. Speaker, several bills have been introduced to establish the Sleeping Bear Dunes National Lakeshore in Michigan and the Committee on Interior and Insular Affairs has scheduled hearings for early June. I am pleased to be able to report that there is wide support for the establishment of this lakeshore and one of the organizations most actively working for the legislation is the Michigan United Conservation Clubs.

I include the text of a resolution adopted at the April 11, 1970, meeting of the board of directors of Michigan United Conservation Clubs relating to the Lakeshore at this point in the CONGRESSIONAL RECORD:

RESOLUTION RE: SLEEPING BEAR DUNES NATIONAL LAKESHORE LEGISLATION

Whereas, all Michigan Congressmen in the House of Representatives have joined in sponsoring legislation to provide for establishment of the Sleeping Bear Dunes National Lakeshore; and

Whereas, the administration has indicated that money would be available for national recreation areas; and

Whereas, MUCC has consistently supported the Sleeping Bear Dunes proposal:

Therefore be it resolved that MUCC reaffirm its stand and request that Congress approve and provide the necessary funding for establishment of a Sleeping Bear Dunes National Lakeshore in Michigan.

SUPREME COURT RULINGS HELP COMMUNIST REVOLUTIONARIES

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. HUNT. Mr. Speaker, the Supreme Court ruling that our Government cannot restrict travel abroad by our citizens, even when such travel is clearly not in the best interests of our country, strains the rules of commonsense and credibility. The State Department is powerless under the law to restrict the exit and entry of revolutionaries without the enactment of legislation introduced in this session of Congress.

The following article from the May 4 issue of the Camden Courier-Post graphically illustrates the problem, and I commend it to you for your attention. My sincere congratulations to the editor of the Courier-Post.

The article follows:

OUR 687 RETURNING PILGRIMS

The 687 young Americans calling themselves the Venceremos (We shall Overcome) brigade who went to Communist Cuba two months ago ostensibly to help Fidel Castro with his sugar cane harvest have returned.

They have come back through Canada on the same route via bus and ship they took to Cuba. They now have scattered to a number of large cities throughout the United States, including Philadelphia.

The contingent claims to have cut more than 40,000 tons of sugar cane for Castro, who despite his police state dictatorship somehow can't seem to find enough Cuban workers to harvest the crops that somehow have dwindled since he came to power. Reportedly he hoped to have a 10 million ton sugar cane crop this year but won't come close to getting it.

His American volunteers told the world when they left home that their trip was a gesture of solidarity with Castro and the Reds, and at a farewell ceremony in Havana said they were returning home to "start a new struggle" for communism in the United States. It would be naive to believe that they put in all their time in Cuba in the canefields. It can be safely assumed that they put a good share of it in political indoctrination classes, in the manner set forth in a "mini-manual" recently published by the Havana-based Organization for Solidarity of the Peoples of Africa, Asia, and Latin America. The book advertises its aim as the instruction of readers in how to terrorize cities and "take the road of armed rebellion" in non-Communist countries.

One praiseworthy way down this road, as listed in the book, is kidnaping of political personalities or "dangerous enemies" of the revolution, as recently exemplified in Latin America.

City guerrillas are instructed in assaults, raids and penetrations, occupations, ambush, street tactics, strikes and work interruptions, desertions, diversions, seizures, or expropriations of arms, ammunition, and explosives; liberation of prisoners; executions, sabotage, terrorism, armed propaganda, and war of nerves.

Our 687 cane-cutters now are back home to preach and practice this laudable litany of revolutionary accomplishments. They can hope that their stay in Cuba has given them added skill toward their aim of overthrowing the American government, American democracy, and the American system.

For this the 687 can thank one of those decisions of the Supreme Court in recent years which violated the rules of common sense, and ruled that our government cannot restrict travel abroad by our citizens even for such a purpose as this pilgrimage.

LABOR ENDORSES INTERNATIONAL BANKERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. RARICK. Mr. Speaker, the AFL–CIO Executive Council on the National Economy, meeting in Washington yesterday, called for the President of the United States to exercise the emergency powers authorized in the bill S. 2577 in a frantic effort to solve the money crisis.

The action urged upon the President by the AFL–CIO would turn complete credit control over to the dictates of the Federal Reserve Bank.

Mr. Speaker, in my speech on January 20, I called S. 2577 a "Blueprint for Financial Dictatorship"—page 501 of the CONGRESSIONAL RECORD. I said at that time:

> The trap is set. All that remains is for the opinion makers to sell an unsuspecting people on the idea that while tight credit controls may hurt a little, it is for their own good, and that the international bankers who can manipulate such esoteric things as "paper gold" will make it all come out well in the end.
>
> When the trap is sprung, the United States will join Great Britain and France as victims of the new financial colonialism, while the Federal Reserve System gains the same dictatorial powers as the Bank of England and the Bank of France, owned by the same private citizens.

The bill, S. 2577 bore the appealing title of "Lowering Interest Rates, Fighting Inflation, Helping Small Business, and Expanding the Mortgage Market." It was passed into law December 19, 1969, and now in less than 6 months the prophets of doom and hysterical "know-it-all" liberals have taken the bait and sprung the trap.

Additionally, the AFL–CIO "economists" striving desperately for answers as their working members feel the money crisis, have called for "extraordinary overall stabilization measures—all costs and incomes—including all prices, profits, dividends, rents, and executive compensation, as well as employee wages and salaries."

Creeping socialism has now broken into full gallop. Yet many Americans who have heard nothing but the mythical benefits of "controlled economy" will find solace in the AFL–CIO report and quietly accept the mobilization for a complete socialist dictatorship.

Why under the Federal Reserve bankers—a privately dominated and controlled banking institution which profited at the workers expense while precipitating the money crisis? The policies of the monarch are the policies of his creditors.

It was to free our people of the money monopoly that I had introduced H.R. 17140 on April 21. H.R. 17140 now becomes urgent legislation. Perhaps this explains the press blackout.

Mr. Speaker, I include the AFL–CIO statement, related news clippings, and a copy of H.R. 17140 in the RECORD:

STATEMENT OF THE AFL–CIO EXECUTIVE COUNCIL ON THE NATIONAL ECONOMY

The Administration's campaign against inflation has been a complete failure. Prices have gone up, unemployment has grown, and the nation has crossed the threshold of recession.

The time has obviously come for the Administration to abandon its bankrupt economic policies before the already grave damage to American living standards snowballs.

In April, unemployment soared to 4.8% of the labor force or close to 4 million workers—equalling the sharpest month-to-month rise since the 1960 recession. The jobless rate for Negro workers shot up to 8.7%; for teenagers, to 15.7%. In the four months since last December, 1.1 million workers were added to the swelling ranks of the unemployed—victims of the Administration's deliberate policy to slow production and employment.

Millions of additional workers have seen their paychecks shrink as the spreading effects of the squeeze on the economy has brought production cutbacks and reductions in working hours.

But living costs have continued to mount. The Consumer Price Index has risen at a yearly rate of about 6% since December.

The buying power of the weekly after-tax earnings of the average non-supervisory worker in private employment—about 48 million wage and salary earners—is less than last year and below 1965.

With unemployment rising sharply and industry operating at merely 79½% of its productive capacity, there is no classical inflationary condition of widespread shortages of goods and manpower that could justify government measures of severe, general economic restraint.

The Administration's policy—with the highest interest rates in 100 years—has been discriminatory, as well as ineffective, in combatting the rapid rise of prices. It has cut urgently needed residential construction—with housing starts down from a yearly rate of 1.9 million in January 1969 to 1.4 million last March. It has hit the expansion of state and local government facilities and smaller businesses. In addition, skyrocketing interest rates have raised costs and prices all along the line to the consumer—adding to inflationary pressures.

Moreover, this blunderbuss policy has not curbed business profiteering, while it boosts bank profits. Cuts in government appropriations, as those for medical schools which threaten to continue the shortage of medical personnel, will continue the soaring rise of medical costs. And the tight monetary squeeze has not curtailed the credit inflation of the banks, with their lines of credit to the blue-chip corporations and wealthy families for lendable funds.

The banks have been permitted to evade the monetary squeeze. In 1969, for example, the international banks increased their "borrowings" from their foreign branches by $7 billion and even modest government regulations were not imposed until September. Bank holding companies issued $4 billion in promissory notes last year—and are continuing to issue such commercial paper, at present—at a very high interest rates, free of government regulation.

Thus, while credit for needed production, such as housing, has been drying up—or if available at all, at extortionate interest rates—business loans of the large banks are up 5% from a year ago. The nation's major banks have been extending loans for such operations as conglomerate take-overs, gambling casinos, unnecessary inventory accumulation and a continuing boom of business investment in new plants and machines, while more than 20% of industry's existing capacity stands idle.

Even if the money supply should ease somewhat, there is no assurance that such utter misallocation of available credit by the banks and other financial institutions will not continue or that interest rates will not remain at high levels.

The regular operations of the banks and other financial institutions are not meeting America's needs. Moreover, they have been adding a high-interest rate credit-inflation to the business profit-inflation of the 1960s.

The time is long overdue for a sharp change in the nation's economic policies. The pace of rising prices must be slowed, without a growing army of unemployed. The urgent need is not last week's reduction of margin requirements for purchases in the stock markets to stimulate increased speculation.

The government must channel available credit, at low interest rates, to where it is needed and curb the inflationary expansion of credit for purposes that are less important to society.

Last December, Congress passed a bill entitled "Lowering Interest Rates, Fighting Inflation, Helping Small Business and Expanding the Mortgage Market"—which grants broad authority to the President for selective measures to curb the specific causes of credit inflation, while expanding credit for needed facilities and business operations. It provides the government with flexible means to rebalance the nation's credit structure and to finance housing, schools, hospitals and other community facilities at low interest rates.

More than four months have passed and still the President has not exercised this authority.

The need for increased low- and moderate-income home construction, at reasonable interests rates, is not being met, forcing the government to initiate interest-subsidy programs that reward high interest rate policies at taxpayers' expense, in order to prevent the complete collapse of home-building. Small and medium-sized businesses have been hit by a lack of available credit at reasonable interest rates. The inability of local governments to obtain low-interest loans is resulting in postponing construction of needed schools, hospitals and other facilities, while available credit is being drained off for less-urgent investments and dubious objectives.

So prices continue to rise rapidly; layoffs and production cutbacks are spreading; urgent social needs are not being met.

Therefore we recommend the following steps to take America out of recession and end inflation:

1. Confronted by the President's failure to use his authority, we urge the Congress to direct the Federal Reserve system to establish selective credit controls, maximum interest rates on spcific types of loans and the allocation of available credit to where it will do the most good for America.

2. To meet the goal of 26 million new and rehabilitated housing units in ten years, the government should also require that a portion of such tax-exempt funds as pension, college endowment and foundation funds, as well as bank reserves, be invested in government-guaranteed mortgages.

3. To curb the price-raising ability of the dominant corporations, government action is needed to curtail the continuing high rate of business mergers, which has been greatly increasing the concentration of economic power in a narrowing group of corporations and banks.

4. The specific causes of soaring pressures on living costs, such as physicians' fees, hospital charges, housing costs and auto insurance rates, should be examined for the development of practical, sensible measures to dampen these pressures.

If the President, after exercising that authority voted him by Congress, determines he needs additional authority and decides that the situation warrants extraordinary overall stabilization measures, the AFL-CIO will cooperate, so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, as long as there is equality of sacrifice.

[From the Washington Evening Star, May 12, 1970]

AFL-CIO Calls Nixon Policy on Economy Major Failure

The AFL-CIO charged today that President Nixon's efforts to control inflation have been a "complete failure" and that the nation has "crossed the threshhold of recession" under his economic policies.

The labor organization's executive council issued a statement denouncing his handling of the economy almost simultaneously with a visit by the President to AFL-CIO Headquarters here to confer privately with the council.

The council, in adopting a statement on the economy, renewed its appeal to Nixon to support legislation for across-the-board controls on wages, prices and profits.

The President spent 45 minutes with the council at the AFL-CIO headquarters to brief the labor leaders on his decision to send troops into Cambodia. He took with him a map of Asia which he has been using daily to illustrate the Communist threat to American forces in Vietnam.

The council statement asserted: "The administration's campaign against inflation has been a complete failure. Prices have gone up, unemployment has grown, and the nation has crossed the threshhold of inflation."

The union chiefs also charged that the administration's policy has brought the highest interest rates in 100 years and has been "discriminatory as well as ineffective in combating the rapid rise of prices."

On the need of controls, the council commented: "If the President after exercising that authority voted to him by Congress determines he needs additional authority and decides that the situation warrants over-all stabilization methods, the AFL-CIO will cooperate, so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries.

"We are prepared to sacrifice as much as anyone else, as long as anyone else, so long as there is equality of sacrifice."

"Confronted by the President's failure to use his authority," the council said, "We urge the Congress to direct the Federal Reserve System to establish selective credit controls, maximum interest rates on specific types of loans and the allocation of available credit controls, maximum interest rates on specific types of loans and the allocation of available credit to where it will do the most good for America.

"Prices continue to rise rapidly; layoffs and production cutbacks are spreading; social needs are not being met," the council concluded.

[From the Washington Post, May 12, 1970]

Move Toward Easy Money Lacked Unanimity at OMC

Minutes of the February Open Market Committee meeting, the first chaired by Federal Reserve boss Arthur F. Burns, show that the easier money policy then voted lacked unanimous support.

Three members of the OMC resisted the move as "premature." They are board member Andrew F. Brimmer, New York Federal Reserve Bank president Alfred Hayes, and Dallas Reserve Bank head Philip F. Coldwell.

But the nine-man majority agreed that "it was appropriate to move gradually toward somewhat less restraint at this time." It was agreed, as well, that the shift should be "implemented cautiously," and operations modified promptly if the money stock and other aggregate measures grew at a more than moderate rate.

The Fed's relaxed policy is evident in a growth of the money stock in March and April at an average rate of 3.8 per cent, compared with virtually no expansion from June 1969 through February.

On the other hand, the majority directive called for "money market conditions . . . shaded in the direction of less firmness, beginning immediately, with a view to encouraging moderate growth in money and bank credit over the months ahead."

Actually, market interest rates have moved up, rather than down in recent weeks, although they are below peaks at the turn of the year. This upward trend in interest rates has been a disconcerting factor in financial markets.

In March, the money supply apparently increased much faster than planned, and the Fed took steps to slow down the expansion. This reversal contributed to tightness in money markets.

[From the Evening Star, May 12, 1970]

Voluntary Restraints Used: Direct Curb Weighed in Canada Fight of Inflation

(By John Cunniff)

New York.—Canada, too, is having its problems with inflation, which suggests that the persistence of this malady in the United States economy may not be solely the result of an improper approach to the problem.

Canada, however, is attacking the problem a bit more directly. Unlike the United States, where the defeat of inflation is expected to be a natural result of an economic slowdown, Canada is considering direct credit controls.

Moreover, the Canadian government already has developed a program of voluntary restraints on prices and wages that has met with some success during the past few months, although the exact amount cannot be measured.

COMPARISON OF RESULTS

Here is a comparison of results in the battle against inflation:

Consumer Price Increases: In Canada, nearly 5 percent, in the United States close to 6 percent.

Unemployment: In Canada, slightly more than 5 percent on an annual basis. In the United States, 4.8 percent in April and rising swiftly.

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Industrial Output: In Canada, continuing at a slow pace but showing signs of perking up. In the United States, at a standstill or even falling back some.

Budget: Canada is in surplus, meaning that the government is restricting economic activity. The U.S. budget also calls for a surplus, but many doubts are arising about the feasibility of this in either fiscal 1970 or 1971.

Perhaps the biggest difference is in the interpretation of economists. Many economists believe the United States is in the midst of a mild recession, based on declines in production. Canada's economy is still expanding.

The two economies are suffering from such similar problems, however, that the approach to the future in one country may have lessons for the other.

In Canada, the government is considering measures that would restrain the economy even more. Higher taxes are an outside possibility for later this year if prices and wages continue to rise.

CREDIT APPROACHES DIFFER

That possibility becomes less remote when the wage situation is reviewed. New wage contracts have averaged 9 percent higher this year, threatening to put inflationary pressures beneath prices. Contract negotiations involve twice as many workers this year as last.

The biggest difference between the United States and Canadian approaches is in the attitude toward credit. The government of Prime Minister Trudeau has proposed consumer credit controls and legislation is planned for June.

The big features of the proposed credit restrictions are:

Down payment of 20 percent on purchases of $100 or more where credit is extended for more than a year.

Repayment within 30 months for automobiles and 24 months for other purchases.

The restrictions would apply to banks, sales finance companies, consumer loan companies and other lenders, and to department stores, automobile dealers and other merchants. Loans for business, farming, housing and education would be exempt.

"We would not propose to interfere with credit for small purchases," said E. J. Benson, Minister of Finance, "nor with ordinary charge accounts, payable within 60 days, nor with revolving credit or budget accounts requiring monthly payments that would repay the loan within 12 months."

NIXON AVOIDS RESTRAINTS

In the United States, the Nixon administration has carefully avoided the subject of credit restraints or voluntary limitations on prices and wages. It hopes instead to reduce inflation through a restrictive Federal Reserve policy, by limitations on government spending and by taxation.

The Nixon policy has slowed economic expansion, without a doubt anymore. Industrial production and unemployment statistics confirm this as fact. But the slowdown has produced little effect on rising retail prices.

With the economy facing enormous pressures for additional spending, and with consumers said to be ready to spend again, some economists speculate that it may not be long before the Nixon administration reaches some of the same conclusions as the Trudeau government.

[From the Evening Star, May 12, 1970]

King Extends $40 Million in Credit to IOS

Geneva.—Investors Overseas Services (IOS), the multi-million dollar mutual fund organization, has announced it will receive up to $40 million in credit from U.S. financier John M. King and his associates.

The troubled organization, whose chairman Bernard Cornfeld resigned Saturday, said the "agreement in principle" also provides King with warrants for equity participation in IOS at the price of $4 per preferred share.

King acted in behalf of his own King Resources Co., of Denver, as well as one of his own European subsidiaries and "a consortium of U.S. financial institutions," the announcement said.

LOAN FINANCING

The aggregate credit provided for in the $40 million agreement will be in the form of three-year loan financing, the IOS statement said.

IOS said negotiations are proceeding with "respect to the participation of leading European financial institutions." It said the first phase of the operation should be closed this week.

Both IOS and King made it clear in the announcement that attempts would be made to get IOS into the fund-selling business in the United States.

"We intend to consult promptly with the U.S. Securities and Exchange Commission with a view to securing requisite SEC approvals, as well as the resolution of all IOS matters now pending before the commission," King said in a personal statement included in the overall declaration.

"CONSTRUCTIVE ROLE"

"My associates and I look forward to joining with IOS in the further development of the company. We intend to play a constructive role in the interests of all IOS shareholders and clients," King said.

Cornfeld said in a joint statement with his interim successor as board chairman, Briton Sir Eric Wyndham White, that the transaction marks a "turning point" in IOS history.

They did not reveal how much preferred stock would be obtained by King and his associates.

Cornfeld, still a board member, owns about 14.4 percent of preferred IOS stock. Sources said this would probably be placed in a voting trust for the three-year loan period.

ABOUT $2 BILLION

IOS manages about $2 billion through its mutual funds.

Shares in the IOS management company and in the IOS parent company slumped badly over the past four weeks, creating a crisis among investors as well as within the company itself.

The statement also did not make clear who will actually run the company. But IOS officials stressed that a takeover as such is not involved.

They said King obviously will "get a slice of the cake" but will not have control over IOS fund management.

The main object of the deal was to restore investor confidence in IOS and among its worldwide force of salesmen.

The company is slashing operating costs, dismissing additional employes and cutting out all but essential activities.

[From the Evening Star, May 12, 1970]

Romney Urges Savings Banks To Aid Housing

New York.—Secretary of Housing and Urban Development George W. Romney has proposed that mutual savings banks help to bolster housing construction by increasing thier investment in mortgage loans.

Speaking at the 50th annual conference of the National Association of Mutual Savings Banks, Romney said that loss of mortgage investments has resulted in a sharp decrease in housing starts.

Although interest rates have increased and money has become tighter Romney noted that savings deposits decreased last year as depositors sought other areas of investments.

But, he added, savings bank assets have increased. He hoped that by 1978, investments in mortgages by mutual savings banks would exceed the $104.5 billion projected by Romney's department.

He reminded bankers that the vacancy rate in many major Eastern cities, like New York, is about 1 percent among single-family and multi-family dwellings. Thus, he said, low and middle-income families are pitted against each other for housing, and that this could result in "an explosive situation."

[From the Washington Post, May 12, 1970]

Spending Controls Backed

(By Hobart Rowen)

The Treasury Department's top economic adviser yesterday called for tough controls on Government spending, but stopped short of recommending new taxes if the budget should slip into deficit.

Murray L. Weidenbaum, assistant secretary for economic policy, warned that even with recent additions to federal spending, the federal budget will have a "real" deflationary impact in 1970 and 1971. The implication of his remarks was that further restraint could be excessive.

In the past few days, both Treasury Secretary David Kennedy and Budget Director Robert P. Mayo have said specifically that larger federal expenditures could force the Nixon administration to consider higher taxes.

Weidenbaum said that the economy "is marking time right now" in terms of physical volume, but that "prices are still under strong pressure from the cost side." He said frankly that "we are running behind schedule in terms of visible relief from inflation."

Although expectations for 1971 "are somewhat brighter" than for this year, "1971 is not likely to be a boom year," he suggested.

Among less favorable economic news, Weidenbaum noted that productivity in the first quarter of 1970 had edged down fractionally, after rising in the 4th quarter, 1969; and that unit labor costs were going up at an 8.5 per cent annual rate.

He revealed that a subcommittee of the Cabinet Committee on Economic Policy had been studying "the implications for financial markets" of the growing volume of federal credit programs not counted in the new "unified" budget presentation.

Borrowing to finance Federally-assisted credit programs now run about twice the volume of the municipal bond market, he said. While no conclusions have yet been reached, the Treasury official, who chairs the subcommittee, said alternative ways of reviewing such programs "so as to permit more effective allocation of credit resources" are being explored.

Weidenbaum addressed the 50th anniversary meeting of the National Association of Mutual Savings Banks in New York City. A text of his remarks was released here.

H.R. 17140

A bill to vest in the Government of the United States the full, absolute, complete, and unconditional ownership of the twelve Federal Reserve banks

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury of the United States is hereby authorized and directed forthwith to purchase the capital stock of the twelve Federal Reserve banks and branches, and

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agencies thereof, and to pay to the owners thereof the par value of such stock at the date of purchase.

(b) All member banks of the Federal Reserve System are hereby required and directed to deliver forthwith to the Treasurer of the United States, by the execution and delivery of such documents as may be prescribed by the Secretary of the Treasury, all the stock of said Federal Reserve banks owned or controlled by them, together with all claims of any kind or nature in and to the capital assets of the said Federal Reserve banks, it being the intention of this Act to vest in the Government of the United States the absolute, complete, and unconditional ownership of the said Federal Reserve banks.

(c) There is hereby authorized to be appropriated, out of any funds not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

PRINCETON MOVEMENT TO ELECT A NEW CONGRESS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. FRASER. Mr. Speaker, each of us in the House, and each of our colleagues in the Senate, has received a letter reporting on the formation of a movement to elect a new Congress.

This project originated at Princeton University. It was started in response to the invasion of Cambodia and the resumption of bombing of North Vietnam.

I admire the highly motivated originators of this far reaching, intelligent, and responsible movement. Following are the names of the 1,468 members of the Princeton University community who signed the letter which launched this dramatic effort to make government by the people a reality.

The letter and names follow:

PRINCETON MOVEMENT TO ELECT A NEW CONGRESS, PRINCETON UNIVERSITY

Princeton, N.J., May 6, 1970.

Hon. DONALD M. FRASER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRASER: The invasion of Cambodia and the resumption of bombing of North Vietnam has so shocked and dismayed the Princeton University Community that normal activities have been suspended to devote the community's resources to achieve an immediate withdrawal of all American forces from Southeast Asia, to reassess the role of the military in American life, and to end domestic repression.

To implement these goals, the Movement to Elect a New Congress has been formed. This involves the following: (1) researching, monitoring, and publicizing the votes and public statements of individual legislators, (2) raising funds and canvassing in individual primary campaigns and the November elections, (3) effecting coordination with other university communities to broaden the movement to Elect a New Congress into a national organization.

Hundreds of students are now leaving this campus to campaign in selected primaries throughout the country for candidates who oppose the war.

A list of the 1468 signers of this letter will be read into the Congressional Record.

(List of names follow:)

John R. Stear III, Charles Dressel, Jan Conroy, John D. Block, Punky Brewster, Robert Barber, John T. Riefle, L. Deamore, R. Giedraye, M. Neuhaus, David C. Stark, Lloyd Shinner, Michael L. Stoll, Richard Hinchcliffe, Philip Sterne, Jr., Rodney Oller, Cameron Walker, Barbara E. Westlake, William A. Lutz.

Fred Shepard, James Robbins, Hugh Thompson, R. E. Floeder, Richard H. Black, John Chitty, Barbara Julius, Arlene Julius, Skitch Donald, Peter Neuman, Jeff Montange Ken Jacobson, S. N. Xenakis, Carin M. Laughlin, Joseph A. Dalton, Russell B. White, Robert M. Browne, H. M. St. John, David Taggart.

Mac Barnes, Joseph Maryorck, Chip Trieshman, James C. Krieg, Michael I. Luger, Lynwood C. Murray, Jr., Fred Coclestone, Maxing M. Young, Herbert N. Lape, Stephen W. Brice, Stephen Garner, George A. Dieo, Michael S. Smith, Samuel P. Bohnard, Murray Goff, Dennis B. Murphy, Martin Camargo, Christopher P. Deer, Mark J. Flannery.

Richard D. Heldenfike, Brian J. William, Richard H. Block, Joeffrey Kogick, Richard B. Herndelton, Joe Murchison, Peter Chamber, Tad Blundon, Richard Taber, Jerry Goldberg, R. A. Woodard, Charles Fried, Thomas Brown, Fred Gray, Chuck Carr, Jim Harmo, Edward Scudder, James Mochin, Dan Goodin.

Paul Kennison, Mark Hausberg, Rich Hauck, Randy Page, George Kapelos, Richard E. Manting, Miguel A. Firpi, Edward L. McCord, Marshall Devor, Robert E. McBain, Paul F. Danello, Philip Parnell, Roberto del Vento, Stephen C. Cook, Wayne H. Bladh, Reid Beitrusten, A. Garsonter, Michael Sign, Tom Stubbs.

Robert E. Fredrickson, Mark H. Buntz, Paul J. Miller III, Thomas M. Marsh, Carl W. Hunter, Thomas J. Hutchinson, W. Keith Palie, R. Bruce Bediner, Stephen C. Nippert, Mark Epstein, Bob Eichner, Jim Johnson, Rich Noble, Bill Paul, Michael Toole, Ronald Chandler, Mark Stevens, W. O. Ollwerther.

James L. Dorsey, Frank LaMay, Raymond N. Valem, Steven L. Buenning, Frank C. Marlay, Jr., Richard J. Balfour, Andrew J. Raubitschek, Alan Lightman, Jim Thornbery, Michael Fischer, Kenneth G. Weaver, Jr., Lynn T. Nagarato, C. W. Leomus, Phebe Miller, Luther Munford, Allen Bark, Bany Timon, Peter Malcolsen, David R. Brown.

Eric Sander, Gregory Paul Nelson, Varel D. Freeman, James Anthony Testa, Linda L. Carroll, James L. Anderson, James Von Schilling, Gerald Grossman, Jon Stein, Ronald B. Krueger, Neil Kurday, William K. Fung, Jeff S. Tubino, Larl Tolleson, Walters Kemp, Joseph Stuart Braswell, Margaret Wolf, Jeffrey C. Gall.

Robert J. Hodrick, Edward T. Wroe, Theron L. Marsh II, Richard D. Affats, William P. Stengel, J. A. Hardie, R. Early, D. Gray, F. Hamilton Hazelhurst, Jr., Mark Van Plut, Henry M. Holoszyc, Thomas W. Collins, H. R. Pietroccini, Kenneth G. Leoncys, Steve Gripper.

Bill Gardin, Robert Irwin, Robert Glown, Frank Demmler, Peter Heath, John Csapo, G. Michael Schmidt, Thomas J. Grover, Bill Sedgwick, Francis Bagbey, Barry Berg, Stuart Slarey, Thomas Masland, John Myers, B. Kenneth Lideger, J. Whitney Huber, Andrew J. Kappel.

Gene Halton, J. Schneker, Lawrence F. Ciske, Michael M. Strauss III, Stewart Mittracht, John Hart, Kenn Alexander, James A. Fleischman, Lawrence H. Sanford III, R. K. Hudson, Fred E. Cunningham, David L. Archison, Roger F. Gordon, F. Pat Holmes, Jr.

Richard J. Weir, John R. Heerwagen, Paul E. Mcnamarra, John P. Shapin, James J. Mott, John Del Rosso, P. J. Jacobson, D. W. Beele, Irwin B. Fischel, R. Wade Paschel, Jr., Richard Kitte, John G. Buchanan III, David W. Whittaker, Duncan Andrews, Vasil James Pappas, Jim Robinson, Stephen R. McCrae, Jr.

Gregory J. Winsky, T. G. Schrader, L. R. Hernandez, John R. Moffat, Herrick Chapman, Ed Berenn, John T. Pottenger, Jr., Sam L. Lipsman, Robert V. Kuenzel, Steve C. Charen, Kem R. Loughlin, Kim Boone, Kevin T. Banie, Steven A. Massad, Bruce M. Nickerson, Timothy Rod Johnson, Howard S. Rodsten, David Franks, Andrew J. Parrott.

James R. Todd, Carter B. Simpson, Thomas B. Yoder, Eugene E. Brissie, L. Mark Tosti, Douglas S. Poen, Charles F. Willson, Lawrence H. Phillips II, Dave Kurtz, Alan F. Hobner, Jay K. Lucker, Ann G. Sluim, Allen Uzeden, Douglas Noll, Paul A. Pelosi, Jeffrey Cohen, Donald A. Manam, Steven Ferzoko, Robert L. Daniels, Frederick W. Kunz, Charles Kohl.

John P. Lily, Jr., Ron Hartman, Robert D. Porter, Marc Tucker, Neil Rooblin, R. J. Halfnight, Duncan Spelman, Robert W. Scully, David C. Mercer, Peter Laundy, Timothy J. Howard, C. T. Hallmuth, J. Collins Landstreet, Brian J. Williams, David H. Shore, Thomas C. Hoster, John J. Griffin.

John P. Callison, Mata Minerva, Eric Melum, John Solie, August J. Moretti, Bob Boudreau, William T. Torpey, V. A. Dougall, P. W. Cobb, Richard A. Sun, John S. Oyler, G. Fred Dunn, Paul C. Ruester, Jorge E. Otero, Jeffrey K. Smith, Donald M. Prowler, Mike C. French, Bill Brockman, Don Fraser, Bob Hollis, John C. Van Horne, Peter S. Unger, Eric G. Brook.

John Griffin, Bill Warfield, William Weeder, Bruce Rodwin, Stephen L. Adin III, D. Sweeny, T. Wellington, Margaret W. Wilers, Robert L. Mickel, John Hardy Jr., Howard Kennedy, Liz Cohen.

Eugene Lowe, Charles Henderson, Thomas Weed, Paul Powler, Harold Bursztajn, Gil Schaeffer, E. Michael Heumann II, Kathy Grantham, Rick Sanders, Todd Sitome, Bruce Farwell, John P. McMaron, Eugene Lugano, Debbie Coda, Margo Constable, Thomas M. Gorrie.

Bob Douthill, Rick Schnure, Charles Goldberg, David Hoffman, J. O. Hatch, Michael R. Corbett, Dave D. Witten, Mark Ethridge III, Claire Montgomery, Michael Carrigan, John Rea, Hunter Cushing, T. Lyman Martin.

S. G. Saunder, Steve Tobolsky, Bill Koch, Kevin McCarthy, John Allen, Richard A. Lewis, Tom Mueller, Walter Baker, Douglas A. Grover, Robert E. Hall, Ronald Taylor, Robert B. Washburn, Nytantas Zdanys, Peter Reynolds, Marion G. Sleet.

Thomas LaBlanc, Elizabeth Abel, Wayne Mullin, Gary T. Back, John Holmes Ryan, Raphe Fouenshein, Saun Tully, E. R. Todes, Jr., Mashan, Graham Grass, Ndjsa Neliscow, O. J. Rothrock, Lee C. Edds, Henry W. Asbill.

James R. Proud, J. C. Adamson, J. F. Beardsley, Hohn A. Rossback, Mark Cegalle, Andreas A. Schneider, Eric Newman, Abysius Amennious, Rollin Olson, Vivian Lyn Ericson, Doald W. Clouson, James E. Flynn, M. Sohn, Maurice Lee.

Gregory Kent Bergey, Barry R. Noon, Marc J. Abrams, R. A. Johnson, Bruce A. Hughes, Andrew J. Levada, W. David Graham, Ronald N. Hochman, Michael E. Henchirf, Dick Bingham, Theodore M. Brown, J. A. Henrietta, Mark P. Smith, Charles P. Whitin.

Robert I. Tate, Dori F. Stickney, George Hardy, Jeff Hardy, Yaffe Ventura, Albert Ahoody, Edward Brencliff, Robert L. Zweibel, Mark Epiotes,, Glen Carter, Chris Milner, Richard Evans, Mark Thompson, Charles Chastel, Anne M. Bowen.

J. O. Hatch, Michael R. Corlsett, Kare D. Mitro, Mark Ethridge III, Claire Montgomery,

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Michael D. Carrigan, John Rea, Cladine Serre, Victor Sappinkoff, Hunter Cushing, T. Guyman Martin, S. G. Saunder, Steve Tobalsky, Bill Kooff, Kevin McCarthy.

John Allen, Richard A. Lewis, Tom Mueller, Walter Baker, Douglas S. Groves, Robert E. Hall, Ronald Taylor, Robert B. Washdrafer, Nytanta-Zdanya, Carolina E. Paup, Peter Reynolds, Marion G. Sleet, L. J. Commen, Bob Beja, Thomas M. Gorrie.

Rod Kellems, Gary Sikora, M. Eyston, Daniel E. Call, Richard Matteson, Edward J. Buckbee II, Gregory Coleman, John Liegel, James Duguid, Claudio Breeney, R. S. Berry, H. D. Collums, A. H. Summerville, Marcia C. Borans.

Ronald C. Ohert, Claude Swanson, Joan Ozark, John H. Pruitt, L. C. Carson II, Y. Nakagawa, Pat Lyons, Phyllis A. Totten, Ellen Chances, Mary H. Kay, J. B. Savage, E. Ulener, Richard Poocer, George Sallis, Lawrence M. Shea.

D. Griffiths, Frank Sommerville, Charles F. Scott, F. E. Aerl, Frances B. Weeskapf, Kristine Brightenback, David L. Tharp, I. Ophelg, Frank Weinstein, Allen Krathen, William C. Wickes, Warren Knoff, Donald M. Whaley.

Wm. C. Haddad, F. White, Robert Ephraim, Timothy J. Butts, Jean E. Thomson, E. Shiffman, Sharon Frachtenberg, Toby A. Simon, Belgin Tebee, Ellen Weaver, Grace H. Armstrong, T. Reed, Tim Keiderling, Gregory M. Dobbs, John R. Guerin, M. Maston.

Alvin Silverstein, B. Peck Aespil, Jeffrey A. Johnson, Katrin Nortin, M. Kerst, Kathleen Skiba, Sen-tair Jou, Demetrios Christodonton James B. Lindheim, Jeffrey Freedman, Charles C. Ellis III, Timothy H. Carter, Bryn Reeves, Christine Choy.

K. Frost, E. Milewiki, Anna L. Staley, P. Tenn, Dorothy Holland, Eli Harari, T. H. Trevin, Mark Greer, Bruce Kohn, David E. Langsam, Ann Y. Carter, Michael Ann Turner, Robert S. Meerley.

Peter C. Hunter, Alex R. McKay, Robert Werner, George Robertson Laurence M. Seezer, Jerome Davis, Richard D. Cagan, Richard E. Dohal, Thomas G. Gallatin, Jr., R. M. Westerfield, Francesca V Longhi, Nilan H Sigal, Neil Pederson, John H. Hendeman, John Lill Stanley, Jr.

Thomas Alder, John W. Craynoch, Thomas R. Hyde, David Y. Hist, W. James Hart, III, Tim Tosta, Stephen J. Powers, Olaf Ogland, Alan Makovsky, John R. Flippini, Robert B. Maguire, Denis M. Guzzinski, Natt Schaubacher, Bill Ryan, Scott Brumsfield.

Jeffrey Hunter, John A. Good, Matt Meyers, Richard Kelly, Michael Glutz, David Elkind, John K. Gaffney, Robert Baker, James Meserow, Kevin Dean Ashley, Bruce Jay Nasser, William C. Lillydehl, William Schultz, G. Michal Hannon.

Robert L. Shmnish, William B. Brown, Joe Verbalis, John Batckta, William D. de Gohan, Rich Higgins, Edwin Nesbit, John Peyton, Diane Eisenberg, Chic X. Sole, Joseph P. Alnould, Maria Basan, Priscilla Read, Ken Christian, Stevin J. Laner, Jon W. Bower.

Peter Pouillada, Charles Murphy, J. Poffalt, Adele Ellis, Carter McAdams, Jeff York, Jim McGarry, Robert F. Dymek, Diana Blavo, Michael Janoski, James Nye, Malcolm Harris, Richard D. Holton, Richard Walker, Lurker Gamberti.

Sara-linda Hoeken, M. Gella, Marshall H. Rose, Donald Brassio, Mary Lafuret, S. J. Collins, Jr., Alan S. Rosenthal, Bill Kuhn, Q. Scott Berg, G. Mary C. Smith, Jay F. McCrutiffe, Ned Claxton, William J. Talbott, Jr., Rande Brown, Raymond Browne.

Neal Goodwin, Robert R. Watson, Richard R. Ellis, Alan Loyanoff, Mark W. Lebmann, Allan Cusia, Ralph Sobel, Doug Everett, J. Andrew Robbins, Don Szejner, John Slater, David Fischer, Lawrence F. Gilbert, John E. Brower, Tony Vicoto.

Ling Grazziano, Jeny Stockdale, Gary L. Berg, Wendy Cogan, Geoffrey C. Packard, William Stevens, Robert S. Butts III, Jack Hines, Ed Perraut, Jr., Michael Knight, Stu Namy, Steve Walrod, Tom Wood, H. W. Smith, John A. Roorbach.

Douglas Hinson, K. R. Loughlin, Thomas F. Russell, Vito R. Sessa, Margret L. Schwartz, Peter Waldman, Gretchen Ziolkowski, Kerry Wilson, Jeffrey Holmes, James Harris, Robert H. Ever, Jr., P. Johnson, Jim Childs, David W. Lyon, Steve Mather.

Lorraine Tedeschi, Stephen C. Chatain, Ellen Fineberg, Alan Brinkwitz, Dennis P. Wilkinson, M. Keith Payne, Geoffrey White, Neil N. Neuin, Steven L. Lester, James M. Gorman, B. Sanchi Lopez, William G. Sayen, Ford Martin, David Spann, Anne S. Charrier, F. Baldwin.

Oscar Grenntz, Edward Labowitz, Brian R. Smith, Stephen M. Olison, Steven L. Dfelin, Nancy Waldman, Jan Ziolkowski, James Stevens, Gary Hoarilan, Ed Andrey, Michael Donnas, A. W. Steinman, Bruce E. Blachadar, Kevin T. Baine, Michael D. Henderson.

Theodore Tedeschi, Christopher Richardson, E. Michael Heurmann II, Andrew Marks, Robert W. Blair, J. T. Wagenkencht, Bob Alfson, R. D. Hume, J. Hemor, Richard A. Tina, Edmond A. Tiyah, Jana Samias, Gerry Spann, David M. Armstrong, Nancy Lambert, D. E. Gratehoff.

Mark DeCarlo, Bruce Cogsil, G. E. Hubler, Paul N. Watterson, Jr., Theodore C. Marzakeotis, Anne Bocel, Howard Z. Skidmore, Frances Zwich, Walt Bisser, Tim Nichols, Michael M. Barry, Ed Smith, Morris Weinberg, Jr., William R. Kuntz, Jr.

Silas Kojif, James W. Anderson, John K. Spencer, Mark D. Ponnell, Frank Nickery, Ralph A. Simmons, Thomas Stoll, Stuart E. Rickerson, Bruce Corcoran, Douglas Boynton Quine, Andrew Napolitano, Charles H. Lippy, Steve Del Vecchio, Philip Barbaccia, W. H. Wilcox.

Dave Calkins, Kenneth A. Thomas, Henry Williams, R. Sanders Williams, Charles Goldberg, Meg Switzgable, James Easton, John Calkins, Paul Ryder, Jake Feldmeier, L. Erbnizer, Allen F. Steere, Andrew Brown, Theodore J. Rueste.

Dan Cunningham, Jeffrey A. Brown, Kenneth K. Gill, Jr., Wilson Prichett III, Gary Ulmer, Olden Sprowls, Horace G. Sneed, Gary V. Sagui, Burleigh C. W. Leonard, William Hugh Stuart, Robert Henry Caldwell, Jr., Allan Hogate Ferrin, Emil A. Deliere, Andy Wilson, Norm Duffet.

Frederic A. Ridder, William A. Latin, Richard G. Wallace, Jeffery L. Campton, Kathy Bloomgarden, Russell Vasile, Robert J. Bernstein, M. Bruce McKay, Jane Louise Hoffman, Marcus L. Rice, Anita L. Waddingham, William Cox Bowman, Brian Langston, Lamar Oxford.

John F. Padgio, John K. Priotte, Bradford N. Johnson, Roberta Miller, Robert Eli Sandfeld, Charles R. Stille, David W. Anthony, David Dwally, Robert W. Walbridge, J. D. Hosterman, William C. Libby, Wayne S. Maxson, Joe Reidey, W. Dale Allen, Rush D. Greenslode.

Larry Thompson, William F. James, Ben H. Durfer, John Hulamed, Louis Cox Jr., John Stuckey, Thomas Hanna Jones, David J. Grais, Rob Hartshome, Roy Herndon Smith, Robert F. Peake, Malcolm J. Curtis, Gary M. Scharff, Marilyn Schlachter, Michael D. Carrigan, Robert Singe, Lanier E. Williams, David A. Dalley.

Nancy K. Hall, John M. Christian, Larry Vinson, Charles Wright, Bill Keslar, Joseph Lettiere, W. Robert Kemp, Susan Pack, John W. O'Donnell, Randall J. Turk, Edward A. Holland, Michael Pepper, Debra Drogin, Walter N. S. Pflaumer, John W. Anderson, Emily Bonacarti, Robert Miles.

Carl J. Dahlman, Gregory Hodak, Sanford M. Greenberg, Joel Coppelbaum, Kathy Maloney, Tony Battoglio, Richard Linowes, Dan Trifan, Chris Rogers, Stephen J. Long, Patricia Sohl, David Train, Billy Charg, Akwasi Osei.

Bill Ginsberg, Michael A. Marrese, Don Fineberg, Brian Hamasaki, Tom Hill, R. A. Patterson, Bob Wolfe, Arthur B. Carey Jr., Eyra Shapiro, Don Paxton, Michael Olmstead, John McLean, Roderick S. Ferris.

Larry Weissman, Nab Wood, Crispin S. Perdue, Dennis Lee Ritchie, Jeff Jones, Daniel H. Dall, William V. Engel, Richard L. Papiel, Harry N. Burton, Charles D. Burkam, Ed Szurong, A. J. Piecoville, Eldon Loblein, Tom Roy, W. P. Kelly.

Robert S. Kettering, Jon M. Hobson, Brian C. Tempasso, Steve Pierce, Rick Pieters, Steven R. Kunz, Robert H. Nelson, Theodore A. Wood, Howard Ziederman, Diane M. DiToazia, John Dietel, Marshall H. Rose, Richard Stockbridge, Carolyn Upshaw, Willa Logan.

Arch McCall, Allison Young, Peter McLaughlin, Rich Keating, Dick Wasserman, G. Martin Wagner, Ted Walkenhorst, D. Heitzman, Jeffrey D. Levine, John N. Krieger, James J. Bruce III, Lennie Coleman, David J. Gullen, John Fitzsimmons.

Mimi Druix, Paul J. Holzer, M. A. Camp, Brian Flennery, Zack Stay, Carol Feld, Charles S. Lawson, Jerel Zoltich, Robert W. Hobb, Toby Mountain, J. Edinger, B. Stone, Tzaider van S. Clazett, Sue Morrison, David Motts, D. Tristam Coffin.

James Campbell, Jr., David O. Whitman, Robert P. Turner, Gregory L. Dilnt, Peter G. Brown, Thomas R. Leuner, George M. Peterman, Peter N. Doyle, Arthur H. Thornhill III, Ed Bauer, Marcia Honig, Alex Geiger, Roberta Wyper, Ellen W. R. Woodbury, Bill Lewis.

Paul Balaran, Steven Anton, P. Wilson Boswell, Sharon Harrison, John L. Hillay, Ed Freedman, Bruce Funkhereser, Harry L. Jacobson, Shirley S. Holmes, Kathleen L. Holmes, W. P. Groos, Jeffrey J. Thebel, David Rendall, Heidi Rendall, Jeff Weil, Tom Yunck.

Herb Simmers, Russ Orlando, Ray Grimmer, Jim Hundley, Muto Braun, T. Randolph Smith, Stephen R. Clausen, Walter Bode, Michael J. Curtin, Stephen P. Hamilton, Michael Morgan, Josephine Mineo, Michael H. Bartlett, Branch Coslett, John Hummer, George Tombulin, Jr.

Steven Feldman, W. R. Elfers, Peter H. Simpson, Geoff Miller, Tracy Eddinger, Cator Johnson, Jim Beha, M. Duncan Grant, Jonathan Wiglyf, Douglass Miller, Steve Allen, Rebecca Herb, Bruce Daniels, Steve Fuzesi, Judith Selverstone.

T. William Feuerhell, Malon Kit, Margery Hite, Ann Emily Hebner, Sharon Frachtenberg, Lynn Y. Ladd, Stephen F. Cramer, Steven Handelman, Charles Alder, Larry Kuntz, R. Phillip Shinn, David Johnson, Ben Magurie, Mike Gage.

Merrick, Bob, Don G. Broun, T. Maneka, Ken Tayarr, Craig Shiffner, James H. Moor, John A. McColl, Richard C. Simons, John Benjamin, James L. McDonald, Andy Malcolm, Alastian S. Gardor, Thomas H. Neuberg, Paul Nabin.

Nana Feldman, Nicolas Knour, Kim NacCall, Eluzabeth Rowland, Douglas Eisenhosett, Judith Ritvo, Peter Dickson, Tom Siemner, Dennis Z. Edelman, Marc E. Minardi, Ama Stuart Eno, Chris Connell, Bill Crowley, Willis Minos, David Buck, John Joseph Armadio, Richard Wasserman, Mark Markiewicz, Arthur Steingold.

Steven Snyder, S. Gerber, Michael Miller, Ajuibro Naheazawa, C. Robinson, Anne Joachim, Stephen C. Mann, Ron Beilin, Rob Slocum, Anthony L. Cardoza, Lillian Lloyd, Craig R. Webb, Gail Smith, Robin M. Lloyd, Cathy Tan.

Eric Bates, Bruce Caplan, Thomas Grotton,

P. Niyinnes, Richard W. Jones, Diana Blair, Vance Prewitt III, Ron Kermon, Sandy Duryee, James S. Cunningham, Ben Eklif, M. Pytolwamy, Catherine Scherrer, J. Dehais, Carin Laughlin, Ruben Cachnell.

Paul Parker, Craig R. Stevens, Sarah Wolf, Maribo Shimomura, Graham Harrison, Liz Abbott, Ann Paschke, A. L. Jackson, Scott Rogers, K. R. Hall, Tisha Baird, David Ofman, John Yellen, Philippe Ferry, Libby Farr, P. D. Kirdor.

G. Hubitz, K. V. Wilker, John Rinfel, John V. Rizzer, William B. Samuels, F. W. Kittler, Jr., H. P. Cooper, Stephen Briggs, Conway R. Miller, Jr., Mary Gibson, Ingrid Anderson, W. N. Lanndisk, Vadette Kedenburg, Ronald A. Guton, Missy Scherman.

Virginia M. Green, Maureen Ferguson, Marsha A. Levy, Beth Rom, David Lillie, Mary R. Yu, Aaron L. Kaufmann, Leigh W. Hoagland, '72; Charles H. Brown, '72; Christopher Acker, '73; Lonnie Crowder, '72; Henry William Hall II, '73; Charles Wellmann, '72; Sidney G. Hill, '72; Stuart H. Berthoner.

Jean Berner, '73, Barbara Sail, D. Williams, Charles Meyer, Peter S. Milhaupt, William R. Zwecker, Jr., John Hoffstutter, Joseph O'Hen, H. Curtis Colby, Helen Fields, Richard Deckary, Betsy Lander, Stephen Briggs, Darel C. Hook, Phil Seib.

Gail Finney, Stephanie Merrim, Deborah Tegarde, Melinda Ruderman, Marie Watson, Keith A. O'Conner, Stephan V. Weher, Rodney M. Fogelman, '70; Robert Leggett, '72; Tom Sweiting, '73; Neil G. Lebhor, '72; Earl L. Carter, Jr., '73; David Plaisie, '71.

Kenneth Griffin, James L. Rudolph, Howard Zien, '71, Mike Decker, Christopher Montgomery, Charles K. Sakamoto, Philip C. Hawley, Ed Perraut, Jr., Nichovan Stanojerich, Edwin A. Hetherington, Roy H. Winnard, William Pel, Fred Tullis, Chris Stirling, Tom Pettus, Mark Boardman, Howard Rossman.

Carlton E. Wynter, Jr., Ian G. Langham, James M. Gorman, Caroline Seidl, Pam Rossigs, Sandra Abel, Robert H. Rossen, William W. Richardson, II, David Rogosa, H. E. Finger, Sally Aloff, W. Browder, Tom Laquim, David Douglas.

Norman Goldberg, Kenneth Gewertz, Michael P. Sowker, Nancy Murdock, Christine Stansell, P. L. Lang, Jr., Evan M. Melliado, Michael A. Gill, Theresa McLean, Anne Mariella, '72, Thomas C. Greiner, Jr., Bonnie Barnes, Charmaine Andre, Christine Brim, Janice Klein.

Robert M. Millamay, Wallace E. Oates, John Lindquist, Arthur J. Garrett, Daniel Steinhauer, Thomas E. Bower, William M. Drabkin, William F. Gilley, Mark H. Lin, Simon Aloff, Brad Hanson, Carolyn Hope Magid, David Hills, Eugene A. Scarzofara.

Christopher C. Reilly, Irene Diamond, Martin Summerfield, Elaine J. Schumann, Lawrence Lavenoich, Lewis J. Bernhardt, Robert S. Knapp, Glenn A. Herrick, Susan Nugent, Barbara Weinstein '73, Emily Fisher, Caroline Acker, Crawford Lindsay, Barbara Dash, Katherine E. Faulkner.

Fred Drabker, Augustina Carbonell, Gerald W. Woloship, Thomas W. Dyott, Mark Paris, Philip Teich, Marsha Jean Falco, Richard F. Samson, Freel Van Lente, Peter Schaffer, James E. Richardson, Jr., Robert S. Wetmore, Sofanery Noral.

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Terry Leon Stengle, N. Zomgley, Stephen A. Fruhling, John D. Porte, Harold Burzsteijn, Curry Hoover, Ira D. Silverman, Bert de Ving, Neil D. Sosnov, Cornelia Brandt, Richard P. Cornwall, Kenneth Uchty, Joeseph H. Grassier, Jr., '71, John Rundle, '72.

Thomas Karr, John M. Rebel, Ronald J. Brachman, John Kamm, Fran Hopenwasser, J. C. Swage, Cheryl Hoffman, Tom Bolton, Brad O'Brien, Christopher D. Janney, Barry Gruber, Edward B. Wilson, Posey Pricoffes, David Petiet, Jim Roper.

Irene Ramp, Steve Pickrel, W. T. Matson, Joe Izzo, Art Veffan, Scott Early, Brad Rollings, Carol C. Dorsey, Fred B. Alexander, Patricia Kidd, Stephen C. Hitz, H. Jeffrey Engler, H. Dean Kedenburg, Ellen Bernstein.

Gary L. Takors, David Ulansey, Allan D. Smith, John Schuster, Michael Gron, Jeff Petrie, Marc Murphy, Kirk Nelson, David Chapin, Richard R. Clifton, Henry J. Svanger, James Hinton, Robert Plotnick, Chuck Oleson, Peter Hauck.

Barbara C. Fugus, Jim Schwarz, Jim Corbel, Dave Garretson, Bob Cohen, Von Furstin, Perry Cars, Warren D. Malthei, Scott Labun, Duncan W. Braun, E. Allen Zask, Richard A. Hesel, William J. Murphy, Frank R. Kiej.

Katherine E. Meyers, Barbara Wolfson, William B. Corswell, Douglas L. Blair, Albert H. Waly, Richard Deneson, Dave Grant, C. Hunt, Frederick L. Dixon, Gregory B. Allen, P. Michael Kozma, R. Douglas Rohn, Romulus Staton, Bill Fennell, William G. Daake.

Stephen J. Gladden, K. Wescoert, S. Coryn, T. Alliaby. James J. Donnell, Bill Lucas, John E. Gummins, Alan R. White, Randall Mathieson, Sam R. Dickerson, Dan Ruchman, William F. Hanna III, Richard Denisen, James L. Montgomery, G. L. Drumm.

Philip G. Connell III, Laird H. Hayer, Dennis Kelly, Thomas J. Main, Michael Buchman, Chip Deffea, Sam Wesley Denham III, Patrick L. Renny, Carl Barclay, David N. Huntington, Bob D'Acquisto, J. E. Kalil, F. B. Oleson, Ronald R. Rich.

Richard Bringhuist, Jack Derovanesian, Gerald S Couyens, Gary H. Fisher, Ronald Brown, David M. Soble, Edmund M. Girmingsli, John B. Ulam, Donald S. Gerber, Bruce G. Harris, John F. Adams, Kenneth Caneva, Leon Axel, Mary L. Azey, Ernest E. Norris, E. Griffin.

Sue J Lee, Louis E. Jankauskas, Henry M. Lerner, Albert Baybien, Jr., L. B. Halbert, P. B. Caton, David Lemon, Sander M. Bieber, Stephen G. Gould, Nicholas Hammond, Michael H. Harity, Robert M. Thompson, Mangui, Bob M. Seun.

Glenn Scott, Robert Fish, Christopher Crimbais, Paul Bradshaw, Robert A. Wyper, Arthur A. Lehman, Dennis Farley, Jeff S. Arbogast, Pamela Houghtaling, Stephen L. Turk, Richard T. Wright, Randy Harns, Lauren C. Dubley.

Thomas H. Potts, Dennis J. Burns, John Kaysen, Michael Hough, R. Tomlinson, Jim Levy, Barry Feldman, Charles H. Robinson, Jr., Christopher Montgomery, Carey Davis, Roger Saltman, Stanley A. Lefkowitz, Nmamiji, Drew S. May.

Dennis M. Papard, James Brazell, Casey Wolff, Stuart Taylor, Jr., John R. Dwir, Royce O. Johnson II, Barbara Elkins, Jean H. Kroll, Gerald Goey, Art Dicker, Tim Olian, Raymond LaSala, Greg West.

POLISH THIRD OF MAY CONSTITUTION DAY

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. MINISH. Mr. Speaker, on May 3, people of Polish descent in the free world marked the adoption of the Constitution through which Poland was transformed into a modern state in 1791.

Polish Third of May Constitution Day is a holiday that is observed through the month of May, to remind Americans that Poland was one of the pioneers of liberalism in Europe.

On May 3, 1791, Poland adopted a new constitution. It came at a critical time in Polish history, for in 1772 Russia, Prussia, and Austria had annexed large portions of Polish territory. Facing possible dissolution, all forces in Poland united behind the constitution. The reforms made in this constitution stand as a tribute to the liberalism of the Poles. It eliminated most social inequities in Poland, and was greatly influenced by America, England, and France.

This constitution established the sovereignty of the Polish people, and separated their ideology from Russia, where the state, not the people, is considered sovereign.

On this occasion, we are reminded that Poland is deprived of the right to pursue her own destiny, in spite of the enlightened attitude of her people. We in the House of Representatives hope that the repressive shackles are lifted soon, and join with Polish-Americans in commemorating the May 3 constitution.

STRONGER ACTION BY THE UNITED STATES TO OBTAIN RELEASE AND RELIEF FOR AMERICAN PRISONERS OF WAR FAVORED BY 95 PERCENT IN MISSISSIPPI

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. GRIFFIN. Mr. Speaker, Hanoi should get the message that Americans are outraged over Communist treatment of our prisoners of war. Recently the reader poll of the Jackson Clarion Ledger contained this question: Do you favor stronger action by the United States to obtain release and relief for Americans being held as prisoners of war in Southeast Asia?

The results were:

	Percent
Yes	95.63
No	2.39
Undecided	1.94

I think this poll reflects public opinion throughout the United States that strong action should be taken to obtain the release of American POW's.

LEGISLATION TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 13, 1970

Mr. ZWACH. Mr. Speaker, in the past few weeks, several reports have become

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available as to the pollution problem which can be attributed to the use of phosphates in detergents.

These reports show that manufacturers can, and some are, producing detergents at close to minimal levels of phosphorus. Detergents contribute approximately 70 percent of the phosphorus in municipal wastes which in turn foster rapid growth of algae and other underwater vegetation.

Under new regulations, municipal waste treatment plants are now required to eliminate phosphorus, which makes the construction and maintenance of plants more costly.

There is a solution, and I am today introducing legislation to amend the Federal Water Pollution Control Act to require that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus.

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